

## 420 PLEASANT STREET – PETITION FOR RELIEF

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*Date:* 09/21/2021

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*To:* The City of Portsmouth Planning Department –  
Zoning Board of Adjustment

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*Subject:* 420 Pleasant Street – Petition for Relief

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### **Building History**

James Hill built the house located on the corner of Pleasant Street and Cotter's Lane (Franklin Street) at 420 Pleasant Street a mere two years before his early and untimely death in 1814. At that time the house was split into multiple units and the rear ell to the south was added for his widow, Mary Hill, to live in as her dower. After that it was purchased by Thomas Shaw (*Shaw's Wharf at Prescott Park*) and has been an active multi-family building for over 200 years since then. Today this owner-occupied building houses five modest sized apartments.

### **Project Purpose**

There are three main purposes driving the proposed project at 420 Pleasant Street.

1. The owner, Mr. Charles Neal, would like to decrease the unit count in the building from five units down to three so that he can increase the overall square footage of his own unit. When the project is complete he will occupy the entire first floor and half of the second floor. There will be a rental unit in the other half of the second floor and a third unit on the top floor. The top floor unit will be the only one with access to the roof deck.
2. The rear ell of the building is structurally deficient, with no proper foundation, and a severely rotten wooden sill that sits directly on the ground. This condition has been deteriorating for a while and is in desperate need of replacement. When the project is complete there will a reconstructed ell built in its place that is 6" narrower than the existing ell to be located 1'-0" away from the adjacent property line.



*Middle photo shows the rear ell visibly leaning to the south. Outer photos show the area where the most significant sill rotting has occurred.*

3. A *Fire and Life Safety Inspection* was performed on the building by the Portsmouth Fire Department in 2015. There were some deficiencies detected during this inspection that were identified as needing to be brought into compliance with current building and life safety codes. A code compliant and fire rated stair enclosure was identified as being required. The existing interior stair was determined to be too complex and costly to properly fire rate, and space did not allow for modern day tread depths and riser heights. A new infill stair enclosure was designed to meet all codes and provide access to the remaining three units.

### Project Scope

The following items are the major priorities for the project:

- Convert a five unit multi-family apartment building to a three unit building
- Remove existing rear entry vestibule and bathroom
- Replace southeast ell addition – Footprint will be reduced by 6” width to the southeast to locate edge of building 12” from the side yard property line where 6” currently exists. Reconstructed ell will sit atop a proper frost wall.
- Add three story code compliant and fire rated egress stair enclosure
- Add rear entry porch

### Variance Criteria

1. The variance is not contrary to the public interest.
2. The spirit of the ordinance is observed.
  - o Rear ell addition is similar in use and size to the existing ell that has existed on site for 200+ years
  - o Infill egress stair is modestly sized with appropriate aesthetics as evidenced by July 2021 HDC
  - o Similar size and siting as other additions in the immediate neighborhood
  - o New construction is close together with other adjacent properties, but that is an existing long-term condition that is being slightly improved with this reconstructed addition
  - o Project support has been exhibited by multiple rear yard neighbors
3. Substantial justice is done.
  - o The applicant, and the most effected side yard neighbor, will end up with a much safer building condition that what currently exists
  - o Reconstructing an existing building is a very reasonable request and putting it on a proper foundation located an additional 6” from the property line that what currently exists is a benefit for everyone
  - o The proposed ell reconstruction and egress stair infill greatly benefit the applicant while at the same time great no perceived harm to the public. The proposed construction is well off the public way and only creates a safer condition for all that surround it
4. The values of surrounding properties are not diminished.
  - o This project proposes to decrease the intensity of use of the property while at the same time it creates a better looking and more structurally sound building – this will certainly increase the value of surrounding properties rather than diminish
5. Literal enforcement of the ordinance would result in unnecessary hardship. Unnecessary hardship means:
  - Because of special conditions of the property that distinguish it from other properties in the area:
    - a. 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 property; and
    - b. The proposed use is a reasonable one.

Alternatively, unnecessary hardship means that, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonable used in strict conformance with the ordinance.

- o Corner lot with a 200+ year old building sited very far forward and to the southeast (6” away from side yard property line)
- o Existing building ell was constructed without any proper foundation therefore exposing its wooden sill to significant deterioration due to it’s direct contact with the ground
- o Existing building’s extreme close proximity to adjacent neighboring building makes for difficult maintenance and upkeep and further exacerbates aforementioned rot and deterioration
- o Existing interior stairs are not able to easily be modified to meet current fire and building codes to satisfy the fire departments upgrade requirements

# 420 PLEASANT STREET - ADDITION AND RENOVATIONS

ZONING BOARD OF ADJUSTMENT - SEPTEMBER 2021, PORTSMOUTH, NEW HAMPSHIRE

GENERAL PROJECT DESCRIPTION (GENERAL RESIDENCE DISTRICT B (GRB)):

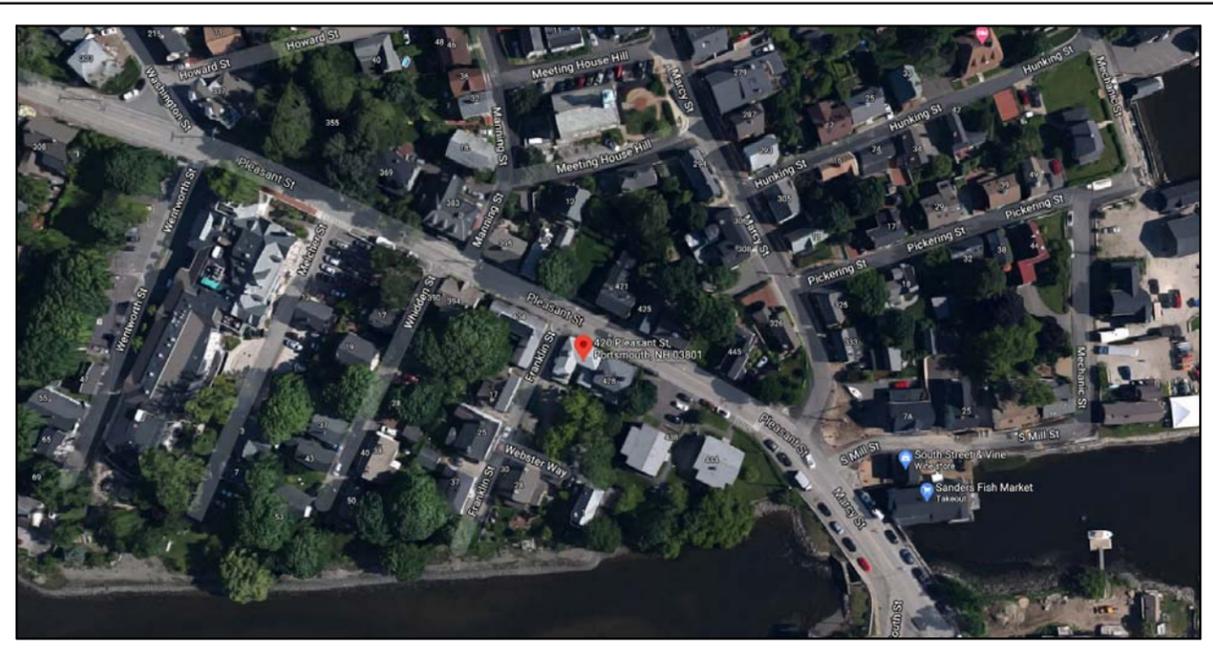
**PROPOSED WORK:**

- HDC APPROVAL: JULY 2021
- CONVERT FROM A FIVE (5) UNIT RESIDENTIAL BUILDING TO A THREE (3) UNIT RESIDENTIAL BUILDING
- REMOVAL OF EXISTING REAR ENTRY VESTIBULE AND BATHROOM
- REPLACEMENT OF SOUTHEAST ADDITION INCORPORATING A THIRD FLOOR ROOF DECK, REPLACEMENT TO MAINTAIN A SLIGHTLY SMALLER FOOTPRINT COMPARED TO THE EXISTING BUILDING
- ADDITION OF A THREE STORY CODE COMPLIANT EGRESS STAIR ENCLOSURE AT REAR OF BUILDING
- ADDITION OF REAR ENTRY PORCH

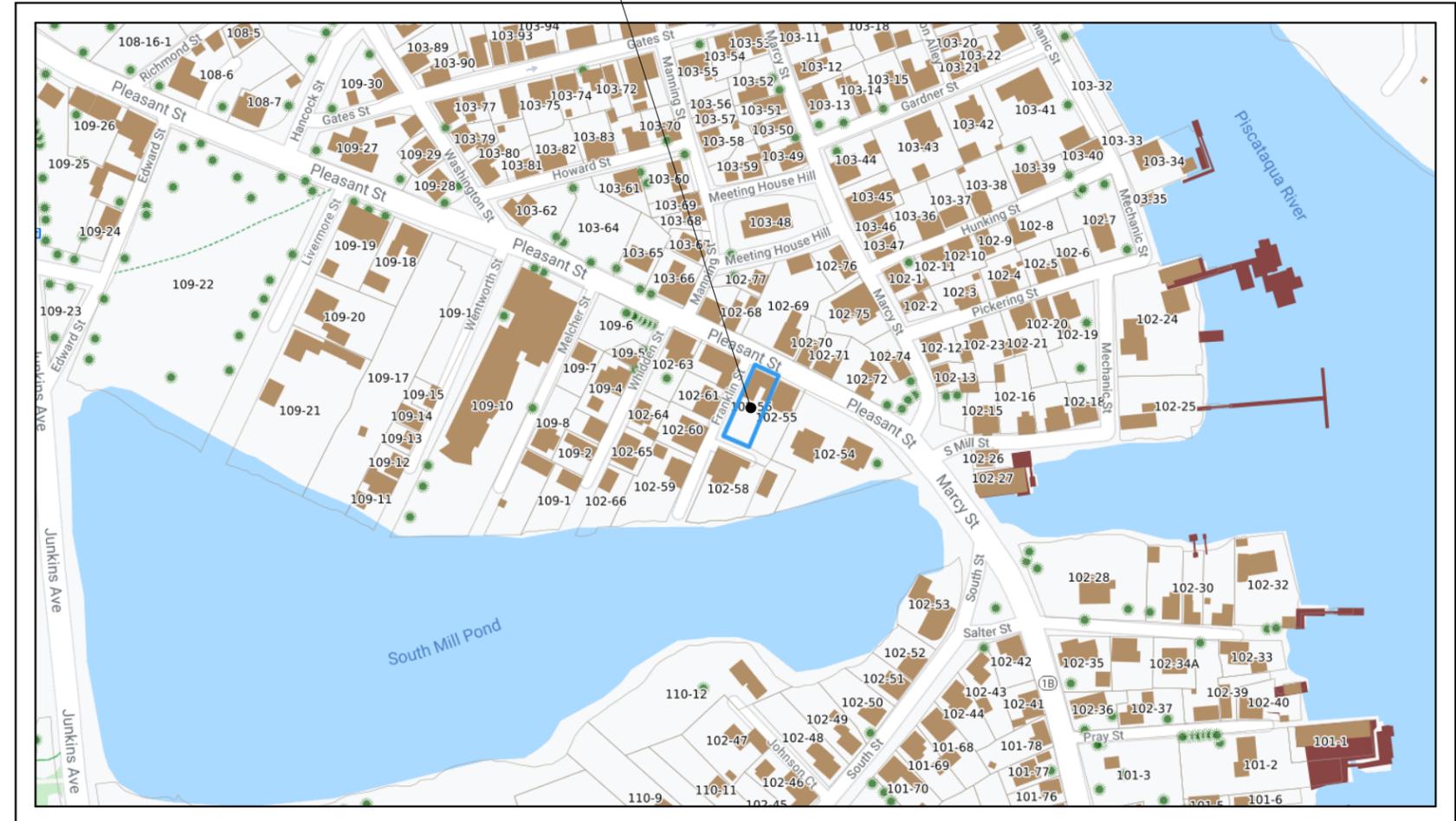


## SHEET LIST

| Sheet Number | Sheet Name                        |
|--------------|-----------------------------------|
| PFR          | PETITION FOR RELIEF               |
| C            | COVER                             |
| C1           | SITE PLAN FOR 428 PLEASANT STREET |
| A1           | SITE PLAN AND CRITERIA            |
| A2           | EXISTING PHOTOS                   |
| A3           | CONTEXT PHOTOS                    |
| A4           | CONTEXT PHOTOS                    |
| A5           | EXISTING FLOOR PLANS              |
| A6           | PROPOSED FLOOR PLANS              |
| A7           | PERSPECTIVES                      |



420 PLEASANT STREET PORTSMOUTH, NH 03801



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**420 PLEASANT ST. RENOVATIONS**

420 PLEASANT STREET  
PORTSMOUTH, NH 03801



ZONING BOARD OF ADJUSTMENT - SEPTEMBER 2021

**COVER**

**McHENRY ARCHITECTURE**

4 Market Street  
Portsmouth, New Hampshire

**C**

09/21/2021  
McHA: RD / JJ  
**NOT TO SCALE**

DRILL HOLE FOUND FRONT CENTER FACE OF 12"x12" GRANITE POST 45" HIGH

ZONE DATA PER CITY OF PORTSMOUTH, NEW HAMPSHIRE, ZONING ORDINANCE, AMENDED THROUGH JANUARY 22, 2013:

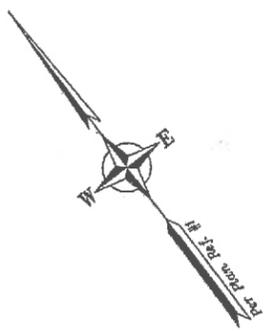
BASE ZONE: GENERAL RESIDENCE B (GRB)  
OVERLAY DISTRICT: HISTORIC DISTRICT A

MINIMUM LOT DIMENSIONS:  
LOT SIZE: 5,000 Sq. Ft.  
LOT AREA PER DWELLING: 5,000 Sq. Ft.  
STREET FRONTAGE: 80 Feet

MINIMUM YARD DIMENSIONS:  
FRONT: 5 Feet  
SIDE: 10 Feet  
REAR: 25 Feet

MAXIMUM STRUCTURE DIMENSIONS:  
STRUCTURE HEIGHT: 35 Feet  
ROOF APPURTENANCE HEIGHT: 8 Feet  
BUILDING COVERAGE: 30%  
MINIMUM OPEN SPACE: 25%

NOTE: LOT APPEARS TO BE NON-CONFORMING UNDER CURRENT DIMENSIONAL REQUIREMENTS. OTHER DIMENSIONAL REQUIREMENTS MAY APPLY. CONTACT THE CITY OF PORTSMOUTH FOR CURRENT DIMENSIONAL REQUIREMENTS PRIOR TO DESIGN OR CONSTRUCTION.



PLEASANT STREET

FRANKLIN STREET

WEBSTER WAY  
FORMERLY "FRANKLIN AVENUE"  
(SEE NOTE #5)

TAX MAP 102  
LOT 55  
4,180 Sq. Ft.  
0.10 Ac.

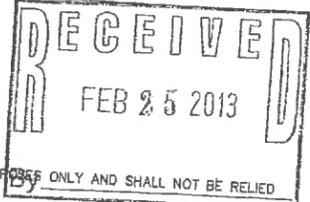
N/F  
KARL M. & GALE A. BELLAH, TRUSTEES  
THE KARL M. BELLAH REV. TRUST (50%)  
THE DALE A. BELLAH REV. TRUST (50%)  
TAX MAP 102 LOT 55  
R.C.R.D. BOOK 4883 PAGE 93

N/F  
NATALIE L. WEBSTER, TRUSTEE  
NATALIE L. WEBSTER TRUST  
TAX MAP 102 LOT 57  
R.C.R.D. BOOK 3343 PAGE 154

NOTES:

- OWNERS OF RECORD:  
TAX MAP 102 LOT 55  
ARTHUR ARGEREW  
R.C.R.D. BOOK 1053 PAGE 480  
DATED MAY 27, 1946  
  
CURRENT OWNER PER ASSESSMENT  
RECORD IS CLYDE P. ARGEREW  
PER PROBATE
- TOTAL EXISTING PARCEL AREA:  
TAX MAP 102 LOT 55  
4,180 Sq. Ft.
- BASIS OF BEARING IS PER PLAN REFERENCE #1.
- APPROXIMATE ABUTTER'S LINES SHOWN HEREON ARE FOR REFERENCE PURPOSES ONLY AND SHALL NOT BE RELIED UPON AS BOUNDARY INFORMATION.
- DEED AT BOOK 1053 PAGE 480 DESCRIBES THE SOUTHWESTERLY BOUNDARY AS "...BY A PASSAGE WAY OR ALLEY FORMERLY KNOWN AS FRANKLIN AVENUE." THE EXISTING ROAD IS NOW KNOWN AS WEBSTER WAY. FURTHERMORE, CURRENT DEEDS DO NOT DESCRIBE A WIDTH OF SAID WAY. HOWEVER, ANCIENT DEEDS DESCRIBE A LANE BEING 18 FEET WIDE. SEE R.C.R.D. BOOK 222 PAGE 421. BASED ON THIS INFORMATION A WIDTH OF 18 FEET WAS HELD AS SHOWN HEREON.
- THE RIGHT OF WAY FOR PLEASANT STREET WAS DETERMINED FROM PHYSICAL EVIDENCE FOUND, THE EXISTING TRAVELED WAY AND PRIOR SURVEYS OF RECORD.
- EASEMENTS OR OTHER UNWRITTEN RIGHTS MAY EXIST THAT ENCUMBER OR BENEFIT THE PROPERTY NOT SHOWN HEREON.

FOR REVIEW



PLAN REFERENCES:

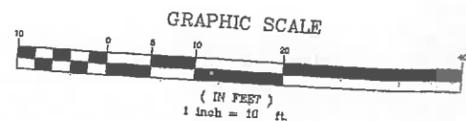
- "BOUNDARY PLAN, PORTSMOUTH HOUSING AUTHORITY, TAX MAP U-2 / LOT 54, 444 PLEASANT STREET, PORTSMOUTH, NEW HAMPSHIRE", PREPARED BY CLD CONSULTING ENGINEERS, DATED FEBRUARY 2000.
- "PROPERTY LINE MAP, SITE 'b', PORTSMOUTH HOUSING AUTHORITY, PORTSMOUTH, ROCKINGHAM COUNTY, NEW HAMPSHIRE", PREPARED BY WRIGHT & PIERCE, DATED DEC. 8, 1961 AND RECORDED AT THE R.C.R.D. AS PLAN No. 03310.
- "STATE OF NEW HAMPSHIRE, DEPARTMENT OF PUBLIC WORKS AND HIGHWAYS, PROJECT No. BRM-M-5379(009), N.H. PROJECT No. C-2441, MARCY STREET", RECORDED AT THE R.C.R.D. AS PLAN SHEET 2 OF 2 D-12904.
- "STANDARD PROPERTY SURVEY FOR PROPERTY AT 428 PLEASANT STREET, PORTSMOUTH, ROCKINGHAM COUNTY, NEW HAMPSHIRE, OWNED BY ESTATE OF ARTHUR A. ARGEREW", PREPARED BY NORTH EASTERLY SURVEYING INC., DATED 1/22/13, PROJECT No. 12775.

COVERAGE CALCULATION:

|                             |                                |
|-----------------------------|--------------------------------|
| EXISTING LOT AREA:          | 4,180 Sq. Ft.                  |
| EXISTING BUILDING COVERAGE: | 1,560 Sq. Ft. (37.3% Coverage) |
| PROPOSED BUILDING COVERAGE: | 1,560 Sq. Ft. (37.3% Coverage) |

OPEN SPACE CALCULATION:

|                       |  |
|-----------------------|--|
| EXISTING LOT AREA:    | 4,180 Sq. Ft.                              |
| PROPOSED BUILDING:    | 1,560 Sq. Ft.                              |
| PROPOSED PARKING:     | 1,020 Sq. Ft. (Proposed Grass Grid System) |
| PROPOSED WALKWAYS:    | 310 Sq. Ft.                                |
| TOTAL NON-OPEN SPACE: | 2,890 Sq. Ft.                              |
| TOTAL OPEN SPACE:     | 1,290 Sq. Ft. = 30.9%                      |



**PROPOSED SITE PLAN**  
FOR PROPERTY AT  
**428 Pleasant Street**  
Portsmouth, Rockingham County, New Hampshire

OWNED BY  
**Estate of Arthur A. Argerew**  
c/o Clyde P. Argereow & Kimberly Argereow  
54 Chestnut Pond Rd., Epsom, NH 03234

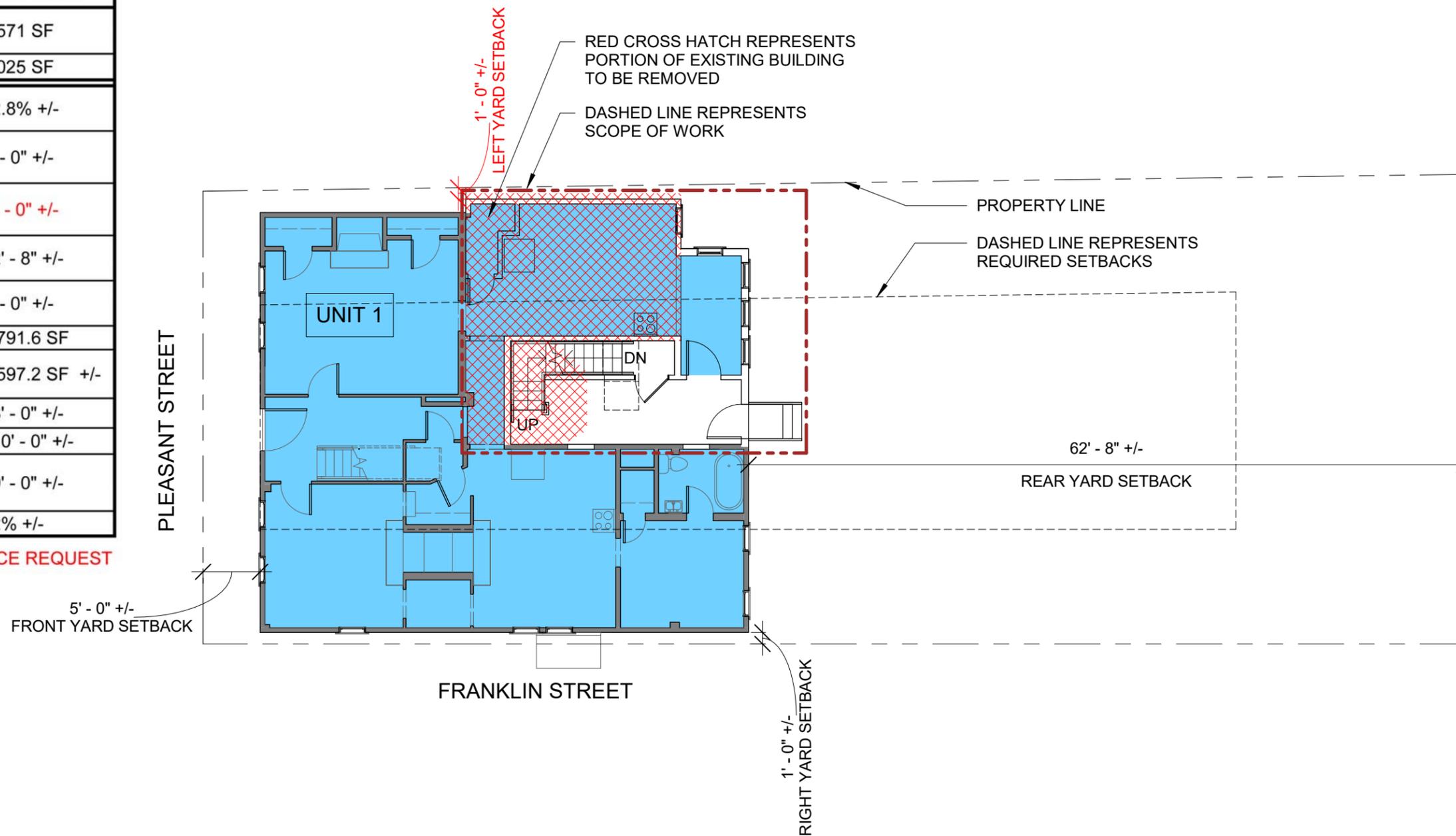
North  
W **EASTERLY**  
SURVEYING, Inc.

SURVEYORS IN N.H. & MAINE  
(207) 439-8335

191 STATE ROAD, SUITE #1  
KITTELY, MAINE 03904

| DIMENSIONAL CRITERIA         |          |               |                |
|------------------------------|----------|---------------|----------------|
| GENERAL RESIDENCE DISTRICT B |          |               |                |
|                              | REQUIRED | EXISTING      | PROPOSED       |
| BUILDING FOOTPRINT           |          | 1,400 SF      | 1,571 SF       |
| GROSS BUILDING               |          | 3,609 SF      | 4,025 SF       |
| BUILDING COVERAGE            | 35%      | 29.2% +/-     | 32.8% +/-      |
| RIGHT SIDE YARD SETBACK      | 10' - 0" | 1' - 0" +/-   | 1' - 0" +/-    |
| LEFT SIDE YARD SETBACK       | 10' - 0" | 0' - 6" +/-   | 1' - 0" +/-    |
| REAR YARD SETBACK            | 20' - 0" | 62' - 8" +/-  | 62' - 8" +/-   |
| FRONT YARD SETBACK           | 5' - 0"  | 5' - 0" +/-   | 5' - 0" +/-    |
| LOT SIZE                     | 5,000 SF | 4,791.6 SF    | 4,791.6 SF     |
| LOT AREA PER DWELLING UNIT   | 5,000 SF | 958.3 SF +/-  | 1,597.2 SF +/- |
| LOT FRONTAGE                 | 80' - 0" | 38' - 0" +/-  | 38' - 0" +/-   |
| LOT DEPTH                    | 60' - 0" | 110' - 0" +/- | 110' - 0" +/-  |
| BUILDING HEIGHT (SLOPED)     | 35' - 0" | 29' - 0" +/-  | 29' - 0" +/-   |
| OPEN SPACE                   | 25%      | 61% +/-       | 52% +/-        |

RED INDICATES VARIANCE REQUEST



1 ARCHITECTURAL SITE PLAN  
3/32" = 1'-0"

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420 PLEASANT STREET  
PORTSMOUTH, NH 03801



SITE PLAN AND CRITERIA  
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McHENRY ARCHITECTURE  
4 Market Street  
Portsmouth, New Hampshire

A1

09/21/2021  
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AS INDICATED



VIEW DOWN FRANKLIN STREET



VIEW FROM 420 PLEASANT STREET PARKING LOT



VIEW OF EXISTING SOUTHEAST ADDITION



ENTRY ON PLEASANT STREET



REAR OF BUILDING FROM FRANKLIN STREET



EXISTING REAR ENTRY

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# 420 PLEASANT ST. RENOVATIONS

420 PLEASANT STREET  
PORTSMOUTH, NH 03801

# EXISTING PHOTOS

ZONING BOARD OF ADJUSTMENT - SEPTEMBER 2021

# McHENRY ARCHITECTURE

4 Market Street  
Portsmouth, New Hampshire

# A2

09/21/2021  
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NOT TO SCALE



APPROACH ON PLEASANT STREET FROM DOWNTOWN (1)



APPROACH ON PLEASANT STREET FROM DOWNTOWN (2)



APPROACH ON PLEASANT STREET FROM DOWNTOWN (3)



APPROACH ON PLEASANT STREET FROM SANDERS FISH MARKET (1)



APPROACH ON PLEASANT STREET FROM SANDERS FISH MARKET (2)



APPROACH ON PLEASANT STREET FROM SANDERS FISH MARKET (3)

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# 420 PLEASANT ST. RENOVATIONS

420 PLEASANT STREET  
PORTSMOUTH, NH 03801

# CONTEXT PHOTOS

ZONING BOARD OF ADJUSTMENT - SEPTEMBER 2021

# McHENRY ARCHITECTURE

4 Market Street  
Portsmouth, New Hampshire

A3

09/21/2021  
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NOT TO SCALE



APPROACH FROM FRANKLIN STREET (1)



APPROACH FROM FRANKLIN STREET (2)



APPROACH FROM SANDERS FISH MARKET (PLEASANT STREET)



FRANKLIN STREET



APPROACH ON PLEASANT STREET FROM DOWNTOWN (1)



APPROACH ON PLEASANT STREET FROM DOWNTOWN (2)

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420 PLEASANT STREET  
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# CONTEXT PHOTOS

ZONING BOARD OF ADJUSTMENT - SEPTEMBER 2021

## McHENRY ARCHITECTURE

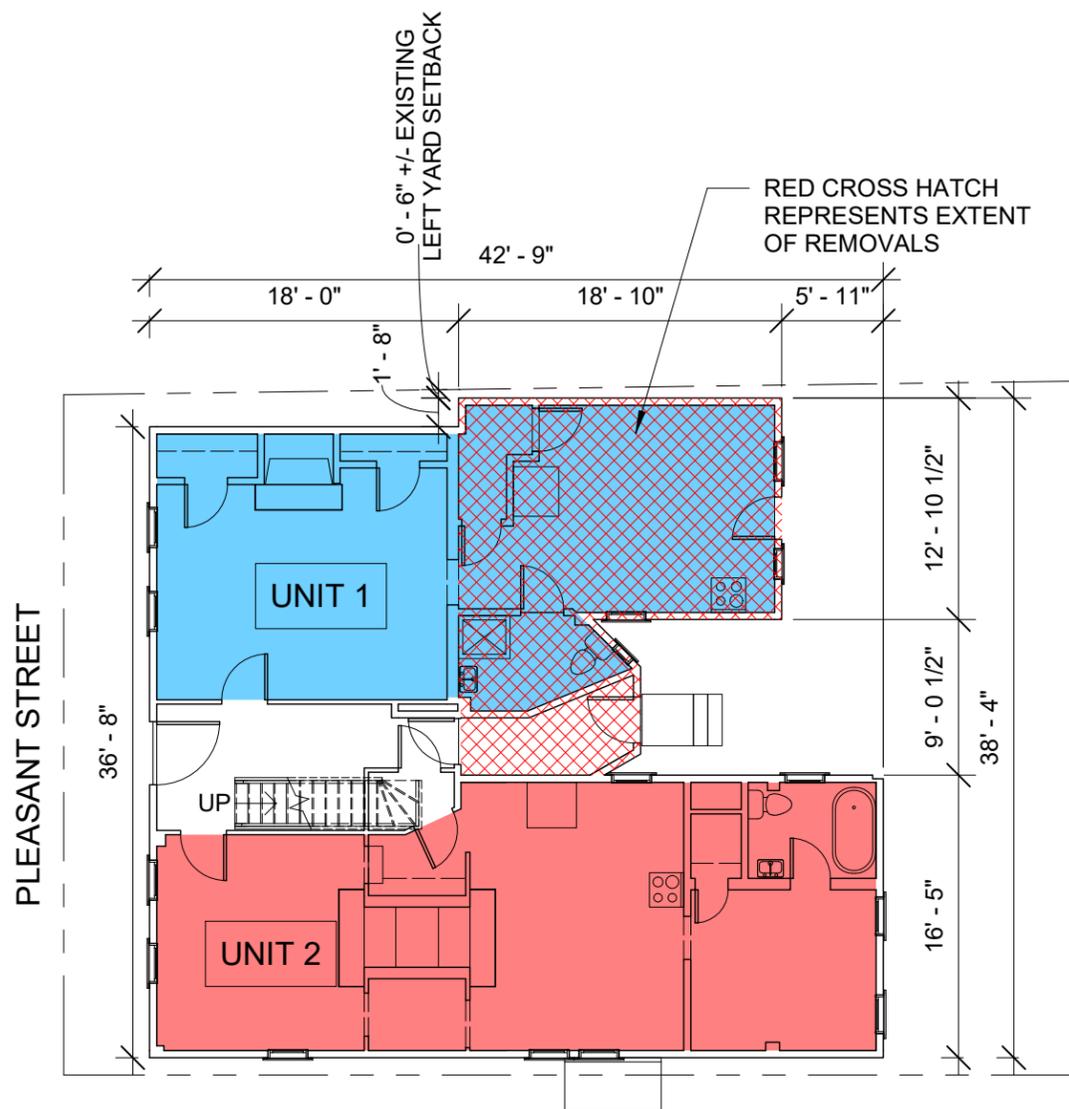
4 Market Street  
Portsmouth, New Hampshire

### A4

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NOT TO SCALE

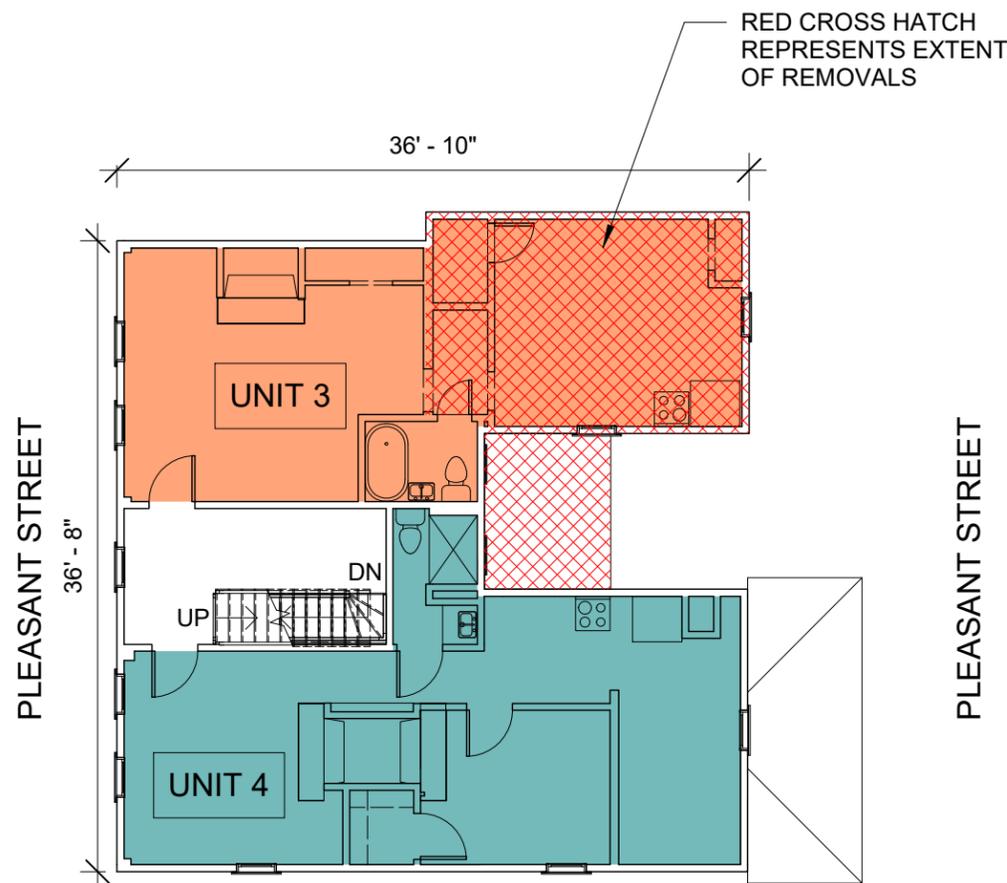
**GRAPHIC KEY**

- : EXISTING
- : TO BE REMOVED
- : PROPOSED



FRANKLIN STREET

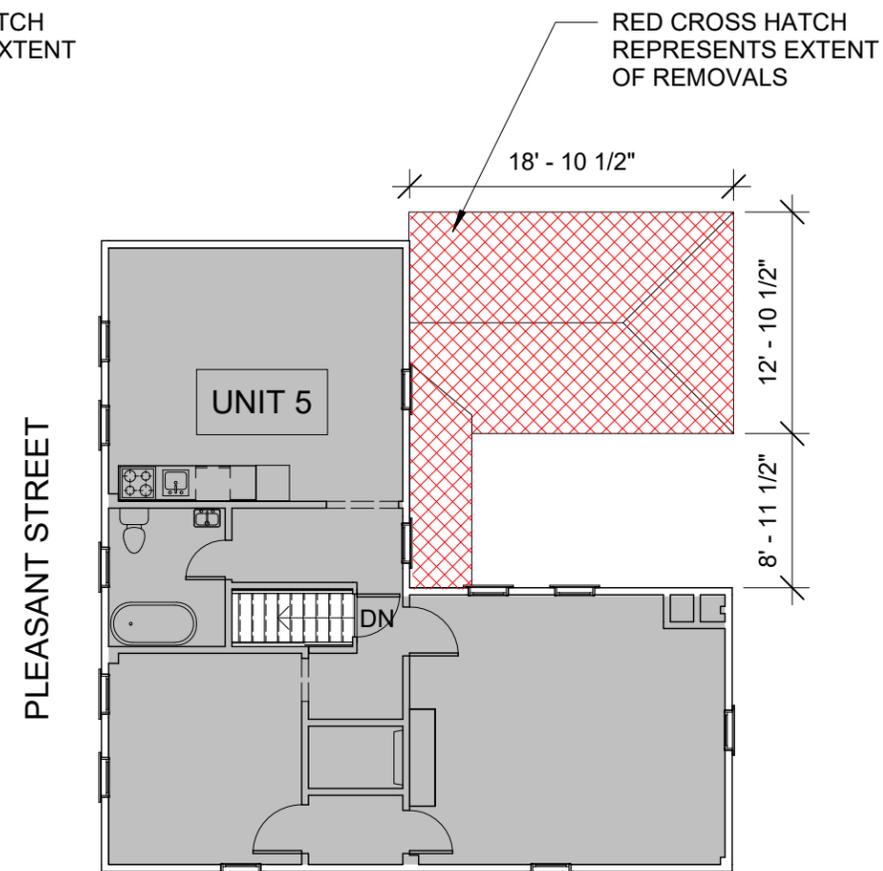
**1** EXISTING FIRST FLOOR  
3/32" = 1'-0"



PLEASANT STREET

FRANKLIN STREET

**2** EXISTING SECOND FLOOR  
3/32" = 1'-0"



PLEASANT STREET

FRANKLIN STREET

**3** EXISTING THIRD FLOOR  
3/32" = 1'-0"

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**420 PLEASANT ST. RENOVATIONS**

420 PLEASANT STREET  
PORTSMOUTH, NH 03801



**EXISTING FLOOR PLANS**

ZONING BOARD OF ADJUSTMENT - SEPTEMBER 2021

**McHENRY ARCHITECTURE**

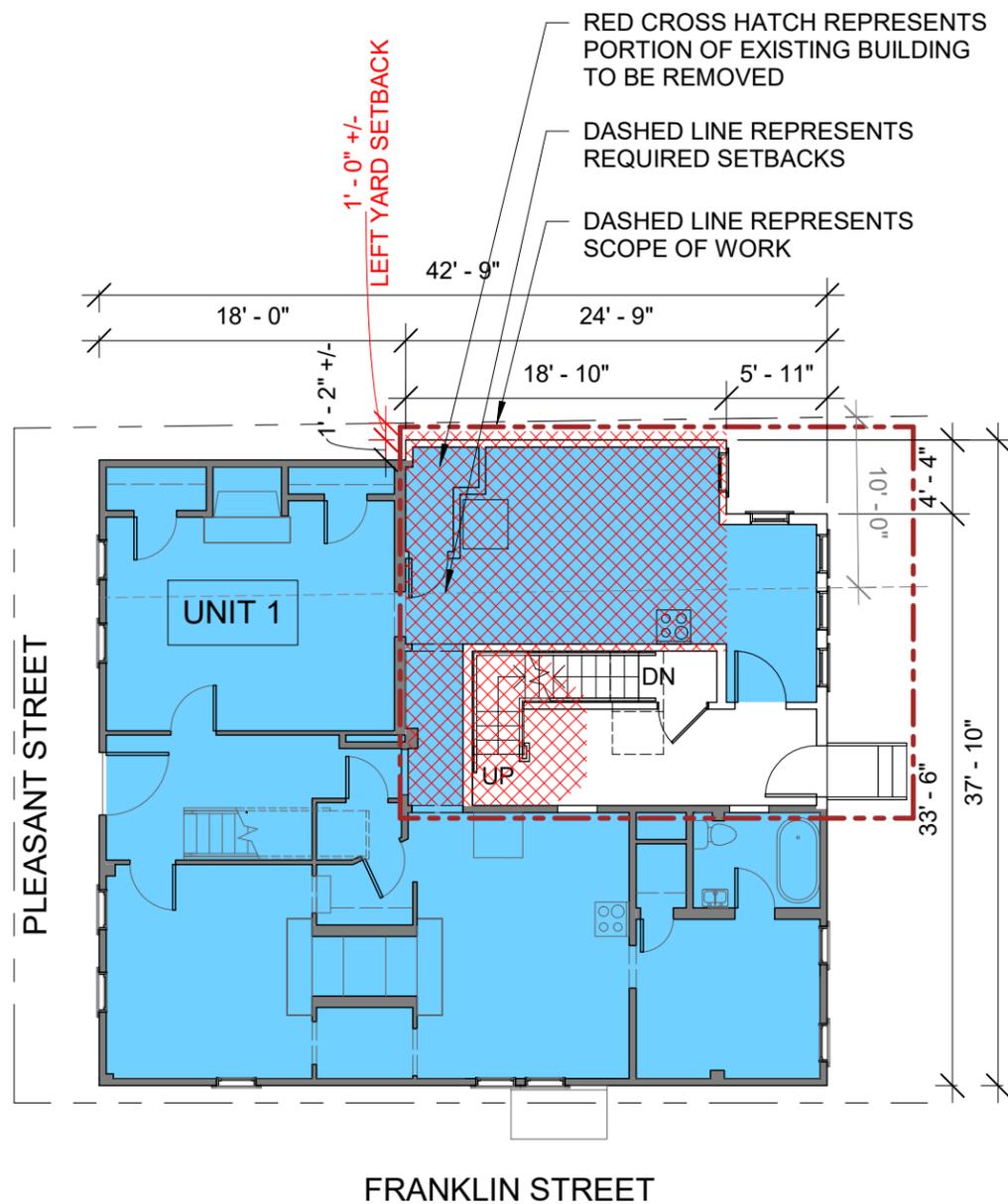
4 Market Street  
Portsmouth, New Hampshire

**A5**

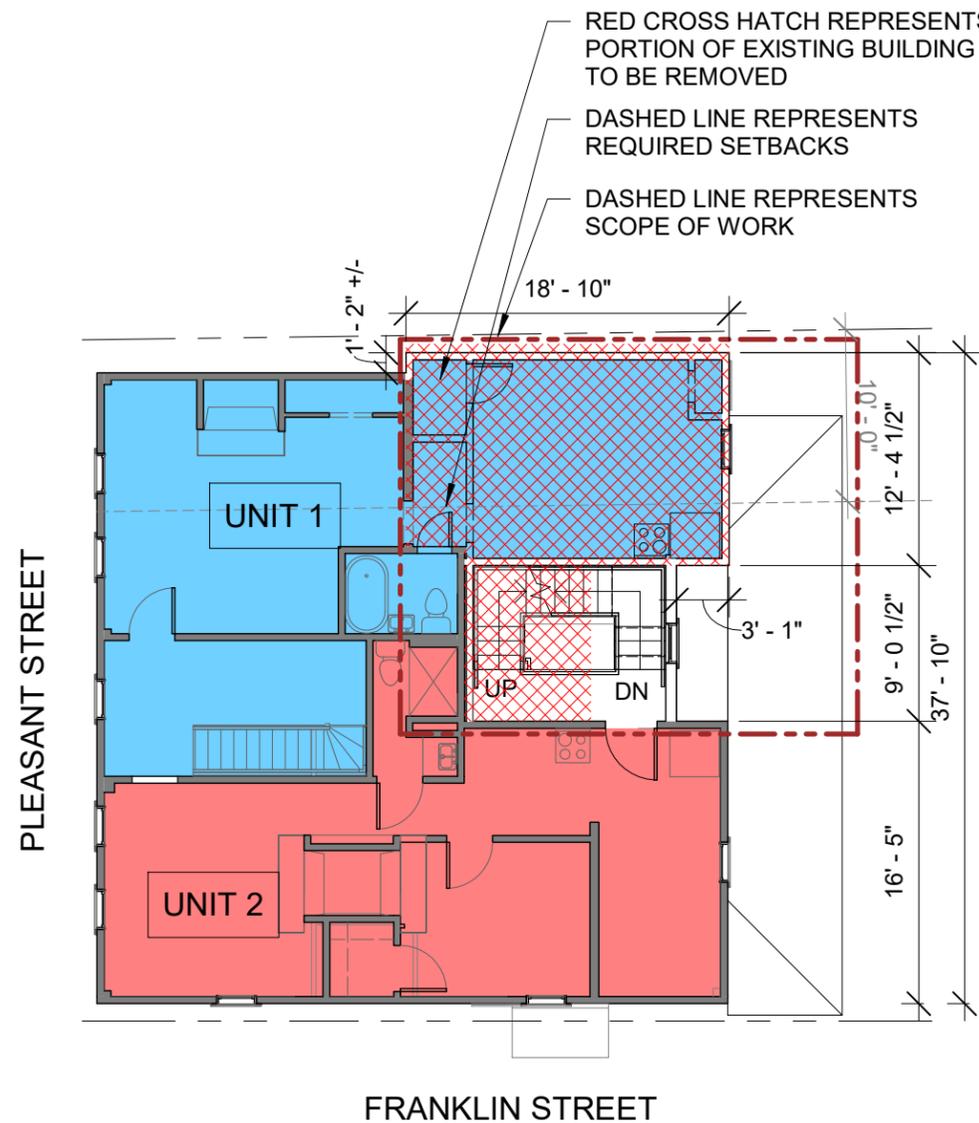
09/21/2021  
McHA: RD / JJ  
AS INDICATED

**GRAPHIC KEY**

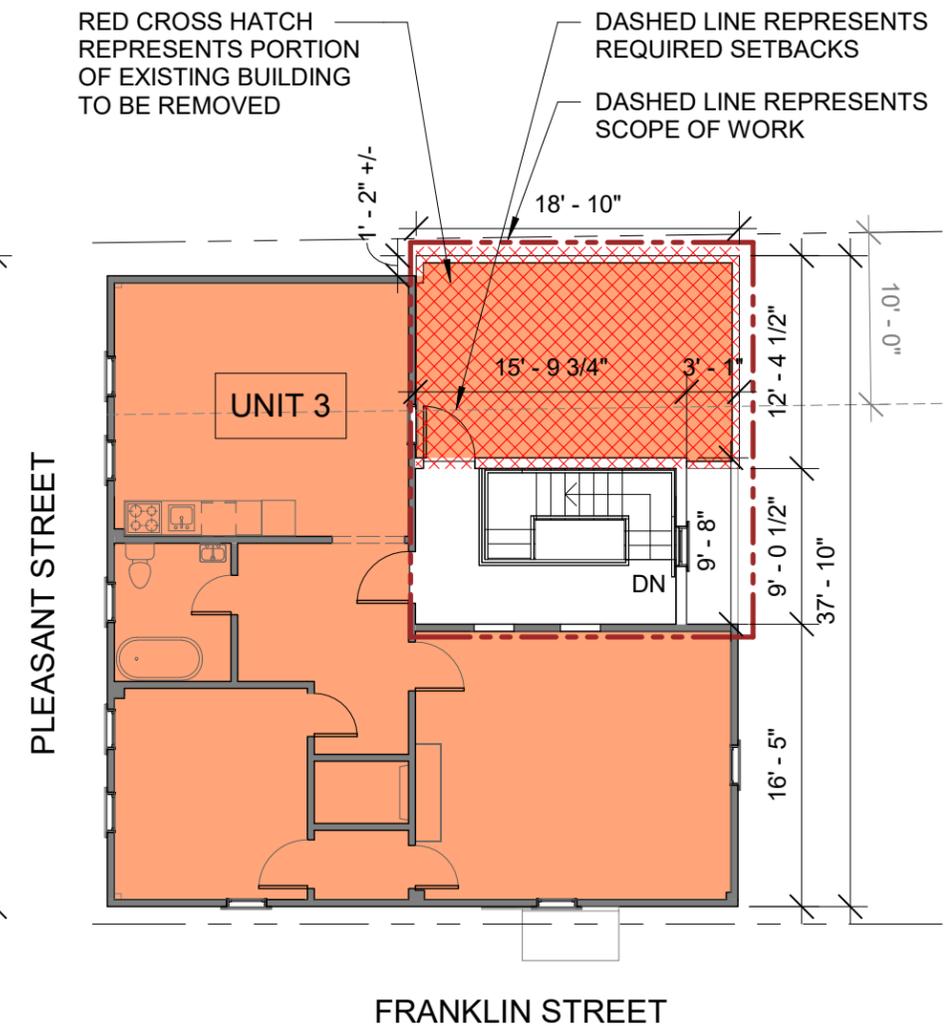
- : EXISTING
- : TO BE REMOVED
- : PROPOSED



**1** FIRST FLOOR  
3/32" = 1'-0"

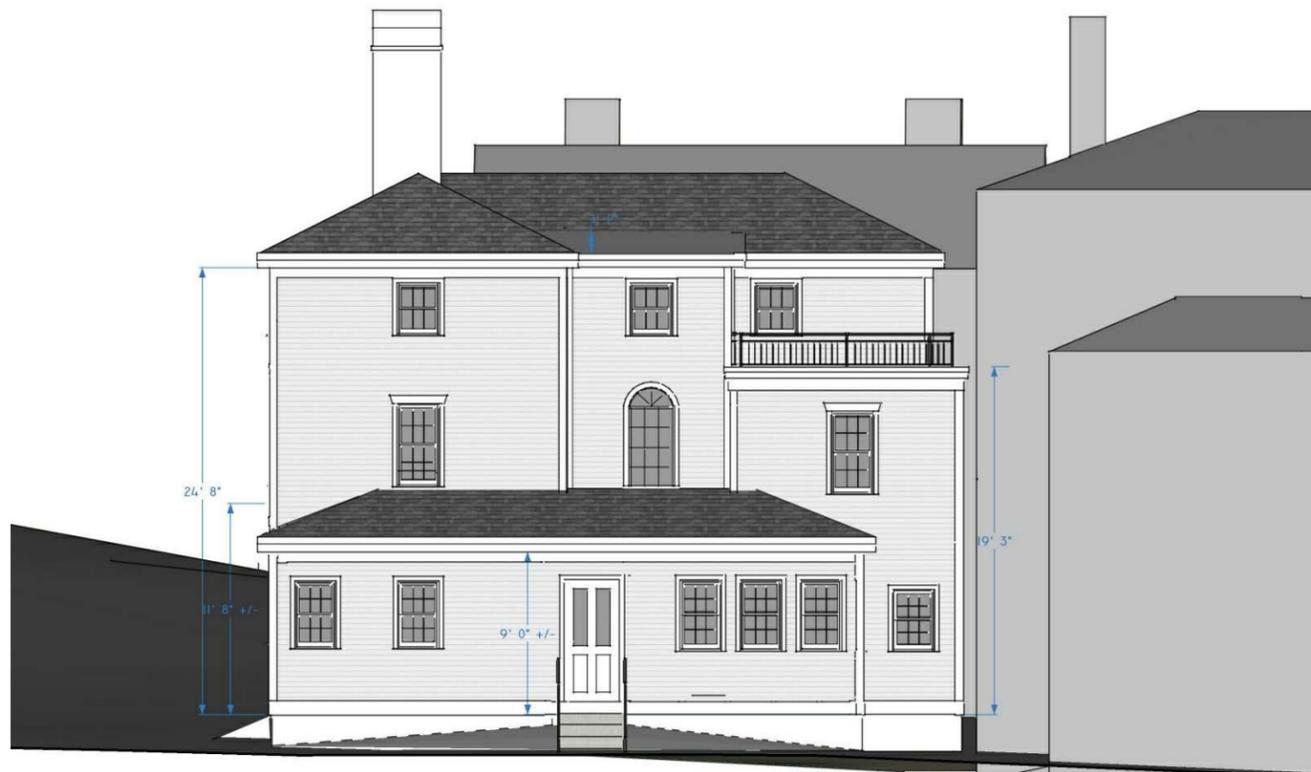


**2** SECOND FLOOR  
3/32" = 1'-0"



**3** THIRD FLOOR  
3/32" = 1'-0"





REAR ELEVATION - REVISED ROOFING AND SIDING



AERIAL VIEW FROM SOUTH - REVISED ROOFING AND SIDING



VIEW FROM SOUTHWEST - REVISED ROOFING AND SIDING



ENLARGED AERIAL VIEW OF DECK - REVISED ROOFING AND SIDING

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420 PLEASANT ST. RENOVATIONS

420 PLEASANT STREET  
PORTSMOUTH, NH 03801

PERSPECTIVES

ZONING BOARD OF ADJUSTMENT - SEPTEMBER 2021

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4 Market Street  
Portsmouth, New Hampshire

A7

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