

# *Peter J. Loughlin*

ATTORNEY AT LAW

LEONARD COTTON HOUSE • STRAWBERRY BANKE  
144 WASHINGTON STREET  
P.O. BOX 1111  
PORTSMOUTH, NH 03802-1111

TELEPHONE 603-431-6466  
FAX 603-436-4079

E-MAIL  
[peter.loughlin@pjllaw.com](mailto:peter.loughlin@pjllaw.com)

September 18, 2018

## **HAND DELIVERED & EMAIL**

Mary E. Koepenick, Administrative Assistant to  
Portsmouth Zoning Board of Adjustment  
1 Junkins Avenue  
Portsmouth, NH 03801

**Re: Strawberry Banke, Inc.**

Dear Mary:

Enclosed please find the following documents:

- (1) Original and eleven (11) copies of complete and signed Variance Relief Application form including written statement explaining request, as well as required plans and exhibits;
- (2) One complete Board of Adjustment Application Checklist; and
- (3) ZBA Application Fee

If you have any questions, please do not hesitate to contact me.

Respectfully submitted,



Peter J. Loughlin

PJL/dea

Enclosures

Cc: Strawberry Banke, Inc.

SB\2018-09-18 Ltr to Koepenick w/ZBA Submission

## CITY OF PORTSMOUTH Zoning Board of Adjustment Application

<i>Department Use Only</i>	Date _____
Assessor Plan # _____	Lot # _____ Fee _____
Zone _____	Lot area _____ By _____

Fill in below by printing in ink or typing / Complete all Blanks or indicate 'N/A' if not applicable

Applicant Strawbery Banke, Inc. Owner of Record Strawbery Banke, Inc.  
 Applicant Street Address PO Box 300 Owner Street Address PO Box 33  
 Applicant City / State / Zip Portsmouth, NH 03801 Owner City / State / Zip Portsmouth, NH 03801  
 Applicant phone (\_\_\_\_) \_\_\_\_\_ Owner phone (603) 422-7525  
 Applicant e-mail rrowland@strawberybanke.org

Location (street address) of proposed work: Marcy Street opposite Prescott Park

Existing use: Grassy area along Marcy Street sidewalk

Undersigned hereby requests:


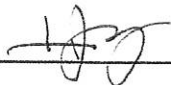
- |   | <u>Article and Section</u>             |
|---|--|
| <input type="checkbox"/> Appeal from an Administrative Decision<br>See Article 2, Section 10.234.30 | _____                                  |
| <input type="checkbox"/> Special Exception<br>See Article 2, Section 10.232.20                      | _____                                  |
| <input type="checkbox"/> Variance<br>See Article 2, Section 10.233.20                               | <u>Article XII, Section 10.1251.20</u> |
| <input type="checkbox"/> Other _____<br>See Article 2, Section 10.233.20                            | _____                                  |

To permit the following:

Placement of one additional 4' x 4' identification sign for the Museum.

The undersigned alleges that the required conditions exist for granting of this request according to the terms of the Zoning Ordinance as demonstrated in the attached submittals.

Only complete applications will be accepted by the deadline date. A complete application shall consist of: a completely filled out application with original signatures, the application fee, and 12 packets of required plans and any supporting documents or photos. Incomplete applications will not be accepted. Applications received after the deadline will be scheduled for the following month. The owner or his/her representative is required to attend the Public Hearing for the above appeal.

 \_\_\_\_\_  \_\_\_\_\_ 9/15/18  
 Signature of Owner \_\_\_\_\_ Date

Please PRINT name here Rodney Rowland

**Applicant's Responsibilities**

1. All applications for Variances and Special Exceptions must be submitted to the Planning Department prior to the published deadline. In the case of Appeals from an Administrative Decision, the appeal shall be filed no later than 30 days from the date of the action which is being appealed.
2. A Building Permit application must also be filed for the project for which zoning relief is being sought. The Building Permit application can be submitted with the Board of Adjustment application or filed prior. The Planning Department may waive this requirement when the application is for a substandard lot for subdivision purposes and no other zoning relief is required.
3. An applicant shall be one of the following: a) the owner of record of the property, or b) the holder of a valid purchase and sales agreement for the purchase of the subject property, or c) the holder of a valid option for the purchase of the subject property.
4. All applications shall include a written statement explaining how the request complies with the requirements of the Zoning Ordinance as provided in Article 2 (see Section 10.234.30 for Administrative Appeals, Section 10.233.20 for Variances, Section 10.232.20 for Special Exceptions).
5. It is the obligation of the applicant to submit adequate plans and exhibits in accordance with the terms of the Zoning Ordinance for all applications for Administrative Appeals, Variances, Special Exceptions, and Equitable Waivers.
6. One (1) original copy of a completed and signed "Board of Adjustment Application Check-List" shall accompany all applications.
7. For applications requesting dimensional relief, the minimum requirements for adequate plans shall include the following:

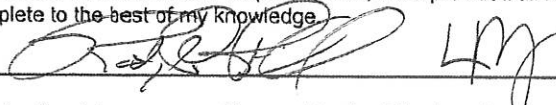
<ul style="list-style-type: none"> <li><input type="checkbox"/> Site Plan(s) showing existing and proposed conditions including:             <ul style="list-style-type: none"> <li>- Front, side and rear setback / yard dimensions (this is the distance from a structure to the lot line)</li> <li>- Lot dimensions</li> <li>- Abutting street(s) and street names</li> <li>- Driveways / accessways</li> <li>- Dimensions (size and height) of structures</li> <li>- Dimensions and location of parking spaces</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Scale of all drawings and plans (the scale is the ratio of the drawing's size relative to the actual size)</li> <li><input type="checkbox"/> Labeled photo(s) of existing conditions</li> <li><input type="checkbox"/> Building plans and elevations of any <i>proposed</i> structures or additions</li> <li><input type="checkbox"/> Interior floor plans for any renovations or expansion to existing structures</li> </ul>
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8. For applications requesting relief from land use requirements, the minimum requirements for adequate plans shall include the following:

<ul style="list-style-type: none"> <li><input type="checkbox"/> 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)</li> <li><input type="checkbox"/> Interior floor plans and/or exterior site plans showing the location of the proposed use(s)</li> <li><input type="checkbox"/> Labeled photo(s) of existing conditions</li> </ul>
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9. Plans should be 8 ½' x 11' in size, 11" x 17" plans may be used only if the plan would otherwise be unreadable.
10. The Planning Department is authorized by the Board of Adjustment to refuse applications which do not meet these minimum requirements. The Planning Department may also require additional information and/or exhibits as needed to illustrate the scope of the project. Public Hearings shall not be scheduled, advertised or held until such time as the minimum requirements for adequate plans have been submitted. The Board may postpone any application requiring more information prior to any action being taken.
11. The applicant shall submit one (1) original and eleven (11) copies of the application and any plans, exhibits, and supporting documents.
12. The applicant shall provide electronic files in Portable Document Format (PDF) of all submittals.

I have read the above list of responsibilities, have provided all required information, and such information is current, accurate, and complete to the best of my knowledge.


9/18/18  
 \_\_\_\_\_  
(Applicant's Signature, date)

The Applicant is encouraged to consider the following when completing the application:

- Provide neat and clear plans
- Use of color or highlights is encouraged in order to identify pertinent areas on plans
- Applicants are encouraged to review the application with a member of the Planning Department staff prior to submittal
- All applicants are encouraged to discuss the project with impacted neighbors

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September 18, 2018

David Rheaume, Chairman  
Portsmouth Zoning Board of Adjustment  
Municipal Complex  
1 Junkins Avenue  
Portsmouth, NH 03801

**Re: Freestanding Sign - Strawberry Banke**

Dear Chairman Rheaume & Members of the Board of Adjustment:

Strawbery Banke is requesting a variance from Section 10.1251.20 of the Sign Ordinance to be able to erect a freestanding sign on the west side of Marcy Street between Hancock Street and the Mombo Restaurant. Because the Museum presently has a freestanding sign located at the entrance to its parking lot next to the Goodwin Mansion on Hancock Street, and because the Ordinance permits only one freestanding sign per property, relief is requested for a second freestanding sign. Since this is probably the simplest, and most straightforward request that I have ever submitted, I will spare the Board another one of my typical multi-page narratives which are known to cause drowsiness.

Strawbery Banke's 8.2 acre campus (shown on City of Portsmouth Tax Maps 103, 104 and 108) has approximately 500 feet of frontage on Marcy Street, 475 feet on Hancock Street, 560 feet on Washington Street and approximately 540 feet on Court Street. On the Museum's grounds, there are 37 buildings which are operated in conjunction with the Museum's mission. While all of us who have lived in Portsmouth for any length of time know exactly where the Strawberry Banke Campus begins and ends, that may not be obvious to the thousands of persons who visit Portsmouth each year. For persons visiting a City uniquely blessed with hundreds of 18<sup>th</sup> and 19<sup>th</sup> Century homes in its South End, it is not necessarily self-evident which "older" homes on Court, Marcy, Hancock or Washington Streets are privately owned or where the Museum property begins or ends. In order to identify the Museum in an efficient

manner for persons travelling on Marcy Street, Strawberry Banke seeks approval to erect a 4' x 4' freestanding sign on Marcy Street.

### The Requirements for the Granting of Variance Relief are Satisfied

1. *The granting of the requested relief will not result in the diminution in value of surrounding properties.*

There are no privately owned properties across the street from the proposed sign (the Prescott Park Formal Gardens), or within 300 feet to the north or west of the proposed sign (the Strawberry Banke Campus). The only privately owned property is to the south at the intersection of Marcy and Hancock and the addition of the proposed sign will not diminish the value of that property.

2. *The granting of the variance will not be contrary to the public interest.*

The addition of a single 4' x 4' sign identifying this 8.2 acre campus will not violate the Ordinance's basic zoning objective of promoting responsible signage, nor will it threaten the public health, safety or welfare.

3. *The granting of the requested relief will do substantial justice.*

There is a definite benefit to Strawberry Banke to having its property appropriately identified. The downside of not having an additional sign at Strawberry Banke is certainly not outweighed by any gain to the public, and thus the denial of the request would be an injustice.

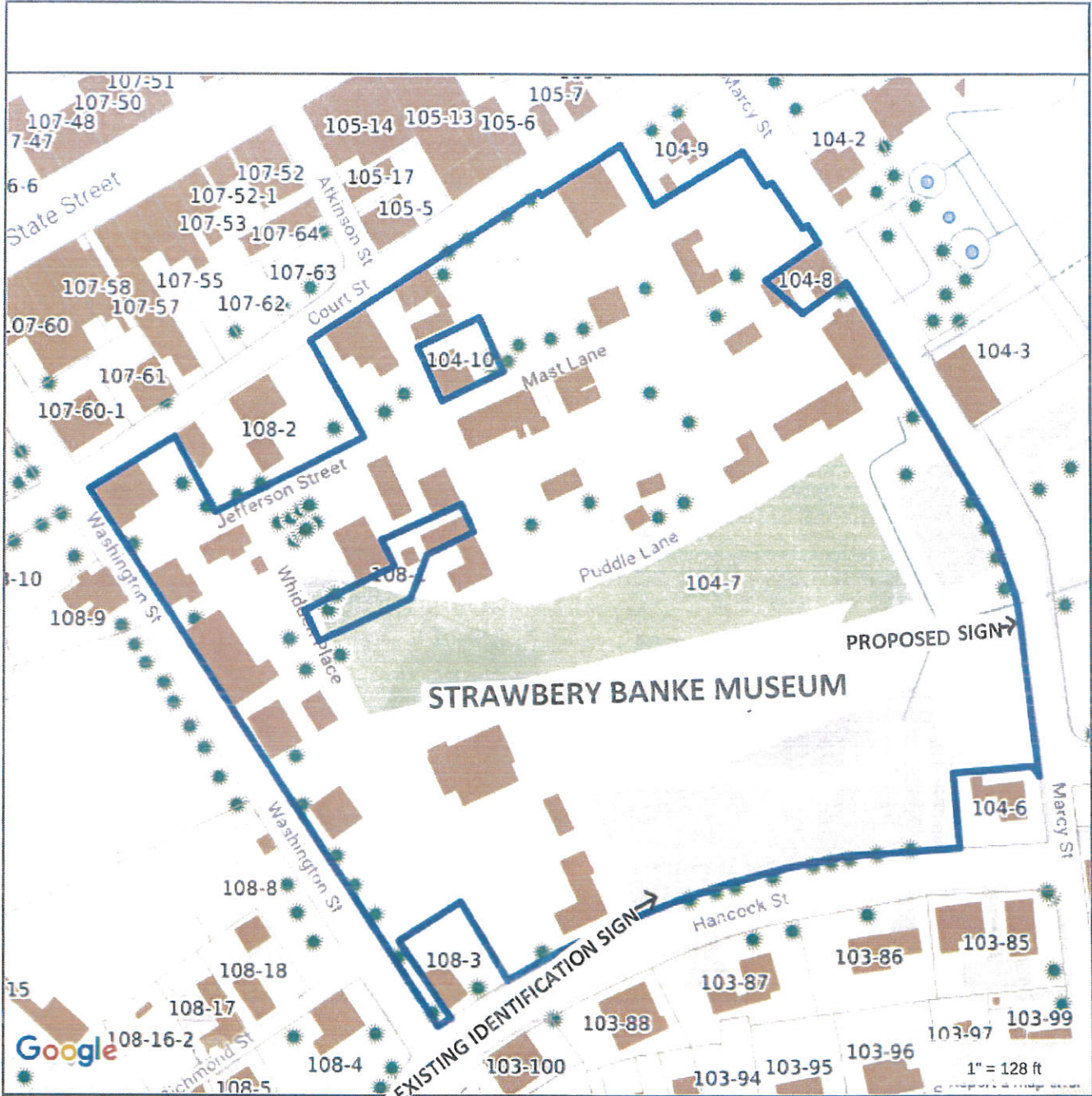
4. *The granting of the variance will not be contrary to the spirit of the Ordinance.*

The Ordinance is designed to limit the proliferation of signs. The addition of one additional freestanding sign on an 8.2 acre City Campus will not violate the spirit or intent of the Ordinance.


5. *The literal enforcement of the provisions of the Ordinance will result in unnecessary hardship.*

In a community where most of the lots have 50-150 feet of street frontage, a limitation of one sign per lot makes eminent sense. That rationale does not hold true for a property with more than 2,000 linear feet of frontage. In short, 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 Strawberry Banke property.





Property Information	
Property ID	0104-0007-0009
Location	72-74 JEFFERSON ST
Owner	STRAWBERRY BANKE INC



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

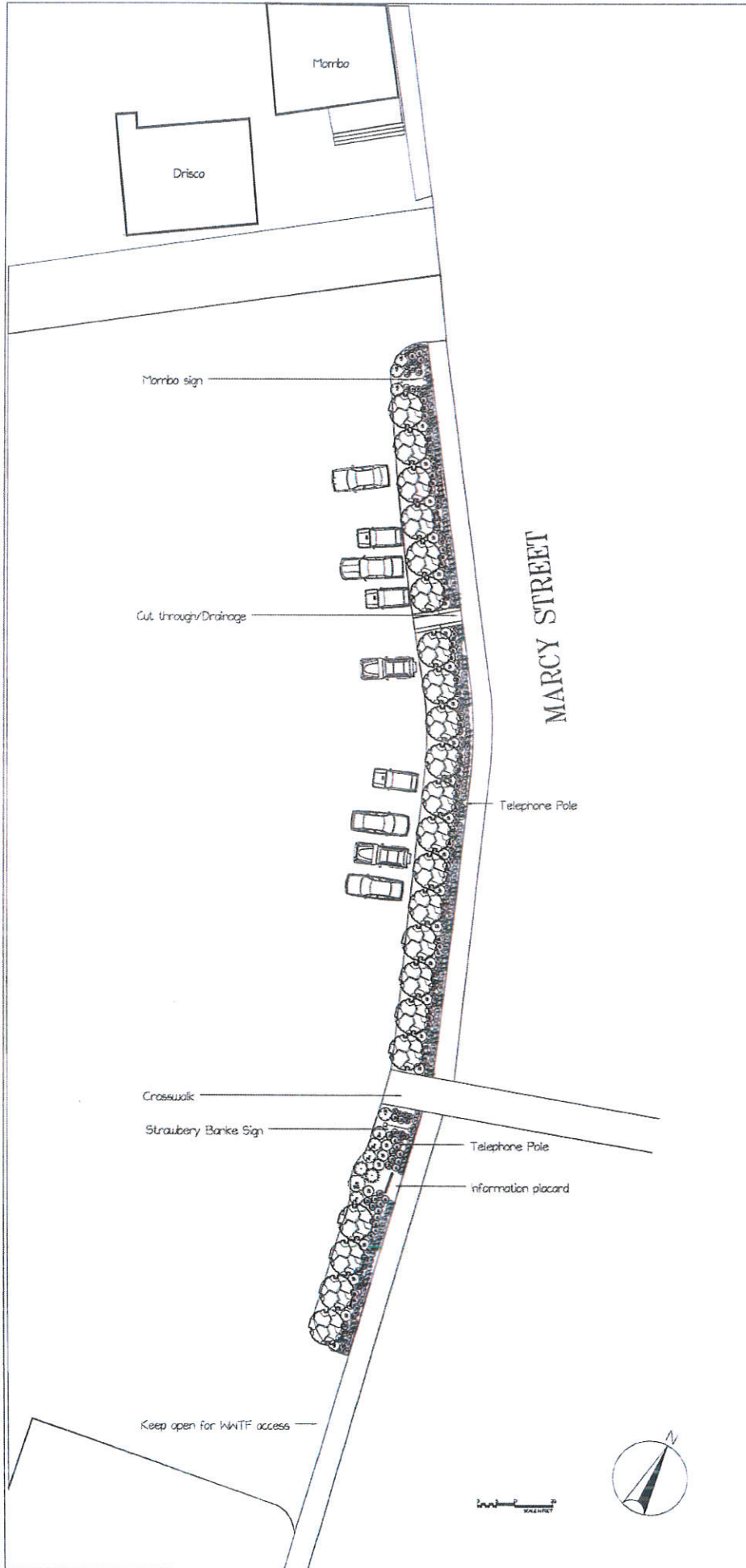
City of Portsmouth, NH makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Parcels updated 01/04/2018  
Properties updated 09/17/2018

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Strawbery Banke Museum  
Marcy Street Garden

28 February 2018

KEY:

- Morus 'Red Jewel' or equivalent
- Ilex verticillata 'Red Sprite' or equivalent
- Leucanthemum 'Becky' or equivalent
- Grass (medium, 8-24")
- Rudbeckia 'Goldsturm' or equivalent
- Phlox subulata - mixed colors
- Baptisia
- Geranium (perennial, aka Cranesbill)
- Ilex verticillata 'Southern Gentian' or equivalent

NOTE:  
Plant species are intentionally vague as it will depend on availability at the time of planting. Photos are to illustrate the Genus.



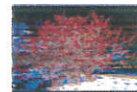
Morus



Baptisia



Leucanthemum



Ilex



Rudbeckia



Medium Grass



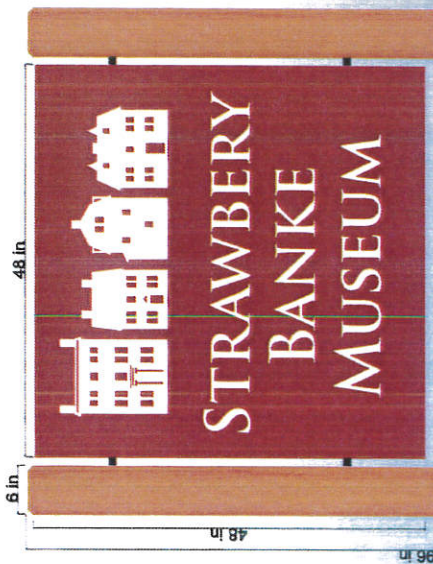
Geranium



Phlox

Design & Landscape  
Division of Labrie Associates  
24 Walnut Ave  
No. Hampton, NH 03862  
(603) 984-9502  
info@DesignLandscapeLabrie.com  
www.DesignLandscapeLabrie.com





	<p>Member of:</p>	
	<p><b>8/8/18</b></p>	<p><b>RETURN SIGNED TO: <a href="mailto:service@portsmouthsign.com">service@portsmouthsign.com</a></b></p>
<p><b>REVISION:</b> All orders under \$250 include 1 revision only. All orders over \$250 include 3 revisions only. Additional revisions will be charged at \$25 per revision.</p> <p><b>PLEASE NOTE:</b> Designs are NOT actual size and color may vary depending on printer and/or monitor.</p>	<p>I understand this Order Form is the final production order and replaces all previous drawings, notes and verbal instructions to this job. Standard vinyl &amp; paint colors will be used. Custom colors and specific matches to PMS colors will be an additional fee. I have carefully reviewed this form and verify that it contains all necessary specifications and represents my order. I authorize fabrication according to this approval.</p>	<p><b>SIGNATURE:</b> _____ <b>Date:</b> _____</p>
<p>©COPYRIGHT 2015, BY PORTSMOUTH SIGN COMPANY. All designs and custom artwork remain the property of Portsmouth Sign Company until the order is complete and paid in full.</p>	<p>Background Color: Vinyl Color: _____ HP <input type="checkbox"/> Int <input type="checkbox"/></p>	<p>Other: _____</p>
<p>Shop Use Only</p>	<p>Qty: SS <input type="checkbox"/> DS <input type="checkbox"/></p>	<p>Materials: _____</p>

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## Board of Adjustment Application Check-List

Please complete and submit one (1) copy with your completed application.

Property Address     Marcy Street      
Completed By     Peter J. Loughlin    

APPLICATION TYPE:

- Variance or Special Exception for Dimensional Requirements  
 Variance or Special Exception for Use Requirements  
 Other \_\_\_\_\_

FOR APPLICATIONS REQUESTING DIMENSIONAL RELIEF, THE FOLLOWING SUBMISSIONS MUST BE INCLUDED:

- Site Plan(s) showing existing and proposed conditions including:
- Front, side and rear setback / yard dimensions (this is the distance from a structure to the lot line)
  - Lot dimensions
  - Abutting street(s) and street names
  - Driveways / accessways
  - Dimensions (size and height) of structures
  - Dimensions and location of parking spaces
  - Scale of all drawings and plans (the scale is the ratio of the drawing's size relative to the actual size)
- Labeled photo(s) of existing conditions  
 Building plans and elevations of any proposed structures or additions  
 Interior floor plans for any renovations or expansion to existing structures

FOR APPLICATIONS REQUESTING LAND USE RELIEF, THE FOLLOWING SUBMISSIONS MUST BE INCLUDED:

- Site Plan(s) showing:
- Location of the proposed use(s) on the property
  - Site plan showing location and dimensions of parking spaces
- Interior floor plans showing the location and layout of the proposed use  
 Labeled photo(s) of existing conditions

ALL APPLICATIONS

- Complete application checklist (1 original)  
 Complete and signed Building Permit application (1 original)
  - filed previously
  - included with this packet Complete and signed Board of Adjustment Application Form (1 original, 11 copies)
  - Property Owner signatures (on front and back of Board of Adjustment application form) Written statement explaining how the request complies with the requirements of the Zoning Ordinance as provided in Article 2 (see Section 10.234.30 for Administrative Appeals, Section 10.233.20 for Variances, Section 10.232.20 for Special Exceptions) (12 copies)  
 Required plans / exhibits are 8 ½" x 11" or 11" x 17" in size (12 copies)  
 Additional information as requested by the Planning Department staff
- 
- Electronic file in Portable Document Format (PDF)
  - Sent by e-mail
  - Provided on CD-ROM
  - Provided on flash drive