

From: [Peter M. Stith](mailto:Peter.M.Stith)
To: kmboduch@gmail.com
Cc: [Kimberli Kienia](mailto:Kimberli.Kienia)
Subject: RE: Shed at 39 Pickering St
Date: Wednesday, June 16, 2021 8:34:10 AM

Hi Kathleen,

This petition was postponed last night to the July meeting. We will provide a copy of your comments to the Board in advance. Thank you.

Peter Stith, AICP
Principal Planner
Planning Department
City of Portsmouth
1 Junkins Avenue
Portsmouth, NH 03801
603.610.4188
www.cityofportsmouth.com

-----Original Message-----

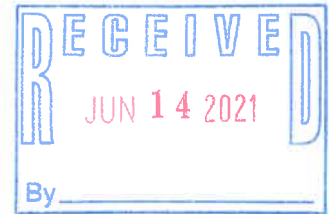
From: kmboduch@gmail.com [<mailto:kmboduch@gmail.com>]
Sent: Tuesday, June 15, 2021 6:56 PM
To: Peter M. Stith <pmstith@cityofportsmouth.com>
Subject: Shed at 39 Pickering St

Questions:

1. Is the intended purpose of the shed just storage or will it be used as an office or additional entertainment space. 10' x12' feet is large enough to be a den or even a bedroom.
2. What is the finished roof height relative to the abutting fences which are 5 1/2 -6 ft. No mention is made of full height in the proposal.
3. Why does a storage shed for a mower, smoker, plants and a generator have to be that large?
4. The exterior finishing, while lovely, makes it into more of an unattached addition than a shed. Should that be modified to be more like the adjacent walls?

Kathleen Boduch

Sent from my iPhone



June 16, 2021

Dear Board of Adjustment,

I am an abutter to the property at 39 Pickering Street. I'm writing to oppose the request by the owners William and Barbara Southworth to install a new shed as currently presented.

The application for storage sheds in the South End is certainly nothing new, as most homes have applied for and been granted these requests. Given the design, and size constraints of a historic home, storage sheds are almost a necessity.

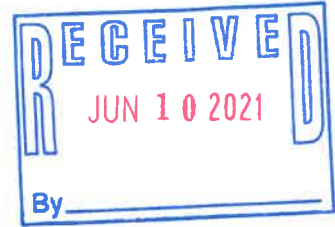
The proposed shed by the Southworth's at 39 Pickering Street, however, totally misses the spirit and design considerations appropriate to the South End. Many of us have put considerable time, effort and expense in the custom design, proper sizing and siting of our sheds. The Southworth proposal completely misses this mark. The shed is way too large for this location and is out of proportion with the existing house and neighboring properties.

The design of the shed is also inappropriate for this neighborhood. The manufactured "cookie-cutter" design has no historic relevance and is quite cheap looking. Painting the shed to match the color of the house is a weak attempt to disguise this shortcoming.

I hope the Board will consider this letter, and that granting this application as is will be a detriment to our neighborhood.

Sincerely,

Kyle Engle
24 Hunking Street



June 10, 2021

Board of Adjustments

City of Portsmouth

RE: 39 Pickering Street, Section 10.23 of the Zoning Ordinance

When I requested to add an addition to my home for medical reasons, the committee expressed the importance of not exceeding the percentage of coverage allowed within the property lines. In fact, someone came to our property to make sure our plans would be within the allowed amount. I object to the request to increase the amount of coverage of the property in question. The property at 39 Pickering is already over the allowed amount before the requested increase. Furthermore, the immediate area already has a density that is higher than other areas in the neighborhood. I ask that the same standard applied to us be applied to this request. (10.233.23 Substantial justice will be done)

Also, I object to a larger and higher structure on a two-foot setback from my property line. (10.233.24 The values of surrounding properties will not be diminished)

Thank you for your consideration.

John F. McVay

42 Hunking Street

Immediate abutter

A handwritten signature in blue ink that reads "John F. McVay". The signature is written in a cursive style and is positioned over the typed name and address.

June 10, 2021

Board of Adjustments

City of Portsmouth



RE: 39 Pickering Street, Section 10.23 of the Zoning Ordinance

When I requested to add an addition to my home for medical reasons, the committee expressed the importance of not exceeding the percentage of coverage allowed within the property lines. In fact, someone came to our property to make sure our plans would be within the allowed amount. I object to the request to increase the amount of coverage of the property in question. The property at 39 Pickering is already over the allowed amount before the requested increase. Furthermore, the immediate area already has a density that is higher than other areas in the neighborhood. I ask that the same standard applied to us be applied to this request. (10.233.23 Substantial justice will be done)

Also, I object to a larger and higher structure on a two-foot setback from my property line. (10.233.24 The values of surrounding properties will not be diminished)

Thank you for your consideration.

John F. McVay

42 Hunking Street

Immediate abutter

From: [Peter M. Stith](#)
To: [John McVay](#)
Cc: [Kimberli Kienia](#)
Subject: RE: 39 Pickering Street structure
Date: Friday, June 18, 2021 12:48:17 PM

Thank you Mr. McVay. We will provide a copy of your comments to the Board.

Peter Stith, AICP
Principal Planner
Planning Department
City of Portsmouth
1 Junkins Avenue
Portsmouth, NH 03801
603.610.4188
www.cityofportsmouth.com

From: John McVay [mailto:mcvayjf414@gmail.com]
Sent: Friday, June 18, 2021 12:46 PM
To: Peter M. Stith <pmstith@cityofportsmouth.com>
Subject: 39 Pickering Street structure

Hi Peter,
I wanted to put on file my objection to any structure, recreational vehicle, etc. constructed or parked on the property line between our property at 42 Hunking Street and the Southworth's property. In addition. I object to any structure or vehicle used a dwelling unit, or unattached addition to his house being constructed in such tight quarters. If the Southworths would like to replace the existing shed with one that is similar in size to house their larger tools, I have no objection.
Thank you,
John McVay

From: [Peter M. Stith](#)
To: [Linda McVay](#)
Cc: [Kimberli Kienia](#)
Subject: RE: 39 Pickering Shed
Date: Wednesday, June 16, 2021 3:47:13 PM

Thank you Linda. We will make sure the Board gets a copy of your comments in advance of the meeting in July. Thanks,

Peter Stith, AICP
Principal Planner
Planning Department
City of Portsmouth
1 Junkins Avenue
Portsmouth, NH 03801
603.610.4188
www.cityofportsmouth.com

From: Linda McVay [mailto:lindamcvay95@gmail.com]
Sent: Wednesday, June 16, 2021 3:37 PM
To: Peter M. Stith <pmstith@cityofportsmouth.com>
Subject: 39 Pickering Shed

I am writing because I am upset over the attempted fraud concerning the proposed “shed” to be located at 39 Pickering Street. I am an abutter, living at 42 Hunking Street. Bill Southworth gave me a copy of the proposal and two large photographs. His proposal said that he wanted a shed. It did not tell his real intentions to build a large structure that he will occupy as an office and man cave. He tried to deceive all of us. It is like he is saying in his bullying way he can build the shed as big as he wants, use it any way he wants, lie about it, and put it right smack on two property lines.

I understand that he is going to revise his proposal. Please have the committee grill him on his intended use of the structure. If it is going to be inhabited, should it be allowed to be built on property lines? If it is going to be occupied, do other rules apply such as a safe, quiet way to heat it, safe supply of electricity, etc.?

I think that the way he has gone about this is an indication of what he will try to get away with and how little disregard he has for his neighbors. We are a close, quiet neighborhood. We would like it to stay that way, with everyone following the rules.

Linda McVay

From: Peter M. Stith
To: [Kimberl Kienia](#)
Subject: FW: 39 Pickering Street
Date: Monday, June 21, 2021 8:23:22 AM

Kim,

Will you print this for public comment as well? Thanks

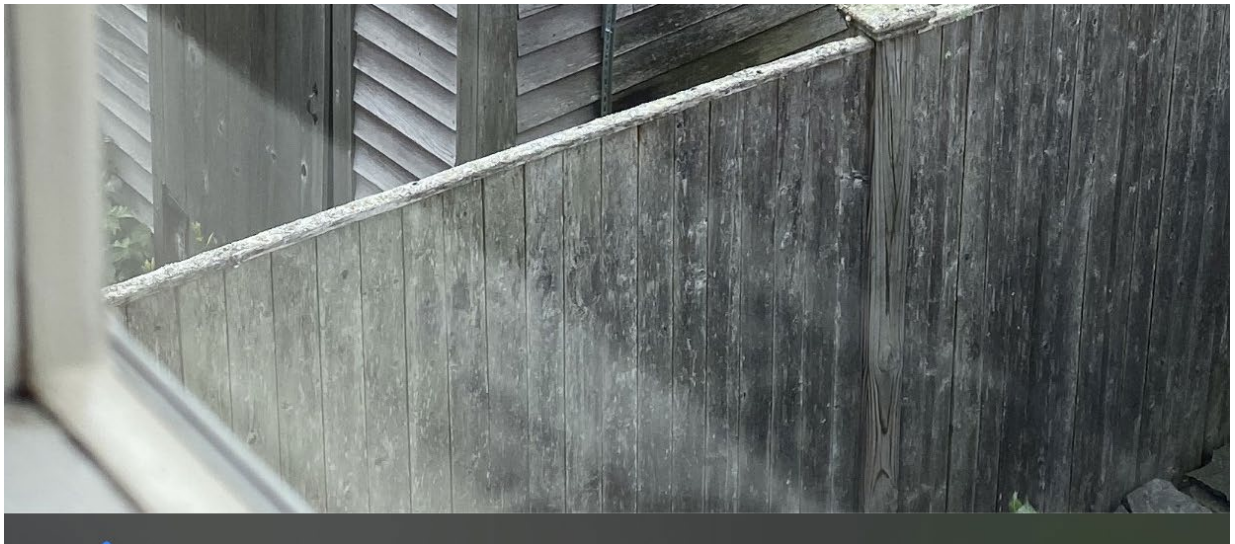
Peter Stith, AICP
Principal Planner
Planning Department
City of Portsmouth
1 Junkins Avenue
Portsmouth, NH 03801
603.610.4188
www.cityofportsmouth.com

From: Linda McVay [mailto:lindamcvay95@gmail.com]
Sent: Saturday, June 19, 2021 3:44 PM
To: Peter M. Stith <pmsstith@cityofportsmouth.com>
Subject: Re: 39 Pickering Street

On Sat, Jun 19, 2021 at 3:42 PM Linda McVay <lindamcvay95@gmail.com> wrote:

Bill Southworth's newest threat to his neighbors: a flag indicating the height of his proposed new shed.





From: [Prebbie Leonardi](#)
To: [Planning Info](#)
Subject: Southworth 39 Pickering St
Date: Friday, July 30, 2021 11:31:15 AM

I am Lenore Leonardi 49 Pickering St a direct abutted to Southworth 39 Pickering St writing about their proposed shed/office. I am requesting they build the shed at least the required 2 feet back from the fence and not on the property line. His pictures place the shed on the property line.

Thank you

Lenore Leonardi

Sent from my iPhone

From: [Lindsay beadsley](#)
To: [Planning Info](#)
Subject: Comments for 7-27-21 meeting, 0 Islington St
Date: Wednesday, July 21, 2021 4:39:49 PM

To the members of the Portsmouth Planning Board:

I am the owner and resident of 1220 Islington Street and a direct abutter to the proposed new lot at 0 Islington Street. I am writing on behalf of my husband, Peter, and myself in strong opposition to Mr. Conte's petition for variances in the size and street frontage of this lot.

I will concede that many of the lots in the neighborhood do not conform to the current ordinances for lot size and street frontage because our house, and those surrounding us, were built a hundred years ago, before such ordinances were in place. But, the ordinances do exist now, and although I'm certainly not a city planning expert, I can only assume they exist because a lot of 15,000 square feet, with 100 feet of frontage, is the optimal minimum size for building a new property. So if this is the best size lot for a neighborhood, I can only ask why you would possibly grant these variances and allow a dwelling to be built on a lot that is only 35% of the optimal size dictated by the current ordinances?

I understand that there are parties, including Mr. Conte and whoever plans to build and sell this property, who stand to make money from this small slice of land. But, all of us who already live here, and particularly the owners of the three properties which immediately border the 0 Islington Street parcel, could likely see a reduction in our property values to have a 2,500 square foot house looming over our properties. In addition to a reduction in property values, we will all also face a reduction in quality of life. My family and I, including my two school-age children, spend a great deal of time in our backyard, and I would not relish living right next to a construction zone or having neighbors looking down on us as we play and relax in our own yard

This Islington Street neighborhood is a well established collection of moderately spaced homes. The ordinances that now exist are in place for the betterment of all in Portsmouth and I certainly hope that you will uphold the guidelines established by the ordinances and deny Mr. Conte's petition to build a new structure on his severely undersized plot of land.

Thank you for your consideration,

Lindsay Bunting Beardsley and Peter Beardsley
1220 Islington Street
saylindsay@gmail.com
603-969-3650



July 20, 2024

Dear people of The Board of Adjustment,
Hello, my name is Elia Lee Beardsley. I live at 1220
Irlington St. I live next to the house that they would
like to build a house on the other side of the lot.
I would like to protest against it. Also I am 9 and 3
quarters. I think that they should not build a house
because it will be loud. My bedroom window is very close
to the place where they would build it. I like
to play dolls and listen to music in my room. I think
that would be very disruptive. It also could be
loud if I was trying to sleep. Also I bet lots of
animals like chipmunks and squirrels live in the area
where they would like to build the house. They could
lose their home. That would be very sad for them.
And us. It is very important to take care of animals.
I also love to play outside with my brother and
my neighbor Estie and her brother. We think it could be
very loud and the house could block the sun light.
That could make us colder if it was a chilly day.

We also have people over a lot. that could disrupt them a lot. Also if it was an air

band there could be noise from the people at the air band. If it was a house, they

could have a dog that barked a lot. they also could play loud music. they

also could have a party at night which would be hard for me to sleep. In summary,

I think that they should not build a house

because they could be loud and disruptive, could make animals lose their home and many other reasons. I hope you valued my opinion.

from, Elia Beardley.



To: The Zoning Board of Adjustment
Re: Petition of Jeremy James Conte
Date: July 22, 2021

Submitted by: Abutters to the proposed home to be built by Mr Conte

We the undersigned abutters are not opposed to a home being built on the lot in question on Islington Street.

We do, however, have significant reservations about the plan of the proposed home, and are asking the Zoning Board of Adjustment not to approve the variance relief asked for at this time, based on the abutters' concerns.

We recognize that the availability of a new lot in Portsmouth is a rare occurrence, but building on such a lot comes with the responsibility to put the most appropriate and fitting home on that lot. We have several issues with the house plan, the biggest being the height of the home.

By topping the house with a double hip roof with dormers all around, the house tops out at 2580 square feet. This tall monolith will be sandwiched between two existing homes of approximately 2000 square feet. Many neighborhood homes are much wider than the proposed home. At 28 feet wide, and rising three stories, it is certainly not proportioned to fit in with the early 1900 homes surrounding it.

The lot is only 5,225 sq feet, where 15,000 is required, and relief from that rule is being requested. We feel that cramming a tall, skinny home on the lot for the purpose of gaining some square footage is not appropriate. We also feel that the home as designed does not fit with its surrounding homes, and indeed, could affect valuations.

Mr Pelech's comment that "granting the variances will not substantially alter the characteristics of the neighborhood", is his opinion. We disagree, because this tall house squeezed onto its lot and rising high will not fit in with the neighborhood. Most of the houses on either side have a porch. While some of the houses may reach the height of this house, they are certainly wider than 28 feet. No homes in the area have the massive look of this house which is created by the double hip roof with dormers all around.

This precious lot should have a more appropriate home for its location. Two floors total 1980 in square footage, certainly enough to create a lovely home. This plan lacks proportion, compatibility with its surroundings and architectural details. While its height might be allowable, it certainly is not appropriate for this lot. The house would be improved by sidelights on the front door and a small porch or overhang.

To: The Zoning Board of Adjustment
Re: Petition of Jeremy James Conte
From: Abutters
Date: July 24, 2021


**Supporters of the attached letter by abutters of the Jeremy
Conte property**


| Abutter list: | | |
|---------------------|-------|-----------------|
| | | |
| Islington St | | |
| | 1239 | |
| | 1231 | |
| | 1223 | 1223 |
| | 1180 | |
| | 1200 | |
| | 1210 | |
| | 1262 | |
| | 1281 | |
| | 1273 | |
| | 1253 | |
| | 1137 | |
| | 1220 | |
| | 1240 | |
| | 1207 | |
| | | |
| Melbourne | | |
| | 105 | |
| | 85 | |
| | 45 | |
| | 25 | |
| | 3 | |
| | 4 | |
| | 24 | |
| | 44 | |
| | 65 64 | |
| | | |
| Sheffield | | |
| | 11 | |
| | 24 | |
| | 14 | |
| | | |
| Hampshire Rd | | |
| | 34 | |


We are requesting the board reject the petition for variance relief until the suggested revisions outlined above have been made to the architectural plans submitted for approval.



Respectfully,


Abutters

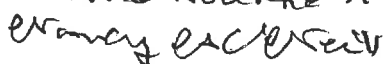
Name: JOHN TURNAGE
Address: 1262/1264 ISLINGTON ST
Signature: 

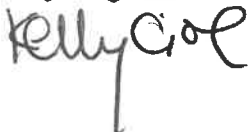
Name: Lindsay Beardsley
Address: 1220 Islington St.
Signature: 


Name: Christa Riah Zarenba
Address: 1225 Islington Street
Signature: 


Name:  CAMERON GUNN
Address: 1210 ISLINGTON ST
Signature: 

Name: Patti / Rick Fransoso
Address: 3 Melbourne
Signature: 

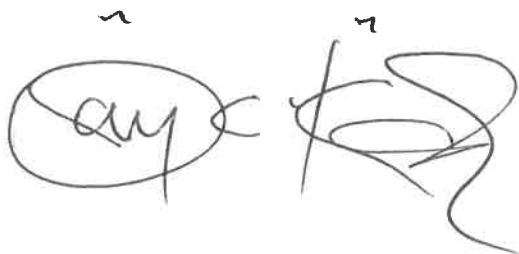
Name: NANCY A O'NEILL
Address: 24 MELBOURNE ST
Signature: 

Name: Kelly Ciol
Address: 44 Melbourne St
Signature: 


Name Nicole Nickerson
Address 45 Melbourne St.
Signature 


Name: Meredith M. Kobzik
address: 1240 Islington Street
Signature: 

JAY A. KOBZIK



Name: Denise Chamberlin
Address: 105 Melbourne St
Signature Denise Chamberlin

Name: GEORGE PENDLETON
Address 65 MELBOURNE ST
Signature 

Name: Ginger B. Kelso
Address: 1273 Islington St.
Signature: 

Name: Chelsea Chapin

Address: 1281 Islington Street

Signature: Chelsea Chapin

~~W~~
~~W~~
~~W~~

Name: John Chapin

Address: 1281 Islington St

Signature:



Name David R. Miller

Address 24 Sheffield Rd

Signature: D R Miller

Name KATE BECKETT

Address 24 Sheffield Rd.

Signature: Kate Beckett

Name: JOHANNA SORIS

Address: 14 Sheffield Rd

Signature: Johanna Soris

To: The Zoning Board of Adjustment
Re: Petition of Jeremy James Conte
Date: July 22, 2021

Submitted by: Abutters to the proposed home to be built by Mr Conte

To the Board,

I was not able to sign, in person, the petition presented to you regarding the above matter.

Please except this copy which attests I agree in totality with the petition.

I have also submitted a letter on my own to the Board.

Sincerely,

A handwritten signature in cursive script, appearing to read "Nancy E. Yarmac".

Nancy E Yarmac

Owner of 1205/1207 Islington Street



To: The Zoning Board of Adjustment
Re: Petition of Jeremy James Conte
Date: July 22,2021

Submitted by: Abutters to the proposed home to be built by Mr Conte

To the Board,

I was not able to sign, in person, the petition presented to you regarding the above matter.

Please except this copy which attests I agree in totality with the petition.

I have also submitted a letter on my own to the Board.

Sincerely,

Nancy E Yarmac

Owner of 1205/1207 Islington Street

To: The Zoning Board of Adjustment
RE: Petition of Jeremy James Conte
From: Nancy E Yarmac, owner of 1205/1207 Islington St since 1993
Date: July 21, 2021

I am not opposed to a home being built on the lot being discussed. What I am strongly opposed to is the plan of the proposed home.

Mr Pelech makes this statement I disagree with:

“The proposed use is reasonable and in keeping with surrounding properties”

The plan for this lot, which will allow a small footprint of 28X35 (with variances), shows the design efforts were concentrated on maximizing square footage by building up, rather than trying to create a home that has any proportion or commonality with the older homes in the section of Islington St the lot is on. The fact that the height limit is 35 feet, and this house did not quite get there is no reason for applause. The house is too tall for its width and presents an ill proportioned façade to the neighbors and public.

Atty Pelech also states “granting the variances will not substantially alter the characteristics of the neighborhood.” I take exception to that, because this tall house squeezed in across the street from my house will not fit in with the neighborhood. Most of the houses on either side have a porch. While some of the houses may reach the height of this house, they are certainly wider than 28 feet. No homes in the area have the massive look of this house which is created by the double hip roof with dormers all around.

The variance is asking that the 5,225 square foot lot be allowed for a house, where 15,000 square feet are required. Again, cramming a tall skinny house on a small lot is certainly not fitting with the neighborhood.

The appellant, Jeremy Conte, never contacted me to discuss this project.

I would suggest that a quite nice two story home of 1960 square feet could be built on that lot. Adding an overhang to protect the entry way, and putting sidelights on the front door would go a long way to helping this house fit the lot and the character of Islington Street.

I would further suggest that the person planning to live in the house should seriously consider the interior layout, which could be much improved by following the information found in books by architect Sarah Susanka. This house plan is missing details and proper proportions.

I ask the members of the Board to reject this petition for variance relief pending modifications to the home plans.

Sincerely



Nancy E. Yarmac

To: The Zoning Board of Adjustment
RE: Petition of Jeremy James Conte
From: Nancy E Yarmac, owner of 1205/1207 Islington St since 1993
Date: July 22, 2021

I have already submitted my detailed memo regarding the house plan of Jeremy Conte who has a BOA request being discussed on July 27.

I want to add something I found interesting and hope the Board will as well.

The house plan in question shows 50 feet of lot frontage and a home 28 feet wide on the front.

The picture below is of my house, which has 53 feet of frontage and the house front is 30 feet wide. It has a peaked front roof but has an addition that rises to two full stories in the back.



I would ask the Board members to take a ride down Islington and bring the proposed house plan frontal elevation drawing with them. Observe my house at 1207/1205. Then look at the proposed house plan and visualize how the house, on a lot with 3 feet less frontage than mine and a house two feet narrower, but rising up to nearly 35 feet, will look. I challenge anyone to think that the proposed house fits the lot or fits in with the area.

To: The Zoning Board of Adjustment
RE: Petition of Jeremy James Conte
From: Nancy E Yarmac, owner of 1205/1207 Islington St since 1993
Date: July 24, 2021

Please accept my apology for submitting two letters and a comparison of size to the Board. I have spent quite a lot of time tracking the history behind Mr Conte's request, and learning what options I have as an abutter.

12/23/2019 Mr. Conte bought 1240 Islington for \$432,000.

4/21/2020 Mr. Conte asked for separation of the lot that had been merged involuntarily by the City many years ago.

9/28/20 Mr. Conte was told by the City that the lots were unmerged. A key statement in the City's letter is:

"NOTE: The restoration of these lots to their premerger status shall not be deemed to cure any non-conformity with the City's Zoning Ordinance or other existing local land use ordinances. Any development or re-development of either lot shall conform to land use ordinances unless relief has been granted in accordance with such ordinances and State law."

12/21/20 Mr. Conte sold the renovated home on the newly unmerged lot for \$800,000.

6/29/21 Mr. Conte asks for relief to build a house on the other unmerged lot.

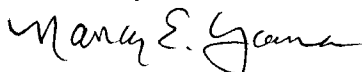
It is my understanding that the home plan presented to us is a house to be built on spec, and sold by Mr. Zachary Leavitt, a real estate agent.

I submit to the Board that Mr. Conte suffers no hardship here. He has no hardship to qualify him for relief. He bought a property for \$432,000 and sold it after renovations for \$800,000.

Myself, and many abutters, are not against a house on this lot, but it needs to be smaller and fit the lot and the neighborhood.

I ask the members of the Board to reject this petition for variance.

Sincerely,



Nancy E. Yarmac

Encl: Chart comparing left and right abutters to proposed plan.

Comparison of left and right abutters to proposed home

| | #1220 | 0 | #1240 |
|---------------------------|-----------------|-----------------|-----------------|
| Lot size | .23 acre | .12 acre | .12 acre |
| Width | 26' | 28' | 26' |
| Depth | 29' | 35' | 31' |
| Front Porch Depth | 6' | 0 | 7' |
| Foot print – sq ft | 883 | 980 | 806 |
| Living area sq ft | 1,589 | 2,580 | 1,894 |

To: The Zoning Board of Adjustment
RE: Petition of Jeremy James Conte
From: Nancy E Yarmac, owner of 1205/1207 Islington St since 1993
Date: August 16, 2021

To The Board:

After the postponement of Mr Conte's petition at the July 27th meeting, I wrote a letter to Atty Pelech. I had no response, and have never been contacted by anyone connected to this project.

On August 9th, I attended a meeting of abutters with Wanda Syphers there as a representative. She took notes and was going to give them to the project's decision maker.

I am very aware that a house will be probably be built on the lot, and I am fine with that, but to date the developer has not made any adjustments to the plans, or given abutters anything in writing saying they understand our major concerns and are working to address them with modifications to the plan.

I am told that the Builder/Applicant met with a few abutters recently, I was not able to attend. The take-away was that the Builder/Applicant was not able to give the abutters a plan showing any changes, but said he will work on it and let us review the plans. That and \$5 will get you an iced latte in Portsmouth.

Obviously the meeting was a good first step, but in no way does it change my feelings about the situation:

- *The mass of the house is too much.
- *The height of the house is too much in its current design
- *The plan of the house most certainly does not fit in with the character of the homes ..surrounding it.

I would ask the Board not to approve the variance relief tonight, and ask the Builder/Developer to work on a plan more fitting for the location, and discuss it with abutters. If the plan did reflect respect for my concerns, I would be happy to support it.

Voting to give the variance relief prior to addressing the issues the abutters have means any house that fits the footprint can be built, and I am totally opposed to that.

Sincerely,



Nancy E Yarmac

From: lindsay_beadsley
To: [Planning Info](#)
Subject: Re: Comments for 7-27-21 meeting, 0 Islington St
Date: Monday, August 16, 2021 11:26:03 AM

To the members of the Portsmouth Planning Board:

I am the owner and resident of 1220 Islington Street and am writing once again in strong opposition to Mr. Conte's petition for variances in the size and street frontage of the lot at 0 Islington Street.

I've spent a lot of time walking around my neighborhood and looking at the houses and properties that make it up. The majority of the lots are, by today's standards, considered non-conforming. They were divided many years ago before the current ordinances were enacted. But, the majority of the houses on these smaller lots are proportionally small. They are ranches and bungalows and capes. There is ample green space on the lots with room for swing sets and grass for kids to run and play. It is family neighborhood.

If this variance is approved, it will set a precedent. Although the builder seems open to communication, his primary objective is to maximize his profit. So, I can only assume he will build the biggest house he can on his small piece of land. And likely, in the future, other lots on the neighborhood will be divided and more huge houses will be built. All this makes money for the builder and the realtor and the city, but what is the cost to the neighborhood? Will there be room for swing sets and kids to play? Will families even be able to afford to live here anymore?

One of the criteria for granting the variance is that it cannot be contrary to the public interest. I propose that approving a variance to build on a parcel of land 35% of the size mandated by the current town ordinance is setting a precedent contrary to the public interest of this neighborhood. I hope you will consider the effects of granting this variance on the neighborhood.

Thank you for your consideration,

Lindsay Bunting Beardsley and Peter Beardsley
1220 Islington Street
saylindsay@gmail.com
603-969-3650

Sent from my iPhone

On Jul 26, 2021, at 4:18 PM, Planning Info <Planning@cityofportsmouth.com> wrote:

Thank you, your email will be added to Public Comment at the July 27, 2021 meeting.

Kimberli Kienia

From: [Kimberli Kienia](#)
To: [Kimberli Kienia](#)
Subject: FW: Comments for 8/17 ZBA Meeting
Date: Tuesday, August 17, 2021 8:53:15 AM

From: Meredith Kobzik [<mailto:meredithmkobzik@gmail.com>]
Sent: Tuesday, August 17, 2021 8:50 AM
To: Peter M. Stith <pmstith@cityofportsmouth.com>
Subject: Comments for 8/17 ZBA Meeting

Good Morning Peter,

I will be out of town this evening and cannot attend the ZBA meeting. Please accept my email to be included in the public comments.

Thank you,
Meredith

August 17, 2021

Zoning Board of Adjustment
City of Portsmouth
Application of Zachary Leavitt O Islington Street

Dear Board Members,

Pursuant to the requested postponement by the applicant's attorney at the 7/27 ZBA meeting, several of the abutting neighbors met on August 9th as follow up, to discuss the continued concerns of the home design submitted at the 7/27 meeting and the variances being requested. We were joined by Wanda Syphers, a local realtor who is involved in the sale of the land. She assured us both during this meeting and again the following day at a meet and greet with the builder/applicant that the items raised and voiced by the

abutters would be heard and respected. The key and single most glaring issue being the size and high structure/vertical footprint in such tight quarters. There were discussions with the builder requesting that modifications to the originally submitted design be presented to us, but nothing has been seen as of yet.

And where are we now? I understand that the BOA is not charged with approving an applicant's submitted design. One of the criteria for granting the variance is that it cannot be contrary to the public interest. As a new resident of Portsmouth and direct abutter to this proposal my hope is the board listens carefully to the voice of the community and the needs of the existing neighborhood. The purpose of setback requirements is generally to ensure that individual parcels in a given zoning district do not overcrowd one another where several humans cohabit a space. This rule keeps it fair and helps the neighborhood remain consistent. Deviating from this sets a set a bad precedent.

Let the record show we did our due diligence in asking questions and requesting modifications be made to the original proposal should the variances be granted.

Sincerely,
Meredith M. Kobzik
1240 Islington Street

Dear Members of the Board of Adjustment,
Short and sweet!

August 13, 2021

Variations approved by BOA in 12/19 2017:

Mr. Mulligan recused himself from the petition.

5) Case 12-5

Petitioners: Lucky Thirteen Properties LLC, owner, Lexie's Portsmouth, LLC, applicant.

Property: 361 Islington Street

Assessor Plan: Map 144, Lot 23

Zoning District: Character District 4- Limited 2 (CD4-L2)

Description: Convert existing building plus 90 s.f. addition to restaurant use.

Requests: Variations and/or Special Exceptions necessary to grant the required relief from the Zoning Ordinance including:

1. A Variance from Section 10.5A41.10A to allow the following: a) a secondary front yard of 66'± where 12' is the maximum permitted; b) a 30'± left side yard setback where 20' is the maximum permitted; c) 14.9%± open space where 25% is the minimum required; and d) shopfront façade glazing of 47%± where 17% exists and 70% is the minimum required.
2. A Variance from Section 10.1113.20 to allow off-street parking to be located in a required front yard between the principal building and a street.
3. A Variance from Section 10.5A44.31 to allow off-street parking spaces to be located less than 20' behind the façade of a principal building.
4. A Variance from Section 10.321 to allow a nonconforming building or structure to be extended, reconstructed or enlarged without conforming to the requirements of the Ordinance.

New Variations asked for:

Use to allow a restaurant with an occupant load of 50 to 250, where a maximum of 50 is allowed

To allow parking unscreened by a building or street screen, where screening is required.

To allow a dumpster within 20' of a residential zone and within 10' of any lot line. How close is it going to be?

Parking and building to lot dimensions to remain pretty much as they are, non-conforming.

Details to consider:

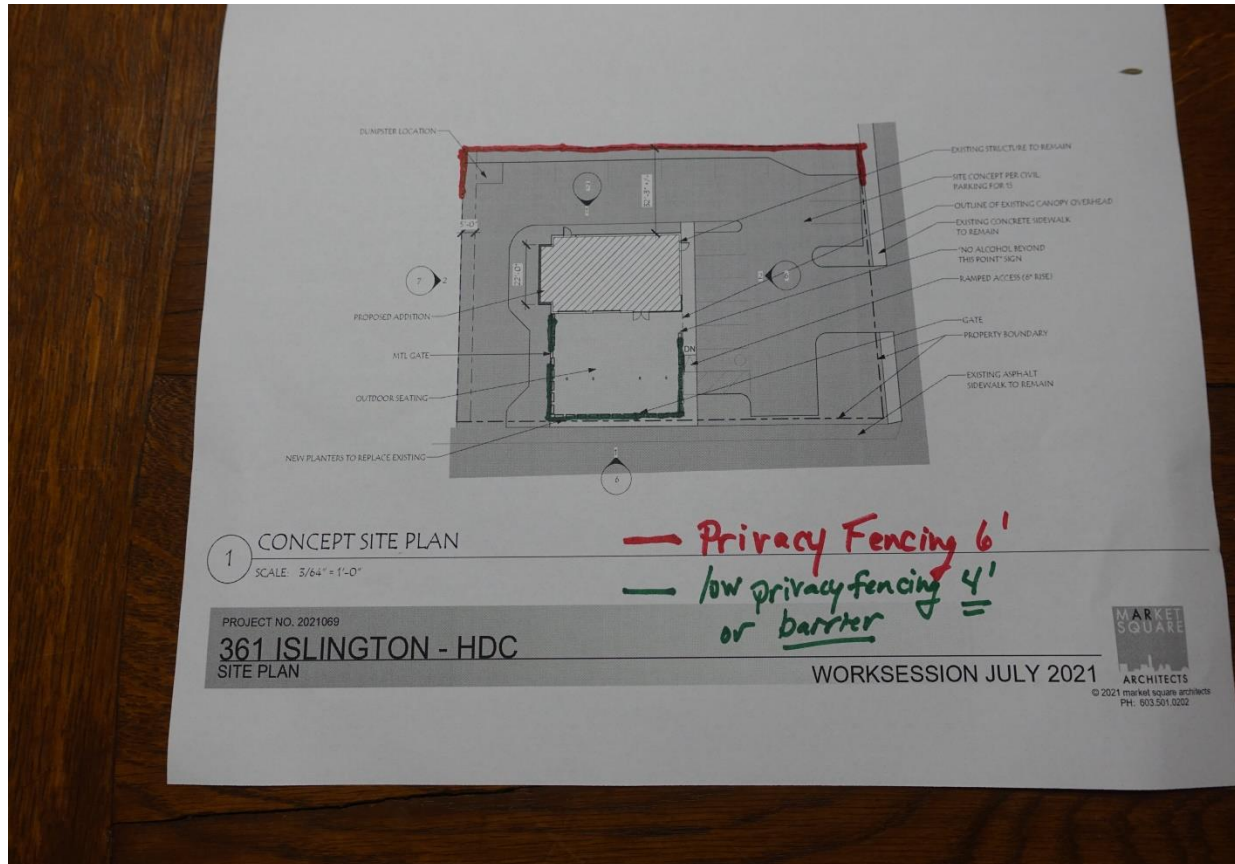
¹ If the requested relief is granted, Kung Food intends to seek a conditional use permit from the Planning Board for parking, along with site plan review approval.

1. One would think, the reason the maximum occupants of 50 with Islington's CD4-L2 zoning was because it backs up to residential neighborhoods which had parking issues when it was rezoned years ago. Allowing more seating capacity means more needed parking even with walkers (take out pick ups need spaces, employees need spaces, so do delivery vehicles and those staying). **Please deny this variance** (10.440 use 9.42)
2. **Hours of operation** should match the neighborhood. Current hours for: Lexie's 11:30AM to 8PM, Café Kilim 6:30AM to 7PM, The Kitchen 11:30-8PM.
3. Outside seating is shown with alcohol service, a **CUP for outdoor seating** has not been requested.

Stipulations to Consider:

Great Rhythm Brewing and Liars Bench have garage doors which open toward residential homes over 300 to 500' away. Based on noise complaints these businesses have had, it would make sense **to add stipulations to the proposed garage doors**, previously approved without outdoor seating.

Please **add stipulations to the variance requesting no parking lot screening** if approved. Please request 6'+ high privacy fencing is added between the edge of the lot of 361 Islington and 278 Cabot St and slightly around each corner, as required by zoning. **Please include the proposed outdoor seating provide screening minimally 4' high** to provide some privacy for the homes closest to this lot and to minimize general restaurant disturbances.



All and all this is a nice proposal for an old gas station. With limited hours, reasonable denials and some stipulations which protect the two neighborhoods, this newly proposed restaurant could become a pleasant new neighborhood business. The Wrap Shack will be a hard act to follow. They were respectful and quiet, often not there at all and they had excellent food!!

Respectfully,

Elizabeth Bratter
159 McDonough St
Portsmouth Property Owner

Variance Board
Re: 361 Islington St.

Dear Chairman & Members of the board

I am writing in regard to the requested variances proposed at 361 Islington St. Although I am happy to hear that something will be done with the current empty gas station at 361 Islington St, after 20+ yrs, I do not feel that the applicant meets the 5 criteria to be granted the variances requested.

Per the request of variance 9.42 occupancy of 50-250 persons, this is NOT ALLOWED, in this zoning area. The lot has only 14 parking spaces provided, and that is not sufficient for a restaurant of up to 250 person occupancy. The traffic capacity and safety of the public will be at risk.

Also a major concern will be the continued signage allowed at the corner of Islington St & Cabot St. The safety of this corner currently without the added traffic flow of a busy restaurant is already a hazard with multiple near accidents and red lights run on a daily basis. Added traffic with multiple entrances ,along with a confusion of massing near the signal lights will increase the safety hazards to the public.

Due to the flow of traffic from the Islington St entrance, the raised evaluation of 2-5 feet above the neighboring houses, the headlights of cars will shine directly into the first floor windows of residences during 50% of the year. The dumpster is being requested to be placed within the set backs of property lines.

Though I would ask that the board deny the variance requests as presented in the current application, IF the board approves the variances, I would request that several items be noted & required.

- 1). A privacy fence of no less then 6 feet high be installed the length of the property line that borders residential abutter at 278 Cabot St and the neighborhood of Cabot St.
- 2). That no variance for extended hours of operation be allowed at any future date.
- 3). That no variance of request to service alcohol , per variance 10.593.10 “ with in 200 feet from a residential district” shall be permitted in the future.

The owners of this property purchased this property with full knowledge of the restraints per the current variances and therefore do not meet the criteria of the reasons to allow the variances.

Sincerely;
James Beal
284-286 Cabot St.
Resident/ Owner 21 years.

From: [Dan Hale](#)
To: [Planning Info](#)
Subject: 361 Islington St (Getty Gas Station)- Board of Adjusting Meeting- 08/17/2021
Date: Monday, August 16, 2021 2:56:49 PM

RE: 361 Islington Street, Portsmouth

I own the property at 356-358 Islington St and is directly across the street from the subject property.

I cannot make the Board of Adjustment meeting on Aug 17th, as I'm on vacation. Please submit my concerns for the meeting and the record. **I'm NOT in favor of granting any of these Variances as noted.**

This old "Getty Gas Station" building is surrounded by residential buildings, including 4 residential units in my building, directly across the street. This is NOT a commercial or restaurant location, many people live and sleep surrounding this old Gas Station. There are new residential condo units just to the south of the subject and residential units in the back and to the North. Please consider these concerns when approving anything that could impact the **Quality of Living** surrounding this building!!

Variance #1: Increase occupant load from 50 to 250. Wow, that's a huge increase and the amount of "potential parking" would also need to be addressed. I believe this is contrary to public interest and could lower surrounding property values and there is no hardship for owners to keep it within 50 approved.

Variance #2: 29' left side where 20' is required and 17% open space where 25% is required. This comes down to even LESS parking onsite if these are granted. I believe the variance would be contrary to public interest and could lower surrounding values. There is no hardship to apply to stay within the current code.

Variance #3: Allow parking in the front. I can NOT see how additional parking can fit with the size of the outside seating and the sidewalk. If they mean additional parking on the street, there is already parking across the street and not sure that is advisable (better input from planning is needed).

Variance #4: Unscreened Parking. Unscreened parking puts headlights directly into residential units that surround the building. Contrary to public interest and could lower surrounding values. There is no hardship to apply to stay within the current code.

Variance #5: Dumpster location. This would not affect my building, but could affect the bordering properties. Contrary to public interest and could lower surrounding values. There

is no hardship to applicate to stay within the current code.

Variance #6: Parking in front. Seems the same as Variance #3.

1. NOISE. Hours of operation and decibel of music. It appears the “Garage Doors” can open and if so, I assume music will carry out across the outside dining and across the street. I AM NOT IN FAVOR OF THESE DOORS OPENING AFTER 8PM on any day of the week.
2. LIGHTING. No lighting should have any impact on the surrounding dwellings.
3. PARKING. There is very little additional parking OFF that site. All surrounding parking is used by the owners or tenants for all the residential units that border subject.
4. EXTERIOR APPEARANCE. This looks like a major facelift, which is great and I’m all in favor of. However, the old Lexie’s design was way too modern for the neighborhood!!

Thank you for your time!

Daniel Hale
CLASSIC APPRAISAL SERVICES
358A Islington St
Portsmouth, NH 03801
classicone@comcast.net
603-817-8902

Sally Elshout/Owner
311 Cabot St

17 Aug 2021; 7am EST

Subject: Variance regarding 361 Islington Street

Dear Portsmouth Board Members -

As it is welcomed to have the old Getty gas station refurbished, the variances proposed at 361 Islington St. are of great concern to Cabot Street neighborhood.

Recommend the board NOT approve the variances requested in the current state/application:

- Variance 9.42 occupancy for 50 to 250 people does not comply with the zoning area. There are 14 parking spaces, no where close to satisfy a restaurant with a capacity up to 250 people. This is NOT allowed, nor welcomed for this location. This will cause a substantial safety risk for residents and pedestrians due to traffic capacity at the Cabot/Islington St. intersection as well as Cabot St. alone!
- Raised evaluation 2-5 feet above the neighboring houses will allow headlights of cars to shine directly into the windows of residences homes.
- Dumpster requested to be placed within the set backs of property lines - closer to neighboring homes is NOT acceptable
- Additional signage at the Cabot/Islington St intersection will add additional safety risk. Over many years there have been accidents and SEVERAL near miss accidents with vehicles and pedestrians, including myself. Not all drivers pay attention and adding signage would cause additional distraction.

Should the board approve any variance, recommend the applicante be required to do a minimum of the following:

- 1 Install minimum height six (6) feet full privacy fence along the entire length of property lines bordering residential abutter 278 Cabot St
- 2 Install full privacy fence along property of Cabot Street (road) minimum five (5) feet in direction of homes so not to allow lights into residences.
- 3 NO variance beyond 50-person capacity; especially due to size and location of lot.
- 4 No variance allowing hours of operation before 9am EST, nor beyond 8pm EST in perpetuity.
- 5 No variance for service of alcohol (per variance 10.593.10 " within 200 feet from a residential district") permitted in perpetuity.
- 6 No variance for dumpster location

It is the responsibility for all buyers to exercise due diligence of variance constraints prior to purchase, especially an old gas station property. An excuse by owner/applicant variances were not known, nor made aware, is NOT an excuse nor a reason to allow variances requested.

Portsmouth has been my home for over twenty (20) years and I have lived in/around Portsmouth for over forty (40) years. Appreciate your consideration for major concerns with requested variances for 361 Islington St.

Best,

Sally Elshout

August 14, 2021

Re: 361 Islington (former Getty Gas Station)

Good day Planning Board,

As a 21+ year resident of Cabot Street, I am happy to see the development of the former Getty Station. However, I do have concerns about their variance requests.

The first variance request is to increase the number of occupants from 50-250. The proposed increase in occupancy would bring with it additional cars. The adjacent streets are in the first month of the neighborhood parking pilot program in response to lack of resident parking. There are currently 14 parking spots (fewer than actually needed). Where would the 5-fold requested increase of occupants park? The argument that people will walk is not a valid one, especially during foul weather, extreme heat or extreme cold (and let's be real—that is a large percentage of our NH weather). This goes against the criteria of “not to be in contrary to the public interest.”

The second various request is to NOT provide screening. This clearly violates both the interest of the public as well as affecting the property values of adjacent properties. Screening could alleviate the problem with the dumpster being closer than allowed—as long as it is contained within fencing and cleaned regularly. Even though this is an urban location, there are plenty of scavenging animals out and about.

Please find the answer to the proposed hours of operation. Hours of similar neighborhood restaurants begin at just prior to noon and close at 8PM. This, along with the outside seating with alcohol, will greatly affect the adjacent neighbors.

As I stated earlier, I am happy to have something occupy this space, but the owners need to keep in mind the needs of their neighbors (and likely their best customers).

Respectfully submitted,
Jennifer Meister
287 Cabot Street
Jenjmeister@gmail.com

From: [PAUL WHITE](#)
To: [Planning Info](#)
Subject: BOA meeting/8-17/ 361 Islington / letter
Date: Tuesday, August 17, 2021 12:05:02 PM

Board of adjustments
Re: 361 Islington St

Dear chairman & board members

My name is Paul White and I am the direct abutter to the rear of 361 Islington St at 278 Cabot St.

I am writing in regard to the request of a variance on the occupancy numbers from allowable 50 persons to up to 250 persons. That would be a 400% increase of permissible occupancy.

This is NOT allowed in the current zoning for that property. The purchase of the property was done with full knowledge of current zoning ordinances.

I am opposed to the application as stated, as it will directly effect my property.

In regard to having headlights shine into the 1st floor windows by vehicle traffic circling the rear of the building due to the 5' elevation difference and hours of operation, it will create a negative impact to my property.

The request that dumpster be allowed within the Lot line setback will further cause a loss of value to my property. The food sewage from the dumpster/ the odor & operation of the removal will all have an added negative effect on my property.

All zoning laws were on the books and public knowledge prior to the sale of the property and therefore do not create UNIQUE conditions of the said Lot.

Due to these reasons, the applicant does not meet the criteria for the requests stated on the said application.

For the above reasons I oppose the current application as written.

If the board chooses to allow the application to be granted I request that a privacy fence be installed along the property line abutting my property, that will shield my residential property from the this commercial business..

Sincerely;
Paul White
Owner 278 Cabot St.
Portsmouth. NH

From: [Comcast](#)
To: [Planning Info](#)
Subject: 261 Sagamore Av. Portsmouth NH
Date: Tuesday, August 17, 2021 11:07:38 AM

To whom it may concern,

I am writing to the board in support of the requested demolition of the existing dwelling on 261 Sagamore Av. by Mr. Katz. As an abutter for many years (30), I have seen this 2 family house rented out to numerous people. The house has become chopped up over the years with no real original “personality” left to the interior. The exterior and yard needs quite a bit of work as well.

Mr. Katz went out of his way to show me his well put together proposal and I appreciate that. I believe building a new single family home there will not only improve but create a more stable neighborhood.

Thank you,
Brenda Brewster
251 Sagamore Av
Portsmouth, NH