

**REGULAR MEETING\***  
**BOARD OF ADJUSTMENT**  
**EILEEN DONDERO FOLEY COUNCIL CHAMBERS**  
**MUNICIPAL COMPLEX, 1 JUNKINS AVENUE**  
**PORTSMOUTH, NEW HAMPSHIRE**

Register in advance for this meeting:

[https://zoom.us/webinar/register/WN\\_o5bw1agXSe2f5CPs9IbUCg](https://zoom.us/webinar/register/WN_o5bw1agXSe2f5CPs9IbUCg)

*Members of the public also have the option to join the meeting over Zoom, a unique meeting ID and password will be provided once you register. Registration information will be provided on the meeting agenda when it is posted to the web page. Public comments can be emailed in advance to [planning@cityofportsmouth.com](mailto:planning@cityofportsmouth.com). For technical assistance, please contact the Planning Department by email ([planning@cityofportsmouth.com](mailto:planning@cityofportsmouth.com)) or phone (603) 610-7216.*

**7:00 P.M.**

**June 15, 2021**

**AGENDA**

**I. APPROVAL OF MINUTES**

- A) Approval of the minutes of the meetings of May 18 and May 25, 2021.

**II. OLD BUSINESS**

- A) 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.
- B) 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. 5) A Variance from Section 10.1113.20 to allow seven off-street parking spaces to be located in the front yard and between the principal building and a street where parking spaces are not allowed. Said property is shown on Assessor Map 236 Lot 39 and lies within the General Business (GB) District.

- C) Petition of **Arun Naredla, Owner**, for property located at **1 Harding Road** whereas relief is needed from the Zoning Ordinance to construct a 6' tall fence within the front yard which requires the following: 1) A Variance from Section 10.515.13 to allow a 6' tall fence within the front yard where a 4' tall fence is the maximum allowed. Said property is shown on Assessor Map 247 Lot 45 and lies within the Single Residence B (SRB) District.
- D) Petition of **Naveesha Hospitality, LLC, Owner**, for property located at **3548 Lafayette Rd** whereas relief is needed from the Zoning Ordinance for redevelopment of the property which includes demolishing some buildings and constructing 2 new multi-family structures which requires the following: 1) A Variance from Section 10.5B53.10 to allow new buildings to be constructed on a lot with existing non-conforming buildings, to be outside of the minimum and maximum front building setback if the 50% front lot line buildout has not been met. 2) A Variance from Section 10.5B22.40 to allow buildings to be constructed outside of the special setback from Lafayette Road which requires a 70' minimum and 90' maximum setback from the centerline of Lafayette Road. Said property is shown on Assessor Map 297 Lot 6 and lies within the Gateway Neighborhood Mixed Use Corridor (G1) District.

## I. PUBLIC HEARINGS – NEW BUSINESS

- A) Petition of, **Lisa Shawney Revocable Trust, Owner**, and **Lisa Shawney, Applicant** for property located at **901 Maplewood Avenue** whereas relief is needed from the Zoning Ordinance to construct second story addition over existing one-story addition which requires the following: 1) Variances from Section 10.521 to allow a) a 6' right side yard where 10' is required; and b) a 27.5' rear yard where 30' 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 219 Lot 58 and lies within the Single Residence B (SRB) District.
- B) Petition of **Stone Creek Realty, Owner**, for property located at **53 Green Street** whereas relief is needed from the Zoning Ordinance for the demolition of an existing building and construction of a 5-story mixed-use building which requires the following: 1) A Variance from Section 10.5A41.10D to allow 42.89% front lot line buildout where 80% is required. Said property is shown on Assessor Map 119 Lot 2 and lies within the Character District 4 (CD4) and Character District 5 (CD5) Districts.

- C) Petition of **Todd and Jan Peters, Owners**, for property located at **379 New Castle Avenue** whereas relief is needed from the Zoning Ordinance for installation of new heat pump and after-the-fact variance for existing heat pump which requires the following: 1) A Variance from Section 10.515.14 to allow an 8' setback where 10' is required and to allow the proposed unit to be closer to the street than the principal structure. 2) An after-the-fact Variance from Section 10.515.14 to allow an 8' setback where 10' is required and to allow the existing unit to be closer to the street than the principal structure. Said property is shown on Assessor Map 207 Lot 4 and lies within the Single Residence B (SRB) District.
- D) Petition of **Warner House Associates, Owner**, for property located at **150 Daniel Street** whereas relief is needed from the Zoning Ordinance to install condenser unit on the back of new Carriage House which requires the following: 1) A Variance from Section 10.515.14 to allow a 3' setback where 10' is required. Said property is shown on Assessor Map 106 Lot 58 and lies within the Civic District.
- E) Petition of **William H. and Barbara Ann Southworth, Owners**, for property located at **39 Pickering Street** whereas relief is needed from the Zoning Ordinance to replace existing 8' x 8' shed with a 10' x 12' shed which requires the following: 1) Variances from Section 10.521 to allow a) a 2' rear yard where 10' is required; b) a 2' right side yard where 10' is required; and c) 40.5% building coverage where 30% is the maximum allowed. 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 102 Lot 5 and lies within the General Residence B (GRB) District.

## II. OTHER BUSINESS

## III. ADJOURNMENT

TO: Zoning Board of Adjustment  
FROM: Peter Stith, AICP, Planning Department  
DATE: June 8, 2021  
RE: Zoning Board of Adjustment June 15, 2021 Meeting

### **OLD BUSINESS**

1. 30 Spring Street
2. 180 Spaulding Turnpike
3. 1 Harding Road
4. 3458 Lafayette Road

### **NEW BUSINESS**

1. 901 Maplewood Avenue
2. 53 Green Street
3. 379 New Castle Avenue
4. 150 Daniel Street
5. 39 Pickering Street



## OLD BUSINESS

1.

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.

### Existing & Proposed Conditions

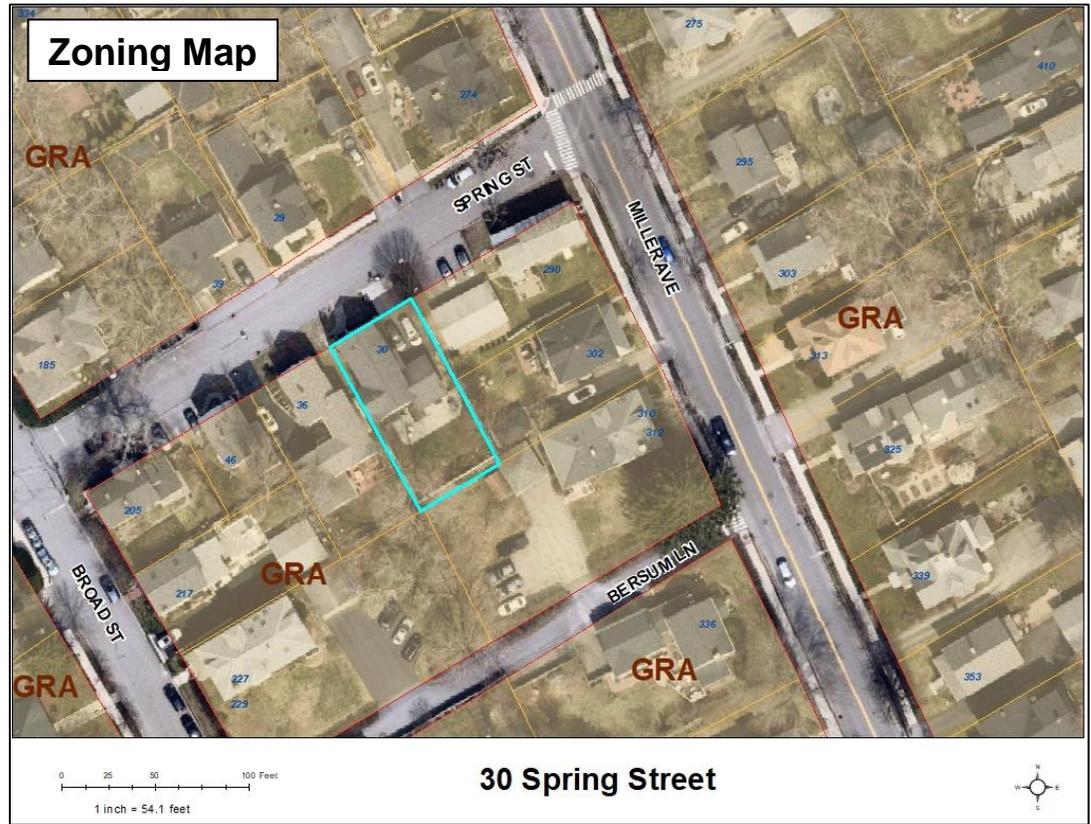
	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Single family	Demo existing front entry/Construct new porch	Primarily residential uses
<u>Lot area (sq. ft.):</u>	4,953	4,953	7,500 min.
<u>Lot Area per Dwelling Unit (sq. ft.):</u>	4,953	4,953	7,500 min.
<u>Street Frontage (ft.):</u>	50	50	100 min.
<u>Lot depth (ft.):</u>	100	100	70 min.
<u>Front Yard (ft.):</u>	4.1'	<b>5"</b>	15 min.
<u>Right Yard (ft.):</u>	0.4'	<b>4'</b>	10 min.
<u>Left Yard (ft.):</u>	7'4"*	7'4"	10 min.
<u>Rear Yard (ft.):</u>	40+	40+	20 min.
<u>Height (ft.):</u>	<35	<35	35 max.
<u>Building Coverage (%):</u>	27	<b>29</b>	25 max.
<u>Open Space Coverage (%):</u>	>30	>30	30 min.
<u>Parking</u>	2	2	2
<u>Estimated Age of Structure:</u>	1900	<b>Variance request(s) shown in red.</b>	

### Other Permits/Approvals Required

None.



### Neighborhood Context



**Previous Board of Adjustment Actions**

December 16, 2003 – The Board granted variances from Article III, Section 10-302(A) and Article IV, Section 10-40(A)(2)(c) to allow the following:

A 2’ x 8’ bay window to the front with a 4’1” front yard setback where 15’ is the minimum required. An 18’ x 22’ 1 ½ story garage with second floor living space having a 7’4” left side yard where 10’ is the minimum required. A 6’ x 12’ deck creating 30.4% building coverage where 25% is the maximum allowed.

November 17, 2020 – The Board granted variances from Section 10.521 to allow the following:

28.5% building coverage where 25% is the maximum allowed; a 0 foot front yard where 15’ is required and a 4’ side yard where 10 feet is required. (Original request was for a 0’ side yard and the Board stipulated that the allowable side yard shall be 4 feet)

**Planning Department Comments**

The applicant was before the Board in November 2020 with a request to extend the porch to the right side yard property line, however the Board stipulated the right side shall be 4 feet instead of the requested 0’. The applicant is now requesting to construct a new porch across the front of the house extending towards the left side property line. A 0’ front yard variance was granted in November 2020, however the new proposal states the front yard will be 5 inches from the property line.

**Review Criteria**

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

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

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

2.

Petition of **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. 5) A Variance from Seciont 10.1113.20 to allow seven off-street parking spaces to be located in the front yard and between the principal building anda street where parking spaces are not allowed. Said property is shown on Assessor Map 236 Lot 39 and lies within the General Business (GB) District.

**Existing & Proposed Conditions**

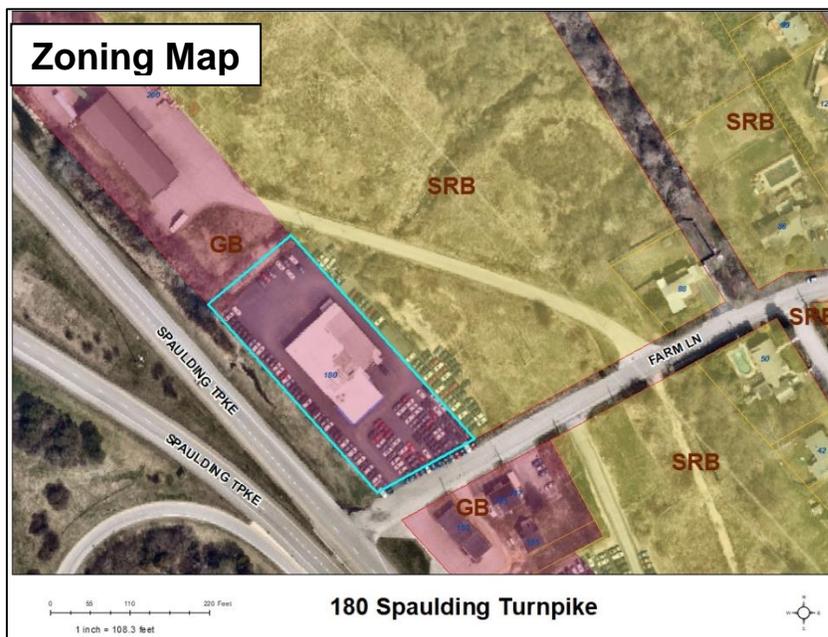
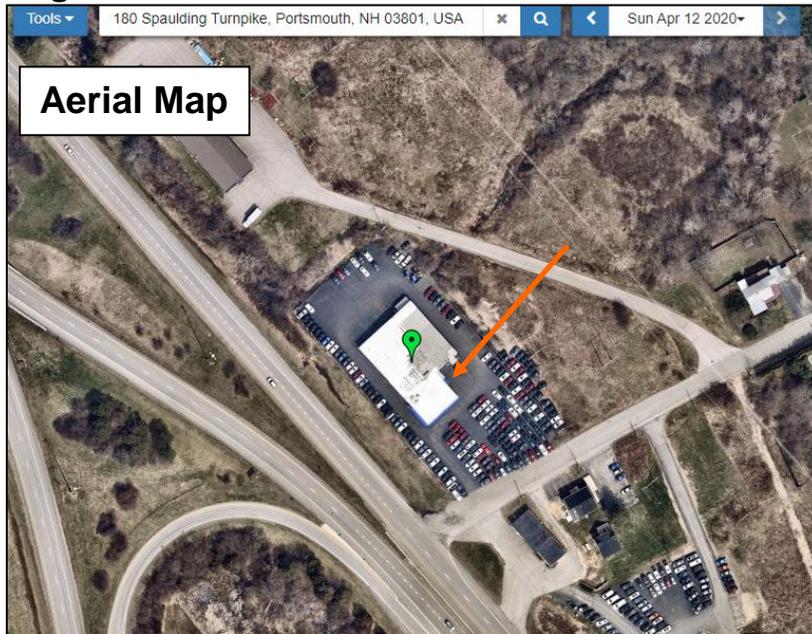
	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Auto dealership	New showroom addition	Primarily commercial uses
<u>Lot area (sq. ft.):</u>	54,384	54,384	43,560 min.
<u>Street Frontage (ft.):</u>	54,384	54,384	200 min.
<u>Front Yard (ft.):</u>	39	39	30 min.
<u>Right Yard (ft.):</u>	95	95	30 min.
<u>Left Yard (ft.):</u>	100	100	30 min.
<u>Rear Yard (ft.):</u>	15	<b>15</b>	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>	30	37	37
<u>Estimated Age of Structure:</u>	1975	<b>Variance request(s) shown in red.</b>	

**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

*June 15, 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, two-story 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 plan shows 7 new parking spaces located in the front yard and in front of the building which are currently used for vehicle storage. The conversion to official parking spaces triggers the need for a variance from this provision.

### **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.*

3.

Petition of **Arun Naredla, Owner**, for property located at **1 Harding Road** whereas relief is needed from the Zoning Ordinance to construct a 6' tall fence within the front yard which requires the following: 1) A Variance from Section 10.515.13 to allow a 6' tall fence within the front yard where a 4' tall fence is the maximum allowed. Said property is shown on Assessor Map 247 Lot 45 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	<b>6 foot fence in front yard</b>	Primarily Single-family Uses
<u>Lot area (sq. ft.):</u>	15,058	15,058	15,000 min.
<u>Lot Area per Dwelling Unit (sq. ft.):</u>	15,058	15,058	15,000 min.
<u>Street Frontage (ft.):</u>	248	248	100 min.
<u>Lot depth (ft.):</u>	100	100	100 min.
<u>Primary Front Yard (ft.):</u>	30	30	30 min.
<u>Secondary Front Yard (ft.):</u>	32	32	30 min.
<u>Right Yard (ft.):</u>	60	60	10 min.
<u>Rear Yard (ft.):</u>	20	20	30 min.
<u>Building Coverage (%):</u>	13	13	20 max.
<u>Open Space Coverage (%):</u>	>40	>40	40 min.
<u>Estimated Age of Structure:</u>	1970	<b>Variance request shown in red.</b>	



### Other Permits/Approvals Required

None.

### Previous Board of Adjustment Actions

No prior BOA history found.

### Planning Department Comments

The applicant is proposing a 6 foot tall fence in the front yard along Elwyn Road. Consulting with staff at DPW, this proposal may create more issues with sight lines at the already challenging intersection of Harding Road and Elwyn Road. This was conveyed to the applicant and at this time they have submitted a request to postpone to confer with City staff about options for their property. The applicant met with City staff after the petition was postponed in May to discuss options. With consultation from DPW, the applicant has provided revised plans for the location for the 6' fence within the front yard which pushes it back from Elwyn Road and maintains a safe sight line for the intersection with Harding Road.

### 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.*



4.

Petition of **Naveesha Hospitality, LLC, Owner**, for property located at **3548 Lafayette Rd** whereas relief is needed from the Zoning Ordinance for redevelopment of the property which includes demolishing some buildings and constructing 2 new multi-family structures which requires the following: 1) A Variance from Section 10.5B53.10 to allow new buildings to be constructed on a lot with existing non-conforming buildings, to be outside of the minimum and maximum front building setback if the 50% front lot line buildout has not been met. 2) A Variance from Section 10.5B22.40 to allow buildings to be constructed outside of the special setback from Lafayette Road which requires a 70' minimum and 90' maximum setback from the centerline of Lafayette Road. Said property is shown on Assessor Map 297 Lot 6 and lies within the Gateway Neighborhood Mixed Use Corridor (G1) District.

### Existing & Proposed Conditions

	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>	
<u>Land Use:</u>	Wren's Nest	Multifamily development	Primarily Mixed Uses	
<u>Lot area (sq. ft.):</u>	162,967	162,967	162,967	min.
<u>Lot Area per Dwelling Unit (sq. ft.):</u>	4,938 (33)	2,173 (75 total)	20/acre	min.
<u>Street Frontage (ft.):</u>	161	161	100	min.
<u>Front Lot line Buildout (%):</u>	34	<b>34</b>	50%	min.
<u>Primary Front Yard (ft.):</u>	55	<b>~310 (new)</b>	70' min – 90' max	
<u>Left Yard (ft.):</u>	6 (existing)	>15 (new)	15	min.
<u>Right Yard (ft.):</u>	5 (existing)	15 (new)	15	min.
<u>Rear Yard (ft.):</u>	>20	>20	20	min.
<u>Height (ft.):</u>	<50	<= 50 or 4 stories	50' or 4 stories	max.
<u>Building Coverage (%):</u>	<50	15.8	50	max.
<u>Open Space Coverage (%):</u>	>50	50	20	min.
<u>Community Space (%):</u>	NA	10	10	min.
<u>Parking:</u>	~70	129	113	
<u>Estimated Age of Structure:</u>	1938 - 1998	<b>Variance request shown in red.</b>		

### Other Permits/Approvals Required

TAC/Planning Board – Site Plan Review

### Neighborhood Context



## Previous Board of Adjustment Actions

May 24, 1977 - The Board **granted** a Variance to extend a nonconforming use by adding eight additional units as a second story to existing structure, with additional setback Variance on side yard.

November 18, 1986 - The Board **denied** a Variance to convert an existing garage into two efficiency suites, to move and enlarge two existing motel units into two efficiency suites and to construct a 24' x 40' structure containing one two bedroom suite thereby creating 5 dwellings (for a total of 6 dwelling units) on a single lot in a residential district where only one dwelling unit is allowed per lot and a Variance to allow the expansion of a nonconforming use, an existing motel, in a residential district where motels are not an allowed use; and a Variance to allow a 376 s.f. addition to an existing garage with an 11' rear yard where a minimum 40' rear yard is required.

November 20, 1990 -The Board **granted** a Variance to permit a 66 s.f. addition to the front and a 743 s.f. addition to the side and rear of a single family dwelling with; a) the 66 s.f. addition having a 26' front yard; and, b) the 743 s.f. addition having a 39'6" front yard where a 105' front yard is required for both; and, a Variance to permit the 743 s.f. addition with a 17' left yard where a 20' left yard is required.

January 15, 1991 - The Board **denied** a Variance from to allow the reconstruction of a 1,602 s.f. two story single family dwelling with a 26' front yard where a 105' front yard is required and a 17' left yard where a 20' left yard is required; 2) a Variance to allow a 26' front yard where a 105' front yard is required; 3) a Variance to allow said re-construction to have a 17' left yard where a 20' left yard is required; and, 3) a Variance to allow the establishment of an 180 s.f. motel office in the single family dwelling for the existing motel.

March 19, 1991 - The Board **granted** 1) an Appeal of an Administrative Decision of the Building Inspector concerning the requiring of the applicant to obtain Variances from Article II, Section 10-205 and Article III, Section 10-302 in conjunction with his request to reconstruct a dwelling unit on a previously approved foundation instead of requiring only a Variance from Article IV, Section 10-401(4); and 2) a Variance from Article IV, Section 10-401(4) to permit the reconstructing of a dwelling unit on a previously granted footprint.

June 16, 1992 - The Board **granted** a Variance to allow the installation of an additional 12 s.f. internally illuminated freestanding sign to an existing nonconforming 56 s.f. free-standing sign for an aggregate sign area of 68 s.f., and with a 13' front yard in a residential district where freestanding signs are not allowed with the **stipulation** the existing 1' s.f. AAA sign be removed before installing the 12' s.f. AAA sign.

June 20, 1995 – The Board **granted** a Variance to allow a new 91 s.f. free standing sign to replace the existing 70 s.f. free standing sign in the same location.

September 21, 1999 – The Board **granted** a Variance to allow a 3,840 s.f. two story building to be constructed in the same location as an existing 6 unit motel building which

is being demolished for use as an indoor swimming pool and other indoor recreation uses on the 1st floor and three motel units on the 2<sup>nd</sup> floor

November 20, 2001 – The Board **granted** a Variance to allow an existing building to be converted into a restaurant with a bar area and dance floor and 28 new parking spaces in a district where such use is not allowed with the **stipulation** that the trailer be removed from the property before a Building Permit can be issued.

April 16 2002 (Reconvened on April 23, 2002) – The board granted a Variance from article XII, Section 10-1201 (A)(2) to allow 20' and 22' maneuvering aisles where 24' is the minimum required for two way traffic.

### **Planning Department Comments**

The applicant is proposing to redevelop the property into units spread throughout the existing structures and two new apartment buildings. Some existing structures will be demolished to make room for one of the new buildings. The property is located in the Gateway-1 district which allows for a general residential development site with a density of 20 dwelling units per acre. For new buildings constructed on existing nonconforming sites where the front lot line buildout has not been met, the new buildings must be placed within the lot line buildout area. Additionally, there is a special setback on Lafayette Road where new structures must be placed. The property is oddly shaped with a somewhat bottleneck shape that widens as it goes back from Lafayette Road. Both new structures are proposed to be constructed towards the back of the property, where there is more space to site new buildings. The front lot line buildout area is constrained with existing entrance, parking and two structures.

### **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.*

## NEW BUSINESS

1.

Petition of, **Lisa Shawney Revocable Trust, Owner**, and **Lisa Shawney, Applicant** for property located at **901 Maplewood Avenue** whereas relief is needed from the Zoning Ordinance to construct second story addition over existing one-story addition which requires the following: 1) Variances from Section 10.521 to allow a) a 6' right side yard where 10' is required; and b) a 27.5' rear yard where 30' 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 219 Lot 58 and lies within the Single Residence B (SRB) District.

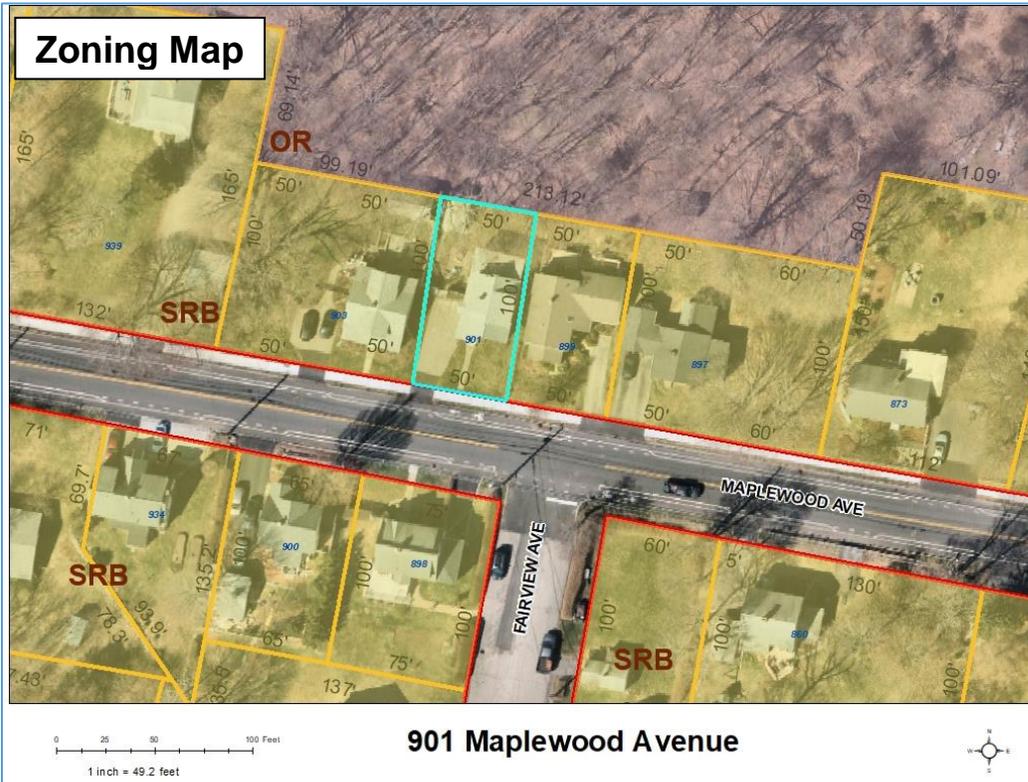
### Existing & Proposed Conditions

	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Single-family	Rear addition	Primarily Single-family Uses
<u>Lot area (sq. ft.):</u>	4,984	4,984	15,000 min.
<u>Lot Area per Dwelling Unit (sq. ft.):</u>	4,984	4,984	15,000 min.
<u>Street Frontage (ft.):</u>	50	50	100 min.
<u>Lot depth (ft.):</u>	100	100	100 min.
<u>Primary Front Yard (ft.):</u>	26.5	26.5	30 min.
<u>Left Yard (ft.):</u>	>10	>10	30 min.
<u>Right Yard (ft.):</u>	6	<b>6</b>	10 min.
<u>Rear Yard (ft.):</u>	27.3	<b>27.5</b>	30 min.
<u>Building Coverage (%):</u>	23.4	23.4	20 max.
<u>Open Space Coverage (%):</u>	53	53	40 min.
<u>Estimated Age of Structure:</u>	1930	<b>Variance request shown in red.</b>	

### Other Permits/Approvals Required

None.

### Neighborhood Context



## Previous Board of Adjustment Actions

April 22, 1986 – The Board granted the following variance:

- Article III, Section 10-302 to construct a 12' by 24' single story addition to an existing single family dwelling with the following:
  - o a) a right yard of 7.5' where 10' is required;
  - o b) a rear yard of 27' where 30' is required; and
  - o c) building coverage of 20.16% where no more than 20% is allowed.

## Planning Department Comments

The applicant is proposing to add a second story over the one-story addition on the rear of the house within the existing footprint. As shown in the history above, the single story addition received variances in 1986. The applicant recently surveyed the property, and has provided more accurate data for measurements and lot area, which likely explain the discrepancies for the proposed right yard and existing building coverage. The applicant notes the rear yard is 27.3' however the legal notice stated 27.5'. If granted approval the Board should consider the following stipulations:

**The rear yard encroachment extends no further than what currently exists.**

**The maximum allowed building coverage shall be 23.5%**

## 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.*



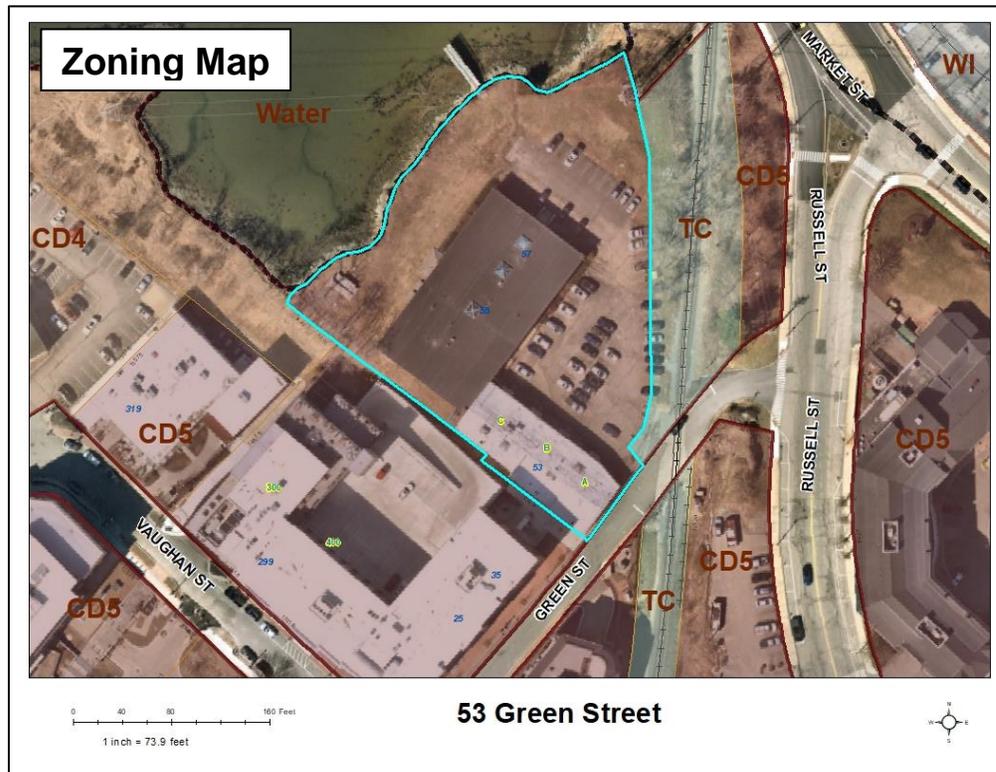
2.

Petition of **Stone Creek Realty, Owner**, for property located at **53 Green Street** whereas relief is needed from the Zoning Ordinance for the demolition of an existing building and construction of a 5-story mixed-use building which requires the following: 1) A Variance from Section 10.5A41.10D to allow 42.89% front lot line buildout where 80% is required. Said property is shown on Assessor Map 119 Lot 2 and lies within the Character District 4 (CD4) and Character District 5 (CD5) Districts.

### Existing & Proposed Conditions

	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	commercial	Mixed use development	Primarily Mixed Uses
<u>Lot line buildout (%):</u>		<b>42.89</b>	80 min.
<u>Community Space (sq.ft.):</u>		28.5	20 min.
<u>Primary Front Yard (ft.):</u>	<5	16	5 max.
<u>Rear Yard (ft.):</u>	>5	>5	5 min.
<u>Height (ft.):</u>		<60'/5 stories	60'/5 stories max.
<u>Building Coverage (%):</u>	<95	38	95 max.
<u>Open Space Coverage (%):</u>	>5	35	5 min.
		<b>Variance request shown in red.</b>	

### Neighborhood Context



### Other Permits/Approvals Required

- Planning Board
- Conservation Commission
- Historic District Commission

## Previous Board of Adjustment Actions

No prior BOA history found.

## Planning Department Comments

The applicant is proposing a mixed use development and is currently going through the land use approval process with the other land use boards as outlined in the applicant's narrative. The district requires a front lot line buildout of 80%. Due to the configuration of the development and the shape of the lot, the applicant is proposing a front lot line buildout of just under 43%. All other zoning requirements are in compliance with the proposed development.

## 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.*



3.

Petition of **Todd and Jan Peters, Owners**, for property located at **379 New Castle Avenue** whereas relief is needed from the Zoning Ordinance for installation of new heat pump and after-the-fact variance for existing heat pump which requires the following: 1) A Variance from Section 10.515.14 to allow an 8' setback where 10' is required and to allow the proposed unit to be closer to the street than the principal structure. 2) An after-the-fact Variance from Section 10.515.14 to allow an 8' setback where 10' is required and to allow the existing unit to be closer to the street than the principal structure. Said property is shown on Assessor Map 207 Lot 4 and lies within the Single Residence B (SRB) District.

### Existing & Proposed Conditions

	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Single family	Partial demo and reconstruction	Primarily residential uses
<u>Lot area (sq. ft.):</u>	8,744	8,744	15,000 min.
<u>Lot Area per Dwelling Unit (sq. ft.):</u>	8,744	8,744	15,000 min.
<u>Street Frontage (ft.):</u>	55	55	100 min.
<u>Lot depth (ft.):</u>	112	112	100 min.
<u>Front Yard (ft.):</u>	>30	>30	30 min.
<u>Right Yard (ft.):</u>	6	6	10 min.
<u>Left Yard (ft.):</u>	11	11 <b>8 (new unit)</b> <b>8 (existing)</b>	10 min.
<u>Rear Yard (ft.):</u>	>30	>30	30 min.
<u>Height (ft.):</u>	<35	<35	35 max.
<u>Building Coverage (%):</u>	21.5	22*	20 max.
<u>Open Space Coverage (%):</u>	66	66	40 min.
<u>Parking</u>	2	2	1.3
<u>Estimated Age of Structure:</u>	1850	<b>Variance request shown in red.</b>	

Other Permits/Approvals Required  
HDC

Neighborhood Context



## Previous Board of Adjustment Actions

December 28, 2004 – The Board granted the following variance:

- Article IV, Section 10-402(B) to allow a 10'8" by 16' one story garage with an 14.3' Front yard where 30' is required.

November 16, 2004 – The board denied the following variance:

- Article IV, Section 10-402(B) to allow a 10'8" by 16' one story garage with an 8' front yard where 30' is required.

May 17, 2016 – The Board granted the following variances:

- Section 10.521 to allow a front yard setback of 7.25' where 30' is required.
- Section 10.521 to allow 20.6% building coverage where 20% maximum is allowed.
- Section 10.571 to allow an accessory building to be located in the required front yard.

## Planning Department Comments

The applicant is requesting a variance to allow a condenser within the required 10 foot setback to the accessory building that was granted relief in 2016. There is an existing condenser that was installed in 2019 that did not receive zoning clearance for the location and as part of this request, the applicant is seeking an after-the-fact variance for that condenser.

## 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.*

*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 **Warner House Associates, Owner**, for property located at **150 Daniel Street** whereas relief is needed from the Zoning Ordinance to install condenser unit on the back of new Carriage House which requires the following: 1) A Variance from Section 10.515.14 to allow a 3' setback where 10' is required. Said property is shown on Assessor Map 106 Lot 58 and lies within the Civic District.

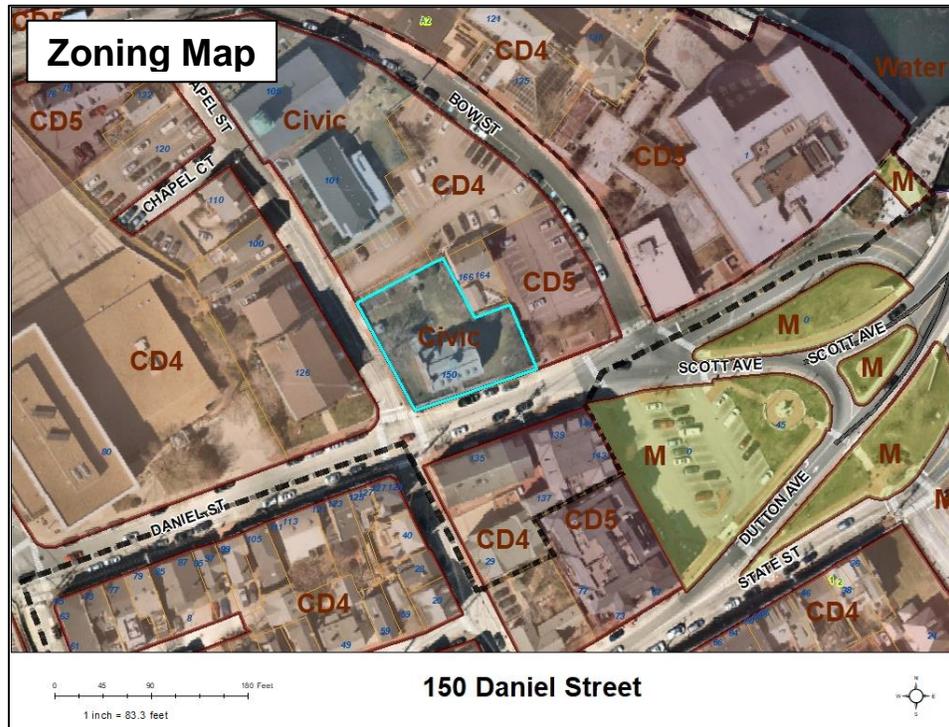
#### Other Permits/Approvals Required

HDC

#### Neighborhood Context



Aerial Map



### Previous Board of Adjustment Actions

April 5, 2000 - The Board granted the following variance:

- Article III, Section 10-304(B) to allow a 6' by 6' garden tool shed 11' in height where height of 20' is required.

### Planning Department Comments

The applicant is proposing to build a carriage house and will have a condenser unit at the back which will not meet the required 10 foot setback for mechanical units.

### 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 **William H. and Barbara Ann Southworth, Owners**, for property located at **39 Pickering Street** whereas relief is needed from the Zoning Ordinance to replace existing 8' x 8' shed with a 10' x 12' shed which requires the following: 1) Variances from Section 10.521 to allow a) a 2' rear yard where 10' is required; b) a 2' right side yard where 10' is required; and c) 40.5% building coverage where 30% is the maximum allowed. 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 102 Lot 5 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	Primarily residential uses
<u>Lot area (sq. ft.):</u>	2,476	2,476	5,000 min.
<u>Lot Area per Dwelling Unit (sq. ft.):</u>	2,476	2,476	5,000 min.
<u>Street Frontage (ft.):</u>	46	46	80 min.
<u>Lot depth (ft.):</u>	55	55	60 min.
<u>Front Yard (ft.):</u>	0	0	5 min.
<u>Right Yard (ft.):</u>	2	<b>2</b>	10 min.
<u>Left Yard (ft.):</u>	40	38	10 min.
<u>Rear Yard (ft.):</u>	2	<b>2</b>	25/ 10 (shed) min.
<u>Height (ft.):</u>	8	10	35 max.
<u>Building Coverage (%)</u>	39	<b>40.5</b>	30 max.
<u>Open Space Coverage (%)</u>	>25	>25	25 min.
<u>Parking</u>	2	2	2
<u>Estimated Age of Structure:</u>	1999	<b>Variance request(s) shown in red.</b>	

**Other Permits/Approvals Required**  
Historic District Commisison

## Neighborhood Context



## Previous Board of Adjustment Actions

March 26, 1985 – The Board granted the following variances:

- The construction of a two story addition at the rear of an existing home with a right yard of 18' where 20' is required

*June 15, 2021 Meeting*

- The increase in the extent of a nonconforming use of a residential structure or land where no increase in the extent of a nonconforming use of a residential structure of land is allowed.

September 15, 1992 – The Board granted the following variance:

- The construction of a one story 7' by 16' three story porch at the rear of the house with a) a 3' right yard where 10' is required; and 2) a lot coverage of 35.6% where maximum 20% is allowed.

July 18, 1995 – The Board granted the following variance:

- The construction of a 6' by 7' shed: a) creating 3' right side and 2' rear yard where 10' is minimum required; and b) a building cover of 37.6% where the maximum allowed is 20%.

July 15, 1997 - The Board granted the following variance:

- The construction of a one story 6' by 8' addition to the left rear of an existing building with a 20'5" rear yard where 25' is the minimum required; and , a variance to allow structural changes to a nonconforming structure by the demolition of a 5' by 24' portion of the existing structure resulting in 36.1% coverage where the existing is 37% and the maximum allowed is 30%.

April 20, 1999 – The board granted a request to amend the previously approved application

May 18, 1999 and reconvened on May 25, 1999 – The board granted the following variance:

- Article III, Section 10-302(A) to allow the reconstruction of a single family dwelling in exactly the same size and location.

### **Planning Department Comments**

The applicant is proposing to replace the existing shed with a slightly larger 10 x 12 shed, maintaining the existing side and rear setbacks and the new square footage of the shed will be located towards the interior of the lot. The resulting coverage will be increase to 40.5% from the existing 39%.

### **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.

**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



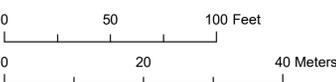
**Partial Legend**  
 See the cover sheet for the complete legend.

**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

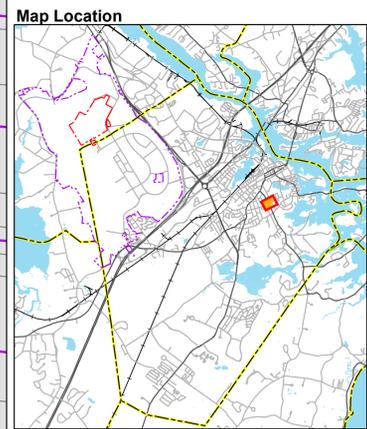
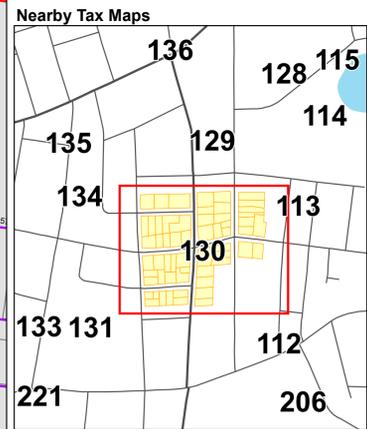
**SIMS AVE**  
 Street name

- 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

30 Spring Street - Exterior Photos.

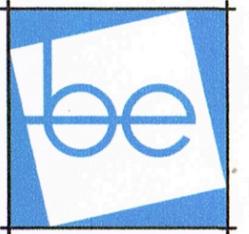






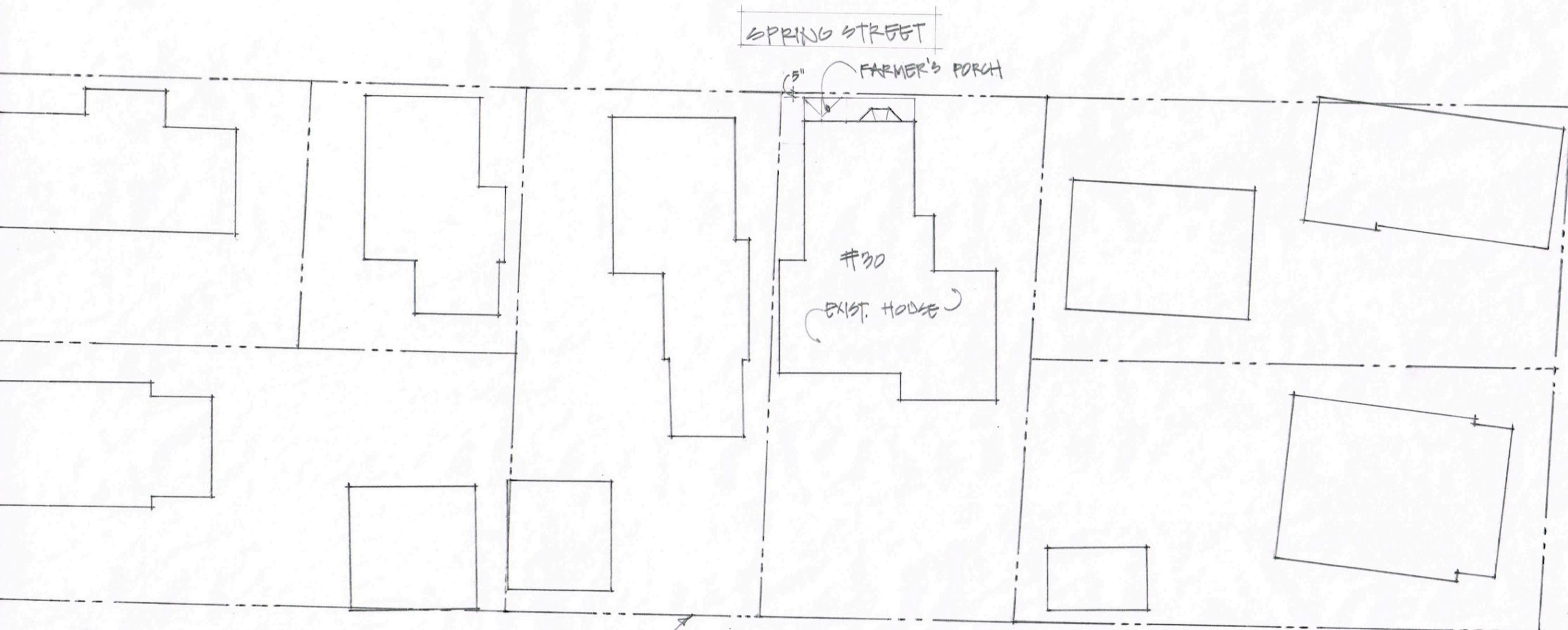


Here is a porch located 3 houses down from my house, on the corner of Spring St. and Lincoln St, that was approved for development in 2017. This porch is located closer to the road than the one we are proposing.



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

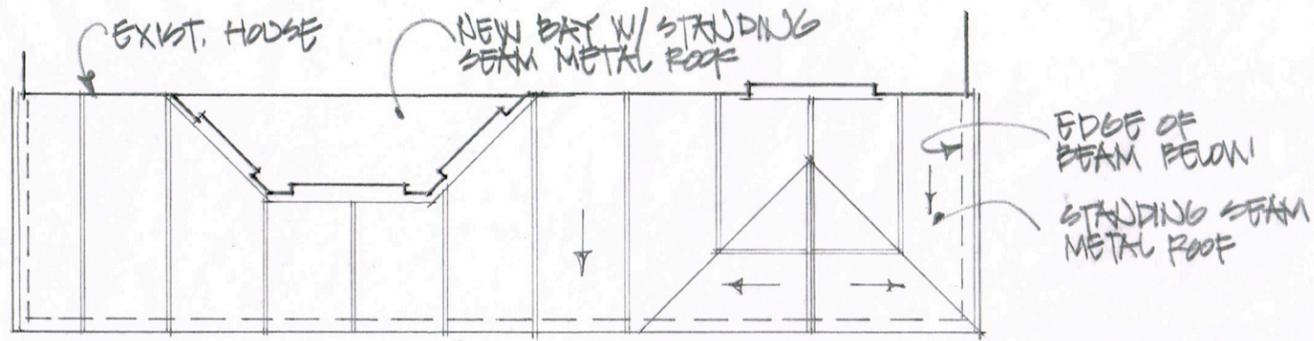
So.o1  
02.15.2021

1 SITE PLAN  
1" = 20'



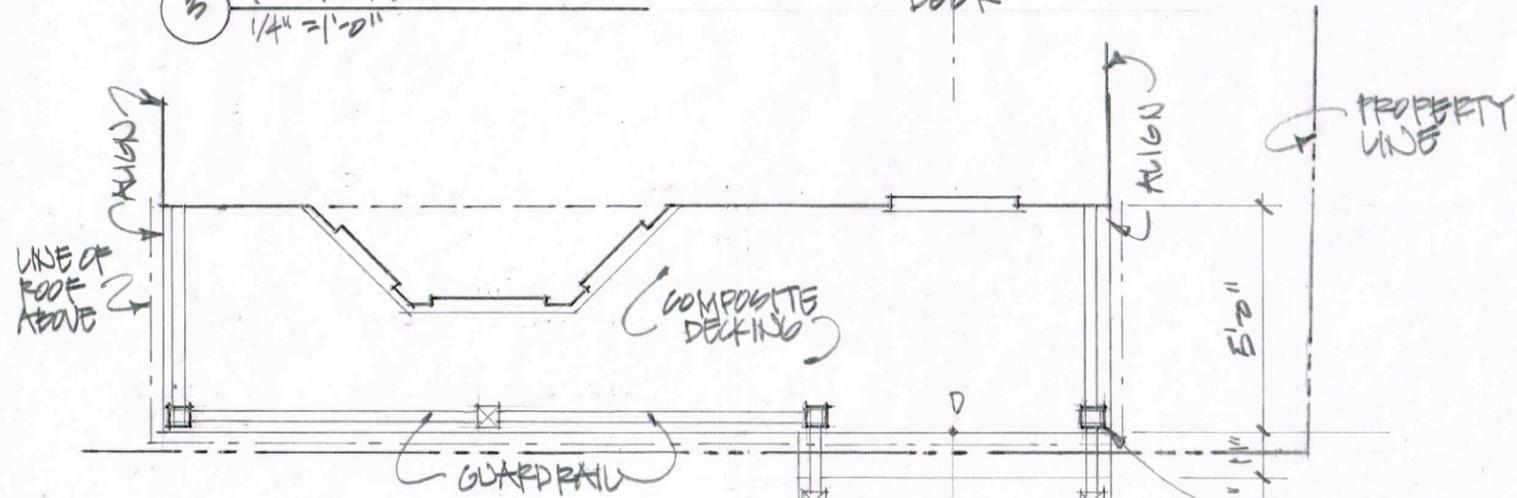
studioB-E  
ARCHITECTURE

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



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

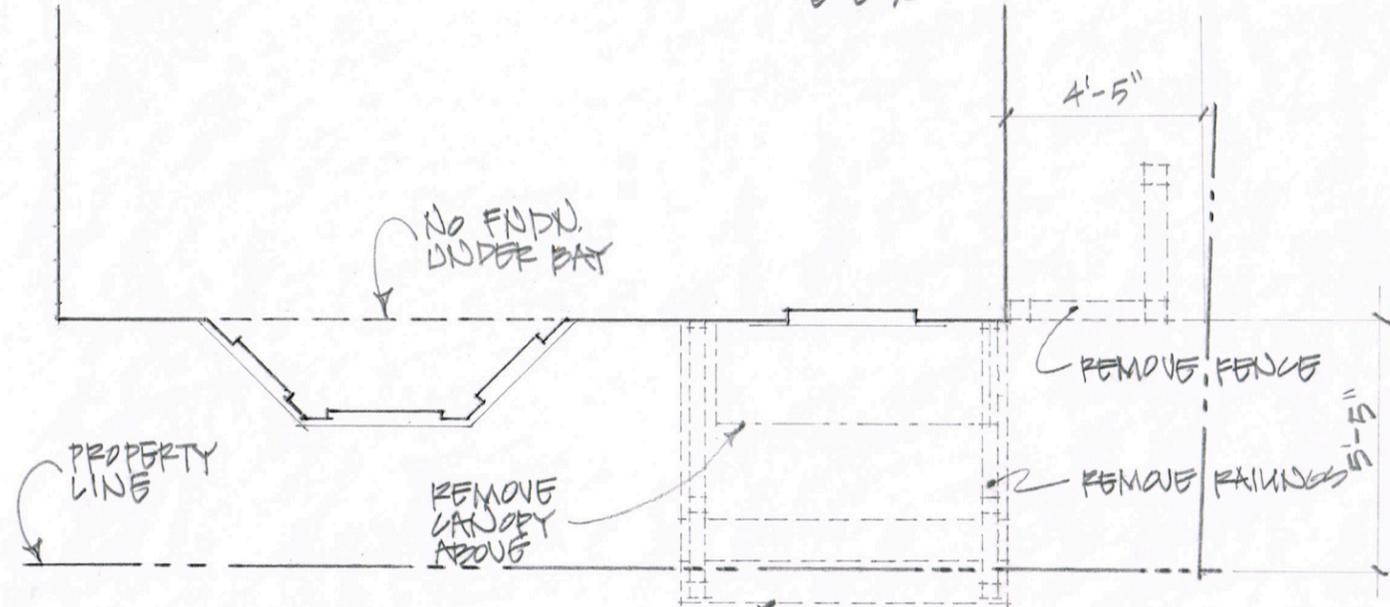
E DOOR



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

EQ. DOOR EQ.  
6'-0" ±

4x4 P.T. POST (TYP.) WRAPPED W/PVC



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

# Kaiser Residence

30 Spring Street  
Portsmouth, NH

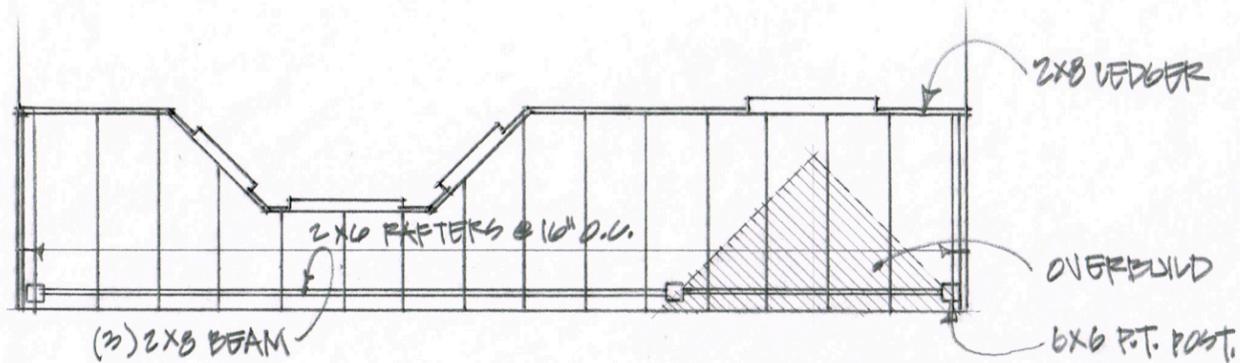
DEMOLITION,  
PORCH & ROOF  
PLANS

A1.01  
02.15.2021

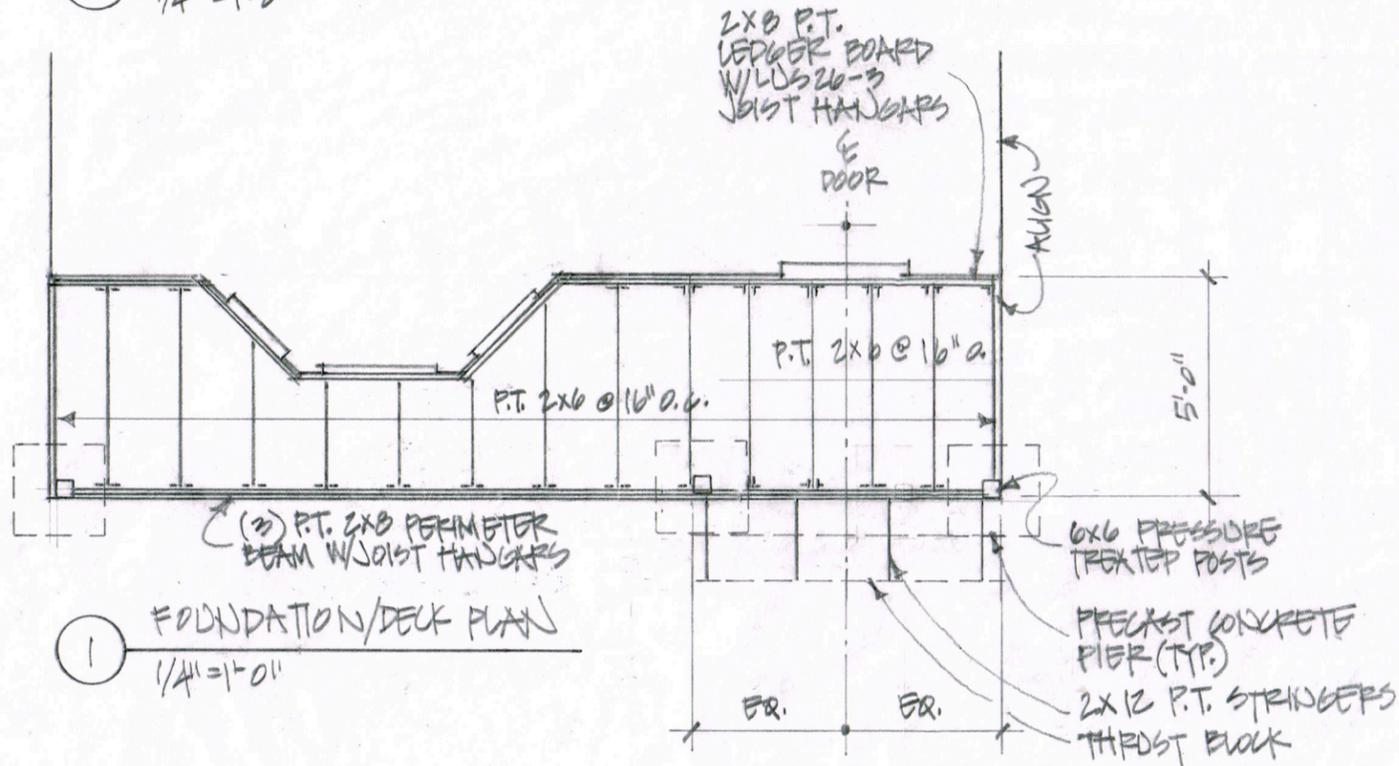


studioB-E  
ARCHITECTURE

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

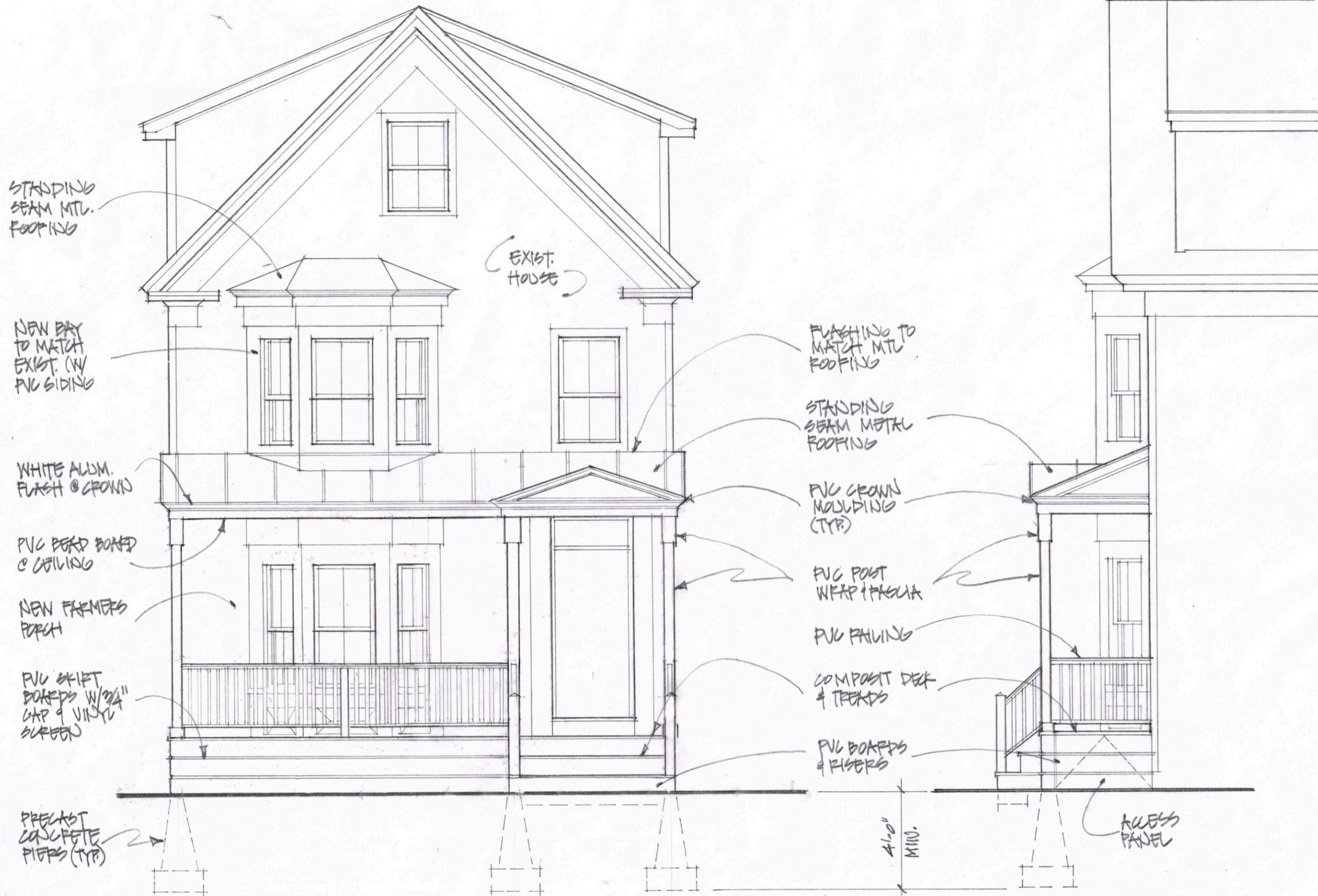
# S1.01

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

# A2.01

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
    - 1<sup>st</sup> Floor Plan
    - 2<sup>nd</sup> 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
  - 1<sup>st</sup> Floor Plan
  - 2<sup>nd</sup> 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:**

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

**CORPORATE ARCHITECT:**

**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

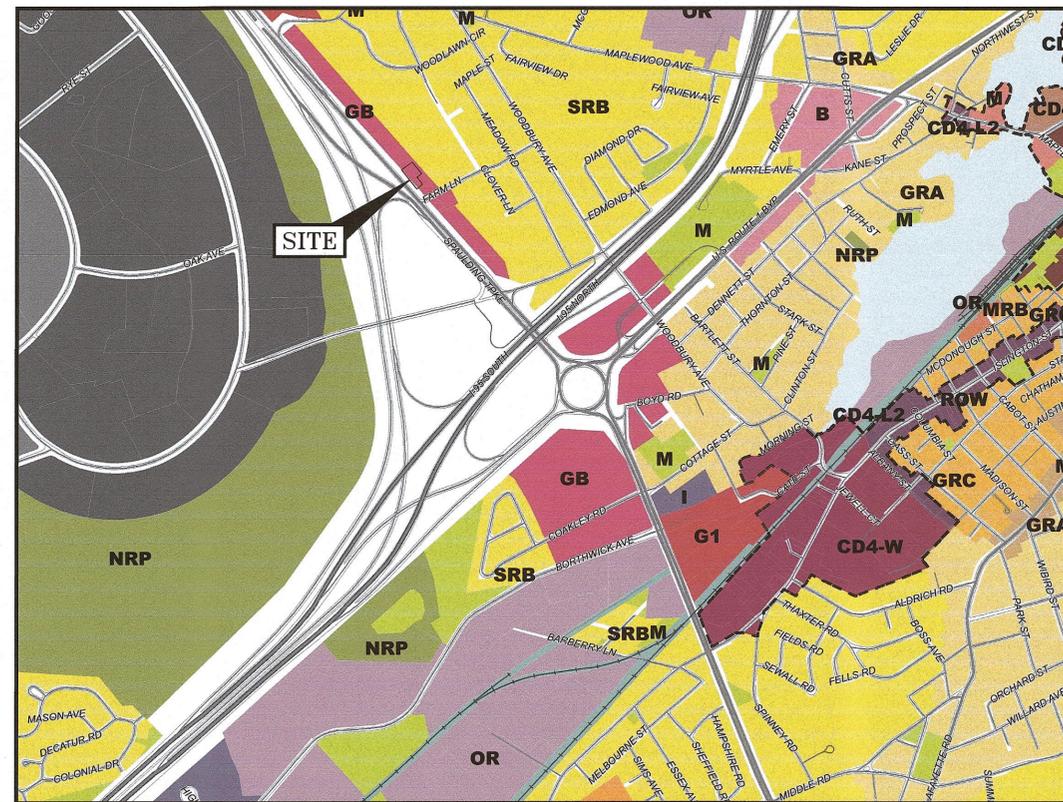
- R Rural
- SRA Single Residence A
- SRB Single Residence B
- GRA General Residence A
- GRB General Residence B
- GRC General Residence C
- GAMH Garden Apartment/Mobile Home Park

#### 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

### 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 \_\_\_\_\_

LEGEND:		
EXISTING	PROPOSED	
---	---	PROPERTY LINE
---	---	SETBACK
S	S	SEWER PIPE
SL	SL	SEWER LATERAL
G	G	GAS LINE
D	D	STORM DRAIN
W	W	WATER LINE
WS	WS	WATER SERVICE
UGE	UGE	UNDERGROUND ELECTRIC
OHW	OHW	OVERHEAD ELECTRIC/WIRES
---	---	FOUNDATION DRAIN
---	---	EDGE OF PAVEMENT (EP)
100	100	CONTOUR
97x3	98x0	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
TBD	TBD	TO BE DETERMINED
CI	CI	CAST IRON PIPE
COP	COP	COPPER PIPE
DI	DI	DUCTILE IRON PIPE
PVC	PVC	POLYVINYL CHLORIDE PIPE
RCP	RCP	REINFORCED CONCRETE PIPE
AC	AC	ASBESTOS CEMENT PIPE
VC	VC	VITRIFIED CLAY PIPE
EP	EP	EDGE OF PAVEMENT
EL	EL	ELEVATION
FF	FF	FINISHED FLOOR
INV	INV	INVERT
S =	S =	SLOPE FT/FT
TBM	TBM	TEMPORARY BENCH MARK
TYP	TYP	TYPICAL
W.W.	W.W.	WINDOW WELL

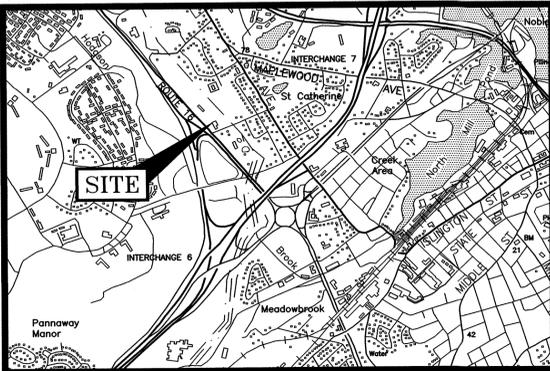


**SITE DEVELOPMENT  
SEACOAST MAZDA  
180 SPAULDING TURNPIKE  
PORTSMOUTH, N.H.**



**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 RECORD OF PROBATE                   |
| R/RD    | ROCKINGHAM COUNTY REGISTRY OF DEEDS MAP 157 / LOT 3 |
| (157/3) | 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                                   |
| S       | SEWER LINE  |
| G       | GAS LINE  |
| D       | STORM DRAIN   |
| W       | 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                                       |
| AC      | 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/SOC | 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

CATCH BASIN  
RIM=25.42  
INV. IN 18" RCP (FROM INV. IN)=21.56  
INV. IN 24" RCP (FROM INV. IN)=21.14  
INV. IN 8" CMP (FROM SE)=21.97  
INV. OUT 24" RCP (TO SW)=21.06  
SUMP=21.02

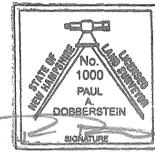
WETLAND NOTES:

- WETLAND LINES DELINEATED BY STEVEN D. RIKER, CWS ON 9/25/2020 & 3/9/21 IN ACCORDANCE WITH THE FOLLOWING STANDARDS:
  - 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.
  - 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, NEWPPCC WETLANDS WORK GROUP (2019).
  - NATIONAL LIST OF PLANT SPECIES THAT OCCUR IN WETLANDS: NORTHEAST (REGION 1), USFWS (MAY 1988).
  - CLASSIFICATION OF WETLANDS AND DEEPWATER HABITATS OF THE UNITED STATES. USFW MANUAL FWS/OBS-79/31 (1997).
  - "IDENTIFICATION AND DOCUMENTATION OF VERNAL POOLS IN NEW HAMPSHIRE" (1997). NEW HAMPSHIRE FISH AND GAME DEPARTMENT.
- 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



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:
- PARCEL IS SHOWN ON THE PORTSMOUTH ASSESSOR'S TAX MAP 236 AS LOT 39.
  - OWNERS OF RECORD:  
SPAULDING GROUP, LLC  
180 SPAULDING TURNPIKE  
PORTSMOUTH, NH 03801  
5886/1774  
PLAN REFERENCE 1
  - PARCEL IS NOT IN A SPECIAL FLOOD HAZARD AREA AS SHOWN ON FIRM PANEL 33015C0260F. EFFECTIVE 1/29/2021.
  - EXISTING LOT AREA:  
54,384 S.F.  
1.2485 ACRES
  - PARCEL IS LOCATED IN THE GENERAL BUSINESS (GB) ZONING DISTRICT.
  - 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%
  - THE PURPOSE OF THIS PLAN IS TO SHOW THE EXISTING CONDITIONS ON ASSESSOR'S MAP 236 LOT 39 IN THE CITY OF PORTSMOUTH.
  - VERTICAL DATUM IS NAVD88. BASIS OF VERTICAL DATUM IS REDUNDANT RTN GNSS OBSERVATIONS (±0.2').
  - 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.
  - 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).
  - 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.

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

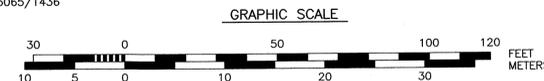
NO.	DESCRIPTION	DATE
3	ZONING SETBACKS, ADD'L WETLAND INFO	3/16/21
2	ISSUED FOR APPROVAL	2/23/21
1	SETBACK LINES	12/16/20
0	ISSUED FOR COMMENT	12/5/20

REVISIONS

NO.	DESCRIPTION	DATE

SCALE: 1"=30' DECEMBER 2020

EXISTING CONDITIONS PLAN C1







	<p><b>SEACOAST MAZDA PORTSMOUTH, NH</b></p>	<p>PROJECT NO. <b>MAZ03.73</b></p>	<p>CHECKED <b>CU</b></p>	<p>DATE <b>FEB '21</b></p>	<p>REVISED</p>	<p>SCALE <b>Not to Scale</b></p>	<p><b>ChangeUp</b></p>	<p>2056 Byers Rd.   Dayton, OH 45342 Phone: 844.804.7700</p>	<p>DRAWING TITLE <b>EXTERIOR RENDERING</b></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**  
2956 Biers Rd. | Dayton, OH 45342  
Phone: 941.804.7700

DRIVING 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

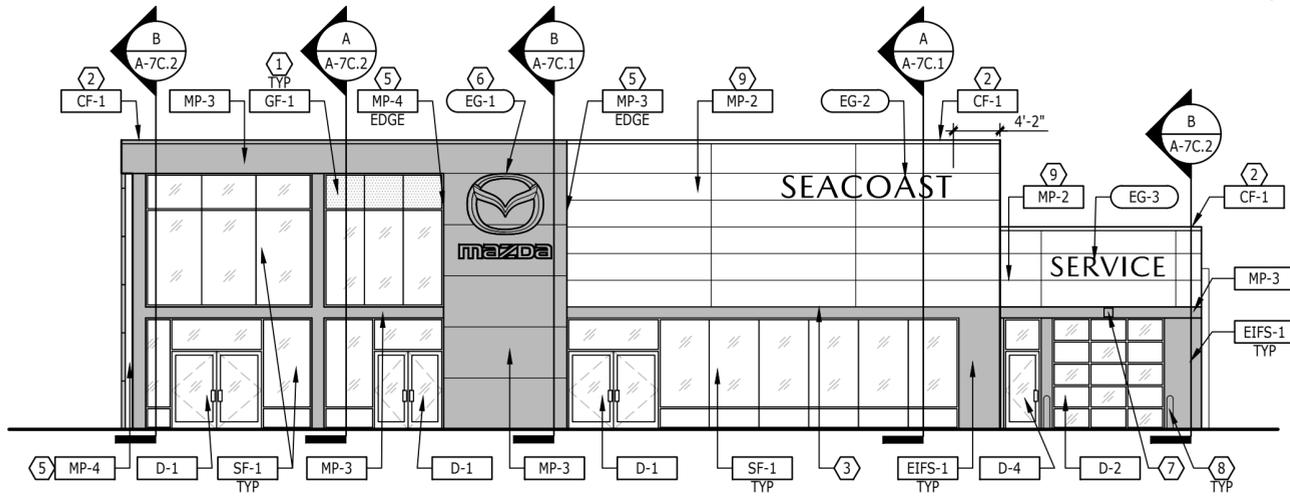
**GENERAL NOTES**

- A. 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.
- B. 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.
- 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. 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

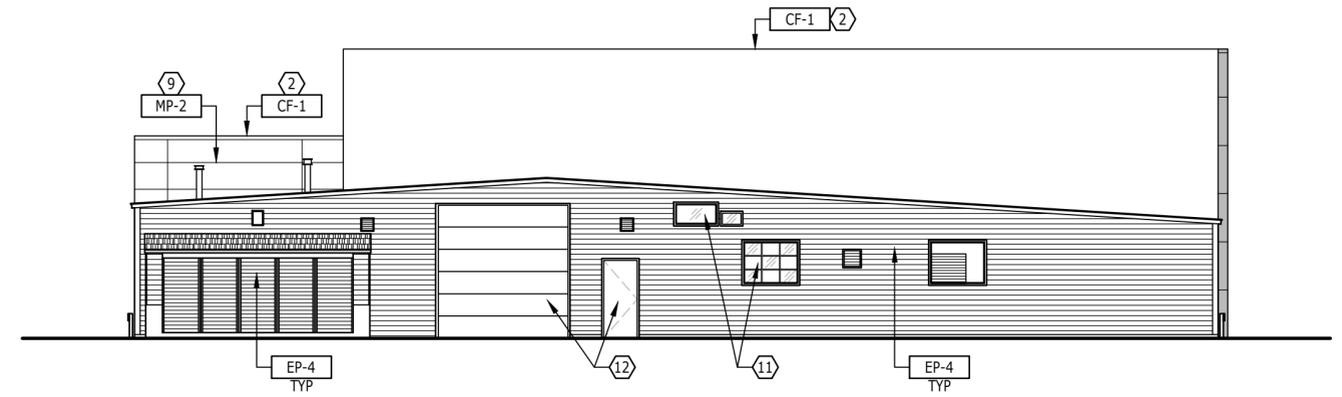
- E. ALL GRAPHICS AND WALL PANELS MAY REQUIRE BLOCKING OR OTHER POSITIVE FORM OF ANCHORAGE. COORDINATE WITH THE GRAPHICS VENDOR PRIOR TO CLOSING ANY WALL CAVITIES. SELECT SIGNS ARE ELECTRIFIED. REVIEW GRAPHICS SECTION OF THIS BOOK TO IDENTIFY WHICH GRAPHICS REQUIRE POWER.
- F. ELEVATIONS NOT SHOWN SHALL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

**# DRAWING NOTES**

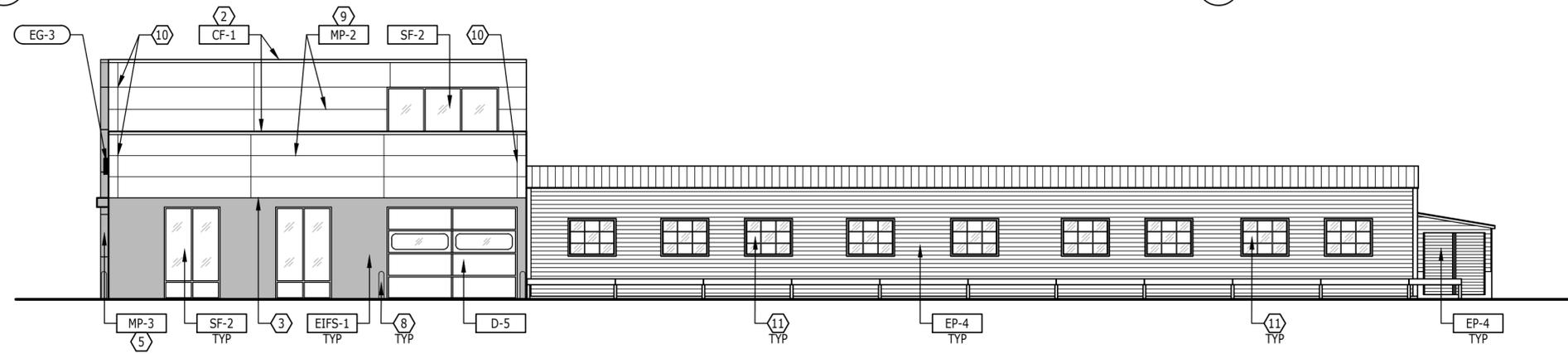
- 1. GLASS FILM.
- 2. METAL FLASHING TO MATCH ADJACENT MATERIAL COLOR. USE SIMILAR DETAIL TO CAPTURE BOTTOM EDGE OF METAL SIDING.
- 3. ACM PANELS TO MEET EIFS BELOW PER MANUFACTURER REQUIREMENTS.
- 4. NOT USED.
- 5. SEE SHEET A-7C.1 FOR ACCENT PANEL DETAILS.
- 6. MAZDA LOGO TO ALIGN WITH TOP OF WINDOW.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



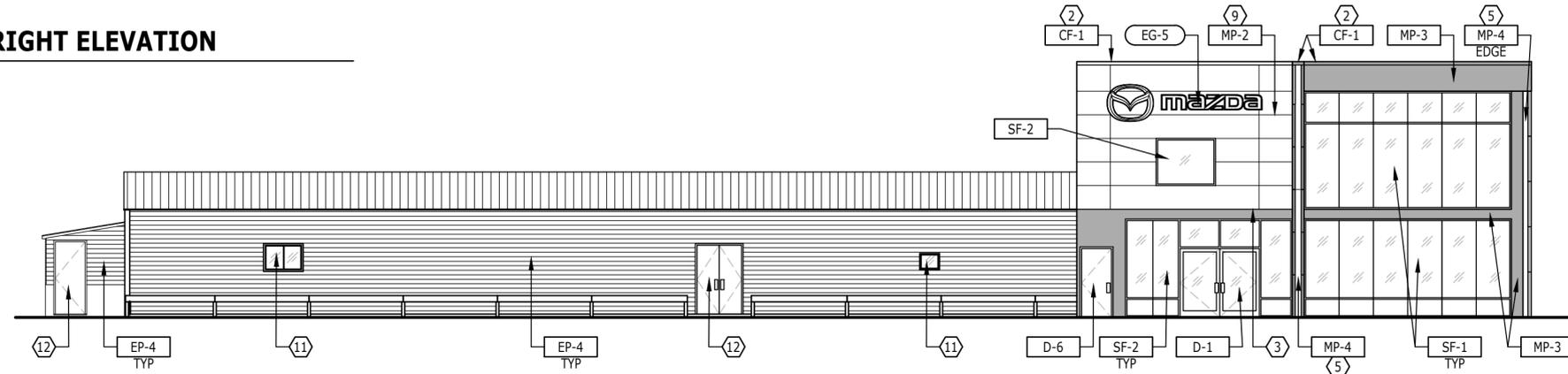
**1 FRONT ELEVATION**



**4 REAR ELEVATION**



**2 RIGHT ELEVATION**



**3 LEFT ELEVATION**

These drawings are for informational purposes only. They are not to be used as a construction document. All dimensions, materials, and finishes are subject to change without notice. The manufacturer's specifications and requirements shall govern. The drawings are not to be used as a construction document.

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

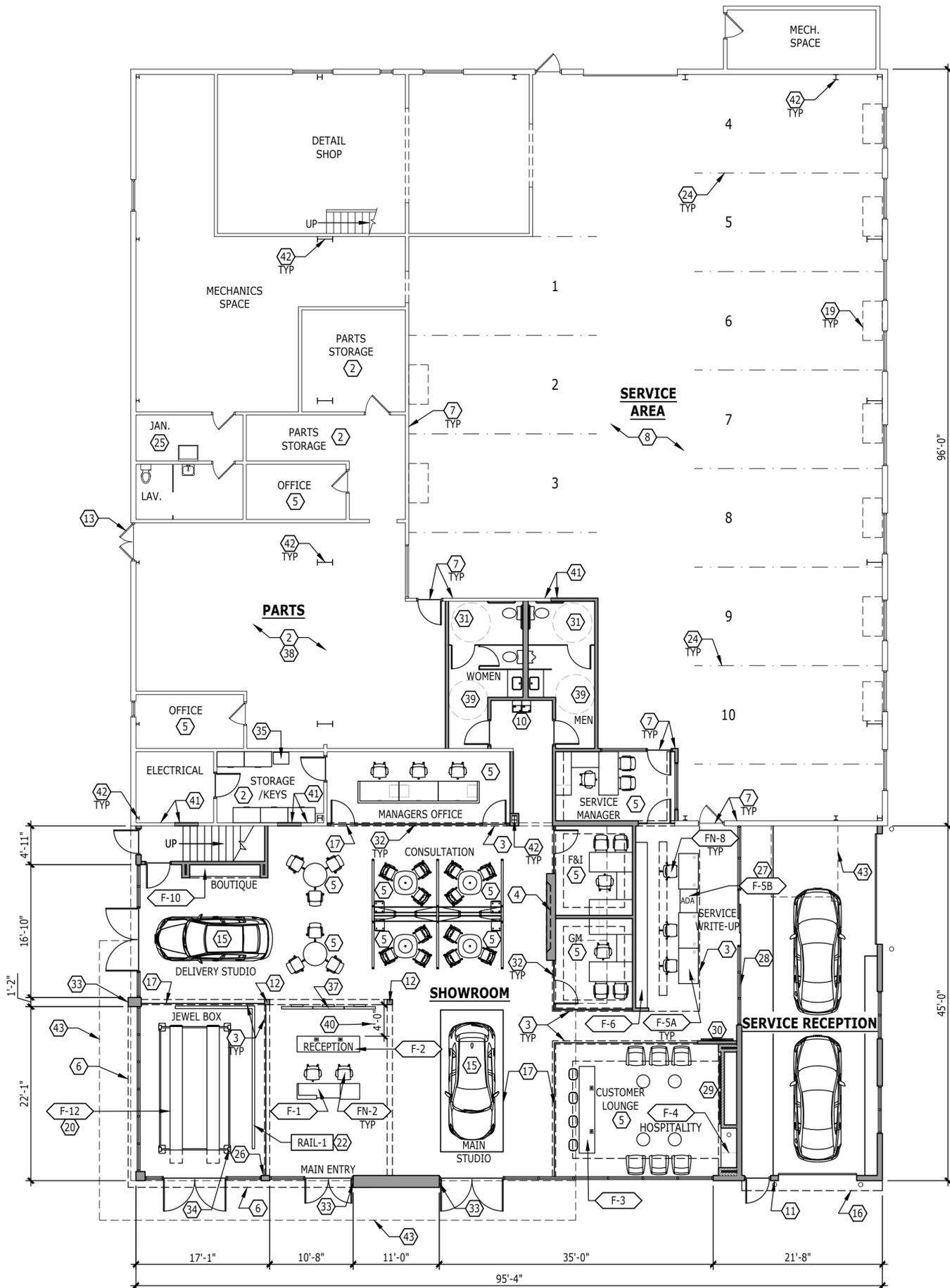
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- THE PROPOSED DESIGN SOLUTION MAY REQUIRE MODIFICATIONS DUE TO JOB SPECIFIC INFORMATION REGARDING GRADING, UTILITIES, EASEMENTS, SETBACKS, WATER RETENTION, AND SITE ACCESS. ALL STRUCTURAL MODIFICATIONS MUST BE CAREFULLY ANALYZED BY A LICENSED STRUCTURAL ENGINEER AND MODIFIED/DESIGNED AS REQUIRED.
- COMPLIANT CONSTRUCTION DOCUMENTS ARE TO BE PREPARED BY LICENSED PROFESSIONALS WHO ARE WILLING TO ACCEPT RESPONSIBILITY FOR PROPER APPLICATION OF THESE INTENT DOCUMENTS.
- 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.
- 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.
- FOR JEWEL BOX LIFT DISPLAY "FUSE DISCONNECT", DEALER'S ARCHITECT TO CONFIRM LOCAL CODE AND REQUIREMENTS.
- 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

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

Exhibit B



CUT THIS PART OUT

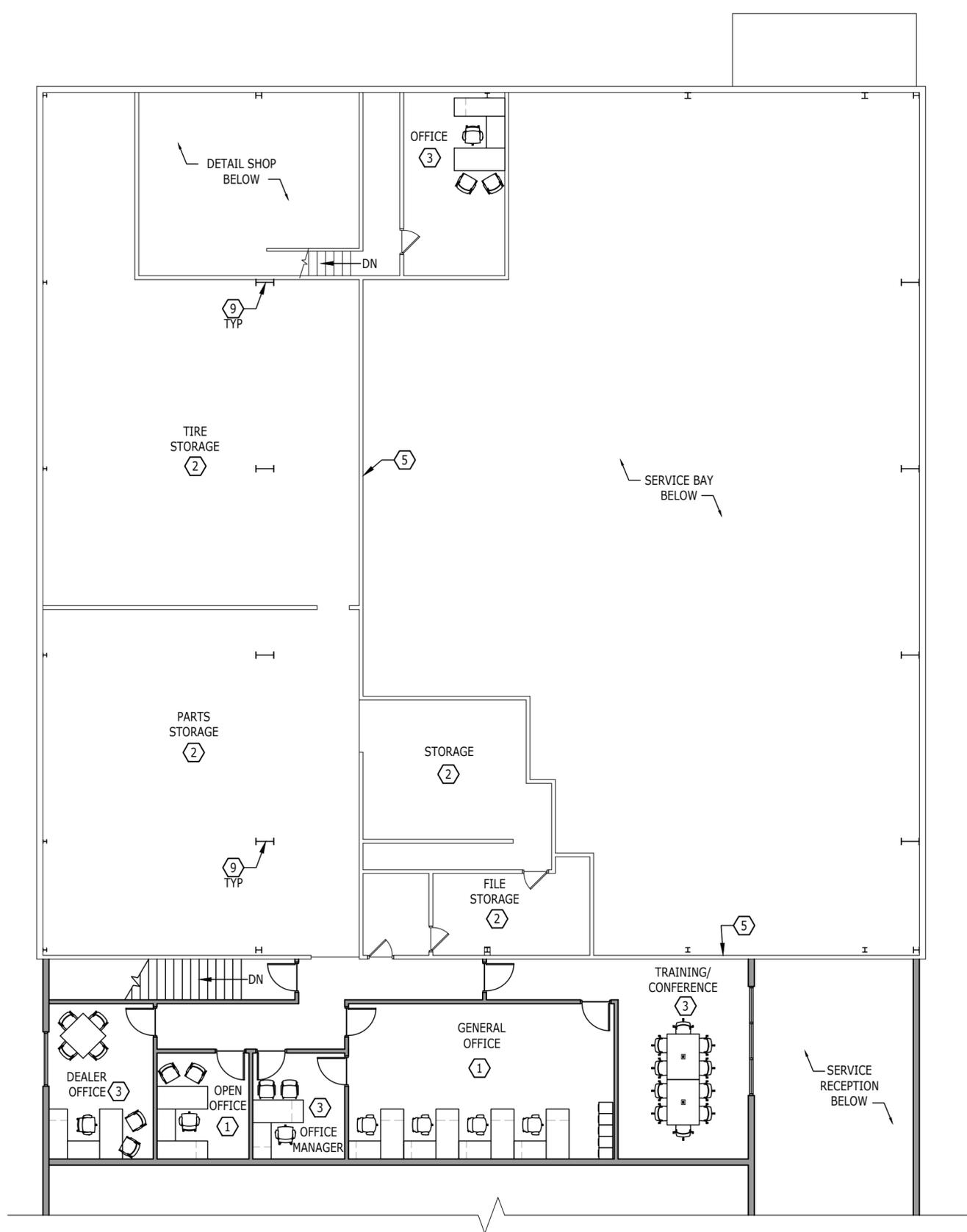
LEGEND	
#	NOTE DESIGNATOR - REFER TO DRAWING NOTES ON THIS SHEET
—	NEW FULL HEIGHT PARTITIONS/WALLS
—	EXISTING WALLS

### GENERAL NOTES

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- 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.

### # 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



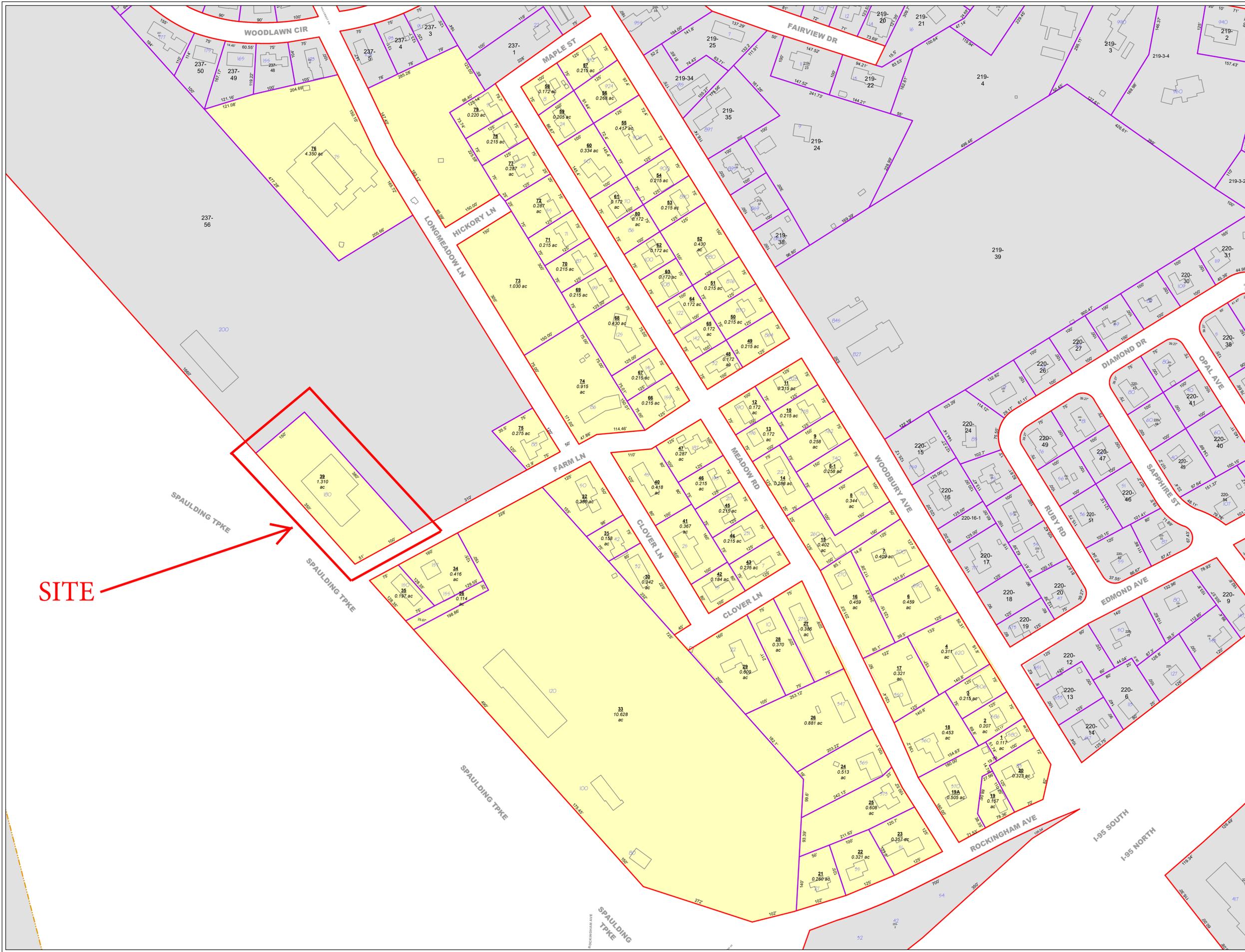
Front Right



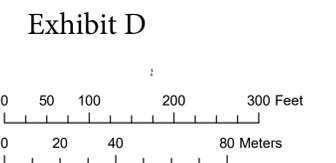
Rear Right



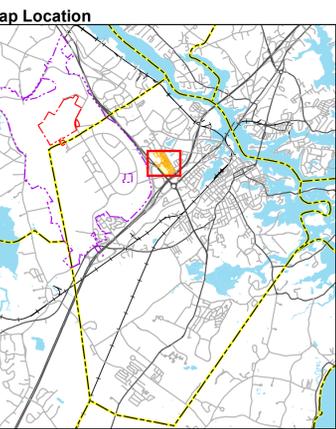
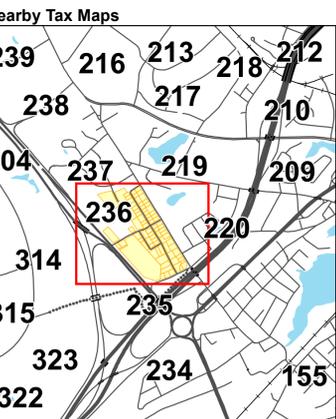
Rear Left



- 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
  - 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**

**SITE**







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.

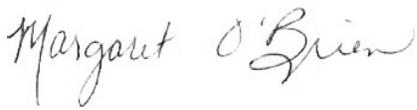
The Seacoast Mazda building is a 1960s vintage structure that has not seen any material improvement since it was constructed. The Seacoast Mazda property is over 300 feet from the nearest residential property and is flanked on both sides by commercial uses. The location of the property directly off the 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](mailto:margaret@bowstcommercial.com)

## ADDENDUM TO 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: April 28, 2021

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

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Dear Chairman Rheaume and Members of the Board:

Thank you for granting the Applicant’s request to postpone the public hearing on this matter from April 20, 2021 until May 18, 2021. As mentioned, after further review of the plan it was determined that a variance from Section 10.1113.20 of the Portsmouth Zoning Ordinance (the “**Zoning Ordinance**”) is needed to locate required off-street parking spaces in the front yard at 180 Spaulding Turnpike (the “**Property**”).

This Addendum to Memorandum is intended to supplement the March 16, 2021 Memorandum and will address only the request for a variance from Section 10.1113.20. As a result, it will not repeat all of the background, facts and legal arguments in the earlier Memorandum but incorporates all such information herein by reference.

Included with this Addendum to Memorandum are the following revised Exhibits:

A. Ambit Engineering Plan Set, last revised April 27, 2021.

- Cover Sheet
- Existing Conditions Plan
- Variance Plan

### **I. Proposed Location of Additional Parking**

As described in the March 16, 2021 Memorandum, the Applicant proposes to demolish and reconstruct the Seacoast Mazda showroom and customer service area, and expand the building to include an indoor customer service drive-in. These improvements will be constructed within the footprint of the existing building and 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. The overall gross floor area of the building will increase by 4,120 GSF. As a result, seven additional on-site parking spaces are necessary (the “**Additional Parking**”).

The Applicant proposes to provide the Additional Parking along the fenced southern boundary of the Property. See Exhibit A. The Additional Parking will replace existing vehicle display area. This is an ideal location as it is very close to the entrance of the Property from Farm Lane and to the showroom, making for safe and convenient access.

The area proposed for the Additional Parking has been used for vehicle display since 1961 when Seacoast Motors, Inc. first opened for business at the Property. As a result, converting the area from vehicle display to striped parking will not represent a material change in use from the past 60 years.

Section 10.1113.20 of the Zoning Ordinance prohibits the location of off-street parking in “any required front yard.” The front yard setback in the General Business Zoning District (“**GBD**”) is 30’. The front yard of the Property is along the Spaulding Turnpike and, as such, includes the existing vehicle display area and proposed Additional Parking area. As a result, a variance from the terms of Section 10.1113.20 of the Zoning Ordinance is required in order for the Additional Parking to be located as proposed.

## **II. Required Variance from Portsmouth Zoning Ordinance**

- A variance from Section 10.1113.20 to allow seven required off-street parking spaces in the front yard of the Property where off-street parking is not allowed.

## **III. 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 parking location variance.

- A. The variance is 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 parking location variance presented in the Application will neither alter the essential character of the neighborhood nor threaten public health, safety or welfare. The proposed location for the Additional Parking has been used for vehicle display for the past 60 years. Converting a portion of the vehicle display area to Additional Parking will not be a significant change at the Property or even noticeable for most people. As a result, it will have no impact on the character of the neighborhood or threaten public health or safety. The proposed location for the Additional Parking will enhance site access and site safety. Putting the Additional Parking in close proximity to Farm Lane and the entrance to the building will reduce traffic movement at the Property and allow for easy access to the showroom.

Furthermore, the purpose and spirit of the parking location provision of the Zoning Ordinance will be observed if the variance is granted. There is a 55’ wide natural buffer area between the proposed location for the Additional Parking and the Spaulding Turnpike edge of pavement. This has the effect of creating an open area almost double the size of the 30’ front yard requirement. Moreover, the Additional Parking does not represent a new use within the front yard; it will simply replace existing vehicle display.

### **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 and the addition of 4,120 GSF of floor area (requiring seven additional off-street parking spaces) will provide for more functional, efficient and productive space. Not granting the variance 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 GBD 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 parking location variance 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 variance is denied. Approving the requested variance will achieve substantial justice.

**D. Granting the parking location variance will not diminish surrounding property values.**

Providing seven parking spaces in place of vehicle display as proposed will not diminish the value of surrounding properties. Indeed, the proposed change will not be noticeable by most people passing by. 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 and the proposed location of Additional Parking is consistent with the uses of other nearby properties within the GBD. The proposed location for the Additional Parking will not diminish the value of the surrounding commercial uses.

The nearest residential property is approximately 450 feet away from the proposed location for the Additional Parking. The change from vehicle display to the Additional Parking will have no impact whatsoever on nearby residential properties and not even be noticed by most people.

**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 the Property are significantly influenced by the fact that the Spaulding Turnpike lies at the southern boundary of the Property and the Single Residence B District (“**SRB**”) abuts the northern boundary of the Property. No fair and substantial relationship exists between the purpose of the parking location requirement and its application to the Property due to the existence of the Spaulding Turnpike and the transmission

line easement that encumbers the abutting SRB property. There is a 55' buffer between the Property and the Spaulding Turnpike edge of pavement and more than 300' between the Property and the nearest residential property. These buffers have the effect of creating significant separation between the proposed location of the Additional Parking and the abutting uses; indeed these distances are greater than the applicable requirements in the Zoning Ordinance. Accordingly, there is no reason to apply the literal requirements of Section 10.1113.20 to the Property.

The Applicant's proposed location for the Additional Parking is reasonable. It is arguably the best location for the Additional Parking. It will enhance traffic flow at the Property, improve ingress and egress, allow for easy and safe access to the building and not have any impact on surrounding properties.

For these reasons, literal enforcement of the parking location requirement 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 a variance from Section 10.1113.20 of the Zoning Ordinance. 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](mailto:mbeliveau@pierceatwood.com)

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

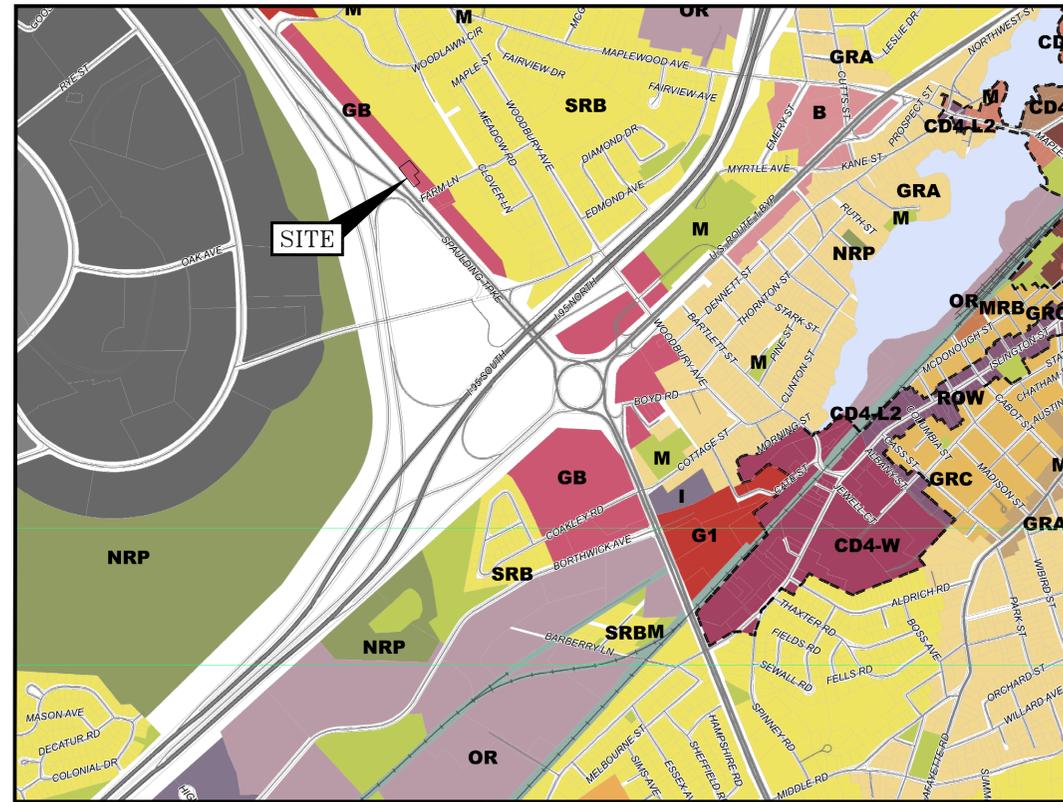
**OWNER AND APPLICANT:**  
SPAULDING GROUP, LLC  
180 SPAULDING TURNPIKE  
PORTSMOUTH, N.H. 03801  
TEL. (603) 436-6811

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

**CIVIL ENGINEER & LAND SURVEYOR:**  
AMBIT ENGINEERING, INC.  
200 GRIFFIN ROAD, UNIT 3  
PORTSMOUTH, N.H. 03801  
TEL. (603) 430-9282  
FAX (603) 436-2315

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

Legend	
<b>Character Districts</b>	
[---] Character-Based Zoning Area (Refer to Zoning Map Sheet 2 of 2 Character Districts Regulating Plan)	
<b>Residential Districts</b>	
[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	
<b>Mixed Residential Districts</b>	
[MRO] Mixed Residential Office	
[MRB] Mixed Residential Business	
[G1] Gateway Corridor	
[G2] Gateway Center	
<b>Business Districts</b>	
[GB] General Business	
[B] Business	
[WB] Waterfront Business	



PORTSMOUTH ZONING MAP NTS

LEGEND:		
EXISTING	PROPOSED	
---	---	PROPERTY LINE
---	---	SETBACK
S	S	SEWER PIPE
SL	SL	SEWER LATERAL
G	G	GAS LINE
D	D	STORM DRAIN
W	W	WATER LINE
WS	WS	WATER SERVICE
UGE	UGE	UNDERGROUND ELECTRIC
OHW	OHW	OVERHEAD ELECTRIC/WIRES
---	---	FOUNDATION DRAIN
---	---	EDGE OF PAVEMENT (EP)
100	100	CONTOUR
97x3	98x0	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
TBD	TBD	TO BE DETERMINED
CI	CI	CAST IRON PIPE
COP	COP	COPPER PIPE
DI	DI	DUCTILE IRON PIPE
PVC	PVC	POLYVINYL CHLORIDE PIPE
RCP	RCP	REINFORCED CONCRETE PIPE
AC	AC	ASBESTOS CEMENT PIPE
VC	VC	VITRIFIED CLAY PIPE
EP	EP	EDGE OF PAVEMENT
EL.	EL.	ELEVATION
FF	FF	FINISHED FLOOR
INV	INV	INVERT
S =	S =	SLOPE FT/FT
TBM	TBM	TEMPORARY BENCH MARK
TYP	TYP	TYPICAL
W.W.	W.W.	WINDOW WELL



### UTILITY CONTACTS

### INDEX OF SHEETS

DWG No.	Description
C1	EXISTING CONDITIONS PLAN
V1	VARIANCE PLAN

**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

**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 \_\_\_\_\_

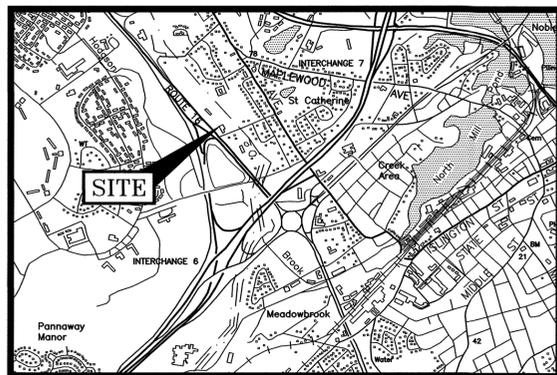
DATE \_\_\_\_\_

**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: 27 APRIL 2021



LOCATION MAP SCALE: 1"=2,000'

LEGEND:

- N/F NOW OR FORMERLY
- RP RECORD OF PROBATE
- RCRD ROCKINGHAM COUNTY REGISTER OF DEEDS 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
- CONTOUR
- 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
- ASBESTOS CEMENT PIPE
- 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/SGC VERTICAL/SLOPED GRANITE CURB
- CCB CAPE COD BERM
- LSA LANDSCAPED AREA
- EXISTING DISPLAY AREA

NORTH  
GRID NAD83(2011)  
NH SFC

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

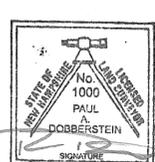
CATCH BASIN  
RIM=25.42  
INV. IN 18" RCP (FROM INV. IN)=21.56  
INV. IN 24" RCP (FROM INV. IN)=21.14  
INV. IN 8" CMP (FROM SE)=21.97  
INV. OUT 24" RCP (TO SW)=21.06  
SUMP=21.02

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. NEWPPCC 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. USFW 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 4/23/2021



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.

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

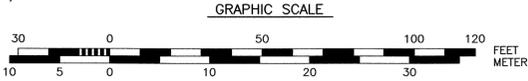
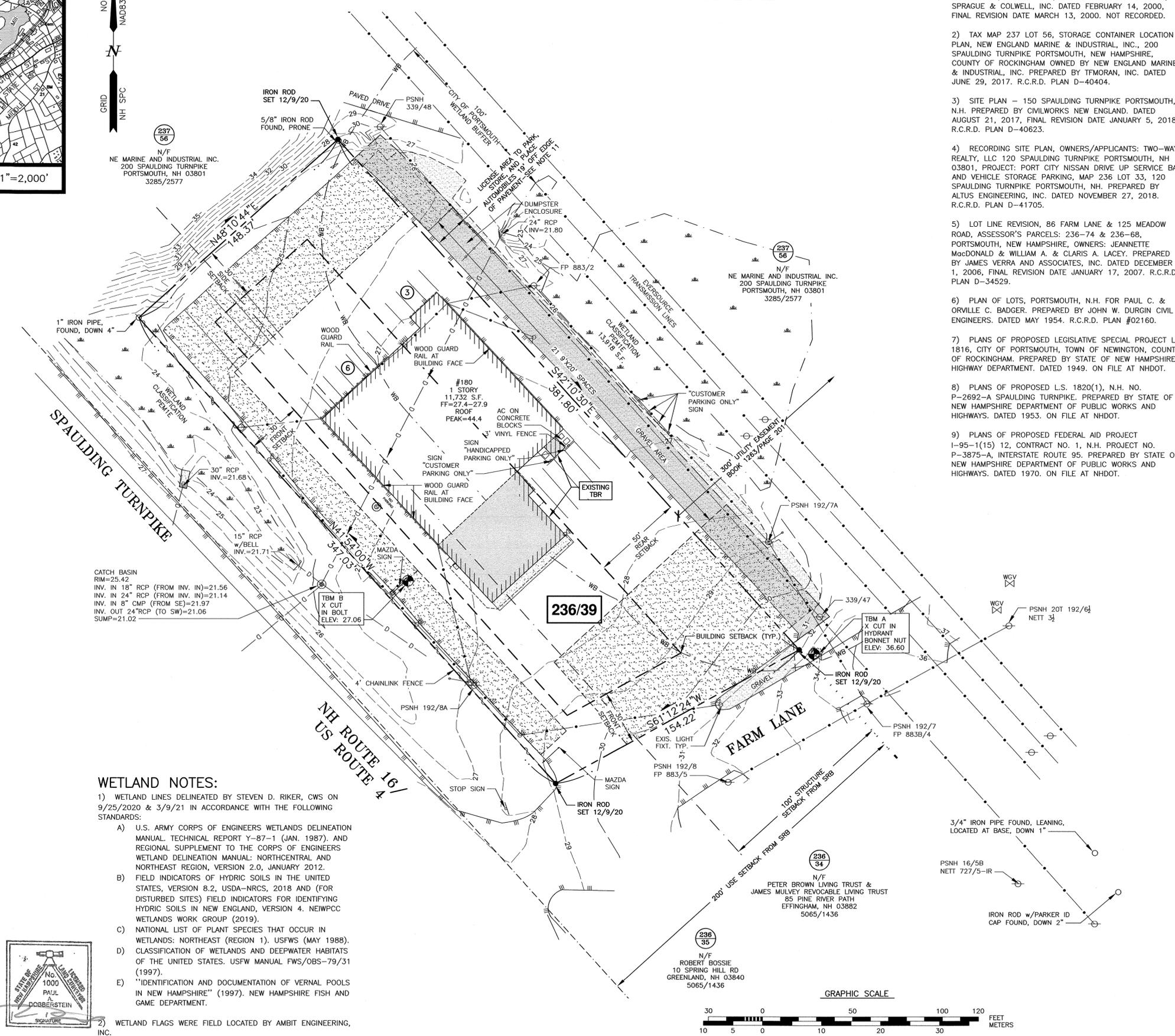
NO.	DESCRIPTION	DATE
4	DISPLAY AREA UPDATE	4/27/21
3	ZONING SETBACKS, ADD'L WETLAND INFO	3/16/21
2	ISSUED FOR APPROVAL	2/23/21
1	SETBACK LINES	12/16/20
0	ISSUED FOR COMMENT	12/5/20

REVISIONS

NO.	DESCRIPTION	DATE

SCALE: 1"=30' DECEMBER 2020

EXISTING CONDITIONS PLAN **C1**





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# REQUEST FOR VARIANCE (6' FENCE)

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**Arun and Sally Naredla**

1 Harding Rd, Portsmouth NH 03801

JUNE 1, 2021

# Request for Variance – 1 Harding Rd (Naredla)

## Contents

<b>1. Labeled Photos</b> .....	<b>2</b>
1.1 Picture showing a view from our driveway to Elwyn Rd.....	2
1.2 Picture showing a view from our backyard.....	2
1.3 Picture showing a view from Urban Forestry trail to our property .....	3
1.4 Picture showing another view from Urban Forestry trail into our property .....	3
1.5 Picture showing a view from gated entrance of Urban Forestry into our property; a lot of cars park near the gate .....	4
1.6 Picture showing another view from our driveway to Elwyn Rd.....	4
1.7 Picture showing a view of East Bound (Elwyn Rd) from back of our property.....	5
1.8 Picture showing a view of West Bound (Elwyn Rd) from the intersection of Elwyn and Harding Rd.....	6
<b>2. Detailed drawing of the plan</b> .....	<b>7</b>
<b>3. Written statement</b> .....	<b>8</b>
3.1 10.233.21 <i>The variance will not be contrary to the public interest</i> .....	8
3.2 10.233.22 <i>The spirit of the ordinance will be observed</i> .....	8
3.3 10.233.23 <i>Substantial justice will be done</i> .....	8
3.4 10.233.24 <i>The values of surrounding properties will not be diminished</i> .....	9
3.5 10.233.25 <i>Literal enforcement of the provisions of the ordinance would result in unnecessary hardship</i> .....	9
<b>4. Reference</b> .....	<b>9</b>

## Request for Variance – 1 Harding Rd (Naredla)

### 1. Labeled Photos

#### 1.1 Picture showing a view from our driveway to Elwyn Rd



#### 1.2 Picture showing a view from our backyard



**Request for Variance - 1 Harding Rd (Naredla)**

1.3 Picture showing a view from Urban Forestry trail to our property



1.4 Picture showing another view from Urban Forestry trail into our property

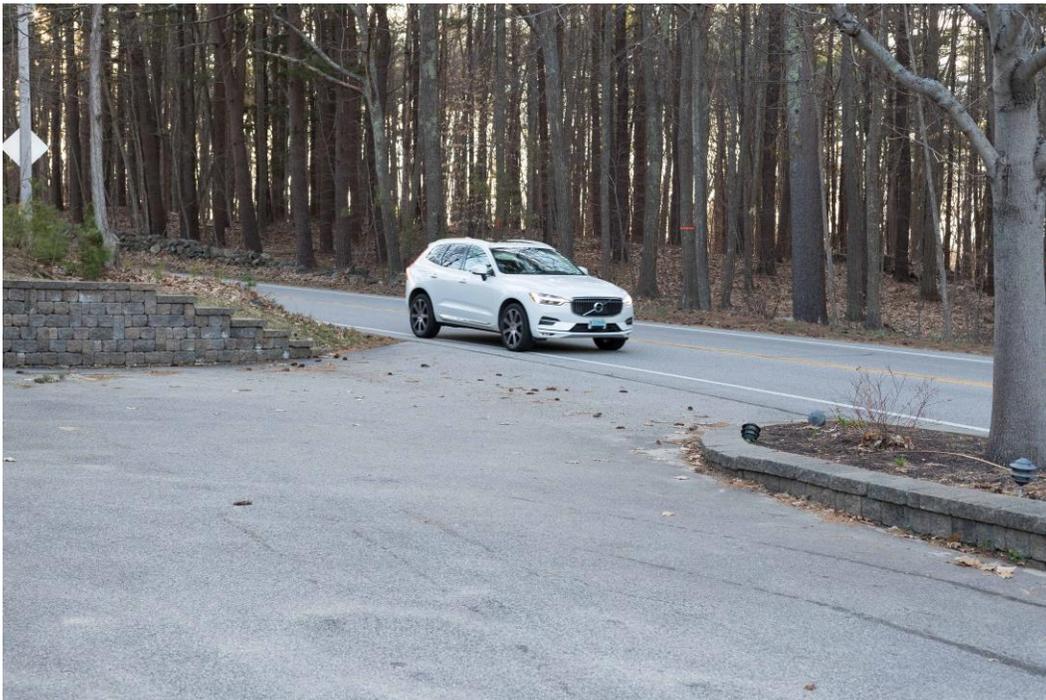


**Request for Variance - 1 Harding Rd (Naredla)**

1.5 Picture showing a view from gated entrance of Urban Forestry into our property; a lot of cars park near the gate

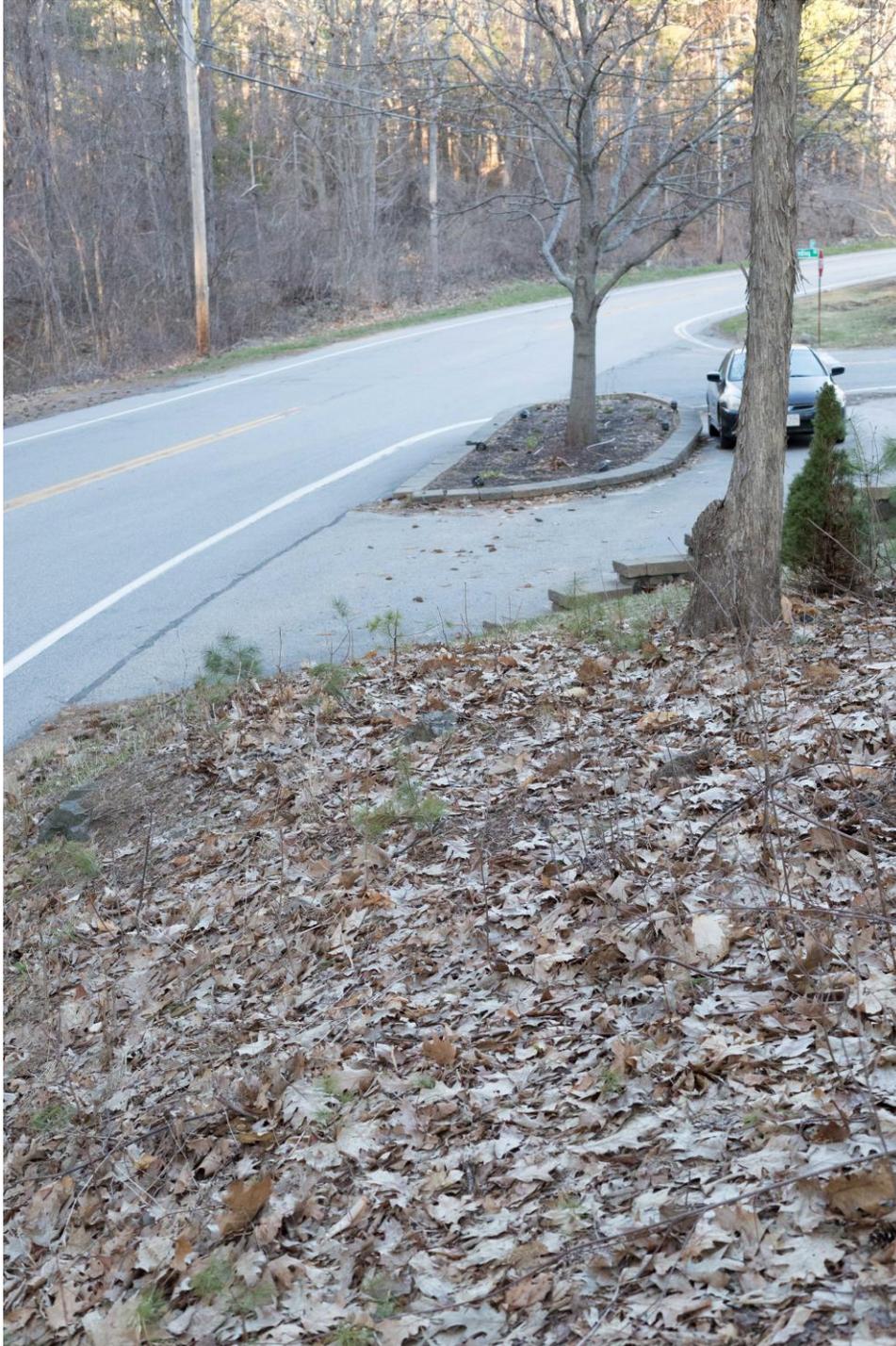


1.6 Picture showing another view from our driveway to Elwyn Rd



**Request for Variance - 1 Harding Rd (Naredla)**

1.7 Picture showing a view of East Bound (Elwyn Rd) from back of our property



**Request for Variance - 1 Harding Rd (Naredla)**

1.8 Picture showing a view of West Bound (Elwyn Rd) from the intersection of Elwyn and Harding Rd



**Request for Variance - 1 Harding Rd (Naredla)**

**2. Detailed drawing of the plan**



## Request for Variance – 1 Harding Rd (Naredla)

### 3. Written statement

*Written statement with this application explaining how the request complies with the requirements of the Zoning Ordinance as provided in Article 2 (Section 10.233.20 for Variances, Section 10.232.20 for Special Exceptions) [1]*

Our request for a 6' high fence along Elwyn road will primarily serve to diminish the noise from vehicle (motorcycles and cars) traffic on Elwyn Rd, provide better safety for our backyard and driveway, and promote privacy. Currently, there are two openings to our driveway: one on Elwyn Rd and one on Harding Rd. Many cars use our driveway as a turnaround spot and we have also had cars run into the island located in the center of our driveway. A short fence will serve to block off this second entrance to promote privacy and safety in our driveway as well as discourage drivers from using our driveway as a turnaround or cut-through. We reviewed our plan with the planning department and traffic engineer in order to ensure a design that would not block current sight lines from the intersection of Harding and Elwyn Rds.

#### *3.1 10.233.21 The variance will not be contrary to the public interest*

This request for a 6' high fence will not be contrary to the public interest. There are no houses located across Elwyn Rd from the proposed fence, only the trails of the Urban Forestry Center. Therefore, the fence will not be obstructing the view of any neighbors nor will it create an eye sore as there are no neighbors across the road from the proposed fence. We can provide a written statement of support from our neighbors located immediately West of our property, as they are aware of and in support of this proposed fence.

#### *3.2 10.233.22 The spirit of the ordinance will be observed*

Additionally, we are aware that the two corner lot properties on the corner of Elwyn and Taft Rds, one block west of our house, also have 6' high fences along the Elwyn Rd sides of both their properties. We are confident that such fences are acceptable by those living in our neighborhood as well as necessary for the promotion of privacy, safety, and diminishing noise from Elwyn Rd.

We are aware of the requirements set forth in article 10.516.30, which discusses corner lot vision obstructions. We plan to build the fence in such a way that it will not obstruct sight lines from the stop sign at the intersection of Elwyn and Harding Rds. We did a site visit with the traffic engineer to ensure that our proposed fence will not obstruct current site lines from the intersection of Harding and Elwyn Rds.

#### *3.3 10.233.23 Substantial justice will be done*

The fence will serve to diminish noise from motorcycles and cars, block off our second entrance to promote privacy and safety in our driveway as well as discourage drivers from using our driveway as a turnaround or cut-through.

## Request for Variance – 1 Harding Rd (Naredla)

### 3.4 10.233.24 *The values of surrounding properties will not be diminished*

We believe that a 6' high fence along the side of our property would not diminish property values of the surrounding houses. As mentioned above, there are no residential properties across the street from the proposed fence; therefore, our fence would not create a barrier between properties nor would it obstruct anyone's view or create a potential eye sore.

### 3.5 10.233.25 *Literal enforcement of the provisions of the ordinance would result in unnecessary hardship*

We are requesting a 6' high fence as opposed to the ordinance-mandated 4' high requirement for three primary reasons. First, the additional height of the fence will provide improved noise cancellation from the traffic on Elwyn Rd. Second, it would improve privacy for our driveway and backyard. Finally, the higher fence would promote better safety, particularly for children playing in the backyard or driveway.

## 4. Reference

[1] <http://files.cityofportsmouth.com/files/planning/zoning/ZoningOrd-191216.pdf>

# HOEFLE, PHOENIX, GORMLEY & ROBERTS, PLLC

ATTORNEYS AT LAW

127 Parrott Avenue, P.O. Box 4480 | Portsmouth, NH, 03802-4480  
Telephone: 603.436.0666 | Facsimile: 603.431.0879 | www.hpgrlaw.com

April 28, 2021

## HAND DELIVERED

Peter Stith, Planner  
Izak Gilbo, Administrative Clerk  
Portsmouth Zoning Board of Adjustment  
City Hall  
1 Junkins Avenue  
Portsmouth, NH 03801

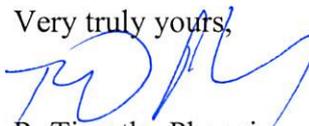
Re: Zoning Relief  
Applicant: Monarch Village, LLC,  
Owner: Naveesha Hospitality LLC  
Property: 3548 Lafayette Road  
Tax Map 297, Lot 6  
Gateway Neighborhood Mixed Use Corridor Zoning District

Dear Mr. Stith, Mr. Gilbo & Zoning Board Members:

On behalf of Applicant, Monarch Village, LLC, enclosed please find the following:

- See Viewpoint Land Use Application uploaded today.
- Owner's Authorization
- Memorandum in Support of Variance (original and 11 copies)

We look forward to presenting this the Zoning Board of Adjustment at its May 18, 2021 meeting.

Very truly yours,  
  
R. Timothy Phoenix  
Kevin M. Baum

Encl.

cc: Monarch Village, LLC  
Erik Saari, Altus Engineering, Inc.

---

DANIEL C. HOEFLE	R. PETER TAYLOR	GREGORY D. ROBBINS	DUNCAN A. EDGAR
R. TIMOTHY PHOENIX	JOHN AHLGREN	MONICA F. KIESER	OF COUNSEL:
LAWRENCE B. GORMLEY	KIMBERLY J.H. MEMMESHEIMER	SAMUEL HARKINSON	SAMUEL R. REID
STEPHEN H. ROBERTS	KEVIN M. BAUM	JACOB J.B. MARVELLEY	

## AUTHORIZATION

The undersigned, NAVEESHA HOSPITALITY LLC (“NAVEESHA”), owner of the property located at 3548 Lafayette Road, Portsmouth, New Hampshire and further identified as Portsmouth Tax Map 297, Lot 6 (the “Property”), hereby authorize Monarch Village, LLC (“Monarch”) and its advisors Altus Engineering, Inc. and Hoefle, Phoenix, Gormley and Roberts, P.A., to file documents and appear before the Portsmouth Zoning Board of Adjustment, Planning Board, Technical Advisory Committee and/or Conservation Commission in all matters relating to applications by Monarch to the City of Portsmouth to permit a residential development site on the Property.

Dated: April 21, 2021

By:   
Name: \_\_\_\_\_  
Title: Ashok patel, owner

## MEMORANDUM

**TO:** Portsmouth Zoning Board of Adjustment (“ZBA”)  
**FROM:** R. Timothy Phoenix, Esquire  
Kevin M. Baum, Esquire  
**DATE:** April 28, 2021  
**Re:** Applicant: Monarch Village, LLC  
Owner: Naveesha Hospitality LLC  
Property: 3548 Lafayette Road  
Tax Map 297, Lot 6  
Gateway Neighborhood Mixed Use Corridor (“G1”) Zoning District

Dear Chairman Rheaume and Zoning Board Members:

On behalf of Monarch Village, LLC (“Monarch”), we are pleased to submit this Memorandum and exhibits in support a Variance for limited dimensional relief to permit a multi-family residential development site on the above-referenced property (the “Property”).

### **I. EXHIBITS**

1. Board of Adjustment Site Plan – issued by Altus Engineering, Inc.
2. City GIS Map – showing the property and surrounding area zones.
3. Tax Assessor’s Card – Tax Map 297, Lot 6.
4. Site Photographs.
  - Street view & aerial views
  - Existing building conditions
5. Tax Map 297

### **II. RELIEF REQUIRED**

**Portsmouth Zoning Ordinance §10.5B53.10** – requires new buildings within the G1 District to be placed within the minimum and maximum front building setback from the lot line if the minimum front lot line buildout of 50% has not been met.

**Portsmouth Zoning Ordinance §10.5B22.40** – requires buildings on Lafayette Road to comply with a special setback (minimum 70 feet, maximum 90 feet) measured from the center line of Lafayette Road.

### **III. PROPERTY/PROJECT**

The Property is an approximately 162,967 square foot (3.74 acre) parcel located on Lafayette Road. **Exhibit 1**. It is currently used as the Wren’s Nest Village Inn and contains a mix of existing motel buildings and cottages totaling 33 units. *Id.*; **Exhibits 3 and 4**. Monarch proposes to redevelop the Property as a multi-family residential development site, a permitted use in the G1 District. To accomplish this redevelopment, Monarch will rehabilitate and convert

the existing motel buildings into apartments and will construct two new apartment buildings on the site for a total of 75 dwelling units on the Property (the “Project”). **Exhibit 1.** The existing cottages and several ancillary structures will be removed. *Id.*

All new buildings will conform to the dimensional requirements of the Portsmouth Zoning Ordinance (“PZO”).<sup>1</sup> The proposal meets all density and parking requirements for a General Residential Development Site. New development in the G1 District requires a front lot line buildout of at least fifty percent.<sup>2</sup> A fifty percent buildout is not required here as the closest buildings to Lafayette Road (Buildings 1 and 8) preexist the relevant zoning. However, pursuant to PZO §10.5B53.10, any new buildings constructed within the G1 District are to be located within the 70 foot minimum and 90 foot maximum building setback from the lot line, while PZO §10.5B22.40 requires a similar setback from the center line of Lafayette Road. Such placement is not possible given the locations of preexisting Buildings 1 and 8 as well as the existing driveway. Additionally, the site is very deep with ample room for two new apartment buildings as depicted. Accordingly, Monarch respectfully requests this Board grant variances to allow the new apartment buildings to be constructed outside of the minimum and maximum front building setback as measured from either location.

#### **IV. VARIANCE REQUIREMENTS**

- 1. The variances will not be contrary to the public interest.**
- 2. The spirit of the ordinance is observed.**

The first step in the ZBA’s analysis is to determine whether granting a variance is not contrary to the public interest and is consistent with the spirit and intent of the ordinance, considered together pursuant to *Malachy Glen Associates, Inc. v. Town of Chichester*, 155 N.H. 102 (2007) and its progeny. Upon examination, it must be determined whether granting a variance “would unduly and to a marked degree conflict with the ordinance such that it violates the ordinance’s basic zoning objectives.” *Id.* “Mere conflict with the zoning ordinance is not enough.” *Id.*

The purpose of the Portsmouth Zoning Ordinance as set forth in PZO §10.121 is “to promote the health, safety and the general welfare of Portsmouth and its region in accordance

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<sup>1</sup> Several of the existing buildings do not meet the current required setbacks from side lot lines and Lafayette Road. Exhibit 1. Based on discussions with City Planning Department Staff these buildings are permitted as preexisting nonconforming structures.

<sup>2</sup> PZO 10.5B33.20.

with the City of Portsmouth Master Plan... [by] regulating”:

1. The use of land, buildings and structures for business, industrial, residential and other purposes – The Project will add much needed residential apartments to the Property, a desired and permitted use within the G1 District.
2. The intensity of land use, including lot sizes, building coverage, building height and bulk, yards and open space – The Project meets complies with the density requirements of the PZO.
3. The design of facilities for vehicular access, circulation, parking and loading – Monarch intends to generally maintain the existing parking and drive lanes on the Property; all parking requirements will be met.
4. The impacts on properties of outdoor lighting, noise, vibration, stormwater runoff and flooding – No impacts will be created by the variance. The Property is currently used as a motel and will be converted to apartments, a permitted use in the Zone. Impacts, if any, will be limited and no greater than those currently existing for the motel. The Project will be fully vetted by the Planning Board.
5. The preservation and enhancement of the visual environment – The Project will renovate the existing buildings on the Property and create new, up to date and to code structures. **(Exhibit 1)**.
6. The preservation of historic districts, and buildings and structures of historic or architectural interest – Not applicable.
7. The protection of natural resources, including groundwater, surface water, wetlands, wildlife habitat and air quality – The Project largely retains the existing buildings, and the new buildings will be offset by the removal of the cottages and other ancillary structures. Additionally, the Project will be fully vetted by the Planning Board as part of its Conditional Use Permit and Site Plan review.

Based upon the foregoing, none of the variances “in a marked degree conflict with the ordinance such that they violate the ordinance’s basic zoning objectives.” *Malachy Glen, supra*, which also held:

One way to ascertain whether granting the variance would violate basic zoning objectives is to examine whether it would alter the essential character of the locality.... Another approach to [determine] whether granting the variance violates basic zoning objectives is to examine whether granting the variance would threaten the public health, safety or welfare. (emphasis added)

The Property is located on Lafayette Road (US Route 1) and is surrounded by commercial properties to the north and south and undeveloped lots to the east and west. **Exhibit 2**. Through the reuse of many of the existing buildings, the Property will appear largely the same as it did as a motel, albeit refreshed with new and renovated buildings and with less transient residential use. The Property is large and deep, with plenty of space for the two new buildings which will be screened from view by the existing buildings at the front of the property. Sufficient

parking and access to and from Lafayette Road will remain. Accordingly, granting each requested variance will neither “alter the essential character of the locality,” nor “threaten the public health, safety or welfare.”

**3. Granting the variance will not diminish surrounding property values.**

As noted, the Project will result in two new, up to date apartment buildings, the renovation of the existing motel buildings and removal of the cottages and ancillary structures. The new buildings will meet current applicable life safety codes and will result in an updated and refreshed Property. The development will also change the Property from a more transient motel use to longer term residential apartment use, which will benefit both the surrounding area and the housing needs of the City as a whole. In light of these factors, granting the requested variance will not diminish surrounding property values.

**4. Denial of the variances results in an unnecessary hardship.**

a. Special conditions distinguish the property/project from others in the area.

Although the Property is approximately 3.74 acres, the lot is relatively long and is quite narrow, especially the area closest to Lafayette Road. Additionally, longstanding preexisting buildings and driveway access exists within the maximum and minimum front setback area, making it impractical if not impossible to achieve 50% or greater buildout. These factors combine to create special conditions.

b. No fair and substantial relationship exists between the general public purposes of the ordinance and its specific application in this instance.

The purpose of the 50% buildout and minimum/maximum setbacks requirements are to encourage the development of larger structures closer to Lafayette Road within the G1 District. However, such a buildout would be both difficult and impractical to apply to here given the location of preexisting and areas in which new buildings can be located. In fact, a strict application of PZO §10.5B53.10 here would cause larger buildings to be massed to the front of the lot rather than having various types and sizes of buildings disbursed throughout the lot as is proposed for the Project and intended for General Residential Developments.<sup>3</sup> It would also potentially cause the driveway to be relocated, a difficult and potentially detrimental proposition given its longstanding location on the state maintained Lafayette Road (US Route 1). For all

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<sup>3</sup> See PZO 10.5B42.30, defining a General Residential Development as “[a] development project containing one or more residential building types in accordance with allowed building types and design standards...”

these reasons, there is no fair and substantial relationship between the general public purposes of these PZO provisions and their specific application to the Property.

c. The proposed use is reasonable.

If the use is permitted, it is deemed reasonable. *Vigeant v. Hudson*, 151 N.H. 747 (2005). Multifamily General Residential Development use is a permitted use in the G1 District and in accordance with both the intent of the PZO and the City’s Master Plan. Accordingly, Monarch’s proposed use is reasonable.

**5. Substantial justice will be done by granting the variance.**

If “there is no benefit to the public that would outweigh the hardship to the applicant” this factor is satisfied. *Harborside Associates, L.P. v. Parade Residence Hotel, L.L.C.*, 162 N.H. 508 (2011). That is, “any loss to the [applicant] that is not outweighed by a gain to the general public is an injustice.” *Malachy Glen, supra* at 109. Granting relief allows Monarch to retain and renovate the existing buildings on the Property in order to create 75 new residential dwelling units in a General Residential Development, consistent with the intent of the G1 District and Master Plan. Denial results in both significant additional costs to Monarch due to the potential need to reconstruct or relocate Buildings 1 and 8 as well as the existing driveway and associated parking area. It also results in larger, bulkier, buildings closer to the roadway rather than a mix of styles and sizes throughout the Property with larger buildings to the rear. Accordingly, there is no benefit to the public that outweighs the harm to the owner if the requested relief is not granted. Denial would result in significant harm to the Applicant and the public.

**V. CONCLUSION**

For all the reasons stated, Monarch respectfully requests that the Portsmouth Zoning Board of Adjustment grant the submitted variance requests to permit the construction of the new buildings outside the minimum and maximum front building setback.

Respectfully submitted,  
MONARCH VILLAGE, LLC

By: \_\_\_\_\_



R. Timothy Phoenix, Esquire  
Kevin M. Baum, Esquire

NOT FOR CONSTRUCTION

ISSUED FOR:  
BOARD OF ADJUSTMENT

ISSUE DATE:  
APRIL 28, 2021

REVISIONS NO. DESCRIPTION	BY	DATE
0 ZBA	EBS	04/28/21

**EXHIBIT 1**

DRAWN BY: \_\_\_\_\_ EBS  
APPROVED BY: \_\_\_\_\_ EBS  
DRAWING FILE: 5.61 - ZBA.dwg

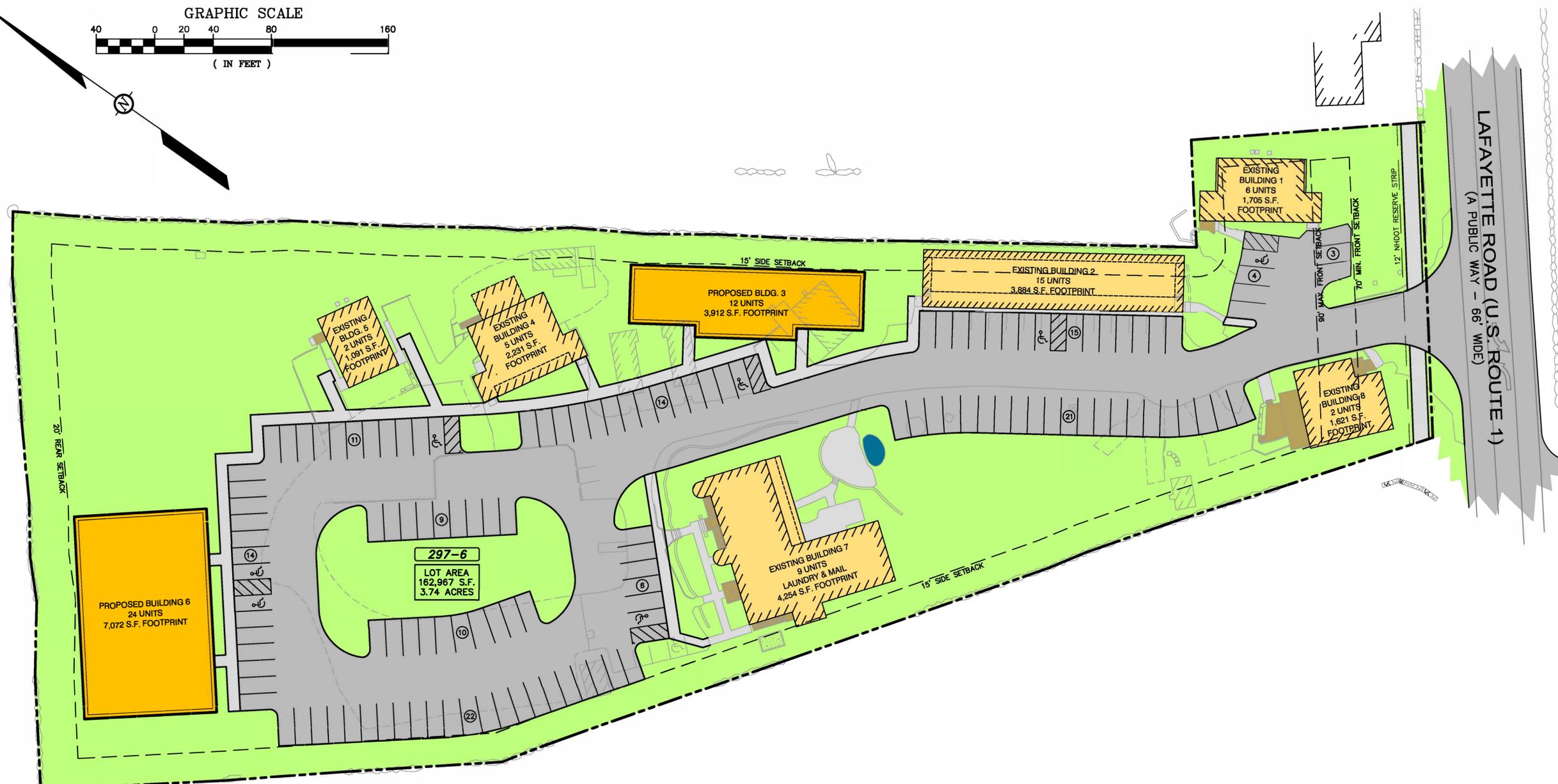
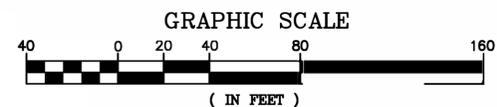
SCALE: 22"x34" 1" = 30'  
11"x17" 1" = 60'

OWNER/APPLICANT:  
MONARCH VILLAGE, LLC  
P.O. BOX 365  
EAST HAMPSTEAD, NH 03826

PROJECT:  
MONARCH VILLAGE  
TAX MAP 297 LOT 6  
3548 LAFAYETTE ROAD  
PORTSMOUTH, NH 03801

TITLE:  
BOARD OF ADJUSTMENT  
SITE PLAN

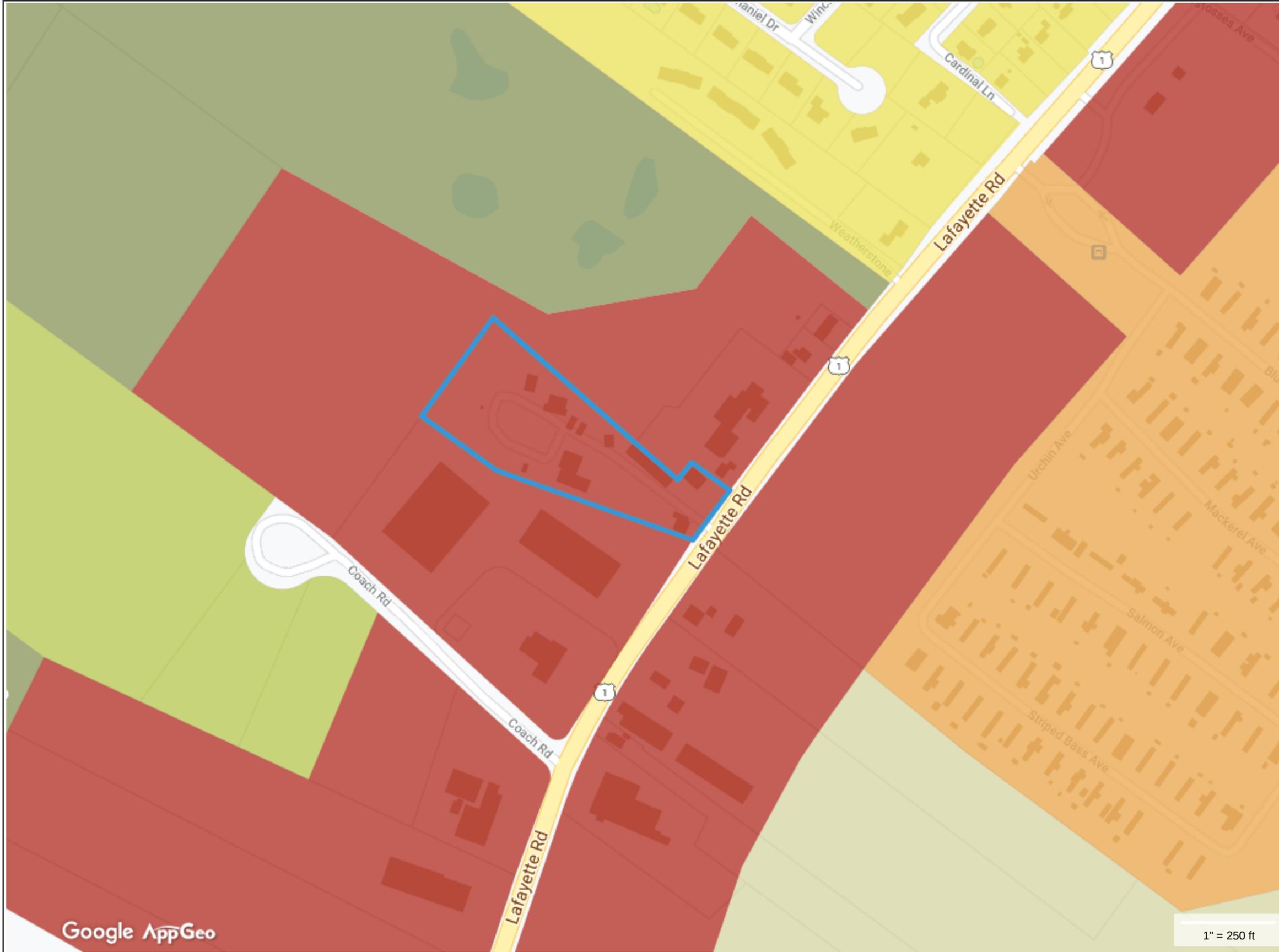
SHEET NUMBER:  
1 of 1



**NOTES**

- DESIGN INTENT - THIS PLAN IS INTENDED TO DEPICT A MULTI-FAMILY "GENERAL RESIDENTIAL DEVELOPMENT SITE" COMPRISED OF MULTIPLE EXISTING AND PROPOSED BUILDINGS TOGETHER WITH ASSOCIATED PARKING AND ACCESSWAYS.
- THE BASE PLAN USED HERE WAS DEVELOPED FROM "ALTA/ACSM LAND TITLE SURVEY, 3548 LAFAYETTE ROAD, PORTSMOUTH, NH" BY JAMES VERRA AND ASSOCIATES, INC., DATED AUGUST 11, 2011.
- ZONE: G1 (GATEWAY 1)
- DIMENSIONAL REQUIREMENTS:**  
MIN. LOT AREA: 10,000 S.F. (0.23 ACRE) ON DEVELOPMENT SITE ±162,967 S.F. (3.74 AC.) PROVIDED  
MIN. STREET FRONTAGE: 100' (ON LAFAYETTE ROAD) (161.55' EXISTING)  
MIN. LOT DEPTH: N/A  
FRONT SETBACK: 70' MIN./90' MAX. (FROM LAFAYETTE ROAD CL.)  
SIDE SETBACK: 15'  
REAR SETBACK: 20'  
MAX. BUILDING HEIGHT: 50' (OR FOUR STORIES)  
MAX. BUILDING LENGTH: 200'  
MAX. BUILDING FOOTPRINT: N/A  
MAX. BUILDING COVERAGE: 50% (15.8%/±25,770 S.F. PROPOSED)  
BUILDING STEPBACK: N/A (ROW > 60')  
BLDG FACADE ORIENTATION: PARALLEL TO FRONT LOT LINE  
FRONT LOT LINE BUILDOUT: 50% (34.3%/55.4' EXISTING)  
DWELLING DENSITY: 20 UNITS/ACRE (GENERAL RESIDENTIAL)  
DWELLING UNITS PER BLDG: 4 MIN./24 MAX.  
PERIMETER BUFFER: 75' FROM RES, MIXED RES, OR 4-11 DISTRICTS  
MIN. COMMUNITY SPACE: 10% (FOR DEVELOPMENT SITE)  
MIN. OPEN SPACE: 20% (50.3%/±81,963 S.F. PROPOSED)
- ZONE SECTION 10.540 - CONDITIONAL USE PERMIT FROM PLANNING BOARD REQUIRED TO ALLOW A GENERAL RESIDENTIAL DEVELOPMENT SITE.
- NHDES ALTERATION OF TERRAIN PERMIT REQUIRED IF AREA OF DISTURBANCE OVER 100,000 S.F.
- COVERAGE UNDER EPA NPDES PHASE II CONSTRUCTION GENERAL PERMIT REQUIRED IF AREA OF DISTURBANCE OVER 43,560 SF.
- NHDOT DRIVEWAY PERMIT REQUIRED.
- DENSITY CALCULATIONS:**  
GENERAL RESIDENTIAL DEVELOPMENT: 20 DWELLING UNITS / ACRE  
3.74 ACRES X 20 = 75 UNITS PERMITTED (75 PROPOSED)
- UNIT COMPOSITION:** 18 STUDIO (RENOVATED)  
15 ONE BEDROOM (RENOVATED)  
3 TWO BEDROOM (RENOVATED)  
36 TWO BEDROOM (NEW)  
3 THREE BEDROOM (RENOVATED)  
75 TOTAL UNITS
- PARKING REQUIREMENTS:**  
DWELLING UNITS: 1.3 SPACES PER DWELLING UNIT OVER 750 S.F.  
75 UNITS X 1.3 = 98 SPACES REQUIRED  
VISITOR PARKING: 1 SPACE PER 5 DWELLING UNITS  
75 UNITS / 5 = 15 SPACES REQUIRED  
TOTAL PARKING REQUIRED: 113 SPACES  
TOTAL PARKING PROVIDED: 129 SPACES (16 SPACE/14.2% SURPLUS)
- THE FOLLOWING VARIANCE FROM THE PORTSMOUTH ZONING ORDINANCE IS REQUIRED FOR THIS PROJECT:  
SECTION 10.5B53.10 - TO ALLOW NEW BUILDINGS TO BE CONSTRUCTED OUTSIDE THE REQUIRED 70'-90' FRONT BUILDING SETBACK WHERE THE MINIMUM REQUIRED FRONT BUILDOUT IS NOT MET (50% REQUIRED, 34.3% PROVIDED).

### 3548 Lafayette Road



**Property Information**  
**Property ID** 0297-0006-0000  
**Location** 3548 LAFAYETTE RD  
**Owner** NAVEESHA HOSPITALITY LLC



**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

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

**EXHIBIT 2**

# Map Theme Legends

## Zoning

- Residential Districts**
  - R Rural
  - SRA Single Residence A
  - SRB Single Residence B
  - GRA General Residence A
  - GRB General Residence B
  - GRC General Residence C
  - GA/MH 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
- Industrial Districts**
  - OR Office Research
  - I Industrial
  - WI Waterfront Industrial
- Airport Districts**
  - AIR Airport
  - AI Airport Industrial
  - PI Pease Industrial
  - ABC Airport Business Commercial
- Conservation Districts**
  - M Municipal
  - NRP Natural Resource Protection
- Character Districts**
  - CD5 Character District 5
  - CD4 Character District 4
  - CD4W Character District 4-B
  - CD4-L1 Character District 4-L1
  - CD4-L2 Character District 4-L2
- Civic District**
  - Civic District
- Municipal District**
  - Municipal District
- Overlay Districts**
  - OLOD Osprey Landing Overlay District
  - Downtown Overlay District
  - Historic District

City of Portsmouth

CURRENT OWNER		TOPO	UTILITIES	STRT / ROAD	LOCATION	CURRENT ASSESSMENT				
NAVEESHA HOSPITALITY LLC		1 Level	0 All Public	1 Paved		Description	Code	Appraised	Assessed	2229  PORTSMOUTH, NH
440 BEDFORD ST				8 2+ Off-St PKG		COMMERC.	3010	1,251,300	1,251,300	
LEXINGTON MA 02420		<b>SUPPLEMENTAL DATA</b>				COM LAND	3010	462,000	462,000	
		Alt Prcl ID 0297-0006-0000-0000 OLDACTN 34570 PHOTO WARD PREC. 1/2 HSE GIS ID 36013			CONDO C INLAW Y/ LOT SPLIT 2015 Reval V JM Ex/Cr Appli Assoc Pid#	COMMERC.	3010	15,500	15,500	
						Total		1,728,800	1,728,800	<b>VISION</b>

RECORD OF OWNERSHIP		BK-VOL/PAGE	SALE DATE	Q/U	V/I	SALE PRICE	VC	PREVIOUS ASSESSMENTS (HISTORY)								
NAVEESHA HOSPITALITY LLC		5230 0888	07-18-2011	U	I	1,100,000	99	Year	Code	Assessed	Year	Code	Assessed	Year	Code	Assessed
WRENS NEST MOTEL CORP		2250 0509			I	0		2020	3010	1,251,300	2019	3010	1,251,300	2019	3010	1,251,300
									3010	462,000		3010	462,000		3010	462,000
									3010	15,500		3010	15,500		3010	15,500
						Total		1728800	Total	1728800	Total	1728800	Total	1728800		

EXEMPTIONS				OTHER ASSESSMENTS				APPRaised VALUE SUMMARY				
Year	Code	Description	Amount	Code	Description	Number	Amount	Comm Int	This signature acknowledges a visit by a Data Collector or Assessor			
									Appraised Bldg. Value (Card) 1,238,000			
Total			0.00					Appraised Xf (B) Value (Bldg) 13,300				

ASSESSING NEIGHBORHOOD			
Nbhd	Nbhd Name	STREET INDEX NAME	Batch
302			

NOTES			
WREN'S NEST MOTEL-33 UNITS		NEW BAR TOP, PAINT -NCIV	
WHYM CRAFT BEER CAFE		12/16BP-FRONT DESK GUY SAID GAS COMPANY	
FUNC =FRACTURED LAYOUT OF ALL BLDGS		SLEEVED GAS LINE FOR GAR & BDLG #116,117	
03/13-BP: TEN FU/WHYM CRAFT BEER CAFE			
MINOR HEALTH DEPT ITEMS			
THAT NEEDED TO BE ADDRESSED			

BUILDING PERMIT RECORD								VISIT / CHANGE HISTORY						
Permit Id	Issue Date	Type	Description	Amount	Insp Date	% Comp	Date Comp	Comments	Date	Id	Type	Is	Cd	Purpost/Result
16-1187	09-06-2016	PL	Plumbing	500	12-14-2016	100		SLEEVE EXISTING GAS LINE	09-12-2017	ST			40	Hearing No change
13-111	02-22-2013	BP		1,500	09-17-2013	100	04-17-2013	CHANGE RESTAURANT OW	07-19-2017	RM			AB	Abatement Application
11-0869	12-16-2011	BP		200	02-16-2012	100		RESTAURANT REOPENING;	06-01-2017	ST			ER	Exterior Review
10-222	04-23-2010			0	06-29-2011	100		TENANT FIT-UP MERRILL'S	12-14-2016	JW	02	2	50	Building Permit
07-949	11-19-2007			0		100		EST NEW OWNER	09-09-2015	ST			41	Hearing Change
11828	01-09-2003			1,500		100		RANGE HOOD SUPP	03-15-2015	ST			ER	Exterior Review
11496	08-01-2002			8,000		100		CONSTRUCT KITCH	12-04-2013	JM			11	Listed

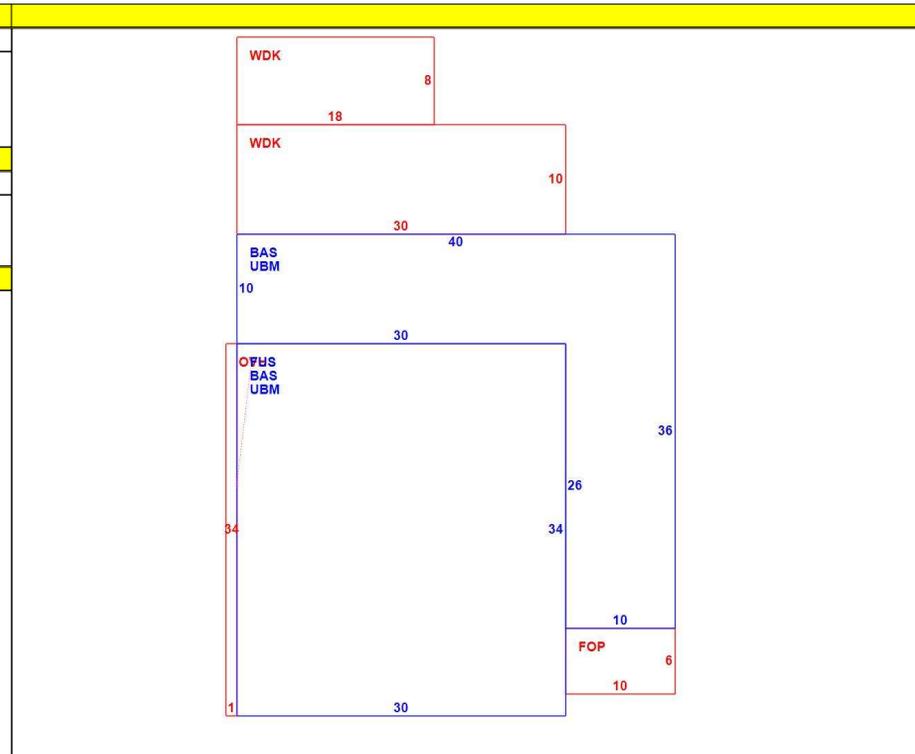
LAND LINE VALUATION SECTION																
B	Use Code	Description	Zone	Frontage	Depth	Land Units	Unit Price	Size Ad	Site	Cond.	ST Idx	S.I. Adj.	Notes- Adj	Special Pricing	Adj Unit P	Land Value
1	3010	MOTELS	G1			130,6	SF	0	1.0000	0	1.00	302	0.480	301	0	0
1	3010	MOTELS	G1			0.800	AC	0	1.0000	0	1.00	302	0.480	301	0	0
1	3010	MOTELS	G1			33.00	BL	1	1.0000	0	1.00		1.000		14,000	462,000
				Total Card Land Units		3.800	AC	Parcel Total Land Area		3.8008					Total Land Value	462,000

**EXHIBIT 3**

CONSTRUCTION DETAIL			CONSTRUCTION DETAIL (CONTINUED)		
Element	Cd	Description	Element	Cd	Description
Style:	39	Inn/Motel			
Model	94	Commercial			
Grade	C-	C-			
Stories:	2				
Occupancy	1.00				
Residential Unit					
Exterior Wall 1	11	Clapboard			
Exterior Wall 2					
Roof Structure	03	Gable/Hip			
Roof Cover	03	Asph/F Gls/Cmp			
Interior Wall 1	05	Drywall/Sheet			
Interior Wall 2					
Interior Floor 1	12	Hardwood			
Interior Floor 2	11	Ceram Clay Til			
Heating Fuel	03	Gas			
Heating Type	05	Hot Water			
AC Type	03	Central			
Bldg Use	3010	MOTELS			
Total Rooms					
Total Bedrms					
Total Baths					
Kitchen Grd					
Heat/AC	02	HEAT/AC SPLIT			
Frame Type	02	WOOD FRAME			
Baths/Plumbing	02	AVERAGE			
Ceiling/Wall	06	CEIL & WALLS			
Rooms/Prtns	02	AVERAGE			
Wall Height	8.00				
% Conn Wall					
1st Floor Use:					

MIXED USE		
Code	Description	Percentage
3010	MOTELS	100
		0
		0

COST / MARKET VALUATION		
Adj. Base Rate		113.70
RCN		352,706
Year Built		1990
Effective Year Built		1993
Depreciation Code		A
Remodel Rating		
Year Remodeled		
Depreciation %		26
Functional Obsol		30
External Obsol		
Trend Factor		1
Condition		
Condition %		
Percent Good		44
RCNLD		155,200
Dep % Ovr		
Dep Ovr Comment		
Misc Imp Ovr		
Misc Imp Ovr Comment		
Cost to Cure Ovr		
Cost to Cure Ovr Comment		



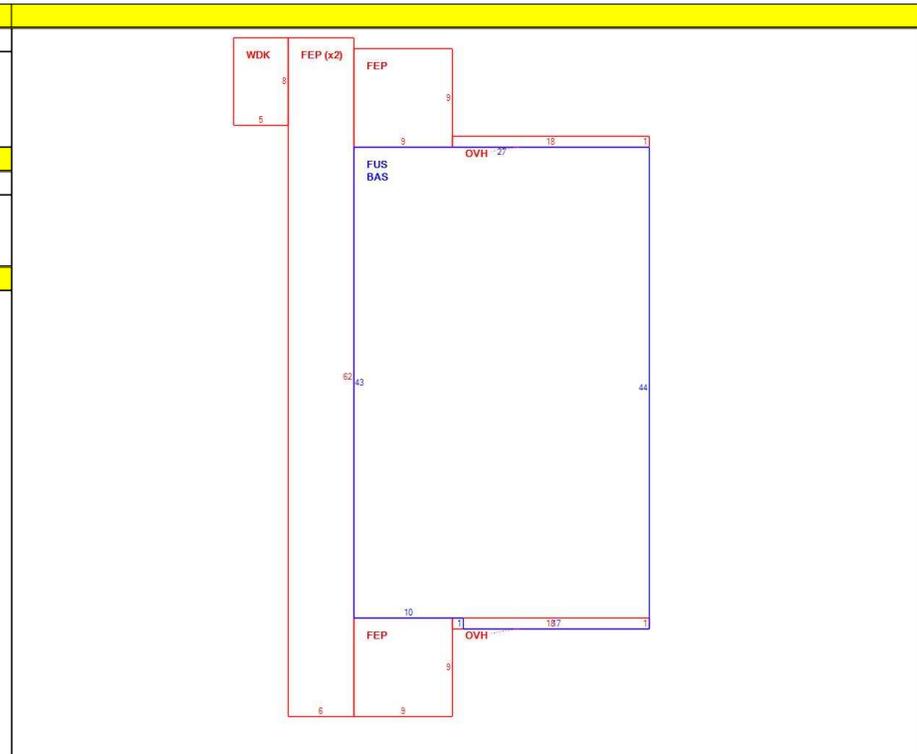
OB - OUTBUILDING & YARD ITEMS(L) / XF - BUILDING EXTRA FEATURES(B)										
Code	Description	L/B	Units	Unit Price	Yr Blt	Cond	% Gd	Gr	Gr Adj	Appr. Value
CAN1	CANOPY AVG	L	100	13.00	1990	3	50	D	0.90	600
PAV1	PAVING-ASPHALT	L	12,000	1.75	1985	3	50	C	1.00	10,500
SHD1	SHED FRAME	L	100	13.00	1990	3	50	C	1.00	700
SHD1	SHED FRAME	L	96	13.00	1988	3	50	C	1.00	600

BUILDING SUB-AREA SUMMARY SECTION							
Code	Description	Living Area	Floor Area	Eff Area	Unit Cost	Undeprec Value	
BAS	First Floor	1,680	1,680	1,680	113.70	191,021	
FOP	Porch, Open	0	60	15	28.43	1,706	
FUS	Upper Story, Finished	1,020	1,020	1,020	113.70	115,977	
OVH	Over hang	0	34	7	23.41	796	
UBM	Basement, Unfinished	0	1,680	336	22.74	38,204	
WDK	Deck, Wood	0	444	44	11.27	5,003	
Ttl Gross Liv / Lease Area		2,700	4,918	3,102		352,707	



CURRENT OWNER		TOPO	UTILITIES	STRT / ROAD	LOCATION	CURRENT ASSESSMENT				2229  PORTSMOUTH, NH  <h1 style="text-align: center;">VISION</h1>								
NAVEESHA HOSPITALITY LLC  440 BEDFORD ST  LEXINGTON MA 02420		1 Level	0 All Public	1 Paved		Description	Code	Appraised	Assessed			COMMERC. 3010 1,251,300 1,251,300 COM LAND 3010 462,000 462,000 COMMERC. 3010 15,500 15,500						
				8 2+ Off-St PKG														
		SUPPLEMENTAL DATA					Alt Prcl ID 0297-0006-0000-0000 OLDACTN 34570 PHOTO WARD PREC. 1/2 HSE GIS ID 36013											
					CONDO C INLAW Y/ LOT SPLIT 2015 Reval V JM Ex/Cr Appli  Assoc Pid#	Total 1,728,800 1,728,800												
RECORD OF OWNERSHIP		BK-VOL/PAGE	SALE DATE	Q/U	V/I	SALE PRICE	VC	PREVIOUS ASSESSMENTS (HISTORY)										
NAVEESHA HOSPITALITY LLC WRENS NEST MOTEL CORP		5230 0888	07-18-2011	U	I	1,100,000	99	Year	Code	Assessed	Year	Code	Assessed	Year	Code	Assessed		
		2250 0509					0	2020	3010	1,251,300	2019	3010	1,251,300	2019	3010	1,251,300		
									3010	462,000		3010	462,000		3010	462,000		
								3010	15,500		3010	15,500		3010	15,500			
Total								1728800		Total		1728800		Total		1728800		
EXEMPTIONS			OTHER ASSESSMENTS				This signature acknowledges a visit by a Data Collector or Assessor											
Year	Code	Description	Amount	Code	Description	Number	Amount	Comm Int										
Total			0.00															
ASSESSING NEIGHBORHOOD										APPRAISED VALUE SUMMARY								
Nbhd	Nbhd Name	STREET INDEX NAME		Tracing		Batch				Appraised Bldg. Value (Card) 1,238,000								
302										Appraised Xf (B) Value (Bldg) 13,300								
										Appraised Ob (B) Value (Bldg) 15,500								
										Appraised Land Value (Bldg) 462,000								
										Special Land Value 0								
										Total Appraised Parcel Value 1,728,800								
										Valuation Method C								
										Total Appraised Parcel Value 1,728,800								
BUILDING PERMIT RECORD										VISIT / CHANGE HISTORY								
Permit Id	Issue Date	Type	Description	Amount	Insp Date	% Comp	Date Comp	Comments		Date	Id	Type	Is	Cd	Purpost/Result			
LAND LINE VALUATION SECTION																		
B	Use Code	Description	Zone	Frontage	Depth	Land Units	Unit Price	Size Ad	Site	Cond.	ST Idx	S.I. Adj.	Notes- Adj		Special Pricing	Adj Unit P	Land Value	
2	3010	MOTELS	G1			0.000 AC	0	1.0000	0	1.00		1.000			0.0000	0	0	
Total Card Land Units					0.000	AC	Parcel Total Land Area					3.8008	Total Land Value					462,000

CONSTRUCTION DETAIL			CONSTRUCTION DETAIL (CONTINUED)		
Element	Cd	Description	Element	Cd	Description
Style:	39	Inn/Motel			
Model	94	Commercial			
Grade	C-	C-			
Stories:	2				
Occupancy	5.00				
Residential Unit					
<b>MIXED USE</b>					
			Code	Description	Percentage
Exterior Wall 1	11	Clapboard	3010	MOTELS	100
Exterior Wall 2	14	Wood Shingle			0
Roof Structure	03	Gable/Hip			0
Roof Cover	03	Asph/F Gls/Cmp			
<b>COST / MARKET VALUATION</b>					
Interior Wall 1	05	Drywall/Sheet	Adj. Base Rate		112.73
Interior Wall 2					
Interior Floor 1	14	Carpet	RCN		333,223
Interior Floor 2	11	Ceram Clay Til	Year Built		1988
Heating Fuel	03	Gas	Effective Year Built		1991
Heating Type	04	Forced Air-Duc	Depreciation Code		A
AC Type	03	Central	Remodel Rating		
Bldg Use	3010	MOTELS	Year Remodeled		
Total Rooms			Depreciation %		28
Total Bedrms			Functional Obsol		30
Total Baths			External Obsol		
Kitchen Grd			Trend Factor		1
Heat/AC	00	NONE	Condition		
Frame Type	02	WOOD FRAME	Condition %		
Baths/Plumbing	02	AVERAGE	Percent Good		42
Ceiling/Wall	06	CEIL & WALLS	RCNLD		140,000
Rooms/Prtns	02	AVERAGE	Dep % Ovr		
Wall Height	8.00		Dep Ovr Comment		
% Conn Wall			Misc Imp Ovr		
1st Floor Use:			Misc Imp Ovr Comment		
			Cost to Cure Ovr		
			Cost to Cure Ovr Comment		



OB - OUTBUILDING & YARD ITEMS(L) / XF - BUILDING EXTRA FEATURES(B)										
Code	Description	L/B	Units	Unit Price	Yr Blt	Cond	% Gd	Gr	Gr Adj	Appr. Value

BUILDING SUB-AREA SUMMARY SECTION							
Code	Description	Living Area	Floor Area	Eff Area	Unit Cost	Undeprec Value	
BAS	First Floor	1,178	1,178	1,178	112.73	132,793	
FEP	Porch, Enclosed	0	906	589	73.29	66,397	
FUS	Upper Story, Finished	1,178	1,178	1,178	112.73	132,793	
OVH	Over hang	0	36	7	21.92	789	
WDK	Deck, Wood	0	40	4	11.27	451	
Ttl Gross Liv / Lease Area		2,356	3,338	2,956		333,223	

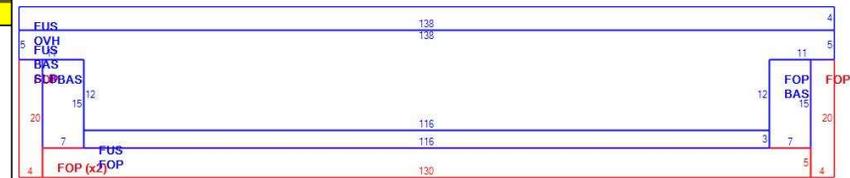


CURRENT OWNER		TOPO	UTILITIES	STRT / ROAD	LOCATION	CURRENT ASSESSMENT				2229  PORTSMOUTH, NH  <b>VISION</b>								
NAVEESHA HOSPITALITY LLC  440 BEDFORD ST  LEXINGTON MA 02420		1 Level	0 All Public	1 Paved		Description	Code	Appraised	Assessed									
				8 2+ Off-St PKG		COMMERC.	3010	1,251,300	1,251,300									
		<b>SUPPLEMENTAL DATA</b>				COM LAND	3010	462,000	462,000									
		Alt Prcl ID 0297-0006-0000-0000 OLDACTN 34570 PHOTO WARD PREC. 1/2 HSE GIS ID 36013		CONDO C INLAW Y/ LOT SPLIT 2015 Reval V JM Ex/Cr Appli  Assoc Pid#		COMMERC.	3010	15,500	15,500									
						Total		1,728,800	1,728,800									
RECORD OF OWNERSHIP		BK-VOL/PAGE	SALE DATE	Q/U	V/I	SALE PRICE	VC	PREVIOUS ASSESSMENTS (HISTORY)										
NAVEESHA HOSPITALITY LLC		5230	0888	07-18-2011	U	I	1,100,000	99	Year	Code	Assessed	Year	Code	Assessed				
WRENS NEST MOTEL CORP		2250	0509			I	0		2020	3010	1,251,300	2019	3010	1,251,300				
										3010	462,000		3010	462,000				
										3010	15,500		3010	15,500				
						Total		1728800	Total	1728800	Total	1728800	Total	1728800				
EXEMPTIONS			OTHER ASSESSMENTS				This signature acknowledges a visit by a Data Collector or Assessor											
Year	Code	Description	Amount	Code	Description	Number	Amount	Comm Int										
Total			0.00															
ASSESSING NEIGHBORHOOD											APPRAISED VALUE SUMMARY							
Nbhd	Nbhd Name	STREET INDEX NAME		Tracing			Batch					Appraised Bldg. Value (Card)		1,238,000				
302												Appraised Xf (B) Value (Bldg)		13,300				
											Appraised Ob (B) Value (Bldg)		15,500					
											Appraised Land Value (Bldg)		462,000					
											Special Land Value		0					
											Total Appraised Parcel Value		1,728,800					
											Valuation Method		C					
											Total Appraised Parcel Value		1,728,800					
BUILDING PERMIT RECORD											VISIT / CHANGE HISTORY							
Permit Id	Issue Date	Type	Description	Amount	Insp Date	% Comp	Date Comp	Comments			Date	Id	Type	Is	Cd	Purpost/Result		
LAND LINE VALUATION SECTION																		
B	Use Code	Description	Zone	Frontage	Depth	Land Units	Unit Price	Size Ad	Site	Cond.	ST Idx	S.I. Adj.	Notes- Adj		Special Pricing	Adj Unit P	Land Value	
3	3010	MOTELS	G1			0.000 AC	0	1.0000	0	1.00		1.000			0.0000	0	0	
Total Card Land Units					0.000	AC	Parcel Total Land Area					3.8008	Total Land Value					462,000

CONSTRUCTION DETAIL			CONSTRUCTION DETAIL (CONTINUED)		
Element	Cd	Description	Element	Cd	Description
Style:	39	Inn/Motel			
Model	94	Commercial			
Grade	C-	C-			
Stories:	2				
Occupancy	15.00				
Residential Unit					
Exterior Wall 1	08	Wood on Sheath			
Exterior Wall 2					
Roof Structure	03	Gable/Hip			
Roof Cover	03	Asph/F Gls/Cmp			
Interior Wall 1	05	Drywall/Sheet			
Interior Wall 2					
Interior Floor 1	14	Carpet			
Interior Floor 2	11	Ceram Clay Til			
Heating Fuel	03	Gas			
Heating Type	03	Hot Air-no Duc			
AC Type	04	Unit/AC			
Bldg Use	3010	MOTELS			
Total Rooms					
Total Bedrms					
Total Baths					
Kitchen Grd					
Heat/AC	00	NONE			
Frame Type	02	WOOD FRAME			
Baths/Plumbing	02	AVERAGE			
Ceiling/Wall	06	CEIL & WALLS			
Rooms/Prtns	02	AVERAGE			
Wall Height	8.00				
% Conn Wall					
1st Floor Use:					

MIXED USE		
Code	Description	Percentage
3010	MOTELS	100
		0
		0

COST / MARKET VALUATION		
Adj. Base Rate		93.78
RCN		549,766
Year Built		1955
Effective Year Built		1983
Depreciation Code		A
Remodel Rating		
Year Remodeled		
Depreciation %		36
Functional Obsol		30
External Obsol		
Trend Factor		1
Condition		
Condition %		
Percent Good		34
RCNLD		186,900
Dep % Ovr		
Dep Ovr Comment		
Misc Imp Ovr		
Misc Imp Ovr Comment		
Cost to Cure Ovr		
Cost to Cure Ovr Comment		



OB - OUTBUILDING & YARD ITEMS(L) / XF - BUILDING EXTRA FEATURES(B)											
Code	Description	L/B	Units	Unit Price	Yr Blt	Cond	% Gd	Gr	Gr Adj	Appr. Value	

BUILDING SUB-AREA SUMMARY SECTION							
Code	Description	Living Area	Floor Area	Eff Area	Unit Cost	Undeprec Value	
BAS	First Floor	2,292	2,292	2,292	93.78	214,955	
FOP	Porch, Open	0	1,913	478	23.43	44,829	
FUS	Upper Story, Finished	2,982	2,982	2,982	93.78	279,666	
OVH	Over hang	0	552	110	18.69	10,316	
SLB	Slab	0	2,082	0	0.00	0	
Ttl Gross Liv / Lease Area		5,274	9,821	5,862		549,766	

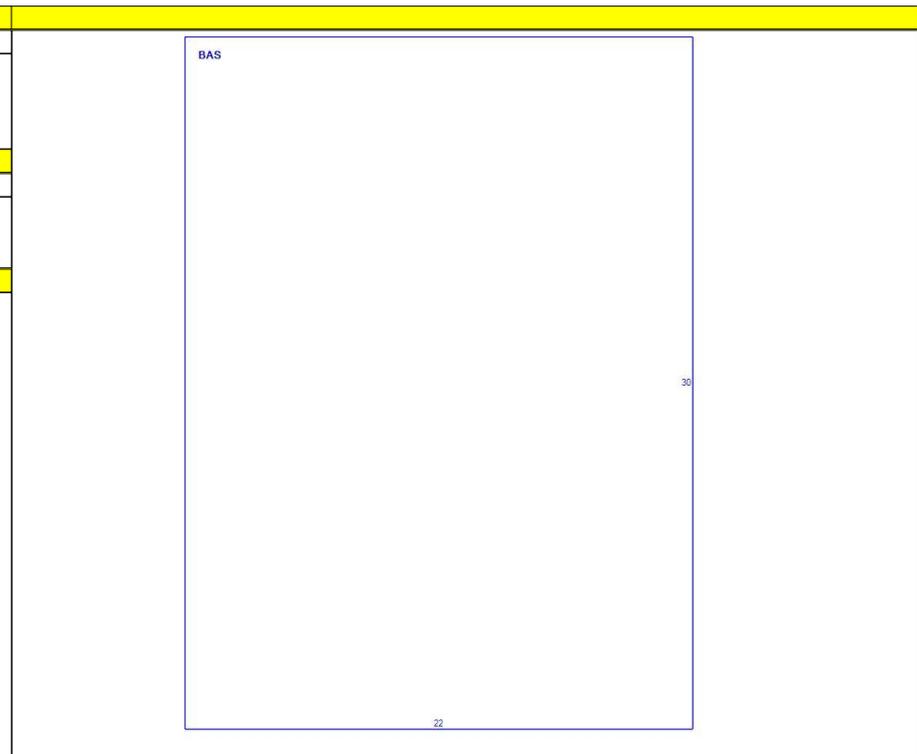


CURRENT OWNER		TOPO	UTILITIES	STRT / ROAD	LOCATION	CURRENT ASSESSMENT				2229  PORTSMOUTH, NH  <b>VISION</b>								
NAVEESHA HOSPITALITY LLC  440 BEDFORD ST  LEXINGTON MA 02420		1 Level	0 All Public	1 Paved		Description	Code	Appraised	Assessed									
				8 2+ Off-St PKG		COMMERC.	3010	1,251,300	1,251,300									
		<b>SUPPLEMENTAL DATA</b>				COM LAND	3010	462,000	462,000									
		Alt Prcl ID 0297-0006-0000-0000 OLDACTN 34570 PHOTO WARD PREC. 1/2 HSE GIS ID 36013		CONDO C INLAW Y/ LOT SPLIT 2015 Reval V JM Ex/Cr Appli  Assoc Pid#		COMMERC.	3010	15,500	15,500									
						Total		1,728,800	1,728,800									
RECORD OF OWNERSHIP		BK-VOL/PAGE	SALE DATE	Q/U	V/I	SALE PRICE	VC	PREVIOUS ASSESSMENTS (HISTORY)										
NAVEESHA HOSPITALITY LLC		5230	0888	07-18-2011	U	I	1,100,000	99	Year	Code	Assessed	Year	Code	Assessed				
WRENS NEST MOTEL CORP		2250	0509			I	0		2020	3010	1,251,300	2019	3010	1,251,300				
										3010	462,000		3010	462,000				
										3010	15,500		3010	15,500				
						Total		1728800	Total	1728800	Total	1728800	Total	1728800				
EXEMPTIONS			OTHER ASSESSMENTS				This signature acknowledges a visit by a Data Collector or Assessor											
Year	Code	Description	Amount	Code	Description	Number	Amount	Comm Int										
Total			0.00															
ASSESSING NEIGHBORHOOD											APPRAISED VALUE SUMMARY							
Nbhd	Nbhd Name	STREET INDEX NAME		Tracing			Batch				Appraised Bldg. Value (Card)		1,238,000					
302											Appraised Xf (B) Value (Bldg)		13,300					
											Appraised Ob (B) Value (Bldg)		15,500					
											Appraised Land Value (Bldg)		462,000					
											Special Land Value		0					
WRENS NEST MOTEL-33 UNITS CHESTNUTS RESTAURANT											Total Appraised Parcel Value		1,728,800					
											Valuation Method		C					
											Total Appraised Parcel Value		1,728,800					
BUILDING PERMIT RECORD											VISIT / CHANGE HISTORY							
Permit Id	Issue Date	Type	Description	Amount	Insp Date	% Comp	Date Comp	Comments			Date	Id	Type	Is	Cd	Purpost/Result		
LAND LINE VALUATION SECTION																		
B	Use Code	Description	Zone	Frontage	Depth	Land Units	Unit Price	Size Ad	Site	Cond.	ST Idx	S.I. Adj.	Notes- Adj		Special Pricing	Adj Unit P	Land Value	
4	3010	MOTELS	G1			0.000 AC	0	1.0000	0	1.00		1.000			0.0000	0	0	
Total Card Land Units					0.000	AC	Parcel Total Land Area					3.8008	Total Land Value					462,000

CONSTRUCTION DETAIL			CONSTRUCTION DETAIL (CONTINUED)		
Element	Cd	Description	Element	Cd	Description
Style:	39	Inn/Motel			
Model	94	Commercial			
Grade	C-	C-			
Stories:	1				
Occupancy	1.00				
Residential Unit					
Exterior Wall 1	14	Wood Shingle			
Exterior Wall 2					
Roof Structure	03	Gable/Hip			
Roof Cover	03	Asph/F Gls/Cmp			
Interior Wall 1	05	Drywall/Sheet			
Interior Wall 2					
Interior Floor 1	05	Vinyl/Asphalt			
Interior Floor 2					
Heating Fuel	03	Gas			
Heating Type	03	Hot Air-no Duc			
AC Type	04	Unit/AC			
Bldg Use	3010	MOTELS			
Total Rooms					
Total Bedrms					
Total Baths					
Kitchen Grd					
Heat/AC	00	NONE			
Frame Type	02	WOOD FRAME			
Baths/Plumbing	02	AVERAGE			
Ceiling/Wall	06	CEIL & WALLS			
Rooms/Prtns	02	AVERAGE			
Wall Height	8.00				
% Conn Wall					
1st Floor Use:					

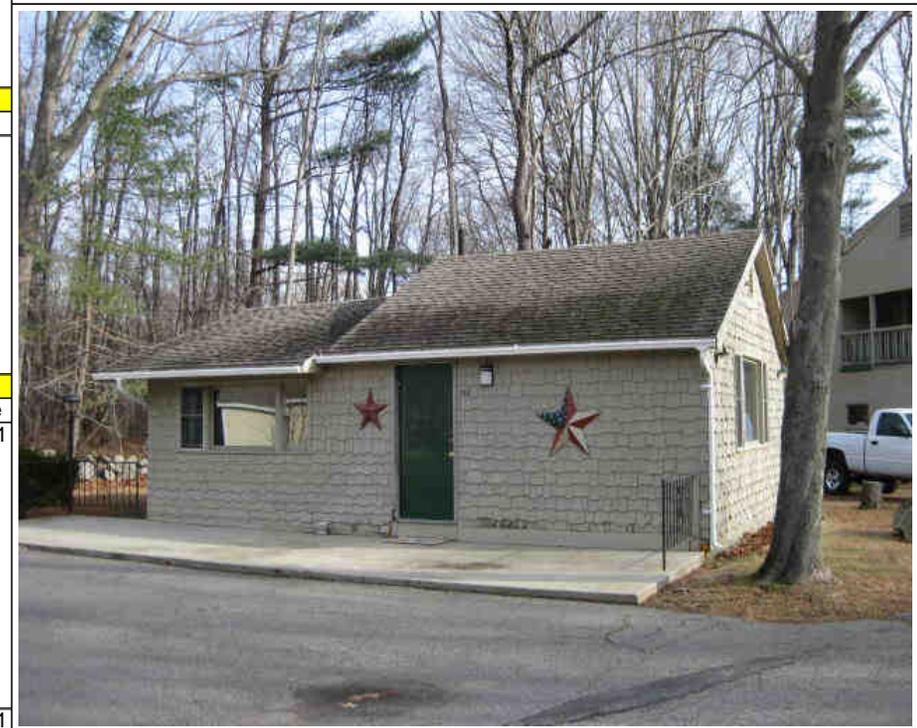
MIXED USE		
Code	Description	Percentage
3010	MOTELS	100
		0
		0

COST / MARKET VALUATION		
Adj. Base Rate		161.91
RCN		106,861
Year Built		1938
Effective Year Built		1983
Depreciation Code		A
Remodel Rating		
Year Remodeled		
Depreciation %		36
Functional Obsol		30
External Obsol		
Trend Factor		1
Condition		
Condition %		
Percent Good		34
RCNLD		36,300
Dep % Ovr		
Dep Ovr Comment		
Misc Imp Ovr		
Misc Imp Ovr Comment		
Cost to Cure Ovr		
Cost to Cure Ovr Comment		



OB - OUTBUILDING & YARD ITEMS(L) / XF - BUILDING EXTRA FEATURES(B)											
Code	Description	L/B	Units	Unit Price	Yr Blt	Cond	% Gd	Gr	Gr Adj	Appr. Value	

BUILDING SUB-AREA SUMMARY SECTION							
Code	Description	Living Area	Floor Area	Eff Area	Unit Cost	Undeprec Value	
BAS	First Floor	660	660	660	161.91	106,861	
Ttl Gross Liv / Lease Area		660	660	660		106,861	

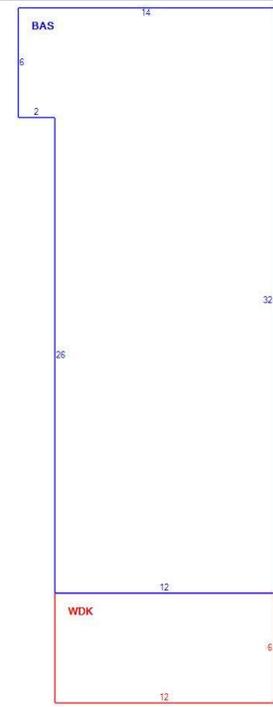


CURRENT OWNER		TOPO	UTILITIES	STRT / ROAD	LOCATION	CURRENT ASSESSMENT				2229 PORTSMOUTH, NH <b>VISION</b>								
NAVEESHA HOSPITALITY LLC  440 BEDFORD ST  LEXINGTON MA 02420		1 Level	0 All Public	1 Paved		Description	Code	Appraised	Assessed									
				8 2+ Off-St PKG		COMMERC.	3010	1,251,300	1,251,300									
		<b>SUPPLEMENTAL DATA</b>				COM LAND	3010	462,000	462,000									
		Alt Prcl ID 0297-0006-0000-0000 OLDACTN 34570 PHOTO WARD PREC. 1/2 HSE GIS ID 36013		CONDO C INLAW Y/ LOT SPLIT 2015 Reval V JM Ex/Cr Appli  Assoc Pid#		COMMERC.	3010	15,500	15,500									
						Total		1,728,800	1,728,800									
RECORD OF OWNERSHIP		BK-VOL/PAGE	SALE DATE	Q/U	V/I	SALE PRICE	VC	PREVIOUS ASSESSMENTS (HISTORY)										
NAVEESHA HOSPITALITY LLC		5230	0888	07-18-2011	U	I	1,100,000	99	Year	Code	Assessed	Year	Code	Assessed	Year	Code	Assessed	
WRENS NEST MOTEL CORP		2250	0509			0			2020	3010	1,251,300	2019	3010	1,251,300	2019	3010	1,251,300	
										3010	462,000		3010	462,000		3010	462,000	
										3010	15,500		3010	15,500		3010	15,500	
						Total		1728800	Total	1728800	Total	1728800	Total	1728800				
EXEMPTIONS			OTHER ASSESSMENTS				This signature acknowledges a visit by a Data Collector or Assessor											
Year	Code	Description	Amount	Code	Description	Number	Amount	Comm Int										
		Total	0.00															
ASSESSING NEIGHBORHOOD											APPRAISED VALUE SUMMARY							
Nbhd	Nbhd Name	STREET INDEX NAME		Tracing			Batch											
302																		
NOTES																		
WRENS NEST MOTEL-33 UNITS CHESTNUTS RESTAURANT																		
BUILDING PERMIT RECORD											VISIT / CHANGE HISTORY							
Permit Id	Issue Date	Type	Description	Amount	Insp Date	% Comp	Date Comp	Comments			Date	Id	Type	Is	Cd	Purpost/Result		
LAND LINE VALUATION SECTION																		
B	Use Code	Description	Zone	Frontage	Depth	Land Units	Unit Price	Size Ad	Site	Cond.	ST Idx	S.I. Adj.	Notes- Adj		Special Pricing	Adj Unit P	Land Value	
5	3010	MOTELS	G1			0.000	AC	0	1.0000	0	1.00	1.000			0.0000	0	0	
Total Card Land Units					0.000	AC	Parcel Total Land Area					3.8008	Total Land Value					462,000

CONSTRUCTION DETAIL			CONSTRUCTION DETAIL (CONTINUED)		
Element	Cd	Description	Element	Cd	Description
Style:	39	Inn/Motel			
Model	94	Commercial			
Grade	D	D			
Stories:	1				
Occupancy	1.00				
Residential Unit					
Exterior Wall 1	11	Clapboard			
Exterior Wall 2					
Roof Structure	03	Gable/Hip			
Roof Cover	03	Asph/F Gls/Cmp			
Interior Wall 1	05	Drywall/Sheet			
Interior Wall 2					
Interior Floor 1	14	Carpet			
Interior Floor 2	11	Ceram Clay Til			
Heating Fuel	03	Gas			
Heating Type	05	Hot Water			
AC Type	04	Unit/AC			
Bldg Use	3010	MOTELS			
Total Rooms					
Total Bedrms					
Total Baths					
Kitchen Grd					
Heat/AC	00	NONE			
Frame Type	02	WOOD FRAME			
Baths/Plumbing	02	AVERAGE			
Ceiling/Wall	06	CEIL & WALLS			
Rooms/Prtns	02	AVERAGE			
Wall Height	8.00				
% Conn Wall					
1st Floor Use:					

MIXED USE		
Code	Description	Percentage
3010	MOTELS	100
		0
		0

COST / MARKET VALUATION		
Adj. Base Rate		141.55
RCN		57,046
Year Built		1938
Effective Year Built		1983
Depreciation Code		A
Remodel Rating		
Year Remodeled		
Depreciation %		36
Functional Obsol		30
External Obsol		
Trend Factor		1
Condition		
Condition %		
Percent Good		34
RCNLD		19,400
Dep % Ovr		
Dep Ovr Comment		
Misc Imp Ovr		
Misc Imp Ovr Comment		
Cost to Cure Ovr		
Cost to Cure Ovr Comment		



OB - OUTBUILDING & YARD ITEMS(L) / XF - BUILDING EXTRA FEATURES(B)											
Code	Description	L/B	Units	Unit Price	Yr Blt	Cond	% Gd	Gr	Gr Adj	Appr. Value	

BUILDING SUB-AREA SUMMARY SECTION							
Code	Description	Living Area	Floor Area	Eff Area	Unit Cost	Undeprec Value	
BAS	First Floor	396	396	396	141.55	56,055	
WDK	Deck, Wood	0	72	7	13.76	991	
Ttl Gross Liv / Lease Area		396	468	403		57,046	

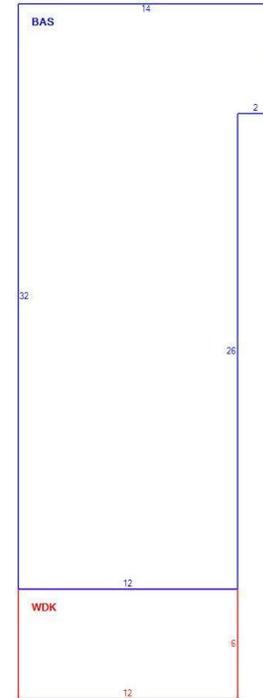


CURRENT OWNER		TOPO	UTILITIES	STRT / ROAD	LOCATION	CURRENT ASSESSMENT				2229 PORTSMOUTH, NH  <b>VISION</b>								
NAVEESHA HOSPITALITY LLC  440 BEDFORD ST  LEXINGTON MA 02420		1 Level	0 All Public	1 Paved		Description	Code	Appraised	Assessed									
				8 2+ Off-St PKG		COMMERC.	3010	1,251,300	1,251,300									
		<b>SUPPLEMENTAL DATA</b>				COM LAND	3010	462,000	462,000									
		Alt Prcl ID 0297-0006-0000-0000 OLDACTN 34570 PHOTO WARD PREC. 1/2 HSE GIS ID 36013		CONDO C INLAW Y/ LOT SPLIT 2015 Reval V JM Ex/Cr Appli  Assoc Pid#		COMMERC.	3010	15,500	15,500									
						Total		1,728,800	1,728,800									
RECORD OF OWNERSHIP		BK-VOL/PAGE	SALE DATE	Q/U	V/I	SALE PRICE	VC	PREVIOUS ASSESSMENTS (HISTORY)										
NAVEESHA HOSPITALITY LLC		5230	0888	07-18-2011	U	I	1,100,000	99	Year	Code	Assessed	Year	Code	Assessed	Year	Code	Assessed	
WRENS NEST MOTEL CORP		2250	0509			0			2020	3010	1,251,300	2019	3010	1,251,300	2019	3010	1,251,300	
										3010	462,000		3010	462,000		3010	462,000	
										3010	15,500		3010	15,500		3010	15,500	
						Total		1728800	Total	1728800	Total	1728800	Total	1728800				
EXEMPTIONS			OTHER ASSESSMENTS				This signature acknowledges a visit by a Data Collector or Assessor											
Year	Code	Description	Amount	Code	Description	Number	Amount	Comm Int										
		Total	0.00															
ASSESSING NEIGHBORHOOD											APPRAISED VALUE SUMMARY							
Nbhd	Nbhd Name	STREET INDEX NAME		Tracing			Batch											
302																		
NOTES																		
WRENS NEST MOTEL-33 UNITS CHESTNUTS RESTAURANT																		
BUILDING PERMIT RECORD											VISIT / CHANGE HISTORY							
Permit Id	Issue Date	Type	Description	Amount	Insp Date	% Comp	Date Comp	Comments			Date	Id	Type	Is	Cd	Purpost/Result		
LAND LINE VALUATION SECTION																		
B	Use Code	Description	Zone	Frontage	Depth	Land Units	Unit Price	Size Ad	Site	Cond.	ST Idx	S.I. Adj.	Notes- Adj		Special Pricing	Adj Unit P	Land Value	
6	3010	MOTELS	G1			0.000 AC	0	1.0000	0	1.00		1.000			0.0000	0	0	
Total Card Land Units					0.000	AC	Parcel Total Land Area					3.8008	Total Land Value					462,000

CONSTRUCTION DETAIL			CONSTRUCTION DETAIL (CONTINUED)		
Element	Cd	Description	Element	Cd	Description
Style:	39	Inn/Motel			
Model	94	Commercial			
Grade	D	D			
Stories:	1				
Occupancy	1.00				
Residential Unit					
Exterior Wall 1	11	Clapboard			
Exterior Wall 2					
Roof Structure	03	Gable/Hip			
Roof Cover	03	Asph/F Gls/Cmp			
Interior Wall 1	05	Drywall/Sheet			
Interior Wall 2					
Interior Floor 1	14	Carpet			
Interior Floor 2					
Heating Fuel	03	Gas			
Heating Type	05	Hot Water			
AC Type	04	Unit/AC			
Bldg Use	3010	MOTELS			
Total Rooms					
Total Bedrms					
Total Baths					
Kitchen Grd					
Heat/AC	00	NONE			
Frame Type	02	WOOD FRAME			
Baths/Plumbing	02	AVERAGE			
Ceiling/Wall	06	CEIL & WALLS			
Rooms/Prtns	02	AVERAGE			
Wall Height	8.00				
% Conn Wall					
1st Floor Use:					

MIXED USE		
Code	Description	Percentage
3010	MOTELS	100
		0
		0

COST / MARKET VALUATION		
Adj. Base Rate		138.70
RCN		55,896
Year Built		1938
Effective Year Built		1983
Depreciation Code		A
Remodel Rating		
Year Remodeled		
Depreciation %		36
Functional Obsol		30
External Obsol		
Trend Factor		1
Condition		
Condition %		
Percent Good		34
RCNLD		19,000
Dep % Ovr		
Dep Ovr Comment		
Misc Imp Ovr		
Misc Imp Ovr Comment		
Cost to Cure Ovr		
Cost to Cure Ovr Comment		



OB - OUTBUILDING & YARD ITEMS(L) / XF - BUILDING EXTRA FEATURES(B)											
Code	Description	L/B	Units	Unit Price	Yr Blt	Cond	% Gd	Gr	Gr Adj	Appr. Value	

BUILDING SUB-AREA SUMMARY SECTION							
Code	Description	Living Area	Floor Area	Eff Area	Unit Cost	Undeprec Value	
BAS	First Floor	396	396	396	138.70	54,925	
WDK	Deck, Wood	0	72	7	13.48	971	
Ttl Gross Liv / Lease Area		396	468	403		55,896	

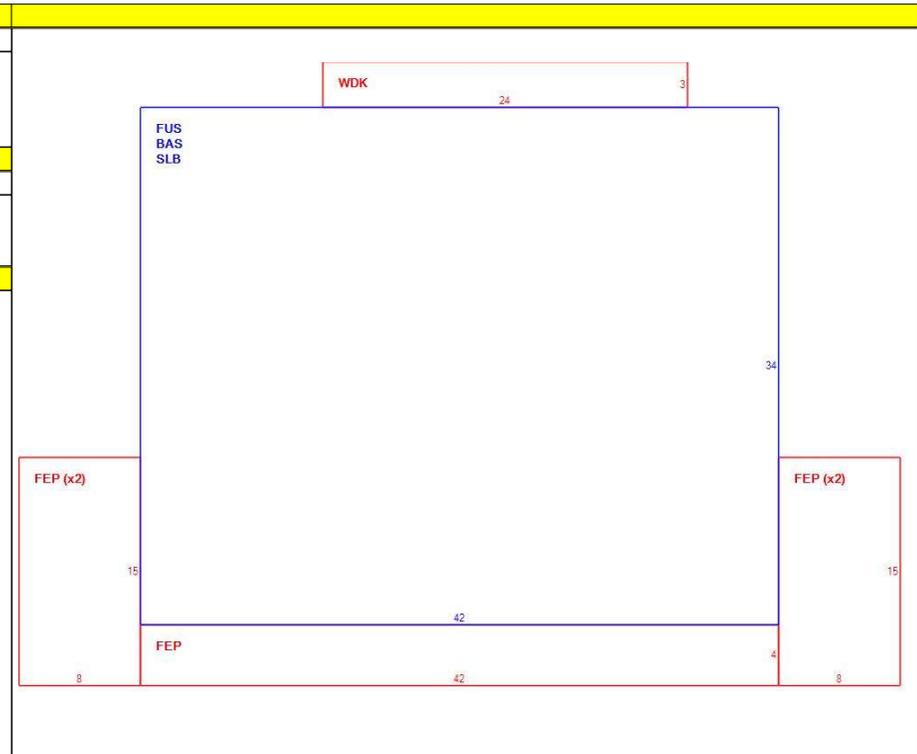


CURRENT OWNER		TOPO	UTILITIES	STRT / ROAD	LOCATION	CURRENT ASSESSMENT				2229 PORTSMOUTH, NH <b>VISION</b>							
NAVEESHA HOSPITALITY LLC  440 BEDFORD ST  LEXINGTON MA 02420		1 Level	0 All Public	1 Paved		Description	Code	Appraised	Assessed								
				8 2+ Off-St PKG		COMMERC.	3010	1,251,300	1,251,300								
		<b>SUPPLEMENTAL DATA</b>				COM LAND	3010	462,000	462,000								
		Alt Prcl ID 0297-0006-0000-0000 OLDACTN 34570 PHOTO WARD PREC. 1/2 HSE GIS ID 36013		CONDO C INLAW Y/ LOT SPLIT 2015 Reval V JM Ex/Cr Appli  Assoc Pid#		COMMERC.	3010	15,500	15,500								
						Total		1,728,800	1,728,800								
RECORD OF OWNERSHIP		BK-VOL/PAGE	SALE DATE	Q/U	V/I	SALE PRICE	VC	PREVIOUS ASSESSMENTS (HISTORY)									
NAVEESHA HOSPITALITY LLC		5230	0888	07-18-2011	U	I	1,100,000	99	Year	Code	Assessed	Year	Code	Assessed	Year	Code	Assessed
WRENS NEST MOTEL CORP		2250	0509				0		2020	3010	1,251,300	2019	3010	1,251,300	2019	3010	1,251,300
										3010	462,000		3010	462,000		3010	462,000
										3010	15,500		3010	15,500		3010	15,500
						Total		1728800	Total		1728800	Total		1728800	Total		1728800
EXEMPTIONS			OTHER ASSESSMENTS				This signature acknowledges a visit by a Data Collector or Assessor										
Year	Code	Description	Amount	Code	Description	Number	Amount	Comm Int									
			0.00														
ASSESSING NEIGHBORHOOD																	
Nbhd		Nbhd Name		STREET INDEX NAME			Tracing			Batch							
302																	
NOTES																	
FIRST FLOOR STORAGE SECOND FLOOR UNITS WRENS NEST MOTEL-33 UNITS CHESTNUTS RESTAURANT LOWER LEVEL GARAGE IN BACK																	
BUILDING PERMIT RECORD																	
Permit Id	Issue Date	Type	Description	Amount	Insp Date	% Comp	Date Comp	Comments	VISIT / CHANGE HISTORY								
									Date	Id	Type	Is	Cd	Purpost/Result			
LAND LINE VALUATION SECTION																	
B	Use Code	Description	Zone	Frontage	Depth	Land Units	Unit Price	Size Ad	Site	Cond.	ST Idx	S.I. Adj.	Notes- Adj	Special Pricing	Adj Unit P	Land Value	
7	3010	MOTELS	G1			0.000 AC	0	1.0000	0	1.00		1.000		0.0000	0	0	
Total Card Land Units					0.000	AC	Parcel Total Land Area					3.8008	Total Land Value			462,000	

CONSTRUCTION DETAIL			CONSTRUCTION DETAIL (CONTINUED)		
Element	Cd	Description	Element	Cd	Description
Style:	39	Inn/Motel			
Model	94	Commercial			
Grade	C-	C-			
Stories:	2				
Occupancy	3.00				
Residential Unit					
Exterior Wall 1	20	Brick/Masonry			
Exterior Wall 2	11	Clapboard			
Roof Structure	03	Gable/Hip			
Roof Cover	03	Asph/F Gls/Cmp			
Interior Wall 1	05	Drywall/Sheet			
Interior Wall 2					
Interior Floor 1	14	Carpet			
Interior Floor 2	11	Ceram Clay Til			
Heating Fuel	03	Gas			
Heating Type	05	Hot Water			
AC Type	03	Central			
Bldg Use	3010	MOTELS			
Total Rooms					
Total Bedrms					
Total Baths					
Kitchen Grd					
Heat/AC	02	HEAT/AC SPLIT			
Frame Type	02	WOOD FRAME			
Baths/Plumbing	02	AVERAGE			
Ceiling/Wall	06	CEIL & WALLS			
Rooms/Prtns	02	AVERAGE			
Wall Height	8.00				
% Conn Wall					
1st Floor Use:					

MIXED USE		
Code	Description	Percentage
3010	MOTELS	100
		0
		0

COST / MARKET VALUATION		
Adj. Base Rate		115.55
RCN		379,473
Year Built		1988
Effective Year Built		1991
Depreciation Code		A
Remodel Rating		
Year Remodeled		
Depreciation %		28
Functional Obsol		30
External Obsol		
Trend Factor		1
Condition		
Condition %		
Percent Good		42
RCNLD		159,400
Dep % Ovr		
Dep Ovr Comment		
Misc Imp Ovr		
Misc Imp Ovr Comment		
Cost to Cure Ovr		
Cost to Cure Ovr Comment		



OB - OUTBUILDING & YARD ITEMS(L) / XF - BUILDING EXTRA FEATURES(B)										
Code	Description	L/B	Units	Unit Price	Yr Blt	Cond	% Gd	Gr	Gr Adj	Appr. Value
SHD1	SHED FRAME	L	264	13.00		A	50	C	1.00	1,700
SHD1	SHED FRAME	L	220	13.00		A	50	C	1.00	1,400

BUILDING SUB-AREA SUMMARY SECTION							
Code	Description	Living Area	Floor Area	Eff Area	Unit Cost	Undeprec Value	
BAS	First Floor	1,428	1,428	1,428	115.55	165,008	
FEP	Porch, Enclosed	0	648	421	75.07	48,647	
FUS	Upper Story, Finished	1,428	1,428	1,428	115.55	165,008	
SLB	Slab	0	1,428	0	0.00	0	
WDK	Deck, Wood	0	72	7	11.23	809	
Ttl Gross Liv / Lease Area		2,856	5,004	3,284		379,472	



CURRENT OWNER		TOPO	UTILITIES	STRT / ROAD	LOCATION	CURRENT ASSESSMENT				2229 PORTSMOUTH, NH <b>VISION</b>								
NAVEESHA HOSPITALITY LLC 440 BEDFORD ST LEXINGTON MA 02420		1 Level	0 All Public	1 Paved		Description	Code	Appraised	Assessed									
				8 2+ Off-St PKG		COMMERC.	3010	1,251,300	1,251,300									
		<b>SUPPLEMENTAL DATA</b>				COM LAND	3010	462,000	462,000									
		Alt Prcl ID 0297-0006-0000-0000 OLDACTN 34570 PHOTO WARD PREC. 1/2 HSE GIS ID 36013	CONDO C INLAW Y/ LOT SPLIT 2015 Reval V JM Ex/Cr Appli Assoc Pid#			COMMERC.	3010	15,500	15,500									
						Total		1,728,800	1,728,800									
RECORD OF OWNERSHIP		BK-VOL/PAGE	SALE DATE	Q/U	V/I	SALE PRICE	VC	PREVIOUS ASSESSMENTS (HISTORY)										
NAVEESHA HOSPITALITY LLC		5230	0888	07-18-2011	U	I	1,100,000	99	Year	Code	Assessed	Year	Code	Assessed	Year	Code	Assessed	
WRENS NEST MOTEL CORP		2250	0509			0			2020	3010	1,251,300	2019	3010	1,251,300	2019	3010	1,251,300	
										3010	462,000		3010	462,000		3010	462,000	
										3010	15,500		3010	15,500		3010	15,500	
						Total		1728800	Total		1728800	Total		1728800	Total		1728800	
EXEMPTIONS			OTHER ASSESSMENTS				This signature acknowledges a visit by a Data Collector or Assessor											
Year	Code	Description	Amount	Code	Description	Number	Amount	Comm Int										
		Total	0.00															
ASSESSING NEIGHBORHOOD											APPRAISED VALUE SUMMARY							
Nbhd	Nbhd Name	STREET INDEX NAME		Tracing			Batch											
302																		
NOTES																		
WRENS NEST MOTEL-33 UNITS CHESTNUTS RESTAURANT																		
BUILDING PERMIT RECORD											VISIT / CHANGE HISTORY							
Permit Id	Issue Date	Type	Description	Amount	Insp Date	% Comp	Date Comp	Comments			Date	Id	Type	Is	Cd	Purpost/Result		
LAND LINE VALUATION SECTION																		
B	Use Code	Description	Zone	Frontage	Depth	Land Units	Unit Price	Size Ad	Site	Cond.	ST Idx	S.I. Adj.	Notes- Adj		Special Pricing	Adj Unit P	Land Value	
8	3010	MOTELS	G1			0.000	AC	0	1.0000	0	1.00	1.000			0.0000	0	0	
Total Card Land Units					0.000	AC	Parcel Total Land Area					3.8008	Total Land Value					462,000



CURRENT OWNER		TOPO	UTILITIES	STRT / ROAD	LOCATION	CURRENT ASSESSMENT				
NAVEESHA HOSPITALITY LLC  440 BEDFORD ST  LEXINGTON MA 02420		1 Level	0 All Public	1 Paved		Description	Code	Appraised	Assessed	2229  PORTSMOUTH, NH  <b>VISION</b>
				8 2+ Off-St PKG		COMMERC.	3010	1,251,300	1,251,300	
		<b>SUPPLEMENTAL DATA</b>				COM LAND	3010	462,000	462,000	
		Alt Prcl ID 0297-0006-0000-0000 OLDACTN 34570 PHOTO WARD PREC. 1/2 HSE GIS ID 36013		CONDO C INLAW Y/ LOT SPLIT 2015 Reval V JM Ex/Cr Appli  Assoc Pid#		COMMERC.	3010	15,500	15,500	
						Total		1,728,800	1,728,800	

RECORD OF OWNERSHIP		BK-VOL/PAGE	SALE DATE	Q/U	V/I	SALE PRICE	VC	PREVIOUS ASSESSMENTS (HISTORY)						
NAVEESHA HOSPITALITY LLC		5230	0888	07-18-2011	U	I	1,100,000	99	Year	Code	Assessed	Year	Code	Assessed
WRENS NEST MOTEL CORP		2250	0509			I	0		2020	3010	1,251,300	2019	3010	1,251,300
										3010	462,000		3010	462,000
										3010	15,500		3010	15,500
						Total		1728800	Total		1728800	Total		1728800

EXEMPTIONS			OTHER ASSESSMENTS					
Year	Code	Description	Amount	Code	Description	Number	Amount	Comm Int
Total			0.00					

ASSESSING NEIGHBORHOOD				
Nbhd	Nbhd Name	STREET INDEX NAME	Tracing	Batch
302				

APPRAISED VALUE SUMMARY	
Appraised Bldg. Value (Card)	1,238,000
Appraised Xf (B) Value (Bldg)	13,300
Appraised Ob (B) Value (Bldg)	15,500
Appraised Land Value (Bldg)	462,000
Special Land Value	0
Total Appraised Parcel Value	1,728,800
Valuation Method	C
Total Appraised Parcel Value	1,728,800

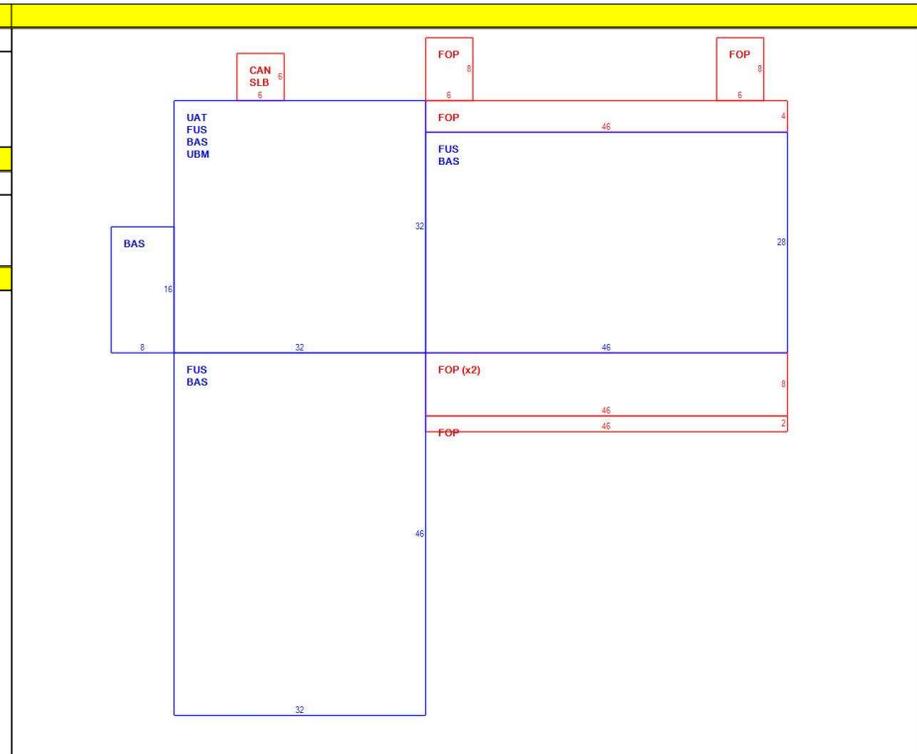
BUILDING PERMIT RECORD							VISIT / CHANGE HISTORY							
Permit Id	Issue Date	Type	Description	Amount	Insp Date	% Comp	Date Comp	Comments	Date	Id	Type	Is	Cd	Purpost/Result

LAND LINE VALUATION SECTION																
B	Use Code	Description	Zone	Frontage	Depth	Land Units	Unit Price	Size Ad	Site	Cond.	ST Idx	S.I. Adj.	Notes- Adj	Special Pricing	Adj Unit P	Land Value
9	3010	MOTELS	G1			0.000 AC	0	1.0000	0	1.00		1.000		0.0000	0	0
Total Card Land Units					0.000	AC	Parcel Total Land Area					3.8008	Total Land Value			462,000

CONSTRUCTION DETAIL			CONSTRUCTION DETAIL (CONTINUED)		
Element	Cd	Description	Element	Cd	Description
Style:	39	Inn/Motel			
Model	94	Commercial			
Grade	C-	C-			
Stories:	2				
Occupancy	3.00				
Residential Unit					
Exterior Wall 1	06	Board & Batten			
Exterior Wall 2	14	Wood Shingle			
Roof Structure	03	Gable/Hip			
Roof Cover	03	Asph/F Gls/Cmp			
Interior Wall 1	05	Drywall/Sheet			
Interior Wall 2					
Interior Floor 1	12	Hardwood			
Interior Floor 2	11	Ceram Clay Til			
Heating Fuel	03	Gas			
Heating Type	04	Forced Air-Duc			
AC Type	03	Central			
Bldg Use	3010	MOTELS			
Total Rooms					
Total Bedrms					
Total Baths					
Kitchen Grd					
Heat/AC	00	NONE			
Frame Type	02	WOOD FRAME			
Baths/Plumbing	02	AVERAGE			
Ceiling/Wall	06	CEIL & WALLS			
Rooms/Prtns	02	AVERAGE			
Wall Height	8.00				
% Conn Wall					
1st Floor Use:					

MIXED USE		
Code	Description	Percentage
3010	MOTELS	100
		0
		0

COST / MARKET VALUATION		
Adj. Base Rate		95.43
RCN		790,842
Year Built		2000
Effective Year Built		2003
Depreciation Code		A
Remodel Rating		
Year Remodeled		
Depreciation %		16
Functional Obsol		30
External Obsol		
Trend Factor		1
Condition		
Condition %		
Percent Good		54
RCNLD		427,100
Dep % Ovr		
Dep Ovr Comment		
Misc Imp Ovr		
Misc Imp Ovr Comment		
Cost to Cure Ovr		
Cost to Cure Ovr Comment		



OB - OUTBUILDING & YARD ITEMS(L) / XF - BUILDING EXTRA FEATURES(B)										
Code	Description	L/B	Units	Unit Price	Yr Blt	Cond	% Gd	Gr	Gr Adj	Appr. Value
FPL1	FIREPLACE 1 OPN	B	1	4100.00	2003	A	54	C	1.00	2,200
SPL7	INDOOR POOL	B	512	40.00	2003	A	54	C	1.00	11,100

BUILDING SUB-AREA SUMMARY SECTION							
Code	Description	Living Area	Floor Area	Eff Area	Unit Cost	Undeprec Value	
BAS	First Floor	3,912	3,912	3,912	95.43	373,328	
CAN	Canopy	0	36	7	18.56	668	
FOP	Porch, Open	0	1,108	277	23.86	26,435	
FUS	Upper Story, Finished	3,784	3,784	3,784	95.43	361,113	
SLB	Slab	0	36	0	0.00	0	
UAT	Attic	0	1,024	102	9.51	9,734	
UBM	Basement, Unfinished	0	1,024	205	19.10	19,563	
Ttl Gross Liv / Lease Area		7,696	10,924	8,287		790,841	

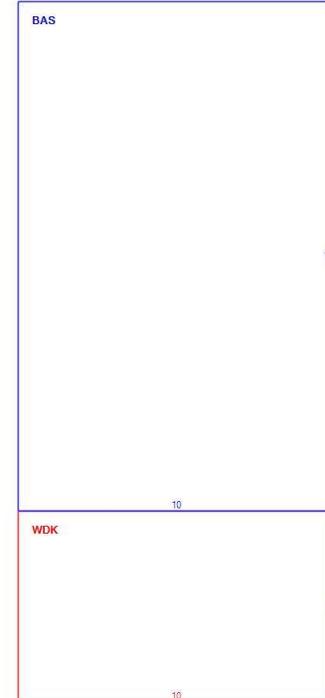


CURRENT OWNER		TOPO	UTILITIES	STRT / ROAD	LOCATION	CURRENT ASSESSMENT				2229  PORTSMOUTH, NH  <b>VISION</b>								
NAVEESHA HOSPITALITY LLC  440 BEDFORD ST  LEXINGTON MA 02420		1 Level	0 All Public	1 Paved		Description	Code	Appraised	Assessed									
				8 2+ Off-St PKG		COMMERC.	3010	1,251,300	1,251,300									
		<b>SUPPLEMENTAL DATA</b>				COM LAND	3010	462,000	462,000									
		Alt Prcl ID 0297-0006-0000-0000 OLDACTN 34570 PHOTO WARD PREC. 1/2 HSE GIS ID 36013		CONDO C INLAW Y/ LOT SPLIT 2015 Reval V JM Ex/Cr Appli  Assoc Pid#		COMMERC.	3010	15,500	15,500									
						Total		1,728,800	1,728,800									
RECORD OF OWNERSHIP		BK-VOL/PAGE	SALE DATE	Q/U	V/I	SALE PRICE	VC	PREVIOUS ASSESSMENTS (HISTORY)										
NAVEESHA HOSPITALITY LLC		5230	0888	07-18-2011	U	I	1,100,000	99	Year	Code	Assessed	Year	Code	Assessed				
WRENS NEST MOTEL CORP		2250	0509			0			2020	3010	1,251,300	2019	3010	1,251,300				
										3010	462,000		3010	462,000				
										3010	15,500		3010	15,500				
						Total		1728800	Total	1728800	Total	1728800	Total	1728800				
EXEMPTIONS			OTHER ASSESSMENTS				This signature acknowledges a visit by a Data Collector or Assessor											
Year	Code	Description	Amount	Code	Description	Number	Amount	Comm Int										
Total			0.00															
ASSESSING NEIGHBORHOOD											APPRAISED VALUE SUMMARY							
Nbhd	Nbhd Name	STREET INDEX NAME		Tracing			Batch				Appraised Bldg. Value (Card)		1,238,000					
302											Appraised Xf (B) Value (Bldg)		13,300					
											Appraised Ob (B) Value (Bldg)		15,500					
											Appraised Land Value (Bldg)		462,000					
											Special Land Value		0					
WRENS NEST MOTEL-33 UNITS CHESTNUTS RESTAURANT											Total Appraised Parcel Value		1,728,800					
											Valuation Method		C					
											Total Appraised Parcel Value		1,728,800					
BUILDING PERMIT RECORD											VISIT / CHANGE HISTORY							
Permit Id	Issue Date	Type	Description	Amount	Insp Date	% Comp	Date Comp	Comments			Date	Id	Type	Is	Cd	Purpost/Result		
LAND LINE VALUATION SECTION																		
B	Use Code	Description	Zone	Frontage	Depth	Land Units	Unit Price	Size Ad	Site	Cond.	ST Idx	S.I. Adj.	Notes- Adj		Special Pricing	Adj Unit P	Land Value	
10	3010	MOTELS	G1			0.000 AC	0	1.0000	0	1.00		1.000			0.0000	0	0	
Total Card Land Units					0.000	AC	Parcel Total Land Area					3.8008	Total Land Value					462,000

CONSTRUCTION DETAIL			CONSTRUCTION DETAIL (CONTINUED)		
Element	Cd	Description	Element	Cd	Description
Style:	39	Inn/Motel			
Model	94	Commercial			
Grade	C-	C-			
Stories:	1				
Occupancy	1.00				
Residential Unit					
Exterior Wall 1	14	Wood Shingle			
Exterior Wall 2					
Roof Structure	03	Gable/Hip			
Roof Cover	03	Asph/F Gls/Cmp			
Interior Wall 1	05	Drywall/Sheet			
Interior Wall 2					
Interior Floor 1	06	Inlaid Sht Gds			
Interior Floor 2					
Heating Fuel	04	Electric			
Heating Type	07	Electr Basebrd			
AC Type	04	Unit/AC			
Bldg Use	3010	MOTELS			
Total Rooms					
Total Bedrms					
Total Baths					
Kitchen Grd					
Heat/AC	00	NONE			
Frame Type	02	WOOD FRAME			
Baths/Plumbing	02	AVERAGE			
Ceiling/Wall	06	CEIL & WALLS			
Rooms/Prtns	02	AVERAGE			
Wall Height	8.00				
% Conn Wall					
1st Floor Use:					

MIXED USE		
Code	Description	Percentage
3010	MOTELS	100
		0
		0

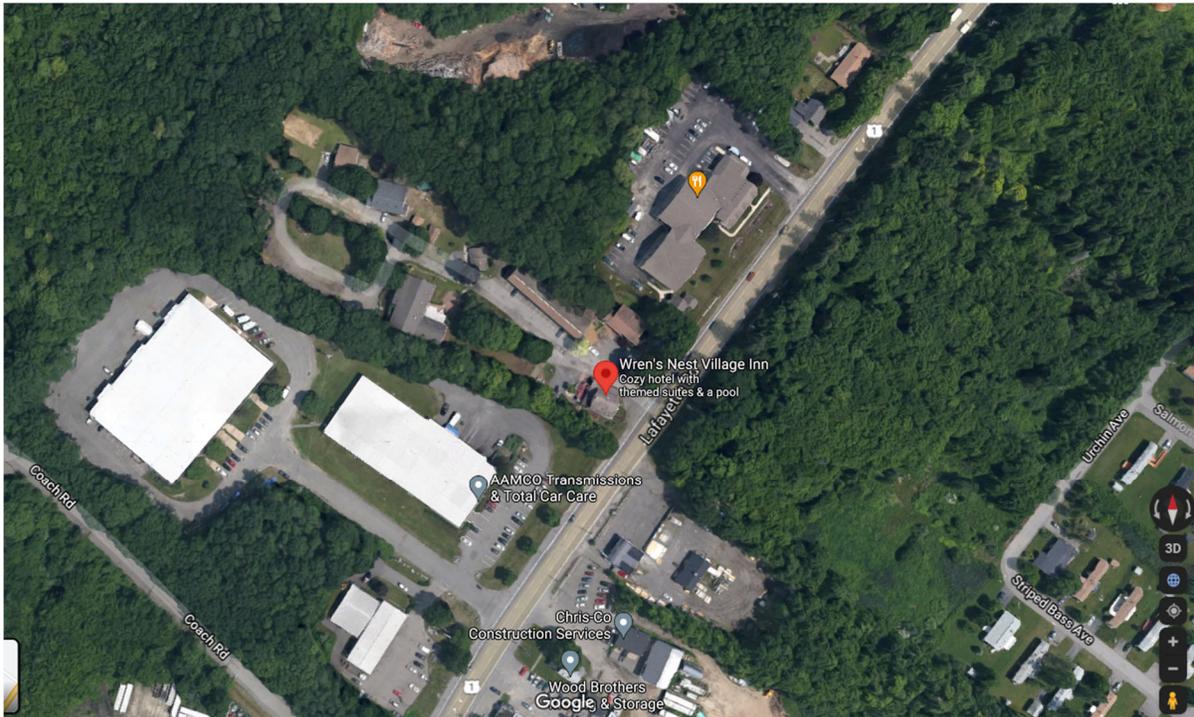
COST / MARKET VALUATION		
Adj. Base Rate		161.91
RCN		26,877
Year Built		1938
Effective Year Built		1983
Depreciation Code		A
Remodel Rating		
Year Remodeled		
Depreciation %		36
Functional Obsol		30
External Obsol		
Trend Factor		1
Condition		
Condition %		
Percent Good		34
RCNLD		9,100
Dep % Ovr		
Dep Ovr Comment		
Misc Imp Ovr		
Misc Imp Ovr Comment		
Cost to Cure Ovr		
Cost to Cure Ovr Comment		



OB - OUTBUILDING & YARD ITEMS(L) / XF - BUILDING EXTRA FEATURES(B)											
Code	Description	L/B	Units	Unit Price	Yr Blt	Cond	% Gd	Gr	Gr Adj	Appr. Value	

BUILDING SUB-AREA SUMMARY SECTION							
Code	Description	Living Area	Floor Area	Eff Area	Unit Cost	Undeprec Value	
BAS	First Floor	160	160	160	161.91	25,906	
WDK	Deck, Wood	0	60	6	16.19	971	
Ttl Gross Liv / Lease Area		160	220	166		26,877	





Aerial view of Property



Street view of Property



Existing Conditions – Building 1



Existing Conditions – Building 1



Existing Conditions – Building 2





Existing Conditions – Building 2



Existing Conditions – Building



Existing Conditions – Building 4



Existing Conditions – Buildings 4 and 5



Existing Conditions – Building 5



Existing Conditions – Building 5



Existing Conditions – Building 7



Existing Conditions – Building 8



Existing Conditions – Building 8

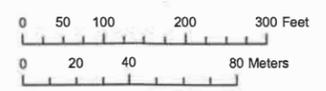


Existing Conditions – Cottages (to be removed)



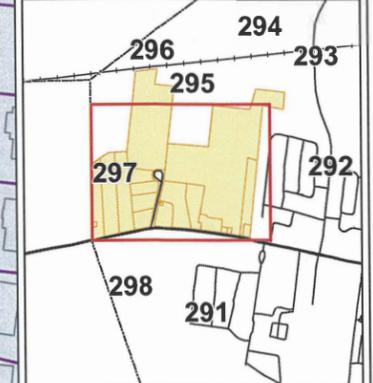
- Partial Legend**  
 See the cover sheet for the complete legend.
- 7-5A Lot or lot-unit number
  - 2.56 ac Parcel area in acres (ac) or square feet (sf)
  - 23 Address number
  - 233-137 Parcel number from a neighboring map
  - 68' Parcel line dimension
  - SIMS AVE Street name
  - Parcel/Parcel boundary
  - Parcel/ROW boundary
  - Water boundary
  - Structure (1994 data)
  - Parcel covered by this map
  - Parcel from a neighboring map (see other map for current status)

**EXHIBIT 5**

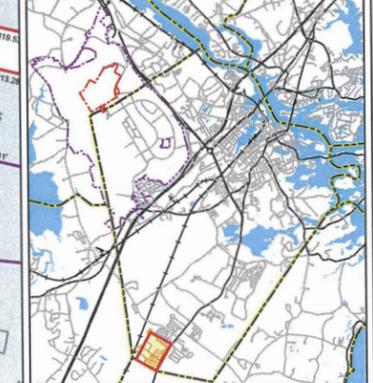


*This map is for assessment purposes only. It is not intended for legal description or conveyance. Parcels are mapped as of April 1. Building footprints are 2006 data and may not represent current structures. Streets appearing on this map may be paper (unbuilt) streets. Lot numbers take precedence over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

**Nearby Tax Maps**

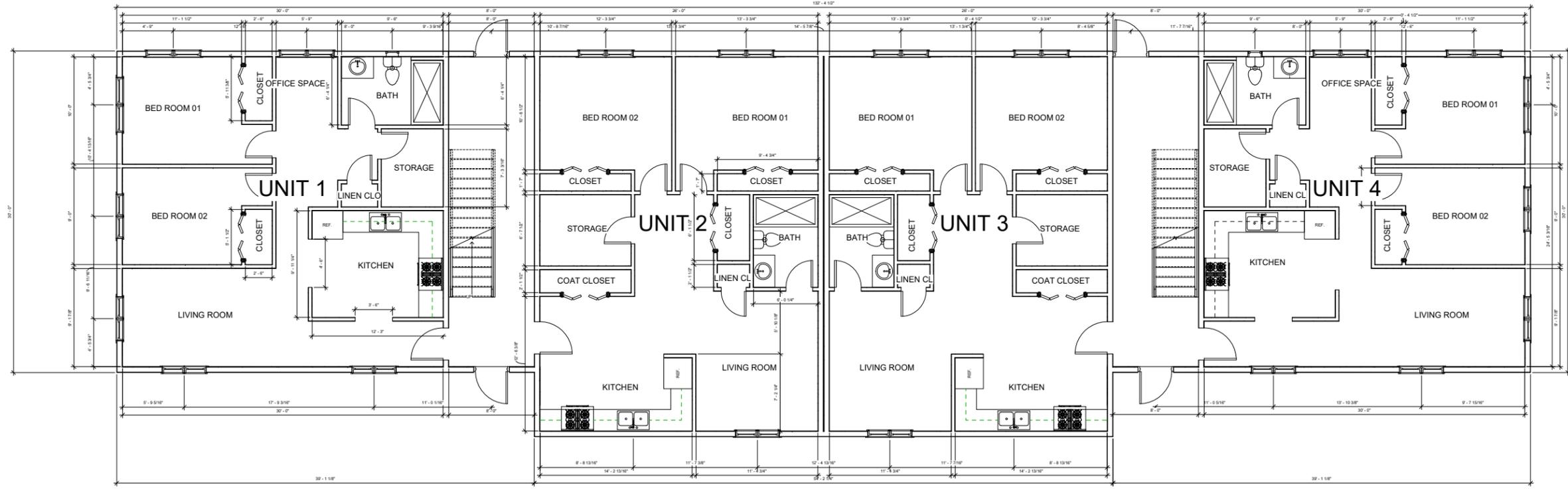


**Map Location**



Portsmouth, New Hampshire  
 2020  
**Tax Map 297**

PRELIMINARY ISSUE  
NOT FOR CONSTRUCTION



PRELIMINARY ISSUE  
NOT FOR CONSTRUCTION

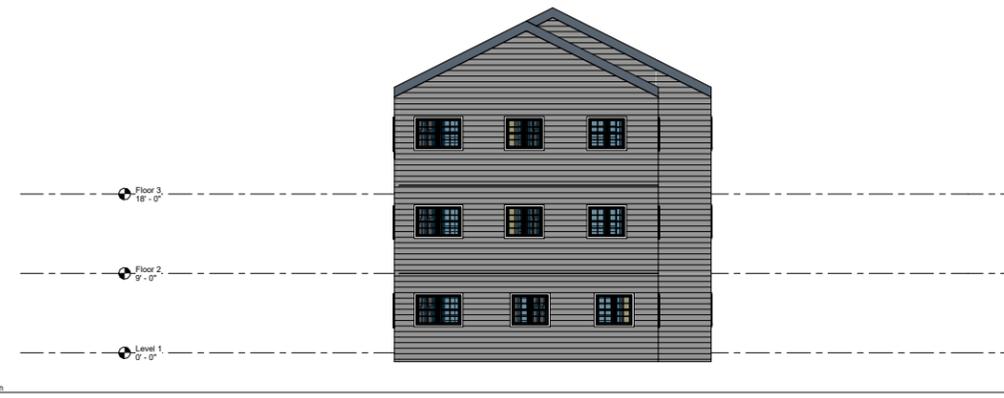




PRELIMINARY ISSUE  
NOT FOR CONSTRUCTION



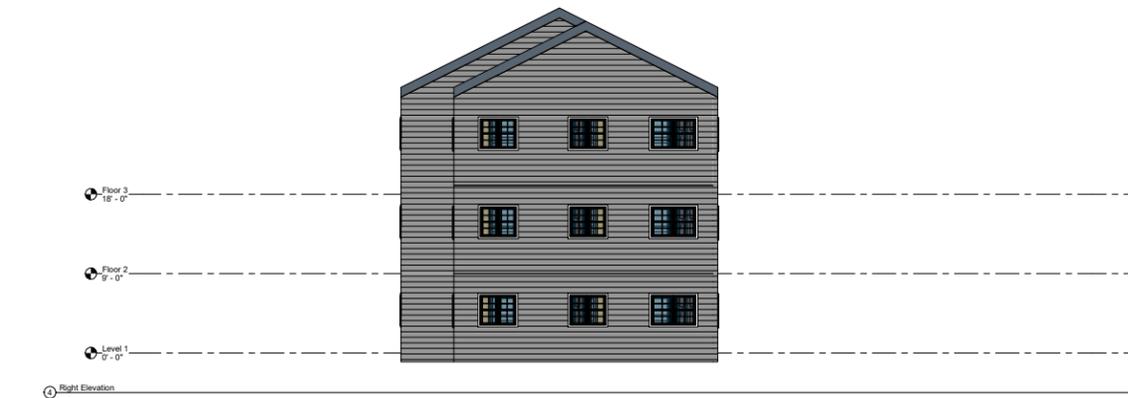
1 Front Elevation



1 Left Elevation



2 Back Elevation



2 Right Elevation

**APPLICATION OF LISA L. SHAWNEY, TRUSTEE of the EARLEEN M.  
FERNALD REVOCABLE TRUST  
901 MAPLEWOOD AVENUE, PORTSMOUTH  
Map 219, Lot 58**

**APPLICANT'S NARRATIVE**

**I. THE PROPERTY:**

The applicant, Lisa L. Shawney, Trustee, owns the single family residence located at 901 Maplewood Avenue. The land on which it sits has been in her family since for over 100 years. Ms. Shawney grew up in the home with her parents, and now desires to move her own family into the home, however, significant upgrades will be required to accommodate a modern family.

According to City tax records, the existing single family dwelling was built by the applicant's grandparents in 1930. The property is in the Single Residence B zone and is non-compliant with current dimensional standards for lot area, lot area per dwelling, building coverage, street frontage and front, rear and side yard setbacks.

The applicant proposes to add on to the existing modestly-sized dwelling in order to make certain necessary modifications and upgrades consistent with a modern residence. The proposal is to expand vertically within the existing footprint. An existing first story addition in the rear of the dwelling will be expanded to include a second story and existing dormers will be extended to the rear. Accordingly, the existing non-conformities will not be increased or exacerbated by the proposal. The total amount of living area to be added is just under 530 sq. feet.

The dwelling's existing right side yard setback at its closest point is 6 feet. The front yard setback is 26.5 feet; however, this dimension is not affected by this proposal. The rear yard setback at its closest point is 27.3 feet. The proposed addition will maintain these dimensions.

The existing lot area is just shy of 5,000 sq. feet and the building coverage is 23.4%. Frontage is 50 feet. While these dimensions are all non-compliant with the current ordinance, they are not impacted by this proposal.

The applicant therefore needs relief from Section 10.521 to permit a right side yard setback of 6 where 10 feet is required and a rear yard setback of 27.6 feet where 30 feet is required.

## 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 will not be altered by this project. The existing structure and lot are already non-compliant with rear and side yard setbacks, as are many of the properties in this neighborhood.

The use of the property as a single family residence will not change. 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 addition and improvements are entirely within the existing non-conforming footprint and do not increase the non-conforming setbacks at all. The home immediately adjacent to the right side dormer has few windows facing it, and will not suffer the loss of any privacy, light, air or access as a result.

The property to the rear is a large office condominium development with a substantial amount of undeveloped open space abutting the rear of the applicant’s property. The very minor additional volume added to the existing encroachment will not affect that property at all.

Accordingly, the loss to the applicant clearly outweighs any gain to the public if the applicant were required to conform to the ordinance.

**The values of surrounding properties will not be diminished by granting the variance.** The proposal will modernize and update a very modest existing dwelling 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 existing dwelling was constructed long before zoning requirements were imposed. The dwelling is oriented well to the east or right side of the property and is a relatively small structure on a small lot. A vertical expansion is the only possible addition to this structure that would not result in significantly increased non-conformities.

**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 between properties. None of these purposes are frustrated by this proposal. The proposed addition will be entirely within the existing footprint and will not negatively affect the neighboring properties on the right side or rear of the lot. The amount of additional square footage of living area here proposed is very modest and is 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: 4/13/2021

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

AUTHORIZATION  
901 MAPLEWOOD AVENUE, PORTSMOUTH  
Map 219, Lot 58

I, Lisa L. Shawney, Trustee of the Earleen M. Fernald Revocable Trust, owner of the above-referenced property in Portsmouth, New Hampshire, hereby authorize representatives of Bosen & Associates, PLLC and Market Square Architects to represent my interests before the Portsmouth land use boards and to submit any and all applications and materials related thereto on our behalf.

Date:

  
Lisa L. Shawney, Trustee

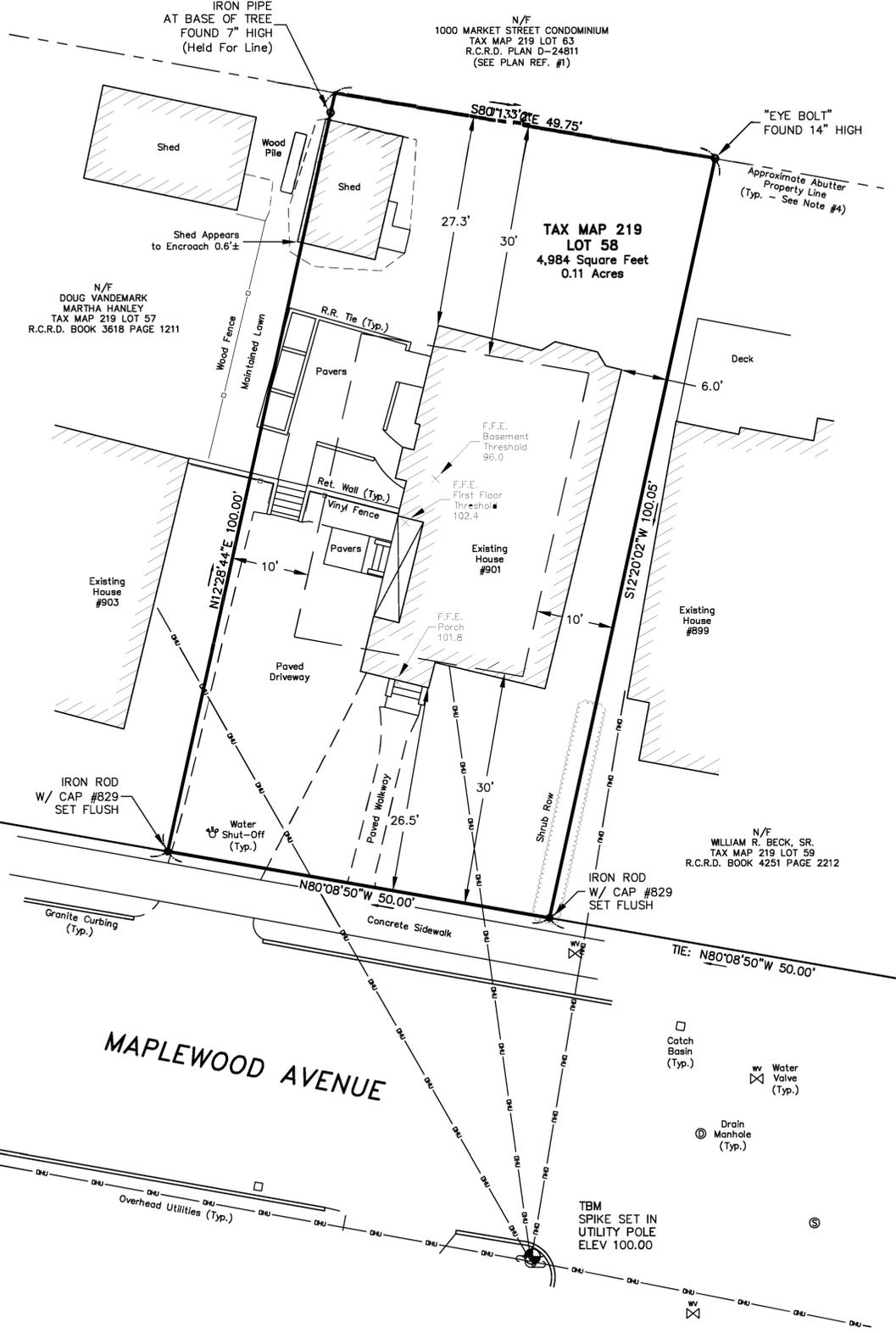
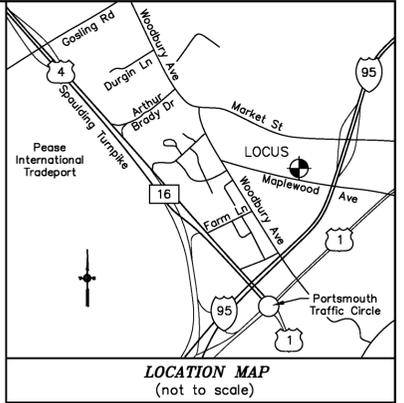


ZONING DATA PER CITY OF PORTSMOUTH ZONING ORDINANCE  
(LAST AMENDED JANUARY 11, 2021):

ZONE: Single Residence B (SRB)

REQUIREMENTS:

MINIMUM LOT AREA:	15,000 SQ. FT.
MINIMUM LOT AREA PER DWELLING UNIT:	15,000 SQ. FT.
MINIMUM CONTIGUOUS STREET FRONTAGE:	100 FT.
MINIMUM LOT DEPTH:	100 FT.
MINIMUM FRONT SETBACK:	30 FT.
MINIMUM SIDE SETBACK:	10 FT.
MINIMUM REAR SETBACK:	30 FT.
MAXIMUM STRUCTURE HEIGHT SLOPED ROOF:	35 FT.
MAXIMUM BUILDING COVERAGE:	20%
MINIMUM OPEN SPACE:	40%



**BUILDING COVERAGE CALCULATION:**

LOT AREA	4,984 SQ. FT.
HOUSE	1,010± SQ. FT.
SHED	158± SQ. FT.
TOTAL	1,168± SQ. FT. (23.4%)

**OPEN SPACE CALCULATION:**

LOT AREA	4,984 SQ. FT.
HOUSE	1,010± SQ. FT.
PAVEMENT	709± SQ. FT.
PAVERS	253± SQ. FT.
SHED	158± SQ. FT.
WALKWAY	75± SQ. FT.
STEPS	50± SQ. FT.
PORCH	45± SQ. FT.
R.R. TIES	29± SQ. FT.
RET. WALLS	15± SQ. FT.
TOTAL COVERAGE	2,329± SQ. FT. (46.7%)
TOTAL OPEN SPACE	2,655± SQ. FT. (53.3%)

**PLAN REFERENCES:**

- "CONDOMINIUM SITE PLAN FOR NINE SEVENTY SIX REALTY TRUST 1000 MARKET STREET COUNTY OF ROCKINGHAM PORTSMOUTH, NEW HAMPSHIRE" PREPARED BY RICHARD P. MILLETTE AND SOCIATES, LAST DATED JULY 30, 1996, AND RECORDED AT THE R.C.R.D. AS PLAN No. D-24811.
- "SKETCH PLAN OF 897 MAPLEWOOD AVENUE, PORTSMOUTH, NH FOR CHARLES A. HACKETT", PREPARED BY JAMES VERA ASSOCIATES, INC., DATED NOVEMBER 13, 1998, NOT RECORDED.

**NOTES:**

- OWNERS OF RECORD:  
TAX MAP 219 LOT 58  
EARLEEN M. FERNALD REVOCABLE TRUST  
EARLEEN M. FERNALD, TRUSTEE  
LISA L. SHAWNEY, TRUSTEE  
R.C.R.D. BOOK 5923 PAGE 1542  
DATED MAY 24, 2018
- TOTAL EXISTING PARCEL AREA:  
TAX MAP 219 LOT 58  
0.11 Acres
- BASIS OF BEARING IS PER PLAN REFERENCE #1.
- APPROXIMATE ABUTTER'S LINES SHOWN HEREON ARE FOR REFERENCE PURPOSES ONLY AND SHALL NOT BE RELIED UPON AS BOUNDARY INFORMATION.
- EASEMENTS OR OTHER UNWRITTEN RIGHTS MAY EXIST THAT ENCUMBER OR BENEFIT THE PROPERTY NOT SHOWN HEREON.
- ZONING INFORMATION AND SETBACKS SHOWN HEREON ARE FOR REFERENCE PURPOSES. CONFIRM CURRENT ZONING REQUIREMENTS WITH THE CITY OF PORTSMOUTH PRIOR TO DESIGN OR CONSTRUCTION.
- THE BOUNDARY SHOWN HEREON IS DETERMINED FROM WRITTEN RECORDS, FIELD EVIDENCE AND PAROL TESTIMONY RECOVERED AT THE TIME OF SURVEY AND MAY BE SUBJECT TO CHANGE IF OTHER EVIDENCE BECOMES AVAILABLE.

**PURPOSE OF PLAN:**

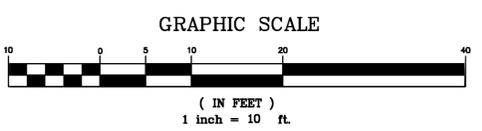
THE PURPOSE OF THIS PLAN IS TO SHOW EXISTING CONDITIONS FOR DESIGN PURPOSES. THIS PLAN IS NOT A STANDARD BOUNDARY SURVEY AND IS NOT INTENDED TO BE RECORDED, USED FOR CONVEYANCE, OR ANY OTHER TITLE PURPOSE.

**EXISTING CONDITIONS PLAN**

FOR PROPERTY AT  
**901 Maplewood Avenue**  
Portsmouth, Rockingham County, New Hampshire  
OWNED BY  
**Earleen M. Fernald Revocable Trust**  
Earleen M. Fernald, Trustee  
Lisa L. Shawney, Trustee  
901 Maplewood Avenue, Portsmouth, NH 03904



SURVEYORS IN N.H. & MAINE 191 STATE ROAD, SUITE #1  
(207) 439-6333 KITTERY, MAINE 03904

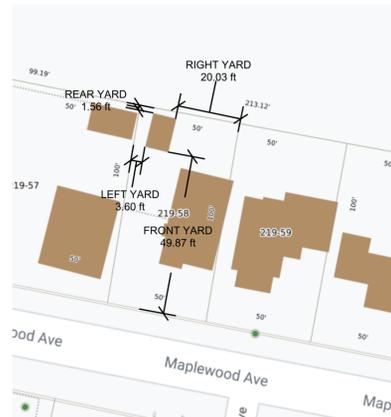


SCALE:	PROJECT NO.	DATE:	SHEET:	DRAWN BY:	CHECKED BY:
1" = 10'	21618	4/9/21	1 OF 1	A.H.P.	P.L.A.
DRAWING No: 21618 EXISTING CONDITIONS					
FIELD BOOK No: "Portsmouth #18"					
REV.	DATE	STATUS	BY	CHKD	APPD.

**Tax Map 219 Lot 58**



PAVING AREAS: DRIVEWAY, WALKWAY, PATIO



SHED DIMENSIONS TO LOT LINES

City of Portsmouth, NH

December 16, 2020



HOUSE DIMENSIONS TO LOT LINES

NOTE: ALL DIMENSIONS ARE APPROXIMATE AND BASED ON AVAILABLE CITY GIS DATA

MAX. BUILDING HEIGHT: 35'-0"

MIN. SETBACKS:

FRONT: 30'-0"

SIDE: 10'-0"

REAR: 30'-0"



**NOT FOR CONSTRUCTION**

**SHAWNEY RESIDENCE**

901 MAPLEWOOD AVE.  
PORTSMOUTH, NH 03801



**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.

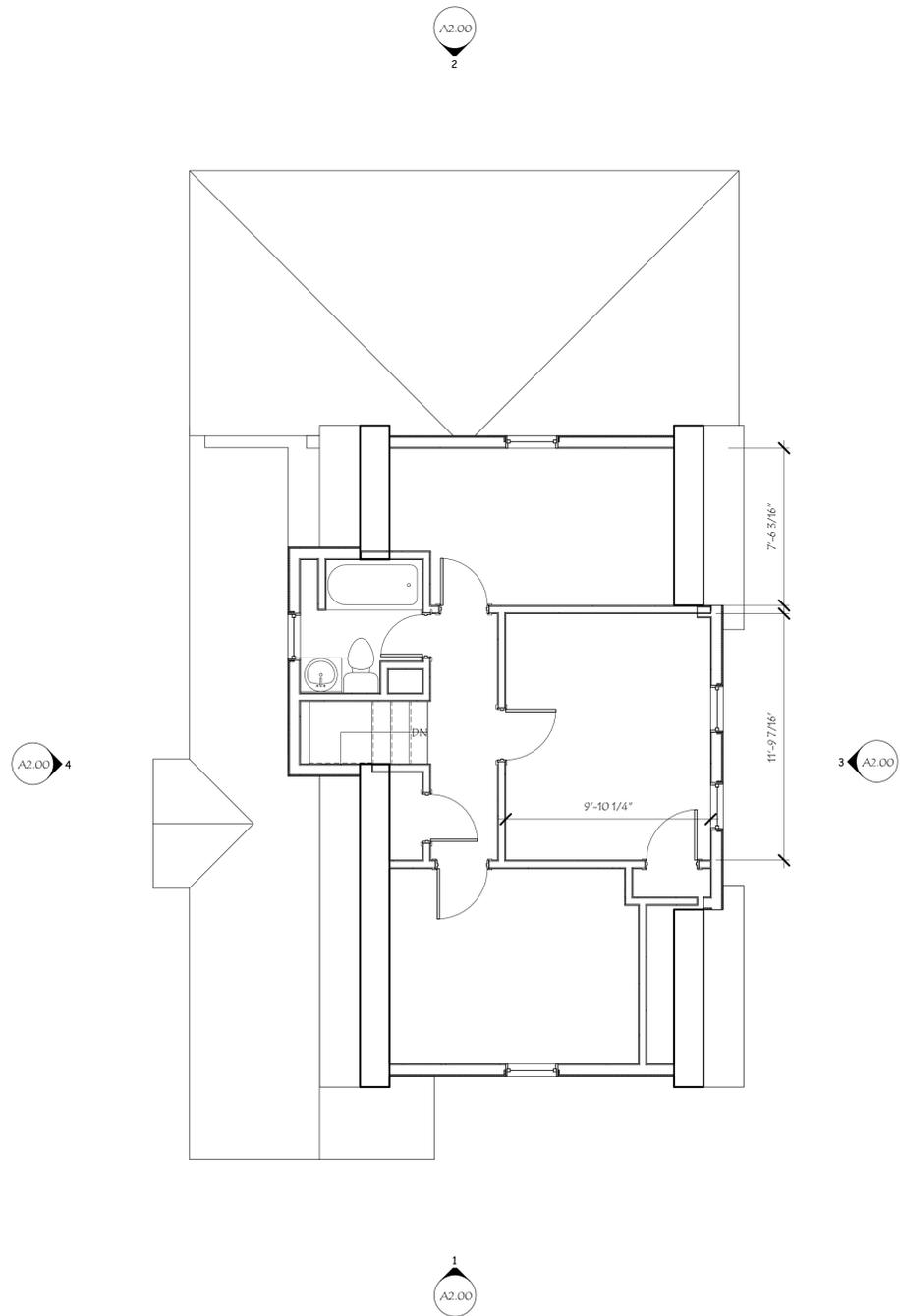
Geometry updated 4/1/2019  
Data updated 7/17/2019

Revisions:	Description	Date
#		

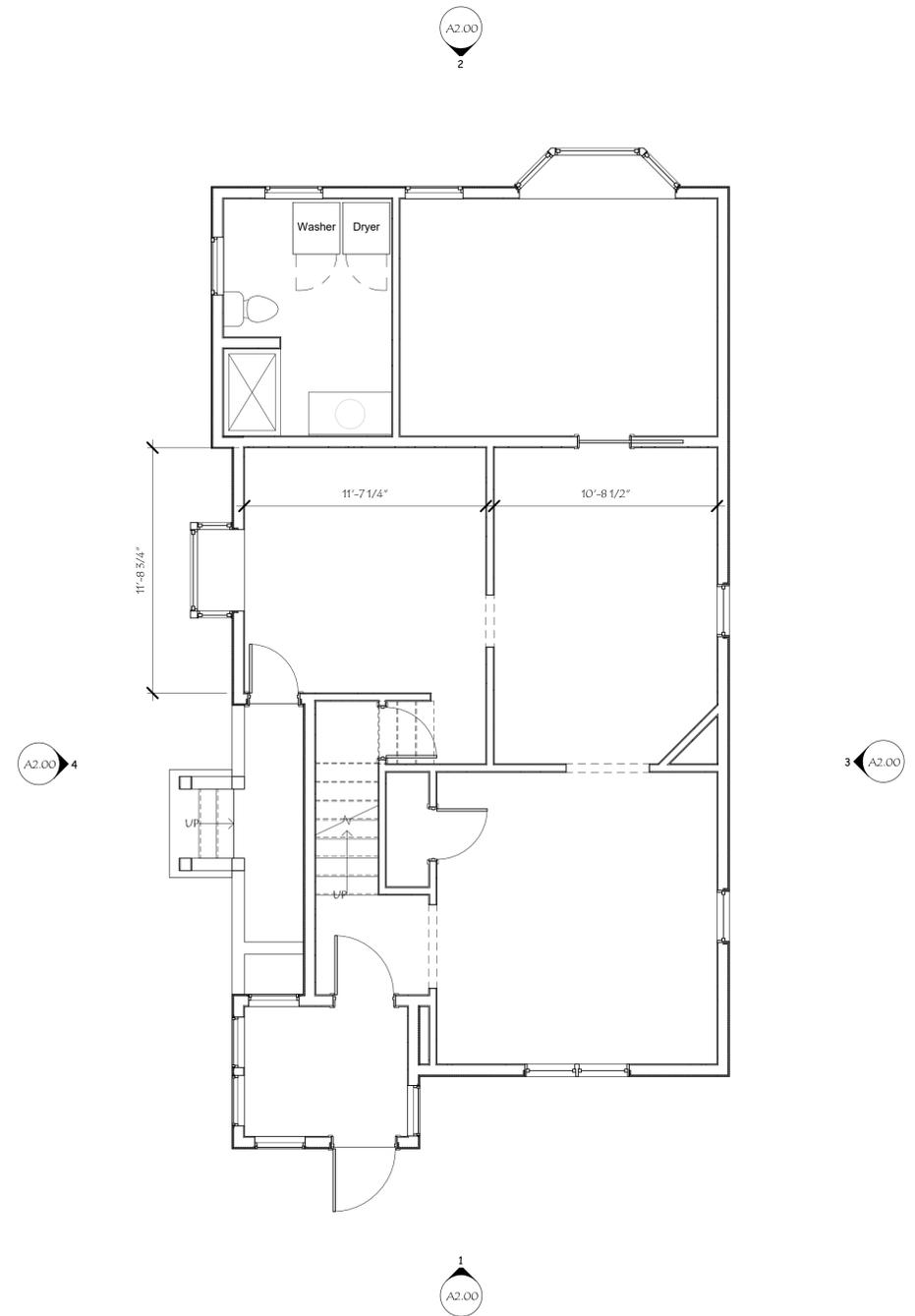
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Drawn By:		
Checked By:		
Project No.:	2020061	10/08/20
Date:		

Title:	SITE PLAN
Scale:	A1.00

2 Existing - 2nd Floor  
SCALE: 1/4" = 1'-0"



1 Existing - 1st Floor  
SCALE: 1/4" = 1'-0"



Title:  
EXISTING FLOOR  
PLANS

A1.01

Scale:	1/4" = 1'-0"
Drawn By:	ANR
Checked By:	RH
Project No.:	2020061
Date:	10/08/20

Revisions:	#	Description	Date

SHAWNEY RESIDENCE  
901 MAPLEWOOD AVE.  
PORTSMOUTH, NH 03801

**NOT FOR  
CONSTRUCTION**

GROSS FLOOR AREA  
 EXISTING 1st FLOOR: 1001.12 SF  
 EXISTING 2nd FLOOR: 528.98 SF  
 PROPOSED ADDITION @ 2nd FLOOR ONLY: 507.57 SF

TOTAL SF: 1837.67 SF

NOTE: PROPOSED ADDITION DOES NOT INCREASE  
 EXISTING FOOTPRINT, ONLY VERTICAL VOLUME



**NOT FOR  
 CONSTRUCTION**

**SHAWNEY RESIDENCE**

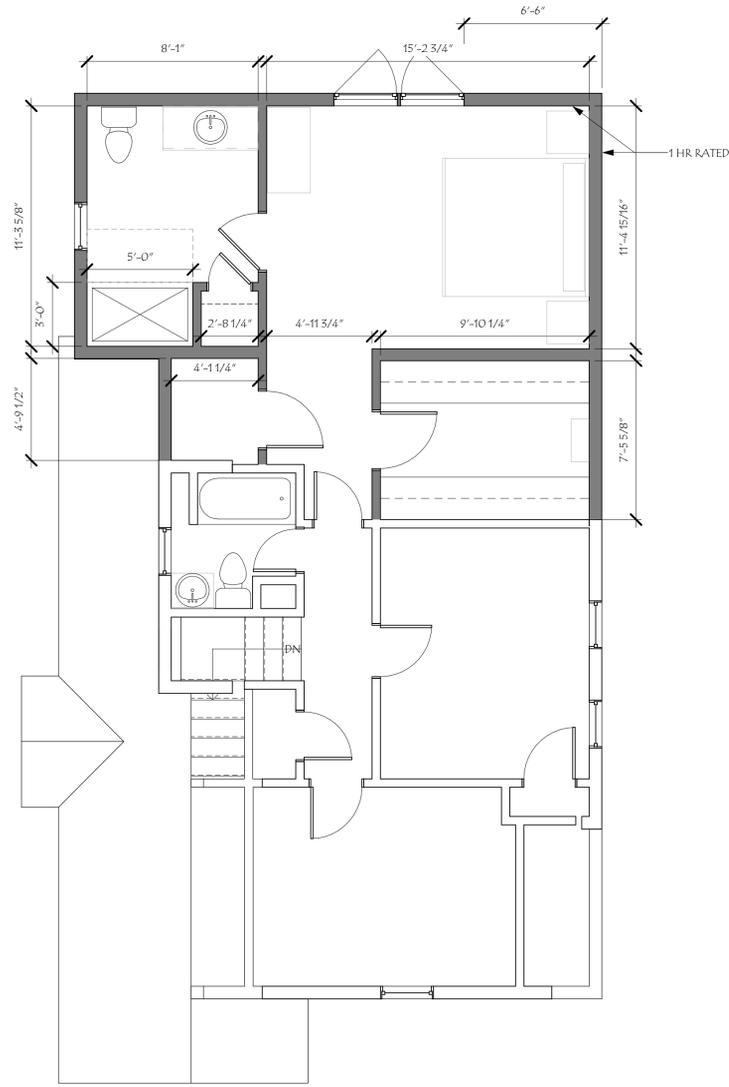
901 MAPLEWOOD AVE.  
 PORTSMOUTH, NH 03801

Revisions:	#	Description	Date

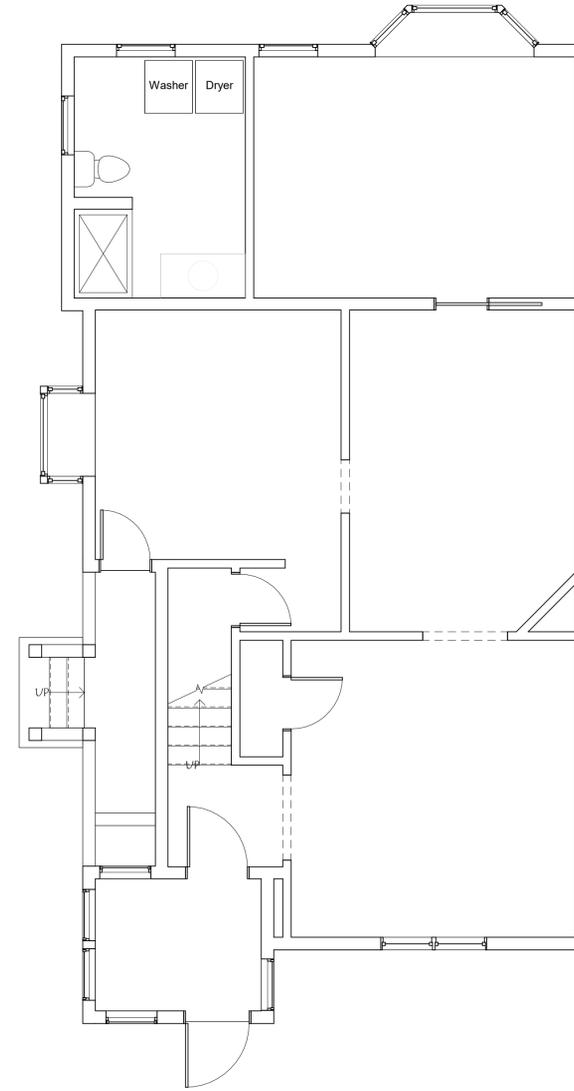
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Drawn By:	ANR
Checked By:	RH
Project No.:	2020061
Date:	10/08/20

Title:  
**PROPOSED FLOOR  
 PLANS**

**A1.02**

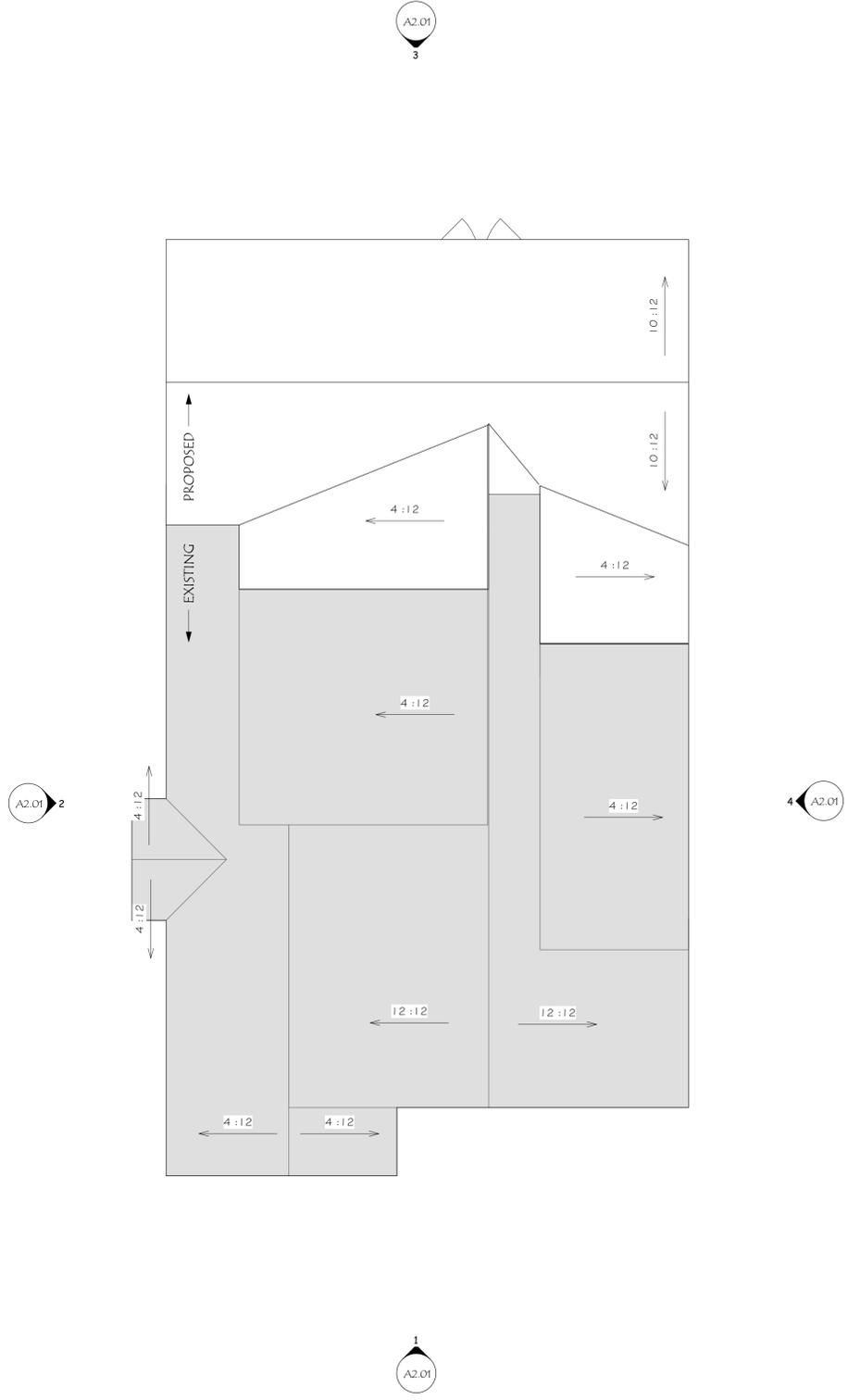


**2** PROPOSED - 2nd Floor  
 SCALE: 1/4" = 1'-0"



**1** 1st Floor  
 SCALE: 1/4" = 1'-0"

**1** PROPOSED - Roof Plan  
 SCALE: 1/4" = 1'-0"



Title:  
**OVERALL ROOF PLAN**

**A1.03**

Scale: 1/4" = 1'-0"  
 Drawn By: ANR  
 Checked By: Checker  
 Project No.: 2020061  
 Date: 05/06/20

Revisions:

#	Description	Date

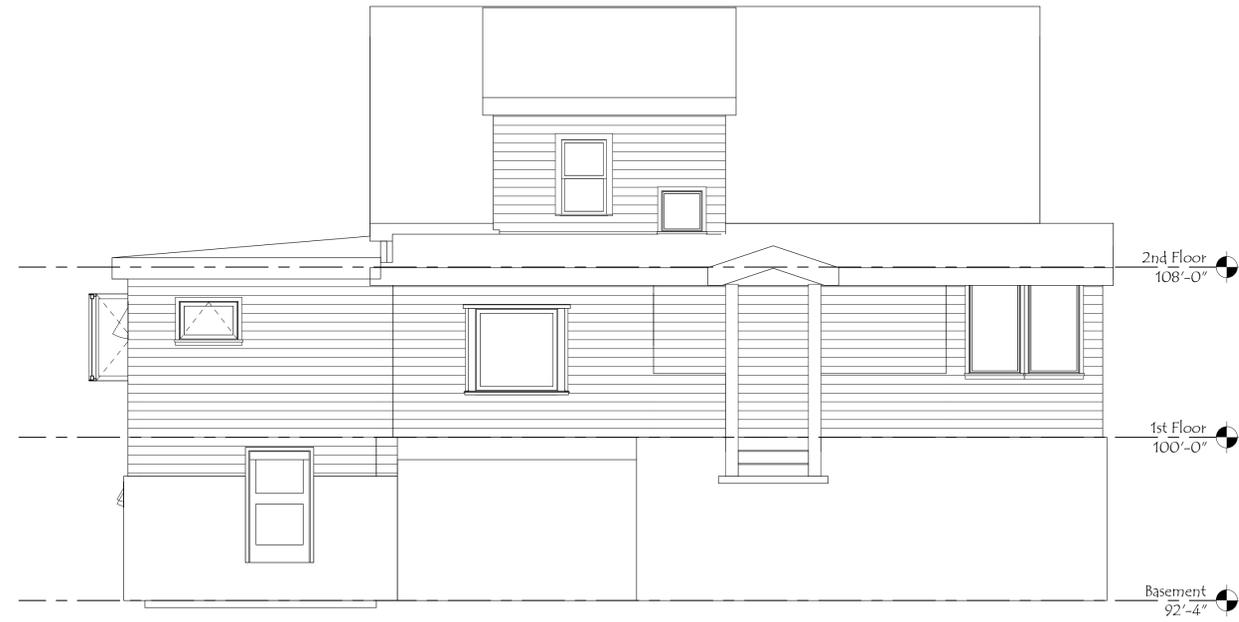
**SHAWNEY RESIDENCE**  
 901 MAPLEWOOD AVE.  
 PORTSMOUTH, NH 03801

**NOT FOR CONSTRUCTION**

**NOT FOR CONSTRUCTION**

**SHAWNEY RESIDENCE**

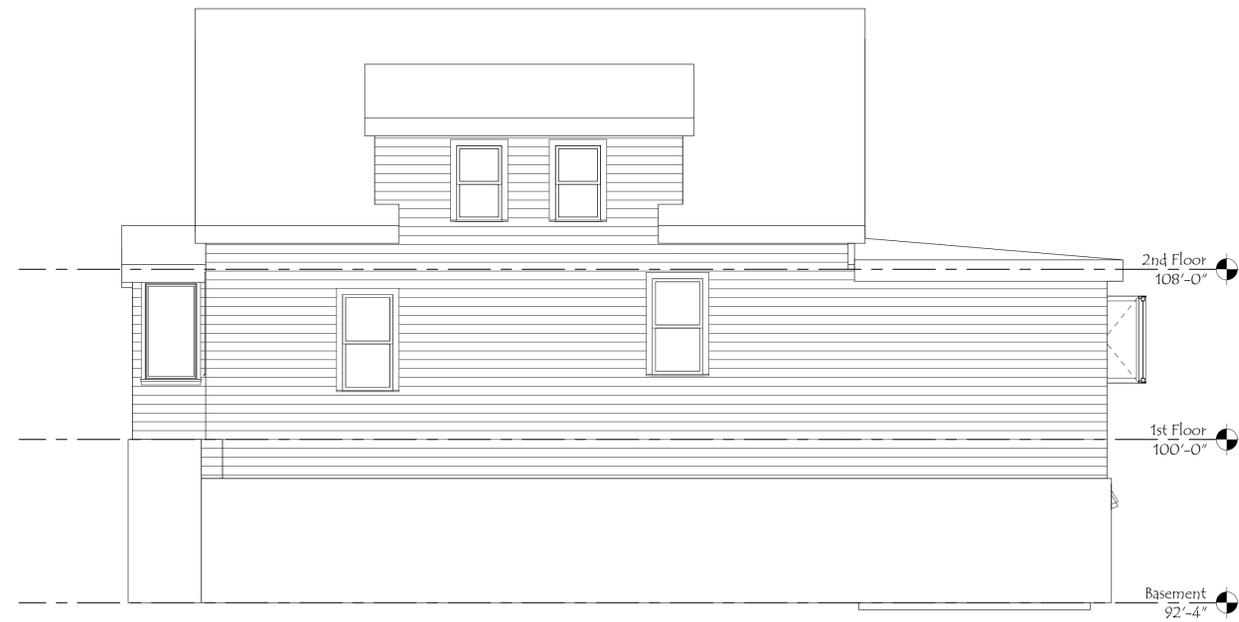
901 MAPLEWOOD AVE.  
 PORTSMOUTH, NH 03801



**4 Existing - West**  
 SCALE: 1/4" = 1'-0"



**2 Existing - North**  
 SCALE: 1/4" = 1'-0"



**3 Existing - East**  
 SCALE: 1/4" = 1'-0"



**1 Existing - South**  
 SCALE: 1/4" = 1'-0"

Revisions:	#	Description	Date

Scale:	1/4" = 1'-0"
Drawn By:	ANR
Checked By:	Checker
Project No.:	2020061
Date:	10/08/20

Title: **EXISTING EXTERIOR ELEVATIONS**

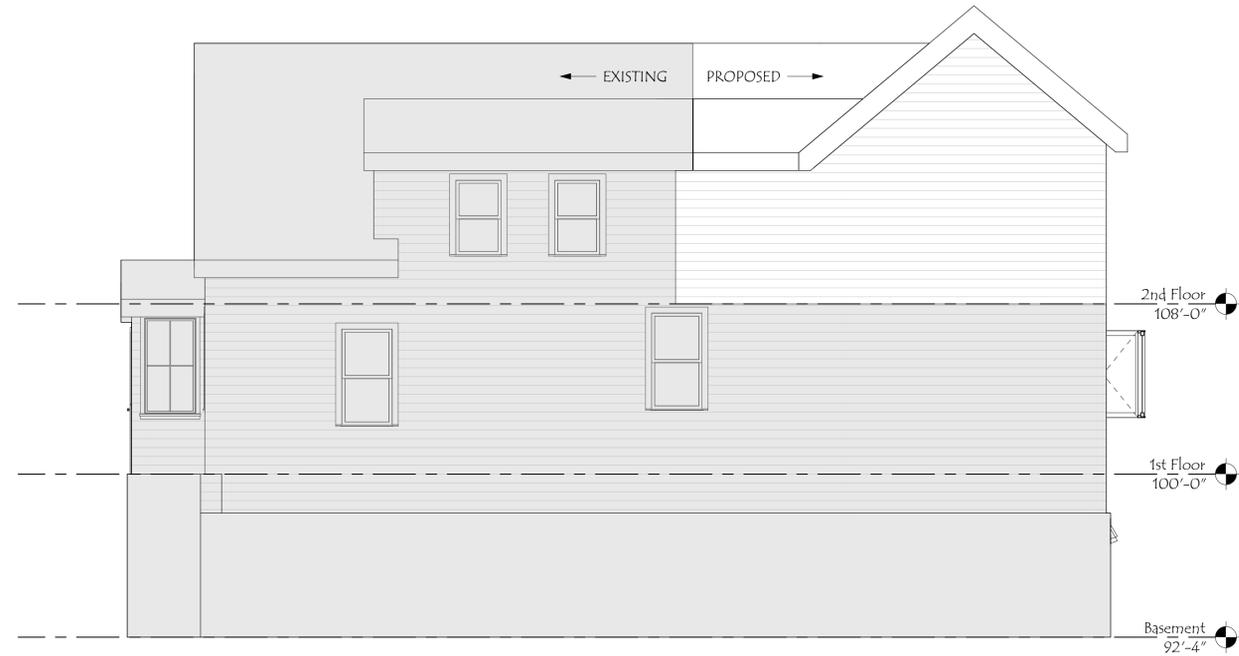
**A2.00**

© 2020 Market Square Architects 1/6/2021 10:01:52 AM

**NOT FOR CONSTRUCTION**

**SHAWNEY RESIDENCE**

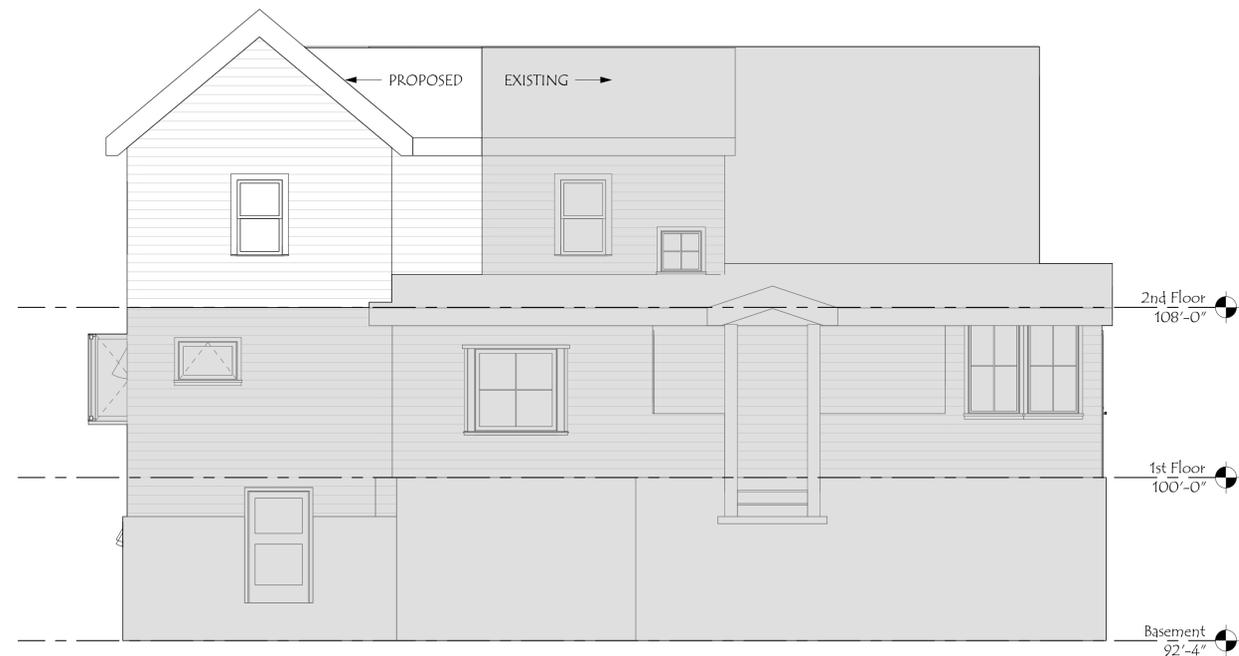
901 MAPLEWOOD AVE.  
 PORTSMOUTH, NH 03801



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



**3 North**  
 SCALE: 1/4" = 1'-0"



**2 West**  
 SCALE: 1/4" = 1'-0"



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

Revisions:	#	Description	Date

Scale:	1/4" = 1'-0"
Drawn By:	ANR
Checked By:	Checker
Project No.:	2020061
Date:	XX/XX/19

Title:	PROPOSED EXTERIOR ELEVATIONS
	<b>A2.01</b>

Front/side South/west



East side



Back of house - north facing

Back of house - north facing



West side

HOEFLE, PHOENIX, GORMLEY & ROBERTS, PLLC  
ATTORNEYS AT LAW

127 Parrott Avenue, P.O. Box 4480 | Portsmouth, NH, 03802-4480  
Telephone: 603.436.0666 | Facsimile: 603.431.0879 | www.hpgrlaw.com

May 26, 2021

**HAND DELIVERED**

Peter Stith, Principal Planner  
Kimberli Kienia, Administrative Assistant  
Portsmouth Zoning Board of Adjustment  
City Hall  
1 Junkins Avenue  
Portsmouth, NH 03801

Re: Zoning Relief  
Applicant: CPI Management, LLC  
Owner: Stone Creek Realty  
Property: 53 Green Street  
Tax Map 119, Lot 2  
Character District 5 (CD5)/Historic District/Downtown Overlay District/  
North End Incentive District

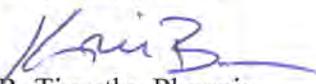
Dear Mr. Stith, Ms. Kienia and Zoning Board Members:

On behalf of Applicant, CPI Management, LLC, enclosed please find the following:

- See Viewpoint Land Use Application (LU-55) uploaded today.
- Owner's Authorization
- Memorandum in Support of Variance (original and 11 copies)

We look forward to presenting this the Zoning Board of Adjustment at its June, 2021 meeting.

Very truly yours,

  
R. Timothy Phoenix  
Kevin M. Baum

Encl.

cc: CPI Management, LLC  
Stone Creek Realty  
Tighe & Bond

---

DANIEL C. HOEFLE	R. PETER TAYLOR	GREGORY D. ROBBINS	DUNCAN A. EDGAR
R. TIMOTHY PHOENIX	JOHN AHLGREN	MONICA F. KIESER	OF COUNSEL:
LAWRENCE B. GORMLEY	KIMBERLY J.H. MEMMESHEIMER	SAMUEL HARKINSON	SAMUEL R. REID
STEPHEN H. ROBERTS	KEVIN M. BAUM	JACOB J.B. MARVELLEY	

MEMORANDUM

**TO:** Portsmouth Zoning Board of Adjustment (“ZBA”)  
**FROM:** R. Timothy Phoenix, Esquire  
Kevin M. Baum  
**DATE:** May 26, 2021  
**Re:** Applicant: CPI Management, LLC (“CPI”)  
Owner: Stone Creek Realty  
Property: 53 Green Street  
Tax Map 119, Lot 2  
Character District 5 (CD5)/Historic District/Downtown Overlay District  
North End Incentive Overlay District

Dear Chairman Rheume and Zoning Board members:

On behalf of Applicant CPI Management, LLC (“CPI”) and Owner Stone Creek Realty (“Stone Creek”), we are pleased to submit this memorandum and exhibits in support of a variance request for limited dimensional relief to permit mixed-use redevelopment of 53 Green Street.

**I. EXHIBITS**

1. Plan Set
  - 5/19/21 Proposed Mixed-Use Development Site Plan C-102.1- by Tighe & Bond
  - 5/20/21 Front Lot Line Buildout Exhibit- by Tighe & Bond
  - 5/19/21 Easement Plan- C-301- by Tighe & Bond
2. City of Portsmouth GIS map showing property and surrounding area.
3. Tax Map 119.
4. Site Photographs.
5. Site Renderings-by CJ Architects.<sup>1</sup>
  - 1.0 North Mill Pond View
  - 4.0 Green Street view
6. Floor Plans & Building Elevations-by EMBARC.<sup>1</sup>

**II. RELIEF REQUIRED**

**Portsmouth Zoning Ordinance (“PZO”) Article 5, §10.5A41.10D**- to provide 44.46 linear feet (42.89%) of front lot line buildout where 82.92 linear feet (80%) is required.

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<sup>1</sup> The submitted floor plans and building renderings are preliminary and provided for informational purposes. The final building design and layout are subject to modification as CPI completes the municipal review process for the project and subject to site conditions.

**III. PROPERTY/PROJECT**

53 Green street as proposed is a large 77,579 sq. ft. lot with a mere 103.66 linear feet of frontage. While located in the CD5 and Downtown Overlay Districts, it is at the far northerly edge, with a railroad track running along the entire Green Street frontage. Presently on the site is a large L-shaped commercial building(s) located extremely close to the front lot line, the site serviced by a driveway entrance and large open parking lot to the north and east of the building.

Presently the subject of Portsmouth Land Use Permit LU-55, the project calls for demolition of the existing improvements replaced with a new five-story mixed-use building containing 48 apartment units and a +/-2,281 sq. ft. first-floor commercial unit facing Green Street. The project will provide 88 parking spaces, 85 of which are interior. Access to the lot and parking is via a 24 foot wide driveway which will provide fire department required access to all sides of the building. In cooperation with the City of Portsmouth’s effort to provide a pedestrian/bicycle pathway (“pathway”) along the North Mill Pond, CPI has agreed to provide an approximately 20 foot wide landscaped pathway from Green Street along the southwesterly lot line, linking with the proposed pathway toward the North Mill Pond. Additionally, the city has requested and CPI has agreed to provide a 15 foot wide sewer easement beginning in the area of the access driveway, running to the northerly property boundary.

Thus far, the project has undergone the following review:

<u>Planning Board</u>	<u>TAC</u>	<u>Conservation Commission</u>	<u>HDC</u>
1/21/21 Preliminary Consult	2/9/21 Work Session 4/6/21 Meeting 5/4/21 Meeting 6/1/21 Meeting	2/10/21 Work Session 4/14/21 Meeting (unanimous approval)	2/10/21 Meeting 3/10/21 Meeting 4/14/21 Meeting 5/12/21 Meeting

Despite its very large size at 1.78 acres, the lot has but 103.66 linear feet of frontage on Green Street. The CD 5 zoning district requires lots to provide 80% buildout along the front lot line, here equal to 82.93 feet. It is impossible to provide the required front lot line buildout because the 24 foot wide access driveway must be deducted from the buildable area. Reduction of the driveway width alone requires a variance ( $103.66-24=79.66/103.66=76.85\%$ ). Providing the public access pathway, which also helps to address the HDC comments preferring less

massing on Green Street leaves +/-44.46 linear feet (42.89%) along Green Street available for front lot line buildout where 82.92 linear feet (80%) is required.

#### IV. VARIANCE REQUIREMENTS

1. The variances will not be contrary to the public interest.
2. The spirit of the ordinance is observed.

The first step in the ZBA's analysis is to determine whether granting a variance is not contrary to the public interest and is consistent with the spirit and intent of the ordinance, considered together pursuant to *Malachy Glen Associates, Inc. v. Town of Chichester*, 155 N.H. 102 (2007) and its progeny. Upon examination, it must be determined whether granting a variance "would unduly and to a marked degree conflict with the ordinance such that it violates the ordinance's basic zoning objectives." *Id.* "Mere conflict with the zoning ordinance is not enough." *Id.*

The purpose of the Portsmouth Zoning Ordinance as set forth in PZO §10.121 is "to promote the health, safety and the general welfare of Portsmouth and its region in accordance with the City of Portsmouth Master Plan... [by] regulating":

1. The use of land, buildings and structures for business, industrial, residential and other purposes – It is impossible to meet front lot line buildout requirements while providing the +/-24 foot wide driveway and sewer easement. Application of the pathway to and along the North Mill Pond, in furtherance of the City's efforts to provide public amenities consistent with the Master Plan further reduces available frontage for buildout. No structure can be erected on the site which meets the 80% front lot line buildout.
2. The intensity of land use, including lot sizes, building coverage, building height and bulk, yards and open space – The redevelopment of this very large lot at the edge of the CD5 district meets all zoning requirements except front lot line buildout. Thus, the intensity is in keeping with the zoning ordinance and Master Plan.
3. The design of facilities for vehicular access, circulation, parking and loading – The proposal with significant underground parking and emergency access meets this requirement.
4. The impacts on properties of outdoor lighting, noise, vibration, stormwater runoff and flooding – The variance from the front lot line buildout requirements will not negatively affect these impacts. The project is being fully vetted by the Portsmouth Planning Board which will deal with each of these issues.
5. The preservation and enhancement of the visual environment – The aesthetics of the site will be greatly enhanced via removal of the existing improvements and construction of the proposed five-story mixed-use building. This alone will enhance the visual environment. Moreover, the path to the North Mill Pond

- further enhances both the visual environment and use of property for public purposes.
6. The preservation of historic districts, and buildings and structures of historic or architectural interest – The project requires Historic District Commission review and approval.
  7. The protection of natural resources, including groundwater, surface water, wetlands, wildlife habitat and air quality – Front lot line buildout where relief has no negative effect.

Based upon the foregoing, none of the variances “in a marked degree conflict with the ordinance such that they violate the ordinance’s basic zoning objectives.” *Malachy Glen, supra*, which also held:

One way to ascertain whether granting the variance would violate basic zoning objectives is to examine whether it would alter the essential character of the locality.... Another approach to [determine] whether granting the variance violates basic zoning objectives is to examine whether granting the variance would threaten the public health, safety or welfare. (emphasis added)

The shortfall is caused exclusively by the requirement for a driveway that alone requires a front lot line buildout variance, and by CPI's effort to assist in providing the significant public benefit of a pedestrian/bicycle access from this location toward the North Mill Pond. The public is unlikely to notice that the front lot line buildout is short of the requirement. Clearly, granting this variance in order to provide a driveway for access/parking and public safety together with a pathway for the ultimate benefit of the public neither alters the essential character of the locality nor threatens the public health, safety or welfare.

**3. Granting the variance will not diminish surrounding property values.**

The existing rather pedestrian buildings and exposed parking will be removed in favor of a more aesthetically pleasing five-story mixed-use building with predominantly underground parking. The subject lot, together with the entire area will be further enhanced by the public-use pathway to the North Mill Pond. Combined, these factors clearly demonstrate that surrounding property values will not be negatively affected by granting this minor variance.

**4. Denial of the variances results in an unnecessary hardship.**

- a. Special conditions distinguish the property/project from others in the area.

The subject is a very large lot with a very short 103.66 feet of frontage on Green Street. A +/-24 foot wide access driveway is required for parking and emergency access around the building, reducing available front lot line buildout to less than the required 80% CPI further provides the public-use pathway, which further reduces the front lot line buildout frontage on Green Street. Additionally, CPI is providing for the benefit of the City a 15 foot wide sewer easement across the driveway entrance up to the northerly property line. These factors combine to create special conditions that distinguish the property from others in the area.

- b. No fair and substantial relationship exists between the general public purposes of the ordinance and its specific application in this instance.

Front lot line buildout requirements are intended to provide nearly block-length storefronts in the downtown area where many lots contain connected buildings. Here, the required 80% is unnecessary given the location of the building at the far edge of “downtown” with no connecting lots/buildings. The required driveway for parking and public safety as well as the significant public benefit provided by the pathway to the North Mill Pond, demonstrate that there is simply no reason to apply the strict requirements of the ordinance.

- c. The proposed use is reasonable.

If the use is permitted, it is deemed reasonable. Vigeant v. Hudson. The five-story mixed-use building is permitted. Thus the use is reasonable.

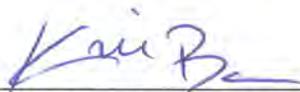
**5. Substantial justice will be done by granting the variance.**

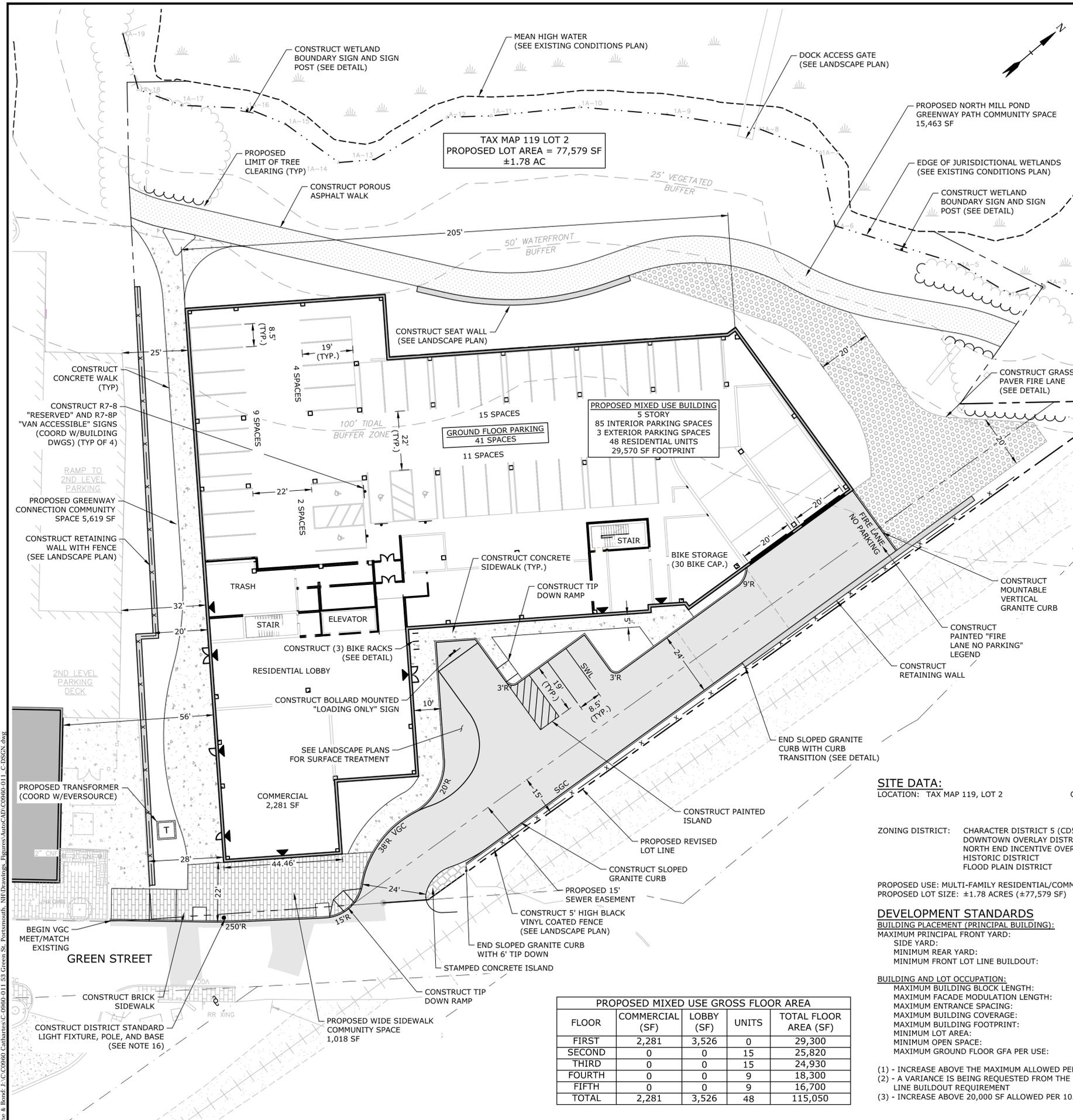
If “there is no benefit to the public that would outweigh the hardship to the applicant” this factor is satisfied. *Harborside Associates, L.P. v. Parade Residence Hotel, L.L.C.*, 162 N.H. 508 (2011). That is, “any loss to the [applicant] that is not outweighed by a gain to the general public is an injustice.” *Malachy Glen, supra* at 109. In providing a driveway access for parking and public safety, nothing can be built on the lot in compliance with the 80% front lot line buildout requirement. Relief is requested in order to construct a building. Additionally, here, the public will also be harmed greatly if the variance is denied via loss of the pathway. It is thus abundantly clear that substantial justice will be done by granting the variance while a substantial injustice will be done to the public if it is denied.

V. CONCLUSION

For all the reasons stated herein, CPI respectfully request that the Portsmouth Zoning Board of Adjustment grant the requested variance.

Respectfully submitted,  
CPI Management, LLC

By:   
\_\_\_\_\_  
R. Timothy Phoenix, Esquire  
Kevin M. Baum, Esquire



- SITE NOTES:**
1. STRIPE PARKING AREAS AS SHOWN, INCLUDING PARKING SPACES, STOP BARS, ADA SYMBOLS, PAINTED ISLANDS, CROSS WALKS, ARROWS, LEGENDS AND CENTERLINES SHALL BE THERMOPLASTIC MATERIAL. THERMOPLASTIC MATERIAL SHALL MEET THE REQUIREMENTS OF AASHTO M249. (ALL MARKINGS EXCEPT CENTERLINE AND MEDIAN ISLANDS TO BE CONSTRUCTED USING WHITE TRAFFIC PAINT. CENTERLINE AND MEDIAN ISLANDS TO BE CONSTRUCTED USING YELLOW TRAFFIC PAINT. ALL TRAFFIC PAINT SHALL MEET THE REQUIREMENTS OF AASHTO M248 TYPE "F").
  2. ALL PAVEMENT MARKINGS AND SIGNS TO CONFORM TO "MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES", "STANDARD ALPHABETS FOR HIGHWAY SIGNS AND PAVEMENT MARKINGS", AND THE AMERICANS WITH DISABILITIES ACT REQUIREMENTS, LATEST EDITIONS.
  3. SEE DETAILS FOR PARKING STALL MARKINGS, ADA SYMBOLS, SIGNS AND SIGN POSTS.
  4. CENTERLINES SHALL BE FOUR (4) INCH WIDE YELLOW LINES. STOP BARS SHALL BE EIGHTEEN (18) INCHES WIDE.
  5. PAINTED ISLANDS SHALL BE FOUR (4) INCH WIDE DIAGONAL LINES AT 3'-0" O.C. BORDERED BY FOUR (4) INCH WIDE LINES.
  6. THE CONTRACTOR SHALL EMPLOY A NEW HAMPSHIRE LICENSED LAND SURVEYOR TO DETERMINE ALL LINES AND GRADES.
  7. CLEAN AND COAT VERTICAL FACE OF EXISTING PAVEMENT AT SAW CUT LINE WITH RS-1 EMULSION IMMEDIATELY PRIOR TO PLACING NEW BITUMINOUS CONCRETE.
  8. ALL MATERIALS AND CONSTRUCTION SHALL CONFORM WITH APPLICABLE FEDERAL, STATE AND CITY CODES & SPECIFICATIONS.
  9. COORDINATE ALL WORK WITHIN PUBLIC RIGHT OF WAYS WITH THE CITY OF PORTSMOUTH.
  10. CONTRACTOR TO SUBMIT AS-BUILT PLANS ON REPRODUCIBLE MYLAR AND IN DIGITAL FORMAT (.DWG FILE) ON DISK TO THE OWNER AND ENGINEER UPON COMPLETION OF THE PROJECT. AS-BUILTS SHALL BE PREPARED AND CERTIFIED BY A NEW HAMPSHIRE LICENSED LAND SURVEYOR.
  11. SEE BUILDING DRAWINGS FOR ALL CONCRETE PADS & SIDEWALKS ADJACENT TO BUILDING.
  12. ALL WORK SHALL CONFORM TO THE CITY OF PORTSMOUTH DEPARTMENT OF PUBLIC WORKS, STANDARD SPECIFICATIONS.
  13. CONTRACTOR TO PROVIDE BACKFILL AND COMPACTION AT CURB LINE AFTER CONCRETE FORMS FOR SIDEWALKS AND PADS HAVE BEEN STRIPPED. COORDINATE WITH BUILDING CONTRACTOR.
  14. COORDINATE ALL WORK ADJACENT TO BUILDING WITH BUILDING CONTRACTOR.
  15. ALL DIMENSIONS ARE TO THE FACE OF CURB UNLESS OTHERWISE NOTED.
  16. THE STREET LIGHTING TYPE TO BE DISTRICT STYLE FIXTURE AND POLE TO MATCH EXISTING LIGHTING ON GREEN STREET.
  17. ALL CONDITIONS ON THIS PLAN SHALL REMAIN IN EFFECT IN PERPETUITY PURSUANT TO THE REQUIREMENTS OF THE SITE PLAN REVIEW REGULATIONS.
  18. THE APPLICANT SHALL HAVE A SITE SURVEY CONDUCTED BY A RADIO COMMUNICATIONS CARRIER APPROVED BY THE CITY'S COMMUNICATIONS DIVISION. THE RADIO COMMUNICATIONS CARRIER MUST BE FAMILIAR AND CONVERSANT WITH THE POLICE AND RADIO CONFIGURATION. IF THE SITE SURVEY INDICATES IT IS NECESSARY TO INSTALL A SIGNAL REPEATER EITHER ON OR NEAR THE PROPOSED PROJECT, THOSE COSTS SHALL BE THE RESPONSIBILITY OF THE PROPERTY OWNER. THE OWNER SHALL COORDINATE WITH THE SUPERVISOR OF RADIO COMMUNICATIONS FOR THE CITY.
  19. ALL TREES PLANTED ARE TO BE INSTALLED UNDER THE SUPERVISION OF THE CITY OF PORTSMOUTH DPW USING STANDARD INSTALLATION METHODS.
  20. THE APPLICANT SHALL PREPARE A CONSTRUCTION MITIGATION AND MANAGEMENT PLAN (CMMP) FOR REVIEW AND APPROVAL BY THE CITY'S LEGAL AND PLANNING DEPARTMENTS.
  21. A TEMPORARY SUPPORT OF EXCAVATION (SOE) PLAN SHALL BE PREPARED BY THE APPLICANT'S CONTRACTOR TO CONFIRM ANY TEMPORARY ENCUMBRANCES OF THE CITY'S RIGHT-OF-WAY. IF LICENSES ARE REQUIRED FOR THE SOE, THE APPLICANT WILL BE REQUIRED TO OBTAIN THESE FROM THE CITY PRIOR TO CONSTRUCTION.
  22. ALL EXCESS SNOW SHALL BE HAULED OFF-SITE IN ACCORDANCE TO ALL LOCAL AND STATE LAWS. PROPOSED SNOW STAGING AREAS HAVE BEEN PROVIDED TO SHOW TEMPORARY SNOW STORAGE AREAS.
  23. AREAS DESIGNATED FOR FIRE EMERGENCY ACCESS SHALL BE KEPT CLEAR OF SNOW.

- SITE RECORDING NOTES:**
1. THIS SITE PLAN SHALL BE RECORDED IN THE ROCKINGHAM COUNTY REGISTRY OF DEEDS.
  2. ALL IMPROVEMENTS SHOWN ON THIS SITE PLAN SHALL BE CONSTRUCTED AND MAINTAINED IN ACCORDANCE WITH THE PLAN BY THE PROPERTY OWNER AND ALL FUTURE PROPERTY OWNERS. NO CHANGES SHALL BE MADE TO THIS SITE PLAN WITHOUT THE EXPRESS APPROVAL OF THE PORTSMOUTH PLANNING DIRECTOR.
  3. THIS IS NOT A BOUNDARY SURVEY AND SHALL NOT BE USED AS SUCH.

**LEGEND**

[Symbol]	PROPERTY LINE	[Symbol]	PROPOSED POROUS PAVEMENT
[Symbol]	PROPOSED PROPERTY LINE	[Symbol]	PROPOSED PAVEMENT
[Symbol]	ABUTTER PROPERTY LINE	[Symbol]	PROPOSED GRASS PAVER FIRE LANE TYPICAL
[Symbol]	PROPOSED EASEMENT	[Symbol]	PROPOSED CURB RADIUS
[Symbol]	PROPOSED EDGE OF PAVEMENT	[Symbol]	PROPOSED VERTICAL GRANITE CURB
[Symbol]	PROPOSED CURB	[Symbol]	PROPOSED SLOPED GRANITE CURB
[Symbol]	PROPOSED BUILDING	[Symbol]	SOLID WHITE LINE CAPACITY
[Symbol]	PROPOSED BRICK SIDEWALK	[Symbol]	
[Symbol]	PROPOSED CONCRETE SIDEWALK	[Symbol]	
[Symbol]	PROPOSED STAMPED CONCRETE	[Symbol]	

**SITE DATA:**  
 LOCATION: TAX MAP 119, LOT 2  
 OWNER: STONE CREEK REALTY LLC  
 C/O DOUGLAS PINCIARO  
 PO BOX 121  
 NEW CASTLE, NH 03854

**ZONING DISTRICT:** CHARACTER DISTRICT 5 (CD5)  
 DOWNTOWN OVERLAY DISTRICT  
 NORTH END INCENTIVE OVERLAY DISTRICT  
 HISTORIC DISTRICT  
 FLOOD PLAIN DISTRICT

**PROPOSED USE:** MULTI-FAMILY RESIDENTIAL/COMMERCIAL  
 PROPOSED LOT SIZE: ±1.78 ACRES (±77,579 SF)

**BUILDING FORM (PRINCIPAL BUILDING):**

BUILDING HEIGHT:	REQUIRED 5 STORIES <sup>(3)</sup> 60 FT	PROPOSED 5 STORIES <60 FT
MAXIMUM FINISHED FLOOR SURFACE OF GROUND FLOOR ABOVE SIDEWALK GRADE:	36 IN	0 IN
MINIMUM GROUND STORY HEIGHT:	12 FT	>12 FT
MINIMUM SECOND STORY HEIGHT:	10 FT	>10 FT
FACADE GLAZING:	SHOP FRONT 20% - 50%	20% - 50%
ALLOWED ROOF TYPES	FLAT, GABLE, HIP, GAMBREL, MANSARD	FLAT

(3) - ADDITIONAL 1 STORY UP TO 10FT ALLOWED FOR PROVIDING AT LEAST 20% OF THE SITE TO BE ASSIGNED AS COMMUNITY SPACE PER 10.5A46.10.

**DEVELOPMENT STANDARDS**

**BUILDING PLACEMENT (PRINCIPAL BUILDING):**

REQUIRED	PROPOSED
5 FT	16 FT <sup>(1)</sup>
NR	
5 FT	>5 FT
80%	42.9% <sup>(2)</sup>

**BUILDING AND LOT OCCUPATION:**

REQUIRED	PROPOSED
225 FT	205 FT
100 FT	<100 FT
50 FT	<50 FT
95%	38%
30,000 SF <sup>(3)</sup>	29,570 SF
NR	
5%	35%
15,000 SF	5,500 SF

**COMMUNITY SPACE:**

REQUIRED 20%	PROPOSED 28.5%
15,516 SF	22,100 SF

**PARKING REQUIREMENTS**

RESIDENTIAL UNITS (>750 SF)	48 UNITS x 1.3 SPACES	63 SPACES
VISITOR SPACES	1 SPACE / 5 UNITS	10 SPACES
DOWNTOWN OVERLAY DISTRICT		4 SPACES
TOTAL MINIMUM PARKING SPACES REQUIRED =		69 SPACES

**PARKING SPACES:**

REQUIRED 69 SPACES	PROPOSED 88 SPACES
4 SPACES	4 SPACES

**ADA PARKING SPACES:**

REQUIRED 4 SPACES	PROPOSED 4 SPACES
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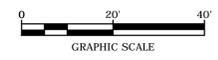
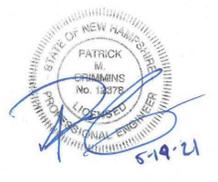
**PROPOSED MIXED USE GROSS FLOOR AREA**

FLOOR	COMMERCIAL (SF)	LOBBY (SF)	UNITS	TOTAL FLOOR AREA (SF)
FIRST	2,281	3,526	0	29,300
SECOND	0	0	15	25,820
THIRD	0	0	15	24,930
FOURTH	0	0	9	18,300
FIFTH	0	0	9	16,700
TOTAL	2,281	3,526	48	115,050

- (1) - INCREASE ABOVE THE MAXIMUM ALLOWED PER 10.5A42.12
- (2) - A VARIANCE IS BEING REQUESTED FROM THE ZONING BOARD FROM THE FRONT LOT LINE BUILDOUT REQUIREMENT
- (3) - INCREASE ABOVE 20,000 SF ALLOWED PER 10.5A43.42

**BICYCLE SPACES**

REQUIRED 1 BICYCLE SPACE / 10 PARKING SPACES:	PROPOSED 10 SPACES
*INDOOR BIKE STORAGE WILL BE PROVIDED THAT MEETS OR EXCEEDS REQUIRED.	30 SPACES



Proposed Mixed Use Development

CPI Management, LLC

53 Green Street  
 Portsmouth, NH

MARK	DATE	DESCRIPTION
D	5/19/2021	TAC Resubmission
C	4/21/2021	TAC Resubmission
B	3/22/2021	TAC & CC Submission
A	1/27/2021	CC Work Session

PROJECT NO:	C0960-011
DATE:	January 27, 2021
FILE:	C0960-011_C-DSGN.DWG
DRAWN BY:	AFS
CHECKED:	NAH/PMC
APPROVED:	BLM

SITE PLAN

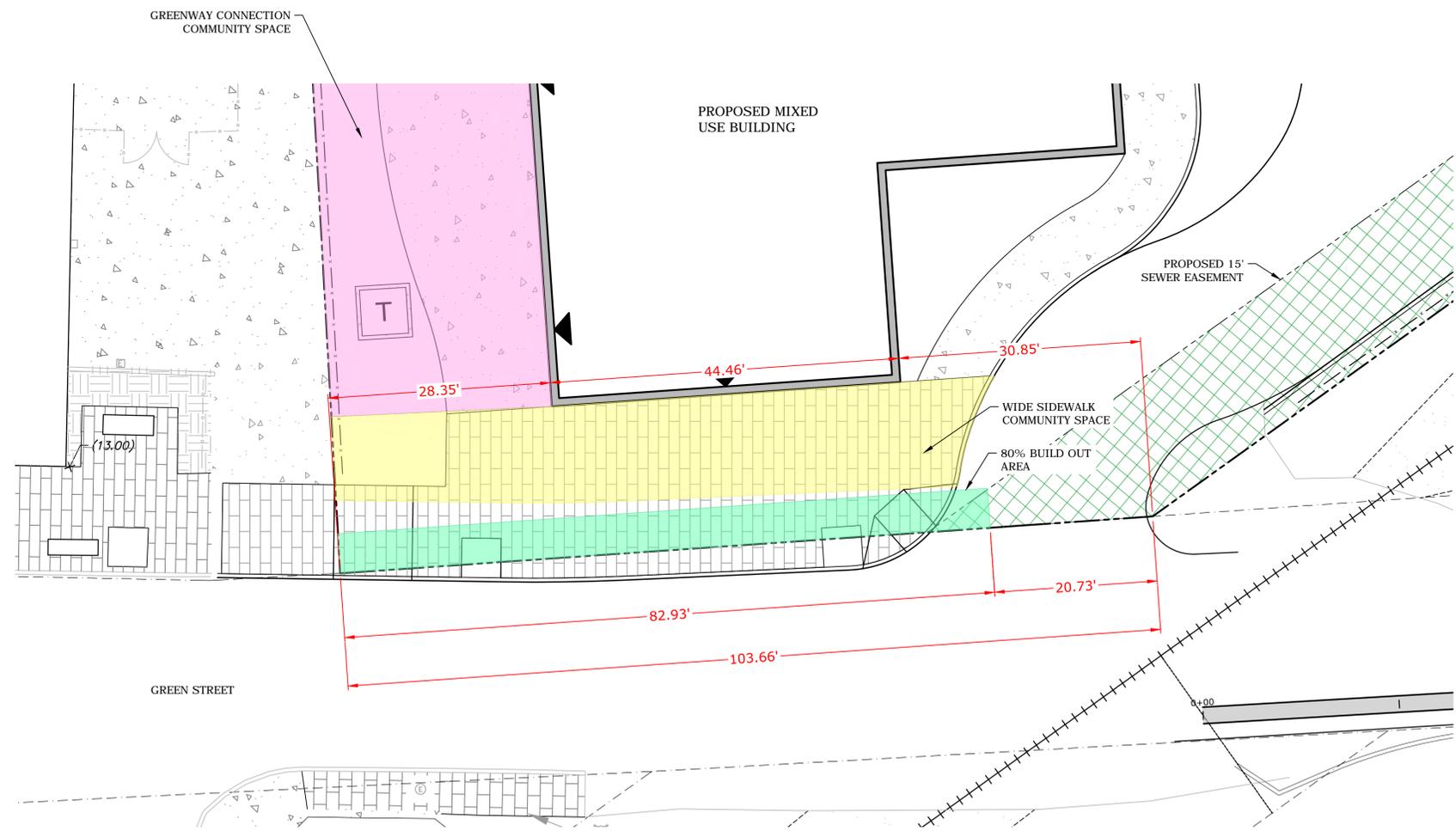
SCALE: AS SHOWN

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 Plotted On: May 19, 2021 10:21:10 AM  
 Title: Tighe & Bond - C:\C0960-011\_33 Green St - Portsmouth, NH Drawings - Figures\AutoCAD\C0960-011\_C-DSGN.dwg

**PROPOSED MIXED USE DEVELOPMENT  
53 GREEN STREET  
PORTSMOUTH, NEW HAMPSHIRE**

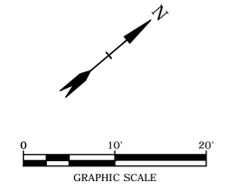
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**FRONT LOT LINE BUILD OUT EXHIBIT**

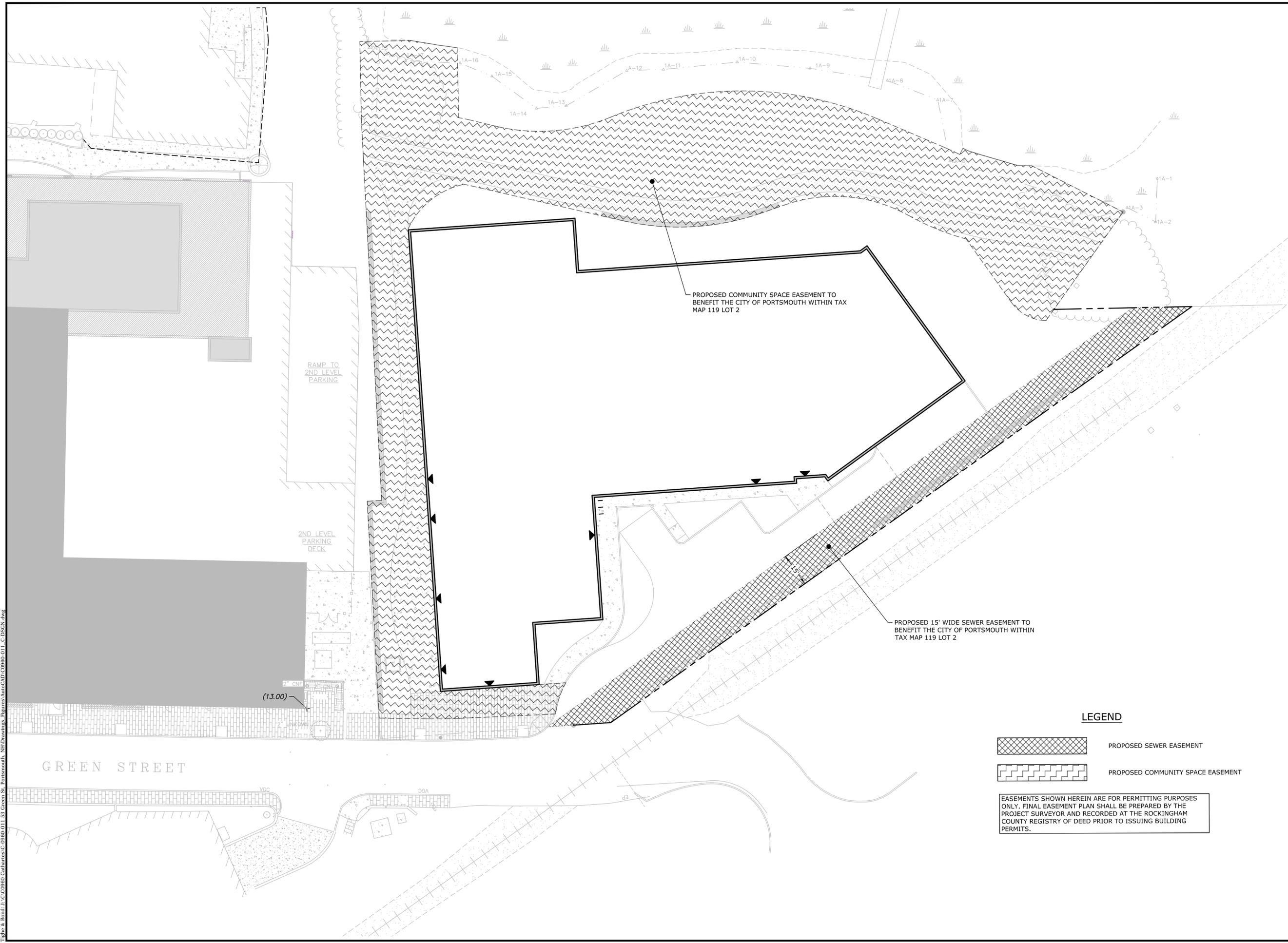
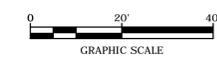


FRONT LOT LINE BUILD OUT:	REQUIRED	PROVIDED
FRONT LOT LINE = 103.66 FT * 80%	80% 82.93 FT	
GATEWAY CONNECTION COMMUNITY SPACE = 28.07 FT ENTRANCE DRIVEWAY & WIDE SIDEWALK = 30.85 FT		
EFFECTIVE FRONT LOT LINE = (103.66 FT - 28.35 FT - 30.85 FT) = 44.46 FT	80% 35.57 FT	100% 44.46 FT

Last Save Date: May 20, 2021 10:07 AM By: NAHANSEN  
 Plot Date: Thursday, May 20, 2021 Plotted By: Neil A. Hansen  
 T&B File Location: J:\C0960\011\_C-FIGS.dwg Layout Tab: FRONT LOT LINE



**Tighe & Bond**



PROPOSED COMMUNITY SPACE EASEMENT TO BENEFIT THE CITY OF PORTSMOUTH WITHIN TAX MAP 119 LOT 2

PROPOSED 15' WIDE SEWER EASEMENT TO BENEFIT THE CITY OF PORTSMOUTH WITHIN TAX MAP 119 LOT 2

**LEGEND**

- PROPOSED SEWER EASEMENT
- PROPOSED COMMUNITY SPACE EASEMENT

EASEMENTS SHOWN HEREIN ARE FOR PERMITTING PURPOSES ONLY. FINAL EASEMENT PLAN SHALL BE PREPARED BY THE PROJECT SURVEYOR AND RECORDED AT THE ROCKINGHAM COUNTY REGISTRY OF DEED PRIOR TO ISSUING BUILDING PERMITS.

**Proposed Mixed Use Development**

**CPI Management, LLC**

53 Green Street  
Portsmouth, NH

MARK	DATE	DESCRIPTION
D	5/19/2021	TAC Resubmission
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FILE:	C0960-011_C-DSGN.DWG
DRAWN BY:	AFS
CHECKED:	NAH/PMC
APPROVED:	BLM

**EASEMENT PLAN**

SCALE: AS SHOWN

**C-301**

Last Saved: 5/19/2021 10:35am By: N.Hansman  
 Plotted On: May 19, 2021 10:35am  
 Tighe & Bond, Inc. 53 Green St. Portsmouth, NH  
 Figures: AutoCAD, C:\0960-011\_C-DSGN.dwg

# EXHIBIT 2



**Property Information**  
**Property ID** 0119-0002-0000  
**Location** 53 GREEN ST  
**Owner** STONE CREEK REALTY LLC



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

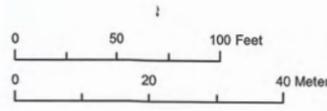
City of Portsmouth, NH makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

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

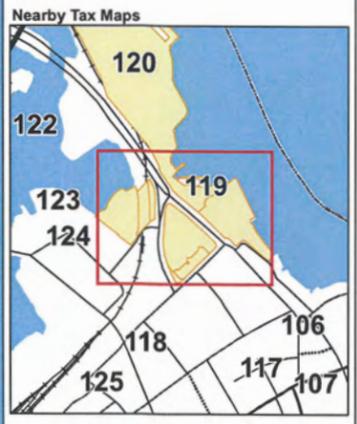
Print map scale is approximate. Critical layout or measurement activities should not be done using this resource.



- 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
  - 66' Parcel line dimension
  - 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.*



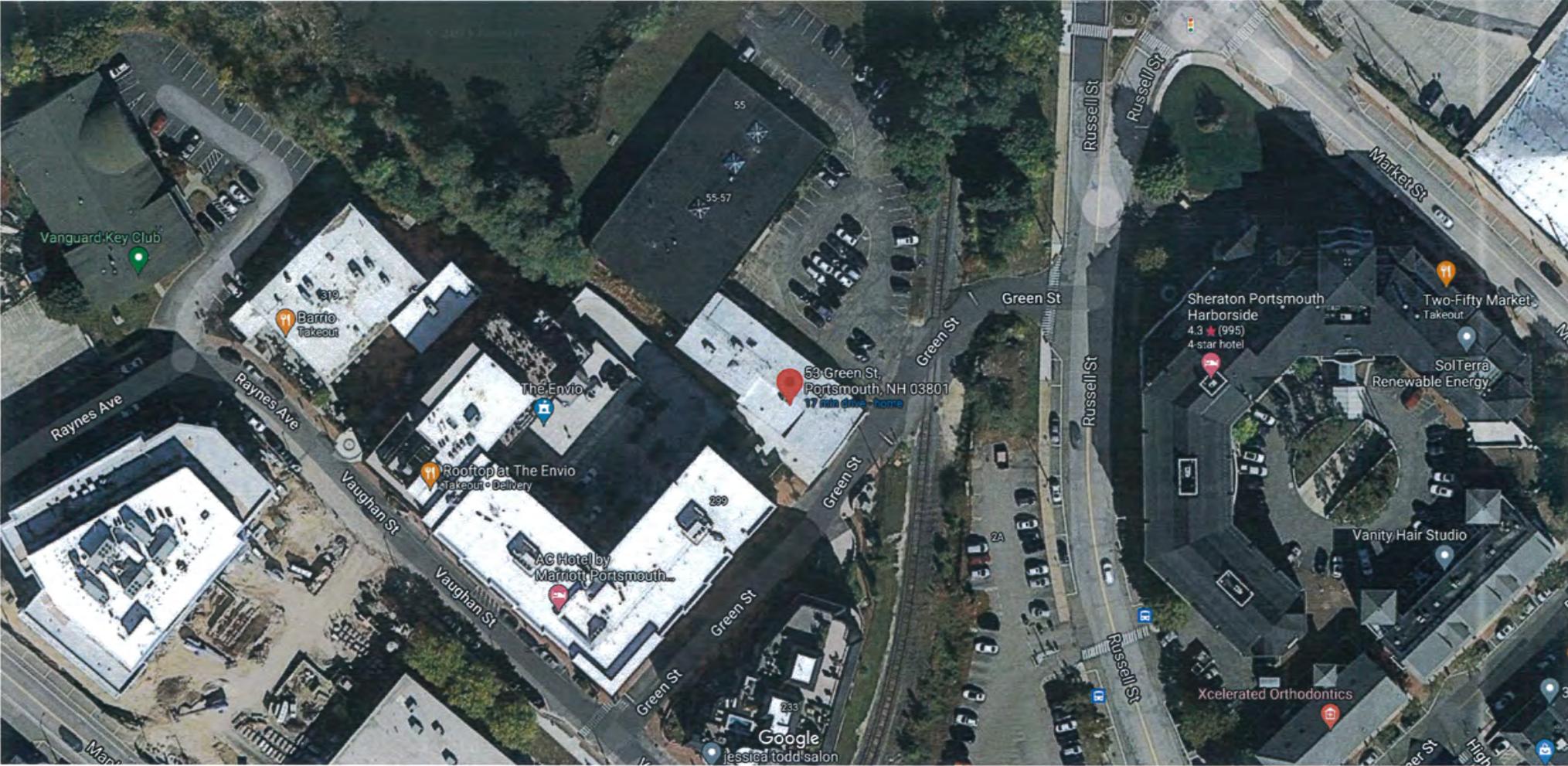
Portsmouth, New Hampshire  
 2020  
**Tax Map 119**

EXHIBIT 4

5/18/2021

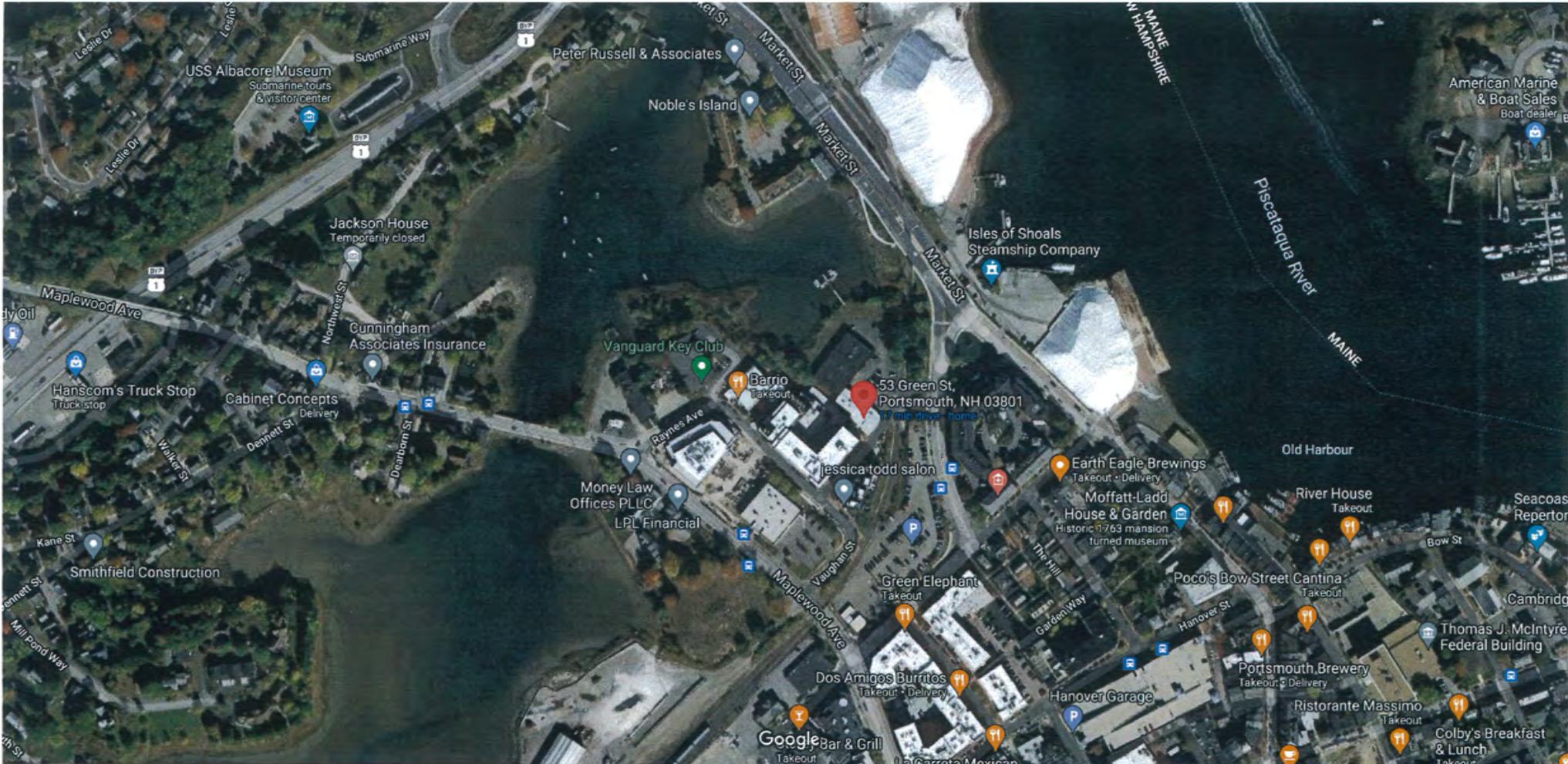
53 Green St - Google Maps

Google Maps 53 Green St



Imagery ©2021 Maine GeoLibrary, Maxar Technologies, U.S. Geological Survey, Map data ©2021 50 ft

53 Green St



Imagery ©2021 Maine GeoLibrary, Maxar Technologies, U.S. Geological Survey, USDA Farm Service Agency, Map data ©2021 200 ft

5/18/2021

43 Green St - Google Maps

Google Maps 43 Green St



Image capture: Sep 2019 © 2021 Google

Portsmouth, New Hampshire



Street View



[https://www.google.com/maps/@43.0799865,-70.7612812,3a,75y,261.58h,84.96t/data=!3m7!1e1!3m5!1sQq\\_v0DcQtj46ZaX4v-ezFgl2e0!6shhttps:%2F%2Fstreetviewpixels-pa.googleapis.com%2Fv1%2Fthumbnail%3Fpanoid%3DQq\\_v0DcQtj46ZaX4v-ezFg%26cb\\_client%3Dmaps\\_sv.tactile.gps%26w%3D203%26h%3D100...](https://www.google.com/maps/@43.0799865,-70.7612812,3a,75y,261.58h,84.96t/data=!3m7!1e1!3m5!1sQq_v0DcQtj46ZaX4v-ezFgl2e0!6shhttps:%2F%2Fstreetviewpixels-pa.googleapis.com%2Fv1%2Fthumbnail%3Fpanoid%3DQq_v0DcQtj46ZaX4v-ezFg%26cb_client%3Dmaps_sv.tactile.gps%26w%3D203%26h%3D100...) 1/2



C. RUSSELL STREET VIEW



D. VIEW FROM MARKET STREET

53 GREEN STREET  
PORTSMOUTH, NEW HAMPSHIRE

SITE AND SURROUNDINGS  
PRIMARY VIEWS OF PROPERTY  
HISTORIC DISTRICT COMMISSION WORK SESSION: FEBRUARY 3, 2021

 **CATHARTES**  
EMBARC



3.2



VIEW SOUTH

1



VIEW WEST

2



VIEW NORTH

3



VIEW EAST

4

53 GREEN STREET  
PORTSMOUTH, NEW HAMPSHIRE

SITE AND SURROUNDINGS  
VIEWS FROM THE SITE  
HISTORIC DISTRICT COMMISSION WORK SESSION: FEBRUARY 3, 2021

CATHARTES  
EMBARC



3.3



VIEW FROM VAUGHAN STREET

5



VIEW TO NORTH MILL POND

6



VIEW FROM GREEN STREET

7



VIEW FROM RUSSEL STREET

8

53 GREEN STREET  
PORTSMOUTH, NEW HAMPSHIRE

SITE AND SURROUNDINGS  
STREET VIEWS  
HISTORIC DISTRICT COMMISSION WORK SESSION: FEBRUARY 3, 2021

**CATHARTES**  
EMBARC



3.4



53 GREEN STREET  
PORTSMOUTH, NEW HAMPSHIRE

RENDERING

HISTORIC DISTRICT COMMISSION WORK SESSION 4: MAY 5, 2021

 **CATHARTES**  
EMBARC

  
CJ ARCHITECTS

1.0



53 GREEN STREET  
PORTSMOUTH, NEW HAMPSHIRE

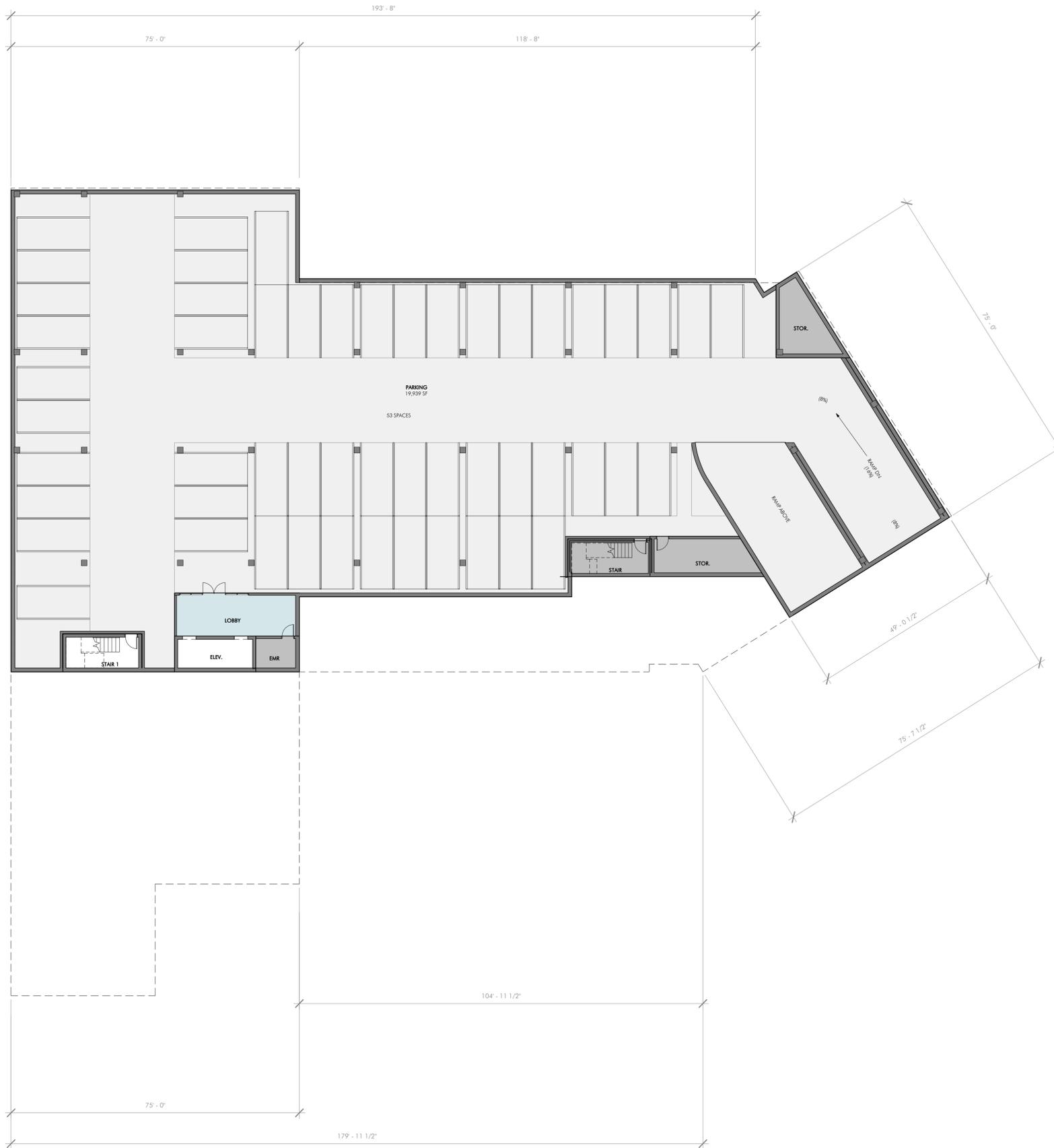
GREEN STREET BUILDING VIEW  
HISTORIC DISTRICT COMMISSION WORK SESSION 4: MAY 5, 2021

 **CATHARTES**  
EMBARC



4.0

# EXHIBIT 6



ARCHITECT  
**EMBARC**  
 60 K STREET, 3RD FLOOR  
 BOSTON, MA 02127  
 O: 617.766.8330  
 www.embarcstudio.com

OWNER  
 CATHARTES

CONSULTANTS

**53 GREEN STREET**  
 PORTSMOUTH, NH  
**ZBA SUBMISSION**

REVISIONS

MARK	ISSUE	DATE

DRAWING INFORMATION

ISSUE: ZBA SUBMISSION  
 DATE: May 25, 2021  
 PROJECT #: 20055  
 SCALE: 1/16" = 1'-0"

DRAWING TITLE

**BASEMENT  
 FLOOR PLAN**

DRAWING NUMBER

**A100**

copyright: EMBARC STUDIO, LLC

ARCHITECT  
**EMBARC**  
 60 K STREET, 3RD FLOOR  
 BOSTON, MA 02127  
 O: 617.766.8330  
 www.embarcstudio.com

OWNER  
 CATHARTES

CONSULTANTS

**53 GREEN STREET**  
 PORTSMOUTH, NH  
**ZBA SUBMISSION**

REVISIONS

MARK	ISSUE	DATE

DRAWING INFORMATION

ISSUE: ZBA SUBMISSION  
 DATE: May 25, 2021  
 PROJECT #: 20055  
 SCALE: 1/16" = 1'-0"

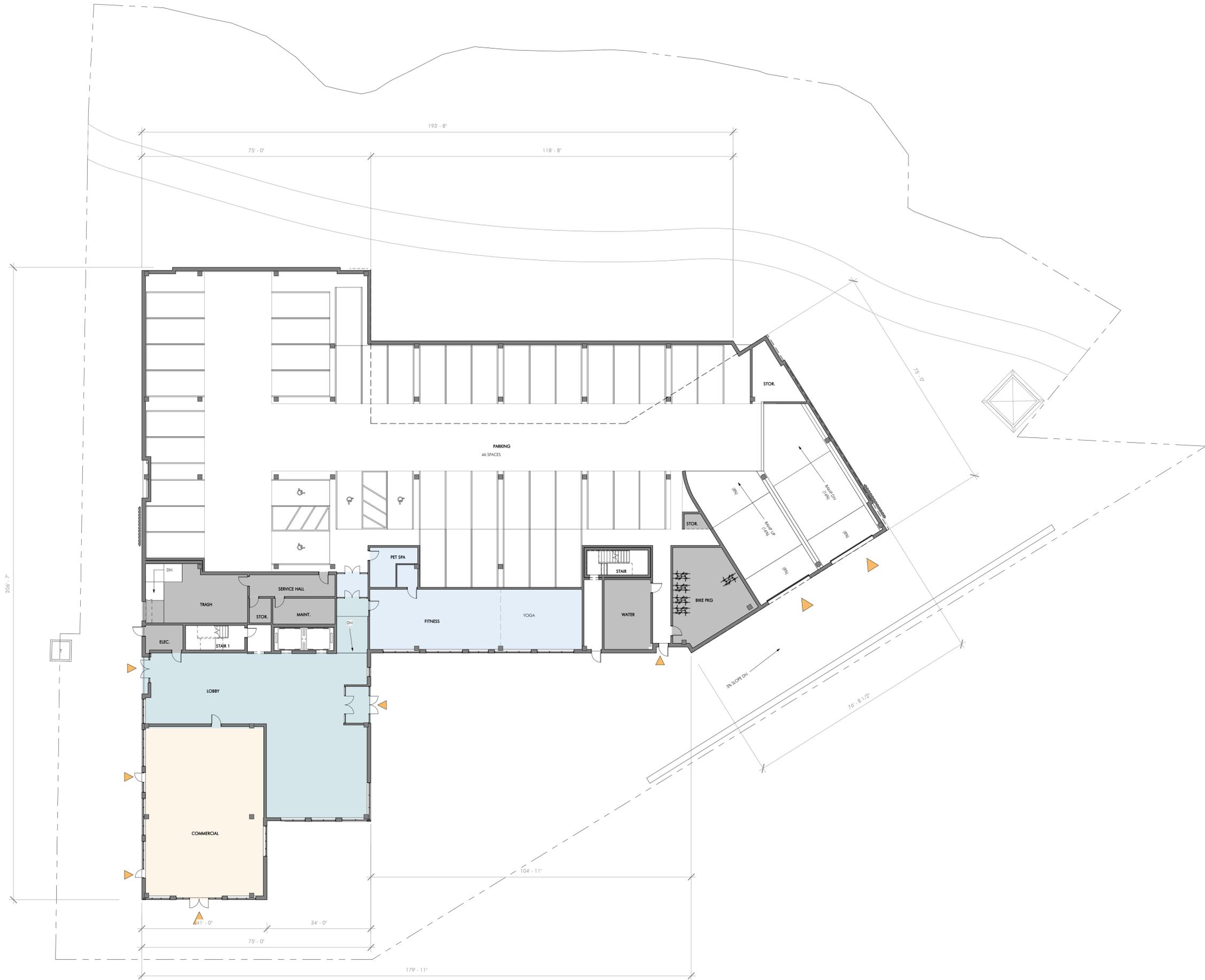
DRAWING TITLE

**FIRST FLOOR  
 PLAN**

DRAWING NUMBER

**A101**

copyright: EMBARC STUDIO, LLC



ARCHITECT  
**EMBARC**  
 60 K STREET, 3RD FLOOR  
 BOSTON, MA 02127  
 O: 617.766.8330  
 www.embarcstudio.com

OWNER  
 CATHARTES

CONSULTANTS

**53 GREEN STREET**  
 PORTSMOUTH, NH  
**ZBA SUBMISSION**

REVISIONS

MARK	ISSUE	DATE

DRAWING INFORMATION

ISSUE: ZBA SUBMISSION  
 DATE: May 25, 2021  
 PROJECT #: 20055  
 SCALE: 1/16" = 1'-0"

DRAWING TITLE

**SECOND FLOOR PLAN**

DRAWING NUMBER

**A102**

copyright: EMBARC STUDIO, LLC



ARCHITECT  
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 60 K STREET, 3RD FLOOR  
 BOSTON, MA 02127  
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OWNER  
 CATHARTES

CONSULTANTS

**53 GREEN STREET**  
 PORTSMOUTH, NH  
**ZBA SUBMISSION**

REVISIONS

MARK	ISSUE	DATE

DRAWING INFORMATION

ISSUE: ZBA SUBMISSION  
 DATE: May 25, 2021  
 PROJECT #: 20055  
 SCALE: 1/16" = 1'-0"

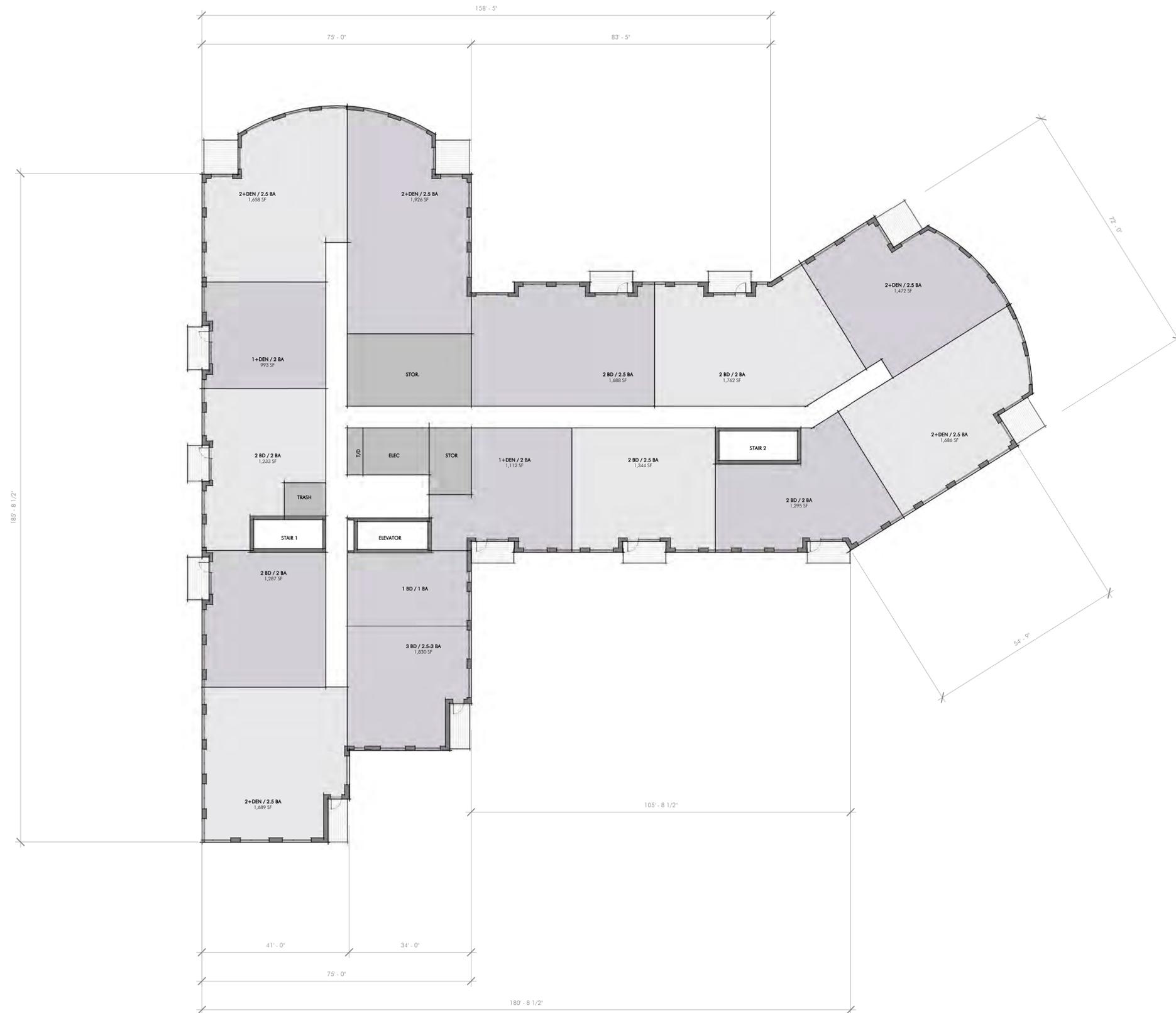
DRAWING TITLE

**THIRD FLOOR  
 PLAN**

DRAWING NUMBER

**A103**

copyright: EMBARC STUDIO, LLC



ARCHITECT  
**EMBARC**  
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OWNER  
 CATHARTES

CONSULTANTS

**53 GREEN STREET**  
 PORTSMOUTH, NH  
**ZBA SUBMISSION**

REVISIONS

MARK	ISSUE	DATE

DRAWING INFORMATION

ISSUE: ZBA SUBMISSION  
 DATE: May 25, 2021  
 PROJECT #: 20055  
 SCALE: 1/16" = 1'-0"

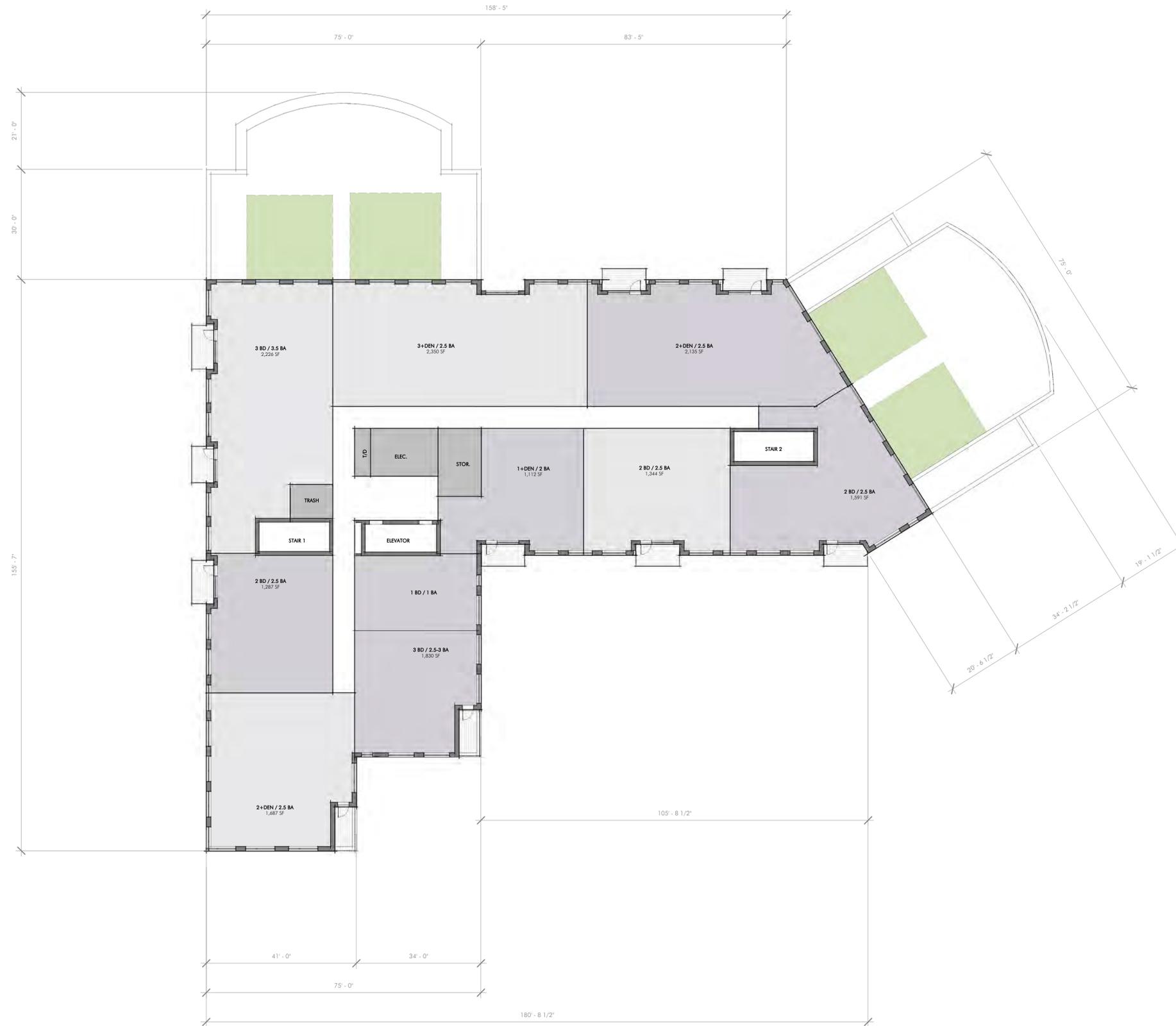
DRAWING TITLE

**FOURTH FLOOR  
 PLAN**

DRAWING NUMBER

**A104**

copyright: EMBARC STUDIO, LLC



ARCHITECT  
**EMBARC**

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BOSTON, MA 02127  
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OWNER

CATHARTES

CONSULTANTS

**53 GREEN STREET**  
PORTSMOUTH, NH  
**ZBA SUBMISSION**

REVISIONS

MARK	ISSUE	DATE

DRAWING INFORMATION

ISSUE: ZBA SUBMISSION  
DATE: May 25, 2021  
PROJECT #: 20055  
SCALE: 1/16" = 1'-0"

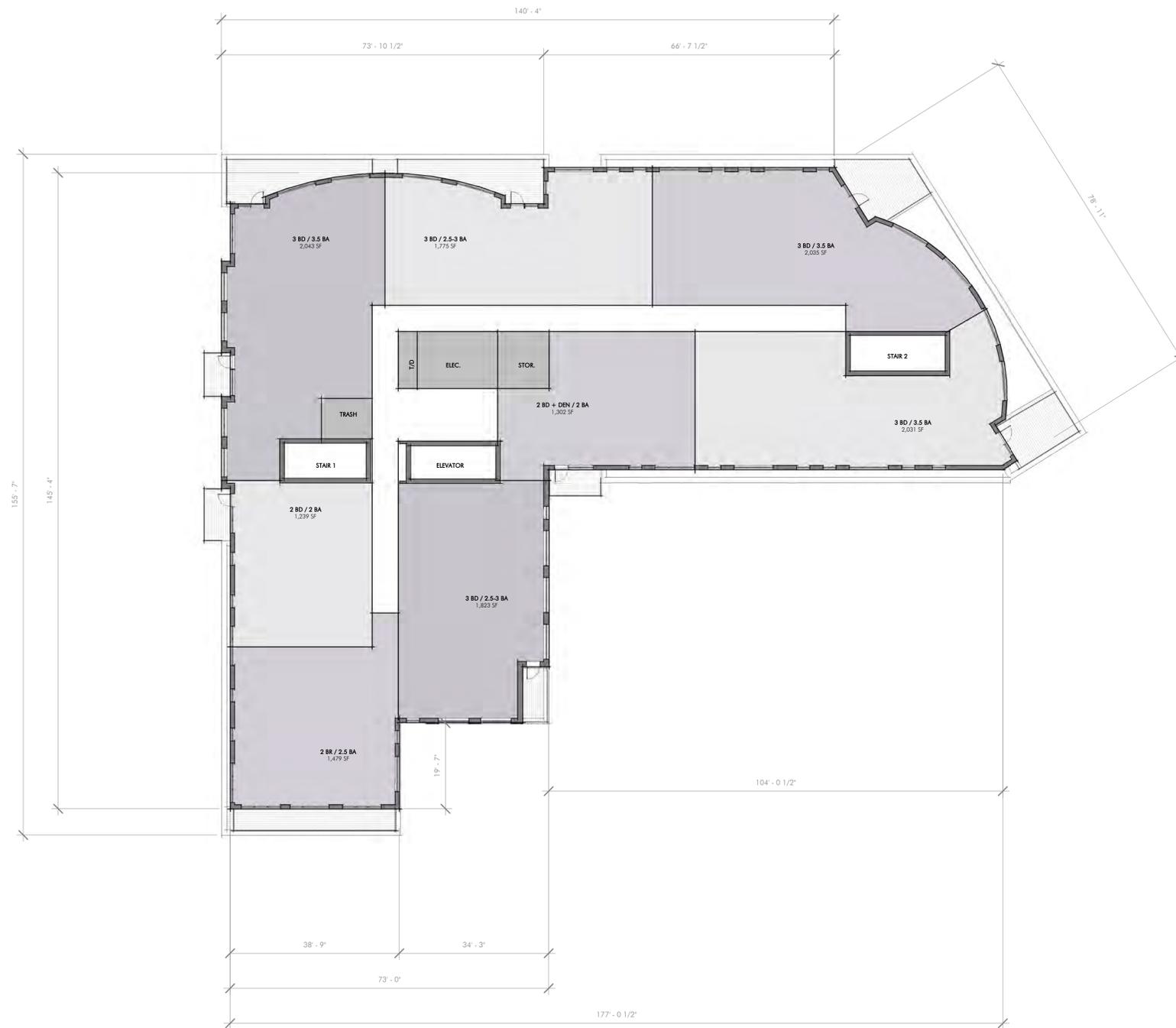
DRAWING TITLE

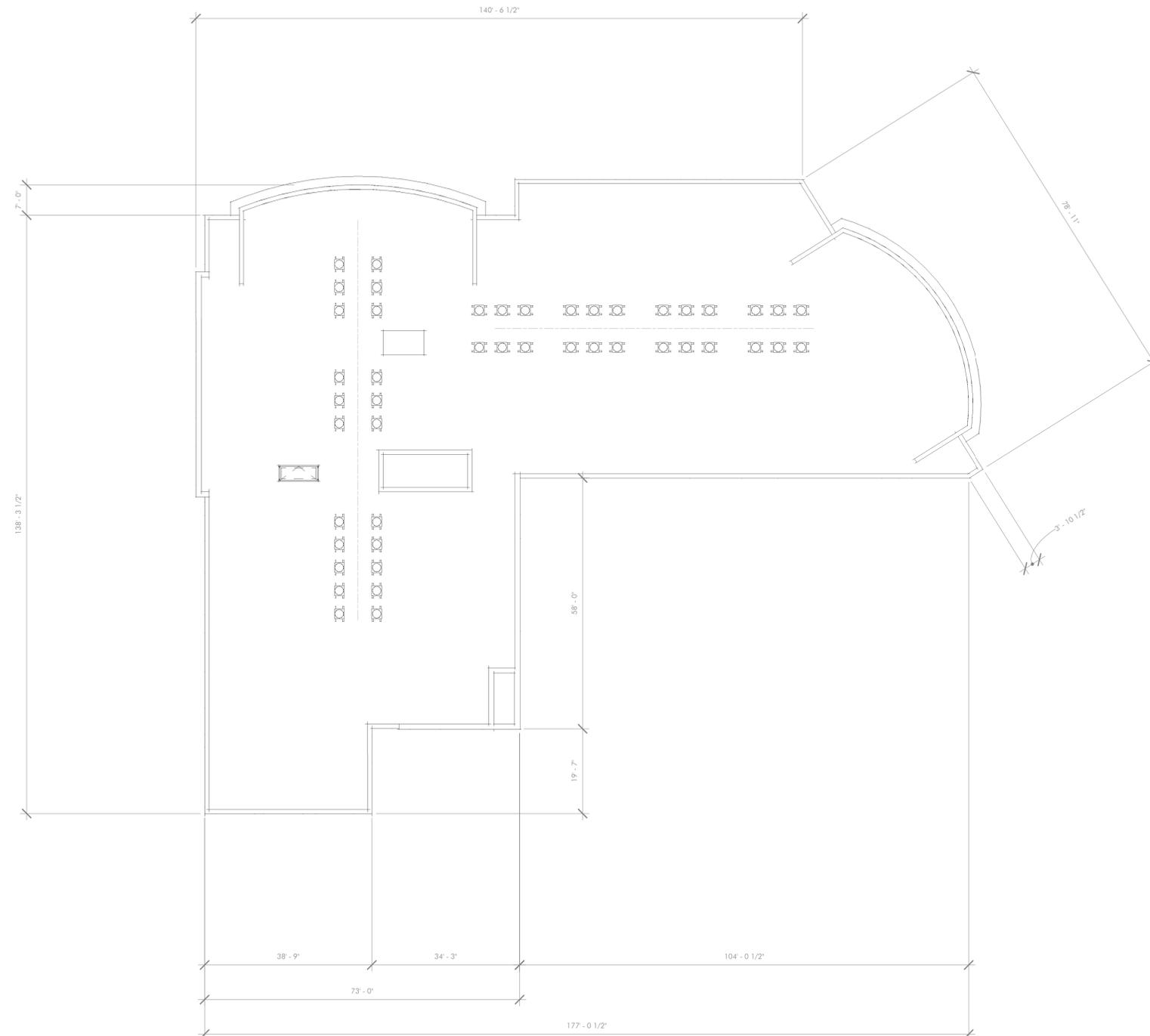
FIFTH FLOOR  
PLANS

DRAWING NUMBER

**A105**

copyright: EMBARC STUDIO, LLC





ARCHITECT  
**EMBARC**  
 60 K STREET, 3RD FLOOR  
 BOSTON, MA 02127  
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OWNER  
 CATHARTES

CONSULTANTS

**53 GREEN STREET**  
 PORTSMOUTH, NH  
**ZBA SUBMISSION**

REVISIONS

MARK	ISSUE	DATE

DRAWING INFORMATION  
 ISSUE: ZBA SUBMISSION  
 DATE: May 25, 2021  
 PROJECT #: 20055  
 SCALE: 1/16" = 1'-0"

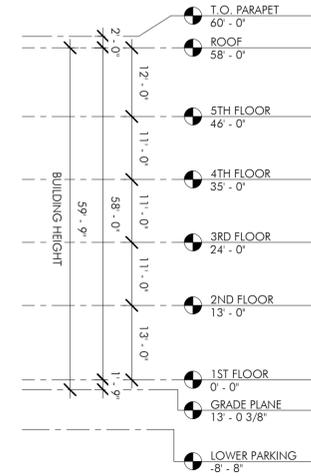
DRAWING TITLE  
**ROOF PLAN**

DRAWING NUMBER  
**A106**

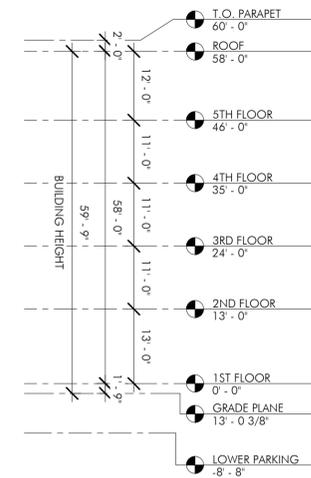
copyright: EMBARC STUDIO, LLC



**GREEN STREET ELEVATION**



**REAR (WATERFRONT) ELEVATION**



ARCHITECT  
**EMBARC**  
60 K STREET, 3RD FLOOR  
BOSTON, MA 02127  
O: 617.766.8330  
www.embarcstudio.com

OWNER  
CATHARTES

CONSULTANTS

**53 GREEN STREET**  
PORTSMOUTH, NH  
**ZBA SUBMISSION**

REVISIONS

MARK	ISSUE	DATE

DRAWING INFORMATION

ISSUE: ZBA SUBMISSION  
DATE: May 25, 2021  
PROJECT #: 20055  
SCALE:

DRAWING TITLE  
**BUILDING ELEVATIONS**

DRAWING NUMBER

**A201**

copyright: EMBARC STUDIO, LLC

**379 New Castle Ave  
Map 207 Lot 4**

**To permit the following:**

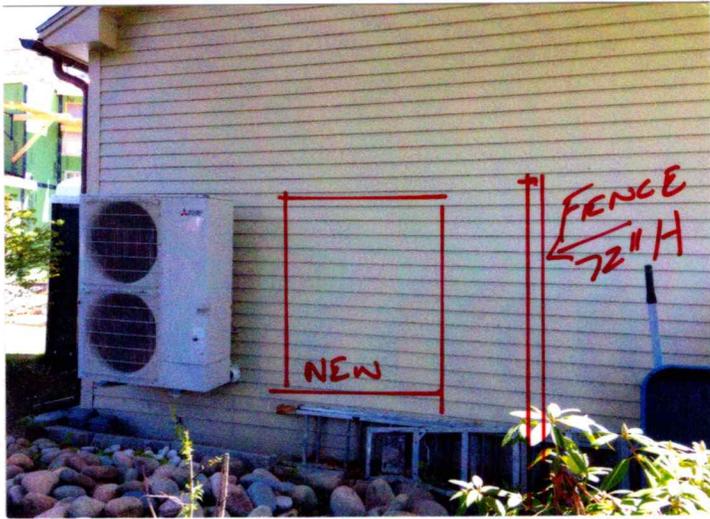
1. 1 Existing & 1 New Heat Pump with a Left Side Setback of 8 feet where 10' is required.

**The undersigned agrees that the following circumstances exist.....**

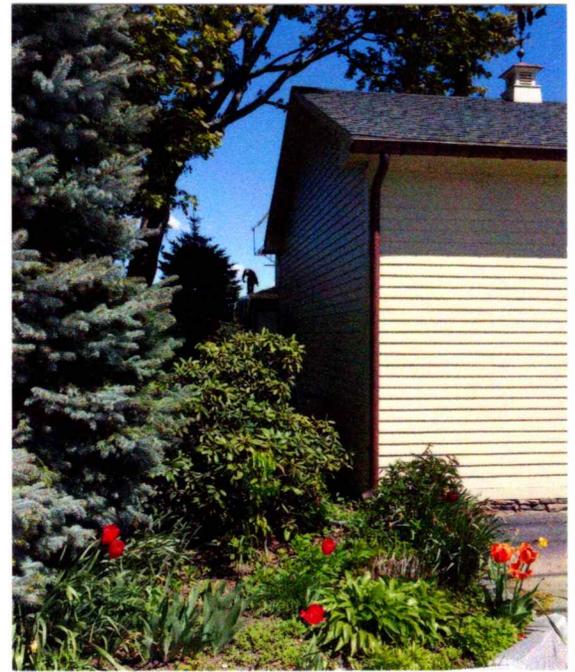
1. The New Heat Pump will be place next to an Existing Unit at the back of the Garage and both will be screened from New Castle Ave with fencing. Existing trees and a Shed screen the units from the Abutter. The Existing Unit was installed by Owner.

**Criteria for the Variance:**

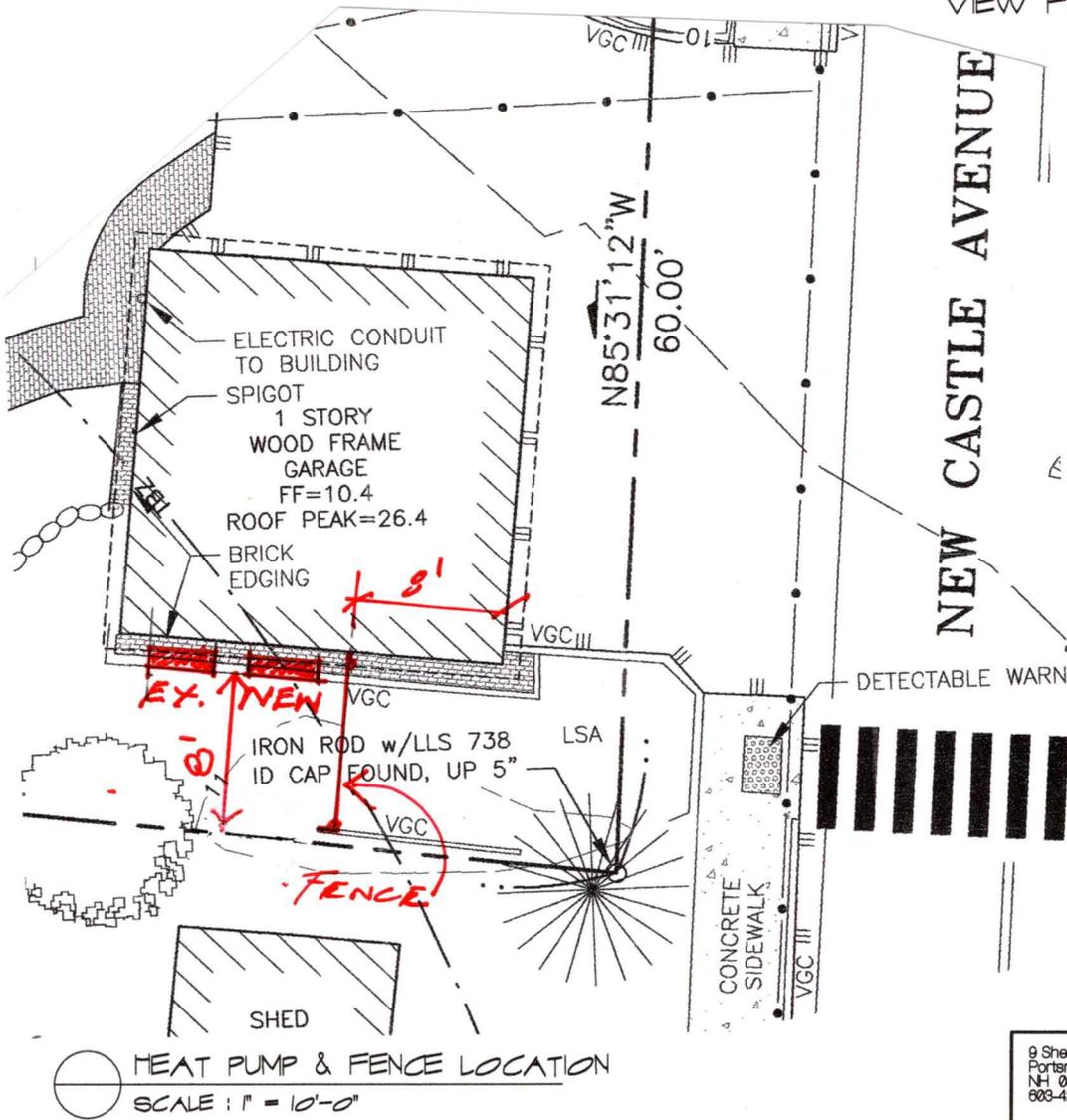
1. The Variances are not contrary to the public interest in that this location will minimize the public view of the Heat Pumps.
2. The Variances are consistent with the spirit of the ordinance in that this is the least visible location on the site.
3. Substantial justice will be done, as this work will screen both the new & existing Units
4. This Variance will not diminish the value of surrounding properties.
5. The special condition of this property is the existing Garage is located at the 10 foot Setback.



HEAT PUMP LOCATION



VIEW FROM NEW CASTLE AVE



HEAT PUMP & FENCE LOCATION  
SCALE: 1" = 10'-0"

HEAT PUMP LOCATION

PETERS RESIDENCE  
379 NEW CASTLE AVE. PORTSMOUTH, NH

9 Sheafe Street  
Portsmouth  
NH 03801  
603-427-2832



ANNE WHITNEY ARCHITECT

Project:	Date:	
• 1910	5/20/21	

**150 Daniel St., Warner House Association  
Map 106 Lot 58**

**To permit the following:**

1. Heat Pump with a Left Side Setback of 3 feet where 10 feet is required.

**The undersigned agrees that the following circumstances exist.....**

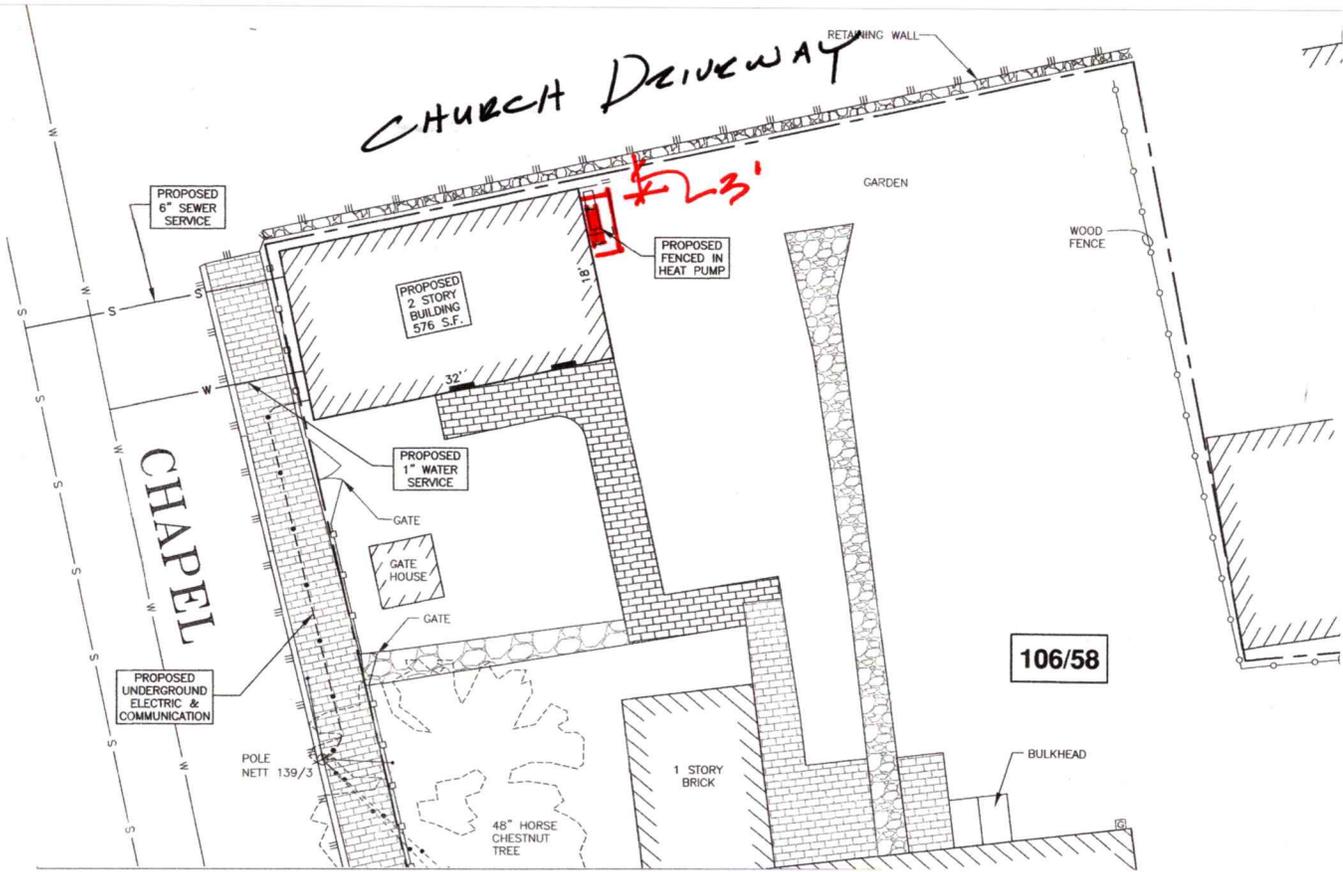
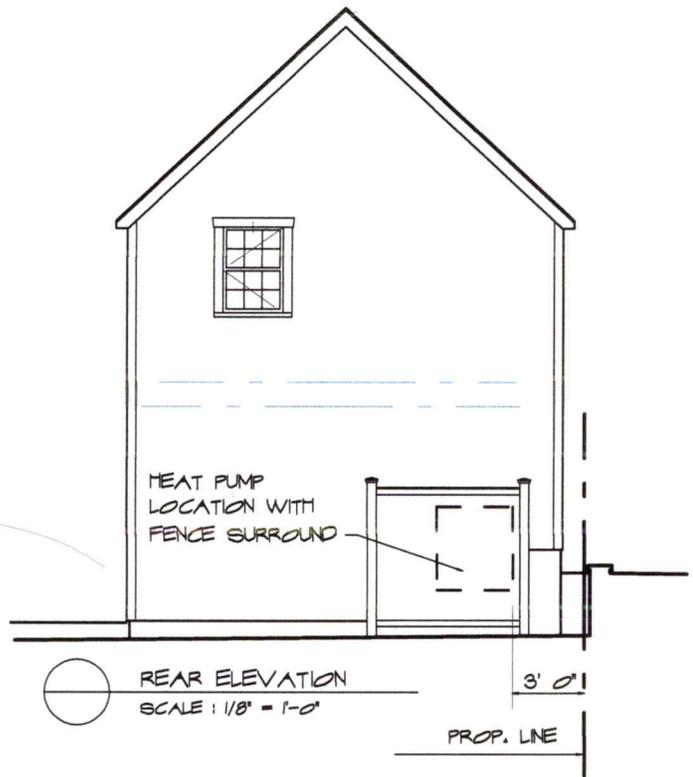
1. The Heat Pump will be placed at the rear of the Proposed Carriage House, 3 feet from the property line. This Left Side Line abuts the Church parking lot and retaining wall, and is 3 feet lower than the Church driveway. It is located to have the least impact on the Museum Gardens and will be enclosed by solid fencing.

**Criteria for the Variance:**

1. The Variance is not contrary to the public interest in that this location will minimize the public view of the Heat Pump.
2. The Variances are consistent with the spirit of the ordinance in that this is the least visible location on the site.
3. Substantial justice will be done, as this screened heatpump will provide the most energy efficient system for this new museum building.
4. This Variance will not diminish the value of surrounding properties.
5. The special condition of this property is the recreated New Carriage House is located on the original site that was tight to the Chapel St & Church property lines.



VIEW OF CARRIAGE HOUSE SITE LOOKING WEST



HEAT PUMP LOCATION

WARNER, CARRIAGE HOUSE  
150 DANIEL STREET PORTSMOUTH, NH

9 Sheafe Street  
Portsmouth  
NH 03801  
603-427-2832



ANNE WHITNEY ARCHITECT

Project:	Date:	
• 2102	5/20/21	

FROM THE DESK OF  

---

**BILL SOUTHWORTH**

May 20, 2021

Board of Adjustments  
City of Portsmouth, New Hampshire

At our home on 39 Pickering, the existing shed, is rotted and starting to collapse. We want to replace it with a 10' x12' shed to be constructed as a manufactured frame and erected on a concrete slab. The shed will be the same orientation and setback as the existing shed and will be painted to match the house. It will have increased pitch to match the pitch of surrounding roof lines.

I've tried to address section 10.233 of the Zoning Ordinance below:

***10.233.22 The spirit of the Ordinance will be observed;***

We propose using Post Woodworking of Danville, NH for the factory manufactured shed. They will also install the shed on the concrete slab.

We will need separate contractors for the minimal site preparation, demolition of the existing shed, and installation of a haunched monolithic concrete slab with steel rebar reinforced spread footing for the posts. This will replace the current non-pressure treated wood floor sitting on the ground.

The existing shed has walls at the same height as the two fences next to it at the property line. Only a small part of the roof is visible from adjacent property. The proposed shed will be the same wall height but 2' taller (12') at the peak due to the increased size and roof pitch.

Sheds in several neighboring properties are on the property line so, although non-conforming, a structure this close to the property line is in keeping with the character of the South End. The existing shed is 2' from the rear property line and 2' from the right side property line. It sits 14' diagonally from our kitchen, which juts out from the main house, and 16' from our dining room. This is really the only location that works for the structure. There will be no decrease in the setback with the new shed, and the

impervious surface will be increased by approximately 32 square feet over the 1999 reconstructed house plus shed, which cover 964 sq. ft., 38.9% of the property area. With the replacement shed this will increase to 996 sq. ft., 40.2% of the property area, 2476 sq. ft.

Building height from the ground will have no increase in wall height which will reduce the height since the existing shed is raised by about a foot. We propose that the overall height at the peak of the roof be about 2' higher so that the pitch can match the surrounding buildings. This can be seen in the attached photos.

The new shed will also match the siding and roof material of our house and of neighboring buildings. To this extent, we believe that the new shed will actually be closer in design than the original to the spirit of the neighborhood.

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

The proposed shed will cover the footprint of the old shed. It will be minimally visible from two adjacent properties and not at all from the street. It is not a dwelling unit and will put no extra burden on public systems such as water/sewage or gas lines. We believe that the structure will enhance the appearance and value of our property and thereby increase the value of neighboring properties. Therefore, we believe it to be in the public interest.

***10.233.23 Substantial justice will be done;***

If the variance is granted we can identify no harm to the public or to surrounding neighbors. However, if denied, we will suffer as we will be forced to continue to store our 220 lb. snow blower, pressure washer, lawnmower, generator and smoker outside on raised blocks under a tarp as we are forced to do now. Our house has no basement access except down steep stairs from our living room. We've considered a hoist of some sort but the stairway is also too narrow for the snowblower.

***10.233.24 The values of surrounding properties will not be diminished; and***

This is addressed in the 10.233.21 comments. We believe that the replacement structure will enhance property values of our property and the neighborhood.

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

We currently store large tools outdoors as we do not have basement access nor do we have a sufficiently large shed or a garage. Most of the houses in the neighborhood have either a garage, shed or cellar bulkhead. Most of the South End was built in a very ad hoc fashion before any of the existing ordinances. There's very little of the consistencies of modern planned layout. However, that's part of the charm of the neighborhood. Our lot is particularly small, even in comparison to surrounding lots, although there's plenty of room to park two cars outdoors in the driveway and there's room for a garden and patio. The shed enlargement is a reasonable and improved use of the property.

The enlargement of the shed will allow for storage and a garden workshop. We also want insulated construction since the snowblower and other power tools are battery operated and need to be kept charged and since a portable generator needs to be kept warm to work properly. The new shed will also provide for storage of plants that we want bring in from freezing in the winter.

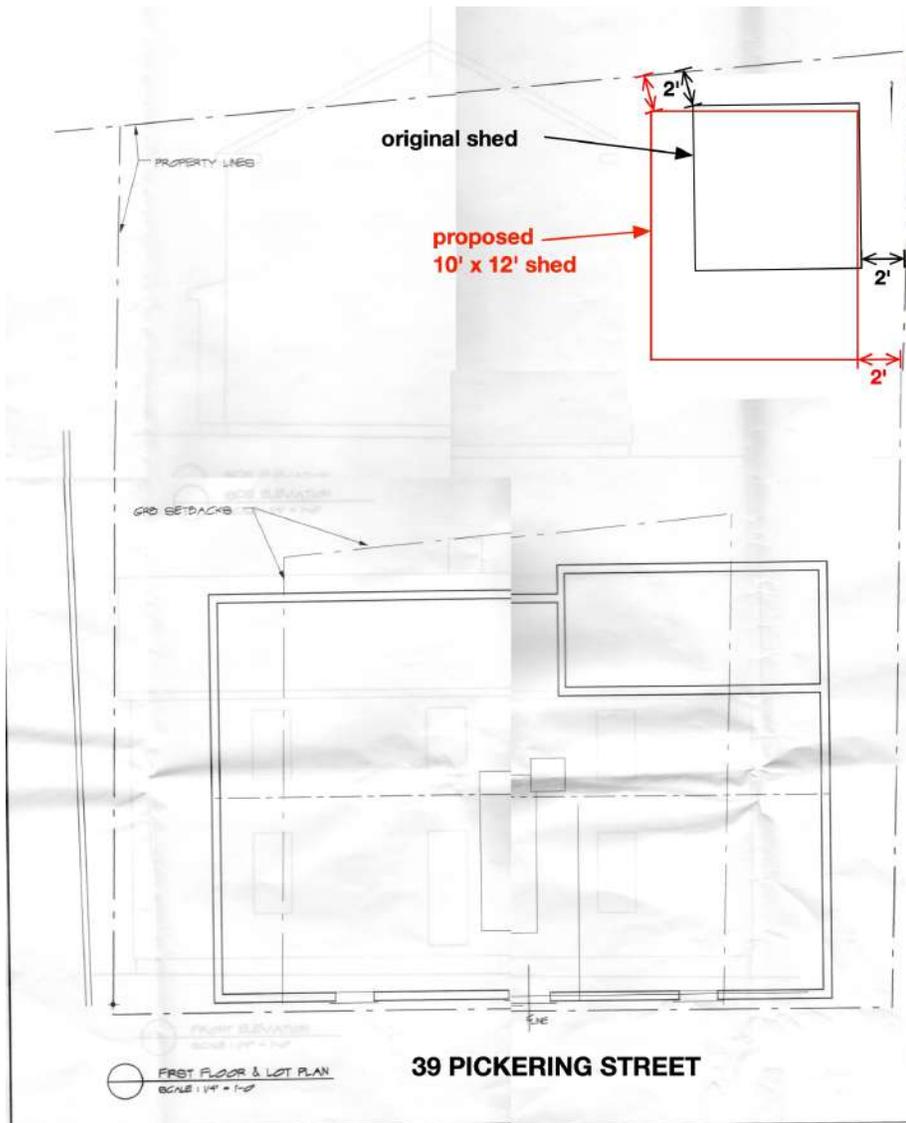
Please advise us as to any issues with the concept and permitting before we proceed with vendor qualification and selection. Also, please let us know whether you need engineering drawings or can use standard construction plans from the frame builder.

Thanks for your consideration.

Sincerely yours,

Bill Southworth





**1997 SITE PLAN (NOW 39 PICKERING)**

41 PICKERING STREET

PORTSMOUTH, NH

MAP U-02 LOT 3  
GENERAL RESIDENCE D ( GRD )

LOT AREA 2476 SF  
GRA ALLOWED COVERAGE = 30 %

EXISTING LOT COVERAGE

RESIDENCE & SHED 964 SF ( 38.9 % )

REQUIRED GRD SETBACKS

FRONT 5'  
SIDE 10'  
REAR 20'

EXISTING FIRST FLOOR & LOT PLAN	<p>10 Doreen Street PORTSMOUTH NH 02870</p> 	<p>ANNE WHITNEY ARCHITECT</p>
	<p>41 PICKERING STREET PORTSMOUTH, NH</p>	



# 39 PICKERING ST

**Location** 39 PICKERING ST

**Mblu** 0102/ 0005/ 0000/ /

**Acct#** 32883

**Owner** SOUTHWORTH WILLIAM H

**PBN**

**Assessment** \$763,200

**Appraisal** \$763,200

**PID** 32883

**Building Count** 1

## Current Value

Appraisal			
Valuation Year	Improvements	Land	Total
2020	\$395,600	\$367,600	\$763,200

Assessment			
Valuation Year	Improvements	Land	Total
2020	\$395,600	\$367,600	\$763,200

## Owner of Record

<b>Owner</b>	SOUTHWORTH WILLIAM H	<b>Sale Price</b>	\$575,000
<b>Co-Owner</b>	SOUTHWORTH BARBARA ANN	<b>Certificate</b>	
<b>Address</b>	39 PICKERING ST PORTSMOUTH, NH 03801	<b>Book &amp; Page</b>	4958/2812
		<b>Sale Date</b>	10/24/2008
		<b>Instrument</b>	00

## Ownership History

Ownership History					
Owner	Sale Price	Certificate	Book & Page	Instrument	Sale Date
SOUTHWORTH WILLIAM H	\$575,000		4958/2812	00	10/24/2008

## Building Information

### Building 1 : Section 1

**Year Built:** 1999  
**Living Area:** 1,620  
**Replacement Cost:** \$470,970  
**Building Percent Good:** 84

**Replacement Cost**

**Less Depreciation:** \$395,600

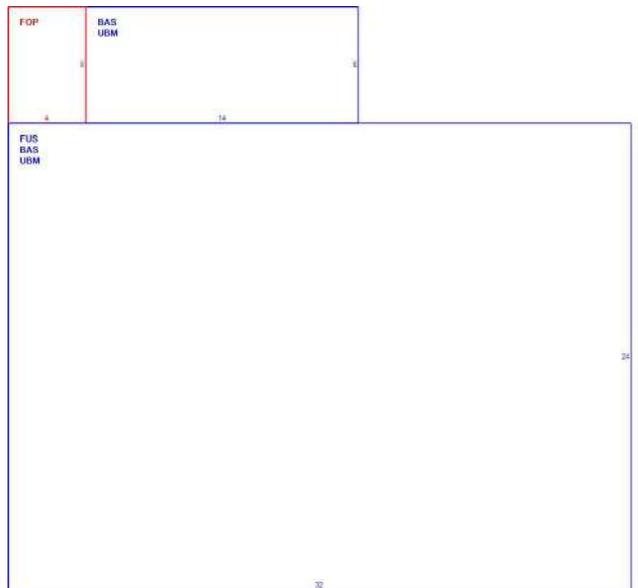
Building Attributes	
Field	Description
Style	Colonial
Model	Residential
Grade:	A
Stories:	2
Occupancy	1
Exterior Wall 1	Wood Shingle
Exterior Wall 2	Clapboard
Roof Structure:	Gable/Hip
Roof Cover	Asph/F Gls/Cmp
Interior Wall 1	Drywall/Sheet
Interior Wall 2	
Interior Flr 1	Carpet
Interior Flr 2	Ceram Clay Til
Heat Fuel	Gas
Heat Type:	Hot Water
AC Type:	Central
Total Bedrooms:	3 Bedrooms
Total Bthrms:	3
Total Half Baths:	0
Total Xtra Fixtrs:	0
Total Rooms:	7
Bath Style:	Above Avg Qual
Kitchen Style:	Above Avg Qual
Kitchen Gr	A
WB Fireplaces	1
Extra Openings	0
Metal Fireplaces	0
Extra Openings 2	0
Bsmt Garage	

**Building Photo**



(<http://images.vgsi.com/photos2/PortsmouthNHPhotos/\00\01\66\71.jpg>)

**Building Layout**



(ParcelSketch.ashx?pid=32883&bid=32883)

Building Sub-Areas (sq ft)			Legend
Code	Description	Gross Area	Living Area
BAS	First Floor	852	852
FUS	Upper Story, Finished	768	768
FOP	Porch, Open	24	0
UBM	Basement, Unfinished	852	0
		2,496	1,620

**Extra Features**

Extra Features	Legend
No Data for Extra Features	

**Land**

**Land Use**

**Use Code** 1012  
**Description** SFR WATERINFL  
**Zone** GRB  
**Neighborhood** 101  
**Alt Land Appr** No  
**Category**

**Land Line Valuation**

**Size (Acres)** 0.06  
**Frontage**  
**Depth**  
**Assessed Value** \$367,600  
**Appraised Value** \$367,600

**Outbuildings**

Outbuildings	<a href="#">Legend</a>
No Data for Outbuildings	

**Valuation History**

Appraisal			
Valuation Year	Improvements	Land	Total
2020	\$395,600	\$367,600	\$763,200
2019	\$395,600	\$367,600	\$763,200
2018	\$360,000	\$306,700	\$666,700

Assessment			
Valuation Year	Improvements	Land	Total
2020	\$395,600	\$367,600	\$763,200
2019	\$395,600	\$367,600	\$763,200
2018	\$360,000	\$306,700	\$666,700