

Richard and Mary Brady
124 Burkitt Street
Portsmouth, NH 03801

September 16, 2022

City of Portsmouth
c/o Peter Stith
Zoning Board of Adjustment
1 Junkins Avenue
Portsmouth, NH 03801

Email: pmstith@cityofportsmouth.com

**RE: Variance Application of Joel St. Jean and Mariele Chambers
108 Burkitt Street, Tax Map 159, Lot 30**

Dear Mr. Stith,

Please accept the following letter in opposition to the variance application submitted by Joel St. Jean and Mariele Chambers relative to their property at 108 Burkitt Street, Portsmouth, NH. The reasons why we believe the variances requested should not be granted are more specifically outlined below.

The property owners are proposing to replace an existing non-conforming shed ("garage") located in near proximity to the common boundary we share with them (1' +/- setback) and replace it with a structure that is approximately double in size and 3.5' taller in height. The proposed structure would run 30' along the common boundary line. It is our understanding that in order to build the new structure, much of the existing privet hedges that serve as a natural buffer between our properties would be removed, thus magnifying its impact upon us.

The proposed structure will make the St. Jean/Chambers' property even more non-conforming than it already is. Presently, the property complies with the Ordinance's maximum building coverage requirement. As a result of the proposed structure, the new one will exceed the maximum building coverage by 3%.

It should be noted that there is no roof overhang shown on the plans for the proposed structure, but it should not be assumed that there will not be one. Whether or not there is an overhang may affect the setback relief being sought. This matter should be addressed by the Board during its deliberations on the application.

It is also unclear to us from reviewing the proposed plans how the owners will intend to address water from flowing off of the new structure onto our property. Drainage and water flow onto our property are already issues that we face anytime it rains or there is snowmelt.

While St. Jean/Chambers have represented that this structure will serve as a “garage”, it is clear from the plans that it is nothing more than an extension of their existing house. It is not intended to function as a garage as that term is commonly used. It will be utilized for purposes other than just storage of vehicles and personal belongings. The use of the structure is relevant, as a small garage for the storage of vehicles has a much different impact than a space that is regularly occupied or utilized for multiple purposes.

For the reasons set forth above, and as more specifically articulated immediately below, the St. Jean/Chambers’ application should be denied.

Granting the variance would be contrary to the public interest and would NOT observe the spirit and intent of the Ordinance.

The proposed structure will negatively impact the light, air, space and enjoyment of our property. It is unnecessarily large and imposing and would loom over the common boundary we share with 108 Burkitt Street. It is inconsistent in size and character to other non-conforming structures of a similar nature in the neighborhood. The proposed structure is not designed to stay within the existing building footprint or otherwise have the least detrimental impact upon our property. St. Jean/Chambers could add to their existing home or create a shed in the rear that would not have the same type of impact that the proposed structure will have on us, although we understand that there are likely cost-concerns with doing this. Approving a structure like what is proposed, would render the St. Jean/Chambers’ property to be even more non-conforming than it already is, is not in the public’s interest.

Substantial justice will NOT be done by granting the variances.

We can understand the St. Jean/Chambers’ desire to have additional space to use and store belongings given the relatively small size of houses throughout our neighborhood. However, putting a structure of the size proposed right on the common boundary is not a practical solution to the problem. The loss to us, as abutters and members of the public, outweighs any potential loss to St. Jean/Chambers.

The value of our property may be diminished by granting the variances.

Having a large, multi-use, non-conforming structure constructed on our common boundary with St. Jean/Chambers that is in close proximity to our home will diminish the light, air, space and enjoyment of our property. This in turn is likely to diminish the value of the return we can expect to receive on our property.

There is no unnecessary hardship to justify the variances.

St. Jean/Chambers have failed to provide any rationale or evidence for how their property has special conditions that distinguish it from surrounding properties such that there is no fair and substantial relationship between the ordinance provisions and their application to their property. In the present instance, there is no hardship inherent with the land that would prevent St. Jean/Chambers from constructing a garage or similar structure with a greater setback than what is proposed. There are alternative locations on the property where a new structure could be constructed with far less impact to us or other abutters. Accordingly, the proposed use is not reasonable.

Respectfully submitted,

Richard and Mary Brady

Zoning Board of Adjustment
Planning Department
1 Junkins Ave, 3rd Floor
Portsmouth, NH 03801
July 19, 2022

I / We (name(s)) Bonita Cook at

(address) 117 Burkitt Street

support 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
shown on Assessor Map 159 Lot 30 and lies withing the General Residence A (GRA) District. The
address of said property is at 108 Burkitt St. Portsmouth, NH 03801.

Sincerely,

DocuSigned by: 7/18/2022 | 9:27 AM EDT
Signature(s) Bonita Cook
89B972F06186415...

*** If you care to share some words about us or the project, please do so below.*

As the homeowner's garage is currently within the 10-foot setback and the proposed expansion is away from the road and toward their own property I think this project is thoughtful to the neighborhood. The proposed structure is appropriately scaled and designed to fit in with the vernacular of the area.

With the changing times I believe we need to be adaptive to the way spaces are used. Allowing this variance will give the homeowners the ability to use the space in a way that supports their own health and wellbeing which is something I wholeheartedly support.

Bonita Cook, AIA

Zoning Board of Adjustment
Planning Department
1 Junkins Ave, 3rd Floor
Portsmouth, NH 03801
July 19, 2022

I / We (name(s)) Abigail Grace at

(address) 95 Burkitt St. Portsmouth NH 03801

support 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 shown on Assessor Map 159 Lot 30 and lies withing the General Residence A (GRA) District. The address of said property is at 108 Burkitt St. Portsmouth, NH 03801.

Sincerely,

Signature(s)  DocuSigned by: 7/26/2022 | 7:49 AM EDT
9AA0E2672C6A4CE...

*** If you care to share some words about us or the project, please do so below.*

very happy to see our neighbors put love and care into our neighborhood!

Zoning Board of Adjustment
Planning Department
1 Junkins Ave, 3rd Floor
Portsmouth, NH 03801
July 19, 2022

I / We (name(s)) Karen Salmon at

(address) 100 Burkitt Street
Portsmouth NH

support 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 shown on Assessor Map 159 Lot 30 and lies within the General Residence A (GRA) District. The address of said property is at 108 Burkitt St. Portsmouth, NH 03801.

Sincerely,

DocuSigned by:
Signature(s) Karen Salmon 7/19/2022 | 4:50 AM PDT
0CE3C5A4613148C...

*** If you care to share some words about us or the project, please do so below.*

I think the new garage will only enhance and update the look of this property. It will also give them more space to park their cars, especially in the winter with all the snow and snow removal. I approve of this upgrade.
Karen Salmon



CITY OF PORTSMOUTH

Health Department
(603) 610-7273

Kim McNamara, Health Officer

September 20, 2022

Arthur Parrot, Chair

Portsmouth Zoning Board of Adjustment

Re: 225 Banfield Rd Housing Development Application

Chairman Parrot and the Portsmouth Zoning Board of Adjustment,

The Portsmouth Health Department has concerns about a recently submitted application to the Portsmouth Board of Adjustment regarding 225 Banfield Road, Portsmouth, NH, to build housing abutting an active industrial site, and which proposes to have occupants sign a waiver of liability for living at the site. Pike Industries, located at 650 Peverly Hill Road, maintains an active operation creating dust, odors, noise, exhaust, and other health concerns from asphalt, bituminous and aggregated materials typically associated with an asphalt recycling site with uncontained stockpiles of potentially migrating material.

This project has been verbally described as 60 "below market" studio and one-bedroom housing units. Housing, where a majority of an adult's and/or child's time is spent, beside an active industrial site raises many questions regarding the health and safety of any occupants of the housing units.

Substantial injustice is a concern for occupants of any of the proposed dwelling units for myriad environmental health reasons. The neighborhood and built environment are important determinants of health as identified by the Centers for Disease Control and Prevention, and the World Health Organization. Placing housing in an industrial zone for any people is of concern. Developing housing in industrial zones for persons of lower economic means exacerbates these health concerns due to other factors such as access to healthcare, and often already mounting factors against equitable health outcomes. Furthermore, the generation of dusts, even if the concentration of contaminants is unknown, adds to the rates and severity of asthma, COPD, and other respiratory illnesses. Additionally noise, fumes, and exhaust from heavy equipment or truck traffic are additional health risks that need to be considered. These and many more environmental and public health issues should be evaluated before any conversation should go forward, particularly in light of requesting occupants, who are more likely to have fewer alternative choices in housing, are presented with a waiver of liability to the landlord.

A site visit to the property gives better a perspective of how non-conforming to public health principles of social and environmental justice this site appears to be. The presentation of a waiver to hold a developer and industrial abutter from liability against potential poor health outcomes does not relieve the City of the obligations of maintaining appropriate protections for human health and safety.

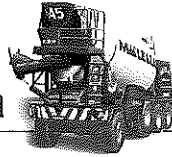
Respectfully Submitted,

Kim McNamara, Director

Portsmouth Health Department

Cc: Karen Conard, City Manager

J.G. MacLellan Concrete Co., Inc.



180 PHOENIX AVENUE · LOWELL, MASSACHUSETTS 01852 · TEL (978) 458-1223 · FAX (978) 441-2434

August 3, 2022

Arthur Parrott, Chair
Zoning Board of Adjustment
City of Portsmouth
1 Jenkins Avenue 3rd Floor
Portsmouth, NH 03801

Re.: Variance Application of JRDEV LLC; 225 Banfield Road, Portsmouth, New Hampshire

Dear Mr. Parrott and Board Members,

Our company operates a ready mixed concrete batch plant facility at 640 Peverly Hill Road (Tax Lot: 254 - 4). Although our address and access is via Peverly Hill Road, our lot shares frontage of over 850 feet along Banfield Road. In effect, Banfield Road is the closest street to our operations (see attached assessors map).

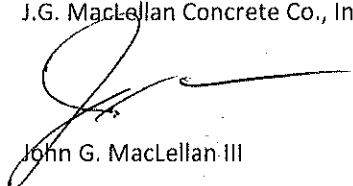
It has come to our attention that the Board has recently granted a variance to allow construction of a 60 unit apartment building in the Industrial Zone at 225 Banfield Road. It has also come to our attention that the Board will reconsider the granting of the variance on August 16, 2022. We herewith notify the Board of our objections to allowance of a variance for the construction of a dense residential project within the Industrial Zone.

The concrete batch plant that we operate has operated at that site for many decades, well over 60 years. Because we supply ready mixed concrete to local construction projects on schedules established by our contractor customers the plant has historically operated in the early morning hours and at times throughout the night. These hours of industrial operation are not consistent with residential uses. Because concrete is a perishable product with a relatively short "shelf life" local projects such as those at the Portsmouth Naval Shipyard or Pease must be supplied by local plants. It is not technically feasible to supply concrete to local projects from remote plants. As a result, it is not possible to avoid operation of the batch plant according to its historic schedule.

To allow a densely occupied residential complex within a very active industrial zone is unfair to the potential residents of that complex and will result in unnecessary conflicts between the two incompatible uses. We, therefore request that the Board recognize the need to maintain the intended nature of the Industrial Zone and not allow a residential complex at 225 Banfield Road. Thank you.

Sincerely,

J.G. MacLellan Concrete Co., Inc.



John G. MacLellan III

READY MIXED CONCRETE · WASHED SAND, GRAVEL AND STONE

LOWELL, MA · AMESBURY, MA · WESTFORD, MA · WAKEFIELD, MA · MILFORD, NH · ROCHESTER, NH
LUNENBURG, MA · N. GRAFTON, MA · WORCESTER, MA · MANCHESTER, NH · PORTSMOUTH, NH · BOSCAWEN, NH



August 4, 2022

Zoning Board
of Adjustment
City of
Portsmouth
1 Jenkins Avenue 3rd Floor
Portsmouth, NH 03801

Re: Variance Application of JRDEV LLC, 225 Banfield Road, Portsmouth, New Hampshire

Dear Board Members,

Holcim – NER, Inc. owns a ready mixed concrete batch plant facility at 640 Peverly Hill Road. The plant is presently operated by MacLellan Concrete. The footprint of our parcel borders Banfield Road.

We are aware that the Board recently granted a variance for the construction of a residential apartment building at 225 Banfield Road. We understand that there is an additional hearing scheduled for August 16. The purpose of this correspondence is to share our objection to this variance. The construction of a 60 unit residential project within this Industrial Zone will cause a host of problems for the businesses that presently operate within this area and for the people who would potentially reside here.

Our concrete plant has been in operation at this location since the 1960's. The product manufactured is essential to local commercial and residential construction projects. The plant often operates early in the morning and late at night to fulfill the needs of the contractors and customers that depend on the availability of ready mixed concrete. These operating hours are consistent with industrial operations and will invariably interfere with typical residential conditions and standards. It is also important that the Board understand the nature of the product this plant manufactures. Ready mixed concrete is not a product that can be stored, inventoried, and shipped to any locale. There is a short period of time for it to reach its destination and be applied according to specification. As such, the existence of a local supplier of ready mixed concrete is essential to meet these time constraints. Any change to the operating hours or procedures would disrupt the business and the availability of a local supply of this essential product.

This area is an Industrial Zone. The existence of a densely populated residential complex will create conflicts on several levels as addressed herein. We ask that the Board recognize the need to maintain this Industrial Zone, prevent the unnecessary conflicts that a residential complex would cause, and deny the proposed variance.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Jarrett Temple', with a large, sweeping flourish extending to the right.

Jarrett Temple

Regional Manager, Land + Environment