

From: mmm0553@comcast.net
To: [Planning Info](#)
Cc: ["Mary Beth Brady"; Richard H Brady Jr.](#)
Subject: Abutter Notice, Board of Adjustment
Date: Monday, May 16, 2022 5:02:48 PM
Attachments: [1 Scan.pdf](#)
[2 Scan.pdf](#)
[3 Scan.pdf](#)
[4 Scan.pdf](#)
[Survey 5-6-22 Scan.pdf](#)
[Ltr to st jean regarding brady.doc](#)

Good afternoon,

We are Rich and Mary Brady on 122/124 Burkitt St. We are immediate neighbors of Joel St Jean on 108 Burkitt St.

We have reviewed his proposal and have reservations with his plan. We do not oppose legally demolishing/replacing the existing garage in the same space of approximately the same size. We do have questions regarding the proposed variance to almost triple the current size to be built 1' from our property line where 10' is required by current City laws. We're curious how it would be built almost exactly ON the property line where there is now a hedge. With only twelve inches of access to maintain his building, approving this request is tantamount to granting the owners of that property free permanent access to this property.

Since becoming our neighbor, Joel has many times expressed his intent to remove our shared hedge. According to a survey prepared for us by Stockton Services and registered with the City in January 2012, we own most of the hedge. I also recently discussed this with Portsmouth City Arborist Charles Baxter, who reviewed our records and echoed this belief. We have no intention of removing it. I work from home and that hedge is the last bit of protection I have from complete exposure of the sound traveling into our neighborhood from the traffic circle. It has been proposed that a garage and several arborvitaes are adequate replacement. I disagree.

After a text discussion with Joel on April 25,th we hired Jonathan M. Flagg, Esq. Flagg Law, PLLC to draft a letter stating our intention to keep the hedge in place. I have attached that letter.

In addition to the 9' variance, our other concern is that his contractor will need to actually stand in our yard to rebuild his proposed structure. That area is 100% hedge. We question whether this demolition/construction can/will be accomplished while providing the necessary care required to protect our property and prevent terminal damage to our bushes.

We plan to attend your May 24, 2022, hearing to listen and contribute. In the meantime, please advise if there are any additional steps we should take.

Thank you very much.

The Bradys
124 Burkitt St
Portsmouth, NH 03801
603-566-2749

FLAGG LAW, PLLC

Jonathan M. Flagg

ATTORNEY AT LAW

E-MAIL: JFLAGG@FLAGGLAWFIRM.COM

TELEPHONE (603) 766-6300

FACSIMILE (603) 766-6301

August 27, 2022

via regular mail and hand delivered

Joel St Jean
108 Burkitt St
Portsmouth, NH 03801

RE: DO NOT REMOVE HEDGE

Dear Mr. St. Jean:

I represent Mr. and Mrs. Richard Brady who live at and own 124 Burkitt Street in Portsmouth. The Brady's property abuts your property. As I understand it, you want to remove the hedge between my clients' property and your property. My clients own the hedge. Please do not remove it.

We are hoping that you will respond favorably to this letter so that we can get this matter resolved. Our hope is that we can get this matter resolved between neighbors without further proceedings. Let me know if you can work with me on this. If you have any conflicting surveys, please provide them to me. You may have a survey of your own property that you obtained for one reason or another. If so, I would very much like to see it so that we can get this matter behind us.

Thank you very much for your time.

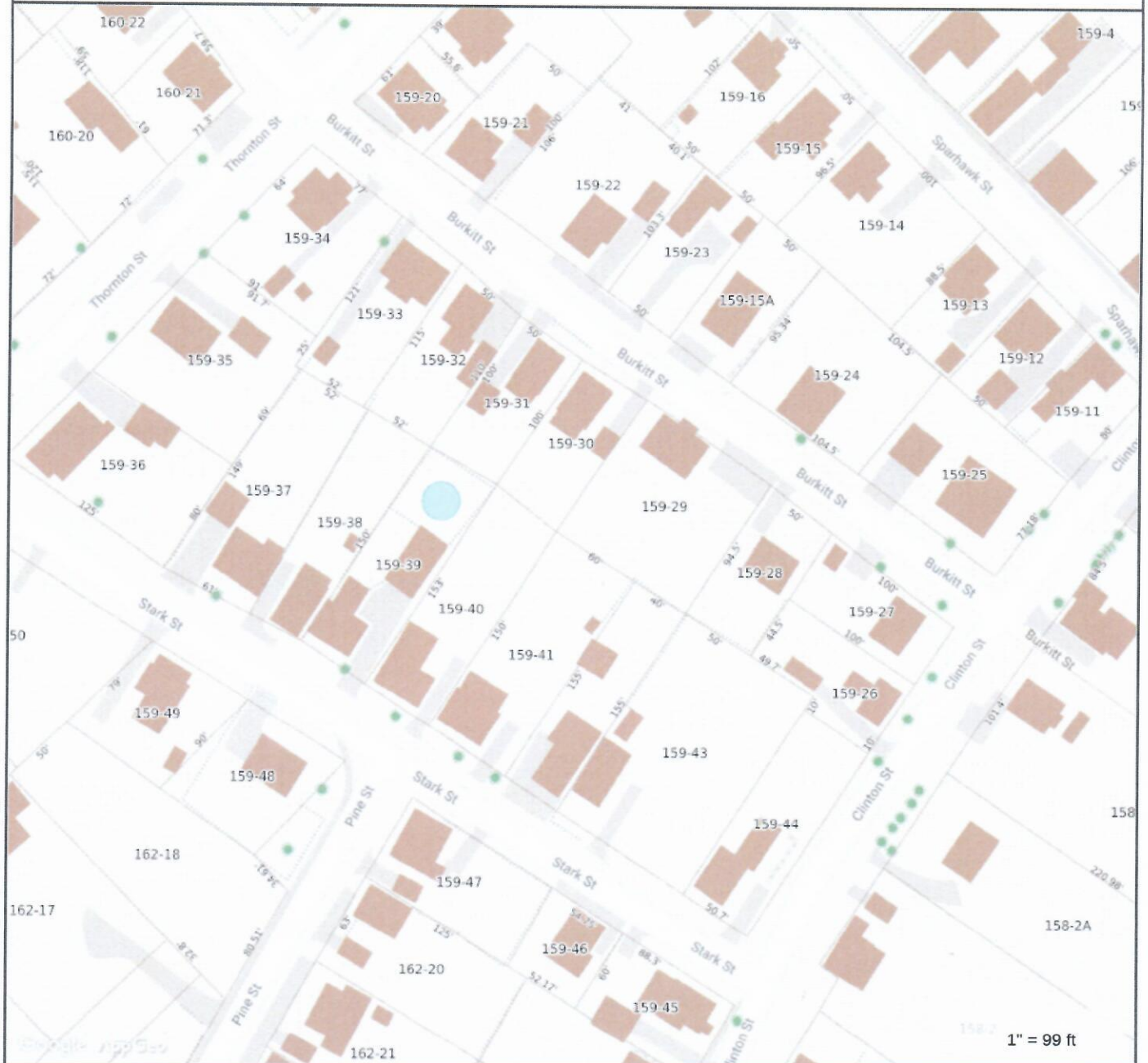
Very truly yours,

Jonathan M. Flagg, Esq.

JMF/jlr

CC: RICHARD BRADY

124 Burkitt Street



MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT

City of Portsmouth, NH makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Geometry updated 4/1/2019
Data updated 7/17/2019

C/H
L-CHIP
ROA142101

2012 JAN 12 AM 11:35

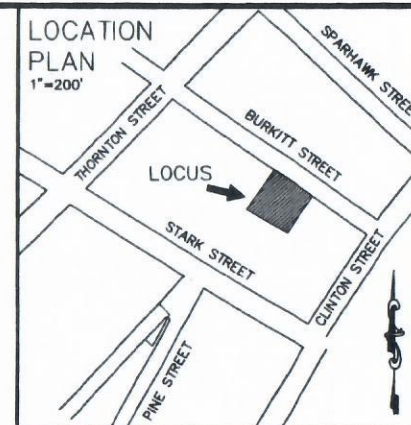
001862

PLAN REFERENCES

- SEE "STREET PLAT OF SPARHAWK, BURKITT, STRAK, CLINTON, AND PINE STREETS IN PORTSMOUTH, NH, SCALE: 1"=60', JULY 1980, JOHN W. DURGIN ASSOCIATES", FILE NO 108CD, PLAN 5874-SP
- SEE "PLOT PLAN, NO 18 BURKITT ST., PORTSMOUTH, NH, SCALE: 1"=10', APRIL 1976, JOHN W. DURGIN. CIVIL ENGINEERS", FILE NO 108 PLAN NO 3301.
(PLANS NOTE 1 AND 2 COURTESY OF JAMES VERRA AND ASSOC.)
- RCRD PLAN 206-131
RCRD PLAN 008, RCRD PLAN 374-028
RCRD PLAN C12736
RCRD PLAN D28451
RCRD PLAN C6323
RCRD PLAN D25006
RCRD PLAN D22643

DEED REFERENCES

RCRD 3560-0180	RCRD 0449-0157	RCRD 0387-0092
RCRD 2700-0760	RCRD 0449-0168	RCRD 0406-0312
RCRD 1740-0291	RCRD 0448-0161	RCRD 0410-0307
RCRD 1867-0016	RCRD 0517-0232	RCRD 0383-0421
RCRD 1686-0011	RCRD 0521-0232	RCRD 0397-0086
RCRD 0804-0147	RCRD 0523-0457	RCRD 0394-0474
RCRD 0819-0491	RCRD 0527-0122	RCRD 0410-0236
RCRD 0532-0087	RCRD 0532-0035	RCRD 0410-0312
RCRD 0450-0251	RCRD 0532-0087	RCRD 0406-0372
RCRD 0211-0106	RCRD 0532-0044	RCRD 0383-0421
RCRD 0194-0372		RCRD 0401-0455
RCRD 0187-0306		
RCRD 0165-0164		

LOCATION
PLAN
1"=200'

I CERTIFY THAT THIS SURVEY PLAT IS NOT A SUBDIVISION PURSUANT TO THIS TITLE AND THAT THE LINES OF STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED AND THAT NO NEW WAYS ARE SHOWN.

Anne W. Bialobrzewski 12/14/2011
ANNE W. BIALOBRZEWSKI LLS #752 DATE



12/14/2011

PLAT OF LAND
FOR

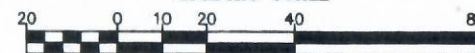
RICHARD H. BRADY, JR. &
MARY BETH WILSON
#122-124 BURKITT STREET
PORTSMOUTH, NH

SCALE: 1"=20' DECEMBER 14, 2011

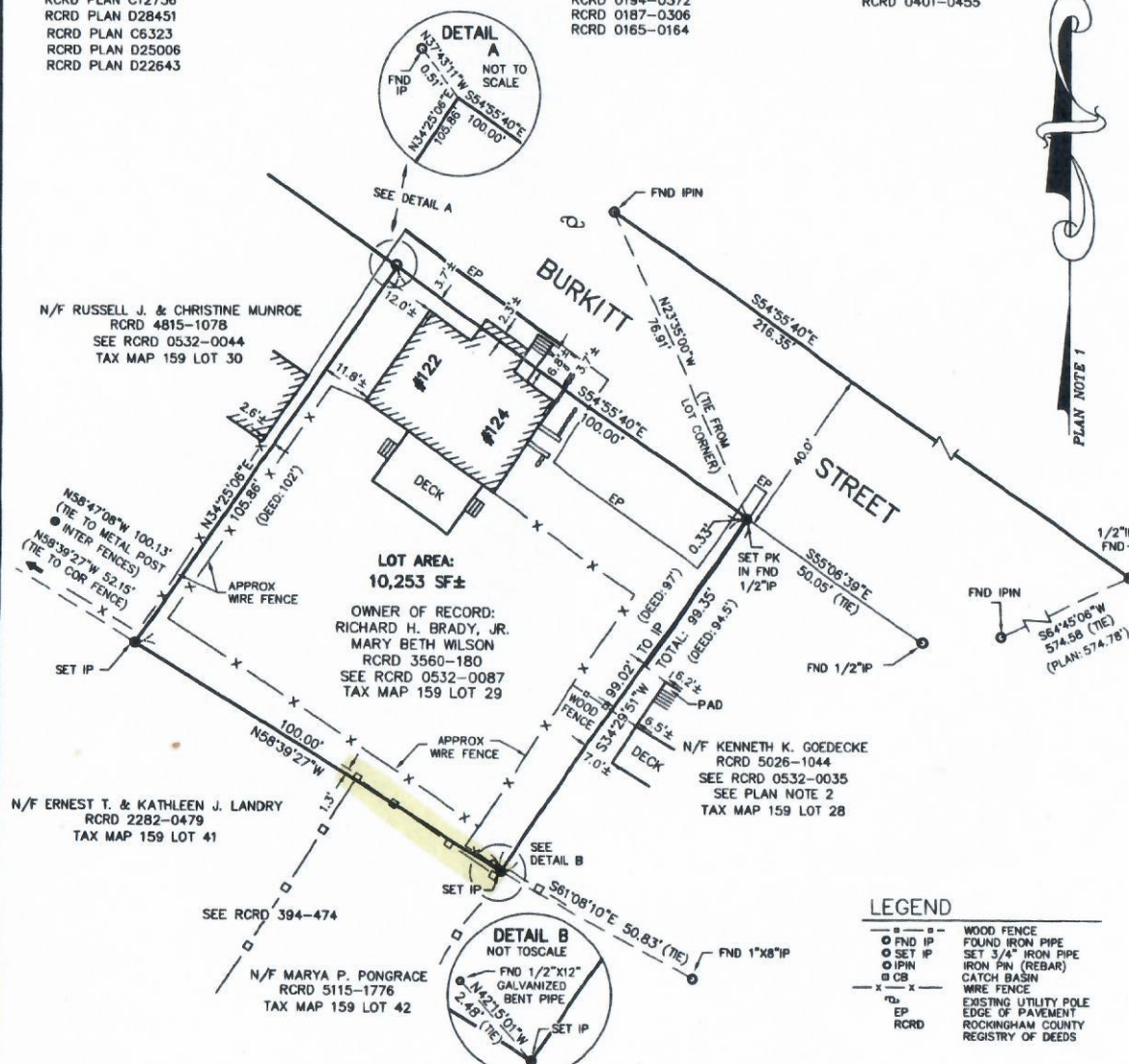
STANDARD URBAN PROPERTY SURVEY
TAX MAP 159 LOT 29

PREPARED BY STOCKTON SERVICES
PO BOX 1306 HAMPTON, NH 03843-1306
(603) 929-7404

GRAPHIC SCALE



1 INCH = 20 FEET



LEGEND

---	WOOD FENCE
○ FND IP	FOUND IRON PIPE
○ SET IP	SET 3/4" IRON PIPE
○ IPIN	IRON PIN (REBAR)
○ CB	CATCH BASIN
-x-x-	WIRE FENCE
EP	EXISTING UTILITY POLE
RCRD	EDGE OF PAVEMENT
	ROCKINGHAM COUNTY
	REGISTRY OF DEEDS

C-37087