

RE: 1 Congress, High and Haven Ct
Meeting: ZBA 03-15-22 Re: Appeal

Dear Members of the Zoning Board of Adjustments,

These are merely some supporting factors regarding the decision made to expect the “green” Haven Court Height- 2-3 story max 40’ be used for the Haven Court side of these two merged lots presented by 1 Congress St.

The council for 1 Congress St inferred that Haven Court is not a street because it is not on the “street” lists as well as that it is a private way with easement(s) of sorts. It seems Coffin Court and Prospect St were not found on the first “Accepted Streets” list presented by 1 Congress St. They were found on the second list. The presented lists seem rather outdated. The fine print on C-34500 reference plans, #6 dated 1948, seems to state (very difficult to read) that JJ Newberry’s bought the Newick and Wood land and later said land was sold to Wenberry Associates. It does not seem to mention the Jarvis’ owned any part of Haven Court which seems to be the land owned by One Market Square LLC. The plan A1.1(2/23/22) shows a 15’ easement on said property but does not seem to include with whom. The presented D-43095 survey took place in November 2021 but was very difficult to read. Based on the NH Supreme Court none of these surveys may be relevant to this appeal.

The NH Municipal Association, Natch Greyes, Municipal Services Counsel provides some insight into this:

Legal Q&A: Stop Plowing that Private Road

“Municipalities cannot spend public funds for private purposes.”

“Helpfully, the New Hampshire Supreme Court listed a number of actions municipalities might take which would imply that the governing body (select board, town council, city council, etc.) meant to accept a private road as a municipal highway. Those include: “opening up or improving a street, repairing it, removing snow from it, or assigning police patrols to it.”

Looking at the signage at the Fleet St end of Haven Court (by Gilley’s-see picture) as well as MapGeo, some of that end Haven Court is likely privately owned. ***The actions of the city would imply if the area of Haven Court, not blocked off by Jersey Barriers, where this development is proposed, has been maintained by the city in any of the ways listed above. Any of these activities could make it a municipal “street” and it would fall under the Portsmouth boards’ jurisdictions.***

Google Maps recognizes Haven Court and can find it. It has been on the maps of Portsmouth for many years. It appeared to be a large yard in the 1850s per maps possibly owned by Charles Haven Ladd. Please review the photos below for comparison of what was there in the past and what is there now.

There are many lots in Portsmouth which have multiple heights. These often happen when lots are merged. It should be remembered that 10.141 states the more restrictive ordinance shall be used. Please do not grant this appeal and support the lower height on the corner of Haven Ct AND High St to maintain the character of Haven Court.

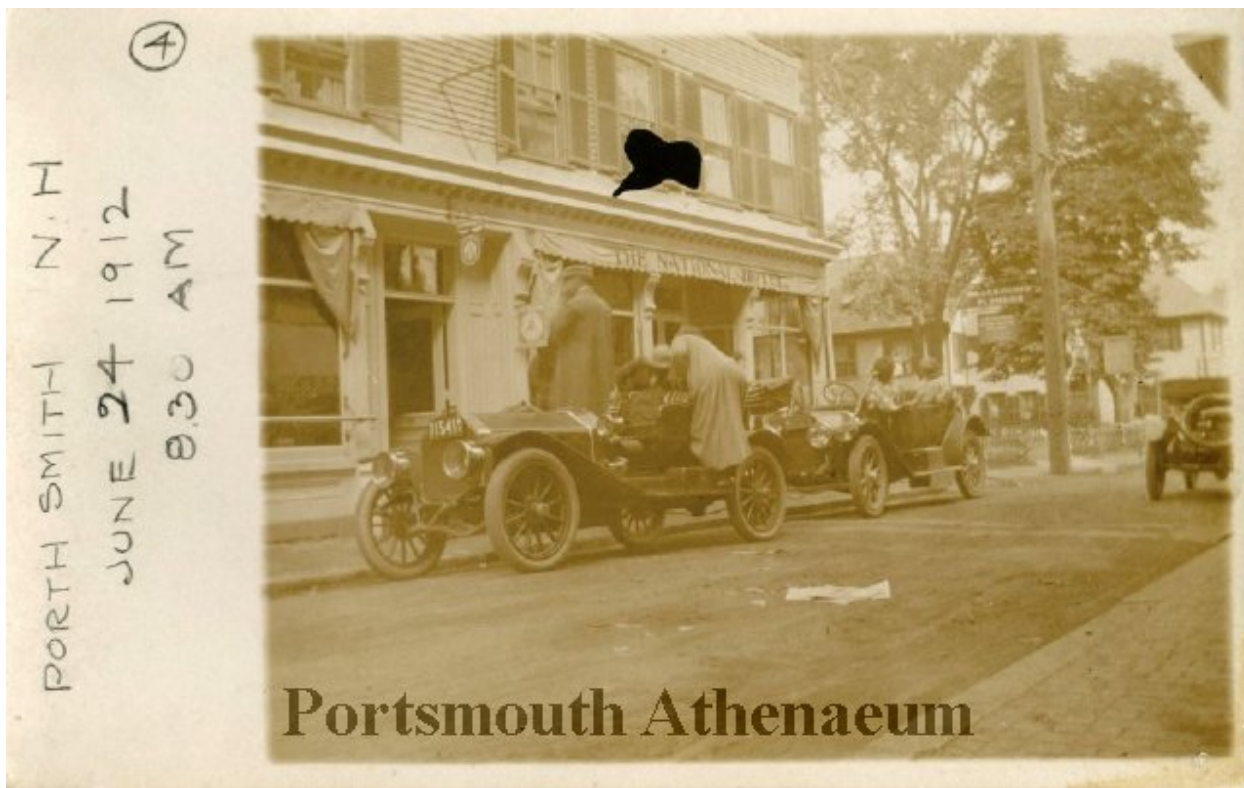
Sincerely,
Elizabeth Bratter
159 McDonough St
Property Owner



24 Haven Court Range 1910-1913
 Group of men in front of the shop belonging to C.R. Pearson, machinist, and C.L. & C.H. Brewster, heating and plumbing, at 24 Haven Court, Portsmouth.



Corner of Haven Court and High Street. Jersey Barriers block off the last 3rd of Haven Court.



National Hotel on High Street-2 Story





End of Haven Court which is shown partially as privately owned by the 175 Fleet St (Gilley's) and the Newberry's property (15 Congress St) on Map Geo.

Top: Lot 117-5



Bottom: Haven Court



RE: 1 Congress St- Lot 117-15 (Haven Court)

Meeting: ZBA February 23, 2022

Page numbers are taken from the "attachments" lists, not from the "packet".

Please review the tax map pictures at the beginning.

Dear Members of the Zoning Board of Adjustments,

February 19, 2022

Green heights vs the orange heights:

Mapgeo shows a lot of "green" in the downtown area. MOST of Lot 117-15 fronts on Haven Court which is all green heights. The variance is for this lot. The request is to take an open parking lot with trees, a public seating area abutted by a relatively new looking 2 story building and replace it with a 4 story building. Haven Court's height is "green", 2-3 story-40', including Newbury's. The existing seating area makes one wonder if it was added as part of a zoning or HDC requirement. This corner of Haven Ct and High St provides a breath of fresh air in this area with 3 story buildings.

The current abutting building appears to be about 2 stories 20' (yellow house next to parking lot). The new structure being presented would increase the height to 4 story 47'. This is technically a 47' increase from the parking lot. It is about a 15' to 25' increase from the yellow building and the others on Haven Court.

The massing plans presented do NOT seem to show Haven Court. The buildings along Haven Court appear to be 2- 3 story, maybe 25' -30' tall. The Hanover Garage drops down to 3 story parallel to them.

The other thing which is NOT shown, for the proposed height of the building, is how much grade will be needed to move the building to the edge of Haven Court and put in underground parking. There seems to be quite an incline on Lot 117-15.

Currently both lots (117-14 and 117-15) **are about 6969.6 sf** (0.16 acres). The restoration (3280sf) is only for half of the existing building on Lot 117-14 and remaining 3/4ths of the proposed combined lot is presented as new (8720 sf).

Definition of a short 4th:

The zoning height for Lot 117-14 is 2-3 story with a SHORT 4th. *This is being asked for Lot 117-15.* Plan A0.4 (pg 26) does NOT list the height for the proposed 4th floor. **A "short story" by definition is 20% shorter than the story below.** Plan A0.3 (pg 25) does NOT show the height of the story below (3rd story). IF all the stories are the same (11') to meet zoning for a "short" 4th, it should be no higher than 8' 8". This proposed floor is shown as residential.

There is a separate roof plan A0.5 (pg 27). The flat roof (no slope) height is listed as 46' 10". Plan C3, shows the ground floor at 13' and the second floor at 11'. Looking at the roof plan, there appear to be some structures which are as high as 55', which are allowed with specific criteria. **10.5A43.32** states: "All roof appurtenances and other features that exceed the allowed building height for the zoning district shall not exceed 33 percent of the total roof area of the structure and, except for elevators and stair towers, shall be set back at least 10 feet from any edge of the roof." Page one of this application states they plan to construct an elevator. It is hard to tell from the roof plans what the various high roof structures are or whether they meet the requested height regulation changes.

Observations regarding orange heights in the same block as Lot 117-14, Congress St:

Looking at the Plan A0.2 (pg 9) and comparing it to Plan A2.2 North side of Congress St (pg 16) and then looking at Plan A0.4 (pg 26), it is evident that the Zoning height of 2-3 Story with a short 4th, maximum 45' *was likely put there in error*. The only building in that entire block which seems to meet that criteria is 55 Congress Street. *All the other existing structures seem to be in 2-3 story 40' range, in this presented "orange" height area along this block.* It may be listed as orange but its existing heights are really green.

What is before this board is to allow Lot 117-15 be changed from the “green” height of 2 -3 story-40’ to the “orange” height of 2-3 story with a short 4th-45’, NOT found on Haven Court where the largest frontage(106’) of this lot requesting the variance is. All of Haven Court is “green”, 2-3 story-40’.

Some answers may be needed to move forward with this request: **actual massing along Haven Court, grade, the park/seating area’s origin, how tall will the 3rd story be, how short will the 4th story be, how tall will the building at the top of the 4th story be, identity of the structure on the roof.**

It seems a little ironic that in this application building height and building expansion are being sought, which usually come with a requirement to add community, green or open space; in this case it comes with the removal of such.

Respectfully,

Elizabeth Bratter
159 McDonough St
Property Owner

From: [Kimberli Kienia](#)
To: [Kimberli Kienia](#)
Subject: FW: 1 Congress Street variance request
Date: Wednesday, February 9, 2022 10:38:14 AM

From: Peter Egelston [<mailto:peter@portsmouthbrewery.com>]
Sent: Wednesday, February 9, 2022 10:27 AM
To: Planning Info <Planning@cityofportsmouth.com>; Peter M. Stith
<pmstith@cityofportsmouth.com>
Cc: Joanne Francis <joanne@portsmouthbrewery.com>; Karen Conard
<kconard@cityofportsmouth.com>
Subject: 1 Congress Street variance request

Good morning,

I am in receipt of an abutters' notice pertaining to the February 15, 2022, Board of Adjustment meeting. The project of which I have been notified is the request by One Market Square LLC for zoning relief to enable the construction at 1 Congress Street of a three story addition with a short 4th story and building height of 44'-11".

I would like to put on record my strong opposition to this request. I can't imagine any hardship that would justify the granting of the requested zoning variances. The building's tax card indicates that it is over two hundred years old. No doubt it has been modified numerous times over its lifetime. However, zoning ordinances exist today to guide such modifications, to protect neighbors, and to help maintain a city's character. The fact that the proposed modification requires zoning relief puts up a huge red flag with respect to its likely impact on the property's neighborhood - Market Square, the very heart of downtown Portsmouth. The proposed modification is elective - it does not have to be done to maintain the viability of the property. There is no reason for the Board of Adjustment to grant the requested variances.

Granting this relief would also set a terrible precedent for the City's historic downtown, as it would encourage developers to propose nonconforming modifications to historic buildings wherever they see a potential for profit.

Lastly, a major construction project in the center of town, one that is likely to take place at precisely the same time the City garage is undergoing renovation, coming hard on the heels of several other major downtown construction projects (not to mention a worldwide pandemic), is certainly going to adversely impact the economy of the immediate neighborhood. I understand that this does not pertain to the matter of zoning relief, but it should be mentioned nonetheless.

Thank you for your attention in this matter.

Regards,

Peter Egelston
Owner of 48-56 Market Street

Peter Egelston, President

[Portsmouth Brewery](#)

56 Market Street, Portsmouth NH 03801

(603) 431-1115 x241

"Everyone is entitled to his own opinion, but not his own facts."

Daniel Patrick Moynihan

From: [j.o](#)
To: [Planning Info](#)
Subject: Re: Appeal of the Administrative Decision at 1 Congress St.
Date: Monday, March 14, 2022 3:11:34 PM

To Whom it May Concern at the Board of Adjustment in Portsmouth, N.H.,

I was sent notification of the proposed expansion at 1 Congress St., request of Francis X. Burton, atty for the appellants. I am an owner in the McIntosh Condominium Association at 90 Fleet St. I am in agreement with the decision to NOT allow this expansion to take place.

I feel that Portsmouth is very special, not only because it has a beautiful coastal location, but because of its historic charm that is reflected in all of its historic buildings, and the nature/character and charm of the town. I am not the only one who feels Portsmouth is becoming more gentrified.

I have not liked the direction the town is taking, of expanding with new builds of luxury condominiums and hotels. Of course I understand the appeal of this for business and developers, but a main reason people like and visit Portsmouth, in my estimation, and the estimation of many if not most, is for the quaintness and charm of downtown. I feel this new expansion on 1 Congress St, as well as all new development downtown, would be encroaching on that and the reason why Portsmouth is so special and fun! Once these buildings and expansions happen there is no going back, or undoing them! And if you allow one, there is precedence to allow for more.

While housing is in short supply everywhere, I feel the price is too great to allow this to happen. The skyline and atmosphere of downtown Portsmouth should be kept as it is, to preserve what is left of the charming Portsmouth we all know and love. Please don't be short sighted on this. Portsmouth is special for a reason, and that reason should be preserved to continue its charm and vitality as a destination for charming coastal beauty and history for all to enjoy!

I urge the Board of Adjustment to uphold the decision to disallow the expansion at 1 Congress St that asks to raise the roof as well as expand into an adjacent area. (This is my understanding and memory of the case at that location.) Keep downtown Portsmouth as it is.

Thank you,
Jennifer (Reinauer) Oswald

March 14, 2022

Dear Members of the ZBA and City Planning Staff:

We reside at 199 Gates Street (Tax Map 103, Lot 7), which is the property to the immediate east of 189 Gates Street (Tax Map 103, Lot 6), which is owned by Judy and Patrick Nerbonne. The Nerbonnes submitted an application for variances to exceed the impervious lot coverage on their property, to expand a pre-existing nonconforming structure, and to construct an addition within the side setback. These variances are being sought to allow for the Nerbonnes to construct a garden cottage on their property.

While we are sensitive to the Nerbonnes' desire for a garden cottage on their property, we respectfully oppose the Nerbonnes' present proposal due to concerns for diminished light, air, privacy, and property value, and concerns for fire safety and water drainage, and the fact that there are other options available to them to achieve their goal that do not harm us, their abutting neighbor.

Our Property

We are newlyweds and purchased this home in May 2020 and look forward to raising a family in this home. We wanted to live in this neighborhood so we could walk future kids to so many wonderful Portsmouth resources and activities, and so that we could be around lots of friendly neighbors. But also we invested in this particular location because it really is one of the most private locations in a dense neighborhood. We have driveways on either side of our house which gives us some buffer for noise and the backyard has open air and light and is moderately private. If it was not for this backyard and the light and air that it offers, we would not have made the considerable investment that we did in purchasing it. This year, we even put in grass for kids to run around, a small garden, and maybe in the future, a swing set. For us, it's ideal for a young family. There is only one other family to our knowledge who have kids in this neighborhood. We hope to be the second family with kids. We value this neighborhood because there is a diversity of ages. We have great relationships with our neighbors, including Judy and Pat, and we want them to be able to age in place in their home. But we see many other options for the Nerbonnes to build exactly what they need in a location on their property that doesn't harm us like the current proposal. Perhaps an addition to the house? Perhaps an ADU behind their house? Perhaps the Garden Cottage could extend south or west towards their own home rather than along our property line.

Unusual Request

Gates Street is a densely populated neighborhood and is located in the General Residence B Zone. Gates Street is made up largely of historic colonial homes from the 1700s. The lots on Gates Street are small, with few lots exceeding .15 acres in size and with none (to our knowledge) exceeding .20 acres. There are few accessory dwelling units or garden cottages located in the neighborhood. Of the ADUs in the neighborhood, few are in a detached building. However, for each of the limited properties with detached accessory dwelling units or

garden cottages, those structures are all located to the rear of the lot and are not in close proximity to residences on neighboring parcels.

Extremely Close Proximity to Property Line

The Nerbonnes property is a .12-acre lot. Our property is .10 acres. The detached garage that the Nerbonnes propose to convert to a garden cottage is located on the property line between our property and the Nerbonnes. The 2008 survey of 199 Gates Street submitted by the Nerbonnes with their application shows just how close the garage is to our property and shows that the existing garage to be converted is on the property line. Due to the small lot sizes, the garage is located within ten feet of our residence.

Limit Light, Air, and Privacy

The proposal submitted would convert this garage into a garden cottage, extend the structure by 12', which will only be 1.4 feet from our property line and then install a 6' x 14' deck off of the rear of that extended structure. Not included in the metrics of the proposal, there is an additional 3' of landing space on the deck for stairs, which continue south abutting our property line. If approved, this garden cottage would extend the visual obstruction associated with the garage by 18', all of which will be located less than 5 feet from our property line. The backyard that we paid such a high premium on, with its privacy, light, and the air that it affords will be substantially and permanently impaired. Individuals on the proposed deck will be mere feet from our backyard with an elevated view of all that we do in that backyard as a family. We feel very uncomfortable with the idea of people having an elevated view down onto our yard mere feet from where our children would play. The Nerbonnes have promised that there will be some sort of screen or barrier so we can't see people on the deck but they can see us. That makes us very uncomfortable.

Unknown Height of Building

We notice that there are no measurements on the proposal in relation to the height of the structure. The garage itself is flat to the driveway, however, due to the slope of both of our properties going north, the foundation of the garage is exposed by many feet in the rear. The slope of the yard continues in the back and we have no idea of knowing how high the foundation would have to be before the addition could begin to keep the structure one floor. Have there been land slope assessments to see how much of a foundation would have to be built? We estimate at least 10 feet but we really don't know. This proposal creates a wall along our property line and that wall may be very high based on the needed height of the foundation. Please see the attached pictures where you can see that the current garage casts an afternoon shadow on our property that covers about a third of the back yard. The high and long wall of the addition along the property line will elongate that shadow to cover the majority of our back yard. We just put down grass and a small garden and we don't anticipate the grass or garden to grow well next to a wall blocking sunlight. We encourage the ZBA to request an assessment of the foundation height before moving forward to find out the full impact of the wall to us as neighbors.

Future Use as Tourism Rental

While we understand the Nerbonnes present desire for the garden cottage, we are also mindful of the fact that this garden cottage will exist well into the future and will not have a short-term impact to us. If the property is sold to individuals that are not as conscientious as the Nerbonnes, that garden cottage could then be rented as a short-term rental that encourage increases in tourist traffic to the neighborhood and are not housing solutions for community members. We don't oppose housing solutions for our neighborhood and we certainly don't oppose apartments. In fact, apartments and long-terms rentals bring in a larger diversity of people to the neighborhood- something we support. But with no safeguards to ensure that garden cottages are used for family or long-term rentals and not for weekend tourism income, we feel especially harmed knowing that there may be tourists 2 feet from my kids looking down at them as they play. At that time, it would be our young family that would experience the adverse impacts associated with those short-term guests.

Fire Danger

Beyond the privacy impacts and the impacts to light and air, we are also concerned about the potential fire danger associated with this garden cottage. The risk of fire is more pronounced when a kitchen is introduced and more extensive electrical wiring. The proposed garden cottage will, again, be located between 0' and 1.4' from our property line and within 10' of our residence. There is an existing, mature tree in between the existing garage and our residence, which we have to trim back to keep from reaching our home and the Nerbonnes'. If there were ever a fire at the proposed garden cottage, the proximity to both the residence and the tree are such that there is little which will stop it from spreading to our home. In our neighborhood, these homes are especially old and usually wooden structures. Not the brick town homes like downtown. There have been fires in the neighborhood and we believe the rules are created with fire safety in mind. We believe that allowing the conversion of a garage to a dwelling so close to an existing dwelling would be ignoring the concern for fire safety.

Water Drainage

Finally, the neighbors along the north side of Gates St., including us, struggle with water drainage due to the slope of the street and our yards. The Nerbonnes' home is pitched above ours so their water flows down to us and our water down to our neighbors to the east, culminating in street drainage. The increase in building coverage, over the city limit, impacts the ability for their property to drain water, which will likely result in an increase in flooding in our property, which we already struggle with.

Property Value

All of these issues impact our enjoyment of our own property and ability to use our home and yard as intended - as a family residence. If the plans were approved as is, we would no longer feel that our own home meets our needs for our family and would strongly consider moving. We are concerned that the market of people looking to buy family homes would, like us, not see this yard as suitably private and comfortable and we would struggle to find buyers, especially families with children. We have reached out to our real estate agent and several appraisers, all of whom were not able to provide an analysis due to the fact that there are no comparable properties or scenarios like this. They could not think of a property that had a

newly built ADU or garden cottage so close to a property line. The rarity of this scenario underscores how out of the norm this proposal is and its inconsistency with that the ZBA, Planning Board, and the City of Portsmouth have allowed historically.

Good Faith Effort as Neighbors

We are grateful for the Nerbonne's invitation to collaborate on this proposal as of Thursday, March 10. We had an honest and neighborly conversation about our concerns. The Nerbonnes have indicated they would move the addition 2.5 feet, and unfortunately, this does not mitigate our concerns. We encourage the ZBA to ask the Nerbonnes to not build within 10 feet of the property line. Options to consider include an addition to their home, an ADU in the rear of the home, or a garden cottage that follows the rules and spirit of the garden cottage ordinance to be limited to the existing dwelling without an addition more in line with an ADU.

For these reasons, we encourage the ZBA to find that the application does not satisfy each of the five criteria for the issuance of a variance.

- The variance would be contrary to the public interest and the spirit of the ordinance is not being observed by this proposed ADU because the detached ADU will alter the essential character of the neighborhood as a family-friendly neighborhood of owners and long-term renters, and will adversely impact public health, safety, and welfare. As identified above, there are no detached accessory dwelling units that are located in such close proximity to existing residences. Further, the ADU will adversely impact public health and safety because the increased density may increase the risk of fire that may spread beyond the boundaries of the property, which is a significant risk in the neighborhood given the style and materials of the surrounding homes.
- Substantial justice would also not be done by the denial of the variance. The denial of this variance does not mean that the Nerbonnes will be unable to build an ADU on their property. The Nerbonnes property can easily accommodate an alternative configuration, as there is substantial room to the rear of their property for either an attached ADU to the primary residence or for a detached dwelling unit to the rear of the property. While this may involve reducing the size of the Nerbonnes' large rear deck, that configuration would remove the ADU from being in such close proximity to our property and the property of others. Further, there are no residential properties abutting the Nerbonnes' property to the rear. To the contrary, the grant of the variance will adversely impact us, as it will significantly diminish our privacy, our access to air and light, and raise significant concerns of fire. The Nerbonnes could also convert the garage to a Garden Cottage under the existing parameters of garden cottages without a variance for an addition. Also, the public in general would be adversely impacted by this proposal due to the increased public safety risks and water drainage issues associated with the property.

- We also believe that the proposed ADU in its current configuration would diminish the value of our property. There are currently no comparable properties that have built an ADU so close to a property line with this level of impact on a neighbor.
- This proposal also cannot meet the “unnecessary hardship” criteria. There are no specific conditions on the Nerbonnes property that “distinguish it from other properties in the area.” The Nerbonnes property is a rectangular lot that is roughly the same size as nearly all other lots in the area. There are no issues with that property that make it different from the other lots in the area. If anything, the lots size, the extensive space to the rear, and the lots shape make it more appropriate to consider an ADU to the immediate rear of the Nerbonnes’ existing residence.

Also, there is a direct relationship between the public purposes of the ordinance and its application to the property. Side setbacks, lot coverage requirements, and the restriction of expansions on non-conforming structures are based on the need of safeguarding the interests of neighbors by ensuring adequate space between uses, making sure that neighbors have access to adequate light and air, and ensuring that neighboring properties have privacy. Each of these issues exist with regard to the proposal before the ZBA. Also, we do not believe that this proposal is reasonable for all of the reasons identified above, as well as the fact that other alternatives available to the Nerbonnes and the significant harm that his proposal presents to us.

Again, we are sensitive to the needs and desires of the Nerbonnes. However, there are more balanced and less intrusive alternatives available to them which do not cause the significant harms to us and the neighborhood that are proposed by the current application.

Thank you in advance for transmitting this communication to the Board and for the Board’s thoughtful consideration.

Sincerely,

Devan Quinn and J. James Butler
199 Gates St., Portsmouth NH





603.610.4188

www.cityofportsmouth.com

From: Devan Quinn [mailto:devanquinn@gmail.com]

Sent: Monday, March 14, 2022 3:04 PM

To: Peter M. Stith <pmstith@cityofportsmouth.com>; Kimberli Kienia <kkienia@cityofportsmouth.com>

Cc: James Butler <j.james.butler@gmail.com>

Subject: Letter to ZBA and Staff

Hi Peter,

Thank you for speaking with me last week about the ZBA meeting on Tuesday.

Attached is a letter to the ZBA and staff outlining our opposition to the proposal for variances submitted by Judy and Pat Nerbonne at 189 Gates St.

We don't see any email addresses on the Portsmouth website for the ZBA members. Could you email this letter to them in advance of the meeting tomorrow?

Thank you so much for your help!

Best,

Devan Quinn

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Devan Quinn
devanquinn@gmail.com
(603) 475-3059

City of Portsmouth
Planning Board
Reference to: Garden Cottage
Owners: Patrick and Judy Nerbonne
189 Gates Street
Portsmouth, NH

We/I live at own 183 Gates St and have reviewed the plans for a
Garden Cottage at 189 Gates Street.

We/I approve the plans.



Terrific Plans. Very supportive.
WB.

The Bardenwipers
abutters on East
side of property

City of Portsmouth
Planning Board
Reference to Garden Cottage
Owners: Patrick and Judy Nerbonne
189 Gates Street
Portsmouth, NH

Renter

We/I live at 183 Gates St, Portsmouth and have reviewed the plans for
a Garden Cottage at 189 Gates Street, Portsmouth, NH.

We/ I approve the plans.

Charles G. J.

City of Portsmouth
Planning Board
Reference to: Garden Cottage
Owners: Patrick and Judy Nerbonne
189 Gates Street
Portsmouth, NH

We/I live at 188 Gates Street and have reviewed the plans for a
Garden Cottage at 189 Gates Street.

We/I approve the plans.

SMR SCOTT DERWIN

lines across
street.
House looks
+ yard
on to front
of garage

From: Judy Nerbonne judy@gatesstreet.com
Subject: Fwd: Renovation/Addition Proposal
Date: February 26, 2022 at 12:24 PM
To: Pat Nerbonne pat@gatesstreet.com



Sent from my iPhone

Begin forwarded message:

From: Fred Orlando <forlando1@gmail.com>
Date: February 26, 2022 at 12:07:35 PM EST
To: Judy Nerbonne <judy@gatesstreet.com>
Subject: Renovation/Addition Proposal

We have reviewed the architectural plans for conversion of the existing garage at 189 Gates into a garden cottage and have no objections to the proposed construction.

Jaclyn and Fred Orlando

180 Gates St
Portsmouth, NH

Fred + Jackie
Orlando
lives across
Gates St

Judy,

This looks totally fine to us!
Herewith our signatures,

best,

Anneke & James Meinardi

City of Portsmouth
Planning Board
Reference to Garden Cottage
Owners: Patrick and Judy Nerbonne
189 Gates Street
Portsmouth, NH

We/I live at 1 WALTON ALLEY and have reviewed the plans for
a Garden Cottage at 189 Gates Street, Portsmouth, NH.

We/I approve the plans.

Jane Wuh A. Meinardi

3-8-2022

Directly across
Gates
Their house
looks directly
on front of
garage

City of Portsmouth
Planning Board
Reference to: Garden Cottage
Owners: Patrick and Judy Nerbonne
189 Gates Street
Portsmouth, NH

We/I live at 213 Gates Apt 1 and have reviewed the plans for a
Garden Cottage at 189 Gates Street.

We/I approve the plans.

Joanne W. Wolfe

I love it !!!

Condo
Same side of
street
2 Doors down

City of Portsmouth
Planning Board
Reference to: Garden Cottage
Owners: Patrick and Judy Nerbonne
189 Gates Street
Portsmouth, NH

We/I live at 213 Gates St. #2 and have reviewed the plans for a
Garden Cottage at 189 Gates Street.

We/I approve the plans.

E. DeFreese & Mike Conabey
Beautiful Plans!

Upstairs unit
in Condo on
Gates 2 doors
down
Deck look on to
our back yard.

The following Abutters have reviewed the BOA & CUP Garden Cottage Submissions at 189 Gates Street for the following, and have no objections.

Variances: 1. Building Coverage of 35.5% where 30% is allowed.
2. Right Side Setback of +/- 1.4' where 10' is required.
3. Expansion of a non-conforming structure

Conditional Use Permit for conversion of Garage to Garden Cottage with an Addition

Allen J. Miller 180 Gates St.

Robert A. ... 175 GATES ST.

John ... 175 Gates St.

Don ... 210 GATES

Deborah A. Adams 210 Gates.

E. Hegner + Mike Conaway 213 Gates #2

From: judy@gatesstreet.com,
To: archwhit@aol.com,
Subject: Fwd: Letter in case you can't open the attachment
Date: Sun, Mar 13, 2022 8:42 pm

Sent from my iPhone

Begin forwarded message:

From: Kathleen Logan <kathleenblogan@gmail.com>
Date: March 13, 2022 at 5:50:34 PM EDT
To: Judy Nerbonne <judy@gatesstreet.com>
Subject: Letter in case you can't open the attachment

Kent Logan, MD
21 Blossom Street
Portsmouth, NH 03801

March 13, 2022

My name is Dr. Kent Logan. I am Mr. Pat Nerbonne's treating neurologist and a resident of the South End. I understand that Judy and Pat Nerbonne wish to make medically appropriate and adaptive home changes in the setting of Mr. Nerbonne's health condition.

Of note, the Nerbonne's have requested that I discuss openly and freely Mr. Nerbonne's health.

Mr. Nerbonne has mild cortical dementia of the Alzheimer's disease type. This is a progressive neurodegenerative disorder. Mr. Nerbonne fares well at present with only mild memory and cognitive concerns, yet with time there is heightened potential of progression of his memory and cognitive loss. He may have impaired activity of daily living function, such as the inability to bathe and dress himself. He may also experience neuropsychiatric symptoms of hallucinations, agitation, and fear.

It is well known in the medical community that a secure familiar home environment with family and friends nearby remarkably reduces the likelihood of these distressing symptoms. In such a safe environment, patients with dementia fare better with less stress, confusion, the above mentioned neuropsychiatric symptoms, as well as injurious falls. Most importantly, the patient is more apt to live in comfort and peace as he faces this life challenge.

It is my medical opinion that appropriate home living conditions in accordance with the Garden Cottage plan be granted to the Nerbonne's. The Garden Cottage plan will give the Nerbottes the ability to have a family member or caregiver living in close proximity to provide the care necessary for Pat to stay in his home. I applaud the city for beginning to look at ways to help families as the population grows older and faces these problems.

Kent Logan, M.D

March 11, 2022

To BOA Commissioners,

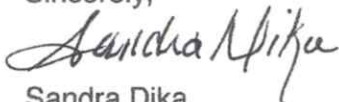
I have reviewed the request for relief which would allow for the conversion of an existing garage at 189 Gates St. into a Garden Cottage accessory dwelling.

I believe that the project is well thought-out, very attractive and compatible with the existing properties along Gates Street. It will enhance the appearance of the property, especially the view from Prescott Park, and as such it will support property values in the area.

In addition a historical feature of early neighborhoods and notable in the South End was the inclusion of out buildings on the same lots with dwelling houses. They were stables and barns, and tradesman shops, and even sometimes small houses for adult children. Some of these still exist as can be seen at 11 Meetinghouse Hill, 114 Mechanic St., 421 Pleasant St., 180 Gates St, 333 Marcy St, and many others. As seen by these examples often these secondary buildings were built right on a lot line with no apparent damage to the public interest. It seems only just to allow this similar plan to be approved.

Please, grant relief for this worthy project.

Sincerely,

A handwritten signature in cursive script, appearing to read "Sandra Dika".

Sandra Dika
333 Marcy St, Portsmouth, NH

ROESELAND HOLDINGS

55 Elm Street Effingham NH 03882 | (603)231-2322 | roeselandholdings@gmail.com

To: City of Portsmouth NH Planning Board

From: James Copeland/John Roese
Owners of 14 Mechanic Street Portsmouth NH

Re: Support of Proposed changes at 189 Gates Street/Garden Cottage

To whom it may concern,

This letter is provided to the Planning Board of Portsmouth NH to convey our support of the proposed project at 189 Gates Street by Patrick and Judy Nerbonne. We have reviewed the plans for the proposed garden cottage and are happy to encourage the approval of the project. As a nearby property owner, we do not see any issues with this project and believe it will be both visually compatible with the area and not impose any hardship on us or other neighbors.

We approve the plans as proposed and are glad to provide further support if needed in the approval process.

Best Regards,

Jim Copeland/John Roese
14 Mechanic Street
Portsmouth NH 03801

From: judy@gatesstreet.com,
To: archwhit@aol.com,
Subject: Fwd: letter of support
Date: Tue, Mar 15, 2022 1:53 pm
Attachments: Nerbonne Letter of Support.docx (14K)

Begin forwarded message:

From: Nancy Euchner <nancy@seacoastvillageproject.org>
Subject: Fwd: letter of support
Date: March 14, 2022 at 10:08:57 AM EDT
To: Judy Nerbonne <judy@gatesstreet.com>

If you look around Portsmouth today, you will no doubt see benefits that were built through the hard work of its citizens – people who invested time, talent and treasure to develop and sustain our neighborhoods, parks, cultural venues and good governance. As some of these citizens, like Judy and Pat Nerbonne, got older, they invested even more deeply in providing very local support to neighbors and friends who needed a little help – through family crisis, temporary illness or challenges of aging. They took a proactive stance – exploring aging in place options with others in the South End. They prepared.

Today, the Nerbannes' situation the importance of this planning. Pat was diagnosed with Alzheimer's disease. Not the best news in the world, but also not the worst. Pat has a loving family and friends, and his positive spirit and humor continue to be gifts to those who know him. But an additional part of this picture is the reality of his changing needs. The current need for supervision, and the eventual need for personal care and support beyond what Judy can provide on her own.

If we learned anything from the pandemic that hit the world and our community in the past year, it's that our health care support systems are strained to the breaking point. Smart citizens are doubling down on ways to get connected (to each other and community and family resources), get smart (about normal aging and some of its challenges) and helping each other out. In my work as an eldercare professional for the past 40 years and the leader of the Seacoast Village Projecy, a local non-profit organization promoting aging-in-place, I applaud the efforts of those who take active steps to plan and strengthen their support systems before crises occur.

The proposal that the Nerbannes are presenting to you tonight is an example of such a proactive plan. It provides close and affordable living space for a family member that doesn't tax the systems of an historic old house, leaving space within the home to be adapted to fit changing needs. It allows Judy and Pat to remain together in familiar surroundings with people who know and care about them. And it allows Judy to continue to contribute to her community and age successfully herself.

Co-housing and inter-generational housing options (like the one proposed) are progressive, flexible strategies that strengthen our communities. I urge you to support this application.

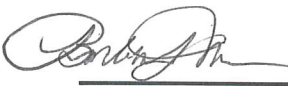
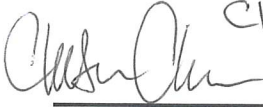
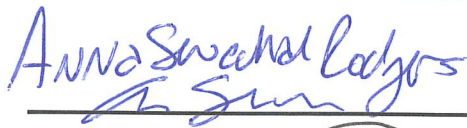
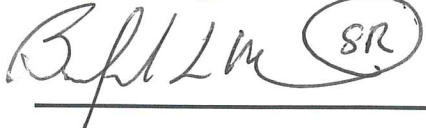
Ross Engineering, LLC
Civil / Structural Engineering

909 Islington Street
Portsmouth, NH 03801

603-433-7560
alexross@comcast.net

Leslie and Christopher Garrett
1299 Islington Street
Tax Map 233, Lot 119
Subdivide one lot into two lots

We endorse this project and recommend that the City approve the project to allow the owners to subdivide the large existing parcel into two parcels.

Name	Address	Date
 BARBARA MARINO	1345 Islington St	March 9 th 2022
 Chelsea Chapin	1281 Islington St.	3/13/2022
Danien Bolger	1273 Islington Str.	3/13/2022
 Anna Swechal Lodge	1253 Islington	3/14/2022
 B. L. M. (SR)	1324 Islington ST	3/14/2022
Linda DiBernardo	1324 Islington St.	3/14/22
Ralph A. DiBernardo	1324 Islington St	3/14/22

From: [Robert Corash](#)
To: [Planning Info](#)
Subject: Tiebout Trust request, 405 South Street
Date: Wednesday, March 9, 2022 11:53:42 AM

On March 15, 2022 there is a scheduled Board of Adjustment hearing. I reside on Haven Road and received an Abutter Notice. The request which gives me concern is by Julia R. Tiebout Revocable Trust of 2009 which seeks to subdivide an existing lot into two building lots, one of which would reduce street frontage from the required 100 feet to 30 feet. I oppose this proposal. If the City allows a 70% variation from the established frontage requirement, we might as well not have any requirement. This is not a de minimis request; rather it goes to the heart of neighborhood preservation as defined by the established requirement.

Although I am not opposed to reasonable flexibility, this proposal strikes me as economically driven at the expense of the neighborhood. If we allow this size departure from the requirements, I fear it will set a regrettable precedent for this neighborhood and throughout our City.

Thank you for your consideration of this matter and your service on the Board.

Robert Corash

From: [NINA HERLIHY](#)
To: [Planning Info](#)
Subject: written statement for meeting March 15 - 405 South St.
Date: Monday, March 14, 2022 2:10:11 PM

March 15, 2022

To: Portsmouth Board of Adjustment

From: Nina Fox Herlihy, owner, 60 Lincoln Ave.

Subject: Subdivision of 405 South Street

As an abutter, these are my clarifications and concerns

Inaccurate Facts presented in the Durbin Law Letter

Page 4. of the Durbin Law letter states, “the Applicant has taken a conscientious approach to the development by engaging surrounding properties owners to proactively address any concerns they might have...

This is not true and misleading to the Board.

None of the neighbors I spoke to said they were contacted.

I was never contacted.

The first I heard about this was upon receiving the certified mail notice for this meeting from the city.

The week before this meeting Patrick Nysten from SAI tried to contact neighbors.

This appeared to be a fact gathering effort so that SAI could be better prepared for this meeting. I responded to him that his timing was way off with regard to addressing our concerns or questions.

Also... When the surveying was being done, one neighbor said that when he asked what the surveying was for, he was told it was in relation to the garage at 405 South Street. So that was not true or not fully true.

Also, on page 4 of this letter it states that this is a 1.5 Bathroom house. It is, per the plan, a 2.5-bathroom house

It leaves me wondering if there are other less apparent problems and misleading inaccuracies with this proposal.

Concerns

1. Water – There are two houses at the bottom end of this lot. My property at 60 Lincoln Ave., already has a water collection problem in the lowest point behind the house due to the length of the slope. The LaCava Property next door, number 72 Lincoln Ave., will be addressed by them

Proposal on Pg. 4 - Pushing snow for McNabb Court out into the middle of the field will only add to this water problem.

Having impermeable surfaces, as shown in the specs., on all paved areas, will increase runoff towards these properties. The displacement of water from this house cannot but help to create more of a water impact and water problems and expenses and damages on the abutting properties.

Any drainage impact and solutions appear to be unaddressed. I see no hydrology studies, that show plans to mitigate increased water and basement flooding to the abutter's houses or how it will be prevented. (A storm drain is mentioned, I do not see it on the plan itself. Where and how will this drainage be achieved?)

Is there anything that would prevent the new owner from getting variances and sub dividing the lot further, thus exacerbating and multiplying all of the above concerns?

Safety

Firetrucks, especially the ladder truck, would find access to this proposed house unfeasible. The left turn on McNabb Court makes it impossible for the ladder truck to access the property. I see nothing addressing this from the Fire Dept.

To build a house further in, from the longtime and grand-fathered structures, would only increase the danger to the neighbor's safety/lives as well as the safety of their homes. There are street density issues with McNabb Court being a very tight area with a very narrow street area with no sidewalks possible. Any increased vehicle activity, especially from a four-bedroom house creates a hardship and safety issue for the neighbors.

The impact on the safety of children in that area will be increased by extending the road.

Page 2

Character of the neighborhood impact

This house design is not in keeping or similar to any of the surrounding and abutting properties, it will definitely have a negative impact on the character of the neighborhood.

Closing

I bought my house in 1989 and although I suspected at some point that this area might be built on, this plan will have a negative impact on the area, neighborhood and abutters. The lack of being forthcoming and addressing these concern's up front is a fact. This has created a "try and sneak it though the backdoor" atmosphere.

I believe neighbors have a right to make changes to their properties. This is shown by the fact I did not have a grievance or complaint about variances with the Berg/Prince Property, 54 Lincoln Ave. And these changes were immediately next door to my property.

The changes were reasonable, the new owners were forthcoming, and although the plans impacted my views of the park somewhat, they did not cause structural or safety issues to my property, and others in the neighborhood, like the subdivision of 405 South Street does.

The Subdivision of 405 South Street impacts the entire neighborhood and abutters in many negative ways. The only one it does not affect negatively is the owner who wants to subdivide.

I am against this plan to subdivide 405 South Street.

Page 3

I'd like to thank the members of the Zoning Board of Adjustment for hearing my request this evening regarding my property at 405 South Street. I also wish to express my deep gratitude to the professionals who have helped make this project the very best it can be.

I would like to give you a little history on my property and explain why I made the difficult decision to sell part of my land.

In 1904, my Irish immigrant ancestors Bartholomew and Anne Malloy purchased the property. For two people who had literally grown up in small thatched roof cottages and left Ireland and their families behind, the purchase of land was an enormous undertaking.

My great grandmother took in wealthy families' laundry, raised chickens and ducks, and sold eggs while Bart worked as a coachman until the popularity of automobiles made that impossible. He worked at the Navy Yard, taking the ferry across the river before the Memorial Bridge was built. They made do or did without.

In 1905, the building of the house was completed and the family of 10 moved in. Anne Malloy often said she'd moved 12 times and wasn't moving again unless it was to the cemetery. She accomplished that goal. One of her children may be remembered by some of the ZBA members: Francis "Babe" Malloy, who served this city in various capacities, Rec Director, Portsmouth High School teacher and vice principal.

The home passed from my grandmother to my mother and then to me.

This home and the land are full of memories. Where someone just sees a field, I see my father's vegetable garden, a great sledding hill, and the site of numerous Easter egg hunts enjoyed by 5 generations of my family.

As our new Mayor McEachern stated recently, "It's really important to me that on this council's watch we can do a little bit more to say we helped build a stronger community. People who have lived here for generations have been forced from their homes and their children can't afford to stay here."

The mayor's statement hits very close to my heart. I am a single woman on Social Security and, although I have a part-time job and am as frugal as possible, my frugality will not fix the leaks in the attic or the inefficient heating system. My annual property taxes exceed the original cost to build the house.

I want to stay here and pass the property onto my sons, but my only option to achieve that goal is to sell my lower lot. It is important to me to have some input and control

over what might be built on my family's land so a single family home, in an architectural style that complemented the existing homes was a must for me.

When I saw 21 Elwyn Avenue being renovated by the SAI Group, and building a nearly identical new home at 27 Elwyn, I admired how seamlessly these houses fit into the neighborhood. I was intrigued by their motto: "*building the future, restoring the past*". I have been so impressed and pleased with the communication and commitment by SAI Group to this vision for my legacy property.

Every conceivable concern or issue has been addressed by them and their professional contacts. The new home and the engineering for various issues like drainage have been addressed by the best of the best in our area, Ambit Engineering. I am so confident in these organizations and I hope the members of the Zoning Board and my neighbors will appreciate the efforts and consideration which has been brought to bear for this concept.

I realize that no one likes change, though every single house near me has been renovated and expanded in some form.

I know that we've had so much large development happen very quickly in Portsmouth. However, **this project is a one family home**. It is tastefully designed and thoughtfully situated, it will bring tremendous value to the neighborhood, and we will welcome a new family who appreciates our exceptional proximity to downtown, the schools, arts, recreation and so much more.

It is change, but it is a positive well-planned change.

Thank you for listening and for your consideration.

Julia Robb
405 South Street

From: [Peter M. Stith](#)
To: [Kimberli Kienia](#)
Subject: FW: 405 South St.
Date: Tuesday, March 15, 2022 8:07:28 AM
Attachments: [image005.png](#)
[image006.png](#)
[image007.png](#)
[image008.png](#)

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

From: Brinton Shone [mailto:BrintonShone@Chinburg.com]
Sent: Monday, March 14, 2022 8:56 PM
To: Peter M. Stith <pmstith@cityofportsmouth.com>
Subject: 405 South St.

Good evening Peter, please see below regarding my support of the 405 South St./McNabb lot.

To the Board of Adjustment for Portsmouth, NH, please share this letter on my behalf as I am unable to attend tomorrows meeting.

My name is Brint Shone and I live at 11 Elwyn Ave, Portsmouth NH. I am writing to share our support for the request for zoning relief at 405 South Street, Portsmouth, NH at the March 15, 2022 BOA meeting. We live adjacent to three homes that SAI have built within close proximity to the South St./McNabb Ct. property and we could not be happier with their product, construction team and subcontractors. I am in the construction business and have done many renovations personally. SAI are a class act and who we want building homes in our community. Their quality and design perfectly match the character of the neighborhood. I see no harm in approving this project, SAI has the full support of our household.

Thank you for your time and consideration.

Sincerely,
Brint Shone



Brinton Shone
Director of Operations

Phone: (603) 944-2580
Email: bshone@chinburg.com

3 Penstock Way
Newmarket, NH 03857

www.chinburg.com

March 15, 2022

We, Greg Sullivan and Stephanie Sullivan, are the homeowners at 43 McNabb Court. Our property is diagonally across from the proposed new property at 405 South St. We are out of town for the March 15, 2022 Zoning Board of Adjustment meeting to review the request for 405 South Street, Portsmouth, NH., identified on Portsmouth Tax Map 111, Lot 18 but would like the following to be submitted and incorporated into the record of the meeting.

We are vehemently **opposed** to the requests for:

- 1) Continuous Street Frontage — to allow 30' of continuous street frontage on McNabb Court where 100' is the minimum required.
- 2) Rear Yard Setback — to allow a 15.6' rear yard setback where 20' is the minimum required.

For the following reasons:

- 1) As part of Section 10.120, the Zoning Ordinance states:

The Ordinance is intended to implement the goals and objectives of the Master Plan by regulating:

2. The intensity of land use, including lot sizes, building coverage, building height and bulk, yards and open space;

The four identical style “New Englander” houses on McNabb Court were built between 1900 and 1910 and were built very close together. One of the purposes of the Zoning Ordinance (1960’s) requirements was to require minimum lot dimensions to allow more “Open space” between houses.

This request is to reduce the minimum dimensions to further constrict the open space in our neighborhood.

- 2) The applicant states that “granting the frontage variance will not alter the essential character of the neighborhood” and further states, “the home and related features will fit naturally within the contexts of the surrounding neighborhoods.”.

As can be seen from the three photos the applicant has included in their proposal, eleven (11) of the twelve (12) houses that immediately surround the proposed house are quaint “New Englander” style homes that are 3 bedroom with 1.5 bathrooms.

The proposed house is a modern 4 bedroom, 2.5 bathrooms with an attached garage and **would** alter the essential character of the McNabb neighborhood and **not** fit naturally within the surrounding McNabb neighborhood.

- 3) The proposal states the house is a 4 BR, 1.5 bathroom single family home with an attached 1 car garage. The drawings show 2.5 bathrooms. A house this big will more than likely house occupants with more than 1 car. Three of the four existing houses on McNabb Court each have 2 cars. There are also two houses on Elwyn Ave that each have access to their garages and driveways via McNabb Court. One of the houses has a driveway for four cars. McNabb Court is a very narrow street with a 90 degree turn to get to the houses. Add delivery trucks, contractors and guests, the street is already subject to heavy traffic and very limited parking. In addition to the increased traffic from the proposed home, this proposal also eliminates one of the four parking spots used for McNabb Court guests.

Again, according to part of **Section 10.120 of the Zoning Ordinance, the Purpose and Intent is to regulate:**

3. The design of facilities for vehicular access, circulation, parking and loading;

Adding another house with multiple cars will further exacerbate the traffic, wear and tear on the road and further reduce available parking for guests.

- 4) The Applicant (subjectively) states, “having a garage is almost viewed as essential given the harsh winters”.

Only 5 of the 12 surrounding houses have a garage. Winters are getting less harsh due to climate change.

- 5) Due to the slope of the property and lack of drainage, a “small pond” develops at the base of the lot and the surrounding neighbor’s yards after every heavy rainstorm. The water seeps into the ground and triggers our sump pump to run every few minutes for a day and sometimes more depending on the amount of rainfall. It is even worse in the Spring when the snow pile at the end of McNabb Court from the winter’s plowing, melts.

Once again, according to part of **Section 10.120 of the Zoning Ordinance, the Purpose and Intent is to regulate:**

4. The impacts on properties of outdoor lighting, noise, vibration, stormwater runoff and flooding;

Building this house will displace the water to surrounding properties which could cause flooded basements, increased electric bill and additional wear and tear on our sump pump.

- 6) In the winter, because McNabb Court is so narrow, a dead end and a 90 degree turn to get to the houses, the DPW can’t use a standard plow because the street is too narrow and there is no easy way to turn around. They use a small front-end loader to plow the street. The driver pushes the snow to the end of the street, backs out and continues to make several passes until the street is wide enough for cars. On page 3 of the proposal, the applicant states:

“the location of the proposed home and garage will allow for the city to plow snow down the McNabb Court extension and store it on Lot 2.”

This raises a number of issues/concerns;

- 1) This assumes the new property owner and any future owner will agree to this.
 - 2) This assumes the city driver will know he/she is allowed to push the snow to this location
 - 3) There are no assurances to the McNabb Court residents that the new owners and any future owners will agree to this.
- 7) This review is to approve the request for variances for 405 South Street. What is not being factored are the previous variance approvals for 88 Lincoln Ave which abuts the north side of our house. The approved variances for 125 Elwyn Ave that abuts the west side of our house. Approving this variance on the east side of our house would further encroach on the properties on McNabb Court and reduce our open space.
- 8) The applicant states: "The light, air and space of the property at 393 South Street will not be negatively impacted by the garage. However, the light, air and space of the properties on McNabb Court **will be** negatively impacted. The sunrise from the East that we can currently see every morning and the view of Langdon Park will be blocked by the house and garage.
- 9) The applicant claims in the proposal that they have: "taken a conscientious approach to its development by engaging surrounding properties owners to proactively address any concerns they might have.

We have not been contacted by anyone during the development of this proposal. The 1st contact we received was the Abutter Notice of this meeting two weeks ago. It wasn't until 5 days ago (3 Business days) that the applicant started to contact our neighbors.

For the reasons cited above, we do not believe the new home will be in the public interest of the residents of McNabb Court. We believe the design of the house will negatively alter the essential character of the McNabb Court neighborhood. We believe building this house and garage will result in unnecessary hardship (flooding, reduced parking and traffic constriction and reduced light, air and space) to the residents of McNabb Court. Therefore, we do not believe the applicant has met the 5 criteria for granting the variances and request that the Zoning Board of Adjustments denies/rejects these variance requests.

Sincerely,

Greg Sullivan
Stephanie Sullivan
43 McNabb Court
Portsmouth, NH 03801

From: [Vinciguerra Janat](#)
To: [Planning Info](#)
Cc: [Julierobb405@gmail.com](#); [peaches779@aol.com](#); [vinciguera@aol.com](#)
Subject: In Support Of 405 South Street
Date: Friday, March 11, 2022 2:23:59 PM

We have abutted Julie and her family going back multiple generations and always found them to be the best neighbors.

Per my many discussions with Julie on her proposed building of a single family home she has strongly made sure it resembles our neighborhood in every way and would be an asset also to the abutters and herself being one of them.

Please read this letter into the record to make sure all that is in attendance are aware of our honest support of the variance requested.

Janat & Frank Vinciguerra
395 South Street
Portsmouth, NH 03801

603-431-6777

From: [Sean McGrimley](#)
To: [Planning Info](#)
Subject: 139 Essex Ave
Date: Tuesday, March 15, 2022 3:41:51 PM

I reside at 56 Sheffield Rd and received an abutter notice for 139 Essex Ave building application. I live directly behind this property and do not object to building a new 2 story modest house on this property. In the application it requests, "constructing a modest two story, 3 bedroom, 2.5 bath single family home," however the plans show a 3 story with 3.5 baths and trees in the backyard being removed.

As a one story house directly behind this lot I am worried that a 3 story house with a back balcony that will be sitting further back in the lot will directly impact the space and privacy between the two lots. Will there be any requirements for landscaping to keep privacy between the two lots for both summer and winter?

In conclusion, I ask that the board of adjustments clarify the intent of the builder as it seems the description and plans show two different houses. Please feel free to reach out to me to further discuss my concerns.

Thank you,

Sean McGrimley
56 Sheffield Rd.
Portsmouth, NH 03801