

Board of Adjustment
City of Portsmouth
1 Junkins Ave
Portsmouth NH 03801

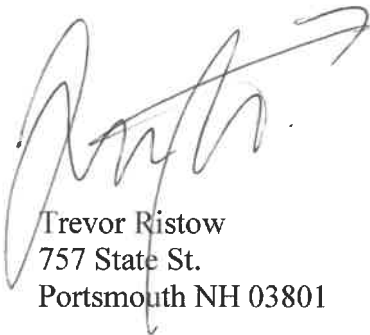
11 April 2022

Dear Board Members,

As a neighbor, I am writing in support of the variances requested by Mark Griffin to replace a garage at 728 State St. Mr. Griffin proposes to replace a decaying old structure with one of substantially the same design.

Mr. Griffin is an excellent steward of neighborhood architecture and aesthetics, as evidenced by the fine condition of his property. I am confident that the new structure will be an improvement to the street, the neighborhood, and the city.

Thank you for your consideration,

A handwritten signature in dark ink, appearing to read 'Trevor Ristow', with a long, sweeping horizontal stroke extending to the right.

Trevor Ristow
757 State St.
Portsmouth NH 03801

From: [Linda Briolat](#)
To: [Planning Info](#)
Subject: Abutter notice
Date: Friday, April 15, 2022 5:38:31 PM

Good afternoon,

I'm writing in response to the request for variance from Randi and Jeff Collins 77 Meredith Way. My concern comes from the continuous water issues from the newer house next door to them. There has been a year round hose running from that property to Thornton St to a water drain across the street from my home at 260 Thornton St. The lot on which the variance impacts is next door to this wet space. Before any variances are granted I'd like to see the water issue fixed.

Personally not clear why they need another home but not my business except the lot is cleared of trees and privacy no longer exists.

As a fourth generation resident of this street it astounds me that every vacant space is being built upon.

I do appreciate your time and willingness to serve the community that I love.

Linda McNeil Briolat
260 Thornton Street
Portsmouth

Sent from my iPad

From: [Sarah Cornell](#)
To: [Planning Info](#)
Subject: Fwd: 77 Meredith Way - January 27th meeting
Date: Tuesday, April 12, 2022 9:04:57 PM

Dear members of the Board of Adjustment:

I urge you to deny the owners' request regarding building a second principal structure on the lot at 77 Meredith Way.

The additional runoff caused by doubling the impermeable surface on the lot will diminish the value of our property at 275 Thornton Street as well as that of our neighbors at 255 Thornton. Runoff has already increased over previous years in the 2 months since the owners removed all of the trees on the lot. We alone are bearing the cost of removing excess runoff from surrounding properties. A third of our lot (and that of 255 Thornton) is often inaccessible due to water levels.

Please see my earlier letter to the Planning Board for the history of water issues in the Bartlett-Thornton-Stark-Pine block. Drainage on this block is a long-standing issue that we hope to see addressed as part of the FY23-FY28 Capital Improvement Plan (see COM-23-PW-92). Allowing this lot to be developed outside of existing regulations is contrary to the public interest, as it will simply exacerbate an issue that the city will have to address later on.

If the owners are allowed to build an additional structure, expand the existing structure, or in any way increase impermeable surface on the lot, we ask that the city require significant drainage management measures to be included in the plans.

Thank you for consideration.

Sarah Cornell
Susan Curry
owners, 275 Thornton Street

----- Forwarded message -----

From: **Sarah Cornell** <sarahbcornell@gmail.com>
Date: Wed, Jan 26, 2022 at 5:50 PM
Subject: 77 Meredith Way - January 27th meeting
To: <planning@cityofportsmouth.com>

Dear Planning Board members,

While we are not opposed to the unmerging of the lot at 77 Meredith Way, we are opposed to the resulting development of the property. Without consideration of existing drainage issues, any development of the lot at 77 Meredith Way will damage our property at 275 Thornton Street.

In a letter to abutters postmarked January 18th, the owners stated that, once their lot is unmerged, they intend to develop the second lot and replace the existing house. The City should require significant drainage management measures for any construction at 77 Meredith Way due to the removal of dozens of trees and doubling of impermeable surfaces on the lot.

Our property at 275 Thornton Street includes the lowest point in the block bounded by Bartlett, Thornton, Stark, and Pine Streets. It has historically been a wet area, attested to by the long-term owner of 255 Thornton and other long-term residents. We have been told that before the property at 55 Pine Street was built in 2012, both 255 Thornton and 275 Thornton would often have shallow standing water close to the boundary with 55 Pine and 77 Meredith Way during spring thaws. We accept this as typical vernal pool behavior.

Following the building of the house at 55 Pine in 2012 (which included raising the ground level on that property by 2 feet) and the subsequent addition in 2019, the water began to pool at 255 and 275 Thornton more and more often. Where neighbors reported high water reaching our basements perhaps once in decades, we have now had high water up to 2 feet deep and reaching our basements twice in 2 years. (December 14, 2019 and October 31, 2021.) The water now often covers a quarter of the two lots despite mitigation efforts including a sump pump in the rear of our lot which runs about 4 months out of the year.

Today, January 26, the wooded portion of the lot at 77 Meredith Way was cleared. I'm sure I don't need to point out that the significant reduction in tree cover is already a threat to the amount and safety of runoff in the Creek neighborhood:

<https://www.epa.gov/soakuptherain/soak-rain-trees-help-reduce-runoff>.

We ask that the City prioritize water management in the Bartlett-Thornton-Stark-Pine block. No development should further damage our property. Again, the City should require significant drainage management measures for any development at 77 Meredith Way because of the removal of dozens of trees and doubling of impermeable surfaces on the lot.

I have attached photos which demonstrate typical and extreme water levels.

Thank you for your consideration.

Sincerely,

Sarah Cornell
Susan Curry
owners, 275 Thornton Street





77 Meredith

Extreme flood level (reaching basement) at
275 Thornton
December 14, 2019



55 Pine

Extreme flood level at 275 Thornton
December 14, 2019



RE: 64 Vaughn St
Meeting: April 26, 2022

Dear Members of the Zoning Board of Adjustments,

April 17, 2022

Stated in the March 3, 2021 letter to the HDC by the development team:

"Our plans illustrate a limited vertical expansion of the building...". The allowed height at this site is 2 to 3 stories, 40' and with a penthouse 42'. What is being shown before the penthouse is added is 3 stories 42' with a parapet, which is allowed. Some of the comparisons presented are buildings in different height zones. Looking at MapGeo this is immediately evident. This entire surrounding area is "green", 2-3 story, 40': Vaughn, Hanover, Fleet, Congress St.

<https://www.cityofportsmouth.com/public-works/engineering-gis/mapgeo>

It is true 25 Maplewood has some items on the rooftop but those are allowed per zoning. Jimmy's Jazz Club appears to be the allowed 3 stories. **Adding a rooftop employee lounge is not included in any ordinances.**

The opening letter states: "*The convening space will provide employees and guests access to outdoor space where there is no other such space available on or near the property.*" **Had the originally proposed conversion of PART the parking area into a park been provided, there would have been over 2480sf of green space for the employees and residents. The development gained over 9000 sf in building by not turning the parking area into a park. A park was knowingly NOT chosen. Directly across the street is Port Walk with large areas for convening. 2 Russell St is proposing large areas for convening, the Vaughn Mall has large areas for convening and the Bridge St lot renovations are providing more open green space.** What was chosen is the required 5% of open space (698sf) in 2 sections.

This area is zoned 2-3 story or 40'. Ordinance **10.5A21.21** states no more than the maximum stories OR the maximum feet are allowed. What is being asked for is **an extra story AND an extra about 12' with a 2500sf GLASS building.** Ordinance 10.1530 clarifies **a penthouse as:** "**A habitable space within the uppermost portion of a building above the cornice which is set back at least 15 feet from all edges of the roof and the total floor area of which **does not exceed 50% of the area of the story below...****". It is shown that the floor below is 6346sf. Over 300 people could be up there at one time. It is stated in the opening letter that there will be between 200 and 300 employees in the ENTIRE building. It is proposed as a GLASS structure(sheet 2 of 17) for convening. **It does NOT meet the criteria of "habitable space".**

This area is in the Downtown Overlay District which provided a 4 space reduction in on-site residential parking and *no required parking for commercial space.* A fortune was saved in NOT being required parking for the expected 200 to 300 employees. The 2480 sf park could have been added or a few employee lounges with windows or balconies could have been added.

Please deny this request for 3 variances to add an employee lounge.

- 1.) The bare minimum of a 15' setback is not being provided. 10.1520 likely exists to keep every building in town from being able to add an extra floor and call it a penthouse. It is contrary to public interest to water down this ordinance by ONE THIRD!! **It is very contrary to public interest to allow a pattern of variances to meet a goal (place to convene) which the developers chose NOT to provide in their design plan.** This building is already going to negatively impact public interest by not providing the amount of parking they will really need. The 200-300 employees could have a positive impact on the local businesses IF they convened at local businesses. This GLASS building will likely open on many sides reflecting sound off the entire area. It will likely be lighted and

is proposed as an employee lounge not a penthouse. It is one thing to live next to a residence, it's another to live next to an employee lounge.

- 2.) 10.5A21.21 height regulations state no more than maximum stories OR height can be used. 10.5A43.30 states the height at this location is maximum 40' with penthouse 42" OR 2 to 3 story. The spirit of both ordinances is not being observed by adding around 12 more feet and not meeting the minimum set back requirement. All buildings have unique structures, this one included. It is NOT a habitable space and *doesn't meet the definition of a penthouse*. The Oxford definition of a penthouse is: an apartment on the top floor of a tall building, typically luxuriously fitted and offering fine views. ***It not only doesn't meet the spirit of the ordinances much less the basic definition of a penthouse.***
- 3.) Substantial justice would have been to have added a park in the original parking area for the employees to enjoy. The design of the building could have included a penthouse apartment for the CEO within the allowed 42' height with the required 15' set back. Downtown employees often convene in the provided open areas and support the local establishments by using their facilities. ***Substantial Justice would be to NOT allow these variances.***
- 4.) The original building was a mixed use with retail on the first floor and residential above. The entire building is now commercial. The condo and hotel rooms which abut this property could have a rude awakening the first time 200++ people gather on the rooftop in a glass building which will likely reflect sound off the entire Vaughn Mall and that would be just hanging out and talking. Having a band or music of any kind would just add to the negative impact on surrounding properties. *The sounds from the Worth Lot can negatively affect 25 Maplewood and Bridge St. They are known to resonate into Islington Creek.* **All residences abutting the proposed employee lounge could be negatively impacted by noise.**
- 5.) *There is NO hardship here.* The design plan could have included a penthouse for employees to rent or live in, within the height minimums and penthouse setbacks. What is being proposed is not a penthouse by city and Oxford definition but an employee lounge for over 200++ people. An over 9000sf building addition was chosen INSTEAD of a park. A simple 200sf or 1000 sf first floor *open area* could have been designed into the building. Each floor could include an employee lounge with small balconies. This area is surrounded with wonderful restaurants, meeting areas and outdoor spaces, including the Vaughn Mall!! **There is NO hardship at all!**

Respectfully,

Elizabeth Bratter
159 McDonough St
Property Owner