

**BOARD OF ADJUSTMENT
PORTSMOUTH, NEW HAMPSHIRE**

Remote Meeting Via Zoom Conference Call

Register in advance for this meeting:

https://zoom.us/webinar/register/WN_WTvspbf3Qy68hN2VHOKJug

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.

APRIL 20, 2021

AGENDA

I. APPROVAL OF MINUTES

- A) Approval of the minutes of the meetings of March 16 and 23, 2021.

II. OLD BUSINESS

- A) 53 Austin Street Extension Request

III. PUBLIC HEARINGS – NEW BUSINESS

- A) Petition of the **Carol Elliott Revocable Trust of 2011, Owner**, for property located at **143 Gates Street** whereas relief is needed from the Zoning Ordinance to remove existing shed and replace with new 10' x 12' shed which requires the following: 1) Variances from Section 10.573.20 to allow a) a rear yard of 3 feet where 8.5 feet is required; b) a right side yard of 15.5 inches where 8.5 feet is required; and c) a left side yard of 15.5 inches where 8.5 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 103 Lot 99 and lies within the General Residence B (GRB) District.

Request to Postpone

- B) Petition of **John McMahan & Jessica Kaiser, Owners**, for property located at **30 Spring Street** whereas relief is needed from the Zoning Ordinance to remove existing front

entry and construct new front porch which requires the following: 1) Variances from Section 10.521 to allow a) a 5 inch front yard where 15 feet is required; b) a 4 foot right side yard where 10 feet is required; and c) 29% building coverage where 25% 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 130 Lot 13 and lies within the General Residence A (GRA) District.

Request to Postpone

C) Petition of **Spaulding Group, LLC, Owner**, for property located at **180 Spaulding Turnpike** whereas relief is needed from the Zoning Ordinance to for the partial demolition of the existing showroom and construction of new showroom which requires the following: 1) A Variance from Section 10.531 to allow a 15 foot rear yard where 50 feet is required. 2) A Variance from Section 10.591 to allow a structure to be setback 15 feet from a parcel in a Residential district where 100 feet is required. 3) A Variance from Section 10.592.20 to allow the sale, rental, leasing, distribution and repair of vehicles be located adjacent to a Residential district where a minimum of 200 feet is required. 4) A Variance from Section 10.321 to allow a nonconforming building or structure to extended, reconstructed or enlarged without conforming to the requirements of the Ordinance. Said property is shown on Assessor Map 236 Lot 39 and lies within the General Business (GB) District.

D) Petition of **Michael & Arna Lewis, Owners**, for property located at **41 Salter Street** whereas relief is needed from the Zoning Ordinance to construct a second story addition over existing first floor which requires the following: 1) Variances from Section 10.530 to allow a) a 23 foot front yard where 30 feet is required; b) a 2 foot left side yard where 30 feet is required; and c) a 13 foot right side 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 Ordinance. Said property is shown on Assessor Map 102 Lot 30 and lies within the Waterfront Business (WB) District.

E) Petition of the **Prendergast Family Revocable Trust of 2012, Owner**, for property located at **70 Sheffield Road** whereas relief is needed from the Zoning Ordinance to Construct an 8' x 22' farmers porch which requires the following: 1) An after-the-fact Variance from Section 10.521 to allow a rear yard of 28 feet where 30 feet is required for an existing deck. 2) A Variance from Section 10.521 to allow a 20 foot front yard where 30 feet is required. 3) A Variance from Section 10.521 to allow 25% building coverage where 20% is the maximum allowed. 4) 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 233 Lot 46 and lies within the Single Residence B (SRB) District.

F) Petition of **John & Chelsea Chapin, Owners**, for property located at **1281 Islington Street** whereas relief is needed from the Zoning Ordinance for the keeping of chickens which requires the following: 1) A Special Exception from Section 10.440 Use #17.20 to allow the keeping of farm animals where the use is permitted by Special Exception. Said property is shown on Assessor Map 233 Lot 120 and lies within the Single Residence B (SRB) District.

G) Petition of **262-264 South Street Condos, LLC, Owner**, for property located at **262-264 South Street** whereas relief is needed from the Zoning Ordinance to add 2 condenser units which requires the following: 1) Variances from Section 10.515.14 to allow a) a 4 foot left side setback and b) to allow a 3 foot side setback where 10 feet is required for each. Said property is shown on Assessor Map 111 Lot 05-02 and lies within the Single Residence B (SRB) District.

H) Petition of **Michael & Deborah McNeilly, Owners**, for property located at **205 Wibird Street** whereas relief is needed from the Zoning Ordinance to remove an existing 8' x 10' shed and replace with a new 10' x 12' shed which requires the following: 1) A Variance from Section 10.573.20 to allow a 4 foot side setback where 9 feet is required. 2) A Variance from Section 10.321 to allow a nonconforming structure or building to be extended, reconstructed or enlarged without conforming to the requirements of the Ordinance. Said property is shown on Assessor Map 133 Lot 53 and lies within the General Residence A (GRA) District.

I) Petition of **Tobias Lear House Historic Inn, LLC, Owner and Stephen Foster, Applicant**, for property located at **49 Hunking Street** whereas relief is needed from the Zoning Ordinance to install a fence greater than 4 feet in height within the front yard which requires the following: 1) A Variance from Section 10.515.13 to allow a fence taller than 4 feet in height to be located within the front yard where 4 feet is the maximum height allowed. Said property is shown on Assessor Map 103 Lot 39 and lies within the General Residence B (GRB) District.

J) Petition of **David & Jennifer Chapnick, Owners**, for property located at **97 Meredith Way** whereas relief is needed from the Zoning Ordinance to allow the keeping of chickens which requires the following: 1) A Variance from Section 10.440 Use #17.20 to allow the keeping of farm animals where the use is not permitted. Said property is shown on Assessor Map 162 Lot 15 and lies within the General Residence A (GRA) District.

K) Petition of **Griffin Family Corp., Owner, and Hannaford Supermarket, Applicant**, for property located at **800 Islington Street** whereas relief is needed from the Zoning Ordinance to replace existing wall sign with new sign and add additional wall sign which requires the following: 1) A Variance from Section 10.1251.20 to allow an 86.21 square foot wall sign where 40 square feet is the maximum allowed in Sign District 3. 2) A Variance from Section 10.1271.10 to allow a wall sign on a side of a building that does not face a street or have a public entrance. Said property is shown on Assessor Map 154 Lot 1 and lies within the Commercial District 4-W (CD4-W) District.

IV. OTHER BUSINESS

V. ADJOURNMENT

TO: Zoning Board of Adjustment
FROM: Peter Stith, AICP, Planning Department
DATE: April 14, 2021
RE: Zoning Board of Adjustment April 20, 2021 Meeting

OLD BUSINESS

1. 53 Austin Street – Request for Extension

NEW BUSINESS

1. 143 Gates Street
2. 30 Spring Street – Request to Postpone
3. 180 Spaulding Turnpike – Request to Postpone
4. 41 Salter Street
5. 70 Sheffield Road
6. 1281 Islington Street
7. 262-264 South Street
8. 205 Wibird Street
9. 49 Hunking Street
10. 97 Meredith Way
11. 800 Islington Street

OLD BUSINESS

1.

Petitioners:	Frank AJ Veneroso & Roslyn Weems
Property:	53 Austin Street
Assessor Plan:	Map 127, Lot 26
Zoning District:	General Residential C (GRC)
Description:	Proposed Inn.
Requests:	Variations and/or Special Exceptions necessary to grant the required relief from the Zoning Ordinance including: 1. A Variance from Section 10.440, Use #10.30 to allow an Inn where the use is not permitted in the district.

The variance above was granted on April 16, 2019 with the stipulation that the number of sleeping rooms be limited to eight, including those located in the existing three apartments and main dwelling unit. The applicant has submitted a request for a one year extension. The Ordinance allows for a one-time, one-year extension.

NEW BUSINESS

1.

Petition of the **Carol Elliott Revocable Trust of 2011, Owner**, for property located at **143 Gates Street** whereas relief is needed from the Zoning Ordinance to remove existing shed and replace with new 10' x 12' shed which requires the following: 1) Variances from Section 10.573.20 to allow a) a rear yard of 3 feet where 8.5 feet is required; b) a right side yard of 15.5 inches where 8.5 feet is required; and c) a left side yard of 15.5 inches where 8.5 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 103 Lot 99 and lies within the General Residence B (GRB) District.

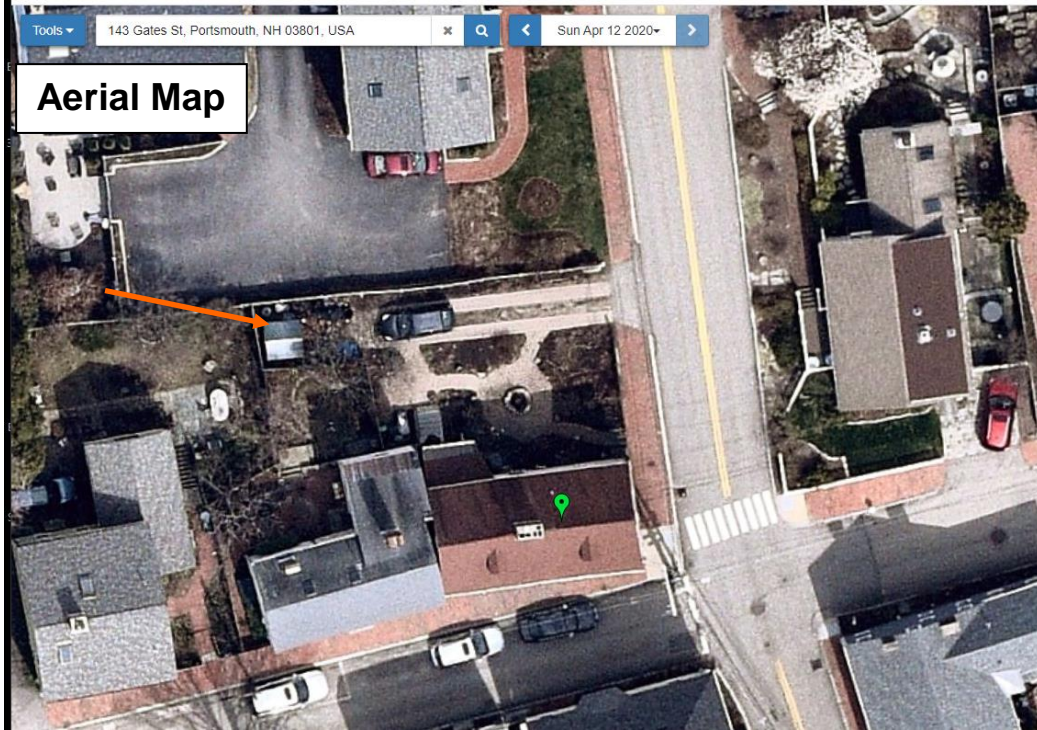
Existing & Proposed Conditions

	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Single family	Replace existing shed with new shed	Primarily residential uses
<u>Lot area (sq. ft.):</u>	3,049	3,049	5,000 min.
<u>Lot Area per Dwelling Unit (sq. ft.):</u>	3,049	3,049	5,000 min.
<u>Street Frontage (ft.):</u>	98	98	80 min.
<u>Lot depth (ft.):</u>	>60	>60	60 min.
<u>Front Yard (ft.):</u>	0	0	5 min.
<u>Right Yard (ft.):</u>	3	15.5"	10 (8.5 shed) min.
<u>Left Yard (ft.):</u>	2	15.5"	10 (8.5 shed) min.
<u>Rear Yard (ft.):</u>	2	3	25 (8.5 shed) min.
<u>Height (ft.):</u>	7	8.5'	35 max.
<u>Building Coverage (%):</u>	33	35*	30 max.
<u>Open Space Coverage (%):</u>	>25	>25	25 min.
<u>Parking</u>	2	2	2
<u>Estimated Age of Structure:</u>	1770	Variance request(s) shown in red. *Not advertised	

Other Permits/Approvals Required

HDC

Neighborhood Context



Previous Board of Adjustment Actions

No prior BOA history found.

Planning Department Comments

The applicant is proposing to demolish the existing shed and replace it with a slightly larger shed. The lot is oddly shaped, and the existing shed is tucked into a location on the lot that is slightly over 12.5' wide that is surrounded by fencing on all three sides. The existing building coverage is over the maximum allowed and the resulting building coverage will be 35% where 30 is the maximum. This was not advertised for relief from building coverage. If the Board grants approval the following stipulation should be considered:

The allowable building coverage shall be 35%.

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

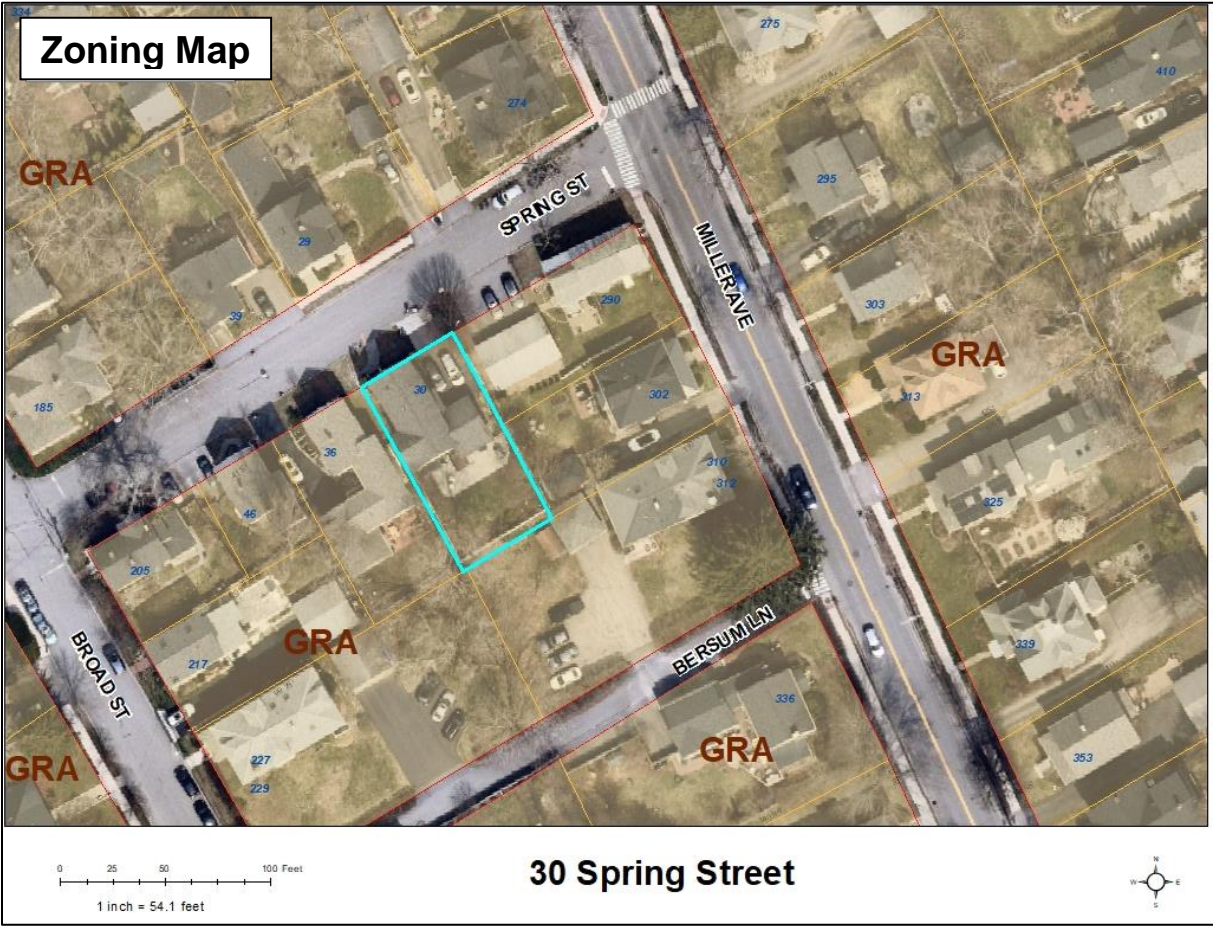
 - (b) *Owing to these special conditions, a fair and substantial relationship does not exist between the general public purposes of the Ordinance provision and the specific application of that provision to the property; and the proposed use is a reasonable one.*

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. Request to Postpone

Petition of **John McMahon & Jessica Kaiser, Owners**, for property located at **30 Spring Street** whereas relief is needed from the Zoning Ordinance to remove existing front entry and construct new front porch which requires the following: 1) Variances from Section 10.521 to allow a) a 5 inch front yard where 15 feet is required; b) a 4 foot right side yard where 10 feet is required; and c) 29% building coverage where 25% 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 130 Lot 13 and lies within the General Residence A (GRA) District.



3. *Request to Postpone*

Petition of **Spaulding Group, LLC, Owner**, for property located at **180 Spaulding Turnpike** whereas relief is needed from the Zoning Ordinance to for the partial demolition of the existing showroom and construction of new showroom which requires the following: 1) A Variance from Section 10.531 to allow a 15 foot rear yard where 50 feet is required. 2) A Variance from Section 10.591 to allow a structure to be setback 15 feet from a parcel in a Residential district where 100 feet is required. 3) A Variance from Section 10.592.20 to allow the sale, rental, leasing, distribution and repair of vehicles be located adjacent to a Residential district where a minimum of 200 feet is required. 4) A Variance from Section 10.321 to allow a nonconforming building or structure to extended, reconstructed or enlarged without conforming to the requirements of the Ordinance. Said property is shown on Assessor Map 236 Lot 39 and lies within the General Business (GB) District.

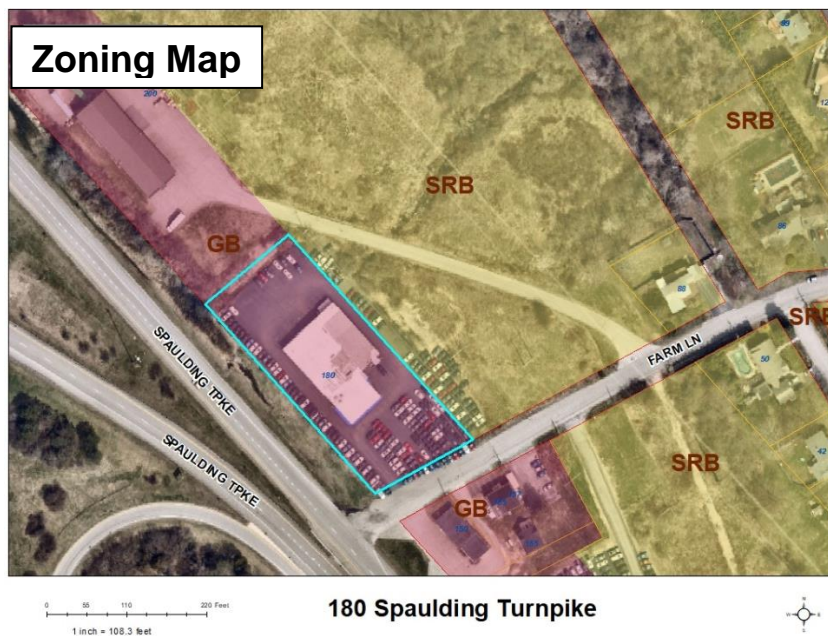
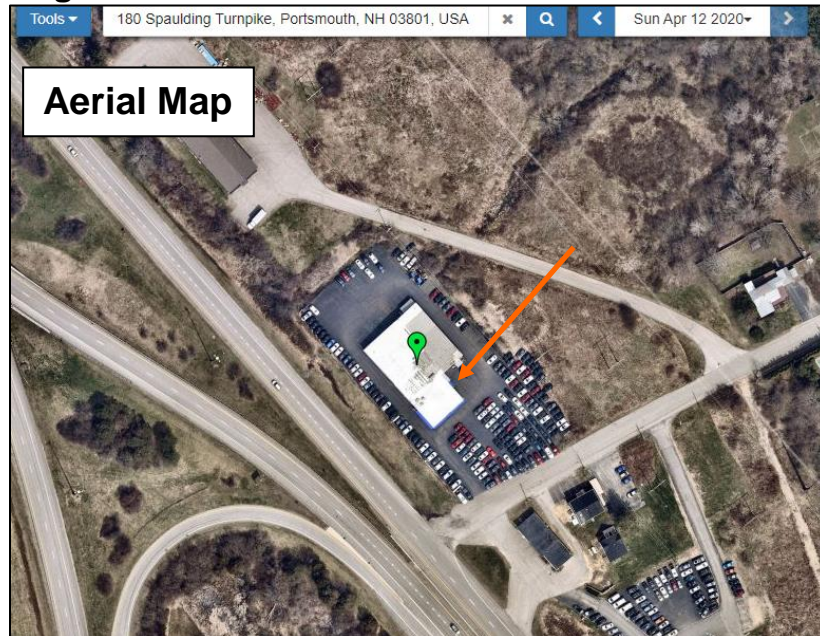
Existing & Proposed Conditions

	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Auto dealership	New showroom addition	Primarily commercial uses
<u>Lot area (sq. ft.):</u>	54,384	54,384	43,560 min.
<u>Street Frontage (ft.):</u>	54,384	54,384	200 min.
<u>Front Yard (ft.):</u>	39	39	30 min.
<u>Right Yard (ft.):</u>	95	95	30 min.
<u>Left Yard (ft.):</u>	100	100	30 min.
<u>Rear Yard (ft.):</u>	15	15	50 min.
<u>Height (ft.):</u>	17	25	60 max.
<u>Building Coverage (%)</u>	21.5	26	30 max.
<u>Open Space Coverage (%)</u>	3	3	20 min.
<u>Parking</u>		37	37
		Variance request(s) shown in red.	

Other Permits/Approvals Required

TAC/Planning Board – Site Plan Review

Neighborhood Context



Previous Board of Adjustment Actions

November 20, 2001 – The Board granted Variances from Section 10-908 Table 14 to allow a 105 s.f. free standing internally lit sign 29'10" high where 20' is the maximum height allowed, creating a 0' front setback where 20' is the minimum allowed and a 48 s.f. free standing sign internally lit creating a 0' front setback where 20' is the minimum allowed.

March 21, 2000 – the Board **denied** a Variance to construct a 45' x 94' two story addition after the demolition of the existing showroom: a Variance to allow: a) a 38'± front yard where 70' is

April 20, 2021 Meeting

the minimum required and b) a 15'± rear yard where 50' is the minimum required, a Variance to allow said addition 15'± from property zoned residentially where 100' is the minimum required; and, a Variance to allow said addition to be built within 100' of property zoned residentially without providing screening.

September 19, 1995 – the Board **granted** a Variance to allow the installation of a vinyl awning projecting 4' on side of sales showroom creating a 36' front yard setback where 70' is required with the **stipulation** there be no increase in the total signage allowed.

November 18, 1986 - the Board **granted** a Special Exception to permit the construction of a 4' x 12' addition onto an existing automobile dealership for use as a waiting room; and, a Variance to permit the addition to be located less than 100' from residentially zoned property where a minimum distance of 100' is required.

June 24, 1986 - the Board **denied** a Variance to allow the construction of a 10' x 20' shed with a front yard of 30' where a 70' front yard is required; however, the Board **granted** a Special Exception to permit said addition to be placed onto a motor vehicles sales facility.

Planning Department Comments

The applicant is proposing to demolish the existing showroom and construct a new, larger showroom. As the proposed use will be expanded on the site with the additional square footage of the structure, variances from Section 10.591 and 10.592.20 are needed as the property abuts the SRB zone. A similar variance request was denied in 2000 as shown in the history above. The applicant's representative discusses why Fisher v. Dover does not apply in this case due to changes in the law regarding hardship criteria. The new parking located in the front yard and in front of the building will require a variance and the applicant has requested to postpone so that variance can be properly noticed.

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 **Michael & Arna Lewis, Owners**, for property located at **41 Salter Street** whereas relief is needed from the Zoning Ordinance to construct a second story addition over existing first floor which requires the following: 1) Variances from Section 10.530 to allow a) a 23 foot front yard where 30 feet is required; b) a 2 foot left side yard where 30 feet is required; and c) a 13 foot right side 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 Ordinance. Said property is shown on Assessor Map 102 Lot 30 and lies within the Waterfront Business (WB) District.

Existing & Proposed Conditions

	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>	
<u>Land Use:</u>	Single-family	Second story rear addition	Primarily waterfront business Uses	
<u>Lot area (sq. ft.):</u>	3,178	3,178	20,000	min.
<u>Lot Area per Dwelling Unit (sq. ft.):</u>	3,178	3,178	20,000	min.
<u>Street Frontage (ft.):</u>	30	30	100	min.
<u>Lot depth (ft.):</u>	105	105	100	min.
<u>Primary Front Yard (ft.):</u>	15	23 (addition)	30	min.
<u>Left Yard (ft.):</u>	2	2	30	min.
<u>Right Yard (ft.):</u>	2	13 (addition)	30	min.
<u>Rear Yard (ft.):</u>	50	50	20	min.
<u>Height (ft.):</u>	18	18	35	max.
<u>Building Coverage (%):</u>	30	30	30	max.
<u>Open Space Coverage (%):</u>	>20	>20	20	min.
<u>Parking:</u>	2	2	2	
<u>Estimated Age of Structure:</u>	1820	Variance request shown in red.		

Other Permits/Approvals Required

HDC

Neighborhood Context



Previous Board of Adjustment Actions

April 17, 2001 - the Board **granted** a variance to allow an existing single family dwelling (16' x 26', 13' x 17' and 8' x 13') to be moved back 15' from the front property line, maintaining the existing 1' left side yard and the 2' right yard, with the **stipulation** the Historic District Commission workout delineation between the driveways.

June 6, 2001 - the **Historic District Commission denied** the proposal to move the single family dwelling back 15' to provide two parking spaces.

July 11, 2001 - the **Historic District Commission granted** a Request for Rehearing.

April 20, 2021 Meeting

August 1, 2001 - the **Historic District Commission** held a re-hearing and **denied** the request.

August 21, 2001 - the Board **granted** the applicant's request to appeal the decision of the Historic District Commission, made at their June 6, 2001 and August 1, 2001 meetings.

September 18, 2001 - the Board **granted** the applicant's appeal and overturned the Historic District Commission's decision at their June 6, 2001 and August 1, 2001 meetings;

November 20, 2001 - the Board **denied** the Request for a Rehearing made by abutters Joan Davis and Charles Allard of 35 Salter Street.

November 12, 2002 - Order from Rockingham County Superior Court, affirming Board's decision.

April 15, 2003 – the Board approved the delineation between the driveways thus satisfying the Board's previous stipulation with the stipulation:

That the left side of the property be delineated the same as the right side, with an 8' section of fence along the property line, perpendicular to Salter Street without the 4' section along Salter Street.

May 20, 2003 - the Board **denied** the "Appeal of Zoning Board Decision" made by abutters Joan Davis and Charles Allard of 35 Salter Street.

May 16, 2006 – the Board **concurred** the that previously approved Variances should still be granted considering more accurate survey information. [Exhibit #1]

April 17, 2007 – The Board upheld the City's decision to issue Building Permit 12454 as a result of an Administrative Appeal by an abutter that further Variances and HDC approvals were required and that Permits had expired.

Planning Department Comments

The applicant a second story addition above the existing one-story section of the house with no increase in footprint. The setback variances are for the portions of the addition that are being expanded upward. The applicant has had one work session with the HDC and if the variances are granted, will proceed with a public hearing before the HDC.

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.

5.

Petition of the **Prendergast Family Revocable Trust of 2012, Owner**, for property located at **70 Sheffield Road** whereas relief is needed from the Zoning Ordinance to Construct an 8' x 22' farmers porch which requires the following: 1) An after-the-fact Variance from Section 10.521 to allow a rear yard of 28 feet where 30 feet is required for an existing deck. 2) A Variance from Section 10.521 to allow a 20 foot front yard where 30 feet is required. 3) A Variance from Section 10.521 to allow 25% building coverage where 20% is the maximum allowed. 4) 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 233 Lot 46 and lies within the Single Residence B (SRB) District.

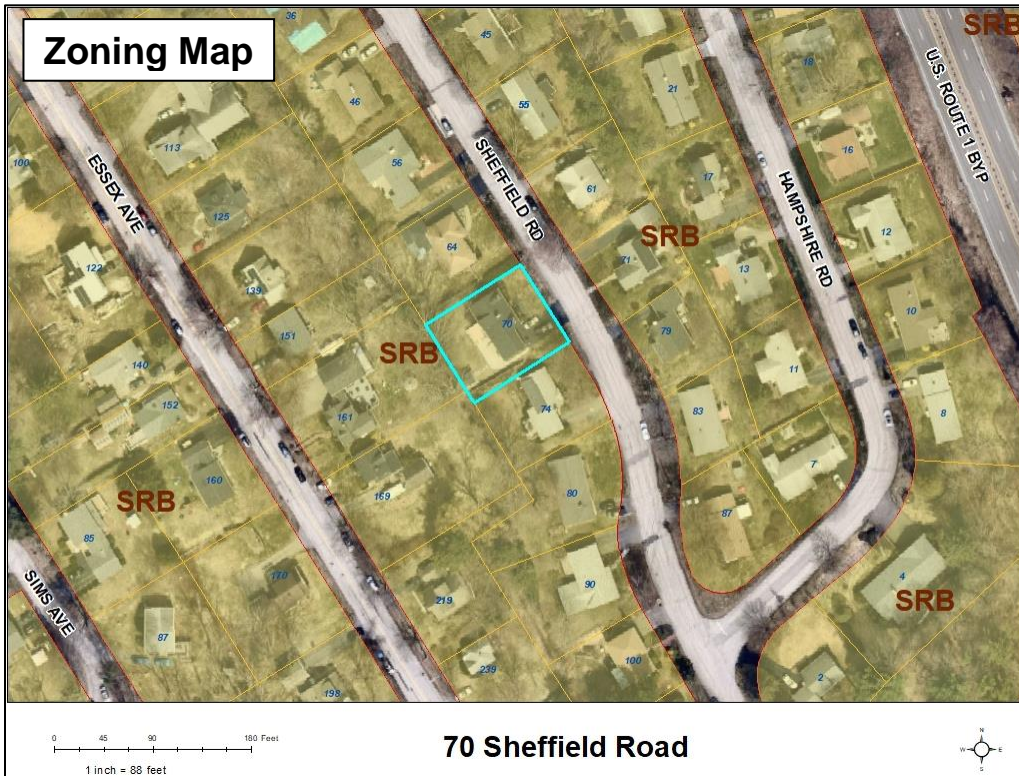
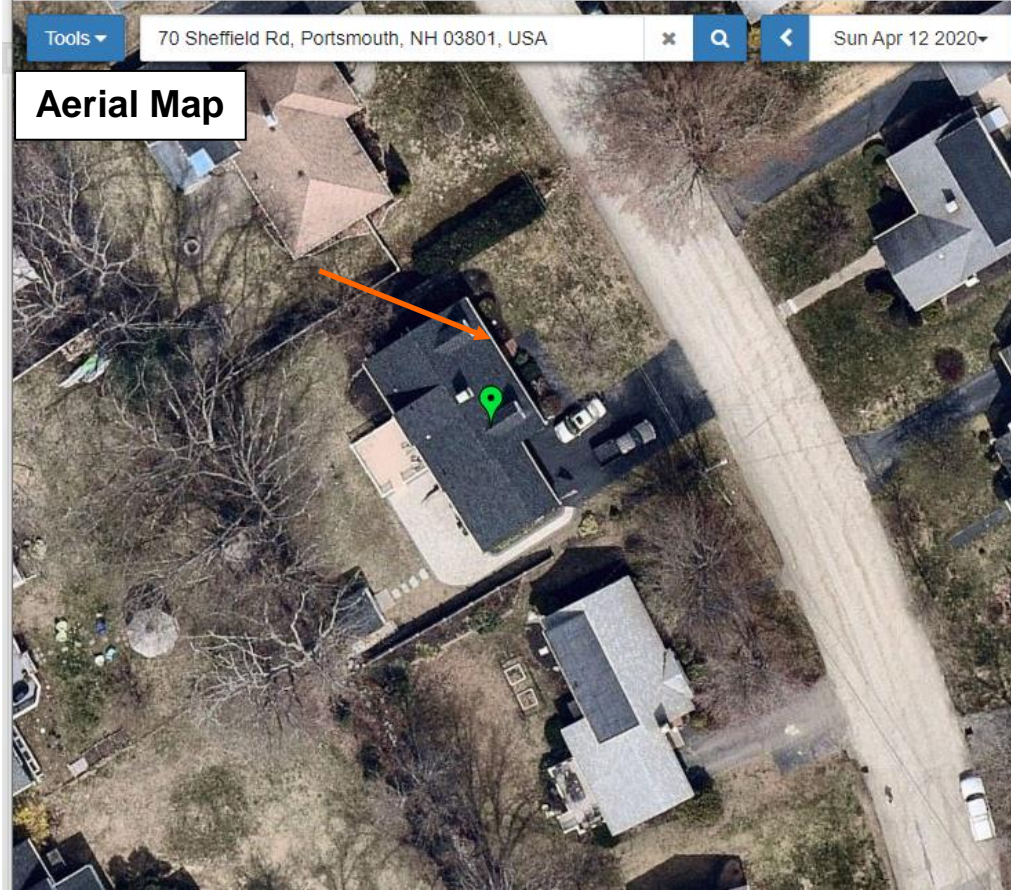
Existing & Proposed Conditions

	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Single family	Farmer's porch	Primarily residential uses
<u>Lot area (sq. ft.):</u>	8,712	8,712	15,000 min.
<u>Lot Area per Dwelling Unit (sq. ft.):</u>	8,712	8,712	15,000 min.
<u>Street Frontage (ft.):</u>	85	85	100 min.
<u>Lot depth (ft.):</u>	102	102	100 min.
<u>Front Yard (ft.):</u>	27	20	30 min.
<u>Right Yard (ft.):</u>	13	13	10 min.
<u>Left Yard (ft.):</u>	12	12	10 min.
<u>Rear Yard (ft.):</u>	28	28*	30 min.
<u>Height (ft.):</u>	<35	<35	35 max.
<u>Building Coverage (%):</u>	20	25 (22 actual)	20 max.
<u>Open Space Coverage (%):</u>	>40	>40	40 min.
<u>Parking</u>	2	2	1.3
<u>Estimated Age of Structure:</u>	1956	Variance request(s) shown in red. *deck height is less than 18" and permit was issued in 2013 for deck.	

Other Permits/Approvals Required

None.

Neighborhood Context



Previous Board of Adjustment Actions

No prior BOA history found.

Planning Department Comments

The applicant is proposing to add a new farmer's porch on the front of the house and is also requesting after-the-fact approval for a rear deck that was constructed and encroaches into the rear yard by 2 feet. Staff confirmed with the applicant a permit was issued in 2013 and the height of the deck is actually less than 18" so it does not need to comply with setbacks and is not counted towards building coverage and thus does not need an after-the-fact variance. Removing the deck from the building coverage calculation, the proposed coverage with the farmer's porch will be 22%. If granted approval, staff would recommend the Board consider the following stipulation:

The allowable building coverage shall be 22%.

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.

6.

Petition of **John & Chelsea Chapin, Owners**, for property located at **1281 Islington Street** whereas relief is needed from the Zoning Ordinance for the keeping of chickens which requires the following: 1) A Special Exception from Section 10.440 Use #17.20 to allow the keeping of farm animals where the use is permitted by Special Exception. Said property is shown on Assessor Map 233 Lot 120 and lies within the Single Residence B (SRB) District.

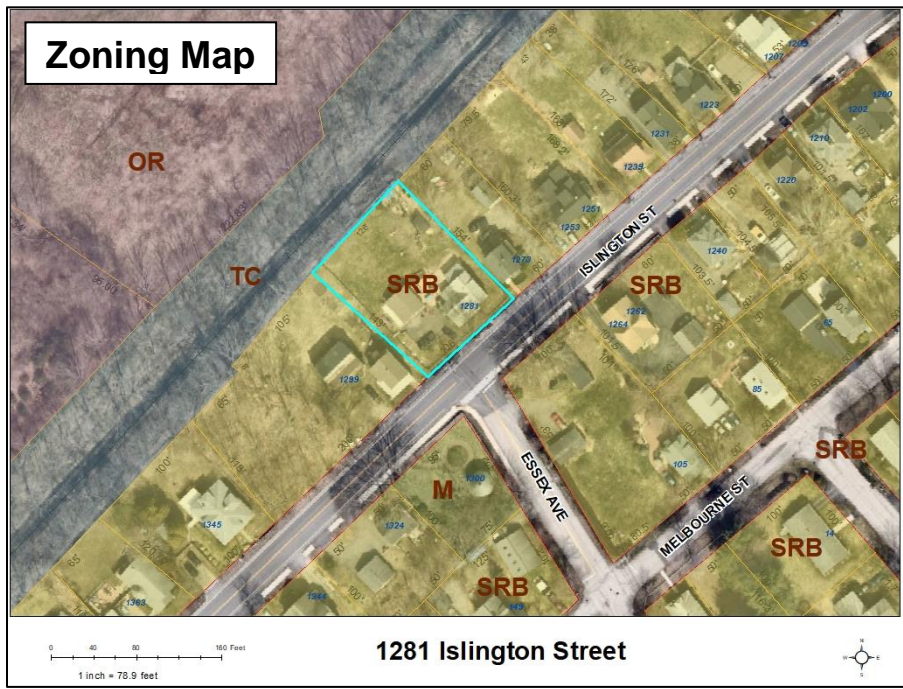
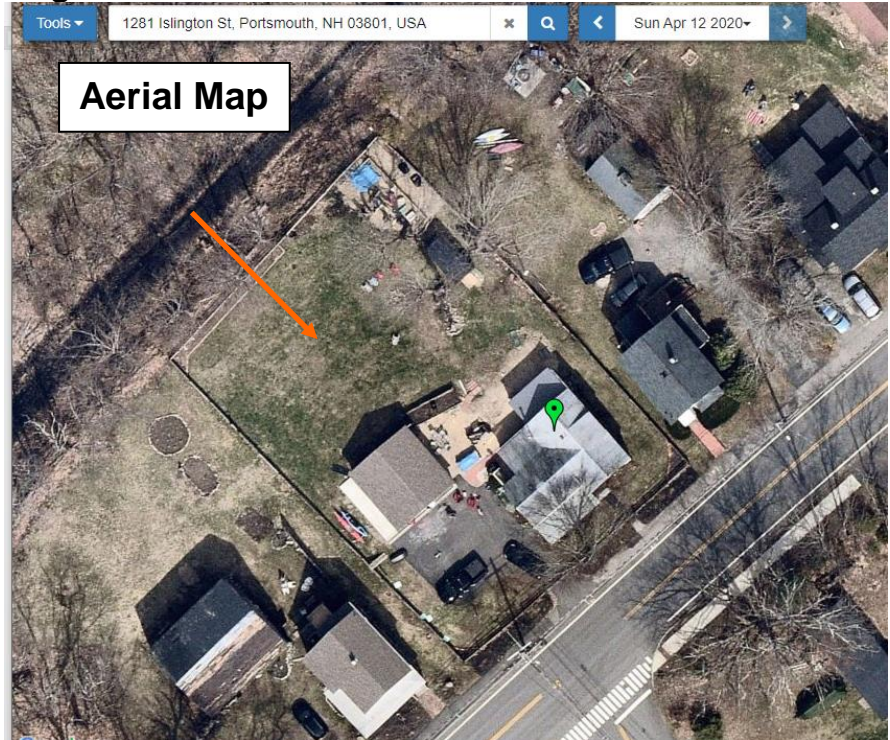
Existing & Proposed Conditions

	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Single-family	Keeping of chickens	Primarily Single-family Uses
<u>Lot area (sq. ft.):</u>	15,681	15,681	15,000 min.
<u>Lot Area per Dwelling Unit (sq. ft.):</u>	15,681	15,681	15,000 min.
<u>Street Frontage (ft.):</u>	106	106	100 min.
<u>Lot depth (ft.):</u>	148	148	100 min.
<u>Primary Front Yard (ft.):</u>	8	8	30 min.
<u>Left Yard (ft.):</u>	20	20	10 min.
<u>Right Yard (ft.):</u>	15	15	10 min.
<u>Rear Yard (ft.):</u>	68	5 (coop)	30 min.
<u>Building Coverage (%):</u>	<20	<20	20 max.
<u>Open Space Coverage (%):</u>	>40	>40	40 min.
<u>Estimated Age of Structure:</u>	1900	Special Exception request shown in red.	

Other Permits/Approvals Required

None.

Neighborhood Context



Previous Board of Adjustment Actions

No prior BOA history found.

Planning Department Comments

The applicant is requesting a special exception to have up to 6 hens. If the Board grants the request, the following stipulation should be considered.

That there be no more than 6 chickens and no roosters.

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.*

7.

Petition of **262-264 South Street Condos, LLC, Owner**, for property located at **262-264 South Street** whereas relief is needed from the Zoning Ordinance to add 2 condenser units which requires the following: 1) Variances from Section 10.515.14 to allow a) a 4 foot left side setback and b) to allow a 3 foot side setback where 10 feet is required for each. Said property is shown on Assessor Map 111 Lot 05-02 and lies within the Single Residence B (SRB) District.

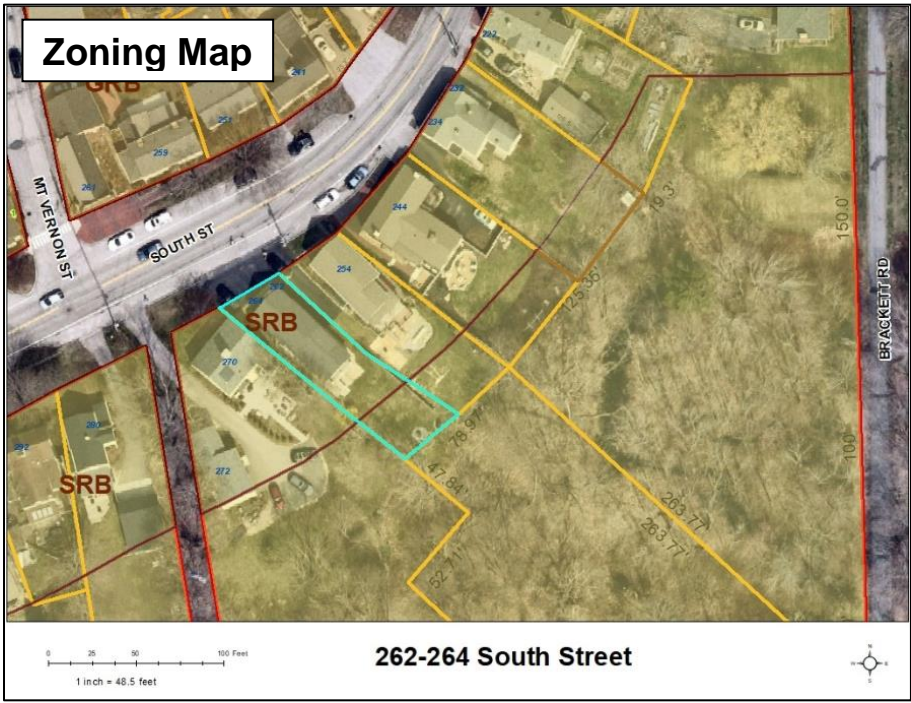
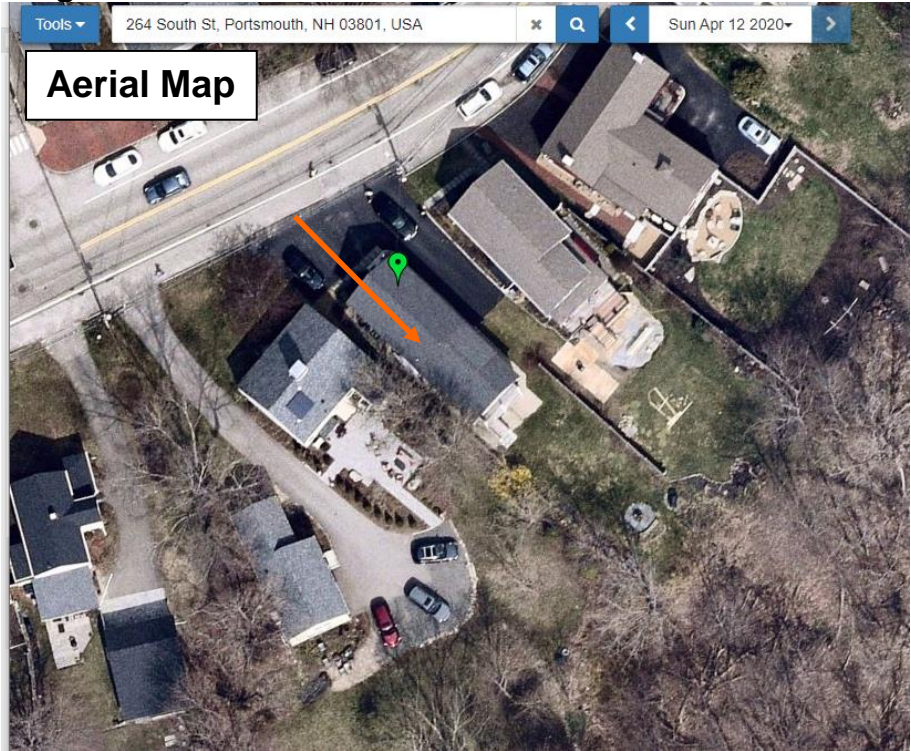
Existing & Proposed Conditions

	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Two-family	Add 2 condensers	Primarily Single-family Uses
<u>Lot area (sq. ft.):</u>	4,356	4,356	15,000 min.
<u>Lot Area per Dwelling Unit (sq. ft.):</u>	2,178	2,178	15,000 min.
<u>Street Frontage (ft.):</u>	39	39	100 min.
<u>Lot depth (ft.):</u>	130	130	100 min.
<u>Primary Front Yard (ft.):</u>	16	16	30 min.
<u>Left Yard (ft.):</u>	4,7	3,4	10 min.
<u>Right Yard (ft.):</u>	4	4	10 min.
<u>Estimated Age of Structure:</u>	1900	Variance request shown in red.	

Other Permits/Approvals Required

HDC

Neighborhood Context



Previous Board of Adjustment Actions

October 15, 2013 – The Board granted the following variances from Section 10.521 to a rear two-story stairs/landing and deck and add a front dormer.
A 3.5 foot right side yard where 10 feet is required and 27% building coverage where 20% is the maximum allowed. Variance from Section 10.321 to allow a nonconforming structure or building

April 20, 2021 Meeting

to be extended, reconstructed or enlarged without conforming to the requirements of the Ordinance.

Planning Department Comments

The applicant is proposing to add two condenser units, one for each of the dwelling units on the property. The lot is narrow and with the existing structure located less than 10 feet from both the left and right side yards. The applicant is proposing to locate both units on the left side of the structure.

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.*

8.

Petition of **Michael & Deborah McNeilly, Owners**, for property located at **205 Wibird Street** whereas relief is needed from the Zoning Ordinance to remove an existing 8' x 10' shed and replace with a new 10' x 12' shed which requires the following: 1) A Variance from Section 10.573.20 to allow a 4 foot side setback where 9 feet is required. 2) A Variance from Section 10.321 to allow a nonconforming structure or building to be extended, reconstructed or enlarged without conforming to the requirements of the Ordinance. Said property is shown on Assessor Map 133 Lot 53 and lies within the General Residence A (GRA) District.

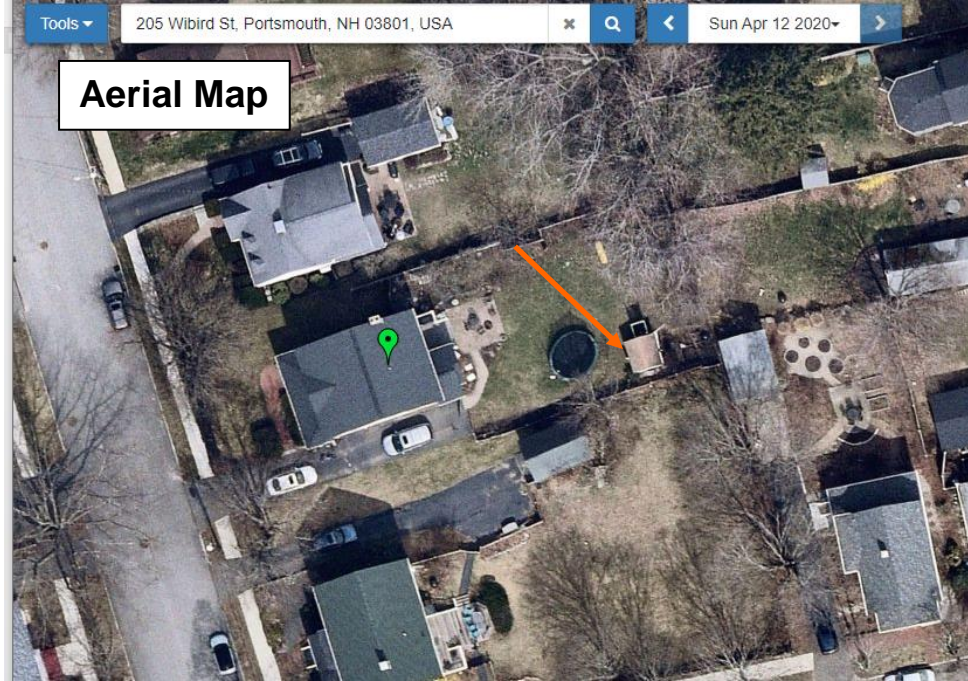
Existing & Proposed Conditions

	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Single-family	Replace existing shed with new shed	Primarily Single-family Uses
<u>Lot area (sq. ft.):</u>	8,712	8,712	7,500 min.
<u>Lot Area per Dwelling Unit (sq. ft.):</u>	8,712	8,712	7,500 min.
<u>Street Frontage (ft.):</u>	55	55	100 min.
<u>Lot depth (ft.):</u>	156	156	70 min.
<u>Primary Front Yard (ft.):</u>	31	31	15 min.
<u>Left Yard (ft.):</u>	30	28 (shed)	10 min.
<u>Right Yard (ft.):</u>	4 (shed)	4 (shed)	10 min.
<u>Rear Yard (ft.):</u>	16	16	20 min.
<u>Height (ft.):</u>		9 (shed)	35 max.
<u>Building Coverage (%):</u>	15.8	16	25 max.
<u>Open Space Coverage (%):</u>	>30	>30	30 min.
<u>Parking:</u>	2	2	2
<u>Estimated Age of Structure:</u>	1995	Variance request shown in red.	

Other Permits/Approvals Required

None.

Neighborhood Context



Previous Board of Adjustment Actions

No prior BOA history found.

Planning Department Comments

The applicant is proposing to remove the existing shed and replace with a slightly larger shed, increasing from 80 square feet to 120 square feet. The new shed will be located in the same footprint of the existing shed and the additional square footage will extend into the lot and not encroach further into the setbacks.

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.*

9.

Petition of **Tobias Lear House Historic Inn, LLC, Owner and Stephen Foster, Applicant**, for property located at **49 Hunking Street** whereas relief is needed from the Zoning Ordinance to install a fence greater than 4 feet in height within the front yard which requires the following: 1) A Variance from Section 10.515.13 to allow a fence taller than 4 feet in height to be located within the front yard where 4 feet is the maximum height allowed. Said property is shown on Assessor Map 103 Lot 39 and lies within the General Residence B (GRB) District.

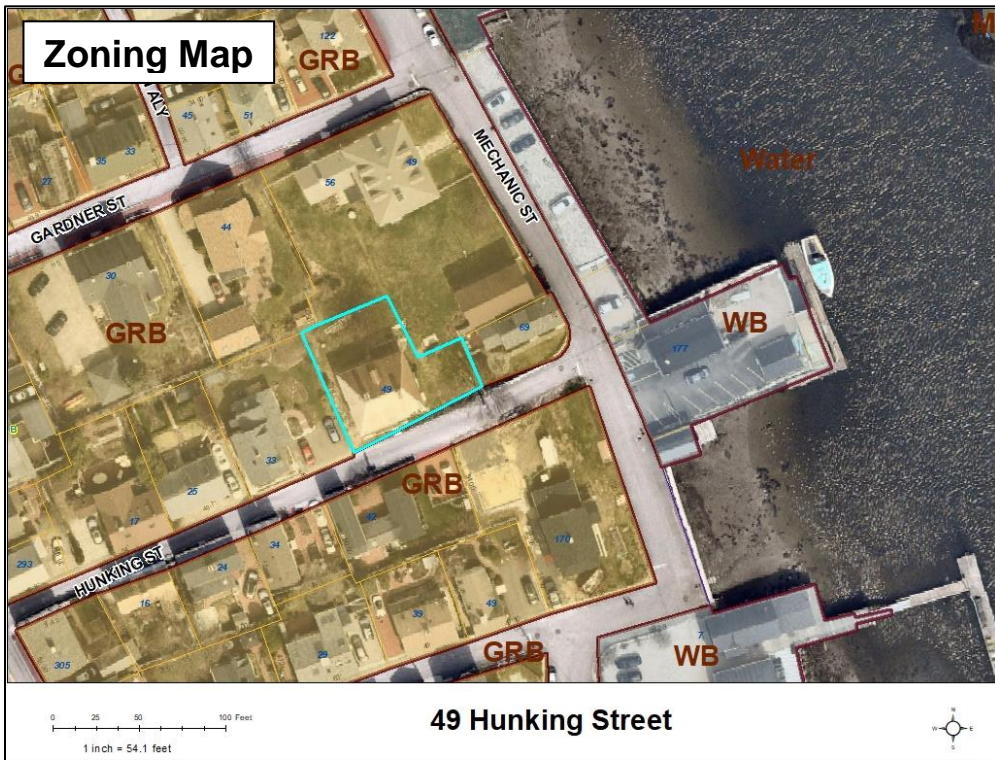
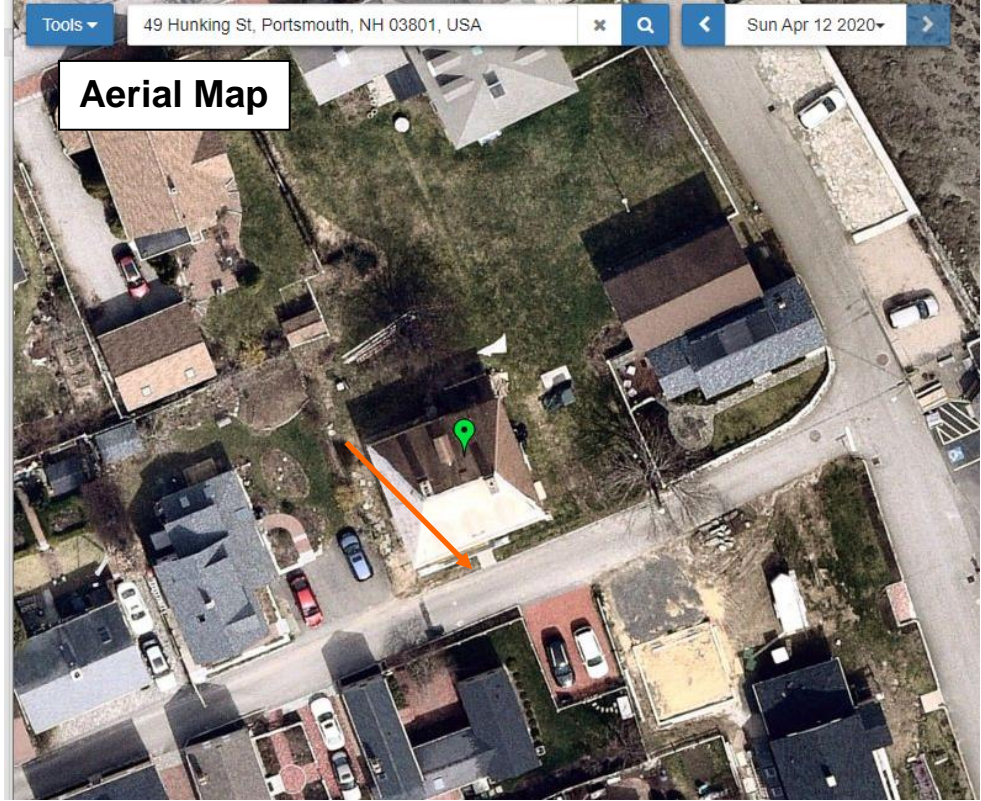
Existing & Proposed Conditions

	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Inn	Install fence over 4' in height	Primarily Single-family Uses
<u>Street Frontage (ft.):</u>	115	115	80 min.
<u>Lot depth (ft.):</u>	100	100	60 min.
<u>Primary Front Yard (ft.):</u>	5	5	5 min.
<u>Left Yard (ft.):</u>	7	7	10 min.
<u>Right Yard (ft.):</u>	6	6	10 min.
<u>Rear Yard (ft.):</u>	30	30	25 min.
<u>Height (ft.): (Fence)</u>	NA	4'6" - 6'	4' (front yard), 6' (side yard) max.
:		Variance request shown in red.	

Other Permits/Approvals Required

HDC – approved by Administrative Approval on March 3, 2021

Neighborhood Context



Previous Board of Adjustment Actions

April 23, 2019 – The Board granted a Variance from Section 10.440 to allow an Inn in a district where the use is not allowed including the following: a 5.7’ right side yard where 10’ is required. A Variance from Section 10.321 to allow a nonconforming structure or building. The following stipulations were part of the approval:

- The use as an Inn will be limited to a maximum of two bedrooms.
- If the Inn is not owner-occupied, a full-time caretaker will be provided when guests are present. Said caretaker must be located on-site or on an abutting property to manage the Inn and serve as a contact for any concerns of neighbors.

Planning Department Comments

The applicant is proposing to add fencing to the property that will be vary in height across the front yard from . A fence only up to four feet in height is allowed in the front yard and up to 6 feet in the side and rear yards. The applicant was before the HDC on March 3 and received approval for the fence design.

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.*

10.

Petition of **David & Jennifer Chapnick, Owners**, for property located at **97 Meredith Way** whereas relief is needed from the Zoning Ordinance to allow the keeping of chickens which requires the following: 1) A Variance from Section 10.440 Use #17.20 to allow the keeping of farm animals where the use is not permitted. Said property is shown on Assessor Map 162 Lot 15 and lies within the General Residence A (GRA) District.

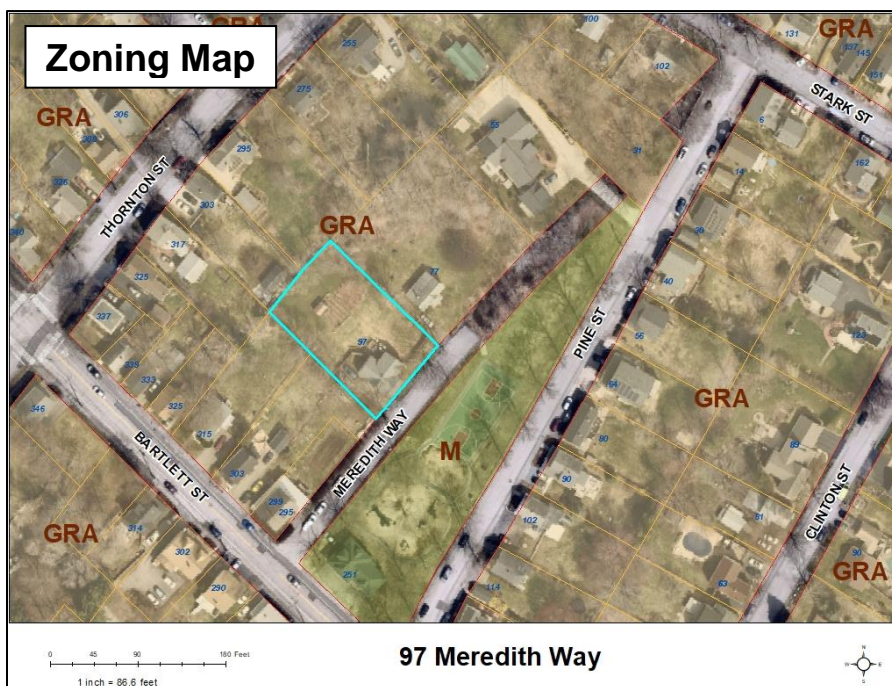
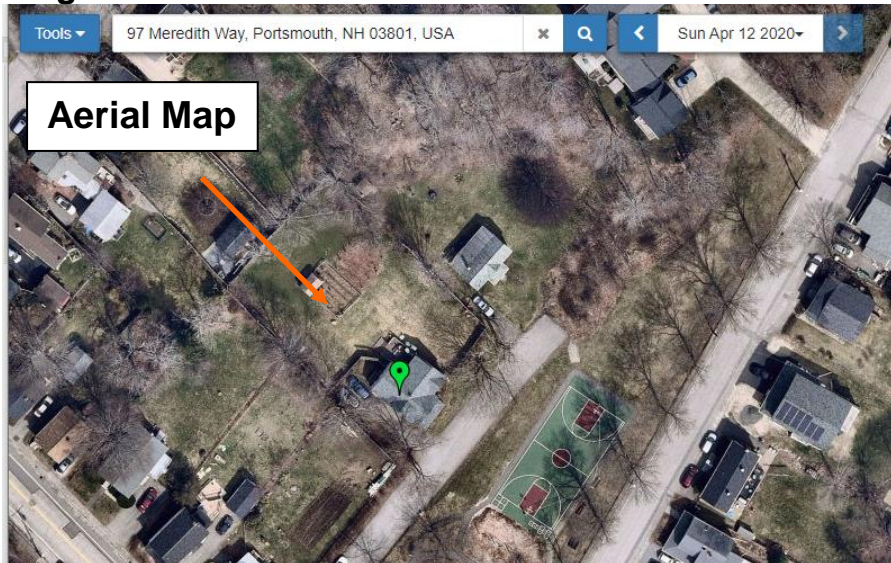
Existing & Proposed Conditions

	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Single-family	Keeping of chickens	Primarily Single-family Uses
<u>Lot area (sq. ft.):</u>	15,246	15,246	7,500 min.
<u>Lot Area per Dwelling Unit (sq. ft.):</u>	15,246	15,246	7,500 min.
<u>Street Frontage (ft.):</u>	100	100	100 min.
<u>Lot depth (ft.):</u>	154	154	70 min.
<u>Primary Front Yard (ft.):</u>	0	0	15 min.
<u>Left Yard (ft.):</u>	20	50 (coop)	10 min.
<u>Right Yard (ft.):</u>	40	45 (coop)	10 min.
<u>Rear Yard (ft.):</u>	100	25 (coop)	20 min.
<u>Building Coverage (%):</u>	6.5	6.5	25 max.
<u>Open Space Coverage (%):</u>	>30	>30	30 min.
<u>Estimated Age of Structure:</u>	1850	Variance request shown in red.	

Other Permits/Approvals Required

None.

Neighborhood Context



Previous Board of Adjustment Actions

No prior BOA history found.

Planning Department Comments

The applicant is proposing to have up to 6 hens on the property. If the Board grants approval, staff would recommend considering the following stipulation:

That no more than 6 chickens be allowed and no roosters.

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.

11.

Petition of **Griffin Family Corp., Owner, and Hannaford Supermarket, Applicant**, for property located at **800 Islington Street** whereas relief is needed from the Zoning Ordinance to replace existing wall sign with new sign and add additional wall sign which requires the following: 1) A Variance from Section 10.1251.20 to allow an 86.21 square foot wall sign where 40 square feet is the maximum allowed in Sign District 3. 2) A Variance from Section 10.1271.10 to allow a wall sign on a side of a building that does not face a street or have a public entrance. Said property is shown on Assessor Map 154 Lot 1 and lies within the Commercial District 4-W (CD4-W) District.

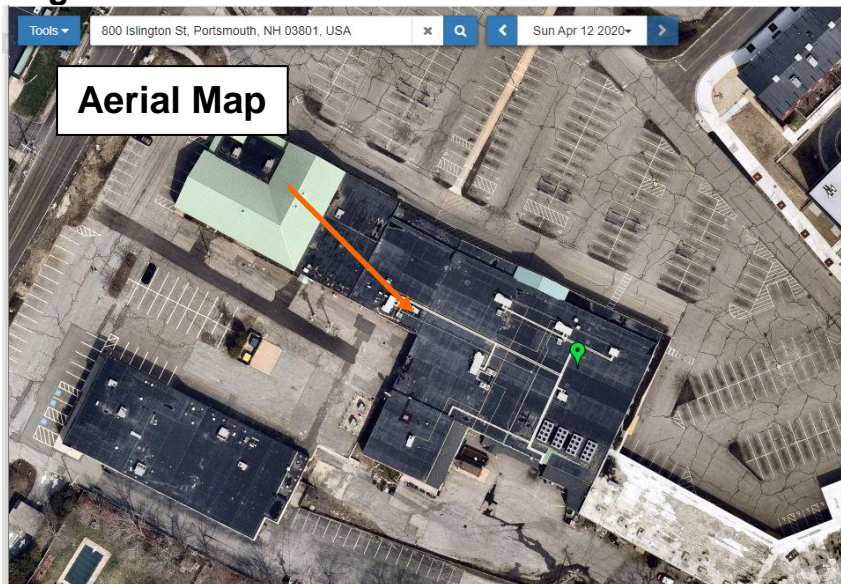
Existing & Proposed Conditions

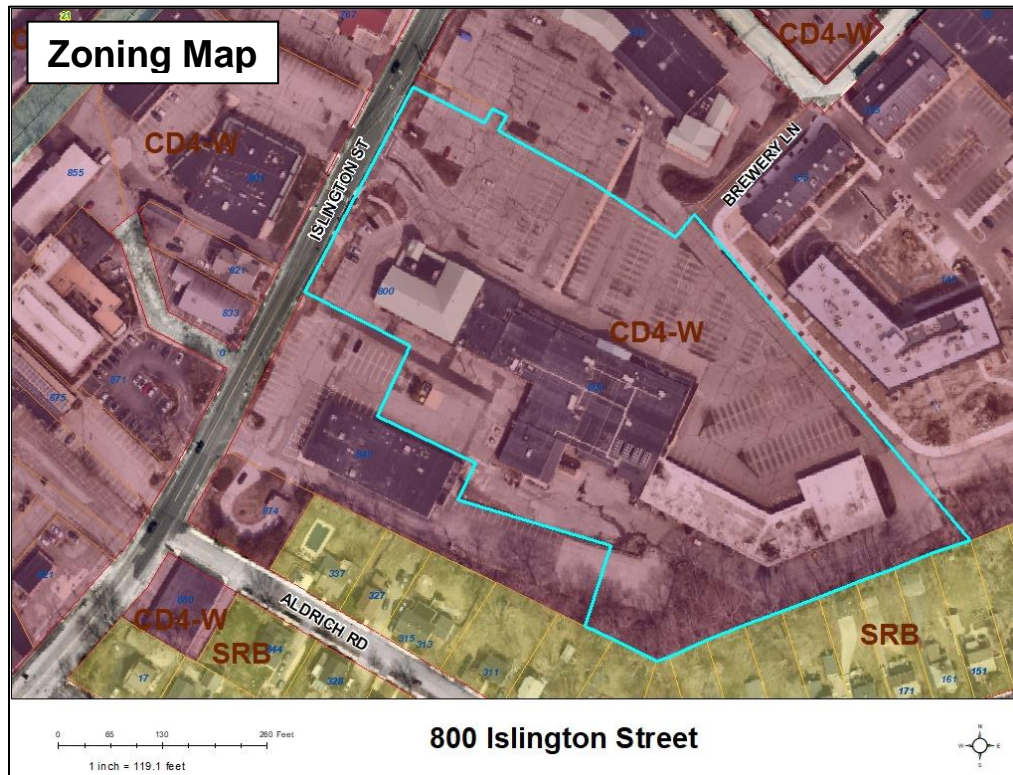
	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Commercial	Signage	Primarily mixed Uses
<u>Wall Sign (sq. ft.):</u>	77.25	86.21	40 max.
		Variance request shown in red.	

Other Permits/Approvals Required

None.

Neighborhood Context





Previous Board of Adjustment Actions

February 19, 2008 – The Board granted a Variance from Section 10-208(54)(b) to allow a 12' x 20' exterior produce cooler to be temporarily located during internal renovations of the grocery store.

April 18, 1995 – the Board **granted** a Special Exception to allow the erection of a 50' x 150' tent for a Home Show for 5 days with the **stipulation** that a \$100.00 bond be posted to ensure removal of the tent.

November 9, 1982 – the Board **granted** a Special Exception to place a temporary 8' x 40' one story storage trailer behind the building with a **stipulation** that the placement not exceed 90 days from the date of the meeting.

Planning Department Comments

The applicant is seeking relief to replace an existing wall sign with a new sign that exceeds the maximum sign area allowed for such sign. Additionally, the store is providing a pickup location for pre-ordered groceries and is proposing a wall sign at this location. After further review, staff agrees that this location does face Islington Street and does not need a variance from Section 10.1271.10 and the only relief needed at this time is for the new wall sign. An earlier version of the sign application had this sign in a different location that did not comply with this section.

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.

Veneroso Properties, LLC
53 Austin Street | Portsmouth NH 03801

City Of Portsmouth
Planning Department
1 Junkins Ave
Portsmouth, NH 03801

March 31, 2021

To Whom It May Concern:

We are writing to request an extension of the LU-19-17 variance approval granted April 2019 for our property located on Austin Street here in Portsmouth.

Since the variance approval, our project has been delayed due to challenges encountered with scheduling architects and specialty contractors necessary for our historic property. The severity and danger of the COVID-19 pandemic added a further and more complex delay. We made the prudent decision to pause work on the property in the interest of health and safety. Like everyone else, our health and safety along with professionals who needed access to the property was and remains a top priority.

This extension is necessary to give us the time needed to move further on the proposed use of our property.

Please contact us for additional information if required.

Sincerely,

frank veneroso, roslyn weems

Frank Veneroso
Roslyn Weems

Chairperson of the Board of Adjustment
c/o Planning Department of the City of Portsmouth NH
1 Jenkins Avenue
Portsmouth, NH 03801

March 27, 2021

Dear Board of Adjustment Chairperson and Members:

This Letter of Intent is a Request for Variance at 143 Gates Street, Portsmouth, NH 03801 for dimensional requirements relief in order to replace an existing shed. The purpose of the shed exchange is to improve the aesthetic of the lot and neighborhood, as well as to increase the garden equipment storage space. The existing shed is in a non-conforming location on the lot, as was a previous garage. The placement allows for off-street parking and a back yard cottage-type garden that is enjoyed by neighbors and visitors alike. Therefore, the request is for the larger shed to remain in the same spot.

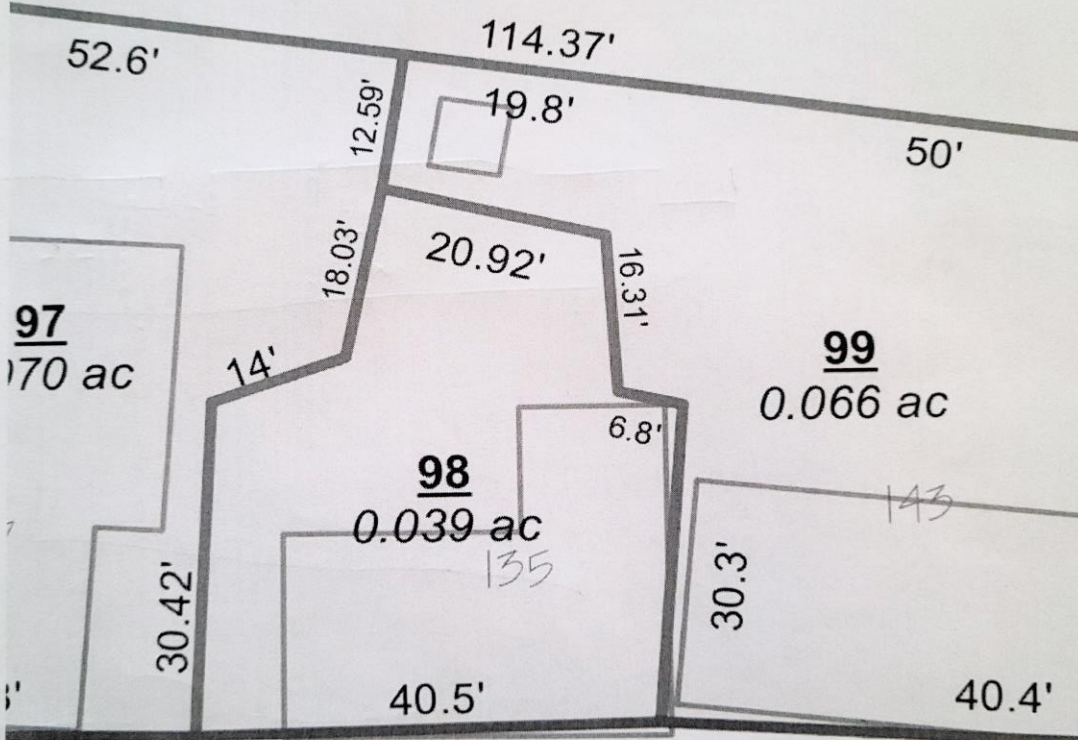
This portion of the letter is to address the Board's criteria for variance as defined in Article 2.0, Section 10.233

- (1) Granting the variance will not be contrary to the public interest. As mentioned previously, it will improve the aesthetic of the neighborhood, as the pre-fabricated cedar shed replacement is an improvement on the existing Rubbermaid plastic shed. The pictures demonstrate that the current storage space for garden supplies is inadequate. The new shed is in line with the current character of the neighborhood and enhances the overall lot.
- (2) The spirit of the Ordinance will be observed. The replacement will not harm the health, safety or general welfare of the community.
- (3) Substantial justice will be done. There is no gain to the general public or surrounding neighbors by denying the variance.
- (4) The values of surrounding properties will not be diminished. There is no reason to believe this will diminish the value of surrounding properties. It is an improvement in the neighborhood.
- (5) Literal enforcement of the provisions of the Ordinance would result in an unnecessary hardship. The only possible garden equipment storage for the home is in the basement. Access requires going through the kitchen and living areas of the home. The basement stairs are narrow and steep, and there is not enough head room to stand up straight.

Please find the required documents following this letter.

Thank you for your time and consideration,

J. Carol Elliott



%20Map%20103%20Parcel%2099%20-%20Google%20Docs.pdf

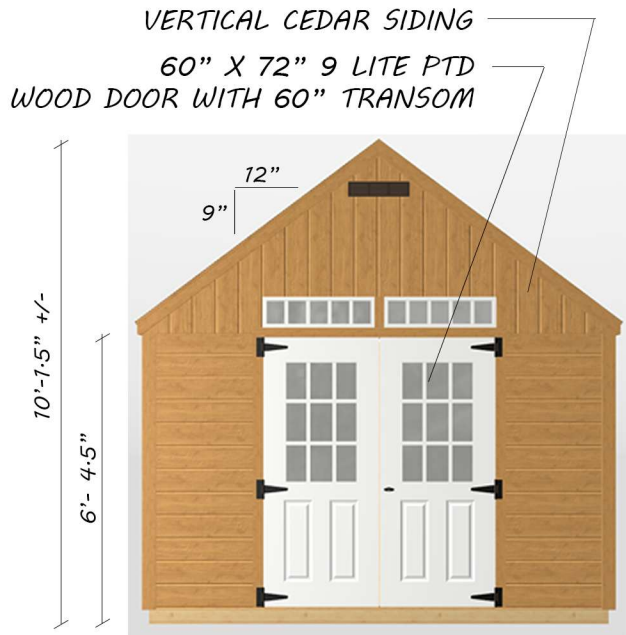


Current Shed

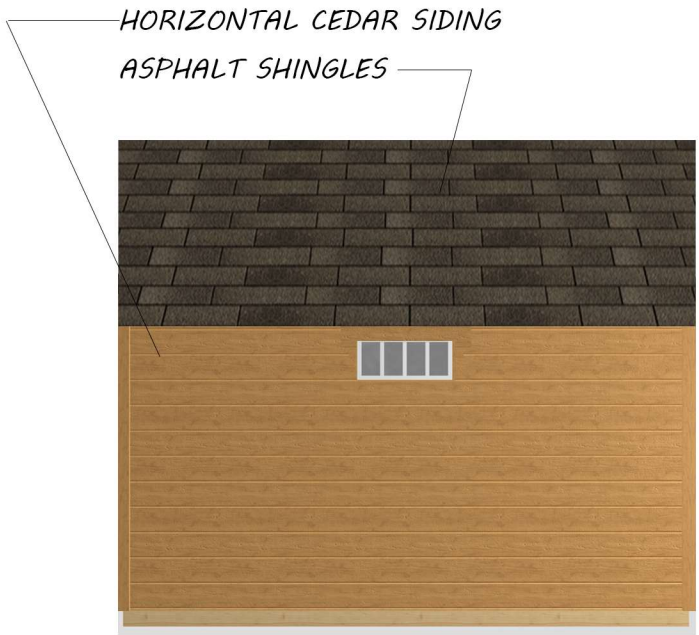








Front / East Elevation



Right Side / North Elevation



Rear / West Elevation

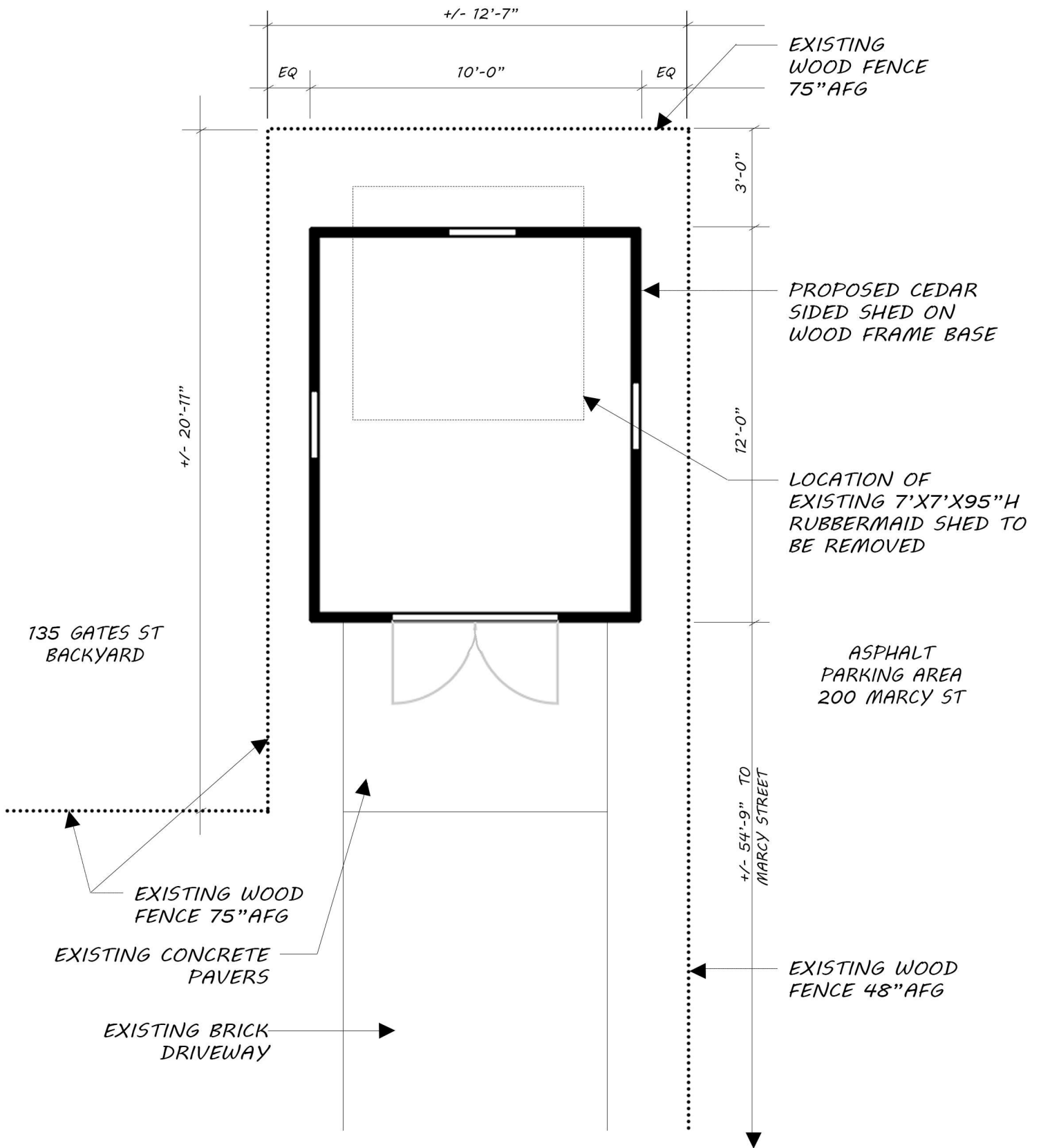


Left Side / South Elevation

Shed Elevations - Proposed

Scale 1/4"=1'-0"

143 Gates Street - Proposed Garden Shed



Shed Plan - Proposed



Scale 1/4"=1'-0"

APPLICATION OF JESSICA KAISER and JOHN McMAHON
30 SPRING STREET, PORTSMOUTH
Map 130, Lot 13

APPLICANT'S NARRATIVE

I. THE PROPERTY:

The applicants, Jessica Kaiser and John McMahon, own the single family residence located at 30 Spring Street, where they live with their three young children. They propose to add a covered farmers porch and second story bay window to the front of the dwelling. The porch would be aligned with the existing footprint of the house.

As a result of the pandemic, a covered porch is desirable as home deliveries are ever increasing, and a safe, sheltered space for such deliveries is needed. In addition, the porch will provide a sheltered environment from which the applicants may keep an eye on their young children when they play with their friends on Spring Street.

As this board is aware, recently the applicant unsuccessfully sought approvals for a covered porch which wrapped around the right side of the house and required side and front yard setback relief. Based on feedback from members of the board, the applicant has redesigned the porch so that there will be no additional side yard setback encroachment beyond the existing footprint of the house.

According to city tax records, the home was constructed in 1900. The existing attached garage was added 2004. The property is in the GRA zone and is non-conforming as to frontage, lot area, building coverage and front and side yard setbacks.

The dwelling's existing right side yard setback at its closest point is .4 feet. The front yard setback is 6.1 feet, however, what appears for all intents and purposes as the majority of the applicants' front lawn is in fact outside the boundary of their property. This is consistent all along this portion of Spring Street. The applicant has not calculated the applicable average front yard within 200 feet of the property to take advantage of the front yard exception for existing alignments contemplated by Section 10.516.10, but it is assumed that this would create a minimum setback far less than 15 feet. We have submitted both the static and MapGeo tax maps for the board's consideration to obtain an understanding of the existing front yards on Spring Street. The current building coverage is 26.8%, where 25% is the maximum permitted.

The proposed porch would also fall within the 15 foot front yard setback and the 10 foot right side yard setback.

The proposed covered porch will be 5" from the front property line and 4' from the side property line. The steps down from the existing front door landing actually extend over the property line now and will do so with the proposed porch. It should be noted that the steps from the porch of the neighbor to the right and the house to the left

also extend past the property line, a condition that occurs in at least two other instances on Spring Street. The proposed porch would add 72 square feet of building coverage.

The applicants therefore need relief from Section 10.521 to permit a front yard setback of 5' where 15 feet is required, a side yard setback of 4 feet where 10 feet is required, and building coverage of 29% where 25 % is the maximum permitted.

II. CRITERIA:

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

Granting the requested variance will not be contrary to the spirit and intent of the ordinance nor will it be contrary to the public interest. The "public interest" and "spirit and intent" requirements are considered together pursuant to Malachy Glen Associates v. Chichester, 152 NH 102 (2007). The test for whether or not granting a variance would be contrary to the public interest or contrary to the spirit and intent of the ordinance is whether or not the variance being granted would substantially alter the characteristics of the neighborhood or threaten the health, safety and welfare of the public.

The essentially residential characteristics of the neighborhood would not be altered by this project. The existing structure and lot are already non-compliant with front and side yard setback and building coverage requirements, as are most if not all of the properties on this section of Spring Street.

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.

Substantial justice would be done by granting the variance. Whether or not substantial justice will be done by granting a variance requires the Board to conduct a balancing test. If the hardship upon the owner/applicant outweighs any benefit to the general public in denying the variance, then substantial justice would be done by granting the variance. It is substantially just to allow a property owner the reasonable use of his or her property.

In this case, there is no benefit to the public in denying the variances that is not outweighed by the hardship upon the owner.

The proposed porch will encroach into the front yard setback, however it is consistent with the look and feel of the neighborhood and is tastefully integrated to complement the existing dwelling. The side yard encroachment is consistent with the existing footprint of the main dwelling structure. Accordingly, the loss to the applicants

clearly outweighs any gain to the public if the applicants were required to conform to the ordinance.

The values of surrounding properties will not be diminished by granting the variance. The proposal will improve the streetscape along Spring Street and will increase the value of the applicants' property. The values of surrounding properties will not be negatively affected in any way.

There are special conditions associated with the property which prevent the proper enjoyment of the property under the strict terms of the zoning ordinance and thus constitute unnecessary hardship. The property is non-conforming as to frontage, lot area, lot area per dwelling, building coverage and setbacks. The dwelling is oriented well to the front of the property, although the paved portion of the Spring Street right of way is actually several feet further away from the dwelling.

The use is a reasonable use. The proposal is a residential use in a residential zone.

There is no fair and substantial relationship between the purpose of the ordinance as it is applied to this particular property. The purpose of the setback requirements is to provide sufficient access, light, air and privacy, and physical separation of properties. The porch will increase the front yard nonconformity, although the paved portion of the Spring Street right of way is actually several feet further away from the dwelling, so it will not conflict at all with the travelled way. The porch does not encroach into the side yard setback any more than the existing dwelling. The amount of additional building coverage proposed, 72 square feet, is minimal and not out of character for this neighborhood.

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

III. Conclusion.

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

Respectfully submitted,

Dated: 3-10-2021

By: *John K. Bosen*
John K. Bosen, Esquire



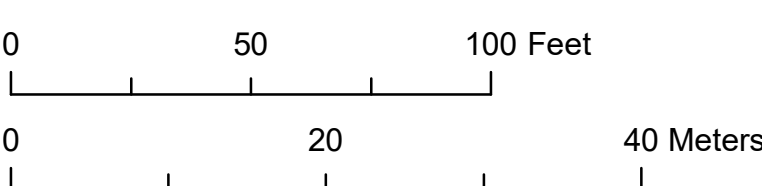
Partial Legend
 See the cover sheet for the complete legend.

7-5A Lot or lot-unit number
 2.56 ac Parcel area in acres (ac) or square feet (sf)
 25 Address number
 233-137 Parcel number from a neighboring map
 68' Parcel line dimension
 Street name

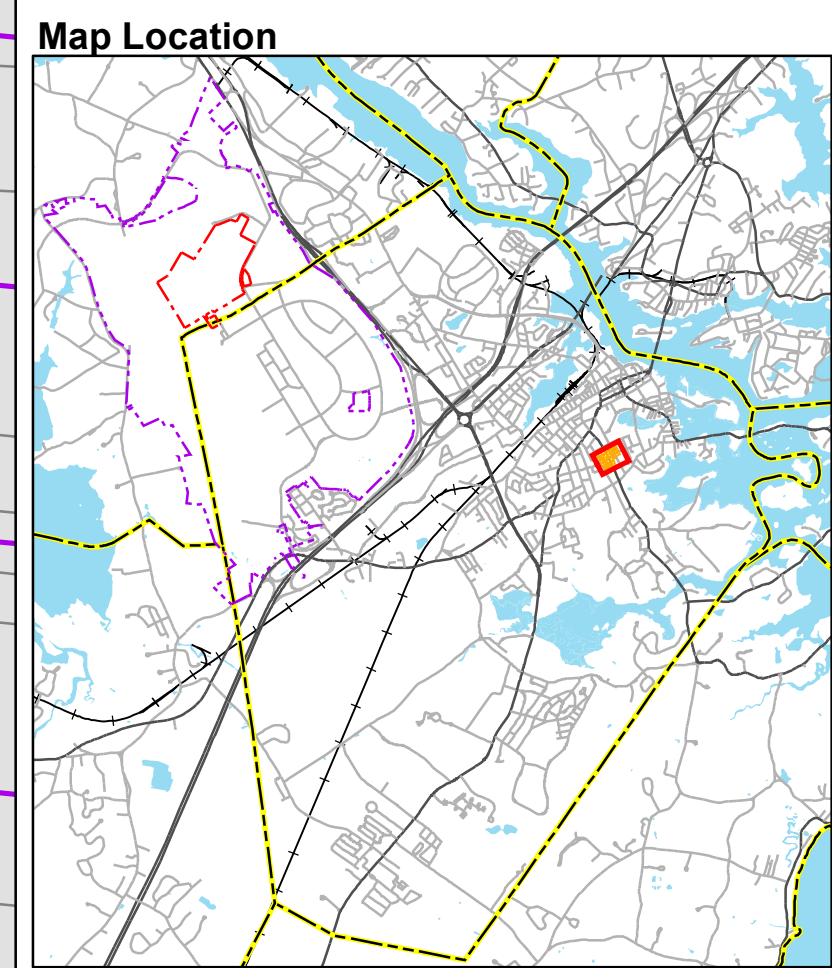
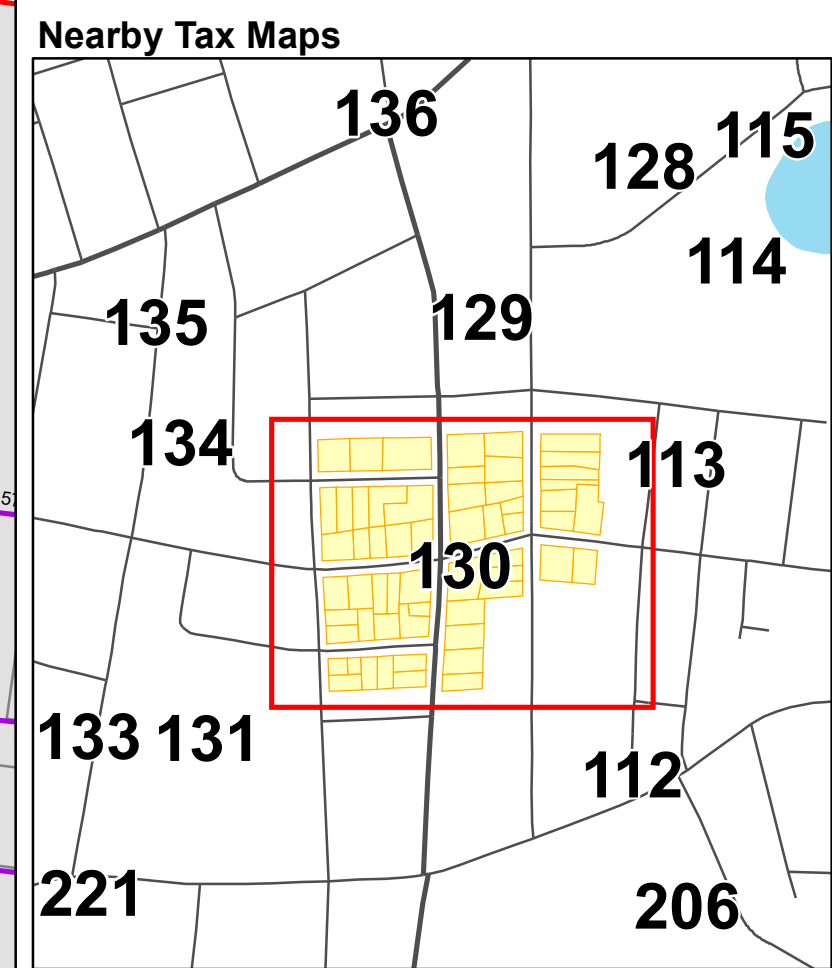
SIMS AVE
 Street name

- Parcel/Parcel boundary
- Parcel/ROW boundary
- Water boundary
- Structure (1994 data)

Parcel covered by this map
 Parcel from a neighboring map (see other map for current status)



This map is for assessment purposes only. It is not intended for legal description or conveyance. Parcels are mapped as of April 1. Building footprints are 2006 data and may not represent current structures. Streets appearing on this map may be paper (unbuilt) streets. Lot numbers take precedence over address numbers. Address numbers shown on this map may not represent posted or legal addresses.



Portsmouth, New Hampshire
 2019
Tax Map 130



Property Information
Property ID 0130-0013-0000
Location 30 SPRING ST
Owner KAISER JESSICA D



**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

1" = 35 ft

30 Spring Street - Exterior Photos.







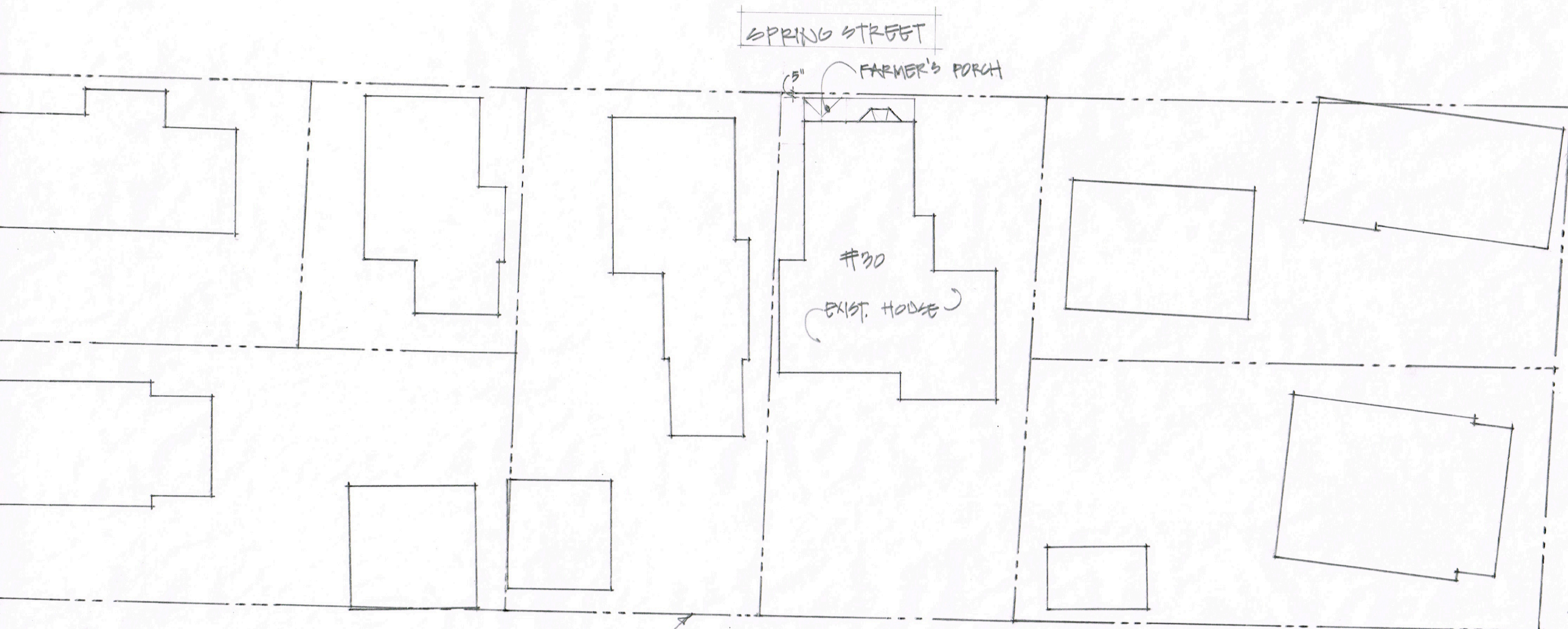


Here is a porch located 3 houses down from my house, on the corner of Spring St. and Lincoln St, that was approved for development in 2017. This porch is located closer to the road than the one we are proposing.



studioB-E
ARCHITECTURE

10 Ox Point Drive
Kittery, ME 03904
207.752.1371
studioB-E@Comcast.net



BOUNDARY LINES
TAKEN FROM CITY
TAX MAP.

NOTE:
MEASUREMENTS
WERE TAKEN BY
HANDHELD TAPE
MEASURE NOT
SURVEYORS
INSTRUMENTS

Kaiser Residence

30 Spring Street
Portsmouth, NH

SITE
PLAN

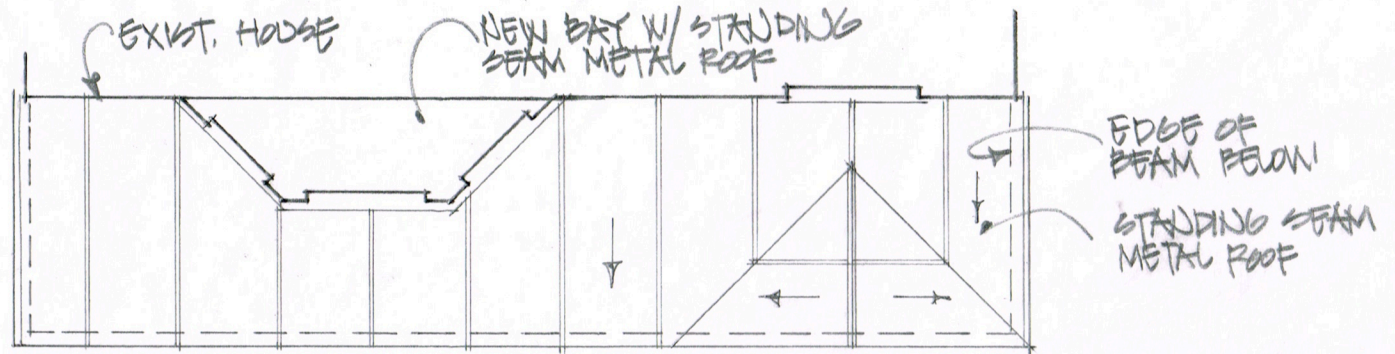
So.o1
02.15.2021

1 SITE PLAN
1" = 20'

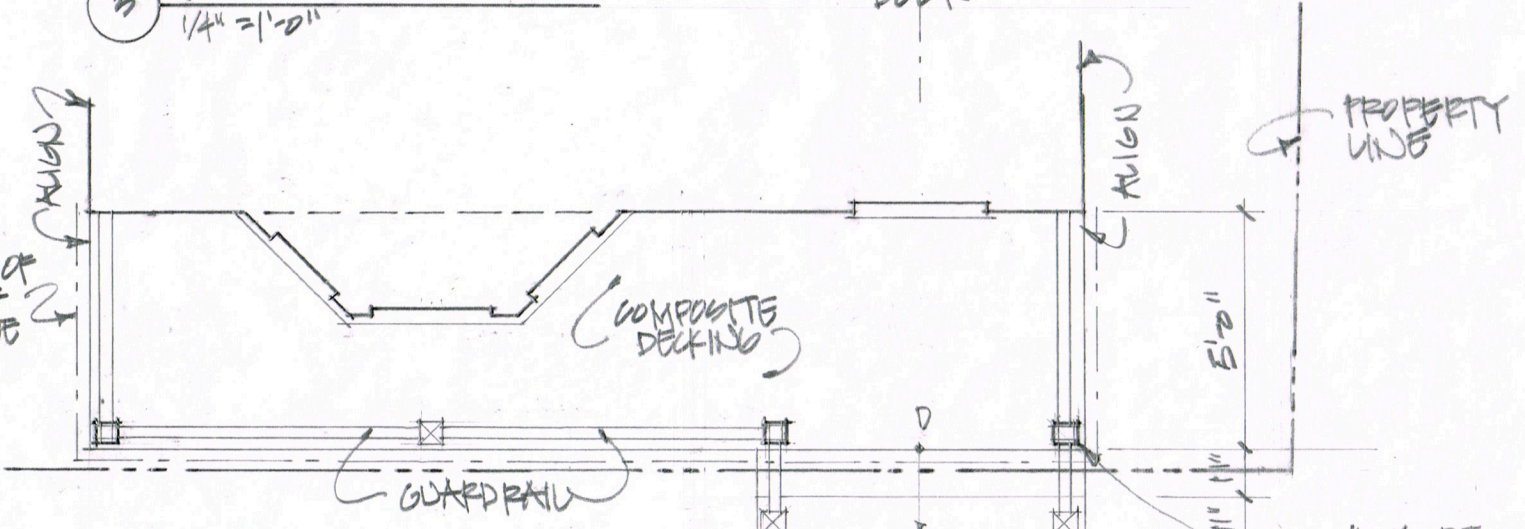


studioB-E
ARCHITECTURE

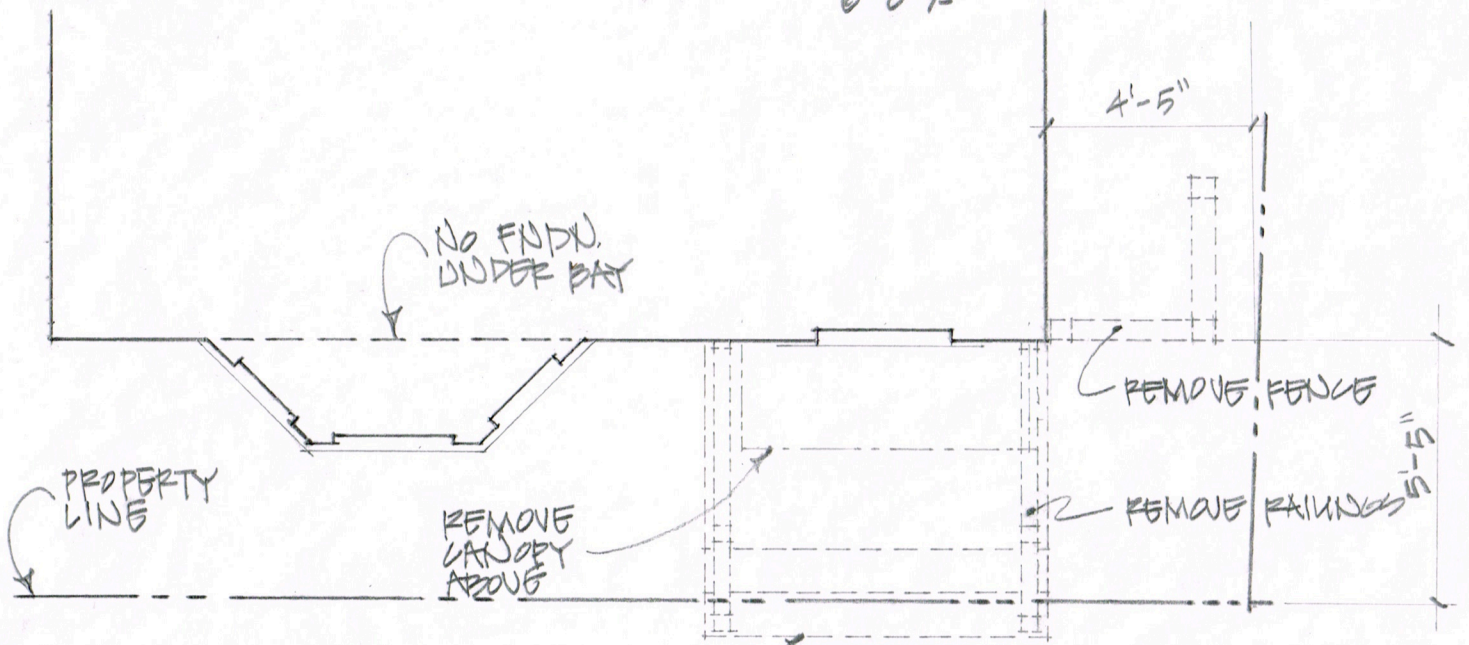
10 Ox Point Drive
Kittery, ME 03904
207.752.1371
studioB-E@Comcast.net



3 ROOF PLAN
1/4" = 1'-0"



2 PORCH PLAN
1/4" = 1'-0"



1 DEMOLITION PLAN
1/4" = 1'-0"

Kaiser Residence

30 Spring Street
Portsmouth, NH

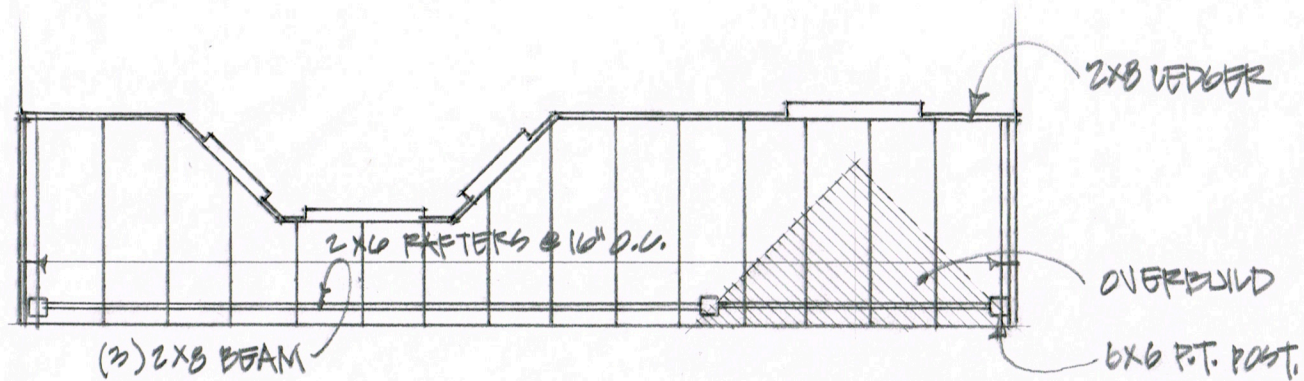
DEMOLITION,
PORCH & ROOF
PLANS

A1.01
02.15.2021

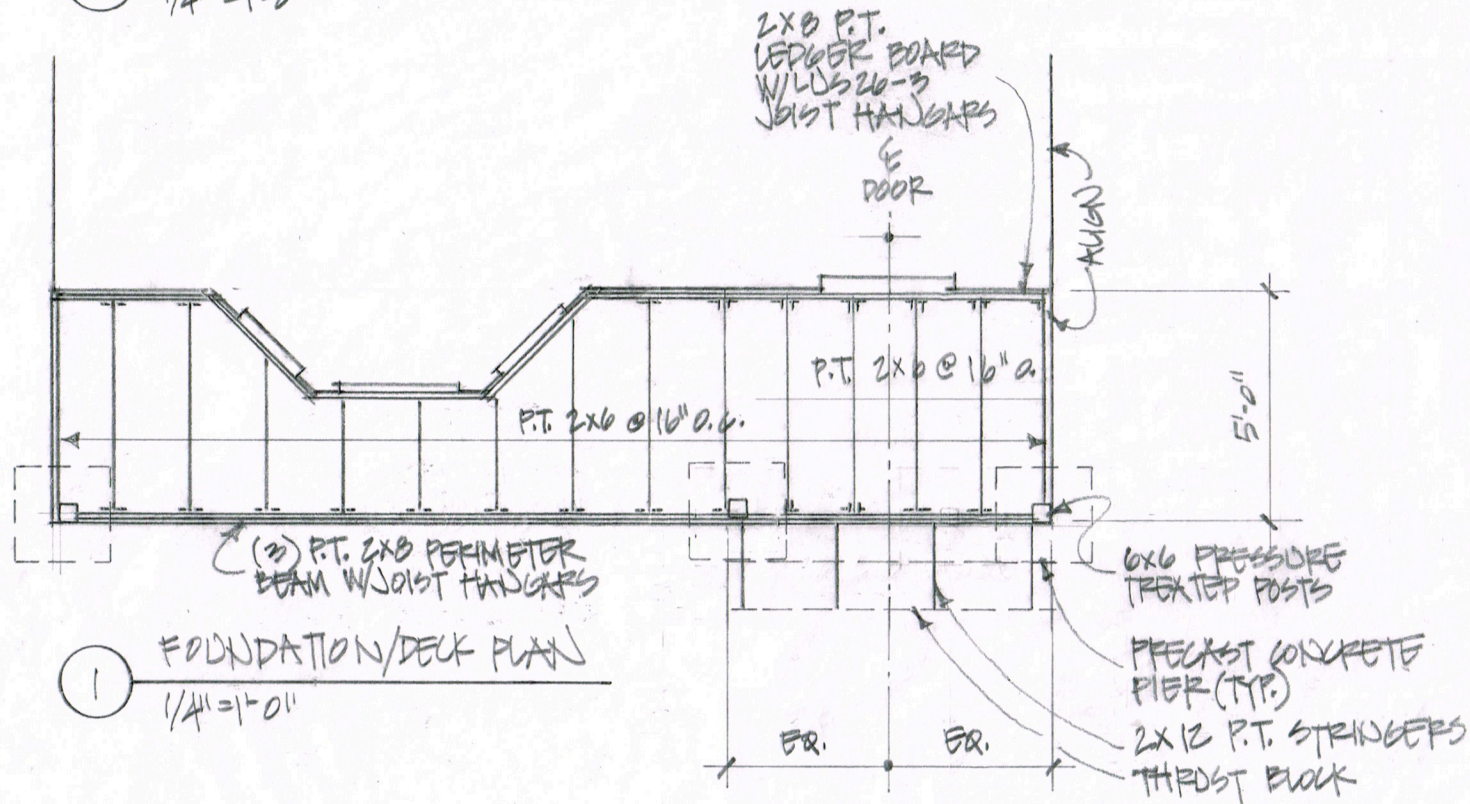


studioB-E
ARCHITECTURE

10 Ox Point Drive
Kittery, ME 03904
207.752.1371
studioB-E@Comcast.net



2 ROOF FRAMING PLAN
1/4" = 1'-0"



1 FOUNDATION/DECK PLAN
1/4" = 1'-0"

Kaiser Residence

30 Spring Street
Portsmouth, NH

FOUNDATIONS
FRAMING
PLANS

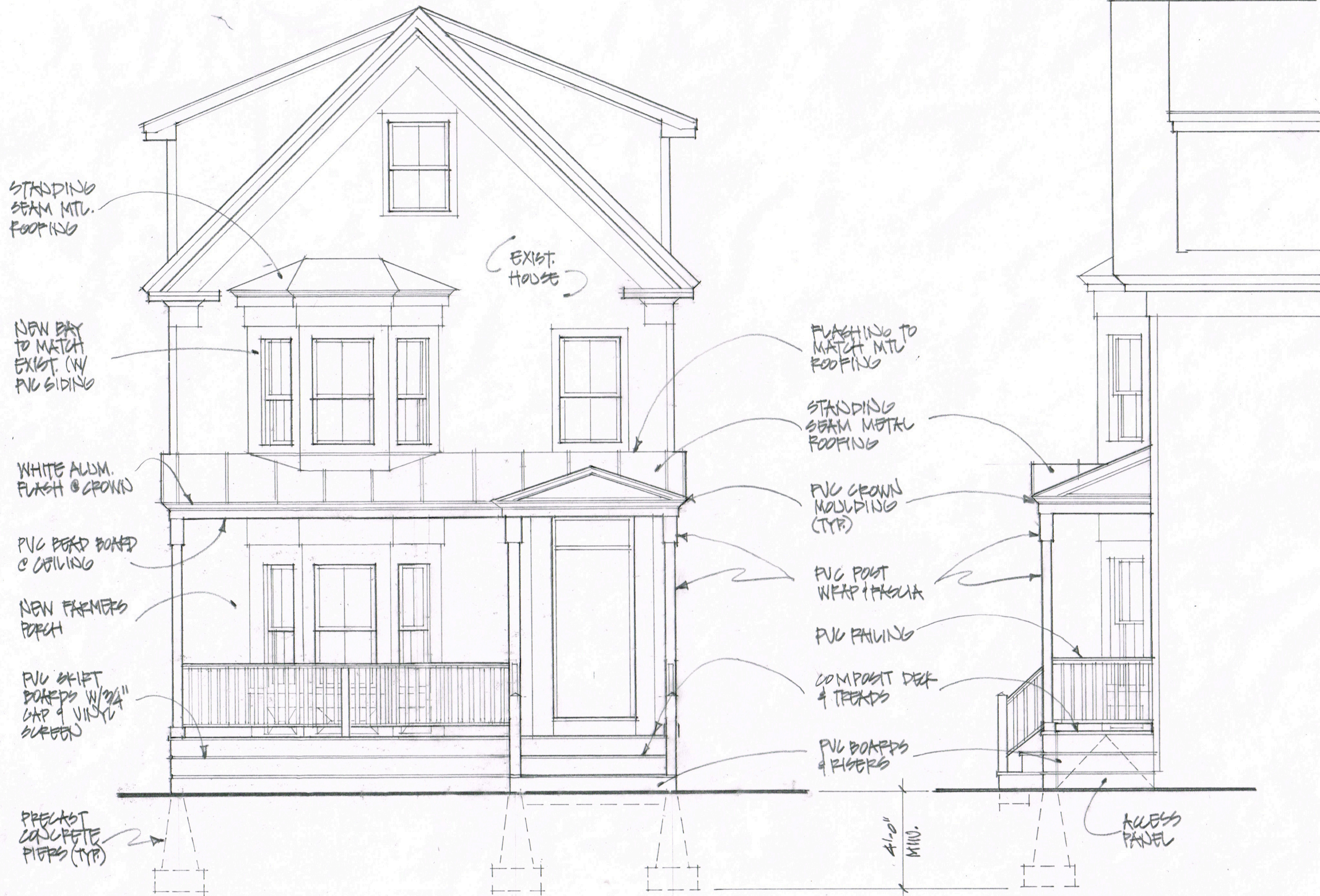
S1.01

02.15.2021



studioB-E
ARCHITECTURE

10 Ox Point Drive
Kittery, ME 03904
207.752.1371
studioB-E@Comcast.net



1 FRONT ELEVATION
1/4" = 1'-0"

2 SIDE ELEVATION
1/4" = 1'-0"

Kaiser Residence

30 Spring Street
Portsmouth, NH

ELEVATION

A2.o1
02.15.2021

MARK E. BELIVEAU

Pease International Tradeport
One New Hampshire Avenue, #350
Portsmouth, NH 03801

P 603.373.2002
F 603.433.6372
C 603.969.6574
mbeliveau@pierceatwood.com
pierceatwood.com

Admitted in: NH

March 16, 2021

Peter Stith, Principal Planner
City of Portsmouth
1 Junkins Avenue
Portsmouth, NH 03801

Re: Spaulding Group, LLC
180 Spaulding Turnpike
Portsmouth, NH
Tax Map 236, Lot 39
Variance Application

Dear Peter:

On behalf of the Spaulding Group, LLC, please find the original and ten (10) copies of the following documents in support of the request for variances by Spaulding Group, LLC. A complete application has been uploaded to the City of Portsmouth's online application center. We request that the enclosed application be considered by the Zoning Board at its April 20, 2021 meeting.

- 1) Variance Application
- 2) Landowner Letter of Authorization
- 3) Memorandum and Exhibits in support of Variances
- 4) Exhibits:
 - A. Ambit Engineering Plan Set, last revised February 23, 2021.
 - Cover Sheet
 - Existing Conditions Plan
 - Variance Plan
 - B. ChangeUp, Inc. Plans (the Mazda design firm), dated February 2021.
 - Exterior Rendering
 - Exterior Elevations
 - 1st Floor Plan
 - 2nd Floor Plan
 - C. Photographs of Existing Site Conditions.
 - D. Tax Map 236, Lot 39 (Seacoast Mazda Property).

Peter Stith, Principal Planner
March 16, 2021
Page 2

- E. Photograph of Property taken March 4, 1961, Opening Day.
- F. Letter from Bow Street Commercial Brokerage dated February 22, 2021.

Please let me know if you have any questions or comments. Thank you.

Very truly yours,



Mark E. Beliveau

MEB/dls

Enclosure

Cc: Timothy Ackerman, Spaulding Group, LLC
Ambit Engineering, Inc.
Port One Architects

MEMORANDUM

TO: City of Portsmouth Zoning Board of Adjustment (“*ZBA*”)

FROM: Mark E. Beliveau, Esq., Pierce Atwood LLP
Attorney for Spaulding Group, LLC (the “*Applicant*”)

DATE: March 16, 2021

RE: Spaulding Group, LLC Application for Variances at 180 Spaulding Turnpike
(Map 236, Lot 39) (the “*Application*”).

Dear Chairman Rheame and Members of the Board:

On behalf of Timothy Ackerman, Manager and Member of Spaulding Group, LLC and owner of Seacoast Mazda, we are pleased to provide this Memorandum in support of the requested variances. The variances sought will allow for the following (i) the demolition of the Seacoast Mazda showroom and customer service area and their reconstruction within the existing footprint, (ii) the addition of a new second floor office and storage space over a portion of the showroom, and (iii) the expansion of the building to convert the existing outdoor customer service drive-up area to an indoor customer service and customer drive-in area. The proposed new showroom, customer service and customer drive-in areas will align with the front, side and rear of the current building and, thereby, maintain the same setbacks from property boundaries that exist today.

Included with this Memorandum are the following Exhibits:

- A. Ambit Engineering Plan Set, last revised February 23, 2021.
 - Cover Sheet
 - Existing Conditions Plan
 - Variance Plan
- B. ChangeUp, Inc. Plans (the Mazda design firm), dated February 2021.
 - Exterior Rendering
 - Exterior Elevations
 - 1st Floor Plan
 - 2nd Floor Plan
- C. Photographs of Existing Site Conditions.
- D. Tax Map 236, Lot 39 (Seacoast Mazda Property).
- E. Photograph of Property taken March 4, 1961, Opening Day.
- F. Letter from Bow Street Commercial Brokerage dated February 22, 2021.

I. Property Description

Spaulding Group, LLC is the owner of the property at 180 Spaulding Turnpike (the “**Property**”), the home of Seacoast Mazda. Tim Ackerman has owned and operated Seacoast Mazda at the Property for the past 18 years. An automobile dealership has continuously operated at the Property since March 4, 1961 when Seacoast Motors, Inc. opened with Volkswagen and Porsche dealerships. See Exhibit E. As you can observe from comparing the photographs of existing site conditions (Exhibit C) with the photo from 1961, the Property has changed little in 60 years. The Property is located within the General Business District (“**GBD**”) and consists of 1.2485 acres. Sales and service of motor vehicles is permitted in the GBD.

The Property is improved with a single story building consisting of a small automobile showroom, offices and customer service area in the front and 10 automobile service bays in the rear. The parcel frontage is along the Spaulding Turnpike, with sidelines along Farm Lane and property of New England Marine and Industrial, Inc. (“**NE Marine**”), another commercial business. The rear property line also abuts the NE Marine property. A 300’ wide Public Service Company of New Hampshire transmission line easement with multiple poles, towers and wires crosses the NE Marine property running parallel to the northeast boundary of Seacoast Mazda. The PSNH easement abuts the Property and encumbers the full width of the NE Marine property extending to the nearest residence on Farm Lane. This part of the NE Marine property is within the Single Residence B District (“**SRB**”).

The Property is situated within a narrow strip of the GBD. In fact, the northeast boundary of the Property also serves as the common boundary for the GBD and SRB. As shown on the Existing Conditions Plan, the 100’ setback for structures from the SRB and 30’ front yard setback leaves approximately 20’ of buildable area on the Property. As a result, if the building at the Property were to be reconstructed for practically any of the 41 permitted uses in the GBD, variances would be needed. Moreover, the 200’ use setback from the SRB for the sale of motor vehicles consumes all of the Property extending into the Spaulding Turnpike.

II. Proposed Project

As a Mazda automobile dealer franchisee, Seacoast Mazda has been directed by Mazda North America to seek all the necessary approvals to build a new showroom and customer service area. While clean and well maintained, the existing showroom and customer service area are in need of updating to provide a more functional, efficient and welcoming space.

The proposed project involves demolishing the existing showroom, offices and service area and building a new showroom and connected customer service area within the existing footprint, adding a second floor over a portion of the showroom for offices and storage space and expanding the showroom to include an enclosed customer service and customer drive-in area. The enclosed customer service and customer drive-in area will be in the same location as the existing outdoor customer service drive-up area. The proposed new showroom, customer service and customer drive-in areas will align with the front, side and rear of the current building and thereby maintain the same setbacks from property boundaries that exist today. There will be no other changes to the Property. See Exhibits A and B for survey plans and design plans.

The proposed project will increase the footprint of the existing building by approximately 2,410 GSF. This increase is largely represented by the conversion of the existing outdoor customer service drive-up area to an indoor customer service and customer drive-in area. The proposed second floor office and storage space is approximately 1,710 GSF resulting in a total increase of 4,120 GSF. The estimated cost of construction is approximately \$2,500,000.

The height of the existing showroom from floor elevation is approximately 12' - 8". The height of the rear portion of the building from floor elevation is approximately 17'. The roof height of the proposed new two-story showroom will be approximately 25' - 6". The roof height of the proposed one-story service wing will be approximately 18'. These heights are well below the maximum permitted structure height in the GBD of 60'.

Seacoast Mazda and its project team have worked hard to create a design that fits the Property, is attractive and results in functional and welcoming space that is consistent with modern standards.

III. Required Variances from Portsmouth Zoning Ordinance

- A variance from Section 10.531 to allow a fifteen foot (15') rear yard setback where fifty feet (50') is required.
- A variance from Section 10.591 to allow a structure to be setback fifteen feet (15') from a parcel in the SRB where one hundred feet (100') is required.
- A variance from Section 10.592.20 to allow the sale, rental, leasing, distribution and repair of vehicles adjacent to the SRB where a minimum distance of two hundred feet (200') is required.
- A variance from Section 10.321 to allow a nonconforming building to be extended, reconstructed or enlarged without conforming to the requirements of the Zoning Ordinance.

IV. Prior Application and Fisher v. Dover Analysis

In 2000, a prior owner of the Property applied to the ZBA for variances to construct improvements that were substantially similar to what is being proposed in the current Application. The earlier application was denied under the *Governor's Island Club v. Gilford* hardship standard which required that the applicant show a deprivation "so great as to effectively prevent the owner from making any reasonable use of the land." 124 N.H. 126, 130 (1983) (the "*Prior Application*").

It is well established in New Hampshire that successive variance proposals must show either (a) material changes in the proposed use of the land, or (b) material changes in the circumstances affecting the merits of the application. *Fisher v. City of Dover*, 120 N.H. 187

(1980). While the Applicant is not proposing a materially different project from that which was proposed in 2000, the law concerning variances has fundamentally changed since 2000, particularly concerning the unnecessary hardship standard, and the New Hampshire Supreme Court has found that this change in standard constitutes a “material change in circumstances affecting the merits of [an] application” requiring that a zoning board consider a subsequent variance application under the new law. *Brandt Development Co. of N.H. v. City of Somersworth*, 162 N.H. 553 (2011).

Ironically, just one year after the Prior Application was denied, the New Hampshire Court in *Simplex Technologies v. Town of Newington*, 145 N.H. 727 (2001), recognized that its restrictive approach to granting variances was contrary to the constitutional rights of property owners and overruled *Governor’s Island*. In *Brandt*, the Court said that “*Simplex* established a new standard that is markedly more favorable to property owners seeking variances than was the standard under *Governor’s Island*.” *Brandt*, 162 N.H. at 597 (citing *Simplex*, 145 N.H. at 731-32).

Simplex was followed by *Boccia v. City of Portsmouth*, 151 N.H. 85 (2004), which made further significant changes to how “area” variances were to be determined.

Then, in 2010, the New Hampshire legislature established a uniform unnecessary hardship standard for both use and area variances that is substantially similar to the test the Court adopted in *Simplex*. Now, “unnecessary hardship” means that owing to special conditions of the property that distinguish it from other properties in the area (i) no fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property; and (ii) the proposed use is a reasonable one. RSA 674:33(I)(b)(1).

Thus, the unnecessary hardship standard under which this Application would be reviewed is materially and fundamentally different than the standard under which the Prior Application was denied. In *Brandt*, the Supreme Court confirmed that the doctrinal changes in the unnecessary hardship standard create a “reasonable possibility” of a different outcome for a zoning variance application, which is sufficient under *Fisher* to obtain a second review of a previously denied variance application. The Court further noted that, “Although the other four criteria of the variance test under RSA 647:33 have not changed to the same degree as the unnecessary hardship criterion, they have been refined and clarified since 1994”, citing cases that were decided after 2000. *Brandt*, 162 N.H. at 559.

Based on the changes in the law concerning the unnecessary hardship standard and other criteria, there is a reasonable possibility of a different outcome for the Application and, pursuant to the Court’s holding in *Brandt*, the ZBA should consider the Application.

Accordingly, the Applicant respectfully requests that the Zoning Board find that a material change of circumstances has occurred since the Prior Application and, therefore, will give the Application full consideration.

V. **Five Criteria Must be Met to Obtain Approval of a Variance**

An applicant seeking a variance must demonstrate that;

- (A) The variance will not be contrary to the public interest;
- (B) The spirit of the ordinance will be observed;
- (C) Substantial justice will be done;
- (D) The values of surrounding properties will not be diminished;
- (E) Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship.

NH RSA 674:33(I)(a)(2). As set forth below, the Application meets each of the criteria for the approval of the variances.

- A. The variances are not contrary to the public interest; and**
- B. The spirit of the Ordinance is observed.**

The New Hampshire Supreme Court has observed that “[t]he requirement that the variance not be contrary to the public interest is related to the requirement that the variance be consistent with the spirit of the ordinance” and, therefore, the Court considers these criteria together. *Malachy Glen Assocs. v. Town of Chichester*, 155 N.H. 102, 105 (2007). The analysis of these criteria begins by examining the applicable ordinance. However, the Court has acknowledged that because “the provisions of the ordinance represent a declaration of public interest, any variance would in some measure be contrary thereto.” *Harborside Assocs. v. Parade Resident Hotel*, 162 N.H. 508, 514 (2011).

Accordingly, to determine whether a variance is not contrary to the public interest and is consistent with the spirit of the Ordinance, it must be determined whether granting the variance would “unduly and in a marked degree” conflict with the Ordinance such that “it violates the ordinance’s basic zoning objectives.” *Harborside Assocs. v. Parade Resident Hotel*, 162 N.H. 508, 514 (2011). Determining whether a variance violates the Ordinance’s basic zoning objectives involves evaluating “whether granting the variance would alter the essential character of the neighborhood or threaten public health, safety or welfare.” *Id.*

Granting the variances presented in the Application will neither alter the essential character of the neighborhood nor threaten public health, safety or welfare. The Property is located in the GBD where the sale of motor vehicles is permitted. In addition, the property abuts the Spaulding Turnpike and is surrounded by commercial uses. The GBD along the Spaulding Turnpike where the Property is located is heavily commercial and, as such, is consistent with the purpose of the GBD, which is “to provide for a wide range of retail and commercial uses in areas with excellent regional highway access.” City of Portsmouth, N.H., Zoning Ordinance § 10.410.

The proposal of the Applicant is to continue the same permitted use that has been made of the Property for 60 years but conduct a much needed renovation of the showroom and customer service area working within the existing footprint, the addition of a second floor office and storage space over a portion of the showroom and expanding the showroom to include an enclosed customer service and customer drive-in area. These improvements will modernize the existing space allowing for a more functional and comfortable environment for employees and customers. Importantly, the improvements do not represent an expansion of operations. For example, the service bays will not be changing and neither will the vehicle display area.

Furthermore, the purpose and spirit of the setback provisions will be observed if the variances are granted. First, the new construction will not be any closer to property lines than what already exists at the Property. And, second, the existing transmission line easement creates a 310' setback of the Property from the nearest residence in SRB. As a result, in actuality, the required setbacks from the SRB for which we seek a variance are met and exceeded today and that will not change if the variances are granted.

C. Substantial justice will be done.

With respect to this criterion, the Court has said that “perhaps the only guiding rule . . . is that any loss to the individual that is not outweighed by a gain to the general public is an injustice.” *Malachy*, 155 N.H. at 107 (citing 15 P. Loughlin, *New Hampshire Practice, Land Use Planning and Zoning*, § 24.11, at 308 (2000)).

The building at the Property is in need of renovation. Not granting the variances will result in a substantial loss for the Applicant especially in light of the fact that any attempt to reconstruct the building at the Property for any other permitted use in the GBA will also require variances. Plainly, the loss to the Applicant will not be outweighed by a gain to the general public. The general public gains nothing from keeping the Property in its current condition. Indeed, the general public will benefit from the increased property tax revenue that is realized as a result of the new construction.

Approving the variances will allow the Applicant to rehabilitate an out-of-date building and continue a business in more functional and comfortable space that has operated at the Property for 60 years. There is no benefit to the general public that outweighs the burden and hardship to the Applicant if the variances are denied. Approving the requested variances will achieve substantial justice.

D. Granting the variances will not diminish surrounding property values.

The proposed improvements will not diminish the value of surrounding properties. The Property is located in the GBD where the sale of motor vehicles is permitted. In addition, the property abuts the Spaulding Turnpike and commercial uses surround the Property. The GBD along the Spaulding Turnpike where the Property is located is heavily commercial and includes retail, hotels, restaurants and automobile dealerships. The use of the Property is consistent with

the uses of other nearby properties within the GBD. The proposed improvements will not diminish the value of the surrounding commercial uses.

The nearest residential property is over 300 feet away. A substantial 300' wide Public Service Company of New Hampshire transmission line easement with numerous poles, towers and wires separates the Property from the residential homes on Farm Lane. Moreover, the proposed improvements do not represent an expansion of operations but only an opportunity to renovate a building that has not changed since it was built 60 years ago. We believe that the enclosure of the drive-up customer service area will be an added benefit as it will bring that transition area inside. In addition, the building will not be any closer to the lot line than the existing building. Furthermore, there is a limited amount of glass proposed for the right side of the building minimizing any new interior light that might be visible from enclosing the drive-up customer service area. In any event, the substantial distance that separates the Property from the nearest residential property provides a significant buffer. The exterior lighting for the Property will not change from what is present today.

In support of this criterion, the Applicant has provided the opinion of Margaret O'Brien, Principal Broker with Bow Street Commercial Brokerage. A copy is attached hereto as Exhibit F. Ms. O'Brien has worked as a commercial real estate broker in the Portsmouth area for more than 23 years. In her letter report, she cites to recent nearby strong residential sales of property that are closer to the Spaulding Turnpike and Port City Nissan than any residential properties are to Seacoast Mazda. Her professional opinion is that the proposed improvements will be viewed positively by both the commercial and residential marketplace and will in no way diminish surrounding property values.

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

An unnecessary hardship exists when “[o]wing to special conditions of the property that distinguish it from other properties in the area (A) no fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property, and (B) the proposed use is a reasonable one. RSA 674:33(I)(b)(1).

The size and width of the Property are the special conditions that distinguish it from other properties in the area. The property is one of the smallest and most narrow strips of land among all of the commercially zoned properties in the GBD and other districts that exist along the Spaulding Turnpike from the Portsmouth Traffic Circle to the Newington town line.

These conditions that characterize 180 Spaulding Turnpike are compounded by the fact that the SRB district boundary is the northeast boundary of the Property resulting in setbacks that engulf the Property. A major mitigating factor, however, and the reason that no fair and substantial relationship exists between the purpose of the setbacks and their application to the Property, is the existence of the transmission line easement that encumbers the abutting SRB property for more than 300'. This easement has the effect of creating a buffer between the

commercially zoned Seacoast Mazda property and the residences on Farm Lane that is greater than the required setbacks. Accordingly, there is no reason to apply the literal requirements of the setbacks in question to the Property.

The Applicant's proposed use of the Property is reasonable. As stated above, motor vehicle sales and service is permitted in the GBD. The proposed new showroom, customer service area and customer service drive-in area will align with the front, side and rear of the current building and, as a result, maintain the same setbacks from property boundaries that exist today. The increased height of the showroom is well-below the allowed maximum height for structures. Significantly, any attempt to reconstruct the building at the Property for practically any other permitted use in the GBA will also require variances.

For these reasons, literal enforcement of the Ordinance would result in an unnecessary hardship to the Applicant under RSA 674:33(I)(b)(1).

VI. Conclusion

Based on all of the reasons discussed herein, the Applicant respectfully requests that the Zoning Board grant the variances. Thank you.

Respectfully submitted,
Spaulding Group, LLC

By:


Mark E. Beliveau, Esq.

Pierce Atwood LLP

1 New Hampshire Avenue, Suite 350

Portsmouth NH 03801

603-373-2002

mbeliveau@pierceatwood.com

SITE DEVELOPMENT SEACOAST MAZDA 180 SPAULDING TURNPIKE PORTSMOUTH NEW HAMPSHIRE ZBA PLANS

Exhibit A

OWNER AND APPLICANT:
SPAULDING GROUP, LLC
180 SPAULDING TURNPIKE
PORTSMOUTH, N.H. 03801
TEL. (603) 436-6811

ARCHITECT:
PORT ONE ARCHITECTS
959 ISLINGTON STREET
PORTSMOUTH, NH
TEL. (603) 436-8891

CIVIL ENGINEER & LAND SURVEYOR:

CORPORATE ARCHITECT:

AMBIT ENGINEERING, INC.
200 GRIFFIN ROAD, UNIT 3
PORTSMOUTH, N.H. 03801
TEL. (603) 430-9282
FAX (603) 436-2315

CHANGE UP
2056 BYERS ROAD
DAYTON, OH
TEL. (844) 804-7700

Legend

Character Districts

Character-Based Zoning Area
(Refer to Zoning Map Sheet 2 of 2
Character Districts Regulating Plan)

Residential Districts

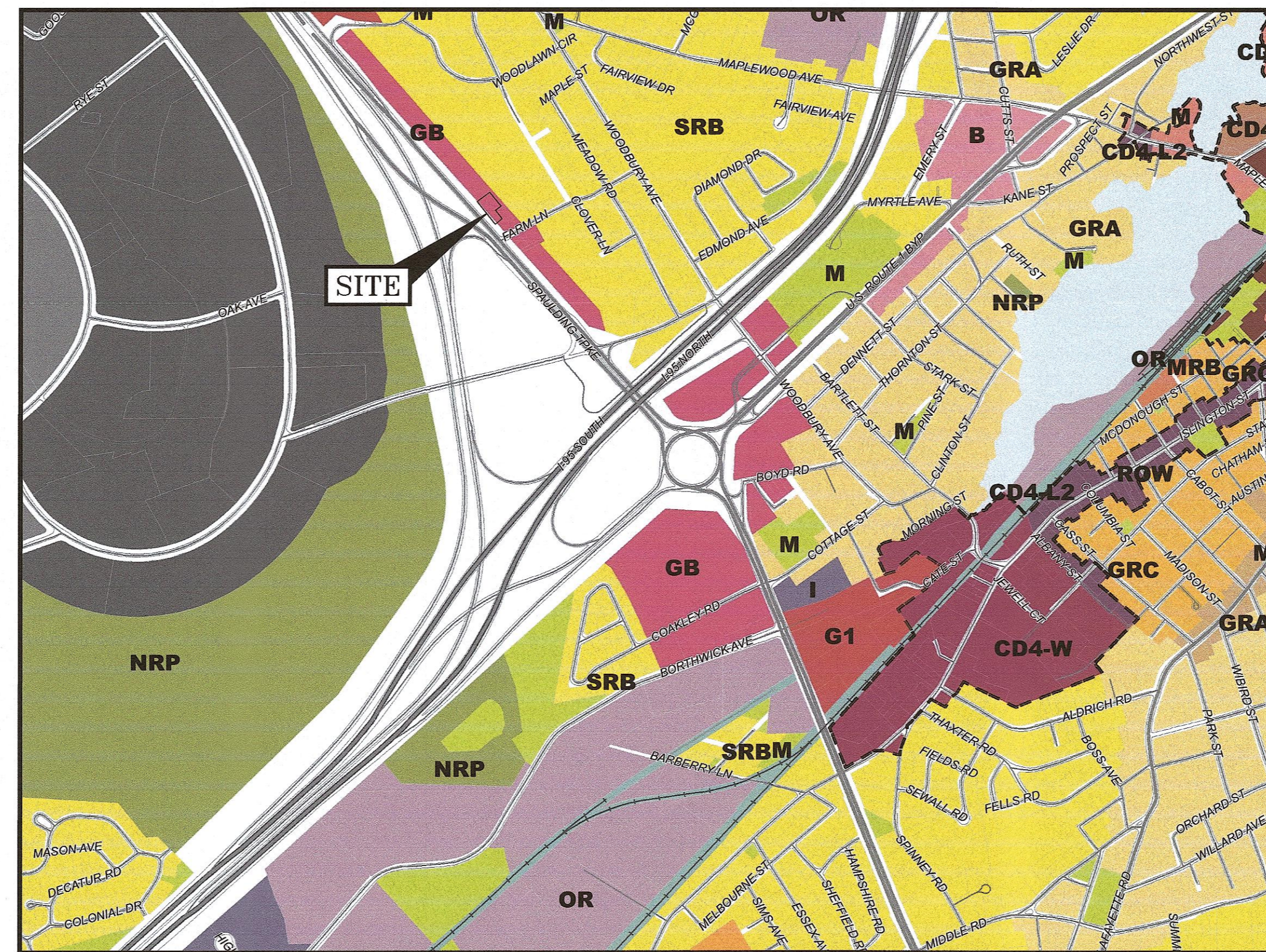
- R Rural
- SRA Single Residence A
- SRB Single Residence B
- GRA General Residence A
- GRB General Residence B
- GRC General Residence C
- GAMH Garden Apartment/Mobile Home Park

Mixed Residential Districts

- MRO Mixed Residential Office
- MRB Mixed Residential Business
- G1 Gateway Corridor
- G2 Gateway Center

Business Districts

- GB General Business
- B Business
- WB Waterfront Business



PORTSMOUTH ZONING MAP NTS

UTILITY CONTACTS

ELECTRIC:
EVERSOURCE
1700 LAFAYETTE ROAD
PORTSMOUTH, N.H. 03801
Tel. (603) 436-7708, Ext. 555.5678
ATTN: MICHAEL BUSBY, P.E. (MANAGER)

NATURAL GAS:
UNITIL
325 WEST ROAD
PORTSMOUTH, N.H. 03801
Tel. (603) 294-5144
ATTN: DAVE BEAULIEU

CABLE:
COMCAST
155 COMMERCE WAY
PORTSMOUTH, N.H. 03801
Tel. (603) 679-5695 (X1037)
ATTN: MIKE COLLINS

SEWER & WATER:
PORTSMOUTH DEPARTMENT OF PUBLIC WORKS
680 PEVERLY HILL ROAD
PORTSMOUTH, N.H. 03801
Tel. (603) 427-1530
ATTN: JIM TOW

COMMUNICATIONS:
CONSOLIDATED
COMMUNICATIONS
JOE CONSIDINE
1575 GREENLAND ROAD
GREENLAND, N.H. 03840
Tel. (603) 427-5525

LEGEND:		
EXISTING	PROPOSED	
		PROPERTY LINE
		SETBACK
		SEWER PIPE
		SEWER LATERAL
		GAS LINE
		STORM DRAIN
		WATER LINE
		WATER SERVICE
		UNDERGROUND ELECTRIC
		OVERHEAD ELECTRIC/WIRES
		FOUNDATION DRAIN
		EDGE OF PAVEMENT (EP)
		CONTOUR
		SPOT ELEVATION
		UTILITY POLE
		WALL MOUNTED EXTERIOR LIGHTS
		TRANSFORMER ON CONCRETE PAD
		ELECTRIC HANDHOLD
		SHUT OFFS (WATER/GAS)
		GATE VALVE
		HYDRANT
		CATCH BASIN
		SEWER MANHOLE
		DRAIN MANHOLE
		TELEPHONE MANHOLE
		PARKING SPACE COUNT
		PARKING METER
		LANDSCAPED AREA
		TO BE DETERMINED
		CAST IRON PIPE
		COPPER PIPE
		DUCTILE IRON PIPE
		POLYVINYL CHLORIDE PIPE
		REINFORCED CONCRETE PIPE
		ASBESTOS CEMENT PIPE
		VITRIFIED CLAY PIPE
		EDGE OF PAVEMENT
		ELEVATION
		FINISHED FLOOR
		INVERT
		SLOPE FT/FT
		TEMPORARY BENCH MARK
		TYPICAL
		WINDOW WELL



INDEX OF SHEETS

DWG No.	Description
C1	EXISTING CONDITIONS PLAN
V1	VARIANCE PLAN

PORTSMOUTH APPROVAL CONDITIONS NOTE:
ALL CONDITIONS ON THIS PLAN SET SHALL REMAIN IN EFFECT IN PERPETUITY PURSUANT TO THE REQUIREMENTS OF THE CITY OF PORTSMOUTH SITE PLAN REVIEW REGULATIONS.

APPROVED BY THE PORTSMOUTH ZONING BOARD

CHAIRMAN _____

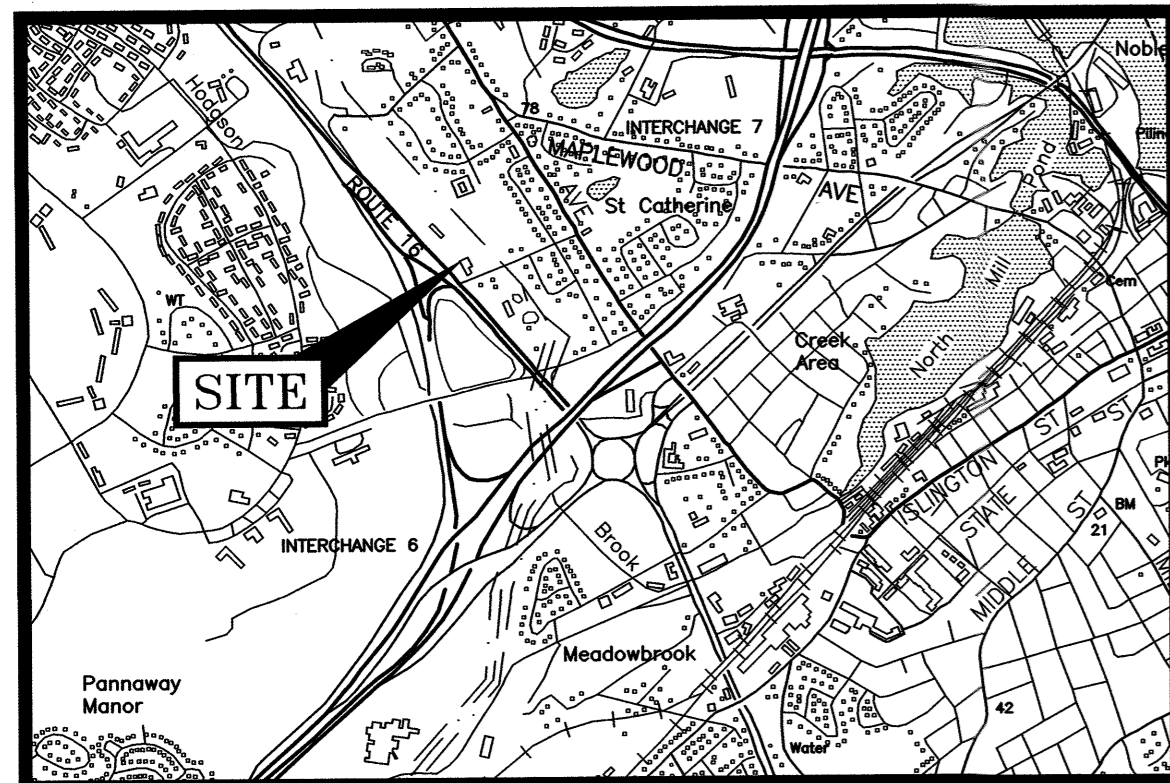
DATE _____

**SITE DEVELOPMENT
SEACOAST MAZDA
180 SPAULDING TURNPIKE
PORTSMOUTH, N.H.**



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

PLAN SET SUBMITTAL DATE: 23 FEBRUARY 2021



LOCATION MAP SCALE: 1"=2,000'

LEGEND:

- | | |
|---------|------------------------------|
| N/F | NOW OR FORMERLY |
| RP | RECORD OF PROBATE |
| RCRD | ROCKINGHAM COUNTY |
| | REGISTRY OF DEEDS |
| (157/3) | MAP 157 / LOT 3 |
| - - - - | BOUNDARY |
| - - - - | SETBACK |
| ○ | RAILROAD SPIKE FOUND |
| ○ | IRON ROD/PIPE FOUND |
| ○ | DRILL HOLE FOUND |
| ○ | STONE/CONCRETE BOUND FOUND |
| ○ | RAILROAD SPIKE SET |
| ○ | IRON ROD SET |
| ○ | DRILL HOLE SET |
| ○ | GRANITE BOUND SET |
| - - - - | SEWER LINE |
| - - - - | GAS LINE |
| - - - - | STORM DRAIN |
| - - - - | WATER LINE |
| - - - - | UNDERGROUND ELECTRIC |
| - - - - | OVERHEAD ELECTRIC/WIRES |
| 100 | CONTOUR |
| 97x3 | SPOT ELEVATION |
| - - - - | EDGE OF PAVEMENT (EP) |
| - - - - | WOODS / TREE LINE |
| ○ | UTILITY POLE (w/ GUY) |
| ○ | GAS SHUT OFF |
| ○ | WATER SHUT OFF/CURB STOP |
| ○ | GATE VALVE |
| ○ | HYDRANT |
| ○ | METER (GAS, WATER, ELECTRIC) |
| ○ | CATCH BASIN |
| ○ | TELEPHONE MANHOLE |
| ○ | SEWER MANHOLE |
| ○ | DRAIN MANHOLE |
| ○ | AIR CONDITIONER UNIT |
| ○ | SIGNS |
| AC | ASBESTOS CEMENT PIPE |
| CI | CAST IRON PIPE |
| CMP | CORRUGATED METAL PIPE |
| CMU | CONCRETE MASONRY UNIT |
| COP | COPPER PIPE |
| DI | DUCTILE IRON PIPE |
| PVC | POLYVINYL CHLORIDE PIPE |
| RCP | REINFORCED CONCRETE PIPE |
| VC | VITRIFIED CLAY PIPE |
| EL. | ELEVATION |
| EP | EDGE OF PAVEMENT |
| F.F. | FINISHED FLOOR |
| INV. | INVERT |
| TBM | TEMPORARY BENCHMARK |
| TYP. | TYPICAL |
| VGC/SCC | VERTICAL/SLOPED GRANITE CURB |
| CCB | CAPE COD BERM |
| LSA | LANDSCAPED AREA |
| ○ | EXISTING DISPLAY AREA |

NORTH
NAD83(2011)

GRID
NH SFC

237/56
N/F
NE MARINE AND INDUSTRIAL INC.
200 SPAULDING TURNPIKE
PORTSMOUTH, NH 03801
3285/2577

NOTE:
A) THE EXISTING CONDITIONS INCLUDES 9 STRIPED PARKING SPACES AND IN THE GRAVEL PARKING AREA THERE ARE 21 UNSTRIPED SPACES.

PLAN REFERENCES:
1) REQUEST FOR VARIANCE FOR SEACOAST VOLKSWAGEN - MAZDA, 180 SPAULDING TURNPIKE, COUNTY OF ROCKINGHAM, PORTSMOUTH, NH. PREPARED BY MILLETTE, SPRAGUE & COLWELL, INC. DATED FEBRUARY 14, 2000. FINAL REVISION DATE MARCH 13, 2000. NOT RECORDED.
2) TAX MAP 237 LOT 56, STORAGE CONTAINER LOCATION PLAN, NEW ENGLAND MARINE & INDUSTRIAL, INC., 200 SPAULDING TURNPIKE PORTSMOUTH, NEW HAMPSHIRE, COUNTY OF ROCKINGHAM OWNED BY NEW ENGLAND MARINE & INDUSTRIAL, INC. PREPARED BY TFMORAN, INC. DATED JUNE 29, 2017. R.C.R.D. PLAN D-40404.
3) SITE PLAN - 150 SPAULDING TURNPIKE PORTSMOUTH, N.H. PREPARED BY CIVILWORKS NEW ENGLAND. DATED AUGUST 21, 2017, FINAL REVISION DATE JANUARY 5, 2018. R.C.R.D. PLAN D-40623.
4) RECORDING SITE PLAN, OWNERS/APPLICANTS: TWO-WAY REALTY, LLC 120 SPAULDING TURNPIKE PORTSMOUTH, NH 03801, PROJECT: PORT CITY NISSAN DRIVE UP SERVICE BAY AND VEHICLE STORAGE PARKING, MAP 236 LOT 33, 120 SPAULDING TURNPIKE PORTSMOUTH, NH. PREPARED BY ALTUS ENGINEERING, INC. DATED NOVEMBER 27, 2018. R.C.R.D. PLAN D-41705.
5) LOT LINE REVISION, 86 FARM LANE & 125 MEADOW ROAD, ASSESSOR'S PARCELS: 236-74 & 236-68, PORTSMOUTH, NEW HAMPSHIRE, OWNERS: JEANNETTE MacDONALD & WILLIAM A. & CLARIS A. LACEY, PREPARED BY JAMES VERRA AND ASSOCIATES, INC. DATED DECEMBER 1, 2006. FINAL REVISION DATE JANUARY 17, 2007. R.C.R.D. PLAN D-34529.
6) PLAN OF LOTS, PORTSMOUTH, N.H. FOR PAUL C. & ORVILLE C. BADGER. PREPARED BY JOHN W. DURGIN CIVIL ENGINEERS. DATED MAY 1954. R.C.R.D. PLAN #02160.
7) PLANS OF PROPOSED LEGISLATIVE SPECIAL PROJECT LS 1816, CITY OF PORTSMOUTH, TOWN OF NEWINGTON, COUNTY OF ROCKINGHAM. PREPARED BY STATE OF NEW HAMPSHIRE HIGHWAY DEPARTMENT. DATED 1949. ON FILE AT NHDOT.
8) PLANS OF PROPOSED L.S. 1820(1), N.H. NO. P-2692-A SPAULDING TURNPIKE. PREPARED BY STATE OF NEW HAMPSHIRE DEPARTMENT OF PUBLIC WORKS AND HIGHWAYS. DATED 1953. ON FILE AT NHDOT.
9) PLANS OF PROPOSED FEDERAL AID PROJECT I-95-1(15) 12, CONTRACT NO. 1, N.H. PROJECT NO. P-3875-A, INTERSTATE ROUTE 95. PREPARED BY STATE OF NEW HAMPSHIRE DEPARTMENT OF PUBLIC WORKS AND HIGHWAYS. DATED 1970. ON FILE AT NHDOT.

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

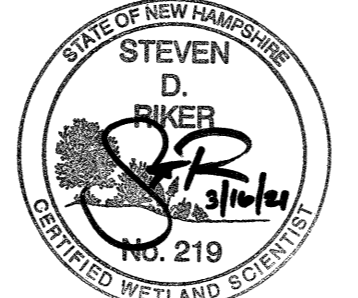
- NOTES:**
- 1) PARCEL IS SHOWN ON THE PORTSMOUTH ASSESSOR'S TAX MAP 236 AS LOT 39.
 - 2) OWNERS OF RECORD:
SPAULDING GROUP, LLC
180 SPAULDING TURNPIKE
PORTSMOUTH, NH 03801
5886/1774
PLAN REFERENCE 1
 - 3) PARCEL IS NOT IN A SPECIAL FLOOD HAZARD AREA AS SHOWN ON FIRM PANEL 33015C0260F. EFFECTIVE 1/29/2021.
 - 4) EXISTING LOT AREA:
54,384 S.F.
1.2485 ACRES
 - 5) PARCEL IS LOCATED IN THE GENERAL BUSINESS (GB) ZONING DISTRICT.
 - 6) DIMENSIONAL REQUIREMENTS:
MIN. LOT AREA: 43,560 SF
FRONTAGE: 200 FEET

SETBACKS: FRONT 30 FEET
SIDE 30 FEET
REAR 50 FEET

MAXIMUM STRUCTURE HEIGHT: 60 FEET
MAXIMUM BUILDING COVERAGE: 30%
MINIMUM OPEN SPACE: 20%
 - 7) THE PURPOSE OF THIS PLAN IS TO SHOW THE EXISTING CONDITIONS ON ASSESSOR'S MAP 236 LOT 39 IN THE CITY OF PORTSMOUTH.
 - 8) VERTICAL DATUM IS NAVD88. BASIS OF VERTICAL DATUM IS REDUNDANT RTN GNSS OBSERVATIONS (±0.2').
 - 9) PARCEL IS SUBJECT TO AN EASEMENT FOR INGRESS AND EGRESS FOR LAND NOW OF NEW ENGLAND MARINE AND INDUSTRIAL, INC. IN AS MUCH AS IT IS STILL IN EFFECT, LOCATION NOT PLOTTABLE. SEE R.C.R.D. 1566/184.
 - 10) PARCEL IS SUBJECT TO A DRAINAGE AGREEMENT (R.C.R.D. 1564/229) & CONDITIONS AS MUCH AS THEY ARE STILL IN EFFECT (R.C.R.D. 1499/277).
 - 11) LICENSE AREA FOR PARKING, STORAGE, AND PLACING AUTOMOBILES IS SHOWN PER PLAN REFERENCE 1 & R.C.R.D. PLAN D-40404. THE LICENSE AGREEMENT BETWEEN THE OWNERS OF PARCELS 237/56 AND 236/39 ALLOW FOR A 25' WIDE AREA TO PARK AND STORE VEHICLES. SEE CITY AGREEMENT TO LIMIT TO 19' FROM EDGE OF PAVEMENT.

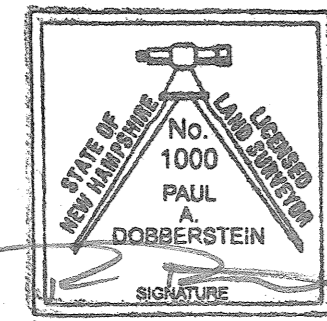
WETLAND NOTES:

- 1) WETLAND LINES DELINEATED BY STEVEN D. RIKER, CWS ON 9/25/2020 & 3/9/21 IN ACCORDANCE WITH THE FOLLOWING STANDARDS:
A) U.S. ARMY CORPS OF ENGINEERS WETLANDS DELINEATION MANUAL, TECHNICAL REPORT Y-87-1 (JAN. 1987). AND REGIONAL SUPPLEMENT TO THE CORPS OF ENGINEERS WETLAND DELINEATION MANUAL: NORTHCENTRAL AND NORTHEAST REGION, VERSION 2.0, JANUARY 2012.
B) FIELD INDICATORS OF HYDRIC SOILS IN THE UNITED STATES, VERSION 8.2, USDA-NRCS, 2018 AND (FOR DISTURBED SITES) FIELD INDICATORS FOR IDENTIFYING HYDRIC SOILS IN NEW ENGLAND, VERSION 4. NEWPCC WETLANDS WORK GROUP (2019).
C) NATIONAL LIST OF PLANT SPECIES THAT OCCUR IN WETLANDS: NORTHEAST (REGION 1), USFWS (MAY 1988).
D) CLASSIFICATION OF WETLANDS AND DEEPWATER HABITATS OF THE UNITED STATES. USFWS MANUAL FWS/OBS-79/31 (1997).
E) "IDENTIFICATION AND DOCUMENTATION OF VERNAL POOLS IN NEW HAMPSHIRE" (1997). NEW HAMPSHIRE FISH AND GAME DEPARTMENT.
- 2) WETLAND FLAGS WERE FIELD LOCATED BY AMBIT ENGINEERING, INC.



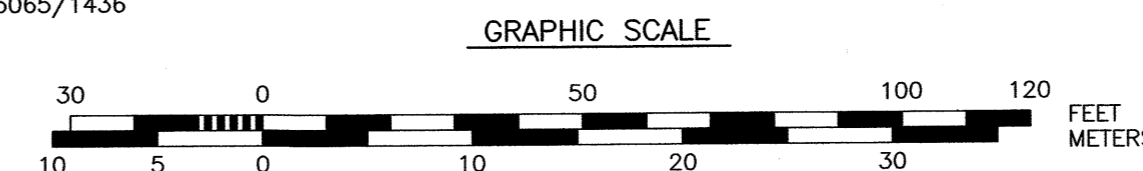
"I CERTIFY THAT THIS PLAN WAS PREPARED UNDER MY DIRECT SUPERVISION, THAT IT IS THE RESULT OF A FIELD SURVEY BY THIS OFFICE AND HAS AN ACCURACY OF THE CLOSED TRAVERSE THAT EXCEEDS THE PRECISION OF 1:15,000."

PAUL A DOBBERSTEIN, LLS
DATE 3/16/2021



AMBIT ENGINEERING, INC.

236/39



SITE DEVELOPMENT
SEACOAST MAZDA
180 SPAULDING TURNPIKE
PORTSMOUTH, N.H.

3	ZONING SETBACKS, ADD'L WETLAND INFO	3/16/21
2	ISSUED FOR APPROVAL	2/23/21
1	SETBACK LINES	12/16/20
0	ISSUED FOR COMMENT	12/5/20
NO.	DESCRIPTION	DATE

REVISIONS

SCALE: 1"=30' DECEMBER 2020

EXISTING CONDITIONS PLAN C1



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

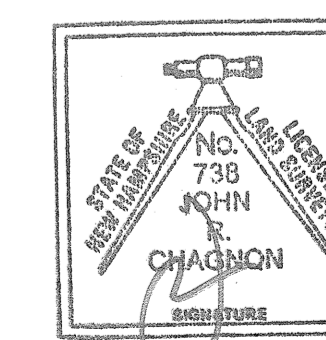
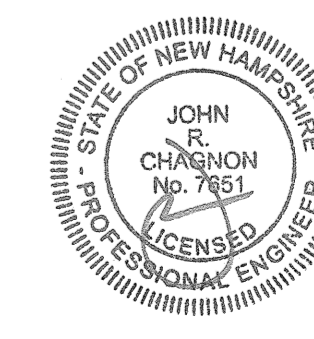
NOTES:

- 1) PARCEL IS SHOWN ON THE PORTSMOUTH ASSESSOR'S TAX MAP 236 AS LOT 39.
- 2) OWNERS OF RECORD:
SPAULDING GROUP, LLC
180 SPAULDING TURNPIKE
PORTSMOUTH, NH 03801
5886/1774
PLAN REFERENCE 1
- 3) PARCEL IS NOT IN A SPECIAL FLOOD HAZARD AREA AS SHOWN ON FIRM PANEL 33015C0260E. EFFECTIVE 5/17/2005.
- 4) EXISTING LOT AREA:
54,384 S.F.
1.2485 ACRES
- 5) PARCEL IS LOCATED IN THE GENERAL BUSINESS (GB) ZONING DISTRICT.
- 6) DIMENSIONAL REQUIREMENTS:
MIN. LOT AREA: 43,560 SF
FRONTAGE: 200 FEET
SETBACKS: FRONT 30 FEET
SIDE 30 FEET
REAR 50 FEET
MAXIMUM STRUCTURE HEIGHT: 60 FEET
MAXIMUM BUILDING COVERAGE: 30%
MINIMUM OPEN SPACE: 20%
- 7) THE PURPOSE OF THIS PLAN IS TO SHOW THE PROPOSED DESIGN IN SUPPORT OF A VARIANCE APPLICATION.
- 8) VERTICAL DATUM IS NAVD88. BASIS OF VERTICAL DATUM IS REDUNDANT RTN GNSS OBSERVATIONS ($\pm 0.2'$).
- 9) PROPOSED USE: SALES, LEASING, AND SERVICING OF VEHICLES.
- 10) PARKING CALCULATION:
SECTION 11.10 SALES OF VEHICLES
15,852 S.F. GFA + 19,443 S.F. DISPLAY AREA.
REQUIRED: 1 PER 600 S.F. GFA + 1 PER 2,000 S.F. OUTSIDE DISPLAY AREA.
REQUIRED: 15,852/600 + 19,443 S.F./2,000
27+10=37 SPACES REQUIRED.
37 SPACES PROVIDED.
- 11) THERE ARE 21 UNSTRIPED PARKING SPACES IN THE GRAVEL AREA.
- 12) NO CHANGES TO EXTERIOR LIGHTING ARE PROPOSED. THERE WILL BE NO CHANGE TO THE CURRENT ON SITE PARKING OR DISPLAY AREA.

**SITE DEVELOPMENT
SEACOAST MAZDA
180 SPAULDING TURNPIKE
PORTSMOUTH, N.H.**

NO.	DESCRIPTION	DATE
1	ISSUED FOR APPROVAL	2/23/21
0	ISSUED FOR COMMENT	12/5/20

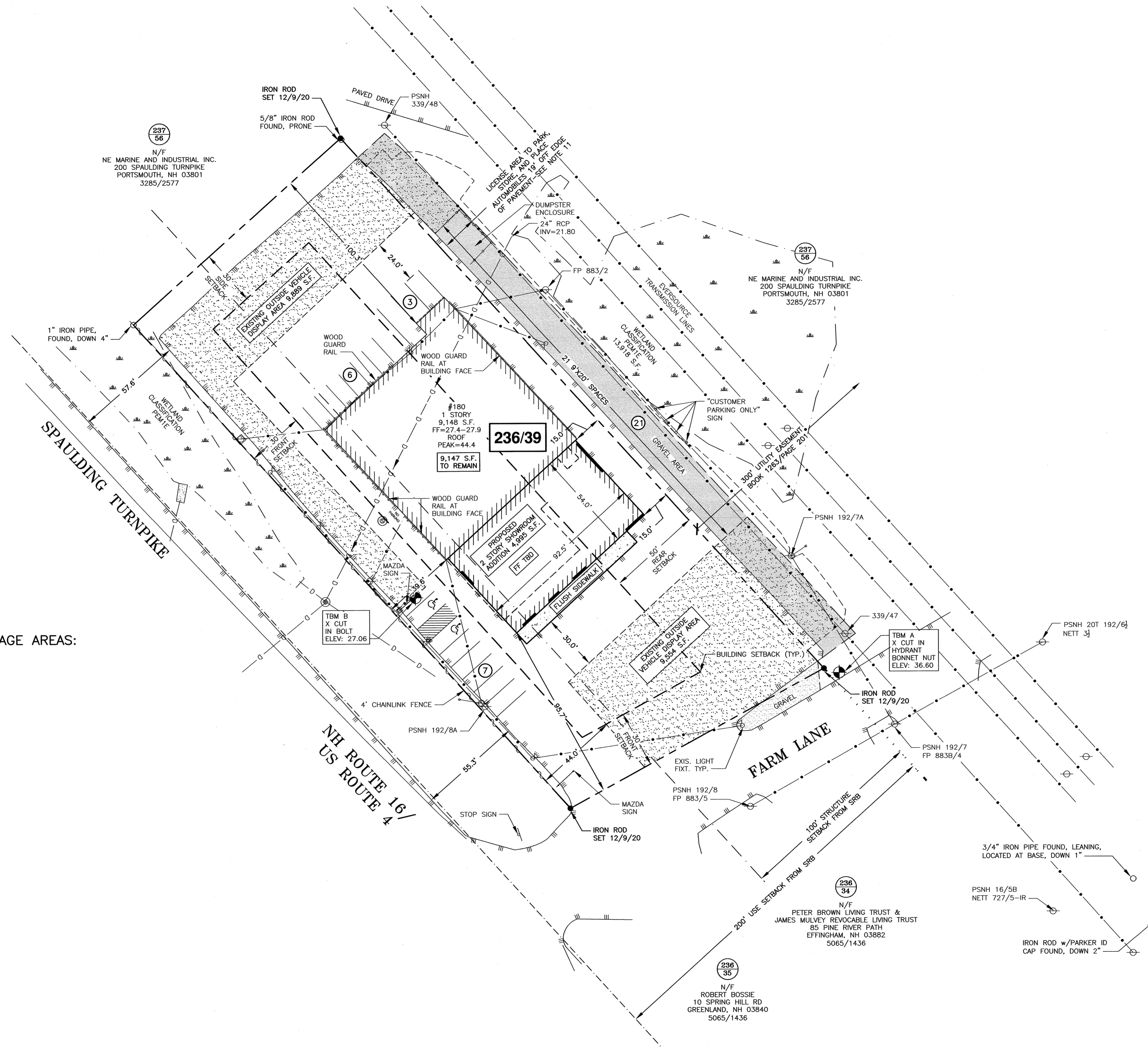
REVISIONS



SCALE: 1"=30' DECEMBER 2020

VARIANCE
PLAN

V1



BUILDING HEIGHT:

EXISTING BUILDING: 12'-8" TO 17'-0"

PROPOSED BUILDING: 18'-0" TO 25'-6"

TOTAL BUILDING GROSS SQUARE FOOTAGE AREAS:

EXISTING BUILDING:
TOTAL: 11,732 GSF

PROPOSED BUILDING:
FIRST FLOOR: 14,142 GSF
SECOND FLOOR: 1,710 GSF
TOTAL: 15,852 GSF

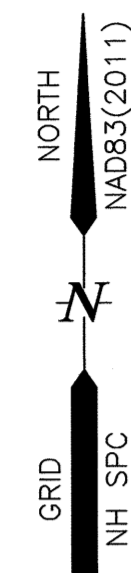
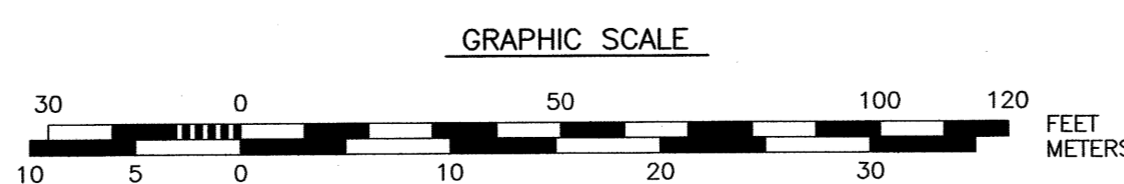
APPLICATION FOR VARIANCE:

- 10.531 TABLE OF DIMENSIONAL STANDARDS:
REAR YARD: PROPOSED 15' SETBACK WHERE 50' IS REQUIRED.
- 10.591 STRUCTURE SETBACK TO RESIDENTIAL DISTRICT:
PROPOSED 15' SETBACK WHERE 100' IS REQUIRED.
- 10.592.20 USE SETBACK FOR RESIDENTIAL DISTRICT:
PROPOSED 0' SETBACK WHERE 200' IS REQUIRED.
- 10.321 EXPANSION OF NONCONFORMING BUILDING:
ITEMS (AS REQUIRED).

APPROVED BY THE PORTSMOUTH ZONING BOARD

CHAIRMAN

DATE



237
56
N/F
NE MARINE AND INDUSTRIAL INC.
200 SPAULDING TURNPIKE
PORTSMOUTH, NH 03801
3285/2577


237
56
N/F
NE MARINE AND INDUSTRIAL INC.
200 SPAULDING TURNPIKE
PORTSMOUTH, NH 03801
3285/2577

236/39

236
35
N/F
ROBERT BOSSIE
10 SPRING HILL RD
GREENLAND, NH 03840
5065/1436

236
34
N/F
PETER BROWN LIVING TRUST &
JAMES MULVEY REVOCABLE LIVING TRUST
85 PINE RIVER PATH
EFFINGHAM, NH 03882
5065/1436



	<p>SEACOAST MAZDA PORTSMOUTH, NH</p>	<p>PROJECT NO. MAZ03.73</p>	<p>CHECKED CU</p>	<p>DATE FEB '21</p>	<p>REVISED</p>	<p>SCALE Not to Scale</p>	<p>ChangeUp</p>	<p>2056 Byers Rd. Dayton, OH 45342 Phone: 844.804.7700</p>	<p>DRAWING TITLE EXTERIOR RENDERING</p>	<p>DWG NO.</p>
<p><small>These drawings are for communication of design intent only. These drawings are to specify size, shape, color, features and proportions, and are not to be used as fabrication drawings.</small></p>										



SEACOAST MAZDA
PORTSMOUTH, NH

PROJECT NO.
MAZ03-73

CHECKED
CU

DATE
FEB '21

REVISED

SCALE
3/32" = 1'-0"

ChangeUp

2556 Biers Rd | Dayton, OH 45342
Phone: 944.804.7700

DRAWING TITLE
EXTERIOR ELEVATIONS

DWG NO.
A-7

LEGEND

#	NOTE DESIGNATOR - REFER TO DRAWING NOTES ON THIS SHEET
EG-?	GRAPHICS DESIGNATOR - REFER TO "G" SERIES SHEETS
?-#	FINISH DESIGNATOR - REFER TO SCHEDULES ON A-4A AND A-4B SERIES SHEETS

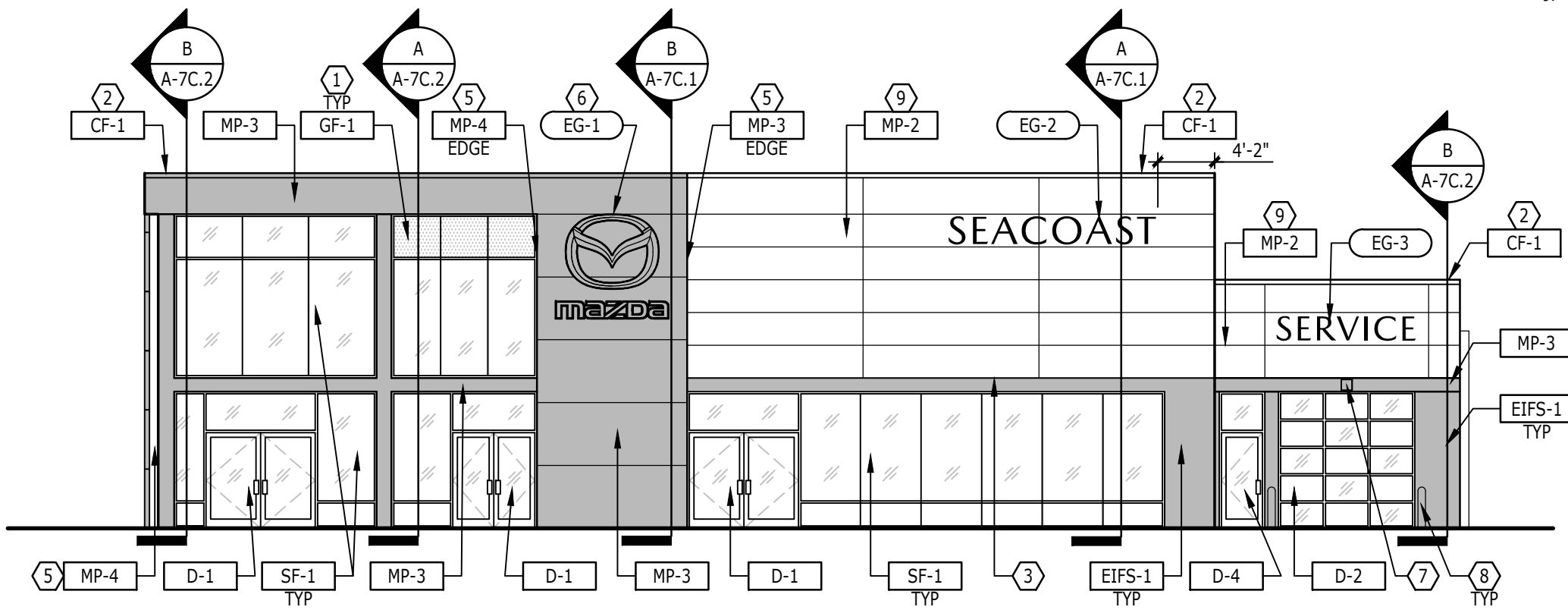
GENERAL NOTES

- THE PURPOSE OF THESE DRAWINGS IS TO CONVEY THE DESIGN INTENT AND FINISH MATERIAL SPECIFICATIONS ONLY. THEY ARE NOT TO BE USED TO OBTAIN BUILDING PERMITS OR FOR ACTUAL CONSTRUCTION OF THE PROJECT. COMPLIANCE WITH LOCAL BUILDING ORDINANCES, FIRE REGULATIONS, ZONING CODES AND ADA REGULATIONS IS BEYOND THE SCOPE OF THESE DOCUMENTS.
- THE PROPOSED DESIGN SOLUTION MAY REQUIRE MODIFICATIONS BECAUSE OF JOB SPECIFIC INFORMATION REGARDING GRADING, UTILITIES, EASEMENTS, SETBACKS, WATER RETENTION, AND SITE ACCESS. ALL STRUCTURAL MODIFICATIONS MUST BE CAREFULLY ANALYZED BY A LICENSED STRUCTURAL ENGINEER AND MODIFIED/DESIGNED AS REQUIRED.
- COMPLIANT CONSTRUCTION DOCUMENTS ARE TO BE PREPARED BY LICENSED PROFESSIONALS WHO ARE WILLING TO ACCEPT RESPONSIBILITY FOR PROPER APPLICATION OF THESE INTENT DOCUMENTS.
- ALL SIGNAGE IS SHOWN FOR DESIGN INTENT ONLY. APPROVAL SUBJECT TO LOCAL JURISDICTION. ALL SIGNAGE PROVIDED BY MAZDA APPROVED VENDOR. SEE "EG" SERIES SHEETS FOR ADDITIONAL

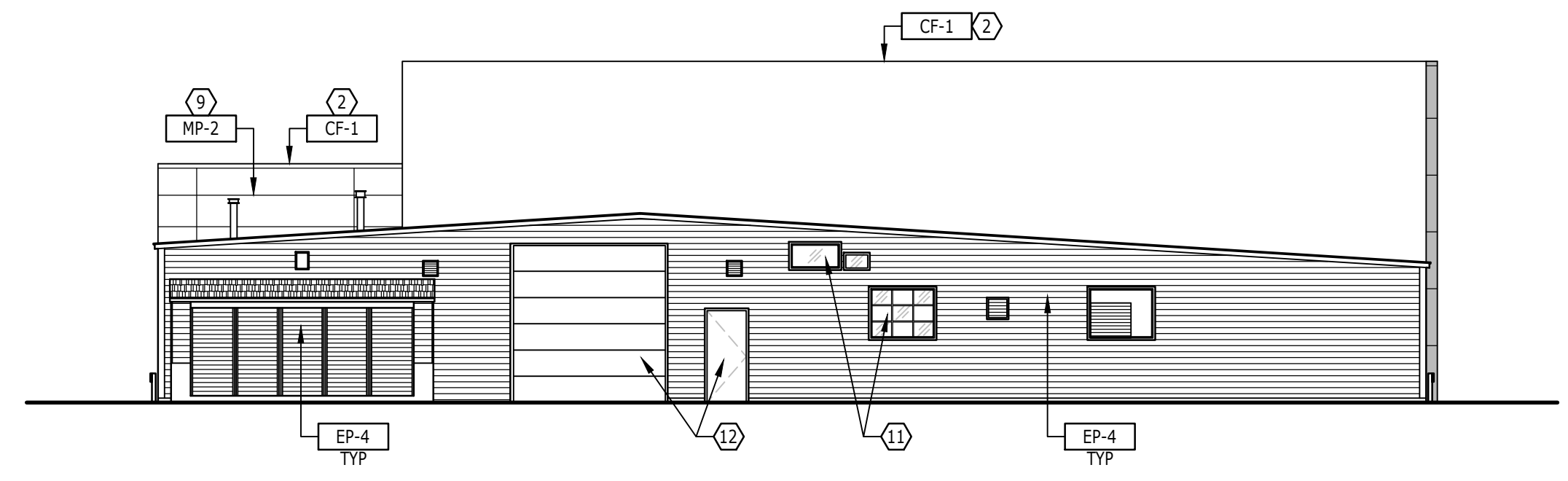
- INFORMATION. DEALER TO CONTACT THEIR REGIONAL DEALER DEVELOPMENT DEPARTMENT TO SCHEDULE SIGN SURVEY WITH MAZDA APPROVED SIGN VENDOR.
- ALL GRAPHICS AND WALL PANELS MAY REQUIRE BLOCKING OR OTHER POSITIVE FORM OF ANCHORAGE. COORDINATE WITH THE GRAPHICS VENDOR PRIOR TO CLOSING ANY WALL CAVITIES. SELECT SIGNS ARE ELECTRIFIED. REVIEW GRAPHICS SECTION OF THIS BOOK TO IDENTIFY WHICH GRAPHICS REQUIRE POWER.
- ELEVATIONS NOT SHOWN SHALL RECEIVE THE SAME OR COMPLEMENTARY FINISHES TO MATERIALS SHOWN.
- SEE SHEETS A-1B AND A-5A FOR LIGHTING DESIGN CRITERIA AND LIGHT FIXTURE SCHEDULE.
- EIFS SCORING AND JOINT LAYOUT PER MANUFACTURER REQUIREMENTS.
- ALL GUTTERS AND DOWNSPOUTS TO BE PAINTED TO MATCH ADJACENT WALL SURFACE.
- SIGNAGE WILL REQUIRE A SEPARATE PERMIT APPLICATION.

DRAWING NOTES

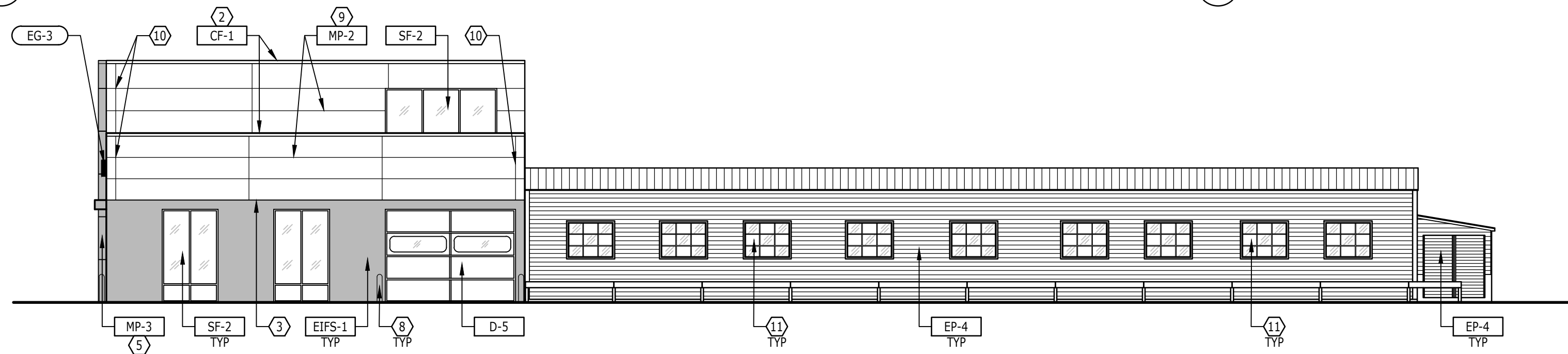
- GLASS FILM.
- METAL FLASHING TO MATCH ADJACENT MATERIAL COLOR. USE SIMILAR DETAIL TO CAPTURE BOTTOM EDGE OF METAL SIDING.
- ACM PANELS TO MEET EIFS BELOW PER MANUFACTURER REQUIREMENTS.
- NOT USED.
- SEE SHEET A-7C.1 FOR ACCENT PANEL DETAILS.
- MAZDA LOGO TO ALIGN WITH TOP OF WINDOW.
- STOP AND GO SIGNALS - X TYPE LIGHTS.
- BOLLARDS TO BE PAINTED PER LOCAL CODES.
- MUST MAINTAIN SPACING ON ACM PANELS AS SHOWN.
- ACM PANEL TO WRAP FROM FRONT AND BACK OF BUILDING TO SIDES.
- EXISTING WINDOW. FRAMES TO BE PAINTED BLACK.
- EXISTING DOOR TO BE PAINTED TO MATCH ADJACENT WALL.



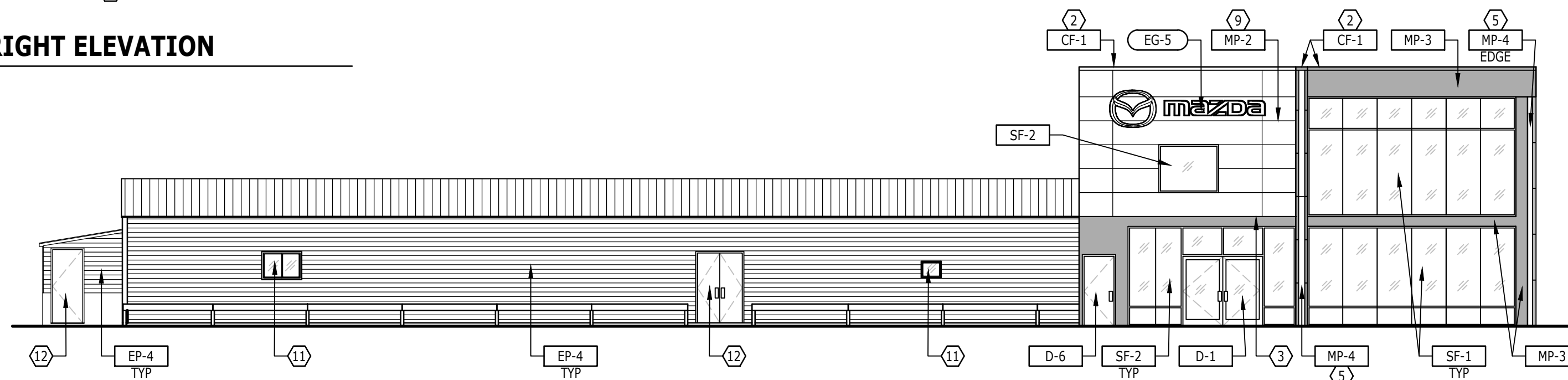
1 FRONT ELEVATION



4 REAR ELEVATION



2 RIGHT ELEVATION



3 LEFT ELEVATION

These drawings are for informational purposes only. They are not to be used as construction documents. All dimensions, materials, and finishes are subject to change without notice. The drawings are the property of ChangeUp and shall remain the property of ChangeUp. All rights reserved.

CUT THIS PART OUT

LEGEND	
#	NOTE DESIGNATOR - REFER TO DRAWING NOTES ON THIS SHEET
F-#	FIXTURE ITEM - REFER TO "F" SHEETS
FN-#	FURNITURE ITEM - REFER TO SHEET A-3
?-#	FINISH DESIGNATOR - REFER TO SCHEDULES ON A-4A AND A-4B SERIES SHEETS
	NEW FULL HEIGHT PARTITIONS/WALLS
	LOW WALLS OR PARTITIONS
	EXISTING WALLS

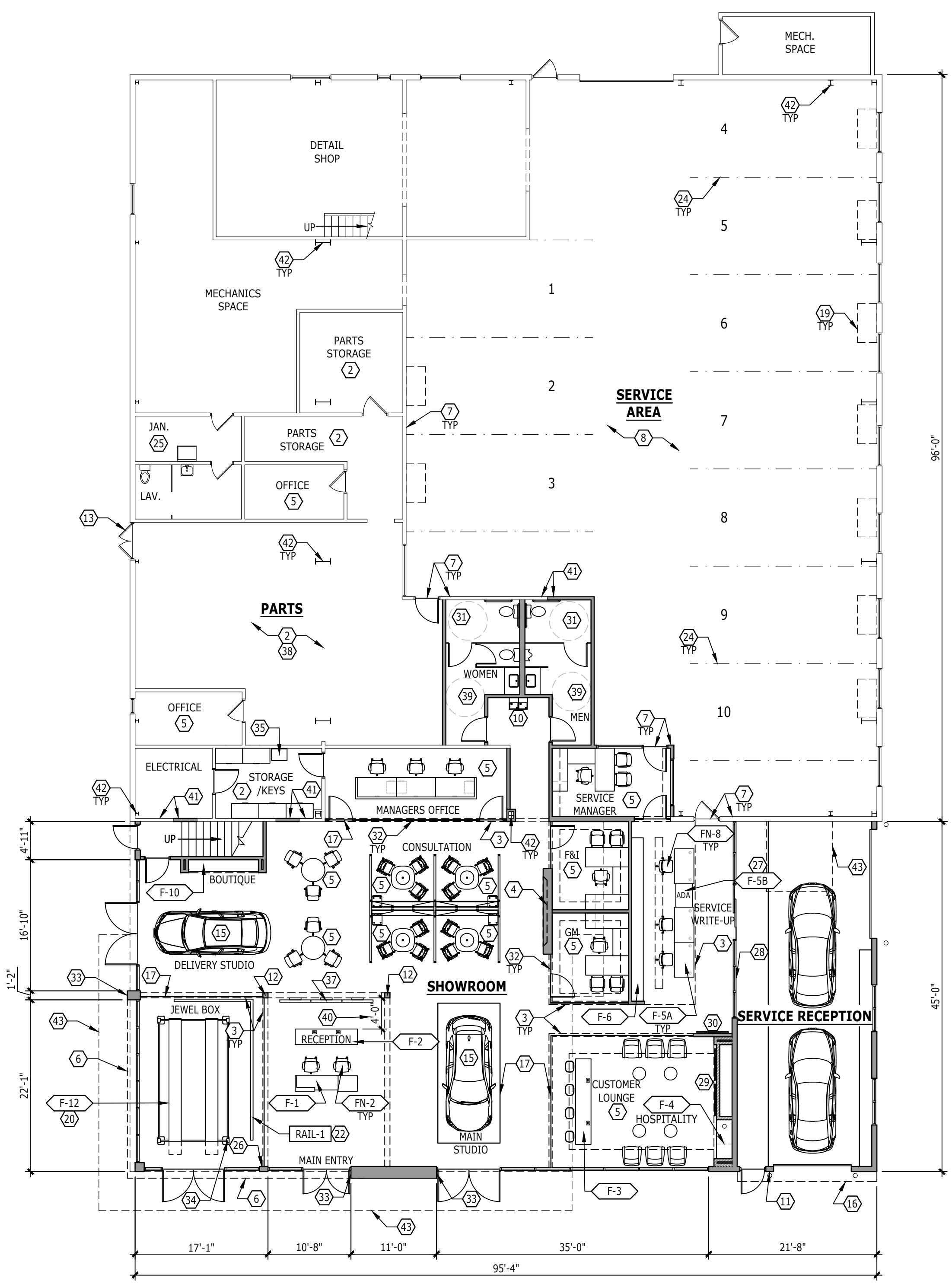
GENERAL NOTES

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- B. THE PROPOSED DESIGN SOLUTION MAY REQUIRE MODIFICATIONS DUE TO JOB SPECIFIC INFORMATION REGARDING GRADING, UTILITIES, EASEMENTS, SETBACKS, WATER RETENTION, AND SITE ACCESS. ALL STRUCTURAL MODIFICATIONS MUST BE CAREFULLY ANALYZED BY A LICENSED STRUCTURAL ENGINEER AND MODIFIED/DESIGNED AS REQUIRED.
- C. COMPLIANT CONSTRUCTION DOCUMENTS ARE TO BE PREPARED BY LICENSED PROFESSIONALS WHO ARE WILLING TO ACCEPT RESPONSIBILITY FOR PROPER APPLICATION OF THESE INTENT DOCUMENTS.
- D. BUILDING CONFIGURATION, ROOM SIZES AND SHAPES ARE ALL SHOWN FOR DESIGN INTENT PURPOSES AS A GUIDELINE ONLY. ALL CRITICAL DIMENSIONING SHALL BE PERFORMED BY A LICENSED PROFESSIONAL AS PART OF CONTRACT DOCUMENT PREPARATION.
- E. DEALER'S ARCHITECT TO CONTACT THE MAZDA AUTHORIZED SERVICE EQUIPMENT PROGRAM FOR ON-SITE DEALER CONSULTATION AND RECOMMENDED SPECIAL TOOLS AREA LAYOUT. PH: (877) 768-6657.
- F. FOR JEWEL BOX LIFT DISPLAY "FUSE DISCONNECT", DEALER'S ARCHITECT TO CONFIRM LOCAL CODE AND REQUIREMENTS.
- G. ARCHITECT AND GC TO CONFIRM THAT THERE ARE NO EXPOSED EXISTING CMU-1 WALLS IN ANY CUSTOMER CONTACT AREAS, FUR OUT WALLS WITH GYPSUM BOARD, AS APPLICABLE.

DRAWING NOTES

1. NOT USED.
2. STORAGE UNITS LAYOUT AND QUANTITY BY OWNER.
3. LINE OF SOFFIT ABOVE.
4. FEATURE WALL. SEE SHEET A-2C FOR DETAILS.
5. REFER TO FURNITURE LAYOUT PLAN ON SHEET A-3.
6. LINE OF FASCIA ABOVE.
7. FIRE RATED WALL - FIRE SHUTTERS OR FIRE RATED WINDOW WALL MAY BE REQUIRED.
8. SERVICE BAY LIFT AND ALIGNMENT RACK LAYOUTS BY OWNER.
9. NOT USED.
10. ELECTRIC WATER COOLER - SUPPLY ONE FOR ADA ACCESSIBILITY.
11. OPTIONAL "EARLY BIRD" NIGHT DROP INTEGRATED INTO FACADE.
12. SUGGESTED STRUCTURAL COLUMN LAYOUT. ALL LAYOUTS TO BE CERTIFIED BY A LICENSED PROFESSIONAL.
13. PARTS DOOR.
14. NOT USED.
15. VEHICLE LOCATION - MAINTAIN LOCATION.
16. LINE OF CANOPY ABOVE.
17. FLOOR FINISH TRANSITION. SEE SHEET A-4.1.
18. NOT USED.
19. TECH TOOL STORAGE CABINET BY OWNER.
20. CAR LIFT.
21. NOT USED.
22. DISPLAY LIFT RAILING/SLICK RAIL. PORTIONS OF RAIL MAY BE REMOVABLE TO FACILITATE SHOWROOM VEHICLE ACCESS.
23. NOT USED.
24. DEFINES SERVICE STALL AREA.
25. MOP SINK.
26. JEWEL BOX LIFT DISPLAY "FUSE DISCONNECT" RECOMMENDED LOCATION. SEE GENERAL NOTE "F".
27. ARCHITECT TO CONFIRM ADA REQUIREMENTS FOR SERVICE ADVISOR COUNTER.
28. GC TO PROVIDE AND CONFIRM ADDITIONAL POWER/DATA CABLE FOR FUTURE MONITOR LOCATION (APPROX. 25'). EXACT LOCATION TBD. (SERVICE DRIVE)
29. (2) 55" TV/MONITORS. POWER/DATA TO BE AT 60" A.F.F. (CUSTOMER LOUNGE)
30. VIDEO MONITOR. CENTER OF MONITOR TO BE AT 72" A.F.F. (SERVICE WRITE-UP)
31. ALL CUSTOMER RESTROOMS TO HAVE RE STANDARD FINISHES PER DID.
32. FULL HEIGHT FRAMELESS GLASS PANELS. CHROME FINISH TRACK ON TOP AND BOTTOM AS REQUIRED. FILM APPLIED AT +36" A.F.F., TYP.
33. SEE SHEET A-7C FOR ACCENT PANEL DETAILS.
34. LOCATION OF POWER FOR BENDPAK LIFT IN JEWEL BOX. RIGHT SIDE JEWEL BOX (SHOWN) - UPPER RIGHT; LEFT SIDE JEWEL BOX - LOWER LEFT.
35. KEY BOX.
36. NOT USED.
37. (9) MONITORS TO BE INSTALLED BEFORE INSTALLATION OF RECEPTION DESK. RECOMMENDED: ADD PLYWOOD BACKING ON ENTIRE BACK WALL BEHIND (9) MONITORS.
38. AREA MUST BE EXCLUSIVE FOR MAZDA PARTS STORAGE.
39. BABY CHANGING TABLES IN RESTROOMS.
40. RECEPTION STATION TO BE PLACED 4'-0" IN FRONT OF (9) MONITORS SOFFIT
41. ALIGN WITH FACE OF EXISTING CONSTRUCTION.
42. EXISTING COLUMN. LICENSED PROFESSIONAL TO VERIFY EXACT LOCATION.
43. LINE OF EXISTING BUILDING/CANOPY TO BE DEMOLISHED.

Exhibit B



CUT THIS PART OUT

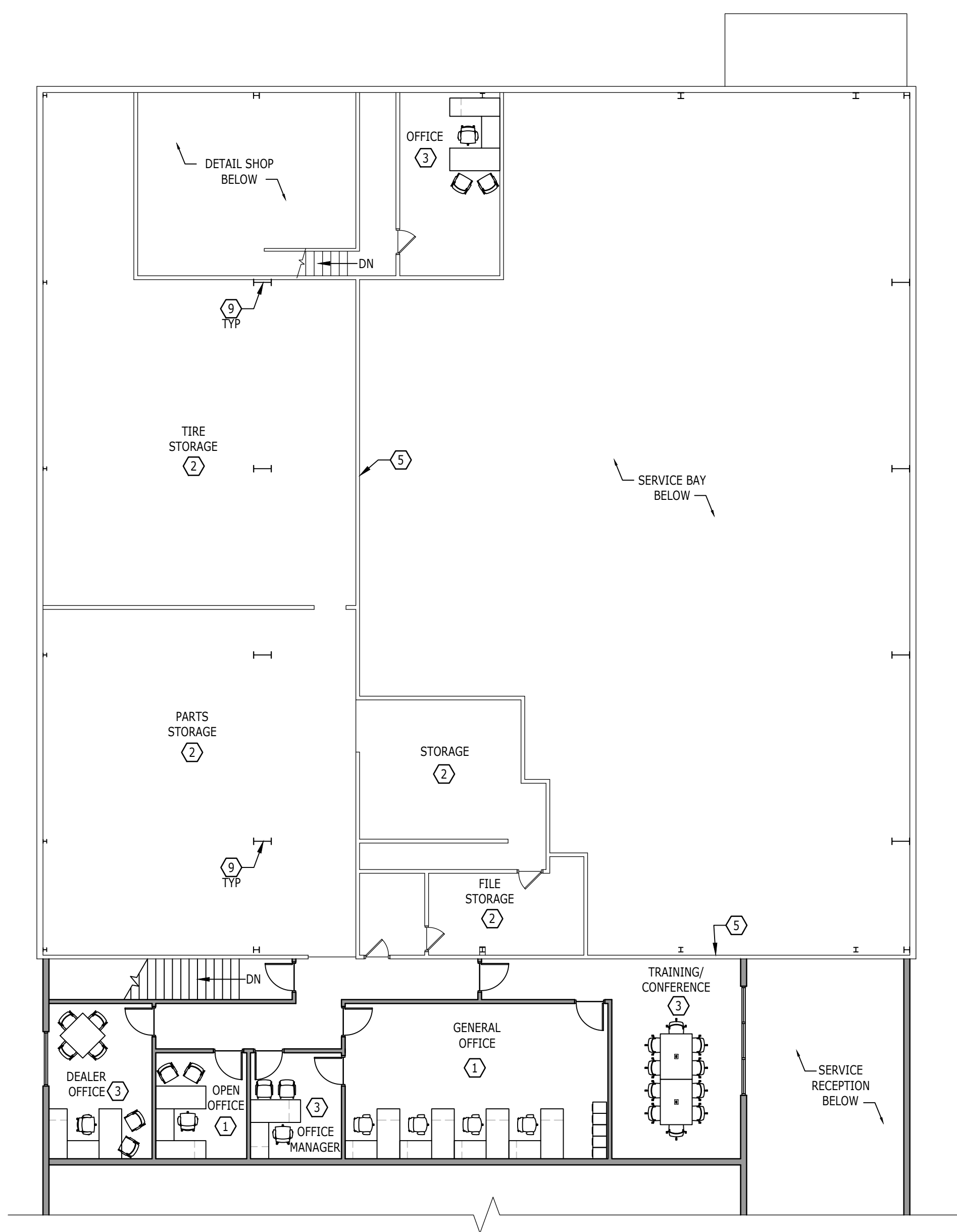
LEGEND	
#	NOTE DESIGNATOR - REFER TO DRAWING NOTES ON THIS SHEET
—	NEW FULL HEIGHT PARTITIONS/WALLS
—	EXISTING WALLS

GENERAL NOTES

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DRAWING NOTES

1. OFFICE FURNISHING LAYOUT BY OWNER. ITEMS CAN BE SELECTED FROM SPECIFIED FURNITURE SYSTEM.
2. STORAGE UNITS LAYOUT AND QUANTITY BY OWNER.
3. REFER TO FURNITURE LAYOUT PLAN ON SHEET A-3.
4. NOT USED.
5. FIRE RATED SEPARATION WALL.
6. NOT USED.
7. NOT USED.
8. NOT USED.
9. EXISTING COLUMN. LICENSED PROFESSIONAL TO VERIFY EXACT LOCATION.



Seacoast Mazda ZBA Application

Current Site Photos



Front Left



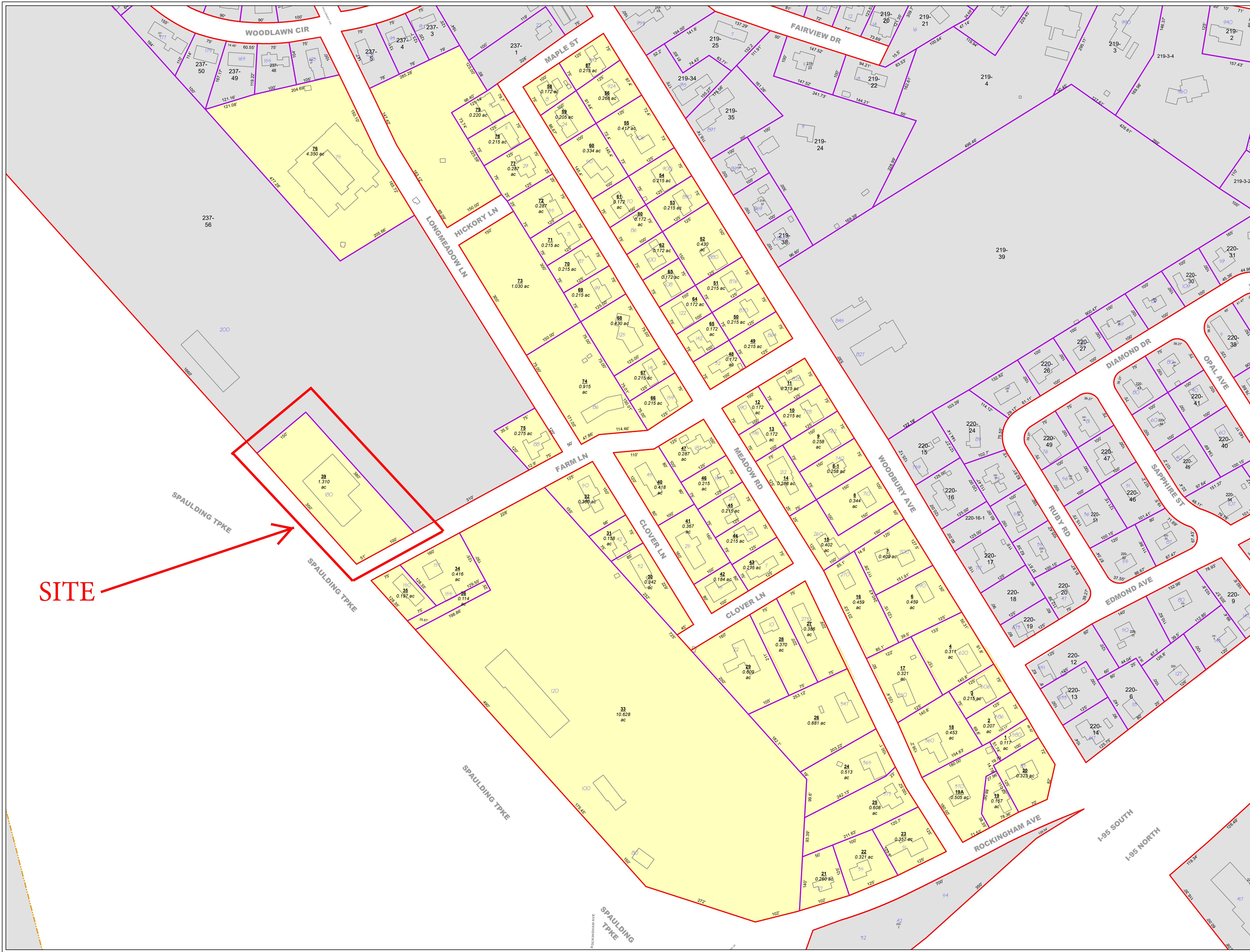
Front Right



Rear Right



Rear Left

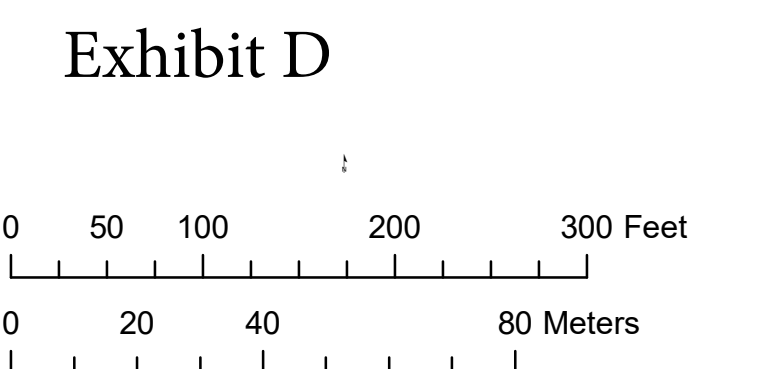


Partial Legend
 See the cover sheet for the complete legend.

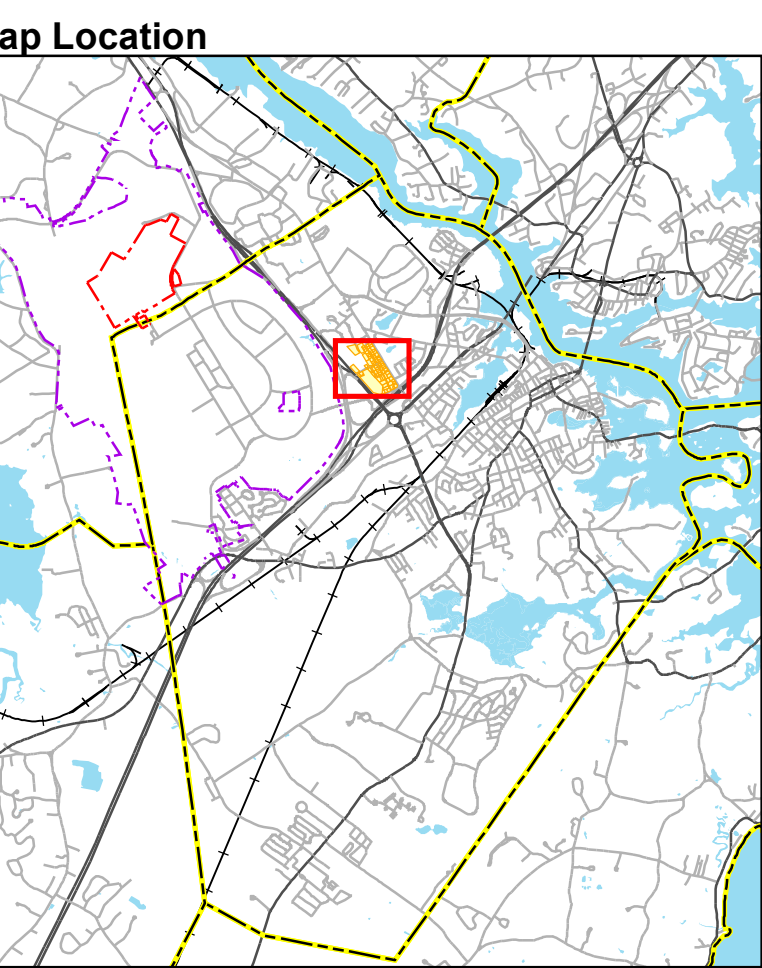
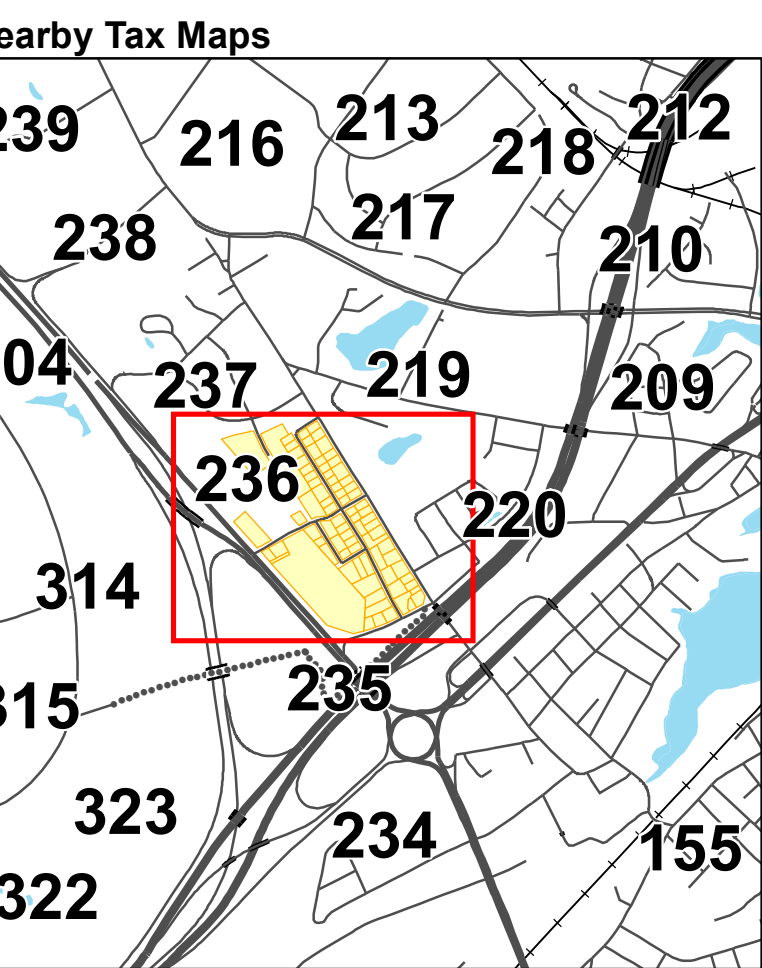
- 7-5A** Lot or lot-unit number
- 2.56 ac Parcel area in acres (ac) or square feet (sf)
- 75 Address number
- 233-137 Parcel number from a neighboring map
- 68' Parcel line dimension
- Street name

SIMS AVE Street name

- Parcel/Parcel boundary
- Parcel/ROW boundary
- Water boundary
- Structure (1994 data)
- Parcel covered by this map
- Parcel from a neighboring map (see other map for current status)



This map is for assessment purposes only. It is not intended for legal description or conveyance. Parcels are mapped as of April 1. Building footprints are 2006 data and may not represent current structures. Streets appearing on this map may be paper (unbuilt) streets. Lot numbers take precedence over address numbers. Address numbers shown on this map may not represent posted or legal addresses.



Portsmouth, New Hampshire
 2019
Tax Map 236





111 Bow Street
Portsmouth, NH 03801
603.427.0700
margaret@bowstcommercial.com

February 22, 2021

Chairman David Rheaume
City of Portsmouth
Zoning Board of Adjustment
1 Junkins Avenue
Portsmouth, New Hampshire 03801

Re: Variance Request – 180 Spaulding Turnpike

Dear Chairman Rheaume and Members of the Zoning Board,

I have been engaged by the Spaulding Group, LLC, owner of the property located at 180 Spaulding Turnpike with regard to the proposed improvements to the site and request for a variance. Mr. Tim Ackerman, Member of the Spaulding Group and owner of Seacoast Mazda, has asked me to provide my professional broker's opinion as to whether the proposed improvements to his existing auto dealership building would in any way diminish the surrounding property values.

I have been a commercial real estate broker in the seacoast New Hampshire market for over 23 years. I began my career in commercial real estate in 1998 with The Kane Company. Beginning In 2000, I worked for thirteen years as a Vice President/Partner of the CBRE| Portsmouth office. For the last seven years, I have owned my own commercial real estate firm in downtown Portsmouth, as Margaret O'Brien Realty and now Bow Street, LLC. During my career in the commercial real estate industry, I successfully completed transactions with total consideration in excess of \$600 Million. I have been a top performer in the New Hampshire commercial real estate market for many years. I specialize in office, industrial and retail leasing, property acquisition and disposition. In addition, having worked in the Portsmouth market for more than 20 years, I am very familiar with the impact of commercial development on the residential market.

In reviewing the proposed improvements to the Seacoast Mazda property, I have visited the site and reviewed the plans prepared by Ambit Engineering, dated February 2021 along with the Exterior Rendering and Exterior Elevations plans prepared by ChangeUp.

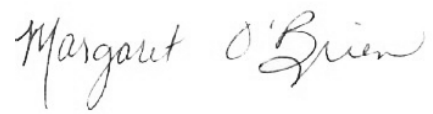
The Seacoast Mazda building is a 1960s vintage structure that has not seen any material improvement since it was constructed. The Seacoast Mazda property is over 300 feet from the nearest residential property and is flanked on both sides by commercial uses. The location of the property directly off the Spaulding Turnpike is and has always been a highly visible location for car dealerships, including the much larger Port City Nissan dealership and the Portsmouth Ford dealership. There is a substantial buffer between the subject property and the nearest residential properties that is afforded by the existence of significant electrical transmission lines. The front yard of the Seacoast Mazda property is on the side of the Spaulding Turnpike. The rear of the property abuts the New England Marine and Industrial property which has its access driveway off Farm Lane. The frontage of this property on Farm Lane is approximately 310 feet and at this location the property is fully encumbered by the transmission line easement which again creates a very significant buffer of the subject property to the nearest residences on Farm Lane and Meadow Road.

We recently saw the development by Green & Company of three new single- family residences at 32 and 42 and 54 Rockingham Avenue. These approx. 2700 +/- SF homes recently sold in February 2021 for \$645,000, \$639,000 and \$600,000 respectively. This development is adjacent to Port City Nissan and much closer to the Spaulding Turnpike than any residential properties are to the Seacoast Mazda dealership. The sale and value received for these properties was not adversely impacted by their proximity to Port City Nissan or the Spaulding Turnpike.

In my opinion, given the strong residential sales mentioned above, along with the fact that the improvements to the Seacoast Mazda building will be giving the property a much needed updating and refresh, the proposed improvements will certainly be viewed positively by both the commercial and residential marketplace and in no way would diminish the surrounding property values.

Please feel free to contact me directly if you have any follow up questions or concerns.

Sincerely,

A handwritten signature in cursive script that reads "Margaret O'Brien".

Margaret O'Brien
Principal Broker
Bow St, LLC
111 Bow Street
Portsmouth, NH 03801
Office: 603-427-0700
Cell: 603-828-7245
margaret@bowstcommercial.com

March 30, 2021

David Rheume, Chair
Zoning Board of Adjustment
1 Junkins Ave.
Portsmouth, NH 03801

RE: 41 Salter Street, Map 102 Lot 30

Dear Mr. Rheume:

In order for a second floor addition to be constructed above and fully within the existing building footprint, the applicant requests relief from Section 10.530 Table of Dimensional Standards: Minimum Yard Dimensions.

Per measurements taken from map geo:

Front	Permit front yard setback of approximately 23 feet to the proposed work, where 30 feet is required and 15 feet exists.
Right Side	Permit right side yard setback of approximately 13 feet to the proposed work, where 30 feet is required and 2 feet exists.
Left Side	Permit existing left side yard setback of 2 feet where 30 feet is required.

Enclosed please find the original and eleven copies of the following relative to the above property:

1. Zoning Board of Adjustment Application
2. Applicant's Narrative
3. Existing Site Plan.
4. Copy of the Historic District Commission Application showing proposed second floor expansion over existing footprint.

Thank you for your consideration.

Michael Lewis and Arna DiMambro Lewis
Owners
41 Salter Street
Portsmouth, NH 03801

Board of Adjustment Application
March 24, 2021
Michael Lewis & Arna DiMambro Lewis
41 Salter Street
Map 102, Lot 30
Applicants' Narrative

Zoning Ordinance Criteria to be met, per City Ordinance 10.233.20:

10.233.21 The variance will not be contrary to the public interest: The proposed second floor expansion over the existing kitchen footprint would not alter the characteristics of the neighborhood or threaten the health, safety, and welfare of the public. The residence would remain a single-family dwelling. The new second floor roof will still be lower than the properties located to the right and left.

10.233.22 The spirit of the ordinance will be observed: The proposed expansion occurs on the second floor and will not extend beyond the existing footprint.

10.233.23 Substantial justice will be done: Whereas denial of the variance does not confer any benefit to the public, it would create a substantial hardship for the property owners. Additionally, it would be substantially just to allow property owners the reasonable use of their property.

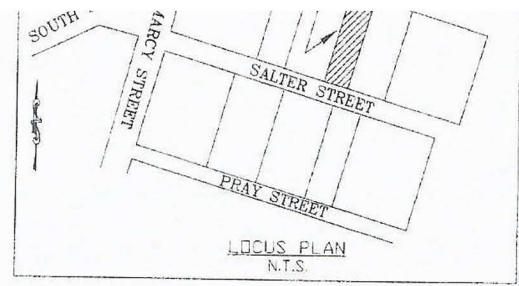
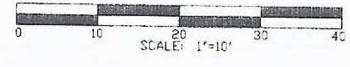
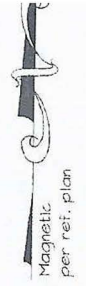
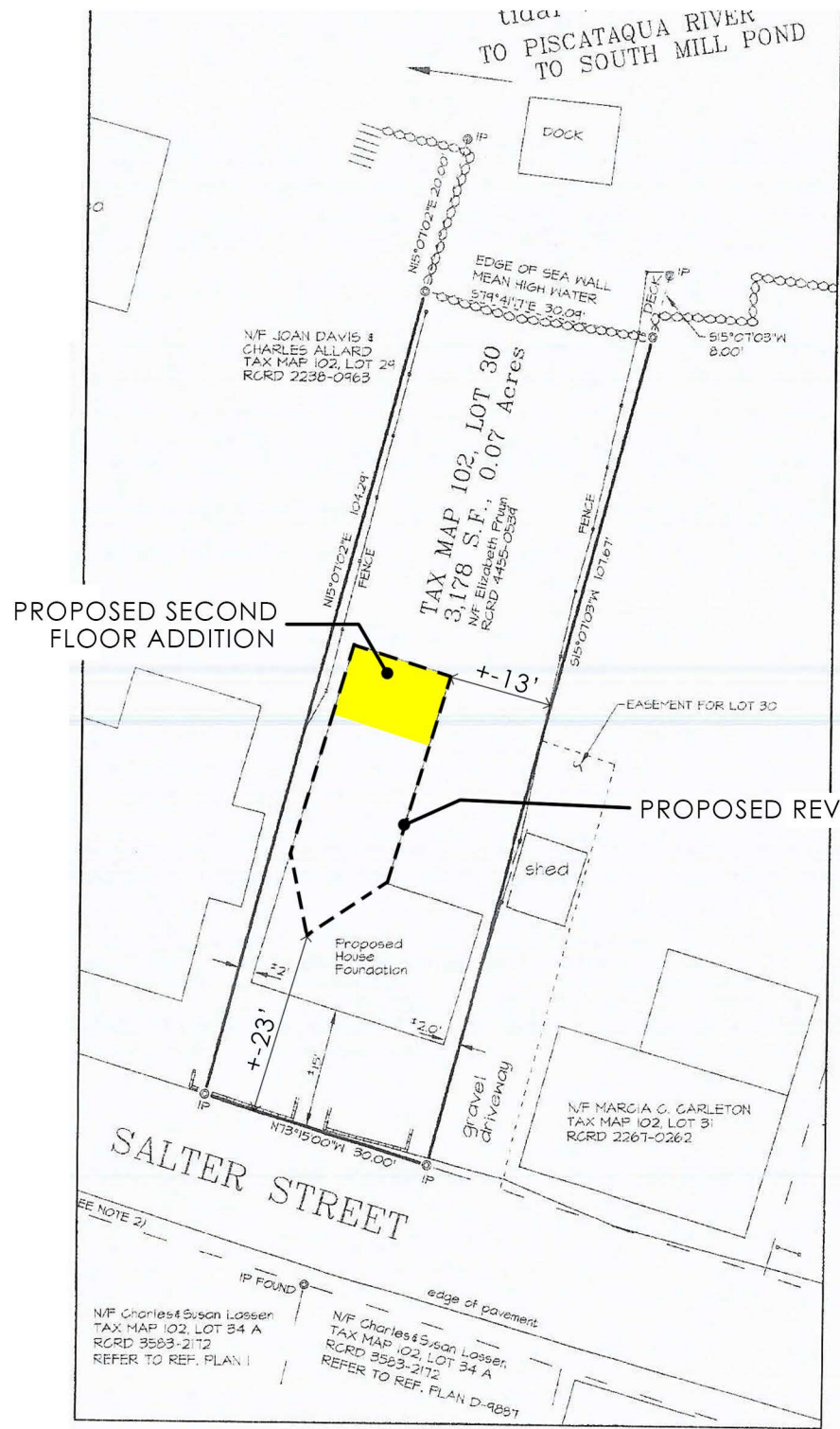
10.233.24 The values of surrounding properties will not be diminished: The proposed expansion will necessarily include improvements to the exterior of the dwelling which will increase the value of the dwelling and contribute to increased values in the neighborhood as a whole. The quality of the roof construction will be substantially improved.

10.233.25 Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship: A significant number of the surrounding historic properties contain 2 story spaces as constructed prior to current allowable setbacks. This historic property currently contains 1 and 1.75 stories and seeks to construct no more than 2 stories as seen on surrounding properties.

There is no fair and substantial relationship between the general public purposes of the ordinance provision and the specific application of that provision to the property: The original historic structure of the house was built in 1820 and pre-dates current setback requirements. The house was approved in 2005 to be relocated back from Salter Street 15' on a new foundation. Much of the original materials and windows have been replaced by previous owners. Building over the existing, non-conforming kitchen means that no new setback infringements are being requested to accommodate the upward expansion, and lot coverage will remain unchanged.

The proposed use is a reasonable one: The proposed expansion of a second floor living space above an existing kitchen is a reasonable one within a residential neighborhood. The height of the existing roofline will be extended over the addition without increase.

TO PISCATAQUA RIVER
TO SOUTH MILL POND



NOTES

- OWNER OF RECORD:
Elizabeth Pruyt
41 SALTER STREET
PORTSMOUTH, NH 03801
RCRD: 4455-0534, PARCEL AREA: 3,178 S.F.
REFER ALSO TO ROCKINGHAM COUNTY SUPERIOR
COURT DOCKET #05-E-033, DATED SEPTEMBER 6, 2005.
- BASIS OF BEARING FROM PLAN REFERENCE #1.

REFERENCE PLANS

- 'BOUNDARY SURVEY FOR ROBERT BYRNES & PATRICIA TOBEY', PREPARED BY THIS OFFICE, 10/13/04, RCRD D-32044.

1	April 26, 2006	For Approval
ISS	DATE	DESCRIPTION OF ISSUE
SCALE	1" = 10'	
DRAWN	A. ROSS	
CHECKED		
ROSS ENGINEERING Civil/Structural Engineering & Surveying 509 Lilings St. Portsmouth, NH 03801		
CLIENT	Liz Pruyt 41 Salter Street Portsmouth, NH 03801	

Alex Ross
CIVIL ENGINEER & SURVEYOR

TITLE	House Re-Location Plan for Liz Pruyt MAP 102, LOT 30 PORTSMOUTH, NH	
ISSUE NUMBER	DWG NO	ISSUE
06-024	1	1

EXISTING ELEVATIONS



FRONT ELEVATION



BACK ELEVATION



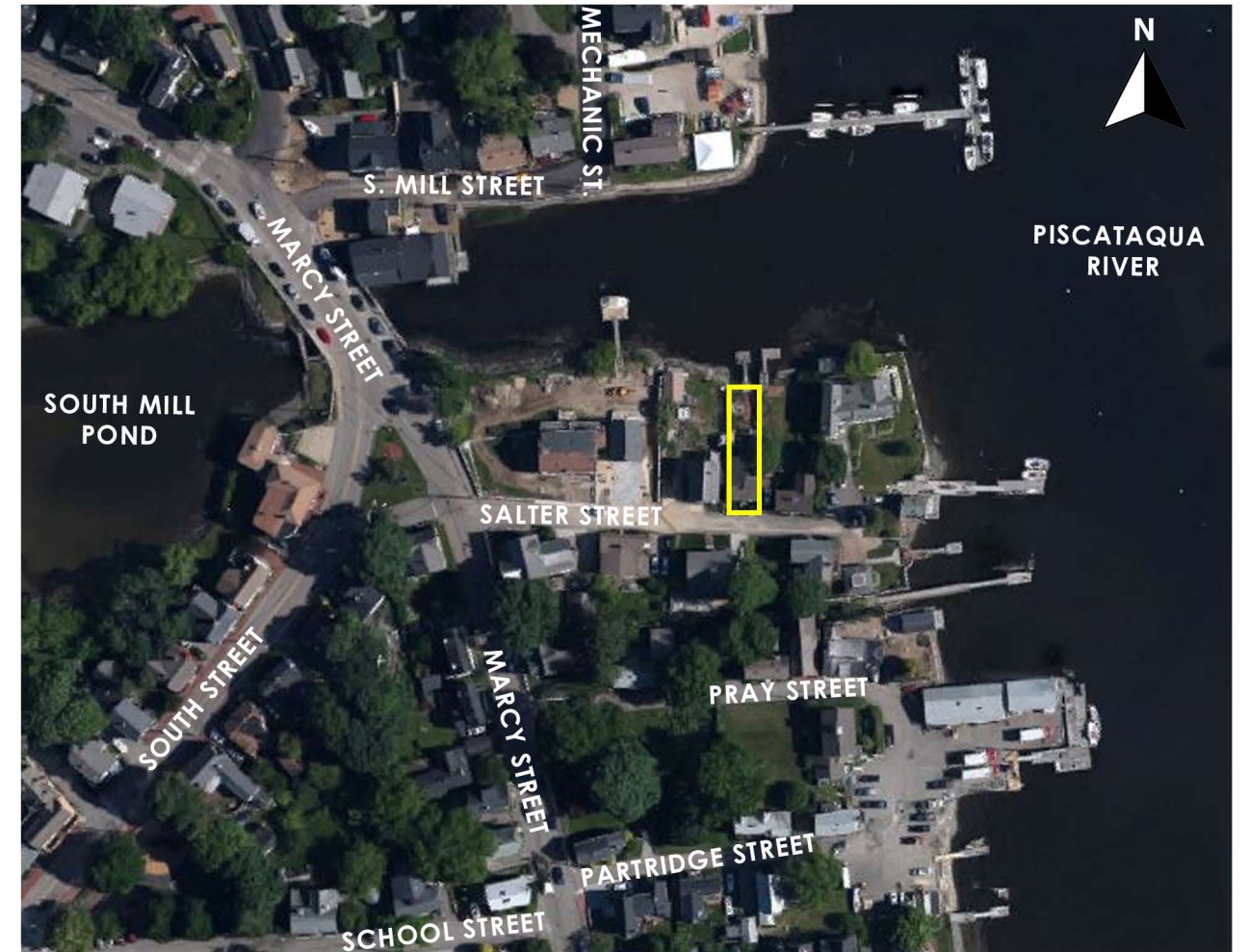
LEFT ELEVATION



RIGHT ELEVATIONS



AERIAL VIEW



41 SALTER STREET

PORTSMOUTH, NEW HAMPSHIRE

AERIAL VIEW OF
SITE AND SURROUNDINGS

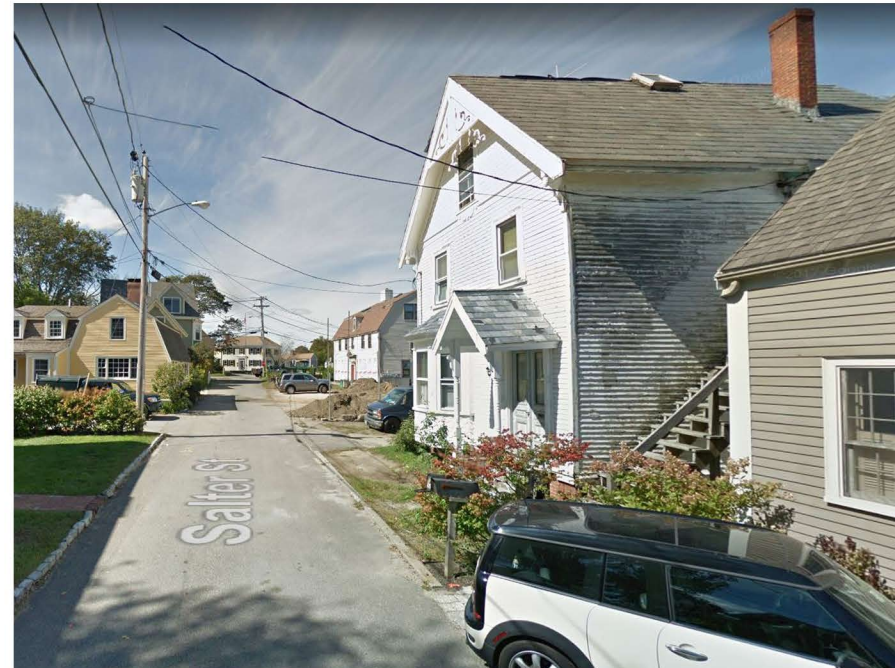
HISTORIC DISTRICT COMMISSION APPLICATION FOR APPROVAL: APRIL 7, 2021



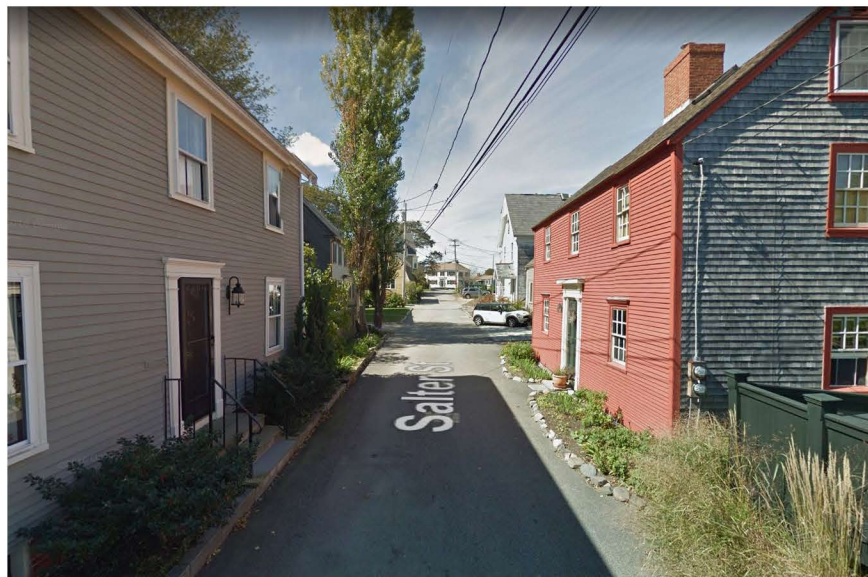
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A. VIEW FROM SITE LOOKING EAST



B. VIEW FROM SITE LOOKING WEST

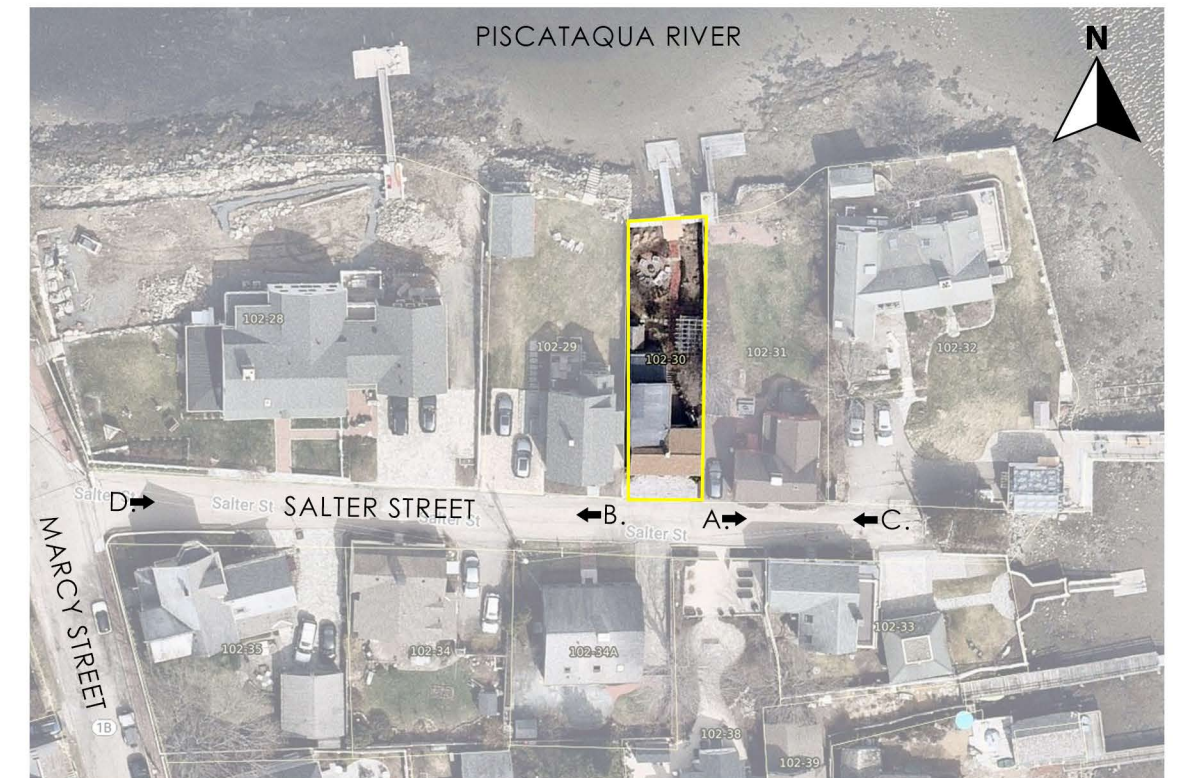


VIEW FROM EAST OF SALTER STREET



VIEW FROM WEST OF SALTER STREET

SITE MAP



41 SALTER STREET

PORTSMOUTH, NEW HAMPSHIRE

STREET VIEWS

HISTORIC DISTRICT COMMISSION APPLICATION FOR APPROVAL: APRIL 7, 2021



2.0



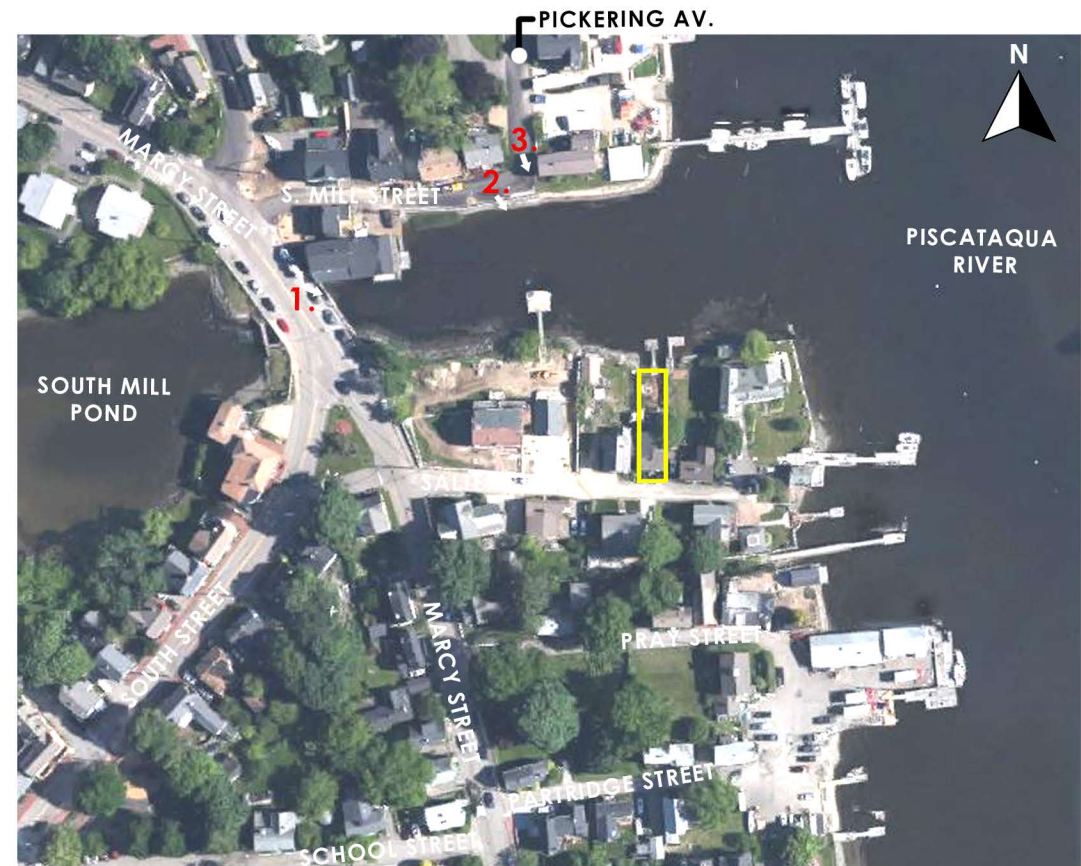
1. VIEW FROM MARCY STREET



2. VIEW FROM SOUTH MILL STREET



3. VIEW FROM PICKERING AVENUE



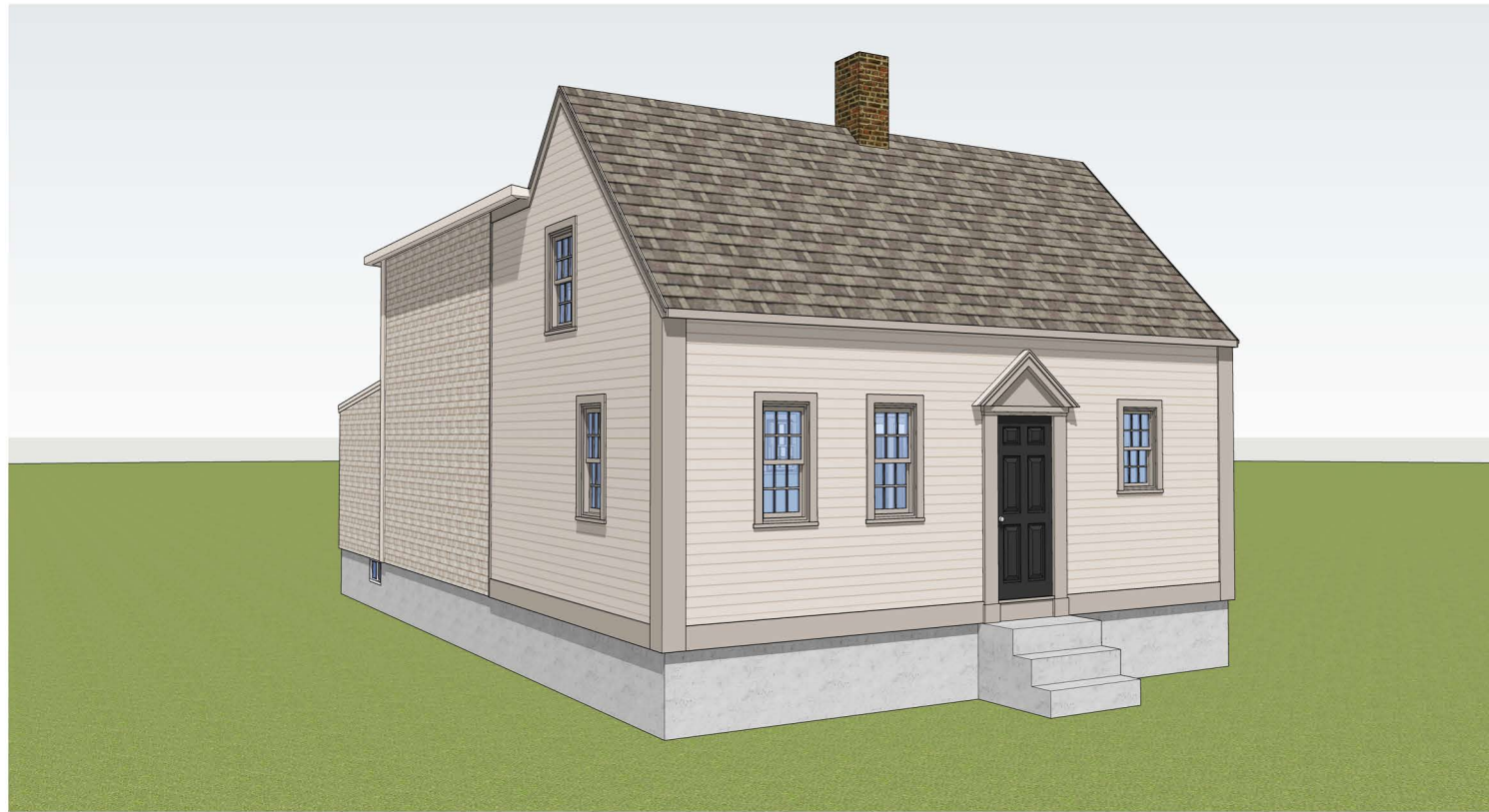
41 SALTER STREET

PORTSMOUTH, NEW HAMPSHIRE

VIEWS FROM ACROSS PISCATAQUA RIVER

HISTORIC DISTRICT COMMISSION APPLICATION FOR APPROVAL: APRIL 7, 2021

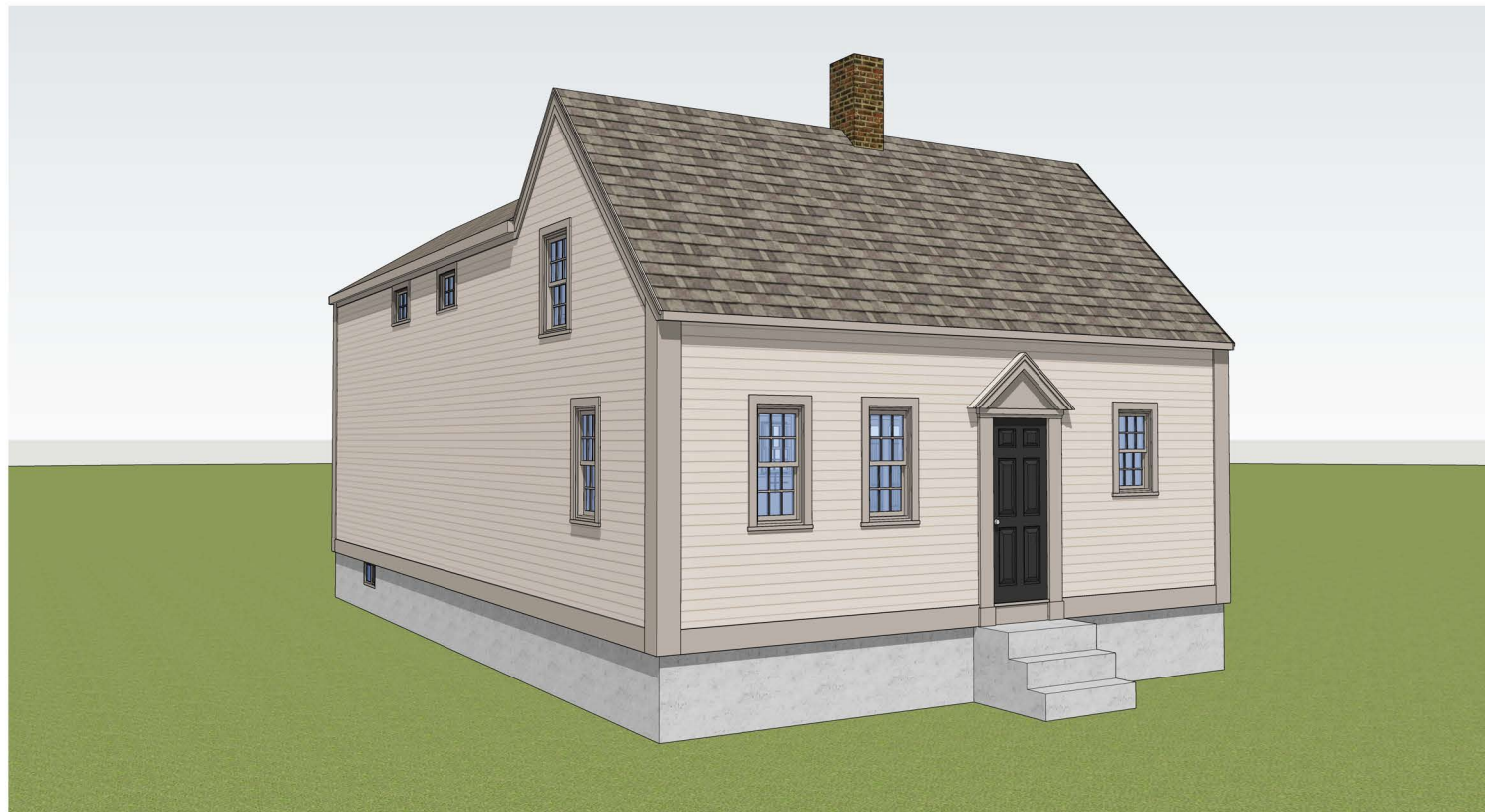




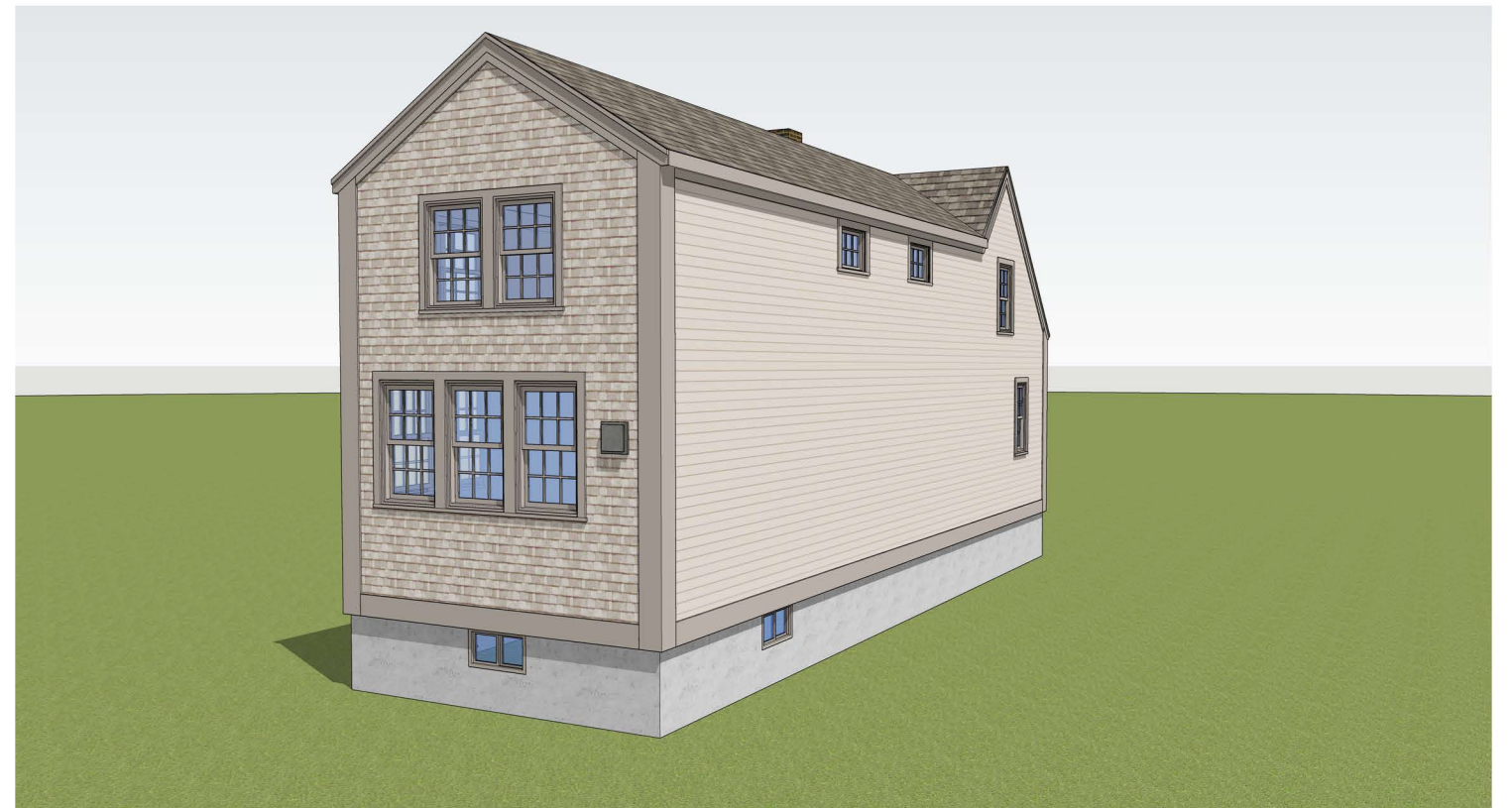
EXISTING FRONT VIEW



EXISTING REAR VIEW



PROPOSED FRONT VIEW



PROPOSED REAR VIEW

41 SALTER STREET
PORTSMOUTH, NEW HAMPSHIRE

EXISTING & PROPOSED VIEWS

HISTORIC DISTRICT COMMISSION APPLICATION FOR APPROVAL



4.0



EXISTING SIDE VIEW



EXISTING REAR VIEW



PROPOSED SIDE VIEW



PROPOSED REAR VIEW

41 SALTER STREET
PORTSMOUTH, NEW HAMPSHIRE

EXISTING & PROPOSED VIEWS

HISTORIC DISTRICT COMMISSION APPLICATION FOR APPROVAL: APRIL 7, 2021

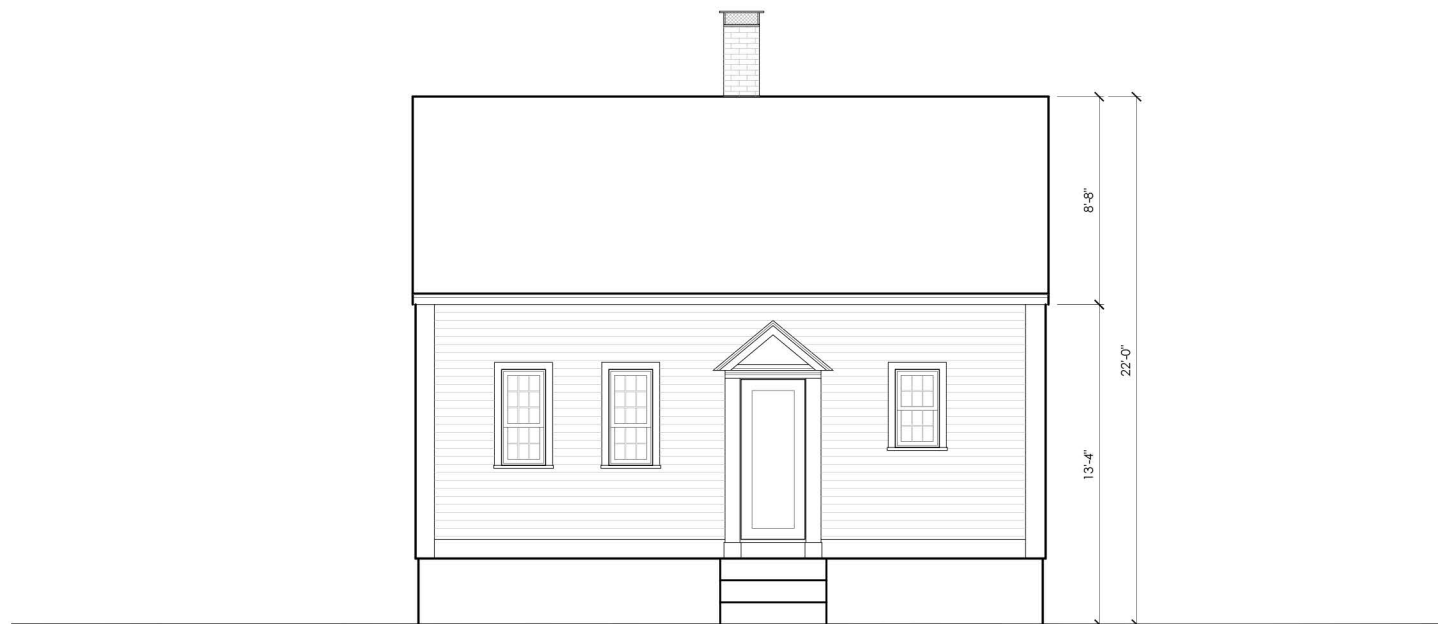




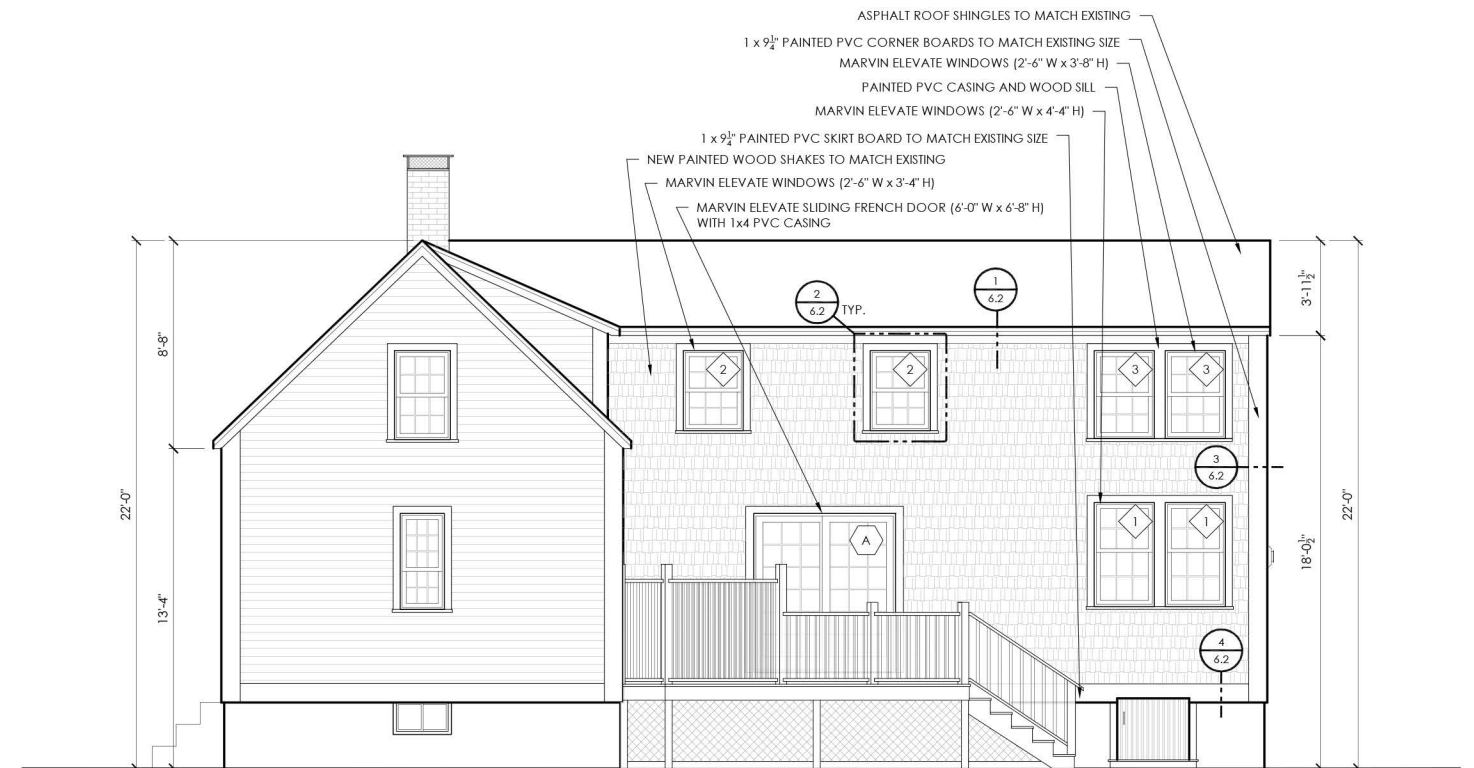
EXISTING FRONT ELEVATION



EXISTING RIGHT ELEVATION



PROPOSED FRONT ELEVATION



PROPOSED RIGHT ELEVATION

41 SALTER STREET
PORTSMOUTH, NEW HAMPSHIRE

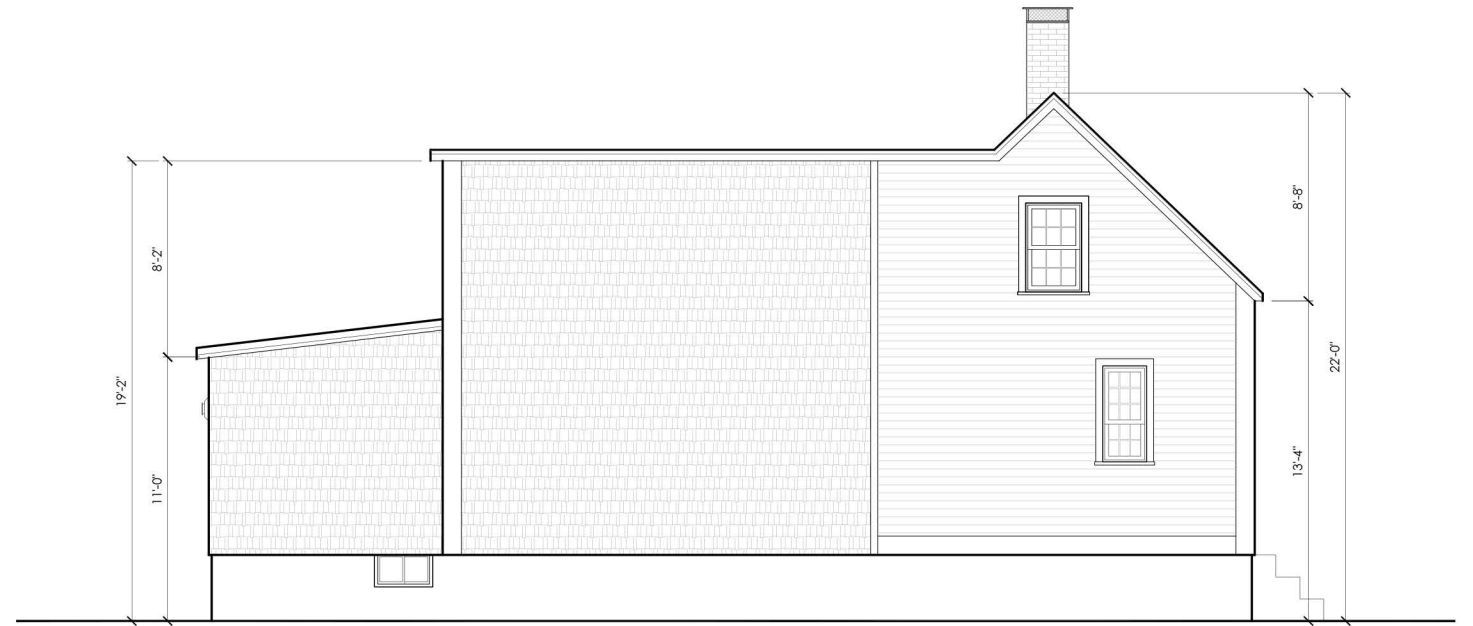
EXISTING & PROPOSED ELEVATIONS
SCALE: 1/8" = 1'-0"
HISTORIC DISTRICT COMMISSION APPLICATION FOR APPROVAL: APRIL 7, 2021



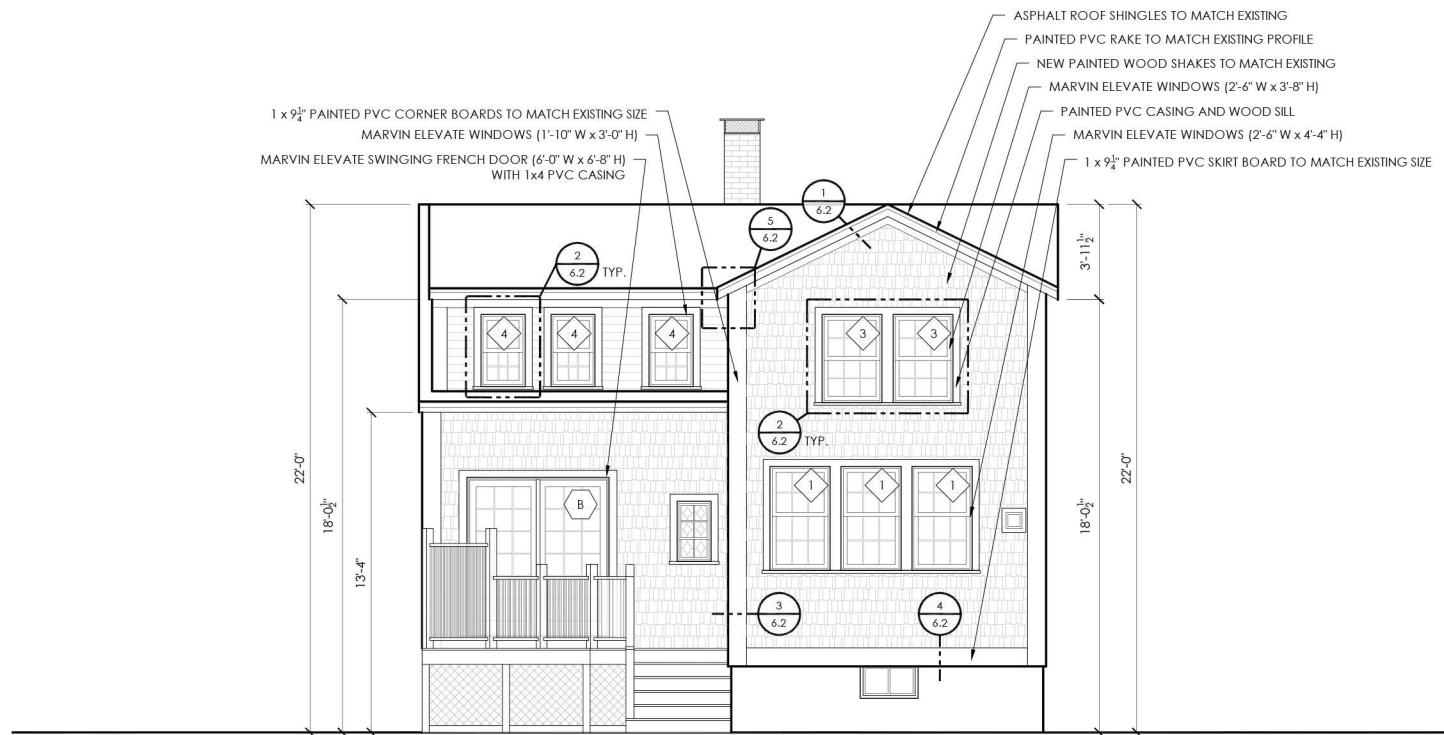
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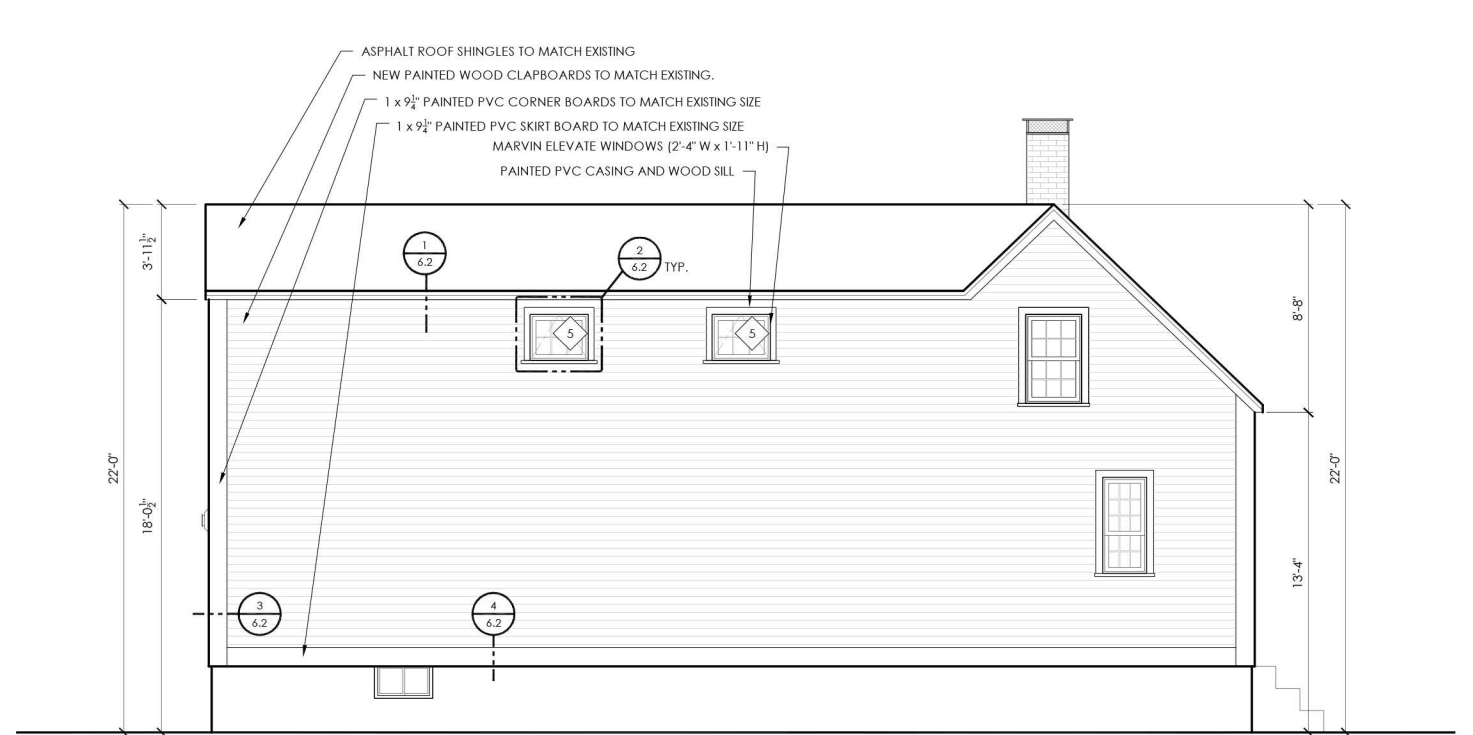
EXISTING REAR ELEVATION



EXISTING LEFT ELEVATION



PROPOSED REAR ELEVATION



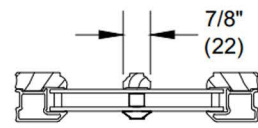
PROPOSED LEFT ELEVATION

41 SALTER STREET
PORTSMOUTH, NEW HAMPSHIRE

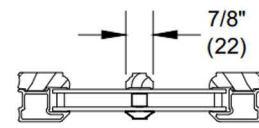
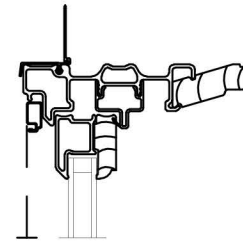
EXISTING & PROPOSED ELEVATIONS
SCALE: 1/8" = 1'-0"

HISTORIC DISTRICT COMMISSION APPLICATION FOR APPROVAL: APRIL 7, 2021

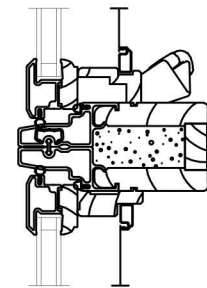
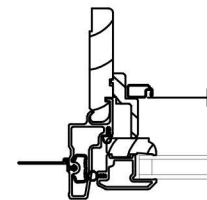
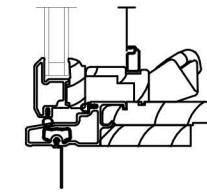
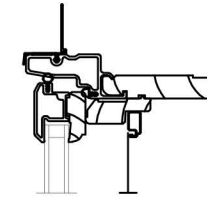




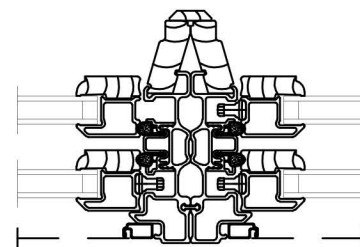
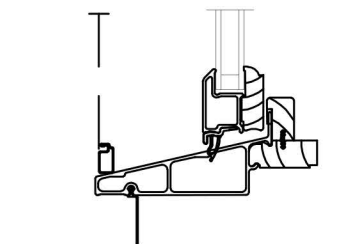
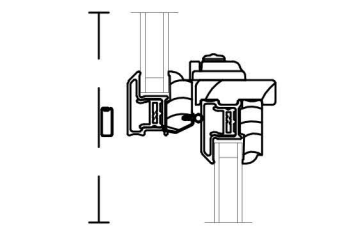
Wood SDL With
Spacer Bar



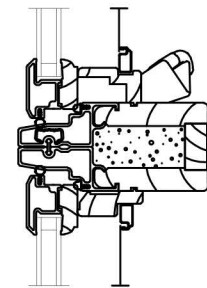
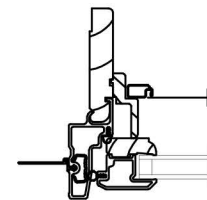
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Spacer Bar



DOUBLE HUNG



AWNING

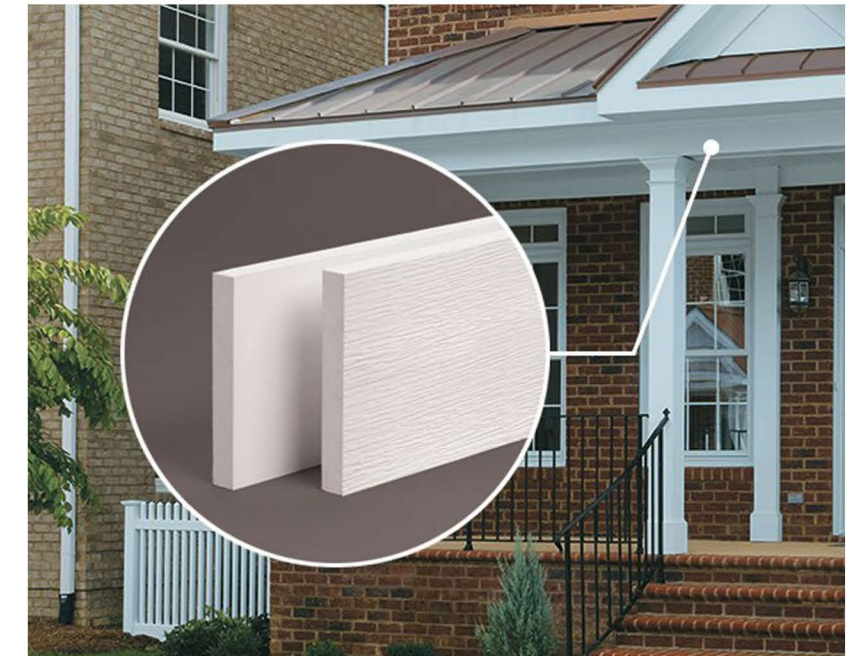


WINDOWS

MANUFACTURER: MARVIN WINDOWS
 STYLE: ELEVATE
 COLOR: MATCH EXISTING

PVC TRIM

STYLE: SMOOTH
 COLOR: MATCH EXISTING



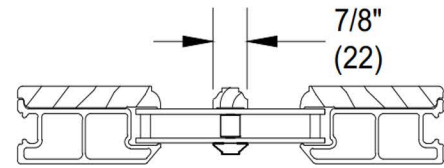
41 SALTER STREET
 PORTSMOUTH, NEW HAMPSHIRE

PROPOSED MATERIALS

HISTORIC DISTRICT COMMISSION APPLICATION FOR APPROVAL: APRIL 7, 2021



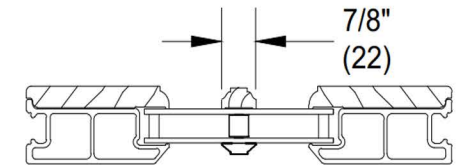
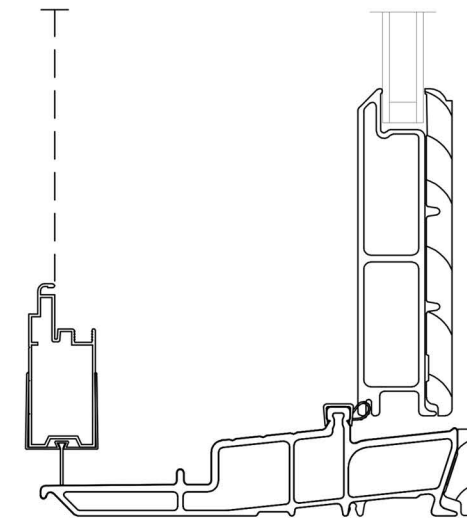
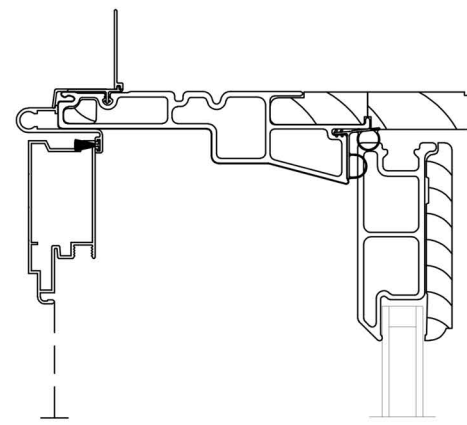
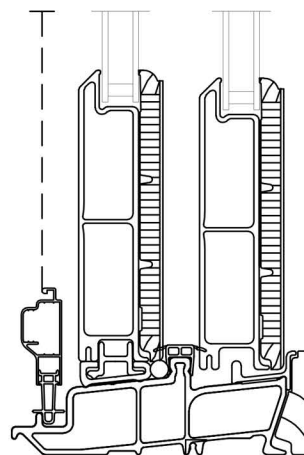
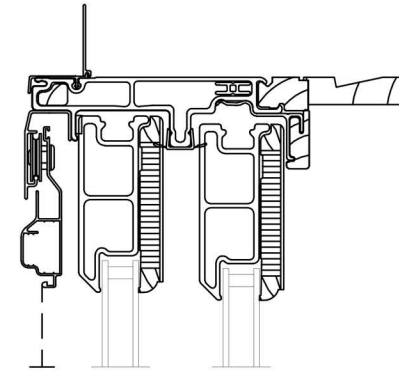
6.0



Wood SDL
With Spacer Bar



SLIDING FRENCH DOOR



Wood SDL
With Spacer Bar



SWINGING FRENCH DOOR

DOORS

MANUFACTURER: MARVIN
 STYLE: ELEVATE
 COLOR: MATCH EXISTING

PROPOSED MATERIALS

HISTORIC DISTRICT COMMISSION APPLICATION FOR APPROVAL: APRIL 7, 2021

41 SALTER STREET
 PORTSMOUTH, NEW HAMPSHIRE





1. RAKE

MATCH EXISTING

2. WINDOW CASING & SILL

MATCH EXISTING

3. CORNER BOARDS

MATCH EXISTING

4. SKIRT BOARDS

MATCH EXISTING

5. GUTTERS

MATCH EXISTING

41 SALTER STREET

PORTSMOUTH, NEW HAMPSHIRE

PROPOSED MATERIALS

HISTORIC DISTRICT COMMISSION APPLICATION FOR APPROVAL: APRIL 7, 2021



6.2

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

Re: 70 Sheffield Road, Portsmouth
MLB 0233-0046-0000
PID 30413 SRB

Section 10.521 variance relief requested:

1. Front-Yard Setback: Allow a 20-foot front-yard setback where a 30-foot setback is specified.
2. Rear-Yard Setback: Allow a 28-foot rear-yard setback where a 30-foot setback is specified.
3. Building Coverage: Allow 24.7% coverage where 20% coverage is specified.

1. Front-Yard Setback

We respectfully request a front-yard setback variance to construct a 22 x 8-foot farmer’s porch to be located on the front of our home at 70 Sheffield Road. The proposed covered porch, with white vinyl railings, gray composite decking and a roof with black architectural shingles to match those used on the house, will blend beautifully with the cape cod style of our home and will add considerable charm and curb-appeal. The proposed farmer’s porch also matches in style those that are common in our greater neighborhood and similar neighborhoods throughout Portsmouth. The porch will provide us with a shaded outdoor space.

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

Granting a front-yard variance will neither be contrary to the public interest nor threaten the health, safety, or general welfare of the public. The proposed 20-foot setback will not impact views, traffic, or neighborhood density.

The intent and spirit of the ordinance is to reduce impacts to neighborhood density, light and air, and the essential character of the neighborhood. By allowing the front setback variance, the density, light, and air are not impacted. The requested setback will not alter the essential character of the neighborhood as many other houses along this street have less setback than 70 Sheffield Road, and our adding a porch will not affect the openness and space along the street. One reason why 70 Sheffield Road is a suitable candidate for a front setback variance is based on the fact that a 14-foot city-owned strip of grass lies between the front property line and Sheffield Road, creating an enhanced permanent buffer between the front property line and the street. The distance from the dwelling to the street is 42 feet, so adding an 8-foot deep porch would still yield a 34-foot distance between the dwelling and the street. The 34-foot distance between the proposed farmer’s porch and the street is still larger than the distance between several neighboring properties and the street. Because of the 14-foot city-owned strip of land between the front property line and the street, the addition of the proposed farmer’s porch will not cause the overall dwelling to appear any closer to the street than what the ordinance was intended to achieve.

10.233.23 Substantial justice will be done by granting the variance

There would be no benefit to the public in denying this variance that is not outweighed by the hardship upon the owner. We, along with our immediate neighbors (letters and emails attached), believe the requested front setback relief is reasonable. None of our neighbors will suffer the loss of any privacy, light or air. The dwelling of 64 Sheffield Road is 33 feet from the side of the proposed farmer's porch, and the dwelling of 74 Sheffield Road is 63 feet from the proposed porch. Our direct abutting neighbors, on each side and across the street, enthusiastically support our adding a farmer's porch, as evidenced by their letters/emails of support. As homeowners, we would greatly benefit from having a front porch to provide us with a shady covered outdoor space and to improve the look and value of our property.

10.233.24 The values of surrounding properties will not be diminished

The proposed farmer's porch and new landscaping will improve the look of the property and will increase its value. As individual properties are improved in an area, the overall appearance of the neighborhood is improved, as well. Several homes in this neighborhood have farmer's porches, and our adding one will be in character with other nearby houses. The values of surrounding properties will not be diminished in any way. We do not anticipate that any information to the contrary will come before the Board.

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

Application of the ordinance provision to this property would not advance the purposes of the ordinance provision in any fair and substantial way. The purpose of the ordinance is to ensure that properties are not overbuilt, and that buildings remain a reasonable distance from the road providing open space. The proposed porch is not an enclosed addition, it is an open porch and will not have the visual closed-in impact that an enclosed addition would have. People passing by will still see the house including its door, windows and siding.

One reason why 70 Sheffield Road is a suitable candidate for a front setback variance is based on the fact that a 14-foot city-owned strip of grass lies between the front property line and Sheffield Road, creating an enhanced permanent buffer between the front property line and the street. Given that the house is 42 feet from the road (including the 14-foot strip of city-owned land between our front property line and the road), if the variance is granted for our 8-foot deep open porch, the grassed front lawn area will be 34 feet from the porch to the road. Even with a porch, our house will still be set further back from the road than many homes on our street as other houses on this street are built much closer to their front property lines, and many do not have the city-owned buffer or have a narrower city-owned buffer.

We believe that our request for a 20-foot front-yard setback from the property line is reasonable, will allow ample open space in the front yard, and remain in character with the

neighborhood. If the ordinance were applied literally, it would not factor in the 14-foot city-owned grassed buffer between our property line and the road, which would not further the purpose of the rule.

2. Rear-Yard Setback

We respectfully request an after-the-fact two-foot variance to the rear-yard setback ordinance for an existing deck located on the back of the house. The rear of the dwelling is 44 feet from the rear boundary. The existing rear deck is 28 feet from the rear boundary. A setback of 30 feet is specified by the ordinance.

The rear deck measures 16 x 16 feet, with an elevation that ranges from 13 inches to 23 inches from the ground. The deck's non-compliance with the rear setback ordinance is minimal as only part of the deck exceeds 18 inches above the ground (which brings it within the purview of the ordinance), and the deck is only two feet out of compliance with the 30-foot rear setback specification. Privacy fences and shrubbery obscure all of the abutters' views of the rear deck. A photograph of the existing rear deck is attached.

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

Granting a rear-yard variance would not be contrary to the public interest or threaten the health, safety or general welfare of the public. The spirit of the ordinance is to not impact views, open area, air and light, neighborhood density or the essential character of the neighborhood. The existing 28-foot setback where a 30-foot setback is specified does not impact any of the goals for which the rule was written. The deck sits low to the ground on gently sloping land and is only 13 inches from the ground at its lowest point, and 23 inches at its highest. Our neighbors on both sides and behind us are in support of this variance request. The neighbor located behind us has an extra-deep back yard, measuring 70 feet from his house to the property line. That 70 feet combined with our 44-foot setback, less the 16-foot deck, leaves an open space distance of 98 feet. Having a backyard deck does not alter the essential character or residential characteristics of the neighborhood as several houses have backyard decks similar in appearance and size relative to the boundaries.

10.233.23 Substantial justice will be done by granting the variance

There is no benefit to the public in denying this variance, and substantial justice will be done by granting the variance. We believe a 28-foot setback is reasonable, which is only 2 feet shy of the specified rear-yard setback. Our abutters agree, as reflected in the attached letters. The abutters also agree that granting this variance will have no impact on backyard neighboring properties.

10.233.24 The values of surrounding properties will not be diminished

Granting the 28-foot rear-yard setback variance will in no way diminish surrounding property values. The abutters agree, and we expect no contrary information to be presented to the Board. The deck is accessed from the kitchen through a sliding glass door,

and adds value to the house (and hence, to the neighborhood) by providing a sunny, private outdoor living space.

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

The spirit and intent of the ordinance is to keep property from being overbuilt and maintain open space. The property behind us has a rear-yard setback of 70 feet which combined with our rear-yard 28-foot setback from the deck to the property line makes a 98-foot open space. Also, our open uncovered deck sits low to the ground. With the shrubbery and privacy fences, the deck is virtually invisible to abutters. An observer on Sheffield Road cannot see the rear deck as it is completely obscured by the dwelling. It is not going to further achieve the purpose of the rule to deny the variance and will be an unnecessary hardship to the homeowner.

3. Building Coverage

We respectfully request a variance to allow 24.7% coverage where 20% is specified.

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

Granting a 24.7% coverage variance would not be contrary to the public interest or threaten the health, safety or general welfare of the public. The spirit of the ordinance is to not impact perceived neighborhood density, light and air, and not alter the essential character of the neighborhood. None of these things will be affected by increasing the coverage allowed, especially given that part of the additional coverage requested is in the back of the house, and part is in the front of the house.

There is no location an observer could stand where he or she could simultaneously see the back deck and the proposed front farmer's porch at the same time. The presence of both the existing rear deck and the proposed front farmer's porch therefore will not increase the apparent building density of 70 Sheffield Road in an additive way. The spirit of the ordinance will be followed because the objectives of the coverage ordinance will not be threatened.

10.233.23 Substantial justice will be done by granting the variance

There is no benefit to the public in denying this variance that is not outweighed by the hardship upon the owner. We believe the requested coverage relief is reasonable. None of our neighbors will suffer the loss of any privacy, light or air. Our direct abutting neighbors, on each side, across the street, and behind us enthusiastically support our variance requests, as evidenced by their letters/emails of support. Substantial justice will be done in approving the coverage variance as it is a reasonable request and given that the projects contributing to the proposed amount of coverage are divided between the front and back yards.

10.233.24 The values of surrounding properties will not be diminished

The increased coverage requested will not diminish the values of surrounding properties. The abutters agree, and we expect no contrary information to be presented to the Board. The visual impact of additional coverage is minimal, and is outweighed by the increased value of the home, which ultimately increases values in the neighborhood.

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

If the ordinance were applied literally it would not further the purpose of the rule and would impose an unnecessary hardship on the homeowner. Application of the ordinance provision to this property would not advance the purposes of the ordinance provision in any fair and substantial way. The purpose of the ordinance is to ensure that properties are not overbuilt, that open areas are preserved and that the essential character of the neighborhood will not be adversely affected. There will remain significant open space in the front yard and rear yard. That is particularly true as the front yard has a permanent 14-foot strip of city-owned land between the front boundary and the street, and the rear abutter's dwelling is 70 feet from our rear boundary. Moreover, an observer on Sheffield Road cannot simultaneously see the front and rear yard of Sheffield Road as the dwelling obscures the observer's view of the rear yard. The presence of both the existing rear deck and the proposed front farmer's porch will not, in an additive way, increase the perceived density of 70 Sheffield Road. As compared to other properties in the neighborhood, our property has and will continue to have an above-average amount of open space. The character of the neighborhood will therefore be unaffected by this minimal allowance of additional coverage. The requested coverage variance also is reasonable, as it will allow for the presence of the existing rear deck and the proposed front farmer's porch that are both, for the reasons stated above, reasonable uses of the property in the context of the neighborhood.

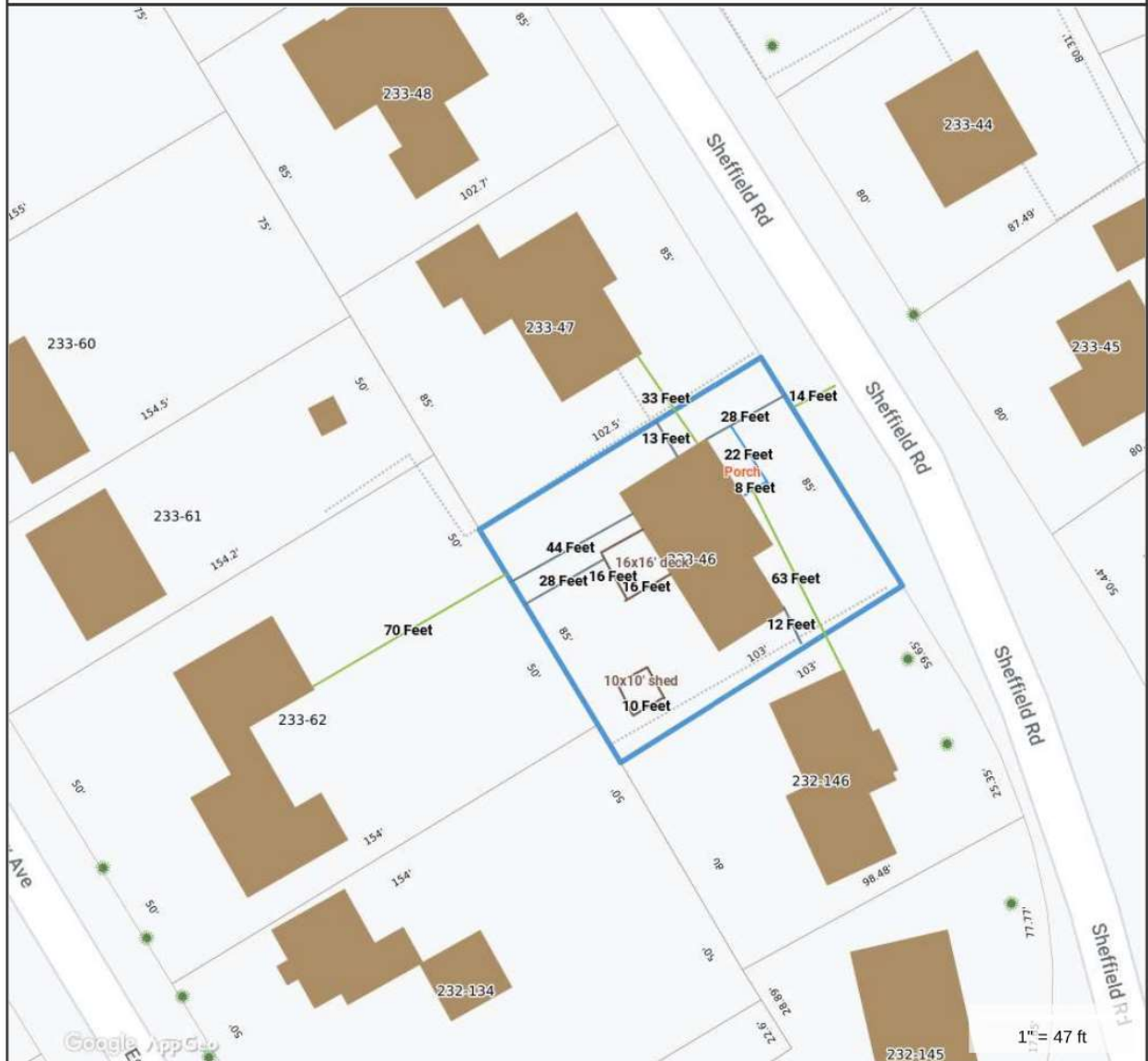
In conclusion, based on the information provided above, we respectfully request that the Board grant the variances we are seeking. Thank you for your consideration.

James and Jeanne Prendergast
70 Sheffield Road



70 Sheffield Road

Measurements-70 Sheffield



Property Information

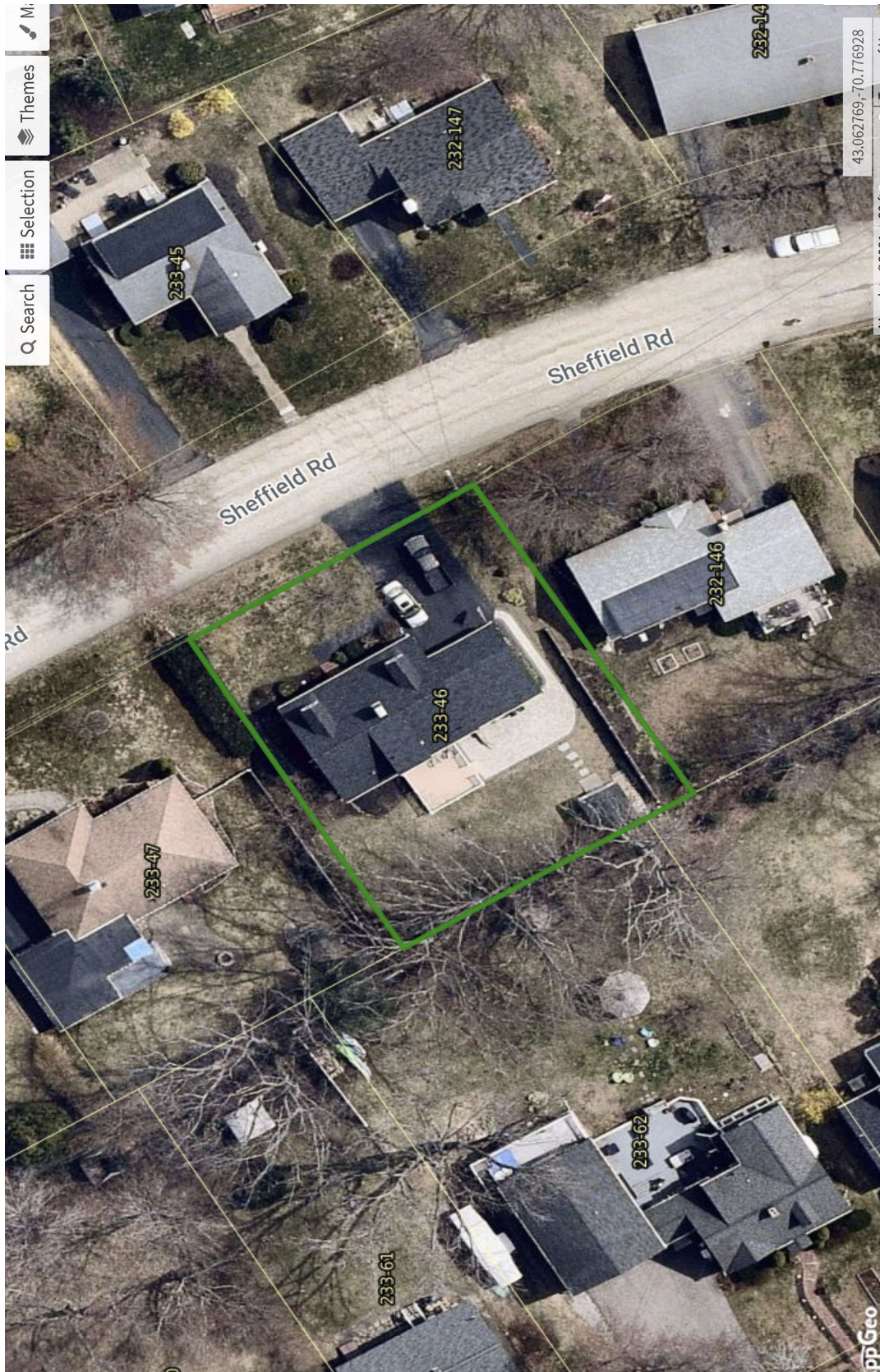
Property ID 0233-0046-0000
Location 70 SHEFFIELD RD
Owner PRENDERGAST FAMILY REVOC TRUST OF 2012



**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

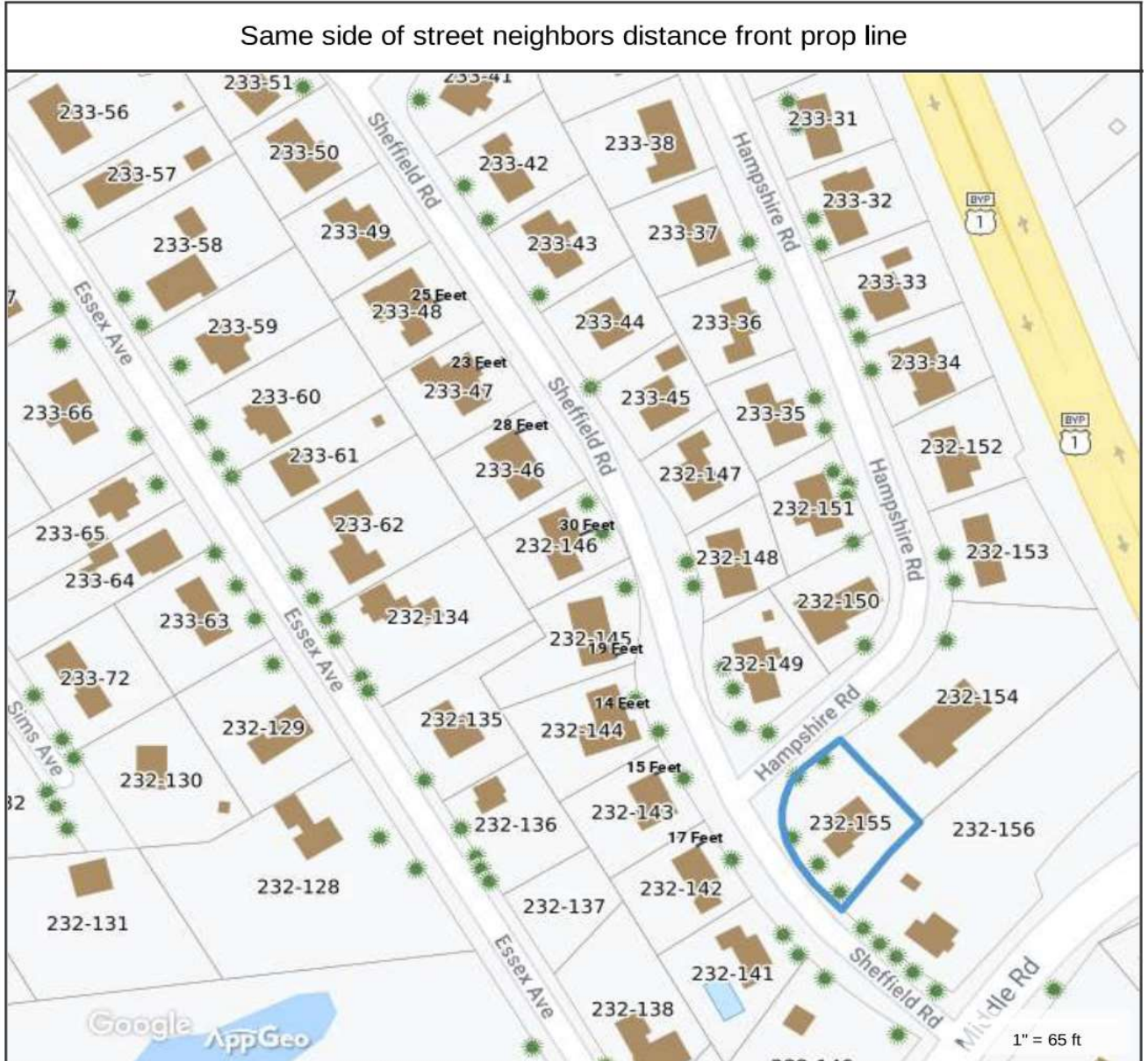


70 Sheffield (center property with black roof)

This picture shows properties near 70 Sheffield Road (233-46) and their front yard setback measurements

City of Portsmouth, NH

March 20, 2021

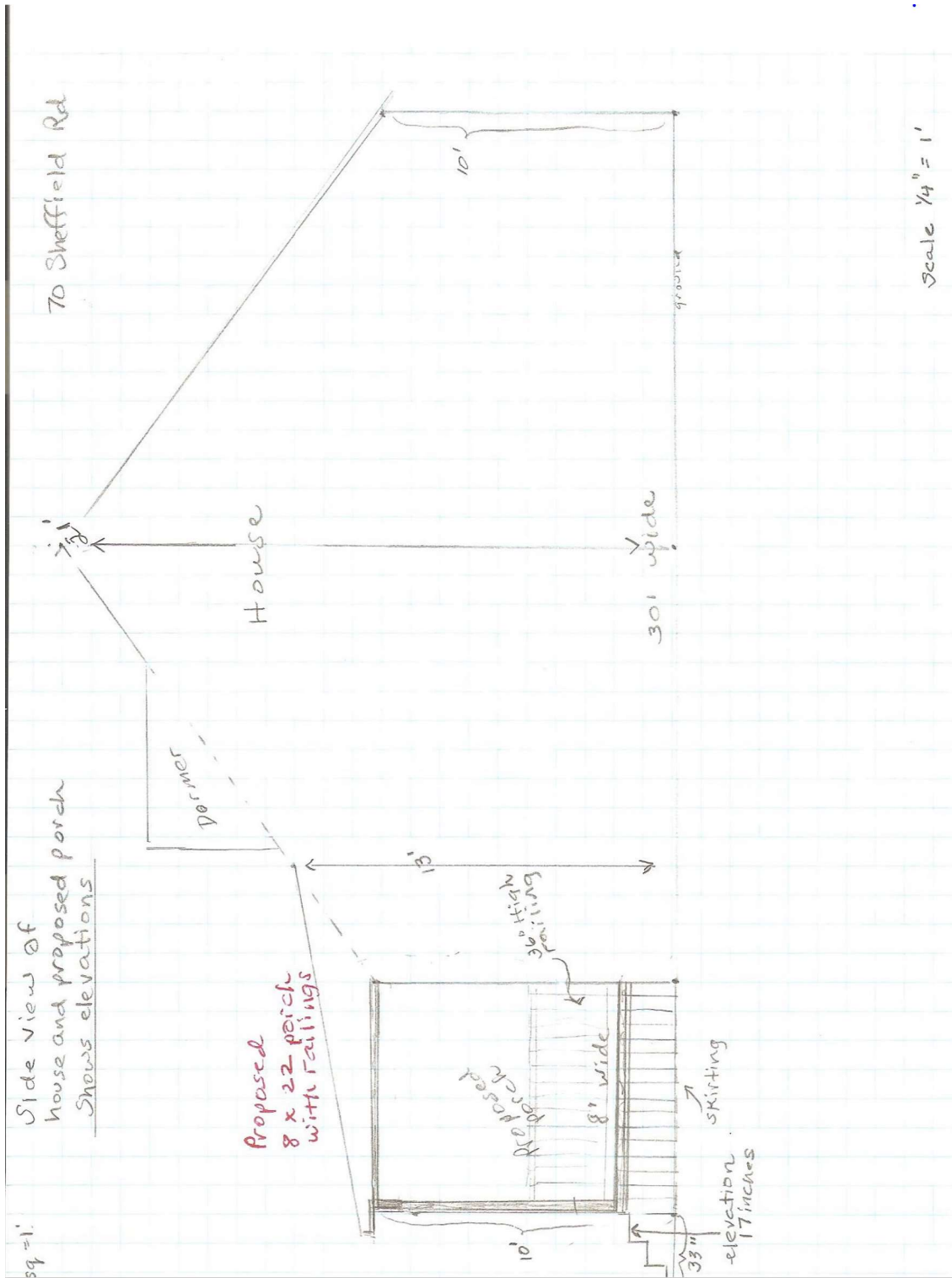




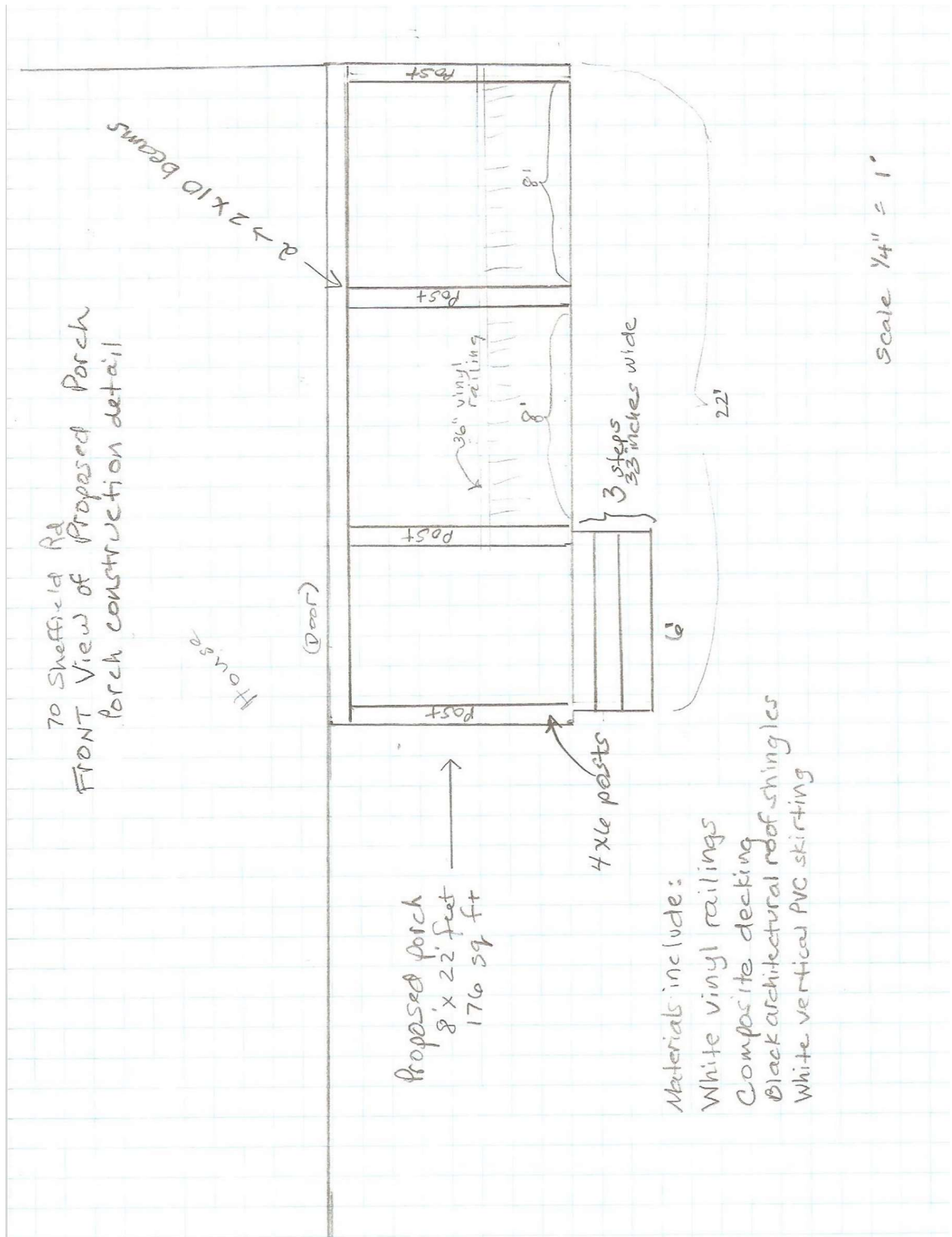
70 Sheffield Road, Street View



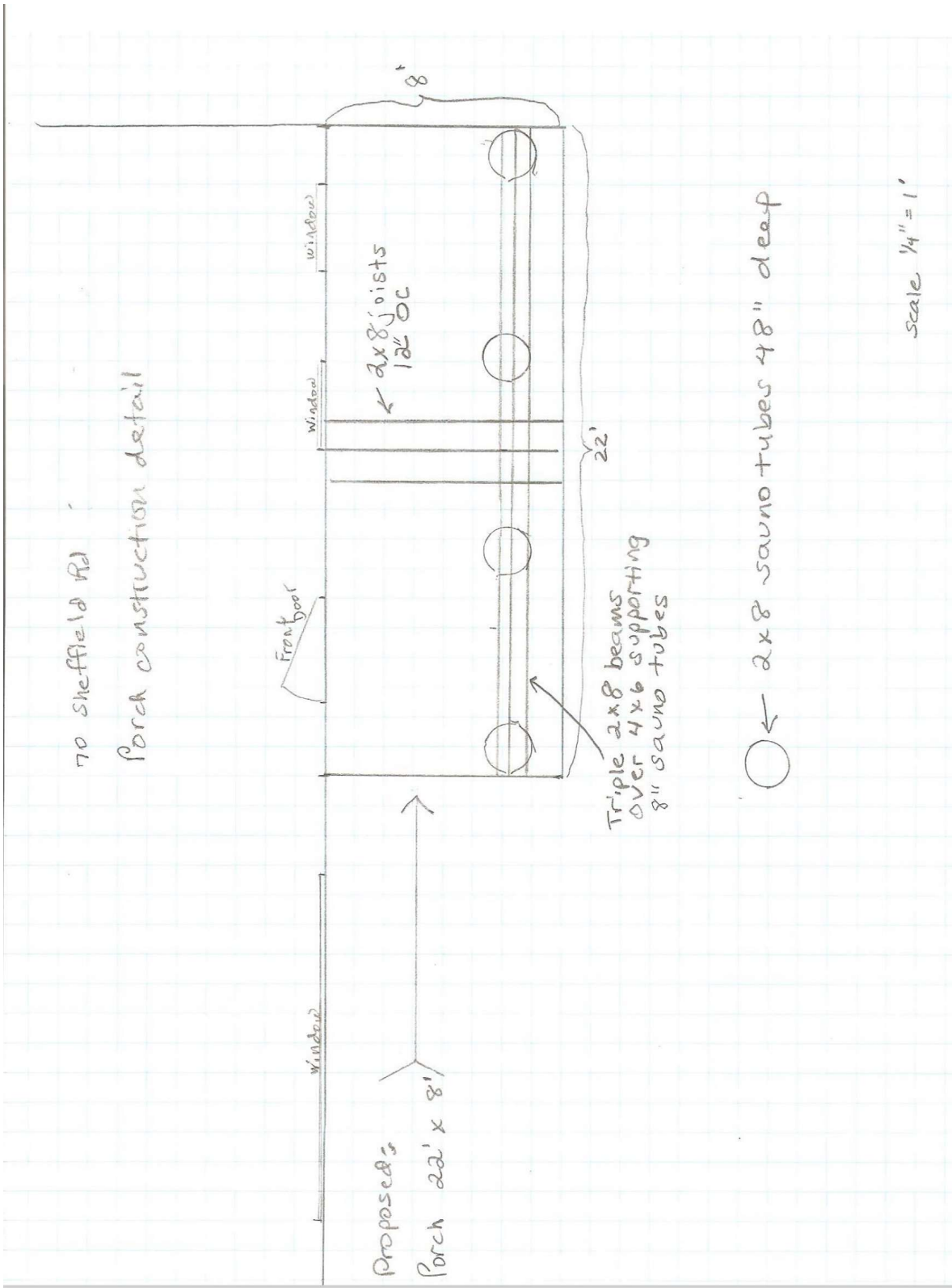
70 Sheffield Road - Rear Yard



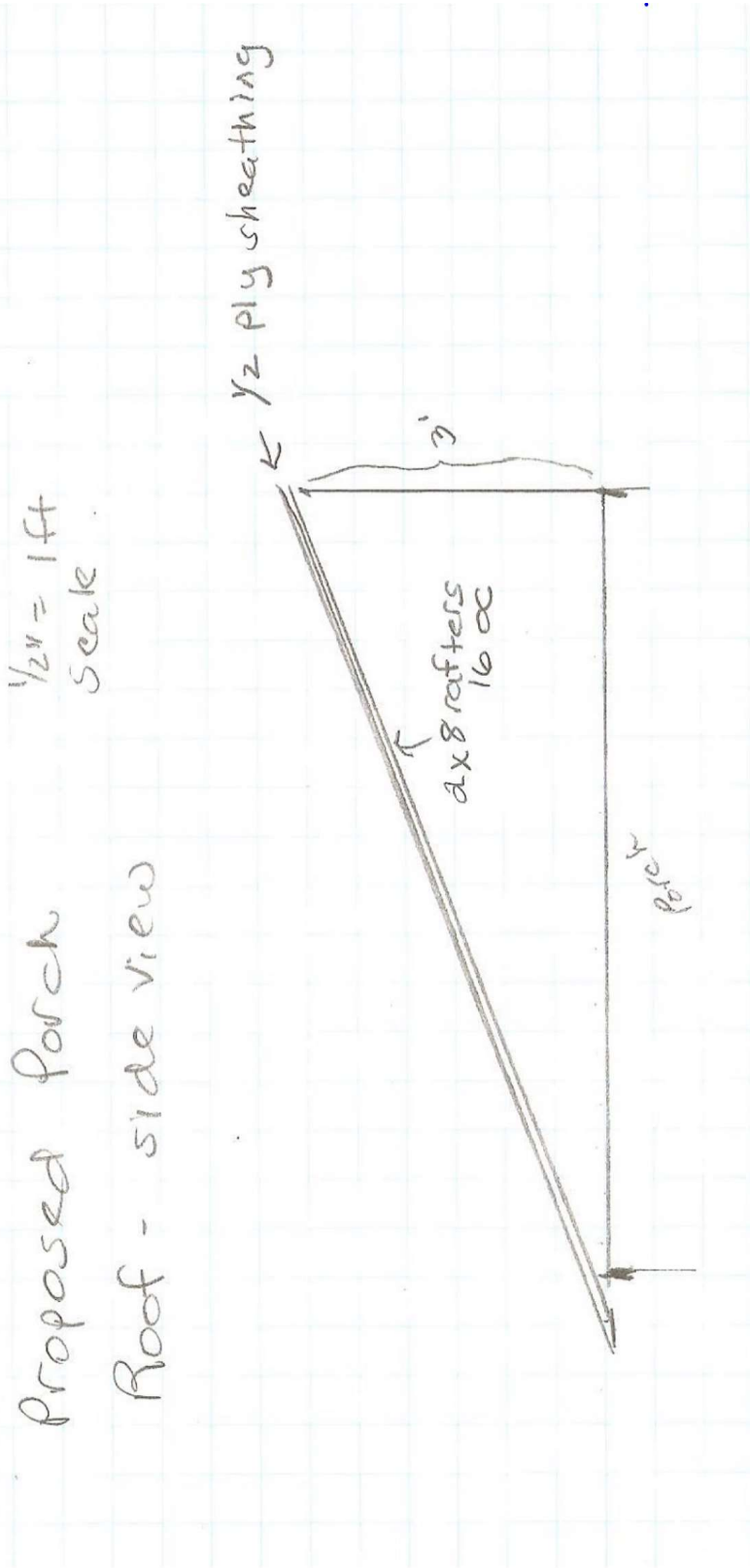
Side view of house showing the proposed front porch
70 Sheffield Road



Front view with details of proposed porch
 70 Sheffield Road

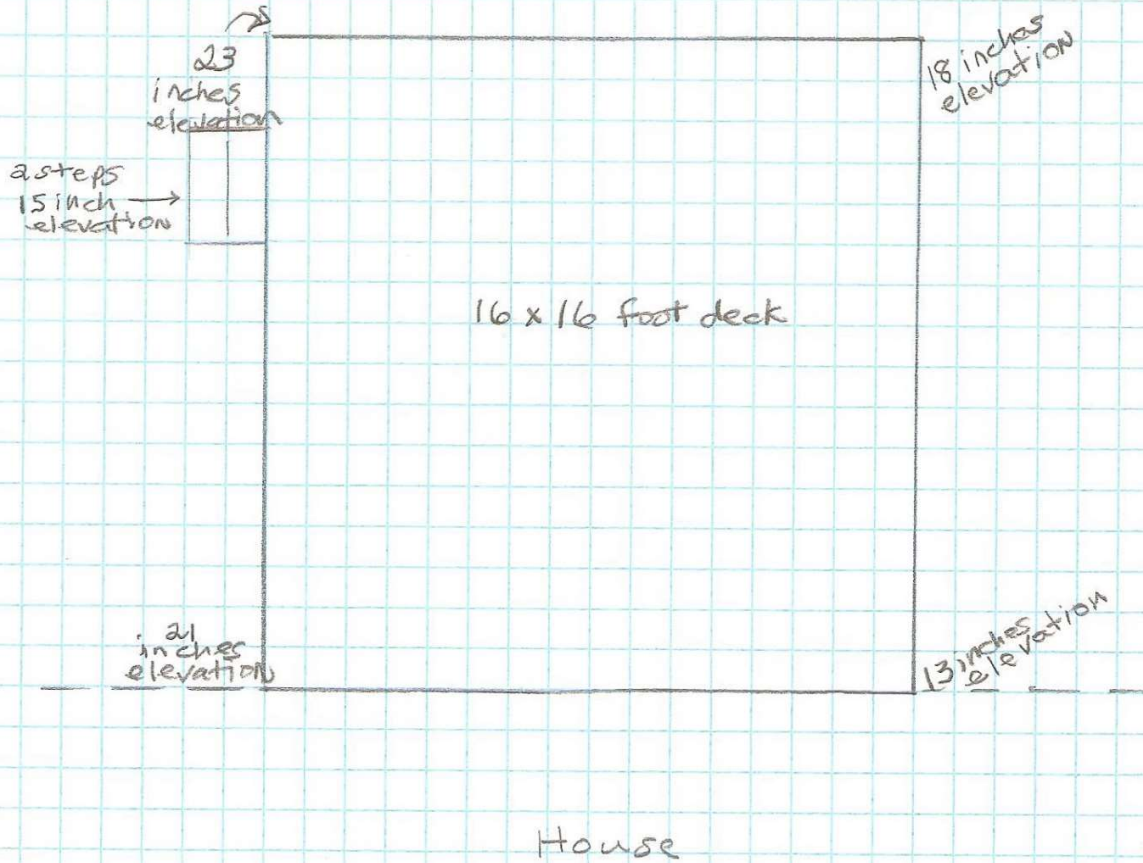


Proposed porch construction detail
70 Sheffield Road



Proposed Porch Roof Detail
70 Sheffield Road

Deck is built on a sloping lot



Existing backyard deck measurements
70 Sheffield Road



This porch is located at 79 Sheffield Road and is similar to the one proposed for 70 Sheffield Road

Neighbors' support for front farmer's porch



● **Elisabeth Kennedy** <lkjknk@aol.com>

To: pmstith@cityofportsmouth.com

Cc: J. Prendergast



Sun, Feb 7 at 10:48 PM



Mr. Stith,

I am writing to you in support of my neighbors, Jeanne & James Pendergast, request for a variance to build a farmers porch onto the front of their property at 70 Sheffield Road.

Jeanne has kept me and our immediate community informed of their proposed plans and I see no reason why it would adversely affect our neighborhood. I always enjoy sitting on my front porch, engaging with the neighbors passing by, and hope that they will be able to do the same.

Should you have any questions please don't hesitate to contact me.

Elisabeth Kennedy
64 Sheffield Road
Portsmouth, NH 03801
(603)770-2522

From: Fay Ham <fayham@icloud.com>

Date: February 7, 2021 at 4:01:01 PM EST

To: pmstith@cityofportsmouth.com

Subject: 70 Sheffield Rd.

Dear Peter Stith and the planning department of the City of Portsmouth,

My name is Fay Ham and I am a resident of 71 Sheffield Rd. Directly across from the Prendergast residence. They have done an outstanding job on their home and understand they would like to add on a farmers porch, I hope that they will be able to go forth with their wishes. I am certainly looking forward to seeing that completed.

Thank you for your consideration,

Fay Ham

Sent from my iPhone

March 9, 2021

By Hand-Delivery
Planning Department
City Hall
1 Junkins Ave.
Portsmouth, NH 03801

Re: Petition of The Prendergast Family Revocable Trust of 2012, Owner Property
at 70 Sheffield Road, Portsmouth

Dear sir/madam,

Please accept this letter in favor of the above petition. As the owner-resident of 74 Sheffield Road, I am a next-door neighbor of the Prendergasts. I fully support their proposed addition of an 8' by 22' farmers porch to the front of their home.

I hope that the variances from the Zoning Ordinance needed for this project, as detailed in the enclosed Abutter Notice for the 3-16-2021 Board of Adjustment meeting, will be approved.


Sincerely,


Karen Hazel

Enc:

Neighbors' support for back deck

One additional letter of support will be hand delivered to the Planning Office by our next-door neighbor who lives at 74 Sheffield Road.

 • **Elisabeth Kennedy** <lkjknk@aol.com> 📧 Wed, Mar 24 at 9:57 PM ★
To: tagora@cityofportsmouth.com
Cc: jeannie pendergast

Mr. David Rheume
Chair, City of Portsmouth Zoning Board of Adjustments

I am writing to you in support of the after-the-fact variance being requested by Jeanne and James Pendergast at 70 Sheffield Road.


The Pendergasts are lovely neighbors that keep their property immaculate. The back deck has no impact on my property at 64 Sheffield Road, located to the left of their home. I know that they enjoy their time in their backyard watching the birds at the feeders and see no reason for making any changes.

I fully support keeping the footprint of their home as it is while they pursue approval of adding a porch to the front of their home.

Please feel free to contact me should you have any questions.

Elisabeth Kennedy
64 Sheffield Road
Portsmouth, NH 03801
603-770-2522

• **ATTN: David Rheume** 2 Yahoo/Inbox ★

 • **Michael Wierbonics** <wierbonics@yahoo.com> 📧 Thu, Mar 25 at 1:52 PM ★
To: tagora@cityofportsmouth.com
Cc: jprender50@yahoo.com

David,
I'm writing on behalf of the Prendergast family of Sheffield Road regarding their application for an after-the-fact variance for their existing deck.

I am Michael Wierbonics of 161 Essex Ave and the Prendergast property abuts the rear yard of our property.

The deck was in existence when the Prendergast's moved in and we have no issue with its location even though it is 2-feet out of compliance.

It is my opinion that an after-the-fact variance be permitted in this case for the existing deck.

Contact me with any questions.

Michael Wierbonics
828-1627

Abutters within 300 feet of 70 Sheffield Road

Property ID	Site Address	Account	Owner Name	Owner Name 2	Owner Address	City	State	Zip
0232-0137-0000	ESSEX AVE	30276	LOUGHLIN MARY R		245 ESSEX AVE	PORTSMOUTH	NH	03801
0232-0128-0000	198 ESSEX AVE	30267	WESTHELLE ROBERT	WESTHELLE WHITNEY	198 ESSEX AVE	PORTSMOUTH	NH	03801
0232-0129-0000	170 ESSEX AVE	30268	NEVIN JOEL F		170 ESSEX AVE	PORTSMOUTH	NH	03801
0232-0134-0000	169 ESSEX AVE	30273	WADE ROBT S		169 ESSEX AVE	PORTSMOUTH	NH	03801
0232-0135-0000	219 ESSEX AVE	30274	YAUIN MARION J		219 ESSEX AVE	PORTSMOUTH	NH	03801
0232-0136-0000	239 ESSEX AVE	30275	GOLDEN BRIAR K		239 ESSEX AVE	PORTSMOUTH	NH	03801
0232-0143-0000	100 SHEFFIELD RD	30282	BONITO GLORIA	FREEDMAN ROBERT H TRUSTEE	100 SHEFFIELD RD	PORTSMOUTH	NH	03801
0232-0144-0000	90 SHEFFIELD RD	30283	90 SHEFFIELD ROAD REALTY TRUST		90 SHEFFIELD ROAD	PORTSMOUTH	NH	03801
0232-0145-0000	80 SHEFFIELD RD	30284	BURNETT SHERRY A		80 SHEFFIELD ROAD	PORTSMOUTH	NH	03801
0232-0146-0000	74 SHEFFIELD RD	30285	HAZEL KAREN F		74 SHEFFIELD RD	PORTSMOUTH	NH	03801
0232-0147-0000	79 SHEFFIELD RD	30286	BOSTON SHIRLEY L		79 SHEFFIELD ROAD	PORTSMOUTH	NH	03801
0232-0148-0000	83 SHEFFIELD RD	30287	ULIANO FAMILY REVOCABLE TRUST OF 2015	ULIANO EMIL R III & DAWN ELLEN TRUSTEE	457 SAGAMORE RD	RYE	NH	03870
0232-0149-0000	87 SHEFFIELD RD	30288	BORYSZEWSKI WALTER J		87 SHEFFIELD RD	PORTSMOUTH	NH	03801
0232-0150-0000	7 HAMP SHIRE RD	30289	GIOVANDO KATHERINE	MATHES CAROL M	7 HAMP SHIRE RD	PORTSMOUTH	NH	03801
0232-0151-0000	11 HAMP SHIRE RD	30290	MEDLOCK TODD A		11 HAMP SHIRE RD	PORTSMOUTH	NH	03801
0232-0152-0000	10 HAMP SHIRE RD	30291	MCCONNAUGHEY GEORGE H		10 HAMP SHIRE RD	PORTSMOUTH	NH	03801
0232-0153-0000	8 HAMP SHIRE RD	30292	MCCONNAUGHEY GEORGE	MCCONNAUGHEY GEORGE II	8 HAMP SHIRE ROAD	PORTSMOUTH	NH	03801
0233-0031-0000	24 HAMP SHIRE RD	30398	BOLDUC JAMES G		24 HAMP SHIRE RD	PORTSMOUTH	NH	03801
0233-0032-0000	18 HAMP SHIRE RD	30399	WISINSKI FRANK & JO ANN FAMILY TR 2016	EGAN CK POLTRINO MA & WISINSKI GT TRT	18 HAMP SHIRE RD	PORTSMOUTH	NH	03801
0233-0033-0000	16 HAMP SHIRE RD	30400	KAT MARIEKE CHARLOTTE	PEYSER KEVIN DAVID	16 HAMP SHIRE RD	PORTSMOUTH	NH	03801
0233-0034-0000	12 HAMP SHIRE RD	30401	LEVENSON JACOB A		12 HAMP SHIRE RD	PORTSMOUTH	NH	03801
0233-0035-0000	13 HAMP SHIRE RD	30402	REEVES LINDA A		13 HAMP SHIRE RD	PORTSMOUTH	NH	03801
0233-0036-0000	27 HAMP SHIRE RD	30403	THOMAS CAROLYN A 2004 TRUST	THOMAS CAROLYN A TRUSTEE	17 HAMP SHIRE RD	PORTSMOUTH	NH	03801
0233-0037-0000	21 HAMP SHIRE RD	30404	BROWN MARK J REVOCABLE TRUST	BROWN MARK J TRUSTEE	21 HAMP SHIRE RD	PORTSMOUTH	NH	03801
0233-0038-0000	25 HAMP SHIRE RD	30405	CAMERON JOHN H	CAMERON LOUISE BEAULIEU	25 HAMP SHIRE RD	PORTSMOUTH	NH	03801
0233-0039-0000	27 HAMP SHIRE RD	30406	FISHBEIN FAMILY REALTY TRUST	FISHBEIN SHIRLEY TRUSTEE	27 HAMP SHIRE RD	PORTSMOUTH	NH	03801
0233-0041-0000	35 HAMP SHIRE RD	30408	WELSH FAMILY REVOCABLE TRUST OF 1999	WELSH MARCIA J & TRACY B TRUSTEES	35 HAMP SHIRE RD	PORTSMOUTH	NH	03801
0233-0042-0000	45 SHEFFIELD RD	30409	GUARRERA DONNA		45 SHEFFIELD RD	PORTSMOUTH	NH	03801
0233-0043-0000	55 SHEFFIELD RD	30410	VACCARO KATHLEEN A REV TST OF 2020	VACCARO KATHLEEN TRUSTEE	55 SHEFFIELD RD	PORTSMOUTH	NH	03801
0233-0044-0000	61 SHEFFIELD RD	30411	SULLEY ROSE		61 SHEFFIELD RD	PORTSMOUTH	NH	03801
0233-0045-0000	71 SHEFFIELD RD	30412	HAM FAY B IRREVOCABLE TRUST	HAM FBIME & NELSON KL & GAGNE JL TRTE	71 SHEFFIELD RD	PORTSMOUTH	NH	03801
0233-0047-0000	64 SHEFFIELD RD	30414	KENNEDY ELISABETH REV O TRUST	KENNEDY ELISABETH TRUSTEE	64 SHEFFIELD RD	PORTSMOUTH	NH	03801
0233-0048-0000	56 SHEFFIELD RD	30415	MCGRIMLEY SEAN M	MCGRIMLEY ALLISON W	56 SHEFFIELD RD	PORTSMOUTH	NH	03801
0233-0049-0000	46 SHEFFIELD RD	30416	ADDORIO FAMILY REV O TRUST	ADDORIO P & E J TRUSTEES	70 SEPTEMBER DR	GREENLAND	NH	03840
0233-0058-0000	113 ESSEX AVE	30424	ABSHER CAROLYN M TROSKY	ABSHER RANDALL PAUL	113 ESSEX AVE	PORTSMOUTH	NH	03801
0233-0059-0000	125 ESSEX AVE	30425	LAUX EVELYN L		125 ESSEX AVE	PORTSMOUTH	NH	03801
0233-0060-0000	139 ESSEX AVE	30426	MORROW PEGGIL		139 ESSEX AVE	PORTSMOUTH	NH	03801
0233-0061-0000	151 ESSEX AVE	30427	BERLING CHRISTIAN L		117 ASH ST	PORTSMOUTH	NH	03801
0233-0062-0000	161 ESSEX AVE	30428	WIERONICS MICHAEL S	WIERONICS LILI L	161 ESSEX AVE	PORTSMOUTH	NH	03801
0233-0063-0000	160 ESSEX AVE	30429	PARSONS SHANNON M	PARSONS STEPHEN E	160 ESSEX AVE	PORTSMOUTH	NH	03801
0233-0064-0000	152 ESSEX AVE	30430	CLARK COREY J	CLARK JANELLE B	152 ESSEX AVE	PORTSMOUTH	NH	03801
0233-0065-0000	140 ESSEX AVE	30431	DOOLEY WILLIAM E	DOOLEY WHITNEY S	140 ESSEX AVE	PORTSMOUTH	NH	03801
0233-0066-0000	122 ESSEX AVE	30432	SALTUS CASSANDRA M DECLARATION OF TRUST	SALTUS CASSANDRA M TRUSTEE	122 ESSEX AVE	PORTSMOUTH	NH	03801
0233-0050-0000	36 SHEFFIELD RD	35496	1 ALDEN AVENUE LLC		437 PORTSMOUTH AVE UNIT 2	GREENLAND	NH	03840

Land Use Permit (LU-21-60):

Application for use of land, 1281 Islington Street, for owning chickens including the erection of a chicken coop/shed.

1. Photo showing proposed location in the backyard.



2. Photo showing proposed shed design (will build from scratch but aesthetics will remain similar)



3. Proposed shed maximum dimensions as listed for chicken coop shown above

"Industry Standard": 10-12 chickens
We Recommend: 3 to 7 chickens*

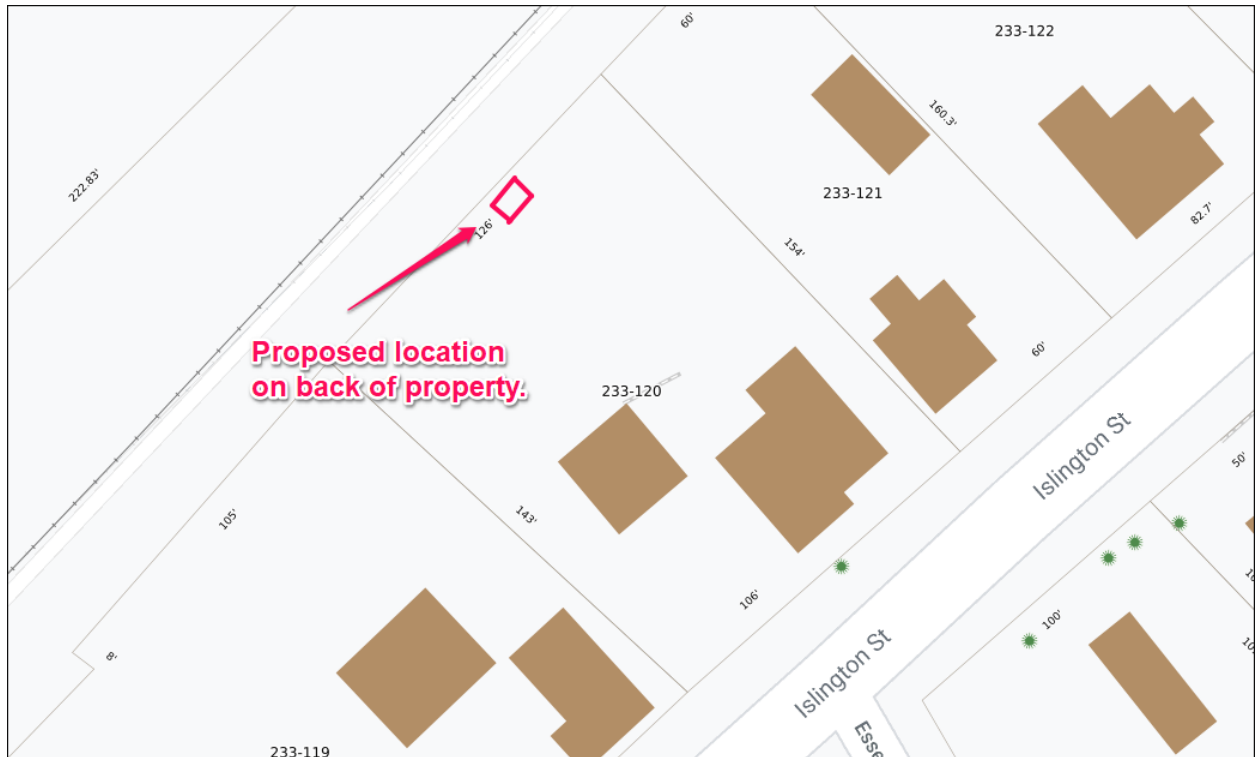
Run Area: 6 ft. x 8 ft. (48 square feet)

Coop Area: 5 ft. x 4 ft. (20 s.f.)

Total Living Space: 68 s.f.

Proposed shed design will not exceed 10' in height and will likely be 7- 8'

4. Map showing proposed location of chicken coop on property by former railroad tracks. Coop will be setback 5' from rear property line.



5. Special Exception standards:

10.232.20 Special exceptions shall meet all of the following standards:

10.232.21 Standards as provided by this Ordinance for the particular use permitted by special exception;

Response: No specific standards are detailed in the ordinance for farm animals.

10.232.22 No hazard to the public or adjacent property on account of potential fire, explosion or release of toxic materials;

Response: The owning of chickens will not result in any hazard to the public.

10.232.23 No detriment to property values in the vicinity or change in the essential characteristics of any area including residential neighborhoods or business and industrial districts on account of the location or scale of buildings and other structures, parking areas, accessways, odor, smoke, gas, dust, or other pollutant, noise, glare, heat, vibration, or unsightly outdoor storage of equipment, vehicles or other materials;

Response:The values of the surrounding properties will not be impacted as we do not intend to place the coop near adjacent properties with single family residence. The coop will be on the back of the property adjacent to the old rail path.

10.232.24 No creation of a traffic safety hazard or a substantial increase in the level of traffic congestion in the vicinity;

Response: Traffic is not impacted.

10.232.25 No excessive demand on municipal services, including, but not limited to, water, sewer, waste disposal, police and fire protection and schools; and

Response: All waste is organic, and the chickens require minimal water usage.

10.232.26 No significant increase of stormwater runoff onto adjacent property or streets.

Response: No impact to stormwater runoff.

10.232.30 Special exception approvals may be subject to appropriate conditions, including but not limited to the following:

10.232.31 Front, side and rear yards in excess of the minimum requirements of this Ordinance;

Response: N/A

10.232.32 Landscaping and/or screening of the premises from the street or adjacent property in excess of the minimum requirements of this Ordinance;

Response: N/A

10.232.33 Modification of the exterior features, buildings or other structures;

Response: N/A

10.232.34 Limitations on the size of buildings and other structures more stringent than the minimum or maximum requirements of this Ordinance;

Response: N/A

10.232.35 Limitations on the number of occupants and methods and times of operation; Article 2 Administration and Enforcement As Amended Through January 11, 2021 2-4

Response: N/A

10.232.36 Grading of the premises for proper drainage;

Response: N/A

10.232.37 Regulation of design of access drives, sidewalks, crosswalks and other traffic features;

Response: N/A

10.232.38 Off-street parking and loading spaces in excess of the minimum requirements of this Ordinance;

Response: N/A

10.232.39 Regulation of the number, size, lighting of signs more stringent than the requirements of the Ordinance; and

Response: N/A

10.232.39a Other performance standards.

Response: N/A

264/2 South St Portsmouth NH
March 31th 2021

Letter to the Board of Adjustments and Narrative for the Historic Committee:

We are requesting a variance to install two - 13 SEER Rheem AC condenser units to the exterior of our property at **264/262 South St, Portsmouth NH**, Map/Lot 0111-0005-0000, with consideration of Zoning Ordinance Section 10.233

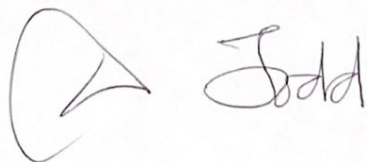
We'd like to request forgiveness on the required side set back which is 10', where we only have **7' for the 1st unit** at 264 South St and **6' for the 2nd unit** at 262 South St. Unit 1, for 264 South St, will leave a **4' +/- setback, once installed** and unit 2, for 262 South St, will leave a **3'+/- setback, once installed**, from the west side of the property. With the units placed in these locations no piping conduits will run on the outside of the property.

We will install a fence approximately 3 1/2 - 4' wide x 4' high to hide the units form the street view. This will match as near as possible the rear existing fence.

The Variance would not appear to be contrary to public interests or compromise surrounding values as it will increase the property value and not decrease surrounding property values. It will be well hidden by a fence keeping within the spirit of the zoning requirements. The spirit of the Ordinance will be observed as it will not damage the health, safety or general welfare of the community. It has been determined by the Mechanic to be the best location given the position of the interior units and will need zero outside conduits therefor not allowing the Variance would deny AC to the property. Many of the surrounding properties with the Historic Distric currently have cooling units outside in similar positions.

Please see drawings for locations and dimentions.

Thank you for your consideration.


Owner

254 South St
Portsmouth NH 30801

March 29th 2021

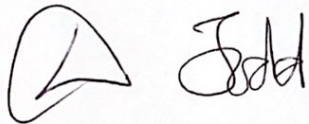
To the Planning board,

We are requesting a variance to install two - 13 SEER Rheem AC condenser units to the exterior of our property next door at 264/262 South St, Portsmouth NH, Map/Lot 0111-0005-0000

We'd like to request forgiveness on the required side set back which is 10', where we only have **7' for the 1st unit** at 264 South St and **6' for the 2nd unit** at 262 South St. Unit 1, for 264 South St, will leave a **4' +/- setback, once installed** and unit 2, for 262 South St, will leave a **3'+/- setback, once installed**, from the west side of the property. With the units placed in these locations no piping conduits will run on the outside of the property.

Please see drawings for locations and dimentions.

Thank you for your consideration.

A handwritten signature in black ink, appearing to read "Denise Todd". The signature is stylized and written in a cursive-like font.

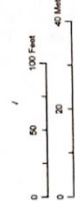
Denise Todd
Property Owner

③ ②

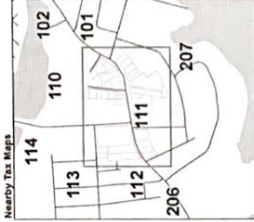


Parcel Legend

- Line for street center for the computer system
- 7.6A Lot or parcel number
- 7.6B Lot or parcel number (if it appears last 04)
- 7.6C Address number
- 200-100 Parcel number from a neighboring map
- 200-100 Parcel line dimension
- 200-100 Street name
- Parcel boundary
- Parcel boundary boundary
- Structure (1000, 1000)
- Parcel from a previous map
- Use other maps for current address

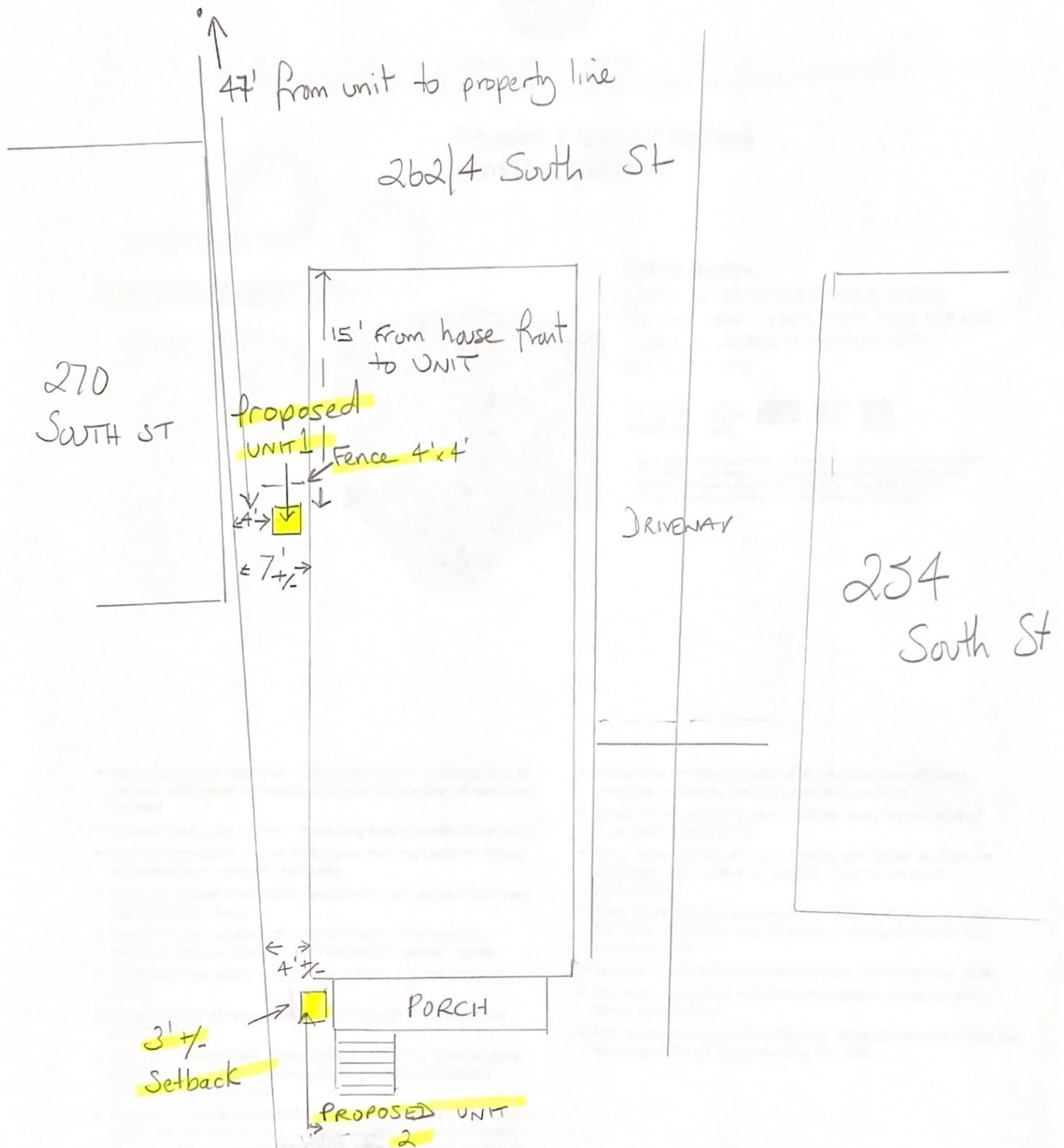


This map is for assessment purposes only. It is not intended for legal description or conveyance. Building footprints are 2006 data and may not represent current structures. Lot numbers on this map may be a placeholder for the actual lot number. Lot numbers base precedence over address. Lot numbers may not represent posted or legal addresses.



Portsmouth, New Hampshire
2020
Tax Map 111

SOUTH ST



③ VARIANCE APPLICATION FOR 2 outside AC units



The new degree of comfort.™

Rheem Classic® Series Air Conditioners

RA13 Series

Efficiencies 13-15.5 SEER/11.5-13 EER
Nominal Sizes 1½ to 5 Ton [5.28 to 17.6 kW]
Cooling Capacities 17.3 to 60.5 kBtu
[5.7 to 17.7 kW]



"Proper sizing and installation of equipment is critical to achieve optimal performance. Split system air conditioners and heat pumps must be matched with appropriate coil components to meet Energy Star. Ask your Contractor for details or visit www.energystar.gov."



- New composite base pan – dampens sound, captures louver panels, eliminates corrosion and reduces number of fasteners needed
- Powder coat paint system – for a long lasting professional finish
- Scroll compressor – uses 70% fewer moving parts for higher efficiency and increased reliability
- Modern cabinet aesthetics – increased curb appeal with visually appealing design
- Curved louver panels – provide ultimate coil protection, enhance cabinet strength, and increased cabinet rigidity
- Optimized fan orifice – optimizes airflow and reduces unit sound
- Rust resistant screws – confirmed through 1500-hour salt spray testing
- PlusOne™ **Expanded Valve Space** – 3"-4"-5" service valve space – provides a minimum working area of 27-square inches for easier access
- PlusOne™ **Triple Service Access** – 15" wide, industry leading corner service access – makes repairs easier and faster. The two fastener removable corner allows optimal access to internal unit components. Individual louver panels come out once fastener is removed, for faster coil cleaning and easier cabinet reassembly
- Diagnostic service window with two-fastener opening – provides access to the high and low pressure.
- External gauge port access – allows easy connection of "low-loss" gauge ports
- Single-row condenser coil – makes unit lighter and allows thorough coil cleaning to maintain "out of the box" performance
- 35% fewer cabinet fasteners and fastener-free base – allow for faster access to internal components and hassle-free panel removal
- Service trays – hold fasteners or caps during service calls
- QR code – provides technical information on demand for faster service calls
- Fan motor harness with extra long wires allows unit top to be removed without disconnecting fan wire.

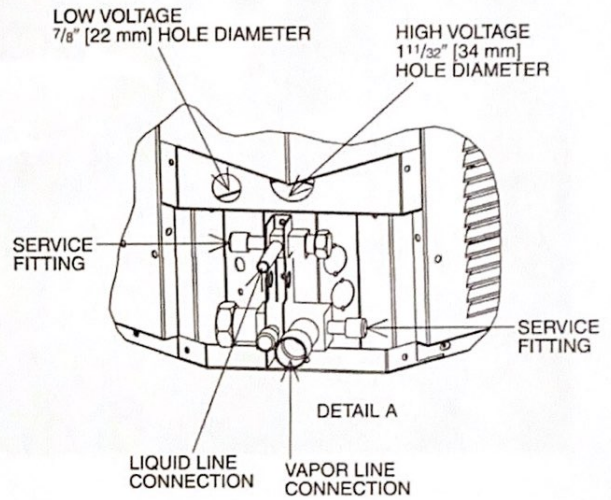
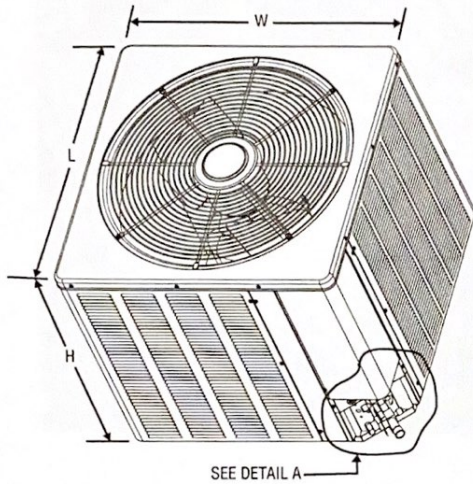


Unit Dimensions

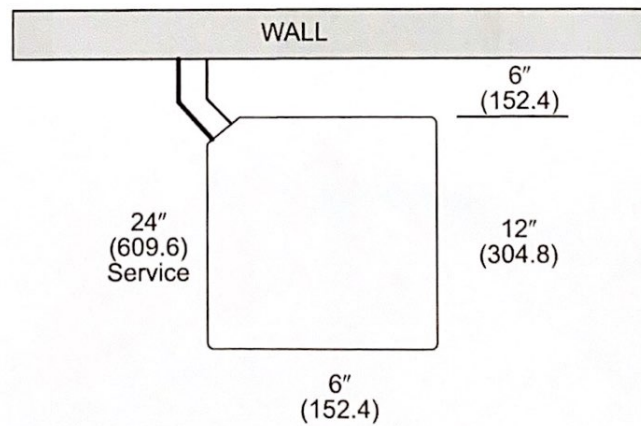
Model No. 13A*A	Unit Dimensions		
	Width "W" Inches	Length "L" Inches	Height "H" Inches
18, 24	23 ⁵ / ₈ [600]	23 ⁵ / ₈ [600]	24 ¹ / ₄ [616]
30	27 ⁵ / ₈ [702]	27 ⁵ / ₈ [702]	24 ¹ / ₄ [616]
36, 42, 48	31 ⁵ / ₈ [803]	31 ⁵ / ₈ [803]	27 ¹⁵ / ₁₆ [710]
60	31 ⁵ / ₈ [803]	31 ⁵ / ₈ [803]	35 ¹⁵ / ₁₆ [913]

*J, C, or D

[] Designates Metric Conversions



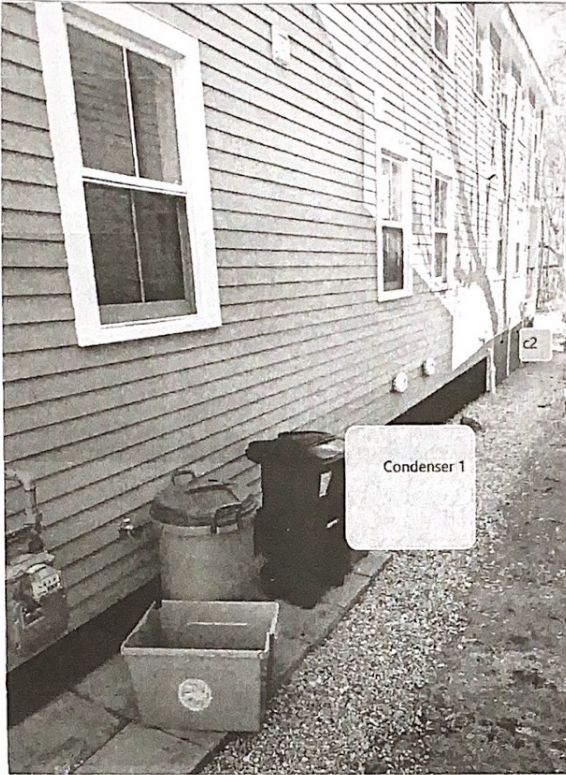
CLEARANCES



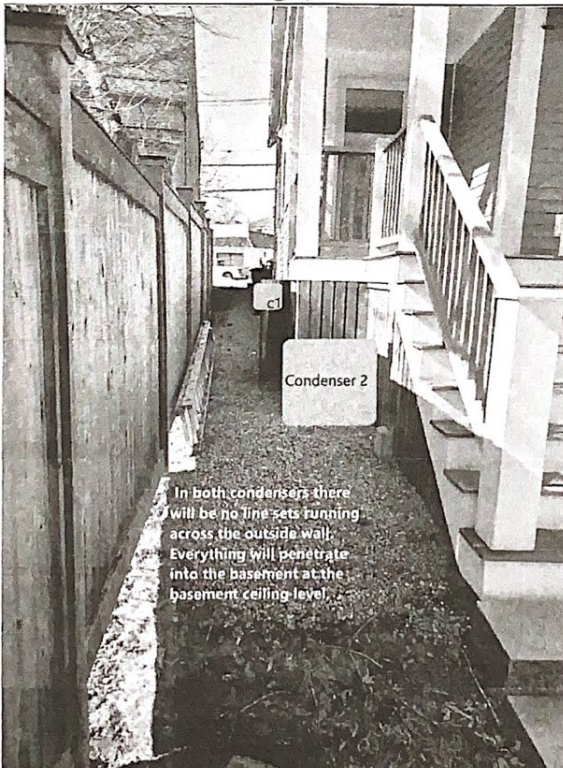
26214 FRONT VIEW

Proposed location of A/C units

FRONT



REAR VIEW



In both condensers there will be no line sets running across the outside wall. Everything will penetrate into the basement at the basement ceiling level.

REAR VIEW



March 30, 2021

To: City of Portsmouth Zoning Board of Adjustment

From: Michael McNeilly, Homeowner at 205 Wibird Street

Re: Variance Request for a Shed

Dear Zoning Board Members,

We would like to replace the existing 8x10 shed that was on our property when we bought it nearly seven years ago with a 10x12 shed to allow for more storage since we don't have a garage. We would like to place the new shed in the same location as the existing shed but it would need to extend two feet further toward the middle and front of the yard.

Relief Requested:

In order to place the shed in the desired location we are requesting a variance to have it four feet from the property line when the ordinance calls for nine feet.

Addressing the criteria:

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

This is such a minor increase in size and located close to only the back corners of nearby yards that it shouldn't have any impact on neighboring homeowner's views, land use, or enjoyment of property.

10.233.22 The spirit of the Ordinance will be observed:

Granting the requested variance would not change the characteristics of the neighborhood nor would public health, safety, or welfare be diminished.

10.233.23 Substantial justice will be done:

Since we don't have a garage the shed is where we store bikes, a lawnmower, yard tools, etc. and the current shed isn't big enough to do this in any organized way.

10.233.24 The values of surrounding properties will not be diminished:

Please see 10.233.21 above.

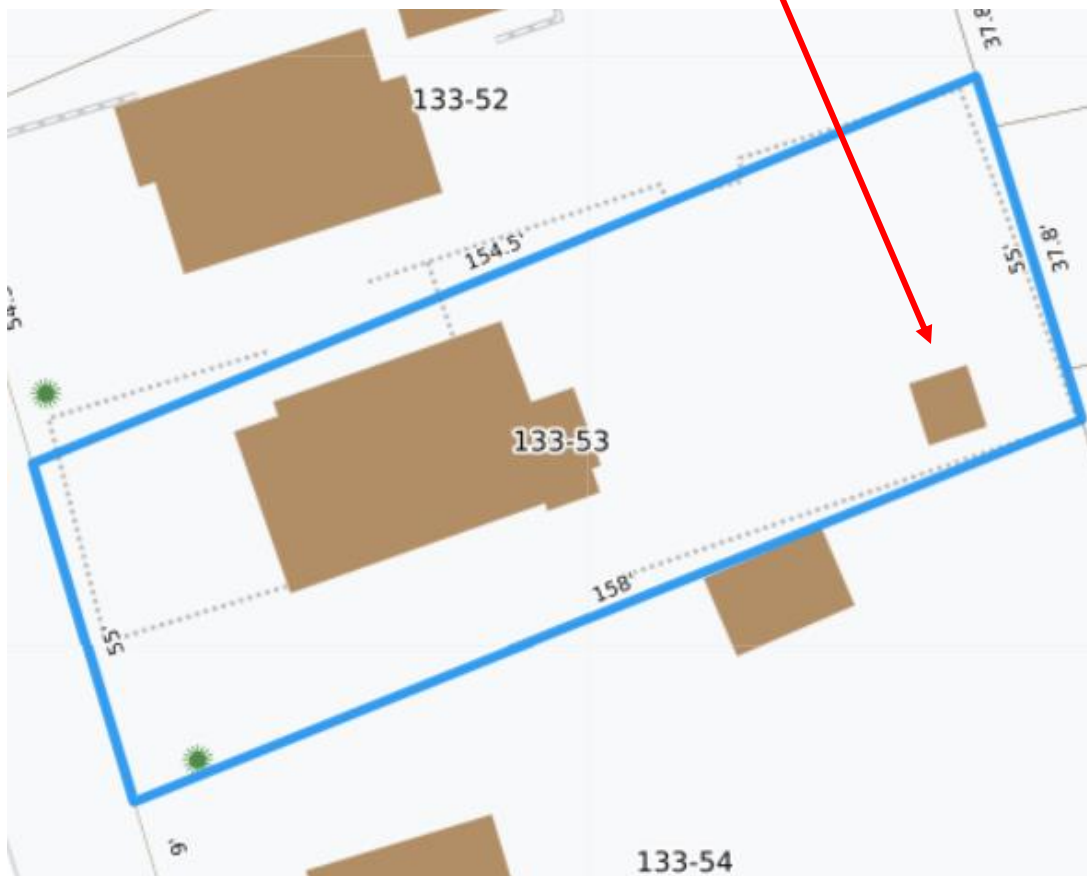
10.233.25 Literal enforcement of the provisions of the Ordinance would result in an unnecessary hardship:

Literal enforcement would place the new shed more in the center of the yard, where it would be more visible to neighbors and would make it more difficult to use/enjoy the backyard, particularly for our kids.

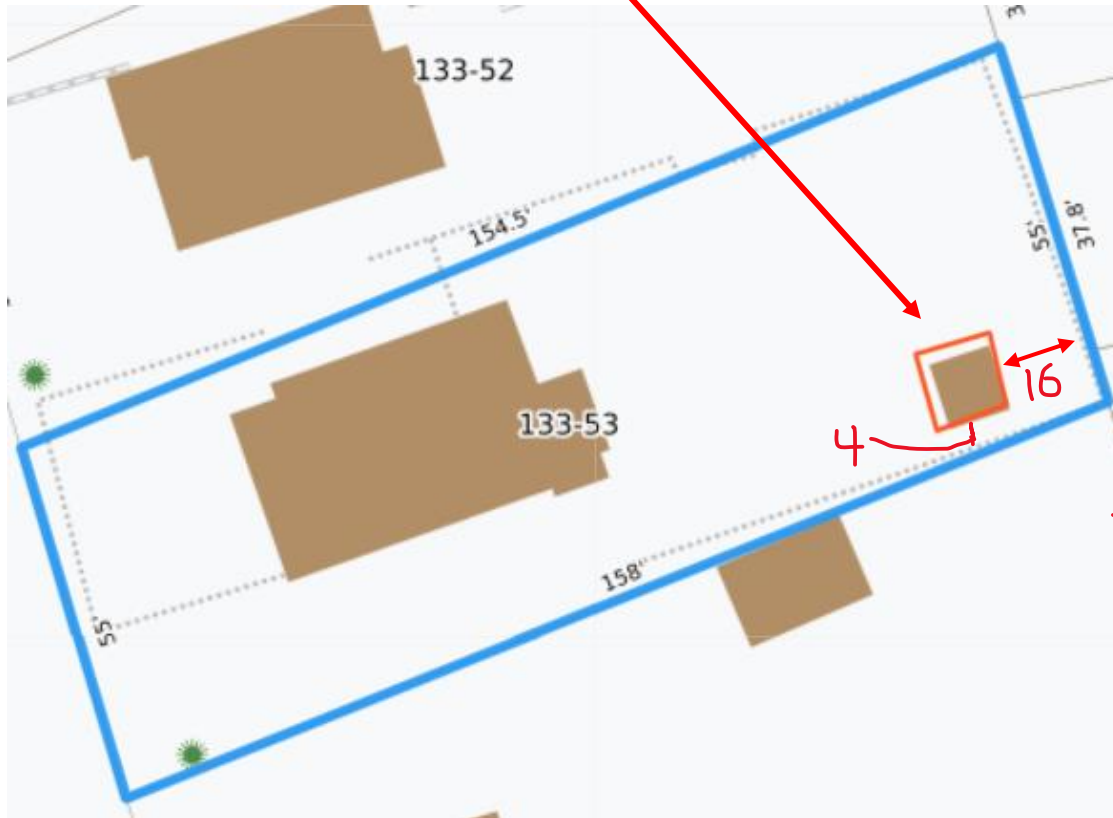
Thank you,

Mike McNeilly

Current 8x10 shed, which map depicts as square.



Proposed 10x12 shed footprint in red.

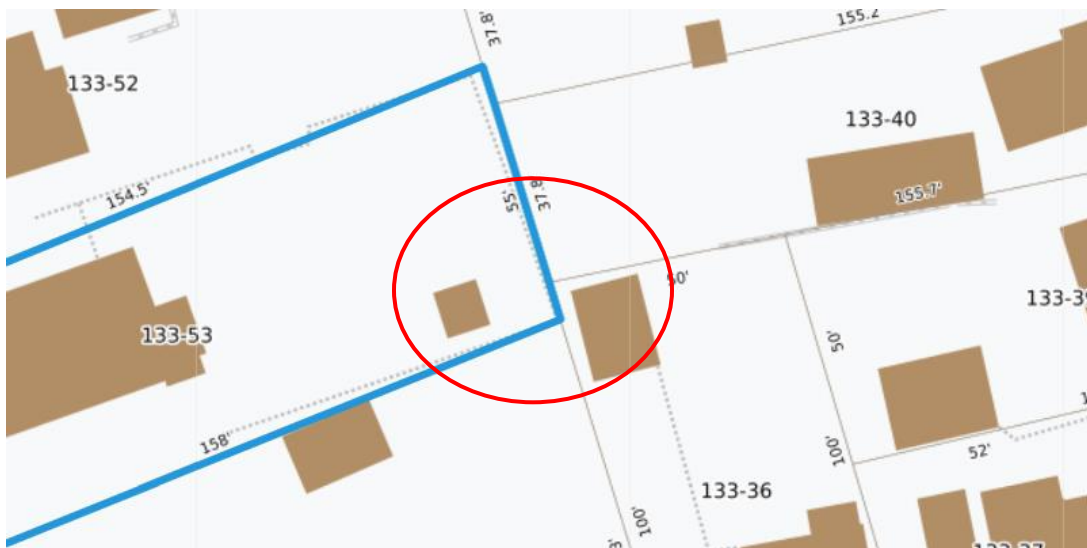


Would like to keep existing setbacks of 4ft on the side and 16 ft in the rear.

Existing Shed



Current and proposed location is tucked into an area where back corners of all four contiguous lots meet and is hidden from several neighbors' views by other structures.



New Shed. Height is 9'0".



Before the City of Portsmouth Zoning Board of Adjustment

Petition of Tobias Lear House Historic Inn, LLC, 49 Hunking Street Request for a Variance Regarding Front Fence Height

The Property

The subject property at 49 Hunking Street is known as the Tobias Lear House, a 1730's dwelling expanded to its present Georgian configuration in the 1760's. The house is noted for its association with George Washington; Tobias Lear V, who was born in this house, was personal secretary to George Washington for some 14 years. But the house is important also for its architecture and its well preserved structure and historic fabric. From 1940 to 2019, the Tobias Lear House, together with the adjacent Wentworth-Gardner House, was part of a two-house museum complex. In April 2019, this Board granted a variance for the operation of a small, two-bedroom inn on this property. In July 2019 Petitioner purchased the property and began a rehabilitation of the house and grounds now nearing completion. The house is located within the Historic District, in the GRB zoning district and can be found on Tax Map 103 as lot 39.

The Proposal

As part of an overall perimeter fencing plan, petitioner seeks to build historically appropriate fencing along the 85-foot boundary fronting on Hunking Street. This petition is a request for a variance from code section 10.515.13, which requires front yard fencing not to exceed four feet in height. As illustrated in the attached Owner's Sketches, the proposed street front fence will be in two sections: (1) a 51-foot decorative, capped picket fence along the eastern half of the street frontage, roughly coextensive with the front façade of the house, varying in height from 4'6" to 5'6"; and (2) a 34-foot vertical board privacy fence varying in height from 5'0" to 6'0" along the remainder of the street frontage. This street front fencing was part of a comprehensive perimeter fencing plan approved by the Historic District Commission ("HDC") on March 3, 2021 (copy of application attached). Historic New England, a non-profit historic preservation organization which holds a preservation easement on both the dwelling and surrounding grounds, subsequently approved the plan by letter dated March 11, 2021 (copy of request and approval attached).

Factual Discussion

Petitioner has sought to design fencing for the Tobias Lear House which: (1) resonates with historic fencing in the City of Portsmouth for a house of its size, character, and period; (2) complements the architecture of the house and its physical setting in the community; and (3) meets the special characteristics of the lot itself, which includes a substantial side yard with Hunking Street frontage and a ten-foot front yard, both of which are somewhat unusual for this neighborhood.

The Decorative Fence. Petitioner believes that a decorative fence along the front of the house is a necessary complement to this historically important property. Architecturally, the fence sets the stage and provides context for the house. As noted in the attached HDC application, the form and design of the proposed decorative fence is intended to mark the importance of the house but in a measured and restrained way. Additionally, the size and placement of the fence should harmonize with the structure. The front yard of the property measures approximately 10 feet on average from the front façade of the house to the property line just short of the street curb. The fence will sit three feet from the property line, allowing for low plantings and, in winter, room for snow to accumulate from plowing (there are no sidewalks along Hunking Street and no city-owned

buffer between curb and property line). That leaves a seven foot space for an enclosed front yard for circulation within the fencing, for additional plantings, and a sitting area along the front entrance.

Petitioner views the height of the decorative fence, which, as measured at the top of each post, begins at 4'6" and increases to 5'6," as appropriate and necessary from an aesthetic view point in light of the size of the house. Not only is this a large, two-story 1760 Georgian house, but it has an unusually steep hipped roof with three dormers, and rises slightly over 35 feet from grade to chimney top. The house, thus, calls out for a fence of some stature. That said, the proposed decorative fence height is only marginally in excess of the four-foot ordinance limit, particularly if measured from the capped rail, which will be about nine inches below the post tops; the cap height will average only about 4'3" above grade. There will be no gate or fencing, it should be noted, at the front entrance. (It also bears noting that while moving the proposed fencing two feet closer to the house might obviate the need for the variance requested here, in Petitioner's view this would be an unhappy result aesthetically; the size of the house, and its height, in particular, argue for as much breathing room as feasible between façade and fence, and a fence of the same height as proposed here but placed closer to the house would look out of scale. The placement of the fence three feet from the curb and seven feet from the front façade strikes the proper aesthetic and utilitarian balance.)

The Privacy Fence. The privacy portion of the front fencing plan responds in part to the criterion of appropriate historic fencing for the house. As further described in the fencing plan presented to the HDC, the city abounds with examples of street front historic fencing which combines both decorative and privacy fencing, the decorative portion typically coextensive with the façade and the privacy fencing flanking it on one or both sides. Thus, the privacy portion *in combination with the decorative portion* strikes an important note of historical resonance. Additionally, the vertical board privacy fencing also serves a real 21st century need for privacy. There is a substantial side yard on the property, measuring roughly 34 x 42 feet – substantial relative to most other properties in this neighborhood of small lots and tightly-packed-together houses. This side yard would typically be used for off-street parking for the property, but such a use would significantly detract from the structure's historic stature. Petitioner has opted instead to use this space for a side garden and sitting area to enhance the historical structure and property. The fence is thus needed for some privacy in the side garden, but the face of the fence to the street is not unfriendly; it has character, detail and variety in its vertical planks, rails, cap, and double-door gate entrance to the garden. Moreover, while the maximum fence height as measured from the fence post top at the terminus will be 6'0", the average fence height, measured at the running cap, will be about nine inches less, at 5'3". The fence size will also be softened visually by plantings between it and the curb.

Application of Standards for Granting a Variance

Petitioner submits that the proposed design and placement of the street front fencing for the Tobias Lear House, as summarized above and as further described in the attached HDC application, amply satisfies the requirements for the requested variance relief.

None of the applicable policies underlying the fence height provisions would be undermined by allowing the modest increase in front fence height sought herein. As regards the proposed decorative fencing portions directly in front of the house, ease of access by fire and other emergency vehicles would not be compromised by the proposed fencing. The absence of a gate or fencing at the front entrance to the house further eases access. With its picket fencing, the 3-foot setback from the curb and the additional seven feet between fence and front façade, there is ample space for flow of air and light. For passers-by and neighbors, moreover, this is not a fence that attempts to intimidate

or block out public view. Quite to the contrary, the fence is there to properly frame and highlight, not restrict the view of this historic property from the street.

The smaller privacy fence stands on a somewhat different footing, of course; one of its principal functions is privacy. But this fence is more akin to a side yard fence. It, too, is set back three feet from the curb, and, while providing necessary privacy for the garden and sitting area, the fence has significant detail designed to invite visual inspection and to pique interest, with its double garden doors, in what lies behind it. Rather than a detriment to the neighborhood, the privacy fence would clearly be an enhancement of the visual environment, especially when compared to what would be a more typical use in the neighborhood, a parking space for two or more cars.

In sum, it seems more than fair to conclude that granting the requested variance will not be contrary to the public interest nor will it undermine the spirit of the Ordinance. The spirit of the Ordinance will be observed.

The values of surrounding properties will not be diminished by the proposed fencing. It is already apparent to neighbors, Petitioner submits, that the substantial rehabilitation underway, and nearly completed on the exterior of the house, has already transformed what for years has been a neighborhood eyesore into a key point of visual interest and community pride, giving a boost to spirits as well as neighboring property values. The proposed fencing is an integral component of the ongoing rehabilitation of the property and it, too, will enhance both the house, and with it, surrounding property values.

By much the same token, substantial justice will be done in granting the requested variance. Petitioner has devoted substantial resources, above and beyond normal construction and renovation costs, to rehabilitate this property using best historical-preservation practices. This has been done, moreover, under the watchful eye of not only the HDC but also Historic New England, the preservation easement holder. To be sure, Petitioner undertook this project knowing full well the nature and extent of the burdens such easement restrictions entail, but it should be noted that these burdens on the property, and on the Petitioner, translate, into a substantial, enduring benefit to the public at large. It would be unfair, and unjust, to deny petitioner the latitude he requests to carry out his carefully considered fencing plan, now approved by both the HDC and Historic New England, when this can be done without any detriment to the surrounding community.

The combination of special characteristics inherent in this property which distinguish it from most other properties in the neighborhood –its historic importance, its physical size and architecture, its unusually steep hipped roof, the existence of an historic preservation agreement burdening the property, the ample size of the front and side yards – is such that literal enforcement of the fence height limitation provision would result in hardship to Petitioner, restricting his ability to provide historical and architecturally appropriate street front fencing, an important component of maintaining the property’s historic integrity and of presenting the property to the public. And it would be an absolutely unnecessary hardship as there would be no detriment to the surrounding community if the variance is granted.

No fair and substantial relationship, therefore, could be said to exist between the general purposes of the Ordinance and specifically, section 10.515.13 – among them, public safety, ample air and light, neighbor-friendly fencing -- and its specific application here to the subject property. At the same time, several important ordinance objectives such as the preservation and enhancement of the visual environment and the preservation of structures of historic and architectural interest would clearly be advanced, Petitioner submits, by granting the requested relief.

;

Finally, the use proposed here by Petitioner is a reasonable one since, as demonstrated in the foregoing discussion, it will not adversely affect the surrounding neighborhood area in any manner.

Conclusion

For all the foregoing reasons, petitioner respectfully submits that the variance be granted as requested.

/s/ Stephen M. Foster

Stephen M. Foster

Owner, Manager

Tobias Lear House Historic Inn, LLC

March 31, 2021

Attachments:

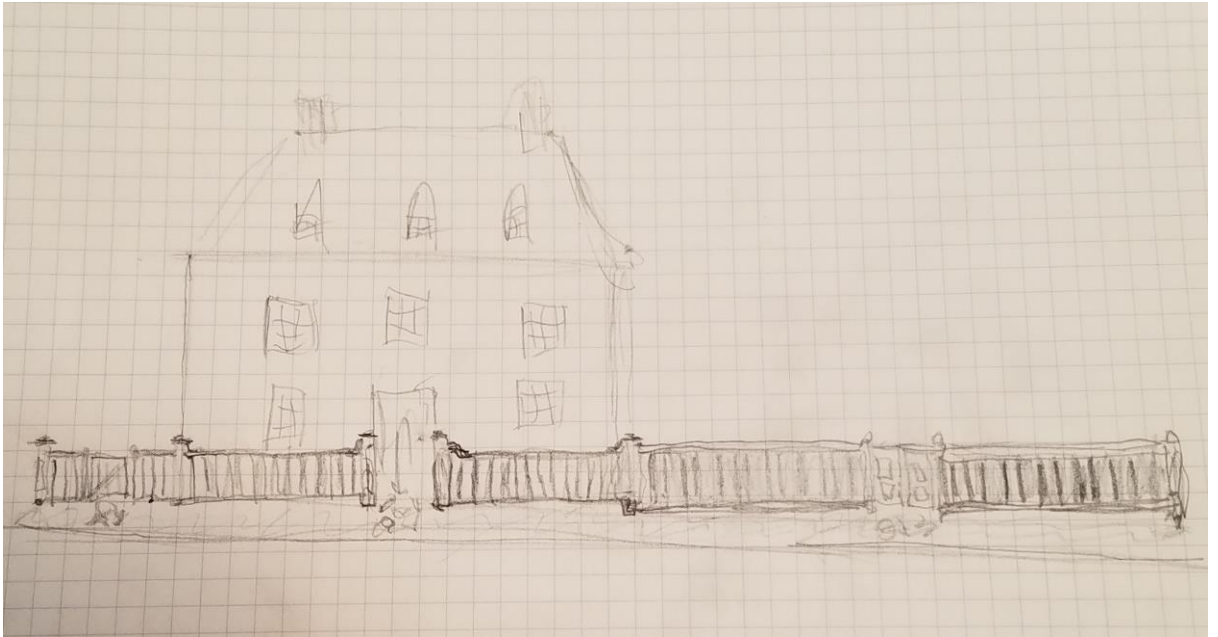
Owner's Sketches: Street Front Fencing

Letter of Historic New England dated March 11, 2021/Request to HNE for Approval of Fencing

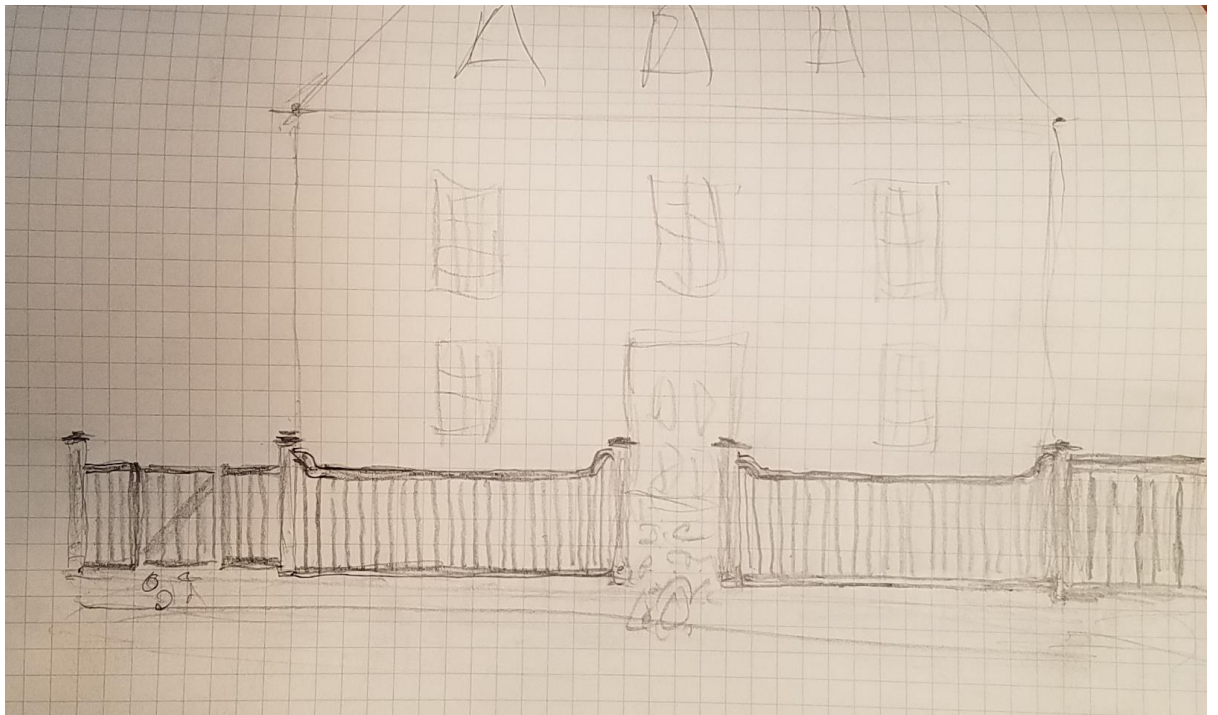
Application for Approval of Fencing Plan to the Historic District Commission

Owner's Sketches: Street Front Fencing, Tobias Lear House, 49 Hunking

Overview, Street Front Fencing

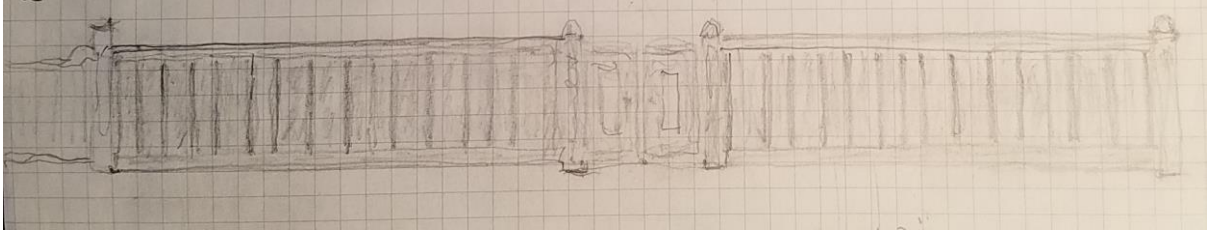


Decorative Portion of Street Front Fencing



Fence post height, from left to right: 4'6", 4'9", 5'0", 5'0", and 5'6" allow for a level fence top, notwithstanding 12" drop in grade level along Hunking Street.

Privacy Portion of Street Front Fencing



The fence rail is 5'0" in height at the left and 5'6" at its completion to the right, with a level top, the height difference compensating for an additional 6" drop in grade along Hunking Street. Fence post tops at gate and terminus add a maximum of 6".

Request for Historic District Commission Administrative Approval for Fencing

Stephen Foster, Manager/Owner
Tobias Lear House Historic Inn, LLC
49 Hunking Street, Portsmouth NH 03801

February 14, 2021

Introduction

This is a request to approve fencing for the Tobias Lear House at 49 Hunking Street. There are three sections of proposed fencing. These are:

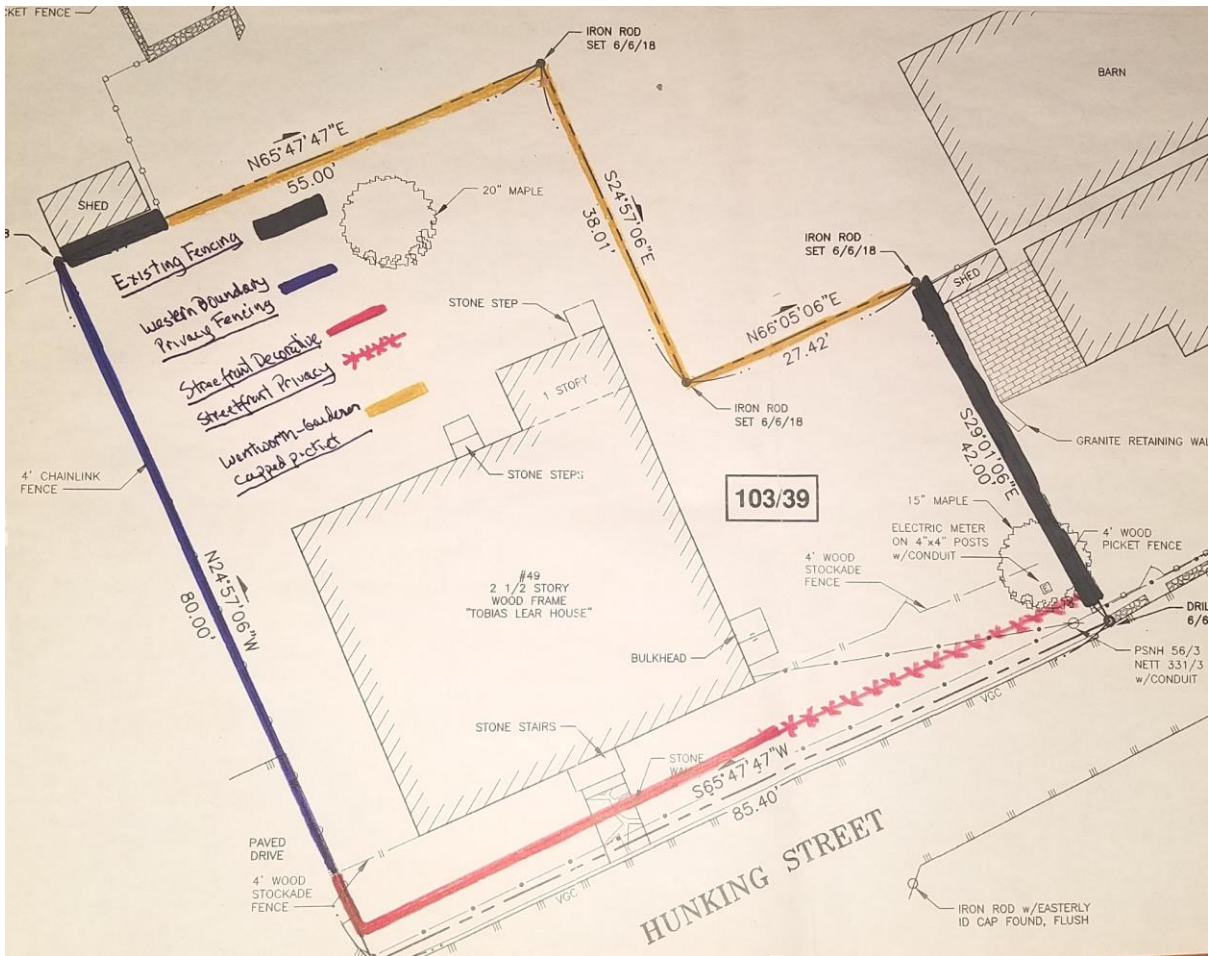
(1) historically resonant decorative and privacy board fencing along the front of the property facing Hunking Street (marked in red in the plan below);

(2) vertical-board privacy fencing along the western property line abutting 33 Hunking Street (blue in the sketch below); and

(3) capped picket fencing replicating the neighbor's fencing along the northern (rear) property line with the Wentworth-Gardner House (ochre in the sketch below).

Existing neighbor fencing in the plan is shown in black.

Tobias Lear House, Schematic Plan of Existing and Proposed Fencing



1. Street Front Fencing

The property has 85 feet of frontage along Hunking Street, with a drop in elevation, west to east of about 18 inches. The proposed fencing divides the street front roughly equally into two types of fencing, the one a decorative fence beginning at the western boundary and continuing along the front façade of the house, the other a vertical-board privacy fence. Both fences will be set back three feet from the Hunking Street curb, with plantings planned for the space between the fence and the curb

Existing Conditions, Hunking Street Front (view 1)



Page 3

Existing Conditions, Hunking Street front (view 2)



Location of fancy solid board fence Lear S. East Corner Huntings St.

The proposed street front fencing seeks to strike an appropriate historical chord for the mid-18th century Tobias Lear House. The use of two distinct fence types follows a pattern well documented among prominent Portsmouth houses of the 18th and early 19th centuries. This pattern calls for formal, often elaborate, decorative fencing co-extensive with the front façade of the house, and vertical-board privacy fencing along the remainder of the street front. The street front fencing at the Rundlett-May house, pictured below, is just one of many existing examples that reflect this historic precedent. (See, Howells, “The Architectural Heritage of the Piscataqua,” p. 179 fig. 238, Jeremiah Mason House, 1808; p. 174, fig. 229, William Haven House, ca. 1800; Size-Leighton House, p. 174, fig. 228; Austin-Lyman House, p. 159, fig. 199; Moffatt-Ladd House, p. 33, fig. 35; Rev. Samuel Langdon House, p. 121, fig. 143.)

Rundlett-May House Street front Fencing



Owner's Sketch, Proposed Street Front Fencing



Street Front Fencing: Decorative Portion. The decorative part of the proposed front-façade fencing is simpler than that seen on grand houses such as Rundlett-May. This is consistent with the character of the Tobias Lear House, which could perhaps be described as grand in size but otherwise straightforward. Accordingly, the proposed fencing, which has 12" square posts, a capped rail over simple pickets, and no elaborate finials, seeks to strike a restrained but dignified note. The one decorative embellishment is the initial curve to the cap where it

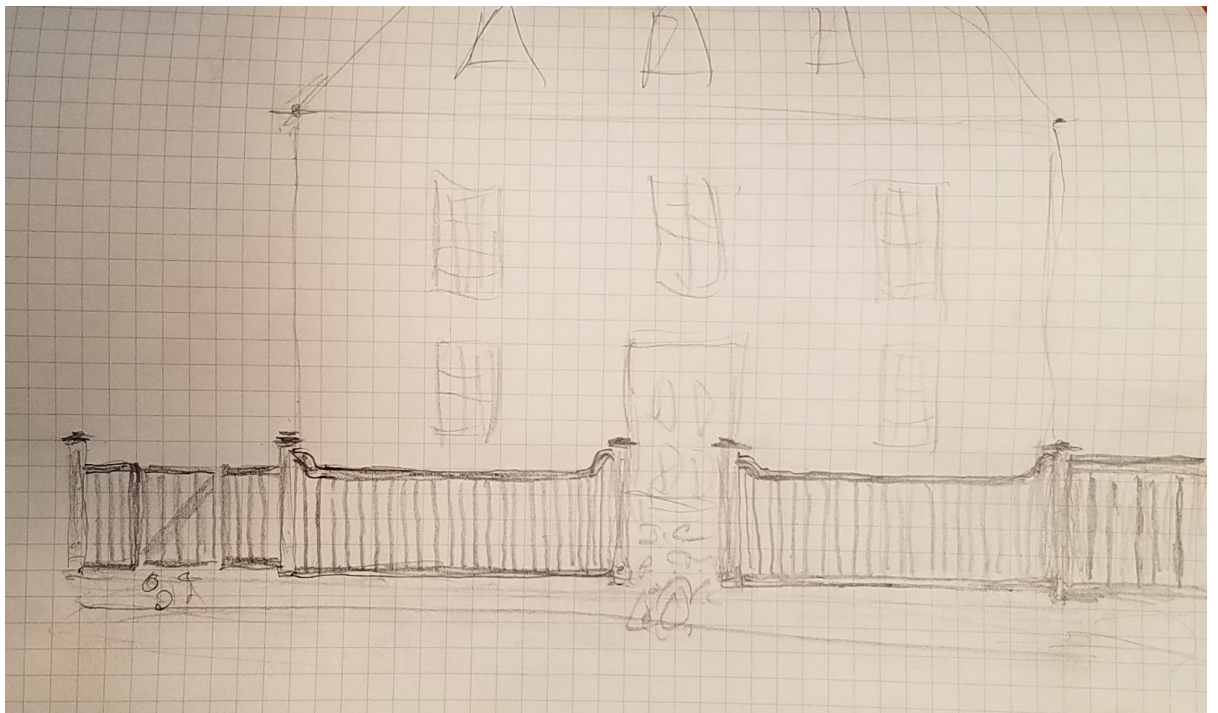
joins the four main posts, a cue taken from the Colonial Revival fence of the Lady Peperell house in Kittery (pictured below).

Lady Peperell Fence, Decorative Rail Detail



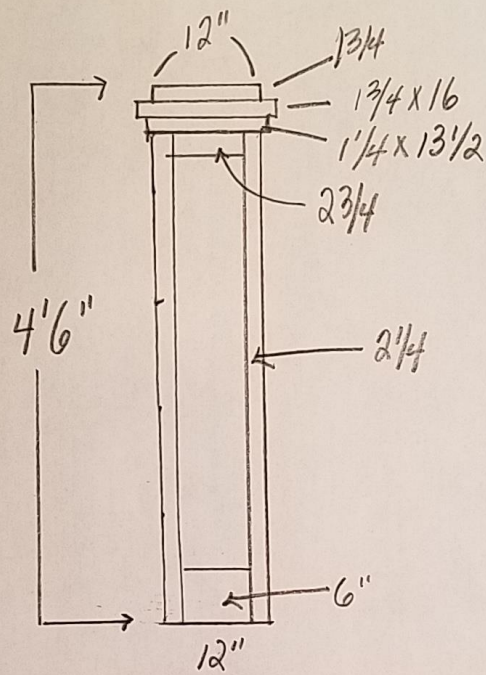
Fence post tops start at 4'6" at the western, upstreet end and reach 5'6" at the terminus, maintaining a level top and capped rail along this 42-foot section. The fence will be set back three feet from the Hunking Street curb. A sketch of this portion of the fence and a detailed builder's drawing follow.

Owner's Sketch, Street Front Fencing, Decorative Section

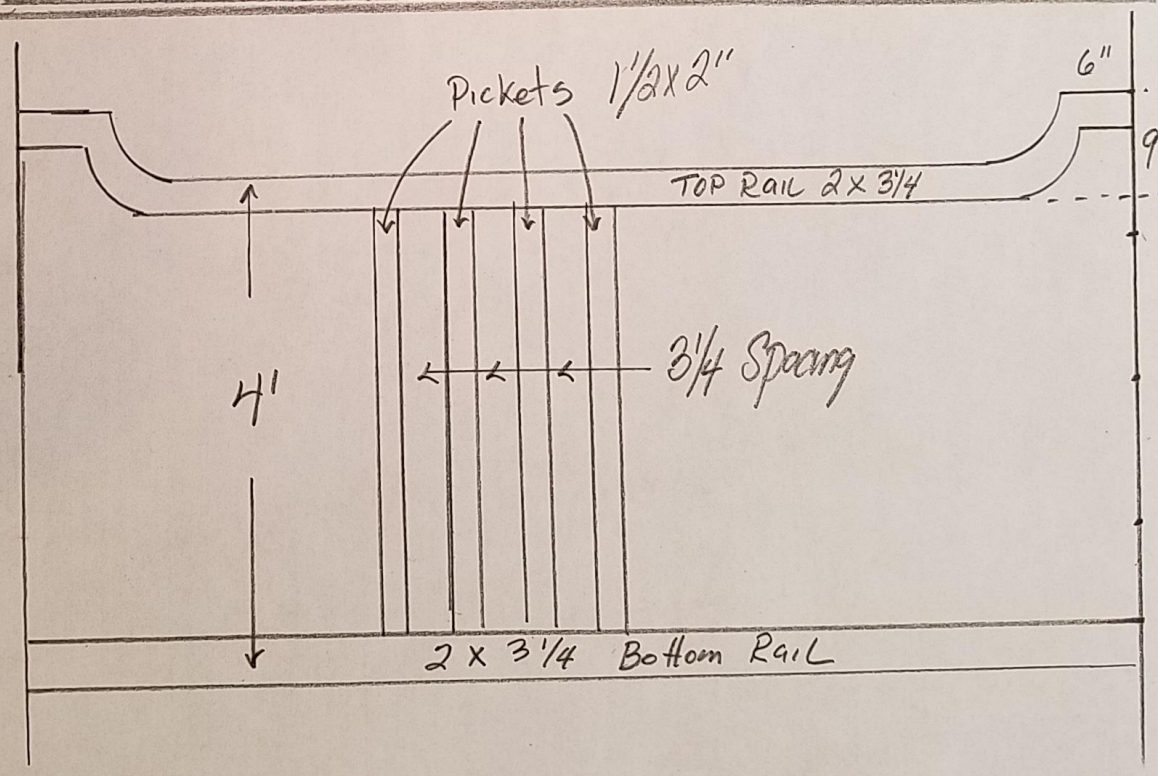


Builder's Detail, Street Front Fencing, Decorative Portion

5



Lady Peppercorn
Fence Post
& Rail with
Pickets



Page 7

Appropriate plantings will screen utility and HVAC mechanicals, otherwise visible from the street, in the passage between the house and the western boundary fencing.

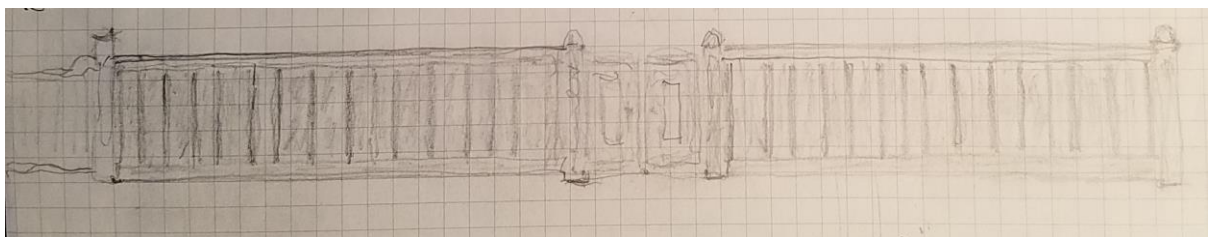
Street Front Fencing, Privacy Portion. The vertical-board privacy fence portion along the remaining street front is modeled after the privacy fence at the Walsh House, a ca. 1796 Strawberry Banke property on Washington Street (pictured below). The Walsh fence is a modest embellishment of a simple vertical-board fence; it has random width planks set behind 4" vertical boards with top and bottom rails and a cap profile of some size and detail.

Walsh House

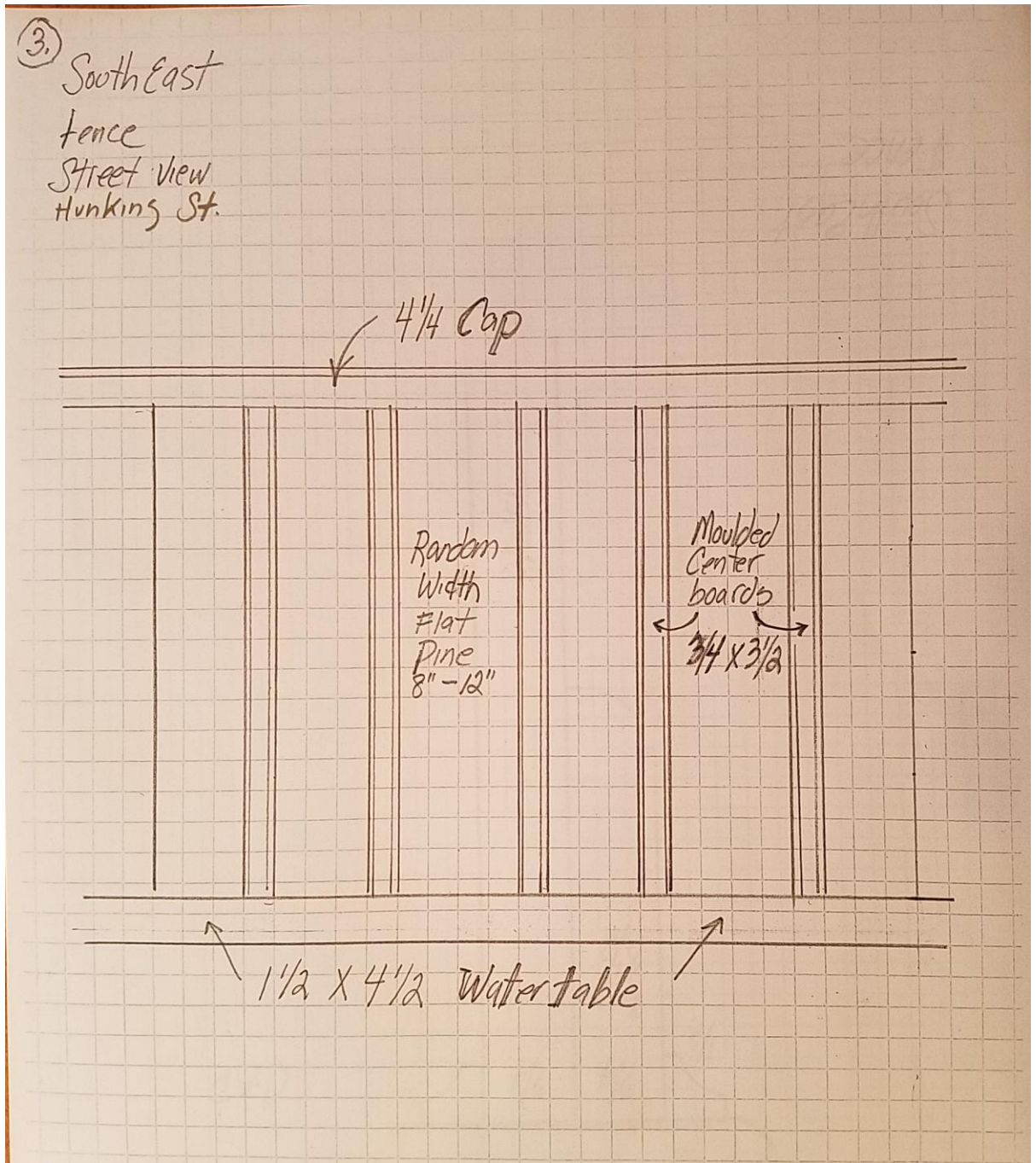


At the Tobias Lear House, the height of this fence will be 5'6" at the western, upstreet end and 6'0" at its terminus, maintaining a level top over its entire 40-foot plus length. In addition to being historically appropriate, privacy is in order here as behind the fence will be a garden and patio area. An owner's sketch and two builder's drawings follow.

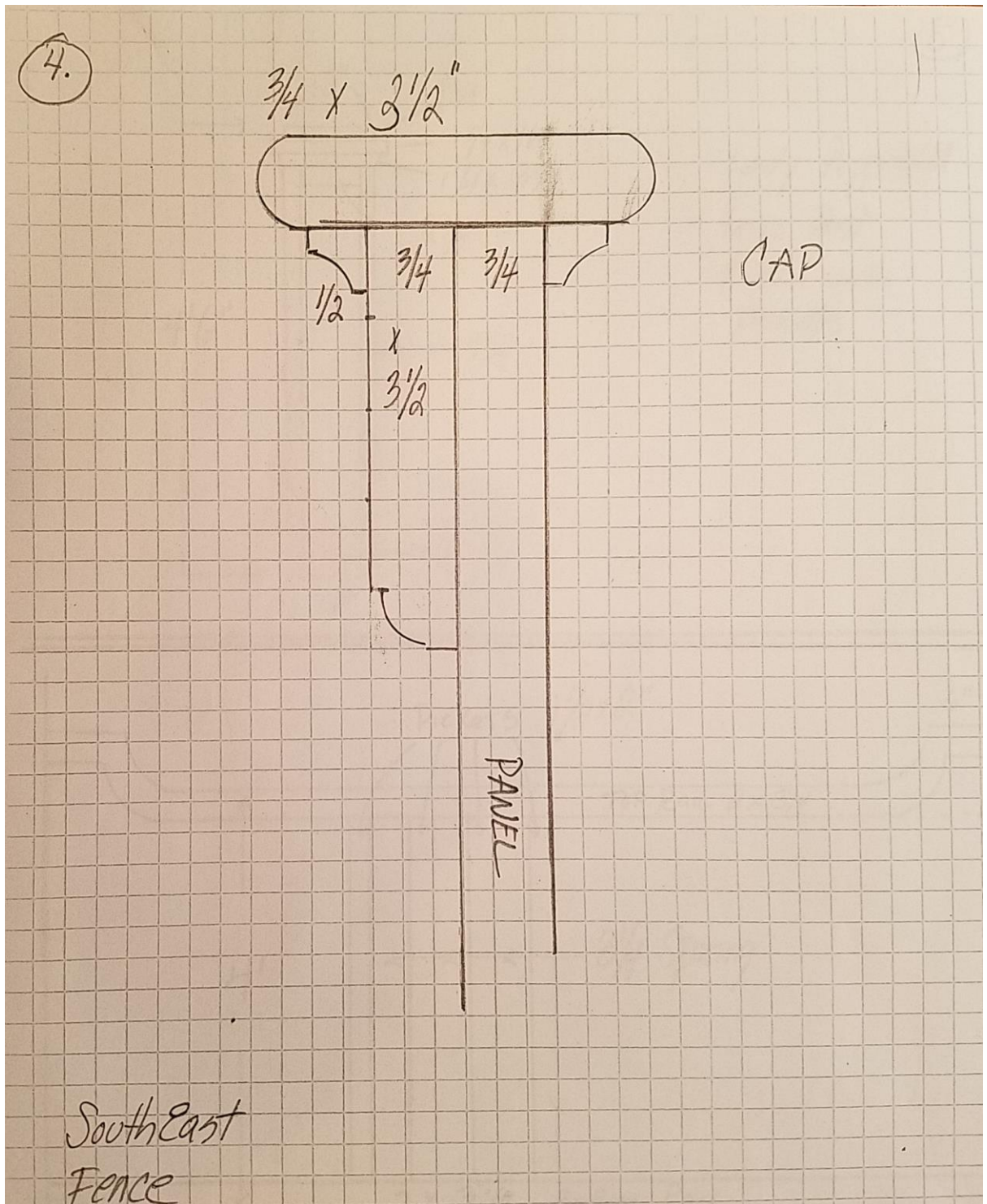
Owner's Sketch, Street front, Privacy Fence Section,



Builder's Detail, Street Front, Privacy Fence Section



Builder's Detail, Cap, Privacy Fence, Street Front



2. Fencing Along the Western Property Line Abutting 33 Hunking Street, Neighbor to the West.

A chain link fence was removed along the western property line in the summer of 2020 to allow for the construction of an approved low stone wall, approximately 45 feet in length. HDC subsequently approved an additional 16 +/- feet of low stone wall running to the rear (north) property line, scheduled to be built in the Spring of 2021.

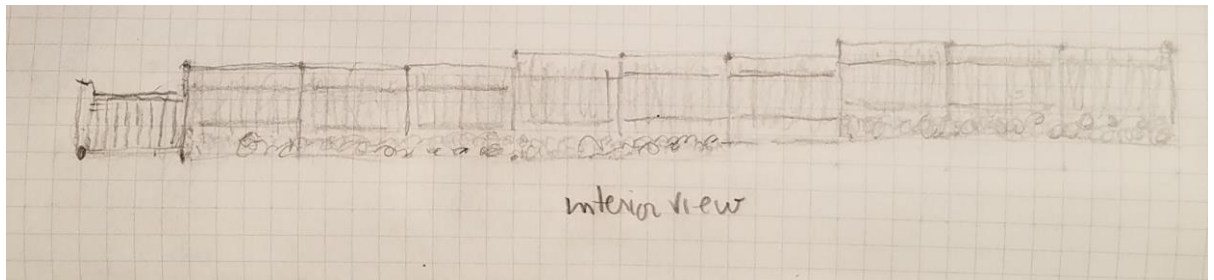
Existing Conditions, Western Boundary Line



This fence will be made up of ten 8-foot sections. The first 8-foot section, the one closest to Hunking Street (left, in the owner's sketch below), follows the form of the formal

decorative picket fence along the front of the house described in fencing section 1 above. It serves as a transition to the street front fence. It is also lower in height (4'6" post, 4' capped rail) than the adjacent section of the vertical-board fence (about 5'3" above grade). The lower height and pickets give the neighbors better visibility for entering and exiting their parking area, which is directly adjacent to this section of proposed fencing.

Owner's Sketch: Schematic View, Elevations, Western Boundary Privacy Fencing



The remaining nine 8-foot sections of this fence are vertical-board privacy fencing sitting atop the low stone wall (but for the one 8-foot section mid-fence where there will be no stone wall). As seen in the sketch above, these nine sections are divided into three groups of three sections each, with ascending absolute heights for each group. The top of the fence of the second group of three sections is 9 inches higher than the first, and the third group is another 9 inches higher than the second. These increasing absolute heights reflect the gentle rise of the grade along this property line toward the rear. But, the actual fence height, as measured from the grade level on the neighboring property and including any elevation provided by the low stone wall, is lowest at the rear. Thus, the fence heights of each of these three sections will be, on average, 4'6", 5' 0", and 4'0," respectively. (The corresponding heights of the wood fencing from the top of the stone wall will be 3'9," 4'6," and 4'0".) This fencing plan allows the neighbors continuing easterly views to the back channel of the Piscataqua from their porch and from various points in their yard and garden.

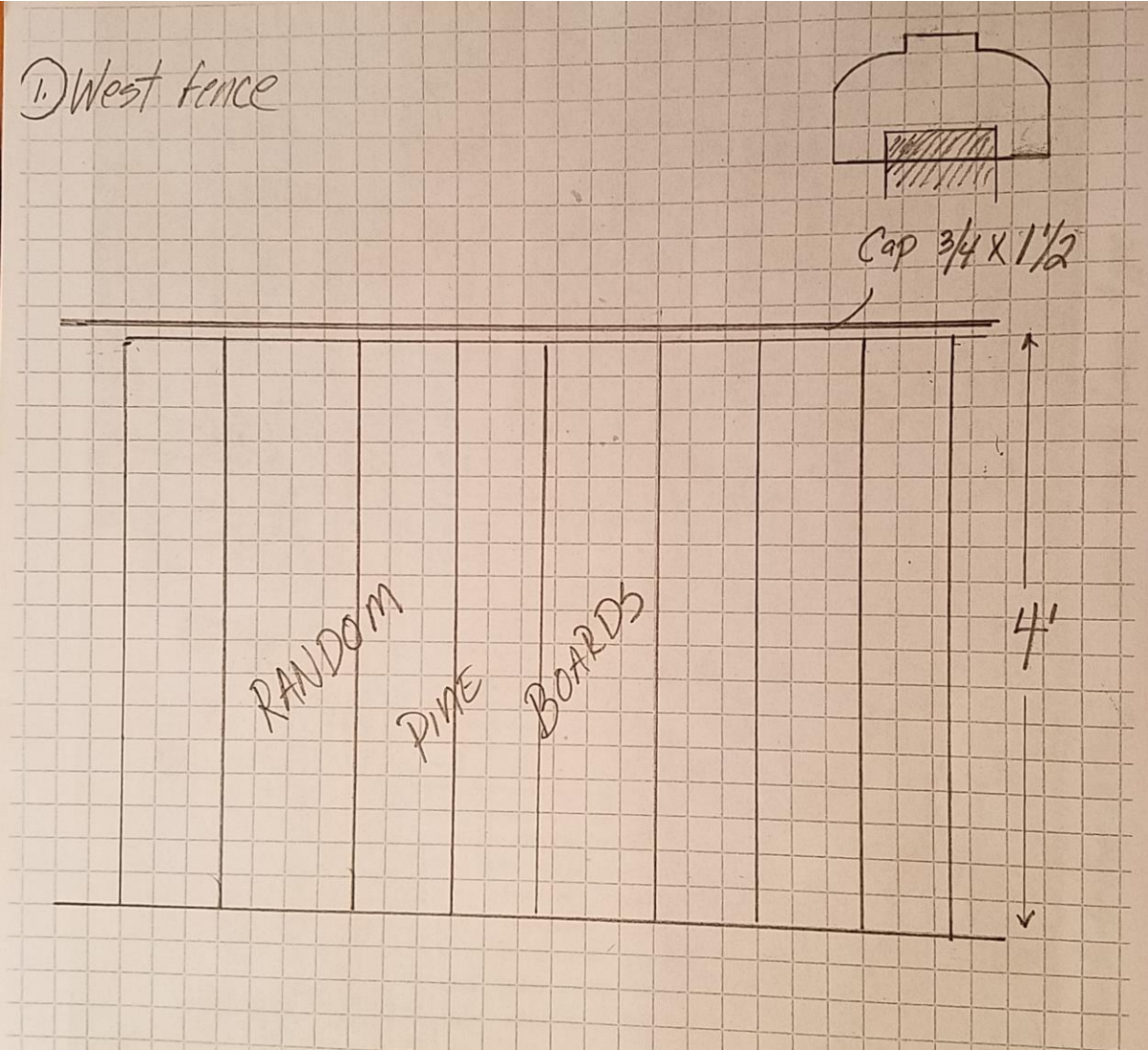
The photo below is an example of the proposed fencing (interior view) and the following builder's drawing shows an exterior view with detail for the fence cap.

Builder's Example, Proposed Vertical Board Fencing, Western Boundary



Example of solid board fence Clear West fence (S. Banke location)

Builder's Detail, Proposed Vertical Board Privacy Fencing, Western Boundary (exterior view).



3. Northern Boundary with the Wentworth Gardner House.

The 125' property line between the Tobias Lear House and the Wentworth Gardner House makes up the rear (northern) boundary of the property and is currently unfenced.

Existing Conditions, Northern Boundary with Wentworth-Gardner House.

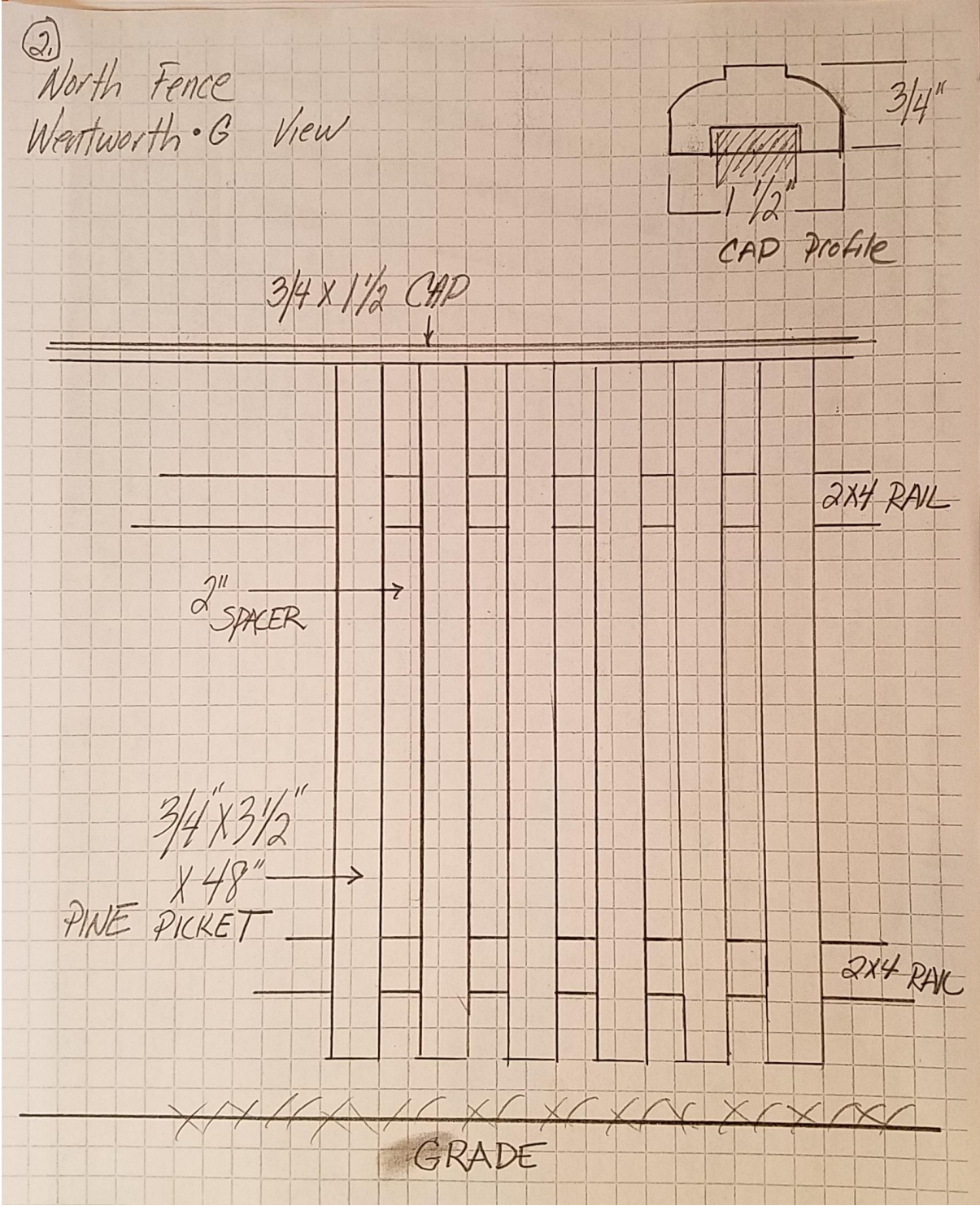


The proposed fence for this boundary line is a replication of the existing Wentworth Gardner fence, pictured below, facing Mechanic Street. A detailed builder's drawing follows.

Wentworth-Gardner House Existing Fencing (view from Mechanic Street)



Builder's Detail, Replication of Wentworth-Gardner Fence



End of submission.

Dear City of Portsmouth —

We are looking to obtain a variance from the city of Portsmouth to allow for up to 6 hens (initially 5 hens) to be housed outside on our property as family pets (no roosters). Our three elementary school-aged children are allergic to all inside pets such as dogs and cats and so our family is unable to have more “traditional” animals.

As you might imagine, they are very much looking forward to learning about and caring for the hens. As we have a large property for Portsmouth, covering 0.35 acres, we do not anticipate any negative impact to our surrounding neighbors and direct abutters. As we do care very much about their opinion, we have solicited the attached letters confirming their support and favor for the variance. Having been members of the Crick neighborhood for nearly 10 years, we are committed to keeping the property within the spirit of the neighborhood, and continuing the upkeep of our property to benefit the whole community.

We intend put a small wooden hen coop in the middle of the property, set back 25' from the northern back edge of the property, far from that neighbor's house, given the size of our properties. To the east, the coop would be set back approximately 45' from the east and 50' from the west and in both directions behind a number of trees and bushes. Further reducing impact to neighbors is our 8' high solid cedar fence, which surrounds the property. We have also included a property map and pictures of the proposed coop location. Thank you for your time and consideration of our hens!

We are looking for an Variance Request from section 10.440.17.20 with the following specific criteria for a variance listed in section 10.223.20 of the Portsmouth Zoning Ordinance

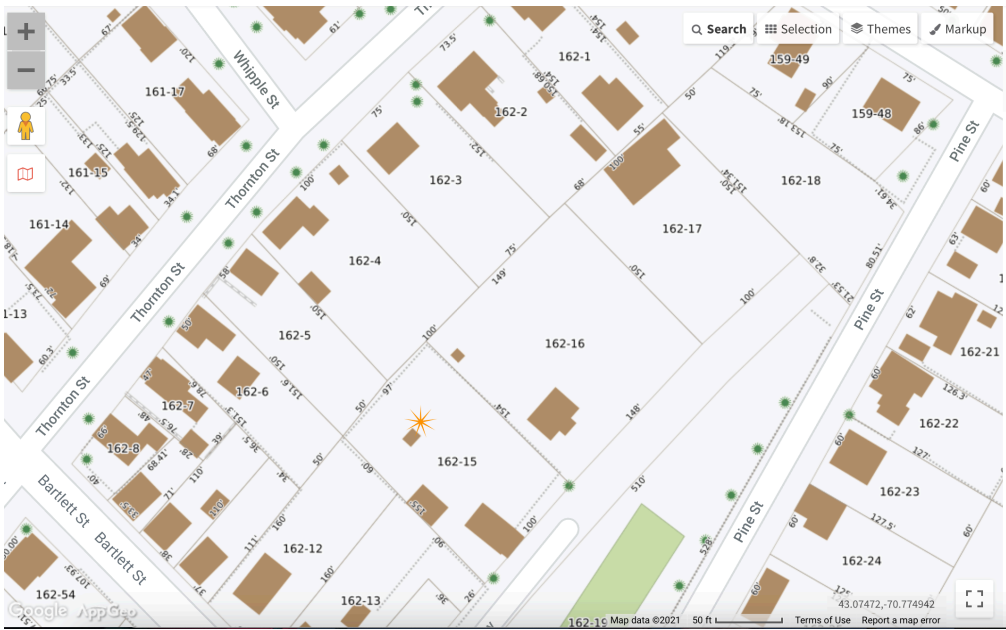
- *The variance will not be contrary to the public interest (10.233.21)* as we have a large, 0.35 acre, completely fenced in property and the hens will be contained within all setbacks in a small non-permanent coop structure, and will be kept as family pets with no impact to any direct abutters or members of the community in general, nor go against public interest of the neighborhood or the city of Portsmouth and will not pose any threat to the community with regard to health, safety, or other public rights.
- *The spirit of the ordinance will be observed (10.233.22)* as we will be keeping the property as is appropriate for our neighborhood and for the entire city and the hens will be pets for our children to care for and learn about/from, and not with intention of farming or changing the property in any way and will be purely for pleasure and family pets.
- *Substantial justice will be done (10.233.23)* as the benefit of our family having chickens and our children enjoying them and learning from them as pets, far outweighs any potential proposed harm to the public by our family acquiring chickens as personal pets.
- *The value of surrounding properties will not be diminished (10.233.24)* as the hens will be fully enclosed on our 0.36 acre property that has significant space for them to live and not be of consequence to any surrounding property, and there will be no impact on neighboring properties. We also have acquired letters of support for the request from neighbors.
- *Literal enforcement of the provisions of the Ordinance (10.233.25)* would result in an unnecessary hardship to us, as we have a large property that can absorb six hens and it is a reasonable use of the large property that has no impact on our neighbors or the city, and will create great pleasure and a learning experience for our three school aged children.



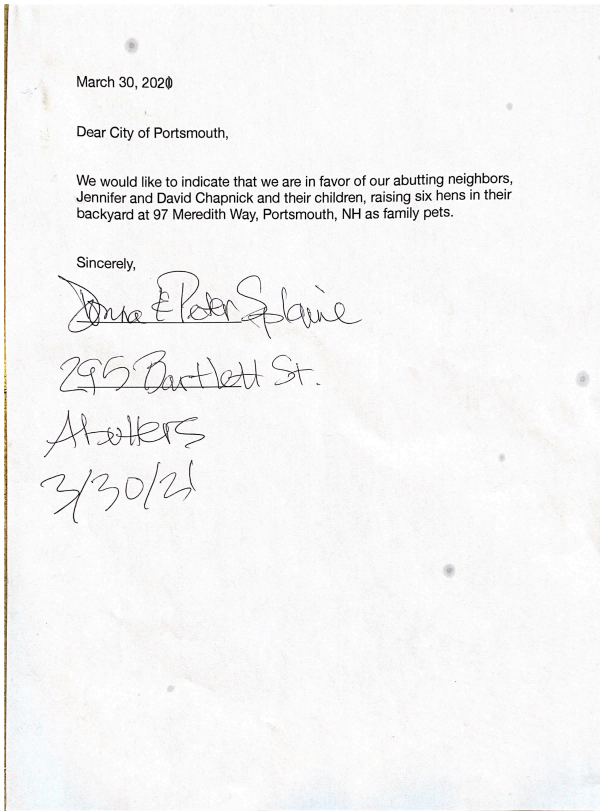
View from back door of home, with the star indicating proposed chicken location



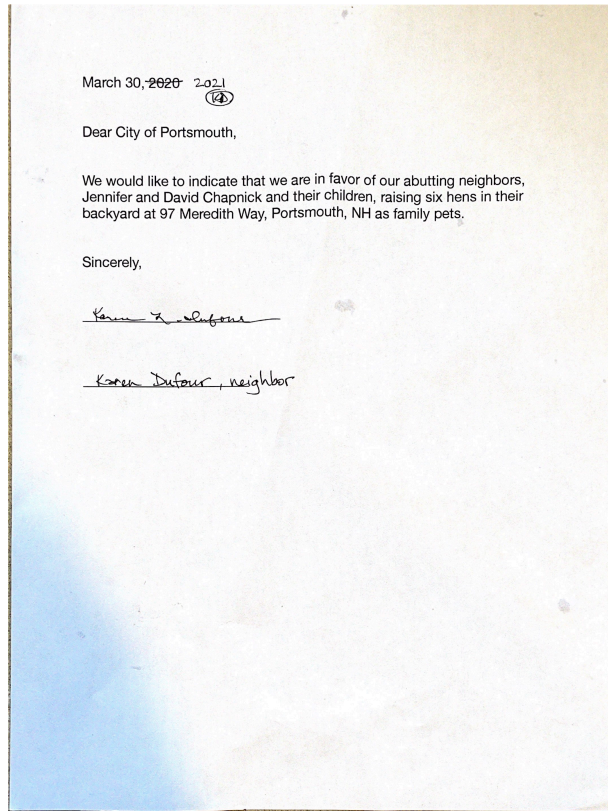
Closer view of proposed chicken location



97 Meredith Way, lot 162-15, orange star indicating proposed location of chickens



Letter in support from abutter



Letter in support from abutter

Sincerely,
 Jennifer and David Chapnick
 Owners of 97 Meredith Way



CELEBRATING OVER 35 YEARS OF SERVICE TO OUR CLIENTS

HAND DELIVERED

LIZABETH M. MACDONALD
JOHN J. RATIGAN
DENISE A. POULOS
ROBERT M. DEROSIER
CHRISTOPHER L. BOLDT
SHARON CUDDY SOMERS
DOUGLAS M. MANSFIELD
KATHERINE B. MILLER
CHRISTOPHER T. HILSON
HEIDI J. BARRETT-KITCHEN
JUSTIN L. PASAY
ERIC A. MAHER
BRENDAN A. O'DONNELL
ELAINA L. HOEPPNER
WILLIAM K. WARREN

RETIRED
MICHAEL J. DONAHUE
CHARLES F. TUCKER
ROBERT D. CIANDELLA
NICHOLAS R. AESCHLIMAN

March 31, 2021

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

RE: 800 Islington Street, Tax Map 154, Lot 1

Dear Chair Rheume and Board Members:

Enclosed please find supporting materials to accompany the information submitted via the City's on-line permitting system for variance relief regarding the proposed signage scheme at the above referenced property.

We respectfully request that this matter be placed on the Board's April 20, 2021 agenda. In the meantime, if you have any questions or require additional information do not hesitate to contact me.

Very truly yours,
DONAHUE, TUCKER & CIANDELLA, PLLC

Justin L. Pasay
JLP/sac
Enclosures

cc: Maple Rock, LLC
Neil Hansen, Tighe & Bond

S:\MA-MC\Maple Rock LLC\2021 03 29 zba letter.docx

DONAHUE, TUCKER & CIANDELLA, PLLC
16 Acadia Lane, P.O. Box 630, Exeter, NH 03833
111 Maplewood Avenue, Suite D, Portsmouth, NH 03801
Towle House, Unit 2, 164 NH Route 25, Meredith, NH 03253
83 Clinton Street, Concord, NH 03301

VARIANCE APPLICATION FOR
Maple Rock, LLC (the “**Applicant**”)

The Applicant requests variances from Sections 10.1251.20 and 10.1271.10 of the City of Portsmouth’s Zoning Ordinance (the “Zoning Ordinance”), as detailed below, to accomplish its signage proposal for the property located at 800 Islington Street, further identified as City Assessor Map 154, Lot 1 (the “**Property**” or “**Hannaford**”), as depicted in **Enclosure 1**, which includes detailed signage plans and renderings.

A. Introduction

The Property is situated in the City’s West End within Character District 4 (“CD4-W”), the West End Incentive Overlay District and Sign District 3, and consists of 6.54 acres of lot area. The Property contains a shopping mall with various retail uses including the Hannaford Supermarket. As depicted in **Enclosures 2** and **3**, which are the City’s Tax Map depiction of the Property and an aerial overview of the area respectively, to the south, the Property is bound by a parcel identified as Assessor Map 154-1-A, which is home to Bank of America. To the west, the Property is bound by Islington Street. To the north and northeast, the Property is bound by its parking lot, parcels identified as City Assessor Map 155-13, which is the site of various commercial retail establishments to include the New Hampshire Liquor and Wine Outlet, Café Espresso and Cleary Cleaners Laundromat and Dry Cleaning, City Assessor Map 154-2, which is the site a commercial building as well as Chinburg Properties’ Brewery 145 residential development, and Brewery Lane. Finally, to the south and southeast, the Property is bound by several residential properties along Aldrich Road. The Applicant notes that the signs which are the subject of this Variance Application will not be discernible from these residential properties along Aldrich Road based on their nature proposed locations.

The Applicant is conducting a remodel of the Hannaford Store on the Property. To summarize the project, Hannaford is remodeling the interior of the space and the Applicant plans to add a grocery delivery service, “Hannaford To Go”, to the operation on the Property. Ordinarily, this use would be accessed via the front façade of a Hannaford building. However, due to existing site constraints, Hannaford is proposing to use a location on the back side of the building to accommodate the Hannaford To Go, as depicted on the Overall Sign Exhibit plan included as **Enclosure 4**. To accommodate the Hannaford To Go operation, the Applicant recently received Amended Site Plan Approval from the City of Portsmouth to 1) add six (6) reserved parking spaces for grocery pick up and associated improvements including painted islands, arrows and directional signs, and 2) regrade approximately 6,500 square feet to alleviate grading concerns with the new parking area. See Enclosure 4, Enclosure 5 (Amended Site Plan), Enclosure 6 (Amended Site Plan Approval).

The Hannaford To Go operation proposes to use a single non-illuminated wall mounted sign reading “Hannaford To Go” that is 18.25 sq ft in size, as depicted in the elevations and renderings included as **Enclosure 1** (the “Hannaford To Go Sign”). The Hannaford To Go Sign will face west towards the Bank of America Parking lot and Islington Street. See Enclosure 4. The Hannaford To Go operation will entertain limited hours of 10:00 AM to 8:00 PM.

In addition to adding the Hannaford To Go operation and corresponding Hannaford To Go Sign, the Applicant proposes to update the main Hannaford sign on the building's front façade (the "Primary Hannaford Sign") to bring the same into accord with Hannaford's current brand standards. As explained below, this proposal will add 8.96 sq ft of sign area.

Pursuant to the proposed upgrade to the Primary Hannaford Sign, the Hannaford icon will change slightly by increasing its size by .5 sq ft. Additionally, the font on the word "Hannaford" is proposed to change. The Applicant notes that the letters themselves are the exact same three-foot height as they are today, it is just the spacing between the letters that is increasing the length of the sign by one foot. The Applicant also proposes to add the sub-copy of "Supermarket" to the Primary Hannaford Sign for an additional 5.46 sq ft of sign area. Ultimately, the Applicant's proposal will yield a total increase in sign area of 8.96 sq ft to the Primary Hannaford Sign. Renderings and elevations of the existing and proposed Primary Hannaford Sign are included in **Enclosure 1**.

As depicted in **Enclosure 1**, the Applicant's signage proposal reflects the size and scale of the building, its location in the West End amidst commercial and mixed-use properties, and its orientation towards Islington Street and Brewery Lane. Moreover, effort has been taken to ensure a reasonable proposal which will have no discernable effect on abutters and members of the public and patrons accessing the Property. However, upon review by the City, it was determined that the following variances are needed to accommodate the Applicant's signage proposal.

- 1) **Variance from §10.1251.20 to permit a wall sign with 86.21 sq ft of sign area where 40 sq ft is the maximum in Sign District 3 per individual sign, and where 77.25 sq ft exists today:** §10.1251.20 of the Zoning Ordinance provides a maximum sign area for wall signs in Sign District 3 of 40 sq ft. The Applicant proposes to replace the existing wall sign on the northerly side of the building which is 77.25 sq ft, with a new sign, as described above, with a sign area of 86.21 sq ft.
- 2) **Variance from §10.1271.10 to permit wall sign on an exterior wall not facing a street:** In reviewing the Applicant's signage proposal, the City indicated that the Hannaford To Go Sign is not "approximately parallel to any street or right-of-way" and there "does not appear to be a public entrance at this location." As such, the City concluded that the Hannaford To Go Sign is not permitted at the proposed location. See Enclosure 4.

Section 10.1271.10 of the Zoning Ordinance states that "A use in a building with more than one exterior wall facing a street may have signs on each such wall." Further, §10.1271.20 of the Zoning Ordinance states that "An establishment with a public entrance on a side of the building not facing a street may have signs on that side as well as on the street-facing wall." As depicted in **Enclosure 1** and discussed in greater detail below, the Applicant proposes the Hannaford To Go Sign on the westerly wall which faces the Bank of America parking lot and Islington Street. Further, though the public will not be entering Hannaford through the Hannaford To Go location, the Hannaford To Go operation will cause the public to drive to and park

at this location, pursuant to the Amended Site Plan, and receive groceries. This location therefore is, for all intents and purposes, a “public entrance.”

For these reasons, and as discussed below, we request a finding from the Board of Adjustment that no variance from §10.1271.10 of the Zoning Ordinance is required to erect the Hannaford To Go Sign as proposed. Regardless, in an abundance of caution, we request relief as recommended by the City.

Because the Applicant’s signage proposal will advance the express purposes of the City’s Sign Ordinance, will not be inconsistent with the essential character of the surrounding area, will not compromise the public health in any way, will provide substantial justice, will not compromise the property values of surrounding properties, and because there is no rational connection between the intent of the City’s Sign Ordinance and its application to the Property under the unique circumstances of this case, as outlined below, we respectfully request that these variances be granted.

B. Statutory Variance Criteria

Pursuant to Article 2, Section 10.233 of the Zoning Ordinance, and RSA 674:33, to obtain a variance in New Hampshire, an applicant must show that: (1) the variance will not be contrary to the public interest; (2) the spirit of the ordinance is observed; (3) substantial justice is done; (4) the values of surrounding properties are not diminished; and (5) literal enforcement of the provisions of the ordinance would result in an unnecessary hardship, where said term means that, owing to special conditions of the property that distinguish it from other properties in the area: no fair and substantial relationship exists 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 if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, 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. See RSA 674:33, I (b).

We will address each individual variance request separately, below.

C. Primary Hannaford Sign Variance

The Applicant requests a variance from §10.1251.20 to permit a wall sign with 86.21 sq ft of sign area where 40 sq ft is the maximum in Sign District 3 per individual sign, and where 77.25 sq ft exists today. This request meets the statutory variance criteria as follows.

1. The variance will not be contrary to the public interest.

The New Hampshire Supreme Court has indicated that the requirement that a variance not be “contrary to the public interest” is coextensive and related to the requirement that a variance be consistent with the spirit of the ordinance. See Chester Rod & Gun Club v. Town of Chester, 152 N.H. 577, 580 (2005); Malachy Glen Associates, Inc. v. Town of Chichester, 155 N.H. 102, 105-06 (2007); and Farrar v. City of Keene, 158 N.H. 684, 691 (2009). A variance is

contrary to the public interest only if it “unduly, and in a marked degree conflicts with the ordinance such that it violates the ordinance’s basic zoning objectives.” Chester Rod & Gun Club, 152 N.H. at 581; Farrar, 158 N.H. at 691. See also Harborside Associates, L.P. v. Parade Residence Hotel, LLC, 162 N.H. 508, 514 (2011) (“[m]ere conflict with the terms of the ordinance is insufficient.”) Moreover, these cases instruct boards of adjustment to make the determination as to whether a variance application “unduly” conflicts with the zoning objectives of the ordinance “to a marked degree” by analyzing whether granting the variance would “alter the essential character of the neighborhood” or “threaten the public health, safety or welfare” and to make that determination by examining, where possible, the language of the Zoning Ordinance.

The purpose of the City’s Sign Ordinance is to “maintain and enhance the character of the City’s commercial districts and residential neighborhoods and to protect the public from hazardous and distracting displays.” Zoning Ordinance, §10.1211. This express purpose of the Sign Ordinance is substantially similar to the standard of review borne out through applicable case law, outlined above, that the Board of Adjustment must use in determining whether the requested variance will be contrary to the public interest and whether the spirit of the Ordinance is observed, mainly whether the proposed signage will alter the essential character of the neighborhood or threaten the public health, safety or welfare. The proposed Primary Hannaford Sign will do neither.

First, the Primary Hannaford Sign will fulfill the express intentions and stated purposes of the Sign Ordinance to maintain and enhance character of the area and protect the public from hazardous and distracting displays. With 261 ft of building frontage (see **Enclosure 1**), even considering the Hannaford To Go Sign, the Hannaford establishment will utilize substantially less than its permitted aggregate sign area. Specifically, under the Zoning Ordinance, the Hannaford establishment is permitted 522 sq ft of aggregate sign area where the Applicant’s signage proposal only constitutes 104.46 sq ft (86.21 sq ft for the Primary Hannaford Sign plus 18.25 sq ft for the proposed Hannaford To Go Sign). As a result, and as amended by this variance request, Hannaford’s aggregate sign area will still only be 20% of the 522 sq ft of sign area permitted by the Zoning Ordinance. See Zoning Ordinance, §10.1251.10. More persuasively, the Applicant’s proposal for the Primary Hannaford Sign is to add a mere 8.96 sq ft of sign area, a change that will be virtually indiscernible from the existing conditions.

The public interest is also served by virtue of the unique orientation of the building on the site. Though some patrons access the site via Brewery Lane, most come from the Property entrance off of Islington Street, or cut across the Bank of America parking lot. The orientation of the building, however, faces Brewery Lane and patrons have to navigate a large parking lot and other commercial/retail establishments before engaging Hannaford. In other words, due to these conditions and the large scale of the building, a large sign orienting the public is beneficial.

Because the signage for the Hannaford use will remain a small fraction of the permitted signage authorized by the Zoning Ordinance, because the Primary Hannaford Sign is only adding 8.96 sq ft of sign area, and because the nature of the sign will remain consistent with what exists today, the Applicant’s proposal will continue to maintain the character of the area and comply with the express purposes of the Sign Ordinance. In other words, the proposal will not, “unduly, and in a marked degree” conflict with the ordinance such that the proposal violates the

ordinance's basic zoning objectives, because the new Primary Hannaford Sign will be consistent with those express purposes.

Further, the proposed new Primary Hannaford Sign will not alter the essential character of the neighborhood or threaten the public health or safety. As described above, the new sign will be substantially similar to the existing sign, consistent with the neighborhood and surrounding commercial uses, and the Hannaford establishment will continue to utilize far less aggregate sign area than what it is permitted under the Zoning Ordinance. As a result, and because the nature of the sign will not be changed, the new Primary Hannaford Sign will neither alter the essential character of the neighborhood or threaten the public health or safety.

As the Primary Hannaford Sign will uphold the City's Sign Ordinance by maintaining the character of the area and not creating a hazardous or distracting display, and as the proposal will not alter the essential character of the neighborhood or threaten the public health or safety, the Applicant respectfully submits that it would be reasonable and appropriate for the Board of Adjustment to conclude that granting the variance will not be contrary to the public interest.

2. The spirit of the Ordinance is observed.

As referenced in Section (C)1, above, the requested variance observes the spirit of the Sign Ordinance and New Hampshire jurisprudence regarding the "public interest" prong of the variance criteria because the Applicant's signage proposal will not compromise the character of the City's commercial or residential neighborhoods and will not alter the essential character of the neighborhood or threaten the public health, safety, or welfare. As the New Hampshire Supreme Court has indicated in both Chester Rod & Gun Club and in Malachy Glen, the requirement that the variance not be "contrary to the public interest" is coextensive and is related to the requirement that the variance be consistent with the spirit of the ordinance. See Chester Rod & Gun Club, 152 N.H. at 580. A variance is contrary to the spirit of the ordinance only if it "unduly, and in a marked degree conflicts with the ordinance such that it violates the ordinance's basic zoning objectives." Chester Rod & Gun Club, 152 N.H. at 581; Farrar, 158 N.H. at 691. As discussed above, the requested variance is consistent with the spirit of the Sign Ordinance because of the reasons stated in Section (C)1. As a result, for the reasons stated above, the Applicant respectfully asserts that it would be reasonable and appropriate for the Board of Adjustment to conclude that the requested variances will observe the spirit of the Zoning Ordinance.

3. Substantial justice is done.

As noted in Malachy Glen, *supra*, "perhaps the only guiding rule [on this factor] is that any loss to the individual that is not outweighed by a gain to the general public is an injustice." Malachy Glen, *supra*, citing 15 P. Loughlin, New Hampshire Practice, Land Use Planning and Zoning § 24.11, at 308 (2000) (quoting New Hampshire Office of State Planning, The Board of Adjustment in New Hampshire, A Handbook for Local Officials (1997)). In short, there must be some gain to the general public from denying the variance that outweighs the loss to the Applicant from its denial.

In this case, the public does not stand to gain anything from denying the variance requested. Despite the scale of the building, the Applicant's signage proposal is very modest and the increase in sign area being proposed (8.96 sq ft) is *de minimus* and well within the aggregate sign area requirements of the Zoning Ordinance. See **Enclosure 1**. The changes to the Primary Hannaford Sign will be virtually indiscernible and the overall size of the same will help orient patrons and the public to the Hannaford.

On the other hand, the Applicant is pursuing signage that will complement and beautify the building and the area, be consistent with its remodeling efforts, and consistent with its new branding. The signage will not be contrary to the essential character of the City's West End or the neighborhood in question.

As there is no gain to the general public from denying the variance that outweighs the loss to the Applicant from its denial, granting the requested variance will accomplish substantial justice.

4. The proposal will not diminish surrounding property values.

Given the nature of the neighborhood, the surrounding commercial uses, and the size and scale of the building on the Property, none of the surrounding properties will suffer any diminution in value as a result of granting this variance. Certainly, the Applicant is aware of no evidence to the contrary. Accordingly, the Applicant respectfully requests that the Board of Adjustment find that the requested variance will not diminish surrounding property values.

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

As set forth in the provisions of RSA 674:33, I, there are two options by which the Board of Adjustment can find that an unnecessary hardship exists:

- (A) For purposes of this subparagraph, "unnecessary hardship" means that, owing to special conditions of the property that distinguish it from other properties in the area:
 - (i) No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property; and
 - (ii) The Proposed use is a reasonable one.

or,

- (B) If the criteria in subparagraph (A) are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, 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.

The "special conditions" of the Property for purposes of this variance criterion include the size and scale of the Property, which is significantly larger than the majority of properties in

its area, the size of the building vis-à-vis the size of the Property, and the orientation of the building which essentially faces north and Brewery Lane when considering that the public accesses the site from the west and Islington Street.

In Harborside Assocs. v. Parade Residence Hotel, the New Hampshire Supreme Court upheld the Portsmouth Board of Adjustment's finding that the physical improvements on a property, in that case the size of a building when compared to other buildings in the area within the context of sign variance request, could be considered "special circumstances." Affirming the analysis of the Board of Adjustment, the Supreme Court stated:

The [Respondent] is not attempting to meet the 'special conditions' test by showing that its *signs* would be unique in their settings, but that its *property* – the hotel and conference center – has unique characteristics that make the signs themselves a reasonable use of the property.

Harborside, 162 N.H. at 518 (emphasis added). Cf Farrar, 158, N.H. 689 (where variance sought to convert large, historical single use residence to mixed use of two residence and office space, size of residence was relevant to determining whether property was unique in its environment).

Here, the Property's physical characteristics and improvements make the proposed signage reasonable under the circumstances where the building occupies a significant portion of the Property, where the Property is large and consists of parking lot which the public must traverse to get to the "front façade" of the Hannaford building, and where the orientation of the Hannaford faces north despite the majority of its patrons accessing the Property from the west.

Due to these special conditions of the Property, there is no fair and substantial relationship between the public purposes of the underlying ordinances and their specific application to the Property. On the contrary, despite its lack of conformity, the Applicant's proposed Primary Hannaford Sign is consistent with the public purposes of the relevant Zoning Ordinances, as described above, because it will maintain the character of the neighborhood and protect the public from hazardous and distracting displays and the changes to the sign will be virtually indiscernible from current conditions. Beyond all of this, the Hannaford establishment will remain well below the permitted aggregate sign area.

Put another way, strictly enforcing the underlying Zoning Ordinance and denying the variance request to add 8.96 sq ft to the Primary Hannaford Sign will not advance the public purposes of the Sign Ordinance but granting the requested variance will.

The Applicant respectfully reminds the Board of Adjustment that the mere fact that the Applicant is seeking a variance from the express provisions of the Zoning Ordinance is not a valid reason for denying the variance. See Malachy Glen Associates, Inc. v. Town of Chichester, 155 N.H. 102, 107 (2007); see also Harborside Associates, 162 N.H. at 2011 ("mere conflict with the terms of the ordinance is insufficient").

Finally, because the proposed Primary Hannaford Sign will be conservatively and tastefully sited on the building in a manner substantially similar to the sign's existing conditions,

and to signs in the commercial area surrounding the Property, it is reasonable under the circumstances. See Vigeant v. Town of Hudson, 151 N.H. 747, 752 - 53 (2005); and Malachy Glen, 155 N.H. at 107; see also Harborside at 518-519 (applicant did not need to show signs were “necessary” rather only had to show signs were a “reasonable use”).

Accordingly, the Applicant respectfully asserts that its application complies with the standard for Option A of the unnecessary hardship criterion and the Board of Adjustment should so find.

D. Hannaford To Go Sign Variance

A legitimate threshold determination for any Board of Adjustment in New Hampshire is whether variance relief is needed in the first place. In this case, the Applicant is proposing to erect the Hannaford To Go Sign at the location depicted in **Enclosure 1** to support the Hannaford To Go use. As erected, the Hannaford To Go Sign will face Islington Street and the Bank of America parking lot, through which people access the Property. Though there will be onsite directional signage orienting people to the location of the Hannaford To Go location (see **Enclosure 6**), without the Hannaford To Go Sign as proposed, it will be difficult for the public to discern where it and the new parking spaces, are located.

Under the City’s Zoning Ordinances, where a use in a building has more than one exterior wall facing a street, that use may have signs on each wall. Zoning Ordinance, §10.1271.10. In this case, despite the City’s interpretation that the Hannaford To Go Sign is not approximately parallel to any street or right-of-way, as discussed above, it actually does face Islington Street and the direction from which patrons will primarily be coming. Accordingly, under a plain-language interpretation of the Zoning Ordinance, no variance relief from §10.1271.20 is needed.

Additionally, pursuant to §10.1217.20 of the Zoning Ordinance, when an establishment has a “public entrance” on a side of a building that is not facing a street, that establishment may have signs on that side as well as on the street-facing side. In this case, the Applicant has obtained Amended Site Plan Review Approval to construct additional parking spaces to accommodate the Hannaford To Go use at the location depicted in the enclosed materials. See **Enclosures 4, 6**. Patrons will be specifically traveling to this location of the Property to receive groceries. As a result, while the public will not be going into Hannaford via the Hannaford To Go location, this location constitutes, for all intents and purposes, a “public entrance” because patrons will be engaging the Hannaford business from this location, and, much like patrons seeking to go inside a commercial use or business, these patrons need to know where the use is located. As a result, the directional signage approved pursuant to the Amended Site Plan is insufficient.

For these reasons, the Applicant respectfully asserts that no variance relief is needed to erect the Hannaford To Go sign because: 1) the Hannaford To Go Sign is approximately parallel to Islington Street and the direction from which patrons will be engaging the use; and 2) in the alternative, the Hannaford To Go includes, for all intents and purposes, a “public entrance” because patrons need to appreciate how to locate and engage the Hannaford To Go use. The

Applicant requests that the Board of Adjustment take of this matter as a threshold consideration first.

If the Board of Adjustment finds that variance relief is nonetheless required, we provide the below analysis.

1. The variance will not be contrary to the public interest.

The Applicant herein incorporates the legal standard for reviewing this statutory variance criteria depicted in Section (C)(1), above.

The purpose of the City's Sign Ordinance is to "maintain and enhance the character of the City's commercial districts and residential neighborhoods and to protect the public from hazardous and distracting displays." Zoning Ordinance, §10.1211. This express purpose of the Sign Ordinance is substantially similar to the standard of review borne out through applicable case law, outlined above, that the Board of Adjustment must use in determining whether the requested variance will be contrary to the public interest and whether the spirit of the Ordinance is observed, mainly whether the proposed signage will alter the essential character of the neighborhood or threaten the public health, safety or welfare. The Hannaford To Go Sign will do neither.

First, the Hannaford To Go Sign will fulfill the express intentions and stated purposes of the Sign Ordinance to maintain and enhance character of the area and protect the public from hazardous and distracting displays. Specifically, as outlined above, even with the proposed Hannaford To Go Sign, the Hannaford establishment will have substantially less than the permitted aggregate sign area. Beyond this, the Hannaford To Go Sign will be unlit, will be indiscernible from residential properties, and will advance the purpose of the recently approved Amended Site Plan. Put another way, the proposed new sign will have an indiscernible impact. The signage will also orient people to the use in a thoughtful and logical way.

Because the signage for the Hannaford use will remain a small fraction of the permitted aggregate sign area authorized by the Zoning Ordinance, and because of the proposed location and modest size of the Hannaford To Go Sign, the Applicant's proposal will continue to maintain the character of the area, will advance public safety, and comply with the express purposes of the Sign Ordinance. In other words, the proposal will not, "unduly, and in a marked degree" conflict with the ordinance such that the proposal violates the ordinance's basic zoning objectives, because the new Hannaford To Go Sign will be consistent with those express purposes.

Further, the proposed new Hannaford To Go Sign will not alter the essential character of the neighborhood or threaten the public health or safety. As described above, the Property is surrounded primarily by commercial uses and the new sign will be in an innocuous location, will be unlit, will advance the Amended Site Plan, and will be utilized pursuant to the Hannaford To Go Operation's limited hours of operation. There is no evidence that new sign will cause any public hazard or threat to public safety. Common sense dictates the opposite. As a result, the Hannaford To Go Sign will neither alter the essential character of the neighborhood nor threaten the public health or safety.

Finally, the public interest is particularly advanced in this case because the requested variance will facilitate and compliment the Hannaford To Go use, which use is critically important in the age of COVID-19.

As the Hannaford To Go Sign will uphold the City's Sign Ordinance by maintaining the character of the area and not creating a hazardous or distracting display, and as the proposal will not alter the essential character of the neighborhood or threaten the public health or safety, the Applicant respectfully submits that it would be reasonable and appropriate for the Board of Adjustment to conclude that granting the variance will not be contrary to the public interest.

2. The spirit of the Ordinance is observed.

The Applicant herein incorporates the legal standard for reviewing this statutory variance criteria depicted in Section (C)(1) and (2), above.

As discussed above, the requested variance is consistent with the spirit of the Sign Ordinance because of the reasons stated in Section (D)1. As a result, for the reasons stated above, the Applicant respectfully asserts that it would be reasonable and appropriate for the Board of Adjustment to conclude that the requested variance will observe the spirit of the Zoning Ordinance.

3. Substantial justice is done.

The Applicant herein incorporates the legal standard for reviewing this statutory variance criteria depicted in Section (C)(3), above.

In this case, the public does not stand to gain anything from denying the variance requested. The proposed new Hannaford To Go Sign will compliment the directional signage for the Hannaford To Go use that was approved pursuant to the Amended Site Plan Approval and will help orient patrons and the public to the Hannaford To Go location. Without the sign, the public will be at a disadvantage and will not be able to access the site and engage the use as readily. Further, the sign will be unlit and be indiscernible from residential properties.

On the other hand, the Applicant is pursuing signage that will complement and beautify the building and the area, meaningfully engage the public and patrons to its new Hannaford To Go use, and be consistent with its remodeling efforts. The signage will not be contrary to the essential character of the City's West End or the neighborhood in question.

As there is no gain to the general public from denying the variance that outweighs the loss to the Applicant from its denial, granting the requested variance will accomplish substantial justice.

4. The proposal will not diminish surrounding property values.

Given the nature of the neighborhood, the surrounding commercial uses, the size and scale of the building on the Property, and the proposed location of the Hannaford To Go Sign,

none of the surrounding properties will suffer any diminution in value as a result of granting these variances. Certainly, the Applicant is aware of no evidence to the contrary. Accordingly, the Applicant respectfully requests that the Board of Adjustment find that the requested variance will not diminish surrounding property values.

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

The Applicant herein incorporates the legal standard for reviewing this statutory variance criteria depicted in Section (C)(5), above.

The “special conditions” of the Property for purposes of this variance criterion include the size and scale of the Property, which is significantly larger than the majority of properties in its area, the size of the building vis-à-vis the size of the Property, the orientation of the building and the location of the proposed and approved Hannaford To Go use.

In Harborside Assocs. v. Parade Residence Hotel, the New Hampshire Supreme Court upheld the Portsmouth Board of Adjustment’s finding that the physical improvements on a property, in that case the size of a building when compared to other buildings in the area within the context of sign variance request, could be considered “special circumstances.” Affirming the analysis of the Board of Adjustment, the Supreme Court stated:

The [Respondent] is not attempting to meet the ‘special conditions’ test by showing that its *signs* would be unique in their settings, but that its *property* – the hotel and conference center – has unique characteristics that make the signs themselves a reasonable use of the property.

Harborside, 162 N.H. at 518 (emphasis added). Cf Farrar, 158, N.H. 689 (where variance sought to convert large, historical single use residence to mixed use of two residence and office space, size of residence was relevant to determining whether property was unique in its environment).

Here, the Property’s physical characteristics and improvements make the proposed signage reasonable under the circumstances where the building occupies a significant portion of the Property, where the Property is large and consists of parking lot which the public must traverse to get to the new use, and where the location of the proposed use and its orientation on the building are innocuous. Further the building’s location surrounded by commercial uses makes the proposal infinitely reasonable.

Due to these special conditions of the Property, there is no fair and substantial relationship between the public purposes of the underlying ordinances and their specific application to the Property. On the contrary, despite its lack of conformity, the Hannaford To Go Sign is consistent with the public purposes of the relevant Zoning Ordinance, as described above, because the Hannaford To Go Sign will maintain the character of the area, will compliment the approved directional signage for the Hannaford To Go use, will orient the public as to how to access that use, and will not, as an unlit wall mounted sign, create a hazardous or distracting

display. The Hannaford To Go use needs to be discernible to the public and to patrons accessing the site from the west, particularly in light of its relatively innocuous location on the building.

In this case and under the unique circumstances presented, strictly enforcing the underlying Zoning Ordinance will not advance the public purposes of the Sign Ordinance but granting the requested variance will.

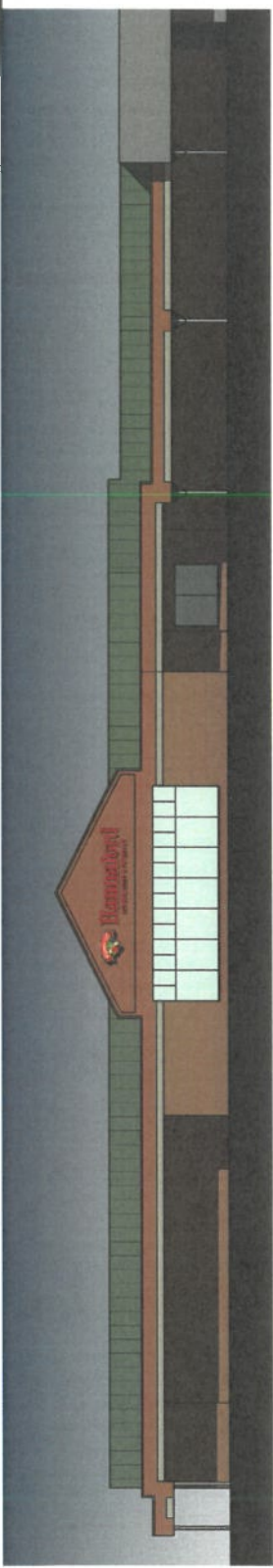
The Applicant respectfully reminds the Board of Adjustment that the mere fact that the Applicant is seeking a variance from the express provisions of the Zoning Ordinance is not a valid reason for denying the variance. See Malachy Glen Associates, Inc. v. Town of Chichester, 155 N.H. 102, 107 (2007); see also Harborside Associates, 162 N.H. at 2011 (“mere conflict with the terms of the ordinance is insufficient”).

Finally, because the Hannaford To Go Sign will be conservatively and tastefully sited on the building, will compliment the Hannaford To Go use, and because it is in accord with the spirit and intent of the Ordinance, it is reasonable under the circumstances. See Vigeant v. Town of Hudson, 151 N.H. 747, 752 - 53 (2005); and Malachy Glen, 155 N.H. at 107; see also Harborside at 518-519 (applicant did not need to show signs were “necessary” rather only had to show signs were a “reasonable use”).

Accordingly, the Applicant respectfully asserts that its application complies with the standard for Option A of the unnecessary hardship criterion and the Board of Adjustment should so find.

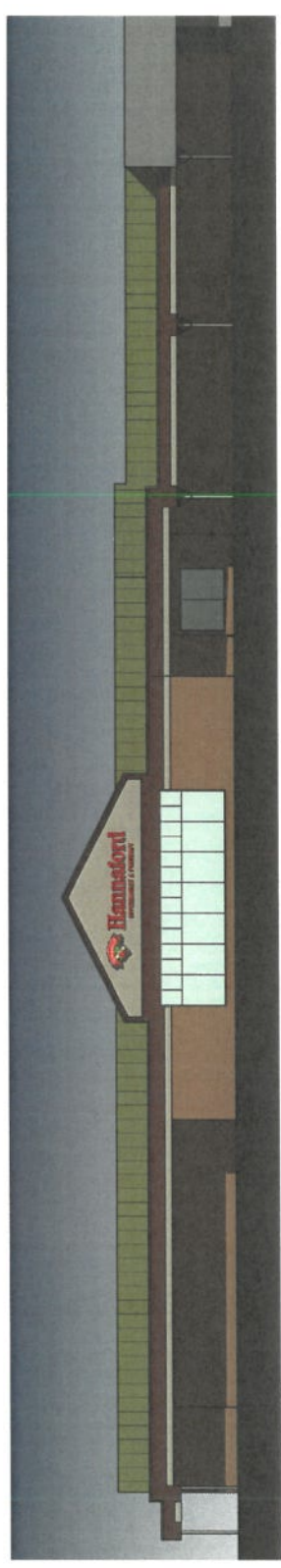
E. Conclusion

The Applicant respectfully submits that both the variances as requested have been met such that its Variance Application should be granted.







1 PORTSMOUTH EXISTING EXTERIOR ELEVATION

SCALE: 3/64" = 1'-0"



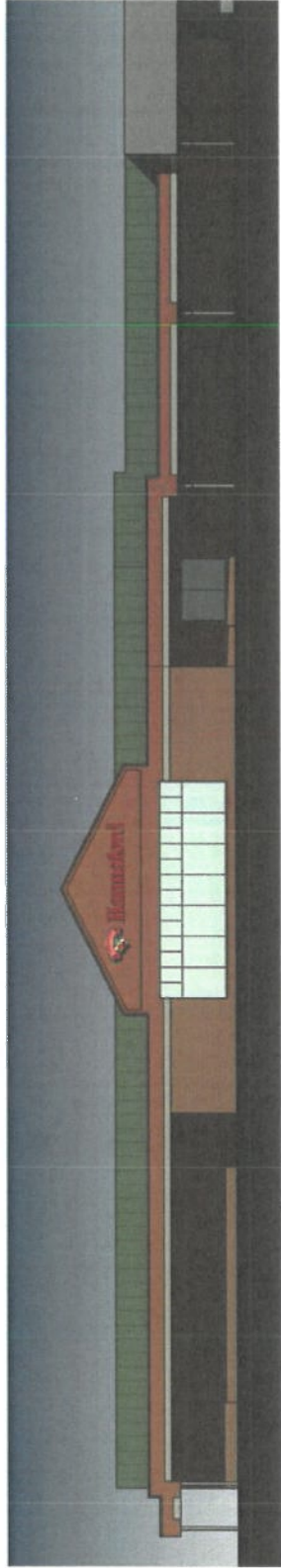
2 PORTSMOUTH EXTERIOR ELEVATION

SCALE: 3/64" = 1'-0"

			
PAINT: SW 7045 INTELLECTUAL GRAY	METAL TRIM: PAINT TO MATCH ATAS #25 "BOYSENBERRY"	METAL ROOF: PAINT TO MATCH ATAS #24 ANTIQUE PATINA	BRICK: EXISTING TO REMAIN

EXTERIOR FINISHES

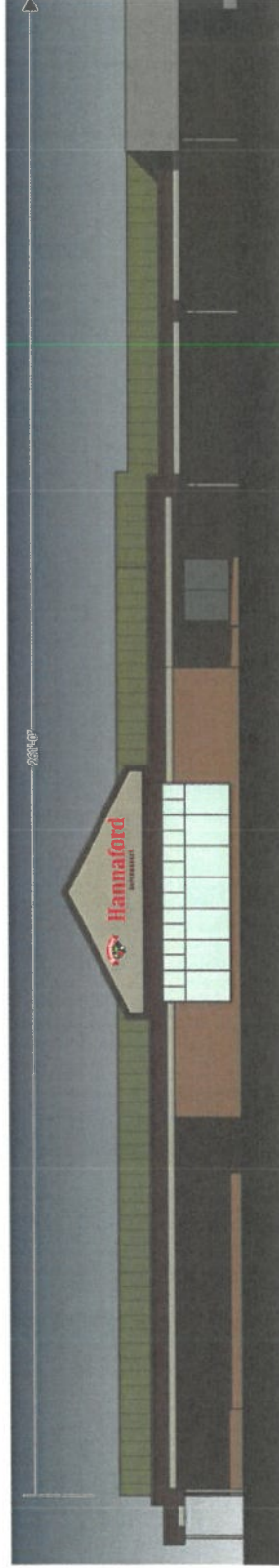
SCALE: 12" = 1'-0"



Existing Elevation

EXISTING SQ. FT.
ICON: 24.0
HANNAFORD: 53.25
TOTAL: 77.25

NTS



Proposed Condition

PROPOSED SQ. FT.
ICON: 24.5
HANNAFORD: 56.25
SUB COPY: 5.46
TOTAL: 86.21

Scale: 1:250

THOMAS
SIGN & AWNING CO. INC.
4590 118TH Avenue North
Clearwater, Florida 33762
800-526-3325
www.thomassign.com

CLIENT
HANNAFORD #8149
Design Number:
88039
Installation Address:
800 Islington St.
Portsmouth, NH
03801

Project Identity Number:
88629
Seller Associate: BB
Project Team: BB
Designer: MBV
Date: 07.30.20
Project Updates: None
10.15.20 MBV - Final approved
9.8 ft.

UL Laboratories, Inc.
UL 88684
ELECTRIC SIGN
COMPLIES TO UL 48

THIS SIGN HAS BEEN TESTED IN ACCORDANCE WITH THE REQUIREMENTS OF THE UL STANDARD FOR THE PROTECTION OF LIFE AND PROPERTY BY THE UL LABORATORIES, INC. PORTLAND, ME. THE SIGN IS LISTED TO THE UL DIRECTORY OF LISTED PRODUCTS AND SERVICES.



3MTM MCSM Warranty
Approval:
 Approved
 Re-Submitt
 Approved as noted
 Review & Re-Submit
DATE:

The design, concept, drawings and specifications provided are the exclusive property of Thomas Sign & Awning Company and may not be reproduced in any way, shape or form without the written permission of Thomas Sign & Awning Company.

HANNAFORD #8149
Portsmouth, NH



PROPOSED SQ. FT.
ICON: 24.5
HANNAFORD: 56.25
SUB. COPY: 5.46
TOTAL: 86.21

Icon and Channel Letters

Flex Face Icon & LED illuminated channel letters

Scale: 1/4" = 1'0"

THOMAS
SIGN & AWNING CO INC
4590 118TH Avenue North
Clearwater, Florida 33762
800-526-3325
www.thomassign.com

CLIENT
HANNAFORD #8149
Design Number: 88039
Installation Address: 800 Islington St, Portsmouth, NH 03801
Project Identity Number: 88629
Sales Associate: Registered Team: BB
Designer: Date: 07.30.20
MBV
Project Updates: 08.10.20 MBV - HDGD, WEL ADDED/UPDATED 11.10.20 MBV - Revised Sign

Underwriters Laboratories, Inc.
LISTING 885714
ELECTRIC SIGN
COMPLIES TO UL 48
TM
This sign is a product of a manufacturer in accordance with the requirements of the UL Standard for the listing of electric signs. It is not intended for use in any other listing or application.



3M™ MCS™ Warranty

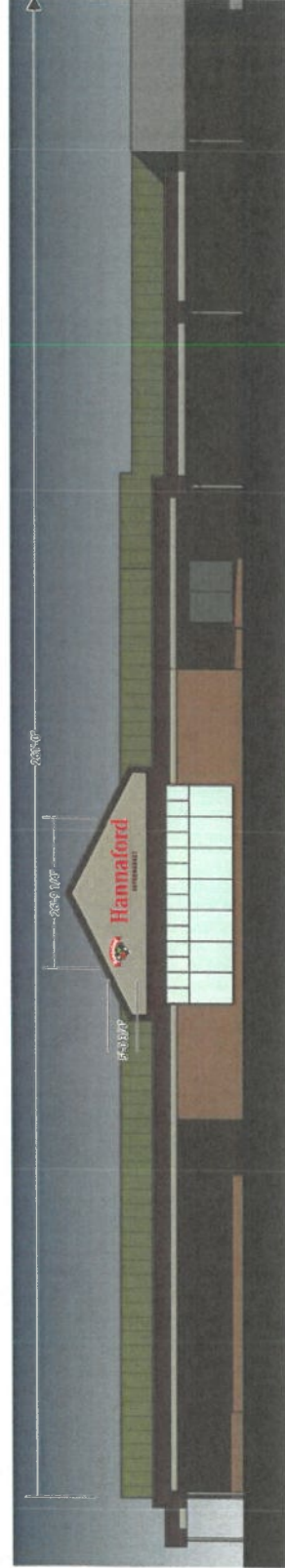
Approval:
 Approved
DATE:
 Approved as noted
DATE:
 Revise & Re-Submit
DATE:

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Page Sheet

2 | 2 of 3

Local: 727-573-7757
Fax: 727-573-0328



Proposed Condition

Scale: 1:250

HANNAFORD #8149
Portsmouth, NH

Celebrating 50 Years of Quality Manufacturing and Service

51

113.14"



1'0"

3'2.10"

NOTE:
Black returns with
3M digital print
vinyl on faces.

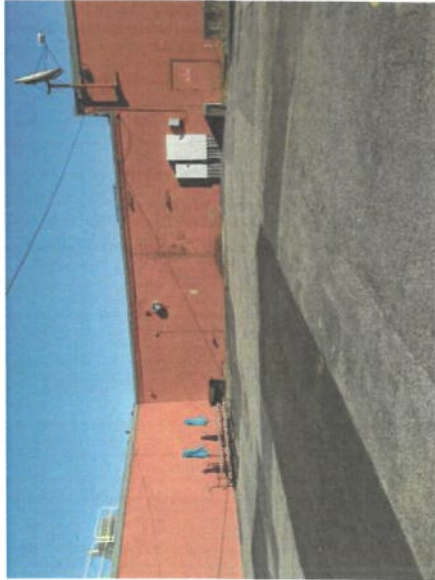
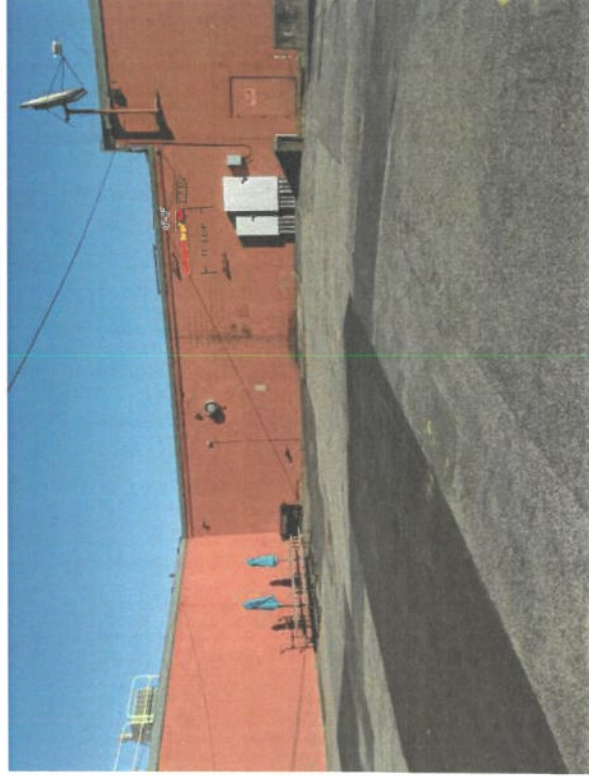
SQ FT = 18.25
Scale: 3/4" = 1'0"

Acrylic FCO Letters

LETTERS: 1" THICK WHITE ACRYLIC LETTERS WITH 3M VINYL FILM, WHITE BORDERS AND RETURNS
LOGO: 1" THICK WHITE ACRYLIC LOGO WITH DIGITAL GRAPHICS APPLIED TO FACE-PAINTED BLACK RETURNS
MOUNTING: MOUNT TO WALL WITH 1/2" SPACERS - PAINT SPACERS TO MATCH WALL COLOR

Color Reference

	PMS 485 C		CMYK 59 100 0		CMYK 0 0 36
	PMS 484 C		CMYK 22 0 53		PMS BLACK 6 C
	PMS 123 C		CMYK 22 0 70		CMYK 80 22 100 59
	CMYK 20 100 0				



Existing Condition

NTS

Proposed Condition

APPROX SCALE: 1:250

THOMAS
SIGN & AWNING CO INC
4590 118TH Avenue North
Clearwater, Florida 33762
800-526-3325
www.thomassign.com

CLIENT
HANNAFORD #8149
Design Number:
880339
Installation Address:
800 Islington St
Portsmouth, NH
03801

Project Identity Number:
88629
Sales Associate: Project Team:
BB BB
Designer: Date:
MBV 08.10.20
Project Updates:
1.1.16.20 MBV - updated color of face and
element



3MT™ MCS™ Warranty

Approval:
 Approved
DATE:
 Approved as noted
DATE:
 Revise & Re-Submit
DATE:

This is a 3M™ Limited Warranty. It covers the face and
backing of the sign. It does not cover the structure
or the installation. The sign must be installed in
accordance with the instructions provided in the
warranty. The warranty is void if the sign is not
installed in accordance with the instructions.
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HANNAFORD #88631
Portsmouth, NH

Celebrating 50 Years of Quality Manufacturing and Service

50



THOMAS
SIGN & AWNING CO INC
4590 118TH Avenue North
Clearwater, Florida 33762
800-526-3325
www.thomassign.com

CLIENT
HANNAFORD #8149
Design Number:
88040
Installation Address:
800 Islington St
Portsmouth, NH
03801
Project Identity Number:
88631
Sales Associate: BB
Designer: MBV
Date: 07.24.20
Project Update:
08.10.20 MBV - Update design



Pan Formed Acrylic Face Replacement
Scale: 1/2" = 1'-0" | Square Feet: 40sq
Scope of Work
White pan formed acrylic with 3M vinyl applied
first surface.



Proposed Condition

NTS



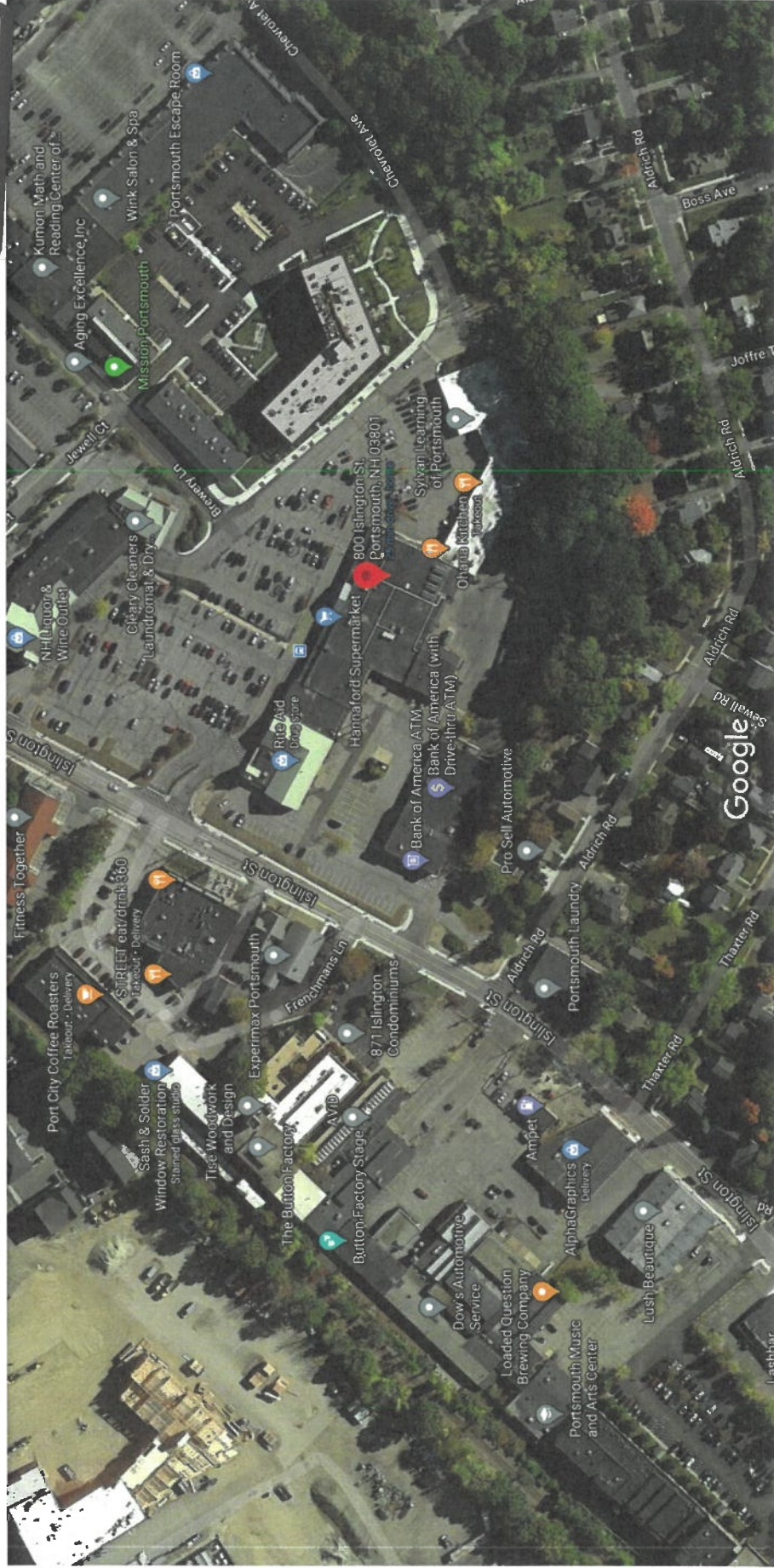
Proposed Condition

Scale: 3/16" = 1'-0"



3M™ MCS™ Warranty
 Approved
DATE: _____
 Approved as noted
DATE: _____
 Review & Re-Submit
DATE: _____
This warranty covers the material and workmanship of the sign and may not be reproduced in any way. Under no circumstances shall the liability of Thomas Sign & Awning Company be limited or restricted in any way.

Page 1 **Sheet** 1 of 1
Local: 727-573-7757
Fax: 727-573-0328



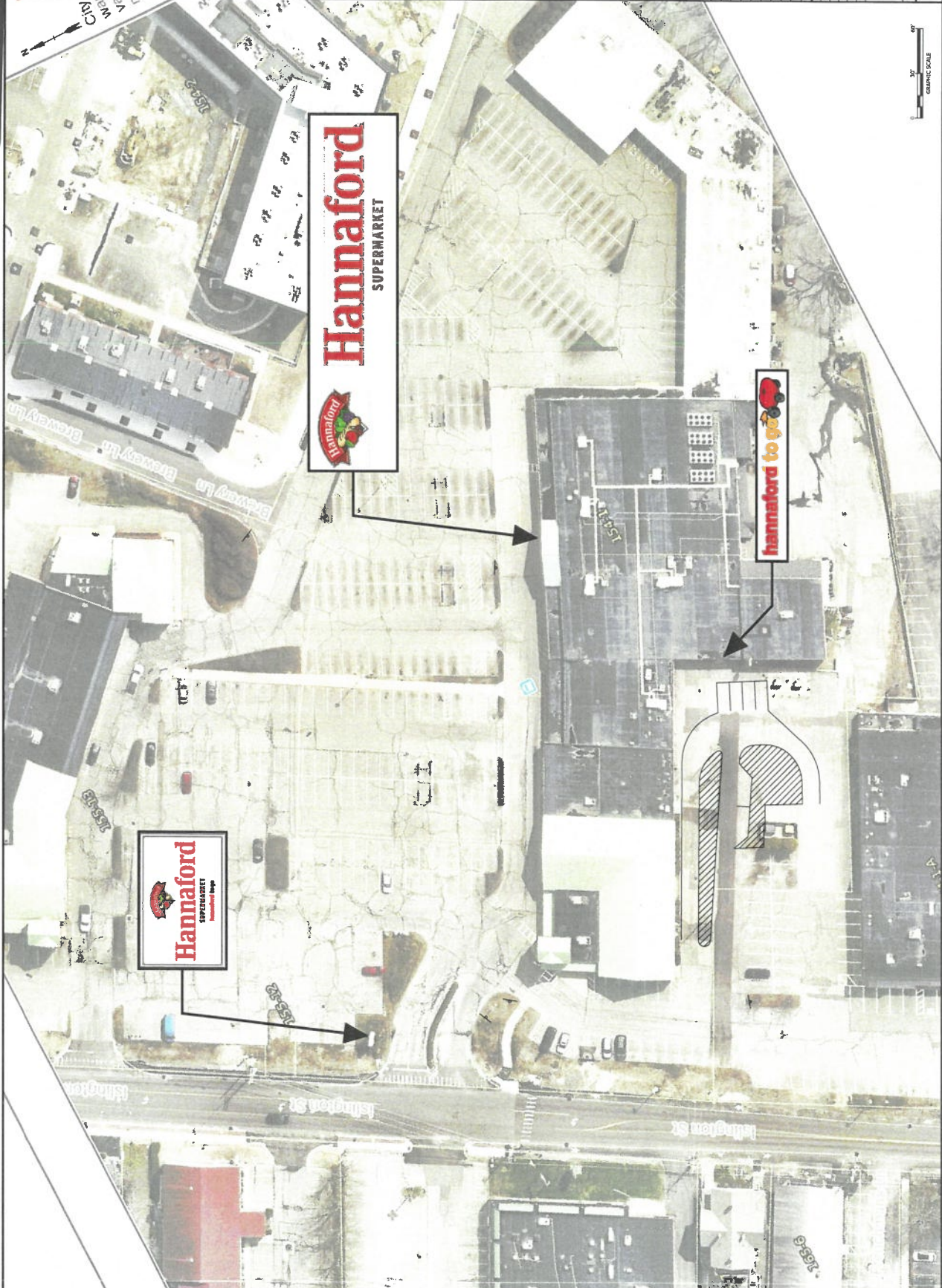
Imagery ©2021 Maine GeoLibrary, Maxar Technologies, U.S. Geological Survey, USDA Farm Service Agency, Map data ©2021 100 ft

EXHIBIT
3
tabler



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 7/1/2019

Tighe&Bond



PORTSMOUTH
HANNAFORD
STORE # 8149

Maple Rock, LLC

800 Islington Street
Portsmouth, New
Hampshire
03801

MARK	DATE	DESCRIPTION
PROJECT NO.	180121005	
DATE	7/9/2021	
FILE	180121-01_SIGNAGE	
CREATED BY	JAC	
APPROVED BY	BLK	

OVERALL SIGN EXHIBIT

SCALE:



File Saved: 5/8/2021
 Project: 180121-01_SIGNAGE
 Title: 180121-01_SIGNAGE
 Author: Tighe & Bond
 Date: 5/8/2021 10:45:00 AM
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EXHIBIT

5

tabbles



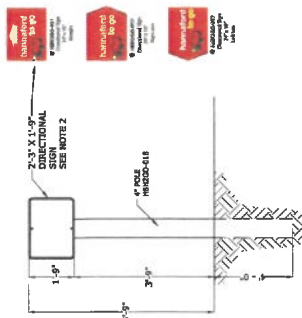
**PORTSMOUTH
HANNAFORD
STORE # 8149**

Maple Rock, LLC

800 Islington Street
Portsmouth, New
Hampshire
03801

NO.	DATE	DESCRIPTION
1	7/15/2023	ISSUE FOR PERMITS
2	7/15/2023	ISSUE FOR PERMITS
3	7/15/2023	ISSUE FOR PERMITS
4	7/15/2023	ISSUE FOR PERMITS
5	7/15/2023	ISSUE FOR PERMITS
6	7/15/2023	ISSUE FOR PERMITS
7	7/15/2023	ISSUE FOR PERMITS
8	7/15/2023	ISSUE FOR PERMITS
9	7/15/2023	ISSUE FOR PERMITS
10	7/15/2023	ISSUE FOR PERMITS

PROJECT NO.: 2023-1405
DATE: 7/15/2023
DRAWN BY: PROJECT_ENGINEERS
CHECKED BY: PNC
APPROVED BY: RJK
SCALE: C-102



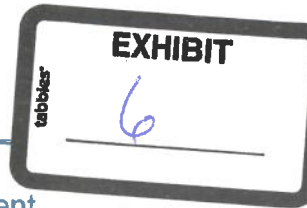
- NOTES**
1. THESE SIGN LOCATIONS ARE SHOWN FOR HIRET BUSSES ONLY. CONTRACTOR SHALL COORDINATE SIGN LOCATIONS WITH THE ENGINEER PRIOR TO ORDERING MATERIALS. SIGNAGE SHALL BE PLACED ONLY AS SHOWN. SIGNAGE SHALL BE SUBMITTED FOR APPROVAL BY THE ENGINEER.
 2. **HANNAFORD TO GO DIRECTIONAL SIGNAGE**
NO SCALE

2023/07/15 10:58 AM
PROJECT: 2023-1405 - PORTSMOUTH HANNAFORD STORE # 8149
DRAWING: C-102 - DIRECTIONAL SIGNAGE
SCALE: C-102



CITY OF PORTSMOUTH

Planning Department
1 Junkins Avenue
Portsmouth, New
Hampshire 03801
(603) 610-7216



PLANNING BOARD

March 17, 2021

Griffin Family Corp
C/O CP Management Inc
11 Court St STE 100
Exeter, NH 03833

RE: Amended Site Plan approval for property located at 800 Islington Street

Dear Owners:

I have reviewed your application for amended site plan approval for the following:

- 1) Addition of 6 reserved parking spaces for grocery pick-up with associated improvements including painted islands, arrows and directional signage.
- 2) Regrading approximately 6,500 square feet to alleviate grading concerns within the new parking area.

As a result of my review, I hereby grant the request.

The above amendments are shown and described in the following documents received by the Planning Department on February 12, 2021 and March 15, 2021:

- 1) Site Plan Set titled "Hannaford Supermarket & Pharmacy Store #8149", prepared by Tighe & Bond, dated January 2021 and last revised February 15, 2021.
- 2) Letter from Patrick Crimmins, PE & Neil Hansen, PE, dated March 15, 2021.

This amends the site plan originally approved by the Planning Board on September 21, 1977.

This approval shall expire unless a building permit for the project is issued within a period of one (1) year from the date of this letter.

Very truly yours,

Juliet T. H. Walker, AICP, Planning Director

3/30/2021

cc: Robert Marsilia, Chief Building Inspector
Rosann Maurice-Lentz, City Assessor
Peter H. Rice, Director of Public Works

LETTER OF AUTHORIZATION

I, J.M. Lord, Manager of Maple Rock, LLC, do hereby authorize Donahue, Tucker and Ciandella, PLLC, to execute any land use applications regarding the Hannaford Store at 800 Islington Street to the City of Portsmouth and to take any action necessary for the application and permitting process, including but not limited to, attendance and presentation at public hearings, of the said property.

Dated: 3/26/2021

MAPLE ROCK, LLC

J Merrill Lord
J.M. Lord, Manager