REGULAR MEETING*
BOARD OF ADJUSTMENT
EILEEN DONDERO FOLEY COUNCIL CHAMBERS
MUNICIPAL COMPLEX, 1 JUNKINS AVENUE
PORTSMOUTH, NEW HAMPSHIRE

Members of the public also have the option to join the meeting over Zoom
*(See below for more details)**

7:00 P.M. **September 27, 2022**

AGENDA

I. NEW BUSINESS

A. The request of **Emily Morgan Revocable Trust of 2021 (Owner)**, for property located at **127 Willard Avenue** whereas relief is needed to replace the existing front porch with new covered landing with steps which requires the following: 1) A Variance from Section 10.521 to allow a 6 foot secondary front yard where 15 feet is required. 2) A Variance from Section 10.321 to allow a nonconforming building or structure to be expanded, reconstructed or enlarged without conforming to the requirements of the Ordinance. Said property is located on Assessor Map 149 Lot 37 and lies within the General Residence A (GRA) district. (LU-22-180)

B. The request of **Anne R. Landau Bellaud (Owner)**, for property located at **55 Aldrich Rd** whereas relief is needed to remove existing front steps and construct new deck and steps which requires the following: 1) A Variance from Section 10.521 to allow a 2.5 foot front yard where 15 feet is required. 2) A Variance from Section 10.321 to allow a nonconforming building or structure to be expanded, reconstructed, or enlarged without conforming to the requirements of the Ordinance. Said property is located on Assessor Map 153 Lot 44 and lies within the General Residence A (GRA) district**.** (LU-22-181)

C. The request of **Seth Monkiewicz (Applicant),** and **Betty Ann Fraser (Owner)**, for property located at **42 Harvard Street** whereas relief is needed for the upward expansion of existing garage and mudroom to create and attached ADU which requires the following: 1) A Variance from Section 10.521 to allow a 22 foot front yard where 30 feet is required. 2) A Variance from Section 10.321 to allow a nonconforming structure or building to be expanded, reconstructed or enlarged without conforming to the requirements of the Ordinance. Said property is located on Assessor Map 259 Lot 30 and lies within the Single Residence B (SRB) district. (LU-22-176)

A. The request of **Brian and Charlene Huston (Owners)**, for property located at **44 Harding Road** whereas relief is needed to remove the existing deck and construct new deck with stairs

which requires the following: 1) A Variance from Section 10.521 to allow 25% building coverage where 20% is the maximum allowed. 2) A Variance from Section 10.321 to allow a nonconforming structure or building to be extended, reconstructed or enlarged without conforming to the requirements of the Ordinance. Said property is located on Assessor Map 250 Lot 75 and lies within the Single Residence B (SRB) district. (LU-22-178)

B. The request of Madison **Tidwell & Brendan Barker (Owners)**, for property located at **38 Thaxter Road** whereas relief is needed to construct a 14' x 25' rear second story over an existing structure which requires the following: 1) A Variance from Section 10.521 to allow a 23 foot rear yard where 30 feet is required. 2) A Variance from Section 10.321 to allow a nonconforming building or structure to be expanded, reconstructed or enlarged without conforming to the requirements of the Ordinance. Said property is located on Assessor Map 166 Lot 36 and lies within the Single Residence B (SRB) district. (LU-22-164)

C. The request of **ADL 325 Little Harbor Road Trust (Owner),** for property located at **325 Little Harbor Road** whereas relief is needed to renovate an existing historic barn which requires the following: 1) A Variance from Section 10.628.30 to permit a bottom/basement finished floor elevation of 8 feet where 7.88 feet exist where 9 feet is required. Said property is located on Assessor Map 205 Lot 2 and lies within the Rural (R) district. (LU-21-220)

D. The request of **John T. & Mary R. McDonald (Owners)**, for property located at **74 Sunset Road** whereas relief is needed to add a front porch, front dormer and connection to garage which requires the following: 1) Variances from Section 10.521 to allow a) a 16 foot front yard where 30' is required; and b) 26.5% building coverage where 20% is required. 2) A Variance from Section 10.321 to allow a nonconforming building or structure to be expanded, reconstructed or enlarged without conforming to the requirements of the Ordinance. Said property is located on Assessor Map 153 Lot 14 and lies within the Single Residence B (SRB) district. (LU-22-182)

E. The request of **Neila LLC (Owner),** for property located at **324 Maplewood Avenue** whereas relief is needed to convert existing garage into a dwelling unit which requires the following: 1) Variances from Section 10.5A41.10A to allow a) a lot area per dwelling unit of 1,780 square feet where 3,000 square feet is required; and b) a 1 foot side yard where 5 feet is required. 2) A Variance from Section 10.1114.21 to allow an 8.5 foot wide by 18 foot long parking space where 8.5 feet by 19 feet is required. Said property is located on Assessor Map 141 Lot 1 and lies within the Character District 4-L2 (CD4-L2) and the Historic district. (LU-22-183)

F. The request of **Jeffrey & Melissa Foy (Owners)**, for property located at **67 Ridges Court** whereas relief is needed for the expansion of the existing main roof and front porch roof and addition of new roof over side doorway which requires the following: 1) Variances from Section 10.521 to allow a) an 8 foot front yard where 30 feet is required to expand the existing front porch; b) a 13.5 foot front yard where 30 is required to expand the main roof of the house; c) a 13.5 foot front yard where 30 feet is required for a new roof over an existing doorway; and

d) a 9.5 foot left side yard where 10 feet is required for a new roof over an existing doorway. 2) A Variance from Section 10.321 to allow a nonconforming building or structure to be extended, reconstructed or enlarged without conforming to the requirements of the Ordinance. Said property is located on Assessor Map 207 Lot 59 and lies within the Single Residence B (SRB) district. (LU-22-139)

**Members of the public also have the option to join this meeting over Zoom, a unique meeting ID and password will be provided once you register. To register, click on the link below or copy and paste this into your web browser:*

https://us06web.zoom.us/webinar/register/WN_d6FYGQ97R8OTmLmpwducCA

1.

The request of **Emily Morgan Revocable Trust of 2021 (Owner)**, for property located at **127 Willard Avenue** whereas relief is needed to replace the existing front porch with new covered landing with steps which requires the following: 1) A Variance from Section 10.521 to allow a 6 foot secondary front yard where 15 feet is required. 2) A Variance from Section 10.321 to allow a nonconforming building or structure to be expanded, reconstructed or enlarged without conforming to the requirements of the Ordinance. Said property is located on Assessor Map 149 Lot 37 and lies within the General Residence A (GRA) district.

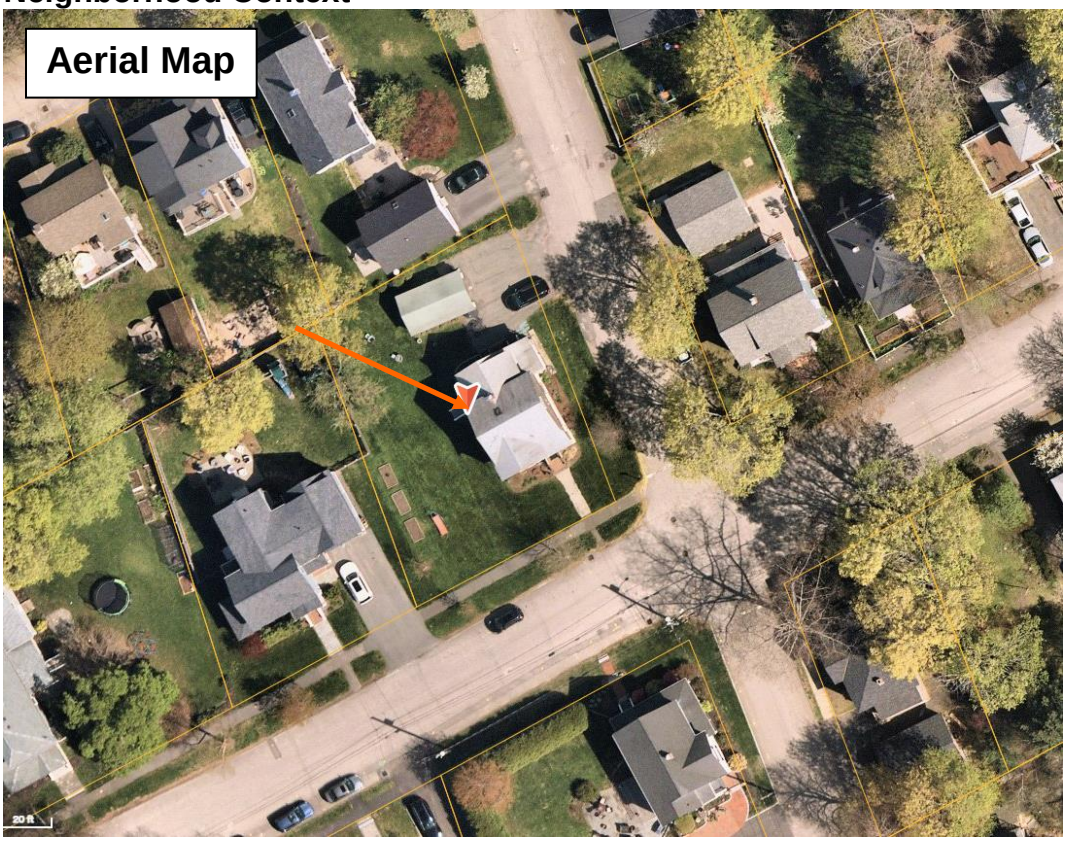
Existing & Proposed Conditions

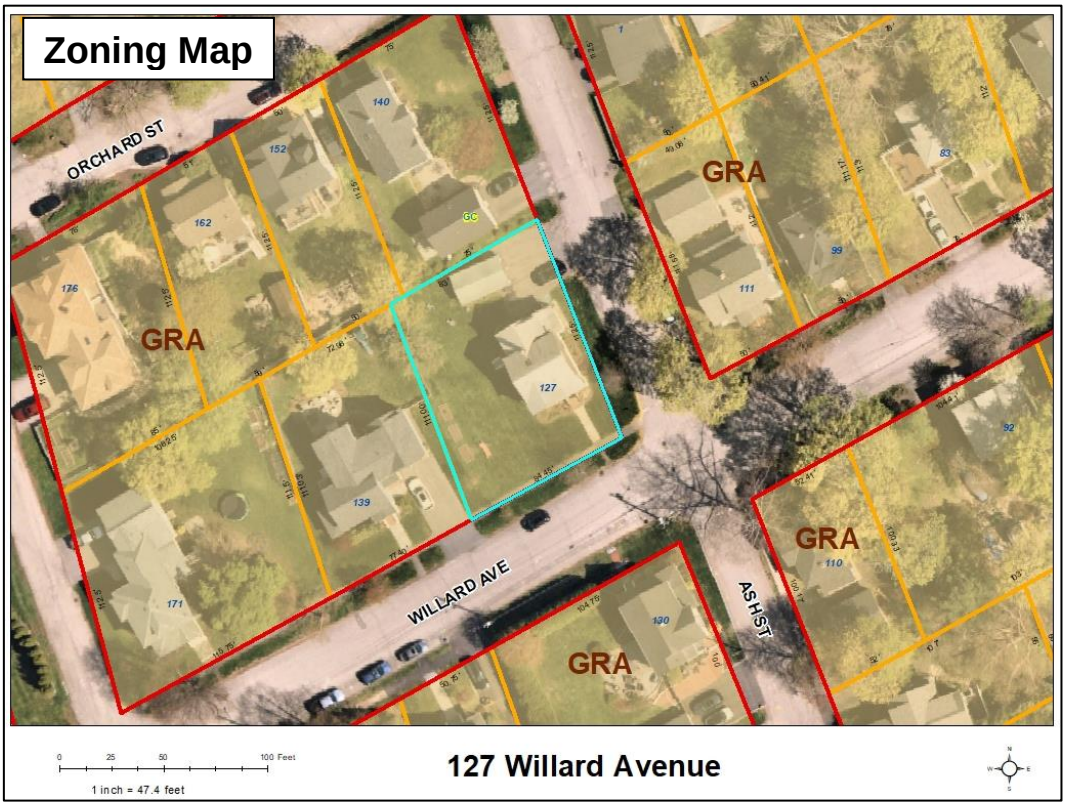
	Existing	Proposed	Permitted / Required	
Land Use	Single family	New front porch	Primarily residential	
Lot area (sq. ft.):	9,148	9,148	7,500	min.
Lot Area per Dwelling Unit (sq. ft.):	9,148	9,148	7,500	min.
Lot depth (ft):	111	111	70	min.
Street Frontage (ft.):	196.5	196.5	100	min.
Primary Front Yard (ft.):	27	26.5	15	min.
Secondary Front Yard (ft.):	6	**6**	15	min.
Left Yard (ft.):	42	42	10	
Rear Yard (ft.):	41	41	20	min.
Height (ft.):	<35	<35	35	max.
Building Coverage (%):	<25	<25	25	max.
Open Space Coverage (%):	>30	>30	30	min.
Parking:	2	2	2	
Estimated Age of Structure:	1910	Variance request(s) shown in red.		

Other Permits/Approvals Required

None

Neighborhood Context





Previous Board of Adjustment Actions
No prior BOA history found.

Planning Department Comments
The applicant is seeking to replace the existing front landing and steps with a new, covered front landing. The existing house is nonconforming to the secondary front yard and the proposed landing will extend to the right side of the house, requiring relief from the secondary front yard setback. All other dimensional requirements are met with the proposal.

Review Criteria
This application must meet all five of the statutory tests for a **variance** (see Section 10.233 of the Zoning Ordinance):

1. *Granting the variance would not be contrary to the public interest.*
2. *Granting the variance would observe the spirit of the Ordinance.*
3. *Granting the variance would do substantial justice.*
4. *Granting the variance would not diminish the values of surrounding properties.*
5. *The "unnecessary hardship" test:*
   (a)The property has special conditions that distinguish it from other properties in the area.
   AND
   (b) Owing to these special conditions, a fair and substantial relationship does not exist between the general public purposes of the Ordinance provision and the specific application of that provision to the property; and the proposed use is a reasonable one.
   OR

Owing to these special conditions, the property cannot be reasonably used in strict conformance with the Ordinance, and a variance is therefore necessary to enable a reasonable use of it.

10.235 Certain Representations Deemed Conditions
Representations made at public hearings or materials submitted to the Board by an applicant for a special exception or variance concerning features of proposed buildings, structures, parking or uses which are subject to regulations pursuant to Subsection 10.232 or 10.233 shall be deemed conditions upon such special exception or variance.

Emily Doe
127 Willard Ave
Portsmouth NH

Porch/Stairs Variance request

10.233.21 The variance will not be contrary to the public interest;

- There is nothing that would be contrary to public interest, only improvement to the neighborhood.

10.233.22 The spirit of the Ordinance will be observed;

- Yes, it will be observed, because the new steps/porch will not be encroaching beyond the existing house towards the secondary front yard.

10.233.23 Substantial justice will be done;

- There is no benefit to the public to deny this permit, since it will only increase the look and safety of entering the house.

10.233.24 The values of surrounding properties will not be diminished;

- There will be no diminishing values for surround properties. Improving the look and safety of the house.

10.233.25 Literal enforcement of the provisions of the Ordinance would result in an unnecessary hardship.

- I have a unique property which is a corner lot, of Willard and Ash, which means I have one front yard and a secondary front yead. The current home already is encroaching on the setbacks, and I am not asking to go beyond that, just add to the width of the current stairs and porch. I am also hoping to add a cover over the porch to prevent the weather from coming into the house. The current stairs are not to code, so with this project, the stairs will be safer and brought to code. I am requesting a setback of 6 feet on my secondary yard where 15 feet is currently required.

City of Portsmouth, NH

Property

Zoom To | Share | Print | 127 Willard Ave

127 WILLARD AVE

Google Directions (https://maps.google.com/maps?daddr=12

View Details (/datasets/properties/0149-0037-0

Google Maps Link (https://www.google.com/maps

City of Portsmouth (http://www.cityofportsmouth.

Property Data (http://gis.vgsi.com/PortsmouthNH/

Market Delineation (https://files.cityofportsmouth.com/maps/neighbo

Property

Location	127 WILLARD AVE
Map-Lot	0149-0037-0000
Vision Account Number	34639

Ownership

Owner	EMILY MORGAN REV TRUST OF 2021 DOE EMILY M TRUSTEE
Address	127 WILLARD AVE, PORTSMOUTH, NH 03801

Valuation

Total	$764,500
Last Sale	$0 on 2021-03-26
Deed Date	2021-03-26
Book/Page	6255/2272

Land

Land Use	1010
Land Use Description	SINGLE FAM MDL-01
Market Delineation	103B
Local District	R
Parcel Area (AC)	0.21

Zoning

Zoning

GRA

Show On Map

(http://help.mapgeo.io/)

Unsaved Markup

Markup

Mode

Draw | Measure

Tools

Pan | Line | Circle | Rectangle | Polygon

Results

Clear All | Hide All

Line : Distance: 27 Feet — Edit | Remove

Line : Distance: 7.7 Feet — Edit | Remove

Line : Distance: 62 Feet — Edit | Remove

Asphalt Shingles

5/8 Zip Roof

2x8 Rafters with 2x6 overlays

6x6 HEADERS

6 x 6 POSTS with Applicable Fasteners

New windows tempered glass

2x8 Joists 16 oc with Hangers

All posts Supported by 10" Sonna Tubes with Big Foot

22'-0"

2868

Existing Enclosed Porch

9'-3 3/4" 1'-0"

12'-4 3/4"

4'-0"

New Proposed

PORCH

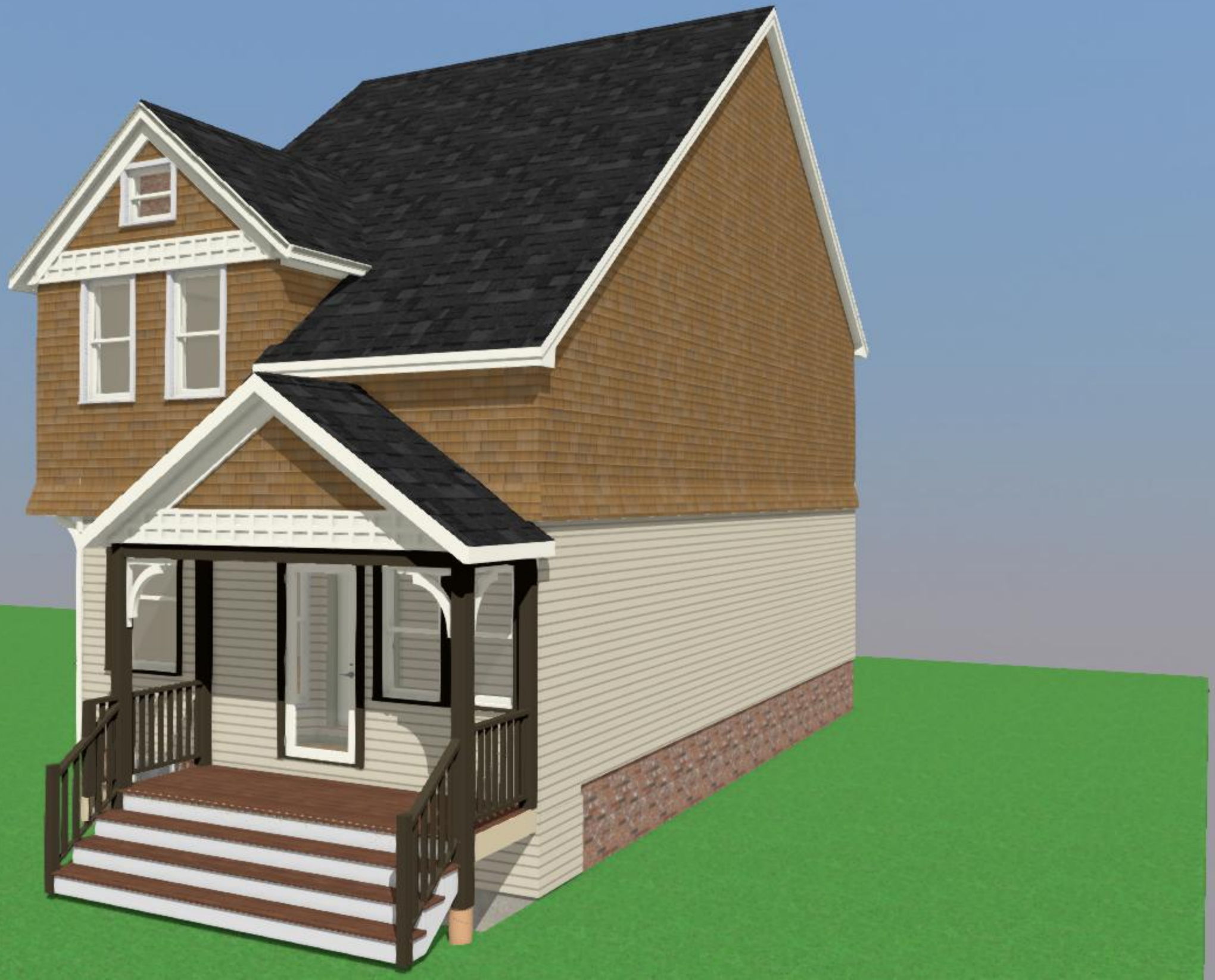
4'-0"

DN

LIVING AREA

791 SQ FT

13'-5"



2.

The request of **Anne R. Landau Bellaud (Owner)**, for property located at **55 Aldrich Rd** whereas relief is needed to remove existing front steps and construct new deck and steps which requires the following: 1) A Variance from Section 10.521 to allow a 2.5 foot front yard where 15 feet is required. 2) A Variance from Section 10.321 to allow a nonconforming building or structure to be expanded, reconstructed, or enlarged without conforming to the requirements of the Ordinance. Said property is located on Assessor Map 153 Lot 44 and lies within the General Residence A (GRA) district**.**

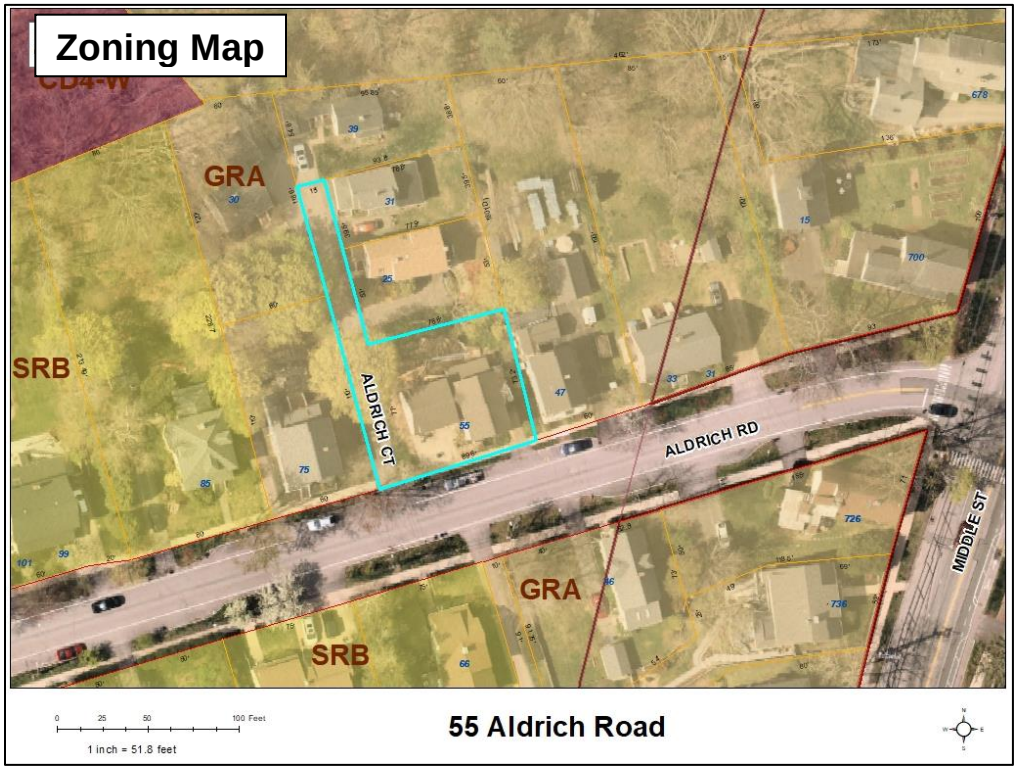
Existing & Proposed Conditions

	Existing	Proposed	Permitted / Required	
Land Use	Single family	New front porch	Primarily residential	
Lot area (sq. ft.):	8,276	8,276	7,500	min.
Lot Area per Dwelling Unit (sq. ft.):	8,276	8,276	7,500	min.
Lot depth (ft):	73	73	70	min.
Street Frontage (ft.):	199	199	100	min.
Primary Front Yard (ft.):	17.5”	**2.5’**	15	min.
Left Yard (ft.):	11.5	11.5	10	min.
Right Yard (ft.):	15	15	10	
Rear Yard (ft.):	28	28	20	min.
Height (ft.):	<35	<35	35	max.
Building Coverage (%):	<25	<25	25	max.
Open Space Coverage (%):	>30	>30	30	min.
Parking:	2	3	2	
Estimated Age of Structure:	1830 (2020)	Variance request(s) shown in red.		

Other Permits/Approvals Required

None

Neighborhood Context



Previous Board of Adjustment Actions

No prior BOA history found.

Planning Department Comments

The property is currently undergoing renovations, including the addition of a 2 car garage. The existing front steps are old and need to be repaired or replaced. The applicant is proposing to remove the existing front landing and steps and replace with a new, wider landing with steps that will be increase the front yard setback slightly more than what exists, from 17.5 inches to 2.5 feet.

Review Criteria

This application must meet all five of the statutory tests for a **variance** (see Section 10.233 of the Zoning Ordinance):

1. *Granting the variance would not be contrary to the public interest.*
2. *Granting the variance would observe the spirit of the Ordinance.*
3. *Granting the variance would do substantial justice.*
4. *Granting the variance would not diminish the values of surrounding properties.*
5. *The "unnecessary hardship" test:*
   (a)The property has special conditions that distinguish it from other properties in the area.
   AND
   (b) Owing to these special conditions, a fair and substantial relationship does not exist between the general public purposes of the Ordinance provision and the specific application of that provision to the property; and the proposed use is a reasonable one.
   OR

Owing to these special conditions, the property cannot be reasonably used in strict conformance with the Ordinance, and a variance is therefore necessary to enable a reasonable use of it.

10.235 Certain Representations Deemed Conditions

Representations made at public hearings or materials submitted to the Board by an applicant for a special exception or variance concerning features of proposed buildings, structures, parking or uses which are subject to regulations pursuant to Subsection 10.232 or 10.233 shall be deemed conditions upon such special exception or variance.

To: City of Portsmouth Planning Department
From: Anne Landau Bellaud @ 55 Aldrich Road – Portsmouth, NH
Date: August 29, 2022
Re: Land Use Permit for 55 Aldrich Road/Front Steps

This letter is asking to request a variance to replace and improve the front steps of my house at 55 Aldrich Road in Portsmouth.

I bought the house in November 2019, and we have been under a renovation since the Summer of 2020. We are at a point where we need to replace the dilapidated and unsafe front steps and deck which leads to the front door. The current steps and deck are already non-conforming and close to the front sidewalk at only 17.5" away.

I am proposing to replace the steps and deck with a safe and more narrow structure to fit in with the look and improvements of the home as well as provide a small seating area.

10.233.21 The variance will not be contrary to the public interest;

The current structure is poorly constructed, pitching downward and very tall making it an eyesore in the neighborhood. The new structure will be more in line with the improved look of the home as well as safe to use and further away from the sidewalk.

10.233.22 The spirit of the Ordinance will be observed;

The front steps are already non-conforming. Improving the front steps will not oppose the ordinance for my neighbors but instead improve as well as bring the front yard setback further away from the sidewalk. Most surrounding homes have front steps which are very close to the sidewalk and/or exit the home and enter into the sidewalk as there is no other way to egress.

10.233.23 Substantial justice will be done;

There will be no harm to me with the improvement of the front steps. It would be harmful to me without approval to improve as the current steps are of poor quality and craftsmanship and beginning to fall apart.

10.233.24 The values of surrounding properties will not be diminished;

Replacing these front steps and making them in line with the improvement of the home will only improve the property values of my neighbors.

10.233.25 Literal enforcement of the provisions of the Ordinance would result in an unnecessary hardship;

The front steps are already non-conforming. Denying this reasonable request to replace and improve the steps would result in a continued use of a poorly constructed structure and set of stairs. This request will ensure the steps are safe to use, further away from the sidewalk and less of an eyesore to my neighbors.

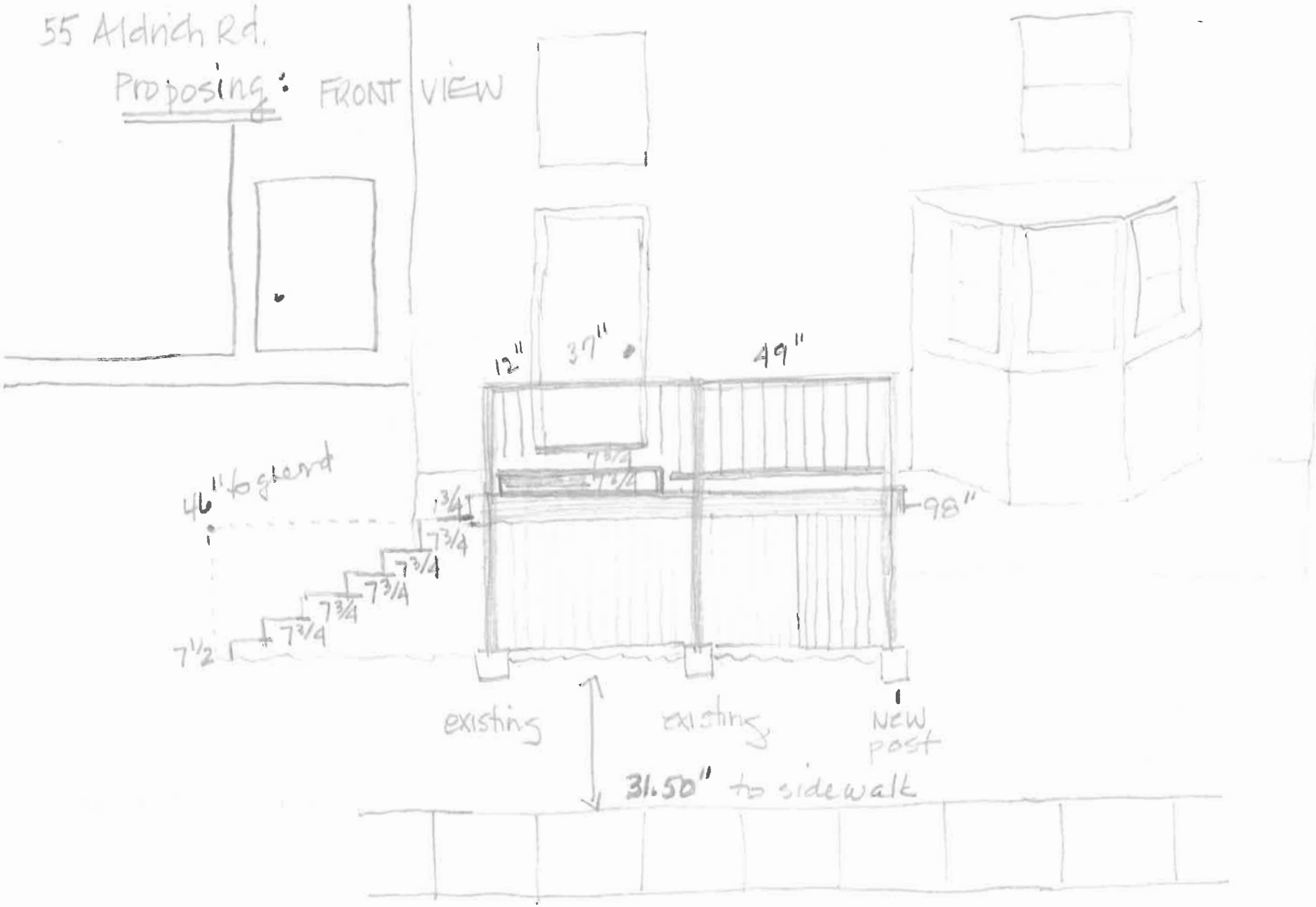
Thank you,
Anne Landau Bellaud

(603) 969-1223
alandau@iheartmedia.com

Current front steps as of 8/29/22

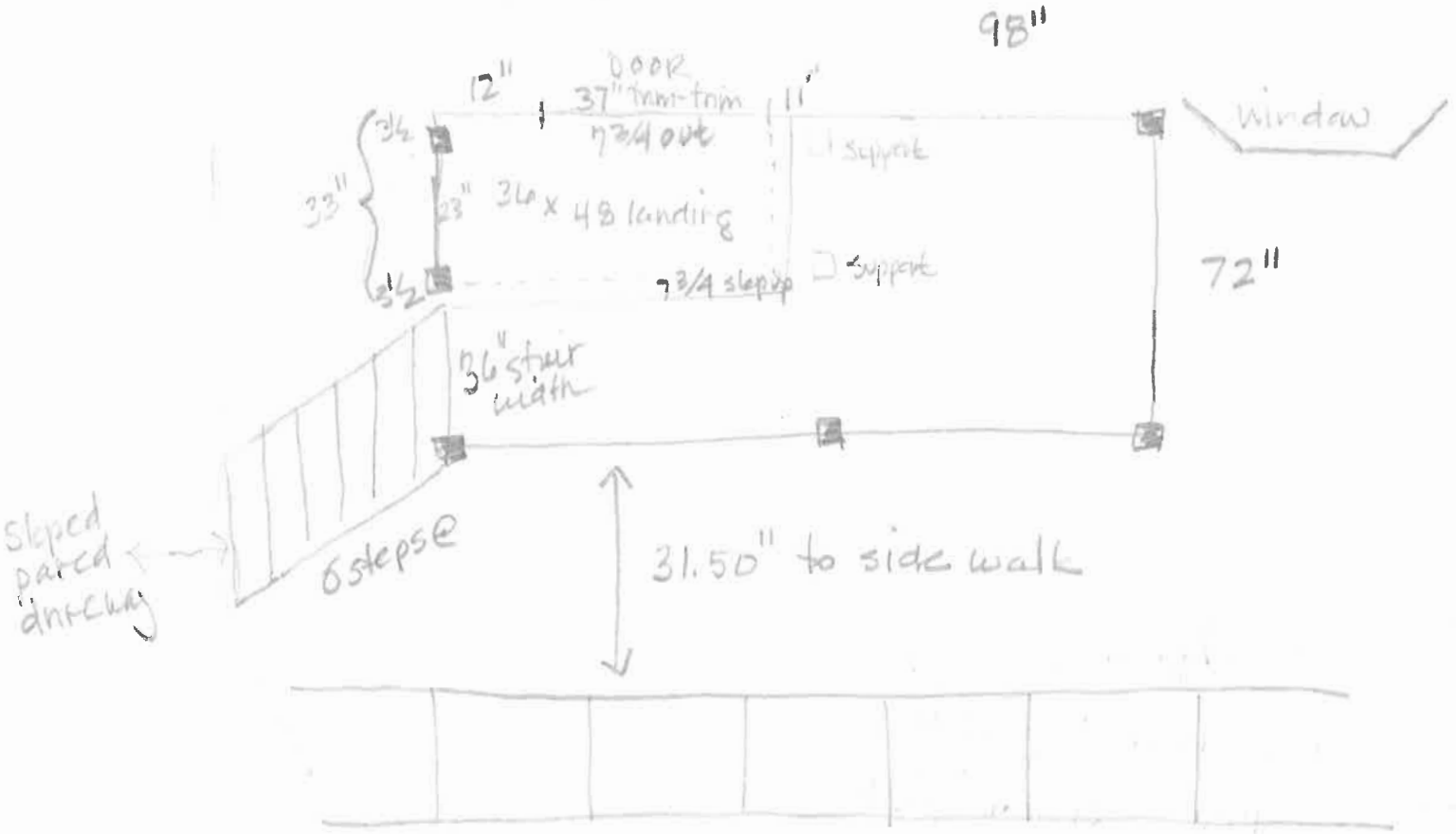
55 Aldrich Rd.

Proposing: FRONT VIEW



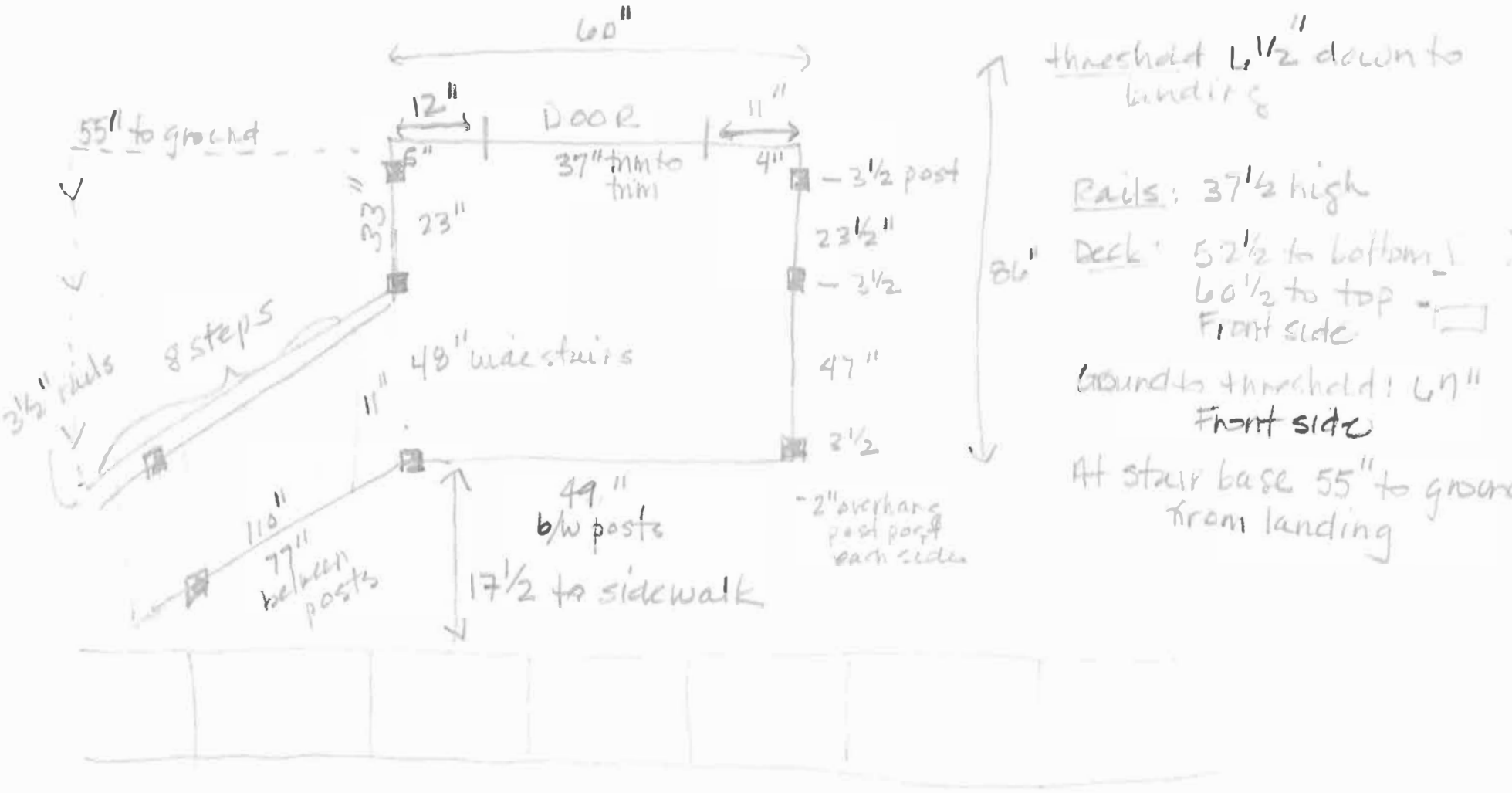
55 Aldrich Rd

Proposal: TOP VIEW

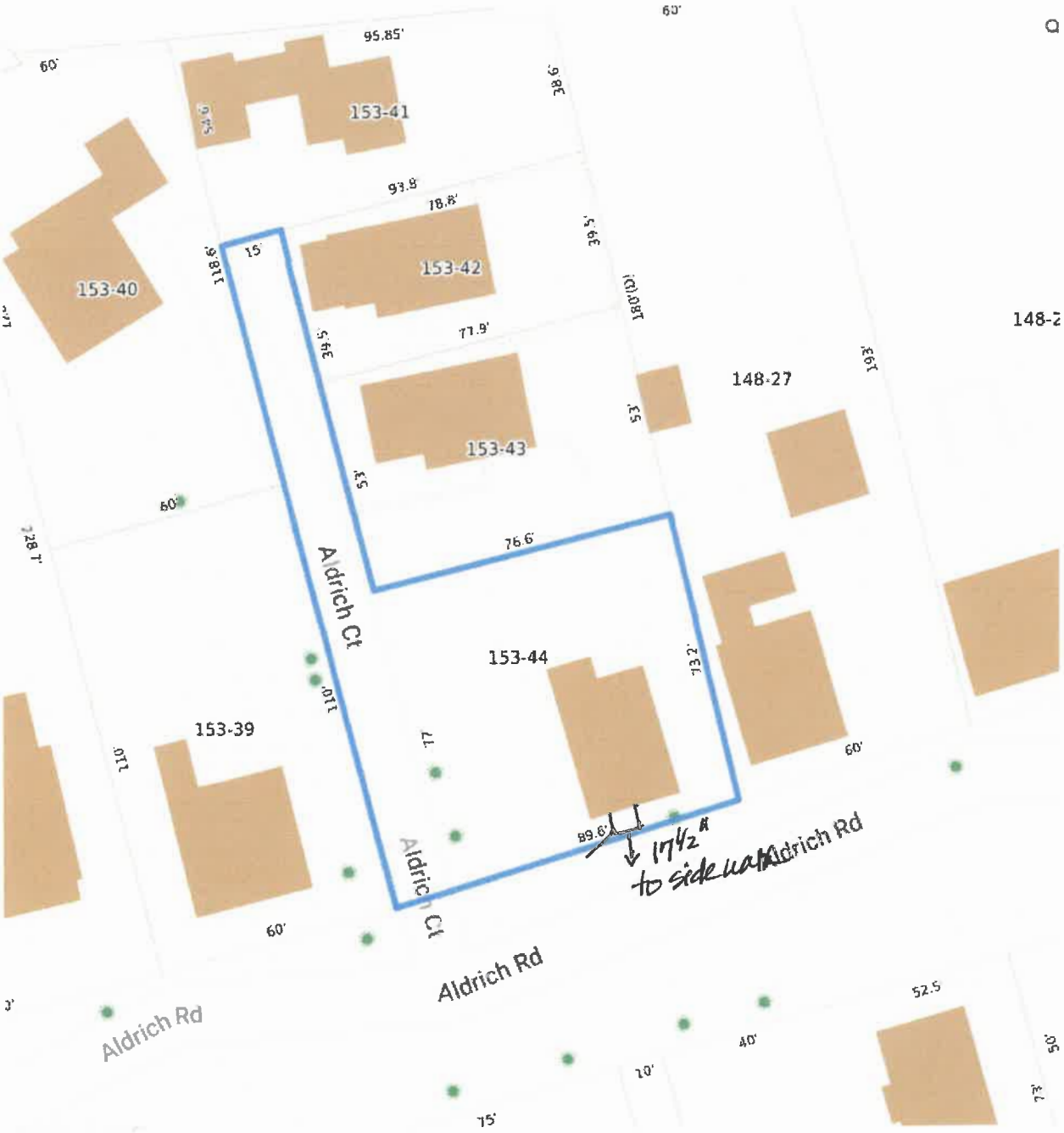


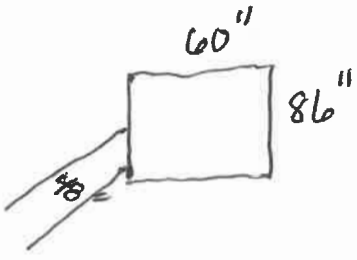
55 Aldrich Rd

Current: TOP VIEW

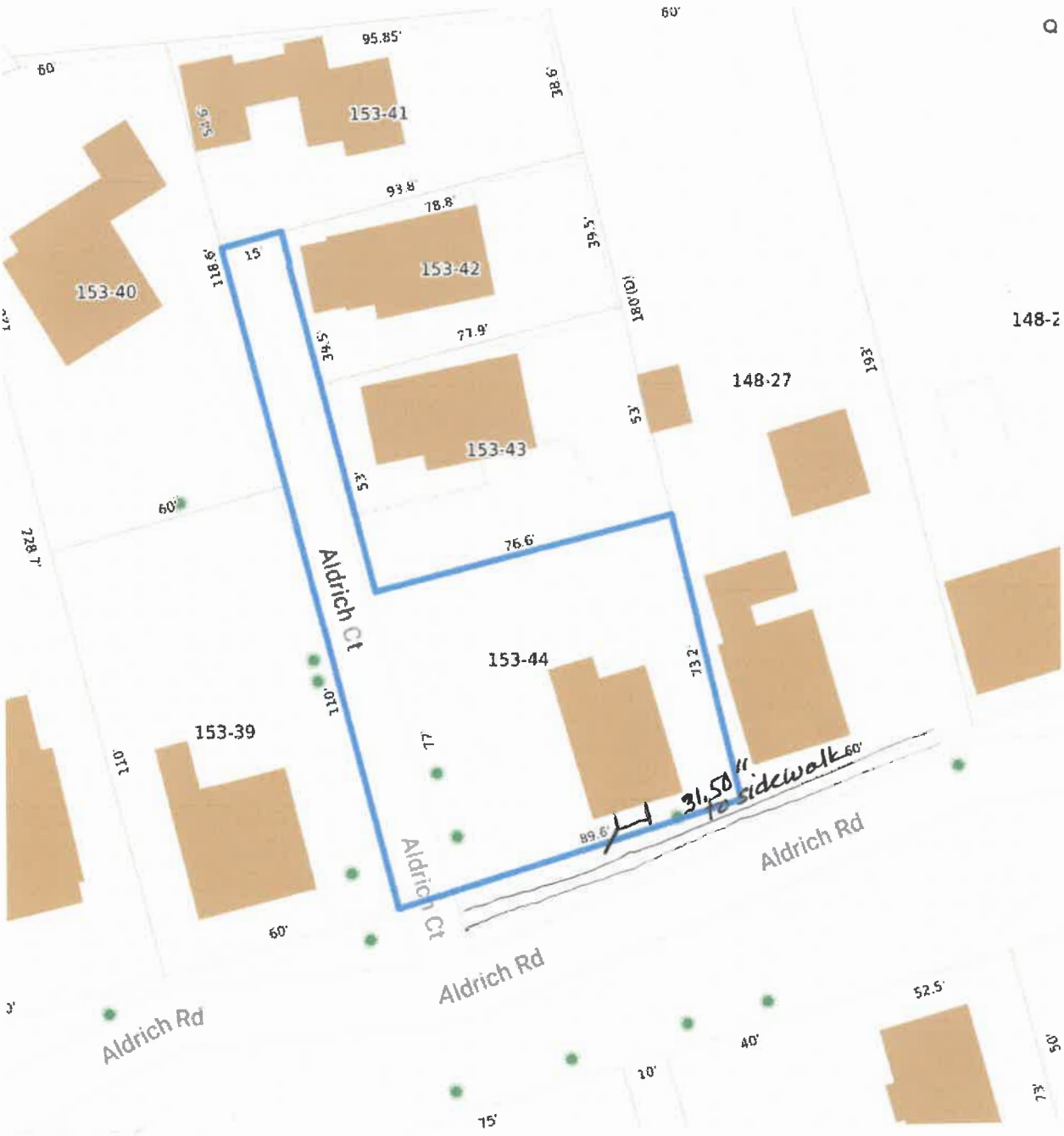


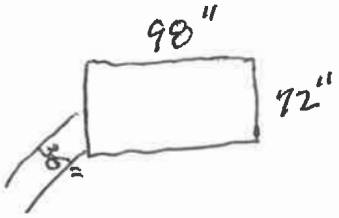
current set back





Proposed set back





3.

The request of **Seth Monkiewicz (Applicant),** and **Betty Ann Fraser (Owner)**, for property located at **42 Harvard Street** whereas relief is needed for the upward expansion of existing garage and mudroom to create and attached ADU which requires the following: 1) A Variance from Section 10.521 to allow a 22 foot front yard where 30 feet is required and ***to allow a lot area of 13,039 square feet where 15,000 square feet is required (not originally advertised)***. 2) A Variance from Section 10.321 to allow a nonconforming structure or building to be expanded, reconstructed or enlarged without conforming to the requirements of the Ordinance. Said property is located on Assessor Map 259 Lot 30 and lies within the Single Residence B (SRB) district.

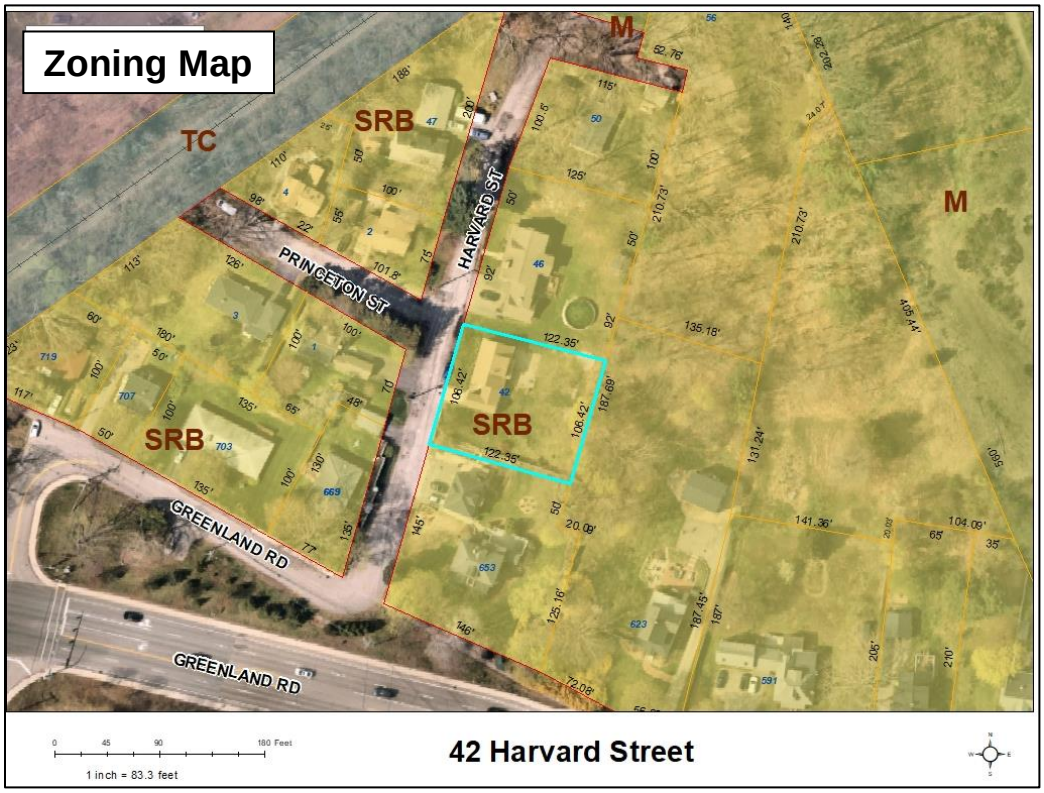
Existing & Proposed Conditions

	Existing	Proposed	Permitted / Required	
Land Use	Single family	Garage expansion w/ AADU	Primarily residential	
Lot area (sq. ft.):	13,039	**13,039***	15,000	min.
Lot Area per Dwelling Unit (sq. ft.):	13,039	13,039	15,000	min.
Lot depth (ft):	122	122	100	min.
Street Frontage (ft.):	106	106	100	min.
Primary Front Yard (ft.):	22	**22**	30	min.
Right Yard (ft.):	34	30	10	min.
Left Yard (ft.):	10	10	10	
Rear Yard (ft.):	70	55	30	min.
Height (ft.):	>35	<35	35	max.
Building Coverage (%):	11	16	20	max.
Open Space Coverage (%):	>40	>40	40	min.
Parking:	2	3	3	
Estimated Age of Structure:	1953	Variance request(s) shown in red. *was not advertised*		

Other Permits/Approvals Required

Planning Board – CUP for ADU

Neighborhood Context



Previous Board of Adjustment Actions
No prior BOA history found.

Planning Department Comments
The applicant is seeking to renovate the existing garage and add a second floor to accommodate an attached Accessory Dwelling Unit (ADU) which includes squaring off the addition with the existing front wall plane of the house, which sits at 22 feet from the front lot line where 30 is required. In order to qualify for an attached ADU, the lot must be conforming. The lot area for this lot is just under the 15,000 minimum, at 13,039 square feet. This was not originally advertised as part of the legal notice. This relief recognizes the nonconforming lot size, and if the Board feels sufficient notice was provided for this application votes to approve the request, staff would recommend the Board include the following stipulation:

1) The lot area shall be 13,039 square feet.

Review Criteria
This application must meet all five of the statutory tests for a **variance** (see Section 10.233 of the Zoning Ordinance):

1. *Granting the variance would not be contrary to the public interest.*
2. *Granting the variance would observe the spirit of the Ordinance.*
3. *Granting the variance would do substantial justice.*
4. *Granting the variance would not diminish the values of surrounding properties.*
5. *The "unnecessary hardship" test:*
   (a)The property has special conditions that distinguish it from other properties in the area.
   AND
   (b) Owing to these special conditions, a fair and substantial relationship does not exist between the general public purposes of the Ordinance provision and the specific application of that provision to the property; and the proposed use is a reasonable one.
   OR

Owing to these special conditions, the property cannot be reasonably used in strict conformance with the Ordinance, and a variance is therefore necessary to enable a reasonable use of it.

10.235 Certain Representations Deemed Conditions
Representations made at public hearings or materials submitted to the Board by an applicant for a special exception or variance concerning features of proposed buildings, structures, parking or uses which are subject to regulations pursuant to Subsection 10.232 or 10.233 shall be deemed conditions upon such special exception or variance.

Betty Ann Fraser Pettigrew
Application for Accessory Dwelling Unit
42 Harvard st
Portsmouth NH 03801
8-31-2022

10.233.21 **The variance will not be contrary to the public interest;** the proposed accessory dwelling unit would not alter the characteristics of the neighborhood in that the unit will be constructed fully attached to the existing dwelling. In addition the proposed exterior finishes will make the new unit appear to be camouflaged into the existing structure and neighborhood.

10.233.22 The spirit of the ordinance will be observed; the variances are consistent with the spirit of the ordinance in that the unit will be camouflaged and constructed in the least invasive way.

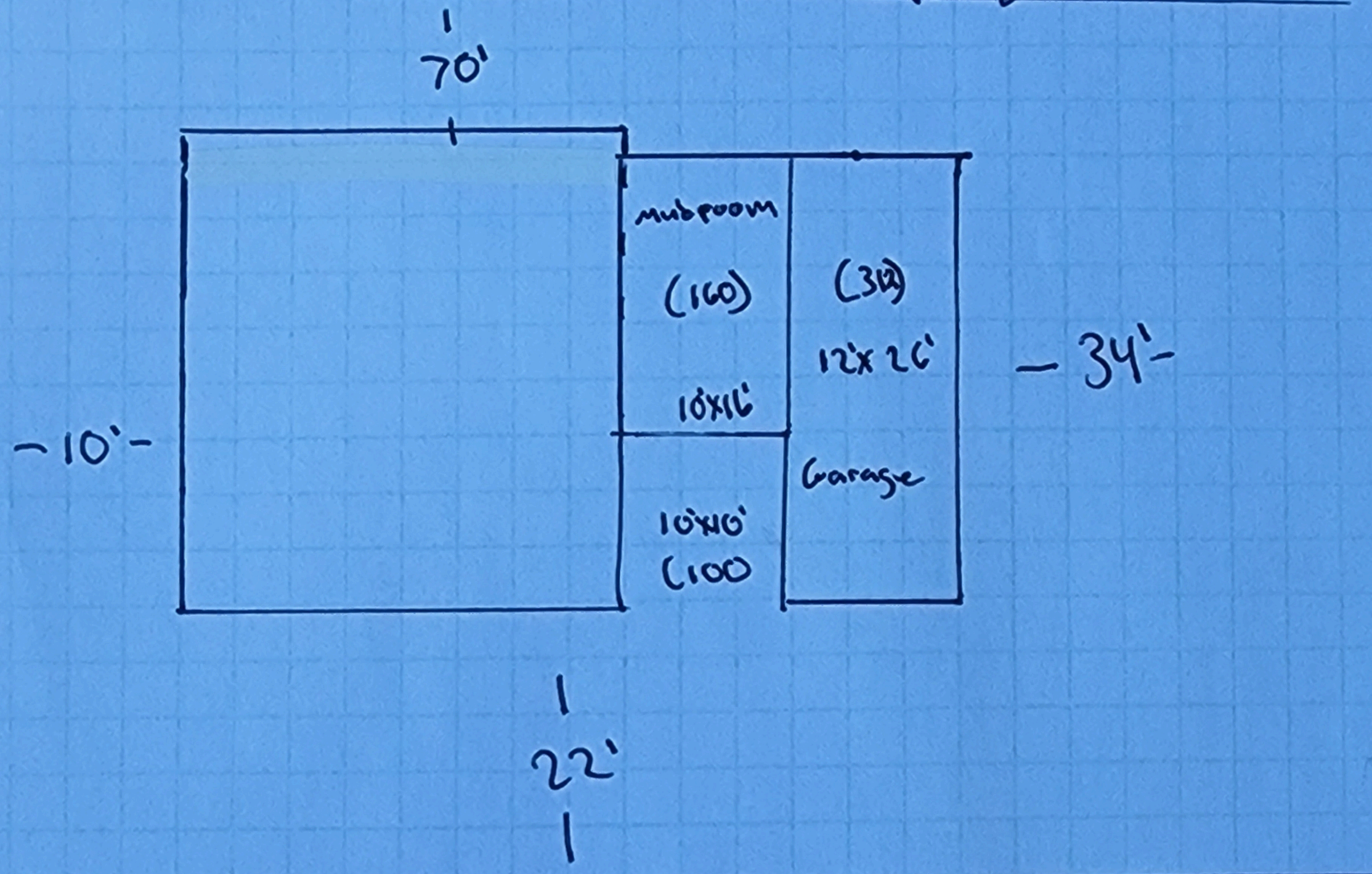
10,233,23 Substantial justice will be done; as this unit will enhance the dwelling of the property owner at 42 Harvard St. with no impact to nearby residents of Harvard St.

10.233.24 The values of surrounding properties will not be diminished; because the unit will be built attached and fully blended into the existing dwelling there will be no visual impact to any other properties on the street. Instead the increased value of 42 Harvard St. may help to increase the value of other properties on the street and nearby streets.

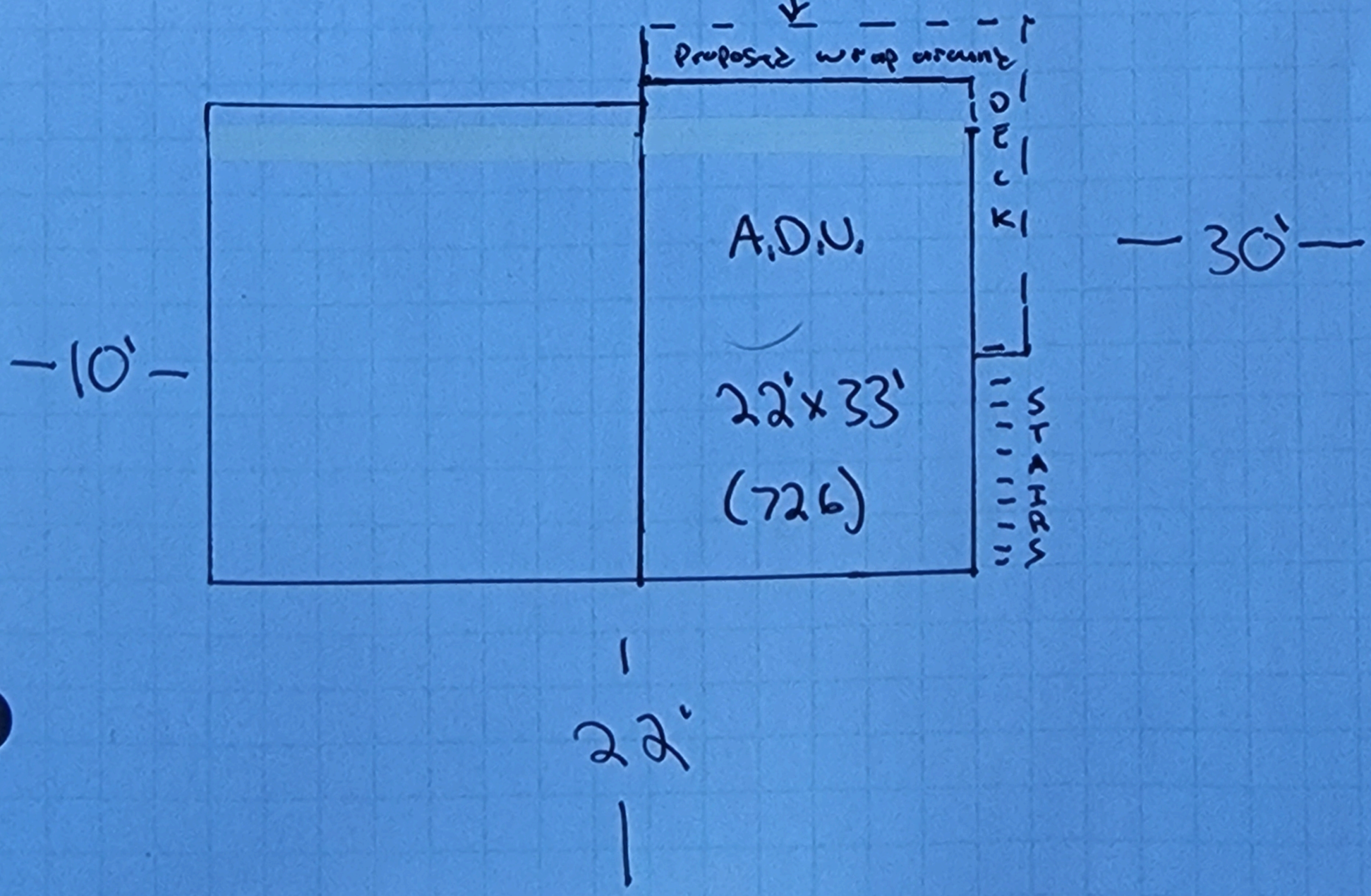
10.233.25 Literal enforcement of the provisions of the Ordinance; would result in an unnecessary hardship. The property owner is "Aging in place" as she is a long time resident and doesn't want to move from this lovely town. To help her as she ages, her daughter will need a living space to be able to not only accommodate her needs but as well as her mothers.

Current Plan is to Remove Garage & Mudroom Roof systems. Square off front Structrually creating an overhang over front Main entry into Mudroom. Extend A.D.U. floor 7' from Rear Simultaneously creating overhang over existing Patio. Build Structure as it Pertains to The Plans. Build Proposed wrap around Deck 8' off Rear A.D.U And 4' off right Side A.D.U.

Current Set Backs & Sq FT



NEW Set Backs 55' & Sq ft of A.D.U.



BEFORE

WEST WALL VIEW

EAST WALL VIEW

AFTER

CONTRACTOR TO VERIFY

RED HEART CONSTRUCTION	DESIGNED FOR: BEVIN KORTH BY: DRS	1 BEDROOM APARTMENT OVER GARAGE

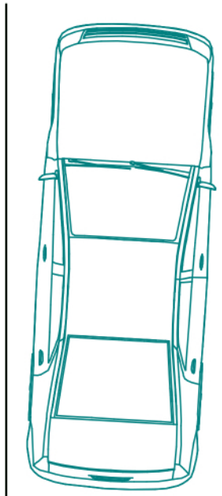
CONCEPT DRAWINGS

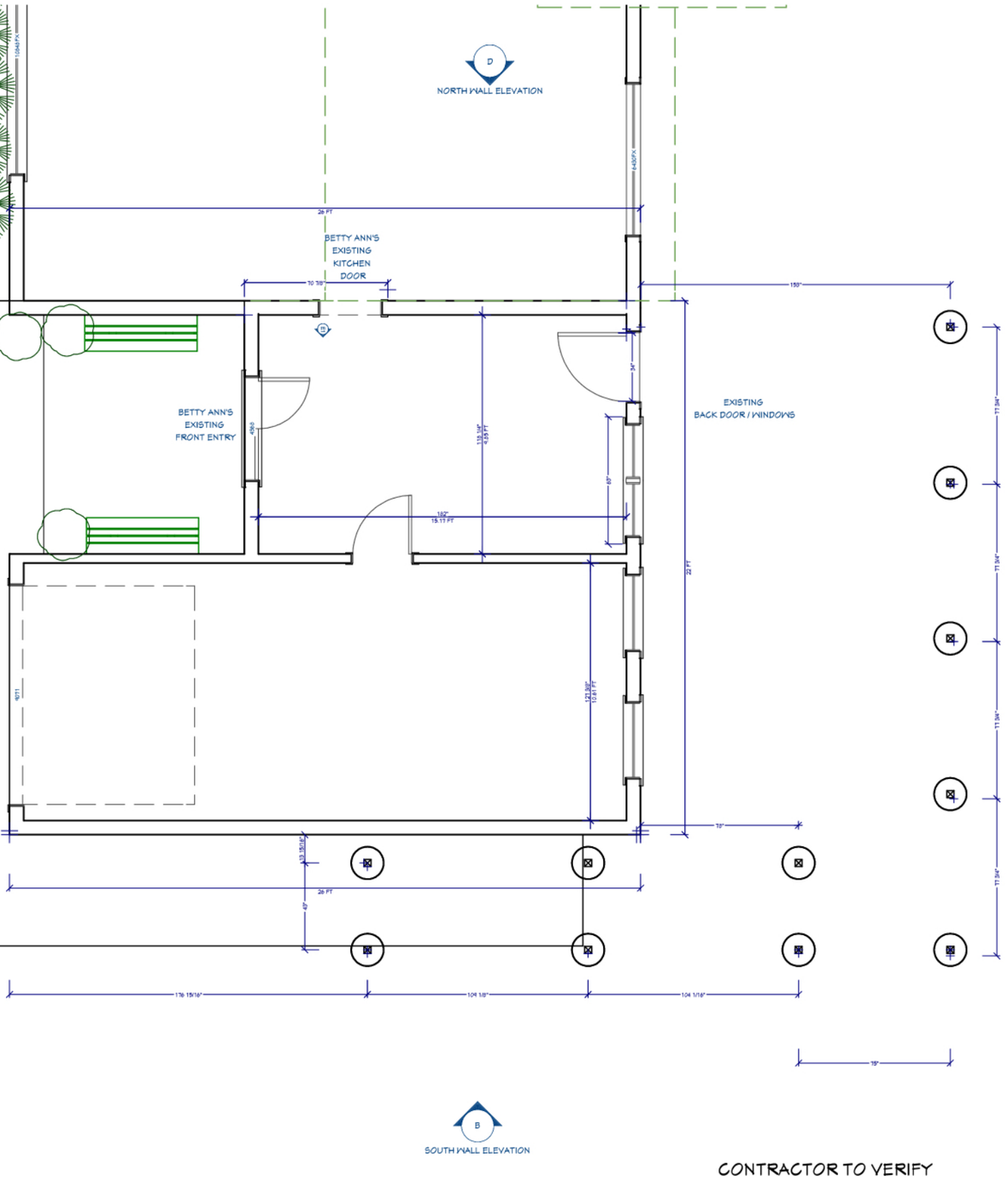
	DATE	BY
DWN		
REV		

SCALE SEE VIEW
Applicable on Arch B Paper

DATE

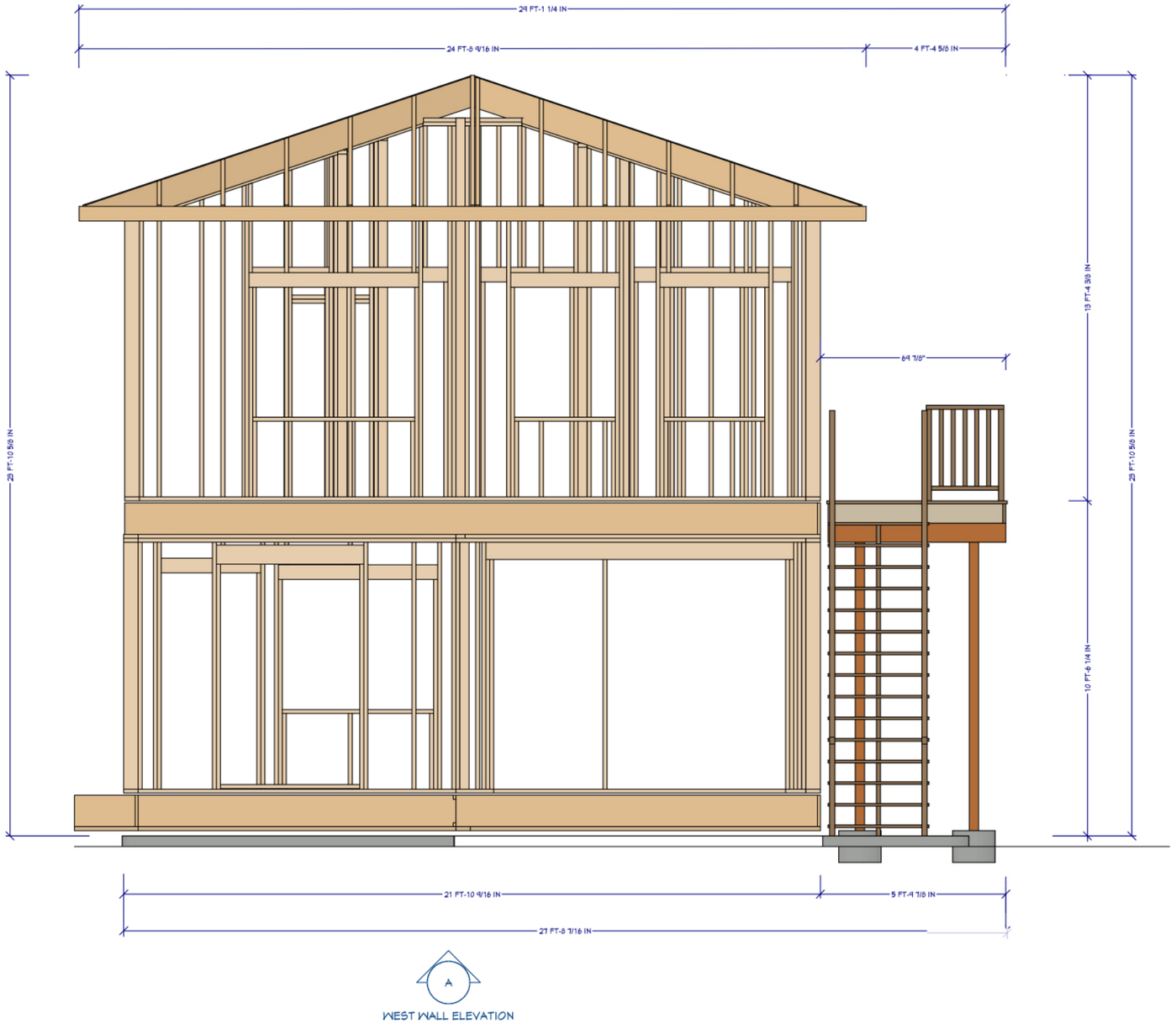
SHEET # 1





CONTRACTOR TO VERIFY

RED HEART CONSTRUCTION	DESIGNED FOR: BEVIN KORTH BY: DRS	1 BEDROOM APARTMENT OVER GARAGE	GROUND FLOOR FOOTPRINT		DATE	BY	SCALE SEE VIEW (Applicable on Arch B Paper) 3/16" = 1' - 0" DATE	SHEET # 2
				DWN				
				REV				

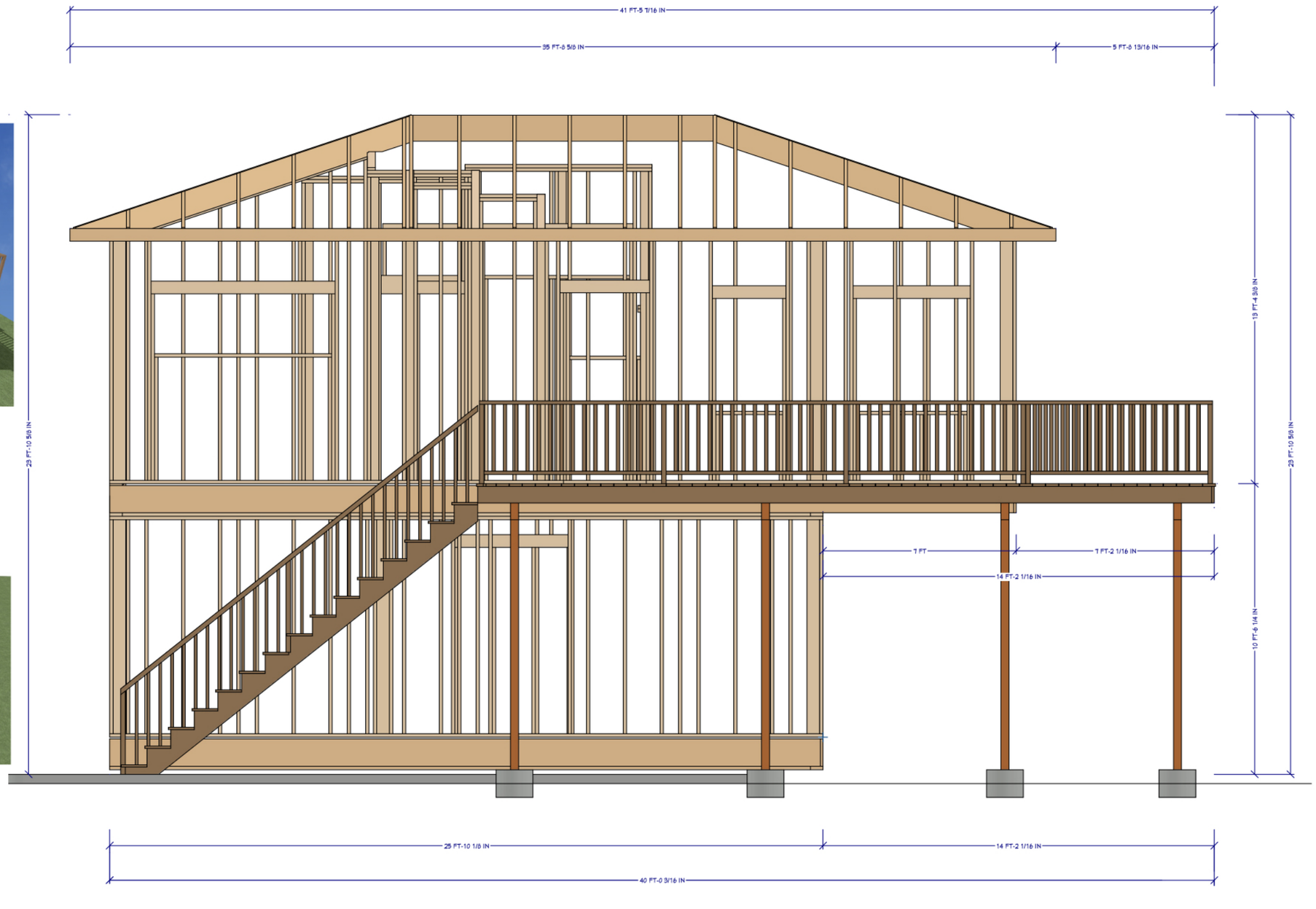


A
WEST WALL ELEVATION

CONTRACTOR TO VERIFY

RED HEART CONSTRUCTION	DESIGNED FOR BEVIN KORTH BY DRS	1 BEDROOM APARTMENT OVER GARAGE	EXTERIOR ELEVATIONS		SCALE SEE VIEW Applicable on Arch B Paper 1/4" = 1' - 0" DATE	SHEET # 3

	DATE	BY
DWN		
REV		

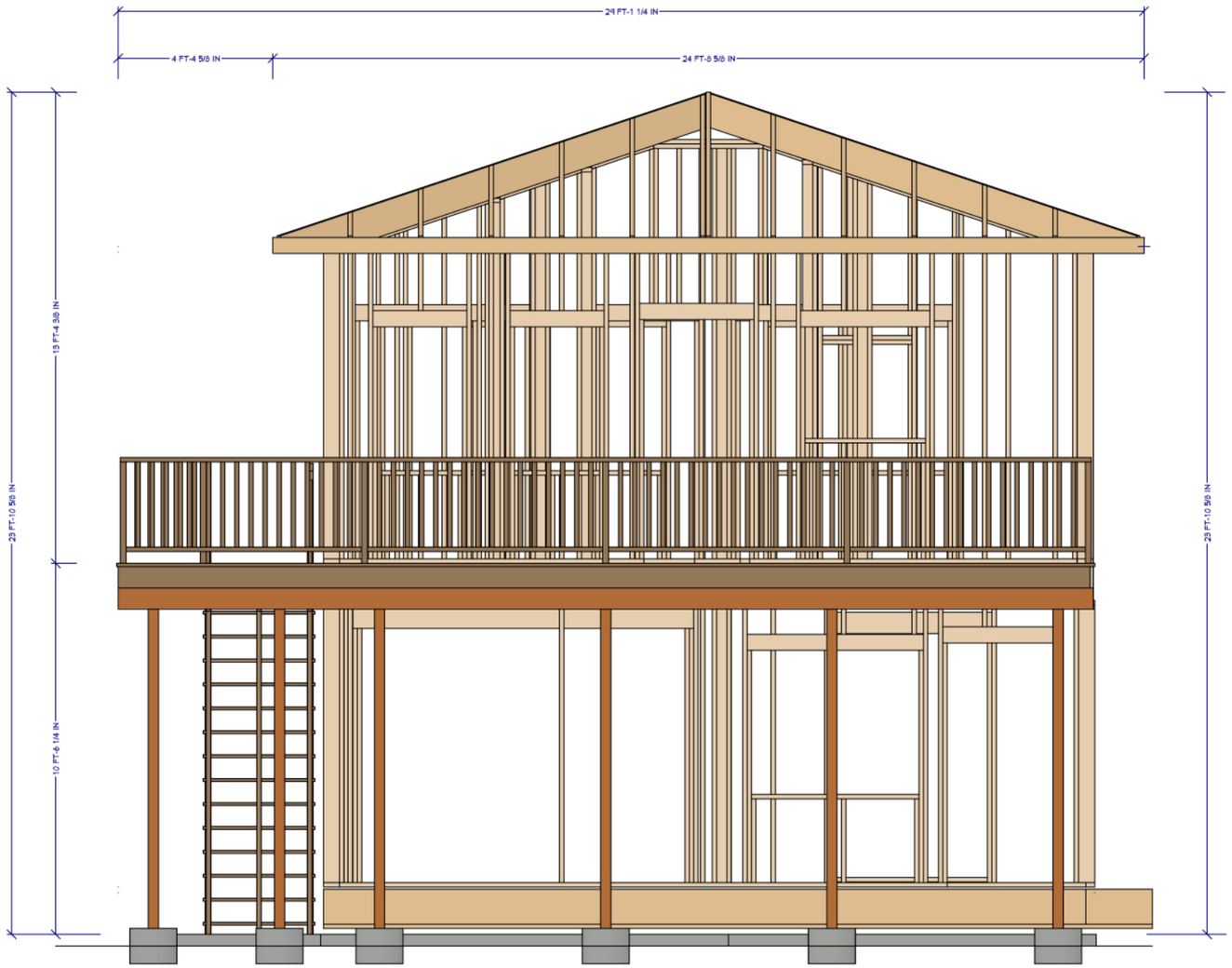


B

SOUTH WALL ELEVATION

CONTRACTOR TO VERIFY

RED HEART CONSTRUCTION	DESIGNED FOR: BEVIN KORTH BY: DRS	1 BEDROOM APARTMENT OVER GARAGE	EXTERIOR ELEVATIONS		DATE	BY	SCALE SEE VIEW Applicable on Arch B Paper 1/4" = 1' - 0" DATE	SHEET # 4
				DWN				
				REV				



C

EAST WALL ELEVATION

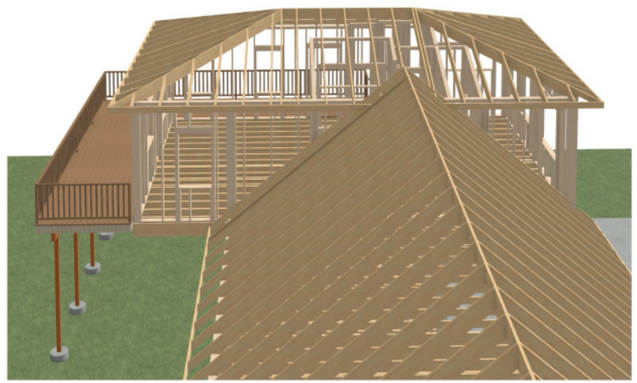
CONTRACTOR TO VERIFY

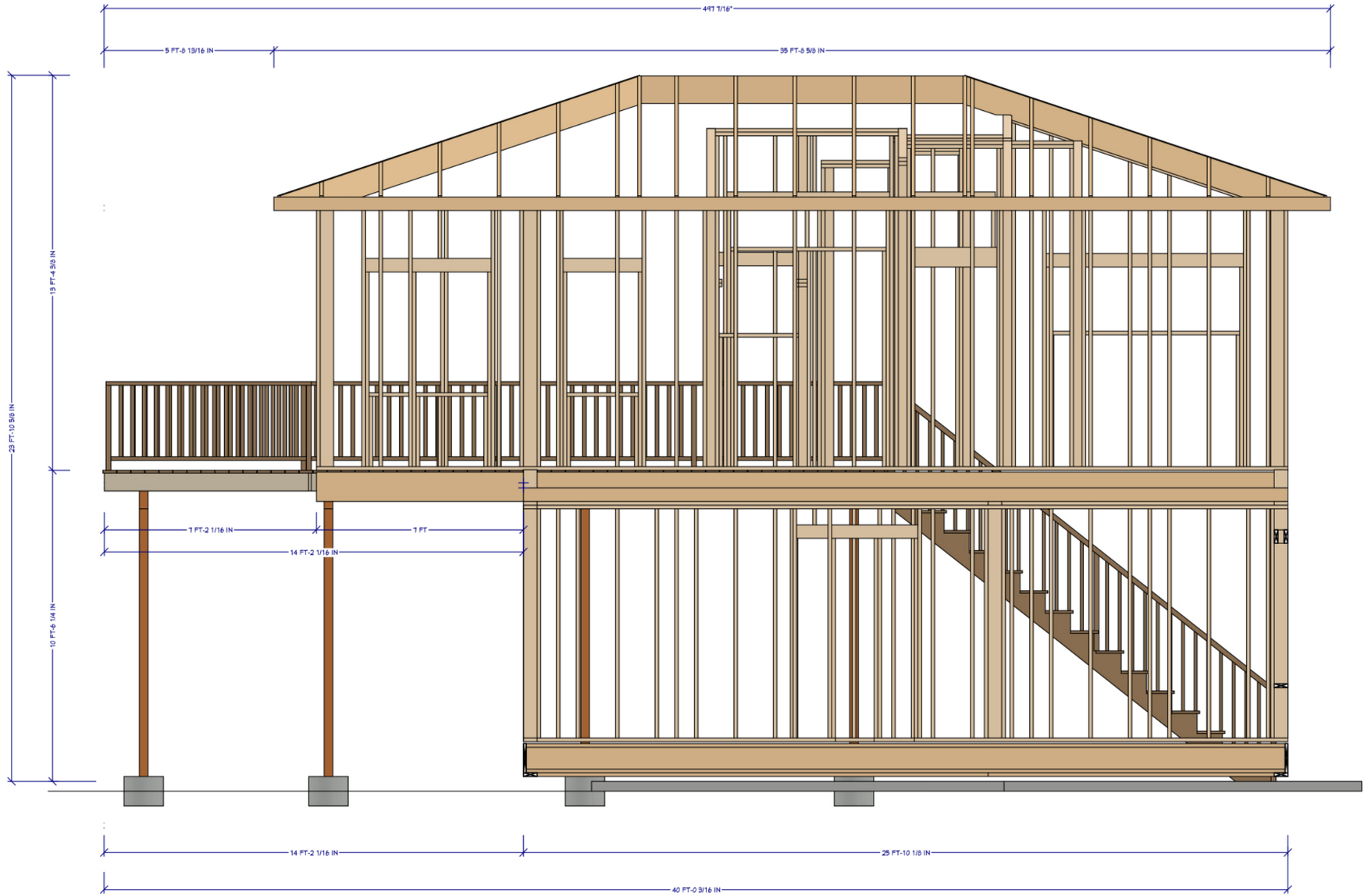
RED HEART CONSTRUCTION	DESIGNED FOR: BEVIN KORTH BY: DRS	1 BEDROOM APARTMENT OVER GARAGE	EXTERIOR ELEVATIONS		DATE	BY
				DWN		
				REV		

SCALE SEE VIEW (Applicable on Arch B Paper): 1/4" = 1' - 0"

DATE

SHEET # 5





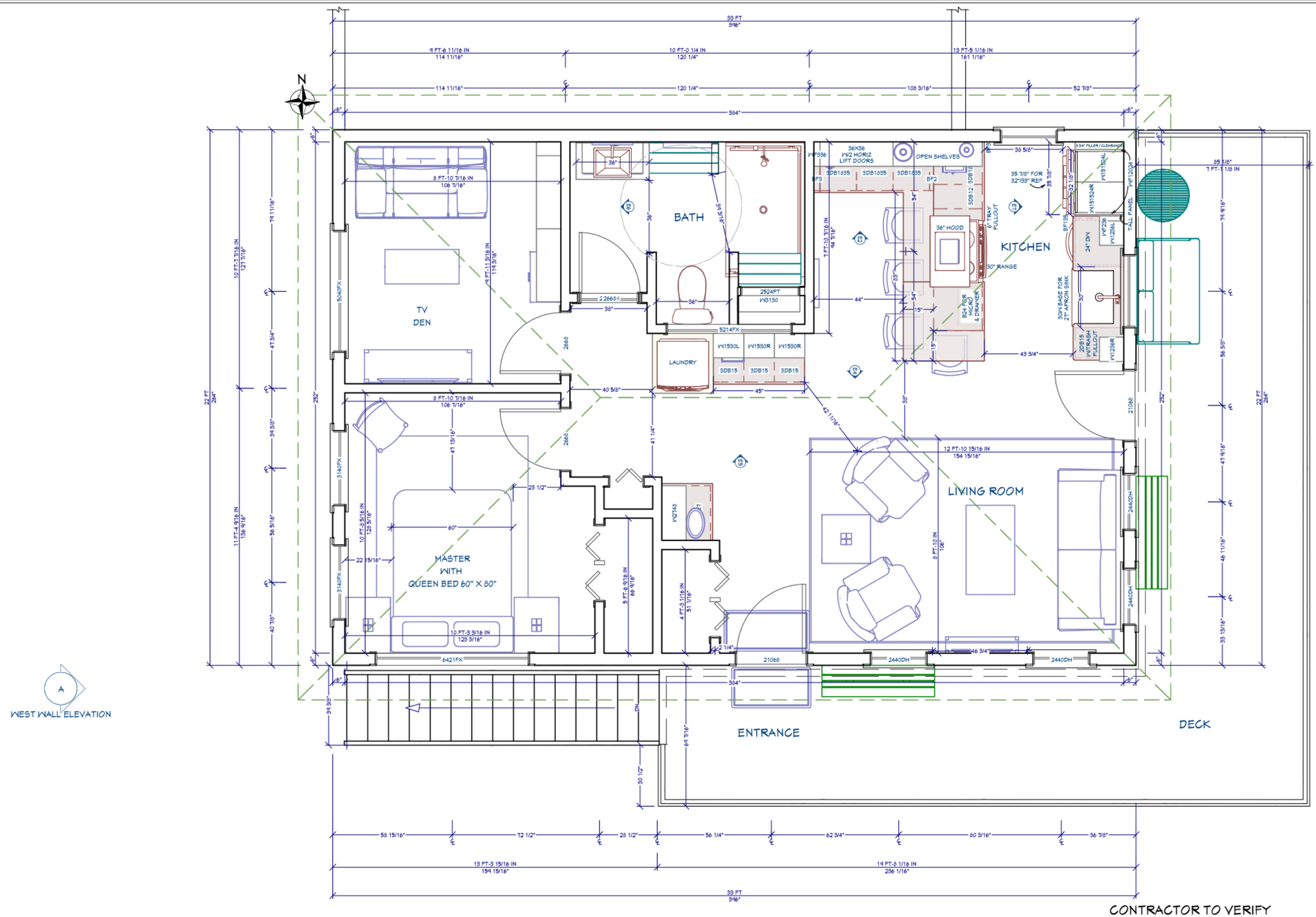
D

NORTH WALL ELEVATION

CONTRACTOR TO VERIFY

RED HEART CONSTRUCTION	DESIGNED FOR: BEVIN KORTH BY: DRS	1 BEDROOM APARTMENT OVER GARAGE	EXTERIOR ELEVATIONS		SCALE SEE VIEW (Applicable on Arch B Paper) 1/4" = 1' - 0" DATE	SHEET # 6

	DATE	BY
DWN		
REV		



A
WEST WALL ELEVATION

C
EAST WALL ELEVATION

RED HEART CONSTRUCTION	DESIGNED FOR: BEVIN KORTH BY: DRS	1 BEDROOM APARTMENT OVER GARAGE	2nd FLOOR FLOORPLAN		DATE	BY
				DWN		
				REV		

SCALE SEE VIEW
Applicable on Arch B Paper
1/4" = 1' - 0"
DATE

SHEET #
7

RECEIVED
AUG 31 2022
By 2:20 pm

To: City of Portsmouth

RE: Request for Zoning Variance – 44 Harding Road Portsmouth

Written statement explaining how the request complies with the requirements of the Zoning Ordinance as provided in Article 2 (see Section 10.233.20 for Variances,

To Whom it may concern;

As noted in the permit application we would like to replace the current 200 hundred square foot Deck in our backyard that is in significant disrepair with a brand new 517 foot L shape Deck. Drawings of the Deck have been submitted.

While the current dwelling/home is in compliance with 20% zoning requirement for a 10,019 sq foot lot, the existing Deck is not in compliance with the current Zoning requirements with total structure inclusive of the deck @ of 22%.

As the existing deck has been used and relied upon by the owner/occupants, it is requested that replacement of the deck be allowed to be replaced with additional decking added for a total of 517 Square feet which would be 25% of total lot square footage.

We have made significant improvements to this home that neighbors and public have made positive comments on. While the proposed Deck has no public view when facing the East into 80 acers of woods and limited public view from neighbors viewing from the North and south in the backyard, the deck will be done in very high quality materials and design that will be a significant Deck that is currently in disrepair. The public should not be able to view the deck from the front or street.

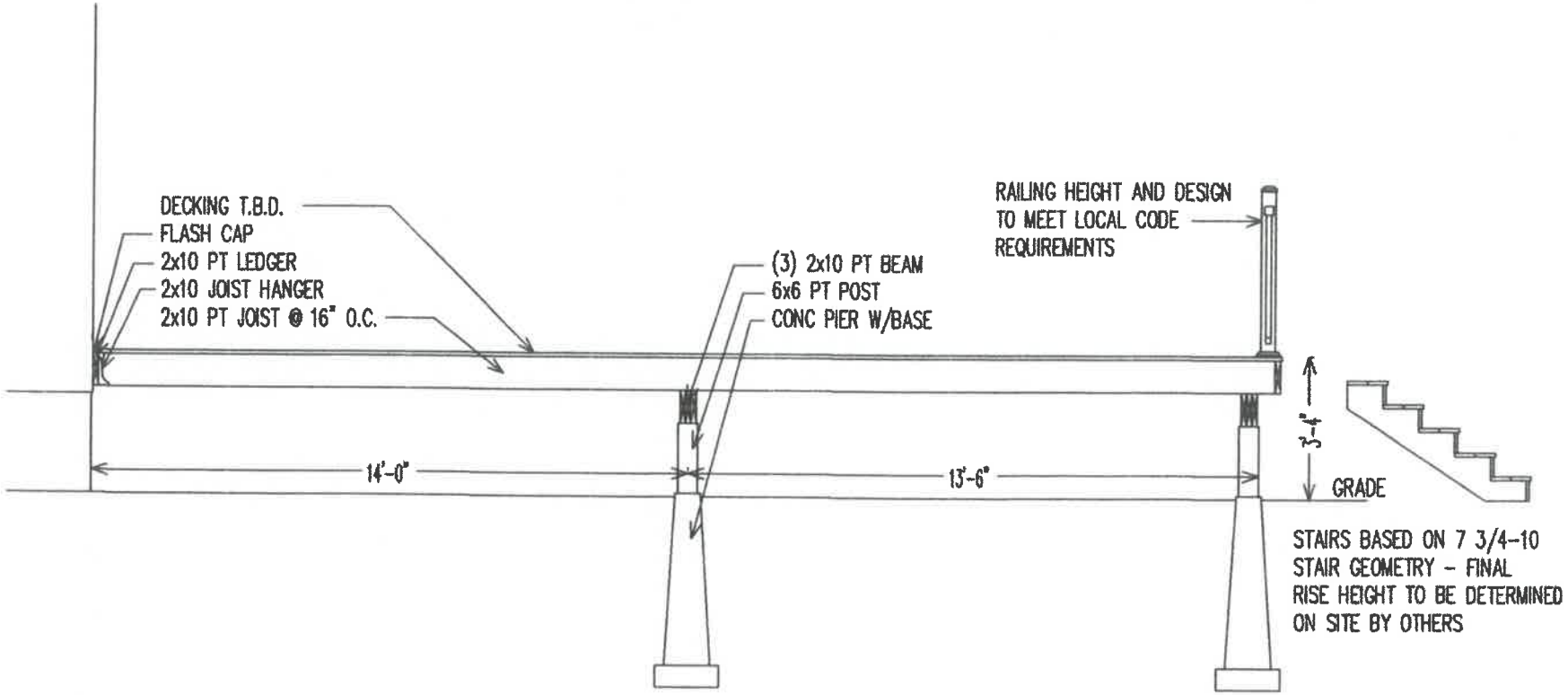
The spirit of the ordinance will not be compromised and the appearance, functionality and safety of the home will be enhanced with a Deck that is at or near the height of the existing egress Sliding glass Doorway entrance and exit. With this replacement of the deck that is in significant disrepair there is no doubt it will increase property values vs diminish them.

We appreciate your consideration in this matter.

Sincerely,

Brian and Charlene Huston

Homeowners



CREED CARROLL - DECK

SCALE: 1/4"=1'-0" DATE: 6/22 DRAWN BY: MIKE

THIS IS NOT THE WORK PRODUCT OF A REGISTERED ARCHITECT OR ENGINEER. THE FOLLOWING FLOOR PLANS, CROSS SECTIONS, AND ELEVATIONS ARE FOR ESTIMATING AND BANK PURPOSES ONLY. ALL MEASUREMENTS, LOAD BEARING DESIGNS, AND MATERIAL SIZING IS TO BE VERIFIED BY A LICENSED PROFESSIONAL. IT IS THE BUILDERS/HOMEOWNERS RESPONSIBILITY TO COMPLY WITH ALL LOCAL AND STATE CODE REQUIRMENTS.

RECEIVED
AUG 31 2022
By 2 2D

DATE: 6/30/2022

INVOICE NUMBER: 15-22

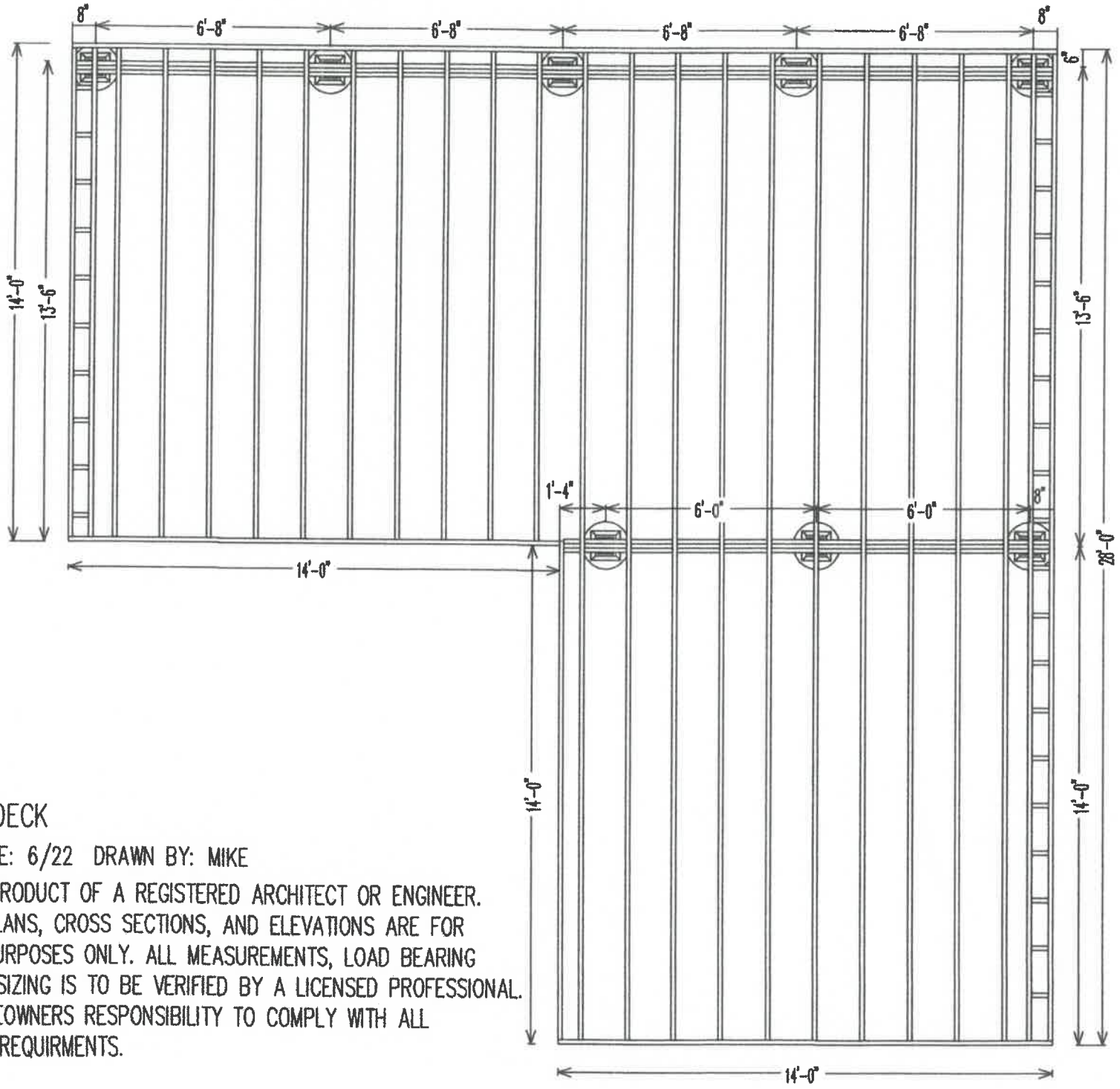
TO: VINCENZO NASTASIA

JOB DESCRIPTION: DECK
LAYOUT
FRAMING
SECTION

ANOUNT DUE: 3 HOURS @ $35.00 = $105.00

THANK YOU
MIKE MACGREGOR
82 TUELLTOWN RD
WEST PARIS, ME. 04289

RECEIVED
AUG 31 2022
By 2 pm 20



CREED CARROLL - DECK

SCALE: 1/4"=1'-0" DATE: 6/22 DRAWN BY: MIKE

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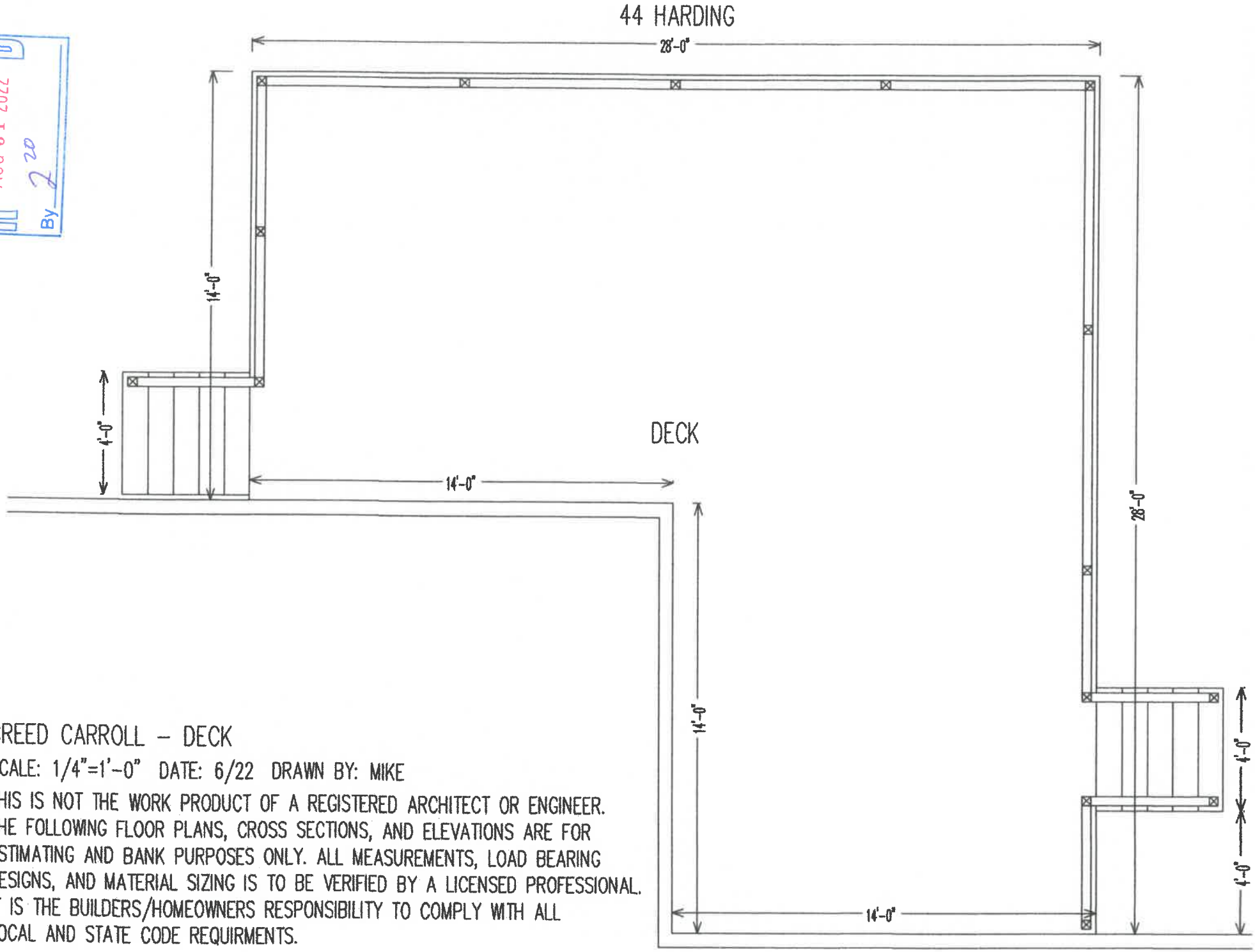
RECEIVED
AUG 31 2022
By



CREED CARROLL – DECK

SCALE: 1/4"=1'-0" DATE: 6/22 DRAWN BY: MIKE

THIS IS NOT THE WORK PRODUCT OF A REGISTERED ARCHITECT OR ENGINEER. THE FOLLOWING FLOOR PLANS, CROSS SECTIONS, AND ELEVATIONS ARE FOR ESTIMATING AND BANK PURPOSES ONLY. ALL MEASUREMENTS, LOAD BEARING DESIGNS, AND MATERIAL SIZING IS TO BE VERIFIED BY A LICENSED PROFESSIONAL. IT IS THE BUILDERS/HOMEOWNERS RESPONSIBILITY TO COMPLY WITH ALL LOCAL AND STATE CODE REQUIRMENTS.

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SEACOAST ROOFING
& Exteriors

SEACOAST ROOFING
& Exteriors
Jobs Done Right

PO 2485, Seabrook, NH 03874
(603) 405-8884
vnastasia@roofinginnh.com

This Contract for Services is made effective as of 06/14/2022, by and between **THE CLIENT: BRIAN HUSTON, 44 HARDING RD, PORTSMOUTH, NH** AND SEACOAST ROOFING & EXTERIORS of PO 2485, SEABROOK, New Hampshire 03874.

DESCRIPTION OF SERVICES. Beginning on or about TBD SEACOAST ROOFING & EXTERIORS will provide to **THE CLIENT:**, the following exterior services (collectively, the "Services"):

The services will be performed at the property of **THE CLIENT'S PROPERTY AT 44 HARDING RD, PORTSMOUTH**, **NH** (the "Worksite").

SCOPE OF WORK.
a. SEACOAST ROOFING & EXTERIORS shall provide all labor and materials, to do the described services on **THE CLIENT'S** property.

WORK TO BE PERFORMED:
REMOVE EXISITING DECK
EXCAVATE & INSTALL DECKNEW FOOTING
INSTALL NEW COMPOSITE DECK (517 SQFT)
WOLF SERENITY HARBOR GREY
INCLUDES:

- DRINK RAILS HABOR GREY WITH WHITE SQUARE BALUASTERS
- 2 SETS OF STAIRS
- 2 GATES

JOB PRICE:
$43,000

- INCLUDES DRAWINGS & PERMIT
- ALL LABOR, MATERIALS, PORTABLE RESTROOM, AND DUMPSTER.

b. The work will be performed Monday through Saturday, statutory holidays excluded, unless the parties mutually agree otherwise, provided that the Services will be performed only if weather conditions are favorable, in order to ensure an acceptable finished product.

WORK SITE. THE CLIENT: hereby authorizes and SEACOAST ROOFING & EXTERIORS to commence and complete the usual and customary excavation and grading on the Work Site as may be required in the judgment of and SEACOAST ROOFING & EXTERIORS to complete the Roofing Work. Unless called for in the drawings or specifications, no landscaping, finish grading, filling or excavation is to be performed at the Work Site by and SEACOAST ROOFING & EXTERIORS.

PAYMENT. Payments shall be made to SEACOAST ROOFING & EXTERIORS, SEABROOK, New Hampshire 03874

THE CLIENT agrees to pay **50% of total upon contract signing & the remaining 50% immediately upon the job completion *Payment is to be in cash, money order, bank check, or credit card (additional 6.75% service fee).**

If any invoice is not paid when due, interest will be added to and payable on all overdue amounts at 12 percent per year, or the maximum percentage allowed under applicable laws, whichever is less. **THE CLIENT** shall pay all costs of collection, including without limitation, reasonable attorney fees.

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SEACOAST ROOFING & Exteriors
Jobs Done Right

PO 2485, Seabrook, NH 03874
(603) 405-8884
vnastasia@roofinginnh.com

In addition to any other right or remedy provided by law, if **THE CLIENT** fails to pay for the Services when due, and SEACOAST ROOFING & EXTERIORS has the option to treat such failure to pay as a material breach of this Contract, and may cancel this Contract and/or seek legal remedies.

PERMITS. and **THE CONTRACTOR:** shall apply for and obtain such permits and regulatory approvals as may be required by the local municipal/county government, the cost thereof shall be included as part of the Payment to and SEACOAST ROOFING & EXTERIORS under this Contract.

INSURANCE. and SEACOAST ROOFING & EXTERIORS shall maintain general liability, workers compensation and builder's risk insurance in accordance with the minimum requirements of the state throughout the duration of the Services. and SEACOAST ROOFING & EXTERIORS provide **THE CLIENT:** with proof of insurance upon the request of **THE CLIENT**

SURVEY AND TITLE. THE CLIENT will indicate the property lines to and SEACOAST ROOFING & EXTERIORS and will provide boundary stakes by a licensed land surveyor if **THE CLIENT** are in doubt about the property boundaries.

CHANGE ORDERS. THE CLIENT may make changes to the scope of the work from time to time during the term of this Contract. However, any such change or modification shall only be made by written "Change Order" signed by both parties. Such Change Orders shall become part of this Contract. **THE CLIENT** agrees to pay any increase in the cost of the Roofing work as a result of a Change Order. In the event the cost of a Change Order is not known at the time a Change Order is executed, and SEACOAST ROOFING & EXTERIORS shall estimate the cost thereof and **THE CLIENT** shall pay the actual cost whether or not it is in excess of the estimated cost.

ACCESS. THE CLIENT will allow free access to work areas for workers and vehicles and will allow areas for the storage of materials and debris. Driveways will be kept clear for the movement of vehicles during work hours. and SEACOAST ROOFING & EXTERIORS will make reasonable efforts to protect driveways, lawns, shrubs, and other vegetation.

TERM. This Contract will terminate automatically upon completion by and SEACOAST ROOFING & EXTERIORS of the Services required by this Contract.

WARRANTY. SEACOAST ROOFING & EXTERIORS shall provide its services and meet its obligations under this Contract in a timely and workmanlike manner, using knowledge and recommendations for performing the services which meet generally acceptable standards in and SEACOAST ROOFING & EXTERIORS' community and region, and will provide a standard of care equal to, or superior to, care used by Contractor's similar to and SEACOAST ROOFING & EXTERIORS on similar projects. NO WARRANTY ON MATERIALS CLIENT IS SUPPLYING IS GIVEN. MANUFACTURER'S WARRANTY ON MATERIALS PROVIDED BY US IS ASSIGNED TO THE CLIENT. WE OFFER A LIFETIME WORKMANSHIP WARRANTY ON OUR WORK.

COMPLETION OF SERVICES. Upon the completion of the roofing services by and SEACOAST ROOFING & EXTERIORS, and SEACOAST ROOFING & EXTERIORS shall see to it that **THE CLIENT`S** property is restored to the condition that it was in prior to any work completed by SEACOAST ROOFING & EXTERIORS, and SEACOAST ROOFING & EXTERIORS shall see to it that all portions used by SEACOAST ROOFING & EXTERIORS during the term of this Contract shall be broom clean and free of debris.

DEFAULT. The occurrence of any of the following shall constitute a material default under this Contract:

a. The failure to make a required payment when due.

b. The insolvency or bankruptcy of either party.

c. The subjection of any of either party's property to any levy, seizure, general assignment for the benefit of creditors, application or sale for or by any creditor or government agency.

d. The failure to make available or deliver the Services in the time and manner provided for in this Contract.

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SEACOAST ROOFING & Exteriors

SEACOAST ROOFING
& Exteriors
Jobs Done Right

PO 2485, Seabrook, NH 03874
(603) 405-8884
vnastasia@roofinginnh.com

REMEDIES. In addition to any and all other rights a party may have available according to law, if a party defaults by failing to substantially perform any provision, term or condition of this Contract (including without limitation the failure to make a monetary payment when due), the other party may terminate the Contract by providing written notice to the defaulting party. This notice shall describe with sufficient detail the nature of the default. The party receiving such notice shall have 7 days from the effective date of such notice to cure the default(s). Unless waived by a party providing notice, the failure to cure the default(s) within such time period shall result in the automatic termination of this Contract.

ARBITRATION. Any controversies or disputes arising out of or relating to this Contract shall be resolved by binding arbitration in accordance with the then-current Commercial Arbitration Rules of the American Arbitration Association. The parties shall select a mutually acceptable arbitrator knowledgeable about issues relating to the subject matter of this Contract. In the event the parties are unable to agree to such a selection, each party will select an arbitrator and the two arbitrators in turn shall select a third arbitrator, all three of whom shall preside jointly over the matter. The arbitration shall take place at a location that is reasonably centrally located between the parties, or otherwise mutually agreed upon by the parties. All documents, materials, and information in the possession of each party that are in any way relevant to the dispute shall be made available to the other party for review and copying no later than 30 days after the notice of arbitration is served. The arbitrator(s) shall not have the authority to modify any provision of this Contract or to award punitive damages. The arbitrator(s) shall have the power to issue mandatory orders and restraint orders in connection with the arbitration. The decision rendered by the arbitrator(s) shall be final and binding on the parties, and judgment may be entered in conformity with the decision in any court having jurisdiction. The agreement to arbitration shall be specifically enforceable under the prevailing arbitration law. During the continuance of any arbitration proceeding, the parties shall continue to perform their respective obligations under this Contract.

ENTIRE AGREEMENT. This Contract contains the entire agreement of the parties, and there are no other promises or conditions in any other agreement whether oral or written concerning the subject matter of this Contract. This Contract supersedes any prior written or oral agreements between the parties.

SEVERABILITY. If any provision of this Contract will be held to be invalid or unenforceable for any reason, the remaining provisions will continue to be valid and enforceable. If a court finds that any provision of this Contract is invalid or unenforceable, but that by limiting such provision it would become valid and enforceable, then such provision will be deemed to be written, construed, and enforced as so limited.

AMENDMENT. This Contract may be modified or amended in writing, if the writing is signed by the party obligated under the amendment.

GOVERNING LAW. This Contract shall be construed in accordance with the laws of the State of New Hampshire.

NOTICE. Any notice or communication required or permitted under this Contract shall be sufficiently given if delivered in person or by certified mail, return receipt requested, to the address set forth in the opening paragraph or to such other address as one party may have furnished to the other in writing.

WAIVER OF CONTRACTUAL RIGHT. The failure of either party to enforce any provision of this Contract shall not be construed as a waiver or limitation of that party's right to subsequently enforce and compel strict compliance with every provision of this Contract.

SIGNATORIES. This Agreement shall be signed on behalf of **THE CLIENT** by **THE CLIENT**, Owner and on behalf of and SEACOAST ROOFING & EXTERIORS by Vincenzo Nastasia, Director and effective as of the date first above written.

CLIENT: BRIAN HUSTON Docusigned by: Brian Huston 219B0FFB654C459...

By: _____

CONTRACTOR:
SEACOAST ROOFING & EXTERIORS

By: _____
Vincenzo Nastasia
Managing Director

Todd Michel
969 Ocean BLVD.
Rye NH. 03870
(978) 580 9642
buildersoffice@gmail.com

To: Board of Adjustment Date: Aug. 30 2022

Land Use Application LU-22-164

Job Location:

38 Thaxter Rd.

The variance will not be contrary to public interest:

We believe The addition of a Master bed room over the existing addition will not have any effect on public interest.

The addition will be more in keeping with the surrounding properties.

The spirit of the Ordinance will be observed:

We believe The ordinance was implemented for this purpose and to give relief in in this type of use.

Substantial justice will be done:

We believe Substantial justice will be done by granting a variance and is in line with other variances issued .

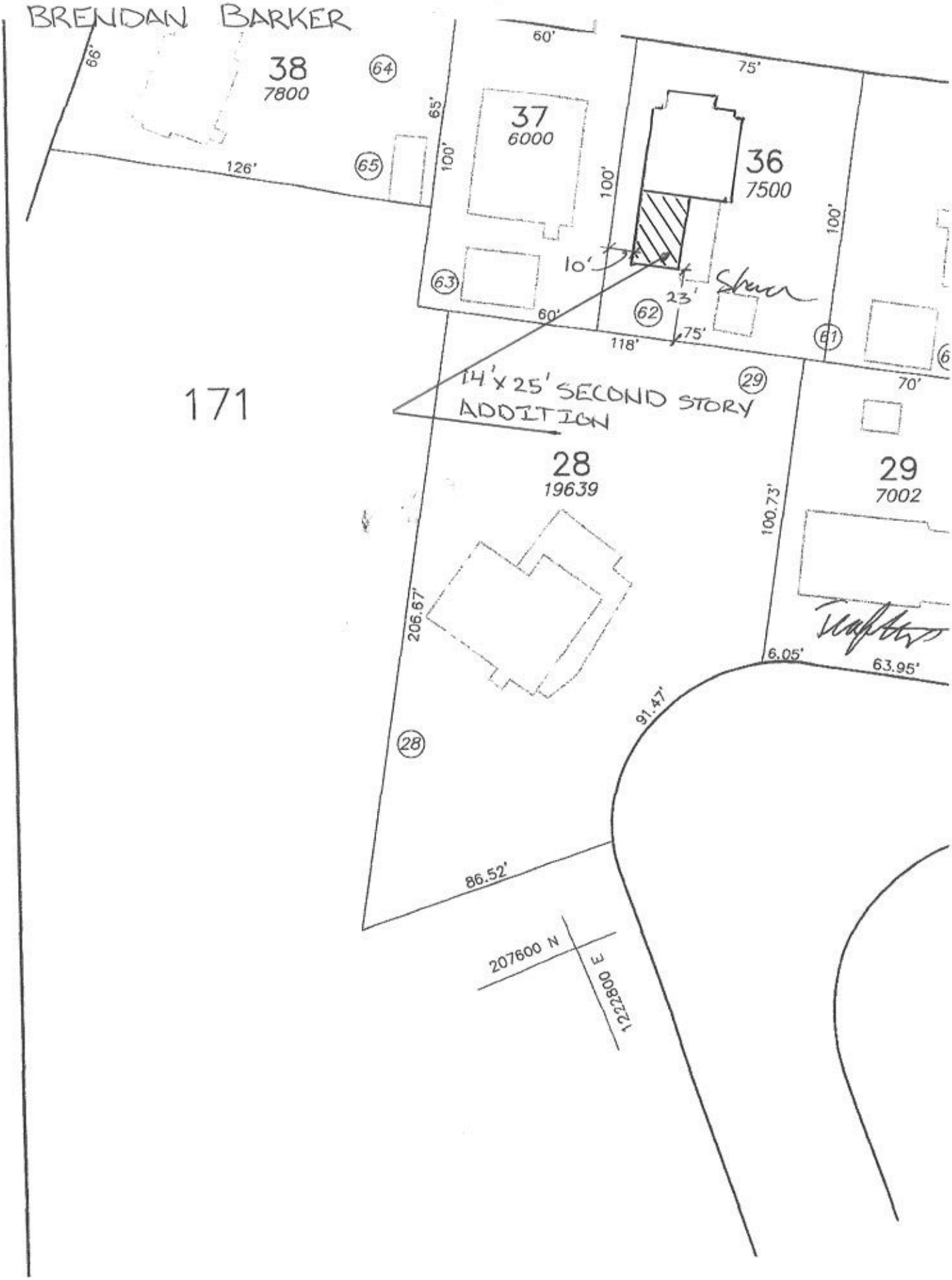
The Value of surrounding properties will not be diminished:

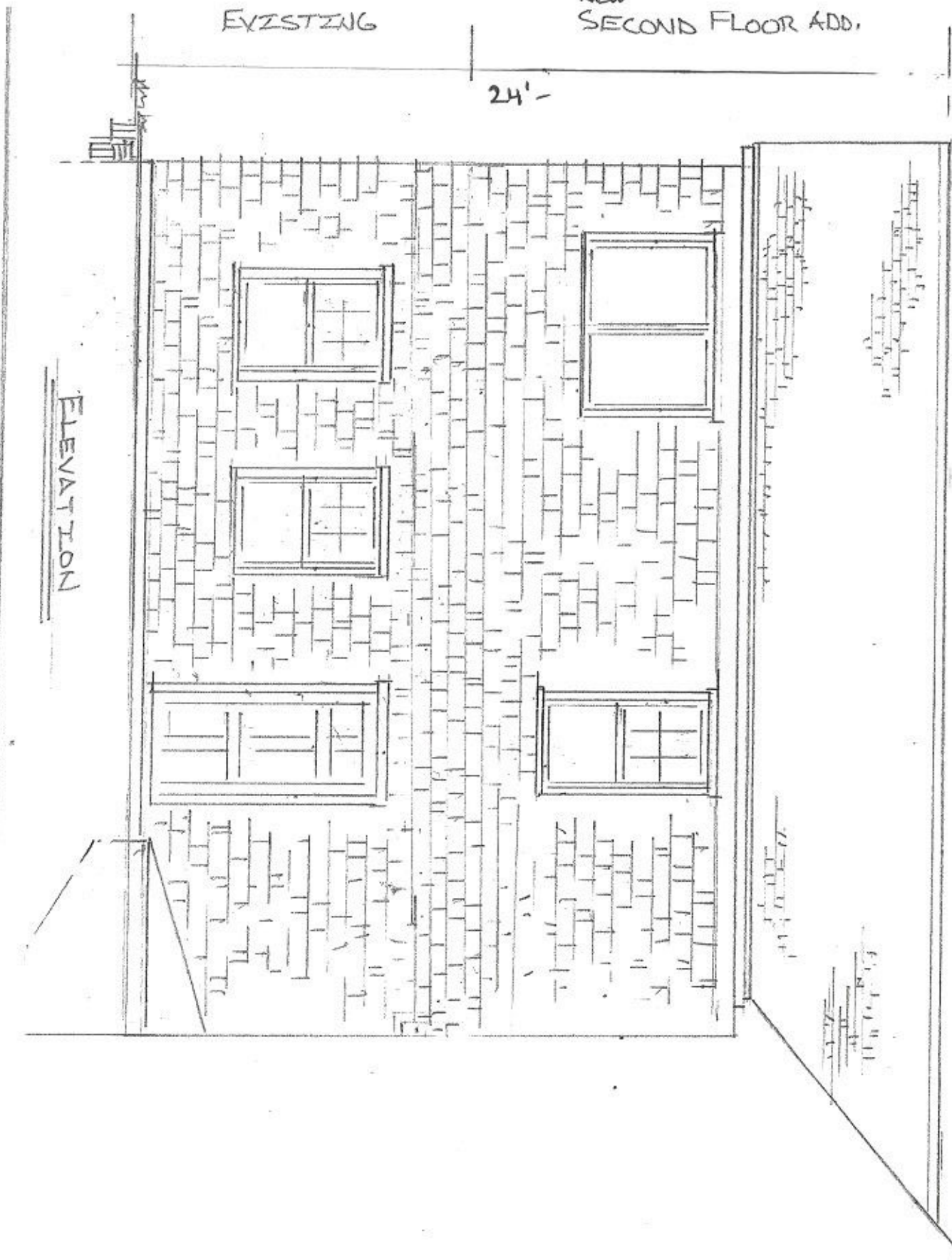
The addition will be more Architecturally pleasing then the existing roof structure and will not diminish surrounding Values.

Literal enforcement of the provision of the ordinance would result in an unnecessary hardship:

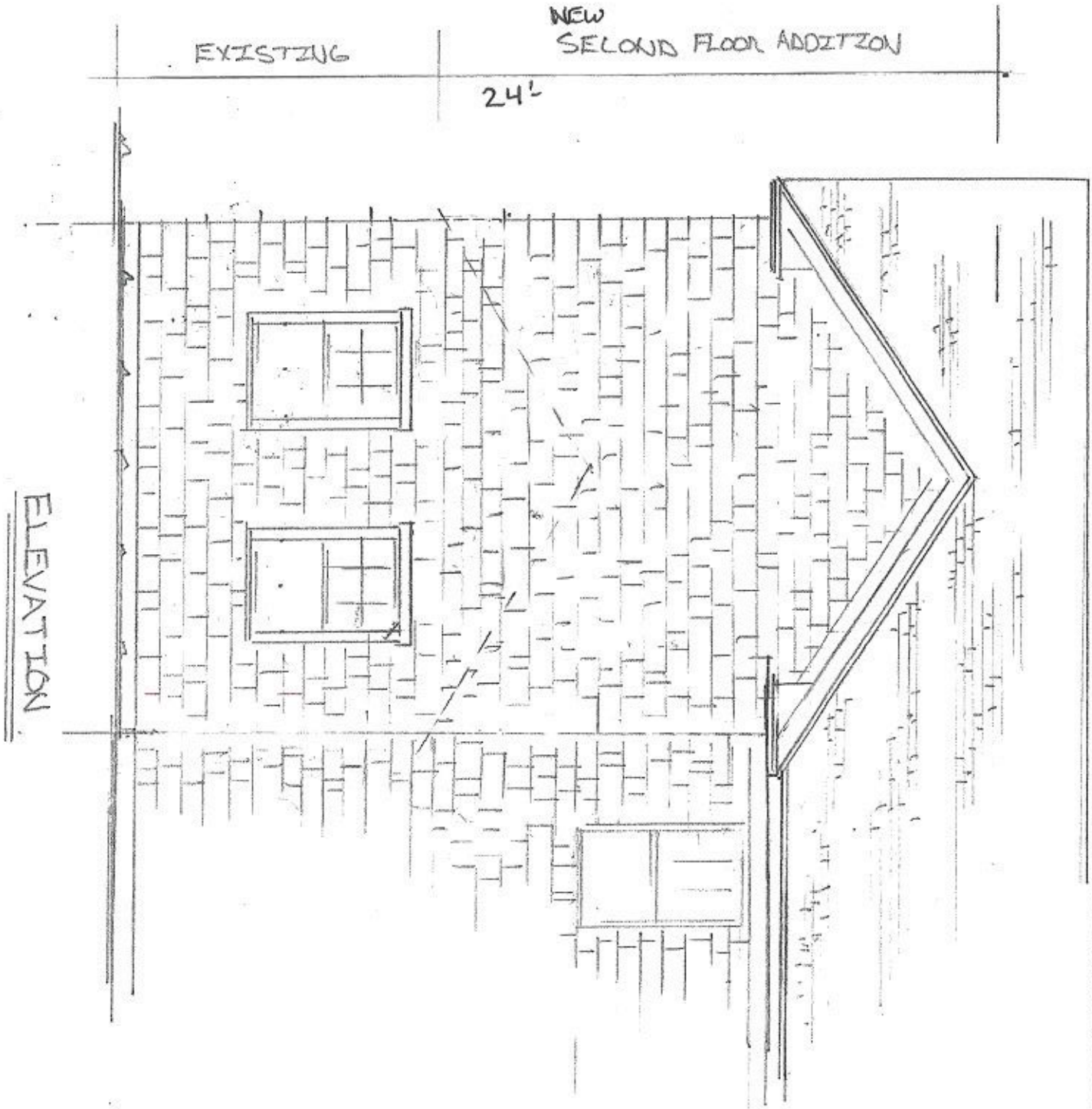
The Home Owners have a growing Family and this addition would allow them to stay at their Thaxter Rd. Home.

MADISON TIDWELL #38 THAXTER RD
BRENDAN BARKER

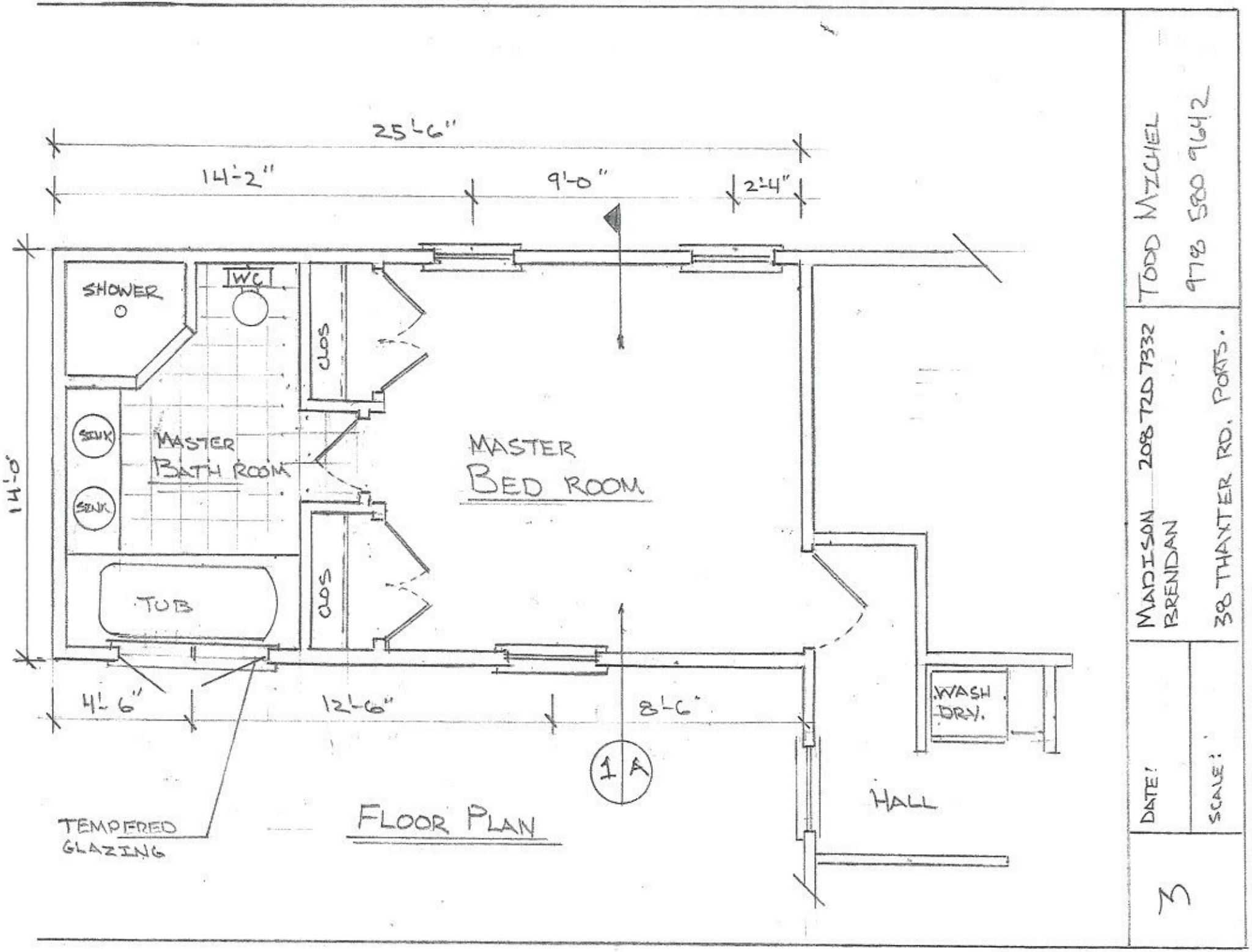


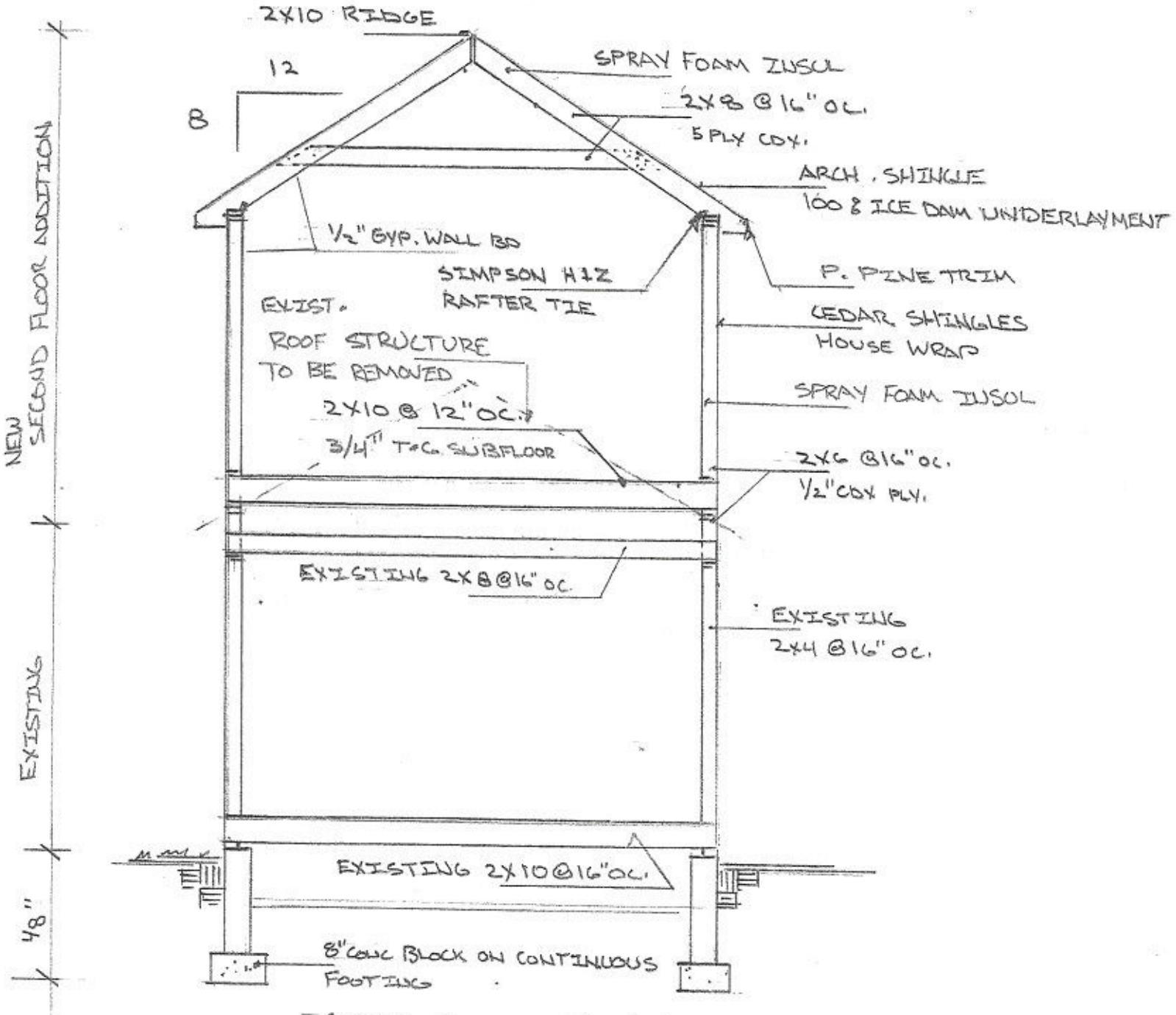


1	DATE:	MADISON 208 720 7332 BRENDAN	TODD MICHEL CONS. 978 580 9642
	SCALE:	38 THAXTER RD. PORTS.	



2	DATE:	MADISON 208 720 7332 BRENDAN	TODD MICHEL CONS. 978 580 9642
	SCALE:	38 THAXTER RD. PORTS.	


25'-6"
14'-2"
9'-0"
2'-4"
14'-0"
SHOWER
WC
CLOS
SINK
SINK
MASTER BATH ROOM
MASTER BED ROOM
CLOS
TUB
WASH DRY.
HALL
4'-6"
12'-6"
8'-6"
1 A
TEMPERED GLAZING
FLOOR PLAN
TODD MAZCHEL
978 580 9642
MADISON 208 720 7332
BRENDAN
38 THAYER RD. PORTS.
DATE:
SCALE:
3



CROSS SECTION 1-A

Todd Wichel Cons
978 580 9642

MADISON
BRENDAN

38 THAXTER RD PORTS,

DATE.

SCALE
1/4" = 1'-0"

4

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

August 31, 2022

HAND DELIVERED

Peter Stith, Principal Planner
Portsmouth City Hall
1 Junkins Avenue
Portsmouth, NH 03801

Re: Stephen H. Roberts, Trustee, The ADL 325 Little Harbor Road Trust,
Owner/Applicant
325 Little Harbor Road
Tax Map 205, Lot 2
Rural (R) District
LU 21-220

Dear Mr. Stith & Zoning Board Members:

On behalf of Stephen H. Roberts, Trustee, The ADL 325 Little Harbor Road Trust, enclosed please find the following in support of a request for zoning relief:

- Digital Application submitted via Viewpoint earlier today.
- Owner's Authorization.
- 8/31/2022 – Memorandum and exhibits in support of Variance Application

We look forward to presenting this application to the Zoning Board at its September 20, 2022 meeting.

Very truly yours,

R. Timothy Phoenix

Enclosure

cc: Anthony DiLorenzo
Stephen H. Roberts, Trustee
Corey Colwell
Aaron Sturgis
James Youngblood

DANIEL C. HOEFLE
R. TIMOTHY PHOENIX
LAWRENCE B. GORMLEY
STEPHEN H. ROBERTS
R. PETER TAYLOR
KEVIN M. BAUM
GREGORY D. ROBBINS
MONICA F. KIESER
JACOB J.B. MARVELLEY
DUNCAN A. EDGAR
STEPHANIE J. JOHNSON
OF COUNSEL:
SAMUEL R. REID
JOHN AHLGREN

TO: Portsmouth Zoning Board of Adjustment ("ZBA")
FROM: R. Timothy Phoenix, Esquire
DATE: August 31, 2022
Re: Stephen H. Roberts, Trustee, The ADL 325 Little Harbor Road Trust, Owner/Applicant
Property Location:325 Little Harbor Road
Tax Map 205, Lot 2
Rural Residential ("R") Zoning District
Flood Zone AE (El. 8)

Dear Chairman Parrott and Zoning Board Members:

With Stephen H. Roberts, Trustee, The ADL 325 Little Harbor Road Trust, Owner, on behalf of Anthony DiLorenzo and family, we are pleased to submit this memorandum and attached exhibits in support of zoning relief to significantly renovate a large historic barn structure without complying with the flood zone ordinance that would require the basement floor to be raised 1 foot from flood elevation 8 to flood elevation 9.

I. EXHIBITS

A. Flood Zone Exhibit Sketch-by TF Moran, Inc.
B. Architectural Basement Floor Plan-D-1.00 -by G.P. Schafer Architect, DPC.
C. Historic Structure Report and Photographs- by Preservation Timber Framing.
D. Variance Effect Report-by Preservation Timber Framing.
E. Site Photographs.
F. Tax Map 205.

II. PROPERTY/PROJECT

Commonly known as Lady Isle, for the Lady Isle Catholic school operated on the site for many years, 325 Harbor Road is a 12 acre island lot accessed only by a bridge or the water. Numerous structures have been located on the lot over the decades, as it has been used for both the school and residential uses before and after. The owner is in process of redeveloping the lot, including a new home under construction, pool house/pool, renovated historic two-story cottage and the existing large (2608 s.f. footprint) 2.5. -story historic barn, circa mid-1800s (**EXHIBIT C**, p.2). The entire barn is to be renovated, saving as much as possible. (**EXHIBIT C**)

Notable features with respect the pending variance request include, without limitation: the condition of the wooden structure to be renovated; the very good condition stone foundation; granite support pillars; prominence viewed from the water. (See **EXHIBITS C, D)**

Much of the island is located in Flood Zone X, as is the significant majority of the historic barn. (**EXHIBIT A)** The easterly end of the island is , however, located is in flood zone AE (El. 8), in which a small portion (447 s.f./16%±) of the southerly side of the barn is located. Pursuant to FEMA regulations, the substantial expense of the proposed barn renovations requires the lowest (basement) floor to be at Finished Floor Elevation ("FFE") 8. The existing basement floor is FFE 7.88+/-.

The renovation includes pouring a new concrete floor up to FFE ("elevation") 8.0, thus compliant with FEMA regulations. The Portsmouth Floodplain Ordinance, however, requires that any "substantial improvement" (where the cost of improvements is equal to or greater than 40% of the market value of a residential structure, Portsmouth Zoning Ordinance ("PZO") §10.622.20. Definitions, which here applies) must leave the lowest floor (including basement) elevated to at least one (1) foot above the base flood elevation if in Zone A or AE. PZO §10.628.30. Since the applicable zone is AE (El.8) this would require the basement floor to be at a minimum of elevation 9, where elevation 8 is proposed **(EXHIBIT A**). Thus, the proposal is for the bottom floor to be one foot, or 12 inches below the required elevation 9.

To achieve a basement floor elevation of 9, one foot of concrete floor must be poured to raise the level from proposed elevation 8.0. The practical problem is that at elevation 9, the distance from the floor to the joists above is 5' 10.5" where code requires 6' 10". The floor elevation to a FEMA compliant elevation 8.0, leaves the floor to joist height at a compliant 6' 10.5". Alternatively, the entire structure would have to be lifted approximately one foot in elevation in order to achieve code-compliant headroom. The builder, architect and historic preservationist as well as the owner seek to avoid the additional concrete in order to preserve code-compliant head room and to avoid lifting the entire structure due to:

- the unnecessary cost under the circumstances.
- possible loss of the historic granite pillars, which cannot be extended.
- the risk of damage or destruction to the historic structure.
- lifting the barn off of the historic stone foundation would require an additional layer(s), of new stone foundation which would not match existing. The effect would be to lose the benefit of the historic renovation and decrease the aesthetic charm and historic "look" particularly when viewed from the water. (**EXHIBIT D**)

Accordingly, and considering that only a small percentage (16%, 447sf) of the 2806 sf (footprint) barn is actually in the flood zone, a slight one-foot variance is requested for a FEMA-compliant basement floor at El 8.0. where El.9 is required. We have met and reviewed the project and proposal with the planning staff and building inspection department all of whom we believe to be in support of the project as proposed.

III. RELIEF REQUIRED

A variance pursuant to PZO §10.629.10 from PZO §10.628.30 to permit a bottom/basement finished floor elevation of 8.0 feet where 7.88 feet exists and 9 feet is required.[1]

IV. VARIANCE REQUIREMENTS

1. **The variances will not be contrary to the public interest.**
2. **The spirit of the ordinance is observed.**

The first step in the ZBA's analysis is to determine whether granting the variance is not contrary to the public interest and is consistent with the spirit and intent of the ordinance, considered together pursuant to Malachy Glen Associates, Inc. v. Town of Chichester, 155 N.H. 102 (2007) and its progeny. Upon examination, it must be determined whether granting the variance "would unduly and to a marked degree conflict with the ordinance such that it violates the ordinance's basic zoning objectives." Id. "Mere conflict with the zoning ordinance is not enough." Id.

PZO §10.121 identifies the general purposes and intent of the ordinance "to promote the health, safety, and general welfare of Portsmouth…in accordance with the…Master Plan" This is accomplished by regulating:

1. The use of land, buildings and structures for business, industrial, residential and other purposes – The entire historic barn will be renovated, saving as much as possible. The intent is for the barn to remain in its existing location, noting that only a small portion is within the flood zone, AE(El.8). The proposed basement floor at elevation 8 will comply with FEMA; the variance request is only for one foot; achieves code-compliant head room in the basement; avoids the cost and risk of damage to the structure from raising it to achieve reasonable head room, in turn avoiding the potential loss of historic granite pillars and the requirement for building up the existing historic stone foundation.

[1] PZO §10.629.20 provides for 3 additional variance requirements which will be addressed below. Please also note the Board of Adjustment notice requirements set forth in PZO sec. 10.629.30.

2. The intensity of land use, including lot sizes, building coverage, building height and bulk, yards and open space – The entire island (lot) is 12 =acres with no structures nearby, other than the island structures. The historic barn will remain in its existing location and will be used merely for residential purposes as an accessory structure.
3. The design of facilities for vehicular access, circulation, parking and loading – The barn is located essentially "alone", 90 feet from other structures, with more than adequate area for access, circulation, parking and loading.
4. The impact on properties of outdoor lighting, noise, vibration, stormwater runoff and flooding – The barn will be utilized by a single-family for residential accessory purposes and is located far from any other buildings of any kind.
5. The preservation and enhancement of the visual environment – The tasteful and thoughtful renovation, overseen by a historic preservationist, will maintain and likely enhance the visual environment
6. The preservation of historic districts and building and structures of historic architectural interest – The entire renovation of this historic circa mid 1800s barn, overseen by a historic preservationist, easily complies with this purpose. This specific purpose is one of the reasons the slight variance relief is requested.
7. The protection of natural resources, including groundwater, surface water, wetlands, wildlife habitat and air quality – The barn is to remain in its existing location so there will be no change.

The purpose of the Rural Residential District is:

> to provide areas for single-family dwellings and appropriate accessory uses at the rural densities (up to one dwelling per 5 acres) and limited agricultural uses. PZO sec.10.410.

The entire 12 acre island lot will contain 1 single-family residence and a detached ADU, located far from any other buildings of any kind, entirely in keeping with the purpose of the Rural Residential zone.

In considering whether variances "in a marked degree conflict with the ordinance such that they violate the ordinance's basic zoning objectives," Malachy Glen, supra, also held:

> One way to ascertain whether granting the variance would violate basic zoning objectives is to determine whether it would alter the essential character of the locality… . Another approach to [determine] whether granting the variance violates basic zoning objectives is to examine whether granting the variance would threaten the public health, safety or welfare. (emphasis added)

The "Lady Isle" lot, buildings and historic barn themselves provide a singular and unique "character "in the city of Portsmouth. With a large majority of the structure outside of the flood zone, the slight variance will maintain required basement head room and preserve the structural

integrity of the barn and foundation. The owner is acutely aware of any risk to the structure from future floods, which is likely to be less than otherwise anticipated given the fact that only a small portion of the barn (16%+/-) is within the flood zone. Additionally, whether the barn basement floor is at the proposed elevation 8, or the required elevation 9, or even several feet over elevation 9, the effect of floodwaters will be virtually unchanged due to the location of the existing foundation which will be impacted by floodwaters reaching virtually any elevation. Accordingly, the slight variance which affects only one property now and in the future, will neither change the essential character of the locality nor threaten the public health, safety or welfare.

3. Granting the variances will not diminish surrounding property values.

The variance will allow the barn to remain in its existing location at its existing dimensions. The island is isolated, near no other structures. Only this barn is affected by the variance. The variance preserves compliant head room in the basement and avoids the risk of lifting the structure and damaging the historic nature and aesthetics of the barn via additional foundation. It follows that the variance will not in any way diminish surrounding property values.

4. Denial of the variances results in an unnecessary hardship.

a. Special conditions distinguish the property from others in the area.

Lady Isle is a large 12 acre single-family house "lot" accessed only by bridge or the water. The subject barn has existed in its present location for approximately 170 years. The proposed renovation intends to preserve as much of the historic structure as possible. Any renovation or other work on the barn, which here will exceed 40% of its value, must obviously be undertaken on or in the barn in its present location, only a portion of which is in flood zone AE (El.8). These factors combine to create special conditions clearly distinguishing this property from others in the area.

b. No fair and substantial relationship exists between the general public purposes of the ordinance and its specific application in this instance.

The purpose of the flood zones and requirements for structure and lowest floor elevations located entirely or partially in flood zones is to protect structures and the property within them

from the effects of a flood. Given: the small area of the barn that is within the flood zone; the fact that the proposed FFE at 8.0 is only one foot below the City requirement; floodwaters will impact the historic stone foundation regardless of the basement floor elevation; the proposal complies with the FEMA requirement; and the effect of the variance permitting the project to move forward with compliant basement head room, while avoiding the risk to the structure and foundation if it is raised, there simply is no reason to require strict compliance by increasing the bottom floor elevation to elevation 9. The request is supported by the design, historic preservation, building, legal and technical team and upon information and belief has the support of the city planning and building inspection departments.

c. The proposed use is reasonable.

If the use is permitted, it is deemed reasonable. Vigeant v. Hudson, 151 N.H. 747 (2005). Residential use is permitted in the R Zone, including accessory buildings incidental to the permitted use. The historic barn is such an accessory building. Therefore, the use and the variance required to renovate it is reasonable.

5. Substantial justice will be done by granting the variances.

If "there is no benefit to the public that would outweigh the hardship to the applicant" this factor is satisfied. Harborside Associates, L.P. v. Parade Residence Hotel, LLC, 162 N.H. 508 (2011). That is, "any loss to the [applicant] that is not outweighed by a gain to the general public is an injustice." Malachy Glen, supra at 109.

An owner is generally constitutionally entitled to the use of the lot as he sees fit. "The right to use and enjoy one's property is a fundamental right protected by both the State and Federal Constitutions." N.H. CONST. pt. I, arts. 2, 12; U.S. CONST. amends. V, XIV; Town of Chesterfield v. Brooks, 126 N.H. 64 (1985) at 68. Part I, Article 12 of the New Hampshire Constitution provides in part that "no part of a man's property shall be taken from him, or applied to public uses, without his own consent, or that of the representative body of the people." Thus, our State Constitutional protections limit the police power of the State and its municipalities in their regulation of the use of property. L. Grossman & Sons, Inc. v. Town of Gilford, 118 N.H. 480, 482 (1978). "Property" in the constitutional sense has been interpreted to mean not the tangible property itself, *but rather the right to possess, use, enjoy and dispose of it*. Burrows v. City of Keene, 121 N.H. 590, 597 (1981) (emphasis added).

The proposed substantial renovation of this historic barn at a likely cost well exceeding the cost to remove and replace it, is to be undertaken in a manner that preserves and respects the historic barn and its features. The slight variance affecting only a small portion of the barn permits the avoidance of non-compliant basement head room and/or the lifting the building, risking the integrity of the structure and losing historic features (foundation, granite pillars) has no negative effect whatsoever upon the general public.

Conversely, denial of the variance causes great harm to the owner who, despite the significant investment into the barn's preservation, will risk damage to the structure or loss of historic features from raising it to create head room. Accordingly, the loss to the applicant from denial of the variance significantly outweighs any gain to the public from its denial.

V. ADDITIONAL VARIANCE REQUIREMENTS OF PZO §10.629.20

If the applicant, upon appeal, requests a variance as authorized by the provisions of state law, the applicant shall have the burden of showing in addition to the usual variance tenders under state law:

(a) That the variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense; Only a small portion of the building is in the flood zone AE (El.8). The FEMA requirement for the lowest floor to be at least at elevation 8 is met. Since any flood to elevation 8 or 9 will first impact the historic Stone foundation, these factors combine to demonstrate that this slight variance will not result in increased flood heights. The barn and entire 12 acre island is isolated with no other off-site buildings nearby. Even the nearest on-lot building is at least 90 feet away from the barn. Thus, the granted variance poses no threat to public safety. Any expense incurred as a result of a flood will be limited to the property owner.

(b)That if the required variance is for activity within a designated regulatory floodway, no increase in flood levels during the base flood discharge will result; Flooding, according to the FEMA map will occur only up to flood zone X at elevation 8. Only 16% of the barn is within flood zone AE (EI.8). Discharge of the floodwater will occur southeast, away from the barn. The barn will not be enlarged or its elevation increased beyond raising the lowest floor approximately 2 inches. The proposal is only 12 inches below the required elevation 9 and complies with FEMA requirements for elevation 8. The effect of the difference in any flood is *de minimus*, particularly since the primary impact of any flood waters will be to the stone foundation.

(c)That the variance is the minimum necessary considering the flood hazard to afford relief. The variance to permit the bottom/basement floor at elevation 8, fully FEMA compliant, where elevation 9 is required under the Portsmouth zoning ordinance, is slight

and is the minimum necessary considering that the primary effect in a flood event is the impact upon the stone foundation, regardless of the basement floor elevation. The requested variance is the minimum necessary to achieve reasonable flood protection while also protecting the historic structure and foundation both physically and from a historical perspective.

VI. CONCLUSION

For all of the reasons stated, your applicant and entire team respectfully request that the Portsmouth Zoning Board of Adjustment grant the requested variance.

Respectfully submitted,

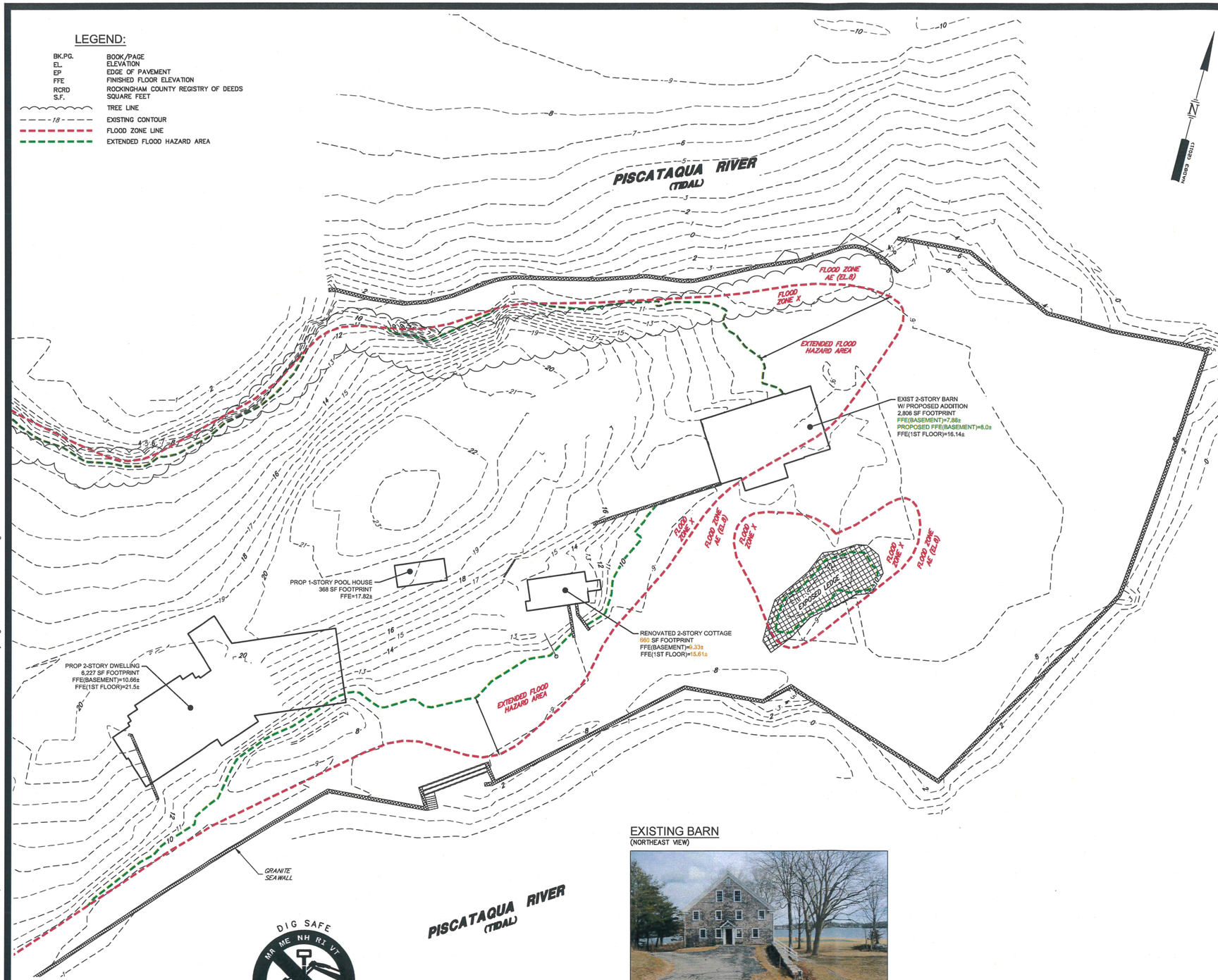
Stephen H. Roberts, Trustee
The ADL325 Little Harbor Road Trust.

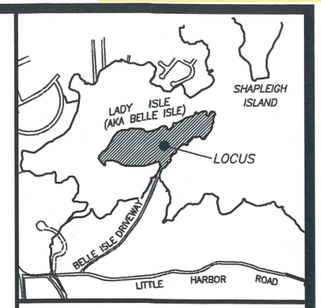
By: R. Timothy Phoenix

EXHIBIT A

LEGEND:

BK.PG.	BOOK/PAGE
EL.	ELEVATION
EP	EDGE OF PAVEMENT
FFE	FINISHED FLOOR ELEVATION
RCRD	ROCKINGHAM COUNTY REGISTRY OF DEEDS
S.F.	SQUARE FEET
	TREE LINE
-18-	EXISTING CONTOUR
	FLOOD ZONE LINE
	EXTENDED FLOOD HAZARD AREA





LOCATION PLAN

NOTES:

1. THE PARCEL IS LOCATED IN THE RURAL (R) ZONING DISTRICT.
2. THE PARCEL IS SHOWN ON THE CITY OF PORTSMOUTH ASSESSOR'S MAP 205 AS LOT 2.
3. THE PARCEL IS LOCATED IN FLOOD HAZARD ZONE AE (EL.8) AND ZONE X (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN), AS SHOWN ON NATIONAL FLOOD INSURANCE PROGRAM (NFIP) FLOOD INSURANCE RATE MAP (FIRM), ROCKINGHAM COUNTY, NEW HAMPSHIRE, PANEL 278, VERSION NUMBER 2.3.2.1 MAP NUMBER 33015C0278F, MAP REVISED: JANUARY 29, 2021. THE DATUM IS NAVD88 BASED ON STATIC GPS OBSERVATIONS.
4. DIMENSIONAL REQUIREMENTS:

	REQUIRED:
MINIMUM LOT AREA:	5 ACRES (PER DWELLING UNIT)
MINIMUM DTREET FRONTAGE:	N/A
LOT DEPTH:	N/A
MINIMUM YARD SETBACKS:	
FRONT:	50'
SIDE:	20'
REAR:	40'
MAXIMUM STRUCTURE DIMENSIONS:	
STRUCTURE HEIGHT:	35'
BUILDING COVERAGE:	5%
MINIMUM OPEN SPACE:	75%

5. OWNER OF RECORD:
   MAP 205 LOT 2
   THE ADL 325 LITTLE HARBOR ROAD TRUST
   STEPHEN H. ROBERTS ESQ., TRUSTEE
   127 PARROTT AVENUE
   PORTSMOUTH, NH 03801
   RCRD BK.5959 PG.1244
6. PARCEL AREA:
   MAP 205 LOT 2:
   538,229± S.F.
   (12.36± ACRES)

PLAN REFERENCES:

1. "BOUNDARY PLAN FOR BELLE ISLE PARTNERS TRUST, LITTLE HARBOR ROAD/BELLE ISLE, COUNTY OF ROCKINGHAM, PORTSMOUTH, NH." DATED MARCH 30, 1995, BY RICHARD P. MILLETTE & ASSOCIATES.
2. "SUBDIVISION OF LAND FOR J.P. GRIFFIN, OFF LITTLE HARBOR ROAD COUNTY OF ROCKINGHAM, PORTSMOUTH, NH" DATED NOVEMBER 1980, BY RICHARD P. MILLETTE & ASSOCIATES. RCRD PLAN #D-10554.
3. "PLAN OF A LOT OF LAND BELONGING TO WM. H. & ADELAIDE E. KEEPERS, PORTSMOUTH, NH" BY A.C. HOYT SURVEYOR. RCRD PLAN #0874.
4. "LAND LOCATED IN PORTSMOUTH IN THE COUNTY OF ROCKINGHAM AND STATE OF NEW HAMPSHIRE, DIVISED BY ARTHUR ASTOR CAREY TO THE TRUSTEES UNDER THE THIRTEENTH ARTICLE OF HIS LAST WILL AND TESTAMENT" DATED SEPTEMBER 1927, BY JOHN W. DURGIN CIVIL ENGINEER. RCRD PLAN #0311.
5. "SUBDIVISION PLAN FOR MICHAEL R. CLARK, TAX MAP 204 LOT 5, LITTLE HARBOR ROAD, PORTMOUTH, NEW HAMPSHIRE" BY DOUCET SURVEY, INC. DATED JULY 30, 2004 WITH REVISION 5 DATED 8/10/05. RCRD PLAN #D-33062.

EXISTING BARN
(NORTHEAST VIEW)

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48 Constitution Drive, Bedford, N.H. 03110

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This plan is not effective unless signed by a duly authorized officer of TFMoran, Inc.

DIG SAFE
MA ME NH RI VT
CALL 811 TOLL FREE
UTILITIES UNDER GROUND PLANT DAMAGE PREVENTION SYSTEM
CONTACT DIG SAFE 72 BUSINESS HOURS PRIOR TO CONSTRUCTION

30 0 30
Graphic Scale in Feet

REV.	DATE	DESCRIPTION	DR	CK
1	8/30/2022	UPDATED BASEMENT ELEVATION	MVP	JCC

TAX MAP 205 LOT 2
FLOOD ZONE EXHIBIT PLAN
BELLE ISLE / AKA LADY ISLE
325 LITTLE HARBOR ROAD
PORTSMOUTH, NEW HAMPSHIRE
COUNTY OF ROCKINGHAM
OWNED BY
THE ADL 325 LITTLE HARBOR ROAD TRUST

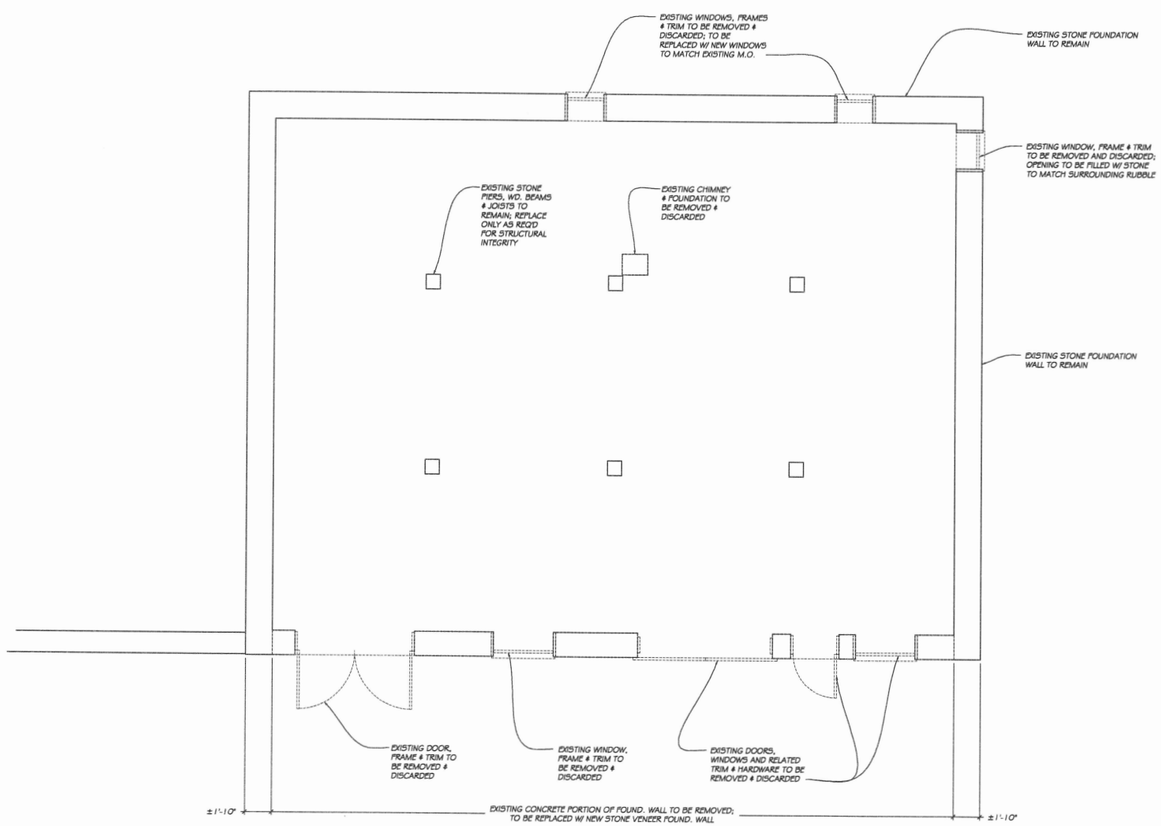
SCALE: 1" = 30' (22x34)
1" = 60' (11x17)
AUGUST 29, 2022

Seacoast Division
TFM
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

FILE	DR	FB		
47099.01	CK	CADFILE		S-1

Aug 30, 2022 - 1:34pm
F:\MSC Projects\47099 - Little Harbor Rd & Gosport Rd - Portsmouth\47099-01 - DiLorenzo - 325 Little Harbor Rd\Carlson Survey\Dwgs\47099-01 Variance-Barn.dwg

EXHIBIT B



1 / D-1.00 **Basement Plan**
Scale: 1/4" = 1'-0"

GRAPHIC LEGEND:

TO REMAIN

TO BE DEMOLISHED

DEMOLITION NOTES:

1. THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR ALL DEMOLITION ACQUIRED FOR THE COMMENCEMENT AND COMPLETION OF NEW CONSTRUCTION, REGARDLESS OF WHETHER OR NOT IT HAS BEEN EXPRESSLY STATED IN THESE DOCUMENTS.
2. THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR COMPLIANCE WITH ANY GOVERNMENTAL REGULATION ON THE CONTROL OF DUST, AND THE REMOVAL AND DISPOSAL OF MATERIALS.
3. THE GENERAL CONTRACTOR SHALL EXERCISE REASONABLE PRECAUTION IN THE PROTECTION OF ALL EXISTING FINISHES TO REMAIN AND/OR ALL EXISTING SUBSTRATES TO RECEIVE NEW FINISH.
4. THE GENERAL CONTRACTOR SHALL PROVIDE PROTECTIVE COVERINGS FOR ALL FLOOR, PARTITION, AND CEILING FINISHES TO REMAIN IN THE PROJECT AREA AND FOR ALL FINISHES WHICH MAY BE SUBJECT TO TRAFFIC OR CONSTRUCTION ACTIVITY IN ADJACENT AREAS.
5. THE GENERAL CONTRACTOR SHALL SCHEDULE AND COORDINATE ALL TRADES TO PREVENT DAMAGE TO ALL COMPONENTS TO BE SALVAGED AND RE-PURPOSED. ANY DAMAGES TO COMPONENTS WHILE IN THE SPECIFIC CARE OF THE G.C. PRIOR TO COMPLETION OF PROJECT SHALL BE CORRECTED AT THE EXPENSE OF THE GENERAL CONTRACTOR.
6. THE GENERAL CONTRACTOR SHALL STAKE AND FLAG, AND/OR OTHERWISE MARK LOCATIONS OF ALL EXISTING UTILITIES ACCORDING TO CURRENT APWA COLOR CODES PRIOR TO THE COMMENCEMENT OF WORK.
7. ANY NECESSARY RELOCATION, RECONNECTION, OR UPGRADE OF UTILITIES SHALL BE IDENTIFIED AND COMPLETED EITHER PRIOR TO COMMENCEMENT OF WORK IN ORDER TO AVOID UNSCHEDULED SERVICE INTERRUPTION WITH SURROUNDING STRUCTURES ON THE PROPERTY, OR AS DETERMINED AT THE APPROPRIATE TIME.
8. THE GENERAL CONTRACTOR SHALL TAKE MEASURES TO PRESERVE EXISTING FOLIAGE AND/OR PLANTINGS WHEREVER POSSIBLE.
9. ALL EXTERIOR DOORS AT HISTORIC STRUCTURE TO BE REMOVED.
10. NO STRUCTURAL ELEMENTS SHALL BE REMOVED WITHOUT COORDINATION WITH STRUCTURAL ENGINEER & ARCHITECT.
11. THE CONTRACTOR SHALL PROVIDE ADEQUATE WEATHER PROTECTION FOR THE BUILDING.

FOR COORDINATION
NOT FOR CONSTRUCTION

-	ISSUED FOR PRICING (NOT FOR CONSTRUCTION)	9/8/20

A RENOVATED BARN
for
LADY ISLE
PORTSMOUTH, NEW HAMPSHIRE

SHEET TITLE:
Demolition - Basement Plan
Barn

DATE: *September 8, 2020*
SCALE: *1/4" = 1'-0"*
DRAWN BY: -
SHEET NUMBER: **D-1.00**

G. P. SCHAFER ARCHITECT, DPC
19 UNION SQUARE WEST
4TH FLOOR
NEW YORK, NEW YORK 10003
TELEPHONE: 212-965-1355
TELEFAX: 212-965-1356

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ACTUAL NORTH
PROJECT NORTH

EXHIBIT C

PRESERVATION TIMBER FRAMING, INC. P.O. BOX 28, BERWICK, MAINE 03901
Office: (207) 698-1695 Cell: (603) 781-5725 E-mail: arron@preservationtimberframing.com

Belle Island Barn

Existing Conditions Assessment (Part 1 of 2):

Prepared for:
Anthony DiLorenzo
Belle Island
Portsmouth, NH 03801

April 30, 2018

Prepared by:
Arron Sturgis, David Ewing
Preservation Timber Framing, Inc.
P.O. Box 28
Berwick, ME 03901

Architectural Description:

The Belle Island barn is a well preserved agricultural building dating to the mid-19th century. It measures 50 feet one inch in length and 38 feet one inch in width. Although much of the exterior has been altered with new wall coverings and numerous added windows and doors, the timber frame within retains much of its original form and character. The exterior form also retains original overhangs with stylized soffit and rake details that place the barn historically in the mid to late 1800's.

Looking past the 20th century changes that occurred within the barn, we have a very cohesive and wonderful frame. The barn originally hosted two large interior rolling doors at the center of the gable ends allowing for easy access to the center drive and side aisle hay lofts. This barn is also designed originally with at grade access along the south eave wall. Cellar access at grade would categorize this barn as a "Banke Barn" given that its original use was for hay storage in the upper lofts, animals on the first floor and manure removal below in the basement.

The foundation of the barn is made of large cut stone well placed. The foundation is performing very well. The barn is built with heavy timber using "Modified English Joinery". The barn is created in five bents, where full length hand hewn and sawn posts at the perimeter wall and along each drive accept full length hand hewn tie beams that cross from eave to eave. A full length hand hewn top plate sits atop the flared perimeter posts, just below the tie beam and creates the eave wall with horizontal girts and nailers accepting vertical sheathing along the perimeter walls.

A center drive is defined with two structural posts in each bent accepting horizontal loft girts that create a second floor originally designed for hay storage. The roof system is defined as a "Principal Rafter, Principal Purlin, Common Rafter Roof". This means heavy hand hewn rafters at each bent rise to accept a large sawn purlin midspan and then meet at the peak. The large purlin supports the midspan of the sawn common rafters and horizontal roof boards are nailed on to accept the roof covering. A unique feature of this barn is a secondary post above the tie beam in bents 2, 3, and 4 that add additional strength and beauty to the frame.

The barn use has changed over time. For the past half century or so the barn has been converted into living and classroom space. Much of this fabric has been removed from the barn interior, but remnants remain that clearly identify the barn as living space. It is a commanding interior space. With repair of the timber frame and the addition of modern amenities the barn can be restored to its original glory while creating a new interesting and comfortable living space for your family.

Continued on next page

Existing Conditions:

Foundation:

The foundation of the barn is created with a combination of local cut and rubble stone. Much of the foundation is exposed along the East and South exterior walls. The foundation is completely covered on the West elevation and follows grade along the North wall. Some of the wall at the northeast corner has deteriorated, but overall the foundation is in excellent condition.

The foundation stones can be fully viewed from the cellar of the barn where granite piers support the drive posts at each bent location. A concrete corral has been added in bay two and partial concrete slabs have been poured in bay three.

Undercarriage:

The undercarriage of the barn includes 8" by 8" perimeter sills and 8" by 8" heavy carrying timbers in line with the drive posts above. Crossing timbers of equal size pass from eave to eave at each bent and 6" by 6" floor joists are spaced equally 4 per bay to support the floor above.

The gable sills, bents 1 & 5, are rotten and will need to be replaced in kind. Carrying timber ends have also rotted where they meet the sills and new ends will need to be created to support the floor system. A large section of the South eave wall sill will also need to be replaced. Some of the floor system is whitewashed indicating animal husbandry in the basement level of the barn.

Cellar doors and partitions are in disrepair as one enters the basement from the south eave. Some of the original openings have been closed in with concrete and partial wood framed walls. We recommend that the concrete should be removed and new doorposts and new doors should be fabricated for these original openings.

The Timber Frame:

The barn is created in five bents consisting of two gable ends and three interior bents equally spaced. Each bent requires repair and the framing that makes up the bays between the bents also needs in kind repair. There are also parts of the frame that have been removed over time that will be reintroduced into the timber frame.

Please refer to the attached drawings for repairs and replacement timbers needed in the structural timber frame. The drawings are color coded to show areas of repair vs. replacement.

Bent One (West Gable End): This bent is in excellent condition despite a completely rotten sill; the result of the sloping driveway. Two original door posts just inside the barn have been severed and should be repaired to connect the loft girts to the gable and allow for the original rolling doors to be re-installed into the barn.

Bent Two: This bent has had the most alterations over time. The north drive post has been completely removed and a continuous girt has been introduced into the first two bays of the barn. An original second level post atop the tie beam has also been removed and replaced with a makeshift rodded truss. The rod and adjacent bracing timber were designed to open up space in the drive, but it is structurally deficient. In kind replacement of the north drive post and second level post will restore the structural integrity of the timber frame. Four braces were also removed from the tie beam and a brace and strut at the second level post has also been taken out of the frame. The removed elements will be recreated and installed to regain historical and structural integrity.

Bent Three: A new perimeter post along the south eave is completely rotten and will need to be replaced in full. Extensive rot is found along the south eave wall as a result of overhanging trees and a leaky roof.

Bent Four: The timbers here are in very good shape. Four tie beam braces have been removed over time. They should be reintroduced into the frame as they play a crucial role in stiffening the timber frame across its width.

Bent Five (East Gable End): Extensive rot is present in bent five. The two drive posts on each side of an original door opening are rotten and will need in kind replacement. The Northeast corner post also exhibits extensive damage. The tie beam has been severed at its center and later added studding and infill sheathing has replaced original framing. A door header is missing here and numerous braces have rotted away. Horizontal girts are also rotten and will require replacement. Like the East gable, the two rolling door posts are also in need of repair. The East gable has taken the brunt of severe weather from the ocean side of the structure. Added decks and poor maintenance have caused the extensive rot at this end of the barn.

North Eave Wall (Wall A): This wall retains much of its original frame despite being peppered with added windows. Only one brace was severed for window installation. The vertical sheathing in the north wall has been drilled multiple times to allow for blown in insulation. Several of the small horizontal nailers in this wall have been severed by the addition of added windows and should be replaced with in kind materials.

South Eave Wall (Wall D): This eave wall has been most hard it by water penetration causing extensive rot. Upper girts in bays two and three will need to be replaced. A large section of the sill will need to be replaced as well. Repairs can be made to the large loft girts and top plate.

Vertical wall sheathing is largely missing in bays two and three and otherwise suffers from the holes drilled for blown in insulation. Several of the small horizontal nailers in this wall have been severed by the addition of added windows and should be replaced with in kind materials.

North Drive Wall (Wall B): The loft girts have been let into the drive posts and some repairs will accompany the bent two post replacement. New short headers will be installed to connect the repaired door posts to their respective gable end posts.

South Drive Wall (Wall C): The loft girts here have been retained. Only the doorposts and headers need repairs here.

Roof System: Overall the roof system is simply tremendous. It has only minor damage in two common rafters in the south pitch of bay two, which can be replaced in kind. The second level post in bent two along the north drive will be reintroduced into the roof system making the barn frame both authentic and extremely strong. Roof sheathing will need to be replaced as needed once the level of deterioration is discovered with the removal of the roof shingles.

Barn Exterior: The exterior of the barn retains its original roof trim details. The wide frieze, deep soffit and decorative crown moldings need to be removed to effect repairs to the timber frame. The trim details have suffered over time with the insertion of added windows and age. The molding profiles however, can be utilized to trim the repaired frame once the exterior of the frame has been properly sheathed and insulated. All other exterior coverings including wood shingles, clapboards, windows and doors should be removed and discarded.

Barn Interior: The barn interior has always retained its original loft form but the loft joists have been changed over time and they are not deep enough to accommodate modern code requirements. Flooring on the first floor has asbestos mastic remaining although most of the asbestos floor tiles have been removed. Original barn flooring is likely hidden beneath the floor coverings and can be used as a subfloor for the adaptive reuse of the barn. One long set of stairs remains to the loft level but it is not original and not conducive to a new use. An earlier stairwell exists all the way up to the upper loft on top of the tie beams. This loft is not original and substantially hides the magnificent roof framing above. It should be removed and the space redesigned for modern living.

Continued on next page

Repair Recommendations:

The following recommendations include working with your chosen general contractor to strip the barn and roof covering along with any interior asbestos abatement remaining to be done.

Preservation Timber Framing will provide structural staging to access areas of the frame that require structural repair and replacement. We will keep the barn weather tight at all times during the structural work and we will work seamlessly with you and your general contractor to complete the Exterior and Interior of the barn as per your request.

Our goal is to regain the historic and structural integrity of your barn. This requires extensive repair and some replacement of rotten elements within the timber frame. Our work meets all of the Secretary of the Interior's Standards for Rehabilitation. This means that we use in kind materials to match original fabric in both species of wood and size of timber. Our traditional repair methods are designed to repair the structure with new wood while retaining authenticity in the frame. These methods are time tested and economical to implement. It is the best way I know to make your barn whole again and make it last for generations to come.

Building Permits, Site Preparation, Tree Maintenance: By Others

Permits will be obtained by your chosen general contractor. The site may require fencing and or debris netting to protect the site. Minimal tree removal and pruning is recommended.

Foundation: By Others

Some minor stonework needs to be corrected along the North side of the foundation. This work can be done at almost any time but is logical to do prior to regrading the property.

Exterior Stripping and Removal of Roof Covering: By Others

In order to do the timber frame structural work, we will need the barn stripped of siding, trim and the asphalt roof. The roof should be papered and strapped with synthetic roof paper for longevity during the repair process. Existing trim elements should be carefully removed and stored in preparation for reproduction on the barn exterior. As it is likely that the barn is insulated from the exterior the trim will not be long enough for re-use, but it will be perfect for creating knives for molding profiles to create matching new trim on the barn.

Interior Floor Abatement: By Others

There remains asbestos mastic on some of the flooring in the barn. Much of the asbestos tiles

have been removed, but the remaining flooring other than the original barn boards must also be removed and discarded appropriately with regards to asbestos contamination.

Structural Repairs:

Structural Staging & Stabilization
Barn Frame Repairs
Loft Removal and Upgrade

The structural repairs to the barn are extensive and necessary to regain the integrity of the barn. Please see the attached drawings as they are color coded to show the exact areas of repairs. The photographs also explain areas of decay in the frame. We will methodically repair and replace rotten timber throughout the barn. We begin with perimeter sills and work up through the frame to complete repairs. We provide our own structural staging to access the areas of repair. We ensure that the building is safe, accessible and weathertight throughout our work.

We will remove the third floor decking entirely to open up the barn from below. We will also remove the undersized loft joists and decking and replace both second floor lofts with age appropriate timbers and flooring that match the character of the barn while also creating code compliant living space.

Exterior Sheathing:

PTF can repair and or replace the exterior sheathing on the barn. Due to the extensive drilling done to the exterior sheathing it is likely that much of the sheathing will need to be replaced in kind. We can obtain wide pine boards for this purpose once decisions have been made regarding the use of the existing sheathing in the re-design of the barn interior.

Exterior Insulation, Siding and Trim: By Others

It is wise to consider insulating the barn from outside the barn sheathing. In this way the beautiful repaired timber frame is fully exposed on the interior. This retains the feel of the barn and the magnificence of the space. Exterior insulation can take the form of Structural Insulating Panels (SIPs) or it can be created with a more conventional overbuild. Both options can be considered as there are pros and cons to both methods. PTF would work closely with your chosen general contractor to ensure that the barn is finished properly.

The trim on the barn should match exactly that which was carefully removed during the repair process. Specialty knives can be made to run the new trim details to exact proportion. Even though the exterior envelope is grown to allow for exterior insulation, the trim details can exactly match the original barn form. Siding should include vertical grain radially sawn clapboards and locally sourced white cedar shakes as appropriate for the period of the barn.

Typically, the visible West gable and South Eave is clapboarded and the rest of the frame in shakes. This is clearly personal preference as both sidings are age appropriate for the barn.

Roof Covering: By Others

The barn roof covering is tired and must be removed to do the repair work. A new roof can take many forms. We recommend a standing seam metal roof on most of our repaired frames as there is little live loading from snow accumulation. Aesthetics drive this decision however, because the barn roof will be visible from both land and water when completed. PTF will replace in kind any roof boards that are removed during the repair of the roof system and the roof will remain weathertight throughout the restoration.

Infrastructure: By Others

Your barn can be heated and cooled easily with proper insulation and infrastructure design. Solar energy can be utilized if desired. Radiant heat in the floor system and in the lofts can provide even heating throughout. PTF can work seamlessly with your general contractor to prepare the frame for new systems.

Interior Finishes: By Others

Interior partitions, stairs, flooring, kitchen and bathrooms are all to be determined. The design need only recognize the timber frame as it defines the space.

The following are excluded from this scope and will be the responsibility of your general contractor:

★ Building Permits, Site Preparation, Tree Removal
★ Foundation
★ Exterior Stripping and Removal of Roof Covering
★ Interior Floor Abatement
★ Exterior Insulation, Siding and Trim
★ Roof Covering
★ Infrastructure
★ Interior Finishes
★ Painting & Landscaping
★ Exterior Deck, Ramps

Conclusion:

The timber frame repairs to your barn are only one part of a larger project. With careful work, we can retain the original character of the barn and improve it to meet your modern design and

use. We look forward to partnering with you and your experienced general contractor to make the barn amazing.

Please do not hesitate to contact me with any questions you may have about the proposed work. I am available to meet with you at any time.

Respectfully Submitted,

Arron J. Sturgis, President
Preservation Timber Framing Inc.
www.preservationtimberframing.com

Attached: Addendum for 18th Century Center Chimney Cape House

PRESERVATION TIMBER FRAMING, INC. P.O. BOX 28, BERWICK, MAINE 03901
Office: (207) 698-1695 Cell: (603) 781-5725 E-mail: arron@preservationtimberframing.com

ADDENDUM:

18th Century Center Chimney House:

The property hosts a very early timber framed home complete with center chimney mass. This house is the earliest on the island and it has features that date it to the early 18th century. It is currently not much to look at given the later additions added to the core structure and the surrounding overgrown bushes and trees. It also suffers from years and years of neglect and it has been exposed to the weather for some time.

Despite these issues, the core of the house is magnificent. The entire two story frame is completely hand hewn meaning the timbers were created by felling logs and making them square with a broad axe. The frame is joined using the scribe rule method of joinery layout. This means that every timber in the frame fits in only one place within the house and each joint is meticulously scribed to fit its partner timber.

Interior and exterior finishes on the house are not original and cloud the quality of the frame beneath. The foundation however, is in remarkable shape made from local stone. A center chimney arch also survives largely intact despite the removal of the chimney above the first floor. The remaining arch gives permanent record of how the building was originally

constructed and used. Fireplaces in both parlors provided heat and cooking space for original occupants.

The two story timber frame shares aspects of houses built throughout Portsmouth and Newcastle from first settlement up through the early 1800's. Most of these types of houses were torn down to make way for much larger structures of higher style as both towns grew in population and economic prosperity. The survival of this house despite years of neglect speaks to its original builder's desire to live safely and comfortably on the exposed island.

Few of these types of houses survived the test of time. This house has defied the odds. Its restoration would preserve a piece of island history unparalleled in the city of Portsmouth. The work to restore this home is significant. A full investigation of the frame and foundation will be needed but the essential parts of this house are here and worthy of preservation.

Preservation Timber Framing, Inc.

Anthony Dilorenzo Barn

Conditions Assessment April 2018

By Arron Sturgis on Apr 06, 2018

Belle Isle Road | Portsmouth, New Hampshire 03801
Photo by Arron Sturgis on Mar 28, 2018

West Gable:

A many windowed facade hides a much earlier timber framed barn within. The approach to the barn is paved and higher than the sills. A concrete poured mini ramp replaces the wood structural sill.

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Photo by Arron Sturgis on Mar 28, 2018

North West Corner:

New shingles have been added to the West gable. Older clapboards cover the North eave wall. Windows are all added later to this structure. The overhang is original with wide frieze and soffit creating a high style trim detail.

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Photo by Arron Sturgis on Mar 28, 2018

North Eave Wall:

An asphalt roof covers original rough board sheathing. The wide frieze board is interrupted by added windows. Clapboards protect vertical sheathing on the eave wall.

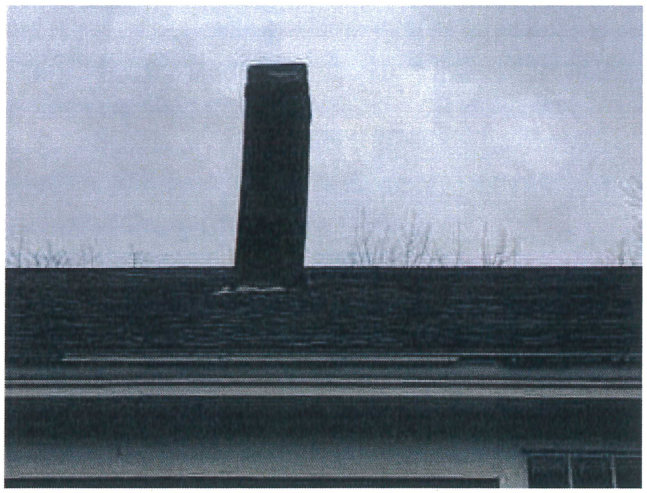

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Photo by Arron Sturgis on Mar 28, 2018

Chimney

A newer chimney rises from the barn roof. It is not original.

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Photo by Arron Sturgis on Mar 28, 2018

Barn Exterior Grade:

Grade has changed around the barn over time. The grade at the front gable of the barn covers the sills and the sills have subsequently rotted away. New grading can pitch water away from the barn.

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Photo by Arron Sturgis on Mar 28, 2018

North Foundation:

The north foundation wall is in good shape with only minor repointing of the rubble stone needed. This grade is likely a little lower than optimal for this wall.

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Photo by Arron Sturgis on Mar 28, 2018

North Eave Wall:

A mix of cut stone and rubble stone make up a substantial foundation for the barn.

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Photo by Arron Sturgis on Mar 28, 2018

North East Corner:

Some stone work has loosened from the foundation. Some mortar repair has also been done. This corner will ned a bit of work, but overall the foundation is amazing.

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Photo by Arron Sturgis on Mar 28, 2018

North East Corner:

Grade changes and roof water has disturbed the foundation in this corner.

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Photo by Arron Sturgis on Mar 28, 2018

North Windows:

Six over six sash and flat trim surrounded by clapboards. Windows are not original.

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Photo by Arron Sturgis on Mar 28, 2018

North Clapboards:

Missing clapboards reveal two inch holes that were drilled often on all sides of barn for blown in insulation. Latex paint covers lead paint. Clapboards are nailed over and over.

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Photo by Arron Sturgis on Mar 28, 2018

Trim Damage:

Squirrels have chewed through the trim elements. A wide soffit and return supports a crown molding that has been repaired with lead flashing in a number of areas. A wide frieze and cove molding are accentuated by a narrow and rounded corner board.

While this trim detail may not be original, it is well done and can be reproduced in the repaired structure.

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Photo by Arron Sturgis on Mar 28, 2018

East Gable:

Looking South along the East gable. A large deck shades the stone foundation. This foundation is exposed to severe weather on this end of the barn.

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Photo by Arron Sturgis on Mar 28, 2018

North East Corner:

High end trim exists on both ends of the barn which is unusual for this era. The squirrels have chewed the rake trim and have full access to the barn.

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Photo by Arron Sturgis on Mar 28, 2018

East Gable:

The east gable end is confused by two levels of deck and multiple windows scattered throughout the facade.

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Photo by Arron Sturgis on Mar 28, 2018

South East Corner:

A significant grade change occurs on the South eave wall and this grade is carried partially around the gable end. The foundation is exposed and very well done. Deck posts are inadequate.

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Photo by Arron Sturgis on Mar 28, 2018

East Gable:

Seaweed is strewn from the islands edge up to the east gable of the barn. The elements pound this end of the barn and the frame shows signs of decay despite newer siding and decks.

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Photo by Arron Sturgis on Mar 28, 2018

South Eave Wall:

A significant grade change on the South eave allow entry to the cellar at ground level. Sliding doors protect openings in the foundation wall. Scattered windows are placed in this wall and the siding is new because of extensive water damage along the eave wall.

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Photo by Arron Sturgis on Mar 28, 2018

Outbuildings:

A series of outbuildings decay along the south side of the barn. They are soon to be removed.

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Photo by Arron Sturgis on Mar 28, 2018

Concrete Classrooms:

Concrete structures were used for classrooms when the property was a school. These are soon to be removed.

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South Eave Wall:

A recent roof patch keeps water from the barn. Tree branches were impacting the roof covering. Windows are of many varieties and not original to the barn.

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Photo by Arron Sturgis on Mar 28, 2018

South Eave Wall:

Some foundation repairs are seen here. They are not of the quality of the rest of the stonework. Rolling doors cover original foundation openings.

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Photo by Arron Sturgis on Mar 28, 2018

South Eave Wall:

A small garage bay with swinging doors may reflect the original form of the cellar doors.

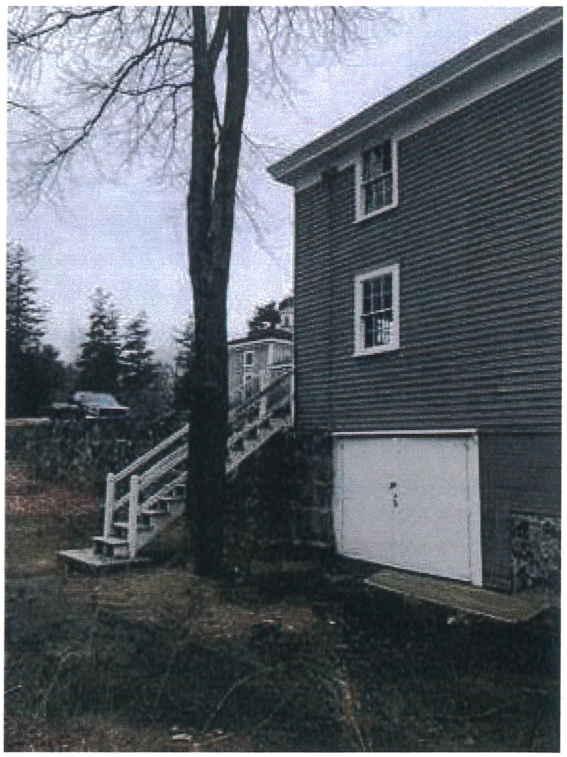

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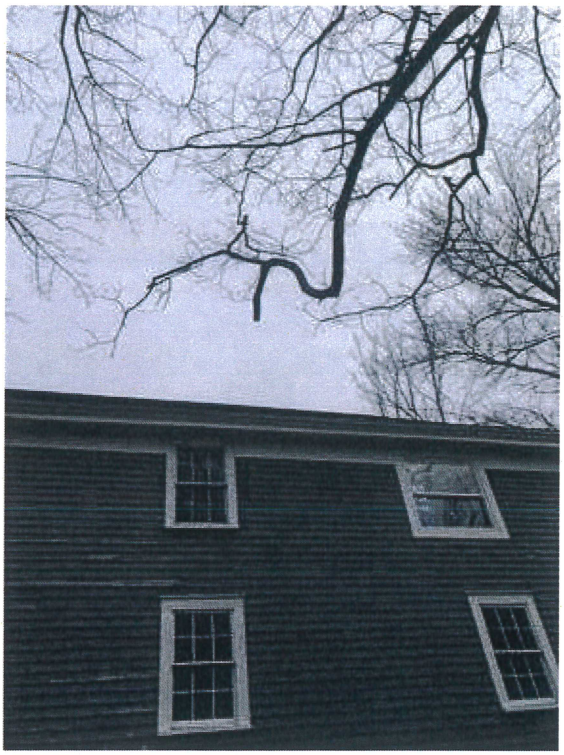
Photo by Arron Sturgis on Mar 28, 2018

Trees:

Most of the trees are savable near the barn but this one is too close to the foundation and will be problematic over the long term.



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Tree Branches:

Some trees have overgrown the barn. Additional trimming will be important.

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Photo by Arron Sturgis on Mar 28, 2018

South Foundation:

A close up of foundation repairs and decaying tongue and groove siding. This will be removed and repaired to match the original foundation.

Foundation Piers:

Cut granite piers support the drive posts in the cellar of the barn. They are substantial and extremely well done.

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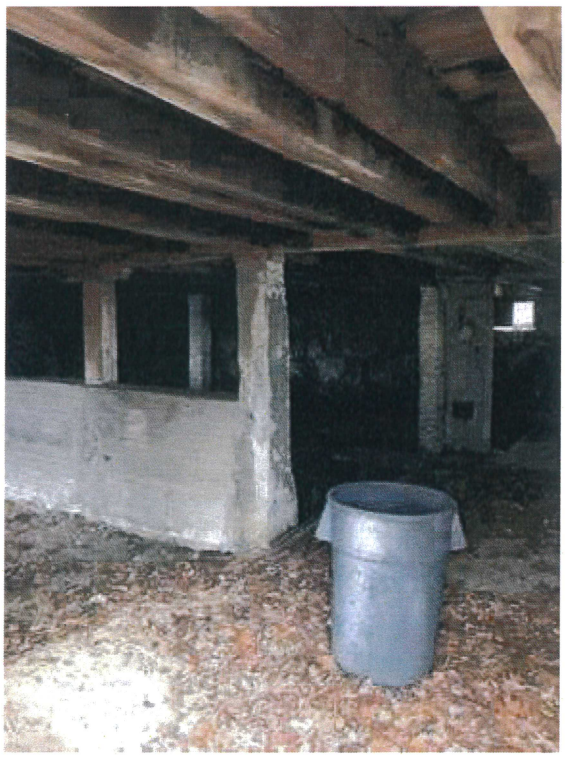
Photo by Arron Sturgis on Mar 28, 2018

Cellar Corral:

At some point a concrete corral was built using the original granite piers as end forms. This can be removed. The chimney should come out as well. Concrete slabs exist in only sections of the cellar. A proper slab could be poured to better utilize the cellar space for dry storage.



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Concrete Corral:

A good woodchuck hole undermines the inside corner of the concrete corral. The concrete is not structural and can be removed.

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Cellar Slab:

Partial slabs should be removed and a new continuous slab poured in the basement.

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South Eave From Inside the Basement:

Strong corners and well built openings with post piers allow for access to the cellar. Some bays are studded in with doors and windows. This work is newer and of poor quality.

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Barn Sills:

Both gable sills on the barn are rotten and need to be replaced in kind.

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Photo by Arron Sturgis on Mar 28, 2018

Carrying Beams in the Cellar:

The foundation stones rise up to support a carrying beam that runs along under the drive posts. The ends of these beams are rotten as they engage the rotten gable end sills. They can be repaired in kind and utilize the foundation once again for support.

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Photo by Arron Sturgis on Mar 28, 2018

Foundation and Floor Joists:

The foundation of the barn is remarkable. It is in excellent shape. It is created with large natural stone with mortar on the interior and exterior.

Timber floor joists run parallel with the gables and join with the eave sills and drive carrying beams. They measure 6 x 6 and equally spaced four per bay.

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Photo by Arron Sturgis on Mar 28, 2018

The Foundation:

The cellar foundation is wonderful needing only minor repair.

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Undercarriage:

Granite piers support a heavy timbered undercarriage. Parts of the first floor framing have been whitewashed.

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Whitewashed Joists:

A lime wash coats the undercarriage of the barn. Likely for animal sanitation, the lime wash protects the beams from insects and indicates areas where animals were kept.

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Carrying Timbers on Piers:

Looking towards the West gable, a electric feed comes into the barn. The granite piers are directly under the drive posts above.

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West Gable Sills:

Some shoring is in place to hold up the rotten ends of the carrying timbers where they engage rotten sills along the West gable.

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Photo by Arron Sturgis on Mar 28, 2018

South West Corner:

A retaining wall holds back grade along the West gable. A wooden stair provides access to the South grade.

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Photo by Arron Sturgis on Mar 28, 2018

The View Scape:

The concrete buildings and tall trees shade the south wall of the barn. The buildings removed will much improve the view down to the water. Some trimming of the trees will protect and shade the barn roof.

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Cornice Trim and Return:

A high style trim detail exists on the barn. The common rafters overhang the top plate making the overhang possible. With exterior insulation this detail can be retained but the rafter tails would be modified to accommodate the enlargement of the envelope.

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West Entry:

The West entry door while decorative is not original to the barn. Originally there was an interior pocket door to allow the center drive to be opened up at each end for wagons and hay. The framing for the interior door remains in place. Window placement is not original.

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West Gable Peak:

A wide rake with crown molding terminates at the peak. This overhang protects the barn walls beneath. The vent is added and is not original.

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West Gable High Grade:

Asphalt pavement was poured right up over the shingles along the west gable end. This rots the shingles, sheathing and the sills buried below.

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West Gable Ramp:

Pavement comes close to the barn and transitions into a concrete ramp that covers the original sill. This ramp will need to be removed to repair the sills below and a wood ramp can traverse the space remaining between asphalt and barn.

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Looking Towards the West Entry:

From the center drive of the barn you can view upper hay lofts and gable windows. The upper windows are placed in added studding that closed in a large rolling door that spanned the width of the center drive.

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Looking North West Loft Joists and Interior Finishes:

Modern dimensional loft joists replace earlier joists that were cogged into the drive girts.

The existing joists are not tall enough to meet modern code but there is room in the space to create compliant loft levels.

Remnants of interior bead board remains between original sheathing nailers.

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Looking West:

Asbestos flooring covers original wood decking on the first floor. Although the tiles have been removed, the mastic remains full of asbestos and must be disposed of properly.

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Photo by Arron Sturgis on Mar 28, 2018

Looking South West:

The South eave wall has suffered considerable damage from rain water penetrating the roof and sheathing. New siding covers the patched sheathing and ignores the structural damage that was clearly present when the siding was installed.

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Photo by Arron Sturgis on Mar 28, 2018

Looking South:

A patch work of plywood and studding attempt to close in the south wall. Original vertical sheathing is evident to the right of the window.

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Photo by Arron Sturgis on Mar 28, 2018

South Roof Plane and Top Plate:

Significant damage is present in the top plate of the south eave wall. Pressure treated 4 x 4 lumber replaces rotten roof rafters and new sheathing is in place. This area will be taken apart and the top plate repaired with in kind timber. Roof rafters will match original fabric and the sheathing can also match original fabric.

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Photo by Arron Sturgis on Mar 28, 2018

South Wall:

The center bays along the south wall are deteriorated and since repaired with inappropriate materials. This will all be opened up and the timber frame repaired correctly with matching materials.

Belle Isle Road | Portsmouth, New Hampshire 03801
Photo by Arron Sturgis on Mar 28, 2018

South Wall:

Extensive water penetration has caused significant rot in the South wall. Much of the center of this wall will be rebuilt with new in kind timbers to match the original form of the barn. Dimensional lumber currently in place will be removed.

Belle Isle Road | Portsmouth, New Hampshire 03801
Photo by Arron Sturgis on Mar 28, 2018

South Wall:

White mold is present on some of the floor boards and rotten girts. These areas will be cut back and the mold removed. The timbers can be spliced to match original fabric.

Belle Isle Road | Portsmouth, New Hampshire 03801
Photo by Arron Sturgis on Mar 28, 2018

Exterior Sheathing:

The exterior sheathing is created with wide pine boards original to the frame. Unfortunately these boards were drilled with multiple two inch holes to direct blown in insulation into the wall cavities. Options for filling the holes and or replacing the boards in kind can be discussed.

Belle Isle Road | Portsmouth, New Hampshire 03801
Photo by Arron Sturgis on Mar 28, 2018

Looking North:

The north eave wall is almost fully intact save where new windows interrupt original wall nailers.

Belle Isle Road | Portsmouth, New Hampshire 03801
Photo by Arron Sturgis on Mar 28, 2018

Loft Joists and Loft Decking:

A mix of older and new joists are decked with plywood patches at the second floor along the north loft. The joists are undersized and the plywood is not appropriate.

Belle Isle Road | Portsmouth, New Hampshire 03801
Photo by Arron Sturgis on Mar 28, 2018

North Wall:

In a few areas along the North wall the braces were cut away to accept window openings. The window openings are not original to the barn and should be reconfigured to allow the braces to be placed back in the structural perimeter wall plane.

Belle Isle Road | Portsmouth, New Hampshire 03801
Photo by Arron Sturgis on Mar 28, 2018

Looking East:

A plywood corner denotes decay in the exterior sheathing. There is evidence of considerable damage to the frame in the East gable.

Belle Isle Road | Portsmouth, New Hampshire 03801
Photo by Arron Sturgis on Mar 28, 2018

North East Corner:

Sections of the North Eave wall and the East Gable wall have been replaced with modern materials. The post is rotten here and will need to be replaced.

Belle Isle Road | Portsmouth, New Hampshire 03801
Photo by Arron Sturgis on Mar 28, 2018

The Center Drive Looking East:

The original large door opening in the East gable has been framed in with modern lumber with modern doors and windows leading to exterior decks.

Belle Isle Road | Portsmouth, New Hampshire 03801
Photo by Arron Sturgis on Mar 28, 2018

East Gable:

Many of the beams in the East gable are severed and rotten. They have been patched with later materials and do not provide structural integrity. These beams need to be spliced properly and the barn structure regained.

Belle Isle Road | Portsmouth, New Hampshire 03801
Photo by Arron Sturgis on Mar 28, 2018

Gable Tie Beam:

The tie beam is cut over the door in the east gable. A new section of tie beam can be cut and spliced into the original material to make the barn structurally and historically sound.

Belle Isle Road | Portsmouth, New Hampshire 03801
Photo by Arron Sturgis on Mar 28, 2018

Gable End Posts:

Close examination of the East gable end posts show center rot in both drive posts where weather has penetrated through the siding.

In kind replacement of timbers here will match the size and species of the original timber frame.

Belle Isle Road | Portsmouth, New Hampshire 03801
Photo by Arron Sturgis on Mar 28, 2018

Bent Two Alterations:

At some point the bent two North drive post was removed and a long girt spans from bent one to bent three. A dimensional post was added to support the midspan of this long girt.

The post should be replaced in kind and the girts reestablished here to make the barn structural and more authentic.

Belle Isle Road | Portsmouth, New Hampshire 03801
Photo by Arron Sturgis on Mar 28, 2018

West Door Post:

The West door post has been cut in half. It used to extend up to the top of the original rolling door and connect back into the gable post in bent one. This allowed a large rolling door to remain interior.

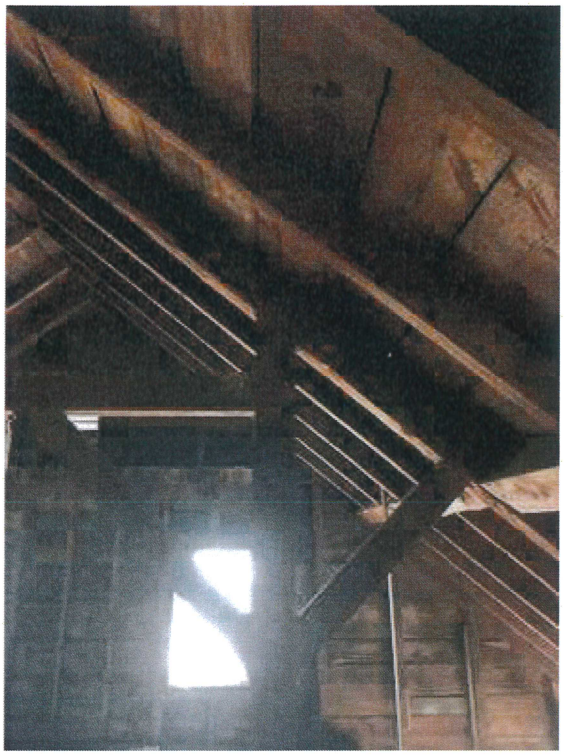
This design is typical for the late 1800's but your barn shows many signs of being constructed earlier.

Belle Isle Road | Portsmouth, New Hampshire 03801
Photo by Arron Sturgis on Mar 28, 2018

North Side Center Drive Girts:

Drive posts have been let in to accept horizontal drive girts. This framing emulates the South Drive posts and girts but the joinery is nailed along this side of the barn. This indicates an original barn form with a loft only on one side and the north side used for loose hay storage.

Both lofts can be made viable for living space.



Belle Isle Road | Portsmouth, New Hampshire 03801
Photo by Arron Sturgis on Mar 28, 2018

Upper Roof Framing South:

Two vertical posts extend from the continuous tie beam and support the principal rafters just above midspan. These two posts accept a horizontal straining beam. Two braces ascend to the straining beam. Two struts also support the rafter from the upper posts.

Belle Isle Road | Portsmouth, New Hampshire 03801
Photo by Arron Sturgis on Mar 28, 2018

Upper Roof Framing North:

This upper roof framing creates a beautiful aesthetic in the barn and also serves a very important function to strengthen the roof system.

Belle Isle Road | Portsmouth, New Hampshire 03801
Photo by Arron Sturgis on Mar 28, 2018

Upper Roof Framing:

Looking towards the West, down the high drive loft. There is ample room for living space above the tie beam.

Belle Isle Road | Portsmouth, New Hampshire 03801
Photo by Arron Sturgis on Mar 28, 2018

Roof Framing:

Principal rafters at each bent support a principal purlin that runs parallel with the top plate about midspan up the rafter. This purlin supports common rafters and makes the roof system extremely strong and beautiful.

Belle Isle Road | Portsmouth, New Hampshire 03801
Photo by Arron Sturgis on Mar 28, 2018

North Roof Frame:

Roof framing along the north roof pitch is in excellent shape.

Belle Isle Road | Portsmouth, New Hampshire 03801
Photo by Arron Sturgis on Mar 28, 2018

Roof Framing:

Common rafters meet in a vertical plumb cut at the ridge. There is no ridge beam. The rafters are held evenly apart by the roof sheathing.

Belle Isle Road | Portsmouth, New Hampshire 03801
Photo by Arron Sturgis on Mar 28, 2018

Roof Framing:

A commanding view is present in the upper loft above the tie beams.

Belle Isle Road | Portsmouth, New Hampshire 03801
Photo by Arron Sturgis on Mar 28, 2018

South Roof Framing:

Water penetration has caused rot in a number of areas along the South roof pitch. Roof sheathing and some common rafters have been improperly replaced over time. New common rafters with in kind roof sheathing will be integrated into the South eave roof pitch.

Belle Isle Road | Portsmouth, New Hampshire 03801
Photo by Arron Sturgis on Mar 28, 2018

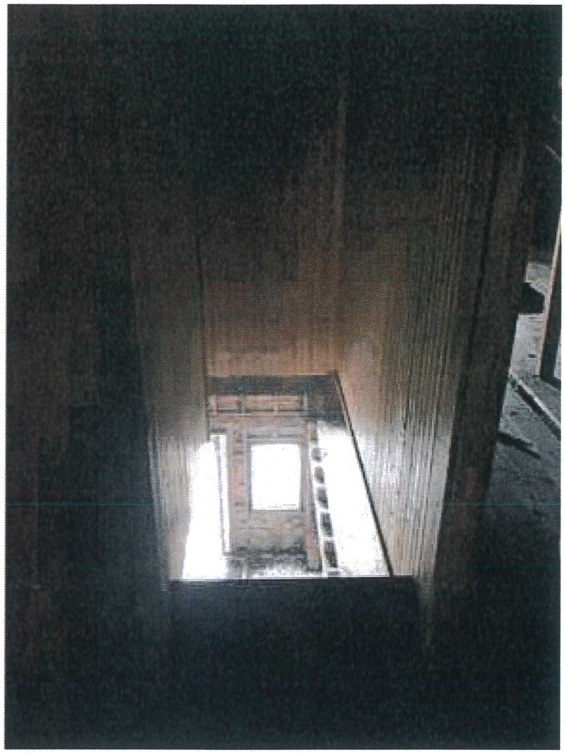
Roof Framing:

Common Rafters are mortise and tenoned into the principal roof purlin. The purlin provides lateral bracing and strengthens the roof pitch tremendously.

Belle Isle Road | Portsmouth, New Hampshire 03801
Photo by Arron Sturgis on Mar 28, 2018

Chimney:

A chimney was added to the frame. It is not original and will need to be removed.



Belle Isle Road | Portsmouth, New Hampshire 03801
Photo by Arron Sturgis on Mar 28, 2018

Stair well:

An early stair well remains in place leading up to the upper loft from the floors below. This feature will be removed during the repair process. New stairs will be designed for the new use of the spaces.

Belle Isle Road | Portsmouth, New Hampshire 03801
Photo by Arron Sturgis on Mar 28, 2018

Added Truss:

Bent two hosts a truss that was installed to provide an open space below at the first floor level. At a later date the space under the truss was posted negating its use.

Belle Isle Road | Portsmouth, New Hampshire 03801
Photo by Arron Sturgis on Mar 28, 2018

Added Truss:

While the truss was designed for a specific use, it is not built well and very likely performed poorly. It is not a part of the original frame and should be removed with the adjacent loft girts repaired and a new post reinstalled to match the rest of the barn.

Belle Isle Road | Portsmouth, New Hampshire 03801
Photo by Arron Sturgis on Mar 28, 2018

Barn Interior:

The barn has wide open spaces that can be designed for optimal use and living space. Many of the components of the lofts are added to the frame. The high drive loft on top of the tie beams is not original. New lofts can be created to provide code compliance and optimal living conditions.

Belle Isle Road | Portsmouth, New Hampshire 03801
Photo by Arron Sturgis on Mar 28, 2018

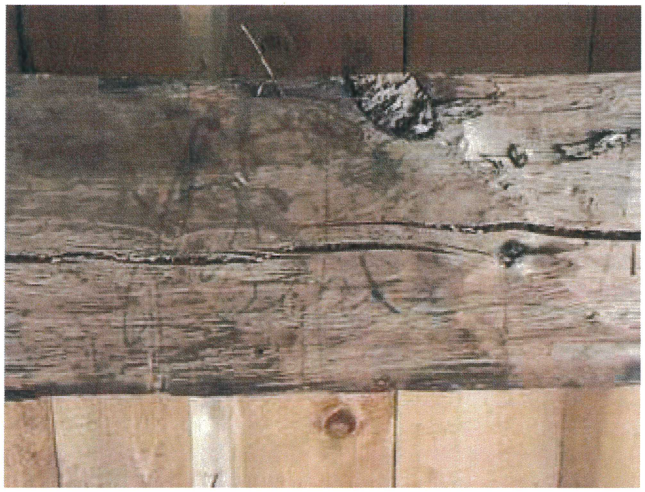
East Gable:

Most of the east gable is rotten. New studding has been placed between rotten posts. The posts suffer weather penetration from the ocean side of the barn but new doors and windows have leaked allowing water to accelerate damage to the framing members.

Belle Isle Road | Portsmouth, New Hampshire 03801
Photo by Arron Sturgis on Mar 28, 2018

Interior Framing:

At the top right of this photo you see an empty mortise in the tie beam that at one time held the tenon of a drive post. The added truss installed above allowed for the removal of the post, but the truss is not built strong enough to withstand the floor loads. A new post will be fabricated to match original fabric and regain this load path to the drive floor.



Belle Isle Road | Portsmouth, New Hampshire 03801
Photo by Arron Sturgis on Mar 28, 2018

Timbers Signed:

In bent two along the north loft is a signature that is likely that of the original builder. The pencil or fine ink signature appears to indicate "Bearn" or "Beard". Some additional investigation could reveal more information about this person. These fine ink/pencil lines are seen on the layout of the joinery.

Belle Isle Road | Portsmouth, New Hampshire 03801
Photo by Arron Sturgis on Mar 28, 2018

Early 18th Century House:

While on site we viewed perhaps the earliest building on the site. Much of the early house is obscured by overgrown bushes and later additions all to be removed.

Belle Isle Road | Portsmouth, New Hampshire 03801
Photo by Arron Sturgis on Mar 28, 2018

18th Century House Frame:

The core of this derelict building hosts a two story timber framed structure with a center chimney. It is possibly the earliest builidng on the island and it reflects similar "one room plan" structures very common on nearby Newcastle.

Belle Isle Road | Portsmouth, New Hampshire 03801
Photo by Arron Sturgis on Mar 28, 2018

Historic House Frame:

This is the attic of the little historic frame between the barn and main house. Continuous tie beams create a second floor in this structure. A hand hewn principal rafter purlin roof system indicate an early date of construction.

Belle Isle Road | Portsmouth, New Hampshire 03801
Photo by Arron Sturgis on Mar 28, 2018

Historic House Frame:

The foundation of the little house is in amazing shape as is the original center chimney arch made of brick.

EXHIBIT D

PRESERVATION TIMBER FRAMING, INC., P.O. BOX 28, BERWICK, ME 03901
Office: (207) 698-1695 Cell: (603) 781-5725 E-mail: arron@preservationtimberframing.com

City of Portsmouth, NH

August 30th, 2022

Re: Variance for Lady Isle Historic Barn & Historic Cottage

Dear Sir or Madam,

As per your request, this is a letter of support for acquiring a variance for the Lady Isle Barn & Original Fisherman's Cottage.

The original timber framed construction of the Lady Isle Barn is set upon and supported by a stone foundation that is in very good condition. The perimeter is made of cut and broken large rubble stones quarried locally and the undercarriage of the barn is supported on beautiful granite pillars. The stone foundation is original to this 19th century timber framed barn. The cottage also sits on a very good stone foundation. Both buildings have survived for over two hundred years as a result of their sound foundations.

Altering these foundations to meet the new city regulations is difficult and expensive. There is also a significant inherent risk to lifting the buildings up in the air in order to add to the foundation in order to meet a new modern code requirement. These foundations have stood the test of time. They are solid, cohesive, and historic. They have survived many storms and floods.

Lady Island is largely ledge. These foundations are on solid ground. Flood water has flowed in and out over the years with little damage to the structures above. There is the potential for significant damage to the foundation and the timber framed structures if lifting is required for flood plain compliance.

The timber framed structures of both the barn and cottage are substantial. While some repairs are necessary, they stand strong. With good preservation and thoughtful adaptive re-use they will continue to be a vibrant long lasting part of the Portsmouth community.

To alter or change the barn foundation would greatly impact the overall structure and the look of the barn. There is little to gain here to meet compliance with the current code and for the risk and expense involved.

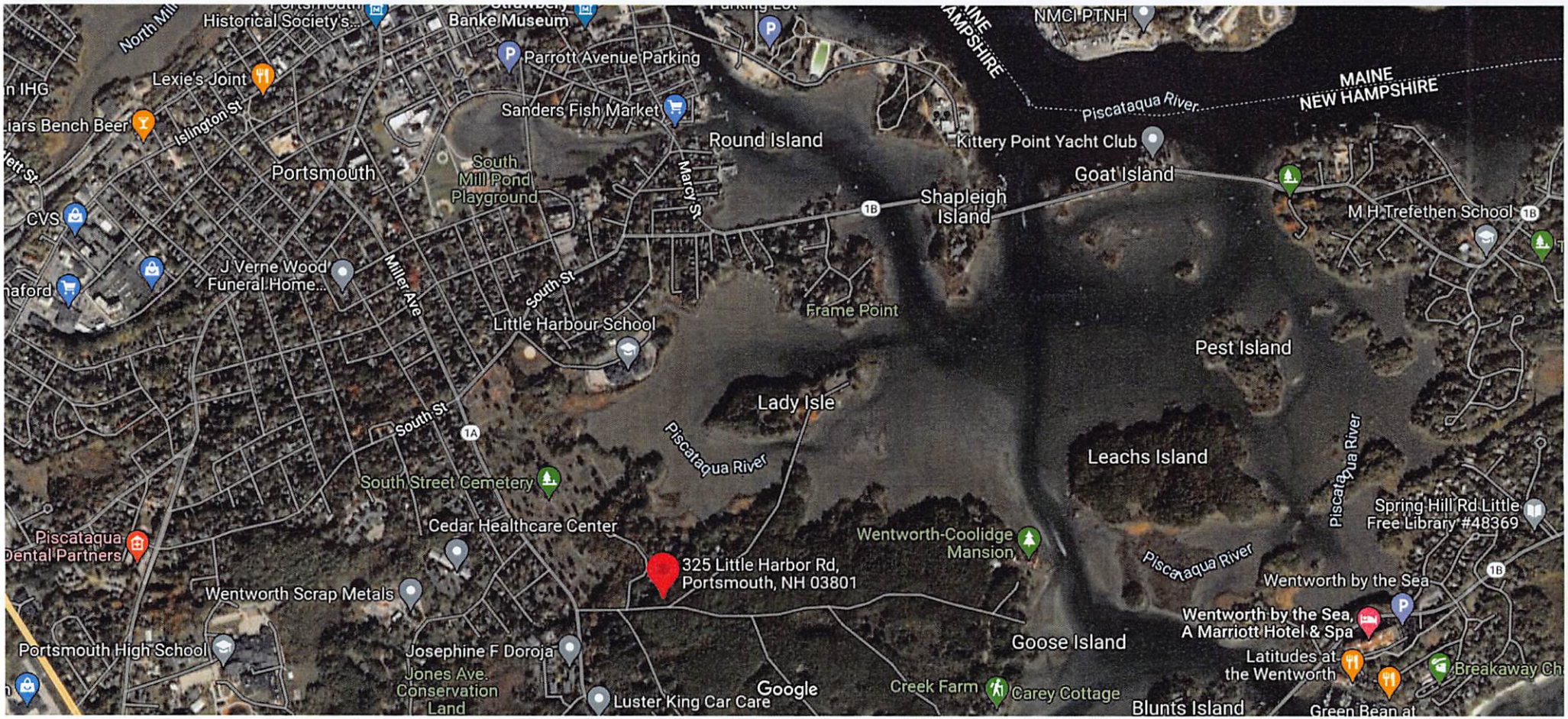
The design of the foundation, known as a Bank Barn, leaves the foundation highly visible on two sides facing the water. We highly recommend you approve the variance for the barn and the cottage, because of their historic importance and longevity. The barn and cottage are authentic, original, and highly visible from the waterfront and surrounding community. To elevate them would be a significant aesthetic change. The context of our historic buildings in Portsmouth, New Hampshire is the reason why people live and visit here.

Respectfully Submitted,

Arron J. Sturgis, President
Preservation Timber Framing Inc.
www.preservationtimberframing.com

EXHIBIT E

Google Maps 325 Little Harbor Rd



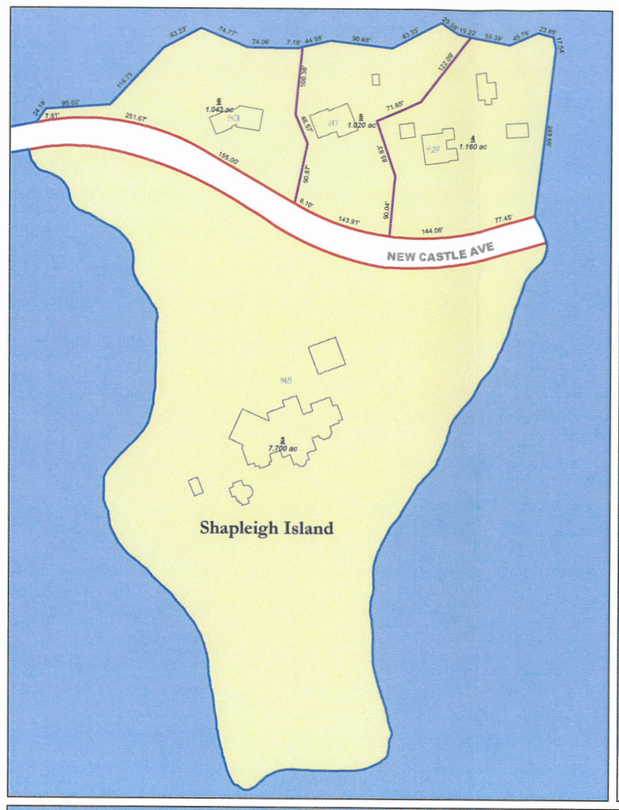
Google Maps 325 Little Harbor Rd

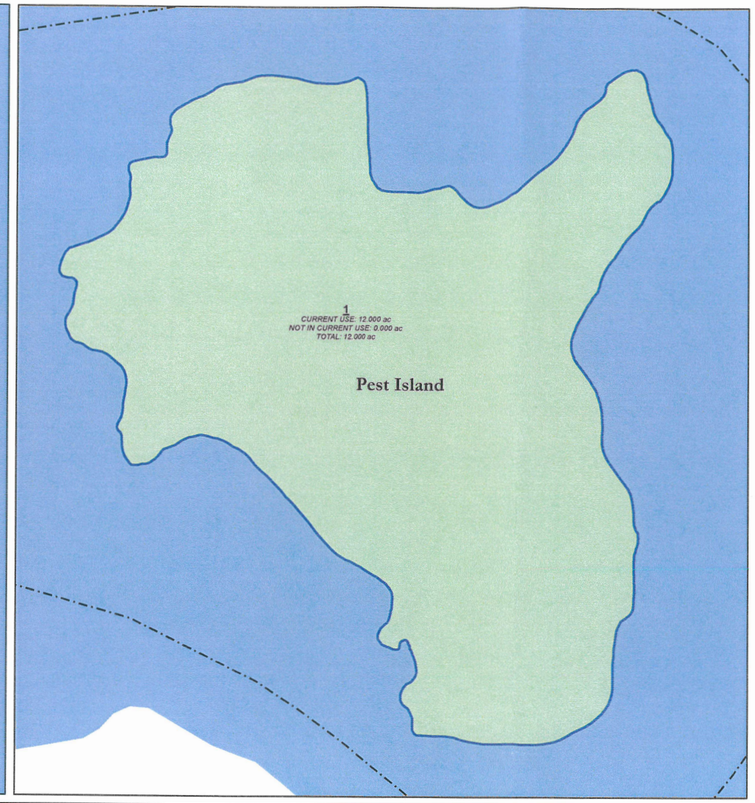
Imagery ©2022 Maine GeoLibrary, Maxar Technologies, U.S. Geological Survey, USDA/FPAC/GEO, Map data ©2022 200 ft

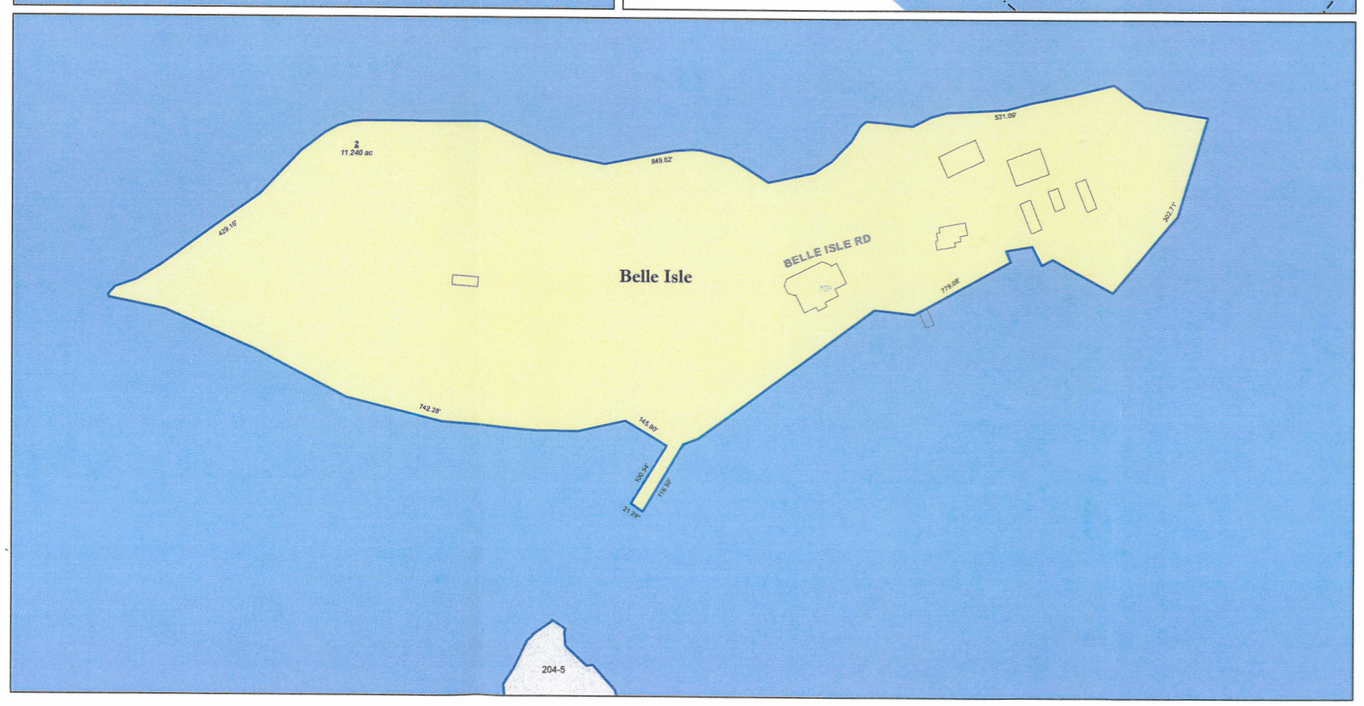
Google Maps 325 Little Harbor Rd

Imagery ©2022 Maine GeoLibrary, Maxar Technologies, U.S. Geological Survey, Map data ©2022 50 ft

EXHIBIT F







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)
28	Address number
233-137	Parcel number from a neighboring map
68'	Parcel line dimension
SIMS AVE	Street name
	Parcel/Parcel boundary
	Parcel/ROW boundary
	Water boundary
	Structure (2006 data)
	Parcel covered by this map
	Parcel from a neighboring map (see other map for current status)

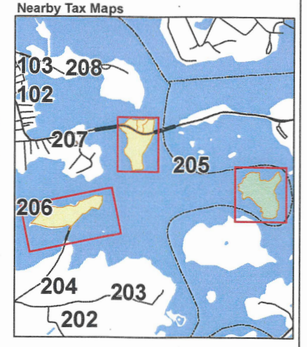
N

Feet
0 50 100 200 300

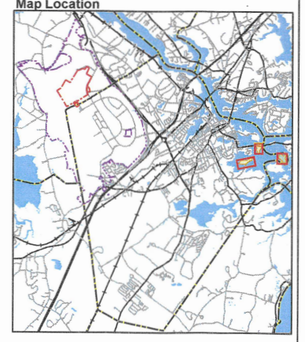
Meters
0 50 100

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
2021

Tax Map 205

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

September 13, 2022

HAND DELIVERED

Portsmouth Zoning Board of Adjustment
Portsmouth City Hall
1 Junkins Avenue
Portsmouth, NH 03801

Re: Stephen H. Roberts, Trustee, The ADL 325 Little Harbor Road Trust,
Owner/Applicant
325 Little Harbor Road
Tax Map 205, Lot 2
Rural (R) District
LU 21-220

Dear Chairman Parrott and Zoning Board members:

In further support of our pending application for zoning relief, attached please find photographs marked as Exhibit G 1-9. These are photographs of the interior and exterior of the barn. These assist with review and consideration of the pending request for relief. In particular note the stone retaining wall/foundation, the difference in elevation between the front and rear of the barn, and the historic Granite support pillars.

We look forward to the presentation on September 27, 2022.

Very truly yours,

R. Timothy Phoenix

RTP/msw
Encl.
cc: Client
Steven H Roberts, Esq.
TF Moran
James Youngblood
Aaron Sturgis

DANIEL C. HOEFLE
R. TIMOTHY PHOENIX
LAWRENCE B. GORMLEY
STEPHEN H. ROBERTS
R. PETER TAYLOR
KEVIN M. BAUM
GREGORY D. ROBBINS
MONICA F. KIESER
JACOB J.B. MARVELLEY
DUNCAN A. EDGAR
STEPHANIE J. JOHNSON
OF COUNSEL:
SAMUEL R. REID
JOHN AHLGREN

EXHIBIT G1

EXHIBIT G2

EXHIBIT G3

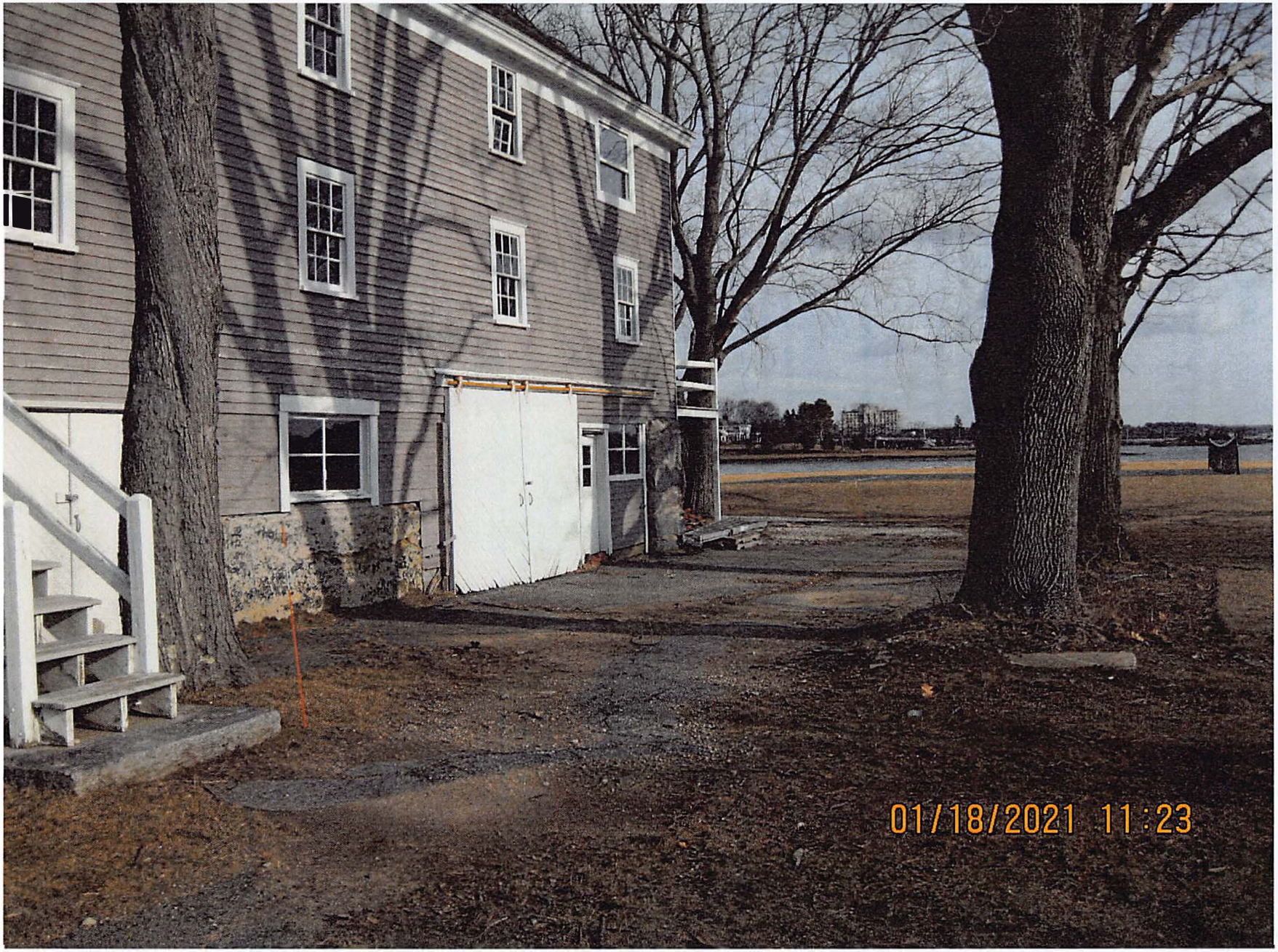


EXHIBIT G4

EXHIBIT G5

EXHIBIT G6

EXHIBIT G7

EXHIBIT G8

EXHIBIT G9

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

September 19, 2022

HAND DELIVERED

Peter Stith, Principal Planner
Portsmouth City Hall
1 Junkins Avenue
Portsmouth, NH 03801

Re: Jeffrey and Melissa Foy, Owner/Applicant
67 Ridges Court
Tax Map 207/Lot 59
Single Residence B District
LU-22-139

Dear Peter:

Thank you for meeting with Jeff Foy and me last week with respect to the Foy's ongoing attempt to further develop his home at 67 Ridges Ct. As you know, Jeff's original plan for a garage addition with living space over was denied by the ZBA on August 16, 2022. Jeff and Melissa are presently investigating their options, including the possibility of a smaller addition.

When the original zoning application was filed, we sought relief for the addition to be set back from the front lot line 15.5 feet where 30 feet was required, pursuant to PZO§10.521. Despite pre-submission review by several, we were not then aware of §10.516. Exceptions to Yard Requirements, providing:

> If existing principal buildings on the same side of the same street in the same zoning district, and within 200 feet of the lot are located closer to the street than the minimum required front yard specified in this Article, the required front yard for the principal building on such lot shall be the average of the existing alignments of all such principal buildings, rounded to the nearest foot. For the purpose of this provision, buildings on the subject lot shall not be included in the average of the existing alignments.

DANIEL C. HOEFLE
R. TIMOTHY PHOENIX
LAWRENCE B. GORMLEY
STEPHEN H. ROBERTS
R. PETER TAYLOR
KEVIN M. BAUM
GREGORY D. ROBBINS
MONICA F. KIESER
JACOB J.B. MARVELLEY
DUNCAN A. EDGAR
STEPHANIE J. JOHNSON
OF COUNSEL:
SAMUEL R. REID
JOHN AHLGREN

Attached is a two-page plan set (Rev. 9/14/22) from Ambit Engineering. After Jeff met with you and Vincent a few weeks ago about this issue, we had John Chagnon prepare this plan set. There is no principal structure to the right(south) of the Foy property at 67 Ridges Ct. There are 3 lots to the left (north) within 200 feet. The northerly most is a garage, therefore not a principal building. As page 1 depicts, the 2 principal buildings, each a dwelling, within 200 feet of the Foy property are 49 ridges with a 13 foot setback and 25 ridges with a 25 foot setback. As the chart depicts, the average of these is 19 feet. Page 2, Ambit C2, Variance Plan, depicts pre-19 foot setback through the existing home.

Presently pending before the Zoning Board, scheduled for hearing on August 27, is a request for changes to the front entryway, and the addition of a small roof over the northerly walk-in garage door. Also pending is a request for a variance to raise the roof height as depicted in the hashed area identified as "New roofline/dormer". At the time the pending application was submitted, we still understood that the required setback was 30 feet, thus driving the request for relief for the raised roof. Based upon Jeff's meeting with you and Vincent, and your meeting with Jeff and me last week, we seek confirmation that 19 feet is the required front setback based upon the averages of the 2 homes within 200 feet, thus obviating the need for relief for the raised roof. Upon receipt of confirmation, I will file a withdrawal of the request for that particular relief.

Thank you in advance for your prompt attention to this matter given that the hearing is next week.

Very truly yours,

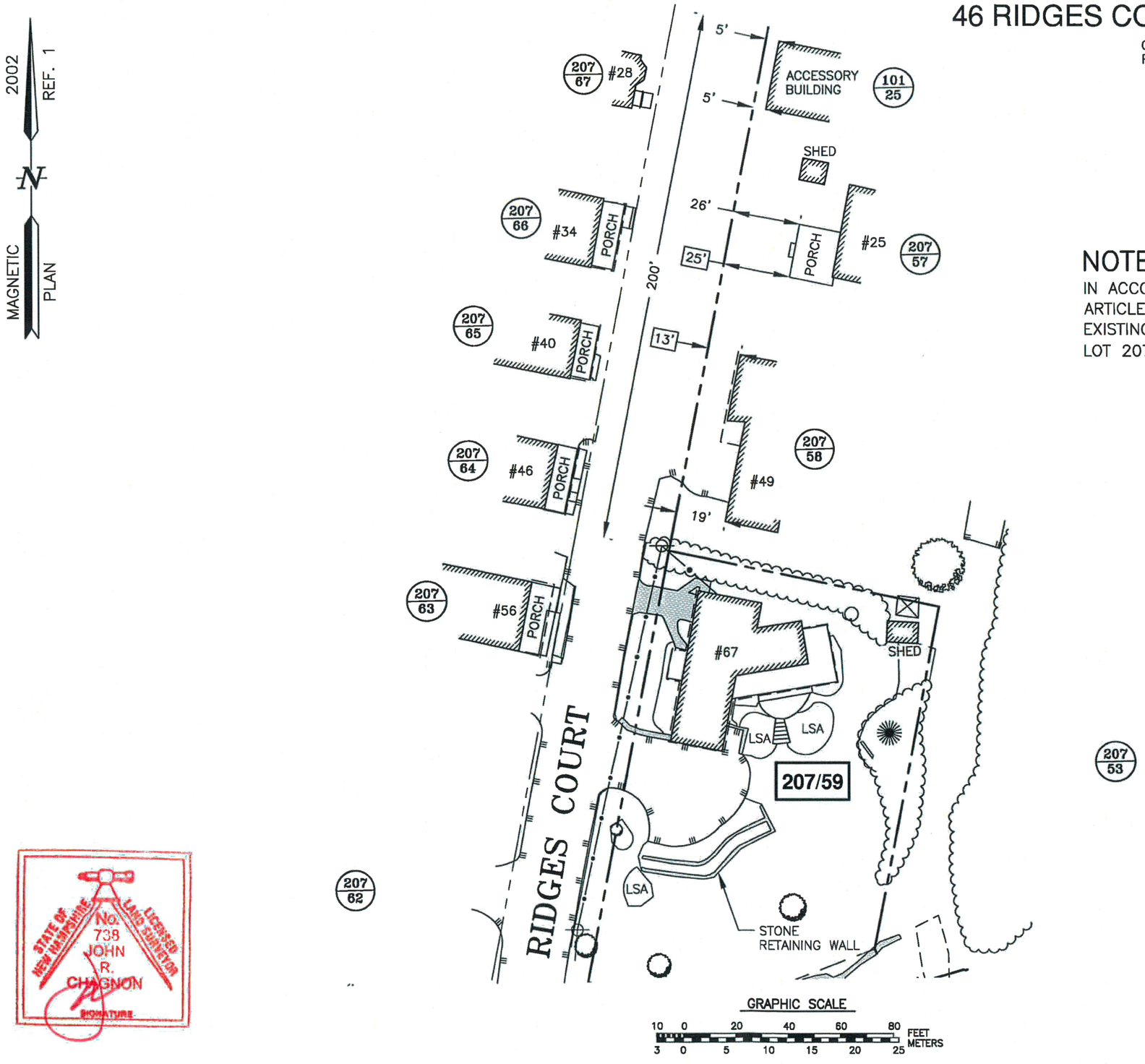
R. Timothy Phoenix

RTP/msw
Encl.

cc: Jeffrey and Melissa Foy
Ambit Engineering, Inc.
Maugel DeStefano Architects

46 RIDGES COURT FRONT SETBACK EXHIBIT

OWNER: JEFFREY M. & MELISSA FOY
PROPERTY LOCATION: 67 RIDGES COURT
CITY OF PORTSMOUTH
COUNTY OF ROCKINGHAM
STATE OF NEW HAMPSHIRE



NOTES:

IN ACCORDANCE WITH THE PORTSMOUTH ZONING ORDINANCE, ARTICLE 5, SECTION 10.516.10 FRONT YARD EXCEPTION FOR EXISTING ALIGNMENTS: THE AVERAGE FRONT SETBACK FOR LOT 207/59 IS 19'.

MAP/LOT	SETBACK (FT)	AVG
207/58	13	
207/57	25	
2	38	19

STATE OF NEW HAMPSHIRE No. 738 JOHN R. CHAGNON LICENSED LAND SURVEYOR SIGNATURE

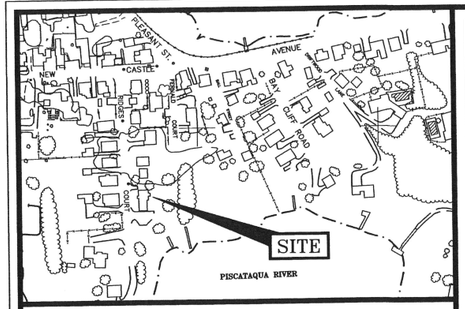
REV: 9-14-22

SCALE: 1"=40' 8 SEPTEMBER, 2022

AMBIT ENGINEERING, INC.
Civil Engineers & Land Surveyors
200 Griffin Road - Unit 3
Portsmouth, N.H. 03801-7114
Tel (603) 430-9282
Fax (603) 436-2315

FB 222 PG 66 1153.02

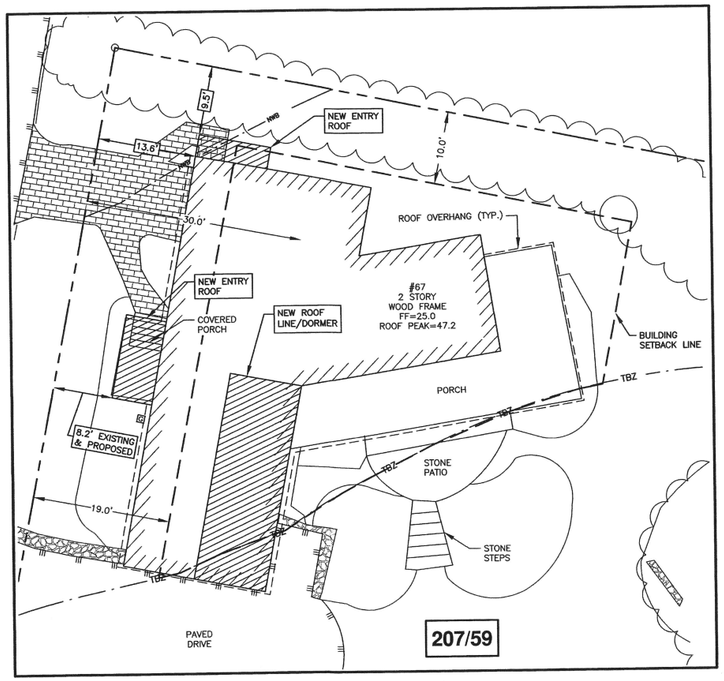
J:\JOBS1\JN1100s\Jn1150s\JN1153\2022 Building Addition-Variance\Plans & Specs\Site\1153.02 VIEW SHED.dwg, 9/14/2022 9:26:03 AM, SHARP MX-3071 (0300380X00)



LOCATION MAP SCALE 1" = 200'

IMPERVIOUS SURFACE AREAS
(TO PROPERTY LINE)

STRUCTURE	PRE-CONSTRUCTION IMPERVIOUS (S.F.)	POST-CONSTRUCTION IMPERVIOUS (S.F.)
MAIN STRUCTURE	1,591	1,591
SHED	91	91
PORCHES	513	513
STAIRS	123	123
WALKWAYS	231	231
PAVEMENT	1452	1,452
RETAINING WALL	212	212
PATIO	109	109
CONCRETE	17	17
EXTERIOR STORAGE	50	50
TOTAL	4389	4389
LOT SIZE	16,500	16,500
% LOT COVERAGE	26.6%	26.6%



BUILDING DETAIL 1"=10'

GRAPHIC SCALE

10 5 0 10 20 30 40 FEET
3 0 5 10 METERS

REQUESTED VARIANCES:

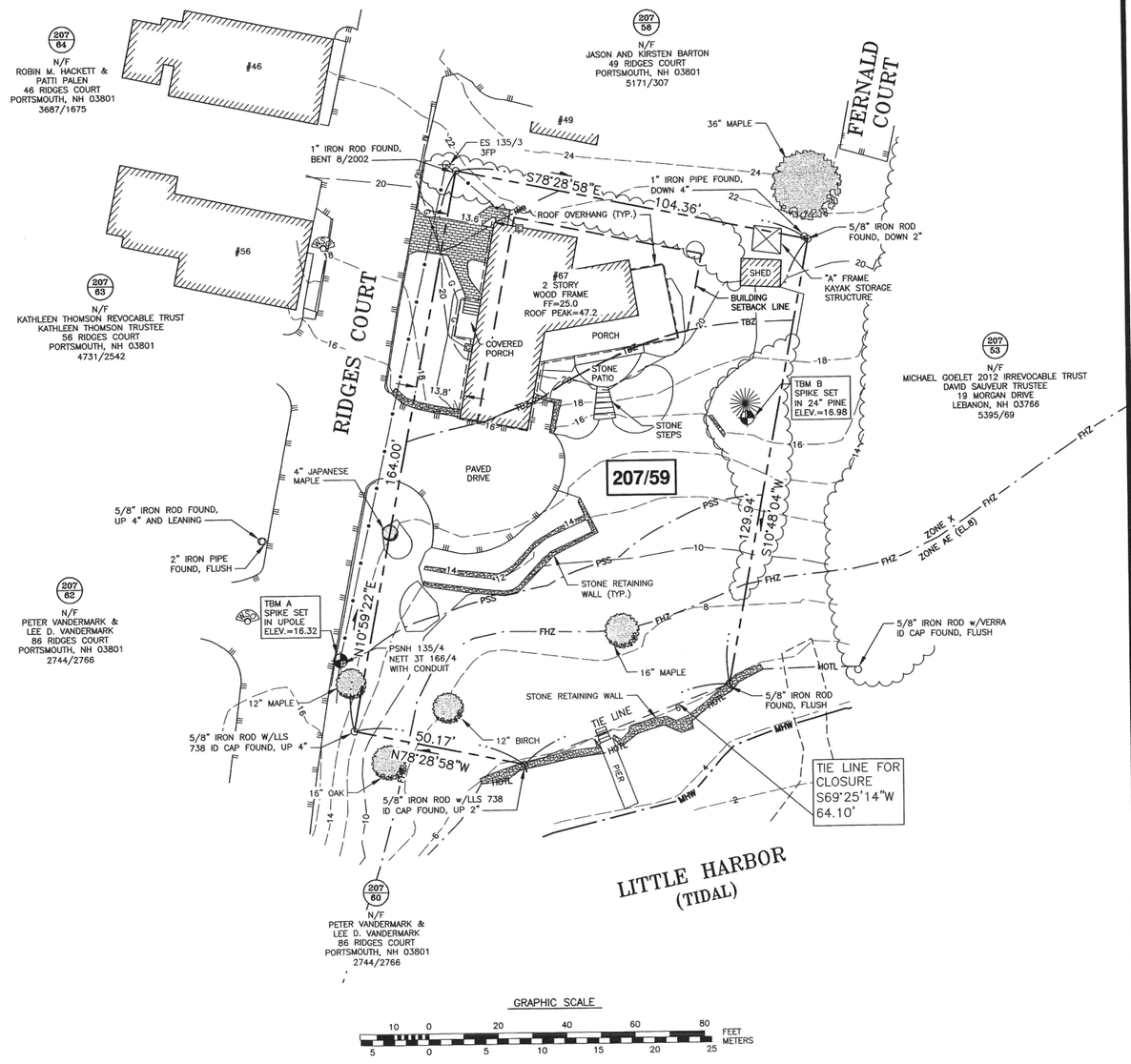
ARTICLE 5 SECTION 10.520 TABLE 10.521 FRONT YARD SETBACK OF 8.2 FEET (& 13.6 FEET) WHERE 8.2 FEET EXISTS AND 19 FEET (SECTION 10.516.10 REDUCTION) IS REQUIRED.

ARTICLE 5 SECTION 10.520 TABLE 10.521 SIDE YARD SETBACK OF 9.5 FEET WHERE 10 FEET IS REQUIRED.

"I CERTIFY THAT THIS PLAN WAS PREPARED UNDER MY DIRECT SUPERVISION, THAT IT IS THE RESULT OF A FIELD SURVEY BY THIS OFFICE AND HAS AN ACCURACY OF THE CLOSED TRAVERSE THAT EXCEEDS THE PRECISION OF 1:15,000."

JOHN R. CHAGNON, LLS — DATE 9.14.22

STATE OF NEW HAMPSHIRE — NO. 738 — JOHN R. CHAGNON — LICENSED LAND SURVEYOR



GRAPHIC SCALE

10 0 20 40 60 80 FEET
5 0 5 10 15 20 25 METERS

2002 REF. 1
N
MAGNETIC PLAN

AMBIT ENGINEERING, INC.
Civil Engineers & Land Surveyors
200 Griffin Road - Unit 3
Portsmouth, N.H. 03801-7114
Tel (603) 430-9282
Fax (603) 436-2315

NOTES:

1) PARCEL IS SHOWN ON THE PORTSMOUTH ASSESSOR'S MAP 207 AS LOT 59.

2) OWNERS OF RECORD:
JEFFREY M. & MELISSA FOY
4 FOX HOLLOW COURT
EAST KINGSTON, N.H. 03827
6325/1066

3) PORTIONS OF THE PARCEL ARE IN A SPECIAL FLOOD HAZARD AREA ZONE AE (EL. 8) AS SHOWN ON FIRM PANEL 33015C0278F. EFFECTIVE JANUARY 29, 2021.

4) EXISTING LOT AREA:
16,500± S.F. (PLAN REF. 1)
0.3788± ACRES (PLAN REF. 1)

5) PARCEL IS LOCATED IN THE SINGLE RESIDENCE B (SRB) ZONING DISTRICT.

6) DIMENSIONAL REQUIREMENTS:

MIN. LOT AREA:		15,000 S.F.
FRONTAGE:		100 FEET
SETBACKS:	FRONT	30 FEET
	SIDE	10 FEET
	REAR	30 FEET
MAXIMUM STRUCTURE HEIGHT:		35 FEET
MAXIMUM STRUCTURE COVERAGE:		20%
MINIMUM OPEN SPACE:		40%

7) THE PURPOSE OF THIS PLAN IS TO SHOW A PROPOSED ADDITION ON ASSESSOR'S MAP 207 LOT 59 IN THE CITY OF PORTSMOUTH.

8) VERTICAL DATUM IS NAVD88. BASIS OF VERTICAL DATUM IS REDUNDANT RTN GNSS OBSERVATIONS (±0.2').

9) PROPOSED GARAGE FROM PLAN BY DESTEFANO MAGUEL ARCHITECTS DATED JUNE 14, 2022.

10) OFF SITE STRUCTURE LOCATIONS BASED ON CITY DATABASE LOCATIONS.

PROPOSED ADDITIONS FOY RESIDENCE 67 RIDGES COURT PORTSMOUTH, N.H.

NO.	DESCRIPTION	DATE
4	FRONT SETBACK	9/14/22
3	FRONT SETBACK	9/8/22
2	ADD SETBACKS, ADJUST	8/31/22
1	ADD ABUTTING HOMES	8/16/22
0	ISSUED FOR COMMENT	6/27/22

REVISIONS

SCALE 1"=20' JUNE 2022

VARIANCE PLAN

C2

FB 222 PG 66

1153.02

J:\JOBS\UN1100s\un1150s\UN1153\2022 Building Addition-Variance\Plans & Specs\Site\1153.02 -EC-Boundary.dwg, 9/14/2022 9:32:51 AM, Canon TX-3000.pc3

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

August 31, 2022

HAND DELIVERED

Peter Stith, Principal Planner
Portsmouth City Hall
1 Junkins Avenue
Portsmouth, NH 03801

Re: Mary McDonald and John McDonald III, Owner/Applicant
Property Location:74 Sunset Road
Tax Map153, Lot14
Single Residence B ("SRB")

Dear Mr. Stith & Zoning Board Members:

On behalf of Mary McDonald and John McDonald III, enclosed please find the following in support of a request for zoning relief:

- Digital Application submitted via Viewpoint earlier today.
- Owner's Authorization.
- 8/31/2022 -- Memorandum and exhibits in support of Variance Application

We look forward to presenting this application to the Zoning Board at its September 20, 2022 meeting.

Very truly yours,

R. Timothy Phoenix

Enclosure

cc: Mary McDonald & John McDonald III
Eric Weinrieb, Altus Engineering
Butch Ricci, Ricci Construction

DANIEL C. HOEFLE
R. TIMOTHY PHOENIX
LAWRENCE B. GORMLEY
STEPHEN H. ROBERTS
R. PETER TAYLOR
KEVIN M. BAUM
GREGORY D. ROBBINS
MONICA F. KIESER
JACOB J.B. MARVELLEY
DUNCAN A. EDGAR
STEPHANIE J. JOHNSON
OF COUNSEL:
SAMUEL R. REID
JOHN AHLGREN

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September 7, 2022

Portsmouth Zoning Board of Adjustment
Portsmouth City Hall
1 Junkins Avenue
Portsmouth, NH 03801

Re: Jeffrey & Melissa Foy, Owner/Applicant
Property Location: 67 Ridges Court
Tax Map 207, Lot 59
Single Residence B ("SRB")
LU-22-139

Dear Chair Parrott and Zoning Board members:

Please accept this as a correction to the opening paragraph of my August 31, 2022 memorandum in support of zoning relief. That paragraph provides that we are submitting the memorandum and attached exhibits "in support of zoning relief to allow a garage addition… ." That statement is incorrect and related to a previous application. The actual nature of the project is accurately set forth under section II of the August 31, 2022 memorandum, raising a lower roof to an upper roofline, expansion of front entry roof, and roof over left sidewalk indoor. My apologies for any inconvenience.

Very truly yours,

R. Timothy Phoenix

RTP/msw

cc: Client
Peter M Stith, Principal Planner
Ambit Engineering
Maugel DeStefano architects

DANIEL C. HOEFLE
R. TIMOTHY PHOENIX
LAWRENCE B. GORMLEY
STEPHEN H. ROBERTS
R. PETER TAYLOR
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GREGORY D. ROBBINS
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JACOB J.B. MARVELLEY
DUNCAN A. EDGAR
STEPHANIE J. JOHNSON
OF COUNSEL:
SAMUEL R. REID
JOHN AHLGREN

MEMORANDUM

TO: Portsmouth Zoning Board of Adjustment ("ZBA")
FROM: R. Timothy Phoenix, Esquire
DATE: August 31, 2022
Re: Mary McDonald and John McDonald III, Owner/Applicant
Property Location:74 Sunset Road
Tax Map153, Lot14
Single Residence B ("SRB")

Dear Chairman Parrott and Zoning Board Members:

On behalf of Mary McDonald and John McDonald III ("McDonald") Owner/Applicant ("McDonald"), we are pleased to submit this memorandum and attached exhibits in support of zoning relief to slightly expand their existing home.

I. EXHIBITS

A. Board of Adjustment Site Plan-by Altus Engineering, Inc.
B. Architectural Plans -by THA Architects.
C. Site Photographs.
D. Tax Map 153.

II. PROPERTY/PROJECT

74 Sunset Rd. is an 8936 ft.² lot upon which is located a +/-1300 sf (footprint) 4-bedroom cape style home, detached one car garage with a shed attached to it. The home (right) and garage (left)each slightly violate the side setbacks. At 23.4% (2093 ft.²), building coverage slightly exceeds the SRB limit of 20%. The front of the house meets but is very close to the 24 foot front setback.

McDonald proposes a reasonably modest project to include addition of a 240 ft.² entry porch with stairway access, front dormers to expand the 2nd floor (remaining 4-bedrooms), breezeway to attach the home to the detached garage, and the addition of a "doghouse" frame over the existing bulkhead. A right setback encroaching set of steps will be removed. The dormer, breezeway and doghouse all meet building setback requirements. Relief is required because the proposed entry porch, which must be attached to the house at its existing location, at 17 feet, will be within the 24 foot front setback. The front steps are setback at 16 ft. +/-. The project slightly further increases building coverage 3.1% (275 sf) (from 23 .4% (2093sf) to

26.5% (2368 sf), all very reasonable given the size of the lot and the size and location of the home and garage upon the lot. A new front drip edge will control stormwater.

III. RELIEF REQUIRED

Variance Section	Required	Existing	Proposed
PZO§10.521 Front Setback	24'	25'+/-	17' house/16' +/- steps over 18"
Building Coverage	20%	23.4%+/-	26.5% +/-

IV. VARIANCE REQUIREMENTS

1. **The variances will not be contrary to the public interest.**
2. **The spirit of the ordinance is observed.**

The first step in the ZBA's analysis is to determine whether granting the variances are not contrary to the public interest and are consistent with the spirit and intent of the ordinance, considered together pursuant to Malachy Glen Associates, Inc. v. Town of Chichester, 155 N.H. 102 (2007) and its progeny. Upon examination, it must be determined whether granting the variances "would unduly and to a marked degree conflict with the ordinance such that it violates the ordinance's basic zoning objectives." Id. "Mere conflict with the zoning ordinance is not enough." Id.

Portsmouth Zoning Ordinance ("PZO") Section 10.121 identifies the general purposes and intent of the ordinance "to promote the health, safety, and general welfare of Portsmouth…in accordance with the…Master Plan" This is accomplished by regulating:

1. The use of land, buildings and structures for business, industrial, residential and other purposes - This is a relatively modest expansion of the home on a small lot that makes the home more "livable." The use is permissible and the relief is slight.
2. The intensity of land use, including lot sizes, building coverage, building height and bulk, yards and open space – A single-family home exists and will remain. While variance relief is required for the entry porch, and slightly increased building coverage, the intensity of the land use is not increased.
3. The design of facilities for vehicular access, circulation, parking and loading – No change.

4. The impact on properties of outdoor lighting, noise, vibration, stormwater runoff and flooding – No change.
5. The preservation and enhancement of the visual environment – The entry porch, dormer and breezeway will improve both the livability and aesthetics of the home.
6. The preservation of historic districts and building and structures of historic architectural interest – This lot is not in the historic district; however, the project will improve the aesthetics of the home.
7. The protection of natural resources, including groundwater, surface water, wetlands, wildlife habitat and air quality - No change.

In considering whether variances "in a marked degree conflict with the ordinance such that they violate the ordinance's basic zoning objectives," Malachy Glen, supra, also held:

> One way to ascertain whether granting the variance would violate basic zoning objectives is to determine whether it would alter the essential character of the locality… . Another approach to [determine] whether granting the variance violates basic zoning objectives is to examine whether granting the variance would threaten the public health, safety or welfare. (emphasis added)

There are many smallish houses on small lots in the vicinity. The 17 foot (home), 15 foot (steps) front setback is reasonable when considering the rights of the owners versus the general public. Similarly, a slight increase in lot coverage from 23.4% to 26.5% is reasonable. The changes affect no one other than the McDonald family. Accordingly, granting the variance neither alters the essential character of the locality, nor threatens the public health, safety or welfare.

3. Granting the variances will not diminish surrounding property values.

The changes are relatively modest, and improve the look and livability of the existing home and lot. Sightlines will be maintained, with sufficient air and light considering that the improvements are no closer to the nearest neighbors to each side than existing conditions. Stormwater will be managed via the drip edge. There are numerous nearby homes on similarly small lots with setback encroachments. Thus, surrounding property values will in no way be diminished.

4. Denial of the variances results in an unnecessary hardship.

a. Special conditions distinguish the property from others in the area.

The subject lot is approximately 40% smaller than the 15,000 ft.² SRB requirement. The existing home is very close to the front lot line. The right side of the home and the left side of the garage each slightly violate the right and left setbacks respectively. Building coverage presently slightly exceeds the 20% limit. Any addition or other improvement must be undertaken at the location of the existing home. A modestly-sized entry porch and breezeway connecting the house and garage can only be located as proposed. These factors combine to create special conditions.

b. No fair and substantial relationship exists between the general public purposes of the ordinance and its specific application in this instance.

The purpose of setback and lot coverage requirements is to avoid overbulking and overcrowding, allow for adequate air and light, provide sightlines and area for stormwater treatment. It is reasonable for the McDonald family to add a modest proposed entry porch which cannot be located in a way that would avoid a variance. The porch and breezeway are both modest and reasonable, and do not violate any of the purposes of the front setback and/or building coverage purposes. The additional impervious (275± square feet) will be compensated for by the front drip edge. No one is actually affected in any negative way. Accordingly, there is no fair and substantial relationship between the purposes of the setback and building coverage requirements and its application in this instance.

c. The proposed use is reasonable.

If the use is permitted, it is deemed reasonable. Vigeant v. Hudson, 151 N.H. 747 (2005). This is a permitted residential use proposing modest expansion.

5. Substantial justice will be done by granting the variances.

If "there is no benefit to the public that would outweigh the hardship to the applicant" this factor is satisfied. Harborside Associates, L.P. v. Parade Residence Hotel, LLC, 162 N.H. 508 (2011). That is, "any loss to the [applicant] that is not outweighed by a gain to the general public is an injustice." Malachy Glen, supra at 109.

The McDonald family is generally constitutionally entitled to the use of the lot as they sees fit. "The right to use and enjoy one's property is a fundamental right protected by both the

State and Federal Constitutions." N.H. CONST. pt. I, arts. 2, 12; U.S. CONST. amends. V, XIV; Town of Chesterfield v. Brooks, 126 N.H. 64 (1985) at 68. Part I, Article 12 of the New Hampshire Constitution provides in part that "no part of a man's property shall be taken from him, or applied to public uses, without his own consent, or that of the representative body of the people." Thus, our State Constitutional protections limit the police power of the State and its municipalities in their regulation of the use of property. L. Grossman & Sons, Inc. v. Town of Gilford, 118 N.H. 480, 482 (1978). "Property" in the constitutional sense has been interpreted to mean not the tangible property itself, *but rather the right to possess, use, enjoy and dispose of it*. Burrows v. City of Keene, 121 N.H. 590, 597 (1981) (emphasis added).

Because the front entry porch and breezeway causing the need for the variances are modest, cannot be located so as to avoid the need for variances, and do not violate the purposes of setback and lot coverage requirements, there is absolutely no harm to the public from granting these variances. Conversely, the McDonald family will be greatly harmed if the variances are denied because they in turn will be unable to provide these modest "livability" and aesthetic improvements. There is thus no benefit to the public from granting the variances that outweighs the harm to the McDonald family if the variances are denied.

V. CONCLUSION

For all of the reasons stated, the McDonald family and entire team respectfully request that the Portsmouth Zoning Board of Adjustment grant the requested variance.

Respectfully submitted,
Mary McDonald and John McDonald III

By: R. Timothy Phoenix

EXHIBIT A

ZONE: SRB (SINGLE RESIDENCE B)
EXISTING LOT AREA: 8,936 S.F.± (0.21 AC.±)

ZONING SUMMARY

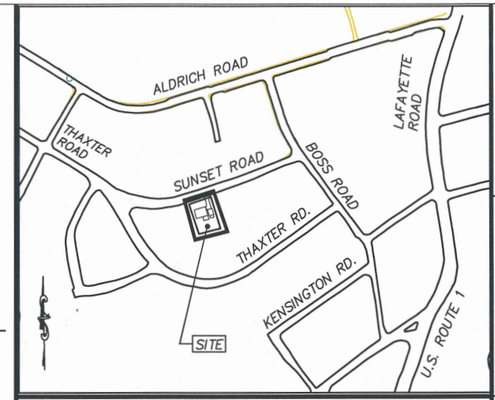
DIMENSIONAL REQUIREMENTS

	REQUIRED	EXISTING	PROPOSED
MIN. LOT AREA:	15,000 S.F.	±8,936 S.F.	±8,936 S.F.
MIN. STREET FRONTAGE:	100'	±80' (EX.) (SUNSET ROAD)	±80' (EXISTING)
MIN. LOT DEPTH:	100'	±110'± (EX.)	±110' (EXISTING)
FRONT SETBACK:	30' (24')**	±24'(EX.)(PER GIS)	±17' (PROP. PORCH) *
SIDE SETBACK:	10'	±8'(EX.)(PER GIS)	±8' (EX. GARAGE)
REAR SETBACK:	30'	±41'(EX.)(PER GIS)	±41' (EX. PORCH)
MAX. HEIGHT:	35'	<35' (EX.)	<35'
MAX. BUILDING COVERAGE:	20%	±23.4% (EX.)(±2,093 SF)	±26.5% (±2,365 SF) (INCL. PROP. BREEZEWAY, PORCH) *
MIN. OPEN SPACE:	40%	±66% (±5,893 SF)	±64% (±5,681 SF)
DWELLING COVERAGE:		±17.3% (EX.)(±1,550 SF)	±20.6% (±1,840 SF)

* ZONING RELIEF REQUIRED
** AVERAGE OF ADJACENT FRONT YARD BLDG. SETBACKS

PLAN REFERENCES:

1. "PLAN OF LOTS, PORTSMOUTH, NH FOR E.A. RICCI AND F.E. PATERSON" DATED AUGUST 1950, BY JOHN W. DURGIN, C.E., RECORDED PLAN.
2. PORTSMOUTH G.I.S. (MAPGEO) DATA BASE.
3. SITE OBSERVATIONS BY ALTUS ENGINEERING, INC. AUGUST 2022.



LOCUS NOT TO SCALE

PROPOSED STONE DRIP EDGE (TYP.)
PROPOSED ENTRY PORCH (±240 S.F.)
PROPOSED BREEZEWAY
SUNSET ROAD
80'± (PL)
23'±
24'±
17'±
16'±
25'±
STEPS (TBR)
PROPOSED DORMERS
SINGLE FAMILY RESIDENCE
GARAGE
8'±
9'±
PAVERS
PORCH
SHED
MAP 167 LOT 1
MAP 153 LOT 12
110'± (PL)
BLDG. SETBACK LINE (TYP.)
MAP 153 LOT 14
8,936 S.F.± (0.21 AC.±)
41'±
80'± (PL)
115'± (PL)
MAP 153 LOT 13

GRAPHIC SCALE
20 0 10 20
(IN FEET)
1 inch = 20 ft. (11" X 17")

P5378

ALTUS ENGINEERING, INC.
133 Court Street Portsmouth, NH 03801
(603) 433-2335 www.altus-eng.com

NOT FOR CONSTRUCTION

ISSUED FOR: BOARD OF ADJUSTMENT

ISSUE DATE: AUGUST 30, 2022

REVISIONS

NO.	DESCRIPTION	BY	DATE
0	INITIAL SUBMISSION	EDW	08/30/22

DRAWN BY: RLH
APPROVED BY: EDW
DRAWING FILE: 5378.dwg

SCALE:
22" x 34" – 1" = 10'
11" x 17" – 1" = 20'

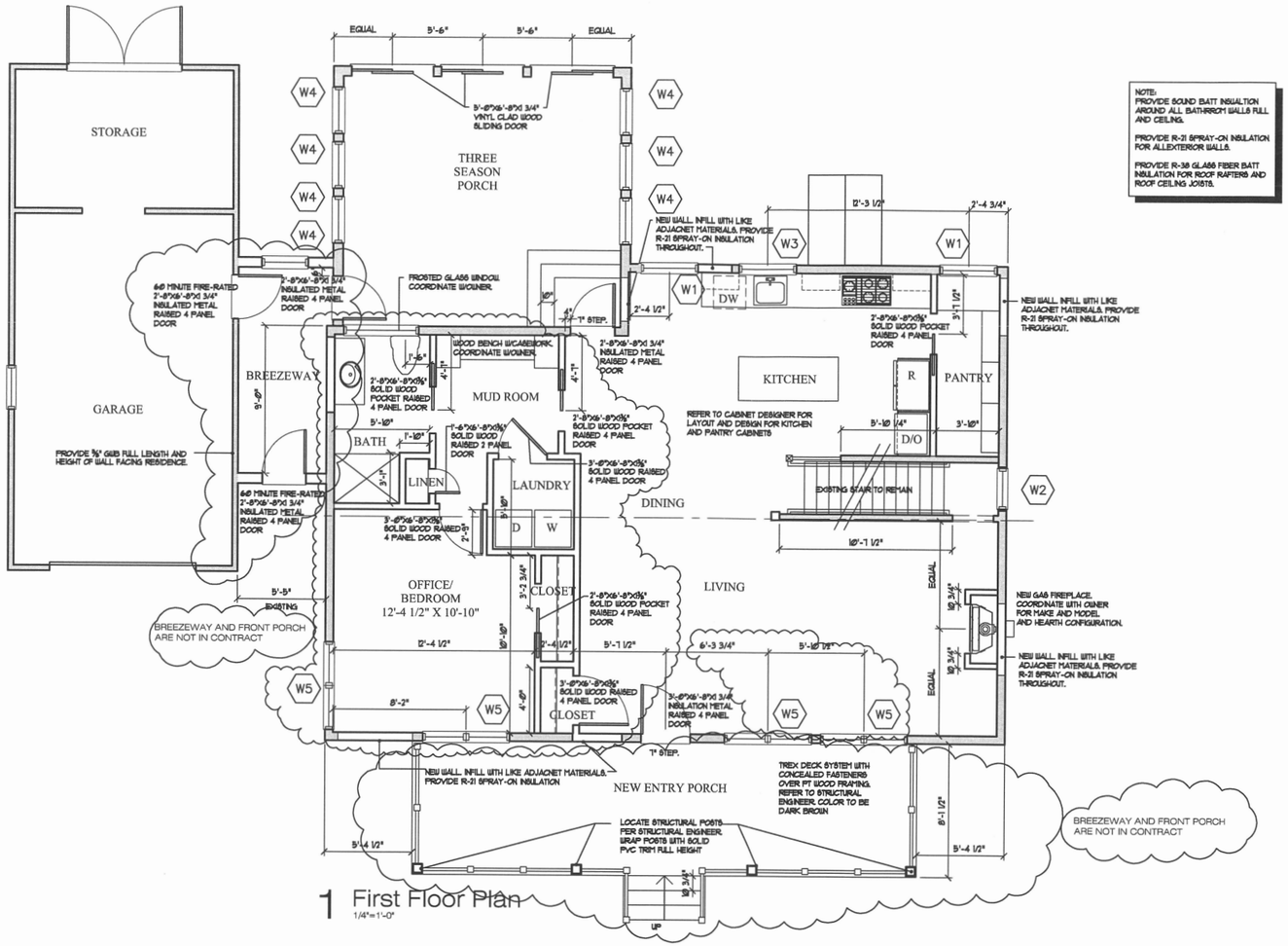
OWNER/APPLICANT:
MARY R. &
JOHN THOMAS MCDONALD III
74 SUNSET ROAD
PORTSMOUTH, NH 03801

PROJECT:
SITE IMPROVEMENTS
TAX MAP 153, LOT 14
74 SUNSET ROAD
PORTSMOUTH, NH

TITLE:
BOARD OF ADJUSTMENT SITE PLAN

SHEET NUMBER:
1 of 1

EXHIBIT B



1 First Floor Plan
1/4"=1'-0"

GENERAL

1. THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND CONDITIONS AT THE SITE AND REPORT ANY DISCREPENCIES TO THE ARCHITECT BEFORE ORDERING MATERIAL AND PROCEEDING WITH THE WORK.

2. ALL WORK SHALL CONFORM TO THE REQUIREMENTS OF THE NEW HAMPSHIRE STATE BUILDING CODE, (2015 INTERNATIONAL RESIDENTIAL CODE) SHOULD LOCAL CODES AND/OR ORDINANCES DIFFER FROM THESE PLANS, A DETERMINATION SHALL BE MADE BY THE CONTRACTOR AND/OR LOCAL CODE ENFORCEMENT OFFICER AS TO WHICH IS MOST STRINGENT. THE MOST STRINGENT REQUIREMENT SHALL RULE.

3. ALL SECTIONS, DETAILS, NOTES, OR MATERIALS SHOWN AND/OR NOTED ON ANY PLAN, SECTION OR ELEVATION SHALL APPLY TO ALL OTHER SIMILAR LOCATIONS UNLESS NOTED OTHERWISE.

4. TESTING AND INSPECTION AGENCIES SELECTED BY THE OWNER. ALL WORK SHALL REQUIRE ADHERENCE TO THE REQUIREMENTS OF ASTM DESIGNATION E-329 ENTITLED "RECOMMENDED PRACTICE FOR INSPECTION AND TESTING AGENCIES FOR CONCRETE AND STEEL USED IN CONSTRUCTION."

5. FOOTINGS SHALL REST ON FIRM, UNDISTURBED MATERIAL CAPABLE OF SUSTAINING A BEARING PRESSURE OF TWO (2) TONS/SF.

6. THE CONTRACTOR SHALL RETAIN A PROFESSIONAL SOILS ENGINEER TO VERIFY SOIL BEARING PRESSURE.

7. ALL GRANULAR FILL MATERIAL UNDER SLABS SHALL BE PLACED TO 95% RELATIVE DENSITY.

8. ALL FOOTING EXCAVATIONS TO BE FINISHED BY HAND AND INSPECTED AND APPROVED BY THE TESTING ENGINEER BEFORE ANY CONCRETE IS PLACED.

9. BACKFILL SHALL BE PLACED TO EQUAL ELEVATIONS ON BOTH SIDES OF FOUNDATION WALLS. WHERE BACKFILL IS ON ONE SIDE ONLY, WORK SHALL BE SHORED OR HAVE PERMANENT ADJACENT CONSTRUCTION IN PLACE BEFORE BACKFILLING.

10. THE SIDES OF ALL BEAMS, WALLS, FOOTINGS, ETC. SHALL BE FORMED AND CONCRETE SHALL NOT BE PLACED AGAINST EARTH CUTS.

11. FOOTINGS SHALL NOT BEAR ON FROZEN SOIL AND ALL EXTERIOR FOOTINGS SHALL BE NOT LESS THAN 4'-0" BELOW ADJACENT FINISH GRADE.

12. ALL CONCRETE SHALL HAVE AN ULTIMATE COMPRESSIVE STRENGTH OF 3,000PSI@ 28 DAYS. MAXIMUM ¾" AGGREGATE, AIR ENTRAINED.

13. REINFORCING STEEL SHALL COMPLY WITH THE REQUIREMENTS OF ASTM-615 GRADE 60 BILLET STEEL. ASTM-185 FOR WIRE MESH. BARS SHALL BE DEFORMED TO ASTM-A305.

14. STEEL REINFORCEMENT FABRICATION SHALL COMPLY WITH THE REQUIREMENTS OF "MANUAL OF STANDARD PRACTICE FOR DETAILING REINFORCED CONCRETE STRUCTURES." AS ADOPTED BY THE AMERICAN CONCRETE INSTITUTE.

15. CONCRETE COVER: FOOTINGS AND WALL - BOTTOM 3", SIDES 2".

16. ALL CONCRETE WORK SHALL CONFORM TO THE REQUIREMENTS OF THE AMERICAN CONCRETE INSTITUTE SPECIFICATIONS ACI-301-99.

17. ALL REINFORCING TO BE SUPPORTED IN FORMS WITH NECESSARY ACCESSORIES AND SECURELY WIRED TOGETHER IN ACCORDANCE WITH CRSI RECOMMENDED PRACTICE FOR PLACING REINFORCING BARS.

18. ALL REINFORCING SHALL BE LAPPED 40 BARS DIAMETERS (1'-6" MIN.) EXCEPT AS OTHERWISE NOTED.

19. ALL SLABS ON GRADE SHALL HAVE A 15 MIL. VAPOR BARRIER UNDERNEATH.

20. PLANS ARE SCHEMATIC IN NATURE AND SHOULD NOT BE SCALED. INSTALL ALL BLOCKING, BRACING, STIFFBACKS, ETC., AS REQUIRED BY THE BUILDING CODE AND IN ACCORDANCE WITH GOOD FRAMING PRACTICES AND STANDARDS.

21. ALL ROOF RAFTERS AND TRUSSES SHALL HAVE HURRICANE TIE DOWNS.

22. GARAGE SHALL BE SEPARATED FROM MAIN HOUSE BY A FIRE RATED WALLS AND CEILINGS. REFER TO FIRST FLOOR PLAN.

23. CONTRACTOR TO CONTACT DIG SAFE LINE TO VERIFY UNDERGROUND UTILITIES.

24. PROVIDE SMOKE DETECTORS IN SUFFICIENT QUANTITIES AND LOCATIONS TO MEET REQUIREMENTS OF THE BUILDING CODE. PROVIDE NOT LESS THAN ONE SMOKE DETECTOR ON EACH FLOOR, INCLUDING BASEMENT AND ATTICS CAPABLE OF BEING INHABITED.
- PROVIDE ONE SMOKE DETECTOR IN EACH BEDROOM AREA.
- PROVIDE NOT LESS THAN ONE SMOKE DETECTOR FOR EVERY 1,200 SF OF FLOOR SPACE.
- PROVIDE PHOTO ELECTRIC SMOKE DETECTOR IF LOCATED LESS THAN 20 FEET FROM EITHER A KITCHEN OR A BATHROOM WITH A TUB OR SHOWER.

25. PROVIDE FIRE ALARMS PER BUILDING CODE.

26. DESIGN LOADS (ALL JOISTS AND RAFTER SIZES AND SPACING SHALL MEET OR EXCEED THE MINIMUM LOCAL BUILDING CODE REQUIREMENTS FOR LOAD CARRYING CAPABILITY (VERIFY WITH STRUCTURAL ENGINEER)
- GROUND SNOW LOAD: = 30 PSF PER IRC TABLE R301.2 (1).
- SLOPED ROOF SNOW LOAD = 32 PSF
- WIND SPEED = 120 MPH
- SEISMIC CATEGORY IS "C"
- LIVE LOADS = 40PSF FOR LIVING SPACES, 30 PSF FOR SLEEPING AREAS.
- DEAD LOADS = 10PSF.

27. EACH BEDROOM ABOVE THE FIRST FLOOR SHALL BE EQUIPED WITH AN EMERGENCY EGRESS WINDOW OF NOT LESS THAN A NET CLEAR OPENING OF 5.7 SQ. FT. THE MINIMUM CLEAR OPENING OF THE WINDOW SHALL NOT BE LESS THAN 20 INCHES IN WIDTH AND 24 INCHES IN HEIGHT.

28. TEMPERED GLASS TO BE PROVIDED WHEN THE BOTTOM EDGE OF THE GLASS IS LESS THAN 24" ABOVE FINISHED FLOOR PLAIN.

29. MR GYPSUM BOARD SHALL BE USED THROUGHOUT APARTMENT BATHS AND SIMILAR DAMP LOCATION EXCEPT WHERE BACKER BOARD IS REQUIRED. THE BACKER BOAD IS REQUIRED AT ALL LOCATION WHERE TILE IS TO BE PROVIDED.

THA ARCHITECTS, LLC
ARCHITECTURE • DESIGN • PLANNING • INTERIOR DESIGN
89 WILLOWBROOK AVENUE
STRATHAM, NEW HAMPSHIRE 03885
Tel: (603) 770-2491
www.thaarc.com

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LICENSED ARCHITECT THOMAS H. ALEXANDER HOUSE No. 2389 STATE OF NEW HAMPSHIRE

McDonald Residence

74 Sunset Street
Portsmouth, NH

First Floor Plan Notes

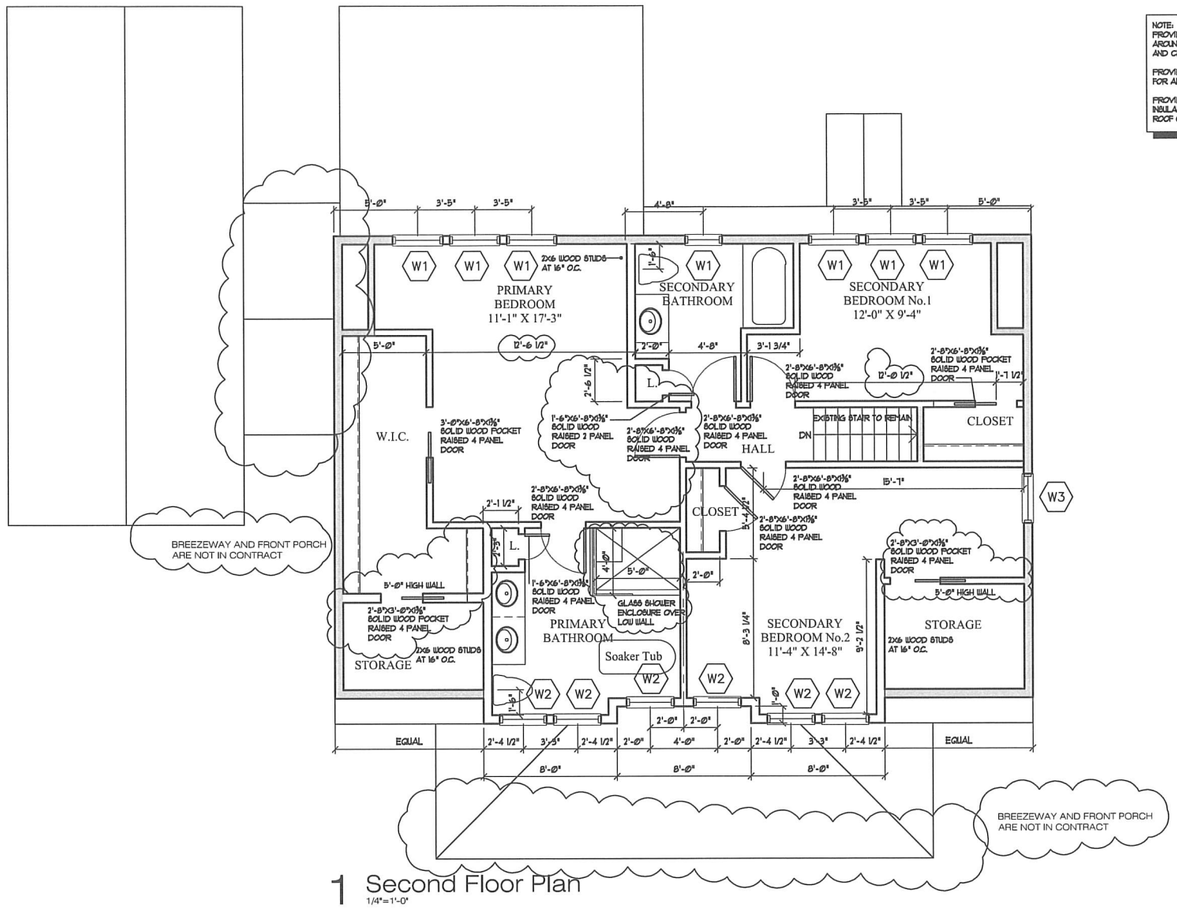
SCALE:

ISSUED / DRAWN BY
June 8, 2022
© THA Architects, LLC.

REVISED / REVISED BY
August 12, 2022

JOB NO: 22001

SHEET NUMBER
A-6



1 Second Floor Plan
1/4"=1'-0"

NOTE:
PROVIDE SOUND BATT INSULATION AROUND ALL BATHROOM WALLS FULL AND CEILING.

PROVIDE R-21 SPRAY-ON INSULATION FOR ALLEXTERIOR WALLS.

PROVIDE R-38 GLASS FIBER BATT INSULATION FOR ROOF RAFTERS AND ROOF CEILING JOISTS.

GENERAL

1. THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND CONDITIONS AT THE SITE AND REPORT ANY DISCREPENCIES TO THE ARCHITECT BEFORE ORDERING MATERIAL AND PROCEEDING WITH THE WORK.

2. ALL WORK SHALL CONFORM TO THE REQUIREMENTS OF THE NEW HAMPSHIRE STATE BUILDING CODE. (IBC INTERNATIONAL RESIDENTIAL CODE) SHOULD LOCAL CODES AND/OR ORDINANCES DIFFER FROM THESE PLANS, A DETERMINATION SHALL BE MADE BY THE CONTRACTOR AND/OR LOCAL CODE ENFORCEMENT OFFICER AS TO WHICH IS MOST STRINGENT. THE MOST STRINGENT REQUIRMENT SHALL RULE.

3. ALL SECTIONS, DETAILS, NOTES, OR MATERIALS SHOWN AND/OR NOTED ON ANY PLAN, SECTION OR ELEVATION SHALL APPLY TO ALL OTHER SIMILAR LOCATIONS UNLESS NOTED OTHERWISE.

4. TESTING AND INSPECTION AGENCIES SELECTED BY THE OWNER. ALL WORK SHALL REQUIRE ADHERENCE TO THE REQUIREMENTS OF ASTM DESIGNATION E-329 ENTITLED "RECOMMENDED PRACTICE FOR INSPECTION AND TESTING AGENCIES FOR CONCRETE AND STEEL USED IN CONSTRUCTION."

5. FOOTINGS SHALL REST ON FIRM, UNDISTURBED MATERIAL CAPABLE OF SUSTAINING A BEARING PRESSURE OF TWO (2) TONS/F.

6. THE CONTRACTOR SHALL RETAIN A PROFESSIONAL SOILS ENGINEER TO VERIFY SOIL BEARING PRESSURE.

7. ALL GRANULAR FILL MATERIAL UNDER SLABS SHALL BE PLACED TO 95% RELATIVE DENSITY.

8. ALL FOOTING EXCAVATIONS TO BE FINISHED BY HAND AND INSPECTED AND APPROVED BY THE TESTING ENGINEER BEFORE ANY CONCRETE IS PLACED.

9. BACKFILL SHALL BE PLACED TO EQUAL ELEVATIONS ON BOTH SIDES OF FOUNDATION WALLS. WHERE BACKFILL IS ON ONE SIDE ONLY, WORK SHALL BE BRACED OR HAVE PERMANENT ADJACENT CONSTRUCTION IN PLACE BEFORE BACKFILLING.

10. THE SIDES OF ALL BEAMS, WALLS, FOOTINGS, ETC. SHALL BE FORMED AND CONCRETE SHALL NOT BE PLACED AGAINST EARTH CUTS.

11. FOOTINGS SHALL NOT BEAR ON FROZEN SOIL AND ALL EXTERIOR FOOTINGS SHALL BE NOT LESS THAN 4'-0" BELOW ADJACENT FINISH GRADE.

12. ALL CONCRETE SHALL HAVE AN ULTIMATE COMPRESSIVE STRENGTH OF 3,000PSI. N. AT 28 DAYS. MAXIMUM ¾" AGGREGATE, AIR ENTRAINED.

13. REINFORCING STEEL SHALL COMPLY WITH THE REQUIREMENTS OF ASTM-615 GRADE 60 BILLET STEEL. ASTM-A185 FOR WIRE MESH BARS SHALL BE DEFORMED TO ASTM-A305.

14. STEEL REINFORCEMENT FABRICATION SHALL COMPLY WITH THE REQUIREMENTS OF "MANUAL OF STANDARD PRACTICE FOR DETAILING REINFORCED CONCRETE STRUCTURES." AS ADOPTED BY THE AMERICAN CONCRETE INSTITUTE.

15. CONCRETE COVER: FOOTINGS AND WALL - BOTTOM 3", SIDES 2".

16. ALL CONCRETE WORK SHALL CONFORM TO THE REQUIREMENTS OF THE AMERICAN CONCRETE INSTITUTE SPECIFICATIONS ACI-301-93.

17. ALL REINFORCING TO BE SUPPORTED IN FORMS WITH NECESSARY ACCESSORIES AND SECURELY WIRED TOGETHER IN ACCORDANCE WITH CRSI RECOMMENDED PRACTICE FOR PLACING REINFORCING BARS.

18. ALL REINFORCING SHALL BE LAPPED 40 BARS DIAMETERS (1'-0" MIN) EXCEPT AS OTHERWISE NOTED.

19. ALL SLABS ON GRADE SHALL HAVE A 15 MIL. VAPOR BARRIER UNDERNEATH.

20. PLANS ARE SCHEMATIC IN NATURE AND SHOULD NOT BE SCALED. INSTALL ALL BLOCKING, BRACING, STIFFBACKS, ETC., AS REQUIRED BY THE BUILDING CODE AND IN ACCORDANCE WITH GOOD FRAMING PRACTICES AND STANDARDS.

21. ALL ROOF RAFTERS AND TRUSSES SHALL HAVE HURRICANE TIE DOWNS.

22. GARAGE SHALL BE SEPARATED FROM MAIN HOUSE BY A FIRE RATED WALLS AND CEILINGS. REFER TO FIRST FLOOR PLAN.

23. CONTRACTOR TO CONTACT DIG SAFE LINE TO VERIFY UNDERGROUND UTILITIES.

24. PROVIDE SMOKE DETECTORS IN SUFFICIENT QUANTITIES AND LOCATIONS TO MEET REQUIREMENTS OF THE BUILDING CODE. PROVIDE NOT LESS THAN ONE SMOKE DETECTOR ON EACH FLOOR, INCLUDING BASEMENT AND ATTICS CAPABLE OF BEING INHABITED.
- PROVIDE ONE SMOKE DETECTOR IN EACH BEDROOM AREA.
- PROVIDE NOT LESS THAN ONE SMOKE DETECTOR FOR EVERY 1,000 SF OF FLOOR SPACE.
- PROVIDE PHOTO ELECTRIC SMOKE DETECTOR IF LOCATED LESS THAN 20 FEET FROM EITHER A KITCHEN OR A BATHROOM WITH A TUB OR SHOWER.

25. PROVIDE FIRE ALARMS PER BUILDING CODE.

26. DESIGN LOADS (ALL JOISTS AND RAFTER SIZES AND SPACING SHALL MEET OR EXCEED THE MINIMUM LOCAL BUILDING CODE REQUIREMENTS FOR LOAD CARRYING CAPACITY.) (VERIFY WITH STRUCTURAL ENGINEER)
- GROUND SNOW LOADS = 50 PSF PER IRC TABLE R301.2 (1).
- SLOPED ROOF SNOW LOAD = 33 PSF
- WIND SPEED = 100 MPH
- SEISMIC CATEGORY IS "C"
- LIVE LOADS = 40PSF FOR LIVING SPACES, 30 PSF FOR SLEEPING AREAS.
- DEAD LOADS = 10PSF.

27. EACH BEDROOM ABOVE THE FIRST FLOOR SHALL BE EQUIPED WITH AN EMERGENCY EGRESS WINDOW OF NOT LESS THAN A NET CLEAR OPENING OF 5.7 SQ. FT. THE MINIMUM CLEAR OPENING OF THE WINDOW SHALL NOT BE LESS THAN 20 INCHES IN WIDTH AND 24 INCHES IN HEIGHT.

28. TEMPERED GLASS TO BE PROVIDED WHEN THE BOTTOM EDGE OF THE GLASS IS LESS THAN 24" ABOVE FINISHED FLOOR PLAIN.

29. MR GYPSUM BOARD SHALL BE USED THROUGHOUT APARTMENT BATHS AND SIMILAR DAMP LOCATION EXCEPT WHERE BACKER BOARD IS REQUIRED. THE BACKER BOAD IS REQUIRED AT ALL LOCATION WHERE TILE IS TO BE PROVIDED.

THA
ARCHITECTS, LLC
ARCHITECTURE • DESIGN • PLANNING • INTERIOR DESIGN
89 WILLOWBROOK AVENUE
STRATHAM, NEW HAMPSHIRE 03885
Tel: (603) 770-2491
www.thaarc.com

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THOMAS H. ALESSE
LICENSED ARCHITECT
HOUSE No. 2369
THE STATE OF NEW HAMPSHIRE

McDonald Residence

74 Sunset Street
Portsmouth, NH

Second Floor Plan Notes

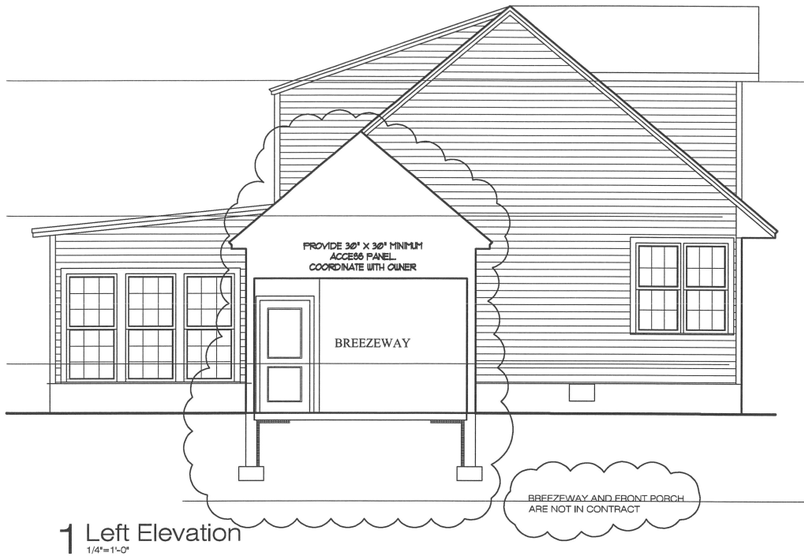
SCALE:

ISSUED / DRAWN BY
June 8, 2022
© THA Architects, LLC.

REVISED / REVISED BY
August 11, 2022

JOB NO: 22001

SHEET NUMBER
A-7

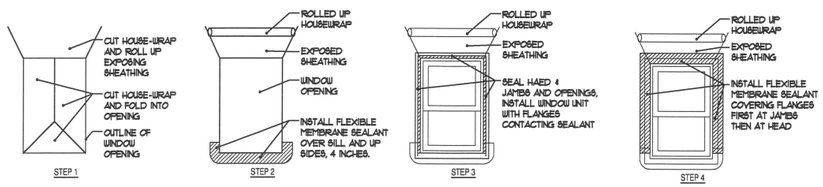


1 Left Elevation
1/4"=1'-0"

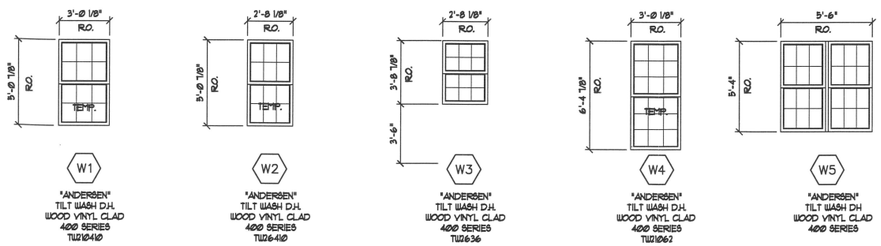
2 Front Elevation
1/4"=1'-0"

3 Right Elevation
1/4"=1'-0"

4 Rear Elevation
1/4"=1'-0"



Window Installation
NO SCALE



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LICENSED ARCHITECT
THOMAS H. ALESSE
HOUSE
No. 2389
STATE OF NEW HAMPSHIRE

McDonald Residence

74 Sunset Street
Portsmouth, NH

Elevations
Window Detail

SCALE:

ISSUED / DRAWN BY
June 8 2022
© THA Architects, LLC.

REVISED / REVISED BY
August 3, 2022

JOB NO: 22001

SHEET NUMBER
A-9

EXHIBIT C

Google Maps 69 Sunset Rd

Image capture: Sep 2011 © 2022 Google

Portsmouth, New Hampshire

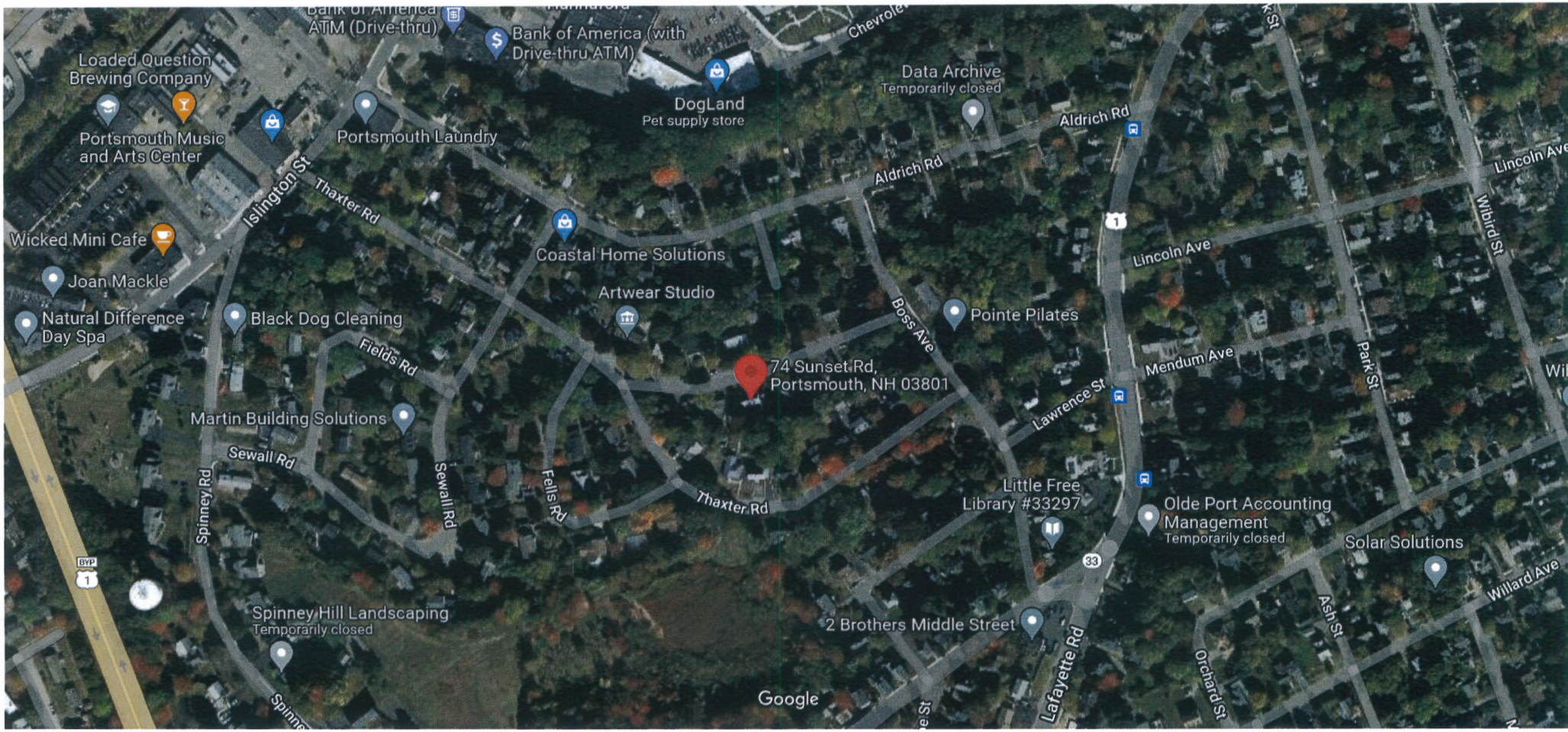
Google

Street View - Sep 2011

Google Maps 74 Sunset Rd

Imagery ©2022 Maine GeoLibrary, Maxar Technologies, U.S. Geological Survey, Map data ©2022 50 ft

Google Maps 74 Sunset Rd



Imagery ©2022 Maine GeoLibrary, Maxar Technologies, U.S. Geological Survey, USDA/FPAC/GEO, Map data ©2022 200 ft

EXHIBIT D

ALDRICH RD
ALDRICH CT
JOFFRE TER
BOSS AVE
SUNSET RD
THAXTER RD
MIDDLE ST
LINCOLN AVE

Partial Legend

See the cover sheet for the complete legend.

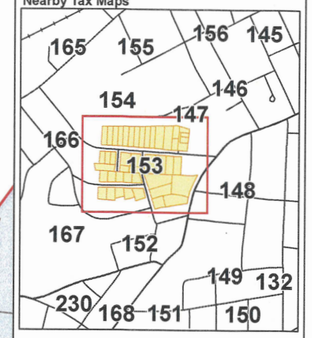
- 7-5A — Lot or lot-unit number
- 2.56 ac — Parcel area in acres (ac) or square feet (sf)
- 25 — Address number
- 233-137 — Parcel number from a neighboring map
- 68' — Parcel line dimension
- SIMS AVE — Street name
- Parcel/Parcel boundary
- Parcel/ROW boundary
- Water boundary
- Structure (1994 data)
- Parcel covered by this map
- Parcel from a neighboring map (see other map for current status)

0 50 100 Feet

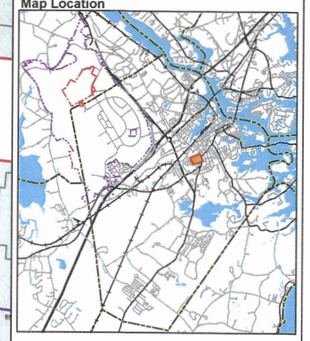
0 20 40 Meters

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
2021

Tax Map 153

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

August 31, 2022

HAND DELIVERED

Peter Stith, Principal Planner
Portsmouth City Hall
1 Junkins Avenue
Portsmouth, NH 03801

Re: Neila, LLC, Owner/Applicant
324 Maplewood Avenue
Tax Map 141/Lot 1

Dear Mr. Stith & Zoning Board Members:

On behalf of Neila, LLC, Owner/Applicant, enclosed please find the following in support of a request for zoning relief:

- Digital Application submitted via Viewpoint earlier today.
- Owner Authorization.
- 8/31/2022 – Memorandum and exhibits in support of variance application.

We look forward to presenting this application to the Zoning Board at its September 20, 2022 meeting.

Very truly yours,

R. Timothy Phoenix
Monica F. Kieser

Encl.

cc: Nicole Abshier, Member, Neila, LLC
Altus Engineering, Inc.
Brendan McNamara, Architect

DANIEL C. HOEFLE
R. TIMOTHY PHOENIX
LAWRENCE B. GORMLEY
STEPHEN H. ROBERTS
R. PETER TAYLOR
KIMBERLY J.H. MEMMESHEIMER
KEVIN M. BAUM
GREGORY D. ROBBINS
MONICA F. KIESER
SAMUEL HARKINSON
JACOB J.B. MARVELLEY
DUNCAN A. EDGAR
STEPHANIE J. JOHNSON
OF COUNSEL:
SAMUEL R. REID
JOHN AHLGREN

OWNER'S AUTHORIZATION

I, Nicole L. Abshier, member of NEILA, LLC, Owner/Applicant of 324 Maplewood Avenue, Tax Map 141/Lot 1, hereby authorize law firm Hoefle, Phoenix, Gormley & Roberts, PLLC to represent me before any and all City of Portsmouth Representatives, Boards and Commissions for permitting the project.

Respectfully submitted,

Date: 7/28/2022

Nicole L. Abshier, Member

MEMORANDUM

TO: Portsmouth Zoning Board of Adjustment ("ZBA")
FROM: R. Timothy Phoenix, Esquire
Monica F. Kieser, Esquire
DATE: August 31, 2022
RE: Owner/Applicant: Neila, LLC (Nicole Abshier)
Property: 324 Maplewood Avenue (Cabinet Concepts)
Tax Map 141, Lot 1
CD4-L2 Zoning District

Dear Chairman Parrott and Members of the Zoning Board of Adjustment ("ZBA"):

On behalf of the applicant, Neila, LLC ("Applicant" or "Abshier"), we are pleased to submit this Memorandum and exhibits in support of the requested variances from the Portsmouth Zoning Ordinance ("PZO" or "Ordinance").

I. EXHIBITS

A. Board of Adjustment Site Plan – issued by Altus Engineering, Inc.
B. Architectural Plan Set – issued by Brendan McNamara.
C. Site Photographs.
   - Street view & aerial views
D. Tax Map 141.

II. PROPERTY/PROJECT

324 Maplewood Avenue is a 3,560 s.f. lot located at the corner of Maplewood and Dennett Street in the CD4-L2 and Historic Overlay Districts (the "Property"). The lot contains two structures: a blue two-story structure with a 652 s.f. retail cabinet shop (Cabinet Concepts) on the first floor and a 655 s.f. apartment on the second floor; and a 1,080 s.f. one story garage/accessory structure. The accessory structure is the focus of this application. Nicole Abshier of 31 Dennett Street formed Neila, LLC to purchase the Property this summer to control development of the garage adjacent to her home and intends to convert it to a one bedroom apartment, significantly improving its appearance and functionality (the "Project"). The structure will remain the same size and height, will continue to accommodate interior parking, and the Historic District Commission ("HDC") will review the exterior façade.

Principal Planner Peter Stith determined dimensional relief is required for lot size per dwelling unit, conversion of a structure in the rear yard setback, and parking space size for the interior space in the garage 1ft. less than the required depth.

III. RELIEF REQUIRED

1. **PZO §10.5A41.10A**
   - Lot area per dwelling unit – 1,780 s.f. (3560/2) where 3,000 s.f. is required.
   - Rear yard setback – to permit a dwelling in an existing structure 1 ft. from the rear lot line where 5 ft. is required.
2. **PZO §10.1114.21** – to permit parking space in the garage measuring 8.5 ft. by 18 ft. where 8.5 ft. by 19 ft. is required.

IV. VARIANCE REQUIREMENTS

1. **The variances will not be contrary to the public interest.**
2. **The spirit of the ordinance is observed.**

The first step in the ZBA's analysis is to determine whether granting a variance is not contrary to the public interest and is consistent with the spirit and intent of the ordinance, considered together pursuant to Malachy Glen Associates, Inc. v. Town of Chichester, 155 N.H. 102 (2007) and its progeny. Upon examination, it must be determined whether granting a variance "would unduly and to a marked degree conflict with the ordinance such that it violates the ordinance's basic zoning objectives." Id. "Mere conflict with the zoning ordinance is not enough." *Id.*

The purpose of the Portsmouth Zoning Ordinance as set forth in PZO §10.121 is "to promote the health, safety and the general welfare of Portsmouth and its region in accordance with the City of Portsmouth Master Plan… [by] regulating":

1. The use of land, buildings and structures for business, industrial, residential and other purposes – The Project repurposes an existing, underutilized, accessory building to provide a modest apartment and interior parking.
2. The intensity of land use, including lot sizes, building coverage, building height and bulk, yards and open space – The lot is nonconforming as to lot size, coverage and rear yard (from Dennett Street). Accordingly, no increase in footprint is proposed. Instead, the Project utilizes the existing structure, which accommodates the single parking space required for the apartment.
3. The design of facilities for vehicular access, circulation, parking and loading – There are sufficient parking spaces on the lot for the existing uses and the proposed apartment. **(Exhibit A)**.
4. The impacts on properties of outdoor lighting, noise, vibration, stormwater runoff and flooding – The structure exists now. The renovation and addition of a single modest dwelling unit in it will not negatively affect abutting properties.
5. The preservation and enhancement of the visual environment – The Project will renovate the existing structure on the Property improving its appearance and

retaining existing viewsheds, air, light, and space. The HDC will evaluate the façade to ensure it complies with district requirements.

6. The preservation of historic districts, and buildings and structures of historic or architectural interest – The proposal preserves and repurposes the long existing accessory structure. The Property is located in the Historic District and will receive HDC review.
7. The protection of natural resources, including groundwater, surface water, wetlands, wildlife habitat and air quality – The Property is located on Maplewood Avenue in a densely developed area. Restoring the existing accessory building in place has no impact compared to existing conditions.

Based upon the foregoing, then variances do not "in a marked degree conflict with the ordinance such that they violate the ordinance's basic zoning objectives." Malachy Glen, supra, which also held:

> One way to ascertain whether granting the variance would violate basic zoning objectives is to examine whether it would alter the essential character of the locality.... Another approach to [determine] whether granting the variance violates basic zoning objectives is to examine whether granting the variance would threaten the public health, safety or welfare. (emphasis added)

The intend of the Character Districts is to promote the development of walkable, mixed-use, human-scaled places by providing standards for building form and placement and related elements of development. The Property is located on Maplewood Avenue in a densely developed area of the City. **(Exhibit A, C, D)**. No additional structures will be constructed on the Property. Through the reuse of the existing accessory building, the Property will be refreshed and will offer a modest downtown apartment. The requested variances further objectives articulated in the City's 2025 Master Plan which recognized that opportunities to create small dwelling units exist in our urban neighborhoods. Master Plan p. 138, 144-45. In addition, the Master Plan recognized the need for flexibility in parking requirements to accommodate those properties which do not have sufficient dedicated space in neighborhoods where on-street parking is utilized. Master Plan p. 140, 144-45. Accordingly, granting each requested variance will neither "alter the essential character of the locality," nor "threaten the public health, safety or welfare."

3. Granting the variance will not diminish surrounding property values.

The Project restores and repurposes an existing accessory building located down-gradient from the Maplewood properties behind it. The Project improves the appearance of the existing

structure and results in no change to air, light, and space compared to existing conditions. The small apartment will not be intensely used accommodates the parking required. In addition to Ms. Abshier next door, other abutters have offered their approval of the Project. In light of these factors, granting the requested variance will not diminish surrounding property values.

4. **Denial of the variances results in an unnecessary hardship.**

a. Special conditions distinguish the property/project from others in the area.

The Property is small and oddly shaped with two existing structures at each end up against the lot line opposite Dennett, one of which supports a business and apartment. Any improvement to or change of use in either structure requires relief. The cabinet business and modest apartment above have sufficient space for parking, leaving the existing accessory building under-utilized as storage. These circumstances combine to create special conditions.

b. No fair and substantial relationship exists between the general public purposes of the ordinance and its specific application in this instance.

Density limits prevent overburdening of the land and overcrowding while yard setback requirements promote adequate air, light, space, and separation between neighbors. Parking space requirements ensure sufficient space for vehicles and circulation. The Project adds no new structures and merely repurposes the oversized garage to accommodate a small garden apartment sorely needed downtown. The addition of a small dwelling unit will not overcrowd the lot or conflict with the existing uses on the lot. As the footprint and height of the garage are not expanded, the rear yard setback will remain the same. Adequate parking exists on the lot now to support the uses, and the Project will offer an interior parking space for the garden apartment that, at 18 ft. deep, will accommodate the vast majority of cars. The Project repurposes the existing accessory structure creating a small apartment unit with a slightly undersized parking space furthering Master Plan objectives. Accordingly, there is no fair and substantial relationship between the general public purposes of the PZO and its specific application in this instance.

c. The proposed use is reasonable.

If the use is permitted, it is deemed reasonable. Vigeant v. Hudson, 151 N.H. 747 (2005). Residential uses, including duplexes and apartments are permitted in the CD4-L2 Zone as are mixed uses. The proposal creatively readapts an existing under-utilized with a new use compatible with the area and offers a small apartment in an area where one is needed.

Accordingly, the proposed use is reasonable and denial of the requested variances would create an unnecessary hardship.

5. **Substantial justice will be done by granting the variance.**

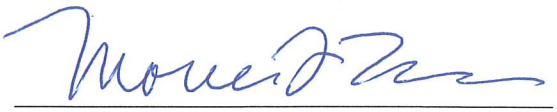
If "there is no benefit to the public that would outweigh the hardship to the applicant" this factor is satisfied. Harborside Associates, L.P. v. Parade Residence Hotel, LLC, 162 N.H. 508 (2011). That is, "any loss to the [applicant] that is not outweighed by a gain to the general public is an injustice." Malachy Glen, supra at 109. "The right to use and enjoy one's property is a fundamental right protected by both the State and Federal Constitutions." N.H. CONST. pt. I, arts. 2, 12; U.S. CONST. amends. V, XIV; Town of Chesterfield v. Brooks, 126 N.H. 64 (1985) at 68. Part I, Article 12 of the New Hampshire Constitution provides in part that "no part of a man's property shall be taken from him, or applied to public uses, without his own consent, or that of the representative body of the people." Thus, our State Constitutional protections limit the police power of the State and its municipalities in their regulation of the use of property. L. Grossman & Sons, Inc. v. Town of Gilford, 118 N.H. 480, 482 (1978). " Property" in the constitutional sense has been interpreted to mean not the tangible property itself, but rather the right to possess, use, enjoy and dispose of it. Burrows v. City of Keene, 121 N.H. 590, 597 (1981). (emphasis added). The Supreme Court has held that zoning ordinances must be reasonable, not arbitrary and must rest upon some ground of difference having fair and substantial relation to the object of the regulation. Simplex Technologies, Inc. v. Town of Newington, 145 N.H. 727, 731 (2001); Chesterfield at 69.

Granting the requested variance allows for the productive reuse of an existing structure on the Property in a manner consistent with walkable, mixed-use purposes of the zoning district and surrounding area. Given that the only change to the Property is the addition of a modest apartment for which a slightly undersized parking space is provided, there is no benefit to the public from denial. Conversely, Abshier will be greatly harmed by denial as she will lose the opportunity to create an additional dwelling unit in an underutilized, existing structure. Accordingly, there is no benefit to the public that outweighs the harm to the owner from denial.

V. CONCLUSION

For all the reasons stated, Abshier respectfully requests that the Portsmouth Zoning Board of Adjustment grant each variance.

Respectfully submitted,
NEILA, LLC

By: 

R. Timothy Phoenix, Esquire
Monica F. Kieser, Esquire

ZONING SUMMARY

ZONE: CD4–L2 (CHARACTER DISTRICT 4) – PRINCIPAL BUILDING (RETAIL), OUTBUILDING (GARAGE – TO BE CONVERTED TO RESIDENCE W/INTERIOR PARKING SPACE)
EXISTING LOT AREA: 3,560 S.F.± (0.08 AC.±)

DIMENSIONAL REQUIREMENTS

	REQUIRED	EXISTING	PROPOSED
MIN. LOT AREA:	3,000 S.F.	±3,560 S.F.	±3,560 S.F.
MIN. LOT AREA PER DWELLING UNIT:	3,000 S.F.	±3,560 S.F.	±1,780 S.F. *
MIN. STREET FRONTAGE:	___'	±106' (EX.) (DENNETT)	±106' (EXISTING)
MIN. LOT DEPTH:	___'	±25'± (EX.) (DENNETT)	±25' (EXISTING)
FRONT SETBACK:	15'/12' MAX.	0'/±6.2'(EX.)	0' (EX. RETAIL)/±6.2' (EX. GARAGE)
SIDE SETBACK:	5'	±6.2'/0'(EX.)	±6.2' (EX. GARAGE)/0' (RETAIL)
REAR SETBACK:	5'	±1' (EX.)	±1' (EX. GARAGE)
MAX. HEIGHT:	20'/35'	<20' (EX.)/<35' (EX.)	<20' (EX. GARAGE)/ <35' (EX. RETAIL/APT.)
MAX. BUILDING COVERAGE:	60%	±49% (EX.)(±1,751 SF)	±49% (±1,751 S.F.)
MIN. OPEN SPACE:	25%	±7.7% (±275 SF)	±7.7% (±275 SF)

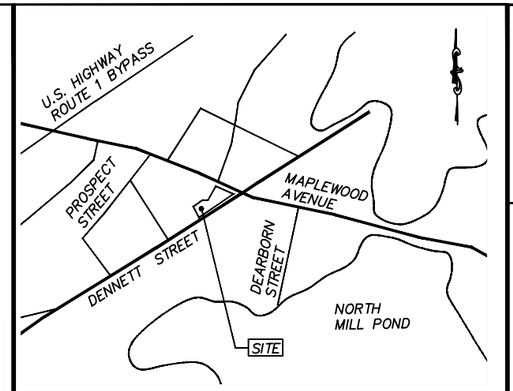
* ZONING RELIEF REQUIRED

PLAN REFERENCES:

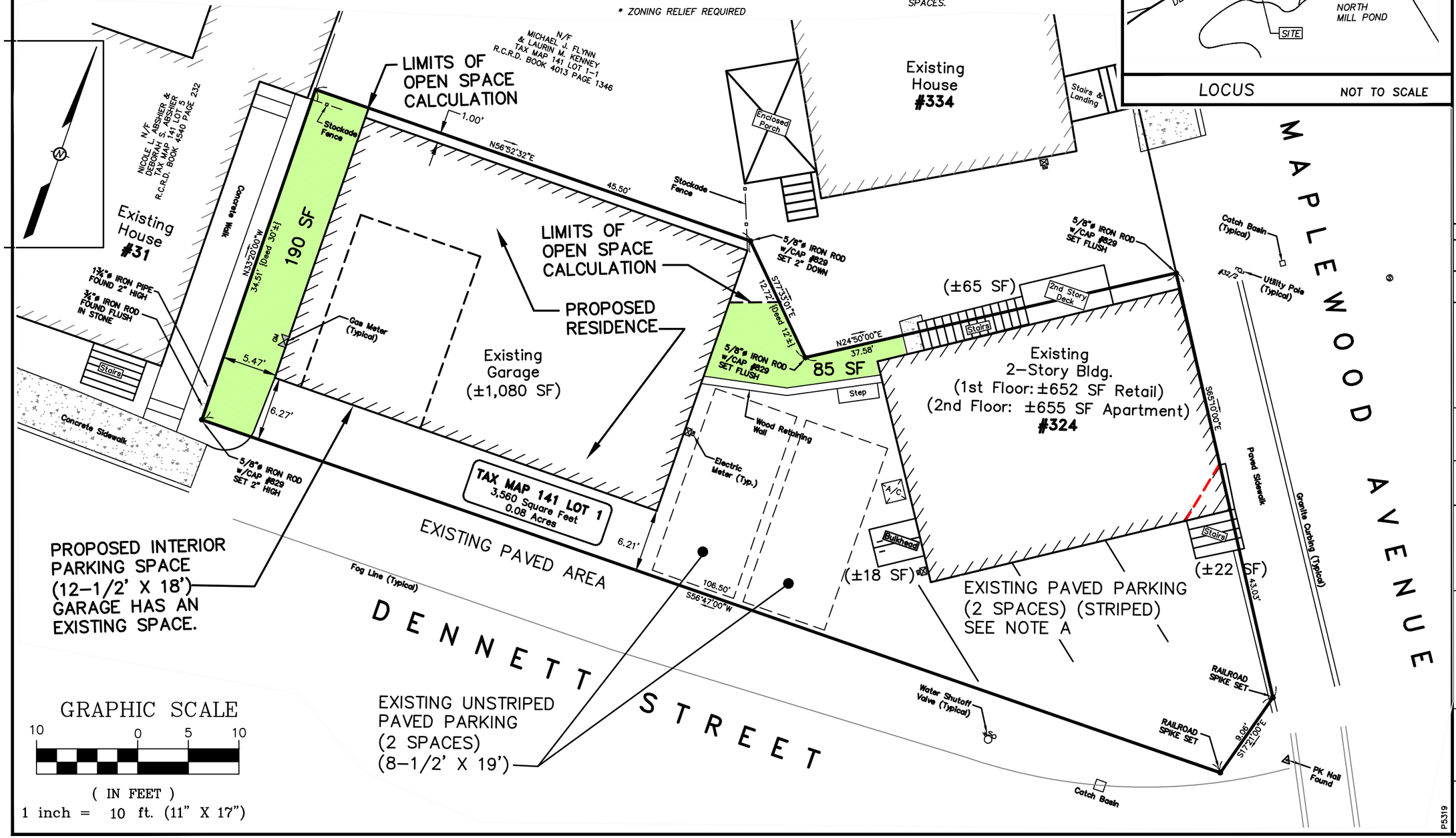
1. "STANDARD PROPERTY SURVEY & SITE PLAN" DATED 10/2/09, BY EASTERLY SURVEYING, INC.
2. PORTSMOUTH G.I.S. (MAPGEO) DATA BASE.
3. SITE OBSERVATIONS BY ALTUS ENGINEERING, INC. AUGUST 2022.

NOTE A:

THE TWO EXISTING PARKING SPACES AT RETAIL ARE UNDERSIZED FUNCTIONAL SPACES.



LOCUS NOT TO SCALE



GRAPHIC SCALE
10 0 5 10
(IN FEET)
1 inch = 10 ft. (11" X 17")

P5319

ALTUS ENGINEERING, INC.
133 Court Street Portsmouth, NH 03801
(603) 433-2335 www.altus-eng.com

EXHIBIT A

STATE OF NEW HAMPSHIRE – ERIC D. WEINRIEB No. 7634 LICENSED PROFESSIONAL ENGINEER –
8/31/22

NOT FOR CONSTRUCTION

ISSUED FOR: BOARD OF ADJUSTMENT

ISSUE DATE: AUGUST 31, 2022

REVISIONS

NO.	DESCRIPTION	BY	DATE
0	INITIAL SUBMISSION	EDW	08/31/22

DRAWN BY: RLH
APPROVED BY: EDW
DRAWING FILE: 5319.dwg

SCALE: 11" x 17" – 1" = 10'

OWNER/APPLICANT:
NEILA, LLC
31 DENNETT STREET
PORTSMOUTH, NH 03801

PROJECT:
SITE IMPROVEMENTS
TAX MAP 141, LOT 1
324 MAPLEWOOD AVENUE
PORTSMOUTH, NH

TITLE:
BOARD OF ADJUSTMENT SITE PLAN

SHEET NUMBER:
1 of 1

EXHIBIT B

EXISTING FIRST FLOOR PLAN 1/4"=1'0"

TITLE : EXISTING CONDITIONS PLAN

SCALE : 1/4"=1'0"

DATE : 8.30.2022

REVISIONS:

PROPOSED REMODEL
TO GARAGE AT
324 MAPLEWOOD AVE.,
PORTSMOUTH, NH.

A-1

PROPOSED FIRST FLOOR PLAN 1/4"=1'0"

637 sf.

TITLE : PROPOSED FIRST FLOOR PLAN

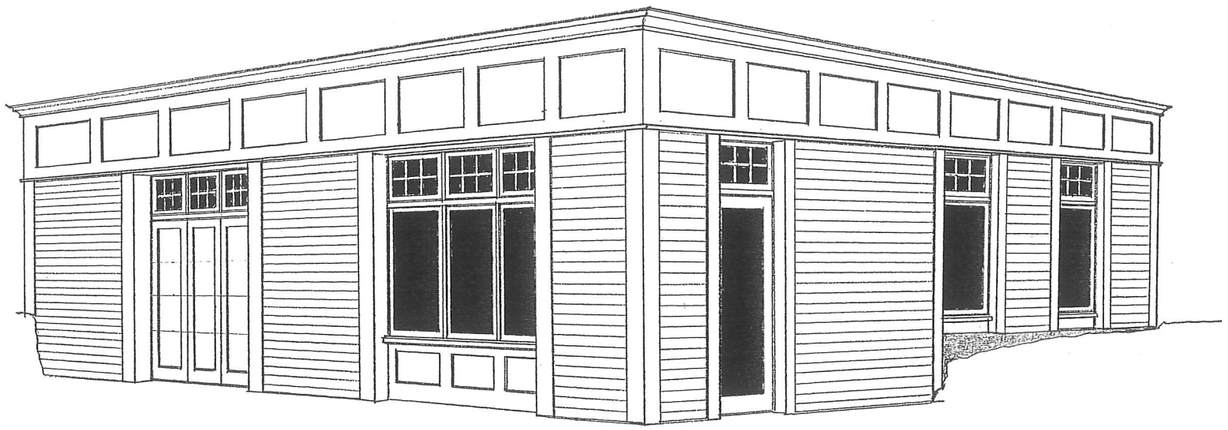
SCALE : 1/4"=1'0"

DATE : 9.30.2022

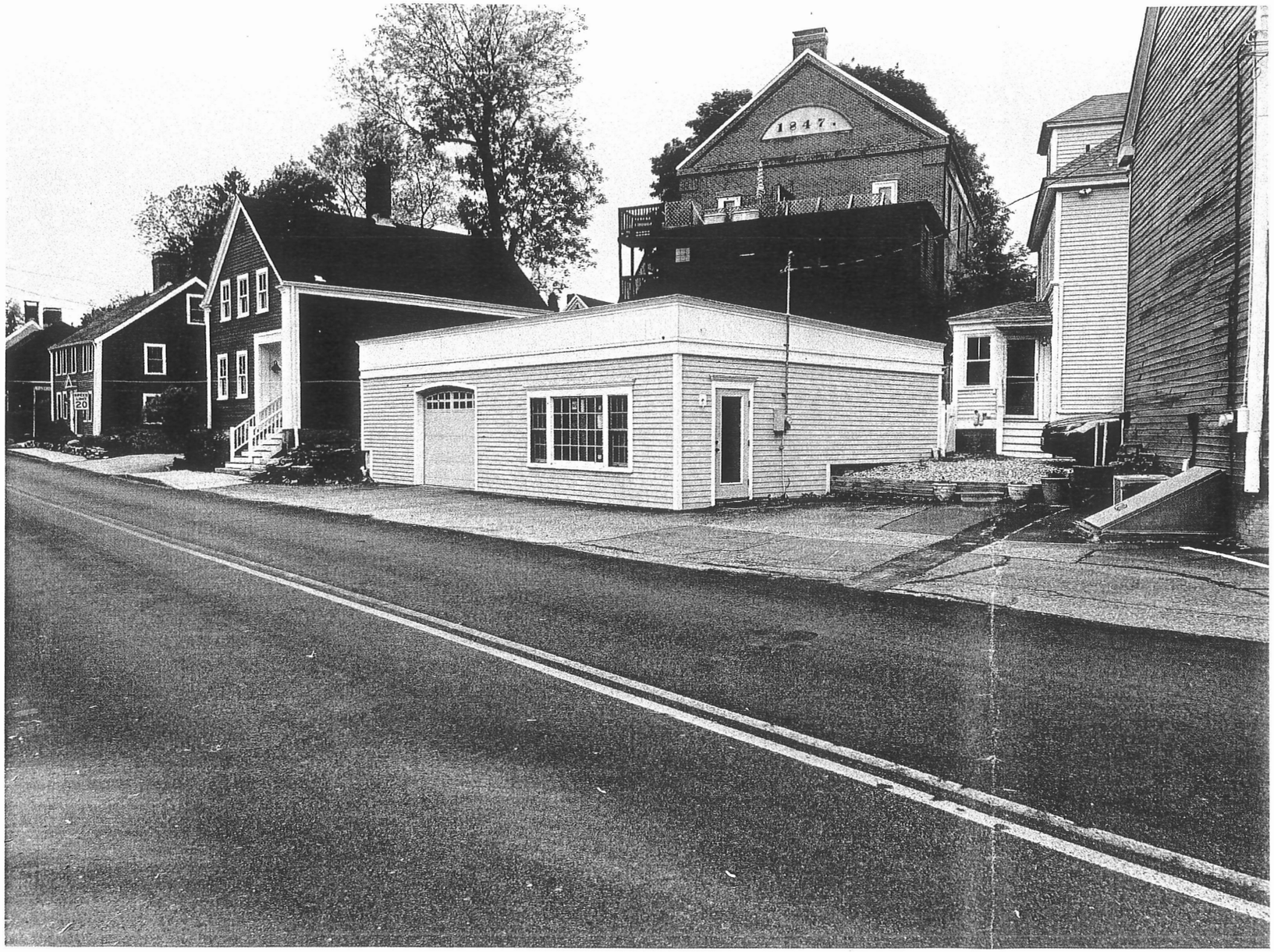
REVISIONS:

PROPOSED REMODEL TO GARAGE AT 324 MAPLEWOOD AVE., PORTSMOUTH, NH

A2.



PROPOSED VIEW
FROM DENNET ST.



EXISTING CONDITIONS VIEW (FROM DENNETT ST.)

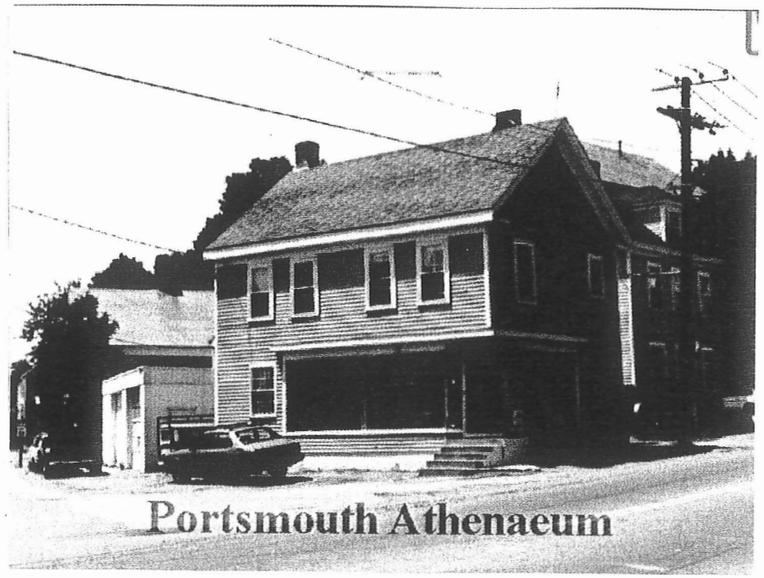


PHOTO FROM 1980'S (FROM PORTSMOUTH HISTORICAL SURVEY)

324 Maplewood Ave

Imagery ©2022 Google, Imagery ©2022 Maine GeoLibrary, Maxar Technologies, U.S. Geological Survey, USDA/FPAC/GEO, Map data ©2022 50 ft

EXHIBIT C

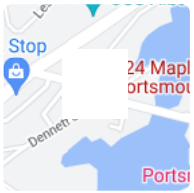
Google Maps 324 Maplewood Ave

Image capture: Sep 2019 © 2022 Google

Portsmouth, New Hampshire

Google

Street View - Sep 2019



Google Maps 12 Dennett St

Image capture: Sep 2017 © 2022 Google

Portsmouth, New Hampshire

Google

Street View - Sep 2017

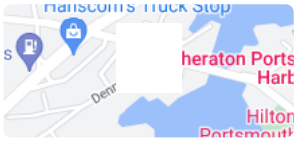
28 Dennett St

Image capture: Sep 2017 © 2022 Google

Portsmouth, New Hampshire

Google

Street View - Sep 2017



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)
25	Address number
233-137	Parcel number from a neighboring map
68'	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 neighboring map (see other map for current status)

EXHIBIT D

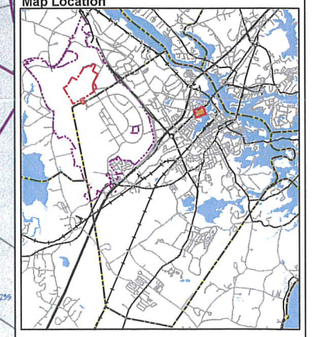
0 50 100 Feet

0 20 40 Meters

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
2021

Tax Map 141

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

September 19, 2022

HAND DELIVERED

Peter Stith, Principal Planner
Portsmouth City Hall
1 Junkins Avenue
Portsmouth, NH 03801

Re: Jeffrey and Melissa Foy, Owner/Applicant
67 Ridges Court
Tax Map 207/Lot 59
Single Residence B District
LU-22-139

Dear Peter:

Thank you for meeting with Jeff Foy and me last week with respect to the Foy's ongoing attempt to further develop his home at 67 Ridges Ct. As you know, Jeff's original plan for a garage addition with living space over was denied by the ZBA on August 16, 2022. Jeff and Melissa are presently investigating their options, including the possibility of a smaller addition.

When the original zoning application was filed, we sought relief for the addition to be set back from the front lot line 15.5 feet where 30 feet was required, pursuant to PZO§10.521. Despite pre-submission review by several, we were not then aware of §10.516. Exceptions to Yard Requirements, providing:

> If existing principal buildings on the same side of the same street in the same zoning district, and within 200 feet of the lot are located closer to the street than the minimum required front yard specified in this Article, the required front yard for the principal building on such lot shall be the average of the existing alignments of all such principal buildings, rounded to the nearest foot. For the purpose of this provision, buildings on the subject lot shall not be included in the average of the existing alignments.

DANIEL C. HOEFLE
R. TIMOTHY PHOENIX
LAWRENCE B. GORMLEY
STEPHEN H. ROBERTS
R. PETER TAYLOR
KEVIN M. BAUM
GREGORY D. ROBBINS
MONICA F. KIESER
JACOB J.B. MARVELLEY
DUNCAN A. EDGAR
STEPHANIE J. JOHNSON
OF COUNSEL:
SAMUEL R. REID
JOHN AHLGREN

Attached is a two-page plan set (Rev. 9/14/22) from Ambit Engineering. After Jeff met with you and Vincent a few weeks ago about this issue, we had John Chagnon prepare this plan set. There is no principal structure to the right(south) of the Foy property at 67 Ridges Ct. There are 3 lots to the left (north) within 200 feet. The northerly most is a garage, therefore not a principal building. As page 1 depicts, the 2 principal buildings, each a dwelling, within 200 feet of the Foy property are 49 ridges with a 13 foot setback and 25 ridges with a 25 foot setback. As the chart depicts, the average of these is 19 feet. Page 2, Ambit C2, Variance Plan, depicts pre-19 foot setback through the existing home.

Presently pending before the Zoning Board, scheduled for hearing on August 27, is a request for changes to the front entryway, and the addition of a small roof over the northerly walk-in garage door. Also pending is a request for a variance to raise the roof height as depicted in the hashed area identified as "New roofline/dormer". At the time the pending application was submitted, we still understood that the required setback was 30 feet, thus driving the request for relief for the raised roof. Based upon Jeff's meeting with you and Vincent, and your meeting with Jeff and me last week, we seek confirmation that 19 feet is the required front setback based upon the averages of the 2 homes within 200 feet, thus obviating the need for relief for the raised roof. Upon receipt of confirmation, I will file a withdrawal of the request for that particular relief.

Thank you in advance for your prompt attention to this matter given that the hearing is next week.

Very truly yours,

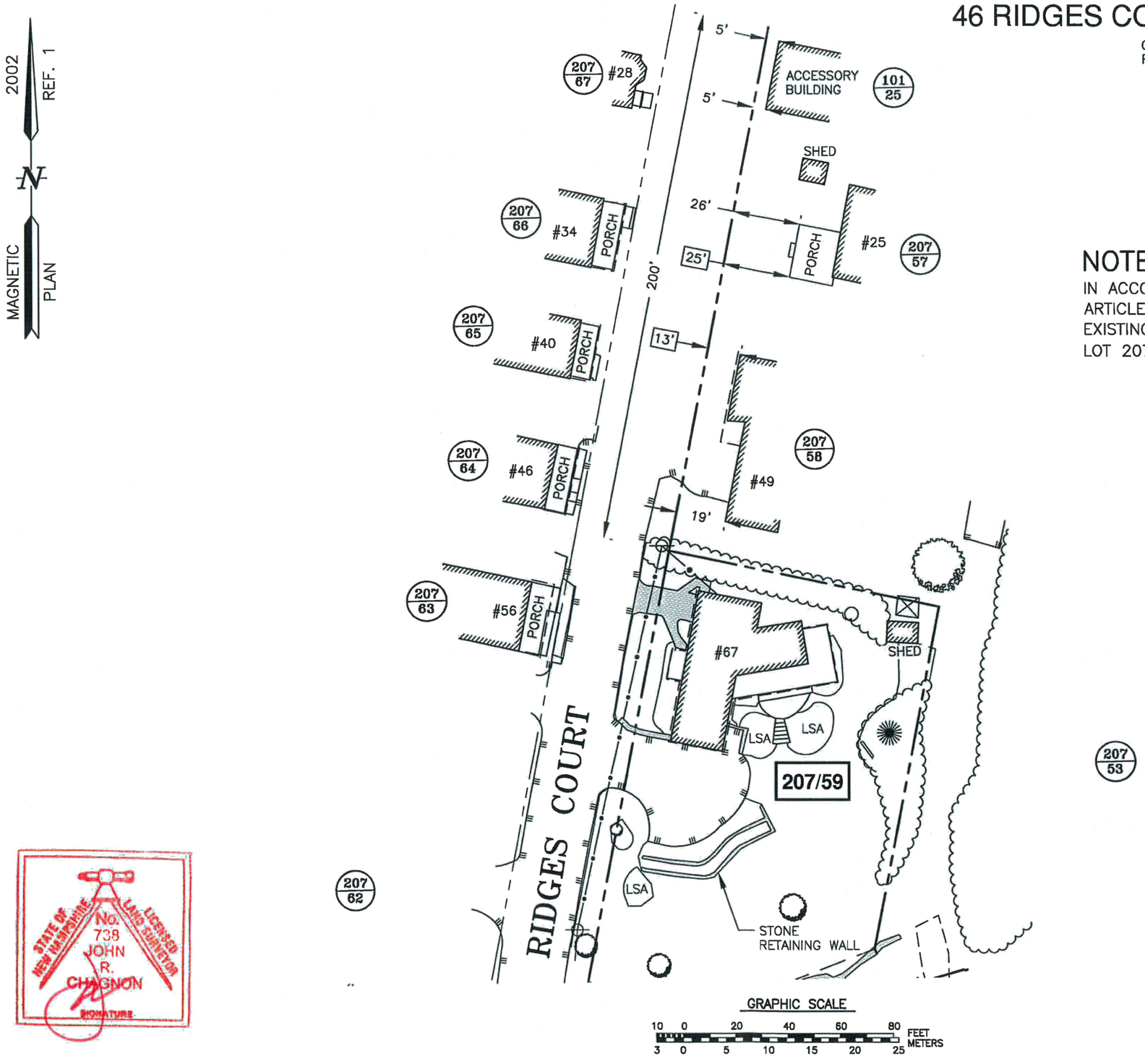
R. Timothy Phoenix

RTP/msw
Encl.

cc: Jeffrey and Melissa Foy
Ambit Engineering, Inc.
Maugel DeStefano Architects

46 RIDGES COURT FRONT SETBACK EXHIBIT

OWNER: JEFFREY M. & MELISSA FOY
PROPERTY LOCATION: 67 RIDGES COURT
CITY OF PORTSMOUTH
COUNTY OF ROCKINGHAM
STATE OF NEW HAMPSHIRE



NOTES:

IN ACCORDANCE WITH THE PORTSMOUTH ZONING ORDINANCE, ARTICLE 5, SECTION 10.516.10 FRONT YARD EXCEPTION FOR EXISTING ALIGNMENTS: THE AVERAGE FRONT SETBACK FOR LOT 207/59 IS 19'.

MAP/LOT	SETBACK (FT)	AVG
207/58	13	
207/57	25	
2	38	19

STATE OF NEW HAMPSHIRE No. 738 JOHN R. CHAGNON LICENSED LAND SURVEYOR SIGNATURE

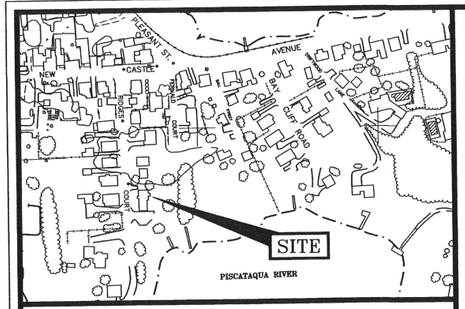
REV: 9-14-22

SCALE: 1"=40' 8 SEPTEMBER, 2022

AMBIT ENGINEERING, INC.
Civil Engineers & Land Surveyors
200 Griffin Road - Unit 3
Portsmouth, N.H. 03801-7114
Tel (603) 430-9282
Fax (603) 436-2315

FB 222 PG 66 1153.02

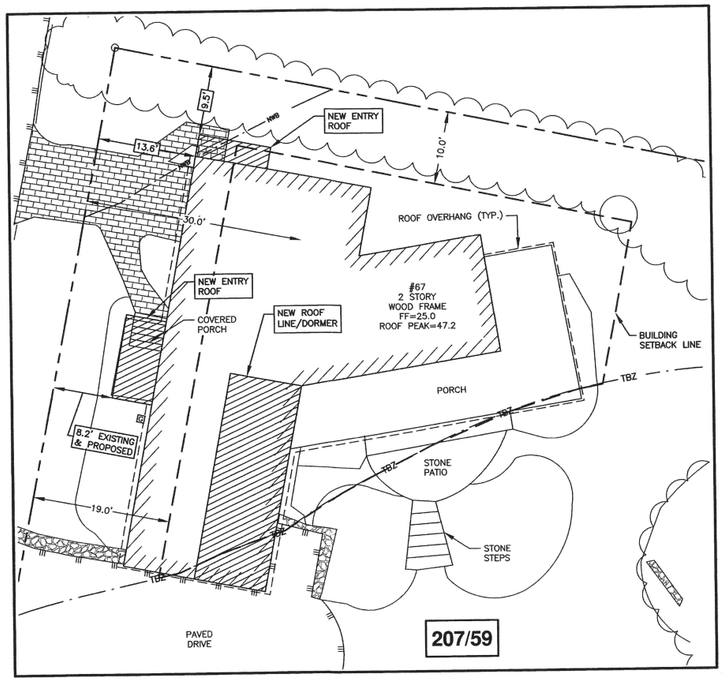
J:\JOBS1\JN1100s\Jn1150s\JN1153\2022 Building Addition-Variance\Plans & Specs\Site\1153.02 VIEW SHED.dwg, 9/14/2022 9:26:03 AM, SHARP MX-3071 (0300380X00)



LOCATION MAP SCALE 1" = 200'

IMPERVIOUS SURFACE AREAS
(TO PROPERTY LINE)

STRUCTURE	PRE-CONSTRUCTION IMPERVIOUS (S.F.)	POST-CONSTRUCTION IMPERVIOUS (S.F.)
MAIN STRUCTURE	1,591	1,591
SHED	91	91
PORCHES	513	513
STAIRS	123	123
WALKWAYS	231	231
PAVEMENT	1452	1,452
RETAINING WALL	212	212
PATIO	109	109
CONCRETE	17	17
EXTERIOR STORAGE	50	50
TOTAL	4389	4389
LOT SIZE	16,500	16,500
% LOT COVERAGE	26.6%	26.6%



BUILDING DETAIL 1"=10'

GRAPHIC SCALE

10 5 0 10 20 30 40 FEET
3 0 5 10 METERS

REQUESTED VARIANCES:

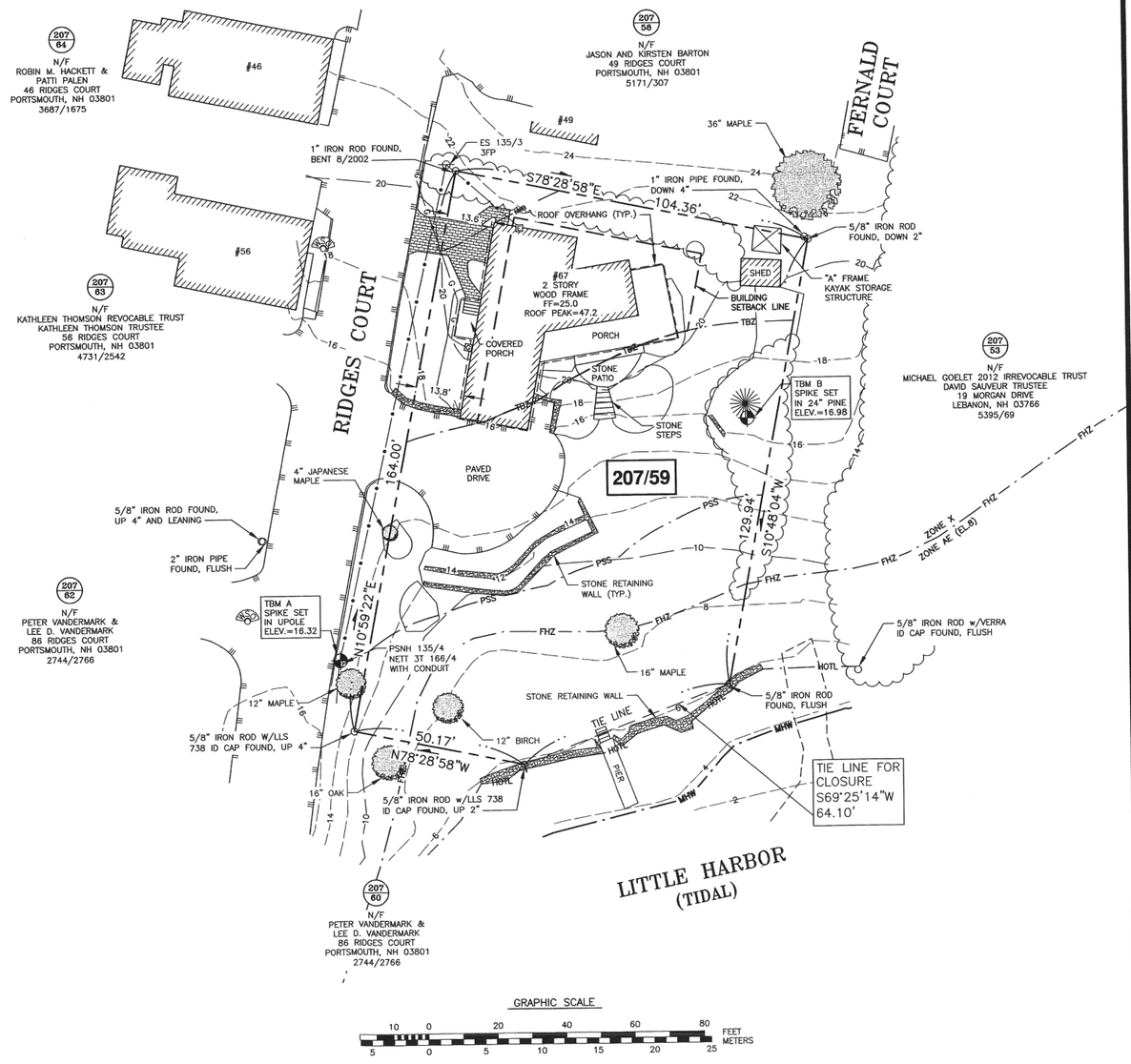
ARTICLE 5 SECTION 10.520 TABLE 10.521 FRONT YARD SETBACK OF 8.2 FEET (& 13.6 FEET) WHERE 8.2 FEET EXISTS AND 19 FEET (SECTION 10.516.10 REDUCTION) IS REQUIRED.

ARTICLE 5 SECTION 10.520 TABLE 10.521 SIDE YARD SETBACK OF 9.5 FEET WHERE 10 FEET IS REQUIRED.

"I CERTIFY THAT THIS PLAN WAS PREPARED UNDER MY DIRECT SUPERVISION, THAT IT IS THE RESULT OF A FIELD SURVEY BY THIS OFFICE AND HAS AN ACCURACY OF THE CLOSED TRAVERSE THAT EXCEEDS THE PRECISION OF 1:15,000."

JOHN R. CHAGNON, LLS — DATE 9.14.22

STATE OF NEW HAMPSHIRE — NO. 738 — JOHN R. CHAGNON — LICENSED LAND SURVEYOR



GRAPHIC SCALE

10 0 20 40 60 80 FEET
5 0 5 10 15 20 25 METERS

2002 REF. 1
N
MAGNETIC PLAN

AMBIT ENGINEERING, INC.
Civil Engineers & Land Surveyors
200 Griffin Road - Unit 3
Portsmouth, N.H. 03801-7114
Tel (603) 430-9282
Fax (603) 436-2315

NOTES:

1) PARCEL IS SHOWN ON THE PORTSMOUTH ASSESSOR'S MAP 207 AS LOT 59.

2) OWNERS OF RECORD:
JEFFREY M. & MELISSA FOY
4 FOX HOLLOW COURT
EAST KINGSTON, N.H. 03827
6325/1066

3) PORTIONS OF THE PARCEL ARE IN A SPECIAL FLOOD HAZARD AREA ZONE AE (EL. 8) AS SHOWN ON FIRM PANEL 33015C0278F. EFFECTIVE JANUARY 29, 2021.

4) EXISTING LOT AREA:
16,500± S.F. (PLAN REF. 1)
0.3788± ACRES (PLAN REF. 1)

5) PARCEL IS LOCATED IN THE SINGLE RESIDENCE B (SRB) ZONING DISTRICT.

6) DIMENSIONAL REQUIREMENTS:

MIN. LOT AREA:		15,000 S.F.
FRONTAGE:		100 FEET
SETBACKS:	FRONT	30 FEET
	SIDE	10 FEET
	REAR	30 FEET
MAXIMUM STRUCTURE HEIGHT:		35 FEET
MAXIMUM STRUCTURE COVERAGE:		20%
MINIMUM OPEN SPACE:		40%

7) THE PURPOSE OF THIS PLAN IS TO SHOW A PROPOSED ADDITION ON ASSESSOR'S MAP 207 LOT 59 IN THE CITY OF PORTSMOUTH.

8) VERTICAL DATUM IS NAVD88. BASIS OF VERTICAL DATUM IS REDUNDANT RTN GNSS OBSERVATIONS (±0.2').

9) PROPOSED GARAGE FROM PLAN BY DESTEFANO MAGUEL ARCHITECTS DATED JUNE 14, 2022.

10) OFF SITE STRUCTURE LOCATIONS BASED ON CITY DATABASE LOCATIONS.

PROPOSED ADDITIONS FOY RESIDENCE 67 RIDGES COURT PORTSMOUTH, N.H.

NO.	DESCRIPTION	DATE
4	FRONT SETBACK	9/14/22
3	FRONT SETBACK	9/8/22
2	ADD SETBACKS, ADJUST	8/31/22
1	ADD ABUTTING HOMES	8/16/22
0	ISSUED FOR COMMENT	6/27/22

REVISIONS

SCALE 1"=20' JUNE 2022

VARIANCE PLAN

C2

FB 222 PG 66

1153.02

J:\JOBS\UN1100s\un1150s\UN1153\2022 Building Addition-Variance\Plans & Specs\Site\1153.02 -EC-Boundary.dwg, 9/14/2022 9:32:51 AM, Canon TX-3000.pc3

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

August 31, 2022

HAND DELIVERED

Peter Stith, Principal Planner
Portsmouth City Hall
1 Junkins Avenue
Portsmouth, NH 03801

Re: Jeffrey and Melissa Foy, Owner/Applicant
67 Ridges Court
Tax Map 207/Lot 59
Single Residence B District
LU-22-139

Dear Mr. Stith & Zoning Board Members:

On behalf of Jeffrey and Melissa Foy ("Foy"), enclosed please find the following in support of a request for zoning relief:

- Digital Application -previously submitted.
- Owner's Authorization-previously submitted.
- 8/31/2022 – Memorandum and exhibits in support of Variance Application

We look forward to presenting this application to the Zoning Board at its September 20, 2022 meeting.

Very truly yours,

R. Timothy Phoenix

Encl.

cc: Jeffrey and Melissa Foy
Ambit Engineering, Inc.
Maugel DeStefano Architects

DANIEL C. HOEFLE
R. TIMOTHY PHOENIX
LAWRENCE B. GORMLEY
STEPHEN H. ROBERTS
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OF COUNSEL:
SAMUEL R. REID
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HOEFLE, PHOENIX, GORMLEY & ROBERTS, PLLC
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Telephone: 603.436.0666 | Facsimile: 603.431.0879 | www.hpgrlaw.com

September 7, 2022

Portsmouth Zoning Board of Adjustment
Portsmouth City Hall
1 Junkins Avenue
Portsmouth, NH 03801

Re: Jeffrey & Melissa Foy, Owner/Applicant
Property Location: 67 Ridges Court
Tax Map 207, Lot 59
Single Residence B ("SRB")
LU-22-139

Dear Chair Parrott and Zoning Board members:

Please accept this as a correction to the opening paragraph of my August 31, 2022 memorandum in support of zoning relief. That paragraph provides that we are submitting the memorandum and attached exhibits "in support of zoning relief to allow a garage addition… ." That statement is incorrect and related to a previous application. The actual nature of the project is accurately set forth under section II of the August 31, 2022 memorandum, raising a lower roof to an upper roofline, expansion of front entry roof, and roof over left sidewalk indoor. My apologies for any inconvenience.

Very truly yours,

R. Timothy Phoenix

RTP/msw

cc: Client
Peter M Stith, Principal Planner
Ambit Engineering
Maugel DeStefano architects

DANIEL C. HOEFLE
R. TIMOTHY PHOENIX
LAWRENCE B. GORMLEY
STEPHEN H. ROBERTS
R. PETER TAYLOR
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DUNCAN A. EDGAR
STEPHANIE J. JOHNSON
OF COUNSEL:
SAMUEL R. REID
JOHN AHLGREN

MEMORANDUM

TO: Portsmouth Zoning Board of Adjustment ("ZBA")
FROM: R. Timothy Phoenix, Esquire
DATE: August 31, 2022
Re: Jeffrey and Melissa Foy, Owner/Applicant
Property Location: 67 Ridges Court
Tax Map 207, Lot 59
Single Residence B ("SRB")
LU-22-139

Dear Chairman Parrott and Zoning Board Members:

On behalf of Jeffrey and Melissa Foy, Owner/Applicant ("Foy"), we are pleased to submit this memorandum and attached exhibits in support of zoning relief to allow a garage addition to be added onto the existing home at 67 Ridges Court, to be considered by the Portsmouth Zoning Board of Adjustment ("ZBA") at its September 20, 2022 meeting.

I. EXHIBITS

A. Site Plan-Existing Conditions – issued by Ambit Engineering, Inc.
- Variance Plan

B. Architectural Plans – issued by Maugel DeStefano.
- Elevations – North and West
- Elevations – South and East

C. Site Photographs.

D. Tax Map 207.

II. PROPERTY/PROJECT

67 Ridges Court is a 16,500 s.f. lot located at the end of Ridges Court on Little Harbor in the Single Residence B Zoning District. Upon the lot is a 1.75 story, 1,591 s.f., 3-bedroom, 3 ½ bathroom Cape Cod style home and detached shed located on the left/northerly side of the lot, a dock extending into Little Harbor, and two driveways (the "Property"). Most of the lot is located in the 100 ft. tidal buffer zone from Little Harbor with a corner of the existing home and one of the paved driveways in the tidal buffer zone. The existing home also encroaches on the required 30' front yard. With this application Foy seeks variances for three (3) minor additions to the house exterior (See **EXHIBIT A**)

1. Raise lower left roof to meet upper roofline. [1]
2. Replace slightly expand volume of front entry roof.
3. Add small left side roof over walk-in garage door. [2][3]

III. RELIEF REQUIRED

Variance Section	Required	Existing	Proposed
PZO §10.321 Expansion of nonconforming structure	1. Expanded lower roof line to match upper. 2. Expansion of front entry way roof 3. Expansion of side roof over garage.		
PZO §10.521			
Front Setback Entry Roof	30'	8.2' +/-	8.2'+/- (expanded volume)
Main Roof	30'	13.6'	13.6' (expanded volume)
Side Door Roof	30'	N/A	13.6'+/-
Left side Setback Side Door Roof	10'	10'	9.5'+/-

IV. VARIANCE REQUIREMENTS

1. **The variances will not be contrary to the public interest.**
2. **The spirit of the ordinance is observed.**

The first step in the ZBA's analysis is to determine whether granting the variances are not contrary to the public interest and are consistent with the spirit and intent of the ordinance, considered together pursuant to Malachy Glen Associates, Inc. v. Town of Chichester, 155 N.H. 102 (2007) and its progeny. Upon examination, it must be determined whether granting the variances "would unduly and to a marked degree conflict with the ordinance such that it violates

[1] It is unclear where raising the roof also expands the volume in the setback. The variance is requested in an abundance of caution.
[2] A previously depicted roof over the garage door is eliminated.
[3] The previous request for a left side addition was denied by the ZBA on August 17, 2022. It is presently under review for next steps.

the ordinance's basic zoning objectives." Id. "Mere conflict with the zoning ordinance is not enough." Id.

The intent of the SRB Zone is to "provide areas for single-family dwellings at low to medium densities (approximately 1 to 3 dwellings per acre), and appropriate accessory uses." PZO §10.410. The Property, like many in the neighborhood, contains a home which does not comply with all setback requirements. **(Exhibit C & D)**. All proposed changes are very minor, affecting no one but the property owner. As such, granting the requested variances will not conflict with the basic zoning objectives of the PZO.

In considering whether variances "in a marked degree conflict with the ordinance such that they violate the ordinance's basic zoning objectives," Malachy Glen, supra, also held:

> One way to ascertain whether granting the variance would violate basic zoning objectives is to determine whether it would alter the essential character of the locality… . Another approach to [determine] whether granting the variance violates basic zoning objectives is to examine whether granting the variance would threaten the public health, safety or welfare. (emphasis added)

There are numerous other properties in the immediate area that include main or accessory structures that encroach on front, side, or rear setbacks. **(Exhibits C & D).** The roofline expansion and front entry roof are no closer to the front lot line than existing conditions. The side door roof is small, set back from the front line of the home, and the side setback will not even be noticed. Given the number of buildings in the area encroaching on front, side, or rear setbacks, the proposal is in keeping with the surrounding area. Thus, granting the variances neither alters the essential character of the locality nor threatens the public health, safety, or welfare. Accordingly, granting the variance to allow construction of a garage and increased living space is not contrary to the public interest and observes the spirit of the ordinance.

3. **Granting the variances will not diminish surrounding property values.**

The proposals add interior living space, improve aesthetics and add protection from the weather, thus improving the value of the Property and those around it. The use of the structure and its impacts will match existing conditions. Accordingly, the variances will not diminish surrounding property values.

4. **Denial of the variances results in an unnecessary hardship.**

a. Special conditions distinguish the property from others in the area.

More than half the Property is burdened by the 100 ft. tidal buffer zone. The existing home is located on the far left/northern side of the lot within the front yard setback and along the left side setback. These facts drive the location of the proposed changes, combining to create special conditions

b. No fair and substantial relationship exists between the general public purposes of the ordinance and its specific application in this instance.

The purpose of setback requirements is to prevent overcrowding and overburdening of land, improve sightlines for pedestrians and motorists, ensure adequate light and air circulation, and provide sufficient area for stormwater treatment. All proposed changes are either within the perimeter of the existing home (roof line, entry), or very slight (side roof). Ample open space is preserved without overbulking. Aesthetics are improved. Accordingly, there is no fair and substantial relationship between the purposes of the ordinance and its application in this instance.

c. The proposed use is reasonable.

If the use is permitted, it is deemed reasonable. Vigeant v. Hudson, 151 N.H. 747 (2005). Residential use is permitted in the SRB Zone. The proposal is modest, does not decrease open space on the Property, and results in a more functional living space for the Foy family.

5. **Substantial justice will be done by granting the variances.**

If "there is no benefit to the public that would outweigh the hardship to the applicant" this factor is satisfied. Harborside Associates, L.P. v. Parade Residence Hotel, LLC, 162 N.H. 508 (2011). That is, "any loss to the [applicant] that is not outweighed by a gain to the general public is an injustice." Malachy Glen, supra at 109.

Foy is constitutionally entitled to the use of the lot as they see fit; including the addition of a garage and expansion of living space, subject only to its effect on the dimensional requirements. "The right to use and enjoy one's property is a fundamental right protected by both the State and Federal Constitutions." N.H. CONST. pt. I, arts. 2, 12; U.S. CONST. amends. V, XIV; Town of Chesterfield v. Brooks, 126 N.H. 64 (1985) at 68. Part I, Article 12 of the New Hampshire Constitution provides in part that "no part of a man's property shall be taken from him, or applied to public uses, without his own consent, or that of the representative body of the people." Thus, our State Constitutional protections limit the police power of the State and its

municipalities in their regulation of the use of property. L. Grossman & Sons, Inc. v. Town of Gilford, 118 N.H. 480, 482 (1978). "Property" in the constitutional sense has been interpreted to mean not the tangible property itself, *but rather the right to possess, use, enjoy and dispose of it*. Burrows v. City of Keene, 121 N.H. 590, 597 (1981) (emphasis added).

The proposal is quite modest, retaining the existing use while improving aesthetics and livability while complying with building coverage and open space. Access to air and light, is maintained, so there is no harm to the public in granting the variance. Conversely, Foy will be greatly harmed by denial of the variances because they will be unable provide these modest aesthetical and livability changes. Without question, substantial justice will be done by granting the variance.

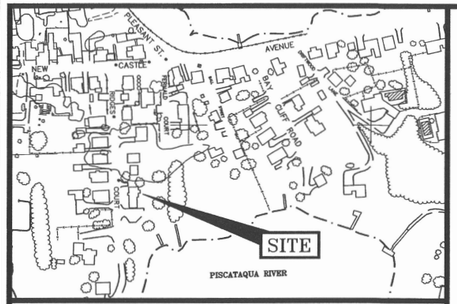
VI. CONCLUSION

For all of the reasons stated, Jeffrey and Melissa Foy respectfully request that the Portsmouth Zoning Board of Adjustment grant the requested variance.

Respectfully submitted,
Jeffrey and Melissa Foy

By: R. Timothy Phoenix

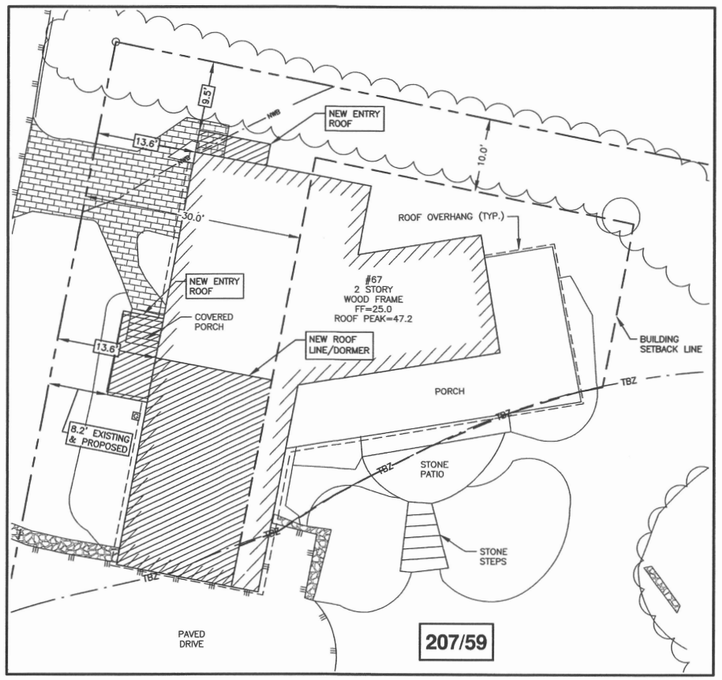
EXHIBIT A



LOCATION MAP SCALE 1" = 200'

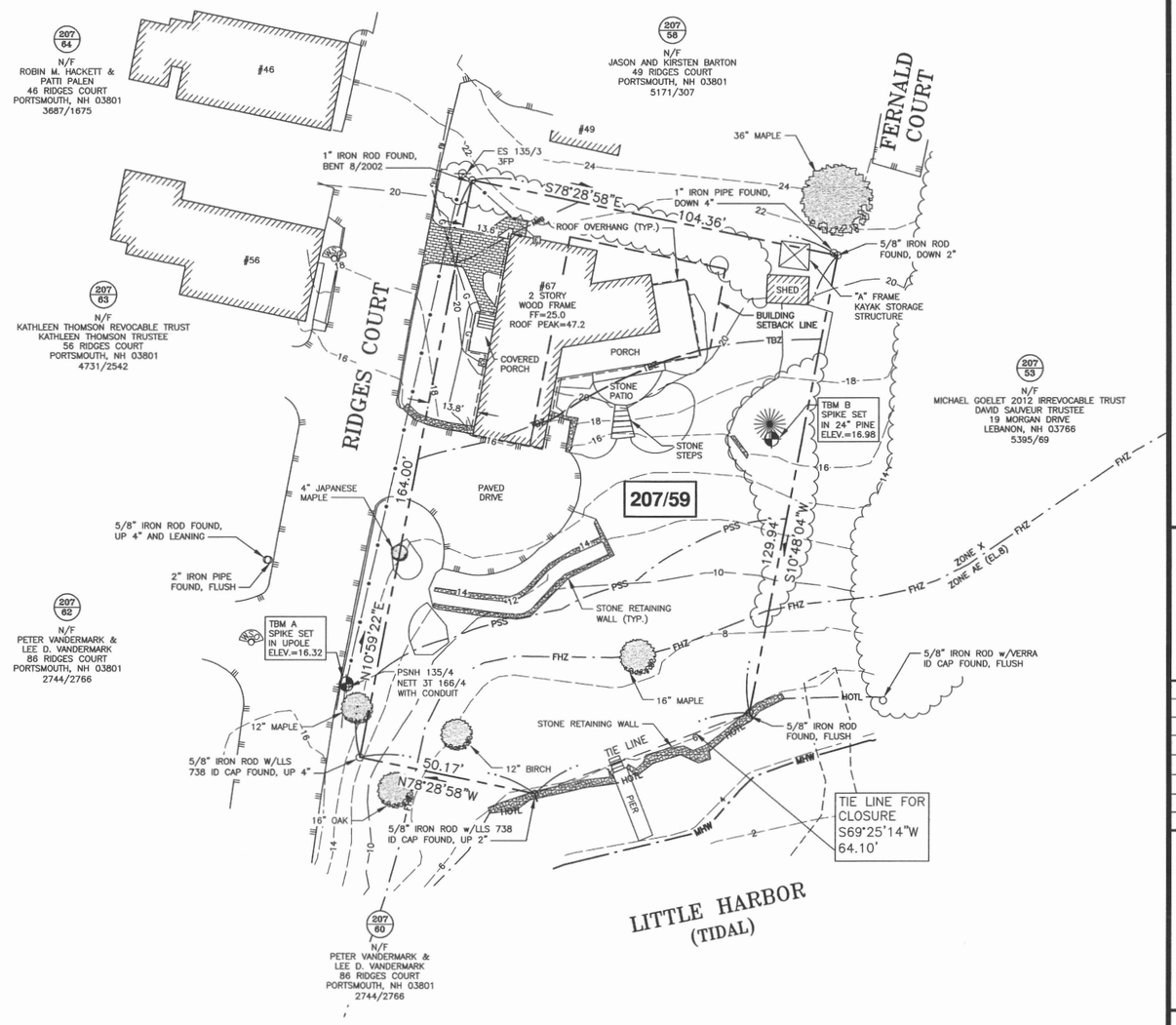
IMPERVIOUS SURFACE AREAS
(TO PROPERTY LINE)

STRUCTURE	PRE-CONSTRUCTION IMPERVIOUS (S.F.)	POST-CONSTRUCTION IMPERVIOUS (S.F.)
MAIN STRUCTURE	1,591	1,591
SHED	91	91
PORCHES	513	513
STAIRS	123	123
WALKWAYS	231	231
PAVEMENT	1452	1,452
RETAINING WALL	212	212
PATIO	109	109
CONCRETE	17	17
EXTERIOR STORAGE	50	50
TOTAL	4389	4389
LOT SIZE	16,500	16,500
% LOT COVERAGE	26.6%	26.6%



BUILDING DETAIL 1"=10'

GRAPHIC SCALE
10 5 0 10 20 30 40 FEET
3 0 5 10 METERS



GRAPHIC SCALE
10 0 20 40 60 80 FEET
5 0 5 10 15 20 25 METERS

2002 REF. 1
N
MAGNETIC PLAN

REQUESTED VARIANCES:

ARTICLE 5 SECTION 10.520 TABLE 10.521 FRONT YARD SETBACK OF 8.2 FEET (& 13.6 FEET) WHERE 8.2 FEET EXISTS AND 30 FEET IS REQUIRED.

ARTICLE 5 SECTION 10.520 TABLE 10.521 SIDE YARD SETBACK OF 9.5 FEET WHERE 10 FEET IS REQUIRED.

"I CERTIFY THAT THIS PLAN WAS PREPARED UNDER MY DIRECT SUPERVISION, THAT IT IS THE RESULT OF A FIELD SURVEY BY THIS OFFICE AND HAS AN ACCURACY OF THE CLOSED TRAVERSE THAT EXCEEDS THE PRECISION OF 1:15,000."

8.31.22

JOHN R. CHAGNON, LLS DATE

STATE OF NEW HAMPSHIRE LICENSED LAND SURVEYOR No. 738 JOHN R. CHAGNON SEAL

AMBIT ENGINEERING, INC.
Civil Engineers & Land Surveyors
200 Griffin Road – Unit 3
Portsmouth, N.H. 03801-7114
Tel (603) 430-9282
Fax (603) 436-2315

NOTES:

1) PARCEL IS SHOWN ON THE PORTSMOUTH ASSESSOR'S MAP 207 AS LOT 59.

2) OWNERS OF RECORD:
JEFFREY M. & MELISSA FOY
4 FOX HOLLOW COURT
EAST KINGSTON, N.H. 03827
6325/1066

3) PORTIONS OF THE PARCEL ARE IN A SPECIAL FLOOD HAZARD AREA ZONE AE (EL. 8) AS SHOWN ON FIRM PANEL 33015C0278F. EFFECTIVE JANUARY 29, 2021.

4) EXISTING LOT AREA:
16,500± S.F. (PLAN REF. 1)
0.3788± ACRES (PLAN REF. 1)

5) PARCEL IS LOCATED IN THE SINGLE RESIDENCE B (SRB) ZONING DISTRICT.

6) DIMENSIONAL REQUIREMENTS:

MIN. LOT AREA:		15,000 S.F.
FRONTAGE:		100 FEET
SETBACKS:	FRONT	30 FEET
	SIDE	10 FEET
	REAR	30 FEET
MAXIMUM STRUCTURE HEIGHT:		35 FEET
MAXIMUM STRUCTURE COVERAGE:		20%
MINIMUM OPEN SPACE:		40%

7) THE PURPOSE OF THIS PLAN IS TO SHOW A PROPOSED ADDITION ON ASSESSOR'S MAP 207 LOT 59 IN THE CITY OF PORTSMOUTH.

8) VERTICAL DATUM IS NAVD88. BASIS OF VERTICAL DATUM IS REDUNDANT RTN GNSS OBSERVATIONS (±0.2').

9) PROPOSED GARAGE FROM PLAN BY DESTEFANO MAGUEL ARCHITECTS DATED JUNE 14, 2022.

10) OFF SITE STRUCTURE LOCATIONS BASED ON CITY DATABASE LOCATIONS.

PROPOSED ADDITIONS FOY RESIDENCE 67 RIDGES COURT PORTSMOUTH, N.H.

NO.	DESCRIPTION	DATE
2	ADD SETBACKS, ADJUST	8/31/22
1	ADD ABUTTING HOMES	8/16/22
0	ISSUED FOR COMMENT	6/27/22

REVISIONS

SCALE 1"=20' JUNE 2022

VARIANCE PLAN

C2

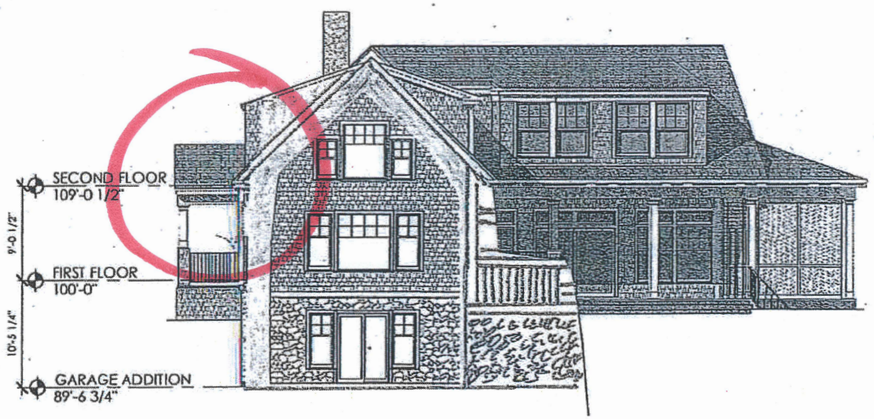
FB 222 PG 66

1153.02

J:\CIVIL\1153.02\1153.02 Building Addition\Variance\Plans & Specs\Sheet 1153.02 - VC Boundary.dwg, 8/31/2022 3:54:53 PM, Canon TX-3000 (3rd Party)

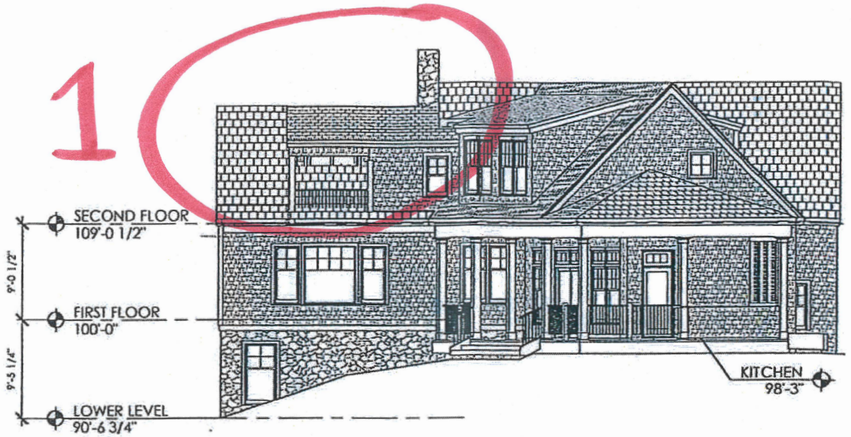
EXHIBIT B

EXISTING SOUTH ELEVATION

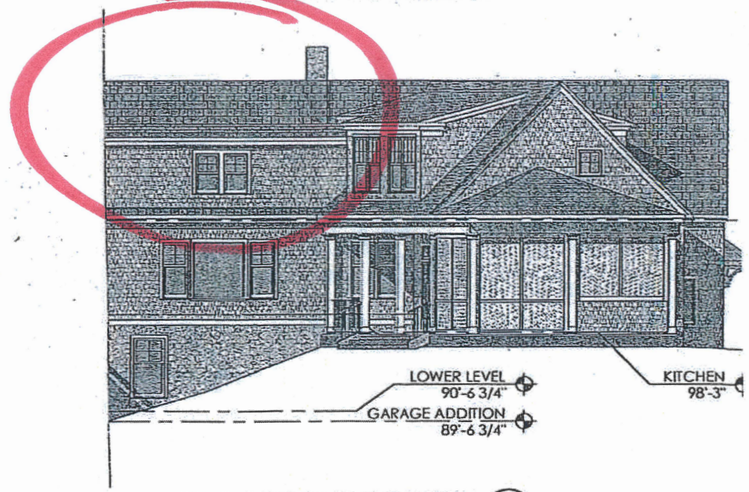


PROPOSED NEW FRONT ENTRY AND HIGHER SOUTH ROOF LINE

DD - SOUTH (3)
1/8" = 1'-0"



EXISTING EAST ELEVATION



PROPOSED EAST ELEVATION (4)
1/8" = 1'-0"

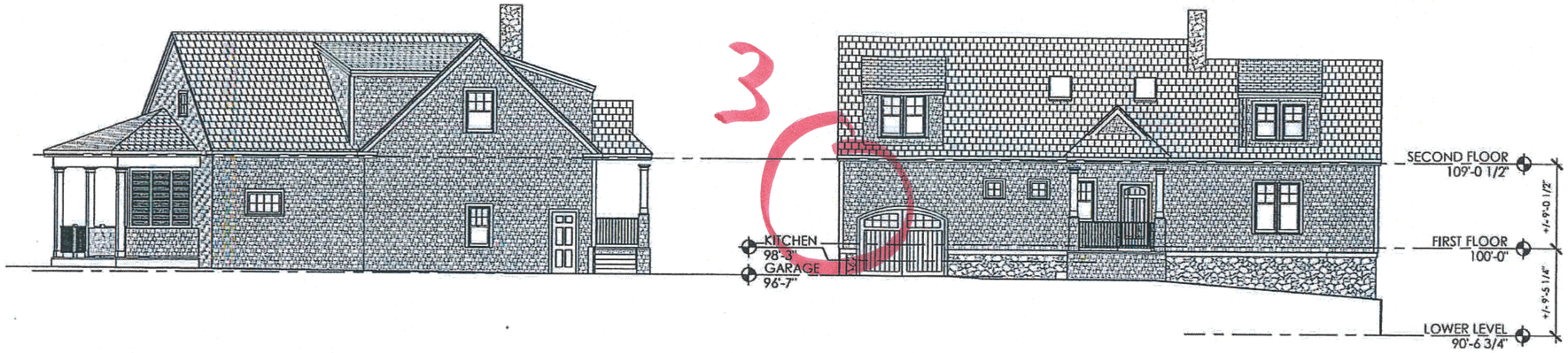
DESIGN DEVELOPMENT FOR

FOY RESIDENCE

67 RIDGES CT
PORTSMOUTH, NH

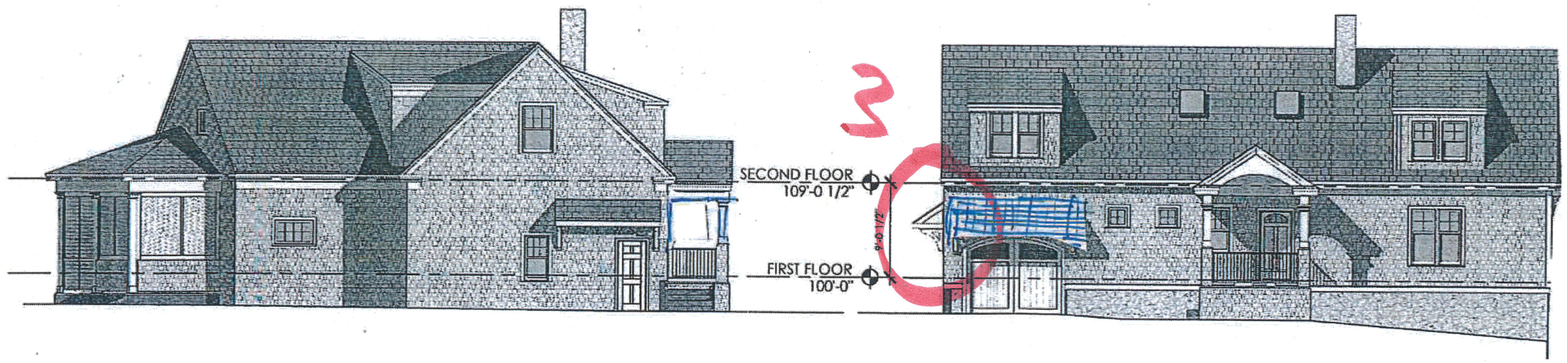
ELEVATIONS

1/8" = 1'-0"



EXISTING NORTH ELEVATION

EXISTING WEST ELEVATION



PROPOSED NORTH ELEVATION (1)
1/8" = 1'-0"

PROPOSED WEST ELEVATION (2)
1/8" = 1'-0"

DESIGN DEVELOPMENT FOR

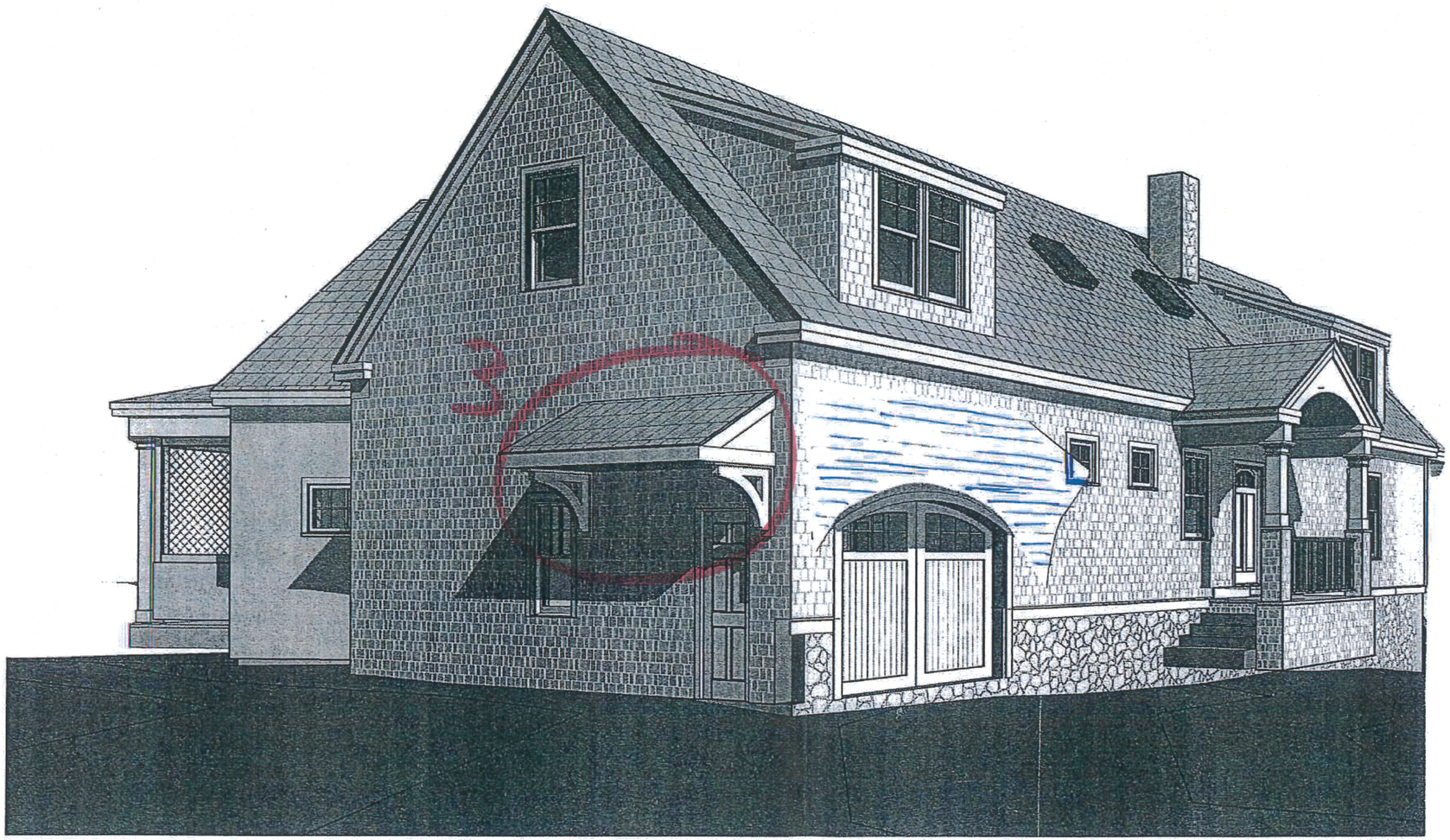
FOY RESIDENCE

67 RIDGES CT
PORTSMOUTH, NH

ELEVATIONS

1/8" = 1'-0"

PROPOSED NEW FRONT PORCH ROOF LINE & NEW ROOF ABOVE GARAGE SIDE DOOR



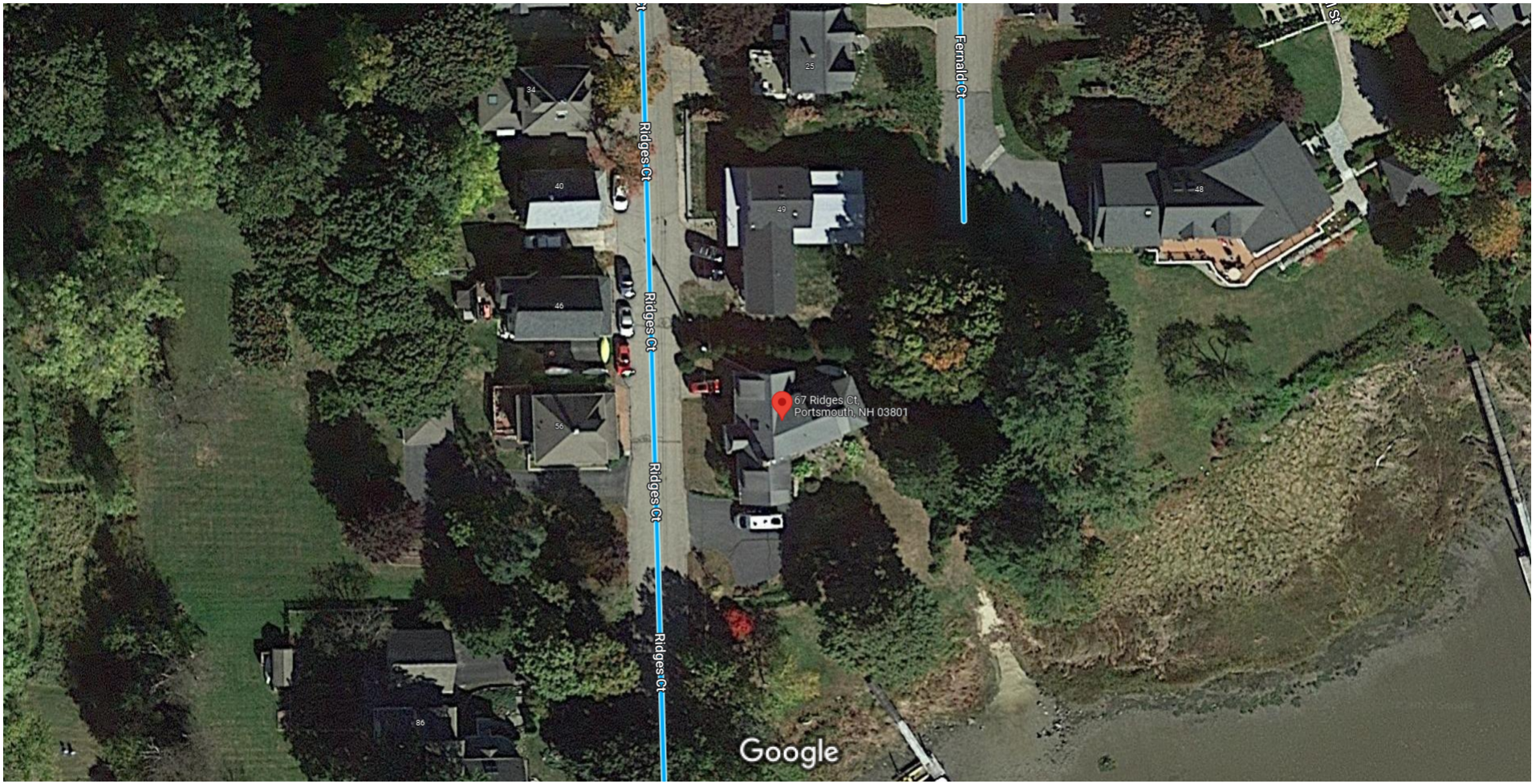
FOY RESIDENCE
67 RIDGES CT
PORTSMOUTH, NH

Google Maps 67 Ridges Ct

Imagery ©2022 Maine GeoLibrary, Maxar Technologies, U.S. Geological Survey, Map data ©2022 50 ft

Exhibit C

Google Maps 67 Ridges Ct



Imagery ©2022 Maine GeoLibrary, U.S. Geological Survey, Map data ©2022 20 ft

Google Maps 67 Ridges Ct

Image capture: Sep 2011 © 2022 Google

Portsmouth, New Hampshire

Google

Street View - Sep 2011

Google Maps 67 Ridges Ct

Image capture: Sep 2011 © 2022 Google

Portsmouth, New Hampshire

Google

Street View - Sep 2011

Google Maps 67 Ridges Ct

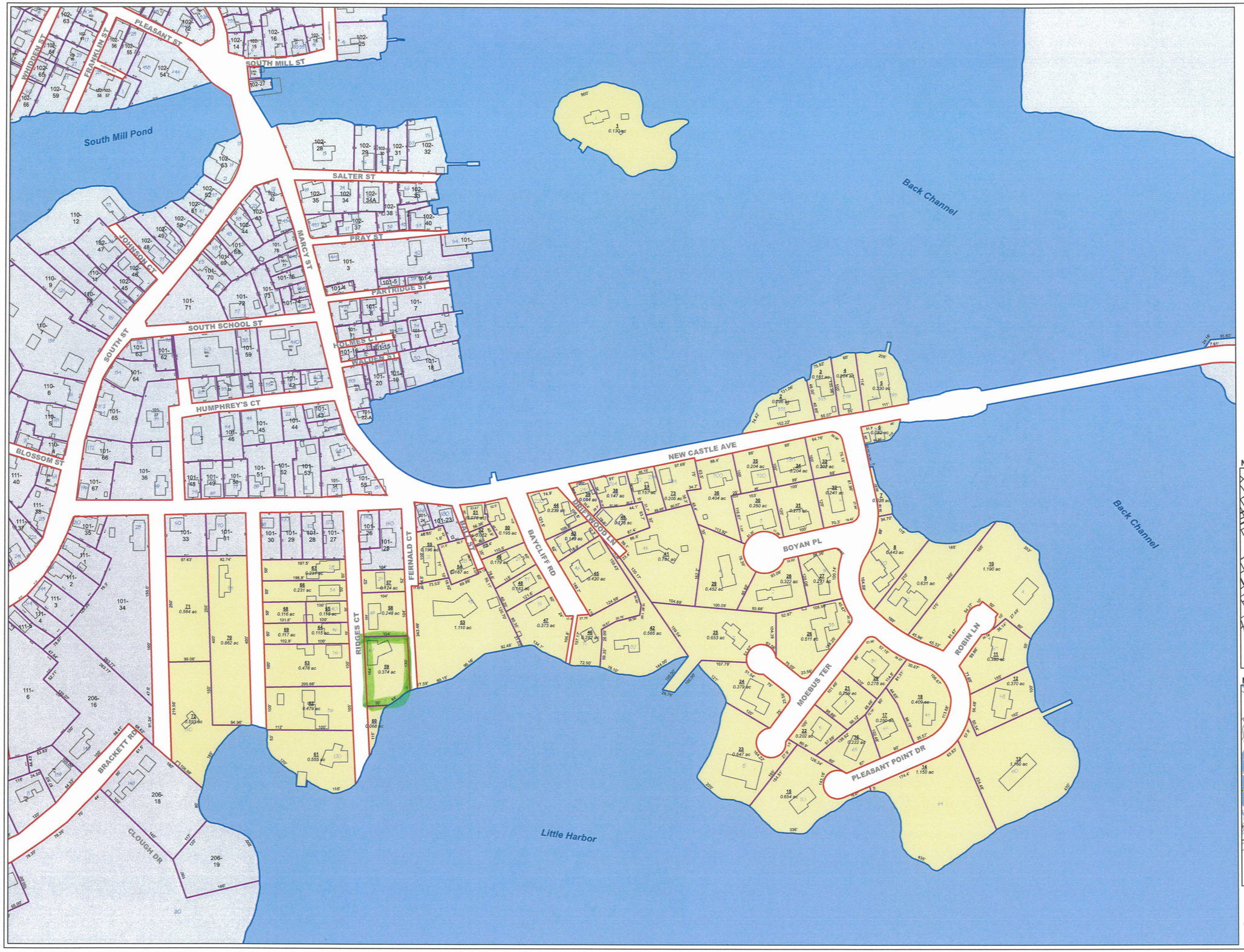
Image capture: Sep 2011 © 2022 Google

Portsmouth, New Hampshire

Google

Street View - Sep 2011

Exhibit D



Partial Legend

See the cover sheet for the complete legend.

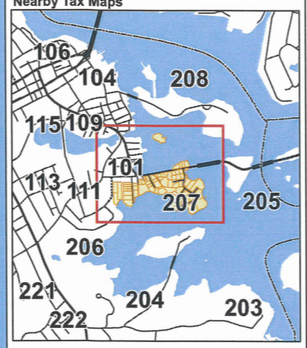
7-5A	Lot or lot-unit number
2.56 ac	Parcel area in acres (ac) or square feet (sf)
25	Address number
233-137	Parcel number from a neighboring map
68'	Parcel line dimension
SIMS AVE	Street name

Parcel/Parcel boundary
Parcel/ROW boundary
Water boundary
Structure (1994 data)
Parcel covered by this map
Parcel from a neighboring map (see other map for current status)

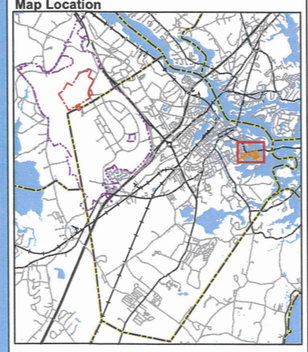
0 50 100 200 300 Feet
0 20 40 80 Meters

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
2021

Tax Map 207

4.

The request of **Brian and Charlene Huston (Owners)**, for property located at **44 Harding Road** whereas relief is needed to remove existing deck and construct new deck with stairs which requires the following: 1) A Variance from Section 10.521 to allow 25% building coverage where 20% is the maximum allowed. 2) A Variance from Section 10.321 to allow a nonconforming structure or building to be extended, reconstructed or enlarged without conforming to the requirements of the Ordinance. Said property is located on Assessor Map 250 Lot 75 and lies within the Single Residence B (SRB) district.

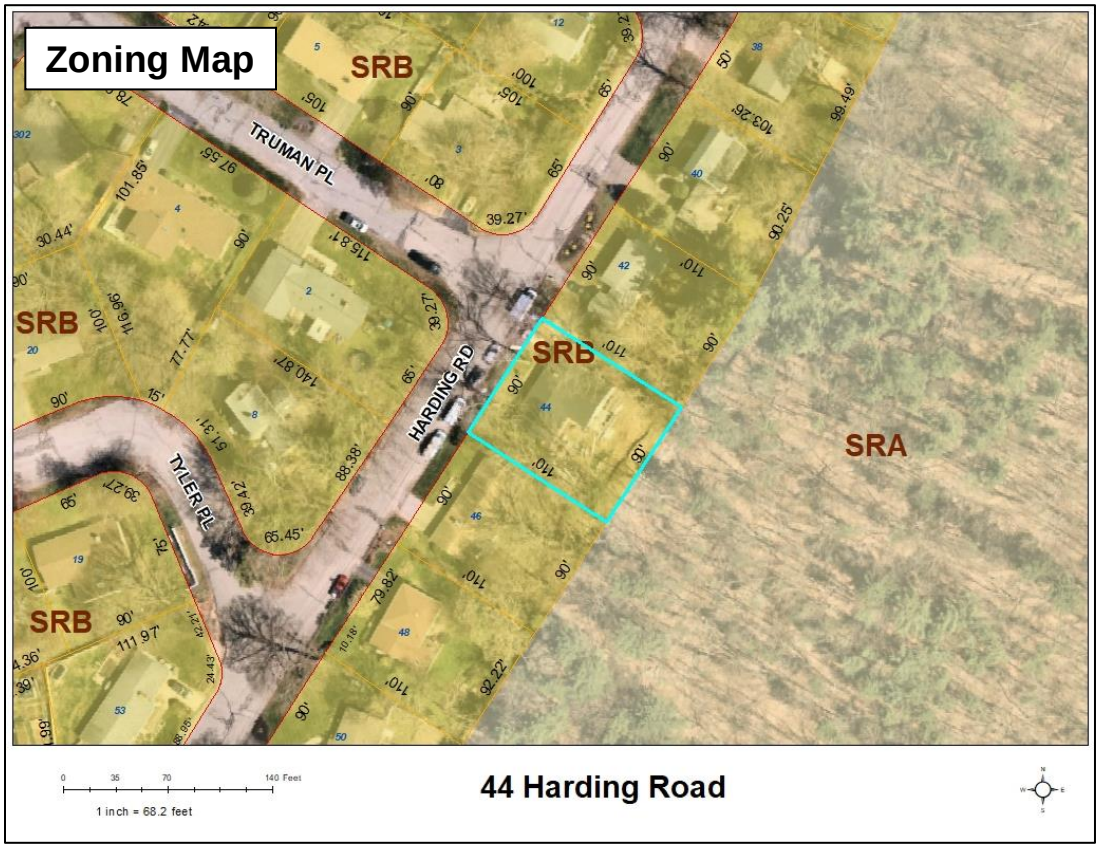
Existing & Proposed Conditions

	Existing	Proposed	Permitted / Required	
Land Use	Single family	New deck	Primarily residential	
Lot area (sq. ft.):	10,018	10,018	15,000	min.
Lot Area per Dwelling Unit (sq. ft.):	10,018	10,018	15,000	min.
Lot depth (ft):	110	110	100	min.
Street Frontage (ft.):	90	90	100	min.
Primary Front Yard (ft.):	22	22	30	min.
Right Yard (ft.):	20	20	10	min.
Left Yard (ft.):	10	10	10	
Rear Yard (ft.):	42	30	30	min.
Height (ft.):	<35	38” (deck)	35	max.
Building Coverage (%):	22	**25**	20	max.
Open Space Coverage (%):	>40	>40	40	min.
Parking:	3	3	2	
Estimated Age of Structure:	1966	Variance request(s) shown in red.		

Other Permits/Approvals Required

None.

Neighborhood Context



Previous Board of Adjustment Actions

No prior BOA history found.

Planning Department Comments

The applicant is proposing to demolish the existing deck and construct a larger deck on the property. The existing building coverage is nonconforming at 22% in the SRB. The original proposal had a 14 foot deck would encroach into the rear yard by 2 feet, which would require a new dimensional variance that was not part of the application or notice. The applicant is willing to reduce the depth of the deck to 12 feet to meet the 30 foot rear yard, which will also reduce the building coverage to 24.5%. If the Board grants approval, staff would recommend the following stipulation:

1) The deck shall be 12 feet in depth; and
2) The allowed building coverage shall be 24.5%.

Review Criteria

This application must meet all five of the statutory tests for a **variance** (see Section 10.233 of the Zoning Ordinance):

1. *Granting the variance would not be contrary to the public interest.*
2. *Granting the variance would observe the spirit of the Ordinance.*
3. *Granting the variance would do substantial justice.*
4. *Granting the variance would not diminish the values of surrounding properties.*
5. *The "unnecessary hardship" test:*
   (a)The property has special conditions that distinguish it from other properties in the area.
   AND
   (b) Owing to these special conditions, a fair and substantial relationship does not exist between the general public purposes of the Ordinance provision and the specific application of that provision to the property; and the proposed use is a reasonable one.
   OR

Owing to these special conditions, the property cannot be reasonably used in strict conformance with the Ordinance, and a variance is therefore necessary to enable a reasonable use of it.

10.235 Certain Representations Deemed Conditions

Representations made at public hearings or materials submitted to the Board by an applicant for a special exception or variance concerning features of proposed buildings, structures, parking or uses which are subject to regulations pursuant to Subsection 10.232 or 10.233 shall be deemed conditions upon such special exception or variance.

RECEIVED
AUG 31 2022
By 2:20 pm

To: City of Portsmouth

RE: Request for Zoning Variance – 44 Harding Road Portsmouth

Written statement explaining how the request complies with the requirements of the Zoning Ordinance as provided in Article 2 (see Section 10.233.20 for Variances,

To Whom it may concern;

As noted in the permit application we would like to replace the current 200 hundred square foot Deck in our backyard that is in significant disrepair with a brand new 517 foot L shape Deck. Drawings of the Deck have been submitted.

While the current dwelling/home is in compliance with 20% zoning requirement for a 10,019 sq foot lot, the existing Deck is not in compliance with the current Zoning requirements with total structure inclusive of the deck @ of 22%.

As the existing deck has been used and relied upon by the owner/occupants, it is requested that replacement of the deck be allowed to be replaced with additional decking added for a total of 517 Square feet which would be 25% of total lot square footage.

We have made significant improvements to this home that neighbors and public have made positive comments on. While the proposed Deck has no public view when facing the East into 80 acers of woods and limited public view from neighbors viewing from the North and south in the backyard, the deck will be done in very high quality materials and design that will be a significant Deck that is currently in disrepair. The public should not be able to view the deck from the front or street.

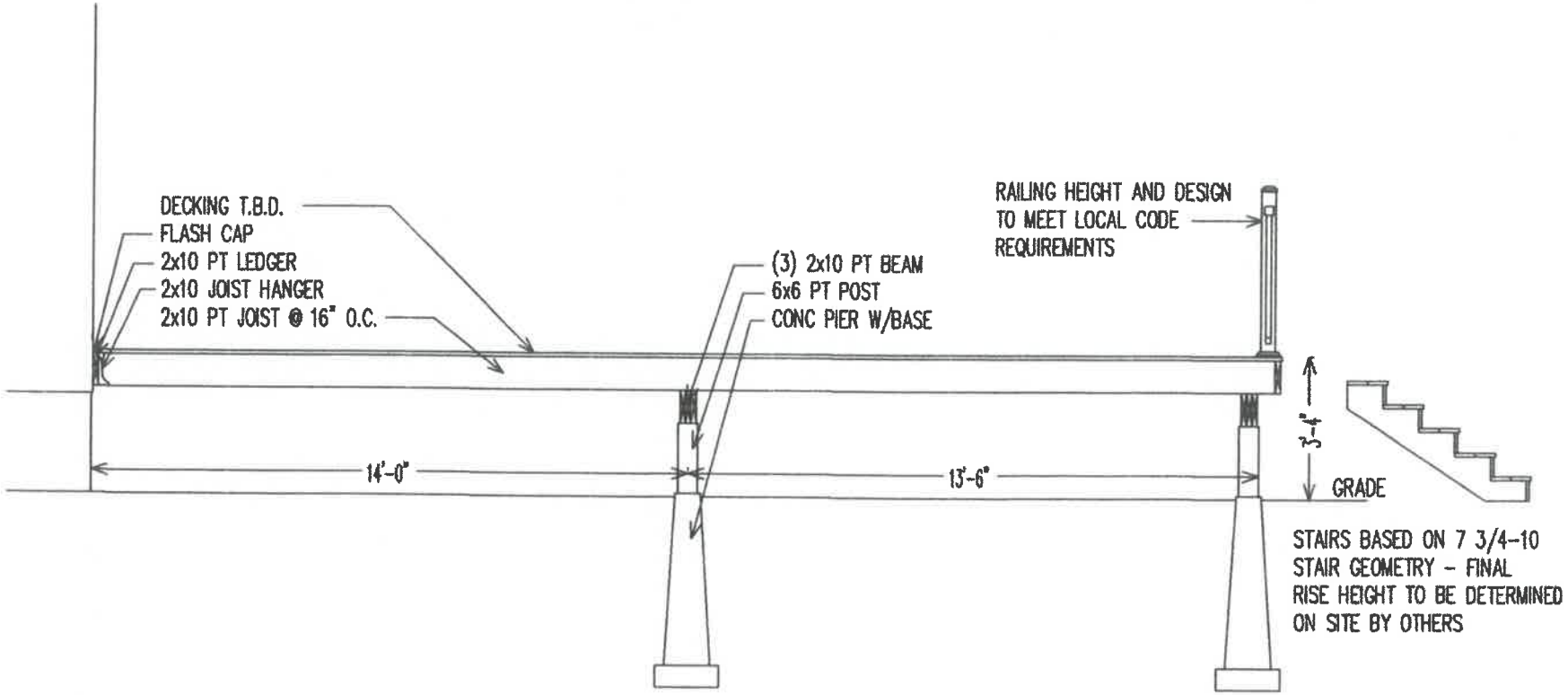
The spirit of the ordinance will not be compromised and the appearance, functionality and safety of the home will be enhanced with a Deck that is at or near the height of the existing egress Sliding glass Doorway entrance and exit. With this replacement of the deck that is in significant disrepair there is no doubt it will increase property values vs diminish them.

We appreciate your consideration in this matter.

Sincerely,

Brian and Charlene Huston

Homeowners



CREED CARROLL - DECK

SCALE: 1/4"=1'-0" DATE: 6/22 DRAWN BY: MIKE

THIS IS NOT THE WORK PRODUCT OF A REGISTERED ARCHITECT OR ENGINEER. THE FOLLOWING FLOOR PLANS, CROSS SECTIONS, AND ELEVATIONS ARE FOR ESTIMATING AND BANK PURPOSES ONLY. ALL MEASUREMENTS, LOAD BEARING DESIGNS, AND MATERIAL SIZING IS TO BE VERIFIED BY A LICENSED PROFESSIONAL. IT IS THE BUILDERS/HOMEOWNERS RESPONSIBILITY TO COMPLY WITH ALL LOCAL AND STATE CODE REQUIRMENTS.

RECEIVED
AUG 31 2022
By 2 2D

DATE: 6/30/2022

INVOICE NUMBER: 15-22

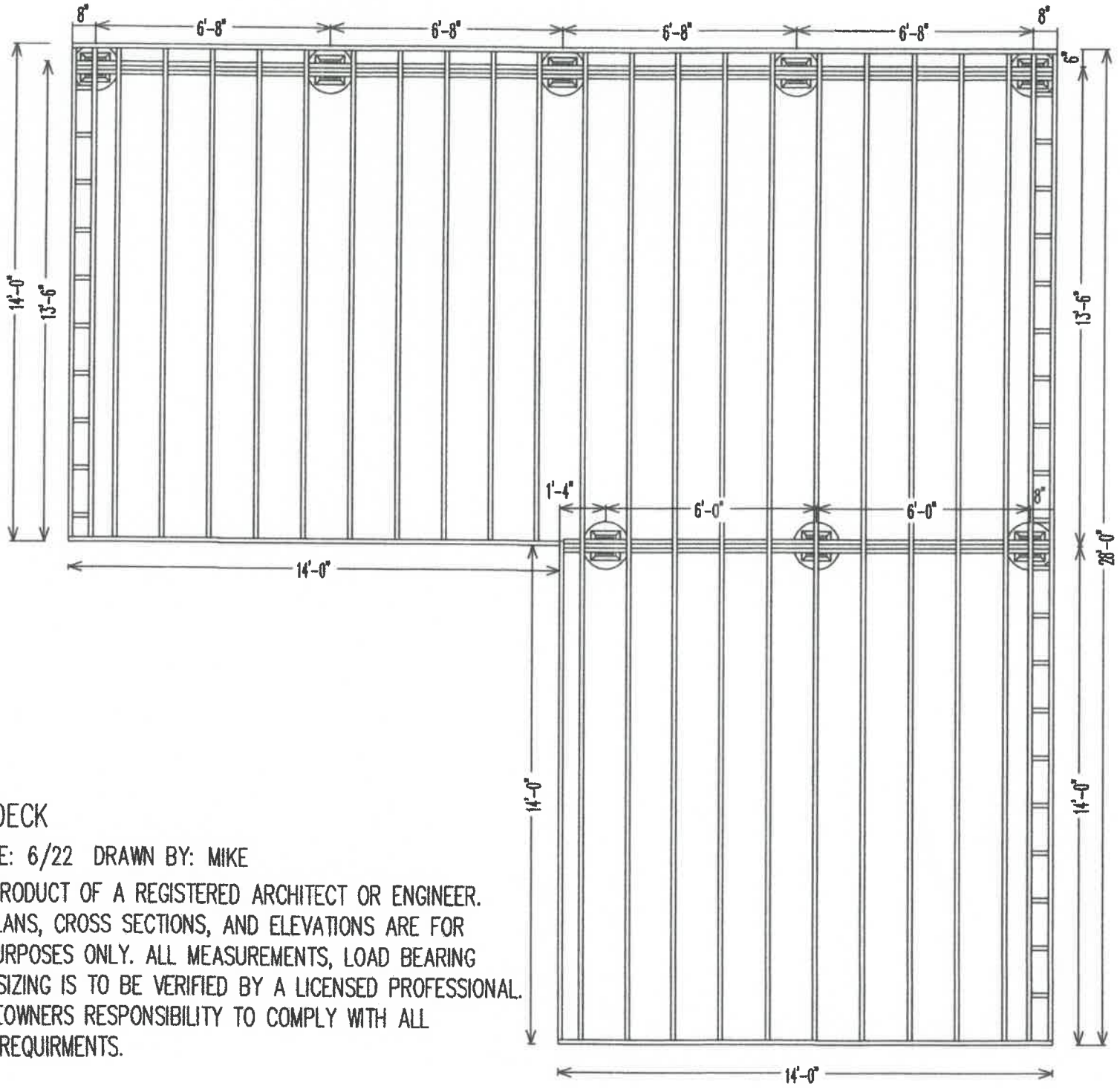
TO: VINCENZO NASTASIA

JOB DESCRIPTION: DECK
LAYOUT
FRAMING
SECTION

ANOUNT DUE: 3 HOURS @ $35.00 = $105.00

THANK YOU
MIKE MACGREGOR
82 TUELLTOWN RD
WEST PARIS, ME. 04289

RECEIVED
AUG 31 2022
By 2 pm 20



CREED CARROLL - DECK

SCALE: 1/4"=1'-0" DATE: 6/22 DRAWN BY: MIKE

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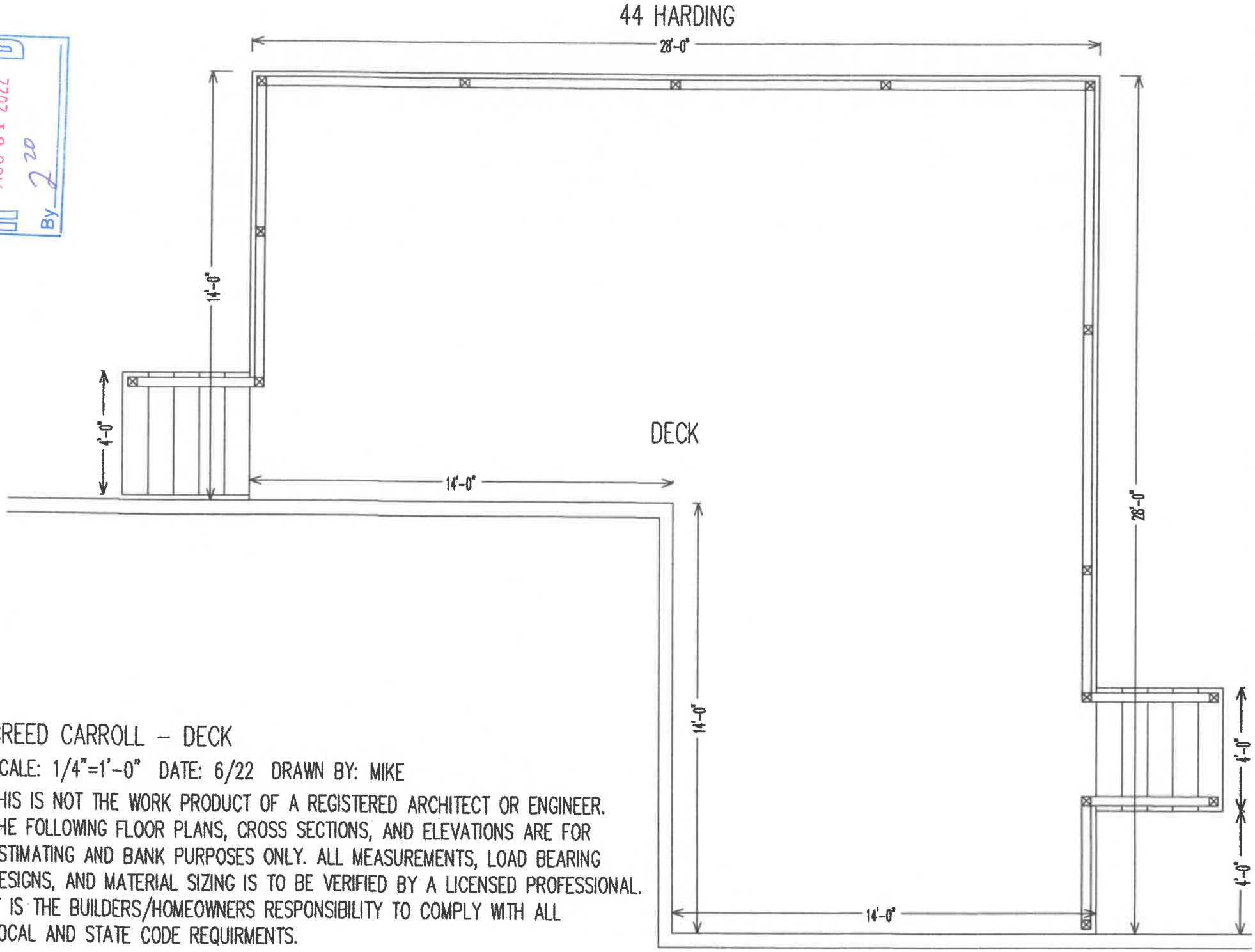
RECEIVED
AUG 31 2022
By



CREED CARROLL – DECK

SCALE: 1/4"=1'-0" DATE: 6/22 DRAWN BY: MIKE

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TYPAR
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DocuSign Envelope ID: 7CE84B0F-4A4E-4807-8FD9-0B26F76A9554

SEACOAST ROOFING
& Exteriors

SEACOAST ROOFING
& Exteriors
Jobs Done Right

PO 2485, Seabrook, NH 03874
(603) 405-8884
vnastasia@roofinginnh.com

This Contract for Services is made effective as of 06/14/2022, by and between **THE CLIENT: BRIAN HUSTON, 44 HARDING RD, PORTSMOUTH, NH** AND SEACOAST ROOFING & EXTERIORS of PO 2485, SEABROOK, New Hampshire 03874.

DESCRIPTION OF SERVICES. Beginning on or about TBD SEACOAST ROOFING & EXTERIORS will provide to **THE CLIENT:**, the following exterior services (collectively, the "Services"):

The services will be performed at the property of **THE CLIENT'S PROPERTY AT 44 HARDING RD, PORTSMOUTH**, **NH** (the "Worksite").

SCOPE OF WORK.
a. SEACOAST ROOFING & EXTERIORS shall provide all labor and materials, to do the described services on **THE CLIENT'S** property.

WORK TO BE PERFORMED:
REMOVE EXISITING DECK
EXCAVATE & INSTALL DECKNEW FOOTING
INSTALL NEW COMPOSITE DECK (517 SQFT)
WOLF SERENITY HARBOR GREY
INCLUDES:

- DRINK RAILS HABOR GREY WITH WHITE SQUARE BALUASTERS
- 2 SETS OF STAIRS
- 2 GATES

JOB PRICE:
$43,000

- INCLUDES DRAWINGS & PERMIT
- ALL LABOR, MATERIALS, PORTABLE RESTROOM, AND DUMPSTER.

b. The work will be performed Monday through Saturday, statutory holidays excluded, unless the parties mutually agree otherwise, provided that the Services will be performed only if weather conditions are favorable, in order to ensure an acceptable finished product.

WORK SITE. THE CLIENT: hereby authorizes and SEACOAST ROOFING & EXTERIORS to commence and complete the usual and customary excavation and grading on the Work Site as may be required in the judgment of and SEACOAST ROOFING & EXTERIORS to complete the Roofing Work. Unless called for in the drawings or specifications, no landscaping, finish grading, filling or excavation is to be performed at the Work Site by and SEACOAST ROOFING & EXTERIORS.

PAYMENT. Payments shall be made to SEACOAST ROOFING & EXTERIORS, SEABROOK, New Hampshire 03874

THE CLIENT agrees to pay **50% of total upon contract signing & the remaining 50% immediately upon the job completion *Payment is to be in cash, money order, bank check, or credit card (additional 6.75% service fee).**

If any invoice is not paid when due, interest will be added to and payable on all overdue amounts at 12 percent per year, or the maximum percentage allowed under applicable laws, whichever is less. **THE CLIENT** shall pay all costs of collection, including without limitation, reasonable attorney fees.

DocuSign Envelope ID: 7CE84B0F-4A4E-4807-8FD9-0B26F76A9554

SEACOAST ROOFING & Exteriors
Jobs Done Right

PO 2485, Seabrook, NH 03874
(603) 405-8884
vnastasia@roofinginnh.com

In addition to any other right or remedy provided by law, if **THE CLIENT** fails to pay for the Services when due, and SEACOAST ROOFING & EXTERIORS has the option to treat such failure to pay as a material breach of this Contract, and may cancel this Contract and/or seek legal remedies.

PERMITS. and **THE CONTRACTOR:** shall apply for and obtain such permits and regulatory approvals as may be required by the local municipal/county government, the cost thereof shall be included as part of the Payment to and SEACOAST ROOFING & EXTERIORS under this Contract.

INSURANCE. and SEACOAST ROOFING & EXTERIORS shall maintain general liability, workers compensation and builder's risk insurance in accordance with the minimum requirements of the state throughout the duration of the Services. and SEACOAST ROOFING & EXTERIORS provide **THE CLIENT:** with proof of insurance upon the request of **THE CLIENT**

SURVEY AND TITLE. THE CLIENT will indicate the property lines to and SEACOAST ROOFING & EXTERIORS and will provide boundary stakes by a licensed land surveyor if **THE CLIENT** are in doubt about the property boundaries.

CHANGE ORDERS. THE CLIENT may make changes to the scope of the work from time to time during the term of this Contract. However, any such change or modification shall only be made by written "Change Order" signed by both parties. Such Change Orders shall become part of this Contract. **THE CLIENT** agrees to pay any increase in the cost of the Roofing work as a result of a Change Order. In the event the cost of a Change Order is not known at the time a Change Order is executed, and SEACOAST ROOFING & EXTERIORS shall estimate the cost thereof and **THE CLIENT** shall pay the actual cost whether or not it is in excess of the estimated cost.

ACCESS. THE CLIENT will allow free access to work areas for workers and vehicles and will allow areas for the storage of materials and debris. Driveways will be kept clear for the movement of vehicles during work hours. and SEACOAST ROOFING & EXTERIORS will make reasonable efforts to protect driveways, lawns, shrubs, and other vegetation.

TERM. This Contract will terminate automatically upon completion by and SEACOAST ROOFING & EXTERIORS of the Services required by this Contract.

WARRANTY. SEACOAST ROOFING & EXTERIORS shall provide its services and meet its obligations under this Contract in a timely and workmanlike manner, using knowledge and recommendations for performing the services which meet generally acceptable standards in and SEACOAST ROOFING & EXTERIORS' community and region, and will provide a standard of care equal to, or superior to, care used by Contractor's similar to and SEACOAST ROOFING & EXTERIORS on similar projects. NO WARRANTY ON MATERIALS CLIENT IS SUPPLYING IS GIVEN. MANUFACTURER'S WARRANTY ON MATERIALS PROVIDED BY US IS ASSIGNED TO THE CLIENT. WE OFFER A LIFETIME WORKMANSHIP WARRANTY ON OUR WORK.

COMPLETION OF SERVICES. Upon the completion of the roofing services by and SEACOAST ROOFING & EXTERIORS, and SEACOAST ROOFING & EXTERIORS shall see to it that **THE CLIENT`S** property is restored to the condition that it was in prior to any work completed by SEACOAST ROOFING & EXTERIORS, and SEACOAST ROOFING & EXTERIORS shall see to it that all portions used by SEACOAST ROOFING & EXTERIORS during the term of this Contract shall be broom clean and free of debris.

DEFAULT. The occurrence of any of the following shall constitute a material default under this Contract:

a. The failure to make a required payment when due.

b. The insolvency or bankruptcy of either party.

c. The subjection of any of either party's property to any levy, seizure, general assignment for the benefit of creditors, application or sale for or by any creditor or government agency.

d. The failure to make available or deliver the Services in the time and manner provided for in this Contract.

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SEACOAST ROOFING & Exteriors

SEACOAST ROOFING
& Exteriors
Jobs Done Right

PO 2485, Seabrook, NH 03874
(603) 405-8884
vnastasia@roofinginnh.com

REMEDIES. In addition to any and all other rights a party may have available according to law, if a party defaults by failing to substantially perform any provision, term or condition of this Contract (including without limitation the failure to make a monetary payment when due), the other party may terminate the Contract by providing written notice to the defaulting party. This notice shall describe with sufficient detail the nature of the default. The party receiving such notice shall have 7 days from the effective date of such notice to cure the default(s). Unless waived by a party providing notice, the failure to cure the default(s) within such time period shall result in the automatic termination of this Contract.

ARBITRATION. Any controversies or disputes arising out of or relating to this Contract shall be resolved by binding arbitration in accordance with the then-current Commercial Arbitration Rules of the American Arbitration Association. The parties shall select a mutually acceptable arbitrator knowledgeable about issues relating to the subject matter of this Contract. In the event the parties are unable to agree to such a selection, each party will select an arbitrator and the two arbitrators in turn shall select a third arbitrator, all three of whom shall preside jointly over the matter. The arbitration shall take place at a location that is reasonably centrally located between the parties, or otherwise mutually agreed upon by the parties. All documents, materials, and information in the possession of each party that are in any way relevant to the dispute shall be made available to the other party for review and copying no later than 30 days after the notice of arbitration is served. The arbitrator(s) shall not have the authority to modify any provision of this Contract or to award punitive damages. The arbitrator(s) shall have the power to issue mandatory orders and restraint orders in connection with the arbitration. The decision rendered by the arbitrator(s) shall be final and binding on the parties, and judgment may be entered in conformity with the decision in any court having jurisdiction. The agreement to arbitration shall be specifically enforceable under the prevailing arbitration law. During the continuance of any arbitration proceeding, the parties shall continue to perform their respective obligations under this Contract.

ENTIRE AGREEMENT. This Contract contains the entire agreement of the parties, and there are no other promises or conditions in any other agreement whether oral or written concerning the subject matter of this Contract. This Contract supersedes any prior written or oral agreements between the parties.

SEVERABILITY. If any provision of this Contract will be held to be invalid or unenforceable for any reason, the remaining provisions will continue to be valid and enforceable. If a court finds that any provision of this Contract is invalid or unenforceable, but that by limiting such provision it would become valid and enforceable, then such provision will be deemed to be written, construed, and enforced as so limited.

AMENDMENT. This Contract may be modified or amended in writing, if the writing is signed by the party obligated under the amendment.

GOVERNING LAW. This Contract shall be construed in accordance with the laws of the State of New Hampshire.

NOTICE. Any notice or communication required or permitted under this Contract shall be sufficiently given if delivered in person or by certified mail, return receipt requested, to the address set forth in the opening paragraph or to such other address as one party may have furnished to the other in writing.

WAIVER OF CONTRACTUAL RIGHT. The failure of either party to enforce any provision of this Contract shall not be construed as a waiver or limitation of that party's right to subsequently enforce and compel strict compliance with every provision of this Contract.

SIGNATORIES. This Agreement shall be signed on behalf of **THE CLIENT** by **THE CLIENT**, Owner and on behalf of and SEACOAST ROOFING & EXTERIORS by Vincenzo Nastasia, Director and effective as of the date first above written.

CLIENT: BRIAN HUSTON Docusigned by: Brian Huston 219B0FFB654C459...

By: _____

CONTRACTOR:
SEACOAST ROOFING & EXTERIORS

By: _____
Vincenzo Nastasia
Managing Director

5.

The request of Madison **Tidwell & Brendan Barker (Owners)**, for property located at **38 Thaxter Road** whereas relief is needed to construct a 14' x 25' rear second story over an existing structure which requires the following: 1) A Variance from Section 10.521 to allow a 23 foot rear yard where 30 feet is required. 2) A Variance from Section 10.321 to allow a nonconforming building or structure to be expanded, reconstructed or enlarged without conforming to the requirements of the Ordinance. Said property is located on Assessor Map 166 Lot 36 and lies within the Single Residence B (SRB) district.

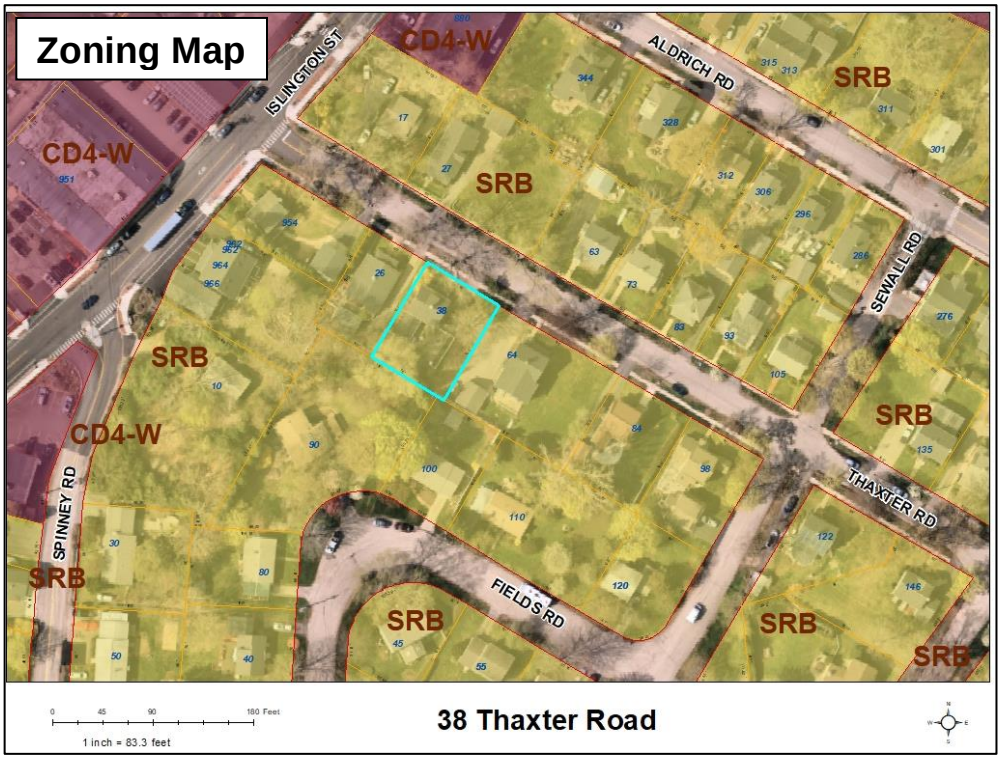
Existing & Proposed Conditions

	Existing	Proposed	Permitted / Required	
Land Use	Single family	Rear second story addition	Primarily residential	
Lot area (sq. ft.):	7,500	7,500	15,000	min.
Lot Area per Dwelling Unit (sq. ft.):	7,500	7,500	15,000	min.
Lot depth (ft):	100	100	100	min.
Street Frontage (ft.):	75	75	100	min.
Primary Front Yard (ft.):	15	15	30	min.
Right Yard (ft.):	10	10	10	min.
Left Yard (ft.):	32	32	10	
Rear Yard (ft.):	23	**23**	30	min.
Height (ft.):	<35	~26	35	max.
Building Coverage (%):	18	18	20	max.
Open Space Coverage (%):	>40	>40	40	min.
Parking:	2	2	2	
Estimated Age of Structure:	1950	Variance request(s) shown in red.		

Other Permits/Approvals Required

None.

Neighborhood Context



Previous Board of Adjustment Actions

April 20, 2004 – The Board considered request for the following Variance:
Article IV, Section 10-402(B) is requested to allow a 22'x 22' one story garage with: a) 3' rear yard where 10' is the minimum required and b) 25.1% building coverage where 20% is the maximum allowed.
As a result of this consideration, the motion to grant failed; therefore, the petition was **denied** with a vote of 3 to 4.

Planning Department Comments

The applicant is seeking to add a second story addition over the existing one-story rear section of the house. The existing house is nonconforming with a 23 foot rear yard. Thus, a variance is required to increase the height within the rear yard. No expansion of the footprint is proposed with this project.

Review Criteria

This application must meet all five of the statutory tests for a **variance** (see Section 10.233 of the Zoning Ordinance):

1. *Granting the variance would not be contrary to the public interest.*
2. *Granting the variance would observe the spirit of the Ordinance.*
3. *Granting the variance would do substantial justice.*
4. *Granting the variance would not diminish the values of surrounding properties.*
5. *The "unnecessary hardship" test:*
   (a)The property has special conditions that distinguish it from other properties in the area.
   AND
   (b) Owing to these special conditions, a fair and substantial relationship does not exist between the general public purposes of the Ordinance provision and the specific application of that provision to the property; and the proposed use is a reasonable one.
   OR

Owing to these special conditions, the property cannot be reasonably used in strict conformance with the Ordinance, and a variance is therefore necessary to enable a reasonable use of it.

10.235 Certain Representations Deemed Conditions

Representations made at public hearings or materials submitted to the Board by an applicant for a special exception or variance concerning features of proposed buildings, structures, parking or uses which are subject to regulations pursuant to Subsection 10.232 or 10.233 shall be deemed conditions upon such special exception or variance.

Todd Michel
969 Ocean BLVD.
Rye NH. 03870
(978) 580 9642
buildersoffice@gmail.com

To: Board of Adjustment Date: Aug. 30 2022

Land Use Application LU-22-164

Job Location:

38 Thaxter Rd.

The variance will not be contrary to public interest:

We believe The addition of a Master bed room over the existing addition will not have any effect on public interest.

The addition will be more in keeping with the surrounding properties.

The spirit of the Ordinance will be observed:

We believe The ordinance was implemented for this purpose and to give relief in in this type of use.

Substantial justice will be done:

We believe Substantial justice will be done by granting a variance and is in line with other variances issued .

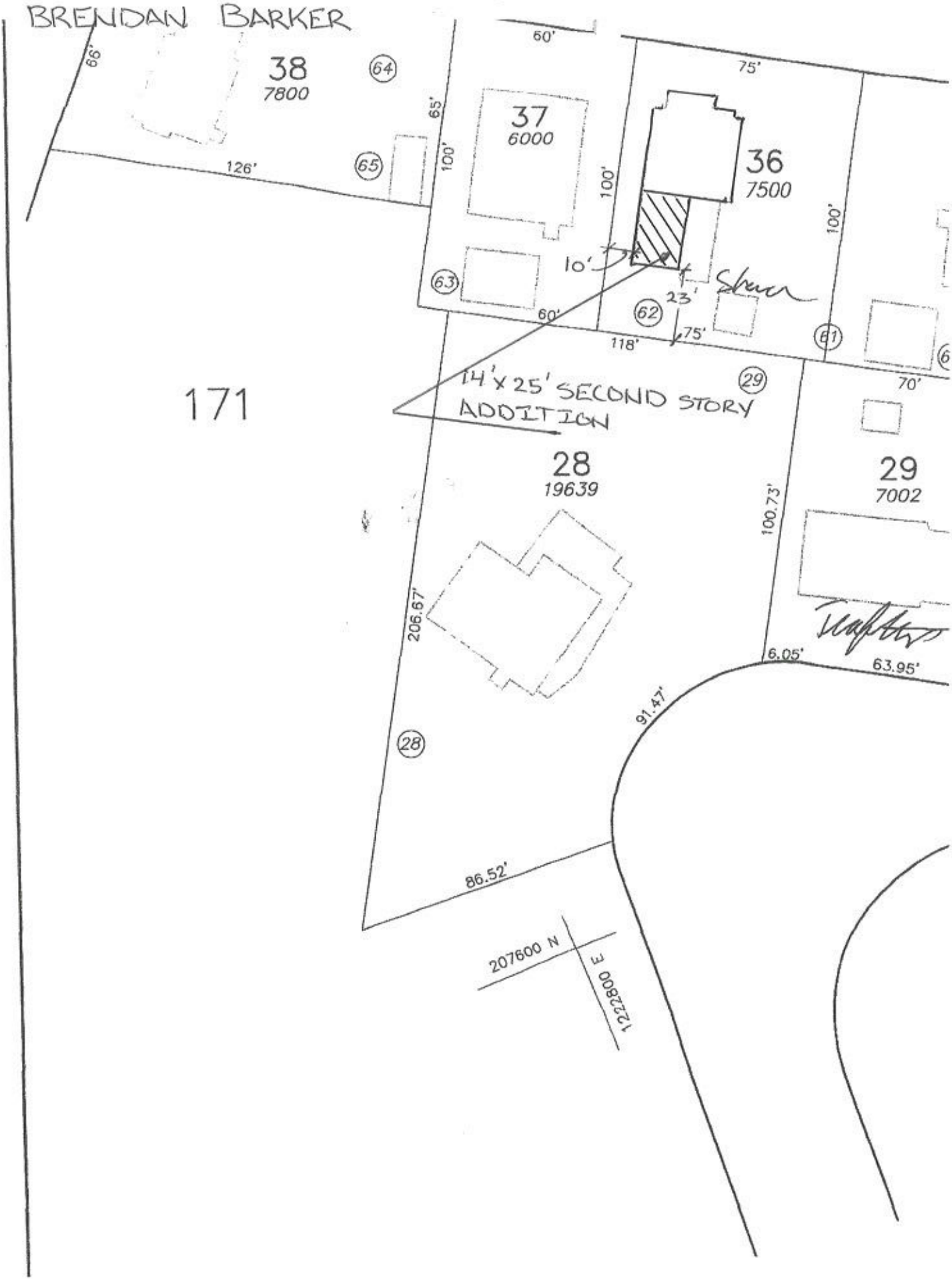
The Value of surrounding properties will not be diminished:

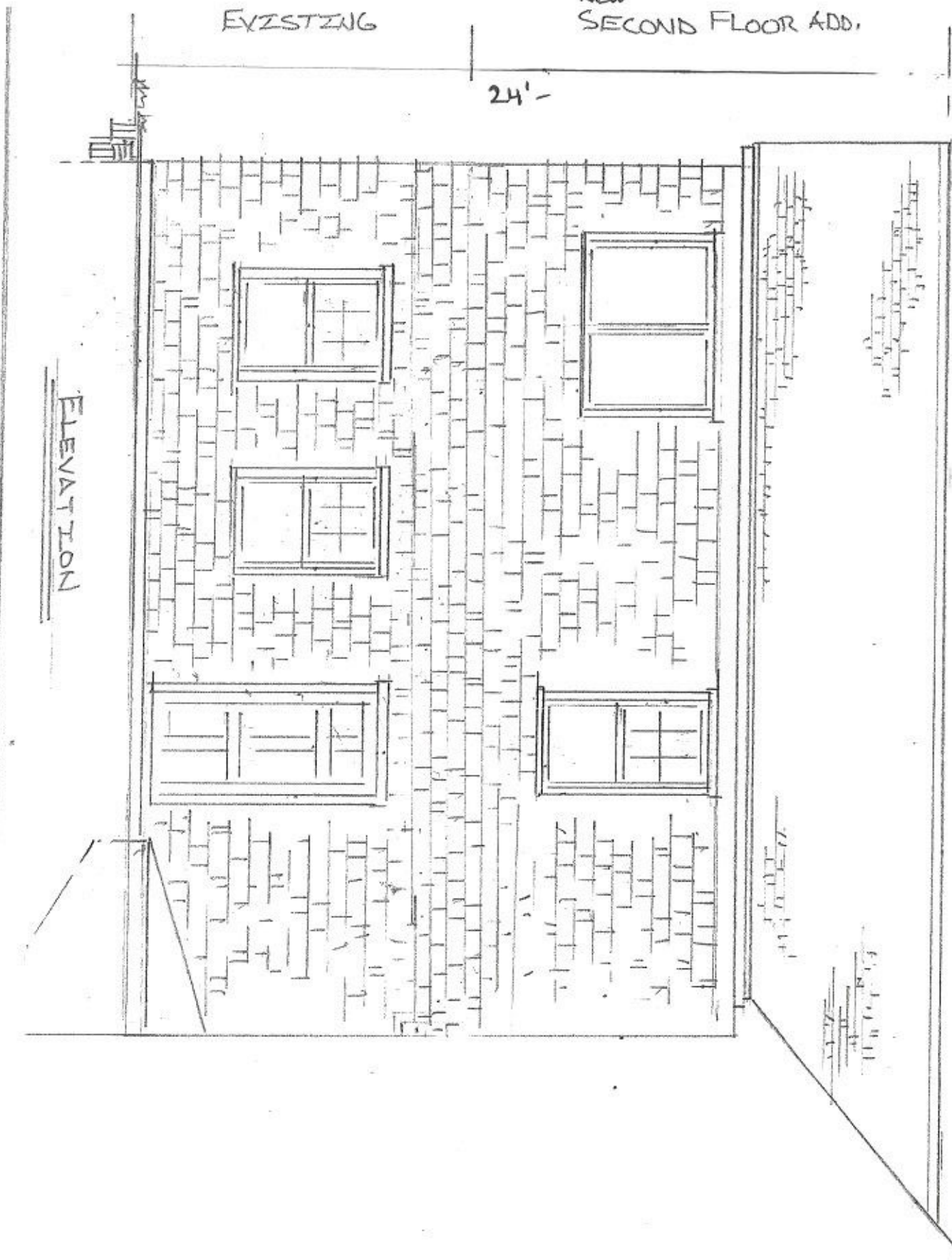
The addition will be more Architecturally pleasing then the existing roof structure and will not diminish surrounding Values.

Literal enforcement of the provision of the ordinance would result in an unnecessary hardship:

The Home Owners have a growing Family and this addition would allow them to stay at their Thaxter Rd. Home.

MADISON TIDWELL #38 THAXTER RD
BRENDAN BARKER





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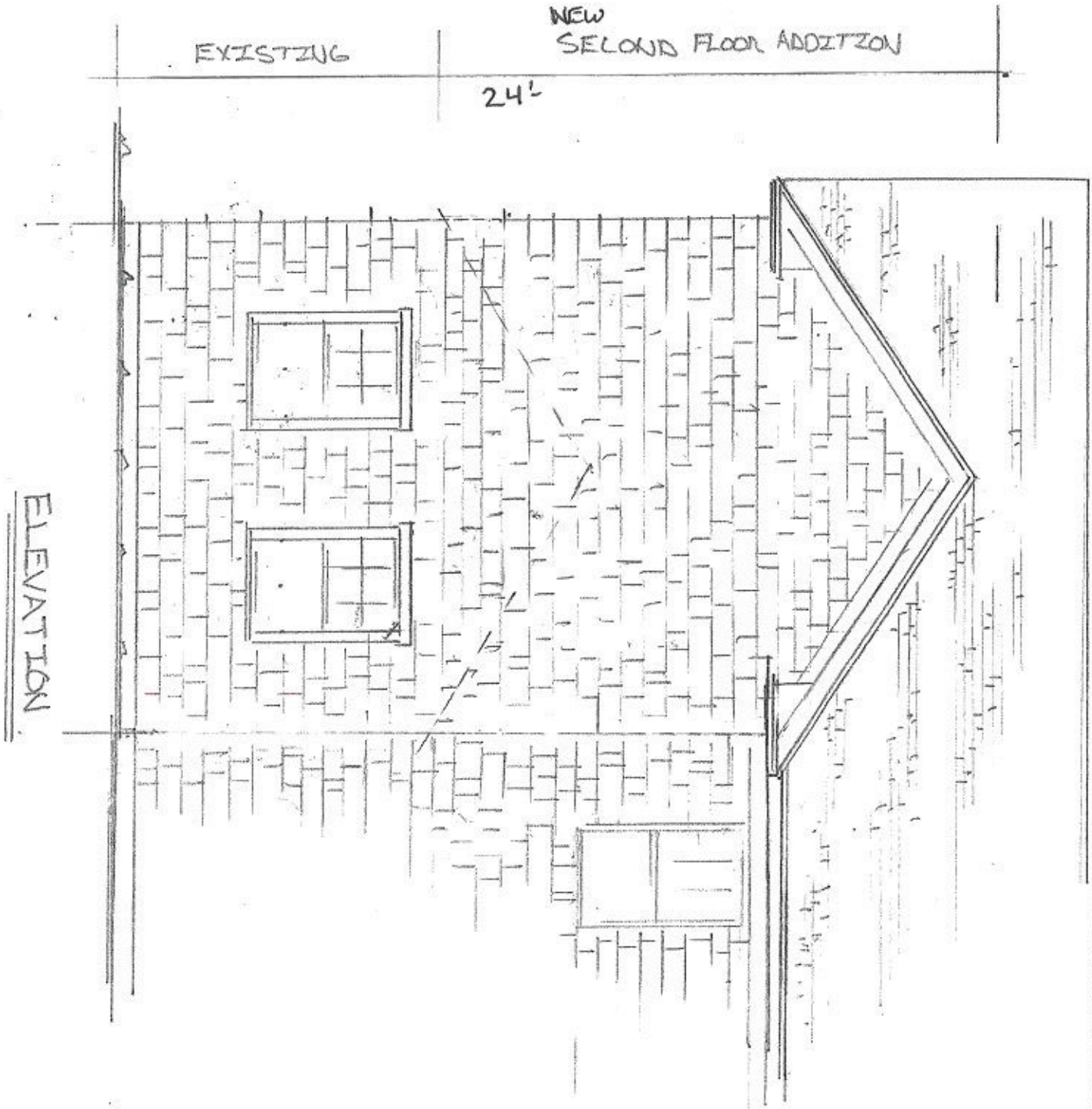
	SCALE:	38 THAXTER RD. PORTS.	



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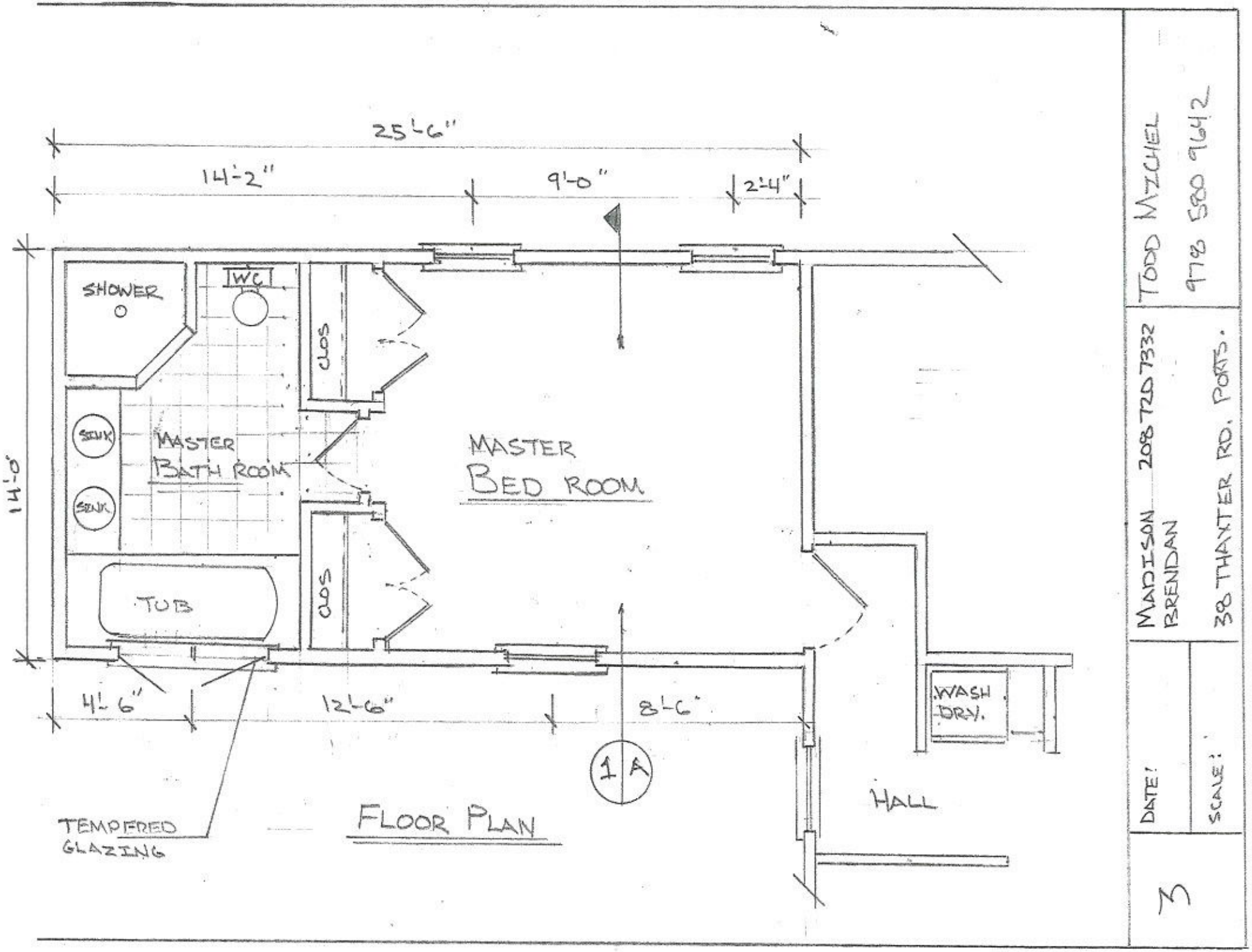
	SCALE:	38 THAXTER RD. PORTS.	


25'-6"
14'-2"
9'-0"
2'-4"
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SHOWER
WC
CLOS
SINK
SINK
MASTER BATH ROOM
MASTER BED ROOM
CLOS
TUB
WASH DRY.
HALL
4'-6"
12'-6"
8'-6"
1 A
TEMPERED GLAZING
FLOOR PLAN
TODD MAZCHEL
978 580 9642
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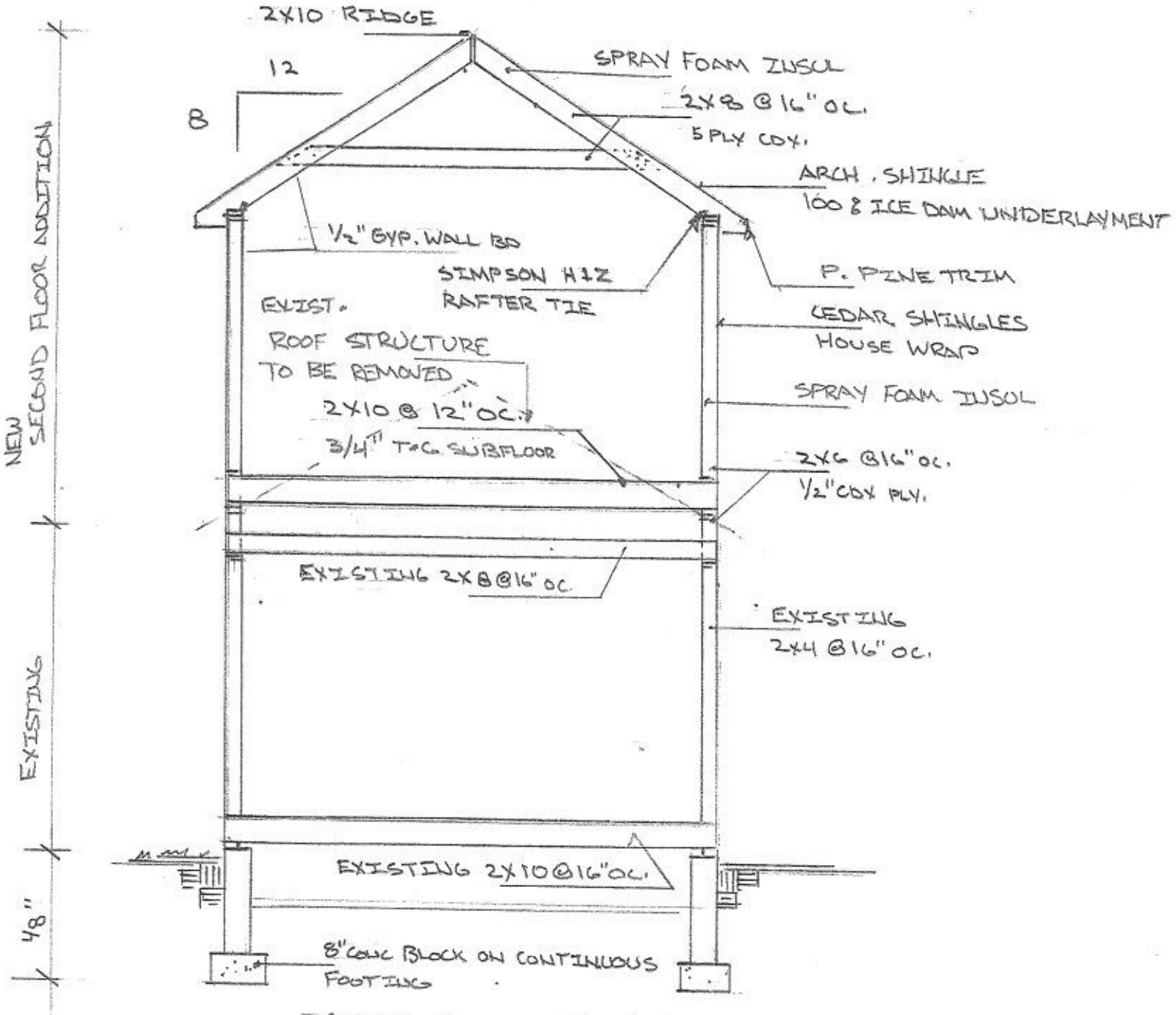
3



CROSS SECTION 1-A

Todd Wichel Cons
978 580 9642

MADISON
BRENDAN

38 THAXTER RD PORTS,

DATE.

SCALE
1/4" = 1'-0"

4

6.

The request of **ADL 325 Little Harbor Road Trust (Owner),** for property located at **325 Little Harbor Road** whereas relief is needed to renovate an existing historic barn which requires the following: 1) A Variance from Section 10.628.30 to permit a bottom/basement finished floor elevation of 8 feet where 7.88 feet exist where 9 feet is required. Said property is located on Assessor Map 205 Lot 2 and lies within the Rural (R) district.

Existing & Proposed Conditions

	Existing	Proposed	Permitted / Required	
Land Use	Single family	Barn renovation	Primarily residential	
Lot area (acres):	12.36 acres	12.36	5 acres	min.
Lot Area per Dwelling Unit (sq. ft.):	12.36	12.36	5 acres	min.
Height (ft.):	<35	<35	35	max.
Building Coverage (%):	<5	<5	5	max.
Open Space Coverage (%):	>75	94	75	min.
Base Flood Elevation:	7.88	**8**	9	
Estimated Age of Structure:	mid-1800's	Variance request(s) shown in red.		

Other Permits/Approvals Required

None.

Neighborhood Context

Previous Board of Adjustment Actions

No prior BOA history found.

Planning Department Comments

The property is currently undergoing significant renovations, including demolition of the house and construction of a new dwelling, renovation of the historic barn and other structures on the property. The barn is the subject of the variance due to part of the structure being located in the flood zone, thus it must comply with the floodplain ordinance, due to the substantial improvements that are underway. The Ordinance requires the lowest floor (including the basement) to be elevated 1 foot above the base flood elevation. The base flood elevation is 8 feet, thus the plus 1 requirement is 9 feet. In order to comply, they would need to add a foot of concrete in the basement or elevate the entire structure to allow for the extra foot to be added to the foundation. In addition to addressing the 5 criteria for a variance, Section 10.629.20 states additional measures must be addressed by the applicant.

10.629.20 If the applicant, upon appeal, requests a variance as authorized by the provisions of State law, the applicant shall have the burden of showing in addition to the usual variance standards under State law:

*(a) That the variance will not result in increased **flood** heights, additional threats to public safety, or extraordinary public expense;*

*(b) That if the requested variance is for activity within a designated **regulatory floodway**, no increase in **flood** levels during the **base flood** discharge will result; and*

*(c) That the variance is the minimum necessary considering the **flood** hazard, to afford relief.*

10.629.30 The Board of Adjustment shall notify the applicant in writing that:

*(a) The issuance of a variance to construct below the required elevation may result in increased premium rates for **flood** insurance up to amounts as high as $25 for $100 of insurance coverage; and*
(b) Such construction below the required elevation increases risks to life and property.

Review Criteria

This application must meet all five of the statutory tests for a **variance** (see Section 10.233 of the Zoning Ordinance):

1. *Granting the variance would not be contrary to the public interest.*
2. *Granting the variance would observe the spirit of the Ordinance.*
3. *Granting the variance would do substantial justice.*
4. *Granting the variance would not diminish the values of surrounding properties.*
5. *The "unnecessary hardship" test:*
   (a)The property has special conditions that distinguish it from other properties in the area.
   AND
   (b) Owing to these special conditions, a fair and substantial relationship does not exist between the general public purposes of the Ordinance provision and the specific application of that provision to the property; and the proposed use is a reasonable one.
   OR

Owing to these special conditions, the property cannot be reasonably used in strict conformance with the Ordinance, and a variance is therefore necessary to enable a reasonable use of it.

10.235 Certain Representations Deemed Conditions

Representations made at public hearings or materials submitted to the Board by an applicant for a special exception or variance concerning features of proposed buildings, structures, parking or uses which are subject to regulations pursuant to Subsection 10.232 or 10.233 shall be deemed conditions upon such special exception or variance.

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

August 31, 2022

HAND DELIVERED

Peter Stith, Principal Planner
Portsmouth City Hall
1 Junkins Avenue
Portsmouth, NH 03801

Re: Stephen H. Roberts, Trustee, The ADL 325 Little Harbor Road Trust,
Owner/Applicant
325 Little Harbor Road
Tax Map 205, Lot 2
Rural (R) District
LU 21-220

Dear Mr. Stith & Zoning Board Members:

On behalf of Stephen H. Roberts, Trustee, The ADL 325 Little Harbor Road Trust, enclosed please find the following in support of a request for zoning relief:

- Digital Application submitted via Viewpoint earlier today.
- Owner's Authorization.
- 8/31/2022 – Memorandum and exhibits in support of Variance Application

We look forward to presenting this application to the Zoning Board at its September 20, 2022 meeting.

Very truly yours,

R. Timothy Phoenix

Enclosure

cc: Anthony DiLorenzo
Stephen H. Roberts, Trustee
Corey Colwell
Aaron Sturgis
James Youngblood

DANIEL C. HOEFLE
R. TIMOTHY PHOENIX
LAWRENCE B. GORMLEY
STEPHEN H. ROBERTS
R. PETER TAYLOR
KEVIN M. BAUM
GREGORY D. ROBBINS
MONICA F. KIESER
JACOB J.B. MARVELLEY
DUNCAN A. EDGAR
STEPHANIE J. JOHNSON
OF COUNSEL:
SAMUEL R. REID
JOHN AHLGREN

TO: Portsmouth Zoning Board of Adjustment ("ZBA")
FROM: R. Timothy Phoenix, Esquire
DATE: August 31, 2022
Re: Stephen H. Roberts, Trustee, The ADL 325 Little Harbor Road Trust, Owner/Applicant
Property Location:325 Little Harbor Road
Tax Map 205, Lot 2
Rural Residential ("R") Zoning District
Flood Zone AE (El. 8)

Dear Chairman Parrott and Zoning Board Members:

With Stephen H. Roberts, Trustee, The ADL 325 Little Harbor Road Trust, Owner, on behalf of Anthony DiLorenzo and family, we are pleased to submit this memorandum and attached exhibits in support of zoning relief to significantly renovate a large historic barn structure without complying with the flood zone ordinance that would require the basement floor to be raised 1 foot from flood elevation 8 to flood elevation 9.

I. EXHIBITS

A. Flood Zone Exhibit Sketch-by TF Moran, Inc.
B. Architectural Basement Floor Plan-D-1.00 -by G.P. Schafer Architect, DPC.
C. Historic Structure Report and Photographs- by Preservation Timber Framing.
D. Variance Effect Report-by Preservation Timber Framing.
E. Site Photographs.
F. Tax Map 205.

II. PROPERTY/PROJECT

Commonly known as Lady Isle, for the Lady Isle Catholic school operated on the site for many years, 325 Harbor Road is a 12 acre island lot accessed only by a bridge or the water. Numerous structures have been located on the lot over the decades, as it has been used for both the school and residential uses before and after. The owner is in process of redeveloping the lot, including a new home under construction, pool house/pool, renovated historic two-story cottage and the existing large (2608 s.f. footprint) 2.5. -story historic barn, circa mid-1800s (**EXHIBIT C**, p.2). The entire barn is to be renovated, saving as much as possible. (**EXHIBIT C**)

Notable features with respect the pending variance request include, without limitation: the condition of the wooden structure to be renovated; the very good condition stone foundation; granite support pillars; prominence viewed from the water. (See **EXHIBITS C, D)**

Much of the island is located in Flood Zone X, as is the significant majority of the historic barn. (**EXHIBIT A)** The easterly end of the island is , however, located is in flood zone AE (El. 8), in which a small portion (447 s.f./16%±) of the southerly side of the barn is located. Pursuant to FEMA regulations, the substantial expense of the proposed barn renovations requires the lowest (basement) floor to be at Finished Floor Elevation ("FFE") 8. The existing basement floor is FFE 7.88+/-.

The renovation includes pouring a new concrete floor up to FFE ("elevation") 8.0, thus compliant with FEMA regulations. The Portsmouth Floodplain Ordinance, however, requires that any "substantial improvement" (where the cost of improvements is equal to or greater than 40% of the market value of a residential structure, Portsmouth Zoning Ordinance ("PZO") §10.622.20. Definitions, which here applies) must leave the lowest floor (including basement) elevated to at least one (1) foot above the base flood elevation if in Zone A or AE. PZO §10.628.30. Since the applicable zone is AE (El.8) this would require the basement floor to be at a minimum of elevation 9, where elevation 8 is proposed **(EXHIBIT A**). Thus, the proposal is for the bottom floor to be one foot, or 12 inches below the required elevation 9.

To achieve a basement floor elevation of 9, one foot of concrete floor must be poured to raise the level from proposed elevation 8.0. The practical problem is that at elevation 9, the distance from the floor to the joists above is 5' 10.5" where code requires 6' 10". The floor elevation to a FEMA compliant elevation 8.0, leaves the floor to joist height at a compliant 6' 10.5". Alternatively, the entire structure would have to be lifted approximately one foot in elevation in order to achieve code-compliant headroom. The builder, architect and historic preservationist as well as the owner seek to avoid the additional concrete in order to preserve code-compliant head room and to avoid lifting the entire structure due to:

- the unnecessary cost under the circumstances.
- possible loss of the historic granite pillars, which cannot be extended.
- the risk of damage or destruction to the historic structure.
- lifting the barn off of the historic stone foundation would require an additional layer(s), of new stone foundation which would not match existing. The effect would be to lose the benefit of the historic renovation and decrease the aesthetic charm and historic "look" particularly when viewed from the water. (**EXHIBIT D**)

Accordingly, and considering that only a small percentage (16%, 447sf) of the 2806 sf (footprint) barn is actually in the flood zone, a slight one-foot variance is requested for a FEMA-compliant basement floor at El 8.0. where El.9 is required. We have met and reviewed the project and proposal with the planning staff and building inspection department all of whom we believe to be in support of the project as proposed.

III. RELIEF REQUIRED

A variance pursuant to PZO §10.629.10 from PZO §10.628.30 to permit a bottom/basement finished floor elevation of 8.0 feet where 7.88 feet exists and 9 feet is required.[1]

IV. VARIANCE REQUIREMENTS

1. **The variances will not be contrary to the public interest.**
2. **The spirit of the ordinance is observed.**

The first step in the ZBA's analysis is to determine whether granting the variance is not contrary to the public interest and is consistent with the spirit and intent of the ordinance, considered together pursuant to Malachy Glen Associates, Inc. v. Town of Chichester, 155 N.H. 102 (2007) and its progeny. Upon examination, it must be determined whether granting the variance "would unduly and to a marked degree conflict with the ordinance such that it violates the ordinance's basic zoning objectives." Id. "Mere conflict with the zoning ordinance is not enough." Id.

PZO §10.121 identifies the general purposes and intent of the ordinance "to promote the health, safety, and general welfare of Portsmouth…in accordance with the…Master Plan" This is accomplished by regulating:

1. The use of land, buildings and structures for business, industrial, residential and other purposes – The entire historic barn will be renovated, saving as much as possible. The intent is for the barn to remain in its existing location, noting that only a small portion is within the flood zone, AE(El.8). The proposed basement floor at elevation 8 will comply with FEMA; the variance request is only for one foot; achieves code-compliant head room in the basement; avoids the cost and risk of damage to the structure from raising it to achieve reasonable head room, in turn avoiding the potential loss of historic granite pillars and the requirement for building up the existing historic stone foundation.

[1] PZO §10.629.20 provides for 3 additional variance requirements which will be addressed below. Please also note the Board of Adjustment notice requirements set forth in PZO sec. 10.629.30.

2. The intensity of land use, including lot sizes, building coverage, building height and bulk, yards and open space – The entire island (lot) is 12 =acres with no structures nearby, other than the island structures. The historic barn will remain in its existing location and will be used merely for residential purposes as an accessory structure.
3. The design of facilities for vehicular access, circulation, parking and loading – The barn is located essentially "alone", 90 feet from other structures, with more than adequate area for access, circulation, parking and loading.
4. The impact on properties of outdoor lighting, noise, vibration, stormwater runoff and flooding – The barn will be utilized by a single-family for residential accessory purposes and is located far from any other buildings of any kind.
5. The preservation and enhancement of the visual environment – The tasteful and thoughtful renovation, overseen by a historic preservationist, will maintain and likely enhance the visual environment
6. The preservation of historic districts and building and structures of historic architectural interest – The entire renovation of this historic circa mid 1800s barn, overseen by a historic preservationist, easily complies with this purpose. This specific purpose is one of the reasons the slight variance relief is requested.
7. The protection of natural resources, including groundwater, surface water, wetlands, wildlife habitat and air quality – The barn is to remain in its existing location so there will be no change.

The purpose of the Rural Residential District is:

> to provide areas for single-family dwellings and appropriate accessory uses at the rural densities (up to one dwelling per 5 acres) and limited agricultural uses. PZO sec.10.410.

The entire 12 acre island lot will contain 1 single-family residence and a detached ADU, located far from any other buildings of any kind, entirely in keeping with the purpose of the Rural Residential zone.

In considering whether variances "in a marked degree conflict with the ordinance such that they violate the ordinance's basic zoning objectives," Malachy Glen, supra, also held:

> One way to ascertain whether granting the variance would violate basic zoning objectives is to determine whether it would alter the essential character of the locality… . Another approach to [determine] whether granting the variance violates basic zoning objectives is to examine whether granting the variance would threaten the public health, safety or welfare. (emphasis added)

The "Lady Isle" lot, buildings and historic barn themselves provide a singular and unique "character "in the city of Portsmouth. With a large majority of the structure outside of the flood zone, the slight variance will maintain required basement head room and preserve the structural

integrity of the barn and foundation. The owner is acutely aware of any risk to the structure from future floods, which is likely to be less than otherwise anticipated given the fact that only a small portion of the barn (16%+/-) is within the flood zone. Additionally, whether the barn basement floor is at the proposed elevation 8, or the required elevation 9, or even several feet over elevation 9, the effect of floodwaters will be virtually unchanged due to the location of the existing foundation which will be impacted by floodwaters reaching virtually any elevation. Accordingly, the slight variance which affects only one property now and in the future, will neither change the essential character of the locality nor threaten the public health, safety or welfare.

3. Granting the variances will not diminish surrounding property values.

The variance will allow the barn to remain in its existing location at its existing dimensions. The island is isolated, near no other structures. Only this barn is affected by the variance. The variance preserves compliant head room in the basement and avoids the risk of lifting the structure and damaging the historic nature and aesthetics of the barn via additional foundation. It follows that the variance will not in any way diminish surrounding property values.

4. Denial of the variances results in an unnecessary hardship.

a. Special conditions distinguish the property from others in the area.

Lady Isle is a large 12 acre single-family house "lot" accessed only by bridge or the water. The subject barn has existed in its present location for approximately 170 years. The proposed renovation intends to preserve as much of the historic structure as possible. Any renovation or other work on the barn, which here will exceed 40% of its value, must obviously be undertaken on or in the barn in its present location, only a portion of which is in flood zone AE (El.8). These factors combine to create special conditions clearly distinguishing this property from others in the area.

b. No fair and substantial relationship exists between the general public purposes of the ordinance and its specific application in this instance.

The purpose of the flood zones and requirements for structure and lowest floor elevations located entirely or partially in flood zones is to protect structures and the property within them

from the effects of a flood. Given: the small area of the barn that is within the flood zone; the fact that the proposed FFE at 8.0 is only one foot below the City requirement; floodwaters will impact the historic stone foundation regardless of the basement floor elevation; the proposal complies with the FEMA requirement; and the effect of the variance permitting the project to move forward with compliant basement head room, while avoiding the risk to the structure and foundation if it is raised, there simply is no reason to require strict compliance by increasing the bottom floor elevation to elevation 9. The request is supported by the design, historic preservation, building, legal and technical team and upon information and belief has the support of the city planning and building inspection departments.

c. The proposed use is reasonable.

If the use is permitted, it is deemed reasonable. Vigeant v. Hudson, 151 N.H. 747 (2005). Residential use is permitted in the R Zone, including accessory buildings incidental to the permitted use. The historic barn is such an accessory building. Therefore, the use and the variance required to renovate it is reasonable.

5. Substantial justice will be done by granting the variances.

If "there is no benefit to the public that would outweigh the hardship to the applicant" this factor is satisfied. Harborside Associates, L.P. v. Parade Residence Hotel, LLC, 162 N.H. 508 (2011). That is, "any loss to the [applicant] that is not outweighed by a gain to the general public is an injustice." Malachy Glen, supra at 109.

An owner is generally constitutionally entitled to the use of the lot as he sees fit. "The right to use and enjoy one's property is a fundamental right protected by both the State and Federal Constitutions." N.H. CONST. pt. I, arts. 2, 12; U.S. CONST. amends. V, XIV; Town of Chesterfield v. Brooks, 126 N.H. 64 (1985) at 68. Part I, Article 12 of the New Hampshire Constitution provides in part that "no part of a man's property shall be taken from him, or applied to public uses, without his own consent, or that of the representative body of the people." Thus, our State Constitutional protections limit the police power of the State and its municipalities in their regulation of the use of property. L. Grossman & Sons, Inc. v. Town of Gilford, 118 N.H. 480, 482 (1978). "Property" in the constitutional sense has been interpreted to mean not the tangible property itself, *but rather the right to possess, use, enjoy and dispose of it*. Burrows v. City of Keene, 121 N.H. 590, 597 (1981) (emphasis added).

The proposed substantial renovation of this historic barn at a likely cost well exceeding the cost to remove and replace it, is to be undertaken in a manner that preserves and respects the historic barn and its features. The slight variance affecting only a small portion of the barn permits the avoidance of non-compliant basement head room and/or the lifting the building, risking the integrity of the structure and losing historic features (foundation, granite pillars) has no negative effect whatsoever upon the general public.

Conversely, denial of the variance causes great harm to the owner who, despite the significant investment into the barn's preservation, will risk damage to the structure or loss of historic features from raising it to create head room. Accordingly, the loss to the applicant from denial of the variance significantly outweighs any gain to the public from its denial.

V. ADDITIONAL VARIANCE REQUIREMENTS OF PZO §10.629.20

If the applicant, upon appeal, requests a variance as authorized by the provisions of state law, the applicant shall have the burden of showing in addition to the usual variance tenders under state law:

(a) That the variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense; Only a small portion of the building is in the flood zone AE (El.8). The FEMA requirement for the lowest floor to be at least at elevation 8 is met. Since any flood to elevation 8 or 9 will first impact the historic Stone foundation, these factors combine to demonstrate that this slight variance will not result in increased flood heights. The barn and entire 12 acre island is isolated with no other off-site buildings nearby. Even the nearest on-lot building is at least 90 feet away from the barn. Thus, the granted variance poses no threat to public safety. Any expense incurred as a result of a flood will be limited to the property owner.

(b)That if the required variance is for activity within a designated regulatory floodway, no increase in flood levels during the base flood discharge will result; Flooding, according to the FEMA map will occur only up to flood zone X at elevation 8. Only 16% of the barn is within flood zone AE (EI.8). Discharge of the floodwater will occur southeast, away from the barn. The barn will not be enlarged or its elevation increased beyond raising the lowest floor approximately 2 inches. The proposal is only 12 inches below the required elevation 9 and complies with FEMA requirements for elevation 8. The effect of the difference in any flood is *de minimus*, particularly since the primary impact of any flood waters will be to the stone foundation.

(c)That the variance is the minimum necessary considering the flood hazard to afford relief. The variance to permit the bottom/basement floor at elevation 8, fully FEMA compliant, where elevation 9 is required under the Portsmouth zoning ordinance, is slight

and is the minimum necessary considering that the primary effect in a flood event is the impact upon the stone foundation, regardless of the basement floor elevation. The requested variance is the minimum necessary to achieve reasonable flood protection while also protecting the historic structure and foundation both physically and from a historical perspective.

VI. CONCLUSION

For all of the reasons stated, your applicant and entire team respectfully request that the Portsmouth Zoning Board of Adjustment grant the requested variance.

Respectfully submitted,

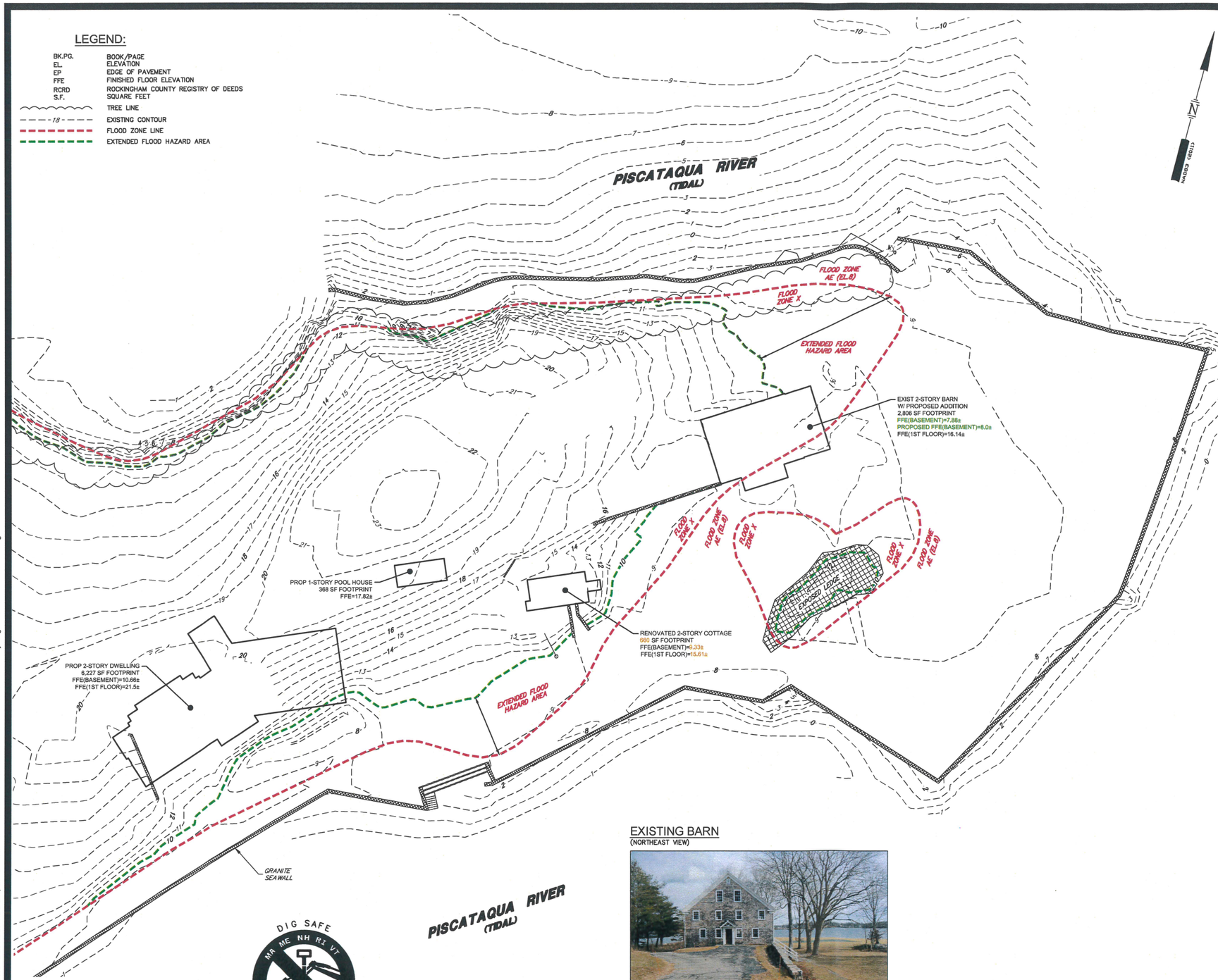
Stephen H. Roberts, Trustee
The ADL325 Little Harbor Road Trust.

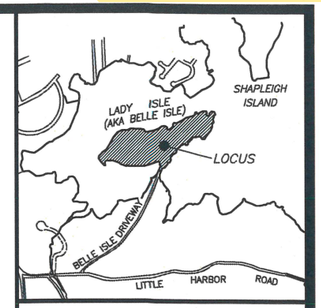
By: R. Timothy Phoenix

EXHIBIT A

LEGEND:

BK.PG.	BOOK/PAGE
EL.	ELEVATION
EP	EDGE OF PAVEMENT
FFE	FINISHED FLOOR ELEVATION
RCRD	ROCKINGHAM COUNTY REGISTRY OF DEEDS
S.F.	SQUARE FEET
	TREE LINE
-18-	EXISTING CONTOUR
	FLOOD ZONE LINE
	EXTENDED FLOOD HAZARD AREA





LOCATION PLAN

NOTES:

1. THE PARCEL IS LOCATED IN THE RURAL (R) ZONING DISTRICT.
2. THE PARCEL IS SHOWN ON THE CITY OF PORTSMOUTH ASSESSOR'S MAP 205 AS LOT 2.
3. THE PARCEL IS LOCATED IN FLOOD HAZARD ZONE AE (EL.8) AND ZONE X (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN), AS SHOWN ON NATIONAL FLOOD INSURANCE PROGRAM (NFIP) FLOOD INSURANCE RATE MAP (FIRM), ROCKINGHAM COUNTY, NEW HAMPSHIRE, PANEL 278, VERSION NUMBER 2.3.2.1 MAP NUMBER 33015C0278F, MAP REVISED: JANUARY 29, 2021. THE DATUM IS NAVD88 BASED ON STATIC GPS OBSERVATIONS.
4. DIMENSIONAL REQUIREMENTS:

	REQUIRED:
MINIMUM LOT AREA:	5 ACRES (PER DWELLING UNIT)
MINIMUM DTREET FRONTAGE:	N/A
LOT DEPTH:	N/A
MINIMUM YARD SETBACKS:	
FRONT:	50'
SIDE:	20'
REAR:	40'
MAXIMUM STRUCTURE DIMENSIONS:	
STRUCTURE HEIGHT:	35'
BUILDING COVERAGE:	5%
MINIMUM OPEN SPACE:	75%

5. OWNER OF RECORD:
   MAP 205 LOT 2
   THE ADL 325 LITTLE HARBOR ROAD TRUST
   STEPHEN H. ROBERTS ESQ., TRUSTEE
   127 PARROTT AVENUE
   PORTSMOUTH, NH 03801
   RCRD BK.5959 PG.1244
6. PARCEL AREA:
   MAP 205 LOT 2:
   538,229± S.F.
   (12.36± ACRES)

PLAN REFERENCES:

1. "BOUNDARY PLAN FOR BELLE ISLE PARTNERS TRUST, LITTLE HARBOR ROAD/BELLE ISLE, COUNTY OF ROCKINGHAM, PORTSMOUTH, NH." DATED MARCH 30, 1995, BY RICHARD P. MILLETTE & ASSOCIATES.
2. "SUBDIVISION OF LAND FOR J.P. GRIFFIN, OFF LITTLE HARBOR ROAD COUNTY OF ROCKINGHAM, PORTSMOUTH, NH" DATED NOVEMBER 1980, BY RICHARD P. MILLETTE & ASSOCIATES. RCRD PLAN #D-10554.
3. "PLAN OF A LOT OF LAND BELONGING TO WM. H. & ADELAIDE E. KEEPERS, PORTSMOUTH, NH" BY A.C. HOYT SURVEYOR. RCRD PLAN #0874.
4. "LAND LOCATED IN PORTSMOUTH IN THE COUNTY OF ROCKINGHAM AND STATE OF NEW HAMPSHIRE, DIVISED BY ARTHUR ASTOR CAREY TO THE TRUSTEES UNDER THE THIRTEENTH ARTICLE OF HIS LAST WILL AND TESTAMENT" DATED SEPTEMBER 1927, BY JOHN W. DURGIN CIVIL ENGINEER. RCRD PLAN #0311.
5. "SUBDIVISION PLAN FOR MICHAEL R. CLARK, TAX MAP 204 LOT 5, LITTLE HARBOR ROAD, PORTMOUTH, NEW HAMPSHIRE" BY DOUCET SURVEY, INC. DATED JULY 30, 2004 WITH REVISION 5 DATED 8/10/05. RCRD PLAN #D-33062.

EXISTING BARN
(NORTHEAST VIEW)

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48 Constitution Drive, Bedford, N.H. 03110

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This plan is not effective unless signed by a duly authorized officer of TFMoran, Inc.

DIG SAFE
MA ME NH RI VT
CALL 811 TOLL FREE
UTILITIES UNDER GROUND PLANT DAMAGE PREVENTION SYSTEM
CONTACT DIG SAFE 72 BUSINESS HOURS PRIOR TO CONSTRUCTION

30 0 30
Graphic Scale in Feet

REV.	DATE	DESCRIPTION	DR	CK
1	8/30/2022	UPDATED BASEMENT ELEVATION	MVP	JCC

TAX MAP 205 LOT 2
FLOOD ZONE EXHIBIT PLAN
BELLE ISLE / AKA LADY ISLE
325 LITTLE HARBOR ROAD
PORTSMOUTH, NEW HAMPSHIRE
COUNTY OF ROCKINGHAM
OWNED BY
THE ADL 325 LITTLE HARBOR ROAD TRUST

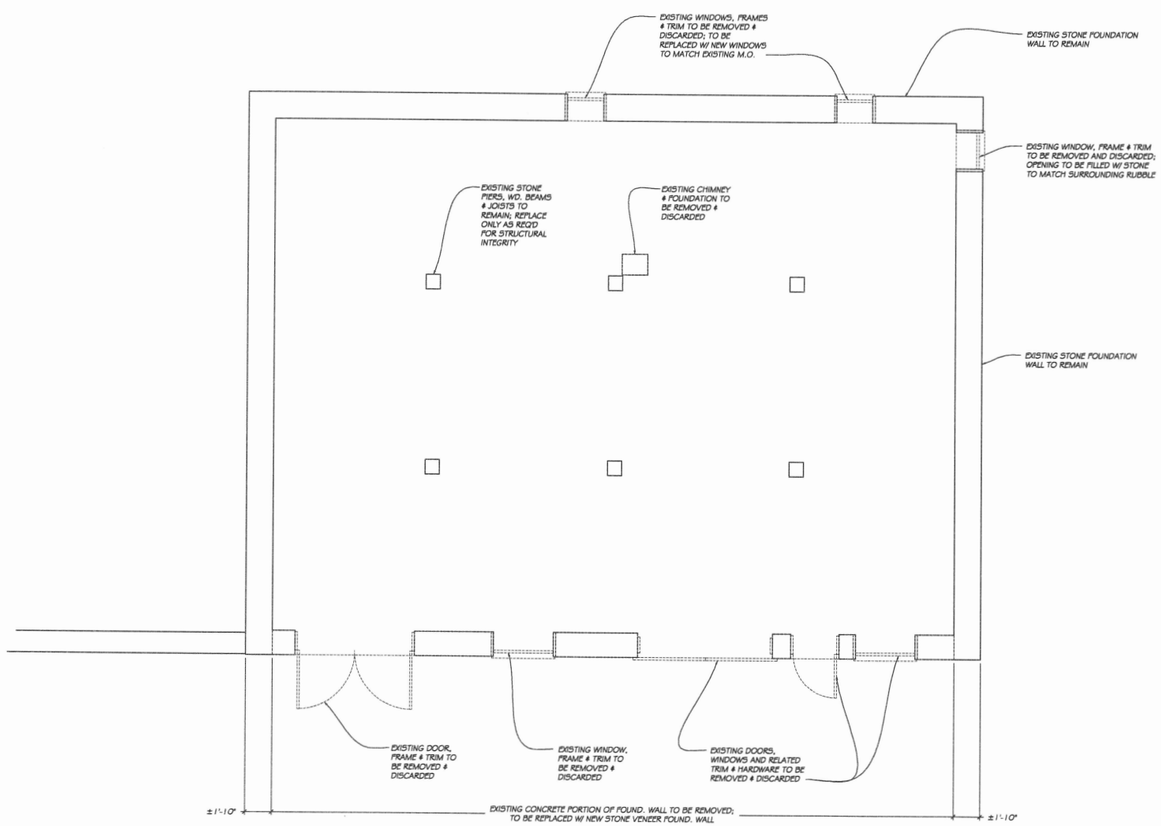
SCALE: 1" = 30' (22x34)
1" = 60' (11x17)
AUGUST 29, 2022

Seacoast Division
TFM
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

FILE	DR	FB		
47099.01	CK	CADFILE		S-1

Aug 30, 2022 - 1:34pm
F:\MSC Projects\47099 - Little Harbor Rd & Gosport Rd - Portsmouth\47099-01 - DiLorenzo - 325 Little Harbor Rd\Carlson Survey\Dwgs\47099-01 Variance-Barn.dwg

EXHIBIT B



1 / D-1.00 **Basement Plan**
Scale: 1/4" = 1'-0"

GRAPHIC LEGEND:

TO REMAIN

TO BE DEMOLISHED

DEMOLITION NOTES:

1. THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR ALL DEMOLITION ACQUIRED FOR THE COMMENCEMENT AND COMPLETION OF NEW CONSTRUCTION, REGARDLESS OF WHETHER OR NOT IT HAS BEEN EXPRESSLY STATED IN THESE DOCUMENTS.
2. THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR COMPLIANCE WITH ANY GOVERNMENTAL REGULATION ON THE CONTROL OF DUST, AND THE REMOVAL AND DISPOSAL OF MATERIALS.
3. THE GENERAL CONTRACTOR SHALL EXERCISE REASONABLE PRECAUTION IN THE PROTECTION OF ALL EXISTING FINISHES TO REMAIN AND/OR ALL EXISTING SUBSTRATES TO RECEIVE NEW FINISH.
4. THE GENERAL CONTRACTOR SHALL PROVIDE PROTECTIVE COVERINGS FOR ALL FLOOR, PARTITION, AND CEILING FINISHES TO REMAIN IN THE PROJECT AREA AND FOR ALL FINISHES WHICH MAY BE SUBJECT TO TRAFFIC OR CONSTRUCTION ACTIVITY IN ADJACENT AREAS.
5. THE GENERAL CONTRACTOR SHALL SCHEDULE AND COORDINATE ALL TRADES TO PREVENT DAMAGE TO ALL COMPONENTS TO BE SALVAGED AND RE-PURPOSED. ANY DAMAGES TO COMPONENTS WHILE IN THE SPECIFIC CARE OF THE G.C. PRIOR TO COMPLETION OF PROJECT SHALL BE CORRECTED AT THE EXPENSE OF THE GENERAL CONTRACTOR.
6. THE GENERAL CONTRACTOR SHALL STAKE AND FLAG, AND/OR OTHERWISE MARK LOCATIONS OF ALL EXISTING UTILITIES ACCORDING TO CURRENT APWA COLOR CODES PRIOR TO THE COMMENCEMENT OF WORK.
7. ANY NECESSARY RELOCATION, RECONNECTION, OR UPGRADE OF UTILITIES SHALL BE IDENTIFIED AND COMPLETED EITHER PRIOR TO COMMENCEMENT OF WORK IN ORDER TO AVOID UNSCHEDULED SERVICE INTERRUPTION WITH SURROUNDING STRUCTURES ON THE PROPERTY, OR AS DETERMINED AT THE APPROPRIATE TIME.
8. THE GENERAL CONTRACTOR SHALL TAKE MEASURES TO PRESERVE EXISTING FOLIAGE AND/OR PLANTINGS WHEREVER POSSIBLE.
9. ALL EXTERIOR DOORS AT HISTORIC STRUCTURE TO BE REMOVED.
10. NO STRUCTURAL ELEMENTS SHALL BE REMOVED WITHOUT COORDINATION WITH STRUCTURAL ENGINEER & ARCHITECT.
11. THE CONTRACTOR SHALL PROVIDE ADEQUATE WEATHER PROTECTION FOR THE BUILDING.

FOR COORDINATION
NOT FOR CONSTRUCTION

-	ISSUED FOR PRICING (NOT FOR CONSTRUCTION)	9/8/20

A RENOVATED BARN
for
LADY ISLE
PORTSMOUTH, NEW HAMPSHIRE

SHEET TITLE:
Demolition - Basement Plan
Barn

DATE: *September 8, 2020*
SCALE: *1/4" = 1'-0"*
DRAWN BY: -
SHEET NUMBER: **D-1.00**

G. P. SCHAFER ARCHITECT, DPC
19 UNION SQUARE WEST
4TH FLOOR
NEW YORK, NEW YORK 10003
TELEPHONE: 212-965-1355
TELEFAX: 212-965-1356

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ACTUAL NORTH
PROJECT NORTH

EXHIBIT C

PRESERVATION TIMBER FRAMING, INC. P.O. BOX 28, BERWICK, MAINE 03901
Office: (207) 698-1695 Cell: (603) 781-5725 E-mail: arron@preservationtimberframing.com

Belle Island Barn

Existing Conditions Assessment (Part 1 of 2):

Prepared for:
Anthony DiLorenzo
Belle Island
Portsmouth, NH 03801

April 30, 2018

Prepared by:
Arron Sturgis, David Ewing
Preservation Timber Framing, Inc.
P.O. Box 28
Berwick, ME 03901

Architectural Description:

The Belle Island barn is a well preserved agricultural building dating to the mid-19th century. It measures 50 feet one inch in length and 38 feet one inch in width. Although much of the exterior has been altered with new wall coverings and numerous added windows and doors, the timber frame within retains much of its original form and character. The exterior form also retains original overhangs with stylized soffit and rake details that place the barn historically in the mid to late 1800's.

Looking past the 20th century changes that occurred within the barn, we have a very cohesive and wonderful frame. The barn originally hosted two large interior rolling doors at the center of the gable ends allowing for easy access to the center drive and side aisle hay lofts. This barn is also designed originally with at grade access along the south eave wall. Cellar access at grade would categorize this barn as a "Banke Barn" given that its original use was for hay storage in the upper lofts, animals on the first floor and manure removal below in the basement.

The foundation of the barn is made of large cut stone well placed. The foundation is performing very well. The barn is built with heavy timber using "Modified English Joinery". The barn is created in five bents, where full length hand hewn and sawn posts at the perimeter wall and along each drive accept full length hand hewn tie beams that cross from eave to eave. A full length hand hewn top plate sits atop the flared perimeter posts, just below the tie beam and creates the eave wall with horizontal girts and nailers accepting vertical sheathing along the perimeter walls.

A center drive is defined with two structural posts in each bent accepting horizontal loft girts that create a second floor originally designed for hay storage. The roof system is defined as a "Principal Rafter, Principal Purlin, Common Rafter Roof". This means heavy hand hewn rafters at each bent rise to accept a large sawn purlin midspan and then meet at the peak. The large purlin supports the midspan of the sawn common rafters and horizontal roof boards are nailed on to accept the roof covering. A unique feature of this barn is a secondary post above the tie beam in bents 2, 3, and 4 that add additional strength and beauty to the frame.

The barn use has changed over time. For the past half century or so the barn has been converted into living and classroom space. Much of this fabric has been removed from the barn interior, but remnants remain that clearly identify the barn as living space. It is a commanding interior space. With repair of the timber frame and the addition of modern amenities the barn can be restored to its original glory while creating a new interesting and comfortable living space for your family.

Continued on next page

Existing Conditions:

Foundation:

The foundation of the barn is created with a combination of local cut and rubble stone. Much of the foundation is exposed along the East and South exterior walls. The foundation is completely covered on the West elevation and follows grade along the North wall. Some of the wall at the northeast corner has deteriorated, but overall the foundation is in excellent condition.

The foundation stones can be fully viewed from the cellar of the barn where granite piers support the drive posts at each bent location. A concrete corral has been added in bay two and partial concrete slabs have been poured in bay three.

Undercarriage:

The undercarriage of the barn includes 8" by 8" perimeter sills and 8" by 8" heavy carrying timbers in line with the drive posts above. Crossing timbers of equal size pass from eave to eave at each bent and 6" by 6" floor joists are spaced equally 4 per bay to support the floor above.

The gable sills, bents 1 & 5, are rotten and will need to be replaced in kind. Carrying timber ends have also rotted where they meet the sills and new ends will need to be created to support the floor system. A large section of the South eave wall sill will also need to be replaced. Some of the floor system is whitewashed indicating animal husbandry in the basement level of the barn.

Cellar doors and partitions are in disrepair as one enters the basement from the south eave. Some of the original openings have been closed in with concrete and partial wood framed walls. We recommend that the concrete should be removed and new doorposts and new doors should be fabricated for these original openings.

The Timber Frame:

The barn is created in five bents consisting of two gable ends and three interior bents equally spaced. Each bent requires repair and the framing that makes up the bays between the bents also needs in kind repair. There are also parts of the frame that have been removed over time that will be reintroduced into the timber frame.

Please refer to the attached drawings for repairs and replacement timbers needed in the structural timber frame. The drawings are color coded to show areas of repair vs. replacement.

Bent One (West Gable End): This bent is in excellent condition despite a completely rotten sill; the result of the sloping driveway. Two original door posts just inside the barn have been severed and should be repaired to connect the loft girts to the gable and allow for the original rolling doors to be re-installed into the barn.

Bent Two: This bent has had the most alterations over time. The north drive post has been completely removed and a continuous girt has been introduced into the first two bays of the barn. An original second level post atop the tie beam has also been removed and replaced with a makeshift rodded truss. The rod and adjacent bracing timber were designed to open up space in the drive, but it is structurally deficient. In kind replacement of the north drive post and second level post will restore the structural integrity of the timber frame. Four braces were also removed from the tie beam and a brace and strut at the second level post has also been taken out of the frame. The removed elements will be recreated and installed to regain historical and structural integrity.

Bent Three: A new perimeter post along the south eave is completely rotten and will need to be replaced in full. Extensive rot is found along the south eave wall as a result of overhanging trees and a leaky roof.

Bent Four: The timbers here are in very good shape. Four tie beam braces have been removed over time. They should be reintroduced into the frame as they play a crucial role in stiffening the timber frame across its width.

Bent Five (East Gable End): Extensive rot is present in bent five. The two drive posts on each side of an original door opening are rotten and will need in kind replacement. The Northeast corner post also exhibits extensive damage. The tie beam has been severed at its center and later added studding and infill sheathing has replaced original framing. A door header is missing here and numerous braces have rotted away. Horizontal girts are also rotten and will require replacement. Like the East gable, the two rolling door posts are also in need of repair. The East gable has taken the brunt of severe weather from the ocean side of the structure. Added decks and poor maintenance have caused the extensive rot at this end of the barn.

North Eave Wall (Wall A): This wall retains much of its original frame despite being peppered with added windows. Only one brace was severed for window installation. The vertical sheathing in the north wall has been drilled multiple times to allow for blown in insulation. Several of the small horizontal nailers in this wall have been severed by the addition of added windows and should be replaced with in kind materials.

South Eave Wall (Wall D): This eave wall has been most hard it by water penetration causing extensive rot. Upper girts in bays two and three will need to be replaced. A large section of the sill will need to be replaced as well. Repairs can be made to the large loft girts and top plate.

Vertical wall sheathing is largely missing in bays two and three and otherwise suffers from the holes drilled for blown in insulation. Several of the small horizontal nailers in this wall have been severed by the addition of added windows and should be replaced with in kind materials.

North Drive Wall (Wall B): The loft girts have been let into the drive posts and some repairs will accompany the bent two post replacement. New short headers will be installed to connect the repaired door posts to their respective gable end posts.

South Drive Wall (Wall C): The loft girts here have been retained. Only the doorposts and headers need repairs here.

Roof System: Overall the roof system is simply tremendous. It has only minor damage in two common rafters in the south pitch of bay two, which can be replaced in kind. The second level post in bent two along the north drive will be reintroduced into the roof system making the barn frame both authentic and extremely strong. Roof sheathing will need to be replaced as needed once the level of deterioration is discovered with the removal of the roof shingles.

Barn Exterior: The exterior of the barn retains its original roof trim details. The wide frieze, deep soffit and decorative crown moldings need to be removed to effect repairs to the timber frame. The trim details have suffered over time with the insertion of added windows and age. The molding profiles however, can be utilized to trim the repaired frame once the exterior of the frame has been properly sheathed and insulated. All other exterior coverings including wood shingles, clapboards, windows and doors should be removed and discarded.

Barn Interior: The barn interior has always retained its original loft form but the loft joists have been changed over time and they are not deep enough to accommodate modern code requirements. Flooring on the first floor has asbestos mastic remaining although most of the asbestos floor tiles have been removed. Original barn flooring is likely hidden beneath the floor coverings and can be used as a subfloor for the adaptive reuse of the barn. One long set of stairs remains to the loft level but it is not original and not conducive to a new use. An earlier stairwell exists all the way up to the upper loft on top of the tie beams. This loft is not original and substantially hides the magnificent roof framing above. It should be removed and the space redesigned for modern living.

Continued on next page

Repair Recommendations:

The following recommendations include working with your chosen general contractor to strip the barn and roof covering along with any interior asbestos abatement remaining to be done.

Preservation Timber Framing will provide structural staging to access areas of the frame that require structural repair and replacement. We will keep the barn weather tight at all times during the structural work and we will work seamlessly with you and your general contractor to complete the Exterior and Interior of the barn as per your request.

Our goal is to regain the historic and structural integrity of your barn. This requires extensive repair and some replacement of rotten elements within the timber frame. Our work meets all of the Secretary of the Interior's Standards for Rehabilitation. This means that we use in kind materials to match original fabric in both species of wood and size of timber. Our traditional repair methods are designed to repair the structure with new wood while retaining authenticity in the frame. These methods are time tested and economical to implement. It is the best way I know to make your barn whole again and make it last for generations to come.

Building Permits, Site Preparation, Tree Maintenance: By Others

Permits will be obtained by your chosen general contractor. The site may require fencing and or debris netting to protect the site. Minimal tree removal and pruning is recommended.

Foundation: By Others

Some minor stonework needs to be corrected along the North side of the foundation. This work can be done at almost any time but is logical to do prior to regrading the property.

Exterior Stripping and Removal of Roof Covering: By Others

In order to do the timber frame structural work, we will need the barn stripped of siding, trim and the asphalt roof. The roof should be papered and strapped with synthetic roof paper for longevity during the repair process. Existing trim elements should be carefully removed and stored in preparation for reproduction on the barn exterior. As it is likely that the barn is insulated from the exterior the trim will not be long enough for re-use, but it will be perfect for creating knives for molding profiles to create matching new trim on the barn.

Interior Floor Abatement: By Others

There remains asbestos mastic on some of the flooring in the barn. Much of the asbestos tiles

have been removed, but the remaining flooring other than the original barn boards must also be removed and discarded appropriately with regards to asbestos contamination.

Structural Repairs:

Structural Staging & Stabilization
Barn Frame Repairs
Loft Removal and Upgrade

The structural repairs to the barn are extensive and necessary to regain the integrity of the barn. Please see the attached drawings as they are color coded to show the exact areas of repairs. The photographs also explain areas of decay in the frame. We will methodically repair and replace rotten timber throughout the barn. We begin with perimeter sills and work up through the frame to complete repairs. We provide our own structural staging to access the areas of repair. We ensure that the building is safe, accessible and weathertight throughout our work.

We will remove the third floor decking entirely to open up the barn from below. We will also remove the undersized loft joists and decking and replace both second floor lofts with age appropriate timbers and flooring that match the character of the barn while also creating code compliant living space.

Exterior Sheathing:

PTF can repair and or replace the exterior sheathing on the barn. Due to the extensive drilling done to the exterior sheathing it is likely that much of the sheathing will need to be replaced in kind. We can obtain wide pine boards for this purpose once decisions have been made regarding the use of the existing sheathing in the re-design of the barn interior.

Exterior Insulation, Siding and Trim: By Others

It is wise to consider insulating the barn from outside the barn sheathing. In this way the beautiful repaired timber frame is fully exposed on the interior. This retains the feel of the barn and the magnificence of the space. Exterior insulation can take the form of Structural Insulating Panels (SIPs) or it can be created with a more conventional overbuild. Both options can be considered as there are pros and cons to both methods. PTF would work closely with your chosen general contractor to ensure that the barn is finished properly.

The trim on the barn should match exactly that which was carefully removed during the repair process. Specialty knives can be made to run the new trim details to exact proportion. Even though the exterior envelope is grown to allow for exterior insulation, the trim details can exactly match the original barn form. Siding should include vertical grain radially sawn clapboards and locally sourced white cedar shakes as appropriate for the period of the barn.

Typically, the visible West gable and South Eave is clapboarded and the rest of the frame in shakes. This is clearly personal preference as both sidings are age appropriate for the barn.

Roof Covering: By Others

The barn roof covering is tired and must be removed to do the repair work. A new roof can take many forms. We recommend a standing seam metal roof on most of our repaired frames as there is little live loading from snow accumulation. Aesthetics drive this decision however, because the barn roof will be visible from both land and water when completed. PTF will replace in kind any roof boards that are removed during the repair of the roof system and the roof will remain weathertight throughout the restoration.

Infrastructure: By Others

Your barn can be heated and cooled easily with proper insulation and infrastructure design. Solar energy can be utilized if desired. Radiant heat in the floor system and in the lofts can provide even heating throughout. PTF can work seamlessly with your general contractor to prepare the frame for new systems.

Interior Finishes: By Others

Interior partitions, stairs, flooring, kitchen and bathrooms are all to be determined. The design need only recognize the timber frame as it defines the space.

The following are excluded from this scope and will be the responsibility of your general contractor:

★ Building Permits, Site Preparation, Tree Removal
★ Foundation
★ Exterior Stripping and Removal of Roof Covering
★ Interior Floor Abatement
★ Exterior Insulation, Siding and Trim
★ Roof Covering
★ Infrastructure
★ Interior Finishes
★ Painting & Landscaping
★ Exterior Deck, Ramps

Conclusion:

The timber frame repairs to your barn are only one part of a larger project. With careful work, we can retain the original character of the barn and improve it to meet your modern design and

use. We look forward to partnering with you and your experienced general contractor to make the barn amazing.

Please do not hesitate to contact me with any questions you may have about the proposed work. I am available to meet with you at any time.

Respectfully Submitted,

Arron J. Sturgis, President
Preservation Timber Framing Inc.
www.preservationtimberframing.com

Attached: Addendum for 18th Century Center Chimney Cape House

PRESERVATION TIMBER FRAMING, INC. P.O. BOX 28, BERWICK, MAINE 03901
Office: (207) 698-1695 Cell: (603) 781-5725 E-mail: arron@preservationtimberframing.com

ADDENDUM:

18th Century Center Chimney House:

The property hosts a very early timber framed home complete with center chimney mass. This house is the earliest on the island and it has features that date it to the early 18th century. It is currently not much to look at given the later additions added to the core structure and the surrounding overgrown bushes and trees. It also suffers from years and years of neglect and it has been exposed to the weather for some time.

Despite these issues, the core of the house is magnificent. The entire two story frame is completely hand hewn meaning the timbers were created by felling logs and making them square with a broad axe. The frame is joined using the scribe rule method of joinery layout. This means that every timber in the frame fits in only one place within the house and each joint is meticulously scribed to fit its partner timber.

Interior and exterior finishes on the house are not original and cloud the quality of the frame beneath. The foundation however, is in remarkable shape made from local stone. A center chimney arch also survives largely intact despite the removal of the chimney above the first floor. The remaining arch gives permanent record of how the building was originally

constructed and used. Fireplaces in both parlors provided heat and cooking space for original occupants.

The two story timber frame shares aspects of houses built throughout Portsmouth and Newcastle from first settlement up through the early 1800's. Most of these types of houses were torn down to make way for much larger structures of higher style as both towns grew in population and economic prosperity. The survival of this house despite years of neglect speaks to its original builder's desire to live safely and comfortably on the exposed island.

Few of these types of houses survived the test of time. This house has defied the odds. Its restoration would preserve a piece of island history unparalleled in the city of Portsmouth. The work to restore this home is significant. A full investigation of the frame and foundation will be needed but the essential parts of this house are here and worthy of preservation.

Preservation Timber Framing, Inc.

Anthony Dilorenzo Barn

Conditions Assessment April 2018

By Arron Sturgis on Apr 06, 2018

Belle Isle Road | Portsmouth, New Hampshire 03801
Photo by Arron Sturgis on Mar 28, 2018

West Gable:

A many windowed facade hides a much earlier timber framed barn within. The approach to the barn is paved and higher than the sills. A concrete poured mini ramp replaces the wood structural sill.

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Photo by Arron Sturgis on Mar 28, 2018

North West Corner:

New shingles have been added to the West gable. Older clapboards cover the North eave wall. Windows are all added later to this structure. The overhang is original with wide frieze and soffit creating a high style trim detail.

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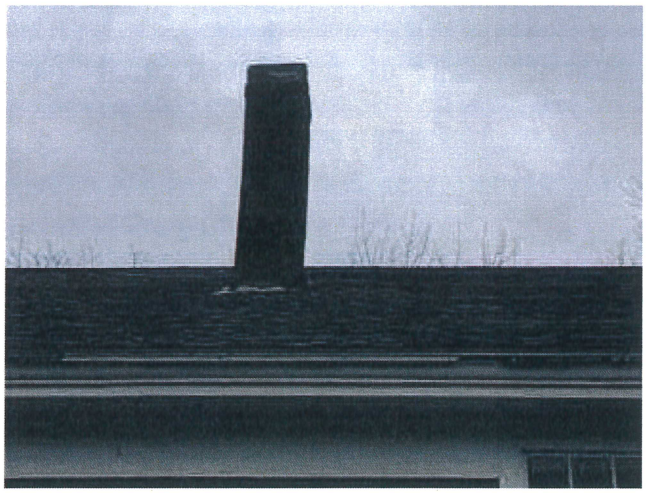
Photo by Arron Sturgis on Mar 28, 2018

North Eave Wall:

An asphalt roof covers original rough board sheathing. The wide frieze board is interrupted by added windows. Clapboards protect vertical sheathing on the eave wall.



Belle Isle Road | Portsmouth, New Hampshire 03801
Photo by Arron Sturgis on Mar 28, 2018

Chimney

A newer chimney rises from the barn roof. It is not original.

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Photo by Arron Sturgis on Mar 28, 2018

Barn Exterior Grade:

Grade has changed around the barn over time. The grade at the front gable of the barn covers the sills and the sills have subsequently rotted away. New grading can pitch water away from the barn.

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Photo by Arron Sturgis on Mar 28, 2018

North Foundation:

The north foundation wall is in good shape with only minor repointing of the rubble stone needed. This grade is likely a little lower than optimal for this wall.

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Photo by Arron Sturgis on Mar 28, 2018

North Eave Wall:

A mix of cut stone and rubble stone make up a substantial foundation for the barn.

Belle Isle Road | Portsmouth, New Hampshire 03801
Photo by Arron Sturgis on Mar 28, 2018

North East Corner:

Some stone work has loosened from the foundation. Some mortar repair has also been done. This corner will ned a bit of work, but overall the foundation is amazing.

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Photo by Arron Sturgis on Mar 28, 2018

North East Corner:

Grade changes and roof water has disturbed the foundation in this corner.

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Photo by Arron Sturgis on Mar 28, 2018

North Windows:

Six over six sash and flat trim surrounded by clapboards. Windows are not original.

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Photo by Arron Sturgis on Mar 28, 2018

North Clapboards:

Missing clapboards reveal two inch holes that were drilled often on all sides of barn for blown in insulation. Latex paint covers lead paint. Clapboards are nailed over and over.

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Photo by Arron Sturgis on Mar 28, 2018

Trim Damage:

Squirrels have chewed through the trim elements. A wide soffit and return supports a crown molding that has been repaired with lead flashing in a number of areas. A wide frieze and cove molding are accentuated by a narrow and rounded corner board.

While this trim detail may not be original, it is well done and can be reproduced in the repaired structure.

Belle Isle Road | Portsmouth, New Hampshire 03801
Photo by Arron Sturgis on Mar 28, 2018

East Gable:

Looking South along the East gable. A large deck shades the stone foundation. This foundation is exposed to severe weather on this end of the barn.

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Photo by Arron Sturgis on Mar 28, 2018

North East Corner:

High end trim exists on both ends of the barn which is unusual for this era. The squirrels have chewed the rake trim and have full access to the barn.

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Photo by Arron Sturgis on Mar 28, 2018

East Gable:

The east gable end is confused by two levels of deck and multiple windows scattered throughout the facade.

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Photo by Arron Sturgis on Mar 28, 2018

South East Corner:

A significant grade change occurs on the South eave wall and this grade is carried partially around the gable end. The foundation is exposed and very well done. Deck posts are inadequate.

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Photo by Arron Sturgis on Mar 28, 2018

East Gable:

Seaweed is strewn from the islands edge up to the east gable of the barn. The elements pound this end of the barn and the frame shows signs of decay despite newer siding and decks.

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Photo by Arron Sturgis on Mar 28, 2018

South Eave Wall:

A significant grade change on the South eave allow entry to the cellar at ground level. Sliding doors protect openings in the foundation wall. Scattered windows are placed in this wall and the siding is new because of extensive water damage along the eave wall.

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Photo by Arron Sturgis on Mar 28, 2018

Outbuildings:

A series of outbuildings decay along the south side of the barn. They are soon to be removed.

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Photo by Arron Sturgis on Mar 28, 2018

Concrete Classrooms:

Concrete structures were used for classrooms when the property was a school. These are soon to be removed.

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Photo by Arron Sturgis on Mar 28, 2018

South Eave Wall:

A recent roof patch keeps water from the barn. Tree branches were impacting the roof covering. Windows are of many varieties and not original to the barn.

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Photo by Arron Sturgis on Mar 28, 2018

South Eave Wall:

Some foundation repairs are seen here. They are not of the quality of the rest of the stonework. Rolling doors cover original foundation openings.

Belle Isle Road | Portsmouth, New Hampshire 03801
Photo by Arron Sturgis on Mar 28, 2018

South Eave Wall:

A small garage bay with swinging doors may reflect the original form of the cellar doors.

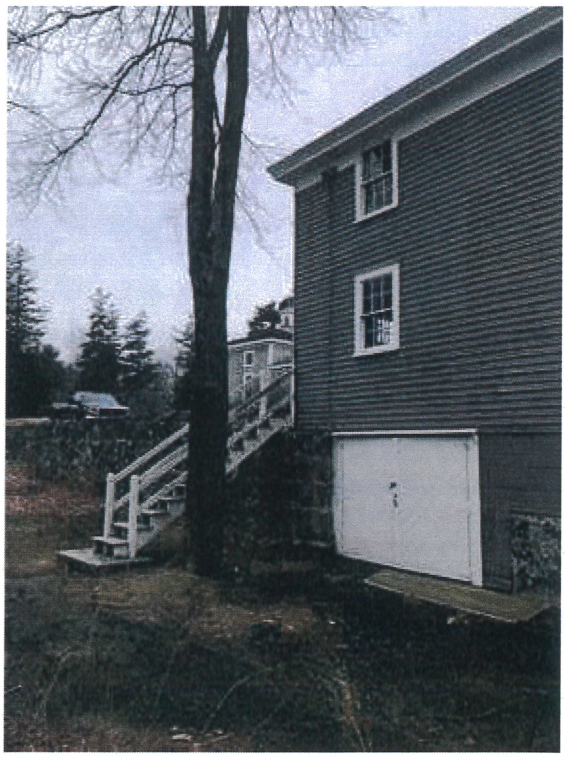

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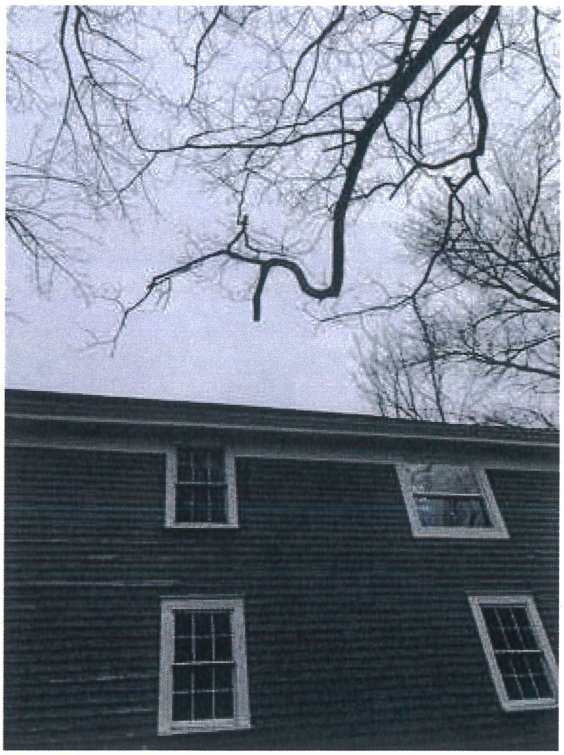
Photo by Arron Sturgis on Mar 28, 2018

Trees:

Most of the trees are savable near the barn but this one is too close to the foundation and will be problematic over the long term.



Belle Isle Road | Portsmouth, New Hampshire 03801
Photo by Arron Sturgis on Mar 28, 2018

Tree Branches:

Some trees have overgrown the barn. Additional trimming will be important.

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Photo by Arron Sturgis on Mar 28, 2018

South Foundation:

A close up of foundation repairs and decaying tongue and groove siding. This will be removed and repaired to match the original foundation.

Foundation Piers:

Cut granite piers support the drive posts in the cellar of the barn. They are substantial and extremely well done.

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Photo by Arron Sturgis on Mar 28, 2018

Cellar Corral:

At some point a concrete corral was built using the original granite piers as end forms. This can be removed. The chimney should come out as well. Concrete slabs exist in only sections of the cellar. A proper slab could be poured to better utilize the cellar space for dry storage.

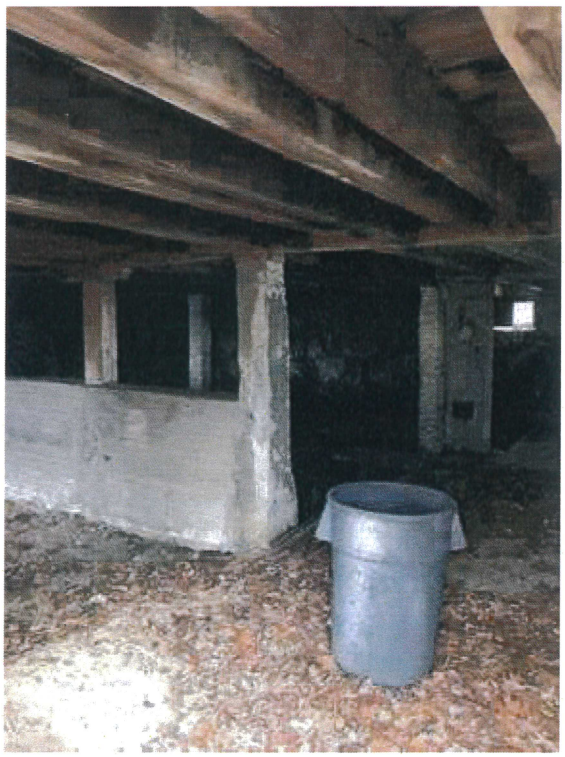

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Photo by Arron Sturgis on Mar 28, 2018

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Concrete Corral:

A good woodchuck hole undermines the inside corner of the concrete corral. The concrete is not structural and can be removed.

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Photo by Arron Sturgis on Mar 28, 2018

Cellar Slab:

Partial slabs should be removed and a new continuous slab poured in the basement.

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Photo by Arron Sturgis on Mar 28, 2018

South Eave From Inside the Basement:

Strong corners and well built openings with post piers allow for access to the cellar. Some bays are studded in with doors and windows. This work is newer and of poor quality.

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Photo by Arron Sturgis on Mar 28, 2018

Barn Sills:

Both gable sills on the barn are rotten and need to be replaced in kind.

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Photo by Arron Sturgis on Mar 28, 2018

Carrying Beams in the Cellar:

The foundation stones rise up to support a carrying beam that runs along under the drive posts. The ends of these beams are rotten as they engage the rotten gable end sills. They can be repaired in kind and utilize the foundation once again for support.

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Photo by Arron Sturgis on Mar 28, 2018

Foundation and Floor Joists:

The foundation of the barn is remarkable. It is in excellent shape. It is created with large natural stone with mortar on the interior and exterior.

Timber floor joists run parallel with the gables and join with the eave sills and drive carrying beams. They measure 6 x 6 and equally spaced four per bay.

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Photo by Arron Sturgis on Mar 28, 2018

The Foundation:

The cellar foundation is wonderful needing only minor repair.

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Photo by Arron Sturgis on Mar 28, 2018

Undercarriage:

Granite piers support a heavy timbered undercarriage. Parts of the first floor framing have been whitewashed.

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Photo by Arron Sturgis on Mar 28, 2018

Whitewashed Joists:

A lime wash coats the undercarriage of the barn. Likely for animal sanitation, the lime wash protects the beams from insects and indicates areas where animals were kept.

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Photo by Arron Sturgis on Mar 28, 2018

Carrying Timbers on Piers:

Looking towards the West gable, a electric feed comes into the barn. The granite piers are directly under the drive posts above.

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Photo by Arron Sturgis on Mar 28, 2018

West Gable Sills:

Some shoring is in place to hold up the rotten ends of the carrying timbers where they engage rotten sills along the West gable.

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Photo by Arron Sturgis on Mar 28, 2018

South West Corner:

A retaining wall holds back grade along the West gable. A wooden stair provides access to the South grade.

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Photo by Arron Sturgis on Mar 28, 2018

The View Scape:

The concrete buildings and tall trees shade the south wall of the barn. The buildings removed will much improve the view down to the water. Some trimming of the trees will protect and shade the barn roof.

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Photo by Arron Sturgis on Mar 28, 2018

Cornice Trim and Return:

A high style trim detail exists on the barn. The common rafters overhang the top plate making the overhang possible. With exterior insulation this detail can be retained but the rafter tails would be modified to accommodate the enlargement of the envelope.

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Photo by Arron Sturgis on Mar 28, 2018

West Entry:

The West entry door while decorative is not original to the barn. Originally there was an interior pocket door to allow the center drive to be opened up at each end for wagons and hay. The framing for the interior door remains in place. Window placement is not original.

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Photo by Arron Sturgis on Mar 28, 2018

West Gable Peak:

A wide rake with crown molding terminates at the peak. This overhang protects the barn walls beneath. The vent is added and is not original.

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Photo by Arron Sturgis on Mar 28, 2018

West Gable High Grade:

Asphalt pavement was poured right up over the shingles along the west gable end. This rots the shingles, sheathing and the sills buried below.

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Photo by Arron Sturgis on Mar 28, 2018

West Gable Ramp:

Pavement comes close to the barn and transitions into a concrete ramp that covers the original sill. This ramp will need to be removed to repair the sills below and a wood ramp can traverse the space remaining between asphalt and barn.

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Photo by Arron Sturgis on Mar 28, 2018

Looking Towards the West Entry:

From the center drive of the barn you can view upper hay lofts and gable windows. The upper windows are placed in added studding that closed in a large rolling door that spanned the width of the center drive.

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Photo by Arron Sturgis on Mar 28, 2018

Looking North West Loft Joists and Interior Finishes:

Modern dimensional loft joists replace earlier joists that were cogged into the drive girts.

The existing joists are not tall enough to meet modern code but there is room in the space to create compliant loft levels.

Remnants of interior bead board remains between original sheathing nailers.

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Photo by Arron Sturgis on Mar 28, 2018

Looking West:

Asbestos flooring covers original wood decking on the first floor. Although the tiles have been removed, the mastic remains full of asbestos and must be disposed of properly.

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Photo by Arron Sturgis on Mar 28, 2018

Looking South West:

The South eave wall has suffered considerable damage from rain water penetrating the roof and sheathing. New siding covers the patched sheathing and ignores the structural damage that was clearly present when the siding was installed.

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Photo by Arron Sturgis on Mar 28, 2018

Looking South:

A patch work of plywood and studding attempt to close in the south wall. Original vertical sheathing is evident to the right of the window.

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Photo by Arron Sturgis on Mar 28, 2018

South Roof Plane and Top Plate:

Significant damage is present in the top plate of the south eave wall. Pressure treated 4 x 4 lumber replaces rotten roof rafters and new sheathing is in place. This area will be taken apart and the top plate repaired with in kind timber. Roof rafters will match original fabric and the sheathing can also match original fabric.

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Photo by Arron Sturgis on Mar 28, 2018

South Wall:

The center bays along the south wall are deteriorated and since repaired with inappropriate materials. This will all be opened up and the timber frame repaired correctly with matching materials.

Belle Isle Road | Portsmouth, New Hampshire 03801
Photo by Arron Sturgis on Mar 28, 2018

South Wall:

Extensive water penetration has caused significant rot in the South wall. Much of the center of this wall will be rebuilt with new in kind timbers to match the original form of the barn. Dimensional lumber currently in place will be removed.

Belle Isle Road | Portsmouth, New Hampshire 03801
Photo by Arron Sturgis on Mar 28, 2018

South Wall:

White mold is present on some of the floor boards and rotten girts. These areas will be cut back and the mold removed. The timbers can be spliced to match original fabric.

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Photo by Arron Sturgis on Mar 28, 2018

Exterior Sheathing:

The exterior sheathing is created with wide pine boards original to the frame. Unfortunately these boards were drilled with multiple two inch holes to direct blown in insulation into the wall cavities. Options for filling the holes and or replacing the boards in kind can be discussed.

Belle Isle Road | Portsmouth, New Hampshire 03801
Photo by Arron Sturgis on Mar 28, 2018

Looking North:

The north eave wall is almost fully intact save where new windows interrupt original wall nailers.

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Photo by Arron Sturgis on Mar 28, 2018

Loft Joists and Loft Decking:

A mix of older and new joists are decked with plywood patches at the second floor along the north loft. The joists are undersized and the plywood is not appropriate.

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Photo by Arron Sturgis on Mar 28, 2018

North Wall:

In a few areas along the North wall the braces were cut away to accept window openings. The window openings are not original to the barn and should be reconfigured to allow the braces to be placed back in the structural perimeter wall plane.

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Photo by Arron Sturgis on Mar 28, 2018

Looking East:

A plywood corner denotes decay in the exterior sheathing. There is evidence of considerable damage to the frame in the East gable.

Belle Isle Road | Portsmouth, New Hampshire 03801
Photo by Arron Sturgis on Mar 28, 2018

North East Corner:

Sections of the North Eave wall and the East Gable wall have been replaced with modern materials. The post is rotten here and will need to be replaced.

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Photo by Arron Sturgis on Mar 28, 2018

The Center Drive Looking East:

The original large door opening in the East gable has been framed in with modern lumber with modern doors and windows leading to exterior decks.

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Photo by Arron Sturgis on Mar 28, 2018

East Gable:

Many of the beams in the East gable are severed and rotten. They have been patched with later materials and do not provide structural integrity. These beams need to be spliced properly and the barn structure regained.

Belle Isle Road | Portsmouth, New Hampshire 03801
Photo by Arron Sturgis on Mar 28, 2018

Gable Tie Beam:

The tie beam is cut over the door in the east gable. A new section of tie beam can be cut and spliced into the original material to make the barn structurally and historically sound.

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Photo by Arron Sturgis on Mar 28, 2018

Gable End Posts:

Close examination of the East gable end posts show center rot in both drive posts where weather has penetrated through the siding.

In kind replacement of timbers here will match the size and species of the original timber frame.

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Photo by Arron Sturgis on Mar 28, 2018

Bent Two Alterations:

At some point the bent two North drive post was removed and a long girt spans from bent one to bent three. A dimensional post was added to support the midspan of this long girt.

The post should be replaced in kind and the girts reestablished here to make the barn structural and more authentic.

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Photo by Arron Sturgis on Mar 28, 2018

West Door Post:

The West door post has been cut in half. It used to extend up to the top of the original rolling door and connect back into the gable post in bent one. This allowed a large rolling door to remain interior.

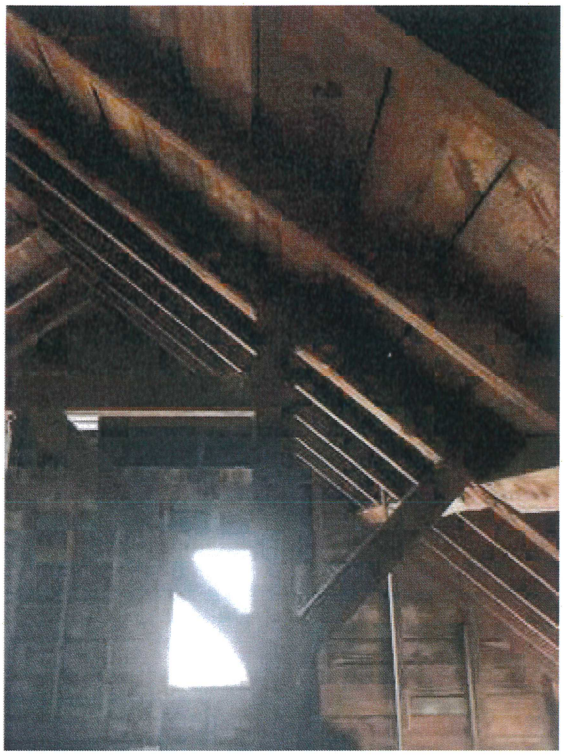
This design is typical for the late 1800's but your barn shows many signs of being constructed earlier.

Belle Isle Road | Portsmouth, New Hampshire 03801
Photo by Arron Sturgis on Mar 28, 2018

North Side Center Drive Girts:

Drive posts have been let in to accept horizontal drive girts. This framing emulates the South Drive posts and girts but the joinery is nailed along this side of the barn. This indicates an original barn form with a loft only on one side and the north side used for loose hay storage.

Both lofts can be made viable for living space.



Belle Isle Road | Portsmouth, New Hampshire 03801
Photo by Arron Sturgis on Mar 28, 2018

Upper Roof Framing South:

Two vertical posts extend from the continuous tie beam and support the principal rafters just above midspan. These two posts accept a horizontal straining beam. Two braces ascend to the straining beam. Two struts also support the rafter from the upper posts.

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Photo by Arron Sturgis on Mar 28, 2018

Upper Roof Framing North:

This upper roof framing creates a beautiful aesthetic in the barn and also serves a very important function to strengthen the roof system.

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Photo by Arron Sturgis on Mar 28, 2018

Upper Roof Framing:

Looking towards the West, down the high drive loft. There is ample room for living space above the tie beam.

Belle Isle Road | Portsmouth, New Hampshire 03801
Photo by Arron Sturgis on Mar 28, 2018

Roof Framing:

Principal rafters at each bent support a principal purlin that runs parallel with the top plate about midspan up the rafter. This purlin supports common rafters and makes the roof system extremely strong and beautiful.

Belle Isle Road | Portsmouth, New Hampshire 03801
Photo by Arron Sturgis on Mar 28, 2018

North Roof Frame:

Roof framing along the north roof pitch is in excellent shape.

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Photo by Arron Sturgis on Mar 28, 2018

Roof Framing:

Common rafters meet in a vertical plumb cut at the ridge. There is no ridge beam. The rafters are held evenly apart by the roof sheathing.

Belle Isle Road | Portsmouth, New Hampshire 03801
Photo by Arron Sturgis on Mar 28, 2018

Roof Framing:

A commanding view is present in the upper loft above the tie beams.

Belle Isle Road | Portsmouth, New Hampshire 03801
Photo by Arron Sturgis on Mar 28, 2018

South Roof Framing:

Water penetration has caused rot in a number of areas along the South roof pitch. Roof sheathing and some common rafters have been improperly replaced over time. New common rafters with in kind roof sheathing will be integrated into the South eave roof pitch.

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Photo by Arron Sturgis on Mar 28, 2018

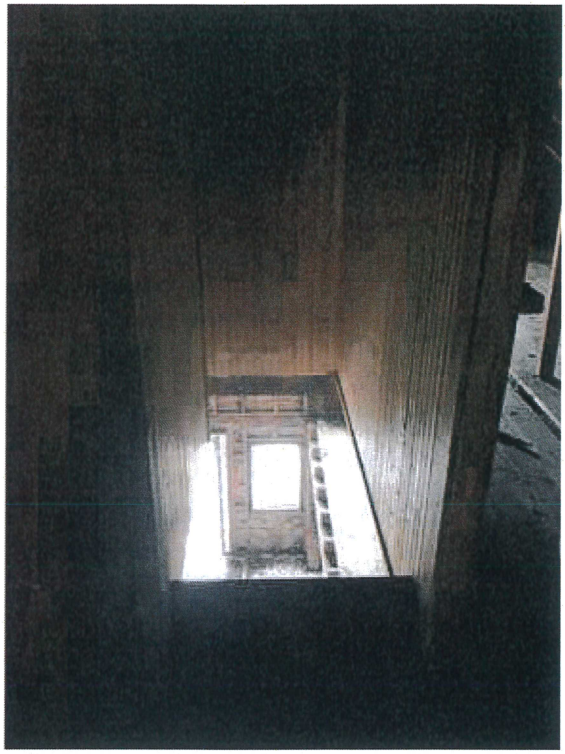
Roof Framing:

Common Rafters are mortise and tenoned into the principal roof purlin. The purlin provides lateral bracing and strengthens the roof pitch tremendously.

Belle Isle Road | Portsmouth, New Hampshire 03801
Photo by Arron Sturgis on Mar 28, 2018

Chimney:

A chimney was added to the frame. It is not original and will need to be removed.



Belle Isle Road | Portsmouth, New Hampshire 03801
Photo by Arron Sturgis on Mar 28, 2018

Stair well:

An early stair well remains in place leading up to the upper loft from the floors below. This feature will be removed during the repair process. New stairs will be designed for the new use of the spaces.

Belle Isle Road | Portsmouth, New Hampshire 03801
Photo by Arron Sturgis on Mar 28, 2018

Added Truss:

Bent two hosts a truss that was installed to provide an open space below at the first floor level. At a later date the space under the truss was posted negating its use.

Belle Isle Road | Portsmouth, New Hampshire 03801
Photo by Arron Sturgis on Mar 28, 2018

Added Truss:

While the truss was designed for a specific use, it is not built well and very likely performed poorly. It is not a part of the original frame and should be removed with the adjacent loft girts repaired and a new post reinstalled to match the rest of the barn.

Belle Isle Road | Portsmouth, New Hampshire 03801
Photo by Arron Sturgis on Mar 28, 2018

Barn Interior:

The barn has wide open spaces that can be designed for optimal use and living space. Many of the components of the lofts are added to the frame. The high drive loft on top of the tie beams is not original. New lofts can be created to provide code compliance and optimal living conditions.

Belle Isle Road | Portsmouth, New Hampshire 03801
Photo by Arron Sturgis on Mar 28, 2018

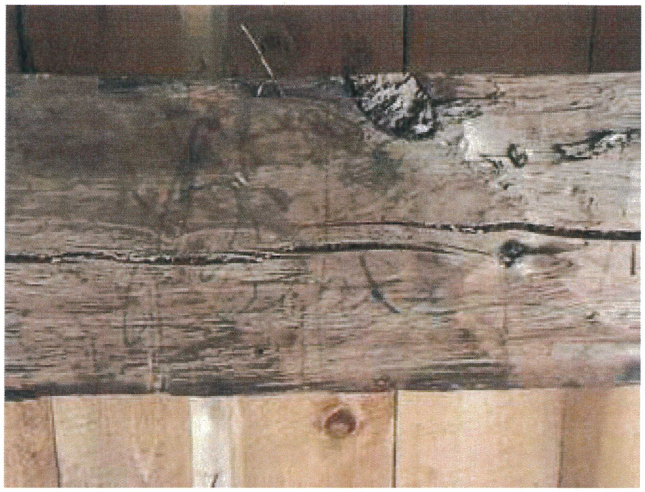
East Gable:

Most of the east gable is rotten. New studding has been placed between rotten posts. The posts suffer weather penetration from the ocean side of the barn but new doors and windows have leaked allowing water to accelerate damage to the framing members.

Belle Isle Road | Portsmouth, New Hampshire 03801
Photo by Arron Sturgis on Mar 28, 2018

Interior Framing:

At the top right of this photo you see an empty mortise in the tie beam that at one time held the tenon of a drive post. The added truss installed above allowed for the removal of the post, but the truss is not built strong enough to withstand the floor loads. A new post will be fabricated to match original fabric and regain this load path to the drive floor.



Belle Isle Road | Portsmouth, New Hampshire 03801
Photo by Arron Sturgis on Mar 28, 2018

Timbers Signed:

In bent two along the north loft is a signature that is likely that of the original builder. The pencil or fine ink signature appears to indicate "Bearn" or "Beard". Some additional investigation could reveal more information about this person. These fine ink/pencil lines are seen on the layout of the joinery.

Belle Isle Road | Portsmouth, New Hampshire 03801
Photo by Arron Sturgis on Mar 28, 2018

Early 18th Century House:

While on site we viewed perhaps the earliest building on the site. Much of the early house is obscured by overgrown bushes and later additions all to be removed.

Belle Isle Road | Portsmouth, New Hampshire 03801
Photo by Arron Sturgis on Mar 28, 2018

18th Century House Frame:

The core of this derelict building hosts a two story timber framed structure with a center chimney. It is possibly the earliest builidng on the island and it reflects similar "one room plan" structures very common on nearby Newcastle.

Belle Isle Road | Portsmouth, New Hampshire 03801
Photo by Arron Sturgis on Mar 28, 2018

Historic House Frame:

This is the attic of the little historic frame between the barn and main house. Continuous tie beams create a second floor in this structure. A hand hewn principal rafter purlin roof system indicate an early date of construction.

Belle Isle Road | Portsmouth, New Hampshire 03801
Photo by Arron Sturgis on Mar 28, 2018

Historic House Frame:

The foundation of the little house is in amazing shape as is the original center chimney arch made of brick.

EXHIBIT D

PRESERVATION TIMBER FRAMING, INC., P.O. BOX 28, BERWICK, ME 03901
Office: (207) 698-1695 Cell: (603) 781-5725 E-mail: arron@preservationtimberframing.com

City of Portsmouth, NH

August 30th, 2022

Re: Variance for Lady Isle Historic Barn & Historic Cottage

Dear Sir or Madam,

As per your request, this is a letter of support for acquiring a variance for the Lady Isle Barn & Original Fisherman's Cottage.

The original timber framed construction of the Lady Isle Barn is set upon and supported by a stone foundation that is in very good condition. The perimeter is made of cut and broken large rubble stones quarried locally and the undercarriage of the barn is supported on beautiful granite pillars. The stone foundation is original to this 19th century timber framed barn. The cottage also sits on a very good stone foundation. Both buildings have survived for over two hundred years as a result of their sound foundations.

Altering these foundations to meet the new city regulations is difficult and expensive. There is also a significant inherent risk to lifting the buildings up in the air in order to add to the foundation in order to meet a new modern code requirement. These foundations have stood the test of time. They are solid, cohesive, and historic. They have survived many storms and floods.

Lady Island is largely ledge. These foundations are on solid ground. Flood water has flowed in and out over the years with little damage to the structures above. There is the potential for significant damage to the foundation and the timber framed structures if lifting is required for flood plain compliance.

The timber framed structures of both the barn and cottage are substantial. While some repairs are necessary, they stand strong. With good preservation and thoughtful adaptive re-use they will continue to be a vibrant long lasting part of the Portsmouth community.

To alter or change the barn foundation would greatly impact the overall structure and the look of the barn. There is little to gain here to meet compliance with the current code and for the risk and expense involved.

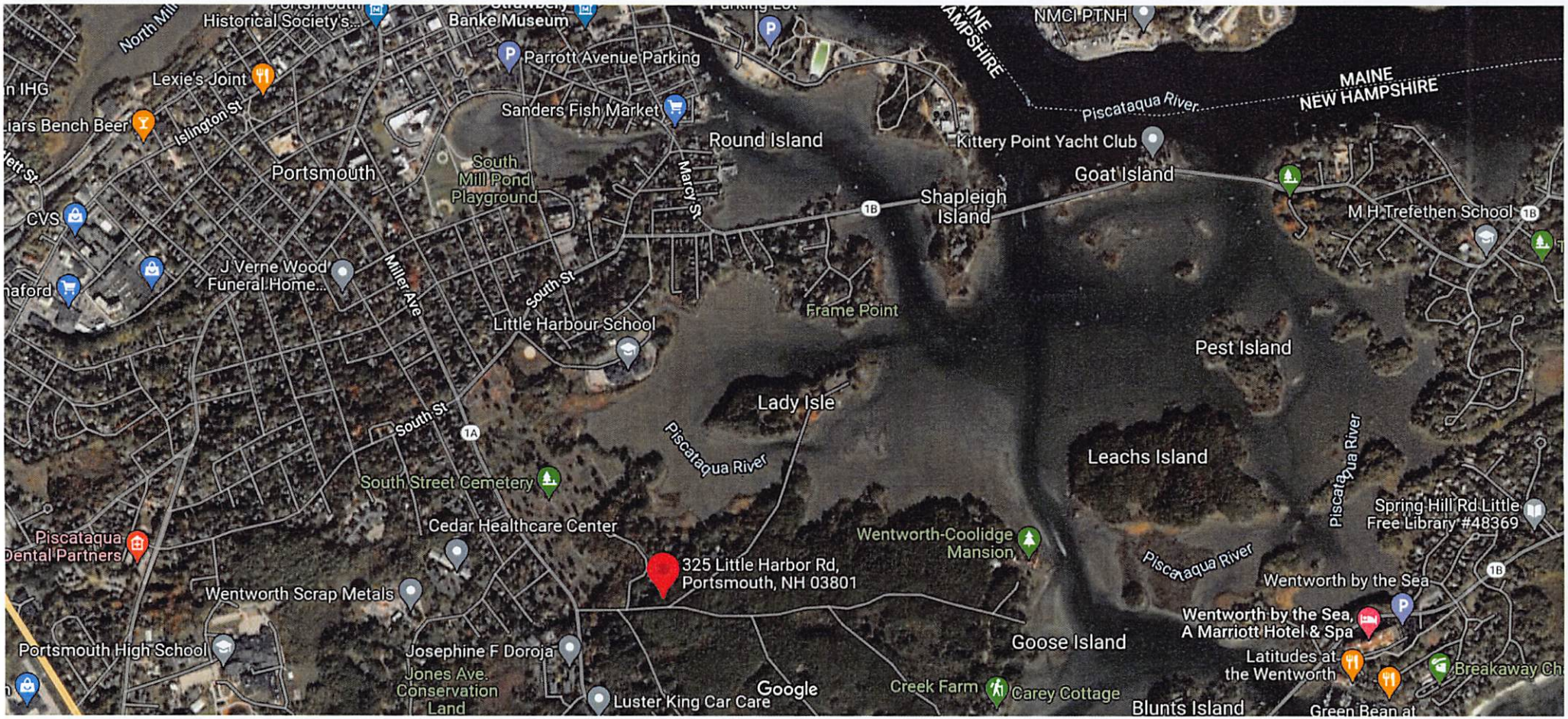
The design of the foundation, known as a Bank Barn, leaves the foundation highly visible on two sides facing the water. We highly recommend you approve the variance for the barn and the cottage, because of their historic importance and longevity. The barn and cottage are authentic, original, and highly visible from the waterfront and surrounding community. To elevate them would be a significant aesthetic change. The context of our historic buildings in Portsmouth, New Hampshire is the reason why people live and visit here.

Respectfully Submitted,

Arron J. Sturgis, President
Preservation Timber Framing Inc.
www.preservationtimberframing.com

EXHIBIT E

Google Maps 325 Little Harbor Rd



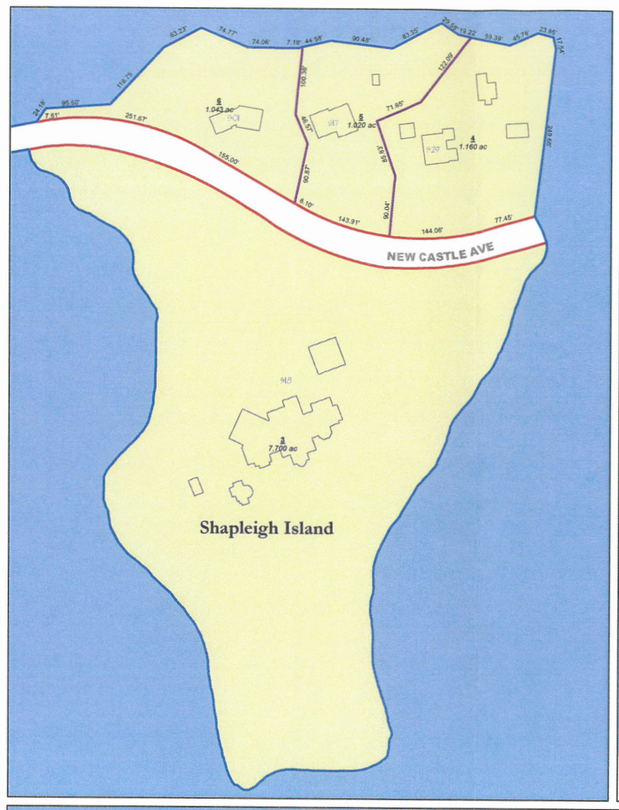
Google Maps 325 Little Harbor Rd

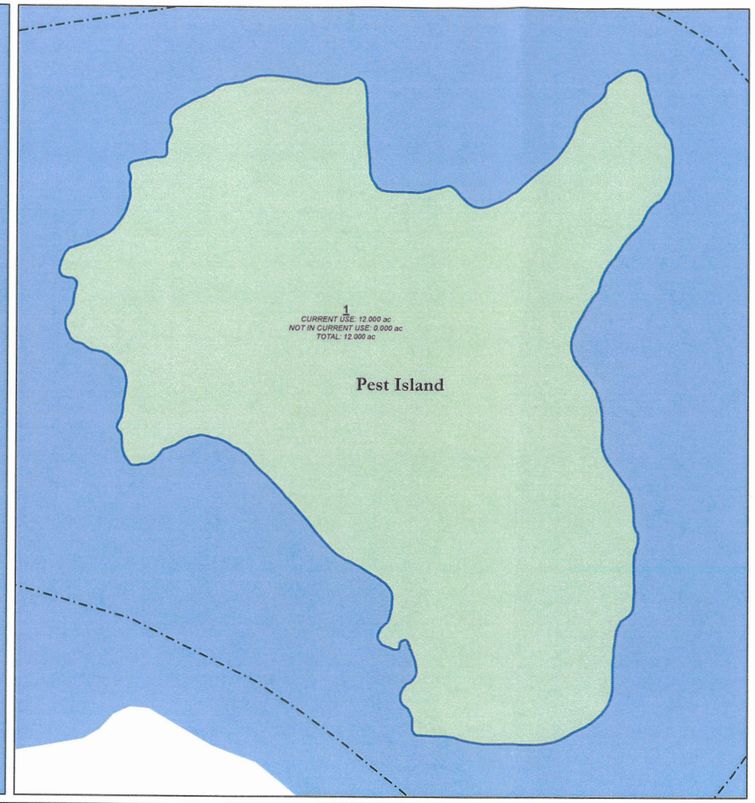
Imagery ©2022 Maine GeoLibrary, Maxar Technologies, U.S. Geological Survey, USDA/FPAC/GEO, Map data ©2022 200 ft

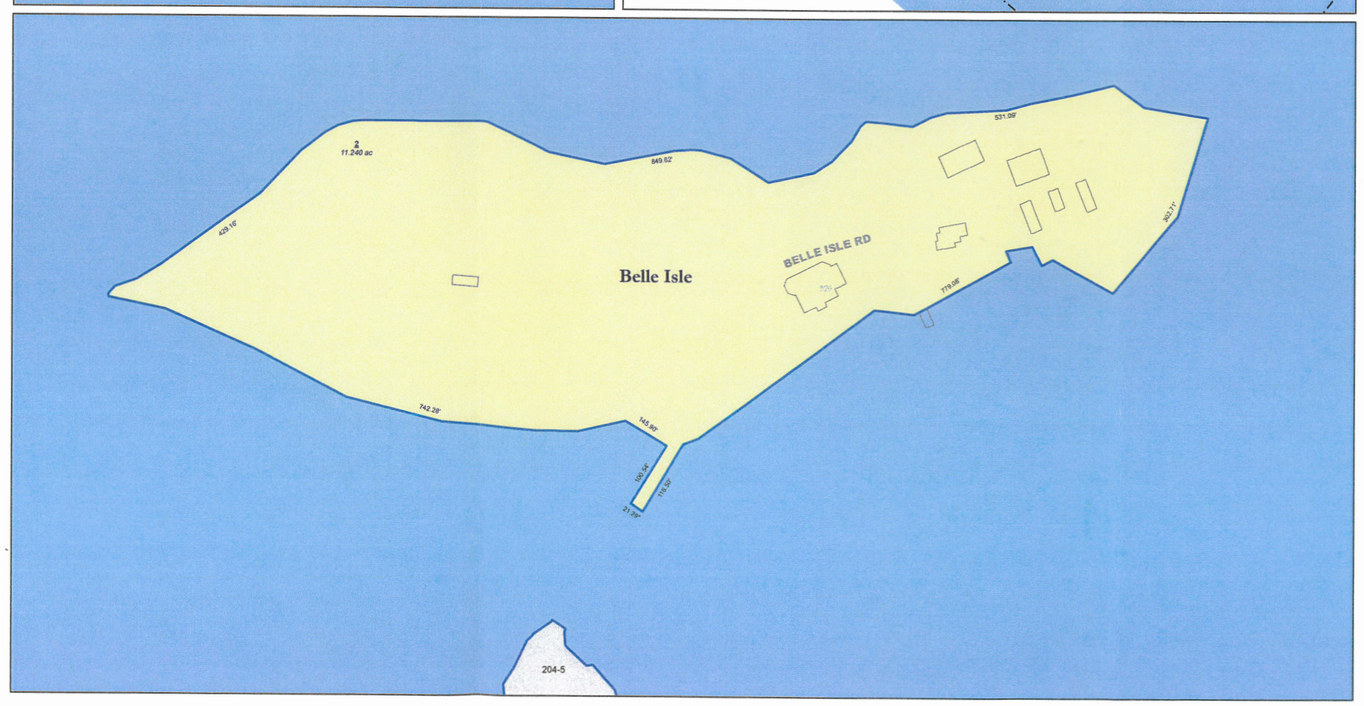
Google Maps 325 Little Harbor Rd

Imagery ©2022 Maine GeoLibrary, Maxar Technologies, U.S. Geological Survey, Map data ©2022 50 ft

EXHIBIT F







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)
28	Address number
233-137	Parcel number from a neighboring map
68'	Parcel line dimension
SIMS AVE	Street name
	Parcel/Parcel boundary
	Parcel/ROW boundary
	Water boundary
	Structure (2006 data)
	Parcel covered by this map
	Parcel from a neighboring map (see other map for current status)

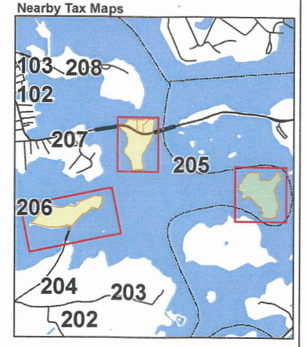
N

Feet
0 50 100 200 300

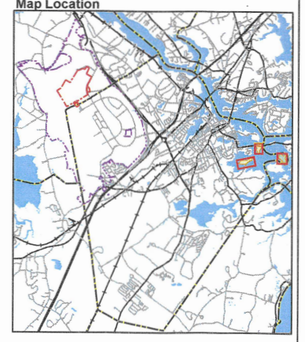
Meters
0 50 100

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
2021

Tax Map 205

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

September 13, 2022

HAND DELIVERED

Portsmouth Zoning Board of Adjustment
Portsmouth City Hall
1 Junkins Avenue
Portsmouth, NH 03801

Re: Stephen H. Roberts, Trustee, The ADL 325 Little Harbor Road Trust,
Owner/Applicant
325 Little Harbor Road
Tax Map 205, Lot 2
Rural (R) District
LU 21-220

Dear Chairman Parrott and Zoning Board members:

In further support of our pending application for zoning relief, attached please find photographs marked as Exhibit G 1-9. These are photographs of the interior and exterior of the barn. These assist with review and consideration of the pending request for relief. In particular note the stone retaining wall/foundation, the difference in elevation between the front and rear of the barn, and the historic Granite support pillars.

We look forward to the presentation on September 27, 2022.

Very truly yours,

R. Timothy Phoenix

RTP/msw
Encl.
cc: Client
Steven H Roberts, Esq.
TF Moran
James Youngblood
Aaron Sturgis

DANIEL C. HOEFLE
R. TIMOTHY PHOENIX
LAWRENCE B. GORMLEY
STEPHEN H. ROBERTS
R. PETER TAYLOR
KEVIN M. BAUM
GREGORY D. ROBBINS
MONICA F. KIESER
JACOB J.B. MARVELLEY
DUNCAN A. EDGAR
STEPHANIE J. JOHNSON
OF COUNSEL:
SAMUEL R. REID
JOHN AHLGREN

EXHIBIT G1

EXHIBIT G2

EXHIBIT G3

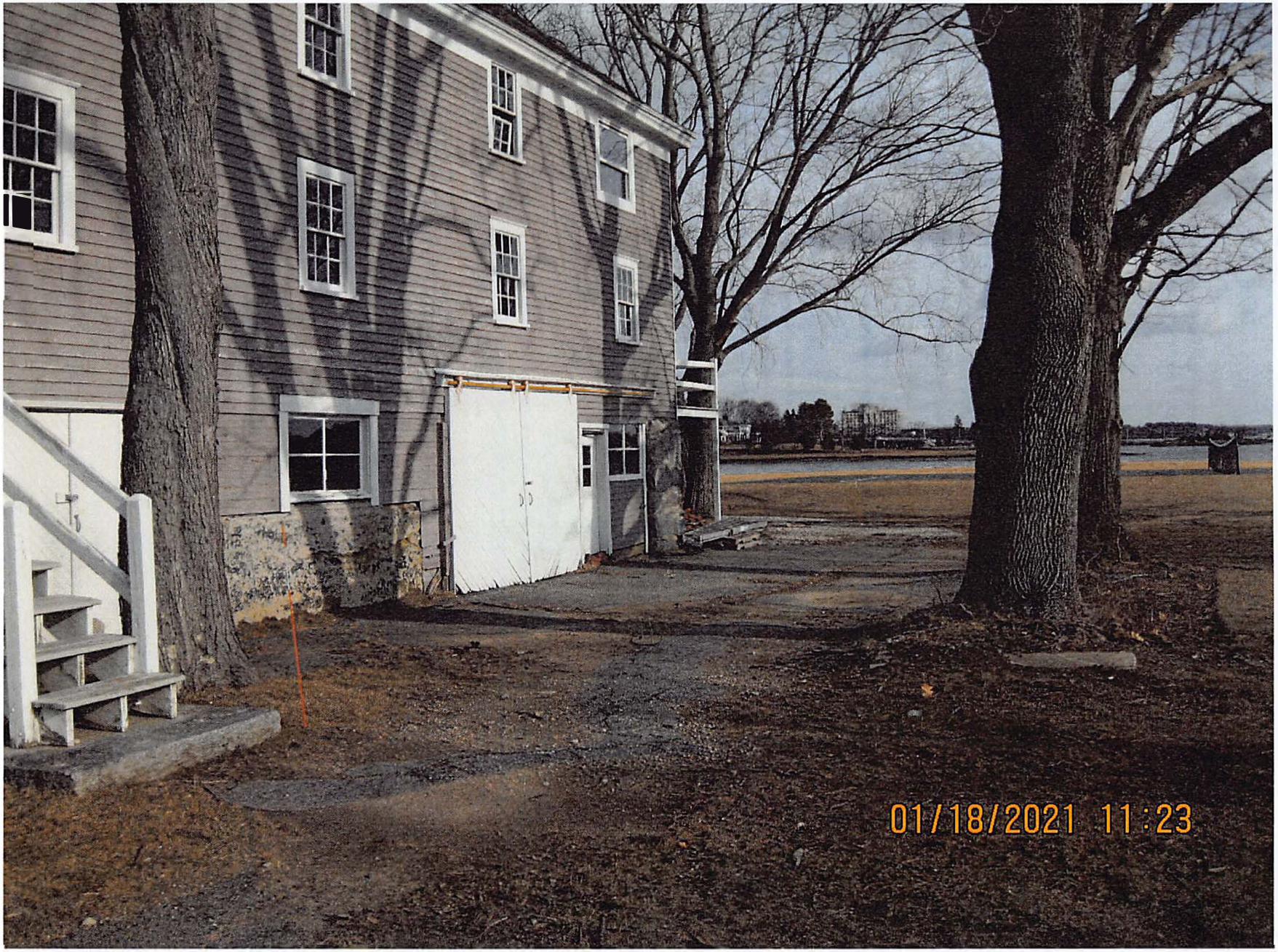


EXHIBIT G4

EXHIBIT G5

EXHIBIT G6

EXHIBIT G7

EXHIBIT G8

EXHIBIT G9

7.

The request of **John T. & Mary R. McDonald (Owners)**, for property located at **74 Sunset Road** whereas relief is needed to add a front porch, front dormer and connection to garage which requires the following: 1) Variances from Section 10.521 to allow a) a 16 foot front yard where 30' is required; and b) 26.5% building coverage where 20% is required. 2) A Variance from Section 10.321 to allow a nonconforming building or structure to be expanded, reconstructed or enlarged without conforming to the requirements of the Ordinance. Said property is located on Assessor Map 153 Lot 14 and lies within the Single Residence B (SRB) district.

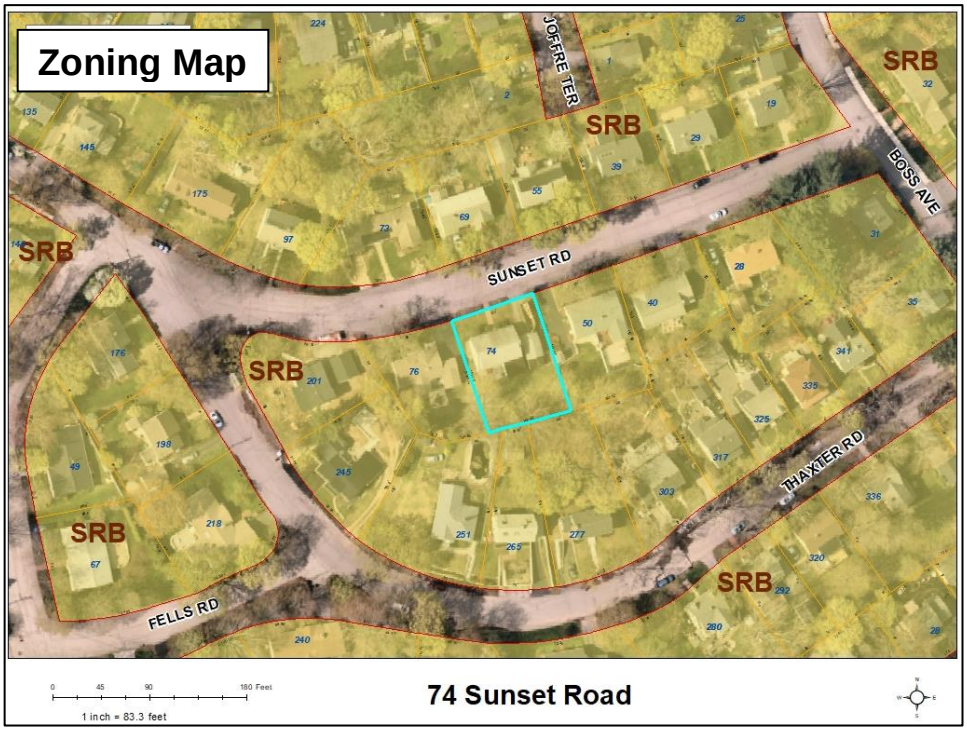
Existing & Proposed Conditions

	Existing	Proposed	Permitted / Required	
Land Use	Single family	New front porch And connector to garage	Primarily residential	
Lot area (sq. ft.):	8,936	8,936	15,000	min.
Lot Area per Dwelling Unit (sq. ft.):	8,936	8,936	15,000	min.
Lot depth (ft):	110	110	100	min.
Street Frontage (ft.):	80	80	100	min.
Primary Front Yard (ft.):	24	**16**	30	min.
Right Yard (ft.):	9	9	10	min.
Left Yard (ft.):	8	8	10	
Rear Yard (ft.):	41	41	30	min.
Height (ft.):	<35	<35	35	max.
Building Coverage (%):	23	**26.5**	20	max.
Open Space Coverage (%):	66	64	40	min.
Parking:	2	2	2	
Estimated Age of Structure:	1959	Variance request(s) shown in red.		

Other Permits/Approvals Required

None.

Neighborhood Context



Previous Board of Adjustment Actions
No prior BOA history found.

Planning Department Comments
The subject lot is located in the SRB district where the minimum lot size is 15,000 square feet. The lot size is 8,836, which is slightly over half of what is required for a lot in this district. The applicant is seeking to get approval to add a front porch onto the existing dwelling and a connector between the house and the garage, which will increase the already nonconforming building coverage from approximately 23% to 26.5%. The project also includes adding dormers on the front, however no relief is needed for that part of the project. The front porch will encroach into the front yard, with a proposed setback of 16 feet.

Review Criteria
This application must meet all five of the statutory tests for a **variance** (see Section 10.233 of the Zoning Ordinance):

1. *Granting the variance would not be contrary to the public interest.*
2. *Granting the variance would observe the spirit of the Ordinance.*
3. *Granting the variance would do substantial justice.*
4. *Granting the variance would not diminish the values of surrounding properties.*
5. *The "unnecessary hardship" test:*
   (a)The property has special conditions that distinguish it from other properties in the area.
   AND
   (b) Owing to these special conditions, a fair and substantial relationship does not exist between the general public purposes of the Ordinance provision and the specific application of that provision to the property; and the proposed use is a reasonable one.
   OR

Owing to these special conditions, the property cannot be reasonably used in strict conformance with the Ordinance, and a variance is therefore necessary to enable a reasonable use of it.

10.235 Certain Representations Deemed Conditions
Representations made at public hearings or materials submitted to the Board by an applicant for a special exception or variance concerning features of proposed buildings, structures, parking or uses which are subject to regulations pursuant to Subsection 10.232 or 10.233 shall be deemed conditions upon such special exception or variance.

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

August 31, 2022

HAND DELIVERED

Peter Stith, Principal Planner
Portsmouth City Hall
1 Junkins Avenue
Portsmouth, NH 03801

Re: Mary McDonald and John McDonald III, Owner/Applicant
Property Location:74 Sunset Road
Tax Map153, Lot14
Single Residence B ("SRB")

Dear Mr. Stith & Zoning Board Members:

On behalf of Mary McDonald and John McDonald III, enclosed please find the following in support of a request for zoning relief:

- Digital Application submitted via Viewpoint earlier today.
- Owner's Authorization.
- 8/31/2022 -- Memorandum and exhibits in support of Variance Application

We look forward to presenting this application to the Zoning Board at its September 20, 2022 meeting.

Very truly yours,

R. Timothy Phoenix

Enclosure

cc: Mary McDonald & John McDonald III
Eric Weinrieb, Altus Engineering
Butch Ricci, Ricci Construction

DANIEL C. HOEFLE
R. TIMOTHY PHOENIX
LAWRENCE B. GORMLEY
STEPHEN H. ROBERTS
R. PETER TAYLOR
KEVIN M. BAUM
GREGORY D. ROBBINS
MONICA F. KIESER
JACOB J.B. MARVELLEY
DUNCAN A. EDGAR
STEPHANIE J. JOHNSON
OF COUNSEL:
SAMUEL R. REID
JOHN AHLGREN

MEMORANDUM

TO: Portsmouth Zoning Board of Adjustment ("ZBA")
FROM: R. Timothy Phoenix, Esquire
DATE: August 31, 2022
Re: Mary McDonald and John McDonald III, Owner/Applicant
Property Location:74 Sunset Road
Tax Map153, Lot14
Single Residence B ("SRB")

Dear Chairman Parrott and Zoning Board Members:

On behalf of Mary McDonald and John McDonald III ("McDonald") Owner/Applicant ("McDonald"), we are pleased to submit this memorandum and attached exhibits in support of zoning relief to slightly expand their existing home.

I. EXHIBITS

A. Board of Adjustment Site Plan-by Altus Engineering, Inc.
B. Architectural Plans -by THA Architects.
C. Site Photographs.
D. Tax Map 153.

II. PROPERTY/PROJECT

74 Sunset Rd. is an 8936 ft.² lot upon which is located a +/-1300 sf (footprint) 4-bedroom cape style home, detached one car garage with a shed attached to it. The home (right) and garage (left)each slightly violate the side setbacks. At 23.4% (2093 ft.²), building coverage slightly exceeds the SRB limit of 20%. The front of the house meets but is very close to the 24 foot front setback.

McDonald proposes a reasonably modest project to include addition of a 240 ft.² entry porch with stairway access, front dormers to expand the 2nd floor (remaining 4-bedrooms), breezeway to attach the home to the detached garage, and the addition of a "doghouse" frame over the existing bulkhead. A right setback encroaching set of steps will be removed. The dormer, breezeway and doghouse all meet building setback requirements. Relief is required because the proposed entry porch, which must be attached to the house at its existing location, at 17 feet, will be within the 24 foot front setback. The front steps are setback at 16 ft. +/-. The project slightly further increases building coverage 3.1% (275 sf) (from 23 .4% (2093sf) to

26.5% (2368 sf), all very reasonable given the size of the lot and the size and location of the home and garage upon the lot. A new front drip edge will control stormwater.

III. RELIEF REQUIRED

Variance Section	Required	Existing	Proposed
PZO§10.521 Front Setback	24'	25'+/-	17' house/16' +/- steps over 18"
Building Coverage	20%	23.4%+/-	26.5% +/-

IV. VARIANCE REQUIREMENTS

1. **The variances will not be contrary to the public interest.**
2. **The spirit of the ordinance is observed.**

The first step in the ZBA's analysis is to determine whether granting the variances are not contrary to the public interest and are consistent with the spirit and intent of the ordinance, considered together pursuant to Malachy Glen Associates, Inc. v. Town of Chichester, 155 N.H. 102 (2007) and its progeny. Upon examination, it must be determined whether granting the variances "would unduly and to a marked degree conflict with the ordinance such that it violates the ordinance's basic zoning objectives." Id. "Mere conflict with the zoning ordinance is not enough." Id.

Portsmouth Zoning Ordinance ("PZO") Section 10.121 identifies the general purposes and intent of the ordinance "to promote the health, safety, and general welfare of Portsmouth…in accordance with the…Master Plan" This is accomplished by regulating:

1. The use of land, buildings and structures for business, industrial, residential and other purposes - This is a relatively modest expansion of the home on a small lot that makes the home more "livable." The use is permissible and the relief is slight.
2. The intensity of land use, including lot sizes, building coverage, building height and bulk, yards and open space – A single-family home exists and will remain. While variance relief is required for the entry porch, and slightly increased building coverage, the intensity of the land use is not increased.
3. The design of facilities for vehicular access, circulation, parking and loading – No change.

4. The impact on properties of outdoor lighting, noise, vibration, stormwater runoff and flooding – No change.
5. The preservation and enhancement of the visual environment – The entry porch, dormer and breezeway will improve both the livability and aesthetics of the home.
6. The preservation of historic districts and building and structures of historic architectural interest – This lot is not in the historic district; however, the project will improve the aesthetics of the home.
7. The protection of natural resources, including groundwater, surface water, wetlands, wildlife habitat and air quality - No change.

In considering whether variances "in a marked degree conflict with the ordinance such that they violate the ordinance's basic zoning objectives," Malachy Glen, supra, also held:

> One way to ascertain whether granting the variance would violate basic zoning objectives is to determine whether it would alter the essential character of the locality… . Another approach to [determine] whether granting the variance violates basic zoning objectives is to examine whether granting the variance would threaten the public health, safety or welfare. (emphasis added)

There are many smallish houses on small lots in the vicinity. The 17 foot (home), 15 foot (steps) front setback is reasonable when considering the rights of the owners versus the general public. Similarly, a slight increase in lot coverage from 23.4% to 26.5% is reasonable. The changes affect no one other than the McDonald family. Accordingly, granting the variance neither alters the essential character of the locality, nor threatens the public health, safety or welfare.

3. Granting the variances will not diminish surrounding property values.

The changes are relatively modest, and improve the look and livability of the existing home and lot. Sightlines will be maintained, with sufficient air and light considering that the improvements are no closer to the nearest neighbors to each side than existing conditions. Stormwater will be managed via the drip edge. There are numerous nearby homes on similarly small lots with setback encroachments. Thus, surrounding property values will in no way be diminished.

4. Denial of the variances results in an unnecessary hardship.

a. Special conditions distinguish the property from others in the area.

The subject lot is approximately 40% smaller than the 15,000 ft.² SRB requirement. The existing home is very close to the front lot line. The right side of the home and the left side of the garage each slightly violate the right and left setbacks respectively. Building coverage presently slightly exceeds the 20% limit. Any addition or other improvement must be undertaken at the location of the existing home. A modestly-sized entry porch and breezeway connecting the house and garage can only be located as proposed. These factors combine to create special conditions.

b. No fair and substantial relationship exists between the general public purposes of the ordinance and its specific application in this instance.

The purpose of setback and lot coverage requirements is to avoid overbulking and overcrowding, allow for adequate air and light, provide sightlines and area for stormwater treatment. It is reasonable for the McDonald family to add a modest proposed entry porch which cannot be located in a way that would avoid a variance. The porch and breezeway are both modest and reasonable, and do not violate any of the purposes of the front setback and/or building coverage purposes. The additional impervious (275± square feet) will be compensated for by the front drip edge. No one is actually affected in any negative way. Accordingly, there is no fair and substantial relationship between the purposes of the setback and building coverage requirements and its application in this instance.

c. The proposed use is reasonable.

If the use is permitted, it is deemed reasonable. Vigeant v. Hudson, 151 N.H. 747 (2005). This is a permitted residential use proposing modest expansion.

5. Substantial justice will be done by granting the variances.

If "there is no benefit to the public that would outweigh the hardship to the applicant" this factor is satisfied. Harborside Associates, L.P. v. Parade Residence Hotel, LLC, 162 N.H. 508 (2011). That is, "any loss to the [applicant] that is not outweighed by a gain to the general public is an injustice." Malachy Glen, supra at 109.

The McDonald family is generally constitutionally entitled to the use of the lot as they sees fit. "The right to use and enjoy one's property is a fundamental right protected by both the

State and Federal Constitutions." N.H. CONST. pt. I, arts. 2, 12; U.S. CONST. amends. V, XIV; Town of Chesterfield v. Brooks, 126 N.H. 64 (1985) at 68. Part I, Article 12 of the New Hampshire Constitution provides in part that "no part of a man's property shall be taken from him, or applied to public uses, without his own consent, or that of the representative body of the people." Thus, our State Constitutional protections limit the police power of the State and its municipalities in their regulation of the use of property. L. Grossman & Sons, Inc. v. Town of Gilford, 118 N.H. 480, 482 (1978). "Property" in the constitutional sense has been interpreted to mean not the tangible property itself, *but rather the right to possess, use, enjoy and dispose of it*. Burrows v. City of Keene, 121 N.H. 590, 597 (1981) (emphasis added).

Because the front entry porch and breezeway causing the need for the variances are modest, cannot be located so as to avoid the need for variances, and do not violate the purposes of setback and lot coverage requirements, there is absolutely no harm to the public from granting these variances. Conversely, the McDonald family will be greatly harmed if the variances are denied because they in turn will be unable to provide these modest "livability" and aesthetic improvements. There is thus no benefit to the public from granting the variances that outweighs the harm to the McDonald family if the variances are denied.

V. CONCLUSION

For all of the reasons stated, the McDonald family and entire team respectfully request that the Portsmouth Zoning Board of Adjustment grant the requested variance.

Respectfully submitted,
Mary McDonald and John McDonald III

By: R. Timothy Phoenix

EXHIBIT A

ZONE: SRB (SINGLE RESIDENCE B)
EXISTING LOT AREA: 8,936 S.F.± (0.21 AC.±)

ZONING SUMMARY

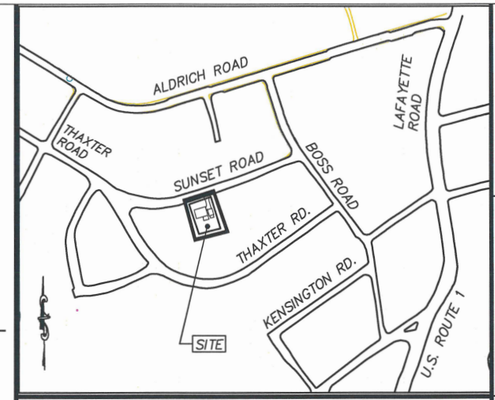
DIMENSIONAL REQUIREMENTS

	REQUIRED	EXISTING	PROPOSED
MIN. LOT AREA:	15,000 S.F.	±8,936 S.F.	±8,936 S.F.
MIN. STREET FRONTAGE:	100'	±80' (EX.) (SUNSET ROAD)	±80' (EXISTING)
MIN. LOT DEPTH:	100'	±110'± (EX.)	±110' (EXISTING)
FRONT SETBACK:	30' (24')**	±24'(EX.)(PER GIS)	±17' (PROP. PORCH) *
SIDE SETBACK:	10'	±8'(EX.)(PER GIS)	±8' (EX. GARAGE)
REAR SETBACK:	30'	±41'(EX.)(PER GIS)	±41' (EX. PORCH)
MAX. HEIGHT:	35'	<35' (EX.)	<35'
MAX. BUILDING COVERAGE:	20%	±23.4% (EX.)(±2,093 SF)	±26.5% (±2,365 SF) (INCL. PROP. BREEZEWAY, PORCH) *
MIN. OPEN SPACE:	40%	±66% (±5,893 SF)	±64% (±5,681 SF)
DWELLING COVERAGE:		±17.3% (EX.)(±1,550 SF)	±20.6% (±1,840 SF)

* ZONING RELIEF REQUIRED
** AVERAGE OF ADJACENT FRONT YARD BLDG. SETBACKS

PLAN REFERENCES:

1. "PLAN OF LOTS, PORTSMOUTH, NH FOR E.A. RICCI AND F.E. PATERSON" DATED AUGUST 1950, BY JOHN W. DURGIN, C.E., RECORDED PLAN.
2. PORTSMOUTH G.I.S. (MAPGEO) DATA BASE.
3. SITE OBSERVATIONS BY ALTUS ENGINEERING, INC. AUGUST 2022.



LOCUS NOT TO SCALE

PROPOSED STONE DRIP EDGE (TYP.)
PROPOSED ENTRY PORCH (±240 S.F.)
PROPOSED BREEZEWAY
80'± (PL)
SUNSET ROAD
23'±
24'±
17'±
16'±
25'±
STEPS (TBR)
PROPOSED DORMERS
SINGLE FAMILY RESIDENCE
GARAGE
8'±
9'±
PAVERS
PORCH
SHED
MAP 167 LOT 1
MAP 153 LOT 12
110'± (PL)
BLDG. SETBACK LINE (TYP.)
41'±
MAP 153 LOT 14
8,936 S.F.±
(0.21 AC.±)
80'± (PL)
115'± (PL)
MAP 153 LOT 13

GRAPHIC SCALE
20 0 10 20
(IN FEET)
1 inch = 20 ft. (11" X 17")

P5378

ALTUS ENGINEERING, INC.
133 Court Street Portsmouth, NH 03801
(603) 433-2335 www.altus-eng.com

NOT FOR CONSTRUCTION

ISSUED FOR: BOARD OF ADJUSTMENT

ISSUE DATE: AUGUST 30, 2022

REVISIONS

NO.	DESCRIPTION	BY	DATE
0	INITIAL SUBMISSION	EDW	08/30/22

DRAWN BY: RLH
APPROVED BY: EDW
DRAWING FILE: 5378.dwg

SCALE:
22" x 34" – 1" = 10'
11" x 17" – 1" = 20'

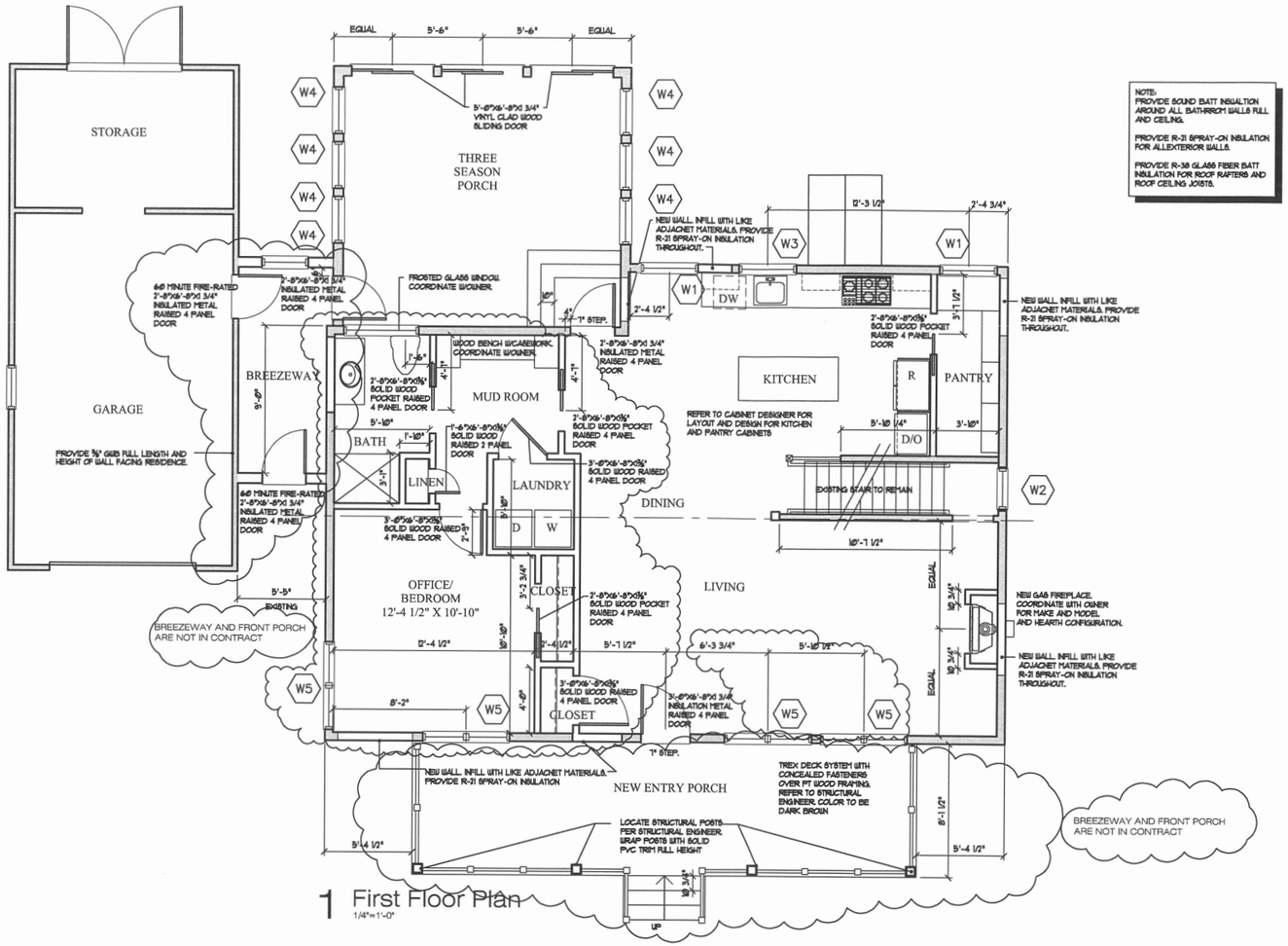
OWNER/APPLICANT:
MARY R. &
JOHN THOMAS MCDONALD III
74 SUNSET ROAD
PORTSMOUTH, NH 03801

PROJECT:
SITE IMPROVEMENTS
TAX MAP 153, LOT 14
74 SUNSET ROAD
PORTSMOUTH, NH

TITLE:
BOARD OF ADJUSTMENT SITE PLAN

SHEET NUMBER:
1 of 1

EXHIBIT B



1 First Floor Plan
1/4"=1'-0"

GENERAL

1. THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND CONDITIONS AT THE SITE AND REPORT ANY DISCREPENCIES TO THE ARCHITECT BEFORE ORDERING MATERIAL AND PROCEEDING WITH THE WORK.

2. ALL WORK SHALL CONFORM TO THE REQUIREMENTS OF THE NEW HAMPSHIRE STATE BUILDING CODE (2015 INTERNATIONAL RESIDENTIAL CODE) SHOULD LOCAL CODES AND/OR ORDINANCES DIFFER FROM THESE PLANS, A DETERMINATION SHALL BE MADE BY THE CONTRACTOR AND/OR LOCAL CODE ENFORCEMENT OFFICER AS TO WHICH IS MOST STRINGENT. THE MOST STRINGENT REQUIRENT SHALL RULE.

3. ALL SECTIONS, DETAILS, NOTES, OR MATERIALS SHOWN AND/OR NOTED ON ANY PLAN, SECTION OR ELEVATION SHALL APPLY TO ALL OTHER SIMILAR LOCATIONS UNLESS NOTED OTHERWISE.

4. TESTING AND INSPECTION AGENCIES SELECTED BY THE OWNER. ALL WORK SHALL REQUIRE ADHERENCE TO THE REQUIREMENTS OF ASTM DESIGNATION E-329 ENTITLED "RECOMMENDED PRACTICE FOR INSPECTION AND TESTING AGENCIES FOR CONCRETE AND STEEL USED IN CONSTRUCTION."

5. FOOTINGS SHALL REST ON FIRM, UNDISTURBED MATERIAL CAPABLE OF SUSTAINING A BEARING PRESSURE OF TWO (2) TONS/SF.

6. THE CONTRACTOR SHALL RETAIN A PROFESSIONAL SOILS ENGINEER TO VERIFY SOIL BEARING PRESSURE.

7. ALL GRANULAR FILL MATERIAL UNDER SLABS SHALL BE PLACED TO 95% RELATIVE DENSITY.

8. ALL FOOTING EXCAVATIONS TO BE FINISHED BY HAND AND INSPECTED AND APPROVED BY THE TESTING ENGINEER BEFORE ANY CONCRETE IS PLACED.

9. BACKFILL SHALL BE PLACED TO EQUAL ELEVATIONS ON BOTH SIDES OF FOUNDATION WALLS. WHERE BACKFILL IS ON ONE SIDE ONLY, WORK SHALL BE SHORED OR HAVE PERMANENT ADJACENT CONSTRUCTION IN PLACE BEFORE BACKFILLING.

10. THE SIDES OF ALL BEAMS, WALLS, FOOTINGS, ETC. SHALL BE FORMED AND CONCRETE SHALL NOT BE PLACED AGAINST EARTH CUTS.

11. FOOTINGS SHALL NOT BEAR ON FROZEN SOIL AND ALL EXTERIOR FOOTINGS SHALL BE NOT LESS THAN 4'-0" BELOW ADJACENT FINISH GRADE.

12. ALL CONCRETE SHALL HAVE AN ULTIMATE COMPRESSIVE STRENGTH OF 3,000PSI@ 28 DAYS. MAXIMUM ¾" AGGREGATE, AIR ENTRAINED.

13. REINFORCING STEEL SHALL COMPLY WITH THE REQUIREMENTS OF ASTM-615 GRADE 60 BILLET STEEL. ASTM-185 FOR WIRE MESH. BARS SHALL BE DEFORMED TO ASTM-A305.

14. STEEL REINFORCEMENT FABRICATION SHALL COMPLY WITH THE REQUIREMENTS OF "MANUAL OF STANDARD PRACTICE FOR DETAILING REINFORCED CONCRETE STRUCTURES." AS ADOPTED BY THE AMERICAN CONCRETE INSTITUTE.

15. CONCRETE COVER: FOOTINGS AND WALL - BOTTOM 3", SIDES 2".

16. ALL CONCRETE WORK SHALL CONFORM TO THE REQUIREMENTS OF THE AMERICAN CONCRETE INSTITUTE SPECIFICATIONS ACI-301-99.

17. ALL REINFORCING TO BE SUPPORTED IN FORMS WITH NECESSARY ACCESSORIES AND SECURELY WIRED TOGETHER IN ACCORDANCE WITH CRSI RECOMMENDED PRACTICE FOR PLACING REINFORCING BARS.

18. ALL REINFORCING SHALL BE LAPPED 40 BARS DIAMETERS (1'-8" MIN.) EXCEPT AS OTHERWISE NOTED.

19. ALL SLABS ON GRADE SHALL HAVE A 15 MIL. VAPOR BARRIER UNDERNEATH.

20. PLANS ARE SCHEMATIC IN NATURE AND SHOULD NOT BE SCALED. INSTALL ALL BLOCKING, BRACING, STIFFBACKS, ETC., AS REQUIRED BY THE BUILDING CODE AND IN ACCORDANCE WITH GOOD FRAMING PRACTICES AND STANDARDS.

21. ALL ROOF RAFTERS AND TRUSSES SHALL HAVE HURRICANE TIE DOWNS.

22. GARAGE SHALL BE SEPARATED FROM MAIN HOUSE BY A FIRE RATED WALLS AND CEILINGS. REFER TO FIRST FLOOR PLAN.

23. CONTRACTOR TO CONTACT DIG SAFE LINE TO VERIFY UNDERGROUND UTILITIES.

24. PROVIDE SMOKE DETECTORS IN SUFFICIENT QUANTITIES AND LOCATIONS TO MEET REQUIREMENTS OF THE BUILDING CODE. PROVIDE NOT LESS THAN ONE SMOKE DETECTOR ON EACH FLOOR, INCLUDING BASEMENT AND ATTICS CAPABLE OF BEING INHABITED.
- PROVIDE ONE SMOKE DETECTOR IN EACH BEDROOM AREA.
- PROVIDE NOT LESS THAN ONE SMOKE DETECTOR FOR EVERY 1,200 SF OF FLOOR SPACE.
- PROVIDE PHOTO ELECTRIC SMOKE DETECTOR IF LOCATED LESS THAN 20 FEET FROM EITHER A KITCHEN OR A BATHROOM WITH A TUB OR SHOWER.

25. PROVIDE FIRE ALARMS PER BUILDING CODE.

26. DESIGN LOADS (ALL JOISTS AND RAFTER SIZES AND SPACING SHALL MEET OR EXCEED THE MINIMUM LOCAL BUILDING CODE REQUIREMENTS FOR LOAD CARRYING CAPABILITY (VERIFY WITH STRUCTURAL ENGINEER)
- GROUND SNOW LOAD: = 30 PSF PER IRC TABLE R301.2 (1).
- SLOPED ROOF SNOW LOAD = 32 PSF
- WIND SPEED = 120 MPH
- SEISMIC CATEGORY IS "C"
- LIVE LOADS = 40PSF FOR LIVING SPACES, 30 PSF FOR SLEEPING AREAS.
- DEAD LOADS = 10PSF.

27. EACH BEDROOM ABOVE THE FIRST FLOOR SHALL BE EQUIPED WITH AN EMERGENCY EGRESS WINDOW OF NOT LESS THAN A NET CLEAR OPENING OF 5.7 SQ. FT. THE MINIMUM CLEAR OPENING OF THE WINDOW SHALL NOT BE LESS THAN 20 INCHES IN WIDTH AND 24 INCHES IN HEIGHT.

28. TEMPERED GLASS TO BE PROVIDED WHEN THE BOTTOM EDGE OF THE GLASS IS LESS THAN 24" ABOVE FINISHED FLOOR PLAIN.

29. MR GYPSUM BOARD SHALL BE USED THROUGHOUT APARTMENT BATHS AND SIMILAR DAMP LOCATION EXCEPT WHERE BACKER BOARD IS REQUIRED. THE BACKER BOAD IS REQUIRED AT ALL LOCATION WHERE TILE IS TO BE PROVIDED.

THA ARCHITECTS, LLC
ARCHITECTURE • DESIGN • PLANNING • INTERIOR DESIGN
89 WILLOWBROOK AVENUE
STRATHAM, NEW HAMPSHIRE 03885
Tel: (603) 770-2491
www.thaarc.com

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LICENSED ARCHITECT THOMAS H. ALEXANDER HOUSE No. 2389 STATE OF NEW HAMPSHIRE

McDonald Residence

74 Sunset Street
Portsmouth, NH

First Floor Plan Notes

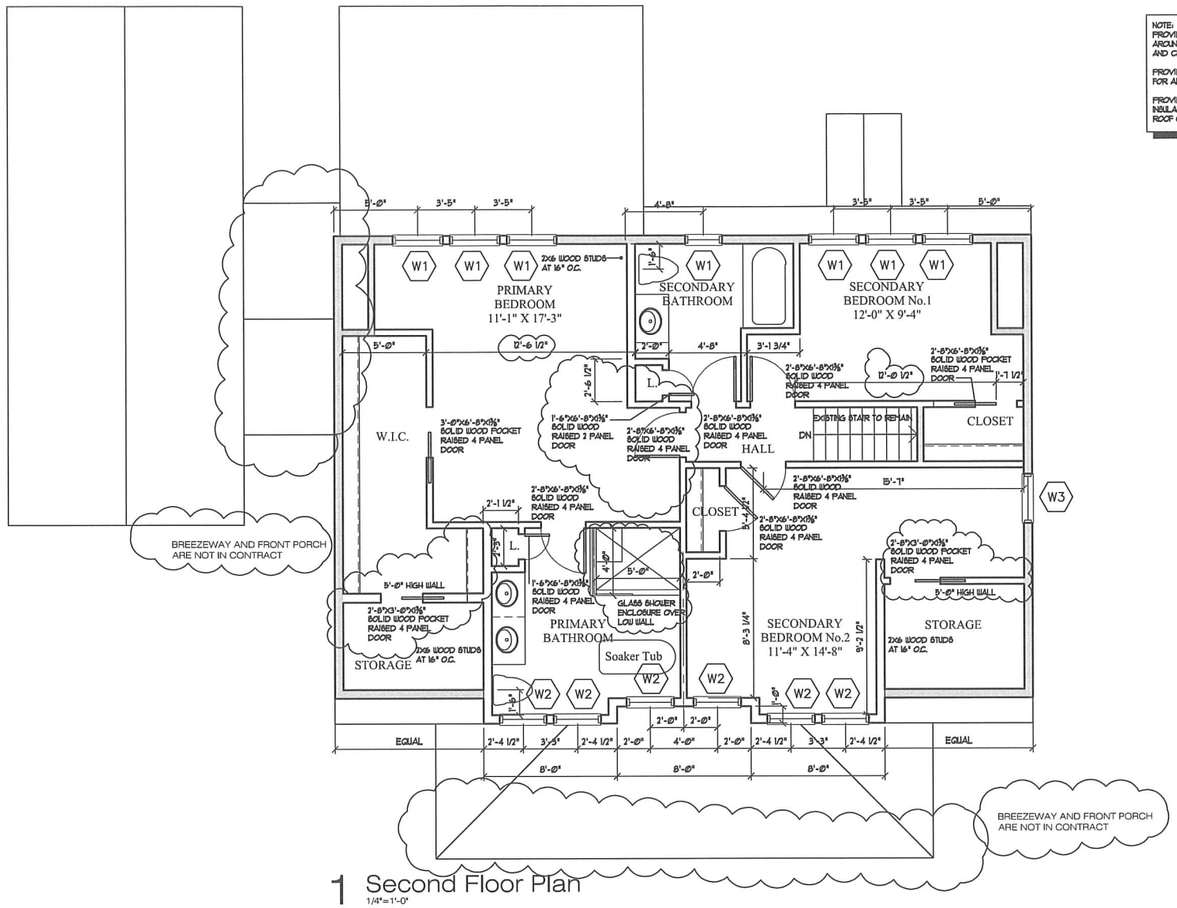
SCALE:

ISSUED / DRAWN BY
June 8, 2022
© THA Architects, LLC.

REVISED / REVISED BY
August 12, 2022

JOB NO: 22001

SHEET NUMBER
A-6



1 Second Floor Plan
1/4"=1'-0"

NOTE:
PROVIDE SOUND BATT INSULATION AROUND ALL BATHROOM WALLS FULL AND CEILING.

PROVIDE R-21 SPRAY-ON INSULATION FOR ALLEXTERIOR WALLS.

PROVIDE R-38 GLASS FIBER BATT INSULATION FOR ROOF RAFTERS AND ROOF CEILING JOISTS.

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THOMAS H. ALESSE
LICENSED ARCHITECT
HOUSE No. 2369
THE STATE OF NEW HAMPSHIRE

McDonald Residence

74 Sunset Street
Portsmouth, NH

Second Floor Plan Notes

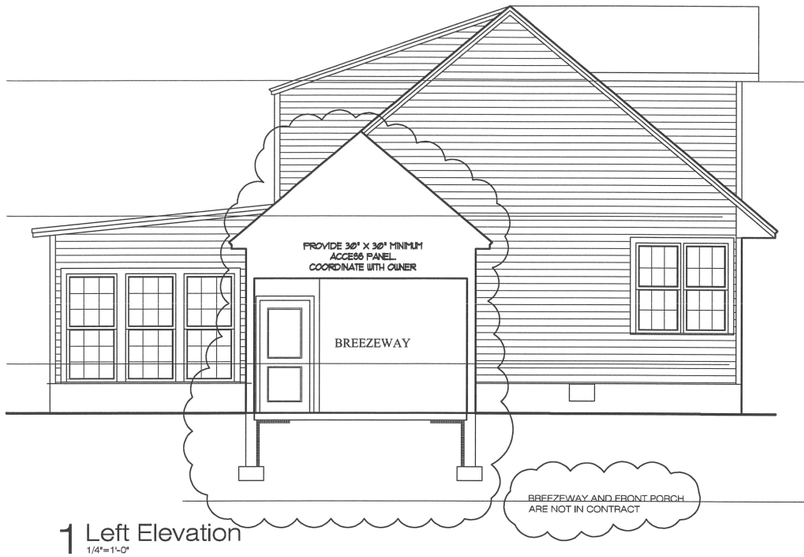
SCALE:

ISSUED / DRAWN BY
June 8, 2022
© THA Architects, LLC.

REVISED / REVISED BY
August 11, 2022

JOB NO: 22001

SHEET NUMBER
A-7

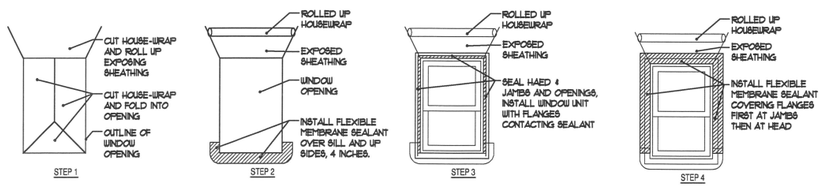


1 Left Elevation
1/4"=1'-0"

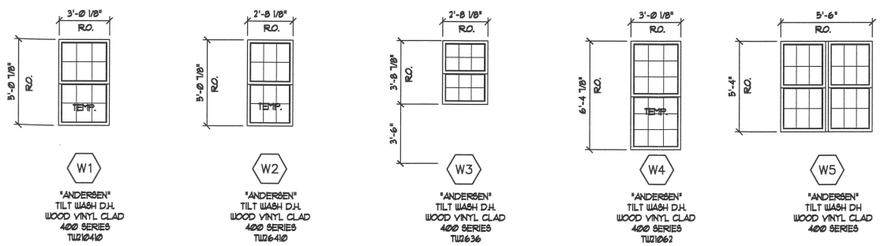
2 Front Elevation
1/4"=1'-0"

3 Right Elevation
1/4"=1'-0"

4 Rear Elevation
1/4"=1'-0"



Window Installation
NO SCALE



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LICENSED ARCHITECT
THOMAS H. ALESSE
HOUSE
No. 2389
STATE OF NEW HAMPSHIRE

McDonald Residence

74 Sunset Street
Portsmouth, NH

Elevations
Window Detail

SCALE:

ISSUED / DRAWN BY
June 8 2022
© THA Architects, LLC.

REVISED / REVISED BY
August 3, 2022

JOB NO: 22001

SHEET NUMBER
A-9

EXHIBIT C

Google Maps 69 Sunset Rd

Image capture: Sep 2011 © 2022 Google

Portsmouth, New Hampshire

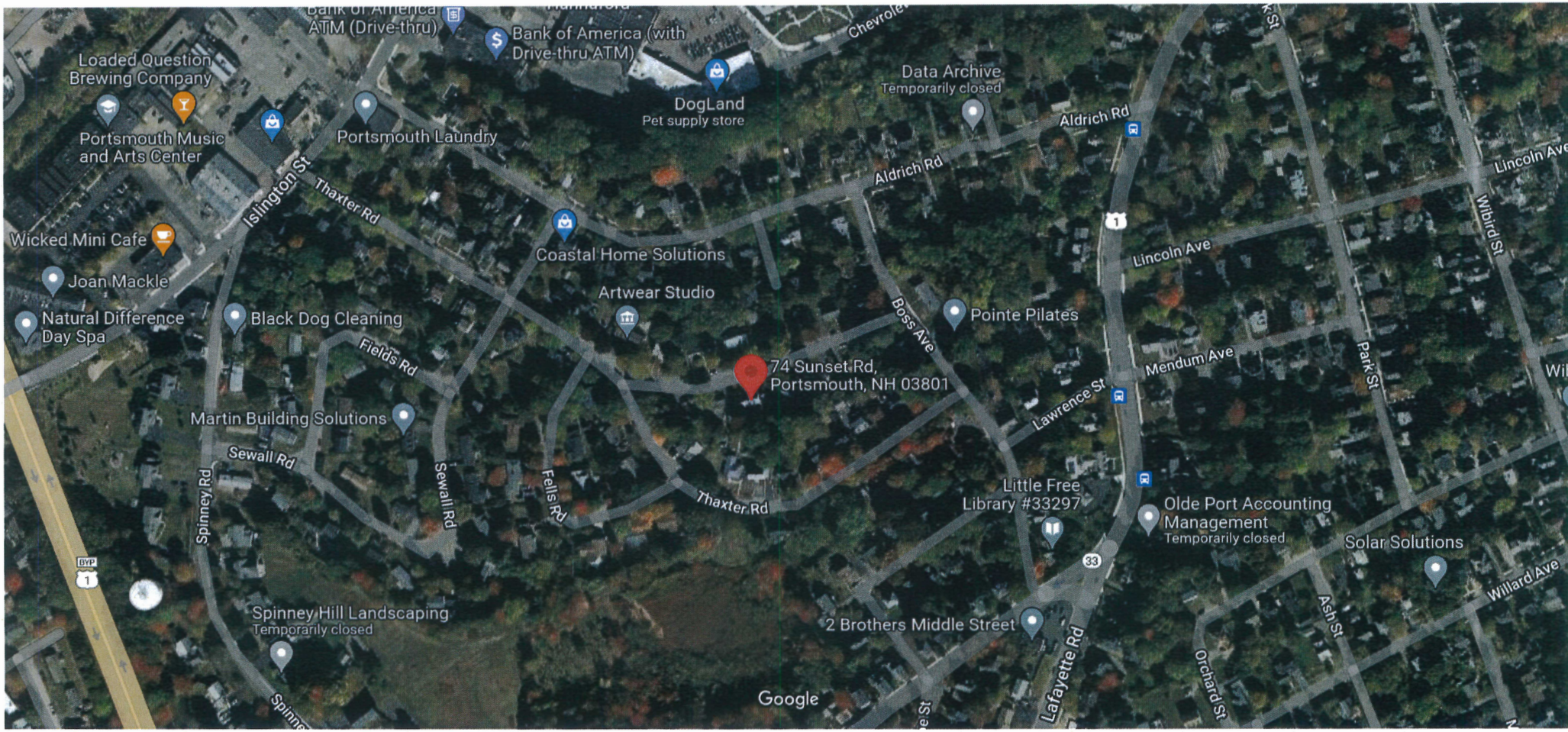
Google

Street View - Sep 2011

Google Maps 74 Sunset Rd

Imagery ©2022 Maine GeoLibrary, Maxar Technologies, U.S. Geological Survey, Map data ©2022 50 ft

Google Maps 74 Sunset Rd



Imagery ©2022 Maine GeoLibrary, Maxar Technologies, U.S. Geological Survey, USDA/FPAC/GEO, Map data ©2022 200 ft

EXHIBIT D

ALDRICH RD
ALDRICH CT
JOFFRE TER
BOSS AVE
SUNSET RD
THAXTER RD
MIDDLE ST
LINCOLN AVE

Partial Legend

See the cover sheet for the complete legend.

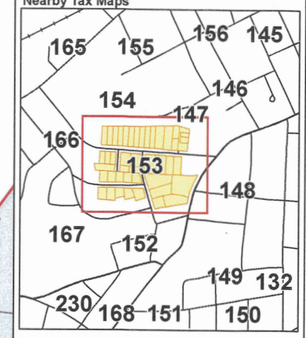
- 7-5A — Lot or lot-unit number
- 2.56 ac — Parcel area in acres (ac) or square feet (sf)
- 25 — Address number
- 233-137 — Parcel number from a neighboring map
- 68' — Parcel line dimension
- SIMS AVE — Street name
- Parcel/Parcel boundary
- Parcel/ROW boundary
- Water boundary
- Structure (1994 data)
- Parcel covered by this map
- Parcel from a neighboring map (see other map for current status)

0 50 100 Feet

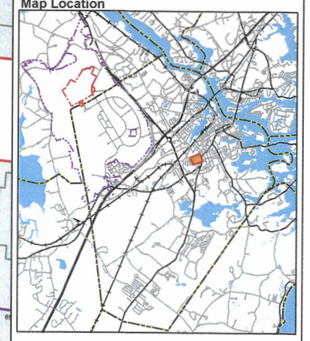
0 20 40 Meters

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
2021

Tax Map 153

8.

The request of **Neila LLC (Owner),** for property located at **324 Maplewood Avenue** whereas relief is needed to convert existing garage into a dwelling unit which requires the following: 1) Variances from Section 10.5A41.10A to allow a) a lot area per dwelling unit of 1,780 square feet where 3,000 square feet is required; and b) a 1 foot side yard where 5 feet is required. 2) A Variance from Section 10.1114.21 to allow an 8.5 foot wide by 18 foot long parking space where 8.5 feet by 19 feet is required. Said property is located on Assessor Map 141 Lot 1 and lies within the Character District 4-L2 (CD4-L2) and the Historic district

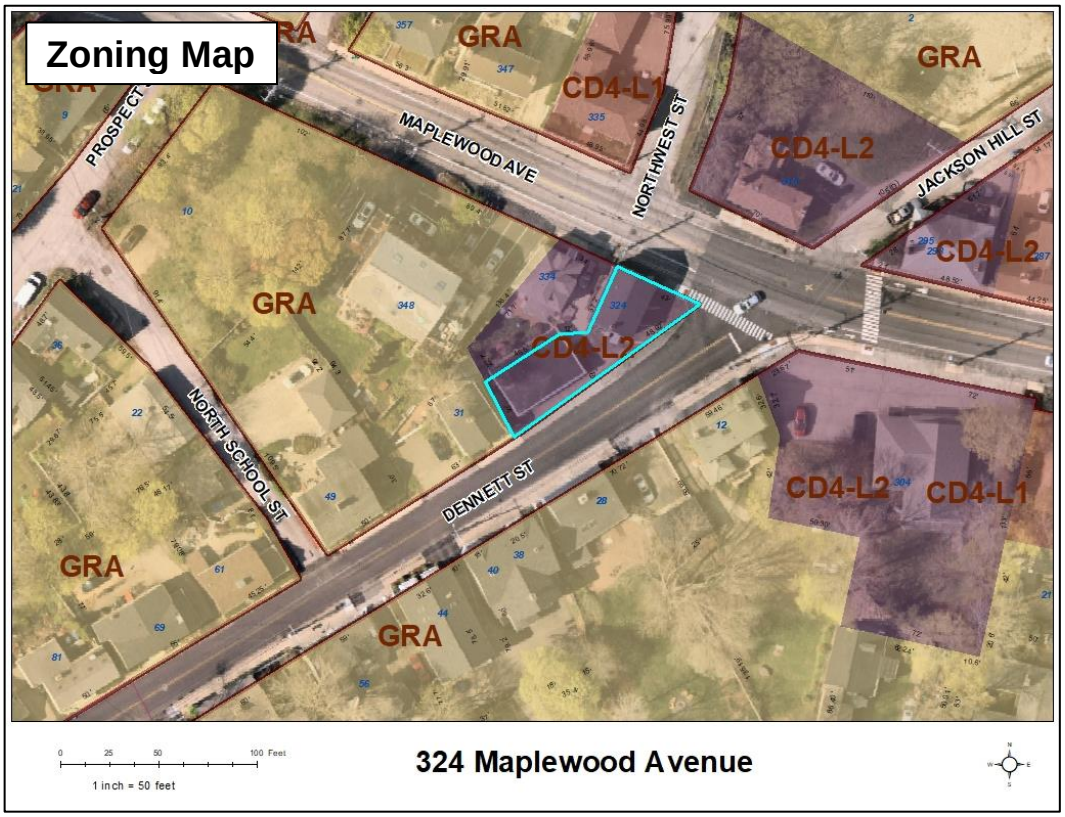
Existing & Proposed Conditions

	Existing	Proposed	Permitted / Required	
Land Use	Single family/ commercial	Convert garage into dwelling	Primarily residential	
Lot area (sq. ft.):	3,560	3,560	3,000	min.
Lot Area per Dwelling Unit (sq. ft.):	3,560	**1,780**	3,000	min.
Primary Front Yard (ft.):	0	0	15	max
Secondary Front Yard (ft.):	>6	>6	12	max
Right Yard (ft.):	1	**1**	5	
Rear Yard (ft.):	>5	>5	5	min.
Height (ft.):	<20 (garage)	<20 (garage)	35	max.
Building Coverage (%):	49	49	60	max.
Open Space Coverage (%):	7.7	7.7	25	min.
Parking:	6	6	6	
Estimated Age of Structure:	1948	Variance request(s) shown in red.		

Other Permits/Approvals Required

Historic District Commission

Neighborhood Context



Previous Board of Adjustment Actions

July 25, 1972, the Board **granted** a variance; to add a floor to an existing building for a workshop not to exceed 12' in height.

October 23, 1979, the Board **denied** a request to allow the following: Variance: Article II, Section 10-206 to allow a take-out and delivery restaurant. Said property is shown on Assessor Plan 80 as Lot 63 and lies within a General Residential District.

August 18, 2009, the Board **denied** a request to allow the following:
1) a two story addition on an existing garage/storage building housing two additional dwelling units on a 3,210 sf lot (which also contains a second building with a commercial use on the 1st floor and a dwelling unit on the 2nd floor) with a) a 5.47 ± left side setback, 10' required and b) a 1'± rear setback 15' required and c) 1,070 sf of lot area per dwelling unit, 7,500 sf required;
2) The required parking spaces to back out onto the street, and
3) Dwelling units in two separate buildings on a lot.

December 15, 2009, after consideration, the Board determined that Fisher v. Dover was not applicable to this request and it could be heard as a new application. The Board then voted to **deny** the request as all the criteria necessary to grant the variances had not been met.
1. Article III, Section 10-301 (A)(2) to allow a dwelling unit in each of two (2) free-standing buildings on the same lot.
2. Article III, Section 10-303 (A) to allow 1,780 square feet of lot area per dwelling unit, where 7,500 square feet of a lot area is required.
3. Article III, Section 10-303 (A) to allow a rear yard setback of 5.47 feet where 15 feet is required; a right side yard setback of 1 foot where 10 feet is required; and a left side yard setback of 6.21 feet where 10 feet is required.
4. Article IV, Section 10-401 A (2)(c) to allow expansion of a non-conforming structure by addition of a second story.
5. Article XII, Section 10-1201(A)(3) to allow the required parking spaces to back out onto the street where such parking layout is not allowed.

Planning Department Comments

The applicant is seeking to convert the existing garage into a dwelling unit. As shown in the history above, this property was before this Board in 2009 to develop the property to add a dwelling unit

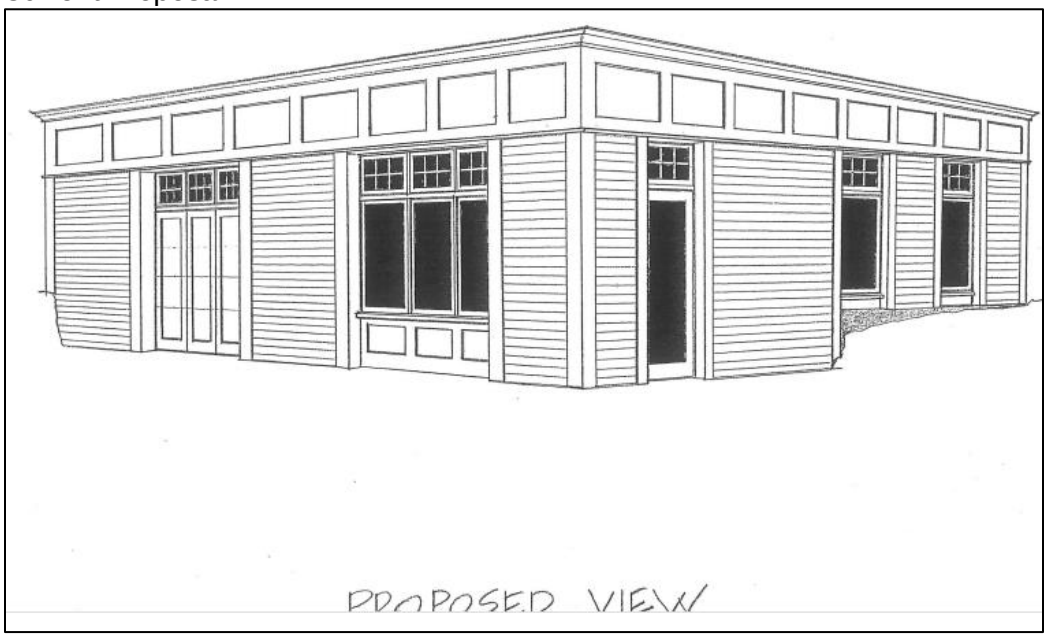
Staff feels this is a significant enough change that would not evoke Fisher v. Dover, but the Board may want to consider whether Fisher vs. Dover is applicable before this application is considered. The image of what was proposed in 2009 is below to show the building vs what is proposed currently.

"When a material change of circumstances affecting the merits of the applications has not occurred or the application is not for a use that materially differs in nature and degree from its

predecessor, the board of adjustment may not lawfully reach the merits of the petition. If it were otherwise, there would be no finality to proceedings before the board of adjustment, the integrity of the zoning plan would be threatened, and an undue burden would be placed on property owners seeking to uphold the zoning plan." Fisher v. Dover, 120 N.H. 187, (1980).

2009 Proposal:

Current Proposal:



The applicant is proposing to use a portion of the garage for a parking space that will not conform to the City's dimensional requirements for a parking space which are 8.5 feet wide by 19 feet long. The proposed space will be 18 feet long instead of the 19 feet required.

Review Criteria

This application must meet all five of the statutory tests for a **variance** (see Section 10.233 of the Zoning Ordinance):

1. *Granting the variance would not be contrary to the public interest.*
2. *Granting the variance would observe the spirit of the Ordinance.*
3. *Granting the variance would do substantial justice.*
4. *Granting the variance would not diminish the values of surrounding properties.*
5. *The "unnecessary hardship" test:*
   (a)The property has special conditions that distinguish it from other properties in the area.
   AND
   (b) Owing to these special conditions, a fair and substantial relationship does not exist between the general public purposes of the Ordinance provision and the specific application of that provision to the property; and the proposed use is a reasonable one.
   OR

Owing to these special conditions, the property cannot be reasonably used in strict conformance with the Ordinance, and a variance is therefore necessary to enable a reasonable use of it.

10.235 Certain Representations Deemed Conditions

Representations made at public hearings or materials submitted to the Board by an applicant for a special exception or variance concerning features of proposed buildings, structures, parking or uses which are subject to regulations pursuant to Subsection 10.232 or 10.233 shall be deemed conditions upon such special exception or variance.

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

August 31, 2022

HAND DELIVERED

Peter Stith, Principal Planner
Portsmouth City Hall
1 Junkins Avenue
Portsmouth, NH 03801

Re: Neila, LLC, Owner/Applicant
324 Maplewood Avenue
Tax Map 141/Lot 1

Dear Mr. Stith & Zoning Board Members:

On behalf of Neila, LLC, Owner/Applicant, enclosed please find the following in support of a request for zoning relief:

- Digital Application submitted via Viewpoint earlier today.
- Owner Authorization.
- 8/31/2022 – Memorandum and exhibits in support of variance application.

We look forward to presenting this application to the Zoning Board at its September 20, 2022 meeting.

Very truly yours,

R. Timothy Phoenix
Monica F. Kieser

Encl.

cc: Nicole Abshier, Member, Neila, LLC
Altus Engineering, Inc.
Brendan McNamara, Architect

DANIEL C. HOEFLE
R. TIMOTHY PHOENIX
LAWRENCE B. GORMLEY
STEPHEN H. ROBERTS
R. PETER TAYLOR
KIMBERLY J.H. MEMMESHEIMER
KEVIN M. BAUM
GREGORY D. ROBBINS
MONICA F. KIESER
SAMUEL HARKINSON
JACOB J.B. MARVELLEY
DUNCAN A. EDGAR
STEPHANIE J. JOHNSON
OF COUNSEL:
SAMUEL R. REID
JOHN AHLGREN

OWNER'S AUTHORIZATION

I, Nicole L. Abshier, member of NEILA, LLC, Owner/Applicant of 324 Maplewood Avenue, Tax Map 141/Lot 1, hereby authorize law firm Hoefle, Phoenix, Gormley & Roberts, PLLC to represent me before any and all City of Portsmouth Representatives, Boards and Commissions for permitting the project.

Respectfully submitted,

Date: 7/28/2022

Nicole L. Abshier, Member

MEMORANDUM

TO: Portsmouth Zoning Board of Adjustment ("ZBA")
FROM: R. Timothy Phoenix, Esquire
Monica F. Kieser, Esquire
DATE: August 31, 2022
RE: Owner/Applicant: Neila, LLC (Nicole Abshier)
Property: 324 Maplewood Avenue (Cabinet Concepts)
Tax Map 141, Lot 1
CD4-L2 Zoning District

Dear Chairman Parrott and Members of the Zoning Board of Adjustment ("ZBA"):

On behalf of the applicant, Neila, LLC ("Applicant" or "Abshier"), we are pleased to submit this Memorandum and exhibits in support of the requested variances from the Portsmouth Zoning Ordinance ("PZO" or "Ordinance").

I. EXHIBITS

A. Board of Adjustment Site Plan – issued by Altus Engineering, Inc.
B. Architectural Plan Set – issued by Brendan McNamara.
C. Site Photographs.
   - Street view & aerial views
D. Tax Map 141.

II. PROPERTY/PROJECT

324 Maplewood Avenue is a 3,560 s.f. lot located at the corner of Maplewood and Dennett Street in the CD4-L2 and Historic Overlay Districts (the "Property"). The lot contains two structures: a blue two-story structure with a 652 s.f. retail cabinet shop (Cabinet Concepts) on the first floor and a 655 s.f. apartment on the second floor; and a 1,080 s.f. one story garage/accessory structure. The accessory structure is the focus of this application. Nicole Abshier of 31 Dennett Street formed Neila, LLC to purchase the Property this summer to control development of the garage adjacent to her home and intends to convert it to a one bedroom apartment, significantly improving its appearance and functionality (the "Project"). The structure will remain the same size and height, will continue to accommodate interior parking, and the Historic District Commission ("HDC") will review the exterior façade.

Principal Planner Peter Stith determined dimensional relief is required for lot size per dwelling unit, conversion of a structure in the rear yard setback, and parking space size for the interior space in the garage 1ft. less than the required depth.

III. RELIEF REQUIRED

1. **PZO §10.5A41.10A**
   - Lot area per dwelling unit – 1,780 s.f. (3560/2) where 3,000 s.f. is required.
   - Rear yard setback – to permit a dwelling in an existing structure 1 ft. from the rear lot line where 5 ft. is required.
2. **PZO §10.1114.21** – to permit parking space in the garage measuring 8.5 ft. by 18 ft. where 8.5 ft. by 19 ft. is required.

IV. VARIANCE REQUIREMENTS

1. **The variances will not be contrary to the public interest.**
2. **The spirit of the ordinance is observed.**

The first step in the ZBA's analysis is to determine whether granting a variance is not contrary to the public interest and is consistent with the spirit and intent of the ordinance, considered together pursuant to Malachy Glen Associates, Inc. v. Town of Chichester, 155 N.H. 102 (2007) and its progeny. Upon examination, it must be determined whether granting a variance "would unduly and to a marked degree conflict with the ordinance such that it violates the ordinance's basic zoning objectives." Id. "Mere conflict with the zoning ordinance is not enough." *Id.*

The purpose of the Portsmouth Zoning Ordinance as set forth in PZO §10.121 is "to promote the health, safety and the general welfare of Portsmouth and its region in accordance with the City of Portsmouth Master Plan… [by] regulating":

1. The use of land, buildings and structures for business, industrial, residential and other purposes – The Project repurposes an existing, underutilized, accessory building to provide a modest apartment and interior parking.
2. The intensity of land use, including lot sizes, building coverage, building height and bulk, yards and open space – The lot is nonconforming as to lot size, coverage and rear yard (from Dennett Street). Accordingly, no increase in footprint is proposed. Instead, the Project utilizes the existing structure, which accommodates the single parking space required for the apartment.
3. The design of facilities for vehicular access, circulation, parking and loading – There are sufficient parking spaces on the lot for the existing uses and the proposed apartment. **(Exhibit A)**.
4. The impacts on properties of outdoor lighting, noise, vibration, stormwater runoff and flooding – The structure exists now. The renovation and addition of a single modest dwelling unit in it will not negatively affect abutting properties.
5. The preservation and enhancement of the visual environment – The Project will renovate the existing structure on the Property improving its appearance and

retaining existing viewsheds, air, light, and space. The HDC will evaluate the façade to ensure it complies with district requirements.

6. The preservation of historic districts, and buildings and structures of historic or architectural interest – The proposal preserves and repurposes the long existing accessory structure. The Property is located in the Historic District and will receive HDC review.
7. The protection of natural resources, including groundwater, surface water, wetlands, wildlife habitat and air quality – The Property is located on Maplewood Avenue in a densely developed area. Restoring the existing accessory building in place has no impact compared to existing conditions.

Based upon the foregoing, then variances do not "in a marked degree conflict with the ordinance such that they violate the ordinance's basic zoning objectives." Malachy Glen, supra, which also held:

> One way to ascertain whether granting the variance would violate basic zoning objectives is to examine whether it would alter the essential character of the locality.... Another approach to [determine] whether granting the variance violates basic zoning objectives is to examine whether granting the variance would threaten the public health, safety or welfare. (emphasis added)

The intend of the Character Districts is to promote the development of walkable, mixed-use, human-scaled places by providing standards for building form and placement and related elements of development. The Property is located on Maplewood Avenue in a densely developed area of the City. **(Exhibit A, C, D)**. No additional structures will be constructed on the Property. Through the reuse of the existing accessory building, the Property will be refreshed and will offer a modest downtown apartment. The requested variances further objectives articulated in the City's 2025 Master Plan which recognized that opportunities to create small dwelling units exist in our urban neighborhoods. Master Plan p. 138, 144-45. In addition, the Master Plan recognized the need for flexibility in parking requirements to accommodate those properties which do not have sufficient dedicated space in neighborhoods where on-street parking is utilized. Master Plan p. 140, 144-45. Accordingly, granting each requested variance will neither "alter the essential character of the locality," nor "threaten the public health, safety or welfare."

3. Granting the variance will not diminish surrounding property values.

The Project restores and repurposes an existing accessory building located down-gradient from the Maplewood properties behind it. The Project improves the appearance of the existing

structure and results in no change to air, light, and space compared to existing conditions. The small apartment will not be intensely used accommodates the parking required. In addition to Ms. Abshier next door, other abutters have offered their approval of the Project. In light of these factors, granting the requested variance will not diminish surrounding property values.

4. **Denial of the variances results in an unnecessary hardship.**

a. Special conditions distinguish the property/project from others in the area.

The Property is small and oddly shaped with two existing structures at each end up against the lot line opposite Dennett, one of which supports a business and apartment. Any improvement to or change of use in either structure requires relief. The cabinet business and modest apartment above have sufficient space for parking, leaving the existing accessory building under-utilized as storage. These circumstances combine to create special conditions.

b. No fair and substantial relationship exists between the general public purposes of the ordinance and its specific application in this instance.

Density limits prevent overburdening of the land and overcrowding while yard setback requirements promote adequate air, light, space, and separation between neighbors. Parking space requirements ensure sufficient space for vehicles and circulation. The Project adds no new structures and merely repurposes the oversized garage to accommodate a small garden apartment sorely needed downtown. The addition of a small dwelling unit will not overcrowd the lot or conflict with the existing uses on the lot. As the footprint and height of the garage are not expanded, the rear yard setback will remain the same. Adequate parking exists on the lot now to support the uses, and the Project will offer an interior parking space for the garden apartment that, at 18 ft. deep, will accommodate the vast majority of cars. The Project repurposes the existing accessory structure creating a small apartment unit with a slightly undersized parking space furthering Master Plan objectives. Accordingly, there is no fair and substantial relationship between the general public purposes of the PZO and its specific application in this instance.

c. The proposed use is reasonable.

If the use is permitted, it is deemed reasonable. Vigeant v. Hudson, 151 N.H. 747 (2005). Residential uses, including duplexes and apartments are permitted in the CD4-L2 Zone as are mixed uses. The proposal creatively readapts an existing under-utilized with a new use compatible with the area and offers a small apartment in an area where one is needed.

Accordingly, the proposed use is reasonable and denial of the requested variances would create an unnecessary hardship.

5. **Substantial justice will be done by granting the variance.**

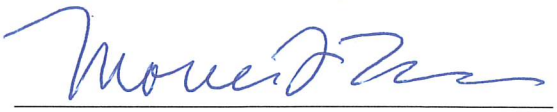
If "there is no benefit to the public that would outweigh the hardship to the applicant" this factor is satisfied. Harborside Associates, L.P. v. Parade Residence Hotel, LLC, 162 N.H. 508 (2011). That is, "any loss to the [applicant] that is not outweighed by a gain to the general public is an injustice." Malachy Glen, supra at 109. "The right to use and enjoy one's property is a fundamental right protected by both the State and Federal Constitutions." N.H. CONST. pt. I, arts. 2, 12; U.S. CONST. amends. V, XIV; Town of Chesterfield v. Brooks, 126 N.H. 64 (1985) at 68. Part I, Article 12 of the New Hampshire Constitution provides in part that "no part of a man's property shall be taken from him, or applied to public uses, without his own consent, or that of the representative body of the people." Thus, our State Constitutional protections limit the police power of the State and its municipalities in their regulation of the use of property. L. Grossman & Sons, Inc. v. Town of Gilford, 118 N.H. 480, 482 (1978). " Property" in the constitutional sense has been interpreted to mean not the tangible property itself, but rather the right to possess, use, enjoy and dispose of it. Burrows v. City of Keene, 121 N.H. 590, 597 (1981). (emphasis added). The Supreme Court has held that zoning ordinances must be reasonable, not arbitrary and must rest upon some ground of difference having fair and substantial relation to the object of the regulation. Simplex Technologies, Inc. v. Town of Newington, 145 N.H. 727, 731 (2001); Chesterfield at 69.

Granting the requested variance allows for the productive reuse of an existing structure on the Property in a manner consistent with walkable, mixed-use purposes of the zoning district and surrounding area. Given that the only change to the Property is the addition of a modest apartment for which a slightly undersized parking space is provided, there is no benefit to the public from denial. Conversely, Abshier will be greatly harmed by denial as she will lose the opportunity to create an additional dwelling unit in an underutilized, existing structure. Accordingly, there is no benefit to the public that outweighs the harm to the owner from denial.

V. CONCLUSION

For all the reasons stated, Abshier respectfully requests that the Portsmouth Zoning Board of Adjustment grant each variance.

Respectfully submitted,
NEILA, LLC

By: 

R. Timothy Phoenix, Esquire
Monica F. Kieser, Esquire

ZONING SUMMARY

ZONE: CD4–L2 (CHARACTER DISTRICT 4) – PRINCIPAL BUILDING (RETAIL), OUTBUILDING (GARAGE – TO BE CONVERTED TO RESIDENCE W/INTERIOR PARKING SPACE)
EXISTING LOT AREA: 3,560 S.F.± (0.08 AC.±)

DIMENSIONAL REQUIREMENTS

	REQUIRED	EXISTING	PROPOSED
MIN. LOT AREA:	3,000 S.F.	±3,560 S.F.	±3,560 S.F.
MIN. LOT AREA PER DWELLING UNIT:	3,000 S.F.	±3,560 S.F.	±1,780 S.F. *
MIN. STREET FRONTAGE:	___'	±106' (EX.) (DENNETT)	±106' (EXISTING)
MIN. LOT DEPTH:	___'	±25'± (EX.) (DENNETT)	±25' (EXISTING)
FRONT SETBACK:	15'/12' MAX.	0'/±6.2'(EX.)	0' (EX. RETAIL)/±6.2' (EX. GARAGE)
SIDE SETBACK:	5'	±6.2'/0'(EX.)	±6.2' (EX. GARAGE)/0' (RETAIL)
REAR SETBACK:	5'	±1' (EX.)	±1' (EX. GARAGE)
MAX. HEIGHT:	20'/35'	<20' (EX.)/<35' (EX.)	<20' (EX. GARAGE)/ <35' (EX. RETAIL/APT.)
MAX. BUILDING COVERAGE:	60%	±49% (EX.)(±1,751 SF)	±49% (±1,751 S.F.)
MIN. OPEN SPACE:	25%	±7.7% (±275 SF)	±7.7% (±275 SF)

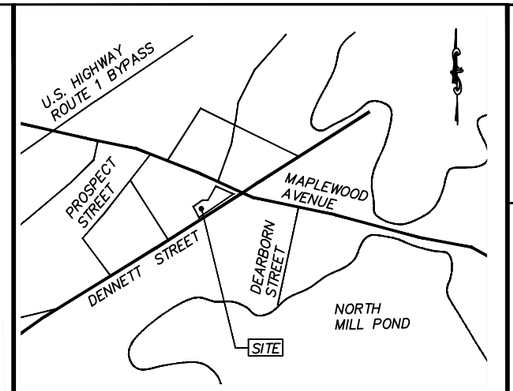
* ZONING RELIEF REQUIRED

PLAN REFERENCES:

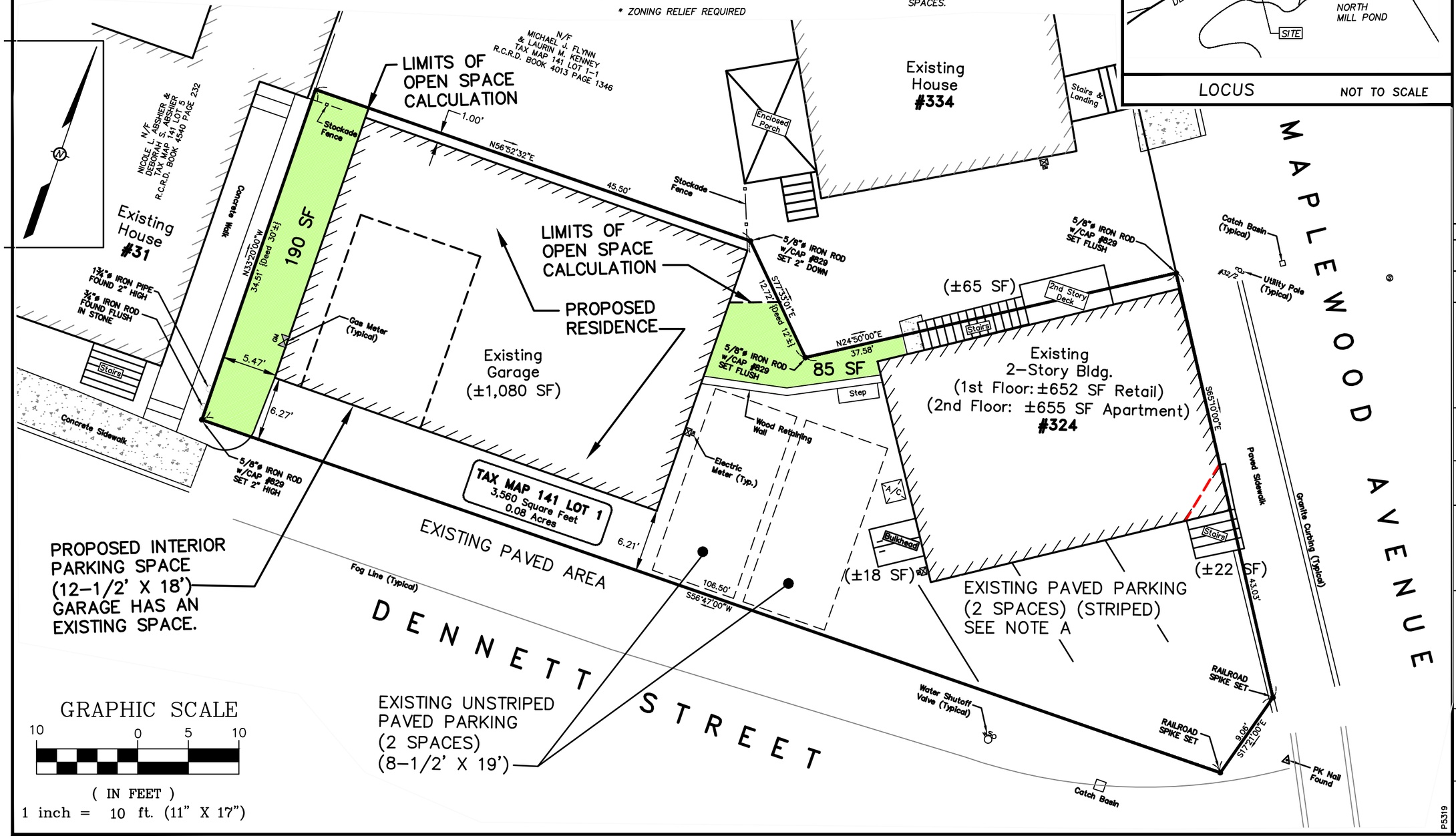
1. "STANDARD PROPERTY SURVEY & SITE PLAN" DATED 10/2/09, BY EASTERLY SURVEYING, INC.
2. PORTSMOUTH G.I.S. (MAPGEO) DATA BASE.
3. SITE OBSERVATIONS BY ALTUS ENGINEERING, INC. AUGUST 2022.

NOTE A:

THE TWO EXISTING PARKING SPACES AT RETAIL ARE UNDERSIZED FUNCTIONAL SPACES.



LOCUS NOT TO SCALE



GRAPHIC SCALE
10 0 5 10
(IN FEET)
1 inch = 10 ft. (11" X 17")

P5319

ALTUS ENGINEERING, INC.
133 Court Street Portsmouth, NH 03801
(603) 433-2335 www.altus-eng.com

EXHIBIT A

STATE OF NEW HAMPSHIRE – ERIC D. WEINRIEB No. 7634 LICENSED PROFESSIONAL ENGINEER –
8/31/22

NOT FOR CONSTRUCTION

ISSUED FOR: BOARD OF ADJUSTMENT

ISSUE DATE: AUGUST 31, 2022

REVISIONS

NO.	DESCRIPTION	BY	DATE
0	INITIAL SUBMISSION	EDW	08/31/22

DRAWN BY: RLH
APPROVED BY: EDW
DRAWING FILE: 5319.dwg

SCALE: 11" x 17" – 1" = 10'

OWNER/APPLICANT:
NEILA, LLC
31 DENNETT STREET
PORTSMOUTH, NH 03801

PROJECT:
SITE IMPROVEMENTS
TAX MAP 141, LOT 1
324 MAPLEWOOD AVENUE
PORTSMOUTH, NH

TITLE:
BOARD OF ADJUSTMENT SITE PLAN

SHEET NUMBER:
1 of 1

EXHIBIT B

EXISTING FIRST FLOOR PLAN 1/4"=1'0"

TITLE : EXISTING CONDITIONS PLAN

SCALE : 1/4"=1'0"

DATE : 8.30.2022

REVISIONS:

PROPOSED REMODEL
TO GARAGE AT
324 MAPLEWOOD AVE.,
PORTSMOUTH, NH.

A-1

PROPOSED FIRST FLOOR PLAN 1/4"=1'0"

637 sf.

TITLE : PROPOSED FIRST FLOOR PLAN

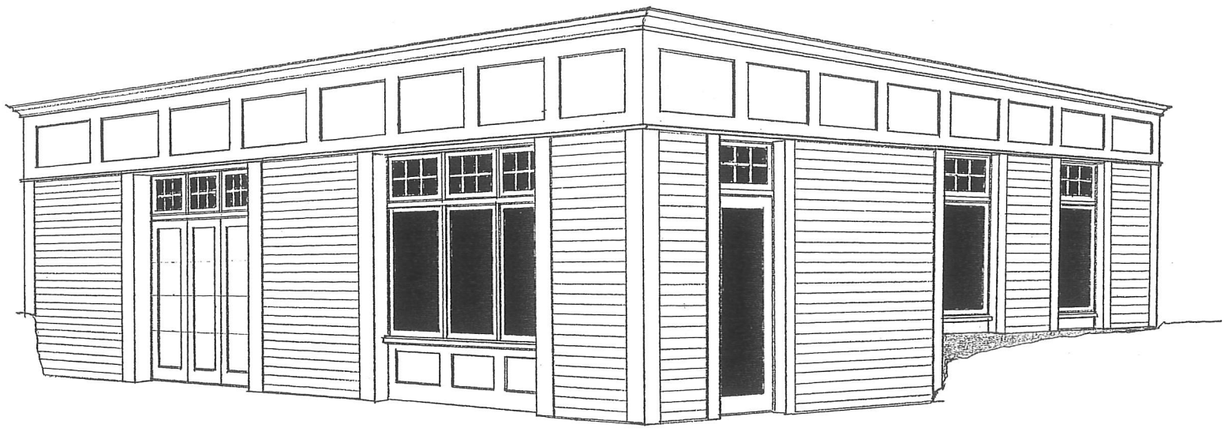
SCALE : 1/4"=1'0"

DATE : 9.30.2022

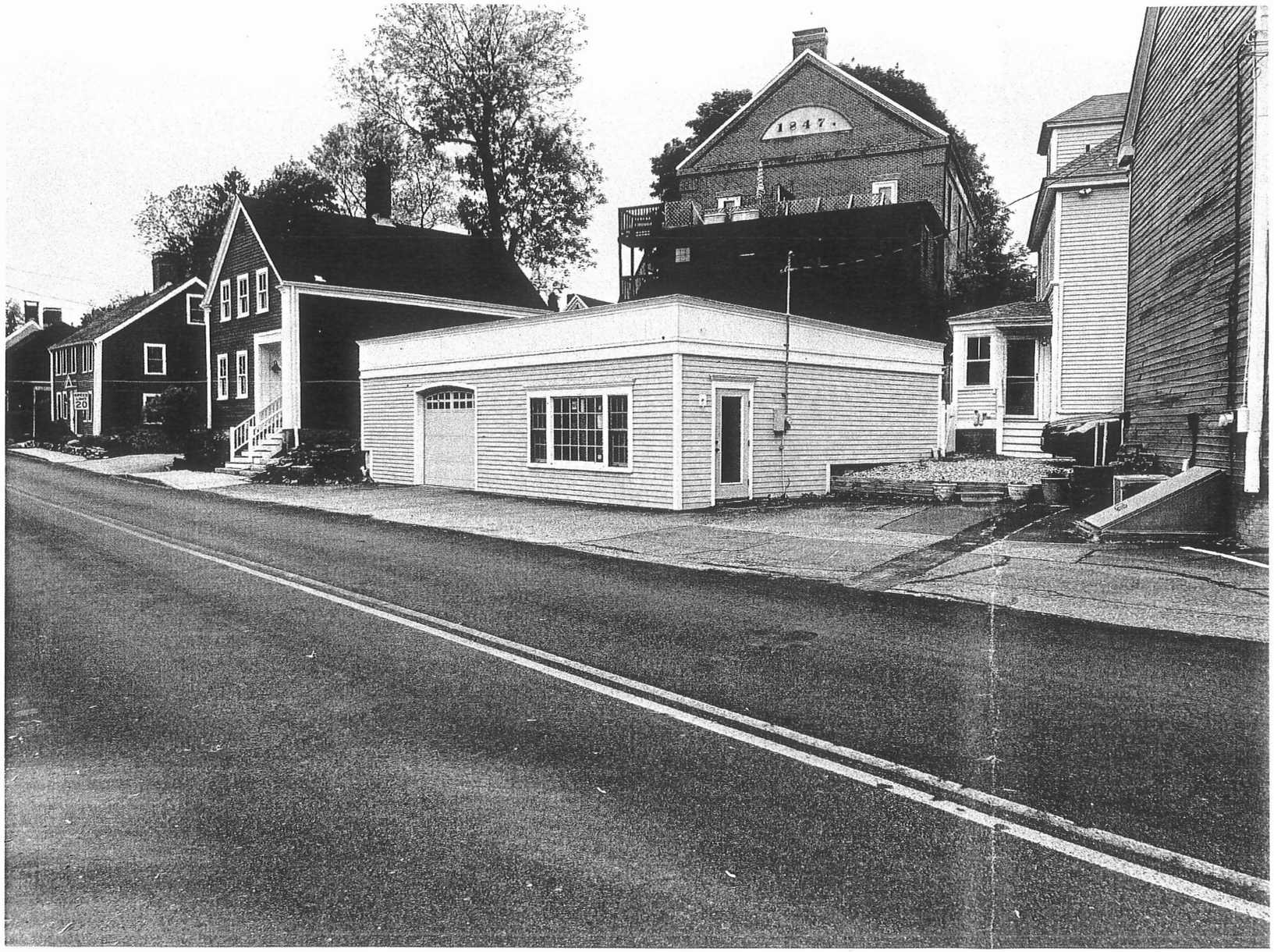
REVISIONS:

PROPOSED REMODEL TO GARAGE AT 324 MAPLEWOOD AVE., PORTSMOUTH, NH

A2.



PROPOSED VIEW
FROM DENNET ST.



EXISTING CONDITIONS VIEW (FROM DENNETT ST.)

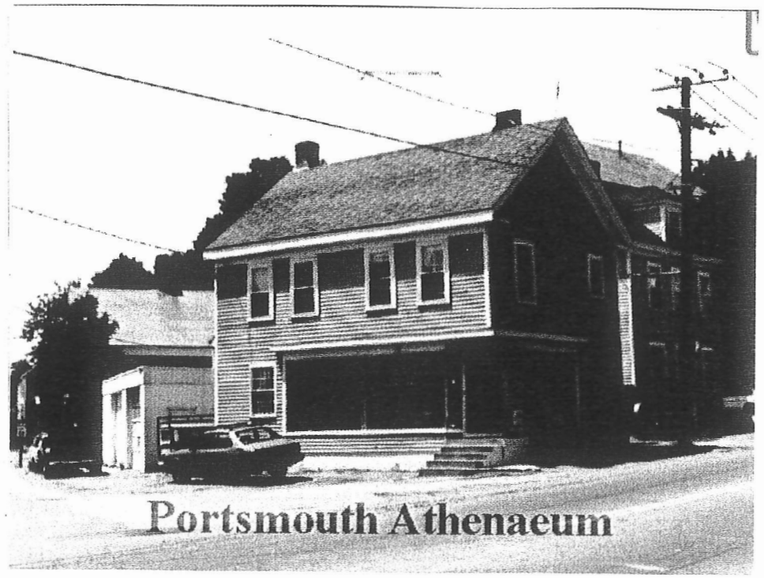


PHOTO FROM 1980'S (FROM PORTSMOUTH HISTORICAL SURVEY)

324 Maplewood Ave

Imagery ©2022 Google, Imagery ©2022 Maine GeoLibrary, Maxar Technologies, U.S. Geological Survey, USDA/FPAC/GEO, Map data ©2022 50 ft

EXHIBIT C

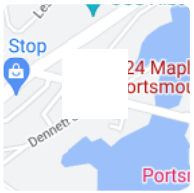
Google Maps 324 Maplewood Ave

Image capture: Sep 2019 © 2022 Google

Portsmouth, New Hampshire

Google

Street View - Sep 2019



Google Maps 12 Dennett St

Image capture: Sep 2017 © 2022 Google

Portsmouth, New Hampshire

Google

Street View - Sep 2017

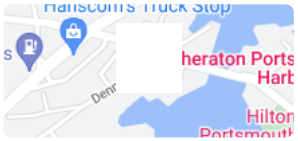
28 Dennett St

Image capture: Sep 2017 © 2022 Google

Portsmouth, New Hampshire

Google

Street View - Sep 2017



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)
25	Address number
233-137	Parcel number from a neighboring map
68'	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 neighboring map (see other map for current status)

EXHIBIT D

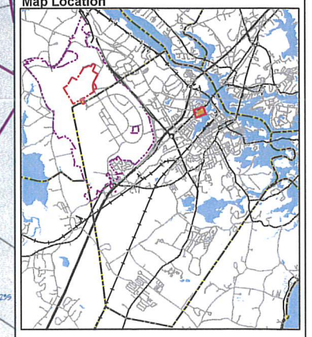
0 50 100 Feet

0 20 40 Meters

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
2021

Tax Map 141

9.

The request of **Jeffrey & Melissa Foy (Owners**), for property located at **67 Ridges Court** whereas relief is needed for the expansion of existing main roof and front porch roof and addition of new roof over side doorway which requires the following: 1) Variances from Section 10.521 to allow a) an 8 foot front yard where 30 feet is required to expand the existing front porch; b) a 13.5 foot front yard where 30 is required to expand the main roof of the house; c) a 13.5 foot front yard where 30 feet is required for a new roof over an existing doorway; and d) a 9.5 foot left side yard where 10 feet is required for a new roof over an existing doorway. 2) A Variance from Section 10.321 to allow a nonconforming building or structure to be extended, reconstructed or enlarged without conforming to the requirements of the Ordinance. Said property is located on Assessor Map 207 Lot 59 and lies within the Single Residence B (SRB) district.

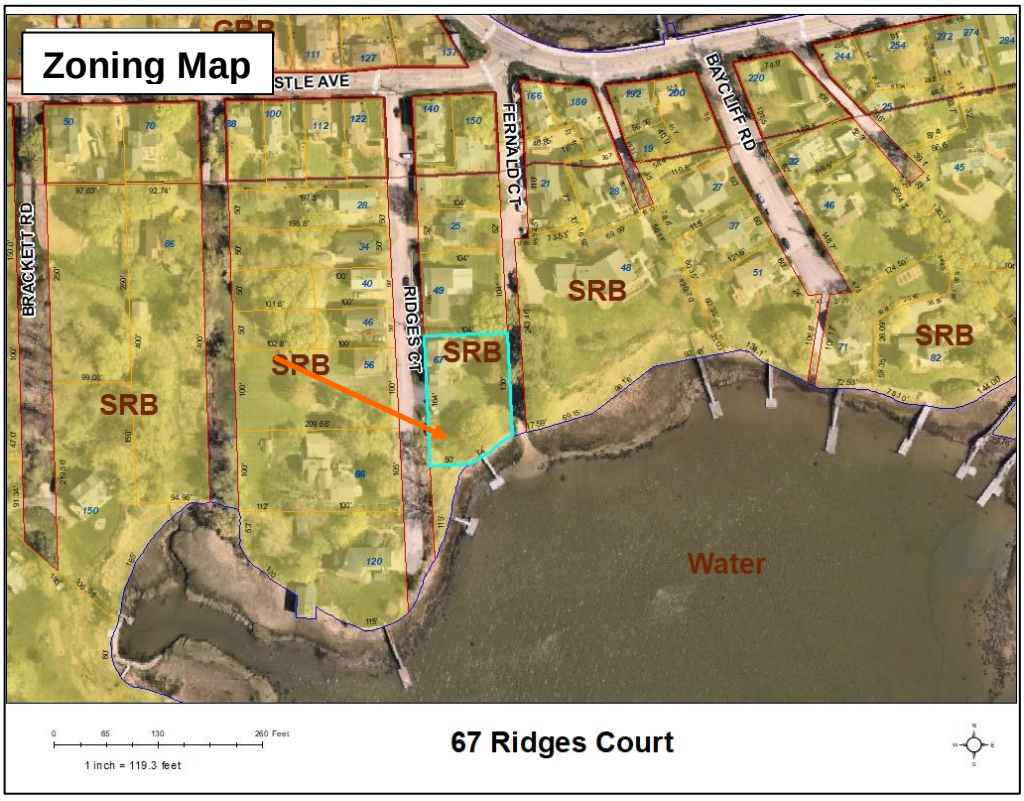
Existing & Proposed Conditions

	Existing	Proposed	Permitted / Required	
Land Use:	Single family	Garage addition	Primarily single residence	
Lot area (sq. ft.):	16,500	16,500	15,000	min.
Lot area per dwelling (sq. ft.):	16,500	16,500	15,000	min.
Lot depth (ft):	109	109	100	min.
Street Frontage (ft.):	164	164	100	min.
Primary Front Yard (ft.):	8	**8, 13.5**	30 *(19 feet per front yard averaging)	min.
Left Yard (ft.):	10	**9.5**	10	min.
Right Yard (ft.):	95	>67	10	
Rear Yard (ft.):	40	40	30	min.
Height (ft.):	<35	<35	35	max.
Building Coverage (%):	14	14	20	max.
Open Space Coverage (%):	73	75	40	min.
Parking:	4	4	2	
Estimated Age of Structure:	2002	Variance request(s) shown in red.		

Other Permits/Approvals Required

None

Neighborhood Context



Previous Board of Adjustment Actions

July 15, 1986 – the Board **granted** a Variance to permit the construction of a 20' x 20' addition onto an existing single family dwelling with a front yard of 9' where a 30' front yard is required.

August 20, 2002 – The Board considered request for the following Variance: Article III, Section 10-302(A) and Article IV, Section 10-401(A)(2)(c) is requested to allow a 5'9" x 10'3" front porch/entry with an 8'1" front yard where 30' is the minimum required The Board voted the request be **granted** as advertised and presented.

October 15, 2002 – The Board considered request for the following Variance: Article III, Section 10-302(A) is requested to allow the existing single family dwelling to be demolished and rebuilt with a 13'11" front yard where 30' is the minimum required The Board voted the request be **granted** as advertised and presented.

July 19, 2022 - Relief is needed to construct a 718 square foot garage addition with living space and deck above which requires the following:
1) A Variance from Section 10.521 to allow a 15.5' front yard where 30' is required.
2) A Variance from Section 10.321 to allow a nonconforming building or structure to be extended, reconstructed or enlarged without conforming to the requirements of the Ordinance. Said property is located on Assessor Map 2074 Lot 59 and is located within the single residence B (SRB) District.
The Board voted to **grant** the request to **postpone** to the August meeting.

August 16, 2022 The Board voted to **deny** the request of July 19, 2022 because there was no hardship.

Planning Department Comments

The applicant was before the Board in August for a garage addition that was subsequently denied by the Board. The current proposal is for a front porch expansion and addition of a roof over an existing doorway on the left side of the house. The applicant is also proposing to raise the roof of the rear portion of the main house to accommodate a dormer. After the current application was submitted, a survey of the front yards of adjacent properties was completed to determine the average front yard under Section 10.516.10. The results show an average front yard of 19 feet. In addition, the scope of the main roof expansion has changed and item "b" will not require a variance.

Review Criteria

This application must meet all five of the statutory tests for a **variance** (see Section 10.233 of the Zoning Ordinance):

1. *Granting the variance would not be contrary to the public interest.*
2. *Granting the variance would observe the spirit of the Ordinance.*
3. *Granting the variance would do substantial justice.*
4. *Granting the variance would not diminish the values of surrounding properties.*

5. The "unnecessary hardship" test:

(a)The property has special conditions that distinguish it from other properties in the area.

AND

(b) Owing to these special conditions, a fair and substantial relationship does not exist between the general public purposes of the Ordinance provision and the specific application of that provision to the property; and the proposed use is a reasonable one.

OR

Owing to these special conditions, the property cannot be reasonably used in strict conformance with the Ordinance, and a variance is therefore necessary to enable a reasonable use of it.

10.235 Certain Representations Deemed Conditions

Representations made at public hearings or materials submitted to the Board by an applicant for a special exception or variance concerning features of proposed buildings, structures, parking or uses which are subject to regulations pursuant to Subsection 10.232 or 10.233 shall be deemed conditions upon such special exception or variance.

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

September 19, 2022

HAND DELIVERED

Peter Stith, Principal Planner
Portsmouth City Hall
1 Junkins Avenue
Portsmouth, NH 03801

Re: Jeffrey and Melissa Foy, Owner/Applicant
67 Ridges Court
Tax Map 207/Lot 59
Single Residence B District
LU-22-139

Dear Peter:

Thank you for meeting with Jeff Foy and me last week with respect to the Foy's ongoing attempt to further develop his home at 67 Ridges Ct. As you know, Jeff's original plan for a garage addition with living space over was denied by the ZBA on August 16, 2022. Jeff and Melissa are presently investigating their options, including the possibility of a smaller addition.

When the original zoning application was filed, we sought relief for the addition to be set back from the front lot line 15.5 feet where 30 feet was required, pursuant to PZO§10.521. Despite pre-submission review by several, we were not then aware of §10.516. Exceptions to Yard Requirements, providing:

> If existing principal buildings on the same side of the same street in the same zoning district, and within 200 feet of the lot are located closer to the street than the minimum required front yard specified in this Article, the required front yard for the principal building on such lot shall be the average of the existing alignments of all such principal buildings, rounded to the nearest foot. For the purpose of this provision, buildings on the subject lot shall not be included in the average of the existing alignments.

DANIEL C. HOEFLE
R. TIMOTHY PHOENIX
LAWRENCE B. GORMLEY
STEPHEN H. ROBERTS
R. PETER TAYLOR
KEVIN M. BAUM
GREGORY D. ROBBINS
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JACOB J.B. MARVELLEY
DUNCAN A. EDGAR
STEPHANIE J. JOHNSON
OF COUNSEL:
SAMUEL R. REID
JOHN AHLGREN

Attached is a two-page plan set (Rev. 9/14/22) from Ambit Engineering. After Jeff met with you and Vincent a few weeks ago about this issue, we had John Chagnon prepare this plan set. There is no principal structure to the right(south) of the Foy property at 67 Ridges Ct. There are 3 lots to the left (north) within 200 feet. The northerly most is a garage, therefore not a principal building. As page 1 depicts, the 2 principal buildings, each a dwelling, within 200 feet of the Foy property are 49 ridges with a 13 foot setback and 25 ridges with a 25 foot setback. As the chart depicts, the average of these is 19 feet. Page 2, Ambit C2, Variance Plan, depicts pre-19 foot setback through the existing home.

Presently pending before the Zoning Board, scheduled for hearing on August 27, is a request for changes to the front entryway, and the addition of a small roof over the northerly walk-in garage door. Also pending is a request for a variance to raise the roof height as depicted in the hashed area identified as "New roofline/dormer". At the time the pending application was submitted, we still understood that the required setback was 30 feet, thus driving the request for relief for the raised roof. Based upon Jeff's meeting with you and Vincent, and your meeting with Jeff and me last week, we seek confirmation that 19 feet is the required front setback based upon the averages of the 2 homes within 200 feet, thus obviating the need for relief for the raised roof. Upon receipt of confirmation, I will file a withdrawal of the request for that particular relief.

Thank you in advance for your prompt attention to this matter given that the hearing is next week.

Very truly yours,

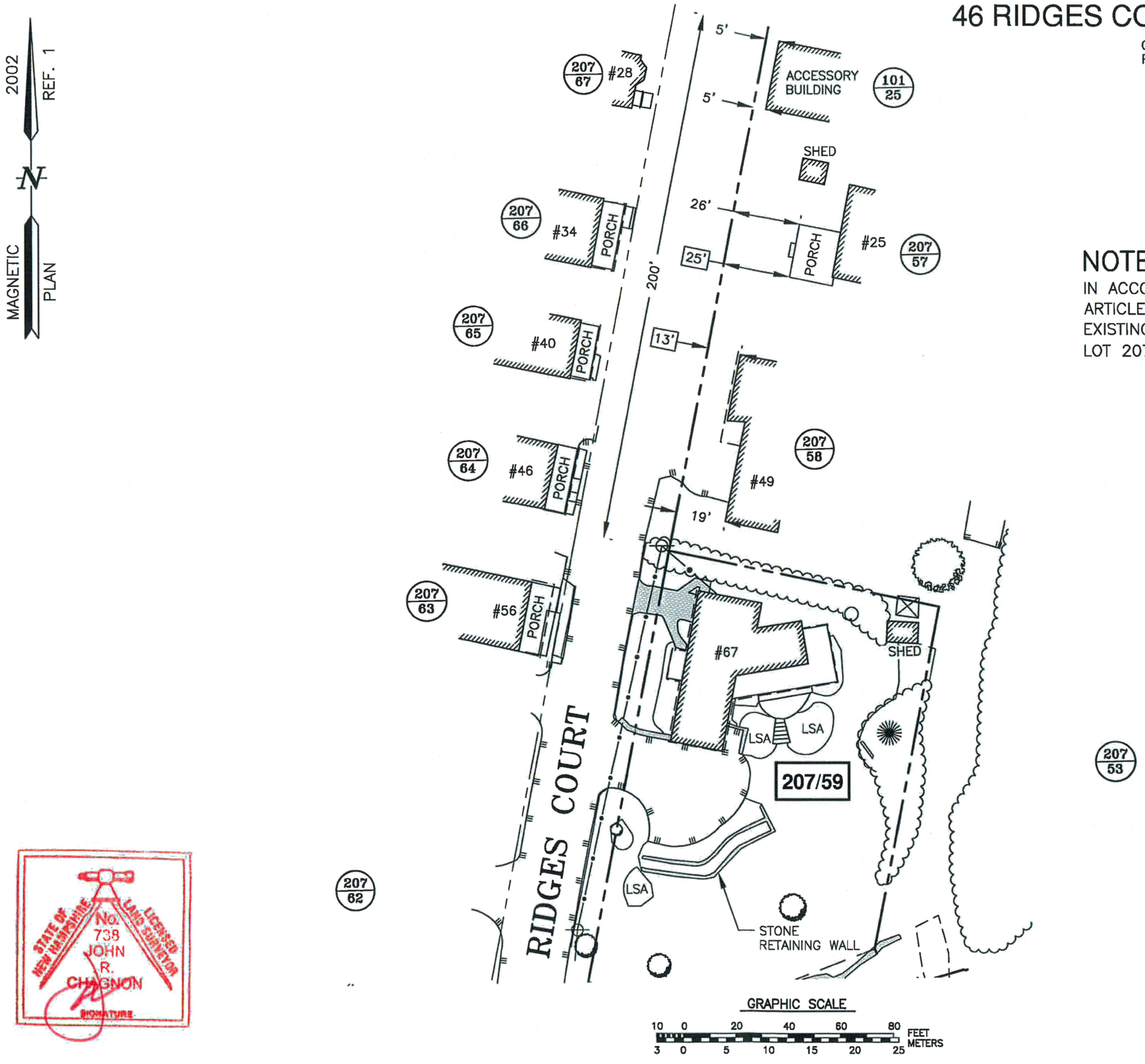
R. Timothy Phoenix

RTP/msw
Encl.

cc: Jeffrey and Melissa Foy
Ambit Engineering, Inc.
Maugel DeStefano Architects

46 RIDGES COURT FRONT SETBACK EXHIBIT

OWNER: JEFFREY M. & MELISSA FOY
PROPERTY LOCATION: 67 RIDGES COURT
CITY OF PORTSMOUTH
COUNTY OF ROCKINGHAM
STATE OF NEW HAMPSHIRE



NOTES:

IN ACCORDANCE WITH THE PORTSMOUTH ZONING ORDINANCE, ARTICLE 5, SECTION 10.516.10 FRONT YARD EXCEPTION FOR EXISTING ALIGNMENTS: THE AVERAGE FRONT SETBACK FOR LOT 207/59 IS 19'.

MAP/LOT	SETBACK (FT)	AVG
207/58	13	
207/57	25	
2	38	19

STATE OF NEW HAMPSHIRE No. 738 JOHN R. CHAGNON LICENSED LAND SURVEYOR SIGNATURE

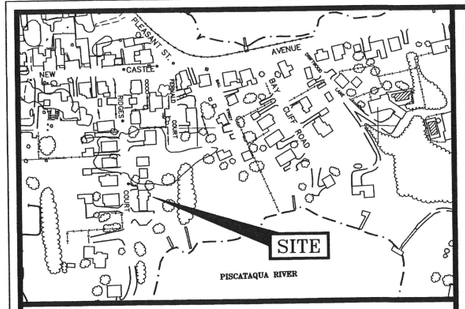
REV: 9-14-22

SCALE: 1"=40' 8 SEPTEMBER, 2022

AMBIT ENGINEERING, INC.
Civil Engineers & Land Surveyors
200 Griffin Road - Unit 3
Portsmouth, N.H. 03801-7114
Tel (603) 430-9282
Fax (603) 436-2315

FB 222 PG 66 1153.02

J:\JOBS1\JN1100s\Jn1150s\JN1153\2022 Building Addition-Variance\Plans & Specs\Site\1153.02 VIEW SHED.dwg, 9/14/2022 9:26:03 AM, SHARP MX-3071 (0300380X00)



LOCATION MAP SCALE 1" = 200'

IMPERVIOUS SURFACE AREAS
(TO PROPERTY LINE)

STRUCTURE	PRE-CONSTRUCTION IMPERVIOUS (S.F.)	POST-CONSTRUCTION IMPERVIOUS (S.F.)
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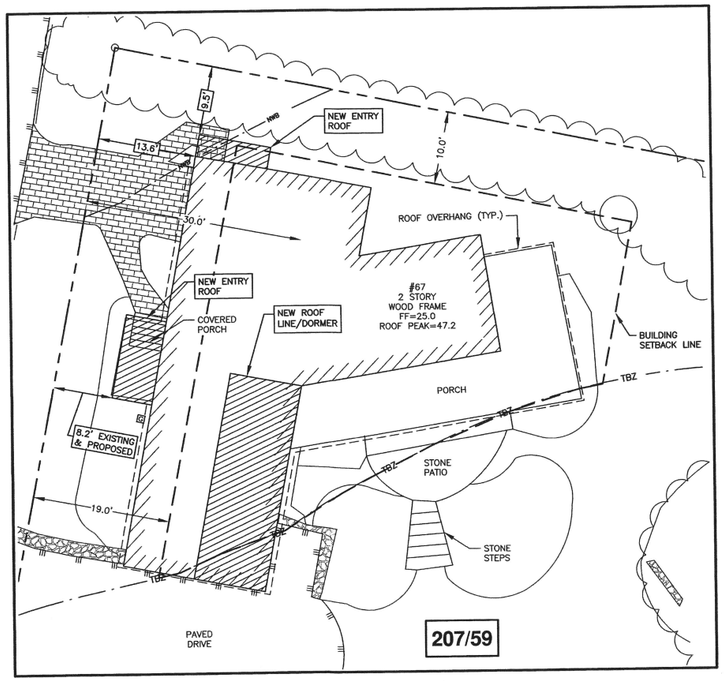
SHED	91	91
PORCHES	513	513
STAIRS	123	123
WALKWAYS	231	231
PAVEMENT	1452	1,452
RETAINING WALL	212	212
PATIO	109	109
CONCRETE	17	17
EXTERIOR STORAGE	50	50
TOTAL	4389	4389
LOT SIZE	16,500	16,500
% LOT COVERAGE	26.6%	26.6%



BUILDING DETAIL 1"=10'

GRAPHIC SCALE

10 5 0 10 20 30 40 FEET
3 0 5 10 METERS

REQUESTED VARIANCES:

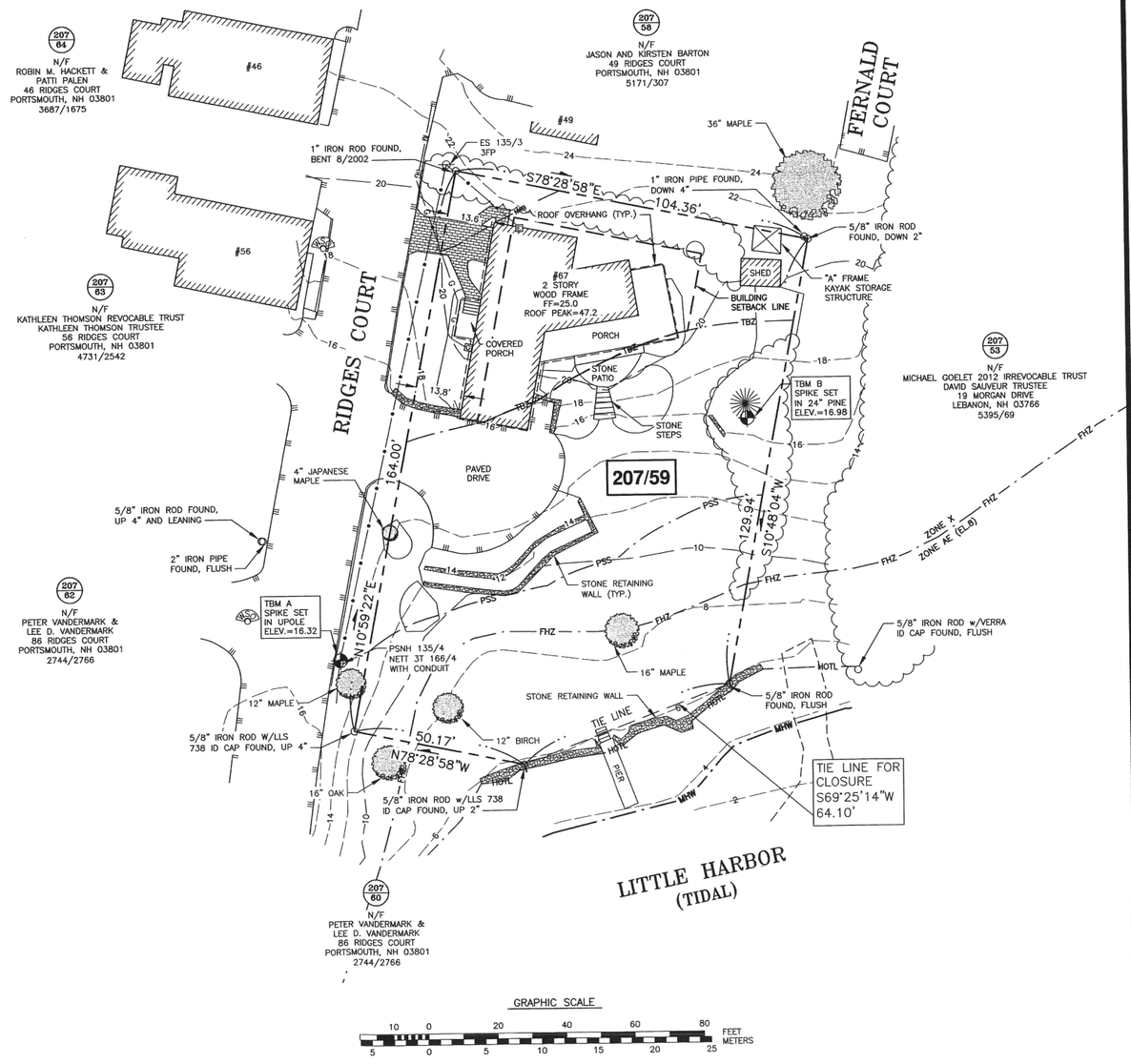
ARTICLE 5 SECTION 10.520 TABLE 10.521 FRONT YARD SETBACK OF 8.2 FEET (& 13.6 FEET) WHERE 8.2 FEET EXISTS AND 19 FEET (SECTION 10.516.10 REDUCTION) IS REQUIRED.

ARTICLE 5 SECTION 10.520 TABLE 10.521 SIDE YARD SETBACK OF 9.5 FEET WHERE 10 FEET IS REQUIRED.

"I CERTIFY THAT THIS PLAN WAS PREPARED UNDER MY DIRECT SUPERVISION, THAT IT IS THE RESULT OF A FIELD SURVEY BY THIS OFFICE AND HAS AN ACCURACY OF THE CLOSED TRAVERSE THAT EXCEEDS THE PRECISION OF 1:15,000."

JOHN R. CHAGNON, LLS — DATE 9.14.22

STATE OF NEW HAMPSHIRE — NO. 738 — JOHN R. CHAGNON — LICENSED LAND SURVEYOR



GRAPHIC SCALE

10 0 20 40 60 80 FEET
5 0 5 10 15 20 25 METERS

2002 REF. 1
N
MAGNETIC PLAN

AMBIT ENGINEERING, INC.
Civil Engineers & Land Surveyors
200 Griffin Road - Unit 3
Portsmouth, N.H. 03801-7114
Tel (603) 430-9282
Fax (603) 436-2315

NOTES:

1) PARCEL IS SHOWN ON THE PORTSMOUTH ASSESSOR'S MAP 207 AS LOT 59.

2) OWNERS OF RECORD:
JEFFREY M. & MELISSA FOY
4 FOX HOLLOW COURT
EAST KINGSTON, N.H. 03827
6325/1066

3) PORTIONS OF THE PARCEL ARE IN A SPECIAL FLOOD HAZARD AREA ZONE AE (EL. 8) AS SHOWN ON FIRM PANEL 33015C0278F. EFFECTIVE JANUARY 29, 2021.

4) EXISTING LOT AREA:
16,500± S.F. (PLAN REF. 1)
0.3788± ACRES (PLAN REF. 1)

5) PARCEL IS LOCATED IN THE SINGLE RESIDENCE B (SRB) ZONING DISTRICT.

6) DIMENSIONAL REQUIREMENTS:

MIN. LOT AREA:		15,000 S.F.
FRONTAGE:		100 FEET
SETBACKS:	FRONT	30 FEET
	SIDE	10 FEET
	REAR	30 FEET
MAXIMUM STRUCTURE HEIGHT:		35 FEET
MAXIMUM STRUCTURE COVERAGE:		20%
MINIMUM OPEN SPACE:		40%

7) THE PURPOSE OF THIS PLAN IS TO SHOW A PROPOSED ADDITION ON ASSESSOR'S MAP 207 LOT 59 IN THE CITY OF PORTSMOUTH.

8) VERTICAL DATUM IS NAVD88. BASIS OF VERTICAL DATUM IS REDUNDANT RTN GNSS OBSERVATIONS (±0.2').

9) PROPOSED GARAGE FROM PLAN BY DESTEFANO MAGUEL ARCHITECTS DATED JUNE 14, 2022.

10) OFF SITE STRUCTURE LOCATIONS BASED ON CITY DATABASE LOCATIONS.

PROPOSED ADDITIONS FOY RESIDENCE 67 RIDGES COURT PORTSMOUTH, N.H.

NO.	DESCRIPTION	DATE
4	FRONT SETBACK	9/14/22
3	FRONT SETBACK	9/8/22
2	ADD SETBACKS, ADJUST	8/31/22
1	ADD ABUTTING HOMES	8/16/22
0	ISSUED FOR COMMENT	6/27/22

REVISIONS

SCALE 1"=20' JUNE 2022

VARIANCE PLAN

C2

FB 222 PG 66

1153.02

J:\JOBS\UN1100s\un1150s\UN1153\2022 Building Addition-Variance\Plans & Specs\Site\1153.02 -EC-Boundary.dwg, 9/14/2022 9:32:51 AM, Canon TX-3000.pc3

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

August 31, 2022

HAND DELIVERED

Peter Stith, Principal Planner
Portsmouth City Hall
1 Junkins Avenue
Portsmouth, NH 03801

Re: Jeffrey and Melissa Foy, Owner/Applicant
67 Ridges Court
Tax Map 207/Lot 59
Single Residence B District
LU-22-139

Dear Mr. Stith & Zoning Board Members:

On behalf of Jeffrey and Melissa Foy ("Foy"), enclosed please find the following in support of a request for zoning relief:

- Digital Application -previously submitted.
- Owner's Authorization-previously submitted.
- 8/31/2022 – Memorandum and exhibits in support of Variance Application

We look forward to presenting this application to the Zoning Board at its September 20, 2022 meeting.

Very truly yours,

R. Timothy Phoenix

Encl.

cc: Jeffrey and Melissa Foy
Ambit Engineering, Inc.
Maugel DeStefano Architects

DANIEL C. HOEFLE
R. TIMOTHY PHOENIX
LAWRENCE B. GORMLEY
STEPHEN H. ROBERTS
R. PETER TAYLOR
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September 7, 2022

Portsmouth Zoning Board of Adjustment
Portsmouth City Hall
1 Junkins Avenue
Portsmouth, NH 03801

Re: Jeffrey & Melissa Foy, Owner/Applicant
Property Location: 67 Ridges Court
Tax Map 207, Lot 59
Single Residence B ("SRB")
LU-22-139

Dear Chair Parrott and Zoning Board members:

Please accept this as a correction to the opening paragraph of my August 31, 2022 memorandum in support of zoning relief. That paragraph provides that we are submitting the memorandum and attached exhibits "in support of zoning relief to allow a garage addition… ." That statement is incorrect and related to a previous application. The actual nature of the project is accurately set forth under section II of the August 31, 2022 memorandum, raising a lower roof to an upper roofline, expansion of front entry roof, and roof over left sidewalk indoor. My apologies for any inconvenience.

Very truly yours,

R. Timothy Phoenix

RTP/msw

cc: Client
Peter M Stith, Principal Planner
Ambit Engineering
Maugel DeStefano architects

DANIEL C. HOEFLE
R. TIMOTHY PHOENIX
LAWRENCE B. GORMLEY
STEPHEN H. ROBERTS
R. PETER TAYLOR
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DUNCAN A. EDGAR
STEPHANIE J. JOHNSON
OF COUNSEL:
SAMUEL R. REID
JOHN AHLGREN

MEMORANDUM

TO: Portsmouth Zoning Board of Adjustment ("ZBA")
FROM: R. Timothy Phoenix, Esquire
DATE: August 31, 2022
Re: Jeffrey and Melissa Foy, Owner/Applicant
Property Location: 67 Ridges Court
Tax Map 207, Lot 59
Single Residence B ("SRB")
LU-22-139

Dear Chairman Parrott and Zoning Board Members:

On behalf of Jeffrey and Melissa Foy, Owner/Applicant ("Foy"), we are pleased to submit this memorandum and attached exhibits in support of zoning relief to allow a garage addition to be added onto the existing home at 67 Ridges Court, to be considered by the Portsmouth Zoning Board of Adjustment ("ZBA") at its September 20, 2022 meeting.

I. EXHIBITS

A. Site Plan-Existing Conditions – issued by Ambit Engineering, Inc.
- Variance Plan

B. Architectural Plans – issued by Maugel DeStefano.
- Elevations – North and West
- Elevations – South and East

C. Site Photographs.

D. Tax Map 207.

II. PROPERTY/PROJECT

67 Ridges Court is a 16,500 s.f. lot located at the end of Ridges Court on Little Harbor in the Single Residence B Zoning District. Upon the lot is a 1.75 story, 1,591 s.f., 3-bedroom, 3 ½ bathroom Cape Cod style home and detached shed located on the left/northerly side of the lot, a dock extending into Little Harbor, and two driveways (the "Property"). Most of the lot is located in the 100 ft. tidal buffer zone from Little Harbor with a corner of the existing home and one of the paved driveways in the tidal buffer zone. The existing home also encroaches on the required 30' front yard. With this application Foy seeks variances for three (3) minor additions to the house exterior (See **EXHIBIT A**)

1. Raise lower left roof to meet upper roofline. [1]
2. Replace slightly expand volume of front entry roof.
3. Add small left side roof over walk-in garage door. [2][3]

III. RELIEF REQUIRED

Variance Section	Required	Existing	Proposed
PZO §10.321 Expansion of nonconforming structure	1. Expanded lower roof line to match upper. 2. Expansion of front entry way roof 3. Expansion of side roof over garage.		
PZO §10.521			
Front Setback Entry Roof	30'	8.2' +/-	8.2'+/- (expanded volume)
Main Roof	30'	13.6'	13.6' (expanded volume)
Side Door Roof	30'	N/A	13.6'+/-
Left side Setback Side Door Roof	10'	10'	9.5'+/-

IV. VARIANCE REQUIREMENTS

1. **The variances will not be contrary to the public interest.**
2. **The spirit of the ordinance is observed.**

The first step in the ZBA's analysis is to determine whether granting the variances are not contrary to the public interest and are consistent with the spirit and intent of the ordinance, considered together pursuant to Malachy Glen Associates, Inc. v. Town of Chichester, 155 N.H. 102 (2007) and its progeny. Upon examination, it must be determined whether granting the variances "would unduly and to a marked degree conflict with the ordinance such that it violates

[1] It is unclear where raising the roof also expands the volume in the setback. The variance is requested in an abundance of caution.
[2] A previously depicted roof over the garage door is eliminated.
[3] The previous request for a left side addition was denied by the ZBA on August 17, 2022. It is presently under review for next steps.

the ordinance's basic zoning objectives." Id. "Mere conflict with the zoning ordinance is not enough." Id.

The intent of the SRB Zone is to "provide areas for single-family dwellings at low to medium densities (approximately 1 to 3 dwellings per acre), and appropriate accessory uses." PZO §10.410. The Property, like many in the neighborhood, contains a home which does not comply with all setback requirements. **(Exhibit C & D)**. All proposed changes are very minor, affecting no one but the property owner. As such, granting the requested variances will not conflict with the basic zoning objectives of the PZO.

In considering whether variances "in a marked degree conflict with the ordinance such that they violate the ordinance's basic zoning objectives," Malachy Glen, supra, also held:

> One way to ascertain whether granting the variance would violate basic zoning objectives is to determine whether it would alter the essential character of the locality… . Another approach to [determine] whether granting the variance violates basic zoning objectives is to examine whether granting the variance would threaten the public health, safety or welfare. (emphasis added)

There are numerous other properties in the immediate area that include main or accessory structures that encroach on front, side, or rear setbacks. **(Exhibits C & D).** The roofline expansion and front entry roof are no closer to the front lot line than existing conditions. The side door roof is small, set back from the front line of the home, and the side setback will not even be noticed. Given the number of buildings in the area encroaching on front, side, or rear setbacks, the proposal is in keeping with the surrounding area. Thus, granting the variances neither alters the essential character of the locality nor threatens the public health, safety, or welfare. Accordingly, granting the variance to allow construction of a garage and increased living space is not contrary to the public interest and observes the spirit of the ordinance.

3. **Granting the variances will not diminish surrounding property values.**

The proposals add interior living space, improve aesthetics and add protection from the weather, thus improving the value of the Property and those around it. The use of the structure and its impacts will match existing conditions. Accordingly, the variances will not diminish surrounding property values.

4. **Denial of the variances results in an unnecessary hardship.**

a. Special conditions distinguish the property from others in the area.

More than half the Property is burdened by the 100 ft. tidal buffer zone. The existing home is located on the far left/northern side of the lot within the front yard setback and along the left side setback. These facts drive the location of the proposed changes, combining to create special conditions

b. No fair and substantial relationship exists between the general public purposes of the ordinance and its specific application in this instance.

The purpose of setback requirements is to prevent overcrowding and overburdening of land, improve sightlines for pedestrians and motorists, ensure adequate light and air circulation, and provide sufficient area for stormwater treatment. All proposed changes are either within the perimeter of the existing home (roof line, entry), or very slight (side roof). Ample open space is preserved without overbulking. Aesthetics are improved. Accordingly, there is no fair and substantial relationship between the purposes of the ordinance and its application in this instance.

c. The proposed use is reasonable.

If the use is permitted, it is deemed reasonable. Vigeant v. Hudson, 151 N.H. 747 (2005). Residential use is permitted in the SRB Zone. The proposal is modest, does not decrease open space on the Property, and results in a more functional living space for the Foy family.

5. **Substantial justice will be done by granting the variances.**

If "there is no benefit to the public that would outweigh the hardship to the applicant" this factor is satisfied. Harborside Associates, L.P. v. Parade Residence Hotel, LLC, 162 N.H. 508 (2011). That is, "any loss to the [applicant] that is not outweighed by a gain to the general public is an injustice." Malachy Glen, supra at 109.

Foy is constitutionally entitled to the use of the lot as they see fit; including the addition of a garage and expansion of living space, subject only to its effect on the dimensional requirements. "The right to use and enjoy one's property is a fundamental right protected by both the State and Federal Constitutions." N.H. CONST. pt. I, arts. 2, 12; U.S. CONST. amends. V, XIV; Town of Chesterfield v. Brooks, 126 N.H. 64 (1985) at 68. Part I, Article 12 of the New Hampshire Constitution provides in part that "no part of a man's property shall be taken from him, or applied to public uses, without his own consent, or that of the representative body of the people." Thus, our State Constitutional protections limit the police power of the State and its

municipalities in their regulation of the use of property. L. Grossman & Sons, Inc. v. Town of Gilford, 118 N.H. 480, 482 (1978). "Property" in the constitutional sense has been interpreted to mean not the tangible property itself, *but rather the right to possess, use, enjoy and dispose of it*. Burrows v. City of Keene, 121 N.H. 590, 597 (1981) (emphasis added).

The proposal is quite modest, retaining the existing use while improving aesthetics and livability while complying with building coverage and open space. Access to air and light, is maintained, so there is no harm to the public in granting the variance. Conversely, Foy will be greatly harmed by denial of the variances because they will be unable provide these modest aesthetical and livability changes. Without question, substantial justice will be done by granting the variance.

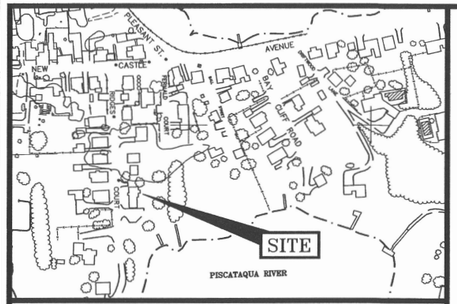
VI. CONCLUSION

For all of the reasons stated, Jeffrey and Melissa Foy respectfully request that the Portsmouth Zoning Board of Adjustment grant the requested variance.

Respectfully submitted,
Jeffrey and Melissa Foy

By: R. Timothy Phoenix

EXHIBIT A



LOCATION MAP SCALE 1" = 200'

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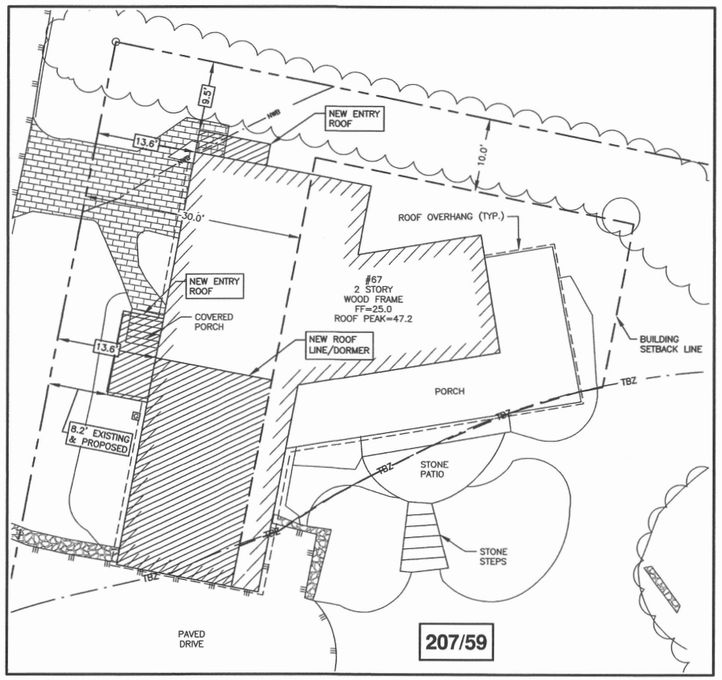

BUILDING DETAIL 1"=10'

GRAPHIC SCALE
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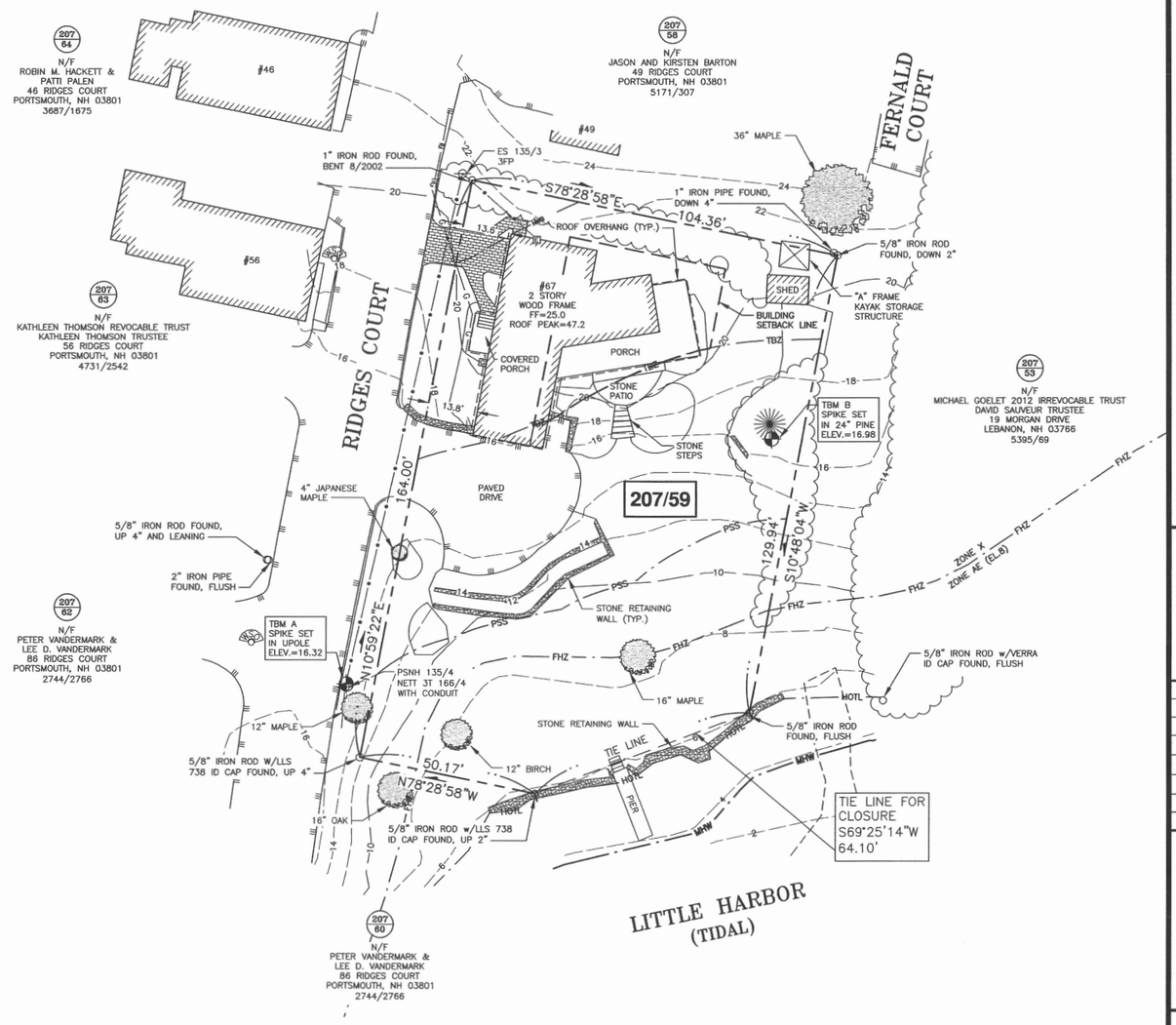

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2002 REF. 1
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MAGNETIC PLAN

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8.31.22

JOHN R. CHAGNON, LLS DATE

STATE OF NEW HAMPSHIRE LICENSED LAND SURVEYOR No. 738 JOHN R. CHAGNON SEAL

AMBIT ENGINEERING, INC.
Civil Engineers & Land Surveyors
200 Griffin Road – Unit 3
Portsmouth, N.H. 03801-7114
Tel (603) 430-9282
Fax (603) 436-2315

NOTES:

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2) OWNERS OF RECORD:
JEFFREY M. & MELISSA FOY
4 FOX HOLLOW COURT
EAST KINGSTON, N.H. 03827
6325/1066

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PROPOSED ADDITIONS FOY RESIDENCE 67 RIDGES COURT PORTSMOUTH, N.H.

NO.	DESCRIPTION	DATE
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REVISIONS

SCALE 1"=20' JUNE 2022

VARIANCE PLAN

C2

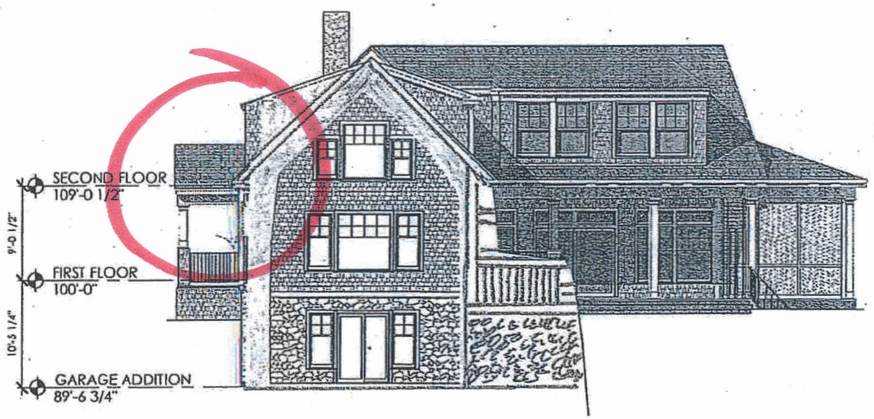
FB 222 PG 66

1153.02

J:\CIVIL\1153.02\1153.02 Building Addition\Variance\Plans & Specs\Sheet 1153.02 - VC Boundary.dwg, 8/31/2022 3:54:53 PM, Canon TX-3000 (3rd Party)

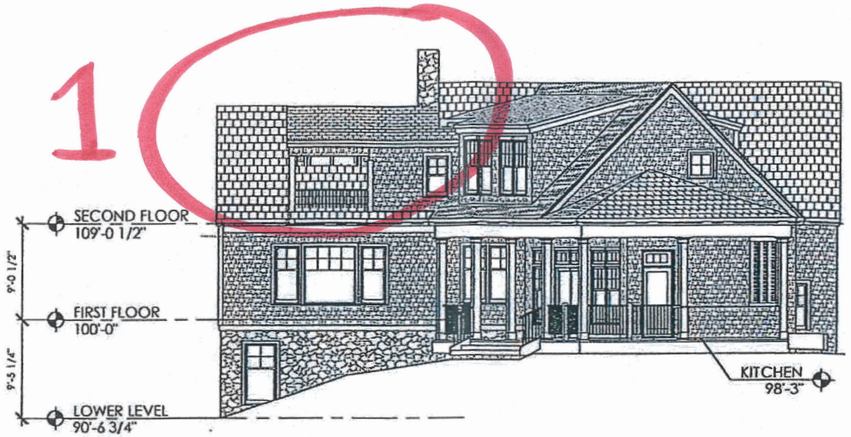
EXHIBIT B

EXISTING SOUTH ELEVATION

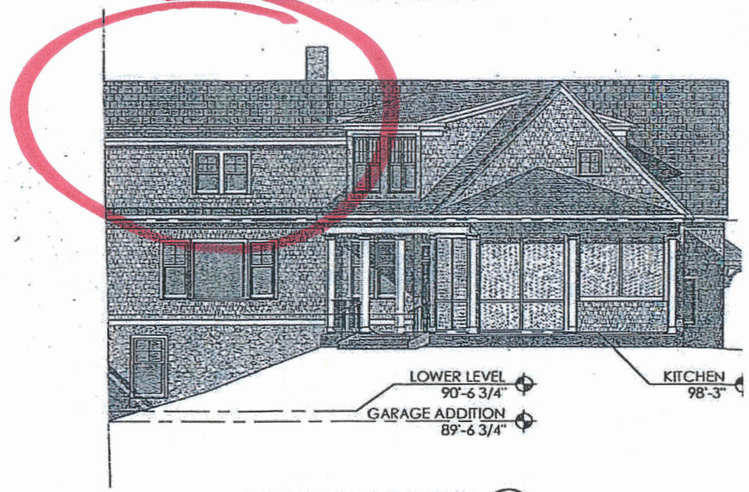


PROPOSED NEW FRONT ENTRY AND HIGHER SOUTH ROOF LINE

DD - SOUTH (3)
1/8" = 1'-0"



EXISTING EAST ELEVATION



PROPOSED EAST ELEVATION (4)
1/8" = 1'-0"

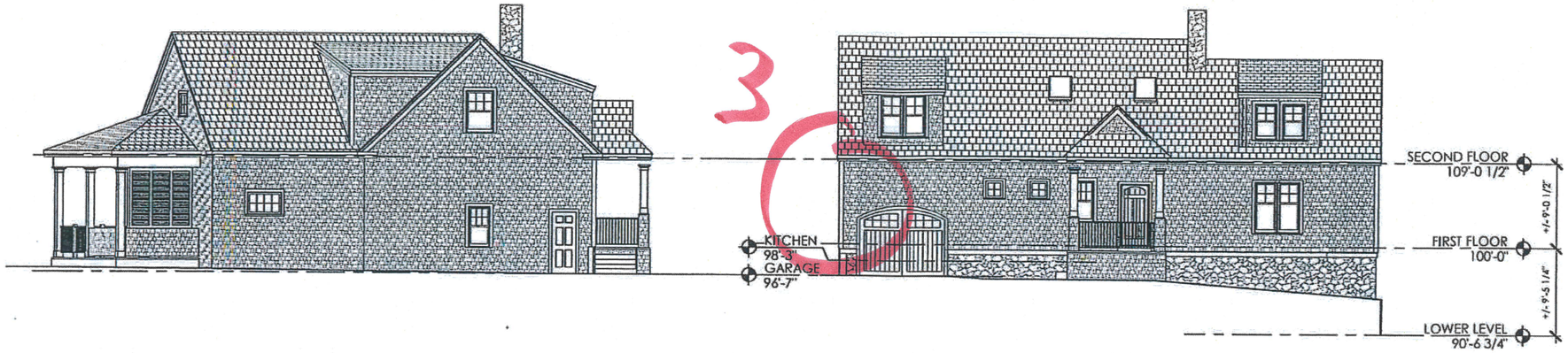
DESIGN DEVELOPMENT FOR

FOY RESIDENCE

67 RIDGES CT
PORTSMOUTH, NH

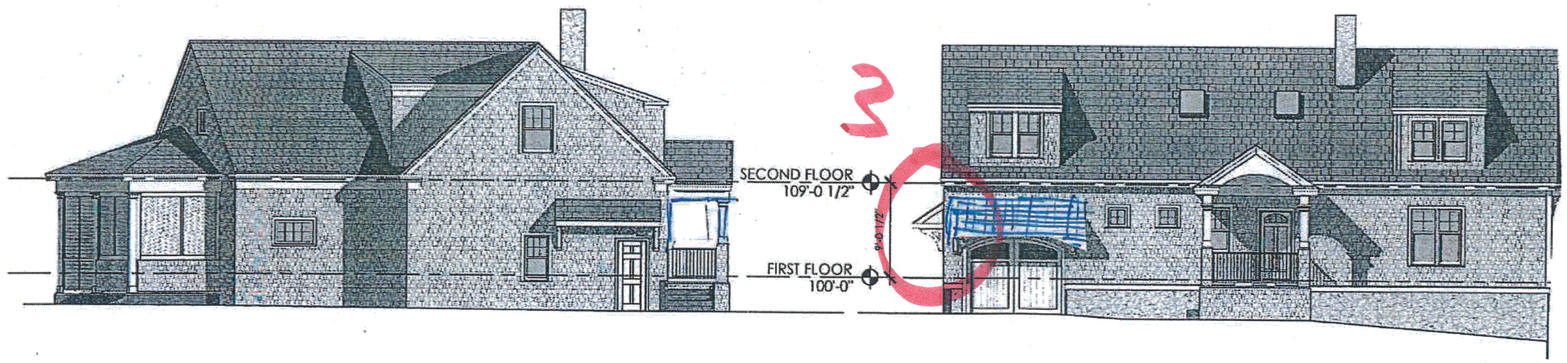
ELEVATIONS

1/8" = 1'-0"



EXISTING NORTH ELEVATION

EXISTING WEST ELEVATION



PROPOSED NORTH ELEVATION (1)
1/8" = 1'-0"

PROPOSED WEST ELEVATION (2)
1/8" = 1'-0"

DESIGN DEVELOPMENT FOR

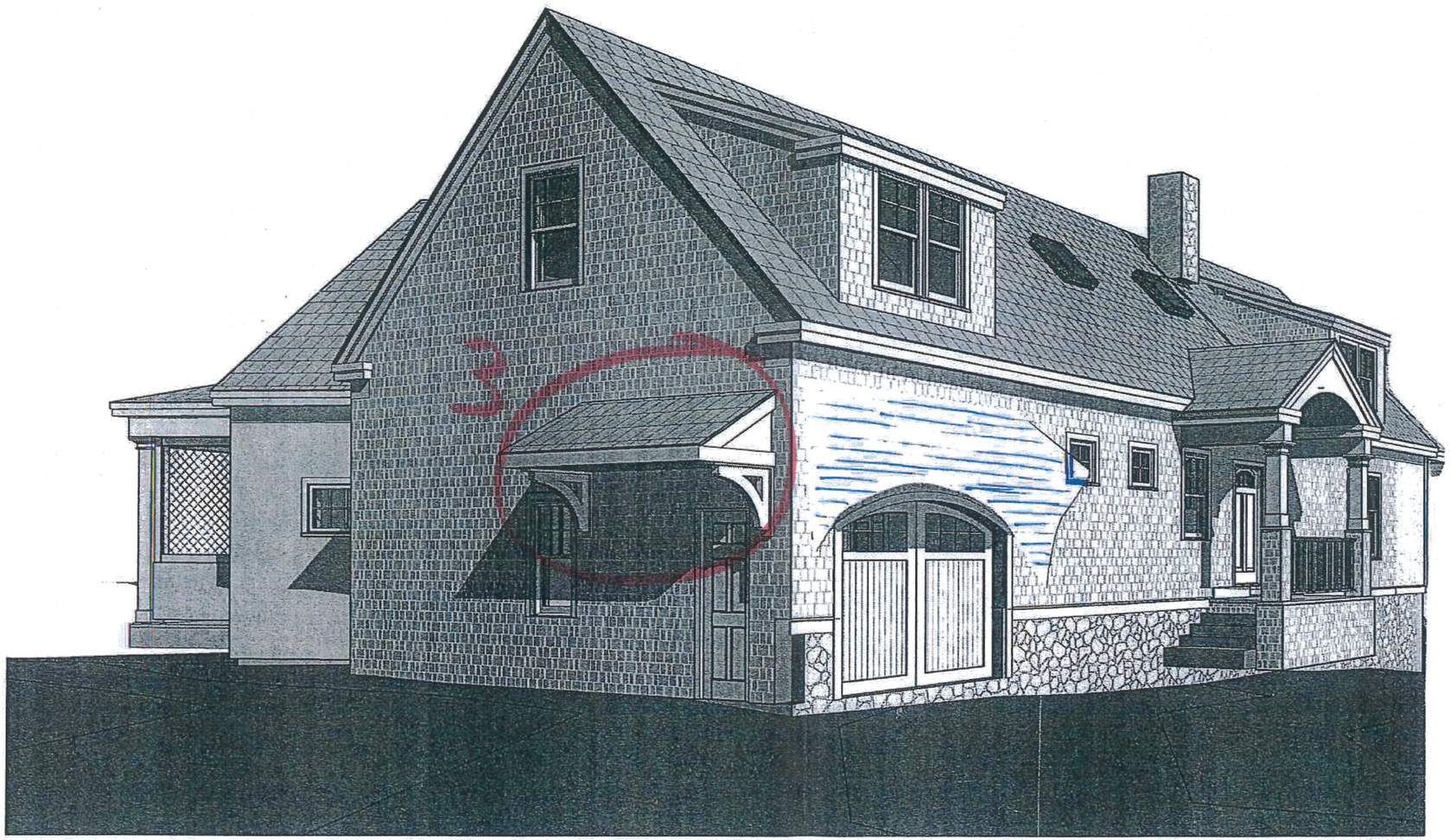
FOY RESIDENCE

67 RIDGES CT
PORTSMOUTH, NH

ELEVATIONS

1/8" = 1'-0"

PROPOSED NEW FRONT PORCH ROOF LINE & NEW ROOF ABOVE GARAGE SIDE DOOR



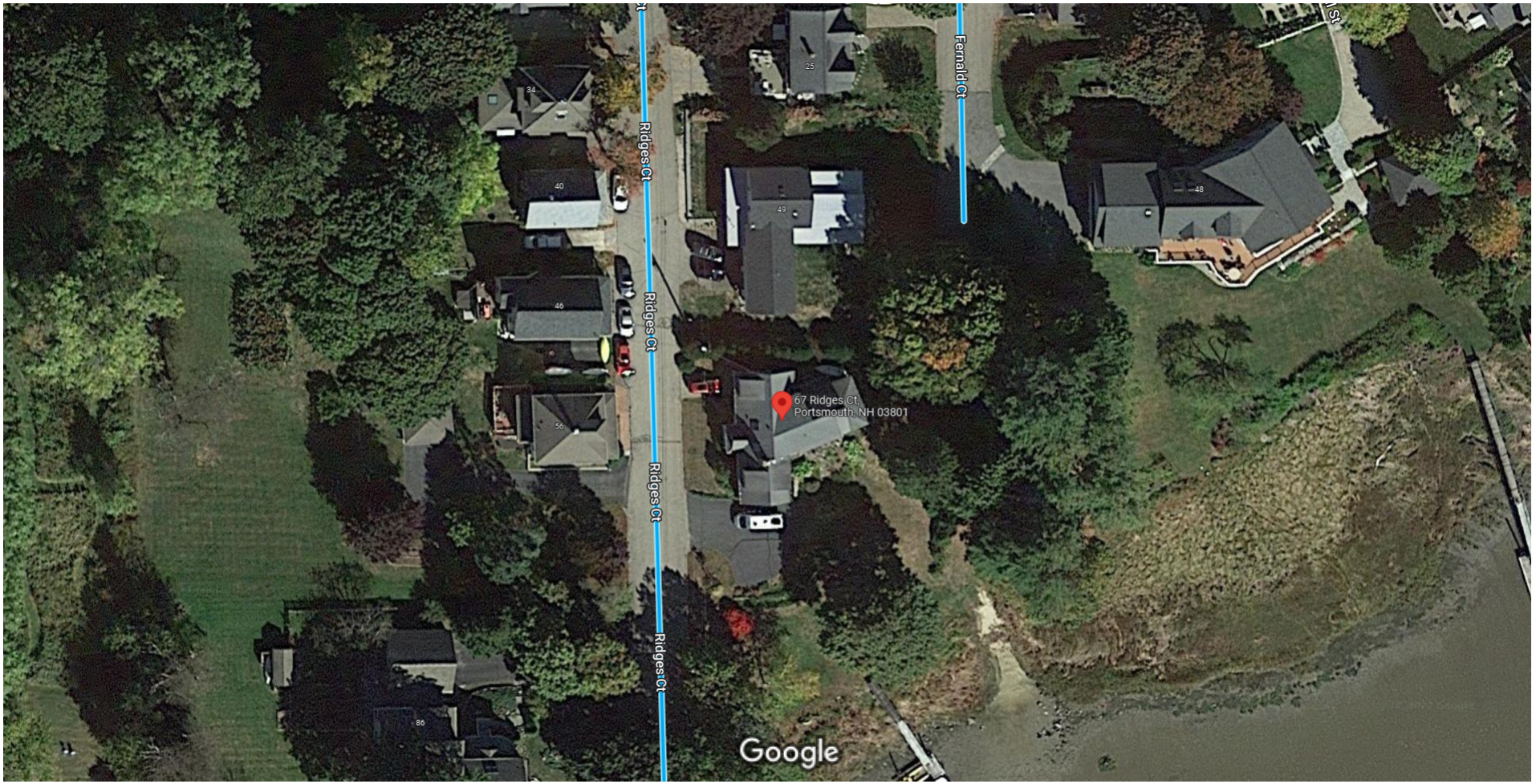
FOY RESIDENCE
67 RIDGES CT
PORTSMOUTH, NH

Google Maps 67 Ridges Ct

Imagery ©2022 Maine GeoLibrary, Maxar Technologies, U.S. Geological Survey, Map data ©2022 50 ft

Exhibit C

Google Maps 67 Ridges Ct



Imagery ©2022 Maine GeoLibrary, U.S. Geological Survey, Map data ©2022 20 ft

Google Maps 67 Ridges Ct

Image capture: Sep 2011 © 2022 Google

Portsmouth, New Hampshire

Google

Street View - Sep 2011

Google Maps 67 Ridges Ct

Image capture: Sep 2011 © 2022 Google

Portsmouth, New Hampshire

Google

Street View - Sep 2011

Google Maps 67 Ridges Ct

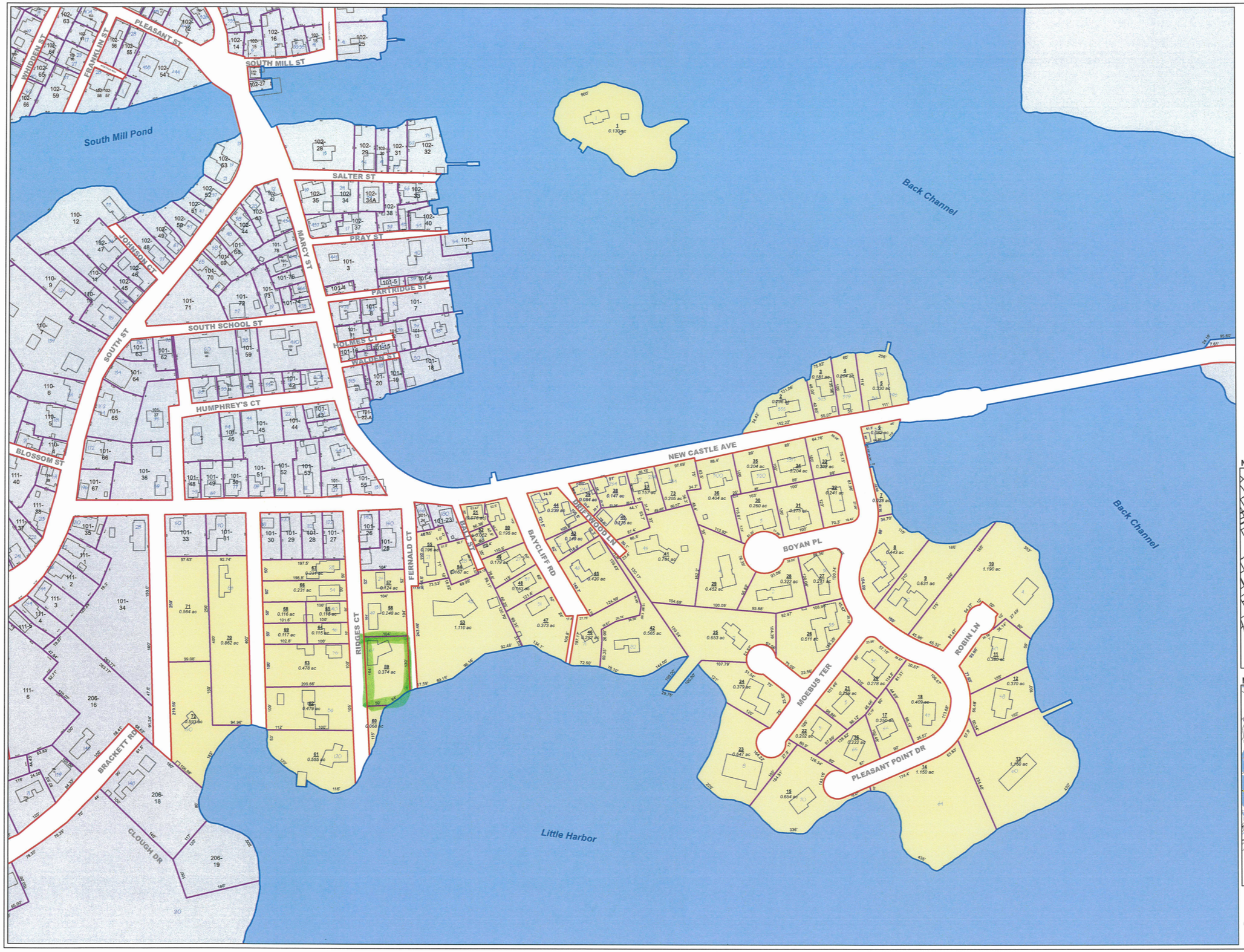
Image capture: Sep 2011 © 2022 Google

Portsmouth, New Hampshire

Google

Street View - Sep 2011

Exhibit D



Partial Legend

See the cover sheet for the complete legend.

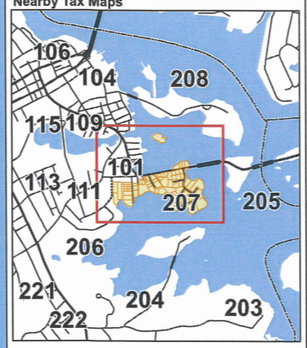
7-5A	Lot or lot-unit number
2.56 ac	Parcel area in acres (ac) or square feet (sf)
25	Address number
233-137	Parcel number from a neighboring map
68'	Parcel line dimension
SIMS AVE	Street name

Parcel/Parcel boundary
Parcel/ROW boundary
Water boundary
Structure (1994 data)
Parcel covered by this map
Parcel from a neighboring map (see other map for current status)

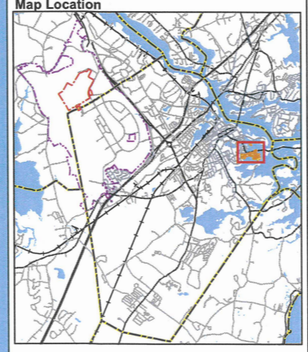
0 50 100 200 300 Feet
0 20 40 80 Meters

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
2021

Tax Map 207