

HOEFLE, PHOENIX, GORMLEY & ROBERTS, PLLC

ATTORNEYS AT LAW

127 Parrott Avenue, P.O. Box 4480 | Portsmouth, NH, 03802-4480
Telephone: 603.436.0666 | Facsimile: 603.431.0879 | www.hpgrlaw.com

December 22, 2020

HAND DELIVERED

Peter Stith, Planner
City of Portsmouth
1 Junkins Avenue
Portsmouth, NH 03801

Re: 685 State Street LLC
685 State Street
Portsmouth, New Hampshire, 03801
Tax Map 137 Lot 11, Gen. Residence C (GRC) and Historic Districts

Dear Peter:

Attached please find our Memorandum with exhibits in support of an Application for Special Exception in order to add a fifth 441 s.f. apartment unit to the existing four unit building. We have uploaded the Application and documents. We will also deliver the original and eleven (11) copies as required.

We look forward to presenting this the Zoning Board of Adjustment at its January, 2021 meeting.

Let me know if you have any questions or comments.

Very truly yours,



R. Timothy Phoenix

RTP/msw

Encl.

cc: Client
Corey Colwell
Arilda Densch

DANIEL C. HOEFLE
R. TIMOTHY PHOENIX
LAWRENCE B. GORMLEY
STEPHEN H. ROBERTS

R. PETER TAYLOR
JOHN AHLGREN
KIMBERLY J.H. MEMMESHEIMER
KEVIN M. BAUM

GREGORY D. ROBBINS
MONICA F. KIESER
SAMUEL HARKINSON
JACOB J.B. MARVELLEY

DUNCAN A. EDGAR
OF COUNSEL:
SAMUEL R. REID

MEMORANDUM

TO: Portsmouth Zoning Board of Adjustment ("ZBA")
FROM: R. Timothy Phoenix, Esquire
DATE: December 22, 2020
RE: Special Exception/Variance
685 State Street LLC
Property Location: 685 State Street, Portsmouth New Hampshire, 03801
Tax Map 137, Lot 11 Gen. Residence C ("GRC) zone

Dear Chair Rheame and Zoning Board members:

On behalf of 685 State Street, LLC ("685 State" or "Applicant") we are pleased to submit this Memorandum and the attached exhibits in support of a Special Exception for a fifth apartment unit in GRC zone where four units are permitted.

I. Exhibits

1. 12/3/20 Zoning Relief Plan - by TF Moran.
2. 12/9/20 Floorplan A1, A2, A3 - by Arilda Densch
3. Site Photographs.
4. Tax Map 137.
5. 1971 Tax Card.

II. Property/Project

685 State Street is a 8561 s.f. lot holding a two-story wood frame structure, the former dental office of Dr. William Ruel, and, since the 1960s, also containing apartments. The principal of 685 State Street, LLC is Dr. Ruel's daughter. The building presently exclusively houses four apartments, with the following parking requirements per PZO 10.1112.311:

2@ 500s.f. or less =	1 space
1@500-750 s.f.=	1 space
1@750 + s.f. =	<u>1.3 spaces</u>
Total:	3.3 spaces (Exhibit 2 , p. A2)

685 State now seeks to convert unused space to a fifth apartment 441 s.f. = .5 space (Id.) plus a visitor parking space for a total of 4.8 spaces required, 6 provided.

Use as dwelling units has existed since at least 1968, long before the January 1, 1980 limit of PZO §10.812. (See 1971 Tax Card, **Exhibit 5**, referencing two apartments and an addition built in 1968.) Accordingly, the 5 units meet the requirements of PZO §10.812 (See **Exhibit 1**) since:

10.812.11 - The conversion does not include any change to the exterior of the building except for minimum egress components required for Building Code Compliance.

10.812.12 - The lot complies with minimum open space and maximum building coverage requirements in Article 5 and the off-street parking requirements in Article 11.

10.812.13 - The lot complies with the required lot area per dwelling unit standards.

GRC	Required	Provided
	1000 s.f.	1712.2 s.f.

III. Relief Required

PZO§10.440 Table of Uses -1.52- Special Exception for 5 apartment units where four are permitted

IV. Special exception requirements

Pursuant to P0§10.232.10:

The [Zoning] Board shall hear and decide requests for special exceptions as provided for in this ordinance. The board shall grant requests for special exceptions which are in harmony with the general purpose and intent of this ordinance and meet the standards of 10.232.20. Appropriate conditions of the sort set forth in 10.232.30 may be placed upon special exception approvals when necessary to meet the standards of 10.232.20. The board shall deny requests for special exceptions that do not meet the standards of this section.

10.232.21-Standards as provided by this ordinance for the particular use permitted by special exception-the addition of a fifth unit meets the standards of PZO §10.812 as set forth above.

10.232.22- No hazard to the public or adjacent property on account of potential fire, explosion or release of toxic materials-a single additional to-code apartment will be added, creating no such hazard while providing an additional comparatively affordable apartment in downtown Portsmouth where residential prices are at a premium.

10.232.23- No detriment to property values in the vicinity or change in the essential characteristics of any area including residential neighborhoods or business and special districts on account of the location or scale of buildings and other structures, parking areas, accessways, order, smoke, gas, dust or other pollutant, noise, glare, heat, vibration or unsightly outdoor storage of equipment, vehicles or other materials.- The building itself will not change. Required off street parking including a visitor space is provided. One additional 441 s.f. apartment will not violate this standard.

10.232.24- No creation of a traffic safety hazard or a substantial increase in the level of traffic congestion in the vicinity-the additional unit requires one more parking space plus a visitor space, fully met by the proposal. A vehicle for one additional apartment will neither create a traffic safety hazard nor congestion in the vicinity, which is a mix of residential and commercial uses (i.e. funeral home).

10.232.25- No excessive demand on municipal services, including, but not limited to, water, sewer, waste disposal, police and fire protection and schools- one additional 441 s.f. apartment will not create excessive demand.

10.232.26- No significant increase of stormwater runoff onto adjacent property or streets- the lot and improvements upon it will not change.

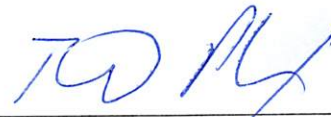
Since one additional unit will be created from existing space, and there is no change to the building or other improvements, the owner respectfully submits that additional conditions such as those set forth in PZO§10.232.30 are unnecessary.

IV. Conclusion

For all the foregoing reasons, 685 State Street, LLC respectfully requests that the zoning board grant the requested relief.

Respectfully submitted
685 State Street, LLC

By: _____



R. Timothy Phoenix

RTP/msw
Encl.



LEGEND:

MAP 137 LOT 11	ASSESSORS MAP AND LOT NUMBER
AG	ABOVE GRADE
BK. PG.	BOOK / PAGE
CD4-L2	CHARACTER DISTRICT 4 - LIMITED 2
EP	EDGE OF PAVEMENT
GRC	GENERAL RESIDENCE DISTRICT C
NET	NEW ENGLAND TELEPHONE
N/F	NOW OR FORMERLY
RCRD	ROCKINGHAM COUNTY REGISTRY OF DEEDS
S.F.	SQUARE FOOTAGE
VGC	VERTICAL GRANITE CURB
W/	WITH
○	SPIKE/NAIL FOUND
○	IRON PIPE/ROD
○	UTILITY POLE
○	CONIFEROUS TREE
○	DECIDUOUS TREE
○	CHAINLINK FENCE
○	STOCKADE FENCE
○	BOUNDARY LINE
○	SETBACK LINE
○	WOODEN DECK
○	BRICK
○	CONCRETE

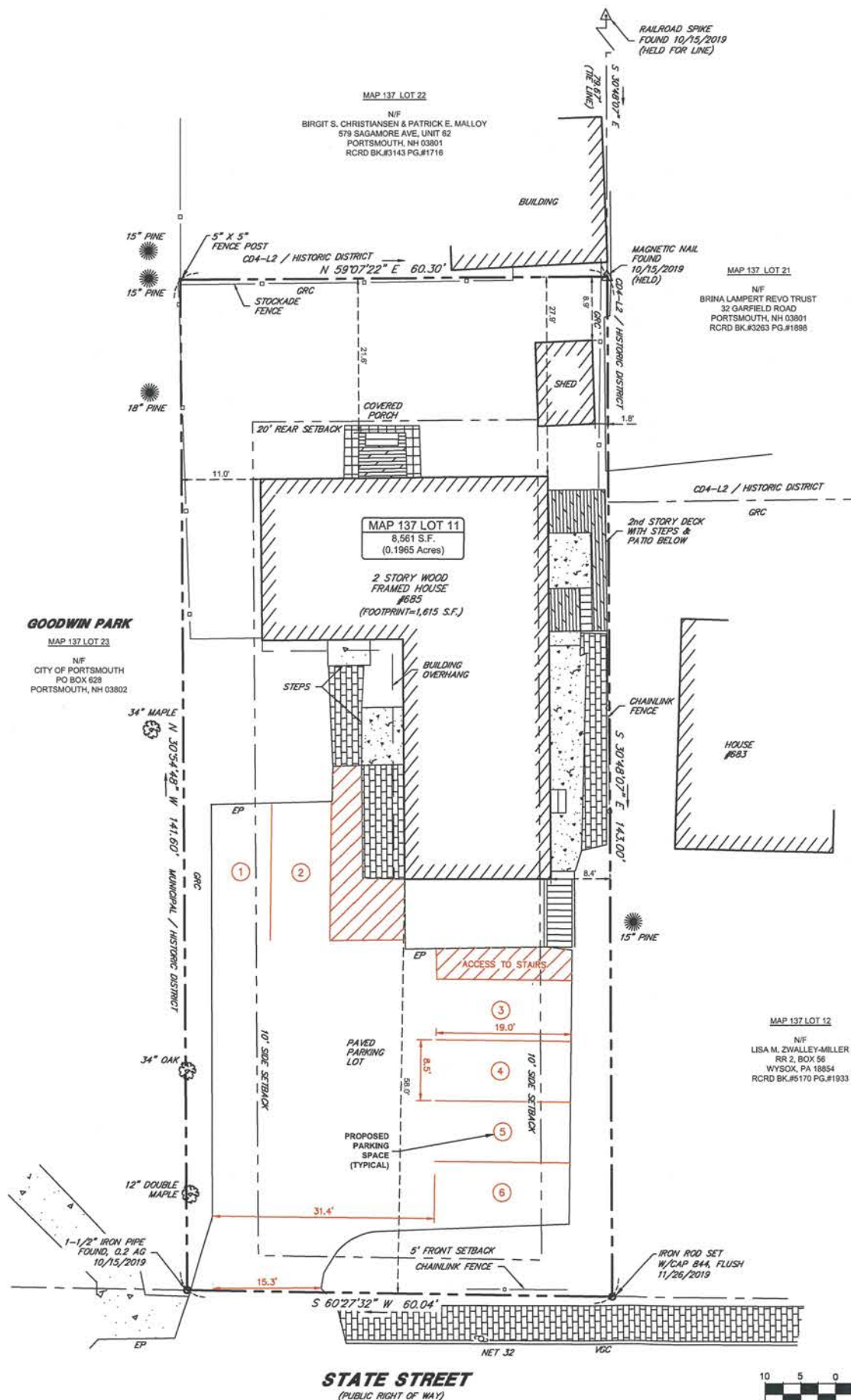
SPECIAL EXCEPTION REQUESTED FROM THE CITY OF PORTSMOUTH ZONING ORDINANCE:

1. SPECIAL EXCEPTION FROM SECTION 10.440 - TO ALLOW 5 UNITS WHERE 4 ARE PERMITTED.

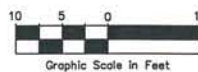
I CERTIFY THAT THIS SURVEY AND PLAN WERE PREPARED BY THOSE UNDER MY DIRECT SUPERVISION AND ARE THE RESULT OF A FIELD SURVEY CONDUCTED IN OCTOBER 2019. THIS SURVEY CONFORMS TO THE ACCURACY REQUIREMENTS OF AN URBAN SURVEY OF THE NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES OF THE BOARD OF LICENSURE FOR LAND SURVEYORS. I FURTHER CERTIFY THAT THIS SURVEY IS CORRECT TO THE BEST OF MY PROFESSIONAL KNOWLEDGE, AND THE FIELD TRAVERSE SURVEY EXCEEDS A PRECISION OF 1:15,000.

LICENSED LAND SURVEYOR

DATE



STATE STREET
(PUBLIC RIGHT OF WAY)



ABUTTERS ACROSS STATE STREET:

MAP 137 LOT 7 JAMES & ALISON K. FORBES
698 STATE ST
PORTSMOUTH, NH 03801
RCRD BK.#3308 PG.#1370

MAP 137 LOT 8 THOMAS J. SCHLADENHAUFFEN
LONGI M. SCHLADENHAUFFEN
708 STATE ST
PORTSMOUTH, NH 03801
RCRD BK.#3098 PG.#0698

EXHIBIT

NOTES:

1. THE PARCEL IS LOCATED IN THE GENERAL RESIDENCE C (GRC) ZONING DISTRICT.
2. THE PARCEL IS SHOWN ON THE CITY OF PORTSMOUTH ASSESSOR'S MAP 137 AS LOT 11.
3. THE PARCEL IS LOCATED IN ZONE 'X' AS SHOWN ON NATIONAL FLOOD INSURANCE PROGRAM (NFIP), FLOOD INSURANCE RATE MAP (FIRM) ROCKINGHAM COUNTY, NEW HAMPSHIRE, PANEL 259 OF 681, MAP NUMBER 3301500259E, WITH AN EFFECTIVE DATE OF MAY 17, 2005.
4. MINIMUM LOT DIMENSIONS:

	GRC REQUIRED:	EXISTING:
LOT AREA:	3,500 S.F.	8,561 S.F.
LOT AREA PER DWELLING UNIT:	3,500 S.F.	1,712 S.F.
CONTINUOUS STREET FRONTAGE:	70'	60.0'
DEPTH:	50'	142.3'
MINIMUM YARD DIMENSIONS:		
FRONT:	5'	58.0'
SIDE:	10'	8.4'
REAR:	20'	27.9'
MAXIMUM STRUCTURE DIMENSIONS:		
STRUCTURE HEIGHT: SLOPED ROOF	35'	<35'
BUILDING COVERAGE:	35%	20.5%
MINIMUM OPEN SPACE:	20%	39.5%

PER CITY OF PORTSMOUTH ZONING ORDINANCE SECTION 10.521
5. OWNER OF RECORD:
MAP 137 LOT 11:
685 STATE STREET, LLC
PO BOX 853
NEW CASTLE, NH 03854
RCRD BK.#5775 PG.#1827
6. PARCEL AREA:
MAP 137 LOT 11:
8,561 S.F.
(0.1965 ACRES)
7. THE INTENT OF THIS PLAN IS TO SHOW THE LOCATION OF BOUNDARIES IN ACCORDANCE WITH THE CURRENT LEGAL DESCRIPTIONS. IT IS NOT AN ATTEMPT TO DEFINE THE EXTENT OF OWNERSHIP OR DEFINE THE LIMITS OF TITLE.
8. THE PURPOSE OF THIS PLAN IS TO SHOW THE BOUNDARY LINES, EXISTING SITE FEATURES OF MAP 137 LOT 11 AND PROPOSED PARKING DESIGNATION.
9. FIELD SURVEY COMPLETED BY TODD C. EMERSON USING A TOPCON DS103 AND A TOPCON FC-5000 DATA COLLECTOR IN OCTOBER 2019.
10. HORIZONTAL DATUM IS NAD83 (2011) PER STATIC GPS OBSERVATIONS.
11. EASEMENTS, RIGHTS, AND RESTRICTIONS SHOWN OR IDENTIFIED ARE THOSE WHICH WERE FOUND DURING RESEARCH PERFORMED AT THE ROCKINGHAM COUNTY REGISTRY OF DEEDS. OTHER RIGHTS, EASEMENTS, OR RESTRICTIONS MAY EXIST WHICH A TITLE EXAMINATION OF SUBJECT PARCEL(S) WOULD DETERMINE.
12. PARCEL MAY BE SUBJECT TO A SEWER AND DRAINAGE EASEMENT TO THE CITY OF PORTSMOUTH AS DESCRIBED IN ROCKINGHAM COUNTY REGISTRY OF DEEDS BOOK #820 PAGE #22.

PLAN REFERENCES:

1. "PHASE 2 CONDOMINIUM SITE PLAN ISLINGTON PLACE CONDOMINIUMS UNITS #4, 5, 6, 7, 8, 9, 10, 11, 12, 13, & 14 SUBMITTED LAND DECLARANT OWNER IS RCDOLLA, LLC KNOWN AS TAX MAP 137 LOT 20 LOCATED AT 198 ISLINGTON STREET PORTSMOUTH, NH ROCKINGHAM COUNTY" BY KNIGHT HILL LAND SURVEYING SERVICES, INC. DATED APRIL 12, 2013. RCRD PLAN D-37899.
2. CONDOMINIUM SITE PLAN PREPARED FOR BRIAN J. DONNELLY, NETTIE J. THOMPSON, STEPHEN J. MEADE 683 STATE STREET CONDOMINIUMS LOCATED AT 683 STATE STREET, PORTSMOUTH, NH" BY ATLANTIC SURVEYING CO., INC. DATED JANUARY 2006. RCRD PLAN D-33874.
3. FIRST AMENDMENT TO THE SITE PLAN OF THE CONDOMINIUMS AT GOODWIN PARK 718 STATE ST TAX MAP 137 LOT 09 PORTSMOUTH, NH" BY ROSS ENGINEERING CIVIL/STRUCTURAL ENGINEERING & SURVEYING WITH REVISION 3 DATED FEBRUARY 17, 2012. RCRD PLAN D-37131.
4. AMENDED CONDOMINIUM SITE PLAN TAX MAP 145 LOT 1 PROPERTY OF HICKORY-STOCK CONDOMINIUMS 302 & 304 ISLINGTON STREET PORTSMOUTH, NEW HAMPSHIRE, COUNTY OF ROCKINGHAM" BY MSC CIVIL ENGINEERS & LAND SURVEYORS, INC. DATED MARCH 28, 2014 WITH REVISION 2 DATED APRIL 2, 2014. RCRD PLAN D-38185.

TAX MAP 137 LOT 11 ZONING RELIEF PLAN

685 STATE STREET
PORTSMOUTH, NEW HAMPSHIRE
COUNTY OF ROCKINGHAM
OWNED BY
685 STATE STREET, LLC

SCALE: 1" = 10' (22x34)
1" = 20' (11x17)

DECEMBER 3, 2020

Seacoast Division



Civil Engineers
Structural Engineers
Traffic Engineers
Land Surveyors
Landscape Architects
Scientists

170 Commerce Way, Suite 102
Portsmouth, NH 03801
Phone (603) 431-2222
Fax (603) 431-0910
www.tfmoran.com

REV.	DATE	DESCRIPTION	DR	CK

45991.30

DR ID FB
CK JCC CADFILE

S-1

ALAN & SHARON WESTON
685 STATE STREET APARTMENTS
PORTSMOUTH, NEW HAMPSHIRE 03801

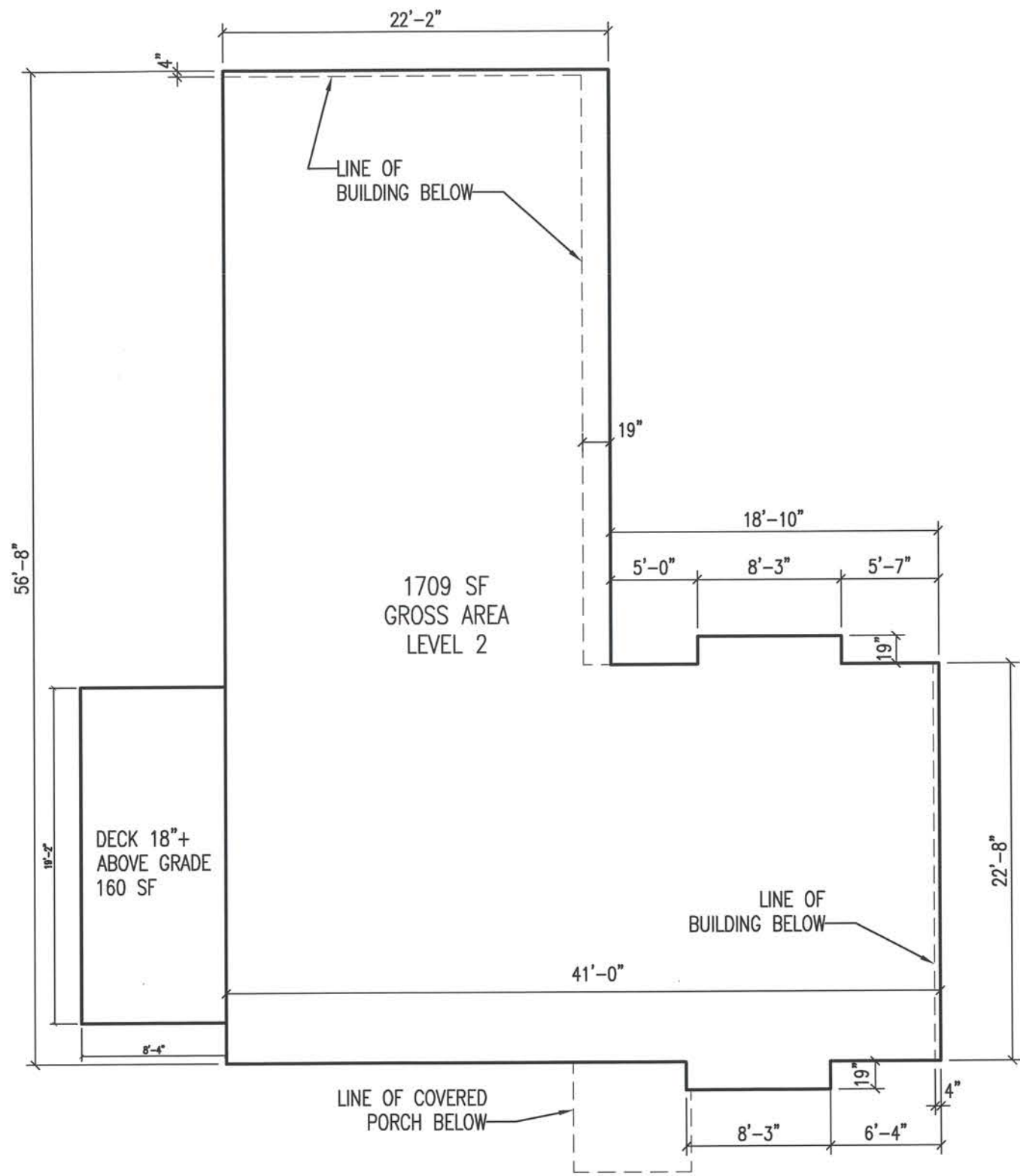
ARILDA DESIGN
densch@comcast.net / www.arilda.com
9 Adams Lane, Unit 2
Kittery, Maine 03904
207-604-6848

Revisions:

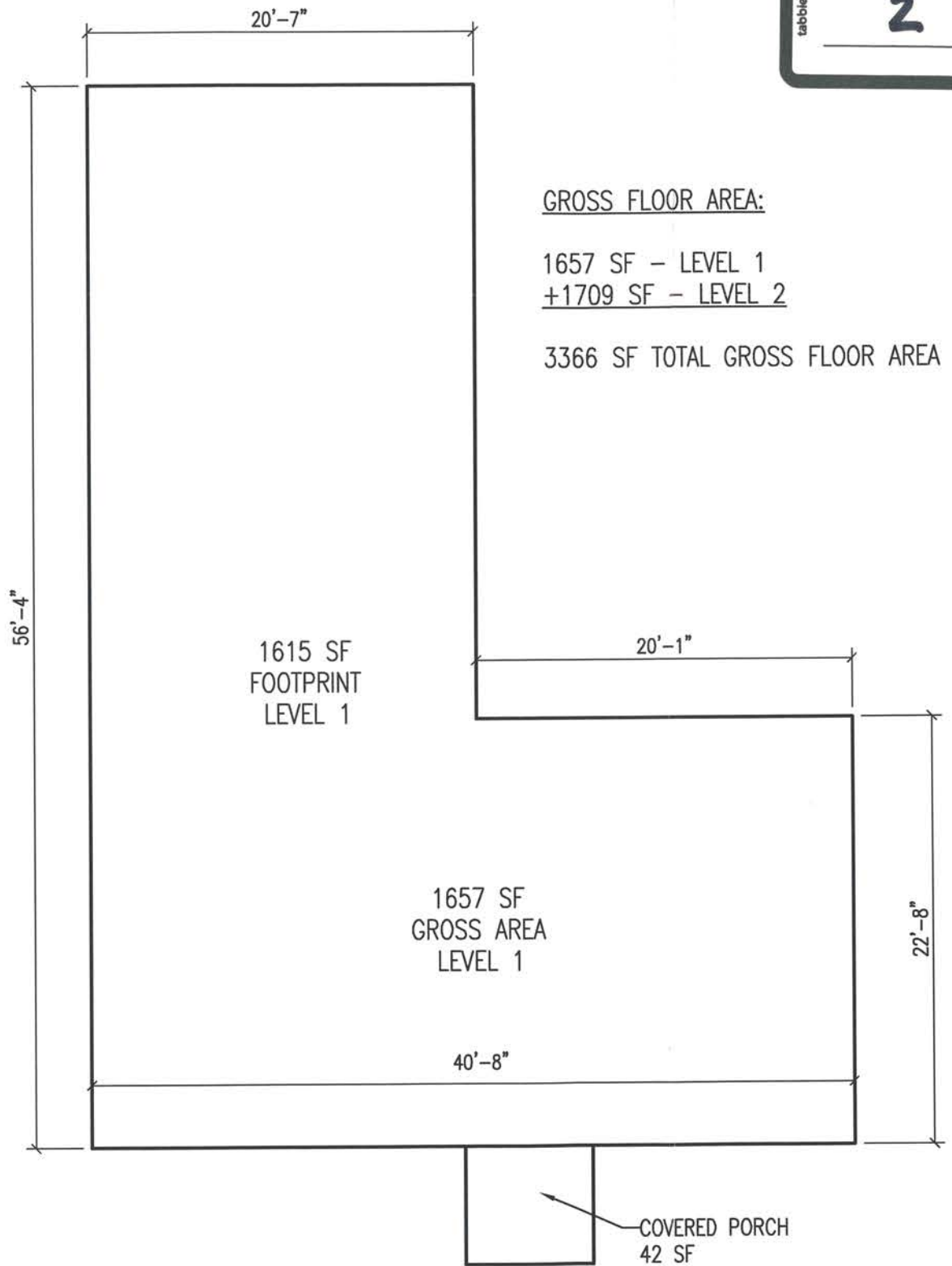
GROSS FLOOR AREA
LEVELS 1 & 2

date: Dec 9, 2020
scale: 1/8" = 1'-0"

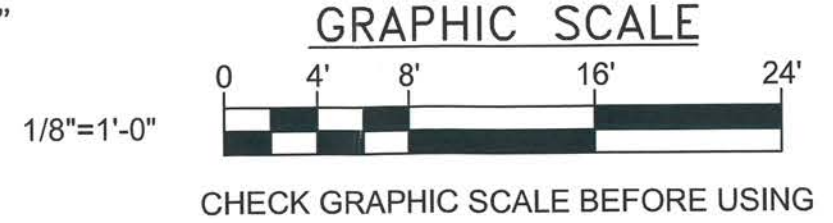
A1

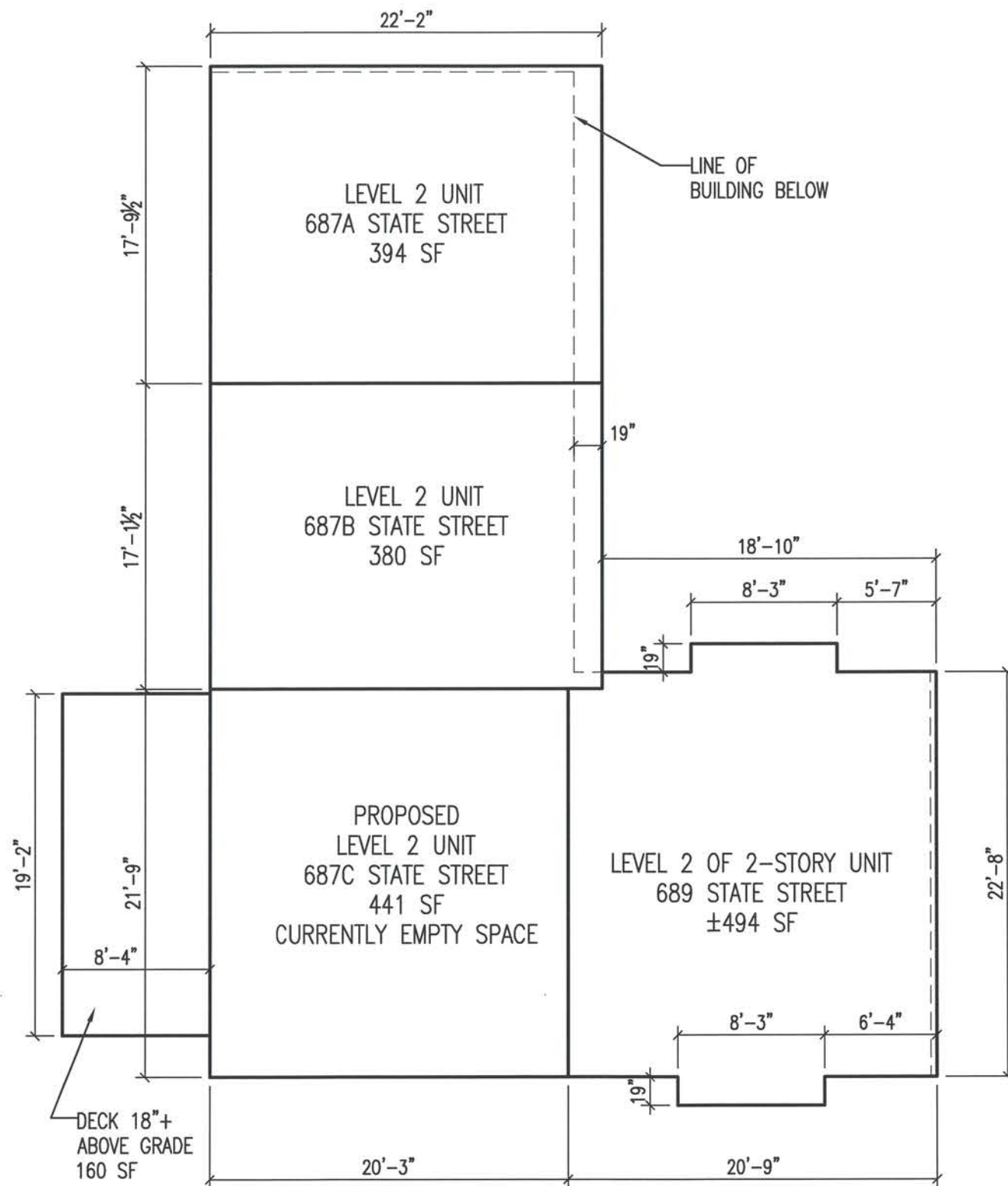


LEVEL 2
SCALE: 1/8" = 1'-0"



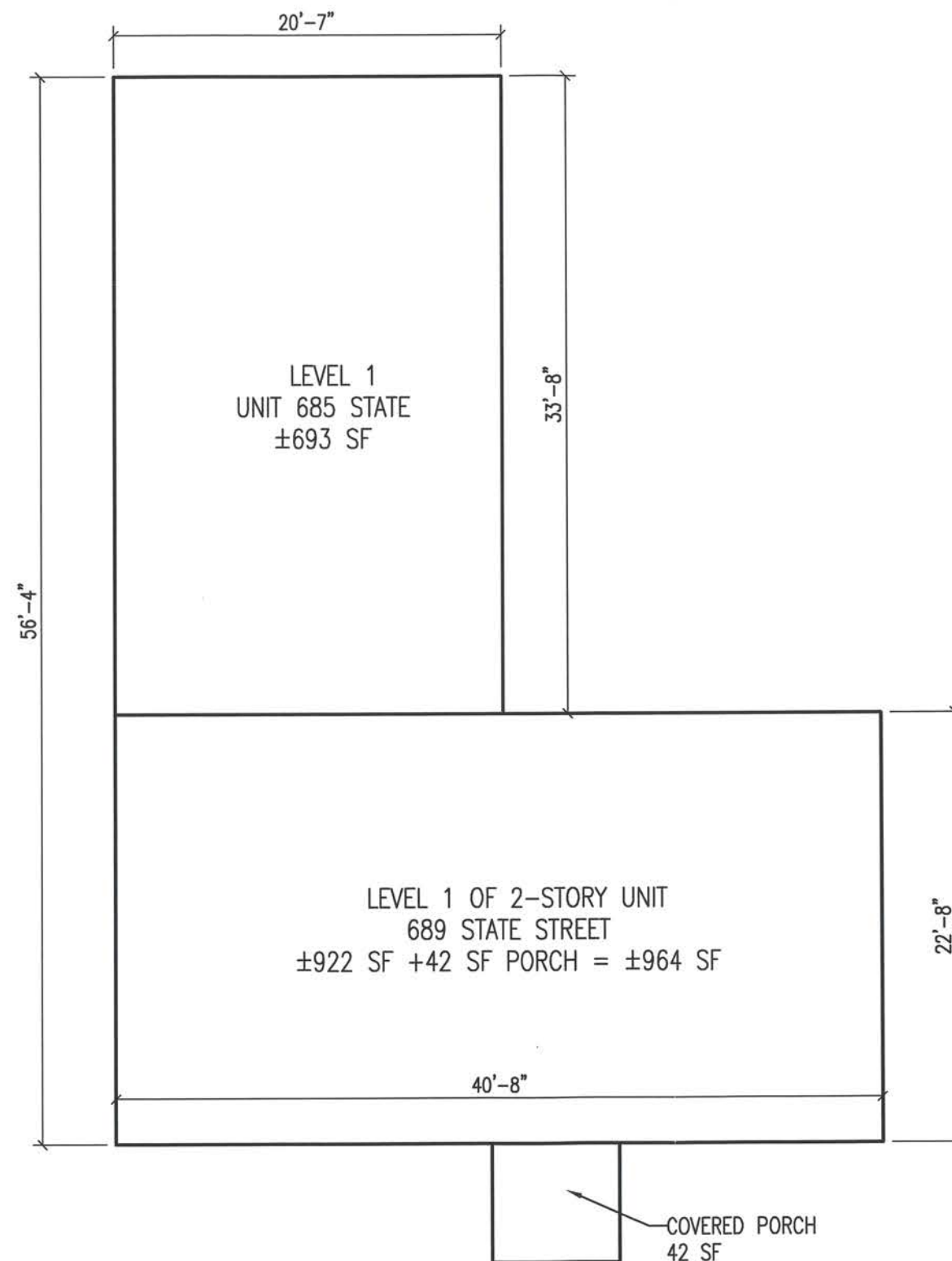
LEVEL 1
SCALE: 1/8" = 1'-0"





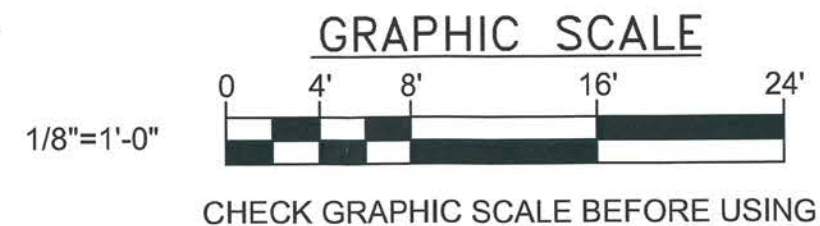
LEVEL 2

SCALE: 1/8" = 1'-0"



LEVEL 1

SCALE: 1/8" = 1'-0"



ALAN & SHARON WESTON
685 STATE STREET APARTMENTS
PORTSMOUTH, NEW HAMPSHIRE 03801

ARILDA DESIGN
densch@comcast.net / www.arilda.com
9 Adams Lane, Unit 2
Kittery, Maine 03904
207-604-6848

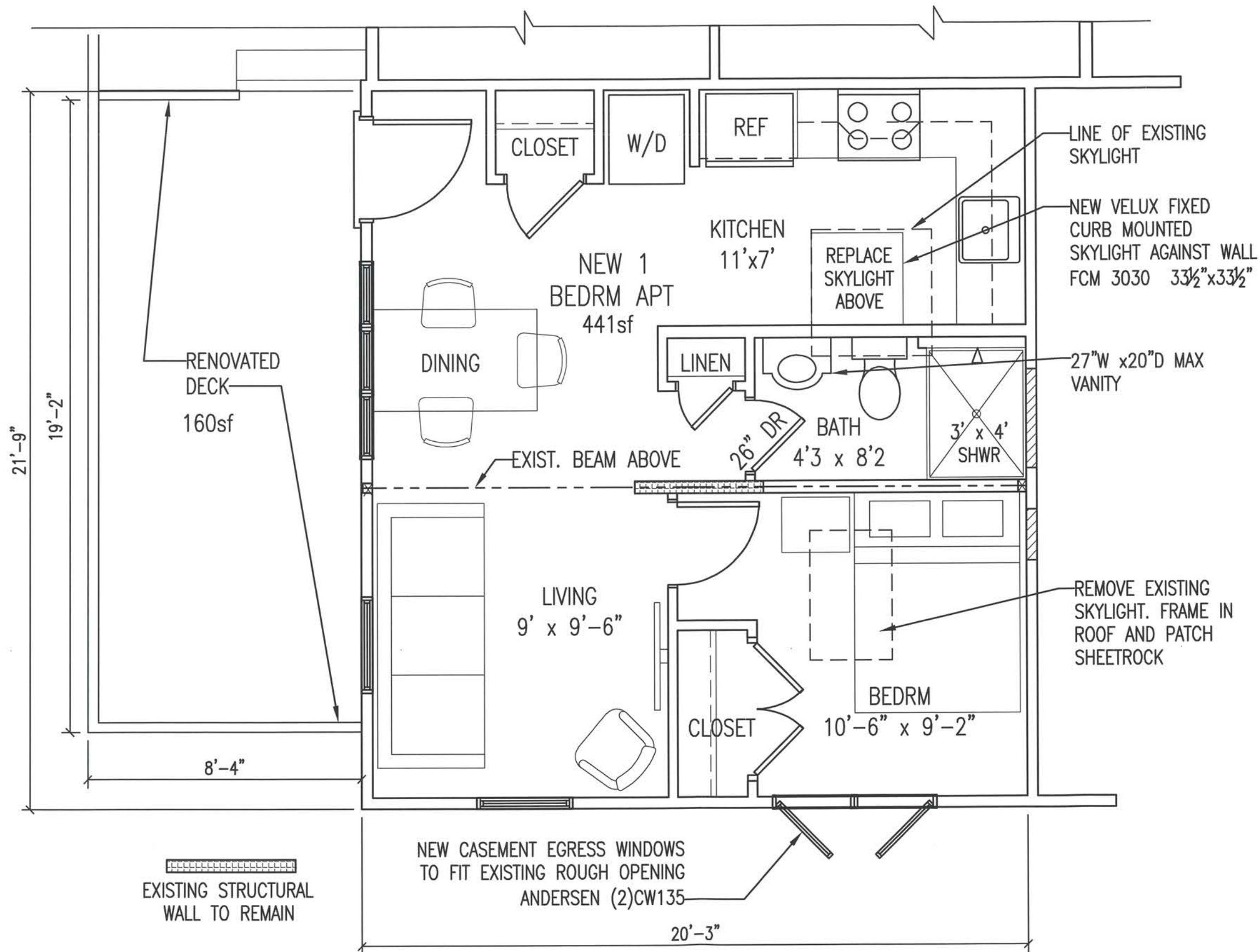
Revisions:

APT SQUARE FOOTAGE
LEVELS 1 & 2

date: Dec 9, 2020

scale: 1/8" = 1'-0"

A2



ALAN & SHARON WESTON
 685 STATE STREET APARTMENTS
 PORTSMOUTH, NEW HAMPSHIRE 03801

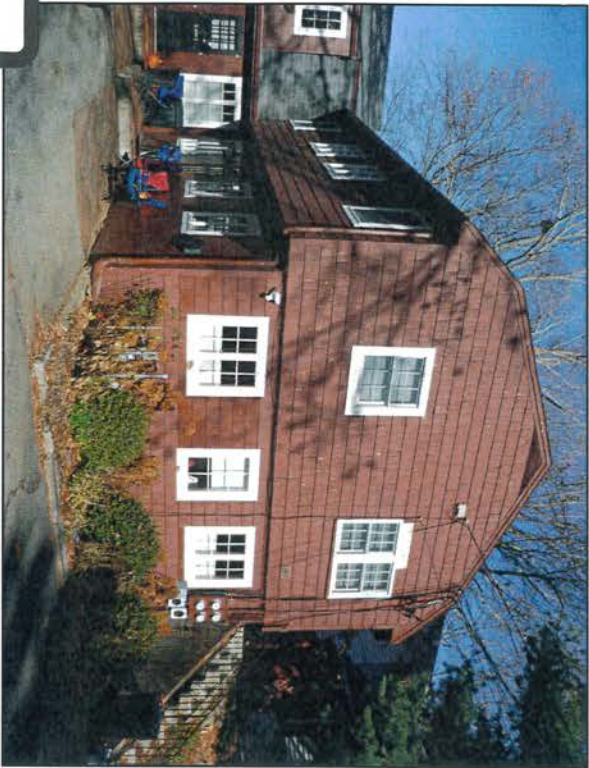
ARILDA DESIGN
 densch@comcast.net / www.arilda.com
 9 Adams Lane, Unit 2
 Kittery, Maine 03904
 207-604-6848

**APT LAYOUT
 FOR NEW UNIT**

date: Dec 9, 2020

scale: 1/4" = 1'-0"

A3



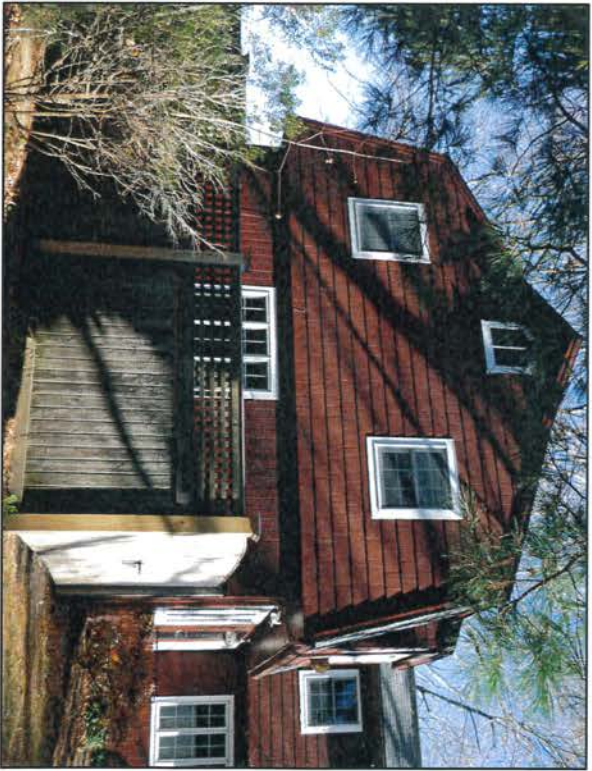
STATE ST SOUTH ELEVATION 1



STATE ST SOUTH ELEVATION 2



PARK SIDE WEST ELEVATION 1



PARK SIDE WEST ELEVATION 2

EXHIBIT
3

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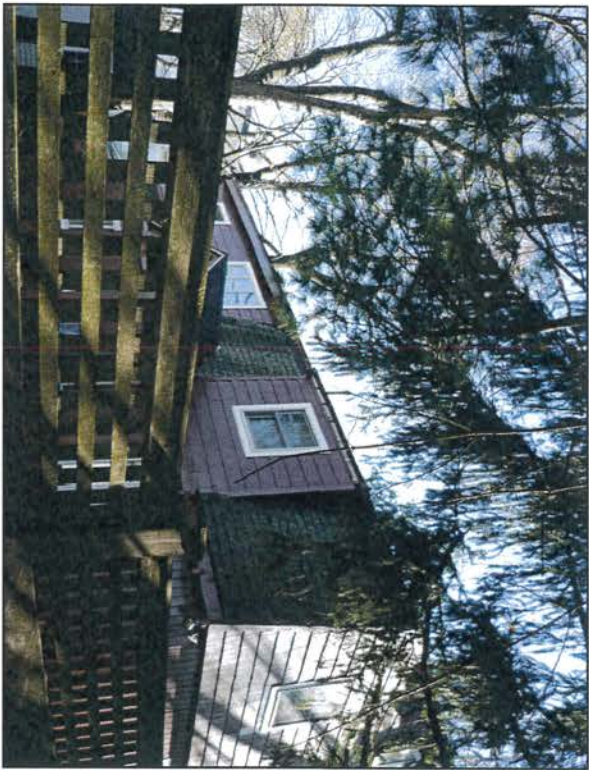
SITE PHOTOS 1

ARILDA DESIGN
densch@comcast.net / www.arilda.com
9 Adams Lane, Unit 2
Kittery, Maine 03904
207-604-6848

ALAN & SHARON WESTON
685 STATE STREET APARTMENTS
PORTSMOUTH, NEW HAMPSHIRE 03801

date: Dec 8, 2020

NO SCALE



BACKYARD NORTH ELEVATION 1



BACKYARD NORTH ELEVATION 2

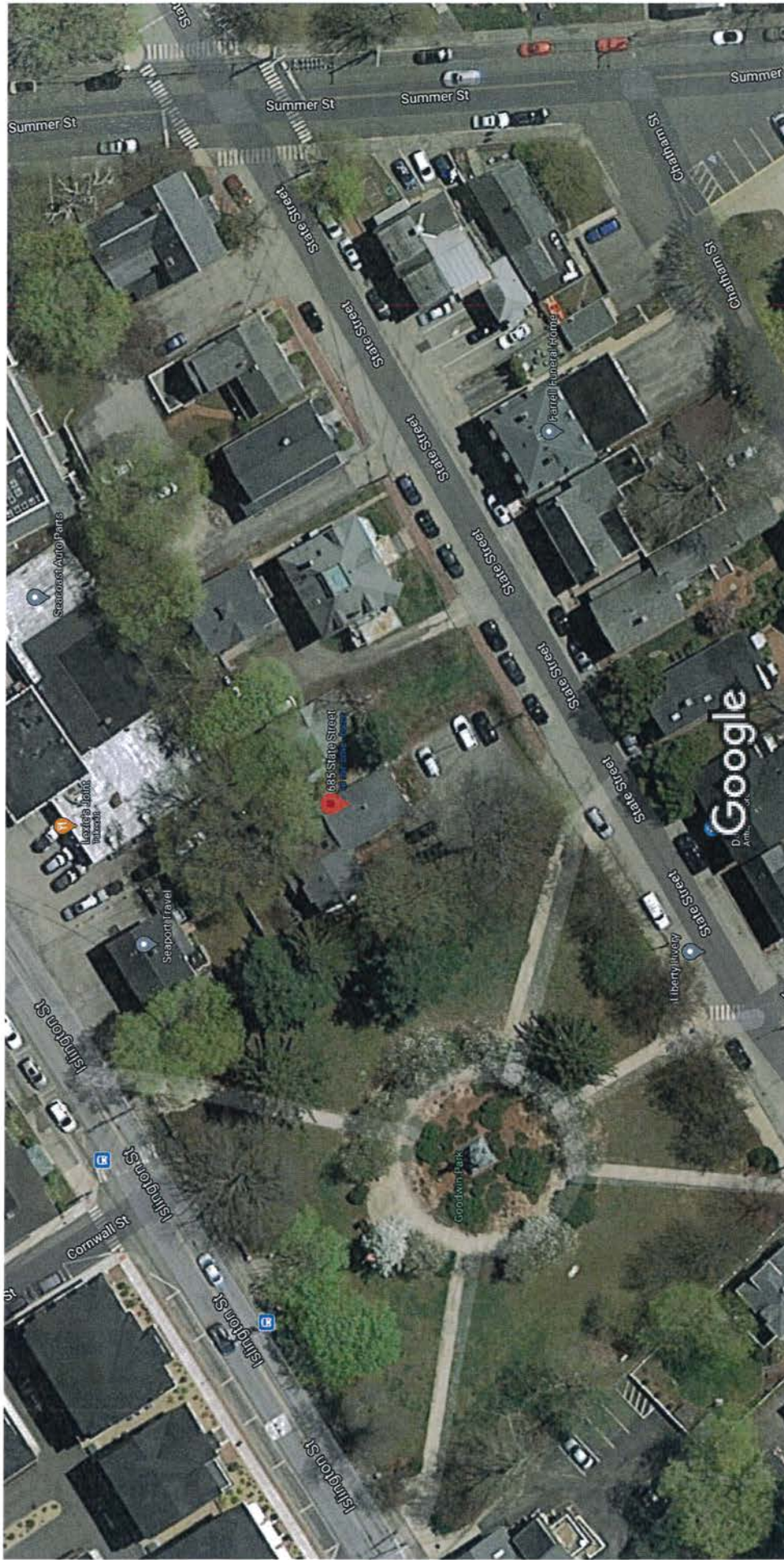


UPPER LEVEL EAST ENTRIES ELEVATION 1

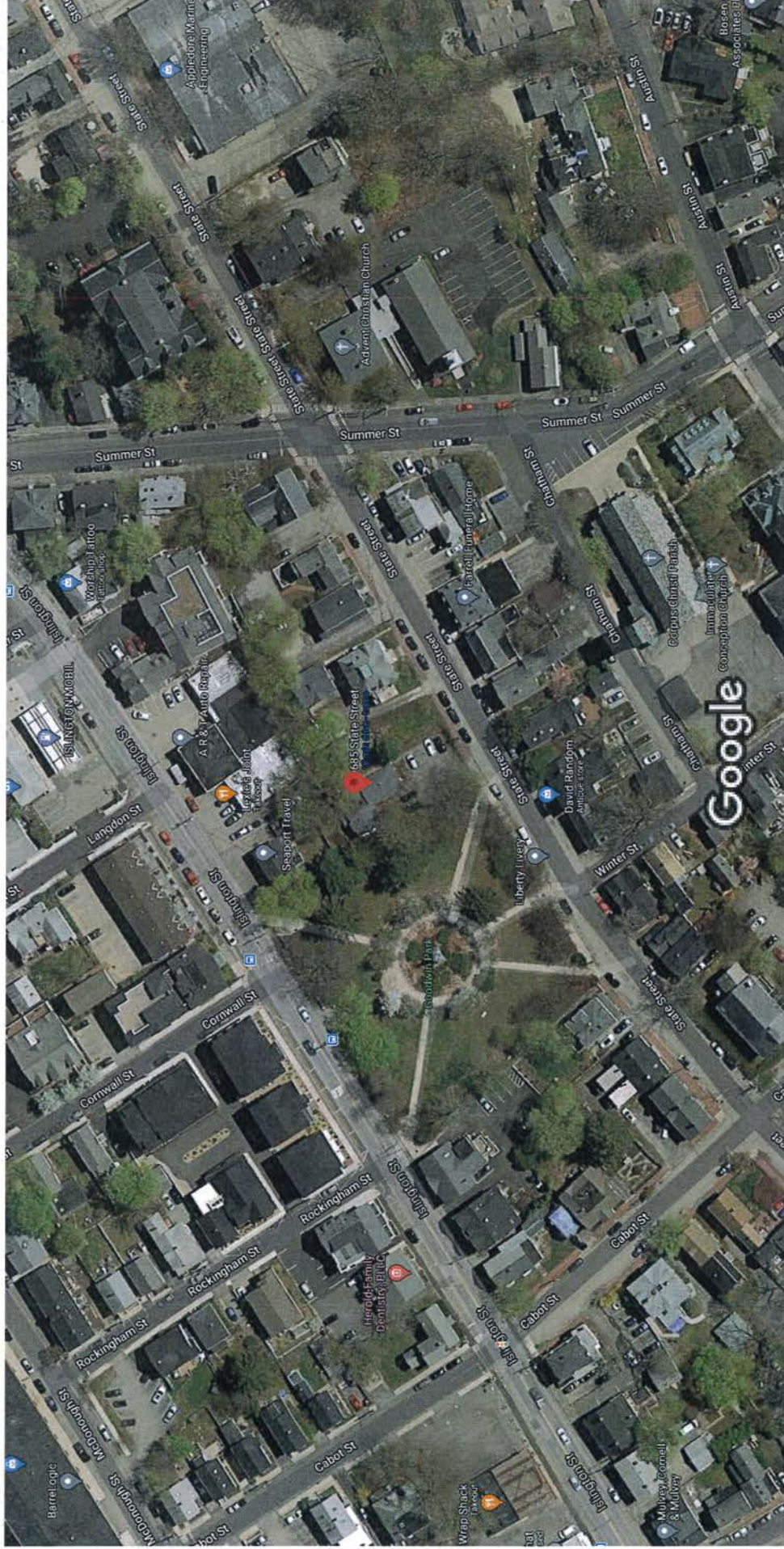


UPPER LEVEL EAST ENTRIES ELEVATION 2

Google Maps 685 State Street

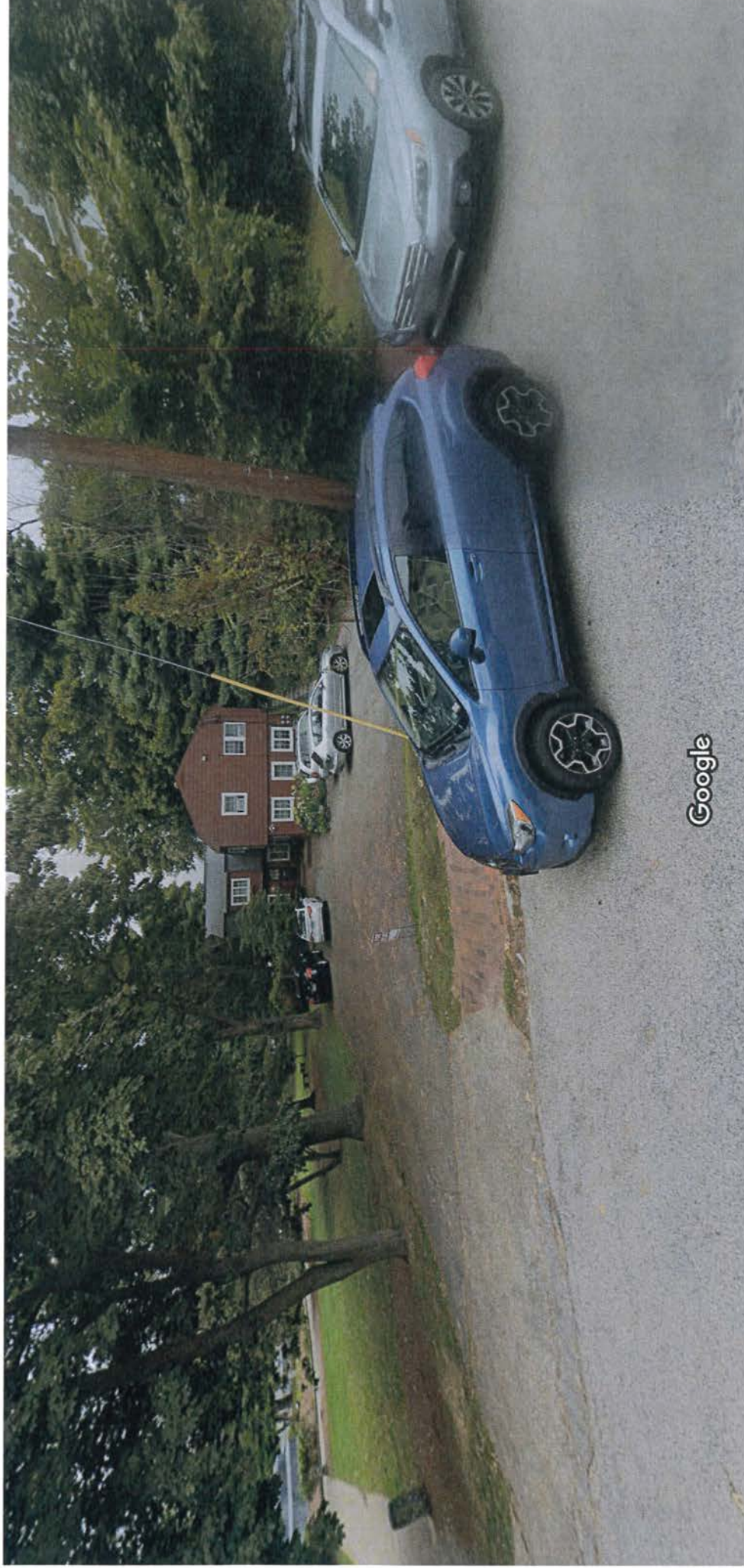


Google Maps 685 State Street



Imagery ©2020 Maine GeoLibrary, Maxar Technologies, U.S. Geological Survey, Map data ©2020

50 ft



Weston 685 State 12-8-2020 Site photos 2.pdf

Details

Size

29.78 MB

[View all details](#)



BACKYARD NORTH ELEVATION 1

Keep it safe in Dropbox

Quickly find it from any device by saving it to your own Dropbox folder.

Sign Up

Sign In

Weston 685 State 12-8-2020 Site photos 1.pdf

Details

Size

26.66 MB

[View all details](#)



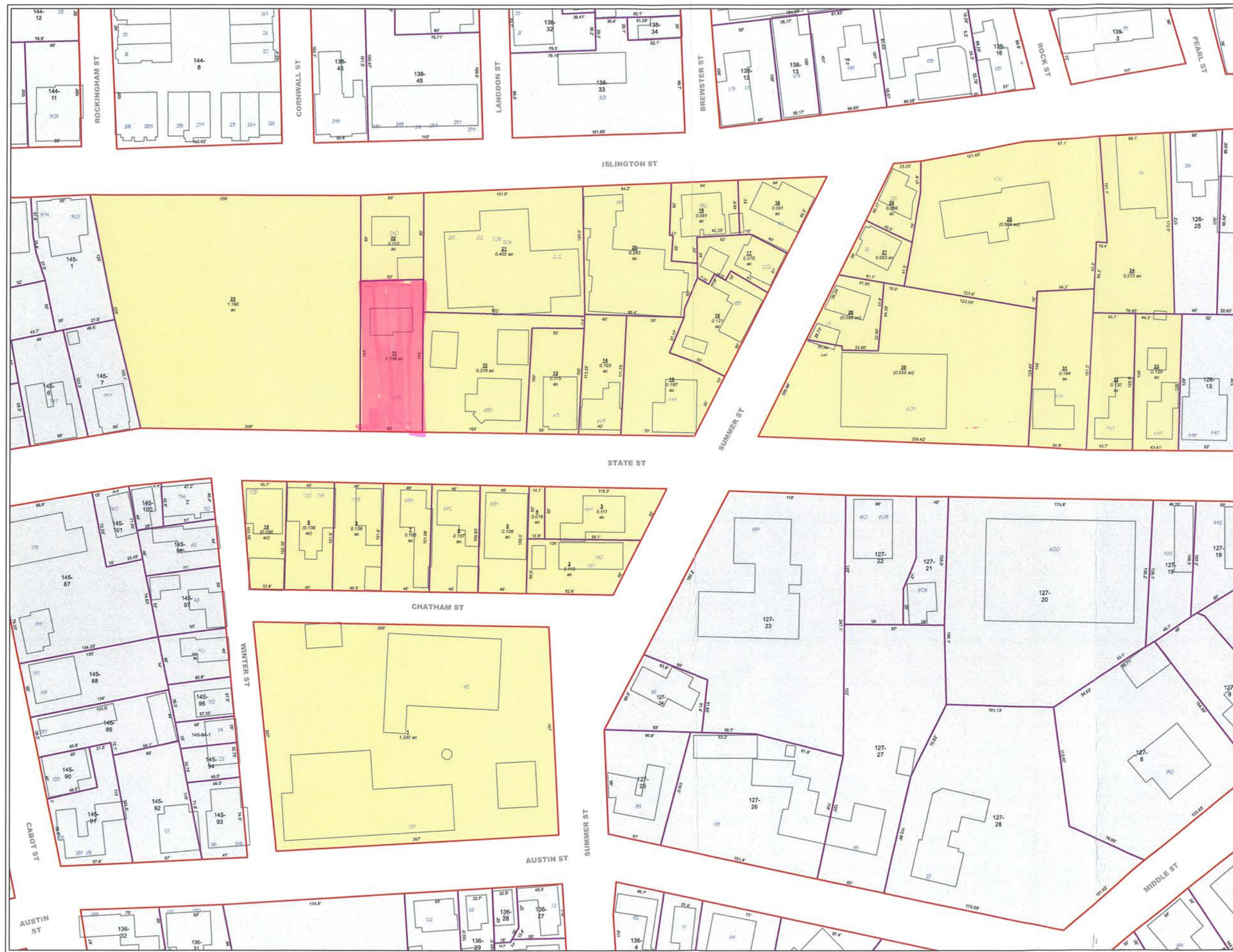
STATE ST SOUTH ELEVATION 1

It's free to save this in Dropbox

Quickly find it from any device by saving it to your own Dropbox folder.

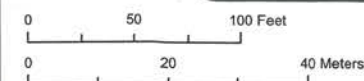
Sign Up

Sign In



- Partial Legend**
See the cover sheet for the complete legend.
- 7-5A** Lot or lot-unit number
 - 2.56 ac** Parcel area in acres (ac) or square feet (sf)
 - 23** Address number
 - 233-137** Parcel number from a neighboring map
 - 66'** 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 (see other m)

EXHIBIT
4
tabbies

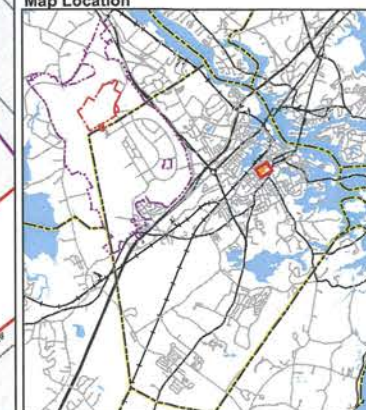


This map is for assessment purposes only. It is not intended for legal description or conveyance. Parcels are mapped as of April 1. Building footprints are 2006 data and may not represent current structures. Streets appearing on this map may be paper (unbuilt) streets. Lot numbers take precedence over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

Nearby Tax Maps



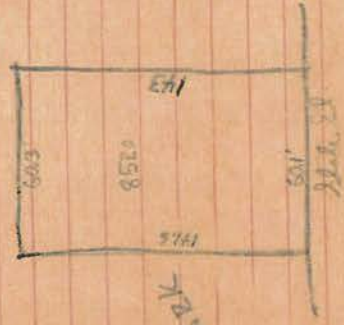
Map Location



Portsmouth, New Hampshire
2019
Tax Map 137

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St. North



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William A. & Teresa C. Ruel
Frank R. & Frances N. Pimen

IRVING T + REFETHEREN

Y
T
E
C
B

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PROPERTY FACTORS				ROLLING	LEDGE
TOPOGRAPHY	LEVEL	SAND	CLAY		
SOIL TYPE	LOAM	FAIR	POOR		
LAND CLASS	GOOD	FAIR	POOR		
DRAINAGE	GOOD	FAIR	POOR		
WATER SUPPLY	GOOD	FAIR	NONE		
PERMITS	GOOD				
ELECTRICITY	YES	NO			
TELEPHONE	YES	NO			
ROAD	PAVED	IMPR.			DIRT

CLASSIFICATION	NO. OF ACRES	RATE	TOTAL
TILLABLE			
PASTURE			
WOODED			
WASTE LAND			
TOTAL ACRES			
TOTAL VALUE LAND			
TOTAL VALUE BUILDINGS			
TOTAL VALUE LAND & BUILDINGS			

[illegible]

PROPERTY FACTORS		IMPROVEMENTS
TOPOGRAPHY		
LEVEL		WATER
HIGH		SEWER
LOW		GAS
ROLLING		ELECTRICITY
SWAMPY		ALL UTILITIES
		SEWAGE DISPOSAL
STREET		TREND OF DISTRICT
PAVED		IMPROVING
SEMI-IMPROVED		STATIC
DIRT		DECLINING
SIDEWALK		

FRONTAGE	DEPTH	UNIT PRICE	DEPTH FACTOR	FRONT FT. PRICE	TOTAL
60.1	143	15	1.74	1710	1050
Pack In fire					450
TOTAL VALUE LAND					1500
TOTAL VALUE BUILDINGS					6000
TOTAL VALUE LAND & BUILDINGS					7500

[illegible]

61	TOTAL	61	TOTAL	61
	LAND		LAND	
	BLDGS		BLDGS	
	TOTAL		TOTAL	
	LAND		LAND	
	BLDGS		BLDGS	
	TOTAL		TOTAL	
	LAND		LAND	
	BLDGS		BLDGS	
	TOTAL		TOTAL	

RANDALL PRESS, PORTSMOUTH, N. H.

RECORD OF BUILDINGS