

**BOARD OF ADJUSTMENT
PORTSMOUTH, NEW HAMPSHIRE**

Remote Meeting Via Zoom Conference Call

Register in advance for this meeting:

https://zoom.us/webinar/register/WN_KKhc-P9KRiOU7PADJjBFxw

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

Per NH RSA 91-A:2, III (b) the Chair has declared the COVID-19 outbreak an emergency and has waived the requirement that a quorum be physically present at the meeting pursuant to the Governor's Executive Order 2020-04, Section 8, as extended by Executive Order 2021-06, and Emergency Order #12, Section 3. Members will be participating remotely and will identify their location and any person present with them at that location. All votes will be by roll call.

7:00 P.M.

May 25, 2021

AGENDA

I. PUBLIC HEARINGS – NEW BUSINESS

- A) Petition of **Daniel Marino, Owner**, for property located at **114 Pine Street** whereas relief is needed from the Zoning Ordinance to demolish the existing garage and construct two-story addition with one car garage which requires the following: 1) Variances from Section 10.521 to allow: a) an 8.5' right side yard where 10' is required; and b) a 6' front yard where 15' 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 162 Lot 28 and lies within the General Residence A (GRA) District.

- B) Petition of **Susan Alex Living Trust, Owner**, for property located at **50 Mt. Vernon Street** whereas relief is needed from the Zoning Ordinance to add dormers to the existing garage and create accessory dwelling unit on the second floor which requires the following: 1) Variances from Section 10.521 to allow a) a 7' left side yard where 10' is required; and b) a 5.5' rear yard where 25' is the minimum 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 111 Lot 29 and lies within the General Residence B (GRB) District.

- C) Petition of **Katrina Carye, Owner**, for property located at **83 Richards Avenue** whereas relief is needed from the Zoning Ordinance to add a 6' x 7' free-standing sauna which requires the following: 1) A Variance from Section 10.521 to allow 35% building coverage where 25% is the maximum allowed. Said property is shown on Assessor Map 128 Lot 7 and lies within the General Residence A (GRA) District.

- D) Petition of **KWA LLC, Owner**, for property located at **165 Court Street** whereas relief is needed from the Zoning Ordinance to install signage which requires the following: 1) A Variance from Section 10.1251.10 to exceed the maximum allowed aggregate sign area. 2) A Variance from Section 10.1251.20 to allow a 140 square foot wall sign where 40 square feet is the maximum. 3) A Variance from Section 10.1242 to allow more than one wall sign above the ground floor. 4) A Variance from Section 10.1271 to allow signs on a side of a building that does not face a street or have a public entrance. Said property is shown on Assessor Map 116 Lot 27 and lies within the Character District 4 (CD4).

- E) Petition of **Deaglan K. McEachern and Lori McEachern, Owners**, for property located at **230 Thornton Street** whereas relief is needed from the Zoning Ordinance to add new deck and screened porch and replace roof on front porch and bump out which requires the following: 1) Variances from Section 10.521 to allow a) 4.5' front yard where 15' is required; b) a 3.5' secondary front yard where 15' is required; and c) 31.5% building coverage where 25% 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 161 Lot 8 and lies within the General Residence A (GRA) District.

- F) Petition of **Todd E. Hedges Revocable Trust, Owner**, for property located at **139 Cass Street** whereas relief is needed from the Zoning Ordinance to construct a two-car garage with apartment above which requires the following: 1) A Variance from Section 10.521 to allow a 10' rear yard where 20' is required. Said property is shown on Assessor Map 146 Lot 6 and lies within the General Residence C (GRC) District.

- G) **REQUEST TO POSTPONE** 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. **REQUEST TO POSTPONE**

- H) Petition of **Troy Allan Blanchard and Colleen Elizabeth Blanchard, Owners**, for property located at **205 Broad Street** whereas relief is needed from the Zoning Ordinance to enclose an existing porch and add dormers which requires the following:

1) Variances from Section 10.521 to allow a) a 5' primary front yard where 15 feet is required; and b) a 0' secondary front yard where 15 feet is required. 2) 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 16 and lies within the General Residence A (GRA) District.

II. OTHER BUSINESS

III. ADJOURNMENT

TO: Zoning Board of Adjustment
FROM: Peter Stith, AICP, Planning Department
DATE: May 18, 2021
RE: Zoning Board of Adjustment May 25, 2021 Meeting

NEW BUSINESS

1. 114 Pine Street
2. 50 Mt. Vernon Street
3. 83 Richards Avenue
4. 165 Court Street
5. 230 Thornton Street
6. 139 Cass Street
7. 3548 Lafayette Road
8. 205 Broad Street

NEW BUSINESS

1.

Petition of **Daniel Marino, Owner**, for property located at **114 Pine Street** whereas relief is needed from the Zoning Ordinance to demolish the existing garage and construct two-story addition with one car garage which requires the following: 1) Variances from Section 10.521 to allow: a) an 8.5' right side yard where 10' is required; and b) a 6' front yard where 15' 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 162 Lot 28 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 garage/Construct new garage/addition	Primarily residential uses
<u>Lot area (sq. ft.):</u>	7,133	7,133	7,500 min.
<u>Lot Area per Dwelling Unit (sq. ft.):</u>	7,133	7,133	7,500 min.
<u>Street Frontage (ft.):</u>	60	60	100 min.
<u>Lot depth (ft.):</u>	124	124	70 min.
<u>Front Yard (ft.):</u>	6	6	15 min.
<u>Right Yard (ft.):</u>	2	8.5'	10 min.
<u>Left Yard (ft.):</u>	2	2	10 min.
<u>Rear Yard (ft.):</u>	61	54.5	20 min.
<u>Height (ft.):</u>	<35	<35	35 max.
<u>Building Coverage (%):</u>	17	25	25 max.
<u>Open Space Coverage (%):</u>	80	72.5	30 min.
<u>Parking</u>	2	2	2
<u>Estimated Age of Structure:</u>	1902	Variance request(s) shown in red.	

Other Permits/Approvals Required

None.

Neighborhood Context



Previous Board of Adjustment Actions

October 21, 1997 - The Board **granted** 1) a Variance from Article II, Section 10-206(12) to allow a second cab to be stored on the property with associated office and hours exceeding those that are allowed by Special Exception: and, 2) a Variance from Article

May 25, 2021 Meeting

II, Section 10-206(32)(a) to allow the outdoor storage of more than one commercial vehicle where such storage is limited to no more than one vehicle.

September 16, 1997 - The Board **granted** a request for a Rehearing on October 21, 1997.

August 19, 1997 - The board **denied** 1) a Variance from Article II, Section 10-206(12) to allow a second cab to be stored on the property with associated office and hours exceeding those that are allowed by Special Exception: and, 2) a Variance from Article II, Section 10-206(32)(a) to allow the outdoor storage of more than one commercial vehicle where such storage is limited to no more than one vehicle. (*The board found that to allow this business in a residential area would cause a diminution in property values to the adjacent properties. We concluded that all the criteria had not been met to grant the request*)

Planning Department Comments

The applicant is proposing to demolish the existing garage and construct a two-story addition with one car garage. The application states a 6.4' front yard but 6' was advertised, which will allow for some flexibility if the variances are granted. The resulting building coverage will be just at the maximum allowed.

Review Criteria

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

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

2.

Petition of **Susan Alex Living Trust, Owner**, for property located at **50 Mt. Vernon Street** whereas relief is needed from the Zoning Ordinance to add dormers to the existing garage and create accessory dwelling unit on the second floor which requires the following: 1) Variances from Section 10.521 to allow a) a 7' left side yard where 10' is required; and b) a 5.5' rear yard where 25' is the minimum 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 111 Lot 29 and lies within the General Residence B (GRB) District.

Existing & Proposed Conditions

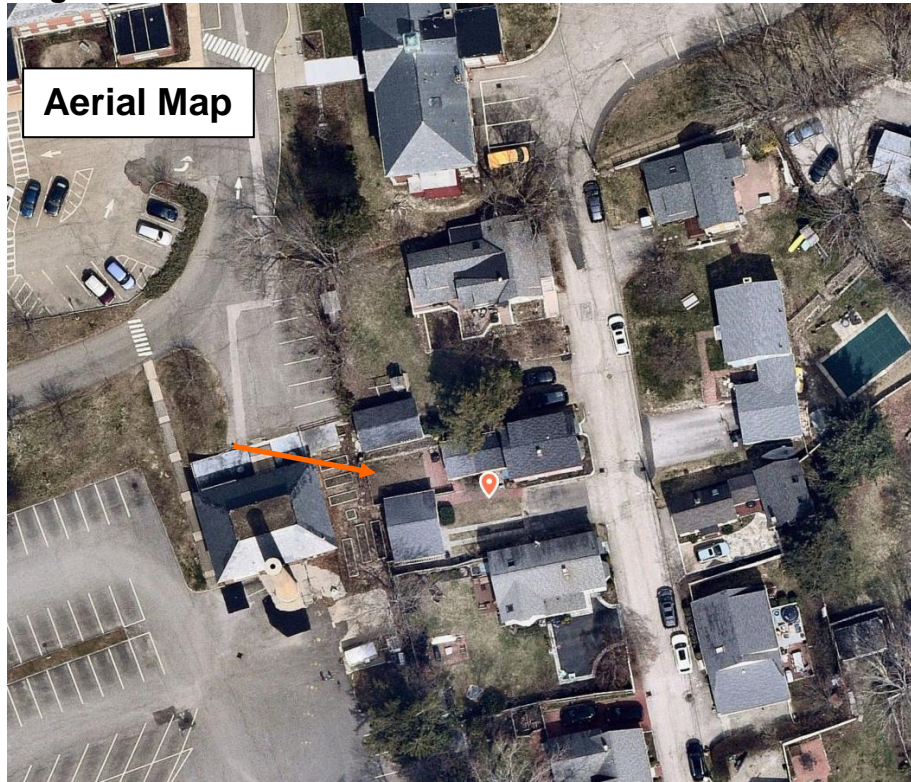
	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Singel family	Convert garage into DADU	Primarily residential uses
<u>Lot area (sq. ft.):</u>	5,250	5,250	5,000 min.
<u>Lot area per dwelling (sq. ft.):</u>	5,250	5,250	5,000
<u>Street Frontage (ft.):</u>	57.46	57.46	80 min.
<u>Lot Depth (ft.):</u>	92	92	60
<u>Front Yard (ft.):</u>	3	3	5 min.
<u>Right Yard (ft.):</u>	24 (garage)	24 (garage)	10 min.
<u>Left Yard (ft.):</u>	7 (garage)	7 (garage)	10 min.
<u>Rear Yard (ft.):</u>	5.5 (garage)	5.5 (garage)	25 min.
<u>Height (ft.):</u>	<35	<35	35 max.
<u>Building Coverage (%):</u>	27	27	30 max.
<u>Open Space Cov. (%):</u>	62	62	25 min.
<u>Parking</u>	4	4	3
<u>Estimated Age of Structure:</u>	1870 (house)	Variance request(s) shown in red.	

Other Permits/Approvals Required

Planning Board – Conditional Use Permit for DADU

Historic District Commission

Neighborhood Context



Previous Board of Adjustment Actions

August 18, 1998 - The Board **granted** 1) a Variance from Article III, Section 10-302(A) to allow a 20' x 24' garage/shop with; a) a 2' rear yard where 25' is the minimum required and b) a 6' side yard where the minimum required is 10'; and, 2) a Variance from Article III, Section 10-302(A) to allow a 12'x 20' porch with a 5' right side yard where 10' is the minimum required; and, 3) a Variance from article III, Section 10-302(A) to allow 32.3% building coverage where 30% is the maximum allowed.

Planning Department Comments

The applicant is proposing to add dormers onto the existing garage and create a Detached Accessory Dwelling Unit (DADU) on the second floor. The existing garage is non-conforming to both side and rear yard requirements, so any expansion requires variances. The applicant will need a Conditional Use Permit from the Planning Board as well as HDC approval. The site plan shows a condenser on the back of the garage that does not comply with the 10 foot setback for such units and would require a separate variance if it cannot be moved to a compliant location. If the Board grants approval, the following stipulation should be considered:

The applicant must apply for a separate variance for the condenser in the proposed location.

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 **Katrina Carye, Owner**, for property located at **83 Richards Avenue** whereas relief is needed from the Zoning Ordinance to add a 6' x 7' free-standing sauna which requires the following: 1) A Variance from Section 10.521 to allow 35% building coverage where 25% is the maximum allowed. Said property is shown on Assessor Map 128 Lot 7 and lies within the General Residence A (GRA) District.

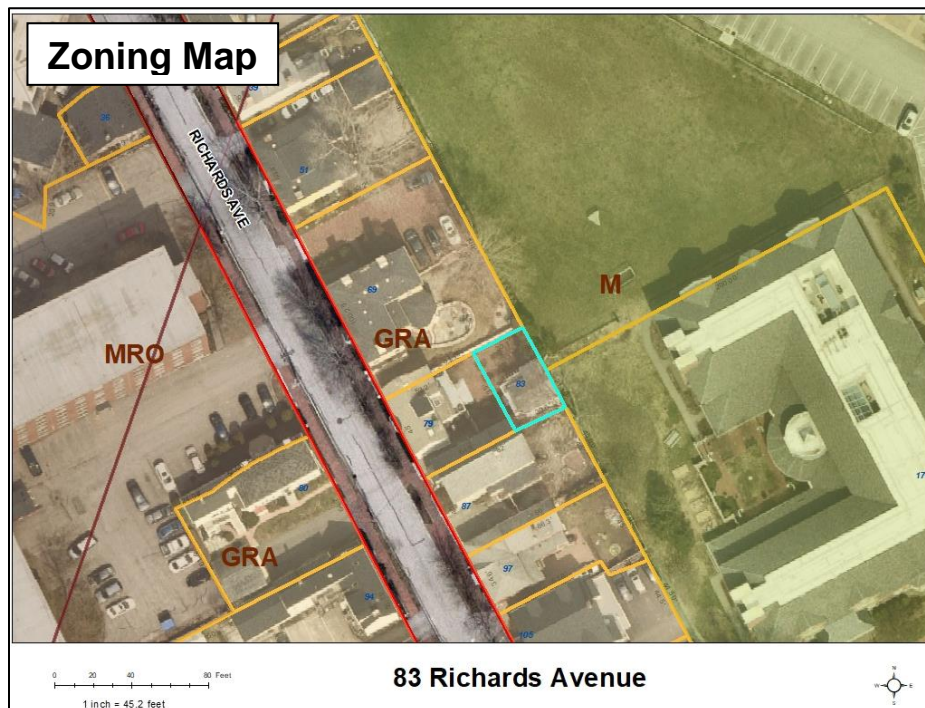
Existing & Proposed Conditions

	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Single-family	Free-standing sauna	Primarily Single-family Uses
<u>Lot area (sq. ft.):</u>	1,307	1,307	7,500 min.
<u>Lot Area per Dwelling Unit (sq. ft.):</u>	1,307	1,307	7,500 min.
<u>Street Frontage (ft.):</u>	0	0	100 min.
<u>Lot depth (ft.):</u>	30	30	70 min.
<u>Primary Front Yard (ft.):</u>	10	18	15 min.
<u>Left Yard (ft.):</u>	25	10	10 (5 sauna) min.
<u>Right Yard (ft.):</u>	0	>10	10 (5 sauna) min.
<u>Rear Yard (ft.):</u>	0.5'	5 (sauna)	20 (5 sauna) min.
<u>Building Coverage (%):</u>	32	35	25 max.
<u>Open Space Coverage (%):</u>	68	65	30 min.
<u>Estimated Age of Structure:</u>	1880	Variance request shown in red.	

Other Permits/Approvals Required

None.

Neighborhood Context



Previous Board of Adjustment Actions

No prior BOA history found.

Planning Department Comments

The applicant is requesting a variance from the building coverage requirement to place a free-standing sauna on the subject property. The applicant owns 79 Richards and 83 Richards. 83 Richards has no frontage and is located behind 79 Richards. The required setback is 5 feet, which can be met on the sides and rear yards. The existing coverage exceeds the 30% maximum and the addition of the sauna will increase it to 35%.

Review Criteria

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

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

4.

Petition of **KWA LLC, Owner**, for property located at **165 Court Street** whereas relief is needed from the Zoning Ordinance to install signage which requires the following: 1) A Variance from Section 10.1251.10 to exceed the maximum allowed aggregate sign area. 2) A Variance from Section 10.1251.20 to allow a 140 square foot wall sign where 40 square feet is the maximum. 3) A Variance from Section 10.1242 to allow more than one wall sign above the ground floor. 4) A Variance from Section 10.1271 to allow signs on a side of a building that does not face a street or have a public entrance. Said property is shown on Assessor Map 116 Lot 27 and lies within the Character District 4 (CD4).

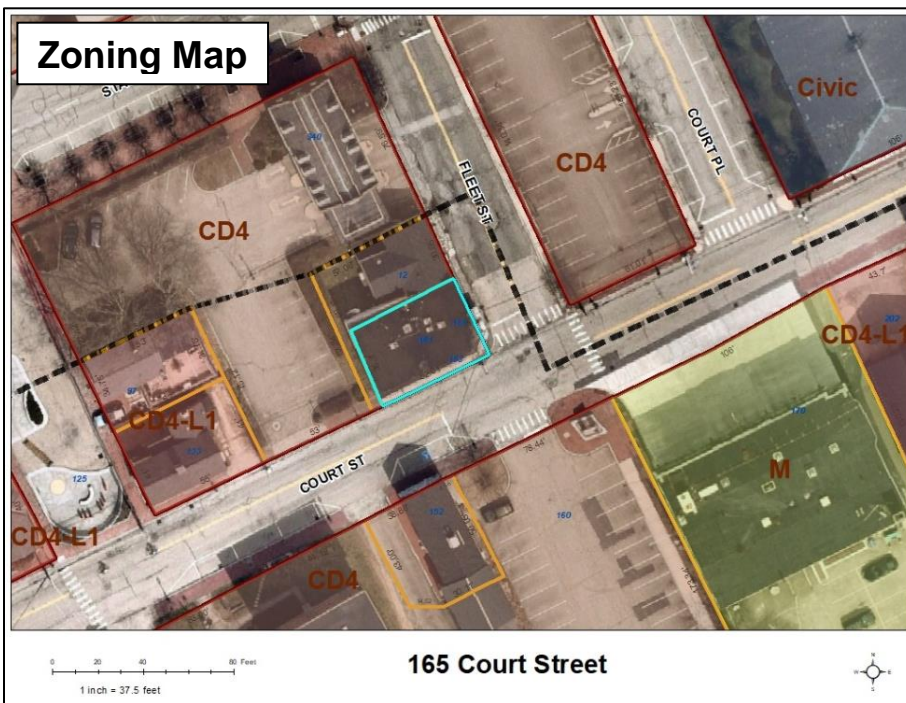
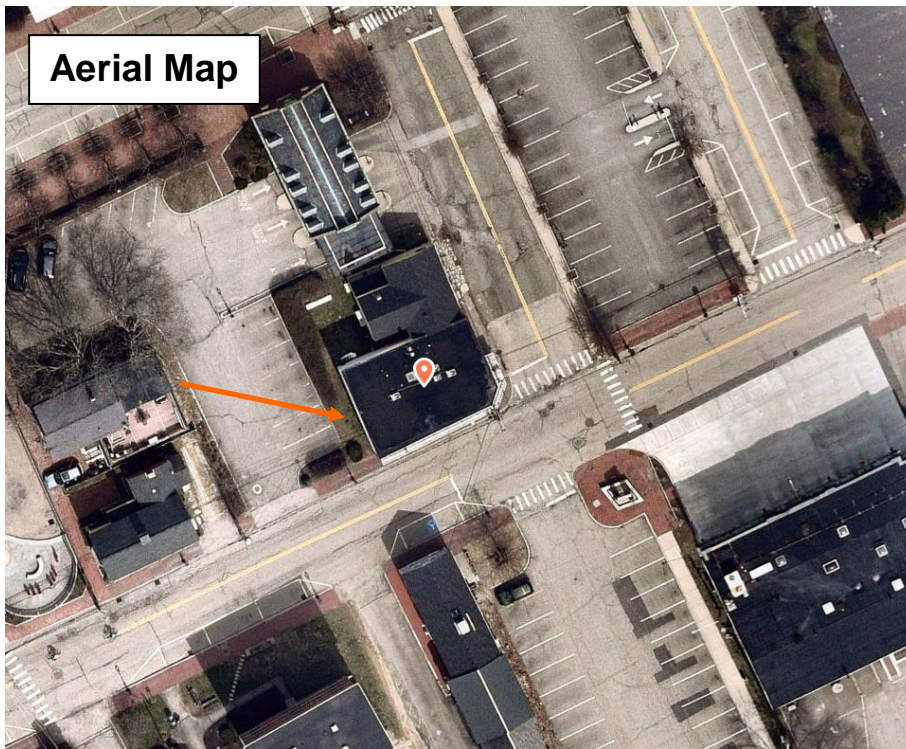
Existing & Proposed Conditions

	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Retail/Sign District 4	Retail/ Sign District 4	Primarily commercial uses
<u>Aggregate Sign Area (sq. ft.):</u>	53	215	192 max.
<u>Wall Sign Area (sq. ft.):</u>		140	40 max.
<u>Signs above ground floor:</u>		2	1 Max.
		Variance request(s) shown in red.	

Other Permits/Approvals Required

Historic District Commisison

Neighborhood Context



Previous Board of Adjustment Actions

April 22, 2014 - (For Unit #165) The Board **granted** variances to allow a personal services use in a district where the use was prohibited and to allow a change to a personal service use without providing the required parking.

May 29, 2014 (Units 163A & B) The Board **granted** a variance to allow a change to a yoga studio use without providing the required parking.

September 24, 2019 - The board **denied** a Variance from 1) From Section 10.1242 to allow more than one sign above the ground floor on two facades. Said property is shown on Assessor map 116, Lot 27 and lies within the Character District 4. *(All the criteria necessary to grant a variance were not met and there are no special conditions of the property that distinguish it from others in the area such that literal enforcement of the ordinance would create a hardship. The property can be reasonably used in strict conformance with the ordinance.)*

Planning Department Comments

The applicant is proposing to add signage on a side of the building that does not face a street and does not have a public entrance. Four wall signs are proposed, one which exceeds the maximum square footage for a wall sign and two signs will be above the ground floor, where only one sign is allowed. Because variances are required for the signage, the applicant must also seek approval from the HDC.

Review Criteria

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

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

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

5.

Petition of **Deaglan K. McEachern and Lori McEachern, Owners**, for property located at **230 Thornton Street** whereas relief is needed from the Zoning Ordinance to add new deck and screened porch and replace roof on front porch and bump out which requires the following: 1) Variances from Section 10.521 to allow a) 4.5' front yard where 15' is required; b) a 3.5' secondary front yard where 15' is required; and c) 31.5% building coverage where 25% 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 161 Lot 8 and lies within the General Residence A (GRA) District.

Existing & Proposed Conditions

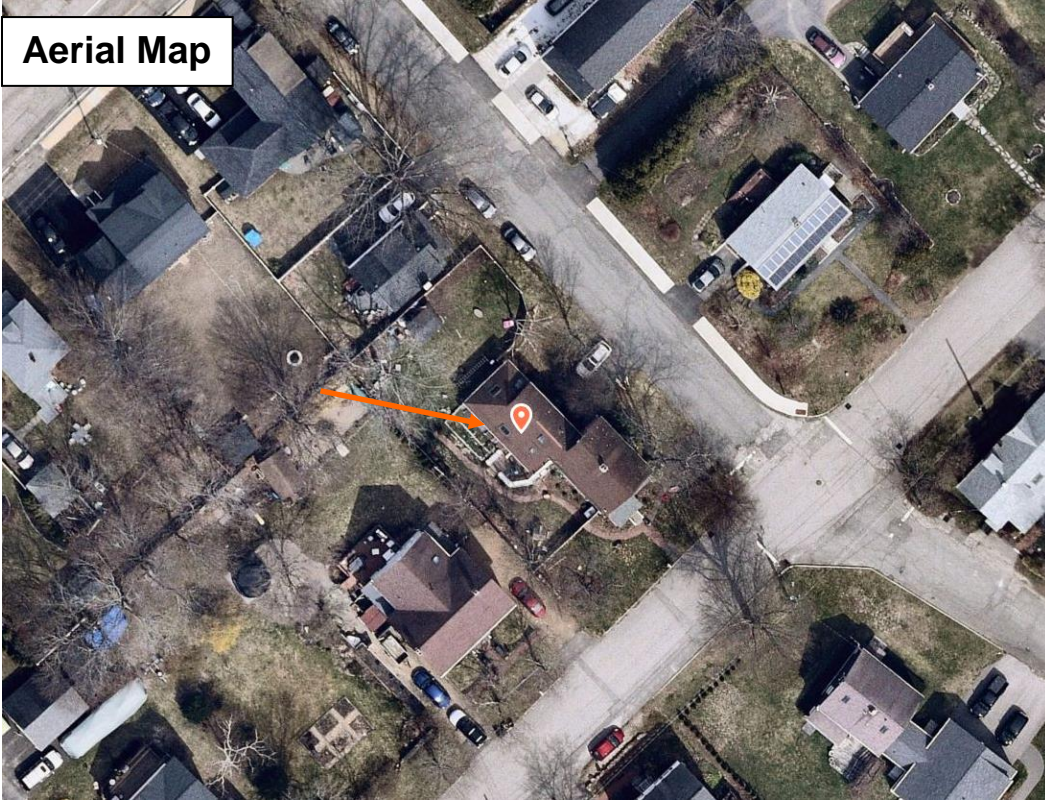
	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Single-family	New deck and porch	Primarily Single-family Uses
<u>Lot area (sq. ft.):</u>	7,405	7,405	7,500 min.
<u>Lot Area per Dwelling Unit (sq. ft.):</u>	7,405	7,405	7,500 min.
<u>Street Frontage (ft.):</u>	179	179	100 min.
<u>Lot depth (ft.):</u>	118	118	70 min.
<u>Primary Front Yard (ft.):</u>	4.5	4.5	15 min.
<u>Secondary Front Yard (ft.):</u>	3.5	3.5	15 min.
<u>Left Yard (ft.):</u>	25	14	10 min.
<u>Rear Yard (ft.):</u>	41	41	20 min.
<u>Building Coverage (%):</u>	24.7	31.5	25 max.
<u>Open Space Coverage (%):</u>	>30	>30	30 min.
<u>Estimated Age of Structure:</u>	1900	Variance request shown in red.	

Other Permits/Approvals Required

None.

Neighborhood Context

Aerial Map



Zoning Map



Previous Board of Adjustment Actions

August 31, 1982 - The board **denied** a Variance from Article IV, section 10-402(1) to allow construction of a two story 23' x 30' accessory building approximately 20' in height for use as studio and storage with a rear yard of 8' and a right side yard of 3' where a distance of approximately 20' is required.

September 21, 1982 - The board **denied** a rehearing of the petition (Above)

January 3, 1989 - The board **granted** a Variance from Article II, Section 10-205 (3) (a) to allow the conversion of a garage, which was built after the passage of the Ordinance, to a 2 bedroom apartment with exterior changes in a district where the conversions of structures built after the passage of this Ordinance are not permitted.

Planning Department Comments

The applicant is proposing to add a screened porch and additional deck space on the left side of the existing house. The project includes a new roof on the front porch and bump out, which are both nonconforming to the front yard requirements. The proposed square footage will increase the building coverage just over 31%. The applicant indicates it will be approximately 31.04%, however the legal notice stated 31.5% which would allow flexibility to account for any discrepancies if the variances are granted.

Review Criteria

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

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

AND

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

OR

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

6.

Petition of **Todd E. Hedges Revocable Trust, Owner**, for property located at **139 Cass Street** whereas relief is needed from the Zoning Ordinance to construct a two-car garage with apartment above which requires the following: 1) A Variance from Section 10.521 to allow a 10' rear yard where 20' is required. Said property is shown on Assessor Map 146 Lot 6 and lies within the General Residence C (GRC) District.

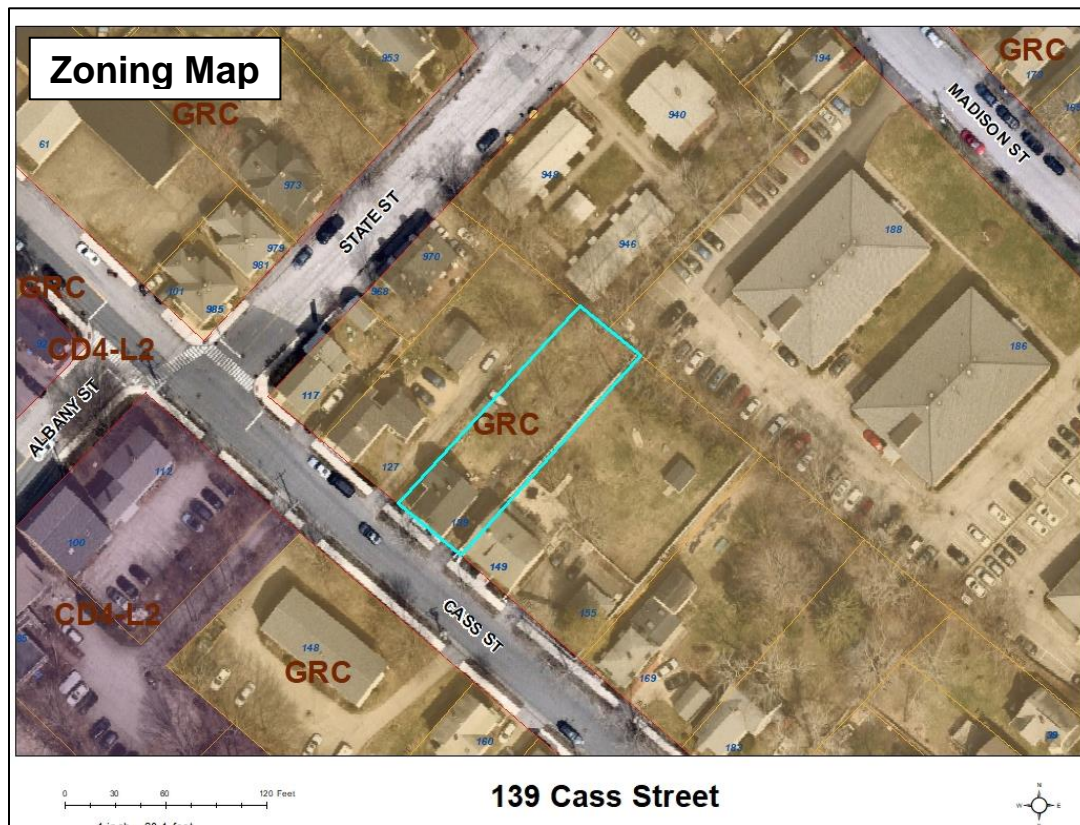
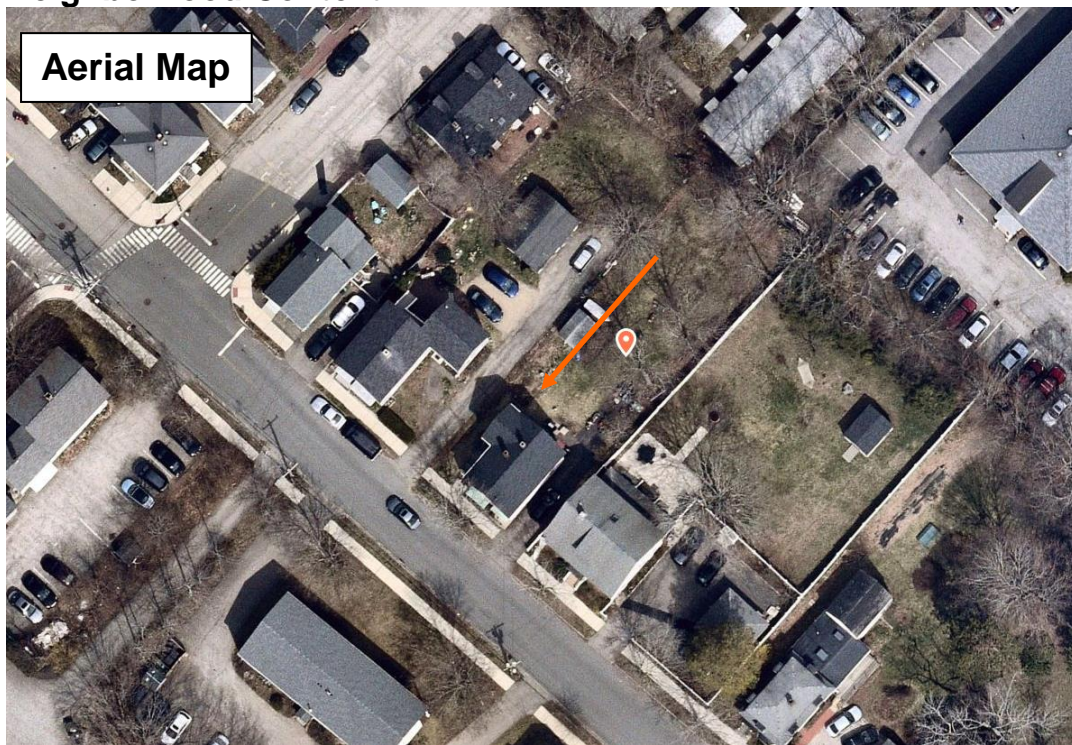
Existing & Proposed Conditions

	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Singel family	Construct two car garage with apartment above	Primarily residential uses
<u>Lot area (sq. ft.):</u>	7,650	7,650	3,500 min.
<u>Lot area per dwelling (sq. ft.):</u>	3,825	3,825	3,500
<u>Street Frontage (ft.):</u>	48	48	70 min.
<u>Lot depth (ft.):</u>	159	159	50
<u>Front Yard (ft.):</u>	0.3' (house)	~122 (garage)	5 min.
<u>Right Yard (ft.):</u>	7 (house)	10 (garage)	10 min.
<u>Left Yard (ft.):</u>	>10	10 (garage)	10 min.
<u>Rear Yard (ft.):</u>	100 (house)	10	20 min.
<u>Height (ft.):</u>	<35	<35	35 max.
<u>Building Coverage (%):</u>	19.6	29	35 max.
<u>Open Space Coverage (%):</u>	57	42.5	20 min.
<u>Parking</u>	4	4	3
<u>Estimated Age of Structure:</u>	1890	Variance request(s) shown in red.	

Other Permits/Approvals Required

None.

Neighborhood Context



Previous Board of Adjustment Actions

No prior BOA history found.

Planning Department Comments

The applicant is proposing to construct a new garage with a dwelling unit on the second floor. A second principal structure and dwelling unit are permitted in the GRC zoning district and the lot area per dwelling unit as well as all other dimensional requirements are compliant with the proposal. It appears there is adequate space to comply with the rear yard, based on the depth of the lot. The parking and driveway would have to be shifted closer to the existing dwelling in order to meet the 20 foot rear yard, but it appears that could be achieved and still provide enough space for parking and maneuvering.

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.

7.

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	34	50% min.
<u>Primary Front Yard (ft.):</u>	55	~310	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	Variance request shown in red.	

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.

February 19, 1991 - The Board **denied** a Request for a Rehearing.

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 2nd 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.

At the writing of this report, the applicant has not provided elevations or floor plans, so staff would suggest the Board consider postponing the petition to the June meeting, so that additional information can be provided. This information is required as part of the submission requirements and was expected to be provided for the Board to review, thus the recommendation to postpone at this time.

Review Criteria

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

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

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

OR

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

8.

Petition of **Troy Allan Blanchard and Colleen Elizabeth Blanchard, Owners**, for property located at **205 Broad Street** whereas relief is needed from the Zoning Ordinance to enclose an existing porch and add dormers which requires the following: 1) Variances from Section 10.521 to allow a) a 5' primary front yard where 15 feet is required; and b) a 0' secondary front yard where 15 feet is required. 2) 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 16 and lies within the General Residence A (GRA) District.

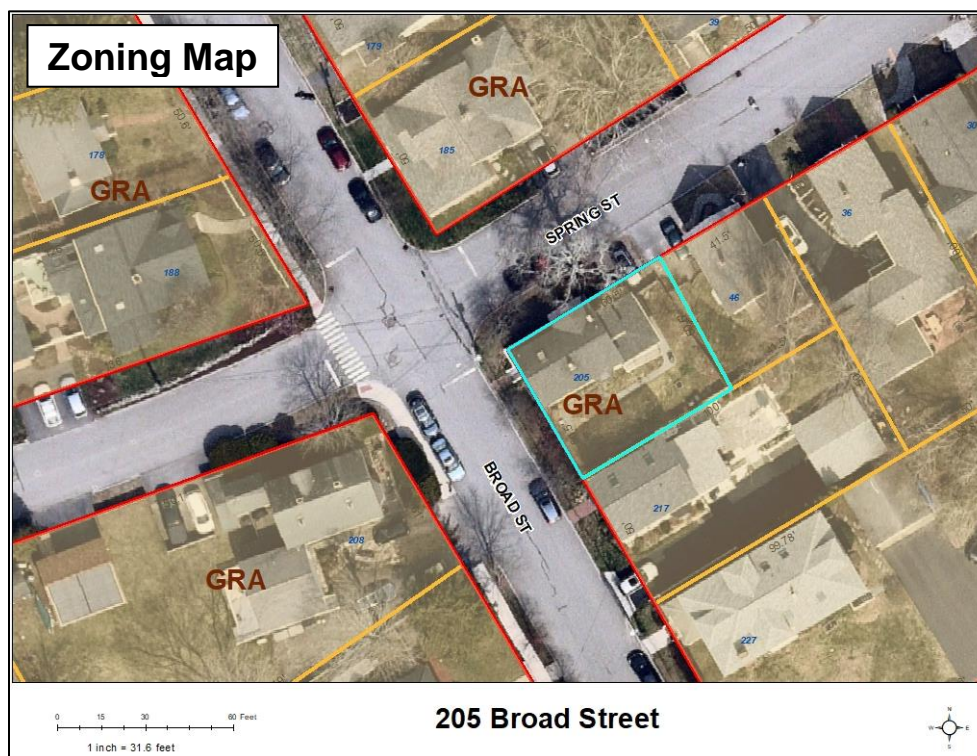
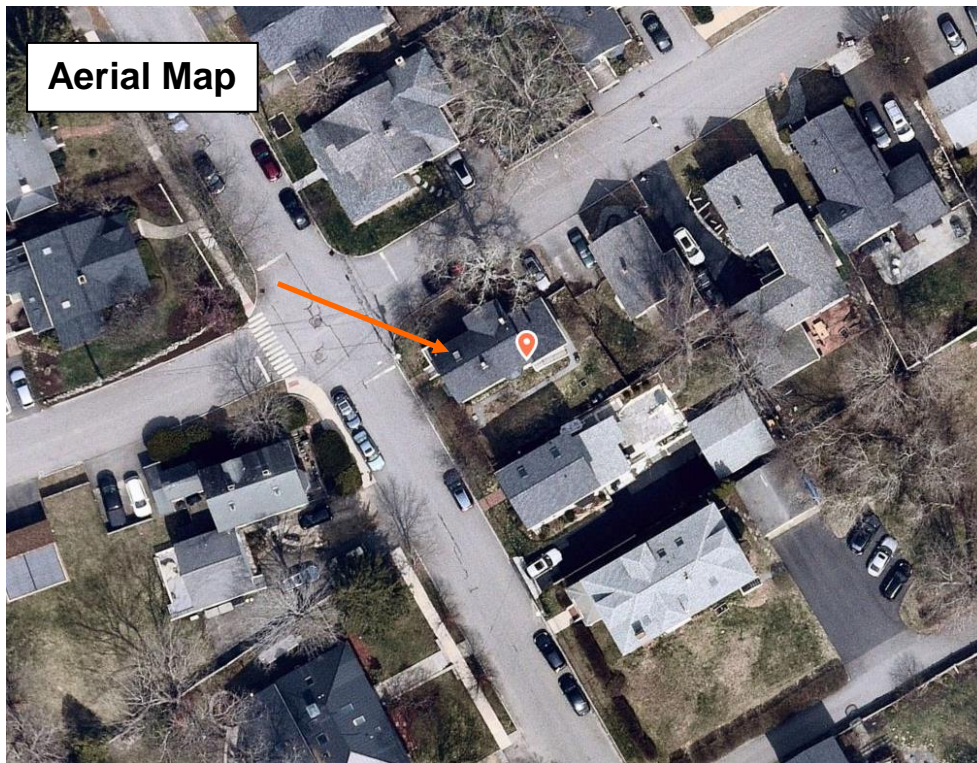
Existing & Proposed Conditions

	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Single family	Add dormers/enclose porch	Primarily residential uses
<u>Lot area (sq. ft.):</u>	3,025	3,025	7,500 min.
<u>Lot Area per Dwelling Unit (sq. ft.):</u>	3,025	3,025	7,500 min.
<u>Street Frontage (ft.):</u>	110	110	100 min.
<u>Lot depth (ft.):</u>	60	60	70 min.
<u>Front Yard (ft.):</u>	0	5	15 min.
<u>Secondary Front Yard (ft.):</u>	0	0	10 min.
<u>Right Yard (ft.):</u>	25	25	10 min.
<u>Rear Yard (ft.):</u>	12.3'	12.3'	20 min.
<u>Height (ft.):</u>	<35	<35	35 max.
<u>Building Coverage (%)</u>	35.4	35.4	25 max.
<u>Open Space Coverage (%)</u>	>30	>30	30 min.
<u>Parking</u>	2	2	2
<u>Estimated Age of Structure:</u>	1900	Variance request(s) shown in red.	

Other Permits/Approvals Required

None.

Neighborhood Context



Previous Board of Adjustment Actions

October 16, 1996 - The board **granted** a Variance from Article III, Section 10-32(A) to allow a 10'6" x 5'6" two story addition, a 21' x 8' deck and an 11' x 5'6" deck with: a) an 11'6" rear yard set back where 20' is the minimum required; and b) a building coverage of 34.2% where 25% is the maximum allowed.

January 21, 1997 - The Board **granted** a request to amend a previously approved deck by adding a roof over the deck, with the stipulation that the deck cannot be further enclosed without receiving additional approval from this board.

Planning Department Comments

The applicant is proposing add dormers and enclose an existing porch, both of which are within the primary and secondary front yards of this corner lot. Variances were granted in 1996 for building coverage and an addition. No change in footprint is planned with the proposed work, only an upward expansion for the dormers and enclosing the front porch. The discrepancy in the building coverage from what was granted in 1996 and the current plan, is likely due to the survey that is part of the current application versus the tax map that was used in the 1996 application. If granted approval, the Board may want to consider a stipulation clarifying the actual building coverage as noted on the survey.

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.

Durbin Law Offices, P.L.L.C.
144 Washington Street
P.O. Box 1222
Portsmouth, NH 03802
www.durbinlawoffices.com



Derek R. Durbin, Esq.
603.287.4764
derek@durbinlawoffices.com
**Also admitted in MA*

BY: VIEWPOINT & HAND DELIVERY

April 27, 2021

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

**RE: Variance Application of Daniel Marino
114 Pine Street, Tax Map 162, Lot 28**

Dear Chairman Rheaume,

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

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

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

Sincerely,



Derek R. Durbin, Esq.

LETTER OF AUTHORIZATION

Daniel Marino, the owner of the property located at 114 Pine Street, Portsmouth, NH 03801 (the "Property"), hereby authorizes Durbin Law Offices PLLC to act as his agent and representative in connection with any building, zoning, planning or other municipal permit applications filed with the City of Portsmouth for said Property. Said Letter of Authorization shall be valid until expressly revoked in writing.



Printed Name: Daniel Marino
Duly Authorized

4/26/21
Date

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

Daniel Marino
(Owner/Applicant)
Tax Map 162, Lot 28
114 Pine Street
Portsmouth, NH 03801

INTRODUCTORY STATEMENT

The Property

Daniel Marino (the “Applicant”) is the owner of property located at 114 Pine Street, identified on Portsmouth Tax Map 162, as Lot 28 (the “Property”). The Property is located within Portsmouth’s General Residence A (“GRA”) Zoning District.

There is a two and a half-story, two-bedroom, two-bathroom single-family home on the Property that was constructed in 1902 per the City’s assessing records. The Applicant purchased the Property in 2009. He and his wife, Eva, and their two young children, Noah and Zoe, reside in the home.

There is also a detached outbuilding (“garage”) on the Property that pre-dates current zoning. The garage is approximately 197 square feet in size and is situated just 2.1’ – 2.4’ from the right (southern) property boundary, making it lawfully non-conforming by current zoning standards.

Proposed Addition

The Applicant and his family have outgrown the home which contains less than 1,500 square feet of living space. The Applicant is proposing to construct a two-story addition to the right side of his home that would accommodate a master bedroom and bathroom, mudroom, laundry area, one vehicle garage and a deck. As part of their plan, they would demolish the existing garage and construct the proposed addition farther from the southern boundary line (8.6’ – 9.1’).

The proposed addition is a long-term investment for the Marino family. The Applicant and his wife both are both Portsmouth business owners. They can walk or bike to work from their house. Their children have lived in the home since they were born. Many of the family’s close friends reside in the neighborhood. The addition would create the space and amenities the family needs to remain in the home for the foreseeable future, which is the desired outcome.

Summary of Zoning Relief

The Applicant seeks the following two variances from the Ordinance:

1. Section 10.521: To allow a right yard setback of 8.6' +/- where 10' is the minimum required and only 2.1' +/- exists.
2. Section 10.521: To allow a front yard setback of 6.4' where 15' is the minimum required.¹

VARIANCE CRITERIA

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

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

Granting the setback relief sought by the Applicant will not alter the essential character of the neighborhood. It will not negatively impact the light, air and space of abutting properties or threaten public health, safety or welfare.

The proposed addition will comply with the building coverage and open space requirements set forth in Section 10.521 of the Ordinance. By demolishing the existing garage and constructing the addition in its proposed location, the Applicant will bring the right yard setback into greater conformance with the side yard setback requirement of 10'. The addition will tie in naturally to the existing home and driveway on the Property, leaving the rear yard of the Property as open space. The addition will also blend in cohesively with the existing streetscape. Most homes along Pine Street and in the surrounding neighborhood are located in very proximity to the street. The Applicant’s surveyor has calculated the average alignment of principal buildings within 200' of the Property along Pine Street to range from 0' to 5.3'. The garage proposed as part of the addition will also create one compliant off-street parking space for the Property where none presently exist. Overall, granting the variances is a win-win situation for the Applicant, abutting property owners and the general public.

¹ The Applicant has only applied for a front yard variance out of an abundance of caution. Based on existing data for the street, it does not appear that this relief is required pursuant to Section 10.516 of the Ordinance. The average alignment of principal buildings within 200' on the same side of the street is less than 6.4', which obviates the need for relief.

Substantial justice will be done by granting the variance relief.

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

There would be no gain realized by the public if the variances were denied. To the contrary, the Applicant will be bringing the Property into greater conformity with the Ordinance, which is a benefit to the public. Granting the variances will enable the Applicant's family to add much-needed living space and functionality to their home. As proposed, the addition contains the minimum amount of additional space necessary to accommodate the features that the Applicant and his family have deemed necessary to remain in the home long-term. If the variances were denied, it would only be for the purpose of requiring the Applicant to achieve strict compliance with the Ordinance, which is not reasonable. In the present instance, the loss that the Applicant would suffer by denying the variances significantly outweighs any benefit that could be realized by the public.

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

The proposed addition is tastefully designed and is in keeping with the character of the neighborhood. The construction of a well-designed addition in the location proposed should only increase surrounding property values based on similar examples throughout Portsmouth. This is also evidenced by the fact that the most directly impacted neighbors support the application.

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

The Property contains a lawfully non-conforming garage that is situated only 2.1' - 2.4' from the southern property boundary. This is a special condition that distinguishes it from surrounding properties. The garage will be demolished as part of the Applicant's plan to construct the addition. The proposed addition will be constructed 8.6' - 9.1' from the right (southern) property boundary, thus bringing the Property into greater conformance with the side yard setback requirement. In addition, one legally dimensioned off-street parking space will be created where none exist. Accordingly, there is no fair and substantial relationship between the general purposes of the setback requirements and their specific application to the Property.

The proposed use is reasonable.

The Property will continue to contain a single-family residence, a use which is permitted by right in the GRA zoning district and is therefore reasonable. The proposed addition is also reasonable, as it is designed to provide greater functionality for the home while improving overall setback conditions.

CONCLUSION

In conclusion, the Applicant has demonstrated that he meets the five (5) criteria for granting the variance relief requested. Accordingly, he respectfully requests that the Board approve his application.

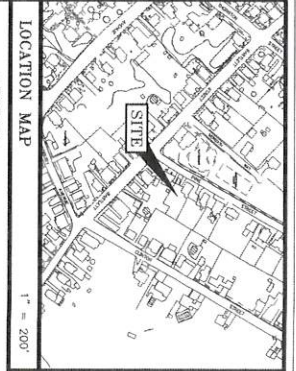
Respectfully Submitted,

Dated: April 27, 2021

Daniel Marino

A handwritten signature in black ink, appearing to read "Derek R. Durbin". The signature is written in a cursive style with a large, looped initial "D".

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



LOT COVERAGE AREAS

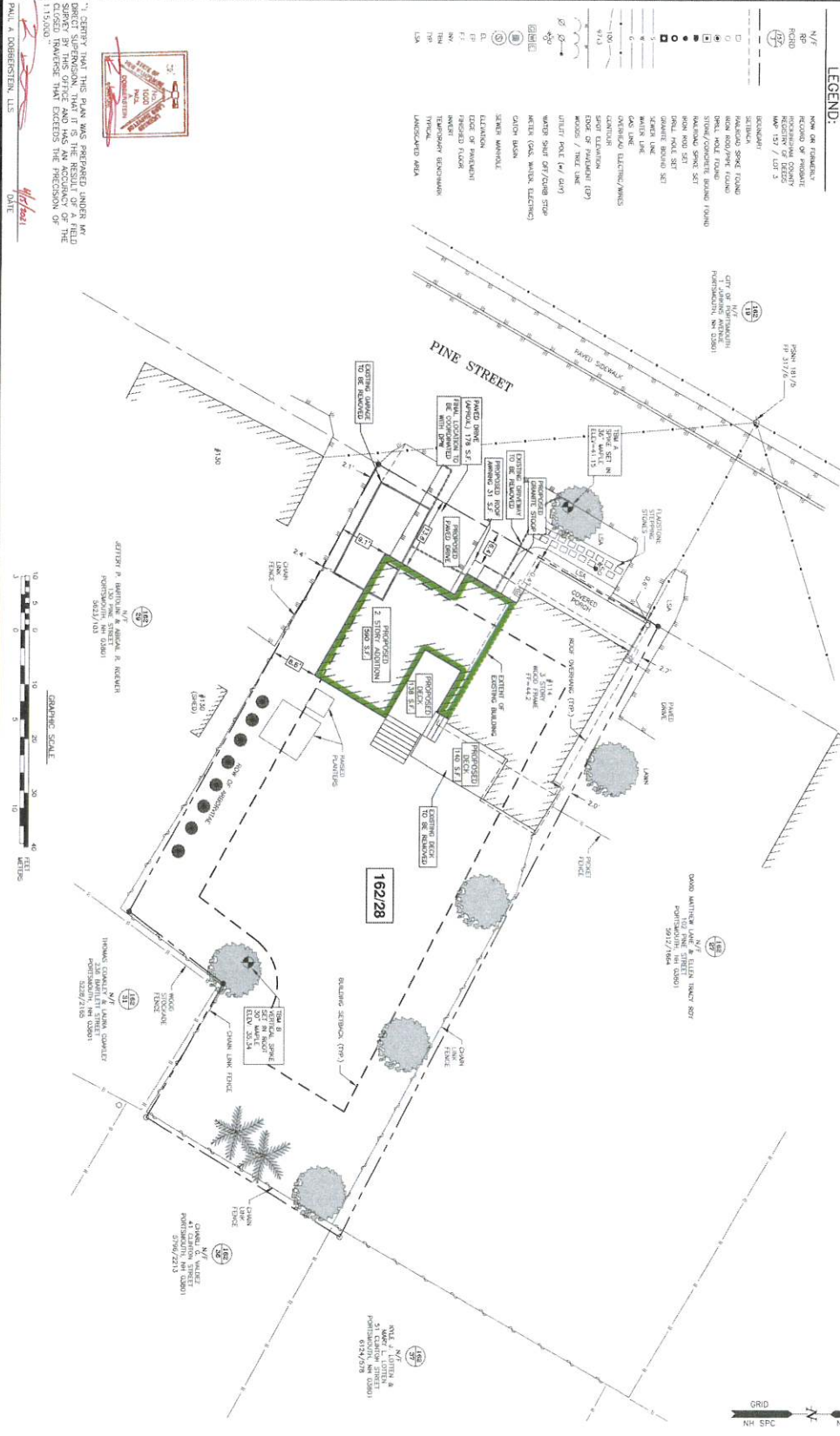
(TO PROPERTY LINE)

STRUCTURE	EXISTING LOT COVERAGE (S.F.)	PROPOSED LOT COVERAGE (S.F.)
MAIN STRUCTURE	743	1,344
GAZON	197	0
WOOD STAMPS, DECK, & PORCH	250	417
PAVED DRIVE	173	178
TOTAL	1,403	1,939
LOT SIZE	7,133	7,133
% LOT COVERAGE	19.7%	27.3%
% OPEN SPACE	80.3%	72.7%
% BUILDING COVERAGE	17.2%	25.0%

CITY OF PORTSMOUTH REQUIREMENTS:

SETBACKS:
 EXISTING FRONT: 0.4'
 PROPOSED FRONT: 0.4'
 EXISTING SIDE: 2.0' (LEFT) 2.1' (RIGHT)
 PROPOSED SIDE: 2.0' (LEFT) 8.6' (RIGHT)
 EXISTING REAR: 5.0'
 PROPOSED REAR: 54.5'

BUILDING COVERAGE: LOT AREA: 7,133 S.F.
 EXISTING: 1,230 S.F. / 7,133 S.F. = 17.2%
 PROPOSED: 1,781 S.F. / 7,133 S.F. = 25.0%



AMBIT ENGINEERING, INC.
 Civil Engineers & Land Surveyors
 1000 Main Street, Suite 214
 Portsmouth, NH 03801
 Tel: (603) 282-2218
 Fax: (603) 282-2218

NOTES:

- 1) PARCEL IS SHOWN ON THE CITY OF PORTSMOUTH ASSESSOR'S MAP 162 AS LOT 28
- 2) OWNER OF RECORD: 114 PINE STREET, PORTSMOUTH, NH 03801, 5051/2416
- 3) PARCEL IS NOT IN A SPECIAL FLOOD HAZARD AREA AS SHOWN ON FIRM PANEL 33015020289; EFFECTIVE DATE JANUARY 28, 2021.
- 4) EXISTING LOT AREA: 7,133 S.F., 0.1637 ACRES
- 5) PARCEL IS LOCATED IN THE GENERAL RESIDENTIAL, A (GCR) ZONING DISTRICT.
- 6) DIMENSIONAL REQUIREMENTS:
 FRONTAGE: 114 FEET
 SETBACKS: FRONT: 15 FEET, SIDE: 10 FEET, REAR: 25 FEET
 MAXIMUM STRUCTURE HEIGHT: 35 FEET
 MAXIMUM BUILDING COVERAGE: 25%
 MAXIMUM OPEN SPACE: 50%
- 7) THE PURPOSE OF THIS PLAN IS TO SHOW THE PROPOSED IMPROVEMENTS ON ASSESSOR'S MAP 162 LOT 28 IN THE CITY OF PORTSMOUTH
- 8) VERTICAL DATUM IS NAD83 BASIS OF VERTICAL DATUM IS REINTERPRETED WITH CROSS OBSERVATIONS (4023)
- 9) PROPOSED ADDITION FROM PLAN BY SOMMA STUDIOS DATED 04/09/2021.

STRUCTURE ADDITION MARINO RESIDENCE 114 PINE STREET PORTSMOUTH, N.H.

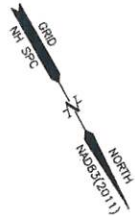
NO.	DESCRIPTION	DATE
1	HOUSE ADDITION	4/15/21
0	ISSUED FOR COMMENT	4/7/21
	REVISIONS	

SCALE: 1"=10'
 VARIANCE APPLICATION PLAN
 MARCH 2021
 C2

"I CERTIFY THAT THIS PLAN WAS PREPARED UNDER MY PERSONAL SUPERVISION AND THAT I AM A LICENSED PROFESSIONAL ENGINEER OR LAND SURVEYOR IN THE STATE OF NEW HAMPSHIRE. I HAVE NOT BEEN DISCIPLINED BY THE OFFICE AND HAVE AN ACCURACY OF FIELD SURVEY THAT EXCEEDS THE PRECISION OF THE CLOSED TRAVERSE THAT EXCEEDS THE PRECISION OF 1/15,000."

PAUL A. DOBBERSTEIN, L.L.S.
 DATE: 4/15/21





FRONT YARD CALCULATION SHEET

OWNER: DANIEL MARINO
 PROPERTY LOCATION: 114 PINE STREET
 CITY OF PORTSMOUTH
 COUNTY OF ROCKINGHAM
 STATE OF NEW HAMPSHIRE



AVERAGE OF FRONT YARDS ON THE EASTERLY SIDE OF PINE STREET WITHIN 200' OF SUBJECT PARCEL (PURSUANT TO PZO 10.516.10)

CALCULATIONS:

5.3 +
 3.9 +
 0.3 +
 0.4 +
 1.7 +
 1.3 +
 0.1 +
 0.0 +

13.0 / 8 (MEASUREMENTS) = 1.625' AVERAGE FRONT YARD
 1.625 ROUNDED TO NEAREST WHOLE FOOT = 2 FEET

GRAPHIC SCALE



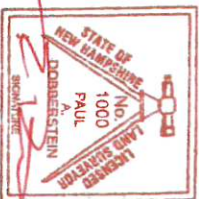
AMBIT ENGINEERING, INC.
 Civil Engineers & Land Surveyors
 200 Griffin Road - Unit 3
 Portsmouth, NH 03801-7114
 Tel (603) 430-8282
 Fax (603) 438-2315

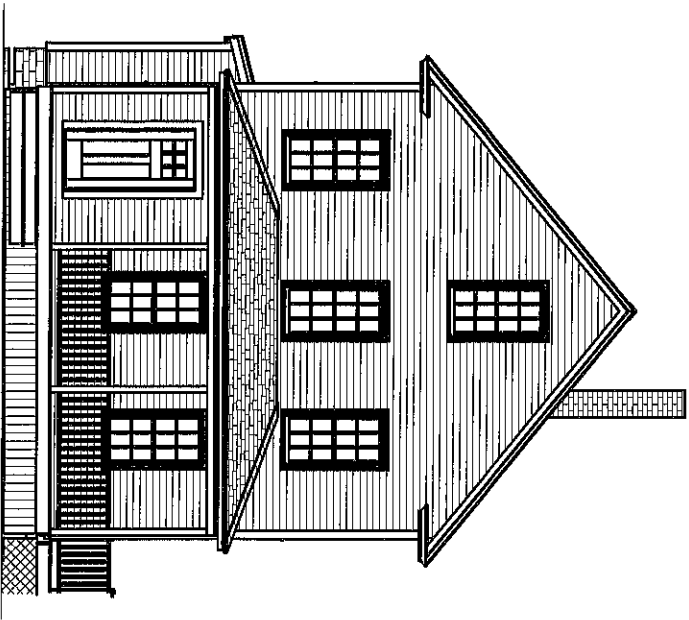
SCALE: 1" = 40' 13 APRIL 2021

"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 DOBERSTEIN, LLS

DATE 4/14/2021





EXISTING PINE STREET ELEVATION
(Documentation provided by Other)



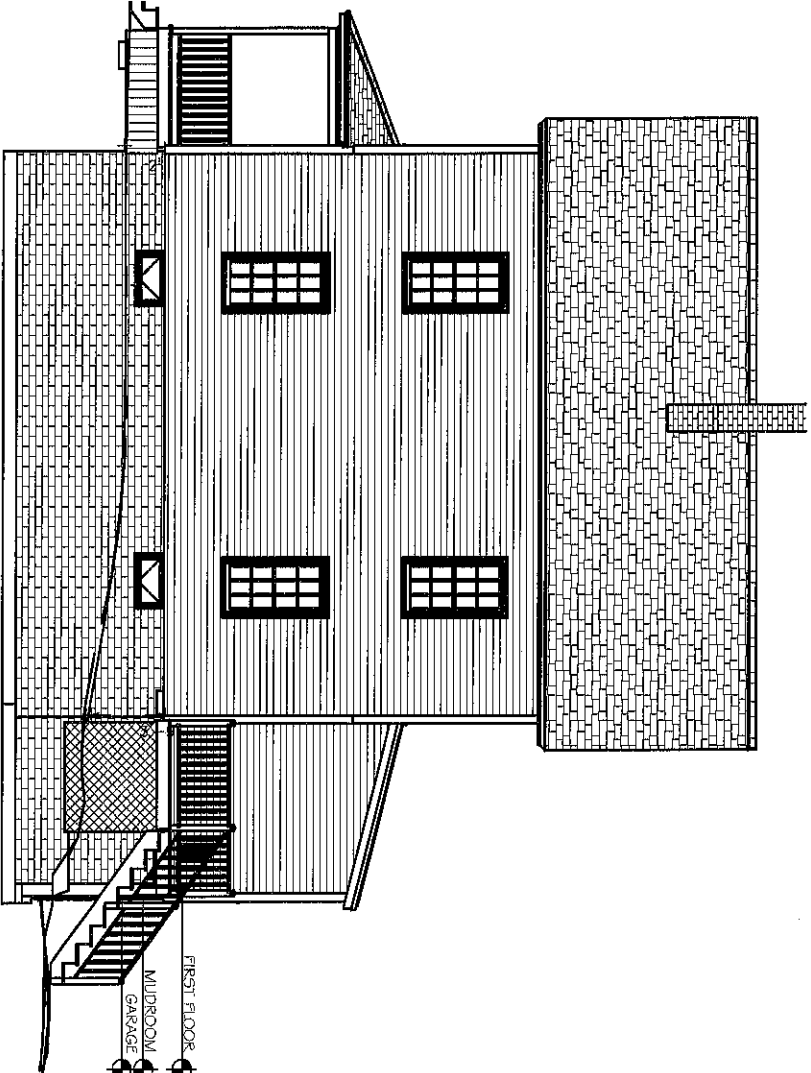
PROPOSED PINE STREET ELEVATION

114 PINE STREET, PORTSMOUTH, NH

PINE STREET ELEVATION

SOMMA Studios, Portsmouth, NH 603. 766.3760

MAY 2021

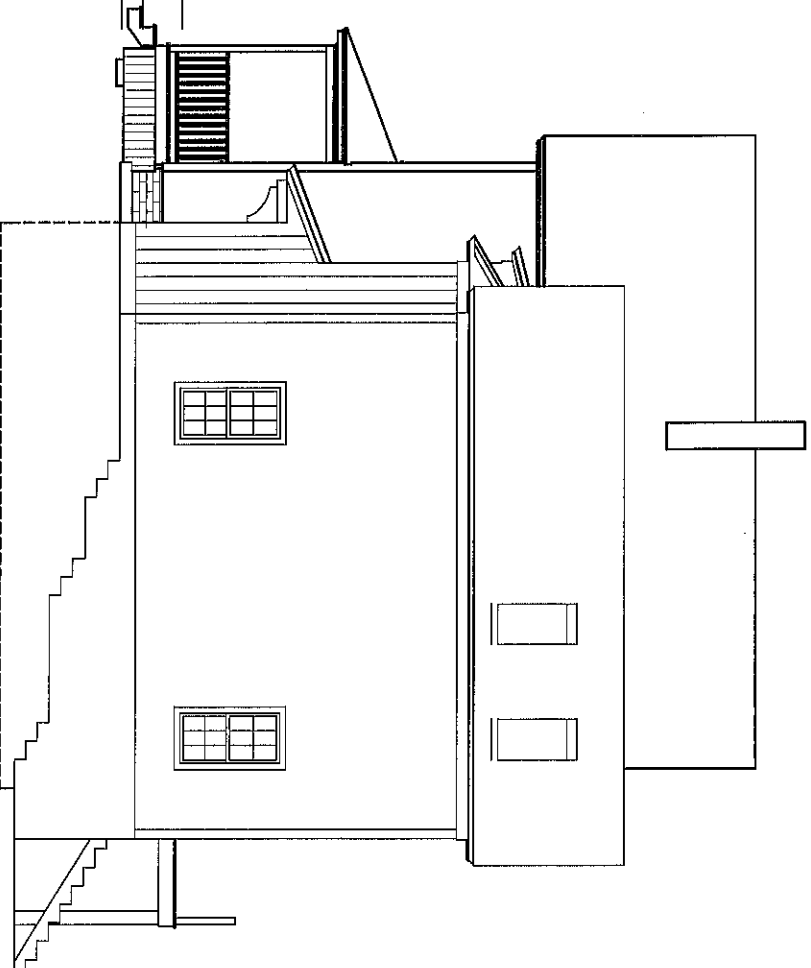


EXISTING SIDE ELEVATION

(Documentation provided by Other)

114 PINE STREET, PORTSMOUTH, NH

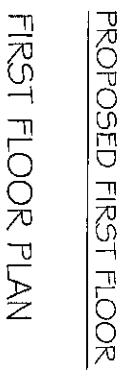
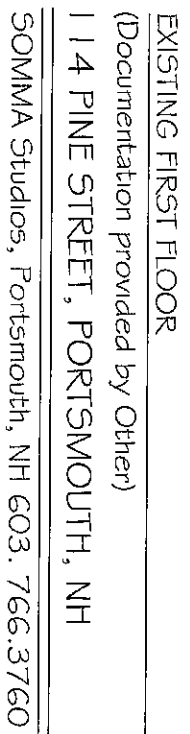
SOMMA Studios, Portsmouth, NH 603. 766.3760



PROPOSED SIDE ELEVATION

SIDE ELEVATION

MAY 2021





Front Elevation



Front Elevation



Right Side Elevation



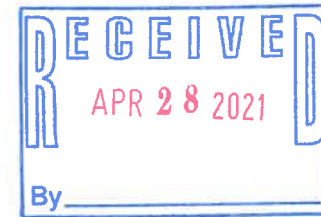
Rear Elevation



Left Side Elevation

Matthew D Beebe, LLC

Residential Design Services and Construction Consulting



4/26/21

City Of Portsmouth
Board of Adjustment

Re: 50 Mt Vernon Street Variance Application

Prologue:

50 Mt Vernon Street is a turn of the 20th century structure set close to the road and possessing a nonconforming lot footprint for the GRB district. The existing garage was constructed in 1998. The existing total building coverage is 33% of the overall lot size. The existing total lot coverage, including impervious paved surfaces, is 47%. The application for a variance proposes no changes to the existing footprint. The proposal includes only added headroom area to the second floor of the garage by virtue of a pair of opposing dormers cut into either side of the existing roof. This type of expansion to an existing building is an expansion of an existing non-conforming building—but was a change that used to be allowed in Portsmouth without the need for a variance.

Reasons for needing a variance:

- The homeowner seeks relief from the dimensional standards Section 10.520 where the min. front setback is 5'-0" and the subject property (SP) has 3'-0", from the side setbacks where the city min. requirement is 10'-0" and the SP has 7'-0" on one side, and from the rear setback where the city minimum is 25'-0" and the SP has 5'-6" ±.
- In addition, the homeowner seeks relief from Section 10.321 whereby an *"existing lawful nonconforming building or structure may continue and be maintained or repaired, but may not be extended, reconstructed or enlarged unless such extension, reconstruction or enlargement conforms to all the regulations of the district in which it is located."*

As per the City ordinance:

The **Board** may authorize upon appeal in specific cases a variance from the terms of this Ordinance.

Matthew D Beebe, LLC

Residential Design Services and Construction Consulting

In order to authorize a variance, the **Board** must find that the variance meets all of the following criteria:

10.233.21

The variance will not be contrary to the public interest;

Response: The City has embraced the idea of permitting residents to alter or add structures to their property to enable the use of a second dwelling unit in the form of an ADU or Garden Cottage. In this instance, the owner, Susan Alex, hopes to create a dwelling unit for a family member. It is in line with the evolving nature of the public interest in providing accessory dwelling spaces for family members.

10.233.22

The spirit of the Ordinance will be observed;

Response: The intended use of the proposed structure is an allowed and encouraged use as indicated by the zoning ordinance enforced by the city. The proposed expansion does not change the building or lot coverage. Therefore, the spirit of the ordinance would be observed by permitting this use by the property owner.

10.233.23

Substantial justice will be done;

Response: The addition of a dormer on an existing, non-conforming garage structure will not harm the general public or any individuals.

10.233.24

The values of surrounding properties will not be diminished; and

Response: The fact that local property values are skyrocketing aside...The values of surrounding properties would not in any way be diminished. The plans represent a tasteful improvement to the property which will maintain the New England charm and character of the neighborhood. The immediate abutting neighbors have reviewed the plans and see the proposed variance as keeping with the essential characteristics of the neighborhood and not negatively impacting their property. The dormered 2nd floor will not impede on any air or light of the neighbors as the footprint remains unchanged and

Matthew D Beebe, LLC

Residential Design Services and Construction Consulting

there will not be any change to the overall height of the structure. We have oriented the windows (added at the dormer) to look out only onto the homeowner's own property.

10.233.25

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

*Response: Literal enforcement of the ordinance **would** result in unnecessary hardship. Properties built prior to the implementation of a city-wide zoning ordinance often do not meet the minimum dimensional requirements imposed by the city--since those standards were not considered at the time of construction. Many older homes are situated close to property lines and streets. Outbuildings are often at or very close to property lines to allow for larger yard areas or to serve to delineate property lines. Therefore, most proposals for expansion of existing properties would not meet the minimum dimensional standards.*

Adding the dormers to the garage will allow, if all permissions are obtained, an additional dwelling unit on the property as a permitted ADU -- without expanding the existing building footprint. It's a relatively low impact "ask" and would result in greater enjoyment of the property by the homeowner...





MDB DESIGN/BUILD LLC
Construction Consulting
Residential Design
81 Lincoln Ave. Portsmouth, N.H. 03801
603-234-7398

CONSULTANTS



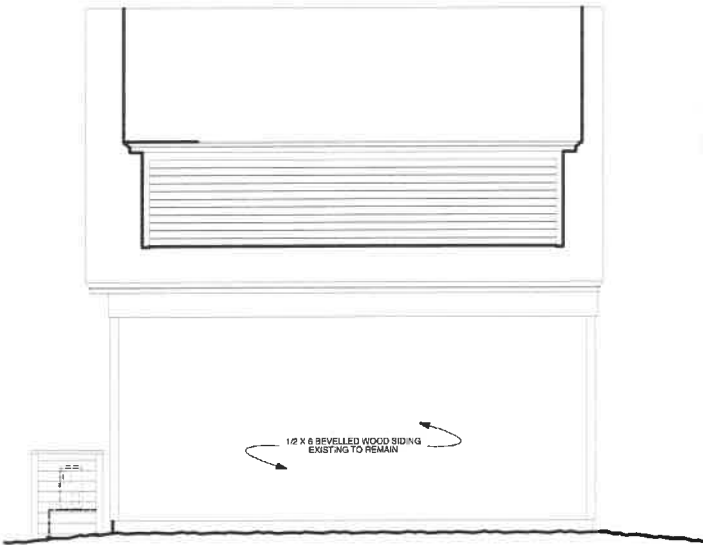
ALEX RESIDENCE
ADU PROPOSAL

50 MT. VERNON STREET
PORTSMOUTH, NH 03801

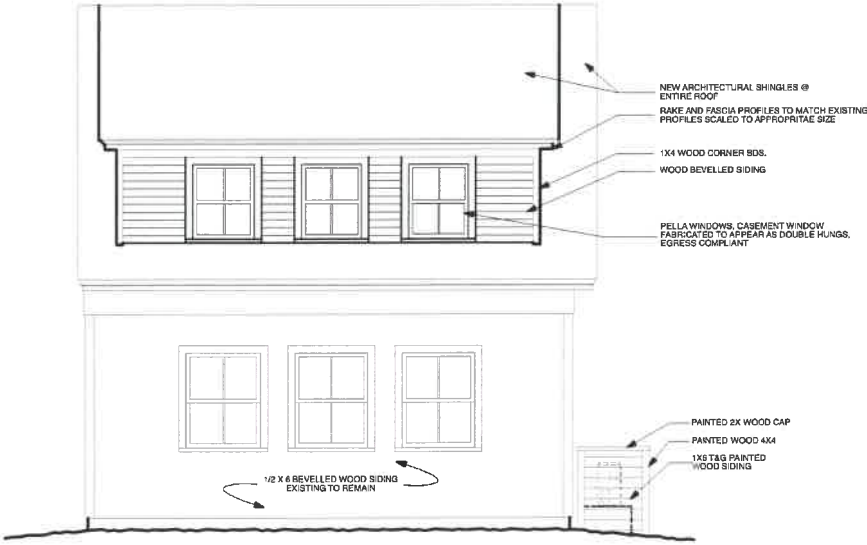
4/13/21	PRELIM. DRAWINGS
DATE	DESCRIPTION

SHEET TITLE
PROPOSED
ELEVATIONS

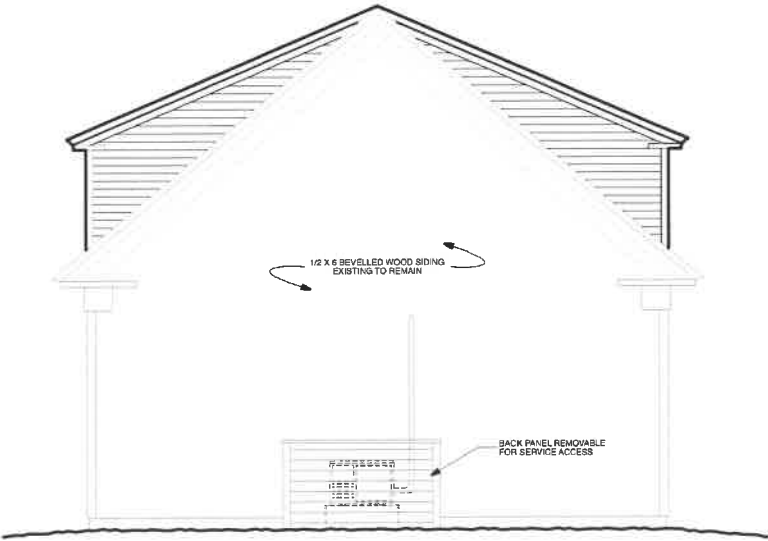
A2



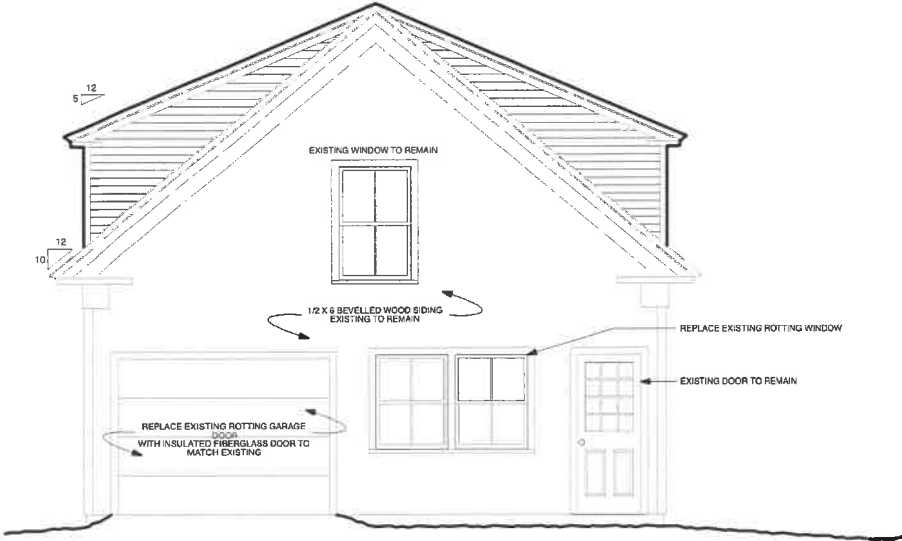
4 NORTH ELEVATION 1/8" = 1'-0"



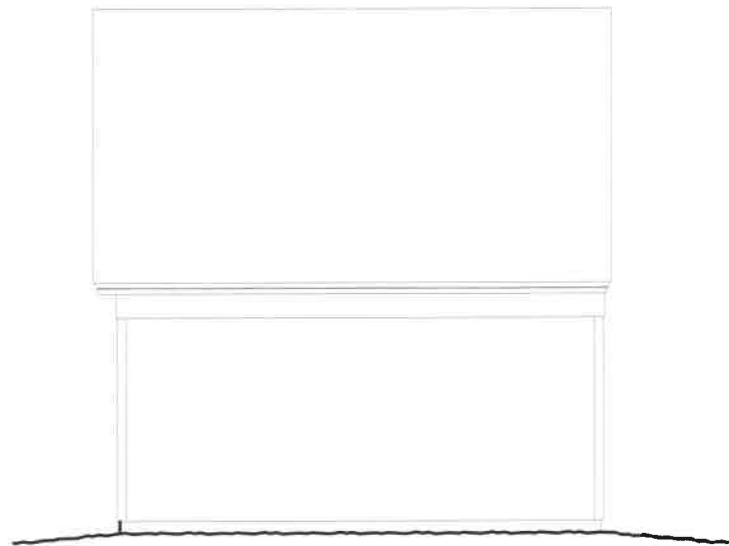
3 SOUTH ELEVATION 1/8" = 1'-0"



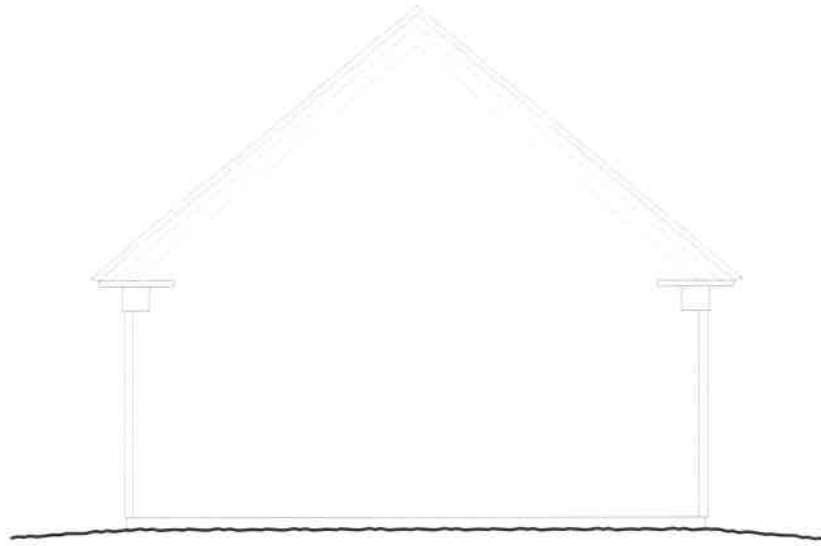
2 EAST ELEVATION 1/8" = 1'-0"



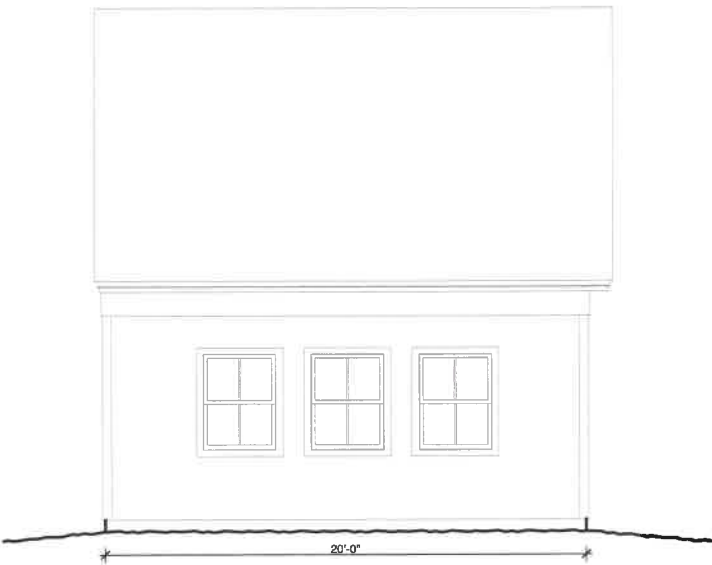
1 WEST ELEVATION 1/8" = 1'-0"



3 SIDE ELEVATION 1/8" = 1'-0"



4 REAR ELEVATION 1/8" = 1'-0"



2 SIDE ELEVATION 1/8" = 1'-0"



1 FRONT ELEVATION 1/8" = 1'-0"

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Construction Consulting
Residential Design
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603-234-7398

CONSULTANTS

ALEX RESIDENCE
ADU PROPOSAL

50 MT. VERNON STREET
PORTSMOUTH, NH 03801

4/13/21	PRELIM. DRAWINGS
DATE	DESCRIPTION

SHEET TITLE

EXISTING
ELEVATIONS

EX1

MDB DESIGN/BUILD LLC
Construction Consulting
Residential Design
81 Lincoln Ave. Portsmouth, N.H. 03801
603-234-7398

CONSULTANTS

ALEX RESIDENCE
ADU PROPOSAL

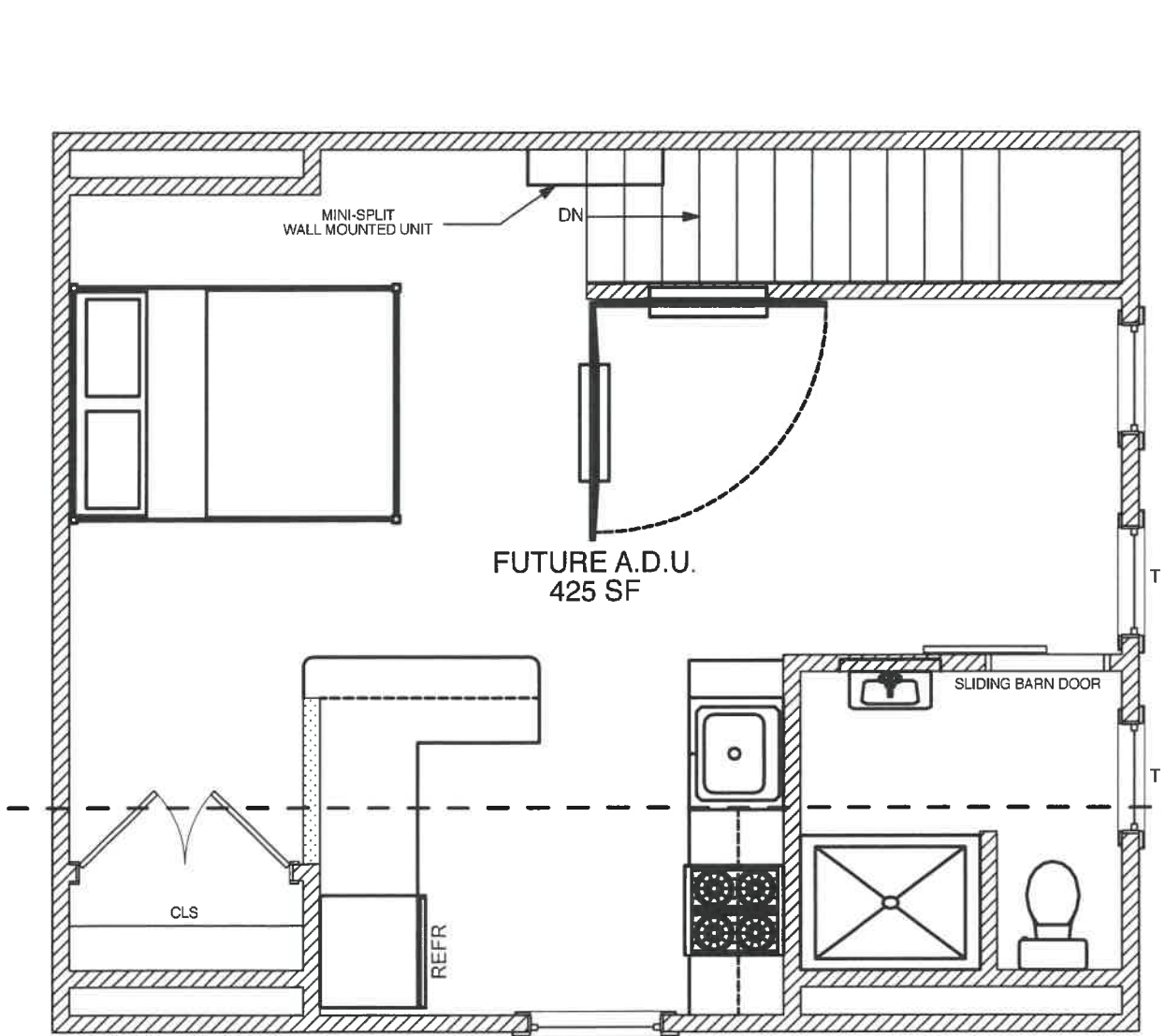
50 MT. VERNON STREET
PORTSMOUTH, NH 03801

4/13/21	PRELIM. DRAWINGS
DATE	DESCRIPTION

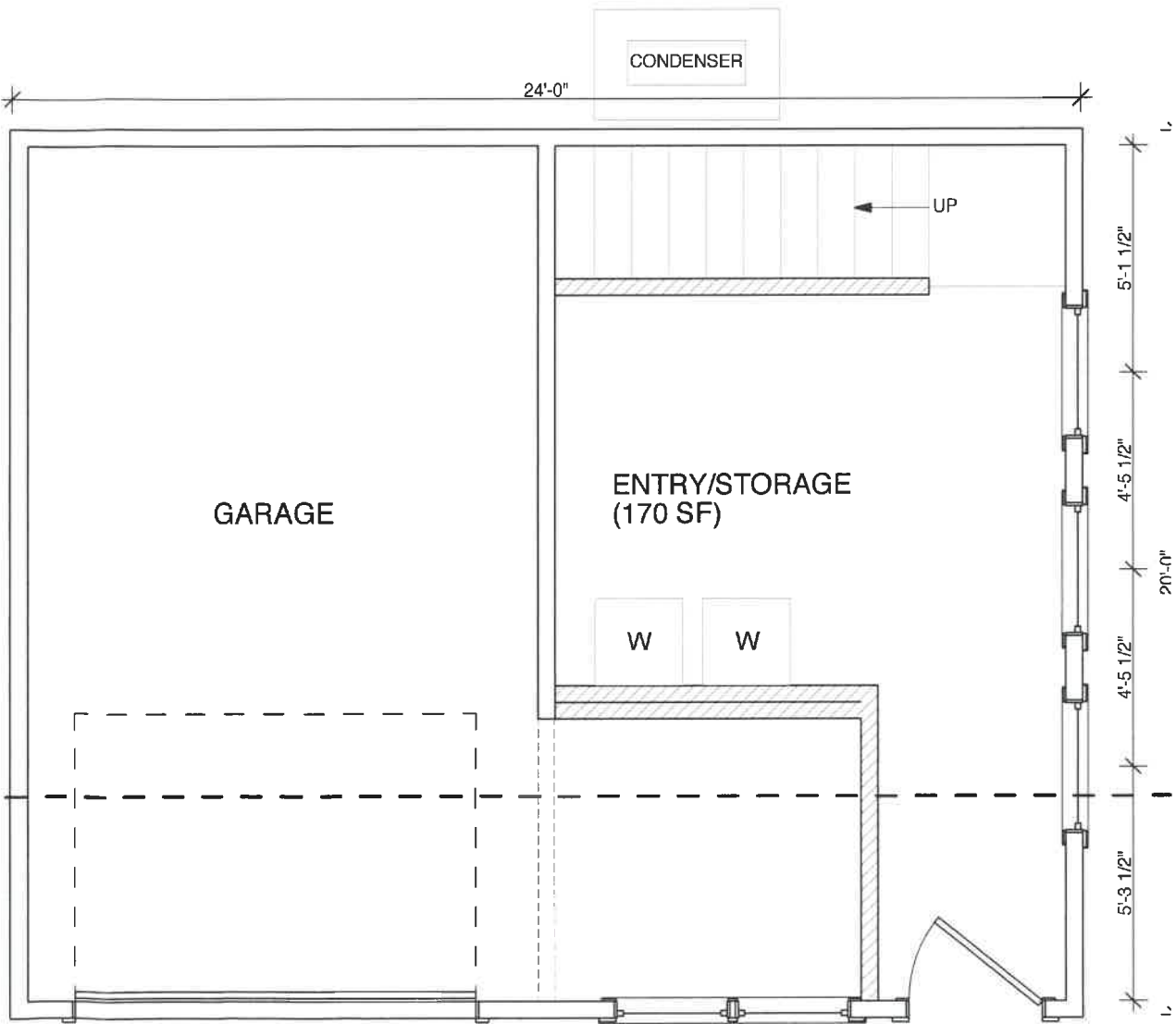
SHEET TITLE

PROPOSED
FLOOR PLANS

A1

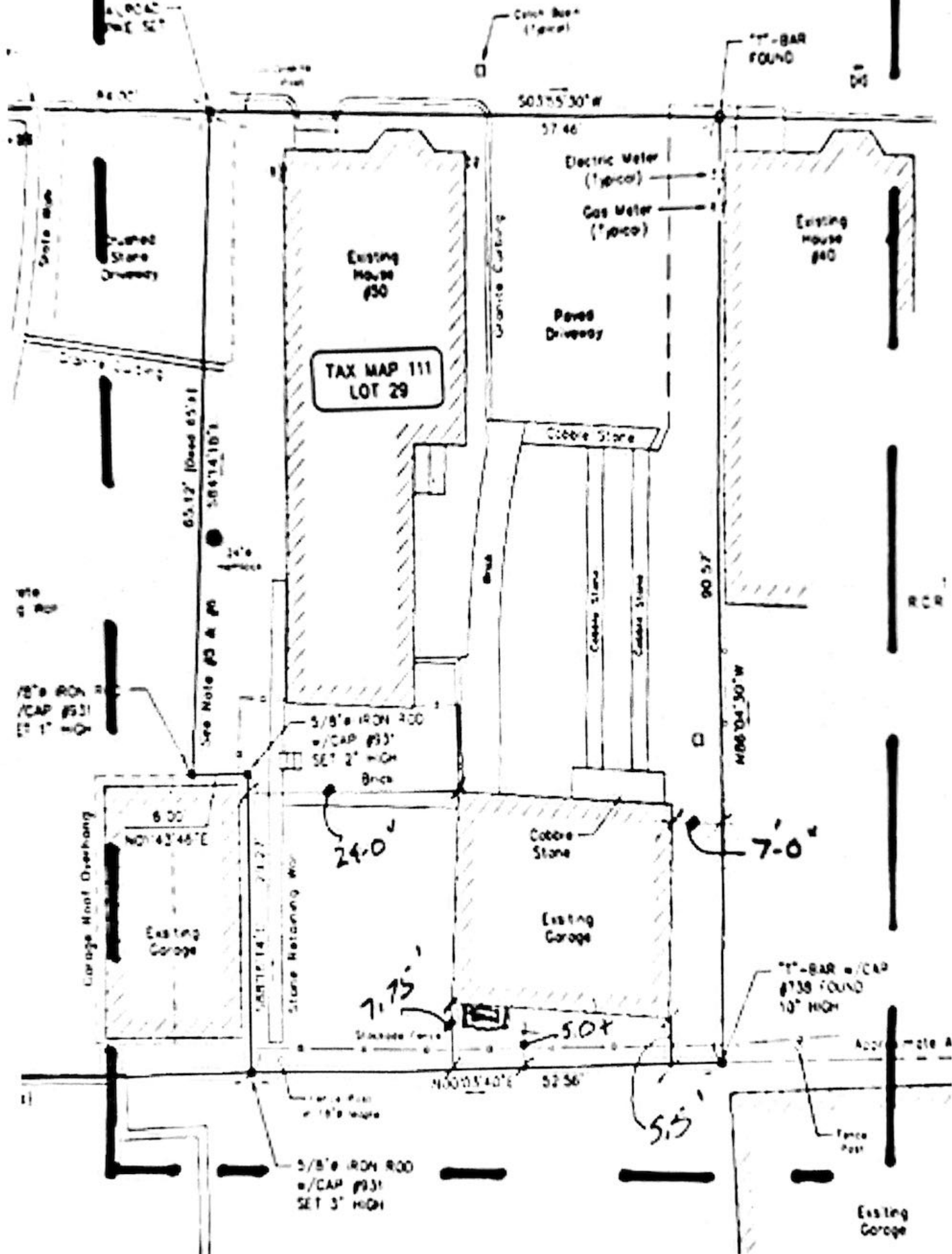


2 SECOND FLOOR PLAN 1/4" = 1'-0"



1 FIRST FLOOR PLAN 1/4" = 1'-0"

MOUNT VERNON STREET



Request for an area variance at 83 Richards Avenue, Portsmouth 03801

Submitted by Katrina Carye
79 and 83 Richards Avenue
Portsmouth, NH 03801
781-454-9697
kcarye@gmail.com

This proposal is a request for a special exception from the Zoning Ordinance which requires residential lots in Portsmouth to have a square footage of 7500 square feet with a maximum coverage of 25%. Our single family residence at 83 Richards Avenue (lot 128-7) was built in 1880, prior to the existence of any zoning requirements. The long history of this specific site is a special condition which distinguishes it from other more recently developed properties in Portsmouth. We would like to place a 6x7 ft barrel-shaped cedar sauna in our side yard, which we believe is a reasonable use of our private property, but this would make our lot nonconforming to the current Zoning Ordinance.

Site plan and lot area: Attachments 1-2 show lot 128-7 on a map from the City of Portsmouth and a drawing of lot area. Lot 128-7 has a total area of 1,407 square feet. The existing 2-story house has a footprint of 445 square feet. This represents a coverage of 32%. With the proposed sauna's 42 square feet, the total lot coverage would increase to 35%.

Existing land use: Attachment 3 shows the brick-covered open side yard with a row of high evergreen trees in the back and a fence on the side. Additional 6-foot trees are to be planted along the fence for additional privacy.

Valuation of the project: The cost for the sauna is \$9,899 with assembly on-site. It will cost \$500 for the electrical connection to the house panel for a total cost of approximately \$10,500.

Description and dimensions of existing and proposed buildings: The existing 2-story house was built in 1880 and has two bedrooms and one bath. It has a total square footage of 762 square feet and a footprint of 445 square feet.

Attachments 4-5 show the specifications for the sauna from the manufacturer. It is barrel-shaped, 6 feet in height and width and 7 feet long with a square footage of 42 square feet.

Existing and proposed setbacks/yard dimensions: The existing house rests on the back property line and is 25.63 feet from the side property line. The lot itself is 30.1 feet deep and is contiguous with lot 128-6 which is 46.35 feet across.

Attachment 6 shows the required 5-foot setbacks from the house and the property lines. The remaining open space in the yard is 392 square feet. The 42 square foot footprint of the sauna would easily fit into the ample available space.

Photographs: Attachments 7-8 show an actual model of the proposed sauna at a local store.

Criteria for granting a variance under the Zoning Ordinance:

10.233.21

Granting a variance for the placement of a health-promoting sauna would not be contrary to public interest. The yard is a private space, shielded from the outside by landscaping, fencing and other structures. The sauna is not a permanent structure but rests upon a wooden base. It will only be used a few hours a week. The design of the sauna is on an appropriate scale to the surrounding buildings and made of a natural material. There would be no adverse affects from this sauna such as noise, pollution or leakage and it utilizes a standard electrical connection.

10.233.22

The spirit of the Ordinance in terms of allowing for adequate space will be observed in the granting of this variance. Attachment 3 shows a drawing of lot 128-7 with the setbacks highlighted from the house and the property lines in the back and on the side. With the sauna installed, the property would still be in compliance with the required 5-foot setbacks. The remaining open space of 392 square feet would allow ample room for the 6x7 foot sauna as shown here.

10.233.23

In granting this variance, substantial justice will be done in recognizing the special conditions of this site and allowing a reasonable use on private property.

10.233.24

The proposed use would not diminish the value of surrounding properties nor injure any other property owners. Since I also own the contiguous property, lot 128-6, then I am the only property owner affected by the placement of a sauna and I will be sharing in its use. Neighbors will not be impacted by our use of the sauna and it will not be visible to anyone outside of our property.

10.233.25

Given the specific conditions of this 1880's property, it is impossible for us to satisfy the current lot size restrictions in the Zoning Ordinance. Strict enforcement of these provisions would constitute an unnecessary hardship by interfering with a reasonable and allowed use of our private property which presents no disadvantages to anyone else.

Statement: The property at 83 Richards Avenue presents a unique situation with an 1880's house that shares a contiguous space with 79 Richards with common access to the street. It is outside of the formal historical district but belongs to the charming central part of old Portsmouth with its smaller lots and closely clustered buildings. Its nonconforming lot cannot

comply with 21st century zoning ordinances such as lot size and coverage but we can satisfy the setback requirements and allow for adequate open space.

We believe that having a health-promoting sauna in our yard is a reasonable use in our private space. It would not have any negative consequences for any other property owners or the public interest.

For the above reasons we would like to be considered for a special exception and be granted an area variance from the Board of Adjusters.

Thank you for your consideration of this matter.

A handwritten signature in black ink, appearing to read "Katrina Carye". The signature is fluid and cursive, with the first name "Katrina" written in a more stylized, connected manner than the last name "Carye".

Katrina Carye

April 28, 2021

[illegible]

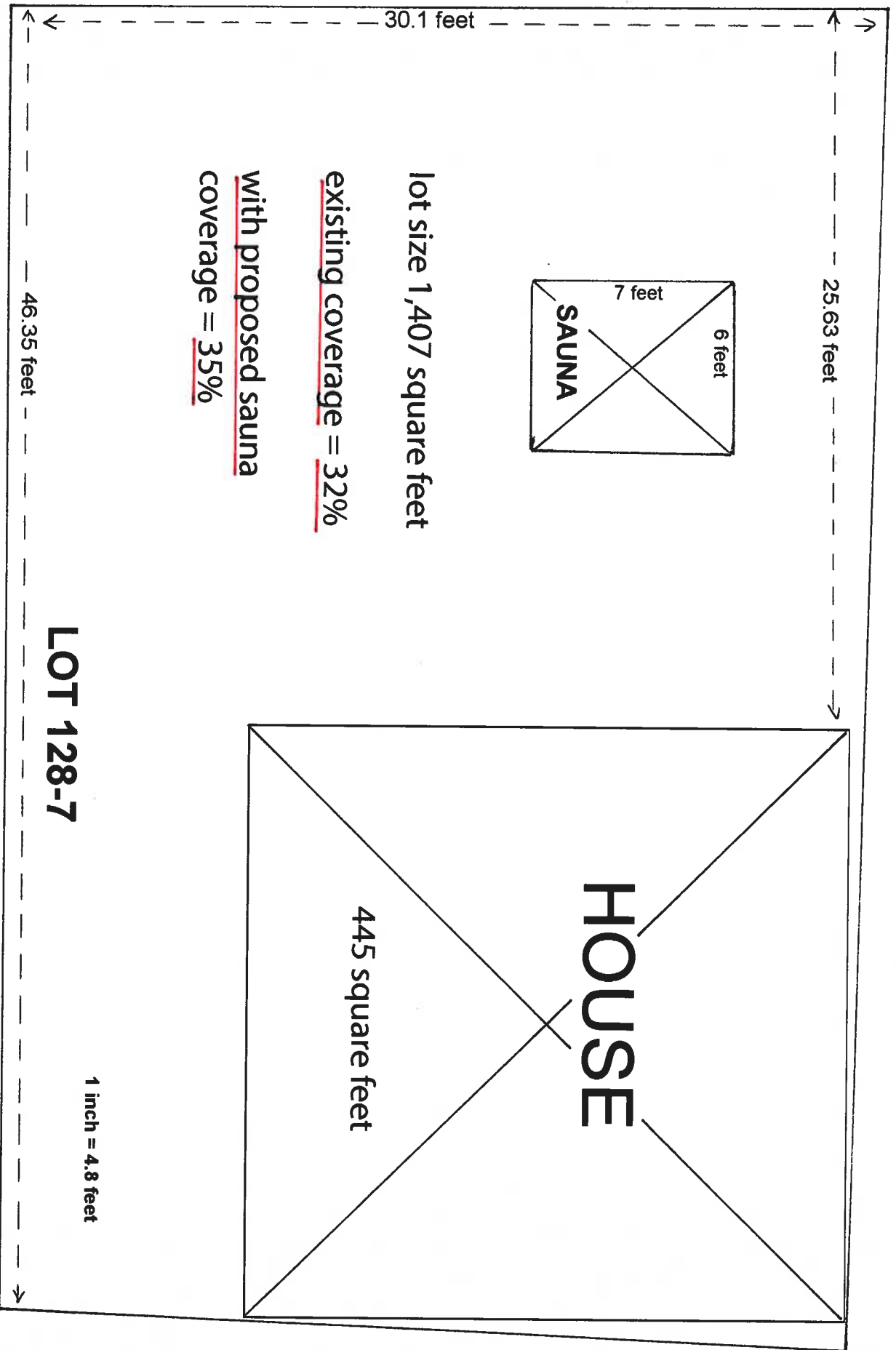
MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT

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.

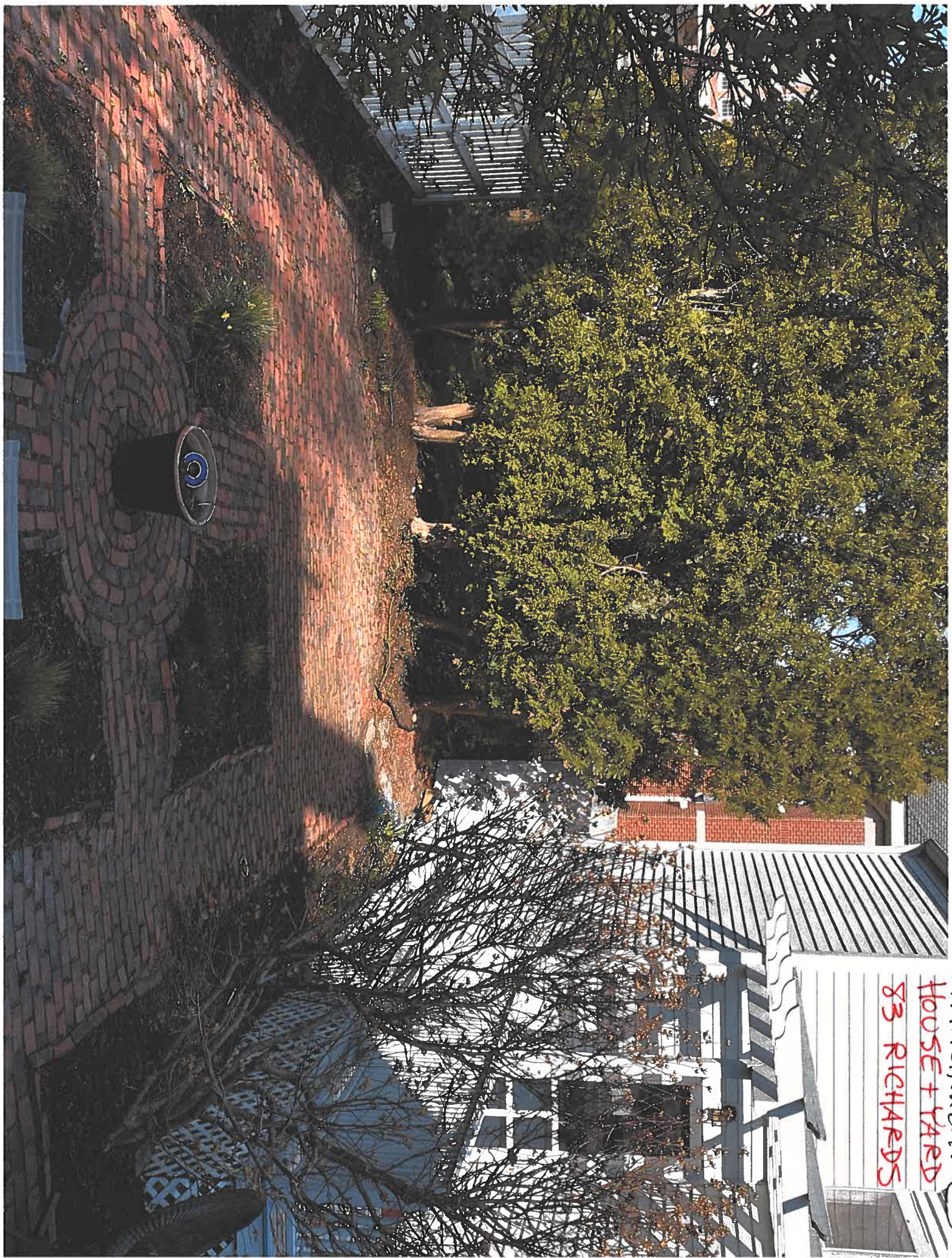
Geometry updated 4/1/2019
Data updated 7/17/2019

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

LOT AREA



ATTACHMENT (5)
HOUSE + YARD
83 RICHARDS



DUNDALK RED CEDAR SAUNA ATTACHMENT ④

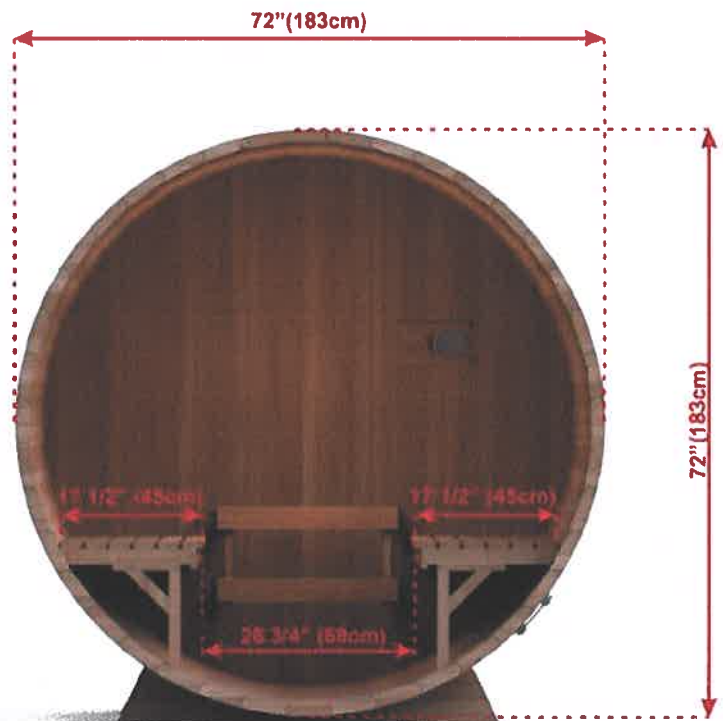


BARREL SAUNA PACKAGE FEATURES:

- Made in Canada with Canadian Cedar
- Easy to assemble package.
- Marine Grade aluminum bands with stainless hardware.
- Bronze tempered glass in door.
- Package includes Towel Bar and 2 Backrests.
- Opening vent on back wall.

BARREL SAUNA PACKAGE OPTIONS:

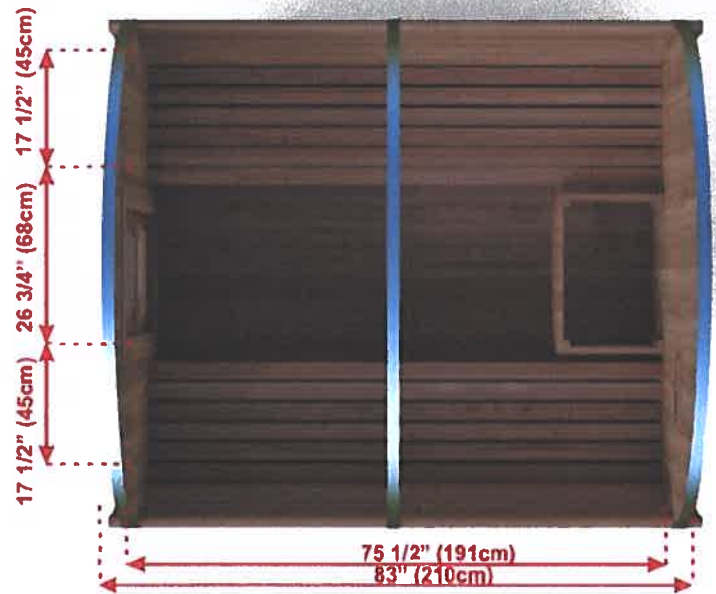
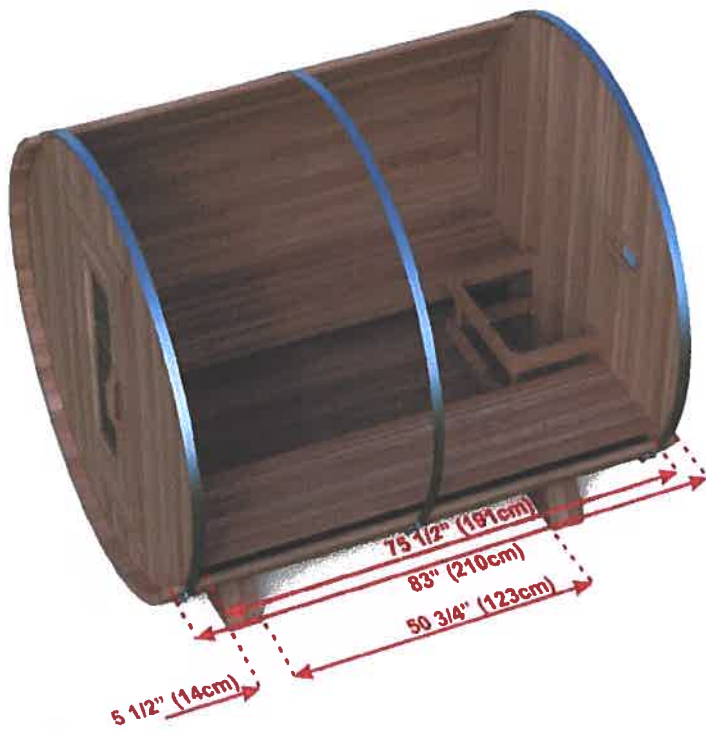
- 2' (60cm) Front Porch
- 4' (120cm) Changeroom with Benches
- Overhang Cove on Front
- 2 Windows in Front Wall
- Panoramic Window in End Wall
- Woodburning or Electric Heaters
- Signature Bench Upgrades



MODEL 670

DUNDALK

RED CEDAR
SAUNA



PACKAGE SIZE:

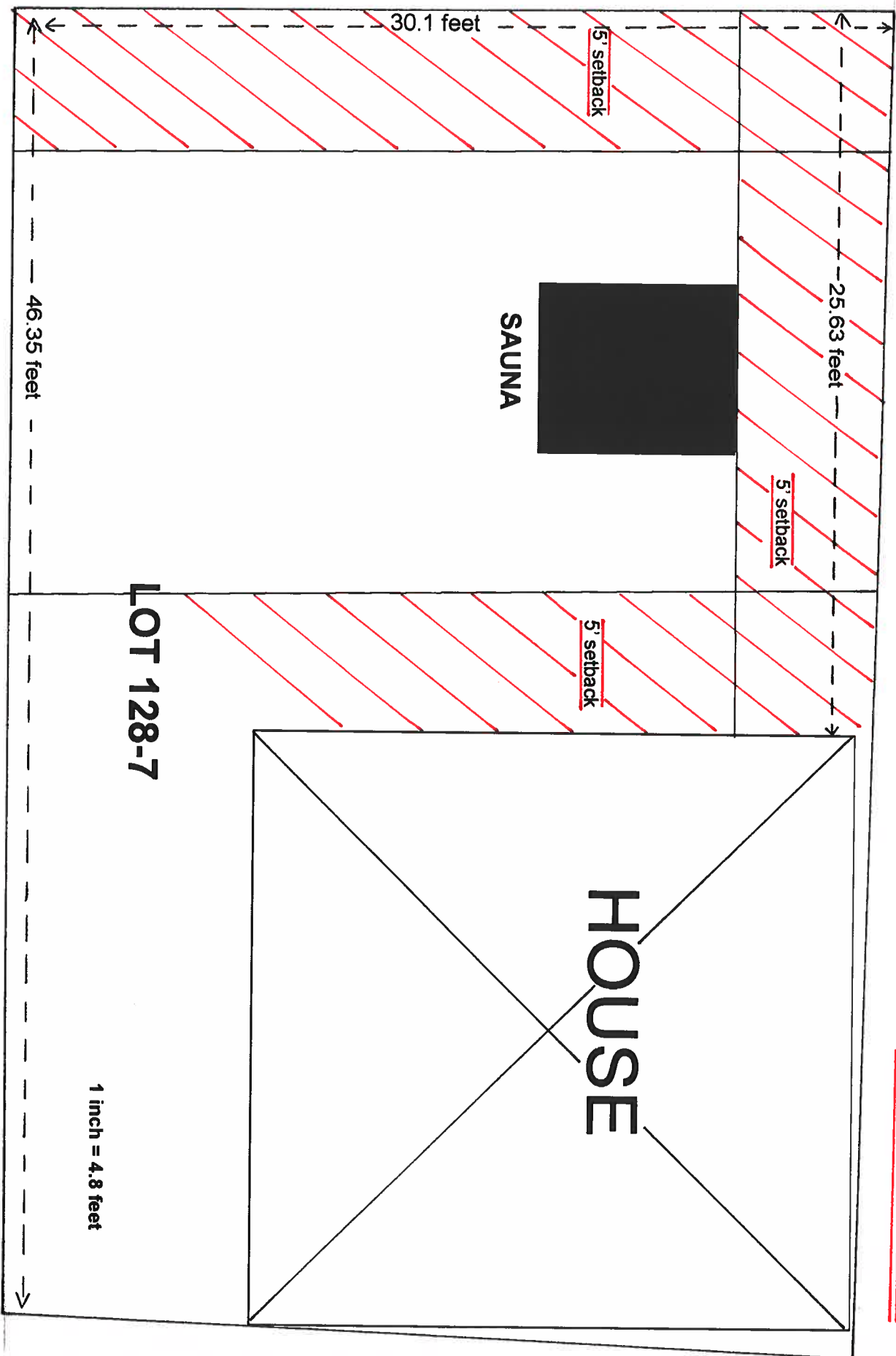
90x45x32"
228x114x81cm

PRODUCT WEIGHT:

1175 lbs.
532 kg.

PROPOSED SITE OF 6'x7' SAUNA
IN BACKYARD

SETBACKS



83 RICHARDS AVE

ATTACHMENT (7)

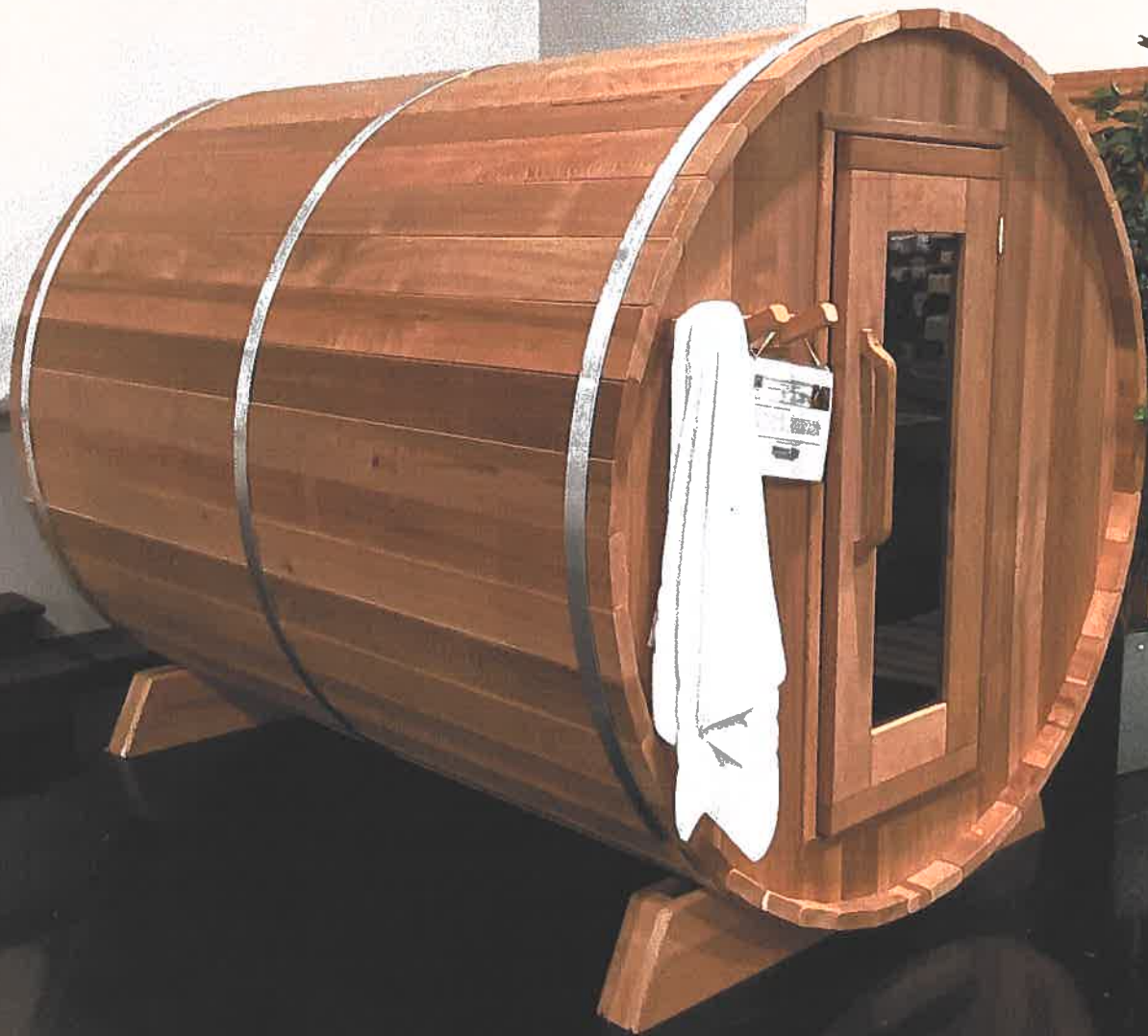
DUNDALK
RED CEDAR SAUNA
(SHOWROOM, HAMPTON,
NH)



DUNDALK RED CEDAR
SAUNA

(SHOW ROOM, HAMPTON, NH)

ATTACHMENT ⑧



April 28, 2021

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

RE: 165 Court Street – Sign Variance Application

Dear Chair Rheaume and Board Members:

The applicant requests variances from Sections 10.1251.10 and 10.1251.20 of the City of Portsmouth's Zoning Ordinance for the proposed mural (signage) at 165 Court Street. Please consider the information included below when evaluating the merits of this request.

Property: 165 Court Street | Assessor Map: 116 | Lot 27

Property: CD4 | Historic District

Sign District: 3

- Variances:**
- 1) From Section 10.1251.10:
 - **Max Allowed** aggregate sign area shall be no greater than (2) x Frontage
 - $96'-0'' \times 2 = \underline{192 \text{ sf}}$
 - **Existing** Aggregate Sign Area = 53 sf
 - **New** Aggregate Sign Area = 162 sf
 - **Total New** Aggregate Sign Area = 215 sf
 - 2) From Section 10.1251.20:
 - **Max Allowed** sign area for individual signs = 40 sf
 - **Proposed** Individual Sign Areas:
 - Ruth Blay Figure and Text = 140 sf
 - History Text = 10 sf
 - History Through Art = 9 sf
 - Credits and Info = 3 sf

3) From Section 10.1242:

- Each side of a building facing a street may have one wall sign above the ground floor

4) From Section 10.1271:

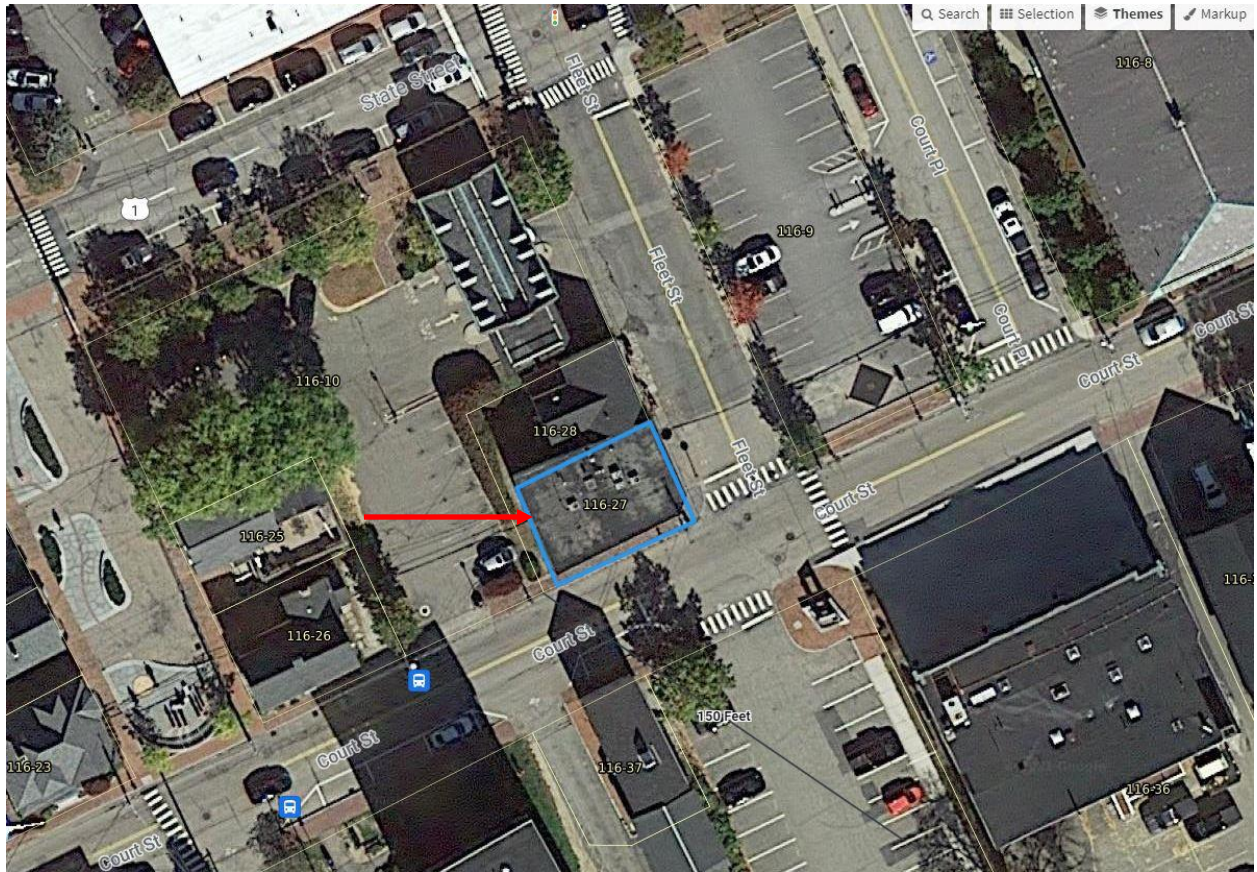
- To allow signs on a side of a building that does not face a street or does not have a public entrance

Introduction

165 Court Street is located at the intersection of Fleet Street and Court Street just southwest of the Fire Station and across the street from the PHA – Margeson Apartments. The two-story building contains a mix of (4) retail and office spaces with associated signage for each business. The owner of the building, Todd Adelman of KWA LLC, has been working with a local nonprofit group “Friends of Ruth Blay, Inc” to bring awareness to some of the many prominent women of Portsmouth’s storied history. The first of these women is Ruth Blay (1737-1768). Ruth, a 31-year-old teacher from South Hampton, was tried, convicted, and publicly hanged for concealing the body of her illegitimate baby. She was the last female executed in New Hampshire.

A mural is being proposed at the southwest wall of the 165 Court Street building. The mural will contain a unique artist’s rendering of Ruth Blay with associated title, historical facts, design credits, and a “History Through Art” tag intended to identify and link together this installation with other future murals focused on a variety of Portsmouth women.

The Portsmouth Zoning Ordinance categorizes murals as signage, and the crux of these variance requests revolves around complying with the required dimensional standards for signage within Sign District 3 and the location of the mural not being located on a wall that has street frontage. The Ordinance’s stated purpose is to “...*maintain and enhance the character of the city’s commercial districts and residential neighborhoods and to protect the public from hazardous and distracting displays.*” Although the proposed mural does not meet all of the dimensional and location requirements of the signage ordinance it has been purposely and thoughtfully designed to meet the intent of the ordinance’s purpose. Please refer to the following pages for artist’s renderings, relevant project info, and variance criteria.



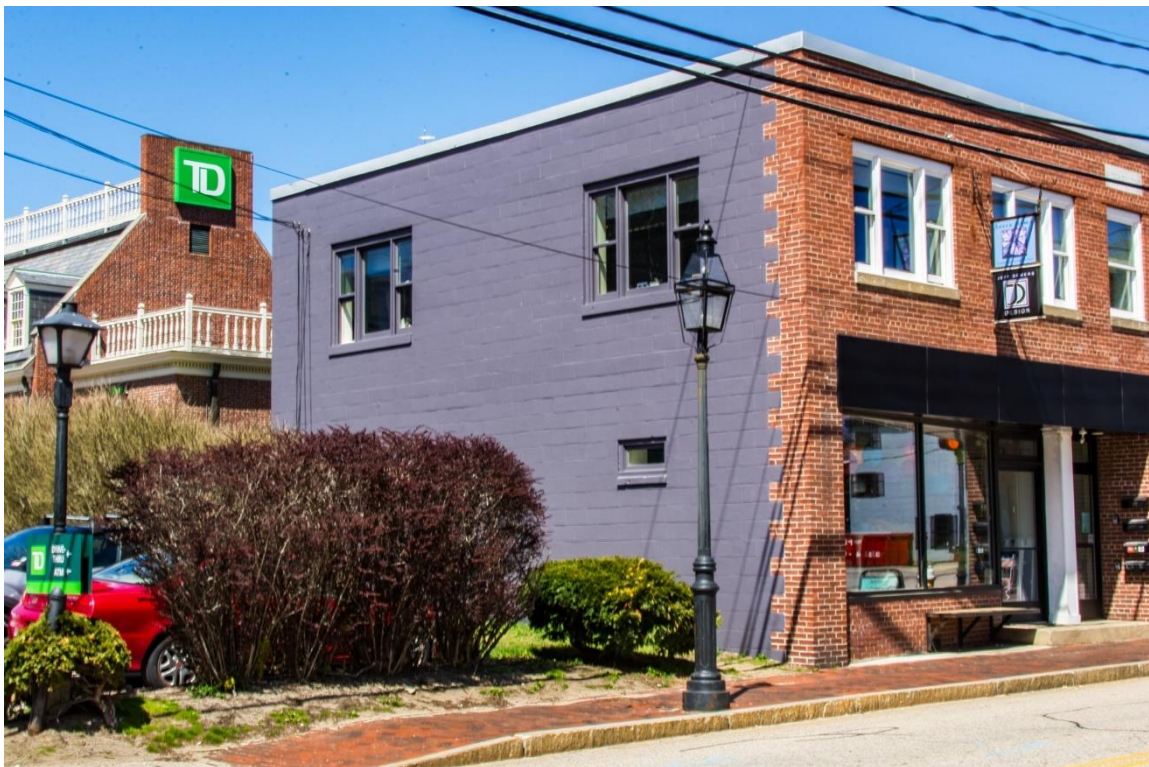
Aerial View



View from Fire Station



View Down Court Street from the Southwest



Mural Wall (Southwest Wall)



FIGURE AT 16'-3" HT x 5'-10" W

PROJECT TAG

REMEMBERING

Ruth Blay

1737-1768

teacher; seamstress; unwed mother

HISTORY

HISTORIC FACTS TEXT

DESIGN CREDITS TEXT

Ruth Blay Mural

Photographic Vinyl

163 Court Street: West Wall



Sketch for Ruth Blay Mural

Ruth Blay Mural Text

Project Tag: *History Through Art*

Mural Title: Remembering Ruth Blay, 1737-1768

Teacher; Seamstress; Unwed Mother

History

In 1768, Ruth Blay, a 31-year-old teacher from South Hampton, was tried, convicted, and publicly hanged for concealing the body of her illegitimate baby.

Concealment was punishable by death by hanging, unless the woman could prove the baby was stillborn. In Blay's final words, written on the eve of her execution, she maintained the child was stillborn, which she could have proven had she been properly advised by her lawyer.

She, and other women before her, were victims of their gender, class, social status, the mores of the time and harsh provincial law.

The last woman executed in New Hampshire, Ruth Blay's body lies buried in an unmarked grave in what is now South Street Cemetery.

- Carolyn Marvin, Historian

Author of *Hanging Ruth Blay, an Eighteenth Century Tragedy*, The History Press, 2010

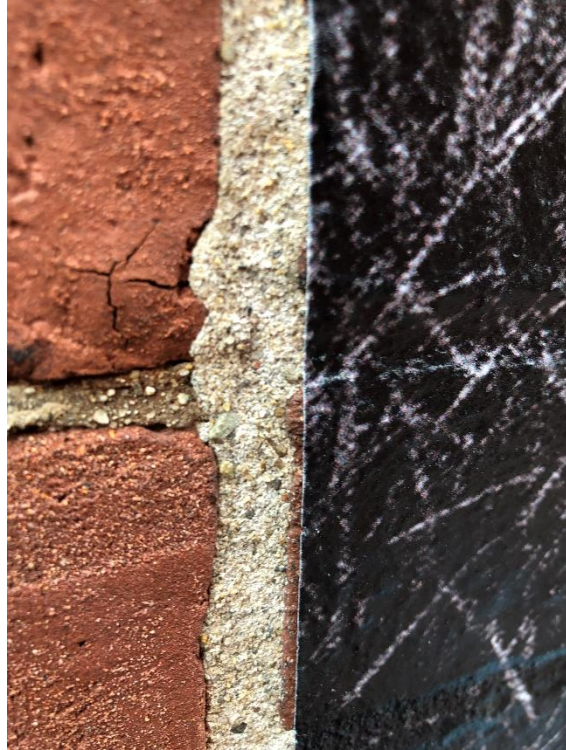
Materials

The existing grey painted wall at the southwest of the building will act as a subdued background color for the mural renderings and text.

The entirety of the mural itself (rendering, title, text, etc.) will be printed on an adhesive vinyl material similar to a few comparable murals in the downtown area.



Murals on Commercial Alley with Similar Material



Edge of Vinyl at Brick Mortar Joint



Profile of Brick and Mortar Joints Viewed Through Vinyl Material

Variance Criteria

1. The variance is not contrary to the public interest.
2. The spirit of the ordinance is observed.
 - Eclectic mixed-use neighborhood surrounded by office, retail, municipal and residential uses
 - Variety of signage, graphics, statues, and memorials in the immediate area (Fire Station and African Burial Grounds memorials)
 - Enhances the character of the city by promoting its rich history
 - Location not on street frontage does not create a hazard or distraction
 - Size of mural does not create a hazard or distraction as the design is subdued in its color scheme and content
3. Substantial justice is done.
 - There is no obvious harm to the public that would be created by the installation of this mural (see above comments for 1. and 2.)
 - There would be a benefit to the public due to the educational components of the mural and its tasteful design
4. The values of surrounding properties are not diminished.
 - This is a mixed-use neighborhood with an abundance of signage, colorful graphics, statues, memorials, etc.
 - The addition of this mural into the neighborhood context would not alter or diminish the property values within the surrounding neighborhood
5. Literal enforcement of the ordinance would result in unnecessary hardship. Unnecessary hardship means:

Because of special conditions of the property that distinguish it from other properties in the area:

- a. There is no fair and substantial relationship between the general public purpose of the ordinance provision and the specific application of that provision to the property; and
- b. The proposed use is a reasonable one.

Alternatively, unnecessary hardship means that, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance.

- Building location at the intersection of two downtown streets having wall frontage with a third wall of the building abutting a bank driveway and parking lot - to the observer/passersby that would be experiencing this mural the driveway feels and acts as a third street, but the building does not get the benefit of the additional frontage with its sign area tabulations
- The purpose of the mural is to be viewed and be comprehensible from the public way – due to the southwest wall's proximity to Court Street the proposed mural exceeds the required sign area with the implicit goal of achieving that purpose
- Rate of travel on Court Street is slow by nature, and the mural is tasteful in design and color selection – this creates a situation where a sign that is larger than allowed does not create a hazardous or distracting experience to those that are passing by
- The proposed use is reasonable and fits harmoniously with the surrounding context

Description of Work:

Upon approval, we would connect the front deck to the rear deck while extending the roof of the front deck along the southwestern side of the house. We would screen a portion of the Southwestern deck with doors for entry and exit. We would also convert a door to a window noted in the diagram on our house. Where possible we plan to re-use the existing substructure and our plans call to use the original layout of the deck.

Variances Required:

Lot Coverage – We are requesting to increase lot coverage to 31.04%.

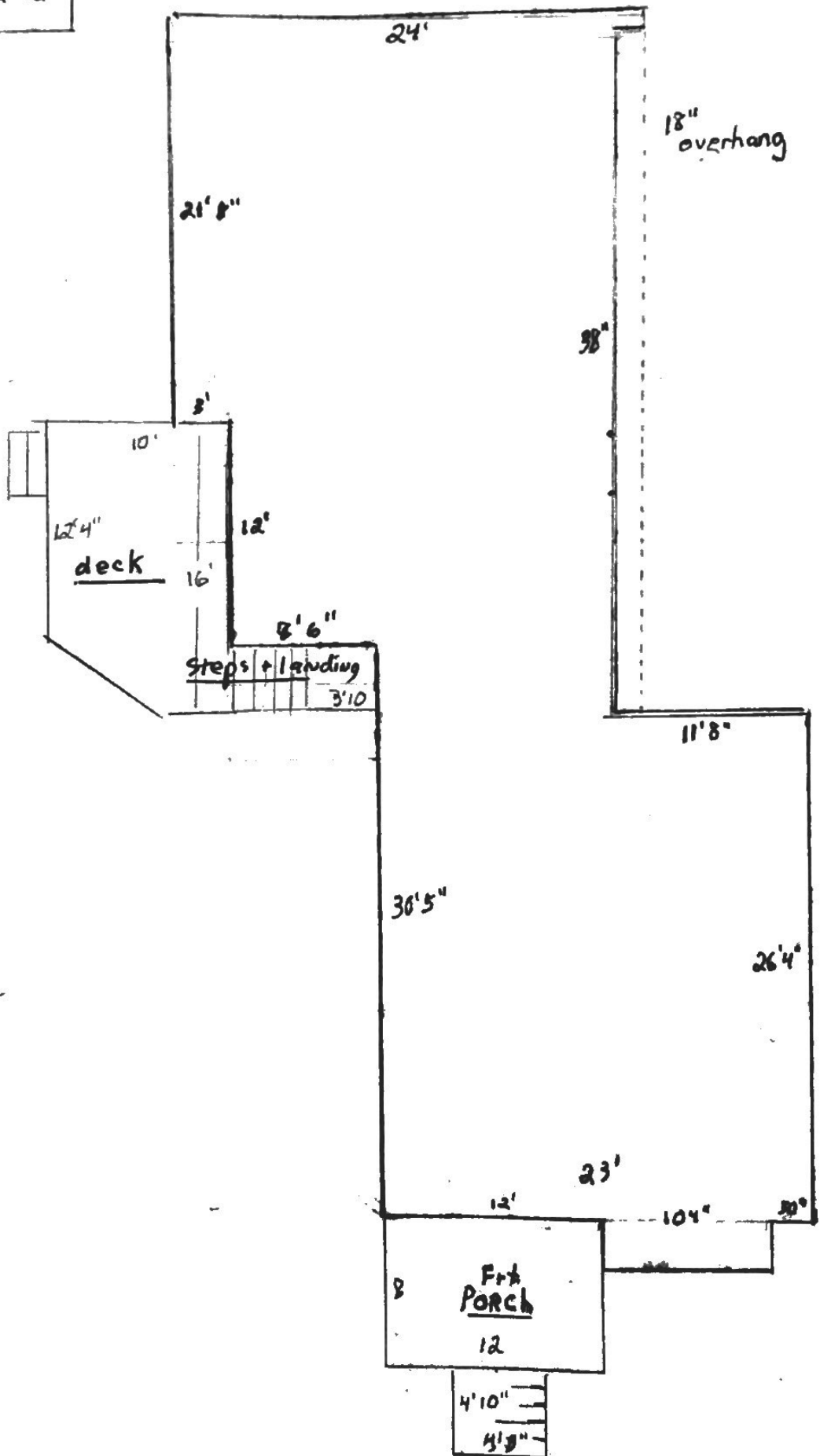
Front Yard(s) Setback – We are requesting relief from the 15' requirement for both of our front yards – Thornton and Stark. We live on a corner lot and the current setbacks from Thornton and Stark are 4'10" and 3'10" respectively from the existing deck and bump out structure. We would keep these existing setbacks.

Five Criteria:

1. The variance is not contrary to the public interest.
 - Connecting our existing front porch to existing back deck does not create any detriment to public health, safety, or welfare, or otherwise injure "public rights."
2. The spirit of the ordinance is observed
 - The spirit of the ordinance is observed, and this project will not alter the character of the neighborhood.
3. Substantial Justice is done.
 - The benefit to the applicant is not outweighed by harm to the general public as the general public is not harmed. To complete the work below 18" as is allowed by the existing zoning laws, would risk pooling of water to negatively impact myself or abutting neighbors.
4. The values of surrounding properties are not diminished
 - This project will not diminish the value of surrounding properties.
5. Literal enforcement of the ordinance would result in unnecessary hardship
 - Literal enforcement of the ordinance would require a stone patio in place of an elevated deck to remain below the maximum 18" structure height to conform with the 25% lot coverage requirement. This would cause pooling and water management issues due to the slope of the property and large clay deposits below the topsoil potentially resulting in water displaced into our neighbor's property. The Creek neighborhood has long contended with water displacement issues, and this project has sought to minimize those issues, while allowing our growing family to enjoy the outdoors comfortably.
 - The front yard setbacks were created after the completion of our home estimated to be in 1890. It would be impossible for us to improve the existing deck and access our home without relief.

Shed 8x10
Not correct
location

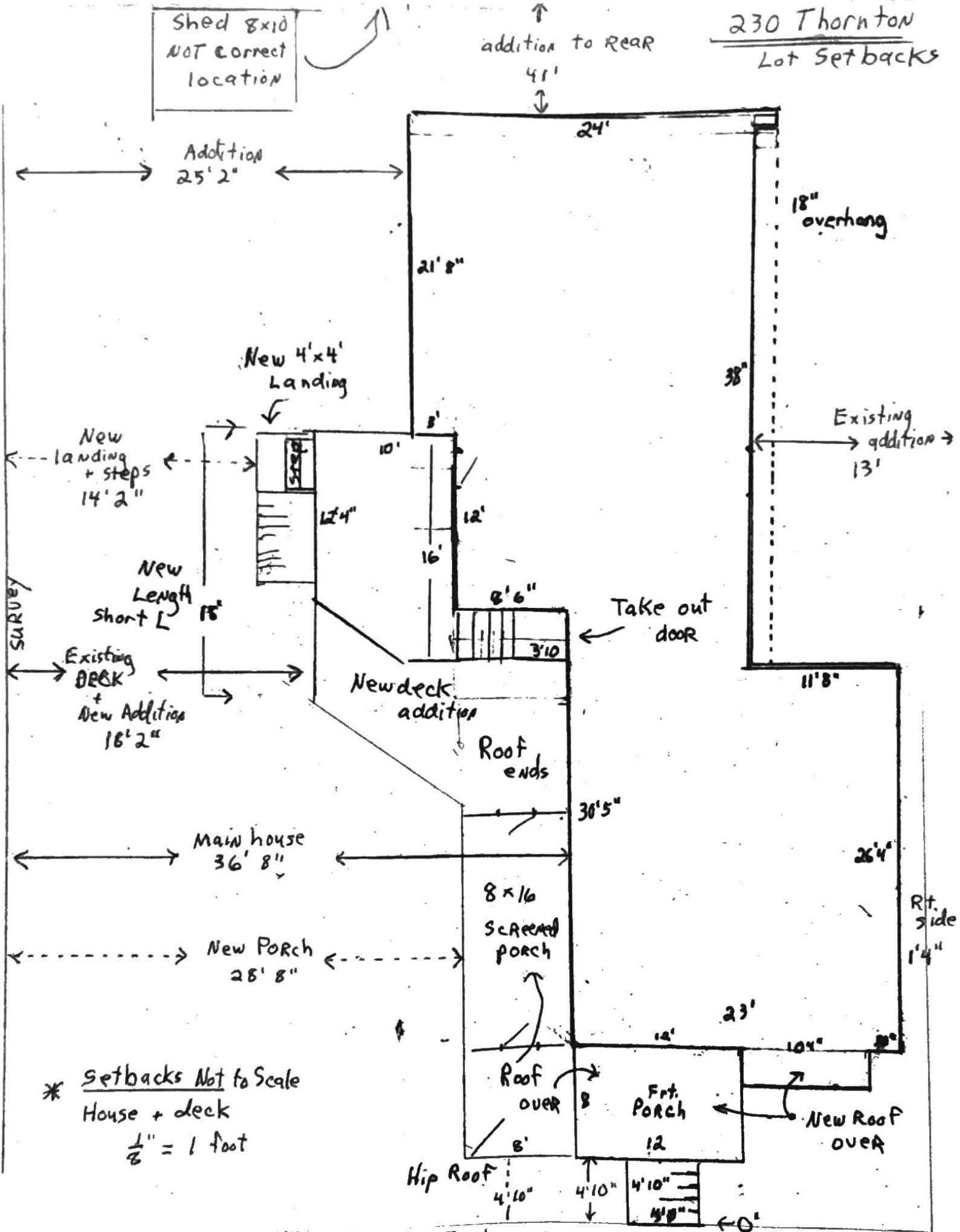
230 Thornton St.



Shed 8x10
NOT correct
location

↑
addition to REAR

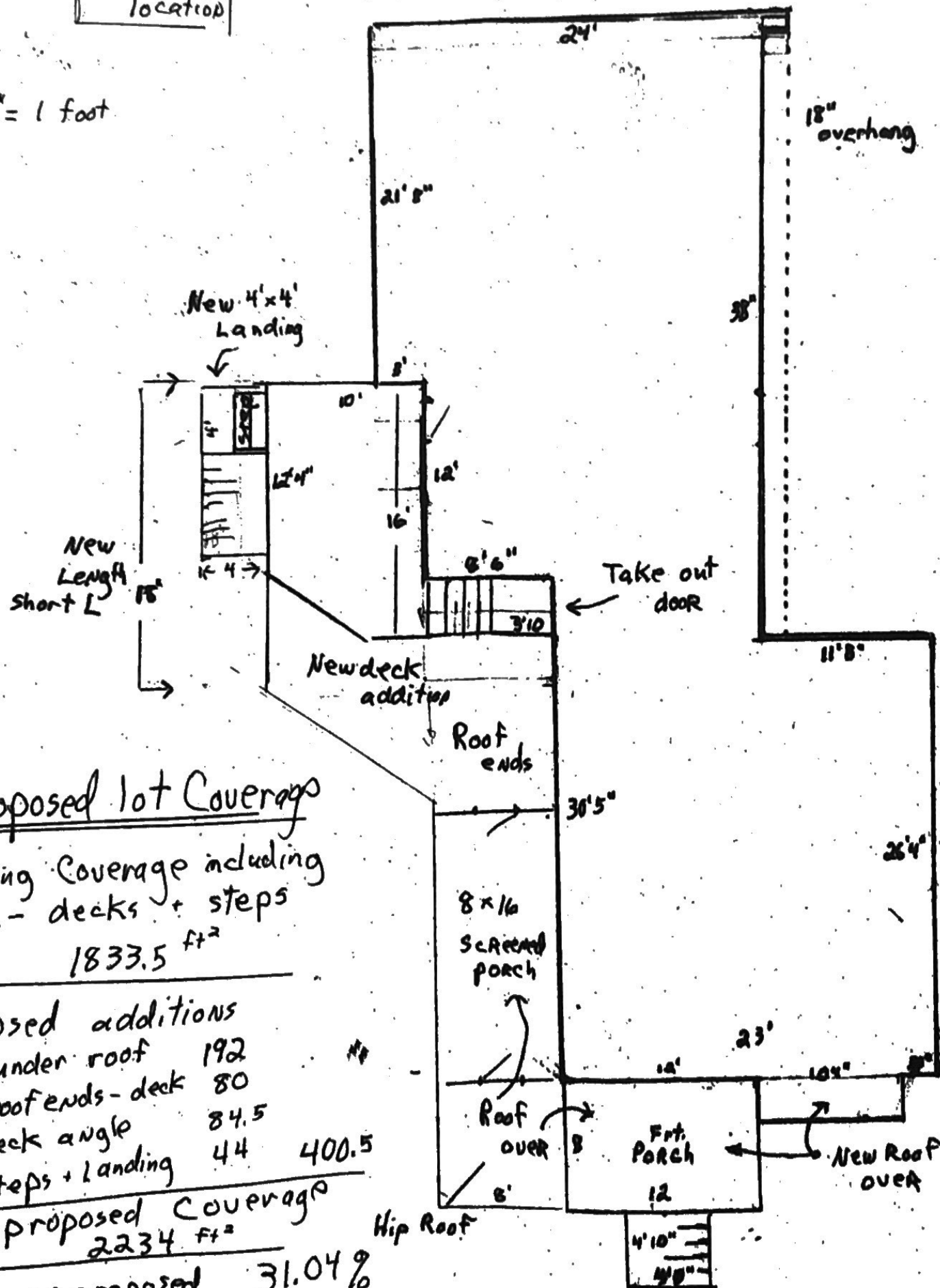
230 Thornton
Lot Setbacks



8x10
shed
NOT correct
location

230 Thornton St.
proposed coverage

scale - $\frac{1}{8}" = 1 \text{ foot}$



Proposed lot Coverage

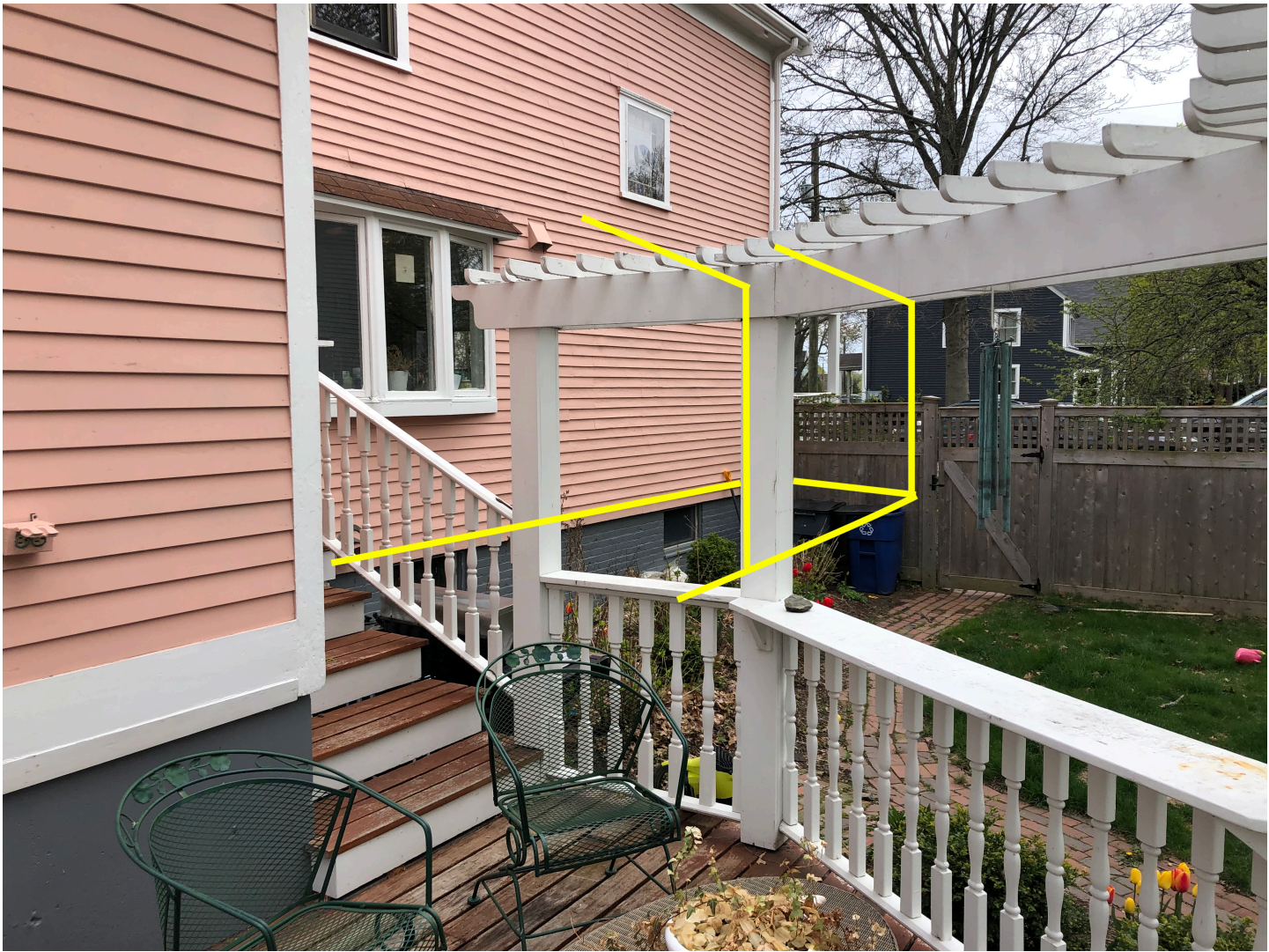
Existing Coverage including
shed - decks + steps
1833.5 ft²

Proposed additions
under roof 192
roof ends - deck 80
deck angle 84.5
steps + landing 44
400.5

Total proposed Coverage
2234 ft²

Coverage proposed 31.04%







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, Principal Planner
Portsmouth City Hall
1 Junkins Avenue
Portsmouth, NH 03801

Re: Todd E. Hedges Revocable Trust, Owner/Applicant
139 Cass Street
Tax Map 146/Lot 6
GRC Zone

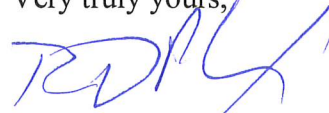
Dear Mr. Stith & Zoning Board Members:

On behalf of the Todd E. Hedges Revocable Trust, enclosed please find the following in support of a request for zoning relief:

- Land Use Application uploaded to Viewpoint today.
- Owner Authorization.
- 4/28/2021 – Memorandum and exhibits in support of Variance Application (original and 11 copies).

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

Very truly yours,



R. Timothy Phoenix
Monica F. Kieser

Encl.

cc: Todd E. Hedges
Butch Ricci
Thomas House
James Verra & Associates, Inc.
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, Todd E. Hedges, Trustee of The Todd E. Hedges Revocable Trust, owner of the property located at 139 Cass Street, Portsmouth, New Hampshire and further identified as Portsmouth Tax Map 146, Lot 6 (the "Property"), hereby authorize Hoefle, Phoenix, Gormley and Roberts, PLLC, to file documents and appear before the Portsmouth Planning Board and/or Zoning Board of Adjustment on his behalf in all matters relating to municipal land use approvals for the Property.

Dated: April 21, 2021



Todd E. Hedges

MEMORANDUM

TO: Portsmouth Zoning Board of Adjustment (“ZBA”)
FROM: R. Timothy Phoenix, Esquire
Monica F. Kieser, Esquire
DATE: April 28, 2021
RE: Todd E. Hedges Revocable Trust, Owner/Applicant
Project Location: 139 Cass Street
Tax Map 146/Lot 6
GRC Zone

Dear Chairman Rheame and Zoning Board Members:

On behalf of the Todd E. Hedges Revocable Trust (“Hedges”), we are pleased to submit this memorandum and attached exhibits in support of Zoning Relief to be considered by the Zoning Board of Adjustment (“ZBA”) at its May 18, 2021 meeting.

I. EXHIBITS

- A. 3/19/2021 Site Plan – issued by Altus Engineering, Inc.
- B. Architectural Plan Set – issued by THA Architects, LLC.
 - Page A1 – Cover Sheet
 - Page A2 – Floor Plans
 - Exterior Elevations
- C. Site Photos
- D. Tax Map 146.

II. PROPERTY/PROJECT

139 Cass Street is a 7,650 sq. ft. lot upon which exists a single-family with an addition currently under construction (the “Property”). (**Exhibit A**). The property has 48 ft. of frontage on Cass Street and is in a neighborhood comprised of single-family homes, two-family homes, and apartment/condo complexes. It has a deep rear yard abutting the Madison Group Apartments parking lot and Portsmouth Housing Authority property. On one side is a two-family home and on the other, a single-family home with a garden cottage ADU. Hedges intends a detached two-car garage with an approximately 742 s.f. apartment above it sited 10 ft. from the rear lot line.

III. RELIEF REQUIRED

After conferring with the City Planning Department staff, it has been determined that the following is required:

- 1. Portsmouth Zoning Ordinance §10.521 – Table of Dimensional Standards – To permit construction of a garage 10 ft. from the rear lot line where 20 ft. is required.

IV. VARIANCE CRITERIA

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 general purposes of the ordinance pursuant to PZO§10.121 is "to promote the health, safety and the general welfare of Portsmouth and its region in accordance with the city's Master Plan...by regulating:

1. The use of land, buildings and structures for business, industrial, residential and other purposes – It is widely known that home prices in Portsmouth are quite high. Relatively modestly priced homes are difficult to find, leaving many young people and or moderate income earners to live in other communities. In addition, parking is at a premium along Cass Street which acts as overflow parking for Islington Street. The addition of 2-bay garage with an apartment above defrays housing expenses for Hedges, provides another apartment in sought-after downtown, and frees up the driveway for guest parking.
2. The intensity of land use, including lot sizes, building coverage, building height and bulk, yards and open space – The 7,650 s.f. lot meets the GRC density requirements of 3,500 s.f./dwelling unit. Building coverage and open space requirements are met. The proposed garage with apartment above will comply with both side setbacks while still affording sufficient space for vehicular circulation, avoiding the need to back out into well-traveled Cass Street.
3. The design of facilities for vehicular access, circulation, parking and loading – The existing driveway is not changing, placement of the garage/apartment at the rear of the lot permits sufficient circulation of cars behind the home.
4. The impact on properties of outdoor lighting, noise, vibration, stormwater runoff and flooding – This property abuts the Madison Group Apartments Parking Lot which is dotted with trees that will screen the proposed garage and apartment. Side setbacks are met and the reduced rear setback still provides ample space for stormwater treatment. In addition, building coverage, and open space requirements are all met. Accordingly, there will be no negative impact on surrounding properties.
5. The preservation and enhancement of the visual environment – The appearance of the existing home from the street will be unaffected. The two-car garage fits in with the neighborhood as several nearby properties have detached accessory buildings.

6. The preservation of historic districts and buildings and structures of historic or architectural interest – The proposal does not undermine these purposes of the Ordinance.
7. The protection of natural resources, including groundwater, surface water, wetlands, wildlife habitat and air quality – Building coverage and open space requirements are met by the project.

The purpose of the GRC District is "to provide for areas of single-family, two-family and multifamily dwellings with appropriate accessory uses, at moderate to high densities (ranging from approximately 5 to 12 dwelling units per acre), together with appropriate accessory uses and limited services. " PZO§10.440 Residential District Purposes. A garage/apartment is a reasonable accessory structure to the principal dwelling unit and the 7,650 s.f. lot size meets the GRC density requirements (3,500 s.f./unit). The narrow lot dictates placement of the garage centered on the lot behind the single-family home. Siting the garage at the rear of the lot affords sufficient space for vehicular circulation and privacy to both occupants as well as a modest back yard between the main home and the driveway.

In considering whether variances "in a marked degree conflict with the ordinance such that they violate the ordinance's basic zoning objectives". Malachy Glen, supra, 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)

Here, the existing neighborhood includes homes and/or accessory buildings located very close to side or rear lot lines. (**Exhibit C, D**). Given that: the building will be used for a garage, a positive feature compared to the existing uncovered parking; the lot size supports a second dwelling unit; the structure meets side setbacks and is well screened by Madison Group Apartment trees, siting the garage/apartment 10 ft. from the rear lot line 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.

A single-family home presently exists. The proposed garage to serve the single family home is a reasonable addition to the lot, which also supports the density for a second dwelling. Surrounding homes include various accessory structures with the neighboring lot containing a

garden cottage very close to the side lot line. Side setbacks are met and the rear of the property abuts an apartment complex parking lot, screened by a fence and trees on abutting properties. In addition, space exists between the proposed garage apartment and the rear abutters. Clearly, granting the variances to permit the garage with apartment above 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.

The large lot is deep, but narrow at 48 ft. wide, and contains a home actually over the front lot line, resulting in an underutilized back yard. To comply with side setbacks, the garage must be centered on the lot behind the existing home, but must also accommodate vehicular circulation so drivers can avoid backing out onto well-traveled Cass Street. 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.

Setback requirements exist to preserve adequate access, sightlines, air, light, and space. This large lot supports a second dwelling and the Project complies with side setbacks, building coverage and open space requirements. Because the lot abuts a large parking area for Madison Group Apartments and is well screened by trees on abutting properties, siting the garage/apartment 10 ft. from the rear lot line will not negatively affect abutters access to air, light, and space. Accordingly, there is no reason to apply the strict requirements of the zoning ordinance.

c. The proposed use is reasonable.

A garage for storage and covered parking is a reasonable accessory use to a permitted single-family home, but this large lot also supports a permitted second dwelling in an area where other two family and multi-family homes exist. Proposed is a garage structure that meets side setback, building coverage and open space requirements setbacks and does not negatively affect rear abutters. The result is a permitted second density-compliant residential unit in a residential zone containing similar outbuildings. Accordingly, the use is reasonable. Vigean v. Town of Hudson, 151 N.H. 747 (2005).

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. Because a garage is a permitted accessory use to the single-family home, the large lot accommodates a second dwelling unit in a detached structure meeting side setback, building coverage and open space requirements, there is no benefit to the public from denying the variances, and no harm to the public in granting the variances. In comparison, Hedges will be harmed by denial as he will be unable to construct an otherwise permitted accessory building with an apartment on a lot which supports a second dwelling. Accordingly, there is no benefit to public outweighing the hardship to Hedges if the variances are denied.

V. CONCLUSION

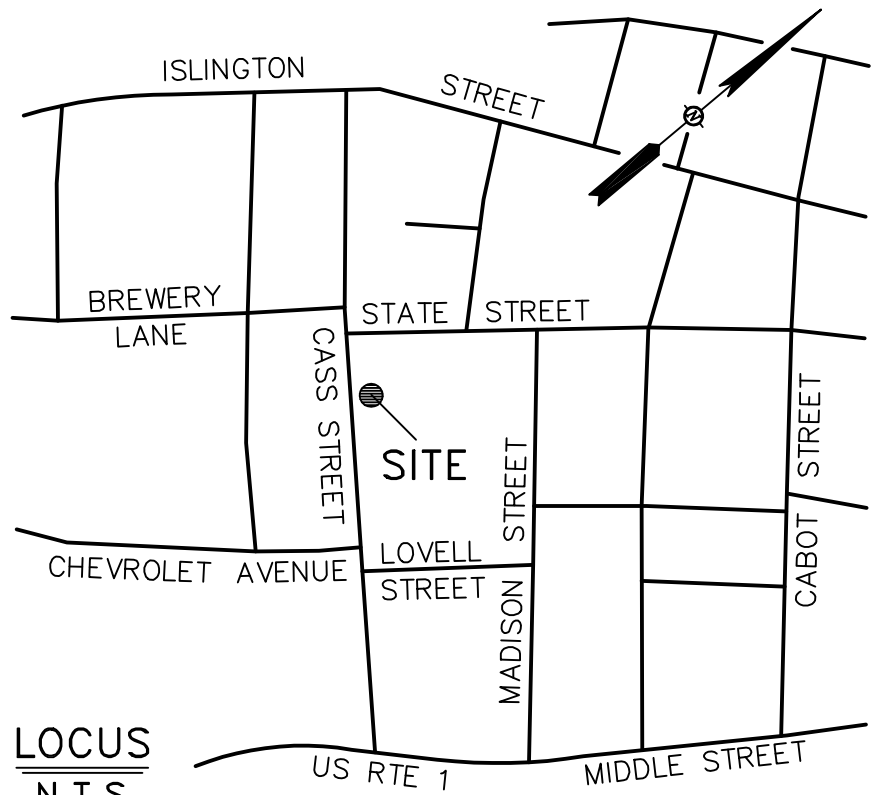
For all of the reasons stated, Hedges respectfully requests that the Portsmouth Zoning Board of Adjustment grant the requested variances.

Respectfully submitted,

Todd E. Hedges Revocable Trust

A handwritten signature in blue ink, appearing to read 'RTP', is written over a horizontal line.

By: R. Timothy Phoenix
Monica F. Kieser



ABUTTERS LIST		
MAP-LOT	OWNER OF RECORD	DEED REF.
146-2	PORTSMOUTH HOUSING AUTHORITY 245 MIDDLE ST, PORTSMOUTH, NH 03801	1621/41
146-5	KIM BRIDGE, 19 WALLIS RD, PORTSMOUTH, NH 03801	2567/1725
146-7	NICOLE DEFE0 & SAMUEL DUSHKIN 149 CASS ST, PORTSMOUTH, NH 03801	5734/1303
146-16	184 MADISON STREET, INC. 32 MADBURY RD, DURHAM, NH 03842	5444/2426
146-23	CASS STREET CONDOMINIUM (6 UNITS) 140 CASS ST, PORTSMOUTH, NH 03801	N/A

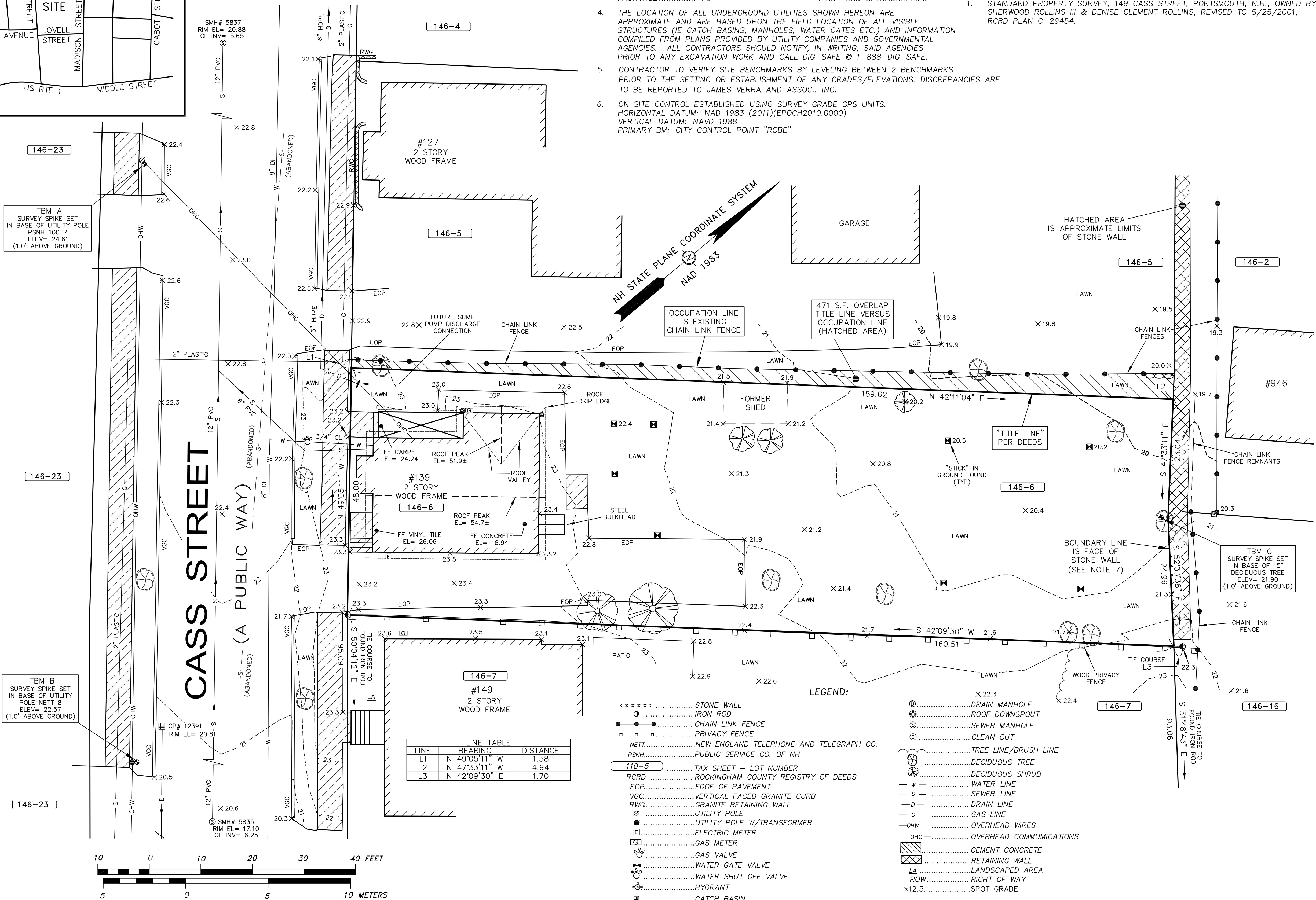
NOTES:

- OWNER OF RECORD TODD E. HEDGES, TRUSTEE
TODD E. HEDGES REV. TRUST
139 CASS ST, PORTSMOUTH, NH 03801
DEED REFERENCE..... 6173/1392
TAX SHEET-LOT..... 146-6
PARCEL AREA..... 7,650 S.F.
- THE RELATIVE ERROR OF CLOSURE WAS LESS THAN 1 FOOT IN 15,000 FEET.
- ZONED:..... GRC
MINIMUM LOT AREA 3,500 S.F.
FRONTAGE..... 70'
FRONT YARD SETBACK..... 5'
SIDE YARD SETBACK..... 10'
REAR YARD SETBACK..... 20'
- THE LOCATION OF ALL UNDERGROUND UTILITIES SHOWN HEREON ARE APPROXIMATE AND ARE BASED UPON THE FIELD LOCATION OF ALL VISIBLE STRUCTURES (IE CATCH BASINS, MANHOLES, WATER GATES ETC.) AND INFORMATION COMPILED FROM PLANS PROVIDED BY UTILITY COMPANIES AND GOVERNMENTAL AGENCIES. ALL CONTRACTORS SHOULD NOTIFY, IN WRITING, SAID AGENCIES PRIOR TO ANY EXCAVATION WORK AND CALL DIG-SAFE @ 1-888-DIG-SAFE.
- CONTRACTOR TO VERIFY SITE BENCHMARKS BY LEVELING BETWEEN 2 BENCHMARKS PRIOR TO THE SETTING OR ESTABLISHMENT OF ANY GRADES/ELEVATIONS. DISCREPANCIES ARE TO BE REPORTED TO JAMES VERRA AND ASSOC., INC.
- ON SITE CONTROL ESTABLISHED USING SURVEY GRADE GPS UNITS.
HORIZONTAL DATUM: NAD 1983 (2011)(EPOCH2010.0000)
VERTICAL DATUM: NAVD 1988
PRIMARY BM: CITY CONTROL POINT "ROBE"

- SEE CONVEYANCE BY TRUSTEES OF THE ESTATE OF GEORGE M. MARSH TO THE PARISH OF CHRIST CHURCH PORTSMOUTH, RCRD BOOK 490, PAGE 497, DATED 6/11/1883. SAID TRUSTEES SPECIFY: "INCLUDING THE STONE WALL ON THE SOUTHERLY SIDE OF SAID LAND, THE WHOLE OF WHICH WAS BUILT BY SAID TRUSTEES". THE BOUNDARY LINE SHOWN HEREON IS THE FACE OF THE EXISTING STONE WALL.
- THE SUBJECT TRACT LIES ON ZONE X (NO SCREEN) - AREA OF MINIMAL FLOOD HAZARD AS SHOWN ON FLOOD INSURANCE RATE MAP 33015C0259F, EFFECTIVE DATE 1/29/2021, BY FEMA.

REFERENCE PLANS:

- STANDARD PROPERTY SURVEY, 149 CASS STREET, PORTSMOUTH, N.H., OWNED BY SHERWOOD ROLLINS III & DENISE CLEMENT ROLLINS, REVISED TO 5/25/2001, RCRD PLAN C-29454.



SURVEYOR:

James Verra and Associates, Inc.
LAND SURVEYORS

101 SHATTUCK WAY - SUITE 8
NEWINGTON, N.H. 03801- 7876
603-436-3557
JOB NO: 23882
PLAN NO: 23882

ENGINEER:

ALTUS
ENGINEERING, INC.

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

ISSUED FOR:

ENGINEERING DESIGN

ISSUE DATE:

JANUARY 25, 2021

REVISIONS

NO.	DESCRIPTION	BY	DATE
1	ENGINEERING DESIGN	JV	1/25/21

EXHIBIT A

DRAWN BY: JCS

APPROVED BY: JV

DRAWING FILE: 23882.DWG

SCALE:

22" x 34" - 1" = 10'
11" x 17" - 1" = 20'

OWNER/APPLICANT:

TODD E. HEDGES, TRUSTEE
TODD E. HEDGES REV. TRUST
139 CASS STREET
PORTSMOUTH, N.H. 03801

ASSESSOR'S PARCEL 146-6
DEED REF: 6173/1392



PROJECT:

PROPOSED SITE IMPROVEMENTS

TODD E. HEDGES, TRUSTEE
TODD E. HEDGES REV. TRUST
139 CASS STREET
PORTSMOUTH, N.H. 03801

ASSESSOR'S PARCEL 146-6

TITLE:

EXISTING CONDITIONS PLAN

SHEET NUMBER:

1 OF 1

P5101

ABUTTERS LIST

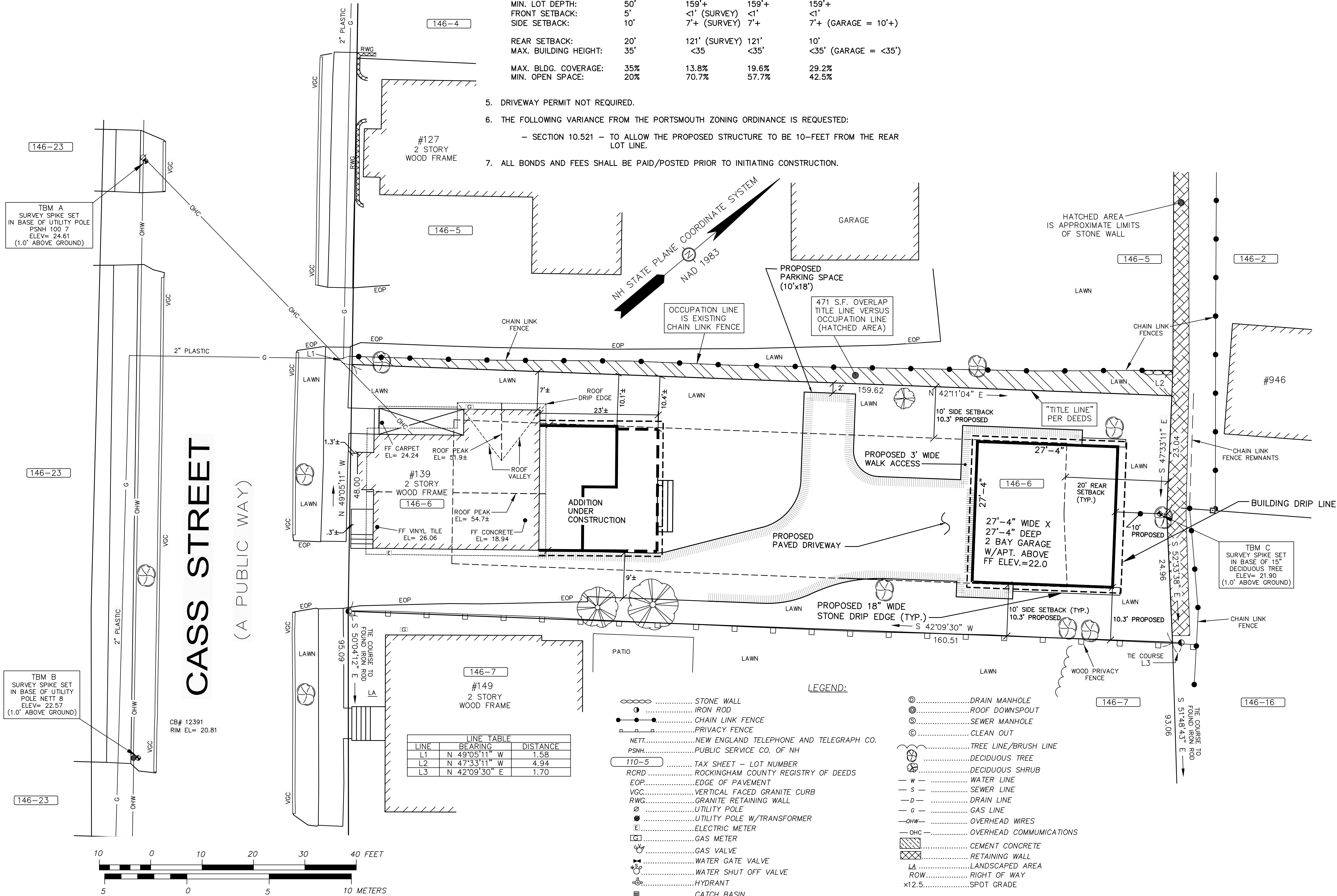
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146-23	CASS STREET CONDOMINIUM (6 UNITS) 140 CASS ST, PORTSMOUTH, NH 03801	N/A

SITE NOTES

- DESIGN INTENT - THIS PLAN IS INTENDED TO DEPICT A PROPOSED TWO (2) BAY GARAGE WITH AN APARTMENT ABOVE.
- APPROXIMATE LOT AREA: 7,650 S.F.± (0.17 AC.±)
- ZONE: GENERAL RESIDENCE C (GRC)
- DIMENSIONAL REQUIREMENTS:

MIN. LOT AREA:	REQUIRED 3,500 SF	EXISTING 7,650 SF	W/ADDITION 7,650 SF	W/PROPOSED GARAGE 7,650 SF
MIN. STREET FRONTAGE:	70'	48'	48'	48'
MIN. LOT DEPTH:	50'	159'+	159'+	159'+
FRONT SETBACK:	5'	<1' (SURVEY)	<1'	<1'
SIDE SETBACK:	10'	7+ (SURVEY)	7+	7+ (GARAGE = 10'+)
REAR SETBACK:	20'	121' (SURVEY)	121'	10'
MAX. BUILDING HEIGHT:	35'	<35	<35'	<35' (GARAGE = <35')
MAX. BLDG. COVERAGE:	35%	13.8%	19.6%	29.2%
MIN. OPEN SPACE:	20%	70.7%	57.7%	42.5%
- DRIVEWAY PERMIT NOT REQUIRED.
- THE FOLLOWING VARIANCE FROM THE PORTSMOUTH ZONING ORDINANCE IS REQUESTED:
- SECTION 10.521 - TO ALLOW THE PROPOSED STRUCTURE TO BE 10- FEET FROM THE REAR LOT LINE.
- ALL BONDS AND FEES SHALL BE PAID/POSTED PRIOR TO INITIATING CONSTRUCTION.

- THE CONTRACTOR SHALL VERIFY ALL BENCHMARKS AND TOPOGRAPHY IN THE FIELD PRIOR TO CONSTRUCTION.
- THE CONTRACTOR SHALL VERIFY ALL BUILDING DIMENSIONS WITH THE ARCHITECTURAL AND STRUCTURAL PLANS PRIOR TO CONSTRUCTION. ALL DISCREPANCIES SHALL BE IMMEDIATELY BROUGHT TO THE ATTENTION OF THE ARCHITECT AND ENGINEER FOR RESOLUTION.
- BUILDING AREA SHOWN IS BASED ON FOOTPRINT MEASURED TO THE EDGE OF FOUNDATIONS AND/OR SLABS. ACTUAL INTERIOR SPACE WILL DIFFER.



ENGINEER:

ALTUS
ENGINEERING, INC.

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

ISSUED FOR: APPROVAL

ISSUE DATE: APRIL 26, 2021

REVISIONS		
NO.	DESCRIPTION	BY DATE
0	INITIAL SUBMISSION	EDW 04/26/21

DRAWN BY: RLH
APPROVED BY: EDW
DRAWING FILE: 5101.DWG

SCALE:
22" x 34" - 1" = 10'
11" x 17" - 1" = 20'

OWNER/APPLICANT:
TODD E. HEDGES, TRUSTEE
TODD E. HEDGES REV. TRUST
139 CASS STREET
PORTSMOUTH, N.H. 03801

ASSESSOR'S PARCEL 146-6
DEED REF: 6173/1392

PROJECT:
**PROPOSED
GARAGE WITH
APARTMENT
ABOVE**

TITLE:
**BOARD OF
ADJUSTMENT
SITE PLAN**

SHEET NUMBER:
1 OF 1

Specifications for Single Family Residential Project

SECTION 1 – General Requirements

- A. General
- The intent of this specification is to give the tradesperson enough information to perform a complete job. In each Section the Contractor and/or Subcontractor are responsible for providing all labor, materials, and equipment to perform the full work in a complete and craftsman like manner.
 - This contract is for a complete project. The Contractor and/or Subcontractors shall provide all materials, labor, tools, permits, equipment, staging, temporary and permanent utilities and insurance necessary to complete the construction as shown and as implied by these Contract Documents. All materials shall be new.
 - Contract Documents include the agreement, drawings, specifications and all addenda incorporated prior to execution of the agreement.
 - These documents have been prepared in accordance with the 2012 International Residential Code. All work shall be in accordance with governing codes and standards. Clean, safe, working conditions shall be maintained at all times. Safety precautions shall include such measures to insure public safety.
 - The work shall proceed as quickly as possible. Each trade shall layout and coordinate their work to expedite the construction process. All materials shall be good quality. Defective work shall be removed and replaced at contractors' expense.
 - Site Visits: The Contractor and Subcontractors must visit the site and become familiar with all existing on site conditions prior to submitting any bid proposals.
 - All dimensions shall be field verified by the Contractor and/or Subcontractor.
 - Should discrepancies be found between the drawings, specifications and code, the following shall be the order of clarification priority: The code shall overrule the specifications, and the specifications shall overrule the drawings, or whichever is most restrictive.
 - At the end of each work day, clean the work area of rubbish and construction debris of any nature. Store materials so that they do not create natural pockets for papers or other combustible materials.
 - A minimum of two (2) fire extinguishers shall be placed throughout the work area. In general, the use of open flame devices is prohibited. In the event that operations are undertaken to which use of an open flame device is essential, the Subcontractor shall consult with the Owner, describing the circumstances necessitating the device. The Owner may require additional precautions as he/she deems necessary.
 - Construction shouldn't begin prior to 7:00 am or extend beyond 5:00 pm, Monday thru Friday, unless the Owner and authority having jurisdiction has approved extended working hours.
- B. Schedule:
- Provide a number of calendar days to complete the project. A flow chart for construction will be provided to the Owner and Architect upon award of the contract. Flow chart will be updated periodically as required by request of the Owner and Architect.
- C. Testing.
- The Contractor and/or Subcontractor shall test all equipment, doors, windows, hardware, appliances, etc. to assure proper installation and operation and shall verify the same to the Owner in writing prior to turn over to the Owner.
- D. Guarantees, Warranties, O&M Manual.
- The Subcontractors shall provide the Owner with all Guarantees, warranties, operation and maintenance instructions and other literature provided with all equipment used in the project.
- E. Quality Assurance:
- Monitor quality control over suppliers, manufacturers, products, services, site conditions and workmanship to produce work of specified quality.
 - Comply in full with manufacturers instructions including each step in sequence.
 - Should manufacturers instructions conflict with Contract Documents or deviate from good construction practice, request clarification from Owner and Architect before proceeding.
 - Comply with specified standards as minimum quality for the work, except when more stringent tolerances, codes or specified requirements indicate higher standards or more precise workmanship.
 - Perform work by persons qualified to produce workmanship of specified quality.
 - Secure products in a place with positive anchorage devices designed and sized to withstand stresses and vibration without physical distortion or disfigurement.
- F. Submittals.
- The Subcontractors shall provide samples to the Owner as required by the drawings and specifications.
 - Trade names of specific manufacturers specified herein are used as a basis for the design and/or quality desired. Substitutions of products by other manufacturers may be made when approved by the Owner and Architect.
- G. Temporary Electricity.
- Provide portable generators or connect to temporary power service. Power consumption shall not disrupt Owners need for continuous service.
 - Provide power outlets for construction operations with branch wiring and distribution boxes. Provide flexible power cords as required.
 - Permanent convenience receptacles may be utilized during construction.
- H. Temporary Heat.
- Furnish temporary heat devices as required to maintain specified conditions for construction operations. Permanent building heating systems may be used during construction.
 - Prior to operation of permanent facilities for temporary heating purposes, verify that installation is approved for operation, equipment is lubricated and filters are in place. Provide and pay for operations, maintenance and regular replacement of filters and worn or consumed parts.
 - Maintain appropriate minimum temperature as recommended by manufacturer.
- I. Temporary Ventilation.
- Ventilate enclosed areas as required in order to assist curing of materials, to disperse humidity and to prevent accumulations of dust, fumes, vapors or gases.
- J. Temporary Sanitary Facilities.
- Provide and maintain required facilities and enclosures.
- K. Barriers.
- Provide barriers as required to prevent unauthorized entry to construction areas, to allow for Owner's use of site and protect existing facilities and adjacent properties from damage from construction operations.
- L. Protection of installed work.
- Provide special protection where specified in individual specification sections and where work is of a type or in position to be vulnerable to construction process damage.
 - Prohibit traffic or storage on waterproofed or roofed surfaces. When traffic or activity is necessary, obtain recommendations for protection from waterproofing or roofing material manufacturer.
 - Prohibit traffic in landscaped areas.
- M. Maintenance and removal of utilities, facilities and controls.
- Maintain temporary services for construction until permanent services are available.
 - Remove temporary above grade utilities, equipment, facilities and materials prior to substantial completion inspection.
 - Clean and repair damage caused by installation or use of temporary work.
 - Restore permanent facilities used during construction to specified condition.
- O. Allowances.
- Coordinate with the Owner.
- P. Cutting and Patching.
- Cut existing construction as required in order to accommodate new work.
 - Patch existing construction as required. Match new work, blend old and new work to obtain a seamless appearance.
 - Provide temporary supports, and protection from elements and ongoing construction.
 - Salvage existing construction as directed.
- Q. Coordination.
- Coordinate the Work, including but not limited to, mechanical and electrical work, and the other subcontractors. Anticipate areas where the installation of mechanical and electrical work will be restricted, congested or difficult. The Contractor shall be responsible for coordinating trades, sequences, means and methods and schedules.
 - Coordinate the work of all trades and with work being performed by the Owner or the Owner's consultants and Contractors.
 - The Contractor shall obtain all necessary permits and coordinate required inspections.

SECTION 2 – SITE WORK

- A. Soils Report
- Perform soils tests to determine soil type and bearing characteristics.
 - Consult Owner and Architect if soil bearing capacity is less than 3000 p.s.i.
- B. Private water supply and sanitary systems.
- Install systems in accordance with applicable, Local, State and Federal requirements.
 - Install sanitary system in location shown on approved Utilities plan.
 - Contractor to review lateral line placement, for positive drainage, and coordinate with site plan. Consult Owner and Architect.
- C. Site Clearing:
- Protect any trees designated to remain on site and remove all vegetation from areas within the building/driveway outline. Remove all debris and any excess cut & fill material from the site. Provide clean soil as needed.
 - Install hay bales and silt fences for erosion control, as necessary, during construction.
 - No burning of cleared and grubbed material will be allowed. Dispose of material off site. Transport and legally dispose of materials off site.
- D. Earthwork:
- Remove all substandard or unsuitable soils; remove debris, stumps and other organic matter.
 - Remove all rock and ledge to 24 inches below finished grade and 12 inches below footings, foundations and slabs on grade.
 - Install free draining granular fill under all structures.
 - Compaction to be not less than 95% under all buildings, structures and paving; and not less than 90% under lawn and planting, maximum dry density in accordance with ASTM D1557, method D.
 - Comply with all dust regulations imposed by local air pollution control agencies.
- E. Drainage control:
- Install hay bales and silt fences for erosion control, as necessary, during construction.
 - Finish grade shall slope away from all structures.
 - Foundation drains & French drains: 4 inch minimum perforated pipe wrapped with filter fabric and a minimum of 12 inches of Class "A" gravel backfill; minimum slope 1%.
- F. Exterior paving:
- All exposed exterior concrete to be air-entrained, 3000 psi.
 - Bituminous concrete paving to be Class 1, Type 1-1 of Mass. Highway Specifications. Pavement to consist of 2 ½" thick lift of Binder Course and 1 ½" thick Top Course of bituminous concrete. Subbase to be 6 inch thick minimum crushed stone, compacted and rolled.
 - Walkways to be minimum 4 inch concrete with 6 x 6 W1.4xW1.4 w.w.f. over 4 inch minimum gravel or sand base. Walkway surface to receive non-slip broom finish.
- G. Landscaping:
- Final design by landscape designer or Landscape Architect. Coordinate landscape elements with Owner, Architect, and General Contractor.
- H. Dewatering:
- Provide and maintain means and devices to promptly remove and dispose of all water from every source entering the excavations or other parts of the work.

SECTION 3 – CONCRETE

- A. Concrete:
- All concrete is to be 3000 psi 28 day compressive strength, over 6 inch minimum, compacted gravel fill. No additives are allowed.
 - Concrete in garage slabs and at porches and steps exposed to the weather to be 3500 psi.
 - Cure walls and slabs per ACI 318-93.
- B. Concrete Foundations & Footings:
- Footings are to sit on undisturbed soil and below frost level (48 inches, minimum, below finish grade). The Contractor shall verify soil bearing capacity. Refer to structural drawings for concrete foundation and footing system sizes and rebar requirements.
 - Step footings to be a minimum 1 vertical on 3 horizontal.
 - Foundation walls are to be 8 inches thick unless noted otherwise. Provide not less than (2) #4 rebar at top and at bottom of foundation walls.
 - Unreinforced foundation walls shall support a maximum of 7'-0" unbalanced fill.
 - Notch and block foundation walls as required for beam pockets, beam shelves, etc.
 - Embed anchor bolts, fasteners, plates, etc. into concrete as required.
- C. Concrete Slabs on grade:
- Concrete slab – concrete slabs are to be not less than 4 inches thick with 6X6 - W1.4 x W1.4 welded wire fabric.
 - Install 15 mil polyethylene vapor barrier under all slabs.
 - Floor slabs to have a steel troweled finish.
 - Provide control joints as needed per industry standards.
- D. Reinforcing Steel:
- Reinforcing steel to meet ASTM A-615, latest revisions with supplemental requirements. #3 and #4 bars to be GR-40, #5 and larger bars to be GR-60.
 - Provide #3 Z-BAR spacers 24" O.C. each way for all concrete walls having reinforcing steel in both faces.

SECTION 4 – MASONRY – NOT USED (Section intentionally left blank)

SECTION 5 – METALS – NOT USED (Section intentionally left blank)

SECTION 6 – WOOD AND PLASTICS

- A. Wood framing general:
- Refer to contract documents for additional information.
 - All dimensional framing lumber shall be stress graded, Spruce-Pine-Fir #2 or better, kiln dried 19% maximum moisture content. Lumber shall have a fiber stress in bending "Fb" of not less than 850 psi and a modulus of elasticity "E" of not less than 1,200,000 psi.
 - All engineered lumber shall be "Microlam" LVL (laminated veneer lumber), "Parallam" PSL (parallel strand lumber) and "Timberstrand" and Truss Joist TJI AJS manufactured by Truss Joist. Installation of engineered lumber products or fabrications shall be in accordance with manufacturer's specifications.
 - All joist and rafter sizes and spacing shall meet or exceed the minimum local building code requirements for load carrying capacity.
 - All wood in contact with concrete or masonry shall be pressure treated.
 - All exposed framing to remain unfinished (decks) to be Trex Decking unless specifically indicated otherwise.
 - Provide blocking, bracing and stiff backs as required, whether specifically indicated or not. Install solid blocking and framing under all beams and posts extending down through structure, including interstitial floor spaces.
 - Provide metal cross bracing on spans of dimensional lumber over 10'-0" ft in span.
 - Provide zip system sheathing, taped, for exterior walls (1/2") and roof (5/8").
 - All sheathing shall be span rated spacing of roof, floor or wall framing, as applicable.
 - Framing connectors, joist hangers, post base anchors, etc. shall be "Simpson", "Teco", or equal. Installation shall be per manufacturer's specifications.
- B. Wall Framing:
- Exterior Walls: 2 x 6 studs @ 16" o.c., unless otherwise noted on plan.
 - Interior Walls: 2 x 4 studs @ 16" o.c., unless otherwise noted on plan.
- C. Wall Sheathing:
- Walls: APA rated sheathing, Exposure 1, APA C-D plugged, exterior glue; ½" thick. Zip System, taped.
 - OSB: APA rated sheathing, Exposure 1, 1/2" T&G glued and nailed.
 - All wall sheathing is to be covered with air infiltration barrier, Tyvek or equal, prior to installing final cladding material. Install per manufacturers recommendations. All joints are to be taped.
- D. Floor Framing:
- Dimensional lumber: 14" TJI with appropriate hanger @ 16" o.c., unless noted otherwise on plans.
 - Engineered Lumber: Provide members of size, grade and spacing as indicated on the plans. Deflection shall be limited to L/480. Engineered lumber framing to be installed in accordance with manufacturers specifications.
 - All major beams shall have a maximum of ½" deflection at full design loading.
- E. Sub-Flooring:
- Plywood: APA rated, ¾" T&G plywood, C-D interior APA w/ ext. glue, glued and screwed to joists.
 - OSB: APA rated sheathing, Exposure 1, ¾" T&G glued and screwed to joists.
- F. Roof Framing:
- Dimensional lumber: 2 x 12 @ 16" o.c., unless noted otherwise on the plans.
 - Engineered lumber: Provide members of size, grade and spacing as indicated on the plans. Deflection shall be limited to L/480. Engineered lumber framing to be installed in accordance with manufacturers specifications.
- G. Roof Sheathing:
- Plywood: APA rated sheathing, Exposure 1, APA C-D plugged, exterior glue; 5/8" thick. Zip System, taped.
 - OSB: APA rated sheathing, Exposure 1, 5/8" T&G glued and nailed to joists.
- H. Exterior Siding:
- Vinyl Siding: As selected by Owner
 - Siding color and siding type as selected by Owner or Architect.
 - Install all required trim and accessories to make a watertight installation.

- I. Exterior Trim:
- Solid Plastic eave trim, fascia and subfascia as shown n drawings.
 - Avoid cutting trim in lengths less than 6'-0". All nail holes to be properly puttied so painted trim has smooth appearance.
- J. Finish Carpentry:
- Base Board & Casing: Clear white pine or poplar, painted.

SECTION 7 – THERMAL AND MOISTURE PROTECTION

- A. Dampproofing and Waterproofing:
- Install bituminous dampproofing at all below grade walls. Dampproofing to be asbestos free, Karnak Chemical Company or equal. Install protection board over all dampproofed surfaces prior to back fill.
 - Install waterproofing membrane on walls and decks as indicated. Follow manufacturer's instructions for specific applications. W.R. Grace "Bituthene" line of products or equal.
- B. Building Insulation:
- Refer to drawings for locations and R values of insulation at different areas.
 - Install perimeter rigid insulation where indicated. Rigid insulation is to be extruded polystyrene, Dow Chemical "Styrofoam" or equal.
 - Fiberglass thermal insulation.
 - Install unfaced fiberglass batts full width of stud/joist/rafter cavity.
 - Install 4 mil polyethylene vapor barrier on conditioned space side of all fiberglass batts. Vapor barrier to be continuous across surface of insulation with all joints and penetrations taped and sealed.
 - Maintain clearances to provide proper air flow at insulation in ceilings and roofs; install baffle vents as required.
- C. Firestopping:
- Install firestopping around all wiring, conduit, piping, ductwork and other penetrations of rated partitions, garage walls and between floor levels.
 - Provide accessories as required; Bio Fireshield products or equal.
- D. Asphalt Shingle Roofing:
- Install architectural asphalt shingles, 250 lb., Class "A" shingle 30 year minimum warranty. Type, style and color as selected by Owner.
 - Install ridge shingles.
 - Install gage vents where indicated.
 - Install 36 inch wide W.R. Grace Vycor Ice and Water Shield" at all eaves, rakes, centered on all valleys and at all intersections of roofs and walls.
 - Provide 26 gauge prefinished aluminum drip edge at all eaves and rakes.
- E. Flashing:
- Provide 20 gage aluminum flashing over all doors, windows or other wall openings; at roof wall intersections, and other roof accessories.
 - Install step flashing at all intersections of roofs and brick or masonry if required.
- F. Sealants:
- Apply sealants to all joints, seams and intersections, both interior and exterior, and between dissimilar materials. Apply sealant around all penetrations of exterior walls, around all plumbing fixtures and between counters and walls.
 - Provide sealant accessories such as backer rods, primers, etc.
 - One part Non-acid curing Silicone: Joints in concrete, exterior joints at window heads, soffits, ceilings, etc. (Not for use in joints to be field painted).
 - One-part Polysulfide: Horizontal joints in concrete and all horizontal joints in paving subject to foot traffic.
 - One-part Mildew resistant Silicone: Ceramic tile, all interior joints subject to moisture.
 - Pigmented small joint sealant: For joints on interior side of exterior walls too small to be caulked with gunnable sealant.
 - Acrylic Emulsion/Latex joint sealant: General purpose interior sealant for joints to receive painters finish.
- G. Sound Attenuations:
- Apply approved sealant at top and bottom of GWB for all demising walls and corridor walls.
 - Apply sealant approved sealant to all electrical boxes located on demising walls and corridor walls per detail on construction drawings.
 - Provide sealant accessories such as backer rods, primers, etc.

SECTION 8 – DOORS AND WINDOWS

- A. Doors:
- Exterior Doors: Refer to Owner.
 - All exterior doors should be a minimum "U" value as noted in the International Energy Conservation Code.
 - Interior Doors: Pre-Hung solid wood or metal frames as noted, Refer to plans for sizes and types.
 - Garage Doors: Refer to plans for sizes, install with power operator system.
 - Hardware: Selection of door and cabinet hardware by Architect. Note: Contractor to consult Architect about style and quality of hardware. Contractor to re-key all locks after completion of construction and provide the owner with three sets of keys.
- B. Windows.
- Refer to elevations for windows sizes and types. All windows are to meet the Energy Star criteria.
 - All window glass is to be insulated glass with low-e coating and argon gas.
 - All windows and doors with glass should reflect the International Energy Conservation Code.

All changes of glass and door specifications must be updated with a revised energy calculation. Contractor is to notify Architect of any changes that may have occurred in relation to the architectural drawings.

SECTION 9 - FINISHES

- A. Gypsum Board: United States Gypsum (USG) or equal.
- ½" G.W.B. at all interior surfaces, use Type "X" fire rated wallboard at Garage ceiling and walls. Use moisture resistant type wallboard in all bathrooms. Use cement backer board as substrate for tile in shower. Mud & tape all joints and finish smooth (no texture).
 - Alternate: Veneer plaster over gypsum lath (blueboard), 1/8" minimum thickness.
- B. Paint: Follow manufacturer's recommendations for preparation and applications of paints and stains. Colors are to be selected by Owner. Prior to sanding, insure all surfaces are properly prepared, caulked, sanded, fastener heads set and puttied, and weather conditions favorable to painting.
- Exterior:
 - Wood (stain): 2 coats stain; Olympic or equal.
 - Wood (paint): 1 coat acrylic primer; 2 coats semi-gloss acrylic latex; ICI paint or equal.
 - Metal: 1 coat rust inhibitive primer; 2 coats eggshell alkyd enamel; ICI paint or equal.
 - Interior:
 - Gypsum Wallboard: 1coat latex primer; 2 coats flat latex, Benjamin Moore paint or equal.
 - Woodwork (stain): 1 coat stain; Minwax or equal; 1 coat sanding sealer, 2 coats water based polyurethane.
 - Woodwork (paint): 1 coat oil based primer or white lacquer undercoater; 2 coats semi-gloss enamel; Benjamin Moore paint or equal.
 - Metal: 1 coat acrylic primer; 2 coats eggshell alkyd enamel.
- C. Floor coverings: Consult Owner for specific types of floor coverings.
- Refer to drawings for locations and types of floor coverings.
 - Follow manufacturer's specifications for preparation and application of floor coverings.
- D. Wall coverings: Consult Owner for specific types and locations of wall coverings.

SECTION 10 – SPECIALTIES

- A. Refer to drawing for specific locations and types of specialty items.
- C. Closet shelving: Provide epoxy coated open wire steel shelving at all coat, clothes, linen and pantry closets and above laundry equipment; Closet Maid or equal.
- D. Bath accessories
- Consult Owner for locations and types of bath accessories including towel bars and rings, soap dishes, toothbrush and cup holders, robe hooks, toilet paper dispensers, shower curtain rods, shelves, medicine cabinets, etc.
 - Bath and shower enclosures: Refer to drawings for locations; consult Owner regarding colors and styles of enclosures. All enclosures are to be tempered glass.

SECTION 11 - EQUIPMENT

- A. Equipment & Appliances: Consult Architect and Owner for more detail on appliances and equipment.
- Refer to drawings for locations of appliances.
 - Coordinate installation of equipment with cabinets.

SECTION 12 – FURNISHINGS

- A. Cabinets: Coordinate selection of cabinets and layout with Owner.
- B. Countertops: Coordinate locations and types of different counter materials with Owner.

SECTION 13 – SPECIAL CONSTRUCTION – NOT USED (Intentionally left blank)

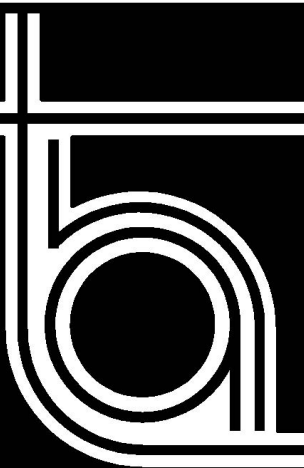
SECTION 14 – CONVEYING SYSTEMS– NOT USED (Intentionally left blank)

SECTION 15 – MECHANICAL SYSTEMS

(Refer to notes of Floor Plans for Design/Build for mechanical, plumbing, fire protection and Heating Ventilation & Air Conditioning specification criteria.)

SECTION 16-ELECTRICAL

(Refer to notes on Floor Plans for Design/Build for electrical specification criteria.)



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Hedges
Residence

139 Cass Street
Portsmouth, NH

Specifications

EXHIBIT B

SCALE:

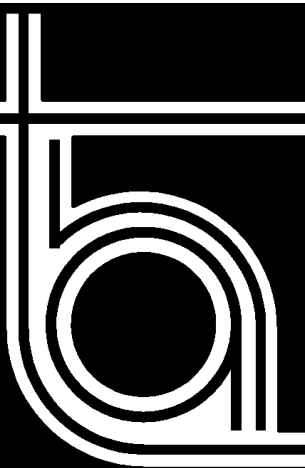
ISSUED / DRAWN BY
December 14, 2020
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REVISED / REVISED BY
January 18, 2021
April 28, 2021

JOB NO: 20015

SHEET NUMBER

A-1



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Hedges
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139 Cass Street
Portsmouth, NH

Floor Plans
Notes

SCALE:

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December 14, 2020

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REVISED / REVISED BY

January 18, 2021

April 28, 2021

JOB NO: 20015

SHEET NUMBER

A-2

NOTE:
COORDINATE AND VERIFY ALL BOTTOM OF FOOTING, TOP OF WALL AND SLAB ELEVATIONS WITH THE CIVIL ENGINEER PRIOR TO EXCAVATION AND LAYING OUT CONCRETE REINFORCING. BOTTOM OF CONCRETE FOOTINGS TO BE MINIMUM 4'-0" BELOW FINISH GRADE. TOP OF CONCRETE WALL TO BE 8" MINIMUM ABOVE FINISH GRADE.

NOTE:
CONCRETE FOUNDATIONS SHALL NOT BE POURED IN FREEZING TEMPERATURES AND NOT ON FROZEN GROUND.

GENERAL

1. THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND CONDITIONS AT THE SITE AND REPORT ANY DISCREPANCIES TO THE ARCHITECT BEFORE ORDERING MATERIAL AND PROCEEDING WITH THE WORK.

2. ALL WORK SHALL CONFORM TO THE REQUIREMENTS OF THE NEW HAMPSHIRE STATE BUILDING CODE (2009 INTERNATIONAL RESIDENTIAL CODE). SHOULD LOCAL CODES AND/OR ORDINANCES DIFFER FROM THESE PLANS, A DETERMINATION SHALL BE MADE BY THE CONTRACTOR AND/OR LOCAL CODE ENFORCEMENT OFFICER AS TO WHICH IS MOST STRINGENT. THE MOST STRINGENT REQUIREMENT SHALL RULE.

3. ALL SECTIONS, DETAILS, NOTES, OR MATERIALS SHOWN AND/OR NOTED ON ANY PLAN, SECTION OR ELEVATION SHALL APPLY TO ALL OTHER SIMILAR LOCATIONS UNLESS NOTED OTHERWISE.

4. TESTING AND INSPECTION AGENCIES SELECTED BY THE OWNER. ALL WORK SHALL REQUIRE ADHERENCE TO THE REQUIREMENTS OF ASTM DESIGNATION E-319 ENTITLED "RECOMMENDED PRACTICE FOR INSPECTION AND TESTING AGENCIES FOR CONCRETE AND STEEL USED IN CONSTRUCTION".

5. FOOTINGS SHALL REST ON FIRM UNDISTURBED MATERIAL CAPABLE OF SUSTAINING A BEARING PRESSURE OF TWO (2) TONS/SF.

6. THE CONTRACTOR SHALL RETAIN A PROFESSIONAL SOILS ENGINEER TO VERIFY SOIL BEARING PRESSURE.

7. ALL GRANULAR FILL MATERIAL UNDER SLABS SHALL BE PLACED TO 95% RELATIVE DENSITY.

8. ALL FOOTING EXCAVATIONS TO BE FINISHED BY HAND AND INSPECTED AND APPROVED BY THE TESTING ENGINEER BEFORE ANY CONCRETE IS PLACED.

9. BACKFILL SHALL BE PLACED TO EQUAL ELEVATIONS ON BOTH SIDES OF FOUNDATION WALLS. WHERE BACKFILL IS ON ONE SIDE ONLY, WORK SHALL BE SHORED OR HAVE PERMANENT ADJACENT CONSTRUCTION IN PLACE BEFORE BACKFILLING.

10. THE SIDES OF ALL BEAMS, WALLS, FOOTINGS, ETC. SHALL BE FORMED AND CONCRETE SHALL NOT BE PLACED AGAINST EARTH CUTS.

11. FOOTINGS SHALL NOT BEAR ON FROZEN SOIL AND ALL EXTERIOR FOOTINGS SHALL BE NOT LESS THAN 4'-0" BELOW ADJACENT FINISH GRADE.

12. ALL CONCRETE SHALL HAVE AN ULTIMATE COMPRESSIVE STRENGTH OF 3,000 PSI. IN. AT 28 DAYS. MAXIMUM 3/4" AGGREGATE, AIR ENTRAINED.

13. REINFORCING STEEL SHALL COMPLY WITH THE REQUIREMENTS OF ASTM-A625 GRADE 60 BULLET STEEL. ASTM-A625 FOR WIRE MESH. BARS SHALL BE DEFORMED TO ASTM-A625.

14. STEEL REINFORCEMENT FABRICATION SHALL COMPLY WITH THE REQUIREMENTS OF "MANUAL OF STANDARD PRACTICE FOR DETAILING REINFORCED CONCRETE STRUCTURES" AS ADOPTED BY THE AMERICAN CONCRETE INSTITUTE.

15. CONCRETE COVER: FOOTINGS AND WALL - BOTTOM 3", SIDES 2".

16. ALL CONCRETE WORK SHALL CONFORM TO THE REQUIREMENTS OF THE AMERICAN CONCRETE INSTITUTE SPECIFICATIONS ACI-308.2R.

17. ALL REINFORCING TO BE SUPPORTED IN FORMS WITH NECESSARY ACCESSORIES AND SECURELY WIRED TOGETHER IN ACCORDANCE WITH CRSI RECOMMENDED PRACTICE FOR PLACING REINFORCING BARS.

18. ALL REINFORCING SHALL BE LAPPED 40 BARS DIAMETERS (1'-0" MIN) EXCEPT AS OTHERWISE NOTED.

19. ALL SLABS ON GRADE SHALL HAVE A 15 MIL. VAPOR BARRIER UNDERNEATH.

20. PLANS ARE SCHEMATIC IN NATURE AND SHOULD NOT BE SCALED. INSTALL ALL BLOCKING, BRACING, STIFFBACKS, ETC., AS REQUIRED BY THE BUILDING CODE AND IN ACCORDANCE WITH GOOD FRAMING PRACTICES AND STANDARDS.

21. ALL ROOF RAFTERS AND TRUSSES SHALL HAVE HURRICANE TIE DOUGS.

22. GARAGE SHALL BE SEPARATED FROM MAIN HOUSE BY A FIRE RATED WALLS AND CEILINGS. REFER TO FIRST FLOOR PLAN.

23. CONTRACTOR TO CONTAIN DIG SAFE LINE TO VERIFY UNDERGROUND UTILITIES.

24. PROVIDE SMOKE DETECTORS IN SUFFICIENT QUANTITIES AND LOCATIONS TO MEET REQUIREMENTS OF THE BUILDING CODE. PROVIDE NOT LESS THAN ONE SMOKE DETECTOR ON EACH FLOOR, INCLUDING BASEMENT AND ATTICS CAPABLE OF BEING INHABITED.
- PROVIDE ONE SMOKE DETECTOR IN EACH BEDROOM AREA.
- PROVIDE NOT LESS THAN ONE SMOKE DETECTOR FOR EVERY 1,200 SF OF FLOOR SPACE.
- PROVIDE PHOTO ELECTRIC SMOKE DETECTOR IF LOCATED LESS THAN 20 FEET FROM EITHER A KITCHEN OR A BATHROOM WITH A TUB OR SHOWER.

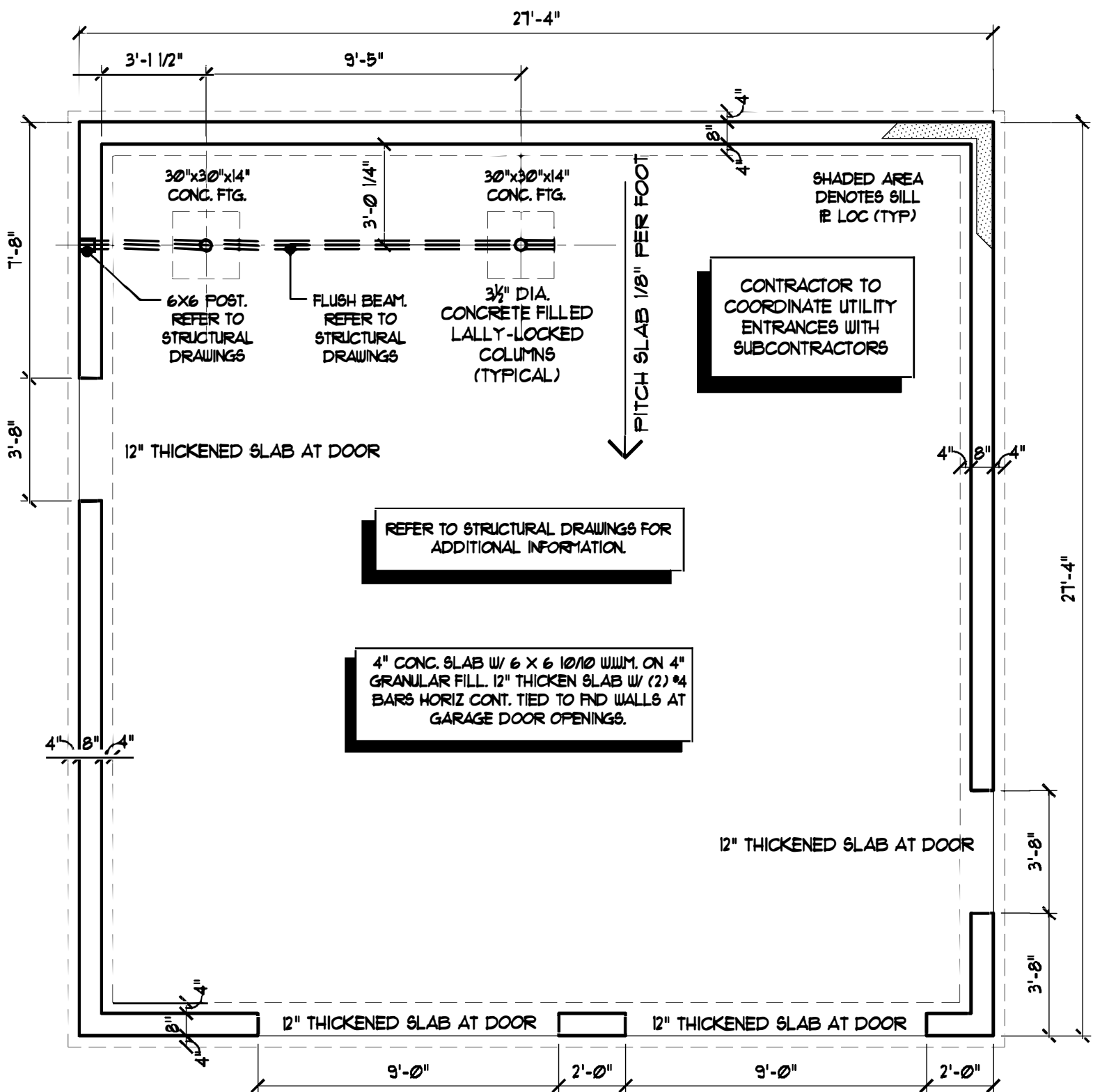
25. PROVIDE FIRE ALARMS PER BUILDING CODE.

26. DESIGN LOADS (ALL JOISTS AND RAFTER SIZES AND SPACINGS SHALL MEET OR EXCEED THE MINIMUM LOCAL BUILDING CODE REQUIREMENTS FOR LOAD CARRYING CAPACITY) (VERIFY WITH STRUCTURAL ENGINEER)
- GROUND SNOW LOADS = 50 PSF PER IRC TABLE R301.2 (1)
- SLOPED ROOF SNOW LOAD = 32 PSF
- WIND SPEED = 100 MPH
- SEISMIC CATEGORY IS "C"
- LIVE LOADS = 40 PSF FOR LIVING SPACES,
30 PSF FOR SLEEPING AREAS.
- DEAD LOADS = 10 PSF.

27. EACH BEDROOM ABOVE THE FIRST FLOOR SHALL BE EQUIPPED WITH AN EMERGENCY EGRESS WINDOW OF NOT LESS THAN A NET CLEAR OPENING OF 5.7 SQ. FT. THE MINIMUM CLEAR OPENINGS OF THE WINDOW SHALL NOT BE LESS THAN 20 INCHES IN WIDTH AND 24 INCHES IN HEIGHT.

28. TEMPERED GLASS TO BE PROVIDED WHEN THE BOTTOM EDGE OF THE GLASS IS LESS THAN 24" ABOVE FINISHED FLOOR PLAIN.

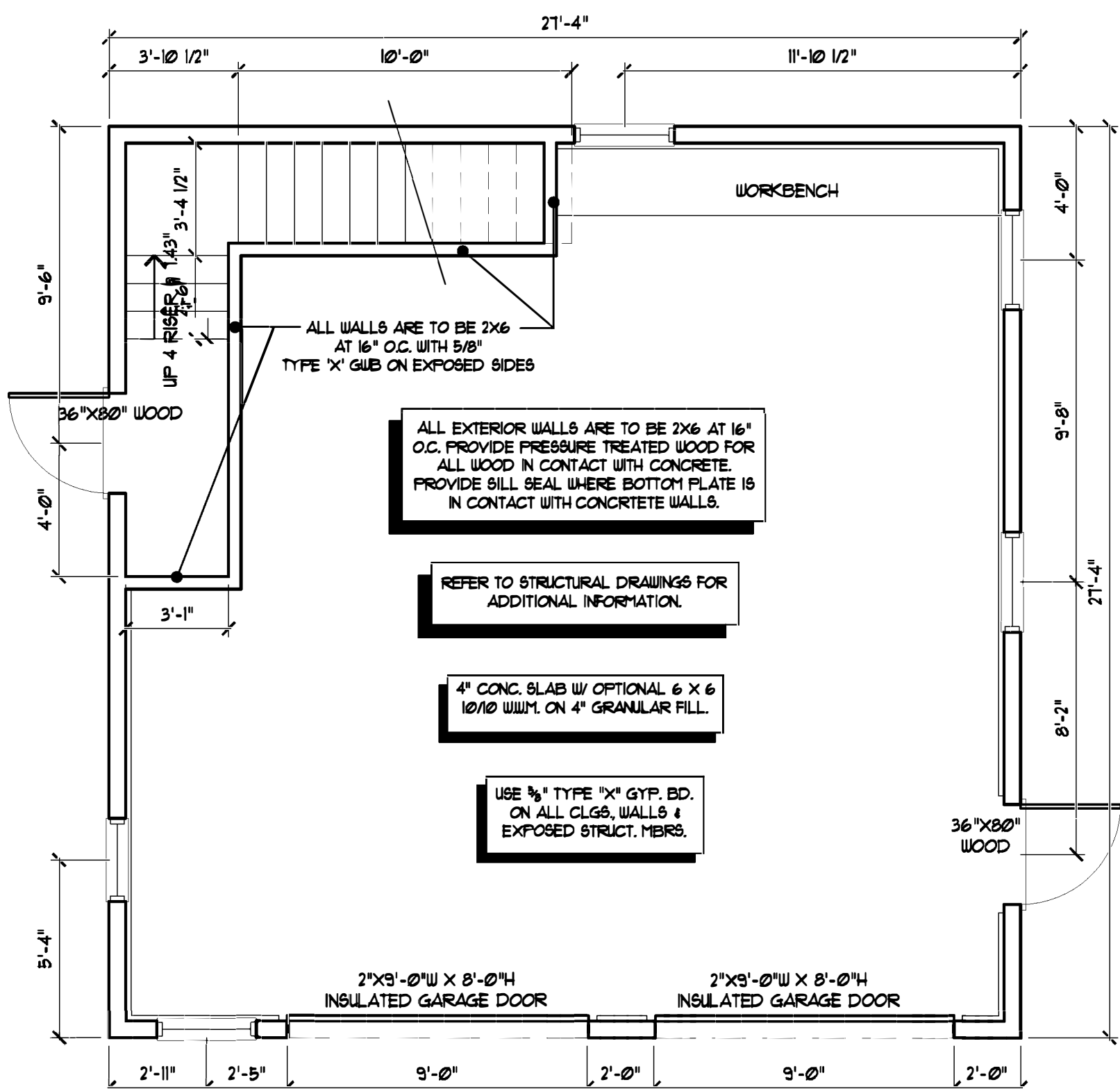
29. MR GYPSUM BOARD SHALL BE USED THROUGHOUT APARTMENT BATHS AND SIMILAR DAMP LOCATION EXCEPT WHERE BACKER BOARD IS REQUIRED. THE BACKER BOARD IS REQUIRED AT ALL LOCATION WHERE TILE IS TO BE PROVIDED.



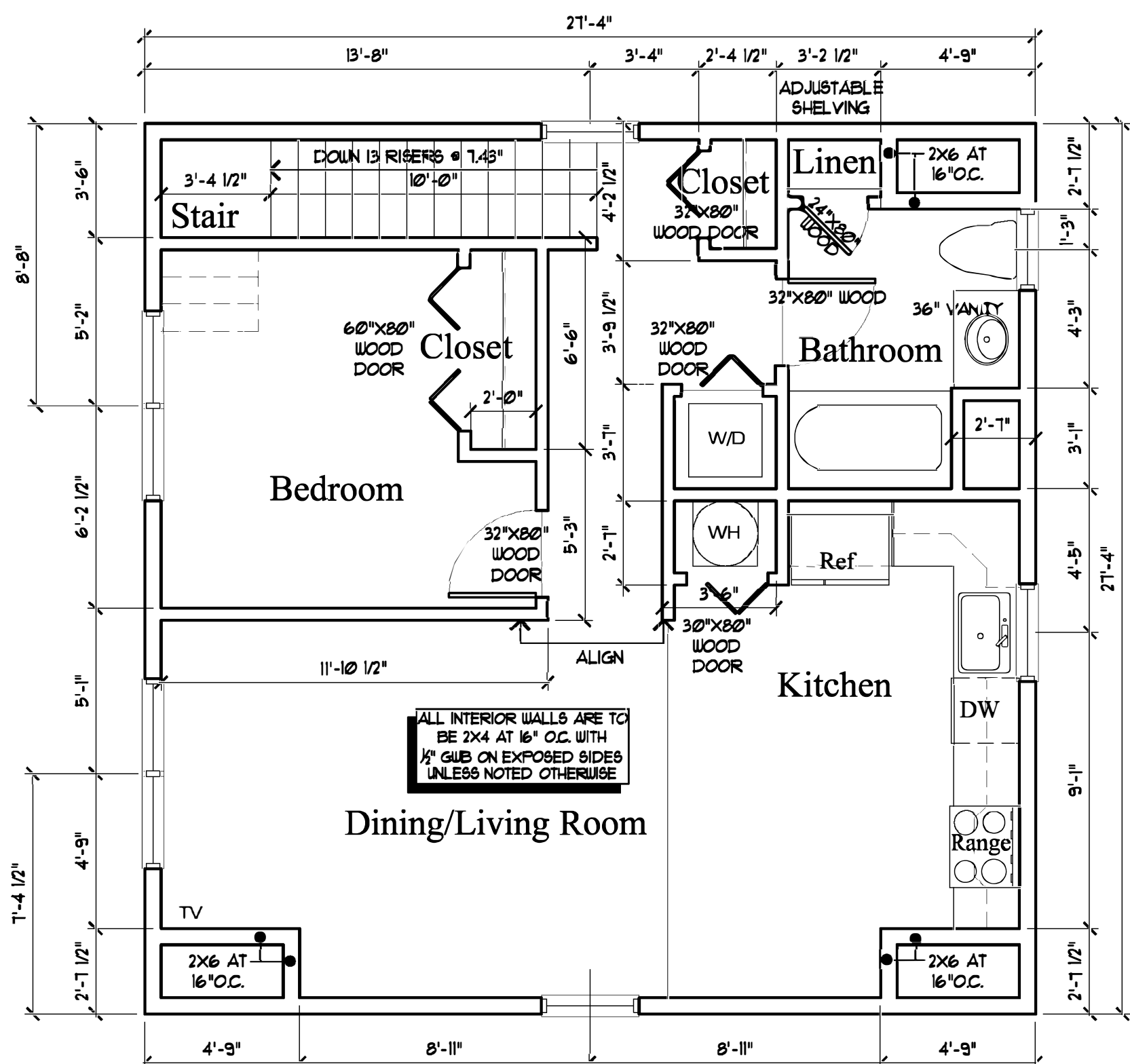
1 Foundation Plan
1/4"=1'-0"

C.O. DET LOCATION

CARBON MONOXIDE ALARMS SHALL BE LOCATED IN EA. BEDROOM OR WITHIN 15 FEET OUTSIDE OF EA. BEDROOM DOOR, AT EVERY FLOOR LEVEL W/ BEDROOMS



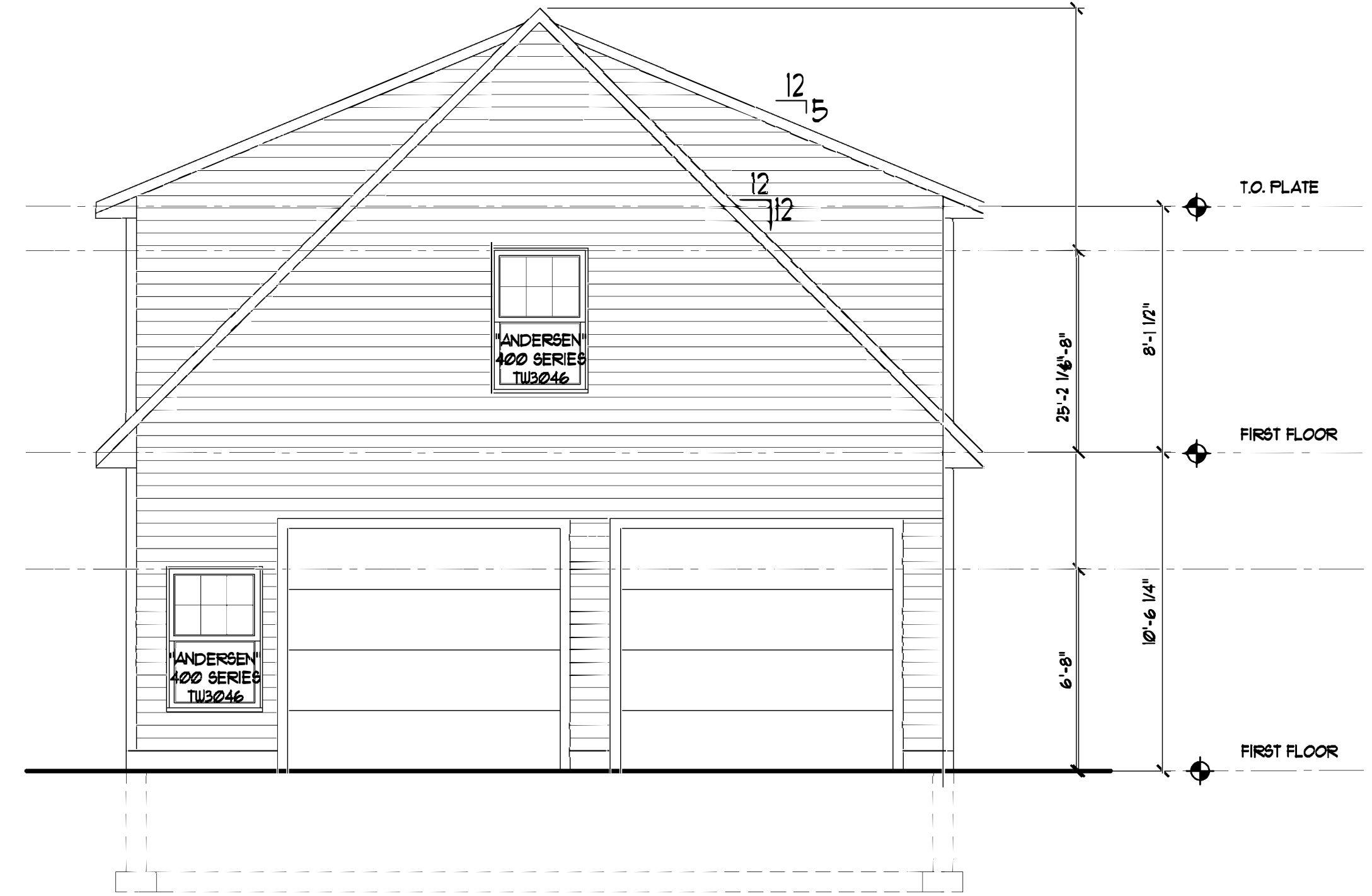
2 First Floor Plan
1/4"=1'-0"



3 Second Floor Plan
1/4"=1'-0"



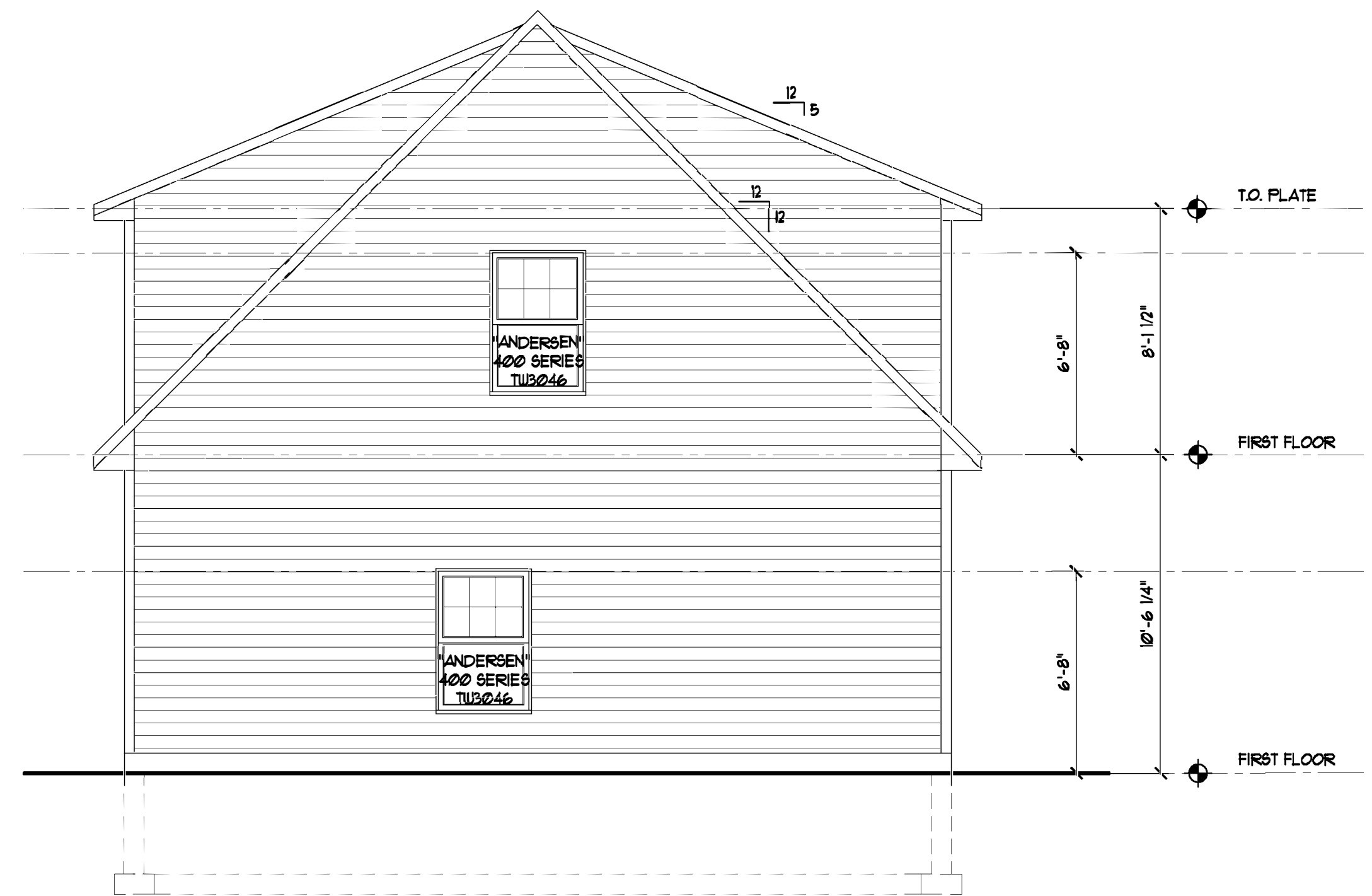
1 Right Side Elevation
1/4"=1'-0"



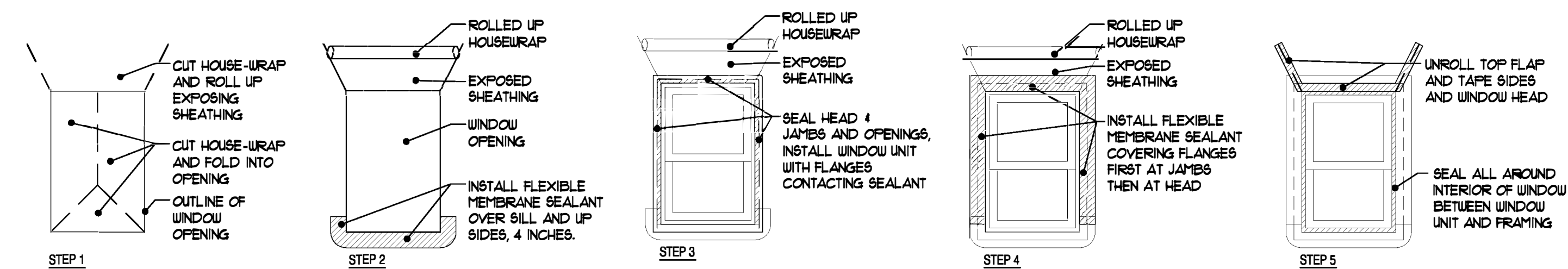
2 Front Side Elevation
1/4"=1'-0"



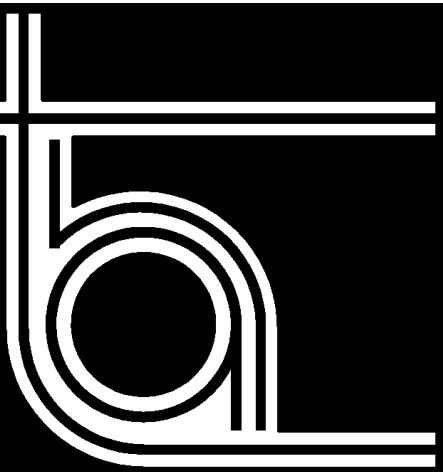
3 Left Side Elevation
1/4"=1'-0"



4 Rear Side Elevation
1/4"=1'-0"



5 Window Installation
NO SCALE



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Tel: (603) 770-2491 Fax:
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Hedges
Residence

139 Cass Street
Portsmouth, NH

Exterior
Elevations

SCALE:

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December 14, 2020

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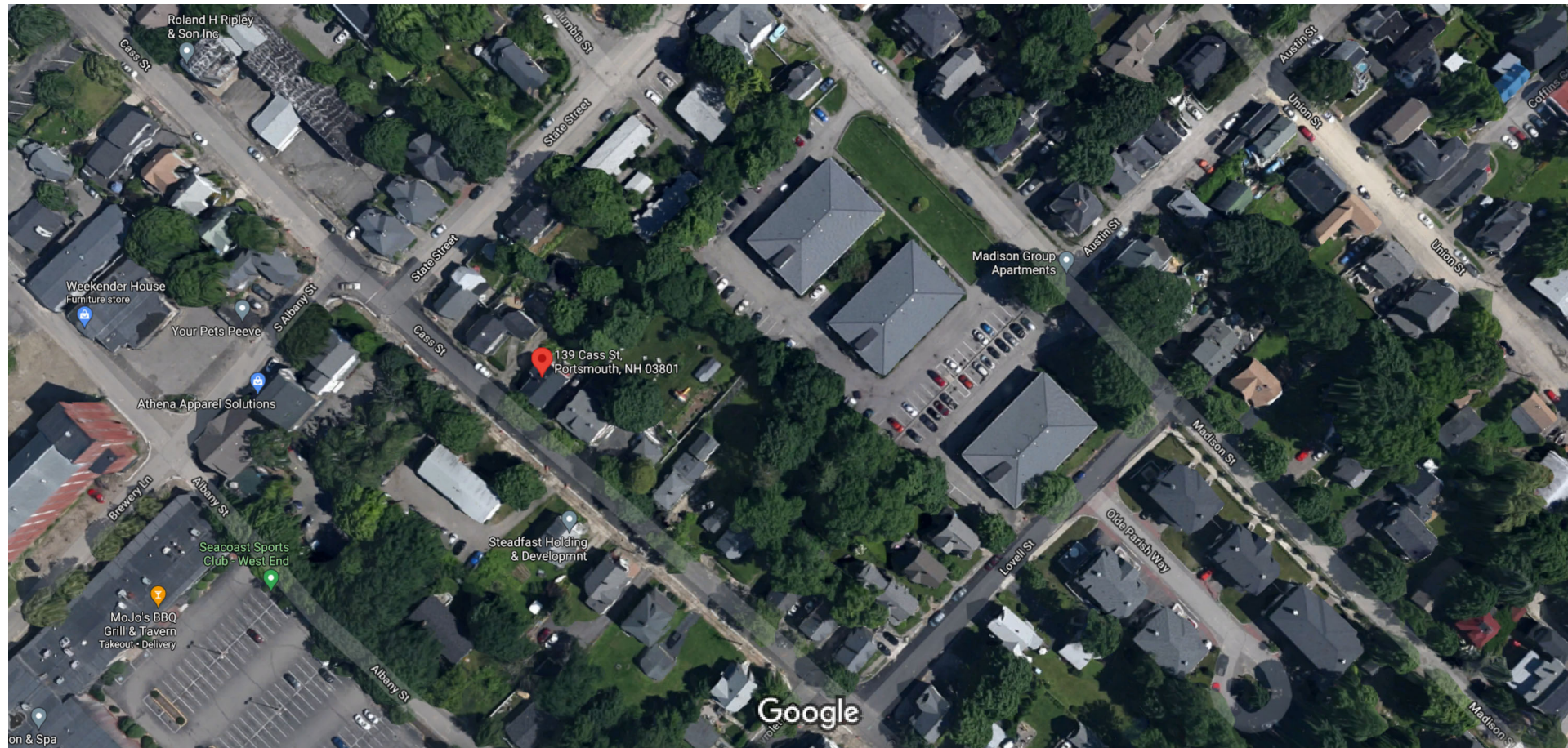
REVISED / REVISED BY
January 18, 2021
April 28, 2021

JOB NO: 20015

SHEET NUMBER

A-3

Google Maps 139 Cass St



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50 ft















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

SIMS AVE Street name





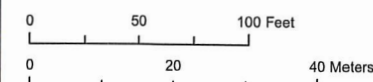
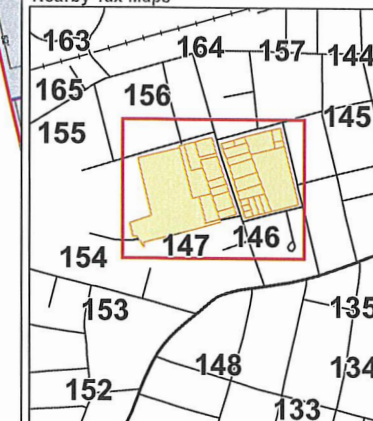
-  Parcel/Parcel boundary
-  Parcel/ROW boundary
- Water boundary
- Structure (1994 data)
-  Parcel covered by this map
-  Parcel from a neighboring map (see other map for current status)

EXHIBIT D

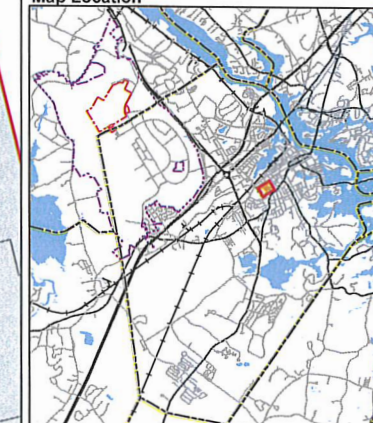


This map is for assessment purposes only. It is not intended for legal description or conveyance. Parcels are mapped as of April 1. Building footprints are 2006 data and may not represent current structures. Streets appearing on this map may be paper (unbuilt) streets. Lot numbers take precedence over 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 146

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.

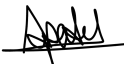
cc: Monarch Village, LLC
Erik Saari, Altus Engineering, Inc.

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”).¹ 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.² 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

¹ 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.

² 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.³ 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

³ 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.

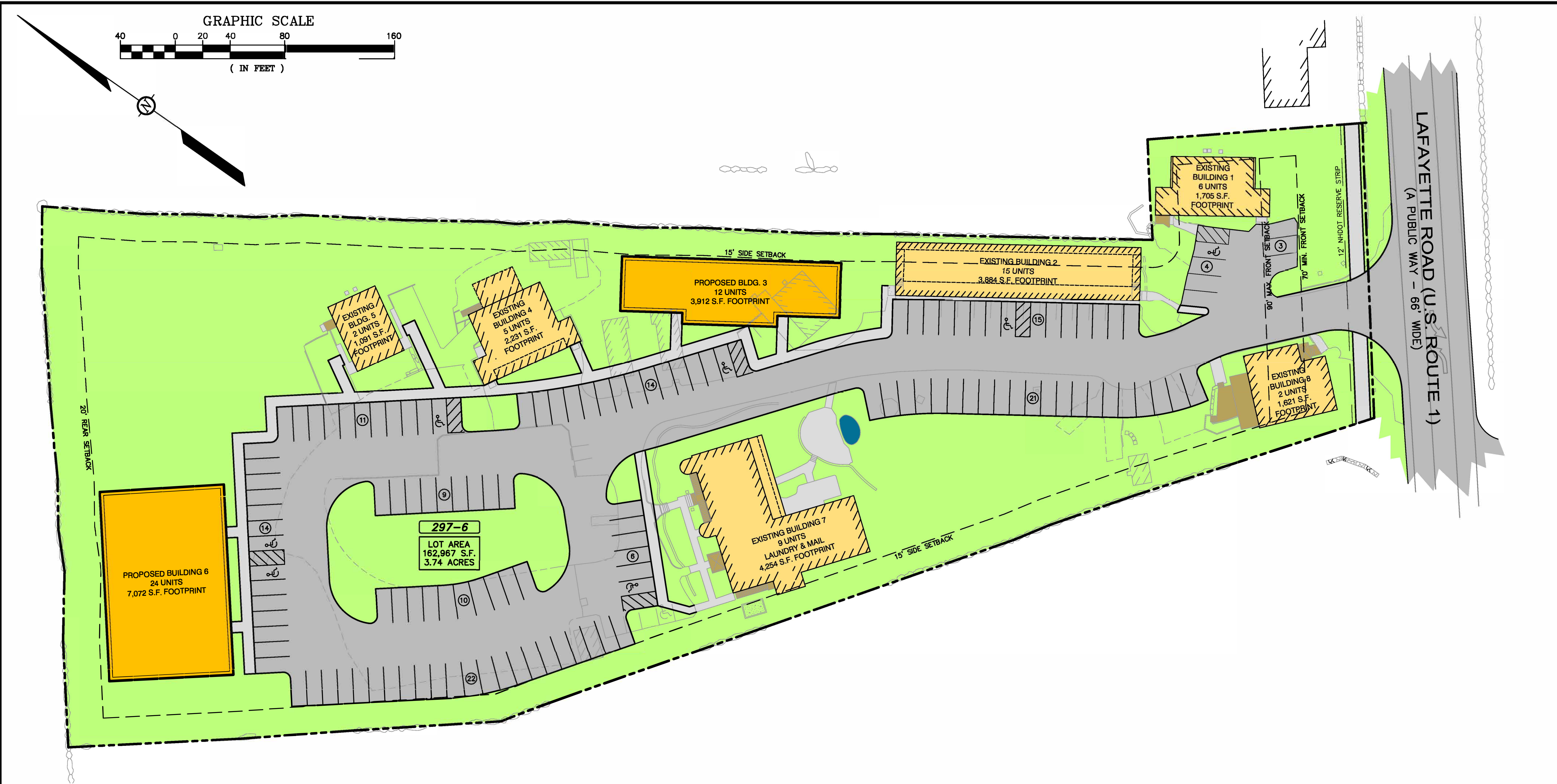
V. CONCLUSION

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



NOTES

1. 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.

2. 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.

3. ZONE: G1 (GATEWAY 1)

4. **DIMENSIONAL REQUIREMENTS:**
MIN. LOT AREA: 10,000 S.F. (0.23 ACRE) ON DEVELOPMENT SITE ±162,967 S.F. (3.74 AC.) PROVIDED 100' (ON LAFAYETTE ROAD) (161.55' EXISTING)
MIN. STREET FRONTAGE: N/A
MIN. LOT DEPTH: 70' MIN./90' MAX. (FROM LAFAYETTE ROAD CL.)
FRONT SETBACK: 15'
SIDE SETBACK: 20'
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)

5. ZONING SECTION 10.540 – CONDITIONAL USE PERMIT FROM PLANNING BOARD REQUIRED TO ALLOW A GENERAL RESIDENTIAL DEVELOPMENT SITE.

6. NHDES ALTERATION OF TERRAIN PERMIT REQUIRED IF AREA OF DISTURBANCE OVER 100,000 S.F.

7. COVERAGE UNDER EPA NPDES PHASE II CONSTRUCTION GENERAL PERMIT REQUIRED IF AREA OF DISTURBANCE OVER 43,560 SF.

8. NHDOT DRIVEWAY PERMIT REQUIRED.

9. **DENSITY CALCULATIONS:**
GENERAL RESIDENTIAL DEVELOPMENT: 20 DWELLING UNITS / ACRE
3.74 ACRES X 20 = 75 UNITS PERMITTED (75 PROPOSED)

10. **UNIT COMPOSITION:** 18 STUDIO (RENOVATED)
15 ONE BEDROOM (RENOVATED)
3 TWO BEDROOM (RENOVATED)
36 TWO BEDROOM (NEW)
3 THREE BEDROOM (RENOVATED)
75 TOTAL UNITS

11. **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)

12. 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).

133 Court Street
(603) 433-2335

Portsmouth, NH 03801
www.altus-eng.com

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:

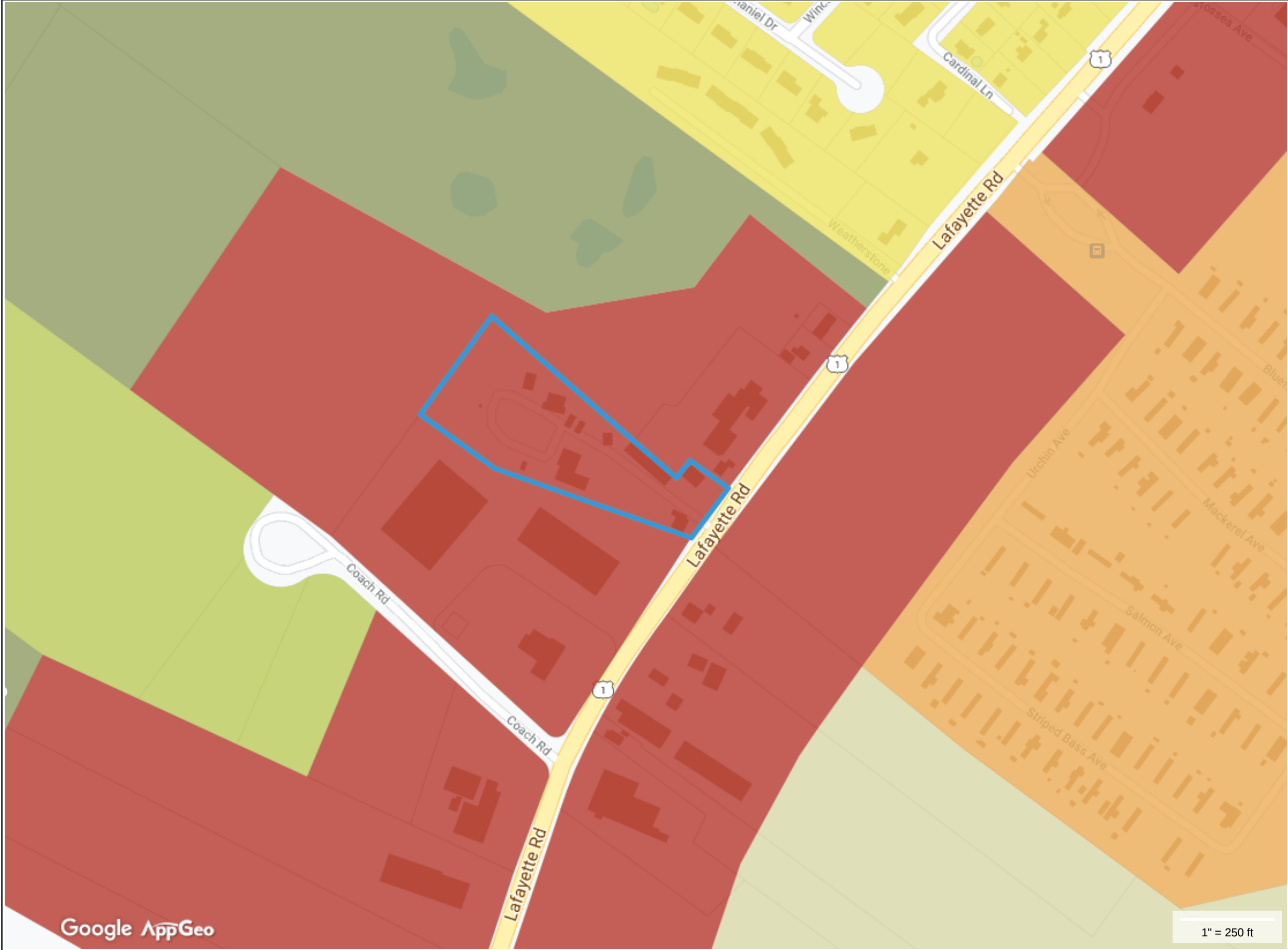
BOARD OF ADJUSTMENT
SITE PLAN

SHEET NUMBER:

1 of 1

P19161

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

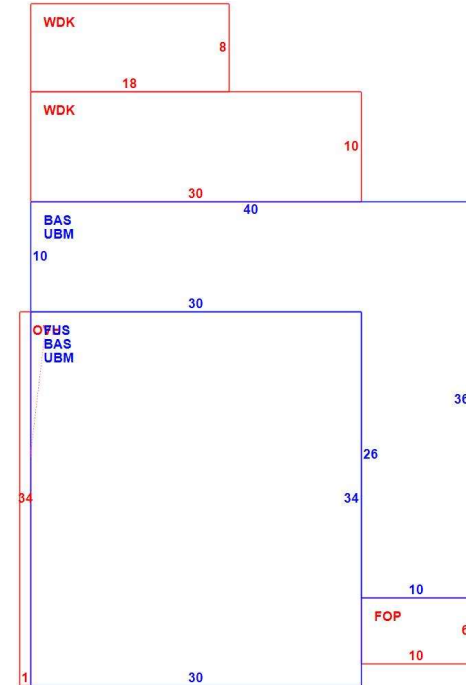
CURRENT OWNER				TOPO		UTILITIES		STRT / ROAD		LOCATION		CURRENT ASSESSMENT								2229 PORTSMOUTH, NH VISION						
NAVEESHA HOSPITALITY LLC 440 BEDFORD ST LEXINGTON MA 02420				1	Level	0	All Public	1	Paved			Description		Code	Appraised		Assessed									
								8	2+ Off-St PKG			COMMERC.		3010	1,251,300		1,251,300									
												COM LAND		3010	462,000		462,000									
												COMMERC.		3010	15,500		15,500									
SUPPLEMENTAL DATA												Total		1,728,800		1,728,800										
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#																						
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		APPROAISED 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										
Total				0.00																						
ASSESSING NEIGHBORHOOD																										
Nbhd		Nbhd Name			STREET INDEX NAME			Tracing			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 CHANGE RESTAURANT OW RESTAURANT REOPENING; TENANT FIT-UP MERRILL'S EST NEW OWNER RANGE HOOD SUPP CONSTRUCT KITCH					09-12-2017	ST			40	Hearing No change								
13-111	02-22-2013	BP		1,500	09-17-2013	100	04-17-2013						07-19-2017	RM			AB	Abatement Application								
11-0869	12-16-2011	BP		200	02-16-2012	100							06-01-2017	ST			ER	Exterior Review								
10-222	04-23-2010			0	06-29-2011	100							12-14-2016	JW	02	2	50	Building Permit								
07-949	11-19-2007			0		100							09-09-2015	ST			41	Hearing Change								
11828	01-09-2003			1,500		100							03-15-2015	ST			ER	Exterior Review								
11496	08-01-2002			8,000		100							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		0.0000	0	0								
1	3010	MOTELS	G1			0.800	AC	0	1.0000	0	1.00	302	0.480	301		0.0000	0	0								
1	3010	MOTELS	G1			33.00	BL	1	1.0000	0	1.00		1.000		HT2	1.0000	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:					

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						<div>2229</div> <div>PORTSMOUTH, NH</div> <div>VISION</div>							
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										
								COM LAND	3010	462,000	462,000												
SUPPLEMENTAL DATA										COMMERC.	3010	15,500	15,500										
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					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	
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														<div>APPRAISED VALUE SUMMARY</div> <div> 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 </div> <div>Total Appraised Parcel Value 1,728,800</div>									
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					
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					

Property Location 3548 LAFAYETTE RD
 Vision ID 36013 Account # 36013

Map ID 0297/ 0006/ 0000/ /
 Bldg # 2

Bldg Name
 Sec # 1 of 1

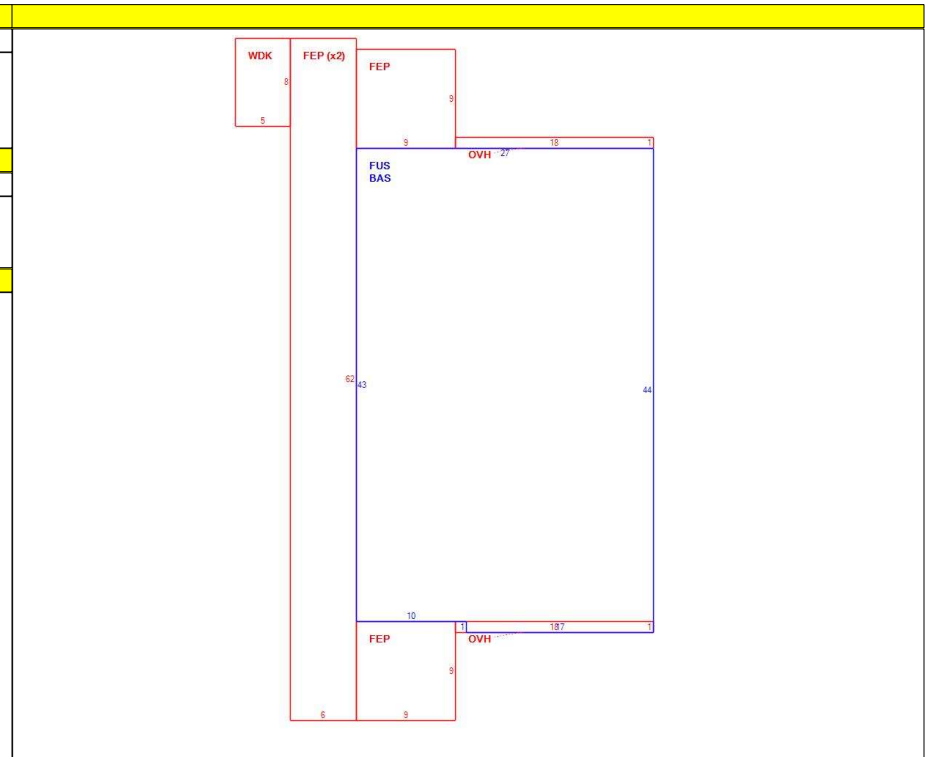
Card # 2 of 10

State Use 3010
 Print Date 2/22/2021 1:22:10 PM

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					
Exterior Wall 1	11	Clapboard			
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	14	Carpet			
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:					

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 VISION					
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						
												COM LAND		3010	462,000		462,000						
SUPPLEMENTAL DATA												COMMERC.		3010	15,500		15,500						
				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					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	
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 Appraised Bldg. Value (Card)											

Property Location 3548 LAFAYETTE RD
 Vision ID 36013 Account # 36013

Map ID 0297/ 0006/ 0000/ /
 Bldg # 3

Bldg Name
 Sec # 1 of 1

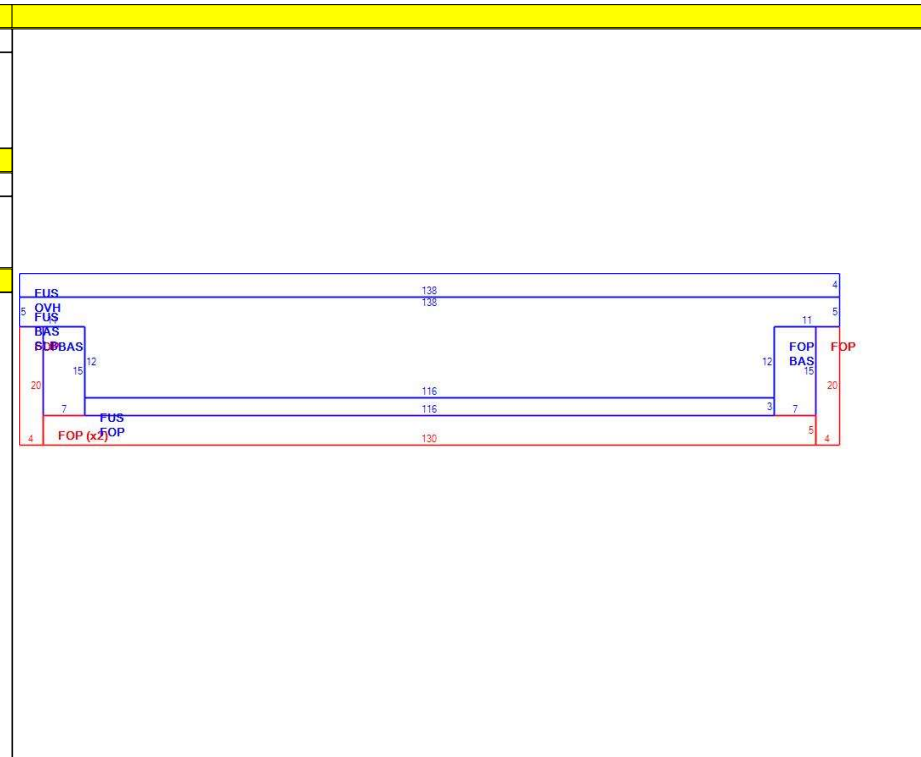
Card # 3 of 10

State Use 3010
 Print Date 2/22/2021 1:22:19 PM

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:					

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 VISION					
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								
												COM LAND		3010	462,000		462,000								
												COMMERC.		3010	15,500		15,500								
SUPPLEMENTAL DATA												Total		1,728,800		1,728,800									
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#																					
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					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									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																									
Nbhd		Nbhd Name		STREET INDEX NAME		Tracing		Batch																	
302																									
NOTES																									
WRENS NEST MOTEL-33 UNITS CHESTNUTS RESTAURANT												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						
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		

A small, single-story house with a gabled roof and light-colored stone or brick siding. The house features a green door and two windows. Two large, decorative red stars are mounted on the exterior wall. The house is surrounded by trees and a paved driveway.

CURRENT OWNER		TOPO		UTILITIES		STRT / ROAD		LOCATION		CURRENT ASSESSMENT				<div>2229</div> <div>PORTSMOUTH, NH</div> <div>VISION</div>					
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						
								COM LAND	3010	462,000	462,000								
SUPPLEMENTAL DATA										COMMERC.	3010	15,500	15,500						
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			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										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																			
Nbhd		Nbhd Name		STREET INDEX NAME				Tracing				Batch							
302																			
NOTES																			
WRENS NEST MOTEL-33 UNITS CHESTNUTS RESTAURANT																			
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	
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	

Property Location 3548 LAFAYETTE RD
 Vision ID 36013 Account # 36013

Map ID 0297/ 0006/ 0000/ /
 Bldg # 5

Bldg Name
 Sec # 1 of 1

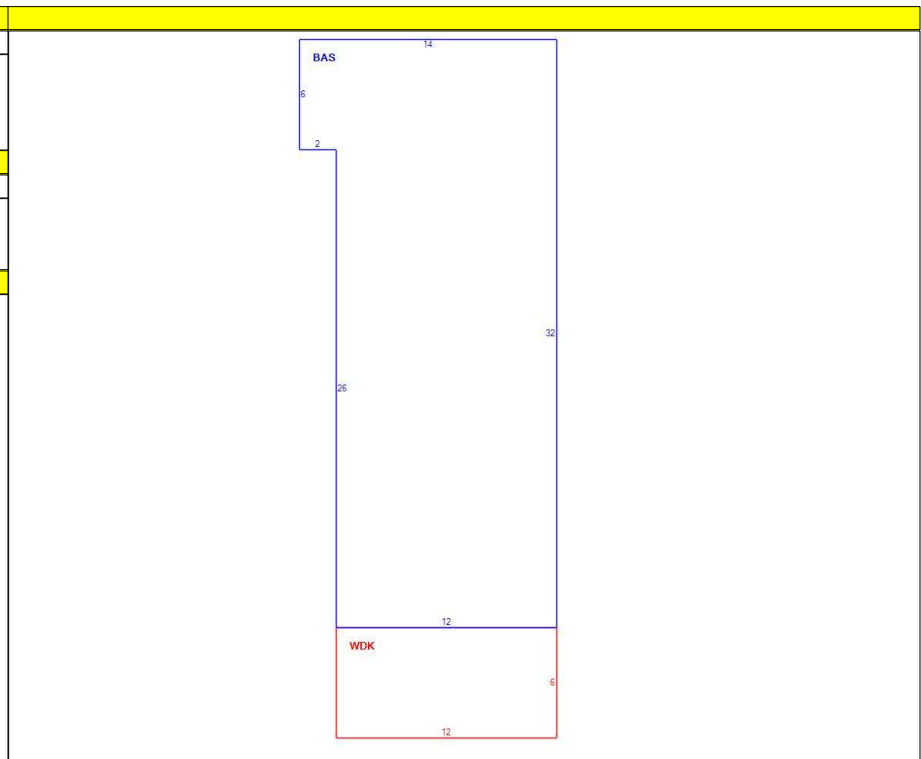
Card # 5 of 10

State Use 3010
 Print Date 2/22/2021 1:22:36 PM

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				
% Comn Wall					
1st Floor Use:					

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	

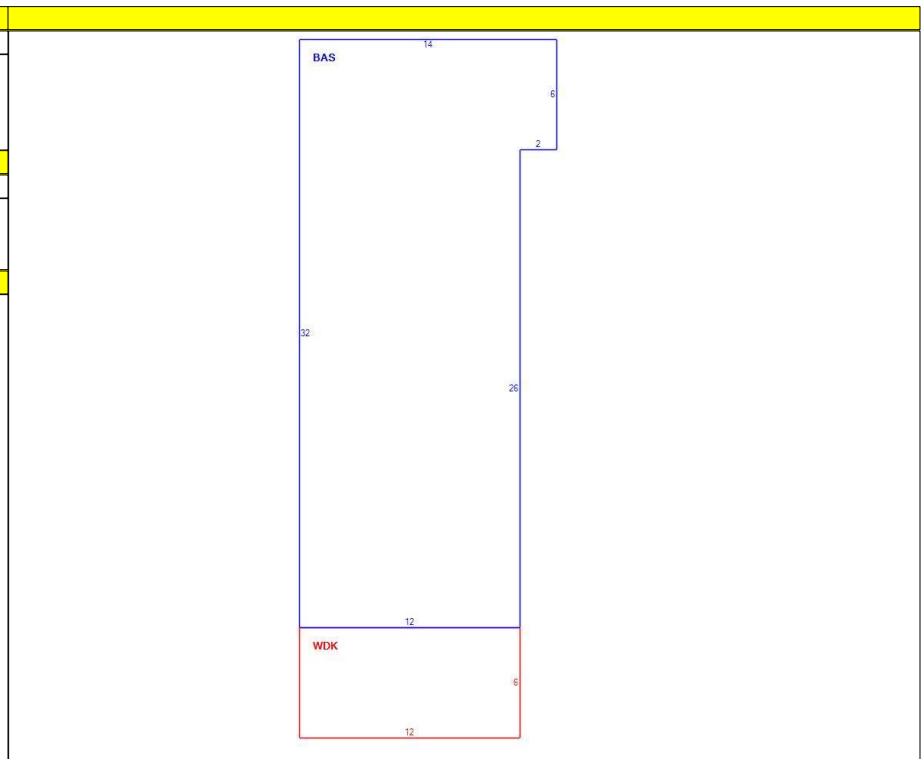


State Use 3010
Print Date 2/22/2021 1:22:39 PM

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				
% Comn Wall					
1st Floor Use:					

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				<div>2229</div> <div>PORTSMOUTH, NH</div> <div>VISION</div>									
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										
								COM LAND	3010	462,000	462,000												
SUPPLEMENTAL DATA										COMMERC.	3010	15,500	15,500										
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			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												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					
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					

Property Location 3548 LAFAYETTE RD
 Vision ID 36013 Account # 36013

Map ID 0297/ 0006/ 0000/ /
 Bldg # 7

Bldg Name
 Sec # 1 of 1

Card # 7 of 10

State Use 3010
 Print Date 2/22/2021 1:22:53 PM

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:					

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

WDK		24	3
FUS	BAS	SLB	
FEP (x2)		15	15
FEP		42	4
8	42	8	



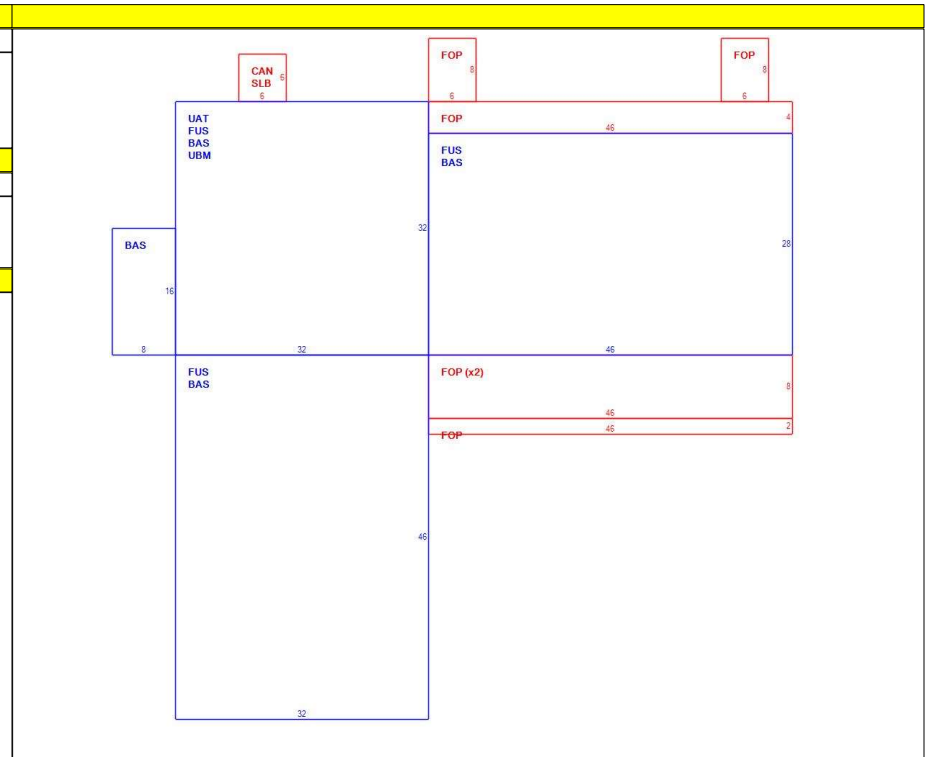
CURRENT OWNER		TOPO		UTILITIES		STRT / ROAD		LOCATION		CURRENT ASSESSMENT				<div>2229</div> <div>PORTSMOUTH, NH</div> <div>VISION</div>										
NAVEESHA HOSPITALITY LLC 440 BEDFORD ST LEXINGTON MA 02420		1	Level	0	All Public	1	Paved			Description	Code	Appraised	Assessed											
						8	2+ Off-St PKG			COMMERC.	3010	1,251,300	1,251,300											
								COM LAND	3010	462,000	462,000													
SUPPLEMENTAL DATA										COMMERC.	3010	15,500	15,500											
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												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		<div>APPRaised VALUE SUMMARY</div> <div>Appraised Bldg. Value (Card) 1,238,000</div> <div>Appraised Xf (B) Value (Bldg) 13,300</div> <div>Appraised Ob (B) Value (Bldg) 15,500</div> <div>Appraised Land Value (Bldg) 462,000</div> <div>Special Land Value 0</div> <div>Total Appraised Parcel Value 1,728,800</div> <div>Valuation Method C</div> <div>Total Appraised Parcel Value 1,728,800</div>										
Total		0.00																						
ASSESSING NEIGHBORHOOD																								
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								2229 PORTSMOUTH, NH VISION					
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								
												COM LAND		3010	462,000		462,000								
SUPPLEMENTAL DATA												COMMERC.		3010	15,500		15,500								
				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					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			
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 Appraised Bldg. Value (Card)													

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:					

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						<div>2229</div> <div>PORTSMOUTH, NH</div> <div>VISION</div>								
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Total												Total		1728800	Total		1728800	Total		1728800				
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Nbhd		Nbhd Name		STREET INDEX NAME		Tracing		Batch																
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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				
% Comn Wall					
1st Floor Use:					

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	

BAS

WDK





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)

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, Principal Planner
Portsmouth City Hall
1 Junkins Avenue
Portsmouth, NH 03801

Re: Troy & Colleen Blanchard, Owner/Applicant
205 Broad Street
Tax Map 130/Lot 16
GRA Zone

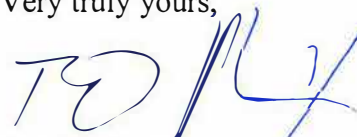
Dear Mr. Stith & Zoning Board Members:

On behalf of Troy & Colleen Blanchard, enclosed please find the following in support of a request for zoning relief:

- See Viewpoint Land Use Application uploaded today.
- Owner Authorization.
- 4/26/2021 – Memorandum and exhibits in support of Zoning Relief (original and 11 copies).

We look forward to presenting this application to the Planning Board at its May 18, 2021 meeting.

Very truly yours,



R. Timothy Phoenix
Monica F. Kieser

Encl.

cc: Troy & Colleen Blanchard
Somma Studios
Ambit Engineering

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, Troy and Colleen Blanchard owners of the property located at 205 Broad Street, Portsmouth, New Hampshire and further identified as Portsmouth Tax Map 130, Lot 16 (the "Property"), hereby authorize Hoefle, Phoenix, Gormley and Roberts, PLLC, to file documents and appear before the Portsmouth Planning Board and/or Zoning Board of Adjustment on their behalf in all matters relating to municipal land use approvals for the Property.

Dated:

4/20/21


Troy Blanchard

Dated:

4/20/21


Colleen Blanchard

MEMORANDUM

TO: Portsmouth Zoning Board of Adjustment (“ZBA”)
FROM: R. Timothy Phoenix, Esquire
Monica F. Kieser, Esquire
DATE: April 28, 2021
RE: Troy & Colleen Blanchard, Owners/Applicants
205 Broad Street
Tax Map 130/Lot 16
Zoning District General Residence A (“GRA”)

Dear Chairman Rheume and Zoning Board Members:

On behalf of the Owners/Applicants, Troy & Colleen Blanchard (“Blanchard”), we are pleased to submit this Memorandum and the attached exhibits in support of Zoning Relief to be considered by the ZBA at its May 18, 2021 meeting.

I. EXHIBITS

- A. Existing Conditions Plan – issued by Ambit Engineering Existing Conditions.
- B. Plan Set – issued by Somma Studios.
- C. Site Photographs.
 - Satellite view.
 - Street views.
- D. Tax Map 133.

II. PROPERTY/PROJECT

205 Broad Street is a 3,025 s.f. lot at the corner of Broad and Spring Streets improved with a single-family home located on the Spring Street and Broad Street lot lines (the “Property”). (**Exhibit A**). Blanchard is undertaking a renovation of the existing home to create more functional space and intends to “fill-in” the existing Broad Street porch, converting it into a mudroom and adding a dormer to the attic to create more living space within the existing building perimeter. No expansion of the footprint is proposed, but because the existing home is on the Broad and Spring Street lot lines, relief is required.

III. RELIEF REQUIRED

After conferring with the City Planning Department staff, it has been determined that the following is required:

1. Portsmouth Zoning Ordinance §10.321 – Expansion of a Nonconforming Structure to permit expansion of elements within the building perimeter and front yard setbacks.

2. Portsmouth Zoning Ordinance §10.521 – Table of Dimensional Standards – to permit a front setback of 0 ft. (Spring St.) and 5.1 ft. (Broad St.) for enclosed porch and 0.1 ft. (Spring Street) and 6.6 ft. (Broad Street) for third floor dormer where 0 ft. exists and 15 ft. 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 the variances 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 intent of the GRA Zone is to "provide areas for single-family, two family and multifamily dwellings, with appropriate accessory uses, at moderate to high densities (ranging from approximately 5 to 12 dwelling units per acre), together with appropriate accessory uses and limited services." PZO §10.410 (emphasis added). The proposal meets the intent of the GRA Zone. It permits the improvement of an existing single-family residence with a density consistent with that of the surrounding area. The Property, like many in the neighborhood, is nonconforming with respect to the front yard setbacks. No expansion of the footprint toward either front lot line is proposed.¹ Given these factors, granting the requested variances will not conflict with the basic zoning objectives of the PZO.

In considering whether variances "in a marked degree conflict with the ordinance such that they violate the ordinance's basic zoning objectives," Malachy Glen, *supra*, also held:

One way to ascertain whether granting the variance would violate basic zoning objectives is to determine 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)

There will be no threat to the public health, safety or welfare by granting the requested variances, which will merely permit additional livable space within an existing home. The

¹ Owners are contemplating additional expansion in the area of the rear deck, but have not yet finalized these plans.

requested dimensional relief is limited, enhances an existing building without any increase in footprint and maintains density and setbacks consistent with the surrounding area. Clearly, the requested variances neither alter the essential character of the locality nor threaten the public health safety or welfare. Accordingly, none of the requested variances are contrary to the public interest and all observe the spirit of the ordinance.

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

The proposal will renovate the nonconforming home within its existing footprint by repurposing an existing side porch and expanding living space on the third floor with the addition of dormers. The result will be an improved home increasing the value Blanchard's home and those around it. The limited scope of the requested relief maintains consistency with the surrounding neighborhood. Accordingly, granting the variances will not diminish surrounding property values.

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

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

The Property is small, at 3,025 s.f., and subject to two front yard setbacks. The existing home is on both front lot lines. The resulting square-shaped building envelope primarily covers the existing side yard and the southeast corner of the existing home, permitting no volumetric expansion of most of the home. These circumstances 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 requested relief relates to the Broad and Spring Street front yard setbacks. The purpose of setback is to prevent overcrowding, improve sightlines for pedestrians and motorists, provide sufficient space for stormwater treatment and ensure adequate light and air circulation. None of these purposes are impaired by granting the requested variances. The building exists and is presently non-conforming with both front yard setbacks because it sits on each respective lot line. No expansion in footprint is proposed so stormwater will not increase, and there is sufficient area between the home and the traveled portion of Broad and Spring Streets to preserve existing sightlines. Accordingly, there is no fair and substantial relationship between the purposes of the ordinance and its application in this instance.

c. The proposed use is reasonable.

If the use is permitted, it is deemed reasonable. Vigeant v. Hudson, 151 N.H. 747 (2005). Residential use is permitted in the GRA Zone. Blanchard proposes simply to "fill-in" an

underutilized side porch and dormer the third floor to increase living space. The neighborhood overall is similarly densely developed with multiple nearby parcels non-conforming for setbacks. Accordingly, the proposed use is reasonable and denial of the variances will result in an unnecessary hardship.

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. The requested variances allow for a more livable residence. Thus, Blanchard will be greatly harmed by denial of any of the variances while there will be no gain to the general public by denial. Without question, substantial justice will be done by granting each variance while a substantial injustice will be done by denying any of them.

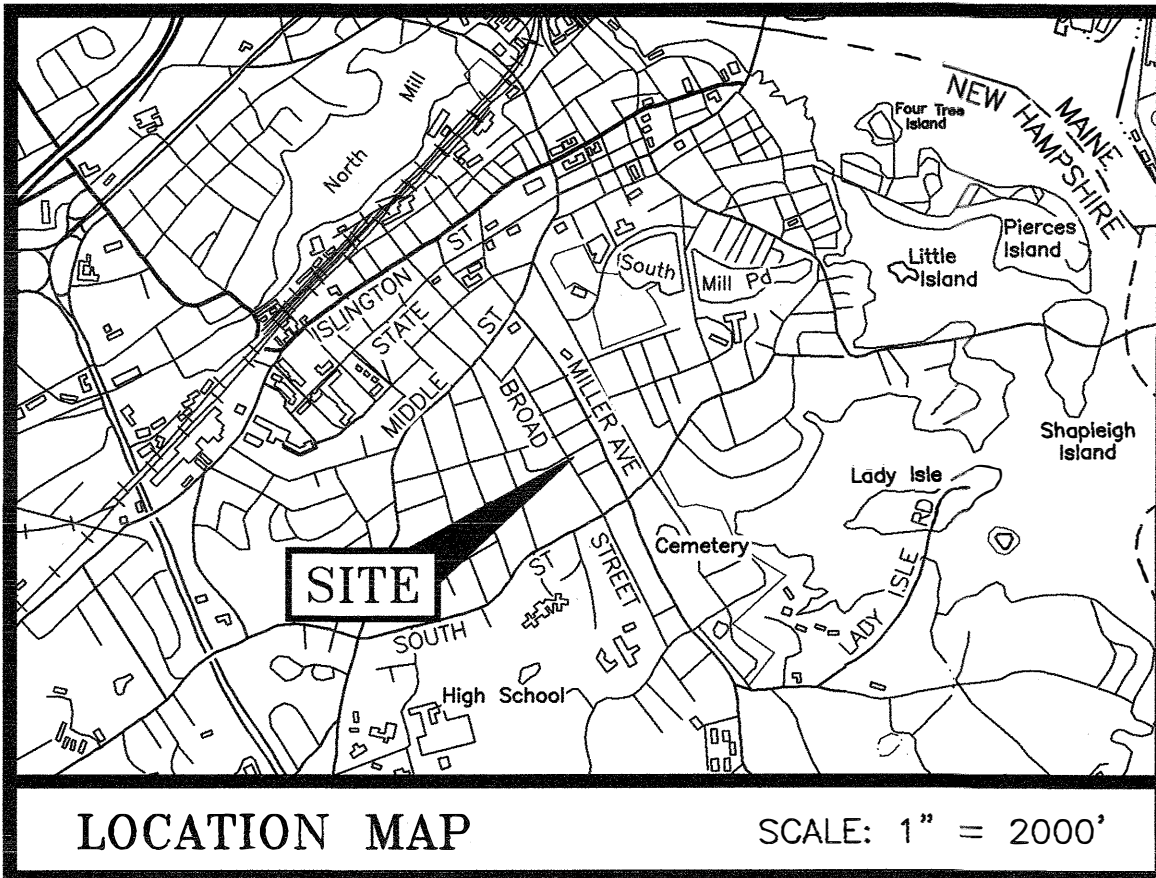
VI. CONCLUSION

For all of the reasons stated, Blanchard respectfully requests that the Portsmouth Zoning Board of Adjustment grant the requested variances.

Respectfully submitted,
Troy and Colleen Blanchard

A handwritten signature in blue ink, appearing to read 'R. Timothy Phoenix', is written over a horizontal line.

By: R. Timothy Phoenix
Monica F. Kieser



PLAN REFERENCES:

- 1) PROPERTY SURVEY, PORTSMOUTH, N.H., FOR BENJAMIN & ESTHER YOFFE, SCALE: 1" = 10' PREPARED BY KIMBALL CHASE COMPANY, INC. DATED 10/3/83, RCRD D-12014
- 2) BROADMOOR CONDOMINIUMS PORTSMOUTH, N.H. SITE PLAN, SCALE 1" = 10' PREPARED BY KIMBALL CHASE COMPANY, INC. DATED 7/18/84, RCRD D-13647
- 3) LOT LINE ADJUSTMENT FOR BETH GRIFFIN TAX MAP 131, LOT 15 PORTSMOUTH, NH, SCALE 1" = 20', PREPARED BY ALEX ROSS CIVIL ENGINEER AND SURVEYOR, DATED 7/28/05, RCRD D-33057
- 4) PROPERTY STAKEOUT SKETCH, OWNER JENNIFER JANAK & JASON LANSBERRY, 36 SPRING STREET, CITY OF PORTSMOUTH, COUNTY OF ROCKINGHAM, STATE OF NEW HAMPSHIRE, SCALE: 1" = 20', PREPARED BY AMBIT ENGINEERING, INC., DATED NOVEMBER 29, 2006, NOT RECORDED

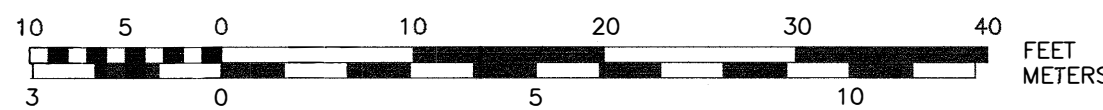
N/F
THE RICHARD M. BURBINE REVOCABLE TRUST
RICHARD M. BURBINE, TRUSTEE
THE LAURA M. BURBINE REVOCABLE TRUST
LAURA M. BURBINE, TRUSTEE
188 BROAD STREET
PORTSMOUTH, NH 03801
5085/1853

N/F
PRISCILLA C. COUGHLIN
185 BROAD STREET
PORTSMOUTH, NH 03801
6089/1490

N/F
THE MICHAEL J. DeCRISTOFARO REVOCABLE TRUST OF 2015
MICHAEL J. DeCRISTOFARO, TRUSTEE
209 WALKER BUNGALOW ROAD
PORTSMOUTH, NH 03801
5622/476

N/F
ALBERT D. SAMPSON
MELANIE E. SAMPSON
217 BROAD STREET
PORTSMOUTH, NH 03801
5727/1565

GRAPHIC SCALE



LOCATION MAP

SCALE: 1" = 2000'

LEGEND:

EXISTING	
N/F	NOW OR FORMERLY
RP	RECORD OF PROBATE
RCRD	ROCKINGHAM COUNTY REGISTRY OF DEEDS
11/21	MAP 11/LOT 21
RR SPK FND	RAILROAD SPIKE FOUND
IR FND	IRON ROD FOUND
IP FND	IRON PIPE FOUND
DH FND	DRILL HOLE FOUND
S	SEWER LINE
D	STORM DRAIN
RD	ROOF DRAIN (GUTTER)
W	WATER LINE
100	OVERHEAD ELECTRIC/WIRES CONTOUR
97x3	SPOT ELEVATION
	EDGE OF PAVEMENT (EP)
	WOODS / TREE LINE
	UTILITY POLE
	WATER SHUT OFF/CURB STOP
GV	GATE VALVE
HYD	HYDRANT
FF	FINISHED FLOOR
TBM	TEMPORARY BENCH MARK
TYP	TYPICAL
C	CENTERLINE
	BRICK / STONE WALKWAY

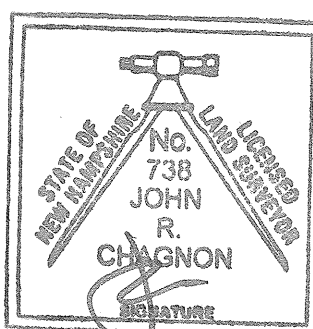
BUILDING COVERAGE AREA	
	EXISTING
RESIDENCE	711
PORCH	288
DECK	37
STAIRS	36
TOTAL (S.F.)	1,072
LOT AREA (S.F.)	3,025
BUILDING COVERAGE (%)	35.4%

"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."

JOHN R. CHAGNON, LLS

DATE

11-30-20



AMBIT ENGINEERING, INC.
Civil Engineers & Land Surveyors

200 Griffin Road - Unit 3
Portsmouth, N.H. 03801-7114
Tel (603) 430-9282
Fax (603) 436-2315

NOTES:

- 1) PARCEL IS SHOWN ON THE CITY OF PORTSMOUTH ASSESSOR'S MAP 130 AS LOT 16.
- 2) OWNERS OF RECORD:
TROY ALLAN BLANCHARD
COLLEEN ELIZABETH BLANCHARD
205 BROAD STREET
PORTSMOUTH, N.H. 03801
6026/2578
- 3) PARCEL IS NOT IN A SPECIAL FLOOD HAZARD AREA AS SHOWN ON FIRM PANEL 33015C0259E. EFFECTIVE MAY 17, 2005.
- 4) EXISTING LOT AREA:
3,025 S.F.
0.0694 ACRES
- 5) PARCEL IS LOCATED IN GENERAL RESIDENCE A (GRA) ZONE.
- 6) DIMENSIONAL REQUIREMENTS:
MIN. LOT AREA: 7,500 S.F.
FRONTAGE: 100 FEET
SETBACKS: FRONT 15 FEET
SIDE 10 FEET
REAR 20 FEET
MAXIMUM STRUCTURE HEIGHT: 35 FEET
MAXIMUM BUILDING COVERAGE: 25%
MINIMUM OPEN SPACE: 30%
- 7) THE PURPOSE OF THIS PLAN IS TO SHOW THE EXISTING CONDITIONS ON TAX MAP 130 LOT 16 IN THE CITY OF PORTSMOUTH.
- 8) VERTICAL DATUM IS MEAN SEA LEVEL NAVD88. BASIS OF VERTICAL DATUM IS REDUNDANT RTN GNSS OBSERVATIONS (±0.2').

**BLANCHARD
RESIDENCE
205 BROAD STREET
PORTSMOUTH, N.H.**

0	ISSUED FOR COMMENT	11/30/20
NO.	DESCRIPTION	DATE

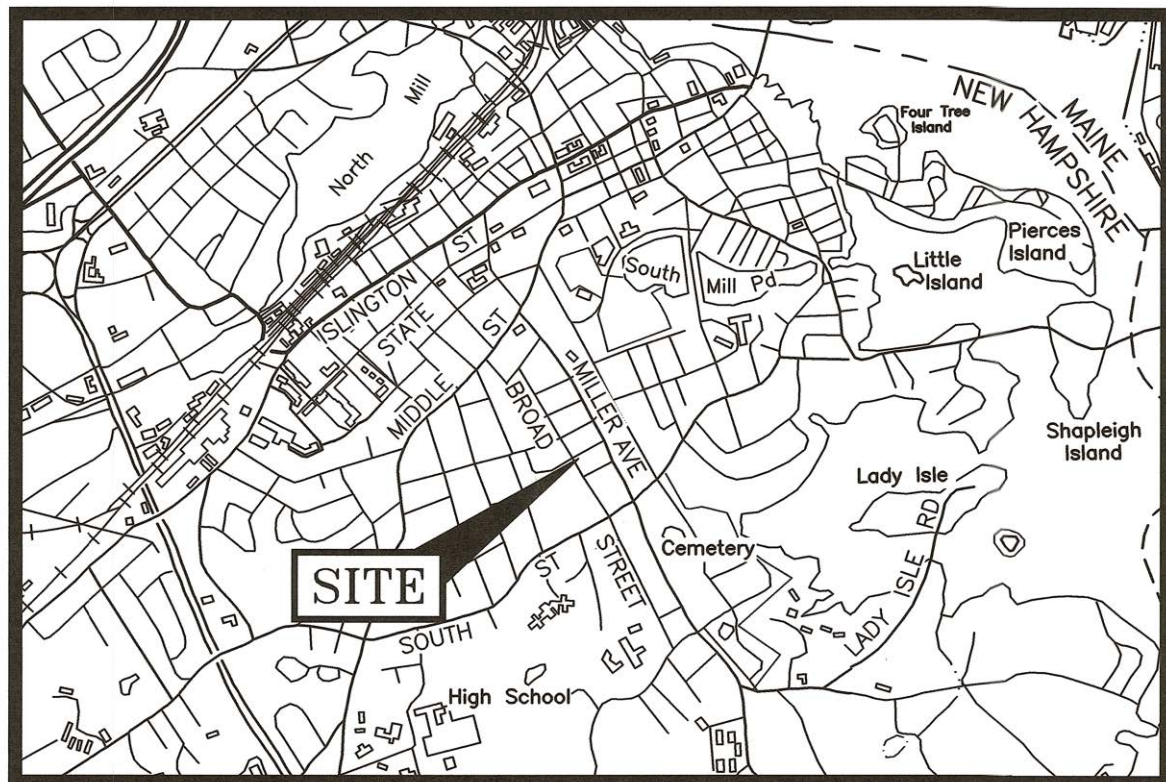
REVISIONS

EXHIBIT A

SCALE: 1" = 10' NOVEMBER 2020

EXISTING CONDITIONS
PLAN

C1



LOCATION MAP

SCALE: 1" = 2000'

LEGEND:

EXISTING	
N/F	NOW OR FORMERLY
RP	RECORD OF PROBATE
RCRD	ROCKINGHAM COUNTY REGISTRY OF DEEDS
11 21	MAP 11/LOT 21
RR SPK FND	RAILROAD SPIKE FOUND
IR FND	IRON ROD FOUND
IP FND	IRON PIPE FOUND
DH FND	DRILL HOLE FOUND
S	SEWER LINE
D	STORM DRAIN
RD	ROOF DRAIN (GUTTER)
W	WATER LINE
100	OVERHEAD ELECTRIC WIRES
97x3	CONTOUR
97x3	SPOT ELEVATION
	EDGE OF PAVEMENT (EP)
	WOODS / TREE LINE
	UTILITY POLE
	WATER SHUT OFF/CURB STOP
GV	GATE VALVE
HYD	HYDRANT
FF	FINISHED FLOOR
TBM	TEMPORARY BENCH MARK
TYP	TYPICAL
C	CENTERLINE
	BRICK / STONE WALKWAY

PLAN REFERENCES:

- 1) PROPERTY SURVEY, PORTSMOUTH, N.H., FOR BENJAMIN & ESTHER YOFFE, SCALE: 1" = 10' PREPARED BY KIMBALL CHASE COMPANY, INC. DATED 10/3/83, RCRD D-12014.
- 2) BROADMOOR CONDOMINIUMS PORTSMOUTH, N.H. SITE PLAN, SCALE 1" = 10' PREPARED BY KIMBALL CHASE COMPANY, INC. DATED 7/18/84, RCRD D-13647
- 3) LOT LINE ADJUSTMENT FOR BETH GRIFFIN TAX MAP 131, LOT 15 PORTSMOUTH, NH, SCALE 1" = 20', PREPARED BY ALEX ROSS CIVIL ENGINEER AND SURVEYOR, DATED 7/28/05, RCRD D-33057
- 4) PROPERTY STAKEOUT SKETCH, OWNER JENNIFER JANAK & JASON LANSBERRY, 36 SPRING STREET, CITY OF PORTSMOUTH, COUNTY OF ROCKINGHAM, STATE OF NEW HAMPSHIRE, SCALE: 1" = 20', PREPARED BY AMBIT ENGINEERING, INC., DATED NOVEMBER 29, 2006, NOT RECORDED

BUILDING COVERAGE AREA		
	EXISTING	PROPOSED
RESIDENCE	711	792
PORCH	288	207
DECK	37	37
STAIRS	36	36
TOTAL (S.F.)	1,072	1,072
LOT AREA (S.F.)	3,025	3,025
BUILDING COVERAGE (%)	35.4%	35.4%

CITY OF PORTSMOUTH
REQUIREMENTS:

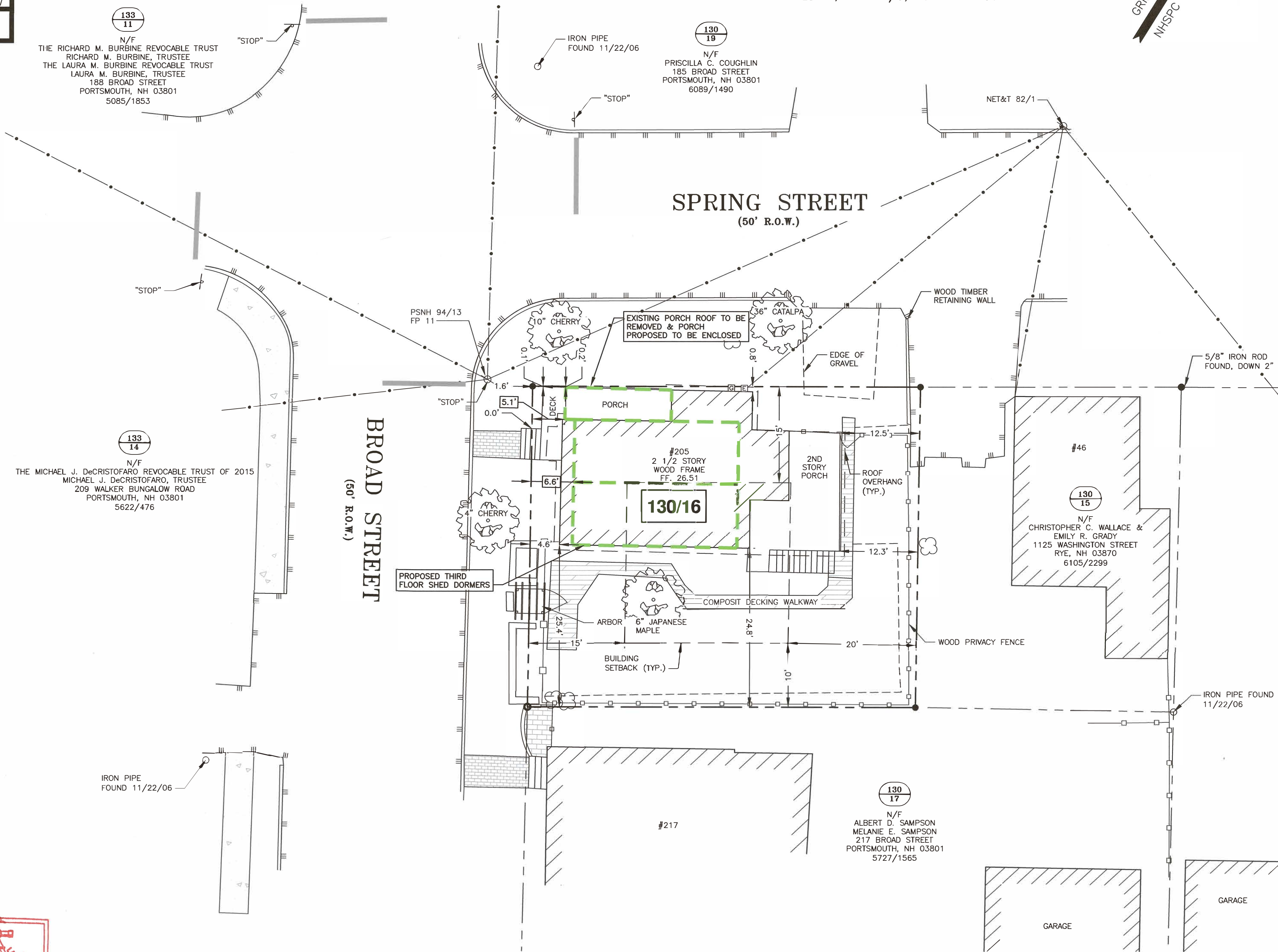
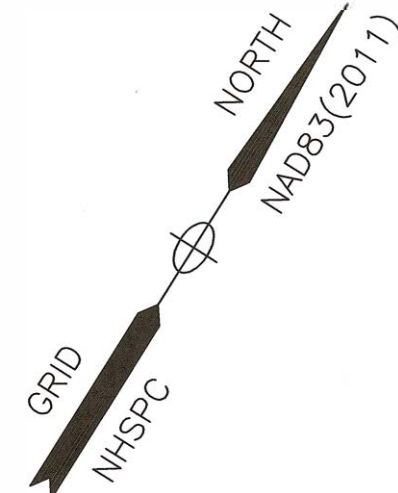
SETBACKS:

EXISTING FRONT (BROAD STREET): 0.0'
PROPOSED FRONT (BROAD STREET): 0.0'
EXISTING FRONT (SPRING STREET): 0.1'
PROPOSED FRONT (SPRING STREET): 0.1'
EXISTING SIDE (SOUTHEAST): 24.8'
PROPOSED SIDE (SOUTHEAST): 24.8'
EXISTING REAR (NORTHEAST): 12.3'
PROPOSED REAR (NORTHEAST): 12.3'

BUILDING COVERAGE: LOT AREA: 3,025 S.F.

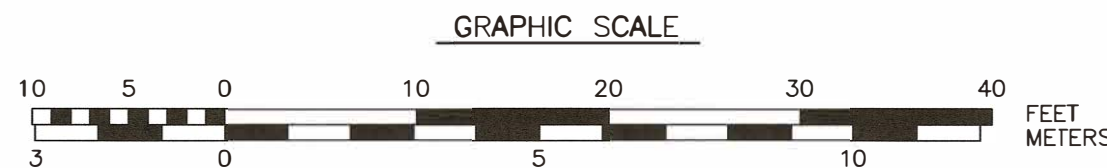
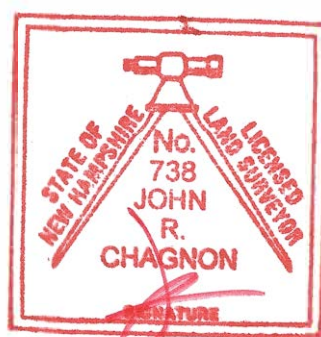
EXISTING: 1,072 S.F./3,025 S.F. = 35.4%

PROPOSED: 1,072 S.F./3,025 S.F. = 35.4%



"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."

JOHN R. CHAGNON, LLS DATE



AMBIT ENGINEERING, INC.

Civil Engineers & Land Surveyors

200 Griffin Road - Unit 3
Portsmouth, N.H. 03801-7114
Tel (603) 430-9282
Fax (603) 436-2315

NOTES:

- 1) PARCEL IS SHOWN ON THE CITY OF PORTSMOUTH ASSESSOR'S MAP 130 AS LOT 16.
- 2) OWNERS OF RECORD:
TROY ALLAN BLANCHARD
COLLEEN ELIZABETH BLANCHARD
205 BROAD STREET
PORTSMOUTH, N.H. 03801
6026/2578
- 3) PARCEL IS NOT IN A SPECIAL FLOOD HAZARD AREA AS SHOWN ON FIRM PANEL 33015C0259F, EFFECTIVE JANUARY 29, 2021.
- 4) EXISTING LOT AREA:
3,025 S.F.
0.0694 ACRES
- 5) PARCEL IS LOCATED IN GENERAL RESIDENCE A (GRA) ZONE.
- 6) DIMENSIONAL REQUIREMENTS:
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SETBACKS: FRONT 15 FEET
SIDE 10 FEET
REAR 20 FEET
MAXIMUM STRUCTURE HEIGHT: 35 FEET
MAXIMUM BUILDING COVERAGE: 25%
MINIMUM OPEN SPACE: 30%
- 7) THE PURPOSE OF THIS PLAN IS TO SHOW THE PROPOSED BUILDING ADDITIONS ON TAX MAP 130 LOT 16 IN THE CITY OF PORTSMOUTH.
- 8) VERTICAL DATUM IS MEAN SEA LEVEL NAVD88. BASIS OF VERTICAL DATUM IS REDUNDANT RTN GNSS OBSERVATIONS ($\pm 0.2'$).

BLANCHARD
RESIDENCE
205 BROAD STREET
PORTSMOUTH, N.H.

NO.	DESCRIPTION	DATE
1	REVISE PER COMMENTS	4/28/21
0	ISSUED FOR COMMENT	4/26/21

REVISIONS		

SCALE: 1" = 10' APRIL 2021

VARIANCE
APPLICATION PLAN

C2

REVISIONS:

DEGCOBUILD.COM



ADDITIONS AND RENOVATIONS

TITLE:

SCALE: AS NOTED

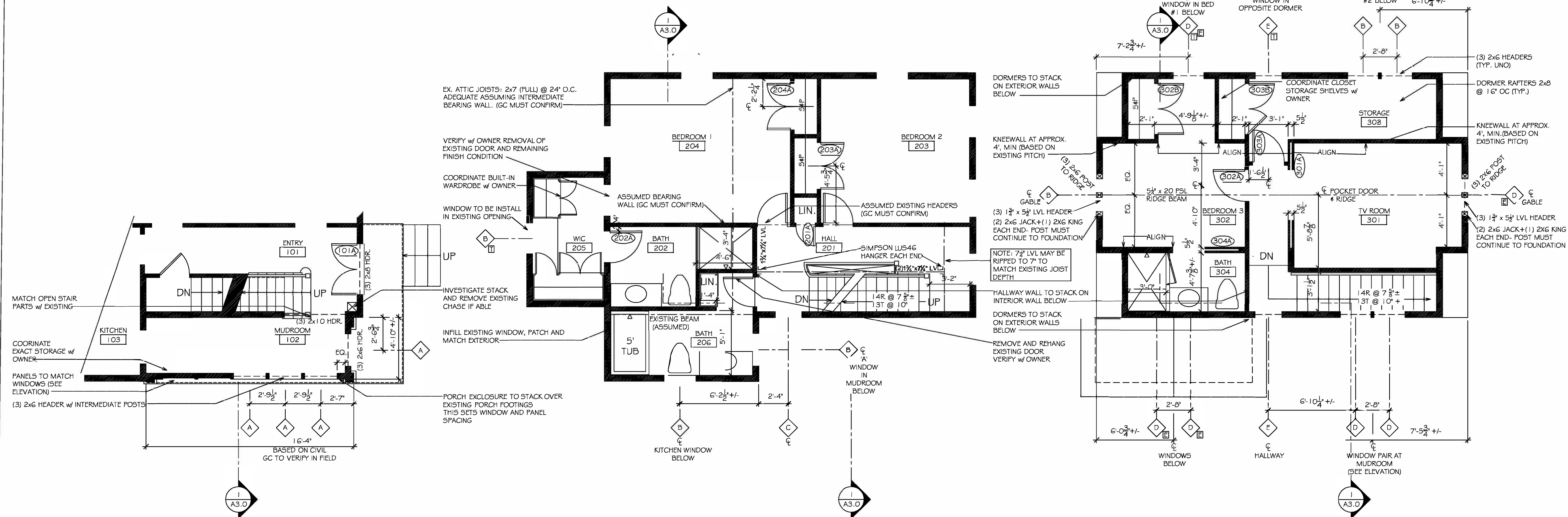
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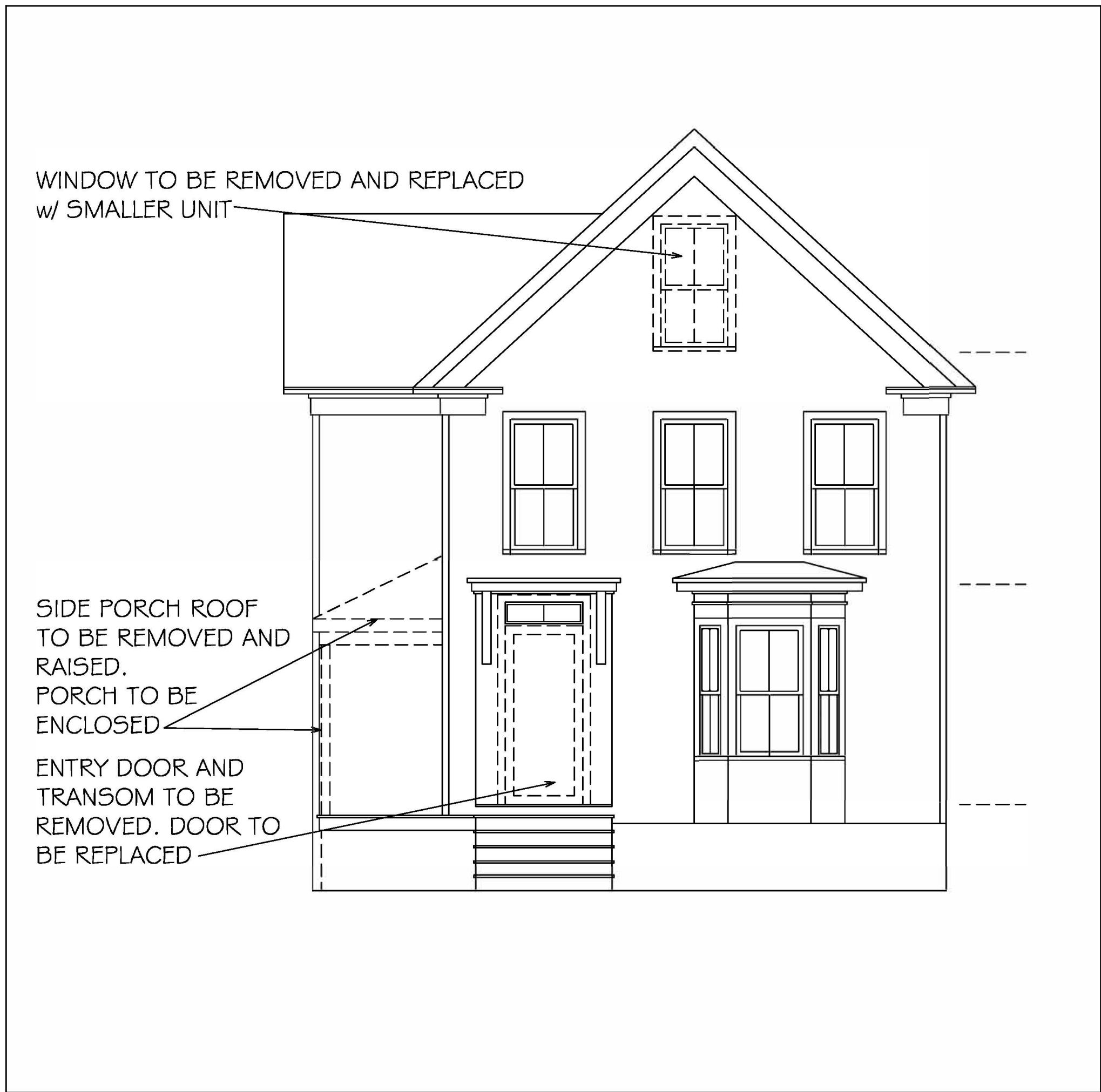
CHECKED BY:

PROJECT NO.: -

DATE: APRIL 7, 2021

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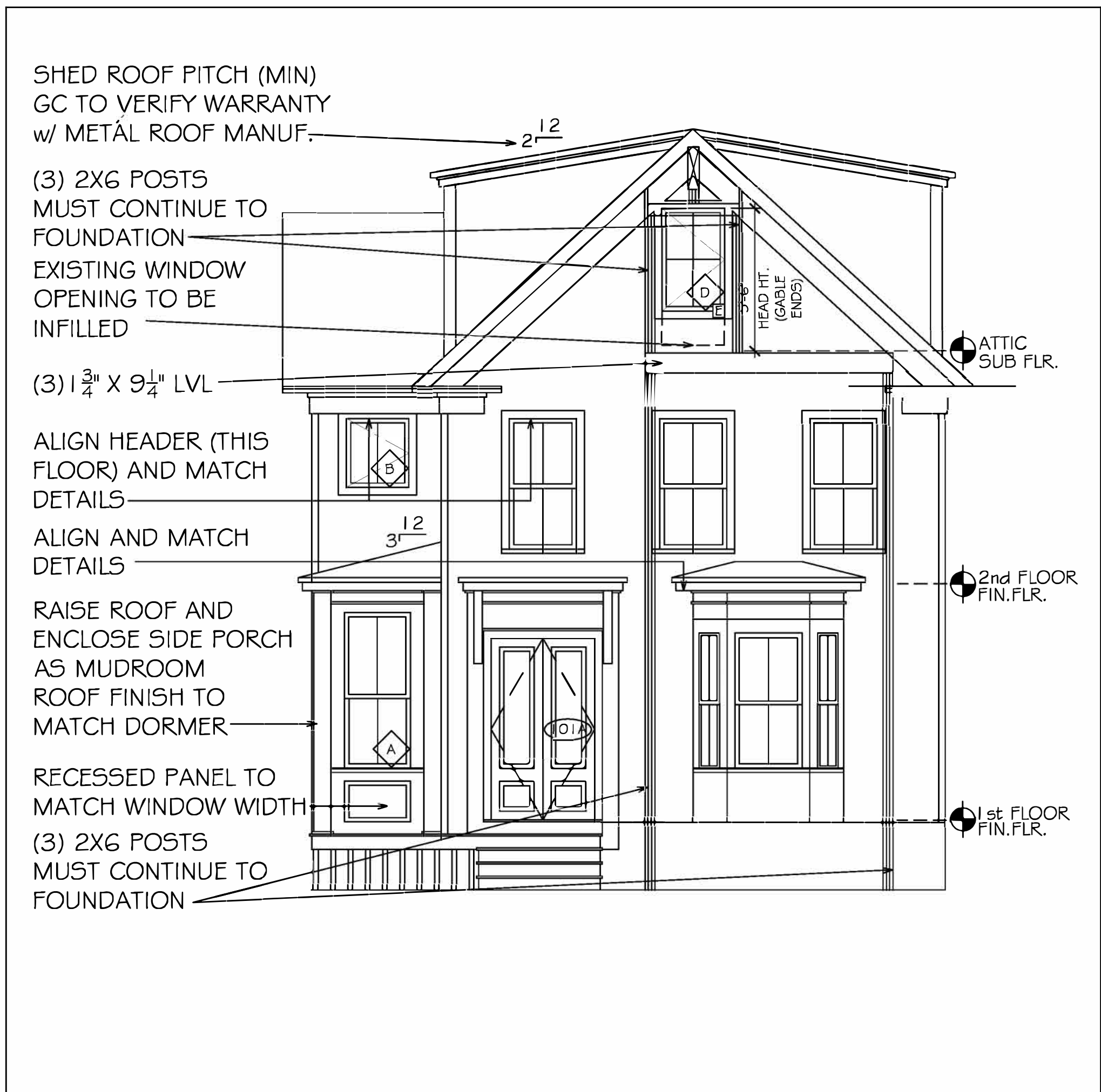




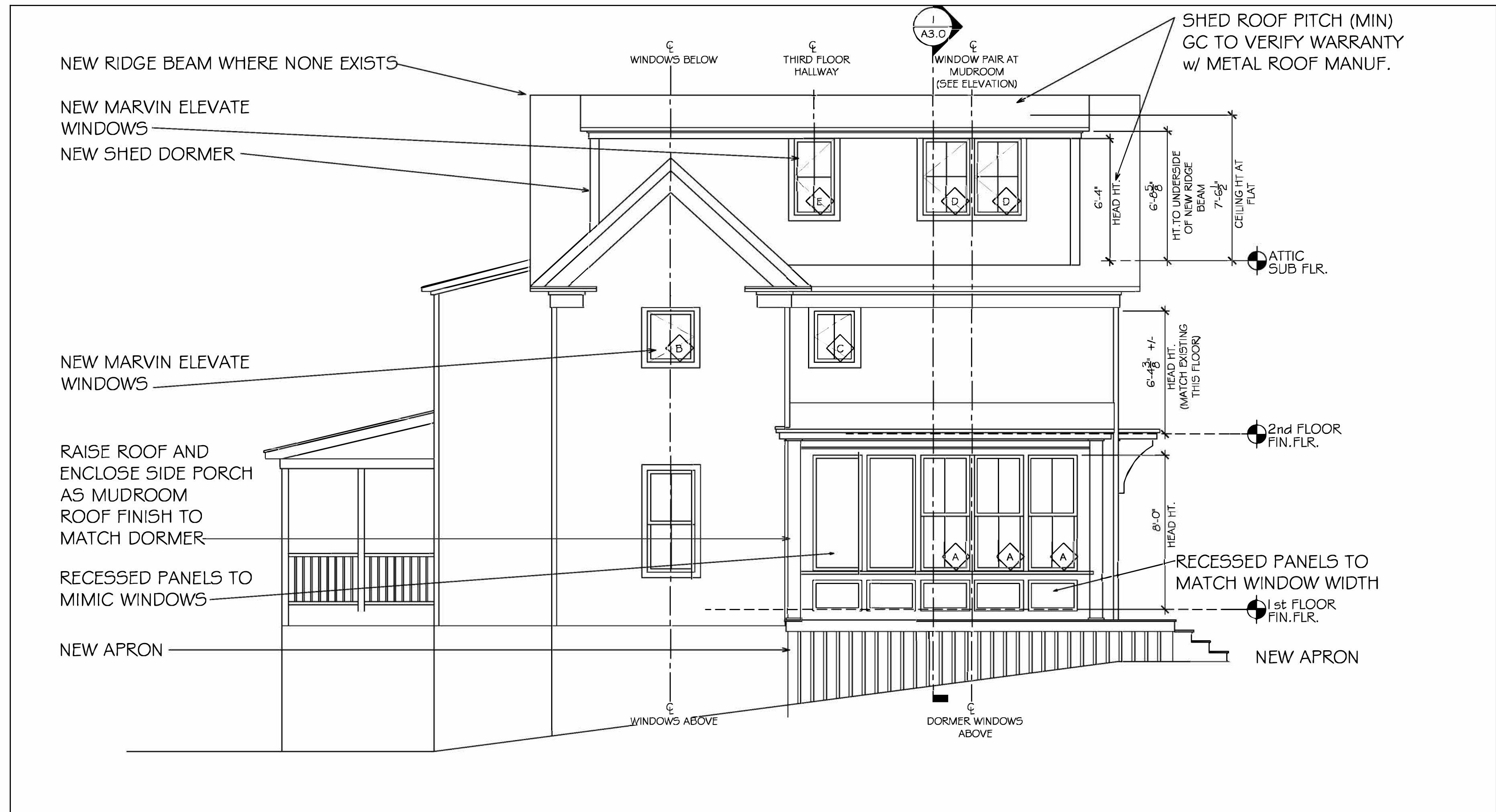
1. EXISTING BROAD STREET ELEVATION
1/4" = 1'-0"



2. EXISTING SPRING STREET ELEVATION
1/4" = 1'-0"



3. PROPOSED BROAD STREET ELEVATION
1/4" = 1'-0"



4. PROPOSED SPRING STREET ELEVATION
1/4" = 1'-0"

REVISIONS:

DEGCO BUILDERS
1300 OCEAN BLVD.
RYE, NH

603-433-2192

DEGCOBUILD.COM



SOMMA

36 Maplewood Avenue
Portsmouth, NH 03801
PH: 603.766.3760

ADDITIONS AND RENOVATIONS

BLANCHARD RESI.
205 BROAD STREET
PORTSMOUTH, NH

TITLE:

EXISTING AND
PROPOSED
ELEVATIONS

SCALE: AS NOTED

DRAWN BY: JR

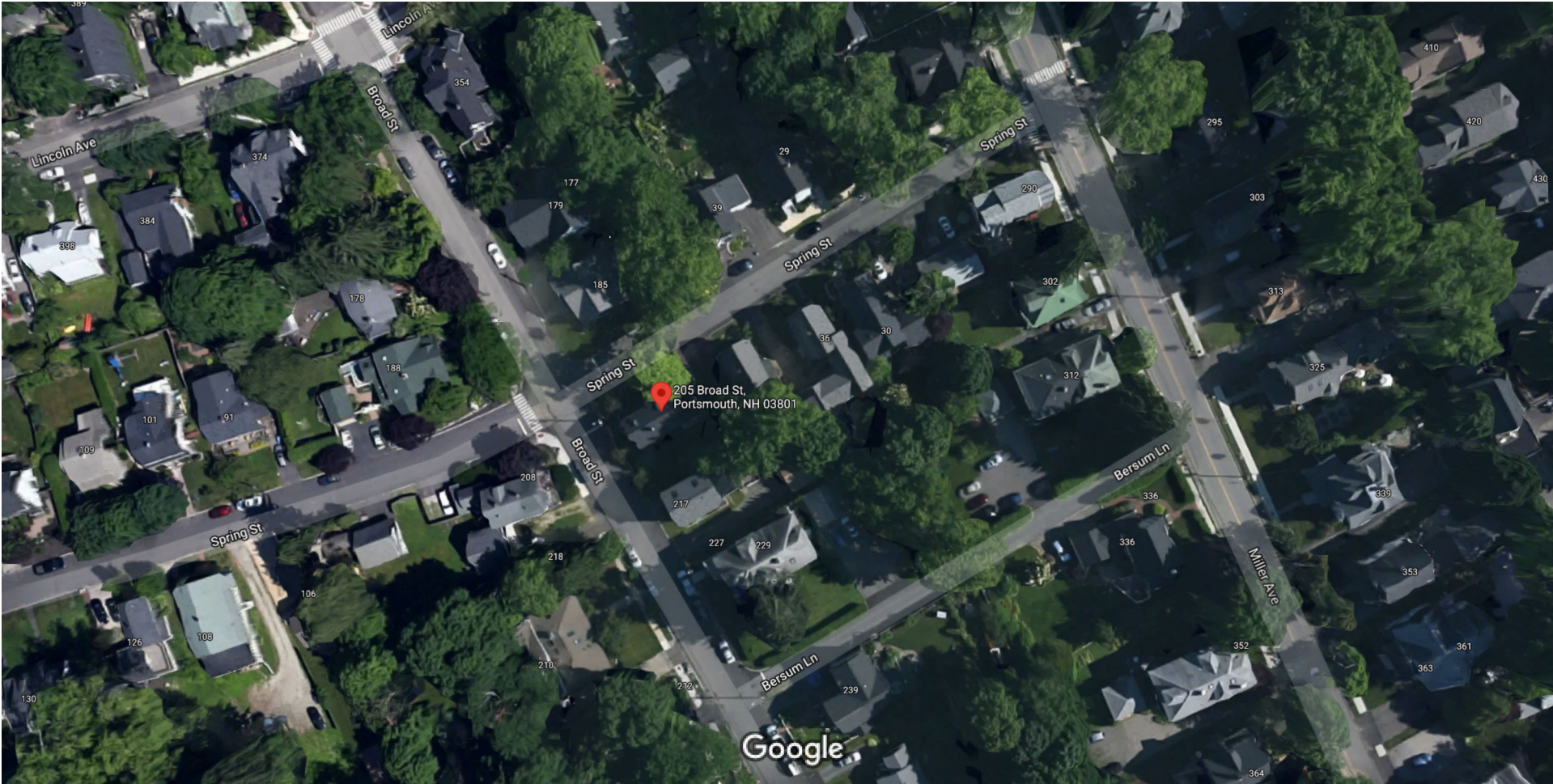
CHECKED BY:

PROJECT NO.: -

DATE: APRIL 7, 2021

A2.0

Google Maps 205 Broad St



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



Image capture: Sep 2011 © 2021 Google

Portsmouth, New Hampshire



Street View





Rear view from Spring Street



Side view from Spring Street

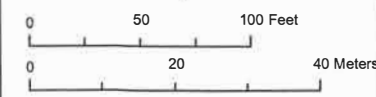


Side view from Spring Street



- 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
 - 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 D



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.

