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

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

7:00 P.M. January 23, 2024

#### **AGENDA**

- I. ELECTION OF OFFICERS
- II. APPROVAL OF MINUTES
  - **A.** Approval of the December 19, 2023 minutes.

#### **III.OLD BUSINESS**

- **A. Mastoran Restaurants Inc. 2255 Lafayette Road** request a 1 Year Extension to the Variances granted on February 15, 2022. (LU-22-13)
- **B. 168 Lincoln Avenue** Request for Rehearing (LU-23-196)

#### IV. NEW BUSINESS

A. The request of Giri Portsmouth 505 Inc. (Owner), for property located at 505 US Route 1 Bypass whereas relief is needed to demolish the existing structure and construct a new hotel with a drive thru restaurant which requires the following: 1) Special Exception from 10.440 Use #10.40 hotel where it is permitted by Special Exception; 2) Variance from Section 10.1113.20 to allow parking spaces between the principal building and a street; 3) Variance from Section 10.1113.41 for parking located 1 foot from the lot line where 40 feet is required; 4) Variance from Section 10.575 to allow dumpsters to be located 1 foot from the lot line where 10 feet is required; 5) Variance from Section 10.835.32 to allow 1 foot between the lot line and drive-thru and bypass lanes where 30 feet is required for each; and 6) Variance from Section 10.835.31 to allow 37 feet between the menu and speaker board and the front lot line where 50

- feet is required. Said property is located on Assessor Map 234 Lot 5 and lies within the General Business (GB) District. (LU-23-199)
- **B.** The request of **William C. Giles Revocable Trust (Owner)**, for property located at 375 Coolidge Drive for after-the-fact construction and demolition of existing decks, which requires the following: 1) Variance from Section 10.521 to allow: a) a 17 foot rear yard where 30 feet is required, and b) building coverage of 22.5% where 20% is the maximum allowed; and 2) Variance from Section 10.321 to allow a nonconforming structure or building to be extended, reconstructed or enlarged without conforming to the requirements of the Ordinance. Said property is located on Assessor Map 268 Lot 41 and lies within the Single Residence B (SRB) District. (LU-23-200)
- C. The request of **Jewell Court Properties LLC (Owner)**, for property located at **33 Jewell Court Unit S1** whereas relief is needed to establish an event venue serving up to 250 people which requires a Special Exception from Section 10.440, Use # 9.42 where it is permitted by Special Exception. Said property is located on Assessor Map 155 Lot 5-S1 and lies within the Character District 4-W (CD4-W) and the Historic District. (LU-23-205)
- **D.** The request of **Friends of Lafayette House in care of Melanie Merz (Owner),** for property located at **413 Lafayette Road** whereas relief is needed to construct an attached caretakers unit to the existing residential care facility which requires the following: 1) Variance from Section 10.331 to extend, enlarge, or change the lawful nonconforming use without conforming to the Ordinance; and 2) Variance from Section 10.334 to extend the nonconforming use to a remaining portion of the land. Said property is located on Assessor Map 230 Lot 23A and lies within the Single Residence B (SRB) District. (LU-23-208)
- E. The request of Tamrah Rouleau and Jermy Rouleau (Owners), for property located at 159 Madison Street whereas relief is needed to construct a third floor addition to the existing structure which requires the following: 1) Variance from Section 10.521 to allow an 8 foot left side yard where 10 feet is required; and 2) Variance from Section 10.321 to allow a nonconforming structure or building to be extended, reconstructed or enlarged without conforming to the requirements of the Ordinance. Said property is located on Assessor Map 145 Lot 54 and lies within the General Residence C (GRC) District. (LU-23-201)
- F. The request of RIGZ Enterprises LLC (Owner), for property located at 822 Rt 1 Bypass whereas relief is needed to demolish the existing structure and construct a new commercial building which requires the following: 1) Variance from Section 10.1113.20 to allow parking spaces between the principal building and a street; 2) Variance from Section 10.1113.41 for parking located 0 feet from the lot line where 20

feet is required; Said property is located on Assessor Map 160 Lot 29 and lies within the Business (B) District. (LU-23-209)

# V. ADJOURNMENT

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

https://us06web.zoom.us/webinar/register/WN 1Q0oBLodQhCQE4sF2UznhA

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

7:00 P.M. December 19, 2023

**MEMBERS PRESENT:** Phyllis Eldridge, Chair; Beth Margeson, Vice Chair; David Rheaume,

Thomas Rossi, Paul Mannle, Jeffrey Mattson, and Alternate ML

Geffert

**MEMBERS EXCUSED:** Alternate Jody Record

**ALSO PRESENT:** Stefanie Casella, Planning Department

Chair Eldridge called the meeting to order at 7:00 p.m. She noted that the petition for New Business Item D, 111 Gates Street was withdrawn by the applicant and that Alternate ML Geffert would take a voting seat on all petitions.

#### I. APPROVAL OF MINUTES

A. Approval of the November 21, 2023 minutes.

Mr. Mattson moved to **approve** the November 21 minutes as submitted, seconded by Mr. Mannle. The motion **passed** by a unanimous vote of 4-3, with Mr. Rossi, Mr. Rheaume, and Ms. Geffert abstaining from the vote because they weren't present at the November 21 meeting.

#### II. OLD BUSINESS

A. 9 Kent Street - Request for rehearing (LU-23-176)

Vice-Chair Margeson said she was in favor of rehearing the petition on the grounds that the backyard, spa, patio, and walls were considered a structure and that she had not considered that the first time the Board heard the petition. She said there was a good argument to be made that additional zoning relief was required for lot coverage because of the patio connected to the spa and connected to the masonry walls as well as the corner lot obstruction, so she wanted to rehear it but did not want to move to rehear the rest of the application.

Vice-Chair Margeson moved to rehear that portion but not the rest of the application.

Mr. Rossi asked if it was in the Board's jurisdiction to look at the submitted plan and determine whether all the variances required were requested, noting that the Planning Board normally did that. Ms. Casella said whatever the applicant got for approval was what they were stuck with and if they didn't get approval for something involved with a building permit process, they were still required to comply with the zoning ordinance. It was further discussed. [Timestamp 12:00]

#### Mr. Mannle seconded the motion.

Mr. Rheaume asked what the applicant could get in terms of an appeal of a decision by a code official, and what relief the applicant would get from a legal standpoint. Ms. Casella said if the code official determined that a variance wasn't needed and the affected party felt that an error was made, they could appeal the building permit. Mr. Mattson said the code official appeal could come up when the building permit application occurred in the future, but the Board did not approve allowing the applicant to go over the lot coverage, so the applicant wouldn't be able to apply for a building permit that was over the granted building coverage unless they came back to the Board for a variance. Mr. Rossi said there was a misrepresentation made by the applicant's attorney during the prior discussion. He said the question of the spa was raised with regard to the lot coverage and the answer given by the applicant's team was that it was a structure and was included in the lot coverage calculation, which swayed his thinking regarding the outcome, and he felt that he made a decision based on inaccurate information presented to the Board. He said the applicant's new position was that it was not a structure and that seemed to merit its own separate consideration. He said the Board did not approve the plan for the building but only approved the 5,000 sf lot with a 5,000 sf per dwelling unit. Vice-Chair Margeson said that could be inaccurate because everything the applicant submitted was considered conditions for approval and they included site plans.

Mr. Rossi asked if the applicant could come back for additional relief if the motion was not supported, and asked if a building permit could be issued and how the appellants would know a building permit was issued. It was further discussed. Vice-Chair Margeson said the Board may have approved more than what was noticed to the public, so there could also be a legal issue. Mr. Rheaume said the appellants believed that the Planning Department did not do an accurate job in preparing the Board to make decisions about the property, which he further explained [timestamp 23:28]. He said the applicant corrected the information and was going forward. He said the Board made a decision based on the information given to them from the Planning Department and wondered whether the Board should rehear the decision that they made or if there was the other issue of whether the Planning Department was in error. Mr. Rossi said since the purpose of a rehearing was to give the Board an opportunity to correct errors without having to escalate an issue to Superior Court or elsewhere, and since there was a question about the facts and what was required, he thought it would be beneficial to the appellant and the applicant if the Board waited for the building permit decision and the Planning Department's decision. Vice-Chair Margeson said the issue was the corner lot, the patio, the walls, and the spa, and the Board didn't have renderings of the back of the building or a cross-section of the site plan but could ask the applicant to submit that information. Mr. Rheaume thought the City Attorney could weigh in on it. Vice-Chair Margeson said she disagreed because there was a presumption of reasonableness and lawfulness.

Vice-Chair Margeson clarified her motion.

Vice-Chair Margeson moved to rehear the application, specifically on whether additional variances were required, whether the combination of the spa, walls, and patio constitute a structure and therefore require additional lot coverage from the Board, and whether the corner lot needs a variance.

Ms. Casella said the Board should not to parse out pieces and instead should rehear everything.

Vice-Chair Margeson withdrew her original motion. She moved to rehear the application. Mr. Mannle seconded. The motion failed by a vote of 5–22–5, with Ms. Geffert, Mr. Rossi, Mr. Mattson, Mr. Rheaume, and Chair Eldridge voting in opposition.

Mr. Rheaume then moved to deny the appellant's request for a rehearing, seconded by Mr. Mattson.

Mr. Rheaume said he made the original motion to deny it and then moved to grant it the second time. He said the project had pushed some limits and what came before the Board was interpreted by the Planning Department staff, who he had faith in to review the information and present what was necessary relief the applicant needed to move forward. He said based on that, it came down to whether it was a buildable lot. He said the Board discussed it and he believed that the applicant was making sure they were fully complaint with the zoning ordinance requirements as seen through the lens of the Planning Department. He said the Board considered all the information and made a decision based on that criteria with regard to the specific relief that was being asked for. Mr. Mattson said he didn't think the Board made an error in approving that a dwelling be allowed to be built on a 5,000 sf lot where 7,500 sf was allowed. Regarding the error on lot coverage, he said the Board did not approve that, so the property owner wasn't allowed to go over the lot coverage. Vice-Chair Margeson said she would not support the motion because it was much more than whether the lot was buildable. She said the application was complicated and not well presented, which harmed the Board's deliberations, and the issue was whether there was something that required the Board to rehear it. Mr. Rossi said he would support the motion to deny because there was still a process about whether the applicant would have an alternative means to zero in on the issues that Vice-Chair Margeson pointed out and that he presumed that it would come back before the Board.

The motion to deny the rehearing **passed** by a vote of 5-2, with Mr. Mannle and Vice-Chair Margeson voting in opposition.

**B.** 550 Sagamore Avenue – Request for Rehearing (LU-23-164)

Mr. Rossi and Mr. Mannle recused themselves from the request for rehearing.

Mr. Rheaume said the previous meeting had absent members and the Board decided that they wanted a fuller board to hear the application and he noted that there were only five members present now. Vice-Chair Margeson said she was comfortable voting with five members because the application was more straightforward. Mr. Mattson said he was comfortable either way but noted

that the fundamental issue was that, even though the lot area per dwelling was reasonable, it was a conforming use for a single-family home and the applicant was proposing a nonconforming use, which was the main reason for opposing it the first time. Mr. Rheaume said the Board's vote was originally unanimous because they felt that the application did not meet all the criteria, but he thought there was some dissension as to exactly what criteria it failed on because the Board only focused on two of the criteria. He said the only reason he would consider rehearing the application was to firm up the Board's overall thinking but that he would be fine with denying the rehearing as well because he thought the Board was right in recognizing that not all the criteria were met.

Mr. Mattson moved to **deny** the request for rehearing, seconded by Vice-Chair Margeson.

Mr. Mattson said he did not think the Board made any errors in their judgement and decision making during the original hearing, so there was no reason to correct anything. Vice-Chair Margeson concurred and had nothing to add.

The motion to deny **passed** by a unanimous vote of 5-0, with Mr. Rossi and Mr. Mannle recused.

C. The request of Jeff and Rhonda Caron (Owners), for property located at 1 Garden Street whereas relief is needed to construct an addition to the existing detached garage and create a second living unit on the property which requires the following:

1) Variance from Section 10.516.10 to allow a two (2) foot front yard where five and a half (5.5) feet is required; 2) Variance from Section 10.513 to allow two (2) free standing dwelling units where one (1) is allowed; and 3) Variance from Section 10.321 to allow a nonconforming structure or building to be extended, reconstructed or enlarged without conforming to the requirements of the Ordinance. Said property is located on Assessor Map 174 Lot 11 and lies within the General Residence A (GRA) District. (LU-23-139)

#### **SPEAKING TO THE PETITION**

The project designer Arilda Dench was present on behalf of the applicants. She said the owners wanted to create an apartment above the garage to house a relative, and another relative would live in the main house. She said the owners would not live in the house, so it could not be made into an ADU. She said the neighbors were in support. She reviewed the criteria. [Timestamp 47:16]

Mr. Rheaume asked if the applicant considered connecting the main house and garage to be one structure, which would require no relief for two separate units. Ms. Dench said they did but felt that it would be an unnecessary expense and would bulk up the property. Vice-Chair Margeson said the zoning ordinance was clear that there not be more than one dwelling unit per lot. She said the Board was tasked with what characteristics of the property created a hardship to allow for more than one dwelling unit per lot. Ms. Dench said no one would be disturbed by having the structure as two separate buildings. She said it was an unnecessary expense and hardship to require the applicant to build extra just for the sake of joining the buildings.

Chair Eldridge opened the public hearing.

#### SPEAKING TO, FOR, OR AGAINST THE PETITION

No one spoke, and Chair Eldridge closed the public hearing.

#### **DECISION OF THE BOARD**

Mr. Rheaume moved to **grant** the variances for the application as presented and advertised, with the following **condition**:

1. The existing shed shall be relocated onto the property in conformance with the zoning ordinance or removed in its entirety.

Mr. Mattson seconded the motion.

Mr. Rheaume said the only sticking point of the application was two separate dwelling structures that would each have a dwelling unit, and there was also the relief needed for the added dormering to the garage structure. He said it was a modest home and he was comfortable with the dormer in the front because there was no house across the street that would be affected by the added windows. He said he understood some of the concerns about the two separate structures but that the Board had been careful about authorizing that. He said there were some hardship characteristics due to the property's unique location surrounded by commercial and municipal properties, empty lots, a multibuilding housing project, etc., and having two separate structures each housing a dwelling unit would not be out of character for the neighborhood. He reviewed the criteria and said granting the variances would not be contrary to the public interest or the spirit of the ordinance. He said there were characteristics in the neighborhood pointing to that, and both structures were relatively modest and wouldn't look unusual for the neighborhood. He said substantial justice would be done because it would allow the applicant to make full use of the house and allow him to have his relatives live there. He said he did not think the public would have a detriment that would outweigh the benefit to the applicant. He said granting the variances would not diminish the values of surrounding properties because most of those properties had various uses and the neighboring property was in support. He said the hardship was the unique location relative to the other properties, but the nearby properties that had multiple dwelling units on them that would lessen the impact. He said the request was reasonable and was just adding some additional dormering to an existing structure. Mr. Mattson concurred and said the purpose of the ordinance's provision of not allowing two freestanding dwellings on one lot was to prevent overcrowding, which wasn't an issue with the application because two structures already existed and the property was unique.

Vice-Chair Margeson said she would not support the motion because the zoning ordinance was clear that there would not be more than one dwelling unit per lot. She noted that the 1995 special exception had an added condition that there would not be a second dwelling on the applicant's lot, and she didn't think the applicant had been able to demonstrate hardship.

The motion passed by a vote of 5-2, with Vice-Chair Margeson and Mr. Rossi voting in opposition.

#### III. NEW BUSINESS

A. The request of Anne Sullivan and Kathleen Sullivan (Owners), for property located at 166 Martha Terrace whereas relief is needed to replace the existing shed with a new shed which requires the following: 1) Variance from Section 10.521 to allow 21% building coverage where 10% is the maximum allowed. Said property is located on Assessor Map 283 Lot 23 and lies within the Single Residence A (SRA) District. (LU-23-186)

#### SPEAKING TO THE PETITION

The applicant Kathleen Sullivan was present and said she wanted to replace the shed that was removed in July with a new one and needed the variance because it would take up more space than the new zoning allowed. She also referred to a letter of support from her neighbor.

Ms. Geffert asked the applicant why she thought granting the variance would not be contrary to the public interest. Ms. Sullivan said the shed was set back and in the original spot. In response to why she thought the project met the other criteria, Ms. Sullivan said it would be consistent with the surrounding zoning and would do substantial justice because she had to remove the original shed due to an insurance company that went out of business. She said the hardship was that the new insurance company said she would lose her home ownership insurance due to the part of the building that had come off. Mr. Rheaume noted that the previous BOA actions in 1999 granted a building coverage of 17.5 percent and the shed was about one percent of the total property but the packet said it was 21 percent. Ms. Casella said she used the information on the City's tax site. Mr. Mattson asked if the definition of building coverage could have changed since then, and Ms. Casella agreed. Mr. Rheaume concluded that the Board was convinced that 21 percent was the correct coverage with the rounding up for the requested shed and the fact that it was torn down and was being replaced required the applicant to come before the Board. Ms. Casella said whenever a nonconformity was removed, it also removed any existing rights.

Chair Eldridge opened the public hearing.

#### SPEAKING TO, FOR, OR AGAINST THE PETITION

No one spoke, and Chair Eldridge closed the public hearing.

#### **DECISION OF THE BOARD**

Mr. Mannle moved to grant the variance for the petition as presented, seconded by Ms. Geffert.

Mr. Mannle said the property had a hardship, along with practically every other property on Martha Terrace, because the area was zoned incorrectly. He said the area had 16 properties and it was all zoned SRA, which had a minimum lot of one acre. He said only one house lot had the size of one acre out of the 16, and the remaining 15 lots had less than a half-acre. He said the SRB zone had a minimum lot size of a half-acre. He said Martha Terrace should be zoned GRA, which would make

the application moot. He said granting the variance would not be contrary to the public interest and would observe the spirit of the ordinance, except that the ordinance applied to the property was at fault. He said it would do substantial justice because the property wasn't zoned properly, and it would not diminish the values of surrounding properties because the properties were all in the same situation. He said literal enforcement of the provisions of the ordinance would result in an unnecessary hardship owing to the property's special conditions, which included the ordinance being incorrect as it applied to the property. Ms. Geffert concurred and had nothing to add.

*The motion passed by a unanimous vote of 7-0.* 

**B.** The request of **Go-Lo Inc.** and **James A. Labrie Revocable Trust of 1991** (**Owners**), for property located at **2059 Lafayette Road** whereas relief is needed to demolish the existing structure and construct an eight (8) living unit building which requires the following: 1) Variance from Section 10.1113.20 to allow parking located closer to the street that the principal building in the secondary front yard; and 2) Variance from Section 10.521 to allow 3,430 square feet of lot area per dwelling unit where 7,500 square feet are required. Said property is located on Assessor Map 268 Lot 13 and lies within the Mixed Residential Business (MRB) District. (LU-23-191)

#### SPEAKING TO THE PETITION

Attorney Derek Durbin was present on behalf of the applicant, along with project engineer Eric Weinrieb. He asked if the Board had an issue with Fisher v. Dover. Mr. Rossi asked what had changed in the application and noted that several variance requests seemed to disappear. Attorney Durbin said the prior building was 1,600 sf larger and had 16 units, but now only eight units were proposed and the building was being set back further and configured differently. He reviewed the petition [timestamp 1:29:35]. Mr. Weinrieb reviewed the modifications to the site design [timestamp 1:34:12]. Attorney Durbin then reviewed the criteria [timestamp 1:38:50].

Mr. Rossi asked what the special condition of the property was that made it practical to have the full allotment of the square footage required per unit. He said four units would be acceptable. Attorney Durbin said they would lose a unit from a residential standard because they couldn't round up, but he said it technically met the density standard with three units. He said the building had a lot of issues, which was why the owners were struggling to replace the tenant who left, and that it would need a full and costly renovation. As to the hardship with the land and given the size of the property and the scale of what had to be done, he said the applicant would end up doing a much larger scale commercial use if they were to propose three dwelling units. He said it would make little sense to have only three dwelling units and it would be contrary to the ordinance. He said the hardship was the location surrounded by residential uses, and the parcel's size was much bigger. He said it was two parcels from a legal perspective but it was one development property throughout the years. He said the zoning was the hardship for the property because the building was in such poor condition that it could not be repurposed. Mr. Rossi asked if the reason was then economic. Attorney Durbin disagreed and said the reason was that it was a very large property that could be combined with a commercial use in addition to three residential uses, but the problem was that it created several problems to the area surrounding it related to traffic and other site issues. He said the ordinance

allowed repurposing of an existing building up to eight dwelling units by special exception, and the applicant could not save the building and repurpose it for eight units but they still met the spirit and intent of the ordinance, and the hardship existed that should allow the applicant to at least replace the building and put eight dwelling units in it. Mr. Weinrieb said it came down to parking and access. He said if they renovated the building, they'd have to go back to NHDOT for a new driveway permit. He said it was unsafe access now because all the parking backed into Lafayette Road, which compromised the amount of parking for commercial use. He said if they were to take the building footprint and make it three units with commercial, they would only have five parking spaces because it wasn't practical to have commercial use with underground parking. He said it would be a much smaller building and the parking for the commercial use would have 15 or 20 parking spaces and the applicant would be asking for more variances.

Chair Eldridge opened the public hearing.

#### SPEAKING IN FAVOR OF THE PETITION

Greg Mahanna of Pheasant Lane said he was in favor of the application. He said it was a big ask in August, with four variances and some confusing press coverage, but the significant issue with the project had been addressed. He said the mass, size, and appearance of the building had significantly changed and it was more conforming with the residential structures to the north, south, and east. He said his biggest concern had been the sight line of concrete and parking but it was addressed. He said it was consistent with the setbacks, and the relief for the front parking would lessen an already nonconforming use. He said the second variance request for density relief created a less intense use.

#### SPEAKING IN OPPOSITION TO THE PETITION

No one spoke.

## SPEAKING TO, FOR, OR AGAINST THE PETITION

William Downey of Bow Street via Zoom said he was in favor of the proposal. He noted that sixty percent of all employees now worked from home, which meant less traffic, and the vacancy rates for commercial buildings were over 20 percent. He said there was a great hardship in maintaining the property as a commercial one, with a difficult entrance and exit. He said he spoke to some of the neighbors, who said they knew the project would be done well.

No one else spoke, and Chair Eldridge closed the public hearing.

#### **DECISION OF THE BOARD**

Mr. Mattson said it was interesting that even though it seemed like an intense ask to go from 7,500 sf per dwelling to 3,400 sf per dwelling, it was a less intense use of the property business than if it were a retail establishment, given the context of it being a MRB zone. Vice-Chair Margeson said she was the only person who voted for the petition the first time and had been very vocal about successive applications, and she would approve the new application.

Ms. Geffert moved to **grant** the variances as presented and advertised, seconded by Mr. Rheaume.

Ms. Geffert said granting the variances would not be contrary to the public interest or the spirit of the ordinance because the access from Lafayette Road would be moved and conform to the zoning. She said it would do substantial justice because the variances requested would result in a project that conforms to the surrounding residential use and provides the community with additional housing. She said granting the variances would not diminish the values of surrounding properties, noting that the Board had no evidence of that and it was a good development that the neighbors supported. She said literal enforcement of the provisions of the ordinance would result in an unnecessary hardship because the property had special conditions by being MRB zoned, and given the zoning of the surrounding area, it made the property special and distinguished it from others in the area, and a fair and substantial relationship did not exist between the public purposes of the area and its application to the property. She said it was difficult to make the property commercially viable, and trying to impose that on the property would make a hardship given the special condition of the unusual zoning for the parcel. She said the proposed use was a reasonable one and the variances should be granted. Mr. Rheaume said the present application was more in conformance and the nature of the variance requests was much less imposing. He said it came down to the hardship and thought having the parking up against Hoover Drive made a lot of sense and was an improvement. He agreed that the area was zoned incorrectly and what was proposed made for a good transition between what was a large development on an SRB-zoned property but one that was recognized as having unique characteristics. He said there were a lot of negative aspects to the parcel that added to its hardship in terms of it being reused as a business.

Mr. Rossi said that not forcing the use of a commercial establishment on the lot was a good aspect of balance in allowing additional density for the residential application. He said he voted against it the last time due to his concern that the SRB-zoned lots north of the property on Lafayette Road would then be coming back to the Board for similar allowances in terms of density and square footage per dwelling unit, but since it was a uniquely situated MRB zone, he thought it was different from the SRB zone and the Board would not set a precedent for higher density development of the bordering lots and those that extended to the north and the SRB zone.

*The motion passed unanimously, 7-0.* 

C. The request of Jeffrey Suttie and Katherine Clarcq (Owners), for property located at 485 Lincoln Ave whereas relief is needed to extend the livable space of the primary structure into area that is currently a porch which requires the following: 1) Variance from Section 10.521 to allow a four (4) foot side yard where 10 is required; and 2) Variance from Section 10.321 to allow a nonconforming structure or building to be extended, reconstructed or enlarged without conforming to the requirements of the Ordinance. Said property is located on Assessor Map 134 Lot 49 and lies within the General Residence A (GRA) District. (LU-23-195)

#### SPEAKING TO THE PETITION

The applicants Jeff Suttie and Katherine Clarcq were present and revised the petition and criteria. [Timestamp 2:22:04]

Mr. Rheaume noted that the aerial map had a small arrow on the right property but the zoning map had a box around the neighboring property. Mr. Rossi asked if there was open space on the side of the property where the enclosed porch would be, and the applicant agreed.

Chair Eldridge opened the public hearing.

## SPEAKING TO, FOR, OR AGAINST THE PETITION

No one spoke, and Chair Eldridge closed the public hearing.

#### **DECISION OF THE BOARD**

Mr. Rossi moved to **grant** the variances for the application as presented, seconded by Ms. Geffert.

Mr. Rossi said it was a minor request and would not make a substantial change to the property's appearance nor present any difficulties in terms of massing and shadows, and the neighboring property had open space, so there wouldn't be any blocking of sunlight by building out the little section of the house. He said granting the variances would not be contrary to the public interest or present any health, safety, or welfare problems for the public, and the spirit of the ordinance would be observed. He said substantial justice would be done because there would be no loss to anyone in the area that would outweigh the loss and inconvenience to the property owners if they weren't allowed to proceed with their project. He said granting the variances would not diminish the values of abutting surrounding properties. He said literal enforcement of the ordinance would result in an unnecessary hardship because there was no real relationship between what was being done and the purpose of the ordinance. He said they weren't achieving anything in terms of reduced massing or preventing crowding into the next property.

Ms. Geffert concurred and had nothing to add. *The motion passed unanimously*, 7-0.

D. REQUEST WITHDRAWN The request of Zachary Dombrowski and Meghan Black (Owners), for property located at 111 Gates Street whereas relief is needed to demolish and reconstruct portions of the structure located at the rear and on the right side of the building which requires the following: 1) Variance from Section 10.521 to allow a) zero (0) foot front yard where five (5) feet are required, and b) zero (0) foot side yard where 10 feet are required; and 2) Variance from Section 10.321 to allow a nonconforming structure or building to be extended, reconstructed or enlarged without conforming to the requirements of the Ordinance. Said property is located on Assessor Map 103 Lot 96 and lies within the General Residence B (GRB) and Historic District. REQUEST WITHDRAWN (LU-23-193)

The petition was withdrawn by the applicant.

E. The request of Mark N Franklin and Julie S Franklin (Owners), for property located at 168 Lincoln Avenue whereas relief is needed to demolish the detached garage and construct an addition to the primary structure that includes an attached garage which requires the following: 1) Variance from Section 10.521 to allow a) eight and a half (8.5) foot front yard where 15 is required, b) seven (7) foot right yard where ten (10) feet is required, and c) 33% building coverage where 25% is the maximum allowed; and 2) Variance from Section 10.321 to allow a nonconforming structure or building to be extended, reconstructed or enlarged without conforming to the requirements of the Ordinance. Said property is located on Assessor Map 113 Lot 6 and lies within the General Residence A (GRA) District. (LU-23-196)

#### SPEAKING TO THE PETITION

Attorney Derek Durbin was present on behalf of the applicants. He said the proposal was before the Board in March and the Fisher vs. Dover issue was addressed, but the Board didn't see any concerns. He reviewed the petition and criteria. [Timestamp 2:32:20]

The Board had no questions. Chair Eldridge opened the public hearing.

#### SPEAKING IN FAVOR OF THE PETITION

No one spoke.

## SPEAKING IN OPPOSITION TO THE PETITION

Maxine Feintuch of 180 Lincoln Avenue said she was the neighbor most affected by the project. She said the house would affect her sunlight, privacy, view, and property value. She said the new plan was nearly the same and the mass was still too big for the lot and the design did not fit into the neighborhood. She said adding two floors above and garage and breezeway would create a wall 32 feet high and 67 feet long and there would not be much green space.

Esther Kennedy of 41 Pickering Avenue said the proposal was denied in March and she didn't see a huge change in the new plans and didn't see the hardship. She said the proposal needed to be looked at in accordance with the Master Plan as it how it fit into it.

Judith Rubenstein of Brewery Lane said the neighborhood was one of the most charming and iconic ones in Portsmouth and thought the structure would not conform to the neighborhood's character.

## SPEAKING TO, FOR, OR AGAINST THE PETITION

Abby Hackett of 47 Elwyn Avenue said she was a neighbor and realtor and was in favor of the petition because it would fit into the neighborhood's character and the addition would enhance the charm of the Little Harbour neighborhood.

Chris Hackett of 47 Elwyn Avenue said he was in favor because more people worked at home and needed more space and he felt that the house would enhance the neighborhood.

Attorney Durbin said he addressed Fisher v. Dover in his narrative but clarified that the 38 percent building coverage was actually 37.6 percent, where 33.4 percent exists. He said that was then, and there was also proposed a large wraparound porch in the front that would have encroached on the existing front porch and was three times larger in scale than was proposed now and also impacted the secondary front yard. He said the concerns about light, view, privacy, and space were legitimate ones any time there was an expansion of a nonconforming structure that was within the setbacks and encroaching. He emphasized that now they were taking everything out of the setbacks. He said he had addressed the hardship and found it interesting that the property was more constrained with respect to the setbacks but the applicant was still meeting them. He said people might not like the design, but the open space requirement would be doubled. He said the height proposed was just a fraction over 27 feet, and about 8 feet below what was permissible in the district. Vice-Chair Margeson said she believed that the application did not implicate Fisher v. Dover because of the removal of the wraparound porch, which drove some of the additional lot coverage. She said it was rejected in March due to overcrowding and overbulking due to the extension off the house and the construction of the garage. She asked how the project did not create overcrowding or overbulking when it was part of the same application. Attorney Durbin said what was proposed now was a smaller footprint and was smaller in terms of livable space; as for overcrowding structures, he said that would mean that every property in the surrounding area was overcrowding the land and the zoning ordinance was invalid as it applied to that area. He said he rejected overbulking as a rationale for denying any variance request because it didn't speak to any purpose in the ordinance, whereas overcrowding the land did. He said the Board was getting into massing and other issues that were normally considered by the Historic District Commission. He said the applicant was removing everything in the setbacks and expanding but in an area already occupied by structure.

Ms. Feintuch referred to the drawing of the house that was three stories high and long and asked what would happen to her property because of that. She said 4-5 houses in the neighborhood and two-car garages with pavement in front of them leading to the street, but the others did not.

No one else spoke, and Chair Eldridge closed the public hearing.

#### **DECISION OF THE BOARD**

Mr. Rossi said the Board often found themselves in this dilemma where the variance relates to something like lot coverage. He said it seemed to be an underlying inadequacy in the zoning ordinance that didn't give the Board much guidance in terms of factors like massing or architectural design. He said if it was outside the Historic District, the Board didn't have it in their jurisdiction, so it was always a balancing act of what the Board could consider or have control over. He said every time the Board decided a case like this, they were sort of cementing a precedent in terms of allowing certain things to move forward that had problematic aspects to them in terms of massing and crowding but were still within the confines of the zoning ordinance. He said the standard logic would apply in side yard and rear yard aspects, and looking for existing noncompliance and whether or not the degree of noncompliance was increased or decreased wasn't really adequate for

supporting a decision, so having the front yard setback go from 7.5 to 8.5 and the right yard setback from 1.5 and 8.8 to 7 and the building coverage from 33.4 to 33 would normally be within something he would feel comfortable with by saying that it was less nonconforming, but because of the other factors not reflected in the zoning ordinance, he felt that a stricter application of the things within the Board's jurisdiction was warranted. He said he would not support the application.

Vice-Chair Margeson said the primary reason that the Board did not approve the application the first time was not addressed in the current application. She said she toured the neighborhood and found that almost all the lots had houses in the front and a lot of land in the back, and it could alter the essential character of the neighborhood. She said there was a lot of overcrowding and overbulking and she did not see a hardship in putting the extension in the building. She said it brought it more in conformance with front yard setback but decreased the nonconformity by 1.8 feet in the right yard setback. She said she could not support it.

Mr. Rheaume said there was a trend in Portsmouth where people were buying properties and tearing down a structure and building something new on it to maximize the living space. He said it made sense due to the lack of inventory and the high prices and interest rates. He said he wasn't at the first meeting but watched the video and was concerned that there was a sense that the applicant had the right to go up vertically, and he disagreed with that. He said the applicant was now giving up a one-story garage, a deck, and part of a porch in terms of coverage, but they were proposing to create technically two stories with big dormers. He said the applicant was allowed to increase the vertical height but that it was still a nonconforming structure. He said the Board was looking at substantial changes and a good-sized addition was asked for, and the only thing going for it was that it was within the setback and it was a corner lot with open space. He said the most affected property on Lincoln Avenue was toward the back end of the property, but he thought it was a major change from having very little outlying structures to a much larger structure. He said he didn't think the Board was obligated to approve it based on the other criteria. Mr. Rossi said the characteristics of the neighborhood argument spoke to the dilemma the Board faced and how they defined the characteristics. He said some argued that it was based on the permitted use of the neighborhood and whether it was in conformance with the usage in that area, and it was, so he felt that was not clear.

Mr. Rheaume moved to deny the variance request. He said there were arguments to be made about whether it should be approved and that he was on the fence about it, but he thought the pendulum was far enough on the denial side.

Vice-Chair Margeson seconded the motion.

Mr. Rheaume said the application failed the first two criteria because it was contrary to the public interest and did not observe the spirit of the ordinance. He said in theory there was an even trade of total lot coverage, but the nature of the lot coverage proposed was significantly different. He said the applicant could have a smaller addition that would keep it closer to the 25 percent allowed. He said it was only 8 percent but seemed to take up a lot more room than that, and the overall massing and height had a negative aspect. Vice-Chair Margeson concurred and said she believed that it

altered the essential character of the neighborhood and had the potential for other properties immediately surrounding it to do the same thing.

Mr. Rossi said he could not support the motion. He said if the owner lowered the height and came back, he would be asking for the same variance and would run into a Fisher v. Dover problem, and he didn't think that was fair. Vice-Chair Margeson said there needed to be finality in the Board's decisions for the abutters, ordinance, and the applicant. Chair Eldridge said she didn't have a problem with applicants coming back and thought it was important to learn from the process. She said the relief asked for by the applicant was tiny percentages and the setbacks were met, so light and air should not be issues. Mr. Mannle said the application was based on its totality and not on the variance requests and would not invoke Fisher v. Dover. He said the difference between the current application and the previous one was losing the side porch, which was a change.

The motion to deny **failed** by a vote of 4-3, with Ms. Geffert, Mr. Rossi, Mr. Mattson, and Chair Eldridge voting in opposition.

Ms. Geffert moved to grant the variances as requested, seconded by Mr. Mattson.

Ms. Geffert said the zoning ordinance didn't deal with the bulking issue and felt that the Board had to deal with the zoning they had. She said that once the Fisher v. Dover issue was resolved, the requested variances are not contrary to the public interest because the public interest does not manifest and the zoning ordinance doesn't deal with the bulky issue, and the public interest allowed for small dimensional setback items. She said the same logic could be used in observing the spirit of the ordinance. She said granting the variances would do substantial justice, noting that it was difficult to find a new house, so justice was serviced by allowing the applicant to continue to reside in his house and to make necessary changes to support his family. She said granting the variances would not diminish the values of surrounding properties, noting that there competing assessments from a realtor and her spouse and from a neighbor, so since the Board had evidence from both sides, it came down in favor of a neutral. She said literal enforcement of the zoning ordinance would result in an unnecessary hardship. She said it was hard in the current real estate market to find a larger home to accommodate a family. She said the zoning ordinance was only minimally different from what was being asked for, and special circumstances existed and the purpose was a reasonable one. Mr. Mattson concurred and said the application was a more modest one that the previous one. He said the applicant was asking for less variances and it was closer to conforming. He said bulk was not in the ordinance and the addition was within the setbacks, so light, air and privacy were addressed. He said the actual yard setback was for the one-story porch and the hardship was the undersized lot. He said the GRA district was already a zone where 8,500 sf was the norm and it was small, and the applicant's was under 6,000 sf, so it was even smaller and drove the issues of building coverage, which was similar with surrounding properties. He said it was also a corner lot, so that created special conditions where there is no fair and substantial relationship to the property.

Vice-Chair Margeson said she would not support the motion, noting that overcrowding and overbulking were important with respect to setbacks. She said the new structure would be within the setback requirements in the right yard and that it was seven feet previously and was a much more

significant structure. She said the garage was currently in that setback at 1.5 and the primary structure was 8.8, and overcrowding and overbulking were what drove those setback requirements. She said hardship is whether there's something inherent in the land, and there was no fair and substantial relationship between the primary purpose of the zoning ordinance and its application to that land. She said financial considerations did not constitute hardship. Mr. Mattson said it was the new bulkhead that was less than two feet tall down to zero feet that was within the setback.

The motion **passed** by a vote of 4-3, with Mr. Mannle, Vice-Chair Margeson, and Mr. Rheaume voting in opposition.

At this point in the meeting, Mr. Rheaume moved to **waive** the ten o'clock rule and continue with the last item. Mr. Mannle seconded the motion and it was unanimously **approved**, 7-0

F. The request of Paula J. Reid 2003 Revocable Trust (Owner), for the property located at 410 Richards Avenue whereas relief is needed to demolish and remove the existing detached garage and construct a new detached garage and associated drainage improvements, which requires the following: 1) Variance from Section 10.521 to permit a) 3.5 foot right side yard where 10 feet is required, and b) 30% building coverage where 25% is the maximum allowed; and 2) Variance from Section 10.321 to allow a nonconforming structure or building to be extended, reconstructed or enlarged without conforming to the requirements of the Ordinance. Said property is located on the Assessor Map 112 Lot 10 and lies within the General Residence A (GRA) District. (LU-23-198)

#### SPEAKING TO THE PETITION

The applicant Paula Reid reviewed the petition. She said the garage was in disrepair and there was also drainage issues, which would be fixed by demolishing the garage and replacing it with one that was larger and would be more aesthetically consistent with the house. Her attorney Chris Wyskiel was present and said his letter to the Board addressed the criteria. He noted a correction that the widening of less than a foot toward the inside of the lot and the height less than 3-1/2 feet was actually 2-1/2 feet as defined by zoning. He briefly reviewed the criteria. [Timestamp 3:37:10]

The Board had no questions. Chair Eldridge opened the public hearing.

# SPEAKING TO, FOR, OR AGAINST THE PETITION

No one spoke, and Chair Eldridge closed the public hearing.

#### **DECISION OF THE BOARD**

Ms. Geffert moved to **grant** the variance for the garage and the variance from Section 10.521 to permit the setbacks required, and also the building coverage and a variance from Section 10.321 to allow a nonconforming building to be reconstructed. Mr. Mannle seconded.

Ms. Geffert said granting the variances would not be contrary to the public interest because it was in the public interest to deal with drainage, given the climate changes. She said the spirit of the ordinance would be observed, noting that she didn't think the minor variation in lot coverage was outside of it and that adding a garage was like what every other property in the neighborhood did. She said substantial justice would be done because the property owner would avoid an issue that had arisen and there was no contrary interest in preserving the zoning ordinance for the property without the variance granted. She said granting the variances would not diminish the values of surrounding properties, noting that the neighbor had said it was a fine change and there was no evidence that it would diminish anyone's property value in the immediate area. She said literal enforcement of the provisions of the ordinance would result in an unnecessary hardship because the property had special conditions of drainage issues and the garage was a hazard because the walls weren't straight, and the specific application of the ordinance provisions to the property would result in an unnecessary hardship. Mr. Mannle concurred and had nothing to add. Mr. Rheaume said the Staff Report acknowledged that Section 10.321 was advertised but wasn't needed and not included in the approval of the variance request.

Ms. Geffert **amended** her motion as follows:

Ms. Geffert moved to **grant** the variance for the garage and the variance from Section 10.521 to permit the setbacks required and the building coverage. Mr. Mannle seconded.

*The motion passed unanimously, 7-0.* 

#### IV. OTHER BUSINESS

There was no other business discussed.

#### V. ADJOURNMENT

The meeting adjourned at 10:52 p.m.

Respectfully submitted,

Joann Breault BOA Recording Secretary

#### III. OLD BUSINESS

A. Mastoran Restaurants Inc. - 2255 Lafayette Road request a 1 Year Extension to the Variances granted on February 15, 2022. (LU-22-13)

# **Planning Department Comments**

On Tuesday, February 15, 2022 the Board of Adjustment granted the following variances demolish the existing structure and construct a 5,555 square foot convenience store with drive-thru and fueling island as presented:

- 1) A Variance from Section 10.5B33.20 to allow 0% front lot line buildout where 75% is required.
- 2) A Variance from Section 10.5B22.40 to allow a building to be constructed outside of the 70-90 foot setback from the centerline of Lafayette Road.
- 3) A Variance from Section 10.1113.20 to allow parking to be located between a principal building and a street.
- 4) A Variance from Section 10.1115.31 to allow more than one driveway.
- 5) A Variance from Section 10.835.32 to allow a bypass lane for a drive thru to be setback 24 feet from a lot line where 30 feet is required.
- 6) A Variance from Section 10.1251.20 to allow a 160 square foot freestanding sign where 100 square feet is the maximum allowed.

The approvals listed above are scheduled to expire on February 15, 2024. The Ordinance allows for a one-time, one-year extension if the request is acted on prior to the expiration date. The applicant has requested an extension as the building permit has not yet been obtained. A letter from the applicant and the 2023 letter of decision is included in the meeting packet.



January 11, 2024

NEX-2021163.00

Stefanie Casella, Planner Portsmouth Planning Department 1 Junkins Avenue Portsmouth, NH 03801

SUBJECT: Variance extension

2255 Lafayette Road (Map 272, Lot 3)

LU-22-13

Dear Ms. Casella:

On behalf of Mastoran Restaurants, Inc and Granite State Convenience, LLC, **Greenman Pedersen, Inc.** (GPI) is requesting a one year extension of the variances granted on February 15, 2022 for the following:

- A Variance from Section 10.5B33.20 to allow 0% front lot line buildout where 75% is required.
- A Variance from Section 10.5B22.40 to allow a building to be constructed outside of the 70-90 foot setback from the centerline of Lafayette Road.
- A Variance from Section 10.1113.20 to allow parking to be located between a principal building and a street.
- A Variance from Section 10.1115.31 to allow more than one driveway.
- A Variance from Section 10.835.32 to allow a bypass lane for a drive thru to be setback 24 feet from a lot line where 30 feet is required.
- A Variance from Section 10.1251.20 to allow a 160 square foot freestanding sign where 100 square feet is the maximum allowed.

The applicant is working with the City Staff to satisfy the conditions of approval of the Wetland Conditional Use Permit and the Site Plan. A building permit has been submitted and is currently under review, but will not be able to be issued until final approval of the CUP and the Site Plan are received. The landowner and developer are hoping the building permit will be issued in February or March so that they can start demolition/construction in the Spring of 2024.

Sincerely,

**GREENMAN-PEDERSEN, INC.** 

Nicole Duquette

Nicole Duquette, P.E., LEED AP Project Manager

44 Stiles Road, Suite 1, Salem, NH

enclosure(s)

cc: Brad Pernaw, GSC, LLC

Bret Kohler, Mastoran Corporation



# CITY OF PORTSMOUTH

Planning Department 1 Junkins Avenue Portsmouth, New Hampshire 03801

(603) 610-7216

#### **ZONING BOARD OF ADJUSTMENT**

February 16, 2022

Mastoran Restaurants INC 822 Lexington Street Waltham, MA 02154

RE: Board of Adjustment request for property located at 2255 Lafayette Road

Dear Owners:

The Zoning Board of Adjustment, at its regularly scheduled meeting of **Tuesday, February 15, 2022**, considered your application for demolition of the existing Burger King and construction of a 5,555 square foot convenience store with drive-thru and fueling island which requires the following: 1) A Variance from Section 10.5B33.20 to allow 0% front lot line buildout where 75% is required. 2) A Variance from Section 10.5B22.40 to allow a building to be constructed outside of the 70 - 90 foot setback from the centerline of Lafayette Road. 3) A Variance from Section 10.1113.20 to allow parking to be located between a principal building and a street. 4) A Variance from Section 10.1114.31 to allow more than one driveway. 5) A Variance from Section 10.835.32 to allow a bypass lane for a drive thru to be set back 24 feet from a lot line where 30 feet is required. 6) A Variance from Section 10.1251.20 to allow a 160 square foot freestanding sign where 100 square feet is the maximum allowed. Said property is shown on Assessor Map 272 Lot 3 and lies within the Gateway Neighborhood Mixed Use Corridor (G-1) District. As a result of said consideration, the Board voted to **grant** the request as presented and advertised.

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

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

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

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

Very truly yours,

AE Parott

Arthur Parrott, Chairman of the Zoning Board of Adjustment

cc: Shanti Wolph, Chief Building Inspector

Rosann Maurice-Lentz, City Assessor

John K. Bosen, Esquire Nicole Duquette, GPI

#### III. OLD BUSINESS

A. Request for rehearing by **Maxene Feintuch** of 180 Lincoln Avenue for property located at 168 Lincoln Avenue whereas relief is needed to demolish the detached garage and construct an addition to the primary structure that includes an attached garage which requires the following: 1) Variance from Section 10.521 to allow a) eight and a half (8.5) foot front yard where 15 is required, b) seven (7) foot right yard where ten (10) feet is required, and c) 33% building coverage where 25% is the maximum allowed; and 2) Variance from Section 10.321 to allow a nonconforming structure or building to be extended, reconstructed or enlarged without conforming to the requirements of the Ordinance. Said property is located on Assessor Map 113 Lot 6 and lies within the General Residence A (GRA) District. Application by Mark N Franklin and Julie S Franklin (Owners) was approved on December 19, 2023 under application number LU-23-196. (LU-24-3)

# **Planning Department Comments**

On Tuesday, December 19, 2023 the Board of Adjustment considered the request of Mark N Franklin and Julie S Franklin (Owners), for property located at 168 Lincoln Avenue whereas relief is needed to demolish the detached garage and construct an addition to the primary structure that includes an attached garage which requires the following: 1) Variance from Section 10.521 to allow a) eight and a half (8.5) foot front yard where 15 is required, b) seven (7) foot right yard where ten (10) feet is required, and c) 33% building coverage where 25% is the maximum allowed; and 2) Variance from Section 10.321 to allow a nonconforming structure or building to be extended, reconstructed or enlarged without conforming to the requirements of the Ordinance. The Board voted to approve the application. The letter of decision and findings of fact have been included in the meeting packet along with the motion for rehearing. Should the owners of the property submit an objection to the motion for rehearing, it will be distributed to the Board and posted online.

A request for rehearing has been filed within 30 days of the Board's decision and the Board must consider the request at the next scheduled meeting. The Board must vote to grant or deny the request or suspend the decision pending further consideration. If the Board votes to grant the request, a hearing will be scheduled for next month's Board meeting or at another time to be determined by the Board.

The decision to grant or deny a rehearing request must occur at a public meeting, but this is not a public hearing. The Board should evaluate the information provided in the request and make its decision based upon that document. The Board should grant the rehearing request if a majority of the Board is convinced that some error of procedure or law was committed during the original consideration of the case.

To: Stephanie Casella, Portsmouth Zoning Board of Adjustment From: Maxene Feintuch, 180 Lincoln Avenue, Portsmouth, NH

Date: January 12, 2024

Regarding: Request for a rehearing on the variance application of Mark and

Julie Franklin, 168 Lincoln Avenue, Portsmouth

In compliance with NH RSA 677:2, I am requesting a rehearing on the variance application that was approved December 19, 2023 for the owners of the property located at 168 Lincoln Avenue. I am a direct abutter to the subject property and will be impacted by any decision made by the Board.

For the reasons below, I feel that a rehearing is warranted.

- 1. Before the Board took up the matter of the variance requested by the Franklins on December 19, 2023, it was obligated to determine clearly and definitively that the standards outlined in the Fisher v. City of Dover case were satisfied. As the Board will remember, this application was first presented on March 29, 2023 and was denied. This December 19 hearing was the second hearing on the variance request.
- 2. On December 19, 2023, the Chair did not make any type of clear or concise call for a discussion or vote on whether this application "materially differs in nature and degree from its predecessor." This opinion is supported by the video on record.
- 3. Absent a clear, concise discussion and ultimate vote on whether the test outlined in Fisher v. City of Dover had been satisfied, the Board failed to set the framework for whether or not the second hearing should proceed at all. In other words, a decision and vote on the applicability of the Fisher v. City of Dover test was the <u>first</u> thing that should have occurred at the December 19 hearing. Any discussion on the issues or merit of the Franklins' second variance application was premature absent a decision on the "Fisher test."
- 4. In fact, Board members were confused about whether this variance application should have been considered. Please see the following quotes from Board members prior to the vote:

"I think we have a Fisher v Dover problem, The same variances are being requested. The change between the initial request and this request is not that significant. And, so I don't think we have the ability to consider this."

"I got confused about when it (Fisher v Dover) had to come up."

"It would have been better if we had discussed it (Fisher v Dover) as a Board ..."



"As has been pointed out by some of the speakers tonight, they (the Franklins) gave up a porch, and they took away about a foot and half on the width of their mudroom, which narrowed that up a little bit to try to reduce the total footprint there, and that was about all that was given up from the March application to this application here."

"Some feel that it (the application) does implicate Fisher v Dover."

"...even though they're asking for the same variances, there has to be a change in the application, and as David pointed out, the difference between that (first) application and this one is losing the side porch. As he said, it's not a big change because everything else is still there...."

"It's not the variance request that invokes Fisher v Dover, it's the totality of the application."

As a 29-year resident of this city, I believe that justice is achieved by rehearing this matter in compliance with the framework of the Fisher v. Dover case. This will ensure that all comments and concerns are properly taken into onsideration.

Respectfully,

Maxene Feintuch

180 Lincoln Avenue, Portsmouth, NH

Mayone Feitnel

mfeintuch1@comcast.net

603-969-1489



# CITY OF PORTSMOUTH

Planning Department 1 Junkins Avenue Portsmouth, New Hampshire 03801

(603) 610-7216

### **ZONING BOARD OF ADJUSTMENT**

December 26, 2023

Mark N Franklin and Julie S Franklin 168 Lincoln Avenue Portsmouth, New Hampshire 03801

RE: Board of Adjustment request for property located at 168 Lincoln Avenue (LU-23-196)

Dear Property Owners:

The Zoning Board of Adjustment, at its regularly scheduled meeting of **Tuesday, December 19, 2023**, considered your application for demolishing the detached garage and constructing an addition to the primary structure that includes an attached garage which requires the following: 1) Variance from Section 10.521 to allow a) eight and a half (8.5) foot front yard where 15 is required, b) seven (7) foot right yard where ten (10) feet is required, and c) 33% building coverage where 25% is the maximum allowed; and 2) Variance from Section 10.321 to allow a nonconforming structure or building to be extended, reconstructed or enlarged without conforming to the requirements of the Ordinance. Said property is shown on Assessor Map 113 Lot 6 and lies within the General Residence A (GRA) District. As a result of said consideration, the Board voted to **approve** the request as presented and advertised.

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

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

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

The Findings of Fact associated with this decision are available: attached here <u>or</u> as an attachment in the Viewpoint project record associated with this application <u>and</u> on the Zoning Board of Adjustment Meeting website:

https://www.cityofportsmouth.com/planportsmouth/zoning-board-adjustment/zoning-board-adjustment-archived-meetings-and-material

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

Very truly yours,

Phyllis Eldridge, Chair of the Zoning Board of Adjustment

cc: Shanti Wolph, Chief Building Inspector

Rosann Maurice-Lentz, City Assessor

Phyllis Eldridge

Derek Durbin, Attorney, Durbin Law Offices PLLC

# Findings of Fact | Variance City of Portsmouth Zoning Board of Adjustment

Date: <u>12-19-2023</u>

Property Address: 168 Lincoln Avenue

Application #: LU-23-196

Decision: Grant

# Findings of Fact:

Effective August 23, 2022, amended RSA 676:3, It now reads as follows: The local land use board shall issue a final written decision which either approves or disapproves an application for a local permit and make a copy of the decision available to the applicant. The decision shall include specific written findings of fact that support the decision. Failure of the board to make specific written findings of fact supporting a disapproval shall be grounds for automatic reversal and remand by the superior court upon appeal, in accordance with the time periods set forth in RSA 677:5 or RSA 677:15, unless the court determines that there are other factors warranting the disapproval. If the application is not approved, the board shall provide the applicant with written reasons for the disapproval. If the application is approved with conditions, the board shall include in the written decision a detailed description of all conditions necessary to obtain final approval.

The proposed application meets/does not meet the following purposes for granting a Variance:

Section 10.233 Variance Evaluation Criteria	Finding (Meets	Relevant Facts
	Criteria)	
10.233.21 Granting the variance would not be contrary to the public interest.	YES	The requested variances are not contrary to the public interest because the public interest does not manifest and the zoning ordinance doesn't deal with the bulky issue, and the public interest allowed for small dimensional setback items.
10.233.22 Granting the variance would observe the spirit of the Ordinance.	YES	The requested variances are not contrary to the public interest because the public interest does not manifest and the zoning ordinance doesn't deal with the bulky issue, and the public interest allowed for small dimensional setback items.

10.233.23 Granting the variance would do substantial justice.	YES	It is difficult to find a new house, so justice is serviced by allowing the applicant to continue to reside in his house and to make necessary changes to support his family.
10.233.24 Granting the variance would not diminish the values of surrounding properties.	YES	The are competing assessments from a realtor and her spouse and from a neighbor, so since the Board has evidence from both sides, it came down in favor of a neutral.
10.233.25 Literal enforcement of the provisions of the Ordinance would result in an unnecessary hardship.  (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.	YES	<ul> <li>It is hard in the current real estate market to find a larger home to accommodate a family. The zoning ordinance is only minimally different from what is being asked for, and special circumstances existed and the purpose is a reasonable one.</li> <li>The actual yard setback is for the one-story porch and the hardship was the undersized lot.</li> <li>It is also a corner lot, so that creates special conditions where there is no fair and substantial relationship to the property.</li> </ul>

#### IV. NEW BUSINESS

A. The request of **Giri Portsmouth 505 Inc. (Owner)**, for property located at **505 US Route 1 Bypass** whereas relief is needed to demolish the existing structure and construct a new hotel with a drive thru restaurant which requires the following: 1) Special Exception from 10.440 Use #10.40 hotel where it is permitted by Special Exception; 2) Variance from Section 10.1113.20 to allow parking spaces between the principal building and a street; 3) Variance from Section 10.1113.41 for parking located 1 foot from the lot line where 40 feet is required; 4) Variance from Section 10.575 to allow dumpsters to be located 1 foot from the lot line where 10 feet is required; 5) Variance from Section 10.835.32 to allow 1 foot between the lot line and drive-thru and bypass lanes where 30 feet is required for each; and 6) Variance from Section 10.835.31 to allow 37 feet between the menu and speaker board and the front lot line where 50 feet is required. Said property is located on Assessor Map 234 Lot 5 and lies within the General Business (GB) District. (LU-23-199)

# **Existing & Proposed Conditions**

	Existing	Proposed	Permitted / Required	
Land Use:	Hotel	*Hotel with a drive thru restaurant	Primarily Business	
Distance between parking and front lot line		**1	40	min.
Distance between dumpster and lot line		1	10	min.
Distance between menu speaker and speaker board and the front lot line	N/A	37	50	min.
Distance between drive through/bypass lane and lot line		1	30	min.
Height (ft.):	<60	<60	60	max.
Building Coverage (%):	10.8	16.86	30	max.
Parking	58	112	179	
Estimated Age of Structure:	1955	Variance request(s	) shown in red.	

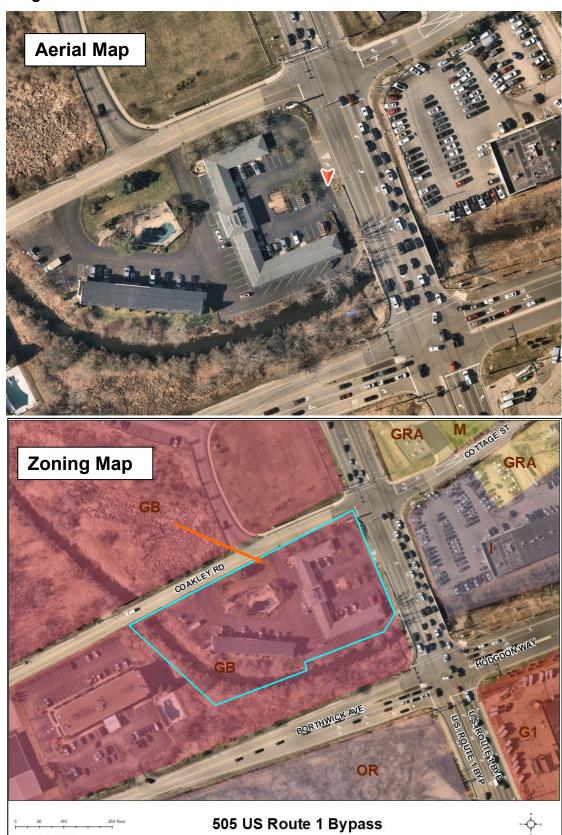
<sup>\*</sup>Hotels are allowed by Special Exception in the GB zone.

## Other Permits/Approvals Required

- Site Review (TAC and Planning Board)
- Conditional Use Permit for Drive-Thru facilities
- Wetland Conditional Use Permit (Conservation Commission and Planning Board)
- Parking Conditional Use Permit (TAC and Planning Board)
- Building Permit

<sup>\*\*</sup> Relief needed for parking between primary structure and Coakley Road

# **Neighborhood Context**



# **Previous Board of Adjustment Actions**

<u>January 25, 1983</u> – The Board **granted** a Variance to allow a free-standing sign 7' x 12', 30' in height to be erected 30' from the front property line where 35' is required, and 4' from the right-side property line where 35' is required with the following conditions:

- 1) That the large lighted sign over the main part of the motel be removed
- 2) That no other sign be put in that place; and
- 3) That no signs be allowed on the pole but the 7' x 12' sign

<u>July 17, 2001</u> – The Board granted the following: A Variance from Article IX, Section 10-908 Table 14 to allow a 146 s.f. freestanding sign with a 6.6'± front yard set back where 20' is required; 8.2' right side yard setback where 20' are required; and a height of 30' where 20' is the maximum with the following conditions:

- 1) That the message not be flashing or fast scrolling; and
- 2) That the existing roof sign be removed; and
- 3) That the application meets the approval of the Building Inspector

# **Planning Department Comments**

The applicant is requesting to demolish the existing structures on site and construct a hotel and a free-standing drive-thru service restaurant.

The project, as proposed, will require multiple approvals (see "Other Permits/Approvals Required" section). In preparation for these reviews and approvals the project was presented at the following meetings:

- May 18, 2023 Planning Board meeting for a preliminary conceptual consultation
- June 13, 2023 Technical Advisory Committee work session
- June 14, 2023 Conservation Commission work session

This project will require both variances and a special exception. Should the Board move to approval the project as proposed, findings of fact will need to be addressed for both sets of criteria. This can be done as one motion or separate motions.

#### Variance Review Criteria

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

- 1. Granting the variance would not be contrary to the public interest.
- 2. Granting the variance would observe the spirit of the Ordinance.
- 3. Granting the variance would do substantial justice.
- 4. Granting the variance would not diminish the values of surrounding properties.
- 5. The "unnecessary hardship" test:
  - (a) The property has <u>special conditions</u> 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.

# **Special Exception Review Criteria**

The application must meet all of the standards for a **special exception** (see Section 10.232 of the Zoning Ordinance).

- 1. Standards as provided by this Ordinance for the particular use permitted by special exception;
- 2. No hazard to the public or adjacent property on account of potential fire, explosion or release of toxic materials;
- 3. No detriment to property values in the vicinity or change in the essential characteristics of any area including residential neighborhoods or business and industrial districts on account of the location or scale of buildings and other structures, parking areas, accessways, odor, smoke, gas, dust, or other pollutant, noise, glare, heat, vibration, or unsightly outdoor storage of equipment, vehicles or other materials;
- 4. No creation of a traffic safety hazard or a substantial increase in the level of traffic congestion in the vicinity;
- 5. No excessive demand on municipal services, including, but not limited to, water, sewer, waste disposal, police and fire protection and schools; and
- 6. No significant increase of stormwater runoff onto adjacent property or streets.

# 10.235 Certain Representations Deemed Conditions

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

# APPLICATION OF GIRI HOTEL MANAGEMENT, LLC 505 U.S. ROUTE 1-BYPASS Map 234, Lot 5

# APPLICANT'S NARRATIVE

## A. The Project.

The Applicant, Giri Hotel Management, LLC, owns and operates the Port Inn located at 505 U.S. Route 1 Bypass. According to the City tax records, the motel was built in 1957 and has fifty-six rooms with associated parking. The structure is severely outdated for the modern traveler. This property has unique site constraints in that it is a corner lot bound by two streets to the front and Hodgson Brook to the rear.

The proposed project consists of the demolition of the existing motel and the construction of a five story, 124 key hotel that will operate under the Cambria brand. The hotel will have first floor parking and a one-story Starbucks restaurant with an accessory drive-through. The project will include associated site improvements such as parking, pedestrian access, utilities, stormwater management, lighting, and landscaping.

The proposal includes two (2) driveways off Coakley Road. The main driveway will be a two-way access that is approximately 415 feet west of the Coakley Road/Route 1 Bypass intersection and will reduce the width of a large curb cut that exists there today. The secondary driveway will be a one-way exit only that will utilize an existing curb at the north corner of the property. An existing curb cut on Route 1 Bypass and an existing curb cut on Coakley Road are eliminated as part of this design.

The proposed parking and buildings have been sited in a manner such that all impervious surfaces will be removed within twenty-five feet of Hodgson Brook and all buildings will be removed within 50 feet of Hodgson Brook. The project will require a CUP from the Planning Board for a reduction in the parking requirement through use of a parking demand analysis. Per the City of Portsmouth zoning, this project would require 179 parking spaces. However, utilizing data from the Institute of Transportation Engineers (ITE) Parking Generation Manual for a preliminary parking demand analysis, the average peak parking demand for this project is 112 spaces where 112 are provided. This reduction in the parking required will not only eliminate unnecessary impervious surface but also will be beneficial for the implementation of buffer improvements along Hodgson Brook.

Overall, this concept will reduce impervious surface within the 100-foot wetlands buffer by approximately 6,750 SF and incorporates opportunities for buffer enhancement along the brook. The proposed project will also enhance water quality with the addition of stormwater treatment practices that do not currently exist on the site. The project is anticipated to incorporate a stormwater management system that will provide pretreatment via offline deep sump catch basins with oil separator hoods and collected in an underground

detention system prior to flowing through a stormwater filtration device that will provide stormwater treatment.

This project will require the following variances:

- (a) For a reduction in off street parking distance from front lot line per 10.1113.41
- (b) For a reduction in dumpster location from lot line per 10.575
- (c) For a reduction in drive-through/Bypass lands distance from lot line per 10.835.32
- (d) For reduction in menu board and speaker distance from front line lot per 10.835.31
- (e) For parking spaces between a principal building and a street per 10.1113.20

Hotels are permitted in the General Business zone by special exception. §10.440.10.40. Given that a motel currently operates on this site, the Applicant believes the requested relief is reasonable given the site's existing conditions and the significant environmental benefit the project will provide for Hodgson's Brook.

#### B. The Special Exception.

The Applicant believes the proposal easily meets the criteria for the necessary special exception. Those criteria are set forth in the ordinance at §10.232.20.

First, the use proposed here, "hotel," is permitted within this district by special exception, see §10.440 Table of Uses, no. 10.40. §10.232.10.

Second, the proposed use will pose no hazard to the public or adjacent properties on account of potential fire, explosion or release of toxic materials. §10.232.22. No explosives, toxic materials or unusual accelerants will be stored on site. To the best knowledge of the Applicant, there has never been any fire, explosions, or release of toxic materials at this location since the hotel was built in 1957.

Third, there will be no detriment to property values in the vicinity or change in the essential characteristics of any area including residential neighborhoods or business and industrial districts on account of the location or scale of buildings and other structures, parking areas, accessways, odor, smoke, gas, dust, or other pollutant, noise, glare, heat, vibration, or unsightly outdoor storage of equipment, vehicles or other materials. §10.232.23. A motel has existed on this site since 1957 and is surrounded by other hotels and commercial uses. This project will therefore cause no detriment to property values or change the essential characteristics of the neighborhood.

Fourth, there will be no creation of a traffic safety hazard or a substantial increase in the level of traffic congestion in the vicinity. §10.232.23. The existing use is comprised of a motel. The proposed project will require Site Plan Review from the Planning Board and a

Driveway Permit from the New Hampshire Department of Transportation (NHOT), where a Traffic Impact Study will be required for approval. The project will also require a CUP from the Planning Board for parking. Utilizing data from the ITE Parking Generation Manual for a preliminary parking demand analysis, the average peak parking demand for a 124-key hotel is 99 spaces and the average peak parking demand for Starbuck's is 13 spaces. Based on this, the total peak parking demand for the project is 112 spaces which is provided on Site Plan.

Fifth, there will be no excessive demand on municipal services, including, but not limited to, water, sewer, waste disposal, police and fire protection and schools. §10.232.24. None of these services will be implicated by this proposal.

Finally, the project will result in no significant increase of stormwater runoff onto adjacent property or streets. §10.232.25. Currently, the motel is built right up to Hodgdon's Brook. The Applicant intends to remove all buildings within 50 feet of Hodgson Brook and all pavement within 25 feet of Hodgson Brook resulting in a significant improvement over the exiting condition. The site currently has no stormwater treatment either. However, as part of the site improvements for this project, the Applicant will collect and treat all stormwater before it goes into Hodgson Brook.

#### C. The Variances.

The Applicant submits that the proposal meets the criteria for granting the requested variances.

Granting the requested variance will not be contrary to the spirit and intent of the ordinance nor will it be contrary to the public interest. The "public interest" and "spirit and intent" requirements are considered together pursuant to Malachy Glen Associates v. Chichester, 152 NH 102 (2007). The test for whether or not granting a variance would be contrary to the public interest or contrary to the spirit and intent of the ordinance is whether or not the variance being granted would substantially alter the characteristics of the neighborhood or threaten the health, safety and welfare of the public.

The proposed use fits in well with the mix of hotels and other commercial uses characteristic of this neighborhood. A new, modern code compliant hotel will improve the health, safety and welfare of the public. Further, the enhancements to Hodgson's Brook support this conclusion. Health, safety and welfare of the public will thus be enhanced by this project. The project will require further review and approval by the Planning Board (and review by the Conservation Commission further assuring the public health, safety and welfare will be adequately preserved.

<u>Substantial justice would be done by granting the variance</u>. Whether or not substantial justice will be done by granting a variance requires the Board to conduct a balancing test. If the hardship upon the owner/applicant outweighs any benefit to the general public in denying the variance, then substantial justice would be done by granting the

variance. It is substantially just to allow a property owner the reasonable use of his or her property.

In this case, there is no benefit to the public in denying the variances that is not outweighed by the hardship upon the owner. The existing motel already violates many of the sections of the zoning ordinance the Applicant here seeks relief from. The project was designed to site the building and structures as far away from Hodgson's Brook as possible. Impervious surface adjacent to the brook of 6,750 square feet will be removed and stormwater management infrastructure will be introduced. With respect to the relief needed for the Starbucks menu board, the fact that the speaker itself will be adjacent to the highway alleviates the noise concerns the ordinance seeks to protect against.

Accordingly, the loss to the applicant clearly outweighs any gain to the public if the Applicant were required to conform to the ordinance.

The values of surrounding properties will not be diminished by granting the variance. The proposal will bring a modern, state of the art, code compliant hotel to the property. The area is already surrounded by similar uses so the values of surrounding properties will not be negatively affected in any way.

There are special conditions associated with the property which prevent the proper enjoyment of the property under the strict terms of the zoning ordinance and thus constitute unnecessary hardship. The property has unique site constraints because it is a corner lot bound by two streets to the front and Hodgson Brook, an impaired waterway, to the rear. The existing condition is non-compliant with respect to front building setback (15ft provided where 30ft is required); parking setback from the front lot line (1ft provided where 40ft is required); and parking is located between a principal building and street along both frontages. Runoff from existing impervious surfaces directly discharge to Hodgson Brook without any stormwater treatment. The existing built environment impacts the 100ft wetland buffer adjacent to Hodgson Brook with buildings and parking. The existing condition includes approximately 36,000 SF of total impervious surface impact within the 100ft buffer. Within that total wetland buffer impact, approximately 4,000 SF is located within the 25ft of Hodgson Brook where the ordinance seeks to provide a 25ft natural vegetated buffer strip. Also, structures are located within the 50ft wetland buffer with existing buildings setback as close as 24ft from the brook. While the proposed project seeks similar relief to the existing conditions for parking, the proposed project will now comply with front building setback requirements and more importantly will provide a meaningful environmental improvement to Hodgson Brook. The proposed project will result in a 18% net overall reduction of impervious surface within the 100ft wetland buffer. The proposed condition will remove all impervious surfaces within 25ft of Hodgson Brook and return those areas to a natural vegetated buffer strip that consists of native plantings. The proposed condition will locate all proposed buildings greater than 50ft from Hodgson Brook. In addition, the project's stormwater management system will collect and treat all runoff generated by impervious surfaces on the property before it is discharged to the brook. Compliance with the ordinance would prevent these meaningful improvements to Hodgson Brook.

<u>The use is a reasonable use</u>. The proposed hotel use is permitted by special exception in this Zone and is consistent with the intent of the General Business zone and the existing use. The Starbucks restaurant is permitted in this zone as well.

There is no fair and substantial relationship between the purpose of the ordinance as it is applied to this particular property. All of the variance relief here requested is driven by existing site restraints and the applicant's desire to provide meaningful improvements to Hodgson's Brook.

Accordingly, the relief requested here would not in any way frustrate the purpose of the ordinance and there is no fair and substantial relationship between the purpose of these requirements and their application to this property.

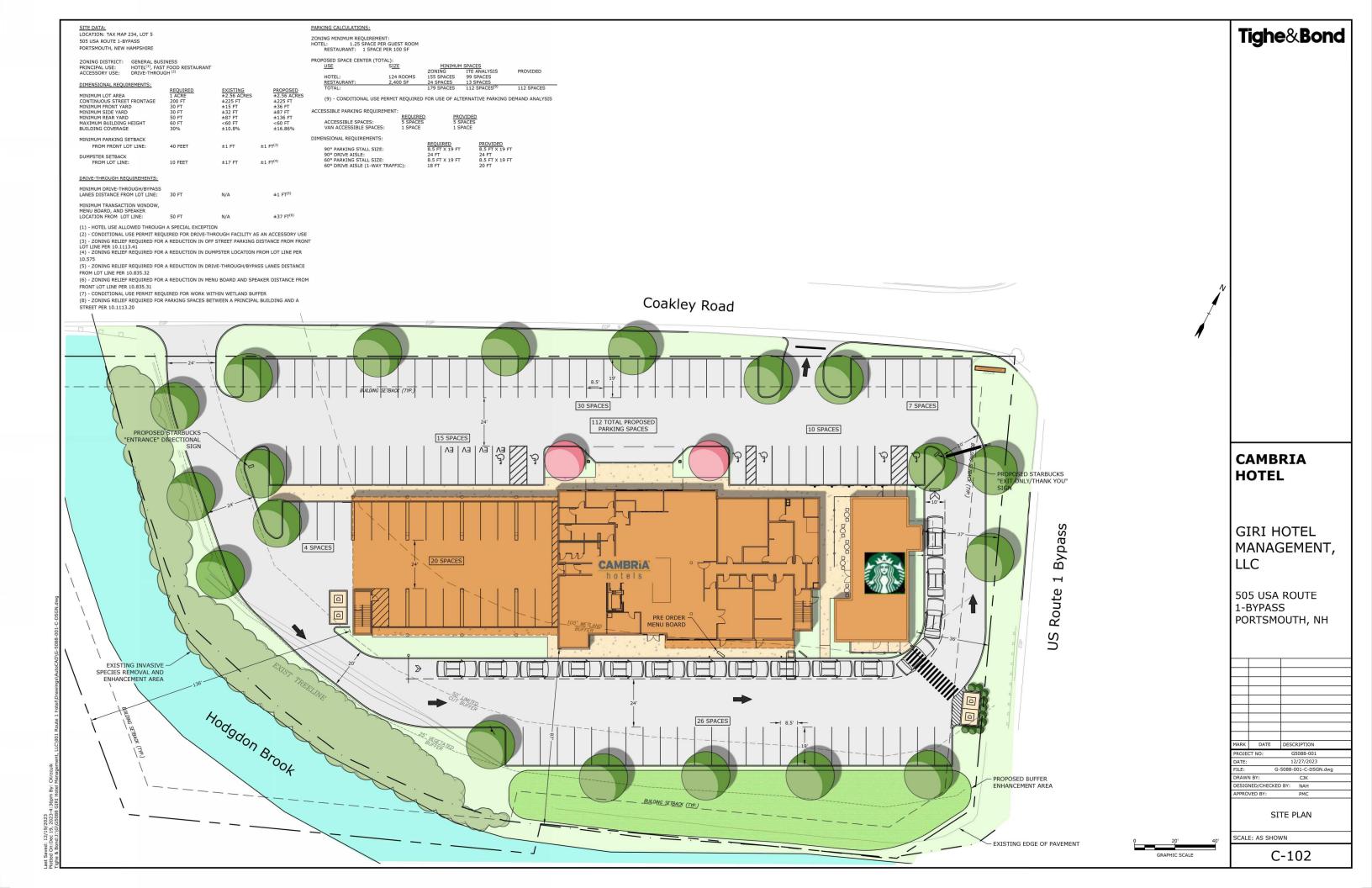
#### D. Conclusion.

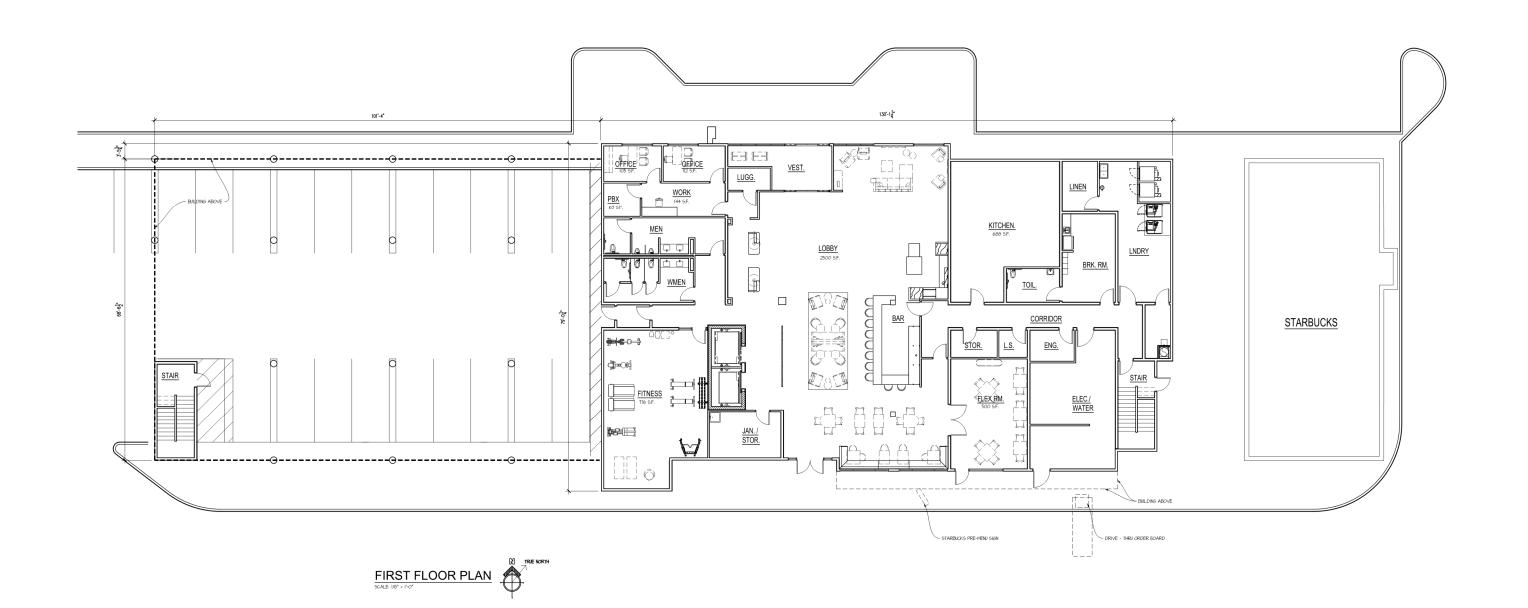
For the foregoing reasons, the applicant respectfully requests the Board grant the special exception and variances as requested and advertised.

Respectfully submitted,

Dated: December 27, 2023 By: Isl John K. Bosen

John K. Bosen, Esquire



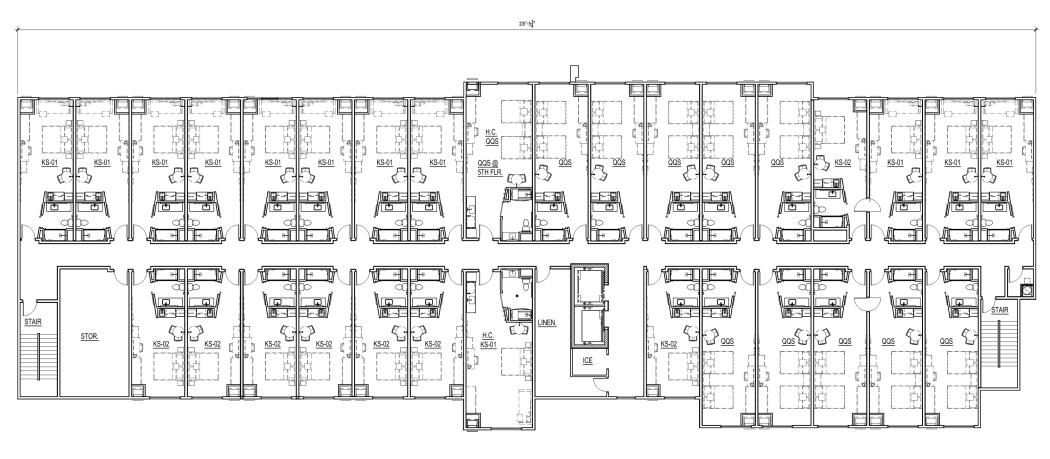


Guest Room Count Breakdown										
	1ST FLOOR	2ND FLOOR	3RD FLOOR	4TH FLOOR	5TH FLOOR	TOTAL				
KS-01 (KING SUITE SOFA)	0	11	11	11	11	33				
KS-02 (KING SUITE CHAIR)  QQS (QQ SUITE)	0	8 10	8 10	8 10	8	24 30				
H.C. KS-01 (H.C. KING SUITE SOFA)	0	1	1	1	1	3				
H.C. QQ SUITE (KITCHENETTE)	0	1	1	1	0	3				
	0	31	31	31	31	124				

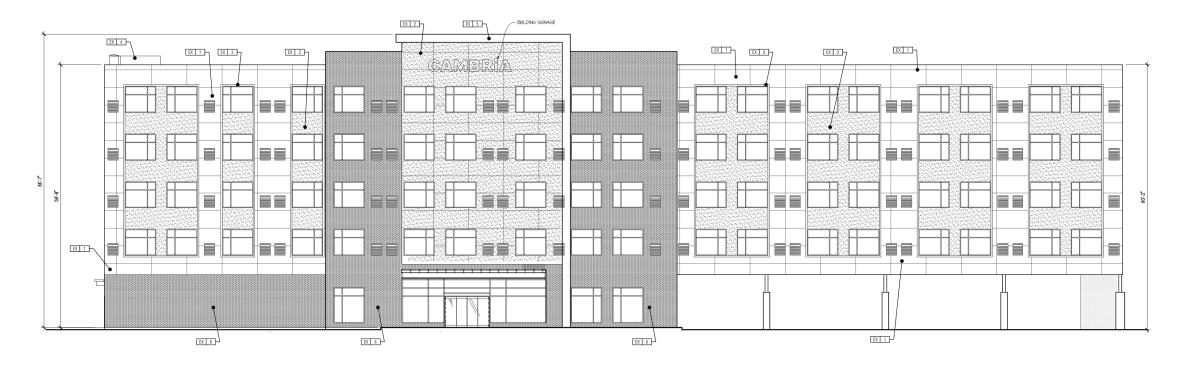
BUILDING AREA	<u> </u>
IST FLOOR:	9,850 S.F.
2ND FLOOR:	16,568 S.F
3RD FLOOR:	16,568 S.F
4TH FLOOR:	16,568 S.F
5TH FLOOR:	16,568 S.F
TOTAL	76,122 S.F

CAMBRIA HOTELS

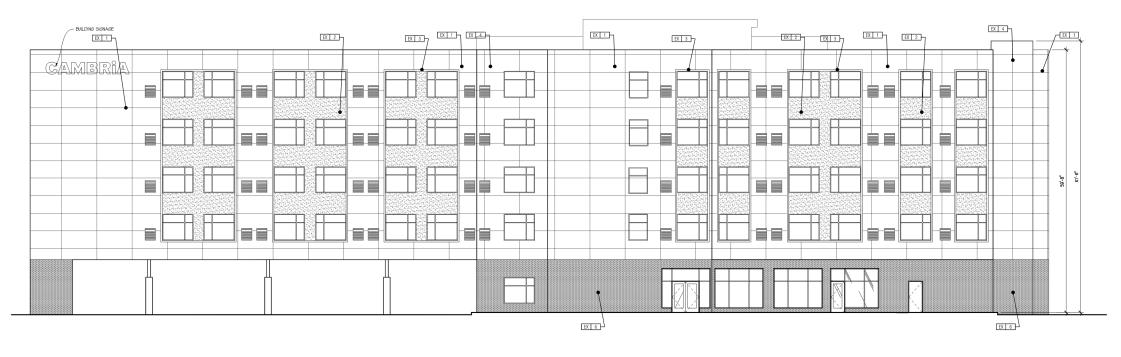
ARCHITECTS
30 NORTH FOREST RD.
WILLMASVILLE, NEW YORK 14221
(716) 433 - 94487 (716) 831 - 0321 F







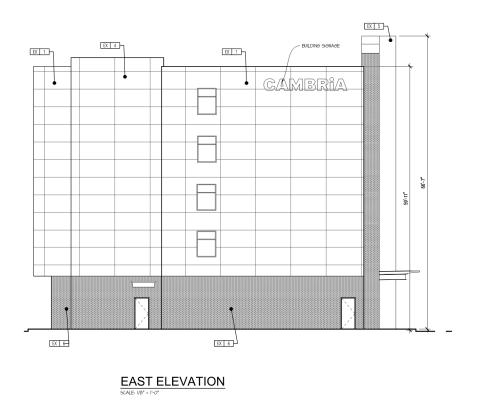
#### NORTH ELEVATION

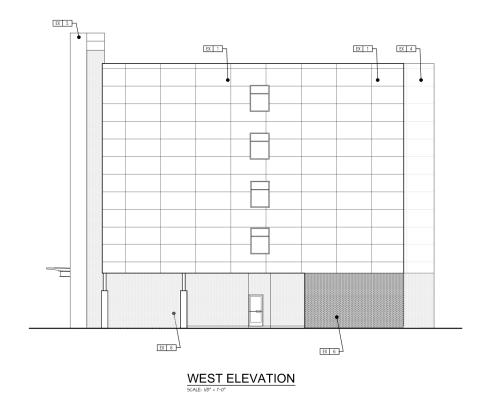


EXTERIOR FINISH

EXT | MATERIAL | FIBERCEPIN PANEL COLOR | FANY SLATE | FANY SLATE

SOUTH ELEVATION





EXTERIOR FINISH

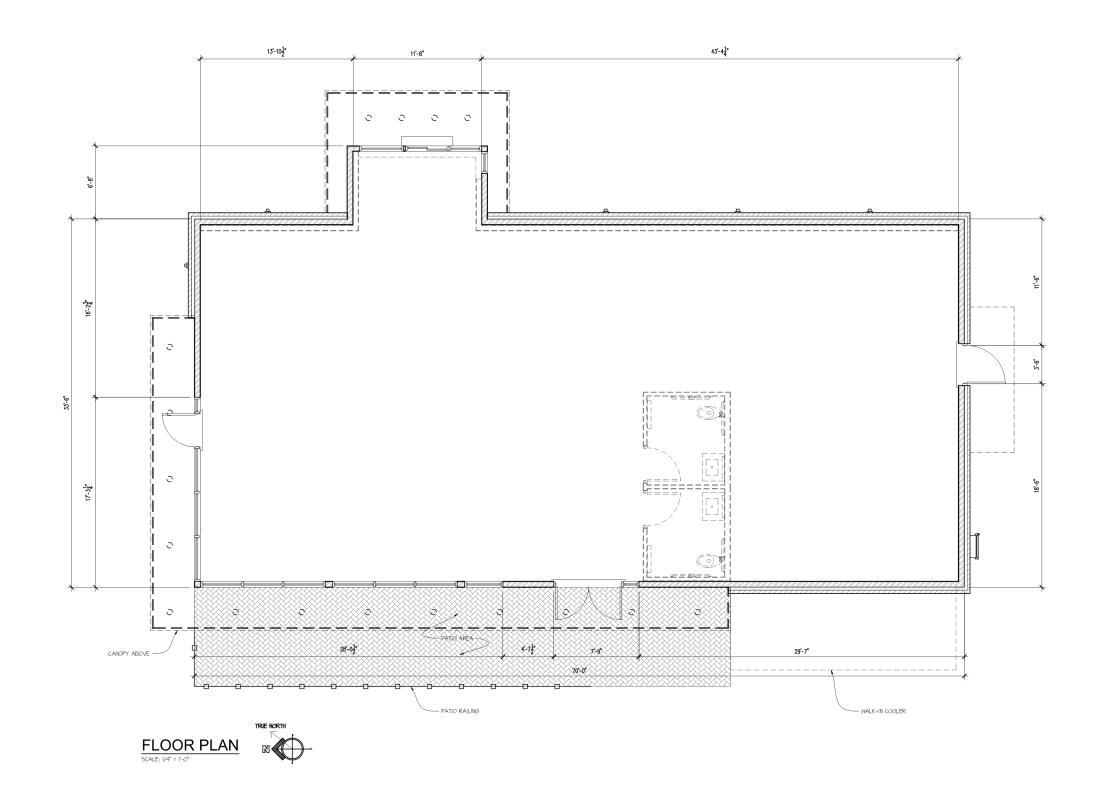
EXT | MATERIAL | FIBERCIPENT PAPEL COLOR | GAY SLATE | MFG | JAMES HARDIE |

MATERIAL | FIBERCIPENT PAPEL COLOR | MATERIAL | FIBERCIPENT TRIM COLOR | MIDIGENT ELACK | MFG | JAMES HARDIE |

EXT | MATERIAL | FIBERCIPENT PAPEL COLOR | MIDIGENT ELACK | MFG | JAMES HARDIE |

EXT | MATERIAL | FIBERCIPENT PAPEL COLOR | MIDIGENT ELACK | MFG | JAMES HARDIE |

EXT | MATERIAL | FIBERCIPENT PAPEL COLOR | MATERIAL | FIBERCIPENT PAPEL | MFG | MATERIAL | FIBERCIPENT PAPEL | MIDIGENT | MIDIGENT

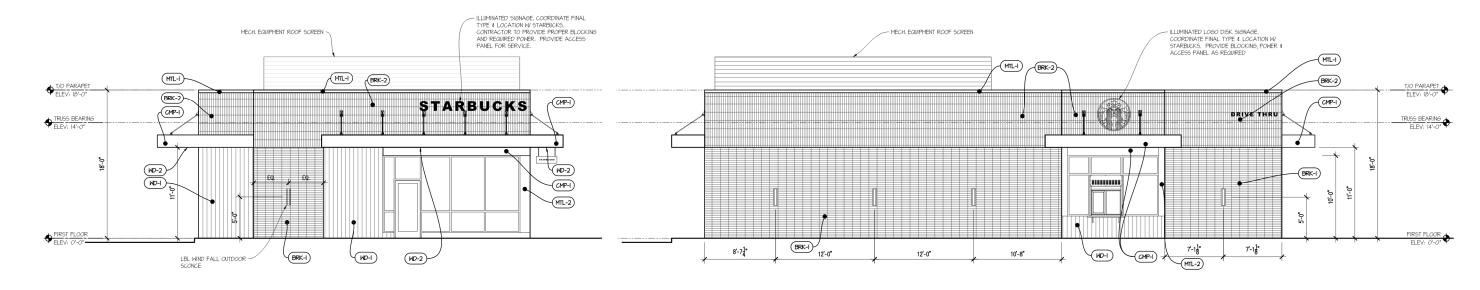


### STARBUCKS COFFEE

USA ROUTE 1-BYPASS, PORTSMOUTH NH

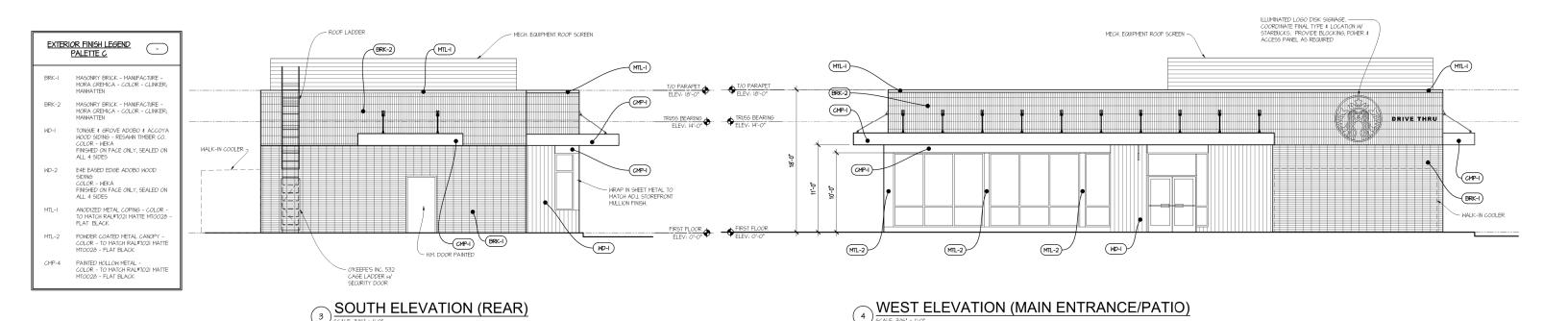


#224011 12/18/23



#### NORTH ELEVATION (FRONT)

EAST ELEVATION (DRIVE-THRU LANE)



### STARBUCKS COFFEE

USA ROUTE 1 BYPASS, PORTSMOUTH NH



© 2023 MUSSACHIO ARCHITECTS P.C.

#2240|| |2/|8/23

WFS-01/Staff/Proj/2021-2025/2024/224011 Starbucks Coffee, Portsmouth, NH/Drafting/Schematics/224011 Elev.dwg, 12/18/2023 2:58:12 PM,



SCALE IN FEET
0 10 20



# <u>AUTHORIZATION OF GIRI HOTEL MANAGEMENT, LLC</u> <u>505 U.S. ROUTE 1-BYPASS</u> <u>Map 234, Lot 5</u>

The undersigned, on behalf of Giri Hotel Management, LLC , owner of the above-referenced property, hereby authorizes representatives of Bosen & Associates, PLLC and Tighe & Bond, to represent its interests before the Portsmouth land use boards and to submit any and all applications and materials related thereto on its behalf.

	GIRI HOTEL MANAGEMENT, LLC
Dated:	By:
	Name: Ankur Patel Title: Principal

#### **IV. NEW BUSINESS**

B. The request of William C. Giles Revocable Trust (Owner), for property located at 375 Coolidge Drive for after-the-fact construction and demolition of existing decks, which requires the following: 1) Variance from Section 10.521 to allow: a) a 17 foot rear yard where 30 feet is required, and b) building coverage of 22.5% where 20% is the maximum allowed; and 2) Variance from Section 10.321 to allow a nonconforming structure or building to be extended, reconstructed or enlarged without conforming to the requirements of the Ordinance. Said property is located on Assessor Map 268 Lot 41 and lies within the Single Residence B (SRB) District. (LU-23-200)

#### **Existing & Proposed Conditions**

	Existing	Proposed	Permitted / Required	
Land Use:	Residential	After the Fact	Primarily Residential	
		Variance for rear		
		deck construction		
Lot area (sq. ft.):	12,511	12,511	1,500	min.
Lot Area per	12,511	12,511	1,500	min.
<u>Dwelling</u>				
Unit (sq. ft.):				
Street Frontage	125	125	100	min.
<u>(ft.)</u>				
Lot depth (ft.):	100	100	100	min.
Front Yard (ft.):	24	24	30	min.
Right Yard (ft.):	10.8	10.8	10	min.
Left Yard (ft.):	>10	>10	10	min.
Rear Yard (ft.):	17	17	30	min.
Height (ft.):	<35	<35	35	max.
Building	Pre Construction: 20.2	22.5	20	max.
Coverage (%):	Post Construction: 26.7			
Open Space	65.7	69.8	40	min.
Coverage (%):				
<u>Parking</u>	2	2	2	
Estimated Age of	1953	Variance request(s) shown in red.		
Structure:				

#### Other Permits/Approvals Required

Building Permit

#### **Neighborhood Context**



#### **Previous Board of Adjustment Actions**

No previous history found.

#### **Planning Department Comments**

The applicant is before the Board for an after the fact variance due to the construction of an unpermitted rear deck and a partially constructed unpermitted side deck. After a violation notice was issued, the applicant obtained a property survey and made plans to remove the existing front porch and the partially constructed side porch. The property has an active violation until such time when a variance is granted, or the property is restored to its original condition without the side and rear deck.

#### Variance Review Criteria

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

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

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

#### 10.235 Certain Representations Deemed Conditions

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

#### COLBY T. GAMESTER

#### Attorney At Law

144 Washington Street Portsmouth, New Hampshire 03801

(603)-427-0000 colby@gamesterlaw.com

November 29, 2023

#### SUBMITTED VIA VIEWPOINT

City of Portsmouth
Zoning Board of Adjustment
Attn: Phyllis Eldridge, Chairwoman
1 Junkins Avenue
Portsmouth, NH 03801

Re: Variance Application of The William C. Giles Revocable Trust of 2011 375 Coolidge Drive, Portsmouth (Tax Map 268, Lot 41)

#### Dear Chairwoman Eldridge:

My office represents William C. Giles, trustee of the Williams C. Giles Revocable Trust of 2011, the owner of property located at 375 Coolidge Drive, Portsmouth. Enclosed herewith are the following materials for submission to the Zoning Board of Adjustment for consideration at the next regularly scheduled meeting:

- 1. Landowner Letter of Authorization
- 2. Narrative to Variance Application
- 3. Existing Conditions Plan
- 4. Proposed Conditions Plan
- 5. Photographs of the Property
- 6. Mapgeo screenshot of the Property/Neighborhood
- 7. 1947 Subdivision Plan

Should there be any questions, comments or concerns regarding the enclosed application materials then please do not hesitate to contact me.

Kindest Regards,

Colby T. Gamester, Esq.

Enclosures Cc: file

#### LANDOWNER LETTER OF AUTHORIZATION

I, the Undersigned, William C. Giles, as trustee of The William C. Giles Revocable Trust of 20211, the record owner of property located at 375 Coolidge Drive, Portsmouth, New Hampshire 03801, identified on Portsmouth Tax Map 268 as Lot 41 (the "Property"), hereby authorize Gamester Law Office, and its attorneys and representatives, to file any document with the City of Portsmouth (the "City"), communicate and correspond with City staff and officials, and submit applications with and appear before the City's land use boards all regarding the Property. This Letter of Authorization shall be valid until expressly revoked in writing.

William C. Giles, Trustee

11/29/2023 Date

# CITY OF PORTSMOUTH ZONING BOARD OF ADJUSTMENT NARRATIVE TO APPLICATION

The William C. Giles Revocable Trust of 2011
Trustee, William C. Giles
375 Coolidge Drive
Portsmouth, NH 03801
Owner and Applicant

#### **Introduction and Relevant Historical Information**

William C. Giles, as Trustee, is the owner of real property located at 375 Coolidge Drive, identified on Portsmouth Tax Map 268 as Lot 41 (the "Property"). The Property is located in the Single Residence B ("SRB") zoning district, is 0.2872 acres or 12,511 square feet, and contains a modest ranch style home containing approximately 1,902 square feet of living area including a two-story addition containing living space and a two-car garage. The Property has 125.03 feet of frontage solely on Coolidge Drive.

Currently, the total building coverage on the Property is approximately 26.7% where only 20.00% is allowed. This consists of the primary residence, a utility shed, a front deck, a rear deck and a partially constructed side deck. Prior to the construction of the rear deck and the partially constructed side deck, the total building coverage on the Property was approximately 20.2%.

The two-story addition, containing the two-car garage, currently encroaches into the Property's 30' front yard setback which was permitted pursuant to zoning relief a prior owner received from the Board of Adjustment in 2002.

A small rear bump-out, as well as a sliver of the rear of the principal structure, are currently located within the 30' rear setback. These features of the Property were original to the construction of the house which was built in 1953 per the City of Portsmouth's ("City") assessing records and predates the current SRB dimensional standards in the City's Zoning Ordinance (the "Zoning Ordinance"). Furthermore, the entirety of the rear deck and a portion of the partially constructed side deck are located within the rear setback.

These existing conditions can be seen on a plan entitled "Tax Map 268 Lot 41, Existing Conditions Plan, Giles Residence, 375 Coolidge Drive, Portsmouth, New Hampshire, County of Rockingham" drawn by TF Moran, Inc., which is enclosed herewith as **Exhibit A**.

Mr. Giles purchased the Property in November 2009. At the time of the purchase, the Property was heavily wooded and one of the first projects Mr. Giles undertook was to remove more than a dozen large trees that rendered the Property too shady and the yard useless, especially with having two small children at the time. Feeling as though the front of the Property needed

"something," Mr. Giles constructed the approximately 400 square foot front deck. Mr. Giles unfortunately later observed that he rarely used the front deck as it provided no privacy, and he did not want to display items such as a grill in the front of his house.

Mr. Giles longed for a rear deck that he could use regularly, and which could house his deck furniture, his grill and other similar items, and all in a private manner. The Property's backyard slopes down and away from the residence and toward his rear property line and is still relatively shaded due to mature shrubs and trees at and around the rear property line; these features made it very difficult to grow grass which Mr. Giles found out after many attempts to do so (See Exhibit C-10). In order to fulfill this desire, Mr. Giles finally contacted a contractor to build a rear deck in the Spring of 2023. The meeting with the contractor went well, the price was acceptable, and the timeline almost too perfect.

The contractor began the construction of the rear deck almost immediately and failed to file the related building permit. Mr. Giles loved the end result of the rear deck so much that he asked the contractor to begin the construction of a side deck, as well. During the construction of the side deck the City became aware of the construction.

After looking into the Property and the construction, the Inspection Department issued a Notice of Violation notifying Mr. Giles that the rear deck was constructed, and the side deck was partially constructed, without a building permit and that this construction appeared to exceed that maximum allowable building coverage. Had the contractor filed a building permit then he would have discovered that not only would this construction exceed the maximum allowable building coverage, but that the construction would also encroach into the rear setback.

All work was stopped, and Mr. Giles turned his efforts toward compliance. After much thought and consideration, aided by a full survey, Mr. Giles is abandoning and removing the construction of the side deck, and he will be demolishing the vast majority of the existing front deck, leaving only enough of the deck to service the front door of the residence. The proposed conditions can be seen on a plan entitled "Tax Map 268 Lot 41, Proposed Conditions Plan, Giles Residence, 375 Coolidge Drive, Portsmouth, New Hampshire, County of Rockingham" drawn by TF Moran, Inc., which is enclosed herewith as **Exhibit B**.

Mr. Giles would like to retain the constructed rear deck, and this <u>after-the-fact</u> variance application and narrative are in support of the same.

#### **Zoning Relief Requested**

The Applicant seeks the following after-the-fact variances from the Zoning Ordinance:

1. A variance from Article 10.521-Table of Dimensional Standards in the SRB Zoning District to allow Building Coverage of 22.2% (+/-) where 20.00% is the maximum allowable building coverage.

- 2. A variance from Article 10.521-Table of Dimensional Standards in the SRB Zoning District to allow a rear yard setback of 17' (+/-) where 17' (+/-) currently exists and 30' is required.
- 3. A variance from Section 10.321 to allow for the enlargement of a lawful nonconforming structure.

#### Variance Criteria

### A. Granting the variances will not be contrary to the public interest and will observe the spirit of the Ordinance.

"There are two methods of ascertaining whether granting a variance would violate an ordinance's basic zoning objectives: 1) examining whether granting the variance would alter the essential character of the neighborhood or, in the alternative, 2) examining whether granting the variance would threaten the public health, safety, or welfare." *Harborside Assoc. v. Parade Residence Hotel*, 162 N.H. 508, 514 (2011).

The zoning relief requested herein will not alter the essential character of the neighborhood, nor will it create any negative impact to public health, safety, or welfare. The construction of a deck, generally and regardless of location on the Property, is a common and customary item related to a single-family residence and the use thereof; therefore, allowing the Applicant to maintain the existence of the rear deck would not alter the essential character of the neighborhood.

Though the building coverage has been altered by the construction of the rear deck and the side deck, the increase in coverage is being offset by the removal of the side deck and the drastic reduction of the front deck, which is unsightly and rarely used. Regarding the rear setback, the Property already contains an existing nonconformity due to the previously existing rear bump-out from the primary residence. The rear deck could be more aptly described as "in-fill" since it does not encroach any farther into the rear set back than the rear bump-out.

Enclosed herewith as  $\underline{Exhibit\ C}$  are several pictures of and around the Property. The rear deck is barely visible, if at all, from all perspectives around the Property, such as, but not necessarily limited to:

- Coolidge Avenue, directly in front of the Property, the rear deck cannot be seen. See Exhibit C-1, C-2, C-3.
- 5 Hoover Drive is located to the right of the Property. The rear bump-out completely shields the view of the rear deck from this property. See Exhibit C-4.
- 315 Coolidge Drive is located to the left of the Property. Mature trees and underbrush are at and around the shared property line. During the spring, summer and fall, the rear deck can barely be seen from this property, during the winter the rear deck is more visible. See Exhibit C-5. Furthermore, the siting of the house on 315 Coolidge Drive

is on the opposite side of its property and, as such, is the farthest house from the Property directly surrounding it. Enclosed herewith as **Exhibit D** is the Portsmouth Mapgeo Tax Map of the Property and surrounding properties.

- 394, 412, and 420 Grant Avenue are respectively located to the back left, directly behind, and to the back right of the Property. The deck is shielded by mature shrubs, bushes and trees making it almost impossible to see the deck during the spring, summer and fall, and the rear deck is a little more visible in the winter. See Exhibit C-6, C-7, C-8.

Due to the reduction in size of the front deck and the fact that the rear deck is not seen by the general public, and barely visible by direct abutters, these proposed changes will only serve to enhance the look of the home, achieve greater consistency with the look of the surrounding homes and, therefore, add to the essential character of the neighborhood. Furthermore, the purpose of setbacks and building coverage standards, among other dimensional standards, is to create uniform lots, when possible, create uniform building envelopes, and to prevent overcrowding on lots that could affect surrounding properties by disturbing abutters' light, air and space. The existence of the rear deck, though it increases the building coverage and is within the rear setback, still speaks to and preserves the interests that the Zoning Ordinance seeks to protect.

#### B. Substantial justice will be done by granting the variance relief.

Any loss to the individual that is not outweighed by a gain to the general public is an injustice. New Hampshire Office of State Planning, The Board of Adjustment in New Hampshire, A Handbook for Local Officials (1997); Malachy Glen Assoc. Inc v. Town of Chichester, 155 N.H. 102 (2007).

In this instance, the loss to the Applicant is clear if the variance relief sought is denied. The Applicant would be forced to remove a well-built, structurally sound, and aesthetically pleasing rear deck which is currently located in a rear yard that is otherwise unfit for use and enjoyment due to its grade and inability to maintain a good, consistent catch of healthy grass (See Exhibit C-10). The rear deck provides the Applicant, and the child who is still at home with him, the ability to enjoy the outside in a private space, unlike the front deck which, again, is rarely used. The proposed reduction of the front deck and new landscaping will only enhance the appearance of the Property. There is no gain to be achieved by the public in denying the requested relief. The equitable balance test weighs overwhelmingly in favor of granting the variances.

### C. The values of surrounding properties will not be diminished by granting the variance relief.

Granting the requested relief will not diminish the value of surrounding properties. As previously stated, the rear deck is not visible from the street, and it is either not visible, or barely visible, by direct abutting properties. Even when the rear deck is visible it is a well-built, structurally sound, and aesthetically pleasing deck. Unlike a traditional variance application, this

deck was built without the benefit of a building permit more than 6 months ago, and it can be reported to the Board that the Applicant has not received any complaints regarding its location, its appearance or the Applicant's use thereof. Furthermore, the granting of the requested relief would also bring about the demolition of the majority of the front deck and addition of new landscaping, which will only enhance the Property.

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

### 1. There are special conditions that distinguish the Property from surrounding properties.

The Property has special conditions that distinguish it from surrounding properties. When examining the Property in the context of the neighborhood, as shown on **Exhibit D**, it can be seen that the Applicant's house is set farther back into the lot as compared to the properties across the street on Coolidge Drive, as well as the surrounding properties on either side of Grant Avenue behind it. It appears that the construction of a modest rear deck on these other properties would not require relief from the rear setback, as well as from the maximum allowable building coverage.

The grade of the backyard, as well as the amount of shade that is present, makes it difficult to use the area as a traditional yard, which only further lends itself as a space that is prime for a deck which can be, and has been, well-constructed regardless of grading, and which can be maintained far more easily than landscaping.

The previously existing non-conforming rear bump-out already protrudes approximately 13' into the rear set back and the construction of the rear deck is not creating an entirely new use or structure that is incompatible with the existing structure.

### 2. There is no fair and substantial relationship between the general purposes of the ordinance and their specific application to the Property.

The Property was created by the recording of a subdivision plan entitled "Plan of Lots, Part of Elwyn Park, Portsmouth, N.H.," which was drawn by John W. Durgin and recorded in the Rockingham County Registry of Deeds as Plan #01321 in November 1947. The Property is lot 77 on said plan which is enclosed herewith as **Exhibit E**. The creation of the Property predates the Zoning Ordinance, generally, and specifically the dimensional standards of the SRB zoning district as they are today.

As previously stated, the purpose of setbacks and building coverage standards, among other dimensional standards, is to create uniform lots, when possible, create uniform building envelopes, and to prevent overcrowding on lots that could affect surrounding properties. In this instance, the construction of any type of rear deck, let alone the one that is currently constructed, would run afoul of the Zoning Ordinance, however, the constructed rear deck does not affect surrounding

properties and, therefore, is consistent with the objectives and spirit of the Zoning Ordinance by not frustrating the interests of direct abutters which the Zoning Ordinance seeks to protect. Strictly applying the current zoning standards to the Property that pre-date the adoption of current zoning standard is impractical in relation to the requested relief.

#### 3. The Proposed Use is Reasonable.

The Property is used as a residence and this use will remain the same. The Applicant is requesting relief in order to maintain the constructed rear deck, and as part of its request is proposing the demolition of the majority of the front deck. The construction and use of a rear deck is reasonable as it is a feature that is commonly associated with residential structures.

#### **Proposed Stipulations**

The Applicant proposes the following stipulations if the Board is inclined to grant the zoning relief sought: (1) the partially constructed side deck shall be deconstructed and replaced with landscaping, and (2) the front deck shall be reduced in size to accommodate only a modest and code compliant landing and stairs for the front door and shall be no larger than what is proposed on the proposed conditions plan.

In conclusion, the Applicant has demonstrated that its application meets the five (5) criteria for each of the variances ought and respectfully requests that the Board approves this application.

Respectfully submitted,

William C. Giles, Trustee of the William C. Giles Revocable Trust of 2011

By and through its Attorney,

Dated: November 29, 2023

Colby T. Gamester, Esquire

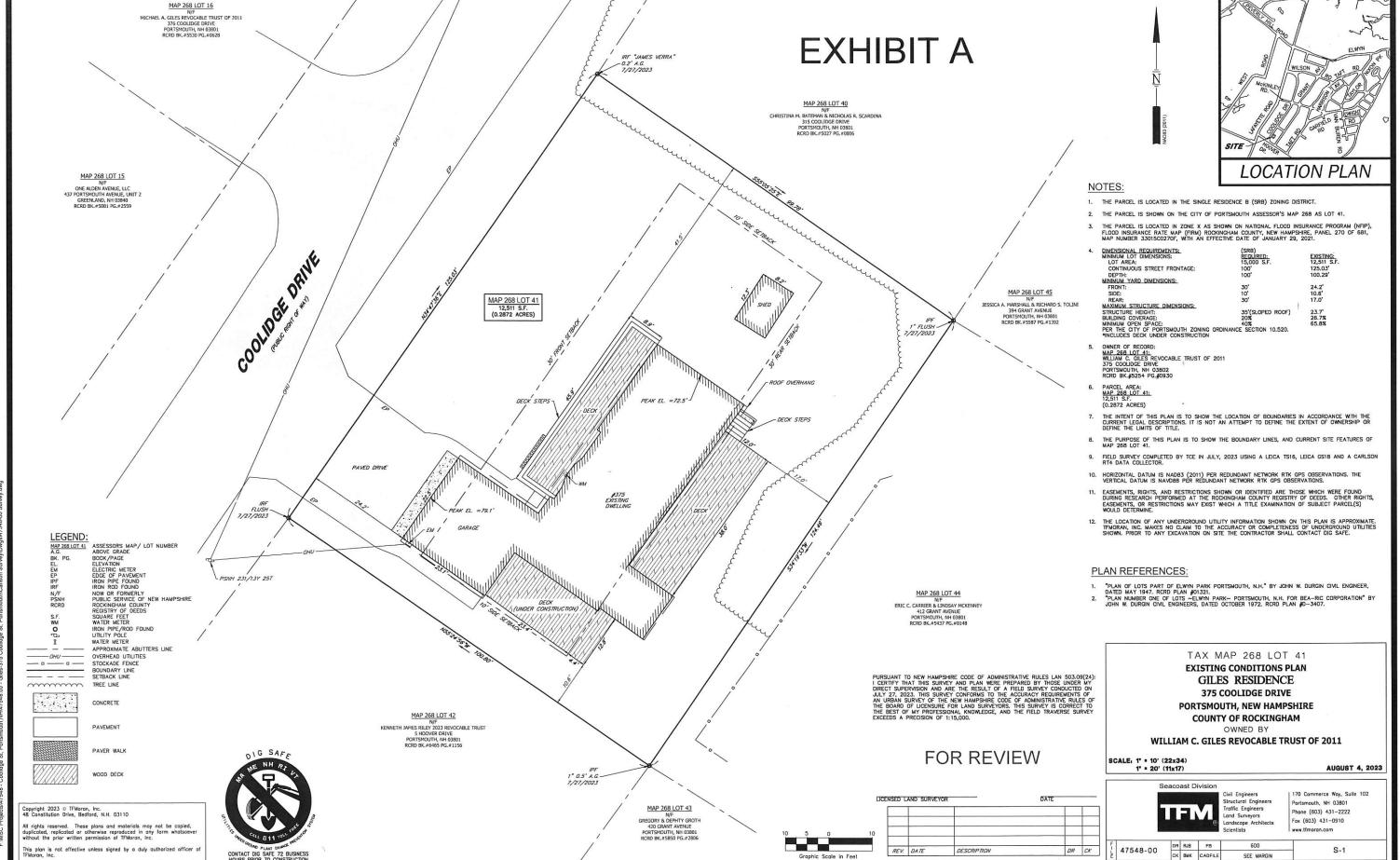
Gamester Law Office

144 Washington Street

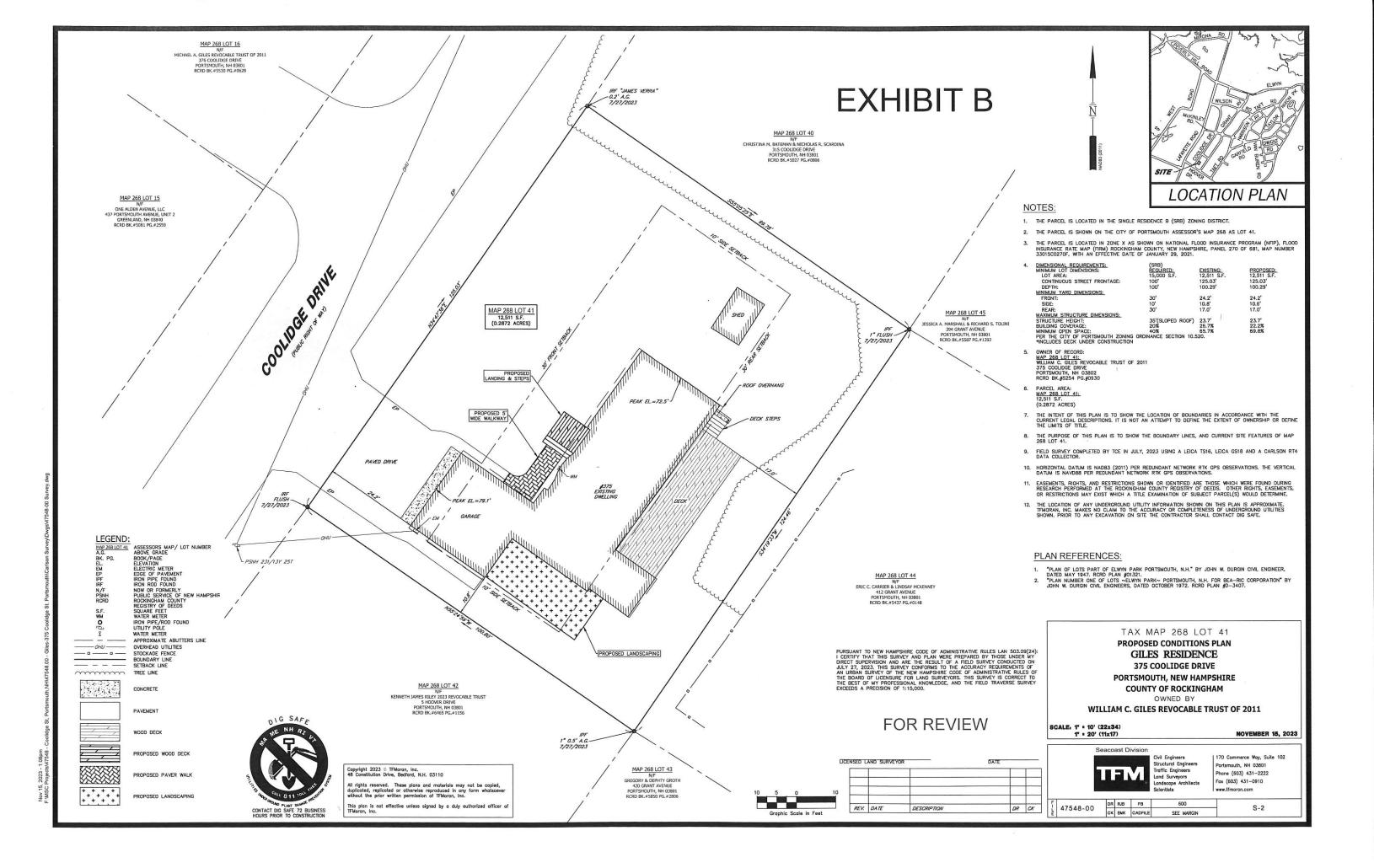
Portsmouth, NH 03801

603-427-0000

colby@gamesterlaw.com



25, 2023 - 9-46am



# Exhibit C - Photographs

### C-1 Front of House



### C-2 – Front from Left



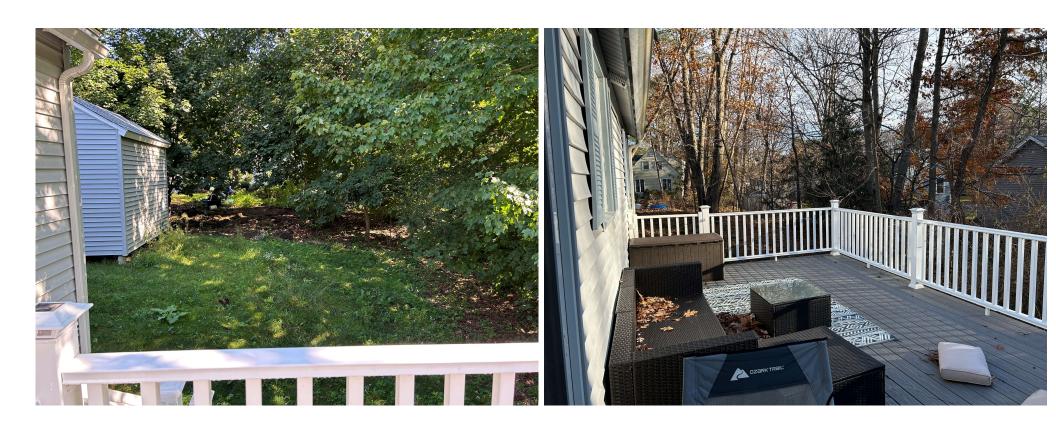
# C-3 – Front from Right



### C-4 – From 5 Hoover Drive



# C-5 – To 315 Coolidge – Summer/Winter



# C-6 – To/From 394 Grant





## C-7 – To 412 Grant – Summer/Winter



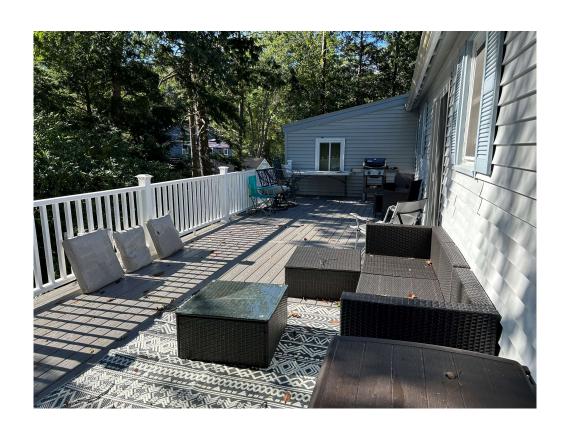


# C-8 — From/to 420 Grant





# C-9 – Deck Generally

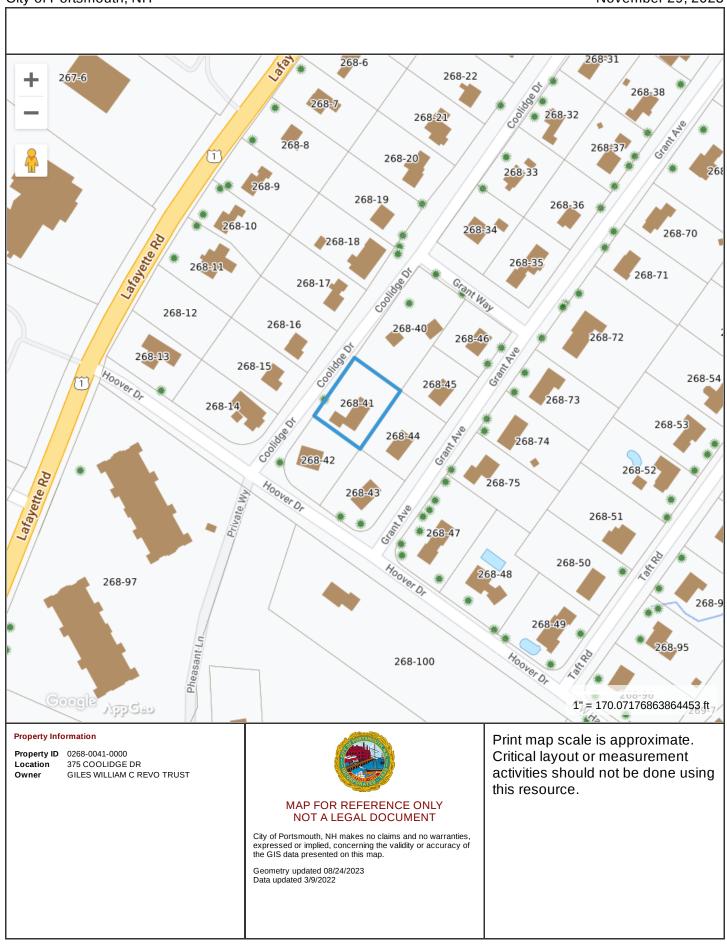


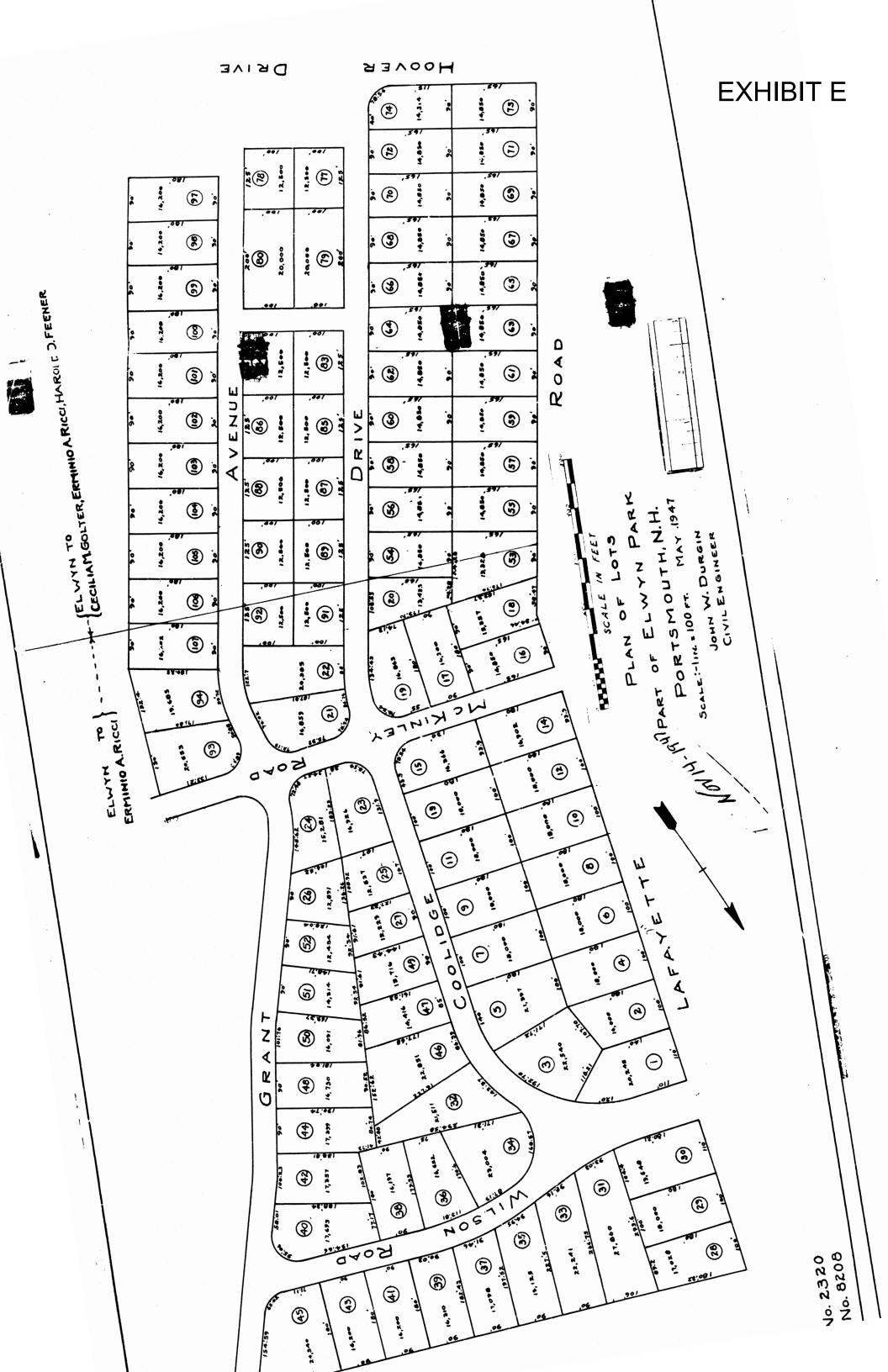
### C-10 - Back Yard Grade





### EXHIBIT D





#### **IV. NEW BUSINESS**

C. The request of **Jewell Court Properties LLC (Owner)**, for property located at **33 Jewell Court Unit S1** whereas relief is needed to establish an event venue serving up to 250 people which requires a Special Exception from Section 10.440, Use # 9.42 where it is permitted by Special Exception. Said property is located on Assessor Map 155 Lot 5-S1 and lies within the Character District 4-W (CD4-W) and the Historic District. (LU-23-205)

#### **Existing & Proposed Conditions**

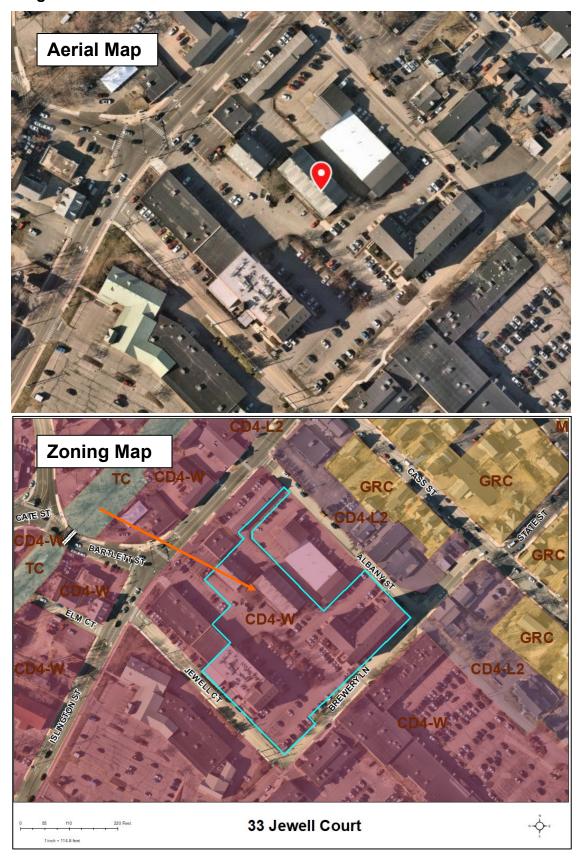
	Existing	Proposed	Permitted / Required
Land Use:	Office	*Event Space	Mixed Use
Unit Square Footage:	6,041	6,041	
Parking	205	205	Determined by a parking demand analysis
Estimated Age of Structure:	1884	Variance request(s) shown in red.	

<sup>\*</sup>Event space allowed by Special Exception

#### Other Permits/Approvals Required

- Building Permit (Tennent Fit Up)
- Parking Conditional Use Permit (TAC and Planning Board)

### **Neighborhood Context**



#### **Previous Board of Adjustment Actions**

<u>August 20 1996</u> – The Board voted to grant the following: 1) Special Exception allowed under Article XII, Section 1201 (A)(5) to reduce the required parking by 10% from 271.6 spaces required to 244.8 required; and 2) Variance from Article XI, Section 10-204 Table 15 to allow 205 spaces to be provided where 244.8n are required.

#### **Planning Department Comments**

The applicant is proposing to convert the existing office space to an event space. This change will require an update to the existing parking demand analysis and a parking conditional use permit (CUP). The parking demand analysis will be reviewed by the Technical Advisory Committee and the parking CUP requires approval from the Planning Board.

#### **Special Exception Review Criteria**

The application must meet all of the standards for a **special exception** (see Section 10.232 of the Zoning Ordinance).

- 1. Standards as provided by this Ordinance for the particular use permitted by special exception;
- 2. No hazard to the public or adjacent property on account of potential fire, explosion or release of toxic materials;
- 3. No detriment to property values in the vicinity or change in the essential characteristics of any area including residential neighborhoods or business and industrial districts on account of the location or scale of buildings and other structures, parking areas, accessways, odor, smoke, gas, dust, or other pollutant, noise, glare, heat, vibration, or unsightly outdoor storage of equipment, vehicles or other materials;
- 4. No creation of a traffic safety hazard or a substantial increase in the level of traffic congestion in the vicinity;
- 5. No excessive demand on municipal services, including, but not limited to, water, sewer, waste disposal, police and fire protection and schools; and
- 6. No significant increase of stormwater runoff onto adjacent property or streets.

#### 10.235 Certain Representations Deemed Conditions

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

# APPLICATION OF 33 JEWELL COURT PROPERTIES, LLC 33 JEWELL COURT Map 155, Lot 5

#### **APPLICANT'S NARRATIVE**

#### A. The Project.

The Applicant, 33 Jewell Court Properties, LLC, is proposing to repurpose its vacant second floor office space at 33 Jewell Court into an event venue. The second floor is 6,041 square feet and is the former home of Hawthorn Creative, a publishing company that once housed 45 employees on a daily basis. However, since Covid, Hawthorn has adopted a workfrom-home model leaving the second floor vacant for quite some time. Currently, there is no demand for office space, but the city is in need of event space for weddings and functions. The property sits in the CD4-W zone where functions for up to 250 people are allowed by special exception. §10.440.9.42.

#### The Special Exception.

The Applicant believes the proposal easily meets the criteria for the necessary special exception. Those criteria are set forth in the ordinance at §10.232.20.

First, the use proposed here, "function room," is permitted within this district by special exception, see §10.440.9.42.

Second, the proposed use will pose no hazard to the public or adjacent properties on account of potential fire, explosion or release of toxic materials. §10.232.22. No explosives, toxic materials or unusual accelerants will be stored on site. No toxic materials of any kind will be used or stored on site.

Third, there will be no detriment to property values in the vicinity or change in the essential characteristics of any area including residential neighborhoods or business and industrial districts on account of the location or scale of buildings and other structures, parking areas, accessways, odor, smoke, gas, dust, or other pollutant, noise, glare, heat, vibration, or unsightly outdoor storage of equipment, vehicles or other materials. §10.232.23. The location is on an existing, fully developed site and has been used for many years as office space with a daily parking demand. The building is part of a condominium complex that has 205 parking spaces. If this special exception is granted, the Applicant will appear before the Planning Board for a parking Conditional Use Permit. Also, there is no outdoor storage of product or equipment on site. The proposed use does not produce odor, smoke, gas, dust, noise, glare, heat, or vibration.

The building has four layers of brick masonry walls that are 13.5 inches thick. The front wall facing CVS is 17.5 inches thick. Noise penetration, even at high levels, is barely audible to the outside. The Applicant has hired Eric Reuter Associates, LLC as a sound engineer.

His report concludes that the proposed function space will not generate noise levels in excess of applicable noise levels, see attached Exhibit A. As a result of the foregoing, there will be no detriment to property values or change in the essential characteristics of the vicinity.

Fourth, there will be no creation of a traffic safety hazard or a substantial increase in the level of traffic congestion in the vicinity. §10.232.23. The proposal is for a wedding venue that will primarily conduct its business on the weekends. As mentioned earlier, the condominium association has 205 parking spaces. All buildings in the condominium association have legal access to all 205 parking spaces. However, to reduce parking demand onsite, the Applicant intends to utilize only the allotted twenty-nine parking spaces on site spaces for wedding events and functions. The Applicant will hire valet service and will utilize shuttle services to get guests to and from events.

Fifth, there will be no excessive demand on municipal services, including, but not limited to, water, sewer, waste disposal, police and fire protection and schools. §10.232.24. None of these services will be implicated beyond other allowed uses in this zone.

Finally, the project will result in no significant increase of stormwater runoff onto adjacent property or streets. §10.232.25. There will be no change to the existing building footprint or impervious surfaces.

#### **Conclusion.**

For the foregoing reasons, the applicant respectfully requests the Board grant the special exception as requested and advertised.

Respectfully submitted,

Dated: December 14, 2023 By: Isl John K. Bosen .

John K. Bosen, Esquire



10 Vaughan Mall, Suite 201A Portsmouth, NH 03801 603-430-2081

December 11, 2023

Jessica Kaiser 33 Jewell Court Portsmouth, NH 03801

SUBJECT: 33 Jewell Court - Exterior Noise

Dear Jessica,

I understand that you plan to renovate the second floor of 33 Jewell Court in Portsmouth to create an event space. Some types of events, such as wedding receptions, may have a DJ or live band. There is a concern about compliance with the noise level limits in section 10.1332 of the City of Portsmouth Zoning Ordinance.

In this district, sound levels are limited to 55 dBA during the daytime hours of 7 am to 9 pm and 45 dBA during the nighttime hours. The intent of these limits is to protect residential receptors, accounting for increased sensitivity at night.

On the evening of December 4, I conducted sound transmission measurements at the site. Based on the application of these measurements to a typical rock/pop music spectrum, I expect that the sound pressure level at the nearest façade of 90 Brewery Lane, the nearest residential building, will comply with the 45-dBA limit, provided the interior sound level is limited to 95 dBA. It is reasonable to expect levels associated with these events to be below this level as a matter of course, as music this loud would preclude speech communication between patrons.

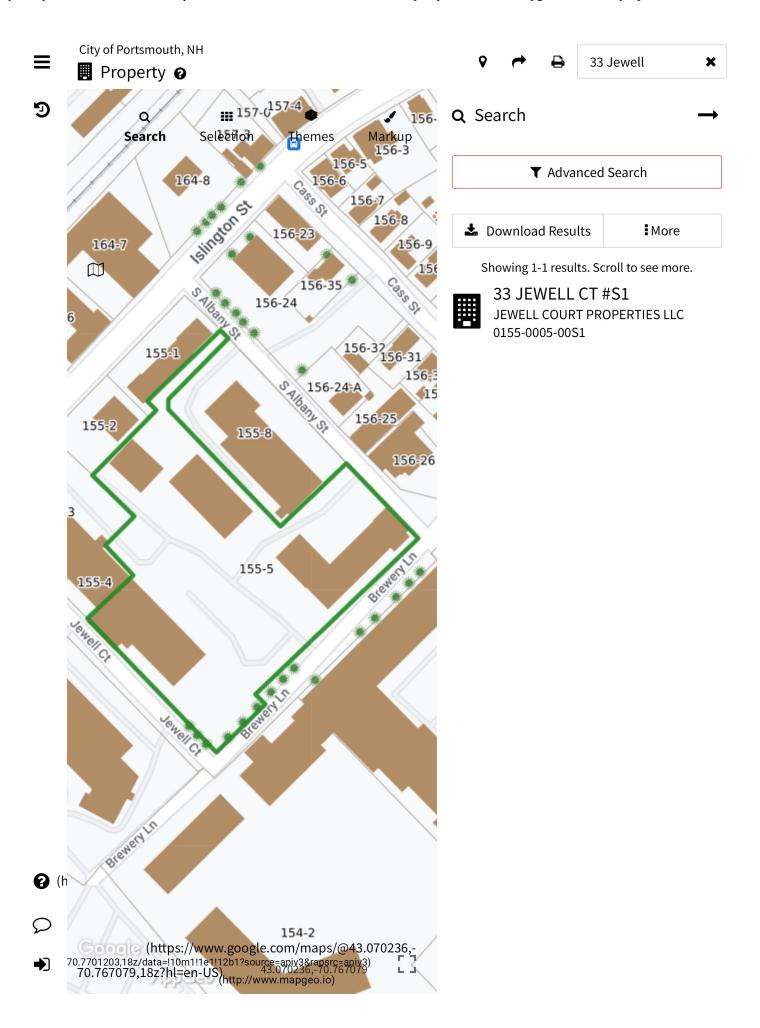
As such, I do not expect that the proposed event space will generate noise levels in excess of 45 dBA at the nearest residential building.

Sincerely,

Eric L. Reuter, INCE Bd. Cert.

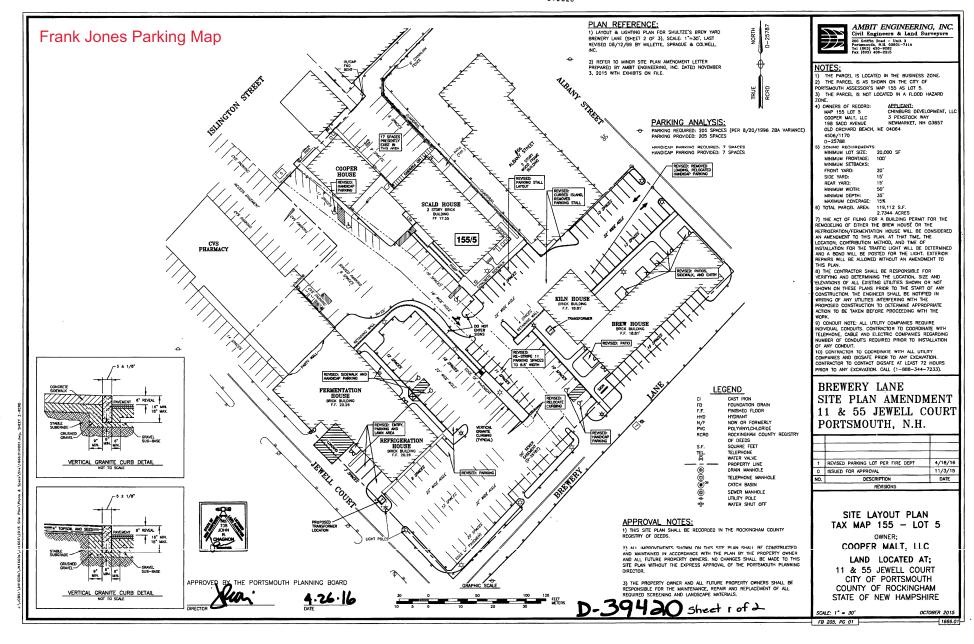
Come Pot

Principal

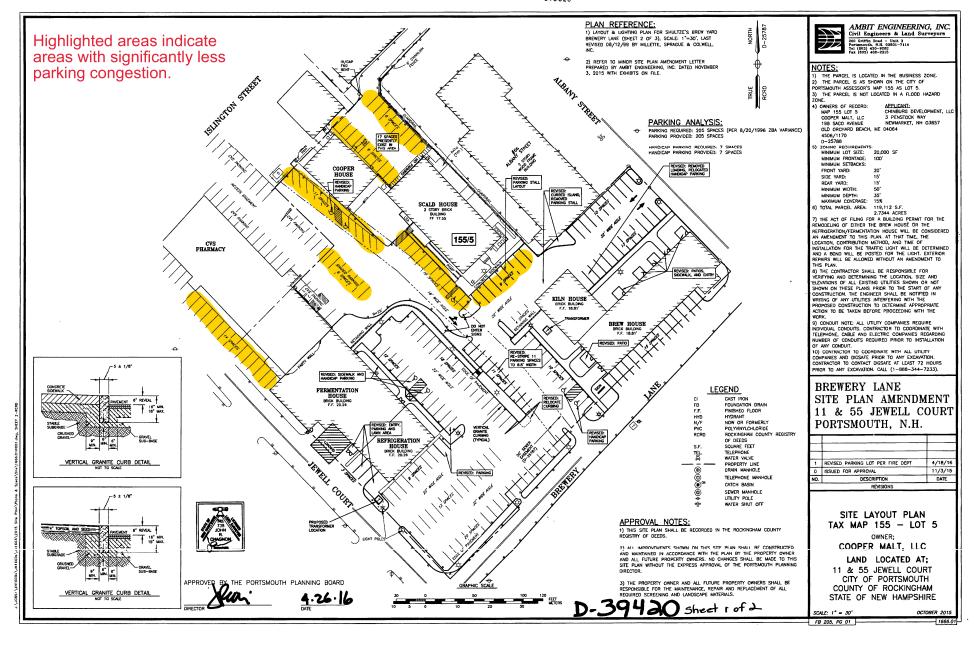


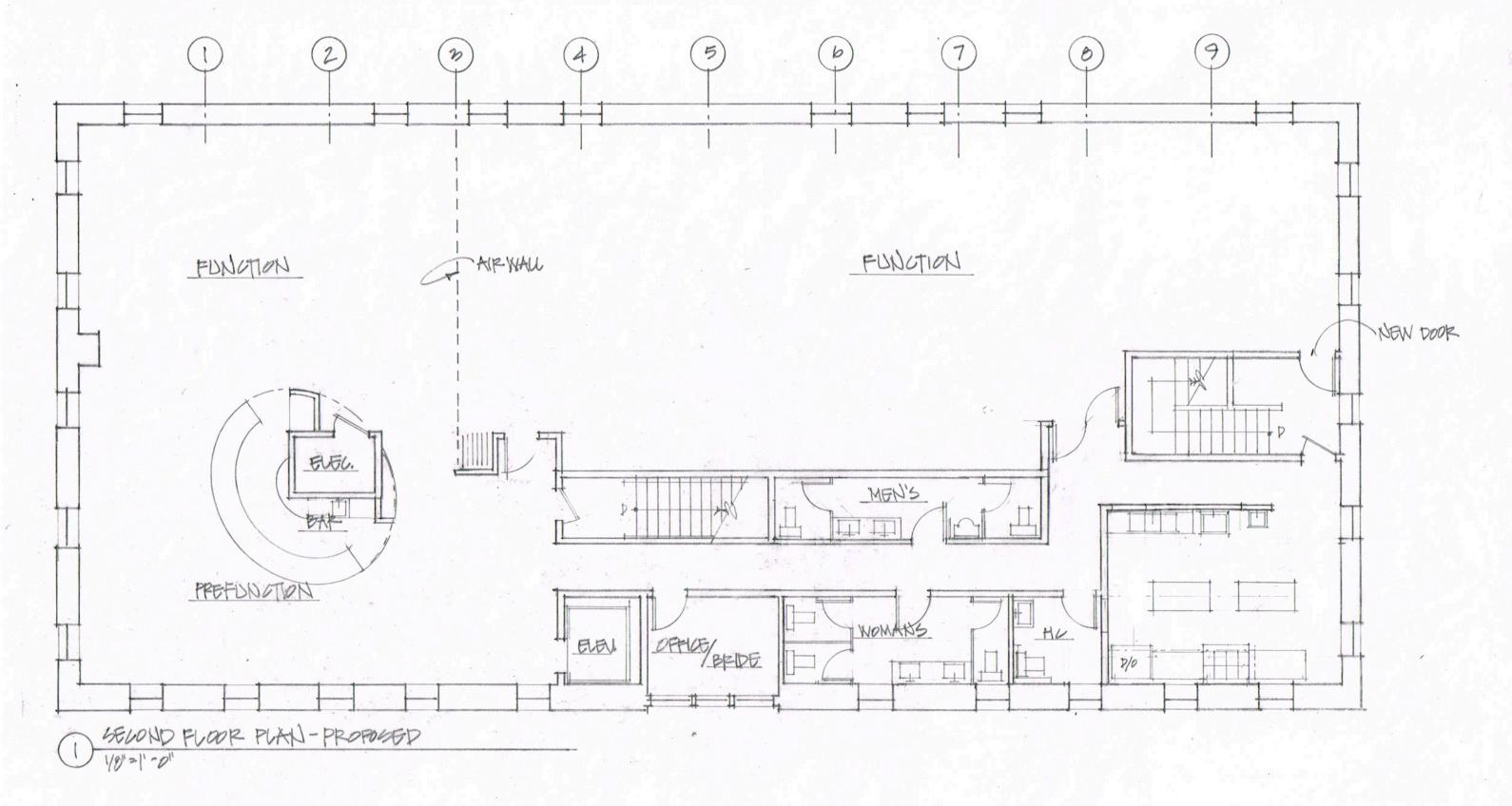
1 of 1

2016 APR 27 AM 9: 11 016328



2016 APR 27 AM 9: 11 016328







## 33 Jewell Court

Portsmouth, NH

PROPOSED SELOND FLOOR PLAN PENISED SK-048 11.27.2023













#### **IV. NEW BUSINESS**

D. The request of Friends of Lafayette House in care of Melanie Merz (Owner), for property located at 413 Lafayette Road whereas relief is needed to construct an attached caretakers unit to the existing residential care facility which requires the following: 1) Variance from Section 10.331 to extend, enlarge, or change the lawful nonconforming use without conforming to the Ordinance; and 2) Variance from Section 10.334 to extend the nonconforming use to a remaining portion of the land. Said property is located on Assessor Map 230 Lot 23A and lies within the Single Residence B (SRB) District. (LU-23-208)

#### **Existing & Proposed Conditions**

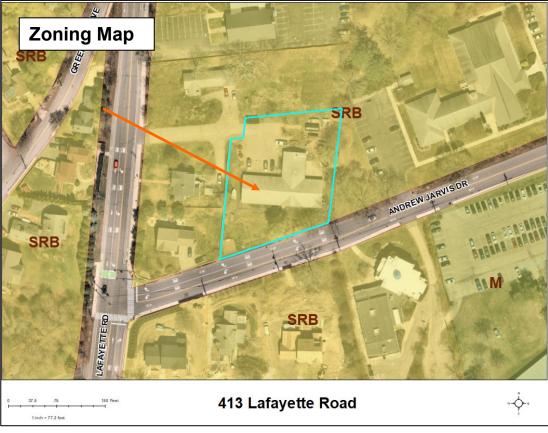
	Existing	Proposed	Permitted / Required	
Land Use:	Group Home	Construct a care taking unit to existing structure	Primarily residential	
Lot area (sq. ft.):	33,119	33,119	15,000	min.
Street Frontage (Andrew Jarvis Dr)(ft.):	183	183	100	min.
Lot depth (ft.)	187	187	100	min.
Front Yard (ft.):	>40	>40	30	min.
Left Yard (ft.):	20	20	10	min.
Right Yard (ft.):	25	25	10	min.
Rear Yard (ft.):	25	25	30	min.
Height (ft.):	18	18	35	max.
Building Coverage (%):	18	20	20	max.
Open Space Coverage (%):	More info needed	More info needed	40	min.
<u>Parking</u>	8	8	7	
Estimated Age of Structure:	1983	Variance request(	(s) shown in red.	

#### Other Permits/Approvals Required

- Site Review (TAC and Planning Board)
- Building Permit

### **Neighborhood Context**





#### **Previous Board of Adjustment Actions**

No previous history found.

#### **Planning Department Comments**

The applicant is requesting to construct a 600 square foot addition to the existing structure that will serve as an on-property care taking unit. It should be noted that the existing property is a group living facility and the number of bedrooms does not reflect the number of independent living units.

During review, staff calculated the proposed building coverage to equal exactly 20% and the application did not provide sufficient information to calculate open space coverage.

Should the Board find that the requested variances meet the review criteria, staff suggests the following or similar conditions be added to an approval:

- 1) The proposed caretaker unit addition shall not be more than 600 square feet so as not to exceed 20% building coverage on site; or the applicant will be required to obtain a variance if the addition is larger than 600 square feet.
- 2) The applicant is required to make appropriate site changes so as to meet the 40% minimum open space requirement; or return to the Board to obtain a variance if the open space is less than 40%.

#### Variance Review Criteria

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

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

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

#### 10.235 Certain Representations Deemed Conditions

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

# APPLICATION OF FRIENDS OF LAFAYETTE HOUSE, INC. 413 Lafayette Road, Portsmouth, NH Map 230, Lot 23A

#### **APPLICANT'S NARRATIVE**

#### I. THE PROPERTY:

The applicant, Friends of Lafayette House, Inc. is a 501(c) (3) non-profit organization owns the property located at 413 Lafayette Road, Portsmouth, New Hampshire which currently houses 12 adult developmentally disabled residents (the, "Property"). Two (2) house managers, Julie and Dennis Barratt also reside at the property in a 300 square foot caretaker living quarters. In addition to the caretaker quarters, the property consists of 13 bedrooms, 8 bathrooms, a kitchen, living room and dining room. It is considered a "residential care facility" under the ordinance, which use is not permitted in this zone.

The Property is approximately .76 acres in size, has 8 parking spaces and is situated off Lafayette Road in the SRB zoning district. An overview of the Property is shown on the attached map. The property is unique in that it has frontage on Andrew Jarvis Drive, but an address on Lafayette Road, where it is accessible via a deeded easement.

The Friends of Lafayette House provides housing and associated programming for developmentally disabled adults and has provided such services on this site since 2017, when it acquired the property from Great Bay Services, which provided these housing services to the disabled population on this site since 1984. Many of the current clients have resided here for more than ten years. The need for such services on the seacoast, and in New Hampshire in general, is acute given the relatively low level of government funding devoted to them. Accordingly, it falls to privately funded non-profit organizations to provide the bulk of these desperately needed services.

The property has capacity for 12 clients, and that number will not be increased. The house managers live on-site Monday through Friday in separate living quarters. A respite shift of caretakers takes over for the weekend and presently occupies the house managers' living space. The proposal before the Board is to construct a 598-foot addition to the building to create a completely separate caretaker apartment for the weekend respite staff. This will make the living arrangements much easier and more desirable for the house managers and staff. Except for rare events, such as weather events or personal emergencies, it is not anticipated that the existing caretaker living quarters and the proposed new apartment will be occupied at the same time. In other words, the actual residential density on the site will not increase.

Because the current group home use, which falls within the definition of a "residential care facility" in the ordinance, is not permitted in the SRB, the applicant needs a variance from 10.331 and/or 10.334 to enlarge or expand the non-conforming use.

#### II. THE VARIANCES:

The Applicant believes all criteria necessary to grant the requested variances are met.

Granting the requested variances will not be contrary to the spirit and intent of the ordinance nor will it be contrary to the public interest. The "public interest" and "spirit and intent" requirements are considered together pursuant to Malachy Glen Associates v. Chichester, 152 NH 102 (2007). The test for whether or not granting a variance would be contrary to the public interest or contrary to the spirit and intent of the ordinance is whether or not the variance being granted would substantially alter the characteristics of the neighborhood or threaten the health, safety and welfare of the public.

The essential characteristics of the neighborhood would not be altered by this project. The existing facility, housing up to 12 clients, already exists on this site harmoniously with the surrounding residential properties, Portsmouth High School and the nearby houses of worship. The current use has existed on site for almost forty years.

Were the variances to be granted, there would be no change in the essential characteristics of the neighborhood, nor would any public health, safety or welfare be threatened.

Substantial justice would be done by granting the variance. Whether or not substantial justice will be done by granting a variance requires the Board to conduct a balancing test. If the loss to the applicant from denying the variance is not outweighed by some benefit to the general public, it is an injustice. Here, the loss to the applicant greatly exceeds any benefit to the public by requiring strict compliance with the ordinance. The non-conforming use already exists at the site and has for nearly forty years and any proposed expansion to the physical, built environment would require variance relief. The proposed expansion is very modest, and is necessary to assure the continued successful operation of the applicant's very important service to the community.

There are special conditions associated with the property which prevent the proper enjoyment of the property under the strict terms of the zoning ordinance and thus constitute unnecessary hardship. The lot in question is larger than the

residential lots in its neighborhood, is in close proximity with municipal and religious institutional uses, and has been the site of the residential care facility use since 1984. It has frontage on Andrew Jarvis Drive but a Lafayette Road address, where it has access via a deeded easement.

The use is a reasonable use. The use already exists on the site and is not being expanded in any significant way.

There is no fair and substantial relationship between the purpose of the ordinance as it is applied to this particular property. The existing use is not permitted in the SRB zone. However, it has existed on this site since 1984. The minor proposed expansion of the building will not in any material way increase the nonconformity of the use.

Accordingly, the proposed use requested here would not in any way frustrate the purpose of the ordinance and there is no fair and substantial relationship between the purpose of the ordinances and their application to this property.

#### II. Conclusion.

For the foregoing reasons, the applicant respectfully requests the Board grant the variances as requested and advertised.

By:

Respectfully submitted,

Dated: December 22, 2023

John W Dogon Francis

#### Letter of Authorization

Friends of Lafayette House, 400 Little Harbor Road, Suite 1104. Portsmouth, NH 03801, owner of property located in Portsmouth, NH, known as Tax Map 230, Lot 23A, do hereby authorize Jones & Beach Engineers, Inc., PO Box 219, Stratham, NH, and Bosen & Associates, 266 Middle Street, Portsmouth, NH 03801, to act on my behalf concerning the previously mentioned property. The parcel is located at 413 Lafayette Road in Portsmouth, NH.

We hereby appoint Jones & Beach Engineers, Inc., as my agent to act on my behalf in the review process, to include any required signatures.

Witness Friends of Lafayette House Date

Book: 6065 Page: 669

Ganz Law Office Box 62

# 19052508 12/10/2019 02:36:58 PM Book 6065 Page 669 Page 1 of 2 Register of Deeds, Rockingham County

LCHIP ROA474216

**TRANSFER TAX R0093549** 2,884.00 RECORDING

14.00 2.00 SURCHARGE

25.00

#### WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS that Community Home Solutions, Inc., a New Hampshire corporation, of 14 New Zealand Road, Seabrook, New Hampshire 03874, for consideration paid, grant to Friends of Lafayette House, a New Hampshire non-profit corporation, with a mailing address of PO Box 4545, Portsmouth, New Hampshire 03802, with warranty covenants, the following:

A certain parcel of land, together with the buildings and improvements thereon, situate in Portsmouth, County of Rockingham and State of New Hampshire, identified as Lot 2 on subdivision plan entitled "Plan of Land of J. Philip McCaffery for Great Bay School and Training Center, by Richard P. Millette & Associates", dated December 1981, with Revision I dated January 7, 1982, and recorded in the Rockingham County Registry of Deeds as Plan No. D- 10590 (the "Premises"), as more particularly bounded and described as follows:

Beginning at a point which is 155 feet distant from the Southwest corner of land now or formerly of Lester A. and Priscilla M. Pettis, on a bearing S 79° 23' 39" E from Lafayette Road and from said point of beginning, and being at the Southerly side of Lot 3 on aforesaid plan; thence running S 79° 23' 39" E a distance of 154.32 feet to a point at land now or formerly of Church of Jesus Christ of Latter Day Saints; thence running South by said Church land S 22° 05' 21" W a distance of 179.22 feet to land now or formerly of the City of Portsmouth; thence running S 88° 21' 21"W a distance of 183.14 feet to Lot 1 on said Plan; thence running N 21° 15' 21" E a distance of 187.72 feet to a point at a right of way in common of fifty (50) feet in width; thence running S 79° 23' 39" E a distance of twenty (20) feet to a point; thence running N 21° 15' 21" E, a distance of 30.53 feet to the point of beginning.

There is granted herewith a fifty (50) foot easement right of way as shown on said Plan, extending from Lot 2 to Lafayette Road. This right of way shall run with the land, for all purposes of vehicular and pedestrian passage, for the benefit of Lot 1, Lot 2 and Lot 3 on said Plan, and also for the benefit of land abutting this right of way to the North, now or formerly owned by Lester A. Pettis and Priscilla M. Pettis.

Premises are conveyed subject to the terms of an Option Agreement, a Notice of which is recorded in Rockingham County Registry of Deeds at Book 5879, Page 1258.

#### Book: 6065 Page: 670

Said conveyance is subject to the mortgage to the Newburyport Five Cents Savings Bank dated December 14, 2017 and recorded at Book 5879, Page 120, the Assignment of Rents to the Newburyport Five Cents Savings Bank dated December 14, 2017 and recorded at Book 5879, Page 1247 and a UCC-1 Financing Statement dated December 14, 2017 and recorded at Book 5888, Page 630.

The grantee herein has assumed the financial obligations to Newburyport Five Cents Savings Bank.

Subject to all rights, restrictions and easements of record.

This is not homestead property of Grantor.

Meaning and intending to describe the same premises conveyed to Grantor by deed of Great Bay Services, Inc. dated December 14, 2017 and recorded in the Rockingham County Registry of Deeds at Book 5879, Page 1225.

Executed this 10th day of December, 2019.

Community Home Solutions, Inc.

By Francis G. Chase, President

STATE OF NEW HAMPSHIRE ROCKINGHAM, SS.

December 10, 2019

Then appeared the above-named Francis G. Chase, duly authorized President of Community Home Solutions, Inc., known to me or satisfactorily proven through proof of identification (i.e. his driver's license) to be the individual who executed the foregoing instrument, and acknowledged same to be his voluntary act and deed.

Before me,

Mary Keohan Ganz, Justice of the Peace State of New Hampshire My Commission Expires: August 28, 2024

Mary Keenan Ganz - Justice of the Peace My Commission Expires: 08/28/2024

#### **413 LAFAYETTE RD**

**Location** 413 LAFAYETTE RD **Mblu** 0230/ 023A/ 0000//

Acct# 35469 Owner FRIENDS OF LAFAYETTE

HOUSE

PBN Assessment \$884,100

**Appraisal** \$884,100 **PID** 35469

**Building Count** 1

#### **Current Value**

	Appraisal		
Valuation Year	Improvements	Land	Total
2022	\$450,500	\$433,600	\$884,100
	Assessment		
Valuation Year	Improvements	Land	Total
2022	\$450,500	\$433,600	\$884,100

#### **Owner of Record**

Owner

FRIENDS OF LAFAYETTE HOUSE

Co-Owner

Address

400 LITTLE HARBOR RD STE 1104

PORTSMOUTH, NH 03801

Sale Price

\$192,266

Certificate

Book & Page 6065/669

Sale Date

12/10/2019

Instrument

36

#### **Ownership History**

Ownership History						
Owner	Sale Price	Certificate	Book & Page	Instrument	Sale Date	
FRIENDS OF LAFAYETTE HOUSE	\$192,266		6065/669	36	12/10/2019	
COMMUNITY HOME SOLUTIONS INC	\$200,000		5879/1225	36	12/14/2017	
GREAT BAY SCH	\$0		2406/1040		02/05/1982	

#### **Building Information**

#### **Building 1 : Section 1**

Year Built:

1983

Living Area:

6,070

Replacement Cost:

\$648,033

**Building Percent Good:** 

68

**Replacement Cost** 

Less Depreciation:

\$440,700

<b>Building Attributes</b>			
Field Description			
Style:	Apartments		
Model	Commercial		
Grade	С		

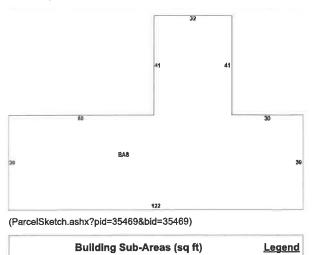
Stories:	1
Occupancy	4.00
Residential Units	
Exterior Wall 1	Clapboard
Exterior Wall 2	
Roof Structure	Gable/Hip
Roof Cover	Asph/F Gls/Cmp
Interior Wall 1	Drywall/Sheet
Interior Wall 2	
Interior Floor 1	Inlaid Sht Gds
Interior Floor 2	
Heating Fuel	Gas
Heating Type	Hot Water
АС Туре	Central
Bldg Use	BOARDING HS MDL-94
Total Rooms	
Total Bedrms	
Total Baths	
Kitchen Grd	
Heat/AC	HEAT/AC PKGS
Frame Type	WOOD FRAME
Baths/Plumbing	AVERAGE
Ceiling/Wall	CEIL & WALLS
Rooms/Prtns	AVERAGE
Wall Height	8.00

#### **Building Photo**



(https://images.vgsi.com/photos2/PortsmouthNHPhotos/\00\01\07\04.JPG)

#### **Building Layout**



% Comn Wall	
1st Floor Use:	
Class	

Code	Description	Gross Area	Living Area
BAS	First Floor	6,070	6,070
		6,070	6,070

#### **Extra Features**

Extra Features <u>Le</u>				
Code	Description	Size	Value	Bldg #
SPR1	SPRINKLERS-WET	6070.00 S.F.	\$7,200	1

#### Land

Land Use Land Line Valuation

**Use Code** 9300 **Size (Acres)** 0.76

DescriptionCHARTBL 94FrontageZoneSRBDepth

Neighborhood302Assessed Value\$433,600Alt Land ApprNoAppraised Value\$433,600

Category

#### Outbuildings

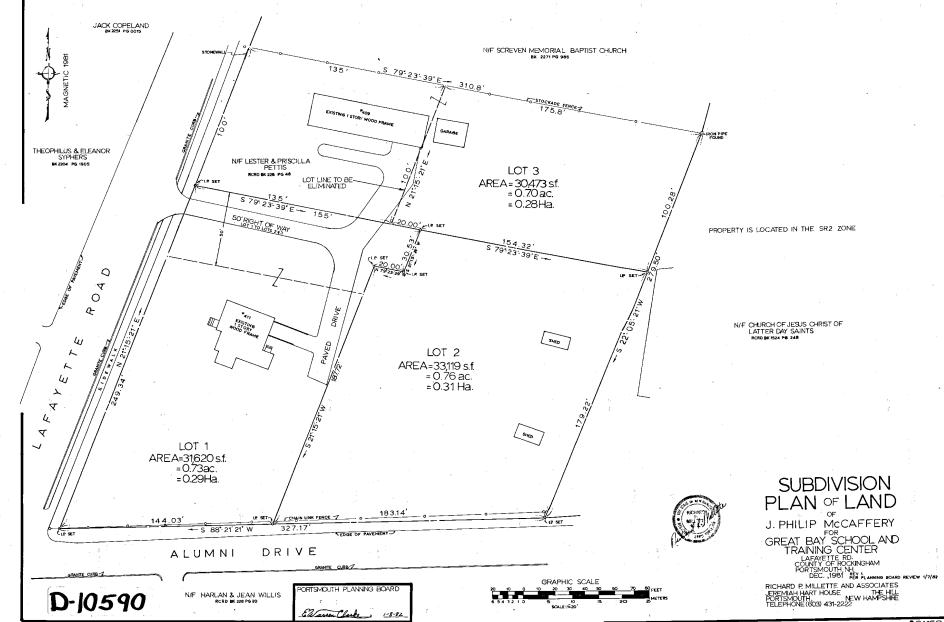
	Outbuildings <u>Lege</u>					
Code	Description	Sub Code	Sub Description	Size	Value	Bldg#
PAV1	PAVING-ASPHALT			1800.00 S.F.	\$1,600	1
SHD1	SHED FRAME			80.00 S.F.	\$500	1
SHD1	SHED FRAME			80.00 S.F.	\$500	1

#### **Valuation History**

Appraisal				
Valuation Year	Improvements	Land	Total	
2021	\$450,500	\$433,600	\$884,100	
2020	\$450,500	\$433,600	\$884,100	
2019	\$501,900	\$433,600	\$935,500	

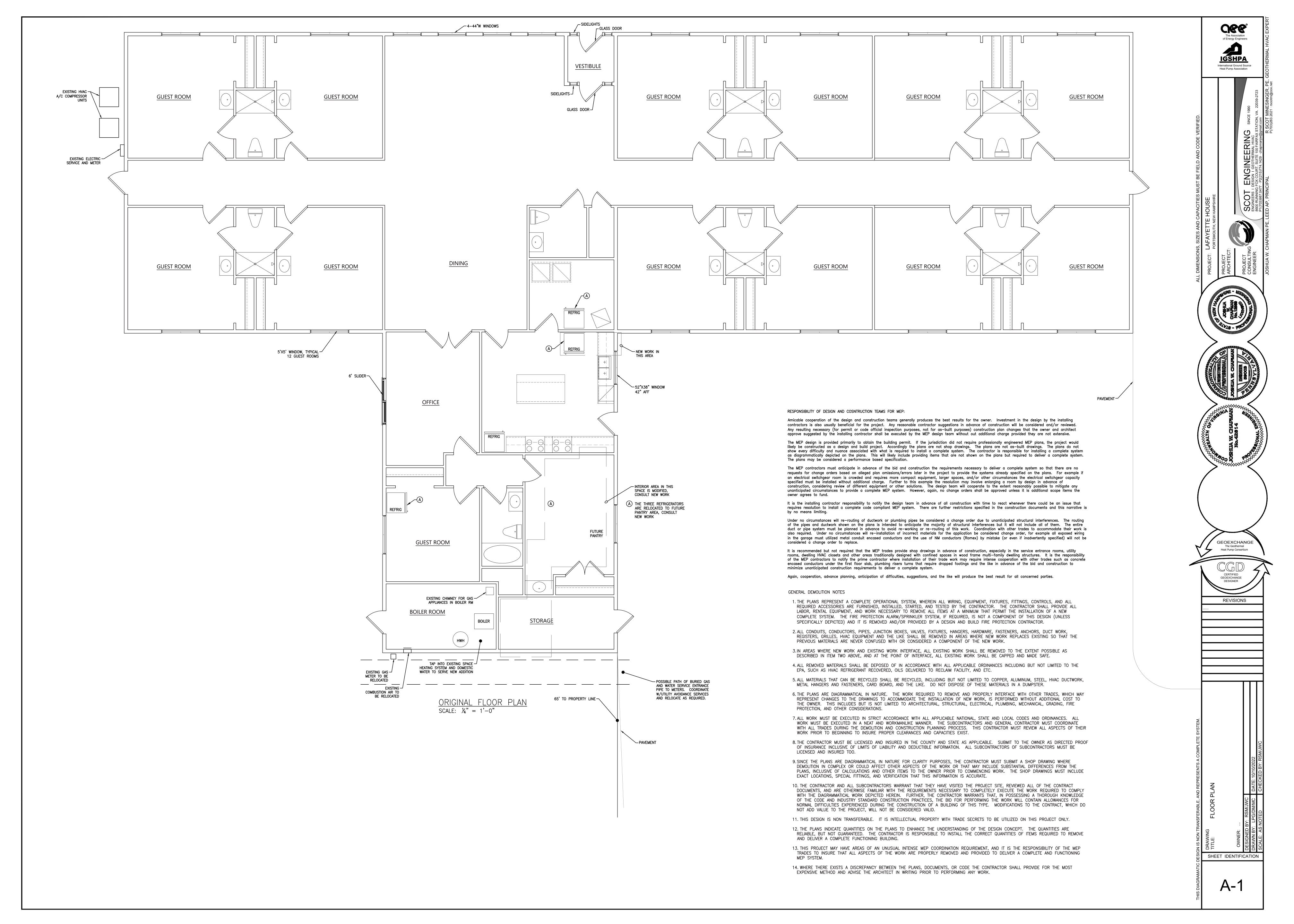
Assessment				
Valuation Year	improvements	Land	Total	
2021	\$450,500	\$433,600	\$884,100	
2020	\$450,500	\$433,600	\$884,100	
2019	\$501,900	\$433,600	\$935,500	

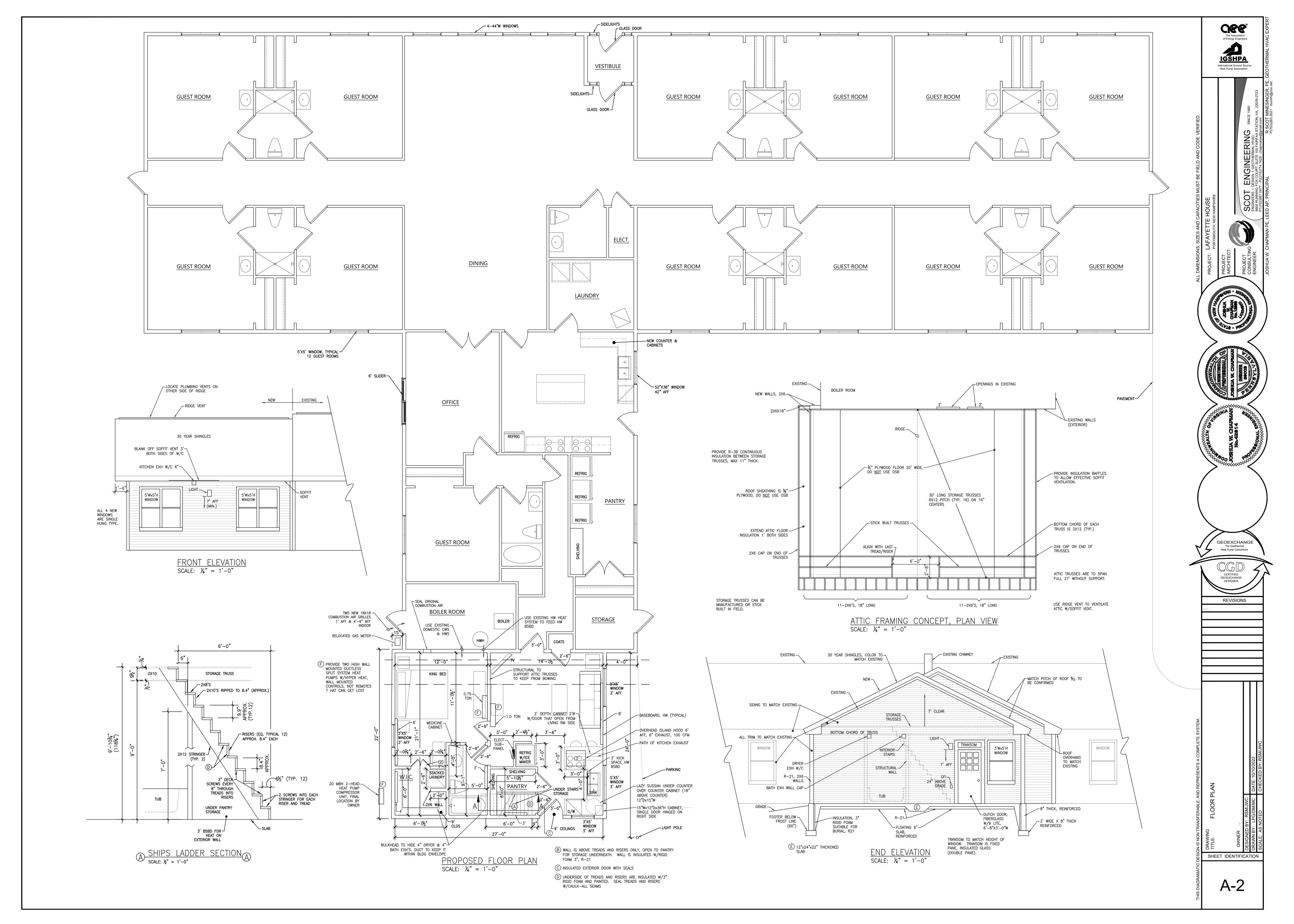
(c) 2023 Vision Government Solutions, Inc. All rights reserved.



"我是"我的我"。

B





EVERY TRADE IS OBLIGATED TO COMPLY WITH ALL ASPECTS OF ALL PLAN SHEETS. THAT IS FOR EXAMPLE, WHERE A REQUIREMENT ON THE PLUMBING PLANS IS SHOWN ON THE ARCHITECTURAL PLANS, THE PLUMBER MUST COMPLY WITH THAT REQUIREMENT, EVEN IF IT IS NOT SHOWN ON THE PLUMBING PLANS.

CONSTRUCTION ADMINISTRATION REQUIREMENTS:

these plans would not exist).

This section applies to the construction documents. This section concerns execution of the work more so than code compliance and accordingly is not completely applicable to jurisdictional plan review.

Construction administration must be organized to be successful and this plan sheet is devoted to provide instruction for the contractor to properly apply this process with the engineer of record and design team. Please abide by the submittal format exactly and submit the products grouped as requested. Please issue requests for information (RFI) in accordance with the instructions on this plan sheet. RFI's and submittals out of compliance with this plan sheet may be returned requiring a corrected format. Please do not take this construction document requirement lightly.

It is in our best interest that the trade contractors are successful (profitable), after of course the primary goal of providing a code compliant design that guards the best interests of the public and the owner. It is difficult if there is an adversarial relationship between trade contractors and design team members. Please consider this specification an attempt to prevent wasted resources, which in addition to the protecting the public is a pleage engineers are expected to honor. This is a positive proactive specification intended to avoid mistakes, which will make the entire project more successful.

Please be reminded that the plans function as a complete design. It is not acceptable to accept only portions of the plans. All components of the construction documents must be executed and accepted to provide for a complete installation. It is completely unacceptable to consider the plans as containing optional scope items, where contractors, owners, and the like decide to omit aspects of our plan requirements. Please be reminded that the mechanical, electrical and plumbing plans are not shop drawings. The mechanical, electrical, and plumbing plans were produced primarily to earn a building permit. If building permit requirements did not

Please be reminded from extensive notes listed on the leading plans sheets for mechanical, electrical, and plumbing trades clearly indicate that this is a difficult project for the architectural, structural, mechanical, plumbing and electrical trades to coordinate and interface properly. To state the difficultly even more plainly and understandably, please consider that the plans require that:

require mechanical, electrical, and plumbing plans signed and sealed by a state licensed professional engineer, the project most likely would have become a mechanical, electrical and plumbing contractor design and build project (and

1. If the mechanical, electrical, and plumbing trades bid this project they are representing that the equipment is thoroughly researched, priced, taken—off examined, otherwise and proposed in their bid fits. That is the equipment is spatially compatible with all other trades, inclusive of codes required, service required, otherwise, and required clearances for service and safety are all provided and accommodated.

2.If a lack of extensive pre—bid research or post bid proper advance planning and coordination (that is a requirement of the construction documents without exception) seems to be prevalent as judged by the mechanical, electrical, or plumbing engineer of record than the trade contractors shall be required to provide shop drawings at no additional cost to the owner. Further, the questions and issues that may arise during the shop drawing production process that are directed to the mechanical, electrical, or plumbing engineer judged to be counter- productive, a nuisance, "fishing for change orders", and the like then answers by the design team shall be issued as the RFI's are inappropriate and unsuitable; returned unanswered.

3. There are often chases, wall cavities, and the like that are large enough to accommodate multiple trades and are shown on each trade plan in the same chase, wall cavity and the like. However, if the trades do not plan ahead (coordinate), the first trade field personnel on the project may install their work in a chase, wall cavity, and the like inefficiently such that the other trade(s) cannot install their work. A frequent example might be a wall cavity with both a vertical pipe and a vertical 3.25 inch deep HVAC duct specifically designed to be installed in between wall studs, and the plumber arrived first and installed the pipe such that the HVAC duct cannot be installed without relocating the pipe. This pipe must be relocated without exception. Substantial portions of the HVAC and electrical work cannot be installed until the shingles are on the roof of a building and it is protected from rain entering the building while under construction. The plumbing trade is not restricted in this way. Accordingly we often see pipes that could have been installed on the edge of a chase or wall cavity installed right in the middle as if there did not have to accommodate any other trades which of course is not often true. Often this important planning ahead and coordination is omitted against the very strong objection of the design team, and then an RFI is submitted claiming the plumbing pipe is in the way of the HVAC duct and the plans require more attention. This is not acceptable, and RFI's of this nature shall be considered counter-productive. A counter-productive RFI will be returned not answered and may require additional time to resolve. The answer to the RFI in this example will likely be to relocate the pipe.

4. The mechanical and plumbing plans are frequently reviewed by licensed master HVACR mechanics and master plumbers to ensure that the wall cavities, chases, and the like include the required space to install both trades with some extensive coordination that is required by the construction team. Please consider this before submitting RFI's and other inquires when the answer is likely indicative of a failure to coordinate prior to installing mechanical, electrical and plumbing work.

5. Attention electricians: Research the sizes of the switchgear, panels, fire pump controllers and the like so that the spaces allotted on the plans are adequate to install the equipment your bid includes. Switchgear sizes vary widely in size, and we generally utilize the smaller more compact equipment which may cost more. The design team is often under pressure to minimize space devoted to non-revenue producing floor space such as but not limited to switchgear rooms, panel enclosures, and the like. Coordinate with the plumber and the mechanical contractor to ensure that they do not install their work in a position that interferes with your work. The mechanical, electrical, and plumbing design team of record sometimes experiences claims by the contractors that the switchgear does not fit. If the project is bid, we consider this representation by the contractor that the electrical equipment is spatially compatible with all trades. If the switchgear is submitted, again it is considered representation by the contractor that the switchgear is spatially compatible with all trades. Plan changes after permit as a result of failure to research and plan ahead will be considered an additional service.

6.In general the plans require a complete and functional system. The trade contractors are expected to install a complete and functioning system without exception.

REQUESTS FOR INFORMATION HEREINAFTER REFERRED TO AS AN RFI REQUIREMENTS:

1. The RFI applicable to the trade shall be signed by the trade contractor. Often questions that most trade contractors would know are submitted as an RFI from a non-trade entity. The trade contractor is judged sometimes by the RFI. If the design team receives questions that the trade contractor should know and did not answer for the non—trade entity, it reflects poorly on the trade contractor. If the non—trade entity wishes to ask a trade question and receive a design team answer, it should be submitted with the trade contractor answer so that the design team may confirm or deny the trade contractor response. An example might be "why do we need an electric heater in a utility space below a dwelling", and the trade answer may be "to keep plumbing trap from freezing". Then the design team would confirm the RFI quickly. An RFI not reviewed by a trade contractor may be returned without

2. An RFI that changes the plans design slightly to reduce the cost of the project, but not compromise it, will be reviewed.

3. The RFI shall always contain a thoroughly thought through recommendation/proposed solution for the design team to review. For example, a correctly phrased RFI may read: The ductwork shown on the plans interferes with a structural beam, by two inches. Is it acceptable to increase the width of the HVAC duct and reduce the depth to accommodate the beam with smooth transitions"? An RFI that the design team may return for a proposed contractor solution to be reviewed may read: the ductwork shown on the plans interferes with a structural beam, please provide a new design. This process will expedite construction administration and reduce schedule

4.RFI answers that result in a plan change shall be acceptable if conveyed as a sketch, narrative, or as otherwise requires the least documentation while allowing the contractors to continue construction. Drafting RFI answers is an as-built plan maintenance requirement which is an obligation of the construction team, not the design team.

5. When a duct size is changed in accordance with the "Duct-u-lator", for example a 14x10 to 18x8 with smooth transitions, this does not require an RFI.

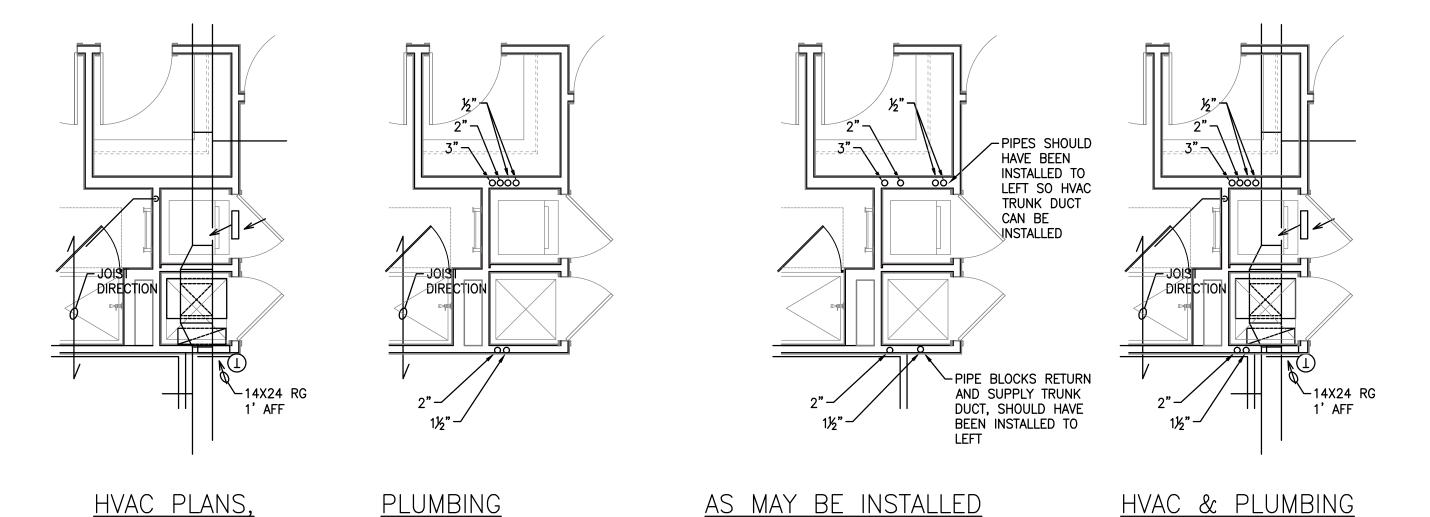
6. The answer to some common HVAC RFI's we receive is "no" for these questions:

6.1. The return grille is shown as low, can it be installed high above the door of the mechanical closet? 6.2. The return grille is shown ducted to the return air plenum and air handler, can this be deleted and make the mechanical closet a return plenum?

6.3. The outside air duct which brings in fresh air to each dwelling air handler may be unnecessary, can it be deleted?

6.4. Is ductboard acceptable when it is concealed and not able to be accessed completely for cleaning and thorough inspection?

QUESTIONS THE TRADESMAN WOULD NORMALLY KNOW, AND NOT SERIOUSLY REVIEWED WILL BE RETURNED. ALL RFI'S MUST INCLUDE A PROPOSED NO COST RESOLUTION OR THEY WILL BE REJECTED



The incorrect plumbing work installed blocks the HVAC work from being installed. When this happens our offices may receive an RFI. Our answer is to relocate the pipes as per plan. This example is crystal clear, but often there is 3' of wall space to install half a dozen vertical pipes (which can easily be installed on one stud bay), and a vertical HVAC duct 12" wide in the other stud bay. If the plans are overlaid the plumbing and mechanical work may clash, but it is possible to install the work without violating the design concept, as the plans are conceptual. This construction document sheet is an attempt to graphically portray how important it is to plan ahead when working with conceptual plans. Otherwise contractor shop drawings, which are expensive may become a requirement

EXAMPLES OF WHAT WE ARE TRYING TO AVOID, PLAN AHEAD

PLANS SHOWN ON THIS SHEET ARE EXAMPLES OF MEP PLANS AND ARE NOT TO BE USED AS FLOOR PLANS, BUT TO ENCOURAGE COORDINATION AND PLANNING. THIS SAME PLAN SHEET IS USED ON EVERY JOB.

## CONTRACTORS, PLEASE DO <u>NOT</u> IGNORE THIS PLAN SHEET. IT IS PINACLE TO THE SUCCESS OF THIS PROJECT.

### Submission of product data proposed by the contractor for use on the project (Submittals) REQUIREMENTS:

General: All submittals must identify the Project name and trade contractor that is submitting the equipment for review. Equipment submitted must be compatible, functional and a proper application. Equipment submitted shall be spatially compatible, do not submit the equipment if it will not fit in the space allotted. The construction team is usually more experienced than the design team in the area of spatial compatibility of various mechanical, electrical, and plumbing equipment. Any deviations from the plans must be noted in the submittal. Any type of approval by the design team relies on the contractor submitting a code compliant and construction document compliant item. Plan deviations submitted shall be clearly identified and only approved if specifically referred and addressed in the engineering submittal review. Quantities and finishes will generally not be reviewed.

The engineering submittal review is a double check to hopefully discover a contractor misinterpretation of the construction documents. While this process is reliable, it is not guaranteed. The obligation of providing a correct product is always the responsibility of the contractor, regardless of whether an engineer submittal review approval was issued.

The outline below may include additional product specifications in addition to submittal format and minimum information requirements:

space, unit heaters with adequate space beneath them, and etc. All heaters are required to be suitable as primary sources of heat.

1. Submit the mechanical items in groups (a through I) as outlined exactly herein below:

Each HVAC equipment submitted including, but not limited to, compressor bearing equipment, air handling units, furnaces, electric heaters, fans and ductless split systems shall be submitted separately and at the beginning include a schedule sheet that includes the equipment designation on plan, the nominal capacity, and the equipment model. Do not submit HVAC equipment data sheets that can be hundreds of pages long with installation instructions and etc with each equipment model not designated or designated for example on page 44 of 241, 61 of 241, 128 of 241 and etc. For HVAC ARI matched equipment such as a heat pump and air handler, include them both in one submittal.

a. Primary HVAC equipment for dwellings and common areas, which is comprised primarily of the compressor bearing equipment complete with central fan system and all accessories associated with the primary equipment. All equipment shall be identified, such as for example lobby, dwelling A2, and etc.

b. Refrigeration pipes, including pipe sizes that are determined by installed length, not equipment connection sizes. c. Thermostats for all equipment, including adequate stages for heat with dual stage compressor heat pump applications, auto—change—over from heat to cool as specified and required programming. d. Electric heaters, with each heater thoroughly identified. All heaters submitted are considered as represented by the contractor to be a proper application, such as ceiling cavity heaters rated for confined

f. Fire protection dampers including the radiation dampers, curtain fire dampers and fire smoke dampers if applicable. Note that the radiation dampers shall be compatible with the UL floor/ceiling assembly such as for example UL 521, 586 and etc. Note UL555 is not a recognized UL floor/ceiling assembly rating, but rather a standard rating applied to fire protection dampers irrespective of the installation

q. Ductwork accessories that include at a minimum; louvers, insulation, dampers, flex duct equipment connections, insulation, tape, duct sealing products and etc. Ductwork insulation shall not be permitted to be internal to the ductwork.

h. Ductwork that includes metal rigid duct and construction methods i. Flexible air duct and flexible duct connector

j. Registers, grilles and diffusers for both dwellings and common areas. Commercial areas always must receive non—residential/commercial products which include mitered, not stamped frames, adjustable supply air blades, individually made return/exhaust blades in register or grille, not an integral stamping of frame, and screw driver operated volume control devices. Linear diffusers shall never utilize face mounted screws for mounting, include concealed fasteners.

k. Fire stopping, note it is not acceptable to install multiple conduits, ducts, and especially round items through a single penetration. Provide neatly cut, drilled or otherwise holes through rated assemblies (do not use a hammer). I. Miscellaneous, which can include supports, identification and etc.

### 2. Submit the electrical equipment in groups (a through h) as outlined herein below:

a. Switchgear that includes a shop drawing with a floor plan layout, demonstrating that all equipment is spatially compatible, accounting for required clearances especially. If a shop drawing is not submitted the design team will interpret this as the contractor representing that equipment submitted will fit (spatially compatible with all trades and all coordination is completed). The submittal must include AIC ratings and the electrical contractor is responsible for providing the minimum AIC rated equipment as specified on the plans or as required by the utility company, generally whichever is greater unless approved in writing from the engineer of record. This includes meter centers, main distribution panels, large disconnects, and fuse, circuit breaker panels, Automatic Transfer Switches. However, certain aspects of this may be split into multiple submittal data if convenient for the electrical contractor.

b. Circuit breakers, which must be coordinated with the equipment electrical ratings served. The capacity and quantity of branch circuit breakers, fuse and the like will not be reviewed.

c. Conduits, supports, junction boxes, pull boxes and conductor encasing/protective equipment, etc. d. Switches and receptacles, lighting control panel etc.

f. Lighting: The submittal must clearly identify the light fixture and correlate to the light fixture schedule in the construction documents. All light fixtures for a particular building must be submitted together (clubhouse, apartment building, or townhouse). Separate submittals for different building types is acceptable. Submittal MUST indicate the following for each fixture or it may be rejected: socket/lamp type, wattage, voltage, IC rated, Airtight, if LED — is the driver integral or remote, if low voltage — is the transformer integral or remote, wet/damp rating, fire rated if applicable. Submittal package to comply

h. Miscellaneous

### 3. Submit the plumbing equipment in groups (a through j) as outlined herein below:

a. Pumps: domestic booster, sump type, including controls.

b. Pumps: sump type, sewage ejector, sewage grinder, including controls. c. Plumbing fixtures, not reviewed for appearance or finishes.

d. Plumbing piping (differentiate what is to be used above vs below grade)

e. Hot water heaters (DO NOT USE GRAVITY DIRECT VENT, only power direct vent {tank or tankless}, electric or electric heat pump are acceptable)

f. Backflow preventers, Check valves, ball valves, backwater valves, etc g. Separators: Oil, Sand, or Grease, including traffic rated cover if applicable

h. Drains: including roof, floor, interior, exterior, trench at garage entrances, emergency and etc.

j. Miscellaneous

### Other non-MEP product submissions that should be issued to the MEP engineer of record for review include but are not limited to:

1. Fireplaces, gas or electric. All gas fired fireplaces shall be direct vent without exception. 2. Appliances, especially dryers to confirm vent lengths and gas fired ranges with gas input rating.

3. Elevators if applicable, inclusive of especially the electrical requirements and environmental conditions to be maintained in the shaft and elevator machine room. If the elevator shaft is to be conditioned, it must be insulated where walls or roof separate the cab travel from the exterior (not an inside wall).

4. Fire Pumps, Jockey Pumps, Fire Pump/Jockey Controllers for electrical coordination. 5. Commercial Kitchen Equipment & appliances if applicable.

Product data submitted for use on this project which is out of compliance with the above written requirements shall likely be returned for further work before it is reviewed. This especially includes the format. If the electric heaters are submitted with the louvers, for example, it may be returned as not reviewed. Then the louvers would need to be included with duct accessories.

### PROJECT COMMISSIONING

WHAT SHOULD BE INSTALLED

All HVAC systems with moving parts shall be installed and started up in strict accordance with the published installation and start up instructions published by the manufacturer and documented in writing

Split system and package HVAC systems capacity five tons and less, provide a single start—up and installation page that includes but may not be limited to the information listed below:

2. Dwelling (each, so if 200 dwellings, here are 200 of these reports minimum, list unit number with level it is on) served, or common area served (such as leasing, club or etc.). 3. Equipment model numbers, air handler, furnace, compressor section, furnace coil, auxiliary heat as applicable minimum. Also, list thermostat model.

6. Confirm that return air conveyance system is ducted from grille to air handler 7.Confirm that outside air intake duct (where natural ventilation is not used) includes a volume damper and motorized damper interlocked with the air handler and if applicable carbon dioxide sensor. 8. Confirm that all rated assemblies inside the mechanical closet are protected.

1. Confirm that the air handler is set to 400 cfm per ton, do not leave the factory 3 ton air handler setting for a 1.5 ton system. 2.Confirm that the outside air (that is ducted to return plenum) is balanced to 30 cfm for one bedroom, 45 cfm for two bedroom and 60 cfm for a three bedroom dwelling.

4. Confirm that the refrigeration pipes have been leak tested 5. Record weight and type of refrigerant used to charge the system. 6. Record the ambient conditions and record the interior conditions prior to start

7.Record the inlet return air temperature and relative humidity

8. Record the supply air discharge temperature at the refrigeration coil discharge. 9. Record the supply air temperature out of the supply outlets in the occupied space

11. Record the refrigeration pressures and temperatures with the return air and supply air temperatures, plus outdoor temperatures. 12. Record the space temperature, relative humidity and thermostat setting after a week of operation. Record any room temperatures that are more than 4'F different than the thermostat setting.

Note the system information and start up documentation prescribed herein above is by no means limiting. The equipment manufacturer may require further work and this shall all be recorded. Any system results (measurements) that are outside of the parameters published by the equipment manufacturer shall be corrected by adjustment or system modifications as may be required without cost to the owner, prime

Submit all the system information and start—up operation on a single sheet of paper or pdf for all dwellings. These will be checked for repeatability by the building management/ownership or the engineer by selecting a few dwellings or common area systems at random and checking them for the same information specified above. Should a significant discrepancy exist, then all equipment will be re—commissioned as directed by the engineer without additional charge to the owner, prime contractor or the like. Then the process shall begin again. Any deviation from this specification for commissioning shall be considered a violation of the construction documents.

NO\_ USE ARE IS AND SHEET ON THIS SHEET OORDINATION AND PLANS SHOWN ENCOURAGE CC

 $\Box$ 

SCOT ENGINEERS I 8600 RUNNING GEOEXCHANGE The Geothermal Heat Pump Consortium CERTIFIED REVISIONS

CIEE

of Energy Engineers

<u>GSHPA</u>

Heat Pump Association

# GENERAL DEMOLITION NOTES

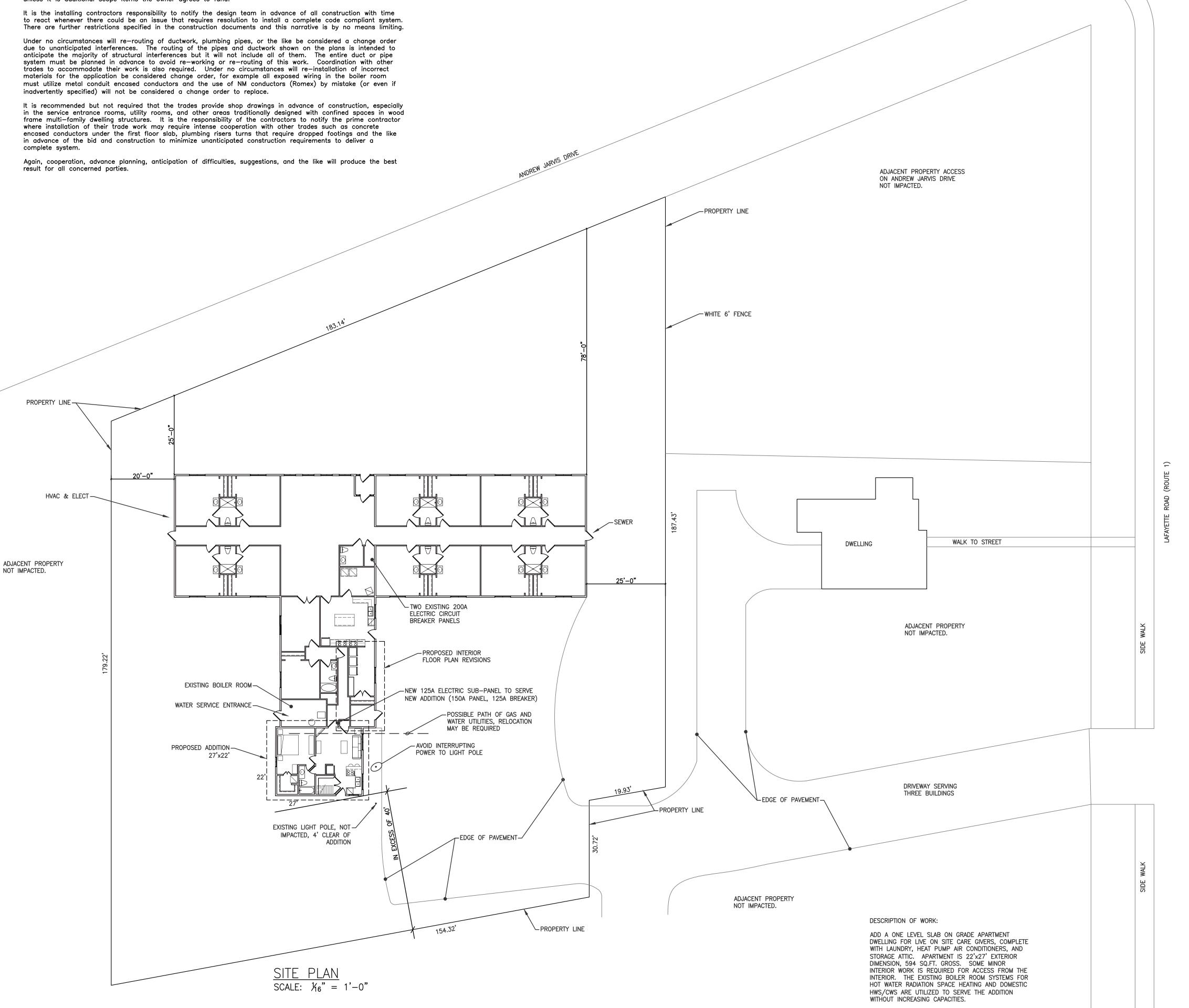
- 1. THE PLANS REPRESENT A COMPLETE OPERATIONAL SYSTEM, WHEREIN ALL WIRING, EQUIPMENT, FIXTURES, FITTINGS, CONTROLS, AND ALL REQUIRED ACCESSORIES ARE FURNISHED, INSTALLED, STARTED, AND TESTED BY THE CONTRACTOR. THE CONTRACTOR SHALL PROVIDE ALL LABOR, RENTAL EQUIPMENT, AND WORK NECESSARY TO REMOVE ALL ITEMS AT A MINIMUM THAT PERMIT THE INSTALLATION OF A NEW COMPLETE SYSTEM. THE FIRE PROTECTION ALARM/SPRINKLER SYSTEM, IF REQUIRED, IS NOT A COMPONENT OF THIS DESIGN (UNLESS SPECIFICALLY DEPICTED) AND IT IS REMOVED AND/OR PROVIDED BY A DESIGN AND BUILD FIRE PROTECTION CONTRACTOR.
- 2. ALL CONDUITS, CONDUCTORS, PIPES, JUNCTION BOXES, VALVES, FIXTURES, HANGERS, HARDWARE, FASTENERS, ANCHORS, DUCT WORK, REGISTERS, GRILLES, HVAC EQUIPMENT AND THE LIKE SHALL BE REMOVED IN AREAS WHERE NEW WORK REPLACES EXISTING SO THAT THE PREVIOUS MATERIALS ARE NEVER CONFUSED WITH OR CONSIDERED A COMPONENT OF THE NEW WORK.
- 3.IN AREAS WHERE NEW WORK AND EXISTING WORK INTERFACE, ALL EXISTING WORK SHALL BE REMOVED TO THE EXTENT POSSIBLE AS DESCRIBED IN ITEM TWO ABOVE, AND AT THE POINT OF INTERFACE, ALL EXISTING WORK SHALL BE CAPPED AND MADE SAFE.
- 4. ALL REMOVED MATERIALS SHALL BE DEPOSED OF IN ACCORDANCE WITH ALL APPLICABLE ORDINANCES INCLUDING BUT NOT LIMITED TO THE EPA, SUCH AS HVAC REFRIGERANT RECOVERED, OILS DELIVERED TO RECLAIM FACILITY, AND ETC.
- 5. ALL MATERIALS THAT CAN BE RECYCLED SHALL BE RECYCLED, INCLUDING BUT NOT LIMITED TO COPPER, ALUMINUM, STEEL, HVAC DUCTWORK, METAL HANGERS AND FASTENERS, CARD BOARD, AND THE LIKE. DO NOT DISPOSE OF THESE MATERIALS IN A DUMPSTER.
- 6. THE PLANS ARE DIAGRAMMATICAL IN NATURE. THE WORK REQUIRED TO REMOVE AND PROPERLY INTERFACE WITH OTHER TRADES, WHICH MAY REPRESENT CHANGES TO THE DRAWINGS TO ACCOMMODATE THE INSTALLATION OF NEW WORK, IS PERFORMED WITHOUT ADDITIONAL COST TO THE OWNER. THIS INCLUDES BUT IS NOT LIMITED TO ARCHITECTURAL, STRUCTURAL, ELECTRICAL, PLUMBING, MECHANICAL, GRADING, FIRE PROTECTION, AND OTHER CONSIDERATIONS.
- 7. ALL WORK MUST BE EXECUTED IN STRICT ACCORDANCE WITH ALL APPLICABLE NATIONAL, STATE AND LOCAL CODES AND ORDINANCES. ALL WORK MUST BE EXECUTED IN A NEAT AND WORKMANLIKE MANNER. THE SUBCONTRACTORS AND GENERAL CONTRACTOR MUST COORDINATE WITH ALL TRADES DURING THE DEMOLITION AND CONSTRUCTION PLANNING PROCESS. THIS CONTRACTOR MUST REVIEW ALL ASPECTS OF THEIR WORK PRIOR TO BEGINNING TO INSURE PROPER CLEARANCES AND CAPACITIES EXIST.
- 8. THE CONTRACTOR MUST BE LICENSED AND INSURED IN THE COUNTY AND STATE AS APPLICABLE. SUBMIT TO THE OWNER AS DIRECTED PROOF OF INSURANCE INCLUSIVE OF LIMITS OF LIABILITY AND DEDUCTIBLE INFORMATION. ALL SUBCONTRACTORS OF SUBCONTRACTORS MUST BE LICENSED AND INSURED TOO.
- 9. SINCE THE PLANS ARE DIAGRAMMATICAL IN NATURE FOR CLARITY PURPOSES, THE CONTRACTOR MUST SUBMIT A SHOP DRAWING WHERE DEMOLITION IN COMPLEX OR COULD AFFECT OTHER ASPECTS OF THE WORK OR THAT MAY INCLUDE SUBSTANTIAL DIFFERENCES FROM THE PLANS, INCLUSIVE OF CALCULATIONS AND OTHER ITEMS TO THE OWNER PRIOR TO COMMENCING WORK. THE SHOP DRAWINGS MUST INCLUDE EXACT LOCATIONS, SPECIAL FITTINGS, AND VERIFICATION THAT THIS INFORMATION IS ACCURATE.
- 10. THE CONTRACTOR AND ALL SUBCONTRACTORS WARRANT THAT THEY HAVE VISITED THE PROJECT SITE, REVIEWED ALL OF THE CONTRACT DOCUMENTS, AND ARE OTHERWISE FAMILIAR WITH THE REQUIREMENTS NECESSARY TO COMPLETELY EXECUTE THE WORK REQUIRED TO COMPLY WITH THE DIAGRAMMATICAL WORK DEPICTED HEREIN. FURTHER, THE CONTRACTOR WARRANTS THAT, IN POSSESSING A THOROUGH KNOWLEDGE OF THE CODE AND INDUSTRY STANDARD CONSTRUCTION PRACTICES, THE BID FOR PERFORMING THE WORK WILL CONTAIN ALLOWANCES FOR NORMAL DIFFICULTIES EXPERIENCED DURING THE CONSTRUCTION OF A BUILDING OF THIS TYPE. MODIFICATIONS TO THE CONTRACT, WHICH DO NOT ADD VALUE TO THE PROJECT, WILL NOT BE CONSIDERED VALID.
- 11. THIS DESIGN IS NON TRANSFERABLE. IT IS INTELLECTUAL PROPERTY WITH TRADE SECRETS TO BE UTILIZED ON THIS PROJECT ONLY.
- 12. THE PLANS INDICATE QUANTITIES ON THE PLANS TO ENHANCE THE UNDERSTANDING OF THE DESIGN CONCEPT. THE QUANTITIES ARE RELIABLE, BUT NOT GUARANTEED. THE CONTRACTOR IS RESPONSIBLE TO INSTALL THE CORRECT QUANTITIES OF ITEMS REQUIRED TO REMOVE AND DELIVER A COMPLETE FUNCTIONING BUILDING.
- 13. THIS PROJECT MAY HAVE AREAS OF AN UNUSUAL INTENSE MEP COORDINATION REQUIREMENT, AND IT IS THE RESPONSIBILITY OF THE MEP TRADES TO INSURE THAT ALL ASPECTS OF THE WORK ARE PROPERLY REMOVED AND PROVIDED TO DELIVER A COMPLETE AND FUNCTIONING
- 14. WHERE THERE EXISTS A DISCREPANCY BETWEEN THE PLANS, DOCUMENTS, OR CODE THE CONTRACTOR SHALL PROVIDE FOR THE MOST EXPENSIVE METHOD AND ADVISE THE ARCHITECT IN WRITING PRIOR TO PERFORMING ANY WORK.

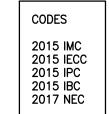
### RESPONSIBILITY OF DESIGN AND CONSTRUCTION TEAMS:

Amicable cooperation of the design and construction teams generally produces the best results for the owner. Investment in the design by the installing contractors is also usually beneficial for the project. Any reasonable contractor suggestions in advance of construction will be considered and/or reviewed. Any resulting necessary (for permit or code official inspection purposes, not for as—built purposes) construction plan changes that the owner and architect approve suggested by the installing contractor shall be executed by the design team without additional charge provided they are not extensive.

The design is provided primarily to obtain the building permit. If the jurisdiction did not require professionally engineered plans, the project would likely be constructed as a design and build project. Accordingly the plans are not shop drawings. The plans are not as—built drawings. The plans do not show every difficulty and nuance associated with what is required to install a complete system. The contractor is responsible for installing a complete system as diagrammatically depicted on the plans. This will likely include providing items that are not shown on the plans but required to deliver a complete system. The plans may be considered a performance based specification.

The contractors must anticipate in advance of the bid and construction the requirements necessary to deliver a complete system so that there are no requests for change orders based on alleged plan omissions/errors later in the project to provide the systems already specified on the plans. For example if an electrical switchgear room is crowded and requires more compact equipment, larger spaces, and/or other circumstances the electrical switchgear capacity specified must be installed without additional charge. Further to this example the resolution may involve enlarging a room by design in advance of construction, considering review of different equipment or other solutions. The design team will cooperate to the extent reasonably possible to mitigate any unanticipated circumstances to provide a complete system. However, again, no change orders shall be approved unless it is additional scope items the owner agrees to fund.





- MECHANICAL NOTES & DETAILS
- ELECTRICAL NOTES & DETAILS ELECTRICAL PLANS
- PLUMBING NOTES & LEGEND PLUMBING DETAILS & RISERS FLOOR PLAN

The Association of Energy Engineers SHPA International Ground Source Heat Pump Association

SCOT ENGINEERS I 8600 RUNNING GEOEXCHANGE The Geothermal Heat Pump Consortium REVISIONS

ALL ITEMS SHOWN MAY NOT APPEAR ON DRAWINGS. PER ADA REQUIREMENTS, ALL CONTROL DEVICES MUST BE A MINIMUM OF 15" A.F.F. TO WITHIN 48" A.F.F. FOR REACHING ACCESSIBILITY.

HEIGHTS ARE GIVEN FROM THE FINISHED FLOOR, VERIFY THICKNESS OF FLOORING

- ASSEMBLY WITH ARCHITECTURAL PLANS PRIOR TO ROUGH-IN → JUNCTION BOX, +15" A.F.F. TO THE BOTTOM OF BOX
- O JUNCTION BOX, ABOVE IN CEILING (J) JUNCTION BOX, FLUSH IN FLOOR

BOTTOM OUTLET.

- DUPLEX CONVENIENCE DUTLET, +15" A.F.F. TO THE CENTER OF THE
- DUPLEX CONVENIENCE DUTLET, MOUNT 8" ABOVE TOP OF COUNTER OR +46" A.F.F. TO THE CENTER OF THE TOP DUTLET. WHERE SHOWN UNDER A COUNTER TOP OVERHANG OF LESS THAN 6", OUTLET NOT TO BE MORE THAN 12" BELOW COUNTER TO CENTER OF DUTLET. FOR A COUNTER TOP DVERHANG OF GREATER THAN 6", MOUNT RECEPTACLE AT 15" A.F.F. TO CENTER OF THE BOTTOM OUTLET.
- LEVITON T5832 TAMPER-PROOF COMBINATION USB/DUPLEX RECEPTACLE MOUNTED 8" ABOVE TOP OF COUNTER OR +46" A.F.F. TO THE CENTER OF
- LEVITON T5832 TAMPER-PROOF COMBINATION USB/DUPLEX RECEPTACLE MOUNTED +15" A.F.F. TO THE CENTER OF BOTTOM OUTLET. OR AS NOTED
- DUPLEX CONVENIENCE DUTLET, HALF HDT, HALF SWITCHED, +15" A.F.F. TO THE CENTER OF BOTTOM OUTLET. OR AS NOTED
- SINGLE DUTLET WITH PLUG CONFIGURATION AS INDICATED ON PLANS, +15" A.F.F. TO THE CENTER OF DUTLET OR AS NOTED ⇒ QUADPLEX CONVENIENCE DUTLET, +15" A.F.F. TO THE CENTER OF THE
- BOTTOM OUTLET OR AS NOTED GFI 🔯 DUPLEX FLUSH MOUNTED POP-UP, SPILL-PROOF COUNTERTOP RECEPTACLE AS MANUFACTURED BY LEW ELECTRIC #PUR20, FINISH TO BE SELECTED BY DWNER/ARCHITECT, DEVICE REQUIRES AN UNDER COUNTER
- RECEPTACLE FOR A PLUG-IN CONNECTION. DUPLEX DUTLET FLOOR BOX, PEDESTAL MOUNTED
- DUPLEX DUTLET CEILING MOUNTED
- DUPLEX FLUSH FLOOR BOX WITH 3/4" CONDUIT TO NEAREST WALL  $H\overline{V}$  CABLE TV DUTLET, +15" A.F.F. TO MIDDLE OF BOX OR AS NOTED
- HTV COMBINATION VOICE/DATA/CABLE TV DUTLET UNDER ONE COVER PLATE AND SINGLE GANG BOX, +15" A.F.F. TO MIDDLE OF BOX OR AS NOTED
- M□T□R STARTER
- HZ CONTROL DEVICE AS INDICATED CM = CARBON MONOXIDE DETECTOR WITH INTEGRAL ALARM CR = ENTRY SYSTEM CARD READER
- IC = TENANT INTERCOM SYSTEM DISCONNECT SWITCH- 30/3 INDICATES 30 AMP RATED 3-POLE
- 100/3/70 DISCONNECT SWITCH- 100/3/70 INDICATES 100 AMP RATED 3-POLE ☑n SWITCH WITH 70 AMP FUSES
- MOTOR, H.P. AS INDICATED
- ✓ DATA DUTLET WITH 1"C. TD NEAREST ACCESSIBLE CEILING, +15" A.F.F. TO MIDDLE OF BOX OR AS NOTED FOR COMPUTER WIRING BY OTHERS ▼ VDICE/DATA DUTLET WITH 1"C. TD NEAREST ACCESSIBLE CEILING, +15" A.F.F. TO MIDDLE OF BOX OR AS NOTED
- → VDICE/DATA DUTLET WITH 1"C. TD NEAREST ACCESSIBLE CEILING, +48" A.F.F. TO TOP OF BOX OR AS NOTED.
- VOICE/DATA FLUSH FLOOR OUTLET WITH 1" EMPTY CONDUIT TO NEAREST
- LETTERS INDICATE
  PANEL BOARD DESIGNATION PANEL BOARD SURFACE MOUNTED (RECESS WHENEVER POSSIBLE) WHERE REQUIRED FOR ACCESSIBILITY, TOP BREAKER NOT PANEL BOARD RECESSED MOUNTED J TO EXCEED 48" A.F.F.
- PUSH-BUTTON STATION-SINGLE BUTTON, +46" A.F.F. TO THE CENTER OF THE BUTTON OR AS NOTED
- HOO START/STOP PUSH-BUTTON, +46" A.F.F. TO THE CENTER OF THE TOP BUTTON OR AS NOTED
- H\_/ BUZZER DUTLET, +84" DR AS NOTED

O 2'X4' LIGHTING FIXTURE RECESSED WHEN POSSIBLE

- O 2'X4' LIGHTING FIXTURE RECESSED WHEN POSSIBLE LIGHTING FIXTURE SURFACE STRIP (1) TUBE LIGHTING FIXTURE SURFACE STRIP (2) TUBE LIGHT FIXTURE RECESSED MOUNTED WHEN POSSIBLE S,XS, ZHOMN ♦ SURFACE MOUNTED CEILING LIGHT WALL MOUNTED LIGHT, IF FIXTURE MOUNTING PROTRUDES
- MORE THAN 4" IN DEPTH FROM WALL, MOUNT AT 80" A.F.F. TO BOTTOM OF FIXTURE. DECORATIVE CHANDELIER/PENDANT
- RECESSED MOUNTED LIGHT W/FRAME-IN KIT TO MATCH CEILING RATINGS
- H⊗↓ EXIT LIGHT FIXTURE, SHADED PORTION INDICATES FACE WITH DIRECTIONAL ARROWS AS INDICATED
- EMERGENCY LIGHTING UNIT

OR AS NOTED

- ◆ EMERGENCY LIGHTING REMOTE HEADS
- SINGLE POLE TOGGLE SWITCH +46" A.F.F. TO THE CENTER OF THE CONTROL OR AS NOTED, SUBSCRIPTS INDICATE THE FOLLOWING:
- 2 DOUBLE POLE P PILOT LIGHT, RED 3 - THREE WAY R - REMOTE CONTROL SWITCH 4 - FOR WAY M - MOTOR SWITCH K - KEY OPERATED I - ILLUMINATED
- T ROTARY TIMER 0-2 HR \$ DIMMER SOLID STATE +46" A.F.F. TO THE CENTER OF THE CONTROL
- ---- CONDUIT & WIRE CONCEALED UNDERGROUND OR IN CONCRETE SLAB OR UNDER FLOOR - 3/4"C. 2 # 12 OR AS NOTED ----- CONDUIT & WIRE CONCEALED IN WALL PARTITIONS OR CEILING SPACE

ABOVE - 3/4"C. 2 # 12 OR AS NOTED

ADDRESSABLE FIRE ALARM SYSTEM.

- (T) LINE VOLTAGE THERMOSTAT SUPPLIED AND INSTALLED BY HVAC CONTRACTOR, WIRED BY ELECTRICIAN. THERMOSTAT TO BE MOUNTED AT A MAXIMUM OF 48"A.F.F. TO TOP OF CONTROLS.
- SUBSCRIPTS AT SIDE OF OUTLET WP - WEATHER PROOF RT - RAIN TIGHT GF - GROUND FAULT PROTECTION DE - DUAL ELEMENT IG - ISOLATED GROUND TD - TIME DELAY HACR - HVAC & REFRIGERATION H - MOUNT HORIZONTAL
- EQUIP'T RATED CKT BRKR  $\zeta^{12}$  THE NUMBER 12 INDICATES THE CIRCUIT NUMBER THAT POWERS THE Ψ ELECTRICAL DEVICE, IT MAY NOT REQUIRE A HOME RUN
- THE "P" IS THE PANEL DESIGNATION AND THE NUMBER "12" IS THE CIRCUIT ON PANEL "P" - IF THE PANEL DESIGNATION IS ABSENT IT IS WIRED TO THE LOCAL PANEL IN THE DWELLING
- DWELLING UNIT SMOKE DETECTOR 120V WITH BATTERY BACK-UP- SINGLE STATTION UNIT- ALL IN EACH SEPARATE DWELLING TO BE WIRED TOGETHER TO SOUND ONE ALARM. DO NOT WIRE TO BUILDING
- DWELLING UNIT COMBINATION SMOKE/CARBON MONOXIDE DETECTOR 120V WITH BATTERY BACK-UP, SINGLE STATION UNIT, ALL IN EACH SEPARATE DWELLING TO BE WIRED TOGETHER TO SOUND ONE ALARM. DO NOT WIRE TO BUILDING ADDRESSABLE FIRE ALARM SYSTEM.

### ELECTRICAL NOTES:

- ALL ELECTRICAL WORK TO BE INSTALLED IN ACCORDANCE WITH THE GOVERNING EDITION OF THE NATIONAL ELECTRICAL CODE AND ANY OTHER LOCAL AUTHORITIES
- HAVING JURISDICTION. 2. ALL ELECTRICAL MATERIALS AND EQUIPMENT FOR THE PROJECT SHALL BE NEW AND
- U.L. OR EQUALLY APPROVED. 3. PROCURE ALL NECESSARY PERMITS, INSPECTIONS AND LICENSES AND PAY ALL REQUIRED FEES.
- SUBMIT TO THE OWNER CERTIFICATES OF INSPECTION IN DUPLICATE FROM APPROVED INSPECTION AGENCY UPON COMPLETION.
- 5. ON COMPLETION OF THE WORK, THE ENTIRE WIRING SYSTEM SHALL BE ENTIRELY FREE FROM GROUNDS, SHORT CIRCUITS, OPENS, OVERLOADS, AND IMPROPER VOLTAGES AND THOROUGH TESTS SHALL BE MADE. FURNISH ALL LABOR, MATERIAL AND INSTRUMENTS.
- PRIOR TO FINAL ACCEPTANCE OF THE WORK, SUBMIT A WRITTEN STATEMENT TO THE DWNER GUARANTEEING ALL EQUIPMENT AND SYSTEMS AGAINST DEFECTIVE MATERIALS AND WORKMANSHIP FOR ONE (1) YEAR FROM THE DATE OF ACCEPTANCE. UPON WRITTEN NOTICE AND AT NO EXPENSE TO THE OWNER, PROMPTLY REPAIR ALL DEFECTIVE MATERIAL.
- PROVIDE NEATLY TYPED SCHEDULES OUTLINING CIRCUIT CONTROL FOR ALL PANEL BOARDS.
- 8. CONTRACT DRAWINGS ARE ESSENTIALLY DIAGRAMMATIC, THEREFORE, THE CONTRACTOR SHALL APPLY FOR DETAILED INFORMATION REGARDING THE LOCATION OF ALL EQUIPMENT BEFORE ROUGH-IN AS THE FINAL LOCATION MAY DIFFER FROM THAT SHOWN ON THE DRAWINGS. DUTLETS, ETC., IMPROPERLY PLACED BECAUSE OF FAILURE TO OBTAIN THIS INFORMATION SHALL BE RELOCATED AND REINSTALLED WITHOUT ADDITIONAL EXPENSE.
- WIRE ALL FIXTURES, DEVICES, ETC., TO RESPECTIVE PANELS AND CONTROLS AS SHOWN ON THE PLANS IN SYMBOL FORM, BRANCH CIRCUIT WIRING IS NOT COMPLETELY SHOWN ON DRAWINGS. CONTRACTOR IS RESPONSIBLE TO WIRE ALL DEVICES AS CIRCUITED SYMBOLICALLY.
- 10. ALL WIRE AND CABLE SHALL BE COPPER 75° RATED, 600 VOLT INSULATION, TYPE THW, THHN OR THWN. WIRE SIZE #10 AND SMALLER SHALL BE SOLID, #8 AND LARGER SHALL BE STRANDED, MINIMUM SIZE WIRE FOR 20A LIGHTING AND POWER CIRCUITS SHALL BE #12 AWG ON CIRCUIT LENGTHS OF UP TO 100 FEET. ON CIRCUIT LENGTHS 100 TO 200 FEET, #10 AWG SHALL BE INSTALLED TO THE CENTER CIRCUIT LOAD AND #12 TO THE OTHER OUTLETS ON THE CIRCUIT IF REQUIRED DUE TO VOLTAGE DROP. FOR 15A LIGHTING AND POWER CIRCUITS, #14 AWG WIRE MAY BE INSTALLED. CONTRACTOR MAY USE ALUMINUM WIRE AND CABLE ON THE SECONDARY SIDE OF THE UTILITY COMPANY TRANSFORMER(S) AND ON THE PRIMARY SIDE OF PANEL BOARDS IF 75° LUGS ARE USED, AMPACITY IS 60A DR GREATER, AND INSTALLED IN COMPLIANCE WITH THE N.E.C., ALUMINUM WIRE SIZES ARE INDICATED ON PLANS WHERE ALLOWABLE.
- 11. IN REFERENCE TO NOTE #10, ELECTRICAL CONTRACTOR MAY USE ARMORED CLAD CABLE TYPE "AC" AND METAL CLAD CABLE TYPE "MC" WITH BUILDING CONSTRUCTION TYPE I AND TYPE II WHERE ALLOWABLE BY NOTE #1. NONMETALLIC SHEATHED CABLE TYPE "NMC" MAY BE USED WITH BUILDING CONSTRUCTION TYPE V WHERE ALLOWABLE BY N□TE #1.
- 12. VERIFY ALL DOOR SWINGS PRIOR TO SWITCH ROUGH-IN.
- 13. VERIFY ALL CEILING CONSTRUCTION INCLUDING METHOD AND TYPE OF BUILDING INSULATION BEFORE ORDERING FIXTURES AND PROVIDE FIXTURES COMPATIBLE TO CEILING CONSTRUCTION, INCLUDING BUILDING INSULATION METHODS (I/C OR NON I/C RATED) AS REQUIRED.
- 14. PROVIDE ALL LIGHTING FIXTURES RECESSED IN A CEILING WHICH HAVE A FIRE RESISTIVE RATING OF ONE HOUR OR MORE WITH A BOX ENCLOSURE WHICH HAS A FIRE RATING EQUAL TO THAT OF THE CEILING, THE SPACE FROM THE FIXTURE TO THE ENCLOSURE SHALL BE A MINIMUM OF 1" FOR FLUORESCENT AND 3" FOR INCANDESCENT FIXTURES.
- 15. ELECTRICAL CONTRACTOR TO SECURE SHOP DRAWINGS FROM OTHER SUBCONTRACTORS AND VERIFY EXACT ELECTRICAL CHARACTERISTICS OF EQUIPMENT TO BE WIRED, THIS IS TO BE DONE BEFORE ELECTRICAL CONTRACTOR ROUGH-IN FOR SUBJECT EQUIPMENT. F DISCREPANCIES ARE NOTED BETWEEN THE ELECTRICAL CONTRACT DRAWINGS AND DTHER CONTRACTOR SHOP DRAWINGS, ELECTRICAL CONTRACTOR IS TO NOTIFY ENGINEER AT ONCE, FAILURE BY THE ELECTRICAL CONTRACTOR TO PERFORM THIS DUTY WILL NOT RELIEVE HIM OF THE RESPONSIBILITY TO CORRECT WIRING DEFICIENCIES AT HIS EXPENSE.
- 16. PROVIDE ALL WIRING, CONNECTIONS AND DEVICES, ETC., NECESSARY TO COMPLY WITH THE GROUNDING REQUIREMENTS OF THE NATIONAL ELECTRICAL CODE AND AS SHOWN ON THE DRAWINGS. ALL EXPOSED NON-CURRENT CARRYING METALLIC PARTS OF THE ELECTRICAL EQUIPMENT, RACEWAY SYSTEMS, GROUNDING CONDUCTORS OF NONMETALLIC COVERED CABLE AND NEUTRAL CONDUCTOR OF THE WIRING SYSTEM SHALL BE GROUNDED.
- 17. ALL WIRING, UNLESS SPECIFICALLY SPECIFIED OTHERWISE, IS TO BE INSTALLED IN THE CONSTRUCTION IN A CONCEALED MANNER.
- 18. CONTRACTOR TO PROPERLY SEAL ALL FIRE RATED WALL/CEILING PENETRATIONS.

# GENERAL CONSTRUCTION NOTES

- 1. THE PLANS REPRESENT A COMPLETE OPERATIONAL SYSTEM, WHEREIN ALL WIRING, EQUIPMENT FIXTURES, FITTINGS, CONTROLS, AND ALL REQUIRED ACCESSORIES ARE FURNISHED, INSTALLED, STARTED, AND TESTED BY THE CONTRACTOR. THE CONTRACTOR SHALL PROVIDE ALL MATERIALS, EQUIPMENT, LABOR, AND SUPERVISION TO DELIVER A COMPLETE SYSTEM. THE FIRE PROTECTION ALARM/SPRINKLER SYSTEM, IF REQUIRED, IS NOT A COMPONENT OF THIS DESIGN (UNLESS SPECIFICALLY DEPICTED) AND IT IS PROVIDED BY A DESIGN AND BUILD FIRE PROTECTION CONTRACTOR.
- THE PLANS ARE DIAGRAMMATICAL IN NATURE. THE WORK REQUIRED TO PROPERLY INTERFACE WITH OTHER TRADES, WHICH MAY REPRESENT CHANGES TO THE DRAWINGS TO ACCOMMODATE THE INSTALLATION OF THIS WORK, IS PERFORMED WITHOUT ADDITIONAL COST TO THE OWNER. THIS INCLUDES BUT IS NOT LIMITED TO ARCHITECTURAL, STRUCTURAL, ELECTRICAL, PLUMBING, MECHANICAL, GRADING, FIRE PROTECTION, AND OTHER CONSIDERATIONS.
- 3. ALL WORK MUST BE EXECUTED IN STRICT ACCORDANCE WITH ALL APPLICABLE NATIONAL STATE AND LOCAL CODES AND ORDINANCES. ALL WORK MUST BE EXECUTED IN A NEAT AND WORKMANLIKE MANNER. THE SUBCONTRACTORS AND GENERAL CONTRACTOR MUST COORDINATE WITH ALL TRADES DURING THE CONSTRUCTION PROCESS. THIS CONTRACTOR MUST REVIEW ALL ASPECTS OF THEIR WORK PRIOR TO INSTALLATION TO ENSURE PROPER CLEARANCES AND
- 4. THE CONTRACTOR MUST BE LICENSED AND ENSURED IN THE COUNTY AND STATE AS APPLICABLE SUBMIT TO THE OWNER AS DIRECTED PROOF OF INSURANCE INCLUSIVE OF LIMITS OF LIABILITY AND DEDUCTIBLE INFORMATION. ALL SUBCONTRACTORS OF SUBCONTRACTORS MUST BE LICENSED AND ENSURED TOO.
- 5. SINCE THE PLANS ARE DIAGRAMMATICAL IN NATURE FOR CLARITY PURPOSES. THE CONTRACTOR MUST SUBMIT A SHOP DRAWING WHERE THE CONTRACTOR INTENDS TO INSTALL WORK THAT INCLUDES SUBSTANTIAL DIFFERENCES FROM THE PLANS, INCLUSIVE OF CALCULATIONS AND OTHER ITEMS TO THE OWNER PRIOR TO COMMENCING WORK. THE SHOP DRAWINGS MUST INCLUDE EXACT LOCATIONS, SPECIAL FITTINGS, AND VERIFICATION THAT THIS INFORMATION IS
- 6. THE CONTRACTOR AND ALL SUBCONTRACTORS WARRANT THAT THEY HAVE VISITED THE PROJECT SITE, REVIEWED ALL OF THE CONTRACT DOCUMENTS, AND ARE OTHERWISE FAMILIAR WITH THE REQUIREMENTS NECESSARY TO COMPLETELY EXECUTE THE WORK REQUIRED TO COMPLY WITH THE DIAGRAMMATICAL WORK DEPICTED HEREIN. FURTHER, THE CONTRACTOR WARRANTS THAT, IN POSSESSING A THOROUGH KNOWLEDGE OF THE CODE AND INDUSTRY STANDARD CONSTRUCTION PRACTICES, THE BID FOR PERFORMING THE WORK WILL CONTAIN ALLOWANCES FOR NORMAL DIFFICULTIES EXPERIENCED DURING THE CONSTRUCTION OF A BUILDING OF THIS TYPE. MODIFICATIONS TO THE CONTRACT, WHICH DO NOT ADD VALUE TO THE PROJECT, WILL NOT BE CONSIDERED VALID.
- 7. THIS DESIGN IS NON TRANSFERABLE. IT IS INTELLECTUAL PROPERTY WITH TRADE SECRETS TO  $_{\sf NE}$ BE UTILIZED ON THIS PROJECT ONLY.
- 8. WHERE THE CONTRACTOR FURNISHES CERTAIN MODELS OR PROTOTYPES OF DESIGN SPECIFIED ON THE DRAWINGS, SUBMITTAL DATA IS NOT NECESSARY. SIMPLY NOTIFY THE OWNER IN WRITING THAT THE SPECIFIED ITEM WILL BE USED AND PROCEED WITH THE WORK. IF EQUAL DEVIATIONS FROM THE SPECIFIED PRODUCT ARE UTILIZED, THE PRODUCT DATA MUST BE SUBMITTED TO THE DWNER FOR APPROVAL. IT IS THE INTENT OF THE DESIGN TO MAKE A COMPETITIVE BID. EQUAL PRODUCTS WILL BE CONSIDERED AS SUBMITTED.
- 9. ALL SYSTEMS SHALL BE BALANCED IN ACCURDANCE WITH INDUSTRY ACCEPTED STANDARDS AND CODE REQUIREMENTS. ALL ELECTRICAL PHASES FOR THREE PHASE SERVICE SHALL BE BALANCED, AIR DISTRIBUTION SYSTEMS SHALL BE BALANCED, AND ALL OTHER APPLICABLE MEP SYSTEMS SHALL BE PROPERLY COMMISSIONED AND BALANCED.
- 10. ALL MEP SYSTEMS SHALL PROVIDE FOR NO POOLING OF WATER TO THE EXTENT POSSIBLE. THE SAFE PANS. DRAIN PANS, AND CONDENSER PADS SHALL ALL SLOPE TO AVOID POOLS OF WATER, IT IS ACCEPTABLE TO HAVE A 1/8" DEPTH POOL OF WATER IN CONDENSATE PANS DURING COOLING OPERATION.
- 11. ALL ACCESS PANELS SHALL BE LABELED BY THE TRADE THAT RECEIVES THE BENEFIT OF THE ACCESS PANEL. THE BUILDER PROVIDES MANY ACCESS DOORS FOR PLUMBING CLEANOUTS OR FIRE DAMPERS, BUT THE PLUMBER OR HVAC CONTRACTOR SHALL PROVIDE THE LABEL. THE LABEL SHALL BE WITH 3/8" HEIGHT LETTERS ON NON CARDBOARD OR PAPER TYPE MATERIAL, PERMANENTLY AFFIXED TO THE ACCESS DOOR, DUCT ACCESS DOORS INSTALLED IN DUCTWORK SHALL BE MADE AND LABELED BY THE HVAC CONTRACTOR.
- 12. THE FIRE DAMPERS THAT PENETRATE THE CEILING ON THE DISCHARGE OF THE AIR HANDLER SHALL BE INSTALLED IN STRICT ACCORDANCE WITH THE INSTALLATION INSTRUCTIONS PUBLISHED BY THE MANUFACTURER, SUBMIT THE ILLUSTRATION OF THE INSTALLATION IN THE INSTRUCTIONS PRIOR TO CONSTRUCTION AND THAT WILL SUFFICE AS THE DETAIL. THE DAMPER SHALL BE INSTALLED IN A SLEEVE WITHIN SIX INCHES OF THE PLANE OF THE CEILING AT A MINIMUM, COMPLETE WITH A DUCT ACCESS DOOR.
- 13. THE PLANS INDICATE QUANTITIES ON THE PLANS TO ENHANCE THE UNDERSTANDING OF THE DESIGN CONCEPT. THE QUANTITIES ARE RELIABLE, BUT NOT GUARANTEED. THE CONTRACTOR IS RESPONSIBLE TO INSTALL THE CORRECT QUANTITIES OF ITEMS REQUIRED TO DELIVER A COMPLETE FUNCTIONING BUILDING.
- 14. THIS PROJECT HAS AN UNUSUAL INTENSE MEP COORDINATION REQUIREMENT, AND IT IS THE RESPONSIBILITY OF THE MEP TRADES TO ENSURE THAT ALL ASPECTS OF THE WORK ARE PROVIDED TO DELIVER A COMPLETE AND FUNCTIONING MEP SYSTEM.
- 15. WHERE THERE EXISTS A DISCREPANCY BETWEEN THE PLANS, DOCUMENTS, OR CODE THE CONTRACTOR SHALL PROVIDE FOR THE MOST EXPENSIVE METHOD AND ADVISE THE ARCHITECT IN WRITING PRIOR TO PERFORMING ANY WORK.

## RESPONSIBILITY OF DESIGN AND CONSTRUCTION TEAMS FOR MEP:

AMICABLE COOPERATION OF THE DESIGN AND CONSTRUCTION TEAMS GENERALLY PRODUCES THE BEST RESULTS FOR THE OWNER. INVESTMENT IN THE DESIGN BY THE INSTALLING CONTRACTORS IS ALSO USUALLY BENEFICIAL FOR THE PROJECT. ANY REASONABLE CONTRACTOR SUGGESTIONS IN ADVANCE OF CONSTRUCTION WILL BE CONSIDERED AND/OR REVIEWED. ANY RESULTING NECESSARY (FOR PERMIT OR CODE OFFICIAL INSPECTION PURPOSES, NOT FOR AS-BUILT PURPOSES) CONSTRUCTION PLAN CHANGES THAT THE DWNER AND ARCHITECT APPROVE SUGGESTED BY THE INSTALLING CONTRACTOR SHALL BE EXECUTED BY THE MEP DESIGN TEAM WITHOUT OUT ADDITIONAL CHARGE PROVIDED THEY ARE NOT EXTENSIVE.

- THE MEP DESIGN IS PROVIDED PRIMARILY TO OBTAIN THE BUILDING PERMIT. IF THE JURISDICTION DID NOT REQUIRE PROFESSIONALLY ENGINEERED MEP PLANS, THE PROJECT WOULD LIKELY BE CONSTRUCTED AS A DESIGN AND BUILD PROJECT. ACCORDINGLY THE PLANS ARE NOT SHOP DRAWINGS. THE PLANS ARE NOT AS-BUILT DRAWINGS. THE PLANS DO NOT SHOW EVERY DIFFICULTY AND NUANCE ASSOCIATED WITH WHAT IS REQUIRED TO INSTALL A COMPLETE SYSTEM. THE CONTRACTOR IS RESPONSIBLE FOR INSTALLING A COMPLETE SYSTEM AS DIAGRAMMATICALLY DEPICTED ON THE PLANS. THIS WILL LIKELY INCLUDE PROVIDING ITEMS THAT ARE NOT SHOWN ON THE PLANS BUT REQUIRED TO DELIVER A COMPLETE SYSTEM. THE PLANS MAY BE CONSIDERED A PERFORMANCE BASED SPECIFICATION.
- THE MEP CONTRACTORS MUST ANTICIPATE IN ADVANCE OF THE BID AND CONSTRUCTION THE REQUIREMENTS NECESSARY TO DELIVER A COMPLETE SYSTEM SO THAT THERE ARE NO REQUESTS FOR CHANGE ORDERS BASED ON ALLEGED PLAN OMISSIONS/ERRORS LATER IN THE PROJECT TO PROVIDE THE SYSTEMS ALREADY SPECIFIED ON THE PLANS. FOR EXAMPLE IF AN ELECTRICAL SWITCHGEAR ROOM IS CROWDED AND REQUIRES MORE COMPACT EQUIPMENT, LARGER SPACES, AND/OR OTHER CIRCUMSTANCES THE ELECTRICAL SWITCHGEAR CAPACITY SPECIFIED MUST BE INSTALLED WITHOUT ADDITIONAL CHARGE. FURTHER TO THIS EXAMPLE THE RESOLUTION MAY INVOLVE ENLARGING A ROOM BY DESIGN IN ADVANCE OF CONSTRUCTION, CONSIDERING REVIEW OF DIFFERENT EQUIPMENT OR OTHER SOLUTIONS. THE DESIGN TEAM WILL COOPERATE TO THE EXTENT REASONABLY POSSIBLE TO MITIGATE ANY UNANTICIPATED CIRCUMSTANCES TO PROVIDE A COMPLETE MEP SYSTEM. HOWEVER, AGAIN, NO CHANGE ORDERS SHALL BE APPROVED UNLESS IT IS ADDITIONAL SCOPE ITEMS THE OWNER AGREES TO FUND.
- IT IS THE INSTALLING CONTRACTOR RESPONSIBILITY TO NOTIFY THE DESIGN TEAM IN ADVANCE OF ALL CONSTRUCTION WITH TIME TO REACT WHENEVER THERE COULD BE AN ISSUE THAT REQUIRES RESOLUTION TO INSTALL A COMPLETE CODE COMPLIANT MEP SYSTEM. THERE ARE FURTHER RESTRICTIONS SPECIFIED IN THE CONSTRUCTION DOCUMENTS AND THIS NARRATIVE IS BY NO MEANS

UNDER NO CIRCUMSTANCES WILL RE-ROUTING OF DUCTWORK OR PLUMBING PIPES BE CONSIDERED A CHANGE ORDER DUE TO UNANTICIPATED STRUCTURAL INTERFERENCES. THE ROUTING OF THE PIPES AND DUCTWORK SHOWN ON THE PLANS IS INTENDED TO ANTICIPATE THE MAJORITY OF STRUCTURAL INTERFERENCES BUT IT WILL NOT INCLUDE ALL OF THEM. THE ENTIRE DUCT OR PIPE SYSTEM MUST BE PLANNED IN ADVANCE TO AVOID RE-WORKING OR RE-ROUTING OF THIS WORK. COORDINATION WITH OTHER TRADES TO ACCOMMODATE THEIR WORK IS ALSO REQUIRED. UNDER NO CIRCUMSTANCES WILL RE-INSTALLATION OF INCORRECT MATERIALS FOR THE APPLICATION BE CONSIDERED CHANGE ORDER, FOR EXAMPLE ALL EXPOSED WIRING IN THE GARAGE MUST UTILIZED METAL CONDUIT ENCASED CONDUCTORS AND THE USE OF NM CONDUCTORS (ROMEX) BY MISTAKE (OR EVEN IF INADVERTENTLY SPECIFIED) WILL NOT BE CONSIDERED A CHANGE ORDER TO REPLACE.

IT IS RECOMMENDED BUT NOT REQUIRED THAT THE MEP TRADES PROVIDE SHOP DRAWINGS IN ADVANCE OF CONSTRUCTION, ESPECIALLY IN THE SERVICE ENTRANCE ROOMS, UTILITY ROOMS, DWELLING HVAC CLOSETS AND OTHER AREAS TRADITIONALLY DESIGNED WITH CONFINED SPACES IN WOOD FRAME MULTI-FAMILY DWELLING STRUCTURES, IT IS THE RESPONSIBILITY OF THE MEP CONTRACTORS TO NOTIFY THE PRIME CONTRACTOR WHERE INSTALLATION OF THEIR TRADE WORK MAY REQUIRE INTENSE COOPERATION WITH OTHER TRADES SUCH AS CONCRETE ENCASED CONDUCTORS UNDER THE FIRST FLOOR SLAB, PLUMBING RISERS TURNS THAT REQUIRE DROPPED FOOTINGS AND THE LIKE IN ADVANCE OF THE BID AND CONSTRUCTION TO MINIMIZE UNANTICIPATED CONSTRUCTION REQUIREMENTS TO DELIVER A COMPLETE SYSTEM.

AGAIN, COOPERATION, ADVANCE PLANNING, ANTICIPATION OF DIFFICULTIES, SUGGESTIONS, AND THE LIKE WILL PRODUCE THE BEST RESULT FOR ALL CONCERNED PARTIES.

### ELECTRICAL DEMOLITION AND ALTERATIONS

- 1. THE ELECTRICAL CONTRACTOR SHALL DISCONNECT AND REMOVE ALL ELECTRICAL EQUIPMENT AND WIRING NO LONGER REQUIRED, HE SHALL CUT ALL EXISTING CONDUIT WHICH WILL NOT BE COVERED OR HIDDEN BY THE NEW CONSTRUCTION BACK TO THE CONCRETE CEILING AND FLOOR SLABS. THIS CONTRACTOR, IF FEASIBLE MAY UTILIZE ANY EXISTING CONDUIT, DUTLET BOXES OR JUCTION BOXES THAT DO NOT INTERFERE WITH THE NEW CONSTRUCTION, ALL EXISTING WIRING ON NOT BEING UTILIZED SHALL BE REMOVED BACK TO THE POINTS OF CONNECTION.
- 2, ANY WIRING THAT IS TO REMAIN, WHICH RUNS THROUGH AREAS OF WORK SHALL REMAIN DPERATIONAL. IF ANY WORK INTERFERES WITH THE NEW CONSTRUCTION, IT SHALL BE REROUTED AND REWORKED AS REQUIRED TO SATISFY THE NEW CONDITIONS.
- 3.IF ANY EXISTING ELECTRICAL EQUIPMENT IS TO REMAIN FOR THE OPERATION OF SYSTEMS IN OTHER AREAS OF THE BUILDING, IT SHALL BE RELOCATED AS REQUIRED TO THE SATISFACTION OF THE ARCHITECT.
- 4.ANY INTERRUPTION OF BUILDING SERVICES TO ANY SECTION OF THE BUILDING SUCH AS ELECTRIC LIGHT AND POWER, FIRE ALARM SYSTEM, TELEPHONE SYSTEM AND THE LIKE SHALL BE SCHEDULED. THE ARCHITECT SHALL APPROVE ALL SCHEDULES BEFORE ANY INTERRUPTIONS ARE PERMITTED, THE ELECTRICAL CONTRACTOR SHALL BE RESPONSIBLE FOR ALL OVERTIME WORK NECESSARY TO MEET THIS REQUIREMENT. IF INTERRUPTIONS MUST OCCUR DURING NORMAL HOURS AT THE BUILDING, THE ELECTRICAL CONTRACTOR SHALL, AT HIS EXPENSE, PRO∨IDE TEMPORARY SERVICES AS REQUIRED TO PERMIT THE NORMAL FUNCTIONING OF ALL FACILITIES DURING

### 5. THE ELECTRICAL CONTRACTOR SHALL VISIT THE SITE OF WORK AND BECOME THOROUGHLY FAMILIAR WITH ALL CONDITIONS BEFORE SUBMITTING BID, NO EXTRA COMPENSATION WILL BE PAID FOR EXTRA WORK, WHICH MAY ARISE BECAUSE OF FAILURE TO DO SO.

6.IT SHOULD BE NOTED THAT THE NEW CONSTRUCTION IS TO BE CONNECTED TO AND INSTALLED IN EXISTING FACILITIES AND THE DRAWINGS GENERALLY SHOW ONLY THE NEW WORK THAT I REQUIRED. DRAWINGS DO NOT SHOW IN DETAIL HOW NEW WORK IS TO BE INSTALLED BECAUSE OF UNKNOWN OBSTRUCTIONS TO ITS INSTALLATION WHICH MAY BE DISCLOSED AS WORK PROGRESSES. THE WORK SHALL BE PROVIDED IN SUCH A MANNER, AND WITH SUCH ADDITIONA WORK NOT SPECIFICALLY INDICATED, AS TO OVERCOME ALL OBSTRUCTIONS AND DIFFICULTIES AT THE SITE. ALL SUCH WORK SHALL BE DONE IN FULL COOPERATION WITH THE ARCHITECT, WHO

7.CONTRACTOR SHALL CHECK THE CONDITION OF ALL PANELBOARDS, CIRCUIT BREAKERS, AND WIRING TO REMAIN AND INFORM ARCHITECT OF ANY FAULTY EQUIPMENT, CONTRACTOR TO PROVIDE NEATLY TYPED PANEL SCHEDULE LISTING ALL NEW AND USED CIRCUITS.

SHALL DECIDE AT THE SITE HOW SUCH WORK SHALL BE DONE.

### **NEC LOAD CALCULATIONS** Lafayette House Renovations

Existing Service: 400A, 120/240V 1-phase 3-wire

GENERAL LOADS	
LIGHTING & RECEPTS (6200ft2 @ 3W/ft2)	18,600 VA
EXISTING GENERAL LOADS SUBTOTAL	18,600 VA
SPECIAL LOADS	
ELECTRIC RANGES/OVENS (2@8000W)	16,000 VA
ELECTRIC CLOTHES DRYER	5,000 VA
SMALL APPLIANCE (2@1500W)	3,000 VA
REFRIGERATOR (3@1100W)	3,300 VA
CLOTHES WASHER	1,500 VA
DISHWASHER	1,200 VA
EXISTING SPECIAL LOADS SUBTOTAL	30,000 VA
HVAC LOADS	
5.0 TON AC COMPRESSOR (1.9kW/ton)	9,500 VA

DISTIWASHER	1,200 V
EXISTING SPECIAL LOADS SUBTOTAL	30,000 VA
HVAC LOADS	
5.0 TON AC COMPRESSOR (1.9kW/ton)	9,500 VA
5.0 TON AC COMPRESSOR (1.9kW/ton)	9,500 VA
AIR HANDLERS (2@1100W)	2,200 VA
EXISTING HVAC LOADS SUBTOTAL	21,200 VA
EW LOADS:	
GENERAL LOADS	
LIGHTING & RECEPTS (570ft2 @ 3W/ft2)	1,710 VA
NEW GENERAL LOADS SUBTOTAL	1,710 VA
SPECIAL LOADS	
ELECTRIC RANGE/OVEN	8,000 VA

LIGHTING & RECEPTS (570ft2 @ 3W/ft2)	1,710 VA
NEW GENERAL LOADS SUBTOTAL	1,710 VA
SPECIAL LOADS	
ELECTRIC RANGE/OVEN	8,000 VA
ELECTRIC CLOTHES DRYER	5,000 VA
SMALL APPLIANCE (2@1500W)	3,000 VA
CLOTHES WASHER	1,500 VA
DISHWASHER	1,200 VA
REFRIGERATOR	1,100 VA
DISPOSAL	1,000 VA
NEW SPECIAL LOADS SUBTOTAL	20,800 VA
HVAC LOADS	
2.0 TON DUCTLESS MINI SPLIT (1.9kW/ton)	3,800
NEW HVAC LOADS SUBTOTAL	3,800 VA

# COMBINED DWELLING LOAD PER NEC TABLE 220-30(4) First 10KW@100% + Remaining @40% + HVAC @100% + Backup Heat @65% EXISTING + NEW GENERAL LOADS 20,310 VA EXISTING + NEW SPECIAL LOADS 50,800 VA

Therefore the existing 400A service is sufficient.

EXISTING + NEW HVAC LOADS 25,000 VA FIRST 10KW 10,000 VA REMAINING @40% 24,444 VA HVAC @100% 25,000 VA COMBINED TOTAL LOAD 59,444 VA CURRENT @240V/1 247.7 A

### PANEL DEMAND LOAD CALCULATIONS Lafayette House Renovations

Existing Panel "PP1" - 200A, 120/240V 1-phase with new dwelling sub-panel "A"

EXISTING PANEL "PP1" LOADS:	
5.0 TON AC COMPRESSOR (1.9kW/ton)	9,500 VA
5.0 TON AC COMPRESSOR (1.9kW/ton)	9,500 VA
AIR HANDLERS (2@1100W)	2,200 VA
TOTAL EXISTING PANEL LOAD	21,200 VA

# **NEW DWELLING SUB-PANEL "A" LOADS:**

GENERAL LOADS	
LIGHTING & RECEPTS (570ft2 @ 3W/ft2)	1,710 VA
NEW GENERAL LOADS SUBTOTAL	1,710 VA
SPECIAL LOADS	
ELECTRIC RANGE/OVEN	8,000 VA
ELECTRIC CLOTHES DRYER	5,000 VA
SMALL APPLIANCE (2@1500W)	3,000 VA
CLOTHES WASHER	1,500 VA
DISHWASHER	1,200 VA
REFRIGERATOR	1,100 VA
DISPOSAL	1,000 VA
NEW SPECIAL LOADS SUBTOTAL	20,800 VA
18/4010400	

HVAC LOADS 2.0 TON DUCTLESS MINI SPLIT (1.9kW/ton) 3.800 VA NEW HVAC LOADS SUBTOTAL

NEW DWELLING LOAD PER NEC TABLE 220-30(4)

First 10KW@100% + Remaining @40% + HVAC @100% + Backup Heat @65% REMAINING @40% 12,510 VA HVAC @100% 3,800 VA TOTAL NEW DWELLING SUB-PANEL LOAD 26,310 VA CURRENT AT 240V/1

Therefore sub-panel "A" shall be rated for 125A.

### COMBINED PANEL LOAD EXISTING PANEL "PP1" LOAD 21,200 VA NEW DWELLING SUB-PANEL "A" LOAD 26,310 VA TOTAL NEW PANEL "PP1" LOAD 47,510 VA CURRENT AT 240V/1 =

Therefore the existing 200A panel "PP1" can be used.

PANEL PP1 - HOUSE POWER PANEL **200A MLO** SERIES RATED 22,000 AIC 240/120V 1-phase 3-wire LOCATION B | LTG | REC | MIS | WIRE | CKT | BRKR | PHASE | BRKR | CKT | WIRE | MIS | REC | LTG | A | B | LOCATION AC COMPRESSOR AC COMPRESSOF EXISTING EQUIP'T 9 20/1 EXISTING EQUIP'T SUB-PANEL "A" 14,670 EXISTING EQUIP'T | #1 | 11 13,580 14 16 18 20 22 24 26 | 25 | 28 13,580 | 14,670 | CONN LOAD 28,250 FDR AMPS: 240/1 117.7 amps Existing circuits & equipment to remain. See Panel Demand Load Calculations.

NEW CKTS.

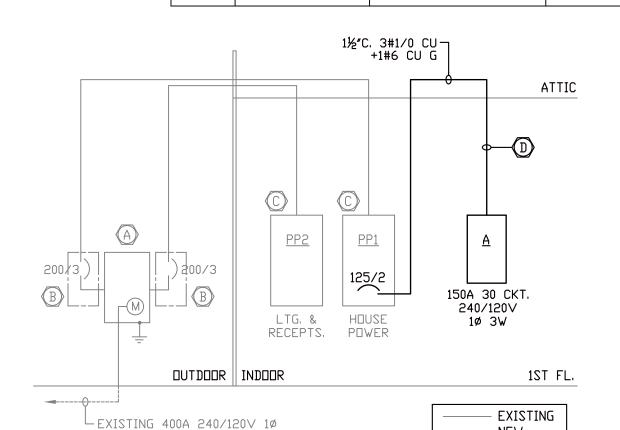
NEW SUB-PANEL

			PA	NEI	_ PF	P2 - F	HOU	SE LI	GH	TII	VG &	RE	CEP	TSF	PAN	EL			
200A MLO				240/120V 1-phase 3-wire												SERIES RATED 22,000 AIC			
LOCATION	А	В	LTG	REC	MIS	WIRE	CKT	BRKR	PHAS	SE	BRKR	СКТ	WIRE	MIS	REC	LTG	Α	В	LOCATION
EXISTING EQUIP'T							1	20/1	Α		60/2	2							ELEC RANGE/OVEN
EXISTING EQUIP'T							3	20/1		В		4							
EXISTING EQUIP'T							5	20/1	Α		60/2	6							ELEC RANGE/OVEN
CLOTHES DRYER							7	30/2		В		8							
							9		Α		20/1	10							EXISTING EQUIPT
EXISTING EQUIP'T							11	20/1		В	20/1	12							EXISTING EQUIPT
EXISTING EQUIPT							13	15/1	Α		20/1	14							EXISTING EQUIPT
EXISTING EQUIP'T							15	20/1		В	20/1	16							EXISTING EQUIPT
EXISTING EQUIP'T							17	20/1	Α		20/1	18							EXISTING EQUIPT
EXISTING EQUIP'T							19	20/1		В	20/1	20							EXISTING EQUIPT
EXISTING EQUIP'T							21	20/1	Α		20/1	22							EXISTING EQUIPT
EXISTING EQUIP'T							23	20/1		В	20/1	24							EXISTING EQUIPT
EXISTING EQUIPT							25	20/1	Α		20/1	26							EXISTING EQUIPT
EXISTING EQUIP'T							27	20/1		В	20/1	28							EXISTING EQUIPT
EXISTING EQUIP'T							29	20/1	Α		20/1	30							EXISTING EQUIPT
EXISTING EQUIP'T							31	20/1		В	20/1	32							EXISTING EQUIP'T
EXISTING EQUIP'T							33	20/1	Α		20/1	34							EXISTING EQUIPT
EXISTING EQUIP'T							35	20/2		В	20/1	36							EXISTING EQUIPT
							37		Α		20/2	38							EXISTING EQUIPT
EXISTING EQUIPT							39	20/1		В		40							
	0	0															0	0	
CONN LOAD :		0																	
FDR AMPS: 240/1		0.0	amps	3															
All existing circuits & eq	uipment to r	emain or b	e reuse	ed. Se	e floo	r plan s	heet	notes.											

					PA	NEL	. A -	APA	RTME	ENT S	UB-	PAN	EL					
125A MLO				240/120V 1-phase 3-wire										SEF	RIES RAT	TED 22,000 AIC		
LOCATION	Α	В	LTG	REC	MIS	WIRE	СКТ	BRKR	PHASE	BRKR	CKT	WIRE	MIS	REC	LTG	Α	В	LOCATION
DS-2.0	2040				1	#10	1	30/2	Α	15/1*	2	#14	1		16	290		LIGHTING
		2040			-		3		В	15/1*	4	#14		6			1080	BEDROOM RECEPTS
CLOTHES DRYER	2500				1	#10	5	30/2	Α	15/1*	6	#14		7		1260		LIVING RECEPTS
		2500			_		7		В	20/1**	8	#12		2			1500	SMALL APPLIANCE
RANGE/OVEN	4000				1	#6	9	50/2	Α	20/1**	10	#12		1		1500		SMALL APPLIANCE
		4000			_		11		В	20/1	12	#12	1				200	RANGE HOOD
CLOTHES WASHER	1500			1		#12	13	20/1	A	20/1**	14	#12		2	2	380		EXT/ATTIC LTG/REC
REFRIGERATOR		1100		1		#12	15	20/1	В	20/1**	16	#12		1			180	BATH GFI
DISHWASHER	1200			1		#12	17	20/1**	Α	20/1	18							SPARE
DISPOSAL		980		1		#12	19	20/1**	В	20/1	20							SPARE
							21		A		22							
							23		Α		24							
	11,240	10,620														3,430	2,960	
CONN LOAD :		28,250																
FDR AMPS: 240/1		117.7	x125	%	147	amps												

\*AFCI breaker. \*\*GFCI breaker IT IS ACCEPTABLE TO UTILIZE NM CONDUCTORS (ROMEX) IF APPROVED BY THE LOCAL CODE OFFICIAL

	MEP LIGHT FIXTURE SCHEDULE									
TYPE	MFR.	CATALOG NO.	LAMPS	REMARKS						
Α	HALO	SLD612835-WH-JB	15W LED	DOWN LIGHT MOUNTED ON A DEEP J-BOX 1200 LUMENS						
В	WAC LIGHTING	WL-LED101-30-WT	3.5W LED	ATTIC STAIR LOW-PROFILE WALL MOUNTED STEP LIGHT						
С	SEAGULL	5328EN3-962	(2) 10W LED	SMALL HALL/CLOSET SURFACE MTD 800 LUMENS PER LAMP						
D	SEAGULL	84048EN3-12	(1) 10W LED	EXTERIOR WALL SCONCE, 800 LUMENS						
E	SEAGULL	4424603EN-05	(3) 10W LED	BATH VANITY SCONCE						
F	HALO	SLD6-06835-WH-JB	(1) 12.2W LED	WET LOCATION MOUNTED ON DEEP J-BOX						
G	LEVITON	9850-LED	(1) 10W GU24	PORCELAIN SOCKET W/ WALL SWITCH						



NOT TO SCALE EXISTING 400A C40/160 17 EXISTING 400A 240/120V 10 3W UTILITY

APPROVES THIS WIRING METHOD.

3W SERVICE

EXISTING NEMA 3R 200/1 240/120V 10 3W CIRCUIT B BREAKER DISCONNECT SWITCH. EXISTING 200A 240/120V 1Ø 3W CIRCUIT BREAKER PANEL.

IT IS ACCEPTABLE TO INSTALL SER 1/0 CABLES IN

D LIEU OF CONDUIT IF THE LOCAL CODE OFFICIAL

----- NEW

# ELECTRICAL SCOPE OF WORK

THE PROJECT CONSISTS OF AN EXISTING RESIDENTIAL BUILDING THAT WILL HAVE INTERIOR RENOVATIONS AND AN ADDITION. INCOMING ELECTRICAL SERVICE COMPONENTS AND CIRCUIT BREAKER PANELS ARE EXISTING TO REMAIN. LIGHTING & RECEPTACLE CIRCUITS IN THESE EXISTING SPACES ARE BEING REUSED FOR LIGHTING AND RECEPTACLES WITHIN THE ORIGINAL BUILDING SPACE (PANEL "PP2"). ALL NEW ELECTRICAL WORK WITHIN THE ADDITION DWELLING SPACE SHALL BE WIRED TO A NEW SUB-PANEL "A" POWERED OFF OF EXISTING HOUSE A/C PANEL (PANEL "PP1") AS INDICATED WITHIN THESE PLANS. THE ELECTRICAL SCOPE OF WORK INCLUDES BUT IS NOT LIMITED TO THE FOLLOWING:

- 1. ALL EXISTING PANELS, TRANSFORMERS, AND DISCONNECTS ARE EXISTING TO
- 2. REMOVE AND/OR REPLACE EXISTING ELECTRICAL DEVICES AS REQUIRED. 3. INSTALL NEW LED LIGHTING & RECEPTACLES WITHIN ORIGINAL SPACE AS
- INDICATED, UTILIZING EXISTING CIRCUITS. 4. INSTALL ALL ELECTRICAL DEVICES IN ADDITION ACCORDING TO THESE PLANS.
- 5. INSTALL NEW TAMPER-PROOF RECEPTACLES AND DEVICES THROUGHOUT. UTILIZE EXISTING CIRCUITS.
- 6. ALL 120V, 15A & 20A RECEPTACLES SHALL BE TAMPER-PROOF TYPE. REPLACE EXISTING AS REQUIRED. 9. SECURITY (IF NECESSARY) AND FIRE ALARM ARE DESIGN/BUILD. COORDINATE
- WITH TENANT & LANDLORD ACCORDINGLY. 10. SPRINKLER AND FIRE ALARM TO BE RESOLVED AT THE SHOP DRAWING PHASE AND SUBMITTED TO THE FIRE MARSHAL FOR REVIEW.

USS.

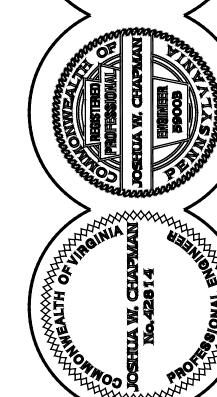
of Energy Engineers

<u>SSHPA</u>

nternational Ground Source

Heat Pump Association

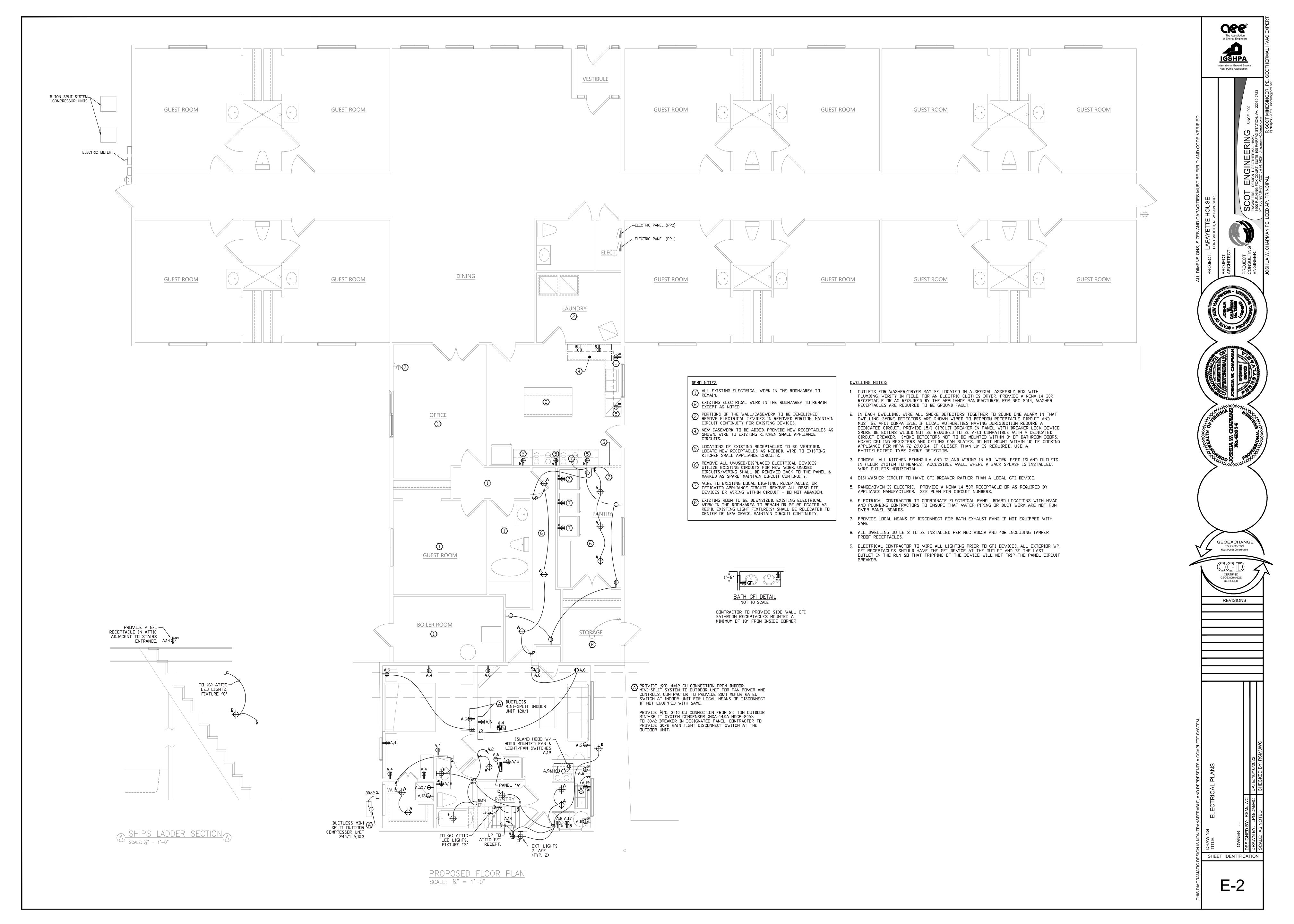
SCOT ENGINEERS 8600 RUNNING



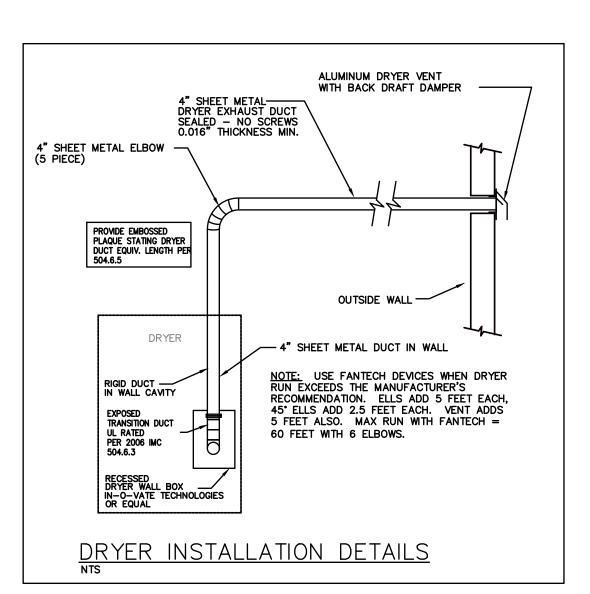
**GEOEXCHANGE** The Geothermal Heat Pump Consortium

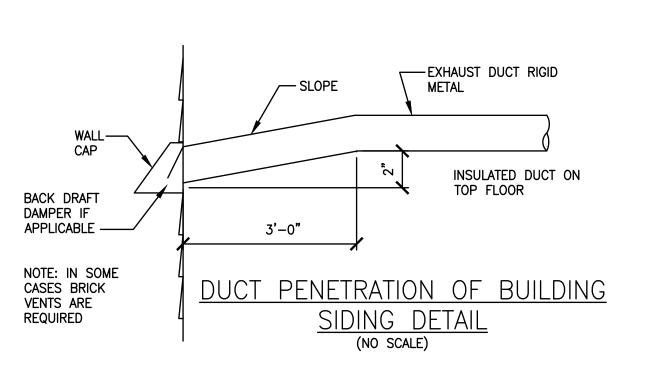
CERTIFIED DESIGNER REVISIONS

SHEET IDENTIFICATION



<u>LE</u>
IN CC O SHARGE OF CR W/RD N/RD N/RD N/RD N/RD N/RD N/RD N/RD N





### GENERAL HVAC CONSTRUCTION NOTES, NOT ALL APPLY

- 1. The plans represent a complete operational system, wherein all wiring, equipment, fixtures, fittings, controls, and required accessories are furnished, installed, started, and tested by the sub-contractor. The sub-contractor shall provide all materials, equipment, labor, and supervision to deliver a complete system. The fire protection alarm/sprinkler system is not a component of this design (unless specifically depicted) and it is provided by a design and build fire protection contractor.
- 2. The plans are diagrammatical in nature. The work required to properly interface with other trades, which may represent changes to the drawings to accommodate the installation of this work, is performed without additional cost to the builder. This includes but is not limited to architectural, structural, electrical, plumbing, mechanical, grading, fire protection, and other considerations.
- 3. All work must be executed in strict accordance with all applicable national, state and local codes and ordinances. All work must be executed in a neat and workmanlike manner. The subcontractors and builder must coordinate with all trades during the construction process. This sub-contractor must review all aspects of their work prior to installation to Ensure proper clearances and capacities exist.
- 4. All air conditioning equipment installed shall be minimum 15 SEER efficiency minimum. All air conditioning equipment must be ARI matched and rated.
- 5. The sub-contractor must be licensed and insured in the Township, County and State as applicable. Submit to the owner as directed proof of insurance.
- 6. Since the plans are diagrammatical in nature for clarity purposes, the sub-contractor must submit a shop drawing where the contractor intends to install work that includes substantial differences from the plans, inclusive of calculations and other items to the owner prior to commencing work. The shop drawings must include exact locations, special fittings, and verification that this information is accurate.
- 7. The sub-contractor warrants that they have visited the project site, reviewed all of the contract documents, and are otherwise familiar with the requirements necessary to completely execute the work required to comply with the diagrammatical work depicted herein. Further, the sub-contractor warrants that, in possessing a thorough knowledge of the code and industry standard construction practices, the bid for performing the work will contain allowances for normal difficulties experienced during the construction of a building of this type. Modifications to the contract, which do not add value to the project, will not be considered valid.
- 8. The design conditions for this project are heating and cooling per ASHRAE 1% and 99% design temperature extremes minimum of 17°F and 91°F outdoor and 70°F indoor heating and 75°Fdb/50°RH indoor cooling. The cooling and heating requirements were calculated according to ACCA Manual J with average construction. East/West Front/Back exposure, and blinds on some windows.
- 9. Provide fire protection dampers whenever a rated assembly is penetrated by ductwork. It is the intent of this plan set to show all fire protection dampers. Inadvertently, a fire protection damper may be shown in a non-rated wall and not be required. Also a fire damper may not be shown in a rated wall but remain a requirement.
- 10. All supply air, return air, and exhaust air duct work installed in an unconditioned space must be insulated with R-8 insulation wrap minimum, or per code if it is stricter. R-8 duct board with a tough guard interior water proof coating installed in strict accordance with the installation instructions published by the manufacturer is acceptable as insulated duct work for top floor dwellings only, in lieu of metal rectangular duct with an insulation wrap. Round ductwork installed in an unconditioned space shall be R-8 insulated class I flexible air duct, UL rated 181 or rigid metal duct wrapped with insulation. Flexible air duct shall be provided with a reflective outer casing, black colored flex duct outer casing is strictly prohibited. The HVAC contractor shall be responsible for installing air conveyance systems in unconditioned spaces which comply with this requirement, to the extent that higher than specified insulation values may be required. All ductwork shall be properly
- 11. All ductwork shall be G60 galvanized metal 26-gauge minimum for rectangular, and 28 gauge minimum for smaller round ductwork. Duct board is not acceptable, except for the top floor dwelling discharge plenums, air distribution manifolds and register boots. Where duct board is utilized it shall be "Toughguard" or equal with the moisture/erosion resistant black coating without exception. Duct board cannot be used for other purposes.
- 12. Seal all duct building penetrations, especially floor register and ceiling register boots.
- 13. All dryer exhaust duct shall be rigid round duct without protrusions (such as screws) into the air stream. The developed length shall not exceed twenty—five feet total, where 90' elbows count as five feet of length. Where the dryer proposed is capable of performing with dryer exhaust developed lengths in excess of 25, longer lengths are permitted where they are within the manufacturer's published requirements. Coordinate with the builder in advance of installation.
- 14. Kitchen exhaust shall be ducted. Coordinate with the builder for installation requirements. Comply with the written installation instructions published by the kitchen hood manufacturer.
- 15. All ductwork shall be leak tested by a third independent party (duct blaster test) for leakage. Leakage shall not exceed five percent @ 0.20" without exception. Seal the ductwork to prevent leaks with metal tape (no tape on round branch to rectangular trunk duct connections) or mastic. Duct sealing shall include the snap lock longitudinal seams, and the end boots, elbow boots and other riveted type manufactured fittings. All ductwork operates at less than 3.0" w.g.
- 16. The plumber shall provide a PVC condensate drain within five feet of the mechanical equipment to drain the a/c condensate (not to the sewer system) to the storm water management system or to the irrigation system. The HVAC contractor shall furnish a clean out tee and approximately five feet or less of PVC condensate drainpipe from the HVAC equipment to the plumber furnished drains within the closet. All furnaces and air handlers shall receive an emergency drain pan with a float switch wired to stop the equipment if moisture is detected. Coordinate equipment location with the builder.
- 17. The plans indicate quantities of items to enhance the understanding of the design concept. The quantities are reliable, but not guaranteed. The contractor is responsible to install the correct quantities of items required to deliver a complete functioning building.
- 18. This design is non-transferable. It is intellectual property with trade secrets to be utilized on this project
- 19. The sub-contractor shall provide an air balance as a component of the HVAC system start-up for the residential systems. The HVAC sub-contractor shall provide adjustments as required to meet temperature uniformity throughout the dwellings, should a temperature disparity exist without additional cost to the builder.
- 20. The thermostat shall comply with 503.2.4.1 where a humidity control is included with programmable
- 21. Provide a plaque adjacent to each clothes dryer, within site of dryer not farther than 6' away, that specifies max exhaust duct length and dryer exhaust capacity minimum. 22. Provide fire smoke dampers 115v-1 whenever a duct penetrates a shaft.
- 23. Provide a water detection device for every AHU in the drain pan to stop equipment to prevent a pan overflow. HVAC systems shall utilize in—line sensors to detect moisture in drain pans, such as Goodman model AG 3175 or similar. Do not use "hockey puck" style drain pan switches.
- 24. All MEP systems shall provide for no pooling of water to the extent possible. The safe pans, drain pans, and condenser pads shall all slope to avoid pools of water. It is acceptable to have a 1/8" depth pool of water in condensate pans during cooling operation.
- 25. All access panels shall be labeled by the trade that receives the benefit of the access panel. The builder provides many access doors for plumbing cleanouts or fire dampers, but the plumber or hvac contractor shall provide the label. The label shall be with 3/8" height letters on non-cardboard or paper type material, permanently affixed to the access door. Duct access doors installed in ductwork shall be made and labeled by the hvac contractor.
- 26. The fire dampers that penetrate the ceiling on the discharge of the air handler shall be installed in strict accordance with the installation instructions published by the manufacturer. submit the illustration of the installation in the instructions prior to construction and that will suffice as the detail. the damper shall be installed in a sleeve within six inches of the plane of the ceiling at a minimum, complete with a duct access
- 27. The registers and grilles shall be residential stamped steel type for dwellings and commercial as shown on the plans for public spaces. The supply devices shall include a manually operated volume damper. The size of the registers and grilles refers to duct connection size internal dimension, equipment of similar size and adequate performance are acceptable (for example if the contractor utilizes 12x6 or 12x4 supply registers as their standard they are acceptable if their performance is similar to the 10x6 size specified) The return air conveyance system shall not include any adjustable devices to restrict air volume. The return air grilles shall be installed such that the blades are positioned to minimize viewing into the return air duct.
- 28. Where there exists a discrepancy between the plans, documents, or code the sub-contractor shall provide for the most expensive method and advise the builder in writing prior to performing any work.

# RESPONSIBILITY OF DESIGN AND CONSTRUCTION TEAMS FOR MEP:

Amicable cooperation of the design and construction teams generally produces the best results for the owner. Investment in the design by the installing contractors is also usually beneficial for the project. Any reasonable contractor suggestions in advance of construction will be considered and/or reviewed. Any resulting necessary (for permit or code official inspection purposes, not for as-built purposes) construction plan changes that the owner and architect approve suggested by the installing contractor shall be executed by the MEP design team without additional charge provided they are not extensive.

The MEP design is provided primarily to obtain the building permit. If the jurisdiction did not require professionally engineered MEP plans, the project would likely be constructed as a design and build project. Accordingly the plans are not shop drawings. The plans are not as—built drawings. The plans do not show every difficulty and nuance associated with what is required to install a complete system. The contractor is responsible for installing a complete system as diagrammatically depicted on the plans. This will likely include providing items that are not shown on the plans but required to deliver a complete system. The plans may be considered a performance based specification.

The MEP contractors must anticipate in advance of the bid and construction the requirements necessary to deliver a complete system so that there are no requests for change orders based on alleged plan omissions/errors later in the project to provide the systems already specified on the plans. For example if an electrical switchgear room is crowded and requires more compact equipment, larger spaces, and/or other circumstances the electrical switchgear capacity specified must be installed without additional charge. Further to this example the resolution may involve enlarging a room by design in advance of construction, considering review of different equipment or other solutions. The design team will cooperate to the extent reasonably possible to mitigate any unanticipated circumstances to provide a complete MEP system. However, again, no change orders shall be approved unless it is additional scope items the owner agrees to fund.

It is the installing contractors responsibility to notify the design team in advance of all construction with time to react whenever there could be an issue that requires resolution to install a complete code compliant MEP system. There are further restrictions specified in the construction documents and this narrative is by no means limiting.

Under no circumstances will re-routing of ductwork or plumbing pipes be considered a change order due to unanticipated structural interferences. The routing of the pipes and ductwork shown on the plans is intended to anticipate the majority of structural interferences but it will not include all of them. The entire duct or pipe system must be planned in advance to avoid re—working or re—routing of this work. Coordination with other trades to accommodate their work is also required. Under no circumstances will re—installation of incorrect materials for the application be considered change order, for example all exposed wiring in the garage must utilize metal conduit encased conductors and the use of NM conductors (Romex) by mistake (or even if inadvertently specified) will not be considered a change order to replace.

It is recommended but not required that the MEP trades provide shop drawings in advance of construction, especially in the service entrance rooms, utility rooms, dwelling HVAC closets and other areas traditionally designed with confined spaces in wood frame multi-family dwelling structures. It is the responsibility of the MEP contractors to notify the prime contractor where installation of their trade work may require intense cooperation with other trades such as concrete encased conductors under the first floor slab, plumbing risers turns that require dropped footings and the like in advance of the bid and construction to minimize unanticipated construction requirements to deliver a complete system.

Again, cooperation, advance planning, anticipation of difficulties, suggestions, and the like will produce the best result for all concerned parties.

EQUIPMENT NOTES, NOT ALL APPLY All equipment includes ECM motors. All equipment is minimum 15 SEER ARI rated without utilizing oversized air handlers (poor humidity removal).

Return air conditions are 75'Fdb/64'Fwb for cooling, and 70'Fdb for heating. EER ratings are based upon 95'Fdb/78'Fwb outside and return air conditions. For common areas and amenity areas, return air conditions are 80'Fdb/67'Fwb to account for outside air conditions mixing with return air.

All air distribution registers and grilles for common areas shall be commercial type, not stamped steel with manual exposed operating levers suitable for the dwellings. For all bathrooms, lockers, and mech. closets, provide 100% aluminum construction for the registers and grilles. The sizes and locations shown on plans accommodate occupant comfort, performance and trusses - do not vary sizes or locations based upon interior designer suggestions without EOR approval.

1. All equipment includes high and low refrigerant compressor protection switches.

- 2. All commercial equipment serving common areas includes auto change over thermostats with remote sensors, where the main control is locked in the mechanical closet to be set by management. The location of the thermostat shown on the plans is the sensor location; main controller is in mechanical closet and not shown on the plans.
- 3. The thermostats shall be the type that when the heating load can be accomplished without operating the resistance heat (except during defrost) and just running the compressor, the thermostat shall control the heat pump accordingly. When the temperature set point is above the room temperature sensed, the compressor shall operate alone unless the sensed temperature falls 5°F below the set point. The thermostat shall gradually ramp up temperature using just the compressor during the end of a night set back temperature period. This is specified to meet code section 6.4.3.5. The thermostat also includes an outdoor temperature sensor to lock out the resistance heat at a point which above it the compressor is able to manage the heat load. Each dwelling will need to program the lockout temperature.
- 4. Provide MERV 8 filters on AHU systems. Provide MERV 6 on all outdoor air inlets.
- 5. All refrigeration pipe insulation shall be  $\frac{1}{2}$ " thick minimum, with protection from both physical and UV
- 6. Provide a moisture detection (water level) switch that will shut off the equipment if the primary drain pan (or pan underneath the air handler) drain becomes blocked to prevent property damage. The device that senses water level rise shall conform to UL508.

Prototype of Design Models manufactured by Goodman and Carrier (OTHER MANUFACTURERS WILL BE REVIEWED): Air handlers, variable speed with ECM motors capable AS NOTED PER THE HVAC SCHEDULE. ALL SYSTEMS SHALL BE AHRI OR DOE MATCHED OF EQUAL OR BETTER SEER AND HSPF rating AS LISTED.

Corridors and Common Areas: AVPTC series air handlers matched with DSZC16 two stage series heat pumps for corridors.

General: The fan is always energized and the compressor is cycled to maintain humidity and temperature settings. On a call for heating the compressor cycles in concert with the back-up heat (defrost and extreme conditions) for heat pump applications.

1. All dwelling heat pump split systems:

air grille.

Programmable thermostat with humidity control cycles the HVAC equipment to maintain the thermostat setting. The fan should remain in the on position during occupancy to insure maximum comfort and ventilation. The outside air intake receives a gravity actuated automatic damper at the exterior wall in every case.

# Common area split system heat pumps:

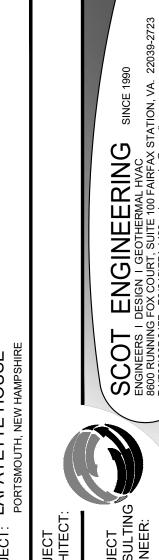
The thermostat is a 7 day programmable unit (for AHREA 90.1, 6.4.3.3.2 set back controls and off hours controls ASHREA 90.1, 6.4.3.3), rather than daily for the dwellings. The programming shall include off hours scheduling as per ASHREA 90.1, 6.4.3.3. The programming shall include a battery back up in each thermostat that powers the thermostat for a period of not less than ten hours during a power interruption to prevent each thermostat from having to be reprogrammed as per ASHREA 90.1, 6.4.3.3.1.

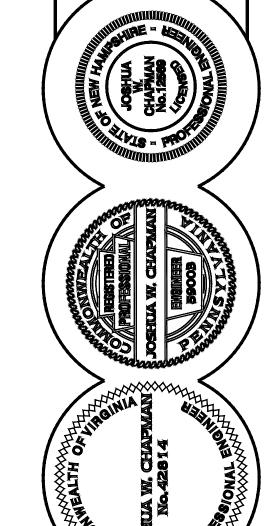
The thermostat is an auto change over type that switches automatically from heating to cooling as determined by the measured return air temperature (wall sensor adjacent to thermostat) and the heating and cooling set points for both occupied and unoccupied, (optimum start controls). The thermostats shall include a 5'F dead-band between heating and cooling as per ASHRAE 90.1, 6.4.3.1.2. Further, the heating and cooling set point can never overlap (hence the dead-band) as per ASHREA 90.1, 6.4.3.2). The thermostat is installed inside the mechanical closet for the control and operation by management. The remote sensor is installed where shown on the plans adjacent to the return

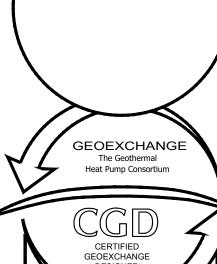
In some instances with large volumes of outside air as identified on the floor plans, the outside air is restricted partially by a motorized outside air damper that allows 25% of outside air through an opposed blade damper during unoccupied and full 100% outside air during full occupancy. Full occupancy is determined by a carbon dioxide sensor with an adjustable setting of 1,100ppm set point mounted in the return air duct with a relay option.

3. All refrigeration pipe insulation shall be 1" thick minimum.



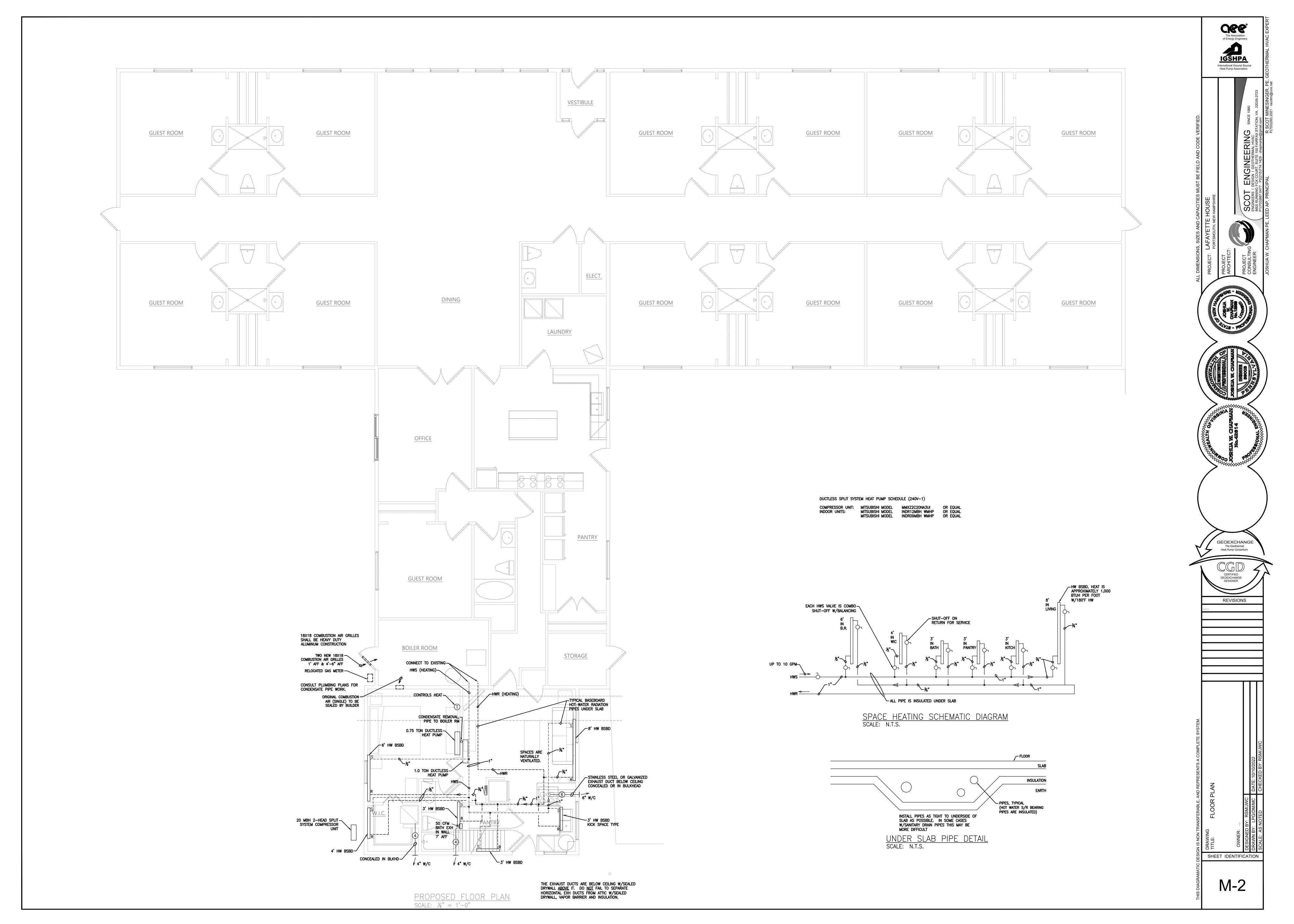






DESIGNER REVISIONS

SHEET IDENTIFICATION



A. THE WORK OF EACH OF THE MECHANICAL SECTIONS INCLUDES FURNISHING AND INSTALLING THE MATERIAL, EQUIPMENT, AND SYSTEMS COMPLETE AS SPECIFIED AND/OR INDICATED ON THE DRAWINGS. THE MECHANICAL INSTALLATIONS, WHEN FINISHED, SHALL BE COMPLETE AND COORDINATED, READY FOR SATISFACTORY SERVICE.

ALL WORK UNDER THIS CONTRACT SHALL BE DONE IN STRICT ACCORDANCE WITH ALL APPLICABLE MUNICIPAL, STATE, COUNTY, NFPA AND 2009 ICC CODES THAT GOVERN EACH PARTICULAR TRADE.

B. THE CONTRACTOR SHALL MAKE APPLICATIONS AND PAY ALL CHARGES FOR ALL NECESSARY PERMITS, LICENSES AND INSPECTIONS AS REQUIRED UNDER THE ABOVE CODES. UPON COMPLETION OF THE WORK, THE CUSTOMARY CERTIFICATIONS OF APPROVAL SHALL BE

C. NO MATERIALS OR EQUIPMENT SHALL BE USED IN THE WORK UNTIL APPROVED.
BEFORE SUBMISSION OF THE SHOP DRAWINGS, AND NOT MORE THAN THIRTY (30) DAYS AFTER
AWARD OF THE CONTRACT, THE CONTRACTOR SHALL SUBMIT FOR APPROVAL A COMPLETE
LIST OF MATERIALS AND EQUIPMENT WHICH HE INTENDS TO FURNISH, GIVING MANUFACTURER
AND CATALOG NUMBERS. A COMPLETE LIST OF PROPOSED SUBCONTRACTORS SHALL ALSO BE

D. THE CONTRACTOR SHALL EXAMINE ALL DRAWINGS AND SPECIFICATIONS AND SHALL INSPECT THE EXISTING CONDITIONS OF THE SITE. FAILURE TO COMPLY WITH THIS REQUIREMENT WILL NOT RELIEVE THE CONTRACTOR OF RESPONSIBILITY FOR COMPLYING WITH THE INTENT OF THE CONTRACT DOCUMENTS.

E. THE DRAWINGS INDICATE THE GENERAL ARRANGEMENT OF THE PLUMBING INSTALLATIONS. DETAILS OF PROPOSED DEPARTURES DUE TO ACTUAL FIELD CONDITIONS OR OTHER CAUSES SHALL BE SUBMITTED FOR APPROVAL PRIOR TO INSTALLATION. REWORKING OF COMPLETED ITEMS DUE TO IMPROPER FIELD COORDINATION SHALL BE AT THE CONTRACTOR'S EXPENSE.

F. PROVIDE SUFFICIENT ACCESS AND CLEARANCE FOR ALL ITEMS OF EQUIPMENT REQUIRING SERVICING AND MAINTENANCE, SUCH AS VALVES, CONTROLS, DRAINS, VENTS, SWITCHES, FILTERS, TRAPS, AND MAJOR ITEMS OF EQUIPMENT.

G. THE CONTRACTOR SHALL PREPARE THREE (3) COPIES OF A RECORD AND INFORMATION BOOKLET. THE BOOKLET SHALL BE BOUND IN A THREE-RING LOOSE-LEAF BINDER. PROVIDE THE FOLLOWING DATA IN THE BOOKLET:

1) CATALOG DATA ON EACH PIECE OF EQUIPMENT FURNISHED.
2) APPROVED SHOP DRAWINGS ON EACH PIECE OF EQUIPMENT FURNISHED.
3) MAINTENANCE, OPERATION AND LUBRICATION INSTRUCTION ON EACH PIECE OF EQUIPMENT FURNISHED.

5) COMMISSIONING REPORTS.
6) SCHEDULE/DESCRIPTION OF ALL SERVICE WORK/MAINTENANCE INSPECTIONS REQUIRED BY PARAGRAPHS O,P AND Q OF THIS SECTION.

I. THE ENTIRE NEW PLUMBING SYSTEM SHALL BE TESTED HYDROSTATICALLY BEFORE INSULATION COVERING IS APPLIED AND PROVED TIGHT UNDER THE FOLLOWING GAUGE

SANITARY AND STORM WATER PIPING......AS SPECIFIED BELOW DOMESTIC WATER......100 PSI)
FIRE PROTECTION......PER NFPA

4) MANUFACTURER'S AND CONTRACTOR'S GUARANTEES.

J. ALL SOIL, WASTE AND VENT PIPING SHALL BE TESTED BY THE CONTRACTOR. THE ENTIRE NEW DRAINAGE SYSTEM AND VENTING SYSTEM SHALL HAVE ALL NECESSARY OPENINGS PLUGGED AND FILLED WITH WATER TO THE LEVEL OF TEN (10) FEET ABOVE THE MAIN OR BRANCH BEING TESTED. THE SYSTEM SHALL HOLD THIS WATER FOR THIRTY (30) MINUTES WITHOUT SHOWING A DROP GREATER THAN FOUR (4) INCHES.

NOTE: IF ANY CODE OR AUTHORITY REQUIRES TESTING WHICH IS DIFFERENT THAN THE TEST LISTED ABOVE, THE MORE STRINGENT TEST SHALL BE PREFORMED.

TEST LISTED ABOVE, THE MORE STRINGENT TEST SHALL BE PREFORMED.

K. UPON COMPLETION OF THE PLUMBING INSTALLATIONS, THE CONTRACTOR SHALL PROVIDE A COMPLETE SET OF PRINTS OF THE PLUMBING CONTRACT DRAWINGS WHICH SHALL BE LEGIBLY MARKED IN RED PENCIL TO SHOW ALL CHANGES AND DEPARTURES OF THE INSTALLATION AS COMPARED WITH THE ORIGINAL DESIGN. THEY SHALL BE SUITABLE FOR USE IN PREPARATION OF RECORD DRAWINGS.

L. ALL PIPING AND VALVE SYSTEMS SHALL BE IDENTIFIED WITH LABELS AND TAGS.
MATERIALS SHALL BE MANUFACTURED BY SETON NAME PLATE CORPORATION.

M. ALL NEW PLUMBING INSTALLATIONS, INCLUDING ALL MATERIALS AND LABOR SHALL BE

GUARANTEED FOR A PERIOD OF ONE (1) YEAR FROM DATE OF OWNER ACCEPTANCE. THE ABOVE SHALL NOT IN ANY WAY VOID OR ABROGATE EQUIPMENT MANUFACTURER'S GUARANTEE OR WARRANTY. CERTIFICATES OF GUARANTEE SHALL BE DELIVERED TO THE OWNER.

N. CONTRACTOR SHALL ALSO PROVIDE ONE (1) YEAR FREE SERVICE TO KEEP THE EQUIPMENT IN OPERATING CONDITION. THIS SERVICE SHALL BE PROVIDED PER THE FOLLOWING SCHEDULE AND RENDERED UPON REQUEST WHEN NOTIFIED OF ANY EQUIPMENT

O. IN ADDITION TO THE FIRST YEAR WARRANTY PERIOD, THE CONTRACTOR SHALL PROVIDE, AT NO ADDITIONAL COST TO THE OWNER, A MINIMUM OF FOUR (4) SERVICE CALLS AND MAINTENANCE INSPECTIONS PER BUILDING. A COMPLETE OUTLINE OF THE REQUIRED MAINTENANCE AND THE PROPOSED SCHEDULE SHALL BE INCLUDED IN THE "RECORD AND INFORMATION BOOKLET: DETAILED IN SECTION 15010— BASIC MECHANICAL REQUIREMENTS, PARAGRAPH 1, FOR REVIEW AND ACCEPTANCE BY THE OWNER/REPRESENTATIVE AND ENGINEER. THE INSPECTIONS ARE TO BE PERFORMED AT THREE (3) MONTH INTERVALS FOR A TOTAL OF FOUR (4) SERVICE CALLS AND INSPECTIONS DURING THE FIRST YEAR WARRANTY PERIOD (THREE (3) TIMES DURING THE YEAR PLUS THE ORIGINAL SYSTEM STARTUP

THE SERVICE WORK AND INSPECTIONS SHALL INCLUDE, BUT NOT BE LIMITED TO THE FOLLOWING:

CLEAN DRAIN PANS AND DRAIN LINES; CHECK AND TIGHTEN ALL ELECTRICAL CONNECTIONS; INSPECT AND CLEAN ALL WATER STRAINERS;

COMMISSIONING).

CHECK OPERATING PRESSURES;
INSPECT ALL CONTROLS FOR CORRECT OPERATION AND CALIBRATE AS REQUIRED;
PERFORM ALL MAINTENANCE AS OUTLINED IN THE EQUIPMENT MANUFACTURERS

UPON COMPLETION OF EACH SCHEDULED INSPECTION, THE CONTRACTOR SHALL DELIVER TO THE BUILDING OWNER/OWNER'S REPRESENTATIVE WITHIN FORTY-EIGHT (48) HOURS OF COMPLETION, TWO (2) COPIES OF THE COMPLETED INSPECTION REPORT FOR RECORD

P. THE PLUMBING OR SERVICE CONTRACTOR SHALL, AT THE NINTH MONTH, ADVISE THE OWNER OF THE TERMINATION DATE OF THE ABOVE SERVICE. THIS CONTRACTOR SHALL ALSO PROVIDE THE OWNER WITH A DETAILED PROPOSAL, REFLECTING ANNUAL ESCALATION, FOR THE CONTINUATION OF THE SERVICE AND INSPECTIONS DESCRIBED ABOVE.

2. <u>SECTION 15050 - BASIC MECHANICAL PIPING MATERIAL & METHODS</u>

A. PROVIDE ALL LABOR AND MATERIALS NECESSARY TO FURNISH AND INSTALL ALL PIPING SYSTEMS ON THE PROJECT, INCLUDING INTERIOR STORM, SANITARY, SANITARY VENT, DOMESTIC WATER, CONDENSATE DRAINAGE, HEATING WATER AND NATURAL GAS PIPING SYSTEMS.

B. PROVIDE DIELECTRIC COUPLINGS WHERE NON-FERROUS METAL PIPING IS JOINED TO FERROUS METAL PIPING. THE GASKET MATERIAL SHALL BE CAPABLE OF WITHSTANDING THE TEMPERATURES AND PRESSURES WITHIN THE PIPING SYSTEM IN WHICH INSTALLED. SUBMIT DIELECTRIC COUPLING AND GASKET MATERIAL FOR APPROVAL.

SECTION 15250 - MECHANICAL INSULATION

A. ALL DOMESTIC WATER PIPING SYSTEMS SHALL BE INSULATED WITH CLOSED CELL FOAM INSULATION FOR HOT WATER HEATING APPLICATIONS PER IECC AND AS REQUIRED TO PREVENT CONDENSATION.

B. ALL HYDRONIC/MECHICAL PIPING WITH FLUID TEMPS ABOVE 105F OR BELOW 55F MUST BE INSULATED WITH R-4 MINIMUM.

3. <u>SECTION 15300 - FIRE PROTECTION</u>

OPERATION AND MAINTENANCE MANUALS.

PROVIDE INTUMESCENT FITTINGS WHERE PVC PIPING PENETRATES FIRE RATED PARTITIONS. FIRE PROTECTION SYSTEM BY DESIGN AND BUILD SPRINKLER CONTRACTOR.

4. SECTION 15400 - PLUMBING

C. All hangers for copper piping shall be copper clad, split ring swivel type, having rods with machine threads and threaded copper clad ceiling flange. Cast iron and steel piping supports shall be similar without copper clad and prime paint finish.

Hangars for plastic piping shall be plastic.

D. Provide dielectric couplings where non-ferrous metal piping is joined to ferrous metal piping. The gasket material shall be capable of withstanding the temperatures and pressures within the piping system in which installed. Submit dielectric coupling and gasket material for approval.

A. The work covered by this section of the specifications consists of furnishing all labor, equipment and materials in connection with the rough-in, final setting and connections to all plumbing fixtures. The contractor shall carefully review the conditions at the site and all of the contract drawings to determine the extent of the plumbing work required.

B. All plumbing fixtures shall be complete in every detail with all trimmings and connections. All fixtures shall be designed to prevent the back flow of polluted water or waste into the water supply system.

C. The dwelling water heaters shall be manufactured by BRADFORD WHITE, GAS FIRED, 40 MBH INPUT, 40 GALLON, MODEL RG2PDV40S6N, ASHRAE 90.1 Compliant. Heater shall be rated as indicated on drawings and be listed by Underwriters' Laboratories. Heater shall have integral heat traps. Tank shall be factory fired with glass lining with 150 psi working pressure and equipped with extruded high density magnesium anode at t & p relief valve. The controls shall include a thermostat and a high temperature cutoff. The jacket shall provide full size control compartments for performance of service and maintenance thru front panel openings and enclose the tank with insulation. The drain valve shall be baked enamel finish. Heater shall have a three (3) year limited warranty for commercial installation, as outlined in the written warranty. Fully illustrated instruction manual shall be included. Refer to drawings for size, capacity and voltage.

D. Potable water systems shall be disinfected prior to use. The method to be followed shall be that prescribed by the Health Authority and code requirements.

GENERAL CONSTRUCTION NOTES

1. THE PLANS REPRESENT A COMPLETE OPERATIONAL SYSTEM, WHEREIN ALL WIRING, EQUIPMENT, FIXTURES, FITTINGS, CONTROLS, AND ALL REQUIRED ACCESSORIES ARE FURNISHED, INSTALLED, STARTED, AND TESTED BY THE CONTRACTOR. THE CONTRACTOR SHALL PROVIDE ALL MATERIALS, EQUIPMENT, LABOR, AND SUPERVISION TO DELIVER A COMPLETE SYSTEM. THE FIRE PROTECTION ALARM/SPRINKLER SYSTEM, IF REQUIRED, IS NOT A COMPONENT OF THIS DESIGN (UNLESS SPECIFICALLY DEPICTED) AND IT IS PROVIDED BY A DESIGN AND BUILD FIRE PROTECTION

2. THE PLANS ARE DIAGRAMMATICAL IN NATURE. THE WORK REQUIRED TO PROPERLY INTERFACE WITH OTHER TRADES, WHICH MAY REPRESENT CHANGES TO THE DRAWINGS TO ACCOMMODATE THE INSTALLATION OF THIS WORK, IS PERFORMED WITHOUT ADDITIONAL COST TO THE OWNER. THIS INCLUDES BUT IS NOT LIMITED TO ARCHITECTURAL, STRUCTURAL, ELECTRICAL, PLUMBING, MECHANICAL, GRADING, FIRE PROTECTION, AND OTHER CONSIDERATIONS.

ALL WORK MUST BE EXECUTED IN STRICT ACCORDANCE WITH ALL APPLICABLE NATIONAL,

STATE AND LOCAL CODES AND ORDINANCES. ALL WORK MUST BE EXECUTED IN A NEAT AND WORKMANLIKE MANNER. THE SUBCONTRACTORS AND GENERAL CONTRACTOR MUST COORDINATE WITH ALL TRADES DURING THE CONSTRUCTION PROCESS. THIS CONTRACTOR MUST REVIEW ALL ASPECTS OF THEIR WORK PRIOR TO INSTALLATION TO INSURE PROPER CLEARANCES AND CAPACITIES EXIST.

4. THE CONTRACTOR MUST BE LICENSED AND INSURED IN THE COUNTY AND STATE AS APPLICABLE. SUBMIT TO THE OWNER AS DIRECTED PROOF OF INSURANCE INCLUSIVE OF LIMITS OF LIABILITY AND DEDUCTIBLE INFORMATION. ALL SUBCONTRACTORS OF SUBCONTRACTORS MUST BE LICENSED AND INSURED TOO.

5. SINCE THE PLANS ARE DIAGRAMMATICAL IN NATURE FOR CLARITY PURPOSES, THE CONTRACTOR MUST SUBMIT A SHOP DRAWING WHERE THE CONTRACTOR INTENDS TO INSTALL WORK THAT INCLUDES SUBSTANTIAL DIFFERENCES FROM THE PLANS, INCLUSIVE OF CALCULATIONS AND OTHER ITEMS TO THE DWNER PRIOR TO COMMENCING WORK. THE SHOP DRAWINGS MUST INCLUDE EXACT LOCATIONS, SPECIAL FITTINGS, AND VERIFICATION THAT THIS INFORMATION IS ACCURATE.

PROJECT SITE, REVIEWED ALL OF THE CONTRACT DOCUMENTS, AND ARE OTHERWISE FAMILIAR WITH THE REQUIREMENTS NECESSARY TO COMPLETELY EXECUTE THE WORK REQUIRED TO COMPLY WITH THE DIAGRAMMATICAL WORK DEPICTED HEREIN. FURTHER, THE CONTRACTOR WARRANTS THAT, IN POSSESSING A THOROUGH KNOWLEDGE OF THE CODE AND INDUSTRY STANDARD CONSTRUCTION PRACTICES, THE BID FOR PERFORMING THE WORK WILL CONTAIN ALLOWANCES FOR NORMAL DIFFICULTIES EXPERIENCED DURING THE CONSTRUCTION OF A BUILDING OF THIS TYPE. MODIFICATIONS TO THE CONTRACT, WHICH DO NOT ADD VALUE TO THE PROJECT, WILL NOT BE CONSIDERED VALID.

THE CONTRACTOR AND ALL SUBCONTRACTORS WARRANT THAT THEY HAVE VISITED THE

7. THIS DESIGN IS NON TRANSFERABLE. IT IS INTELLECTUAL PROPERTY WITH TRADE SECRETS TO BE UTILIZED ON THIS PROJECT ONLY.

8. WHERE THE CONTRACTOR FURNISHES CERTAIN MODELS OR PROTOTYPES OF DESIGN SPECIFIED ON THE DRAWINGS, SUBMITTAL DATA IS NOT NECESSARY. SIMPLY NOTIFY THE OWNER IN WRITING THAT THE SPECIFIED ITEM WILL BE USED AND PROCEED WITH THE WORK. IF EQUAL DEVIATIONS FROM THE SPECIFIED PRODUCT ARE UTILIZED, THE PRODUCT DATA MUST BE SUBMITTED TO THE OWNER FOR APPROVAL. IT IS THE INTENT OF THE DESIGN TO MAKE A COMPETITIVE BID. EQUAL

9. WHERE THERE EXISTS A DISCREPANCY BETWEEN THE PLANS, DOCUMENTS, OR CODE THE CONTRACTOR SHALL PROVIDE FOR THE MOST EXPENSIVE METHOD AND ADVISE THE ARCHITECT IN WRITING PRIOR TO PERFORMING ANY WORK.

RESPONSIBILITY OF DESIGN AND COSNTRUCTION TEAMS FOR MEP:

PRODUCTS WILL BE CONSIDERED AS SUBMITTED.

AMICABLE COOPERATION OF THE DESIGN AND CONSTRUCTION TEAMS GENERALLY PRODUCES THE BEST RESULTS FOR THE OWNER. INVESTMENT IN THE DESIGN BY THE INSTALLING CONTRACTORS IS ALSO USUALLY BENEFICIAL FOR THE PROJECT. ANY REASONABLE CONTRACTOR SUGGESTIONS IN ADVANCE OF CONSTRUCTION WILL BE CONSIDERED AND/OR REVIEWED. ANY RESULTING NECESSARY (FOR PERMIT OR CODE OFFICIAL INSPECTION PURPOSES, NOT FOR AS-BUILT PURPOSES) CONSTRUCTION PLAN CHANGES THAT THE OWNER AND ARCHITECT APPROVE SUGGESTED BY THE INSTALLING CONTRACTOR SHALL BE EXECUTED BY THE MEP DESIGN TEAM AS NECESSARY.

THE MEP DESIGN IS PROVIDED PRIMARILY TO OBTAIN THE BUILDING PERMIT. THE PLANS ARE NOT SHOP DRAWINGS. THE PLANS ARE NOT AS-BUILT DRAWINGS. THE PLANS DO NOT SHOW EVERY DIFFICULTY AND NUANCE ASSOCIATED WITH WHAT IS REQUIRED TO INSTALL A COMPLETE SYSTEM. THE CONTRACTOR IS RESPONSIBLE FOR INSTALLING A COMPLETE SYSTEM AS DIAGRAMMATICALLY DEPICTED ON THE PLANS. THIS WILL LIKELY INCLUDE PROVIDING ITEMS THAT ARE NOT SHOWN ON THE PLANS BUT REQUIRED TO DELIVER A COMPLETE SYSTEM. THE PLANS MAY BE CONSIDERED A PERFORMANCE BASED SPECIFICATION.

THIS PROJECT IS DESIGN BUILD. THE MEP CONTRACTORS MUST ANTICIPATE IN ADVANCE OF THE BID AND CONSTRUCTION THE REQUIREMENTS NECESSARY TO DELIVER A COMPLETE SYSTEM. THE DESIGN TEAM WILL COOPERATE TO THE EXTENT REASONABLY POSSIBLE TO MITIGATE ANY UNANTICIPATED CIRCUMSTANCES TO PROVIDE A COMPLETE MEP SYSTEM. HOWEVER, NO CHANGE ORDERS SHALL BE APPROVED UNLESS IT IS ADDITIONAL SCOPE ITEMS THE OWNER AGREES TO FUND.

IT IS THE INSTALLING CONTRACTOR RESPONSIBILITY TO NOTIFY THE DESIGN TEAM IN ADVANCE OF ALL CONSTRUCTION WITH TIME TO REACT WHENEVER THERE COULD BE AN ISSUE THAT REQUIRES RESOLUTION TO INSTALL A COMPLETE CODE COMPLIANT MEP SYSTEM. THERE ARE FURTHER RESTRICTIONS SPECIFIED IN THE CONSTRUCTION DOCUMENTS AND THIS NARRATIVE IS BY NO MEANS LIMITING.

UNDER NO CIRCUMSTANCES WILL RE-ROUTING OF DUCTWORK OR PLUMBING PIPES BE CONSIDERED A CHANGE ORDER DUE TO UNANTICIPATED STRUCTURAL INTERFERENCES. THE ROUTING OF THE PIPES AND DUCTWORK SHOWN ON THE PLANS IS INTENDED TO ANTICIPATE THE MAJORITY OF STRUCTURAL INTERFERENCES BUT IT WILL NOT INCLUDE ALL OF THEM. THE ENTIRE DUCT OR PIPE SYSTEM MUST BE PLANNED IN ADVANCE TO AVOID RE-WORKING OR RE-ROUTING OF THIS WORK. COORDINATION WITH OTHER TRADES TO ACCOMMODATE THEIR WORK IS ALSO REQUIRED. UNDER NO CIRCUMSTANCES WILL RE-INSTALLATION OF INCORRECT MATERIALS FOR THE APPLICATION BE CONSIDERED CHANGE ORDER, FOR EXAMPLE ALL EXPOSED WIRING IN THE GARAGE MUST UTILIZED METAL CONDUIT ENCASED CONDUCTORS AND THE USE OF NM CONDUCTORS (ROMEX) BY MISTAKE (OR EVEN IF INADVERTENTLY SPECIFIED) WILL NOT BE CONSIDERED A CHANGE ORDER TO REPLACE.

IT IS RECOMMENDED BUT NOT REQUIRED THAT THE MEP TRADES PROVIDE SHOP DRAWINGS IN ADVANCE OF CONSTRUCTION, ESPECIALLY IN THE SERVICE ENTRANCE ROOMS, UTILITY ROOMS, DWELLING HVAC CLOSETS AND OTHER AREAS TRADITIONALLY DESIGNED WITH CONFINED SPACES IN WOOD FRAME MULTI-FAMILY DWELLING STRUCTURES. IT IS THE RESPONSIBILITY OF THE MEP CONTRACTORS TO NOTIFY THE PRIME CONTRACTOR WHERE INSTALLATION OF THEIR TRADE WORK MAY REQUIRE INTENSE COOPERATION WITH OTHER TRADES SUCH AS CONCRETE ENCASED CONDUCTORS UNDER THE FIRST FLOOR SLAB, PLUMBING RISERS TURNS THAT REQUIRE DROPPED FOOTINGS AND THE LIKE IN ADVANCE OF THE BID AND CONSTRUCTION TO MINIMIZE UNANTICIPATED CONSTRUCTION REQUIREMENTS TO DELIVER A COMPLETE SYSTEM.

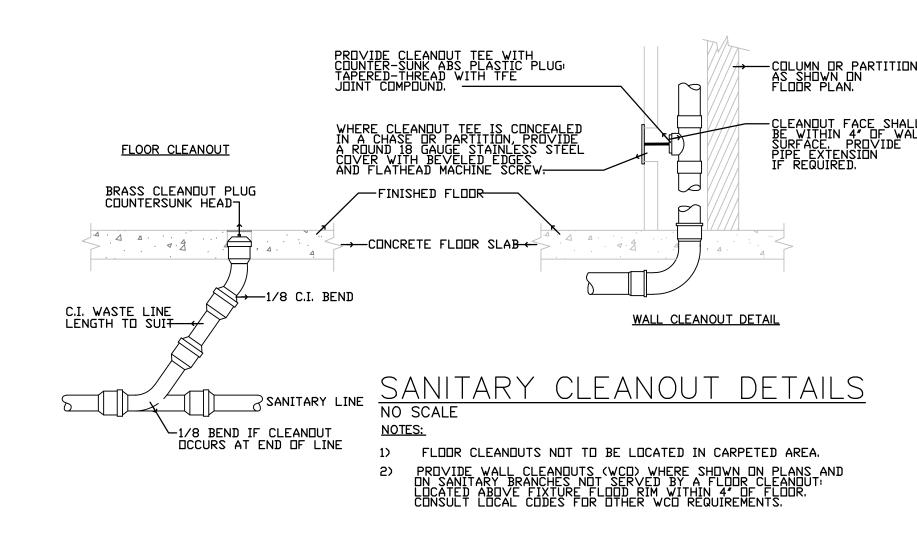
THE LIKE WILL PRODUCE THE BEST RESULT FOR ALL CONCERNED PARTIES.

		PLUMB	ING FIX	TURE S	SCHEDUI	LE		
ITEM	FIVIUDE	R	□UGH-IN	PIPE SIZ	ZES	TRAP	DEMARKS	
	FIXTURE	C.W.	H.W.	SAN.	VENT	TYPE	REMARKS	
WC	WATER CLOSET	1/2"	-	3″	1 1/2"	INTEGRAL	FLOOR MOUNTED, TANK TYPE	
LAV	COUNTERTOP LAVATORY	1/2*	1/2"	1 1/4"	1 1/4"	<b>"</b> P"		
TUB	TUB/SHOWER	1/2*	1/2"	1 1/2"	1 1/4"	<b>"</b> P"		
SHWR	SHOWER	1/2"	1/2"	1 1/2"	1 1/4"	<b>"</b> P"		
KS	SINGLE COMPARTMENT SINK	1/2"	1/2"	1 1/2"	1 1/4"	<b>"</b> P"	WITH GARBAGE DISPOSAL	
KS	DOUBLE COMPARTMENT SINK	1/2"	1/2"	1 1/2"	1 1/4"	<b>"</b> P"	WITH GARBAGE DISPOSAL	
WA	WASHING MACHINE	1/2"	1/2"	2"	2″	<b>"</b> P"	WITH DOU-CLOZ VALVE	
LT	LAUNDRY TUB	1/2"	1/2"	1 1/2"	1 1/4"	<b>"</b> P"		
TUB	SPA TUB	1/2"	1/2"	2"	1 1/2"	<b>"</b> P"		
MR	JANITOR'S MOP SINK	3/4"	3/4"	3″	2"	"P"		

			(ALL I	ING LEGEND & TEMS SHOWN MAY NOT APPI		
ACD ADR AP BPS BT CB CI CMP CO CS CW DF DL DN DR EL FAI FD FHC FHR FX GI HB HW HWR JC LAV	ACCESS DOOR AUTO DAMPER ACCESS PANEL BED PAN SANITIZER BATH TUB CATCH BASIN CAST IRON CORRUGATED METAL PIPE CLEANOUT CUP SINK COLD WATER DRINKING FOUNTAIN DOOR LOUVER DOWN DRYER ELECTRICAL CONTRACTOR FRESH AIR INTAKE FLOOR DRAIN FIRE HOSE CABINET FIRE HOSE RACK FIRE EXTINGUISHER GREASE INTERCEPTOR HOSE BIB HOT WATER HOT WATER RECIRC. JANITORS CLOSET LAVATORY	LT MC MH MR PG PRV RWC SHWR SP SS STK TMTR V VB VTR WA WC WMS	LAUNDRY TUB MECHANICAL CONTRACTOR MANHOLE MOP RECEPTOR PRESSURE GAUGE PRESSURE REDUCING VALVE RAINWATER CONDUCTOR SHOWER SPRINKLER SERVICE SINK STACK THERMOMETER URINAL VENT VACUUM BREAKER VENT THRU ROOF CLOTHES WASHER WATER CLOSET WIRE MES SCREEN  SPRINKLER HEAD DRAIN COCK FLOOR DRAIN CONNECT TO EXISTING	A  F  G  NO  O  SW  RWC  VA  V  PAAV  PAAV  A  D  A  A  A  F  G  G  NO  O  SW  RWC  VA  VA  VA  VA  VA  VA  VA  VA  VA  V	AIR PIPING COLD WATER DOMESTIC HOT WATER DOMESTIC WATER RECIRC. FIRE PROTECTION GAS NITROUS OXIDE OXYGEN SANITARY SEWER STORM SEWER VACUUM VENT ANGLE VALVE AUTO THREE-WAY VALVE  BALANCING VALVE CHECK VALVE GATE VALVE PLUG OR BALL VALVE PRESSURE REDUCING VALVE	RELIEF VALVE CLEAN OUT CONTROL T - TEMPERATURE P - PRESSURE FLEXIBLE PIPE CONNECTOR  GAS COCK STRAINER  THERMOMETER PRESSURE GAUGE W/GUAGE COCK SIAMESE CONNECTION UNION WALL HYDRANT

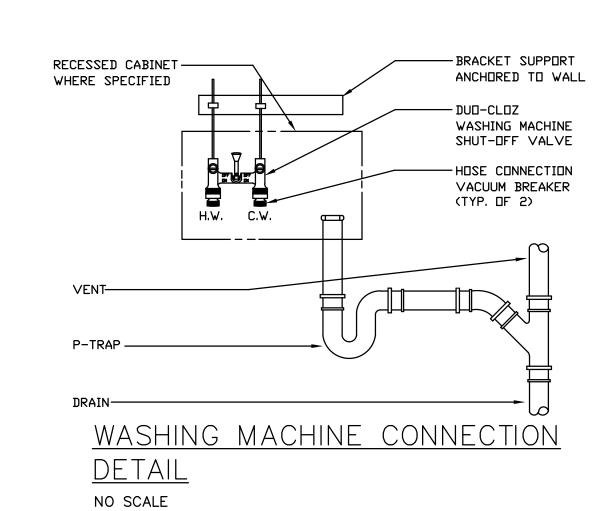
SYSTEM	SYMBOL	PIPE	FITTING	JOINT	REMARKS	
SANITARY WASTE & VENT, STORM DRAINAGE SW PVC FOAM CORE ASTM D 2665, ASTM F 1488, ASTM F 891		ASTM D 2665, ASTM F	PVC, ASTM D 2665, ASTM F 1866	PVC SOLVENT SEALER, PURPLE PRIMER ASTM F 656, CEMENT ASTM D 2564, CSA B137.3 CSA B181.2 OR CSA B182.1		
SANITARY WASTE & VENT, STORM DRAINAGE (ABOVE—GROUND)	SAN SW	PVC FOAM CORE ASTM D 2665, ASTM F 1488, ASTM F 891	PVC, ASTM D 2665, ASTM F 1866	PVC SOLVENT SEALER, PURPLE PRIMER ASTM F 656, CEMENT ASTM D 2564, CSA B137.3 CSA B181.2 OR CSA B182.1	PVC PIPING SYSTEM: SOLID-WALL PVC PIPE ASTM D 2665, & FITTINGS MADE TO ASTM D3311 DRAIN, WASTE & VENT PATTERNS. VERTICAL STACK ALLOWED INSIDE DWELLING UNITS.	
DOMESTIC COLD WATER, HOT WATER SUPPLY & RETURN (ABOVE—GROUND)	CW HW HWR	CPVC, ASTM D 2846, ASTM F 441, ASTM F 442 CSA B137.6	CPVC ASSE 1061, ASTM D2846, ASTM F 437, ASTM F 438, ASTM F 439, CSA B137.6	CPVC SOLVENT SEALER: ASTM F493	CPVC PIPING SYSTEM: ASTM D2846 SDR 11, PIPE AND SOCKET FITTINGS, ALLOWED INSIDE DWELLING UNITS.	
NATURAL GAS (IF APPLICABLE)	G	BLACK STEEL PIPE, ASTM A53 GRADE B, TYPE S SEAMLESS SCHEDULE 40	BLACK MALLEABLE IRON THREADED FITTINGS	THREADED USING AMERICAN STANDARD FOR PIPE THREADS, ANSI B2.1 WITH THREAD SEALANT OR TEFLON TAPE MATERIAL ESPECIALLY LISTED COMPATIBLE WITH SYSTEM CONTENTS, PIPE MATERIALS, AND OPERATING CONDITIONS.	SCHEDULE 40 BACK STEEL PIPING:	
NOTES:						
1. SEE SPECIFICATIO	NS FOR ADDI	TIONAL INFORMATION.				
				LECTRIC FLANGES. CONTACT BETWEEN FERROUS AND BO CTIONS TO ALL PNEUMATICALLY OPERATED EQUIPMENT.	OLTS AND BRONZE OR COPPER FLANGES	
3. INSTALLATION, INC	CLUDING SUPF	PORT SPACING, COMPENSATION FO	OR EXPANSION AND CONTRACT	ION, AND JOINING SHALL BE IN COMPLIANCE WITH MANU	FACTURER'S RECOMMENDATIONS.	

ALL FLOOR DRAINS AND/OR PRODUCTS CONNECTED TO SPECIAL DRAINAGE SYSTEM MUST BE COORDINATED FOR CORROSION RESISTANCE, SIZE AND CONNECTION COMPATIBILITY PRIOR TO

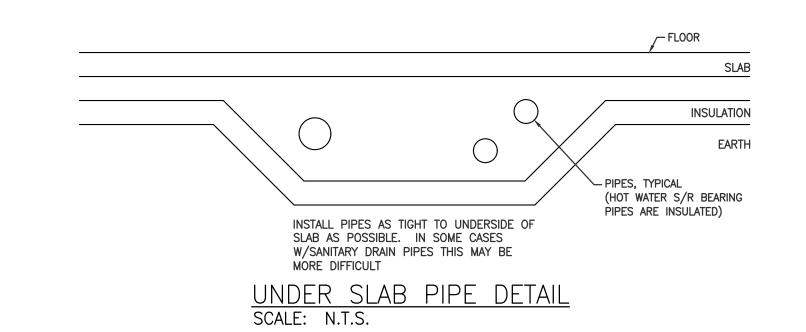


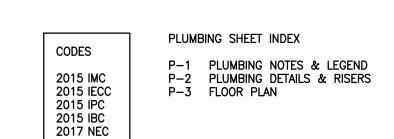
TRANSITIONS BETWEEN TWO TYPES OF PIPING MATERIALS SHALL BE MANUFACTURED FOR PURPOSE INTENDED.

ORDERING ANY MATERIAL.



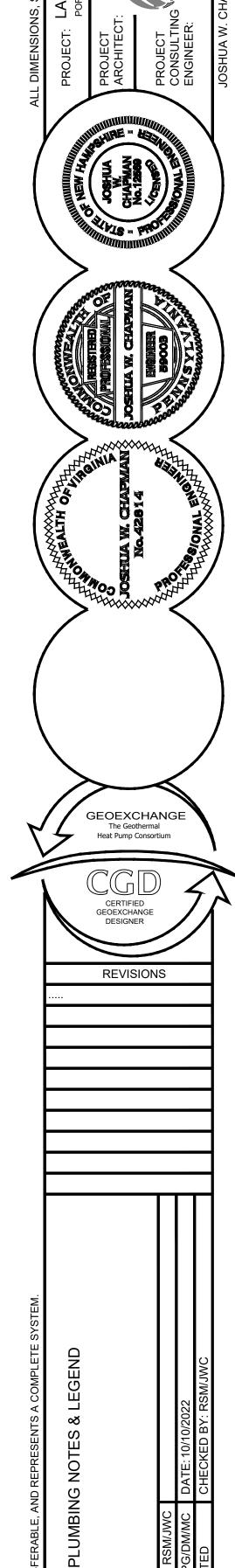
REFER TO FLOOR PLANS FOR PIPE SIZES

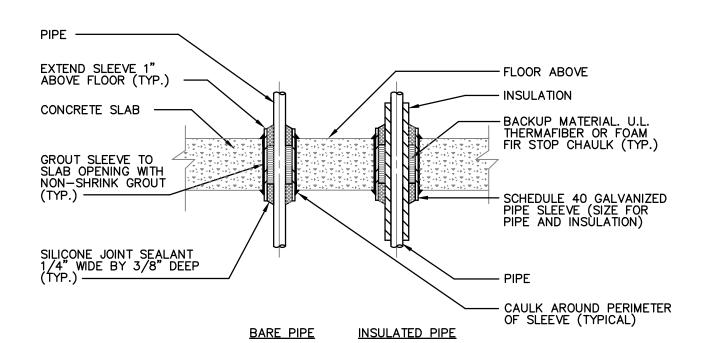






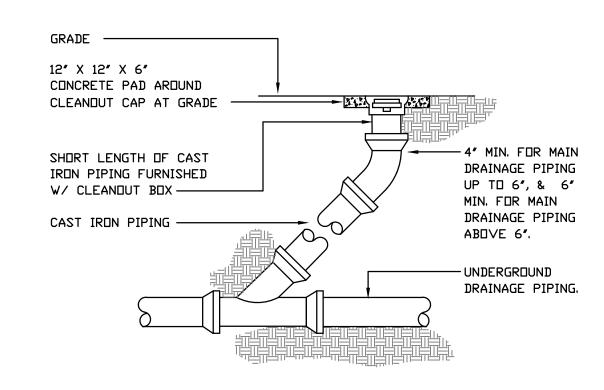
SCOT ENGINEERS 8600 RUNNING



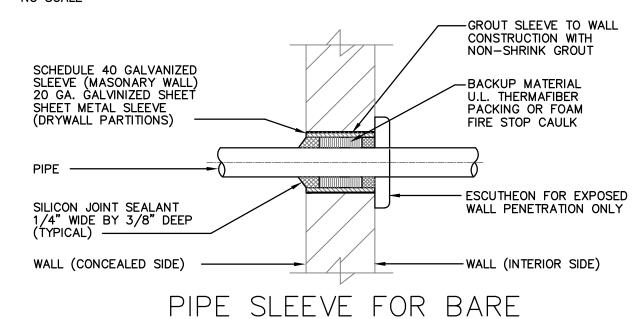


# PIPE SLEEVE THRU CONCRETE SLAB DETAIL

1) AT THE CONTRACTORS' OPTION A U.L. LISTED/APPROVED FIRE STOP PIPE SLEEVE ASSEMBLY MAY BE SUBMITTED FOR APPROVAL. 2) GALVANIZED SLEEVE SHALL BE CAST INTO NEW CONCRETE WALL POURS.



# EXTERIOR CLEANOUT DETAIL NO SCALE



SCHEDULE 40

GALVANIZED SLEEVE

20 GA. GALVANIZED

SHEET METAL SLEEVE

(DRYWALL PARTITIONS)

SILICONE JOINT SEALANT

WALL (CONCEALED SIDE) ——

SIZE FOR PIPE AND

1/4" WIDE BY 3/8"

DEEP (TYP.) ———

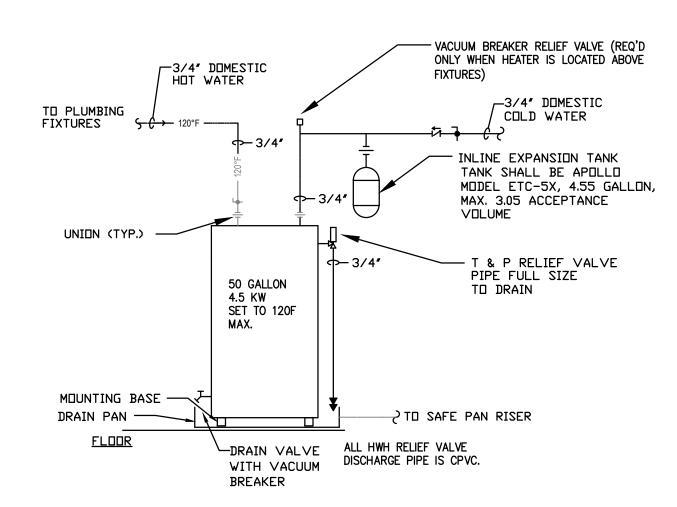
INSULATION ———

(MASONRY WALL)

# <u>NOTES</u>

1) AT THE CONTRACTORS' OPTION A U.L. LISTED/APPROVED FIRE STOP PIPE SLEEVE ASSEMBLY MAY BE SUBMITTED FOR APPROVAL.

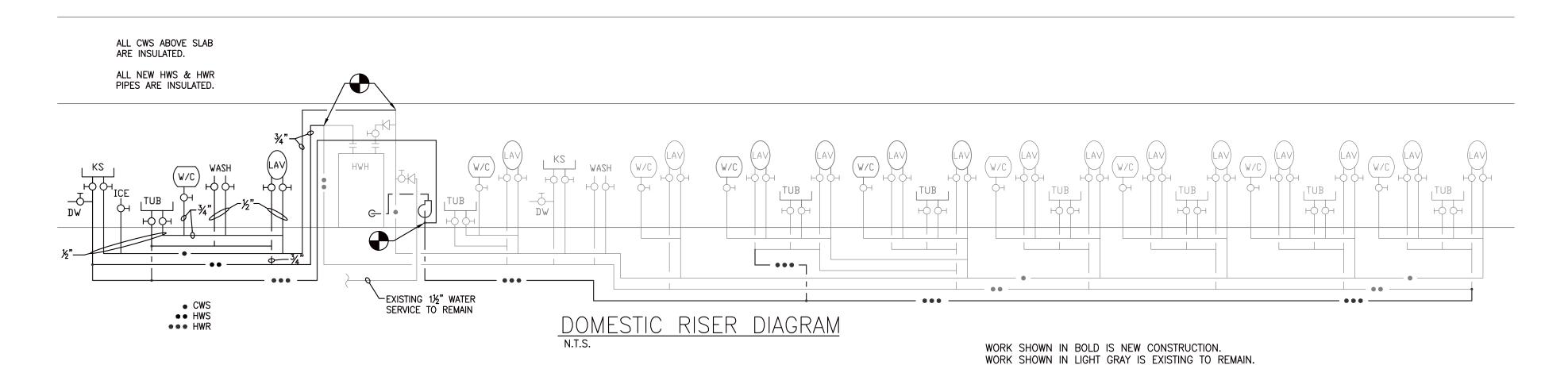
2) GALVANIZED SLEEVE SHALL BE CAST INTO NEW CONCRETE WALL POURS.

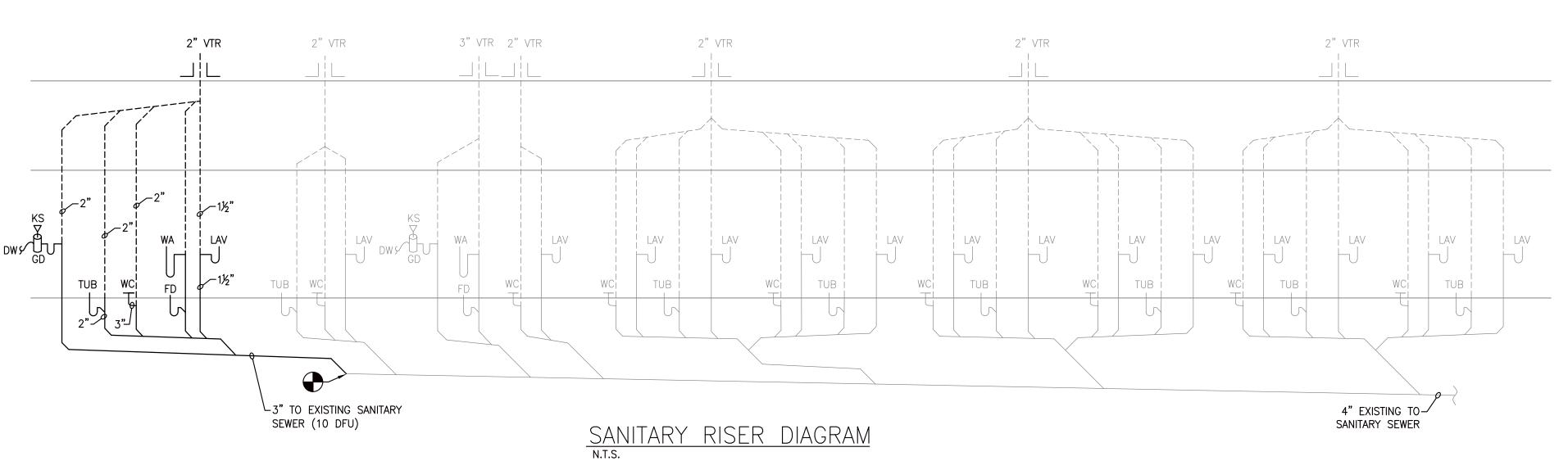


ELECTRIC WATER HEATER NO SCALE - Dwelling HWHs

WATERTITE #HP2628.

1) DRAIN PAN BELOW ELEC WATER HEATER SHALL BE 26"Ø,





-GROUT SLEEVE TO WALL

CONSTRUCTION WITH

NDN-SHRINK GROUT

BACKUP MATERIAL.

U.L. THERMAFIBER

PACKING OR FOAM

FIRE STOP CAULK

— ESCUTCHEON FOR

EXPOSED WALL

PENETRATION ONLY

── WALL (INTERIOR SIDE)

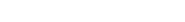
PIPE SLEEVE FOR INSULATED

2) GALVANIZED SLEEVE SHALL BE CAST INTO NEW CONCRETE WALL POURS.

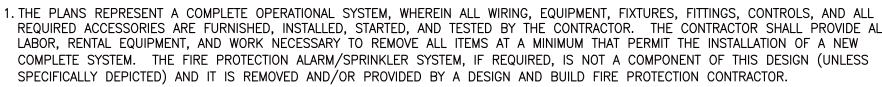
— INSULATI⊡N

### GENERAL DEMOLITION NOTES

- 1. THE PLANS REPRESENT A COMPLETE OPERATIONAL SYSTEM, WHEREIN ALL WIRING, EQUIPMENT, FIXTURES, FITTINGS, CONTROLS, AND ALL REQUIRED ACCESSORIES ARE FURNISHED, INSTALLED, STARTED, AND TESTED BY THE CONTRACTOR. THE CONTRACTOR SHALL PROVIDE ALL LABOR, RENTAL EQUIPMENT, AND WORK NECESSARY TO REMOVE ALL ITEMS AT A MINIMUM THAT PERMIT THE INSTALLATION OF A NEW COMPLETE SYSTEM. THE FIRE PROTECTION ALARM/SPRINKLER SYSTEM, IF REQUIRED, IS NOT A COMPONENT OF THIS DESIGN (UNLESS SPECIFICALLY DEPICTED) AND IT IS REMOVED AND/OR PROVIDED BY A DESIGN AND BUILD FIRE PROTECTION CONTRACTOR.
- 2. ALL CONDUITS, CONDUCTORS, PIPES, JUNCTION BOXES, VALVES, FIXTURES, HANGERS, HARDWARE, FASTENERS, ANCHORS, DUCT WORK, REGISTERS, GRILLES, HVAC EQUIPMENT AND THE LIKE SHALL BE REMOVED IN AREAS WHERE NEW WORK REPLACES EXISTING SO THAT THE PREVIOUS MATERIALS ARE NEVER CONFUSED WITH OR CONSIDERED A COMPONENT OF THE NEW WORK.
- 3.IN AREAS WHERE NEW WORK AND EXISTING WORK INTERFACE, ALL EXISTING WORK SHALL BE REMOVED TO THE EXTENT POSSIBLE AS DESCRIBED IN ITEM TWO ABOVE, AND AT THE POINT OF INTERFACE, ALL EXISTING WORK SHALL BE CAPPED AND MADE SAFE.
- 4. ALL REMOVED MATERIALS SHALL BE DEPOSED OF IN ACCORDANCE WITH ALL APPLICABLE ORDINANCES INCLUDING BUT NOT LIMITED TO THE EPA, SUCH AS HVAC REFRIGERANT RECOVERED, OILS DELIVERED TO RECLAIM FACILITY, AND ETC.
- METAL HANGERS AND FASTENERS, CARD BOARD, AND THE LIKE. DO NOT DISPOSE OF THESE MATERIALS IN A DUMPSTER.
- 6. THE PLANS ARE DIAGRAMMATICAL IN NATURE. THE WORK REQUIRED TO REMOVE AND PROPERLY INTERFACE WITH OTHER TRADES, WHICH MAY REPRESENT CHANGES TO THE DRAWINGS TO ACCOMMODATE THE INSTALLATION OF NEW WORK, IS PERFORMED WITHOUT ADDITIONAL COST TO THE OWNER. THIS INCLUDES BUT IS NOT LIMITED TO ARCHITECTURAL, STRUCTURAL, ELECTRICAL, PLUMBING, MECHANICAL, GRADING, FIRE PROTECTION, AND OTHER CONSIDERATIONS.
- WORK MUST BE EXECUTED IN A NEAT AND WORKMANLIKE MANNER. THE SUBCONTRACTORS AND GENERAL CONTRACTOR MUST COORDINATE WITH ALL TRADES DURING THE DEMOLITION AND CONSTRUCTION PLANNING PROCESS. THIS CONTRACTOR MUST REVIEW ALL ASPECTS OF THEIR WORK PRIOR TO BEGINNING TO INSURE PROPER CLEARANCES AND CAPACITIES EXIST.
- OF INSURANCE INCLUSIVE OF LIMITS OF LIABILITY AND DEDUCTIBLE INFORMATION. ALL SUBCONTRACTORS OF SUBCONTRACTORS MUST BE LICENSED AND INSURED TOO.
- PLANS, INCLUSIVE OF CALCULATIONS AND OTHER ITEMS TO THE OWNER PRIOR TO COMMENCING WORK. THE SHOP DRAWINGS MUST INCLUDE EXACT LOCATIONS, SPECIAL FITTINGS, AND VERIFICATION THAT THIS INFORMATION IS ACCURATE. 10. THE CONTRACTOR AND ALL SUBCONTRACTORS WARRANT THAT THEY HAVE VISITED THE PROJECT SITE, REVIEWED ALL OF THE CONTRACT
- DOCUMENTS, AND ARE OTHERWISE FAMILIAR WITH THE REQUIREMENTS NECESSARY TO COMPLETELY EXECUTE THE WORK REQUIRED TO COMPLY WITH THE DIAGRAMMATICAL WORK DEPICTED HEREIN. FURTHER, THE CONTRACTOR WARRANTS THAT, IN POSSESSING A THOROUGH KNOWLEDGE OF THE CODE AND INDUSTRY STANDARD CONSTRUCTION PRACTICES, THE BID FOR PERFORMING THE WORK WILL CONTAIN ALLOWANCES FOR NORMAL DIFFICULTIES EXPERIENCED DURING THE CONSTRUCTION OF A BUILDING OF THIS TYPE. MODIFICATIONS TO THE CONTRACT, WHICH DO NOT ADD VALUE TO THE PROJECT, WILL NOT BE CONSIDERED VALID.
- 12. THE PLANS INDICATE QUANTITIES ON THE PLANS TO ENHANCE THE UNDERSTANDING OF THE DESIGN CONCEPT. THE QUANTITIES ARE
- 13. THIS PROJECT MAY HAVE AREAS OF AN UNUSUAL INTENSE MEP COORDINATION REQUIREMENT, AND IT IS THE RESPONSIBILITY OF THE MEP
- EXPENSIVE METHOD AND ADVISE THE ARCHITECT IN WRITING PRIOR TO PERFORMING ANY WORK.

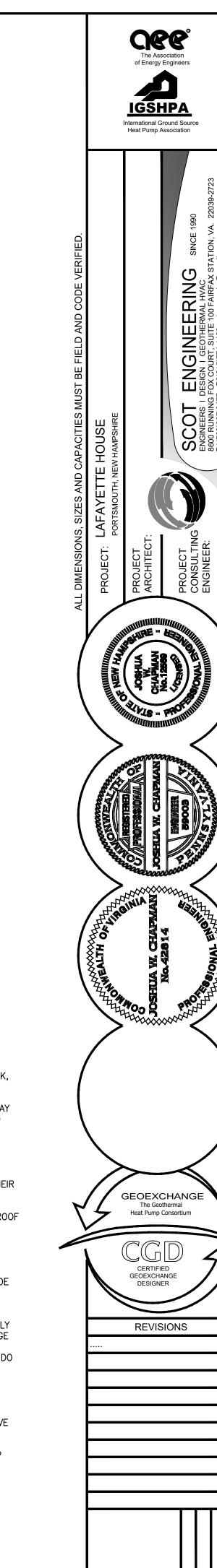


AND DELIVER A COMPLETE FUNCTIONING BUILDING.

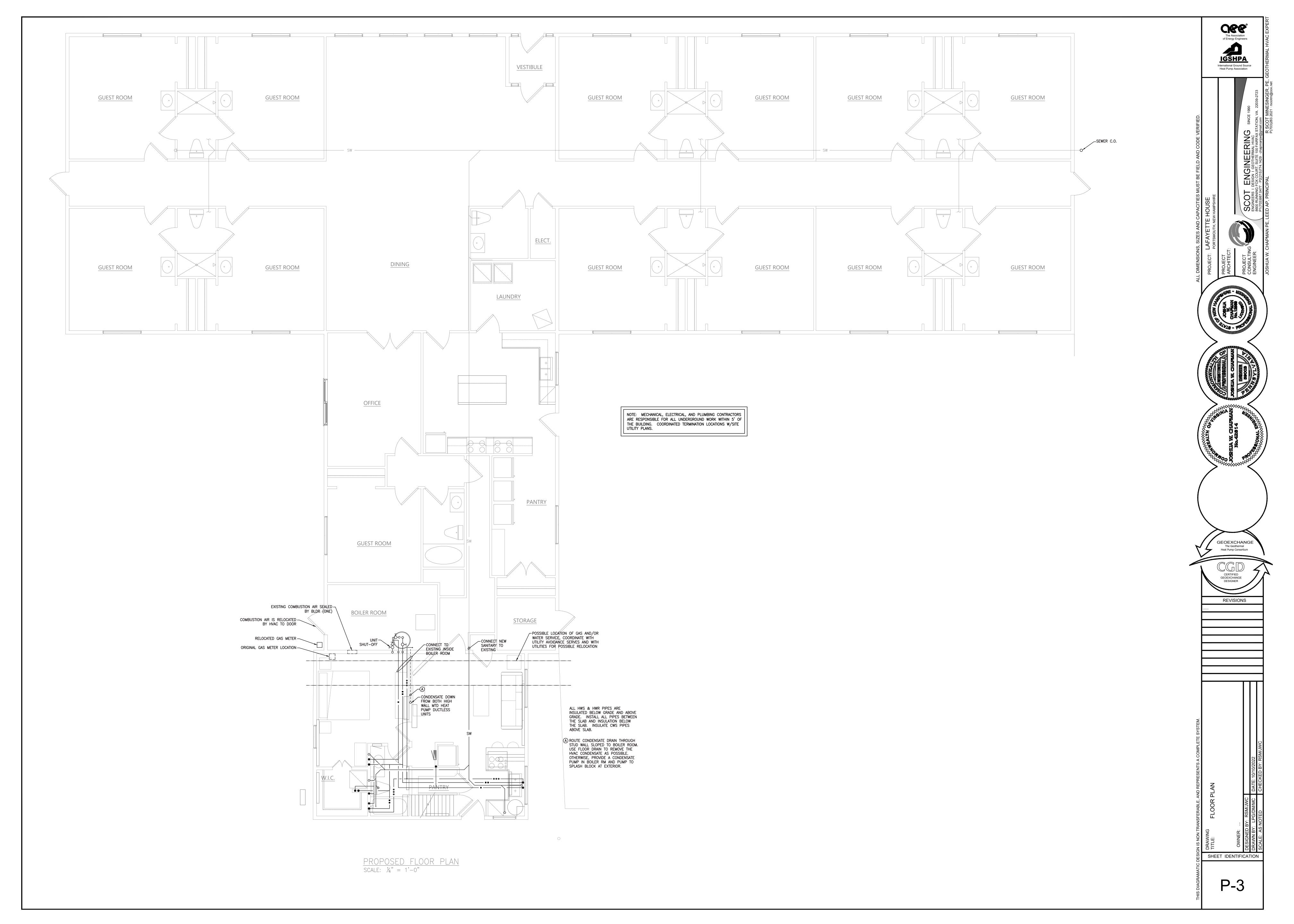




- 5. ALL MATERIALS THAT CAN BE RECYCLED SHALL BE RECYCLED, INCLUDING BUT NOT LIMITED TO COPPER, ALUMINUM, STEEL, HVAC DUCTWORK,
- 7. ALL WORK MUST BE EXECUTED IN STRICT ACCORDANCE WITH ALL APPLICABLE NATIONAL, STATE AND LOCAL CODES AND ORDINANCES. ALL
- 8. THE CONTRACTOR MUST BE LICENSED AND INSURED IN THE COUNTY AND STATE AS APPLICABLE. SUBMIT TO THE OWNER AS DIRECTED PROOF
- 9. SINCE THE PLANS ARE DIAGRAMMATICAL IN NATURE FOR CLARITY PURPOSES, THE CONTRACTOR MUST SUBMIT A SHOP DRAWING WHERE DEMOLITION IN COMPLEX OR COULD AFFECT OTHER ASPECTS OF THE WORK OR THAT MAY INCLUDE SUBSTANTIAL DIFFERENCES FROM THE
- 11. THIS DESIGN IS NON TRANSFERABLE. IT IS INTELLECTUAL PROPERTY WITH TRADE SECRETS TO BE UTILIZED ON THIS PROJECT ONLY. RELIABLE, BUT NOT GUARANTEED. THE CONTRACTOR IS RESPONSIBLE TO INSTALL THE CORRECT QUANTITIES OF ITEMS REQUIRED TO REMOVE
- TRADES TO INSURE THAT ALL ASPECTS OF THE WORK ARE PROPERLY REMOVED AND PROVIDED TO DELIVER A COMPLETE AND FUNCTIONING
- 14. WHERE THERE EXISTS A DISCREPANCY BETWEEN THE PLANS, DOCUMENTS, OR CODE THE CONTRACTOR SHALL PROVIDE FOR THE MOST



P-2



### IV. NEW BUSINESS

E. The request of Tamrah Rouleau and Jermy Rouleau (Owners), for property located at 159 Madison Street whereas relief is needed to construct a third floor addition to the existing structure which requires the following: 1) Variance from Section 10.521 to allow an 8 foot left side yard where 10 feet is required; and 2) Variance from Section 10.321 to allow a nonconforming structure or building to be extended, reconstructed or enlarged without conforming to the requirements of the Ordinance. Said property is located on Assessor Map 145 Lot 54 and lies within the General Residence C (GRC) District. (LU-23-201)

### **Existing & Proposed Conditions**

	Existing	Proposed	Permitted / Required	
Land Use:	Single family	*Construct a 3 <sup>rd</sup> floor	Primarily	
	dwelling	addition	residential	
Lot area (sq. ft.):	4,356	4,356	3,500	min.
Lot Area per Dwelling	4,356	4,356	3,500	min.
Unit (sq. ft.):				
Street Frontage (ft.):	56	56	70	min.
Lot depth (ft.)	81	81	50	min.
Front Yard (ft.):	5.5	5.5	5	min.
Left Yard (ft.):	8	**8	10	min.
Right Yard (ft.):	26 (House)	26 (House)	10	min.
	≈2 (Garage)	≈2 (Garage)		
Rear Yard (ft.):	≈4	≈4	20	min.
Height (ft.):	25.5	31.5	35	max.
Building Coverage (%):	34	34	35	max.
Open Space Coverage (%):	≈20	≈20	20	min.
<u>Parking</u>	3	3	3	
Estimated Age of Structure:	1792	Variance request(s) show	vn in red.	

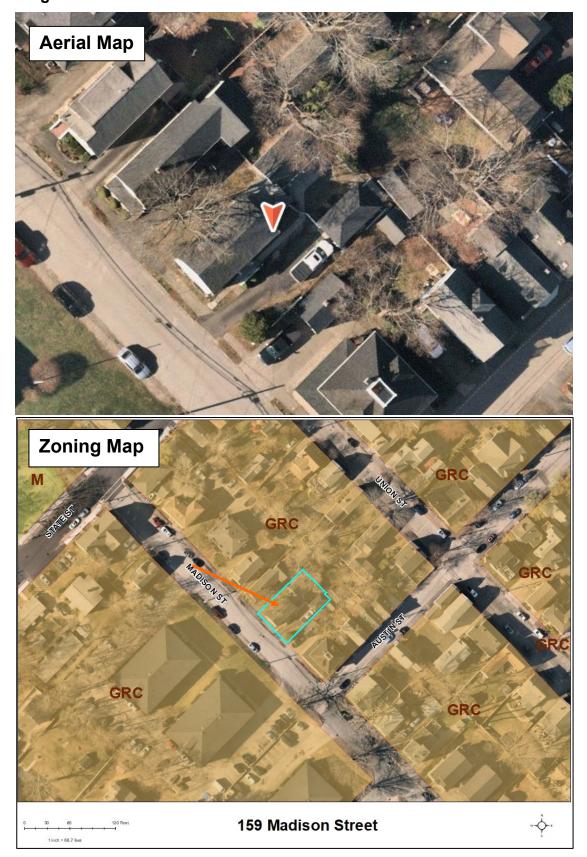
<sup>\*</sup>Relief from Section 10.321 is required to allow an existing non-conforming structure to expand

### Other Permits/Approvals Required

Building Permit

<sup>\*\*</sup>The existing home is located 8 feet from the left side boundary line. A vertical expansion would increase the non-conformity and requires relief.

### **Neighborhood Context**



### **Previous Board of Adjustment Actions**

No previous history found.

### **Planning Department Comments**

The applicant is proposing to construct a third story on top of the existing 2 story structure. The project does not include any increase in building coverage or reduction of open space, only the vertical expansion within the existing building footprint. The proposal requires a variance as the existing structure sits 8 feet from the left side lot line and the addition of a third story increases the existing non-conformity.

### Variance Review Criteria

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

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

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

### 10.235 Certain Representations Deemed Conditions

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

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

Re: Variance Application 159 Madison St Portsmouth, NH 03801

To Whom It May Concern:

Below please find the attached documents in support of Zoning Relief for the construction of a 3<sup>rd</sup> floor addition to our house at 159 Madison Street within the side yard setback ordinance, to be considered by the ZBA at the January 23, 2024, meeting.

### Property/Project

159 Madison St is a single-family home with street frontage on Madison St around the year 1792. We are proposing to add a 3<sup>rd</sup> floor addition above an existing 2 story part of the house. The project is seeking a variance, to the extent required, due to the fact that the existing footprint is within the 10' side yard setback on one side only, that is required by the town.

### Variance Criteria

Granting this variance will not be contrary to the public interest and the spirit of ordnance is observed for the improvements to the existing property, which was built in 1792. The improvements include only a 3rd floor expansion which will allow the homeowners to improve the function and aesthetic of their home. This request is in alliance with similar properties in the neighborhood which have also improved the quality of their properties to the benefit of everyone within the community.

### Substantial justice will be done

Substantial justice will be done so a small family can continue to grow and invest in their home/neighborhood as their neighbors kindly have. Allowing this variance releases the undue burden that allows the homeowner to make improvements to their property which will update the living space to be more functional for the time period we live in without any detrimental effect in the neighborhood or any harm on the public interest.

### The values of surrounding properties will not be diminished

By granting this variance, the values of surrounding properties will not be diminished for said improvements. Through the proper design, construction and permitting process it will provide the same enhancements and improvements in value that we have benefited by from other like kind properties that have followed before us in our surrounding neighborhood.

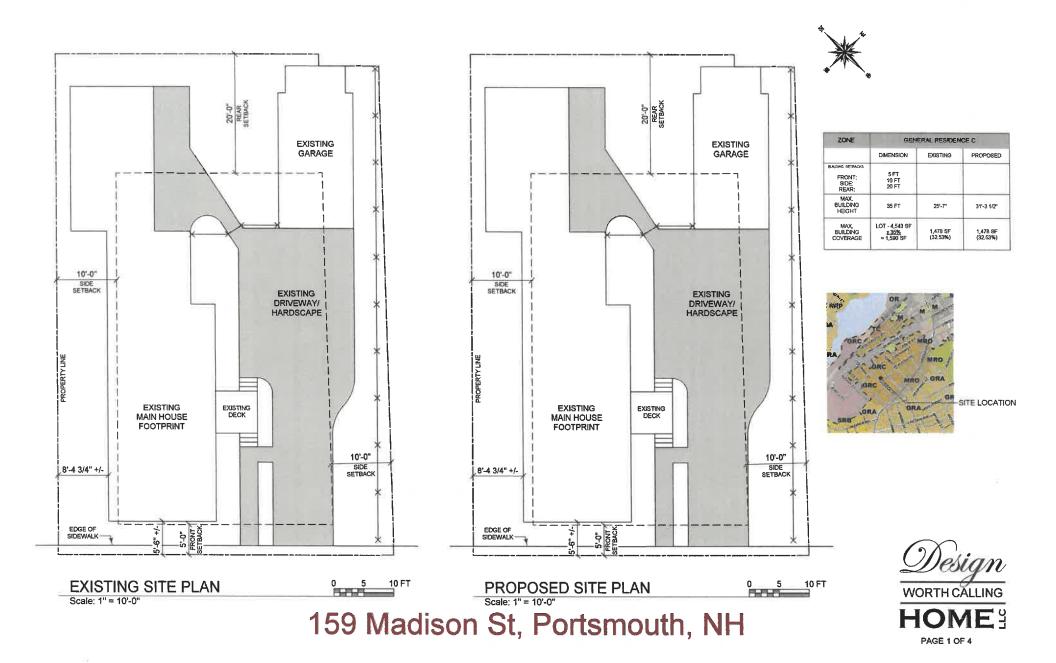
# <u>Literal enforcement of the provisions of the Ordinance would result in an unnecessary hardship.</u>

Due to the unique circumstances of this property, a variance is reasonable and would not alter the essential character of the neighborhood. The suggested improvements will allow a small family to upgrade their home in a way that benefits the neighborhood and supports the aesthetics and the value that everyone in the community has attempted to maintain. Enforcing the provision would not allow a functional/beautification process that benefits the aggregate and would unnecessarily force a young family to move. By not granting this variance the Rouleau's would not be able to reside in the house given their need for additional functional living space for their family.

For the reasons described above, we respectfully request the Board grant this variance.

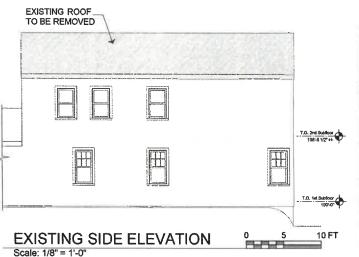
Respectfully, Jeremy and Tamrah Rouleau

Section 10.521 GRC				
	Dimensional	Existing	Proposed	
	Requirements	Dimensions	Dimensions	
Min Front Yard	5'	5' 6"	5' 6"	No Change
Min Side Yard	10'	Left: 8' 6"	Left: 8' 6"	No Change
		Right: 26'	Right: 26'	
Min Rear Yard	20'	43'	43'	No Change
Min Frontage	70'	56'	56'	No Change
Max Building	35%	32.53%	32.53%	No Change
Coverage				
Max Building	35'	25' 7"	31' 3.5"	Increase within
Height				requirements



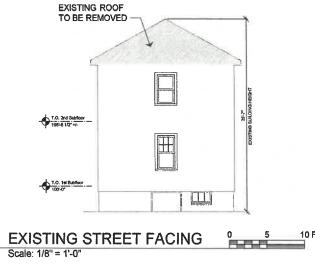


EXISTING CONDITIONS



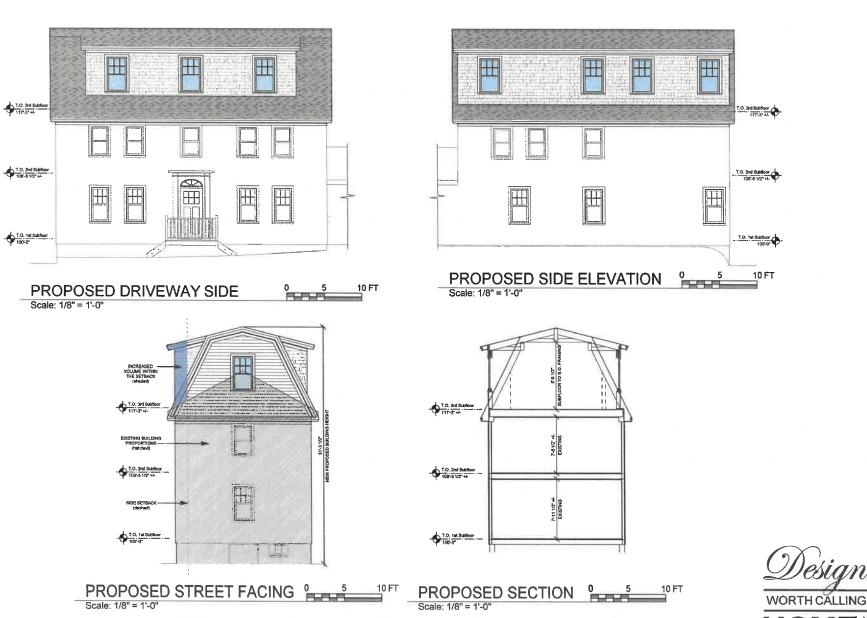
**EXISTING CONDITIONS** 





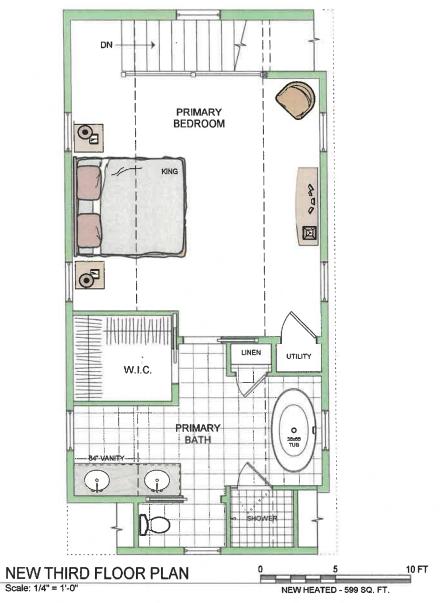
159 Madison St, Portsmouth, NH





159 Madison St, Portsmouth, NH

PAGE 3 OF 4







PAGE 4 OF 4



### Fwd: 159 Madison Street

1 message

**Tamrah Rouleau** <tamrah.rouleau@comcast.net> To: rouleaut@newmarket.k12.nh.us Wed, Dec 6, 2023 at 12:59 PM

Best Wishes, Tamrah

Begin forwarded message:

From: Rick Condon <rec36@comcast.net>
Date: December 6, 2023 at 12:42:25 PM EST

To: Tamarah Madison St <Tamrah,Rouleau@comcast.net>

Subject: Fwd: 159 Madison Street

To: The Zoning Board of Adjustment;

I would like to offer my support for the 3rd floor addition at 159 Madison Street. I am an abutting neighbor and I support the addition for a young, growing family that needs more space. In this current climate of developers who tear down and replace, it is nice to see the current homeowners would like to preserve their home and the style of the neighborhood. Madison street has a long history of raising children in the neighborhood and it's encouraging to see that tradition continue. Please free to contact me with any questions or concerns.

Sincerely, Rick Condon 141 Madison Street 603-828-6262



Fwd: ZBA letter

1 message

Tamrah Rouleau <tamrah.rouleau@comcast.net> To: rouleaut@newmarket.k12.nh.us

Wed, Dec 6, 2023 at 12:59 PM

Best Wishes, Tamrah

Begin forwarded message:

From: Lee Frank < Ifrank 1975@gmail.com> Date: December 1, 2023 at 6:34:59 AM EST

To: tamrah.rouleau@comcast.net

Cc: Abbie Frank <abbiemcp@gmail.com>

Subject: ZBA letter

To whom it may concern:

We write to express our support for the proposed improvements to our next-door neighbor's house at 159 Madison Street. The Rouleaus are requesting a variance in order to complete some improvements that would allow them to remain in their home raising their young family. We were lucky enough to complete improvements on our home a few years ago which required a variance, and we feel that not only did the renovation improve our family's quality of life but also improved the neighborhood. The same would be true of Jeremy and Tamrah's proposed plans. If you have any questions please let us know.

Thank you, Abbie & Lee Frank 169 Madison Street Portsmouth, NH 617-875-8343 (Abbie) 646-456-8116 (Lee)



### Fwd: Letter of support

Tamrah Rouleau <rouleaut@newmarket.k12.nh.us> Draft

Wed, Dec 6, 2023 at 1:04 PM

From: dave.gaddy@gmail.com

Date: November 27, 2023 at 8:15:39 PM EST

To: tamrah.rouleau@comcast.net Subject: Letter of support

### To Whom it may concern:

As a 10 year resident on Madison St, I am happy to hear that Jeremy and Tamera are planning an addition to accommodate their growing family. I fully support the variance being requested. The request is similar to what was added to my home several years before I purchased it back in 2013. These additions provide a means to keep growing families in this great neighborhood.

Thanks.

**Dave Gaddy** 

173 Madision St

Portsmouth, NH 03801

(919) 272-2525

Mrs. Tamrah Rouleau, M.Ed (She/Her/Hers) - what is this? School Counselor (grades 6-8)

Counseling Dept. Website

Newmarket Junior High School 213 South Main Street Newmarket, NH 03857

Ph: 603-292-7946 Fax: 603-659-1287

Go Mules!



The Right-To-Know Law provides that most e-mail communications to or from School District employees regarding the business of the School District are government records available to the public upon request. Therefore, this e-mail communication may be subject to public disclosure.

### **IV. NEW BUSINESS**

F. The request of RIGZ Enterprises LLC (Owner), for property located at 822 Rt 1 Bypass whereas relief is needed to demolish the existing structure and construct a new commercial building which requires the following: 1) Variance from Section 10.1113.20 to allow parking spaces between the principal building and a street; 2) Variance from Section 10.1113.41 for parking located 0 feet from the lot line where 20 feet is required; Said property is located on Assessor Map 160 Lot 29 and lies within the Business (B) District. (LU-23-209)

### **Existing & Proposed Conditions**

	<u>Existing</u>	Proposed	Permitted / Required	
Land Use:	Vacant gas station	Demolish existing structure and build a new commercial building	Primarily commercial	
Lot area (sq. ft.):	29,603	29,603	20,000	min.
Distance between parking and front lot line	n/a	*0	20	min.
Front Yard (ft.):	>20	>20	20	min.
Left Yard (ft.):	>15	>15	15	min.
Right Yard (ft.):	>15	>15	15	min.
Rear Yard (ft.):	>15	>15	15	min.
Height (ft.):	<50	49.82	50	max.
Building Coverage (%):	6.7	20.3	35	max.
Open Space Coverage (%):	14.3	15.6	15	min.
<u>Parking</u>	n/a	18	18	
Estimated Age of Structure:	1969	Variance request(s) shown	in red.	

<sup>\*</sup> Relief needed for parking between primary structure and Route 1 US Bypass

### Other Permits/Approvals Required

- Site Review (TAC and Planning Board)
- Building Permit

### **Neighborhood Context**



### **Previous Board of Adjustment Actions**

- <u>April 30, 1968</u> The Board granted the request to allow construction of a motor vehicle service station on vacant land as shown on Assessor Plan #90, Lot #12 and lies within a General Business District.
- September 27, 1994 The Board granted a Variance from Article II, Section 10-206(17) to allow the construction of a 36' x 48' gas island canopy with a 10' front yard in a district where a 50' front yard is required with the following condition:
  - 1) The hours of operation be from 6:00a.m. to 11:00p.m. seven days a week and on holiday weekends from 6:00a.m. to 12:00a.m. (midnight)

### **Planning Department Comments**

The applicant is proposing to demolish the existing vacant structure and construct a new commercial store front. The proposed structure conforms to all zoning however, the parking location need relief as it is proposed between the primary structure and the street and is 0 feet from the front lot line.

The project was reviewed by the Technical Advisory Committee at the October 10, 2023 work session.

### Variance Review Criteria

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

- 1. Granting the variance would not be contrary to the public interest.
- 2. Granting the variance would observe the spirit of the Ordinance.
- 3. Granting the variance would do substantial justice.
- 4. Granting the variance would not diminish the values of surrounding properties.
- 5. The "unnecessary hardship" test:
  - (a) The property has <u>special conditions</u> 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.

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

### 10.235 Certain Representations Deemed Conditions

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

# HOEFLE, PHOENIX, GORMLEY & ROBERTS, PLLC

127 Parrott Avenue | Portsmouth, NH, 03801 Telephone: 603.436.0666 | Facsimile: 603.431.0879 | www.hpgrlaw.com

December 27, 2023

### HAND DELIVERED

Stephanie Casella, Planner Portsmouth City Hall 1 Junkins Avenue Portsmouth, NH 03801

Re:

Rigz Enterprises, LLC, Owner/Applicant

Project location: 822 Route 1 Bypass

Tax Map 160, Lot 29 Business District

Dear Ms. Casella & Zoning Board Members:

On behalf of Rigz Enterprises, LLC ("Rigz" or "Applicant") we are pleased to submit the following in support of an application zoning relief:

- Digital Application submitted via Viewpoint today.
- Owner's Authorization.
- 12/27/2023 Memorandum and exhibits in support of Variance Application.

We look forward to presenting this application to the Zoning Board at its January 23, 2024 meeting.

Very truly yours,

R. Timothy Phoenix
Monica F. Kieser

Enclosure

cc:

Rigz Enterprises, LLC

Ross Engineering, LLC (email) Gleason Architects (email)

DANIEL C. HOEFLE
R. TIMOTHY PHOENIX

LAWRENCE B. GORMLEY

STEPHEN H. ROBERTS

R. PETER TAYLOR

ALEC L. MCEACHERN

KEVIN M. BAUM

JACOB J.B. MARVELLEY

GREGORY D. ROBBINS

DETER II DOME

PETER V. DOYLE

MONICA F. KIESER

STEPHANIE J. JOHNSON

OF COUNSEL:

SAMUEL R. REID

JOHN AHLGREN

### **Monica Kieser**

From: RICHARD RIGAZIO <rigazio4@comcast.net>
Sent: Wednesday, December 27, 2023 9:58 AM

**To:** Monica Kieser **Subject:** 822 US RT 1 Bypass

You don't often get email from rigazio4@comcast.net. Learn why this is important

Monica,

On behalf of Rigz Enterprises, LLC, I authorize Hoefle, Phoenix, Gormley & Roberts, PLLC to represent me in all land use matters related 822 US Route 1 Bypass (Map 160, Lot 29).

Richard Rigazio, Member Rigz Enterprises, LLC

### MEMORANDUM

**To:** Portsmouth Zoning Board of Adjustment ("ZBA")

**From:** R. Timothy Phoenix, Esq.

Monica F. Kieser, Esq.

Date: December 27, 2023

**Re:** Rigz Enterprises, LLC, Owner/Applicant

Project location: 822 Route 1 Bypass

Tax Map 160, Lot 29 Business District

Dear Chair Eldridge and Zoning Board Members:

On behalf of Rigz Enterprises, LLC ("Rigz" or "Applicant") we are pleased to submit this memorandum and attached exhibits in support of zoning relief to be considered by the ZBA at its January 23, 2024 meeting.

### I. EXHIBITS

- A. Plan Set Ross Engineering, LLC.
  - Existing Conditions Plan
  - Site Plan
- B. Architectural Elevations
- C. Site Photographs.
- D. Tax Map 160.

### II. PROPERTY/PROPOSAL

822 Route 1 Bypass is a 29,603 s.f. lot on the northbound side of the Bypass with 208.97 ft. of frontage on the Bypass and 65.14 ft. along Burkitt Street ("the Property"). The Property is located in the Business District and developed two curb cuts, an outdated 1,995 s.f. building and 8 parking spaces. The Property contains insufficient open space for today's zoning requirements. Motorists frequently traverse the Property from Burkitt Street to easily access the Bypass. The southwest abutter, also accesses the Bypass over the Property.

For many years, the Property was used as a gas station and convenience store. Rigz purchased the Property in August of 2022, removed the pumps and underground gas tanks, and ceased operations. Rigz will establish a new convenience store with an expansion of the existing building and addition/reconfiguration of parking ("the Project"). The proposed parking spaces must accommodate the traffic flow on the Property. Accordingly, 7 of the 18 proposed spaces are in the 20 ft. front yard setback requiring a variance.

### III. RELIEF REQUIRED

- 1) <u>PZO §10.1113.20 Location of Parking Facilities</u> to permit parking between the principal building and the Street.
- 2) <u>PZO §10.1113.40</u> <u>Setback from Lot Lines</u> to permit 7 parking spaces in the front yard setback.

### IV. VARIANCE REQUIREMENTS

- 1. The variance will not be contrary to the public interest
- 2. The spirit of the ordinances observed

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

The Portsmouth Zoning Ordinance (PZO§10.121) was enacted for the general purpose of promoting the health, safety and welfare in accordance with the Master plan by regulating:

- 1. The use of land, buildings and structures for business, industrial, residential and other purposes The Property is located on the Route 1 Bypass in the Business District and contains an outdated building most recently used as a gas station/convenience store. The renovated and expanded building will support a permitted retail use.
- 2. The intensity of land use, including lot sizes, building coverage, building height and bulk, yards and open space The expanded building complies with all dimensional requirements and the overall open space will slightly increase to 15.6%, conforming to the zoning requirements.
- 3. The design of facilities for vehicular access, circulation, parking and loading The Project includes the required parking spaces in locations which preserves existing accessways to and from Lot 43 and Burkitt Street.
- 4. The impacts on properties of outdoor lighting, noise, vibration, stormwater runoff and flooding The use is permitted and the Project increases open space and retains the existing stockade fence and vegetation, screening the abutting residential lots. A drain line which runs under building will be relocated. Other impacts of the expansion will be reviewed by the Planning Board.
- 5. The preservation and enhancement of the visual environment The parking space includes expanded landscaped curbing at the front of the lot and the renovated building will improve the façade of the Property compared to existing conditions.
- 6. The preservation of historic districts buildings and structures of historic or architectural interest The Property is not in the historic district and the existing building is of no architectural interest.

7. The protection of natural resources, including groundwater, surface water, wetlands, wildlife habitat and air quality – There are no nearby natural resources. Existing vegetation will be retained and expanded, landscaped curbing will bound the parking spaces in the front setback will be property will be served by municipal water and sewer. The proposed landscaping and preserved wooded area to the rear (approximately one-third of the area) will protect natural resources.

The variances are required because available parking spaces are limited by the Property's configuration, location of the existing building, access from Burkitt, and access to and from Lot 43. Parking spaces within the front setback are also located on other Bypass properties. Clearly, granting the variances does not "in a marked degree conflict with the ordinance such that it violates the ordinance's basic zoning objectives." Malachy Glen, supra, the New Hampshire Supreme Court also held:

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

The Property is located in the Business District on the Route 1 Bypass among other commercial uses, some of which also have parking in their respective front yard setbacks. Here, the location of the 7 spaces and the distance from the lot line to the traveled portion of the road allow sufficient sight lines. Accordingly, granting the variances for parking spaces in between the building and the road, and approving 7 spaces within the front yard setback will neither alter the essential character of the locatlity nor threaten the public health safety or welfare.

### 3. Substantial justice will be done by granting the variance.

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

Rigz is constitutionally entitled to the use of the lot as he sees fit, including the expansion, renovation, and site improvements, subject only to the effect of the Project on the parking requirements. "The right to use and enjoy one's property is a fundamental right protected by both the State and Federal Constitutions." N.H. CONST. pt. I, arts. 2, 12; U.S. CONST. amends. V, XIV; Town of Chesterfield v. Brooks, 126 N.H. 64 (1985) at 68. Part I,

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

The Supreme Court has also held that zoning ordinances must be reasonable, not arbitrary and must rest upon some ground of difference having fair and substantial relation to the object of the regulation. Simplex Technologies, Inc. v. Town of Newington, 145 N.H. 727, 731 (2001); Chesterfield at 69.

Rigz reasonably seeks to expand and renovate the existing outdated structure to house a permitted business. Because the goals of the zoning ordinance to protect sight lines and reduce traffic conflicts and are all met by the Project, the public will not benefit from denying the variances. Denial of any variance, however, greatly harms Rigz who will be unable to reasonably improve the Property with an expanded building for its business. Accordingly, the loss to the applicant from denial of the variance far exceeds any gain to the public from such denial.

### 4. Granting the variances will not diminish surrounding property values

The proposed use is entirely permitted and retains a buffer to the abutting residential properties. Allowing parking spaces to be sighed in front of the principal building, and permitting 7 parking spaces in the front yard will have no impact on the value of surrounding properties.

### 5. Denial of the variances results in an unnecessary hardship

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

The Property is currently developed with an existing building, dictating the location of any addition. The residential lots behind the Property are entitled to a 50 ft. buffer between the lot line and commercial off street parking, access lanes, or vehicular maneuvering. PZO §10.1113.31. Finally, the Property is burdened by existing traffic into and out of Lot 43 and in and out of Burkitt Street. These factors combine to create special conditions.

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

Requirements relating to parking space location are designed to preserve the character of the area, maintain sightlines, and reduce traffic conflicts. The Property is located in the Business Zone and seeks to establish a permitted use in a newly expanded and improved building. The parking spaces located in front of the building prevent vehicular circulation near the abutting residential properties, while the expanded landscaped curbing provides a delineated area for 7 spaces. Relatively few spaces in the front setback, and the distance to the traveled portion of the road maintains sightlines for those existing the Property. Accordingly, there is no fair and substantial relationship between the purposes of the requirement and its application to the Project.

c. The proposed use is reasonable.

If the use is permitted, it is deemed reasonable. <u>Vigeant v. Hudson</u>,151 NH 747 (2005). The proposal is a permitted commercial use supported by adequate parking. Accordingly, this prong of the hardship criteria is satisfied and denial would result in an unnecessary hardship to Rigz.

### V. CONCLUSION

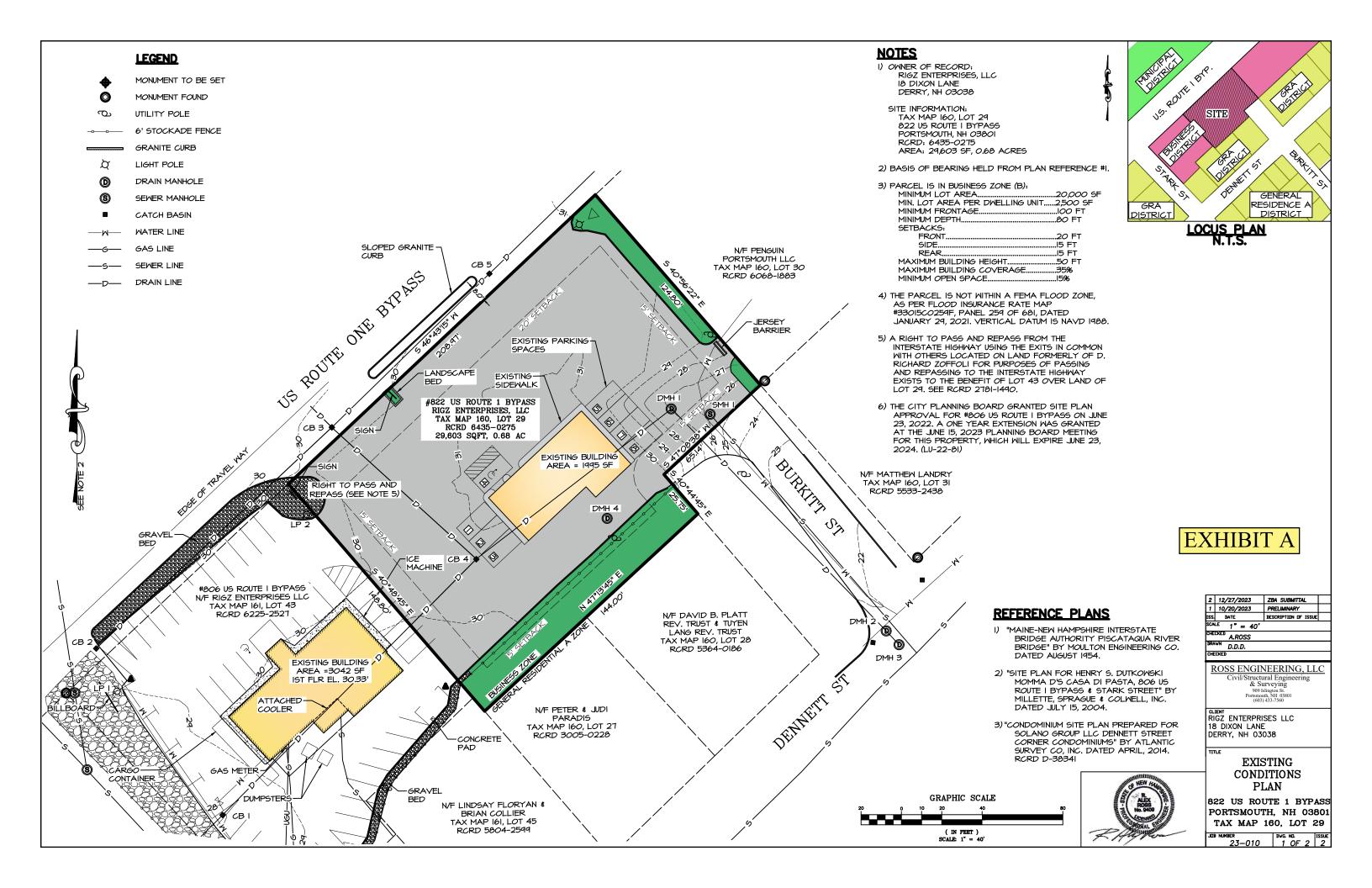
For all of the reasons herein stated, Rigz respectfully requests that the Portsmouth Zoning of Adjustment grant the requested variances.

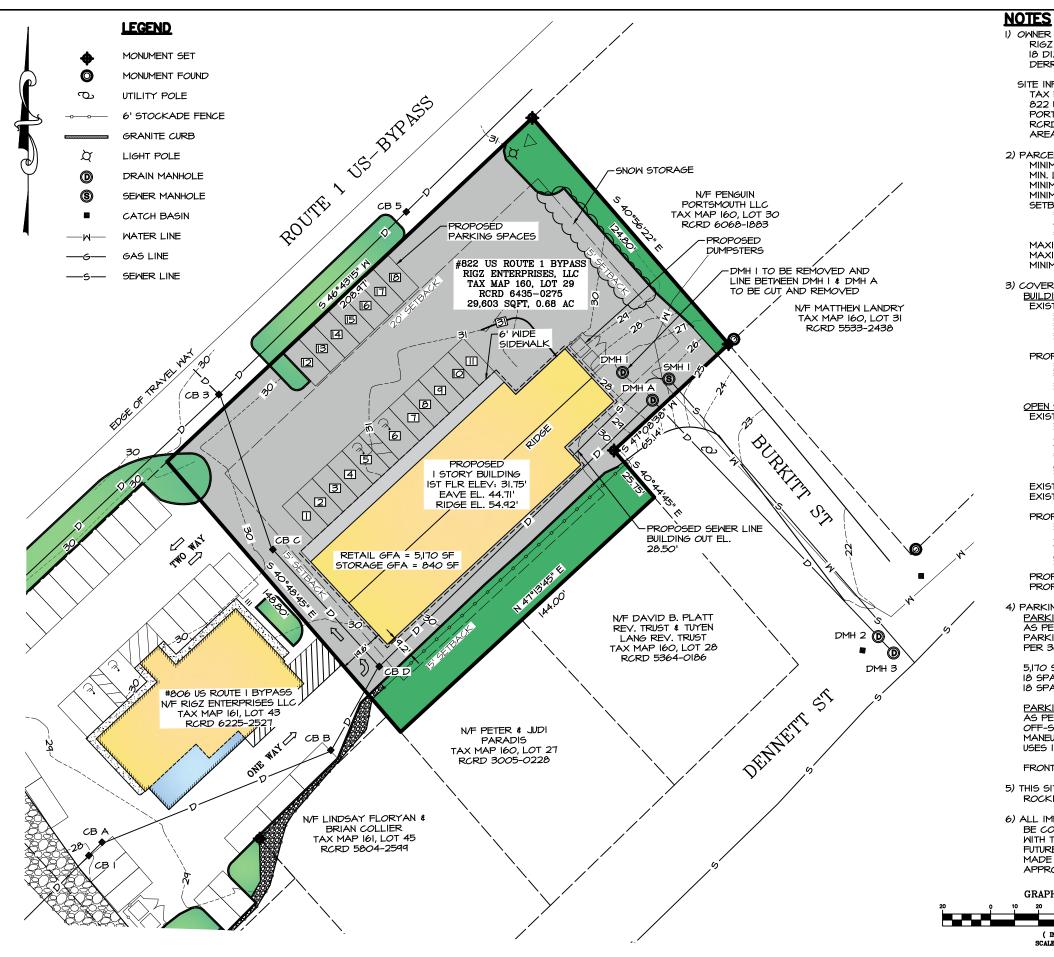
Respectfully submitted,

Rigz Enterprises, LLC

By:

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





- I) OWNER OF RECORD: RIGZ ENTERPRISES, LLC IS DIXON LANE **DERRY, NH 03038**
- SITE INFORMATION: TAX MAP 160, LOT 29 822 US ROUTE I BYPASS PORTSMOUTH, NH 03801 RCRD: 6435-0275 AREA: 29,603 SF, 0.68 ACRES

MINIMUM OPEN SPACE

- 2) PARCEL IS IN BUSINESS ZONE (B): MINIMUM LOT AREA ... .20,000 SF MIN. LOT AREA PER DWELLING UNIT ..... 2,500 SF MINIMUM FRONTAGE. ..IOO FT MINIMUM DEPTH ..80 FT SETBACKS FRONT .20 FT SIDE. ..15 FT REAR.. ..15 FT MAXIMUM BUILDING HEIGHT. 50 FT MAXIMUM BUILDING COVERAGE. 35%
- 3) COVERAGES: BUILDING COVERAGE EXISTING BUILDING COVERAGE BUILDING EXISTING STRUCTURE

BUILDING COVERAGE 1,995 / 29,603 = 6.7% PROPOSED BUILDING COVERAGE

BUILDING 6010 SF PROPOSED STRUCTURE BUILDING COVERAGE 6010/29603 = 20.3%

OPEN SPACE EXISTING OPEN SPACE BUILDING COVERAGE. ..I,995 SF ASPHALT. .22,877 SF SIDEWALK. ..331 SF RETAINING WALL ..26 SF GRANITE CURB 127 SF TOTAL LOT COVERAGE 25.356 SF EXISTING OPEN SPACE = 29603-25356 = 4247 SF EXISTING OPEN SPACE = 4247 / 29603 = 14.3%

PROPOSED OPEN SPACE BUILDING COVERAGE 6010 SE ASPHALT DRIVEWAY. ..18.143 SF SIDEWALK .660 SF GRANITE CURB 183 SF TOTAL LOT COVERAGE 24,996 SF PROPOSED OPEN SPACE = 29603-24996 = 4607 SF PROPOSED OPEN SPACE = 4607 / 29603 = 15.6%

4) PARKING REQUIREMENTS

PARKING SPACES
AS PER PORTSMOUTH ZONING ORDINANCE IO.III2.321, PARKING SPACES FOR RETAIL USE SHALL BE I SPACE PER 300 SF OF GROSS FLOOR AREA.

5,170 SF GFA x | SPACE/300 GFA = 17.2 = 18 SPACES 18 SPACES REQUIRED 18 SPACES PROVIDED

PARKING SETBACKS AS PER PORTSMOUTH ZONING ORDINANCE IO.III3.40 OFF-STREET PARKING AREAS, ACCESSWAYS, MANEUVERING AREAS AND TRAFFIC AISLES SERVING USES IN A BUSINESS DISTRICT SHALL BE AS FOLLOWS

FRONT PARKING SETBACK...

- 5) THIS SITE PLAN SHALL BE RECORDED IN THE ROCKINGHAM COUNTY REGISTRY OF DEEDS.
- 6) ALL IMPROVEMENTS SHOWN ON THIS SITE PLAN SHALL BE CONSTRUCTED AND MAINTAINED IN ACCORDANCE WITH THE PLAN BY THE PROPERTY OWNER AND ALL FUTURE PROPERTY OWNERS. NO CHANGES SHALL BE MADE TO THIS SITE PLAN WITHOUT THE EXPRESS APPROVAL OF THE PORTSMOUTH PLANNING DIRECTOR.

GRAPHIC SCALE ( IN FERT )

SCALE: 1"

ORDINANCE THE GRADE PLANE SHALL BE THE FINISHED GROUND LEVEL ADJOINING THE BUILDING AT ALL EXTERIOR WALLS, WHEN THE FINISHED GROUND LEVEL SLOPES AWAY FROM EXTERIOR WALLS, THE REFERENCE PLANE SHALL BE ESTABLISEHD BY THE LOWEST POINTS WITHIN THE AREA BETWEEN THE BUILDING AND THE LOT LINE, OR WHEN THE LOT LINE IS MORE THAN 6 FEET FROM THE BUILDING, BETWEEN THE BUILDING AND A POINT 6 FEET FROM THE BUILDING. THE GRADE PLANE WAS FOUND TO BE 29.90' 8) BUILDING HEIGHT FOR A PITCHED, HIP.

7) AS PER THE PORTSMOUTH ZONING

- OR GAMBREL ROOF IS CALCULATED AS THE VERTICAL MEASUREMENT FROM THE GRADE PLANE TO THE MIDWAY POINT BETWEEN THE LEVEL OF THE EAVES AND THE HIGHEST POINT ON THE ROOF RIDGE AS PER PORTSMOUTH ZONING ORDINANCE. THE LEVEL OF THE EAVES IS 44.71', THE HIGHEST RIDGE IS 54.92'. THE MIDPOINT IS
- THE BUILDING HEIGHT WAS DETERMINED TO BE 19.92' USING A MIDPOINT HEIGHT OF 49.82' AND A GRADE PLANE OF 29.90
- IO) SITE CONDITIONS SHOWN ON LOT 43 ARE PROPOSED.

2 12/27/2023 ZBA SUBMITTAL 1 10/20/2023 PRELIMINARY ISS. DATE
SCALE 1" = 40' DESCRIPTION OF ISSUE CHECKED A.ROSS D.D.D.

ROSS ENGINEERING, LLC Civil/Structural Engineering & Surveying

909 Islington St. Portsmouth, NH 0380 (603) 433-7560

RIGZ ENTERPRISES LLC 18 DIXON LANE DERRY, NH 03038

SITE PLAN

822 US ROUTE 1 BYPASS PORTSMOUTH, NH 03801 TAX MAP 160, LOT 29

23-010

# THE CITY - BUILDING ONE 822 US ROUTE 1 BYPASS PORTSMOUTH,, NEW HAMPSHIRE

# Gleason Architects

P.O. BOX 596

STRATHAM, NH 03885

603 772-7370

INDEX TO DRAWINGS

ARCHITECTURAL



### CODE REVIEW:

PROJECT: SINGLE STORY COMMERCIAL BUILDING - CONVENIENCE STORE
USE GROUP: MERCANTILE - M

TYPE OF CONSTRUCTION: 5B, WOOD FRAME, UNPROTECTED
HEIGHT - STORIES ALLOWED WITH SPRINKLER SYSTEM, BUILDING IS TWO STORY

BUILDING TO HAVE AN APPROVED SPRINKLER SYSTEM

AREA - 36.000 SF. SPRINKLERED. ACTUAL SQUARE FOOTAGE - 5480 SF

OCCUPANT LOAD - 5480 SF/60 SF PER PERSON - 92 PEOPLE (TABLE 1004.1.2

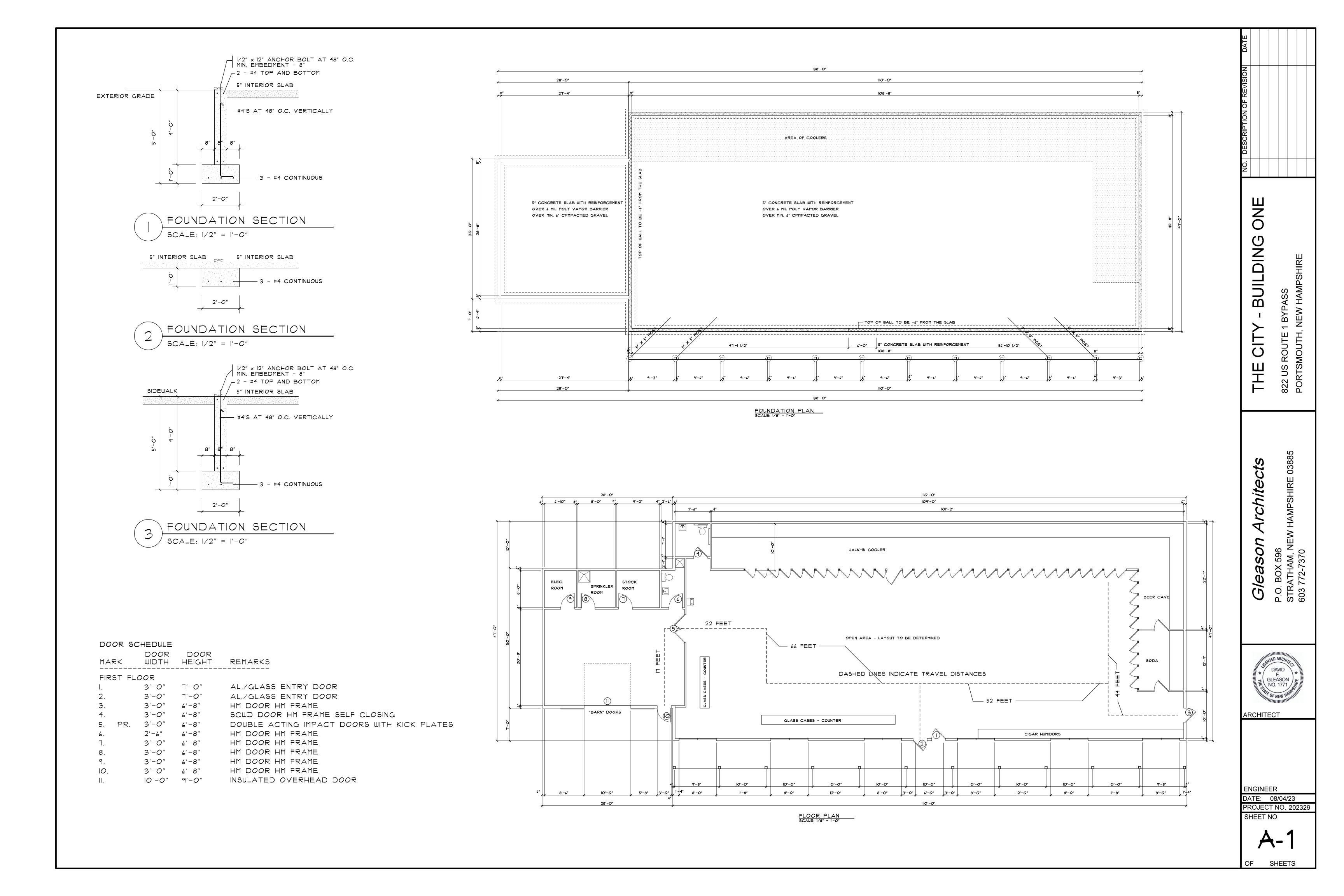
TABLE 1017.2 EXIT ACCESS TRAVEL DISTANCE - USE M. WITH SPRINKLER - 250 FEET

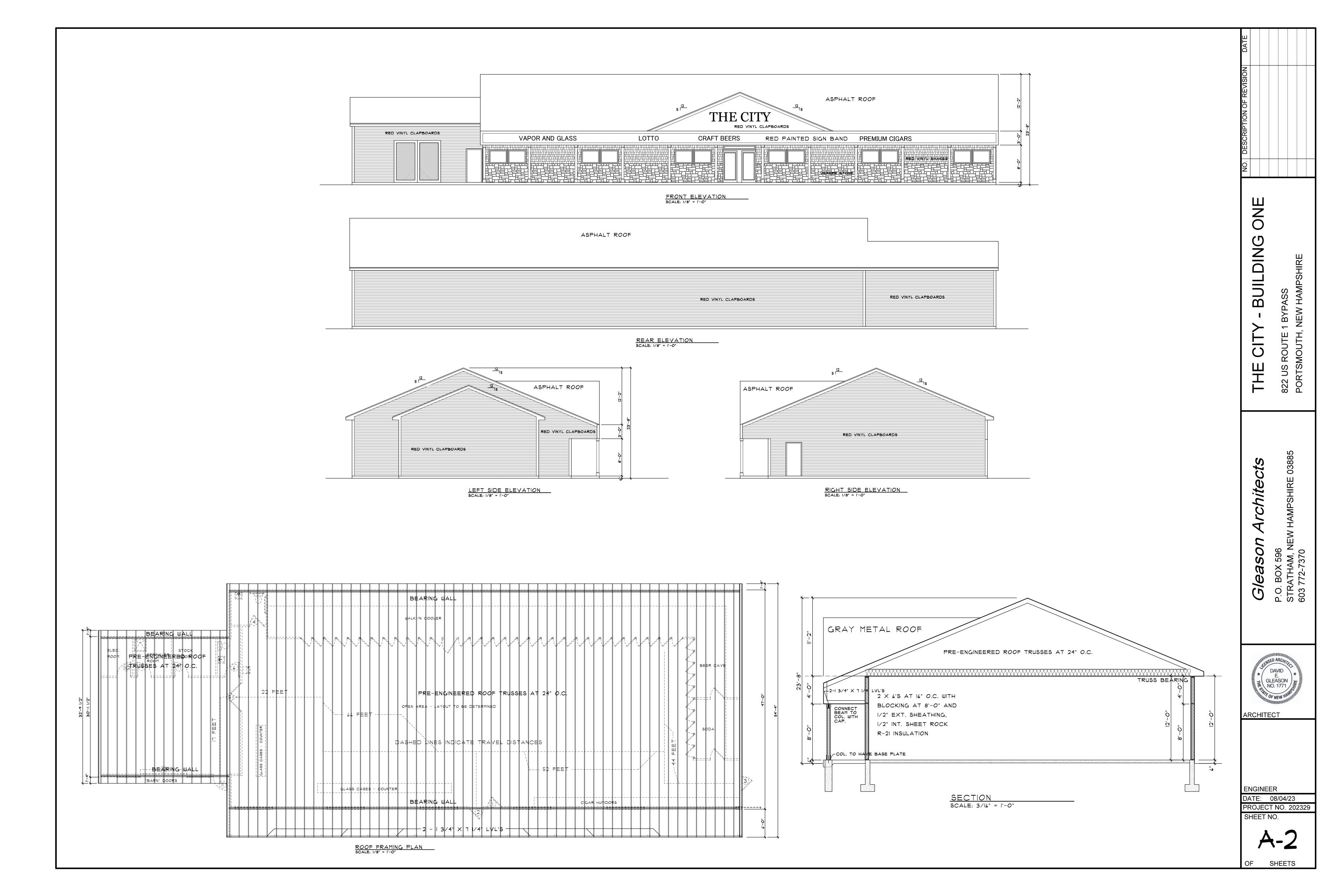
AI - FOUNDATION PLAN, FIRST FLOOR PLAN, DETAILS AND DOOR SCHEDULE A2 - ELEVATIONS, SECTION AND ROOF FRAMING PLAN

### GENERAL NOTES

- 1. All work meets state, local and 2015 IBC Codes.
- 2. Contractor(s) must visit the job site prior to submitting a bid.
- 3. It is assumed the soil bearing capacity is 2000 psf or better.
- 4. Footings are to be placed on undisturbed soil, a minimum of one (1) foot below the frost line.
- 5. Provide 2" rigid insulation around the foundation perimeter to 4' below grade.
- 6. All wood on concrete is to be pressure treated lumber with sill seal and insulation.
- 7. Poured in place concrete is to be 3000 psi or better.
- 8. Concrete slabs are to have 6/6 10x10 w.w.f., 6 mil poly vapor barrier over 6" of crush stone or gravel, unless noted otherwise
- 9. Use anchor bolts at 4'-0" on center on foundation walls.
- 10. Exterior walls are to be  $2 \times 6$  wood studs, min. no. 2 grade, at 16" on center with lateral bracing, 1/2" gypsum board interior 1/2" sheating exterior and "building wrap". The walls will have full batt insulation or equal,
- 11. Interior walls are to be  $2 \times 4$  wood studs at 16" on center with 1/2" gypsum board each side.
- 12. All material used in the construction of this building will be new. No used or reconditioned material is permitted.
- 13. All interior finishes are to be determined by the contract with the owner.
- 14. Notify the architect immediately if conditions are different than indicated on the plans.
- 15. Any changes to these plans must be reviewed and approved by the owner(s) and the architect.
- 16. These drawings are prepared for the owner(s) to meet local and state codes. Any deficiencies must be noted and architect contacted to review those deficiencies.







# Google Maps 822 US-1 BYP



Imagery ©2023 Google, Imagery ©2023 Airbus, Maine GeoLibrary, Maxar Technologies, U.S. Geological Survey, USDA/FPAC/GEO, Map data ©2023 100 ft



