

From: [JOHN ADAMS](#)
To: [Planning Info](#)
Subject: Proposed Luster King Development
Date: Tuesday, January 3, 2023 3:15:11 PM

I am writing as an abutter to the proposed development at 635 Sagamore Ave. I respectfully request that the Planning Board reject the developer's request for a Variance to the Ordinance in order to construct four dwellings at this location. Ordinances exist for valid reasons. Construction of four dwellings on this 1.94 acre parcel is in clear violation of the relevant Ordinance governing such construction. My understanding is the applicant for the variance has not demonstrated an unnecessary hardship if the variance is not granted. Further a large amount of ledge is visibly apparent on this property which will require significant blasting if construction proceeds, with likely negative consequences for nearby dwellings, including mine.. In my humble opinion construction of these buildings on an undersized parcel of land will have negative implications for my unit, Tidewatch 57, and others in the Tidewatch Association located at 579 Sagamore Avenue.

Thank you for your attention to this issue.

Sincerely,

John H. Adams, Tidewatch #57.

From: [Amanda Ahn](#)
To: [Planning Info](#)
Subject: RE: Luster King (635 Sagamore Development LLC) Project
Date: Tuesday, January 17, 2023 3:30:47 PM

Greetings,

As a resident of the Tidewatch condominiums at 579 Sagamore Avenue, I am writing to oppose the 635 Sagamore Development LLC project.

This project does not meet the designated approval criteria, and approval for rezoning by the Zoning Board of Adjustment should be denied.

From Section 10.233 of the Zoning Ordinance:

1. Granting the variance would not be contrary to the public interest.
 - This project constitutes the destruction of a natural space and wildlife habitat to construct a cluster of non-affordable housing. The parcel is located at a dangerous bend with a blind incline when traveling North on Sagamore Avenue.
2. Granting the variance would observe the spirit of the Ordinance.
 - The existing lot is zoned for (1) dwelling per acre. The proposed project of (4) dwellings goes against appropriate use of Portsmouth land.
3. Granting the variance would do substantial justice.
 - There is no justice for the abutters of this property. It is an injustice to the consumption of open natural space and wildlife resources.
4. Granting the variance would not diminish the values of surrounding properties.
 - A cluster of (4) single family dwellings condensed into an otherwise natural and open space beyond the existing structures would significantly decrease the inherent value of the wooded landscape the abutters have today.
5. (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.
 - There is no unnecessary hardship, perceived or otherwise. The current owner purchased the property with full knowledge of the zoning regulations. The property has no special condition related to the surrounding properties. This project is in no way a reasonable use of the parcel.

Thank you very much for your consideration.

Sincerely,
Amanda Ahn
579 Sagamore Avenue

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AA

Izak Gilbo

From: patricia alandydy <pjalandydy@gmail.com>
Sent: Tuesday, December 13, 2022 7:49 AM
To: Planning Info
Subject: Proposed Development 635 Sagamore Avenue

Beverly M. Zendt
Planning Director
City of Portsmouth
1 Junkins Avenue
Portsmouth NH 03801

Dear Ms. Zendt

My letter to you is to voice my very strong objection to the granting of any & all variances requested for the proposed development of the former Luster King property, at 635 Sagamore Avenue.

I have the following objections to the developer's proposed variances requests:

1. This property is zoned for a single home on a very desirable location which at most, could have two homes if a variance is granted. It is not a logical conclusion to think that without this multiple site variance grant, a hardship would be put upon the developer.
2. The Tidewatch property & the Sagamore apartments have different zones hence different regulations, which are not comparable to the nearby property of 635 Sagamore Avenue.
3. In order to place four houses grouped together, the setbacks required would be different from all the surrounding properties & all outside the present zoning regulations.
4. There is no documentation by the developer to show that the proposed development would NOT affect the value of surrounding properties.
5. There is no documentation to show that drainage issues would not occur with these four homes overlooking the Tidewatch units below that bluff.
6. Is there blasting to take place due to the ledge rock & how will this affect those of us in nearby units?
7. What are the "special conditions" that would allow this requested "special exemption" for the variances to be granted?
8. I strongly disagree that a single home built on this lot would be

"financially not feasible", as we are all well aware of the property values of beautiful homes on generous lots of land.

Please do not allow these variance to be granted along with the many trees on that property which will also be destroyed.
REJECT these variances!!!

Most respectfully

Patricia J. Alandydy
Tidewatch resident



Izak Gilbo

From: Melissa Alden <mscarterportsmouth@gmail.com>
Sent: Tuesday, December 13, 2022 3:32 PM
To: Planning Info
Subject: Luster King demo & building

I would like to offer my opinion of the project that would demolish Lustre King and build several houses on 915 Sagamore Ave. I see it as an unsafe use of the land. There is a rise in the road, and occupants and visitors to that site would be dangerous on entering and leaving. It is a heavily used road all year long, but especially in the summer as that is the beach road.

Once a problem is built, it would be much more trouble to remedy a problem.

Thank you for your time.
Melissa Alden
Tidewatch Condos
579 Sagamore Ave.

From: [Rodney Burdette](#)
To: [Planning Info](#)
Subject: 635 Sagamore Ave property
Date: Friday, January 13, 2023 8:05:49 AM

Gentlemen, I am an owner resident of Tidewatch condominium association and strongly oppose the proposed variance to build numerous private homes on the property. As the current regulations only allow for one residence I see no reason to issue the new owner a variance to the criteria for such an obvious deviation. Rodney Burdette unit #46

Sent from my iPad

From: [Jeff Certo](#)
To: [Planning Info](#)
Subject: Luster King (635 Sagamore Development LLC)
Date: Friday, January 13, 2023 10:06:14 AM

Portsmouth Planning Board,

As a taxpayers & residents of the Tidewatch community, we are stating our opposition to plans to build a multi-unit residential development on the Luster King property adjacent to Tidewatch Condo's on Sagamore Avenue. I believe the planning board should not grant a variance for the development on this property for the reasons stated in the "numerous" letters from other concerned citizens in the area. There are many environmental, traffic safety and quality of life concerns with this project. Think of where you would put a driveway on this dangerous part of Sagamore Ave. I suggest you take a look at busy traffic hours.

The existing zoning guidelines are in place for a reason.

Thanks,

Tracy & Jeff Certo
579 Sagamore Ave

From: [Richard E](#)
To: [Planning Info](#)
Subject: Lustre King development
Date: Tuesday, January 17, 2023 3:53:14 PM

To the Board,

My wife and I have been residents of Tidewatch for three years. One of the attractive features that attracted us to this condominium complex is the beautiful landscaping, especially the entranceway. We are absolutely against the proposed four unit development as it will change the area tremendously. The current zoning allows one structure and that is what should be allowed. The driveway entrance for this area is extremely unsafe as it is at the crest of a hill with a very narrow street.

Please stick with the current zoning guidelines and reject this proposal.

Thank you,

Richard and Barbara Egan

Tidewatch Unit #32

Sent from my iPhone

From: [Brad Gray](#)
To: [Planning Info](#)
Subject: Luster King site, Proposed City variance
Date: Tuesday, January 17, 2023 5:43:57 PM

To Portsmouth City Planning Board,

We live at 579 Sagamore Ave unit 100, in Tidewatch condominiums. After reviewing the owners proposed plans for the land at 535 Sagamore Ave, we are in opposition to the request for a variance.

As many of our neighbors have already commented, the traffic at this area of Sagamore Road, where cars exit and enter, from the Sagamore Apartment buildings and Tidewatch, is presently very busy and dangerous for bikers, pedestrians and automobiles. Presently, the City has zoned area to have one building per one acre of land. We understand the site acreage is less than two acres. Allowing four buildings, where fewer than two buildings are now permitted per City Code, will make the traffic pattern at this intersection even more treacherous, especially in the summer months.

We also feel, necessary sitework requiring tree removal and ledge blasting in this area will be contrary to best interests of abutters property values. It will allow added noise pollution during and after construction, possibly environmental issues due to water drainage from existing buildings to our properties, which eventually lead to the Sagamore Creek.

Sincerely, Janice and Brad Gray

From: [Kimberli Kienia](#)
To: [Kimberli Kienia](#)
Subject: FW: Sagamore Ave/ Luster King
Date: Monday, December 19, 2022 6:31:16 PM

-----Original Message-----

From: Suzan Harding [<mailto:suzanharding@gmail.com>]
Sent: Monday, December 19, 2022 5:50 PM
To: Peter M. Stith <pmstith@cityofportsmouth.com>
Subject: Sagamore Ave/ Luster King

City Planner,

I am writing in support of my neighbors in the objection to the currant proposals to the property located at Luster King.

Sincerely,
Suzan Harding
594 Sagamore Ave

Sent from my iPhone

From: [Ann Hartman](#)
To: [Planning Info](#)
Cc: tmcnamara58@gmail.com; [Hilary Norton](#); [Stephanie Roach](#)
Subject: 635 Sagamore Avenue
Date: Friday, December 16, 2022 5:49:44 PM

I am the owner of 579 Sagamore Avenue (Tidewatch) Units 2 and 3, and am writing to register my strenuous objection to the proposed development of 635 Sagamore Avenue. This highly speculative proposed development flies in the face of all five tests for approval of a zoning variance. Specifically:

THE VARIANCE WILL NOT BE CONTRARY TO THE PUBLIC INTEREST.

The essential character of Tidewatch is one of heavily wooded open space and uncrowded buildings scattered throughout the site. A too small lot with 4 buildings crammed in is clearly in conflict with the essential character of the locality. Further, erecting 4 buildings plus their accompanying driveways, patios, the road connecting them and a turnaround will by necessity deforest the lot.

THE SPIRIT OF THE ORDINANCE IS ABSERVED

It is difficult to imagine how the spirit of 1 acre zoning would be observed with 4 houses built where one is allowed.

SUBSTANTIAL JUSTICE IS DONE

No real gain to the general public will flow from this project, save some marginal "beautification" to Sagamore Avenue which itself would come at the expense of the immediate neighbors who will lose the tree cover, and be forced to see the sides and rear of the project.

Any loss to the developer would arise from the highly speculative nature of their ill-conceived investment and attempting to force an inappropriate development.

THE VALUES OF SURROUNDING PROPERTIES ARE NOT DIMINISHED

A crowded development sitting right at the entrance to Tidewatch will clearly detract from values. The proposed development will literally jut into and be surrounded by Tidewatch. The level of tree cutting required at the site will lower the values in particular at the two units I own. Tidewatch houses have 1 window facing the street. My view will go from woods and stone wall, to houses and roadway. The same holds from a number of other similarly situated Unit owners. Further, the elevation of the proposed development (much higher than that of Tidewatch) will cause the proposed 2 story buildings to read like 3 story buildings. Longstanding well-documented drainage issues will be exacerbated by the proposed project.

LITERAL ENFORCEMENT OF THE PROVISIONS OF THE ORDINANCE WOULD RESULT IN AN UNNECESSARY HARDSHIP.

Not at all. The zoning allows for a house to be built on the location. The developer is free to avail himself of that opportunity.

Thank you for your attention.

Sent from [Mail](#) for Windows

Izak Gilbo

From: Cynthia Harvell <cynthiaharvell@gmail.com>
Sent: Saturday, December 10, 2022 12:36 PM
To: Planning Info
Cc: tmcnamara58@gmail.com
Subject: Luster King Development off Sagamore Ave,

My name is Cynthia Harvell. I live at 579 Sagamore Ave Unit 83, Portsmouth NH 03801. I am opposed to the Luster King Development. It fails to satisfy the ZBA Decision Criteria for the grant of a variance for the following reasons.

1. The excessive density of 4 lots on the site where fewer than 2 is allowed by Portsmouth Zoning Ordinance violates Criteria 1, because it is contrary to the public interest. The density allowed by the Zoning Ordinance does not create an unnecessary hardship and Criteria 5 is therefore not satisfied. The topography of the lot does not prevent the owner from developing a single house on the lot which is a reasonable use of the property.
2. Development of the site as proposed will increase the traffic entering and leaving Sagamore Ave at a place which even now is very dangerous. There are poor site lines to oncoming traffic over the hill. The road is narrow, has no shoulder, and is a popular biking path. The proposed use therefore does not satisfy Criteria 1, 3, and 5.

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Cynthia Harvell
cynthiaharvell@gmail.com
cell 603-512-0248

Izak Gilbo

From: kaninpress@aol.com
Sent: Sunday, December 11, 2022 5:30 PM
To: Planning Info
Cc: tmcnamara58@gmail.com
Subject: 635 Sagamore Ave - Luster King properties

December 11, 2022

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

To Whom It May Concern,

We are writing in response to the request for a variance at 635 Sagamore Avenue (Luster King property). We are opposed to the proposal to build multiple dwellings on that property for the following reasons:

- 1) The homes located adjacent to the proposed development on Sagamore Avenue are single family dwellings. Multiple units at this site will alter the character of this neighborhood. If approved, this proposal has the potential to have a major impact in the future - what is to prevent other home owners along this area from selling off their properties to developers who also want to build multiple units?
- 2) The proposed development would necessitate the destruction of the natural beauty of the woodlands and trees along the entrance of our community that has existed for over the 35 years that we have lived here. This area is also home to hawks, owls and other species of birds. It is also a natural path that the deer walk through to reach familiar habitat throughout our community. These trees and woodlands offer a buffer from the noise on Sagamore Avenue and also serve to "hide" the Luster King buildings which were positioned closer to Sagamore Avenue. The proposed buildings will now be located much closer to our development. In addition, the proposed buildings will sit significantly higher than ours. So instead of the trees and woodlands these buildings will be our new view. So how can this proposal not have an affect on our property values?
- 3) This proposed development on Sagamore Avenue sits just over the crest of a very steep hill that originates at the Sagamore Bridge. It is impossible for drivers to see over the hill where the entrance to these buildings will be. This project will inevitably increase traffic coming in and out of this new development, including commercial, construction and delivery vehicles. What is already a very dangerous spot will be even more potentially threatening to the welfare of pedestrians, bicyclists and drivers. The concern should also apply to any vehicle exiting this new development especially since some vehicles traveling along Sagamore Avenue already do so at a much higher rate of speed than the posted limit.

Again, we want to express our opposition to the proposed variance for the Luster King property and appreciate your consideration of our concerns.

Erik and Karen Kanin
Tidewatch Unit #44

From: [James Lalos](#)
To: [Planning Info](#)
Subject: Luster King Development Project at 635 Sagamore Avenue
Date: Monday, January 16, 2023 7:59:05 AM

January 16, 2023

City of Portsmouth Planning Board

RE: Luster King Development at 635 Sagamore Avenue

To Whom it may concern.

I am a resident of Tidewatch Condominium Association residing at 579 Sagamore Avenue (Unit 104), an abutter to the proposed development for 635 Sagamore Avenue, Portsmouth, NH (aka "Luster King"). This letter is to express my support for the four condominium units proposed for this site as outlined by the developer and as consented to by the Tidewatch Board.

The planned two-level condominium units at the Luster King cite are generally comparable in appearance and size to units at Tidewatch. It is my understanding that the living space of each unit to be constructed will be approximately 2,349 sq. ft each with a two-bay garage. By comparison the first seven units at the entrance of Tidewatch, those deemed closest to the proposed development, average about 2050 sq. feet, and many have two-bay garages with ample driveway parking for two vehicles per household. My own waterfront Tidewatch unit measures 2,483 sq. ft.

I believe that the planned development will enhance the values of abutting properties. According to Zillow, the average square foot market value of the first seven Tidewatch units (constructed over 30 years ago) is approximately \$416. By comparison, the average asking price for each of five new construction condominium units at the former Golden Egg site (960 Sagamore Avenue, less than half a mile from Luster King) is \$1,300,000 for a unit measuring 1,925 sq. ft., or \$675 per sq. ft. Assuming a conservative midpoint value of \$544 per sq. ft the unit price of the new Luster King condos would be about \$1,280,000. The first seven units at Tidewatch could see their market value increase from an average of about \$850,000 per unit (based on their respective size) to over \$1,150,000, (assuming a complete update/renovation is performed). The increased valuation would likely enhance the value of homes throughout Tidewatch.

It appears that the proposed development of the Luster King property has an aggregate market value of \$5.1 million dollars (4 units x \$1,250,000). A single-family home on the site

(for which it is presently zoned) that would have the same value would likely have to be over 9,000 square feet. Similarly, two units on the lot would each have to be priced at \$2.5 million and provide over 4,500 square ft. of living space. Without unobstructed water views, this location would not likely justify such size and pricing.

The street view from Sagamore Avenue will be significantly enhanced compared to the commercial structure that is presently there. It appears that only one residential unit will be exposed to the street with the remainder tucked behind the first street-side unit. This is a significant aesthetic improvement over the current situation.

Concern has been expressed about the narrowing bike path that presently passes by Luster King and the threat that increased vehicular traffic exiting/entering the development's driveway might pose to passing bikers and pedestrians. While I am not a traffic expert, I assume that the development will accommodate on average two vehicles per household for a total of eight. (I assume the same holds true for Tidewatch although not everyone at Tidewatch has a two-bay garage.). If each vehicle averages 1.5 round trips per day, that would be about 24 exiting/entering movements daily. Compare this to Tidewatch (121 units x 2 cars x 1.5 roundtrips), which under similar assumptions would average 725 daily movements just 100 feet away. The Luster King site has previously served as a commercial automobile repair shop for decades. I suspect that the traffic levels generated by four residential units will be no greater than what has previously been experienced by Luster King's automotive business. I am not aware of one single bike or pedestrian accident caused by automobiles in this vicinity since I moved here 15 years ago. I do not believe that the risk to bikers/pedestrians will be greater than in the current situation.

Concern has been expressed about the prospect of finding ledge underground and its impact on Tidewatch during and after construction of the new units. To the best of my knowledge no evidence has been presented regarding the existence of ledge that would present a problem for abutters. If they have not already done so, I would urge the city and the developer to conduct a geological survey to assess this risk.

If the city does not rezone this property as currently proposed, the unsightly Luster King structure could remain in place for years to come waiting for the right economic opportunity. Moreover, if this plan is not accepted now, the next proposal might look more like the "Golden Egg" development, which I believe is an aesthetic eye sore.

In my view, the developer's proposal does not appear to be contrary to the public interest, there is no readily apparent loss to the individual that is not outweighed by a gain to the public, the values of the surrounding properties are not diminished (in fact, the reverse is likely), and there does not appear to be an unnecessary hardship to neighbors, pedestrians (and bikers) relative to the current environment. The proposed use of the property is a

reasonable one. In short, I do not object to the proposal provided that the conditions already agreed to by the developer and the Tidewatch Board are met.

Respectfully,

James T. Lalos
Tidewatch Unit Owner #104

Izak Gilbo

From: hasdruball@aol.com
Sent: Saturday, December 10, 2022 1:30 PM
To: Planning Info
Subject: Proposed Development 635 Sagamore Avenue

Beverly M. Zendt
Planning Director
City of Portsmouth
1 Junkins Avenue
Portsmouth, NH 03801

Dear Ms. Zendt,

I have been a resident of Tidewatch for five years and am writing you to voice my strong opposition to the granting of a variance for the proposed development of the property at 635 Sagamore Avenue. I have read the salient portions of the developer's proposal to build 5 three bedroom 2 car garage houses on a property that is zoned for one house. I also understand that the request for a variance has now been changed to 4 houses.

The following are my reasons for urging the Board to reject the proposal and not grant the requested variance:

1. One of the reasons for a request for a variance is brought forth because of a "hardship" issue. This would seem that the developer and owner are deemed to have a hardship issue if they are not granted the variance. The property is zoned for 1 house, as are the other properties in the zone. The property is just under the size where it could be zoned for two houses, but there are a number of properties in the zone that are also of similar size that only have one house.
2. In the initial proposal the developer compared their property to the nearby properties of Tidewatch and the Sagamore apartment which are in different zone with different regulations. It seems to me that the fact that the property at 635 Sagamore abuts Tidewatch and the Sagamore apartments should have no bearing on the granting of a variance to the present building restrictions.
3. What the developers are requesting to do is build an area of "cluster houses" on a small parcel of land in a building zone which has nothing like that in any area of the zone. In addition, the setbacks from the surrounding houses and the surrounding properties would all be outside the present zoning regulations. Such setbacks would be clearly different from the surrounding properties.
4. In their proposal the developers make the claim that their proposed development would not affect the value of the surrounding properties, yet they offer no documentation that this is true. We in Tidewatch feel that this proposed project could well affect the value of our property and I have spoken to

two realtors who agree that this may be the case. Where there is now a wooded area that looks down on our property there would be at least two or three houses, with essentially no trees around them that would spoil the entryway into our complex and would change the flavor of the whole area.

5. Since the proposed houses would essentially sit on a "bluff" over the Tidewatch units, it is very likely that the drainage will change and that since a large number of Tidewatch units are in a low area beneath the proposed development it is quite likely that the runoff could clearly affect our property and our individual units.
6. Some of the proposed houses will clearly sit on ledge and therefore it is quite likely that blasting will have to be done as part of the construction. We (particularly the owners who live near the proposed project) are justifiably concerned about damage to our units.
7. The developers of the proposed project are asking for a "special exemption", which, if I understand the ordinance correctly would require that the proposed property have some special conditions that would foster the granting of the variance. I do not see any evidence that the developers have presented that show that the property has "special conditions".
8. Finally it is my understanding that the developer has stated that "the project is not financially feasible" if they cannot build at least four houses on the property. Although I am not a builder nor a developer I find this very hard to believe. The property at 635 Sagamore is a beautiful pice of property in an ideal area that is close to downtown (easily walkable) and where every other property in the same zone has one house per lot. If the developer were to build one house I see no reason why such a project would not be financially feasible.

I strongly urge the zoning board to reject the proposed development at 635 Sagamore Avenue.

Respectfully submitted,

Kevin G. Looser, M.D.
Unit 38
Tidewatch

From: [Tim McNamara](#)
To: [Planning Info](#)
Subject: 635 Sagamore Ave Variance Request
Date: Thursday, December 8, 2022 11:17:47 AM

ZBA Board Members,

I am writing to you in advance of your December 20th meeting to express my significant objection to the proposed 4 house project. As you know the applicant pulled its original plan for 5 units based on a single letter of objection which has since been rescinded. The new project application is a reduction in units but importantly the footprint of the new units is larger than the units in the original proposal hence not creating a material change to the initial application.

The applicant's variance request does not meet the 4 or 5 items required to approve a variance.

- It is not in the public interest to jam a cluster development sitting high above abutters property which would destroy a natural setting that may have real environmental impacts.
- It offends the spirit of the Ordinance and the current zoning requirement
- The applicant has not demonstrated an unnecessary hardship and certainly does not justify a material deviation from Portsmouth's restrictions on intense use of land
- The applicant's document on property values in the latest package - in my opinion - does not support the idea that property values in Tidewatch Condominiums will not be impacted. A simple site visit will help you see that.

Additionally, at the November meeting the board approved a fence for a nearby neighbor to help with the noise from increased traffic on a dangerous piece of Sagamore Ave. Mr Mannel made a comment (I paraphrase) Sagamore Ave is the new route 1 at certain times. Please take the time to review 10 minutes of a Portsmouth Traffic Committee meeting on Nov. 3rd starting at approximately the 12 minute mark. <https://www.cityofportsmouth.com/publicworks/transportation/parking-and-traffic-safety-committee>

Please deny this request for all the right reasons.

Thank you in advance for your consideration.

Tim McNamara
579 Sagamore Ave #19
Portsmouth NH 03801
617-413-4884

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Tim McNamara
617 413 4884

From: [Tim McNamara](#)
To: [Planning Info](#)
Subject: 635 Sagamore Ave Variance Application
Date: Wednesday, January 4, 2023 5:16:40 PM

To Whom it may concern,

Please forward this link to the ZBA members for review prior to the January 17th meeting.
<https://www.cityofportsmouth.com/publicworks/transportation/parking-and-traffic-safety-committee>

This link is to the November meeting of the Parking and Traffic Safety Committee. Starting at approximately the 12 minute mark of the video a discussion of Sagamore Ave traffic concerns and specifically the crest of the hill at 635 Sagamore is a point of interest (approximately 12minutes of discussion). It seems to me that putting a road for 4 3 bedroom houses would only enhance the opportunity for a disastrous accident or incident.

Please add this to the large list of reasons this variance request should be denied.

Please confirm that this link has been presented to the ZBA board members.

Thank you.

Tim

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Tim McNamara
617 413 4884

Izak Gilbo

From: David Meuse <jdmeuse@gmail.com>
Sent: Friday, December 9, 2022 10:40 AM
To: Planning Info
Subject: Luster King Proposal

As a resident of the Tidewatch community, I am registering my opposition to plans to build a multi-unit residential development on the Luster King property adjacent to Tidewatch on Sagamore Avenue.

My neighbors who reside in units downhill from the proposed development are already dealing with runoff during storms that periodically floods their property. Our condominium association is in the process of spending many thousands of dollars to address the situation. Impact of runoff from construction at Luster King adds a huge X-factor that could put them right back at the starting line. Moreover, there is an open question about the nature of potential contaminants that may be present in surface water from water running off the site. Given the nature of Luster King's business, changes in the way water runs off from the property could present a health hazard, bringing PFAS and other compounds used for auto detailing along with other chemicals onto neighboring property.

Moreover, as I understand it, the Luster King property is also built on ledge. As a result, I've been told that blasting will be needed in order to level the property and create foundations and basements for the proposed units. In addition to the disruption and safety issues this would cause, there is also the issue of potential damage to neighboring structures.

Bottom line: while I believe there is a time and place to accommodate zoning variances—especially in the time of a housing shortage—this is not a situation where doing so would be prudent or safe.

David Meuse
579 Sagamore Avenue, Unit 97
Portsmouth, NH 03801

Sent from my iPad

Izak Gilbo

From: Ken Murphy <gancher2020@gmail.com>
Sent: Sunday, December 11, 2022 8:27 AM
To: Planning Info
Cc: Allsion Spahr
Subject: 635 Sagamore Ave Project

Dear Zoning Board

We are writing in opposition to the variance request for the 635 Sagamore Ave project. We reside at Unit 40 579 Sagamore Ave and my unit is located such that I can see the proposed development from my unit.

The applicant recently purchased the property and was aware of the zoning for this parcel.

The zoning allows only 1 dwelling for the lot and the applicant was aware of this when the property was purchased. The request for 4 homes on this lot is unreasonable and does violate the spirit and intent of the ordinance. The intent of both Section 10.513 and 10.521 was to prevent extensive density on a small parcel. That is exactly what the applicant is asking the Board to approve. 4 homes where 1 is allowed will create the type of density that is not intended. There would be numerous homes close together and the pavement, structures, clearing of land that comes with that. The ordinance requires 43000 sq feet of lot area per dwelling and the reason for this is to allow space. The proposal would only have 21000 sq feet of lot area per dwelling which is a dramatic reduction. Currently there is an extensive wooded area between Luster King and the road near the Mailroom for Tidewatch. The majority of this area would have to be taken down to construct 4 homes. In addition this project will result in diminished value to our units since the privacy and screening will be eliminated and more traffic and density will be added. Reasonable use of the property can be made by either its continued use as Luster King or by construction of the 1 home permitted,

Allison Spahr

Kenneth Murphy

579 Sagamore Ave

Unit 40

Portsmouth NH 03801

From: [Hilary Norton](#)
To: [Planning Info](#)
Subject: Proposed Development At 635 Sagamore Ave
Date: Friday, January 13, 2023 3:52:09 PM

Dear ZBA Members,

I am writing to respectfully communicate my **absolute opposition** to the proposed cluster development at 635 Sagamore Ave. I have many concerns about this potential development. It is my understanding that variances are only granted under specific circumstances that this development does not meet.

1) Granting the variance **would be contrary to public interest** in maintaining the natural and peaceful setting that makes Portsmouth such a special city. It would also destroy beautiful natural vegetation and a habitat for wildlife. There is also the concern that the proposed development would create even more of a dangerous traffic situation for walkers, bikers and motorists.

2) Granting the variance **would clearly not observe the spirit of the Ordinance** which allows for one dwelling on a lot that is under 2 acres. It would not be the appropriate use of Portsmouth land and resources .

3) Granting the variance **would actually do substantial injustice to the abutters**. The open space and sound barrier provided by the land and vegetation would be destroyed, the direct abutters Tidewatch Units 1-7 that face this land will have their view of the natural landscape removed and their privacy disrupted. There are also the environmental and structural issues that will be created. The impact of drainage from a site that likely includes toxic chemical runoff would most definitely be detrimental to the natural habitat and potentially the health of Tidewatch residents. There are also the issues of further drainage and blasting of existing ledge causing major damage to homes directly below this land, Units 1-7, in particular.

4) Granting the variance very probably **would diminish** the values of surrounding properties. For Tidewatch residents and other abutters, these multiple large buildings looming over our community would significantly deter from the careful planning and design that makes Tidewatch such a desirable and unique place to live.

5) There is **not an unnecessary hardship** to the owner in being allowed to replace the existing structure with a single family home. The owner purchased this property knowing the current zoning regulations. The only reasonable use of the current land parcel is one single family home.

Please consider the large negative impact this development could have on so many residents of Portsmouth and the very land we cherish. Please do not allow this variance.

Sincerely,
Hilary Norton

Hilary Norton, PsyD
Licensed Psychologist NH & MA
hsnortonpsyd@gmail.com

978-870-0088

From: [Mary Pontrello](#)
To: [Planning Info](#)
Subject: Objection to proposed variances for 635 Sagamore Ave.
Date: Tuesday, January 17, 2023 4:18:11 PM

Dear Board Members:

Many of my neighbors at 579 Sagamore Ave. have sent you letters with cogent reasons for the Board to reject this proposal as currently presented.

I will had my voice to their voices for all the valid points presented .

Additionally, I would like to mention that as proposed this 'development' will significantly and deleterious affect the neighboring homes and property.

There will be increased light and noise pollution; ingress and egress will potentially cause dangerous traffic situations. It will adversely effect storm drainage in the area.

The sight is not conducive to construction as proposed. Has the Board walked the sight?

And finally, the disruption to the wildlife is serious, there is a long established deer pathway which is in constant use. The pine trees provide Spring, Summer, Fall habitat for thousands of hummingbirds and finches and myriad other wonderful birds.

The entire neighborhood will be adversely changed by approval of the variances and plan as presented.

Sincerely,

Mary Pontrello RPN

579 Sagamore Ave.

5

Portsmouth NH

From: Jane Reynolds
To: [Planning Info](#)
Subject: 635 Sagamore Avenue
Date: Tuesday, November 15, 2022 12:49:24 PM

Dear Board Members,

As a resident of Tidewatch I have frequently walked and driven by the backside of the referenced property with the current request to add two additional buildings. Not only is there insufficient square feet per dwelling and the added traffic safety concerns, I am concerned about the probable existence of a granite ledge where the 2 new buildings are proposed. Any excavation or blasting could damage the adjacent buildings and the nearby wetlands and Sagamore Creek.

My request would be for you to approve ONLY the replacement of the existing two buildings in the same general area. Thank you for your time and consideration on important matters in our community!

Sincerely yours,
Jane Pratt Reynolds
Unit 84
579 Sagamore Ave, Portsmouth, NH 03801

From: [Stephanie Roach](#)
To: [Planning Info](#)
Subject: Proposed Luster King Development - 635 Sagamore Ave.
Date: Wednesday, December 14, 2022 8:39:53 PM

Respectfully submitted to members of the Zoning Board of Adjustments -

As you review materials relevant to the upcoming meeting regarding the proposed development of 635 Sagamore Avenue, I would like to offer input as an abutting property owner.

I am very hopeful that the information already put before you has lead to a decision that the developer must adhere to the existing zoning requirements for that parcel of land, and be denied the variance requested.

There are a number of concerns from my perspective. Developing the property in the manner proposed will have a profound effect when entering Tidewatch, and from my home specifically. Currently the area is naturalized, there are no structures visible during the months when trees have leaves and very little when they have all fallen. It is tranquil, there are no household lights and the wildlife is undisturbed. If you allow multiple homes to be built it will undoubtedly diminish my property value, and the tranquility we have become accustomed to.

There is no telling what effect the addition of such a large amount of non porous elements (ie homes, asphalt driveways and patio materials) will have on the drainage of rain water. My neighbors and I sit well below the proposed site. Gravity will not be on our side.

It has been my experience that the majority of new home sites in our area require the ledge to be blasted, therefore disrupting all the earth that surrounds the site. The blasting itself is a concern as it can do damage to our foundations.

The increased traffic entering and exiting on that very difficult point of Sagamore hill will cause further opportunities for collisions. Visibility is poor, it is a hazard to bicyclists as the shoulder becomes non existent.

Lastly, the developers were aware that the parcel of land is 1.9 acres. And therefore, knew that one residence was all that could be definitively constructed. The risk was theirs, it is not the towns responsibility to make this a viable or profitable project for them.

I very much appreciate your consideration,

Sincerely,

Stephanie Roach
579 Sagamore Ave.
Unit 1 Owner

Izak Gilbo

From: Knut R <knutjr@gmail.com>
Sent: Monday, December 12, 2022 12:48 PM
To: Planning Info
Subject: Luster King development

Dear members of the Zoning Board of Adjustment,

I am writing to object to variances requested by the developer of the Luster King lot. My wife and I are residents of the adjoining property at Tidewatch. I have reviewed the rules for granting a variance. I would argue that the proposed placement of 4 homes in a lot subdivided for only 1.9 homes should not be granted a variance.

Per rule number 1, the development "should not impair the safety of our residents". The entrance and exit of the development on Sagamore Ave. will be near the crest of a hill with very poor visibility of busy and speedy oncoming traffic. As it is now, making a left turn in a vehicle into Tidewatch is dangerous. This is even more dangerous for the many cyclists using Sagamore Ave. As a cyclist myself I have found it very difficult to make a left hand turn on Sagamore Ave. into the Tidewatch development. Additional car traffic in and out of the Luster King development will significantly aggravate this situation.

Per rule number 4, the development "should not decrease the value of adjoining property". The development as described will lead to the removal of ledge and many trees that will diminish the value of all the Tidewatch properties. There will be very little tree buffer left. The plan for this development as currently described will be very visible from the Tidewatch entry road and adjacent homes. This will diminish the value of all of the Tidewatch properties. We are very concerned how the blasting of the ledge will effect drainage at Tidewatch, particularly given that we already have a problem with excessive water drainage at the entry area of the Tidewatch main road.

In addition a new "cluster" type development would be out of character for the neighborhood, where the other free standing homes on Sagamore are on separate good sized lots.

Given the above, I would strongly urge the Planning Board members to deny the requested variance and limit this development to two homes.

Thank you for your consideration
Knut and Jean Roalsvig
Tidewatch unit 94
579 Sagamore Ave., Portsmouth

From: [Michael Sterling](#)
To: [Planning Info](#)
Subject: Proposed Luster King Development (635 Sagamore Ave)
Date: Saturday, January 14, 2023 10:43:28 AM

To the Portsmouth Zoning Board of Adjustment:

We are residents of the Tidewatch Condominium on Sagamore Avenue. We have been concerned for some time since we read the Abutter's Notices regarding the proposed development on the current Luster King site next door to Tidewatch on Sagamore Avenue. As with many of our fellow residents, we have strong reservations about the proposal as it stands now. Following are a number of our concerns. We tried to relate them to zoning change ordinances as we understand them:

- It is our understanding that zoning variance requests must be in the public interest. We feel that this does not meet that standard. The development of a group of homes in a lot zoned for a single dwelling would cause congestion and would make entry and egress a safety issue, as the property is on one of the most dangerous sections of Sagamore Avenue (hill and blind curve).
- The variance is supposed to preserve the 'spirit of the zoning ordinance'. Squeezing four units into what is zoned for a single dwelling is not consistent with the use of the land.
- The adjustment would not do 'substantial justice'. Although second-hand, we understand that other abutters also have strong resistance to the proposed change. In addition, in a city with a strong need for affordable housing, the proposed cost of these homes will not provide relief. And, the development will further take away open space from residents, both human and animal.
- A complex of four larger homes which eliminate open space abutting Tidewatch would negatively impact our condo unit values. A single home, as currently zoned for, would not.
- Regarding 'unnecessary hardship' we believe there is none. The property was purchased with full knowledge of current zoning restrictions. Expanding on what is there is not a reasonable use of the property. If it is approved, what is to prevent all future development in Portsmouth from using this same clause to bypass zoning regulations?

Respectfully, Michael Sterling and Paula Sonnino

From: [Jeannette Sturrock](#)
To: [Planning Info](#)
Cc: [Tim McNamara](#)
Subject: Proposed Development 635 Sagamore Ave (635 Sagamore Development LLC Petition)
Date: Friday, January 13, 2023 6:07:03 PM

Beverly M. Zendt
Planning Director
City of Portsmouth
1 Junkins Ave 3rd Floor
Portsmouth NH 03801

As the owner of Tidewatch Condominium #6, an abutter to the proposed development at 635 Sagamore Ave. (635 Sagamore Development LLC Petition) I oppose the proposed development and request the Board deny the Applicant's variance request.

I have concerns that alterations made to the terrain will cause surface water floods in Tidewatch which is at a lower elevation.

Portions of the properties terrain are ledge not soil which would likely require blasting which causes concerns about structural issues to my unit that may result from the blasting.

The proposed homes would be elevated looking down over Tidewatch. Currently our property looks out upon a beautifully wooded area with abundant wildlife passing through – deer – turtles – foxes – turkeys etc. The tall trees are home to many nests of hummingbirds and other species this would all be gone if this development is allowed to proceed.

I support all of the objections already submitted by my neighbors.

Please do not allow this variance.

Jeannette Sturrock
Tidewatch #6
579 Sagamore Ave.
Portsmouth NH 03801

Izak Gilbo

From: Katherine Tobin <dockate21@gmail.com>
Sent: Saturday, December 10, 2022 12:56 PM
To: Planning Info
Subject: Proposed Luster King Development

I am writing to object to the proposed variance for 635 Sagamore Avenue.

I reside at 579 Sagamore Avenue, Unit 60. My home abuts Sagamore Avenue and a portion of the proposed development. We purchased this unit because of the undisturbed green space behind the home. It separates my home from Sagamore Avenue and adjacent houses.

Approval of the variance would be contrary to public interest. It would destroy much of the green space, increase the volume of noise my home would be subject to, decrease my home's privacy and decrease the value of my unit.

I do not see how enforcing the provisions of the ordinance would result in unnecessary hardship.

I therefore oppose the proposed zoning variance and proposed development.

Katherine Tobin MD
579 Sagamore Avenue
Unit 60
Portsmouth, NH 03801

From: [Phil von Hemert](#)
To: [Planning Info](#)
Subject: Comments re: 635 Sagamore Development LLC
Date: Monday, November 7, 2022 12:19:53 PM

I am writing to protest the planned residential development of the property located at 635 Sagamore Avenue. I and my wife, Susan, own Unit 42 in the abutting Tidewatch community. Our concerns are:

1. Requested unit variance is extreme, four units versus just one, a 400% increase.
2. Requested lot area variance is also extreme, 2 units per acre versus the permitted one per acre.
3. Such a large development will impact water runoff into Sagamore Creek.
4. This proposal requires approximately 12 feet of elevation to be excavated and a lot of forested area to be cut just to put in the four houses and the roadway.

If these extreme variations are allowed on this site, what's to prevent the same for other properties in the neighborhood along and near Sagamore Avenue? Permitting this plan as proposed will set an unwanted and unnecessary precedent.

Please do not permit four units to be built.

Phil and Susan von Hemert
(603) 833-0844
philvonHemert@gmail.com

Anne K. Walsh, co-trustee
Tidewatch #7
579 Sagamore Avenue
Portsmouth, NH 03801

December 12, 2022

Beverly M Zendt
Planning Director
City of Portsmouth
1 Junkins Avenue, 3rd Floor
Portsmouth, NH 03801

Dear Ms. Zendt,

This letter is to request that the City of Portsmouth Zoning Board of Adjustment denies 635 Sagamore's proposed development and variance request.

Please note that I have observed several errors in the 635 Sagamore Development, LLC petition. The Sagamore Condominium (on II on page 2 of 7; 4 on page 5 of 7), which later changed to Sagamore Creek Condominiums (# 4 on page 5 of 7) is actually Sagamore Court, which are apartments. The petition also erroneously refers to the SRA restrictions as 43,560 sf lot sizes, which is a requirement for GB (General Business) under the 10.531 Table of Dimensional Standards--Business & Industrial Districts (see page 3 of 7 & #4 on page 5 of 7)(Exhibit A & B). Therefore, many of the calculations in their petition are inaccurate and misleading since they are for multiple zoning ordinances (SRA, SRB & GB). This particular area is not zoned for Gateway Neighborhoods, which is essentially what they are attempting to create (and why they are using the 10.531 table, which includes Gateway Neighborhood Mixed Use districts).

I cannot see how 635 Sagamore can claim unnecessary hardship ("owing to special conditions of the property that distinguish it from other properties in the area"). The property isn't more distinguishable from the other properties in the area. Many of the properties along that stretch of Sagamore, whether zoned as a SRA or a SRB, are comparable to the 635 Sagamore property. For example, Tax Map:

222, Lot 17 .86 acres
222, lot 14 is 1.51 acres
223, lot 36 is 1.310 acres
223, lot 13 is 1.030 acres
223, lot 18 is 1.170 acres
223, lot 21 is 1.490 acres
223, lot 26 is 1.20 acres
223, lot 27 is 3.320 acres

None of the surrounding lots have mini neighborhoods on the parcels, otherwise known as pocket neighborhoods/Gateway neighborhoods, and the area is not zoned for one (See Exhibit A). Therefore, increasing the density of homes on that parcel would be different than the other properties and further changing the zoning character of the area. In addition, the homes on Sagamore have the front of the homes facing the street. Yet, their plan is to have the side of the first home in the development face the street.

635 Sagamore is not unique and therefore doesn't require a different zoning purpose than the lots on the left and right of it. The applicant purchased the property for \$387,133, which is significantly lower than the appraisal of \$693,600 or \$682,800 (both were included in the petition), which also doesn't support the hardship argument. It appears obvious that the applicant had purchased the property to solely develop it for as much as profit they can attain, without living with the long-term ramifications of this decision.

They have provided no evidence that their plan will not negatively impact the sale value of the nearby homes. It would be advantageous to replace the two commercial buildings with two homes along Sagamore (and would be within reason of 1 home per acre as required by SRA). And that would preserve the continuity of the surrounding properties directly on Sagamore. However, this plan will certainly impact the Tidewatch units most closely positioned near the property lines and all owners that would view it leaving and entering the community. At present, our property gazes upon a wooded area and not the run-down buildings. The proposal would decrease our privacy and take away one of the reasons our unit was purchased (over 33 years ago)—rural beauty of the woods and wetlands. These homes would be directly looking down upon Tidewatch and they would be inconsistent with the character of our community. Tidewatch was developed with the purpose of respecting and protecting the environment with intentional spacing of the units that are far from the other adjacent properties (Exhibit C). Instead of woods, we would have unnecessary development that would add more light and noise, despite the updated landscaping. There is concern about the impact it will have as it's stormwater runoff will run directly down the hill into Tidewatch. There is also the concern about the structural foundations of units when the granite needs to be blasted for their foundations.

635 Sagamore's plan would overcrowd the lot, as the side yards should be 20ft for each house (total of 40ft), not 20 ft between houses. The petition jumps back and forth between the 10.521 Table of Dimensional Standards—Residential and Mixed Residential Districts (and between SRA & SRB categories) and 10.531 Table of Dimensional Standards --Business and Industrial Districts (ie 43,560 sf lot area). On page 2 of 7, they stated that the proposal creates a natural transition between the SRB Zone and the existing apartments and condominiums. Please note that Sagamore Court and Tidewatch are SRA zoned (updated calculations below), and all SRB properties are on the other side of Sagamore Avenue. The lots to the right and left of 635 Sagamore are all SRA, so it would be more of a disruption vs. natural transition. Having a pocket neighborhood is drastically different than any of the surrounding properties and would not show any continuity.

Since Tidewatch has 44 buildings with 117 condominiums (not 122 since there are no 111-115 units), the density is 1.22acres for each building (53.59/44). Sagamore Court has 6 buildings with 144 apartments, so the density is 2.5 acres for each building (15.01/6). Therefore, the comparisons on page 2 of 7 are inaccurate. I am not going to convert the sq ft since that is strictly related to GB zoning, not

SRA. These are completely in the SRA range and are not a true comparison for their proposal, which would have 2 homes per acre.

The variance will be contrary to the public interest, the spirit of the ordinance would not be observed, and the surrounding property values would be diminished. 635 Sagamore would not experience unnecessary hardship if their variance from 10.513 & 10.521 was rejected. Therefore, the substantial justice criteria is not a factor, either.

The fact this updated petition has so many errors, and even uses calculations intended for Business and Industrial districts, shows how sloppy and seemingly manipulative this petition is. It also doesn't directly state it's intending on creating a Gateway Neighborhood, which would give a dangerous precedence for this residential area. Plainly, this is a residential area. Not a business one. And the impact will be felt by all residents surrounding this lot. Not the business (635 Sagamore) that purchased it to solely make as much of a profit they can gain.

I sincerely hope that you will have visited the site before making a final decision, because the pictures don't quite give the full picture. If you have any questions, please email or telephone.

Sincerely,

A handwritten signature in black ink that reads "Anne K. Walsh". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Anne K. Walsh, co-trustee
Annekwash1@verizon.net
410-903-3972

Section 10.530 Business and Industrial Districts

10.531 Table of Dimensional Standards – Business and Industrial Districts ¹

	B	GB	WB	I	WI	OR
Minimum Lot Dimensions						
Lot Area	20,000 sf	43,560 sf	20,000 sf	2 acres	2 acres	3 acres ²
Lot Area per dwelling unit	2,500 sf	NR	NR	NA	NA	NA
Continuous street frontage	100'	200'	100'	200'	200'	300' ²
Depth	80'	100'	100'	200'	200'	300' ²
Minimum Yard Dimensions						
Front	20'	30'	30'	70'	70'	50' ²
Side	15'	30'	30'	50'	50'	75' ²
Rear	15'	50'	20'	50'	50'	50'
Maximum Structure Dimensions						
Structure height	50'	60'	35'	70' ³	70' ³	60' ³
Roof appurtenance height	10'	10'	10'	10'	10'	10'
Building coverage	35%	30%	30%	50%	50%	30%
Floor Area Ratio	NR	NR	NR	NR	NR	NR
Minimum open space	15%	20%	20%	20%	20%	30%

Notes:

1. See Article 5A and Article 5B for dimensional standards in Character and Gateway Neighborhood Mixed Use Districts.
2. See Section 10.532.10 for requirements for lots adjacent to North Mill Pond.
3. See Section 10.532.20 for reduced structure height within 200' of North Mill Pond or Piscataqua River.

NA = Not Applicable NR = No Requirement



Section 10.520 Residential and Mixed Residential Districts

10.521 Table of Dimensional Standards – Residential and Mixed Residential Districts¹

	R	SRA	SRB	GRA	GRB	GRC	G/MH	MRO	MRB
Minimum Lot Dimensions									
Lot area	5 acres	1 acre	15,000 sf	7,500 sf	5,000 sf	3,500 sf	5 acres	7,500 sf	7,500 sf
Lot area per dwelling unit	5 acres	1 acre	15,000 sf	7,500 sf	5,000 sf	3,500 sf	10,000 sf	7,500 sf	7,500 sf
Continuous street frontage	NA	150'	100'	100'	80'	70'	N/A	100'	100'
Depth	NA	200'	100'	70'	60'	50'	N/A	80'	80'
Minimum Yard Dimensions									
Front	50'	30'	30' ²	15'	5'	5'	30' ^{2,4}	5'	5' ²
Side	20'	20'	10'	10'	10'	10'	25'	10'	10'
Rear	40'	40'	30'	20'	25'	20'	25'	15'	15'
Maximum Structure Dimensions									
Structure height									
Sloped roof	35'	35'	35'	35'	35'	35' ³	35' ^{3,4}	40'	40'
Flat roof	35'	30'	30'	30'	30'	30'	35' ^{3,4}	30'	30'
Roof appurtenance height	8'	8'	8'	8'	8'	8'	8'	10'	10'
Building coverage	5%	10%	20%	25%	30%	35%	20% ⁴	40%	40%
Minimum open space	75%	50%	40%	30%	25%	20%	50%	25%	25%

Notes:

1. See Article 5A and Article 5B for dimensional standards in Character and Gateway Neighborhood Mixed Use Districts.
2. See Section 10.533 for special front **yard** requirements on Lafayette Road.
3. Within the General Residence C and Garden Apartment/Mobile Home Park districts an additional 8' of height may be added to the maximum **structure** height in order to provide for **multifamily dwellings** that include vehicular parking spaces located within the residential **building** itself, if the additional height results in increased **open space** when compared to a site plan showing what **open spaces** would remain if required parking spaces were located in the open and in **accessory structures**.
4. See Section 10.816 for requirements within a **manufactured housing park**.

NA = Not Applicable

NR = No Requirement



From: [Peter M. Wissel](#)
To: [Planning Info](#)
Subject: 635 Sagamore Avenue
Date: Sunday, November 20, 2022 10:03:26 PM

Dear members of the Zoning Board of Adjustment,

My wife and I were traveling abroad when the abutter notice dated November 15 regarding the subject petition was delivered by mail.

I am hopeful that it is not too late for our objections to the petition to be considered before a final determination is made by the Board of Adjustment.

We have two strong objections to the variance requested at 635 Sagamore Avenue.

We are avid cyclists. The shoulder of Sagamore Avenue in front of 635 Sagamore Avenue narrows from approximately 4 feet to approximately 12 inches. That stretch of Sagamore Ave is also on a grade, so a southbound cyclist would be moving uphill slowly. The crest of the grade is just beyond the subject property and a southbound motorist can not see vehicles approaching in the opposite lane. Consequently, an impatient southbound motorist, and there are many, especially during the tourist season, trying to pass a slow moving cyclist often fails to maintain 3 ft. of distance between their vehicle and a cyclist as required by NH law. One or more additional personal motor vehicles for each of 4 units, delivery vehicles and service vehicles seeking to turn in and out of a driveway at this already dangerous stretch of road will only add to the hazard to cyclists.

We are also owners of a unit at Tidewatch Condominiums. A major appeal of Tidewatch is the park-like setting which is protected by the current zoning along Sagamore Avenue. Allowing 4 units to be built on a lot currently zoned for a single unit would have a significant adverse impact on the aesthetics and the value of Tidewatch Condominium units without adding any benefit to the community at large. The best locations for increasing density are where residents can either walk to amenities or avail themselves of public transportation. 635 Sagamore Avenue is not such a location.

Respectfully yours,

Peter Wissel and Susan Philbrick
579 Sagamore Ave., Unit 75
Portsmouth, NH 03801

Peter M. Wissel
Mobile: 1-603-380-8885

From: [Peter M. Wissel](#)
To: [Planning Info](#)
Subject: Re: 635 Saga more Avenue
Date: Monday, November 21, 2022 6:55:04 PM
Attachments: [PTS Agenda Packet 11.3.22.pdf](#)

Hi Ms. Kienia,

Thank you for the update.

I would like to add that the danger to cyclists at the crest of the Sagamore Avenue hill was also discussed at the Parking and Traffic Safety Committee Meeting on November 3, 2022. Attached is documentation from that meeting. I think it would be prudent for the Zoning Board of Adjustment to consult with the Parking and Traffic Safety Committee before ruling on the 635 Sagamore Avenue petition.

Best regards,
Peter Wissel

Peter M. Wissel
Mobile: 1-603-380-8885

On Monday, November 21, 2022 at 05:23:24 PM EST, Planning Info <planning@cityofportsmouth.com> wrote:

Hi Mr. Wissel,

This petition was postponed and will now be heard at the December 20, 2022 Zoning Board of Adjustment Meeting. Your email will be included in Public Comment for the December meeting.

Best,

Kimberli Kienia

Administrative Assistant, Planning Dept.

1 Junkins Avenue

Portsmouth, NH 03801

Tel: (603) 610-7217

OFFICE HOURS:

Monday 8:00am–6:00pm

Tues–Thurs 8:00am–4:30pm

Friday 8:00am–1:00pm

From: Peter M. Wissel [mailto:pmwissel@yahoo.com]
Sent: Sunday, November 20, 2022 10:03 PM
To: Planning Info <Planning@cityofportsmouth.com>
Subject: 635 Sagamore Avenue

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Respectfully yours,

Peter Wissel and Susan Philbrick

579 Sagamore Ave., Unit 75

Portsmouth, NH 03801

Peter M. Wissel

Mobile: 1-603-380-8885

PARKING and TRAFFIC SAFETY COMMITTEE

PORTSMOUTH, NEW HAMPSHIRE

CONFERENCE ROOM A
CITY HALL, MUNICIPAL COMPLEX, 1 JUNKINS AVENUE

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

8:30 AM

November 3rd, 2022

ON-SITE COMMITTEE: Please meet on Tuesday, November 1st at 8:00 a.m. at the following location:

- Broad Street, north side of South Street

AGENDA

I. **CALL TO ORDER**

II. **ATTENDANCE**

III. **FINANCIAL REPORT**

IV. **PUBLIC COMMENT (15 MINUTES)**

This is the time for all comments on any of the agenda items or non-agenda items.

V. **PRESENTATIONS**

None

VI. **NEW BUSINESS**

(No public comment during Committee discussion without Committee approval.)

- A. Broad Street, request to move no parking signage farther back from South Street, by resident. **Sample Motion: Move to relocate NO PARKING HERE TO CORNER signs 30 feet from crosswalk on the north side of South Street.**
- B. Sagamore Avenue, request to extend bike lanes from Little Harbor Road to Rye line, by Seacoast Area Bicycle Riders. **Sample Motion: Move to refer to staff for evaluation and report back at future meeting.**

VII. **OLD BUSINESS**

- A. Maplewood Avenue at Prospect Street, report back on request to slow traffic on Maplewood Avenue. **Sample Motion: Move to place item on file.**
- B. Mariette Drive, speed analysis. **Sample Motion: Move to place item on file**
- C. Maple Haven stop sign analysis. **Sample Motion: Move to approve installation of stop sign on northbound leg of Suzanne Drive, at intersection of Suzanne Drive and Simonds Road, near park.**

VIII. INFORMATIONAL

A. Monthly Accident Report from Police

IX. MISCELLANEOUS

X. ADJOURNMENT

**Members of the public also have the option to join the 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_6t88nxMpTyyzNoD6fcJPWA*



Percentage of Fiscal Year Complete 25.00%
--

Preliminary
Totals Thru
September 30, 2022

	Total	Budgeted	% of Budget
FY 23			
Parking Meter Fees	1,128,480.07	3,250,000.00	35%
Meter Space Rental	34,330.00	150,000.00	23%
Meter In Vehicle	0.00	0.00	0%
EV Charging Stations	4,553.57	10,000.00	46%
Parking-Area Service Agreements	35,550.00	50,000.00	
High Hanover Transient	750,014.20	1,909,000.00	39%
High Hanover Passes	284,756.08	1,265,100.00	23%
Foundry Place Transient	106,852.94	502,000.00	21%
Foundry Place Passes	109,079.82	451,500.00	24%
Parking Sign Permit	0.00	0.00	
HH Pass Reinstatement	330.00	750.00	44%
Foundry Pass Reinstatement	234.75	750.00	31%
Parking Violations	290,215.50	700,000.00	41%
Immobilization Administration Fee	1,800.00	5,000.00	36%
Summons Admin Fee	0.00	0.00	0%
Total FY 23	2,746,196.93	8,294,100.00	33%

	BUDGETED	
	5,881,795	71% Transfer to Parking Fund
	2,412,305	29% Funds Remaining in Gen Fund

South Street and Broad Street Parking Near Intersection



Cole
260 Broad Street
Portsmouth, NH 03801

September 30, 2022

City Of Portsmouth
Department of Public Works – Roads and Sidewalks
680 Peverley Hill Road
Portsmouth, NH 03801

Re: **Broad Street/South Street**

Dear Sir or Madam:

I live at 260 Broad Street. I believe that the placement of the “No Parking Here to Corner” signs are creating or allowing a hazard.

The No Parking Here to Corner signs are placed at the end of Broad Street, where it meets South Street. As you know, this part of South is at the base of the hill leading down from the Edgewood Center and is one of the busiest streets in the City, particularly when students and buses and parents are driving to and leaving the High School. As one pulls out of Broad Street and turns toward the High School, the residence on the corner of Broad and South is surrounded by a high, dense privet hedge, which dramatically reduces visibility up South Street toward the Edgewood Center. The No Parking Here to Corner signs are placed about one car length onto or into Broad Street on both sides of Broad. Cars typically are parked right up to the signs. See my childish diagram, attached.

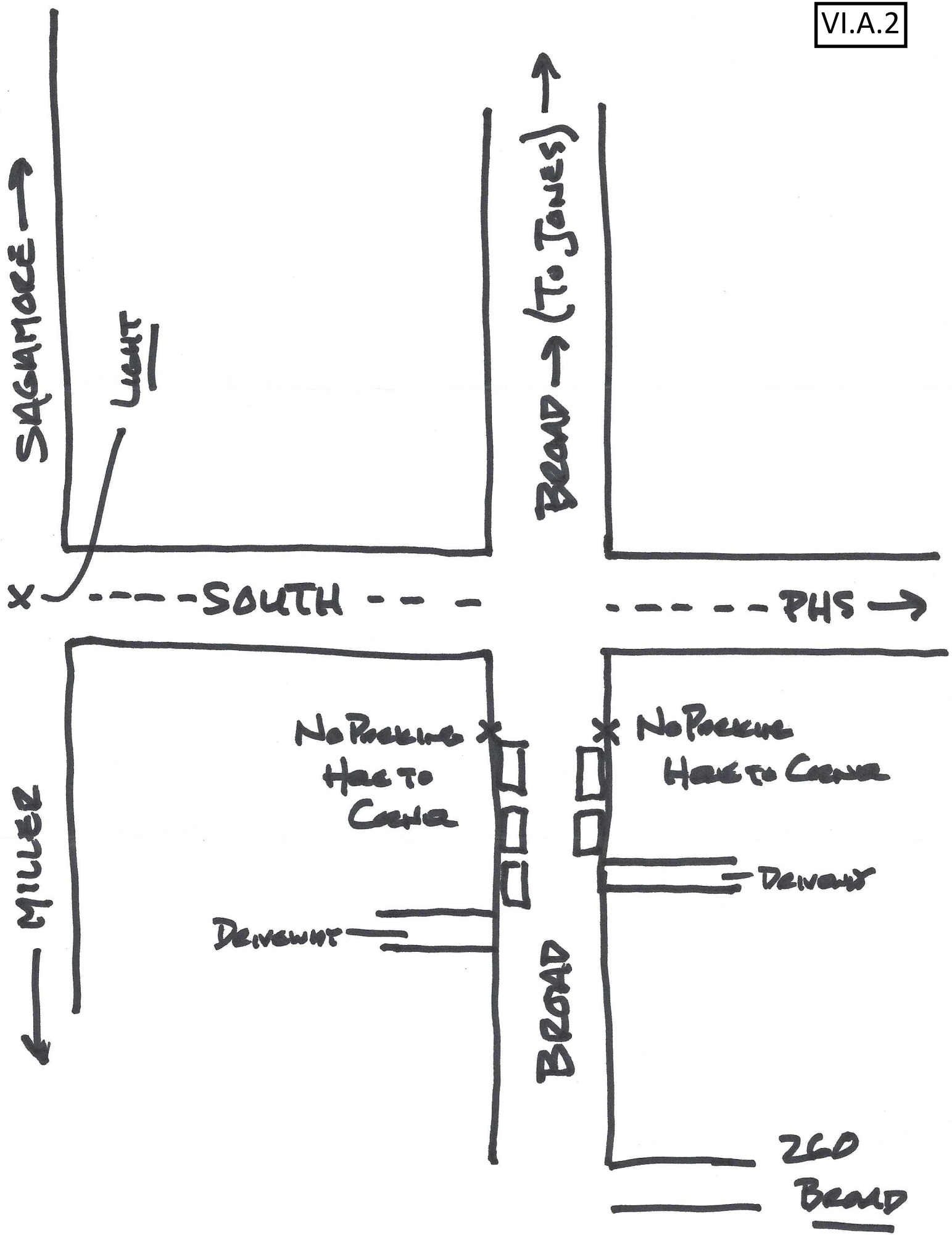
The result is that the opening for cars turning off of South, often with steady traffic both ways on South, is very narrow. This makes getting onto South from Broad and off of South to Broad difficult, because the narrow opening left by the parked cars is simply too small and the cars in traffic play a game of roulette, hoping there is enough room and time to pull out of or into Broad.

It seems that one solution could be to move the No Parking Here to Corner signs further down Broad Street, to at least permit some room to maneuver at the actual point of contact between the streets. I do understand that this would eliminate some parking spots – perhaps one on each side of Broad Street – but the safety advantages seem worth evaluating and trying on a temporary basis.

Thanks for reading this, and for everything you all at Public Works do to make the City so very livable.

Very truly yours,





SAGAMORE →

LIGHT

BEAD → (To Jones) →

X - - - SOUTH - - -

- - - PHS →

← MILLER

No Parking
Has to
Curve

* No Parking
Has to Curve

DRIVEWAY

DRIVEWAY

BEAD

260
BEAD

30' Per State Law

20' Existing



From: [Matthew Glenn](#)
To: [Eric B. Eby](#); [Andrew Bagley](#)
Subject: Request for PTSC to look at extending Sagamore Ave bike lanes
Date: Tuesday, October 25, 2022 10:19:23 AM

Dear Mr. Eby, Councilor Bagley, and members of the PTSC,

I would like to ask the Parking and Traffic Safety Committee to take a close look at extending the Sagamore Avenue bike lanes from Little Harbor Road to the Rye line. Please provide an update on what can be done to improve safety at the crest of the hill as the sewer project is completed; and for the full length of the road where existing shoulder width may allow it, please consider painting bike lane markings immediately.

In particular, the roadway in front of the Seacoast Mental Health Center is not wide enough to allow cars to park without crossing the white fog line and partially blocking the travel lane, so you should consider "no parking" signage here and in front of the new condos being built at 960 Sagamore. Shoulder width should allow for bike lane markings now that the "Golden Egg" is gone.

Please also provide an update on the project to extend the sidewalk to Tuckers Cove, and if bike lanes are to be included.

Finally, I'll request that you make reference in the PTSC packet to the Bicycle and Pedestrian plan, which calls for bike lanes and sidewalks for the full length of this very popular and critical biking, running, and walking route. Complete bike lanes may require additional time and funding, but I believe there are several small improvements the PTSC can make now with just signage and paint.

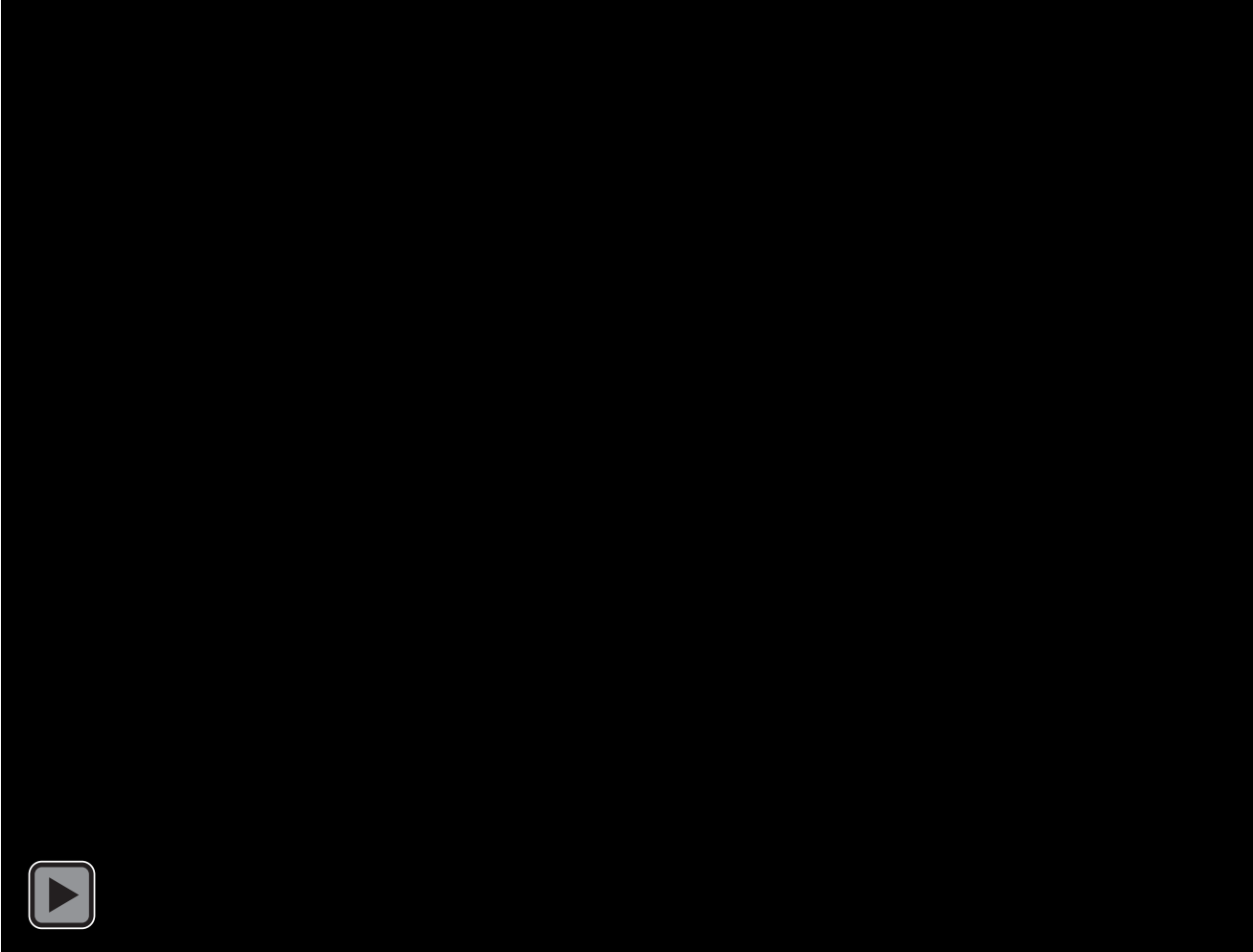
Regards,
Matt Glenn

Seacoast Area Bicycle Riders
seacoastbikes.org

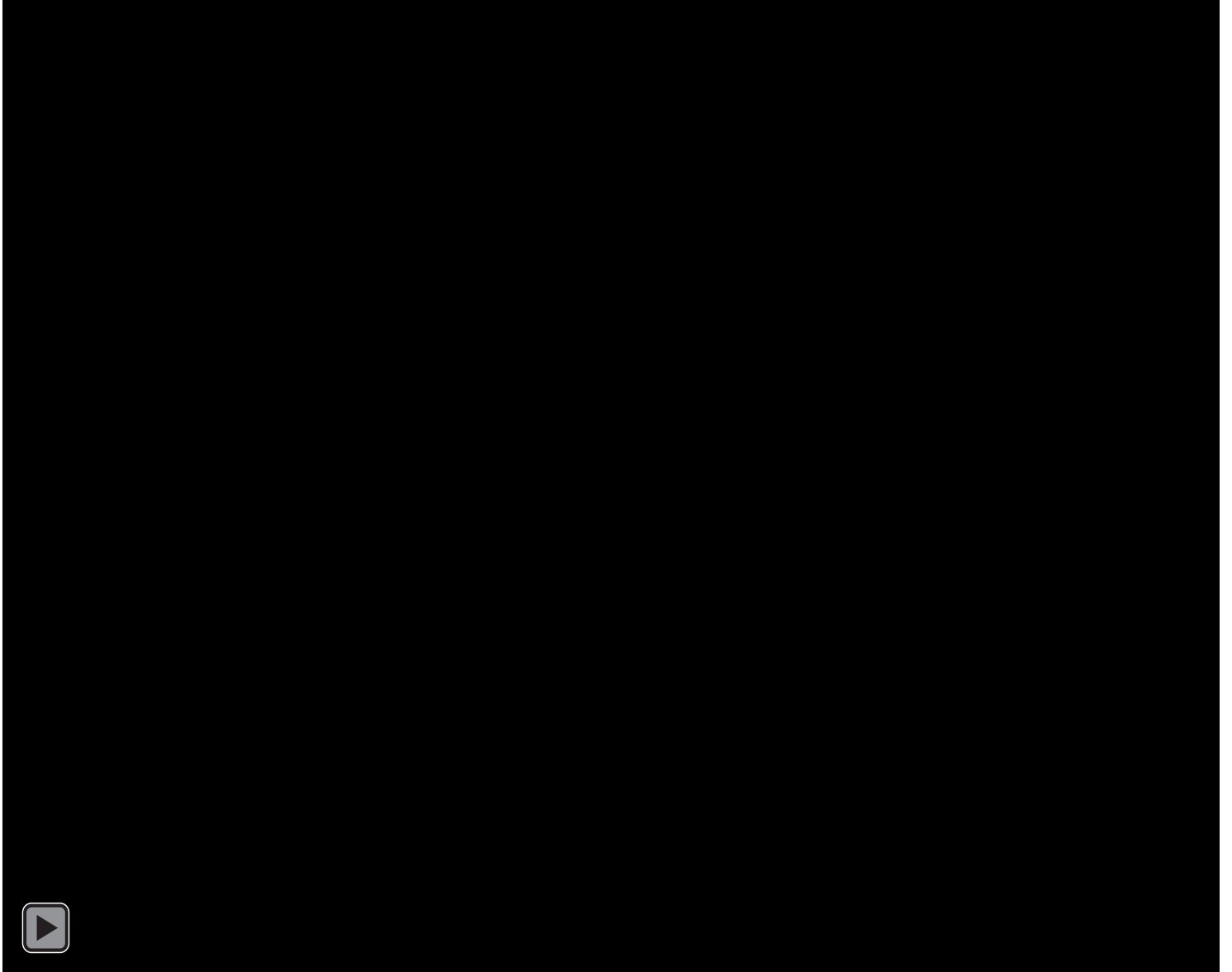
VII.A.1 Maplewood Avenue at Prospect Street



Maplewood Avenue and Route 1 Bypass Ramp



Maplewood Avenue and Prospect Street



City of Portsmouth

Department of Public Works



MEMORANDUM

TO: Karen S. Conard, City Manager

FROM: Eric Eby, City Engineer – Parking, Transportation and Planning *EE*

DATE: October 24, 2022

SUBJECT: Maplewood Avenue at Prospect Street, Report Back on Request to Slow Traffic

City staff has received concerns from a resident of Prospect Street regarding the speed of vehicles turning right from the Route 1 Bypass northbound ramp onto Maplewood Avenue, the speed of vehicles on Maplewood Avenue, as well as the sight lines at the intersection of Prospect Street and Maplewood Avenue.

City staff has investigated the situation and conducted traffic volume turning movement counts, collected vehicle speed data, and measured sight distances at the intersection. The findings of the traffic evaluation indicate that, while there are some limitations to the sight lines, the available sight lines and observed speeds allow for safe operation of the intersection.

Traffic turning movement counts conducted at the intersection of Maplewood Avenue and Prospect Street revealed a peak hour volume of six vehicles exiting from Prospect Street onto Maplewood Avenue. This is a very low volume roadway, due to the small number of homes on Prospect Street and the ability to access the neighborhood from Dennett Street.

Average inbound traffic speeds on Maplewood Avenue were measured at 23 MPH, with an 85th percentile speed of 27 MPH. The posted speed limit is 25 MPH. These data include vehicles turning right from the ramp onto Maplewood Avenue, so the speed of vehicles coming over the bridge on Maplewood Avenue is likely somewhat higher. Vehicle speeds are used to determine the minimum required sight distance for safely stopping at an intersection.

Stopping sight distance on Maplewood Avenue, approaching Prospect Street from the west, was measured at 410 feet. This is sufficient for speeds of over 45 MPH, which is far in excess of the measured speeds on Maplewood Avenue. Stopping sight distance for vehicles approaching Prospect Street after turning right from the Route 1 Bypass ramp was measured at 90 feet, sufficient for vehicles traveling at 18 mph to see, react and stop for a vehicle turning out of Prospect Street.

The one noted deficiency at the intersection is the intersection sight distance for vehicles waiting to turn out of Prospect Street onto Maplewood Avenue. When measured from the standard location of 14.5 feet from the edge of Maplewood Avenue, the driver's sight line is only 175 feet, sufficient for oncoming vehicle speeds of 27 MPH. To get a longer sight line, it is necessary for the driver's eye to be within 7 feet of the edge of Maplewood Avenue. At this point, the front end of the driver's vehicle may be sticking out slightly into Maplewood Avenue. However, approaching vehicles on Maplewood Avenue are able to see the vehicle and come to a stop if necessary. In conclusion, the vehicle speeds on Maplewood Avenue are not excessive, and the intersection has adequate sight lines for safe operating conditions.

Maplewood at Prospect - TMC

Sat Sep 3, 2022

AM Peak (WKND) (Sep 03 2022 10AM - 11 AM)

All Classes (Motorcycles, Lights, Single-Unit Trucks, Articulated Trucks, Buses, Pedestrians, Bicycles on Road, Bicycles on Crosswalk)

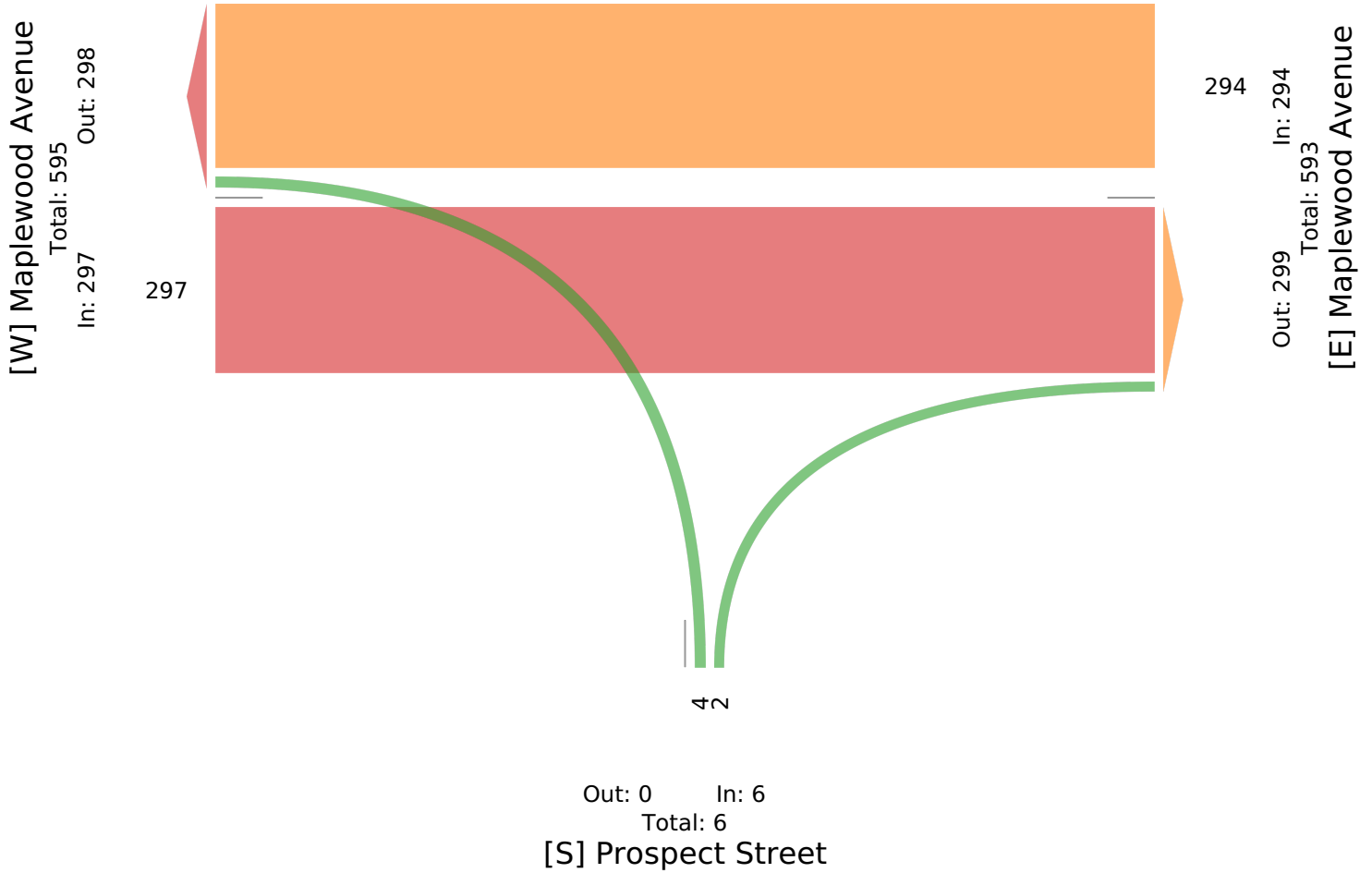
All Movements

ID: 985580, Location: 43.080381, -70.768384

Provided by: City of Portsmouth

680 Peverly Hill Road,

Portsmouth, NH, 03801, US



VII.A.4 Maplewood Ave.

From: [Dan Freund](#)
To: [Eric B. Eby](#)
Subject: Re: Maplewood Ave Exit Ramp
Date: Friday, July 15, 2022 10:43:45 AM

Eric,

I'm still seeking your attention to the intersection at Maplewood and Prospect. In the past week, there has been evidence of an accident with a shattered headlight in the street. As I mentioned in my email to you on June 20th, I was nearly struck by vehicles that proceeded through the exit ramp intersection at speed. At the August 13, 2015 Traffic Safety meeting, a vote was taken to address the intersection. That action was never taken. With the construction currently taking place and the increased traffic that will occur as a result of new occupation on Prospect St, I am concerned that you have not adequately addressed this issue. I would like to see two things from you.

- 1: Signage on Walker St alerting traffic to the presence of children at play
- 2: Adequate effort to slow the traffic coming from the exit ramp and from over the bridge through the blind intersection at Maplewood and Prospect St.

--

Dan Freund
Video Producer

www.myfrienddan.com

m: 603-817-0161

On Mon, Jun 20, 2022 at 1:26 PM Dan Freund <hey@myfrienddan.com> wrote:

Hello Eric,

I'm writing to request your attention to the Maplewood Ave exit ramp. This morning as I was nearly struck by a vehicle speeding through the stop sign trying to beat traffic approaching from the bridge. With the speed bumps further up the road, I'm sure there can finally be a solution. Additionally, with all the construction happening on Prospect St and the inevitable addition of tenants/residents to the street, I'd like to see some signage warning the presence of kids to vehicles approaching up Walker street. I know we've visited these issues before, but more can be done to make this street/intersection safer yet.

Regards,

--

Dan Freund
Video Producer

www.myfrienddan.com

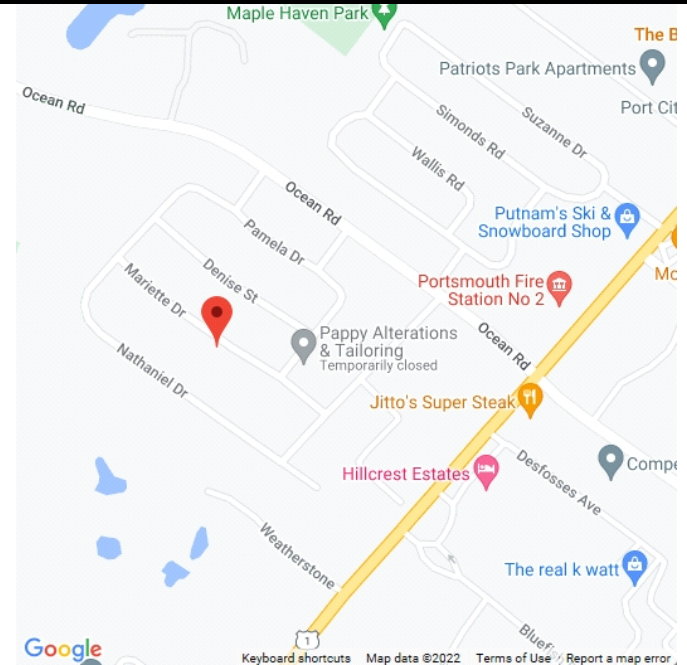
m: 603-817-0161

SPEED DATA ANALYSIS

Location 19 Mariette Drive



Latitude: 43.025608
 Longitude: -70.799173



Analysis Time Period



Start	End
10/5/2022 9:03 AM	10/7/2022 8:45 AM

Vehicles Analyzed



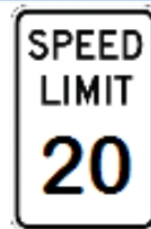
145

Average Speed



16

Speed Limit



20

85th Percentile Speed



21

SPEED DATA ANALYSIS

Location 43 Mariette Drive

Latitude: 43.027145
 Longitude: -70.800418



Analysis Time Period



Start	End
10/3/2022 2:10 PM	10/5/2022 8:51 AM

Vehicles Analyzed



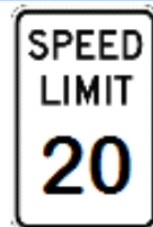
227

Average Speed



20

Speed Limit



20

85th Percentile Speed



26



Possible new stop sign

Maple Haven, North Side

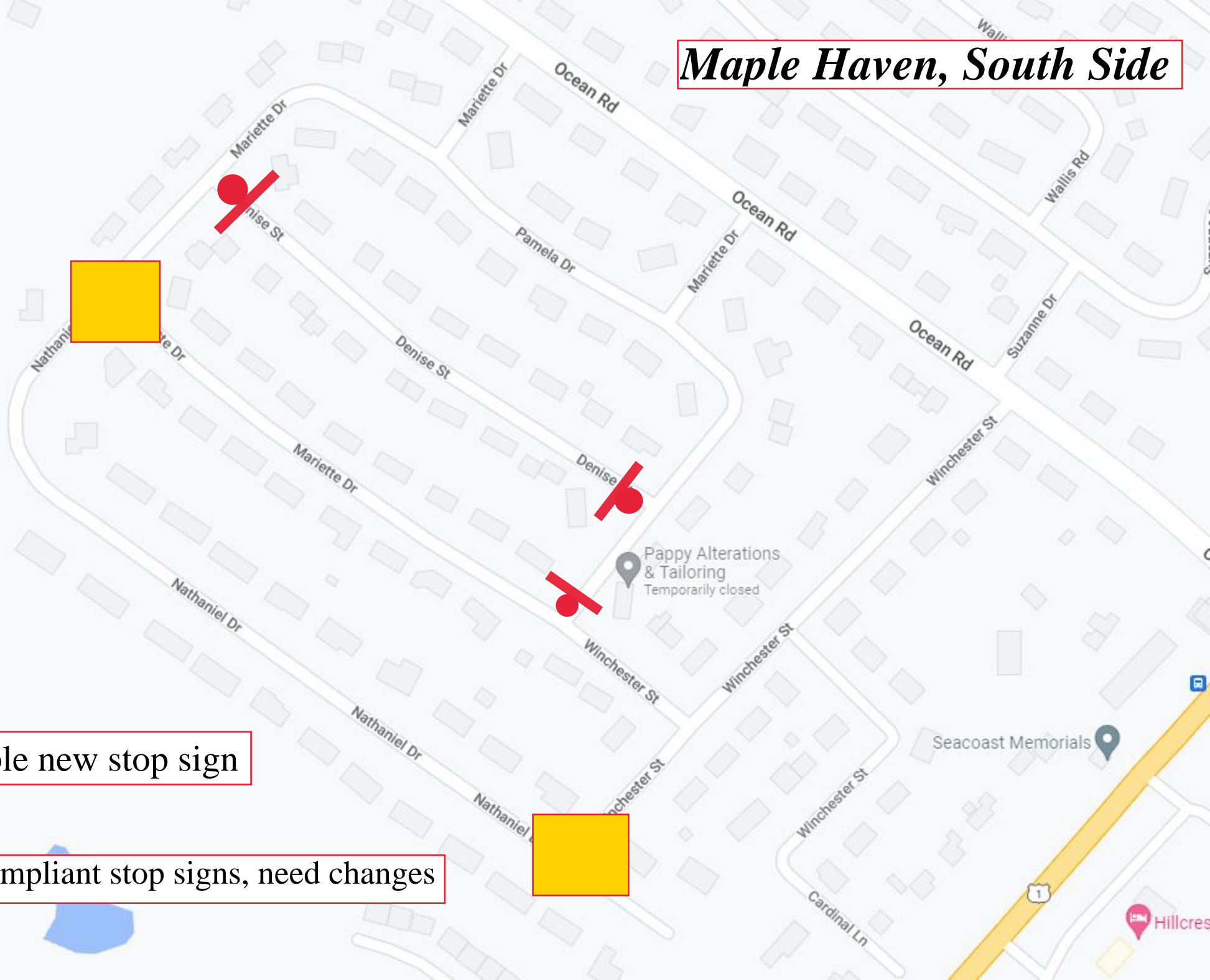


Speed Table
(2023)

Speed Table
(2023)

VII.C.2

Maple Haven, South Side



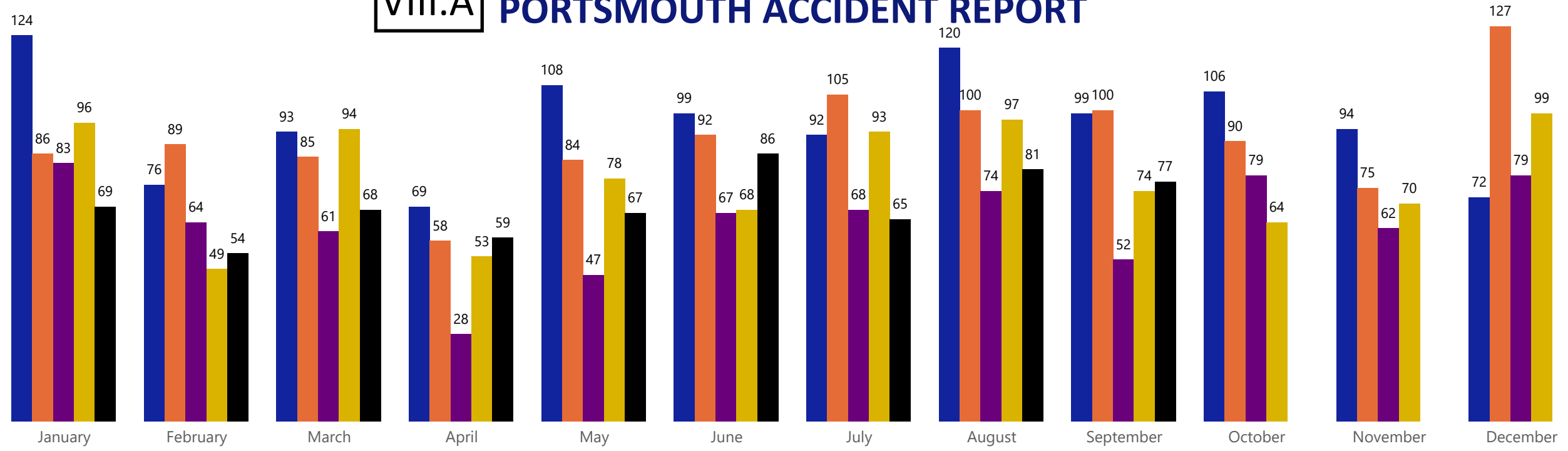
Possible new stop sign



Non-compliant stop signs, need changes

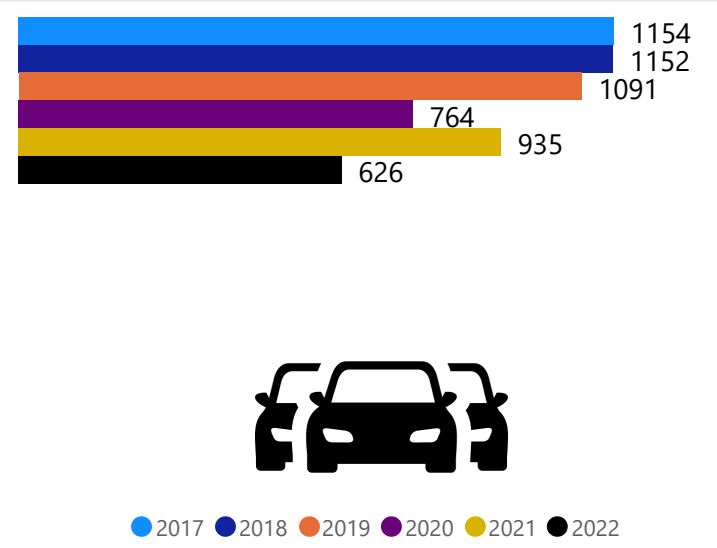
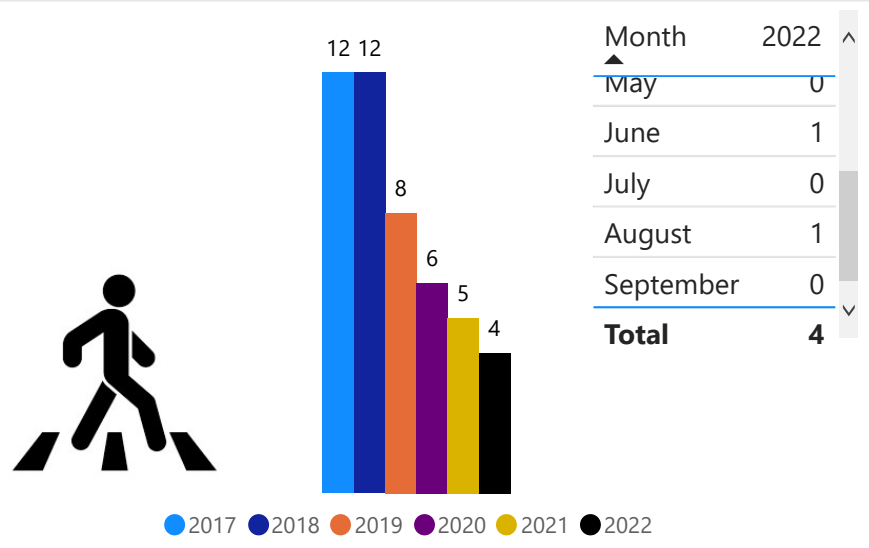
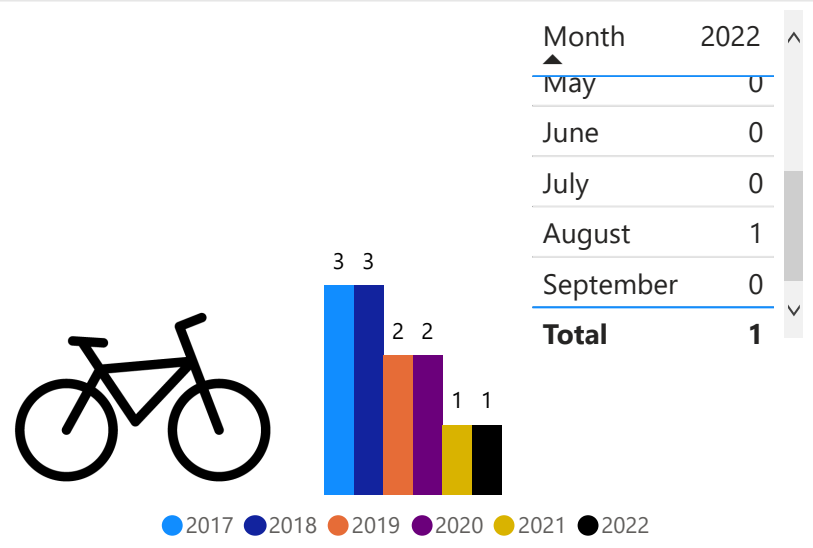


VIII.A PORTSMOUTH ACCIDENT REPORT



September 2022 - 48 reportable crashes | damage valued > \$1,000  ● 2018 ● 2019 ● 2020 ● 2021 ● 2022

YEARLY TOTALS



Izak Gilbo

From: Peter Newell <pnewell77@aol.com>
Sent: Friday, December 9, 2022 4:41 PM
To: Planning Info
Subject: Proposed Luster King Development (635 Sagamore Ave.)

To the Zoning Board of Adjustment:

I am writing to express concerns by myself and my wife concerning the proposed Luster King Development which borders on our property as part of the Tidewatch Condominium complex. We bought our property in Tidewatch in 2014. The primary reason we were interested in this property related to the fact that the area was surrounded by woods, wet lands and a saltwater creek. I'm sure this was a major reason many of our neighbors wanted to move to this area also. Our concerns are that the Luster King Development as it is proposed would reduce values of the Tidewatch properties by building up along our entry road, taking out a beautiful wooded area, creating an undesirable situation with construction activities, creating drainage difficulties, and having an adverse effect on near by basements because of jack hammer work and blasting. Our thoughts are that jamming four houses into that sized area is a detriment to our area and our property values.

We understand property rights however there comes a time when neighbors are adversely affected both financially and in terms of quality of life. We feel that this is one of those times.

Thank you for your consideration on this issue.

Peter L. Newell
579 Sagamore Avenue
Tidewatch 102
Portsmouth, NH 03801
pnewell77@aol.com
Mobile 330-283-1973

February 21, 2023

Phyllis Eldridge, Chair
Portsmouth Zoning Board of Adjustment
One Junkins Ave
Portsmouth NH 03801

Re: 915 Sagamore Road

Dear Ms. Eldridge,

We reside on Sagamore Grove and am writing in opposition to the application for relief at 915 Sagamore Avenue.

Portsmouth has a long history of being a maritime town and we think preserving our Waterfront Business District is important. By allowing a mixed-use development in the Waterfront Business District only further erodes our maritime history.

Second, the requested development is too intense for this site. Traffic is already very heavy on Sagamore Road and allowing an unknown commercial use along with 12 residential units will only further aggravate the problem and will diminish the value of the residential homes along Sagamore Road. Respectfully, we ask that the Zoning Board of Adjustment deny the application.

Very truly yours,



John and Tina Bosen

From: [Katherine Tobin](#)
To: [Planning Info](#)
Subject: Property Located at 915 Sagamore Avenue
Date: Thursday, December 15, 2022 7:18:16 PM

I live at 579 Sagamore Avenue, Unit 60. My property abuts 915 Sagamore Avenue which has applied for a variance. I purchased my property because of the privacy and the green space separating my property from Sagamore Avenue, which has experienced increasing traffic over the years.

I am writing to request that the variance not be approved because it will diminish the green space (which we all need), increase noise, decrease privacy and decrease my property values.

Katherine Tobin
579 Sagamore Avenue
Unit 60

From: [Eric Doremus](#)
To: [Planning Info](#)
Subject: 2/22/23 BOA Agenda: 51 Spinney Rd
Date: Thursday, February 16, 2023 11:28:46 AM

Hello,

As a direct abutter to the proposed garage at 51 Spinney Rd, I would like to voice my support for this project and approval of the requested variances.

Regards,

Eric Doremus
1036 Islington St

From: [Herb Lloyd](#)
To: [Planning Info](#)
Subject: 55 Thorton Street - Paulsen Family Revocable Trust (Variance Application) (Property 143-19)
Date: Sunday, February 12, 2023 10:06:05 PM

Board of Adjustments / Planning Department,

My wife and I live at 5 Ruth Street and abutters of 55 Thorton Street.

We do not have concerns with the applicants building a second story on top of their existing garage as long as the City and Board of Adjustments make the approval. We do have concerns though with this property (55 Thorton Street) over the years cutting trees and bushes on City owned abutting property (Property 143-20) and extending the yard of 55 Thorton into and using city owned property (143-20).

While the City is assessing the approval of the application for a variance at 55 Thorton for building permit, please assess encroachment of 55 Thornton onto City own property (143-20).

Thank You
Herb Lloyd
5 Ruth Street
(435) 640-3786



February 19, 2023

Historic District Commission
cc: Board of Adjustment
City of Portsmouth
1 Junkins Avenue
Portsmouth, NH 03801

Dear HDC Board Members:

For the past 16 years, we have been stewards of two properties in both the South End and the North End, within the historical districts of Portsmouth. We have become concerned about the inconsistent and inequitable decisions being made by the Board.

At a Board of Adjustment work session in February, there was a discussion regarding the property at 39 Dearborn Street, which is a traditional cape from the 1700's. This is among the oldest wooden structures in Portsmouth. At the work session, the property owners presented plans to raise the roof, changing the structure to a Dutch colonial. Many board members voiced their support of this plan. Some justified this because the home's visibility is limited from any street. Does this mean if it can't be seen it does not have historical value? Does this mean that any proposed changes to the Jackson House would be guided by the same logic?

There have been discussions regarding this property in the past. During a work session on April 29, 2015, the following comments were made by board members:

William Galdhill-Vice Chair

"If we approve this design, I no longer can see the cape", "I'd like to see the integrity of the original cape preserved", "You can see it from the North Mill Pond, so you can see it from a public way"

Joe Almeida-Chair

"We have a very early cape. We can still see it", "We need to be sympathetic to this historical cape", "I'd like to see a historical cape rather than a complete change in style"

Reagan Ruedig

"Let's try and highlight the cape rather than try and turn it into something totally new"

John Wyckoff

"What are we looking at her", "This is a traditional cape, therein lies the problem"

Richard Shea

"We would all like to see the front of the cape", "Restore the old entrance"

Dan Rawling

"I agree with the previous comments"

Please contrast these remarks to comments made at the recent meeting in February 2023.

We are not historians but do appreciate the antiquity that reflects a narrative of our city's history. When we first moved to the North End, we tried to get to know the history of our neighborhood. We would intentionally walk down Dearborn Street to admire the antique cape with the single dormer.

It seems that lately the HDC has given leniency to some property owners which has allowed the partial loss of our historical footprint. If the Dearborn house were in the South End, we feel the Board would be coming from a different perspective.

We encourage the HDC board members to ask themselves if their opinions and decisions represent a fair and equitable process that supports the HDC mission.

Thank you for your consideration and your ongoing efforts to preserve our historical community.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert Vieira" and "Diane Vieira" joined together.

Robert and Diane Vieira
49 Dennett Street
Portsmouth, NH 03801

Date: February 17, 2023
From: Michael Stasiuk, 31 Dearborn Street, Portsmouth, NH 03801
To: Stefanie Casella, Nick Cracknell, Izak Gilbo, and Members of the Planning Department and Historic District Commission
Re: Proposed changes to an existing Agreement to modify 39 Dearborn

Dear Stephanie, Nick and Isak

I have been to the planning department twice to look at and discuss the proposed plan for changes to the house at 39 Dearborn, my abutting neighbor. For the record, I have had no discussion on this topic with the new owners. Based on the two plans proposed in 2015, I thought the current proposal had little chance of gaining the Historic District commission's approval.

The Agreement

- In 2015 the planning department approved modifications to 39 Dearborn that included an expansion of the kitchen, a second dormer window, and a shed dormer facing west towards Denet Street.
- I recall Dan Rowling suggesting that the north facing mudroom was covering the historic front door and should be removed. The expansion of the kitchen was in the footprint of the deck, but was a gain that could in a sense justify the removal of the mudroom.
- Additionally, HDC approval specified that the roofline height was not to change, and the integrity of a 1700s cape would be honored and preserved.
- The attached letter of March 15, 2015 to Chairman Witham states that "The proposed accessory structure shall only be used for the storage of equipment, materials, and other related items and not used as a work- or machine-shop with the use of mechanical equipment or tools." I have attached the deed and accompanying letter to this email for verification.
- Plantings along the shoreline were to compensate for incursion into the wetland.

Plan elements completed

- Only the kitchen was built before selling the house to the current owners.

Outstanding questions

The question that this creates for me is what happened to the 2015 plan that was given approval (and which I also approved as a neighbor) and

- Based on what I saw in the recorded meeting, the topic of preserving the cape came up but was somewhat dismissed.
- The mudroom was never removed and has now become a take off point for a very large addition.

Personal concerns

How the house proposal visually plays with the shed in terms of height, mass, and lines was part of the discussion at the HDC work session. This is the point where my concern increases.

The shed included in the current discussion was approved based on stipulations of size and function noted above. The footprint for the shed is set four feet (4') from my property line, far beyond the allowable setback restriction. I mention this because I understand that some speculation was raised about removing or modifying the existing shed, including the possibility of using the footprint of the shed as an opportunity to extend the reach of the front of the house unacceptably beyond the twenty foot (20') setback restriction from the boarder of my property line. I would never have agreed to the house itself being expanded beyond the 20 foot (20') setback from my property line.

Additional observations

The overall plan is quite massive, and will

- Impact the balance of the street and surrounding neighborhood. Notwithstanding any thoughts of the property being out of normal site, the property is prominently viewable from the adjacent properties as well as from across the waterfront.
- Create a loss of privacy for my house, which has a tiny backyard with three (3) sides that are quite close to neighbors. It is a source of sadness to me that the one direction that has some airspace could be brokered away and replaced by a structure and will be lit up by windows at night. The

north millpond has a piece of nature still in tact on Dearborn Street. The massing and light and loss of sky is something to which I am sensitive.

In Summation

I wish to clearly articulate my hope and expectations that the Planning Department and the Historic Commission will work together and act to:

1. Protect my setback rights as they relate to the 2015 Agreement.
2. Address the over massing of the abutting property in a way that impacts the value and quality of living spaces for me and my neighbors.
3. Consider the appropriateness of changes to the outward appearance of an historic Cape that has been in place for more than 200 years.
4. Honor the work and historic agreements entered into by the citizens and representatives of the City of Portsmouth.

Please see the attached documents and share them as part of the discussion. I am happy to discuss this further and find a fair and satisfactory solution that considers everyone.

Respectfully

March 15, 2015

To: David Witham, Chairman of the Board of Adjustment

Re: Neighborhood Support Letter for Modifications to Application for 39 Dearborn Street

Dear Mr. Witham,

Upon review of the proposed application to the Board of Adjustment (BOA) for the property located at 39 Dearborn Street, we, the undersigned, have collaborated with Mr. Brandzel, owner of the property, in an effort to improve the building and site design. Together, we have developed some relatively minor modifications to the proposed building and site plan that would significantly improve the visual amenities, surrounding property values, and the social fabric of this unique and historic neighborhood along the North Mill Pond.

As the direct abutters to the proposed project, we respectfully request the BOA support and approve Mr. Brandzel's request that the application be modified to substitute the revised accessory building and site plan (shown and attached as Exhibit A). Note that we also support the proposed alternations to the existing principal structure (i.e. the dormers, porch, siding replacement...). Additionally, as developed with and supported by Mr. Brandzel, we would also respectfully request, that the following stipulations (which accompany Exhibit A) be included in the Letter of Decision:

1. Accessory Structure - The proposed accessory structure, as shown on Exhibit A, shall be no greater than 12 x 18 feet (216 SF) as proposed and shall be no taller at the ridge line than 12 feet in height. It shall have hinged doors as shown and a single goose-neck light (with a cut-off luminaire shielding any spill-over lighting to 31 Dearborn Street) shall be located directly over the front doors. No dormers or skylights shall be added to the roof and the eastern elevation shall have no windows installed. The exterior siding shall be either wood clapboard siding or shingles. The proposed accessory structure shall only be used for the storage of equipment, materials, and other related items and not used as a work- or machine-shop with the use of mechanical equipment or tools.
2. View Easement Area to the North Mill Pond – As off-setting mitigation for the larger storage shed within the front yard setback, a View Easement Area, of approximately 2,000 SF+/- in area (as shown on Exhibit A), shall be conveyed to the property located at 41 Dearborn Street. Except for egress to and from 39 Dearborn Street and short-term temporary overflow parking within the existing 20 foot driveway at the end of Dearborn Lane, such View Easement Area shall remain, in perpetuity, in an open and natural state, free from all temporary or permanent structures including, but not limited to: accessory or principal structures; boats; equipment; vehicular parking or storage; or any other similar obstructions of the view to the North Mill Pond. Additionally, no trees shall be

planted within the View Easement Area and all vegetation shall be maintained to a height of no more than four (4) feet.

3. Exterior Lighting – To remove the spill-over light from the existing flood lights on the existing principal structure there shall be no flood lights located on the eastern façade of the existing structure or the proposed accessory structure.
4. Effect – If approved by the BOA, the Letter of Decision, including these stipulations, shall remain in full force in perpetuity and the View Easement benefiting 41 Dearborn Street shall be recorded at the Rockingham Registry of Deeds, prior to issuance of a Building Permit. Any modification to these stipulations shall require approval of the BOA.
5. Compliance - Prior to issuance of a Building Permit, a local code official shall review the final building and site plans and determine that the plans and elevations are in substantial compliance with these stipulations.

Michael Stasuik _____, 31 Dearborn Street, Portsmouth, NH
Michael Stasuik _____, 41 Dearborn Street, Portsmouth, NH
304 Maplewood Ave, LLC _____, 304 Maplewood Ave, Portsmouth, NH
Chris Anctil _____, 12 Dennett St., Portsmouth, NH
Lori Sarsfield _____, 28 Dennett St., Portsmouth, NH

March 13, 2015

Re: **Proposed Amendments to the March 13th Neighborhood Support Letter**

The following amendments to the neighborhood support letter have been proposed in order to clarify the intent and meaning of the stipulations as well as enhance administration and enforcement.

1. Replace the last sentence of paragraph 1 – Accessory Structure with the following:

“The accessory structure shall only be used for the storage of equipment, materials and other related items and not used as a work- or machine-shop with mechanical equipment.”

2. Replace the second paragraph, View Corridor to the North Mill Pond”, with the following:

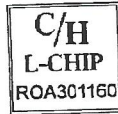
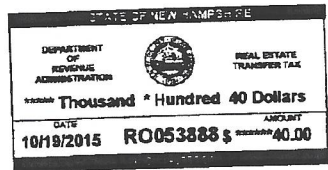
“The existing storage trailer shall be removed from the view corridor within 30 days of issuance of a Building Permit for the project. The View Corridor shall remain, in perpetuity, in an open and natural state, free from all temporary or permanent structures including, but not limited to, accessory or principal structures, boats, equipment, vehicular parking or other similar obstructions of the view to the North Mill Pond. No trees shall be planted within the view corridor and all vegetation shall be maintained to a height of no more than four (4) feet.”

3. Add the following stipulation as follows:

“The Letter of Decision, including these stipulations, shall run with the land and be recorded, prior to issuance of a Building Permit, at the Rockingham Registry of Deeds. Any modification to these stipulations shall require approval of the Portsmouth Board of Adjustment.”

4. Add the following stipulation as follows:

“Prior to issuance of a Building Permit, a local code official shall review the final building and site plans and determine that the plans and elevations are in substantial compliance with these stipulations.”



BK 5663 PG 0616

EASEMENT DEED

KNOW ALL MEN BY THESE PRESENTS, That **MICHAEL BRANDZEL and HELEN LONG**, both of 39 Dearborn Street, Portsmouth, County of Rockingham, State of New Hampshire, 03801, for consideration paid, grant to **MICHAEL STASIUK** of 31 Dearborn Street, Portsmouth, County of Rockingham, State of New Hampshire, 03801, his heirs, successors, and assigns, a view easement over and upon land of the grantors located at 39 Dearborn Street, Portsmouth, New Hampshire, said easement being more particularly bounded and described as follows:

PORTSMOUTH, NEW HAMPSHIRE

Beginning at a point on the easterly sideline of land of the grantors said point being 23.00 feet westerly from the northeasterly corner of land of the grantors thence running S 25° 21' 16" W by land of the grantee, a distance of 50.01 feet to a point; thence turning and running S 26° 24' 31" W by land of the grantee, a distance of 20.00 feet to a point; thence turning and running S 32° 21' 16" W by land of the grantee, a distance of 68.00 feet to a point; thence turning and running S 23° 21' 18" W by land of the grantee, a distance of 70.37 feet to a point; thence continuing in a southwesterly direction by land of the grantee, a distance of 4 feet more or less to the northerly shoreline of the North Mill Pond; thence turning and running by a Tie line N 19° 42' 41" W, a distance of 34.57 feet to a point on the northerly sideline of said North Mill Pond; thence turning and running by land of the grantors N 35° 52' 31" E for a distance of 167.22 feet to the point of beginning.

Meaning and intending to convey a view easement over and upon land the grantors for the benefit of land of the grantee shown as Lot 4 on the City of Portsmouth Tax Map 140. Said view easement containing 2,018 square feet. The area of said view easement is to remain free in perpetuity in an open and natural state, free from all temporary or permanent structures including, but not limited to: accessory or principal structures; boats; equipment; vehicular parking or storage; or any other similar obstructions of the view to the North Mill Pond. No trees shall be planted within the view easement area and all vegetation shall be maintained to a height of no more than 4 feet. The within granted easement shall in no way impair or hinder the Grantors rights of ingress and egress to and from Dearborn Lane.

The within granted view easement being shown on Plan entitled, Site Plan, Property of Michael Brandzel and Helen Long, (Tax Map 140, Lot 3), Dearborn Lane, Portsmouth, NH", prepared by Boudreau Land Surveying, P.L.L.C., dated February 9, 2015, last revised April 3, 2015, said plan being on file at the City of Portsmouth Planning Department. Said view easement being a condition precedent for the granting of certain variances to the grantors by the City of Portsmouth Board of Adjustment on April 21, 2015.

046384

2015 OCT 19 AM 8:10

ROCKINGHAM COUNTY
REGISTRY OF DEEDS

The within granted easement is over and upon land conveyed to the grantors by deed recorded in the Rockingham County Registry of Deeds at Book 5000, Page 1302.

WITNESS our hands this ^{at} 10th 2nd day of October, 2015.

Amanda Fraehn
Witness

Michael Brandzel
MICHAEL BRANDZEL

Anne L Bertius
Witness

Helen Long
HELEN LONG

STATE OF NEW HAMPSHIRE
COUNTY OF ROCKINGHAM

10-2, 2015

Personally appeared the above-named, Michael Brandzel and Helen Long, known to me, or satisfactorily proven, to be the persons whose names are subscribed to the foregoing instrument and acknowledged that they executed the same for the purposes therein contained.

Before me,



Kristen Dill
Notary Public
My commission expires:

From: [tatiana.czaplicki](#)
To: [Planning Info](#)
Subject: In support of variance request - 67 Madison St
Date: Monday, February 13, 2023 8:52:01 AM

Hello,

We are writing in full support of the Morin's variance request for the porch they wish to have built onto the front of their residence. A covered front porch would be an asset to the neighborhood not only in that it keeps with the current neighborhood aesthetic (many homes have front porches), but in that it would also allow for the Morin's to have a space to socialize with their neighbors as well as enjoy time with their family/grandkids. We live on a very social street where neighbors regularly congregate and chat (rain or shine). This porch would be a welcome addition for us all.

If you have any questions, please reach out to 312.550.4580

~ Tatiana Czaplicki and Bryan Young
71 Madison St

From: [Alden Quimby](#)
To: [Planning Info](#)
Subject: Support for 67 Madison St Variance
Date: Saturday, February 11, 2023 12:36:17 PM

Hi Planning Department,

My name is Alden Quimby and I live at 85 Madison St, two doors down from 67 Madison where Sean Morin is currently applying for variances. I'm emailing to say I fully support his plan for a new front porch. He frequently spends time out front and is a very friendly neighbor to everyone walking by, so I can see why he'd want a larger porch space. He's talked with me about plans for what he hopes to build, and it sounds like a great addition to the neighborhood.

Best,
Alden