

**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.

March 26, 2024

AGENDA

I. OLD BUSINESS

- A. Request for 1-Year Extension - 411 South Street (LU-22-67)**

II. NEW BUSINESS

- A.** The request of **Cherie A Holmes** and **Yvonne P Goldsberry (Owners)**, for property located at **45 Richmond Street** whereas relief is needed for the following: 1) Variance from Section 10.515.14 to install a mechanical unit 8.5 feet from the side property line whereas 10 feet is required. Said property is located on Assessor Map 108 Lot 18 and lies within the Mixed Residential Office (MRO) and Historic District. (LU-24-19)
- B. REQUEST TO POSTPONE** The request of **Atlas Commons LLC (Owner)**, for property located at **581 Lafayette Road** whereas relief is needed for after-the-fact installation of an awning sign which requires the following: 1) Variance from Section 10.1251.20 to allow a 32 square foot awning sign whereas 20 square feet is allowed. Said property is located on Assessor Map 229 Lot 8B and lies within the Gateway Corridor (G1) District. **REQUEST TO POSTPONE (LU-24-1)**
- C. REQUEST TO WITHDRAW** The request of **Lonza Biologics (Owner)**, for property located at **101 International Drive** to add four (4) above ground storage tanks which requires the following: 1) from Section 308.02(c) of the Pease Development Ordinance to allow an above ground storage tank (AST) exceeding a 2,000 gallon capacity per facility. Said property is located on Assessor Map 305 Lot 6 and lies within the Airport Business Commercial (ABC) District. **REQUEST TO WITHDRAW (LU-23-108)**
- D.** The request of **Henrik Edin** and **Kathleen Edin (Owners)**, for property located at **85 Pinehurst Road** whereas relief is needed to construct a second floor addition to the

existing attached garage which requires the following: 1) Variance from Section 10.521 to allow a) a 4.5 foot side yard where 10 feet is required; b) a building coverage of 29% where 25% is allowed; 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; and 3) Variance from Section 10.515.14 to install a mechanical unit 2.5 feet from the left side property line whereas 10 feet is required. Said property is located on Assessor Map 221 Lot 73 and lies within the General Residence A (GRA) District. (LU-24-22)

- E. The request of **Susan Javurek and Michael Roche (Owners)**, for property located at **45 Kent Street** whereas relief is needed to demolish an existing 1-story addition, reconstruct a two-story addition and add a deck on the rear of the existing residential structure and relocate a bulkhead which requires the following: 1) Variance from Section 10.521 to a) allow a 5.5 foot left side yard where 10 feet is required; and b) to allow a building coverage of 35% where 25% is 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 145 and lies within the General Residence A (GRA) District. (LU-24-25)

I. 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_Bb00Q4jiSV2QQpoa5OhkwQ



City of Portsmouth
Planning & Sustainability Department
1 Junkins Ave, 3rd Floor
Portsmouth, NH
(603)610-7216

MEMORANDUM

TO: Zoning Board of Adjustment
FROM: Jillian Harris, Principal Planner
DATE: March 22, 2024
RE: Zoning Board of Adjustment March 26, 2024

The agenda items listed below can be found in the following analysis prepared by City Staff:

I. Old Business

- A. Request for 1-Year Extension - 411 South Street

II. New Business

- A. 45 Richmond Street
- B. 581 Lafayette Road – **REQUEST TO POSTPONE**
- C. 101 International Drive - **WITHDRAWN**
- D. 85 Pinehurst Road
- E. 45 Kent Street

I. OLD BUSINESS

A. Request for 1-Year Extension - **411 South Street** (LU-22-67)

Planning Department Comments

On May 17, 2022 the Board of Adjustment granted the following variances to demolish the existing garage and construct a new attached garage as presented:

- 1) Variance from Section 10.521 to allow a 6' rear yard where 20' is required.
- 2) Variance from Section 10.321 to allow a nonconforming building or structure to be extended, reconstructed or enlarged without conforming to the Ordinance.

The approvals listed above are scheduled to expire on May 17, 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 2022 letter of decision is included in the meeting packet.

Stefanie L. Casella

From: paul lanzoni <paul.lanzoni@gmail.com>
Sent: Tuesday, March 19, 2024 12:22 PM
To: Stefanie L. Casella
Subject: 411 South Street ZBA Extensation

Hi Stefanie,

We have a ZBA approval that expires May 17, 2024. I was laid off in April last year and am still in active job search, so I need an extension.

Please let me know if you have any questions.

Thanks,
Paul

860.604.8286



CITY OF PORTSMOUTH

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

ZONING BOARD OF ADJUSTMENT

May 18, 2022

Paul & Janice Lanzoni
Lanzoni Family Revocable Trust
411 South Street
Portsmouth, New Hampshire 03801

RE: Board of Adjustment request for property located at 411 South Street (LU-22-67)

Dear Property Owner:

The Zoning Board of Adjustment, at its regularly scheduled meeting of **Tuesday, May 17, 2022**, considered your application for the demolition of the existing garage and construction of a new attached garage which requires the following: 1) Variance from Section 10.521 to allow a 6' rear yard where 20' is required. 2) Variance from Section 10.321 to allow a nonconforming building or structure to be extended, reconstructed or enlarged without conforming to the Ordinance. Said property is shown on Assessor Map 112 Lot 55 and lies within the General Residence A (GRA) 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,

Arthur Parrott, Chairman of the Zoning Board of Adjustment

cc: Shanti Wolph, Chief Building Inspector

Rosann Maurice-Lentz, City Assessor

Jeremiah Johnson, McHenry Architecture

II. NEW BUSINESS

- A. The request of **Cherie A Holmes and Yvonne P Goldsberry (Owners)**, for property located at **45 Richmond Street** whereas relief is needed for the following: 1) Variance from Section 10.515.14 to install a mechanical unit 8.5 feet from the side property line whereas 10 feet is required. Said property is located on Assessor Map 108 Lot 18 and lies within the Mixed Residential Office (MRO) and Historic District. (LU-24-19)

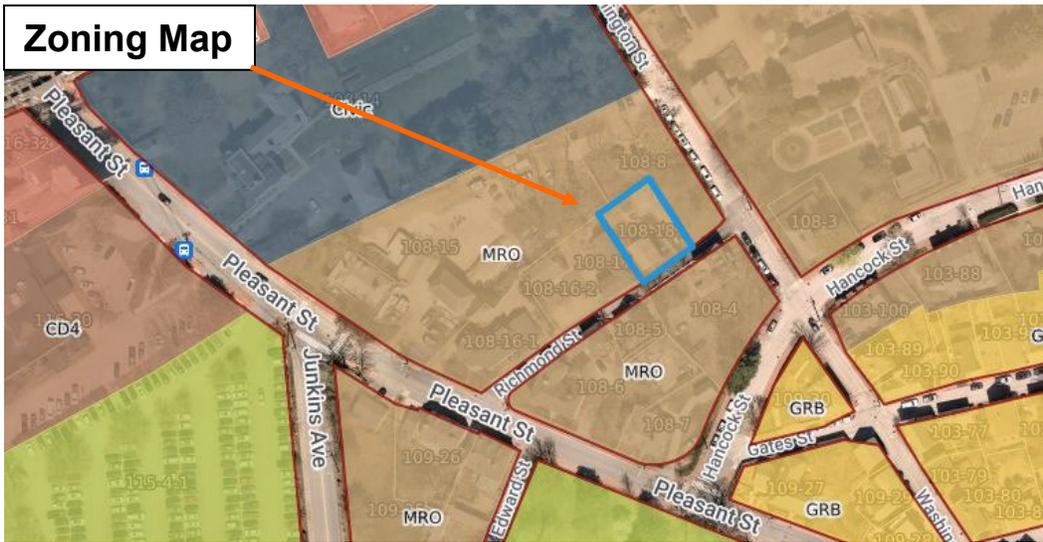
Existing & Proposed Conditions

	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use</u>	Single-family dwelling	Mechanical Unit	Mixed Use
<u>Lot area (sq. ft.):</u>	5,417	5,417	7,500 min.
<u>Left Yard (ft):</u>	10.6	8.5	10 min
<u>Parking:</u>	2	2	2
<u>Estimated Age of Structure:</u>	1860	Variance request(s) shown in red.	

Other Permits/Approvals Required

- Mechanical/Electric Permit
- Historic District Commission Review

Neighborhood Context



Previous Board of Adjustment Actions

November 24, 1964 –The Board **granted** the petition to erect a garage 24' x 20', five (5') feet back from line and two (2') feet from sideline.

January 19, 2021 – Relief granted to remove existing garage and rear addition and construct new garage and 2-story addition for the following:

1) Variances from Section 10.521 to allow:

- a) a 0.5 foot front yard where 5 feet is required;
- b) a 4.5 foot rear yard where 15 feet is required;
- c) a 4 foot right side yard where 10 feet is required.

2) A Variance from Section 10.321 to allow a nonconforming building or structure to be extended.

The Board voted to **grant** the request with the following stipulation: 1) The rear yard setback shall be 5 feet.

April 18, 2023 – Relief requested to construct a greenhouse which required:

- 1) Variance from Section 10.521 to allow a 5.5 foot rear yard where 15 feet is required;
- 2) Variance from Section 10.321 to allow a nonconforming building or structure to be extended, reconstructed or enlarged without conforming to the requirements of the Ordinance.

As the property lies within the Mixed Residential Office and Historic District the Board voted to **postpone** to the May 2, 2023 meeting.

May 2, 2023 – The Board voted to **Grant** the variances presented in the April 18, 2023 meeting with the following **condition**:

- 1) The Variance will be 5 feet plus or minus as opposed to the advertised value of 5.5 feet as requested in the staff memo.

Planning Department Comments

The applicant is proposing the installation of a generator on the left side of the house behind the previously approved heat pump enclosure. The applicant notes that the generator needs to be 18" off the residence and no closer than 5 feet from a window.

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 special conditions that distinguish it from other properties in the area.
- AND**
- (b) Owing to these special conditions, a fair and substantial relationship does not exist between the general public purposes of the Ordinance provision and the specific application of that provision to the property; and the proposed use is a reasonable one.
- OR**
- Owing to these special conditions, the property cannot be reasonably used in strict conformance with the Ordinance, and a variance is therefore necessary to enable a reasonable use of it.

10.235 Certain Representations Deemed Conditions

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

**45 Richmond Street
Map 108 Lot 18**

To permit the following:

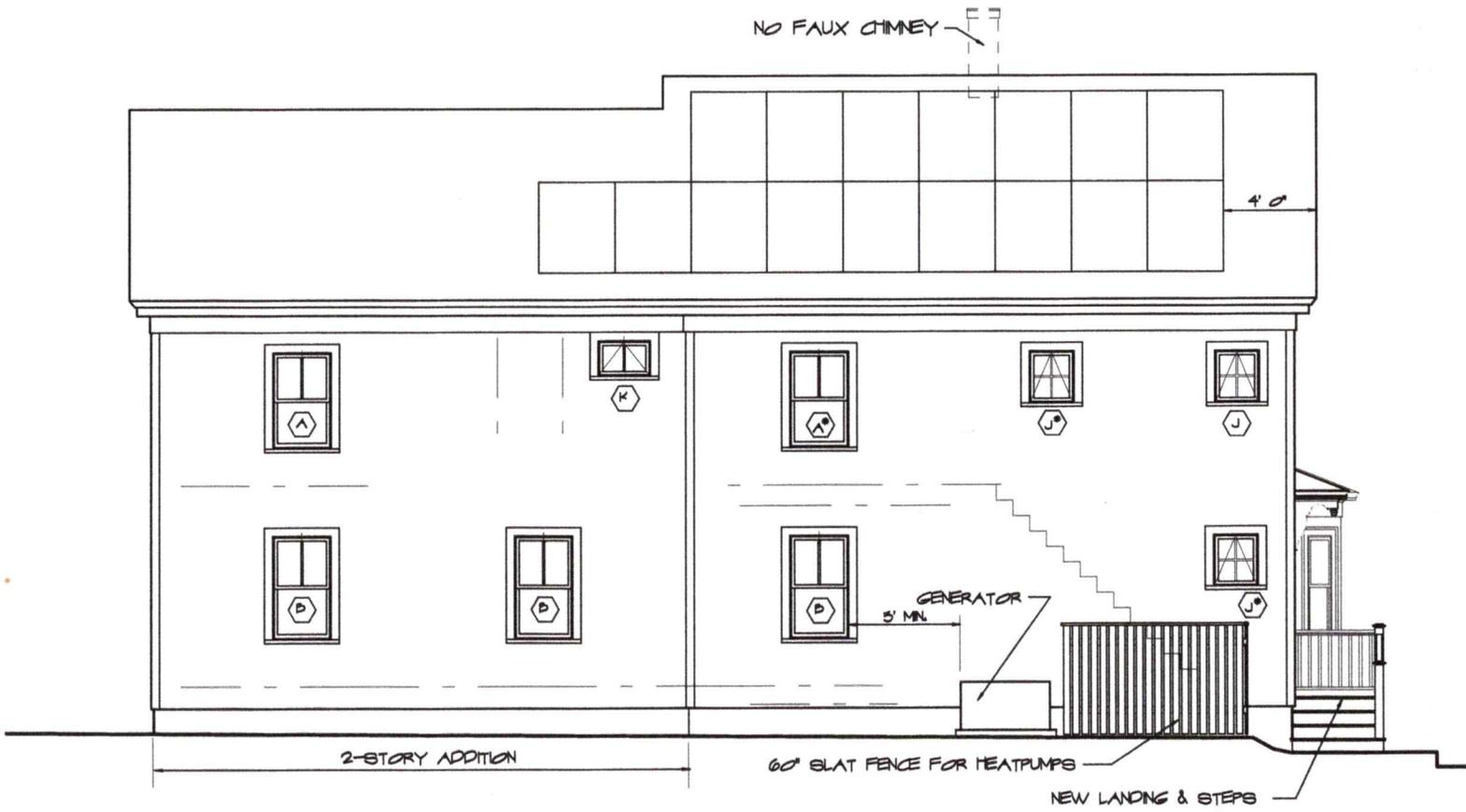
1. Generator with a Left Side Setback of +/- 8' 9" feet where 10' is required.

The undersigned agrees that the following circumstances exist.....

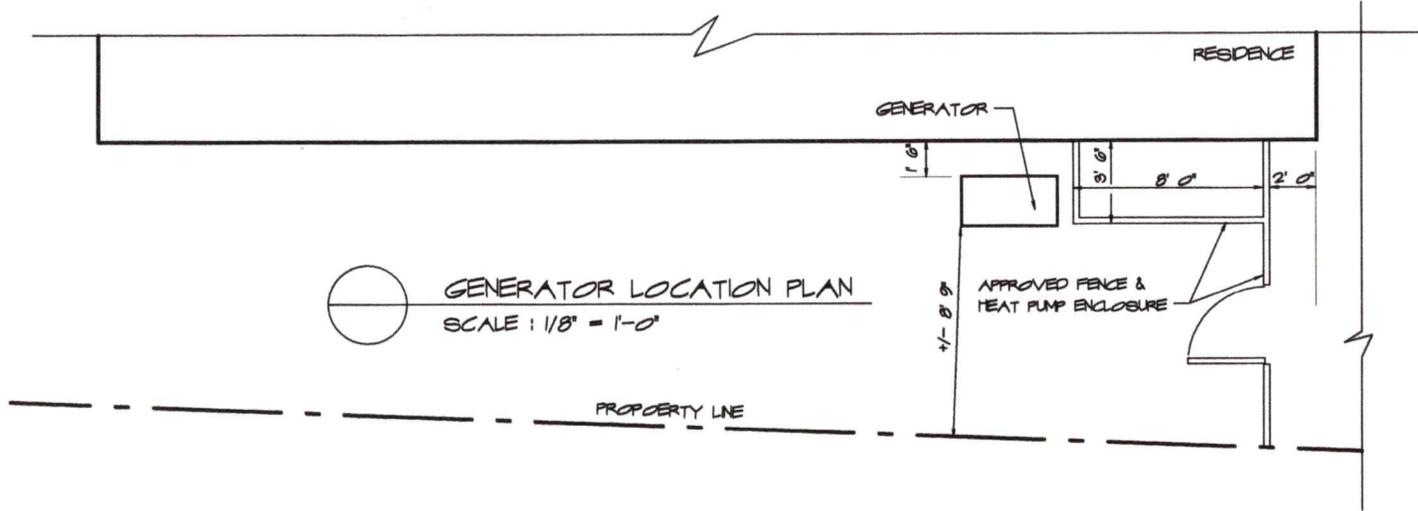
1. The Generator is located next to the approved Heat Pump enclosure and needs to be 18" off the residence and no closer than 5 feet from a window. This area is screened from the street with fencing.

Criteria for the Variance:

1. The Variance is not contrary to the public interest in that this location will minimize the public view of the Generator.
2. The Variance is consistent with the spirit of the ordinance in that this location has the least impact for both the public & owners.
3. Substantial justice will be done, as there are no other locations with a 5' clearance from a window and the 8' 9" setback is close to the required 10'.
4. This Variance will not diminish the value of surrounding properties.
5. The special condition of this property is the existing residence location. The Left Side Setback is just conforming & the Right Side has minimal space between the Residence & Driveway.



WEST, LEFTSIDE ELEVATION
SCALE: 1/8" = 1'-0"



GENERATOR LOCATION PLAN
SCALE: 1/8" = 1'-0"

45 RICHMOND STREET

801 Islington St, Suite 32
Portsmouth, NH 03801
603-562-4387
archwhit@aol.com

ANNE WHITNEY ARCHITECT

Project:	Date:	
# 2008	2/14/24	



View from Richmond Street



Generator Location

45 Richmond Street

20/22/24 kW

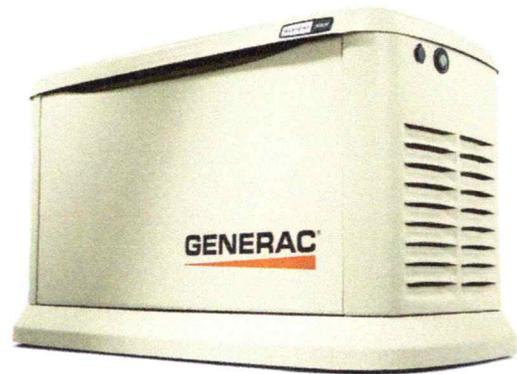
GUARDIAN® SERIES Residential Standby Generators Air-Cooled Gas Engine

INCLUDES:

- True Power™ Electrical Technology
- Two-line multilingual digital LCD Evolution™ controller (English/Spanish/French/Portuguese)
- 200 amp service rated transfer switch available
- Electronic governor
- Standard Wi-Fi® connectivity
- System status & maintenance interval LED indicators
- Sound attenuated enclosure
- Flexible fuel line connector
- Natural gas or LP gas operation
- 5 Year limited warranty
- Listed and labeled for installation as close as 18 in (457 mm) to a structure.*
**Must be located away from doors, windows, and fresh air intakes and in accordance with local codes.*

Standby Power Rating

G007038-1, G007039-1, G007038-3, G007039-3 (Aluminum - Bisque) - 20 kW 60 Hz
 G007042-10, G007042-11, G007043-10, G007043-11 (Aluminum - Bisque) - 22 kW 60 Hz
 G007209-10, G007210-10 (Aluminum - Bisque) - 24 kW 60 Hz

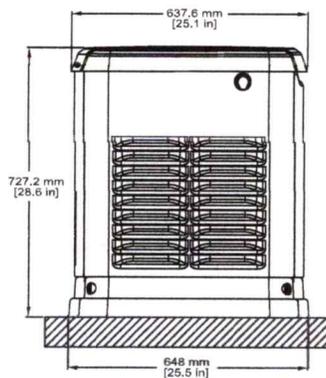


Product shown with optional fascia kit

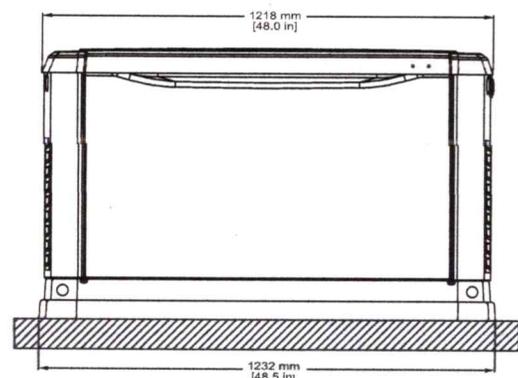


Dimensions & UPCs

Model	UPC
G007038	696471074185
G007039	696471074192
G007042	696471074208
G007043	696471074215
G007209	696471071511
G007210	696471084801



LEFT SIDE VIEW



FRONT VIEW

Dimensions shown are approximate. See installation manual for exact dimensions. DO NOT USE THESE DIMENSIONS FOR INSTALLATION PURPOSES.

II. NEW BUSINESS

- B. REQUEST TO POSTPONE** The request of **Atlas Commons LLC (Owner)**, for property located at **581 Lafayette Road** whereas relief is needed for after-the-fact installation of an awning sign which requires the following: 1) Variance from Section 10.1251.20 to allow a 32 square foot awning sign whereas 20 square feet is allowed. Said property is located on Assessor Map 229 Lot 8B and lies within the Gateway Corridor (G1) District. **REQUEST TO POSTPONE (LU-24-1)**

Planning Department Comments

The applicant has requested the postponement of this item to correct and complete application materials. Please see the letter from the applicant's representative as provided in the meeting packet.

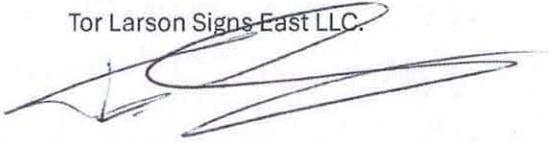
Letter for Postponement of Zoning meeting 3/15/2024

Please allow us to postpone to next months meeting, as new developments have us adding more information for our application.

To ensure the information is full and accurate for the entirety of the Board and members.

Thank you

Tor Larson Signs East LLC.

A handwritten signature in black ink, appearing to be 'Tor Larson', written over the text 'Tor Larson Signs East LLC.'

Ryan Lent Tour Golf & Grill

A handwritten signature in blue ink, appearing to be 'Ryan Lent', written below the text 'Ryan Lent Tour Golf & Grill'.

II. NEW BUSINESS

- C. **REQUEST TO WITHDRAW** The request of **Lonza Biologics (Owner)**, for property located at **101 International Drive** to add four (4) above ground storage tanks which requires the following: 1) from Section 308.02(c) of the Pease Development Ordinance to allow an above ground storage tank (AST) exceeding a 2,000 gallon capacity per facility. Said property is located on Assessor Map 305 Lot 6 and lies within the Airport Business Commercial (ABC) District. (LU-23-108) **REQUEST TO WITHDRAW**

Planning Department Comments

The applicant submitted a request to withdraw the application on March 21, 2024.



CELEBRATING OVER 35 YEARS OF SERVICE TO OUR CLIENTS

LIZABETH M. MACDONALD
JOHN J. RATIGAN
DENISE A. POULOS
ROBERT M. DEROSIER
CHRISTOPHER L. BOLDT
SHARON CUDDY SOMERS
DOUGLAS M. MANSFIELD
KATHERINE B. MILLER
CHRISTOPHER T. HILSON
HEIDI J. BARRETT-KITCHEN
JUSTIN L. PASAY
ERIC A. MAHER
CHRISTOPHER D. HAWKINS
ELAINA L. HOEPPNER
WILLIAM K. WARREN
BRIANA L. MATUSZKO
ALI GENNARO

RETIRED
MICHAEL J. DONAHUE
CHARLES F. TUCKER
ROBERT D. CIANDELLA
NICHOLAS R. AESCHLIMAN

March 21, 2024

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

RE: Lonza Biologics
101 International Drive, Tax Map 305, Lot 6
LU-23-108

Dear Chair Eldridge and Board Members:

By this letter we are notifying the Board that we are withdrawing the above application which is scheduled to be heard on March 26, 2024. We anticipate resubmitting the application in the near future.

If you have any questions or require additional information do not hesitate to contact me.

Very truly yours,
DONAHUE, TUCKER & CIANDELLA, PLLC

Justin L. Pasay
JLP/sac

cc: Lonza Biologics
Tighe & Bond
Pease Development Authority

4883-1886-8137, v. 2

DONAHUE, TUCKER & CIANDELLA, PLLC
16 Acadia Lane, P.O. Box 630, Exeter, NH 03833
111 Maplewood Avenue, Suite D, Portsmouth, NH 03801
Towle House, Unit 2, 164 NH Route 25, Meredith, NH 03253
83 Clinton Street, Concord, NH 03301



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CHRISTOPHER D. HAWKINS
ELAINA L. HOEPPNER
WILLIAM K. WARREN
BRIANA L. MATUSZKO
ALI GENNARO

HAND DELIVERED

February 27, 2024

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

RE: Lonza Biologics
101 International Drive, Tax Map 305, Lot 6

Dear Chair Eldridge and Board Members:

Enclosed please find supporting materials to accompany the information submitted via the City’s on-line permitting system requesting variance relief to permit the installation at the above referenced property of four (4) above ground fuel tank which exceeds the maximum permitted capacity of 2,000 gallons per PDA 308.02(c).

We respectfully request that this matter be placed on the Board’s March 19, 2024 agenda. In the meantime, if you have any questions or require additional information do not hesitate to contact me.

Very truly yours,
DONAHUE, TUCKER & CIANDELLA, PLLC

Justin L. Pasay
JLP/sac
Enclosures

cc: Lonza Biologics
Tighe & Bond
Pease Development Authority

4883-1886-8137, v. 1

DONAHUE, TUCKER & CIANDELLA, PLLC
16 Acadia Lane, P.O. Box 630, Exeter, NH 03833
111 Maplewood Avenue, Suite D, Portsmouth, NH 03801
Towle House, Unit 2, 164 NH Route 25, Meredith, NH 03253
83 Clinton Street, Concord, NH 03301

VARIANCE APPLICATION FOR
Lonza Biologics, Inc. (“**Lonza**” or the “**Applicant**”) for property located at 101 International Drive (City Assessor Map 305, Lot 6) (the “**Property**”).

The Applicant seeks a variance from Section 308.02(c) of the Pease Development Authority’s (“PDA”) Land Use Controls to permit four (4) above ground storage (fuel) tanks (“ASTs”), each of which exceeds the maximum 2,000-gallon capacity pursuant to Section 308.02(c), at the Property. As detailed below, the ASTs will support generators which will back-up the Central Utility Building (the “CUB”) and the Vertex Building recently approved for fit-up by the City’s Planning Board and already under construction at the Property. See Enclosure 1 (Planning Board Notice of Decision dated 22 November 2023). The Applicant requests that the City’s Board of Adjustment recommend approval of the Applicant’s variance request to the PDA’s Board of Directors pursuant the process outlined in Section 317.03 of the PDA’s Land Use Controls. The Applicant anticipates that the PDA Board of Directors will vote to authorize the Applicant to appear before the Board of Adjustment’s 19 March 2024 meeting, at the PDA Board’s 14 March 2024 meeting.

A. Factual Context

The Property, which is leased by Lonza from the PDA, is 46.03 acres in size and is located onboard the PDA within the Airport, Business and Commercial Zoning District. The Property has frontage along International Drive and Corporate Drive and is the location of Lonza’s Portsmouth facility.

In January of 2019, the City’s Planning Board approved, among other things, Lonza’s Site Plan Review application for the construction of three proposed industrial buildings, a parking garage, the CUB, as well as paving, lighting, utility, landscaping, drainage and associated site improvements for the Property, which approval was slightly amended by the PDA in August of 2019 and again in January of 2023 (collectively referred to as the “Phase 1 Approval”). The Phase 1 Approval permitted the construction of the shells for both Building 1 and the CUB, which construction work began in the late summer of 2023.

As detailed in **Enclosure 1**, in November 2023, Lonza obtained Amended Site Plan approval for Phase 2 of the Project from the City’s Planning Board which includes the fit-up of Building 1 and the CUB as well as the construction of a temporary surface parking lot and gravel area for construction trailers, parking and laydown area in the location of Proposed Building #2. See Enclosure 2 (approved Phase 2 Overall Site Plan).

Building #1 will be utilized by Vertex Pharmaceuticals Incorporated (“Vertex”) for a groundbreaking cell therapy manufacturing facility (hereinafter referred to as the “Vertex Building”). The Vertex Building will support the development and commercialization of the Vertex type 1 diabetes cell therapy portfolio. As detailed in a 30 August 2023 press release from Lonza (see Enclosure 3), the Vertex Building, which will be operated by Lonza, is being built adjacent to Lonza’s existing Portsmouth facility, will span more than 130,000 square feet, and is anticipated to generate up to 300 new jobs at peak capacity. Id.

As depicted on **Enclosure 2**, the Vertex Building and the CUB will be located in the central area of the so-called Iron Parcel portion of the Property, northwest of Lonza's existing facilities. See Enclosure 4 (aerial view of the Property); **Enclosure 5** (City Assessor Map 305).

Like nearly all buildings within Lonza's operations, the Vertex Building and the CUB must be supported by emergency generators to ensure protection of the sensitive and important operations and processes that will be occurring inside the buildings in the event of an electrical outage. As a result, the Applicant proposes installing four (4) CAT 3516C diesel generators (the "Generators") with corresponding ASTs, two to serve the CUB and two to serve the Vertex Building. The location of the four (4) new generators and ASTs, as well as the locations of all other generators in use by Lonza at the Property, are depicted on **Enclosure 6**. Details of the Generators and ASTs can be found in **Enclosure 7**, which includes specifications and other information for both.¹

The Generators and the ASTs will be located on the interior of the Property and meet all applicable setback requirements. See Enclosure 6. They will also observe and conform to the requirements of all applicable regulations, to include NFPA 30, the Flammable and Combustible Liquids Code, and they will require additional State approvals before operation. See also Enclosure 8, which includes two photographs of the proposed Generator and AST sites.

Section 308.02(c) of the PDA Land Use Controls prohibits ASTs, to include fuel tanks, with capacities greater than 2,000 gallons. As the proposed ASTs to serve the Generators will have an estimated capacity of 4,400 gallons each, variance relief is required.

The Applicant has previously obtained, on two separate occasions, unanimous recommendation for variance approval from the City's Board of Adjustment for similar generator/AST proposals. More specifically, in 2019, the Applicant installed two nearly identical generators and ASTs on the northern portion of the Property after receiving the requisite variance relief. See Enclosure 9. Then, in July of 2021, the Applicant received unanimous recommendation for variance approval from the Board of Adjustment to accommodate a generator and AST located on the southeastern portion of the Property which now serve Lonza's Lynx Project. See Enclosure 10.

We note that the proposed ASTs will be the 22nd through 25th storage facilities at the Property. See Enclosure 11. Further, each AST will be double walled, will have a 110% rupture basis, a low fuel level alarm switch, a fuel in rupture basis switch, a lockable mechanical fuel port, an overfill prevention valve with five (5) gallon lockable spill box, emergency vents, and a fill alarm panel and digital fuel level gauge. Further, all four proposed Generators/ASTs will be incorporated into Lonza's existing Spill Prevention, Control, and Countermeasures Plan and Emergency Spill Response Program and, like all similar equipment on the Property, they

¹ We note that the four (4) generator/AST concept depicted on **Enclosure 6** is the result of a risk analysis performed by Lonza's Environmental Health and Safety Department, Lonza engineers and corresponding manufacturing professionals which collectively determined what systems and configuration are warranted considering the proposed use of the Vertex Building and CUB. In this case, the design choice to use four (4) integrated above ground tanks to service the four (4) generators mitigated, to the extent possible, risks posed by underground storage tanks, which are not permitted at the PDA, or a single consolidated generator/tank concept with corresponding fuel lines.

will be regularly inspected by Lonza and tested for operating efficiency, etc. Additionally, each Generator/AST will be installed with security fencing and/or bollards to protect them.

Because the Applicant's proposal will not be inconsistent with the essential character of the surrounding area, will not compromise the public health in any way, will provide substantial justice, will not compromise the property values of surrounding properties, and because there is no rational connection between the general purposes of the PDA's Land Use Controls and their specific application to the Property under the unique circumstances of this case, as outlined below, we respectfully request that the Board of Adjustment recommend approval of Lonza's variance request.

B. Variance Criteria

The variance criteria outlined in PDA 317.01(c) generally mirror those found within RSA 674:33, and will thus be analyzed pursuant to the statute and corresponding case law interpreting the same.

To obtain a variance pursuant to PDA 317.01, an applicant must show that that the variance is in harmony with the general purpose and intent of the PDA Land Use Controls and meets the following criteria: (1) no adverse effect or diminution in values of surrounding properties will be suffered; (2) granting the variance would be of benefit to the public interest; (3) denial of the variance would result in unnecessary hardship to the person seeking it; (4) granting the variance would be substantial justice; and (5) the proposed use would not be contrary to the spirit of the zoning rule.

1. No adverse effect or diminution in values of surrounding properties will be suffered if the variance request is approved.

Given the nature of the area and the existing use of the Property and surrounding properties, none of the surrounding properties will suffer any diminution in value or other adverse effect as a result of granting the requested variance. Certainly, the Applicant is aware of no evidence to the contrary. Use of the Generators in the proposed locations is permitted by right and the size of the corresponding ASTs will have no discernible impact on surrounding properties which are themselves, commercial in nature. See Enclosures 4, 6. Indeed, several other generators are already in operation at the Property which use ASTs that exceed the 2,000 gallon limit. See Enclosure 11. The new ASTs will be incorporated into Lonza's existing Spill Prevention, Control, and Countermeasures Plan as well as Lonza's Emergency Spill Response Program, and they will be regularly inspected by Lonza. Lonza will also comply with all applicable regulations and requirements regarding use of the Generators and ASTs. The neighborhood is already commercial and/or industrial in nature.

Accordingly, the Applicant respectfully requests that the Board of Adjustment find that the requested variance will not diminish surrounding property values or cause other adverse effect.

2. Granting the variance will be of benefit to the public interest.

The New Hampshire Supreme Court has indicated that the requirement that a variance not be “contrary to the public interest” is coextensive and related to the requirement that a variance be consistent with the spirit of the ordinance. See Chester Rod & Gun Club v. Town of Chester, 152 N.H. 577, 580 (2005); Malachy Glen Associates, Inc. v. Town of Chichester, 155 N.H. 102, 105-06 (2007); and Farrar v. City of Keene, 158 N.H. 684, 691 (2009). A variance is contrary to the public interest only if it “unduly, and in a marked degree conflicts with the ordinance such that it violates the ordinance’s basic zoning objectives.” Chester Rod & Gun Club, 152 N.H. at 581; Farrar, 158 N.H. at 691. See also Harborside Associates, L.P. v. Parade Residence Hotel, LLC, 162 N.H. 508, 514 (2011) (“[m]ere conflict with the terms of the ordinance is insufficient.”) Moreover, these cases instruct boards of adjustment to make the determination as to whether a variance application “unduly” conflicts with the zoning objectives of the ordinance “to a marked degree” by analyzing whether granting the variance would “alter the essential character of the neighborhood” or “threaten the public health, safety or welfare” and to make that determination by examining, where possible, the language of the Zoning Ordinance.

While PDA 308, regulating above and below-ground storage facilities, does not have an express purpose provision, the general purpose of the PDA’s Zoning Ordinance is to:

[P]romote the public health, safety and general welfare, promote the safe operation of air transportation, conserve the value of property within the jurisdiction of the Pease Development Authority, assure the most efficient use of the existing natural and manmade resources, provide adequate light, air and open space, encourage the appropriate and wise use of land and promote high quality economic development and employment.

PDA 301.01. See also PDA 317.01(c)(requiring that in addition to satisfying the variance criteria, variances “shall not be approved or recommended for approval unless it is in harmony with the general purpose and intent of these regulations ...”).

As a foundational matter, the Applicant’s proposal is in harmony with the general purpose and intent of the PDA Land Use Controls, and therefore not contrary to the public interest, because it will advance the general purposes articulated in PDA 301.01. Specifically, the Generators and ASTs will serve the Vertex Building and corresponding CUB and therefore support the development and commercialization of the Vertex type 1 diabetes cell therapy portfolio and in so doing, the creation of up to 300 local jobs, both of which benefit the public. The Applicant’s proposal is also consistent with the PDA’s stated purpose of encouraging the appropriate and wise use of land and promoting high quality economic development and employment, and it will not, in light of the Property’s existing conditions and uses, implicate in any negative way the provision of adequate light, air and open space. Rather, Phase 2 of the project is a major step forward with regard to long-standing efforts to facilitate development on the so-called Iron Parcel. Further, as referenced above, the Generators and ASTs will be incorporated into Lonza’s existing Spill Prevention, Control and Countermeasures Plan as well as Lonza’s Emergency Spill Response Program, and they will be regularly inspected and maintained by Lonza and will obtain all other applicable approvals before operation.

The Applicant's proposal also satisfies the tests articulated under the case law. First, the Generators and ASTs will not alter the essential character of the neighborhood. On the contrary, they will be consistent with the current status and use of the Property and Lonza's other operations as well as surrounding commercial properties, specifically consistent with the configuration and installation of other generators and ASTs approved in 2019 and 2021 which are in use, and otherwise comply with all applicable regulations and requirements. See Enclosures 1, 2, 6, 9, 10, 11.

Similarly, the requested variance from PDA 308.02(c) will not threaten the public health, safety or welfare. If the proposed ASTs had a capacity of 2,000 gallons or less, no zoning relief would be required at all. As the Applicant explained to the Board during the May 2019 and July 2021 hearings, the size of the generator dictates the size of the fuel tank and the size of the Generators in this case, are required due to the nature and scope of the Vertex Building operations. Further, the ASTs have several safety features as discussed above. See Enclosure 7.

As the Applicant's variance proposal will be consistent with and advance the general purposes of the PDA Land Use Controls, and as it will not alter the essential character of the neighborhood or threaten the public health or safety, it would be reasonable and appropriate for the Board of Adjustment to conclude that granting the variances will benefit the public interest.

3. Denial of the variance would result in unnecessary hardship to Lonza.

In New Hampshire, there are two options by which the Board of Adjustment can find that an unnecessary hardship exists:

- (A) For purposes of this subparagraph, "unnecessary hardship" means that, owing to special conditions of the property that distinguish it from other properties in the area:
- (i) No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property; and
 - (ii) The proposed use is a reasonable one.

or,

(B) If the criteria in subparagraph (A) are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, 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.

See RSA 674:33, I.

The "special conditions" of the Property for purposes of this variance criterion include the size of the Property leased by Lonza from the PDA which, at approximately 46 acres, appears larger than all surrounding privately leased parcels, the Property's unique ability to accommodate the development originally approved in 2019 and to advance the core purposes of

the PDA, to include the size and scale of approved Building 1, which is already under construction, the size and scale of the Vertex operation inside the building which will utilize approximately 130,000 sf, the sensitive and important nature of the use and the need for considerable generators to protect same in the event of an emergency power outage, and the Property's ability to accommodate the Generators and ASTs in the locations proposed in a manner that complies with all applicable regulations aside from PDA 308.02(c) which pertains to the size of the AST. See Enclosures 1, 2, 3, 6, 8, 9.

In Harborside Assocs. v. Parade Residence Hotel, the New Hampshire Supreme Court upheld the Portsmouth Board of Adjustment's finding that the physical improvements on a property, in that case the size of a building when compared to other buildings in the area within the context of sign variance request, could be considered "special circumstances." Affirming the analysis of the Board of Adjustment, the Supreme Court stated:

The [Respondent] is not attempting to meet the 'special conditions' test by showing that its *signs* would be unique in their settings, but that its *property* – the hotel and conference center – has unique characteristics that make the signs themselves a reasonable use of the property.

Harborside, 162 N.H. at 518 (emphasis added). Cf Farrar, 158, N.H. 689 (where variance sought to convert large, historical single use residence to mixed use of two residence and office space, size of residence was relevant to determining whether property was unique in its environment).

Here, the Property's physical characteristics to include its large size which facilitated the underlying site plan approvals for the Vertex Building, the size of the Vertex Building itself which is currently under construction, and the sensitive and important nature of the Vertex Building's operations make the proposed variance reasonable under the circumstances because due to the size of the building and the scale of the anticipate operations, the Project requires the specific generators which are proposed and those generators require the specific ASTs proposed.

Due to these special conditions of the Property, there is no fair and substantial relationship between the public purposes of the PDA Land Use Controls and their specific application to the Property in this case. On the contrary, despite the technical lack of conformity, and as discussed above, the Applicant's proposal is consistent with PDA 301.01 because the Generators and ASTs will service the Vertex Building and therefore support the manufacturing of pharmaceuticals which will benefit the public, because the project will create up to 300 local jobs, and because the variance is consistent with the PDA's stated purpose of encouraging the appropriate and wise use of land and promoting high quality economic development and employment. Further, the requested variance will replicate existing conditions at the Property vis-à-vis other generators and ASTs and will otherwise comply with all applicable regulations.

Put another way, strictly enforcing the PDA 308.02(c) will not advance the public purposes of the PDA Land Use Controls, but granting the requested variances will clearly will.

The Applicant respectfully reminds the Board of Adjustment that the mere fact that the Applicant is seeking a variance from the express provisions of the PDA Land Use Controls is not

a valid reason for denying the variance. See Malachy Glen Associates, Inc. v. Town of Chichester, 155 N.H. 102, 107 (2007); see also Harborside Associates, 162 N.H. at 2011 (“mere conflict with the terms of the ordinance is insufficient”).

Finally, because the Applicant’s proposed Generators and ASTs will be substantially similar to existing uses on the Property, will serve a critical need vis-à-vis the Vertex Building and operation, and will otherwise comply with all applicable regulations, it is reasonable under the circumstances. See Vigeant v. Town of Hudson, 151 N.H. 747, 752 - 53 (2005); and Malachy Glen, 155 N.H. at 107; see also Harborside at 518-519 (applicant did not need to show signs were “necessary” rather only had to show signs were a “reasonable use”).

Accordingly, the Applicant respectfully asserts that its application complies with the standard for Option A of the unnecessary hardship criterion and the Board of Adjustment should so find.

4. Granting the variance will be substantial justice.

As noted in Malachy Glen, *supra*, “perhaps the only guiding rule [on this factor] is that any loss to the individual that is not outweighed by a gain to the general public is an injustice.” Malachy Glen, *supra*, citing 15 P. Loughlin, New Hampshire Practice, Land Use Planning and Zoning § 24.11, at 308 (2000) (quoting New Hampshire Office of State Planning, The Board of Adjustment in New Hampshire, A Handbook for Local Officials (1997)). In short, there must be some gain to the general public from denying the variance that outweighs the loss to the Applicant from its denial.

Granting the variance will provide a great benefit to Lonza as it will permit the installation of the Generators and ASTs which will accommodate the Vertex Building and its operations. By extension, the relief will facilitate the creation of a ground breaking cell therapy to treat people with type 1 diabetes, which is a great benefit to the public. This infrastructure will also help Lonza expand its operations at the Portsmouth Facility and advance its business plans in accordance with the goals of the PDA, and the long-standing development proposal for the Iron Parcel.

On the contrary, there is no discernible benefit to the general public that could be gained by denying the requested variance because the opposite is true: granting the variance will be a great benefit to the general public. First, the Generators are permitted by right at the proposed locations but relief is needed due only to the size of the corresponding ASTs which exceed, by an estimated 2,400 gallons, the limitation contained within PDA 308.02(c). Beyond this, the Generators and ASTs will support the Vertex Building which will contribute to the manufacturing of pharmaceuticals which have self-evident value to the general public, as referenced above, as do the creation of up to 300 jobs which the project will create. Further, this initiative will help Lonza continue to grow roots in a manner that is beneficial to the PDA, the City of Portsmouth and the surrounding areas, and the State of New Hampshire.

Because granting the requested variance will provide a significant benefit both to the Applicant and to the general public, and because there is no discernible benefit to the general public by denying the variance, Lonza's proposal accomplishes substantial justice.

5. The proposed use would not be contrary to the spirit of PDA 308.02(c).

As referenced in Section 2, above, the requested variance will satisfy the "public interest" prong of the variance criteria because it advances the general purpose and intent of the PDA Land Use Controls and will not alter the essential character of the neighborhood or threaten the public health and welfare. As the New Hampshire Supreme Court has indicated in both Chester Rod & Gun Club and in Malachy Glen, the requirement that the variance not be "contrary to the public interest" is coextensive and is related to the requirement that the variance be consistent with the spirit of the ordinance. See Chester Rod & Gun Club, 152 N.H. at 580. A variance is contrary to the spirit of the ordinance only if it "unduly, and in a marked degree conflicts with the ordinance such that it violates the ordinance's basic zoning objectives." Chester Rod & Gun Club, 152 N.H. at 581; Farrar, 158 N.H. at 691. As discussed above, the requested variance is consistent with the general purpose and intent of the PDA Land Use Controls because of the reasons stated in Section 2. Further, generators and ASTs of this size are commonly associated with the work Lonza performs, which is why Lonza has sought and received similar relief for ASTs that exceed the 2,000-gallon limit in the past. As a result, for the reasons stated above, the Applicant respectfully asserts that it would be reasonable and appropriate for the Board of Adjustment to conclude that the requested variance will not be contrary to the spirit of the PDA's Land Use Controls.

C. Conclusion

Lonza respectfully submits that its Variance Application meets the underlying standard of review and respectfully requests the same be granted.

4884-3060-6505, v. 1



CITY OF PORTSMOUTH

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

PLANNING BOARD

November 22, 2023

Dave Morgan
Lonza Biologics
230 Corporate Drive
Portsmouth, New Hampshire 03801

RE: Amended Site Plan approval request for property located at 101 International Drive (LU-23-108)

Dear Property Owner:

The Planning Board, at its regularly scheduled meeting of Thursday, November 16, 2023, considered your application for Amended Site Plan approval for Phase 2 which includes fit-up of Building #1 and the utility building, construction of a temporary surface parking lot and gravel area for construction trailers, parking and laydown area in the location of Proposed Building #2. Said property is shown on Assessor Map 305 Lot 6 and lies within the Airport Business Commercial (ABC) District. As a result of said consideration, the Board voted recommend Amended Site Plan Approval to the PDA Board with the following **condition**:

1.1) A recommendation for the PDA to request a review of the project by the Rockingham Regional Planning Commission for a project of regional impact for traffic and water use.

This approval is granted subject to all conditions of approval by the Planning Board on January 17, 2019 and to all other requirements stated in the Planning Board letter of decision dated January 18, 2019.

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.

Unless otherwise indicated above, applicant is responsible for applying for and securing a building permit from the Inspection Department prior to starting any approved work.

The Planning Director must certify that all conditions of approval have been completed prior to issuance of a building permit unless otherwise indicated above.

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

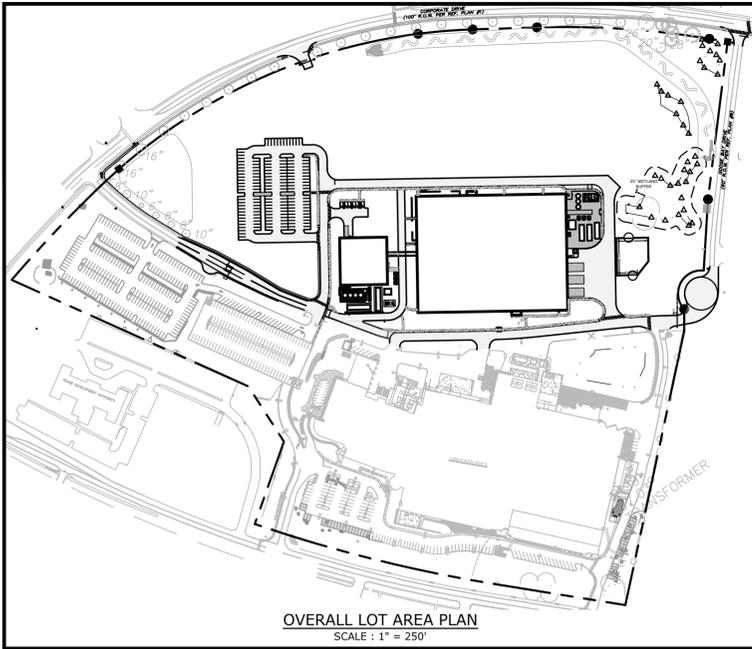
Very truly yours,

A handwritten signature in black ink, appearing to read "Rick Chellman". The signature is fluid and cursive, with the first name "Rick" written in a smaller, more legible script than the last name "Chellman", which is written in a larger, more stylized cursive.

Rick Chellman, Chairman of the Planning Board

cc: Shanti Wolph, Chief Building Inspector

Neil Hansen, Tighe & Bond



SITE DATA

LOCATION: TAX MAP 305, LOTS 1 & 2
70 & 80 CORPORATE DRIVE
PORTSMOUTH, NH

TAX MAP 305, LOT 6
101 INTERNATIONAL DRIVE
PORTSMOUTH, NH

ZONING DISTRICT: AIRPORT, BUSINESS & COMMERCIAL (ABC)

DIMENSIONAL REQUIREMENTS:

	REQUIRED	PROVIDED
MINIMUM LOT AREA:	5 AC	43.4± AC
MINIMUM STREET FRONTAGE:	200 FT	1,038 FT
MINIMUM FRONT YARD SETBACK:	70 FT	70 FT
SIDE SETBACK	30 FT	30 FT
REAR SETBACK	50 FT	51 FT
MINIMUM OPEN SPACE	25 %	59.9± %

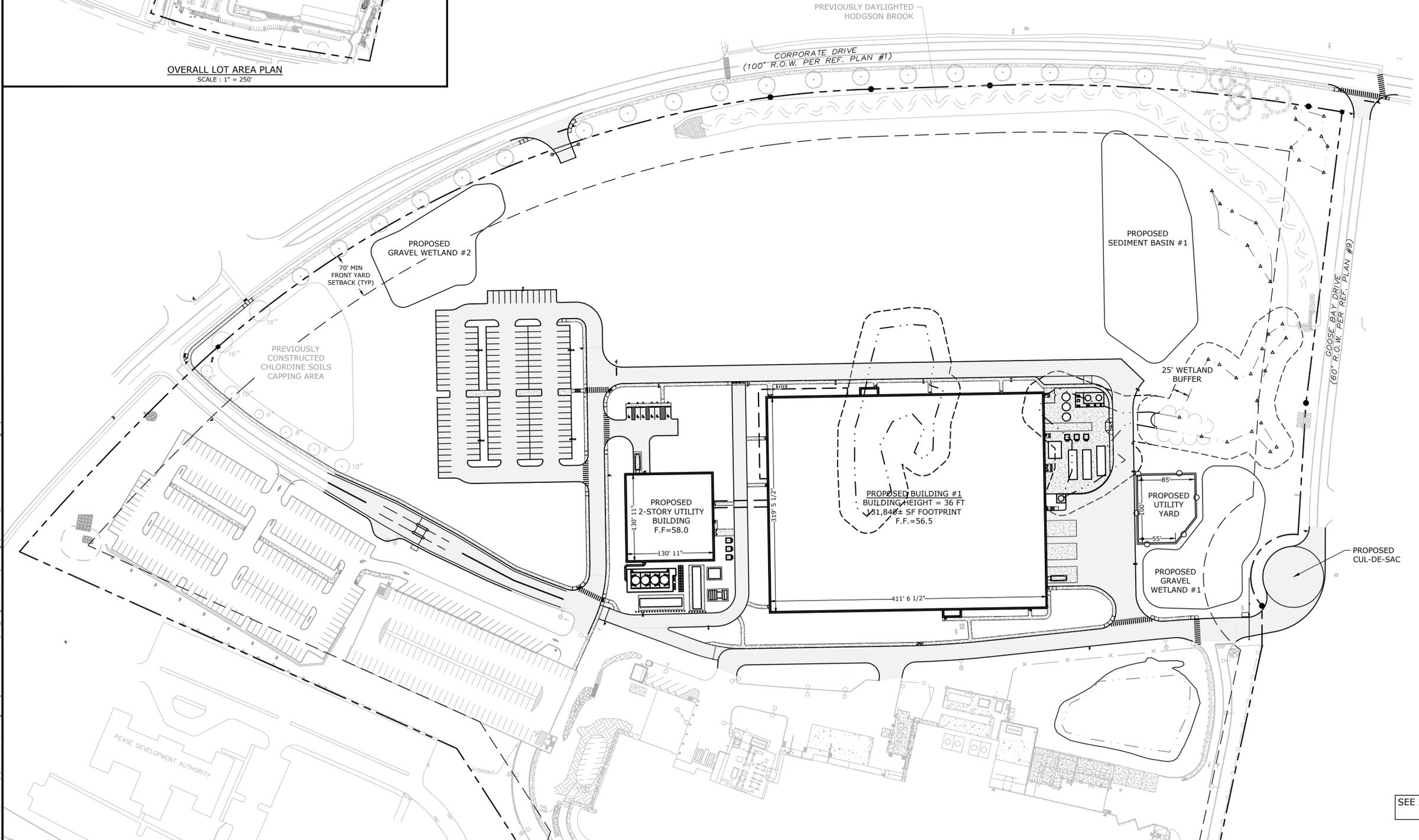
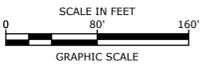
MAXIMUM STRUCTURE HEIGHT SHALL NOT EXCEED FAA CRITERIA.

PARKING REQUIREMENTS:

REQUIRED PARKING	PROVIDED
2 SPACES PER 3 EMPLOYEES ON LARGEST SHIFT	801 SPACES
990 EXISTING EMPLOYEES	156 SPACES
180 ANTICIPATED EMPLOYEES	120 SPACES
TOTAL REQUIRED:	957 SPACES

PARKING PROVIDED	PROVIDED
EXISTING SPACES:	801 SPACES
PROPOSED SURFACE PARKING:	156 SPACES
TOTAL:	957 SPACES

Enclosure 2



Proposed Industrial Development

Lonza Biologics

Portsmouth, New Hampshire

MARK	DATE	DESCRIPTION
N	11/9/2023	Revised P.B. Submission
M	9/27/2023	P.B. Submission
L	9/1/2022	Issued for Construction
K	5/27/2022	Issued for Bid
J	5/23/2022	Third Party Rev. Comments
I	4/26/2022	Revised PB Stipulations

PROJECT NO: L-0700-013
DATE: 04/03/2018
FILE: L-0700-026-C-DSGN.dwg
DRAWN BY: CIK
CHECKED BY: NAH
APPROVED BY: PMC

PHASE 2 OVERALL SITE PLAN

SCALE: AS SHOWN

SEE SHEET C-165 FOR LEGEND AND SITE NOTES

Last Save Date: November 9, 2023 11:03 AM By: NAHANSEN
 Plot Date: Thursday, November 09, 2023 Plotted By: Neil A. Hansen
 Pkg File Location: J:\L-0700-Lonza Biologics Expansion.was 12/20/2026 Project Subarea Drawings\AutoCAD\L-0700-026-C-DSGN.dwg Layout Tab: C-164

Media Advisory

30 Aug 2023

Lonza and Vertex Celebrate Groundbreaking of Cell Therapy Manufacturing Facility in Portsmouth (US)

- The large-scale facility will support the development and commercialization of the Vertex type 1 diabetes (T1D) cell therapy portfolio
- At the facility's groundbreaking event on August 30th, Lonza and Vertex were joined by New Hampshire government officials to commemorate the milestone

Portsmouth, NH (US), August 30, 2023 – Today, Lonza and Vertex Pharmaceuticals Incorporated (Vertex) celebrated the groundbreaking of a dedicated manufacturing facility in Portsmouth, New Hampshire (US). This marks a milestone in the [strategic collaboration](#) between the two companies, which aims to accelerate the development and commercialization of Vertex's potentially transformative cell therapies for type 1 diabetes (T1D).

The new facility is being built adjacent to Lonza's existing campus in Portsmouth, and is a co-investment project between the two companies. Operated by Lonza, the facility will span more than 130,000 square feet and is anticipated to generate up to 300 new jobs at peak capacity, in areas including manufacturing operations, quality assurance and quality control. Initial hiring for roles relating to the facility's construction, fit out and qualification is already underway.

The large-scale manufacturing facility will support the commercial production of the Vertex T1D cell therapy portfolio, with a focus on the VX-880 and VX-264 programs currently in clinical trials. Vertex's first clinical program, VX-880, has already demonstrated clinical proof-of-concept, while its second approach, VX-264, is being studied in a Phase 1/2 clinical trial.

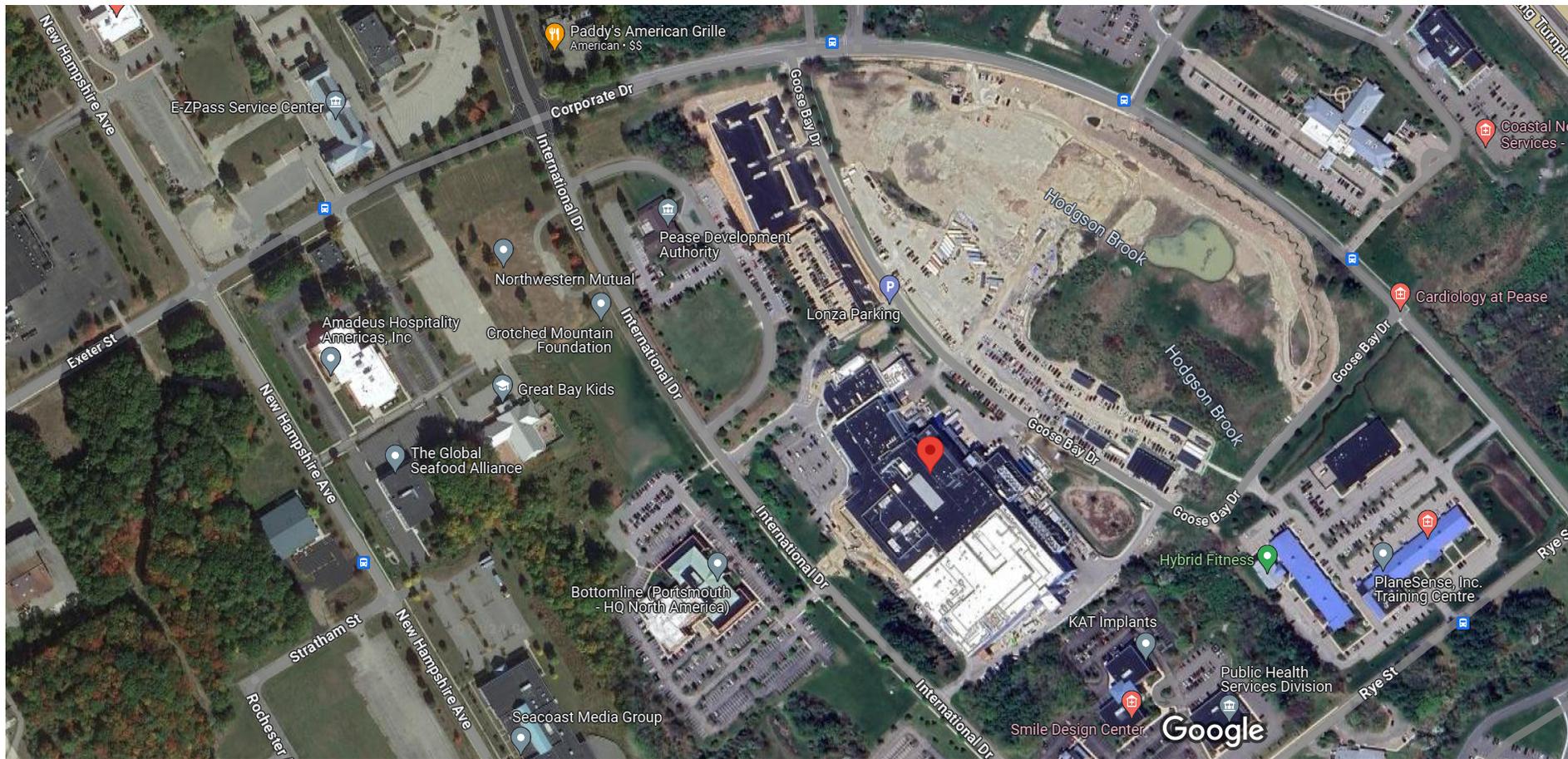
A groundbreaking ceremony was held on August 30, 2023 to mark the beginning of the facility's construction. Lonza and Vertex's leadership teams were joined at the event by several New Hampshire government officials, including United States Senator Jeanne Shaheen, and the Mayor of Portsmouth, Deaglan McEachern.

Reshma Kewalramani, M.D., Chief Executive Officer and President of Vertex, said: "Establishing this strategic partnership with Lonza, a world-class manufacturing organization, is a critical milestone in Vertex's journey to transform the treatment of type 1 diabetes. Today is an exciting day for both Vertex and Lonza and for patients living with T1D."

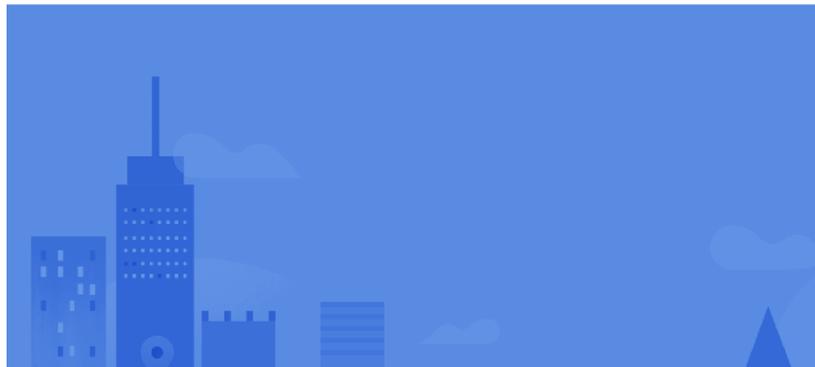
Pierre-Alain Ruffieux, CEO of Lonza, commented: "Today's groundbreaking demonstrates Lonza's continued commitment to helping our customers bring their innovative therapies to life. The facility will play a major role in delivering Vertex's ambition to shape the future for patients living with T1D. We are proud to support Vertex on this journey with a combination of deep scientific, regulatory and manufacturing expertise, alongside our established track record in supporting the commercialization of cell therapy products. Portsmouth is the ideal location for the new facility, as it enables us to build upon our existing infrastructure, capabilities and talent in the area."



Google Maps 101 International Dr

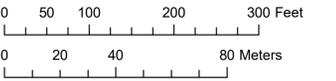


Imagery ©2024 Airbus, Maine GeoLibrary, Maxar Technologies, U.S. Geological Survey, USDA/FPAC/GEO, Map data ©2024 200 ft

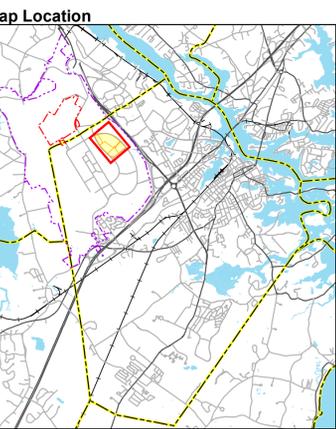
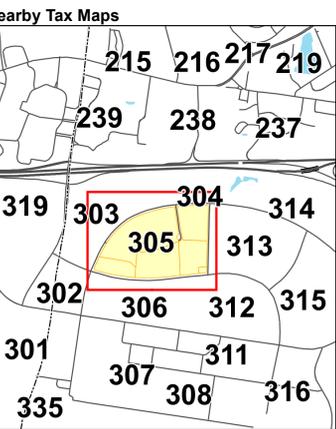


Enclosure 5

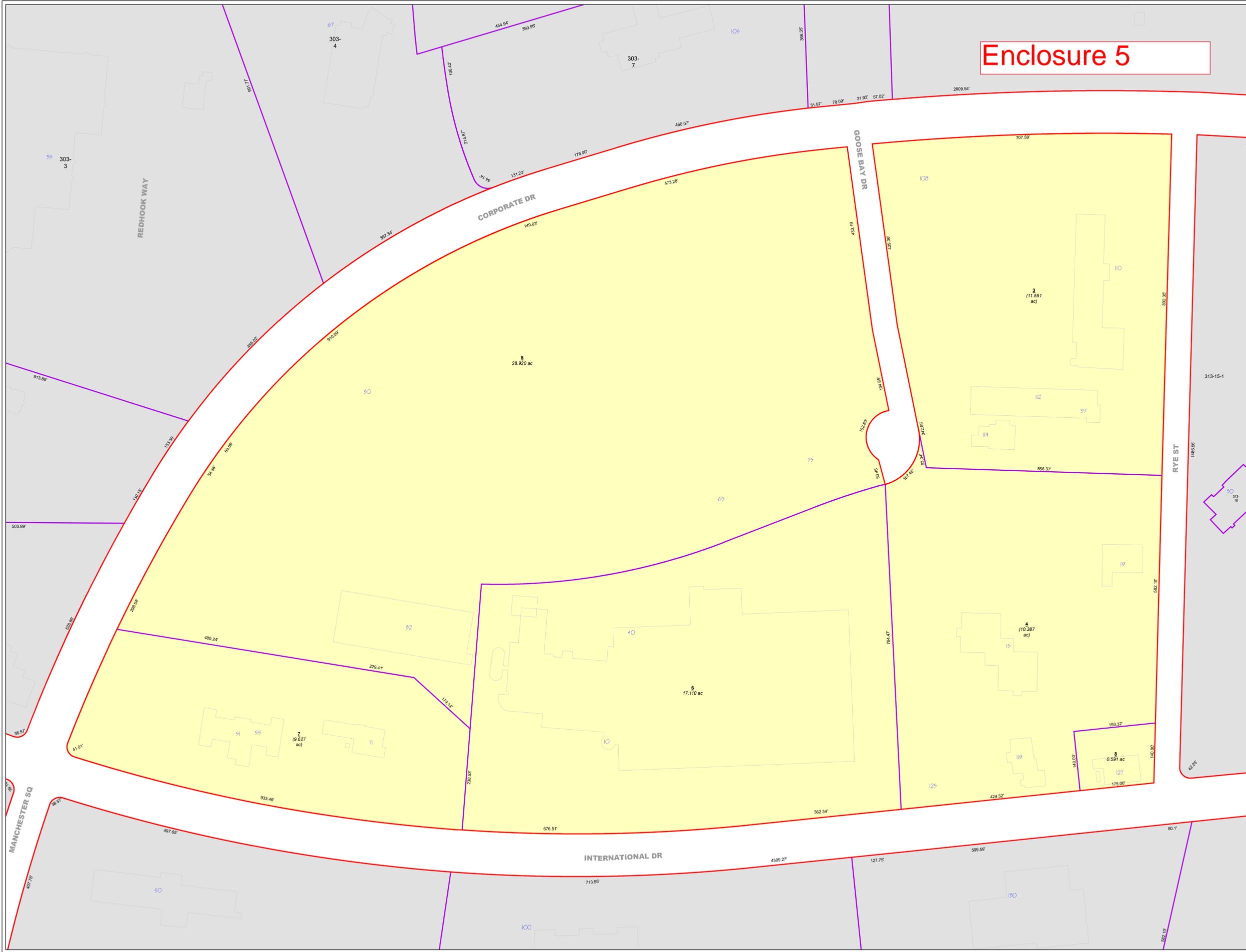
- Partial Legend**
 See the cover sheet for the complete legend.
- 7-5A** Lot or lot-unit number
 - 2.56 ac Parcel area in acres (ac) or square feet (sf)
 - Address number
 - 233-137 Parcel number from a neighboring map
 - 68' Parcel line dimension
 - SIMS AVE Street name
 - Parcel/Parcel boundary
 - Parcel/ROW boundary
 - Water boundary
 - Structure (1994 data)
 - Parcel covered by this map
 - Parcel from a neighboring map (see other map for current status)



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



Portsmouth, New Hampshire
 2023
Tax Map 305



PERFORMANCE DATA[EM1895]

Performance Number: EM1895

Change Level: 06

SALES MODEL:	3516C	COMBUSTION:	DIRECT INJECTION
BRAND:	CAT	ENGINE SPEED (RPM):	1,800
MACHINE SALES MODEL:		HERTZ:	60
ENGINE POWER (BHP):	3,634	FAN POWER (HP):	130.1
GEN POWER WITH FAN (EKW):	2,500.0	ASPIRATION:	TA
COMPRESSION RATIO:	14.7	AFTERCOOLER TYPE:	ATAAC
RATING LEVEL:	MISSION CRITICAL STANDBY	AFTERCOOLER CIRCUIT TYPE:	JW+OC, ATAAC
PUMP QUANTITY:	1	INLET MANIFOLD AIR TEMP (F):	122
FUEL TYPE:	DIESEL	JACKET WATER TEMP (F):	219.2
MANIFOLD TYPE:	DRY	TURBO CONFIGURATION:	PARALLEL
GOVERNOR TYPE:	ADEM3	TURBO QUANTITY:	4
ELECTRONICS TYPE:	ADEM3	TURBOCHARGER MODEL:	GT6041BN-48T-1.10
CAMSHAFT TYPE:	STANDARD	CERTIFICATION YEAR:	2006
IGNITION TYPE:	CI	CRANKCASE BLOWBY RATE (FT3/HR):	3,619.4
INJECTOR TYPE:	EUI	FUEL RATE (RATED RPM) NO LOAD (GAL/HR):	16.0
FUEL INJECTOR:	3920221	PISTON SPD @ RATED ENG SPD (FT/MIN):	2,539.4
UNIT INJECTOR TIMING (IN):	64.34		
REF EXH STACK DIAMETER (IN):	12		
MAX OPERATING ALTITUDE (FT):	2,953		

INDUSTRY	SUBINDUSTRY	APPLICATION
ELECTRIC POWER	STANDARD	PACKAGED GENSET
OIL AND GAS	LAND PRODUCTION	PACKAGED GENSET

General Performance Data

THIS STANDBY RATING IS FOR A STANDBY ONLY ENGINE ARRANGEMENT. RERATING THE ENGINE TO A PRIME OR CONTINUOUS RATING IS NOT PERMITTED.

THE INLET MANIFOLD AIR TEMP LISTED IN THE HEADER, AND IN THE GENERAL PERFORMANCE DATA, IS THE AVERAGE INLET MANIFOLD TEMP FRONT TO REAR ON THE ENGINE.

GENSET POWER WITH FAN	PERCENT LOAD	ENGINE POWER	BRAKE MEAN EFF PRES (BMEP)	BRAKE SPEC FUEL CONSUMPTN (BSFC)	ISO BRAKE SPEC FUEL CONSUMPTN (BSFC)	VOL FUEL CONSUMPTN (VFC)	ISO VOL FUEL CONSUMPTN (VFC)	ELEC SPEC FUEL CONSUMPTN (ESFC)	ISO ELEC SPEC FUEL CONSUMPTN (ESFC)
EKW	%	BHP	PSI	LB/BHP-HR	LB/BHP-HR	GAL/HR	GAL/HR	LB/EKW-HR	LB/EKW-HR
2,500.0	100	3,633	336	0.334	0.328	171.3	168.0	0.486	0.477
2,250.0	90	3,283	303	0.335	0.329	155.1	152.1	0.489	0.480
2,000.0	80	2,935	271	0.339	0.333	140.4	137.7	0.498	0.489
1,875.0	75	2,760	255	0.342	0.336	133.2	130.7	0.504	0.494
1,750.0	70	2,586	239	0.346	0.339	126.0	123.6	0.511	0.501
1,500.0	60	2,237	207	0.354	0.347	111.5	109.4	0.527	0.517
1,250.0	50	1,889	174	0.365	0.358	97.1	95.2	0.551	0.540
1,000.0	40	1,547	143	0.373	0.366	81.4	79.8	0.577	0.566
750.0	30	1,203	111	0.385	0.378	65.3	64.1	0.618	0.606
625.0	25	1,029	95	0.394	0.386	57.2	56.1	0.649	0.637
500.0	20	854	79	0.403	0.396	48.6	47.6	0.689	0.676
250.0	10	497	46	0.441	0.433	30.9	30.3	0.877	0.860

GENSET POWER WITH FAN	PERCENT LOAD	ENGINE POWER	INLET MFLD PRES	INLET MFLD TEMP	EXH MFLD TEMP	EXH MFLD PRES	ENGINE OUTLET TEMP	COMPRESSOR OUTLET PRES	COMPRESSOR OUTLET TEMP
EKW	%	BHP	IN-HG	DEG F	DEG F	IN-HG	DEG F	IN-HG	DEG F
2,500.0	100	3,633	78.1	121.9	1,235.7	67.6	853.1	85	466.7
2,250.0	90	3,283	71.3	119.4	1,190.0	61.3	824.5	78	443.1
2,000.0	80	2,935	64.3	116.9	1,158.9	55.3	810.7	70	417.8
1,875.0	75	2,760	60.7	115.8	1,145.6	52.3	804.8	66	404.7
1,750.0	70	2,586	57.1	114.7	1,133.3	49.3	798.9	63	391.3
1,500.0	60	2,237	49.5	112.7	1,112.4	43.2	787.1	55	363.6
1,250.0	50	1,889	41.3	111.0	1,091.8	36.8	775.1	46	334.7
1,000.0	40	1,547	31.4	109.4	1,061.5	29.3	770.6	36	297.5
750.0	30	1,203	21.7	107.9	1,010.3	22.1	752.8	25	249.8
625.0	25	1,029	17.2	107.2	968.3	18.7	731.8	21	223.4
500.0	20	854	12.7	106.4	902.0	15.5	695.6	16	197.2
250.0	10	497	4.8	104.1	700.7	9.8	562.6	7	152.3

General Performance Data (Continued)

GENSET POWER WITH FAN	PERCENT LOAD	ENGINE POWER	WET INLET AIR VOL FLOW RATE	ENGINE OUTLET WET EXH GAS VOL FLOW RATE	WET INLET AIR MASS FLOW RATE	WET EXH GAS MASS FLOW RATE	WET EXH VOL FLOW RATE (32 DEG F AND 29.98 IN HG)	DRY EXH VOL FLOW RATE (32 DEG F AND 29.98 IN HG)
EKW	%	BHP	CFM	CFM	LB/HR	LB/HR	FT3/MIN	FT3/MIN
2,500.0	100	3,633	7,133.1	18,497.4	31,696.1	32,910.2	6,927.7	6,289.9
2,250.0	90	3,283	6,756.8	17,036.6	29,886.4	30,985.9	6,522.8	5,944.9
2,000.0	80	2,935	6,350.9	15,740.8	28,028.8	29,019.5	6,092.1	5,568.4
1,875.0	75	2,760	6,132.5	15,125.9	27,059.2	27,998.2	5,881.4	5,382.5
1,750.0	70	2,586	5,902.5	14,507.6	26,056.9	26,945.9	5,667.5	5,192.6
1,500.0	60	2,237	5,408.9	13,196.0	23,934.4	24,726.5	5,204.1	4,777.6
1,250.0	50	1,889	4,844.0	11,701.1	21,447.3	22,136.3	4,659.1	4,284.7
1,000.0	40	1,547	4,122.0	9,918.3	18,264.4	18,842.5	3,963.7	3,647.8
750.0	30	1,203	3,423.6	8,121.4	15,177.8	15,642.9	3,293.2	3,036.5
625.0	25	1,029	3,105.0	7,237.8	13,766.9	14,173.7	2,986.8	2,759.5
500.0	20	854	2,791.1	6,276.7	12,375.6	12,721.7	2,671.3	2,475.8
250.0	10	497	2,236.2	4,428.4	9,910.4	10,129.4	2,129.9	1,997.8

Heat Rejection Data

GENSET POWER WITH FAN	PERCENT LOAD	ENGINE POWER	REJECTION TO JACKET WATER	REJECTION TO ATMOSPHERE	REJECTION TO EXH	EXHAUST RECOVERY TO 350F	FROM OIL COOLER	FROM AFTERCOOLER	WORK ENERGY	LOW HEAT VALUE ENERGY	HIGH HEAT VALUE ENERGY
EKW	%	BHP	BTU/MIN	BTU/MIN	BTU/MIN	BTU/MIN	BTU/MIN	BTU/MIN	BTU/MIN	BTU/MIN	BTU/MIN
2,500.0	100	3,633	46,992	9,146	142,265	70,115	19,835	44,723	154,077	372,403	396,702
2,250.0	90	3,283	44,242	8,557	127,929	62,041	17,960	39,380	139,243	337,204	359,207
2,000.0	80	2,935	41,477	8,162	116,879	56,282	16,262	34,167	124,444	305,311	325,233
1,875.0	75	2,760	40,076	8,007	111,588	53,551	15,425	31,612	117,053	289,608	308,505
1,750.0	70	2,586	38,657	7,874	106,293	50,817	14,588	29,085	109,651	273,881	291,752
1,500.0	60	2,237	35,755	7,684	95,729	45,311	12,915	24,201	94,874	242,485	258,307
1,250.0	50	1,889	32,626	7,527	85,184	39,388	11,245	19,401	80,109	211,118	224,893
1,000.0	40	1,547	29,235	7,262	72,693	33,148	9,427	13,873	65,583	176,995	188,544
750.0	30	1,203	25,476	6,784	59,425	26,293	7,565	8,706	51,005	142,037	151,305
625.0	25	1,029	23,394	6,435	52,542	22,520	6,621	6,496	43,653	124,317	132,429
500.0	20	854	21,006	5,995	44,739	18,221	5,624	4,534	36,223	105,594	112,484
250.0	10	497	15,737	5,026	27,795	8,787	3,578	1,916	21,071	67,181	71,564

Sound Data

SOUND PRESSURE DATA FOR THIS RATING CAN BE FOUND IN PERFORMANCE NUMBER - DM8779.

Emissions Data

DIESEL

RATED SPEED NOMINAL DATA: 1800 RPM

GENSET POWER WITH FAN	EKW	2,500.0	1,875.0	1,250.0	625.0	250.0
PERCENT LOAD	%	100	75	50	25	10
ENGINE POWER	BHP	3,633	2,760	1,889	1,029	497
TOTAL NOX (AS NO2)	G/HR	19,123	11,751	5,837	2,974	2,654
TOTAL CO	G/HR	1,515	725	607	831	1,165
TOTAL HC	G/HR	376	375	408	307	329
TOTAL CO2	KG/HR	1,740	1,340	966	559	296
PART MATTER	G/HR	132.5	88.4	94.3	99.6	100.7
TOTAL NOX (AS NO2) (CORR 5% O2)	MG/NM3	2,349.1	1,857.9	1,286.9	1,127.3	1,858.5
TOTAL CO (CORR 5% O2)	MG/NM3	195.4	118.8	140.1	330.3	862.6
TOTAL HC (CORR 5% O2)	MG/NM3	42.1	54.8	81.8	105.8	212.3
PART MATTER (CORR 5% O2)	MG/NM3	14.1	11.8	18.4	34.7	63.0
TOTAL NOX (AS NO2) (CORR 15% O2)	MG/NM3	871.7	689.4	477.5	418.3	689.6

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TOTAL CO	(CORR 15% O2)	MG/NM3	72.5	44.1	52.0	122.6	320.1
TOTAL HC	(CORR 15% O2)	MG/NM3	15.6	20.3	30.4	39.3	78.8
PART MATTER	(CORR 15% O2)	MG/NM3	5.2	4.4	6.8	12.9	23.4
TOTAL NOX (AS NO2)	(CORR 5% O2)	PPM	1,144	905	627	549	905
TOTAL CO	(CORR 5% O2)	PPM	156	95	112	264	690
TOTAL HC	(CORR 5% O2)	PPM	79	102	153	197	396
TOTAL NOX (AS NO2)	(CORR 15% O2)	PPM	425	336	233	204	336
TOTAL CO	(CORR 15% O2)	PPM	58	35	42	98	256
TOTAL HC	(CORR 15% O2)	PPM	29	38	57	73	147
TOTAL NOX (AS NO2)		G/HP-HR	5.32	4.30	3.12	2.92	5.39
TOTAL CO		G/HP-HR	0.42	0.26	0.32	0.82	2.37
TOTAL HC		G/HP-HR	0.10	0.14	0.22	0.30	0.67
PART MATTER		G/HP-HR	0.04	0.03	0.05	0.10	0.20
TOTAL NOX (AS NO2)		G/KW-HR	7.23	5.84	4.24	3.96	7.33
TOTAL CO		G/KW-HR	0.57	0.36	0.44	1.11	3.22
TOTAL HC		G/KW-HR	0.14	0.19	0.30	0.41	0.91
PART MATTER		G/KW-HR	0.05	0.04	0.07	0.13	0.28
TOTAL NOX (AS NO2)		LB/HR	42.16	25.91	12.87	6.56	5.85
TOTAL CO		LB/HR	3.34	1.60	1.34	1.83	2.57
TOTAL HC		LB/HR	0.83	0.83	0.90	0.68	0.72
TOTAL CO2		LB/HR	3,836	2,955	2,130	1,233	654
PART MATTER		LB/HR	0.29	0.19	0.21	0.22	0.22
OXYGEN IN EXH		%	9.4	10.4	11.3	12.2	14.4
DRY SMOKE OPACITY		%	1.7	1.4	1.9	2.6	4.0
BOSCH SMOKE NUMBER			0.83	0.80	0.85	0.97	1.13

RATED SPEED POTENTIAL SITE VARIATION: 1800 RPM

GENSET POWER WITH FAN	EKW	2,500.0	1,875.0	1,250.0	625.0	250.0	
PERCENT LOAD	%	100	75	50	25	10	
ENGINE POWER	BHP	3,633	2,760	1,889	1,029	497	
TOTAL NOX (AS NO2)	G/HR	22,948	14,101	7,004	3,568	3,185	
TOTAL CO	G/HR	2,726	1,304	1,092	1,496	2,098	
TOTAL HC	G/HR	500	499	543	408	437	
PART MATTER	G/HR	185.5	123.7	132.1	139.5	141.0	
TOTAL NOX (AS NO2)	(CORR 5% O2)	MG/NM3	2,818.9	2,229.5	1,544.3	1,352.7	2,230.2
TOTAL CO	(CORR 5% O2)	MG/NM3	351.8	213.9	252.3	594.6	1,552.7
TOTAL HC	(CORR 5% O2)	MG/NM3	55.9	72.8	108.8	140.7	282.4
PART MATTER	(CORR 5% O2)	MG/NM3	19.7	16.5	25.8	48.5	88.2
TOTAL NOX (AS NO2)	(CORR 15% O2)	MG/NM3	1,046.0	827.3	573.0	502.0	827.6
TOTAL CO	(CORR 15% O2)	MG/NM3	130.5	79.4	93.6	220.6	576.2
TOTAL HC	(CORR 15% O2)	MG/NM3	20.8	27.0	40.4	52.2	104.8
PART MATTER	(CORR 15% O2)	MG/NM3	7.3	6.1	9.6	18.0	32.7
TOTAL NOX (AS NO2)	(CORR 5% O2)	PPM	1,373	1,086	752	659	1,086
TOTAL CO	(CORR 5% O2)	PPM	281	171	202	476	1,242
TOTAL HC	(CORR 5% O2)	PPM	104	136	203	263	527
TOTAL NOX (AS NO2)	(CORR 15% O2)	PPM	510	403	279	244	403
TOTAL CO	(CORR 15% O2)	PPM	104	63	75	177	461
TOTAL HC	(CORR 15% O2)	PPM	39	50	75	97	196
TOTAL NOX (AS NO2)		G/HP-HR	6.38	5.15	3.74	3.50	6.47
TOTAL CO		G/HP-HR	0.76	0.48	0.58	1.47	4.26
TOTAL HC		G/HP-HR	0.14	0.18	0.29	0.40	0.89
PART MATTER		G/HP-HR	0.05	0.05	0.07	0.14	0.29
TOTAL NOX (AS NO2)		G/KW-HR	8.67	7.01	5.09	4.76	8.79
TOTAL CO		G/KW-HR	1.03	0.65	0.79	2.00	5.79
TOTAL HC		G/KW-HR	0.19	0.25	0.39	0.54	1.21
PART MATTER		G/KW-HR	0.07	0.06	0.10	0.19	0.39
TOTAL NOX (AS NO2)		LB/HR	50.59	31.09	15.44	7.87	7.02
TOTAL CO		LB/HR	6.01	2.88	2.41	3.30	4.62
TOTAL HC		LB/HR	1.10	1.10	1.20	0.90	0.96
PART MATTER		LB/HR	0.41	0.27	0.29	0.31	0.31

Regulatory Information

EPA EMERGENCY STATIONARY	2011 - ----
GASEOUS EMISSIONS DATA MEASUREMENTS PROVIDED TO THE EPA ARE CONSISTENT WITH THOSE DESCRIBED IN EPA 40 CFR PART 60 SUBPART IIII AND ISO 8178 FOR MEASURING HC, CO, PM, AND NOX. THE "MAX LIMITS" SHOWN BELOW ARE WEIGHTED CYCLE AVERAGES AND ARE IN COMPLIANCE WITH THE EMERGENCY STATIONARY REGULATIONS.	

Locality U.S. (INCL CALIF)	Agency EPA	Regulation STATIONARY	Tier/Stage EMERGENCY STATIONARY	Max Limits - G/BKW - HR CO: 3.5 NOx + HC: 6.4 PM: 0.20
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Altitude Derate Data

STANDARD

ALTITUDE CORRECTED POWER CAPABILITY (BHP)

AMBIENT OPERATING TEMP (F)	30	40	50	60	70	80	90	100	110	120	NORMAL
ALTITUDE (FT)											
0	3,634	3,634	3,634	3,634	3,634	3,634	3,634	3,634	3,634	3,634	3,634
1,000	3,634	3,634	3,634	3,634	3,634	3,634	3,634	3,634	3,634	3,561	3,634
2,000	3,634	3,634	3,634	3,634	3,634	3,634	3,634	3,604	3,541	3,480	3,634
3,000	3,628	3,628	3,628	3,628	3,628	3,603	3,537	3,474	3,413	3,354	3,628
4,000	3,504	3,504	3,504	3,504	3,504	3,471	3,408	3,347	3,289	3,232	3,504
5,000	3,384	3,384	3,384	3,384	3,384	3,344	3,283	3,225	3,168	3,113	3,384
6,000	3,269	3,269	3,269	3,269	3,269	3,221	3,162	3,105	3,051	2,998	3,269
7,000	3,159	3,159	3,159	3,159	3,159	3,101	3,044	2,990	2,937	2,887	3,159
8,000	3,052	3,052	3,052	3,052	3,041	2,985	2,930	2,878	2,827	2,779	3,052
9,000	2,950	2,950	2,950	2,950	2,926	2,872	2,820	2,769	2,721	2,674	2,950
10,000	2,851	2,851	2,851	2,851	2,815	2,763	2,713	2,664	2,617	2,544	2,851

Cross Reference

Test Spec	Setting	Engine Arrangement	Engineering Model	Engineering Model Version	Start Effective Serial Number	End Effective Serial Number
4577176	LL1858	5084280	GS336	-	SBK02000	
4581567	LL6760	5157721	PG243	-	LYM00001	

Supplementary Data

Type	Classification	Performance Number
SOUND	SOUND PRESSURE	DM8779

Performance Parameter Reference

Parameters Reference:DM9600-14 PERFORMANCE DEFINITIONS
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PERFORMANCE DEFINITIONS DM9600

APPLICATION:

Engine performance tolerance values below are representative of a typical production engine tested in a calibrated dynamometer test cell at SAE J1995 standard reference conditions. Caterpillar maintains ISO9001:2000 certified quality management systems for engine test Facilities to assure accurate calibration of test equipment. Engine test data is corrected in accordance with SAE J1995. Additional reference material SAE J1228, J1349, ISO 8665, 3046-1:2002E, 3046-3:1989, 1585, 2534, 2288, and 9249 may apply in part or are similar to SAE J1995. Special engine rating request (SERR) test data shall be noted.

PERFORMANCE PARAMETER TOLERANCE FACTORS:

- Power +/- 3%
- Torque +/- 3%
- Exhaust stack temperature +/- 8%
- Inlet airflow +/- 5%
- Intake manifold pressure-gage +/- 10%
- Exhaust flow +/- 6%
- Specific fuel consumption +/- 3%
- Fuel rate +/- 5%

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Specific DEF consumption +/- 3%

DEF rate +/- 5%

Heat rejection +/- 5%

Heat rejection exhaust only +/- 10%

Heat rejection CEM only +/- 10%

Heat Rejection values based on using treated water.

Torque is included for truck and industrial applications, do not use for Gen Set or steady state applications.

On C7 - C18 engines, at speeds of 1100 RPM and under these values are provided for reference only, and may not meet the tolerance listed.

On 3500 and C175 engines, at speeds below Peak Torque these values are provided for reference only, and may not meet the tolerance listed.

These values do not apply to C280/3600. For these models, see the tolerances listed below.

C280/3600 HEAT REJECTION TOLERANCE FACTORS:

Heat rejection +/- 10%

Heat rejection to Atmosphere +/- 50%

Heat rejection to Lube Oil +/- 20%

Heat rejection to Aftercooler +/- 5%

TEST CELL TRANSDUCER TOLERANCE FACTORS:

Torque +/- 0.5%

Speed +/- 0.2%

Fuel flow +/- 1.0%

Temperature +/- 2.0 C degrees

Intake manifold pressure +/- 0.1 kPa

OBSERVED ENGINE PERFORMANCE IS CORRECTED TO SAE J1995 REFERENCE AIR AND FUEL CONDITIONS.

REFERENCE ATMOSPHERIC INLET AIR

FOR 3500 ENGINES AND SMALLER

SAE J1228 AUG2002 for marine engines, and J1995 JAN2014 for other engines, reference atmospheric pressure is 100 KPA (29.61 in hg), and standard temperature is 25deg C (77 deg F) at 30% relative humidity at the stated aftercooler water temp, or inlet manifold temp.

FOR 3600 ENGINES

Engine rating obtained and presented in accordance with ISO 3046/1 and SAE J1995 JANJAN2014 reference atmospheric pressure is 100 KPA (29.61 in hg), and standard temperature is 25deg C (77 deg F) at 30% relative humidity and 150M altitude at the stated aftercooler water temperature.

MEASUREMENT LOCATION FOR INLET AIR TEMPERATURE

Location for air temperature measurement air cleaner inlet at stabilized operating conditions.

REFERENCE EXHAUST STACK DIAMETER

The Reference Exhaust Stack Diameter published with this dataset is only used for the calculation of Smoke Opacity values displayed in this dataset. This value does not necessarily represent the actual stack diameter of the engine due to the variety of exhaust stack adapter options available. Consult the price list, engine order or general dimension drawings for the actual stack diameter size ordered or options available.

REFERENCE FUEL

DIESEL

Reference fuel is #2 distillate diesel with a 35API gravity;

A lower heating value is 42,780 KJ/KG (18,390 BTU/LB) when used at 15 deg C (59 deg F), where the density is

850 G/Liter (7.0936 Lbs/Gal).

GAS

Reference natural gas fuel has a lower heating value of 33.74 KJ/L (905 BTU/CU Ft). Low BTU ratings are based on 18.64 KJ/L (500 BTU/CU FT) lower heating value gas. Propane ratings are based on 87.56 KJ/L (2350 BTU/CU Ft) lower heating value gas.

ENGINE POWER (NET) IS THE CORRECTED FLYWHEEL POWER (GROSS) LESS EXTERNAL AUXILIARY LOAD

Engine corrected gross output includes the power required to drive standard equipment; lube oil, scavenge lube oil, fuel transfer, common rail fuel, separate circuit aftercooler and jacket water pumps. Engine net power available for the external (flywheel) load is calculated by subtracting the sum of auxiliary load from the corrected gross flywheel out put power. Typical auxiliary loads are radiator cooling fans, hydraulic pumps, air compressors and battery charging alternators. For Tier 4 ratings additional Parasitic losses would also include Intake, and Exhaust Restrictions.

ALTITUDE CAPABILITY

Altitude capability is the maximum altitude above sea level at standard temperature and standard pressure at which the engine could develop full rated output power on the current performance data set.

Standard temperature values versus altitude could be seen on TM2001.

When viewing the altitude capability chart the ambient temperature is the inlet air temp at the compressor inlet.

Engines with ADEM MEUI and HEUI fuel systems operating at conditions above the defined altitude capability derate for atmospheric pressure and temperature conditions outside the values

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defined, see TM2001.

Mechanical governor controlled unit injector engines require a setting change for operation at conditions above the altitude defined on the engine performance sheet. See your Caterpillar technical representative for non standard ratings.

REGULATIONS AND PRODUCT COMPLIANCE

TM Emissions information is presented at 'nominal' and 'Potential Site Variation' values for standard ratings. No tolerances are applied to the emissions data. These values are subject to change at any time. The controlling federal and local emission requirements need to be verified by your Caterpillar technical representative.

Customer's may have special emission site requirements that need to be verified by the Caterpillar Product Group engineer.

EMISSION CYCLE LIMITS:

Cycle emissions Max Limits apply to cycle-weighted averages only. Emissions at individual load points may exceed the cycle-weighted limit.

WET & DRY EXHAUST/EMISSIONS DESCRIPTION:

Wet - Total exhaust flow or concentration of total exhaust flow

Dry - Total exhaust flow minus water vapor or concentration of exhaust flow with water vapor excluded

EMISSIONS DEFINITIONS:

Emissions : DM1176

EMISSION CYCLE DEFINITIONS

1. For constant-speed marine engines for ship main propulsion, including diesel-electric drive, test cycle E2 shall be applied, for controllable-pitch propeller sets test cycle E2 shall be applied.

2. For propeller-law-operated main and propeller-law-operated auxiliary engines the test cycle E3 shall be applied.

3. For constant-speed auxiliary engines test cycle D2 shall be applied.

4. For variable-speed, variable-load auxiliary engines, not included above, test cycle C1 shall be applied.

HEAT REJECTION DEFINITIONS:

Diesel Circuit Type and HHV Balance : DM9500

HIGH DISPLACEMENT (HD) DEFINITIONS:

3500: EM1500

RATING DEFINITIONS:

Agriculture : TM6008

Fire Pump : TM6009

Generator Set : TM6035

Generator (Gas) : TM6041

Industrial Diesel : TM6010

Industrial (Gas) : TM6040

Irrigation : TM5749

Locomotive : TM6037

Marine Auxiliary : TM6036

Marine Prop (Except 3600) : TM5747

Marine Prop (3600 only) : TM5748

MSHA : TM6042

Oil Field (Petroleum) : TM6011

Off-Highway Truck : TM6039

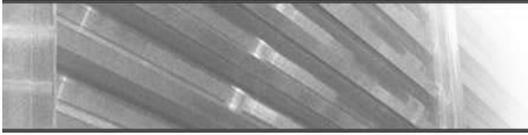
On-Highway Truck : TM6038

SOUND DEFINITIONS:

Sound Power : DM8702

Sound Pressure : TM7080

Date Released : 10/27/21



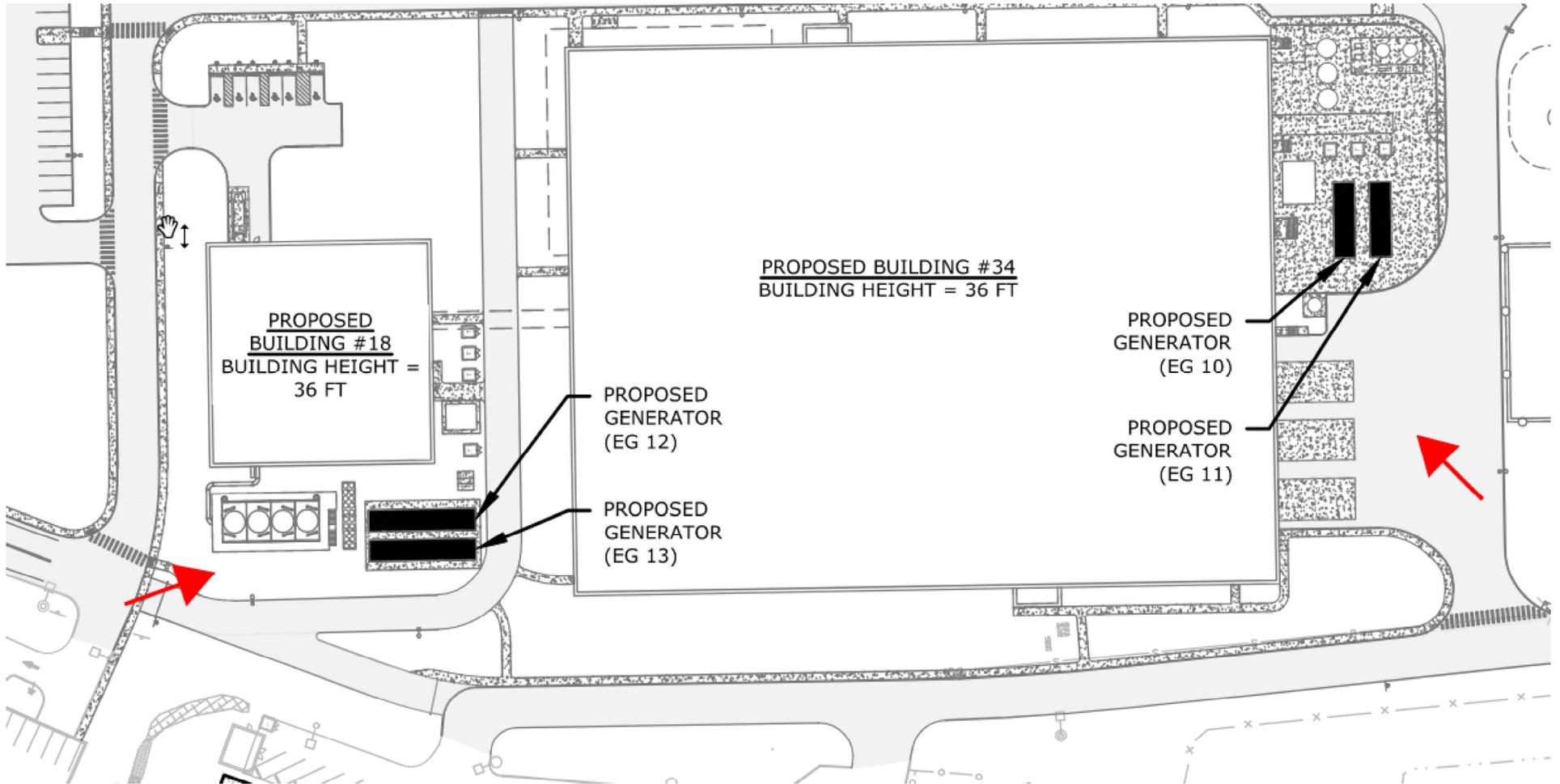
- Miscellaneous Items:
 - ✓ Flexible coolant and oil drains to exterior with shut valves.
 - ✓ Hennig to install customer supplied vibration isolators.
 - ✓ Powder Coat Finish - All enclosure panels are individually powder coated inside and out. Color is TBD by end-user at a later date. Please select color from Hennig standard powder chart. Color chart will be provided at time of order.

Hennig Enclosure Systems Tank Proposal: Est. Overall Size: 425”L x 130”W x 19.5”H

- Sub-base UL 142 Certified Fuel Tank. Standard package includes:
 - ✓ Designed for 3,312 usable gallons, 24 hours of runtime at full load.
 - ✓ 110% Rupture basin containment.
 - ✓ Primary & secondary tanks are individually tested per UL142 requirements.
 - ✓ 2” Lockable fill port.
 - ✓ Supply & return ports w/ flexible fuel lines (sized for specified generator).
 - ✓ Low level switch.
 - ✓ 2” Normal vent.
 - ✓ Rupture basin switch.
 - ✓ Emergency vents (sized to meet UL standards).
 - ✓ (2) Extra 2” fittings with plugs.
 - ✓ Generator electrical stub up.
 - ✓ Lifting lugs.
 - ✓ 200 lbs/sq ft floor capacity (top of tank).
 - ✓ Painted black (textured finish).
- Additional Tank Items:
 - ✓ Slip resistant surface in walkways; mastic coating w/ silica.
- New Hampshire Code Adders:
 - ✓ Overfill prevention valve w/ 5-gallon lockable spill box, mounted outside enclosure.
 - ✓ External normal & emergency vents.
 - ✓ Fill alarm panel, lithium battery powered w/ 90% level switch.
 - ✓ Clock fuel gauge.
 - ✓ NFPA & tank information labels

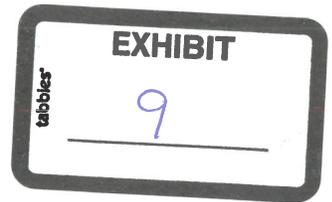
Generator Information:

- Model No.: 3516C
- Size: 267”L x 94”W x 116.5”H
- Weight: 35,000 lbs.
- Pre-installed breaker(s); **side facing**.
- **Rear facing** control panel.









The motion passed by unanimous vote, 7-0.

Ms. Eldridge returned to alternate status, and Mr. Hagaman assumed a voting seat.

2) Case 5-9

Petitioners: Lonza Biologics, Inc.
Property: 101 International Drive
Assessor Plan: Map 305, Lot 6
District: (Pease) Airport Business Commercial District
Description: Add two new generators, above ground storage tanks, a transformer pad, and gear/switch enclosure.
Requests: Variances and/or Special Exceptions necessary to grant the required relief from the Pease Development Ordinance including the following variances:
a) from Section 308.02(c) to allow above ground storage tanks (AST) exceeding 2,000 gallons per facility.

SPEAKING IN FAVOR OF THE PETITION

Patrick Crimmins of Tigie and Bond was present on behalf of the applicant. He reviewed the petition, noting that the tanks would require other State approvals. He said the project would involve construction of new electric equipment to support it. He noted that there were already four generators that exceeded 2,000 gallons. He referenced his letter that addressed the criteria.

In response to the Board’s questions, Mr. Crimmins said the following:

- Two generators and tanks would be added and not replace the existing ones. Some of the tanks were smaller;
- There had been no spillage and the tanks were regularly inspected;
- One tank exceeded the 2,000 gallons and had no issues. The tanks would be replaced in kind if they failed or the applicant would return for approval if a larger tank were necessary;
- The material of the new tanks consisted of a rubber lining, with steel on the outside;
- He didn’t know the percentage of space that had not been outfitted in the existing envelope but said a shell was done in 2008 and was dormant for eight years but was in the process of being fit up. He said they were getting close to capacity because generators were catching up to existing space as new projects evolved;
- In a catastrophe, there were pits under the tanks to contain any leakage;
- Generators would routinely be tested to ensure that they were operating efficiently;
- Tanks greater than 2,000 gallons were necessary because they wanted generators that were similar to those on other sites and were running out of space due to the limited footprint.

**SPEAKING IN OPPOSITION TO THE PETITION AND/OR
SPEAKING TO, FOR, OR AGAINST THE PETITION**

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

DECISION OF THE BOARD

Mr. Parrott moved to recommend approval, and Mr. Lee seconded.

Mr. Parrott said it was a straightforward request and similar to what was used in many other facilities. He noted that the applicant would have a regular auditing program to check the integrity of the tanks and that the secondary backup of the pit arrangement would allow any adverse effect to be detected before getting out to the environment. He said the project would have no adverse effect or diminution of value of surrounding properties because it was just a continuation of existing machinery and facilities and there was plenty of room. He said it would be a benefit to the public interest to see the business prosper and would not pose any harm to the environment. In terms of the hardship, he said the company was the best one to know about backup or emergency power to keep their operation running smoothly, and denying the request would be detrimental to them and not have a positive effect on anyone else. He said substantial justice would be done and could see no effect on the public interest. He said the proposed use was not contrary to the spirit of the zoning of the rule, noting that people operated their businesses as they needed to in a safe and responsible fashion. He said he was satisfied that the request met all the criteria.

Mr. Lee concurred and had nothing to add.

Chairman Rheume said he would support the motion. He noted that Lonza at some point should consider whether there was a better way to provide a central tank location that would be easier to inspect than all the smaller tanks. He said it might be a positive benefit to think longer-term about having one large tank so that they didn't have to return before the Board.

The motion passed by unanimous vote, 7-0.

Mr. Hagaman returned to Alternate status, and Ms. Eldridge assumed a voting seat.

3) Case 5-10

Petitioners: Weeks Realty Trust, Kaley E. Weeks, Trustee and Chad Carter, owners and Tuck Realty Corporation, applicant
Property: 3110 Lafayette Road and 65 Ocean Road
Assessor Plan: Map 292, Lots 151-1, 151-2 and 153
District: Single Residence B
Description: Construct 23 townhouses on three merged lots.
Requests: Variances and/or Special Exceptions necessary to grant the required relief from the Zoning Ordinance including the following variance:
a) from Section 10.513 to allow more than one dwelling per lot;

Vice-Chair McDonell and Mr. Mulligan recused themselves from the vote.

Chairman Rheume said the applicant requested to postpone because only five Board members were available to vote, due to recusals.

DECISION OF THE BOARD

*Mr. Parrott moved to **postpone** the petition to the August 17 meeting, seconded by Mr. Hagaman.*

Mr. Parrott said it was a first-time request and reasonable, and he saw no reason to not postpone it. Mr. Hagaman concurred.

*The motion **passed** by unanimous vote, 5-0.*

- K) Petition of **Lonza Biologics, Inc.** for property located at **101 International Drive** to add an above ground storage tank which requires the following: 1) from Section 308.02(c) of the Pease Development Ordinance to allow an above ground storage tank (AST) exceeding 2,000-gallon capacity per facility. Said property is shown on Assessor Plan 305 Lot 6 and lies within the (Pease) Airport Business Commercial (ABC) District.

SPEAKING TO THE PETITION

Attorney Justin Pasay was present on behalf of the applicant, with project manager Patrick Crimmins and Ricardo Santana of Lonza. Attorney Pasay said the generator would support Lonza's LINKS program and was the same relief granted for a previous similar generator. He reviewed the PDA criteria and said they would be met.

In response to the Board's questions, Attorney Pasay said the generator was unique to the LINKS program and that general generator support would be necessary if an incident or loss of power occurred. He said there was no toxic issues. He said the size of the tank was dictated by the operational time for the generator; the previous tanks that were recommended for approval were located on the back side of that building; and the pit under the tank was lined with a fuel-proof liner and large enough to contain a full drain of the tank.

Chairman Rheume opened the public hearing.

SPEAKING TO, FOR, OR AGAINST THE PETITION

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

DECISION OF THE BOARD

*Mr. Mulligan moved to **recommend approval**, and Mr. Parrott seconded.*

Mr. Mulligan reviewed the PDA criteria. He said granting the variance would pose no adverse effect or diminution in values of surrounding properties because the site was a fully-developed and highly industrial one and the values of surrounding properties would not be affected by the introduction of the mechanical utility. He said the use itself was permitted but just in a smaller size. The benefit to the public interest was that the essential characteristics of the surrounding vicinity would not change with the introduction of a tank that as larger than the 2,000-gallon limit. He said the denial of the variance would result in unnecessary hardship due to special conditions of the large size of the lot and the very large building on it and the fact that there several similar generators with tanks that were previously approved. He said those were special conditions of the property that were different from properties in the nearby vicinity. He said there was no fair and sub relationship between the purpose of the 2,000-gallon requirements and its application to the property. He said the use was permitted but just at a different size, so it was a reasonable use and met the unnecessary hardship test. He said granting the variance would result in substantial justice because the loss to the applicant would outweigh any gain to the PDA if the requirement was strictly adhered to. He said the proposed use would not be contrary to the spirit of the zoning rule because the use was allowed and it was just the size of the use that the relief was sought for, and that size had been approved before, plus the fact that the site was highly industrial and fully developed. He said the Board should recommend approval.

Mr. Parrott concurred and had nothing to add.

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

II. OTHER BUSINESS

There was no other business.

III. ADJOURNMENT

The meeting was adjourned at 10:15 p.m.

Respectfully submitted,

Joann Breault
BOA Recording Secretary

ENCLOSURE 11

Lonza Biologics Storage Facilities located at 101 International Drive Portsmouth, NH

Location	Service	PDA Classification	Capacity	Year Installed	Equipment #	Storage Facility Description	Lonza Comments
101A Utility Yard	Wastewater	Not Regulated	12,000 G	N/A	T-17001	Non Hazardous Material	Not Currently In use
101A Gas Yard	Liquid Nitrogen	No Spill Risk	1,500 G	N/A	X-680	Crygenic Liquid -Gasify and Disperse	
101A Gas Yard	Liquid Carbon Dioxide	No Spill Risk	3,300 G	N/A	X-695	Crygenic Liquid -Gasify and Disperse	
101A Cold Storage Bldg	Generator-Diesel	Regulated	1,075 G	2013	101A-EGEN-B	Double Walled Tank with Interstitial Monitoring	
101A Utility Yard	Generator-Diesel	Regulated	2,400 G	2000	101A-EGEN-B	Double Walled Tank with Interstitial Monitoring	
101B Gas Yard	Liquid Nitrogen	No Spill Risk	6,000 G	N/A	X-33050	Crygenic Liquid -Gasify and Disperse	Orriginal Volume - 1500 G
101B Gas Yard	Liquid Carbon Dioxide	No Spill Risk	7,100 G	N/A	X33040	Crygenic Liquid -Gasify and Disperse	
101B Gas Yard	Liquid Oxygen	No Spill Risk	5,855 G	N/A	X-33030	Crygenic Liquid -Gasify and Disperse	
101B Gas Yard	Gaseous helium	No Spill Risk	43,535 SCF 2,244 G	N/A	X-33060	Crygenic Liquid -Gasify and Disperse	
101B Gas Yard	Brine solution	Not Regulated	50 Tons	N/A	X-30010	Saturated Salt Solution	No Significant hazzards Mostly Dry Tank
101B Electrical Yard	Generator Diesel	Regulated	3,640 G	2003	101B-EGEN	Double Walled Tank with Interstitial Monitoring	
101B Electrical Yard	Generator Diesel	Regulated	3,312 G	2019	101B-EGEN	Double Walled Tank with Interstitial Monitoring	
101B Electrical Yard	Generator Diesel	Regulated	3,312 G	2019	101B-EGEN	Double Walled Tank with Interstitial Monitoring	
101C Underground	Nitrogen Wastewater- Currently not in use	Not Regulated	50,000 G	N/A	T-33011	Epoxy Lined	Non Hazardous
101C Underground	triton Wastewater	Not Regulated	50,000 G	N/A	T-33012	Epoxy Lined	Non Hazardous
101C Underground	Waste water (not used)	Not Regulated	50,000 G	N/A	T-33013	Epoxy Lined	WW flushed into chemical drains in building flow to this lined tank for equilzaion. Following Equalizaion the Ww is diverted back into the building's wast Neutralization systems
101C Gas Yard	liquid nitrogen	No Spill Risk	3,000 G	N/A	T-43410	Crygenic Liquid -Gasify and Disperse	
101C Electrical Yard	Generator -Diesel	Regulated	3,312 G	2016	101C-EGEN	Double Walled Tank with Interstitial Monitoring	
101C Electrical Yard	Generator -Diesel	Regulated	3,312 G	2016	101C-EGEN	Double Walled Tank with Interstitial Monitoring	
101C Electrical Yard	Generator -Diesel	Regulated	3,312 G	2021	101C-EGEN	Double Walled Tank with Interstitial Monitoring	
Bldg 230	Generator -Diesel	Regulated	660 G	N/A	230-EGEN	Double Walled Tank with Interstitial Monitoring	
Bldg 34	Generator -Diesel	Regulated	4,400 G	2024	EG-10	Double Walled Tank with Interstitial Monitoring	
Bldg 34	Generator -Diesel	Regulated	4,400 G	2024	EG-11	Double Walled Tank with Interstitial Monitoring	
bldg 18	Generator -Diesel	Regulated	4,400 G	2024	EG-12	Double Walled Tank with Interstitial Monitoring	
bldg 18	Generator -Diesel	Regulated	4,400 G	2024	EG-13	Double Walled Tank with Interstitial Monitoring	

II. NEW BUSINESS

D. The request of **Henrik Edin and Kathleen Edin (Owners)**, for property located at **85 Pinehurst Road** whereas relief is needed to construct a second floor addition to the existing attached garage which requires the following: 1) Variance from Section 10.521 to allow a) a 4.5 foot side yard where 10 feet is required; b) a building coverage of 29% where 25% is allowed; 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; and 3) Variance from Section 10.515.14 to install a mechanical unit 2.5 feet from the left side property line whereas 10 feet is required. Said property is located on Assessor Map 221 Lot 73 and lies within the General Residence A (GRA) District. (LU-24-22)

Existing & Proposed Conditions

	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Single-family Dwelling	*Addition and **mechanical unit	Primarily residential
<u>Lot area (sq. ft.):</u>	8,100	8,100	7,500 min.
<u>Street Frontage (ft.):</u>	90	90	100 min.
<u>Lot depth (ft.)</u>	90	90	70 min.
<u>Front Yard (ft.):</u>	>15	>15	15 min.
<u>Left Yard (ft.):</u>	4.5	4.5	10 min.
<u>Right Yard (ft.):</u>	>10	>10	10 min.
<u>Rear Yard (ft.):</u>	20.5	20.5	20 min.
<u>Height (ft.):</u>	26	21	35 max.
<u>Building Coverage (%):</u>	29	29	25 max.
<u>Open Space Coverage (%):</u>	69	69	30 min.
<u>Parking</u>	4	4	2
<u>Estimated Age of Structure:</u>	1940	Variance request(s) shown in red.	

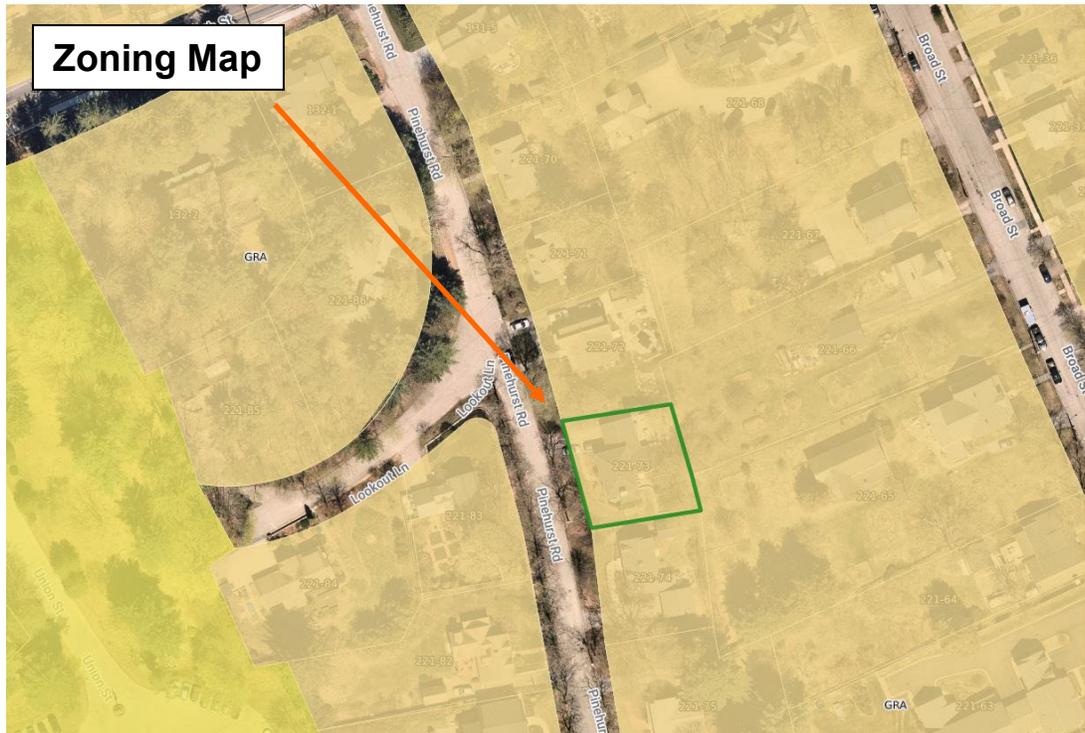
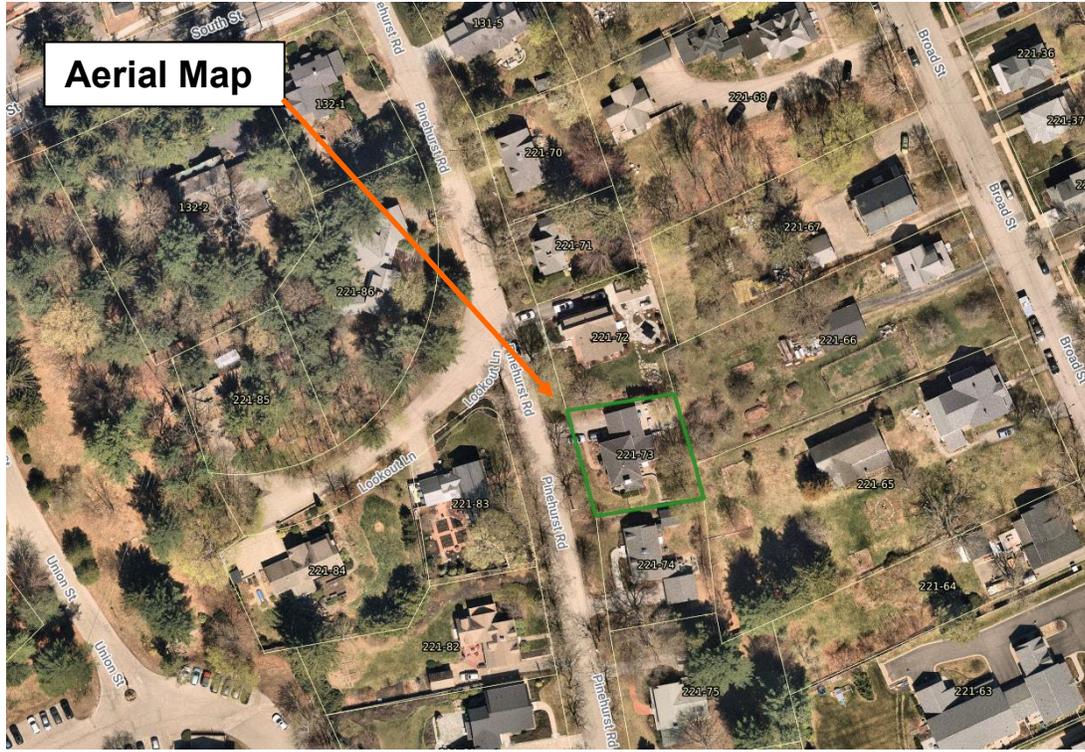
* Relief needed to construct an addition to the already non-conforming primary structure that would further impact the non-conformity.

** Relief needed to install a mechanical unit less than 10' from the property line.

Other Permits/Approvals Required

- Building Permit

Neighborhood Context



Previous Board of Adjustment Actions

Sept 15, 2009 - The Board considered the application for the following Variances: Article III, Section 10-302(A) Table 8 to allow a 4'5' left-side side yard setback where 10' is required; and 25.8% building coverage where 25% is required. The Board voted to **Grant** this request as presented and advertised.

Planning Department Comments

The applicant is requesting relief for an addition to add a second story to the existing one-story garage. The property was granted relief from the BOA for the location of the attached garage located 4.5' from the side property line in 2009. As the addition will encroach into the side yard area it will also require relief to be 4.5' from the side property line and for the increase in an existing non-conforming structure.

The property also received relief for building coverage of 25.8% in 2009 with the previous addition. A raised stone patio has been installed to the rear of the garage since that time and as it is greater than 18" in height it is now included in the total building coverage for the lot bringing it to 29%. The applicant is requesting relief for this increase in building coverage with the current application, although the building coverage will not change with the proposed addition. The stone patio meets required setbacks for an accessory structure. The applicant is also requesting relief to locate an HVAC mechanical unit in the left side yard less than 10 feet from the property line.

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 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

 - (c) *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

85 Pinehurst Rd

Portsmouth, NH 03801

To Whom it May Concern:

Please find the attached documents in support of zoning relief for the construction of a new 2nd floor addition to our house at 85 Pinehurst Rd within the side yard setback ordinance, to be considered by the ZBA at the March 19th, 2024 meeting.

Property/Project

85 Pinehurst Rd is a single-single family home with street frontage on Pinehurst Rd. We are proposing to add a 2nd floor addition above an existing attached two-car garage. The project is seeking several variances, 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.**
- **We are proposing to install mechanical units on the side of the existing garage that are within the 10' side yard setback.**
- **The existing building coverage exceeds the maximum 25% coverage, including the existing raised patio behind the garage.**

Variance Criteria

Granting this variance will not be contrary to the public interest and the spirit of ordinance is observed for the improvements to the existing property, which was originally built in 1940. The improvements include the expansion of the second floor above the existing garage footprint to improve the function and aesthetic of the home. The improvements also include adding HVAC equipment to improve the comfort of the added living space. This request is in alliance with similar properties in the community which have also improved the quality of their properties to the benefit of everyone within the neighborhood. While the current building coverage exceeds the 25% maximum, we are not asking to increase the building coverage on the property.

Substantial justice will be done

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

The values of surrounding properties will not be diminished

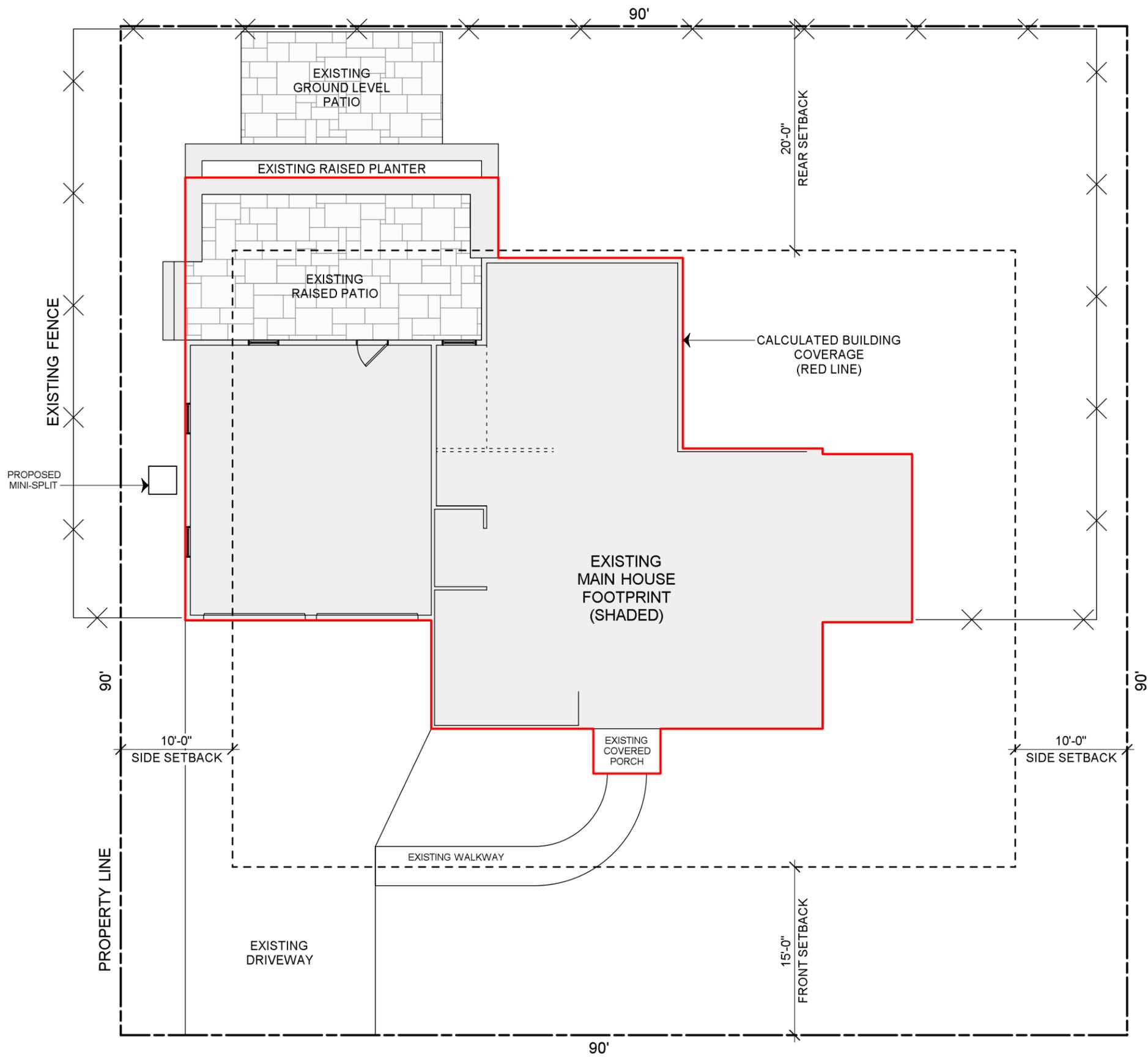
By granting this variance, the values of surrounding properties will not be diminished for said improvements. Through the proper design, construction and permitting process it will provide the same enhancements and improvements in value that we have benefited from by similar renovations that have followed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

Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship

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 as well as 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 consider a move. By not granting this variance the Edin's would not be able to comfortably 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,
Henrik & Kathleen Edin

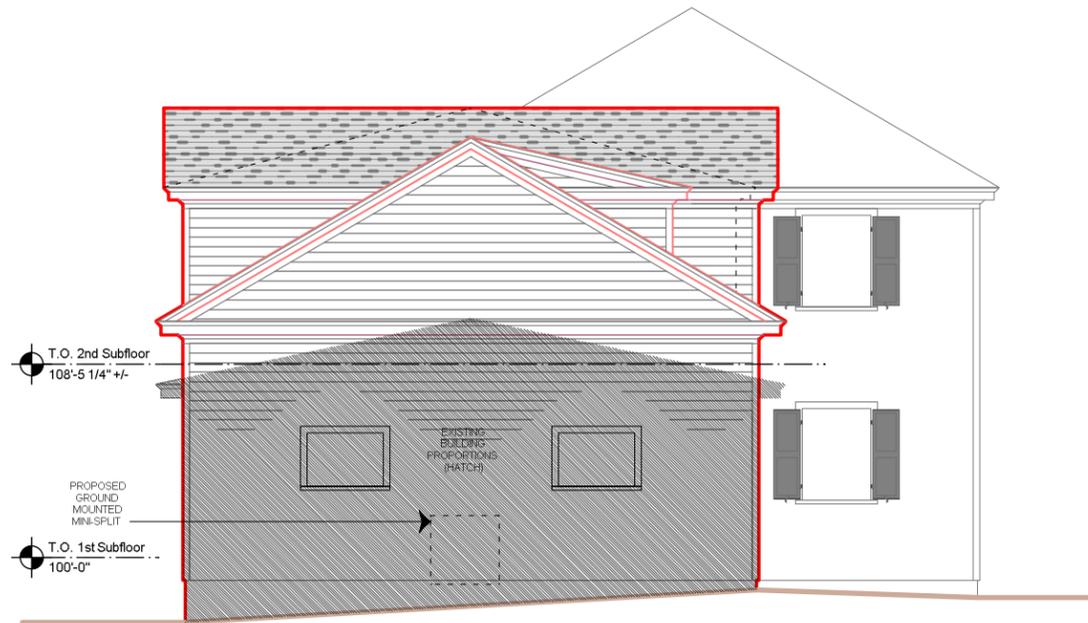


ZONE	GENERAL RESIDENCE A		
	DIMENSION	EXISTING	PROPOSED
BUILDING SETBACKS:			
FRONT:	15 FT		
SIDE:	10 FT		
REAR:	20 FT		
MAX. BUILDING HEIGHT	35 FT	25'-9"	25'-9"
MAX. BUILDING COVERAGE	LOT - 8,100 SF x 25% = 2,025 SF	2,313 SF (28.55%)	2,313 SF (28.55%)



SITE LOCATION

Edin Residence
85 PINEHURST RD, PORTSMOUTH, NH



PROPOSED SIDE ELEVATION

Scale: 1/8" = 1'-0"



PROPOSED FRONT ELEVATION

Scale: 1/8" = 1'-0"



EXTERIOR FRONT PERSPECTIVE

FOR REFERENCE ONLY
NOT TO SCALE



PROPOSED REAR ELEVATION

Scale: 1/8" = 1'-0"



Edin Residence
85 PINEHURST RD, PORTSMOUTH, NH



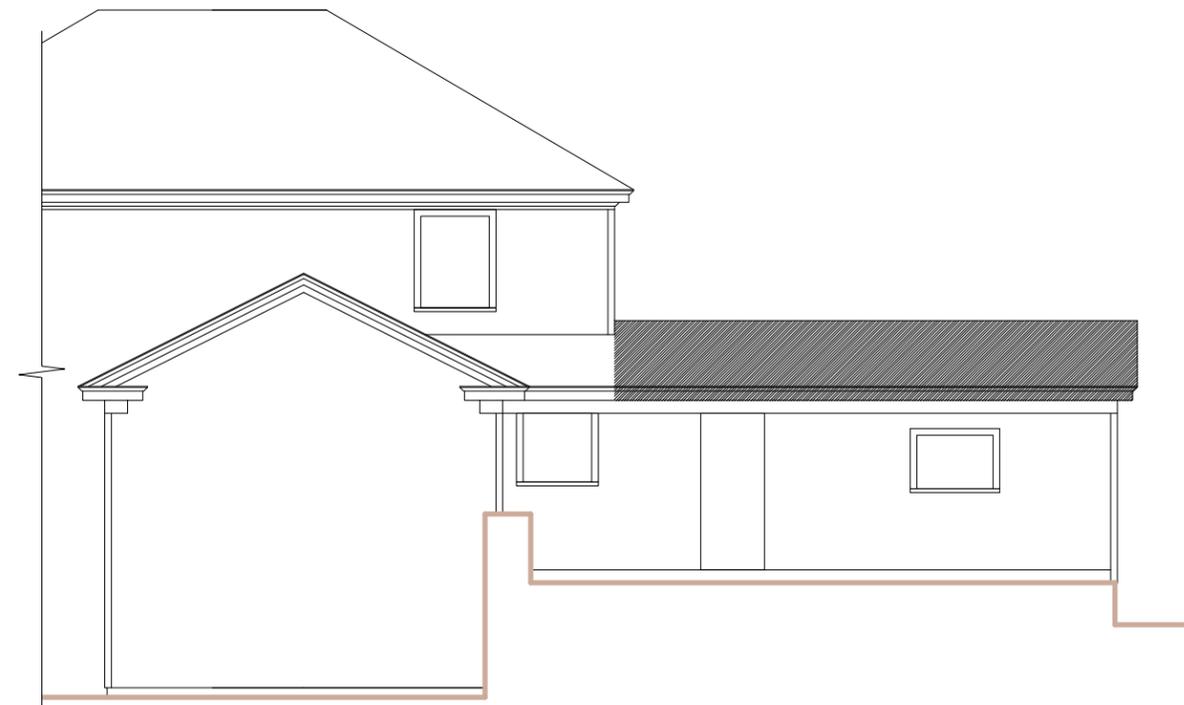
EXISTING SIDE ELEVATION
Scale: 1/8" = 1'-0"



EXISTING FRONT ELEVATION
Scale: 1/8" = 1'-0"

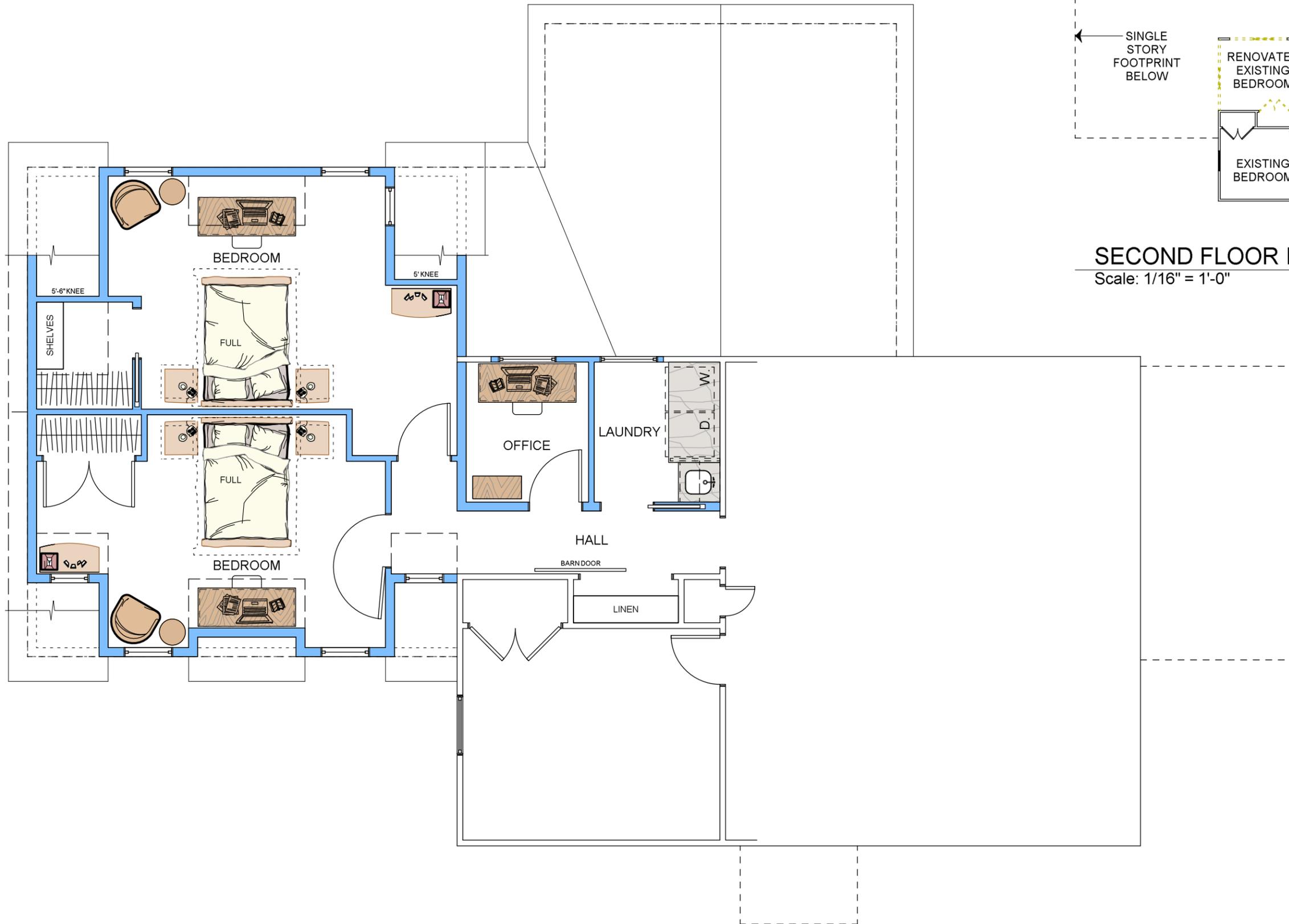


EXISTING CONDITIONS
FOR REFERENCE ONLY
NOT TO SCALE

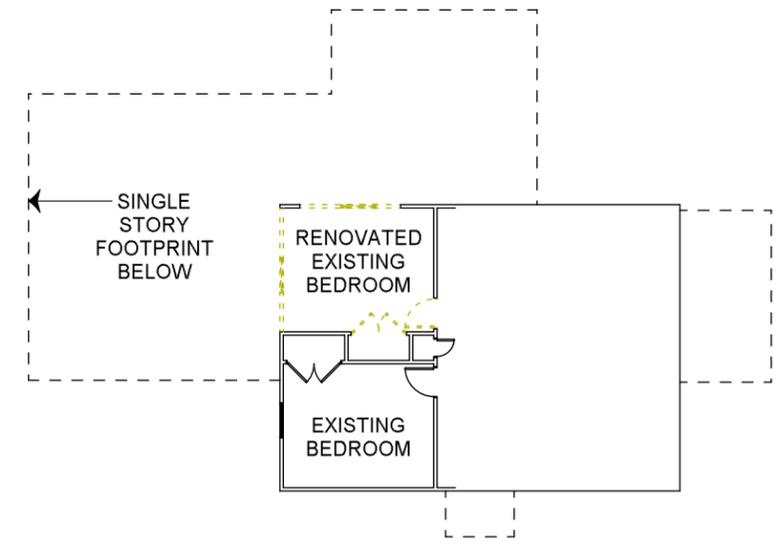


EXISTING REAR ELEVATION
Scale: 1/8" = 1'-0"

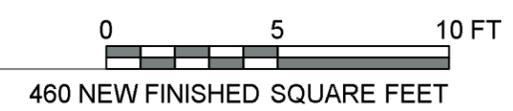
Edin Residence
85 PINEHURST RD, PORTSMOUTH, NH



PROPOSED SECOND FLOOR PLAN
Scale: 3/16" = 1'-0"



SECOND FLOOR DEMO PLAN
Scale: 1/16" = 1'-0"



Edin Residence
85 PINEHURST RD, PORTSMOUTH, NH

February 27, 2024

Board of Adjustments
1 Junkins Avenue
Portsmouth, NH 03801

re: Request for Variance for 85 Pinehurst Road

To the Members of the Board of Adjustments:

We are writing in support of our neighbor's application for variance relief to construct an addition over their garage at 85 Pinehurst Rd. Our property is the nearest home to this garage. We have reviewed the application and construction plans with our neighbors. We have no concerns about its effect on our views and do not think it will have any negative impact to the value of our property. We encourage the Board to approve the application.

Sincerely,

Daniel & Lena Wyand
Home Owners: 65 Pinehurst Rd.

Sally and David Mulhern
60 Pinehurst Road
Portsmouth, New Hampshire 03801
Telephone: 603-436-1211
Sally@Mulhernlaw.com
David@Mulhernlaw.com

February 26, 2024

City of Portsmouth
Junkins Avenue
Portsmouth, New Hampshire 03801

Re: Henrik and Kathleen Edin / 85 Pinehurst Road, Portsmouth

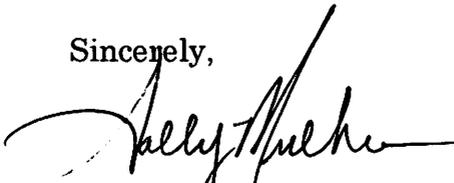
To Whom It May Concern:

We live directly across the street from Henrik and Kathleen (Katie). We have carefully reviewed the plans they are submitting for the expansion of their home at 85 Pinehurst Road, Portsmouth.

We write in support of those plans. We are delighted that they will be expanding their home to meet the needs of their growing family. We believe that the property and the neighborhood will benefit from the expansion to their home. It is good to see an older property being adapted to new and current circumstances. We enthusiastically endorse their proposed addition to their home.

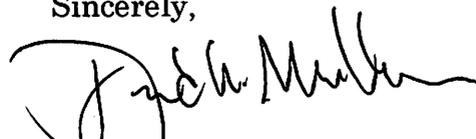
We would be happy to speak with any city official if we can provide further support. Thank you.

Sincerely,



Sally H. Mulhern

Sincerely,



David K. Mulhern

II. NEW BUSINESS

E. The request of **Susan Javurek and Michael Roche (Owners)**, for property located at **45 Kent Street** whereas relief is needed to demolish an existing 1-story addition, reconstruct a two-story addition and add a deck on the rear of the existing residential structure and relocate a bulkhead which requires the following: 1) Variance from Section 10.521 to a) allow a 5.5 foot left side yard where 10 feet is required; and b) to allow a building coverage of 35% where 25% is 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 145 and lies within the General Residence A (GRA) District. (LU-24-25)

Existing & Proposed Conditions

	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Single-family Dwelling	2-story addition and deck, relocate bulkhead	Primarily residential
<u>Lot area (sq. ft.):</u>	5,218	5,218	7,500 min.
<u>Street Frontage (ft.):</u>	52	52	100 min.
<u>Lot depth (ft.)</u>	100	100	70 min.
<u>Front Yard (ft.):</u>	13	13	15 min.
<u>Left Yard (ft.):</u>	4.2	5.5	10 min.
<u>Right Yard (ft.):</u>	12	12	10 min.
<u>Rear Yard (ft.):</u>	>20	31	20 min.
<u>Height (ft.):</u>	<35	<35	35 max.
<u>Building Coverage (%):</u>	28	35*	25 max.
<u>Open Space Coverage (%):</u>	53	48	30 min.
<u>Parking</u>	2	2	2
<u>Estimated Age of Structure:</u>	1927	Variance request(s) shown in red.	

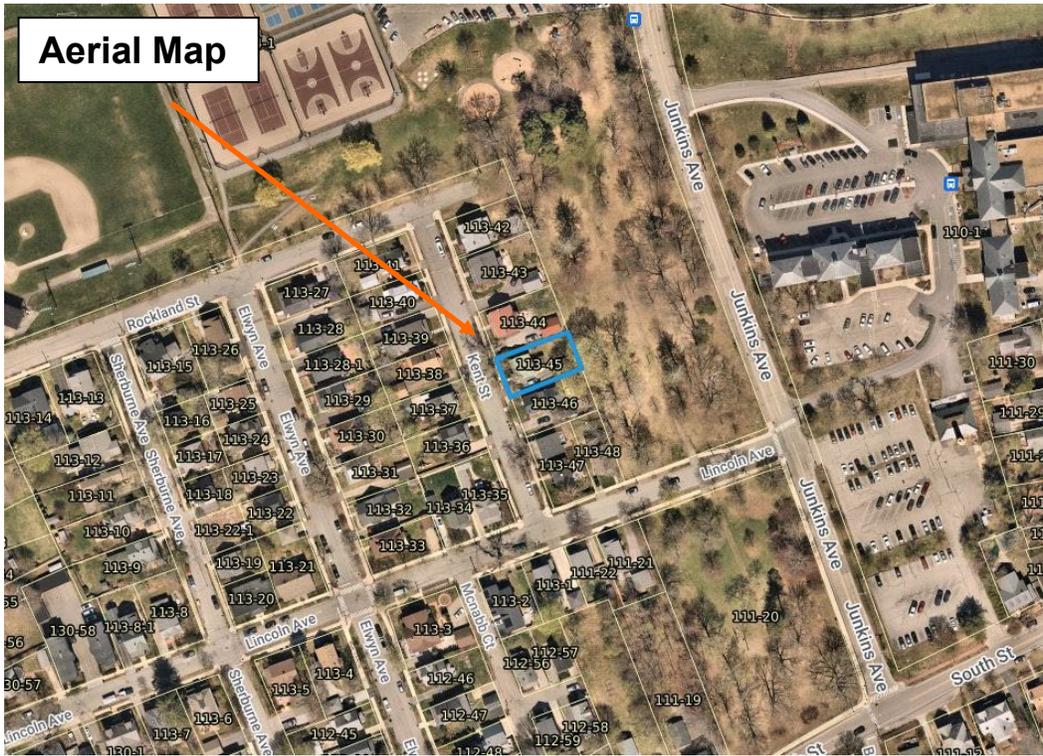
* Relief needed to construct an addition to the already non-conforming primary structure that would further impact the non-conformity.

Other Permits/Approvals Required

- Building Permit

Neighborhood Context

Neighborhood Context



Previous Board of Adjustment Actions

No previous BOA history found.

Planning Department Comments

The applicant is proposing to demolish the existing 1-story addition on the rear of the single-family residence and to construct a new 2-story addition and a rear deck. The construction will require relocation of an existing bulkhead from the right side of the structure to the left side of the structure within the side yard. Relief is needed to construct the addition as it will increase the already non-conforming building coverage on the lot from 28% to 35% and this would further impact the non-conformity necessitating additional relief from Section 10.321.

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 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

 - (c) *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
ATTORNEYS AT LAW

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

March 19, 2024

HAND DELIVERED

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

Re: Susan Javurek & Michael Roche, Applicants
45 Kent Street
Tax Map 113/Lot 45
General Residence A (“GRA”)

Dear Mr. Stith & Zoning Board Members:

On behalf of Susan Javurek & Michael Roche, Owners/Applicants, enclosed please find the following in support of a request for zoning relief:

Exhibit A – Rev. – Plan Set issued by Ambit Engineering | Haley Ward
Exhibit F – Surrounding Nonconforming Properties on Tax Map 113

We look forward to presenting this application to the Zoning Board at its March 26, 2024 meeting.

Very truly yours,

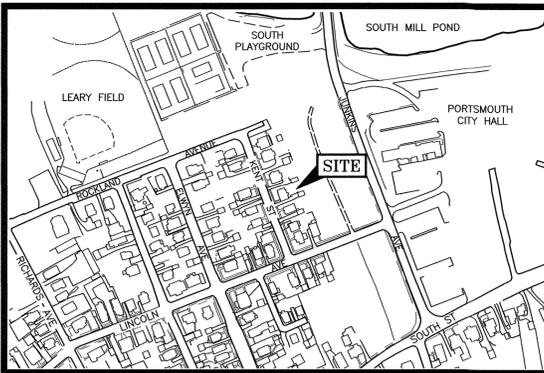


R. Timothy Phoenix
Monica F. Kieser

Encl.

cc: Susan Javurek & Michael Roche
Ambit Engineering (email)
Lucy Gorham Residential Design (email)

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



LOCATION MAP

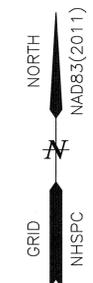
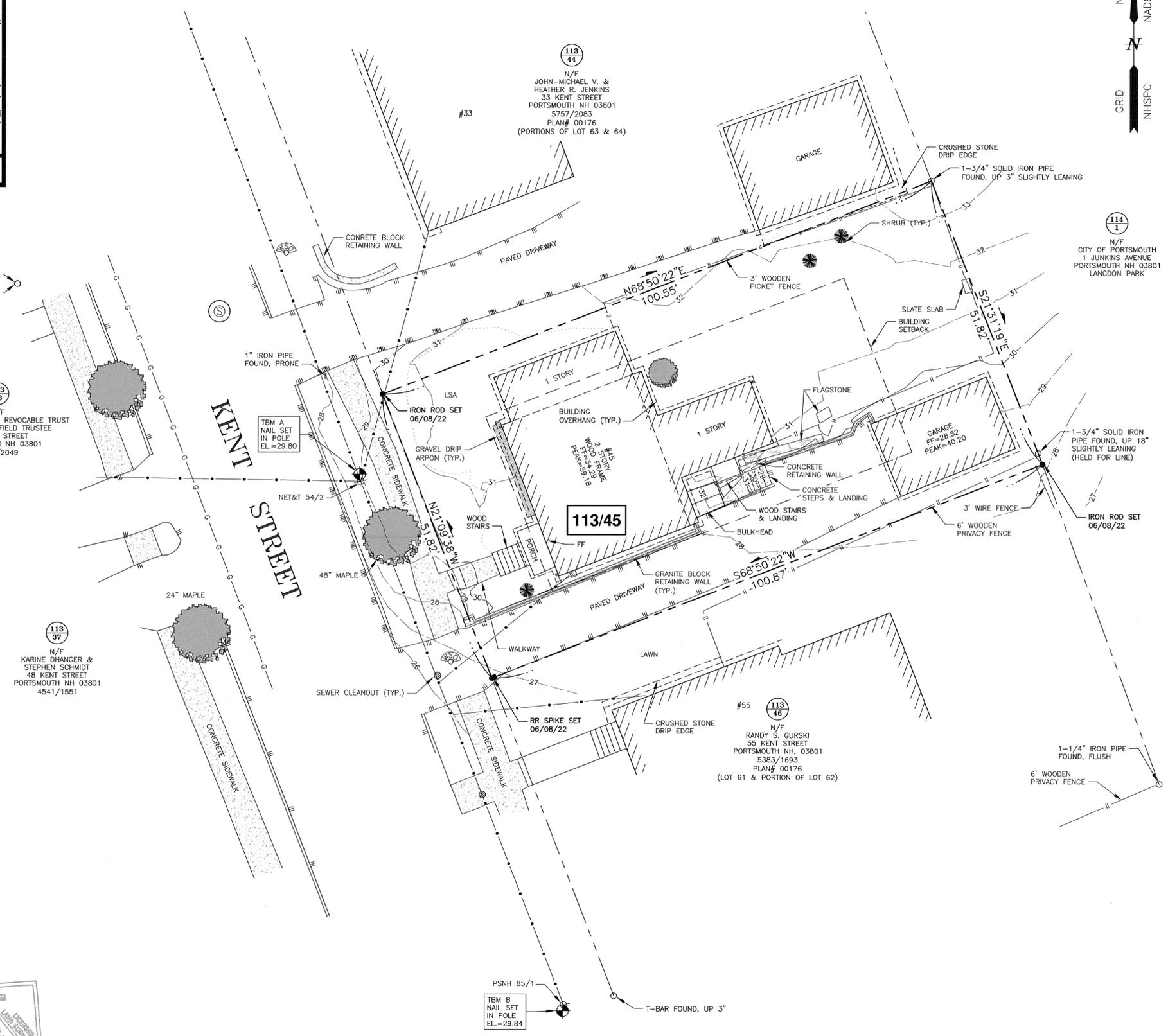
SCALE: 1" = 300'

PLAN REFERENCES:

1) PLAN OF A LOT OF LAND OWNED BY ALFRED L. ELWYN PORTSMOUTH N.H. COMPILED FROM A SURVEY MADE 1899 BY A.C. HOYT C.E., SCALE: 100 FT. TO AN INCH, DATED: AUG. 1899, PREPARED BY W. H. WHITNEY, RCRD PLAN# 00176

LEGEND:

- N/F NOW OR FORMERLY
- RP RECORD OF PROBATE
- RCRD ROCKINGHAM COUNTY REGISTRY OF DEEDS MAP 11 / LOT 21
- BOUNDARY SETBACK
- IRON ROD/PIPE FOUND
- DRILL HOLE FOUND
- STONE/CONCRETE BOUND FOUND
- GAS LINE
- OVERHEAD ELECTRIC/WIRES
- EDGE OF PAVEMENT (EP)
- WOODS / TREE LINE
- UTILITY POLE (w/ GUY)
- WATER SHUT OFF/CURB STOP
- METER (GAS, ELECTRIC)
- SEWER MANHOLE
- DRAIN MANHOLE
- ELEVATION
- FINISHED FLOOR
- TBM TEMPORARY BENCHMARK
- TYP. TYPICAL
- VGC VERTICAL GRANITE CURB
- LSA LANDSCAPED AREA



200 Griffin Road, Unit 3
Portsmouth, NH 03801
603.430.9282

WWW.HALEYWARD.COM

NOTES:

- 1) PARCEL IS SHOWN ON THE CITY OF PORTSMOUTH ASSESSOR'S MAP 113 AS LOT 45.
- 2) OWNERS OF RECORD:
MICHAEL T. ROCHE & SUSAN L. JAVUREK
45 KENT STREET
PORTSMOUTH, NH 03801
5481/2013
PLAN# 00176 (PORTIONS OF LOT 62 & 63)
- 3) PARCEL NOT IN A FLOOD HAZARD ZONE AS SHOWN ON FIRM PANEL 33015C0259F. EFFECTIVE DATE JANUARY 29, 2021.
- 4) EXISTING LOT AREA:
5,218 S.F.
0.1198 ACRES
- 5) PARCEL IS LOCATED IN THE GENERAL RESIDENCE A (GRA) ZONING DISTRICT.
- 6) DIMENSIONAL REQUIREMENTS:
MIN. LOT AREA: 7,500 SF
FRONTAGE: 100 FEET
SETBACKS:
FRONT: 15 FEET
SIDE: 10 FEET
REAR: 20 FEET
MAXIMUM STRUCTURE HEIGHT: 35 FEET
MAXIMUM BUILDING COVERAGE: 25%
MINIMUM OPEN SPACE: 30%
- 7) THE PURPOSE OF THIS PLAN IS TO SHOW THE EXISTING CONDITIONS ON ASSESSOR'S MAP 113, LOT 45 IN THE CITY OF PORTSMOUTH.
- 8) VERTICAL DATUM IS NAVD88. BASIS OF VERTICAL DATUM IS REDUNDANT RTN GNSS OBSERVATIONS.
- 9) PARCEL IS SUBJECT TO DEED RESTRICTIONS OF RECORD. SEE RCRD 605/2 & 605/5.
- 10) THE NORTHERLY 10 FEET OF THE EASTERLY BOUNDARY IS SUBJECT TO A FENCE AGREEMENT. SEE RCRD 602/483.

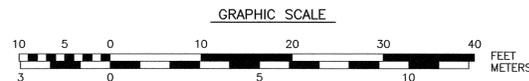
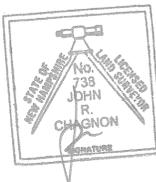
**PROPOSED ADDITION
ROCHE RESIDENCE
45 KENT STREET
PORTSMOUTH, N.H.**

NO.	DESCRIPTION	DATE
1	EXISTING GRADES/CONTOURS	02/27/24
0	ISSUED FOR COMMENT	11/21/23
REVISIONS		

EXHIBIT A - Rev.

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

[Signature]
JOHN R. CHAGNON, LLS #738 DATE 2-27-24



SCALE: 1"=10' JUNE 2023

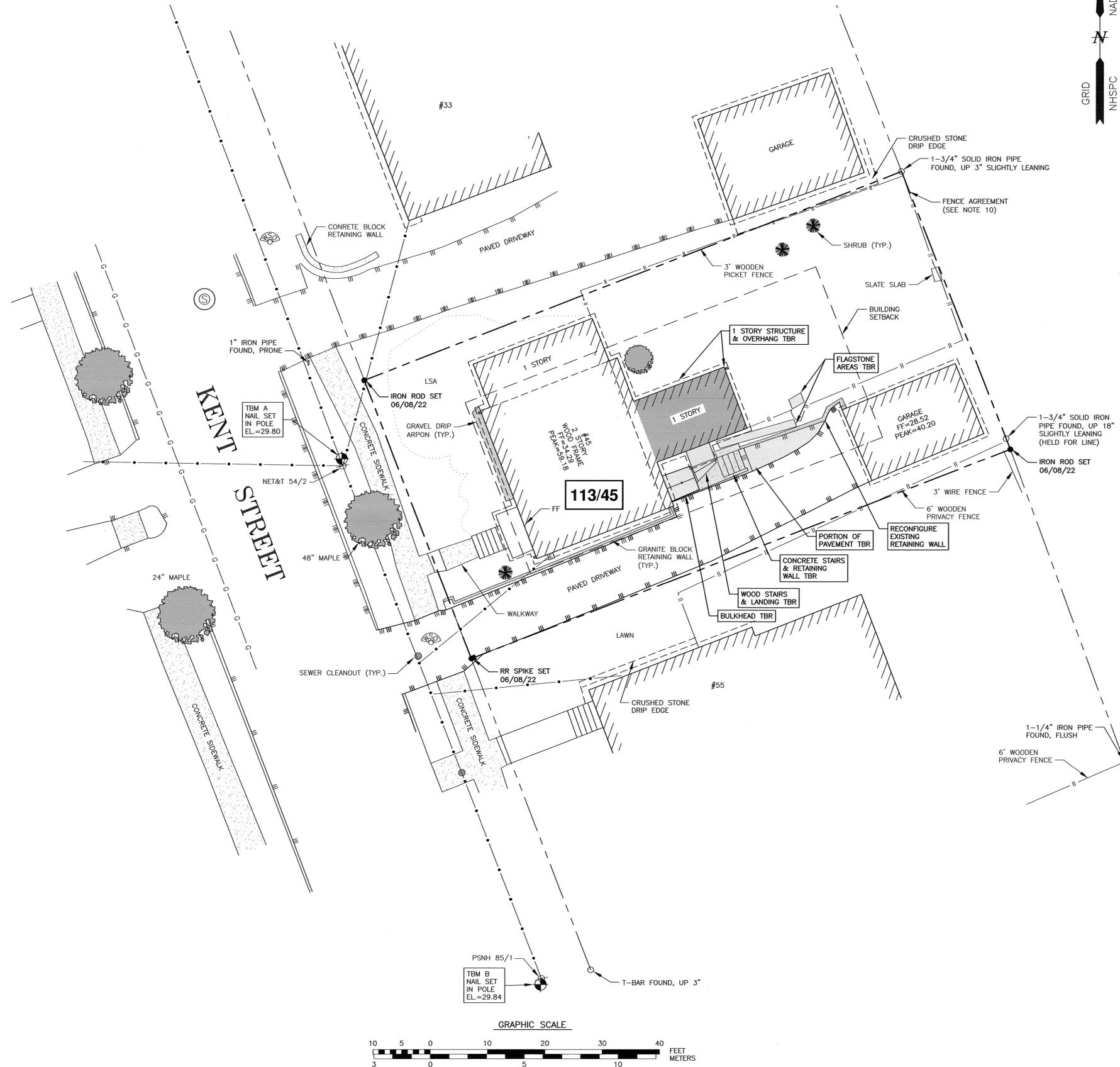
EXISTING CONDITIONS PLAN

C1

P:\NH\5010331-Michael_Elwyn_45 Kent St. Portsmouth.CAD\449\2023_Survey\Plans & Specs\Site\3449_Variance_2023.dwg, 2/27/2024, 9:33:01 AM, 1/31/2024, 1:50:57 PM

DEMOLITION NOTES

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



- NOTES:**
- 1) THE CONTRACTOR SHALL NOTIFY DIG SAFE AT 1-888-DIG-SAFE (1-888-344-7233) AT LEAST 72 HOURS PRIOR TO COMMENCING ANY EXCAVATION ON PUBLIC OR PRIVATE PROPERTY WITHIN 100 FEET OF UNDERGROUND UTILITIES. THE EXCAVATOR IS RESPONSIBLE TO MAINTAIN MARKS. DIG SAFE TICKETS EXPIRE IN THIRTY DAYS.
 - 2) UNDERGROUND UTILITY LOCATIONS ARE BASED UPON BEST AVAILABLE EVIDENCE AND ARE NOT FIELD VERIFIED. LOCATING AND PROTECTING ANY ABOVEGROUND OR UNDERGROUND UTILITIES IS THE SOLE RESPONSIBILITY OF THE CONTRACTOR AND/OR THE OWNER. UTILITY CONFLICTS SHOULD BE REPORTED AT ONCE TO THE DESIGN ENGINEER.
 - 3) CONTRACTOR SHALL INSTALL AND MAINTAIN EROSION CONTROL MEASURES IN ACCORDANCE WITH THE "NEW HAMPSHIRE STORMWATER MANUAL, VOLUME 3, EROSION AND SEDIMENT CONTROLS DURING CONSTRUCTION. (NHDES DECEMBER 2008).

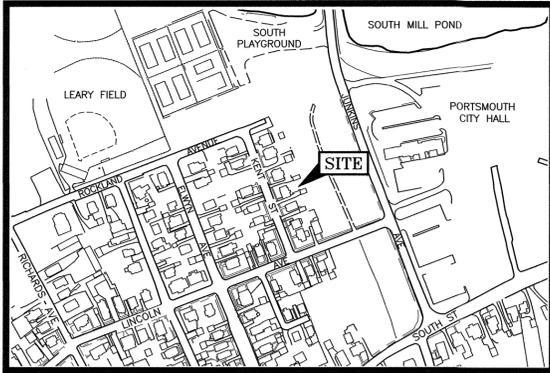
**PROPOSED ADDITION
 ROCHE RESIDENCE
 45 KENT STREET
 PORTSMOUTH, N.H.**

NO.	DESCRIPTION	DATE
0	ISSUED FOR COMMENT	11/21/23
REVISIONS		



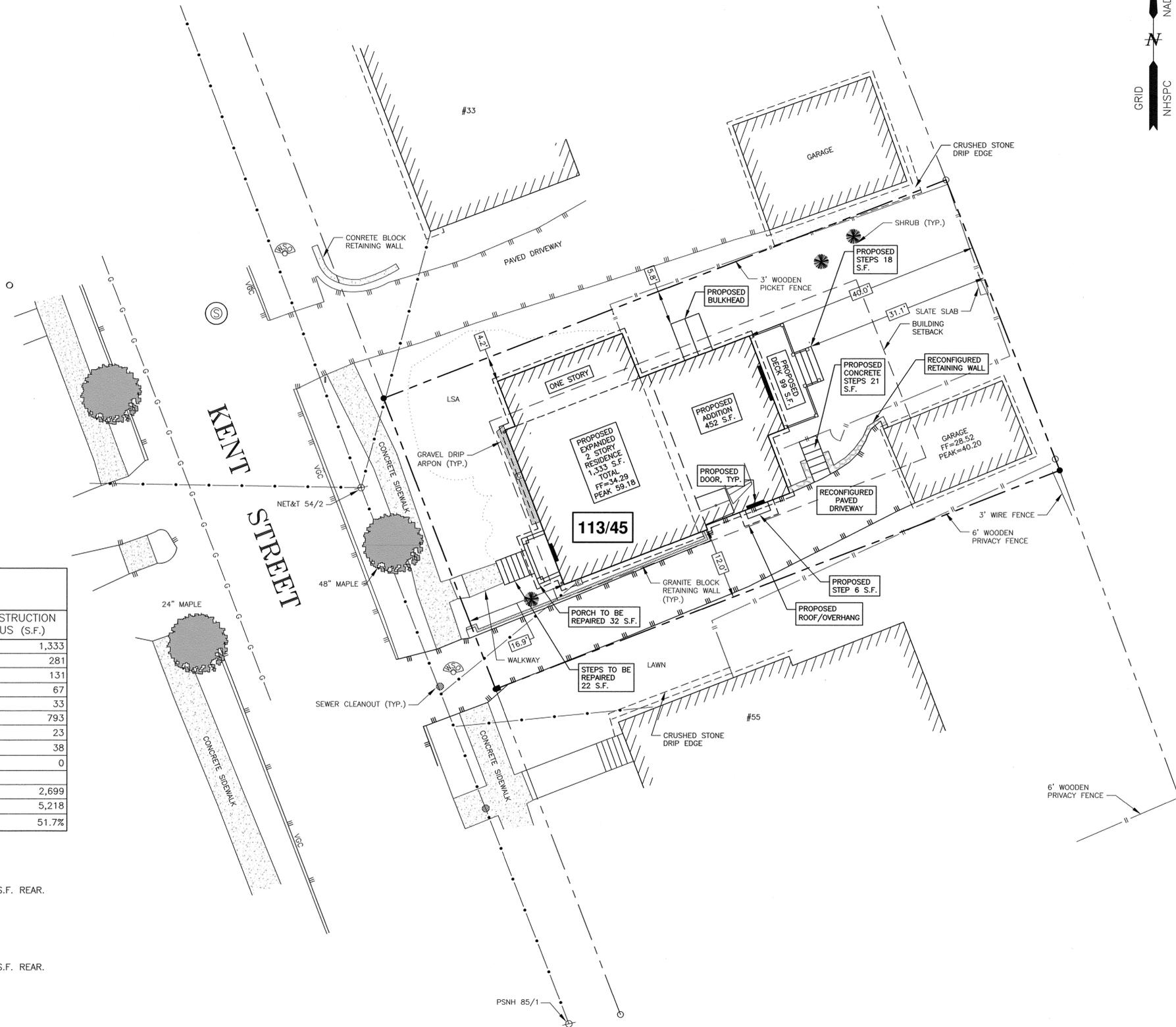
SCALE: 1"=10' JUNE 2023

DEMOLITION PLAN **C2**



LOCATION MAP

SCALE: 1" = 300'



IMPERVIOUS SURFACE AREAS
(TO PROPERTY LINE)

STRUCTURE	PRE-CONSTRUCTION IMPERVIOUS (S.F.)	POST-CONSTRUCTION IMPERVIOUS (S.F.)
MAIN STRUCTURE	1,071	1,333
GARAGE	281	281
DECK/PORCH	51	131
STEPS	44	67
BULKHEAD	24	33
PAVEMENT	846	793
CONCRETE/SIDEWALK	37	23
RETAINING WALL	30	38
PATIO/FLAGSTONE	23	0
TOTAL	2,407	2,699
LOT SIZE	5,218	5,218
% LOT COVERAGE	46.1%	51.7%

EXISTING BUILDING COVERAGE:

1,071 + 281 + 51 + *11 + 24 = 1,438 S.F. / 5,218 = 28%
 *NOTE: STEPS GREATER THAN 18" ABOVE GRADE = 11 S.F. FRONT / 0 S.F. REAR.
 OPEN SPACE: 100% - 46% = 53%

PROPOSED BUILDING COVERAGE:

1,333 + 281 + 131 + *11 + 33 = 1,789 S.F. / 5,218 = 35%
 *NOTE: STEPS GREATER THAN 18" ABOVE GRADE = 11 S.F. FRONT / 0 S.F. REAR.
 OPEN SPACE: 100% - 52% = 48%

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

JOHN R. CHAGNON, LLS #738

DATE

NORTH
 GRID
 NAD83(2011)
 NHSPC

NOTES:

- 1) PARCEL IS SHOWN ON THE CITY OF PORTSMOUTH ASSESSOR'S MAP 113 AS LOT 45.
- 2) OWNERS OF RECORD:
 MICHAEL T. ROCHE & SUSAN L. JAVUREK
 45 KENT STREET
 PORTSMOUTH, NH 03801
 5481/2013
 PLAN# 00176 (PORTIONS OF LOT 62 & 63)
- 3) PARCEL NOT IN A FLOOD HAZARD ZONE AS SHOWN ON FIRM PANEL 33015C0259F. EFFECTIVE DATE JANUARY 29, 2021.
- 4) EXISTING LOT AREA:
 5,218 S.F.
 0.1198 ACRES
- 5) PARCEL IS LOCATED IN THE GENERAL RESIDENCE A (GRA) ZONING DISTRICT.
- 6) DIMENSIONAL REQUIREMENTS:
 MIN. LOT AREA: 7,500 SF
 FRONTAGE: 100 FEET
 SETBACKS:
 FRONT: 15 FEET
 SIDE: 10 FEET
 REAR: 20 FEET
 MAXIMUM STRUCTURE HEIGHT: 35 FEET
 MAXIMUM BUILDING COVERAGE: 25%
 MINIMUM OPEN SPACE: 30%
- 7) THE PURPOSE OF THIS PLAN IS TO SHOW A PROPOSED RESIDENCE EXPANSION ON ASSESSOR'S MAP 113, LOT 45 IN THE CITY OF PORTSMOUTH.
- 8) VERTICAL DATUM IS NAVD88. BASIS OF VERTICAL DATUM IS REDUNDANT RTN GNSS OBSERVATIONS.
- 9) PARCEL IS SUBJECT TO DEED RESTRICTIONS OF RECORD. SEE RCRD 605/2 & 605/5.
- 10) THE NORTHERLY 10 FEET OF THE EASTERLY BOUNDARY IS SUBJECT TO A FENCE AGREEMENT. SEE RCRD 602/483.
- 11) BUILDING ADDITIONS FROM PLANS BY LUCY GORHAM DATED 5-23-23, REV. 6-3-23.

**PROPOSED ADDITION
 ROCHE RESIDENCE
 45 KENT STREET
 PORTSMOUTH, N.H.**

NO.	DESCRIPTION	DATE
2	FRONT PORCH & STEPS	3/13/24
1	DIMENSIONS, BUILDING COVERAGES	2/27/24
0	ISSUED FOR COMMENT	11/21/23

REVISIONS



SCALE: 1"=10'

JUNE 2023

VARIANCE
 PLAN

C3

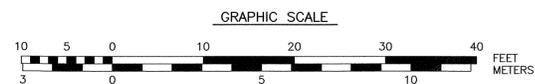


EXHIBIT F



Partial Legend
 See the cover sheet for the complete legend.

7-5A Lot or lot-unit number
 2.26 ac Parcel area in acres (ac) or square feet (sf)
 103 Address number
 233-137 Parcel number from a neighboring map
 or Parcel line dimension

SIMS AVE Street name

- Parcel/Parcel boundary
- Parcel/ROW boundary
- Water boundary
- Structure (1984 data)

Parcel covered by this map
 Parcel from a neighboring map (see other map for current status)

0 50 100 Feet
 0 20 40 Meters

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

Nearby Tax Maps

Map Location

Portsmouth, New Hampshire
 2023
Tax Map 113

Subject Property

Building Coverage Relief Granted

Setback Relief Granted

Building Coverage & Setback Relief Granted

Non-Conforming Building Coverage

HOEFLE, PHOENIX, GORMLEY & ROBERTS, PLLC
ATTORNEYS AT LAW

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

February 28, 2024

HAND DELIVERED

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

Re: Susan Javurek & Michael Roche, Applicants
45 Kent Street
Tax Map 113/Lot 45
General Residence A (“GRA”)

Dear Mr. Stith & Zoning Board Members:

On behalf of Susan Javurek & Michael Roche, Owners/Applicants, enclosed please find the following in support of a request for zoning relief:

- Digital Application submitted via Viewpoint earlier today.
- Owner Authorization.
- 2/28/2024 – Memorandum and exhibits in support of variance application.

We look forward to presenting this application to the Zoning Board at its March 19, 2024 meeting.

Very truly yours,



R. Timothy Phoenix
Monica F. Kieser

Encl.

cc: Susan Javurek & Michael Roche
Ambit Engineering (email)
Lucy Gorham Residential Design (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

PETER V. DOYLE

MONICA F. KIESER

STEPHANIE J. JOHNSON

OF COUNSEL:

SAMUEL R. REID

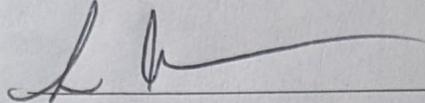
JOHN AHLGREN

OWNER'S AUTHORIZATION

We, Susan Javurek & Michael Roche, Owners/Applicants of 45 Kent Street, Tax Map 113/Lot 45, hereby authorize law firm Hoefle, Phoenix, Gormley & Roberts, PLLC to represent us before any and all City of Portsmouth Representatives, Boards and Commissions for permitting the project.

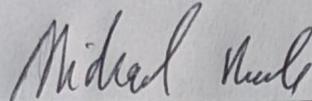
Respectfully submitted,

06/04/23
Date:



Susan Javurek

06/04/23
Date:



Michael Roche

MEMORANDUM

TO: Portsmouth Zoning Board of Adjustment (“ZBA”)
FROM: R. Timothy Phoenix, Esquire
Monica F. Kieser, Esquire
DATE: February 28, 2024
Re: Susan Javurek & Michael Roche, Applicants
45 Kent Street/Tax Map 113/Lot 45
General Residence A (“GRA”)

Dear Chair Eldredge and Zoning Board Members:

On behalf of the Applicants, Susan Javurek and Michael Roche (“Javurek”), we are pleased to submit this memorandum and attached exhibits in support of an application for variances to permit construction of a proposed addition, for consideration by the ZBA at its March 19, 2024 meeting.

I. EXHIBITS

- A. Plan Set – issued by Ambit Engineering, Inc. | Haley Ward.
 - C1 – Existing Conditions Plan
 - C2 – Demolition Plan
 - C3 – Variance Plan
- B. Average Grade Calculations – Ambit Engineering, Inc. | Haley Ward.
- C. Architectural Plan Set – issued by Lucy Gorham Residential Design.
 - A1 – Proposed First Floor Plan
 - A2 – Proposed Second Floor Plan
 - A3 – Proposed Right Elevation
 - A4 – Proposed Front & Rear Elevation
 - A5 – Proposed Left Elevation
 - Existing First & Second Floor Plans
- D. Site Photographs.
 - Satellite View
 - Street View
- E. Tax Map 113.

II. PROPERTY/PROJECT

45 Kent Street is a 5,218 s.f. lot containing a modest 1,537 s.f. (1,071 s.f. footprint) two-story single-family residence, paved driveway and 281 s.f. garage abutting Langdon Park (“the Property”). **(Exhibit A)**. A portion of the home is located in the left side setback, while the garage is located in the right side yard and rear setback. Javurek intends to remove the rear single-story addition, construct a new 452 s.f. addition and 99 s.f. deck, and relocate the

bulkhead (“the Project”). The Project will significantly provide a more functional floor layout for Javurek while improving the appearance of the home and value of the Property.

The Property is located among other similarly sized developed lots, many having undergone similar expansions in the last several years. The proposed addition complies with height, yard setbacks, and open space requirements. Relief is required for building coverage and for the bulkhead in the left side yard. **(Exhibit A)**.

III. RELIEF REQUIRED

<u>Variance Section</u>	<u>Required</u>	<u>Existing</u>	<u>Proposed</u>
<u>PZO§10.520,</u> <u>Table PZO§10.521</u>			
Side Yard (left)	10’	4.2’ home	Bulkhead 5.8’
Building Coverage	25%	28% (1,438 s.f.)	35% (1,789 s.f.)

IV. VARIANCE REQUIREMENTS

- 1. The variances will not be contrary to the public interest.**
- 2. The spirit of the ordinance is observed.**

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

Portsmouth Zoning Ordinance (“PZO”) Section 10.121 identifies the general purposes and intent of the ordinance “to promote the health, safety and general welfare of Portsmouth...in accordance with the...Master Plan.” These purposes are accomplished by regulating:

- The use of land, buildings and structures for business, industrial, residential and other purposes – The intended use of the property is and will remain residential.
- The intensity of land use, including lot sizes, building coverage, building height and bulk, yards and open space – a single-family home exists and will remain. The proposed addition and deck comply with height, yard setback and open space requirements. The bulkhead is a low profile item further from the lot line than a

portion of the existing home and shielded by a fence. The increase in building coverage is comparable to other small lots which have expanded century-old homes to accommodate modern living. Open space is significantly greater than the 30 % minimum.

3. The design of facilities for vehicular access, circulation, parking and loading – The driveway will continue to provide off-street parking.
4. The impact on properties of outdoor lighting, noise, vibration, stormwater runoff and flooding – Open space remains well above the minimum required 30%. The majority of the green space at the rear of the property will be preserved.
5. The preservation and enhancement of the visual environment – The design of the proposed addition complements the home and fits with the character of the neighborhood. The addition is placed behind the home and complies with height and yard requirements. The proposed bulkhead is located at ground-level and situated within the existing fence separating 45 Kent Street from 33 Kent Street, rendering it unnoticeable.
6. The preservation of historic districts and building and structures of historic architectural interest – The Property is not located within the Historic District.
7. The protection of natural resources, including groundwater, surface water, wetlands, wildlife habitat and air quality – Open space is well above the 30% minimum and there is no impact to natural resources.

The variances are required because lot is small and narrow. The Project expands an existing home in a manner similar to other expansions in the neighborhood, improving the functionality of the home and increasing the value of the Property. The addition complies with height and yard requirements and well exceeds minimum open space. Given these factors, granting the requested variance will not conflict with the basic zoning objectives of the PZO.

In considering whether variances “in a marked degree conflict with the ordinance such that they violate the ordinance’s basic zoning objectives,” Malachy Glen, supra, also held:

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

Many 50 foot wide properties in the neighborhood have accessory structures or house elements in in the side yard setbacks. **(Exhibit E)**. Similarly, most of the small lots in the neighborhood with expanded homes have exceeded building coverage requirements on the 50 by 100 foot lots. The Project relocates a low profile bulkhead to the left side and constructs a new addition providing an older home with a more functional layout. This expansion is consistent with others in the neighborhood, contains the addition and deck within the building envelope,

and maintains open space. Accordingly, the requested variance neither alters the essential character of the locality nor threatens the public health, safety, or welfare.

3. Substantial justice will be done by granting the variances.

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

Javurek is constitutionally entitled to the reasonable use of her land, including constructing an addition and deck, subject only to the effect on the yard setback and lot coverage 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. The requested variances permit a tasteful and height compliant addition to the home, facilitate ingress/egress to the basement, and allow a deck to enjoy the outdoor space. living area that matches the conditions of several surrounding properties. The expansion proposed is comparable to others and has no negative impacts because the low bulkhead is concealed by the existing fence and overall open space well exceeds the minimum 30%. Accordingly, there is no gain to public from denial of the variances. Conversely, Javurek will be greatly harmed by denial of any of the variances because she will be denied a reasonable expansion of living space. Accordingly, this element of the criteria is satisfied.

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

The Project expands an existing older home with an addition and deck entirely within the building envelope. A low-profile bulkhead concealed by existing fencing will not negatively affect abutting properties. Increased building coverage will also have no negative affect where open space well exceeds the minimum 30%. The expanded home is in keeping with other expansions, and will improve the value of the Property and those around it. Accordingly, granting the variances will not diminish surrounding property values.

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

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

The Property, at 5,218 +/- s.f., is a small, narrow lot located in a densely developed residential area with many other homes/accessory structures that do not comply with rear and side yard requirements. The location of the existing home, driveway and garage drive the placement of the addition and deck, while the bulkhead is situated in the only possible location to provide exterior access to the basement. **(Exhibit A, D)**. These circumstances combine to create special conditions.

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

The purpose of setbacks and building coverage requirements is to prevent overcrowding and overburdening of land, improve sightlines for pedestrians and motorists, ensure adequate light and air circulation, and provide sufficient area for stormwater treatment. None of these purposes are impaired by granting the requested variance. The proposed bulkhead is at ground-level, screened by a fence, and will not be noticeable from the exterior of the Property. Open space remains well above the minimum 30%. The encroachment of a bulkhead in one area of the left side yard leaves sufficient space to treat stormwater on the lot.

The neighborhood overall is similarly densely developed with multiple nearby parcels non-conforming for setbacks. See Walker v. City of Manchester, 107 N.H. 382, 386 (1966) (Hardship may be found where similar nonconforming uses exist within the neighborhood and the proposed use will have no adverse effect on the neighborhood). See also Belanger v. City of Nashua, 121 N.H. 389 (1981) (Variance proper where ordinance no longer reflects the current character of neighborhood). The location of the bulkhead will likely be unnoticed by the general public and closest neighbors given its location at ground-level within an existing fenced area.

Similarly, the addition is contained within the building envelope and will not overpower abutting properties or seem out of place. Balancing the neighbors against the reasonable request to have more living space, there is no fair and substantial relationship between the purposes of the ordinance side setback requirements and its application in this instance.

c. The proposed use is reasonable.

If the use is permitted, it is deemed reasonable. Vigeant v. Hudson, 151 N.H. 747 (2005). Residential use is permitted in the GRA Zone. The proposed addition complements the existing residence, provides increased living space, a more functional layout, and a deck to overlook the yard and park. For all these reasons, the proposed use is reasonable and denial would result in an unnecessary hardship to Javurek.

V. CONCLUSION

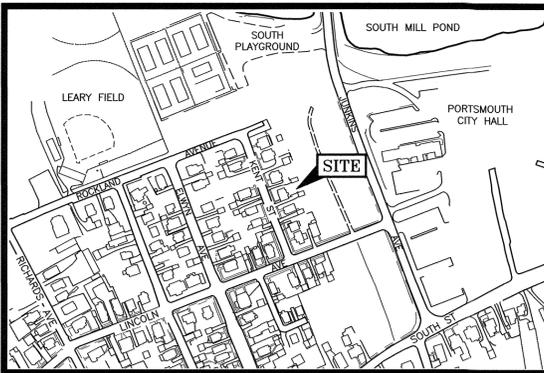
For all of the reasons stated, Javurek respectfully requests that the Portsmouth Zoning Board of Adjustment grant the requested variances.

Respectfully submitted,

Susan Javurek and Michael Roche



By: R. Timothy Phoenix
Monica F. Kieser



LOCATION MAP

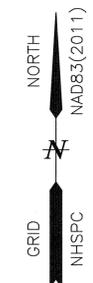
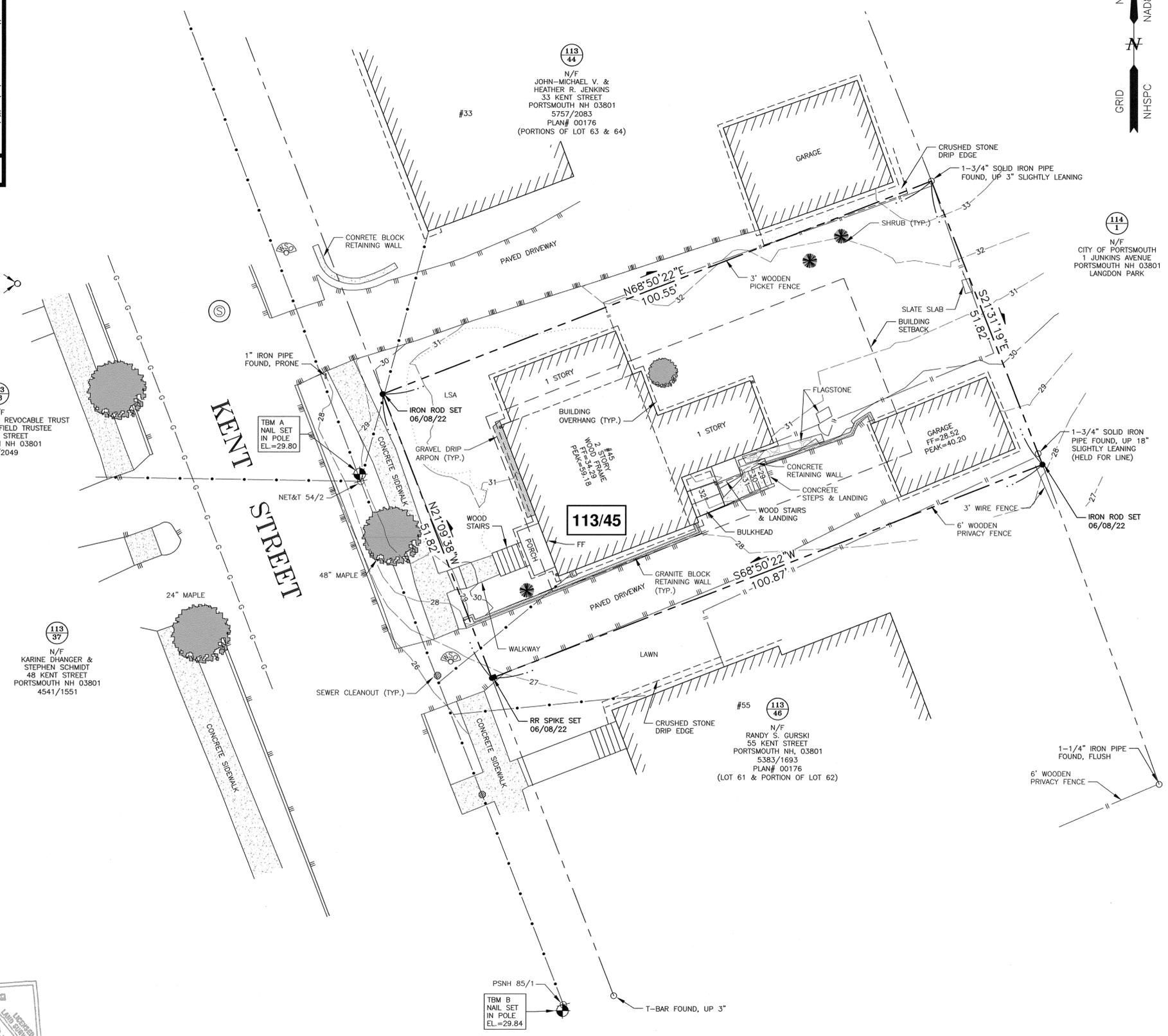
SCALE: 1" = 300'

PLAN REFERENCES:

1) PLAN OF A LOT OF LAND OWNED BY ALFRED L. ELWYN PORTSMOUTH N.H. COMPILED FROM A SURVEY MADE 1899 BY A.C. HOYT C.E., SCALE: 100 FT. TO AN INCH, DATED: AUG. 1899, PREPARED BY W. H. WHITNEY, RCRD PLAN# 00176

LEGEND:

- N/F NOW OR FORMERLY
- RP RECORD OF PROBATE
- RCRD ROCKINGHAM COUNTY REGISTRY OF DEEDS MAP 11 / LOT 21
- BOUNDARY
- SETBACK
- IRON ROD/PIPE FOUND
- DRILL HOLE FOUND
- STONE/CONCRETE BOUND FOUND
- GAS LINE
- OVERHEAD ELECTRIC/WIRES
- EDGE OF PAVEMENT (EP)
- WOODS / TREE LINE
- UTILITY POLE (w/ GUY)
- WATER SHUT OFF/CURB STOP
- METER (GAS, ELECTRIC)
- SEWER MANHOLE
- DRAIN MANHOLE
- ELEVATION
- FINISHED FLOOR
- TBM TEMPORARY BENCHMARK
- TYP. TYPICAL
- VGC VERTICAL GRANITE CURB
- LSA LANDSCAPED AREA



200 Griffin Road, Unit 3
Portsmouth, NH 03801
603.430.9282

WWW.HALEYWARD.COM

NOTES:

- 1) PARCEL IS SHOWN ON THE CITY OF PORTSMOUTH ASSESSOR'S MAP 113 AS LOT 45.
- 2) OWNERS OF RECORD:
MICHAEL T. ROCHE & SUSAN L. JAVUREK
45 KENT STREET
PORTSMOUTH, NH 03801
5481/2013
PLAN# 00176 (PORTIONS OF LOT 62 & 63)
- 3) PARCEL NOT IN A FLOOD HAZARD ZONE AS SHOWN ON FIRM PANEL 33015C0259F. EFFECTIVE DATE JANUARY 29, 2021.
- 4) EXISTING LOT AREA:
5,218 S.F.
0.1198 ACRES
- 5) PARCEL IS LOCATED IN THE GENERAL RESIDENCE A (GRA) ZONING DISTRICT.
- 6) DIMENSIONAL REQUIREMENTS:
MIN. LOT AREA: 7,500 SF
FRONTAGE: 100 FEET
SETBACKS:
FRONT: 15 FEET
SIDE: 10 FEET
REAR: 20 FEET
MAXIMUM STRUCTURE HEIGHT: 35 FEET
MAXIMUM BUILDING COVERAGE: 25%
MINIMUM OPEN SPACE: 30%
- 7) THE PURPOSE OF THIS PLAN IS TO SHOW THE EXISTING CONDITIONS ON ASSESSOR'S MAP 113, LOT 45 IN THE CITY OF PORTSMOUTH.
- 8) VERTICAL DATUM IS NAVD88. BASIS OF VERTICAL DATUM IS REDUNDANT RTN GNSS OBSERVATIONS.
- 9) PARCEL IS SUBJECT TO DEED RESTRICTIONS OF RECORD. SEE RCRD 605/2 & 605/5.
- 10) THE NORTHERLY 10 FEET OF THE EASTERLY BOUNDARY IS SUBJECT TO A FENCE AGREEMENT. SEE RCRD 602/483.

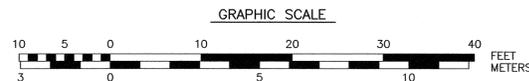
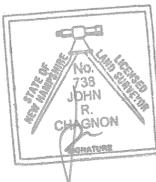
**PROPOSED ADDITION
ROCHE RESIDENCE
45 KENT STREET
PORTSMOUTH, N.H.**

NO.	DESCRIPTION	DATE
1	EXISTING GRADES/CONTOURS	02/27/24
0	ISSUED FOR COMMENT	11/21/23
REVISIONS		

EXHIBIT A - Rev.

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

[Signature] 2-27-24
JOHN R. CHAGNON, LLS #738 DATE



SCALE: 1"=10' JUNE 2023

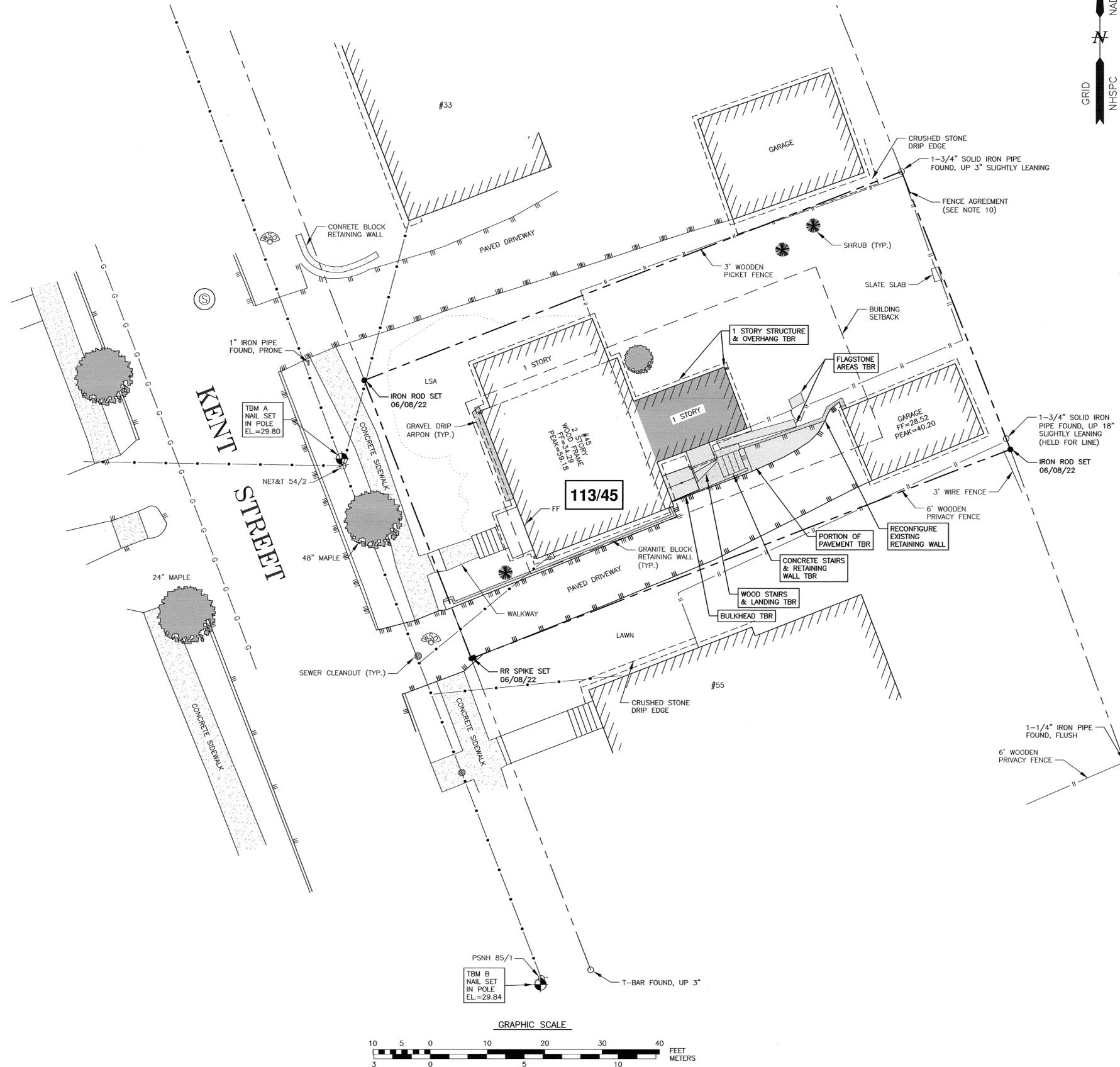
EXISTING CONDITIONS PLAN

C1

P:\NH\5010331-Michael_Elwyn_3449-45 Kent St. Portsmouth.CAD\1449\2023_Survey\Plans & Specs\Site\3449_Variance_2023.dwg, 2/27/2024, 9:33:01 AM, 13/19/2024, 1:50:15 PM

DEMOLITION NOTES

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



- NOTES:**
- 1) THE CONTRACTOR SHALL NOTIFY DIG SAFE AT 1-888-DIG-SAFE (1-888-344-7233) AT LEAST 72 HOURS PRIOR TO COMMENCING ANY EXCAVATION ON PUBLIC OR PRIVATE PROPERTY WITHIN 100 FEET OF UNDERGROUND UTILITIES. THE EXCAVATOR IS RESPONSIBLE TO MAINTAIN MARKS. DIG SAFE TICKETS EXPIRE IN THIRTY DAYS.
 - 2) UNDERGROUND UTILITY LOCATIONS ARE BASED UPON BEST AVAILABLE EVIDENCE AND ARE NOT FIELD VERIFIED. LOCATING AND PROTECTING ANY ABOVEGROUND OR UNDERGROUND UTILITIES IS THE SOLE RESPONSIBILITY OF THE CONTRACTOR AND/OR THE OWNER. UTILITY CONFLICTS SHOULD BE REPORTED AT ONCE TO THE DESIGN ENGINEER.
 - 3) CONTRACTOR SHALL INSTALL AND MAINTAIN EROSION CONTROL MEASURES IN ACCORDANCE WITH THE "NEW HAMPSHIRE STORMWATER MANUAL, VOLUME 3, EROSION AND SEDIMENT CONTROLS DURING CONSTRUCTION. (NHDES DECEMBER 2008).

**PROPOSED ADDITION
 ROCHE RESIDENCE
 45 KENT STREET
 PORTSMOUTH, N.H.**

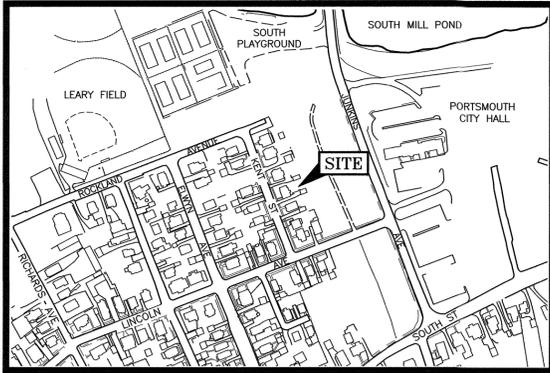
NO.	DESCRIPTION	DATE
0	ISSUED FOR COMMENT	11/21/23
REVISIONS		



SCALE: 1"=10' JUNE 2023

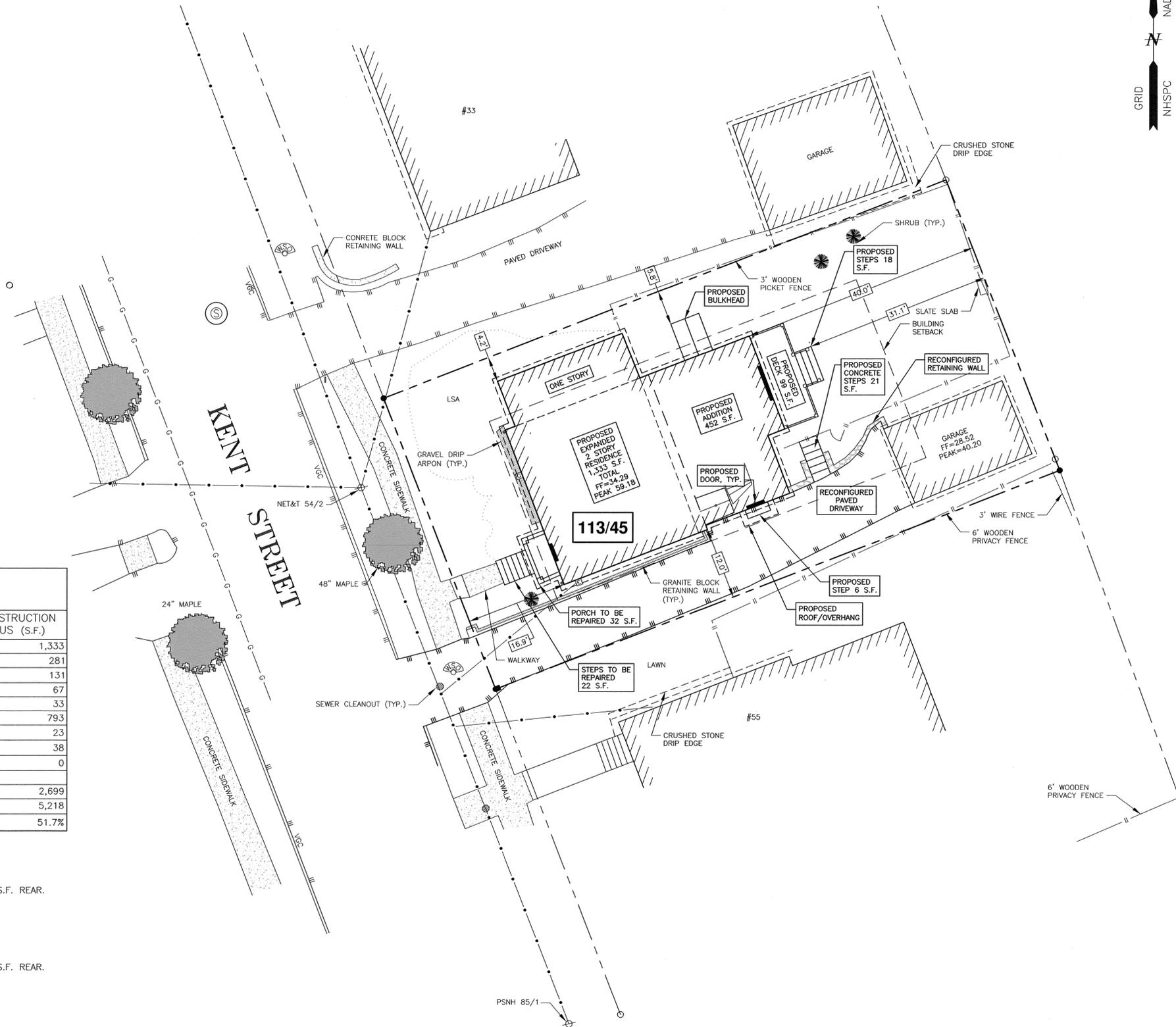
DEMOLITION PLAN

C2



LOCATION MAP

SCALE: 1" = 300'



IMPERVIOUS SURFACE AREAS
(TO PROPERTY LINE)

STRUCTURE	PRE-CONSTRUCTION IMPERVIOUS (S.F.)	POST-CONSTRUCTION IMPERVIOUS (S.F.)
MAIN STRUCTURE	1,071	1,333
GARAGE	281	281
DECK/PORCH	51	131
STEPS	44	67
BULKHEAD	24	33
PAVEMENT	846	793
CONCRETE/SIDEWALK	37	23
RETAINING WALL	30	38
PATIO/FLAGSTONE	23	0
TOTAL	2,407	2,699
LOT SIZE	5,218	5,218
% LOT COVERAGE	46.1%	51.7%

EXISTING BUILDING COVERAGE:

1,071 + 281 + 51 + *11 + 24 = 1,438 S.F. / 5,218 = 28%
 *NOTE: STEPS GREATER THAN 18" ABOVE GRADE = 11 S.F. FRONT / 0 S.F. REAR.
 OPEN SPACE: 100% - 46% = 53%

PROPOSED BUILDING COVERAGE:

1,333 + 281 + 131 + *11 + 33 = 1,789 S.F. / 5,218 = 35%
 *NOTE: STEPS GREATER THAN 18" ABOVE GRADE = 11 S.F. FRONT / 0 S.F. REAR.
 OPEN SPACE: 100% - 52% = 48%

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

JOHN R. CHAGNON, LLS #738

DATE

NORTH
 GRID
 NAD83(2011)
 NHSPC

NOTES:

- 1) PARCEL IS SHOWN ON THE CITY OF PORTSMOUTH ASSESSOR'S MAP 113 AS LOT 45.
- 2) OWNERS OF RECORD:
 MICHAEL T. ROCHE & SUSAN L. JAVUREK
 45 KENT STREET
 PORTSMOUTH, NH 03801
 5481/2013
 PLAN# 00176 (PORTIONS OF LOT 62 & 63)
- 3) PARCEL NOT IN A FLOOD HAZARD ZONE AS SHOWN ON FIRM PANEL 33015C0259F. EFFECTIVE DATE JANUARY 29, 2021.
- 4) EXISTING LOT AREA:
 5,218 S.F.
 0.1198 ACRES
- 5) PARCEL IS LOCATED IN THE GENERAL RESIDENCE A (GRA) ZONING DISTRICT.
- 6) DIMENSIONAL REQUIREMENTS:
 MIN. LOT AREA: 7,500 SF
 FRONTAGE: 100 FEET
 SETBACKS:
 FRONT: 15 FEET
 SIDE: 10 FEET
 REAR: 20 FEET
 MAXIMUM STRUCTURE HEIGHT: 35 FEET
 MAXIMUM BUILDING COVERAGE: 25%
 MINIMUM OPEN SPACE: 30%
- 7) THE PURPOSE OF THIS PLAN IS TO SHOW A PROPOSED RESIDENCE EXPANSION ON ASSESSOR'S MAP 113, LOT 45 IN THE CITY OF PORTSMOUTH.
- 8) VERTICAL DATUM IS NAVD88. BASIS OF VERTICAL DATUM IS REDUNDANT RTN GNSS OBSERVATIONS.
- 9) PARCEL IS SUBJECT TO DEED RESTRICTIONS OF RECORD. SEE RCRD 605/2 & 605/5.
- 10) THE NORTHERLY 10 FEET OF THE EASTERLY BOUNDARY IS SUBJECT TO A FENCE AGREEMENT. SEE RCRD 602/483.
- 11) BUILDING ADDITIONS FROM PLANS BY LUCY GORHAM DATED 5-23-23, REV. 6-3-23.

**PROPOSED ADDITION
 ROCHE RESIDENCE
 45 KENT STREET
 PORTSMOUTH, N.H.**

NO.	DESCRIPTION	DATE
2	FRONT PORCH & STEPS	3/13/24
1	DIMENSIONS, BUILDING COVERAGES	2/27/24
0	ISSUED FOR COMMENT	11/21/23

REVISIONS

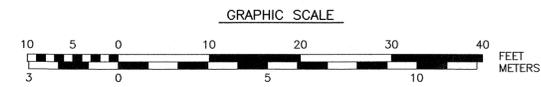


SCALE: 1"=10'

JUNE 2023

VARIANCE PLAN

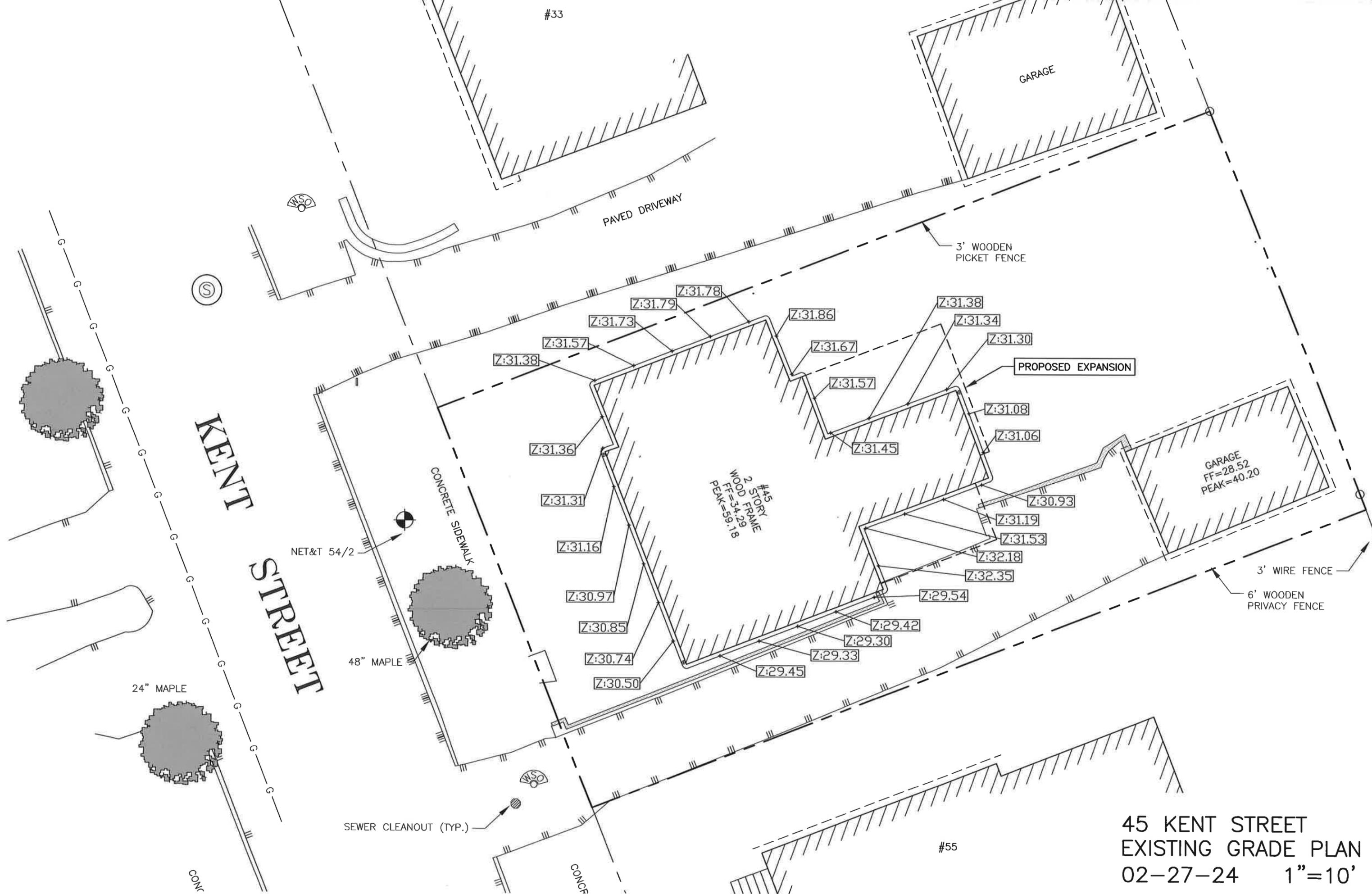
C3



Average Existing Grade Worksheet						
Project	Roche Residence				Calculated	
Address:	45 Kent Street Portsmouth, NH				2/26/2024	
No Offset from Building; Existing Grades 5' OC						
SECTION	Elev	Elev	Elev	Elev	Total	
WEST	31.36	31.31	31.16	30.97	124.80	AVG PER SECTION
	30.85	30.74			61.59	
			#	6.0	186.39	31.07
NORTH	31.38	31.57	31.73	31.79	126.47	AVG PER SECTION
	31.78	31.86	31.67	31.57	126.88	
			#	8.0	253.35	31.67
EAST	31.45	31.38	31.34	31.30	125.47	AVG PER SECTION
	31.08	31.06	30.93	31.19	124.26	
	31.53				31.53	
			#	9.0	281.26	31.25
SOUTH	32.18	32.35	29.54	29.42	123.49	AVG PER SECTION
	29.30	29.33	29.45	30.50	118.58	
			#	8.0	242.07	30.26
Total	963.07	>	AVERAGE GRADE			
#	31		31.07			

Note: Proposed building addition location has existing grades that are all at higher elevations; therefore the proposed average grade would be higher and is not detailed.

EXHIBIT B



KENT STREET

45 KENT STREET
 EXISTING GRADE PLAN
 02-27-24 1"=10'

#33

#55

GARAGE

PAVED DRIVEWAY

3' WOODEN PICKET FENCE

PROPOSED EXPANSION

GARAGE
 FF=28.52
 PEAK=40.20

2 STORY #45
 WOOD FRAME
 FF=54.29
 PEAK=59.18

3' WIRE FENCE

6' WOODEN PRIVACY FENCE

NET&T 54/2

CONCRETE SIDEWALK

48" MAPLE

24" MAPLE

SEWER CLEANOUT (TYP.)

CONCR

CONCR

Z:31.38

Z:31.57

Z:31.73

Z:31.79

Z:31.78

Z:31.86

Z:31.38

Z:31.34

Z:31.30

Z:31.36

Z:31.67

Z:31.57

Z:31.08

Z:31.06

Z:31.31

Z:31.45

Z:30.93

Z:31.16

Z:31.19

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Z:30.85

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Z:30.74

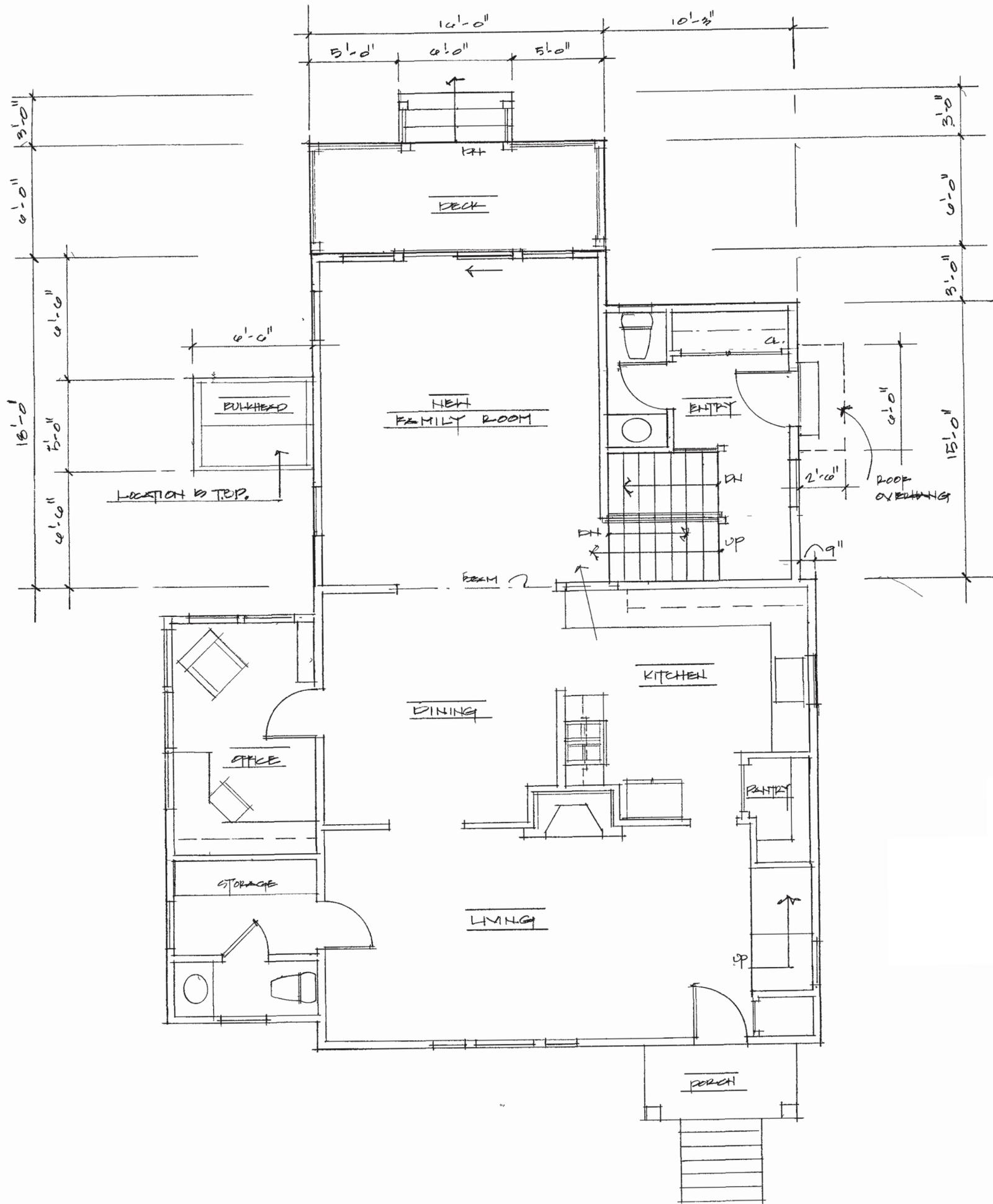
Z:29.42

Z:29.30

Z:30.50

Z:29.33

Z:29.45



PROPOSED FIRST FLOOR PLAN
 1/4" = 1'-0"

EXHIBIT C

5-29-23

REV
 6-5-23

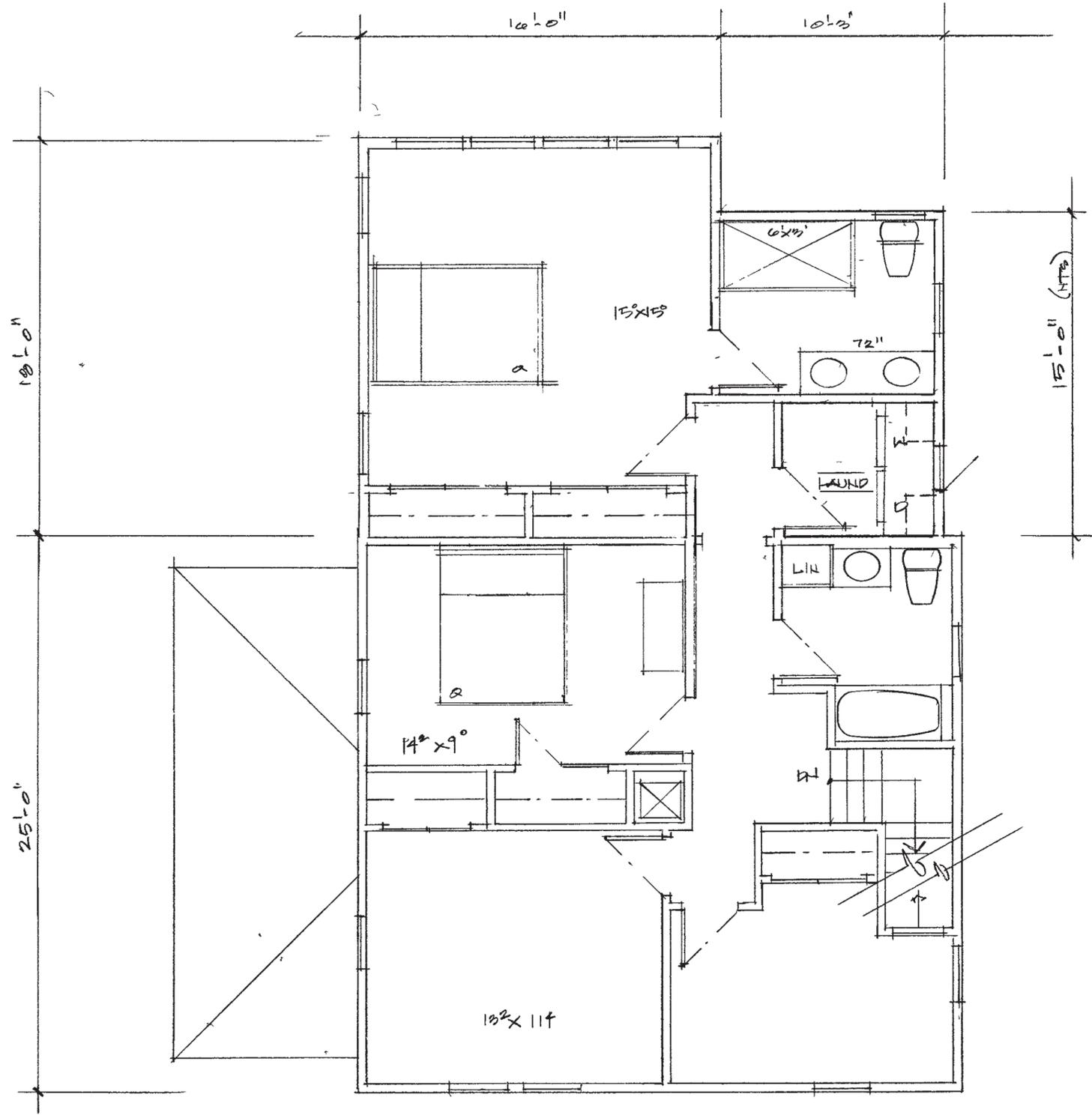
ROCHE/JAVUREK
 45 KENT STREET
 PORTSMOUTH, NH

197

A1

7-11-19

REV.
6-5-23



SECOND FLOOR PLAN
1/4" = 1'-0"

ROCHE / JAN UPEK RESIDENCE

1917

A2

7-11-19

REV
6-5-23

ROCHE/JAVUREK RESIDENCE

10/17

A3



RIGHT SIDE ELEVATION -
1/4" = 1'-0"

7-11-19

REV
6-5-23



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



BACK ELEVATION - C
1/4" = 1'-0"

ROCHE/JANUREK RESIDENCE

1917

A4

7-11-19

Rev
6-25-19



LEFT SIDE ELEVATION 1/4" = 1'-0"

ROCHE / JAY UPEK RESIDENCE

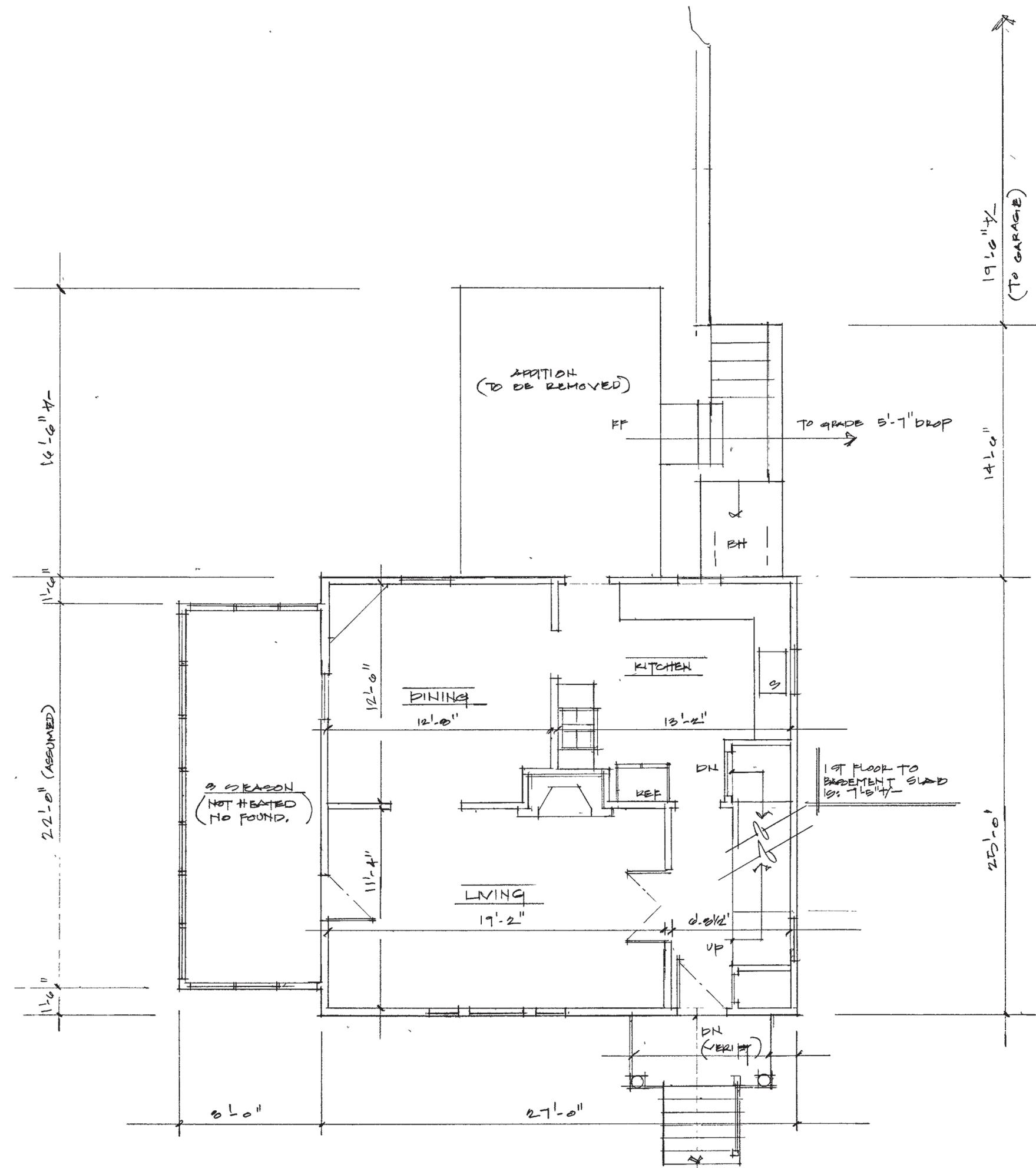
AS KEPT OFF PORTSMOUTH, NH

1917

A5

7-11-19

REV
 5-23-23
 6-23-23



EXISTING - FIRST FLOOR PLAN

1/4" = 1'-0"

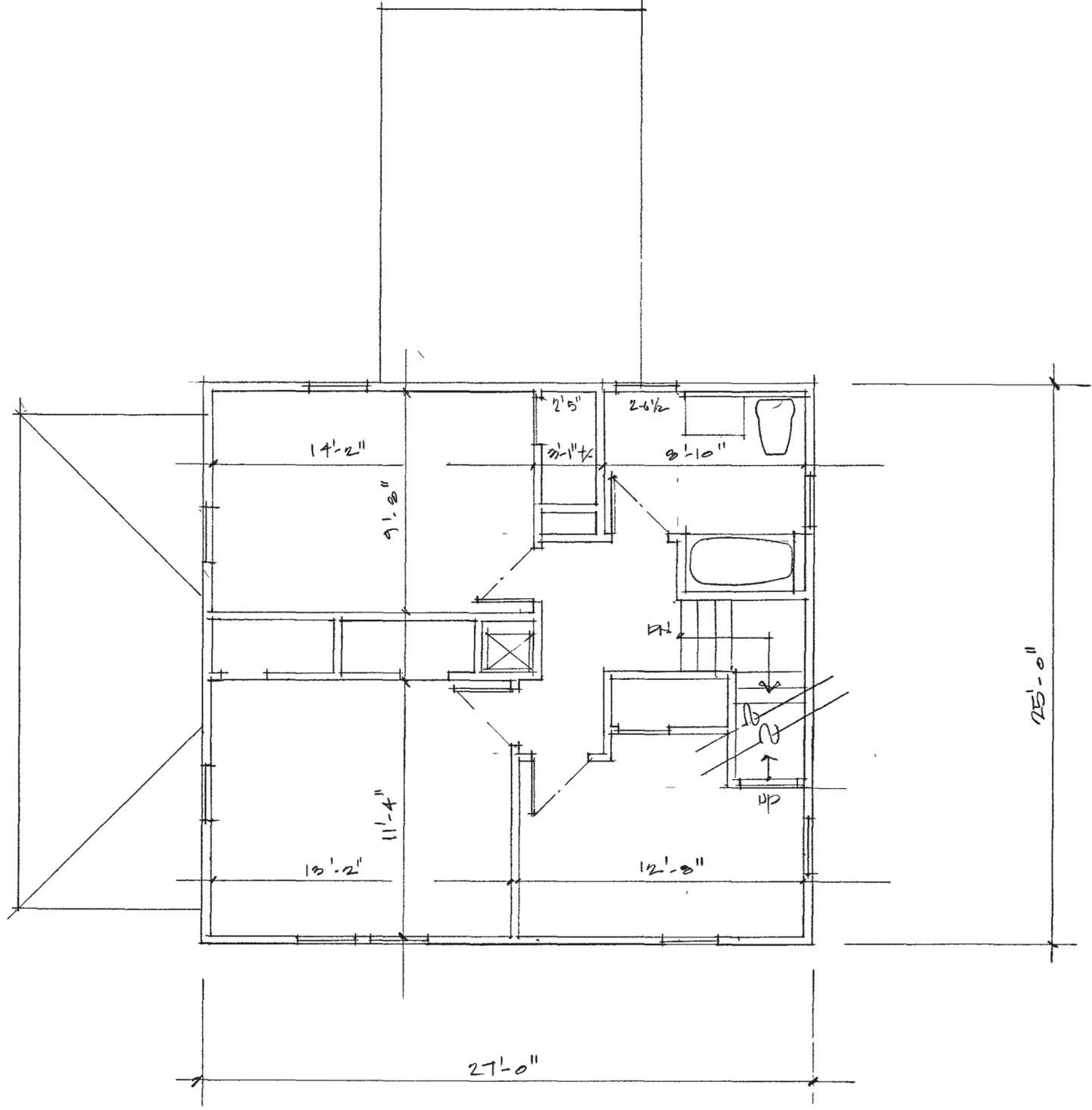
ROCHEL JAVUREK RESIDENCE

45 KELL ST.
 PORTSMOUTH, NH

1917

7-11-19

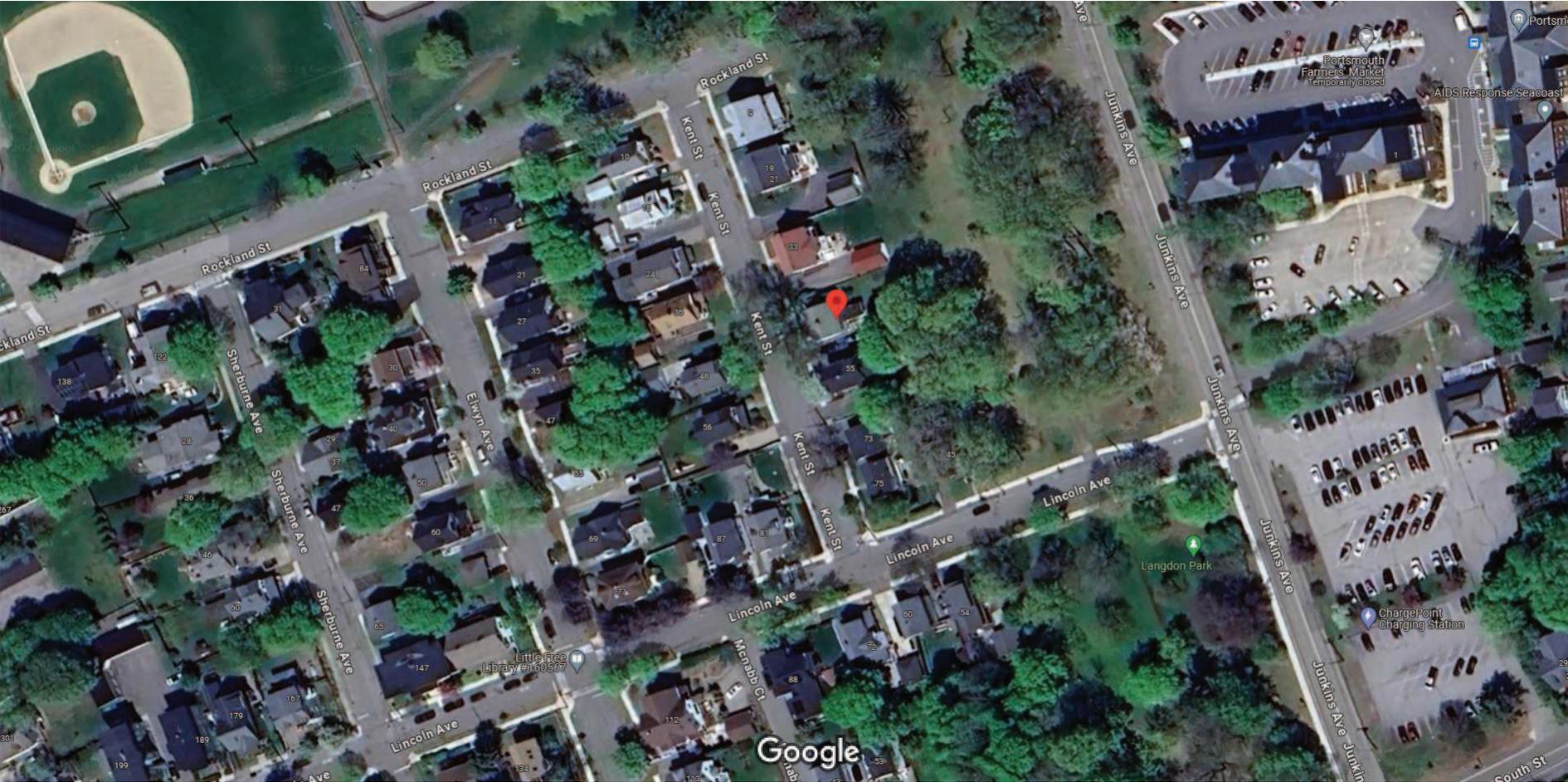
PREL
6-5-20



EXISTING - SECOND FLOOR PLAN
1/4" = 1'-0"

ROCHE/ JASUREK RESIDENCE
45 WEST ST
PORTSMOUTH, NH

1917



Imagery ©2024 Airbus, Maine GeoLibrary, Maxar Technologies, U.S. Geological Survey, Map data ©2024 50 ft



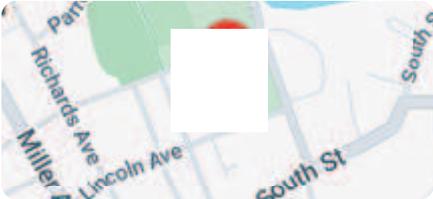
Portsmouth, New Hampshire

Google Street View

Sep 2011



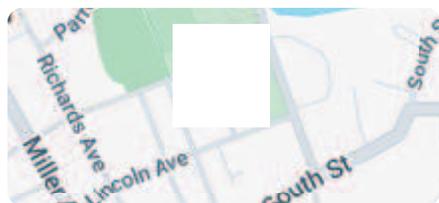
Image capture: Sep 2011 © 2024 Google



Portsmouth, New Hampshire
Google Street View
Sep 2011



Image capture: Sep 2011 © 2024 Google

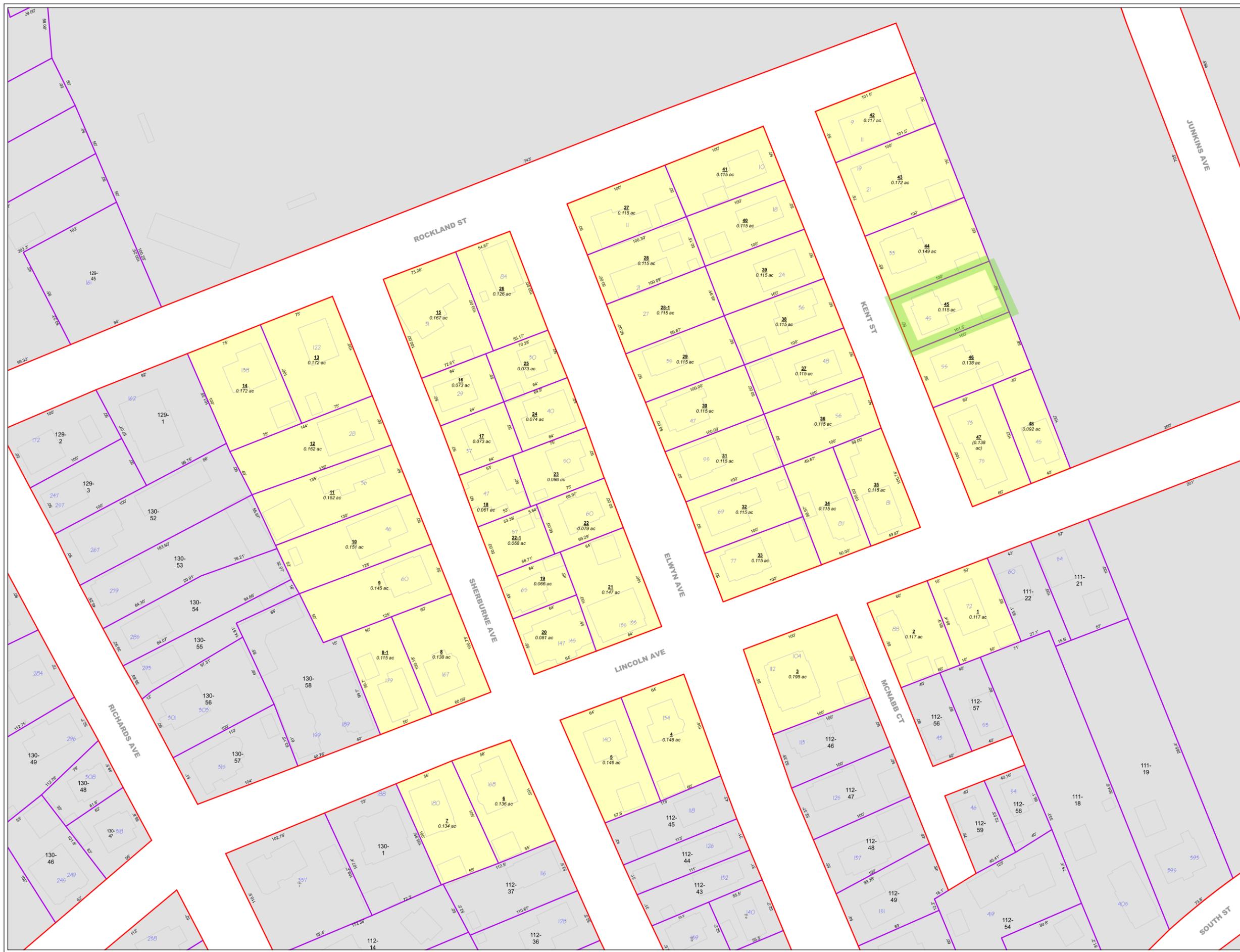


Portsmouth, New Hampshire
Google Street View
Sep 2011



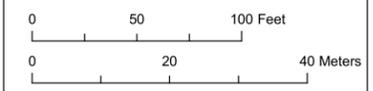
Image capture: Sep 2011 © 2024 Google





- Partial Legend**
 See the cover sheet for the complete legend.
- 7-5A** Lot or lot-unit number
 - 2.56 ac Parcel area in acres (ac) or square feet (sf)
 - 123-45 Address number
 - 233-137 Parcel number from a neighboring map
 - 68' Parcel line dimension
 - SIMS AVE** Street name
 - Parcel/Parcel boundary
 - Parcel/ROW boundary
 - Water boundary
 - Structure (1994 data)
 - Parcel covered by this map
 - Parcel from a neighboring map (see other map for current status)

EXHIBIT E



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

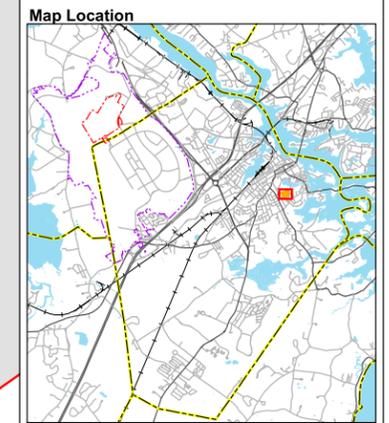
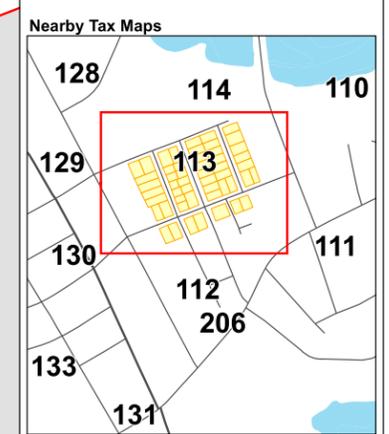


EXHIBIT F



Partial Legend
 See the cover sheet for the complete legend.

7-5A Lot or lot-unit number
 2.56 ac Parcel area in acres (ac) or square feet (sf)
 03 Address number
 233-137 Parcel number from a neighboring map
 or Parcel line dimension

SIMS AVE Street name

- Parcel/Parcel boundary
- Parcel/ROW boundary
- Water boundary
- Structure (1984 data)

Parcel covered by this map
 Parcel from a neighboring map (see other map for current status)

0 50 100 Feet
 0 20 40 Meters

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

Nearby Tax Maps

Map Location

Portsmouth, New Hampshire
 2023
Tax Map 113

Subject Property

Building Coverage Relief Granted

Setback Relief Granted

Building Coverage & Setback Relief Granted

Non-Conforming Building Coverage