

Mr. Stephen Pamboukes  
Port City Mopeds, LLC  
124 Bartlett Street  
Portsmouth, NH 03801



Chairman David Rheaume  
City of Portsmouth Zoning Board of Adjustments  
1 Junkins Avenue  
Portsmouth, NH 03801

Dear Chairman Rheaume and Zoning Board of Adjustments,

My name is Stephen Pamboukes and I am the owner and operator of Port City Mopeds, LLC, specializing in the sales of new and used 49cc mopeds. I am a native of Portsmouth, and have operated my small business here since 2007. I have operated at my location at 124 Bartlett Street location since 2015.

In keeping with instructions from Principal Planner Peter Stith and Code Enforcement Officer Jason Page, I am writing you to request a special exception from Zoning Ordinance Section 10.440 to operate a business of Use Type 11.10 (moped sales) in the CD4-W district, and a variance from Zoning Ordinance Section 10.592.20, requiring 200 feet distance from my business' use area to the nearest residential district, where there is only 140 feet.

I am seeking approval for these items in support of an application to the State of NH Division of Motor Vehicles to obtain a Retail Dealer License and Registration accreditation (see enclosed application form). A note on Page 2 of the instructions for the application to the NH DMV indicates the approval of said application will be subject to approval by the city where the dealer is applying. The instructions further advise that the applicant should seek approval from local authorities prior to submitting the application to the DMV. My goal is to receive the requested approvals from the City so that I may submit a complete application to the NH DMV. Aside from City approvals, my draft application to the State is complete and my business entirely eligible for Retail Dealer status.

Obtaining a Retail Dealer License would improve the logistics of operating my business and would offer assistance with the vehicle registration process for my customers by:

- Enabling my business to issue temporary 20-day license plates to customers.
- Allowing my business to obtain dealer license plates for use while operating brand-new mopeds that have not yet been sold to customers.

Without the ability to issue temporary 20-day plates, customers are deterred from making purchases as they are unable to "drive off the lot", and/or register their new vehicles

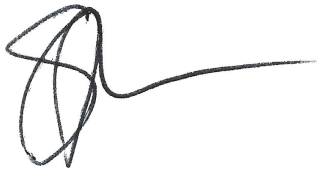
within a reasonable and convenient time frame from the date of purchase. Without dealer plates, my business must register brand-new mopeds one-by-one, so that we may operate them on the public roadway as is required by the pre-sale run-in process. This incurs a significant expense and major administrative burden to my business.

It is important to note that, while I am eager to obtain a Retail Dealer License, the nature of my physical day-to-day business operations would remain unaltered: we would continue to use our existing facility in the same manner and capacity as we have for the past several years. Our business operations would remain focused exclusively on 49cc mopeds, and we have no intention to expand our offerings to larger automobiles (cars, boats, trailers, etc.) as the dealer license would technically allow. We are not proposing any additions or alterations to the existing site or structure, rather, we are requesting modest relief from Ordinance in a way that is reasonable, just, and would support our accreditation as a Retail Dealer.

In the following pages, the Board will find specific requests for special exception and variance, along with corresponding reasoning that explains why my request satisfies the criteria set forth in local Ordinance. Also enclosed are supporting photographs of the lot, showing use area and distance to the nearest residential district.

I respectfully request that this request is added to the agenda for the next upcoming meeting of the Zoning Board of Adjustments. Thank you for your consideration.

Stephen Pamboukes

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke extending to the right.

Owner, Port City Mopeds, LLC

## Request for Special Exception

**Section 10.440:** To operate a business of Use Type 11.10 (moped sales) in the CD4-W district where a special exception is required.

Our request for special exception meets all of the standards set forth in the Ordinance:

10.232.22 Approval of our request would pose no hazard to the public or adjacent property on account of potential fire, explosion or release of toxic materials.

10.232.23 Approval of our request would pose no detriment to property values in the vicinity or change in the essential characteristics of any area:

Vehicle-oriented businesses similar in nature to Port City Mopeds are already abundantly located throughout the nearby CD4-W district.

Residential development in the nearby area has flourished despite the pre-existing presence of automotive and industrial type uses.

We have significantly improved the condition and appearance of the 124 Bartlett Street property since our occupancy, ostensibly increasing or maintaining property values in the area.

No alterations to the existing structure are proposed, therefore the character and value of the area would remain unchanged.

The use type is an improvement relative to previous use, being an industrial scale dry cleaning facility.

10.232.24 Approval of our request would not create a traffic safety hazard or a substantial increase in the level of traffic congestion in the vicinity:

Ongoing improvements to the Islington Street corridor, Cate Street, and otherwise throughout the West End have served to improve flow of traffic.

Existing traffic infrastructure already suitably supports the needs of the mixed-use West End region, including the demands of industrial-scale lumber yard, and a marine salvage and construction firm.

By nature of our business, many of our customers arrive on foot or by moped, imposing minimal impact on traffic congestion.

10.232.25 Approval of our request would not cause change in the demand on municipal services, including, but not limited to, water, sewer, waste disposal, police and fire protection and schools. No alterations to the site are proposed.

10.232.26 Approval of our request would not increase stormwater runoff onto adjacent property or streets. No alterations to the site are proposed.

### **Request for Variance**

**Section 10.592.20:** Requiring 200 feet distance from the business' use area, where there is only 140 feet.

10.233.21 The variance will not be contrary to the public interest

A non negligible percentage of Portsmouth's resident population utilizes or will utilize 49cc mopeds as a mode of transportation. Granting this variance and thereby facilitating the vehicle purchase and registration process would act in the interest of the general public. There is no reason to believe that this variance would be a disservice to the public in any way.

10.233.22 The spirit of the Ordinance will be observed.

The West End neighborhood and CD4-W district is intended for mixed-use, including commercial uses of medium-high density. It is home to numerous vehicle-oriented businesses - most of which are larger in scale and capacity than Port City Mopeds - that are within 200 feet of residences and/or residential districts. Other nearby uses, including industrial scale lumber yards and marine construction companies, also exist within 200 feet of the nearest residential district. The requested use type could be considered an improvement relative to previous usage of industrial-scale dry cleaning facilities, complete with whirring machinery and early morning/late night truck deliveries. Considering the nature of our owner-operated small business - with respect to scale, intensity, and capacity - we feel that 140 distance to the nearest residential district is more than sufficient to maintain the spirit of the ordinance. Approving this variance and use type would not alter the character of the district, as similar use types with proximities to residences/residential districts are common.

10.233.23 Substantial justice will be done:

The general public does not stand to gain anything by denying this variance, especially as no physical alterations to the existing site or structure are requested. Meanwhile, the applicant benefits as approval of this variance would support accreditation as an NH Retail Vehicle dealer, benefitting and streamlining overhead related to administrative and logistical activities, and minimizing barriers to prospective customers who may wish to engage in business with the applicant. Substantial justice would be done as there is no benefit to the general public in denying this request that would outweigh the potential loss to the applicant by doing so.

10.233.24 The values of surrounding properties will not be diminished:

Vehicle-oriented businesses similar in nature to Port City Mopeds are already abundantly located throughout the nearby CD4-W district.

Residential development in the nearby area has flourished despite the pre-existing presence of automotive and industrial type uses.

We have significantly improved the condition and appearance of the 124 Bartlett Street property since our occupancy, ostensibly increasing or maintaining property values in the area.

No alterations to the existing structure are proposed, therefore the character and value of the area would remain unchanged.

The use type is an improvement relative to previous use, being an industrial scale dry cleaning facility.

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

(a) No fair and substantial relationship exists between the general public purposes of the Ordinance provision and the specific application of that provision to the property.

It is common for typical automotive dealerships and motor vehicle sales businesses to be quite large in scale, capacity, traffic, and use intensity. Display areas can span acres, with automobiles displayed by the hundreds, along with abundant signage and illumination. As such, it is understandable that the commercial nature and appearance of such automotive dealerships ought to be suitably separated from nearby residences and residential districts, and therefore the 200 foot minimum distance requirement should exist.

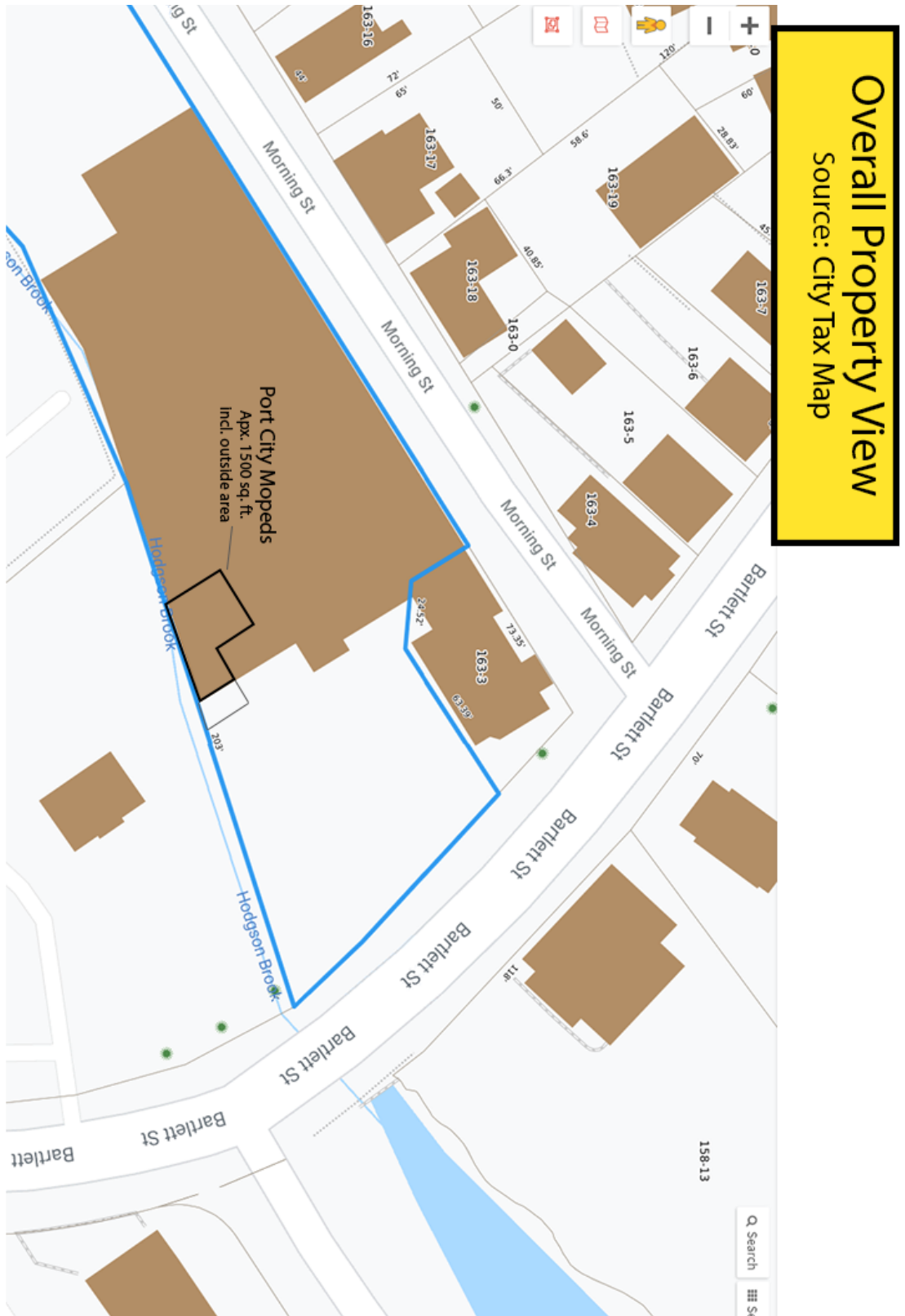
Considering the vast differences in scope and scale of Port City Mopeds compared to more typical automotive dealerships for which the ordinance was likely written, we do not feel that this requirement is a "one size fits all" solution to separating vehicle dealerships in general from residences, and therefore we do not feel that the ordinance should be literally enforced in this application. As the scale, capacity, and use intensity of our business is but a fraction of the size of a typical automotive dealership, we feel that it is reasonable that the minimum distance requirement might also be smaller. Relative to a typical car dealership, our humble shop is perhaps 10% of the size, yet we would be maintaining 70% (140ft : 200ft) of the minimum distance requirement. Our shop is shaded and partially obscured by natural tree coverage, and adorned with a calming large scale work of public art. That considered, not only do we feel that the 140 foot distance is reasonable, but that also the location might be considered charming - certainly when compared to a large scale car dealership - to the common passerby or tenant.

(b) The proposed use is a reasonable one.

The proposed use is reasonable for the requested application. The building itself is built to accommodate commercial/light industrial business types. The building includes overhead doors and sufficient parking, including loading areas, to facilitate such businesses.

Furthermore, the use type of automotive sales - and specifically, motorbike sales - is hardly a new one for the West End and CD4-W districts. Nearby Motorbikes Plus has operated on the corner of Cate and Bartlett streets for over a decade. Before Motorbikes Plus, a Peddler's Bike Shop also specialized in moped sales. Industry-adjacent Papa Wheelie's sells bicycles and electric bicycles. Precision Automotive Service, Two Brother's Garage, and Sullivan Tires, all offer automotive repair services, sometimes including vehicle sales. The nature and existence of these businesses in the immediate proximity to 124 Bartlett street suggest that such a use type is reasonable for this location.

# Appendix

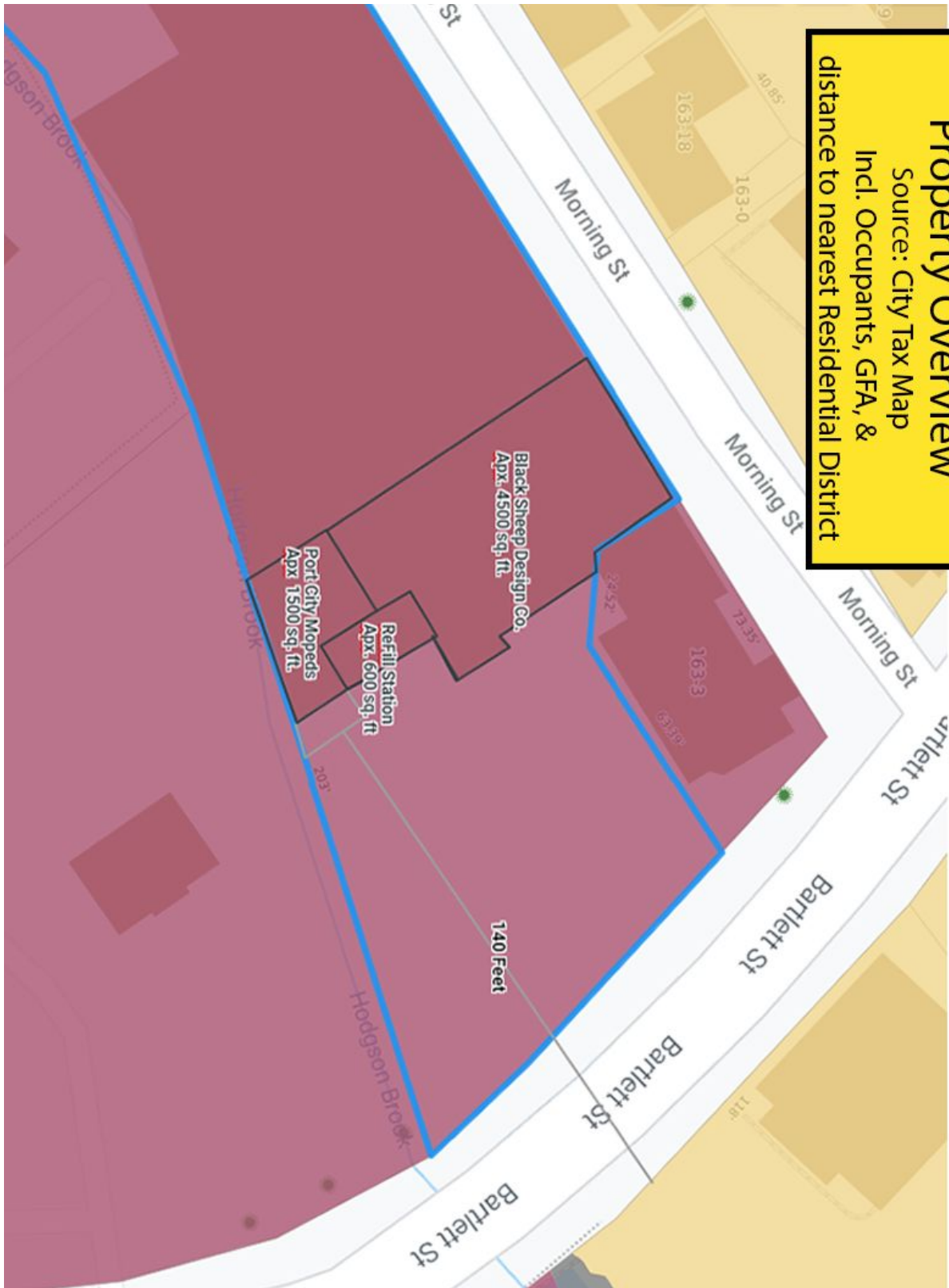


**Satellite View**  
Source: Google Maps  
Incl. Parking Area Detail



Total parking spaces = 18  
Apx. size of parking spaces = 9' X 16'





**Property Overview**  
 Source: City Tax Map  
 Incl. Occupants, GFA, &  
 distance to nearest Residential District

## Photographs of Existing Conditions and Business Use Area



<b>Parking Requirement Chart</b>				
<b>Business</b>	<b>Use Type</b>	<b>GFA (sq. ft)</b>	<b>Required Parking</b>	<b>Total Spaces Required</b>
Black Sheep Design Co.	7.2 (print shop)	4,500	1 per 400 sq. ft. GFA	11
ReFill Station	8.3 (retail)	600	1 per 300 sq. ft. GFA	2
Port City Mopeds	11.10 (moped sales)	1,500	1 per 600 sq. ft. GFA	3
				<b>16</b>
				<b>Total Spaces Available</b>
				<b>18</b>

<b>Supplemental Required Information as per "VARIANCE OR SPECIAL EXCEPTION APPLICATION INSTRUCTIONS", City of Portsmouth Planning Dept. Web Page</b>	
Valuation of New Construction (for non-residential projects)	\$0.00
Total Number of Dwelling Units (for residential projects)	0
Lot area	Parcel Area = 2.30 acre Business Use Area = 1500 sq. ft.
Description of proposed project	Obtain City approval for lot use as Motor Vehicle (moped) Dealer
Description of existing land use	Retail, consumer services, moped sales
Project representatives – names and contact information	Stephen Pamboukes - 603 498 8882 - portcitypedsg@gmail.com
Description and dimensions of existing and proposed buildings (including building footprint, total gross floor area, and height)	Existing structure is single-story, commercial/industrial, apx. 200' x 100'  No proposed buildings.
Existing and proposed front, side and rear setback / yard dimensions (this is the distance from a structure to the lot line)	Existing & proposed: Front: 100 ft. Rear: 500 ft. Side(s): 8 ft.
Site Plan(s) showing existing and proposed conditions including:	See Appendix
Abutting street(s) and street names	Existing structure abutts Bartlett and Morning streets
Driveways / accessways	Parking areas available at front (Bartlett St) and rear (Morning St) of building
Dimensions (size and height) of structures	Existing structure is single-story, commercial/industrial, apx. 200' x 100'  No proposed buildings.
Dimensions and location of parking spaces	See Appendix
Scale of all drawings and plans (the scale is the ratio of the drawing's size relative to the actual size)	See Appendix
Labeled photo(s) of existing conditions	See Appendix
Building plans and elevations of any proposed structures or additions	No proposed structures

Interior floor plans for any renovations or expansion to existing structures	No renovations or expansion to existing structures
<a href="#">Written statement explaining how the request complies with the requirements of the Zoning Ordinance as provided in Article 2 (see Section 10.233.20 for Variances, Section 10.232.20 for Special Exceptions).</a>	See letter to ZBA
Existing and proposed number of parking spaces	Existing & proposed: At least 18 spaces exist at Bartlett St. parking area
Existing and proposed number of loading spaces	Existing & proposed: No designated loading spaces, apx. 2 could be accomodated
Existing and proposed lot area covered by surface parking and driveways	Existing & proposed parking area coverage apx. 2000 sq. ft.
Existing and proposed other impervious area	N/A
Whether any of the proposed work is located in a wetland area or wetland buffer area	No
Number of new hotel rooms	0
New restaurant gross floor area	0
Valuation of New Construction (for non-residential projects)	\$0
Total Number of Dwelling Units (for residential projects)	0
Lot area	Parcel Area = 2.30 acre Business Use Area = 1500 sq. ft.
Description of existing and proposed land uses	Existing & proposed land uses: retail, consumer services, moped sales
Location and gross floor area of the area devoted to the existing and proposed land uses	Black Sheep Design Co. [7.2 (print shop)] ReFill Station [8.3 (retail)] Port City Mopeds [11.10 (moped sales)]
Existing and proposed number of parking spaces	Existing & proposed: At least 18 spaces exist at Bartlett St. parking area
Project representatives – names and contact information	Stephen Pamboukes - 603 498 8882 - portcitypedsg@gmail.com

<a href="#">Written statement explaining how the request complies with the requirements of the Zoning Ordinance as provided in Article 2 (see Section 10.233.20 for Variances, Section 10.232.20 for Special Exceptions).</a>	See letter to ZBA
Site Plan showing dimensions and location of parking spaces including the scale (the scale is the ratio of the drawing's size relative to the actual size)	See Appendix
Interior floor plans and/or exterior site plans showing the location of the proposed use(s)	See Appendix
Labeled photo(s) of existing conditions	See Appendix
Existing and proposed number of loading spaces	Existing & proposed: No designated loading spaces, apx. 2 could be accommodated
Number of new hotel rooms	0
New restaurant gross floor area	0

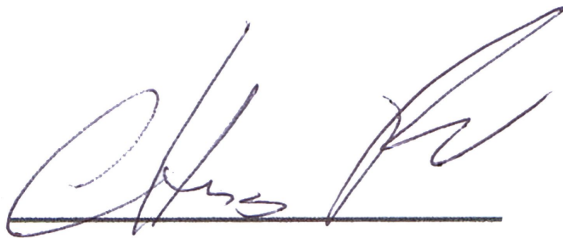
Mr. Chris Franklin  
Industrial Rents NH, LLC  
6 Wayne Road  
Westford, MA 01886

Chairman David Rheume  
City of Portsmouth  
Zoning Board of Adjustments  
1 Junkins Avenue  
Portsmouth, NH 03801

Dear Chairman Rheume,

I am writing to you in regards to a zoning variance and special exception application submitted to you by my tenant, Port City Mopeds, LLC, located at 124 Bartlett Street. Mr. Pamboukes and Port City Mopeds have been tenants at my facility for over 5 years. In this time, they have conducted themselves as exemplary tenants and businesspeople. I approve of their application for relief from zoning ordinance in the interest of supporting their business. Thank you for your consideration,

Chris Franklin

A handwritten signature in black ink, appearing to read "Chris Franklin", written over a horizontal line.

Owner, Industrial Rents NH, LLC

## INSTRUCTIONS FOR COMPLETING A DEALER LICENSE APPLICATION

- 1) If you are an existing Dealer renewing or making changes, please print dealer letter and number in upper right corner.
- 2) Indicate reason for application in upper right corner.
- 3) Check off Dealer Type if applicable. Select the type of dealer based on the majority of your sales or type of license you are applying for: In the case of a Retail Dealer License, you would select Auto if 51% or more of your business is autos, select Moto if 51% or more is motorcycles. Selecting wholesale means you only sell to other dealers.
- 4) Select type of business that you are registered and operating as.
- 5) State whether or not you have ever been licensed as a dealer in NH previously
- 6) Enter Corporate Name if applicable. This must exactly match the way the name is registered with Secretary of State. No abbreviations. All business names must be registered with the Secretary of State per RSA 349:1. **A copy of the Good Standing from Secretary of State must be attached.** Please visit the Secretary of State's web site at <https://www.sos.nh.gov/corporate/soskb/csearch.asp>
- 7) Enter Trade Name. If there is no trade name of record and only a corporate name then reprint corporate name or print SAME. All business names must be registered with the Secretary of State per RSA 349:1. **A copy of the Good Standing from Secretary of State indicating that the trade name is "Active" must be attached.** Please visit the Secretary of State's web site at <https://www.sos.nh.gov/corporate/soskb/csearch.asp>  
This is the name required on the signage.
- 8) Enter Business Mailing Address. This can be a P O Box and can be updated at renewal time without prior approval.
- 9) Enter Business Legal Address: This is the single, physical location approved by the DMV where the business is conducted. This cannot be changed without prior notification and approval per Saf-C 2003.03.
- 10) Include the business phone number and e-mail address.
- 11) Business hours of operation: List the hours of operation per day. The total hours of operation each week must comply with the Saf-C 2001.15
- 12) List the Owners/Partners/Members of the business that are responsible for business in New Hampshire. The Full legal name, gender, date of birth, driver's license number, **complete physical home** address, **home** phone number, signature of **each owner** and the percentage of ownership in the business must be completed. Use an additional sheet of paper if necessary. A criminal record for each owner is required from the state of New Hampshire and the state that person resides in as well for all new applicants. The criminal record must accompany the new applications. Please don't request that they be sent directly to the Dealer desk.  
Owner updates require notification **in writing 30 days prior to the effective date** with the signature of **all** owners per Saf-C 2009.05. Do not wait until renewal time to update the owners of record. Departing owners will need to sign letters stating they are no longer owners of the business. Dealer licenses are non-transferable.



13) You must answer all of the questions asked. If they are left blank or signatures are missing, the application will be returned.

14) If selling, provide an original (not a copy) Surety Bond pursuant to RSA 261:98 in the amount of \$25,000.00 with a raised seal on the bond and original signatures in the exact name and physical address of the dealer as it is registered with the Secretary of State and named on the application. A surety bond must be maintained at all times during the license. If the bond is cancelled or rescinded, the dealer license must be surrendered.

15) Provide all copies of supporting documentation required per application i.e. criminal records, a current copy of the lease and or a statement that the lease is in good standing with the landlord if you are a tenant at will. And a current Service Agreement with a currently licensed inspection station with original signatures.

16) List all persons, other than owners, authorized to purchase dealer supplies on behalf of the business if applicable. Owners are already authorized.

17) If renewing; provide a current inventory of the dealer plate(s), **listed alphabetically**.

18) All business personnel should read and understand the Agreement. One owner must sign and date the application.

Note: All applications are subject to approval by the town or city where the dealer is applying. The DMV will be contacting the town to verify their approval. Prior to submitting the completed application to the DMV, the applicant may want to make contact with their appropriate town office or board to see if there are any requirements that must be met or restrictions regarding their proposed business before the town will approve usage of the property for the dealer. All dealers must be in compliance with their town or city at all times.

**For more complete information regarding dealer types and associated rules and laws please visit**

<http://www.nh.gov/safety/divisions/dmv/registration/dealers/index.htm> Interactive application forms can also be found at this website. Complete the forms on line and print them out, sign and **mail** them in with all supporting documentation to the Division of Motor Vehicles, Dealer Desk, 23 Hazen Drive, Concord NH 03305 You may want to send the packet “signature required” so that you have confirmation that it was received.

Applications must be received completely filled out and signed with all required attachments included to be considered complete. Incomplete application will be returned and that will slow down the process.



John J. Barthelmes  
Commissioner of  
Safety  
Elizabeth A.  
Bielecki  
Director of Motor  
Vehicles

**STATE OF NEW HAMPSHIRE**  
**NH DEPARTMENT OF SAFETY**  
**Division Of Motor Vehicles**  
23 Hazen Drive, Concord, NH 03305  
(603)-227-4120  
TDD Access: Relay NH 7-1-1

- NEW
- RENEWAL
- LOCATION CHANGE
- NAME CHANGE
- DEALER #: \_\_\_\_\_

**APPLICATION FOR RETAIL DEALER LICENSE AND REGISTRATION**  
**RSA 261: 103 & RSA 261:103-a**

**DEALER TYPE:**  NEW and/or USED  MOTORCYCLE  WHOLESALE

**BUSINESS IS:**  CORPORATION  PARTNERSHIP  SOLE PROPRIETOR **SS/FED ID #:** \_\_\_\_\_

Have you ever had another dealer license? YES  NO  If YES, what name and type? \_\_\_\_\_

**CORPORATE NAME:** \_\_\_\_\_  
All businesses must be registered with the NH Secretary of State per RSA 349:1. Please attach a copy of good standing.

**TRADE NAME:** \_\_\_\_\_  
All businesses must be registered with the NH Secretary of State per RSA 349:1. Please attach a copy of good standing.

**BUSINESS MAILING ADDRESS:** \_\_\_\_\_  
Street/P.O. Box Town/City Zip Code

**BUSINESS LEGAL ADDRESS:** \_\_\_\_\_  
Street Town/City Zip Code

**BUSINESS TELEPHONE NUMBER:** \_\_\_\_\_ **FAX NO:** \_\_\_\_\_

**BUSINESS EMAIL** (optional): \_\_\_\_\_

**BUSINESS HOURS** (indicate days and hours pursuant to RSA 261:103 and SAF-C 2001.15):  
Monday: \_\_\_\_\_ Tuesday: \_\_\_\_\_ Wednesday: \_\_\_\_\_  
Thursday: \_\_\_\_\_ Friday: \_\_\_\_\_ Saturday: \_\_\_\_\_ Sunday: \_\_\_\_\_

**OWNERS/PARTNERS/AND IF A CORPORATION, OFFICERS/MEMBERS WHO WILL BE THE RESPONSIBLE PARTY FOR THE NH BUSINESS: (PLEASE ATTACH ADDITIONAL SHEETS IF NEEDED)**

**Full Legal Name: Gender: Date of Birth: Driver License #: % of Ownership:**

**Complete Physical Home Address: Home Phone: Signature:**

**Full Legal Name: Gender: Date of Birth: Driver License #: % of Ownership:**

**Complete Physical Home Address: Home Phone: Signature:**

**Full Legal Name: Gender: Date of Birth: Driver License #: % of Ownership:**

**Complete Physical Home Address: Home Phone: Signature:**

**Full Legal Name: Gender: Date of Birth: Driver License #: % of Ownership:**

**Complete Physical Home Address: Home Phone: Signature:**



**FOR RENEWAL ONLY:**

A. Has there been any change in ownership or location of this business which has not been previously reported in writing to the Director?

YES  NO

B. Please conduct a physical inventory of all plates issued to your business and list them by letter and location/assignment, in alphabetical order (attached additional sheet if necessary):

Plate #	Plate #	Plate #	Plate #	Plate #	Plate #
Plate #	Plate #	Plate #	Plate #	Plate #	Plate #
Plate #	Plate #	Plate #	Plate #	Plate #	Plate #
Plate #	Plate #	Plate #	Plate #	Plate #	Plate #

C. List any lost/stolen plate(s) not previously reported to the Director of Motor Vehicles and submit a Lost Plate form RDMV 125A for each plate:

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**LICENSE FEE:**

**(IF SELLING)**  
\$250.00

**Add**

**RENEWAL PLATE FEES:**

First Plate: \$400.00  
Each Additional Plate: \$24.00

**MOTORCYCLE RENEWAL PLATE FEES:**

First Plate: \$24.00  
Each Additional Plate: \$6.00  
Car Size Plate: \$24.00

**Fees are based on a two year application and reflect even year renewals. Odd year renewals may be prorated when applicable.**

**AGREEMENT**

In consideration of our application for a vehicle dealer license, this business does hereby agree to be familiar with, and abide by all applicable statutes and rules, to be principally engaged in the motor vehicle business. And also certify that the location and operation of my business does not violate any existing local ordinance or regulations, and agree to notify the Director of the Division of Motor Vehicles in writing of any change of address or business status, including ownership, 30 days prior to the effective date of such change. I further understand that a violation of any of the rules and regulations issued by the Director, Division of Motor Vehicles will be deemed sufficient cause for an administrative hearing and penalties may be imposed.

OWNER'S NAME: \_\_\_\_\_ TITLE: \_\_\_\_\_

OWNER'S SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

**This application is signed and any additional information is offered under the penalty of unsworn falsification pursuant to RSA 641:3.**