

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.

August 16, 2022

AGENDA

I. APPROVAL OF MINUTES

A) Approval of the minutes of the meetings of July 19, 2022.

II. OLD BUSINESS

- A. POSTPONED TO SEPTEMBER** The request of **Joel St. Jean and Mariele Chambers (Owners)**, for property located at **108 Burkitt Street** whereas relief is needed to demolish existing garage and construct new 13' x 30' garage which requires the following: 1) A Variance from Section 10.573.20 to allow a 1 foot left side yard where 10 feet is required. 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 159 Lot 30 and lies within the General Residence A (GRA) District. (LU-22-89) **POSTPONED TO SEPTEMBER**
- B.** The request of **Jeffrey M. and Melissa Foy (Owners)**, for property located at **67 Ridges Court** whereas 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 207 Lot 59 and is located within the single residence B (SRB) District. (LU-22-139)

III. NEW BUSINESS

- A. REQUEST TO POSTPONE** The request of **Jeffrey C. Christensen (Attorney for the Appellants)**, for property located at **225 Banfield Road** for a rehearing of the May 24, 2022 decision of the Zoning Board of Adjustment's granting of a request for variances to demolish the existing building and constructing a new 5 unit commercial building and 60 unit residential

building with underground parking which requires the following: 1) A Variance from Section 10.440 to allow a 60 unit residential building where residential uses are not permitted in the Industrial district. Said property is located on Assessor Map 254 Lot 1 and Map 266 Lot 1 and lies within the Industrial (I) District. (LU-22-91) **REQUEST TO POSTPONE**

- B.** The request of **Lonza Biologics (Owner)**, for property located at **101 International Drive** whereas relief is needed for the addition of a 372 square foot wall sign which will result in 487.5 square feet of total sign area which requires the following: 1) A Variance from Section 306.01(d) to allow 487.5 square feet of total sign area where 200 square feet is the maximum allowed per lot. Said property is located on Assessor Map 305 Lot 6 and is located in the Airport Business Commercial (ABC) District. (LU-22-136)
- C.** The request of **Richard P. Fusegni (Owner)**, for property located at **201 Kearsarge Way** whereas relief is needed to subdivide one lot into three lots which requires the following: 1) A Variance from Section 10.521 to allow 82.5 feet of street frontage where 100 feet is required for proposed Lot 3. Said property is located on Assessor Map 218 Lot 5 and lies within the Single Residence B (SRB) District. (LU-22-150)
- D.** The request of **Marcio Goldani Von Muhlen (Owner)**, for property located at **303 Thaxter Road** whereas relief is needed to replace existing entry way with 2-story addition including front landing and steps which requires the following: 1) A Variance from Section 10.521 to allow a 14.5' front yard where 30' is required. Said property is located on Assessor Map 152 Lot 37 and lies within the single residence B (SRB) district. (LU-22-155)
- E.** The request of **John A Signorello (Owner)**, for property located at **22 Maple Street** whereas relief is needed to subdivide one lot into two lots and construct new dwelling which requires the following: 1) Variances from Section 10.521 to allow a) a lot area and lot area per dwelling unit of 8,530 and 10,400 where 15,000 is required for each; b) a lot depth of 85' where 100' is required; c) 98' of continuous street frontage where 100' is required; d) an 18' front yard where 30' is required; and e) a 19' rear yard where 30' is required. Said property is located on Assessor Map 237 Lot 1 and lies within the single residence B (SRB) district. (LU-22-156)

IV. OTHER BUSINESS

- A.** Potential Dates for Workshop with NH Municipal Association

V. ADJOURNMENT

**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_uhrQxUFVSYaXPXnXIVSA-A

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

7:00 P.M.

July 19, 2022

MEMBERS PRESENT: Arthur Parrott, Chair; Jim Lee, Vice Chair; David MacDonald; Beth Margeson; Thomas Rossi; Paul Mannle; Phyllis Eldridge

MEMBERS EXCUSED: None.

ALSO PRESENT: Peter Stith, Planning Department

I. APPROVAL OF MINUTES

A) Approval of the minutes of the meetings of June 22, 2022.

*The June 22 minutes were **approved** as submitted by unanimous vote, 7-0.*

II. OLD BUSINESS

A. 470 Lincoln Avenue – 1 year Extension Request

*Mr. Mannle moved to **grant** the extension, seconded by Ms. Eldridge.*

Mr. Mannle said the board routinely granted one-year extensions and he saw no reason why they shouldn't grant this one. Ms. Eldridge concurred and had nothing to add.

*The motion **passed** by unanimous vote, 7-0.*

At this point in the meeting, Chairman Parrott asked that postponed petitions Petition E, 108 Burkitt Street, and Petition M, 67 Ridges Court, be taken out of order and voted upon.

*Mr. Mannle moved to **postpone** Petition E, 108 Burkitt Street, seconded by Vice-Chair Lee.*

Mr. Mannle said he saw no reason not to grant it. *The motion **passed** by unanimous vote, 7-0.*

*Ms. Margeson moved to **postpone** Petition M, 67 Ridges Court, to the August 16 meeting, as requested by the applicant. Mr. Rossi seconded.*

Ms. Margeson and Mr. Rossi said they had nothing to add. *The motion **passed** by unanimous vote, 7-0.*

B. 225 Banfield Road – Rehearing Request (LU-22-91)

*Ms. Margeson moved to **grant** the rehearing request, seconded by Mr. Mannle.*

Ms. Margeson said the abutter Pike Industries submitted an option for rehearing that was very comprehensive and pointed out the ways in which the board erred in granting the variance application. As was demonstrated by the applicant's attorney at the hearing, she said there really was no hardship with respect to the property and she would therefore move to rehear it to fix the board's error. Mr. Mannle concurred. He said he didn't see how not having a rehearing would benefit anyone. He said he'd rather the board rehear it and get it right no matter how many times they had to deliberate on it. Mr. Rossi said he planned on approving the request because he felt confident that the board had enough information to vote on. Ms. Eldridge said the board's previous vote had been a very difficult decision and that she was also in favor of rehearing it.

*The motion **passed** by a vote of 5-2, with Chairman Parrott and Vice-Chair Lee voting in opposition.*

Chairman Parrott said the rehearing would be scheduled for the August 16 meeting.

- C. The request of One Market Square LLC (Owner), for the property located at 1 Congress Street** whereas relief is needed to construct a 3 story addition with a short 4th story and building height of 44'-11" which requires the following: 1) A Variance from Section 10.5A.43.31 and Map 10.5A21B to allow a 3-story addition with a short 4th and building height of 44'-11" where 2 stories (short 3rd) and 40' is the maximum allowed. Said property is shown on Assessor Map 117 Lot 14 and lies within Character District 4 (CD-4), Character District 5 (CD-5) and the Historic District. (LU-22-12)

SPEAKING TO THE PETITION

Attorney F. X. Bruton was present on behalf of the applicant. He said if they received a variance, then they would ask that the appeal be stayed or continued. Ms. Margeson said if the administrative appeal was overturned, the applicant wouldn't need to ask for a variance. Attorney Bruton said they wanted to get the board's position on the variance as well. Mr. Mannle said the applicant indicated that the city staff said what was asked for was consistent for the area, even though it was against zoning. Attorney Bruton said the board would understand what he meant if they listened to his presentation. Ms. Margeson said the administrative appeal should be heard first and that it was up to the board to decide and not the city staff.

*Ms. Margeson moved to **hear** the administrative appeal first, seconded by Vice-Chair Lee. The motion **passed** by unanimous vote, 7-0.*

NOTE: At this point in the meeting, the board addressed Item D, The request of **Francis X. Bruton, (Attorney for Appellants)**, for Appeal of Administrative decision for 1 Congress Street. See page 5.

After hearing the appeal, the board addressed the petition.

SPEAKING TO THE PETITION

Attorney Bruton said they originally requested two variances but then revised the project after meeting with the HDC, Planning Board, and city staff and went from 44 feet and 11 inches to 42 feet and 9-1/2 inches for the height. He said they didn't need a fourth story because they had a hip mansard roof with dormers. He said the building was unique because it had a parking lot in the back located near a parking garage and was also in an area where the buildings were tall. He said they wanted to create a uniform building and extend it down to High Street, and they would need elevators and stair access on levels that were consistent to meet ADA requirements. He said they believed that the massing fit within the area. He said the green zone limited the height to 40 feet but a lot of the building was in the orange zone, which permitted more than they were requesting in terms of the entire building. He noted that there was a pending zoning ordinance change to permit that portion of High Street to be raised to 45 feet, and if the variance were granted, then the project would be locked into 42'9" as opposed to that zoning change. He reviewed the criteria and said they would be met. The commercial and residential appraiser Brian White addressed the diminution of property values criteria. He said he considered all the changes in noise, view, and use that would impact surrounding properties and explained why there would be no diminution of surrounding property values.

Mr. Mannle asked what the square footage of the building in the CD4 district would be. The project engineer John Chagnon explained how it would result in 7,400 square feet per floor. Ms. Margeson said the visual depictions were conditions upon which to grant the variance or not. She said it would not be all one floor because of the little building in the middle of the complex. Project architect Tracy Kozak said that building was the opera house that was the crown jewel of the project, so the building was set back behind it. She said they were redoing the interior floors behind that building so that the entire building would be handicap-accessible on each level. Ms. Margeson said the building was massive and was surprised that the HDC was in support. Ms. Kozak said they had made significant revisions based on the HDC's feedback and were confident that the building was subservient to its surroundings per the Secretary of Standards of Historic Buildings. She noted that the previous Dolphin Hotel was larger, and she said the proposed building was smaller than a lot of buildings around it.

Chairman Parrott opened the public hearing.

SPEAKING IN FAVOR OF THE PETITION

No one spoke.

SPEAKING IN OPPOSITION TO THE PETITION

Esther Kennedy of 41 Pickering Avenue said she didn't see any hardship, and she worried about putting a building of that magnitude in that location and its effect on the smaller shops around it. She said it was up to the board to make sure that whatever went in there didn't detract from the

historical nature of the area and the downtown. She said the building overshadowed the buildings around it as well as some of the historic buildings. She asked that the variance not be granted.

Elizabeth Bratter of 159 McDonough Street said the hotel that was there before was only three stories and there was a mechanic shop around the corner that was two stories, so there wasn't much of a building. She said the mansard roof would count as a fourth story. She also noted that a lot of people who attended the Planning Board meeting were in opposition to Haven Court being changed and that it had been taken off the table.

SPEAKING TO, FOR, OR AGAINST THE PETITION

Petra Huda of 280 South Street said the applicant was relying on the proposed zoning requirements and on the HDC's approval. She said the building didn't belong in the District at the height they were requesting.

Attorney Bruton said they were before the board to get ADA compliance. He said the HDC asked them to push the elevator to the back of the building and they were trying to present things like the opera house and also make the building safe. He said some of the comments didn't relate to what they were asking for, like the height. He said the board should look at the variance request and what the applicant was doing in conjunction with what the HDC asked them to do. He said he was hopeful that the board would consider the changes as *de minimis* as possible. He emphasized that they brought the height down and were below the heights in the area.

No one else spoke, and Chairman Parrott closed the public hearing.

DISCUSSION OF THE BOARD

Vice-Chair Lee said he would not support the variance request because it failed on several criteria, and he read a letter from a neighbor who was opposed to the project. Ms. Margeson said she also would not support it because she felt that the applicant had not demonstrated hardship for going up further than what was allowed by zoning, and it failed the spirit and intent of the ordinance. She said City Planner Nick Cracknell was correct when he wrote his letter about protecting the streetscape. She said the zoning map was clear that it meant for lower building heights along that edge. She said the fact that the building was in the District was an extra purpose when the board entertained a variance, and she didn't think it protected the District. She said the opera house seemed squeezed in.

Ms. Eldridge said she didn't understand all the animosity toward the building because it was about a five percent difference and the mansard roof was the kind of roof wanted in Portsmouth instead of a flat roof. She said she didn't see how it affected the streetscape because there was nothing there. She thought the HDC did a good job because the building was full of windows and light, even though it was a large structure. She said she did have trouble seeing the hardship, however. Mr. Rossi said he liked the design but didn't like the references to pending changes in zoning. He thought it was important for the board to acknowledge that there was a fairly substantial amount of public animosity toward the project. He said if the City Council wanted to

change the zoning they could, but he would not support the variance request in the meantime. Mr. Mannle said he wouldn't support it because the lots were merged to benefit from the CD5 height as opposed to CD4.2. He said the elevator space was in the CD5 district, which was 45 feet, so the variance for the elevator wasn't needed. He said the board had to look at what was presented to them, and he thought 2'9" x 7,400 square feet totaling 19,000 square feet was a huge ask. Mr. Rossi said that, considering how many times the discussion had been postponed and delayed, it was difficult for the board to absorb a new staff report that came in hours before a complicated matter like this and it was hard to follow what the actual proposal was and what the height was. He said it was a process issue that should be considered in the future.

DECISION OF THE BOARD

*Mr. Mannle moved to **deny** the variance request, seconded by Mr. Rossi.*

Mr. Mannle said granting the variance would be contrary to the public interest and would not observe the spirit of the ordinance, nor do substantial justice. He said granting the variance could diminish surrounding property values. He said there was no hardship and the zoning had been there for eight years. He said a variance wasn't needed for the elevator access and there was already a 45-height limit. For those reasons, he moved to deny the variance request. Mr. Rossi concurred and had nothing to add.

Chairman Parrott said he would not support the motion. He said he stood in the back corner by the garage and looked at the mishmash of odd buildings, add-ons, rooflines, and so on and thought it was homely. He said the building would be a substantial improvement and that the reduction in height to a very small number of 2-1/2 feet plus was a reasonable request.

*The petition **passed** by a vote of 6-1, with Chairman Parrott voting in opposition.*

- D.** The request of **Francis X. Bruton, (Attorney for Appellants)**, for Appeal of Administrative decision that the merged lot at **1 Congress** is not subject to the height allowances (2 stories, 4th short, 45 feet in height) pursuant to Map 10.5A21B and as permitted pursuant to Section 10.5A21.22(a) & (c) of the Zoning Ordinance. Said property is shown on Assessor Map 117 Lot 14 and lies within Character District 4 (CD-4), Character District 5 (CD-5) and the Historic District. (LU-22-12)

SPEAKING TO THE APPEAL

Attorney F. X. Bruton as present on behalf of the applicant. He said the project involved the renovation and construction on portions of the property. He said prior to submitting their appeal, the parcel was two parcels but was now merged. He said the project went through a lot of work with the HDC and also had a conceptual plan review with the Planning Board. He said changes were made to the project as a result of input from the HDC, city staff, Planning Board and the design team, and the variance had been reduced in size to a request for 2 feet and 9 inches. He said the back portion of the lot was in the CD4 zone and was the only lot in it, which was unique. He noted that the ordinance used colors on a map to define numbers of stories and the height of a

building. He said the front lot had an orange color, which allowed the building height to be 45 feet, and the back parcel was green, which allowed a 40-ft high building. He said in their case, the building was 42 feet and 9-1/2 inches. He said the entire building was 42 feet and that the orange color also encompassed their building and allowed for 45 feet. He said the ordinance also talked about lots that had two different colors associated with them and that the city interpreted the clause to mean that the front portion could be 45 feet, and then based on other provisions, if someone was within 50 feet from the lot line or the street, they could be whatever the color is, but 50 feet beyond that, they would have to comply with the front lot line or street. He said the front lot line definition said that the building height allowance was wherever the address was. He said One Congress Street was the address and was in the orange section, which would allow them 45 feet all the way back down High Street. He said the city staff said they could only have the orange go into the green in an area that's not within 50 feet of the street, so there was an odd interpretation because in the back portion of the lot, one was allowed to have a chunk of orange but the rest had to be green. He said it didn't make sense in terms of building to building, and it was also inconsistent with the ordinance because the ordinance stated that one could measure from a front line or a street. He said they were measuring from the front line all the way back, and if the ordinance said 'and' a street, they would have to bifurcate. He said the city was going through a rezoning process to change that language because of his client's argument, and he further explained it. He said they're only going to 42 feet and 9-1/2 inches, which was within the 45 feet allowed, and that was the reason he believed that a variance was not required.

Ms. Margeson asked whether the interpretation didn't lie on what Haven Court was, saying the city thought it was a street. Attorney Bruton said the plan was commissioned by the city a number of years ago because the city was going to purchase a small portion of the Haven Court area associated with the J. J. Newbury building. He said the surveyor indicated that it was a private way, and his client had title to that area as well. He said the only question was whether it was a street or not. He said their project engineer Mr. Chagnon did the same survey and came to that conclusion. He said that plan was presented to the Planning Board and signed off as being a private way, but it didn't matter because even if it was a street, they could still measure from the front lot line. He said there was nothing to suggest to him that it was a public street. He said the ordinance defines it as a street as laid out or as depicted on a subdivision plan.

Mr. Rossi said it did matter because there were two separate arguments the applicant was making, and he found himself in agreement about Haven Court. He said he read the ordinance as an inclusive 'or', not an exclusive 'or'. He said it was the standard legal way of reading that text, and he didn't think it was standard to read it as an exclusive 'or', nor did it make sense in the context of the ordinance the way it was written to read it as an inclusive 'or'. He said both of those things had to be considered separately. He said if the board agreed that it was an exclusive 'or', it might have implications throughout the ordinance where the word 'or' is used and one was forced to look at it as always exclusive, which he didn't think it was in this case. Attorney Bruton said their argument was that it's an independent coordinating conjunction. Mr. Rossi said he still understood it as an inclusive 'or'.

Returning to the street argument, Ms. Margeson said the client owned Haven Court *in fee* and it had an access easement for the property next to it. Attorney Bruton said that was another reason

why one would expect it to be a private way. He said if it were a public street, J. J. Newbury wouldn't need the easement. Ms. Margeson said an accessway as defined in the ordinance was a privately owned roadway. Attorney Bruton said the public street definition was limited to what is shown on a subdivision plan approved by the Planning Board or as laid out and accepted by the City Council. Ms. Margeson said the definition of 'street' says thoroughfare or roadway, and an accessway is a private roadway. Attorney Bruton said the provision he referred to only referred to a street, and that street had a specific definition. He said it wasn't a road *per se* because the area dropped off. He said it wasn't defined on the plan as a street but was more of a parcel of land, and there was no interest in terms of liability from the abutter, so the city took it over but did a subdivision for it and the private way designation was applied. Mr. Mannle asked why the two lots were merged. Attorney Bruton said it was to construct the building and remodel what exists in a historic way and keep things in the front. Mr. Mannle said that could have been done without merging the lots. Attorney Bruton said typically the lots would be merged to have one lot and one building, and if the lots were crossed, there would be setback issues.

Ms. Margeson said the map indicated that the back of Lot 15 has the lower building height, and all the surrounding properties have lower building heights. Attorney Bruton said everything around them was generally higher and the building's massing completely fit within the area. He said it was favorably received by the HDC, which was why it was able to be brought down to the bare minimum of what was needed for ADA purposes. He said they were trying to max it out and were dealing with a unique situation of two zones and two height colors. Ms. Margeson said other lots along Market Square had the same issue, orange in the front and green in the back, and the city was deliberate in making sure that the ones off Market Square were green. It was further discussed. Attorney Bruton said Portsmouth had a list of public roads, and Haven Court wasn't included on it. Chairman Parrott noted that Haven Court had been used as a public way for decades. Attorney Bruton said they wanted to enliven that area and encourage that use and that the overall use would be spectacular and open to the public.

Mr. Rossi said it was clear on the appeal that if the board interpreted 'or' as being exclusive, then the Haven Court question wasn't relevant because the city staff's interpretation was that you have to have the 50-ft setback, but if it was inclusive, then the Haven Court question became important. It was further discussed. Ms. Margeson said she didn't look at it so narrowly as just 'or' but looked at it in terms of the zoning, map. She said if a city maintained a street, it was a public street. She thought it needed a variance and thought it was clear that the building was supposed to be a shorter height based on the zoning map. Attorney Bruton said public maintenance and use had to occur 20 years prior to 1968, and they didn't have evidence of that.

Chairman Parrott said the term 'street' in common use is that it's a generic term because there were streets, roads, byways, circles, alleys and so on, which some people called streets, but the word 'street' was a very generic term and didn't even mean a public or private street. Mr. Stith said the city's position was that Haven Court was a public street, and even if it wasn't, there would still be the 50-ft setback from High Street that would come to the gray box on the map.

Chairman Parrott opened the public hearing.

SPEAKING TO, FOR, OR AGAINST THE PETITION

Elizabeth Bratter of 159 McDonough Street said the change would not get rid of the word 'street' but would just define it to include private ways and small roads. She said the street list was old and that most people referred to the MapGEO platform for zoning heights and street names, and that included Haven Court. She said she supported the applicant's need for a variance and noted that other buildings would be built in that area that also had extreme zones on their property.

No one else spoke, and Chairman Parrott closed the public hearing.

DECISION OF THE BOARD

*Mr. Rossi moved to **deny** the appeal of the city staff's judgement, seconded by Mr. MacDonald.*

Mr. Rossi said he wasn't in agreement after hearing the full discussion of the applicant's position on Haven Court for two reasons, 1) he thought it was a street, and 2) the wording of the ordinance in the context and reading it as an exclusive 'or' wasn't the right precedent for the board to endorse. For those reasons, he said he would not support the appeal.

Mr. MacDonald said his conclusion was that the project intended to go ahead and do something that the ordinance was trying to restrict. He said it wasn't part of what he knew was the direction that the city was going in the new century. He said there were a lot of verbal gymnastics one could go through to justify things that aren't consistent with the ordinance's objectives and that the board should just say no.

*The motion **passed** by unanimous vote, 7-0.*

Note: The board then went back to Item C, One Market Square LLC (see page 2).

E. REQUEST TO POSTPONE The request of **Joel St. Jean and Mariele Chambers (Owners)**, for property located at **108 Burkitt Street** whereas relief is needed to demolish existing garage and construct new 13' x 30' garage which requires the following: 1) A Variance from Section 10.573.20 to allow a 1 foot left side yard where 10 feet is required. 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 159 Lot 30 and lies within the General Residence A (GRA) District. (LU-22-89) **REQUEST TO POSTPONE**

DECISION OF THE BOARD

The petition was postponed.

- F.** The request of **James William Woods** and **Anna Roeline Meinardi (Owners)**, for property located at **1 Walton Alley** whereas relief is needed to construct a 1 story, 12' x 18' detached garage which requires the following: 1) Variances from Section 10.573.20 to allow a) a 1.5' side yard where 10' is required; and b) a 5' rear yard where 13'10" is required. Said property is located on Assessor Map 103 Lot 27 and lies within the General Residence B (GRB) and Historic Districts. (LU-22-124)

SPEAKING TO THE PETITION

Attorney Tim Phoenix was present on behalf of the applicants, along with project engineer John Chagnon and project architect Mark Gianniny. Attorney Phoenix reviewed the site plan and said they wanted to build a garage to the rear of the lot. He noted that it was moved to 9 feet from the front, not 5 feet, and that the garage's location drove the request for relief because there was no other practical space to put it. He said the renderings of the garage didn't exactly represent what would be on the ground because they didn't address the grade change. He said there was also an addition to the rear and the owner would add a conservation restriction. He said the entire house and grounds would be renovated. He noted that there were numerous garages in the south end. He reviewed the criteria and cited case law pertaining to hardship. He said a letter of support was received from the Coleman family, who lived behind the property.

Ms. Margeson said the garage could have gone in front of the house on Gates Street without zoning relief. Attorney Phoenix said if the garage were placed in front of the house, the setbacks could be met but the ordinance stated that there could not be an accessory unit between the house and the street. He said it also didn't make sense to put a building in front of the house, and it couldn't be put in the back because it would take away the backyard. Ms. Margeson concluded that any other place in the back would require a variance. Attorney Phoenix agreed. He said it was close to the side lot line but it couldn't be slid over anymore because the side of the house would interfere with the garage door

Mr. Mannle asked if the garage could be slid to where the addition was. Attorney Phoenix said it wouldn't meet the 25-ft setback requirement and would interfere with access to the backyard. Mr. Mannle said if it was moved another four feet, it wouldn't require a variance. Mr. Stith said only 10'2" were needed. Mr. Chagnon said it would eliminate the driveway runoff to get to the backyard. Mr. Mannle asked if it could be put in the front at the top of the ell. Attorney Phoenix said they would require other variances because there couldn't be a subservient structure between the main house and the street, which he further explained.

Chairman Parrott opened the public hearing.

SPEAKING IN FAVOR OF THE PETITION

No one spoke.

SPEAKING IN OPPOSITION TO THE PETITION

David Adams of 210 Gates Street said he was a direct abutter. He said building anything on the front of the house would be a non-starter, but the backyard was tiny. He said the project was important for modernizing the house but the garage in the back lot would be a tight squeeze. He said he wasn't concerned about it ruining his property values but what bothered him more was that Katie Miller was on the other side of the house and even closer to the garage. He said she was against the project, but he was kind of on the fence.

Katie Miller (no address given) called in via Zoom and said she sent a letter to the board explaining why the garage would be a hardship for her. She said the area was her only green space and she would be looking out her back window and seeing an 18-ft long garage instead of trees and birds, and the garage would add to the denseness of the community. She said the garage wasn't a hardship and wasn't needed, and it would be a tight squeeze.

SPEAKING TO, FOR, OR AGAINST THE PETITION

Attorney Phoenix said he wasn't aware of Ms. Miller's letter until now. He said she wasn't a direct abutter because she lived two lots over. He said she would see the roof but most of what she saw right now was a fence that would be replaced and there would be heavy landscaping behind the building. He said the whole south end was a tight area and garages were tucked into back areas of numerous lots. He said the rights of the property owner with respect to views had to be balanced against the rights of a neighbor who wasn't an abutter, and it was reasonable in an ell-shaped lot to have a garage. He said it was a necessary part of the project.

No one else spoke, and Chairman Parrott closed the public hearing.

DECISION OF THE BOARD

*Mr. Rossi moved to **grant** the variance as presented, seconded by Vice-Chair Lee.*

Mr. Rossi said granting the variance would not be contrary to the public interest because the house would be significantly improved. He said it would observe the spirit of the ordinance because the alternative location for the garage in the other part of the ell-shaped lot would be a detriment to the area because it would obscure the view of a historic property. He said substantial justice would be done, noting that he didn't see any harm to the surrounding area that would outweigh the benefit to the homeowner. He said there was no evidence to suggest that granting the variance would diminish the values of surrounding properties. He felt that the project met the hardship test because the property had special conditions, including being a larger property than others in that area that could support the additional structure with no problem, but it was hard to find an area to put it in that didn't require a variance due to its shape.

Mr. Stith asked if the makers of the motion would agree to a stipulation that the rear yard shall be nine feet and that the final design may change as a result of the HDC's approval. They agreed.

The motion was **amended** as follows:

*Mr. Rossi moved to **grant** the variance as presented, seconded by Vice-Chair Lee, with the following **stipulations**:*

- 1. The rear yard shall be nine feet, and*
- 2. The final design may change as a result of the HDC's approval.*

*The motion **passed** by unanimous vote, 7-0.*

III. NEW BUSINESS

G. The request of **Jay Anthony Clark (Owner)**, for property located at **64 Haven Road** whereas relief is needed to demolish existing garage and porch and construct new garage and addition which requires the following: 1) Variance from Section 10.521 to allow a 5' left side yard where 10' is required. 2) A Variance from Section 10.515.14 to allow a 7.5' setback for 2 mechanical units where 10' is required for each. 3) 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 206 Lot 30 and is located within the Single Residence B (SRB) District. (LU-22-121)

SPEAKING TO THE PETITION

Project designer Brendan McNamara representing the applicant was present. He said the neighborhood was also consistently nonconforming and that the house had a nonconforming left side enclosed porch as well. He said they would maintain the core of the house but wanted to replace the existing garage and addition with a new addition that would allow more volume on the second floor. He noted that the mechanical units actually needed a 4.5 ft. setback and not a 7.5 ft. setback as advertised. He reviewed the criteria and said they would met. He said the left side neighbor who was the most impacted was in favor.

There were no questions from the board. Chairman Parrott opened the public hearing.

SPEAKING TO, FOR, OR AGAINST THE PETITION

No one spoke, and Chairman Parrott closed the public hearing.

DECISION OF THE BOARD

*Mr. Mannle moved to **grant** the variances as presented, seconded by Vice-Chair Lee.*

Mr. Mannle said granting the variances would not be contrary to the public interest and would observe the spirit of the ordinance; substantial justice would be done and the values of surrounding properties would not be diminished. He said literal enforcement of the ordinance would result in an unnecessary hardship because the applicant was asking for variances for the side and rear yards, and given that nearly every house in Portsmouth was nonconforming, granting the variances would make the house less nonconforming. Vice-Chair Lee concurred.

Mr. Stith said a stipulation was needed for the two air conditioning units that were 4-1/2 feet from the left side instead of the advertised 7-12 feet. Mr. Mannle and Vice-Chair Lee agreed.

The **amended** motion was as follows:

*Mr. Mannle moved to **grant** the variances as presented, seconded by Vice-Chair Lee, with the following **stipulation**:*

- 1. The two air conditioning units shall be 4-1/2 feet from the left side instead of 7-1/2 feet.*

*The motion **passed** by unanimous vote, 7-0.*

H. The request of **Stephen E. Chaloner (Owner)**, for property located at **217 Myrtle Avenue** whereas relief is needed to construct a 6' x 8' deck with stairs which requires the following: 1) A Variance from Section 10.521 to allow a 12' secondary 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 220 Lot 92 and is located within the Single Residence B (SRB) District. (LU-22-115)

SPEAKING TO THE PETITION

The applicant Stephen Chaloner stated that he wanted to build a small deck off the back of the house. He said the deck would nest into the house's current footprint and would not be visible to the abutter, and the trees on the property line would also shield it. He noted that there was a city culvert along Emery Street that took up over 20 feet of land, so visually the deck would adhere to the 30-ft setback. He reviewed the criteria and said they would be met.

There were no questions from the board. Chairman Parrott opened the public hearing.

SPEAKING TO, FOR, OR AGAINST THE PETITION

No one spoke, and Chairman Parrott closed the public hearing.

DECISION OF THE BOARD

*Mr. Mannle moved to **grant** the variances as presented, seconded by Ms. Eldridge.*

Mr. Mannle said granting the variances would not be contrary to the public interest and would observe the spirit of the ordinance, and the values of surrounding properties would not be diminished. He said literal enforcement of the ordinance would result in unnecessary hardship, noting that the applicant needed the variances from the secondary front yard because it was on a corner, and on the other side of the property line was another 20 feet of grassy area. He said it was a very small request and should be granted. Ms. Eldridge concurred and had nothing to add.

*The motion **passed** by unanimous vote, 7-0.*

- I. The request of **Emily Alati (Owner)**, for property located at **47 Lovell Street** whereas relief is needed to construct a rear addition and detached garage with apartment which requires the following: 1) Variances from Section 10.521 to allow a) a 5' right side yard where 10' is required; b) a 5' rear yard where 20' is required; c) a 6.5' left side yard where 10' is required; d) a lot area per dwelling unit of 2,178 where 3,500 per dwelling is required; and e) a 6' right side yard where 10' 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 146 Lot 14 and is located within the General Residence C (GRC) District. (LU-22-120)

SPEAKING TO THE PETITION

The applicant Emily Alati was present. She said she currently lived at 653 Greenland Road but was downsizing to the Lovell property. She said she met with the abutters, one of whom she shared a deeded driveway with, and they were both in favor of the project. She said she wanted to fully renovate the house and add a detached garage with an apartment above it in which her mother would live. She said the lot was long and narrow, so the detached living space would be at the far back of the lot so that cars could pull in and out of the driveway. She reviewed the criteria and said they would be met.

Ms. Margeson asked how someone would get to the garage. Ms. Alati said the driveway was to the right of the house, and with a minimum of 20 feet, she could pull in and out. Chairman Parrott asked what the distance would be between the back of the house after it was renovated and the front of the garage, and Ms. Alati said it would be 25-39 feet.

Chairman Parrott opened the public hearing.

SPEAKING TO, FOR, OR AGAINST THE PETITION

No one spoke, and Chairman Parrott closed the public hearing.

DECISION OF THE BOARD

*Vice-Chair Lee moved to **grant** the variances as presented and advertised, seconded by Mr. Rossi.*

Vice-Chair Lee said he was familiar with the property and agreed that there wasn't a lot of room in the driveway. He said granting the variances would not be contrary to the public interest and would observe the spirit of the ordinance. He said the proposed use would not conflict with the implicit and explicit purposes of the ordinance nor alter the essential character of the neighborhood. He said substantial justice would be done because the benefit to the applicant

would not be outweighed by any harm to the general public. He said he could testify as a real estate broker that the addition of the garage wouldn't diminish the values of surrounding properties and in fact would enhance them. He said the house was in poor condition and any improvements to it would be an asset. He said the hardship was that literal enforcement of the ordinance would prevent the applicant from having the setback variances and being able to put the new garage in and have the extra dwelling with the lot area per dwelling. He said those were special conditions of the property, and for those reasons, he said the variances should be granted.

Mr. Rossi concurred. Referring to substantial justice, he said the use of the property as proposed would prove a great benefit to family situation that had some complexity to it, with the need for care for a parent and other factors. He said he was happy that the board was able to grant the variances to accommodate the needs of someone would try to make things work in Portsmouth

Ms. Margeson said she struggled with the petition a bit until the presentation. She said the property didn't have special conditions in that it was much like the properties next to it, except that it couldn't be reasonably used in strict conformance with the ordinance. She said it was in the GRC District, which allowed for more than one dwelling, it was an allowed use, and a garage was a permitted accessory use in a residential area.

*The motion **passed** by unanimous vote, 7-0.*

*At this point in the meeting, Mr. Mannle moved to go beyond the 10:00 meeting ending time, seconded by Vice-Chair Lee. The motion **passed** by unanimous vote, 7-0.*

- J.** The request of **404 Islington Street LLC (Owner)**, for property located at **404 Islington Street** whereas relief is needed for the expansion of use to an Inn with 10 rooms which requires the following: 1) A Special Exception for an Inn from Use #10.30 where the use is only allowed by Special Exception. Said property is shown on Assessor Map 145 as Lot 33 and lies within the Character District 4-L2 (CD4-L2) and Historic Districts. (LU-22-74)

SPEAKING TO THE PETITION

Attorney John Bosen was present on behalf of the applicant, along with the inn's owner Timothy Johnson, project engineer John Chagnon, and project architect Rob Harbeson. Attorney Bosen reviewed the petition, noting that the inn used to be a 7-room one with an extra room for the caretaker, but since it would now be a keyless check-in model, there was no need for an on-site caretaker. He said the applicant wanted to increase the units to 10 rooms and would renovate the interior. He said the project went before the HDC and received approval for an ADA wheelchair ramp. He said they also went before the Technical Advisory Committee (TAC) and the Planning Board and had a fire and inspection walkthrough. He said no other changes were proposed that would increase the footprint. He said the inn has a grandfathered use but they needed the special exception because the units would increase. He reviewed the criteria.

Vice-Chair Lee asked what would happen to a customer after driving in the parking lot and getting out of the car. Attorney Bosen said the person would have a code to access the room, and if there were any problems a professional management company was only a few minutes away.

Chairman Parrott opened the public hearing.

SPEAKING IN FAVOR OF THE PETITION

Elizabeth Bratter of 159 McDonough Street said the applicant did a lot of little things that were important, like making sure there was parking, but she was concerned about what would happen in the months of May and June when there were engagement and wedding parties in town and the entire inn was rented out to one of those parties. She suggested that the board stipulate that if the whole inn is rented to one party, there would be some kind of ‘babysitting’.

SPEAKING IN OPPOSITION TO OR SPEAKING TO, FOR, OR AGAINST THE PETITION

No one spoke, and Chairman Parrott closed the public hearing.

DECISION OF THE BOARD

*Ms. Margeson moved to **grant** the special exception as presented and advertised, seconded by Mr. Rossi.*

Ms. Margeson said if the applicant proved that the criteria for a special exception were met, then the board is compelled to grant it. She said the use was permitted in the district by special exception and would not pose any hazard to the public or adjacent properties on account of potential fire, explosion, or release of toxic materials; it would pose no detriment to property values in the vicinity or change in the essential characteristics of the area. She noted that the inn had been operating for a long time as a B&B and there would be a change in use but the function would remain the same. She said granting the special exception would pose no hazard on account of the location or scale of the building or other structures, parking areas, accessways, odors, smoke, gas or other pollutants, noise, glare, heat, vibration, or unsightly outdoor storage of equipment, vehicles, or other materials. She said it would pose no creation of a traffic safety hazard or substantial increase in the level of traffic congestion in the area. She noted that the building was only going from a 7-unit to a 10-unit building. She said parking would be dealt with by a Conditional Use Permit (CUP) by the Planning Board. She said granting the special exception would pose no excessive demand on municipal services including but not limited to water, sewer, waste disposal, police and fire protection, and schools, and there would be no significant increase of stormwater runoff onto adjacent properties or streets and no change to the existing footprint. She said the board could not put a stipulation on a special exception, and even if it could, she would not support it because a party renting the whole inn could have done so under the old use as well. Mr. Rossi concurred and had nothing to add.

*The motion **passed** by unanimous vote, 7-0.*

- K.** The request of **Safley Family Revocable Trust Agreement (Owner)**, for property located at **1121 South Street** whereas relief is needed to demolish the existing garage and construct a new garage and deck which requires the following: 1) A Variance from Section 10.521 to allow a 3.5' left side yard where 10' is required. 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 150 Lot 20 and is located within the General Residence A (GRA) District. (LU-22-137)

SPEAKING TO THE PETITION

The applicant Natalie Safley said she wanted to replace the garage with a new one and a deck. She said she spoke to all the abutters and they all approved the designs. She reviewed the criteria and said they would be met.

There were no questions from the board. Chairman Parrott opened the public hearing.

SPEAKING TO, FOR, OR AGAINST THE PETITION

No one spoke, and Chairman Parrott closed the public hearing.

DECISION OF THE BOARD

*Ms. Eldridge moved to **grant** the variances for the petition as presented, seconded by Mr. Mannle.*

Ms. Eldridge said granting the variances would not be contrary to the public interest and would observe the spirit of the ordinance. She said it would do substantial justice because there had been a garage there for many years and there would continue to be one, and it hadn't been a problem for the neighborhood. She said there was no other place to put the garage, so it was a reasonable request. She said much of the deck wasn't above 18 inches and wouldn't really need the board's approval. She said the variances should be granted. Mr. Mannle concurred.

Mr. Stith said a stipulation was needed, and the motion was **amended** as follows:

*Ms. Eldridge moved to **grant** the variances for the petition as presented, seconded by Mr. Mannle, with the following **stipulation**:*

- 1. The portion of the deck above 18 inches shall be 8 feet 10 inches.*

*The motion **passed** by unanimous vote, 7-0.*

- L.** The request of **531 Islington Street Portsmouth LLC (Owner)**, for property located at **531 Islington Street** whereas relief is needed to replace the existing menu board which requires the following: 1) A Variance from Section 10.835.31 to allow a menu board to

be 26 feet from the rear lot line and 40 feet from the side lot line where 50 feet is required for each. 2) A Variance from Section 10.1261.30 to allow direct lighting in the Historic District where external illumination is the only type of illumination allowed. Said property is located on Assessor Map 157 Lot 5 and is located within the Character District 4-L2 (CD4-L2). (LU-22-38)

SPEAKING TO THE PETITION

Attorney Sharon Somers representing the applicant said the building's exterior would be renovated and upgraded and they were seeking relief for setbacks from the rear and side for the new speaker tower canopy and the menu board, as well as the type of lighting for the menu board. She showed their locations on the exhibit, noting that they would face out toward the rear of the property instead of being flush against the building. She said they had a work session with the HDC and received favorable comments. She reviewed the criteria in detail.

Ms. Margeson asked if there would be internal illumination of any other signs on the building other than the canopy and the menu board. Attorney Somers said the other signs would only be refaced and that the only sign that required the board's review was the menu board because it was a new sign, whereas the other signs were grandfathered. She said the current menu board had internal lighting and the new board would have LED screen lighting.

Chairman Parrott opened the public hearing.

SPEAKING IN FAVOR OF OR IN OPPOSITION TO THE PETITION

No one spoke.

SPEAKING TO, FOR, OR AGAINST THE PETITION

Elizabeth Bratter of 159 McDonough Street said the building was completely dark when she walked by it at night. She said the new sound equipment would probably be an improvement but she suggested that a lid be placed over it and that trees be planted to help absorb the sound. She also noted that someone walking down Islington Street by the fence could not be seen from the cars coming out of the drive-thru due to the blind spot.

No one else spoke, and Chairman Parrott closed the public hearing.

DECISION OF THE BOARD

Mr. Rossi said the board recently considered another request for internal illumination, but the Dunkin Donuts signage was really more of a digital menu board and hidden from the public, so it was significantly different than the other request. He said he said would vote in favor of the project. Chairman Parrott agreed.

*Mr. Rossi moved to **grant** the variances for the petition as presented, seconded by Mr. Mannle.*

Mr. Rossi said granting the variances would not be contrary to the public interest because it wouldn't impact what the public saw as they went down the sidewalk and street. He said it would observe the spirit of the ordinance, which is designed for signage that was meant more as a visible advertisement for a facility. He said substantial justice would be done because no public harm would outweigh the benefits to the business owner. He said the values of surrounding properties would not be diminished because they were mostly commercial uses or empty parking lots, which was a special condition that shielded the menu board from the public view. He said there was no relationship between the ordinance and the fair and good use of the property.

Mr. Mannle concurred and said granting the variances would improve the property and make it less nonconforming.

*The motion **passed** by unanimous vote, 7-0.*

M. REQUEST TO POSTPONE The request of **Jeffrey M. and Melissa Foy (Owners)**, for property located at **67 Ridges Court** whereas 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 207 Lot 59 and is located within the single residence B (SRB) District. (LU-22-139) **REQUEST TO POSTPONE**

DECISION OF THE BOARD

The petition was **postponed** to the August 16 meeting.

IV. OTHER BUSINESS

There was no other business.

V. ADJOURNMENT

The meeting was adjourned at 10:53 p.m.

Respectfully submitted,

Joann Breault
BOA Recording Secretary

From: [Kimberli Kienia](#)
To: [Kimberli Kienia](#)
Subject: 108 Burkitt - Postpone
Date: Tuesday, July 19, 2022 8:08:19 AM

From: Joel StJean <thestjean@gmail.com>
Sent: Monday, July 18, 2022 7:55:08 PM
To: Peter M. Stith
Subject: Re: application

Hi Peter,

Thank you for your flexibility and patience with assisting me with our variances.

We must postpone our hearing until September. We have paid the administrative fees and would like to include some additional information in our application that will be helpful to the board.

Again, thank you for your understanding.

Kind Regards,

Joel StJean

On Wed, Jul 13, 2022 at 09:51 Peter M. Stith <pmstith@cityofportsmouth.com> wrote:

Joel,

Yes you are on the agenda for the 19th! Thanks,

Peter Stith, AICP
Principal Planner
Planning Department
[City of Portsmouth](#)
[1 Junkins Avenue](#)
Portsmouth, NH 03801
603.610.4188
www.cityofportsmouth.com

From: Joel StJean [mailto:thestjean@gmail.com]
Sent: Wednesday, July 13, 2022 9:48 AM
To: Peter M. Stith <pmstith@cityofportsmouth.com>
Subject: Re: application

Good Morning Peter,

Hope your summer is off to a good start.

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

June 29, 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

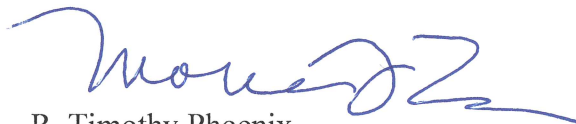
Dear Mr. Stith & Zoning Board Members:

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

- Digital Application submitted via Viewpoint earlier today.
- Owner’s Authorization.
- 6/29/2022 – Memorandum and exhibits in support of Variance Application

We look forward to presenting this application to the Zoning Board at its July 19, 2022 meeting.

Very truly yours,



R. Timothy Phoenix
Monica F. Kieser
Stephanie J. Johnson

Encl.

cc: Jeffrey and Melissa Foy
Ambit Engineering, Inc.
Destefano Mangel

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

OWNER'S AUTHORIZATION

We, Jeffrey & Melissa Foy, Owners/Applicants of 67 Ridges Court, Tax Map 207/Lot 59, hereby authorize law firm Hoefle, Phoenix, Gormley & Roberts, PLLC to represent me before any and all Portsmouth Representatives, Boards and Commissions for permitting the project.

Respectfully submitted,

Date:

Jeffrey Foy



Date:

Melissa Foy



OLD BUSINESS

1.

The request of **Jeffrey M. and Melissa Foy (Owners)**, for property located at **67 Ridges Court** whereas 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.

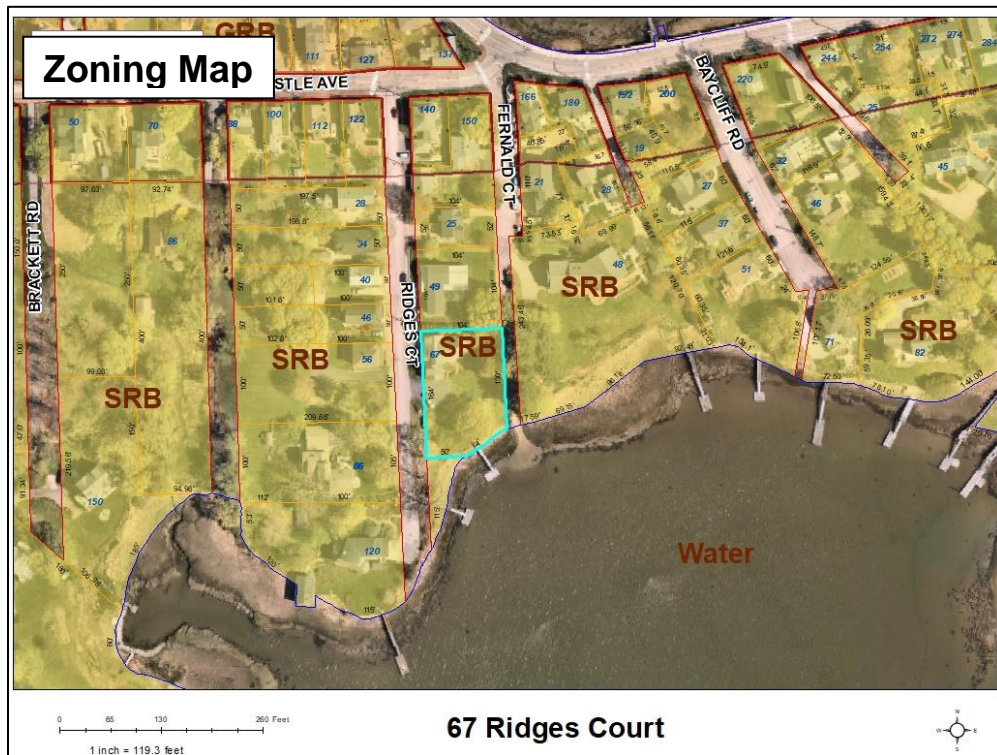
Existing & Proposed Conditions

	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Single family	Garage addition	Primarily single residence
<u>Lot area (sq. ft.):</u>	16,500	16,500	15,000 min.
<u>Lot area per dwelling (sq. ft.):</u>	16,500	16,500	15,000 min.
<u>Lot depth (ft.):</u>	109	109	100 min.
<u>Street Frontage (ft.):</u>	164	164	100 min.
<u>Primary Front Yard (ft.):</u>	8	15.5	30 min.
<u>Left Yard (ft.):</u>	10	10	10 min.
<u>Right Yard (ft.):</u>	95	>67	10
<u>Rear Yard (ft.):</u>	40	40	30 min.
<u>Height (ft.):</u>	<35	<35	35 max.
<u>Building Coverage (%):</u>	14	18.5	20 max.
<u>Open Space Coverage (%):</u>	73	75	40 min.
<u>Parking:</u>	4	4	2
<u>Estimated Age of Structure:</u>	2002	Variance request(s) shown in red.	

Other Permits/Approvals Required

Conservation Commission/Planning Board – Wetland CUP

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.

Planning Department Comments

The applicant is seeking to add a right side garage addition with living space above connected to the main dwelling. As shown in the history above, variances were granted in 2002 to allow the reconstruction of the dwelling at 13'11" from the front lot line and a front porch at 8' from the front lot line. The proposed addition will be setback an addition 2 feet from the front of the existing dwelling at 15.5'. The proposed addition will be located over existing pavement and the open space will actually increase with the removal of additional impervious areas as part of the project. All other dimensional requirements are compliant with the proposal. The applicant will need to go to the Conservation Commission and Planning Board for a Wetland CUP for the encroachment into the buffer.

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.

MEMORANDUM

TO: Portsmouth Zoning Board of Adjustment (“ZBA”)
FROM: R. Timothy Phoenix, Esquire
Monica F. Kieser, Esquire
Stephanie J. Johnson, Esquire
DATE: June 29, 2022
Re: Jeffrey and Melissa Foy, Owner/Applicant
Property Location: 67 Ridges Court
Tax Map 207, Lot 59
Single Residence B (“SRB”)

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 July 19, 2022 meeting.

I. EXHIBITS

- A. Site Plan Set – issued by Ambit Engineering, Inc.
 - Existing Conditions Plan
 - Variance Plan
- B. Architectural Plans – issued by Destefano Mangel.
 - Elevations – North and West
 - Elevations – South and East
 - Lower Level Floor Plans
 - First Floor Plans
 - Second Floor Plans
- 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. Foy plans to add a 718 s.f. addition to the existing home incorporating a lower

level 2-car garage with a deck/porch, expanded living room, and an additional bedroom above (the “Project”).

The 718 s.f. expansion meets building coverage requirements, reduces impervious coverage, and complies with open space requirements. In advance of required Conservation Commission Review and Planning Board Approval of a Conditional Use Permit, Foy seeks a variance for an addition 15.8 ft. from the front lot line.

III. RELIEF REQUIRED

<u>Variance Section</u>	<u>Required</u>	<u>Existing</u>	<u>Proposed</u>
<u>PZO §10.521 Table of Dimensional Standards – Residential and Mixed Residential Districts – Minimum Yard Dimensions</u>	Front 30’	13.6’ Home	15.8’ Addition

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 – The intended use of the property is and will remain residential. The requested relief will allow Foy to add a garage and increase living space while meeting building coverage and open space requirements, and reducing impervious coverage,.

2. The intensity of land use, including lot sizes, building coverage, building height and bulk, yards and open space – The lot and intensity of its use will not change, as it will continue to be used as a single-family residence. The addition is set back further from the front lot line than the existing home, preserving pedestrian and sight lines on the dead-end street. Building coverage requirements and open space requirements are also met by the Project, which reduces impervious coverage compared to existing conditions.
3. The design of facilities for vehicular access, circulation, parking and loading – The garage will be located where the current paved driveway is situated, ensuring a straight route to the street, eliminating the need for turning radius and additional impervious surfaces.
4. The impact on properties of outdoor lighting, noise, vibration, stormwater runoff and flooding – The proposal removes asphalt and decreases the size of the current driveway, replacing it with the garage addition. There will be no increase in noise or lighting and no change to existing stormwater management. The existing stone walls and landscaping on the Property will not be disturbed by the garage addition.
5. The preservation and enhancement of the visual environment – The design places the garage on the lower level and incorporates a deck and trellis above the end garage bay, allowing sightlines to Little Harbor to be preserved.
6. The preservation of historic districts and building and structures of historic architectural interest – The Property is not in the Historic Overlay District.
7. The protection of natural resources, including groundwater, surface water, wetlands, wildlife habitat and air quality – Granting the variances will not undermine these purposes of the Ordinance where the existing landscaping will not be disturbed by the Project, impervious coverage will be reduced from 26.6% to 25.1%, well below the required 40% open space minimum requirement.

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 front setback requirements. **(Exhibit C & D)**. The proposal meets the intent of the SRB Zone because it does not change the intensity of the use and allows Foy to add covered parking and gain more living space. Given these factors, granting the requested variance 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 garage will be placed in the current paved driveway area, resulting in a slight decrease to impervious coverage and slight increase to open space. The Project is located further back from the front lot line than the existing home located on the last residentially developed lot on the east side of this dead-end street . Given the number of buildings in the area encroaching on front, side, or rear setbacks, the proposal is in keeping with the surrounding area. Granting the variance 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 Project adds covered parking/storage, a main bedroom suite, and increases indoor and outdoor living space, thus improving the value of the Property and those around it. The lower level two car garage contains a deck/trellis over one of the garage bays preserving access to air and light. 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, and the existing home located on the far left/northern side of the lot in the front yard setback drives the location of the proposed garage addition. 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.

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. The Project is located further back from the lot line than the existing home in the front yard setback, and incorporates a deck/trellis over a portion of the addition allowing ample open space and light and preventing overbulking. Given its location at the end of a dead-end street with minimal traffic, adequate sight lines for

pedestrian and vehicular access is maintained. The Project also complies with building coverage requirements and removes excess asphalt on the Property, reducing impervious coverage and improving stormwater management compared to existing conditions. 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 and includes accessory buildings incidental to the permitted use. The proposed garage is reasonably sized, 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).

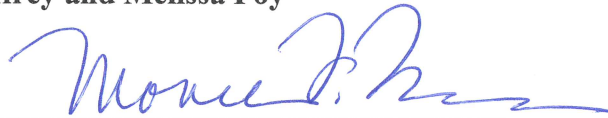
The Project retains the same use and offers expanded garage/storage and increased living space while complying with building coverage and reducing impervious coverage. In addition, the Project preserves access to air, light, and maintains sight lines on a waterfront lot at the end of a dead-end street, so there is no harm to the public in granting the variance. Conversely, Foy

will be greatly harmed by denial of the variance because they will be unable to expand parking, storage, and living space. Without question, substantial justice will be done by granting the variance.

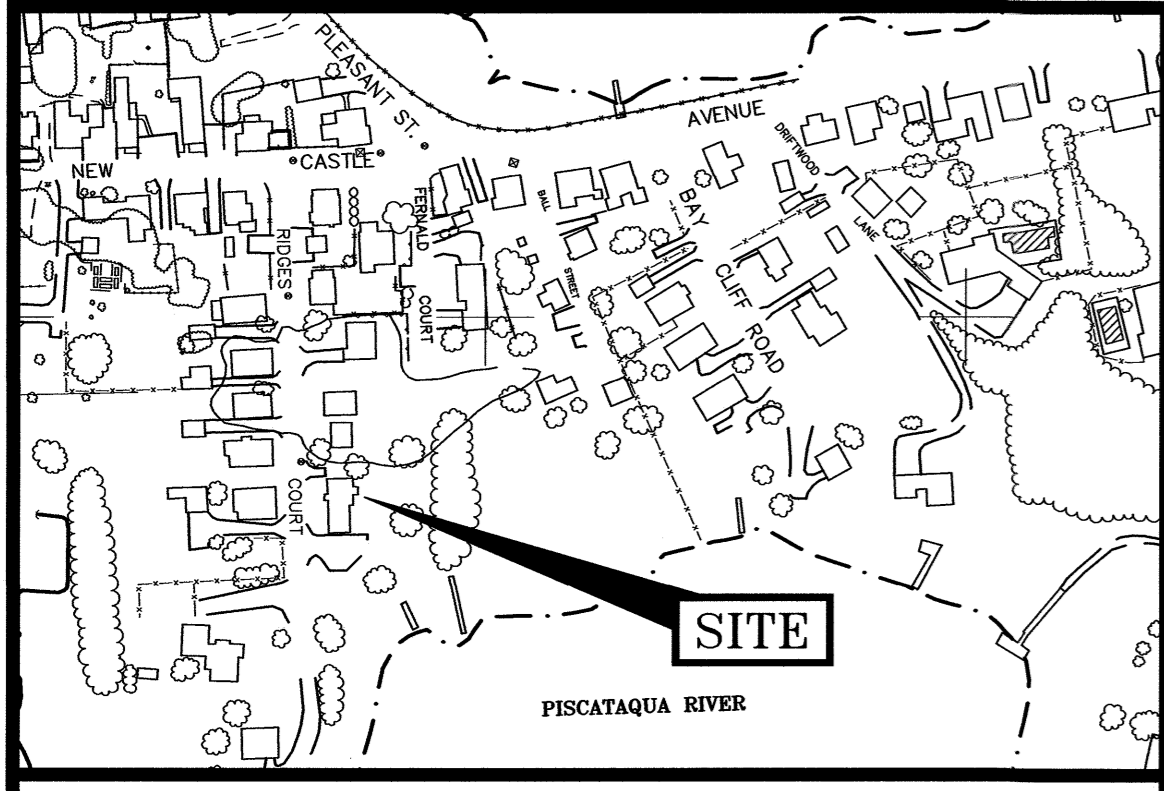
VI. CONCLUSION

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
Monica F. Kieser
Stephanie J. Johnson



LOCATION MAP SCALE 1" = 200'

LEGEND:

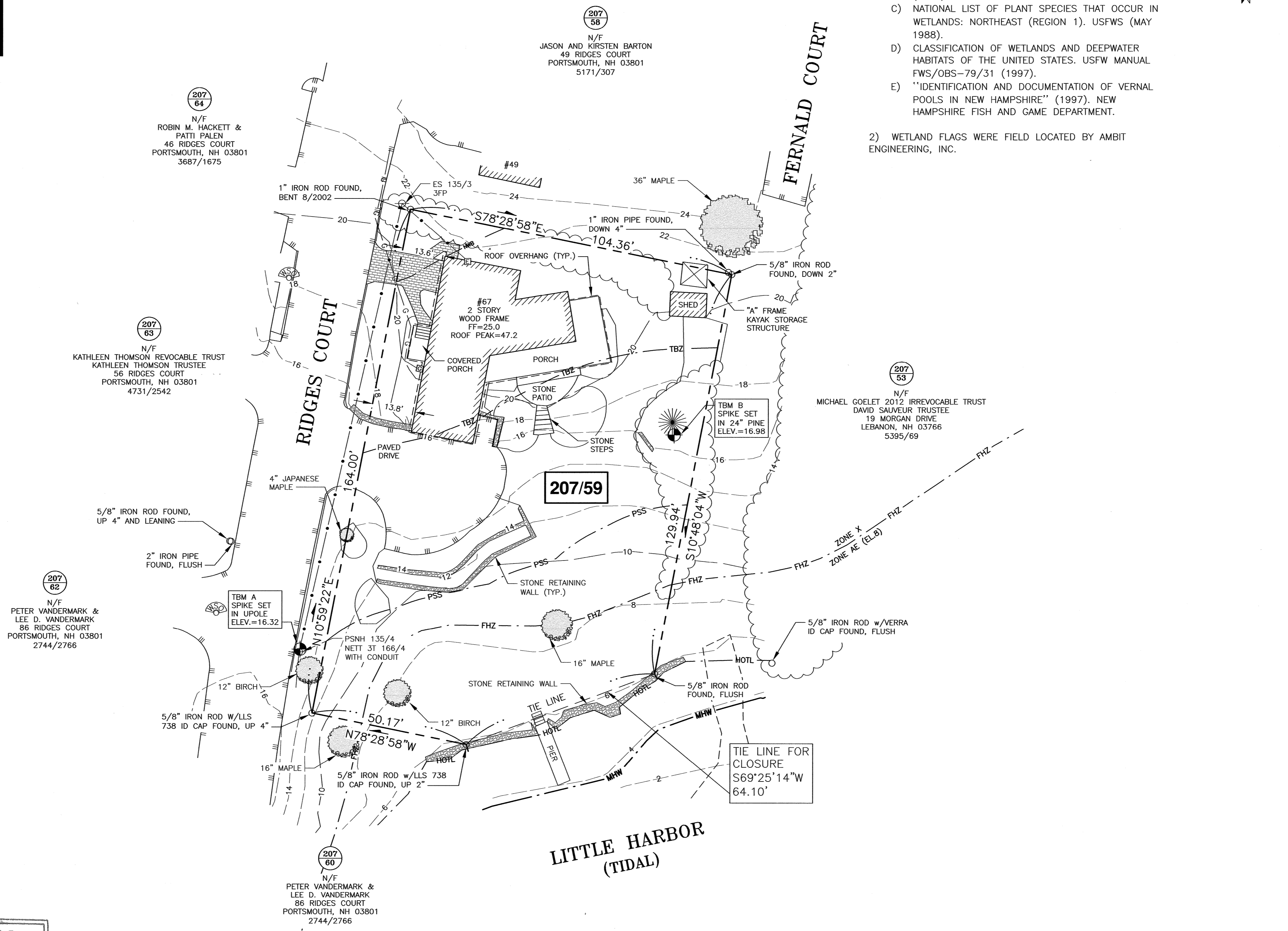
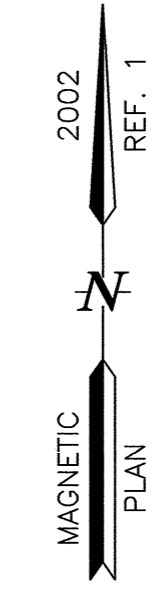
- N/F NOW OR FORMERLY
- RP RECORD OF PROBATE
- RCRD ROCKINGHAM COUNTY REGISTRY OF DEEDS
- MAP 11 / LOT 21
- RAILROAD SPIKE FOUND
- IRON ROD/IRON PIPE FOUND
- DRILL HOLE FOUND
- STONE/CONCRETE BOUND FOUND
- RAILROAD SPIKE SET
- IRON ROD SET
- DRILL HOLE SET
- GRANITE BOUND SET
- BOUNDARY
- BUILDING SETBACK
- MEAN HIGH WATER LINE
- NHDES HIGHEST OBSERVABLE TIDE LINE
- NHDES 50' PRIMARY STRUCTURE SETBACK
- NHDES 100' TIDAL BUFFER ZONE
- NHDES 150' NATURAL WOODLAND BUFFER
- NHDES 250' PROTECTED SHORELAND
- FEMA SPECIAL FLOOD HAZARD AREA LINE
- OVERHEAD ELECTRIC/WIRES
- CONTOUR
- SPOT ELEVATION
- EDGE OF PAVEMENT (EP)
- WOODS / TREE LINE
- UTILITY POLE (w/ GUY)
- WELL
- METER (GAS, WATER, ELECTRIC)
- EDGE OF WETLAND FLAGGING
- SWAMP / MARSH
- ELEVATION
- EDGE OF PAVEMENT
- FINISHED FLOOR
- INVERT
- TEMPORARY BENCHMARK
- TYP. TYPICAL
- LSA LANDSCAPED AREA

PLAN REFERENCES:

- 1) PROPOSED ADDITIONS, CHARLES MCLEOD, 67 RIDGES COURT PORTSMOUTH, NH, PROPOSED SITE PLAN. PREPARED BY AMBIT ENGINEERING, INC. DATED SEPTEMBER 2002. NOT RECORDED.
- 2) PLAN OF LOTS, RIENZI RIDGE. PREPARED BY JOHN W. DURGIN. DATED MARCH 1976. R.C.R.D. PLAN #0188.

WETLAND NOTES:

- 1) HIGHEST OBSERVABLE TIDE LINE DELINEATED BY STEVEN D. RIKER, CWS ON 7/1/20 IN ACCORDANCE WITH THE FOLLOWING STANDARDS:
 - A) U.S. ARMY CORPS OF ENGINEERS WETLANDS DELINEATION MANUAL. TECHNICAL REPORT Y-87-1 (JAN. 1987). AND REGIONAL SUPPLEMENT TO THE CORPS OF ENGINEERS WETLAND DELINEATION MANUAL: NORTHCENTRAL AND NORTHEAST REGION, VERSION 2.0, JANUARY 2012.
 - B) FIELD INDICATORS OF HYDRIC SOILS IN THE UNITED STATES, VERSION 8.2, USDA-NRCS, 2018 AND (FOR DISTURBED SITES) FIELD INDICATORS FOR IDENTIFYING HYDRIC SOILS IN NEW ENGLAND, VERSION 4. NEIWPCC WETLANDS WORK GROUP (2019).
 - C) NATIONAL LIST OF PLANT SPECIES THAT OCCUR IN WETLANDS: NORTHEAST (REGION 1), USFWS (MAY 1988).
 - D) CLASSIFICATION OF WETLANDS AND DEEPWATER HABITATS OF THE UNITED STATES. USFW MANUAL FWS/OBS-79/31 (1997).
 - E) "IDENTIFICATION AND DOCUMENTATION OF VERNAL POOLS IN NEW HAMPSHIRE" (1997). NEW HAMPSHIRE FISH AND GAME DEPARTMENT.
- 2) WETLAND FLAGS WERE FIELD LOCATED BY AMBIT ENGINEERING, INC.



NOTES:

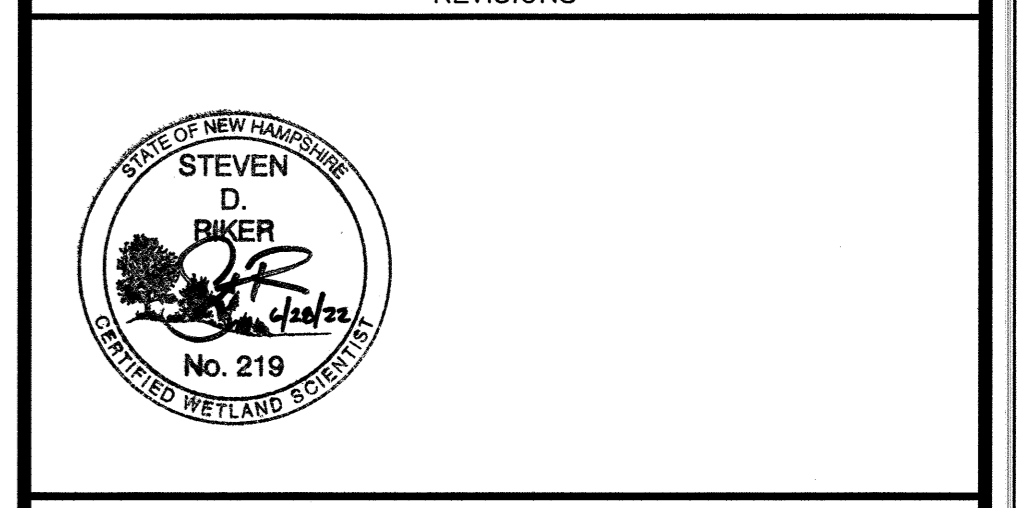
- 1) PARCEL IS SHOWN ON THE PORTSMOUTH ASSESSOR'S MAP 207 AS LOT 59.
- 2) OWNERS OF RECORD:
 - JEFFREY M. & MELISSA FOY
 - 4 FOX HOLLOW COURT
 - EAST KINGSTON, N.H. 03827
 - 6325/1066
- 3) PORTIONS OF THE PARCEL ARE IN A SPECIAL FLOOD HAZARD AREA AE (EL.8) AS SHOWN ON FIRM PANEL 33015C0278F. EFFECTIVE 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 THE EXISTING CONDITIONS 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').

Exhibit A

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

NO.	DESCRIPTION	DATE
1	ADD FEMA FHZ	6/27/22
0	ISSUED FOR COMMENT	5/18/22

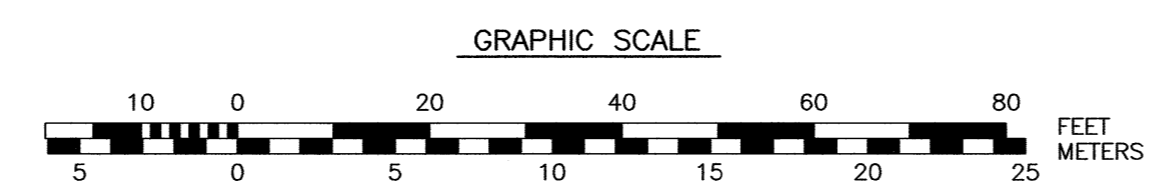
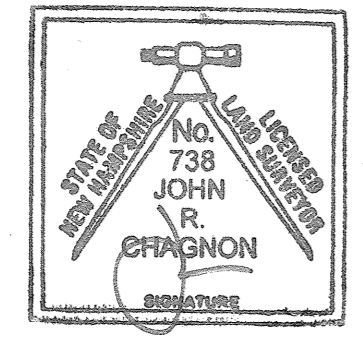


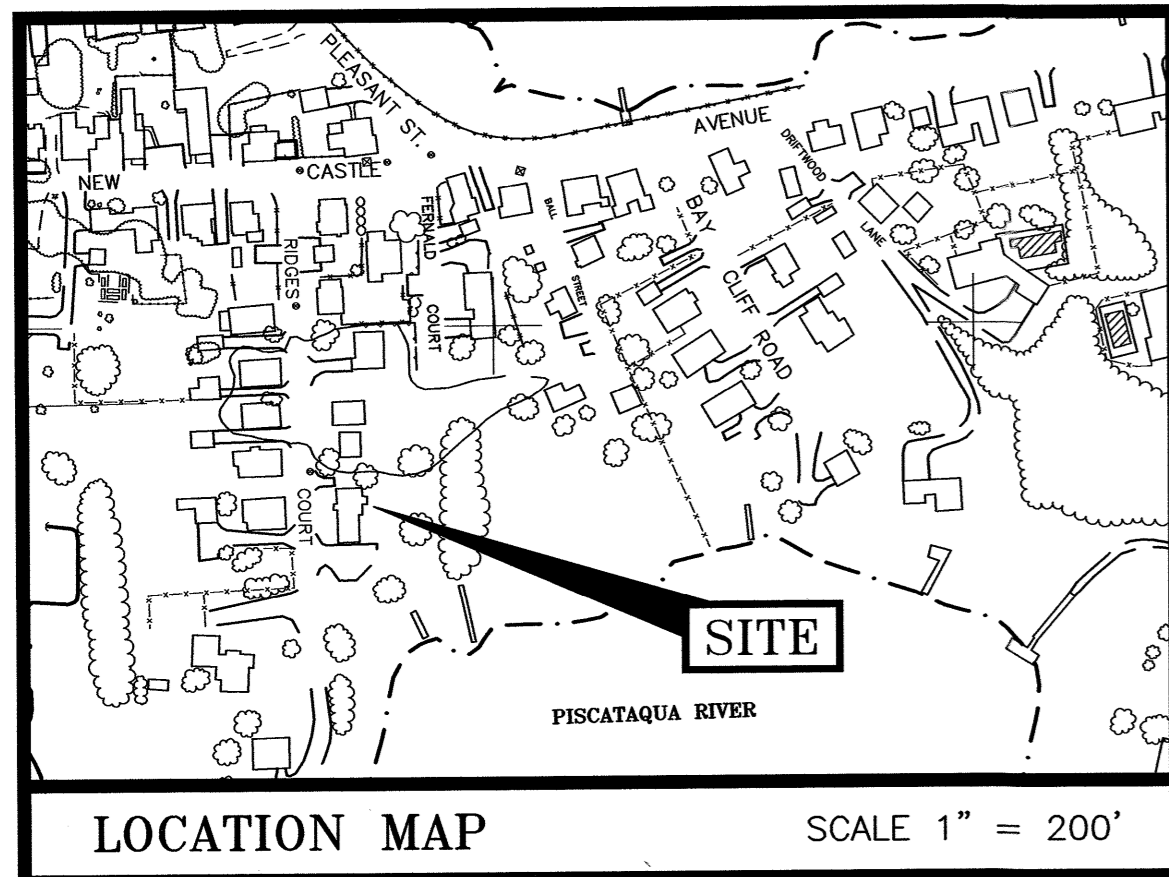
SCALE 1"=20' MAY 2022

EXISTING CONDITIONS PLAN C1

"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
JOHN R. CHAGNON, LLS
DATE 6-27-22





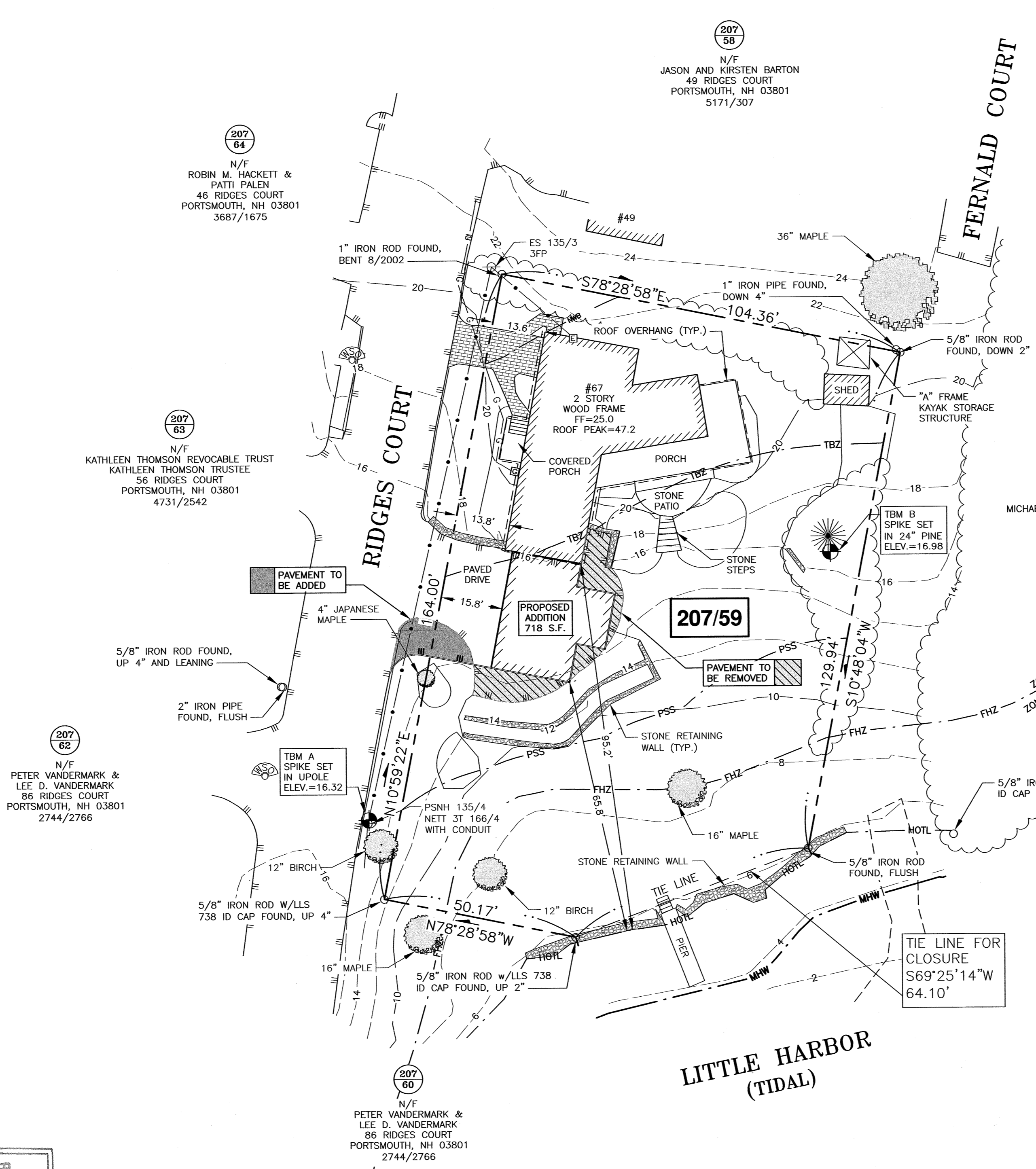
PLAN REFERENCES:

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- 2) PLAN OF LOTS, RIENZI RIDGE. PREPARED BY JOHN W. DURGIN. DATED MARCH 1976. R.C.R.D. PLAN #0188.

LOCATION MAP SCALE 1" = 200'

LEGEND:

N/F	NOW OR FORMERLY
RP	RECORD OF PROBATE
RCRD	ROCKINGHAM COUNTY REGISTRY OF DEEDS
11/21	MAP 11 / LOT 21
○	RAILROAD SPIKE FOUND
○	IRON ROD/IRON PIPE FOUND
○	DRILL HOLE FOUND
○	STONE/CONCRETE BOUND FOUND
○	RAILROAD SPIKE SET
○	IRON ROD SET
○	DRILL HOLE SET
○	GRANITE BOUND SET
○	BOUNDARY
---	BUILDING SETBACK
MHW	MEAN HIGH WATER LINE
HOTL	NHDES HIGHEST OBSERVABLE TIDE LINE
PSS	NHDES 50' PRIMARY STRUCTURE SETBACK
TBZ	NHDES 100' TIDAL BUFFER ZONE
NWB	NHDES 150' NATURAL WOODLAND BUFFER
SWOPA	NHDES 250' PROTECTED SHORELAND
FHZ	FEMA SPECIAL FLOOD HAZARD AREA LINE
100	CONTOUR
97x3	SPOT ELEVATION
---	EDGE OF PAVEMENT (EP)
---	WOODS / TREE LINE
○	UTILITY POLE (w/ GUY)
○	WELL
GW	METER (GAS, WATER, ELECTRIC)
A-I	EDGE OF WETLAND FLAGGING
---	SWAMP / MARSH
EL	ELEVATION
EP	EDGE OF PAVEMENT
FF	FINISHED FLOOR
INV.	INVERT
TBM	TEMPORARY BENCHMARK
TYP.	TYPICAL
LSA	LANDSCAPED AREA



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- 2) WETLAND FLAGS WERE FIELD LOCATED BY AMBIT ENGINEERING, INC.

REQUESTED VARIANCE:
 ARTICLE 5 SECTION 10.520 TABLE 10.521 FRONT YARD SETBACK OF 15.8 FEET WHERE 13.6 FEET EXISTS AND 30 FEET IS REQUIRED.

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
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 SIDE 10 FEET
 REAR 30 FEET
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 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.

**PROPOSED GARAGE
 FOY RESIDENCE
 67 RIDGES COURT
 PORTSMOUTH, N.H.**

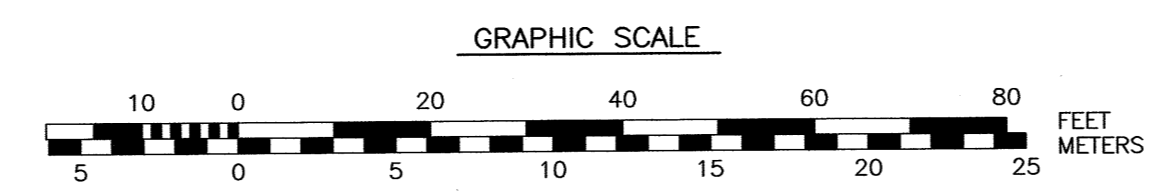
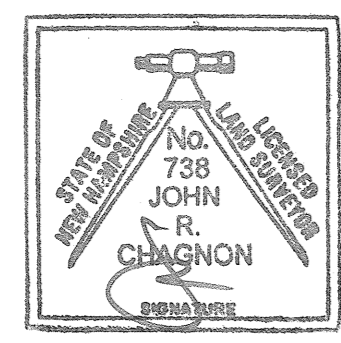
**IMPERVIOUS SURFACE AREAS
 (TO PROPERTY LINE)**

STRUCTURE	PRE-CONSTRUCTION IMPERVIOUS (S.F.)	POST-CONSTRUCTION IMPERVIOUS (S.F.)
MAIN STRUCTURE	1,591	2,309
SHED	91	91
PORCHES	513	513
STAIRS	123	123
WALKWAYS	231	231
PAVEMENT	1452	490
RETAINING WALL	212	212
PATIO	109	109
CONCRETE	17	17
EXTERIOR STORAGE	50	50
TOTAL	4389	4145
LOT SIZE	16,500	16,500
% LOT COVERAGE	26.6%	25.1%

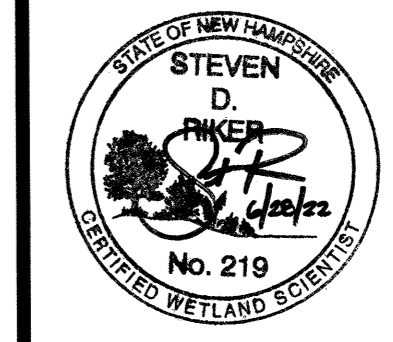
PROPOSED BUILDING COVERAGE:
 MAIN STRUCTURE: 2,309 S.F.
 SHED: 91 S.F.
 PORCHES: 513 S.F.
 STAIRS: 123 S.F.
 TOTAL: 3,036 S.F./18.4%

"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
 JOHN R. CHAGNON, LLS
 DATE 6-27-22

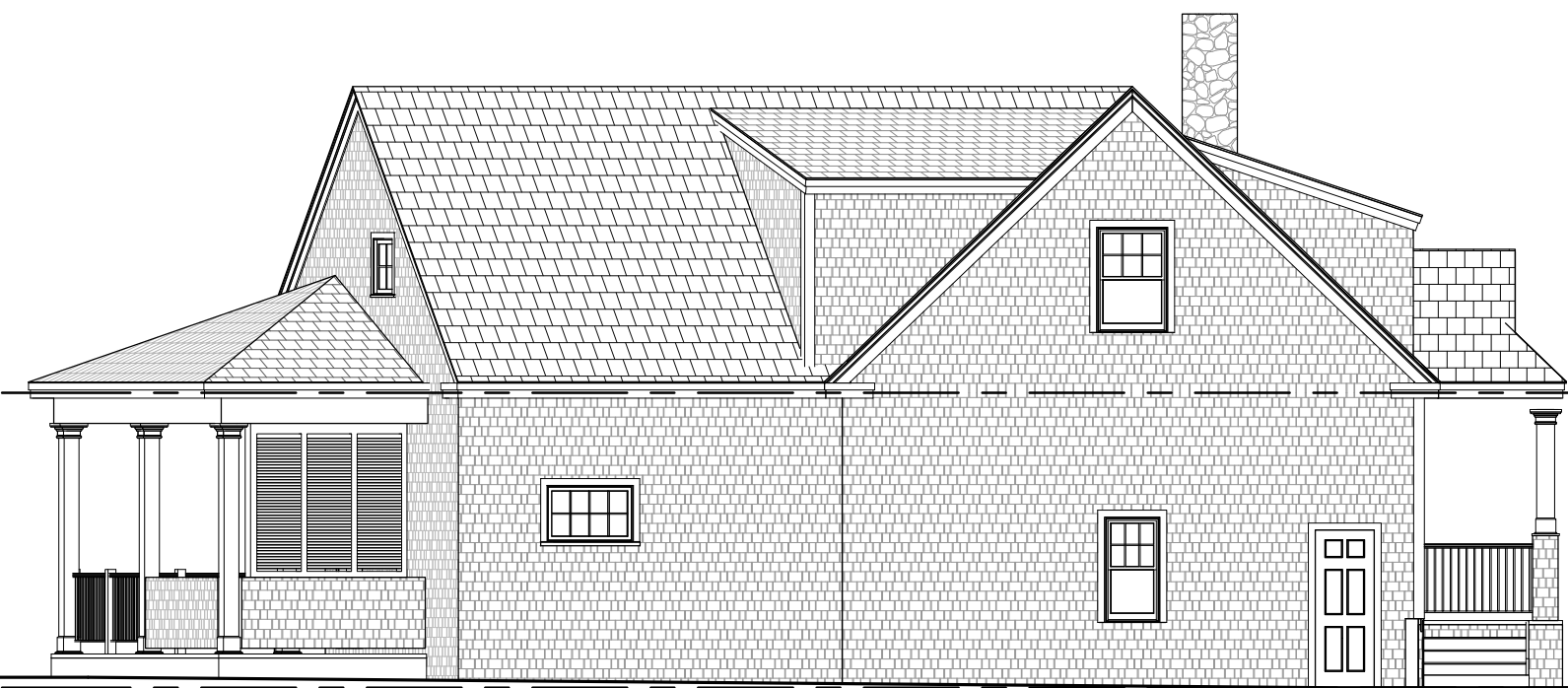


NO.	DESCRIPTION	DATE
0	ISSUED FOR COMMENT	6/27/22
REVISIONS		



SCALE 1"=20' JUNE 2022

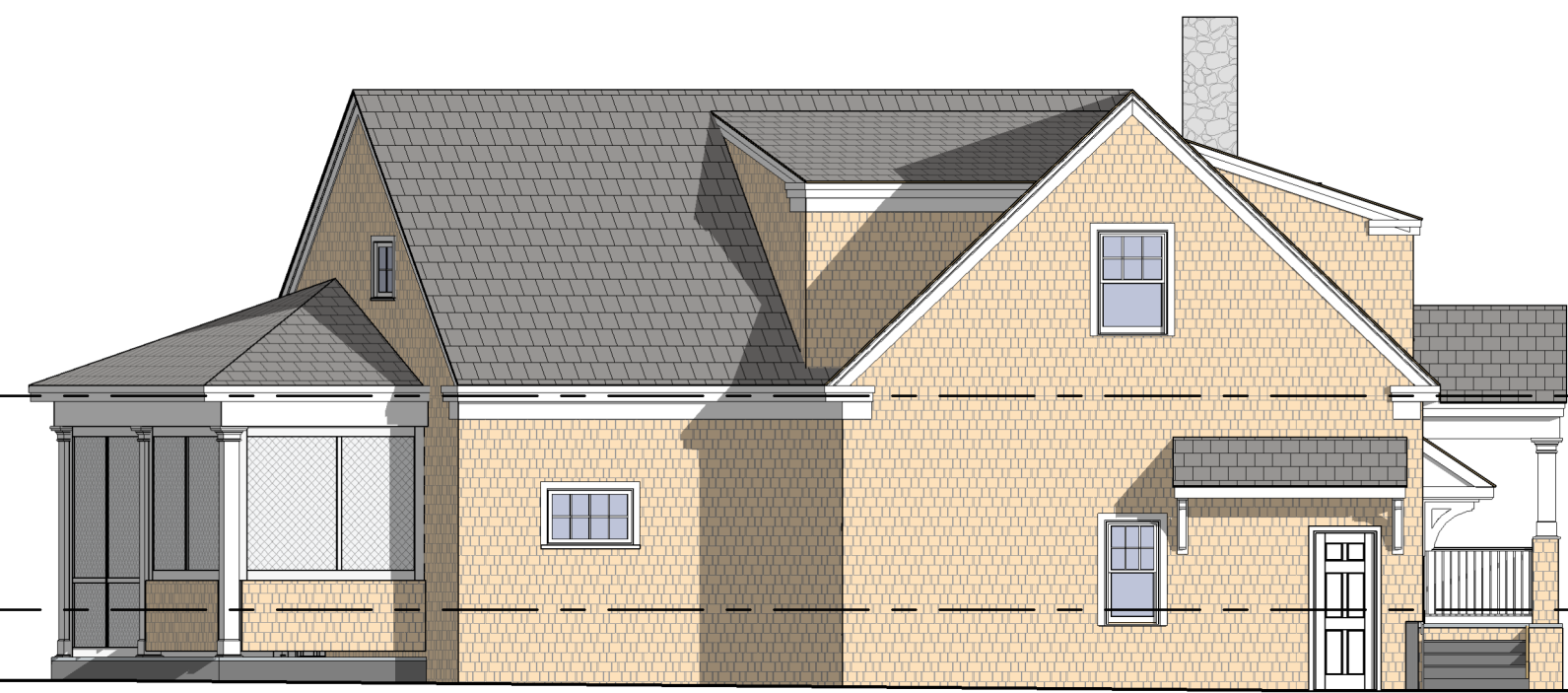
VARIANCE PLAN **C2**



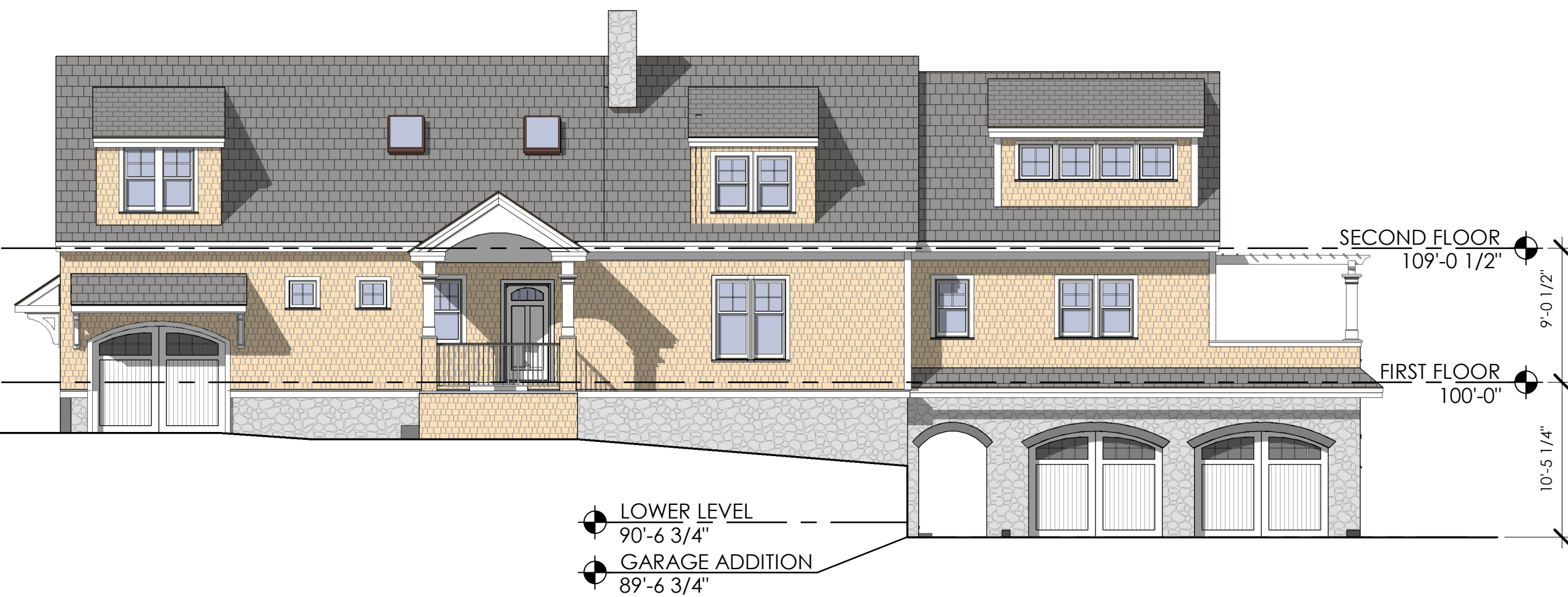
EXISTING NORTH ELEVATION



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"

JUNE 14, 2022

Exhibit B

21177

D|M|A
 DESTEFANO
 MAUGEL
 ARCHITECTS



EXISTING SOUTH ELEVATION



EXISTING EAST ELEVATION



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



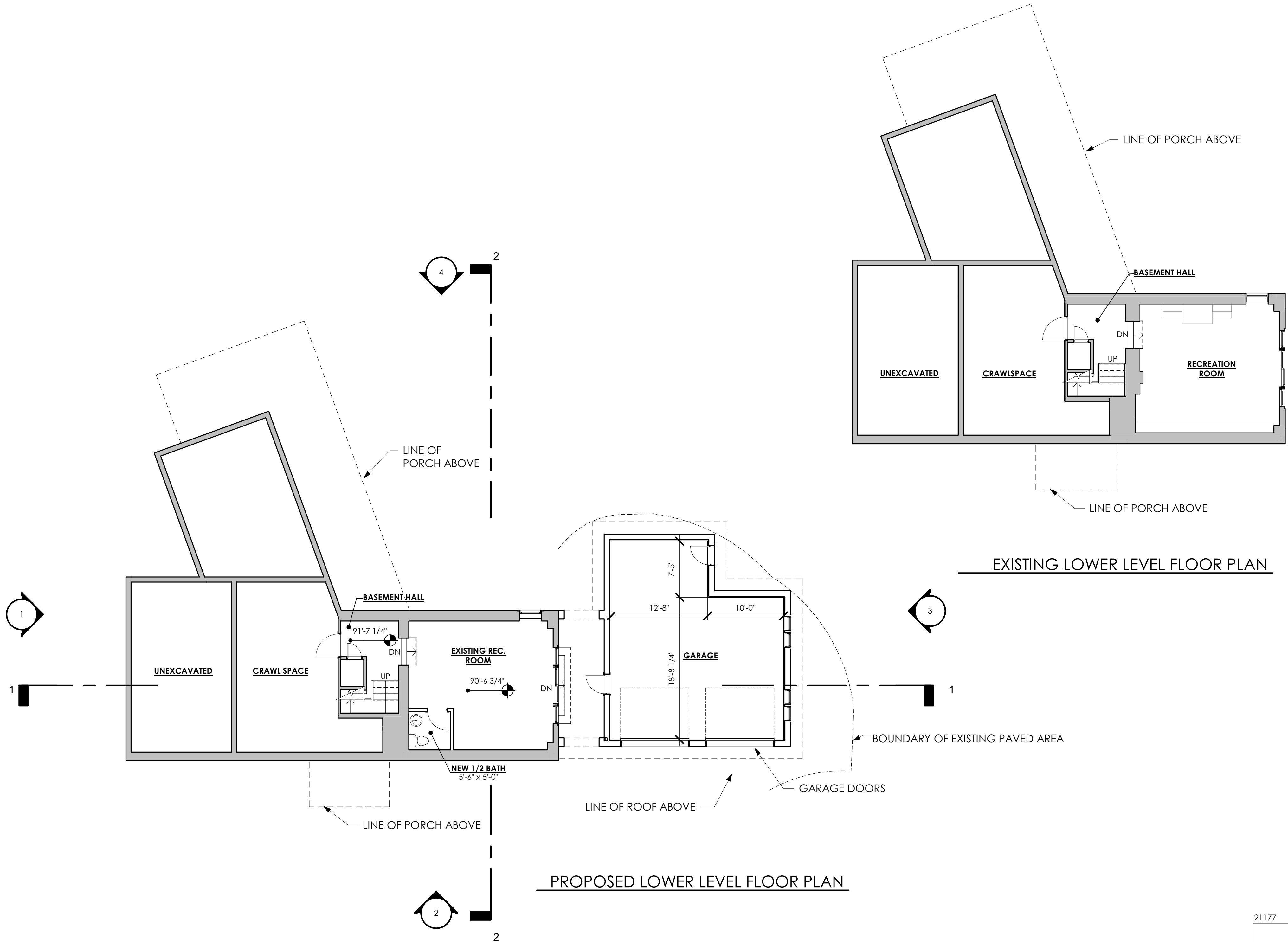
PROPOSED EAST ELEVATION 4
1/8" = 1'-0"

DESIGN DEVELOPMENT FOR
FOY RESIDENCE
67 RIDGES CT
PORTSMOUTH, NH

ELEVATIONS
1/8" = 1'-0"

JUNE 14, 2022

21177
D|M|A
DESTEFANO
MAUGEL
ARCHITECTS



DESIGN DEVELOPMENT FOR
FOY RESIDENCE
 67 RIDGES CT
 PORTSMOUTH, NH

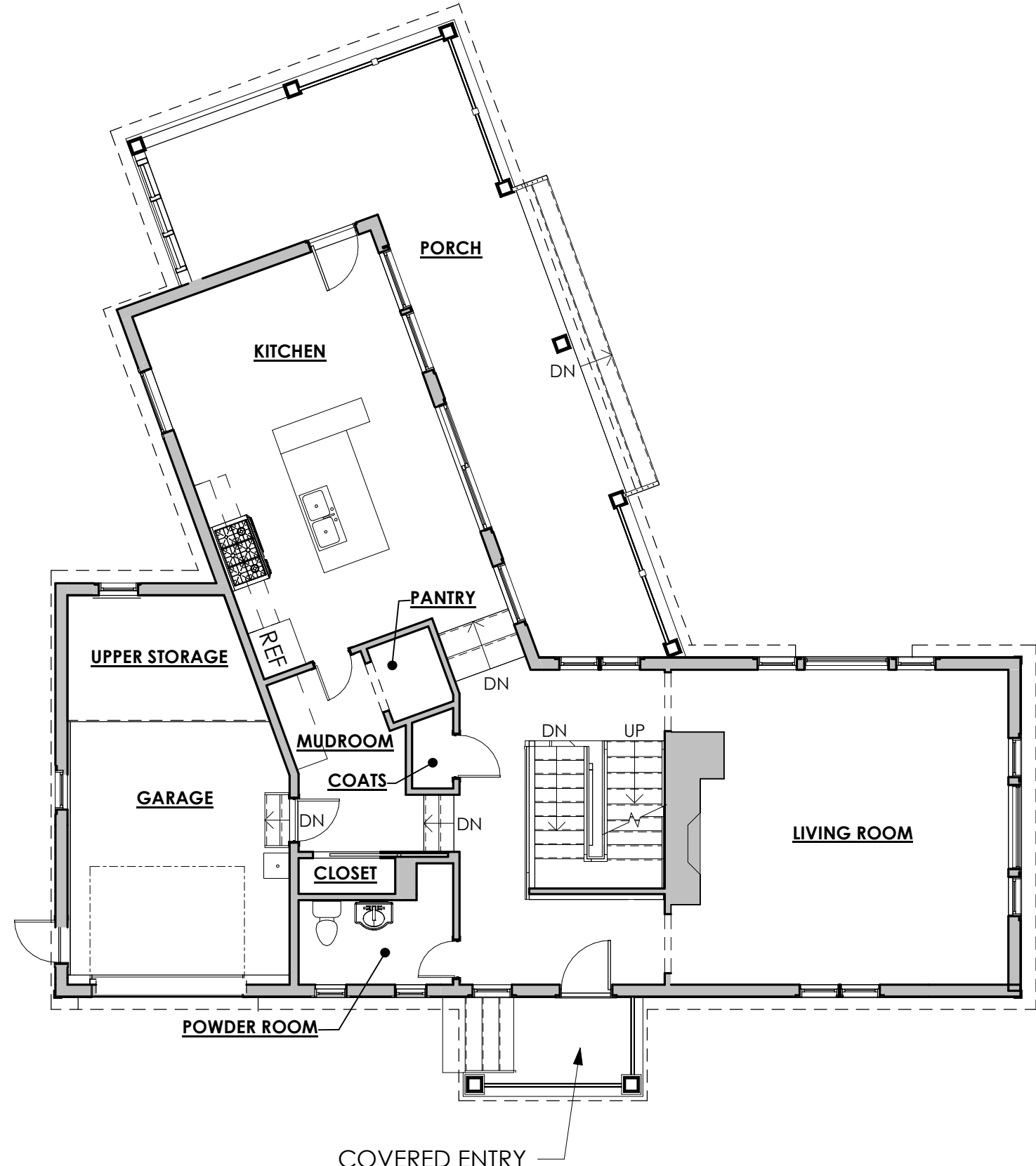
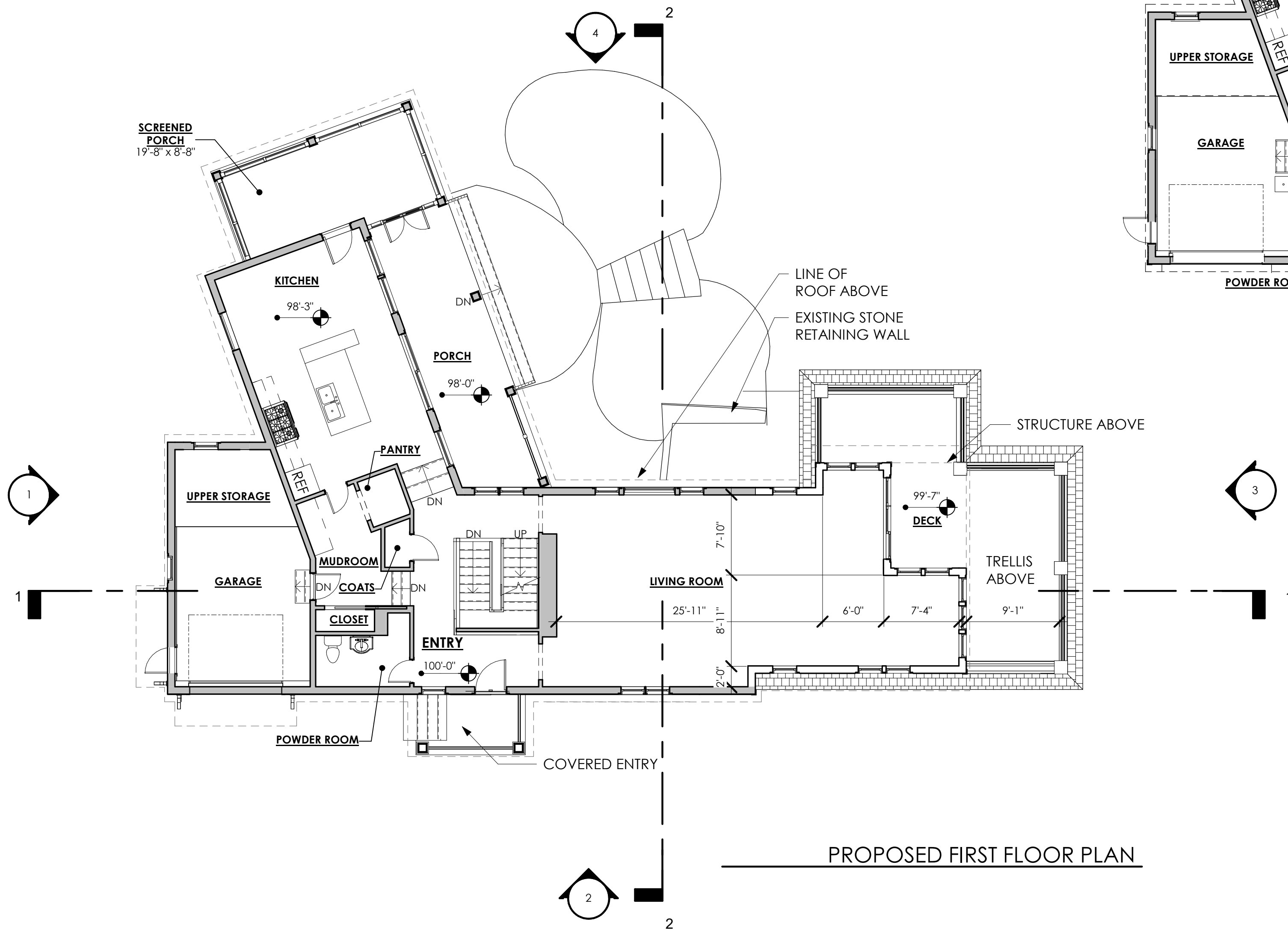
LOWER LEVEL FLOOR PLANS
 1/8" = 1'-0"

21177

D | M | A
 DESTEFANO
 MAUGEL
 ARCHITECTS

JUNE 14, 2022

© 2022



EXISTING FIRST FLOOR PLAN

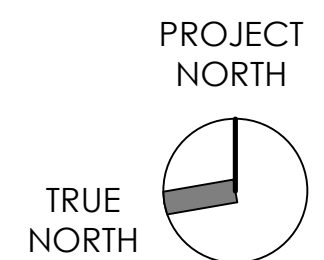
PROPOSED FIRST FLOOR PLAN

DESIGN DEVELOPMENT FOR
FOY RESIDENCE

67 RIDGES CT
PORTSMOUTH, NH

FIRST FLOOR PLANS

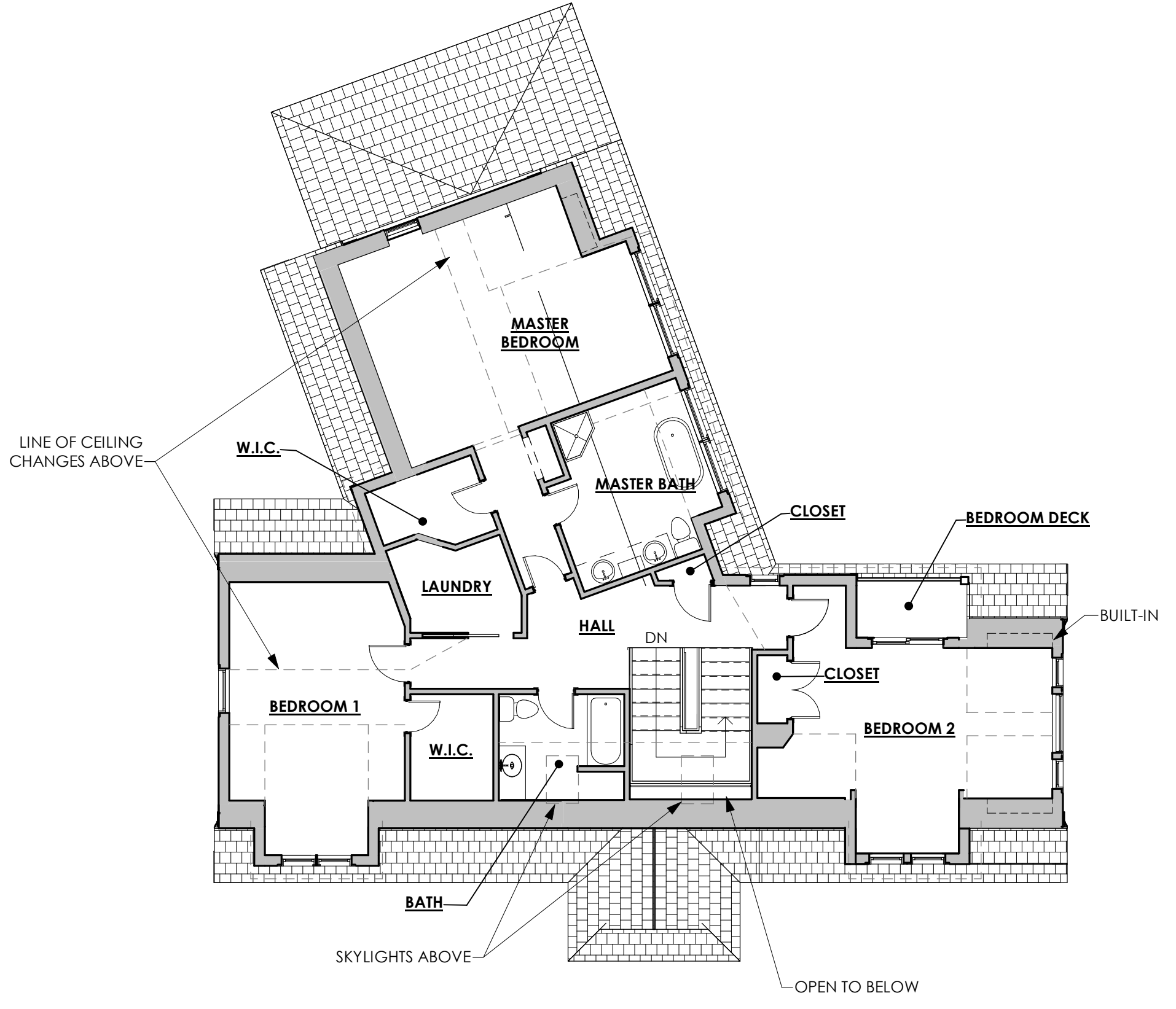
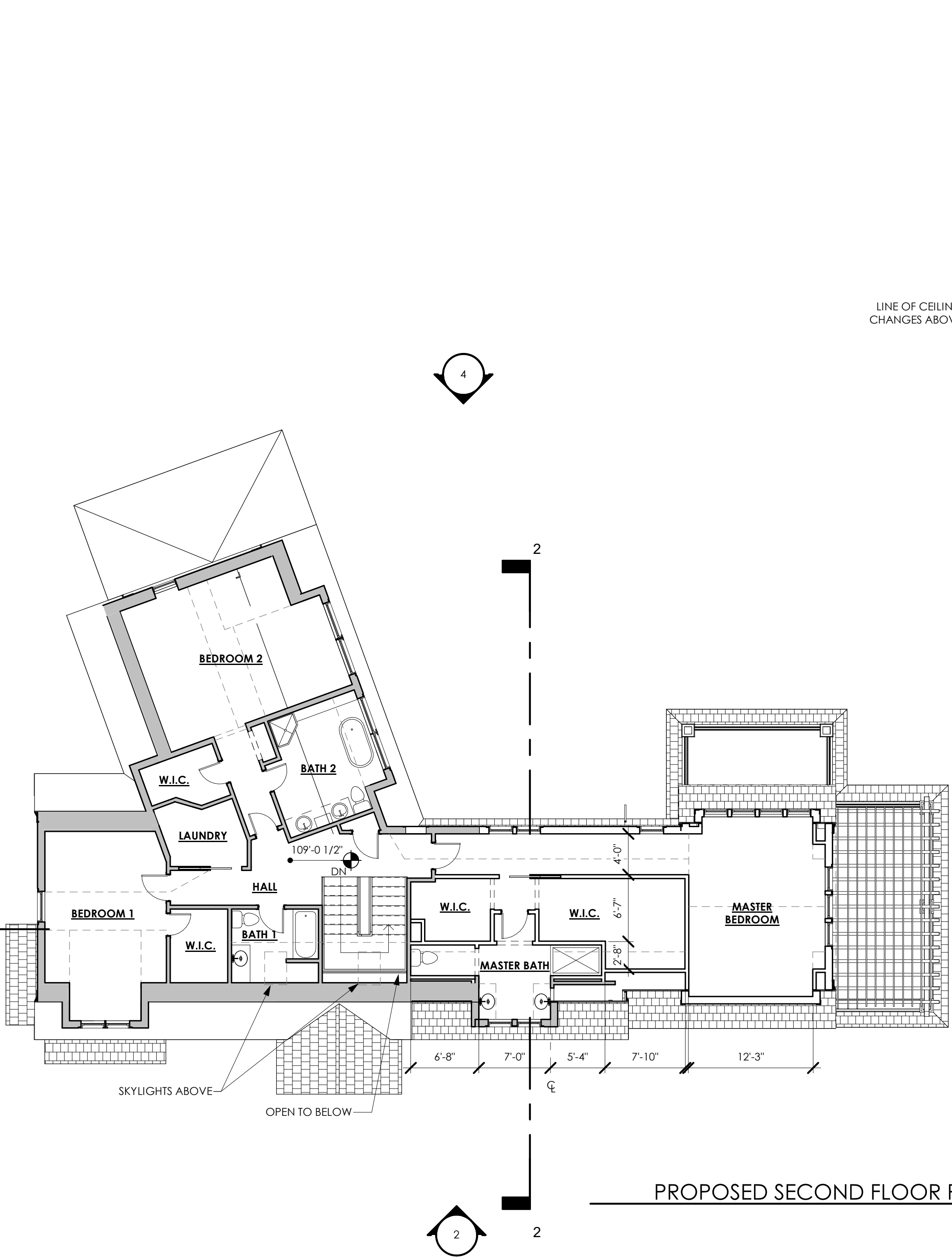
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JUNE 14, 2022

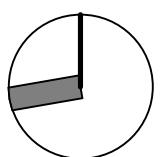
21177

D|M|A
DESTEFANO
MAUGEL
ARCHITECTS



DESIGN DEVELOPMENT FOR
FOY RESIDENCE
 67 RIDGES CT
 PORTSMOUTH, NH

SECOND FLOOR PLANS
 1/8" = 1'-0"

21177

D | M | A
 DESTEFANO
 MAUGEL
 ARCHITECTS
 JUNE 14, 2022
 © 2022



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

Exhibit C

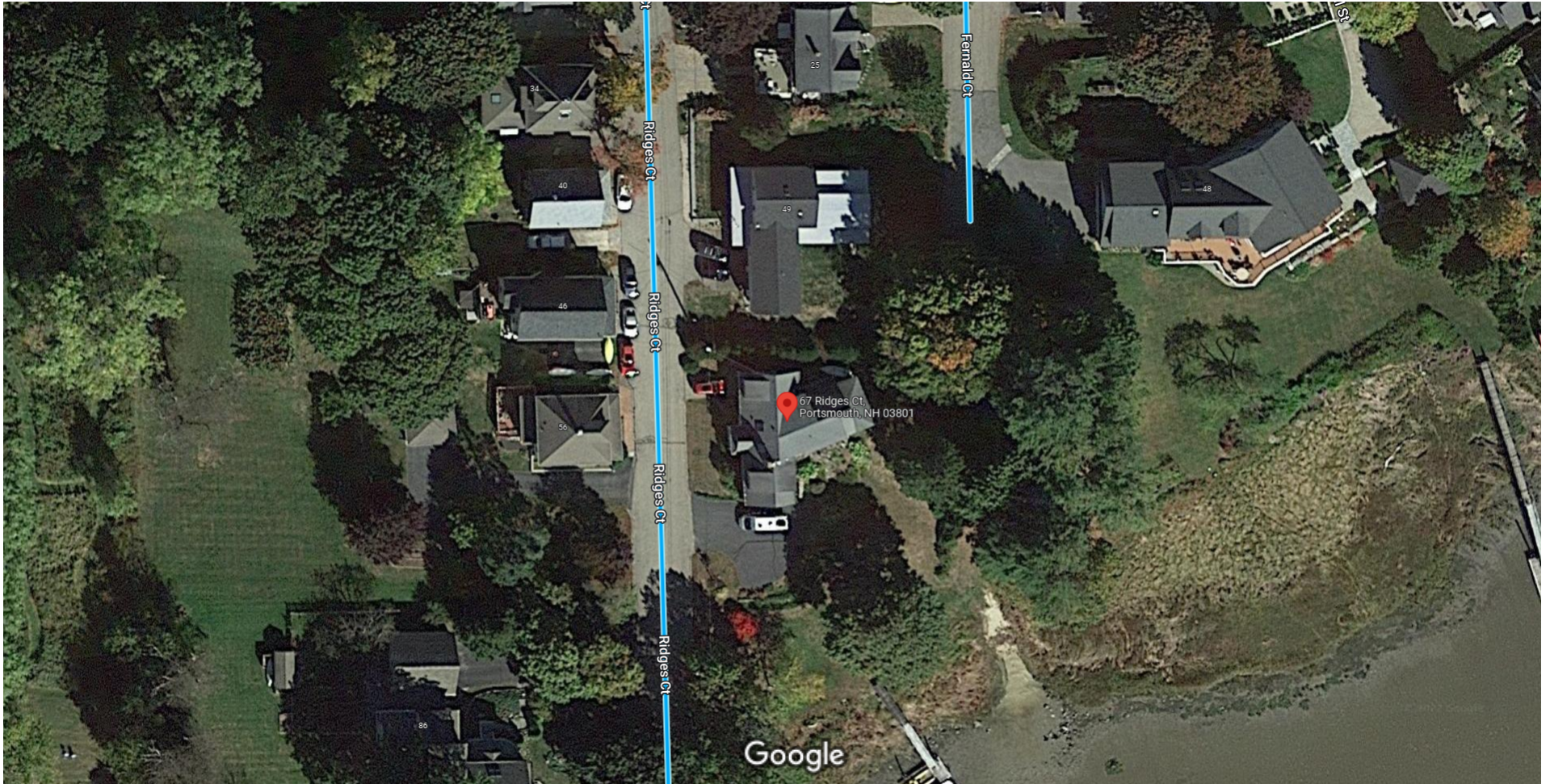




Image capture: Sep 2011 © 2022 Google

Portsmouth, New Hampshire

Google

Street View - Sep 2011



Image capture: Sep 2011 © 2022 Google

Portsmouth, New Hampshire

Google

Street View - Sep 2011

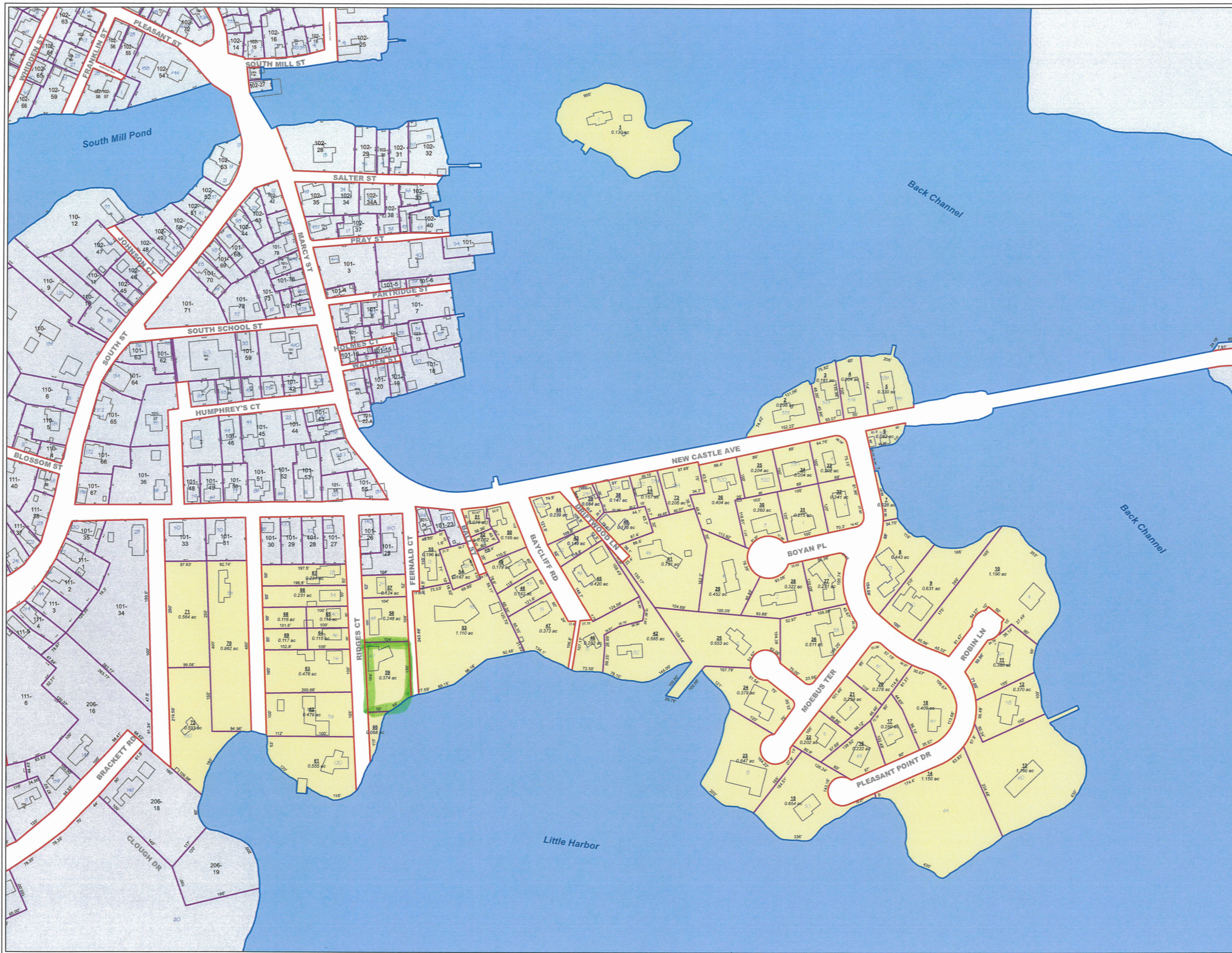


Image capture: Sep 2011 © 2022 Google

Portsmouth, New Hampshire

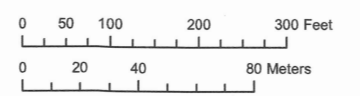
Google

Street View - Sep 2011

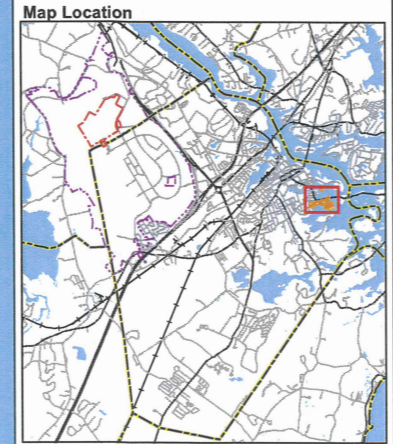
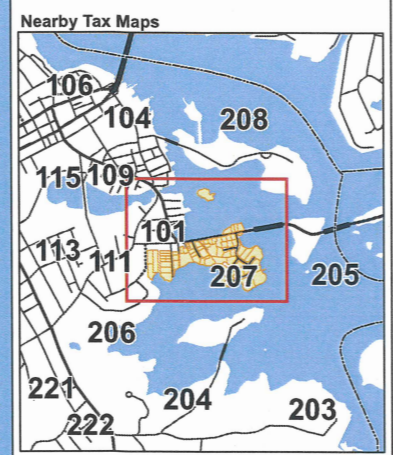


Partial Legend
 See the cover sheet for the complete legend.

- 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)



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.



From: [Joe Ricci](#)
To: [Peter M. Stith](#)
Cc: [Kimberli Kienia](#)
Subject: Re: Zoning Ordinance Question
Date: Thursday, August 4, 2022 2:38:33 PM
Attachments: [image005.png](#)

Good Afternoon Peter –

JRDEV, LLC would like to postpone our BOA re-hearing meeting currently scheduled for 08/16 to *next month's* meeting in September, 09/20.

Please confirm if there is a formal process to notify of this postponement request.

Thank you,

Joe Ricci
Project Manager
Ricci Construction, LLC
225 Banfield Road
Portsmouth, NH 03801
Mobile (603) 380-0912
Office (603) 436-3112
www.ricciconstruction.com



From: Joe Ricci <joe.ricci@ricciconstruction.com>
Date: Wednesday, August 3, 2022 at 14:49
To: Peter M. Stith <pmstith@cityofportsmouth.com>
Cc: Kimberli Kienia <kkienia@cityofportsmouth.com>
Subject: Re: Zoning Ordinance Question

Peter –

Thank you, we'll give you all direction by Friday before 1pm.

Joe Ricci
Project Manager
Ricci Construction, LLC

NEW BUSINESS

1.

The request of **Jeffrey C. Christensen (Attorney for the Appellants)**, for property located at **225 Banfield Road** for a rehearing of the May 24, 2022 decision of the Zoning Board of Adjustment's granting of a request for variances to demolish the existing building and constructing a new 5 unit commercial building and 60 unit residential building with underground parking which requires the following: 1) A Variance from Section 10.440 to allow a 60 unit residential building where residential uses are not permitted in the Industrial district. Said property is located on Assessor Map 254 Lot 1 and Map 266 Lot 1 and lies within the Industrial (I) District.

At the July meeting, the Board granted the rehearing request submitted by Pike Industries. In advance of the August meeting, the applicant requested to postpone the rehearing to the September meeting. Both parties have agreed to postpone to the September 20th meeting.



Sign Advertising

Electronic Message Centers

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

June 27, 2022

Members,

Barlo Signs respectfully requests your consideration for variance for new signage for Lonza, located at 101 International Drive.

Variance requested is for new wall signage that, if permitted, will allow for a site signage aggregate of 487.5 sf, where 200 sf is permitted. Existing signage is two wall signs and a monument sign. One existing sign will be removed.

The Lonza property is entirely unique as it consists of forty-six acres and is unlike any other development located at Pease. Identifying this building with to-scale signage requires special consideration when the magnitude of the property's fascia is considered. The Lonza building easily visually accommodates larger signage than permitted.

- There will be no adverse effect/diminution in value of surrounding properties- Clean, clear, to-scale signage benefits surrounding properties.
- The public benefits from proper identification of this successful international company, attractive storefronts and building identifiers promote a positive image for the City of Portsmouth.
- Denial of Lonza's request prohibits them from signage necessary to attract the way finding public; the sign ordinance is not written for properties of this magnitude, and unfairly restricts Lonza from properly imaging their building.
- Granting the variance would allow for substantial justice as Lonza will be permitted signage that fits their property specs, without causing harm to the public.
- Granting Lonza's proposal as designed, will not be contrary to the purpose of the Portsmouth Zoning ordinance as quality signage, proper identification, enhancement of the visual environment, are all positively reflected in Lonza's new sign proposal.

Sincerely,

Barlo Signs
Jenn Robichaud
Brandon Currier
jenn@barlosigns.com

CORPORATE OFFICE: 158 Greeley Street, Hudson, NH 03051-3422 (603) 882-2638 or 800-227-5674
FAX (603) 882-7680 Email: your_image@barlosigns.com Website: www.barlosigns.com



2.

The request of **Lonza Biologics (Owner)**, for property located at **101 International Drive** whereas relief is needed for the addition of a 372 square foot wall sign which will result in 487.5 square feet of total sign area which requires the following: 1) A Variance from Section 306.01(d) to allow 487.5 square feet of total sign area where 200 square feet is the maximum allowed per lot. Said property is located on Assessor Map 305 Lot 6 and is located in the Airport Business Commercial (ABC) District.

Existing & Proposed Conditions

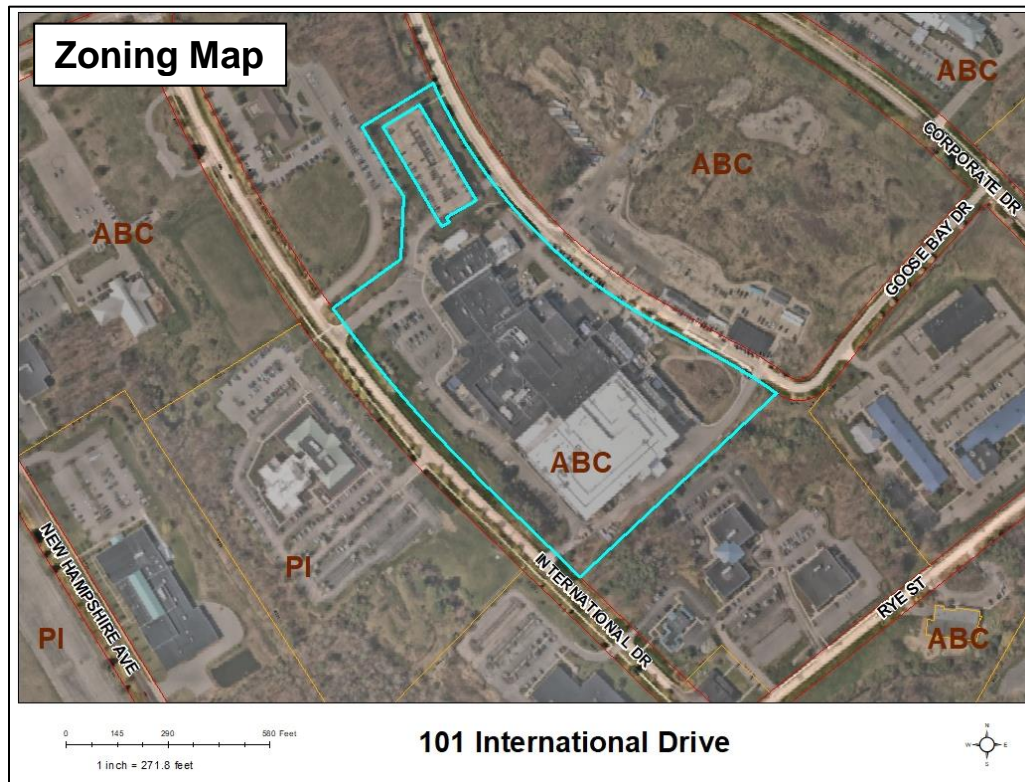
	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Lonza	Additional signage	Business, com. & trade related enterprises
<u>Sign area (sq. ft.):</u>	196.44	487.5	200 max.
		Variance request(s) shown in red.	

Other Permits/Approvals Required

Pease Development Authority (PDA)

Neighborhood Context





Previous Board of Adjustment Actions

December 15, 1998 – The Board **granted a variance** pursuant to the PDA regulations to allow 5 loading docks to be provided where 13 loading docks were required for the 130,000 s.f. expansion of the facility.

February 20, 2001 – The Board **recommended approval** to the Pease Development Authority that a variance be granted to allow 5 loading docks where 28 loading docks are required.

June 16, 2015 – The Board **recommended approval** to the Pease Development Authority of a variance to allow above ground storage tanks exceeding 2,000 gallon capacity for two existing and two proposed generators. The recommendation was given with a request to provide information on the life span of the above ground tanks.

May 28, 2019 - The Board **recommended approval** to the Pease Development Authority of a variance to allow above ground storage tanks exceeding 2,000 gallon capacity.

July 27, 2021 - The Board **recommended approval** to the Pease Development Authority to allow an above ground storage tank (AST) exceeding 2,000 gallon capacity per facility. Said property is shown on Assessor Map 305 Lot 6 and lies within the Airport Business Commercial (ABC) District.

Planning Department Comments

The application was before the Pease Development Authority (PDA) Board meeting at their June 16, 2022 and the PDA Board voted to support the applicant's request to move forward to seek a variance.

The PDA has its own land use and zoning regulations and is exempt from the City's regulations ordinance. For certain parcels in Pease, variance requests are sent to the City for a recommendation from the BOA. A motion to approve or deny will be a recommendation and the recommendation will become an approval by the PDA Board after 14 days unless the applicant or PDA Board member requests a hearing (see Part 317.03(f) below).

The Chapter in the Pease Land Use Controls regarding the process for a variance is below. Part 317.03(c) states the BOA will use apply the standards in Part 317.01(c) in its review of the application. These standards are attached hereto under Review Criteria.

(a) For parcels located within the Industrial Zone, Business and Commercial Zone, Natural Resource Protection Zone or portions of the Airport Industrial Zone not acquired by the Pease Development Authority pursuant to Section 13(g) of the Surplus Property Act, requests for a variance from the provisions of this zoning rule shall be referred to the zoning board of adjustment for the municipality in which the parcel is situated for administration in accordance with the provisions of this section.

(b) Applications for a variance for parcels referred to in Subsection (a) shall be filed with the Pease Development Authority Building Inspector on forms prescribed by the Board and referred to the applicable zoning board of adjustment.

(c) The zoning board of adjustment to which the application for a variance has been referred shall, in its review of the request, apply the substantive provisions of this Chapter.

(d) Recommendations to the Board regarding requests for a zoning variance shall be made by the applicable zoning board of adjustment within sixty (60) days of referral. Notice of the recommendation shall be provided to the applicant and the Board within 48 hours of the decision.

(e) The recommendation of the applicable zoning board of adjustment shall be forwarded to the Board along with a written report detailing the reasons for any recommendation for denial or approval with conditions.

(f) A recommendation of the applicable zoning board of adjustment shall be deemed a final decision of the Board upon the expiration of fourteen (14) days from the date of notice, unless the applicant/developer or a member of the Board requests a hearing by the Board.

(g) Where a hearing has been requested, the Board shall conduct a hearing and render a final decision on the variance request within thirty (30) days.

(h) At the discretion of the Board the time period for rendering a final decision may be extended an additional thirty (30) days, or such additional time as may be consented to by the applicant.

(i) The Board may approve, conditionally approve or deny the application notwithstanding the recommendation of the applicable zoning board of adjustment. In the case of denial of any application by the Board or where the Board elects not to follow the recommendation of the applicable zoning board of adjustment, the ground(s) for such action shall be stated in writing.

Review Criteria

This application must meet the criteria for a **variance** of Part 317.01(c) of the Pease Land Use Controls below.

PART 317. VARIANCES FROM ZONING PROVISIONS

317.01 General Provisions

- (a) Requests for a variance from the provisions of this zoning rule shall be filed with the Pease Development Authority Building Inspector on forms prescribed by the Board.
- (b) Applications for zoning variance approval shall set forth the specific provision of the rule or regulation involved and reasons why a variance should be granted.
- (c) A variance shall not be approved or recommended for approval unless it is in harmony with the general purpose and intent of these regulations and meets the following criteria:
 - (1) No adverse effect or diminution in values of surrounding properties would be suffered.
 - (2) Granting the variance would be of benefit to the public interest.
 - (3) Denial of the variance would result in unnecessary hardship to the person seeking it.
 - (4) Granting the variance would be substantial justice.
 - (5) The proposed use would not be contrary to the spirit of this zoning rule.
- (d) Reasonable conditions necessary to meet one or more of the standards in subsection (c) above may be attached to approval of a variance.

CERTIFIED MOTION

I, Paul E. Brean, Executive Director of the Pease Development Authority, do hereby certify that the following is the motion the Pease Development Authority Board of Directors resolved to adopt at its June 16, 2022 Board meeting:

The Pease Development Authority Board of Directors hereby approves of the requested change by Lonza Biologics to revise its monument sign and wall sign at 101 International Drive and refers the matter to the City of Portsmouth to review an application for variance; all in accordance with the memorandum of Maria J. Stowell, P.E., Engineering Manager dated June 6, 2022: attached hereto.

In witness hereof, I hereto set my hand at Portsmouth, New Hampshire, this 20 day of

June, 2022.



Paul E. Brean, Executive Director
Pease Development Authority

130 International Drive, LLC
210 Commerce Way, Suite 300
Portsmouth, NH 03801

Pioneer NH, LLC
c/o Summit Land Development
340 Central Avenue, Suite 202
Dover, NH 03820

119 International, LLC
c/o Two International Group, LLC
One New Hampshire Avenue Ste. 101
Portsmouth, NH 03801

Lonza Biologics, Inc.
101 International Drive
Portsmouth, NH 03801

Pease Development Authority
55 International Drive
Portsmouth, NH 03042

Resport, Inc.
c/o Richard Ade
1000 Market Street
Portsmouth, NH 03801

Craft Brew Alliance
35 Corporate Dr.
Portsmouth, NH 03801

100 International, LLC
c/o Two International Group, LLC
One New Hampshire Avenue Ste. 101
Portsmouth, NH 03801

75 NH, LLC
1 New Hampshire Ave. Suite 101
Portsmouth, NH 03801

AFCEC/CIB
2261 Hughes Ave., Ste 155
JB SA Lackland, TX 78236-9853

Portsmouth Fire Dept. Station 3
170 Court Street
Portsmouth, NH 03801

Barnport, LLC
Ocean Properties, LTD
1000 Market Street
Portsmouth, NH 03801

Town of Greenland
PO Box 100
Greenland, NH 03840

Town of Newington
205 Nimble Hill Road
Newington, NH 03801

City of Portsmouth
One Junkins Avenue
Portsmouth, NH 03801

30 International, LLC
39 Freetown Rd. Unit 1
Raymond, NH 03077

Wentworth-Douglas Hospital
PO Box 6240
Boston, MA 02114

Wastewater Treatment Plant
680 Peverly Hill Rd
Portsmouth, NH 03833

Two International Group, LLC
One NH Ave Suite 101
Portsmouth, NH 03833



Request for Appeal/Variance Application

For PDA Use Only:			
Date Submitted: 6/24/22	Municipal Review:	Fee:	
Application Complete:	Date Forwarded: 6/24/22 MS	Paid:	Check #:

Action Requested (please check one):	Appeal from Administrative Decision: []	Variance: [x]
--------------------------------------	--	---------------

Applicant Information

Applicant: LONZA, BARLO SIGNS AGENT	Contact Name: JENN ROBICHAUD
Address: 158 GREELEY ST HUDSON NH 03051	Business Phone: 603 966 6078
	Mobile Phone:
	Fax:

Site Information

Address: 101 INTERNATIONAL DRIVE		Frontage:
Description of Property: LONZA BIOLOGICS		Left Side:
		Right Side:
Zone(s) Location: ABC	Lot #: 0006	Rear:
Assessors Plan #: 0305/ 0006/ 0000/	Lot Area: 46AC	
Existing Use: RD FACILITY	Proposed Use: NEW/REPLACEMENT SIGNAGE	

Request for Appeal from Administrative Decision:

Applicable Rule/Regulation/Code Provision:	
Applicable Zoning Regulation:	
Interpretation Claimed:	
Administrative Decision from which appeal is sought:	

Variance:

Zoning Regulation(s) from which Variance is Sought: (PART 306.01(d) EXCEEDING AGGREGATE AREA FOR SIGNAGE, 200 SF PERMITTED 487.5 SF PROPOSED
Reason(s) Why Variance Should Be Granted Including Circumstances Which Constitute Unnecessary Hardship: UNIQUE FACILITY CONSISTING OF 46 ACR. BUILDING SIZE SUPPORTS VISUALLY A WALL SIGN AS PROPOSED

Please attach any required site plans or drawings to this application with a fee of \$ _____. All forms must be completely filled out and signed by the applicant or their agent before they will be accepted. Additional sheets may be attached if required. Completed forms must be returned to the PDA for a hearing by the PDA Zoning Adjustment and Appeals Committee or referral to the appropriate municipality. The applicant or their agent is required to attend the Public Hearing for the Appeal/Variance. If you have any questions, please contact the PDA Engineering Department at 603-433-6088.

Certification

I hereby certify under the penalties of perjury that the foregoing information and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge.		
06 21 2022	BARLO SIGNS JENN ROBICHAUD	BARLO SIGNS JENN ROBICHAUD
Date	Signature of Applicant	Printed Name

LANDLORD AUTHORIZATION

FOR PERMIT(S), VARIANCE(S), HEARING(S)
< MUST BE SIGNED BY LANDLORD OR OWNER OF THE PROPERTY
ON WHICH SIGNAGE IS BEING INSTALLED >

This document verifies that you are authorizing BARLO SIGNS to install signage on your property pursuant to the attached drawings as well as authorizing BARLO SIGNS to secure all related permits required by the local municipalities.

Barlo Signs cannot apply for permits or hearings until we receive the LANDLORD or PROPERTY OWNER'S authorization to do so.

I hereby authorize an Authorized Representative of Barlo Signs of Hudson, N.H., to APPLY FOR SIGN PERMITS for this site and to APPEAR BEFORE THE PLANNING BOARD and/or SIGN REVIEW BOARD and/or the ZBA for this site.

I hereby authorize BARLO SIGNS to install signage on my property exactly as shown in drawing # 220108943_1 Dated: 2/18/22

Sign location address: 101 International Drive Portsmouth, NH

Property Owner's Signature: 

Printed Name: Doug Herrin Associate Director Site CAPEX

Company Name: Lonza Biologics

Address: 101 International Drive
Portsmouth NH, 03801

Phone number: (603)928-8923

Date Signed: 11 APR 22

We cannot apply for permits or hearings until we receive your authorization. Thank you!

Reference JOB NAME: Lonza Biologics Job #: 21064

MOTION

Director Lamson:

The Pease Development Authority Board of Directors hereby approves of the requested change by Lonza Biologics to revise its monument sign and wall sign at 101 International Drive and refers the matter to the City of Portsmouth to review an application for variance; all in accordance with the memorandum of Maria J. Stowell, P.E., Engineering Manager dated June 6, 2022; attached hereto.

NOTE: Roll Call vote required.

MEMORANDUM

To: Paul Brean, Executive Director *Paul Brean*
 From: Maria J. Stowell, P.E., Engineering Manager *Maria*
 Date: June 6, 2022
 Subject: Signage for 101 International Drive

Lonza is requesting approval to revise its signage at 101 International Drive. Currently, Lonza has three signs identifying its building: a monument sign at the main 101 International Drive driveway; a wall sign that faces International Drive; and, a wall sign that faces the Spaulding Turnpike. Lonza is requesting approval to replace two of these, the monument sign and the Turnpike facing wall sign.

The proposed monument sign is similar in size and shape to the existing sign, however, the placement will be modified to be perpendicular to the street and the sign will be double faced. The current sign is single faced and set at an angle facing the street and driveway.

The proposed wall sign would be located at the opposite end of the building from the current sign location. The proposed sign is 46.5 feet wide by 8 feet high (372 square feet) while the existing is 21.33 feet by 3.67 feet (78.22 square feet).

As to lot signage area calculation, the following illustrates the existing lot signage and the impact of the proposal.

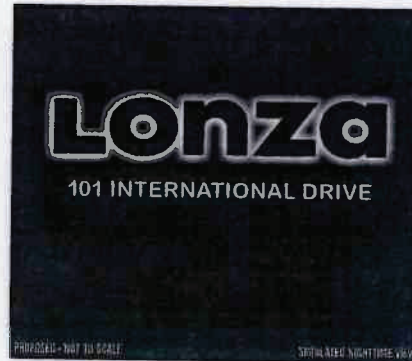
Sign Location	Sign Area: Existing	Sign Area: Proposed	Notes
Monument Sign	40.00 SF	37.28 SF	Slight Reorientation in Same Location
International Dr. Wall Sign	78.22 SF	78.22 SF	No Change
Spaulding Tpk. Wall Sign	78.22 SF	372.00 SF	Larger Sign, New Location
Total Area	196.44 SF	487.50 SF	Variance Required

The total proposed sign area would be more than the 200 square foot maximum allowed for this single lot. A variance would be required to install the signs as proposed.

Staff recommends approval of the Lonza sign request and believes it should be referred to the City of Portsmouth to review an application for variance. The circumstances giving rise to the variance request are unique to the Lonza facility. These circumstances include the lot size and the building size. The Lonza lot is 46 acres. The building dimensions adequately accommodate this larger sign. No other development on Pease compares in magnitude with this facility. The attachments depict the sign proposals. Please note sheet "Item B Elevation" that shows the larger sign in proportion to the building mass.

At next week's meeting, please ask the Board of Directors to approve Lonza's sign request as proposed.

N:\ENGINEER\Board Memos\2022\Lonza Sign.docx



SCOPE OF WORK

REMOVE & DISPOSE (1) EXISTING SINGLE FACE MONUMENT SIGN

MANUFACTURE & INSTALL (1) D/F 72" X 114" X 24" S/F MONUMENT SIGN. BACKER IS CAMBRIAN BLACK GRANITE AND BASE IS CALEDONIA GRANITE. "LONZA" COPY ARE FACE-LIT CHANNEL LETTERS W/ RACEWAY HOUSING POWER SUPPLIES ATTACHED TO BACK OF GRANITE. ADDRESS IS A FABRICATED ALUMINUM CABINET WITH ACRYLIC PUSH THRU COPY. POWER IS SELF CONTAINED.

INSTALL PERPENDICULAR TO THE ROAD IN SAME GENERAL DIRECTION.

**SITE SURVEY
REQUIRED**

ITEM SPECIFICATIONS - MONUMENT SIGN

CABINET/BACKER

BACKER: THERMAL FACES/BOTTOM - ROCK FACE SIDES/TOP - CAMBRIAN BLACK GRANITE

BASE: THERMAL TOP/BOTTOM - ROCK FACE SIDES - CALEDONIA GRANITE

CHANNEL LETTERS - "LONZA"

FACE: PTM White
TRIM: N/A
RETURN: 3" PTM MEDIUM GREY BEA
RACEWAY: 3" X 5" PTM BLACK

ADDRESS CABINET - "101 INTERNATIONAL..."

CABINET: 3" GLOSS BLACK BEA
COPY: WHITE ACRYLIC - PUSH THRU
RETAINER: N/A BLEED FACE

ILLUMINATION: HALO-LIT White LED

ILLUMINATION: White LED

TOTAL SQUARE FEET: N/A

EXISTING SQUARE FEET: N/A

Site electrical

ELECTRICAL WORK BY: BARLO OTHERS

New CIRCUITS REQ: 1 AMPS: 20 VOLTS: 120

Existing CIRCUITS REQ: AMPS: VOLTS:

UL REQ: YES NO LOCATION: WET DAMP DRY SERVICE SWITCH: YES NO
TIME CLOCK REQ: YES NO PHOTO EYE REQ: YES NO

This sign is intended to be installed in accordance with the requirements of Article 720 of the National Electrical Code and all applicable local codes. The contractor shall verify all details of the job.



PROPOSED - NOT TO SCALE



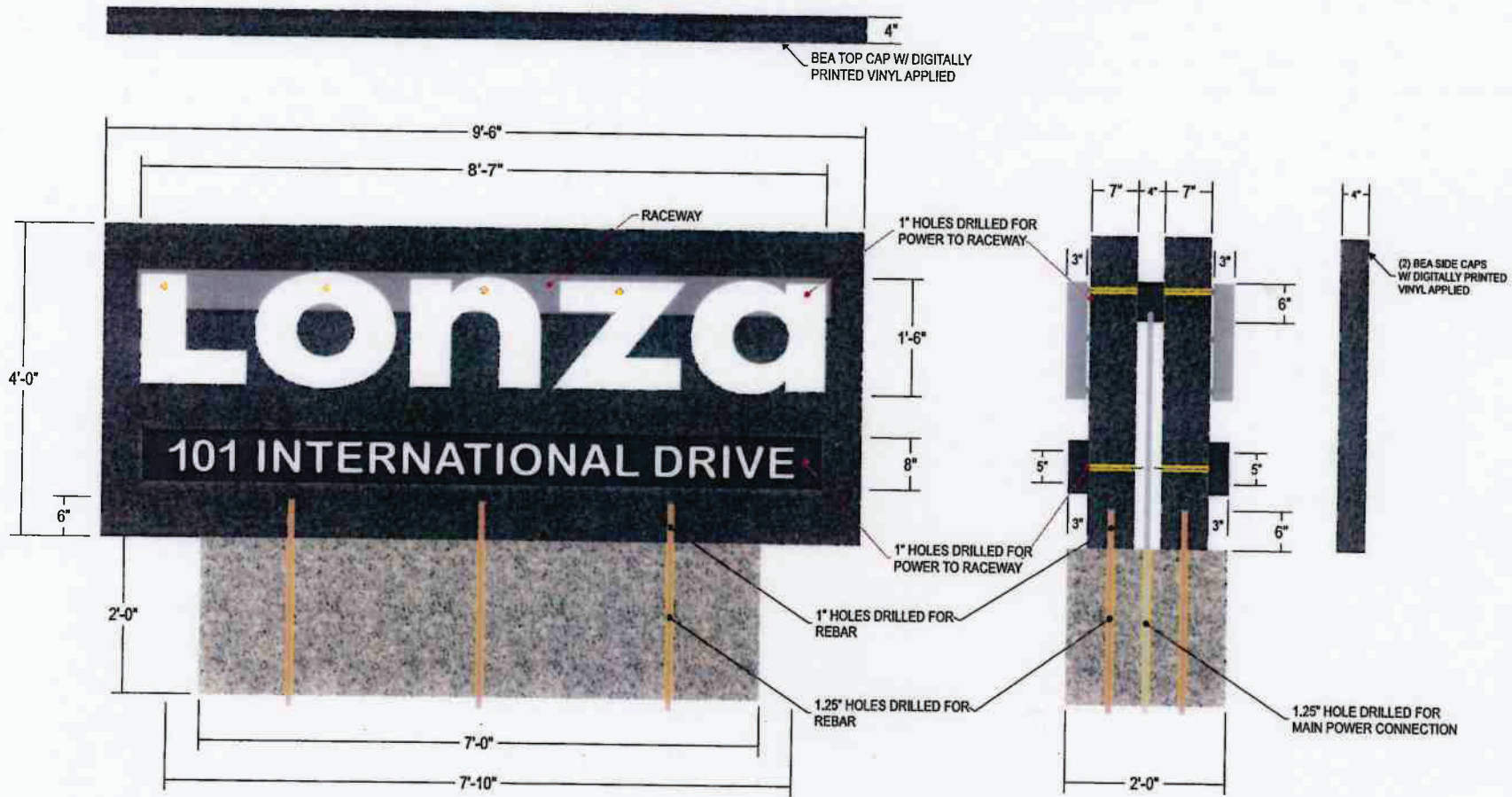
Client: Date:
Design: CJB Date: 07/07/20
Sales: Date:
Updating: Date:
Production: Date:

DESIGNER: CB
SALES REP: HARM
PK: BC

LONZA BIOLOGICS
101 INTERNATIONAL DRIVE
PORTSMOUTH, NH 03801-2846

01/20/2022

ITEM
A2
SHEET 2.0



BARLO



INTERNATIONAL



Client:	Date:
Design: CB	Date: 08/09/22
Sales:	Date:
Updating:	Date:
Production:	Date:

DESIGNER: CB
 SALES REP: HARN
 PM: BC

LONZA BIOLOGICS
 101 INTERNATIONAL DRIVE
 PORTSMOUTH, NH 03801-2846

01/20/2022

ITEM
A2

SHEET 2.1

W.O.#:

SCOPE OF WORK - BARLO

PG 1: REMOVE EXISTING LETTERS & SCRAI

SCOPE OF WORK - BARLOWEX

PG 1: ITEM A
FACE-LIT LETTERS ON RACEWAY

PG 2: ITEM B
FACE-LIT LETTERS ON RACEWAY

PG 3: ITEM C
RETROFIT ALUM FACE TO SIGN
ADD FACE-LIT NEON LETTERS

PG 4: ITEM D
1ST SURFACE WINDOW VINYL

PG 5: ITEM E
D/F PAN SIGN MTD BETWEEN
EXISTING POSTS

PG 6: ITEM F
1ST SURFACE WINDOW VINYL

PG 6: ITEM G
REMOVE EXISTING LETTERS;
STORAGE TBD

SCOPE OF WORK - SIGN/SUB

GENERAL NOTES

COATINGS

LETTERS

Returns: S.G BLACK
Face: WHITE PLEX
Trim: 2" WHITE
Neon: 6500 WHITE
Raceway: PTM BUILDING FMS (TBD)

SIGN DISPOSITION

Store for Barlo Leave @ Site Dispose
 Store for Customer Chargeable N/A

ALL COLORS ARE FOR REPRESENTATION ONLY
SEE ACTUAL SAMPLES FOR COLOR MATCH.
ALL FINISHES TO BE SEMI-GLOSS UNLESS OTHERWISE NOTED

UL Underwriters Laboratories Inc.

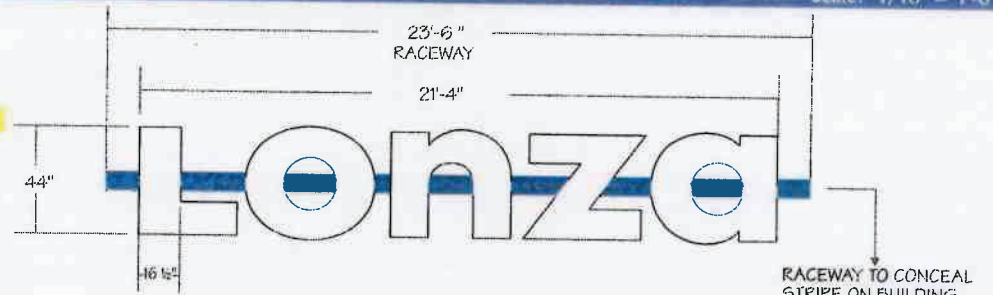
GENERAL INFO.

Qty: Sq. Ft: 78.2

C/F D/F HLL Non-HLL



EXISTING
NO CHANGE



ITEM A one set face-lit ncl's mounted on raceway
SCALE: 1/4" = 1'-0" 78.2 sq ft

LETTERS

Type:	Mat:	Net Size:	Box Depth:	Date Released for production:	By:
Face Mat:	Thickness:	Copy:		Rev. # / Date	Description / To Shop / To Mfg
Pole Cover Mat:	Hgt:	Depth:			
Interior <input checked="" type="checkbox"/> Exterior <input checked="" type="checkbox"/>	Face-Lit <input checked="" type="checkbox"/> Back-Lit <input type="checkbox"/>	Drain Holes: <input checked="" type="checkbox"/> N <input type="checkbox"/>			
Face Mat: PLEX	Th: 3/16"	Return Mat: .063 ALUM	Depth: 5"		
Mylar Size: 2"	Back Mat: .063 ALUM	Neon Rows: MM: 15			
Trans. Location: RCWY <input checked="" type="checkbox"/> 30MA <input checked="" type="checkbox"/> GOMA <input checked="" type="checkbox"/>	Wiring: 1/2 CX <input checked="" type="checkbox"/> Liqite <input checked="" type="checkbox"/> Wireway <input checked="" type="checkbox"/> N/A				
Housings: Glass <input checked="" type="checkbox"/> Pl's <input checked="" type="checkbox"/> Dbl Backs <input checked="" type="checkbox"/> N/A	Mfg. Nut Sort <input checked="" type="checkbox"/> Thru Back <input checked="" type="checkbox"/> < Clip <input type="checkbox"/>				

Job Name: LONZA BIOLOGICS	Location: 101 INTERNATIONAL DR., PORTSMOUTH, NH
Design Specifications Accepted By:	Drawn By: LT
Client:	Sales Rep: DM
Leadford:	Date: 2/11/04

BARLO SIGNS
158 Greeley St., Hudson, NH 03051
(603) 882-2638 Fax (603) 882-7680

File Name: LONZA (2-11) 040118
B-04-01-18 SHEET 1 OF 6

ELECTRIC	Existing	Required	
Circuits			
Amp			
Voltage			
U.L.			
STEEL	Existing	Required	
Size			
Length			
W. Thickness			
Stub Size			
Stub Length			
W. Thickness			
PLATE	W	L	Th
GUSSETS	W	L	Th
ANCHOR BOLTS	L	HOOK	Dia
CONCRETE BASE			
Depth	Width	Length	
	Yds.		

MATERIAL OPTIONS & ESTIMATE
BARLO:

MATERIAL OPTIONS & ESTIMATE
BARLOWEX

ITEM A TIME SUMMARY

0-Air/Eng.	5-Neon
1-Pat/Vin.	6-Finish
2-Let. Fab.	7-Paint
3-Screen	8-Install
4-Mat. Fnh	9-Misc.

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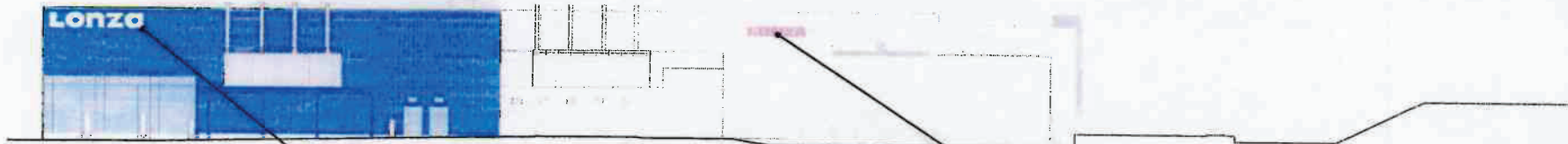
PROJECT # 770941

Client:	Date:
Design: CJS	Date: 00/00/00
Sales:	Date:
Updating:	Date:
Production:	Date:

DESIGNER: CB
 SALES REP: MARK
 POC: BC

LONZA BIOLOGICS
 101 INTERNATIONAL DRIVE
 PORTSMOUTH, NH 03801-2846
 01/20/2022

ITEM **B**
 ELEVATION
 SHEET 6.0

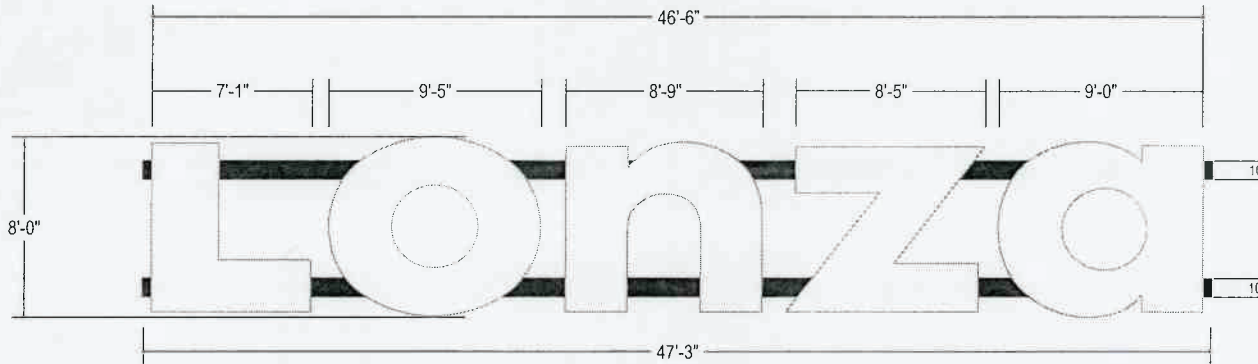


PROPOSED SIGN - 8' x 46' 6"
 TOTAL SQ. FT. 372 SQ. FT.

EXISTING SIGN - 44" x 23' 6"
 TO BE REMOVED BY BARLO.
 EXISTING SQ. FT. 78.22 TOTAL



SCALE: 3/16"=1'-0"



BARLO



INTERNATIONAL

100 W. 10th St., Suite 100, Portland, ME 04101
 TEL: (603) 876-1234 FAX: (603) 876-1234
 WWW.BARLOINTERNATIONAL.COM

PROJECT APPROVAL

Client:	Date:
Design: CJB	Date: 06/09/00
Sales:	Date:
Updating:	Date:
Production:	Date:



APPROX. SCALE: 1/32"=1'-0"

SCOPE OF WORK

MANUFACTURE & INSTALL (1) 8' X 46'-6" FACE-LIT LED ILLUMINATED CHANNEL LETTERS MOUNTED ON RACEWAYS.

SITE SURVEY
REQUIRED

MFG. SPECIFICATIONS: CHANNEL LETTERS

LETTERS
 FACE: 3/16" POLYCARBONATE
 TRIM: 3" WHITE METAL RETAINER
 RETURNS: HERON BLUE BEA 7"
 RACEWAYS: 10" HERON BLUE BEA
 ILLUMINATION: White LED

TOTAL SQUARE FEET: 372 NEW

EXISTING SQUARE FEET: ---

VARIANCE REQUIRED: N/A

Site electrical

ELECTRICAL WORK BY: BARLO OTHERS

New CIRCUITS REQ: 1 AMPS: 20 VOLTS: 120

Existing CIRCUITS REQ: ___ AMPS: ___ VOLTS: ___

UL REQ: YES NO LOCATION: WET DAMP DRY SERVICE SWITCH: YES NO

TIME CLOCK REQ: YES NO PHOTO EYE REQ: YES NO

This plan is intended to be used in accordance with the requirements of Article 690 of the National Electrical Code and applicable local codes. The contractor is responsible for obtaining all necessary permits.

DESIGNER: CB
 SALES REP: HARN
 PM: BC

LONZA BIOLOGICS

101 INTERNATIONAL DRIVE
 PORTSMOUTH, NH 03801-2846

01/20/2022

ITEM **B**

SHEET 4.0

Doug Herrin
Lonza Biologics
101 International Drive
Portsmouth, NH 038001

June 16, 2022

Re: Lonza 101 International Drive Sign Request Approval

Dear Mr. Herrin:

The Pease Development Authority Board of Directors at its June 16, 2022 meeting approved of the request to revise the monument and wall signs at 101 International Drive and refers the matter to the City of Portsmouth to review an application for a variance.

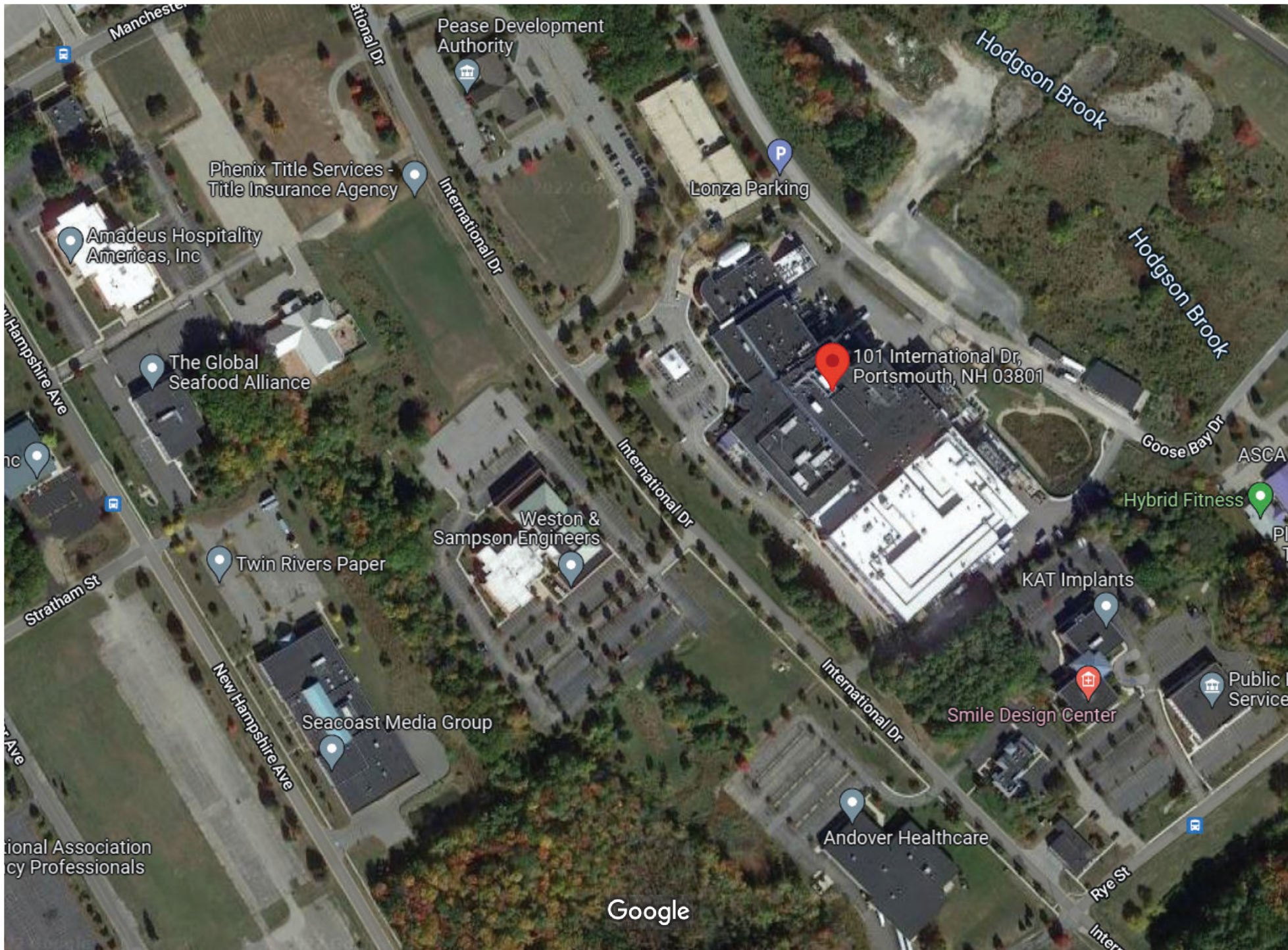
The proposed changes would result in 487.5 square feet of sign area for one lot where the maximum is 200 square feet per lot (Part 306.01(d).) The PDA Application for Variance is available at <https://peasedev.org/wp-content/uploads/2019/11/Request-for-Appeal-Variance-Application.pdf> Please complete the application and provide PDA with a copy and all attachments when you submit to the City of Portsmouth. PDA will provide the requisite abutters list.

The alteration as presented and approved consists of replacing the existing monument sign, removing the existing sign on the rear of the building, and installing a 372Sq foot sign in a different area on the rear of the building.

Sincerely,

Elizabeth Demaine
Engineering Administrative Assistant
Pease Development Authority

Cc: Jennifer Robichaud, Barlo Signs
Arthur Parrott, Chairman Portsmouth Zoning Board of Adjustment



THIS DRAWING PREPARED EXCLUSIVELY FOR:

Lonza

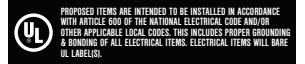
PORTSMOUTH, NH

BARLO



INTERNATIONAL

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PROJECT APPROVAL

Client: _____ Date: _____
 Design: CJB Date: 00/00/00
 Sales: _____ Date: _____
 Updating: _____ Date: _____
 Production: _____ Date: _____

DESIGNER: CB
 SALES REP: HARN
 PW: BC

LONZA BIOLOGICS
 101 INTERNATIONAL DRIVE
 PORTSMOUTH, NH 03801-2846
 01/20/2022

SHEET	ITEM	DESCRIPTION	REV #	REV DATE
1.0	A	MONUMENT SIGN - OPTION 1	1	-/-/22
2.0	A2	MONUMENT SIGN - OPTION 2	1	02/18/22
3.0	A3	MONUMENT SIGN - OPTION 2	1	-/-/22
4.0	B	CHANNEL LETTERS	1	02/18/22
5.0	C	WINDOW TINT VINYL	1	-/-/22
6.0	B	ITEM B - ELEVATION LOCATION	3	06/03/22
7.0	B	ITEM B - SITE PLAN LOCATION	3	06/03/22



CUSTOMER SIGNATURE _____

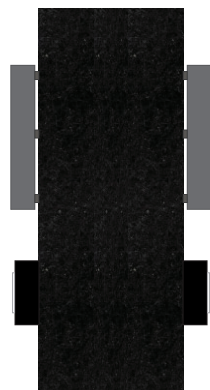
DATE _____

BY SIGNING YOU ARE APPROVING ALL COLORS, FONTS, ARTWORK, MEASUREMENTS AND INSTALL LOCATIONS DEPICTED IN THIS DRAWING PACKAGE. BARLO SIGNS INTERNATIONAL, INC. IS NOT RESPONSIBLE FOR COLOR VARIATIONS BETWEEN THIS PRINT AND THE FINAL PRODUCT. ALL COLORS MUST BE APPROVED AS DEFINED OR PER PROVIDED COLOR SAMPLE(S).



COVER

SHEET 0.0



PROPOSED - NOT TO SCALE

SIMULATED NIGHTTIME VIEW

EXISTING SIGN



SCOPE OF WORK

REMOVE & DISPOSE (1) EXISTING SINGLE FACE MONUMENT SIGN

MANUFACTURE & INSTALL (1) D/F 72" X 114" X 24" S/F MONUMENT SIGN. BACKER IS CAMBRIAN BLACK GRANITE AND BASE IS CALEDONIA GRANITE. "LONZA" COPY ARE FACE-LIT CHANNEL LETTERS W/ RACEWAY HOUSING POWER SUPPLIES ATTACHED TO BACK OF GRANITE. ADDRESS IS A FABRICATED ALUMINUM CABINET WITH ACRYLIC PUSH THRU COPY. POWER IS SELF CONTAINED.

INSTALL PERPENDICULAR TO THE ROAD IN SAME GENERAL DIRECTION.

SITE SURVEY REQUIRED

MFG. SPECIFICATIONS - MONUMENT SIGN

CABINET/BACKER

BACKER: THERMAL FACES/BOTTOM - ROCK FACE SIDES/TOP
- CAMBRIAN BLACK GRANITE

BASE: THERMAL TOP/BOTTOM - ROCK FACE SIDES - CALEDONIA GRANITE

CHANNEL LETTERS - "LONZA"

FACE: PTM White
TRIM: N/A
RETURNS: 3" PTM MEDIUM GREY BEA
RACEWAY: 3" X 5" PTM BLACK

ADDRESS CABINET - "101 INTERNATIONAL..."

CABINET: 3" GLOSS BLACK BEA
COPY: WHITE ACRYLIC - PUSH THRU
RETAINER: N/A BLEED FACE

ILLUMINATION: White LED

ILLUMINATION: HALO-LIT White LED

TOTAL SQUARE FEET: N/A

EXISTING SQUARE FEET: N/A

VARIANCE REQUIRED: N/A

Site electrical

ELECTRICAL WORK BY: BARLO OTHERS

New Existing

CIRCUITS REQ: 1 AMPS: 20 VOLTS: 120

CIRCUITS REQ: AMPS: VOLTS:

UL REQ: YES NO LOCATION: WET DAMP DRY SERVICE SWITCH: YES NO

TIME CLOCK REQ.: YES NO PHOTO EYE REQ.: YES NO

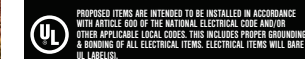
This sign is intended to be installed in accordance with the requirements of Article 600 of the National Electric Code and/or other applicable local codes. This includes proper grounding and bonding of the sign.



PROPOSED - NOT TO SCALE



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PROJECT APPROVAL

Client: _____ Date: _____
Design: CJB Date: 00/00/00
Sales: _____ Date: _____
Updating: _____ Date: _____
Production: _____ Date: _____

DESIGNER: CB
SALES REP: HARN
PM: BC
LONZA BIOLOGICS
101 INTERNATIONAL DRIVE
PORTSMOUTH, NH 03801-2846
01/20/2022

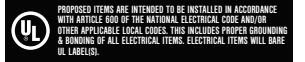
ITEM
A2

SHEET 2.0



INTERNATIONAL

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PROJECT APPROVAL

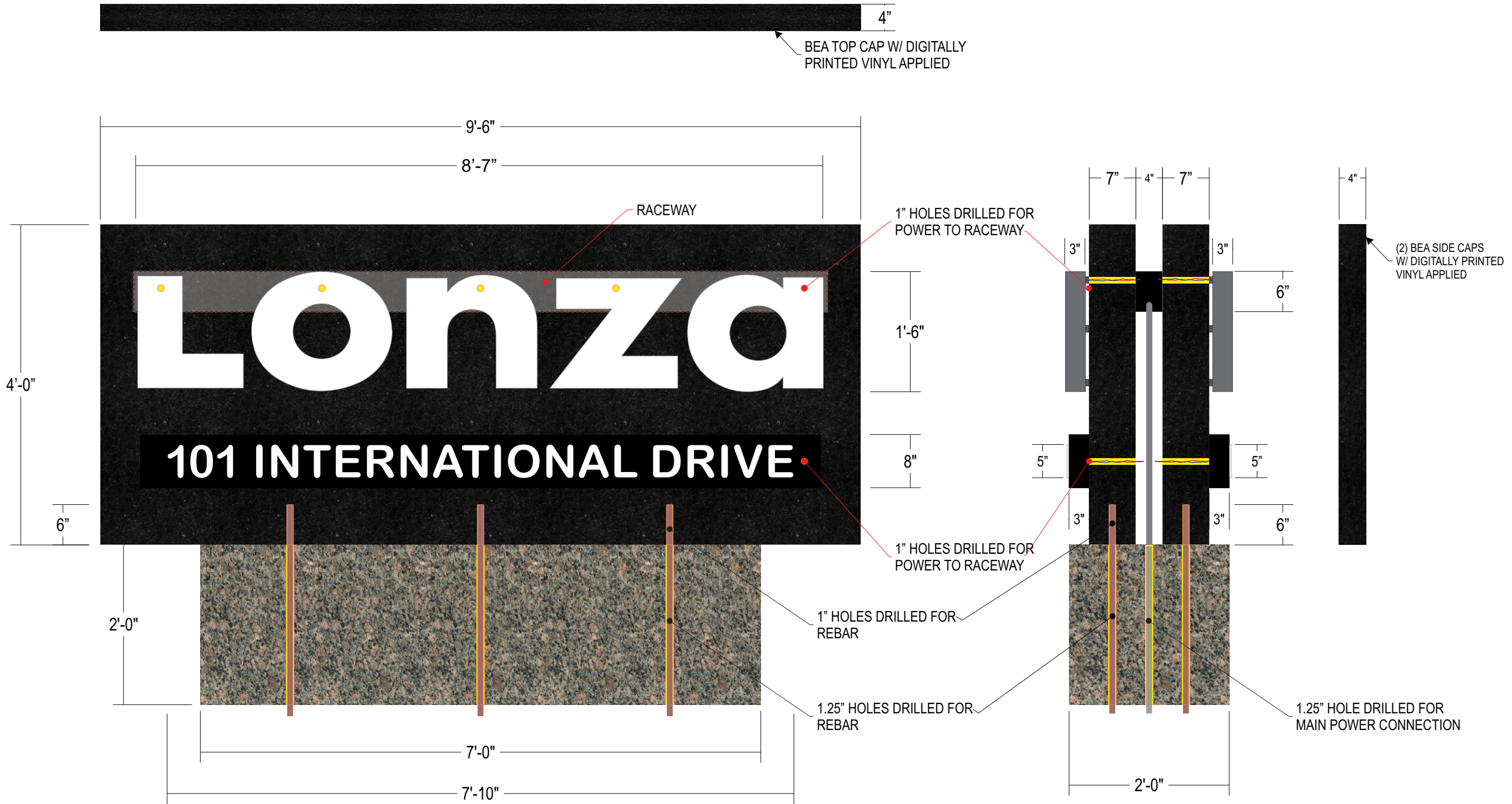
Client:	Date:
Design: CJB	Date: 00/00/00
Sales:	Date:
Updating:	Date:
Production:	Date:

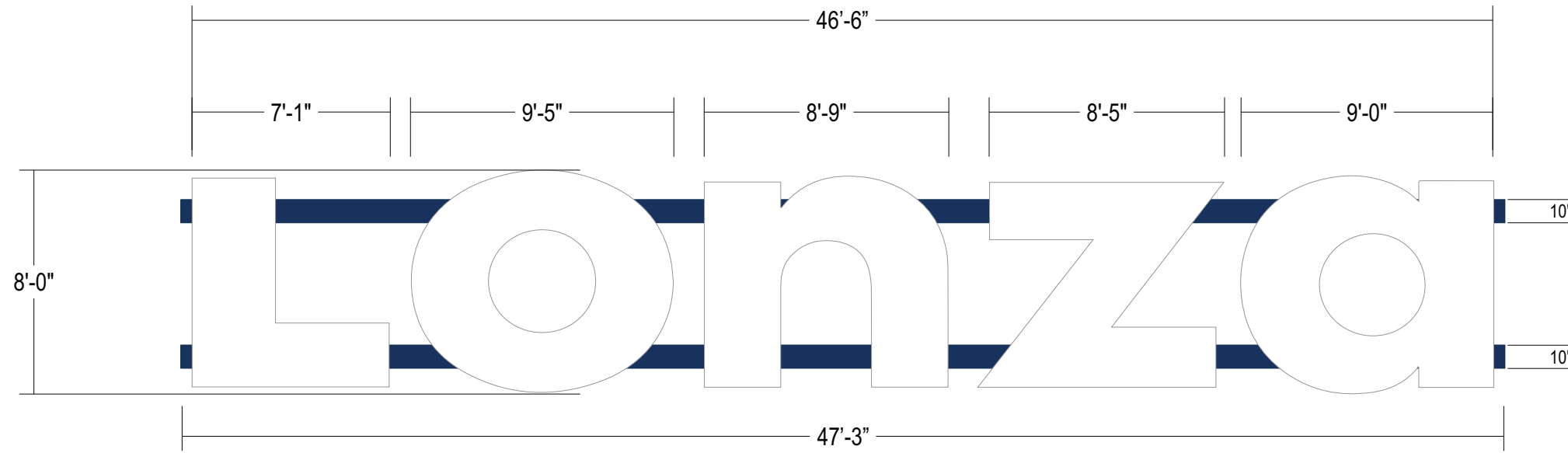
DESIGNER: CB
 SALES REP: HARN
 PW: BC

LONZA BIOLOGICS
 101 INTERNATIONAL DRIVE
 PORTSMOUTH, NH 03801-2846
 01/20/2022

ITEM
A2

SHEET 2.1





PROJECT APPROVAL

Client:	Date:
Design: CJB	Date: 00/00/00
Sales:	Date:
Updating:	Date:
Production:	Date:



SCOPE OF WORK

MANUFACTURE & INSTALL (1) 8' X 46' 6" FACE-LIT LED ILLUMINATED CHANNEL LETTERS MOUNTED ON RACEWAYS.

**SITE SURVEY
REQUIRED**

MFG. SPECIFICATIONS - CHANNEL LETTERS

LETTERS

FACE: 3/16" POLYCARBONATE
 TRIM: 3" WHITE METAL RETAINER
 RETURNS: HERON BLUE BEA 7"
 RACEWAYS: 10" HERON BLUE BEA

ILLUMINATION: White LED

TOTAL SQUARE FEET: 372 NEW

EXISTING SQUARE FEET: --

VARIANCE REQUIRED: N/A

Site electrical

ELECTRICAL WORK BY: BARLO OTHERS

New CIRCUITS REQ: 1 AMPS: 20 VOLTS: 120

Existing CIRCUITS REQ: AMPS: VOLTS:

UL REQ: YES NO LOCATION: WET DAMP DRY SERVICE SWITCH: YES NO

TIME CLOCK REQ.: YES NO PHOTO EYE REQ.: YES NO

This sign is intended to be installed in accordance with the requirements of Article 600 of the National Electric Code and/or other applicable local codes. This includes proper grounding and bonding of the sign.

LONZA BIOLOGICS
 101 INTERNATIONAL DRIVE
 PORTSMOUTH, NH 03801-2846
 01/20/2022

DESIGNER: CB
 SALES REP: HARN
 PM: BC

ITEM B

SHEET 4.0



INTERNATIONAL

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PROPOSED ITEMS ARE INTENDED TO BE INSTALLED IN ACCORDANCE WITH ARTICLE 600 OF THE NATIONAL ELECTRICAL CODE AND/OR OTHER APPLICABLE LOCAL CODES. THIS INCLUDES PROPER GROUNDING & BONDING OF ALL ELECTRICAL ITEMS. ELECTRICAL ITEMS WILL BARE UL LABELS.

PROJECT APPROVAL

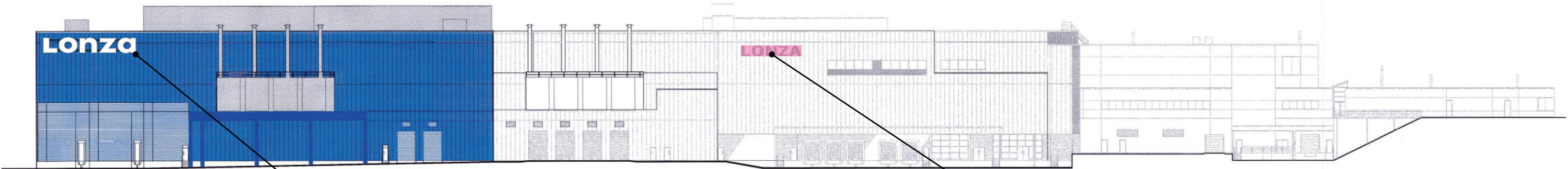
Client: _____ Date: _____
Design: CJB Date: 00/00/00
Sales: _____ Date: _____
Updating: _____ Date: _____
Production: _____ Date: _____

DESIGNER: CB
SALES REP: HARN
PM: BC

LONZA BIOLOGICS
101 INTERNATIONAL DRIVE
PORTSMOUTH, NH 03801-2846
01/20/2022

ITEM **B**
ELEVATION

SHEET 6.0



PROPOSED SIGN. - 8' x 46' 6"
TOTAL SQ. FT. 372 SQ. FT.

EXISTING SIGN - 44" x 23' 6"
TO BE REMOVED BY BARLO.
EXISTING SQ. FT. 78.22 TOTAL



APPROX. SCALE: 1/32"=1'-0"

SITE DATA BLOCK

LESSOR: PEASE DEVELOPMENT AUTHORITY
 55 INTERNATIONAL DRIVE
 PORTSMOUTH NH, 03801
 APPLICANT: LONZA BIOLOGICS, INC.
 101 INTERNATIONAL DRIVE
 PORTSMOUTH NH, 03801
 LOCATION: 101 INTERNATIONAL DRIVE 55 INTERNATIONAL DRIVE 70 & 80 CORPORATE DRIVE
 PORTSMOUTH NH, 03801 PORTSMOUTH NH, 03801 PORTSMOUTH NH, 03801
 MAP 305 LOT 6 MAP 305 LOT 7 MAP 305 LOTS 1&2
 ZONING DISTRICT: AIRPORT BUSINESS AND COMMERCIAL ZONE (ABC)
 PROPOSED USES: OFFICE/MANUFACTURING/RESEARCH AND DEVELOPMENT

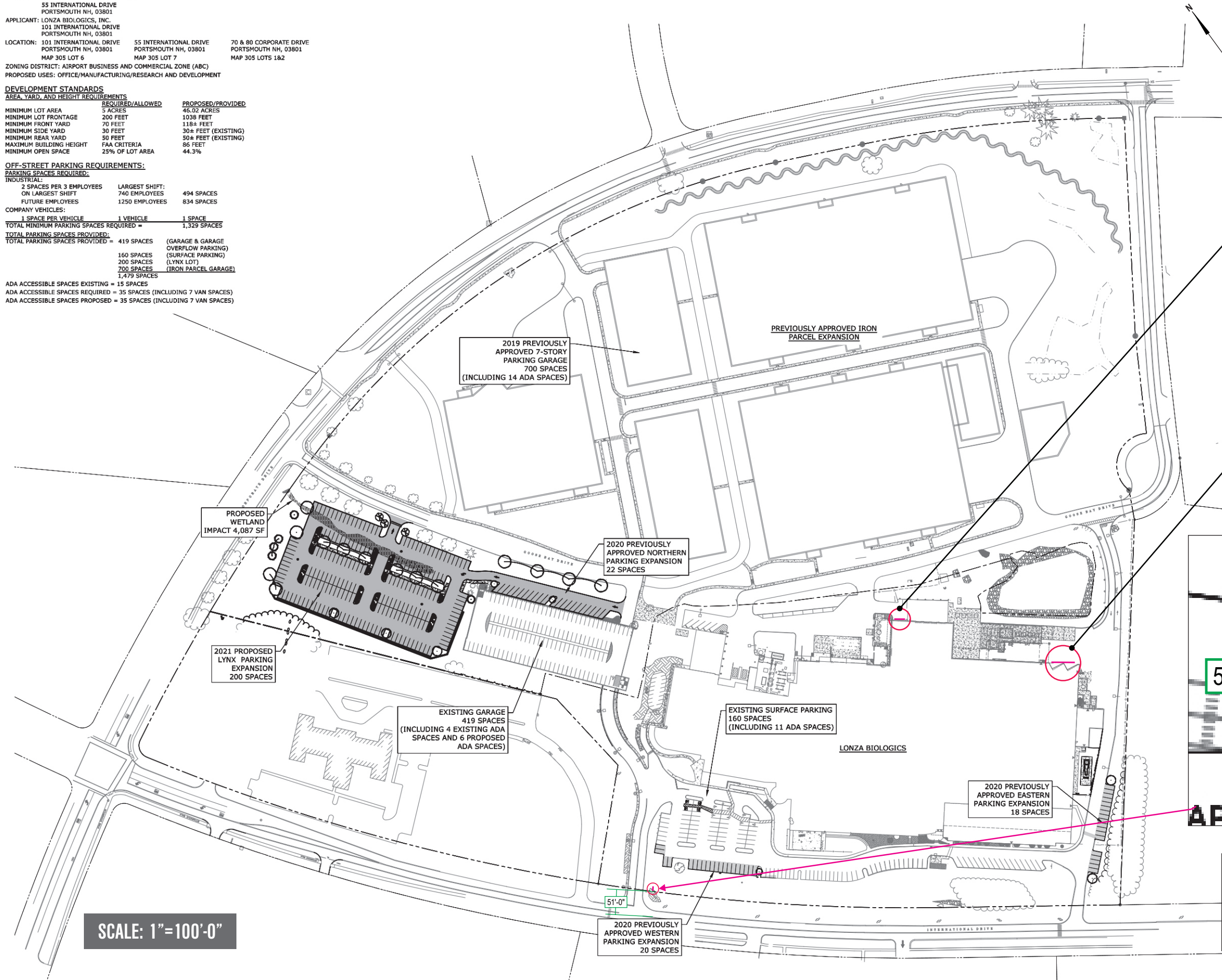
DEVELOPMENT STANDARDS
AREA, YARD, AND HEIGHT REQUIREMENTS

	REQUIRED/ALLOWED	PROPOSED/PROVIDED
MINIMUM LOT AREA	5 ACRES	46.02 ACRES
MINIMUM LOT FRONTAGE	200 FEET	1038 FEET
MINIMUM FRONT YARD	70 FEET	118± FEET
MINIMUM SIDE YARD	30 FEET	30± FEET (EXISTING)
MINIMUM REAR YARD	50 FEET	50± FEET (EXISTING)
MAXIMUM BUILDING HEIGHT	FAA CRITERIA	86 FEET
MINIMUM OPEN SPACE	25% OF LOT AREA	44.3%

OFF-STREET PARKING REQUIREMENTS:
PARKING SPACES REQUIRED:

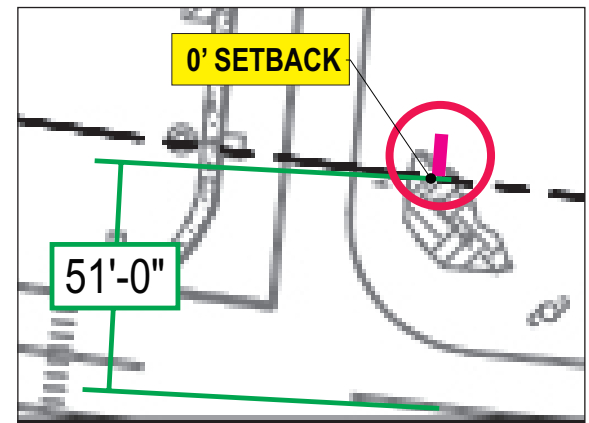
INDUSTRIAL:	LARGEST SHIFT:	
2 SPACES PER 3 EMPLOYEES	740 EMPLOYEES	494 SPACES
FUTURE EMPLOYEES	1250 EMPLOYEES	834 SPACES
COMPANY VEHICLES:		
1 SPACE PER VEHICLE	1 VEHICLE	1 SPACE
TOTAL MINIMUM PARKING SPACES REQUIRED =		
1,329 SPACES		
TOTAL PARKING SPACES PROVIDED:		
419 SPACES	(GARAGE & GARAGE OVERFLOW PARKING)	
160 SPACES	(SURFACE PARKING)	
200 SPACES	(LYNX LOT)	
700 SPACES	(IRON PARCEL GARAGE)	
1,479 SPACES		

ADA ACCESSIBLE SPACES EXISTING = 15 SPACES
 ADA ACCESSIBLE SPACES REQUIRED = 35 SPACES (INCLUDING 7 VAN SPACES)
 ADA ACCESSIBLE SPACES PROPOSED = 35 SPACES (INCLUDING 7 VAN SPACES)



EXISTING SIGN TO BE REMOVED BY BARLO. EXISTING SQ. FT. 78.22 TOTAL

PROPOSED SIGN. TOTAL SQ. FT. 372 SQ. FT.



2020 PREVIOUSLY APPROVED WESTERN PARKING EXPANSION 20 SPACES

PROPOSED MONUMENT SIGN. 38 TOTAL SQUARE FEET.

SCALE: 1"=100'-0"



INTERNATIONAL
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 PROPOSED ITEMS ARE INTENDED TO BE INSTALLED IN ACCORDANCE WITH ARTICLE 600 OF THE NATIONAL ELECTRICAL CODE AND/OR OTHER APPLICABLE LOCAL CODES. THIS INCLUDES PROPER GROUNDING & BONDING OF ALL ELECTRICAL ITEMS. ELECTRICAL ITEMS WILL BARE UL LABELS.

PROJECT APPROVAL

Client: _____ Date: _____
 Design: CJB Date: 00/00/00
 Sales: _____ Date: _____
 Updating: _____ Date: _____
 Production: _____ Date: _____

DESIGNER: CB
 SALES REP: HARN
 PW: BC

LONZA BIOLOGICS
 101 INTERNATIONAL DRIVE
 PORTSMOUTH, NH 03801-2846
 01/20/2022

ITEM SITE PLAN B

SHEET 7.0

W.O.#:

SCOPE OF WORK - BARLO

REMOVE EXISTING LETTERS FROM SIGN FACE

SCOPE OF WORK - BARLOMEX

PG 3: ITEM C
RETROFIT ALUM FACE TO SIGN
ADD FACE-LIT NEON LETTERS

SCOPE OF WORK - SIGN/SUB

GENERAL NOTES

COLORS

ALUMINUM PANEL W/ FACE-LIT NCL'S
Returns: SIG BLACK
Face: WHITE PLEX
Trim: 1" WHITE
Neon: 6500 WHITE
Raceway: N/A
Aluminum Face: PTM BUILDING (TBD)

SIGN DISPOSITION

Store for Barlo Leave @ Site Dispose
 Store for Customer Chargeable N/A

ALL COLORS ARE FOR REPRESENTATION ONLY.
SEE ACTUAL SAMPLES FOR COLOR MATCH.
ALL FINISHES TO BE SEMI-GLOSS UNLESS OTHERWISE NOTED



GENERAL INFO.

Qty: S/F D/F ILL. Non-ILL
Sq. Ft: 40



ITEM C remove letters on existing sign; retrofit aluminum panel to sign; add face-lit neon letters
SCALE: 1/2" = 1'-0" 40 sq ft

EXISTING MONUMENT TO BE REPLACED
SAME LOCATION



ELECTRIC	Existing	Required	
Circuits			
Amp			
Voltage			
U.L.			
STEEL	Existing	Required	
Size			
Length			
W. Thickness			
Stub Size			
Stub Length			
W. Thickness			
PLATE	W	L	Th
GUSSETS	W	L	Th
ANCHOR BOLTS	L	HOOK	Dia

CONCRETE BASE

Depth _____ Width _____ Length _____
_____ Yds.

MATERIAL OPTIONS & ESTIMATE
BARLO:

MATERIAL OPTIONS & ESTIMATE
BARLOMEX

ITEM A TIME SUMMARY

0-Art/Eng. _____	5-Neon _____
1-Pat/Vin. _____	6-Finish _____
2-Let. Fab. _____	7-Paint _____
3-Screen _____	8-Install _____
4-Met. Fab. _____	9-Misc. _____

SIGN	Type:	Mat:	Ret. Size:	Box Depth:	Date Released for production: By:			
	Face Mat:	Thickness:	Copy:	Rev.#	Date	Description	To Shop	To Mex
LETTERS	Pole Cover Mat.	Hgt:	Depth:					
	Interior Exterior	Face-Lit Back-Lit	Drain Holes: Y N					
	Face Mat:	Th:	Return Mat:	Depth:				
	Mylar Size:	Back Mat:	Neon Rows:	MM:				
	Trans. Location:	30MA 60MA	Wiring:	1/2 BX 1/2 Liqite Wireway N/A				
	Housings:	Glass Pk's Dbl.Backs N/A	Mtg.	Nut Sert Thru Back < Clip				
			Engineering:	Production:	Estimating:			
			Check By:	Survey:	Sales:			

Job Name: LONZA BIOLOGICS
Location: 101 INTERNATIONAL DR., PORTSMOUTH, NH
Design Specifications Accepted By: _____
Drawn By: LT
Client: _____
Sales Rep: DM
Landlord: _____
Date: 2/11/04
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BARLO SIGNS
158 Greeley St., Hudson, NH 03051
(603) 882-2638 Fax (603) 882-7680

File Name: LONZA (2-11) 040118
B-04-01-18 SHEET 3 OF 6

W.O.#:

SCOPE OF WORK - BARLO

SCOPE OF WORK - BARLOMEX

PG 2: ITEM B
FACE-LIT LETTERS ON RACEWAY

SCOPE OF WORK - SIGN/SUB

GENERAL NOTES

COLORS

LETTERS

Returns: SIG BLACK
Face: WHITE PLEX
Trim: 2" WHITE
Neon: 6500 WHITE
Raceway: PTM BUILDING PMS (TBD)

SIGN DISPOSITION

Store for Barlo Leave @ Site Dispose
 Store for Customer Chargeable N/A

ALL COLORS ARE FOR REPRESENTATION ONLY.
SEE ACTUAL SAMPLES FOR COLOR MATCH.
ALL FINISHES TO BE SEMI-GLOSS UNLESS OTHERWISE NOTED

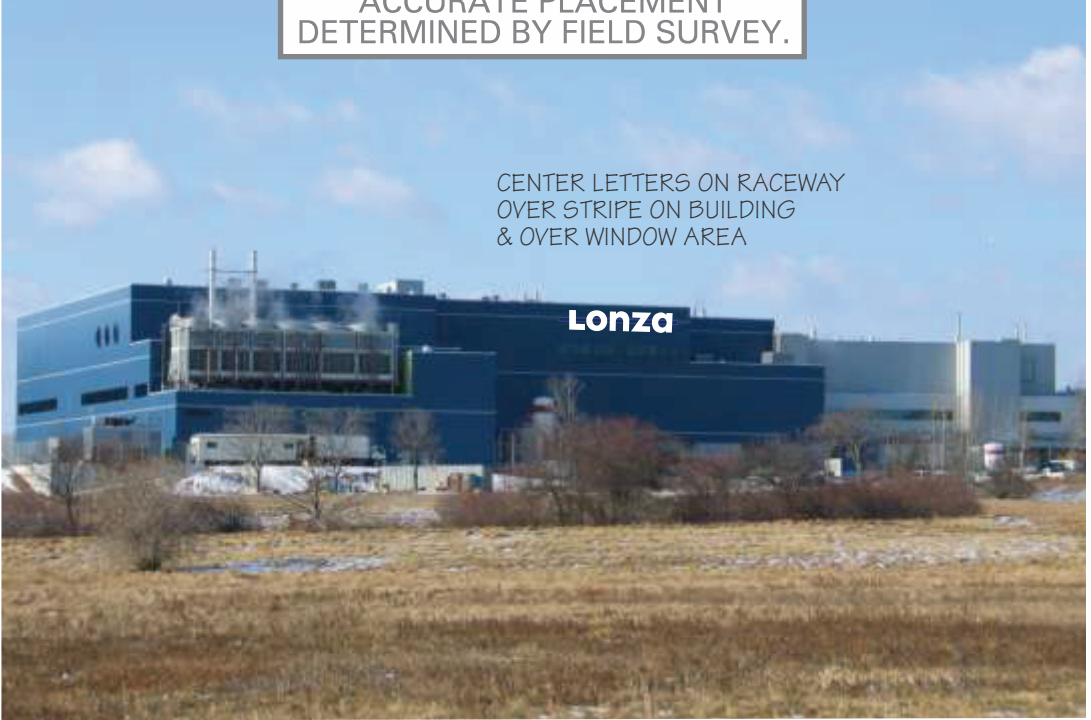


GENERAL INFO.

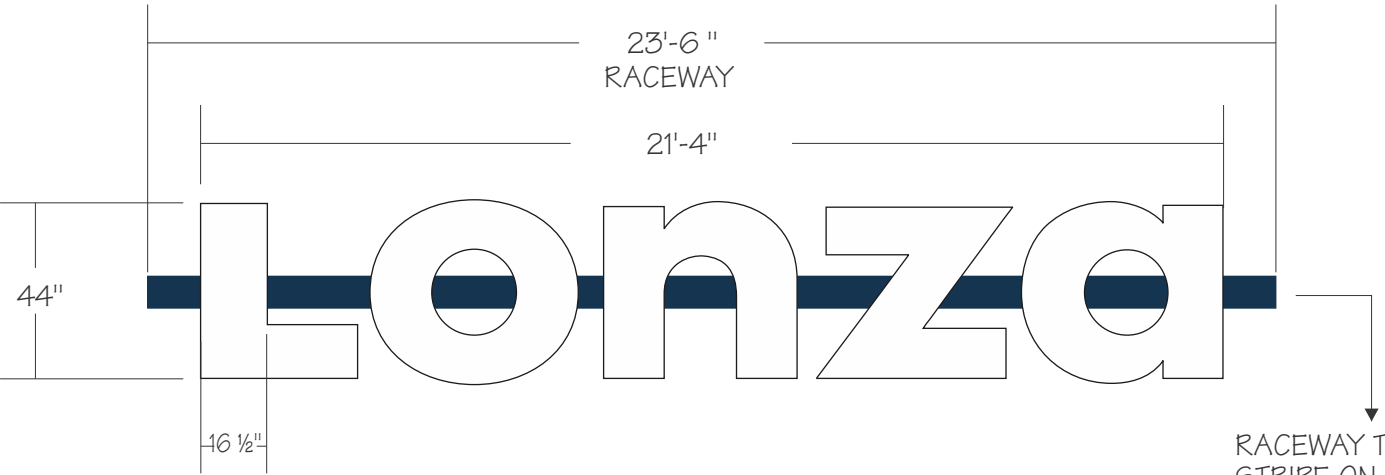
Qty: S/F D/F ILL. Non-ILL
Sq. Ft: 78.2

EXISTING
REMOVING

PLACEMENT ON PHOTO
FOR REPRESENTATION ONLY;
ACCURATE PLACEMENT
DETERMINED BY FIELD SURVEY.



REAR ELEVATION PHOTO Scale: approx 1/32" = 1'-0"



ITEM B one set face-lit ncl's mounted on raceway
SCALE: 1/4" = 1'-0" 78.2 sq ft

RACEWAY TO CONCEAL STRIPE ON BUILDING FOR BETTER LETTER VISIBILITY;
VERIFY WIDTH OF STRIPE FOR CORRECT RACEWAY SIZE

ELECTRIC	Existing	Required	
Circuits			
Amp			
Voltage			
U.L.			
STEEL	Existing	Required	
Size			
Length			
W. Thickness			
Stub Size			
Stub Length			
W. Thickness			
PLATE	W	L	Th
GUSSETS	W	L	Th
ANCHOR BOLTS	L	HOOK	Dia

CONCRETE BASE

Depth _____ Width _____ Length _____
Yds.

MATERIAL OPTIONS & ESTIMATE
BARLO:

MATERIAL OPTIONS & ESTIMATE
BARLOMEX

ITEM A TIME SUMMARY

0-Art/Eng. _____	5-Neon _____
1-Pat/Vin. _____	6-Finish _____
2-Let. Fab. _____	7-Paint _____
3-Screen _____	8-Install _____
4-Met. Fab. _____	9-Misc. _____

BARLO SIGNS
158 Greeley St., Hudson, NH 03051
(603) 882-2638 Fax (603) 882-7680

File Name: LONZA (2-11) 040118
B-04-01-18 SHEET 2 OF 6

SIGNS	Type:	Mat:	Ret. Size:	Box Depth:	Date Released for production:	By:	Job Name: LONZA BIOLOGICS Location: 101 INTERNATIONAL DR., PORTSMOUTH, NH Design Specifications Accepted By: _____ Client: _____ Landlord: _____ Date: 2/11/04		
	Face Mat:	Thickness:	Copy:	Rev.#	Date	Description		To Shop	To Mex
	Pole Cover Mat.	Hgt:	Depth:						
	Interior <input type="radio"/> Exterior <input type="radio"/>	Face-Lit <input type="radio"/> Back-Lit <input type="radio"/>	Drain Holes: <input checked="" type="radio"/> Y <input type="radio"/> N						
LETTERS	Face Mat: PLEX	Th: 3/16"	Return Mat: .063 ALUM	Depth: 5"	Print Approval Date			© COPYRIGHT 2004 THE BARLO GROUP THIS DESIGN IS THE PROPERTY OF THE BARLO GROUP. ALL PRODUCTION AND DUPLICATION RIGHTS ARE RESERVED BY THE BARLO GROUP. THIS PRINT IS DESIGNED FOR YOUR PERSONAL USE AND IS NOT TO BE USED OUTSIDE YOUR ORGANIZATION OR EXHIBITED IN ANY FASHION. 	
	Mylar Size: 2"	Back Mat: .063 ALUM	Neon	Rows: MM: 15	Engineering:	Production:	Estimating:		
	Trans. Location: RCWY <input type="radio"/> 30MA <input type="radio"/> 60MA <input type="radio"/>	Wiring: 1/2 BX <input type="radio"/> 1/2 Liqite <input type="radio"/> Wireway <input type="radio"/> N/A	Housings: Glass <input type="radio"/> Pk's <input type="radio"/> Dbl. Backs <input type="radio"/> N/A	Mtg. Nut Sert <input type="radio"/> Thru Back <input type="radio"/> < Clip <input type="radio"/>	Check By:	Survey:	Sales:		

W.O.#:

SCOPE OF WORK - BARLO

PG 1:
REMOVE EXISTING LETTERS & SCRAP

SCOPE OF WORK - BARLOMEX

PG 1: ITEM A
FACE-LIT LETTERS ON RACEWAY

PG 2: ITEM B
FACE-LIT LETTERS ON RACEWAY

PG 3: ITEM C
RETROFIT ALUM FACE TO SIGN
ADD FACE-LIT NEON LETTERS

PG 4: ITEM D
1ST SURFACE WINDOW VINYL

PG 5: ITEM E
D/F PAN SIGN MTD BETWEEN
EXISTING POSTS

PG 6: ITEM F
1ST SURFACE WINDOW VINYL

PG 6: ITEM G
REMOVE EXISTING LETTERS;
STORAGE TBD

SCOPE OF WORK - SIGN/SUB

GENERAL NOTES

COLORS

LETTERS

Returns: S/G BLACK
Face: WHITE PLEX
Trim: 2" WHITE
Neon: 6500 WHITE
Raceway: PTM BUILDING PMS (TBD)

SIGN DISPOSITION

Store for Barlo Leave @ Site Dispose
 Store for Customer Chargeable N/A

ALL COLORS ARE FOR REPRESENTATION ONLY.
SEE ACTUAL SAMPLES FOR COLOR MATCH.
ALL FINISHES TO BE SEMI-GLOSS UNLESS OTHERWISE NOTED



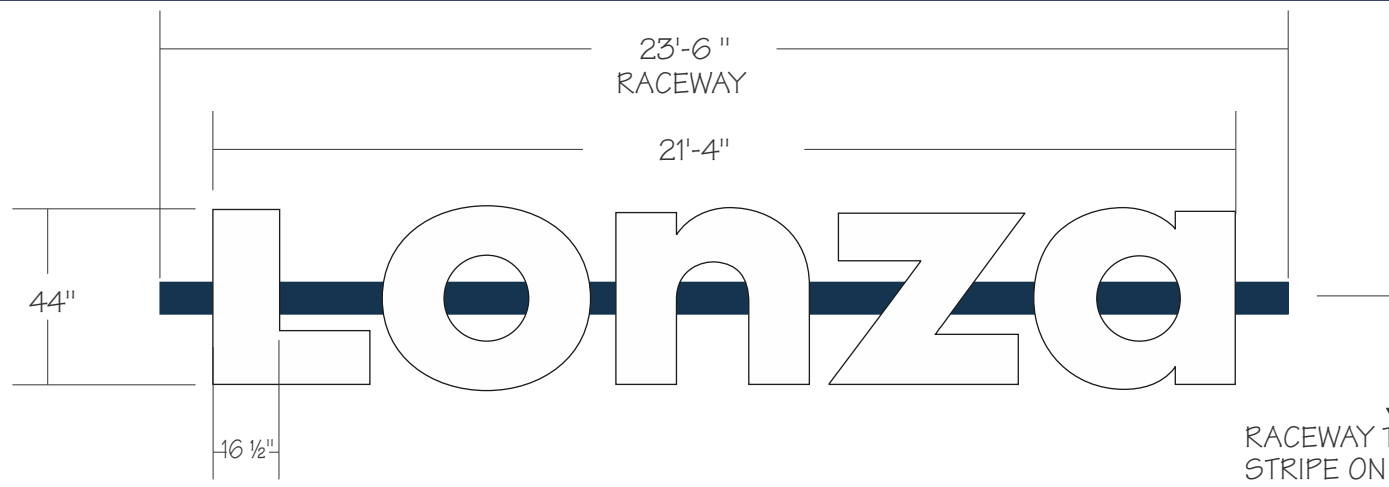
GENERAL INFO.

Qty: S/F D/F ILL. Non-ILL
Sq. Ft: 78.2



FRONT ELEVATION PHOTO Scale: 1/16" = 1'-0"

EXISTING
NO CHANGE



ITEM A one set face-lit ncl's mounted on raceway
SCALE: 1/4" = 1'-0" 78.2 sq ft

RACEWAY TO CONCEAL
STRIPE ON BUILDING
FOR BETTER LETTER
VISIBILITY;
VERIFY WIDTH OF STRIPE
FOR CORRECT RACEWAY
SIZE

ELECTRIC	Existing	Required
Circuits		
Amp		
Voltage		
U.L.		

STEEL	Existing	Required
Size		
Length		
W. Thickness		
Stub Size		
Stub Length		
W. Thickness		

PLATE	W	L	Th
GUSSETS	W	L	Th
ANCHOR BOLTS	L	HOOK	Dia

CONCRETE BASE

Depth _____ Width _____ Length _____
Yds.

MATERIAL OPTIONS & ESTIMATE

BARLO:

MATERIAL OPTIONS & ESTIMATE

BARLOMEX

ITEM A TIME SUMMARY

0-Art/Eng. _____ 5-Neon _____
1-Pat/Vin. _____ 6-Finish _____
2-Let. Fab. _____ 7-Paint _____
3-Screen _____ 8-Install _____
4-Met. Fab. _____ 9-Misc. _____



File Name: LONZA (2-11) 040118

B-04-01-18 SHEET 1 OF 6

SIGN	Type:	Mat:	Ret. Size:	Box Depth:	Date Released for production: _____ By: _____			
	Face Mat:	Thickness:	Copy:		Rev.#	Date	Description	To Shop To Mex
LETTERS	Pole Cover Mat.	Hgt:	Depth:					
	Interior <input type="radio"/> Exterior <input checked="" type="radio"/>	Face-Lit <input checked="" type="radio"/> Back-Lit <input type="radio"/>	Drain Holes: <input checked="" type="radio"/> Y <input type="radio"/> N					
	Face Mat: PLEX Th: 3/16"	Return Mat: .063 ALUM	Depth: 5"					
	Mylar Size: 2"	Back Mat: .063 ALUM	Neon Rows: MM: 15					
	Trans. Location: RCWY <input checked="" type="radio"/> 30MA <input type="radio"/> 60MA	Wiring: 1/2 BX <input checked="" type="radio"/> 1/2 Liqite <input type="radio"/> Wireway N/A						
	Housings: Glass Pk's <input checked="" type="radio"/> Dbl. Backs <input type="radio"/> N/A	Mtg. Nut Sert <input checked="" type="radio"/> Thru Back <input type="radio"/> < Clip						
					Print Approval Date			
					Engineering:	Production:	Estimating:	
					Check By:	Survey:	Sales:	

Job Name: LONZA BIOLOGICS

Location: 101 INTERNATIONAL DR., PORTSMOUTH, NH

Design Specifications Accepted By: _____ Drawn By: LT

Client: _____ Sales Rep: DM

Landlord: _____ Date: 2/11/04

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APPLICANT'S NARRATIVE
RICHARD P. FUSEGNI
201 Kearsarge Way, Portsmouth, New Hampshire
Tax Map 218, Lot 5

The Applicant, Richard P. Fusegni, is seeking to subdivide the existing lot located at 201 Kearsarge Way into three (3) single-family residential lots.

The property is in the SRB district. The lots will be conforming to the dimensional requirements of the ordinance with the exception of proposed Lot 3, which will have 83 feet of continuous street frontage where 100 feet is required. 10.521.

In the fall of 2019, this Board granted the Applicant a substantially identical variance. Planning Board approval of the subdivision was obtained. However, the necessary drainage system would have required the removal of a significant number of trees from the rear of the new lots. This was not acceptable to the Applicant, and he did not move forward with the plan. The approvals have now expired. The Applicant and engineer have modified the design to mitigate the impacts on the existing trees and the Applicant is now prepared to execute the three lot subdivision plan, as amended. As noted above, a frontage variance is necessary for Lot 3.

Submitted herewith are the following:

- A) Subdivision plan set revised July 20, 2022;
- B) Existing Conditions photos;
- C) Current tax map and existing conditions photos;
- D) Original application materials dated September 3, 2019;
- E) Minutes of September 17, 2019 BOA meeting;
- F) Board of Adjustment Notice of Decision dated September 24, 2019; and
- G) Planning Board Notice of Decision dated March 2, 2020.

Other than the passage of time, no significant change of conditions affecting the property or the zoning ordinance has occurred. Accordingly, for the reasons set forth in the original application and the decision of this Board granting the required relief, the Applicant respectfully submits that granting the requested variance is appropriate at this time.

Respectfully submitted,

Dated: July 21, 2022

Chris Mulligan
Christopher P. Mulligan, Esquire

3.

The request of **Richard P. Fusegni (Owner)**, for property located at **201 Kearsarge Way** whereas relief is needed to subdivide one lot into three lots which requires the following: 1) A Variance from Section 10.521 to allow 82.5 feet of street frontage where 100 feet is required for proposed Lot 3. Said property is located on Assessor Map 218 Lot 5 and lies within the Single Residence B (SRB) District.

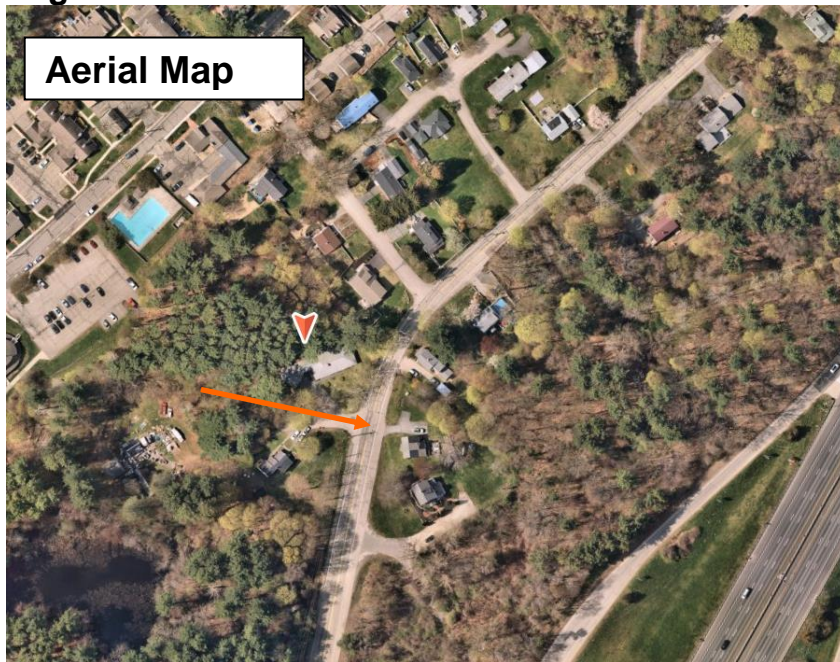
Existing & Proposed Conditions

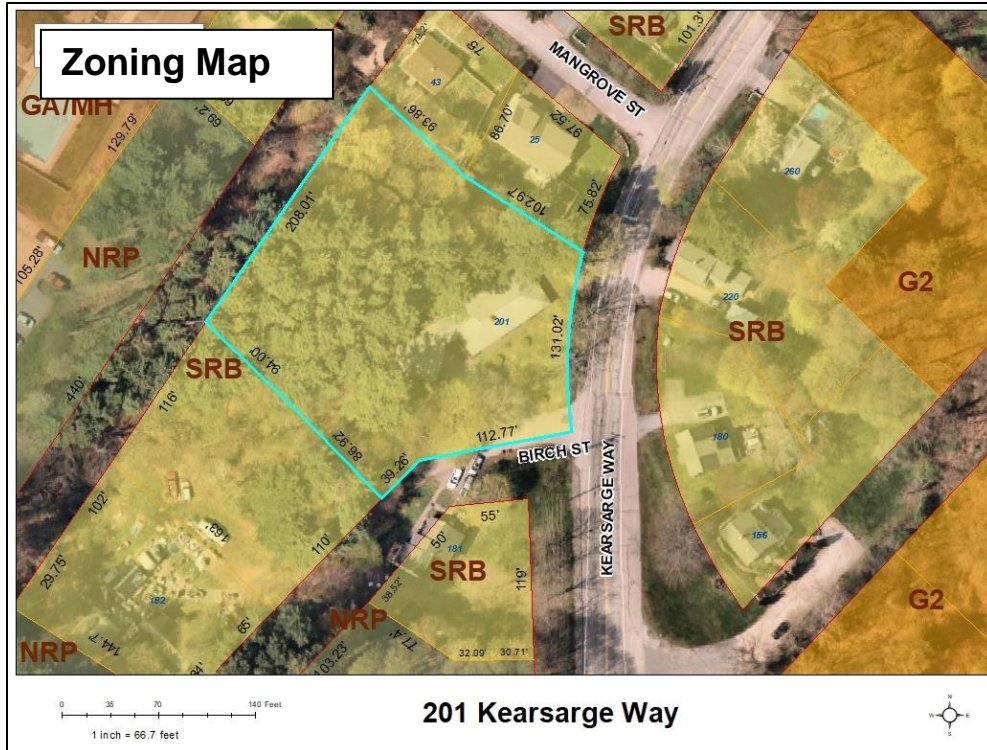
	<u>Existing</u>	<u>Proposed</u>			<u>Permitted / Required</u>	
<u>Land Use:</u>	1 lot	3 lots 1	2	3	Primarily single family	
<u>Lot area (sq. ft.):</u>	52,254	17,125	17,406	17,723	15,000	min.
<u>Lot Area per Dwelling Unit (sq. ft.):</u>	52,254	17,125	17,406	17,723	15,000	min.
<u>Street Frontage (ft.):</u>	282.5	100	100	82.5	100	min.
<u>Lot depth (ft.):</u>	>100	>100	>100	>100	100	min.
<u>Year Built:</u>	1954	Variance request shown in red.				

Other Permits/Approvals Required

TAC/Planning Board – Subdivision

Neighborhood Context





Previous Board of Adjustment Actions

June 21, 2016 – The Board **granted** a variance to construct a home on one lot of a three-lot subdivision with a front yard setback of 15' where 30' was required. The Board noted that the variance was specific to the presented lot.

March 20, 2018 – The Board **granted** variances to subdivide one lot into two by allowing a lot area and lot area per dwelling unit of 7,834 s.f. where 15,000 s.f. was required.

June 18, 2019 – The Board **denied** a request to subdivide one lot into three.

July 23, 2019 – The Board **granted a rehearing** to be held at the August 20, 2019 meeting.

August 20, 2019 – The Board **postponed** the new hearing to the September 17, 2019 meeting at the request of the applicant (5 sitting members).

September 17, 2019 – The Board considered the application for Variance from Section 10.521 to allow a lot with 83' of frontage where 100' is required. Said property is shown on Assessor Map 218, Lot 5 and lies within the Single Residence B District. As a result of said consideration, the Board voted to **grant** the application as presented.

Planning Department Comments

As shown in the history, on June 18, 2019 the Board **denied** a variance to allow 83'± of continuous street frontage where 100' is required for a proposed 3 lot subdivision. The applicant filed a request for a rehearing and on July 23, 2019, the Board **granted** the request and ultimately approved the request on September 17, 2019. The subdivision was ultimately approved by the Planning Board, however the applicant did not follow through with the post approval process to finalize the subdivision and thus the approval expired. They are seeking similar relief for the 3 lot subdivision.

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

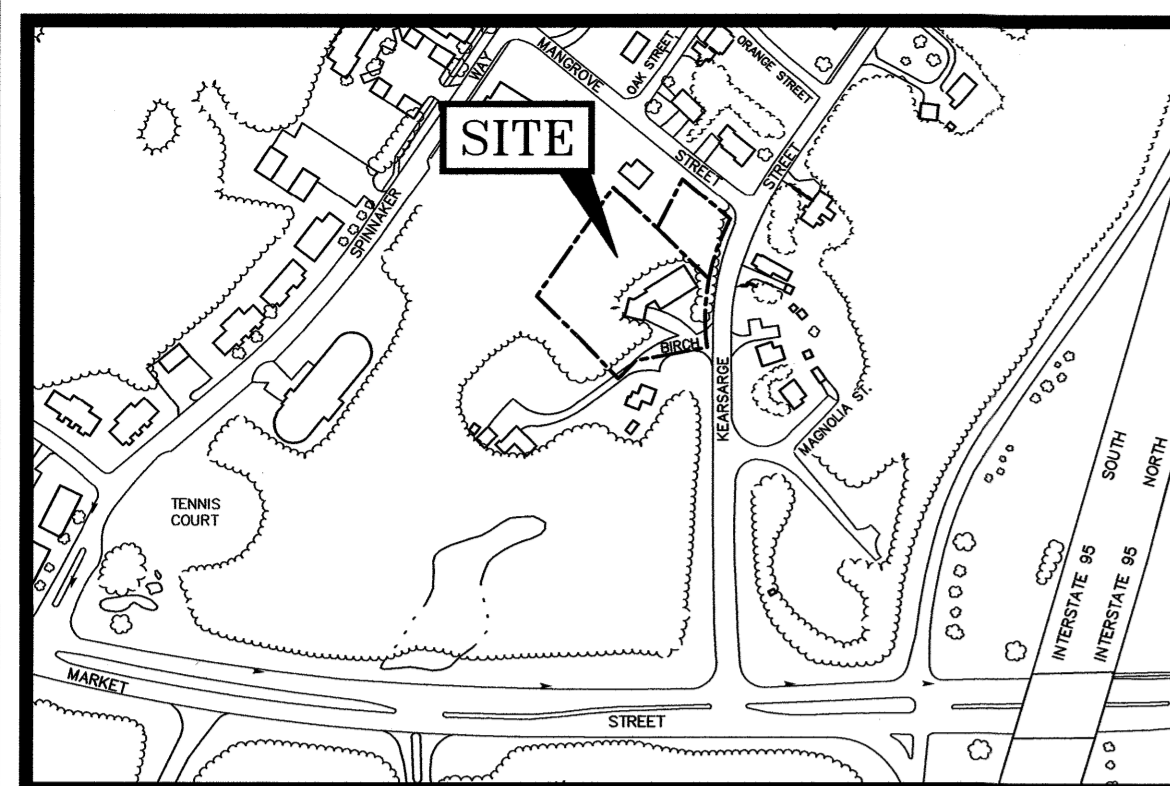
(b) Owing to these special conditions, a fair and substantial relationship does not exist between the general public purposes of the Ordinance provision and the specific application of that provision to the property; and the proposed use is a reasonable one.

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.



LOCATION MAP SCALE: 1" = 300'

LEGEND:

- N/F NOW OR FORMERLY
- RP RECORD OF PROBATE
- RCRD ROCKINGHAM COUNTY
- RR SPK REGISTRY OF DEEDS
- RR SPIKE RAILROAD SPIKE
- MAP 11/LOT 21
- IR FND IRON ROD FOUND
- IP FND IRON PIPE FOUND
- IR SET IRON ROD SET
- DH FND DRILL HOLE FOUND
- DH SET DRILL HOLE SET
- NHNB NHDOT BOUND FOUND
- EDGE OF PAVEMENT
- OVERHEAD WIRE
- LEDGE OUTCROP

LINE TABLE

LINE	BEARING	DISTANCE
L1	N54°23'09"W	24.98'
L2	N55°04'52"W	24.98'
L3	N55°04'52"W	24.98'
L4	S55°04'52"E	24.98'

DRIVEWAY EASEMENT LOT 1, AREA A-519 S.F.

EASEMENT LENGTH TABLE

LINE	BEARING	DISTANCE
E1	N48°13'46"W	19.25'
E2	N41°46'14"E	23.59'
E3	S46°58'50"E	26.65'
T1*	S46°02'10"W	10.01'
T2**	S75°46'03"E	32.67'

*TIE TO ANGLE POINT AT BIRCH STREET
 **TIE TO SE'LY CORNER OF LOT 2
 BOTH LINES NOT BOUNDARY LINES

EASEMENT CURVE TABLE

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
EC1	70.00'	24.29'	24.17'	S59°35'11"W	19°52'46"

"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."

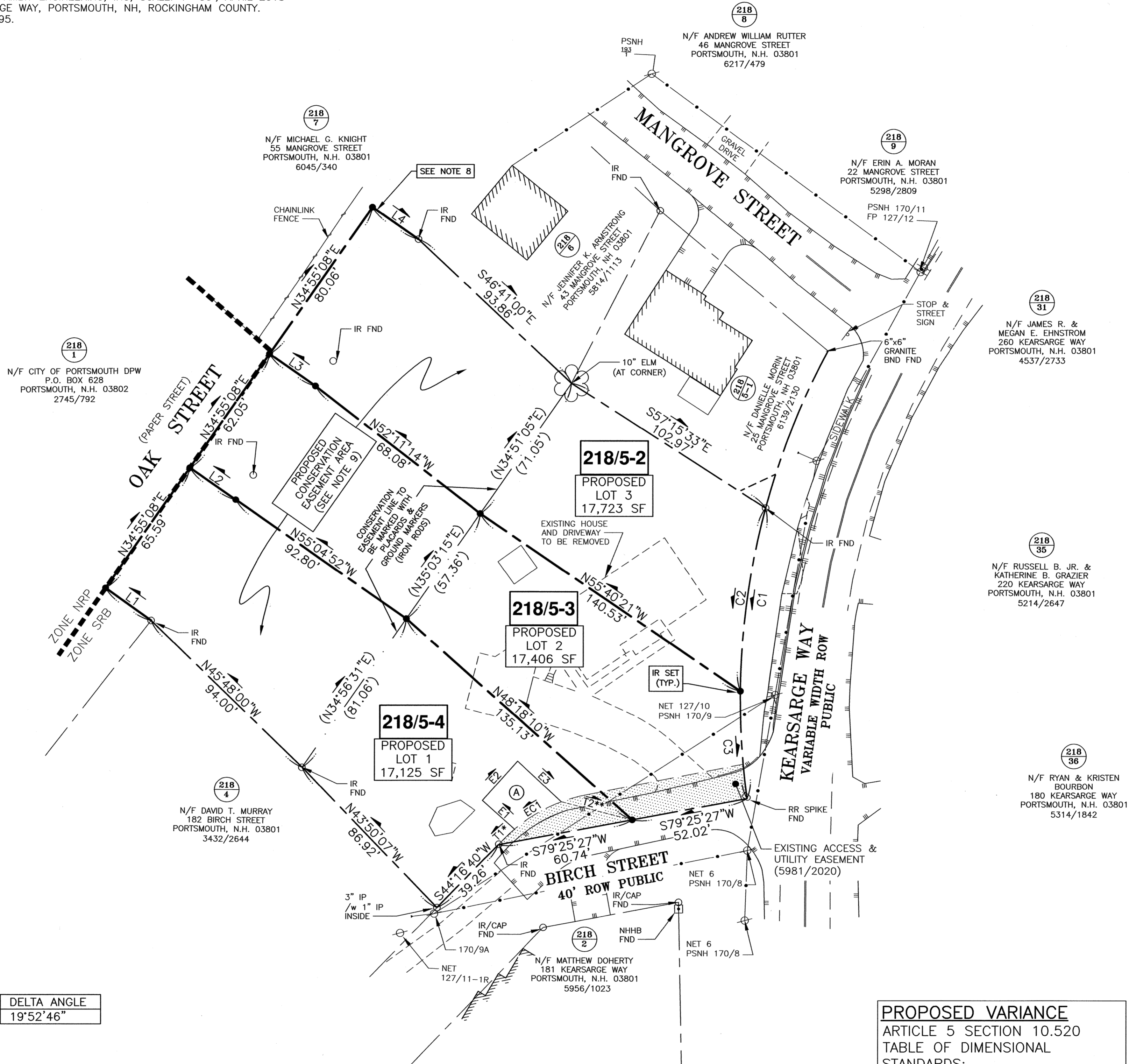
JOHN R. CHAGNON, LLS DATE 7.20.22

APPROVED BY THE PORTSMOUTH PLANNING BOARD

CHAIRMAN DATE

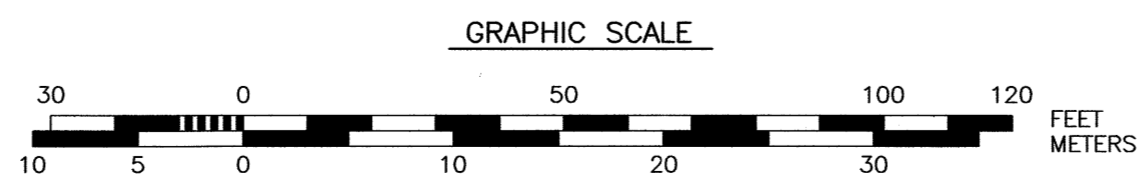
PLAN REFERENCES

- 1) "SUBDIVISION PLAN TAX MAP 218-LOT 5, OWNER RICHARD P. FUSEGNI", BY AMBIT ENGINEERING, INC. SCALE: 1"=30", APRIL 2018 201 KEARSARGE WAY, PORTSMOUTH, NH, ROCKINGHAM COUNTY. RCRD-D-41295.



CURVE TABLE

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	330.00'	131.02'	130.16'	S03°34'31"W	22°44'52"
C2	330.00'	82.84'	82.62'	S07°45'28"W	14°22'59"
C3	330.00'	48.18'	48.13'	S03°36'58"E	8°21'53"



PROPOSED VARIANCE

ARTICLE 5 SECTION 10.520
 TABLE OF DIMENSIONAL
 STANDARDS:
 STREET FRONTAGE:
 * PROPOSED LOT 3:
 FRONTAGE OF 83 FEET WHERE
 100 FEET IS REQUIRED
 PREVIOUSLY APPROVED
 9/17/2019

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 CITY OF PORTSMOUTH ASSESSOR'S MAP 218 AS LOT 5.
- 2) OWNER OF RECORD:
 RICHARD P. FUSEGNI
 201 KEARSARGE WAY
 PORTSMOUTH, N.H. 03801
 5476/2661 (5979/2783)
 RCRD PLAN 0245
- 3) PARCEL IS NOT IN A FLOOD HAZARD ZONE AS SHOWN ON FIRM PANEL 33015C0259F, EFFECTIVE JANUARY 29, 2021.
- 4) EXISTING LOT AREA:
 52,253 S.F.
 1.1996 AC.
- 5) PARCEL IS LOCATED IN THE SINGLE RESIDENCE B (SRB) DISTRICT & PARTIALLY IN THE NOISE OVERLAY DISTRICT.
- 6) DIMENSIONAL REQUIREMENTS:
 MIN. LOT AREA: 15,000 S.F.
 FRONTAGE: 100 FT.
 SETBACKS: FRONT: 30 FT.
 SIDE: 10 FT.
 REAR: 30 FT.
 MAXIMUM STRUCTURE HEIGHT: 35 FT.
 MAXIMUM STRUCTURE COVERAGE: 20%
 MINIMUM OPEN SPACE: 40%
- 7) THE PURPOSE OF THIS PLAN IS TO SHOW THE SUBDIVISION OF TAX MAP 218 LOT 5 INTO 3 LOTS.
- 8) OAK STREET WAS CREATED BY A PLAN DATED 1919 AND WAS NEVER CONSTRUCTED. BY OPERATION OF LAW THE AREAS SHOWN BELONG TO THE RESPECTIVE LOTS BY WAY OF APPROPRIATION OF REVERSION RIGHTS.
- 9) PROPOSED CONSERVATION EASEMENT AREA RESTRICTIONS SUBJECT TO REVIEW AND APPROVAL BY THE CITY OF PORTSMOUTH.
- 10) MAP 218 LOT 5-2 (PROPOSED LOT 1) WILL GRANT AN EASEMENT TO THE CITY OF PORTSMOUTH TO TURN AROUND IN DRIVEWAY OF LOT 5-2 FOR PLOWING AND ACCESS
- 11) STREET ADDRESSES SHALL MATCH DRIVEWAY LOCATIONS.
- 12) DURING CONSTRUCTION ON LOTS 1 AND 2, ACCESS TO EXISTING PROPERTIES ON BIRCH STREET SHALL BE MAINTAINED.

NO.	DESCRIPTION	DATE
1	ISSUED FOR APPROVAL	7/20/22
0	ISSUED FOR COMMENT	6/1/2022

SUBDIVISION PLAN
 TAX MAP 218 - LOT 5

OWNER
RICHARD P. FUSEGNI
 201 KEARSARGE WAY
 CITY OF PORTSMOUTH
 COUNTY OF ROCKINGHAM
 STATE OF NEW HAMPSHIRE

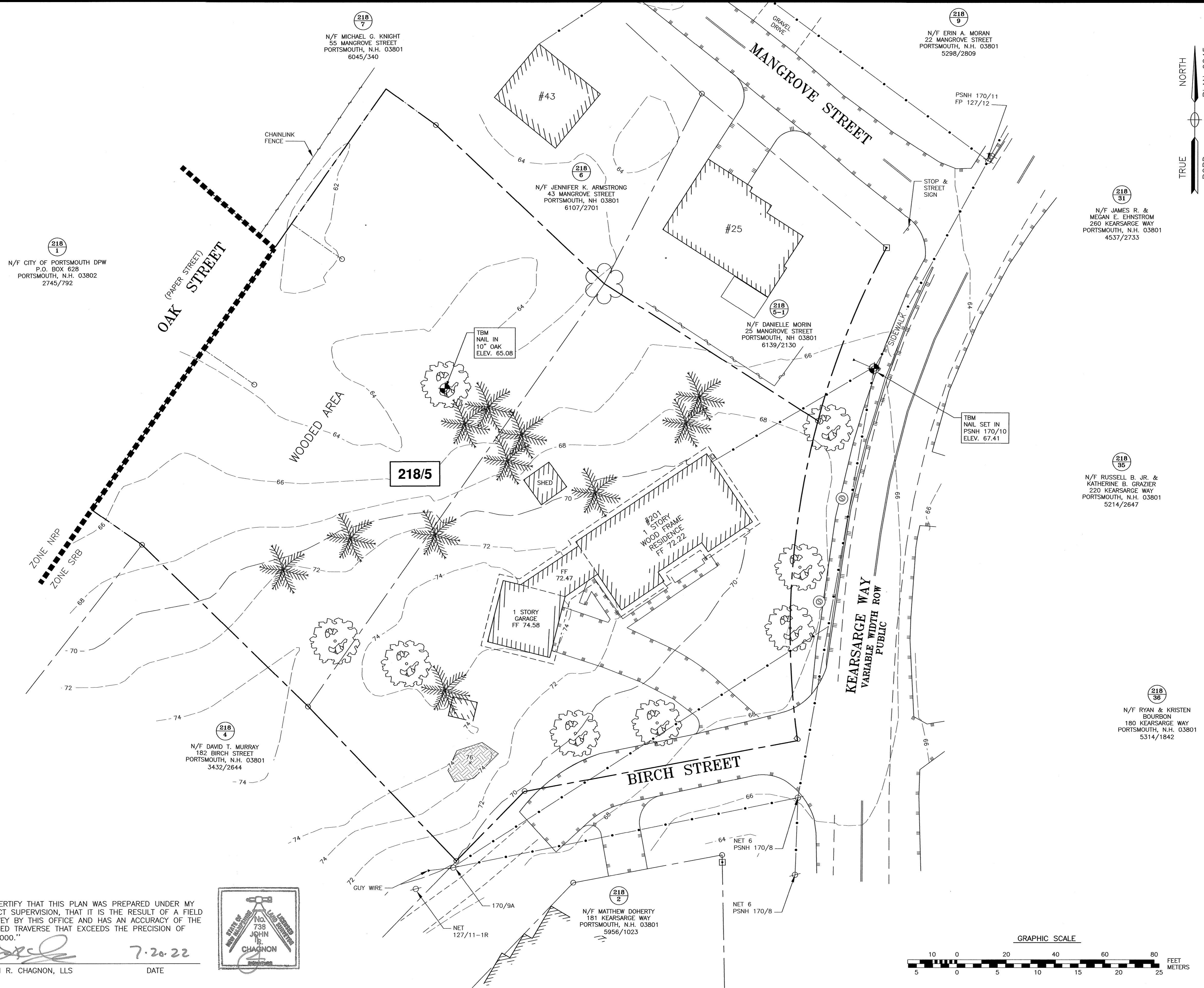
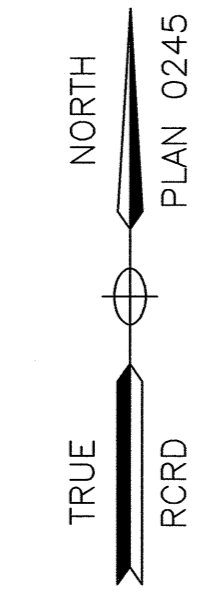


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Civil Engineers & Land Surveyors

200 Griffin Road - Unit 3
Portsmouth, N.H. 03801-7114
Tel (603) 430-9282
Fax (603) 436-2315

NOTES:

- 1) THE CONTRACTOR SHALL NOTIFY DIG SAFE AT 1-888-DIG-SAFE (1-888-344-7233) AT LEAST 72 HOURS PRIOR TO COMMENCING ANY EXCAVATION ON PUBLIC OR PRIVATE PROPERTY.
- 2) UNDERGROUND UTILITY LOCATIONS ARE BASED UPON BEST AVAILABLE EVIDENCE AND ARE NOT FIELD VERIFIED. LOCATING AND PROTECTING ANY ABOVEGROUND OR UNDERGROUND UTILITIES IS THE SOLE RESPONSIBILITY OF THE CONTRACTOR AND/OR THE OWNER. UTILITY CONFLICTS SHOULD BE REPORTED AT ONCE TO THE DESIGN ENGINEER.
- 3) CONTRACTOR SHALL INSTALL AND MAINTAIN EROSION CONTROL MEASURES IN ACCORDANCE WITH THE "NEW HAMPSHIRE STORMWATER MANUAL, VOLUME 3, EROSION AND SEDIMENT CONTROLS DURING CONSTRUCTION. (NHDES DECEMBER 2008).
- 4) THE PURPOSE OF THIS PLAN IS TO SHOW THE EXISTING CONDITIONS ON TAX MAP 218 LOT 5.
- 5) EXISTING HOUSE AND SHED TO BE REMOVED. SEE DEMOLITION PLAN.
- 6) DURING CONSTRUCTION, ACCESS TO EXISTING PROPERTIES ON BIRCH STREET SHALL BE MAINTAINED.



218
1
N/F CITY OF PORTSMOUTH DPW
P.O. BOX 628
PORTSMOUTH, N.H. 03802
2745/792

218
7
N/F MICHAEL G. KNIGHT
55 MANGROVE STREET
PORTSMOUTH, N.H. 03801
6045/340

218
6
N/F JENNIFER K. ARMSTRONG
43 MANGROVE STREET
PORTSMOUTH, NH 03801
6107/2701

218
9
N/F ERIN A. MORAN
22 MANGROVE STREET
PORTSMOUTH, N.H. 03801
5298/2809

218
5-1
N/F DANIELLE MORIN
25 MANGROVE STREET
PORTSMOUTH, NH 03801
6139/2130

218
31
N/F JAMES R. &
MEGAN E. EHNSTROM
260 KEARSARGE WAY
PORTSMOUTH, N.H. 03801
4537/2733

218
35
N/F RUSSELL B. JR. &
KATHERINE B. GRAZIER
220 KEARSARGE WAY
PORTSMOUTH, N.H. 03801
5214/2647

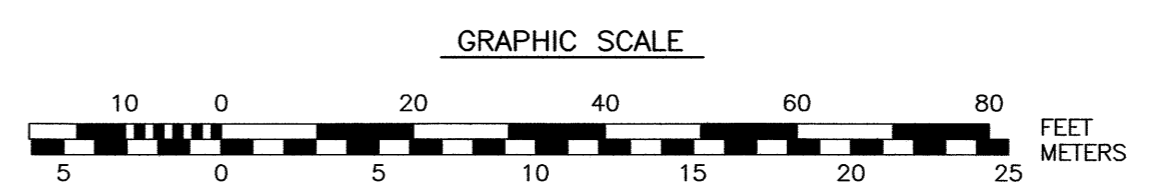
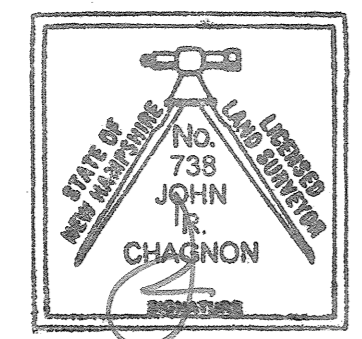
218
36
N/F RYAN & KRISTEN
BOURBON
180 KEARSARGE WAY
PORTSMOUTH, N.H. 03801
5314/1842

218
4
N/F DAVID T. MURRAY
182 BIRCH STREET
PORTSMOUTH, N.H. 03801
3432/2644

218
2
N/F MATTHEW DOHERTY
181 KEARSARGE WAY
PORTSMOUTH, N.H. 03801
5956/1023

"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
JOHN R. CHAGNON, LLS
DATE 7-20-22



**SITE DEVELOPMENT
201 KEARSARGE WAY
PORTSMOUTH, N.H.**

NO.	DESCRIPTION	DATE
1	ISSUED FOR APPROVAL	7/20/22
0	ISSUED FOR COMMENT	5/19/21
REVISIONS		

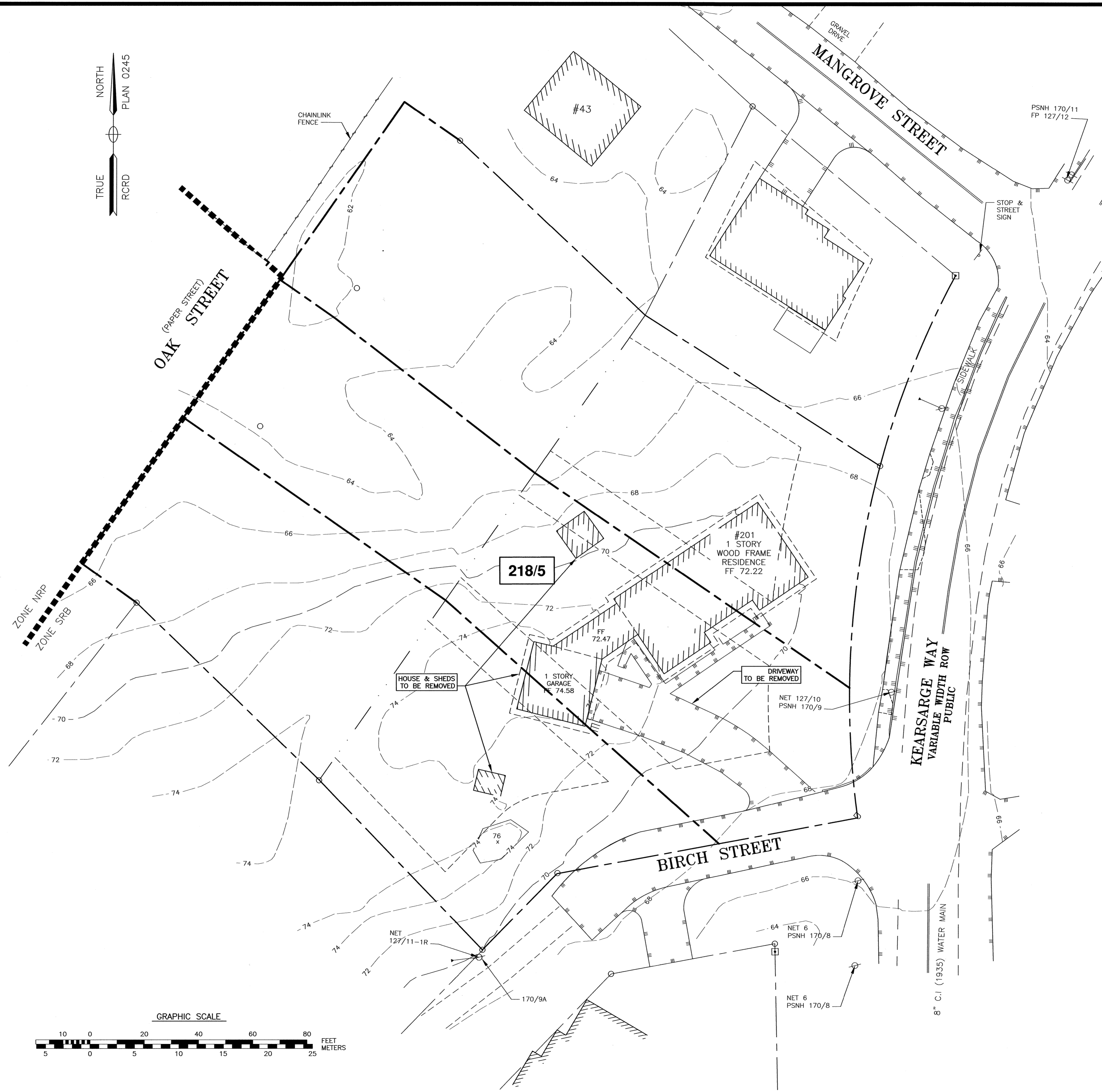
SCALE: 1" = 20' MAY 2021

EXISTING CONDITIONS PLAN **C1**

J:\JOB52\JN22005\JN22556\JN22556\021 Site Plan Lot 2\Plans & Specs\Site\Site 2021.dwg, Thu Jul 21 09:13:43 2022, Canon TX-3000.pcl

DEMOLITION NOTES

- A) THE LOCATIONS OF UNDERGROUND UTILITIES ARE APPROXIMATE AND THE LOCATIONS ARE NOT GUARANTEED BY THE OWNER OR THE DESIGNER. IT IS THE CONTRACTORS' RESPONSIBILITY TO LOCATE UTILITIES AND ANTICIPATE CONFLICTS. CONTRACTOR SHALL REPAIR EXISTING UTILITIES DAMAGED BY THEIR WORK AND RELOCATE EXISTING UTILITIES THAT ARE REQUIRED TO BE RELOCATED PRIOR TO COMMENCING ANY WORK IN THE IMPACTED AREA OF THE PROJECT.
- B) ALL MATERIALS SCHEDULED TO BE REMOVED SHALL BECOME THE PROPERTY OF THE CONTRACTORS UNLESS OTHERWISE SPECIFIED. THE CONTRACTOR SHALL DISPOSE OF ALL MATERIALS OFF-SITE IN ACCORDANCE WITH ALL FEDERAL, STATE, AND LOCAL REGULATIONS, ORDINANCES AND CODES. THE CONTRACTOR SHALL COORDINATE REMOVAL, RELOCATION, DISPOSAL, OR SALVAGE OF UTILITIES WITH THE OWNER AND APPROPRIATE UTILITY COMPANY.
- C) ANY EXISTING WORK OR PROPERTY DAMAGED OR DISRUPTED BY CONSTRUCTION/ DEMOLITION ACTIVITIES SHALL BE REPLACED OR REPAIRED TO THE ORIGINAL EXISTING CONDITIONS BY THE CONTRACTOR AT NO ADDITIONAL COST TO THE OWNER.
- D) THE CONTRACTOR SHALL VERIFY LOCATION OF ALL EXISTING UTILITIES AND CALL DIG SAFE AT LEAST 72 HOURS PRIOR TO THE COMMENCEMENT OF ANY DEMOLITION/CONSTRUCTION ACTIVITIES.
- E) SAWCUT AND REMOVE PAVEMENT ONE FOOT OFF PROPOSED EDGE OF PAVEMENT TRENCH IN AREAS WHERE PAVEMENT IS TO BE REMOVED.
- F) IT IS THE CONTRACTOR'S RESPONSIBILITY TO FAMILIARIZE THEMSELVES WITH THE CONDITIONS OF ALL THE PERMIT APPROVALS.
- G) THE CONTRACTOR SHALL OBTAIN AND PAY FOR ADDITIONAL CONSTRUCTION PERMITS, NOTICES AND FEES NECESSARY TO COMPLETE THE WORK AND ARRANGE FOR AND PAY FOR ANY INSPECTIONS AND APPROVALS FROM THE AUTHORITIES HAVING JURISDICTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY ADDITIONAL AND OFF-SITE DISPOSAL OF MATERIALS REQUIRED TO COMPLETE THE WORK.
- H) THE CONTRACTOR SHALL REMOVE AND DISPOSE OF ALL EXISTING STRUCTURES, CONCRETE, UTILITIES, VEGETATION, PAVEMENT, AND CONTAMINATED SOIL WITHIN THE WORK LIMITS SHOWN UNLESS SPECIFICALLY IDENTIFIED TO REMAIN. ANY EXISTING DOMESTIC / IRRIGATION SERVICE WELLS IN THE PROJECT AREA IDENTIFIED DURING THE CONSTRUCTION AND NOT CALLED OUT ON THE PLANS SHALL BE BROUGHT TO THE ATTENTION OF THE OWNER AND ENGINEER FOR PROPER CAPPING / RE-USE.
- I) ALL WORK WITHIN THE CITY OF PORTSMOUTH RIGHT OF WAY SHALL BE COORDINATED WITH THE CITY OF PORTSMOUTH DEPARTMENT OF PUBLIC WORKS (DPW).
- J) REMOVE TREES AND BRUSH AS REQUIRED FOR COMPLETION OF WORK. CONTRACTOR SHALL GRUB AND REMOVE ALL SLUMPS WITHIN LIMITS OF WORK AND DISPOSE OF OFF-SITE IN ACCORDANCE WITH FEDERAL, STATE, AND LOCAL LAWS AND REGULATIONS.
- K) CONTRACTOR SHALL PROTECT ALL PROPERTY MONUMENTATION THROUGHOUT DEMOLITION AND CONSTRUCTION OPERATIONS. SHOULD ANY MONUMENTATION BE DISTURBED, THE CONTRACTOR SHALL EMPLOY A NH LICENSED LAND SURVEYOR TO REPLACE THEM.
- L) PROVIDE INLET PROTECTION BARRIERS AT ALL CATCH BASINS WITHIN CONSTRUCTION LIMITS AND MAINTAIN FOR THE DURATION OF THE PROJECT. INLET PROTECTION BARRIERS SHALL BE HIGH FLOW SILT SACK BY ACF ENVIRONMENTAL OR APPROVED EQUAL. INSPECT BARRIERS WEEKLY AND AFTER EACH RAIN OF 0.25 INCHES OR GREATER. CONTRACTOR SHALL COMPLETE A MAINTENANCE INSPECTION REPORT AFTER EACH INSPECTION. SEDIMENT DEPOSITS SHALL BE REMOVED AFTER EACH STORM EVENT OR MORE OFTEN IF WARRANTED OR FABRIC BECOMES CLOGGED. EROSION CONTROL MEASURES SHALL BE INSTALLED PRIOR TO THE START OF ANY CLEARING OR DEMOLITION ACTIVITIES.
- M) THE CONTRACTOR SHALL PAY ALL COSTS NECESSARY FOR TEMPORARY PARTITIONING, BARRICADING, FENCING, SECURITY AND SAFETY DEVICES REQUIRED FOR THE MAINTENANCE OF A CLEAN AND SAFE CONSTRUCTION SITE.
- N) ANY CONTAMINATED MATERIAL REMOVED DURING THE COURSE OF THE WORK WILL REQUIRE HANDLING IN ACCORDANCE WITH NHDES REGULATIONS. CONTRACTOR SHALL HAVE A HEALTH AND SAFETY PLAN IN PLACE, AND COMPLY WITH ALL APPLICABLE PERMITS, APPROVALS, AUTHORIZATIONS, AND REGULATIONS.
- O) DURING CONSTRUCTION ACCESS WILL BE PROVIDED TO ALL EXISTING PROPERTIES LOCATED ON BIRCH ST.

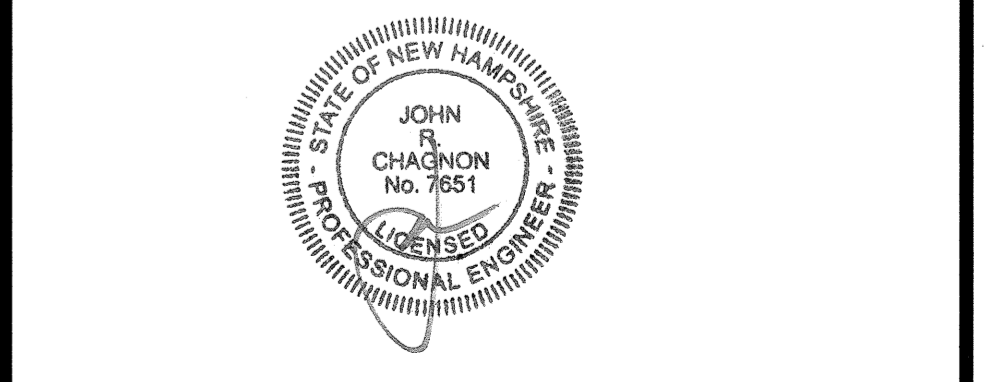


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- NOTES:**
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**PROPOSED SUBDIVISION
 201 KEARSARGE WAY
 PORTSMOUTH, N.H.**

NO.	DESCRIPTION	DATE
1	ISSUED FOR APPROVAL	7/20/22
0	ISSUED FOR COMMENT	6/1/22

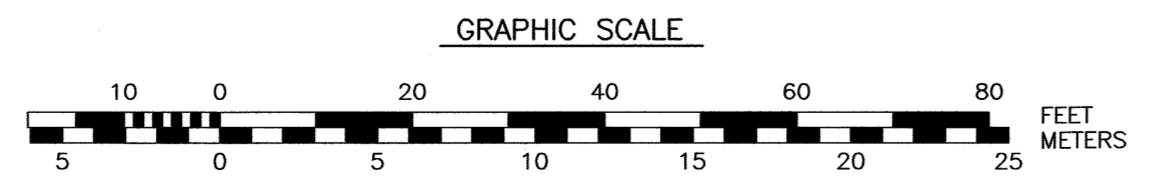


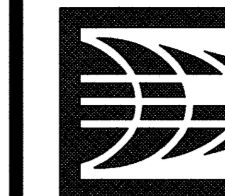
SCALE: 1" = 20' JULY 2022

DEMOLITION PLAN **C2**

APPROVED BY THE PORTSMOUTH PLANNING BOARD

CHAIRMAN _____ DATE _____



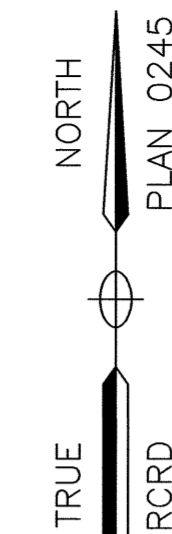


AMBIT ENGINEERING, INC.
Civil Engineers & Land Surveyors

200 Griffin Road - Unit 3
Portsmouth, N.H. 03801-7114
Tel (603) 430-9282
Fax (603) 436-2315

NOTES:

- 1) THE CONTRACTOR SHALL NOTIFY DIG SAFE AT 1-888-DIG-SAFE (1-888-344-7233) AT LEAST 72 HOURS PRIOR TO COMMENCING ANY EXCAVATION ON PUBLIC OR PRIVATE PROPERTY.
- 2) UNDERGROUND UTILITY LOCATIONS ARE BASED UPON BEST AVAILABLE EVIDENCE AND ARE NOT FIELD VERIFIED. LOCATING AND PROTECTING ANY ABOVEGROUND OR UNDERGROUND UTILITIES IS THE SOLE RESPONSIBILITY OF THE CONTRACTOR AND/OR THE OWNER. UTILITY CONFLICTS SHOULD BE REPORTED AT ONCE TO THE DESIGN ENGINEER.
- 3) CONTRACTOR SHALL INSTALL AND MAINTAIN EROSION CONTROL MEASURES IN ACCORDANCE WITH THE "NEW HAMPSHIRE STORMWATER MANUAL, VOLUME 3, EROSION AND SEDIMENT CONTROLS DURING CONSTRUCTION." (NHDES DECEMBER 2008).
- 4) THE PURPOSE OF THIS PLAN IS TO SHOW A CONCEPTUAL DEVELOPMENT LAYOUT ON THE PROPERTY.
- 5) EXISTING HOUSE AND SHED TO BE REMOVED. SEE DEMOLITION PLAN.
- 6) DURING CONSTRUCTION ON LOTS 1 AND 2, ACCESS TO EXISTING PROPERTIES ON BIRCH STREET SHALL BE MAINTAINED.



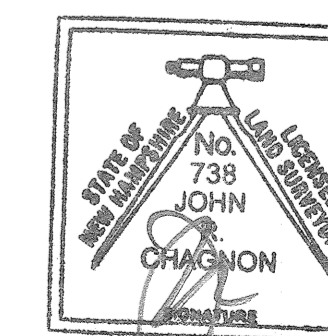
218
31
N/F JAMES R. &
MEGAN E. EINSTRÖM
260 KEARSARGE WAY
PORTSMOUTH, N.H. 03801
4537/2733

218
36
N/F RUSSELL B. JR. &
KATHERINE B. GRAZIER
220 KEARSARGE WAY
PORTSMOUTH, N.H. 03801
5214/2647

218
36
N/F RYAN & KRISTEN
BOURBON
180 KEARSARGE WAY
PORTSMOUTH, N.H. 03801
5314/1842

**PROPOSED SUBDIVISION
201 KEARSARGE WAY
PORTSMOUTH, N.H.**

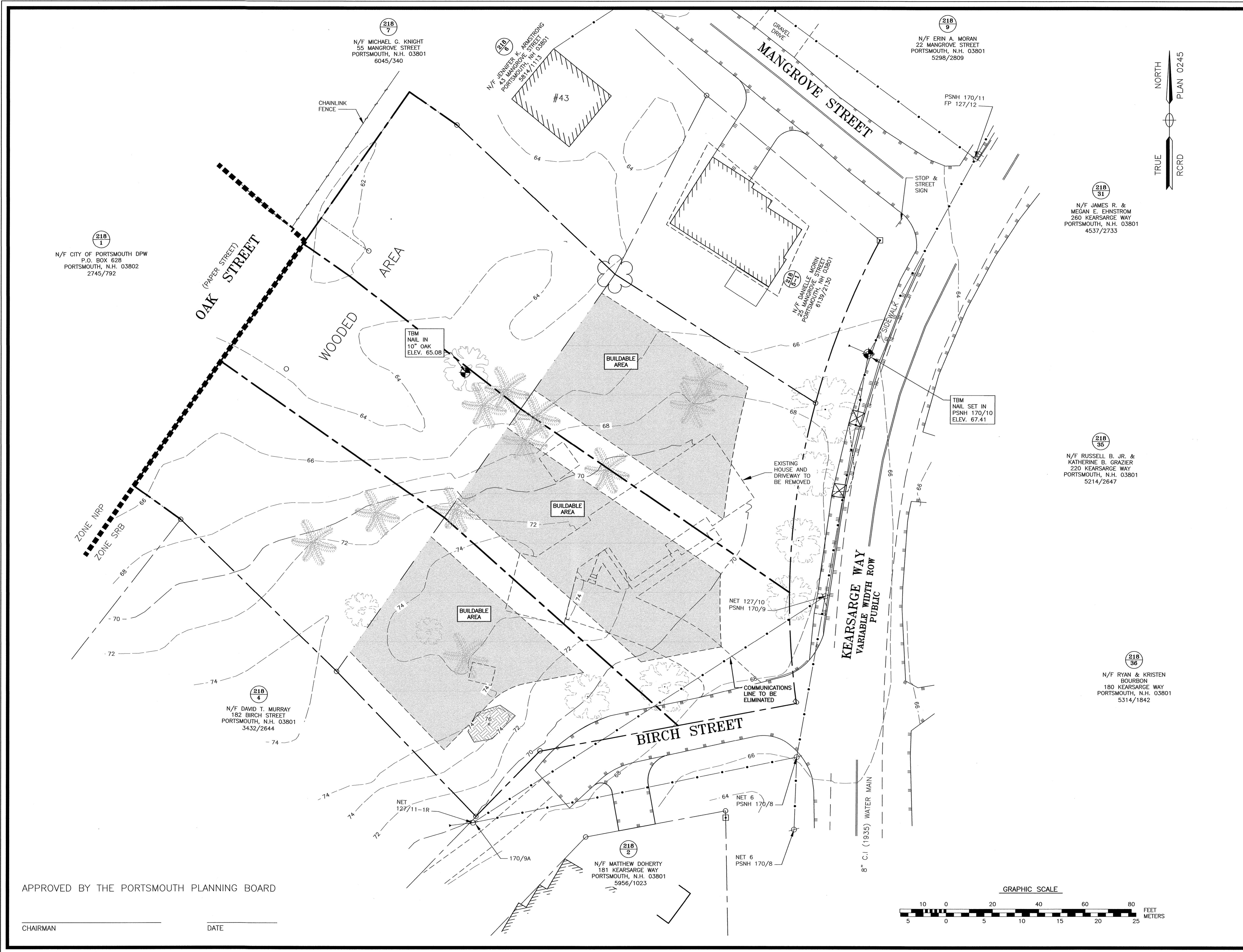
NO.	DESCRIPTION	DATE
1	ISSUED FOR APPROVAL	7/20/22
0	ISSUED FOR COMMENT	6/1/2022
REVISIONS		



SCALE: 1" = 20' JULY 2022

**SUBDIVISION
SITE PLAN**

C3



218
1
N/F CITY OF PORTSMOUTH DPW
P.O. BOX 628
PORTSMOUTH, N.H. 03802
2745/792

218
7
N/F MICHAEL G. KNIGHT
55 MANGROVE STREET
PORTSMOUTH, N.H. 03801
6045/340

218
6
N/F JENNIFER K. ARMSTRONG
43 MANGROVE STREET
PORTSMOUTH, N.H. 03801
5874/1113

218
9
N/F ERIN A. MORAN
22 MANGROVE STREET
PORTSMOUTH, N.H. 03801
5298/2809

218
28
N/F DANIELLE MORIN
25 MANGROVE STREET
PORTSMOUTH, N.H. 03801
6199/72130

TBM
NAIL SET IN
PSNH 170/10
ELEV. 67.41

TBM
NAIL IN
10" OAK
ELEV. 65.08

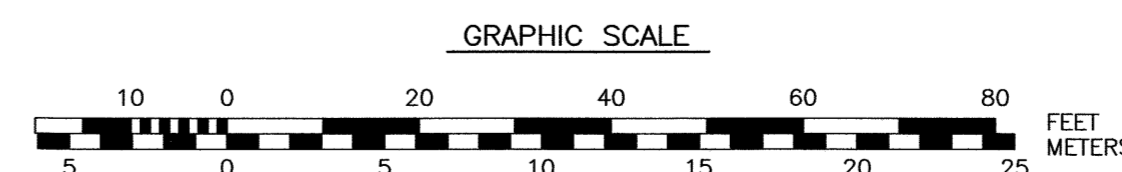
NET 127/10
PSNH 170/9

218
4
N/F DAVID T. MURRAY
182 BIRCH STREET
PORTSMOUTH, N.H. 03801
3432/2644

218
2
N/F MATTHEW DOHERTY
181 KEARSARGE WAY
PORTSMOUTH, N.H. 03801
5956/1023

APPROVED BY THE PORTSMOUTH PLANNING BOARD

CHAIRMAN _____ DATE _____



I:\JOB52\JOB2005\JOB2556\JOB2556\2022\Subdivision\Plans & Specs\Site\2258\Subdivision\Plans & Specs\Site\2258\2022.dwg, Thu Jul 21 09:29:50 2022, Canon TX-3000.pcl

Exhibit B





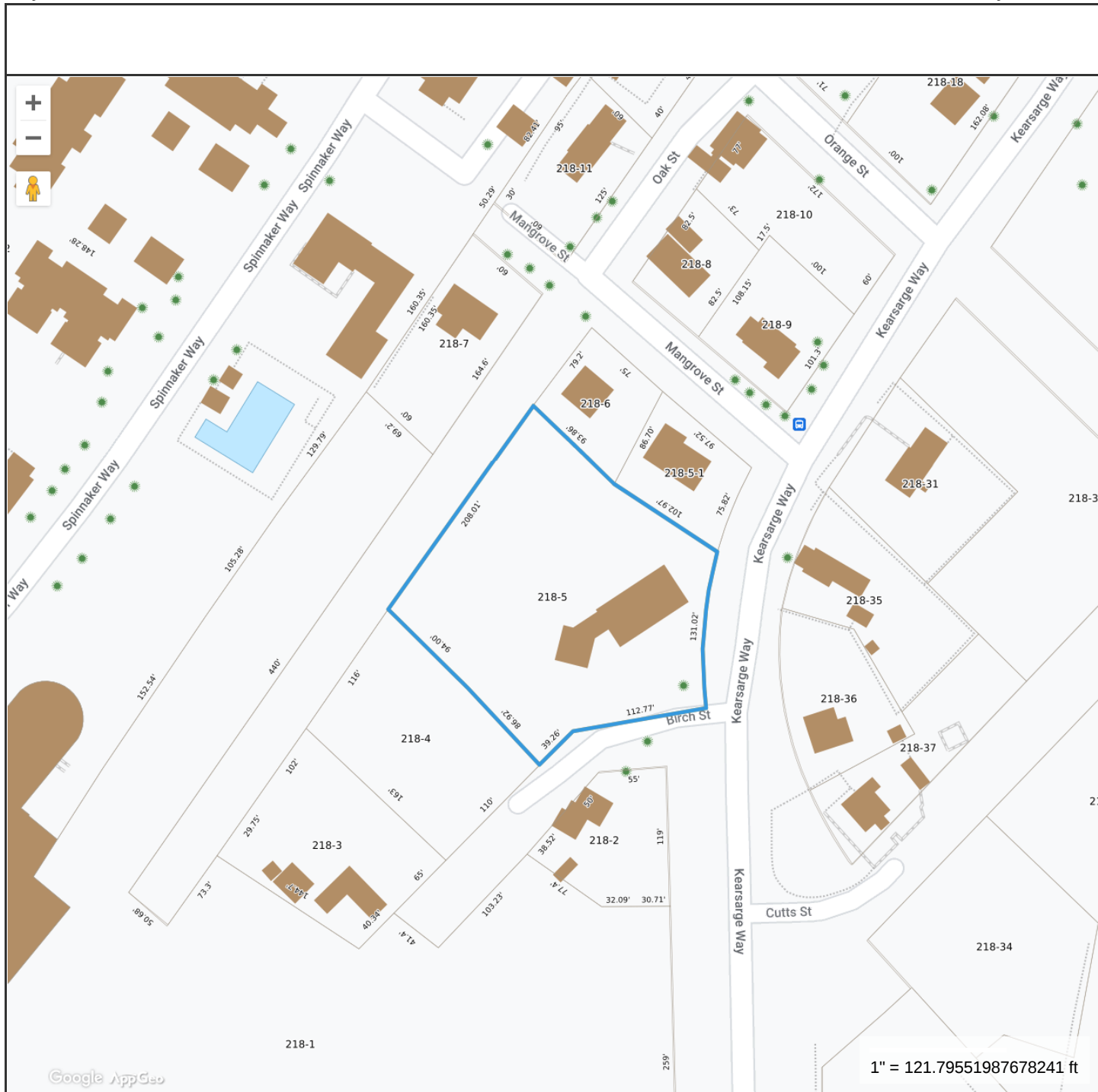












Property Information

Property ID 0218-0005-0000
Location 201 KEARSARGE WAY
Owner FUSEGNI RICHARD P



**MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT**

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

Geometry updated 3/9/2022
Data updated 3/9/2022

Print map scale is approximate. Critical layout or measurement activities should not be done using this resource.

Exhibit D

CITY OF PORTSMOUTH

ZONING BOARD OF ADJUSTMENT

APPLICATION OF RICHARD FUSEGNI
201 KEARSARGE WAY

APPLICANT'S NARRATIVE



I. THE PROPERTY

Richard Fusegni is the owner of the property located at 201 Kearsarge Way. The lot consists of a single-family residence on a lot containing 47,062 square feet. The lot is shown on Assessor's Map 218 as Lot 5. The parcel is located in the Single Residence B District.

The Fusegni lot is actually comprised of several smaller lots which were created in 1919 as part of the Buckminster Subdivision.

Those small lots were involuntarily merged through the years. The home was constructed in the 1950's by Mr. Fusegni's father.

In 2018, Mr. Fusegni received a variance to create a 7,834 sq. ft. lot by subdividing the then lot of 54,896 sq. ft. into 2 lots. Subdivision approval was then granted and construction of a single family home is ongoing on the lot created in 2018.

Mr. Fusegni has attempted to sell the existing lot with the large single family home, but to no avail. Thus, the within application seeks a variance to allow creation of a 15,723 Sq. ft. lot which has 83 lineal feet of frontage on Kearsarge Way. Two additional conforming lots having 15,000+ Sq. Ft. of area and 100 lineal feet of frontage are also proposed. As can be seen on the proposed Subdivision Plan, prepared by Ambit Engineering, Mr. Fusegni would place a conservation easement on the rear portion of each lot to protect a large stand of mature trees.

II. ARGUMENT

It is the Applicant's position that the within Application meets the five (5) criteria necessary for the Board to grant the requested variance. The proposed Lot 3 would be a lot on Kearsarge Way which meets the minimum lot size requirements of the ordinance. There would be 83' of frontage on Kearsarge Way. The resulting lot would have a buildable area sufficient for a single-family home. The lot would be comparable or larger in size to the surrounding lots. As can be seen from the Tax Map, the lots along Mangrove Street, Oak Street, and Orange Street, as well as many of the lots across Kearsarge Way are non conforming as to lot size or frontage.

Granting the requested variance would not substantially alter the characteristics of the neighborhood or threaten public health, safety or welfare. Thus, the test set forth by the

Supreme Court in the case of Malachy Glen v. Town of Chichester, 155 NH 102 (2007) is met for whether or not granting the variance would be contrary to the spirit and intent of the ordinance or contrary to the public interest.

Substantial justice will be done by granting the requested variance as the hardship upon the owner is certainly not outweighed by some benefit to the general public should the variance request be denied. The hardship upon the Applicant would not be outweighed by a benefit to the public in denying the variance. There is no benefit to the general public in denying the requested variance as there is adequate access for emergency vehicles, adequate space to build a home and adequate light and air. The addition of a lot would benefit the public from a housing need and property tax prospective.

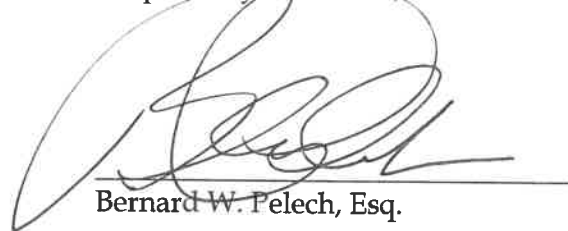
There would be no diminution in value to surrounding properties. A newly constructed code compliant home on the proposed lot on Kearsarge Way would certainly not diminish surrounding property values, but would in fact enhance surrounding property values.

Finally, there is a hardship created by the special conditions of the Fusegni property. As can be seen from the Tax Map in comparison to surrounding lots, the Fusegni lot is considerably larger than most surrounding lots. The lot is surrounded on 4 sides by either paper streets or public streets. Birch Street abuts the lot to the south, Kearsarge Way to the east, Mangrove Street to the north, and Oak Street, a paper street to the west. There is no fair and substantial relationship between the intent of the ordinance as it relates to this particular property as the minimum frontage requirement is not reflective of the majority of the lots in the area. The intent of the ordinance is to provide for lots with adequate light and air and access for emergency vehicles. Given the fact that the lot is 15,000 + Sq. Ft., there is certainly adequate light and air and access for emergency vehicles. A home can be constructed within the setbacks which would be compliant with the zoning ordinance with all respects. The use on the proposed lot of a single-family residence is a use allowed by the ordinance. Therefore, the Applicant's proposal meets the hardship criteria given the special conditions of this lot and its location with regard to the public streets and paper streets and the fact that there is no fair and substantial relationship between the purpose of the ordinance as applied to the proposed lot.

IV. CONCLUSION

In conclusion, it is the Applicant's position that the variance request meets the five (5) criteria necessary for the Board to grant the requested variance are met by the within Application and it is respectfully requested that the Application be granted as presented and advertised.

Respectfully submitted,



Bernard W. Pelech, Esq.

Dated: September 3, 2019

201 Kearsarge Way



MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT

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

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

G-2 GATEWAY 2
ZONING DISTRICT

EXHIBIT B

EXHIBIT C

TAX MAP + LOT #	ADDRESS	LOT SIZE
218-5-1	25 MANGROVE	7,834 #
218-2	181 KEARSARGE	10,018 #
218-3	182 BIRCH	17,859 #
218-4	BIRCH ST	19,602 #
218-6	43 MANGROVE	7,405 #
218-7	65 MANGROVE	9,583 #
218-8	46 MANGROVE	5,662 #
218-9	22 MANGROVE	9,083 #
218-10	275 KEARSARGE	11,325 #
218-11	11 OAK ST	7,405 #
218-12	15 OAK ST	4,791 #
218-13	17 OAK ST	3,049 #
218-14	21 OAK ST	9,142 #
218-15	OAK ST	2,613 #
218-16	OAK ST	2,613 #
218-17	20 OAK ST	10,890 #
218-18	333 KEARSARGE	15,681 #
218-21	373 KEARSARGE	20,037 #
218-22	KEARSARGE	13,068 #
218-23	374 KEARSARGE	10,018 #
218-26	352 KEARSARGE	23,522 #
218-27	322 KEARSARGE	27,442 #
218-31	260 KEARSARGE	13,563 #
218-35	220 KEARSARGE	13,503 #
218-36	180 KEARSARGE	10,018 #
218-37	156 KEARSARGE	11,325 #

EXHIBIT D

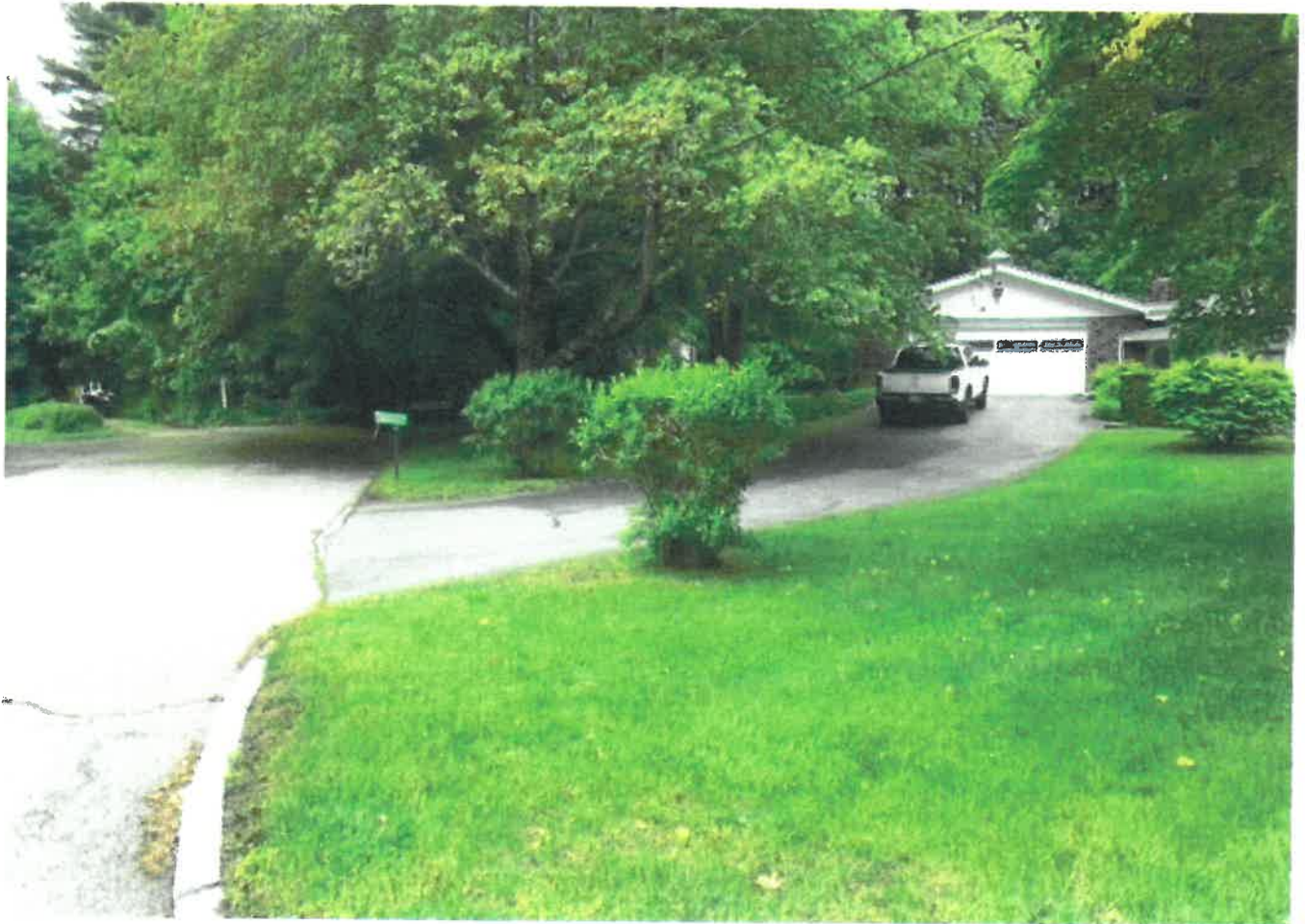
FUSEGNI EXISTING LOT IS:
47,062 #

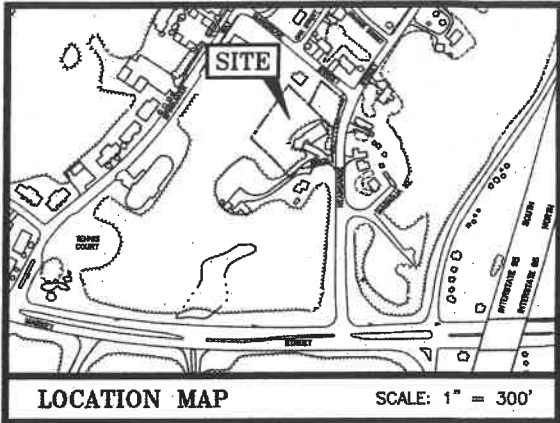
26 LOTS ON EXHIBIT C AVERAGE
LOT SIZE IS: 10,903 #

FUSEGNI PROPOSED LOT SIZES ARE:

LOT 1	15,755 #
LOT 2	15,584 #
LOT 3	15,723 #







LOCATION MAP SCALE: 1" = 300'

LEGEND:

- N/F NOW OR FORMERLY
- RP RECORD OF PROBATE
- RCRD ROCKINGHAM COUNTY
- RR SPK RAILROAD SPIKE
- MAP 11/LOT 21
- IR FND IRON ROD FOUND
- IP FND IRON PIPE FOUND
- IR SET IRON ROD SET
- DH FND DRILL HOLE FOUND
- DH SET DRILL HOLE SET
- NHMB NHDOT BOUND FOUND
- IR EDGE OF PAVEMENT
- OW OVERHEAD WIRE
- LO LEDGE OUTCROP
- PRL PAVEMENT REMOVAL LINE

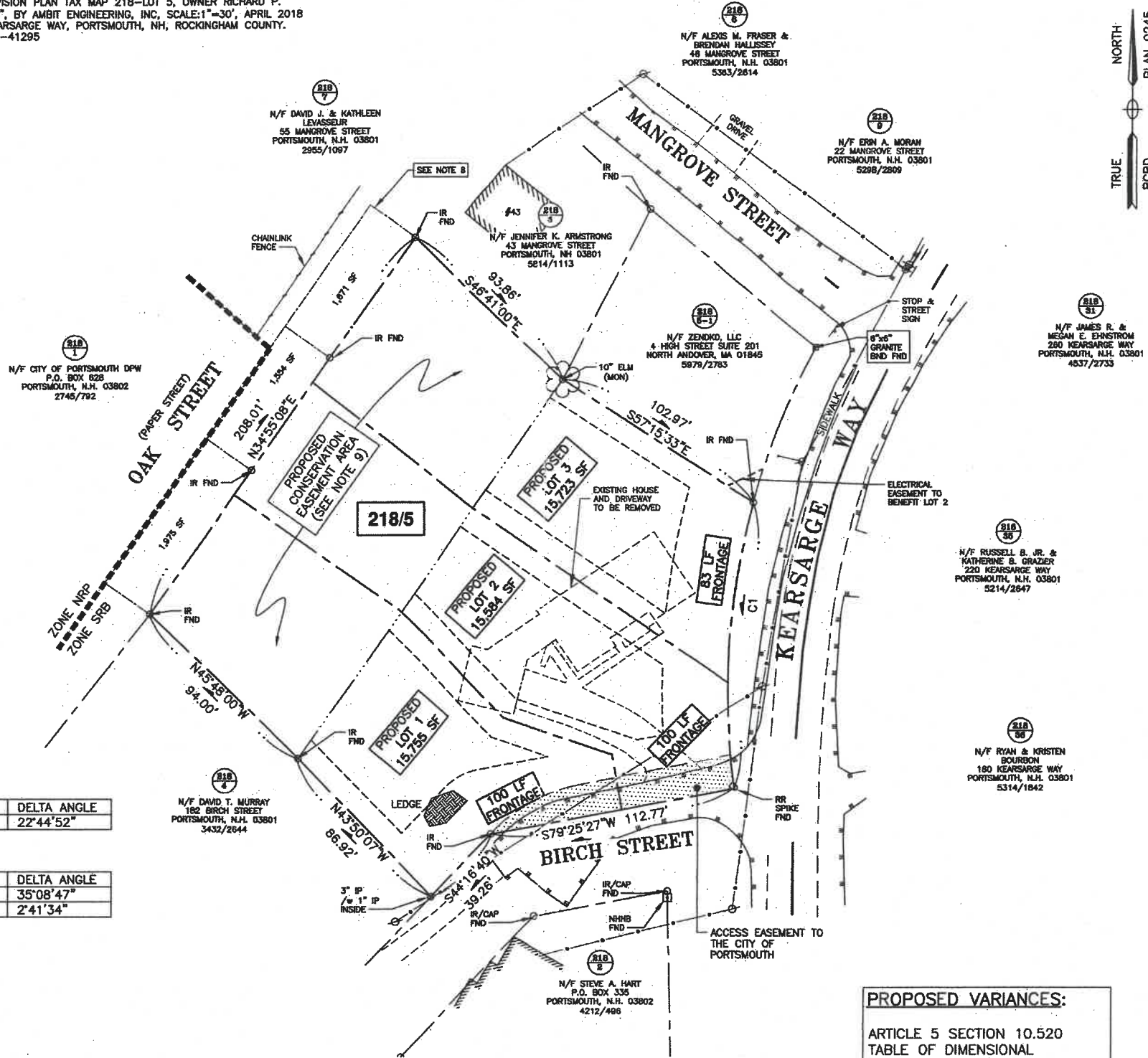
PLAN REFERENCES

- 1) "SUBDIVISION PLAN TAX MAP 218-LOT 5, OWNER RICHARD P. FUSEGNI, BY AMBIT ENGINEERING, INC. SCALE: 1"=30', APRIL 2018 201 KEARSARGE WAY, PORTSMOUTH, NH, ROCKINGHAM COUNTY. RCRD-D-41295

AMBIT ENGINEERING, INC.
Civil Engineers & Land Surveyors
200 Griffin Road - Unit 3
Portsmouth, N.H. 03801-7114
Tel: (603) 456-9285
Fax: (603) 456-2816

NOTES:

- 1) PARCEL IS SHOWN ON THE CITY OF PORTSMOUTH ASSESSOR'S MAP 218 AS LOT 5.
- 2) OWNER OF RECORD:
RICHARD P. FUSEGNI
201 KEARSARGE WAY
PORTSMOUTH, N.H. 03801
5476/2661
RCRD PLAN 0245
- 3) PARCEL IS NOT IN A FLOOD HAZARD ZONE AS SHOWN ON FIRM PANEL 33915C0259E, EFFECTIVE MAY 17, 2005.
- 4) EXISTING LOT AREA:
47,082 S.F.
1.0804 AC
- 5) PARCEL IS LOCATED IN THE SINGLE RESIDENCE B (SRB) DISTRICT.
- 6) DIMENSIONAL REQUIREMENTS:
MIN. LOT AREA: 15,000 S.F.
FRONTAGE: 100 FT.
SETBACKS: FRONT: 30 FT.
SIDE: 10 FT.
REAR: 30 FT.
MAXIMUM STRUCTURE HEIGHT: 35 FT.
MAXIMUM STRUCTURE COVERAGE: 20%
MINIMUM OPEN SPACE: 40%
- 7) THE PURPOSE OF THIS PLAN IS TO SHOW A SUBDIVISION OF TAX MAP 218 LOT 5.
- 8) OAK STREET WAS CREATED BY A PLAN DATED 1919 AND WAS NEVER CONSTRUCTED. BY OPERATION OF LAW THE AREAS SHOWN BELONG TO THE RESPECTIVE LOTS BY WAY OF APPROPRIATION OF REVERSION RIGHTS. AREAS SHOWN ARE NOT INCLUDED IN EXISTING LOT AREA.
- 9) PROPOSED CONSERVATION EASEMENT RESTRICTIONS SUBJECT TO REVIEW AND APPROVAL BY THE CITY OF PORTSMOUTH. CONSERVATION EASEMENT RESTRICTIONS WILL ALLOW FOR INSTALLATION AND MAINTENANCE OF PROPOSED DRAINAGE.



CURVE TABLE

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	330.00'	131.02'	130.16'	S03°34'31"W	22°44'52"

EASEMENT TABLE

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
EC1	70.00'	42.94'	42.27'	N61°51'03"E	35°08'47"
EC2	330.00'	15.51'	15.51'	S06°27'08"E	2°41'34"

LINE	BEARING	DISTANCE
E1	N44°16'40"E	3.45'
E2	N78°50'37"E	70.76'

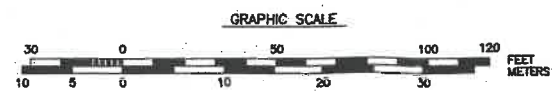
"I CERTIFY THAT THIS PLAN WAS PREPARED UNDER MY DIRECT SUPERVISION, THAT IT IS THE RESULT OF A FIELD SURVEY BY THIS OFFICE AND HAS AN ACCURACY OF THE CLOSED TRAVERSE THAT EXCEEDS THE PRECISION OF 1:15,000."

 JOHN R. CHANNON, L.S. DATE: 5-21-19



APPROVED BY THE PORTSMOUTH ZONING BOARD

CHAIRMAN _____ DATE _____



PROPOSED VARIANCES:

ARTICLE 5 SECTION 10.520
TABLE OF DIMENSIONAL
STANDARDS:
STREET FRONTAGE:
* PROPOSED LOT 3:
FRONTAGE OF 83 FEET WHERE
100 FEET IS REQUIRED

RECEIVED

SEP 10 2019

BY: _____

NO.	DESCRIPTION	DATE
2	REVISED PER CLIENT	5/21/19
1	REVISED FOR SUBMISSION	5/15/19
0	ISSUED FOR COMMENT	4/16/19

**SUBDIVISION PLAN
TAX MAP 218 - LOT 5**
OWNER
RICHARD P. FUSEGNI
201 KEARSARGE WAY
CITY OF PORTSMOUTH
COUNTY OF ROCKINGHAM
STATE OF NEW HAMPSHIRE

J:\0852\2019\2019_Site_Development_Lot_2\Plans & Specs\Site\2258_CONCEPT_2019.dwg, SUBDIVISION

Exhibit E

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

7:00 P.M.

SEPTEMBER 17, 2019

MEMBERS PRESENT: Chairman David Rheaume, Vice-Chairman Jeremiah Johnson, John Formella, Jim Lee, Peter McDonell, Chris Mulligan, Arthur Parrott, Alternate Phyllis Eldridge, Alternate Chase Hagaman

MEMBERS EXCUSED: Peter Stith, Planning Department

ALSO PRESENT: Juliet Walker, Planning Director

Planning Department Representative Peter Stith was absent from the meeting, and Planning Director Juliet Walker was present in his place.

I. APPROVAL OF MINUTES

A) August 20, 2019

*It was moved, seconded and passed by unanimous vote to **approve** the August 20, 2019 minutes as amended.*

B) August 27, 2019

*It was moved, seconded and passed by unanimous vote to **approve** the August 27, 2019 minutes as amended.*

II. REQUEST FOR EXTENSION

Mr. Mulligan recused himself from the petition, and Alternate Ms. Eldridge took a voting seat.

A) Request for Extension regarding property located at **621 Islington Street**.

DECISION OF THE BOARD

The motion passed by unanimous vote, 6-0.

Mr. Mulligan recused himself from the petition, and Alternate Mr. Hagaman took a voting seat.

B) Case 8-1. Petition of Richard Fusegni for property located at **201 Kearsarge Way** wherein relief was required from the Zoning Ordinance to subdivide one lot into three lots one of which will be nonconforming including the following variance from Section 10.521: a) to allow 83' of continuous street frontage where 100' is required. Said property is shown on Assessor Plan 218, Lot 5 and lies within the Single Residence B District. *(This petition was postponed at the August 20, 2019 meeting.)*

SPEAKING IN FAVOR OF THE PETITION

Attorney Bernie Pelech was present on behalf of the applicant. He distributed a petition signed by neighbors in support of the project. He reviewed the petition, noting that the variance was denied several months before and that it was now a *de novo* case. He reviewed the petition and the criteria and said the criteria would be met.

Mr. Hagaman asked how much square footage per lot was buildable with the easement. Attorney Pelech said there was 7,500 square feet of buildable lot area. Chairman Rheume said the case was about street frontage and the concern was about creating a rhythm in the neighborhood that would be different by having three houses close together. Attorney Pelech said the lots on Mangrove Street were oriented toward Mangrove Street, and the house on Kearsarge Way and Orange Street had more frontage but was a 1,500-s.f. lot. He said the lot behind it had frontage on Oak Street but not Orange Street. He noted that they were also corner lots that had to meet both frontage requirements. In response to further questions from Chairman Rheume, Attorney Pelech said if the Board found that the granted variance would not alter the character of the neighborhood or wouldn't threaten the public's health, safety, or welfare, then the petition met the criteria. Chairman Rheume said the Board had the opportunity to look at either one.

SPEAKING TO, FOR, OR AGAINST THE PETITION

No one rose to speak, and Chairman Rheume closed the public hearing.

DISCUSSION OF THE BOARD

Vice-Chair Johnson said the amount of relief sought in the layout of the three proposed lots was reasonable and would fit into the neighborhood's character. He said the area was different from others on Kearsarge Street because there were a lot of odd-shaped properties. He said he would support a motion to approve. Mr. Lee agreed. He said the neighbors approved the project, and he felt that an 83-ft frontage next to a 100-ft frontage would be indistinguishable.

Mr. McDonell disagreed, noting that 83 feet was close to 100 feet, but the way it was achieved was more misleading than just looking at the numbers. He said there would be three compliant lots by square footage, but the fact that a large portion of each of those lots would be encumbered by the conservation easement left relatively small lots that were similar to lots on Mangrove Street and Oak Street. He said the neighborhood was more like what was seen on Kearsarge Way. He concluded that the way the lines of the three lots had to be set up would alter the character of the neighborhood, and he found no hardship. Mr. Hagaman agreed and explained why he hadn't heard anything new stating that the application didn't fail on two criteria. Chairman Rheume said he previously had a lot of concerns about the way the property lines ended up, even though he understood the reasons why and the Planning Board's concern. He said that part of it also was that the Board was looking at a frontage variance and it came down to the rhythm of the neighborhood. He said Kearsarge Way was wider and more open than Mangrove Street with its narrow lots, but an argument could be made that the entrance to Kearsarge Way had a cluster of four homes that was tight. He concluded that he could support the case upon rehearing and rethinking the way it would meet the criteria. Vice-Chair Johnson said if the property were split into lots, two houses in a row could be built that would be significantly bigger than all the other houses, which would alter the neighborhood's character more. Mr. Lee said the proposal was not contrary to public interest because he felt that the petition signed by the neighborhood residents carried more weight than the public at large. Mr. Formella said he would support a motion to approve because he felt that the applicant was not asking for enough relief that would alter the neighborhood's character.

DECISION OF THE BOARD

Mr. Lee moved to grant the variance for the application as presented. Mr. Formella seconded.

Mr. Lee said granting the variance would not be contrary to the public interest because it was an opportunity to have three modest-sized houses, which would not violate the spirit of the ordinance. He said substantial justice would be done by allowing three modest houses to be built on those lots. He said granting the variance wouldn't diminish the value of surrounding properties because three new houses would be an enhancement. He said the hardship was that the lot was configured such that there was no fair and substantial relationship between the purpose of the ordinance and its specific application. He said the proposed use was a reasonable one.

Mr. Formella concurred, adding that granting the variance would not alter the essential character of the neighborhood and would result in lot sizes that were complimentary to the rest of the neighborhood. He said it wasn't an either/or test because it had to satisfy both prongs. He said substantial justice would be done and that he didn't see any gain to the public by denying the petition but could see a loss to the applicant. He also thought the configuration and size of the lot distinguished it from others in the neighborhood.

Chairman Rheume said he would support the motion, noting that the relief requested on the lot was within the boundaries of the spirit of the ordinance in terms of separation and distance between the properties.

The motion passed by a vote of 5-2, with Mr. McDonell and Mr. Hagaman voting in opposition.

Mr. Mulligan and Mr. Parrott recused themselves from the petition, and Alternates Ms. Eldridge and Mr. Hagaman assumed voting seats.

C) Case 8-4. Petition of Seacoast Veterans Properties, LLC for property located at **41 Salem Street** to demolish existing structure and construct four townhouse residential units in two buildings wherein the following variance is required: a) from Section 10.521 to allow a lot area per dwelling unit of 2,726 s.f. where 3,500 s.f. is required. Said property is shown on Assessor Plan 144, Lot 31 and lies within the General Residence C District. *(This petition was postponed at the August 20, 2019 meeting.)*

SPEAKING IN FAVOR OF THE PETITION

Attorney Bernie Pelech was present on behalf of the applicants. He reviewed the petition, noting that the two townhouses would face one another. He reviewed the criteria in detail.

Mr. Hagaman asked what drove the desire for four units versus three units that would not require a variance. Attorney Pelech said the esthetics wouldn't be pleasing and that they had also considered a duplex but the existing home's condition wasn't capable of rehabilitation.

Mr. McDonell said the hardship argument included special conditions that the lot was large with a lot of open space. Attorney Pelech agreed, noting that it was the only lot of comparable size and open space. Mr. McDonell said that, due to the special conditions of the lot, the Board had to say there was no relationship between the purpose of the ordinance and its application to the lot. Attorney Pelech said the zoning shouldn't reflect what actually existed on the ground that included several properties that were less than 3,500 square feet.

Chairman Rheame agreed that the properties along Islington Street were probably not compliant with the new zoning, but he said they were in a separate zoning district that had a lesser requirement of 3,000 square feet per dwelling unit. Attorney Pelech said there were several multi-family homes in that district with small lot areas per dwelling unit. He said the proposed living area of each townhouse unit was about 2,100 square feet.

Chairman Rheame opened the public hearing.

SPEAKING IN OPPOSITION TO THE PETITION

Charles Cocchiario of 45 Salem Street said he had lived in his home for 68 years and thought it would be difficult to live next to two tall buildings. He said the project would change the neighborhood's character.

Exhibit F



CITY OF PORTSMOUTH

Planning Department
1 Junkins Avenue
Portsmouth, New
Hampshire 03801
(603) 610-7216

ZONING BOARD OF ADJUSTMENT

September 24, 2019

Richard P. Fusegni
201 Kearsarge Way
Portsmouth, New Hampshire 03801

RE: Variance for property located at 201 Kearsarge Way

Dear Applicant:

The Zoning Board of Adjustment, at its regularly scheduled meeting of **Tuesday, September 17, 2019**, considered your application for Variance from Section 10.521 to allow a lot with 83' of frontage where 100' is required. Said property is shown on Assessor Map 218, Lot 5 and lies within the Single Residence B District. As a result of said consideration, the Board voted to **grant** the application as presented.

The Board's decision may be appealed up to thirty (30) days after the vote. Any action taken by the applicant pursuant to the Board's decision during this appeal period shall be at the applicant's risk. Please contact the Planning Department for more details about the appeals process.

Approvals may also be required from other City Commissions or Boards. Once all required approvals have been received, applicant is responsible for applying for and securing a building permit from the Inspection Department prior to starting any project work.

This approval shall expire unless a building permit is issued within a period of two (2) years from the date granted unless an extension is granted in accordance with Section 10.236 of the Zoning Ordinance.

The minutes and audio recording of this meeting are available by contacting the Planning Department.

Very truly yours,

David Rheume, Chairman of the Zoning Board of Adjustment

cc: Robert Marsilia, Chief Building Inspector

Rosann Maurice-Lentz, City Assessor

Bernard W. Pelech, Esq., John Bosen & Associates



CITY OF PORTSMOUTH

Planning Department
1 Junkins Avenue
Portsmouth, New Hampshire
03801

(603) 610-7216

PLANNING BOARD

March 02, 2020

Richard Fusegni
201 Kearsarge Way
Portsmouth, NH 03801

RE: Preliminary and Final Subdivision approval for property located at 201 Kearsarge Way

Dear Mr. Fusegni:

The Planning Board, at its regularly scheduled meeting of Thursday, February 27, 2020, considered your application for Preliminary and Final Subdivision approval to demolish the existing single family home and subdivide a lot with an area of 47,062 s.f. and 205' of continuous street frontage into three (3) lots as follows: proposed Lot 1 with an area of 15,482 s.f. and 100' of continuous street frontage; proposed Lot 2 with an area of 15,856 s.f. and 100.2' of continuous street frontage; and Proposed Lot 3 with an area of 15,723 s.f. and 82.84' of continuous street frontage. Said property is shown on Assessor Map 218 Lot 5 and lies within the Single Residence B (SRB) District. As a result of said consideration, the Board voted to determine that the application is complete according to the Subdivision Rules and Regulations and accept the application for consideration and to **grant** Preliminary and Final Subdivision approval with the following stipulations:

- 1) The drainage for the houses shall be incorporated into the back yard areas where they can be maintained without impacting the portion of the property designated to be a conservation area along with the following conditions:
 - 1-1) Drainage easements shall be provided across lot 3 for lot 2 and 1 drainage and across lot 2 for lot 1 drainage. Maintenance responsibilities for the storm-tech systems shall be included in the easement language or otherwise addressed through a maintenance agreement;
 - 1-2) Plans shall be updated and approved by the Department of Public Works to show grading around Catch Basin 1;
 - 1-3) Plans shall be updated to note stabilized construction entrances shall be installed for all 3 lots;
 - 1-4) Department of Public Works final review and approval shall confirm that the drainage across Birch Street will not increase flow onto the abutting properties.
- 2) Birch Street shall be reclaimed and reconstructed to City standards after installation of utilities and plans shall be updated to include a cross-section for review and approval by Department of Public Works, which shall also confirm if any additional modifications are required to improve drainage;
- 3) The plans shall note that during construction, access will be provided to all existing properties located on Birch Street;
- 4) Owner shall provide an easement to allow the City to turn around in the driveway of Lot 5-2 for the purpose of snow plowing and the easement shall be reviewed and approved by

the Planning and Legal Departments prior to acceptance by the City Council;

- 5) The location of gas, electric, and communication lines shall be added to the subdivision plans;
5-1) For underground electric and communication lines, the sidewalk from Birch Street to the driveway of Lot 5-2 shall be widened to provide 5.5' clear.
- 6) Sheets C2 and C3 shall be reviewed and approved by Department of Public Works for confirmation of stormwater, grading and utility updates and standard details;
- 7) Lot numbers as determined by the Assessor shall be added to the final plat;
- 8) Property monuments shall be set as required by the Department of Public Works prior to the filing of the plat;
- 9) GIS data shall be provided to the Department of Public Works in the form as required by the City;
- 10) The final plat shall be recorded at the Registry of Deeds by the City or as deemed appropriate by the Planning Department.

The Board's decision may be appealed up to thirty (30) days after the vote. Any action taken by the applicant pursuant to the Board's decision during this appeal period shall be at the applicant's risk. Please contact the Planning Department for more details about the appeals process.

All stipulations of subdivision approval, including recording of the plat as required by the Planning Department, shall be completed within six (6) months of the date of approval, unless an extension is granted by the Planning Director or the Planning Board in accordance with Section III.D of the Subdivision Rules and Regulations. If all stipulations have not been completed within the required time period, the Planning Board's approval shall be deemed null and void.

This subdivision approval is not final until the Planning Director has certified that the applicant has complied with the conditions of approval imposed by the Planning Board.

The minutes and audio recording of this meeting are available by contacting the Planning Department.

Very truly yours,



Dexter R. Legg, Chairman of the Planning Board

cc: Rosann Maurice-Lentz, City Assessor
Bernie Pelech, Bosen & Associates



Scott Boudreau, LLS 961
2 Beatrice Lane
Newmarket, NH 03857
Phone: (603)659-3468
Fax: (603)292-5072
scott@boudreauls.net

July 26, 2022

Marcio Goldani Von Muhlen
303 Thaxter Road
Portsmouth, NH 03801

RE: Owner Authorization

Members of the Zoning Board of Adjustment,

I, Marcio Goldani Von Muhlen, authorize Scott Boudreau, LLS, to present the proposed project to the Zoning Board of Adjustment.

Please contact me with any questions, 617-758-9871.

Thank you,

 7-27-22

Marcio Goldani Von Muhlen

4.

The request of **Marcio Goldani Von Muhlen (Owner)**, for property located at **303 Thaxter Road** whereas relief is needed to replace existing entry way with 2-story addition including front landing and steps which requires the following: 1) A Variance from Section 10.521 to allow a 14.5' front yard where 30' is required. Said property is located on Assessor Map 152 Lot 37 and lies within the single residence B (SRB) district

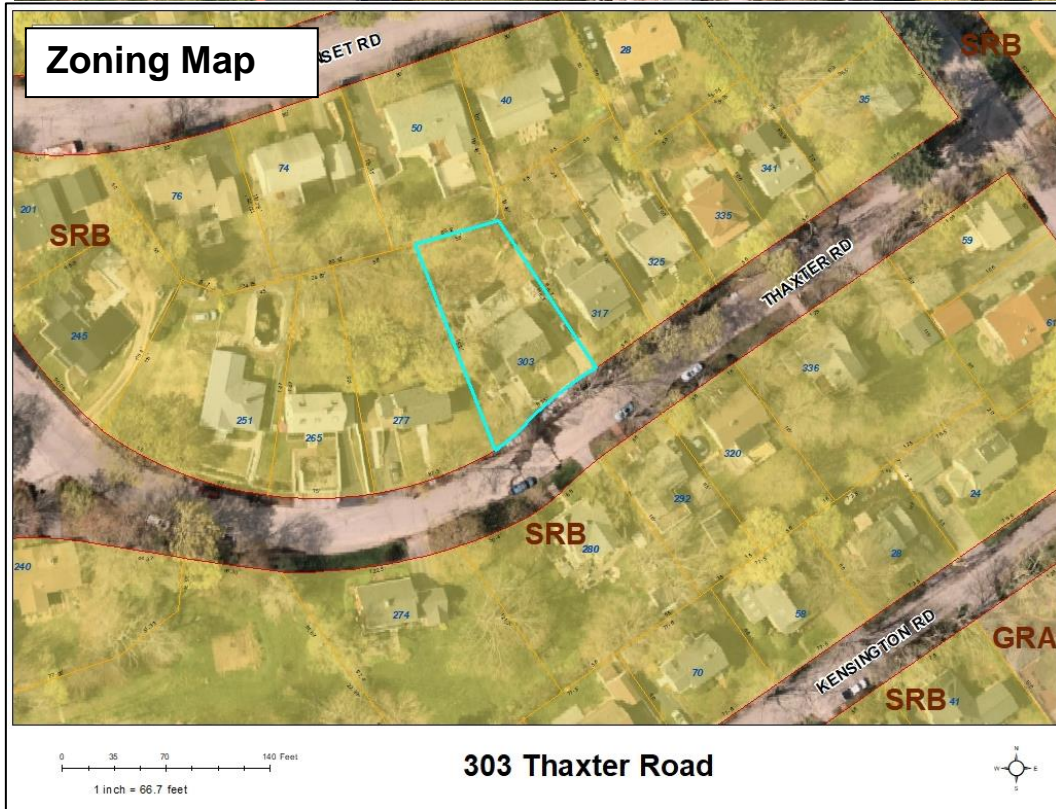
Existing & Proposed Conditions

	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use</u>	Single family	2-story addition	Primarily residential
<u>Lot area (sq. ft.):</u>	9,270	9,270	15,000 min.
<u>Lot Area per Dwelling Unit (sq. ft.):</u>	9,270	9,270	15,000 min.
<u>Lot depth (ft.):</u>	130	130	100 min.
<u>Street Frontage (ft.):</u>	87.5	87.5	100 min.
<u>Primary Front Yard (ft.):</u>	20	14.5'	30 (20.3' per Section 10.516.10) min.
<u>Left Yard (ft.):</u>	13	13	10 min.
<u>Right Yard (ft.):</u>	20	15	10
<u>Rear Yard (ft.):</u>	>30	>30	30 min.
<u>Height (ft.):</u>	<35	<35	35 max.
<u>Building Coverage (%):</u>	12	15	20 max.
<u>Open Space Coverage (%):</u>	>40	>40	40 min.
<u>Parking:</u>	2	2	2
<u>Estimated Age of Structure:</u>	1940	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 a 2-story addition and new front landing with steps. The new landing and steps will encroach into the front yard. Based on the front yard averaging per Section 10.516.10, the front yard is just over 20 feet, which the existing conditions comply with. Due to the grade the new landing will require several steps to reach the ground which will extend further into the front yard.

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.



Scott Boudreau, LLS 961
2 Beatrice Lane
Newmarket, NH 03857
Phone: (603)659-3468
Fax: (603)292-5072
scott@boudreauls.net

Variance Request From 10.515 Measurement Rules

A variance is being requested from the front setback requirement for a proposed addition.

A. The variance will not be contrary to the public interest;

The proposed addition is replacing an existing covered entryway and does not exceed the depth of the existing entryway. Due to the nature of the sloping ground in the front yard and the safety of the residents, a 3' deep landing has been proposed as a means of safely exiting the addition prior to using the stairs to access street level. The stairs will end on an existing concrete walkway, prior to meeting the street.

This variance will not interfere with public travel, nor will it be an eyesore. It is an extension of the stairway that currently exists.

B. The spirit of the ordinance will be observed;

The proposed additions to the existing dwelling meet the dimensional requirements.

C. Substantial justice will be done;

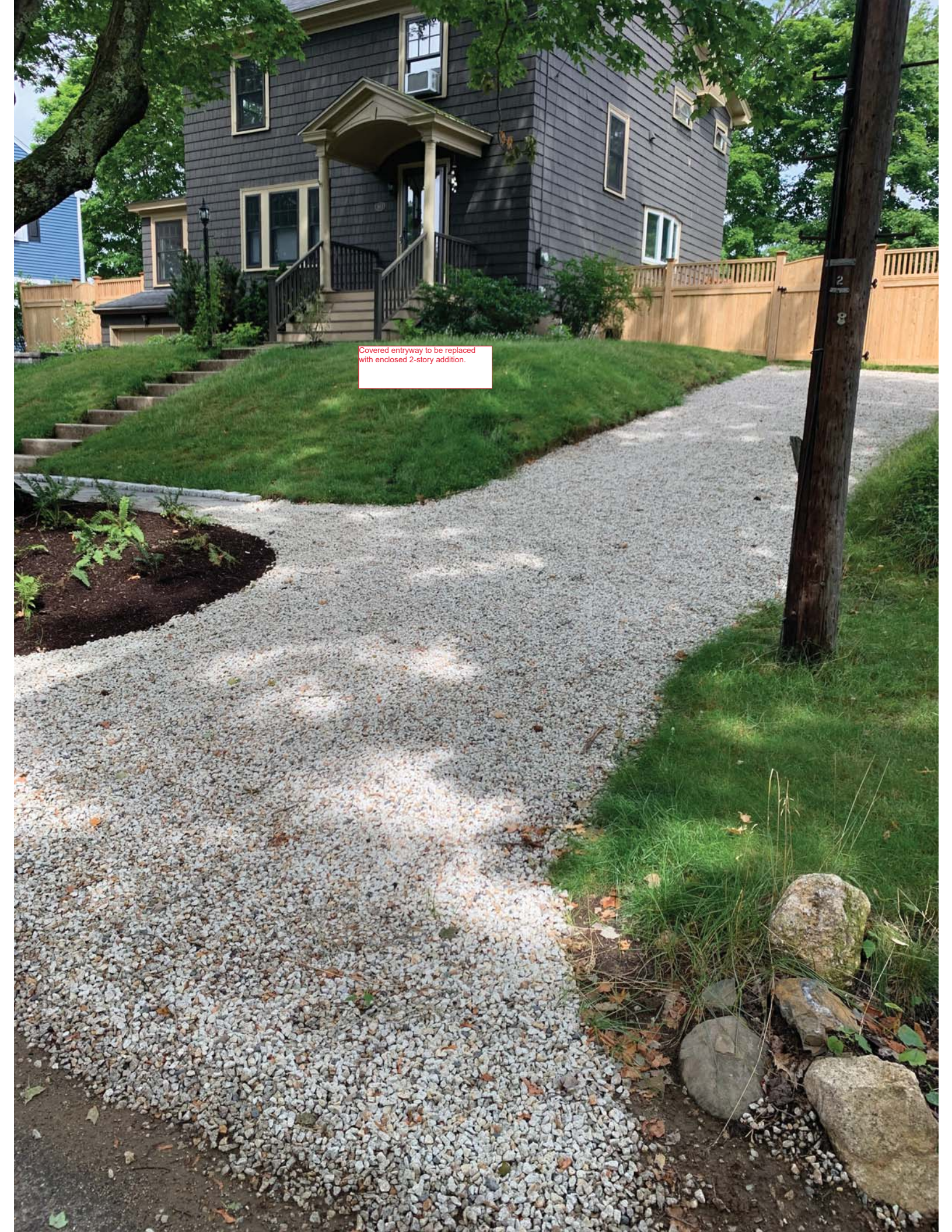
The addition will provide a storage area for shoes and coats prior to entering the home. The second story will provide additional area to an existing bedroom.

D. The values of surrounding properties will not be diminished;

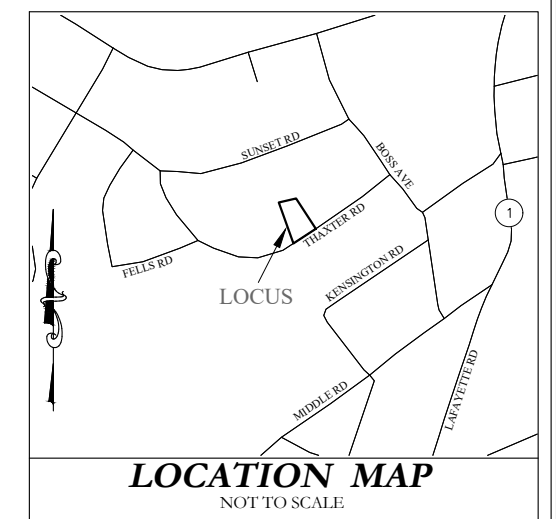
Other dwellings on Thaxter Road appear to have enclosed additions like the proposed addition shown here.

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

The proposed addition meets the dimensional requirements. It is due to the sloping nature of the front yard that make it necessary for the number of proposed steps to reach ground level.



Covered entryway to be replaced with enclosed 2-story addition.



NOTES:

1. REFERENCE: TAX MAP 152 LOT 37 R.C.R.D. BOOK 6092 PAGE 2483
2. TOTAL PARCEL AREA: 9,270 SQ. FT. OR 0.212 AC.
3. OWNER OF RECORD: MARCIO GOLDANI VON MUHLEN & VIRGINIA FREITAS VON MUHLEN 303 THAXTER ROAD PORTSMOUTH, NH 03801
4. ZONE: SINGLE RESIDENCE B (SRB) DIMENSIONAL REQUIREMENTS:

MINIMUM LOT AREA	15,000 s.f.
MINIMUM FRONTAGE	100 ft.
MINIMUM FRONT SETBACK	30 ft.
MINIMUM SIDE SETBACK	10 ft.
MINIMUM REAR SETBACK	30 ft.
5. HORIZONTAL DATUM IS MAGNETIC NORTH BASED ON COMPASS OBSERVATION JULY 2021.
6. THE INTENT OF THIS PLAN IS TO SHOW THE LOCATION OF THE BOUNDARIES IN ACCORDANCE WITH THE CURRENT LEGAL DESCRIPTION.
7. THE PARCEL SHOWN FALLS ENTIRELY WITHIN ZONE X (AREA OF MINIMAL FLOOD HAZARD) AS SHOWN ON F.E.M.A. FLOOD INSURANCE RATE MAP, ROCKINGHAM COUNTY, NEW HAMPSHIRE, MAP NUMBER 3301390259F, EFFECTIVE DATE JANUARY 29, 2021.
8. THE RELATIVE ERROR OF CLOSURE WAS LESS THAN 1 FOOT IN 15,000 FEET.
9. THE PROPOSED ADDITIONS WILL BE BUILT ON POSTS.
10. THE FRONT SETBACK IS 20.3' BASED ON THE AVERAGE OF THE EXISTING ALIGNMENT OF BUILDINGS WITHIN 200 FEET OF THE SUBJECT LOT. (ZONING ORDINANCE 10.516 EXCEPTIONS TO YARD REQUIREMENTS).

PLAN REFERENCES:

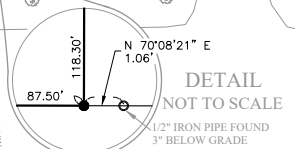
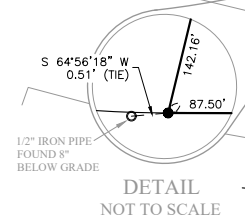
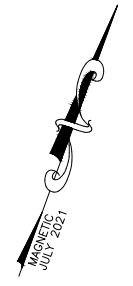
1. PLAN TITLED "PLAN OF LOTS OWNED BY GEORGE BOSS, PORTSMOUTH, N.H." DATED OCT. 1927, PREPARED BY JOHN W. DURGIN, CIVIL ENGINEER, R.C.R.D. PLAN #0397.
2. PLAN TITLED "PLAN OF LOTS, PORTSMOUTH, N.H. FOR E.A. RICCI AND F.E. PATERSON" DATED AUG. 1950, REVISED DEC. 1952, PREPARED BY JOHN W. DURGIN, CIVIL ENGINEER, R.C.R.D. PLAN #01950.

PLAN OF PROPOSED ADDITION
 PREPARED FOR
MARCIO GOLDANI VON MUHLEN & VIRGINIA FREITAS VON MUHLEN
 (TAX MAP 152 LOT 37)
 303 THAXTER ROAD
 PORTSMOUTH, NH

DRAWN BY: SDB DATE: JULY 22, 2022
 CHECKED BY: ARB DRAWING NAME: 21028B
 JOB NAME: 21028 SHEET: C1

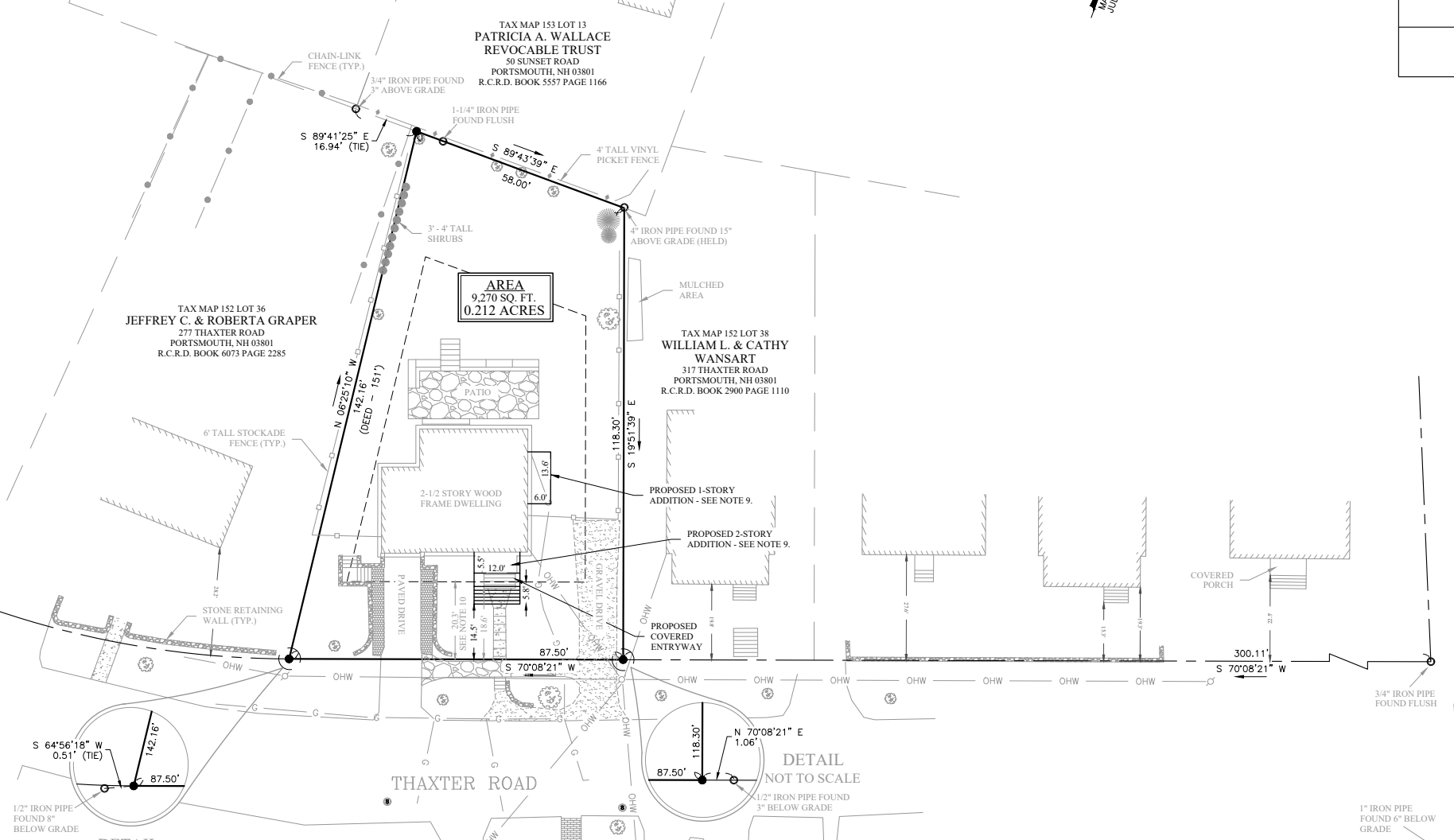
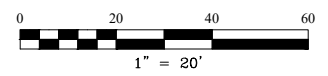
NO. 961
SCOTT D. BOUDREAU
SIGNATURE

Boudreau Land Surveying P.L.L.C.
 SCOTT D. BOUDREAU, L.L.S. #961
 2 BEATRICE LANE
 NEWMARKET, NH 03857
 (603) 659-3468



LEGEND

- IRON PIPE/ROD FOUND
- IRON ROD SET WITH IDENTIFICATION CAP "LLS 961" UNLESS OTHERWISE NOTED ON PLAN
- ⊕ UTILITY POLE
- ⊙ DECIDUOUS TREE
- ⊙ CONIFEROUS TREE
- ⊙ SEWER MANHOLE
- BOUNDARY LINE
- ABUTTER LINE
- OHW — OHW — OVERHEAD WIRES
- G — G — G — UNDERGROUND GAS
- RIGHT-OF-WAY
- EDGE OF GRAVEL
- EDGE OF PAVEMENT



TAX MAP 152 LOT 33
MICHAEL W. DERHAMMER & MARY M. CALHOUN
 280 THAXTER ROAD
 PORTSMOUTH, NH 03801
 R.C.R.D. BOOK 5669 PAGE 605

TAX MAP 152 LOT 32
ROBERT D. & MARY F. STELLA
 292 THAXTER ROAD
 PORTSMOUTH, NH 03801
 R.C.R.D. BOOK 1982 PAGE 303

TAX MAP 152 LOT 36
JEFFREY C. & ROBERTA GRAPER
 277 THAXTER ROAD
 PORTSMOUTH, NH 03801
 R.C.R.D. BOOK 6073 PAGE 2285

TAX MAP 152 LOT 38
WILLIAM L. & CATHY WANSART
 317 THAXTER ROAD
 PORTSMOUTH, NH 03801
 R.C.R.D. BOOK 2900 PAGE 1110

TAX MAP 153 LOT 13
PATRICIA A. WALLACE REVOCABLE TRUST
 50 SUNSET ROAD
 PORTSMOUTH, NH 03801
 R.C.R.D. BOOK 5557 PAGE 1166

AREA
 9,270 SQ. FT.
 0.212 ACRES

CODE SUMMARY

THESE BUILDING PLANS HAVE BEEN DESIGNED IN ACCORDANCE WITH THE INTERNATIONAL RESIDENTIAL CODE - 2015 EDITION FOR NEW HAMPSHIRE

ABBREVIATIONS & SYMBOLS

&	AND	GALV.	GALVANIZED
@	AT	GA.	GAUGE
⊕	CENTER LINE	G.C.	GENERAL CONTRACTOR
ACOUS.	ACOUSTICAL	GL.	GLASS
APPROX.	APPROXIMATE	GR.	GRADE
ARCH.	ARCHITECTURAL	GYP.	GYPSON
ADJ.	ADJUSTABLE	HGT. / HT.	HEIGHT
A.F.F.	ABOVE FINISH FLOOR	HDWD.	HARDWOOD
A.D.	AREA DRAIN	H.P.	HIGH POINT
		H.M.	HOLLOW METAL
		HORIZ.	HORIZONTAL
BSMT.	BASEMENT	INSUL.	INSULATION
BD.	BOARD	INCAND.	INCANDESCENT
BLDG.	BUILDING	I.D.	INSIDE DIAMETER
BLK.	BLOCK	I.P.S.	INSIDE PIPE SIZE
BLKG.	BLOCKING	INV.	INVERT
BM.	BEAM	JST.	JOIST
BET.	BETWEEN	JT.	JOINT
BOT.	BOTTOM	LAV.	LAVATORY
		LAM.	LAMINATED
CAB.	CABINET	LT.WT.	LIGHT WEIGHT
CLKG.	CAULKING	LCC	LEAD COATED COPPER
C.O.	CASED OPENING	M.B.	MASONRY BLOCK
CLG.	CEILING	M.O.	MASONRY OPENING
CEM.	CEMENT	MAX.	MAXIMUM
O.C.	CENTER (ON)	MFR.	MANUFACTURER
CER.	CERAMIC	MTL.	METAL
CL.	CLOSET	MECH.	MECHANICAL
C.O.	CLEAN OUT	MIN.	MINIMUM
CLR.	CLEAR	MISC.	MISCELLANEOUS
COL.	COLUMN	MLDG.	MOULDING
CONC.	CONCRETE	N.	NORTH
CONT.	CONTINUOUS	N.I.C.	NOT IN CONTRACT
CONST.	CONSTRUCTION	N.T.S.	NOT TO SCALE
CTSK.	COUNTERSUNK	NO.	NUMBER
C.	COURSES	O.H.	OVERHEAD
CU.	CUBIC	OPNG.	OPENING
CPT.	CARPET	OPP.	OPPOSITE
C.I.	CAST IRON	O.D.	OUTSIDE DIAMETER
C.M.U.	CONCRETE MASONRY UNIT	O.C.	ON CENTER
		OA	OVERALL
DBL.	DOUBLE	PLYWD.	PLYWOOD
D.F.	DOUGLAS FIR	P.T.	PRESSURE TREATED
D.A.	DOUBLE ACTING	PVC.	POLYVINYL CHLORIDE
DIA.	DIAMETER	PR.	PAIR
DIM.	DIMENSION	PNL.	PANEL
DO.	DITTO	PTN.	PARTITION
DET.	DETAIL	d.	PENNY (NAIL SIZE)
DN	DOWN	PLAS.	PLASTER
DN	DISHWASHER	PL.	PLATE
DWGS.	DRAWINGS	POL.	POLISHED
EA.	EACH	R.	RISER
EL.	ELEVATION (GRADE)	RAD.	RADIUS
ELEV.	ELEVATION (FACADE)	REINF.	REINFORCED / REINFORCING
ELV.	ELEVATOR	R.O.	ROUGH OPENING
EQ.	EQUAL	REQD.	REQUIRED
EXIST.	EXISTING	RF.	ROOF
EXP. JT.	EXPANSION JOINT	R.D.	ROOF DRAIN
EXP.	EXPOSED	SECT.	SECTION SHEET
EXT.	EXTERIOR	SHT.	SHEET
		SHTNG.	SHEATHING
FDN.	FOUNDATION		
F.E.	FIRE EXTINGUISHER		
FGL.	FIBERGLASS		
FIN.	FINISH(ED)		
F.O.	FACE OF		
FLR.	FLOOR		
F.D.	FLOOR DRAIN		
FLUOR.	FLUORESCENT		
FT.	FEET - FOOT		
F.S.	FULL SIZE		

SIM.	SIMILAR	T.	TREADS
S&P	SHELF & POLE	T&B	TOP AND BOTTOM
SVC.	SERVICE	TBD	TO BE DETERMINED
SH.	SHELVES	T&G	TONGUE AND GROOVE
SPECS.	SPECIFICATIONS	TYP.	TYPICAL
SQ.	SQUARE	T.W.	TO THE WEATHER
STD.	STANDARD	T.O.	TOP OF
STAGG.	STAGGERED	T.O.F.	TOP OF FOOTING
STL.	STEEL	T.O.F.W.	TOP OF FOUNDATION WALL
STOP.	STORAGE	T.O.S.	TOP OF SLAB
STRUCT.	STRUCTURAL	T.O.W.	TOP OF WALL
SUSP.	SUSPENDED	TEL.	TELEPHONE
		TEMP.	TEMPERED
		TLT.	TOILET
		U.N.O.	UNLESS NOTED OTHERWISE
		V.I.F.	VERIFY IN FIELD
		VERT.	VERTICAL
		W	WITH
		WD.	WOOD
		W.I.C.	WALK-IN CLOSET
		WH	WATER HEATER
		WO	WITHOUT
		W.W.F.	WELDED WIRE FABRIC
		W.W.M.	WELDED WIRE MESH
		W.C.	WATER CLOSET
		WI.	WROUGHT IRON
		WR.	WATER RESISTANT

LEGEND

	NEW FOUNDATION WALL
	EXIST. FOUNDATION WALL
	NEW 2" X 6" STUD EXTERIOR WALL
	EXIST. 2" X 6" STUD EXTERIOR WALL
	NEW 2" X 4" STUD INTERIOR WALL
	EXIST. 2" X 4" STUD INTERIOR WALL
	DISTURBED AREAS TO BE PATCHED TO MATCH
	EXIST. EXTERIOR WALLS TO BE REMOVED
	EXIST. INTERIOR WALLS TO BE REMOVED
	NEW WINDOWS
	NEW DOORS
	CEILING HEIGHT
	SURFACE ELEVATIONS
	SECTIONS
	EXTERIOR ELEVATIONS
	INTERIOR ELEVATIONS
	ROOM OR AREA NUMBER
	DETAILS

PROJECT NAME
ADDRESS

INFORMATION SHOWN ON THE COVER SHEET AND GENERAL NOTES SHEETS APPLIES TO ALL TRADES FOR THE WORK OF THIS PROJECT, AND INCLUDES TYPICAL NOTES WITH SPECIFIC CODE REQUIREMENTS FOR THOSE TRADES. CROSS-REFERENCE THE CODE SUMMARY WITH THE DRAWINGS AND SPECIFICATIONS.

DATE: ___/___/___

LIST OF DRAWINGS

PERSPECTIVE DRAWING

LOCATION MAP

LIST OF SUBCONTRACTORS

PLUMBING:
PERRY PLUMBING & HEATING INC
 21 AUTUMN POND PARK
 GREENLAND, NH 03840
 WWW.PERRYPLUMBING-HEATING.COM
 P: 603-430-2581
 E-MAIL: PPH555@YAHOO.COM

SITE ENGINEER:

ELECTRICAL:
ARTISAN ELECTRICAL CONTRACTORS, INC.
 PO BOX 603
 DOVER, NH 03821
 P: 603-743-4005

STRUCTURAL ENGINEER:

SITE CONTRACTOR:
RYE BEACH LANDSCAPING, LLC
 8 PERENNIAL PLACE
 EXETER, NH 03833
 WWW.RYEBEACHLANDSCAPING.COM
 P: 603-964-6888
 E-MAIL: DESIGN@RYEBEACHLANDSCAPING.COM

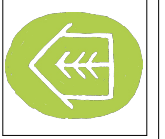


MIGHTY ROOTS
 DESIGN-BUILD-CABINETRY

ARCHITECT STAMP

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THE MATERIAL CONTAINED IN THESE DRAWINGS AND THE DESIGN THEY ARE INTENDED TO CONVEY ARE THE EXCLUSIVE PROPERTY OF **MIGHTY ROOTS**. POSSESSION AND USE HEREOF IS GRANTED ONLY CONFIDENTIALLY IN CONNECTION WITH CONSTRUCTION OF THE BUILDINGS DEPICTED HEREIN AS AUTHORIZED BY **MIGHTY ROOTS**. THE RECIPIENT AGREES TO ABIDE BY THESE RESTRICTIONS ANY USE, REPRODUCTION OR DISCLOSURE OF ANY INFORMATION, IN WHOLE OR IN PART, CONTAINED HEREIN, WITHOUT WRITTEN PERMISSION OF **MIGHTY ROOTS** IS EXPRESSLY PROHIBITED.



REVISION TABLE	NUMBER	DATE	REVISION BY	DESCRIPTION

DRAWINGS PROVIDED BY:
MIGHTY ROOTS
 13 ALDEN AVE.
 GREENLAND, NH 03840

TITLE SHEET

CLIENT

DATE:
7/11/2022

SCALE:

SHEET:

T-1

GENERAL NOTES

- DIV. 01 GENERAL REQUIREMENTS**
- MIGHTY ROOTS ASSUMES NO LIABILITY FOR THE BUILDINGS DEPICTED IN THESE DRAWINGS ENCROACHING ON ANY PROPERTY SETBACKS, ZONING AND/OR HEIGHT RESTRICTIONS, OR ANY OTHER SITE CONSTRAINTS. (SEE ENGINEER STAMPED SITE PLAN FOR EXACT LOCATIONS)
 - DIMENSIONS WHERE PROVIDED SHALL TAKE PRECEDENT OVER SCALE OF DRAWINGS. LEAD CARPENTER SHALL MEASURE AND VERIFY ALL DIMENSIONS ON SITE.
 - INTERPRETATION OF CONTRACT DOCUMENTS: SUB-CONTRACTORS SHALL PROMPTLY NOTIFY MIGHTY ROOTS OF ANY AMBIGUITY, INCONSISTENCY, OR ERROR IN WHICH THEY HAD DISCOVERED UPON EXAMINATION OF THE CONTRACT DOCUMENTS OR OF THE SITE AND LOCAL CONDITIONS. IF THE SUB-CONTRACTORS KNOWINGLY DO NOT NOTIFY MIGHTY ROOTS OF SUCH AMBIGUITY, INCONSISTENCY, OR ERROR, THEY THEREFOR ACCEPT SUCH CONDITIONS AND WILL MAKE SUCH ADDITIONS OR CORRECTIONS NECESSARY TO PROPERLY COMPLETE THE WORK AT THEIR EXPENSE.
 - THE EXISTING CONDITIONS IN THE CONSTRUCTION DOCUMENTS ARE BASED ON MEASURED DRAWINGS AND PHOTOGRAPHS. ANY DISCREPANCIES BETWEEN THESE DOCUMENTS AND ACTUAL FIELD CONDITIONS SHALL BE BROUGHT TO THE ATTENTION OF MIGHTY ROOTS BEFORE PROCEEDING WITH ANY WORK.
 - SUB-CONTRACTORS TO PERFORM ALL WORK OF THIS CONTRACT ACCORDING TO ALL APPLICABLE LOCAL, STATE, OR FEDERAL CODES AND/OR ORDINANCES. SECURE ALL PERMITS AS REQUIRED.
 - SUB-CONTRACTORS TO PROVIDE DUST AND FLOOR PROTECTION AS NEEDED, AND AS DIRECTED BY MIGHTY ROOTS.

- DESIGN AND INSTALLATION OF ALL MECHANICAL & ELECTRICAL SYSTEMS IS THE RESPONSIBILITY OF THE SUB-CONTRACTORS FOR THE SPECIFIC TRADES AND MUST COMPLY WITH ALL APPLICABLE NATIONAL, STATE, AND LOCAL CODES AND AUTHORITIES HAVING JURISDICTION.
- ITEMS NOT EXPRESSLY SET FORTH BUT WHICH ARE REASONABLY IMPLIED OR NECESSARY FOR PROPER PERFORMANCE OF THE WORK SHALL BE INCLUDED.
- EACH SUB-CONTRACTOR AND TRADE SHALL BE RESPONSIBLE FOR THE ACCURATE PLACEMENT OF THEIR WORK IN RELATION TO OTHER TRADES AND SHALL COORDINATE THEIR WORK WITH OTHER SUB-CONTRACTORS AND TRADES.
- SUB-CONTRACTORS TO CONFIRM HOSE BIB, EXTERIOR ELECTRICAL, OUTLET AND LIGHT LOCATIONS WITH MIGHTY ROOTS AND/OR OWNER.
- ALL DIMENSIONS ON THE FLOOR PLANS ARE TO FACE OF STUDS, UNLESS NOTED OTHERWISE.
- VERIFY ALL DIMENSIONS AND CONDITIONS PRIOR TO STARTING WORK. NOTIFY MIGHTY ROOTS OF ANY DISCREPANCIES OR INCONSISTENCIES.
- VERIFY IN FIELD ALL EXISTING CONDITIONS SHOWN ON THE DRAWINGS.
- ANY ENGINEERING DESIGN PROVIDED BY OTHERS AND SUBMITTED FOR REVIEW SHALL BEAR THE SEAL OF AN ENGINEER REGISTERED IN THE STATE WHERE THE PROJECT IS BEING CONSTRUCTED.
- DETAILS ON THE STRUCTURAL DRAWINGS ARE TYPICAL. VERIFY DIMENSIONS WITH THE ARCHITECTURAL DRAWINGS.
- DIMENSIONS ON THE STRUCTURAL DRAWINGS ARE EXACT WITH THE EXCEPTION OF MASONRY AND SAWN LUMBER DIMENSIONS WHICH ARE NOMINAL. VERIFY ALL DIMENSIONS WITH THE ARCHITECTURAL DRAWINGS.
- MAINTAIN FOR THE ENTIRE DURATION OF THE WORK ALL EXISTING, DUST LIGHTING, FIRE PROTECTION DEVICES AND ALARMS IN CONFORMANCE WITH ALL CODES AND ORDINANCES, AS AVAILABLE EXISTS. PROVIDE PORTABLE FIRE EXTINGUISHERS WITH U.L. LABEL AND A RATING OF NOT LESS THAN 2A, WITH 7.5 FT. TRAVEL DISTANCE TO ALL POSITIONS OF THE BUILDING -- OR AS DIRECTED BY THE FIRE DEPARTMENT FIELD INSPECTOR.

DIV. 02 SITE WORK

- SLOPE GRADES AWAY FROM BUILDINGS AT 5 PERCENT MINIMUM FOR 10'-0"
- PERFORM GRADING TO PROVIDE POSITIVE DRAINAGE FOR ALL AREAS OF THE SITE.
- PROVIDE 5' MIN. CLEARANCE FROM BOTTOM OF SIDING OR 8' MIN. CLEARANCE FROM THE TOP OF THE FOUNDATION TO FINISH GRADE AT PERIMETER OF BUILDING, PATCHEYER IS GREATER.
- SEED AND MULCH ALL SURFACE DRAINAGE DITCHES OR SWALES AS SOON AS POSSIBLE TO PREVENT EROSION AND SEDIMENTATION. PROVIDE HAY BALE DAMS ALONG DRAINAGE DITCHES AT 100' INTERVALS MAX. DURING CONSTRUCTION PERIOD AND MAINTAIN UNTIL LAWN AREAS ARE ESTABLISHED AND MULCH BEDS ARE INSTALLED.
- PROTECT FROM HARM ALL EXISTING TREES AND SHRUBS INTENDED TO REMAIN.
- CONTACT LOCAL UTILITY COMPANIES AND DIS SAFE TO LOCATE ANY EXISTING UNDERGROUND UTILITIES BEFORE COMMENCING SITE WORK.
- SUB-CONTRACTOR IS RESPONSIBLE FOR ALL TRENCHING FOR ALL UNDERGROUND UTILITIES UNDER SLAB AND AROUND SITE. COORDINATE ALL LOCATIONS WITH MIGHTY ROOTS AND/OR OTHER SUBS AND TRADES.
- INSTALL PERIMETER DRAINS AROUND INSIDE AND OUTSIDE OF ALL BUILDINGS UNLESS OTHERWISE NOTED ON DRAWINGS. FITCH DRAINS TO OUTFALL (DAYLIGHT) AND SCREEN ENDS AGAINST WEATHER.
- PROTECT ALL EXISTING SITE ELEMENTS AND ADJACENT FACILITIES FROM DAMAGE DUE TO THE DEMOLITION AND CONSTRUCTION OPERATIONS AND REPAIR OR REPLACE ANY ELEMENTS DAMAGED DURING CONSTRUCTION.
- DURING ALL PHASES OF THE WORK, DO NOT DISTURB NEIGHBORING PROPERTIES WITHOUT ADEQUATE NOTICE.

DIV. 03 CONCRETE

- EXTEND ALL BUILDING FOOTINGS TO UNDISTURBED SOIL, OR SOLID ROCK. EXCEPT WHEN BEARING ON SOLID ROCK, EXTEND FOOTINGS BELOW THE FROST LINE OF THE LOCALITY (MIN. 4'-0" BELOW GRADE).
- WHEN GRADE BEAMS OR THICKENED SLABS BEAR ON NEW FILL, COMPACT FILL TO 95 PERCENT MINIMUM DRY DENSITY.
- INSTALL CONTROL JOINTS IN CONCRETE SLABS TO LIMIT AREAS OF SLAB TO 225 S.F. MAX. DIVIDE INTO AREAS AS SQUARE AS POSSIBLE.
- REFER TO THE BUILDING CODE AND BEST PRACTICES FOR CONCRETE PROPORTIONS AND CONSTRUCTION METHODS.
- NO FOOTINGS SHALL BE POURED ON LOOSE OR UNSUITABLE SOILS, IN WATER OR ON FROZEN GROUND.
- ALL FOOTINGS ARE TO BE POURED ON LEVEL UNDISTURBED SOIL BELOW FROST LINE.
- BACKFILL SHALL NOT BE PLACED AGAINST FOUNDATION WALL UNTIL FLOOR SYSTEM IS IN PLACE OR THE FOUNDATION WALLS ARE ADEQUATELY BRACED AT THE TOP OF WALL OR BACKFILLED EQUALLY ON BOTH SIDES.
- ALLOWABLE PRESUMPTIVE BEARING CAPACITY USED IN DESIGN OF THE FOUNDATIONS: 2,000 PSF.
- ALL CONCRETE SHALL HAVE A MINIMUM COMPRESSIVE STRENGTH OF AT LEAST 3,000 PSI AT 28 DAYS.
- CONCRETE MIXES SHALL CONFORM TO ASTM C14 WITH THE FOLLOWING:
 - PORTLAND CEMENT: ASTM C150 TYPE I OR II
 - NORMAL WEIGHT AGGREGATES: ASTM C33
 - POTABLE WATER
 - AIR-ENTRAINING ADMIXTURES: ASTM C260 AIR CONTENT: 6% +/- 1.5% BY VOLUME U.N.O. NO AIR FOR TROUBLE FINISH SLABS.
 - WATER-REDUCING ADMIXTURES: ASTM C494, MID-RANGE TYPE A, HIGH-RANGE TYPE F OR G

- ACCELERATOR AND RETARDER ADMIXTURES: ASTM C494, TYPE C AND D RESPECTIVELY
- CORROSION INHIBITOR: ASTM C494, 30% CALCIUM NITRITE.
- NORMAL WEIGHT CONCRETE SLUMP SHALL NOT EXCEED 6" +/- AT THE POINT OF DELIVERY.
- CONCRETE SHALL BE CURED BY AN ACI APPROVED METHOD. HOT WEATHER CONCRETING SHALL BE PER ACI 305R. COLD WEATHER CONCRETING SHALL BE PER ACI 306.
- REINFORCING STEEL SHALL BE PLACED IN ACCORDANCE WITH THE STATE BUILDING CODE REFERENCED ACI 318.
- THE FOLLOWING MINIMUM CONCRETE COVER SHALL BE PROVIDED FOR REINFORCEMENT:
 - CONCRETE CAST AGAINST AND PERMANENTLY EXPOSED TO EARTH: 3"
 - CONCRETE EXPOSED TO EARTH OR WEATHER: #10 BARS 2", #5 BARS AND SMALLER: 1 1/2"
 - CONCRETE NOT EXPOSED TO WEATHER OR IN CONTACT WITH GROUND: SLABS, WALLS AND JOISTS 3/4", BEAMS AND COLUMNS 3/4".
- STEPPED FOOTINGS SHALL BE NO STEEPER THAN 1 UNIT OF VERTICAL FOR 2 UNITS HORIZONTAL. STEPS SHALL NOT EXCEED 2'-0" VERTICALLY. LOCATIONS OF STEPS IF SHOWN ON PLANS ARE SCHEMATIC ONLY. THE QUANTITY AND LOCATIONS MAY VARY BASED ON SUBSURFACE CONDITIONS.
- SUB-CONTRACTOR IS RESPONSIBLE FOR ALL PLACEMENT OF SLEEVES THROUGH THE FOUNDATION WALLS FOR UTILITIES. (COORDINATE ALL LOCATIONS AND SIZES WITH MIGHTY ROOTS AND/OR OTHER SUBS).
- SUB-CONTRACTOR TO INSTALL 1/2" FOUNDATION ANCHOR BOLTS WITH WASHERS AT A MIN. 7" INTO CONCRETE, MAX. 6'-0" APART, MAX. 12" FROM CORNERS AND FROM ENDS OF ABUTTING PLATES.
- SLAB ON GRADE FOUNDATIONS TO HAVE A 4" X 8" INSULATION SHELF ON INSIDE FACE OF FOUNDATION WALLS FOR PERIMETER INSULATION. (VERIFY ON DRAWINGS AND WITH MIGHTY ROOTS)

DIV. 04 MASONRY

- DIV. 05 METALS**
- ALL STRUCTURAL STEEL WORK SHALL CONFORM TO THE STATE BUILDING CODE AND THE REFERENCED STANDARDS INCLUDING THE AMERICAN INSTITUTE OF STEEL CONSTRUCTION (AISC 360-05)
 - STEEL GRADES BY TYPE:
 - ROLLED WIDE-FLANGE SHAPES: A992, Fy=50ksi
 - ANGLES, CHANNELS, PLATES: A36, Fy=36ksi
 - HOLLOW STRUCTURAL SHAPES: A500 OR A, Fy=48ksi
 - ANCHOR RODS: F1554, GR. 36ksi OR 10ksi (AS NOTED)
 - FIELD MODIFICATIONS OF THE STRUCTURAL STEEL IS NOT PERMITTED WITHOUT THE APPROVAL OF ENGINEER OF RECORD. THIS INCLUDES HOLES, GAPS AND OTHER MODIFICATIONS.
 - UNLESS NOTED OTHERWISE HOLES ARE STANDARD SIZE. U.N.O. BOLTS SHALL BE ASTM A325N, 3/4" DIA. TENSION CONTROLLED BOLTS (TENS-OF), SLIP CRITICAL CONNECTIONS SHALL NOT BE USED.
 - WELDING ELECTRODES SHALL BE LOW HYDROGEN E70XX SERIES. WELDERS SHALL BE CERTIFIED IN ACCORDANCE WITH AMERICAN WELDING SOCIETY STANDARD QUALIFICATION PROCEDURES.
 - COLUMNS SHALL HAVE A 1/2" LEVELING PLATE AND 3/4" NON-SHRINK GROUT.

DIV. 06 CARPENTRY

- ALL WOOD IN CONTACT WITH CONCRETE OR MASONRY SHALL BE PRESSURE TREATED.
- FIRESTOP ALL STUD BAYS AT DROPPED CEILING LEVEL OR CONTINUING GYP/SUM BOARD TO TOP FLATE.
- PROVIDE ALL NECESSARY BLOCKING TO RECEIVE CABINETS, SHELVING, ACCESSORIES, CURTAIN RODS, AND ANY OTHER BUILT-IN EQUIPMENT SHOWN ON THE DRAWINGS.

- PROVIDE AND INSTALL ALL ROUGH HARDWARE SUCH AS NAILS, SCREWS, CLIPS AND OTHER FRAMING DEVICES SHOWN OR REQUIRED FOR SECURING ITEMS OF ROUGH CARPENTRY.
- INSTALL 5 SHELVES IN ALL LINEN CLOSETS.
- INSTALL SHELF AND POLE IN ALL CLOSETS UNLESS OTHERWISE NOTED OR DETAILED. TOP OF SHELF SHALL BE AT 5'-0" A.F.F., TOP OF POLE SHALL BE AT 5'-6" A.F.F.
- ALL EXTERIOR WALLS ARE 2X6 CONSTRUCTION AND INTERIOR WALLS ARE 2X4 CONSTRUCTION, UNLESS NOTED OR DIMENSIONED OTHERWISE.
- UNLESS NOTED OTHERWISE, ALL FASTENERS AND FASTENING DEVICES ARE TO BE CONCEALED IN ALL FINISHED SPACES.
- RESANDING RAIL HEIGHTS: GUARDRAILS MUST BE AT LEAST 3'-0" (36") HIGH. HANDRAILS SHALL BE A MIN. OF 2'-0" (24") HIGH AND NO MORE THAN 3'-2" (38") HIGH. HANDRAIL AND GUARDRAIL BALUSTER SPACINGS TO BE LESS THAN 4" APART.
- EACH PIECE OF LUMBER SHALL BE "5-DRY" AND BEAR THE STAMP OF A GRADING RULES AGENCY APPROVED BY THE AMERICAN LUMBER STANDARDS COMMITTEE.
- EACH PIECE OF LUMBER IN PLACE IN THE STRUCTURE SHALL BE THE ORIGINAL GRADE SPECIFIED OR BETTER WHEN INSPECTED BY A GRADING AGENCY APPROVED BY THE A.S.C., REGARDLESS OF REQUIRED GRADE STAMP AND CERTIFICATION.
- DO NOT NOTCH OR DRILL JOISTS, BEAMS, OR LOAD BEARING STUDS WITHOUT APPROVAL UNLESS NOTED BELOW.
- CUTTING, DRILLING, AND NOTCHING IN SOLID LUMBER JOISTS, RAFTERS AND BEAMS: (OR AS NOTED ON DRAWINGS)
 - MAX. 1/8 THE DEPTH OF THE MEMBER
 - MAX. LENGTH 1/3 THE DEPTH OF THE MEMBER
 - MUST NOT BE LOCATED IN THE MIDDLE 1/3 OF SPAN
 - NOTCHES AT THE ENDS OF THE MEMBER MUST NOT EXCEED 1/3 THE DEPTH OF THE MEMBER
 - THE TENSION SIDE OF MEMBERS 4" OR GREATER IN NOMINAL THICKNESS MUST NOT BE NOTCHED EXCEPT AT THE ENDS OF THE MEMBERS
 - THE DIAMETER OF HOLES BORED OR CUT INTO MEMBERS MUST NOT EXCEED 1/3 THE DEPTH OF THE MEMBER
 - HOLES MUST NOT BE CLOSER THAN 2" TO THE TOP OR BOTTOM OF THE MEMBER, OR TO ANY OTHER HOLE LOCATED IN THE MEMBER
 - WHERE THE MEMBER IS ALSO NOTCHED THE HOLE MUST NOT BE CLOSER THAN 2" TO THE NOTCH
- BEARING ENDS OF JOISTS, BEAMS OR GIRDERS BEARING ON: (OR AS NOTED ON DRAWINGS)
 - WOOD OR METAL: 1 1/2" MIN.
 - MASONRY AND CONCRETE: 3" MIN.
 - EXCEPTION: WHERE SUPPORTED ON A 1" X 4" RIBBON STRIP AND NAILED TO THE ADJACENT STUD OR BY THE USE OF APPROVED JOIST HANGERS.
- SILL PLATE NOMINAL BEARING AREA: 48 IN 2 MIN. (OR AS NOTED ON DRAWINGS)
 - THE BEARING ON MASONRY OR CONCRETE MUST BE DIRECT OR A SILL PLATE OF 2" MIN. NOMINAL THICKNESS MUST BE PROVIDED UNDER THE JOISTS, BEAMS OR GIRDERS
 - JOISTS FRAMING FROM OPPOSITE SIDES OVER A BEARING SUPPORT MUST LAP 3" MIN. AND BE NAILED TOGETHER WITH A MIN OF 3 TYPE 104 FACE NAIL.
- LAPPED CEILING JOISTS: (OR AS NOTED ON DRAWINGS)
 - ENDS OF CEILING JOISTS MUST BE LAPPED A MIN. OF 3" OR BUTTED OVER BEARING PARTITIONS OR BEAMS AND TOE NAILED TO THE BEARING MEMBER
 - WHERE CEILING JOISTS ARE USED TO PROVIDE RESISTANCE TO RAFTER THRUST, LAPPED JOISTS MUST BE NAILED TOGETHER AND BUTTED JOISTS MUST BE TIED TOGETHER IN A MANNER TO RESIST SUCH THRUST
 - JOISTS THAT DO NOT RESIST THRUST MUST BE PERMITTED TO BE NAILED.
- CEILING JOISTS AND RAFTER CONNECTIONS: (OR AS NOTED ON DRAWINGS)
 - CEILING JOISTS AND RAFTERS MUST BE NAILED TO EACH OTHER AND THE RAFTER MUST BE NAILED TO THE TOP WALL PLATE
 - CEILING JOISTS MUST BE CONTINUOUS OR SECURELY JOINED WHERE THEY MEET OVER INTERIOR PARTITIONS AND NAILED TO ADJACENT RAFTERS TO PROVIDE A CONTINUOUS TIE ACROSS THE BUILDING WHERE SUCH JOISTS ARE PARALLEL TO THE RAFTERS
 - WHERE CEILING JOISTS ARE NOT CONNECTED TO THE RAFTERS AT THE TOP WALL PLATE, JOISTS CONNECTED HIGHER IN THE ATTIC MUST BE INSTALLED AS RAFTER TIES, OR RAFTER TIES MUST BE INSTALLED TO PROVIDE A CONTINUOUS TIE
 - WHERE CEILING JOISTS ARE NOT PARALLEL TO RAFTERS, RAFTER TIES MUST BE INSTALLED
 - RAFTERS TIES MUST BE A MIN. OF 2 X 4, INSTALLED ACCORDING TO CONNECTION REQUIREMENTS IN I.R.C. TABLE R022.5 (1)(i), OR CONNECTIONS OF EQUIVALENT CAPACITY MUST BE PROVIDED
 - WHERE CEILING JOISTS OR RAFTER TIES ARE NOT PROVIDED, THE RIDGE FORMED BY THESE RAFTERS MUST BE SUPPORTED BY WALL OR GIRDER DESIGNED IN ACCORDANCE WITH ACCEPTED ENGINEERING PRACTICE
 - COLLAR TIES OR RIDGE STRAPS MUST BE CONNECTED IN THE UPPER THIRD OF THE ATTIC SPACE TO RESIST WIND UPLIFT
 - COLLAR TIES MUST BE A MIN. OF 1" X 4" SPACED A MAX. OF 4' FEET ON CENTER
- RIDGE BOARD FRAMING: (OR AS NOTED ON THE DRAWINGS)
 - RAFTERS MUST BE FRAMED NOT MORE THAN 1 1/2" OFFSET FROM EACH OTHER TO RIDGE BOARD OR TO EACH OTHER WITH A SUSSET PLATE AS ATIE
 - RIDGE BOARD THICKNESS: 1" MIN.
 - RIDGE BOARD DEPTH: MIN. THE CUT END OF THE RAFTER
 - VALLEYS AND HIPS MUST HAVE A VALLEY OR HIP RAFTER A MIN. OF 2" THICK AND A MIN. OF 2" THE CUT END OF THE RAFTER IN DEPTH
 - HIP AND VALLEY RAFTERS MUST BE SUPPORTED AT THE RIDGE BY A BRACE TO A BEARING PARTITION OR BE DESIGNED TO CARRY AND DISTRIBUTE THE SPECIFIC LOAD AT THAT POINT
 - WHERE THE ROOF PITCH IS LESS THAN 3 UNITS VERTICAL IN 12 UNITS HORIZONTAL (25% SLOPE), STRUCTURAL MEMBERS THAT SUPPORT RAFTERS AND GIBS JOISTS, SUCH AS RIDGE BEAMS, HIPS AND VALLEYS MUST BE DESIGNED AS BEAMS
- PROVIDE METAL OR 1X3 WOOD CROSS BRIDGING OR SOLID BLOCKING AT 8'-0" MAXIMUM BETWEEN JOISTS.
- DOUBLE STUDS AT JAMBS AND UNDER BEAMS. (OR AS NOTED ON DRAWINGS)
- PROVIDE HORIZONTAL BLOCKING 4'-0" VERTICALLY AT SHEATHING PANEL EDGES IN BEARING WALLS.
- SEE NAILING SCHEDULE, INTERNATIONAL RESIDENTIAL CODE, LATEST EDITION, FOR NAILING NOT SPECIFICALLY CALLED OUT ON THE DRAWINGS. USE COMMON NAILS.
- MAKE FRAMED CONNECTIONS WITH APPROVED FRAMING ANCHORS ON EACH SIDE OR APPROVED JOIST HANGERS BY SIMPSON OR LUF.
- NAIL ROOF PLYWOOD WITH 10d COMMON AT 6" AT ALL EDGES AND BOUNDARY MEMBERS AND AT 6" AT INTERMEDIATE SUPPORTS.
- GLUE FLOOR PLYWOOD TO SUPPORTS WITH AN ADHESIVE MEETING THE REQUIREMENTS OF APA PERFORMANCE SPECIFICATIONS AFS-01 AND NAIL WITH 10d COMMON AT 6" ALL EDGES AND AT 6" AT INTERMEDIATE SUPPORTS.
- PRE-DRILL ALL HOLES FOR NAILS LARGER THAN 20d.
- FIELD DRILL BOLT HOLES FOR PROPER HATCHING AND BEARINGS.
- PROVIDE CUT WASHERS AT BOLTS IN WOOD WITHOUT STEEL PLATES.
- 2x6 THRU 2X14 JOISTS, SPRUCE-PINE-FIR NO. 2 OR BETTER WITH Fb (REPEITIVE) = 1000+ PSI.
- 4X BEAMS: SPRUCE-PINE-FIR NO. 1 OR BETTER WITH Fb (SINGLE) = 1250+ PSI.

- LEDGERS, PLATES, BLOCKING, AND OTHER SAWN LUMBER: SPRUCE-PINE-FIR NO. 2 OR BETTER
- STUDS: SPRUCE-PINE-FIR CONSTRUCTION GRADE
- 5 F.F. COLUMNS: UNEXPOSED SPRUCE-PINE-FIR NO. 1 OR BETTER
- LVL BEAMS: 2.0 E & 3100 Fb. OR BETTER.
- CONNECT (3 PL) 5 1/2" LVL WITH TWO ROWS TRUSSLOC 9" LONG AT 24" O.C., (2 PL) 3 1/2" LVL WITH TWO ROWS TRUSSLOC 3 3/8" LONG AT 24" O.C., BOTH 1/2" NECESSARY ON ONE SIDE. TYPICAL UNLESS NOTED OTHERWISE.
- PSL COLUMNS: BOISE CASCADE VERSALAM 1.8 E & 2750+ Fb. OR BETTER.
- LIVE LOAD DEFLECTION LIMITED TO L/400.
- RESIDENTIAL FLOOR LOADS OF 40 PSF LIVE LOAD AND MIN. 10 PSF DEAD LOAD.
- MIN. BASIC WIND SPEED (3-SEC): 100MPH
- MIN. BASIC GROUND SNOW LOAD: 50PSF
- ALL 1-JOIST FLOOR / ROOF FRAMS TO BE INSTALLED PER MANUFACTURES SPECIFICATIONS.
- ALL 1-JOIST HOLE LOCATION AND SIZING TO BE PER MANUFACTURES SPECIFICATIONS.
- PROVIDE ALL NECESSARY TEMPORARY BRACINGS, SHORING, GUYING OR OTHER MEANS TO AVOID EXCESSIVE STRESSES AND TO HOLD STRUCTURAL ELEMENTS IN PLACE DURING CONSTRUCTION.

- ALL WALL SHEATHINGS TO BE NAILED IN SHEAR WALL MANNER USING 12d FASTENERS AT 3" O.C. ON EDGES AND 4" O.C. IN THE FIELD. ALL OTHER NAILING NOT SPECIFIED SHALL CONFORM TO I.R.C. - LATEST EDITION.
- WOOD FRAMING MEMBERS SHALL BE SUPPORTED BY DIRECT BEARING, OR A LIGHT GAUGE CONNECTOR. MEMBERS SHOULD NOT BE SUPPORTED BY END OR TOE NAILING.
- PLYWOOD SHEATHINGS SHALL COMPLY WITH U.S. VOLUNTARY PRODUCT STANDARD PS 1-04 OR PS 2-10.
- PLYWOOD SHALL BE AS NOTED BELOW UNLESS NOTED OTHERWISE ON DRAWINGS:
 - ROOF SHEATHING: 5/8" THICK (NOMINAL) APA-RATED, EXP. 1, (OR 2P SHEATHING, VERIFY ON DRAWINGS)
 - WALL SHEATHING: 1/2" THICK (NOMINAL) APA-RATED, EXP. 1, (OR 2P SHEATHING, VERIFY ON DRAWINGS)
 - FLOOR SHEATHING: 3/4" THICK (NOMINAL) APA-RATED, EXP. 1, TONGUE AND GROOVE, GLUED AND NAILED. (OR ADVANTAGE, VERIFY ON DRAWINGS)
- WOOD STRUCTURAL PANELS SHALL BE INSTALLED PERPENDICULAR TO FRAMING WITH JOINTS STAGGERED. PANELS SHALL BE CONTINUOUS OVER THREE SPANS (4' LONG MINIMUM).
- PLYWOOD SHEATHINGS SHALL BE PLACED WITH A 1/8" GAP BETWEEN PANEL EDGES, UNLESS OTHERWISE INDICATED BY MANUFACTURER (EDGES NOT SUPPORTED BY FRAMING SHALL HAVE H-CLEPS INSTALLED AT MID-SPAN) TONGUE AND GROOVE SHEATHINGS IS EXCLUDED FROM THIS REQUIREMENT.
- ATTIC ACCESS IS REQUIRED WHEN THE ATTIC AREA EXCEEDS 30 SQUARE FEET AND HAS A HEIGHT OF 3' OR GREATER. THE ACCESS REQUIRES A ROUGH OPENING OF AT LEAST 22" X 30" WITH 30' OF HEADROOM ABOVE AND LOCATED IN A READILY ACCESSIBLE LOCATION.
- ALL RAFTERS ARE TO HAVE SIMPSON HURRICANE TIES OR 6" MIN. FASTEN MASTER TIMBERLOK STRUCTURAL WOOD SCREWS THROUGH THE TOP PLATES INTO RAFTER ABOVE AT AN ANGLE BETWEEN 15 - 30 DEGREES (ALTERNATE HURRICANE TIES)
- UNLESS NOTED OTHERWISE, ASSUME 6" RETURN AT ALL DOOR OPENINGS / WALL INTERSECTIONS.

DIV. 07 THERMAL AND MOISTURE

- PAINT ALL VENT STACKS AND RAIN DIVERTERS TO MATCH ROOFING COLOR. (OR AS NOTED ON DRAWINGS)
- INSTALL ROOF SHINGLES WITH CLOSED CUT VALLEYS OVER WATERPROOFING MEMBRANE VALLEY FLASHING AT ALL ROOF VALLEYS. INSTALL 3 COURSES MIN. WATERPROOFING MEMBRANE (3/8" WIDE ROLL MIN.) IN ALL VALLEYS WITH FIRST COURSE CENTERED IN VALLEY, AND ONE ADDITIONAL COURSE ON EACH SIDE OF THE FIRST COURSE CENTERED IN THE VALLEY. INSTALL PER THE ASPHALT ROOFING MANUFACTURERS ASSOCIATIONS' "RESIDENTIAL ASPHALT ROOFING MANUAL" INSTRUCTIONS AND RECOMMENDATIONS. (OR AS NOTED ON DRAWINGS)
- INSTALL (2) COURSES OF ICE AND WATER SHIELD (3/8" WIDE ROLL MIN.) AT ALL ROOF PERIMETERS (EAVES AND RAKES) AND AT VALLEYS AND HIPS. (OR AS NOTED ON THE DRAWINGS)
- INSTALL 10" X 7" STEP FLASHING AT SIDEWALL TO ROOF INTERSECTIONS. HOLD SIDING UP FROM ROOF SURFACE 1-1/2" MIN.
- INSTALL METAL DRIP EDGE AT ALL RAKES AND EAVES.
- INSTALL ASPHALT SHINGLES OVER A COMPLETE SYNTHETIC UNDERLAYMENT OF WATERPROOFING MEMBRANE. INSTALL PER THE ASPHALT ROOFING MANUFACTURERS ASSOCIATIONS' "RESIDENTIAL ASPHALT ROOFING MANUAL" INSTRUCTIONS AND RECOMMENDATIONS.
- PROVIDE ATTIC AND ROOF RAFTER VENTILATION EQUAL TO 1/1030' OF AREA TO BE VENTED. (OR AS NOTED ON DRAWINGS)
- INSULATE EXTERIOR WALL TO A MIN. OF (R-21) UNLESS OTHERWISE NOTED OR DETAILED.
- INSULATE ATTIC TO A MIN. OF (R-41) UNLESS OTHERWISE NOTED OR DETAILED.
- INSULATE SLOPED CEILING TO A MIN. OF (R-30) 1/4" VENT CHANNELS UNLESS OTHERWISE NOTED OR DETAILED.
- SLAB ON GRADE FOUNDATIONS TO HAVE 2" TO 4" XPS RIGID INSULATION WITH TAPED SEAMS UNDER SLAB WITH 2" XPS RIGID INSULATION AROUND THE PERIMETER ON INSIDE FACE OF A 4" X 8" FOUNDATION INSULATION SHELF. (UNLESS OTHERWISE NOTED OR DETAILED ON DRAWINGS. VERIFY WITH MIGHTY ROOTS)
- BASEMENT WALL FOUNDATIONS TO HAVE DON'THERMAX R-15 MIN. INTERIOR EXPOSED SHEATHING INSULATION. ADHERE PANELS TO CONCRETE WALLS, FILL VOIDS, AND TAPE SEAMS. (UNLESS OTHERWISE NOTED OR DETAILED ON DRAWINGS. VERIFY WITH MIGHTY ROOTS)
- SOUND DAMPEN WALLS WITH INSULATION AROUND BEDROOMS, BATHROOMS, LAUNDRY ROOMS, AND UTILITY ROOMS. SUB-CONTRACTOR TO REVIEW LOCATIONS WITH MIGHTY ROOTS AND/OR OWNER.
- INSTALL INSULATION BARRIERS AS REQUIRED TO ALLOW FOR PROPER VENTILATION AT EAVES AND ON SLOPED CEILING. (OR AS NOTED ON DRAWINGS)
- THE GUTTER LOCATIONS AND EXACT NUMBER OF DOWNSPOUTS REQUIRED AND LOCATIONS TO BE COORDINATED WITH MIGHTY ROOTS.

DIV. 08 DOOR AND WINDOW

- AT LEAST ONE EGRESS WINDOW OR DOOR TO THE OUTSIDE PER ROOM IS REQUIRED IN ALL LIVING AREAS AND BEDROOMS. EGRESS WINDOWS MUST MEET N.F.P.A. 101 "LIFE SAFETY CODE" REQUIREMENTS FOR A 20" CLEAR MIN. OPENABLE WIDTH, AND A 20" CLEAR MIN. OPENABLE HEIGHT, TOTALING 5.7 S.F. OF OPENABLE AREA. HEIGHT TO THE BOTTOM OF THE OPENING SHALL NOT EXCEED 44" ABOVE THE FINISHED FLOOR.
- ALL WINDOW HEAD HEIGHTS ARE 6'-8" UNLESS OTHERWISE NOTED ON DRAWINGS OR TO MATCH EXISTING.

DIV. 09 FINISHES

- INSTALL MOISTURE RESISTANT (M.R.) GYP. BOARD AT WALLS AND CEILING OF BATHROOMS AND SHOWER ROOMS.
- INSTALL TILE BACKER BOARD AT WALLS TO RECEIVE TILE.
- ALL BATHROOMS LOCATED OVER OCCUPIED AREAS SHALL HAVE WATERPROOF MEMBRANE UNDER THE FINISHED FLOOR.
- FOR ALL EXPOSED FINISH OPTIONS SUB-CONTRACTOR TO REVIEW WITH MIGHTY ROOTS AND/OR OWNER.
- SUB-CONTRACTOR TO VERIFY EXACT ROOM FINISHES WITH MIGHTY ROOTS AND/OR OWNER.

DIV. 10 SPECIALTIES

- DIV. 11 EQUIPMENT**
- INSTALL MATERIALS IN EXACT ACCORDANCE WITH MANUFACTURERS INSTRUCTIONS AND APPROVED SUBMITTALS. INSTALL MATERIALS IN PROPER RELATIONS WITH ADJACENT CONSTRUCTION AND PROPER APPEARANCE. RESTORE EXISTING BUILDING ELEMENTS DAMAGED DURING INSTALLATION.
 - WHEN SUB-CONTRACTORS ACCEPT DELIVERY OF ITEMS NOTED ON PLANS WHETHER IN CONTRACT OR NOT IN CONTRACT, THEY SHALL BE RESPONSIBLE FOR LOSS AND/OR DAMAGE TO THESE ITEMS.

DIV. 12 FURNISHINGS

DIV. 13 SPECIAL CONSTRUCTION

- SUB-CONTRACTORS SHALL PROVIDE OR COORDINATE WITH MIGHTY ROOTS ALL CUTTING AND PATCHING WORK REQUIRED TO PROPERLY COMPLETE THEIR SCOPE OF WORK. ALL SAW CUTTING AND CORING LOCATIONS SHALL BE REVIEWED AND APPROVED IN THE FIELD BY MIGHTY ROOTS. DO NOT REMOVE OR ALTER STRUCTURAL COMPONENTS WITHOUT WRITTEN APPROVAL FROM THE STRUCTURAL ENGINEER AND/OR MIGHTY ROOTS. CUT WITH TOOLS APPROPRIATE FOR MATERIALS TO BE CUT. PATCH WITH MATERIALS AND METHODS TO PRODUCE PATCH WHICH IS NOT VISIBLE FROM A DISTANCE OF FIVE FEET. DO NOT CUT AND PATCH IN A MANNER THAT WOULD RESULT IN A FAILURE OF THE WORK TO PERFORM AS INTENDED, DECREASE FIRE PERFORMANCE, DECREASE ACUSTICAL PERFORMANCE, DECREASE ENERGY PERFORMANCE, DECREASE OPERATIONAL LIFE, OR DECREASE SAFETY FACTORS.
- SUB-CONTRACTORS TO RELOCATE EXISTING UTILITIES AS REQUIRED BY CODE.
- MECHANICAL, PLUMBING, ELECTRIC, SPRINKLER, EMERGENCY LIGHTING AND FIRE ALARM ARE TO BE DESIGN BULD PER CODE. SUB-CONTRACTORS SHALL COORDINATE ALL REQUIREMENTS WITH MIGHTY ROOTS.
- ALL DISSIMILAR MATERIALS SHALL BE EFFECTIVELY ISOLATED FROM EACH OTHER TO AVOID GALVANIC ACTION.
- ESTABLISH AND VERIFY ALL OPENINGS AND INSERTS FOR MECHANICAL, ELECTRICAL, AND PLUMBING WITH APPROPRIATE TRADES AND DRAWINGS.

DIV. 14 WOODSHOP

- OWNER TO HAVE A MEETING WITH MIGHTY ROOTS TO DISCUSS AND DESIGN ALL CABINERY AND BUILT-INS. OWNER MUST APPROVE SHOP DRAWINGS BEFORE ANY KITCHEN CABINERY, VANITIES, AND BUILT-INS ARE CONSTRUCTED.

DIV. 15 MECHANICAL

- BATH FIXTURES AND ACCESSORIES TO BE SELECTED BY OWNER.
- SUB-CONTRACTOR TO PROVIDE SOUND INSULATION AT ALL MECHANICAL DUCTWORK.

DIV. 16 ELECTRICAL

- ANY RECESSED FIXTURES (I.E. RECESSED LIGHTING, OUTLET BOXES) IN FIRE-RATED ASSEMBLIES ARE TO BE U.L. APPROVED FOR THAT APPLICATION AND INSTALLED PER U.L. REQUIREMENTS.
- ELECTRICAL SUB SHALL DO A WALK-THRU WITH THE OWNER / MIGHTY ROOTS TO VERIFY THE EXACT LOCATIONS FOR OUTLETS, LIGHTS, SWITCHES, CABLE, DATA, PHONE, AUDIO, ECT.
- ALL BATHROOMS LOCATED OVER OCCUPIED AREAS SHALL HAVE WATERPROOF MEMBRANE UNDER THE FINISHED FLOOR.
- FOR ALL EXPOSED FINISH OPTIONS SUB-CONTRACTOR TO REVIEW WITH MIGHTY ROOTS AND/OR OWNER.
- SUB-CONTRACTOR TO VERIFY EXACT ROOM FINISHES WITH MIGHTY ROOTS AND/OR OWNER.

DIV. 10 SPECIALTIES

DIV. 11 EQUIPMENT

- INSTALL MATERIALS IN EXACT ACCORDANCE WITH MANUFACTURERS INSTRUCTIONS AND APPROVED SUBMITTALS. INSTALL MATERIALS IN PROPER RELATIONS WITH ADJACENT CONSTRUCTION AND PROPER APPEARANCE. RESTORE EXISTING BUILDING ELEMENTS DAMAGED DURING INSTALLATION.
- WHEN SUB-CONTRACTORS ACCEPT DELIVERY OF ITEMS NOTED ON PLANS WHETHER IN CONTRACT OR NOT IN CONTRACT, THEY SHALL BE RESPONSIBLE FOR LOSS AND/OR DAMAGE TO THESE ITEMS.

DIV. 12 FURNISHINGS

DIV. 13 SPECIAL CONSTRUCTION

- SUB-CONTRACTORS SHALL PROVIDE OR COORDINATE WITH MIGHTY ROOTS ALL CUTTING AND PATCHING WORK REQUIRED TO PROPERLY COMPLETE THEIR SCOPE OF WORK. ALL SAW CUTTING AND CORING LOCATIONS SHALL BE REVIEWED AND APPROVED IN THE FIELD BY MIGHTY ROOTS. DO NOT REMOVE OR ALTER STRUCTURAL COMPONENTS WITHOUT WRITTEN APPROVAL FROM THE STRUCTURAL ENGINEER AND/OR MIGHTY ROOTS. CUT WITH TOOLS APPROPRIATE FOR MATERIALS TO BE CUT. PATCH WITH MATERIALS AND METHODS TO PRODUCE PATCH WHICH IS NOT VISIBLE FROM A DISTANCE OF FIVE FEET. DO NOT CUT AND PATCH IN A MANNER THAT WOULD RESULT IN A FAILURE OF THE WORK TO PERFORM AS INTENDED, DECREASE FIRE PERFORMANCE, DECREASE ACUSTICAL PERFORMANCE, DECREASE ENERGY PERFORMANCE, DECREASE OPERATIONAL LIFE, OR DECREASE SAFETY FACTORS.
- SUB-CONTRACTORS TO RELOCATE EXISTING UTILITIES AS REQUIRED BY CODE.
- MECHANICAL, PLUMBING, ELECTRIC, SPRINKLER, EMERGENCY LIGHTING AND FIRE ALARM ARE TO BE DESIGN BULD PER CODE. SUB-CONTRACTORS SHALL COORDINATE ALL REQUIREMENTS WITH MIGHTY ROOTS.
- ALL DISSIMILAR MATERIALS SHALL BE EFFECTIVELY ISOLATED FROM EACH OTHER TO AVOID GALVANIC ACTION.

DIV. 14 WOODSHOP

- OWNER TO HAVE A MEETING WITH MIGHTY ROOTS TO DISCUSS AND DESIGN ALL CABINERY AND BUILT-INS. OWNER MUST APPROVE SHOP DRAWINGS BEFORE ANY KITCHEN CABINERY, VANITIES, AND BUILT-INS ARE CONSTRUCTED.

DIV. 15 MECHANICAL

- BATH FIXTURES AND ACCESSORIES TO BE SELECTED BY OWNER.
- SUB-CONTRACTOR TO PROVIDE SOUND INSULATION AT ALL MECHANICAL DUCTWORK.

DIV. 16 ELECTRICAL

- ANY RECESSED FIXTURES (I.E. RECESSED LIGHTING, OUTLET BOXES) IN FIRE-RATED ASSEMBLIES ARE TO BE U.L. APPROVED FOR THAT APPLICATION AND INSTALLED PER U.L. REQUIREMENTS.
- ELECTRICAL SUB SHALL DO A WALK-THRU WITH THE OWNER / MIGHTY ROOTS TO VERIFY THE EXACT LOCATIONS FOR OUTLETS, LIGHTS, SWITCHES, CABLE, DATA, PHONE, AUDIO, ECT.

- ELECTRICAL RECEPTACLES IN BATHROOMS, KITCHENS AND GARAGES SHALL BE 5 F.I. OR 6 F.I.C. PER NATIONAL ELECTRICAL CODE REQUIREMENTS.
- PROVIDE ONE SMOKE DETECTOR IN EACH ROOM AND ONE IN EACH CORRIDOR ACCESSING BEDROOMS. CONNECT SMOKE DETECTORS TO HOUSE POWER AND INTERCONNECT SMOKE DETECTORS SO THAT WHEN ANY ONE IS TRIPPED, THEY ALL WILL SOUND. PROVIDE BATTERY BACKUP FOR ALL UNITS.
- LOCATE AND INSTALL CARBON MONOXIDE DETECTORS PER CODE.
- CIRCUITS SHALL BE VERIFIED WITH OWNER PRIOR TO INRE INSTALLATION.
- FIXTURES TO BE SELECTED BY OWNER. (OR AS NOTED ON DRAWINGS)
- LOCATE SPEAKERS AND AUDIO CONTROLS AS INDICATED BY MIGHTY ROOTS AND/OR OWNER.
- AUDIO SPEAKERS TO BE APPROVED BY MIGHTY ROOTS AND/OR OWNER.
- LOCATE SECURITY PANELS AS INDICATED BY MIGHTY ROOTS AND/OR OWNER.
- ALL LIGHTS ARE TO BE LED ON DIMMER SWITCH UNLESS OTHERWISE NOTED. TONE / TEMPERATURE OF LED LIGHTS TO BE SELECTED BY MIGHTY ROOTS AND/OR OWNER.

GENERAL DEMOLITION NOTES

- EXISTING OF EXISTING CONSTRUCTION SHALL BE AS SHOWN ON THE DRAWINGS, AND LIMITED TO THAT WHICH IS REQUIRED TO BE REMOVED IN ORDER TO ACCOMMODATE THE NEW FLOOR PLAN.
- SUB-CONTRACTORS SHALL COMPLETELY FAMILIARIZE THEMSELVES WITH THE CONSTRUCTION DOCUMENTS PRIOR TO COMMENCING THE WORK.
- DEMOLITION AND REMOVALS ARE NOT LIMITED TO THE ITEMS LISTED IN THE DEMOLITION NOTES OR SHOWN ON THE PLAN. THE DEMOLITION NOTES SHOULD BE USED AS A GUIDELINE FOR EXISTING CONDITIONS.
- PROVIDE ALL NECESSARY TEMPORARY BRACING, SHORING, GUYING OR OTHER MEANS TO AVOID EXCESSIVE STRESSES AND TO HOLD STRUCTURAL ELEMENTS IN PLACE DURING DEMOLITION OF STRUCTURAL ELEMENTS.
- THE SUB-CONTRACTORS SHALL MINIMIZE ALL DISTURBANCES TO OCCUPIED AREAS OF EXISTING BUILDING AND COORDINATE ALL DEMOLITION ACTIVITIES WITH MIGHTY ROOTS.
- COORDINATE REMOVAL OF ALL ITEMS AND SYSTEMS WITH THE OWNER / MIGHTY ROOTS. RETURN TO OWNER, RELOCATE, AND/OR DISPOSE OF REMOVED ITEMS AS REQUESTED BY THE OWNER / MIGHTY ROOTS.
- COORDINATE METHOD OF TRASH REMOVAL AND PROTECTION REQUIRED WITH THE OWNER / MIGHTY ROOTS.
- PROVIDE TEMPORARY PROTECTION AS REQUIRED AT UNPROTECTED HORIZONTAL AND/OR VERTICAL OPENINGS.
- PROVIDE TEMPORARY DUSTPROOF SEPARATION (PLASTIC COVERS, WALLS, ETC.) AS NECESSARY TO ADEQUATELY SEPARATE THE CONSTRUCTION AREA AND ON-NEIGHBAMT OCCUPIED AREAS TO PREVENT ANY DIRT, DUST, OR REFUSE FROM ENTERING BUILDING AREAS STILL IN USE.
- MAINTAIN ANY CODE REQUIRED EXITS SUCH AS STAIRWAYS AND CORRIDORS THROUGHOUT THE DEMOLITION AND REMOVAL WORK.
- ALL OPENINGS AND VOIDS LEFT BY THE REMOVAL OR DEMOLITION OF EXISTING CONSTRUCTION EQUIPMENT, PIPING, DUCTS, ETC., SHALL BE PROPERLY PATCHED AND/OR GLOZED-OFF, MAINTAINING FIRE RATINGS OF THE CONSTRUCTION AS REQUIRED. PREPARE ALL PATCHES AS NECESSARY TO RECEIVE NEW FINISHES. SEE FINISH SCHEDULE OR NOTES ON DRAWINGS.
- REMOVE ALL EXISTING FLOOR COVERINGS IN AREAS TO BE RENOVATED. SEE NEW FLOOR PLAN AND FINISH SCHEDULE FOR EXTENT OF NEW FLOOR COVERINGS. REMOVAL AND DISPOSAL OF ANY VINYL, ASBESTOS TILE SHALL BE DONE IN ACCORDANCE WITH ALL APPLICABLE REGULATIONS.
- WHERE THE PATCHING OF EXISTING FLOOR IS REQUIRED, SLOPING OR RAMPING TO LEVEL FLOOR SHALL NOT EXCEED 1/4" PER 10'-0" MAXIMUM UNLESS OTHERWISE NOTED.
- WALLS SHALL BE COMPLETELY REMOVED FROM FLOOR TO UNDERSIDE OF STRUCTURE ABOVE, AND SHALL INCLUDE ALL MECHANICAL, ELECTRICAL, AND OTHER MISC. EQUIPMENT, ETC. ON OR WITHIN REMOVED WALLS. DO NOT REMOVE ANY MECHANICAL, ELECTRICAL, OR OTHER EQUIPMENT WHICH SERVES OTHER AREAS OF THE BUILDING OR ARE REQUIRED TO REMAIN ACTIVE. NOTIFY MIGHTY ROOTS OF ANY EQUIPMENT ITEMS WHICH WILL REQUIRE RE-ROUTING. RELOCATE AND/OR RENOVATE ANY SERVICES DETERMINED TO BE SERVING MECHANICAL, ELECTRICAL, AND MISC. EQUIPMENT REQUIRED TO REMAIN ACTIVE WHICH SERVES OTHER AREAS OF THE BUILDING. PREPARE ALL AREAS DISTURBED BY THE DEMOLITION WORK FOR THE NEW CONSTRUCTION.
- ALL MISC. EQUIPMENT ATTACHED TO WALLS AND/OR FLOORS SUCH AS CABINETS, SHELVING, ETC. SHALL BE REMOVED AND SALVAGED UNLESS OTHERWISE NOTED. COORDINATE WITH THE OWNER / MIGHTY ROOTS FOR STORAGE, RELOCATION, AND/OR DISPOSAL OF SAID ITEMS.

- EXISTING ELECTRICAL ITEMS TO BE ABANDONED SHALL BE REMOVED, INCLUDING CONDUIT, JUNCTION BOXES, WIRE CABLE, SUPPORTS, WIRING DEVICES, SAFETY SWITCHES, FIRE ALARM EQUIPMENT, SECURITY EQUIPMENT, SPEAKERS, TELEPHONE OUTLETS, ELECTRICAL PANELS AND LIGHTING. SALVAGE ALL LIGHTING FIXTURES AND FIRE ALARM EQUIPMENT, AND COORDINATE WITH MIGHTY ROOTS AND/OR OWNER FOR STORAGE, RELOCATION AND/OR DISPOSAL OF ITEMS. ANY BRANCH CIRCUIT REMOVAL SHALL BE BACK TO THE PANEL BOARD, OR FIRST REMAINING ACTIVE JUNCTION BOX. DO NOT REMOVE ITEMS THAT ARE REQUIRED TO REMAIN IN SERVICE.
- REMOVE ALL EXISTING PLUMBING ITEMS SHALL INCLUDE, BUT NOT BE LIMITED TO, ALL FIXTURES AND ASSOCIATED PIPING (SUPPLY, WASTE, VENT, ETC.) REMAINING PIPING SHALL BE CAPPED AS REQUIRED, AND ANY REROUTING NECESSARY SHALL BE DONE WITHOUT AFFECTING THE PERFORMANCE OF EXISTING OR NEW PLUMBING SYSTEM.



REVISION TABLE	
NUMBER	DATE

DRAWINGS PROVIDED BY:
MIGHTY ROOTS
13 ALDEN AVE.
GREENLAND, NH 03840

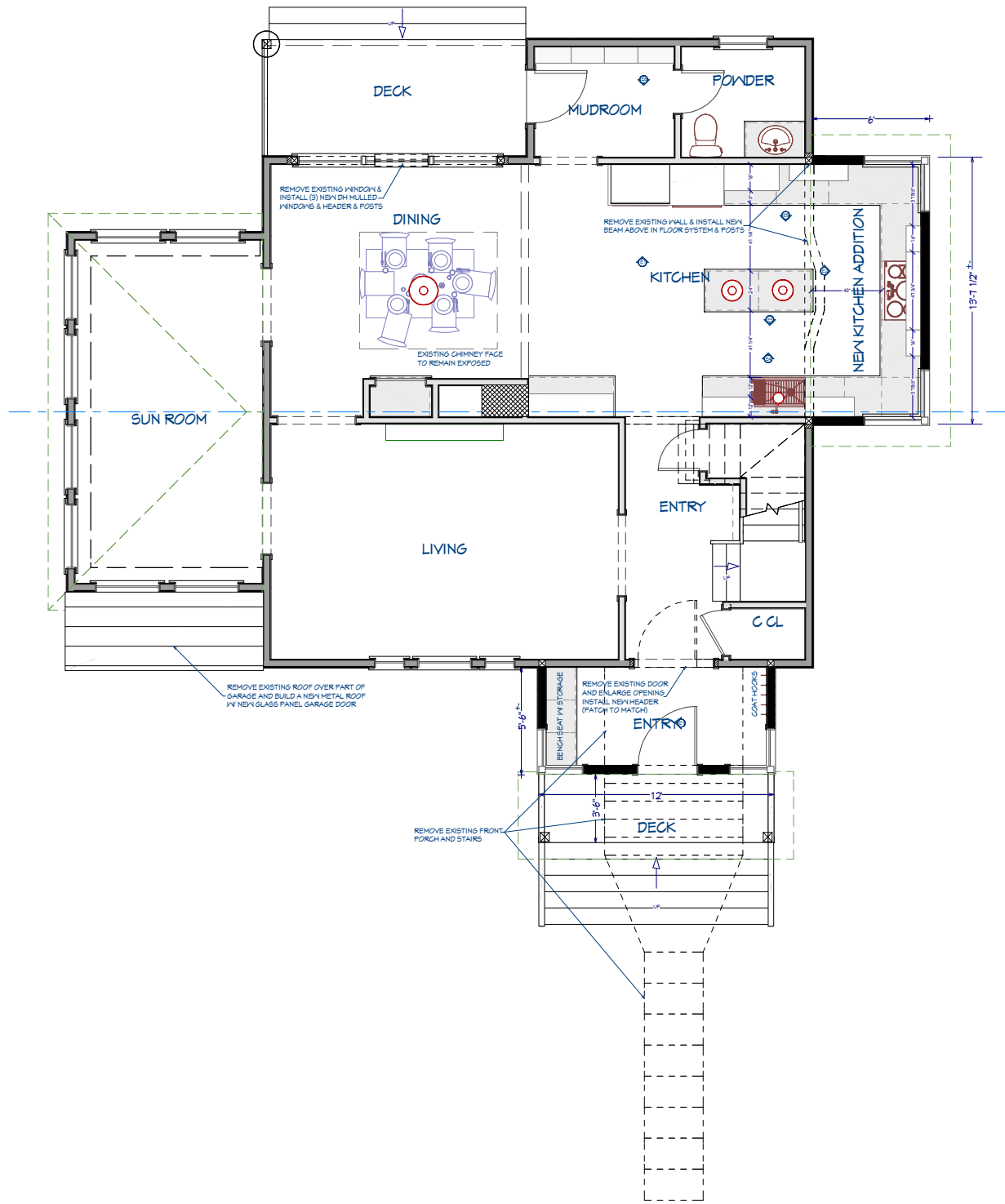
GENERAL NOTES

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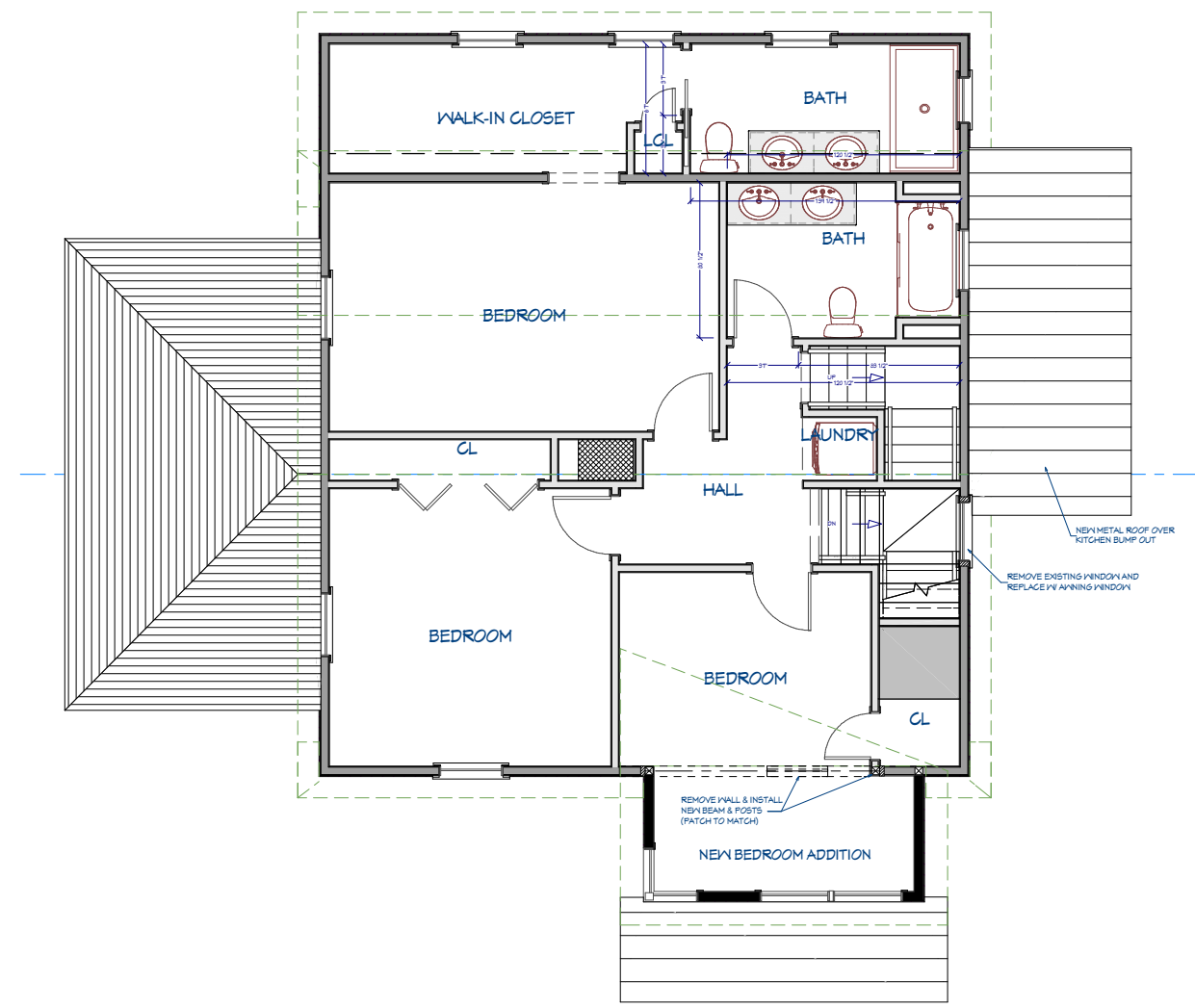


NUMBER	DATE	REVISION BY	DESCRIPTION

DRAWINGS PROVIDED BY:
MIGHTY ROOTS
 13 ALDEN AVE.
 GREENLAND, NH 03840



1st Floor



2nd Floor

DATE:
 7/11/2022

SCALE:

SHEET:



REVISION TABLE	
NUMBER	DATE

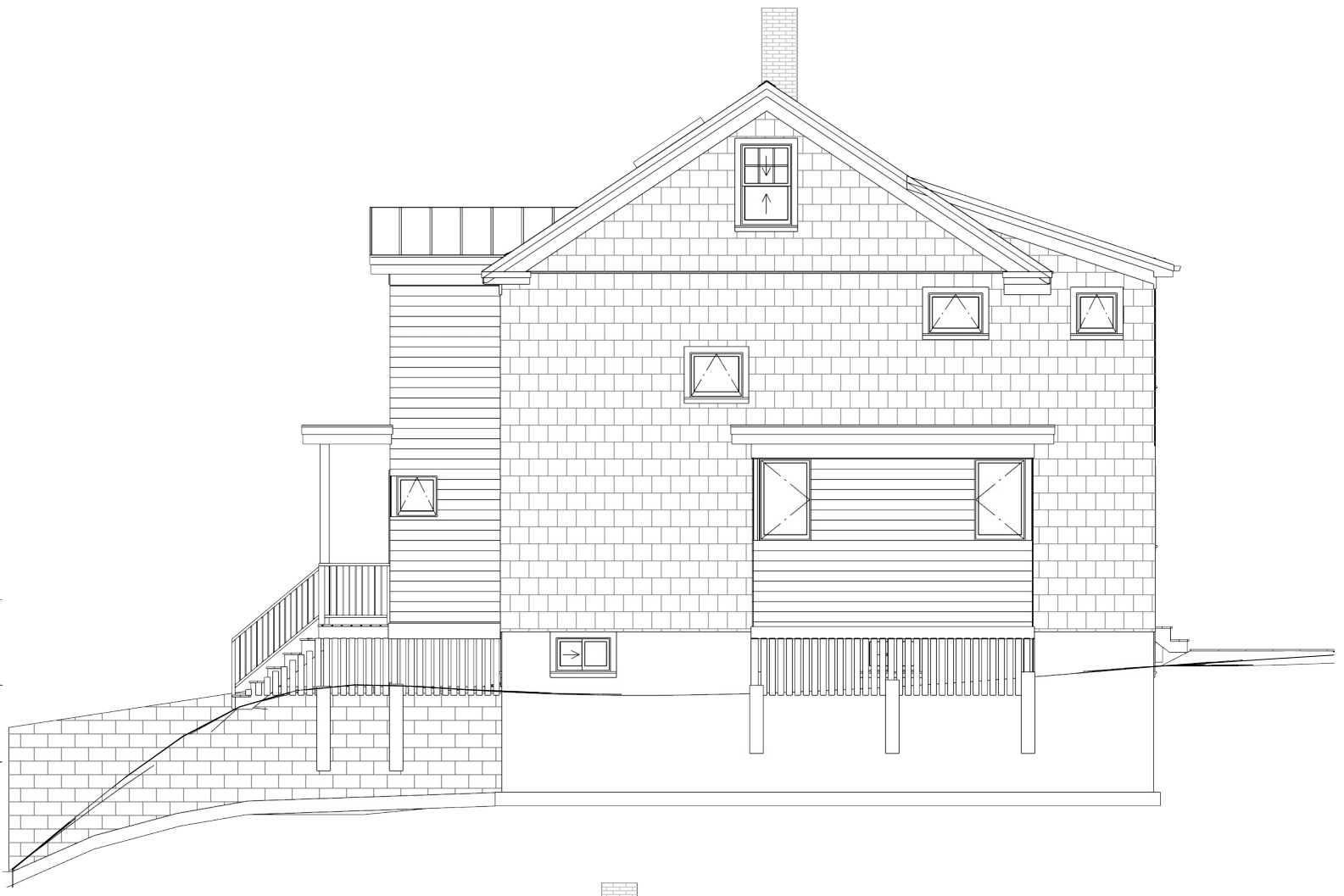
DRAWINGS PROVIDED BY:
MIGHTY ROOTS
13 ALDEN AVE.
GREENLAND, NH 03840

DATE:

7/11/2022

SCALE:

SHEET:



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

July 27, 2022

HAND DELIVERED

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

Re: Philip Franciosa, Applicant
John Signorello & Lee Anne Robertson, Owners
22 Maple Street
Tax Map 237/Lot 1

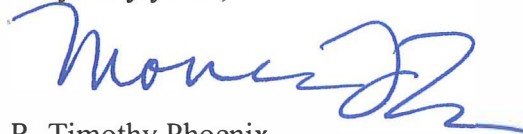
Dear Mr. Stith & Zoning Board Members:

On behalf of Philip Franciosa, Applicant, enclosed please find the following in support of a request for zoning relief:

- Digital Application submitted via Viewpoint earlier today.
- Owner and Applicant Authorizations.
- 7/27/22 – Memorandum and exhibits in support of Variance Application

We look forward to presenting this application to the Zoning Board at its August 16, 2022 meeting.

Very truly yours,



R. Timothy Phoenix
Monica F. Kieser

Encl.

cc: Philip Franciosa
John Signorello & Lee Anne Robertson

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

Michelle Whelan

To: Lee Anne Robertson
Subject: RE: 22 Maple Street-Portsmouth, NH

From: Lee Anne Robertson <leannerobertson03@gmail.com>
Sent: Tuesday, July 26, 2022 12:02 PM
To: Michelle Whelan <MWhelan@hpgrlaw.com>
Subject: Re: 22 Maple Street-Portsmouth, NH

OWNER'S AUTHORIZATION

We, John Signorello and Lee Anne Robertson, Owners of 22 Maple Street, Tax Map237/Lot 1, hereby authorize law firm Hoefle, Phoenix, Gormley & Roberts, PLLC to represent us before any and all Portsmouth Representatives, Boards and Commissions for permitting the project.

Respectfully submitted,

John Signorello

Lee Anne Robertson

Michelle Whelan

Subject: FW: 22 Maple Street-Portsmouth, Nh

From: Phil Franciosa <pfranciosa27@gmail.com>

Sent: Tuesday, July 26, 2022 10:17 AM

To: Michelle Whelan <MWhelan@hpgrlaw.com>

Subject: Re: 22 Maple Street-Portsmouth, Nh

APPLICANT'S AUTHORIZATION

I, Philip Franciosa, Applicant of 22 Maple Street, Tax Map 237/Lot 1, hereby authorize law firm Hoefle, Phoenix, Gormley & Roberts, PLLC to represent me before any and all Portsmouth Representatives, Boards and Commissions for permitting the project.

Respectfully submitted,

Philip Franciosa

5.

The request **John A Signorello (Owner)**, for property located at **22 Maple Street** whereas relief is needed to subdivide one lot into two lots and construct new dwelling which requires the following: 1) Variances from Section 10.521 to allow a) a lot area and lot area per dwelling unit of 8,530 and 10,400 where 15,000 is required for each; b) a lot depth of 85' where 100' is required; c) 98' of continuous street frontage where 100' is required; d) an 18' front yard where 30' is required; and e) a 19' rear yard where 30' is required. Said property is located on Assessor Map 237 Lot 1 and lies within the single residence B (SRB) district.

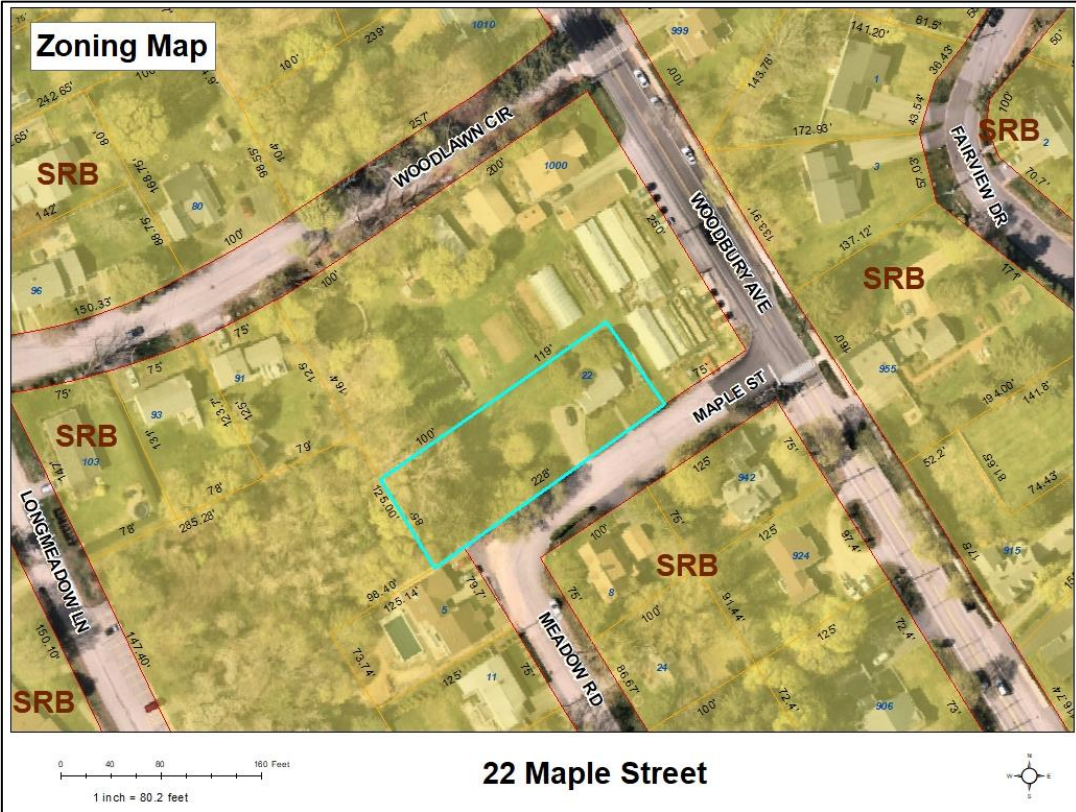
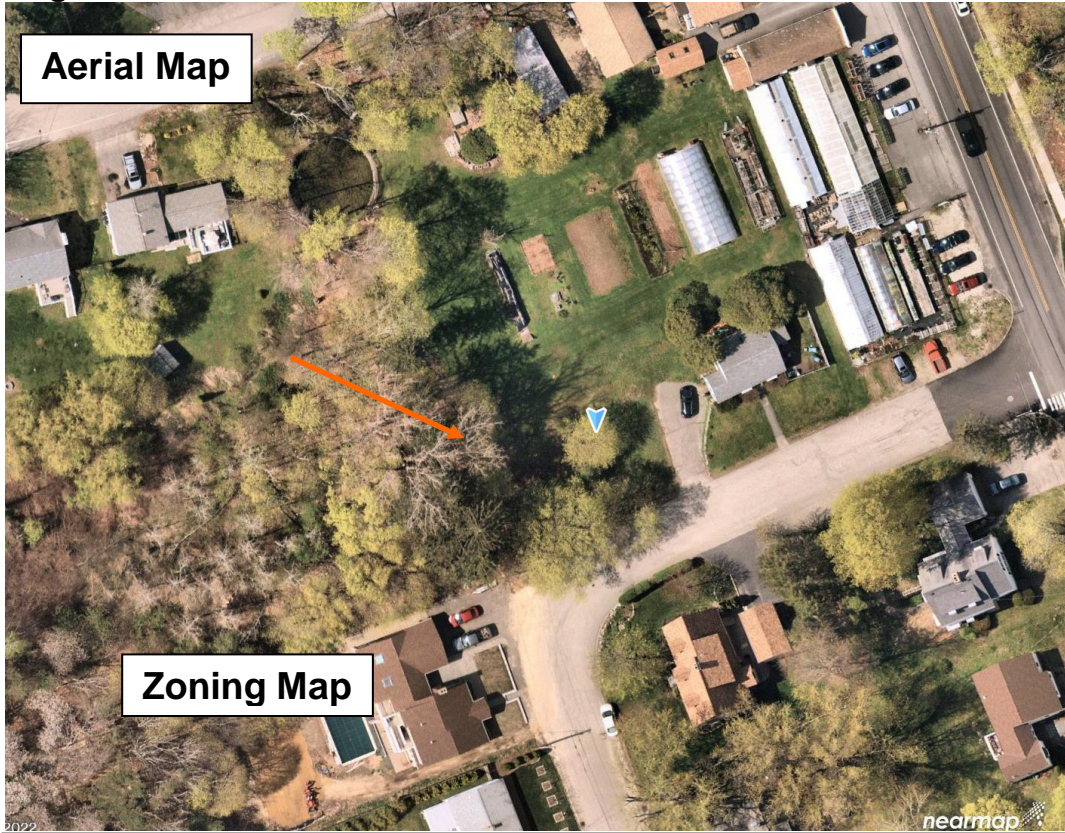
Existing & Proposed Conditions

	<u>Existing</u>	<u>Proposed</u>		<u>Permitted / Required</u>
<u>Land Use</u>	Single family	Subdivision into 2 lots Lot 1 Lot 2		Primarily residential
<u>Lot area (sq. ft.):</u>	18,930	8,530	10,400	15,000 min.
<u>Lot Area per Dwelling Unit (sq. ft.):</u>	18,930	8,530	10,400	15,000 min.
<u>Lot depth (ft.):</u>	85	85	85	100 min.
<u>Street Frontage (ft.):</u>	198	100	98	100 min.
<u>Primary Front Yard (ft.):</u>	30	30	18	30 min.
<u>Left Yard (ft.):</u>	165	>10	38	10 min.
<u>Right Yard (ft.):</u>	11	11	>10	10
<u>Rear Yard (ft.):</u>	30	30	19	30 min.
<u>Height (ft.):</u>	<35	<35	<35	35 max.
<u>Building Coverage (%):</u>	5	12	14	20 max.
<u>Open Space Coverage (%):</u>	>40	75	65	40 min.
<u>Parking:</u>	2	2	2	2
<u>Estimated Age of Structure:</u>	1955	Variance request(s) shown in red.		

Other Permits/Approvals Required

TAC/Planning Board – Subdivision
 Conservation Commission/Planning Board – Wetland CUP

Neighborhood Context



Previous Board of Adjustment Actions

No prior BOA history found.

Planning Department Comments

The applicant is seeking to subdivide the existing lot into two lots and construct a dwelling on the new lot. The subdivision will result in both lots being smaller than the required 15,000 square foot minimum for lot size and lot area per dwelling. The new lot will be 2 feet short of the 100 foot frontage requirement and the proposed structure as presented, will need relief from the front and rear yard requirements. There is a wetland located adjacent to this property and the majority of the proposed dwelling is located within the 100 foot wetland buffer. If the Board grants approval, staff would recommend the following stipulation:

1. The location of the proposed dwelling may change as a result of the Conservation Commission and Planning Board review, as long as the front and rear setbacks are consistent with this approval.

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.

MEMORANDUM

TO: Portsmouth Zoning Board of Adjustment (“ZBA”)
FROM: R. Timothy Phoenix, Esquire
Monica F. Kieser, Esquire
DATE: July 27, 2022
RE: John A. Signorello & Lee Ann Robertson, Owners
Phil Franciosa, Applicant
22 Maple Street
Tax Map 237/Lot 1
Single Residence B District

Dear Chair Parrott and Zoning Board Members:

On behalf of Owners John A. Signorello and Lee Ann Robertson and Applicant Phil Franciosa, (“Franciosa”) we are pleased to submit this memorandum and attached exhibits in support of Zoning Relief to be considered by the ZBA at its August 16, 2022 meeting.

I. Exhibits

- A. Board of Adjustment Plan – issued by Altus Engineering, Inc.
- B. Site Photographs.
 - Satellite view
 - Street views
- C. Tax Maps 236 and 237 depicting nonconforming lots.
- D. Tax Map 237.

II. Property/Project

22 Maple Street is a 18,930 s.f. lot in the Single Residence B District developed with a single family home on the eastern (right) half of the lot (the Property”). The Property is located between the existing Woodbury Avenue florist/garden business and undeveloped land owned by Betty’s Dream. The Property is partially within the 100 ft. wetland buffer, 85 ft. deep, and 225 ft wide, with approximately 198 ft. of frontage because of a sharp curve from Maple Street to Meadow Road. Franciosa proposes to subdivide the lot into two lots, one lot containing 8,530 s.f., 100 ft. of frontage and the existing home (“the “Remainder Parcel”), and a second lot containing 10,400 s.f. and 98 ft. of frontage (the “New Parcel”) which can accommodate a modest home with yard setback relief (the “Project”). The Project confers the benefit of an additional buildable lot in a thickly settled area of Portsmouth, where housing opportunities are in high demand and most lots are less than the required 15,000 s.f. Many lots also have less than the required 100 feet of frontage and/or 100 ft. of lot depth. **(Exhibits C).** In advance of

Planning Board Applications for Subdivision and Conditional Use Permit, Franciosa seeks approval for creation of one lot with less with less than 100 ft. of frontage and less than 100 ft. lot depth, and for both lots to contain less than the required 15,000 s.f. lot area and lot area per dwelling unit. Relief is also required to accommodate elements of the proposed home/landing within the front and rear setbacks of the New Parcel.

III. Relief Required

<u>Variance Section/Requirement</u>	<u>Existing</u>	<u>Proposed</u>
<u>PZO§10.521: Dimensional Standards</u> 15,000 s.f. Lot area 15,000 s.f. Lot area/dwelling unit	18,930 s.f.	Remainder: 8,530 s.f. New Parcel: 10,400 s.f.
<u>PZO§10.521: Dimensional Standards</u> <u>100' Lot Depth</u>	85'	Remainder: 85' New Parcel: 85'
<u>PZO§10.521: Dimensional Standards</u> <u>100' Continuous Street Frontage</u>	198' ¹	Remainder: 100' (compliant) New: 98'
<u>PZO§10.521: Dimensional Standards</u> <u>30' Front Yard</u>	30' ²	New Parcel 27.6' house 21.6' landing 18' steps
<u>PZO§10.521: Dimensional Standards</u> <u>30' Rear Yard</u>	30' ³	New Parcel 21.3' landing 19' steps

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 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.

¹ While the lot is 225 ft. wide, the road stops short of the end of the lot and curves to connect with Meadow Road.

² PZO §10.516.40 permits 5 ft. projection into yards for terraces, decks, steps, and stoops less than 3 ft. high and less than 100 s.f. in area.

³ See Footnote 2.

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.*

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 – The intended use of the property is and will remain residential. The requested relief will satisfy the need for additional housing with creation of additional building lot on an underutilized area of land in a densely populated area where many similar sized lots exist.
2. The intensity of land use, including lot sizes, building coverage, building height and bulk, yards and open space – The New Parcel has 98 ft. of frontage where 100 ft. is required, so is just shy of the required frontage; though under the required 15,000 s.f., it can accommodate a modest sized home without increasing the intensity of land use in the area. Many lots in the area are smaller than 15,000 s.f. and lack 100 feet of frontage so the new lot fits in the area. At 85 ft. deep, the New Parcel will match the Remainder Parcel. Both lots will comply with coverage and open space requirements, while the new lot requires modest yard setback relief to accommodate the proposed home and landings.
3. The design of facilities for vehicular access, circulation, parking and loading – Both lots will have sufficient space to accommodate appropriate facilities for these needs.
4. The impact on properties on of outdoor lighting, noise, vibration, stormwater runoff and flooding – The creation of an additional residential lot will not impact surrounding properties.
5. The preservation and enhancement of the visual environment – Allowance of an additional residential building lot in this area of town will not negatively affect the visual environment.
6. The preservation of historic districts and building and structures of historic architectural interest – The Property is not located in the Historic Overlay District.
7. The protection of natural resources, including groundwater, surface water, wetlands, wildlife habitat and air quality – A 25 ft. no cut buffer will be maintained and a Conditional Use Permit will be obtained for impacts in the 100 ft. wetland buffer.

The intent of Single Residence B District is “[t]o 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 proposal meets the intentions of the Single Residence B District by providing another residential building lot that is consistent with many in the area.

Given these factors, granting the limited 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)

Notably, most lots in the area have less than 15,000 s.f. of lot area and many have insufficient lot area and insufficient lot depth or frontage. (**Exhibit C**). Other properties appear to be nonconforming with respect to yard setbacks. Given the existence of many similar lots in the area, granting the variances for an additional house lot adjacent to commercial property in an established residential area will not alter the essential characteristics of the neighborhood.

Similarly, there will be no threat to the public health, safety or welfare by granting the requested variances when the relief required is for a building lot size comparable to others in the surrounding area, and for an amount of frontage just under the required 100 feet. Allowance of an additional residential building lot in a residential zone satisfies the need for additional housing and affords Franciosa the highest and best use of their land.

Clearly, the requested variances neither alter the essential character of the locality nor threaten the public health safety or welfare. Accordingly, none of the variances are contrary to the public interest and all observe the spirit of the ordinance.

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

Granting the requested variances will not diminish surrounding property values. The proposal will satisfy the need for housing in Portsmouth through creation of an additional building lot between the Woodbury Florist and the undeveloped land associated with Betty’s dream. The yard setback relief requested to accommodate the intended home on the New Parcel is modest, and will not negatively affect abutting properties.

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

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

The Property and its 85 ft. lot depth result from a 1970 subdivision of the florist/garden center lot and was subsequently developed with a home 11.7 ft. from the garden center property. This configuration under-utilizes prospective New Parcel as an additional yard, when a more productive use would be as an additional residential building lot. In addition, although the Property is 225 ft. wide, the available frontage along Maple Street is just shy of 200 ft. due to the way Maple Street is laid out and curves around to Meadow Road. These circumstances combine to create special conditions.

A hardship may be found where similar nonconforming uses exist within the neighborhood and the proposed use will have no adverse effect on the neighborhood. See *Walker v. City of Manchester*, 107 N.H. 382, 386 (1966). In *Walker*, an applicant sought to convert the use of a large building to a dwelling and funeral home in a residential zone. Denied by the Manchester Zoning Board of Adjustment, the Trial Court and Supreme Court found that a hardship existed, thus the variances should have been granted, where numerous other large dwellings in the area had been converted to office or other business use, and numerous funeral homes existed in an otherwise residential district via the issuance of variances. Here, the density resulting from the requested variances is similar to the density in the surrounding area comprised of many homes with similar sized lots and will have no adverse effect on the neighborhood, thus a hardship exists. *Walker*, supra.

Finally, a municipality's ordinance must reflect the current character of the neighborhood, See *Belanger v. City of Nashua*, 121 N.H. 389, 393 (1981). Granting the requested variances allow the subject lot to be in keeping with the character of other residential uses in the vicinity. Thus, the variances in this instance will allow the Ordinance to reflect the character of the area. In light of these conditions and restrictions, special conditions exist at the Property.

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 dimensional requirements is to regulate density and prevent overcrowding of land and population. The purpose of frontage requirements is to provide air, light and promote visibility for motorists, cyclists, and pedestrians, while yard requirements exist to

promote adequate air, light, and separation between neighbors as well as afford adequate space for stormwater treatment. The requested variances do not undermine these purposes of the Ordinance, particularly in the context of a surrounding area containing many similar sized properties.

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 and the creation of the New Parcel is consistent with the overall intent of the zoning district and similar conditions in the neighborhood. Thus, the improvements and variances required for them are reasonable.

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

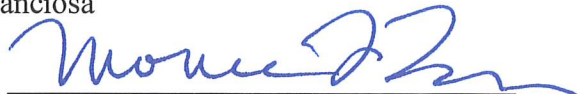
If “there is no benefit to the public that would outweigh the hardship to the applicant” this factor is satisfied. *Harborside Associates, L.P. v. Parade Residence Hotel, L.L.C.*, 162 N.H. 508 (2011). That is, “any loss to the [applicant] that is not outweighed by a gain to the general public is an injustice.” *Malachy Glen, supra* at 109. The variances needed to create a comparably sized building lot for a modestly sized residential home in this residential zone will not impact the general public. Conversely, Owners Signorello and Robertson and Applicant Franciosa, will be greatly harmed by denial of any of the variances, as they will lose the ability to create needed housing in Portsmouth. Without question, substantial justice will be done by granting each variance while a substantial injustice will be done by denying any of them.

V. Conclusion

For all of the reasons stated, Owners John Signorello, Lee Ann Robertson, and Applicant Phil Franciosa respectfully requests that the Portsmouth Zoning Board of Adjustment grant each variance request.

Respectfully submitted,

John Signorello, Lee Ann Robertson &
Phil Franciosa



By: R. Timothy Phoenix
Monica F. Kieser

ZONING SUMMARY

ZONE: SRB (SINGLE RESIDENCE B)
EXISTING LOT AREA: 18,930 S.F.± (0.43 AC.±)

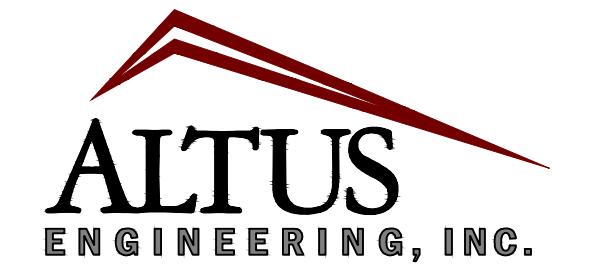
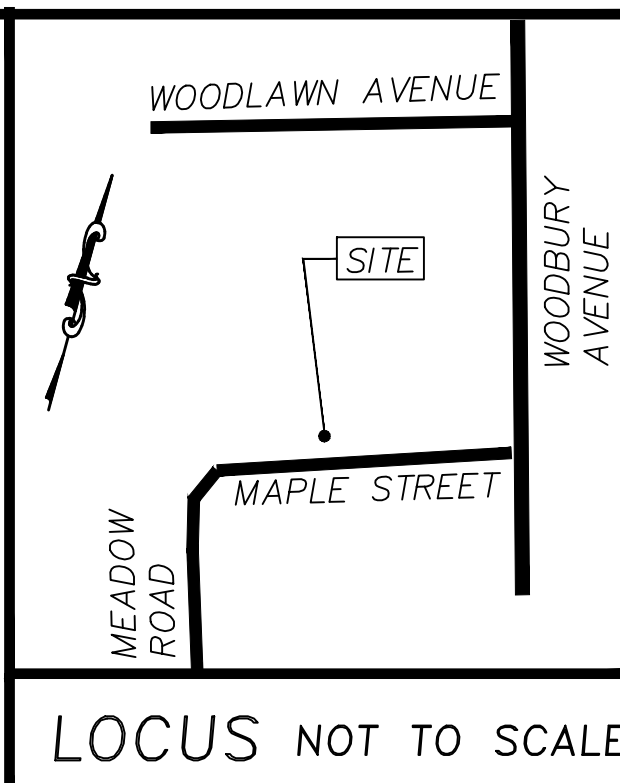
DIMENSIONAL REQUIREMENTS

	REQUIRED	ASSESSOR'S PARCEL 237-1 (REMAINDER)	ASSESSOR'S PARCEL 237-1-1 (NEW LOT)
MIN. LOT AREA:	15,000 S.F.	8,530 S.F. *	10,400 S.F. *
MIN. LOT AREA PER DWELLING UNIT:	15,000 S.F.	8,530 S.F.±	10,400 S.F.±
MIN. STREET FRONTAGE:	100'	100' (EX.) (MAPLE ST.)	±98' (MAPLE ST.) *
MIN. LOT DEPTH:	100'	85'± (EX.)	85'± *
FRONT SETBACK:	30'	30'±(EX.)(30' PER RECORDED PLAN)	27.6' MIN. (PROP. HOUSE) *
SIDE SETBACK:	10'	11.7'±(EX.)(PER RECORDED PLAN)	±38' (PROP. HOUSE - CHIMNEY)
REAR SETBACK:	30'	30'±(EX.)(PER RECORDED PLAN)	30' MIN. (PROP. HOUSE)
MAX. HEIGHT:	35'	<35' (EX.)	<35'
MAX. BUILDING COVERAGE:	20%	12%±(EX.)(1,025 SF NOT INCL. DECK)	14.1%± (PROP. BLDG. INCL. DECKS AS SHOWN, ±1,460 S.F.)
MIN. OPEN SPACE:	40%	75% ±	65% ±

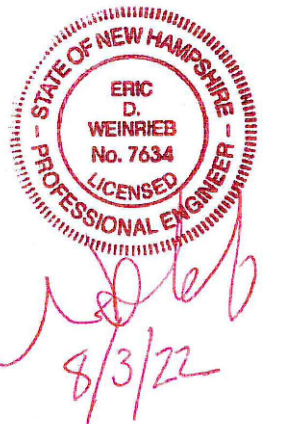
* ZONING RELIEF REQUIRED

PLAN REFERENCES:

- "PROPOSED SUBDIVISION OF PROPERTY, DONALD L. POORE, MAPLE STREET, PORTSMOUTH, NH DATED JULY 1970, APPROVED BY PORTSMOUTH PLANNING BOARD 8-19-70. RECORDED PLAN.
- PORTSMOUTH G.I.S. (MAPGEO) DATA BASE.
- SITE OBSERVATIONS BY ALTUS ENGINEERING, INC. MAY 2022.
- WETLANDS WERE FLAGGED BY JOSEPH NOEL IN JUNE 2022.
- LOCATION OF WETLANDS FLAGGING & EXISTING HOUSE BY JAMES VERRA AND ASSOCIATES, INC., JUNE 14, 2022.
- DETAILED BOUNDARY & EXISTING CONDITIONS SURVEY TO BE COMPLETED FOR SUBDIVISION APPLICATION IF ZONING RELIEF IS GRANTED.
- SUBDIVISION & CONDITIONAL USE PERMITS WILL BE REQUIRED FROM THE PLANNING BOARD SHOULD VARIANCES BE GRANTED.
- DECKS & LANDINGS SHALL BE LESS THAN 100 SF & LESS THAN 30" ABOVE GRADE.



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



NOT FOR CONSTRUCTION

ISSUED FOR:
BOARD OF ADJUSTMENT

ISSUE DATE:
AUGUST 3, 2022

REVISIONS

NO.	DESCRIPTION	BY	DATE
0	INITIAL SUBMISSION	EDW	07/27/22
1	ADD SEWER LINE	EDW	08/03/22

DRAWN BY: _____ RLH
APPROVED BY: _____ EDW
DRAWING FILE: _____ 5353.dwg

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

OWNER:
JOHN A. SIGNORELO & LEE ANN ROBERTSON
22 MAPLE STREET
PORTSMOUTH, NH 03801

APPLICANT:
PHILIP FRANCIOSA
10 MERRIMACK STREET
SEABROOK, NH 03874

EXHIBIT A - Rev.

PROJECT:
2-LOT RESIDENTIAL SUBDIVISION
TAX MAP 237, LOT 1
22 MAPLE STREET
PORTSMOUTH, NH

TITLE:
BOARD OF ADJUSTMENT PLAN

SHEET NUMBER:
1 of 1

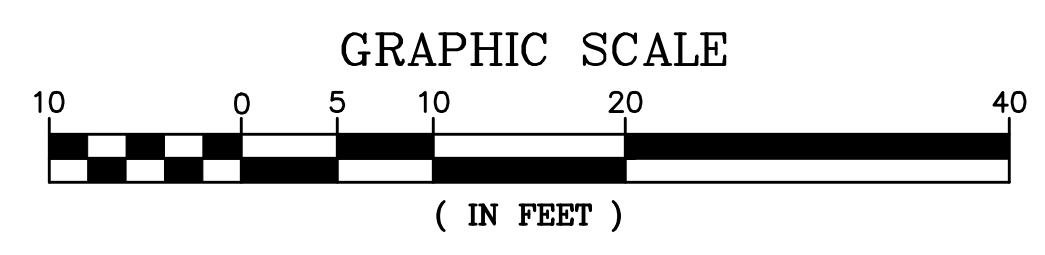
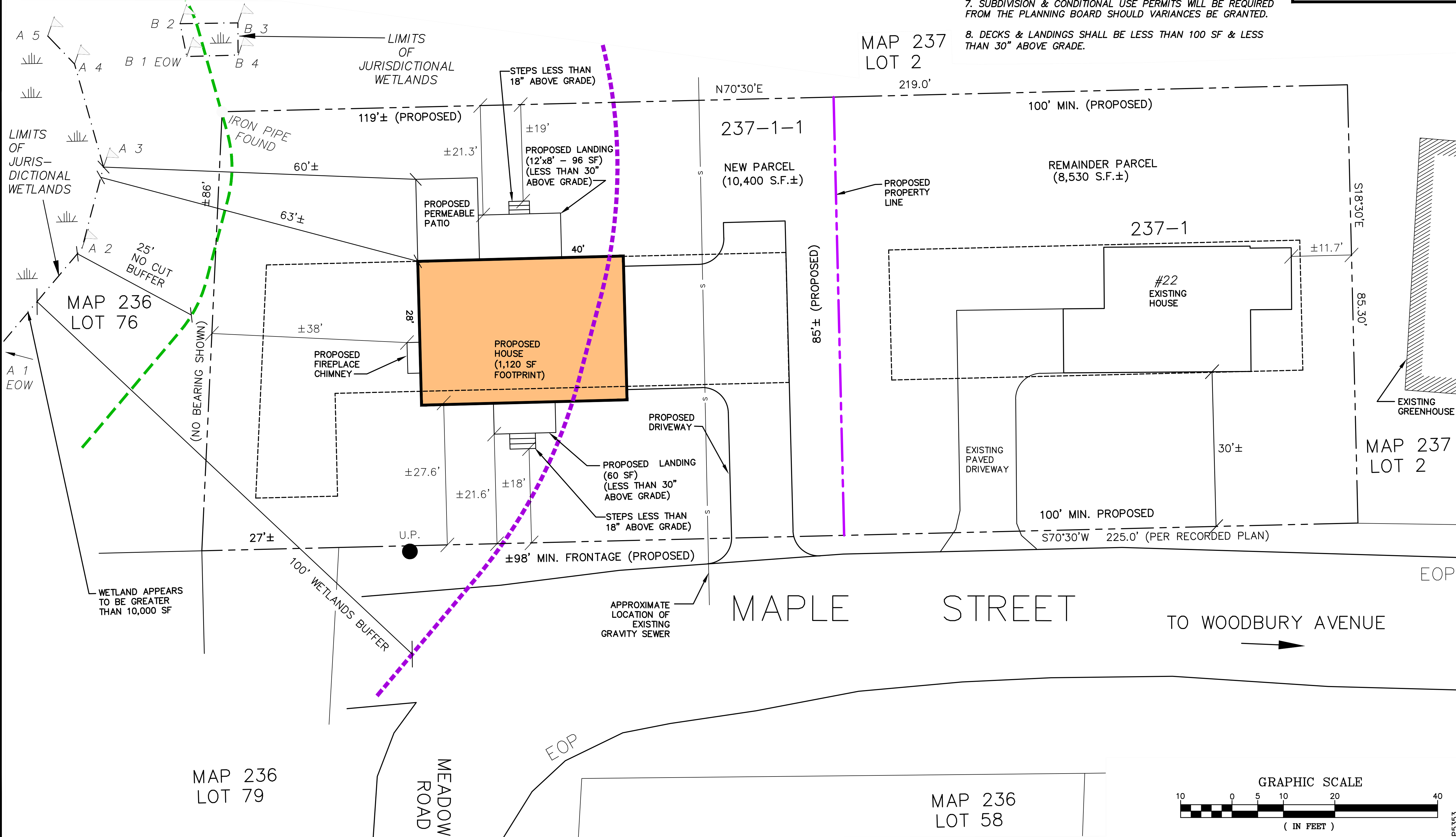






Image capture: Sep 2011 © 2022 Google

Portsmouth, New Hampshire

Google

Street View - Sep 2011



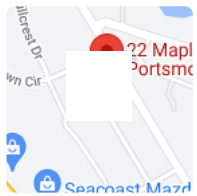


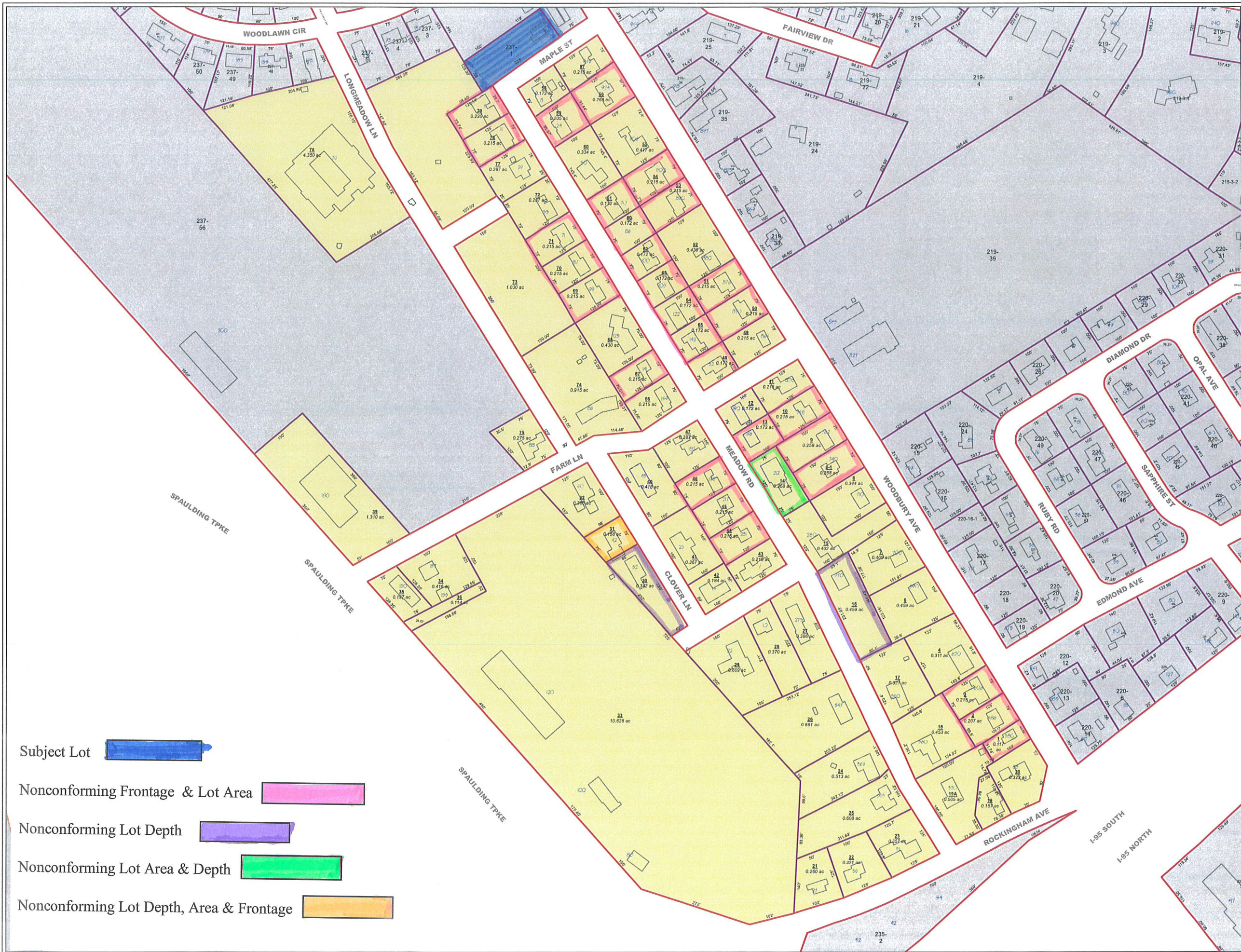
Image capture: Sep 2011 © 2022 Google

Portsmouth, New Hampshire

Google

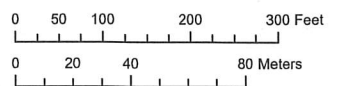
Street View - Sep 2011



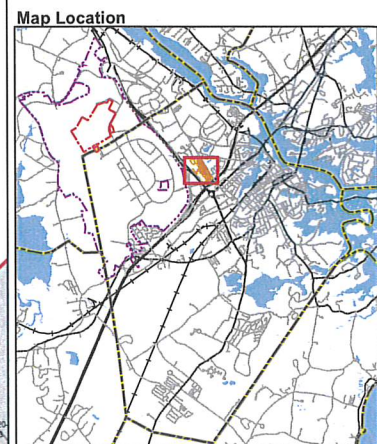
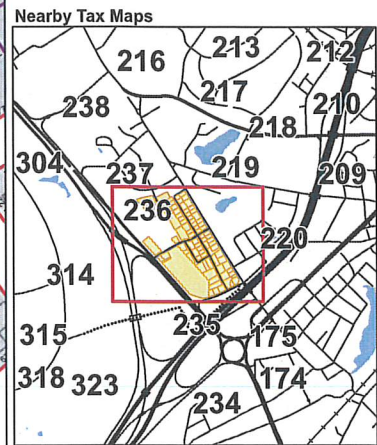


- Partial Legend**
 See the cover sheet for the complete legend.
- 7-5A Lot or lot-unit number
 - 2.56 ac Parcel area in acres (ac) or square feet (sf)
 - 23 Address number
 - 233-137 Parcel number from a neighboring map
 - or Parcel line dimension
 - SIMS AVE Street name
 - Parcel/Parcel boundary
 - 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 C



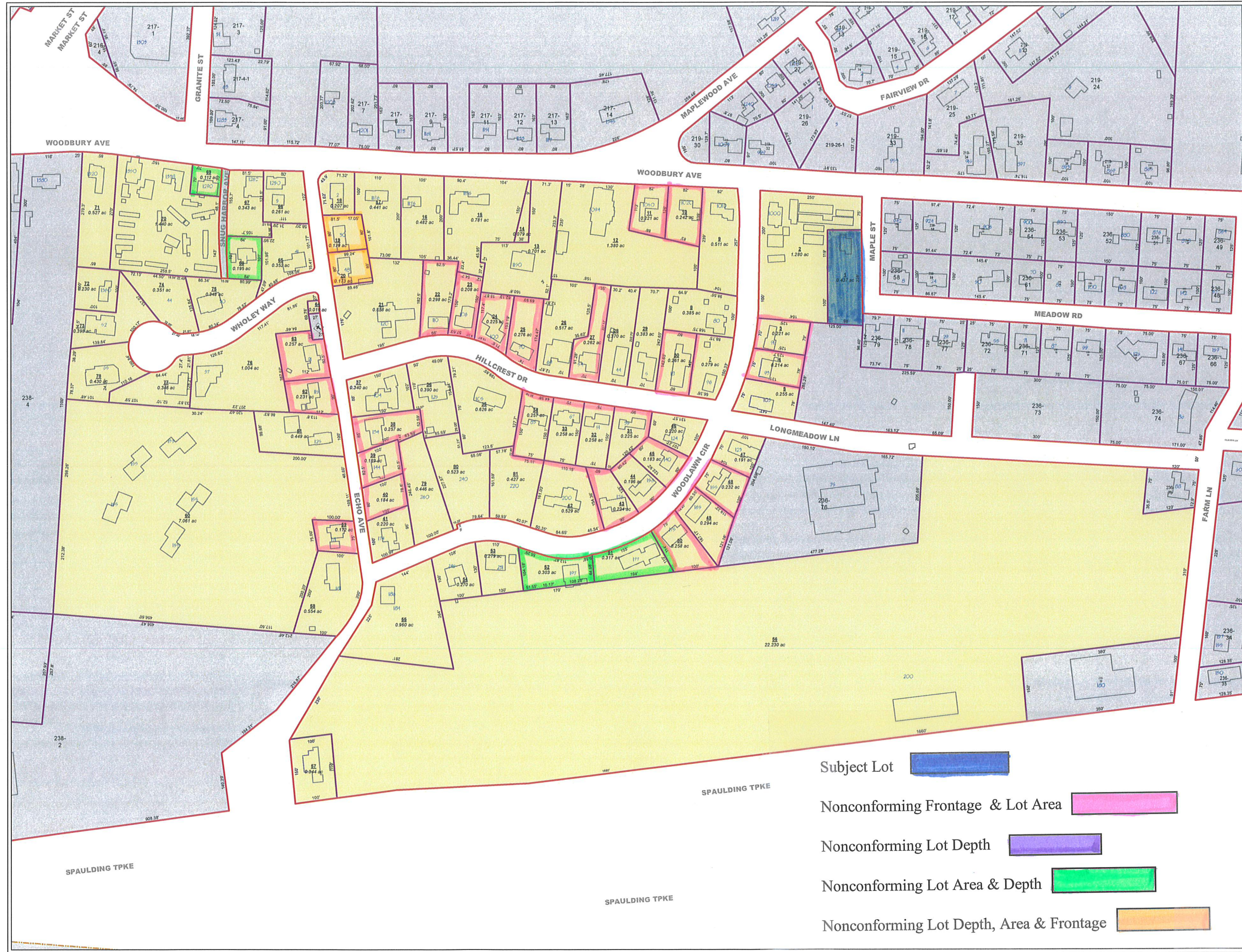
This map is for assessment purposes only. It is not intended for legal description or conveyance. Parcels are mapped as of April 1. Building footprints are 2006 data and may not represent current structures. Streets appearing on this map may be paper (unbuilt) streets. Lot numbers take precedence over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



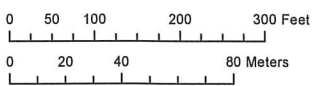
Portsmouth, New Hampshire
2021

Tax Map 236

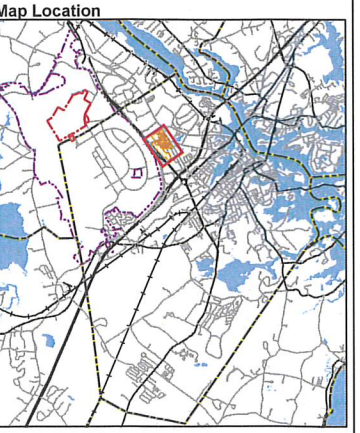
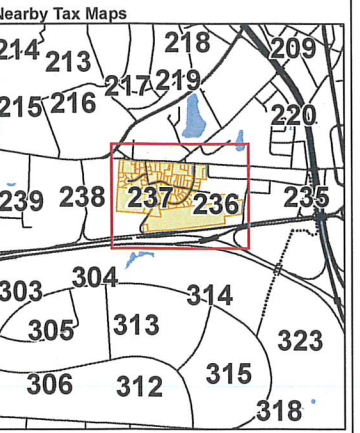
- Subject Lot
- Nonconforming Frontage & Lot Area
- Nonconforming Lot Depth
- Nonconforming Lot Area & Depth
- Nonconforming Lot Depth, Area & Frontage



- 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)

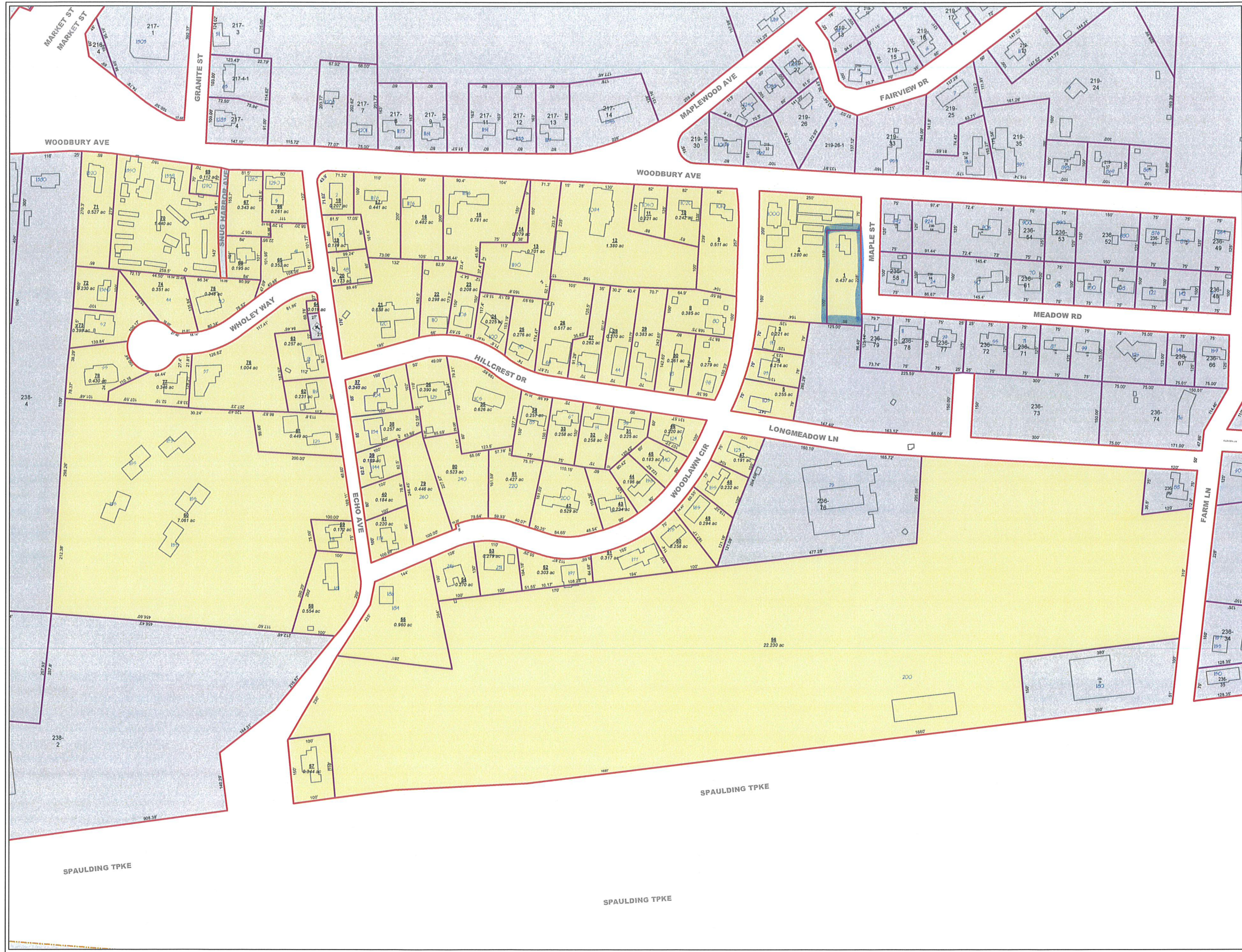


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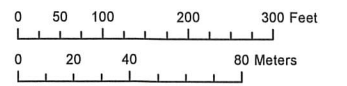
- Subject Lot
- Nonconforming Frontage & Lot Area
- Nonconforming Lot Depth
- Nonconforming Lot Area & Depth
- Nonconforming Lot Depth, Area & Frontage

Portsmouth, New Hampshire
 2021
Tax Map 237



- 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
 - 66 Parcel line dimension
 - SIMS AVE Street name
- Parcel/Parcel boundary
 - Parcel/ROW boundary
 - Water boundary
 - Structure (1994 data)
 - Parcel covered by this map
 - Parcel from a neighboring map (see other map for current status)

EXHIBIT D



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.

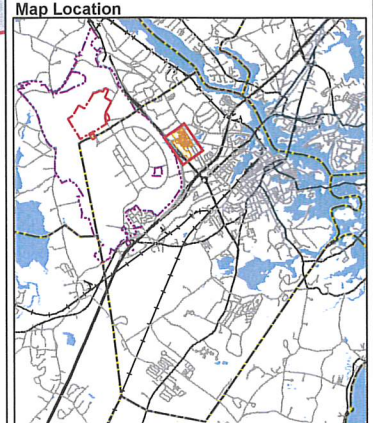
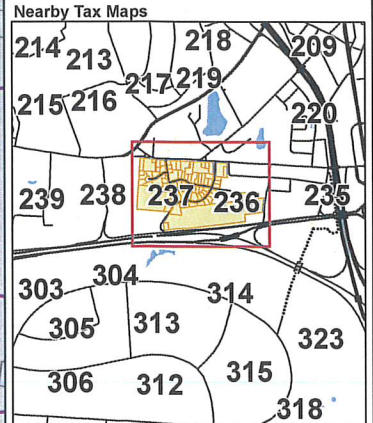
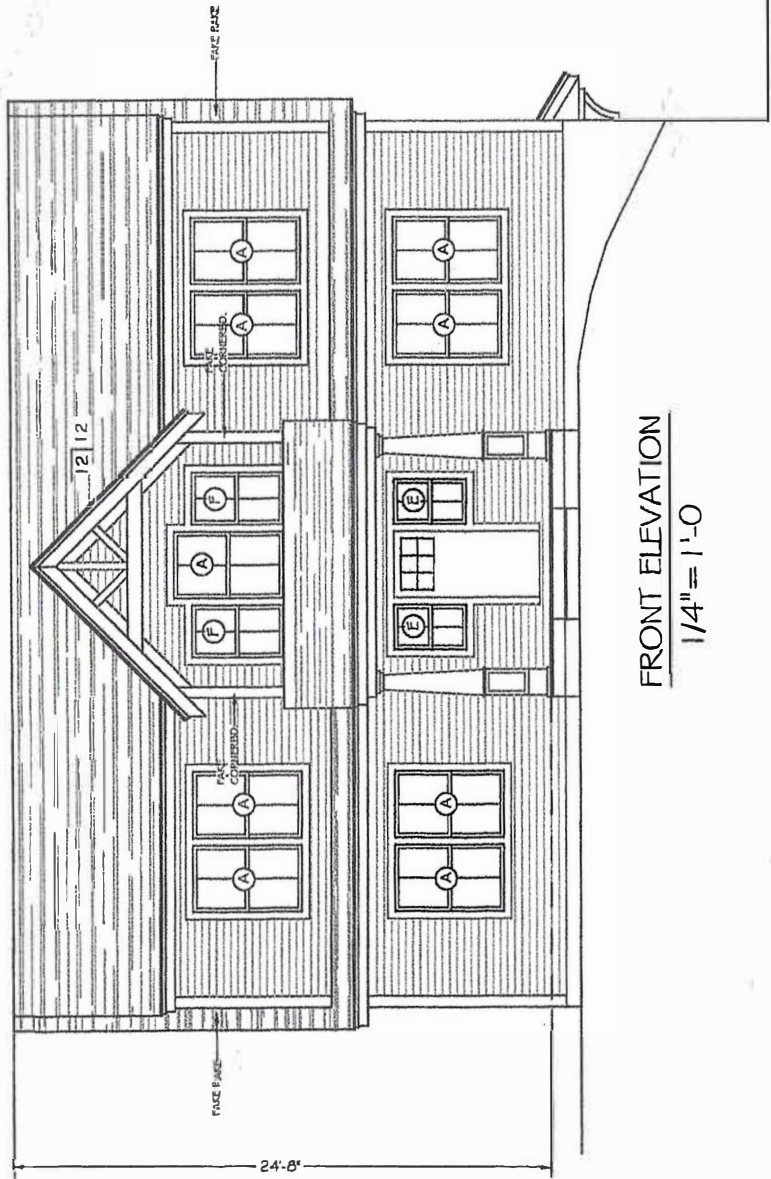
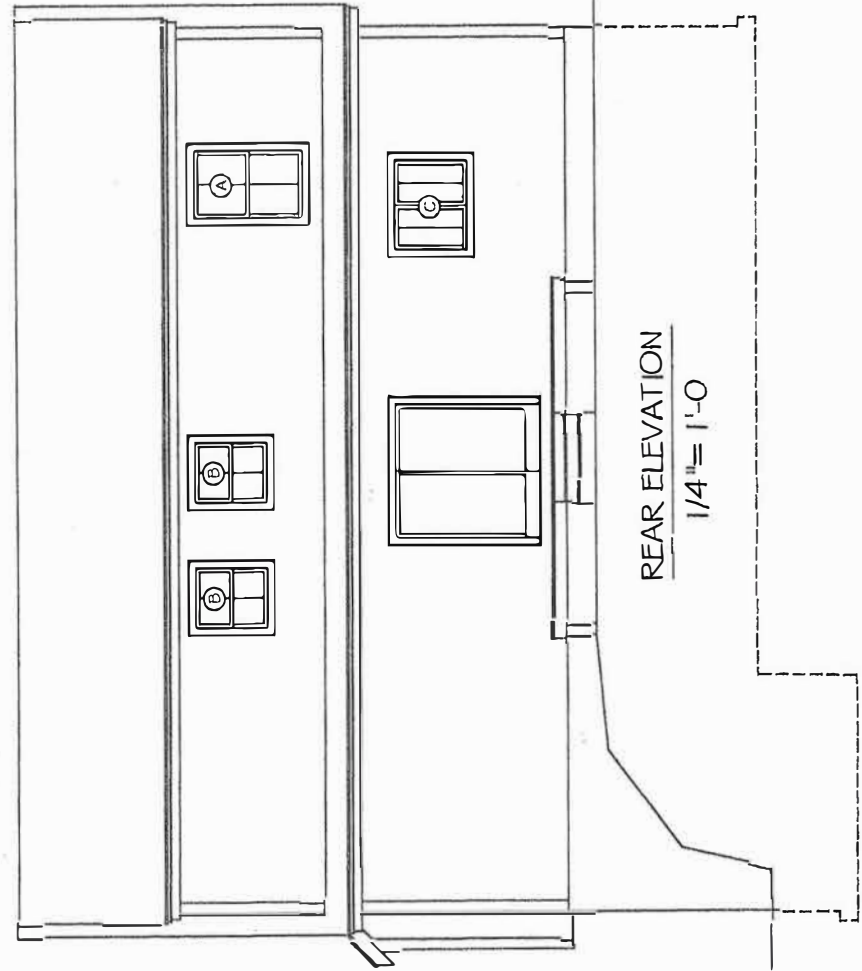


EXHIBIT E



FRONT ELEVATION
1/4" = 1'-0"



REAR ELEVATION
1/4" = 1'-0"

DRAWN BY:
MARTHA MACINNIS
50 REGENT AVE.
BRADFORD, MA. 01835
(978)374-8719

PDF CONSTRUCTION
10 MERRIMAC STREET
SEABROOK, NH

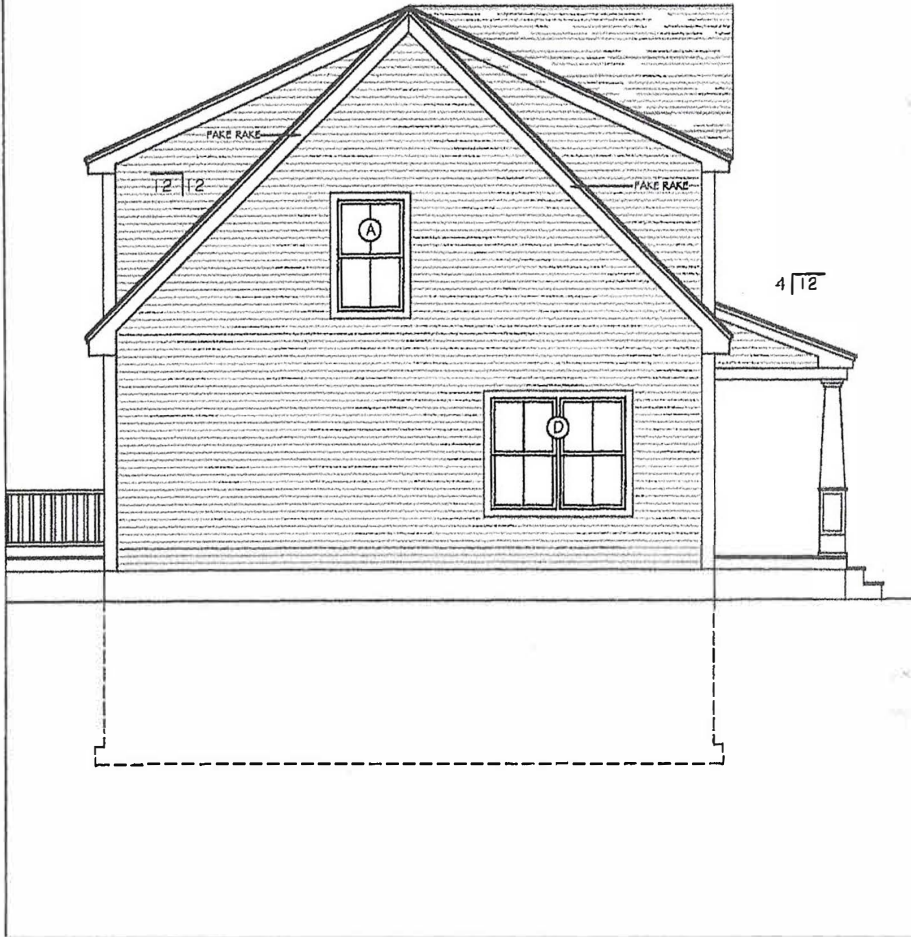
PROPOSED NEW CONSTRUCTION
22 MAPLE STREET
PORTSMOUTH, NH

AUGUST 3, 2022

1

RIGHT SIDE ELEVATION

1/8" = 1'-0"



LEFT SIDE ELEVATION

1/8" = 1'-0"



DRAWN BY:
MARTHA MACINNIS
58 REGENT AVE.
BRADFORD, MA. 01835
(978)374-8719

PDF CONSTRUCTION
10 MERRIMAC STREET
SEABROOK, NH

PROPOSED NEW CONSTRUCTION
22 MAPLE STREET
PORTSMOUTH, NH

AUGUST 3, 2022

2