

# HOEFLE, PHOENIX, GORMLEY & ROBERTS, P.A.

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## HAND DELIVERED

February 4, 2019

Mayor Jack Blalock and Portsmouth City Council  
City of Portsmouth  
1 Junkins Ave.  
Portsmouth, New Hampshire 03801

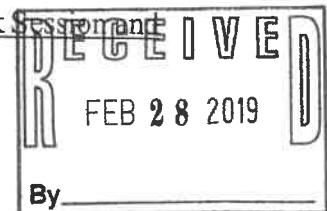
Re: 15 Middle Street, Tax Map 126, Lot 12 (Former Salvation Army Building)  
Request of James McSharry, Owner for Zoning Change from CIVIC District to  
Character District 4 (CD4)

Dear Mayor Blalock and Members of the Council:

On behalf of James ("Jay") McSharry ("McSharry"), please accept this letter and the attached exhibits in support of his request to initiate the City Council and Planning Board zoning change procedure for the former Salvation Army lot/building at 15 Middle Street.

### I. EXHIBITS

1. Portsmouth Zoning Ordinance-Section 10.417-Purpose of CIVIC District.
2. Portsmouth Zoning Ordinance Character District 4 (CD4) provisions.
3. Portsmouth Zoning Map 10.5A21A (partial).
4. Tax Map 126 depicting subject lot/building.
5. January, 2019 Historic District Commission Request for Work Session and attached relevant documents including site photographs.



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OF COUNSEL:  
SAMUEL R. REID

## II. PROJECT/SITE HISTORY

The subject parcel and building has for decades been owned and operated as a church, offices and other services by the Salvation Army. It is located in the CIVIC District, the purpose of which is to “to preserve existing buildings and uses that are open to the general public and owned and operated by a not-for-profit entity other than the City of Portsmouth.” PZO§10.410. McSharry is under contract to purchase the property, and, contingent upon the zoning change and receipt of required permits and approvals, intends to convert it to a hotel with 28<sup>1</sup> guest rooms, and, in the area where the current offices and soup kitchen are located, a restaurant.

## III. ZONING DISTRICT ANALYSIS

Clearly, the subject property cannot remain zoned as “CIVIC” since the continued commercial use cannot comply with the CIVIC zone requirements. Accordingly, McSharry has investigated with the Planning Department staff the appropriate character zone for the property.

The purpose of character based zoning is:

To encourage development that is compatible with the established character of its surrounding and consistent with the City’s goals for the preservation and/or enhancement of the area. This is accomplished by providing a range of standards for the elements of development and buildings that define a place. (PZO§10.5A 11)

The development standards for Character District 4 (CD4) provide:

This district consists of a medium-to-high density transitional area with a mix of building types and residential, retail and other commercial uses. There are shallow or no front yards and medium to no side yards, with variable private landscaping. Streets have sidewalks and street trees or other pedestrian amenities and defined small to medium block.

The subject parcel is surrounded by other CIVIC properties (John Paul Jones House) municipal properties (the former Public Library) CD5 properties (located along Congress Street) and CD4 properties (along Porter Street and State Street).

Upon review of McSharry’s intended use(s), its location, nearby uses, and those uses permitted in the various nearby zones, McSharry, with the aid of the Planning Department staff believes that Character District 4 (CD4) is the best “fit” for the subject parcel.

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<sup>1</sup> Exhibit 5 identifies 27 rooms. One has been added.

February 4, 2019

McSharry respectfully requests that the City Council proceed as required to rezone the parcel from CIVIC to CD4. The development team is happy to meet further with City staff and/or to provide any needed or requested additional exhibits, materials or information to assist the City Council and the Planning Board with considering this request.

Respectfully submitted,



R. Timothy Phoenix

RTP/msw

Encl.

cc: Juliet T. H. Walker, Planning Director  
Nick Cracknell, Principal Planner  
Jay McSharry  
Brendan McNamara





District		Purpose
<b>Pease/Airport Districts</b>		
Airport	AIR	To provide for <b>uses</b> associated with the operation of an <b>airport</b> , including aviation-related facilities, <b>structures</b> and activities.
Airport Industrial	AI	To provide for <b>industrial uses</b> requiring proximity to an <b>airport</b> and aviation-related facilities, <b>structures</b> and activities servicing <b>industrial users</b> .
Pease Industrial	PI	To provide for <b>industrial uses</b> which do not require direct access to an <b>airport</b> .
Airport Business Commercial	ABC	To provide for business, commercial and trade-related enterprises in a campus setting.
<b>Other Districts</b>		
Civic District	CIVIC	To preserve existing <b>buildings</b> and <b>uses</b> that are open to the general public and owned and operated by a not-for-profit entity other than the City of Portsmouth.
Municipal	M	To recognize areas that are in municipal ownership for governmental, civic, service, educational or recreational <b>use</b> .
Natural Resource Protection	NRP	To recognize areas that are in governmental or nonprofit ownership and are dedicated to protection and enhancement of the City's natural resources and ecology.
Transportation Corridor	TC	To provide for future transportation <b>uses</b> and related facilities as well as recreational trail <b>use</b> .

Section 10.420 District Location and Boundaries

10.421 District Location and Boundaries

10.421.10 Zoning districts are located and bounded as shown on a map entitled "City of Portsmouth Zoning Map," copies of which are on file in the offices of the City Clerk and Planning Department. The Zoning Map, with all explanatory matter thereon, is hereby made a part of this Zoning Ordinance and may be reissued by the Planning Board to incorporate such amendments as may be made by the City Council.

10.421.20 Any property owned or leased by the City of Portsmouth and not shown on the Zoning Map as being in the Municipal or Natural Resource Protection district shall be deemed to be in the Municipal district, and when so identified shall be placed in that district.



FIGURE 10.5A(1) 100' DEVELOPMENT STANDARDS  
CHARACTER DISTRICT 4 (CD4)

This district consists of a medium-to-high density transitional area with a mix of **building** types and residential, retail, and other commercial **uses**. There are shallow or no **front yards** and medium to no **side yards**, with variable private **landscaping**. **Streets** have **sidewalks** and **street trees** or other pedestrian amenities, and define small to medium **blocks**.

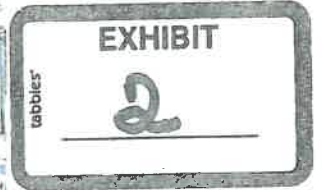
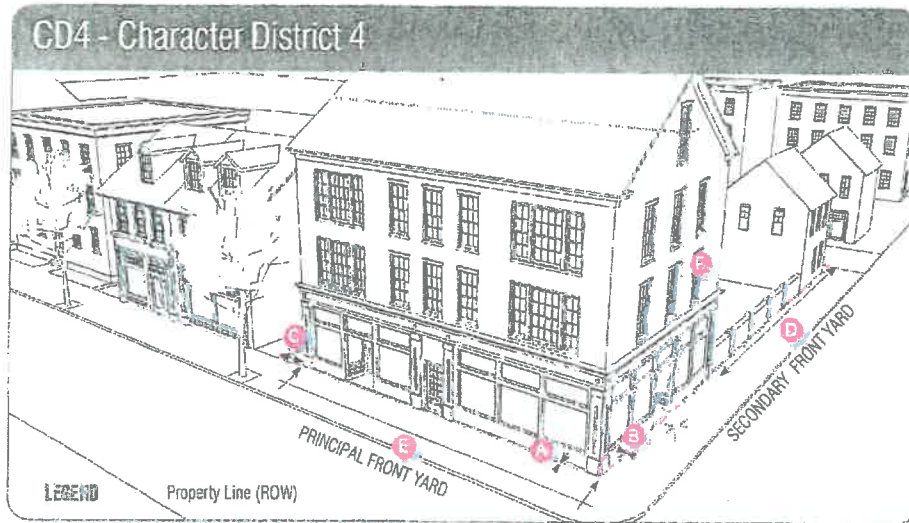






FIGURE 10.5A11.10C DEVELOPMENT STANDARDS  
CHARACTER DISTRICT 4 (CD4)



**BUILDING PLACEMENT – PRINCIPAL BUILDING\***

Maximum <b>principal front yard</b>	10 ft	(A)
Maximum <b>secondary front yard</b>	15 ft	(B)
<b>Side yard</b>	NR	(C)
Minimum <b>rear yard</b>	Greater of 5 ft from rear lot line or 10 ft from center line of alley	(D)
<b>Front lot line buildout</b>		
On Ceres Street	50% max. (See Map 10.5A21C)	
Everywhere else	50% min.	

\* Except for items listed under Section 10.5A42.12

**BUILDING AND LOT OCCUPATION**

Maximum <b>building block length</b>	200 ft	(E)
Maximum <b>façade modulation length</b>	80 ft (see Section 10.5A43.20)	
Maximum <b>entrance spacing</b>	50 ft	
Maximum <b>building coverage</b>	90%	
Maximum <b>building footprint</b>	15,000 sf (or as allowed by Section 10.5A43.40)	

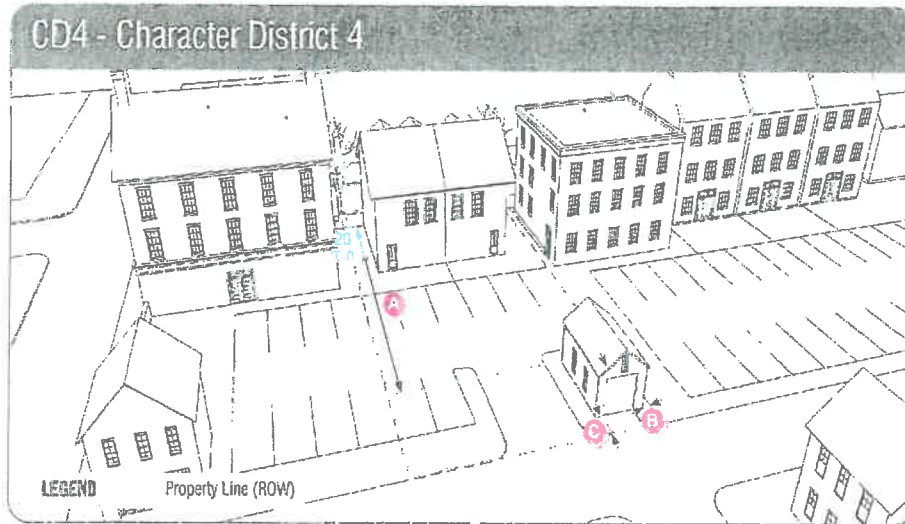
Minimum <b>lot area</b>	NR
Minimum <b>lot area per dwelling unit</b>	NR
Minimum <b>open space</b>	10%
Maximum <b>ground floor GFA per use</b>	15,000 sf

**BUILDING FORM – PRINCIPAL BUILDING**

<b>Building height</b>	See Map 10.5A21.B & Section 10.5A43.30	(E)
Maximum finished floor surface of <b>ground floor</b> above sidewalk grade	36"	
Minimum <b>ground story height</b>	12 ft	
Minimum <b>second story height</b>	10 ft	
<b>Façade glazing:</b>		
<b>Shopfront façade</b>	70% min.	
<b>Other façade types</b>	20% min. to 50% max.	
<b>Roof type</b>	flat, gable, hip, gambrel, <b>mansard</b>	
<b>Roof pitch, if any</b>		
<b>Gable</b>	6:12 min. to 12:12 max	
<b>Hip</b>	3:12 min.	
<b>Mansard/gambrel</b>	6:12 min. to 30:12 max.	



FIGURE 10.5A41.10C DEVELOPMENT STANDARDS  
CHARACTER DISTRICT 4 (CD4)



**BUILDING PLACEMENT – OUTBUILDING**

Minimum <b>front yard</b>	20 ft behind a <b>façade</b> of a <b>principal building</b>	<b>A</b>
Minimum <b>side yard</b>	0 ft	<b>B</b>
Minimum <b>rear yard</b>	3 ft	<b>C</b>

**BUILDING TYPES**

See Figure 10.5A43.60 for <b>building</b> type definitions	
<b>House</b>	not permitted
<b>Duplex</b>	not permitted
<b>Rowhouse</b>	permitted*
<b>Apartment building</b>	permitted*
<b>Live/work building</b>	permitted**
<b>Small commercial building</b>	permitted
<b>Large commercial building</b>	permitted
<b>Cottage</b>	not permitted
<b>Paired House</b>	not permitted
<b>Gateway Townhouses</b>	not permitted
<b>Mixed-Use Building</b>	permitted**
<b>Flex Space Building</b>	permitted
<b>Community Building</b>	permitted

\*Not permitted in the Downtown Overlay District  
 \*\*Residential **uses** are not permitted on the **ground floor** in the Downtown Overlay District

**BUILDING & LOT USE**

See Sections 10.5A30 and 10.440

**FAÇADE TYPES**

See Figure 10.5A43.10 for <b>façade</b> type definitions	
Except where required <b>façade</b> types are indicated on Map 10.5A21C, the below standards apply:	
<b>Porch</b>	not permitted
<b>Stoop</b>	permitted
<b>Step</b>	permitted
<b>Shopfront</b>	permitted
<b>Officefront</b>	permitted
<b>Forecourt</b>	not permitted
<b>Recessed-entry</b>	permitted
<b>Dooryard</b>	permitted
<b>Terrace</b>	not permitted
<b>Gallery</b>	permitted
<b>Arcade</b>	permitted

**PARKING**

See Section 10.5A44.30

**COMMUNITY SPACE**

See Section 10.5A45




# Map 10.5A21A

## Character Districts and Civic Districts






X = Subject parcel



### Legend

-  DOD Downtown Overlay District
-  HD Historic District

### Character Districts

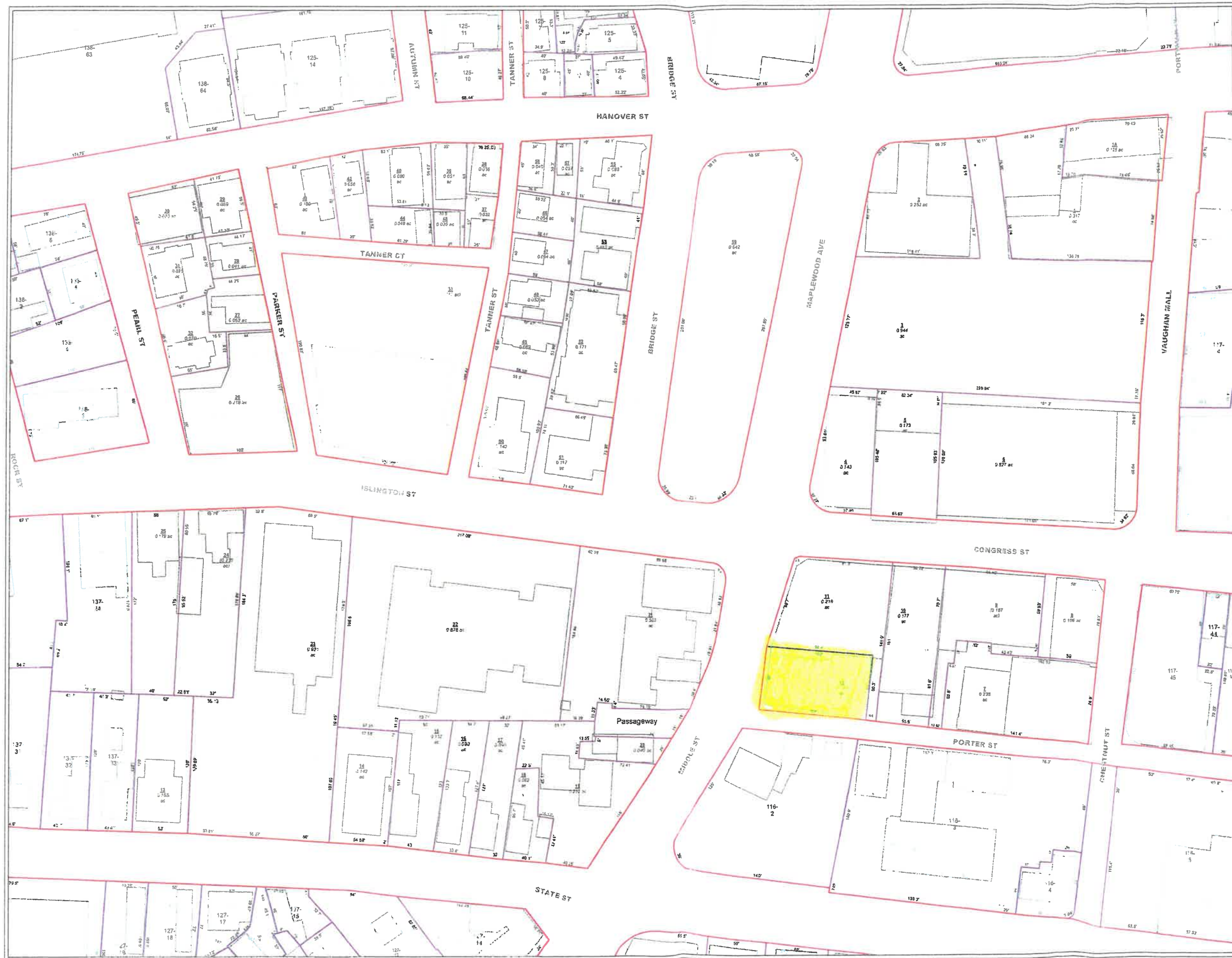
-  CD5 Character District 5
-  CD4 Character District 4
-  CD4-W Character District 4-B
-  CD4-L1 Character District 4-L1
-  CD4-L2 Character District 4-L2

### Civic District

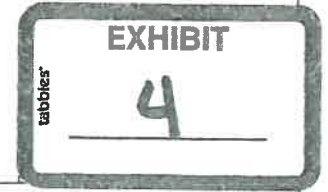
-  CIVIC Civic District

### Other Districts

-  M Municipal District
-  TC Transportation Corridor

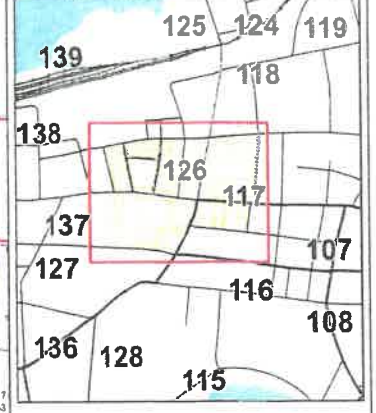


- Partial Legend**  
 See the cover sheet for the complete legend.
- 7-5A** Lot or lot-unit number
  - 2.58 ac** Parcel area in acres (ac) or square feet (sf)
  - Address number
  - 233-137 Parcel number from a neighboring map
  - or Parcel line dimension
  - SIMS AVE** Street name
  - Parcel/Parcel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

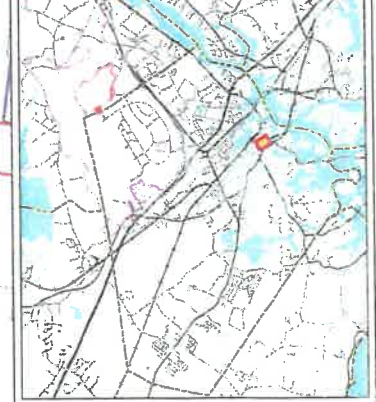


*This map is for assessment purposes only. It is not intended for legal description or conveyance. Parcels are mapped as of April 1. Building footprints are 2006 data and may not represent current structures. Streets appearing on this map may be paper (unbuilt) streets. Lot numbers take precedence over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

**Nearby Tax Maps**



**Map Location**



Portsmouth, New Hampshire  
 2018  
**Tax Map 126**

*Request for a Work Session*

**Historic District Commission**

Date: EXHIBIT  
tabbles  
5

Owner: SALVATION ARMY Applicant: JAMES MCSHARRY  
(If different)  
 Address: 15 MIDDLE ST. Address: 58 PLEASANT POINT RD.  
(Street) (Street)  
PORTSMOUTH, NH 03801 PORTSMOUTH NH 03801  
(City, State, Zip) (City, State, Zip)  
 Phone: - Phone: (603) 498 6476  
 Signature: \_\_\_\_\_ Signature: [Signature]

**LOCATION OF STRUCTURE**

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Address: 15 MIDDLE ST.

Map: 126 Lot: 12 Zoning District: CIVIC

Brief Description of Work: Renovate & remodel with new dormers  
to existing Attic spaces

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Name of Presenter for HDC Work Session: BRENDAN MCNAMARA  
RESIDENTIAL DESIGNER  
(207) 439 3521

	Meeting (01)	Meeting (02)	Meeting (03)	Meeting (04)	Meeting (05)
Date					
Fee Paid					
Payment Type					

Revised: 11 Apr 17

**CONTENTS, HDC WORK SESSION APPLICATION FOR PROPOSED RENOVATION,  
REMODEL, AND CHANGES TO 15 MIDDLE ST., PORTSMOUTH, NH (SALVATION  
ARMY CHURCH).**

**\*2-Narrative**

**\*3-Tax Map, locating property.**

**\*4-Photographs, Existing Conditions, from Middle St..**

**\*5-Photographs, Existing Conditions, from Porter St. and "gap" to adjoining  
building.**

**\*6-Existing West Elevation, ¼"=1'0", reduced to fit 11x17.**

**\*7-Existing South Elevation, ¼"=1'0", reduced to fit 11x17.**

**\*8-Proposed West Elevation, ¼"=1'0", reduced to fit 11x17.**

**\*9-Proposed South Elevation, ¼"=1'0", reduced to fit 11x17.**

**\*10-Proposed East Elevation, ¼"=1'0", reduced to fit 11x17.**

**\*11-Proposed North Elevation, ¼"=1'0", reduced to fit 11x17.**



**PROPOSED RENOVATION, REMODEL AND CHANGES TO 15 MIDDLE ST.,  
PORTSMOUTH, NH, (THE SALVATION ARMY CHURCH).**

**NARRATIVE**

The existing, 2 ½ story structure, dates from 1860, when it was built to house the First Congregational Church of Portsmouth. It was later taken over by the Salvation Army. The church's congregation has depleted over time and they are moving to a more suitable location.

The building has (2) distinct components; the brick portion, with entrance on Middle St., which houses the actual church; and the rear, wooden structure with entrance on Porter St., which houses the Kitchen and Dining Hall.

At some point in time, One Middle St. structure was been built to within 8"-12" on the North and East sides of the original church structure. The windows on these walls look onto the masonry block of this structure.

In its current layout the building has 9,717sf of living space. 5,056sf at 1<sup>st</sup> Floor and 4,661sf at 2<sup>nd</sup> Floor.

The 1<sup>st</sup> Floor is divided into 2,408sf for Kitchen, Dining Area and Offices. The actual "church" gathering space is 1,560sf. There is 1,088sf of Storage and Accessory Areas.

The 4,661sf of the 2<sup>nd</sup> Floor is divided into Meeting Areas, Kitchen and Dining Space and Bedrooms/Offices.

The Attic spaces are used for Storage.

The proposed plan is to continue the use of the section of the building that is currently Offices and Soup Kitchen, as a Restaurant. The rest of the structure would be remodeled, including the unused attic space, to create (27) guest rooms. An elevator and sprinkler system would be added. The sprinkler system will require some exterior heads to protect from the adjacent building.

A system of "valet" parking would be established, using the existing parking spaces in Porter St., for pick up and drop off.

Since the property is currently zoned "Civic", a change to the zoning ordinance is required to either CD4 or CD5. However this change will create the need for some further variances, yet to be completely verified.

In terms of the exterior all existing components would be repaired and restored in kind with approval sought to add (10), gable dormers to the roof of the brick building, (5) per side and aligned to the windows below, but recessed back from the wall line by at 2'. These would have slate siding to match the existing roof.

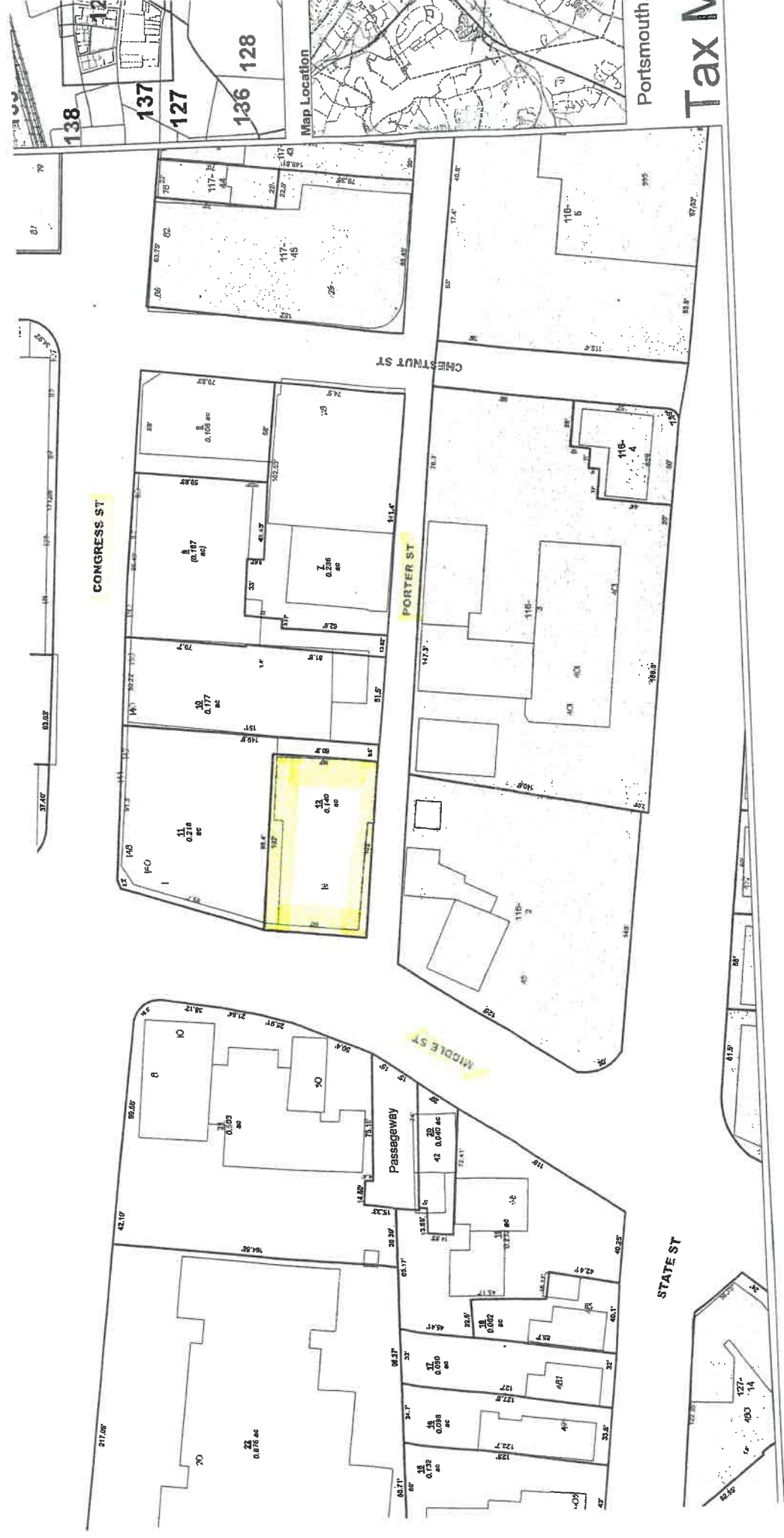
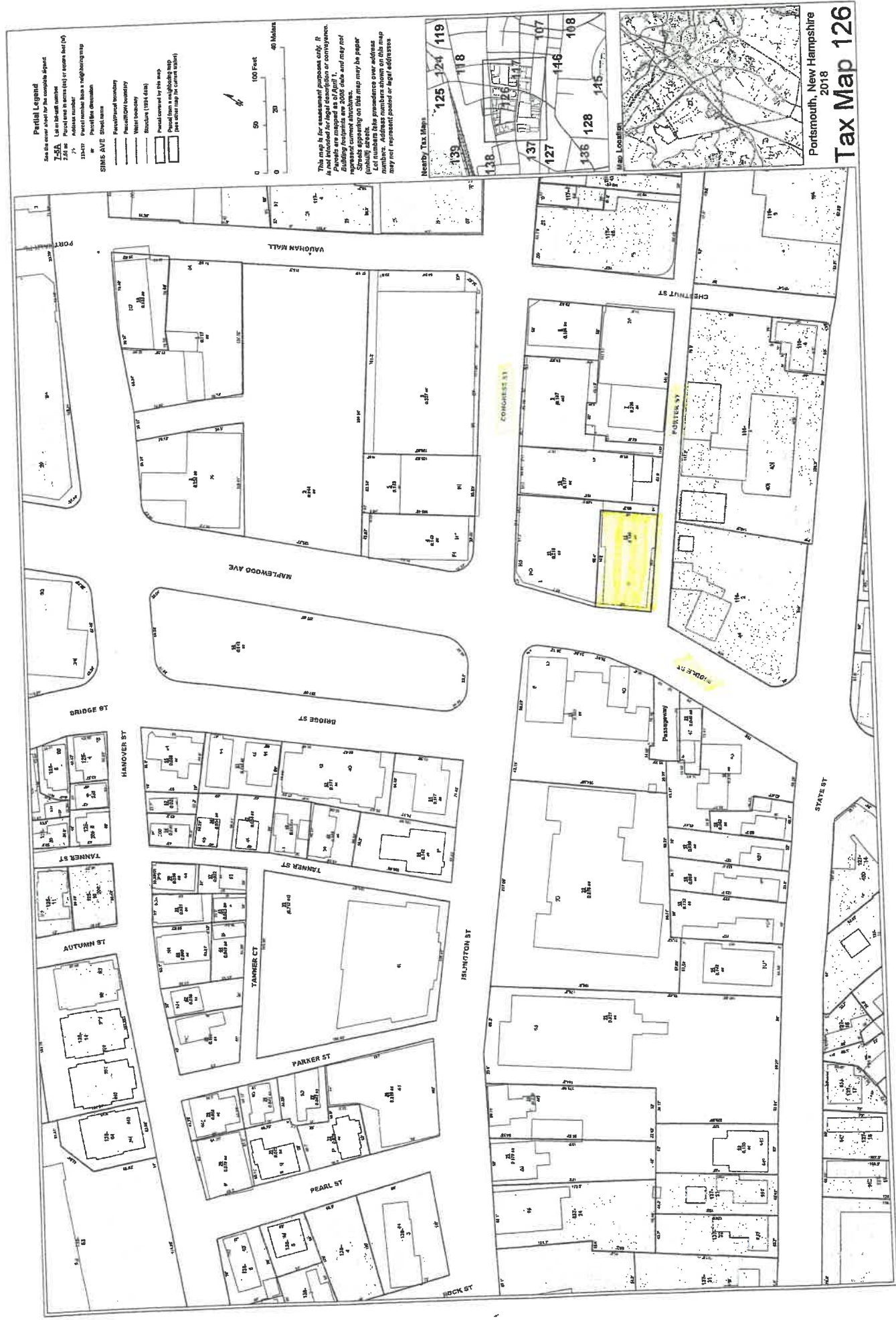
We will need to add a shed dormer to the East, Music Hall side of the rear wooden structure, again set back from the wall line by 2'. This would have clapboard siding to match the rear building. The new dormer windows would be all wood, Milestone Series, from Green mountain windows.

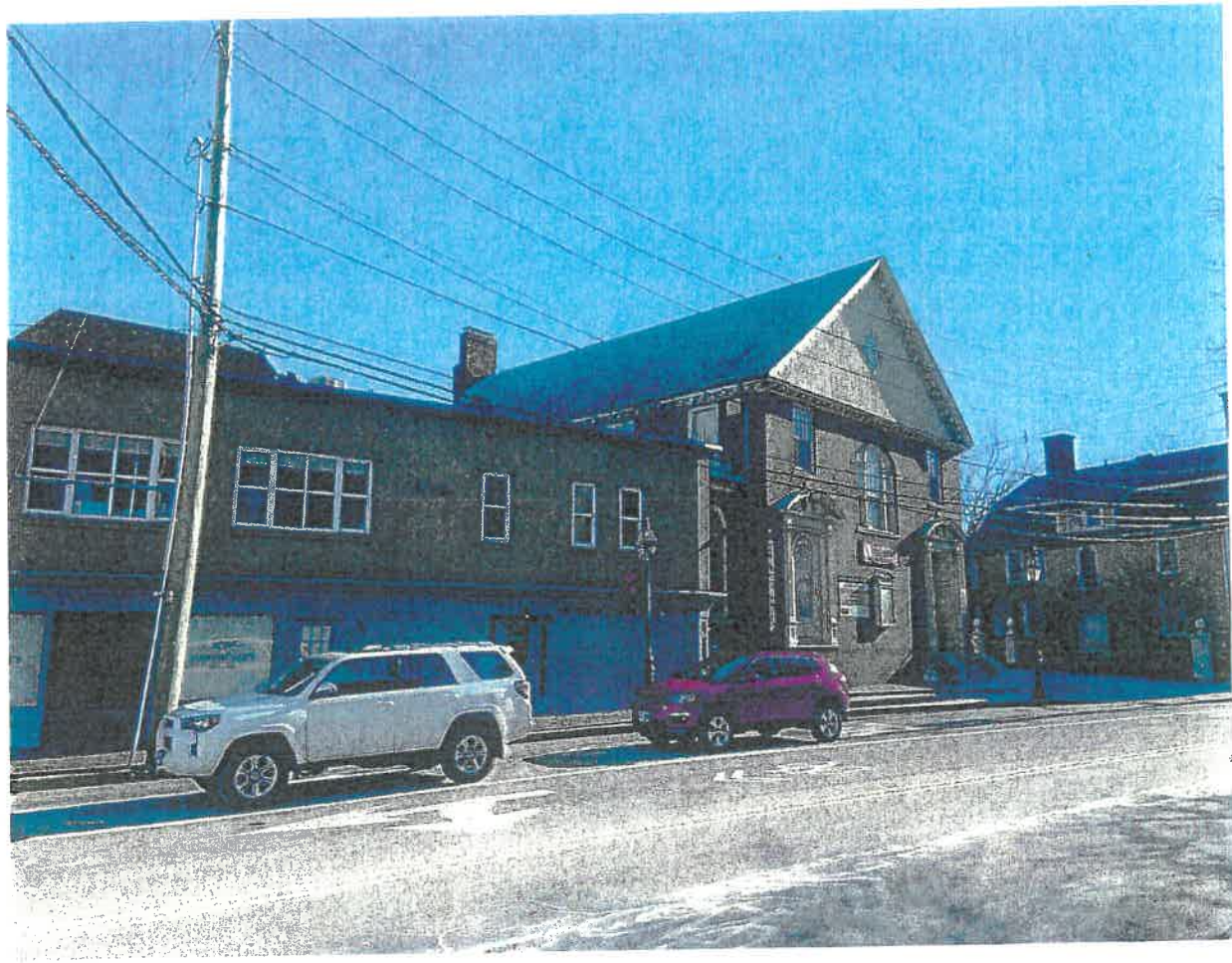
Portions of the wood structure will require a fire resistant substrate and noncombustible trim and siding, to be negotiated with the Code office.

A new wood and glass door would replace the existing steel door to Porter St..

We would also add a 42", balustrade, to the 2nd Floor flat roof portion that faces Congress St. and One Middle St. roof. This would be typical steel, fire escape style, painted black.

It is intended to install exterior mechanical equipment (condensers, heat pumps and such) on the roof of One Middle St. (easement to be created). Other utility work is likely to be undertaken to "simplify" existing supply lines.

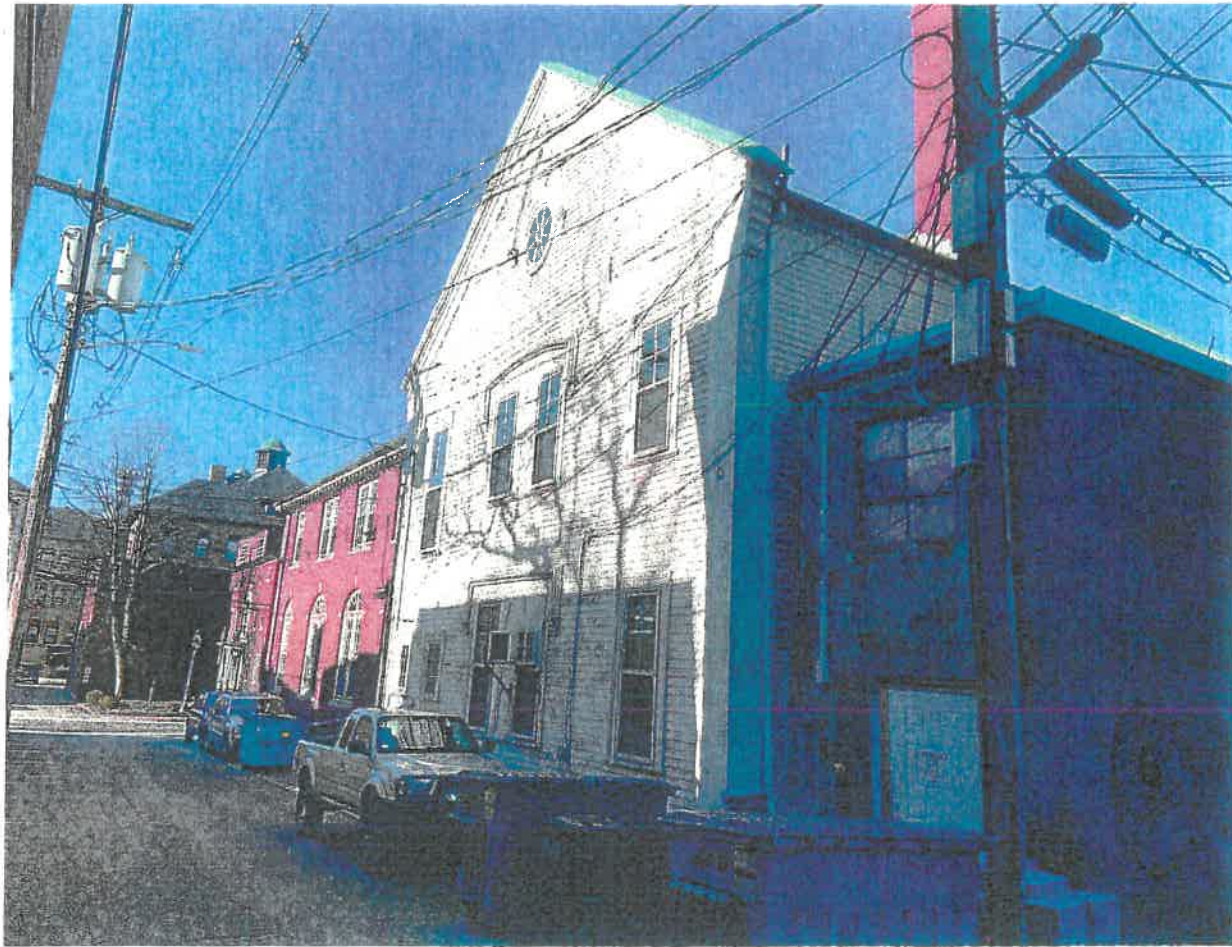




VIEW FROM MIDDLE ST., LOOKING SOUTH EAST FROM CLOSER TO ISLINGTON ST.



VIEW FROM MIDDLE, LOOKING NORTH EAST & DOWN PORTER ST.



VIEW FROM PORTER ST., LOOKING NORTH WEST. NOTE CONCRETE BLOCK BUILDING, PART OF ONE MIDDLE ST.

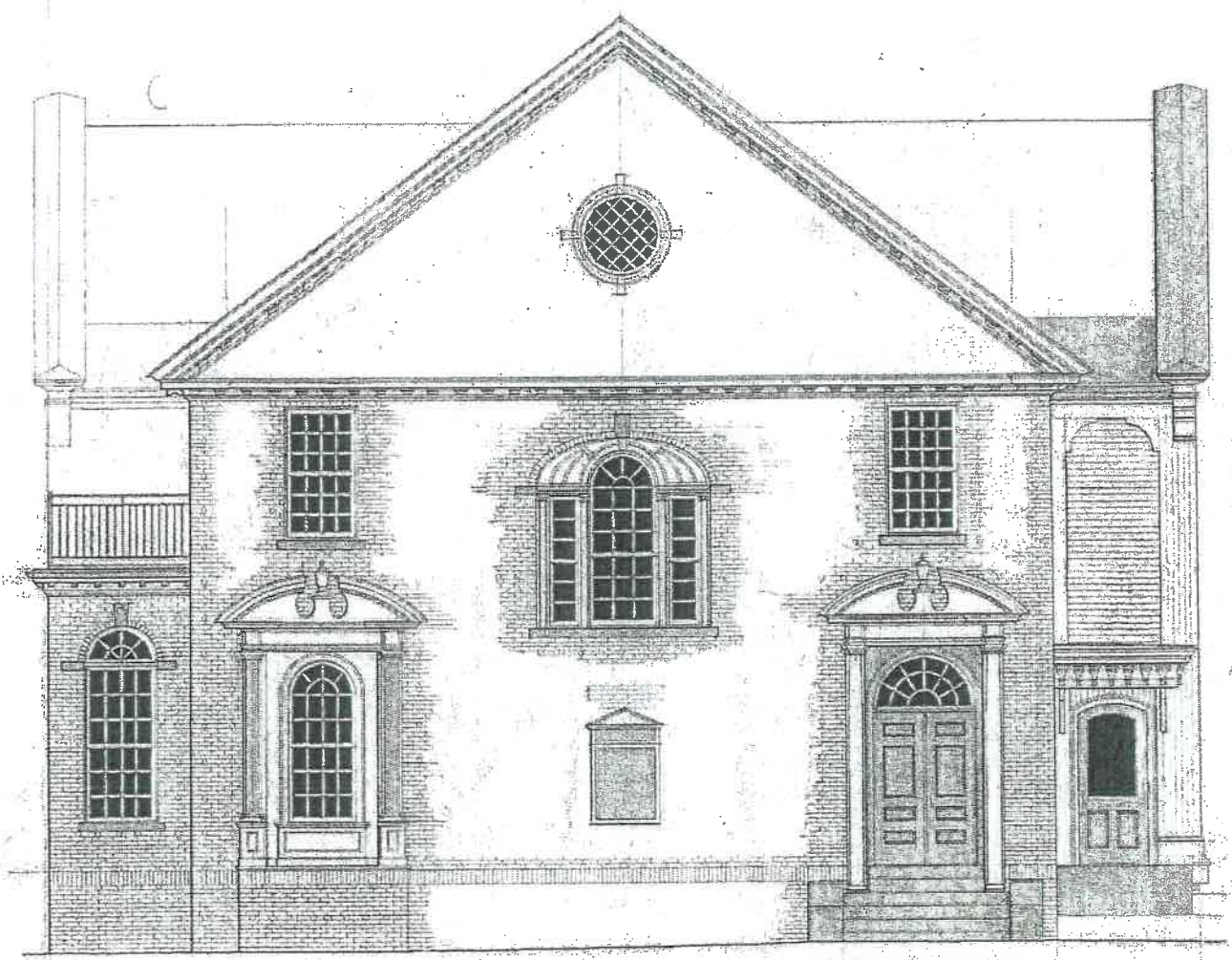


MIDDLE ST.,  
"GAP" TO 'ONE  
MIDDLE ST.'



"GAP" AT REAR OF WOOD  
STRUCTURE SEEN FROM  
PORTER ST.

Architect  
123 Main St.  
Portland, ME 04101  
Phone: 603-555-1234  
www.architect.com



EXISTING  
WEST ELEVATION  
(MIDDLE ST.)

TITLE: WEST ELEVATION

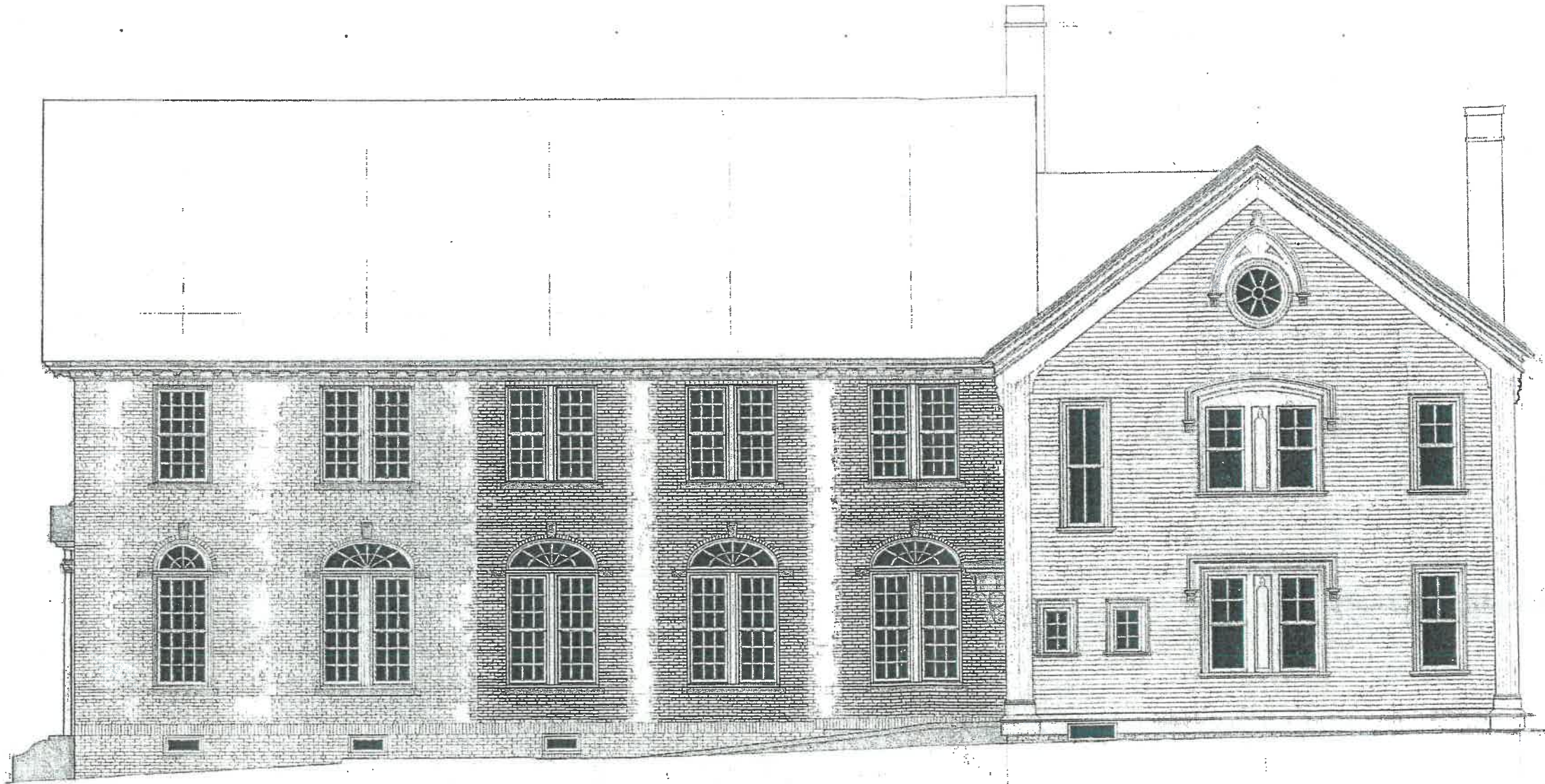
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DATE: 1.18.2014

REVISIONS:

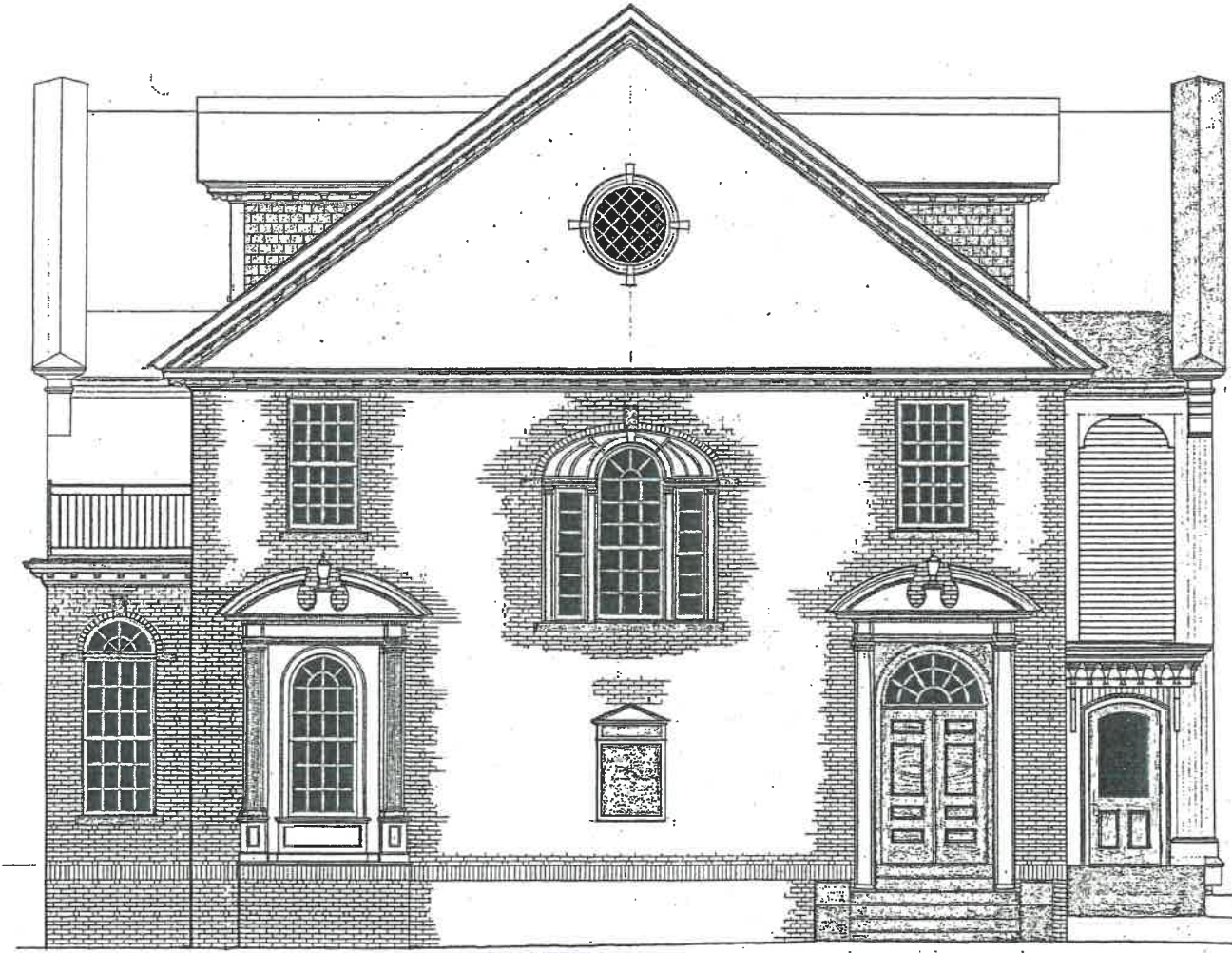
REMODEL & RENOVATION  
# 15 MIDDLE STREET,  
PORTSMOUTH, NH

Professional Seal  
Architect  
1000 N. 1st St., Suite 100  
Portland, ME 04101  
www.mehill.com



EXISTING  
SOUTH ELEVATION  
(FOLTER ST.)

REMODEL RENOVATION  
15 MIDDLE STREET  
PORTSMOUTH, NH  
TITLE: SOUTH ELEVATION  
SCALE: 1/4"=1'-0"  
DATE: 1/14/2019  
REVISIONS:



PROPOSED  
WEST ELEVATION  
(MIDDLE ST.)

TITLE: WEST ELEVATION  
SCALE: 1/4"=1'-0"  
DATE: 1.14.2019  
REVISIONS:

REMODEL + RENOVATION  
# 15 MIDDLE STREET,  
PORTSMOUTH, NH.

SHARON L. HARRIS  
ARCHITECT  
1000 W. 10th Street  
PORTSMOUTH, NH 02871  
603.882.1111  
www.sharonlarris.com



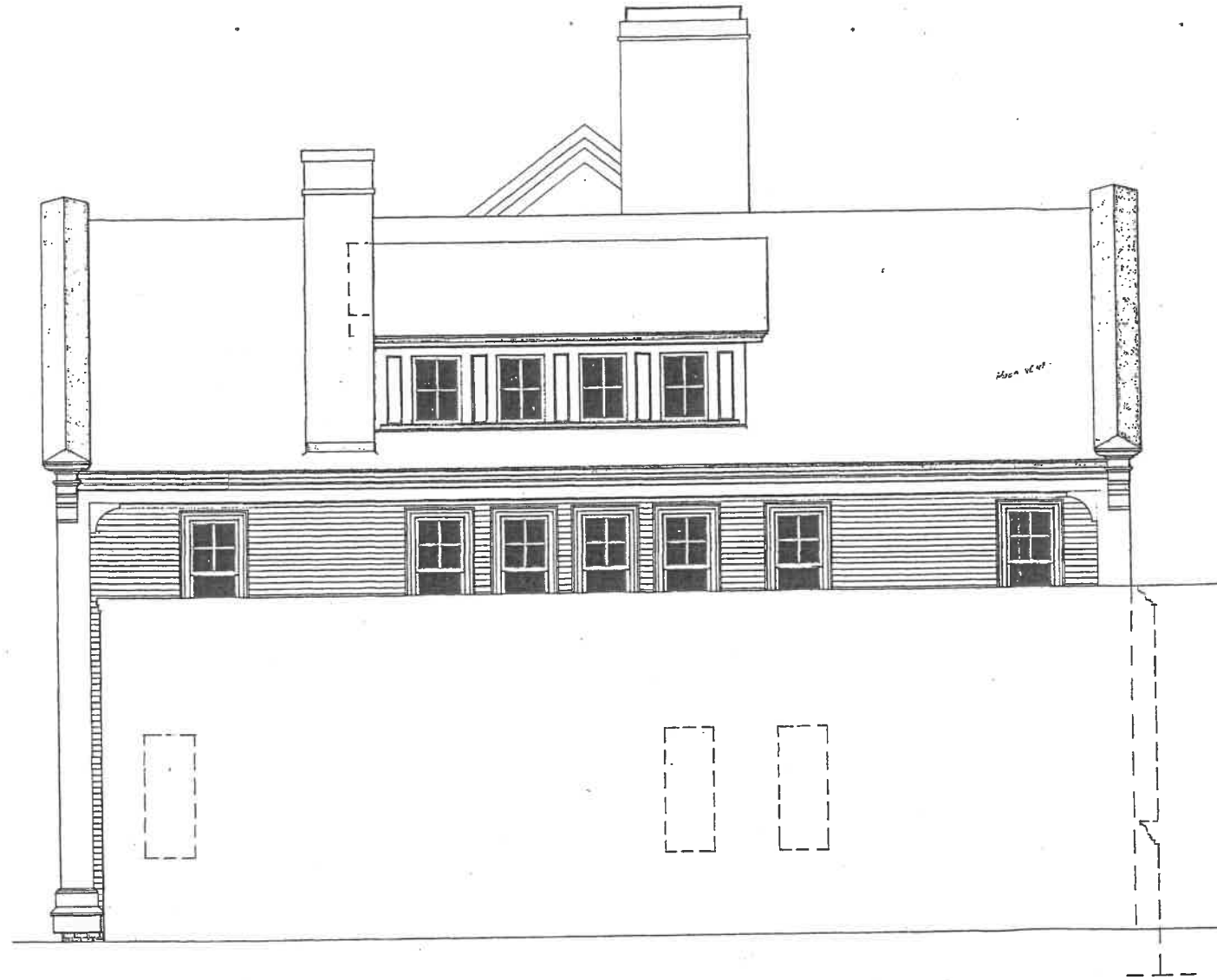
PROPOSED  
SOUTH ELEVATION  
 (PORTER ST.)

Brandon McNamee  
 10 Deer Drive  
 2016, NH 03063  
 603.479.3321 Phone & Fax  
 brando@brandonmcnamee.com  
 BrandonMcNamee.com

TITLE: SOUTH ELEVATION  
 SCALE: 1/4"=1'-0"  
 DATE: 1.14.2019  
 REVISIONS:

REMODEL + RENOVATION  
 at 15 MIDDLE STREET,  
 PORTSMOUTH, NH





PROPOSED  
EAST ELEVATION  
 (MUSIC HALL)

TITLE: EAST ELEVATION  
 SCALE: 1/4" = 1'-0"  
 DATE: 1.14.2019  
 REVISIONS:

REMODEL + RENOVATION  
 at 15 MIDDLE STREET,  
 PORTSMOUTH, NH.

BRANDON ARCHITECTS  
 1000 1/2  
 1000 1/2  
 1000 1/2  
 1000 1/2  
 1000 1/2



PROPOSED  
NORTH ELEVATION  
(\*1 MIDDLE ST, JUMPIN' JAYS FISH CAFE PROFILE)

TITLE: NORTH ELEVATION  
SCALE: 1/4"=1'-0"  
DATE: 1/14/2019  
REVISIONS:

REMODEL + RENOVATION  
#15 MIDDLE STREET,  
PORTSMOUTH, NH