

RE: APPLICATION OF  
ROBERT VACCARO

411 Middle Street

APPLICANT'S NARRATIVE

I. **THE PROPERTY**

The applicant is the owner of 411 Middle Street in Portsmouth, New Hampshire. The property is shown as lot 2 on tax map 135 and consists of a .46 acre lot in the MRO zone.

Located on the lot is a large multi-family building with a connected carriage house constructed circa 1860.

In 2001, variances were granted by the Board to allow six dwelling units in the structure. Presently the building contains 17 bedrooms and 11 bathrooms. There are a total of 10 kitchens or kitchenettes on site. The present number of occupants is 19.

II. **THE PROPOSAL**

The applicant proposes to reconfigure the six (6) apartments into eight (8) apartments, a use which is allowed by special exception in the MRO zone when the dwelling existed on January 1, 1980 and there is less than the required lot area per dwelling unit. (Article 10.441.60)

The provisions of Article 10.812 set forth the additional requirements for conversion.

Article 10.812.11 requires no exterior change to the building except for code requirements. There will be no exterior changes to the building other than those required by code.

Article 10.812.12 requires compliance with the open space requirement.,There is well in excess of the required 25% Open Space (approx.. 50%) The building coverage requirements of 40% max are met as there presently is building coverage of 17.5% which will not change. There are presently 9 parking spaces on site which meet the requirements for the proposed 8 units, however 2 visitor spaces are required, and thus applicant is seeking a Conditional Use Permit for these 2 spaces.

Article 10.812.13 requires 1,500 sq. ft. of lot area per dwelling unit in the MRO district the proposed 8 units would result in a lot area per dwelling unit of over 3,000 square feet per unit.

III. **ARGUMENT**

The applicant's proposal meets all requirements of Article 10.812.

- A. There will be no exterior changes to the structure unless required by building or fire code.
- B. Open space of approximately 40% exceeds the 25% required.
- C. Building coverage of 17.4% is far less than the 40% allowed.
- D. There are nine (9) parking spaces which meet the requirement of the ordinance for the eight (8) proposed units.

The special exception requirements of Article 10.232.20 are met by the applicant's proposal.

- A. Article 10.232.21 – The use is permitted by special exception 10.440.
- B. Article 10.232.22 – The conversion within the structure will not create a hazard to the public or adjacent properties on account of potential fire, explosions or release of toxic materials. All building, fire and life safety codes will be complied with.
- C. Article 10.232.23 – The conversion will not cause a detriment to property values in the vicinity or change the essential characteristics of the neighborhood as all work will be within the existing structure. There will be no changes to landscaping, the parking area will remain as is, and there is no change of utilities or use which would increase the potential for release of smoke, gas, odor, dust or other pollutants. There will be no outdoor storage of equipment other than bicycles.
- C. Article 10.232.24 – The conversion will not create a substantial increase in level of traffic congestion in the vicinity. The two additional apartments will require only one additional parking space.
- E. Article 10.232.15 – There will be no increase in demand for municipal services due to the addition of the two apartments. There are presently no school children residing at the premises and the addition of two studio apartments will not change the demand for water, sewer, waste disposal or police and fire protection. The number of kitchens and baths will not change.
- F. Article 10.232.26 – Because there will be no changes to the site, no storm water runoff will change from that which presently exists.

#### IV. **CONCLUSION**

Because the applicant's proposal meets all the requirements for the conversion to eight apartments set forth in Article 10.812 and all the requirements for a special exception set forth in Article 10.232, the Board should grant the special exception as presented and advertised.

Respectfully submitted,

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Bernard M. Pelech, Esq.  
Attorney for Robert Vaccaro

## Owner's Narrative for Zoning Board of Adjustment Application (30 Dec 2020)

Dear Chairman and Members of the Zoning Board of Adjustment,

My name is Bob Vaccaro, the owner of 411 Middle St ("411") since 1999. 411 is a residential community with intentions around personal development, mutual support, health, and planet-friendly living in a beautiful and well-maintained setting - at an affordable price.

I am seeking to expand the number of legal dwelling units at 411 from 6 to 8 in order to permit most, if not all, of the current residents of 411 ("housemates") to continue living here. I'm confident the allowance of these two additional units (Apt 3A and Apt 5A) will not change 411's impact on the neighborhood because these units have been occupied for many years - without any complaints from neighbors. A complaint from a disgruntled former tenant (the first in 21 years) this past October triggered the inspection which has led me to request this special exception.

See **Exhibit A** for a site plan of the entire property with a graphic scale. See **Exhibit B** for floor plans, **Exhibit C** for photos of Apt 3A and **Exhibit D** for images of Apt 5A. See **Exhibit E** for the apartment square footages. Note that it's the two oversized apartments, Apt 3 and Apt 5, that we are dividing into a large apartment and a small apartment. Apartment 3 with 2467 sq ft is reduced in size by 530 sq ft (the size of Apt 3A) and Apartment 5 with 2589 sq ft is reduced in size by 633 sq ft (the size of Apt 5A).

I appreciate this opportunity to share my story.

You can see the earliest articulation of my vision for 411 in my February 1999 letter to the then owner of 411 Middle St. See **Exhibit F**. This early vision for 411, inspired by my grandmother's set-up, was an apartment house in which the residents of the carriage house apartment agree to share their extraordinary living room (except during this pandemic) with all the residents of 411. On our website, [www.411middlestreet.org](http://www.411middlestreet.org), you will see that this community room is one of the most beautiful living rooms in town, overlooking one of the most celebrated gardens (the creation of my partner, Dan). Along with our similarly-beautiful community porch, sundeck and several other outdoor seating areas, we provide hard-to-match opportunities for all the residents of 411 to gather and get to know each other.

Also on our website, check out the other tools for living that we provide the residents of our apartments; and the long list of agreements that they must abide by. In no small way these agreements help us attract housemates who resonate with our intentions. We support the Portsmouth Master Plan in several ways: 411 promotes diversity by offering housing for low and middle income residents; 411 promotes authenticity by protecting our historic mansion and its large open space; 411 promotes connectivity by offering housing with bicycle storage within walking distance to downtown. Furthermore, we offer our residents an opportunity to tread lightly on the planet with solar panels, mandated recycling and composting, and wood pellet heating.

You will likely have a number of questions about this application, which I will do my best to address in this narrative and at the upcoming Zoning Board of Adjustments meeting on January 19th, 2021.

**Question 1: Why should we allow a special exception to increase the number of dwelling units from 6 to 8?**

Over the last 21 years, I've implemented a model for affordable housing and intentional community that I believe Portsmouth needs to meet its often-discussed affordable housing challenges. We've seen our town become less affordable to those who work in town. At 411, we offer a unique package of amenities and nurture community at an affordable price. The backbone of Portsmouth's workforce, our residents include nurses, teachers, local grocery store workers, restaurant workers, entrepreneurs, Amazon drivers, and students. Many walk and bike to work, and several are completely car-free. Please see **Exhibit G**, a testimonial from a former housemate, and **Exhibit H**, a testimonial from a current housemate - to see how the 411 community is thriving.

**Question 2: It sounds like you have been renting these additional units (Apt 3A and Apt 5A) already. Why didn't you apply for this special exception years ago?**

When we applied in 2000 to expand the existing Apt 3 into the carriage house/barn, we were requested by the then Planning Director – and we agreed – to reduce the number of units from the existing 7 to 6. This meant giving up Apt 3A. Then in January of 2001, after the NH Supreme Court eased the definition of hardship when applying for a variance, our City Attorney advised us to apply to reinstate Apt 3A. Our application, however, was denied due to a neighbor's fear that our intentional community would create a parking problem. At the time, one neighbor's concern could trump the projected community benefits provided by 411. As the city has evolved to embrace in-town density, our request can now be granted through a special exception rather than a variance.

When my partner and I moved into 411, my son, Brian, moved with us. Brian suffered from schizophrenia and suicidal ideation, and we wanted to create a well-crafted living space with just the right balance of independence within a social framework of kind housemates. We created this balance for him first in a room within Apt 3A which morphed into an auxiliary unit within Apt 3. And later, we created a larger studio (Apt 5A) in the Apt 5 storage area for him. We rented out the other rooms in Apt 5 to people who we thought would be good company for Brian. One of them, Maura, became his girlfriend for several years. Brian survived and even thrived living at 411 for many years until his death in 2016.

**Question 3: What if we don't grant this special exception?**

If this special exception is declined, I have the option to sell 411. Most likely, a buyer would turn the home into 6 luxury condos, which is not what Portsmouth needs. Portsmouth has plenty of high-end condos that cater to out of towners looking for getaway homes.

**Question 4: Will the neighbors complain?**

I don't think so. I've been running 411 as an intentional community including renting out the two requested new units for many years now and we've never gotten a complaint from a neighbor. The requested special exception will not increase the number of people living at 411.

We also have strong relationships with our neighbors and expect they will support this special exception. We have transformed the exterior of 411 from the most run-down house on the street (**Exhibit I**) - note not one storm window - to the showcase it still is today (**Exhibit J**). I suspect they appreciate this.

**Question 5: When Bob retires or dies, will 411 become a glorified boarding house and reduce the neighborhood's property values?**

I understand that this could be a key concern but it would not make financial sense for a buyer to turn 411 into a boarding house. We have transformed 411 into a beautiful home with a high retail value. We will continue to maintain the property at a high standard. Any buyer would either rent the units as high-end apartments at market rate or package them as condos for sale. In either case, it will not become a boarding house.

**Question 6: What about parking? Will that be an issue?**

First of all, the parking requirement has eased recently. Small apartments like the six we can have with your approval require only 1 space per unit and our two large units require only 1.3 spaces per unit. If you can allow guests to park on the street, our requirement would be exactly the number of off-street parking spaces we have in our parking area - nine (**Exhibit K**)! See **Exhibit L** for our parking requirement calculation. We are hopeful that if you approve our special exception request, we can make a strong case that there is plenty of street parking in our section of Middle Street for overflow parking. The city's parking analysis shows ample parking on Middle Street, especially in our segment of the street (Segments 5 and 6 in **Exhibit M**). On a representative Spring evening, 9 of the 27 existing spaces were occupied. This is not surprising because where we are located in a Mixed Residential Office zone, there is a good balance between offices that need on-street parking during the day and residences like ours that generally need on-street parking at night. See **Exhibit N**. There is usually plenty of on-street parking spaces for any overflow from 411. I will also note that except for the Masonic Temple and the Margeson Apartments, we at 411 have more off-street parking spaces than any other house or office on the street.

**Question 7: How are you addressing the health and safety issues the City Inspectors cited?**

We are quickly addressing the health and safety concerns cited by the City's Inspectors. Improvements already made include electrical upgrades, exit signs, and new smoke and carbon monoxide detectors. See **Exhibit O** (log of code compliance events) for details. We have also committed to installing two additional fire-rated doors and an automatic sprinkler system.

Thank you for your serious consideration of our application,

Sincerely,



Robert L Vaccaro



**NOTES:**  
 1) PARCEL IS SHOWN ON THE CITY OF PORTSMOUTH ASSESSOR'S MAP 133 AS LOT 2.  
 2) OWNER OF RECORD:  
 ROBERT VACCARO  
 482 LINCOLN AVENUE  
 PORTSMOUTH, N.H. 03801  
 3387 / 1608  
 3) PARCEL IS NOT IN A FLOOD HAZARD ZONE AS SHOWN ON FIRM PANEL 330136 0016 B. MAY 17, 1982.  
 4) EXISTING LOT AREA:  
 20,070 S.F.  
 0.4607 ACRES  
 5) PARCEL IS LOCATED IN THE UNITED RESIDENTIAL OFFICE (URO) DISTRICT AND THE HISTORIC DISTRICT A (HDA) OVERLAY.  
 6) PARCEL IS SERVED BY MUNICIPAL SEWER AND WATER.  
 7) DATUM: 1928 NGVD MEAN SEA LEVEL  
 8) BENCHMARK USSS DISC N31-1945, CORNER MIDDLE STREET & MILLER AVENUE AT MASONIC TEMPLE. ELEVATION 21.31.  
 9) OFFSETS SHOWN HEREON ARE TO BUILDING FACE AND ARE PERPENDICULAR TO BOUNDARY LINES.  
 10) PARCEL IS SUBJECT TO A 10 FOOT EASEMENT AND RIGHT-OF-WAY (ALONG THE STREET RIGHT-OF-WAY LINE) TO THE CITY OF PORTSMOUTH, RCPO 1708 / 33.

**DEED REFERENCES:**  
 1238 / 1450  
 RP 1857 / 1381  
 1238 / 489  
 1238 / 122  
 1238 / 122  
 840 / 57  
 816 / 133  
 845 / 66  
 RP 25000  
 RP 10334  
 485 / RP 6272  
 426 / 38  
 401 / 1

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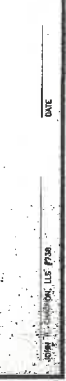
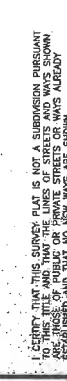
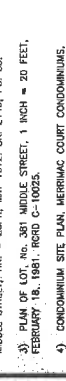
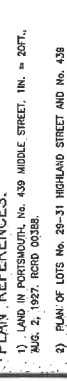
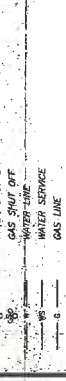
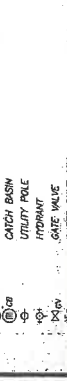
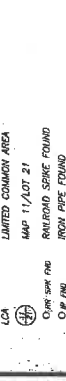
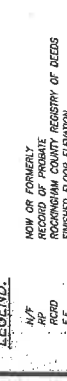
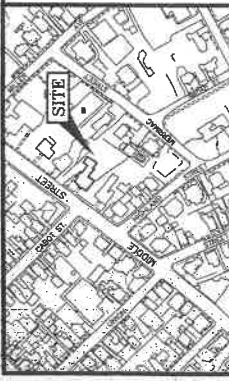
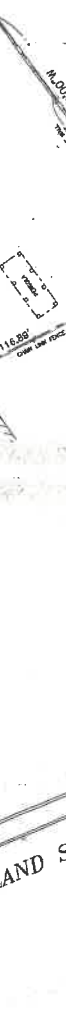
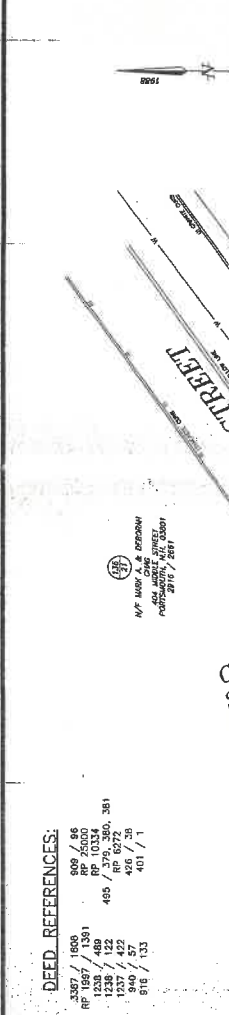
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**ISSUED FOR COMMENT**  
 5/9/01

**CONDOMINIUM SITE PLAN**  
**411 MIDDLE STREET**  
**CONDOMINIUM**  
 FOR  
**ROBERT VACCARO**  
 MAP 135 - LOT 2  
 411 MIDDLE STREET  
 PORTSMOUTH, N.H.  
 COUNTY OF ROCKINGHAM

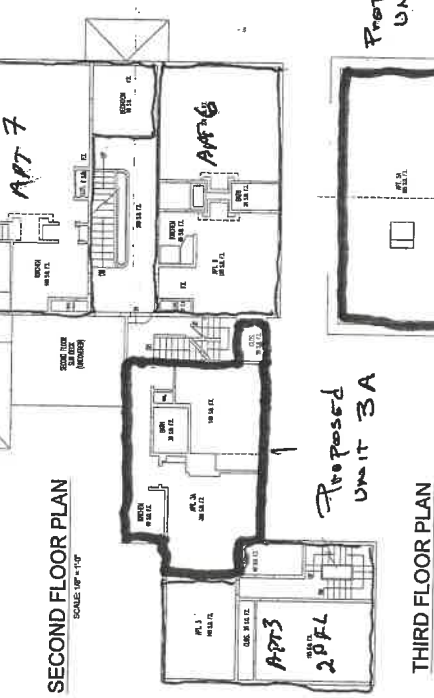
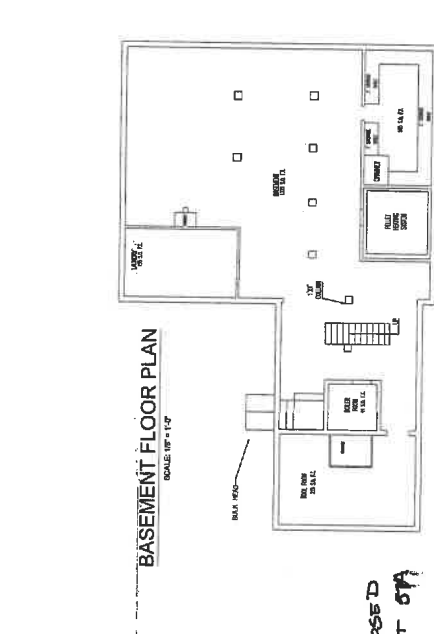
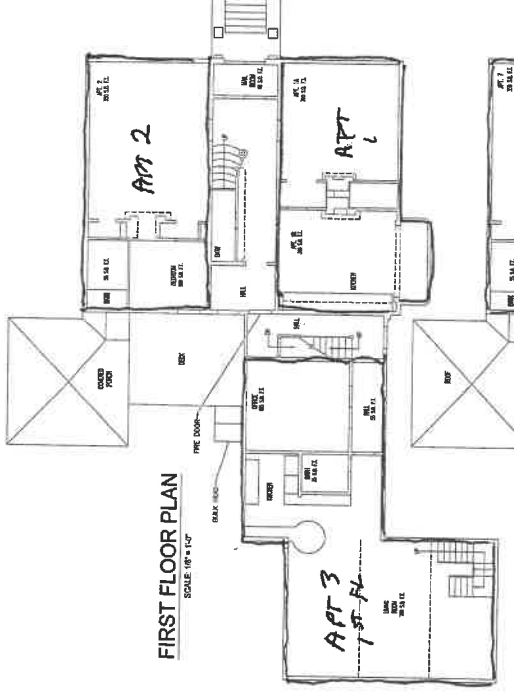
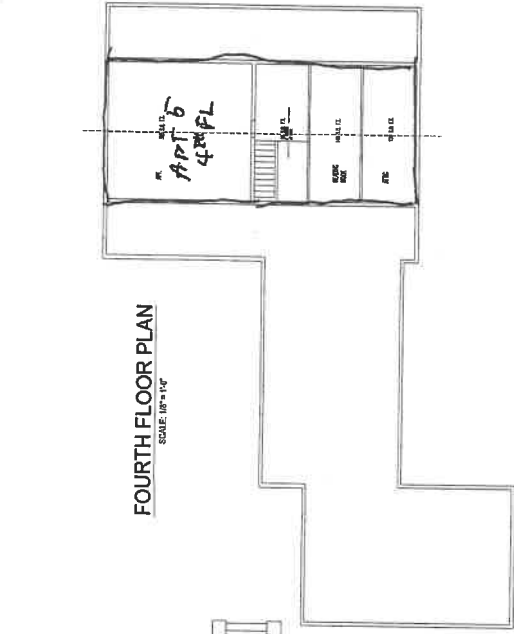
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 APR 2001  
 79 83 86 31

JOHN B. CHAMBERLAIN, LICENSED LAND SURVEYOR, HEREBY CERTIFY:  
 A) THAT THIS SITE PLAN ACCURATELY DEPICTS THE LOCATION AND DIMENSIONS OF THE IMPROVEMENTS SHOWN HEREON.  
 B) THAT SAID UNITS 1, 2, 3, & 4 HAVE BEEN SUBSTANTIALLY COMPLETED, AND COMPLETION OF THE UNITS IS IN ACCORDANCE WITH THE PROVISIONS OF RSA 358-B:20.

THIS PLAN IS A CONDOMINIUM INSTRUMENT UNDER RSA CHAPTER 358-B AND IS NOT A SUBDIVISION OF LAND.

I CERTIFY THAT THIS SURVEY PLAN IS NOT A SUBDIVISION PURSUANT TO THE STATE OF NEW HAMPSHIRE. THE LINES OF THE STREETS AND WAYS SHOWN ON THIS PLAN ARE BASED ON THE LATEST AVAILABLE AERIAL PHOTOGRAPHS AND THAT NO NEW WAYS ARE SHOWN.

DATE: \_\_\_\_\_ DATE: \_\_\_\_\_



411 MIDDLE STREET  
PORTSMOUTH, NH

SCALE: 1/8" = 1'-0"  
DRAWN BY: [blank]  
DATE: 12/21/2020  
PROJECT: [blank]  
SHEET NUMBER: 2081  
SHEET NUMBER: [blank]

**SPRINKLER INFORMATION**

SPRINKLER TYPE: [blank]  
SPRINKLER RATED: [blank]  
SPRINKLER SPACING: [blank]  
SPRINKLER TYPE: [blank]  
SPRINKLER RATED: [blank]  
SPRINKLER SPACING: [blank]

**LEGEND**

○ OPENING  
□ WALL  
▭ DOOR  
▭ WINDOW  
▭ GLASS DOOR  
▭ GLASS WINDOW  
▭ GLASS PARTITION  
▭ GLASS CURTAIN WALL  
▭ GLASS SKYLIGHT  
▭ GLASS ROOF  
▭ GLASS BALCONY  
▭ GLASS PORCH  
▭ GLASS TERRACE  
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▭ GLASS CANOPY  
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▭ GLASS AWNING

**ADAMS**  
1000 W. 10th Street  
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Fax: 603-761-1235  
www.adams.com

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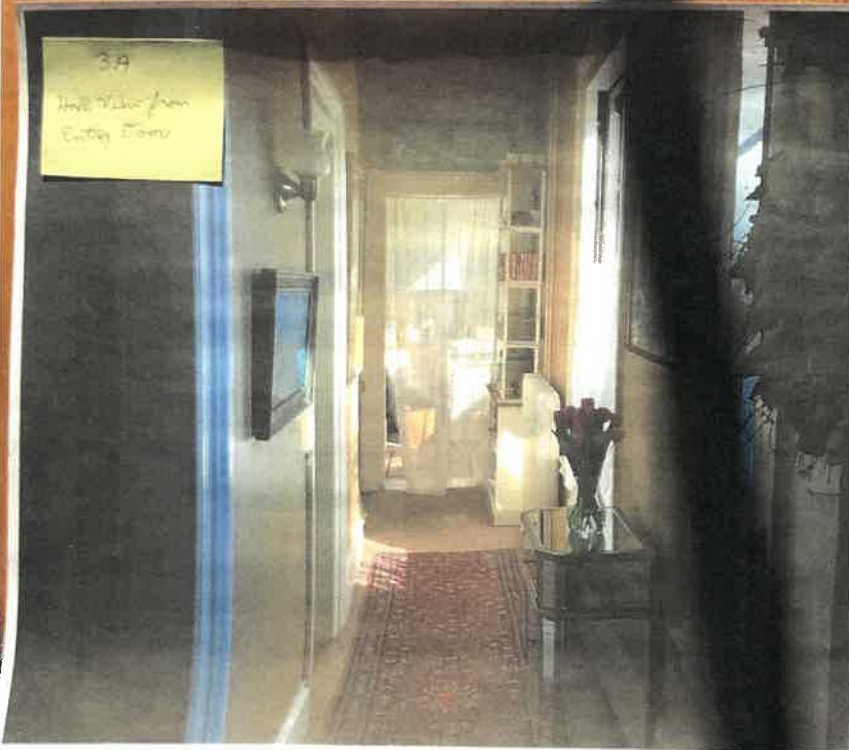
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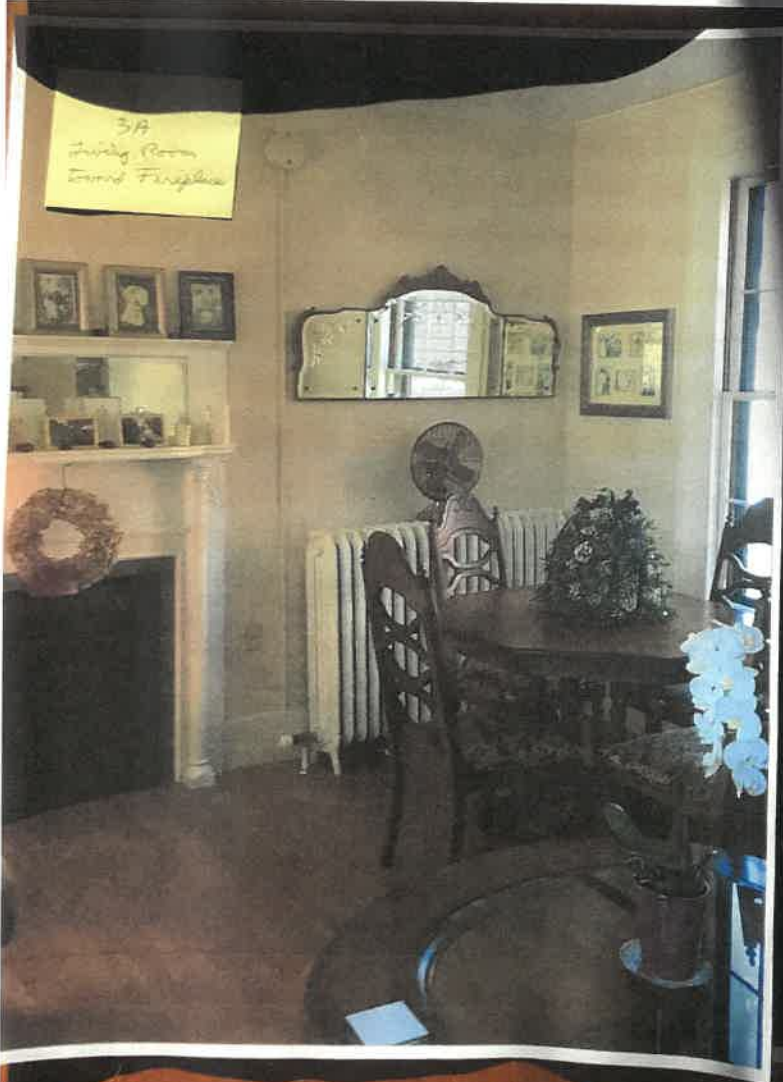


3A  
Hall view from  
Entry Door

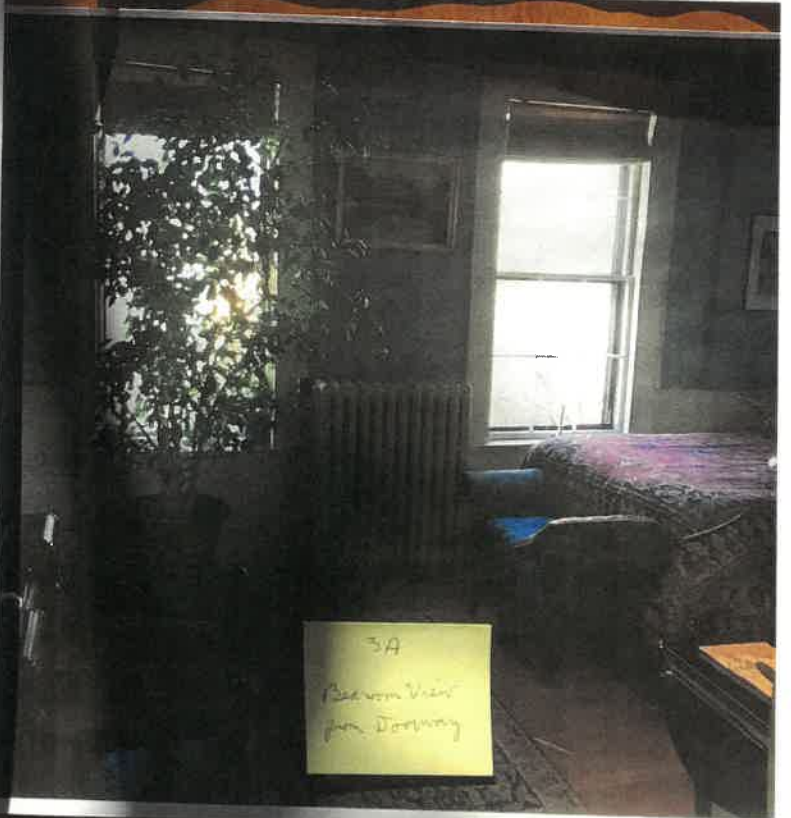


3A  
Kitchenette

C



3A  
Living Room  
Dinner Fireplace



3A  
Bedroom View  
from Doorway



D



5A  
Bed Area





E

## 411 – Apartment Square Footage

	8 Units		6 Units
Apt 1	620		620
Apt 2	555		555
Apt 3	1937	}	2467
Apt 3A	530		
Apt 5	1956	}	2589
Apt 5A	633		
Apt 6	527		527
Apt 7	601		601
	_____		_____
<b>Total</b>	<b>7359</b>		<b>7359</b>

A Place to Be  
4 Greenleaf Woods Drive  
Portsmouth NH 03801  
603-431-0011



Home  
462 Lincoln Avenue  
Portsmouth NH 03801  
603-430-4013

with

**Bob Vaccaro**

24 February 1999

Jonna Casey  
Trustee  
Estate of Fanny Reed



Dear Jonna,

As you and your family consider my offer to purchase your grandmother's Portsmouth home, I would like you to take into account this information about me and my vision for the building.

I grew up in the third floor apartment of my grandparents homestead where my grandmother lived on the first floor until she died when I was 12. Our family of 16 cousins reluctantly sold the property in 1996. Since we all spent a large amount of time in that house and in that neighborhood throughout our lives, I can understand your attachment to your grandmother's house. Also, my sister and I sold my mom's house in 1997. In both cases we found buyers whom we felt deserved the opportunity to own and manage these homes.

My vision for your grandmother's house is to expand apartment #5 into the barn and to create in that unit a large communal kitchen/dining/gathering room for all the residents of the house, and to live in the barn area with my partner who has been an architectural and landscape designer for over 20 years. I expect that apartments #1 and perhaps even #6 might revert to individual grand rooms (without kitchens) with access to the common area and that another kitchened unit could be added in the attic. I also envision a communal garden and crafts studio/workshop in the basement. I hope to sell at least 4 of the units as condos after upgrading the exterior (including storm windows). Then the property will have a stronger financial base to continue as a residence. Perhaps some of the current residents would want to participate in this vision.

This year marks 20 years that I have lived in Portsmouth where my wife and I raised three children and where I have had three businesses/careers. I now teach 11 yoga classes per week and manage financial investments. The enclosed article discusses my last career shift. For the last three years I have shared my Lincoln Avenue home with 2-3 room-mates gaining additional communal living experience. We have been scouting for a house like your grandmother's for about a year now and even before I saw the for sale sign, Dan and I had pin-pointed your Middle Street house as ideal. It's handsome, well-built, well-located with the potential for a fabulous garden.

Thank you for considering my offer favorably.

Sincerely,



Robert L. Vaccaro

# Management Inside Out

SEATED ON A COMFORTABLE MAT ON THE FLOOR OF HIS SUN-WASHED STUDIO on the outskirts of Portsmouth, New Hampshire, yoga therapist Bob Vaccaro sips herbal tea and retraces the unlikely route that has brought him here. It is a late spring day, and the sound of birds singing outside an open French door provides a tranquil background for a conversation that is as much about Vaccaro's inner journey over the last 25 years as it is about his career path.

"I went to Harvard in part because I didn't like the way the 'establishment' was running the country," recalls Vaccaro, a Phi Beta Kappa graduate of Brown University, where he majored in engineering. "I thought I would work my way to the top and change things.

"What I've come to realize now," he continues quietly, "is that you don't necessarily have to be at the 'top' to make a difference."

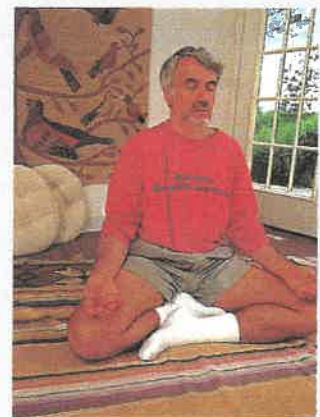
After graduation and a succession of jobs that included a tour of duty in the Air Force, in 1982 Vaccaro turned the profits from the sale of a successful entrepreneurial venture into seed money for Beacon Health, the first HMO to serve New Hampshire's seacoast area. "The idea of starting a business that would benefit my wife and kids and other families in our community appealed to the idealist in me," he notes.

Beacon's membership grew steadily. By the late 1980s, Vaccaro was running a \$4-million-a-year

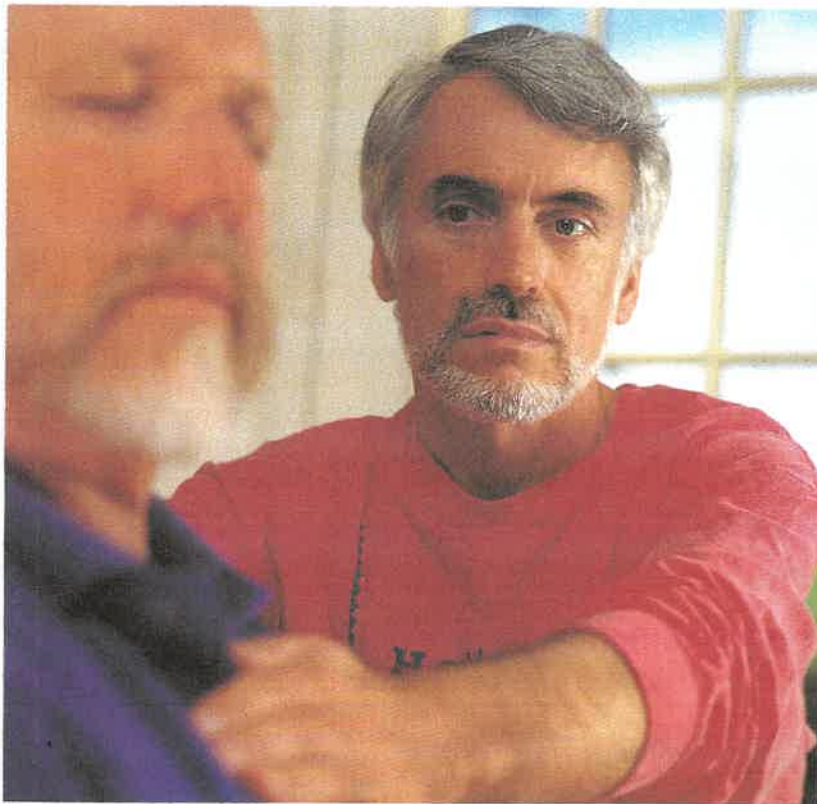


business. About that time, however, an unexpected change in medical directors created enough turmoil to spell financial disaster for the organization and force its sale, at a cut-rate price, to a larger HMO.

This crushing experience left Vaccaro, who had previously explored various kinds of yoga and conventional stress-relieving therapies, with an acute sense of the interplay of spiritual, physical,



and emotional realities. "My muscles actually felt bruised," he says. "I needed to take some time to heal." That healing process drew him in the direction of alternative health care and included extensive training in yoga, meditation, and spiritual psychology.



ED MALINSKY

Vaccaro was especially attracted to Phoenix Rising Yoga, which combines elements of traditional “talking” therapy with yoga postures that are achieved and held with the hands-on assistance of a therapist who helps the client go far enough into the posture to feel an “edge.” “If ‘ten’ represents an unbearable sensation, a ‘seven’ is the edge,” explains Vaccaro, who has been a certified Phoenix Rising Yoga Therapist since 1993. “The experience of pushing your body to the brink of an uncomfortable physical sensation often triggers thoughts and feelings that shed light on the problems you are experiencing in daily life.” After exploring their reactions with Vaccaro, clients are often better able to reconcile the disparate forces in their lives.

“This kind of therapy gives you the potential for control—**to make a difference.**” not of events, but of your relationship to events,” notes Roy Rogosin, the founder and director of Portsmouth’s Seacoast Repertory Theater, who has been working with Vaccaro for over a year. “Bob has helped me realize that the chronic pain I feel in my neck is my subconscious clamoring for my attention to a ‘pain in the neck’ problem at work.”

Vaccaro says that he particularly enjoys working with managers. “Executives have so much influence over others that it’s essential for them to feel relaxed and centered when they’re making important decisions,” he explains. “And since I was one of them for twenty years, I feel that I understand their challenges pretty well.” — DEBORAH BLAGG



TO: Trevor McCourt  
FR: Stephanie Harzewski  
RE: Bob Vaccaro/411 Middle St.  
DT: 20 December 2020



I am writing on behalf of Bob Vaccaro of 411 Middle St., where I lived as a tenant in apartment 3A from the fall of 2011 to late spring of 2016. I moved because I purchased a condo on 663 State St., with an intent primarily to build equity, but as a neighbor, I've stayed in touch regularly with Bob and many of the present and former housemates, e.g., Paul Caswell, a current tenant, I met while I lived down the hall, and besides being a good friend, has served as my loyal cat sitter for almost ten years. Bruce Montville, a past tenant and general contractor, completed several exterior repairs for the condo association as well as installed a bathroom ceiling fan (other than the electrical wiring, which was performed by Regan Electric) in my unit. The point is, I have known Bob for nearly a decade, and each year have spent significant leisure and community-building time at 411 Middle St.

Now serving as a president of a four-unit condo association in an antique home conversion, I have a more realistic sense of the constant and substantial time, energy, and labor, that comes with maintaining a house of the size of grandeur of 411 Middle St, not to mention the care of its impressive grounds—the backyard has frequently been the site of the afterparty for the Unitarian Church Garden Tour fundraiser as well as hosted political candidates and numerous socially progressive nonprofits, not to mention the site for several weddings. Passerby note the elegance of the house and landscaping, and most would concur with their judgement, but now, a few years in having to work with the likes of Until, Hart Plumbing and Heating, Arta Masonry, The Window Doctor, East Coast Heating and Plumbing, numerous independent contractors, from woodworkers to plow persons, I look now with humility and quiet awe that a man Bob's age, on top of teaching yoga regularly, tirelessly serves as the steward of this historic residence and much-loved community gathering place.

In this spirit, "Slacker" and Bob Vaccaro are about as antithetical as they come in terms of descriptors! I remember his saying how the day is an exception if there is *not* something to be repaired or maintained at 411 Middle St., and that's partly because of the high standards to which he has developed and continues to take to the next level. But 411 Middle St. is not just old world-inspired opulence. It aligns deeply with the sustainability practices that make Portsmouth, NH, an eco-municipality. For instance, besides recycling, compositing, solar panels, and clothes lines, the backyard garden plots produce vegetables and herbs that feed the tenants and are seasonally shared with the whole house and dinner guests at monthly House Suppers. There is also filtered water available to reduce plastic bottles. In addition to these green practices, tenants are active participants in the upkeep of the house and its safety, whether lawn mowing or snow shoveling and ice melt applications. (My chore was to vacuum the back foyer and stairs.) Mind you, I did and still find the driveway not especially well engineered and would use part of the other side of the building to create a few more spaces, even if two. But I see now firsthand as a condo president of a self-managed association that it takes a veritable group of united people to maintain a house of this size to its standards. In this regard, Bob has created a sustainable model of task delegation, skill building, and teamwork.

Finally, 411 Middle St. has over the years enabled lower or middle-income earners to live in a beautiful property walking distance to town that normally would be too deep for their pockets, especially given the high prices of current Portsmouth rentals. Many tenants do not have a vehicle, whether to save money; a personal vehicle not being affordable at the moment; to their preference to biking (a bike shed is one of the eco-features of the building). I had too much anxiety around driving until I bought my first car at 38, in 2013, and was very grateful to be in walking distance to a Wildcat Transit as well as COAST bus stop. The property is equidistant with downtown and the West End so tenants without a vehicle have access to the essentials plus most of Portsmouth's cultural offerings. As Portsmouth becomes more and more gentrified, with housing stock walking distance to downtown out of reach for many, 411 Middle offers a unique nexus of comfort, community, and sustainability. In short, I see these principles as much aligned with that of Portsmouth's status as an eco-municipality and hope that city planners and 411 Middle Street can create fruitful collaborations and long-term dialogue.

Cordially,

Handwritten signature of Stephanie Harzewski.

Stephanie Harzewski

A yellow sticky note with the letter 'H' written in black marker.

Dec 28, 2020

Dear Chairman and Members of the Zoning Board of Adjustment,

My name is Sarah Clark and I'm a member of the 411 community. I moved back home to NH this summer to be closer to my family and was delighted when I saw a gorgeous, intentional community right in the town where I was moving. I have been so impressed with 411 and am the happiest here I've been in any living situation. I've lived and worked both abroad and around the US and have been a part of numerous communities. After living at 411 for a few weeks, my family came over for the evening and spent time with some housemates in the garden and witnessed me in this environment. At the end of the night, my stoic, reserved father had tears in his eyes and said, "Looks like you've found a home." I agree and I wish it were easier to communicate to someone not here with us how special this place is.

I can tell you that around three times a week a few of us gather in the evenings and play board games and the amount of laughter is my favorite part. Some of us have been trying to do yoga together in the living room every morning and often make that goal. This week, four of us fasted, two of us for the first time! We of course share many meals, thoughts, feelings and material possessions. Although these activities may sound simple, the level of harmony, affection, support and acceptance in this group is unlike anything I've experienced and in this healthy, harmonious space I've grown more in the last few months than in the last many years.

It isn't all fun and games though. Living this closely with others certainly brings up conflict and problems. I was wary of this at first as this is often where I've seen communities crumble. 411 has exceeded my expectations in this area as well. Enough members of the community, especially Bob, have done significant inner work and are able to navigate emotions and communicate in a healthy way. This stable foundation allows conflict to be handled respectfully and maturely, with skillful facilitators and mediators available in the house when needed. I'm passionate about healthy conflict resolution and am starting a training to become a certified mediator next month. I'm excited to expand my skills and use them to support our harmony here.

And of course, none of this would be possible without Bob. To me, Bob is an ideal combination of compassion and rationality. He's professional, organized, and takes immaculate care of the building and grounds. And he also is extremely generous and cares about every person living here and I feel so cared for by him. He handles all that comes his way gracefully, kindly and thoroughly and I regularly am appreciating that about him.

I know there are many things to consider. And although this testimonial has been all heart, I also have a strong foundation in rationality. I have a degree in Neuroscience, have worked for Harvard Medical School and ran global health clinical research projects in neurology for the Gates Foundation. While rationally considering all aspects of this application, I hope you find the capacity to also be affected by how special, important, and loved this community is and incorporate that piece into your decision-making process. Thank you for your consideration of our desire to all stay together as we are.

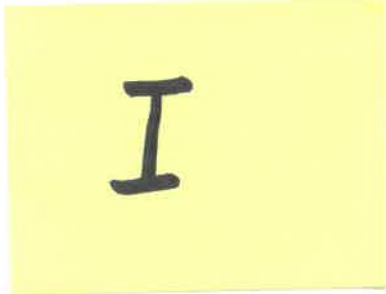
All my best,

Sarah

A handwritten signature in black ink, appearing to read 'Sarah Clark'.

# SHANLEY REAL ESTATE

2400 LAFAYETTE RD., POB 467  
 PORTSMOUTH NH 03802  
 Phone: 603 436-4808 Fax:



407 MIDDLE STREET

PORTSMOUTH \$525,000

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**DIRECTIONS:** SOUTH ON MIDDLE STREET, PROPERTY ON LEFT

### REMARKS:

WALK TO DOWNTOWN-MOULDINGS-PARQUET-MARBLE-GRACIOUS  
 APTS W/ HIGH CEILINGS & HUGE WINDOWS-PARKING-LARGE  
 YARD-UPDATED ELECTRIC SERVICE-HARDWIRED SMOKES &  
 FIRE RATED DOORS-ZONED FOR OFFICES-RESIDENCE-APTS  
 OWNERS FAMILY HAS RIGHT OF FIRST REFUSAL.

### FEATURES:

Parking : Onsite, 1-10Space, Garage, Paved	Driveway : Pv
Exterior : Clapbd	Foundation : Stone, Brick
Basement : Full, Unfinished, Bulkhd, Sump Pump	Roads : Pub
Roof : Slate	Sewerage : Pub
Water : Pub	Fuel : Oil
Wtr Heater : Oil	Electric : CirBrk
Heat Sys : HW	Financing : Other
Utilities : 110V	Lot Size +/- : 0.46 Acres
Misc. : FireSys	
Amenities : Storage	

### 3-Story, Dplx, Hist\_dst

#ofUnits : 7	YearBuilt : 1880
#1Bdrm/Eff. : 7	OwnerOcc : N
#2Bdrm : 0	#Parking : 7
#3Bdrm : 0	Garage : A
#Baths : 7	#Ranges : 7
#HtgUnit : 1	#Refrig : 7
#WtrHtr : 1	Taxes : \$7,403
FloodZone : U	TaxYear : 98-99
Seasonal : N	TaxReduction : N
Surveyed : U	SchoolDistrict :
Color : GREEN	Glaag +/- : 5400

### UTILITIES PER UNIT

Heat/Unit :  
 Water/Unit :  
 Electric/Unit :  
 Sewer/Unit :

### LISTING INFORMATION

Broker# : 3081	Map : U35	Today : 2/4/99
ListerInitials : 14759	Block :	MLS# : 558214
Zoning : MRO	Lot : 2	Status : C
WaterBody :	Book : 1238	SoldDate :
WaterFrtg+/- :	Page : 122	SoldPrice :

### RENTAL INCOME PER UNIT:

Unit 1 : \$595	Unit 4 : \$595
Unit 2 : \$595	Unit 5 : \$625
Unit 3 : \$575	Unit 6 : \$575
Gross Annual Income: \$48,720	

Subject to errors, omissions, prior sale, change or withdrawal without notice.  
 The agency whose name appears at the top of this page may or may not be the listing agency for this property.



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K



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## Parking Spaces Required Based on Size of Apartments

<b>Apartments</b>		<b>6 Units</b>	<b>8 Units</b>
<b>Apts Over 750 Sq Ft</b>	<b>Apt 3</b>	<b>1.3</b>	<b>1.3</b>
	<b>Apt 5</b>	<b>1.3</b>	<b>1.3</b>
<b>Apts 500 – 750 Sq Ft</b>	<b>Apt 1</b>	<b>1</b>	<b>1</b>
	<b>Apt 2</b>	<b>1</b>	<b>1</b>
	<b>Apt 3A</b>		<b>1</b>
	<b>Apt 5A</b>		<b>1</b>
	<b>Apt 6</b>	<b>1</b>	<b>1</b>
	<b>Apt 7</b>	<b>1</b>	<b>1</b>
		<hr/>	<hr/>
<b>Total Spaces Before Guest Spaces</b>		<b>7</b>	<b>9</b>
<b>Guest Spaces</b>		<b>2</b>	<b>2</b>
		<hr/>	<hr/>
<b>Total Spaces Required</b>		<b>9</b>	<b>11</b>

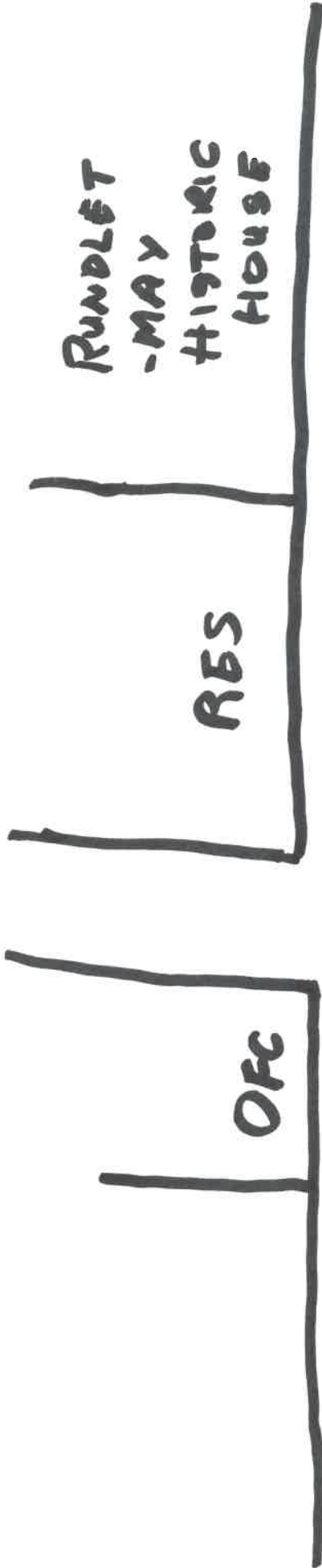


APRIL 17 AND 19, 2017

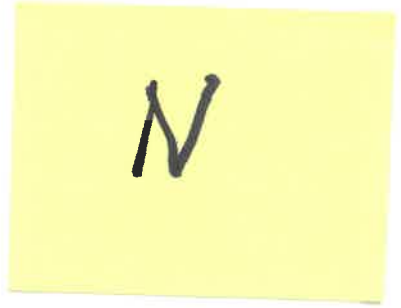
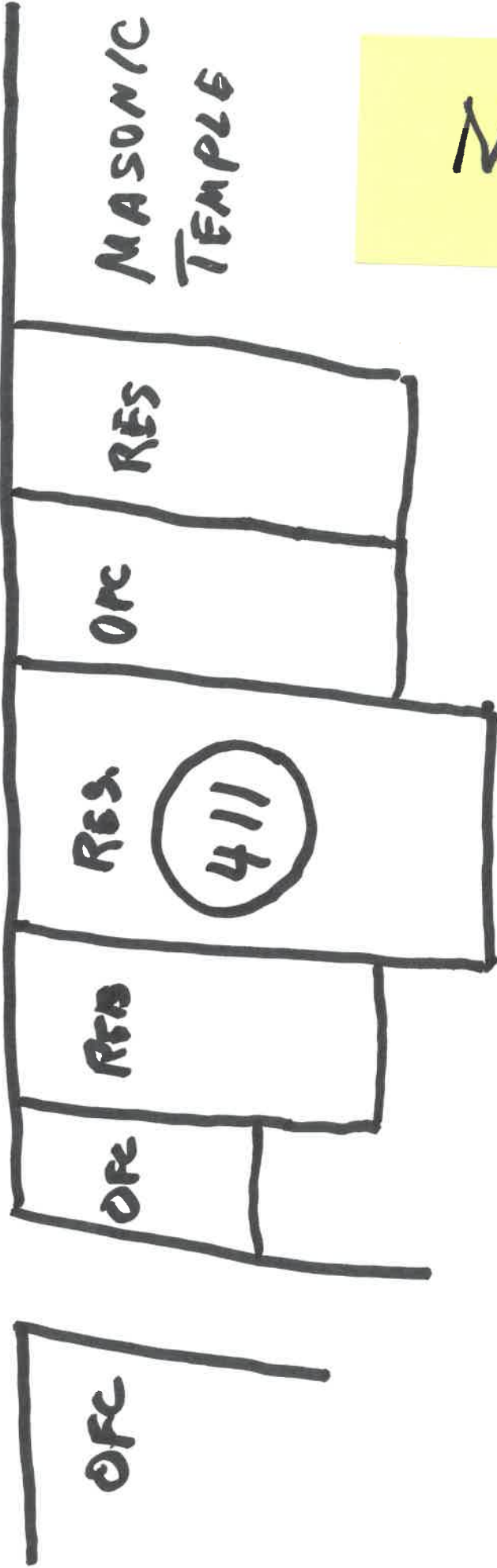
EVENING PARKING COUNTS

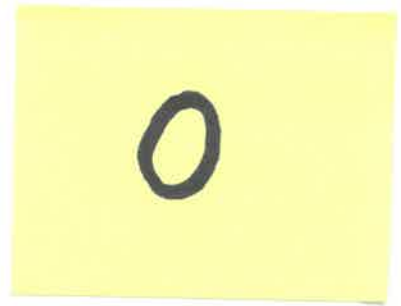


Segment	Street	Parking Supply		Parking Spaces Occupied (Evening)				
		Existing Parking Spaces	Proposed	6:30 to 7:30	7:30 to 8:30	8:30 to 9	Avg	Max
5	Middle St (Side A) btwn Summer and Cabot	14	14	1.3	1.0	1.0	1.1	2
6	Middle St (Side B) btwn Highland and Miller	13	10	5.0	2.5	4.7	4.3	7
7	Cabot St	7	7	3.7	3.0	5.0	4.0	7
8	Middle St (Side A) btwn Cabot and Union	7	3	5.7	5.0	6.3	5.8	7
9	Highland St	7	7	2.0	2.0	2.7	2.3	3
10	Middle St (Side B) btwn Union and Highland	4	0	1.7	4.0	3.7	3.0	4
11	Union St (east side)	6	6	2.0	3.5	3.3	2.9	4
12	Union St (west side)	2	2	0.0	2.0	1.0	0.9	2
13	Middle St (Side A) btwn Union and Madison	4	0	1.0	0.0	1.3	0.9	2
14	Middle St (Side B) btwn Wibird and Union	7	0	2.7	1.0	1.3	1.8	4
15	Madison St	7	7	0.0	0.5	0.0	0.1	1
16	Middle St (Side A) btwn Madison and Cass	10	9	1.7	2.0	1.3	1.6	3
17	Wibird St	6	6	0.0	0.0	1.0	0.4	2
18	Middle St (Side B) btwn Park and Wibird	11	0	0.0	0.5	0.0	0.1	1
19	Cass St	2	2	0.0	0.0	0.0	0.0	0
20	Park St	15	15	0.0	0.0	0.0	0.0	0
21	Middle St (Side A) btwn Cass and Aldrich	4	8	2.0	3.0	2.0	2.3	3
22	Middle St (Side B) btwn Park and Lincoln	23	0	0.7	0.0	1.0	0.6	1
23	Aldrich Rd	7	7	0.3	1.0	1.0	0.8	1
24	Middle St (Side A) btwn Aldrich and Lawrence	19	10	1.0	0.5	0.7	0.8	2
25	Lincoln Ave	7	7	1.3	0.5	0.7	0.9	3
26	Middle St (Side B) btwn Lincoln and Mendum	5	0	0.0	0.5	0.0	0.1	1
27	Lawrence St	12	12	0.0	0.0	0.0	0.0	0
28	Mendum Ave	8	8	1.7	0.5	1.7	1.4	2
29	Middle St (Side A) btwn Lawrence and Middle	16	0	0.0	0.0	0.0	0.0	0
30	Middle St (Side B) btwn Mendum and Willard	28	0	1.3	0.0	0.0	0.5	2
31	Middle St (Side A) btwn Middle and South	28	0	0.0	0.5	1.3	0.6	2
32	Willard Ave	11	11	0.0	0.0	0.3	0.1	1
33	Middle St (Side B) btwn Willard and South	10	0	0.3	1.0	0.7	0.6	1
34	South St	4	1	0.3	0.0	0.0	0.1	1
35	Middle St (Side A) btwn South and Greenleaf	38	0	0.0	0.0	0.3	0.1	1
36	Middle St (Side B) btwn South and Andrew Jarvis	39	0	0.0	0.0	0.0	0.0	0



MIDDLE STREET





# 411 – Log of Code Compliance Events

**10/16/20** City Officials, Jason Page (Code Enforcement Officer), Patrick Howe (Deputy Fire Chief) and Robert Marsilia (Chief Building Inspector) take cursory walkthrough of 411 uncovering numerous Fire, Life Safety and Building Code deficiencies.

**10/18/20** I called Beverly Kowalik PE, who had conducted a Building and Life Safety Code Review of 411 in November of 2017 – to re-visit 411 to note the recommendations I had implemented and those which still needed to be implemented.

**11/5/20** Impact Fire conducts annual inspection of fire alarm detection system in common areas as well as 7 fire extinguishers. All certified in good working condition.

**11/18/20** Zoom meeting with City Attorney Bob Sullivan and above City officials explaining order to return 411 to six dwelling units by end of day, Sunday, December 20<sup>th</sup>. After the meeting I requested by email that we be allowed to wait on any evictions until pandemic is over.

**11/19/20** I ordered 8 photoluminescent exit signs from Impact Fire.

**11/20/20** Sprinkler Installer, Joe Gobbi, of Gobbi Corp, tours 411 to develop a proposal for a supervised complete sprinkler system.

**11/23/20** Master Electrician, Brian Lewton, tours 411 and sees 1-2 days work to address electrical code violations; expects to get to 411 in 2 – 3 weeks.

**12/1/20** Sprinkler Installer, Jeff Denis of Life Safety Fire Protection Inc tours 411 to develop a proposal for a supervised complete sprinkler system.

**12/4/20** Letter from City staff attorney Trevor McCourt to my lawyer, Bernie Pelech, offering a path to an extension on evictions if I provide 1) affidavits from tenants searching for alternative housing, 2) certification from a fire protection engineer and 3) certification from a master electrician.

**12/7/20** Tenant affidavits emailed to City staff attorney Trevor McCourt: Andrew Godfrey 12/7, Christian McCormick 12/8, Michael Kean 12/9, Amy Porter 12/10, Chris Pease 12/11, Paul Caswell 12/14, Jacqi Drury 12/14, Lori Tanguay 12/15, Christian McCormick addendum 12/16, Amy Porter addendum 12/18, Stephanie Harzewski (former tenant) 12/20

**12/8/20** Letter from Deputy Fire Chief, Patrick Howe, asking that I provide a report from an approved Fire Protection Engineer within 30 days, detailing all deficiencies and proposed actions to be taken to address the deficiencies - including a timeline – asking that an acceptable plan be in place within 60 days. Evaluation should be based on both currently-approved 6 units and proposed 8 units.

**12/8/20** I sign the proposal for a Fire Sprinkler Proposal from Life Safety, to allow for design work to begin as soon as practical.

**12/9/20** Handyman, Jud Pitman, replaces all 10 detectors on the third and fourth floors of the main 411 building with 10-year lithium-sealed-battery units.

**12/10/20** Impact Fire installs 8 photoluminescent exit signs throughout 411.

**12/11/20** Fire Protection Engineer, Beverly Kowalik, tours 411 to update her 2017 findings and to comply with 12/4/20 and 12/8/20 letters from City officials noted above.

**12/15/20** First payment to Life Safety Fire Protection Inc. to begin sprinkler system design.

**12/16/20** Adam Harlow, designer from Life Safety tours 411 to take measurements for sprinkler design. Beverly Kowalik returns to gather more information for her fire safety report.

**12/18/20** Beverly Kowalik fire safety report is forwarded to City officials. Our Lawyer Bernie Pelech meets with City lawyers Trevor McCourt and Bob Sullivan to discuss this report. Adam Harlow returns to 411 for additional measurements for sprinkler design. Regan Electric technicians Charlie Pujo and John Brady complete walk-through of entire building and resulting electrical report is forwarded to City officials.

**12/21/20** Patrick Howe, Bob Sullivan, and Trevor McCourt tour 411 along with Bernie Pelech and tenants Sarah Clark and Chris Pease: Beverly Kowalik PE and Patrick Howe develop safety action plan with timelines - to be completed over the next 2 – 5 weeks. Actions include removing furniture from halls, replacing doors, electrical and detector upgrades, and vacating two rooms in apt 5.

**12/29/30** Regan Electric technicians Charlie Pujo and John Brady pull electrical permit for all electrical projects except for changes to commercial fire alarm system; add outlets for dehumidifier and water filter and combo detector in basement and plugs and smoke detectors in Apt 6.

**12/30/20** Regan Electric correct code problems in Apts 1, 2 and 6. Jeff Denis, Owner of Life Safety Fire Protection conducts final walk-through to determine location and number of sprinkler heads needed for automatic sprinkler system. Estimates installation could begin by February. Bernie Pelech submits application to Zoning Board of Adjustment to increase number of dwelling units from 6 - 8