

**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.

November 19, 2024

AGENDA

I. APPROVAL OF MINUTES

- A. Approval of the October 15, 2024 meeting minutes.
- B. Approval of the October 22, 2024 meeting minutes.

II. NEW BUSINESS

- A. The request of **Hogswave LLC (Owner)**, for property located at **913 Sagamore Road** where as relief is needed to demolish the existing home and boathouse and construct a new primary residential unit and boathouse with living unit above which requires the following: 1) Variance from Section 10.531 to allow 0 feet of frontage where 100 feet are required; 2) Variance from Section 10.334 to allow a nonconforming residential use to be extended into another part of the remainder of the lot; 3) Variance from Section 10.331 to allow a lawful nonconforming use to be extended or enlarged; and 4) Variance from Section 10.440 to allow a single family dwelling where it is not permitted. Said property is located on Assessor Map 223 Lot 27 and lies within the Waterfront Business (WB) District. (LU-24-141)
- B. The request of **Northeast Credit Union (Owner)**, for property located at **100 Borthwick Avenue** whereas relief is needed to establish an Ambulatory Surgical Center which requires the following: 1) Special Exception according to Section 10.440 to allow an Ambulatory Surgical Center where one is allowed by Special Exception. Said property is located on Assessor Map 259 Lot 15 and lies within the Office Research (OR) District. (LU-24-193)
- C. The request of **PNF Trust of 2013, (Owner)**, for property located at **84 Pleasant Street and 266, 270, 278 State Street** whereas relief is needed to merge the lots and construct a four-story mixed-use building which requires the following: 1) Variance from Section 10.5A41.10.C to allow a) 98% building coverage where 90% is maximum, b) 0% open space where 10% is minimum, and c) 53% shopfront façade glazing on Pleasant Street and 52% on State Street where 70% is the minimum required; 2) Variance from Section 10.5A21.B to allow a) 55 feet

of building height where 47 feet is permitted with a penthouse, b) a fourth story addition at 50 feet in height to the Church street elevation where 3 full stories and a short fourth are allowed with 45 feet maximum height permitted; 3) Variance from Section 10.642 to allow 43% ground floor residential area where 20% is maximum. Said property is located on Assessor Map Lot Map 107 Lot 77, Map 107 Lot 78, Map 107 Lot 79, Map 107 Lot 80 and lies within the Character District 4 (CD4), Historic and Downtown Overlay Districts. (LU-24-195)

- D.** The request of **James and Mallory B Parkington (Owners)**, for property located at **592 Dennett Street** whereas relief is needed to demolish an existing shed and construct a new 120 square foot shed which requires the following: 1) Variance from Section 10.573.20 to allow a 3 foot side setback where 10 feet is required; and 2) Variance from Section 10.521 to allow 26% building coverage where 25% is allowed. Said property is located on Assessor Map 161 Lot 18 and lies within the General Residence A (GRA) District. (LU-24-194)
- E.** The request of **Stephen A and Kathryn L Singlar, (Owner)**, for property located at **43 Holmes Court** whereas relief is needed to construct a new single-family dwelling which requires the following: 1) Variance from Section 10.628.20 to allow an unfinished basement to be constructed at a flood elevation of 5.75 ft. where 10 feet is required, and 5.75 ft. exists. Said property is located on Assessor Map 101 Lot 14 and lies within the Waterfront Business (WB) and Historic Districts. (LU-22-227)
- F.** The request of **361 Hanover Steam Factory LLC (Owner)**, and **Hampshire Development Corporation LLC (Applicant)**, for property located at **361 Hanover Street** whereas relief is needed to expand and renovate the existing commercial building and convert it to multi-family residential and to construct three new multi-family residential buildings which requires the following: 1) Variance from Section 10.642 to allow residential principal uses on the ground floor of the buildings; 2) Variance from Section 10.5A41 - Figure 10.5A41.10D to a) allow for "Apartment", "Rowhouse" and "Duplex" building types where they are not permitted; b) allow a ground floor height of 10.5 feet where 12 feet is required; and 3) Variance from Article 15 - Definition of Penthouse - to allow a penthouse with a setback of 8 feet from all roof edges where 15-20 feet is required and to allow no greater than 80% of the gross living area of the level of the floor below where 50% is the maximum. Said property is located on Assessor Map 138 Lot 63 and lies within the Character District 5 (CD5) District and the Downtown Overlay District. (LU-24-196)

III. 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_56D8PR_wS1686HkZFfZbRA

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

7:00 P.M.

October 15, 2024

MEMBERS PRESENT: Phyllis Eldridge, Chair; Beth Margeson, Vice Chair; Members David Rheaume, Thomas Rossi, Paul Mannle, Jeffrey Mattson, and Thomas Nies

MEMBERS EXCUSED: Alternate Jody Record

ALSO PRESENT: Stefanie Casella, Planning Department

Chair Eldridge called the meeting to order at 7:00 p.m.

I. APPROVAL OF MINUTES

A. Approval of the **September 17, 2024 meeting minutes.**

Mr. Mattson requested two changes. On page 5 at the end of the first paragraph, he asked that the phrase ‘variance for the building permit’ be changed to ‘variance for the building footprint’. The sentence was amended to read as follows: Mr. Mattson confirmed that the ordinance did mention the building footprint size, so it was true that it was relative to the ordinance, but it was under the section for a Conditional Use Permit modification that can be asked for from the Planning Board, so it was not a variance for the building footprint.

Mr. Mattson asked that the phrase ‘living room area’ in the last sentence on page 6 be changed to ‘living area’. The amended sentence now reads: Mr. Mattson said the Planning Department deemed that the size referred to was the living area set forth by State statute of 750 square feet as opposed to the building’s footprint size, and that he also learned that the Planning Board did not grant modifications lightly.

*Mr. Rossi moved to **approve** the minutes as amended, seconded by Mr. Mannle. The motion **passed** unanimously, 7-0.*

B. Approval of the **September 24, 2024 work session minutes.**

Mr. Rossi abstained from the vote.

*Mr. Mattson moved to **approve** the minutes as presented, seconded by Mr. Nies. The motion **passed** unanimously by a vote of 6-0, with Mr. Rossi abstaining from the vote.*

II. NEW BUSINESS

- A. REQUEST TO POSTPONE** The request of **Timothy Huntly (Owner)**, for property located at **124 Raleigh Way** whereas relief is needed after the fact for the keeping of chickens which requires the following: 1) Variance from Section 10.440 Use #17.20 to allow the keeping of farm animals where it is not allowed. Said property is located on Assessor Map 212 Lot 49-1 and lies within the General Residence B (GRB) District.
REQUEST TO POSTPONE (LU-24-140)

DECISION OF THE BOARD

*Mr. Rossi moved to **postpone** the petition to the October 22 meeting, seconded by Mr. Nies.*

Mr. Rossi said a one-week extension was reasonable because the applicant was out of town.

*The motion **passed** unanimously, 7-0.*

- B.** The request of **Sharon Syrek (Owner)**, for property located at **47 Langdon Street** requesting relief to construct a sunroom on the rear of the existing structure which requires the following: 1) Variance from Section 10.521 to allow 43% building coverage where 35% is the maximum allowed. Said property is located on Assessor Map 138 Lot 29 and lies within the General Residence C (GRC) District. (LU-24-159)

Mr. Rheume recused himself from the petition.

SPEAKING TO THE PETITION

[Timestamp 5:20] The owner/applicant Tom Basiliere was present. Mr. Basiliere said he and his wife wanted to build a sunroom at the back of the house that would be tucked into an ell-shaped section. He noted that a staircase addition made by previous owners had left the back section of the house unusable as living space. He said the sunroom would give his family a modern living space. He said the packet included photos of abutting properties, a land survey, and letters of support from several abutters. He reviewed the criteria and said they would be met.

[Timestamp 10:16] Mr. Nies said the site plan showed the lot area as 4,121 square feet, yet the Staff Memo indicated that the lot was 3,920 square feet. He asked what the reason was for the discrepancy. Ms. Casella said she took the tax card information and did not see an issue with it because it was the more conservative number. It was further discussed. Mr. Nies asked the applicant to elaborate on how the staircase in the ell made a lot of that space unusable. Mr. Basiliere said the back staircase to the second floor reclaimed about eight feet of a 7-ft wide by 15-ft long room in the back and encroached on the room quite a bit, leaving a very small space. Vice-Chair Margeson

asked Ms. Casella if the existing lot coverage included the patio. Ms. Casella said it was under 18 inches, so it would not count toward the building coverage.

Chair Eldridge opened the public hearing.

SPEAKING TO, FOR, OR AGAINST THE PETITION

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

DECISION OF THE BOARD

[Timestamp 13:00] Mr. Nies asked whether the Board had to approve the lot coverage number as 43 or 45 percent coverage. It was further discussed and it was decided that 43 percent was fine.

*Mr. Nies moved to **grant** the variance for the petition as presented and advertised, seconded by Mr. Mannle.*

[Timestamp 15:50] Mr. Nies said granting the variance would not be contrary to the public interest and would have no impact on the public's health, safety, or welfare. He said it would observe the spirit of the ordinance because there would be no change in use and the light and air would be preserved. He said granting the variance would do substantial justice because there would be no benefit to the public by denying the variance and there would be considerable harm to the applicant if it were denied. He said there was no evidence that granting the variance would diminish the values of surrounding properties. He noted that several abutters spoke in favor the petition, and if there were concerns about property values, they would have argued against it. He said literal enforcement of the ordinance would result in an unnecessary hardship because the property had several special conditions that distinguishes it from other properties. He said it was a small lot, like many of the properties in the area, and it was bigger than the 3500 square feet but not by much. He said the existing structure had been altered in such a way that at least part of the living area was not useful to the applicant. He said the location of the structure and the shape of the sun room and limiting it to one story meant that it would have little impact on the abutters. He said it would not be noticeable from the street or from one side at all, and several properties in the area were similar. He said there was no substantial relationship between the purpose of the ordinance and its specific application to the property. Mr. Mannle concurred and had nothing to add.

*The motion **passed** by a vote of 6-1, with Mr. Rossi voting in opposition.*

Mr. Rheame returned to his voting seat.

- C. The request of **Garrett R. Merchant (Owner)**, for property located at **33 Harrison Avenue** requesting relief after the fact for the construction of a shed which requires the following: 1) Variance from Section 10.573.20 to allow a 3 foot rear yard and 5 foot right side yard where 9 feet is required for both; and 2) Variance from Section 10.521 to allow 22% building

coverage where 20% is the maximum allowed. Said property is located on Assessor Map 251 Lot 16 and lies within the Single Residence B (SRB) District. (LU-24-179)

SPEAKING TO THE PETITION

[Timestamp 19:05] The owner/applicant Garrett Merchant was present and apologized for the after-the-fact shed. He explained that the person who sold him the 10'x12' shed told him that he would only need a permit if the house was in the Historic District. He said when he began the permitting process he discovered that he was over the usage. He reviewed the criteria.

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

SPEAKING TO, FOR, OR AGAINST THE PETITION

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

DECISION OF THE BOARD

*Mr. Mattson moved to **grant** the variances for the petition as presented and advertised, seconded by Mr. Rheume.*

[Timestamp 24:30] Mr. Mattson said granting the variances would not be contrary to the public interest and would observe the spirit of the ordinance. He said the backyard shed did not conflict with the purpose of the ordinance and would not alter the essential character of the neighborhood. He said the other neighbors also had backyard sheds in similar locations and they did not threaten the public's health, safety or welfare or otherwise injure public rights. He said substantial justice would be done because the benefit to the applicant would not be outweighed by harm to the general public or to other individuals and would clearly benefit the applicant. He said granting the variances would not diminish the values of surrounding properties, noting that it was a new shed for backyard storage. He said literal enforcement of the provisions of the ordinance would result in an unnecessary hardship. He said it was a reasonable use to have a backyard shed. He said there was no fair and substantial relationship between the purpose of the ordinance and the specific application to the property by placing the shed in a back corner similar to all the neighbors' sheds.

[Timestamp 26:18] Mr. Rheume concurred. He said the setback was somewhat less than required for the nine feet, but forcing the applicant to move the shed out by four or five feet in a few directions was not worthwhile. He said the more difficult aspect was that the current building coverage was not exactly 20 percent, and this put the applicant over by 3 percent, but it was mitigated by the fact that other similar-sized properties in the area, in terms of overall lot coverage, also had sheds placed in similar locations, so that constituted a unique mini neighborhood, and within that context, he thought it created a hardship. He said the applicant was simply asking for something that the neighbors already had. He said the sheds on the neighboring properties had not proved detrimental, so adding the shed in the proposed location was not worth making the applicant move it to a more awkward location on the property, and the 3 additional percent met all the

criteria. Mr. Mattson said the shed was a short one that essentially functioned more as a fence, and it almost seemed that, despite the request being an after-the-fact one, it probably arose because the applicant was trying to do the right thing after he pulled the building permit and triggered the request for the variance. He said the applicant's intention was good.

Mr. Rossi said he would not support the variance request. He said it shouldn't be presumed that just because an error was made, there would be a variance after the fact. He said the zoning ordinance was a publicly available document, and anyone else that may be looking at the meeting and thinking about putting a shed or other structure on their property should be aware that the expectation would be conformance with the ordinance and that they should check the ordinance before having the work done. He said that responsibility fell upon the property owner more so than the contractor, and if that had been done, a 10' x 10' shed placed two feet farther away from the rear yard probably would have accomplished the same thing for the property owner and would have only required the building coverage variance, which would probably be easy to get.

The motion passed by a vote of 6-1, with Mr. Rossi voting in opposition.

- D. The request of Northeast Credit Union and Liberty Mutual Insurance Company (Owners), for property located at 0 and 100 Borthwick Avenue requesting relief to perform a lot line adjustment which will expand the parking lot, which is an existing non-conforming use on the lot which requires the following: 1) Variance from 10.440 to allow a surface parking lot as a principal use where it is not allowed. Said property is located on Assessor Map 259 Lot 15 and Map 240 Lot 3 and lies within the Office Research (OR) District. (LU-24-165)**

SPEAKING TO THE PETITION

[Timestamp 31:28] Jeff Kilburg of APEX Design Build was present on behalf of the applicant. He said Lot 243 is a 10.74 acre lot that is currently owned by Liberty Mutual and utilized solely as a parking lot. He said the lot was built in conjunction with the original Liberty Mutual building and served 225 Borthwick Avenue. He said the lot line adjustment covered a portion of Map 259 Lot 15, which was leased by Liberty Mutual and was constructed in the early 2000s. He said the existing lot was bifurcated by Borthwick Avenue in 1969, which was the reason for the nonconforming use. He explained why the variances were needed and reviewed the criteria.

[Timestamp 33:55] Mr. Rheume said Mr. Kilburg originally said that the Liberty Mutual structure was created and the associated parking lot currently on Map 240 Lot 3 as 0 Borthwick Avenue was all one lot at one time. He asked how the original parking lot came to be on a neighboring property. Mr. Kilburg said there was an agreement between Liberty Mutual and Northeast Credit Union. He said the credit union was selling the property and the new owners would utilize the property for something different from a banking institution, so the access parking was not needed. He said Liberty Mutual needed the parking lot but did not have the lot to build it on, so they came to an agreement with Northeast Credit Union and created a lease which allows them to cover basic maintenance costs. Mr. Rheume said the lot line adjustment plan indicated that the intention was to

maintain the current access to the parking lot. He asked if there was discussion of the proposed easement across the other existing Northeast Credit Union property. Mr. Kilburg agreed. He said the existing entrance to the parking lot would remain unchanged, but as the lot line adjustment occurred, they would have to create an easement associated with it to provide proper access to Liberty Mutual to the newly-owned portion of the parking lot. Mr. Rheume asked why the applicant did not simply include the easement area so that they had their driveway and parking lot. Mr. Kilburg said, from the standpoint of creating an existing parking lot that it still utilized for the future of the credit union building, if they created a bifurcation where there was a lot line that extended and included that, they would need an easement for usage from 100 Borthwick Avenue. He said they still needed access to the south side of the parking lot.

Mr. Rossi said the current plan was to simply change the lot line and there would be no change to the pavement or parking area. He asked what the benefit to Liberty Mutual would be for getting the change. Mr. Kilburg said the parking lot was originally constructed by Liberty Mutual, so it would give them rightful ownership to that portion of the parking lot, which was a benefit. He said they currently utilized it and there was signage that differentiated Liberty Mutual parking spots from the credit union's parking spots. He said a bridge was built to access the parking lot from their abutting lot in the early 2000s, so it gave rightful ownership from that standpoint to something that they had been leasing through that process, given the arrangement with Northeast Credit Union. He said it was more of assigning rightful ownership to their parking lot rather than continuing to pay a lease over time. Mr. Mattson asked if it was because Northeast Credit Union was changing hands. Mr. Kilburg said he assumed it was because there was an existing agreement in place and that lease had been extended once, so they didn't want to go through the process of getting a variance for it.

Chair Eldridge opened the public hearing.

SPEAKING TO, FOR, OR AGAINST THE PETITION

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

DECISION OF THE BOARD

*Mr. Rheume moved to **grant** the variance for the petition as presented and advertised, seconded by Mr. Mattson.*

[Timestamp 41:39] Mr. Rheume said granting the variance would not be contrary to the public interest and would observe the spirit of the ordinance. He said in some way it was tricky in the sense that it wasn't really something that was recognized by the ordinance as being a primary use, but there was a logic in allowing it to be purely used in its expanded form. He said the applicant could not expand upon it but in reality, it was already there. He said the applicant created a parking lot through a lease arrangement and wanted it changed to an ownership relationship, so the essential characteristics of the neighborhood would not be affected. He said it was an open industrial area and the lot had been used as a parking lot for the adjoining property that at one time was part of the original property. He said it would be less of an argument if that division of the lots was done for a public purpose of extending Borthwick Avenue to connect to Route 33 and allow further economic

development in the area. By doing that, he said it created two separate lots and the applicants were not looking to expand upon it. He said it was nothing that was out of the characteristics of the general area and had been a longstanding use, and it accomplished what the ordinance was trying to do. He said substantial justice would be done because the applicant's interest was to take advantage of the opportunity to have all their parking on one property so that they could get out of the lease situation. He said it was nothing that the public would have an interest in to see something put on this piece of property other than the existing parking lot that had been there a long time and supported a business that was beneficial to the city. He said the balancing test weighed in favor of the applicant and would not diminish the values of surrounding properties. He said nothing on the ground would change but just the property line and somewhat of an expansion of the use on a particular lot but not for the overall neighborhood. He said the hardship was that the lot was separated many years ago and created a nonconforming lot. He said the applicant had a lease situation in place for a long time and they wanted to change it to an ownership arrangement. He said it was a special condition and a reasonable use, and he recommended approval. Mr. Mattson concurred. He said nothing was physically changing and the variance got triggered by the way the ordinance is written, which was meant to prevent other negative situations that did not apply here.

The motion passed unanimously, 7-0.

- E. The request of **Kent and Jennifer Bonniwell (Owners)**, for property located at **332 Hanover Street** requesting relief to demolish the existing primary and accessory structure and construct a 2-living unit structure which requires the following: 1) Variance from Section 10.5A41.10A to allow: a) 2,167 square feet of lot area per dwelling unit where 3,000 square feet is required; b) a secondary front yard of 17 feet where 12 feet is the maximum; and c) a finished floor surface 6 feet above the sidewalk grade where 36 inches is maximum. Said property is located on Assessor Map 126 Lot 43 and lies within the Character District 4-L1 (CD4-L1. (LU-24-170)

SPEAKING TO THE PETITION

[Timestamp 47:50] Attorney Brett Allard was present on behalf of the applicant. He said the property was located in the CD4-1 character district and surrounded on three sides by public roads. He said they wanted to remove the existing dwelling and shed and build a two-family dwelling and that they would create two additional parking spaces by reconfiguring the parking area around the building. He explained in detail why all the three requested variances were needed. He said some of the comments submitted by the public were concerns that did not relate to the variances requested because the comments were related to the building size being too big or too tall and the possibility that it would set a precedent. He said the building size was not too tall and would not trigger the density variance and that the density issue had to be looked at separately from the other considerations. He reviewed the criteria.

[Timestamp 1:03:54] Mr. Mannle referred to the density survey of the 25 lots in the CD4 District and asked how many had the conditions prior to the CD4 zoning change. Attorney Allard said he wasn't sure about the numbers but was sure a number of the lots were old and grandfathered. Mr. Mannle asked what the square footage of each unit was. Attorney Allard said Unit A was 2,359

livable square feet and Unit B was 2,047. Vice-Chair Margeson said the uniqueness of the property was that it has three side yards and one front yard. She asked how that related to the variance for the lot area per dwelling unit. Attorney Allard said it was a package deal, and with respect to that special condition, it related more to the variance for the relief from the secondary front yard component. He said that, because the property had three secondary front yards, the applicant was restricted in terms of balancing the need for off-street parking but also achieving the maximum lot coverage buildout that the ordinance is trying to obtain. He said the special condition played more into the secondary front yard variance than the density ones, but there were other special conditions that were more relevant to the density one. Vice-Chair Margeson asked Attorney Allard to review the special conditions for the density. Attorney Allard said it really had to do with the lot size and went back to their density survey. He said several lots were old and grandfathered but constituted the current make-up of the area. He said based on that mark-up, the lot was much larger on a square footage per unit basis than most of the other lots in the area and would be larger on a square-footage basis than all six of the other two-family lots, so it was the lot size that tied into the density variance. He said the third variance was needed for the sidewalk, which was an inherent restriction of the land in terms of the slope that came down. He said there were three different special conditions tied to three different variances. Vice-Chair Margeson said the applicant could put a single-family home in and would not need the variance for lot area per dwelling. Attorney Allard agreed but said if they built a bigger home than proposed but only called it one unit, they could alleviate the secondary front yard setback.

Mr. Nies said the applicant emphasized how their lot was larger than many in the area that had multiple units on them, and as a result, their ratio of lot size to units was actually going to be bigger than many of the others, but he said Section 10.233.50 of the ordinance said that whether surrounding properties violate a provision or standard shall not be a factor in determining whether the spirit of the ordinance would be observed in the granting of the variance. He said he was confused about how the applicant could make the argument that they were doing better than the others and justified that it was consistent with the spirit of the ordinance. He said, given the explicit language of the ordinance, the Board was not supposed to consider that. Attorney Allard said he was drawing that conclusion for purposes of the hardship criteria and not the spirit of the ordinance. He said there was a lot of overlap among the criteria, and nonconformities and lot size could be unique for purposes of finding a hardship and perhaps not as relevant based on the zoning language under the spirit of the ordinance, which was more about the character of the area and the public's health, welfare and safety. Mr. Nies asked how having an oversized lot per the ordinance translated into being a rationale for not being conforming with the square footage per dwelling unit and asked what the special condition was that said the applicant could not enjoy the use of the property without that particular variance of reducing the number of square footage per dwelling unit relative to the requirements of the ordinance. Attorney Allard said the test wasn't whether or not the applicant could enjoy it but whether, owing to the special conditions that distinguish it from others in the area, there is no fair and substantial relationship between the purpose of the ordinance and the application of that requirement. He said the applicant's lot was much bigger than most of the lots in the area, which was a special condition. He said the purpose or the density requirement was to minimize congested development and the applicant was not proposing any overcrowding or congested development. He said they could propose a single-family dwelling and build the property much bigger and eliminate the on-site parking down to three spaces.

Mr. Rheaume said the CD4-L1 zoning district was unusual for the neighborhood that covered 25 properties. He said the applicant cited 22 of those 25 properties and the remaining properties were not very different. He said out of the 22 properties, there was only one that meet the 3,000 square footage requirement, and that from the applicant's perspective, the city created the CD4-11 District in an attempt to replicate the general character of the zone. He asked if the applicant had concerns about how the city decided upon the 3,000 square footage per unit per CD4-L1. Attorney Allard said he hadn't thought of it as a macro perspective or if it was the right call when the district was created. He said their focus had been on what was on the ground now. He said 3,000 square feet seemed a little high, given the surrounding density in the area, but that was the reason the Board was there to grant variances.

[Timestamp 1:16:45] Chair Eldridge opened the public hearing.

SPEAKING IN FAVOR OF THE PETITION

No one rose to speak.

SPEAKING IN OPPOSITION TO THE PETITION

Daphne Chiavaris of 40 Parker Street said she lived across the street in a modest New England style home of about 1400 square feet and had concerns about the proposed building height and density. She said it felt overwhelming for the area, and the increase of five to 16 windows facing Parker Street raised privacy concerns. She asked that the building's height and the number of windows facing Parker Street be adjusted to better align with the neighborhood's character.

Bryn Waldwick of 30 Parker Street said having two units would create a much wider building and having a mansard roof would take away the open air vs. a peaked roof. He said having high floor heights would end up with the peak of the new building seven feet above the surrounding ones. He said their views would be blocked and would leave them just looking at the sky. He said it would hurt their property's value. He said it would not be in the public interest to grant the variances because the plan was not in character or in proportion with the neighborhood.

SPEAKING TO, FOR, OR AGAINST THE PETITION

Attorney Allard said they did not need variances for windows or the height of the building but only needed relief because they were not proposing to build all the way to all of the streets. He said if they proposed a single-family dwelling, they could go ten feet higher and ten feet wider. He said the requested variances allowed them to build a less intense use. Mr. Rossi asked if it was possible to build a lower structure by having the first floor lower. Project architect Richard Desjardins was present and said they would be willing to readjust the 6.3 ft variance to match the current 6.2 feet.

Applicant Jennifer Bonniwell asked what floor height Mr. Rossi had in mind. Mr. Rossi said if the floor height was one foot above the front sidewalk level, the structure would be five feet lower and would alleviate the neighborhood concerns about the looming nature of the structure. Ms. Bonniwell said if they moved everything down, they could not put a garage in.

Bryn Waldwick of 30 Parker Street said the height of each interior floor could be lowered.

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

DISCUSSION OF THE BOARD

[Timestamp 1:30:33] Mr. Mattson said the lot was surrounded on three sides by public right-of-ways, so it was unique, and he thought it did somewhat apply to the relief for the duplex because the density issues were related to light, air and privacy, and instead of having neighbors on three sides, it had streets on three sides, with neighbors on the opposite side of the street that were farther away. He said the proposed structure would be farther away from the neighbor with the abutting property. Vice-Chair Margeson said she struggled with the hardship criteria and said the applicant would not need any variance except for the grade issue to build a single-family home. She said the other problem was that the character district was intended to encourage development that is compatible with the established character of its surroundings and consistent with the city's goals for the preservation or enhancement of the area. She said the application ran afoul of the spirit and intent of the ordinance, and the biggest problem was the hardship. She said she did not think that the slightly larger lot really saved the applicant from that. Mr. Rossi agreed and said he was struggling to see the hardship for the 2,000+ square feet per dwelling unit.

[Timestamp 1:32:51] Mr. Rheume said there were two pieces, the setback variances and the height relative to the sidewalk variance. He said it was an unusual set of circumstances created by the fact that the zone was a relatively new character district. He said the city was trying to help better define to create a zoning area that was more reflective of the overall characteristics of a certain neighborhood as well as to incentivize moving towards a future vision of what the neighborhood could look like. In terms of the setbacks, he said it was unusual. He said what was being asked for relief was permission to not occupy the entire lot but to occupy less than that. He said it was one of the larger lots out of the 25 covered in the CD4-L1 District. He said it invited someone to tear down an existing structure. He said the fact that the applicant's property was bordered on three sides by roads and the topography of the road lent itself to the idea that those variances were probably more or less acceptable, and the Board probably did not want to encourage the applicant to make an even bigger structure than proposed. He said the second piece was the lot area per dwelling area. He said the applicant showed that all the numbers were not really compliant with the zoning ordinance, with the exception of one other property, so there was a hardship in a sense. He asked what there was about the applicant's lot that said the strict application of the zoning ordinance did not make sense. He said there was density there and the applicant was asking for something similar to what the general characteristics of the neighborhood were. He said the zoning ordinance didn't fully capture that and the petition was closer to meeting the standards than many of the neighboring lots that had pre-existing conditions within the zoning ordinance. He said he empathized with the neighbors but that the amount of windows facing someone was not controlled by the ordinance, and the ordinance encouraged taller buildings in the area. He said the applicant was trying to make his building lower than the maximum allowed. He said a neighbor's viewshed was not guaranteed. He said the criteria for property values went back to what the variances asked for that would negatively impact the

property values, not necessarily what the structure is that is allowed by the ordinance. He said he also didn't like it when the applicant brought up alternatives of what they could do instead and that it like negative pushback. Vice-Chair Margeson said she disagreed with a lot of what Mr. Rheume said, and it was further discussed. She said the lot was larger than the rest of CD-4L1 but there were many properties that were much smaller in the area than 3,000 square feet. She said there was still a problem with hardship and she did not think that the 1300 sf increase in the lot area was that significant. Mr. Nies pointed out that there were several larger lots all over the CD4-L1 District. Chair Eldridge said when she first saw the photos of the proposed building, she thought it was a terrific design, but given that it was a character district, she believed that the building would change that character. She said the mansard roof that made it seem particularly larger than the other buildings.

DECISION OF THE BOARD

*Vice-Chair Margeson moved to **deny** the variances for the petition as presented and advertised, seconded by Mr. Mannle.*

[Timestamp 1:45:17] Vice-Chair Margeson said she believed the petition failed on a few criteria, but the most essential ones were 10.233.21 and .22, the granting of the variance would not be contrary to the public interest and would observe the spirit of the ordinance. She said the purpose and intent of the character-based zoning was to encourage development that is compatible with the established character of its surroundings and consistent with the city's goals for the preservation and enhancement of the area. She said that was accomplished by providing a range of standards for the elements of development and buildings that define a place. She said she believed that since the application included the proposed structure, it was something the Board had to consider, particularly when they were talking about the character-based zoning in which the property sits.

Mr. Mannle said there were three separate variance requests. He said he had no problem with Variance Requests B and C but did with Variance Request A. He said the CD4-L1 was part of the discussions when that part of the city coming off the old North end and Hanover Street and so on was being done. He said it was a transition neighborhood and the original request was to go from 3,500 sf to 2,000 sf and have one unit per lot. He said the Planning Department had thought that was a big leap. He said 2,000 sf would have put a lot of the lots in compliance, but the discussion went from that to dropping it only 500 sf and allowing two families. He said the request was problematic and that he would support the motion to deny. Mr. Rheume said he would not support the motion to deny. He said some of the history that Mr. Mannle talked about reinforced his decision. The concern was that multiple unit buildings could be created, but the applicant simply wanted a two-family building, and he thought that sounded like some of the thinking that went behind the ordinance. Mr. Rossi said the problem was one of the limitations of the zoning ordinance, the mansard roof as opposed to a peak roof, but the ordinance allowed that and it was an odd way of measuring building height. He thought in this district, given the intent to preserve the character of the area, it would be problematic, so he be in support of the motion to deny. Mr. Mattson said the bigger picture with character districts was getting away from looking at uses and making it more about buildings and complying with and having more allowed uses within those buildings. He

said it seemed to be more of an issue with the use of a two-family home than the structure in this case. Mr. Rossi said the Board was often asked to consider a table of numbers such as the ones they saw for the number of square feet per dwelling unit and the number of residences, but it was hard to reduce the character of a property to one number. He said there were a lot of other factors. He said many of the properties had structures on them built long before the zoning ordinance was in place. He said the Board might expect different levels of compliance when a structure is razed and a completely new structure is built on a lot that has been turned into a green field lot and there was every opportunity to comply with the zoning ordinance. He said the comparison with the older structures that predated the ordinance has its limitations in terms of the applicability of that logic.

*The motion to deny **passed** by a vote of 4-3, with Mr. Nies, Mr. Rheaume, and Mr. Mattson voting in opposition.*

THE FOLLOWING ITEMS WILL BE HEARD ON TUESDAY, OCTOBER 22, 2024

- F. The request of **Eric Benvin and James Christopher Dozier (Owners)**, for property located at **49 Cass Street** whereas relief is needed to construct a two-story addition to the rear of the home which requires the following: 1) Variance from Section 10.521 to a) allow a 3 foot side setback where 10 feet is required; b) allow a 13.5 foot rear setback where 20 feet is required; and 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. Said property is located on Assessor Map 156 Lot 10 and lies within the General Residence C (GRC) District. (LU-24-145)
- G. The request of **Aranosian Oil Company INC (Owner)**, for property located at **1166 Greenland Road** requesting relief for the installation of a canopy sign and lightbars which require the following: 1) Variance from Section 10.1251.20 to allow a 44 square foot canopy sign where 20 square feet is allowed; and 2) Variance from Section 10.1252.40 to allow illumination of two existing gas pump canopies. Said property is located on Assessor Map 279 Lot 2 and lies within the Industrial (I) District. (LU-24-171)
- H. The request of **Andrew Powell and Nicole Ruane (Owners)**, for property located at **339 Miller Avenue** requesting relief to demolish the existing sunroom and construct a two-story addition to the rear of the home which requires the following: 1) Variance from Section 10.521 to allow a building coverage of 28.5% where 25% is allowed. Said property is located on Assessor Map 131 Lot 31 and lies within the General Residence A (GRA) District. (LU-24-175)
- I. The request of **Port Harbor Land LLC (Owner)**, for property located at **0 Deer Street** requesting relief to construct a parking garage associated with a previously approved mixed-use development which requires the following: 1) Variance from Section 10.1114.20 to a) allow a 75 degree angle of parking on the lower level where the parking design standards do not allow it; b) allow a 17.5' one-way drive aisle on the lower level where the parking design

standards do not allow it; c) allow a parallel parking space on the upper level with a length of 19 feet where 20 feet is required; and d) allow a 10' one-way drive aisle on the upper level where 14' is required. Said property is located on Assessor Map 118 Lot 28 and lies within the Character District 5 (CD5), Historic and Downtown Overlay Districts. (LU-24-176)

III. OTHER BUSINESS

There was no other business discussed.

IV. ADJOURNMENT

The meeting adjourned at 9:00 p.m.

Submitted,

Joann Breault
BOA Meeting Minutes Taker

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

7:00 P.M.

October 22, 2024

MEMBERS PRESENT: Phyllis Eldridge, Chair; Beth Margeson, Vice Chair; Thomas Rossi; Paul Mannle; Jeffrey Mattson; Thomas Nies; Jody Record, Alternate

MEMBERS EXCUSED: David Rheume

ALSO PRESENT: Jillian Harris, Planning Department

Chair Eldridge called the meeting to order at 7:00 p.m. Alternate Ms. Record took a voting seat for the evening.

I. OLD BUSINESS

- A.** The request of **Timothy Huntly (Owner)**, for property located at **124 Raleigh Way** whereas relief is needed after the fact for the keeping of chickens which requires the following: 1) Variance from Section 10.440 Use #17.20 to allow the keeping of farm animals where it is not allowed. Said property is located on Assessor Map 212 Lot 49-1 and lies within the General Residence B (GRB) District. (LU-24-140)

SPEAKING TO THE PETITION

[Timestamp 3:45] The owner/applicant Tim Huntley was present and said he was requesting a chicken coop in a fenced-in yard. He said the coop was 3'x5'. He reviewed the criteria. He said the three chickens that were more like pets and that his neighbors enjoyed them. He said the hardship would be having to relocate the chickens to a different home because they were older chickens.

[Timestamp 9:00] Mr. Rossi asked if Mr. Huntley had other farm animals on his property, and Mr. Huntley said he did not. Mr. Rossi said Mr. Huntley had the chickens for 4-1/2 years, and he asked how he found out that he needed a variance. Mr. Huntley said a neighbor complained to Animal Control because she thought the chickens weren't being fed. He said Animal Control and the Health Department inspected the property and did not recommend any changes. Mr. Rossi said the Planning Staff suggested a condition that the coop should be moved to comply with the setbacks. Mr. Huntley agreed. Vice-Chair Margeson asked if Mr. Huntley would get more chickens when the current ones died. Mr. Huntley said he would just maintain the flock he had. Mr. Mattson suggested another condition to the approval that there would be no roosters. Mr. Huntley agreed.

Chair Eldridge opened the public hearing.

SPEAKING IN FAVOR OF THE PETITION

Sherry Mitsui of 111 Raleigh Way said she was in favor of the chicken coop because the chickens were well kept, quiet, odor free, and did not adversely affect the neighbors.

SPEAKING IN OPPOSITION OR SPEAKING TO, FOR, OR AGAINST THE PETITION

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

DECISION OF THE BOARD

*Mr. Rossi moved to **grant** the variance for the petition as presented and advertised, seconded by Mr. Mattson, with the following **conditions**:*

- 1) The coop shall be moved to comply with the setbacks;*
- 2) The chickens shall be limited to six chickens; and*
- 3) There shall be no roosters.*

[Timestamp 14:08] Mr. Rossi said granting the variance would not be contrary to the public interest and would observe the spirit of the ordinance. He said the spirit of the ordinance was to not combine agricultural enterprise with residential areas, and he said the coop was far from an agricultural enterprise, so he did not think that it violated the spirit of the ordinance to allow the chickens to continue their habitation of the property. He said substantial justice would be done because there would be no benefit to the public by asking the applicant to remove his chickens that would outweigh the hardship or cost to the applicant in removing the chickens. He said granting the variance would not diminish the values of surrounding properties because the chickens were quiet and did not create a nuisance in the area. He said the coop would not be very visible from surrounding properties, so there would be no conceivable impact on the values of surrounding properties. He said literal enforcement of the ordinance would result in an unnecessary hardship. He said the property was bordered by another property owned by the applicant, so there was no violation of the spirit of the ordinance or change in the character of the neighborhood by allowing the chickens and the coop to continue to exist. He said he would add three conditions: 1) that there be no roosters, 2) the chickens would be limited to six, and 3) the coop would be relocated so that they were in compliance with the setbacks required by the zoning ordinance.

Mr. Mattson concurred. He said the coop would not alter the essential character of the neighborhood because it would not be seen from the street due to the fence being as tall as the coop at six feet.

*The motion **passed** by a vote of 6-1, with Vice-Chair Margeson voting in opposition.*

II. NEW BUSINESS

- A.** The request of **Eric Benvin and James Christopher Dozier (Owners)**, for property located at **49 Cass Street** whereas relief is needed to construct a two-story addition to the rear of the home which requires the following: 1) Variance from Section 10.521 to a) allow a 3-foot

side setback where 10 feet is required; b) allow a 13.5 foot rear setback where 20 feet is required; and 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. Said property is located on Assessor Map 156 Lot 10 and lies within the General Residence C (GRC) District. (LU-24-145)

SPEAKING TO THE PETITION

[Timestamp 18:45] Rock Bisson of Generation Homes was present on behalf of the applicants and said they were seeking an addition for the rear of the house. He reviewed the surrounding context and nonconformities. He said the applicant wanted to extend the property footprint at the rear of the home by adding a 10x'14' two-story addition to accommodate a large kitchen and expand the existing living space above. He said the addition would match the existing home's roofline and design. He reviewed the criteria and said there were letters from the immediate abutters in favor.

[Timestamp 25:32] Mr. Mattson said the condenser was currently in the rear of where the addition would be and asked if it would be pushed back ten feet to be behind the new addition. Mr. Bisson said it would get moved to the inside. Mr. Rossi said the packet included a copy of the warrantee deed and asked what its relevance was to the application. Mr. Bisson said it had no relevance to the deed and that he had thought it might be helpful to the process.

Chair Eldridge opened the public hearing.

SPEAKING TO, FOR, OR AGAINST THE PETITION

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

DECISION OF THE BOARD

*Vice-Chair Margeson moved to **grant** the variances for the petition as presented and advertised, seconded by Mr. Mannle.*

[Timestamp 27:36] Vice-Chair Margeson referred to Sections 10.233.21 and .22. She said the applicant was asking for relief from the side yard and rear yard setbacks. She said for the side yard setback, it was a continuation of existing nonconformity and would not impact the lot immediately next to it. As for the rear yard setback, she said it did take the building out of conformity but only by 6.5 feet. She said the light, air, and space aspects would not be implicated negatively by granting the variance and there would be no threat to the public's health, safety or welfare or alteration of the essential character of the neighborhood. Referring to Section 10.233.23, she said granting the variances would do substantial justice because the public would not be harmed by the benefit to the applicant. Referring to Section 10.233.24, she said granting the variances would not diminish the values of surrounding properties because the addition would be an improvement to the existing property and would only enhance the values of surrounding properties. Referring to Section 10.233.25, she said literal enforcement of the provisions of the ordinance would result in an

unnecessary hardship. She said the property had special conditions that distinguished it from others in the area, and owing to those special conditions, a fair and substantial relationship did not exist between the general public purposes of the ordinance's provision and the specific application of that provision. She said the existing bulkhead built right in to the land was a special condition that made expansion off the right side where there is more room impractical. She said the proposed use was a reasonable one, an extension of a living area for a house in the GRC District.

[Timestamp 30:42] Mr. Mannle concurred. He asked if it was possible to add a condition that no mechanical units would be located behind the new addition, noting that the applicant said the current mechanical would be moved to the side. It was further discussed. Ms. Harris said the setback for the mechanicals was 10 feet, so the applicant would still have 3.5 feet.

The motion passed unanimously, 7-0.

- B.** The request of **Aranosian Oil Company INC (Owner)**, for property located at **1166 Greenland Road** requesting relief for the installation of a canopy sign and lightbars which require the following: 1) Variance from Section 10.1251.20 to allow a 44 square foot canopy sign where 20 square feet is allowed; and 2) Variance from Section 10.1252.40 to allow illumination of two existing gas pump canopies. Said property is located on Assessor Map 279 Lot 2 and lies within the Industrial (I) District. (LU-24-171)

SPEAKING TO THE PETITION

[Timestamp 35:31] Peter March of NH Signs was present on behalf of the applicant and said they were requesting a variance for an additional canopy sign size and some additional lighting on the canopy. He said they applied for a sign permit for 44 square feet of signage on one aspect of the canopy and also a light bar and were denied, so they were there to appeal to the Board. He said the square footage on the site was currently 95 square feet and they were asking to increase it to 119 square feet. He said the diesel canopy signage and the carwash signage had been permitted and the subject of the variance request was the gas canopy signage and the light bar on the gas and diesel canopies. He reviewed the requests in more detail and then reviewed the criteria.

[Timestamp 45:00] Vice-Chair Margeson confirmed that the gas station was open 24 hours a day, so the sign would be illuminated 24 hours a day. She asked if there was currently a problem with safety. Mr. March said the site had the potential for attracting 'bad players' on Route 95. He said it was one of the first sites right off the highway for traffic coming southbound on Route 95 and the last site in New Hampshire heading toward Maine, so any lighting would help. He said the blue lighting had a minimal impact on the site's visibility but helped light the base of the canopy. Vice-Chair Margeson said better illumination would attract more people to the site from the highway. She asked if there were other ways to deal with the issue, like lighting on the property or security cameras. Mr. March agreed but said if the site were better lit, it would improve safety for the people using it. Mr. Mattson said the applicant was only allowed 20 square feet for the sign because they were in Sign District 6. He asked if the applicant was allowed only 20 square feet no matter how big the property was. Mr. March said the difference was that it was defined as a canopy sign, and under

that code they were allowed 20 square feet. He said they were asking for the addition of the triangle to help identify the site. Mr. Rossi confirmed that all the lighting would be static and would not have any moving elements.

Chair Eldridge opened the public hearing.

SPEAKING TO, FOR, OR AGAINST THE PETITION

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

DECISION OF THE BOARD

[Timestamp 49:42] Mr. Rossi said the variance request was reasonable because it would not violate the spirit or intent of the ordinance and, particularly because of its location, it would not change the character of the area at all.

*Mr. Rossi moved to **grant** the variances for the petition as presented and advertised, seconded by Mr. Mattson.*

Mr. Rossi said granting the variances would not be contrary to the public interest and would observe the spirit of the ordinance. He referred to the purpose and intent of the sign ordinance and said the ordinance was trying to avoid distraction to people driving around the roadway, which he did not believe the petition presented. He said there was a benefit to the public because it would be easier to identify the gas station as one came off Route 95 and drove up Greenland Road. He noted that sometimes he had driven right past it and ended up going to the truck stop that had a much larger sign. He said there would be a benefit to the public rather than a hindrance and that it would be well marked, especially at night. He said he agreed with the applicant's statement that having a well-lit fueling area is a comfort to motorists in terms of safety and seeing what's going on around them. He said substantial justice would be done because the public would not suffer a loss by allowing the change of signage. He said it was an area where he did not think the public would be affected at all, other than being able to more easily find and utilize the facilities of this fueling station. He said granting the variances would not diminish the values of surrounding properties because it was a heavily industrialized and commercial area and there would be no conceivable impact on the values of surrounding properties. He said literal enforcement of the provisions of the ordinance would result in an unnecessary hardship. He said the special conditions that distinguish it from others in the area were the nature of its location and the proposed signage compared to other gas and refueling signs when people tried to attract business from the highway and tended to stick the signs way up in the air. He said the variance request did not present any of those problems and that the proposal would fit in very well with the location. He said the special condition of the property was that it was surrounded by commercial enterprises and that there was no purpose in restricting the sign with regard to maintaining the character of the neighborhood.

Mr. Mattson concurred. He said the lighting was a secondary factor that would potentially improve safety and would not cause a threat to the public's health, safety, and welfare. He said even if it did

not increase the safety, it certainly wouldn't hurt it. He said the 17-acre property was big and did not have any surroundings that the lighting would be a nuisance to, and the canopy was already there, so not much would be changing. He said the lighting's directionality made sense.

Vice-Chair Margeson said she would not support the motion. She said Article 12 of the ordinance set out very detailed requirements for signs and regulated the type, number, location, size, and illumination to protect the public from hazardous and distractive lighting displays. She thought the variance request was driven more by a corporate rebranding and didn't see that there was a hardship as to why the applicant had to exceed the requirements of the sign ordinance.

*The motion **passed** by a vote of 6-1, with Vice-Chair Margeson voting in opposition.*

- C. The request of **Andrew Powell** and **Nicole Ruane (Owners)**, for property located at **339 Miller Avenue** requesting relief to demolish the existing sunroom and construct a two-story addition to the rear of the home which requires the following: 1) Variance from Section 10.521 to allow a building coverage of 28.5% where 25% is allowed. Said property is located on Assessor Map 131 Lot 31 and lies within the General Residence A (GRA) District. (LU-24-175)

Mr. Nies recused himself from the petition.

SPEAKING TO THE PETITION

[Timestamp 56:14] Attorney John Bosen was present on behalf of the applicant and said they wanted a small two-story addition at the rear of the home. He said they would reconstruct the sunroom and that the nook above it would be a small living space. He said they would replace the noncompliant stairs the rear entry of the sunroom with new stairs and a landing area. He reviewed the criteria and said they had a letter of support from the immediate abutter.

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

SPEAKING TO, FOR, OR AGAINST THE PETITION

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

DECISION OF THE BOARD

*Mr. Rossi moved to **grant** the variance for the petition as presented and advertised, seconded by Mr. Mattson.*

[Timestamp 1:00:48] Mr. Rossi said granting the variance would not be contrary to the public interest and would observe the spirit of the ordinance. He said the spirit of the ordinance with regard to the building lot coverage was to ensure that houses and construction did not result in overcrowding and over massing within neighborhoods. He said it was a de minimus request in

terms of a change from a decimal point request that pushed it from 27.4 to 28.2. He cautioned that it did not mean that future requests of a similar small nature would be easy to get. He said granting the variance would do substantial justice because there would be no loss to the public. He said the addition would not be visible from the street and therefore would have no impact on the public at all. He said granting the variance would not diminish the values of surrounding properties, noting that the addition would be in keeping with the abutting properties and would fit into the neighborhood. He said literal enforcement of the provisions of the ordinance would result in an unnecessary hardship. He said in this case, there would be no impact on the character or alteration of the character in the neighborhood because it would continue to be a single residence property, which was what the area was about. Mr. Mattson concurred and had nothing to add.

The motion passed unanimously, 6-0, with Mr. Nies recused.

- D.** The request of **Port Harbor Land LLC (Owner)**, for property located at **0 Deer Street** requesting relief to construct a parking garage associated with a previously approved mixed-use development which requires the following: 1) Variance from Section 10.1114.20 to a) allow a 75 degree angle of parking on the lower level where the parking design standards do not allow it; b) allow a 17.5' one-way drive aisle on the lower level where the parking design standards do not allow it; c) allow a parallel parking space on the upper level with a length of 19 feet where 20 feet is required; and d) allow a 10' one-way drive aisle on the upper level where 14' is required. Said property is located on Assessor Map 118 Lot 28 and lies within the Character District 5 (CD5), Historic and Downtown Overlay Districts. (LU-24-176)

SPEAKING TO THE PETITION

[Timestamp 1:05:31] Attorney John Lyons was present on behalf of the applicant to review the petition. He said the project was initially presented by another owner and the new owner redesigned the project and had all the necessary approvals from the Historic District Commission (HDC) and the Planning Board. He said the project now consisted of three buildings containing 80 residential dwelling units, commercial space, parking, associated community space, landscaping, and other improvements. He said the three separate buildings created some design issues. He said they met all subdivision approvals and deadlines from the Planning Board and received site plan approval and then asked for a one-year extension that was granted but that required them to go before the Technical Advisory Committee (TAC) in October for a work session and that TAC had no concerns. He said the space they were asking for dimensional relief from raised a concern about how the doors opened, so TAC recommended that the BOA approve with the condition that the internal parking design shall be updated to the satisfaction of the Department of Public Works (DPW). He said the variances included a request that the angle on the lower floor be 75 feet due to the way the internal parking was configured. He said they had an engineer's report with more details as to why that made sense. He said they would go from 180 to 186 parking spaces. He further explained why the rest of the variances were necessary. He reviewed the criteria. He noted that there was an easement for Market Wharf 1 Condominiums over the surface lot and that litigation resulted from it because his client moved the spaces across the street from the Sheraton. He said Market Wharf 1 was entitled to 58 parking spots when the project was complete.

[Timestamp 1:15:06] Vice-Chair Margeson said the variance requests were hyper-technical ones. She asked Ms. Harris why the Board had the requirements for the angles. She said she was most interested in the angle of the parking and why the Board had those and the fact that there were others that were considered okay by technical organizations. Ms. Harris said it came from Article 11, the Site Development Standards, and that section outlined the off-street parking requirements. She said she assumed when the City developed that part of the ordinance, they were working off the parking standards that were uniform at that time and picked certain angles that would require certain lengths and distances to make it work.

Attorney Lyons referred to his engineer's report that indicated the level of service work he did to extrapolate the zoning ordinance and apply it to the different angles. He said what they were requesting fit into what the ordinance provided for and was based on who was getting the access.

Chair Eldridge opened the public hearing.

SPEAKING IN FAVOR OF THE PETITION

No one spoke.

SPEAKING IN OPPOSITION TO THE PETITION

[Timestamp 1:18:07] Attorney Larry Gormley said he represented the Market Wharf 1 Condominiums adjacent to the Sheraton Hotel. He said they had 58 residential and commercial parking spaces that were deeded to them since 1987. He said the current owner bought the property subject to Attorney Gormley's client's right to park. He said the exchanges with the owner recently were nonproductive. As a result of the litigation, he said the judge suggested to Port Harbor Land that they communicate with his client and tell him what the plan was but he had not heard anything and was still unclear as to how or if it would impact his client as well as where they would be placed in the garage. He said he wasn't familiar with the creation of substandard spaces and the analysis of the Level of Service A through D. He Level Service C was proposed as a result of the changes and thought it would be adequate unless it was his client's space. He said he wanted opportunity to make an informed decision as to how and/or if the proposal would impact his client.

[Timestamp 1:21:44] Vice-Chair Margeson confirmed that it was 58 parking spaces and they were supposed to go into the garage. Attorney Gormley said the spaces could be anywhere on the lot but that the lot would be consumed substantially by the buildings. Mr. Nies asked if it was a residential condominium. Attorney Gormley said they were mixed use. Mr. Mattson asked if Attorney Gormley's concern was that the quality of the parking spots would be decreased by the change as opposed to his client having the spaces at all. Attorney Gormley agreed and said they were the one patron of the parking from which the owner would derive no benefit and that they were concerned that Market Wharf 1 would be given the least convenient parking available.

[Timestamp 1:23:34] Vice-Chair Margeson said it was not within the purview of the Board and that they could not tell the applicant that those spaces would not be part of the easement. Attorney Gormley said he was asking that the Board allow them to determine, if granted, whether the

changes would exact an undue hardship on people that would be parking there. Mr. Rossi asked if it was Attorney Gormley's contention that the proposal would diminish the values of the properties owned by his client. Attorney Gormley agreed. He said they didn't have the information and had not been told where they were going to park and assumed that they would be placed in the most remote parking section, which would impact the condominium. Mr. Mattson asked if Attorney Gormley wanted to continue to hear the application to a future date, and Attorney Gormley agreed.

SPEAKING TO, FOR, OR AGAINST THE PETITION

[Timestamp 1:26:50] Attorney Lyons said his client had the right to move the easement parking that belonged to Attorney Gormley's client. He said that easement parking was on the surface lot outside and that the applicant then moved them into the underground parking at the Sheraton. He said Attorney Gormley's client had been kept up to date with what was happening. He said the applicant went to court and the court agreed that the parking spaces could be moved anywhere they wanted within the garage. He said his client intended to give Attorney Gormley's client their 58 spaces and that they had been provided with all the development plans. He said if his client was granted the variance, the parking provision would improve all of that. He said he didn't know how Attorney Gormley could claim that the value of his client's property would be decreased because they were going from a surface lot to underground parking or parking within the garage. He said the units at Market Wharf 1 were limited to parking for passenger vehicles. He said the court found that the easement terms did not require Port Harbor Land to accommodate oversized vehicles. As per the terms of the easement, he said Port Harbor Land must accommodate Market Wharf's right to 58 parking spaces for autos and other passenger vehicles. He asked the Board to rule on the variance as presented. He said he had provided Attorney Gormley with a complete package.

[Timestamp 1:30:28] Mr. Rossi asked if Attorney Lyons thought the 58 spaces were the same Level of C use or if the people really would not be familiar with the lot. Attorney Lyons agreed and said if the 58 spaces were moved from the underground parking across the street, they would effectively become residents.

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

DISCUSSION OF THE BOARD

[Timestamp 1:32:22] Mr. Rossi said there was an interrelationship between the parking angle and the width of the drive-thru area and that it had to be a wider lane to pass through. He said he didn't think it was a problem as long as the engineers understood it. Mr. Mattson said as the angle was changed more, a wider driving lane could be had but then it would be harder to get out of the space. He said the applicant was ending up with more parking spaces and TAC was in favor of it. Vice-Chair Margeson said she was concerned that the Board got testimony that there may be diminishment of abutter values and that she would be in favor of continuing the petition to the November meeting to give the two sides time to figure out the parking spaces. It was further discussed. Mr. Mannle said he agreed that continuing it would be a good idea. Chair Eldridge said she did not agree. Mr. Mattson said he would be less inclined to continue it because the client was going from surface parking to covered parking, which he didn't think would harm them.

DECISION OF THE BOARD

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

- 1) The internal parking design shall be updated to the satisfaction of the experts at the Department of Public Works.*

Mr. Nies seconded the motion.

[Timestamp 1:38:12] Mr. Mattson said granting the variances would not be contrary to the public interest and would observe the spirit of the ordinance. He said the purpose of the ordinance was to have properly created parking spaces and travel lanes, and he noted that TAC indicated that would be achieved. He said the change to the internal parking of the approved parking would not alter the essential character of the neighborhood and would pose no harm to the public's health, safety and welfare. He said granting the variances would do substantial justice. He said the benefit to the applicant should not be outweighed by any harm to the general public or other individuals. He said even though there was some concern about this change proposal, he thought it was a win-win situation by going from surface parking to covered parking. He said granting the variances would not diminish the values of surrounding properties because there was no reason to think that going from a surface parking lot to a building structure that fit the irregularly shaped and located lot would diminish property values, and he thought it would most likely increase them. He said literal enforcement of the ordinance's provisions would result in an unnecessary hardship. He said the special conditions of the property were that it was irregularly shaped, abutted the railroad tracks, and the approved building was shaped uniquely to accommodate the shape of the parcel itself, which resulted in the unusual parking spots that TAC deemed adequate. He said there was no fair and substantial relationship between the general purpose of the ordinance and its provision to the specific application for customized parking. He said the proposed use was a reasonable one because it would end up with more parking spots that would benefit everyone.

Mr. Nies concurred. He said the request that the applicant brought to the Board was related to technical details about the layout of the spaces, and the dispute seemed to focus on where the deeded spaces would be. He said the Board wasn't being asked to rule on whether there may be undesirable spaces in the lot but was being asked to rule on the geometric orientation of the spaces in the lot. He said he understood the desire to have a continuation but didn't know if the two parties could come to an agreement in another month.

Mr. Mannle said he would not support the motion because he thought it was a reasonable request to continue the process on a project that had already been granted two one-year extensions. Vice-Chair Margeson said she would support the motion because the applicant made a good argument about the values of surrounding properties and how the easement holders would not have their values decrease. Mr. Rossi said coming before the Board was not the way to resolve litigation disputes that are not directly related to the specific variances being requested.

*The motion **passed** by a vote of 6-1, with Mr. Mannle voting in opposition.*

III. OTHER BUSINESS

Chair Eldridge asked Mr. Harris if the Board could get the notes from the previous workshop meeting about their concerns. Vice-Chair Margeson requested a marked-up version of the notes with the suggested changes.

IV. ADJOURNMENT

The meeting adjourned at 8:50 p.m.

Submitted,

Joann Breault
BOA Meeting Minutes Taker

II. NEW BUSINESS

- A. The request of **Hogswave LLC (Owner)**, for property located at **913 Sagamore Road** where as relief is needed to demolish the existing home and boathouse and construct a new primary residential unit and boathouse with living unit above which requires the following: 1) Variance from Section 10.531 to allow 0 feet of frontage where 100 feet are required; 2) Variance from Section 10.334 to allow a nonconforming residential use to be extended into another part of the remainder of the lot; 3) Variance from Section 10.331 to allow a lawful nonconforming use to be extended or enlarged; and 4) Variance from Section 10.440 to allow a single family dwelling where it is not permitted. Said property is located on Assessor Map 223 Lot 27 and lies within the Waterfront Business (WB) District. (LU-24-141)

Existing & Proposed Conditions

	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Single Family, and dock rental space	*Single Family, Boathouse, and dock rental space	Waterfront and water related business
<u>Lot area (sq. ft.):</u>	135,427	135,427	20,000 min.
<u>Street Frontage (ft.):</u>	0	0	100 min.
<u>Front Yard (ft.):</u>	>30	House: 33 Boathouse: 36	30 min.
<u>Right Side Yard (ft.):</u>	House and Boathouse >30	House and Boathouse >30	30 min.
<u>Left Side Yard (ft.):</u>	House and Boathouse >30	House and Boathouse >30	30 min.
<u>Rear Yard (ft.):</u>	House and Boathouse >20	House and Boathouse >20	20 min.
<u>Building Coverage (%):</u>	2	4	30 max.
<u>Open Space Coverage (%):</u>	>20	>20	20 min.
<u>Parking</u>	3	3	3
<u>Estimated Age of Structure:</u>	1970	Variance request(s) shown in red.	

*Nonconforming uses cannot be extended or enlarged any portion of the remainder of the lot without conformance to the Zoning.

*Nonconforming structures cannot be extended or enlarged any portion of the remainder of the lot without conformance to the Zoning.

*Single Family Dwellings are not permitted in the WB district.

Other Permits/Approvals Required

- Building Permit
- Wetland Conditional Use Permit – Conservation Commission and Planning Board

Neighborhood Context



Previous Board of Adjustment Actions

No previous history found.

Planning Department Comments

The applicant is proposing to demolish the existing single-family home and one accessory structure and reconstruct both structures. The accessory structure is proposed to be constructed as a new boathouse with a living unit on the second floor and boat maintenance area on the first floor. Residential uses are not allowed in the Waterfront Business District therefore the requested variances are needed to establish and reestablish the residential uses on the property.

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.

AMENDED
APPLICATION OF HOGSWAVE, LLC
913 Sagamore Avenue, Portsmouth, NH
Map 223, Lot 27

APPLICANT'S NARRATIVE

I. **THE PROPERTY:**

The applicant, Hogswave, LLC, owns the property located at 913 Sagamore Avenue, upon which there currently exists a single family dwelling and two accessory outbuildings. The LLC's principal, Heidi Ricci, owns the property next door at 912 Sagamore Avenue, which has been her family's primary residence since 2015.

The 913 Sagamore property is large, irregularly "L-shaped" parcel that is actually set off from the main travel way by two properties. It is bounded to the south by Sagamore Creek. The northern portion of the property is wetlands. As noted, there are two existing outbuildings on the property and a single-story dwelling. It is in the Waterfront Business district. The existing dwelling is a pre-existing non-conforming use in this zone, however, four of the six lots bounded by the property have residential uses. The property has no frontage on Sagamore Avenue but is accessed by a private shared driveway that connects to it.

When the applicant acquired 913 Sagamore in November of 2019, between this lot and 912 Sagamore, there were five boat rentals total on both docks combined. The applicant has increased/upgraded the dock space on each lot to accommodate eight boats total on each dock, for a total of 16 boats between the two docks, which the applicant has leased to both commercial fishermen and recreational mariners. The applicant has thus had a demonstrable impact in advancing the purposes of the Waterfront Business district by encouraging and supporting business uses that depend on the water resource. The applicant wishes to continue and support and expand this endeavor by offering additional Waterfront Business services and desires to replace the existing 750 square foot utility shed furthest from the creek with a new 1,000 square foot "boathouse" structure which will include an apartment above and storage of waterfront business items such as trailers, floats, lines, etc. on the ground floor. The applicant also seeks to rebuild the pre-existing 960 SF dwelling on approximately same footprint, with a vertical expansion that will increase the square footage to approximately 1,840 square feet¹. It is the applicant's experience that residential use is necessary to support the water-dependent business uses along the creek and this project will permit the applicant to continue to do so.

¹ The exact size and dimensions of the proposed expanded dwelling will be subject to the applicant obtaining a Conditional Use Permit from the Planning Board, as well as a NH DES Wetlands Permit.

The Ricci's intend to move into the newly expanded pre-existing dwelling as their primary residence. The new structure replacing the utility shed will have a 1,000 square foot footprint, and the increase in coverage will not in any way overcrowd this lot, which exceeds three acres. It will replace the existing outbuilding in the similar location. Because the pre-existing, non-conforming dwelling sits in close proximity to the water, the proposed expansion required a review by the Conservation Commission which was unanimously approved on October 9, 2024. The applicant will also require a conditional use permit from the Planning Board, as well as a Wetlands Permit from the NH DES.

The proposal requires variances from the following provisions of the ordinance:

- 10.531 to allow frontage of 0 feet where 100 is required;
- 10.334 to allow a nonconforming residential use to be extended into another part of the remainder of the lot; and
- 10.331 to allow a lawful nonconforming residential use to be extended or enlarged.

II. THE VARIANCES:

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

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

The essential characteristics of the neighborhood would not be altered by these variances. Residential use currently exists on this lot and on most of those that abut it, notwithstanding the preclusion of such use under the ordinance. A second apartment dwelling on a lot that is more than seven times the minimum lot size, which will replace an existing outbuilding in the similar location, will not have any impact on the essential characteristics of the neighborhood. The expansion of the existing dwelling is likewise consistent with the essential characteristics of the neighborhood.

As noted above, the proposed expansion of the existing dwelling will require further review by multiple municipal and state authorities, further assuring that the public health, safety and welfare will be adequately addressed and protected.

Substantial justice would be done by granting the variance. Whether or not substantial justice will be done by granting a variance requires the Board to conduct a balancing test. If the hardship upon the owner/applicant outweighs any benefit to the general public in denying the variance, then substantial justice would be done by granting the variance. It is substantially just to allow a property owner the reasonable use of his or her property.

In this case, there is no benefit to the public in denying the variances that is not grossly outweighed by the hardship upon the owner. The lack of frontage is a pre-existing condition that cannot be remedied. The project will also introduce a much-needed additional unit to the City's inadequate housing stock. The expansion of residential use on a very large lot that already has such use and is surrounded on three sides by lots with residential use is necessary to support the expanded waterfront business use.

Values of surrounding properties will not be diminished.

The proposed second dwelling and the expansion of the existing dwelling will be new, code-compliant construction and will include the introduction of associated landscaping and site improvements. The existing outbuilding is somewhat substandard and will be removed. The values of properties in the vicinity will be enhanced.

There are special conditions associated with the property which prevent the proper enjoyment of the property under the strict terms of the zoning ordinance and thus constitute unnecessary hardship. The property is clearly unique. It has no frontage on Sagamore Avenue but is accessible through a private driveway. It is surrounded on three sides by properties with residential uses despite such use being prohibited in the Waterfront Business zone. It is unusually large, more than three acres, and is bounded by the creek to the south and a sizeable amount of wetlands to its north. It has a pre-existing, non-conforming dwelling entirely within the tidal wetlands buffer.

The use is a reasonable use. The property has had residential use on it since at least 1970 according to City tax records. The surrounding properties have residential uses on them as well. The lot is clearly large enough to support a second dwelling designed to support the ongoing water-related business activities.

There is no fair and substantial relationship between the purpose of the ordinance as it is applied to this particular property. The frontage requirement cannot be met on this property. The prohibition against residential use cannot be applied to the pre-existing dwelling on the property, but that dwelling cannot be expanded and modernized without zoning relief. Rigid application of the ordinance in this instance would do nothing to promote purposes of the Waterfront Business district.

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

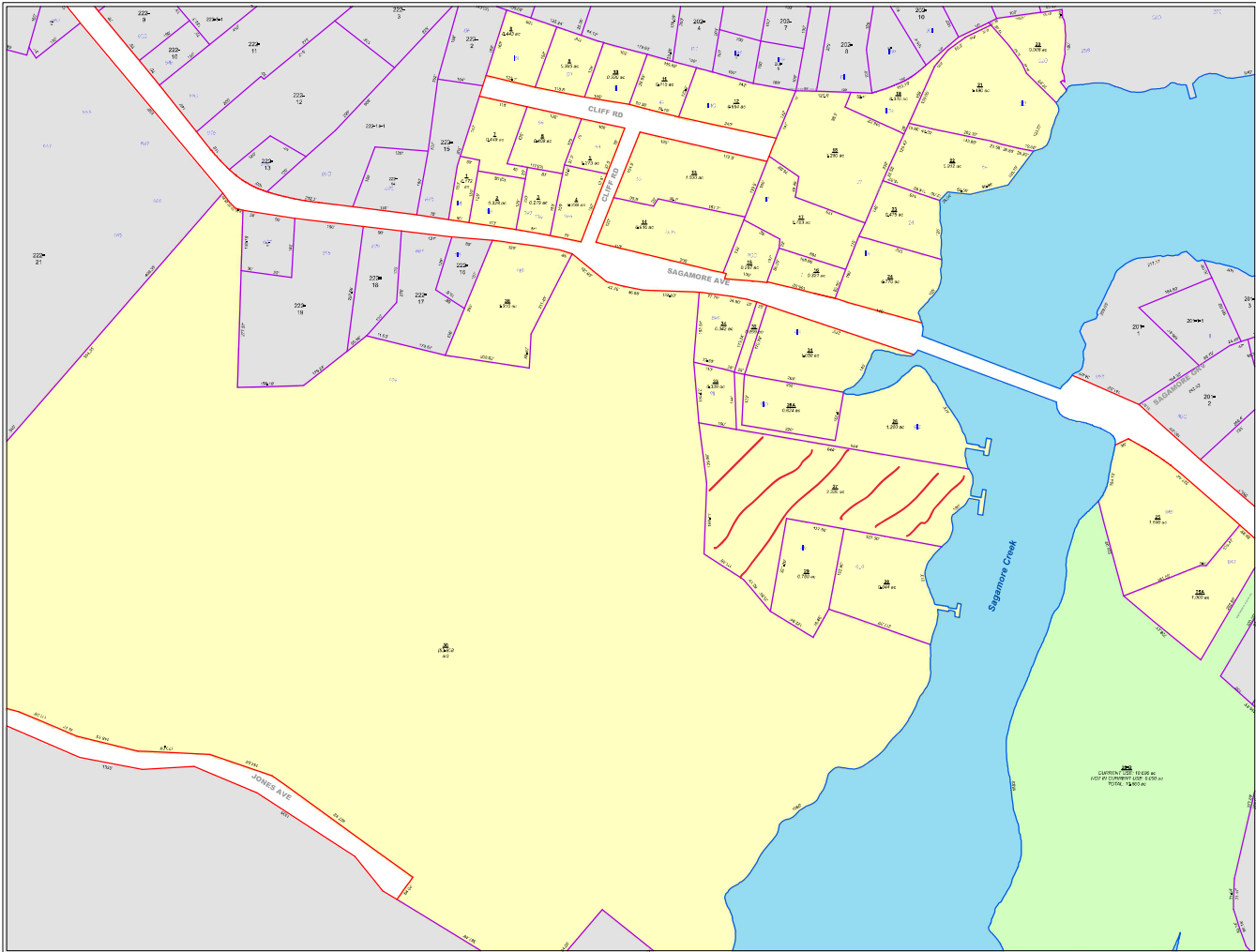
III. Conclusion.

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

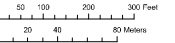
Respectfully submitted,

Dated: October 15, 2024

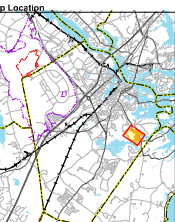
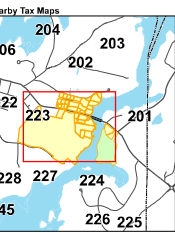
By: *John K. Bosen*
John K. Bosen, Esquire



- Partial Legend**
- See the cover sheet for the complete legend
- 202A Lot or Block Number
 - 230-00 Parcel area in acres (sector square feet)
 - 01 Address number
 - 202 Parcel number from a neighboring map
 - 01 Parcel the dimension
 - 01 Street name
- SIMS AVENUE
- Parcel boundary
 - Parcel boundary
 - Water boundary
 - Structure (1954 data)
 - Parcel covered by the 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 2020 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.

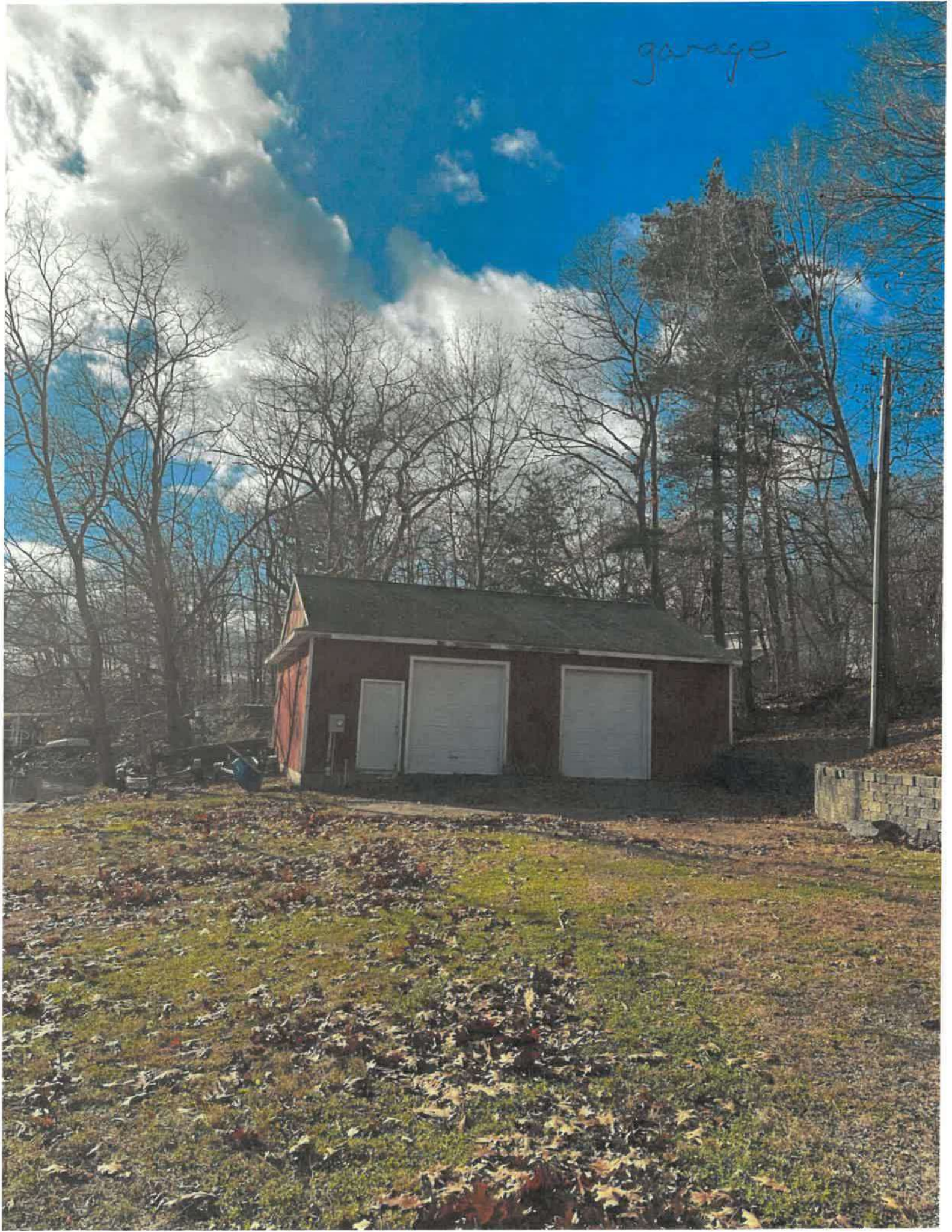


Portsmouth, New Hampshire
2022
Tax Map 223

"Boathouse"

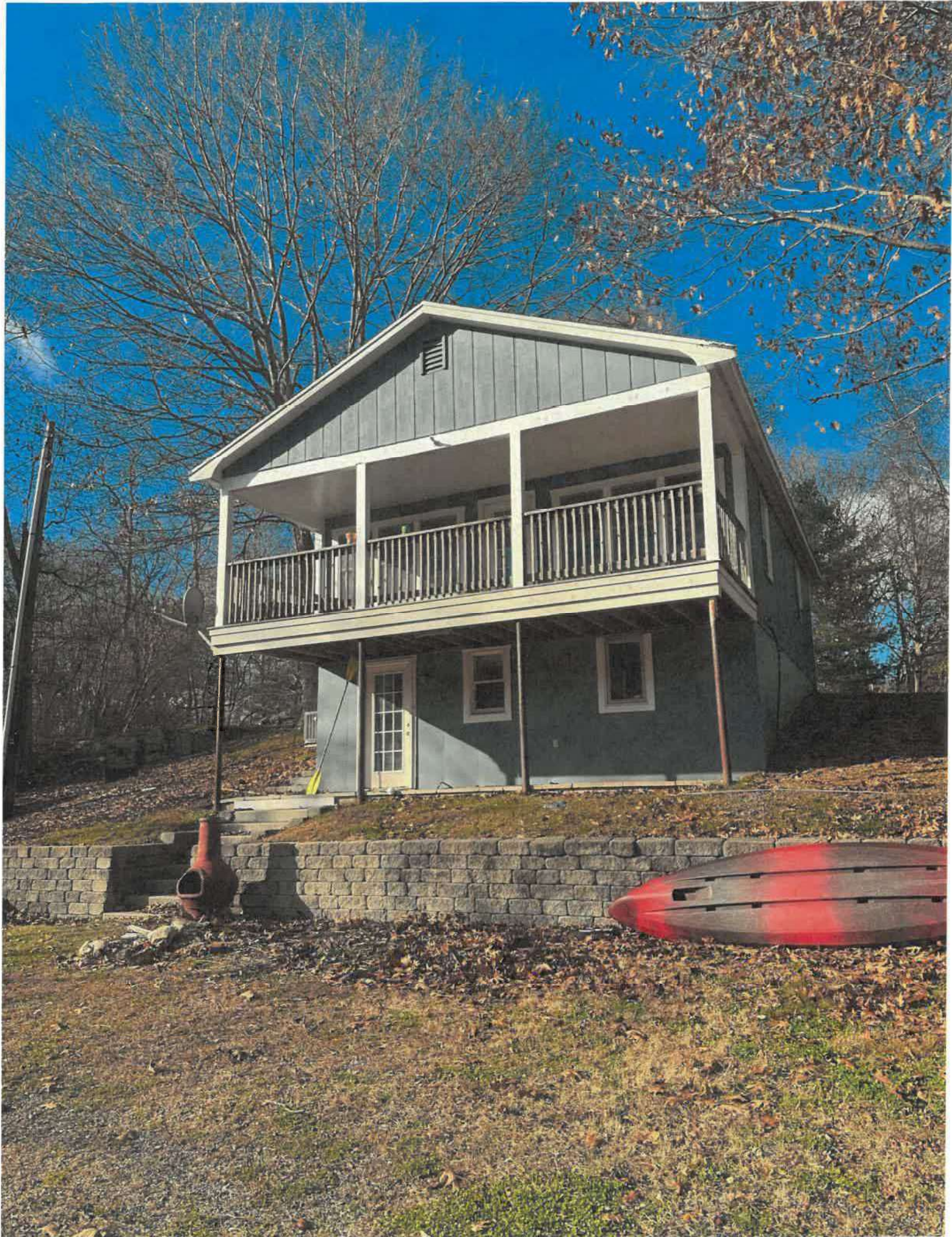


garage



dwelling







CITY OF PORTSMOUTH

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

CONSERVATION COMMISSION

October 11, 2024

Hogswave LLC.
912 Sagamore Avenue
Portsmouth, New Hampshire 03801

RE: Wetland Conditional Use Permit application for property located at 913 Sagamore Avenue, Portsmouth, NH. (LU-23-141)

Dear Property Owner:

The Conservation Commission, at its regularly scheduled meeting of **Wednesday, October 9, 2024**, considered your application for a Wetland Conditional Use Permit for the demolition of an existing residential structure and the construction of a new home, reconfiguration of the existing gravel driveway, the addition of a pervious paver patio, deck, removal of impervious surfaces, reconstruction of a retaining wall, grading, utility connections and landscaping. The existing conditions within the 100' wetland buffer include a one-story residential structure with 1,110 s.f. of impact and approximately 900 s.f. of impervious pavement. This application proposes the removal of the 1,110 s.f. of building impact within the buffer and the removal of 900 s.f. of pavement. The applicant is proposing to permanently impact approximately 7,727 s.f. of the 100' wetland buffer, compared to the existing condition of 7,743 s.f. of permanent impact.. Said property is shown on Assessor Assessor Map 223 Lot 27 and lies within the Waterfront Business (WB). As a result of said consideration, the Commission voted to **recommend approval** of this application to the Planning Board with the following stipulations:.

1. The proposed Northern Red Oaks should be at least of 2" caliper sizing.
2. The Conservation Commission recommends that the applicant follow NOFA standards on the site: https://nofaolc.wpenginepowered.com/wp-content/uploads/2019/10/nofa_organic_land_care_standards_6thedition_2017_opt.pdf
3. Wetland boundary markers shall be permanently installed prior the start of construction in locations noted on plan set.

This matter will be placed on the agenda for the Planning Board meeting scheduled for **Thursday, December 19, 2024**. One (1) hard copy of any revised plans and/or exhibits as well as an updated electronic file (in a PDF format) must be filed in the Planning Department and uploaded to the online permit system no later than Wednesday, November 27, 2024.

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

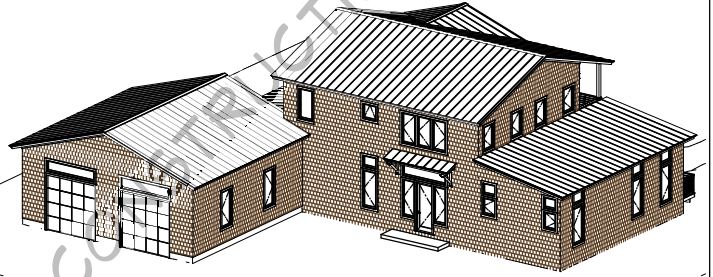
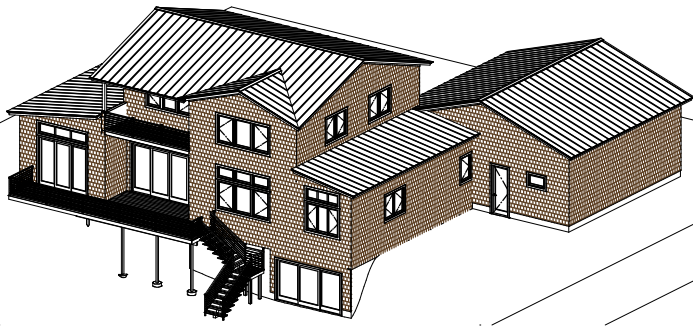
Very truly yours,

Barbara McMillan

Barbara McMillan, Vice-Chair
Conservation Commission

cc:

John Chagnon, Project Manager, Haley Ward



PERSPECTIVE

SCALE: NTS

SPECIFICATIONS + NOTES

*ROOFING MATERIAL
 *ALL TRIM PACKAGE: PVC OR BORAL
 *SIDING
 *BRACKETS: ProFlood Market - Bracket (2TH - P 32", H42", T: 5.5" (P&: WHITE)
 *COLUMNS
 *STAIR SYSTEM
 *EXTERIOR:
 *BROSGO: Liberty Extruded Rail System
 *RISER: AZEC - WHITE
 *TREAD: SELECTWOOD, ZURN "Weathered Grey"
 *INTERIOR:
 *NEVEL
 *HANDRAIL
 *BALUSTERS
 *RISER FINISH
 *TREAD
 *WINDOWS:
 *MANUFACTURER:
 *EXT. FINISH:
 *INT. FINISH:
 *DOORS:
 *MANUFACTURER:
 *EXT. FINISH:
 *INT. FINISH:
 *BATHROOMS:
 *FLOORING
 *TUB DESIGN
 *SHOWER FLOOR
 *SHOWER WALLS
 *SHOWER HEADS
 *SHOWER NICHE VS. SHELVES
 *SHOWER DOOR
 *NOTE: MAJOR PLUMBING CHANGES

*FLOORING:
 *_1ST FLOOR:
 *_2ND FLOOR:
 *_HEATED FLOOR:
 *_REFINISH AREAS:
 *KITCHEN:
 *_CABINETS: NOTES: Space to be prepared on 11 x 11 doc.
 *_BUILT-IN NOTES:
 *_APPLIANCES
 *MANTLE:
 *FINISHLACE:
 *_GAS
 *_FLOOR: INT. FIREBOX RED BRICK VS. YELLOW BRICK
 *_HEARTH: RAISED VS. FLUSH
 *_MATERIAL:
 *NOTES:
 *_CEILING HEIGHTS: 1ST FLOOR: _____ 2ND FLOOR: _____
 *_CORNER BOARDS: 2" TOP 1"
 *_WATER TABLE TO PVC COPPER FLASHING TYP.
 *_RAKE BOARD: 2" TYP. PVC OR BORAL (FILLED & PAINTED)
 *_SOFFITS: BR/BOSS AZEC OR BGO
 *_ROOF VENT: RIDGE VENT VS. BROSGO LOUVERED VENT VS. SOFFIT VENT
 *_ARCHITECTURAL DETAIL
 *_WINDOW TRIM: 4-1/2" TYP. PVC
 *TOTAL SQUARE FOOTAGE:
 *_NET
 *_RENOVATED SF
 *_TOTAL

@ABRIGO HOME DRAWINGS USED EXPRESSIVELY FOR DESIGN ONLY FOR NOTED CLIENT. ALL STRUCTURAL ENGINEERING PROVIDED BY OTHER.

Building contractor / Home owner to review and verify all dimensions, specs and connections before construction begins.
 ELECTRICAL SYSTEM CODE: IEC 2011
 MECHANICAL SYSTEM CODE: IMC 2015
 PLUMBING SYSTEM CODE: 2021 Uniform Plumbing Code

FINAL CD SET DATE: 06.06.23

LIVING AREA	
MAIN FLOOR	sqft
TOTAL	sqft
GARAGE	sqft
FRONT PORCH	sqft
DECK	sqft

@ABRIGO HOME DRAWINGS USED EXPRESSIVELY FOR DESIGN ONLY FOR NOTED CLIENT. ALL STRUCTURAL ENGINEERING PROVIDED BY OTHER.

DIM DISCLAIMER

BUILDING CONTRACTOR/HOME OWNER TO REVIEW AND VERIFY ALL DIMENSIONS, SPECS, AND CONNECTIONS BEFORE CONSTRUCTION BEGINS.

OVERVIEW

SCALE: NTS

Label	Title
G-1	GENERAL NOTES
G-2	GENERAL NOTES
G-3	GENERAL NOTES
A-1	SITE PLAN
A-2	FOUNDATION
F-1	FIRST FLOOR
A-3	SECOND FLOOR
A-4	ROOF
A-5	WINDOW SCHEDULE
A-6	WINDOW SCHEDULE
A-7	DOOR SCHEDULE
A-8	ELEVATIONS
A-9	ELEVATIONS
A-10	SECTION
F-1	FRAMING
F-2	FRAMING OVERVIEW
D-1	DETAILS
E-1	ELECTRICAL



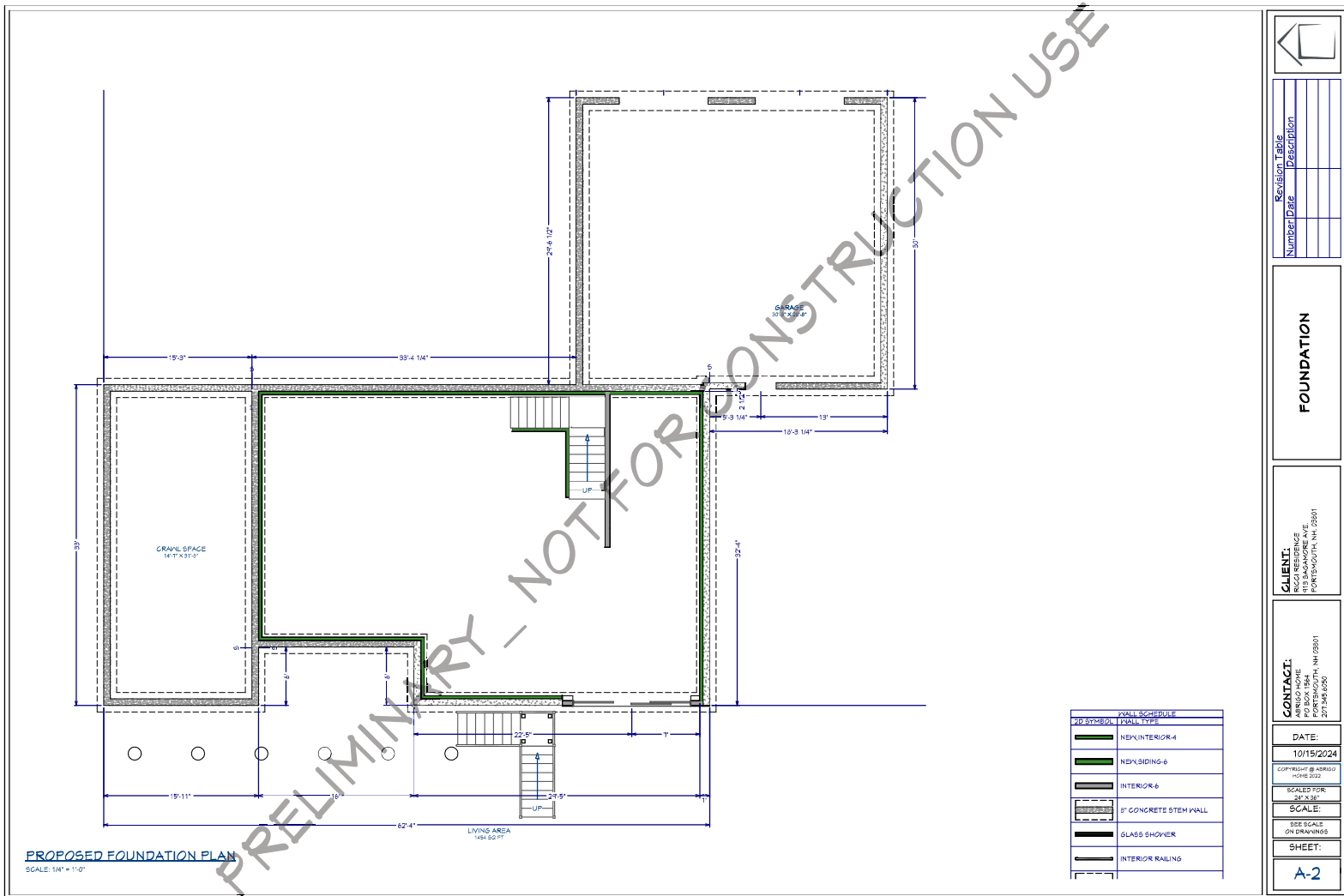
Revision Table	Number	Date	Description

PERSPECTIVES

CLIENT:
 918 SAGAMORE AVE
 PORTSMOUTH, NH 03801

CONTACT:
 918 SAGAMORE AVE
 PORTSMOUTH, NH 03801
 207.262.6226

DATE: 10/15/2024
 COPYRIGHT © ABRIGO HOME 2024
 SCALED FOR: 1/8"=1'-0"
 SCALE: 1/8"=1'-0"
 SEE SCALE ON DRAWINGS
 SHEET:



Revision Table	
Number	Date

FOUNDATION

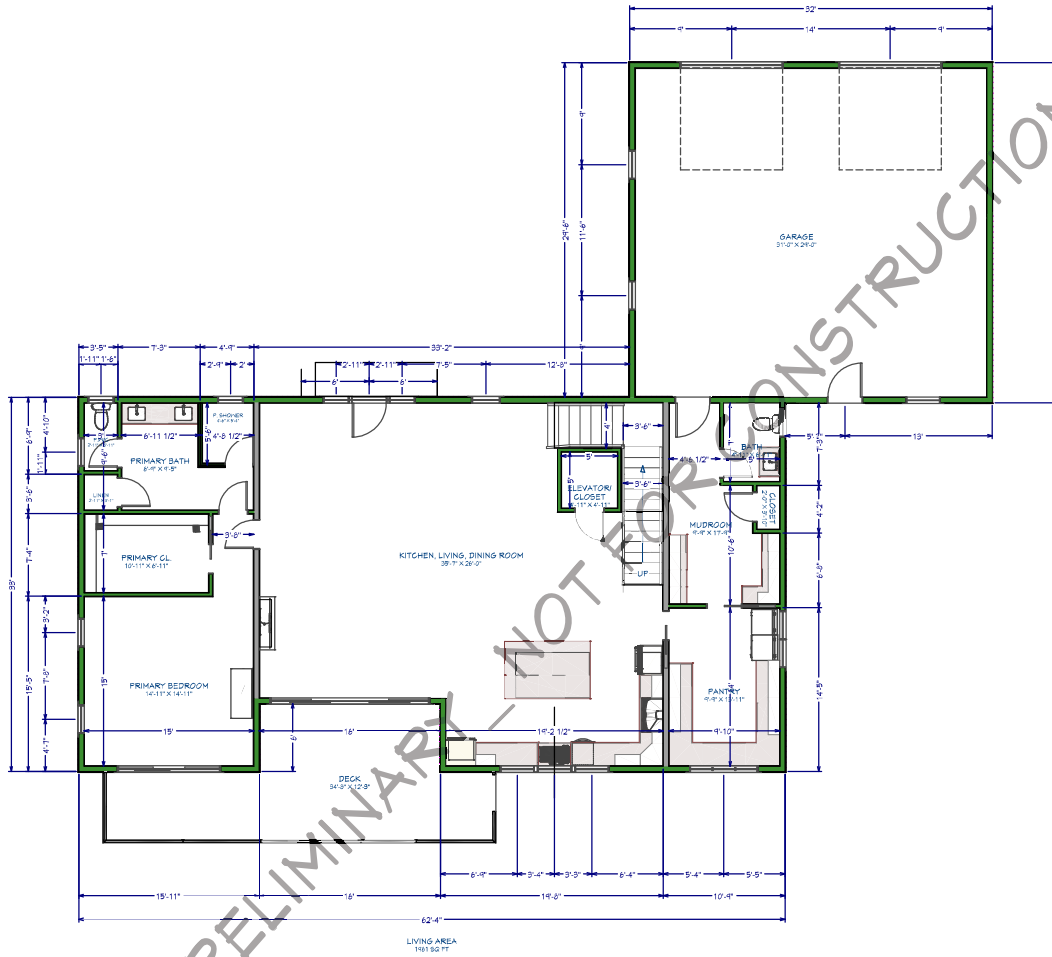
CLIENT:
918 SAGAMORE AVE
PORTSMOUTH, NH 03801

CONTACT:
PO BOX 154
PORTSMOUTH, NH 03801
207-262-8226

DATE:
10/15/2024

SCALE:
SEE SCALE ON DRAWINGS

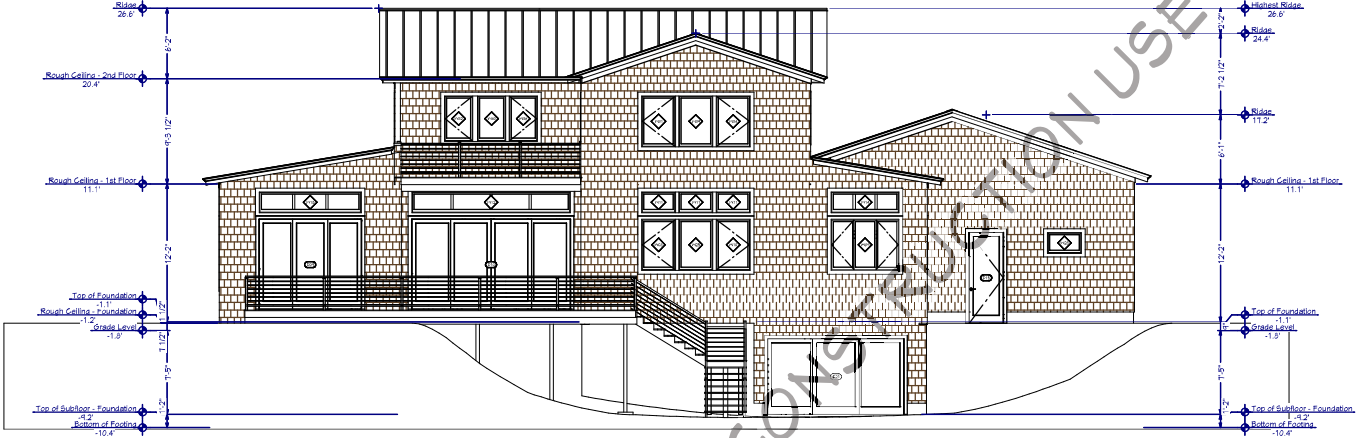
SHEET:
A-2



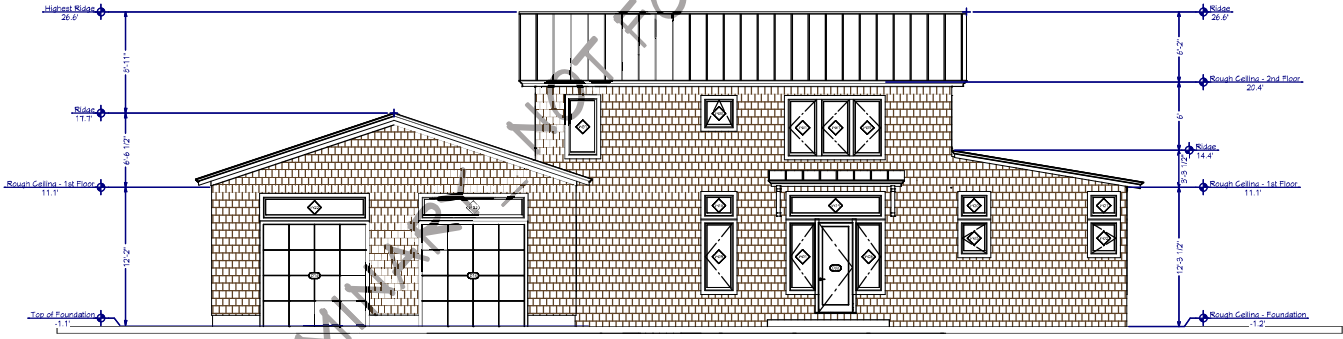
PROPOSED FIRST FLOOR PLAN
SCALE: 1/4" = 1'-0"

SYMBOL	WALL SCHEDULE
	NEW INTERIOR-4
	NEW SIDING-6
	INTERIOR-8
	8" CONCRETE STEM WALL
	GLASS SHOWER
	INTERIOR RAILING
	SIDING-6

Revision Table	Description
Number	Date
FIRST FLOOR	
CLIENT: 918 SAGAMORE AVE PORTSMOUTH, NH 02801	
CONTACT: 70 BOX 154 PORTSMOUTH, NH 02801 207.262.6226	
DATE:	10/15/2024
COPYRIGHT © 2024	10/15/2024
SCALE FOR	1/4" = 1'-0"
SCALE IN	1/4" = 1'-0"
SEE SCALE	ON DRAWINGS
SHEET:	A-3



PROPOSED NORTH ELEVATION | FRONT VIEW
SCALE: 1/4" = 1'-0"



PROPOSED SOUTH ELEVATION | REAR VIEW
SCALE: 1/4" = 1'-0"

ELEVATIONS
SCALE: 1/4" = 1'-0"

Revision Table	Number	Date	Description

ELEVATIONS

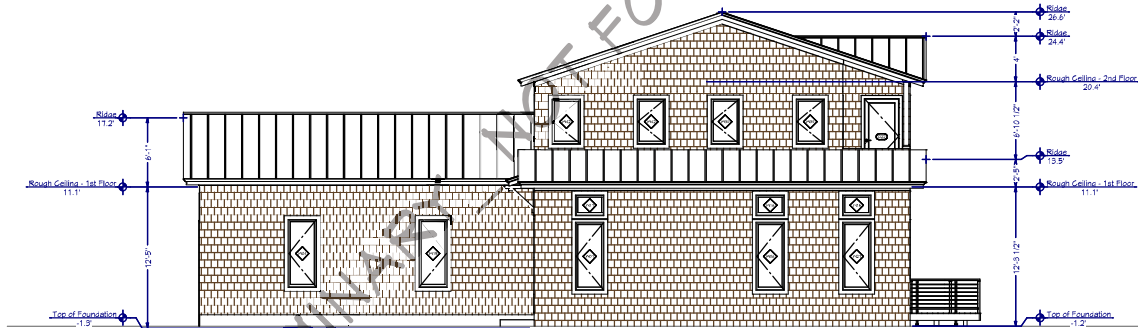
CLIENT:
 918 SAGAMORE AVE
 PORTSMOUTH, NH 03801

CONTACT:
 79 BOX 154
 PORTSMOUTH, NH 03801
 207.262.6226

DATE:	10/15/2024
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SCALED FOR:	36" X 36"
SCALE:	1/4" = 1'-0"
SEE SCALE ON DRAWINGS	
SHEET:	A-9



PROPOSED EAST ELEVATION | SIDE VIEW
SCALE: 1/4" = 1'-0"



PROPOSED WEST ELEVATION | SIDE VIEW
SCALE: 1/4" = 1'-0"

ELEVATIONS
SCALE: 1/4" = 1'-0"



Number	Date	Description

ELEVATIONS

CLIENT:
M. J. SAGANOWSKI
918 SAGANOWSKI AVE
PORTSMOUTH, NH 03801

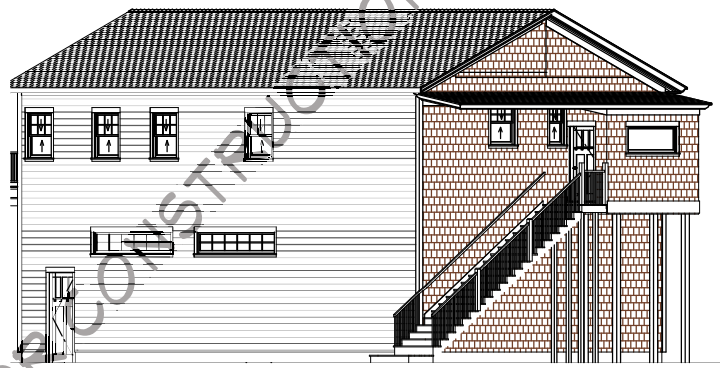
CONTACT:
M. J. SAGANOWSKI
PO BOX 154
PORTSMOUTH, NH 03801
203.262.6226

DATE:
10/15/2024

DRAWN BY:
M. J. SAGANOWSKI

SCALE:
SEE SCALE ON DRAWINGS

SHEET:
A-10



SPECIFICATIONS + NOTES

*ROOFING MATERIAL
 *ALL TRIM PACKAGE: PVC OR BORAL
 *SIDING:
 *BRICKETS: Proflood Market - Bracket 0211 - P 32", H42", T: 5.5" (Pst: WHITE)
 *COLUMNS:
 *STAIR SYSTEM:
 _EXTERIOR:
 *BROSGO: Liberty Extruded Rail System
 *RISER: AZEC: WHITE
 *TREAD: SELECTWOOD, ZURI "Weathered Grey"
 _INTERIOR:
 *NEVEL
 *HANDRAIL
 *BALUSTERS
 *RISER FINISH
 *TREAD
 *WINDOWS:
 _MANUFACTURER:
 _EXT. FINISH:
 _INT. FINISH:
 *DOORS:
 _MANUFACTURER:
 _EXT. FINISH:
 _INT. FINISH:
 *BATHROOMS:
 _FLOORING:
 _TUB DESIGN
 _SHOWER FLOOR
 _SHOWER WALLS
 _SHOWER HEADS
 _SHOWER NICHE VS. SHELVES
 _SHOWER DOOR
 _NOTE: MAJOR PLUMBING CHANGES

*FLOORING:
 _1ST FLOOR:
 _2ND FLOOR:
 _HEATED FLOOR:
 _REFINISH AREAS:
 *KITCHEN:
 _CABINETRY NOTES: Space to be prepared on 11 x 11 doc.
 _SUITLINE NOTES:
 _APPLIANCES
 *MANTLE:
 *FIREPLACE:
 _GAS
 *FLOOR: INT. FIREBOX RED BRICK VS. YELLOW BRICK
 _HEARTH: RAISED VS. FLUSH
 *MATERIAL:
 NOTES:
 *CEILING HEIGHTS: 1ST FLOOR: _____ 2ND FLOOR: _____
 *CORNER BOARDS: 2" TOP
 *WATER TABLE: 1/2" COPPER FLASHING TYP.
 *RAKE BOARD: 2" TOP, PVC OR BORAL (FILLED & PAINTED)
 *SOFFITS: BR/BOSS OR AZEC OR BEO
 *ROOF VENT: RIDGE VENT VS. BROSGO LOUVERED VENT VS. SOFFIT VENT
 *ARCHITECTURAL DETAIL:
 *WINDOW TRIM: 4-1/2" TYP. PVC
 TOTAL SQUARE FOOTAGE:
 _NET
 _RENOVATED SF
 _TOTAL

© AMY DUTTON HOME
 DRAWINGS USED EXPRESSIVELY FOR
 DESIGN ONLY FOR NOTED CLIENT. ALL
 STRUCTURAL ENGINEERING PROVIDED BY
 OTHER.

Building contractor / Home owner to review and verify all
 dimensions, specs and connections before construction
 begins.
 ELECTRICAL SYSTEM CODE: IEC 2011
 MECHANICAL SYSTEM CODE: IMC 2015
 PLUMBING SYSTEM CODE: 2021 Uniform Plumbing Code

FINAL CD SET DATE: 09.15.24

LIVING AREA	
EXISTING GARAGE	400 sgr
PROPOSED GARAGE	1500 sgr
PROPOSED ADU OVER GARAGE	1500 sgr
PROPOSED DECK	1200 sgr

DIM DISCLAIMER

BUILDING CONTRACTOR/HOME OWNER
 TO REVIEW AND VERIFY ALL DIMENSIONS,
 SPECS, AND CONNECTIONS BEFORE
 CONSTRUCTION BEGINS.

OVERVIEW

SCALE: NTS

Sheet	Title
A01	OVERVIEW
A1	FOOT PLAN
A2	FOUNDATION PLAN
A3	FOUNDATION PLAN
A4	GENERAL NOTES
A5	GENERAL NOTES
A6	FOUNDATION FIRST FLOOR
A7	SECOND FLOOR
A8	NOSE
A9	WINDOPLAND DOOR SCHEDULE
A10	ELEVATIONS
A11	ELEVATIONS
A12	ELEVATIONS
A13	SECTION
A14	SECTION
A15	FRAMING OVERVIEW
D1	DETAILS
E1	ELECTRICAL
F1	PLUMBING
G1	KITCHEN CABINETRY
G2	CABINETRY
G3	SOFFIT/ROOF E-TRIM PLAN
G4	SOFFIT/ROOF E-TRIM QUANTITIES
G5	SCREEN SCHEDULE
H1	LANDSCAPE PLAN
F1	FURNITURE PLAN

Revision Table

Number	Date	Description

OVERVIEW

CLIENT:
 RUCI RESIDENCE
 4 WALKERS STREET, HATTERY, NH
 PORTSMOUTH, NH

CONTACT:
 AMY DUTTON HOME
 4 WALKERS STREET, HATTERY, NH
 PORTSMOUTH, NH
 603-751-5200

DATE:
 10/15/2024

COPYRIGHT © 2024
 10/15/2024

SCALE FOR:
 SHEET:

SEE SCALE
 ON DRAWINGS

SHEET:
 0-1

DEMOLITION NOTES

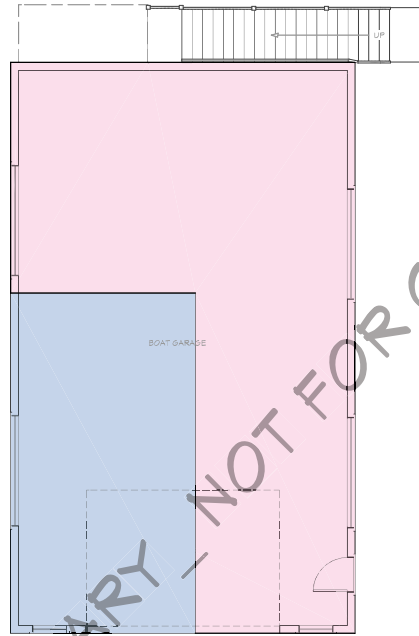
- GENERAL NOTES**
1. PROVIDE SELECTIVE DEMOLITION TO REMOVE EX. FLOOR, WALLS, CEILING, WINDOWS AND ROOF SYSTEMS IDENTIFIED. CONFIRM EXACT LOCATION IN DESIGNER AND CIVIL ENGINEER PRIOR TO SELECTIVE DEMOLITION COMMENCEMENT. CONSULT WITH DESIGN PROFESSIONAL FOR ALL REQUIRED TEMPORARY SHORING AND SUPPORTS.
 2. CUT EXISTING FOUNDATION TO LOCATION IDENTIFIED AND PREPARE FOR NEW FOUNDATION WALL.
 3. EXISTING FOUNDATION WALL TO BE CUT AND REMAIN IN PLACE. REMOVE SILL PLATES OR OTHER LUMBER AND CUT BACK ANCHOR BOLTS TO TOP OF WALL. FILL VOID WITH SAND AND/OR SOILS CONSISTENT WITH SURROUNDING MATERIALS.

CAD BLOCK GUIDE

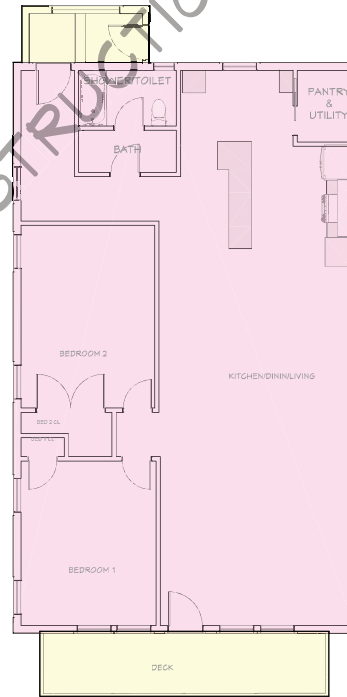
- EXISTING FOOTPRINT (454 SQFT)
- PROPOSED ADDITION (1,800 SQFT)

SECOND FLOOR CAD BLOCK GUIDE

- PROPOSED ADDITION (1,800 SQFT)
- PROPOSED DECK (202 SQFT)



FIRST FLOOR

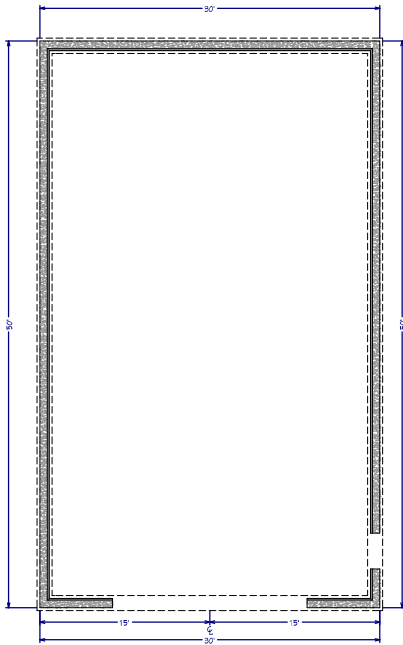


SECOND FLOOR

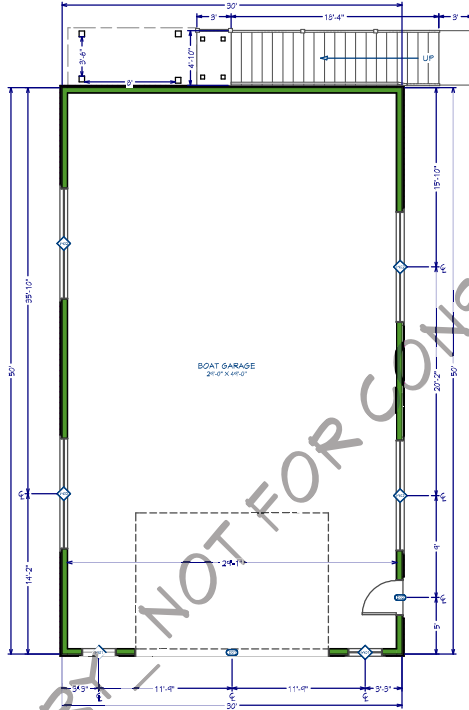
PRELIMINARY - NOT FOR CONSTRUCTION USE

RENOVATION PLAN
SCALE: 1/4" = 1'-0"

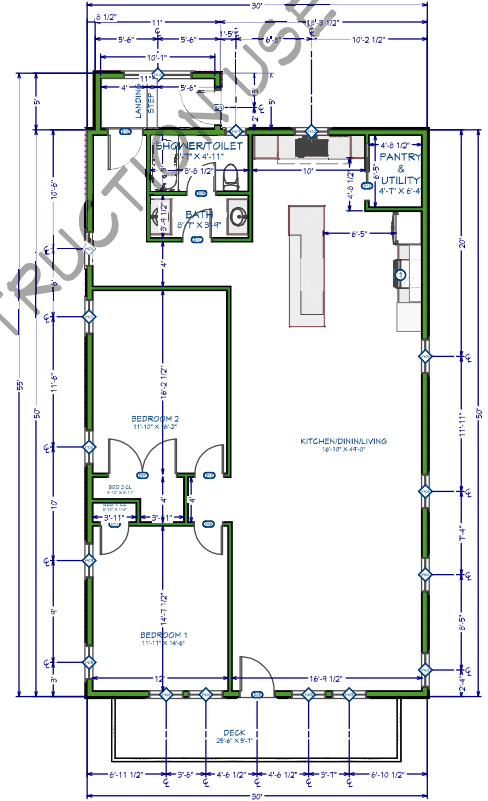
Revision Table
Number Date Description
RENOVATION PLAN
CLIENT: RUCCI RESIDENCE 4 HAWKERS STREET, KITTERY, ME PORTSMOUTH, NH
CONTACT: JAMES M. RUCCI 4 HAWKERS STREET, KITTERY, ME 03904 603-883-1234
DATE: 10/15/2024
COPYRIGHT © 2024
SCALE FOR: 1/4" = 1'-0"
SCALE: 1/4" = 1'-0"
SEE SCALE ON DRAWINGS
SHEET: A-3



PROPOSED FOUNDATION PLAN
SCALE: 1/4" = 1'-0"



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



PROPOSED SECOND FLOOR PLAN
SCALE: 1/4" = 1'-0"

NOTE SCHEDULE	
1	30" COOKHOOD
2	18" OVERHANG
3	6" CORNER BOARD, TYP.
4	WINDOW HUNG @ 80
5	STAIRS TO GRADE
6	DECK

WALL LEGEND	
	= NSM WALL
	= NSM FOUNDATION WALL



Number	Date	Description

FOUNDATION | FIRST FLOOR

CLIENT:
RUCI RESIDENCE
4 WALKER STREET, RITTERY, NH
PORESMOUTH, NH

CONTACT:
RUCI RESIDENCE
4 WALKER STREET, RITTERY, NH
PORESMOUTH, NH
203-753-7200
ruciresidence.com

DATE:
10/15/2024

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SCALE FOR:
28" X 36"

SCALE:
SEE SCALE ON DRAWINGS

SHEET:
A-4

NOTE SCHEDULE	
1	30" COOKHOOD
2	18" OVERHANG
3	6" CORNER BOARD, TYP.
4	WINDOW HUNG @ 30
5	STAIRS TO GRADE
6	DECK

Revision Table		
Number	Date	Description

ELEVATIONS

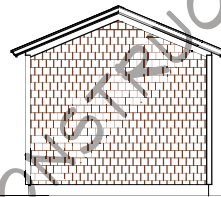
CLIENT:
RICCI RESIDENCE
 4 HAZEL STREET, WITTERY, NH
 PORTSMOUTH, NH

CONTACT:
 4 HAZEL STREET, WITTERY, NH
 203.875.9200
 ricci@ricciresidence.com

DATE:	10/15/2024
COPYRIGHT © AND/OR TRADE NAME:	2024
SCALE FOR PRINTING:	AS SHOWN
SCALE FOR CONSTRUCTION:	AS SHOWN
SEE SCALE ON DRAWINGS	
SHEET:	A-9



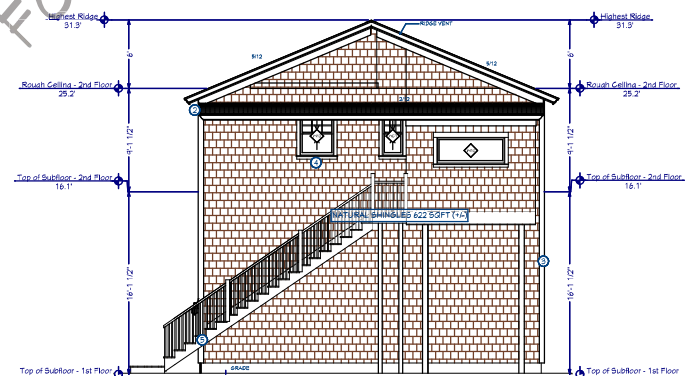
EXISTING NORTH ELEVATION | FRONT VIEW
 SCALE: 1/4" = 1'-0"



EXISTING SOUTH ELEVATION | REAR VIEW
 SCALE: 1/4" = 1'-0"



PROPOSED NORTH ELEVATION | FRONT VIEW
 SCALE: 1/4" = 1'-0"



PROPOSED SOUTH ELEVATION | REAR VIEW
 SCALE: 1/4" = 1'-0"

GARAGE SLAB HEIGHT MAY VARY. IF GARAGE SLAB HEIGHT IS LOWER THAN SHOWN, CONSULT ARCHITECT FOR AESTHETIC DIRECTION. TALLER GARAGE DOORS, TRANSOMS, LINTELS AND/OR ADDITIONAL FRIEZE BOARDS MAY BE REQUIRED TO ACHIEVE DESIRED LOOK.

ELEVATIONS

SCALE: 1/4" = 1'-0"

PRELIMINARY NOT FOR CONSTRUCTION USE

NOTE & SCHEDULE	
1	30" COOKHOOD
2	18" OVERHANG
3	6" CORNER BOARD, TYP.
4	WINDOW HUNG @ 80
5	STAIRS TO GRADE
6	DECK

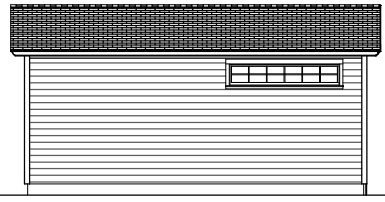
Revision Table		
Number	Date	Description

ELEVATIONS

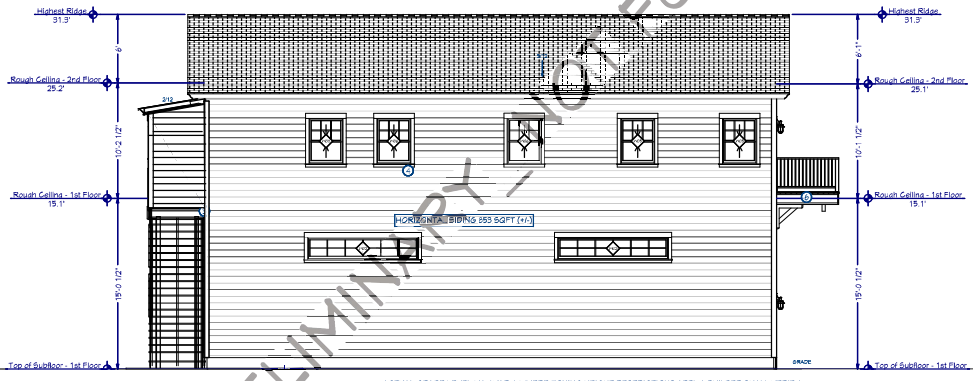
CLIENT:
 RICCI RESIDENCE
 4 HAZARD STREET, RIFTERY, NH
 PORTSMOUTH, NH

CONTACT:
 4 HAZARD STREET, RIFTERY, NH
 203.885.5000
 203.885.5000

DATE: 10/15/2024
 COPYRIGHT © 2024
 SCALE: 1/4" = 1'-0"
 SEE SCALE ON DRAWINGS
 SHEET: A-10



EXISTING EAST ELEVATION | SIDE VIEW
 SCALE: 1/4" = 1'-0"



PROPOSED EAST ELEVATION | SIDE VIEW
 SCALE: 1/4" = 1'-0"

ACTUAL GRADE LEVEL MAY VARY WHERE ZONING HEIGHT RESTRICTIONS APPLY. BUILDER SHALL VERIFY CONFORMANCE. MANUAL MARKUP OF DRAWINGS TO DEMONSTRATE COMPLIANCE IS RECOMMENDED.

ELEVATIONS
 SCALE: 1/4" = 1'-0"

PRELIMINARY - NOT FOR CONSTRUCTION USE

NOTE & SCHEDULE	
1	30" COOKHOOD
2	18" OVERHANG
3	6" CORNER BOARD, TYP.
4	WINDOW HUNG @ 80
5	STAIRS TO GRADE
6	DECK

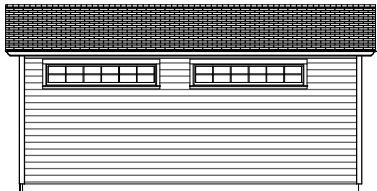
Revision Table		
Number	Date	Description

ELEVATIONS

CLIENT:
 RICCI RESIDENCE
 4 HAZARD STREET, RITTERY, NH
 PORTSMOUTH, NH

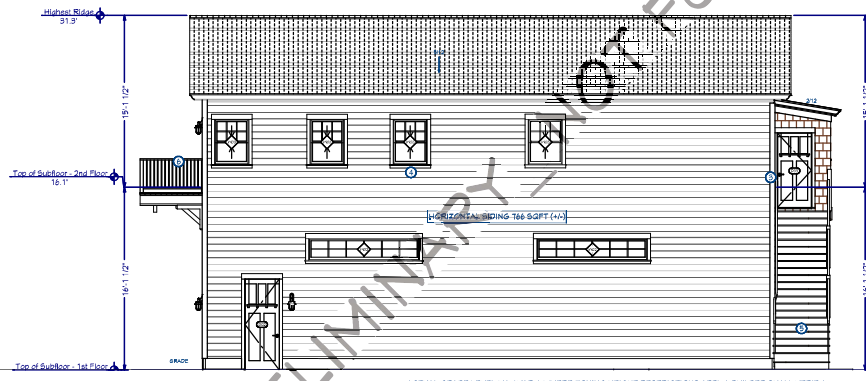
CONTACT:
 4 HAZARD STREET, RITTERY, NH
 203-875-5000
 203-875-5000

DATE: 10/15/2024
 COPYRIGHT © 2024
 SCALE FOR: 1/8" = 1'-0"
 SCALE: SEE SCALE ON DRAWINGS
 SHEET: A-11



EXISTING WEST ELEVATION | SIDE VIEW

SCALE: 1/4" = 1'-0"



PROPOSED WEST ELEVATION | SIDE VIEW

SCALE: 1/4" = 1'-0"

ACTUAL GRADE LEVEL MAY VARY WHERE ZONING HEIGHT RESTRICTIONS APPLY. BUILDER SHALL VERIFY CONFORMANCE. MANUAL MARKUP OF DRAWINGS TO DEMONSTRATE COMPLIANCE IS RECOMMENDED.

ELEVATIONS

SCALE: 1/4" = 1'-0"

PRELIMINARY - NOT FOR CONSTRUCTION USE

II. NEW BUSINESS

- B. The request of **Northeast Credit Union (Owner)**, for property located at **100 Borthwick Avenue** whereas relief is needed to establish an Ambulatory Surgical Center which requires the following: 1) Special Exception according to Section 10.440 to allow an Ambulatory Surgical Center where one is allowed by Special Exception. Said property is located on Assessor Map 259 Lot 15 and lies within the Office Research (OR) District. (LU-24-193)

Existing & Proposed Conditions

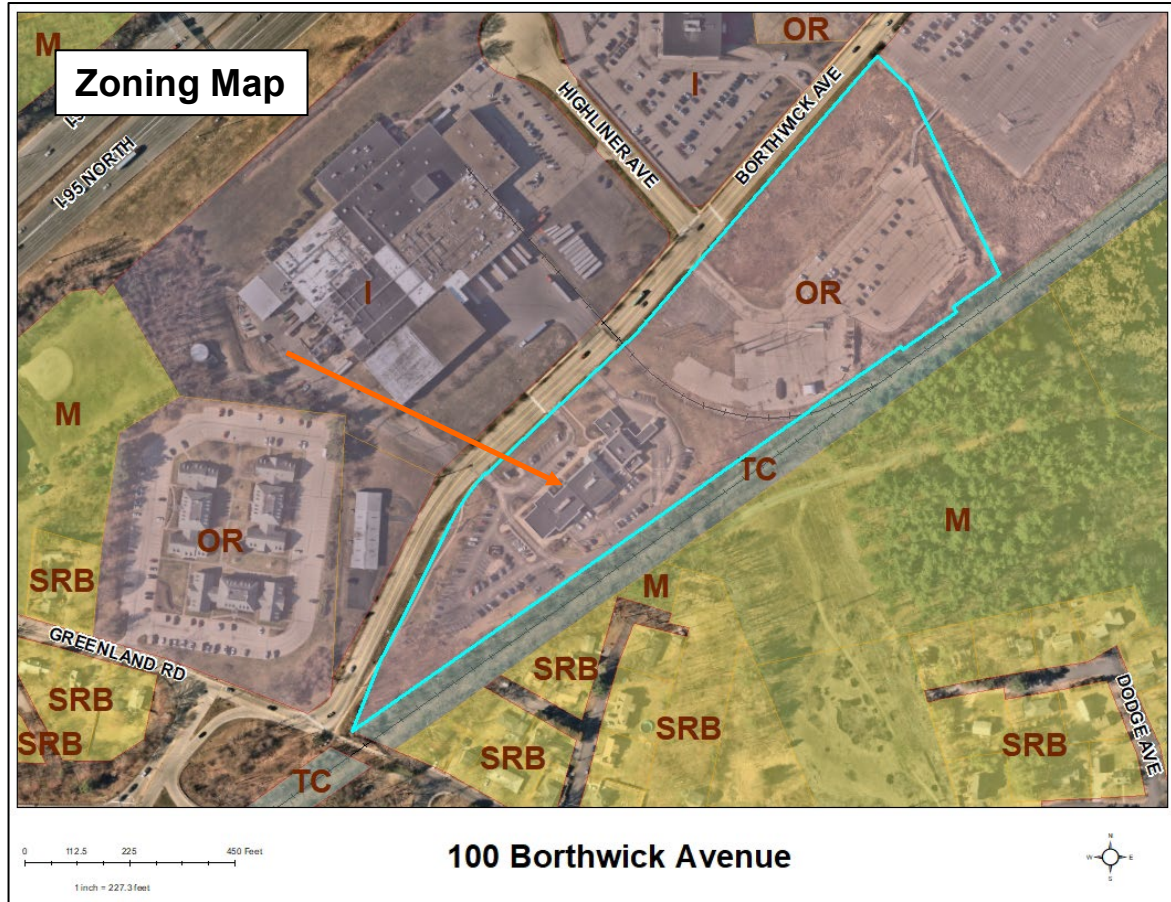
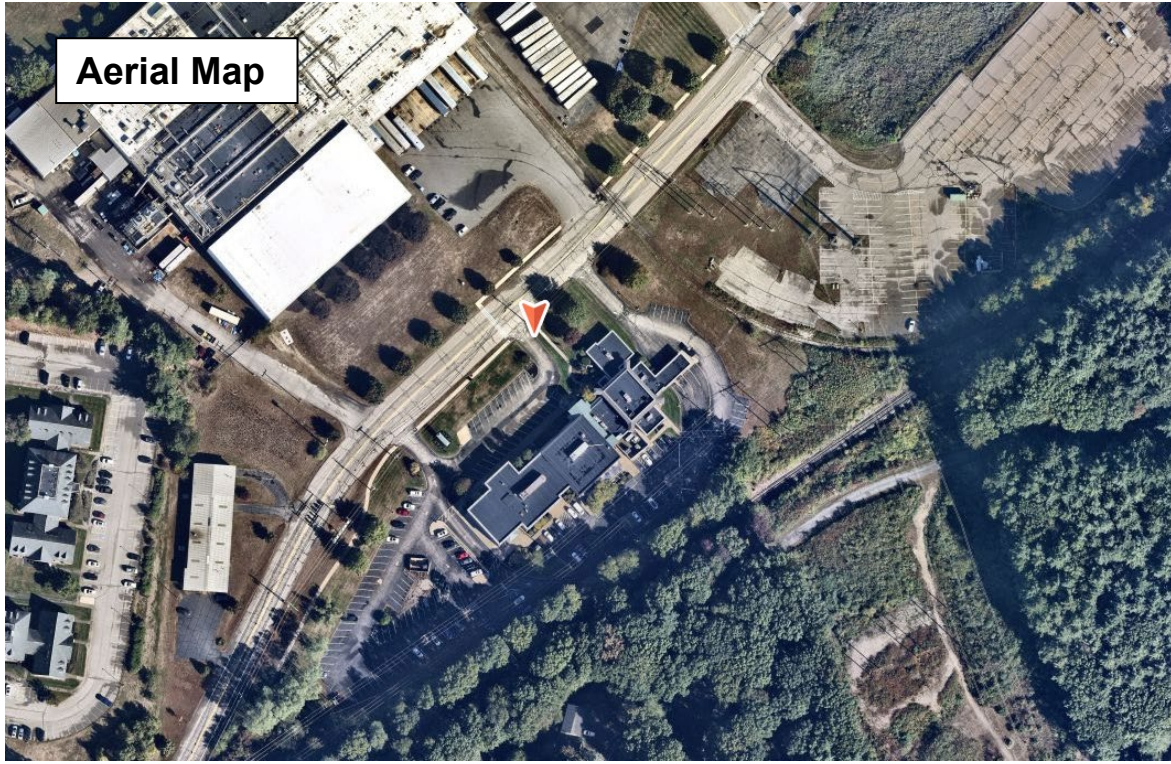
	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Credit Union	*Ambulatory Surgical Center	Commercial
<u>Lot area (sq. ft.):</u>	555,825	555,825	130,680 min.
<u>Parking</u>	545	545	1/250 GFA
<u>Estimated Age of Structure:</u>	1976	Special Exception request(s) shown in red.	

* Ambulatory Surgical Center allowed by Special Exception per Section 10.440

Other Permits/Approvals Required

- Building Permit (Tenant fit up)

Neighborhood Context



Previous Board of Adjustment Actions

December 28, 2004 – The Board **granted** the following: 1) Variances from Article II, Section 10-209 and Article IV, Section 10-401 (A)(1)(c) to allow an existing financial facility to expand on the site, 2) Variances from Article XII, Section 10-1201(A)(3)(f) and Article V, Section 10-503 and 10-504(B) to allow the existing and proposed off-street parking, maneuvering space and traffic aisles within the required setbacks and including the existing vegetation to provide screening for the abutting residentially zoned property without additional planting; and, 3) a Variance from Article XII, Section 10-1203 to allow 2 loading areas to be provided where 5 loading areas are required and to be located within 100' of property zoned residentially. Request granted with the following conditions:

1. That existing and proposed lighting , through the site review process, meet the current standards of not reaching beyond the property line;
2. That the sign on the rear of the building be turned off at 6:00 p.m.; and
3. That screening be provided along the back of the lot consistent with the easements that are in place.

February 23, 2022 – The Board **granted** the following: 1) A Variance from Section 10.113.41 to allow a 35 foot front setback for the parking lot where 50 feet is required. 2) A Special Exception from Section 10.113.112 to allow a parking lot on another lot in the same ownership as the lot in question within 300 feet of the property line of the lot in question. Said property is shown on the Assessor Map 234 Lot7-4A and lies within the Office Research (OR) District.

October 15, 2024 – The Board **granted** the following: 1) Variance from 10.440 to allow a surface parking lot as a principal use where it is not allowed.

Planning Department Comments

The applicant is requesting to establish an ambulatory surgical center as part of a renovation and repurposing of the current bank building to a medical facility. Ambulatory Surgical Center is use #6.40 of the use table found in Section 10.440, allowed by Special Exception in the OR District.

On 10/15/2024 the BOA approved a lot line adjustment which will result in the transfer of 262 parking spaces to the neighboring lot to service Liberty Mutual and will leave 284 parking spaces. Please note that the lot line adjustment has not been approved by the Planning Board nor recorded at the Rockingham Registry of Deeds and therefore the existing and proposed conditions found in the zoning table for this application do not reflect those changes

Special Exception Review Criteria

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

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

10.235 Certain Representations Deemed Conditions

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

October 29, 2024

Portsmouth Board of Adjustment
1 Junkins Avenue
Portsmouth, NH 03801

RE: ASC Special Exception Request

To Whom It May Concern:

On behalf of the Applicant, Stonefish, LLC, Apex Design Build respectfully submits a request for a Special Exception to construct an Ambulatory Surgery Center at 100 Borthwick Ave, Portsmouth, NH 03801. This is an existing building which was formally utilized by NECU (now Lighthouse CU) for their prominent headquarters prior to relocating to Dover, NH. In October, the Board of Adjustment granted relief from Portsmouth Ordinances 10.232.20 and 10.233.20 for the Lot-Line Adjustment due to Liberty Mutual's existing parking lot being non-conforming.

This sale to Liberty Mutual allows Liberty Mutual to rightfully continue with the purchase of the portion of the parking lot they are currently utilizing via a Lease with NECU. As previously discussed, this is a parking lot which Liberty Mutual designed, engineered, and constructed previously. This aforementioned Lot-Line Adjustment leaves 100 Borthwick Ave with (284) Parking Spaces, which is substantially in excess of future needs for a building which houses Medical Offices, an Ambulatory Surgery Center, and Professional/Business Offices.

Sincerely,

Jeff Kilburg



Project Director

Encl: Application Material

**Addendum
Stonefish, LLC
100 Borthwick Ave
Portsmouth, New Hampshire
Parcel ID Lot 259-15**

APPLICATION FOR SPECIAL EXCEPTION

Stonefish, LLC (the “Applicant”) seeks a special exception pursuant to Section 10.440 (Table of Uses) Subsection 6.40, and Section 10.232.20 (Special Exception Standards) of the City of Portsmouth Zoning Ordinance (the “Ordinance”) to permit the construction and operation of an Ambulatory Surgical Center (“ASC”) at 100 Borthwick Ave (the “Property”). The Property is a 12.77-acre lot located in the Office Research (OR) District. The Property is presently improved by a bank building that the Applicant wishes to renovate and repurpose as a medical facility, with ±8,000 usable square feet dedicated to the ASC use, ±33,571 usable square feet for medical office use. Section 10.410 of the Ordinance states that the OR District is zoned “To provide for campus-style development of offices buildings, research and development facilities, and *complementary uses*.” (Emphasis added.) The proposed use of a portion of the building as an ASC clearly compliments the medical practices expected to operate within the building.

Pursuant to New Hampshire law, “a special exception is a use permitted upon certain conditions as set forth in a town’s zoning ordinance.” *New London Land Use Assoc. v. New London Zoning Board*, 130 N.H. 510, 517 (1988). “If the conditions for granting the special exception are met, the [zoning] board must grant it, although the board does have authority to place reasonable conditions on the granting of the exception.” *Geiss v. Bourassa*, 140 N.H. 629, 632 (1996) (citing 15 P. Loughlin, *New Hampshire Practice, Land Use Planning and Zoning* § 23.02, at 251–52 (2d ed. 1993).

For the reasons set forth below, the Applicant’s proposal complies with each special exception criteria set forth in Section 10.232.20 of the Ordinance and the Applicant therefore respectfully requests that this Board grant the special exception.

10.232.20 Special exceptions shall meet all of the following standards:

Requirement: 10.232.21 Standards as provided by this Ordinance for the particular use permitted by special exception;

Applicant’s Response: Yes. Pursuant to Table of Use Regulations Subsection 6.40, ASC is allowed following receipt of a special exception in the OR District.

Requirement: 10.232.22 No hazard to the public or adjacent property on account of potential fire, explosion or release of toxic materials;

Applicant's Response: The proposed use will not pose a threat to the public regarding potential fire, explosion, or release of toxic materials. In fact, the proposed multi-specialty ASC will provide needed care to the residents of Portsmouth and the surrounding towns.

Requirement: 10.232.23 No detriment to property values in the vicinity or change in the essential characteristics of any area including residential neighborhoods or business and industrial districts on account of the location or scale of buildings and other structures, parking areas, accessways, odor, smoke, gas, dust, or other pollutant, noise, glare, heat, vibration, or unsightly outdoor storage of equipment, vehicles or other materials;

Applicant's Response: The proposed ASC will not be detrimental to surrounding properties, nor will it change the character of the area. The use is complimentary to the existing uses, which is one of the proposed uses of the zone per the Ordinance. Recently, there were two other ASCs within this same corridor; however, one closed almost 18 months ago and the other closed at the beginning of 2024, leaving the surgeons operating at those ASCs unable to continue caring for patients in this area; they are currently operating outside of the city of Portsmouth at great distance from their practices. The proposal will benefit the public and neighborhood because of the ASC's physical proximity to patients, as well as the offices and practices of its intended users (other tenants within the building), as well as its geographical proximity to Portsmouth Regional Hospital (for patient safety).

Requirement: 10.232.24 No creation of a traffic safety hazard or a substantial increase in the level of traffic congestion in the vicinity;

Applicant's Response: The Property will service a manageable level of scheduled patients at a well-designed and permitted location. The existing roadway infrastructure was designed to support several professional and industrial uses, including several healthcare facilities, and this proposal should have no negative impact on traffic in the area.

Requirement: 10.232.25 No excessive demand on municipal services, including, but not limited to, water, sewer, waste disposal, police and fire protection and schools; and

Applicant's Response: The Applicant's proposal will not require more municipal utility services than any other similarly sized professional use, and will not burden the local school district.

Requirement: 10.232.26 No significant increase of stormwater runoff onto adjacent property or streets.

Applicant's Response: The existing site will generally be maintained in its current configuration. A covered pickup/drop-off area will minimally add to the lot's impervious area, which the Applicant will offset by removing a corresponding amount of impervious surface and replacing it with greenspace. All existing parking lots will be maintained and utilized as is.

Should there be any questions regarding this application, please feel free to reach out to me directly at 630-596-3764 or jeffk@apexdesignbuild.net.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff K.", with a stylized flourish at the end.

Project Director

Encl: Application Materials

Authorization Form

This Authorization Form (this “Authorization”), effective upon the date of signature below (the “Effective Date”), is by and among Northeast Credit Union dba Lighthouse Credit Union and its successors or assigns (“Lighthouse”), Apex Design Build (“Apex”) and Allen & Major Associates, Inc. (collectively with Apex, the “ATDG Borthwick Team”), to act as an agent on behalf of Lighthouse for the purposes and upon the limitations listed herein:

Effective upon the Effective Date, this Authorization, relative strictly to Lighthouse’s property located at 100 Borthwick Avenue, Portsmouth, New Hampshire 03801 (the “Property”) and the ATDG Borthwick Team’s ongoing project on behalf of ATDG, LLC at the Property (the “Project”), is limited to: 1) permitting and land use matters relative to the Project that are before governing boards, committees or other authority bodies or individuals authorized and acting on behalf of the City of Portsmouth, New Hampshire or the State of New Hampshire (collectively, the “Project Governmental Bodies”) and 2) authorizes the ATDG Borthwick Team to: a) apply for and sign permits and ancillary documents relative to the Project as needed from the Project Governmental Bodies and to b) speak with and appear before Project Governmental Bodies and individuals working on behalf of the same, as representative of Lighthouse in conjunction with the Project. This Authorization is contingent upon copy of all applications and submissions relative to the Project that are submitted to the Project Governmental Bodies being sent to Lighthouse, contemporaneously with or before their time of submission, as follows:

Lighthouse Credit Union

Attn: Lee Schafer, SVP, General Counsel & Chief Operating Officer

Via email to: lschafer@lighthousecu.org &

Neil Gordon, SVP & Chief Financial Officer

Via email to: ngordon@lighthousecu.org

With a copy to

Sheehan Phinney Bass & Green, PA

Attn: Eric T. Kilchenstein, Esq.

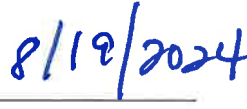
Via email to: ekilchenstein@sheehan.com

This Authorization is fully revocable without cause and upon written notice from Lighthouse.

[Signature Page Follows]

Northeast Credit Union dba Lighthouse Credit Union





By: Neil Gordon,
Title: SVP and Chief Financial Officer
Duly Authorized

Date:

[Signature Page to Authorization Form]

Ref: 10158

October 22, 2024

Mr. Jeff Kilburg
Apex Design Build
9550 West Higgins Road
Suite 170
Rosemont, IL 60018

Re: Trip Generation for Medical Office Building
100 Borthwick Avenue
Portsmouth, New Hampshire

Dear Mr. Kilburg:

Vanasse & Associates, Inc. (VAI) has identified the traffic generation associated with the proposed medical office building (hereinafter, the “Project”) to be located at 100 Borthwick Avenue in Portsmouth, New Hampshire. The Project site is bordered by Borthwick Avenue to the north and west and railroad tracks to the east and south. The Project site was previously the headquarters for Northeast Credit Union and provided office space and a credit union branch office with three drive-through aisles and three curb cuts onto Borthwick Avenue.

The Project involves renovating the existing two-story building as a medical office building and Ambulatory Surgical Center (ASC) that will employ 110 people.

In order to develop the traffic characteristics of the proposed Project, a comparison of previous and future trip generation of the site was conducted. The existing two-story building previously contained a 7,700 sf drive-in bank and 39,160 sf of office space. Trip-generation statistics published by the Institute of Transportation Engineers (ITE)¹ for Land Use Code (LUC) 912, *Drive-in Bank* and LUC 710, *General Office Building* were used to estimate the vehicle trip generation from the previous development, with the results shown in Table 1.

¹*Trip Generation*, 11th Edition; Institute of Transportation Engineers; Washington, DC; 2021.

Table 1
TRIP GENERATION – PREVIOUS USE

Time Period	Drive-in Bank Trips ^a (A)	Office Trips ^b (B)	Total Trips (C=A+B)
Weekday Daily	774	514	1,288
<i>Weekday Morning Peak Hour:</i>			
Entering	45	66	111
<u>Exiting</u>	<u>32</u>	<u>9</u>	<u>41</u>
Total	77	75	152
<i>Weekday Evening Peak Hour:</i>			
Entering	81	13	94
<u>Exiting</u>	<u>81</u>	<u>63</u>	<u>144</u>
Total	162	76	238

^aBased on ITE LUC 912, *Drive-in Bank*; 7,700 sf.

^bBased on ITE LUC 710, *General Office Building*; 39,160 sf.

Table 2 summarizes the anticipated trip generation from the proposed development. The trips generated were based on LUC 720, *Medical-Dental Office Building* from the ITE.

Table 2
TRIP GENERATION – PROPOSED USE

Time Period	Medical Office Trips ^a
Weekday Daily	676
<i>Weekday Morning Peak Hour:</i>	
Entering	43
<u>Exiting</u>	<u>15</u>
Total	58
<i>Weekday Evening Peak Hour:</i>	
Entering	44
<u>Exiting</u>	<u>75</u>
Total	119

^aBased on ITE LUC 720, *Medical-Dental Office Building*; 110 employees.



Table 3 summarizes the anticipated change in trip generation from the previous use to the proposed development.

Table 3
PROJECT TRIP GENERATION COMPARISON

Time Period	Previous Vehicle Trips ^a	Proposed Vehicle Trips ^b	Change (Trips)
Weekday Daily	1,288	676	-612
<i>Weekday Morning Peak Hour:</i>			
Entering	111	43	-68
<u>Exiting</u>	<u>41</u>	<u>15</u>	<u>-26</u>
Total	152	58	-94
<i>Weekday Evening Peak Hour:</i>			
Entering	94	44	-50
<u>Exiting</u>	<u>144</u>	<u>75</u>	<u>-69</u>
Total	238	119	-119

As shown in Table 3, when compared with the previous use, the Project is expected to generate 612 fewer vehicle trips (approximately 306 vehicles entering and exiting) on an average weekday, 94 fewer vehicle trips (68 entering and 26 exiting) during the weekday morning peak hour and 119 fewer trips (50 entering and 69 exiting) during the weekday evening peak hour.

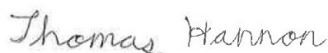
If you have any questions on the conclusions reached herein, feel free to contact us at sthornton@rdva.com or thannon@rdva.com.

Sincerely,

VANASSE & ASSOCIATES, INC.



Scott W. Thornton, P.E.
Principal



Thomas J. Hannon, EIT
Transportation Engineer

cc: File

Attachment: Trip Calculations



TRIP GENERATION DATA



Drive-in Bank (912)

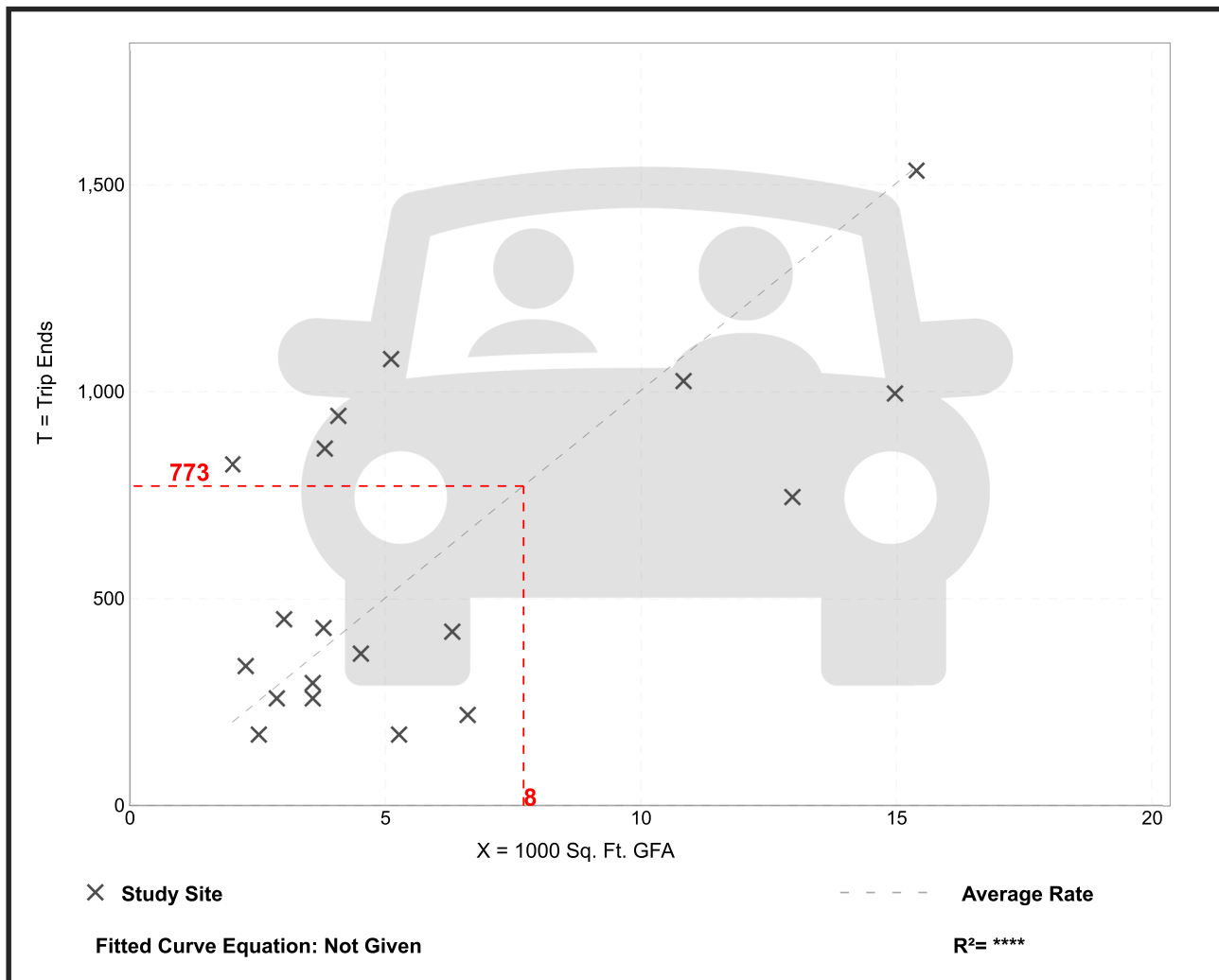
Vehicle Trip Ends vs: 1000 Sq. Ft. GFA
On a: Weekday

Setting/Location: General Urban/Suburban
Number of Studies: 19
Avg. 1000 Sq. Ft. GFA: 6
Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
100.35	32.67 - 408.42	68.62

Data Plot and Equation



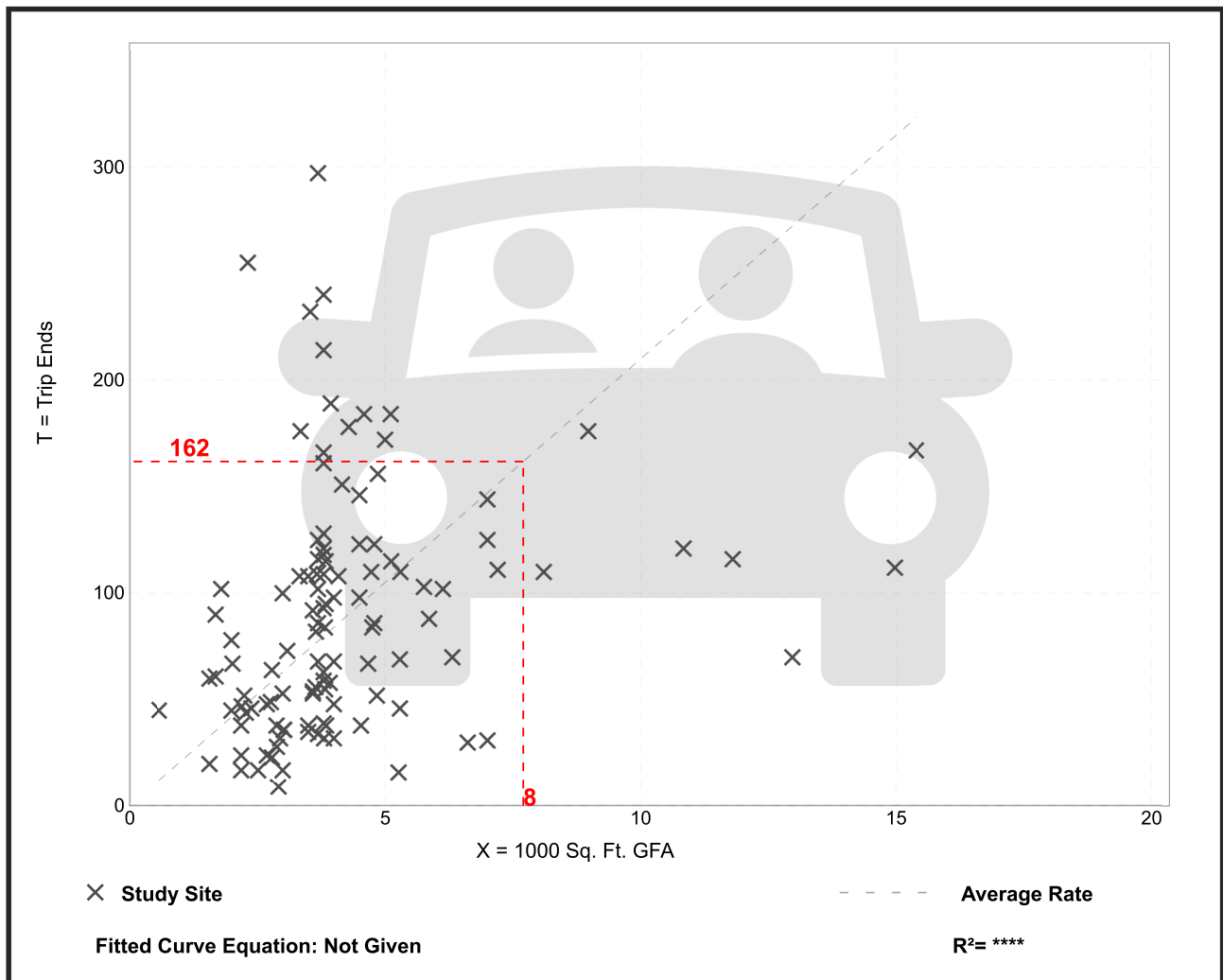
Drive-in Bank (912)

Vehicle Trip Ends vs: 1000 Sq. Ft. GFA
On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 4 and 6 p.m.
Setting/Location: General Urban/Suburban
 Number of Studies: 114
 Avg. 1000 Sq. Ft. GFA: 4
 Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
21.01	3.04 - 109.91	15.13

Data Plot and Equation



General Office Building (710)

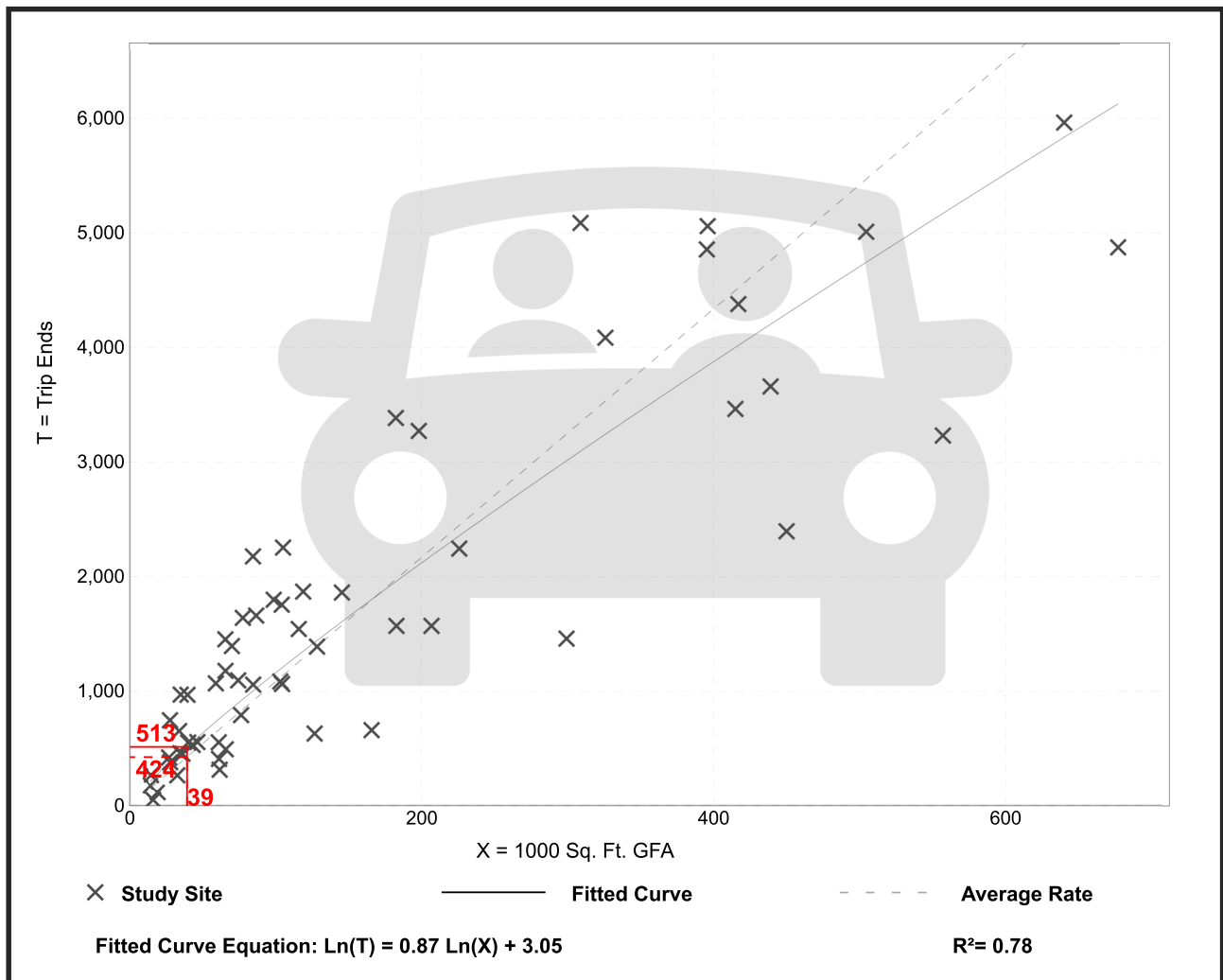
Vehicle Trip Ends vs: 1000 Sq. Ft. GFA
On a: Weekday

Setting/Location: General Urban/Suburban
Number of Studies: 59
Avg. 1000 Sq. Ft. GFA: 163
Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
10.84	3.27 - 27.56	4.76

Data Plot and Equation



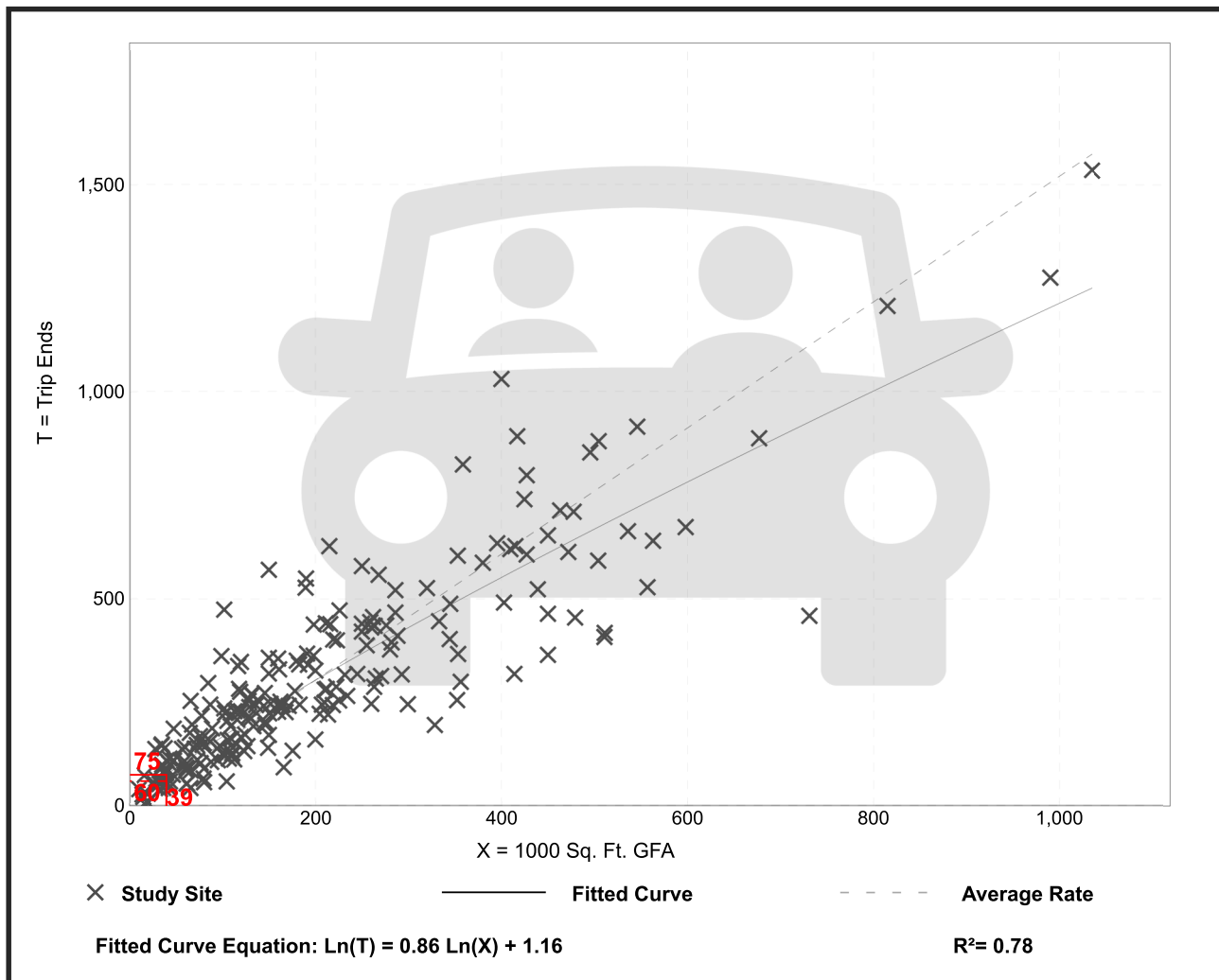
General Office Building (710)

Vehicle Trip Ends vs: 1000 Sq. Ft. GFA
On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 7 and 9 a.m.
Setting/Location: General Urban/Suburban
 Number of Studies: 221
 Avg. 1000 Sq. Ft. GFA: 201
 Directional Distribution: 88% entering, 12% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
1.52	0.32 - 4.93	0.58

Data Plot and Equation



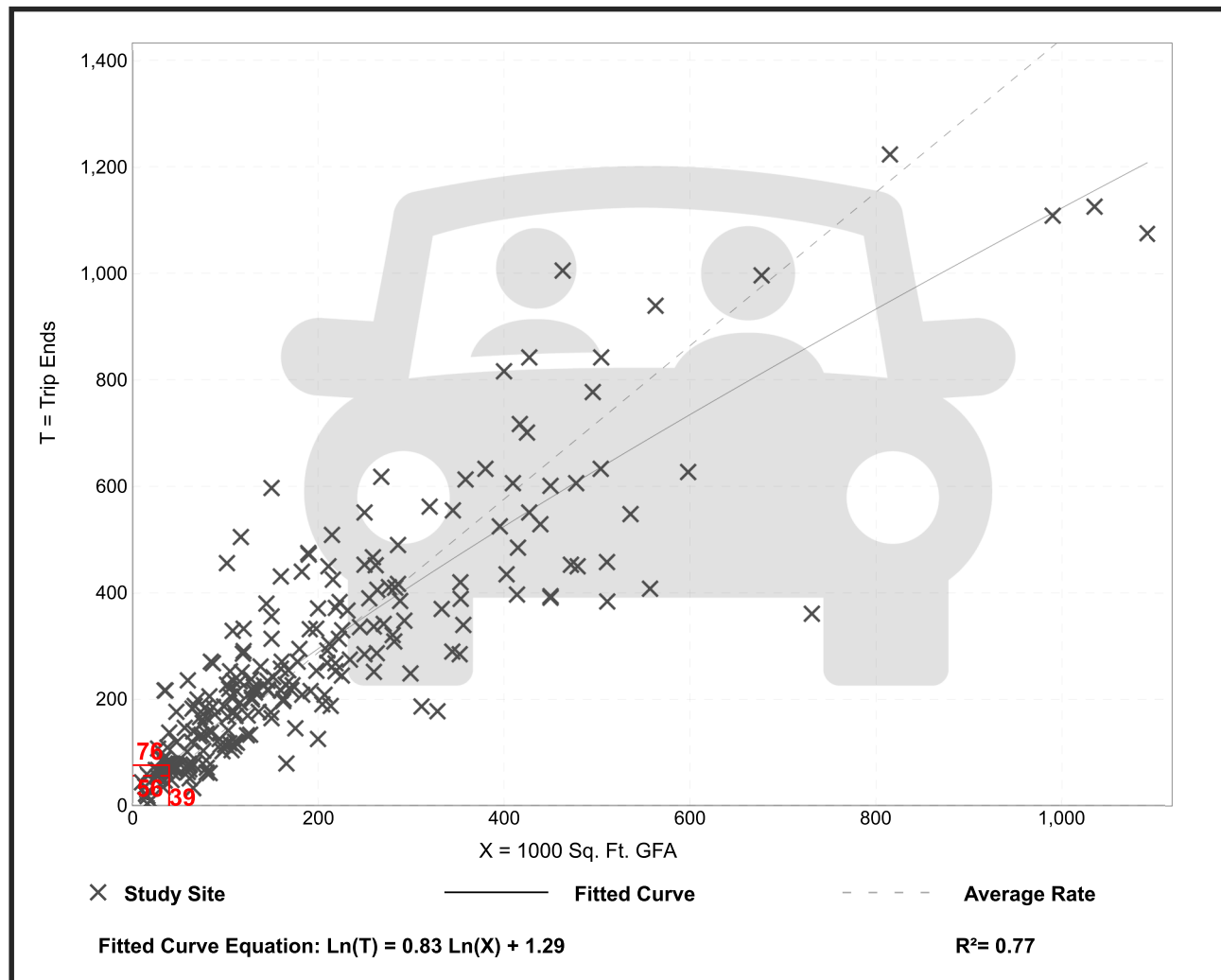
General Office Building (710)

Vehicle Trip Ends vs: 1000 Sq. Ft. GFA
On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 4 and 6 p.m.
Setting/Location: General Urban/Suburban
 Number of Studies: 232
 Avg. 1000 Sq. Ft. GFA: 199
 Directional Distribution: 17% entering, 83% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
1.44	0.26 - 6.20	0.60

Data Plot and Equation



Medical-Dental Office Building - Stand-Alone (720)

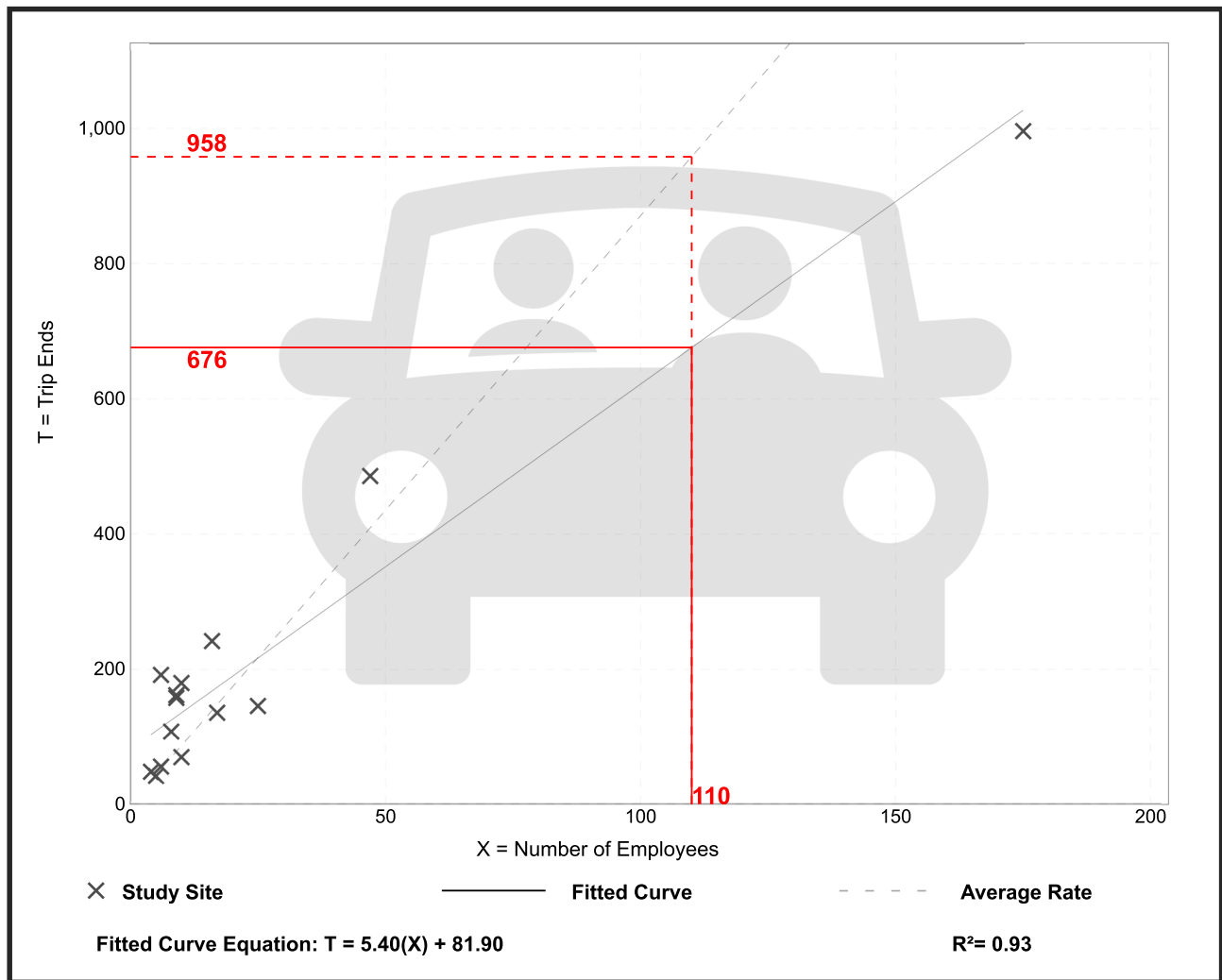
Vehicle Trip Ends vs: **Employees**
On a: **Weekday**

Setting/Location: General Urban/Suburban
Number of Studies: 14
Avg. Num. of Employees: 25
Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per Employee

Average Rate	Range of Rates	Standard Deviation
8.71	5.69 - 32.00	5.12

Data Plot and Equation



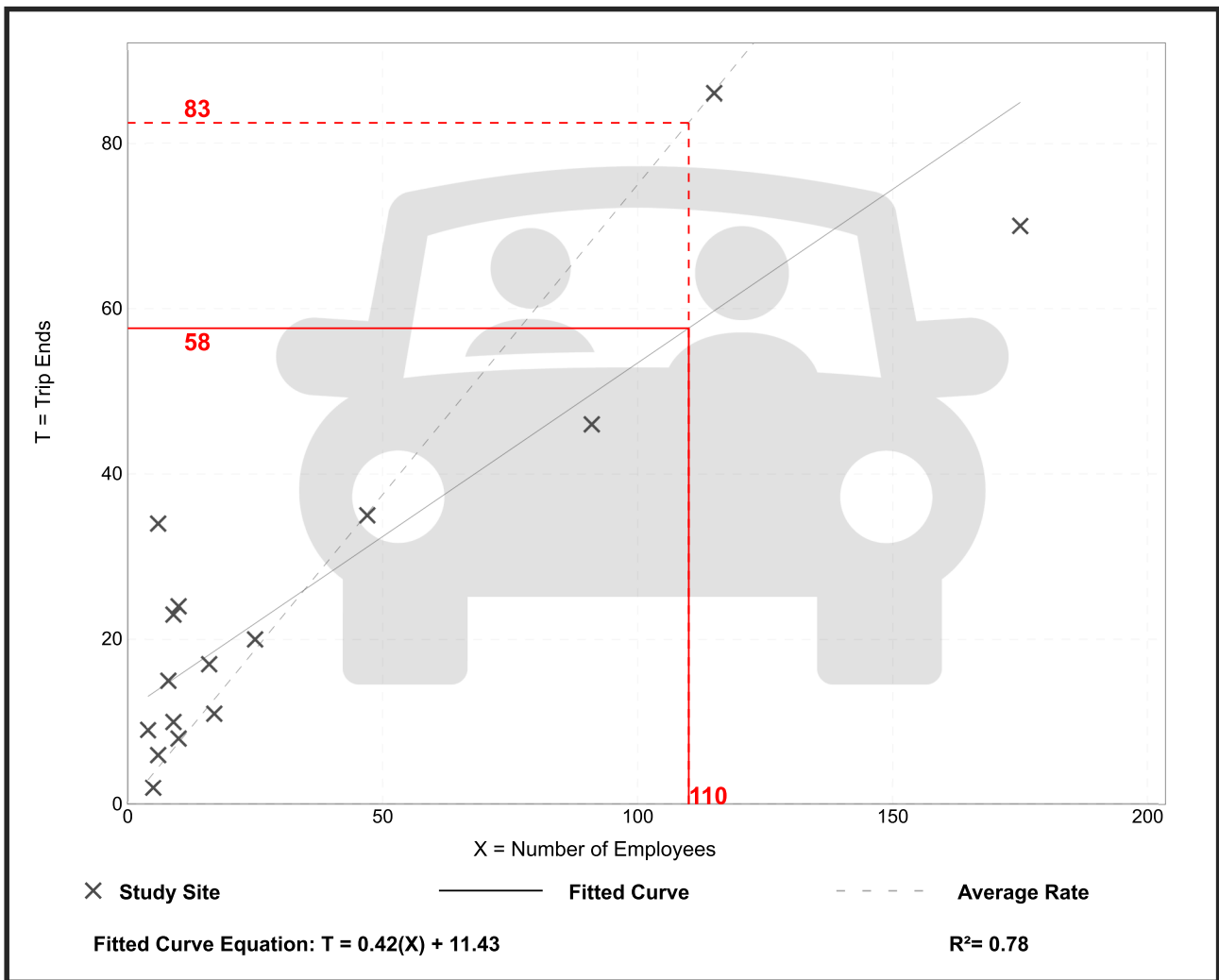
Medical-Dental Office Building - Stand-Alone (720)

Vehicle Trip Ends vs: **Employees**
 On a: **Weekday,**
Peak Hour of Adjacent Street Traffic,
One Hour Between 7 and 9 a.m.
Setting/Location: General Urban/Suburban
 Number of Studies: 16
 Avg. Num. of Employees: 35
 Directional Distribution: 74% entering, 26% exiting

Vehicle Trip Generation per Employee

Average Rate	Range of Rates	Standard Deviation
0.75	0.40 - 5.67	0.70

Data Plot and Equation



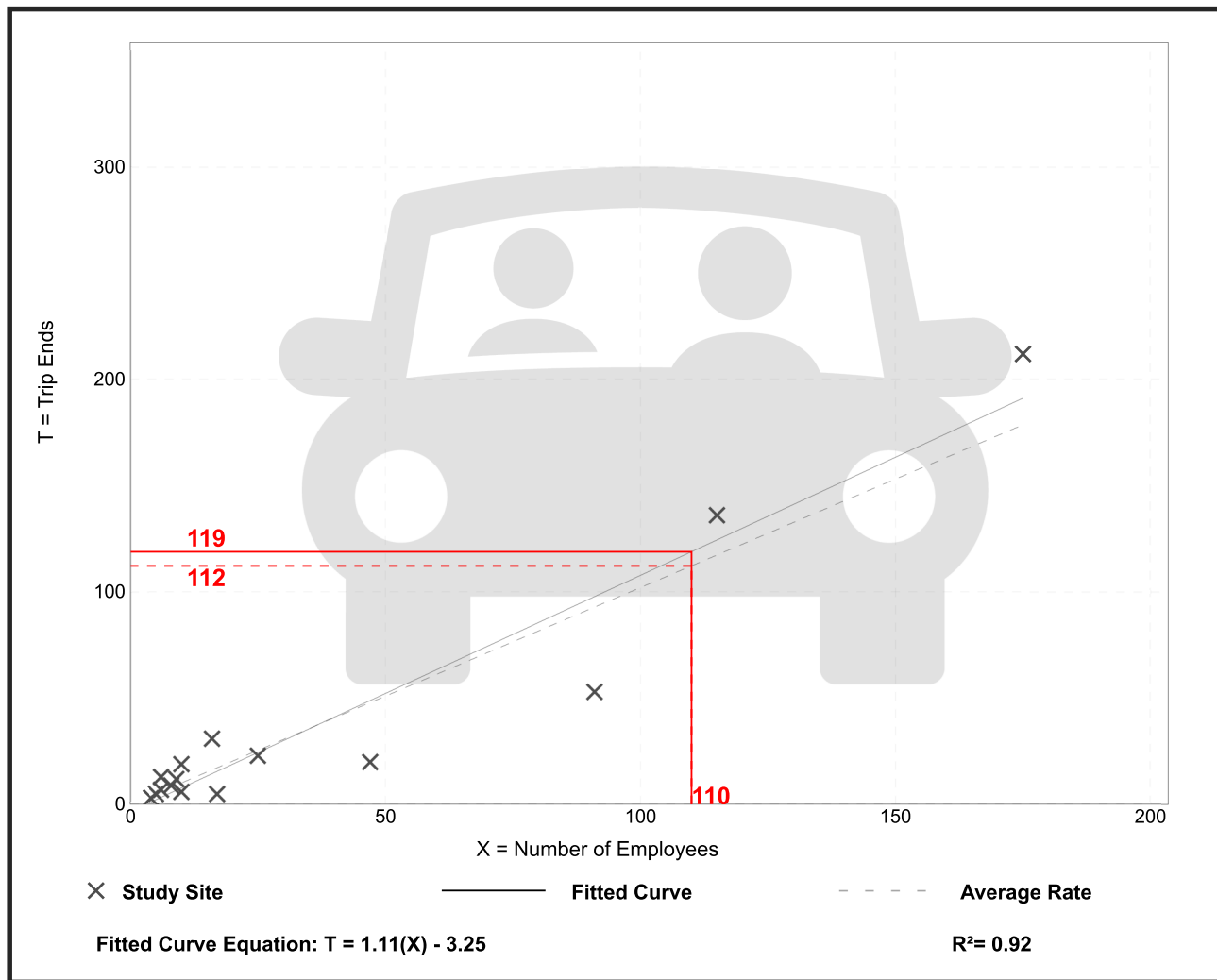
Medical-Dental Office Building - Stand-Alone (720)

Vehicle Trip Ends vs: **Employees**
 On a: **Weekday,**
Peak Hour of Adjacent Street Traffic,
One Hour Between 4 and 6 p.m.
Setting/Location: General Urban/Suburban
 Number of Studies: 15
 Avg. Num. of Employees: 36
 Directional Distribution: 37% entering, 63% exiting

Vehicle Trip Generation per Employee

Average Rate	Range of Rates	Standard Deviation
1.02	0.29 - 2.17	0.41

Data Plot and Equation





apex
DESIGN > BUILD

9550 W. Higgins Rd. 170
Rosemont, IL 60018

100 BORTHWICK

100 BORTHWICK AVE.
PORTSMOUTH, NH 03801

ARCHITECT OF RECORD:
SUSAN L. SKIBELL, ARCHITECT
1360 N. SANDBURG TERRACE #1902
CHICAGO, IL 60610
312.350.7161

SEAL:

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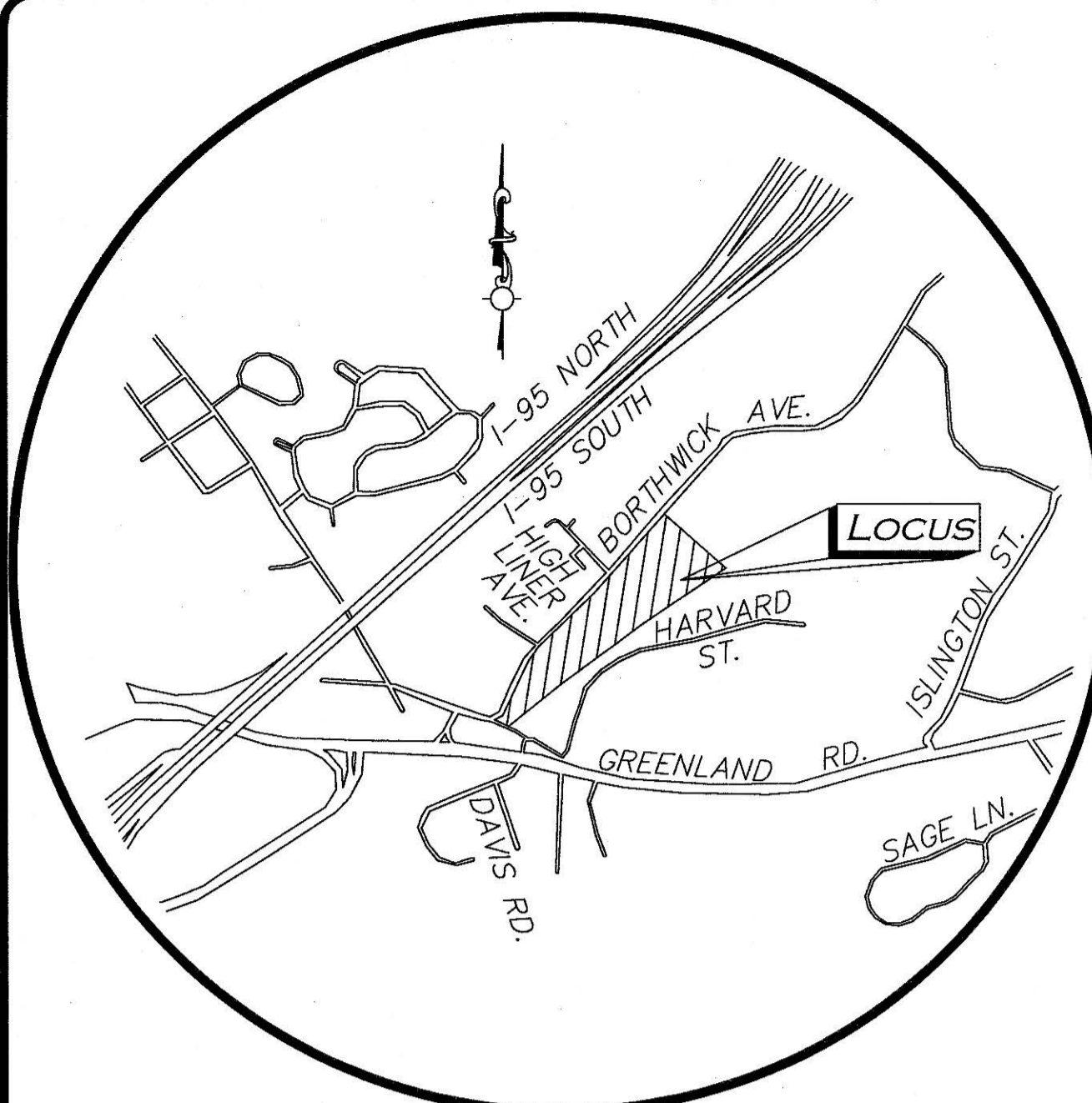
No.	Description	Date

EXISTING PHOTOS

Project number 10724

A0-0

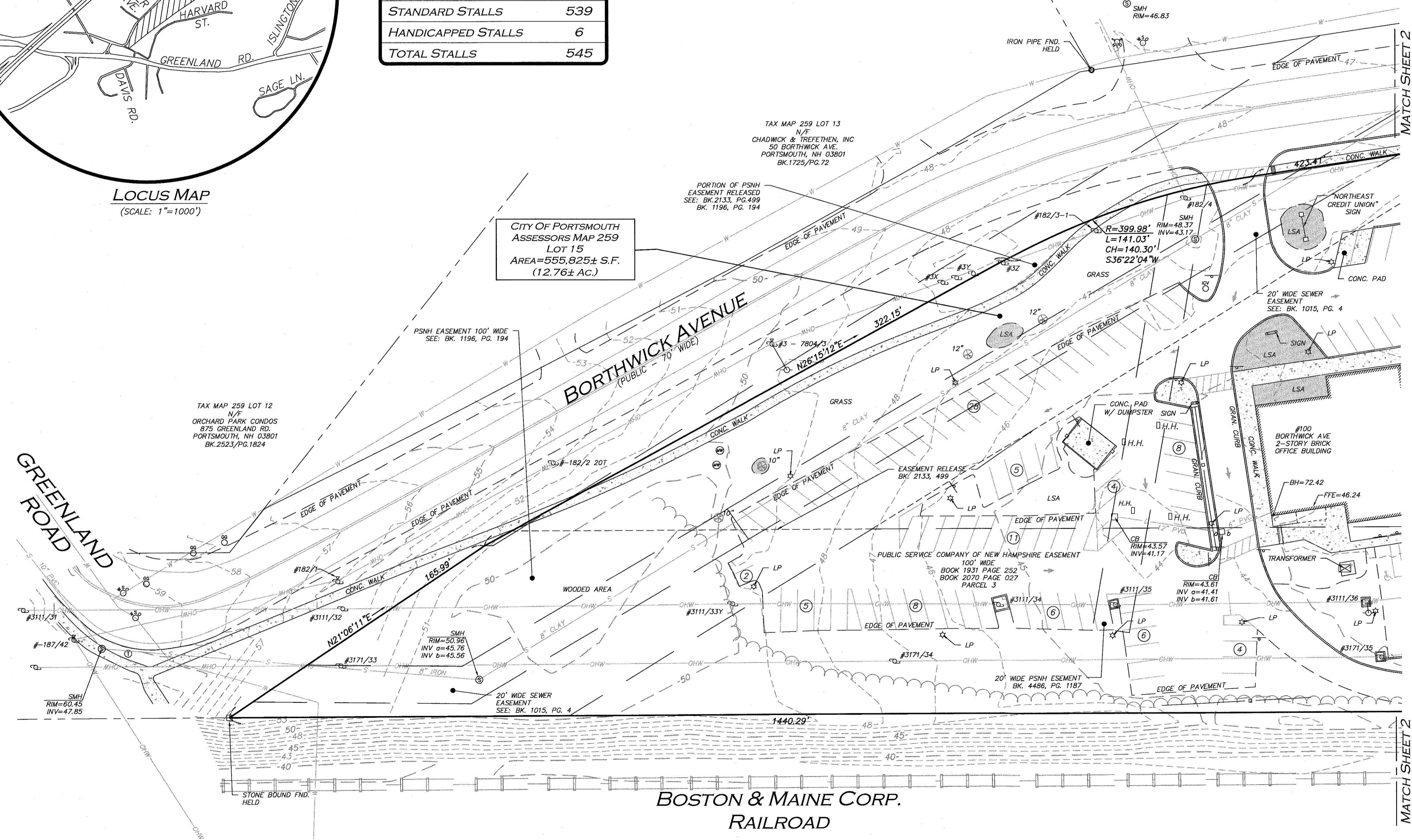
Scale



LOCUS MAP
(SCALE: 1"=1000')

BENCHMARK SUMMARY		
TBM #	DESCRIPTION	ELEV.
1	COTTON GIN SPINDLE IN UP#182/6	39.66
2	COTTON GIN SPINDLE IN UP#2	50.65

PARKING SUMMARY	
STANDARD STALLS	539
HANDICAPPED STALLS	6
TOTAL STALLS	545



CITY OF PORTSMOUTH
ASSESSORS MAP 259
LOT 15
AREA=555,825± S.F.
(12.76± AC.)

TAX MAP 259 LOT 12
N/F
ORCHARD PARK CONDOS
875 GREENLAND RD.
PORTSMOUTH, NH 03801
BK.2523/PG.1824

TAX MAP 259 LOT 13
N/F
CHADWICK & TREFETHEN, INC
50 BORTHWICK AVE.
PORTSMOUTH, NH 03801
BK.1725/PG.72

PORTION OF PSNH
EASEMENT RELEASED
SEE: BK.2133, PG.499
BK.1196, PG.194

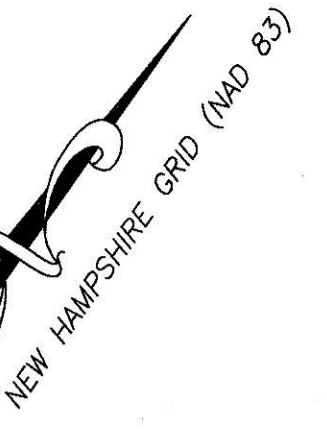
PSNH EASEMENT 100' WIDE
SEE: BK.1196, PG.194

EASEMENT RELEASE
BK.2133, 499

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE EASEMENT
100' WIDE
BOOK 1931 PAGE 252
BOOK 2070 PAGE 027
PARCEL 3

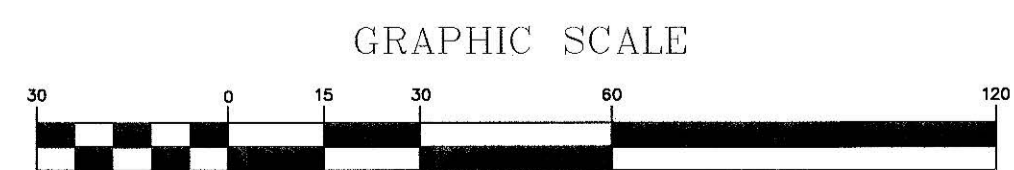
20' WIDE PSNH EASEMENT
BK. 4486, PG. 1187

20' WIDE SEWER
EASEMENT
SEE: BK. 1015, PG. 4



**BOSTON & MAINE CORP.
RAILROAD**

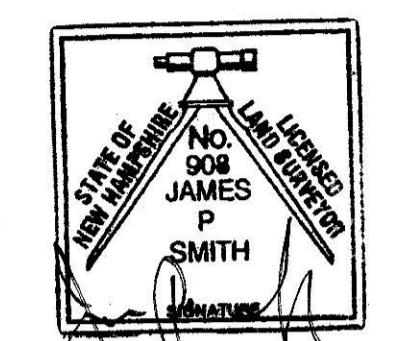
- NOTES**
- SEE SHEET 3 FOR UTILITY STATEMENT AND LEGEND.
 - SEE SHEET 4 FOR NOTES, LOCUS REFERENCES, AND PLAN REFERENCES.



R:\PROJECTS\3250-02\SURVEY\DRAWINGS\CURRENT\S-3250-02-EC.DWG

THIS PLAN IS THE RESULT OF AN ACTUAL ON THE GROUND SURVEY PERFORMED ON OR BETWEEN JUNE 14, 2024 AND JULY 1, 2024 AND HAD AN ERROR OF CLOSURE OF NO GREATER THAN 1/10,000.
THE SUBJECT PREMISES IS LOCATED IN FLOOD ZONE X - "AREA OF MINIMAL FLOOD HAZARD" AS SHOWN ON THE FLOOD INSURANCE RATE MAP FOR THE CITY OF PORTSMOUTH NEW HAMPSHIRE ROCKINGHAM COUNTY COMMUNITY PANEL NUMBER 33015C0270F HAVING AN EFFECTIVE DATE OF JANUARY 1, 2021.

ALLEN & MAJOR ASSOCIATES, INC.



JAMES P. SMITH NH LLS #908

7-9-24
DATE

REV	DATE	DESCRIPTION

APPLICANT:
STONEFISH, LLC
875 GREENLAND RD. UNIT C8
PORTSMOUTH, NH 03801

OWNER:
NORTH EAST CREDIT UNION
PO BOX 1240
PORTSMOUTH, NH 03802

PROJECT:
TM 259 LOT 15
100 BORTHWICK AVE.
PORTSMOUTH, NH

PROJECT NO. 3250-02 DATE: 7/08/24

SCALE: 1" = 30' DWG. NAME: S-3250-02-EC

DRAFTED BY: CTP CHECKED BY: JPS

PREPARED BY:

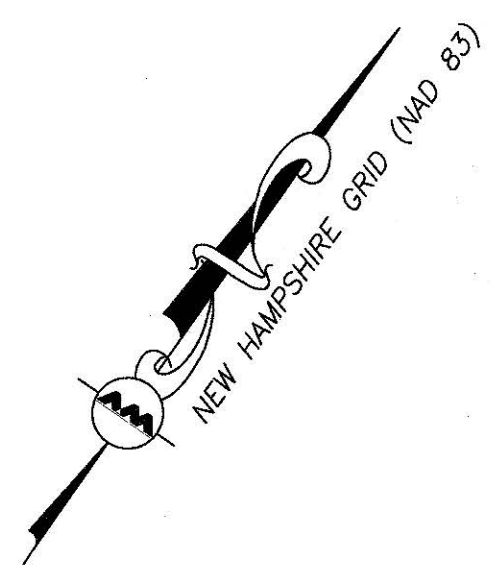
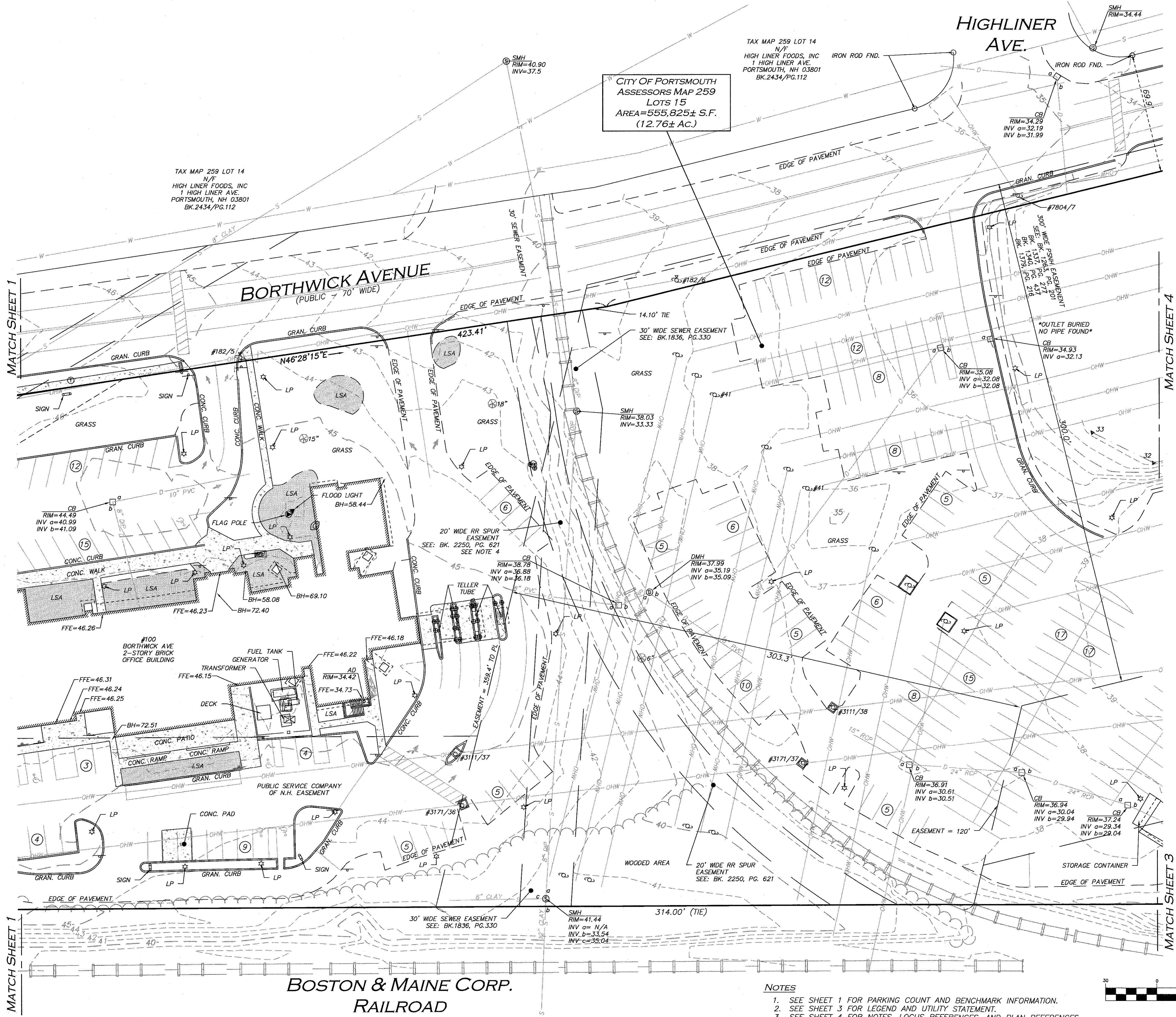
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environmental consulting • landscape architecture
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MANCHESTER, NH 03103
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FAX: (603) 627-5501

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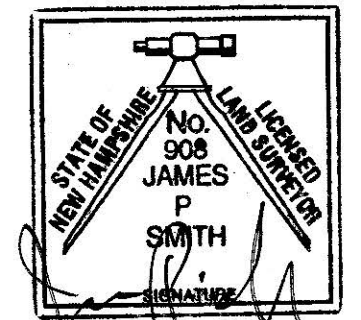
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EXISTING CONDITIONS	1

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ALLEN & MAJOR ASSOCIATES, INC.



JAMES P. SMITH NH LLS #908 DATE 1-9-24

REV	DATE	DESCRIPTION

APPLICANT:
STONEFISH, LLC
 875 GREENLAND RD. UNIT C8
 PORTSMOUTH, NH 03801

OWNER:
NORTH EAST CREDIT UNION
 PO BOX 1240
 PORTSMOUTH, NH 03802

PROJECT:
TM 259 LOT 15
100 BORTHWICK AVE.
PORTSMOUTH, NH

PROJECT NO. 3250-02 DATE: 7/08/24

SCALE: 1" = 30' DWG. NAME: S-3250-02-EC

DRAFTED BY: CTP CHECKED BY: JPS

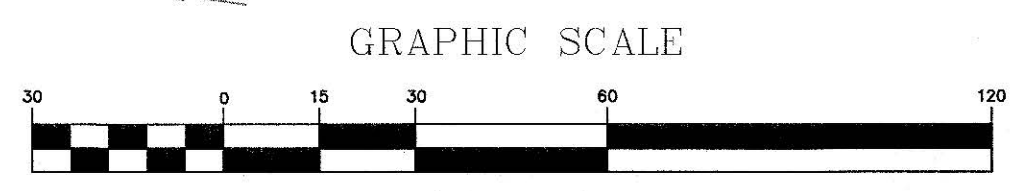
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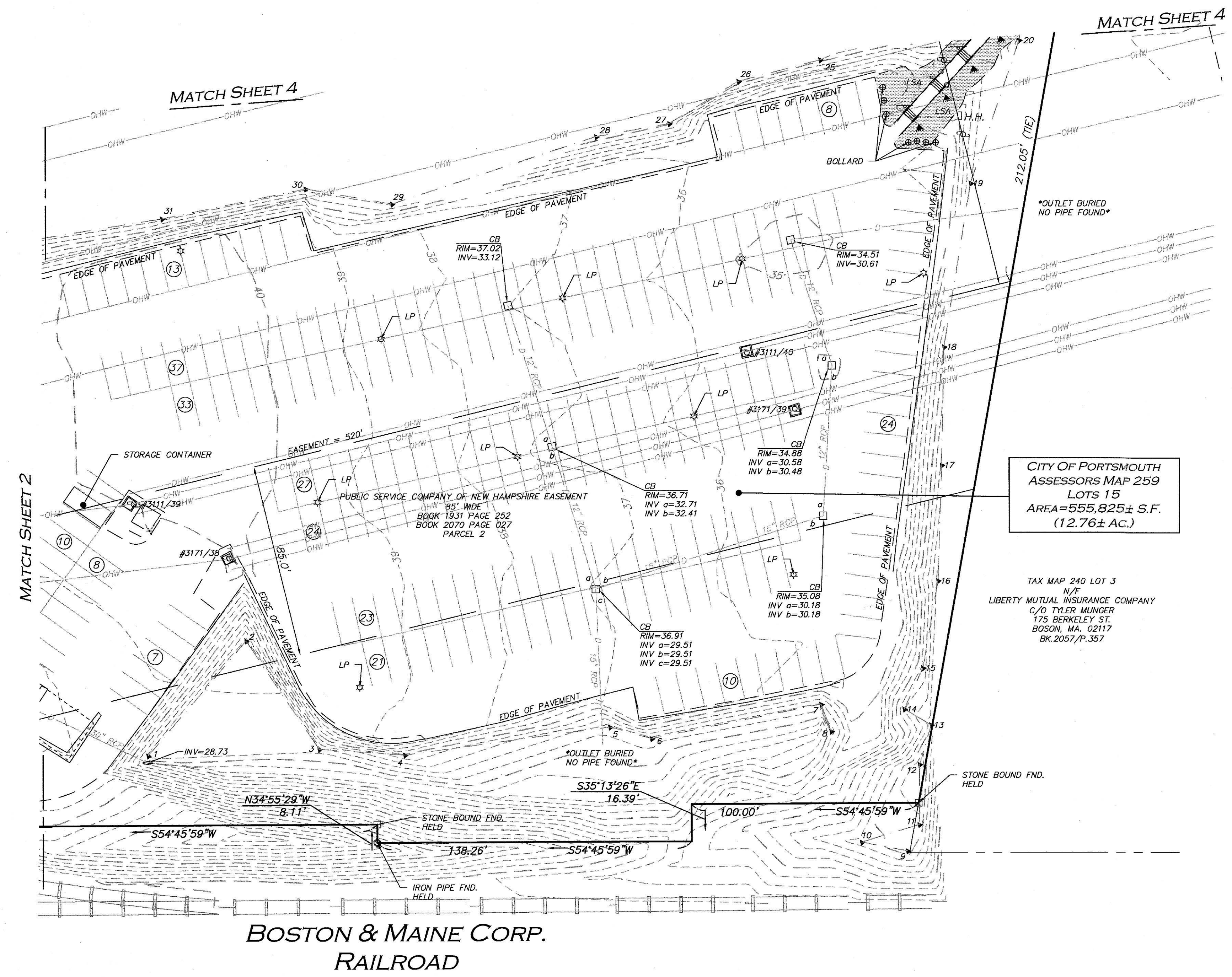
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LEGEND			
IRON PIPE (IP)	○	LIGHT	☆
IRON ROD (IR)	◦	FLOODLIGHT	▲
DRAIN MANHOLE (DMH)	⊙	TREE	⊗
SEWER MANHOLE (SMH)	⊕	AREA DRAIN	○
ELECTRIC MANHOLE (EMH)	⊖	SIGN	⊖
TELEPHONE MANHOLE (TMH)	⊗	SIGN	⊖
CATCH BASIN (CB)	⊠	MAILBOX	⊠
ROUND CATCH BASIN (RCB)	⊡	TRANSFORMER	⊠
UTILITY POLE	⊙	MONITOR WELL	⊠
UTILITY POLE W/LIGHT	⊙	WETLAND FLAG	⊠
GUY WIRE	—	ELECTRIC BOX	⊠
FIRE HYDRANT	⊙	FLAG POLE	⊠
WATER GATE	⊙	GAS METER	⊠
GAS GATE	⊙	HANDICAPPED PARKING SPACE	♿
BOLLARD	⊙	IRRIGATION CONTROL VALVE	⊠
INVERT (INV)	—		
		PAINTED ARROW	→
		PARKING SPACE COUNT	⑬
		CONCRETE	▨
		LANDSCAPED AREA (LSA)	▨
		WETLAND AREA	▨
		BUILDING	▨
		BUILDING OVERHANG	▨
		WETLAND	▨
		BUFFER ZONE	▨
		EASEMENT LINE	—
		1' CONTOUR	---5.3---
		5' CONTOUR	---5.5---
		PROPERTY LINE	—
		ABUTTERS LINE	—
		CONCRETE RETAINING WALL	▨
		TREE LINE	▨
		EDGE OF PAVEMENT	—
		CURB	—
		CHAIN LINK FENCE	—x—
		STOCKADE FENCE	—o—
		VINYL FENCE	—o—
		GUARDRAIL	—w—
		WATER LINE	—w—
		SEWER LINE	—s—
		DRAIN LINE	—d—
		GAS LINE	—g—
		ELECTRIC LINE	—e—
		TELEPHONE LINE	—t—
		OVERHEAD WIRES	—ohw—
		FINISHED FLOOR ELEVATION	FFE
		BITUMINOUS	BIT.
		CONCRETE	CONC.
		GRANITE	GRAN.
		BOTTOM CENTER	(BC)
		REINFORCED CONCRETE PIPE	RCP
		POLYVINYL CHLORIDE PIPE	PVC
		CORRUGATED METAL PIPE	CMP
		CAST IRON PIPE	CI
		DUCTILE IRON PIPE	DI
		STONE BOUND W/DRILL HOLE	SB/DH
		CONC. BOUND W/DRILL HOLE	CB/DH
		FOUND	FND
		NOW OR FORMERLY	N/F
		BOOK	BK.
		PAGE	PG.
		BUILDING HEIGHT	BH

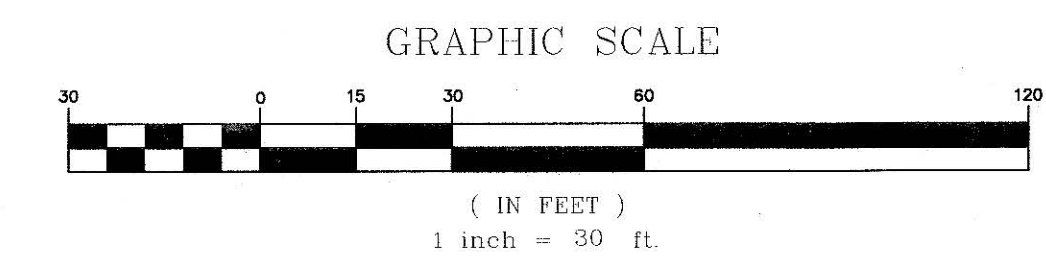


NOTES

- SEE SHEET 1 FOR PARKING COUNT AND BENCHMARK INFORMATION.
- SEE SHEET 4 FOR NOTES, LOCUS REFERENCES, AND PLAN REFERENCES.

UTILITY STATEMENT

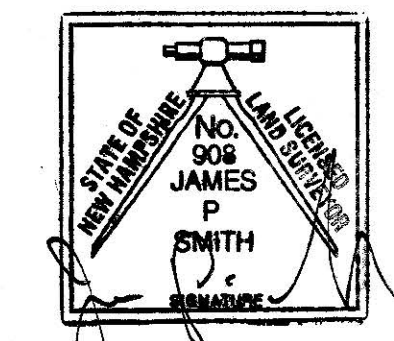
THE UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. ALLEN & MAJOR ASSOCIATES, INC. (A&M) MAKES NO GUARANTEE THAT THE UTILITIES SHOWN HEREON COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. A&M FURTHER DOES NOT WARRANT THAT THE UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED. A&M HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES.



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ALLEN & MAJOR ASSOCIATES, INC.



JAMES P. SMITH NH LLS #908

7-9-24
DATE

REV	DATE	DESCRIPTION

APPLICANT:
 STONEFISH, LLC
 875 GREENLAND RD. UNIT C8
 PORTSMOUTH, NH 03801

OWNER:
 NORTH EAST CREDIT UNION
 PO BOX 1240
 PORTSMOUTH, NH 03802

APPLICANT/OWNER:
 JEFF KILBURG
 9550 W. HIGGINS RD SUITE 170
 ROSEMONT, IL 60018

PROJECT:
 TM 259 LOT 15
 100 BORTHWICK AVE.
 PORTSMOUTH, NH

PROJECT NO. 3250-02 **DATE:** 7/08/24

SCALE: 1" = 30' **DWG. NAME:** S-3250-02-EC

DRAFTED BY: CTP **CHECKED BY:** JPS

PREPARED BY:

ALLEN & MAJOR ASSOCIATES, INC.
 civil engineering • land surveying
 environmental consulting • landscape architecture
 www.aandm.com

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 MANCHESTER, NH 03103
 TEL: (603) 627-5500
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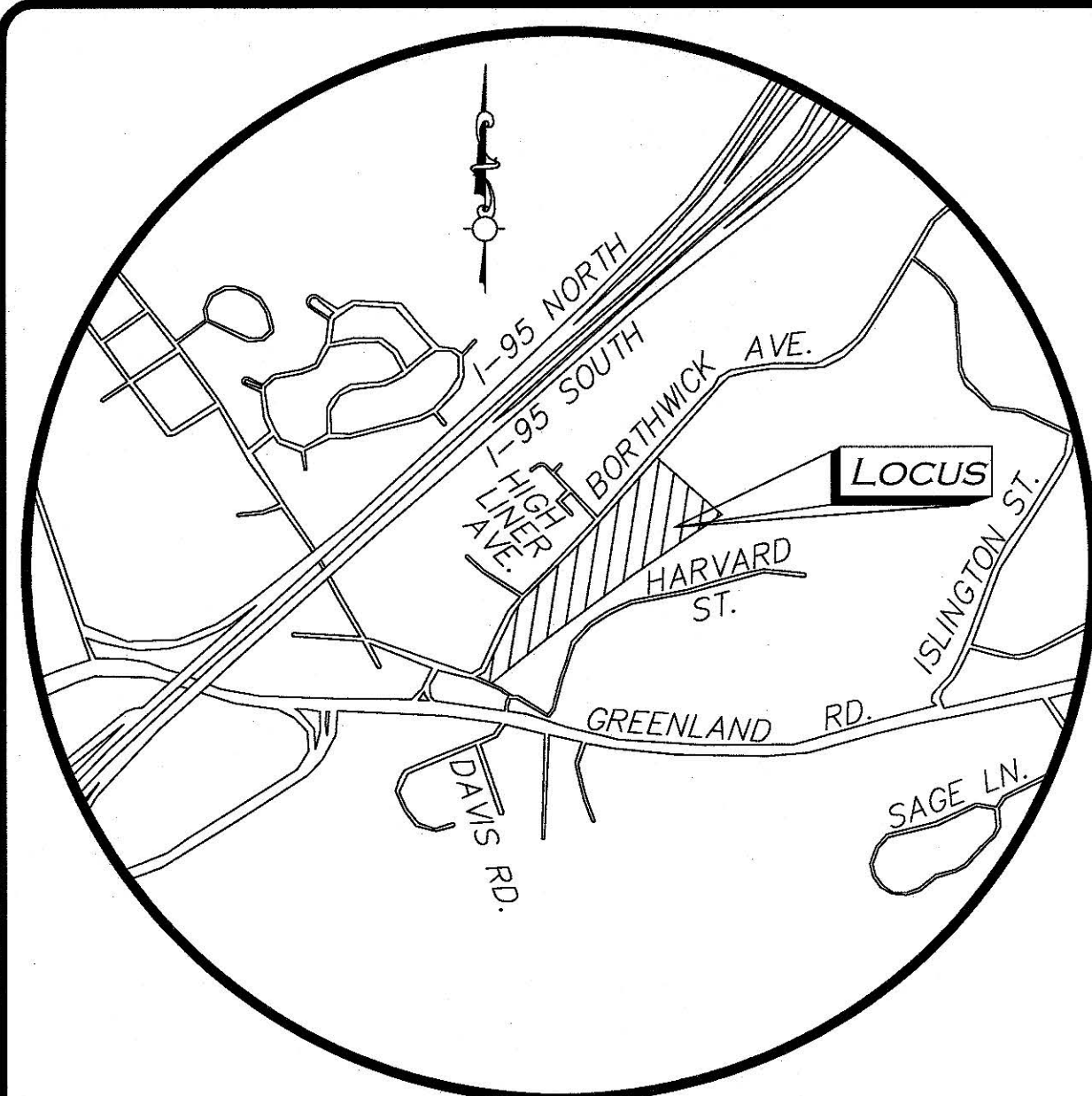
WOBURN, MA • LAKEVILLE, MA • MANCHESTER, NH

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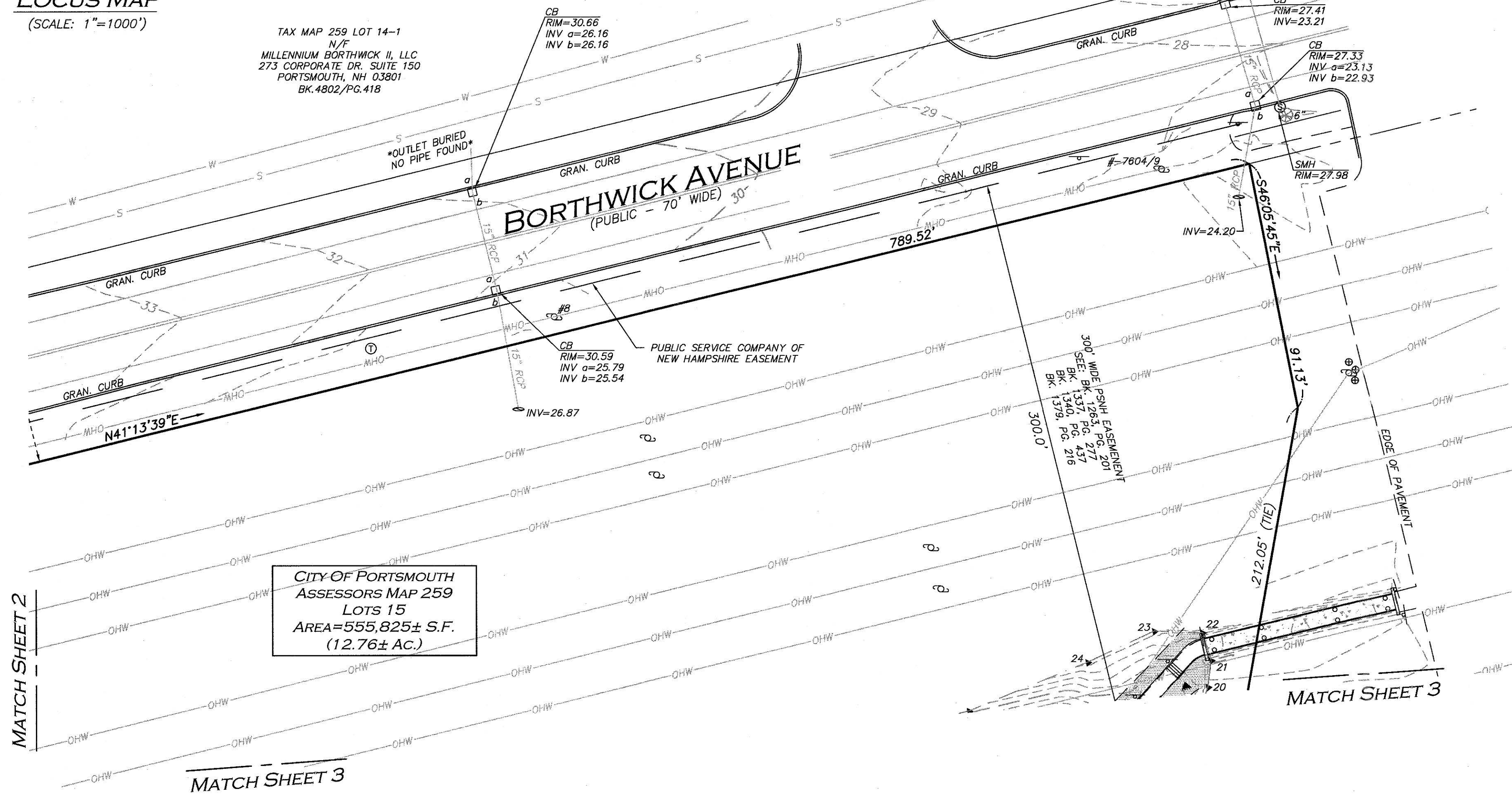
DRAWING TITLE: PROPERTY LINE / EXISTING CONDITIONS **SHEET No.** 3

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BOSTON & MAINE CORP.
RAILROAD



LOCUS MAP
(SCALE: 1"=1000')

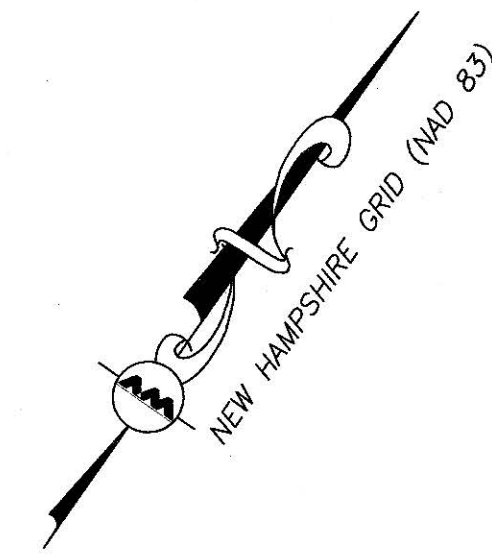
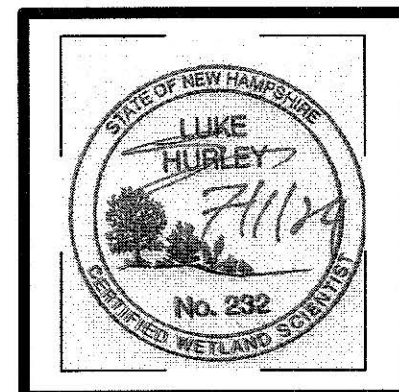


CITY OF PORTSMOUTH
ASSESSORS MAP 259
LOTS 15
AREA=555,825± S.F.
(12.76± AC.)

HURLEY ENVIRONMENTAL & LAND PLANNING, LLC
P.O. BOX 356
EPSOM, NH 03234
(603) 583-1745

THE WETLAND DELINEATION WAS PERFORMED BY HURLEY ENVIRONMENTAL & LAND PLANNING, LLC, JUNE 2024, UTILIZING THE FOLLOWING STANDARDS:

- REGIONAL SUPPLEMENT TO THE CORPS OF ENGINEERS MANUAL: NORTH CENTRAL AND NORTHEAST REGION, (VERSION 2.0) JANUARY 2012, U.S. ARMY CORPS OF ENGINEERS.
- FIELD INDICATORS OF HYDRIC SOILS IN THE UNITED STATES, A GUIDE FOR IDENTIFYING AND DELINEATING HYDRIC SOILS, VERSION 8.2, UNITED STATES DEPARTMENT OF AGRICULTURE(2018).
- NEW ENGLAND HYDRIC SOILS TECHNICAL COMMITTEE, 2019 VERSION 4, FIELD INDICATORS FOR IDENTIFYING HYDRIC SOILS IN NEW ENGLAND, NEW ENGLAND INTERSTATE WATER POLLUTION CONTROL COMMISSION, LOWELL, MA.
- NATIONAL WETLAND PLANT LIST, VERSIONS 3.5 (2020).



NOTES

- SEE SHEET 1 FOR PARKING COUNT AND BENCHMARK INFORMATION.
- SEE SHEET 3 FOR UTILITY STATEMENT AND LEGEND.

LOCUS REFERENCES

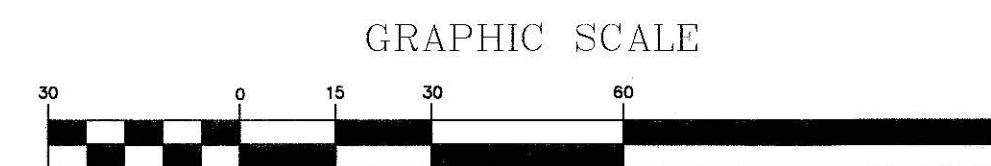
- CITY OF PORTSMOUTH TAX MAP 259, LOT 15
- R.C.R.D. BOOK 2270, PAGE 345

PLAN REFERENCES

- PLAN ENTITLED, "PLAN OF A PORTION OF BORTHWICK INDUSTRIAL PARK PORTSMOUTH, N.H.", SCALE 1"=60', DATED DECEMBER 1975, PREPARED BY JOHN W. DURGIN, AND ON FILE AT THE R.C.R.D. AS PLAN NO. D-5695.
- PLAN ENTITLED, "SITE PLAN OF ORCHARD PARK CONDOMINIUMS", SCALE 1"=40', DATED OCTOBER 10, 1985, PREPARED BY KIMBALL CHASE COMPANY, INC. AND ON FILE AT THE R.C.R.D. AS PLAN NO. D-14238.
- PLAN ENTITLED, "PLAN OF LAND MAP 240, LOTS 1 & 3 PORTSMOUTH, NEW HAMPSHIRE", SCALE 1"=60', DATED JUNE 13, 2005, PREPARED BY VHB, AND ON FILE AT THE R.C.R.D. AS PLAN NO. D-33833.
- PLAN ENTITLED, "SUBDIVISION PLAN FOR NATIONAL SEA PRODUCTS INCORPORATED HIGHLINER AVENUE/ BORTHWICK AVENUE COUNTY OF ROCKINGHAM PORTSMOUTH, N.H., SCALE 1"=100', DATED OCTOBER JUNE 25, 1997, PREPARED BY RICHARD P. MILLETTE AND ASSOCIATES, AND ON FILE AT THE R.C.R.D. AS PLAN NO. D-25842.
- PLAN ENTITLED, "REVISED PLAN OF BORTHWICK INDUSTRIAL PARK PORTSMOUTH, N.H." SCALE 1"=60', DATED AUGUST 31, 1966, PREPARED BY JOHN W. DURGIN AND ON FILE AT THE R.C.R.D. AS PLAN #770.
- PLAN ENTITLED, "PLAN OF BORTHWICK INDUSTRIAL PARK PORTSMOUTH, N.H." SCALE 1"=60', DATED JANUARY, 1964, PREPARED BY JOHN W. DURGIN AND ON FILE AT THE R.C.R.D. AS PLAN NO. 262.
- PLAN ENTITLED, "STANDARD BOUNDARY SURVEY" DATED JUNE 2004, PREPARED BY AMBIT ENGINEERING, INC. CIVIL ENGINEERS & LAND SURVEYORS AND RECEIVED ON JUNE 17, 2024.
- PLAN ENTITLED, "EASEMENT PLAN MAP 259-LOT 15 NORTHEAST CREDIT UNION TO PSNH" DATED MARCH 2005, PREPARED BY AMBIT ENGINEERING, INC. CIVIL ENGINEERS & LAND SURVEYORS AND ON FILE AT R.C.R.D AS PLAN NO. D-32670.

NOTES

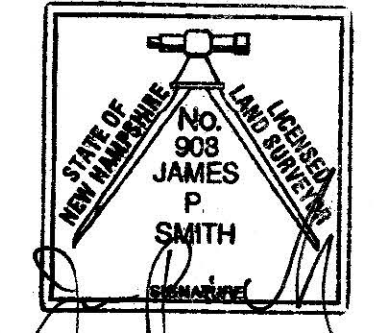
- NORTH ARROW IS BASED ON NEW HAMPSHIRE GRID COORDINATE SYSTEM (NAD 83).
- BOOK/PAGE AND PLAN REFERENCES ARE TAKEN FROM THE ROCKINGHAM COUNTY REGISTRY OF DEEDS IN BRENTWOOD, NH.
- VERTICAL DATUM IS NAVD 88.
- CONTOUR INTERVALS ARE ONE FOOT (1').
- WETLANDS DELINEATED BY LUKE HURLEY, NH WETLAND SCIENTIST.
- RAILROAD SPUR WAS CONSTRUCTED OUTSIDE OF RECORD EASEMENT.
- SEE EXISTING CONDITIONS PLAN SET, PREPARED BY ALLEN & MAJOR ASSOCIATES, INC. WITH THE SAME DATE. ONLY THIS PLAN TO BE USED FOR SUBDIVISION RECORDING PURPOSES.
- SEE: BK. 4486, PG. 2595 EASEMENT TO CITY OF PORTSMOUTH FOR GROUNDWATER MONITORING.
- SEE: BK. 1374, PG. 142 35' WIDE EASEMENT TO ALLIED NH GAS COMPANY. SPECIFIC LOCATION NOT IDENTIFIED, BLANKET IN NATURE.
- SEE: BK. 835, PG. 493 FOR EASEMENT TO NH GAS & ELECTRIC COMPANY, BELIEVED TO BE AN OVERLAPPING EASEMENT THAT WAS DISCONTINUED IN BK. 2133, PG. 499.



R:\PROJECTS\3250-02\SURVEY\DRAWINGS\CURRENT\S-3250-02-EG.DWG

THIS PLAN IS THE RESULT OF AN ACTUAL ON THE GROUND SURVEY PERFORMED ON OR BETWEEN JUNE 14, 2024 AND JULY 1, 2024 AND HAD AN ERROR OF CLOSURE OF NO GREATER THAN 1/10,000.
THE SUBJECT PREMISES IS LOCATED IN FLOOD ZONE X - "AREA OF MINIMAL FLOOD HAZARD" AS SHOWN ON THE FLOOD INSURANCE RATE MAP FOR THE CITY OF PORTSMOUTH NEW HAMPSHIRE ROCKINGHAM COUNTY COMMUNITY PANEL NUMBER 33015C0270F HAVING AN EFFECTIVE DATE OF JANUARY 1, 2021.

ALLEN & MAJOR ASSOCIATES, INC.



JAMES P. SMITH NH LLS #908

7-9-24
DATE

REV	DATE	DESCRIPTION

APPLICANT:
STONEFISH, LLC
875 GREENLAND RD. UNIT C8
PORTSMOUTH, NH 03801

OWNER:
NORTH EAST CREDIT UNION
PO BOX 1240
PORTSMOUTH, NH 03802

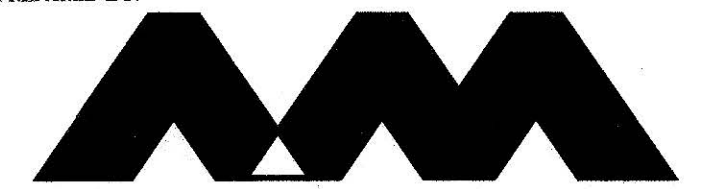
PROJECT:
TM 259 LOT 15
100 BORTHWICK AVE.
PORTSMOUTH, NH

PROJECT NO. 3250-02 DATE: 7/08/24

SCALE: 1" = 30' DWG. NAME: S-3250-02-EC

DRAFTED BY: CTP CHECKED BY: JPS

PREPARED BY:



ALLEN & MAJOR ASSOCIATES, INC.
civil engineering • land surveying
environmental consulting • landscape architecture
www.allenmajor.com

400 HARVEY ROAD
MANCHESTER, NH 03103
TEL: (603) 627-5500
FAX: (603) 627-5501

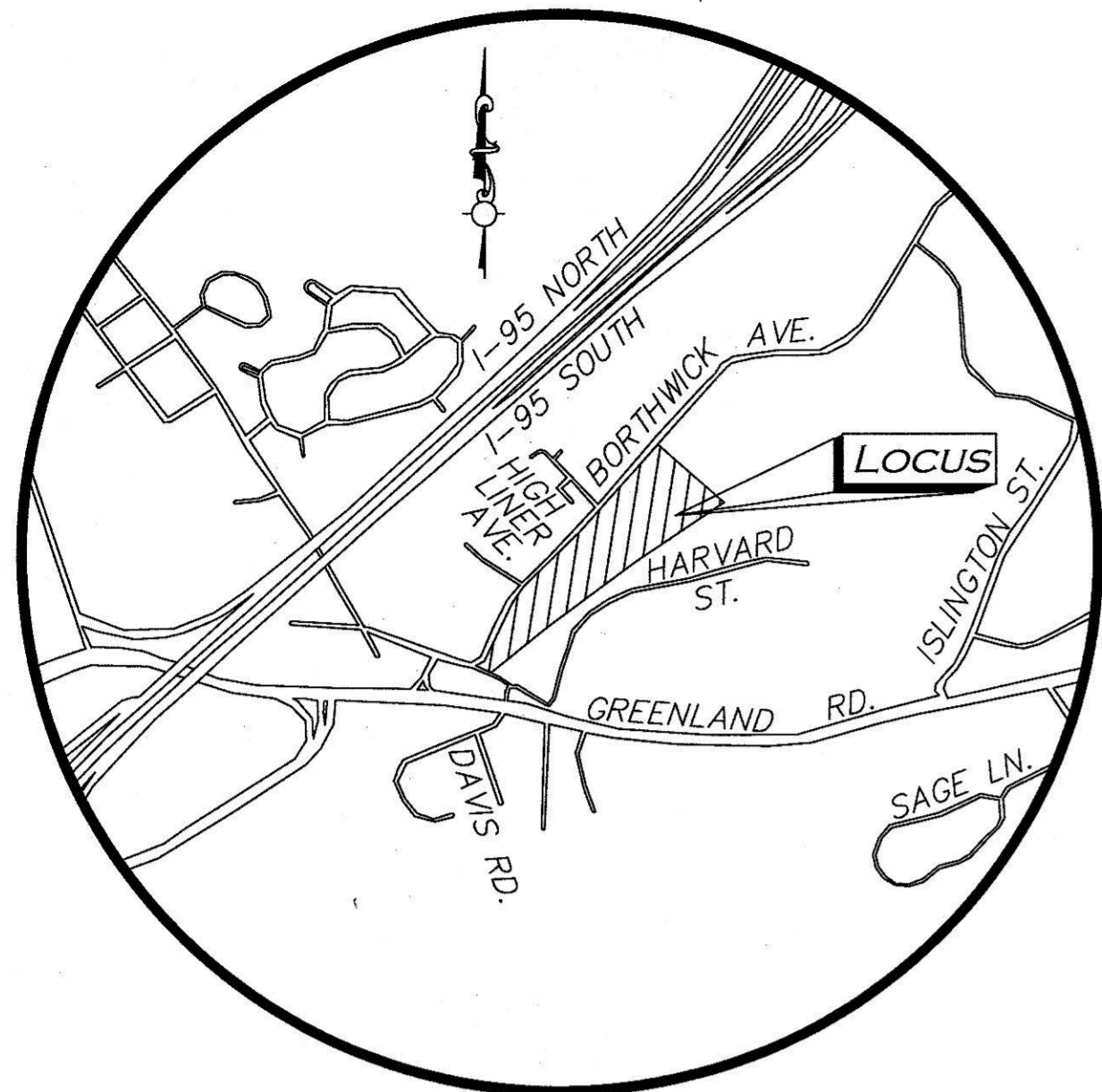
WOBURN, MA • LAKEVILLE, MA • MANCHESTER, NH

THIS DRAWING HAS BEEN PREPARED IN DIGITAL FORMAT. CLIENT/CLIENT'S REPRESENTATIVE OR CONSULTANTS MAY BE PROVIDED COPIES OF DRAWINGS AND SPECIFICATIONS FOR HIS/HER INFORMATION AND/OR SPECIFIC USE ON THIS PROJECT. DUE TO THE POTENTIAL THAT THE PROVIDED INFORMATION MAY BE MODIFIED UNINTENTIONALLY OR OTHERWISE, ALLEN & MAJOR ASSOCIATES, INC. MAY REMOVE ALL INDICATION OF THE DOCUMENT'S AUTHORSHIP ON THE DIGITAL MEDIA. PRINTED REPRESENTATIONS OR PORTABLE DOCUMENT FORMAT OF THE DRAWINGS AND SPECIFICATIONS ISSUED SHALL BE THE ONLY RECORD COPIES OF ALLEN & MAJOR ASSOCIATES, INC.'S WORK PRODUCT.

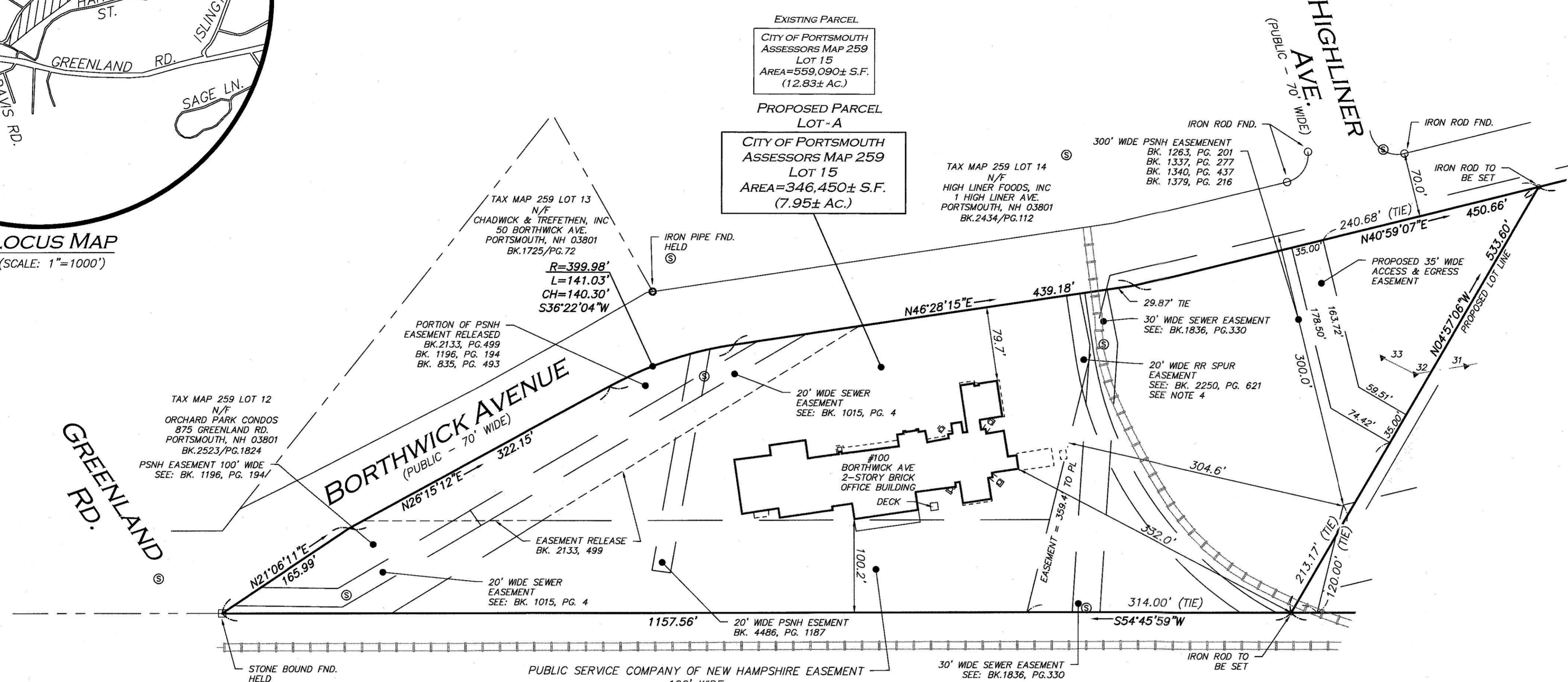
DRAWING TITLE: SHEET No.

EXISTING CONDITIONS 4

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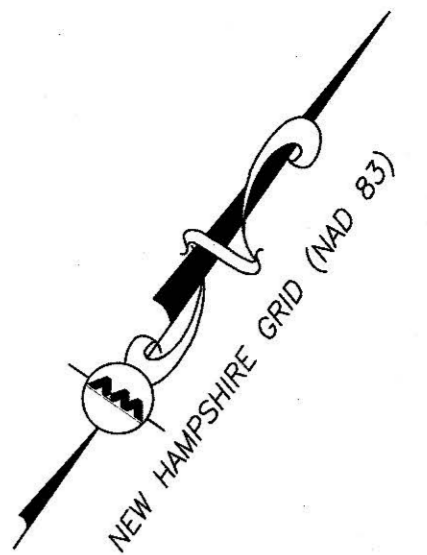


LOCUS MAP
(SCALE: 1"=1000')



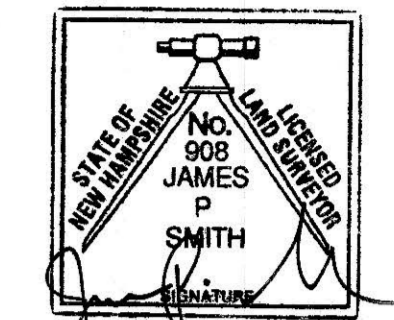
EXISTING PARCEL
CITY OF PORTSMOUTH
ASSESSORS MAP 259
LOT 15
AREA=559,090± S.F.
(12.83± AC.)

PROPOSED PARCEL
LOT-A
CITY OF PORTSMOUTH
ASSESSORS MAP 259
LOT 15
AREA=346,450± S.F.
(7.95± AC.)



THIS PLAN IS THE RESULT OF AN ACTUAL ON THE GROUND SURVEY PERFORMED ON OR BETWEEN JUNE 14, 2024 AND OCTOBER 01, 2024 AND HAD AN ERROR OF CLOSURE OF NO GREATER THAN 1/10,000. THE SUBJECT PREMISES IS LOCATED IN FLOOD ZONE X - "AREA OF MINIMAL FLOOD HAZARD" AS SHOWN ON THE FLOOD INSURANCE RATE MAP FOR THE CITY OF PORTSMOUTH NEW HAMPSHIRE ROCKINGHAM COUNTY COMMUNITY PANEL NUMBER 33015C0270F HAVING AN EFFECTIVE DATE OF JANUARY 1, 2021.

ALLEN & MAJOR ASSOCIATES, INC.



JAMES P. SMITH NH LLS #908 DATE 10-10-24

REV	DATE	DESCRIPTION

APPLICANT:
STONEFISH, LLC
875 GREENLAND RD. UNIT C8
PORTSMOUTH, NH 03801

OWNER:
NORTH EAST CREDIT UNION
PO BOX 1240
PORTSMOUTH, NH 03802

LIBERTY MUTUAL INSURANCE CO.
C/O TYLER MUNGER
175 BERKELEY STREET
BOSTON, MA. 02117

PROJECT:
TM 259 LOT 15
100 BORTHWICK AVE.
PORTSMOUTH, NH
TM 240 LOT 3
BORTHWICK AVE.
PORTSMOUTH, NH

PROJECT NO. 3250-02 DATE: 10/09/2024

SCALE: 1" = 80' DWG. NAME: S3250-02-LLA

DRAFTED BY: CTP CHECKED BY: JPS

PREPARED BY:



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civil engineering • land surveying
environmental consulting • landscape architecture
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DRAWING TITLE: SHEET No.

LOT LINE ADJUSTMENT PLAN 1

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ZONING TABLE - OFFICE/RESEARCH DISTRICT

ITEM	REQUIRED	EXISTING	PROPOSED 259-15
LOT AREA (MIN)	3 Ac.	12.83	7.95 AC.
LOT FRONTAGE (MIN)	300'	1848.44'	1519.01'
LOT DEPTH (MIN)	300'	337' AVG.	337' AVG.
FRONT YARD SETBACK (MIN)	50'	79.7'	79.7'
SIDE YARD SETBACK (MIN)	75'	829'	332'
REAR YARD SETBACK (MIN)	50'	100.2'	100.2'
OPEN SPACE (MIN)	30%	48%	45%
BUILDING COVERAGE (MAX)	30%	4%	6.3%
BUILDING HEIGHT (MAX)	60'	72'	72'

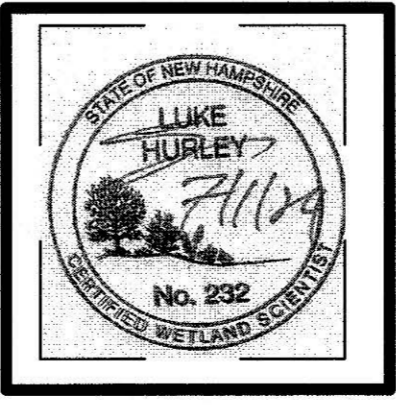
CITY OF PORTSMOUTH, NH PLANNING BOARD APPROVAL

CHAIRMAN DATE

HURLEY ENVIRONMENTAL & LAND PLANNING, LLC
P.O. BOX 356
EPSOM, NH 03234
(603) 583-1745

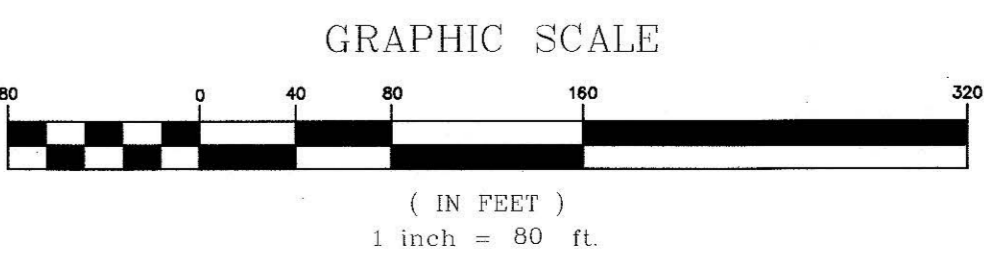
THE WETLAND DELINEATION WAS PERFORMED BY HURLEY ENVIRONMENTAL & LAND PLANNING, LLC. JUNE 2024, UTILIZING THE FOLLOWING STANDARDS:

- REGIONAL SUPPLEMENT TO THE CORPS OF ENGINEERS MANUAL: NORTH CENTRAL AND NORTHEAST REGION, (VERSION 2.0) JANUARY 2012, U.S. ARMY CORPS OF ENGINEERS.
- FIELD INDICATORS OF HYDRIC SOILS IN THE UNITED STATES, A GUIDE FOR IDENTIFYING AND DELINEATING HYDRIC SOILS, VERSION 8.2. UNITED STATES DEPARTMENT OF AGRICULTURE(2018).
- NEW ENGLAND HYDRIC SOILS TECHNICAL COMMITTEE. 2019 VERSION 4, FIELD INDICATORS FOR IDENTIFYING HYDRIC SOILS IN NEW ENGLAND. NEW ENGLAND INTERSTATE WATER POLLUTION CONTROL COMMISSION, LOWELL, MA.
- NATIONAL WETLAND PLANT LIST, VERSIONS 3.5 (2020).

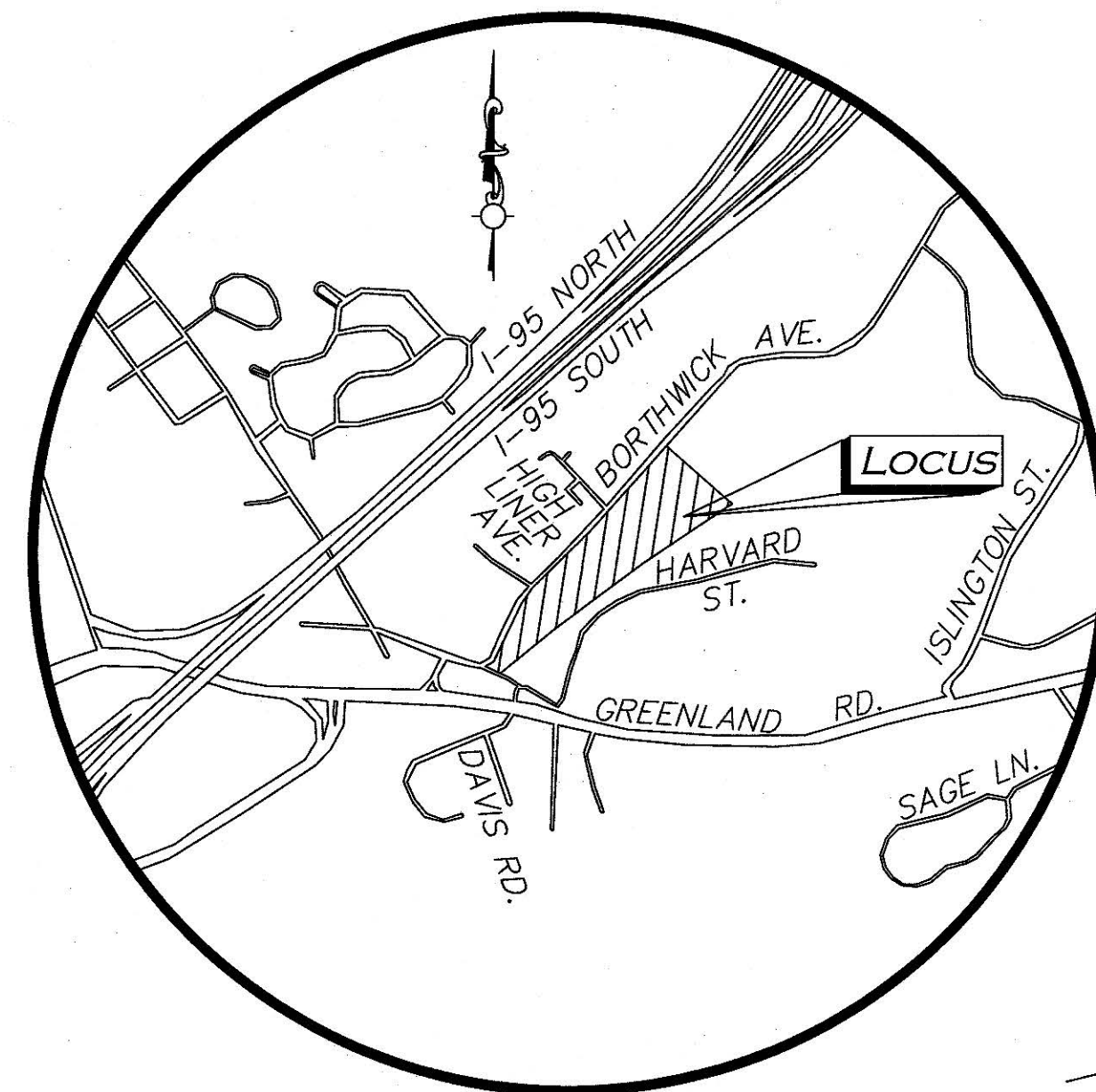


NOTES CONT. FROM PG. 2

- SEE SHEET 2 FOR LEGEND, REFERENCES, AND NOTES.
- SEE: BOOK 488, PAGE 429 AND PAGE 431, DRAINAGE RIGHTS TO PROPRIETORS OF THE PORTSMOUTH AQUEDUCT CORPORATION. NO RELINQUISHMENT WAS EVER FOUND.
 - SEE: BOOK 551, PAGE 18, RIGHT TO TRENCH OR DITCH TO FRANK JONES. NO RELINQUISHMENT WAS EVER FOUND.
 - SEE: BOOK 598, PAGE 14 POLE RIGHTS TO ROCKINGHAM COUNTY LIGHT & POWER CO.
 - SEE: BOOK 984, PAGE 378 TO THE CITY OF PORTSMOUTH 20' WIDE SEWER PIPE LINE.
 - SEE: BOOK 1015, PAGE 14 TO THE CITY OF PORTSMOUTH 20' WIDE SEWER PIPE LINE.



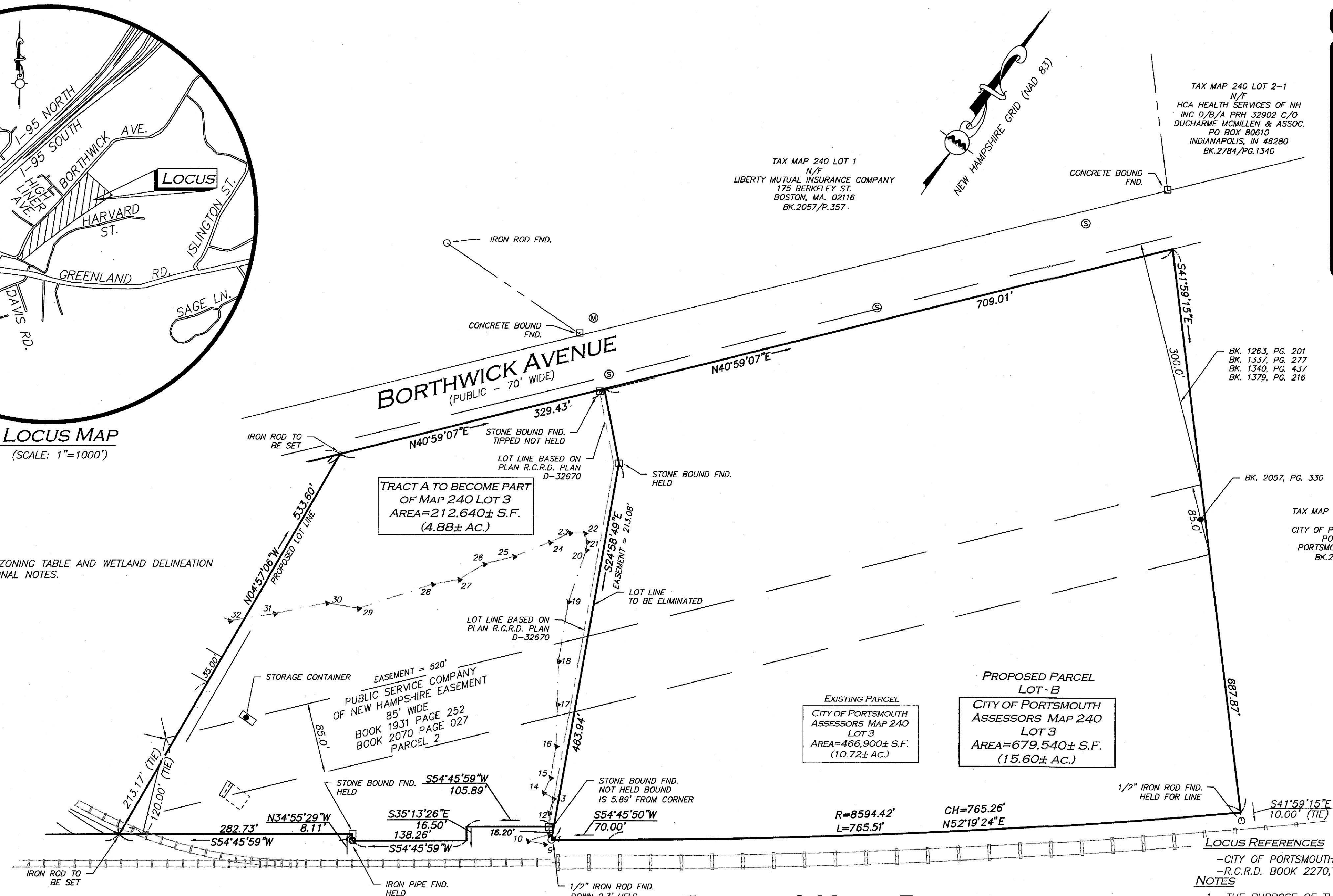
R:\PROJECTS\3250-02\SURVEY\DRAWINGS\CURRENT\S-3250-02-LLA.DWG



LOCUS MAP
(SCALE: 1"=1000')

NOTES

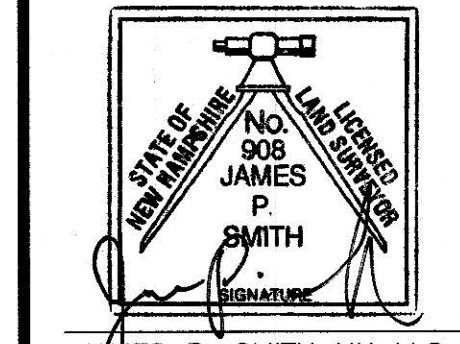
- SEE SHEET 1 FOR ZONING TABLE AND WETLAND DELINEATION NOTES, AND ADDITIONAL NOTES.



LEGEND	
STONE BOUND FND.	□
IRON PIPE (IP)	○
IRON ROD (IR)	○
WETLAND FLAG	▲A31
PROPERTY LINE	---
ABUTTERS LINE	---
STONE BOUND W/DRILL HOLE	SB/DH
CONC. BOUND W/DRILL HOLE	CB/DH
FOUND	FND
NOW OR FORMERLY	N/F
BOOK	BK.
PAGE	PG.
BUILDING HEIGHT	BH
SEWER MAN HOLE	SM

THIS PLAN IS THE RESULT OF AN ACTUAL ON THE GROUND SURVEY PERFORMED ON OR BETWEEN JUNE 14, 2024 AND OCTOBER 01, 2024 AND HAD AN ERROR OF CLOSURE OF NO GREATER THAN 1/10,000. THE SUBJECT PREMISES IS LOCATED IN FLOOD ZONE X - "AREA OF MINIMAL FLOOD HAZARD" AS SHOWN ON THE FLOOD INSURANCE RATE MAP FOR THE CITY OF PORTSMOUTH NEW HAMPSHIRE ROCKINGHAM COUNTY COMMUNITY PANEL NUMBER 33015C0270F HAVING AN EFFECTIVE DATE OF JANUARY 1, 2021.

ALLEN & MAJOR ASSOCIATES, INC.



JAMES P. SMITH NH LLS #908 DATE 10-10-24

REV	DATE	DESCRIPTION

APPLICANT:
STONEFISH, LLC
875 GREENLAND RD. UNIT C8
PORTSMOUTH, NH 03801

OWNER:
NORTH EAST CREDIT UNION
PO BOX 1240
PORTSMOUTH, NH 03802

LIBERTY MUTUAL INSURANCE CO.
C/O TYLER MUNGER
175 BERKELEY STREET
BOSTON, MA. 02117

PROJECT:
TM 259 LOT 15
100 BORTHWICK AVE.
PORTSMOUTH, NH
TM 240 LOT 3
BORTHWICK AVE.
PORTSMOUTH, NH

PROJECT NO.	3250-02	DATE:	10/09/2024
SCALE: 1" = 80'		DWG. NAME:	S-3250-02-LA
DRAFTED BY:	CTP	CHECKED BY:	JPS



ALLEN & MAJOR ASSOCIATES, INC.
civil engineering • land surveying
environmental consulting • landscape architecture
www.allenmajor.com
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MANCHESTER, NH 03103
TEL: (603) 627-5500
FAX: (603) 627-5501

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DRAWING TITLE:	SHEET No.
LOT LINE ADJUSTMENT PLAN	2

PLAN REFERENCES

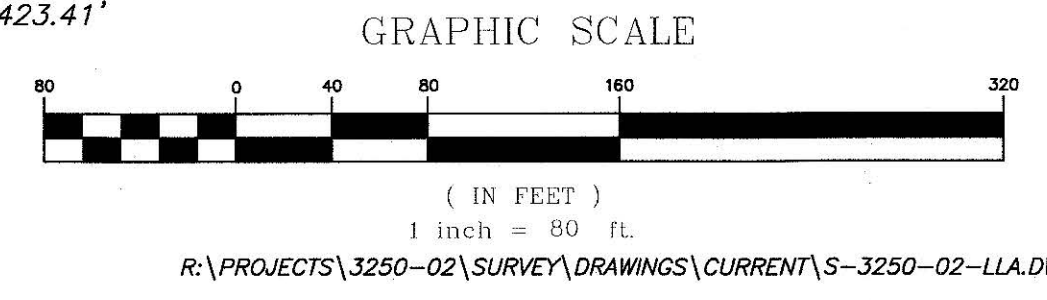
- PLAN ENTITLED, "PLAN OF A PORTION OF BORTHWICK INDUSTRIAL PARK PORTSMOUTH, N.H.", SCALE 1"=60', DATED DECEMBER 1975, PREPARED BY JOHN W. DURGIN, AND ON FILE AT THE R.C.R.D. AS PLAN NO. D-5695.
- PLAN ENTITLED, "SITE PLAN OF ORCHARD PARK CONDOMINIUMS", SCALE 1"=40', DATED OCTOBER 10, 1985, PREPARED BY KIMBALL CHASE COMPANY, INC, AND ON FILE AT THE R.C.R.D. AS PLAN NO. D-14238.
- PLAN ENTITLED, "PLAN OF LAND MAP 240, LOTS 1 & 3 PORTSMOUTH, NEW HAMPSHIRE", SCALE 1"=60', DATED JUNE 13, 2005, PREPARED BY VHB, AND ON FILE AT THE R.C.R.D. AS PLAN NO. D-33833.
- PLAN ENTITLED, "SUBDIVISION PLAN FOR NATIONAL SEA PRODUCTS INCORPORATED HIGHLINER AVENUE/ BORTHWICK AVENUE COUNTY OF ROCKINGHAM PORTSMOUTH, N.H., SCALE 1"=100', DATED OCTOBER JUNE 25, 1997, PREPARED BY RICHARD P. MILLETTE AND ASSOCIATES, AND ON FILE AT THE R.C.R.D. AS PLAN NO. D-25842.
- PLAN ENTITLED, "REVISED PLAN OF BORTHWICK INDUSTRIAL PARK PORTSMOUTH, N.H." SCALE 1"=60', DATED AUGUST 31, 1966, PREPARED BY JOHN W. DURGIN AND ON FILE AT THE R.C.R.D. AS PLAN #770.
- PLAN ENTITLED, "PLAN OF BORTHWICK INDUSTRIAL PARK PORTSMOUTH, N.H." SCALE 1"=60', DATED JANUARY, 1964, PREPARED BY JOHN W. DURGIN AND ON FILE AT THE R.C.R.D. AS PLAN NO. 262.
- PLAN ENTITLED, "STANDARD BOUNDARY SURVEY" DATED JUNE 2004, PREPARED BY AMBIT ENGINEERING, INC. CIVIL ENGINEERS & LAND SURVEYORS AND RECEIVED ON JUNE 17, 2024.
- PLAN ENTITLED, "EASEMENT PLAN MAP 259-LOT 15 NORTHEAST CREDIT UNION TO PSNH" DATED MARCH 2005, PREPARED BY AMBIT ENGINEERING, INC. CIVIL ENGINEERS & LAND SURVEYORS AND ON FILE AT R.C.R.D AS PLAN NO. D-32670.
- PLAN ENTITLED, "HIGH TENSION TRANSMISSION LINE NEW HAMPSHIRE GAS & ELEC. CO. PORTSMOUTH AND AMESBURY DATED: 1927, SCALE: 1"=200'," AND ON FILE AT R.C.R.D. AS PLAN NO. 0516.

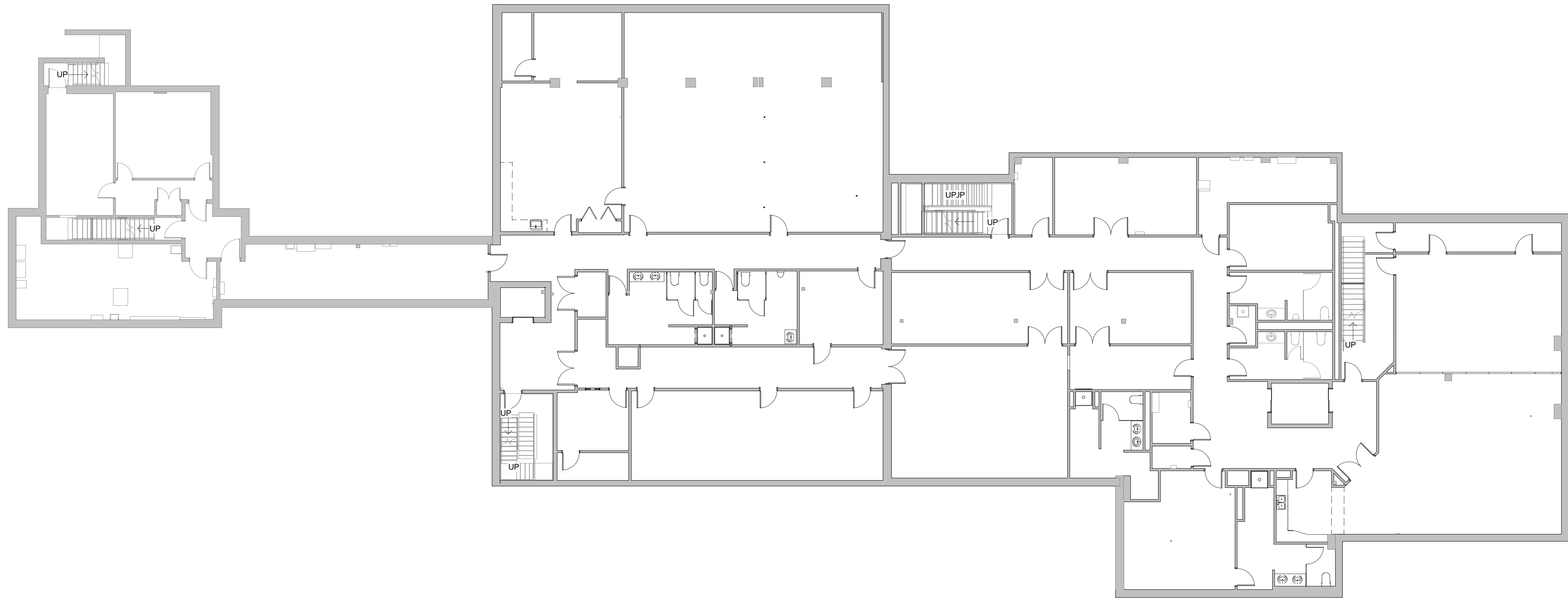
ZONING TABLE - OFFICE/RESEARCH DISTRICT			
ITEM	REQUIRED	EXISTING	PROPOSED 240-03
LOT AREA (MIN)	3 AC.	10.72 AC.	15.60 AC.
LOT FRONTAGE (MIN)	300'	709.01'	1038.44'
LOT DEPTH (MIN)	300'	625' AVG.	599' AVG.
FRONT YARD SETBACK (MIN)	50'	-	-
SIDE YARD SETBACK (MIN)	75'	-	-
REAR YARD SETBACK (MIN)	50'	-	-
OPEN SPACE (MIN)	30%	-	-
BUILDING COVERAGE (MAX)	30%	0%	0%
BUILDING HEIGHT (MAX)	60'	-	-

CITY OF PORTSMOUTH, NH PLANNING BOARD APPROVAL

CHAIRMAN	DATE
----------	------

- LOCUS REFERENCES**
-CITY OF PORTSMOUTH TAX MAP 259, LOT 15, TAX MAP 240 LOT 03
-R.C.R.D. BOOK 2270, PAGE 345, BOOK 2057, PAGE 357
- NOTES**
- THE PURPOSE OF THIS PLAN IS TO ADJUST THE LOT LINE BETWEEN MAP 259 LOT 15 AND MAP 240 LOT 3. PROPOSED TRACT A WILL BE ANNEXED AND COMBINED WITH MAP 240 LOT 3.
 - NORTH ARROW IS BASED ON NEW HAMPSHIRE GRID COORDINATE SYSTEM (NAD 83).
 - BOOK/PAGE AND PLAN REFERENCES ARE TAKEN FROM THE ROCKINGHAM COUNTY REGISTRY OF DEEDS IN BRENTWOOD, NH.
 - WETLANDS DELINEATED BY LUKE HURLEY, NH WETLAND SCIENTIST.
 - RAILROAD SPUR WAS CONSTRUCTED OUTSIDE OF RECORD EASEMENT.
 - SEE EXISTING CONDITIONS PLAN SET, PREPARED BY ALLEN & MAJOR ASSOCIATES, INC. WITH THE SAME DATE. ONLY THIS PLAN TO BE USED FOR SUBDIVISION RECORDING PURPOSES.
 - SEE: BK. 4486, PG. 2595 EASEMENT TO CITY OF PORTSMOUTH FOR GROUNDWATER MONITORING.
 - SEE: BK. 1372, PG. 148 AND BK. 1374, PG. 142 35' WIDE EASEMENT TO ALLIED NH GAS COMPANY. SPECIFIC LOCATION NOT IDENTIFIED, BLANKET IN NATURE.
 - SEE: BK. 835, PG. 493 FOR EASEMENT TO NH GAS & ELECTRIC COMPANY. BELIEVED TO BE AN OVERLAPPING EASEMENT THAT WAS DISCONTINUED IN BK. 2133, PG. 499.
 - RECORD SURVEYS FOR MAP 259 LOT 15 AND MAP 240 LOT 03 CREATED A 5-6' GAP BETWEEN THE SUBJECT PARCELS. THEY ALSO CREATED A JOG INTO BORTHWICK AVENUE, AT THE COMMON CORNER, AT THE ROAD. BOTH DEEDS CALL FOR EACH OTHER AS THE ABUTTER. DETERMINATION WAS MADE BY HOLDING THE SURVEY FOR MAP 240 LOT 03 AS THE COMMON LINE. I HELD BORTHWICK AVE. AS 70' WIDE AND BEST FIT USING MONUMENTS FOUND. IN DOING SO THE ANGLE POINT IN BORTHWICK ALONG MAP 259 LOT 15, IS NOW IN A NEW LOCATION OF 439.18' FROM THE CURVE. RECORD DIMENSION FROM THE CURVE TO THE ROAD ANGLE POINT IS 423.41'





1 EXISTING FLOOR PLANS - BASEMENT
 3/32" = 1'-0" NOTE: IF DRAWING IS PRINTED @ 11X17 SCALE TO BE REDUCED BY 50%



9550 W. Higgins Rd. 170
 Rosemont, IL 60018

100 BORTHWICK

100 BORTHWICK AVE.
 PORTSMOUTH, NH 03801

ARCHITECT OF RECORD:
 SUSAN L. SKIBELL, ARCHITECT
 1360 N. SANDBURG TERRACE #1902
 CHICAGO, IL 60610
 312.350.7161

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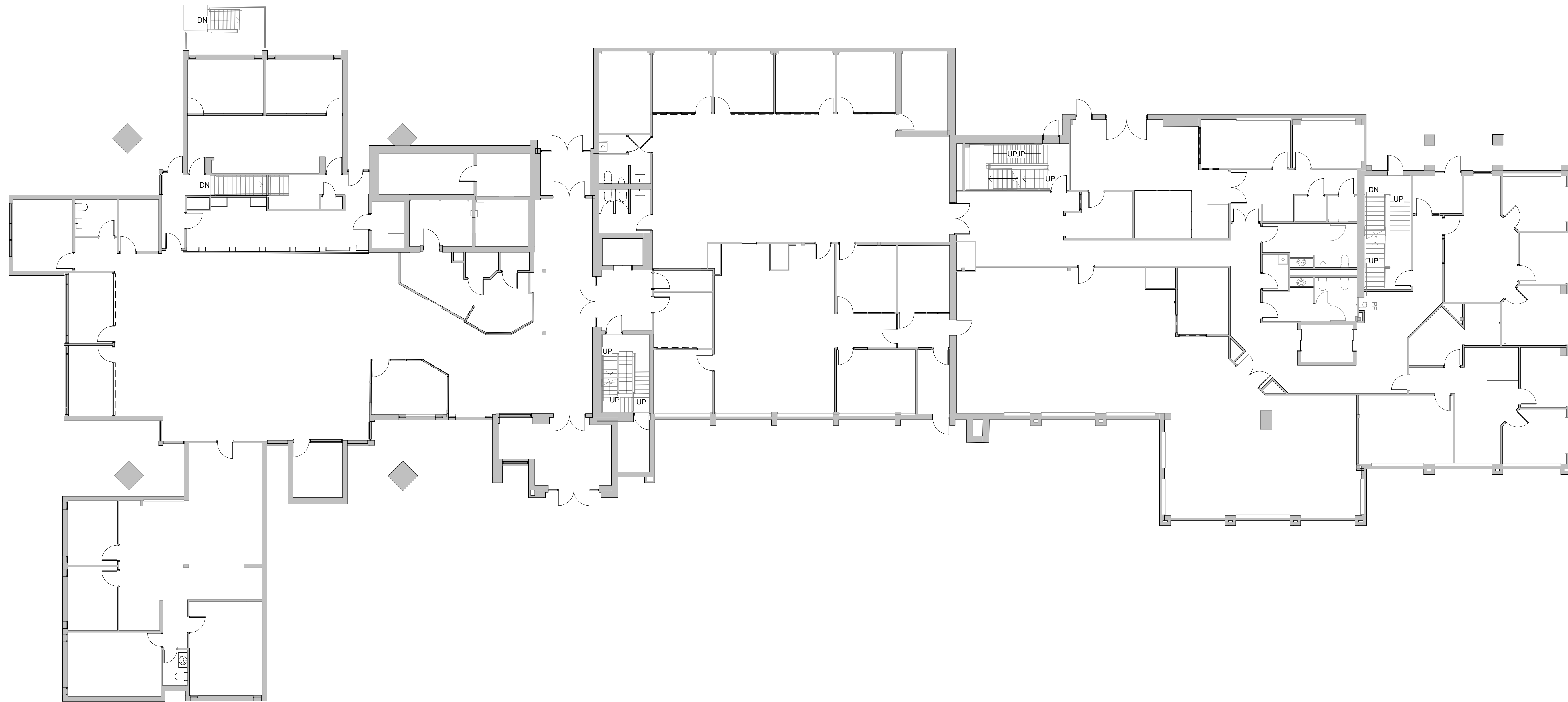
EXISTING FLOOR PLANS

Project number 10724

A0-5

Scale 3/32" = 1'-0"





1 EXISTING FLOOR PLAN - FIRST FLOOR
 3/32" = 1'-0" NOTE: IF DRAWING IS PRINTED @ 11X17 SCALE TO BE REDUCED BY 50%



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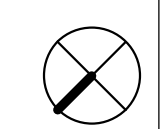
No.	Description	Date

EXISTING FLOOR PLANS

Project number 10724

A0-5.1

Scale 3/32" = 1'-0"





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EXISTING FLOOR PLANS

Project number 10724

A0-5.2

Scale 3/32" = 1'-0"



1 EXISTING FLOOR PLAN - SECOND FLOOR
3/32" = 1'-0" NOTE: IF DRAWING IS PRINTED @ 11X17 SCALE TO BE REDUCED BY 50%

10/28/2024 11:01:05 AM

**ZONING SUMMARY TABLE
INDUSTRIAL - OFFICE RESEARCH (OR)**

ITEM	REQUIRED	EXISTING	PROPOSED
LOT AREA	2 ACRES	7.96 ACRES ⁽¹⁾	NO CHANGE
CONTINUOUS STREET FRONTAGE	200 FEET	1518.5 FEET	NO CHANGE
LOT DEPTH	200 FT	266.5 FEET ⁽²⁾	NO CHANGE
FRONT BUILDING SETBACK (MIN.)	70 FEET	78.9 FEET	NO CHANGE
SIDE BUILDING SETBACK (MIN.)	50 FEET	300.9 FEET ⁽¹⁾	NO CHANGE
REAR BUILDING SETBACK (MIN.)	50 FEET	100.2 FEET	NO CHANGE
STRUCTURE HEIGHT (MAX.)	70 FEET	26.3 FEET ⁽³⁾	NO CHANGE
ROOF APPURTENANCE HEIGHT (MAX.)	10 FEET	N.A.	NO CHANGE
BUILDING COVERAGE (MAX.)	50%	6.8% ⁽¹⁾⁽⁴⁾	7.0% ⁽⁵⁾
FLOOR AREA RATIO (MAX.)	N.R.	N.R.	N.R.
OPEN SPACE (MIN.)	20%	50.4% ⁽⁶⁾	50.2% ⁽⁷⁾
PARKING SPACES	SEE TABLE	284	275

TABLE NOTES:

- LOT AREA, SIDE YARD SETBACK, BUILDING COVERAGE, AND OPEN SPACE REFLECT A PROPOSED LOT LINE ADJUSTMENT WITH MAP 240, LOT 3.
- LOT DEPTH IS THE AVERAGE HORIZONTAL DISTANCE BETWEEN THE FRONT LOT LINE AND THE REAR LOT LINE AS MEASURED ALONG BOTH SIDE PROPERTY LINES. THERE IS ONLY ONE SIDE LOT LINE FOR THIS PARCEL. DEPTH IS CALCULATED AS FOLLOWS: $(532.96+0)/2 = 266.48$ FEET. THIS VALUE REFLECTS A PROPOSED LOT LINE ADJUSTMENT WITH MAP 240, LOT 3.
- BUILDING HEIGHT TAKEN FROM A&M EXISTING CONDITIONS SURVEY DATED JULY 2024. THE HIGHEST POINT WAS MEASURED AT THE REAR OF THE BUILDING.
- BUILDING COVERAGE AREA TAKEN FROM A&M EXISTING CONDITIONS SURVEY, DATED JULY, 2024 IS 23,660 S.F. AND INCLUDES EAVES/CANOPIES PROJECTING MORE THAN 30 INCHES FROM A VERTICAL WALL. EXISTING BUILDING COVERAGE CALCULATION = $23,660/346,680 = 6.8\%$
- PROPOSED BUILDING COVERAGE IS INCREASED WITH THE ADDITION OF THE ASC CANOPY, WHICH IS 495 SQUARE FEET. NEW BUILDING COVERAGE IS $24,155/346,680 = 7.0\%$
- OPEN SPACE IS LAND AREA VERTICALLY OPEN TO THE SKY, FREE OF ALL STRUCTURES, PARKING AREAS, DRIVEWAYS AND OTHER USES WHICH PRECLUDE ATTRACTIVE LANDSCAPING IN SUCH AREA. OPEN SPACE SHALL BE PREDOMINANTLY PERVIOUS, MAY BE LANDSCAPED WITH LAWN, TREES, SHRUBS OR OTHER PLANTING, AND MAY INCLUDE WALKS AND TERRACES. FOR THE PURPOSES OF THIS DEFINITION, WATER AREAS ARE CONSIDERED TO CONSTITUTE OPEN SPACE. EXISTING OPEN SPACE IS $174,592 / 346,680 = 50.4\%$
- PROPOSED OPEN SPACE IS REDUCED WITH THE ADDITION OF THE ASC CANOPY, WHICH IS 495 SQUARE FEET. THE PAVEMENT AREA REMAINS THE SAME WITH THE ADDITION OF THE LANDSCAPE ISLAND. PROPOSED OPEN SPACE IS $174,097 / 346,680 = 50.2\%$

PARKING SUMMARY TABLE

	REQUIRED PARKING	EXISTING PARKING
PROFESSIONAL/BUSINESS OFFICE (USE 5.10, 5.20)		
REGULATION: 1 SPACE PER 350 SF GSF	63.1	100
CALCULATION: $(8,913+13,188 / 350) = 63.1$ SPACES		
MEDICAL OFFICE (USE NO. 620)		
REGULATION: 1.0 SPACE PER 250 SF OF GFA	81.1	100
CALCULATION: $(20,285 / 250) = 81.1$ SPACES		
AMBULATORY SURGERY CENTER (USE 640)		
REGULATION: 1.0 SPACE PER 250 SF OF GFA	32.0	75
CALCULATION: $(8,000 / 250) = 32.0$ SPACES		
TOTAL	176.2	275

TABLE NOTES:

- THE GROSS FLOOR AREAS USED HAVE BEEN PROVIDED TO A&M BY THE PROJECT ARCHITECT AND ARE AS FOLLOWS:
 - BASEMENT: 15,785 S.F. (8,000 S.F. FOR ASC USE)
 - 1ST FLOOR: 21,413 S.F. (7,785 S.F. FOR MEDICAL OFFICE USE)
 - 2ND FLOOR: 13,188 S.F. (8,913 S.F. FOR PROFESSIONAL OFFICE USE)
 - TOTAL: 50,386 S.F. (12,500 S.F. FOR MEDICAL OFFICE USE)
- ADA SPACES REQUIRED:
 - (FOR 201 TO 300) TOTAL PARKING SPACES PROVIDED, 7 SHALL BE THE MINIMUM ADA PARKING PROVIDED, 2 SPACE BEING VAN ACCESSIBLE.
 - PROVIDED: 7 SPACES, 2 BEING VAN ACCESSIBLE

LEGEND

PROPERTY LINE	
SIGN	
BOLLARD	
BUILDING	
BUILDING ABOVE	
BUILDING ARCHITECTURE	
CURB	
RETAINING WALL	
PARKING STRIPING	
TRAFFIC ARROWS	
HEAVY DUTY CONCRETE	
SIDEWALK	
ADA DET. WARNING SURFACE	
BRICK PATIO	
ADA ACCESSIBLE RAMP	
SNOW STORAGE	
SETBACK LINE	
SAW-CUT LINE	
PARKING COUNT	
STEEL GUARDRAIL	
DECORATIVE FENCE	
SITE LIGHT	
TREE LINE	
VERTICAL GRANITE CURB	VGC

**SCHEMATIC DESIGN
ISSUED FOR REVIEW
OCTOBER 29, 2024**

PROFESSIONAL ENGINEER FOR
ALLEN & MAJOR ASSOCIATES, INC.

REV	DATE	DESCRIPTION
2	10-11-24	REVISED PER APEX REVIEW
1	10-10-24	REVISED PER APEX REVIEW

APPLICANT/OWNER:

APEX DESIGN BUILD
9550 W. HIGGINS ROAD, STE 170
ROSEMONT, IL 60018

PROJECT:

MAP 259, LOT 15
100 BORTHWICK AVENUE
PORTSMOUTH, NH 03801

PROJECT NO.	3250-02	DATE:	10-29-24
SCALE:	1" = 10'	DWG. NAME:	C3250-02
DESIGNED BY:	BDJ	CHECKED BY:	RPC

PREPARED BY:



**ALLEN & MAJOR
ASSOCIATES, INC.**

civil engineering • land surveying
environmental consulting • landscape architecture
www.allenmajor.com

400 HARVEY ROAD
MANCHESTER, NH 03103
TEL: (603) 627-5500
FAX: (603) 627-5501

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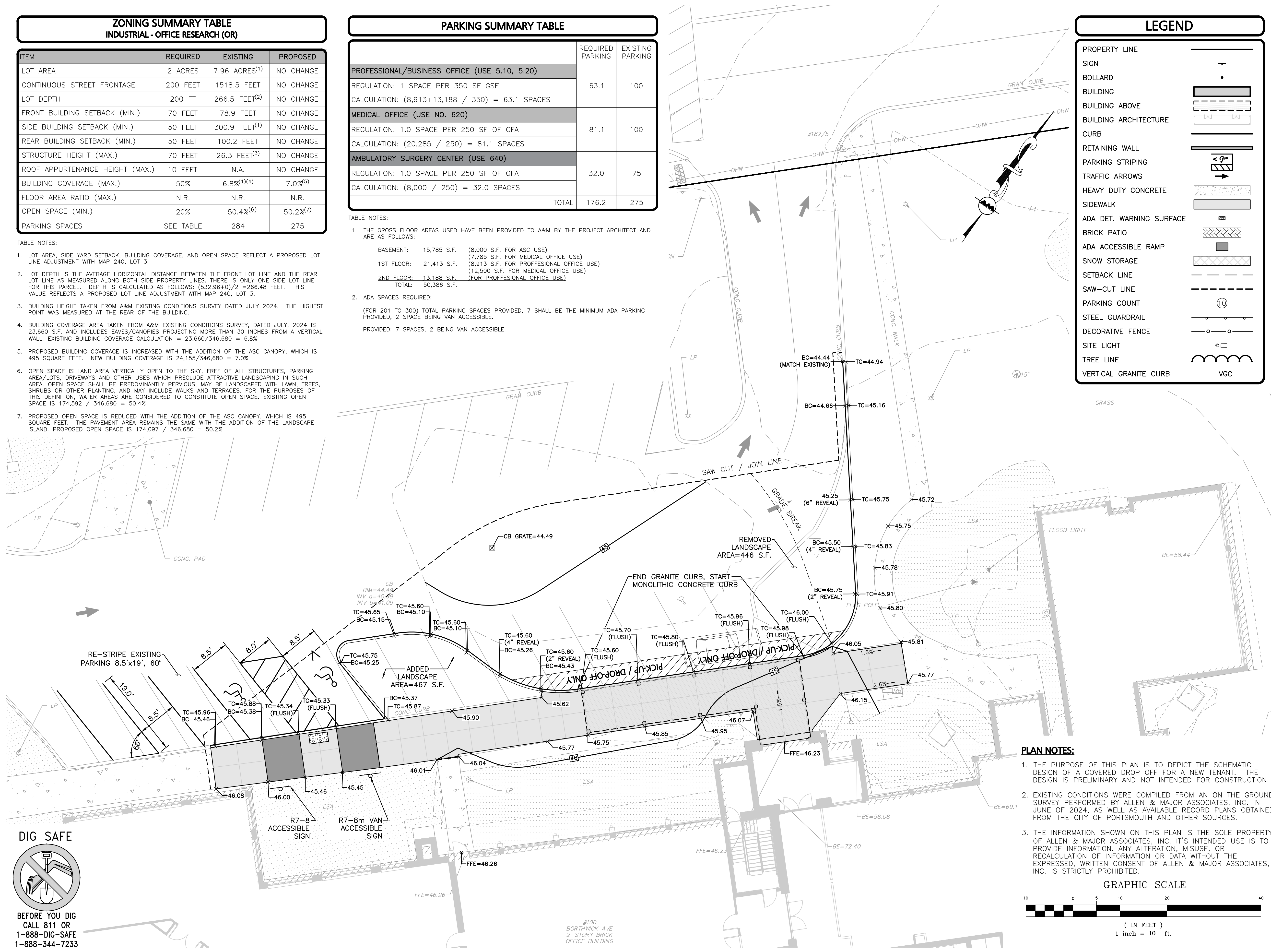
DRAWING TITLE:

ASC DROP OFF CANOPY
SCHEMATIC DESIGN

SHEET No.

1 OF 1

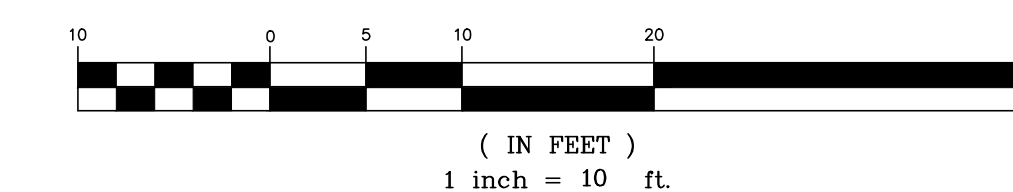
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PLAN NOTES:

- THE PURPOSE OF THIS PLAN IS TO DEPICT THE SCHEMATIC DESIGN OF A COVERED DROP OFF FOR A NEW TENANT. THE DESIGN IS PRELIMINARY AND NOT INTENDED FOR CONSTRUCTION.
- EXISTING CONDITIONS WERE COMPILED FROM AN ON THE GROUND SURVEY PERFORMED BY ALLEN & MAJOR ASSOCIATES, INC. IN JUNE OF 2024, AS WELL AS AVAILABLE RECORD PLANS OBTAINED FROM THE CITY OF PORTSMOUTH AND OTHER SOURCES.
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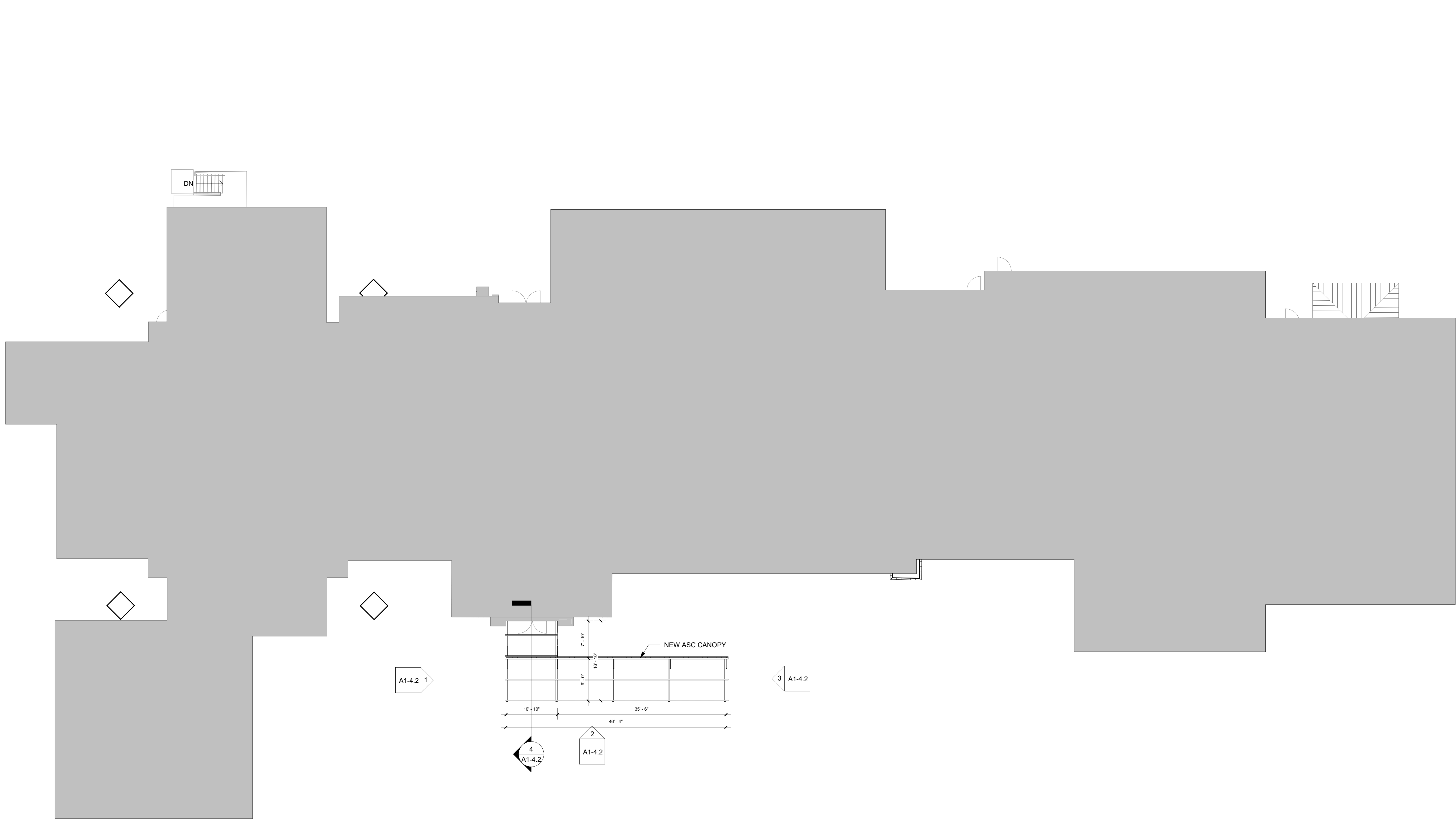


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#100
BORTHWICK AVE
2-STORY BRICK
OFFICE BUILDING



9550 W. Higgins Rd. 170
Rosemont, IL 60018

100 BORTHWICK

100 BORTHWICK AVE.
PORTSMOUTH, NH 03801

ARCHITECT OF RECORD:
SUSAN L. SKIBELL, ARCHITECT
1360 N. SANDBURG TERRACE #1902
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EXTERIOR VIEWS KEY

Project number 10724

A1-3

Scale 3/32" = 1'-0"

1 EXTERIOR VIEWS KEY
3/32" = 1'-0" NOTE: IF DRAWING IS PRINTED @ 11X17 SCALE TO BE REDUCED BY 50%





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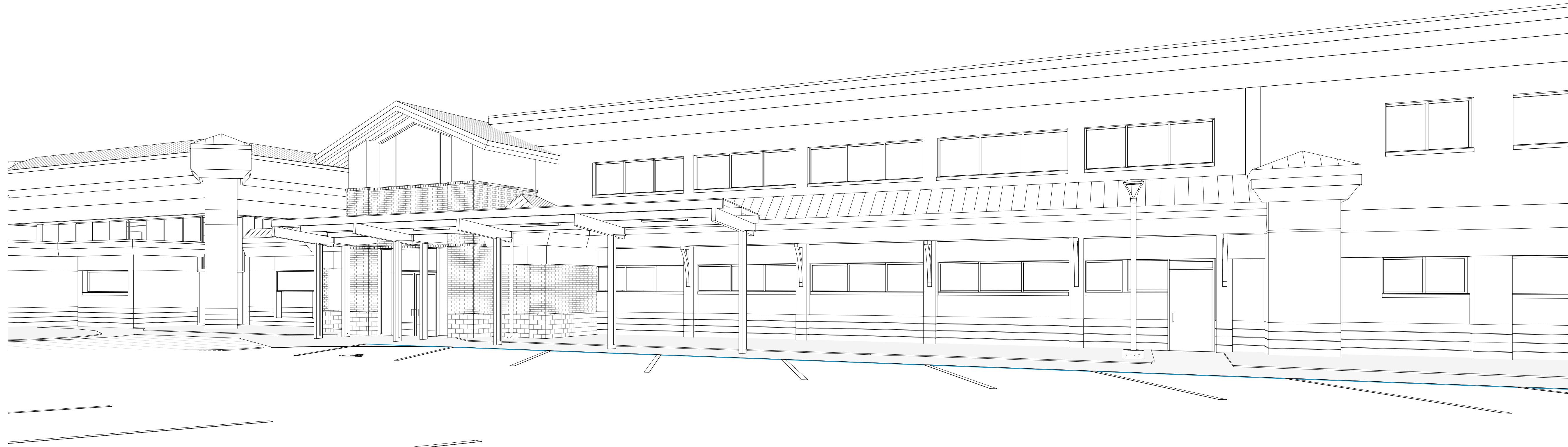
RENDERING

Project number 10724

A1-4.0

Scale





1 FRONT ENTRY 1
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2 FRONT ENTRY 2
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 Rosemont, IL 60018

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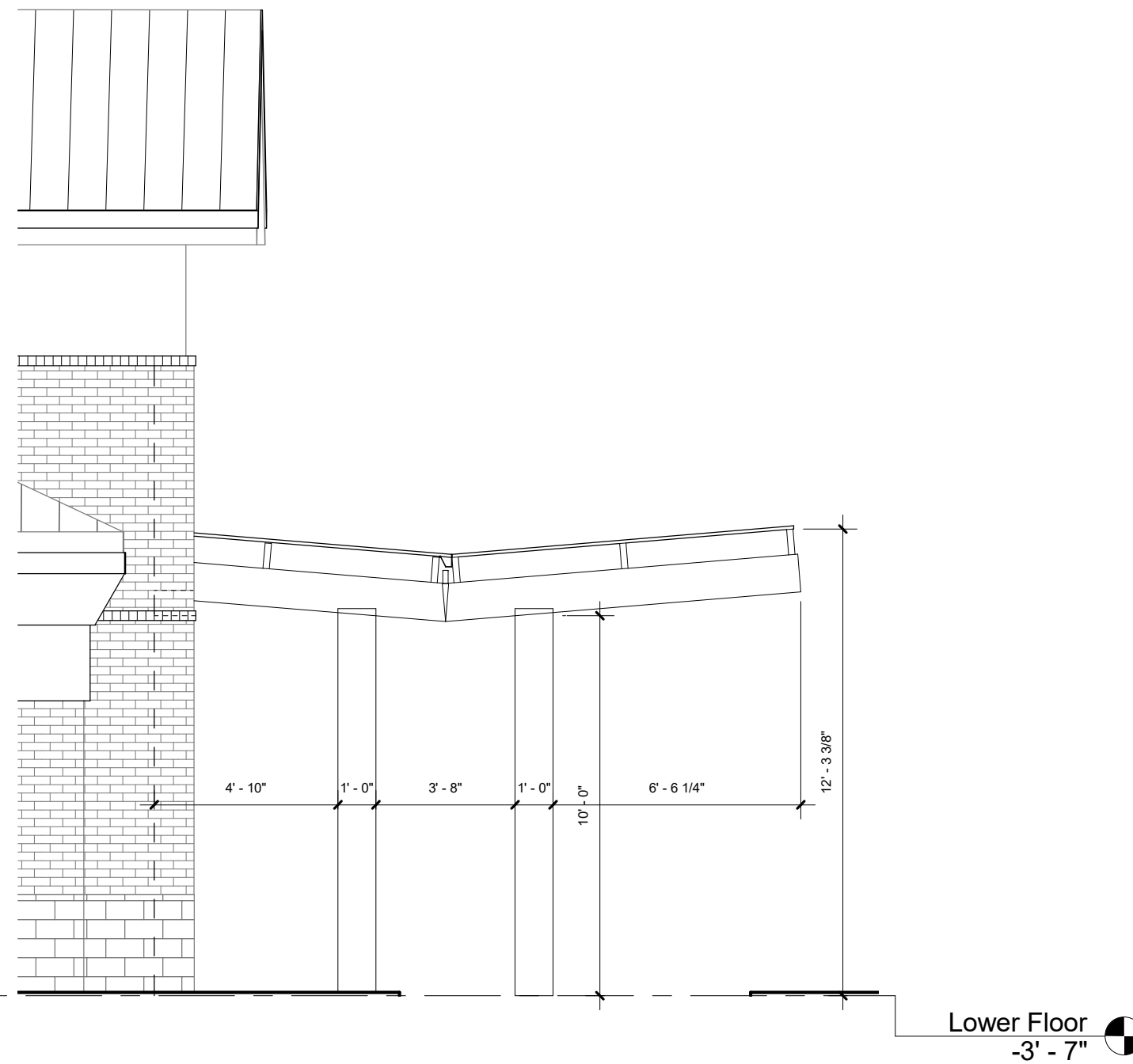
No.	Description	Date

EXTERIOR ELEVATIONS

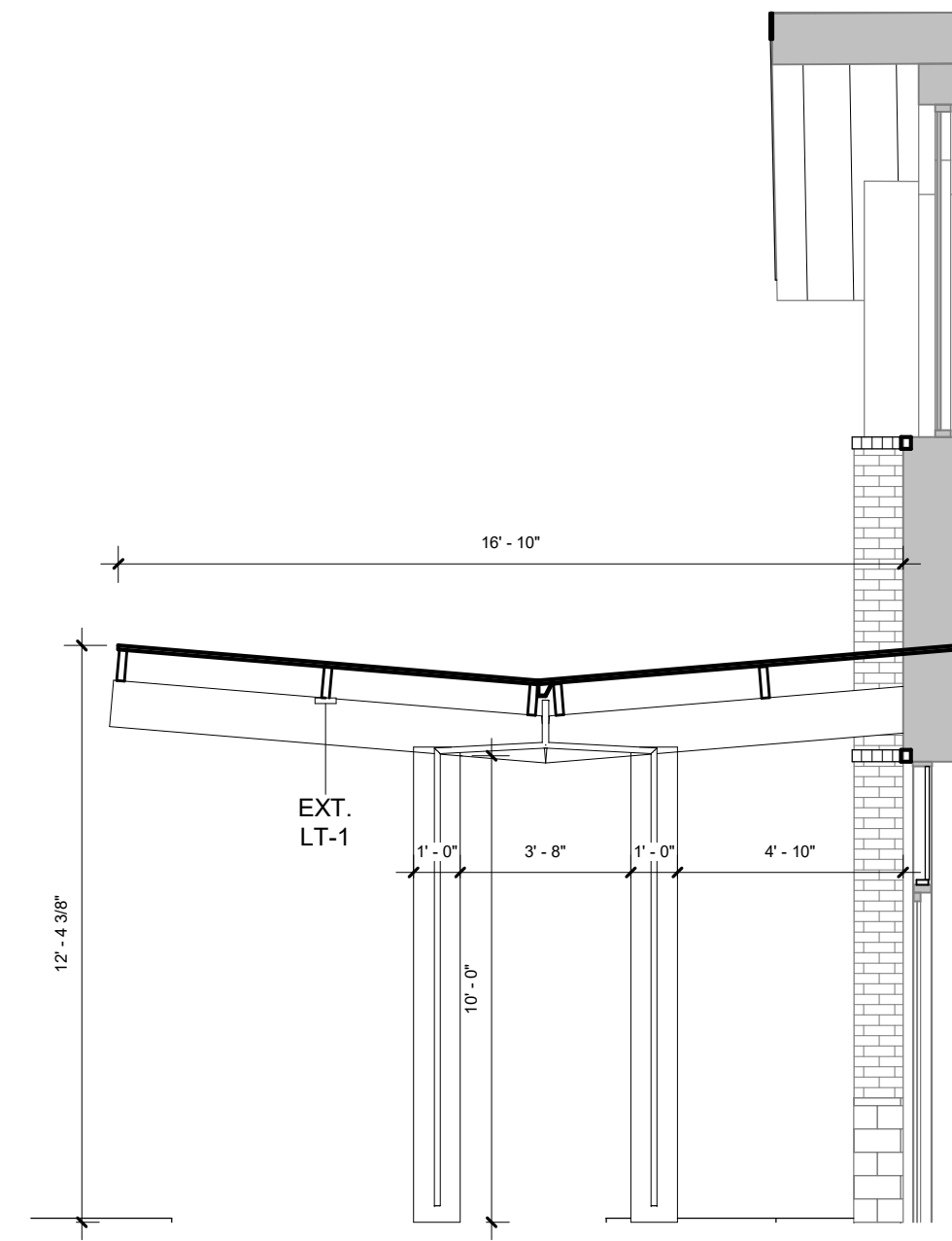
Project number 10724

A1-4.1

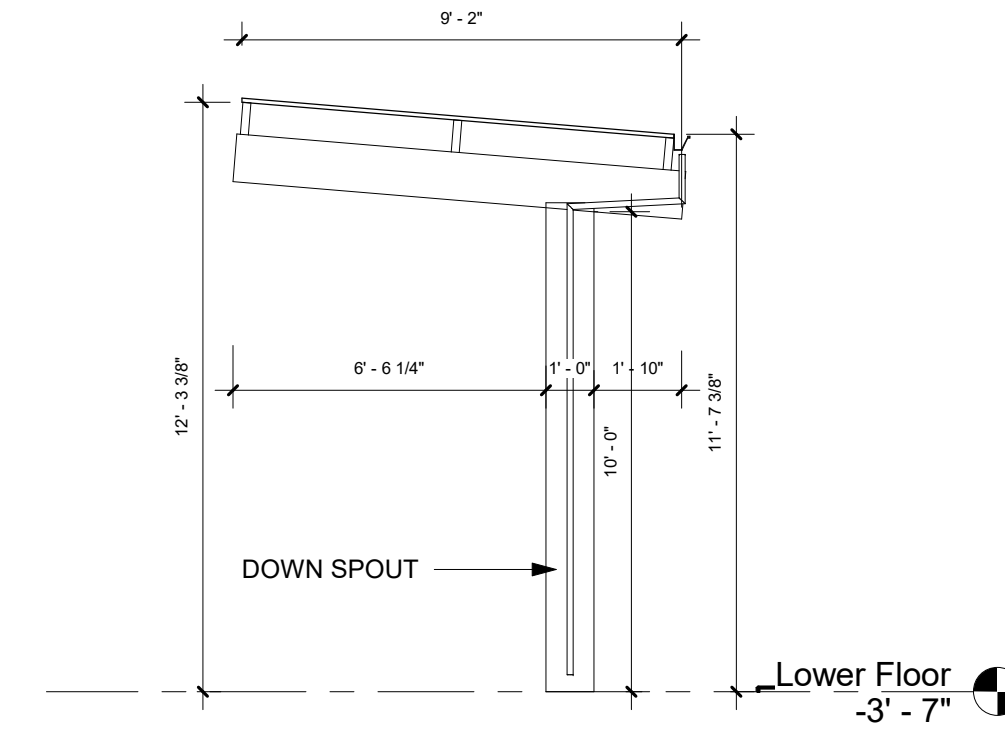
Scale



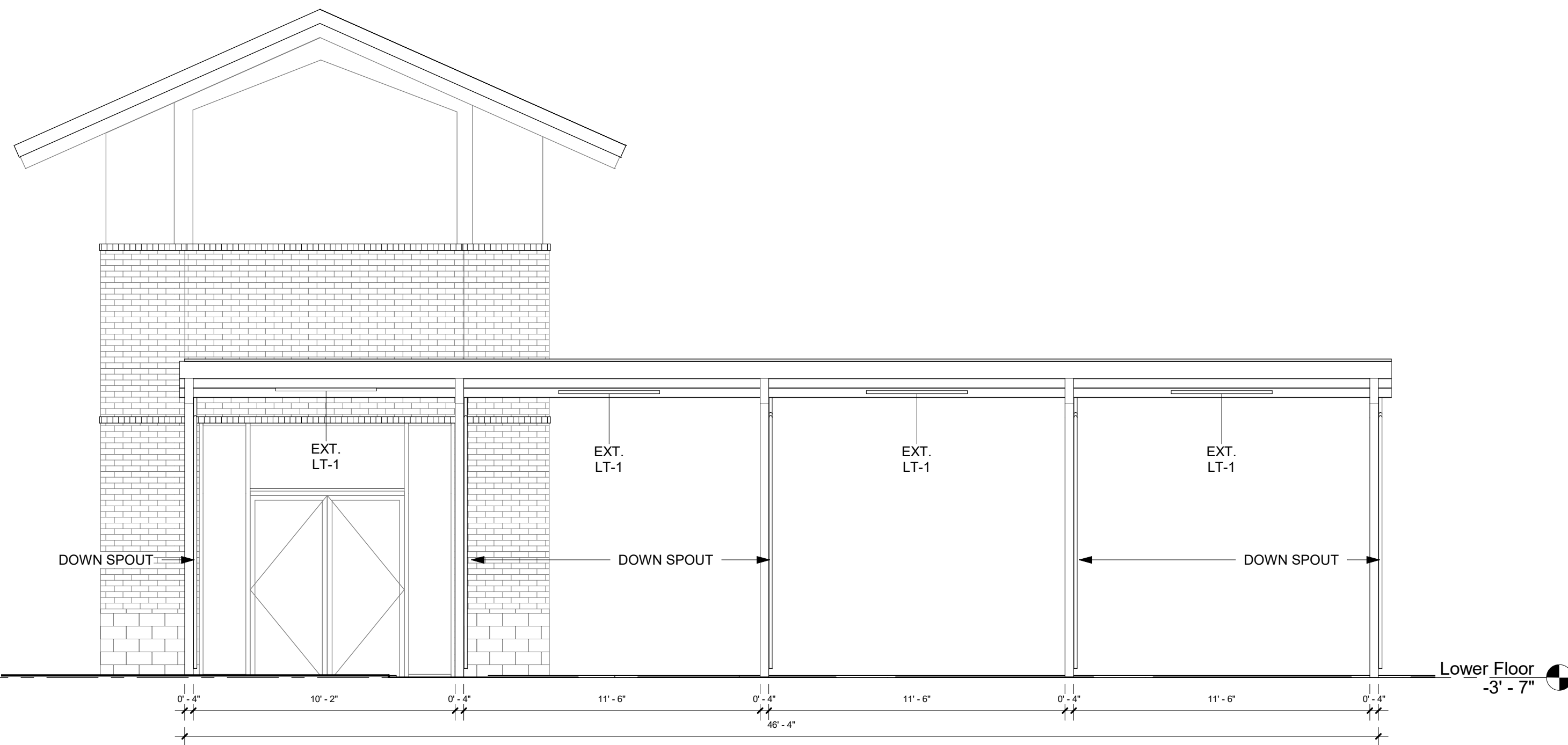
1 SOUTH-WEST CANOPY ELEVATION
 1/4" = 1'-0" NOTE: IF DRAWING IS PRINTED @ 11X17 SCALE TO BE REDUCED BY 50%



4 CANOPY SECTION
 1/4" = 1'-0" NOTE: IF DRAWING IS PRINTED @ 11X17 SCALE TO BE REDUCED BY 50%



3 NORTH-EAST CANOPY ELEVATION
 1/4" = 1'-0" NOTE: IF DRAWING IS PRINTED @ 11X17 SCALE TO BE REDUCED BY 50%



2 SOUTH-EAST CANOPY ELEVATION
 1/4" = 1'-0" NOTE: IF DRAWING IS PRINTED @ 11X17 SCALE TO BE REDUCED BY 50%

LIGHT FIXTURE SCHEDULE										
TAG	DESCRIPTION	MANUFACTURER	MODEL	LAMP	WATTAGE	COLOR TEMPERATURE	QTY	IMAGE	REMARKS	LOCATION
EXT. LT-1	CANOPY LIGHT	LITHONIA	LED WRAP LIGHT	LED	50 W	4000K	4			INSTALLED ON BOTTOM OF CANOPY



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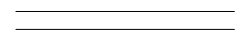

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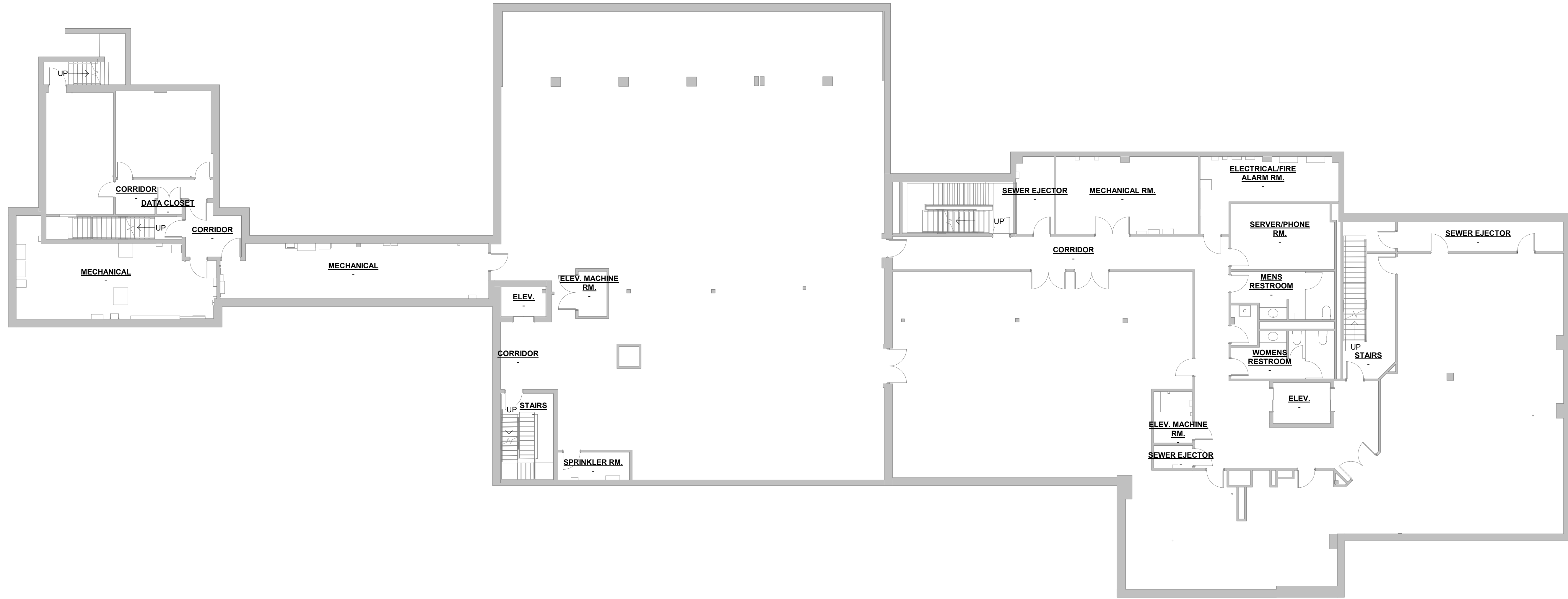
EXTERIOR ELEVATIONS

Project number 10724

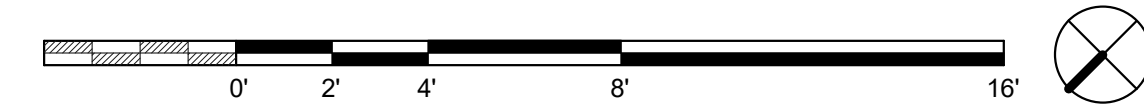
A1-4.2

Scale As indicated

FLOOR PLAN KEY	
	EXISTING WALLS
	NEW WALLS
	N.I.C.



1 FLOOR PLAN - BASEMENT
 1" = 10'-0" NOTE: IF DRAWING IS PRINTED @ 11X17 SCALE TO BE REDUCED BY 50%



apex
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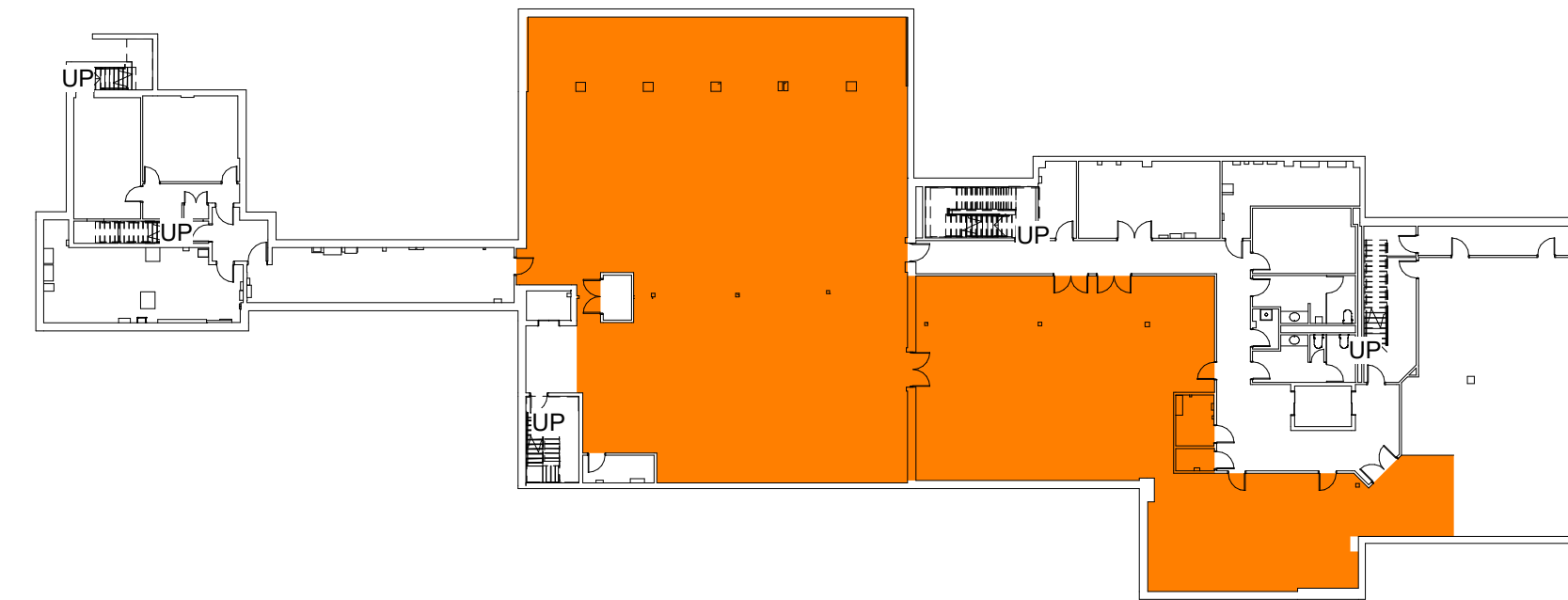
FLOOR PLAN & NOTES - BASEMENT

Project number 10724

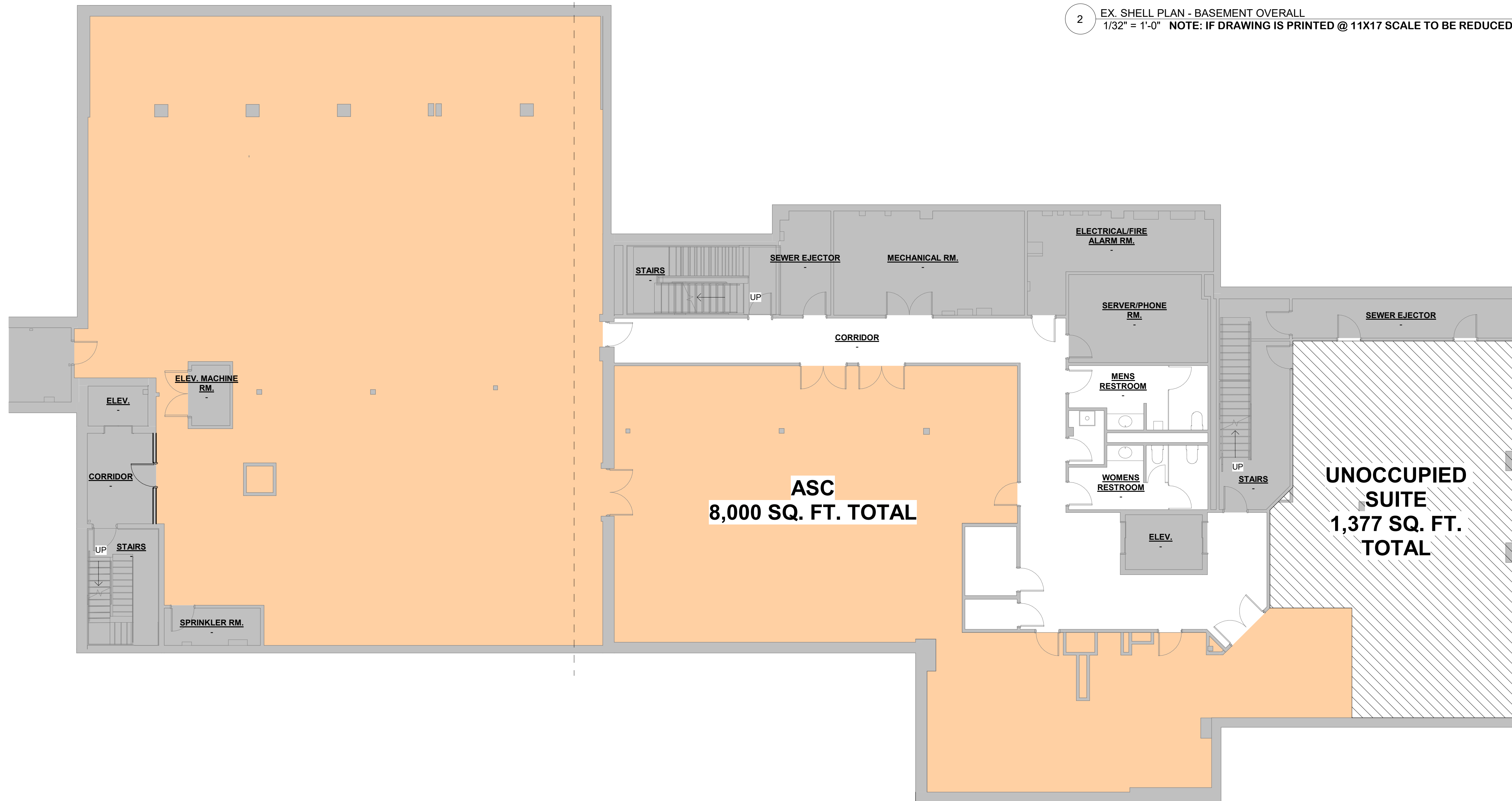
A2-3.1.1

Scale As indicated

10/22/2024 8:32:49 AM



2 EX SHELL PLAN - BASEMENT OVERALL
 1/32" = 1'-0" NOTE: IF DRAWING IS PRINTED @ 11X17 SCALE TO BE REDUCED BY 50%



1 FLOOR PLAN - ASC C
 1/8" = 1'-0" NOTE: IF DRAWING IS PRINTED @ 11X17 SCALE TO BE REDUCED BY 50%



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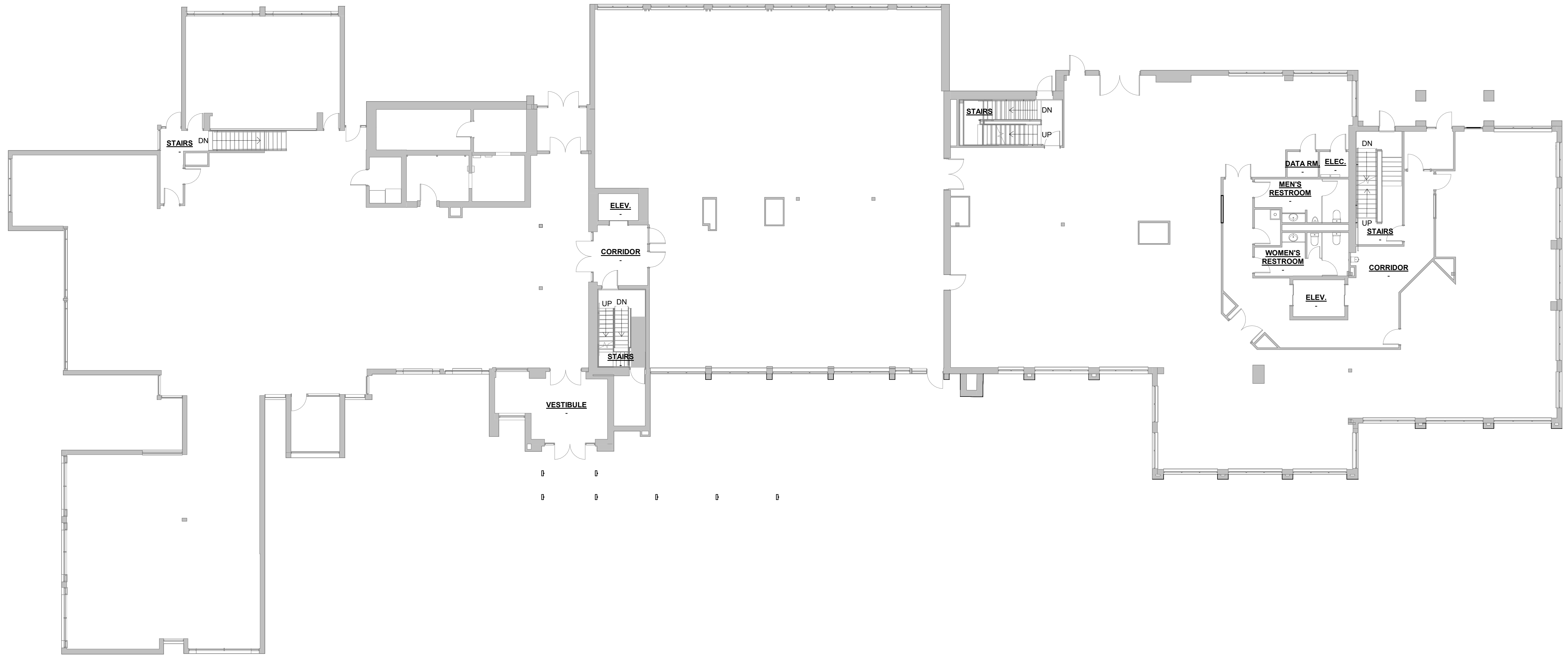
FLOOR PLAN & NOTES - BASEMENT

Project number 10724

A2-3.1.2

Scale As indicated





1 FLOOR PLAN - 1ST FLOOR
 3/32" = 1'-0" NOTE: IF DRAWING IS PRINTED @ 11X17 SCALE TO BE REDUCED BY 50%



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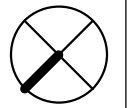
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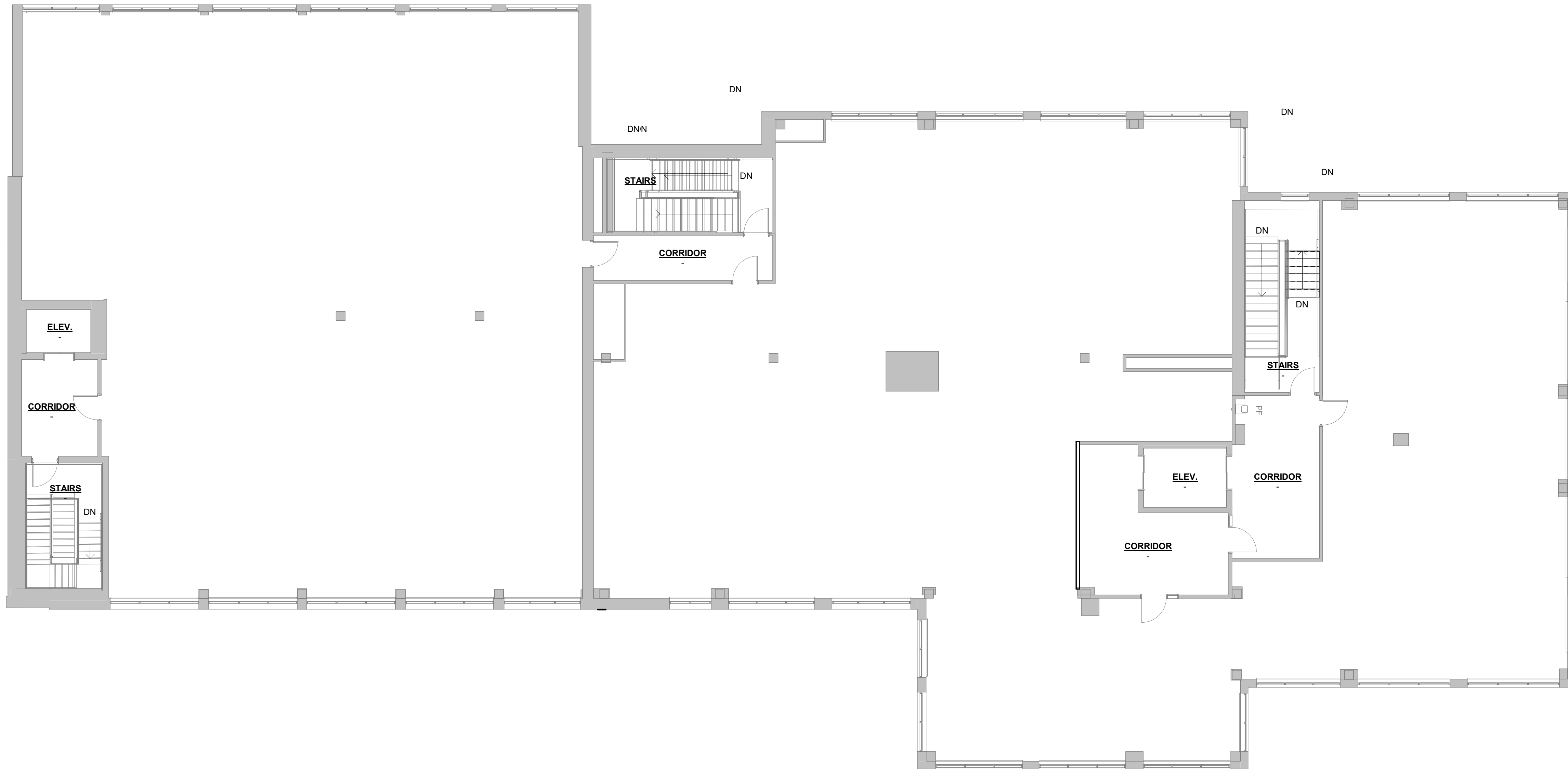
FLOOR PLAN & NOTES - 1ST FLOOR

Project number 10724

A2-3.2.1

Scale 3/32" = 1'-0"





1 FLOOR PLAN - 2ND FLOOR
 1/8" = 1'-0" NOTE: IF DRAWING IS PRINTED @ 11X17 SCALE TO BE REDUCED BY 50%



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No.	Description	Date

FLOOR PLAN & NOTES - 2ND FLOOR

Project number 10724

A2-3.3.1

Scale 1/8" = 1'-0"



II. NEW BUSINESS

C. The request of **PNF Trust of 2013, (Owner)**, for property located at **84 Pleasant Street and 266, 270, 278 State Street** whereas relief is needed to merge the lots and construct a four-story mixed-use building which requires the following: 1) Variance from Section 10.5A41.10.C to allow a) 98% building coverage where 90% is maximum, b) 0% open space where 10% is minimum, and c) 53% shopfront façade glazing on Pleasant Street and 52% on State Street where 70% is the minimum required; 2) Variance from Section 10.5A21.B to allow a) 55 feet of building height where 47 feet is permitted with a penthouse, b) a fourth story addition at 50 feet in height to the Church street elevation where 3 full stories and a short fourth are allowed with 45 feet maximum height permitted; 3) Variance from Section 10.642 to allow 43% ground floor residential area where 20% is maximum. Said property is located on Assessor Map Lot Map 107 Lot 77, Map 107 Lot 78, Map 107 Lot 79, Map 107 Lot 80 and lies within the Character District 4 (CD4), Historic and Downtown Overlay Districts. (LU-24-195)

Existing & Proposed Conditions

	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Mixed -Use	Merge lots and construct mixed-use buildings	Mixed-use
<u>Lot area (sq. ft.):</u>	Lot 107-77: 3,866 Lot 107-78: 1,440 Lot 107-79: 1,518 Lot 107-80: 1,458 Passage way: 165	8,447	NR min.
<u>Lot Area per Dwelling Unit (sq. ft.):</u>	436	444	NR min.
<u>Front Lot Line Buildout (%):</u>	100	100	50 min.
<u>Ground Floor Residential Area</u>	n/a	43%	20 max
<u>Shopfront Façade Glazing</u>	n/a	Pleasant St: 53 State St: 52	70 min
<u>Height on Church St</u>	n/a	4 th story/ 50 ft	3 full stories max and short 4 th / 45 feet
<u>Height with Penthouse (ft.):</u>	53 (Prior to Demolition)	55	47 max.
<u>Building Coverage (%):</u>	20	98	90 max.
<u>Open Space Coverage (%):</u>	0	0	10 min.

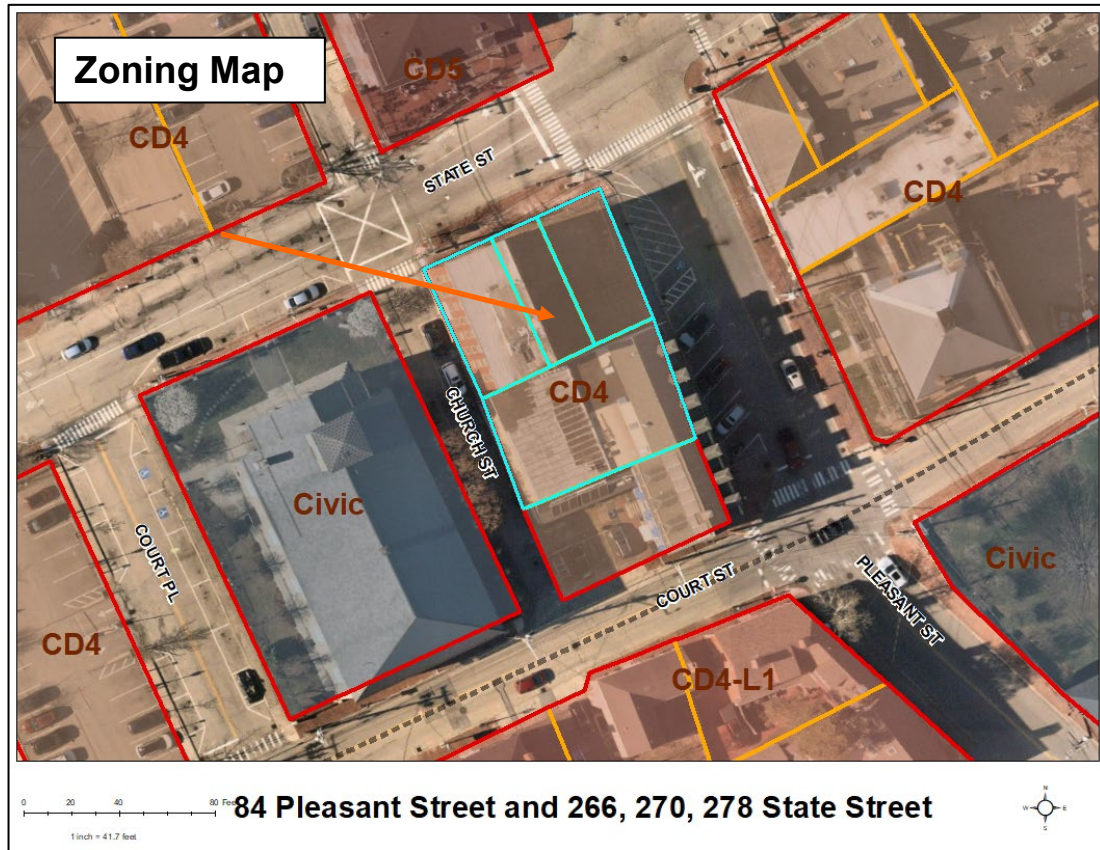
<u>Parking:</u>	2	17	23	min.
<u>Estimated Age of Structure:</u>	Lot 107-77: 1850	Variance request(s) shown in red.		

*Find full CD4 Zoning Table on page C3 of application materials

Other Permits/Approvals Required

- Building Permit
- Historic District Commission Approval
- Site Plan Review – Technical Advisory Committee and Planning Board
- Parking Conditional Use Permit – Planning Board

Neighborhood Context



Previous Board of Adjustment Actions

84 Pleasant Street

August 20, 2013 – The Board **granted** the following: Special Exception under Section 10.440, Use #3.11 to allow a religious place of assembly in a district where such use is allowed by Special Exception.

November 21, 2017 – The Board **granted** the following: 1) Variances from Section 10.5A41.10C to allow the following: a) 0% open space where 10% is required; and b) 100% building coverage where 90% is the maximum allowed; 2) Variance from Section 10.1111.10 to allow a change in the use or intensification of use in an existing building or structure without providing off-street parking; 3) Variance from Section 10.1111.20 to allow a use that is nonconforming as to the requirements for off-street parking to be enlarged or altered without providing off-street parking for the original building, structure or use and all expansions, intensifications or additions; and 4) 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.

October 15, 2019 - The Board extended the variances granted November 21, 2017 for a period of one year to November 21, 2020.

266 State Street

October 20, 2020 – The Board granted the following: 1) Variances from Section 10.5A41.10C to allow **a)** an entrance spacing greater than 50' where 50' is the maximum allowed; **b)** 100% building coverage where 90% is the maximum allowed; **c)** 0% open space where 10% is the minimum required; **d)** a 4-story, 45' tall building where 2-3 stories or a short 4th and 45' is the maximum allowed; **e)** less than 70% shopfront façade glazing where 70% is the minimum required and less than 20% other façade types where 20% is the minimum required; and **f)** to allow more than 20% of the ground floor use to be residential where 20% is the maximum allowed. Request granted with the following condition:

- 1) Item F above regarding the amount of residential space on the first floor shall be approved only if there is a car lift/elevator installed in the building.

September 20, 2022 – The Board **granted** a one-year extension for the variances granted on October 20, 2020

270 and 278 State Street

No History Found

Planning Department Comments

The applicant is proposing to demolish a portion of the existing structure on Lot 107-77, merge the 4 identified lots (107-80, 107-79, 107-78, and 107-77) and construct new buildings that will house residential and commercial uses.

These properties have been before the Board in 2019 and 2020. On both accounts the requests were granted, however the approvals have since expired. To review the past meeting application materials and decisions please visit the links below.

- May 2019 - <https://www.cityofportsmouth.com/city/events/board-adjustment>
- October 2020 - <https://www.cityofportsmouth.com/planportsmouth/events/zoning-board-adjustment-meeting-36>

The applicant has requested that the Board condition any relief given on the installation of the lift and elevator system as proposed in the parking plan.

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.

CITY OF PORTSMOUTH
ZONING BOARD OF ADJUSTMENT

RE: 266, 270, 278 State Street & 84 Pleasant Street, Portsmouth, New Hampshire

Tax Map 107, Lots 77 - 80

PNF TRUST of 2013

APPLICANT'S NARRATIVE

The Applicant, the PNF Trust of 2013, seeks variances in order to proceed with the restoration and redevelopment of its property at the corners of State, Pleasant and Church Streets. As the Board's records will reflect, variances were granted in May of 2019 and additional variances were granted in October of 2020. Copies of the Board's prior decisions are submitted herewith. These prior approvals have since expired.

As the Board is aware, in the late evening and early morning of April 9-10, 2017, a devastating fire destroyed the iconic State Street Saloon and the buildings housing it. The Saloon and fourteen residential apartments occupied 266, 270, and 278 State Street, with the bar/restaurant occupying the ground floors of each, and with several apartments in the floors above. 266 and 270 State were immediately deemed a total loss and were ordered demolished by the City of Portsmouth. 84 Pleasant Street also suffered significant smoke and water damage in connection with the fire. This building housed three residential units on the second and third floors.

In order to proceed with an economically viable redevelopment, the applicant needs a building large enough to approximate the square footage and number of residential units lost in the fire. However, concerns about height, massing, scale and harmony with surrounding buildings must be considered, as this property is within the Historic District.

Since the buildings at 266-278 State Street were destroyed, the applicant has acquired the adjacent property at 84 Pleasant Street (the "Louies" restaurant building) and, earlier this month, demolished the remaining shell of the so-called "Times Building" at 278 State Street. The applicant now desires to merge the four adjoining lots and develop a four story building with an 8,258 square foot footprint. The combined property would have approximately 4,528 square feet of retail/commercial space on the ground floor and 17 residential units. The Historic District Commission has expressed its strong preference that the applicant proceed with a project that evokes the height and scale of the Times Building, which, at four stories and 53 feet, would exceed current zoning. Matching the unique story configuration of the Times Buildings has the effect of elevating the other buildings. In 2020, relief from this board was obtained for a similar project, specifically, to construct a four-story (with penthouse), mixed commercial residential building on these four merged lots.

The property is in the CD-4 zone, the Historic District and the Downtown Overlay District. As the submitted elevations demonstrate, the building in the “Louie’s” space is to be three stories at the Pleasant Street elevation. On the corner of State and Pleasant, where the old State Street Saloon stood, the building will be three stories with a short fourth and a penthouse. 278 State Street, the former site of the Times Building, on the corner of State and Church will remain four stories as it previously existed. The Church street elevation of the “Louie’s” parcel will be reconstructed with an additional fourth story.¹

As proposed, the project requires the following relief from Section 105A41.10C to permit the following:

98% building coverage where 90% is maximum allowed;
0% open space 10% is minimum required;
54’ 11” building height where 47’ is permitted with a penthouse (and 53’ existed at the Times Building at 278 State Street);
A fourth story addition at 50’ height to the Church Street elevation of the “Louie’s” parcel where 3 full stories and a short fourth are allowed and 45’ height is the maximum permitted; and
Shopfront Façade glazing of 53% on Pleasant Street and 52% on State Street where 70% is the minimum required.²

In addition, the project requires relief from 10.641.10.2 to permit ground floor area for residential use of 43% where 20% is the maximum permitted. This is primarily to accommodate parking infrastructure for the project, as a lift system will be utilized, with some basement spaces and some first story spaces. The proposal provides 17 parking spaces where 23 is required for the residential uses within the Downtown Overlay District, and where none existed prior to the fire. As such, a parking conditional use permit from the Planning Board will be required. In the event the proposed parking configuration changes as the project proceeds through design review, the conditional use permit the applicant needs may change. As with the application this Board approved in 2020, the applicant believes it would be appropriate for the Board to condition relief from Section 10.641.10.2 on the installation of the lift and elevator system associated with the parking plan as submitted.

The applicant believes that, as in years past, this project meets the criteria necessary for granting the variances.

¹ The applicant has obtained feedback from the Historic District Commission in work sessions to the effect that a short story mansard roof on this elevation facing the South Church (which would eliminate the need for a variance for a full fourth story), would not be favored.

² Church Street is not subject to façade requirements. Map 10.5A21C. Façade Glazing can only include the glazing above 2’ from the grade and below 12’. We have maximized the glazing based on the structural needs of the building and the HDC preferred design. On State Street the historic storefront is meant to evoke the “Times Building” and further limits the glazing. The floor to floor height of the ground story is 12’ (the minimum allowed to minimize the overall building height) and structural requirements prevent us from going to the full 12’ window height. There is just no practical way to tease another 17-18% of storefront glazing given the limitations of this site.

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

In this case, were the variances to be granted, there would be no change in the essential characteristics of the neighborhood, nor would any public health, safety or welfare be threatened. The property is a very visible "cornerstone" of downtown that requires a substantial building. The Historic District Commission has provided feedback to the applicant that it would prefer to see a replacement building that evokes the mass, scale and design features of the Times Building, which exceeded the current height and story requirements. The pre-fire existing conditions included nearly complete building coverage and no open space.³ The proposal is not in any way out of place in its surroundings and is cleverly designed to evoke the façade of the Times Building.

The essentially urban character of the neighborhood will not be altered in any fashion by this project, nor would the health, safety or welfare of the public be threatened by granting the relief requested, as what is proposed is entirely consistent with what previously existed on site and with the mass and scale of neighboring buildings. The project must obtain final approval from the HDC and proceed through site plan approval at the Planning Board, so the interest of the public will be adequately protected.

Substantial justice would be done by granting the variances. Whether or not substantial justice will be done by granting a variance requires the Board to conduct a balancing test. If the hardship upon the owner/applicant outweighs any benefit to the general public in denying the variance, then substantial justice would be done by granting the variance. It is substantially just to allow a property owner the reasonable use of his or her property. The applicant in this case has been without the use of its property for over seven years, and the public has been left with an open wound in the heart of the downtown. The cost to redevelop this property is significantly greater than it otherwise would be due to the preference to “recreate” the Times Building. In order to integrate the structure replacing the Times Building, which at 53 feet and four full stories already exceeded the maximum allowed in the CD-4 zone, variances are necessary. The HDC must approve the project, so the result will be an aesthetically appropriate structure.

In this case, there is no benefit to the public in denying the variances that is not outweighed by the hardship upon the owner.

³ Prior to the fire, there was a small, 165.24 sf alley between 84 Pleasant and 266 State Street. Beyond that, the entirety of the four lots was occupied by buildings. The difference in building coverage from what existed to what is proposed is negligible.

The values of surrounding properties will not be diminished by granting the variances. The proposed uses are permitted in this zone by right. The surrounding properties and those in the vicinity have similar uses as this one does. The new building will also sit in the footprint of the former buildings that were destroyed or damaged in the fire. A newly constructed project will increase property values. The values of the surrounding properties will not be negatively affected in any way.

There are special conditions associated with the property which prevent the proper enjoyment of the property under the strict terms of the zoning ordinance and thus constitute unnecessary hardship. The property is in the heart of the downtown and is being redeveloped in a manner that evokes the mass and scale of the historic Times Building, which exceeded current story and height restrictions. Redevelopment poses logistical and engineering challenges and retaining the story heights of the Times Building requires the thoughtful integration of the adjoining structures. The present Church Street façade is totally out of character with the historic South Church facing it.

The use is a reasonable use. The proposed mixed residential/commercial use is permitted in this zone and is identical in character and is consistent with the existing use of the adjacent and abutting properties.

There is no fair and substantial relationship between the purpose of the ordinance as it is applied to this particular property. The Applicant is proposing to redevelop what is almost the entire block bounded by State, Pleasant and Church Streets. Prior to the fire, the lots collectively exceeded the maximum allowable building coverage and required open space. The 70% shopfront glazing requirement cannot practically be met on State and Pleasant Streets and satisfy the HDC's preference that the scale and mass of the Times Building be recreated. There is no fair and substantial relationship between the purposes of these requirements and their application to this property as the new building will sit essentially in the footprint of the former buildings that were destroyed by the fire.

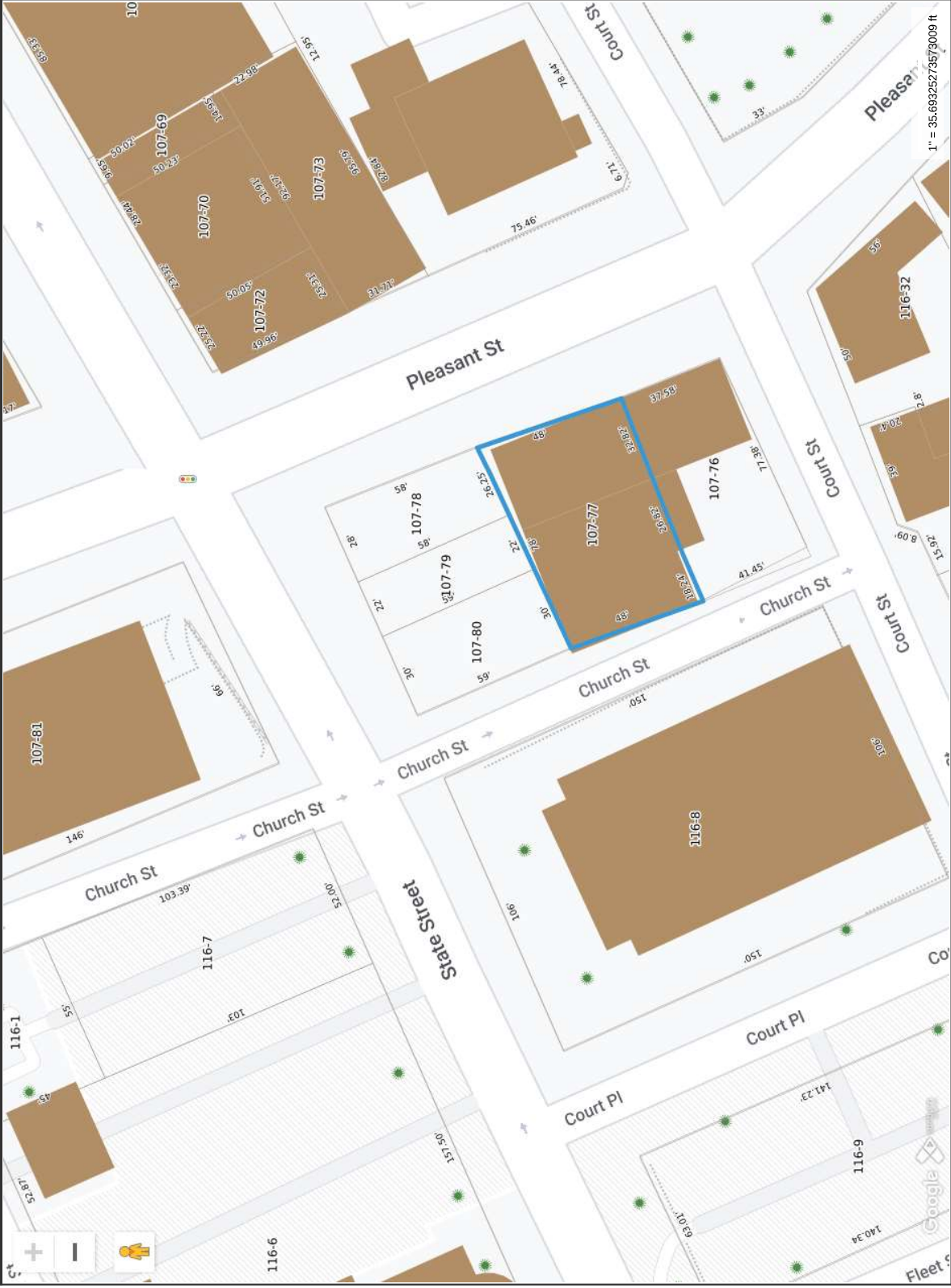
I. Conclusion.

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

Respectfully submitted,

DATE: 10-22-24

Christopher P. Mulligan
Christopher P. Mulligan, Esquire



Property Information
 Property ID 0107-0077-0000
 Location 84 PLEASANT ST
 Owner PNF TRUST OF 2013



**MAP FOR REFERENCE ONLY
 NOT A LEGAL DOCUMENT**

City of Portsmouth, NH makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Geometry updated 09/26/2024

Print map scale is approximate. Critical layout or measurement activities should not be done using this resource.

1" = 35.68325276573009 ft







CITY OF PORTSMOUTH

Community Development Department
(603) 610-7281

Planning Department
(603) 610-7216

PLANNING DEPARTMENT

May 31, 2019

Peter N. Floros, Trustee
PNF Trust of 2013
282 Middle Street
Portsmouth, New Hampshire 03801

Re: Property at 266 – 278 State Street, Permit LU 19-79
Assessor Plan 107, Lots 78, 79 and 80

Dear Applicant:

The Board of Adjustment at its reconvened meeting on May 28, 2019 completed its consideration of your application described as follows:

Application:

Case 5-12

Petitioner: PNF Trust of 2013, Peter N. Floros, Trustee
Property: 266 -278 State Street
Assessor Plan: Map 107, Lots 78, 79 & 80
District: Character District 4, the Downtown Overlay District and the Historic District
Description: Construct mixed use three story building with penthouse.
Requests: Variances and/or Special Exceptions necessary to grant the required relief from the Zoning Ordinance including the following variances:
a) from Section 10.5A43.31 to allow a 55' height where 45' is the maximum allowed for 2-3 stories (short 4th);
b) to allow a structure to be designated as a penthouse without meeting the 15' setback from the edge of the roof as outlined in the definition of a penthouse;
c) from Section 10.5A41.10C to allow 93% building coverage where 90% is the maximum allowed and a 3' rear setback from the lot line at the center building where 5' is the minimum required.

Action:

The Board voted to **grant** the petition as presented and advertised with the following stipulation:

Stipulation:

- With the granting of the variance for building coverage, 7% of open space is allowed.

Review Criteria:

The petition was granted for the following reasons:

- Granting the variance will not be contrary to the public interest and the spirit of the ordinance will be observed.
- Substantial justice will be done and the value of surrounding properties will not be diminished as there will be occupied buildings, both new and restored, on a lot that has been vacant for two years.
- Literal enforcement of the ordinance would result in unnecessary hardship due to the special condition of having to incorporate the adjacent Times Building into the design of the newly proposed project. Due to this condition, there is no fair and substantial relationship between the general purposes of the ordinance provisions and their specific application to the property.

As provided for in NH RSA Chapter 677, the Board's decision may be appealed 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. Construction drawings or sketches must be reviewed and approved by the Building Inspector prior to the issuance of a building permit. Approvals by other land use boards may also be required prior to the issuance of a building permit.

The minutes and tape recording of the meeting may be reviewed in the Planning Department.

Very truly yours,



David Rheame, Chairman
Board of Adjustment

mek

Peter N. Floros - Page Three
May 31, 2019

c: Robert Marsilia, Chief Building Inspector
Roseann Maurice-Lentz, City Assessor
John K. Bosen, Esq.



CITY OF PORTSMOUTH

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

ZONING BOARD OF ADJUSTMENT

October 26, 2020

PNF Trust of 2013
Peter N. Floros Trustee
282 Middle Street
Portsmouth, NH 03801

RE: Board of Adjustment request for properties located at 266, 270 & 278 State Street and 84 Pleasant Street (LU-19-79)

Dear Mr. Floros:

The Zoning Board of Adjustment, at its regularly scheduled meeting of **Tuesday, October 20, 2020**, considered your application for the merger of four lots into one as part of a redevelopment project including a four-story addition onto the existing building at 84 Pleasant Street which requires the following: Variances from Section 10.5A41.10C to allow a) an entrance spacing greater than 50' where 50' is the maximum allowed; b) 100% building coverage where 90% is the maximum allowed; c) 0% open space where 10% is the minimum required; d) a 4-story, 45' tall building where 2-3 stories or a short 4th and 45' is the maximum allowed; e) less than 70% shopfront façade glazing where 70% is the minimum required and less than 20% other façade types where 20% is the minimum required; and f) to allow more than 20% of the ground floor use to be residential where 20% is the maximum allowed. Said property is shown on Assessor Map 107, Lots 77, 78, 79, and 80 and lies within the Character District 4 (CD 4), Downtown overlay, and Historic Districts. As a result of said consideration, the Board voted to grant your request with the following stipulation:

- That Item F above regarding the amount of residential space on the first floor shall be approved only if there is a car lift/elevator installed in the building.

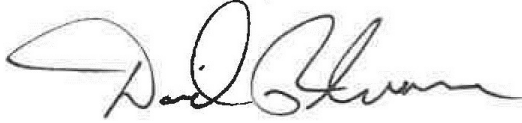
The Board's decision may be appealed up to thirty (30) days after the vote. Any action taken by the applicant pursuant to the Board's decision during this appeal period shall be at the applicant's risk. Please contact the Planning Department for more details about the appeals process.

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,

A handwritten signature in black ink, appearing to read "David Rheume". The signature is fluid and cursive, with a large initial "D" and "R".

David Rheume, Chairman of the Zoning Board of Adjustment

cc: Robert Marsilia, Chief Building Inspector

Rosann Maurice-Lentz, City Assessor

Michael J. Keane, Michael J. Keane Architects, PLLC

John Bosen, Esq., Bosen & Associates

**MINUTES OF
THE HISTORIC DISTRICT COMMISSION
PORTSMOUTH, NEW HAMPSHIRE
EILEEN DONDERO FOLEY COUNCIL CHAMBERS**

6:30 p.m.

August 07, 2024

MEMBERS PRESENT: Chair Reagan Ruedig; Vice-Chair Margot Doering (via Zoom); City Council Representative Rich Blalock; Members Jon Wyckoff, Martin Ryan, Dr. Dan Brown, Dave Adams, and Alternate Larry Booz

MEMBERS EXCUSED: None.

ALSO PRESENT: Izak Gilbo, Planner 1, Planning Department

.....
Chair Ruedig called the meeting to order at 6:30 p.m. City Council Representative Blalock and Alternate Larry Booz arrived later in the meeting.

I. ADMINISTRATIVE APPROVALS

1. 322 Islington Street

The request was to replace two doors with mahogany doors that would mimic the approved carriage house door on the property. Mr. Adams said the specification sheet showed small round decorations on one door that were face pins, but the matching door didn't have them. He asked to stipulate that there be no face pins on the doors.

Stipulation: The doors to be installed shall not have face pins.

2. 355 Pleasant Street

The request was approval for the installation of a cedar fence and gate to replace a failed picket style fence. Mr. Gilbo showed examples of the proposed fence and gate.

3. 79 Daniel Street

The request was to relocate the condenser units on the side of the property to the mid level of the rear deck on the back side of the property. Mr. Gilbo said a screening option was also proposed.

4. 434 Marcy Street

The request was approval for a new fence that would match the existing one and for a flat iron handrail design for the balcony, landing, and steps.

5. 276 Maplewood Avenue

*Mr. Adams moved to **suspend the rules and bring forward the work session, seconded by Dr. Brown. The motion passed unanimously, 7-0.***

The Commission entered the work session.

V. WORK SESSIONS (NEW BUSINESS)

1. Work Session requested by PNF Trust of 2013, owner, for property located at 266-278 State Street, wherein permission is requested to allow the new construction of a four-story building, as per plans on file in the Planning Department. Said property is shown on Assessor Map 107 as Lots 78, 79, 80 and lies within Character District 4 (CD-4), Downtown Overlay and the Historic Districts.

WORK SESSION

[Timestamp 2:58:38] Project architect Michael Keane was present and said they proposed a facsimile of the Times building in terms of size and scale and would try to keep the fenestration and window proportions the same. He reviewed the previous proposals and said they decided to keep the building, window sizes, and floor lines the same as much as they could. He said they brought the floor levels up in the additions to match the building, so the additions grew six feet from what they previously were. He said they would change out the transformer if it needed to be. He said to meet code, the proposed building had to have a floor removed or a short story created, or the building needed to be set back, or the ceiling height had to be lowered. He further discussed the other variances that would be needed.

[Timestamp 3:06:24] Mr. Wyckoff said the proposed building looked like a close facsimile, and Mr. Booz agreed. Attorney Mulligan said the criteria for granting a variance was very different than getting an approval from the Commission. Mr. Keane explained that they didn't have all the permits because they didn't have site plan approval due to the transformer issues with Eversource, and by the time the issue was resolved, the permits lapsed. Mr. Ryan said he thought the applicant had tried to reduce the zero lot line situation with a carve-out for the transformer. Mr. Keane said it was in the Church Street elevation but didn't cover the lot line problem. Mr. Ryan asked where the elevator would be. Mr. Keane said there was a chimney in that location now that might be able to be moved once all the floors lined up. Mr. Ryan asked if the granite elements, sills and lintels were all new. Mr. Keane said he tried to salvage the existing granite but would have to talk to the demolition team. He said the corbeling at the top was thin and some of it was destroyed, so he didn't think they could match that profile. Mr. Wyckoff asked if the applicant discussed with the demolition contractor how the existing building could come back. Mr. Keane said he wasn't involved with that but knew that no great solution came up. Mr. Adams asked one a granite window could be re-used in the new structure that would be a brick veneer on a steel frame with sheathing material on it. Mr. Keane said it would have to be new material. Councilor Blalock asked if the elevator shaft was the reason the Times building could not be rebuilt, and Mr. Keane said the zoning ordinance required three stories plus a short story, so a variance was needed because the proposed building was four stories. Mr. Adams asked if the applicant could meet code by clipping the two walls of the building to a steel frame, and it was further discussed. Vice-Chair Doering said the proposed plan was very similar to what was approved before. She said the adjustment of the building of the corner to line up the stories made

sense. She said it made the mass on the corner a little bigger but the corner could handle it. She said she wasn't sure that going from four stories to three would make a big difference in getting the necessary variances and thought variances should be asked for on the best plan that the applicant could come up with, the one that was the most faithful to the existing building. Chair Ruedig agreed. She said the proposed plan looked like the original plan in spirit and that she was comfortable with the design and thought it was very appropriate. She said if it wasn't feasible to keep the building, replacing it with a likeness to continue the building's history and having a cornerstone that said 2025 or the exact year it was built so that it was clear that it was a new building was a good way to go forward. It was further discussed. Mr. Keany said he had a commitment from Eversource that the transformer would work.

Public Comment

Douglas Green asked if the owner was asked if his intention was to actually do the work or to sell the property. Chair Ruedig said the Commission would continue to act in good faith that the applicant would follow through with his plan to rebuild.

No one else spoke, and the public comment was closed.

DECISION OF THE COMMISSION

*[Timestamp 3:19:34] Dr. Brown moved to **continue** the work session, seconded by Councilor Blalock. The motion **passed** unanimously, 7-0.*

Chair Ruedig closed the public hearing.

*[Timestamp 3:23:20] Councilor Blalock moved to **allow** the full demolition of the Times building as presented, with the following **stipulation**:*

- 1) That anything be salvaged and re-used if possible.*

Mr. Wyckoff seconded the motion.

Councilor Blalock said the project would conserve and enhance property values and would have relation to the historic and architectural values of existing structures.

[Timestamp 3:23:49] Mr. Ryan said he wanted more of a commitment and could see the property being put up for sale with the demolition permit, so he could not approve the motion. Vice-Chair Doering said she wanted a stipulation stating that some of the key points and granite and elements during the demolition might be able to be worked into the new building, like a plaque or an explanation about the fire, if possible. She said she was uncertain about how she would vote because the Commission was taking a big leap of faith, and once the building was demolished, a new applicant could come up with a plan that didn't reflect the Times building and the Commission would have to approve it if it met their criteria. Councilor Blalock said he chose the conservation and enhancement of property values criteria because his friends ran the Louie's restaurant and the fire was devastating to them as well as a lot of other people. He said he looked forward to working with the applicant. Chair Ruedig said there was the question of potential

salvage and that perhaps the granite steps could be salvaged and re-used. She said she would support the motion in good faith and hoped that all the other approvals would be quickly gotten so that the hole could be filled in and improved.

The motion passed by a vote of 5-2, with Dr. Brown and Mr. Ryan voting in opposition.

VI. ADJOURNMENT

The meeting adjourned at 10:00 p.m.

Respectfully submitted,

Joann Breault
HDC Recording Secretary

SITE REDEVELOPMENT

FLOSROS BUILDING

266, 270, 278 STATE STREET AND 84 PLEASANT STREET

PORTSMOUTH, NEW HAMPSHIRE

ZBA APPLICATION PLANS

PERMIT LIST:
 PORTSMOUTH HDC: PENDING
 PORTSMOUTH ZONING BOARD: PENDING
 PORTSMOUTH SITE REVIEW: PENDING

OWNERS:

266 & 278 STATE STREET
 PNF TRUST OF 2013
 PETER N. FLORES TRUSTEE
 282 MIDDLE STREET
 PORTSMOUTH NH, 03801

270 STATE STREET
 282 MIDDLE STREET LLC
 282 MIDDLE STREET
 PORTSMOUTH NH, 03801

84 PLEASANT STREET
 PNF TRUST OF 2013
 PETER N. FLORES TRUSTEE
 282 MIDDLE STREET
 PORTSMOUTH NH, 03801

CIVIL ENGINEER & LAND SURVEYOR:

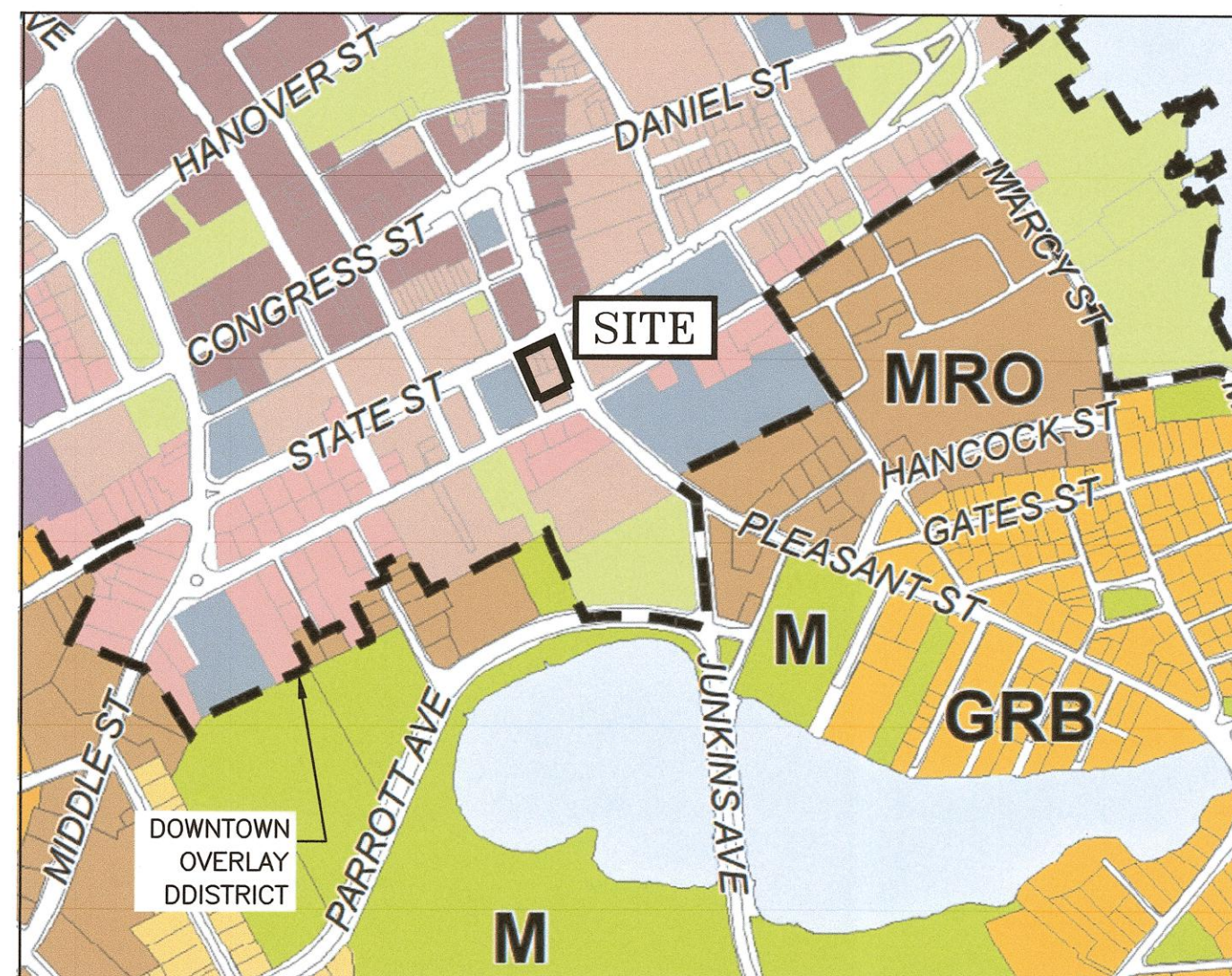
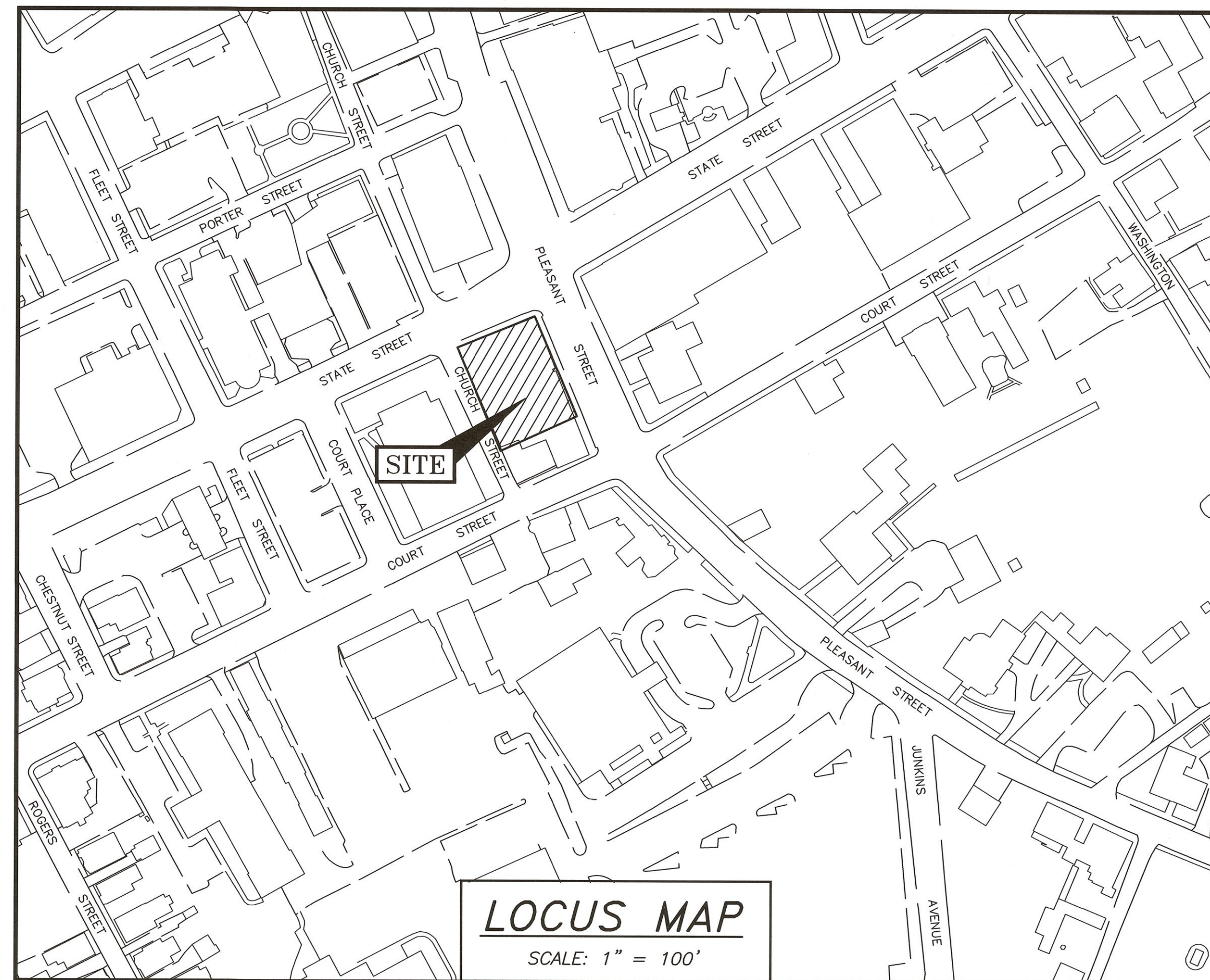
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ARCHITECT:
 MICHAEL J. KEANE ARCHITECTS, PLLC
 101 KENT PLACE
 NEWMARKET NH 03857-1534
 TEL. (603) 292-1400

LEGEND:

EXISTING	PROPOSED	
---	---	PROPERTY LINE
---	---	SETBACK
S	S	SEWER PIPE
SL	SL	SEWER LATERAL
G	G	GAS LINE
D	D	STORM DRAIN
W	W	WATER LINE
WS	WS	WATER SERVICE
UGE	UGE	UNDERGROUND ELECTRIC
OHW	OHW	OVERHEAD ELECTRIC/WIRES
---	---	FOUNDATION DRAIN
---	---	EDGE OF PAVEMENT (EP)
100	100	CONTOUR
97x3	98x0	SPOT ELEVATION
○	○	UTILITY POLE
☀	☀	WALL MOUNTED EXTERIOR LIGHTS
☀	☀	TRANSFORMER ON CONCRETE PAD
☀	☀	ELECTRIC HANDHOLD
☀	☀	SHUT OFFS (WATER/GAS)
☀	☀	GATE VALVE
☀	☀	HYDRANT
☀	☀	CATCH BASIN
☀	☀	SEWER MANHOLE
☀	☀	DRAIN MANHOLE
☀	☀	TELEPHONE MANHOLE
☀	☀	PARKING SPACE COUNT
☀	☀	PARKING METER
☀	☀	LANDSCAPED AREA
TBD	TBD	TO BE DETERMINED
CI	CI	CAST IRON PIPE
COP	COP	COPPER PIPE
DI	DI	DUCTILE IRON PIPE
PVC	PVC	POLYVINYL CHLORIDE PIPE
RCP	RCP	REINFORCED CONCRETE PIPE
AC	-	ASBESTOS CEMENT PIPE
VC	VC	VITRIFIED CLAY PIPE
EP	EP	EDGE OF PAVEMENT
EL	EL	ELEVATION
FF	FF	FINISHED FLOOR
INV	INV	INVERT
S =	S =	SLOPE FT/FT
TBM	TBM	TEMPORARY BENCH MARK
TYP	TYP	TYPICAL



Legend

---	Downtown Overlay District
---	Historic District
---	Character Districts
---	CD5 Character District 5
---	CD4 Character District 4
---	CD4-W Character District 4-W
---	CD4-L1 Character District 4-L1
---	CD4-L2 Character District 4-L2
---	Civic District
---	Civic District
---	Municipal District
---	Municipal District



UTILITY CONTACTS

ELECTRIC:
 EVERSOURCE
 1700 LAFAYETTE ROAD
 PORTSMOUTH, N.H. 03801
 Tel. (603) 436-7708, Ext. 555.5678
 ATTN: MICHAEL BUSBY, P.E. (MANAGER)

NATURAL GAS:
 UNILIT
 325 WEST ROAD
 PORTSMOUTH, N.H. 03801
 Tel. (603) 294-5144
 ATTN: DAVE BEAULIEU

CABLE:
 COMCAST
 155 COMMERCE WAY
 PORTSMOUTH, N.H. 03801
 Tel. (603) 679-5695
 (X1037)
 ATTN: MIKE COLLINS

SEWER & WATER:
 PORTSMOUTH DEPARTMENT OF PUBLIC WORKS
 680 PEVERLY HILL ROAD
 PORTSMOUTH, N.H. 03801
 Tel. (603) 427-1530
 ATTN: JIM TOW

COMMUNICATIONS:
 CONSOLIDATED COMMUNICATIONS
 JOE CONSIDINE
 1575 GREENLAND ROAD
 GREENLAND, N.H. 03840
 Tel. (603) 427-5525

INDEX OF SHEETS

DWG No.	Description
-	STANDARD BOUNDARY SURVEY
C1	EXISTING CONDITIONS PLAN
C2	DEMOLITION PLAN
C3	VARIANCE PLAN
BOA.1-BOA.10	ARCHITECTURAL PLANS

PORTSMOUTH APPROVAL CONDITIONS NOTE:
 ALL CONDITIONS ON THIS PLAN SET SHALL REMAIN IN EFFECT IN PERPETUITY PURSUANT TO THE REQUIREMENTS OF THE CITY OF PORTSMOUTH SITE PLAN REVIEW REGULATIONS.

APPROVED BY THE PORTSMOUTH ZONING BOARD

CHAIRMAN _____ DATE _____

ZBA APPLICATION PLANS
FLOSROS BUILDING
266, 270, 278 STATE STREET
AND 84 PLEASANT STREET
PORTSMOUTH, N.H.

HALEY WARD
 ENGINEERING | ENVIRONMENTAL | SURVEYING
 200 Griffin Rd. Unit 14
 Portsmouth, New Hampshire 03801
 603.430.9282
 WWW.HALEYWARD.COM

PLAN SET SUBMITTAL DATE: 23 OCTOBER 2024

NOTES:

- 1) PARCEL IS SHOWN ON THE CITY OF PORTSMOUTH ASSESSOR'S MAP 107 AS LOTS 77, 78, 79, AND 80.
- 2) OWNERS OF RECORD:
 - 107/77-78-80
 PNF TRUST OF 2013
 PETER FLOROS, TRUSTEE
 282 MIDDLE ST, PORTSMOUTH, NH 03801
 BK 6131, PG 1663 (77)
 BK 5540, PG 0293 (78)
 BK 5540, PG 0293 (80)
 - 107/79
 282 MIDDLE STREET LLC
 282 MIDDLE ST, PORTSMOUTH, NH 03801
 BK 5877, PG 0511
- 3) PARCELS 107/77-80 ARE NOT IN A SPECIAL FLOOD HAZARD AREA AS SHOWN ON FIRM PANEL 3301SC0259E. EFFECTIVE 5/17/2005.
- 4) EXISTING LOT AREA:
 - LOT 107/77
 EXISTING: 3,866 SF, 0.0887 ACRES
 - LOT 107/78
 EXISTING: 1,440 SF, 0.0331 ACRES
 - LOT 107/79
 EXISTING: 1,518 SF, 0.0348 ACRES
 - LOT 107/80
 EXISTING: 1,458 SF, 0.0335 ACRES
 - 6' PASSAGE WAY
 EXISTING: 165 SF, 0.0038 ACRES
 - TOTAL COMBINED LOT AREA:
 8,447 SF, 0.1939 ACRES
- 5) PARCEL IS LOCATED IN CHARACTER DISTRICT 4 (CD4) DIMENSIONAL REQUIREMENTS: SEE PORTSMOUTH ORDINANCE
- 6) THE PURPOSE OF THIS PLAN IS TO SHOW THE RESULTS OF A STANDARD BOUNDARY SURVEY OF TAX MAP 107 LOTS 77-80 IN THE CITY OF PORTSMOUTH.
- 7) PASSAGEWAY OWNERSHIP UNCLEAR; EITHER LOTS 78 & 79 MAY HAVE FEE OWNERSHIP.

NO.	DESCRIPTION	DATE
1	RE-TITLE AND DATE	5/1/24
0	ISSUED FOR COMMENT	3/4/20

**STANDARD BOUNDARY SURVEY
 TAX MAP 107 - LOTS 77-80**

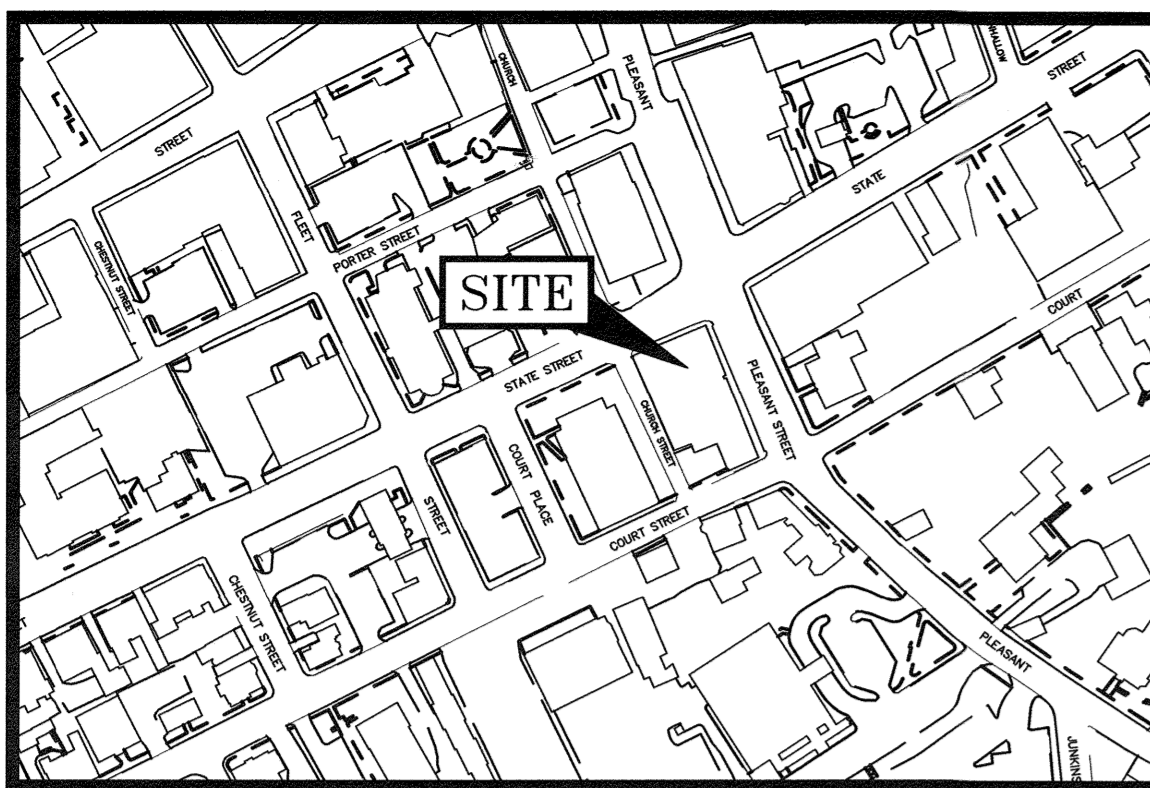
PROPERTY LOCATED AT:
 266, 270, 278 STATE STREET
 & 84 PLEASANT STREET
 CITY OF PORTSMOUTH
 COUNTY OF ROCKINGHAM
 STATE OF NEW HAMPSHIRE

MERGER NOTE:

THE PASSAGE WAY AND THESE LOTS ARE INTENDED TO BE MERGED TO CREATE ONE DEVELOPMENT PARCEL.

PLAN REFERENCES:

- 1) PLAN OF PROPERTIES ON STATE & PLEASANT STREETS, PORTSMOUTH, N.H., OWNED BY FREDERICK GARDNER AND PISCATAQUA BANK, 1" = 10', SEPT 10, 1919 BY WM. A. GROVER. RCRD FILE 0249.
- 2) PLAN OF LOTS, SMITH & TIMES BLDGS., STATE ST., PORTSMOUTH, N.H., 1IN. = 10FT., APRIL 1954 BY JOHN W. DURGIN CIVIL ENGINEERS. FILE 2806, PLAN 1-490.
- 3) PLAN OF LOTS NOS. 202, 206, & 222 COURT ST., 1IN. = 10FT., JAN 1974 BY JOHN W. DURGIN CIVIL ENGINEERS. FILE 682, PLAN 4318, C-4259.
- 4) SUBDIVISION OF LAND, PORTSMOUTH, N.H., TRADER'S BLOCK TRUST, JOSEPH G. SAWTELLE, JR., TR., 1 INCH = 10 FEET, DECEMBER 1977 BY JOHN W. DURGIN CIVIL ENGINEERS. RCRD C-7497.
- 5) BREWSTER INN PARTNERSHIP, SUBDIVISION OF LAND, 93 PLEASANT STREET, 1"=10'-0", 10-26-87 BY KIMBALL CHASE COMPANY, INC. RCRD 01752, D-17511.
- 6) LOT LINE ADJUSTMENT PLAN FOR DAVID L. BAKER, SR. IN PORTSMOUTH, N.H., 1" = 20', 23 MAR. 1990 BY SEACOAST ENGINEERING ASSOC., INC. RCRD 12203, D-20209.
- 7) STANDARD BOUNDARY SURVEY TAX MAP 107 - LOT 76 THE CLIP JOINT FOR DEBORAH PHILLIPS 92 PLEASANT STREET CITY OF PORTSMOUTH COUNTY OF ROCKINGHAM STATE OF NEW HAMPSHIRE, SCALE 1" = 10' PREPARED BY AMBIT ENGINEERING, INC., DATED MAY 2007 REVISED 6/12/07, NOT RECORDED

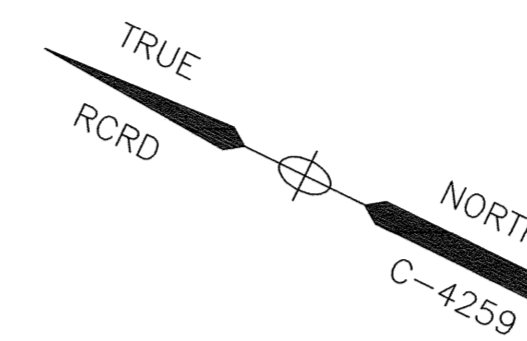
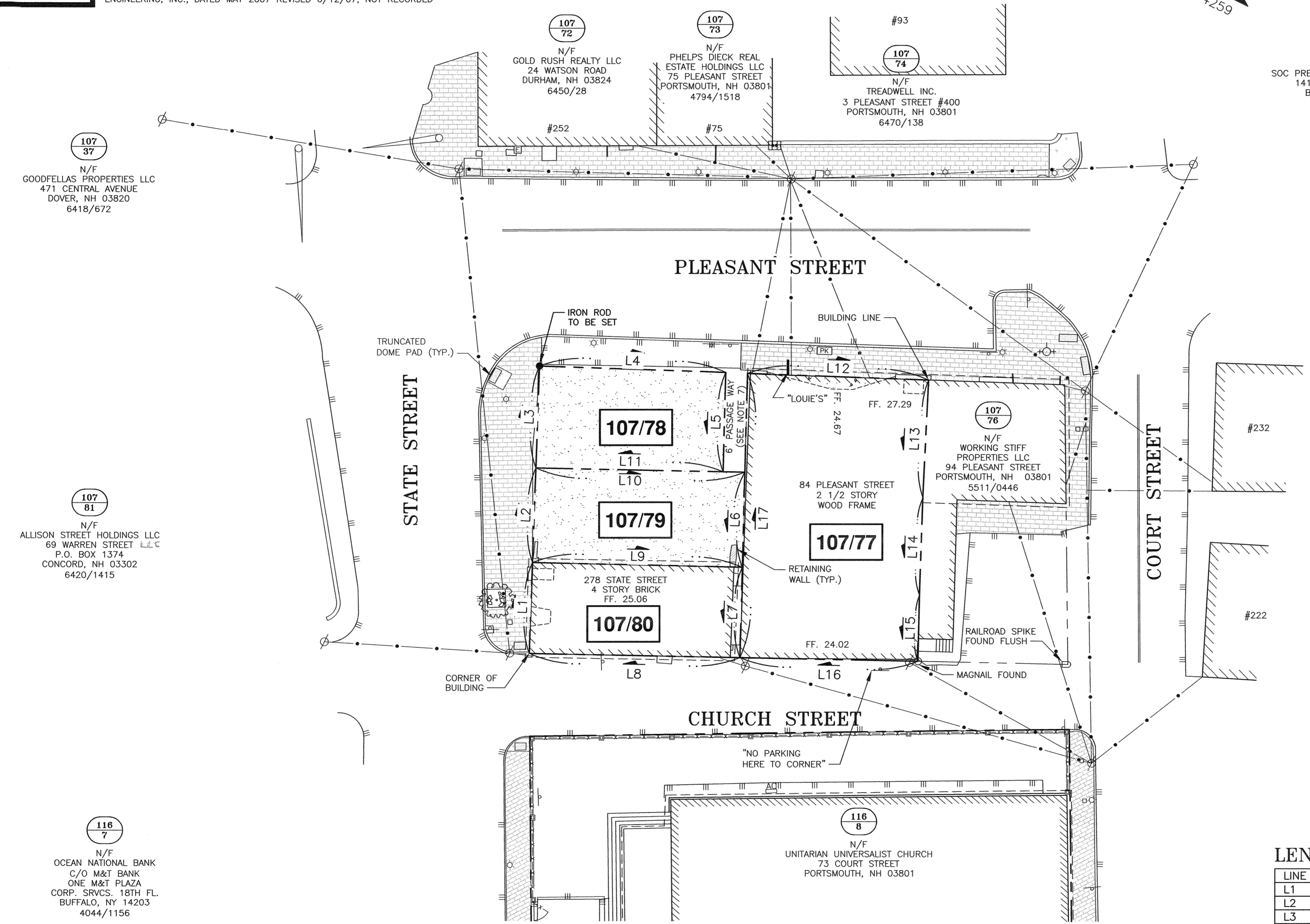


LOCATION MAP

SCALE: 1" = 200'

LEGEND:

- | | |
|---------|---|
| N/F | NOW OR FORMERLY |
| RP | RECORD OF PROBATE |
| RCRD | ROCKINGHAM COUNTY
REGISTRY OF DEEDS
MAP 11 / LOT 21 |
| (11/21) | BOUNDARY
SETBACK |
| D | RAILROAD SPIKE FOUND |
| ○ | IRON ROD/PIPE FOUND |
| ● | DRILL HOLE FOUND |
| ■ | STONE/CONCRETE BOUND FOUND |
| □ | RAILROAD SPIKE SET |
| ○ | IRON ROD SET |
| ● | DRILL HOLE SET |
| ■ | GRANITE BOUND SET |



PLEASANT STREET

CHURCH STREET

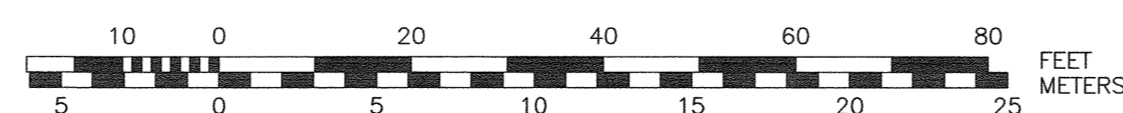
STATE STREET

COURT STREET

LENGTH TABLE

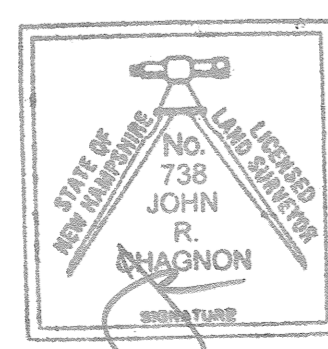
LINE	BEARING	DISTANCE
L1	N 66°00'29" E	25.16'
L2	N 66°00'29" E	26.17'
L3	N 66°00'29" E	28.27'
L4	S 24°01'53" E	51.47'
L5	S 65°27'29" W	27.54'
L6	S 65°27'29" W	26.30'
L7	S 65°27'29" W	25.01'
L8	N 24°51'30" W	58.24'
L9	S 24°42'40" E	57.99'
L10	S 24°50'15" E	57.74'
L11	N 24°50'15" W	51.74'
L12	S 23°57'38" E	50.06'
L13	S 66°47'06" W	32.82'
L14	S 65°52'55" W	26.82'
L15	S 65°14'37" W	18.24'
L16	N 24°54'06" W	49.17'
L17	N 65°27'29" E	78.68'

GRAPHIC SCALE



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.

I CERTIFY THAT THIS SURVEY PLAT IS NOT A SUBDIVISION PURSUANT TO THIS TITLE AND THAT THE LINES OF STREETS OR WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED AND THAT NO NEW WAYS ARE SHOWN.

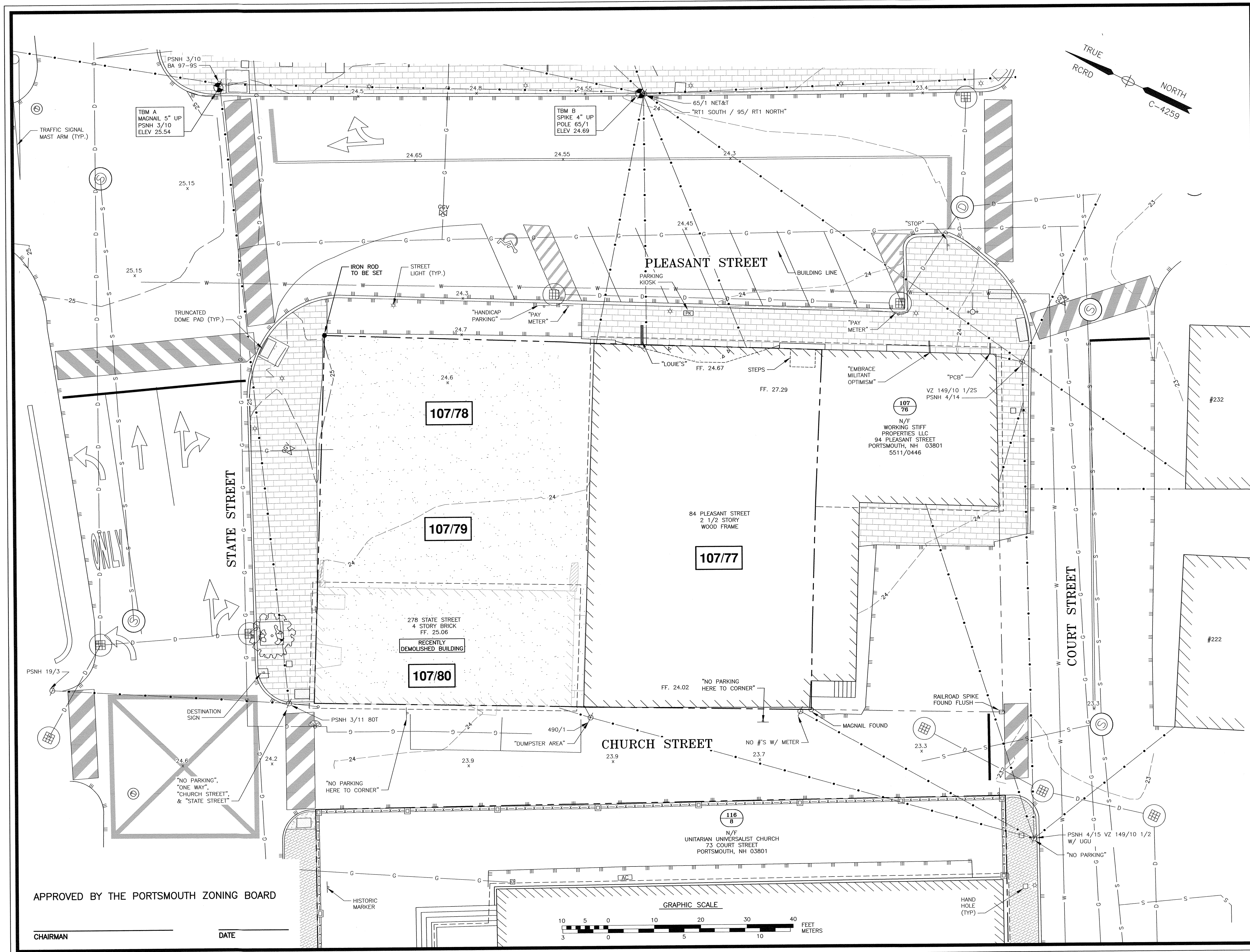


JOHN R. CHAGNON L.L.S. #738

DATE 5-1-24

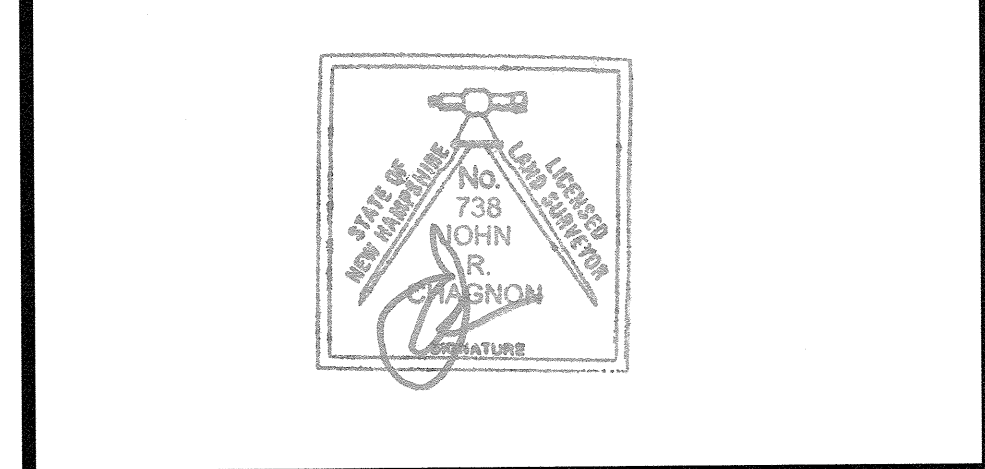
P:\NH\10179-Financ_Realty_Group\3150-State_Street_RCD\2024_Site_Plan\Plan & Spect\Set\150_Site_2024.dwg, 4/26/2024 3:41:50 PM, (S:\RSM\F501\Portsmouth\Plotter_Cover_T0300

- 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 30 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).
 - 4) MERGER NOTE: THE PASSAGE WAY AND THESE LOTS ARE INTENDED TO BE MERGED TO CREATE ONE DEVELOPMENT PARCEL.



**FLOROS BUILDING
 STATE AND
 PLEASANT STREET
 PORTSMOUTH, N.H.**

NO.	DESCRIPTION	DATE
1	RECENTLY DEMOLISHED BUILDING	10/23/24
0	ISSUED FOR COMMENT	5/1/24



SCALE: 1"=10' OCTOBER 2024

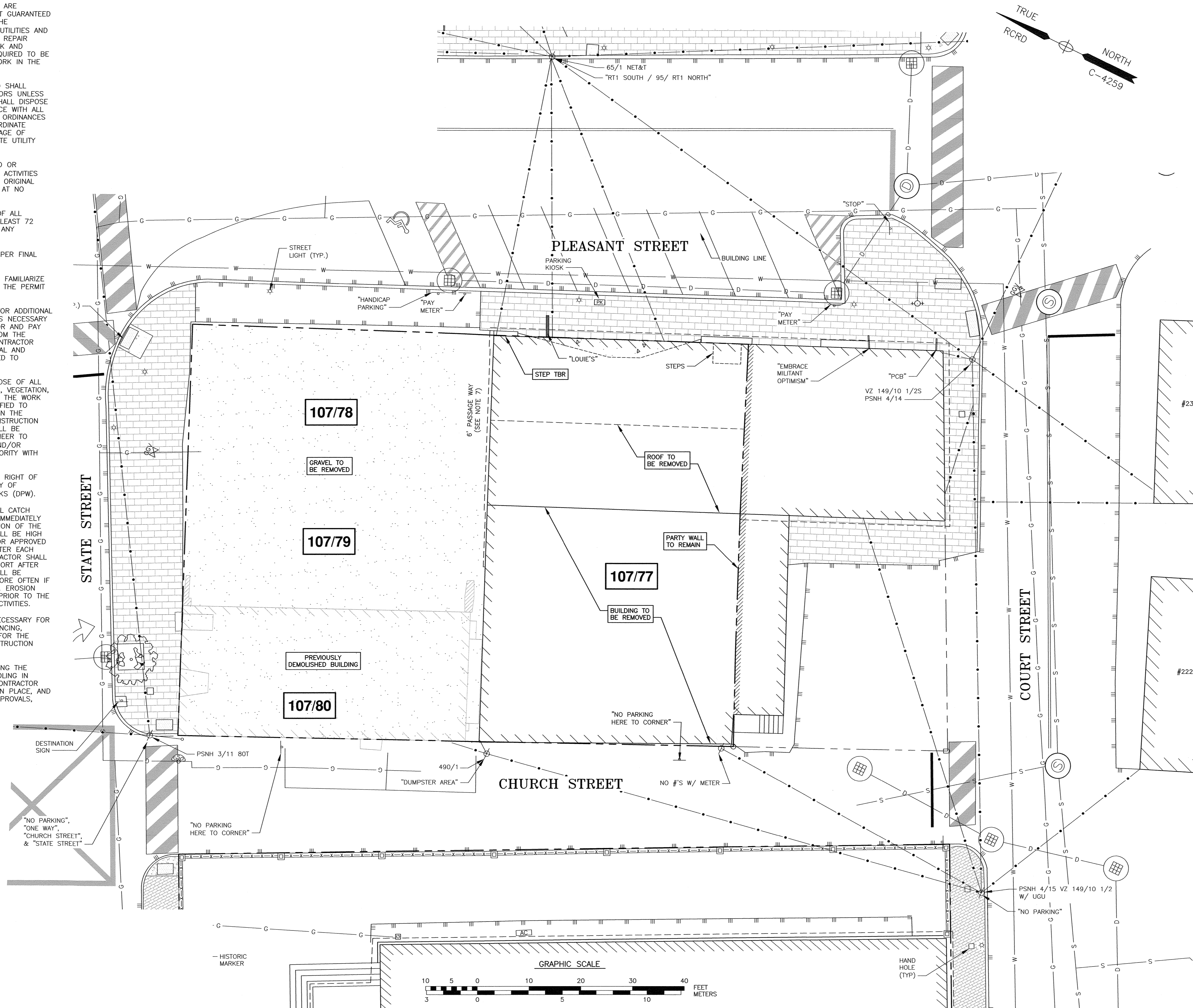
EXISTING CONDITIONS PLAN **C1**

APPROVED BY THE PORTSMOUTH ZONING BOARD
 CHAIRMAN _____ DATE _____

P:\NH\0129-24-Floros Building\0129-24-Floros Building.dwg, 10/17/2024 10:46:59 AM

DEMOLITION NOTES

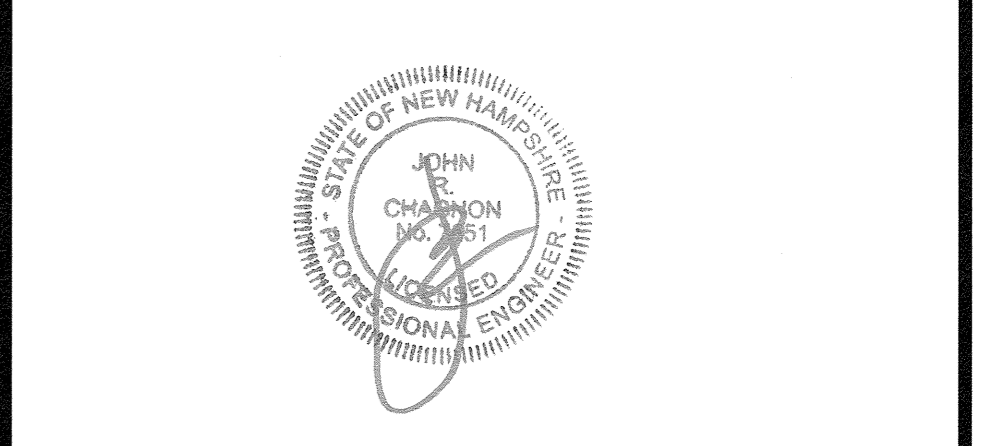
- A) THE LOCATIONS OF UNDERGROUND UTILITIES ARE APPROXIMATE AND THE LOCATIONS ARE NOT GUARANTEED BY THE OWNER OR THE DESIGNER. IT IS THE CONTRACTORS' RESPONSIBILITY TO LOCATE UTILITIES AND ANTICIPATE CONFLICTS. CONTRACTOR SHALL REPAIR EXISTING UTILITIES DAMAGED BY THEIR WORK AND RELOCATE EXISTING UTILITIES 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 OR BRICK PER FINAL SITE PLAN APPROVAL AND CMMF PLAN.
- 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 MONITORING WELLS IN THE PROJECT AREA IDENTIFIED DURING THE CONSTRUCTION AND NOT CALLED OUT ON THE PLANS SHALL BE BROUGHT TO THE ATTENTION OF THE ENGINEER TO COORDINATE MONITORING WELL REMOVAL AND/OR RELOCATION WITH NHDES AND OTHER AUTHORITY WITH JURISDICTION PRIOR TO CONSTRUCTION.
- 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) PROVIDE INLET PROTECTION BARRIERS AT ALL CATCH BASINS WITHIN CONSTRUCTION LIMITS AND IMMEDIATELY OFF-SITE TO BE 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.
- K) THE CONTRACTOR SHALL PAY ALL COSTS NECESSARY FOR TEMPORARY PARTITIONING, BARRICADING, FENCING, SECURITY AND SAFETY DEVICES REQUIRED FOR THE MAINTENANCE OF A CLEAN AND SAFE CONSTRUCTION SITE.
- L) 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 30 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).

**FLOROS BUILDING
 STATE AND
 PLEASANT STREET
 PORTSMOUTH, N.H.**

NO.	DESCRIPTION	DATE
0	ISSUED FOR COMMENT	10/23/24
REVISIONS		



SCALE: 1"=10' OCTOBER 2024

DEMOLITION PLAN **C2**

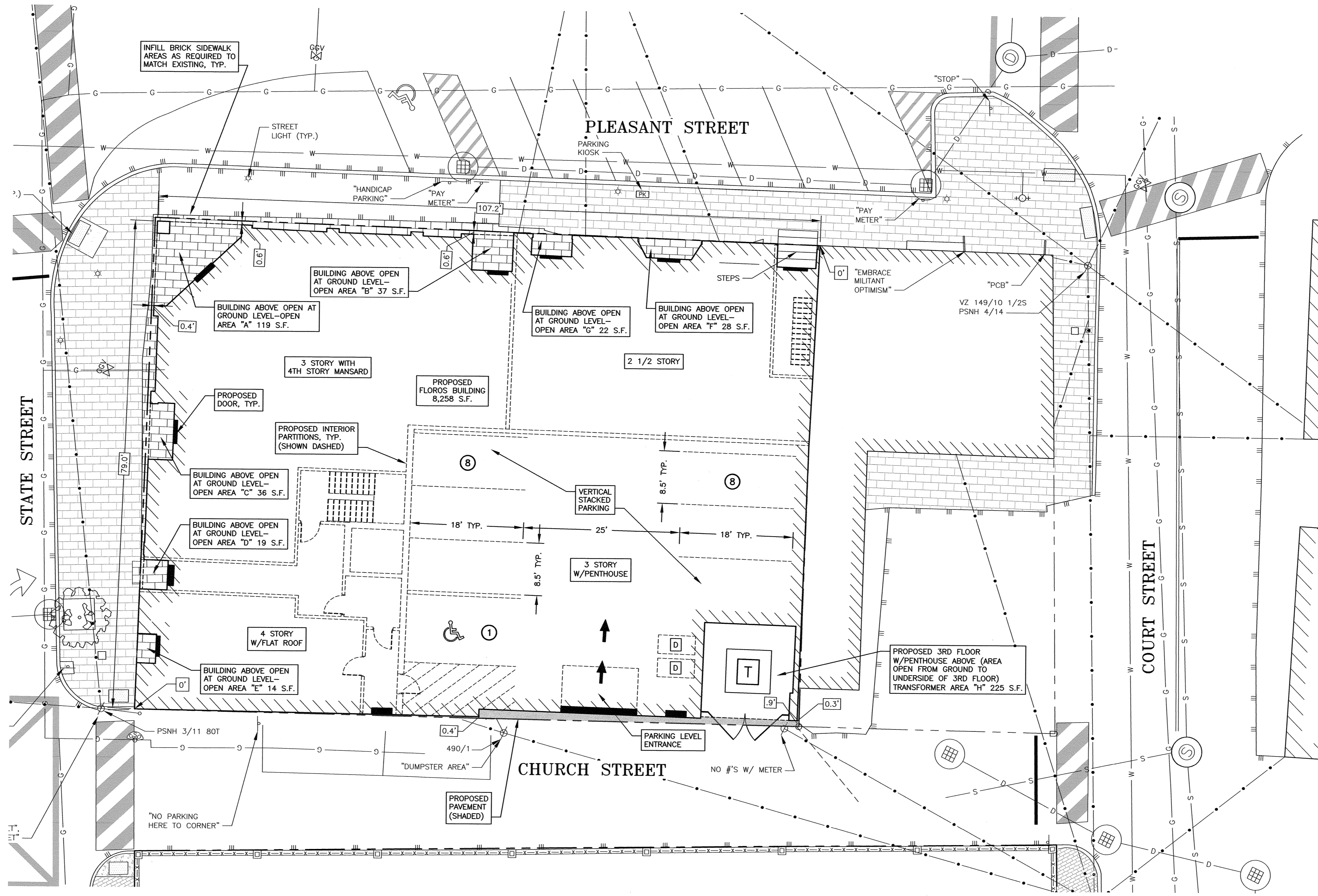
ZONING DEVELOPMENT STANDARD			
CD4: CHARACTER DISTRICT 4			
DOWNTOWN OVERLAY DISTRICT AND HISTORIC DISTRICT			
BUILDING PLACEMENT (PRINCIPAL):			
		MAP 107 AS LOTS 77, 78, 79, AND 80.	
	REQUIRED	EXISTING †	PROPOSED
MAX. PRINCIPAL FRONT YARD:	10 FEET	0	0
SECONDARY FRONT YARD:	NR	N/A	N/A
MIN. SIDE YARD:	NR	N/A	N/A
MIN. REAR YARD:	5 FEET	N/A	N/A
FRONT LOT LINE BUILDOUT:	50% MIN	100%	100%
BUILDING TYPES:			
BUILDING TYPES: OFFICE, FOOD SERVICE, COMMERCIAL, RESIDENTIAL, PARKING			
DOWNTOWN OVERLAY DISTRICT DOES NOT PERMIT RESIDENTIAL USES FOR GROUND FLOOR. ENTRY CAN NOT EXCEED 20% OF GROUND FLOOR AREA.			
FACADE TYPE: SHOPFRONT, OFFICE FRONT			
BUILDING FORM:			
	REQUIRED	EXISTING	PROPOSED
MAX. STRUCTURE HEIGHT:	45 FEET	53 FT	54'-11"
MAX. FINISHED FLOOR SURFACE OF GROUND FLOOR ABOVE SIDEWALK GRADE:	36 INCHES	2"	2"
MIN. GROUND STORY HEIGHT:	12 FEET	14-15 FT	13'-4"
MIN. SECOND STORY HEIGHT:	10 FEET	11'-4"	10'-6"
FACADE GLAZING (WINDOW/PERIMETER):	70% SHOP 20-50% OTHER	DESTROYED	PLEASANT 53%/STATE 52%
ROOF TYPE: FLAT, MANSARD, GABLE			
LOT OCCUPATION:			
	REQUIRED	EXISTING	PROPOSED
MAX. BUILDING BLOCK:	200 FEET	N/A	107
MAX. FACADE MOD. LENGTH:	80 FEET	50	55
MAX. ENTRANCE SPACING:	50 FEET	58	46' PLEASANT, 46' STATE, 48' CHURCH
MAX. BUILDING COVERAGE:	90%	DESTROYED	98%
MAX. BUILDING FOOTPRINT:	15,000 SF	DESTROYED	8,258
MIN. LOT AREA:	NR	8,447	8,447
MIN. LOT AREA/DWELLING (LOT AREA/# OF UNITS):	NR	436	444
MIN. OPEN SPACE:	10%	0%	0%
MAX. GROUND FLOOR GFA PER USE:	15,000 SF	N/A	7,896 SF
GROUND FLOOR RESIDENTIAL USE:	20% MAX.	N/A	43%

* WITH VARIANCE
 † PRE- 2017 FIRE

IMPERVIOUS SURFACE AREAS (TOTAL PARCELS)(TO PROPERTY LINE)		
STRUCTURES	PRE-CONSTRUCTION IMPERVIOUS (S.F.)	POST-CONSTRUCTION IMPERVIOUS (S.F.)
MAIN STRUCTURE	5,154	8,258
STAIRS/LANDING	87	24
RETAINING WALL	15	0
CONCRETE/STEPS	62	0
GRAVEL	3,129	0
SIDEWALK	0	100
PAVEMENT	0	65
TOTAL	8,447	8,447
LOT SIZE	8,447	8,447
% LOT COVERAGE	100.0%	100.0%

FIRST FLOOR FOOTPRINT:
 MAIN STRUCTURE: 7,758 S.F.
 OPEN AREA "A": 119 S.F.
 OPEN AREA "B": 37 S.F.
 OPEN AREA "C": 36 S.F.
 OPEN AREA "D": 19 S.F.
 OPEN AREA "E": 14 S.F.
 OPEN AREA "F": 28 S.F.
 OPEN AREA "G": 22 S.F.
 TRANSFORMER AREA "H": 225 S.F.
 TOTAL BUILDING FOOTPRINT: 8,258 S.F.

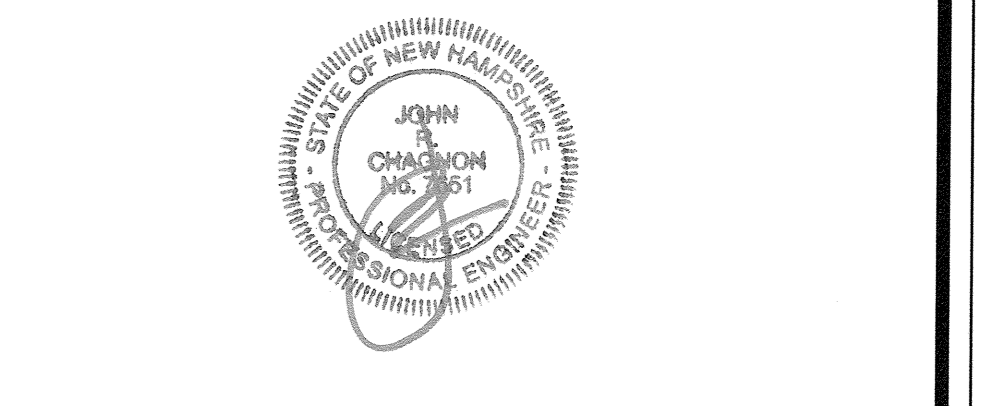
*NOTES: 1. FIRST FLOOR OPEN ENTRANCE AREAS: 500 S.F.
 2. EXISTING AREAS PRIOR TO SEPTEMBER 2024 DEMOLITION.



- NOTES:**
- 1) PARCEL IS SHOWN ON THE CITY OF PORTSMOUTH ASSESSOR'S MAP 107 AS LOTS 77, 78, 79, AND 80.
 - 2) OWNERS OF RECORD: SEE BOUNDARY SURVEY
 - 3) PARCELS 107/77-80 ARE NOT IN A FLOOD HAZARD ZONE AS SHOWN ON FIRM PANEL 33015C0259F. EFFECTIVE 1/29/2021.
 - 4) EXISTING COMBINED AREA:
 8,447 SF
 0.1939 ACRES
 - 5) THE PARCELS ARE LOCATED IN THE CHARACTER DISTRICT 4 (CD4) ZONING DISTRICT. PARCELS ARE LOCATED WITHIN THE DOWNTOWN OVERLAY DISTRICT (DOD) AND THE HISTORIC DISTRICT (HDC).
 - 6) THE PURPOSE OF THIS PLAN IS TO SHOW SITE LAYOUT FOR BUILDING ON THE PARCELS IN THE CITY OF PORTSMOUTH, FOR APPLICATION FOR VARIANCE.
 - 7) PROPOSED USE:
 BASEMENT: STORAGE AND PARKING.
 FIRST FLOOR: COMMERCIAL RENTAL, RESIDENTIAL AND GARAGE ACCESS.
 FLOORS 2 & 3: 14 RESIDENTIAL UNITS
 FLOOR 4 & PENTHOUSE: 5 RESIDENTIAL UNITS.

**FLOROS BUILDING
 STATE AND PLEASANT STREET
 PORTSMOUTH, N.H.**

NO.	DESCRIPTION	DATE
0	ISSUED FOR COMMENT	10/23/24

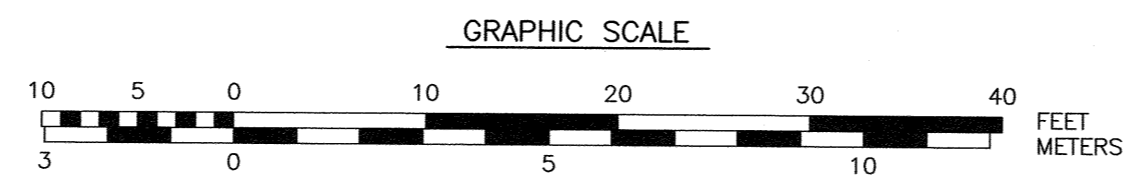


SCALE: 1"=10' OCTOBER 2024

VARIANCE PLAN **C3**

APPROVED BY THE PORTSMOUTH ZONING BOARD

CHAIRMAN _____ DATE _____





mjk

Michael J. Keane
Architects, PLLC

ARCHITECTURE
PLANNING
DESIGN

101 Kent Place
Newmarket, NH
03857

603-292-1400
mjkarchitects.com

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CONSULTANTS

REVISIONS

APPROVALS

BOA - 10/22/24

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PROJECT

RESTORATION AND EXPANSION OF
266, 270 278 STATE STREET
AND 84 PLEASANT ST,
PORTSMOUTH NH

PNF TRUST OF 2013
282 MIDDLE STREET
PORTSMOUTH, NH
03801

TITLE

RENDERINGS

DRAWN BY:

CHECKED BY:

DATE: 10/22/2024

SCALE: AS NOTED

DRAWING NO.

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BOA.1



mjk

Michael J. Keane
Architects, PLLC

ARCHITECTURE
PLANNING
DESIGN

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Newmarket, NH
03857

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mjkarchitects.com

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BOA.2



STATE STREET ELEVATION
SCALE: 1/4" = 1'-0"

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PORTSMOUTH, NH
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TITLE

STATE STREET ELEVATION

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SCALE: AS NOTED

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BOA.3



PLEASANT STREET ELEVATION
 SCALE: 1/4" = 1'-0"

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TITLE

PLEASANT ST ELEV

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BOA.4



CHURCH STREET ELEVATION
 SCALE: 1/4" = 1'-0"

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RESTORATION AND EXPANSION OF
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 282 MIDDLE STREET
 PORTSMOUTH, NH
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TITLE

CHURCH STREET ELEVATION

DRAWN BY:

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DATE: 10/22/2024

SCALE: AS NOTED

DRAWING NO.

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BOA.5



COURT STREET ELEVATION
 SCALE: 1/4" = 1'-0"

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 PORTSMOUTH, NH
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TITLE

COURT STREET ELEVATION

DRAWN BY:

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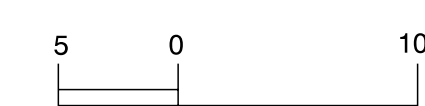
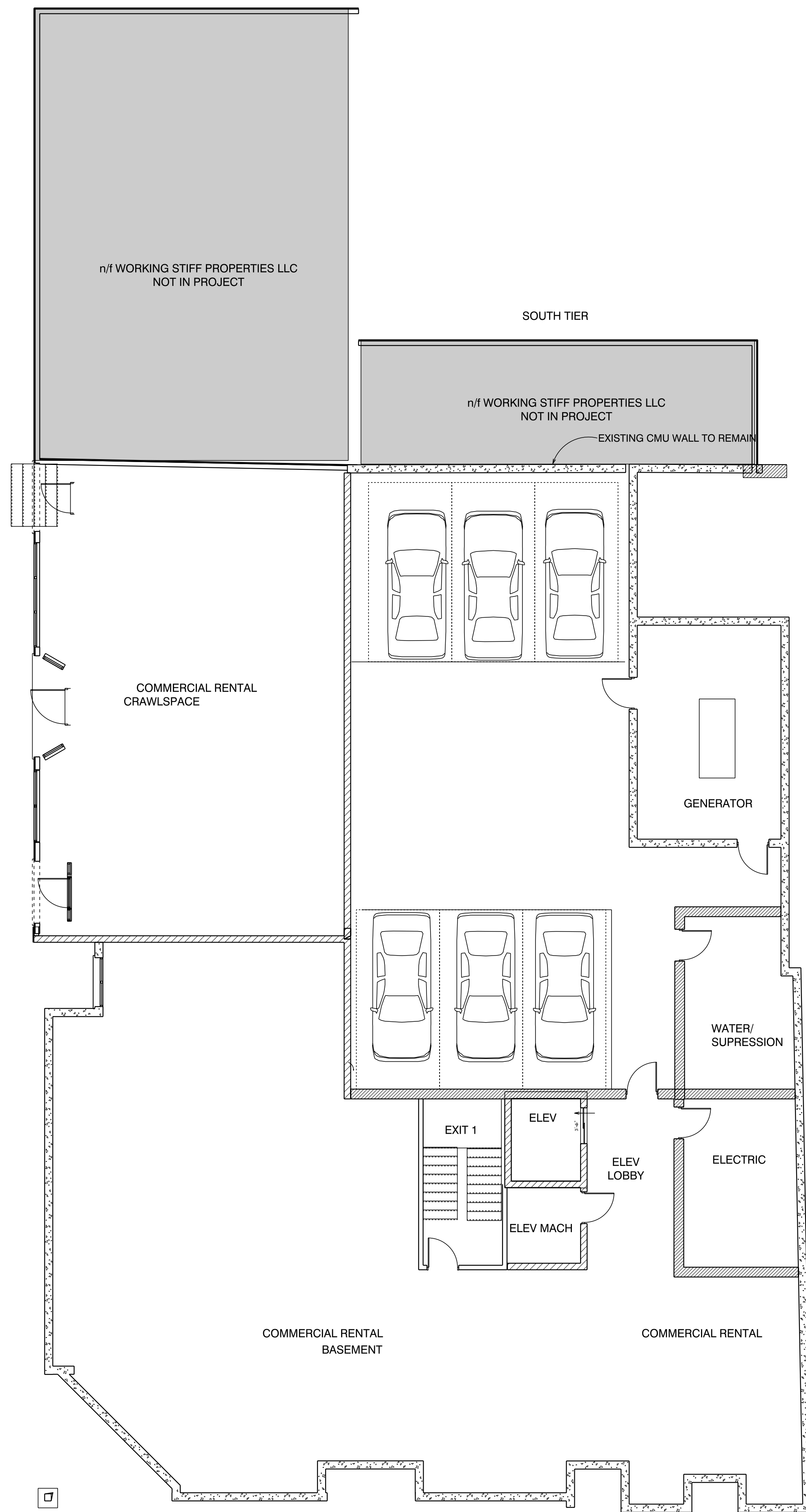
DATE: 10/22/2024

SCALE: AS NOTED

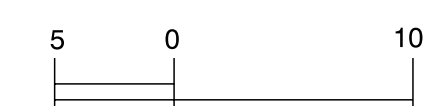
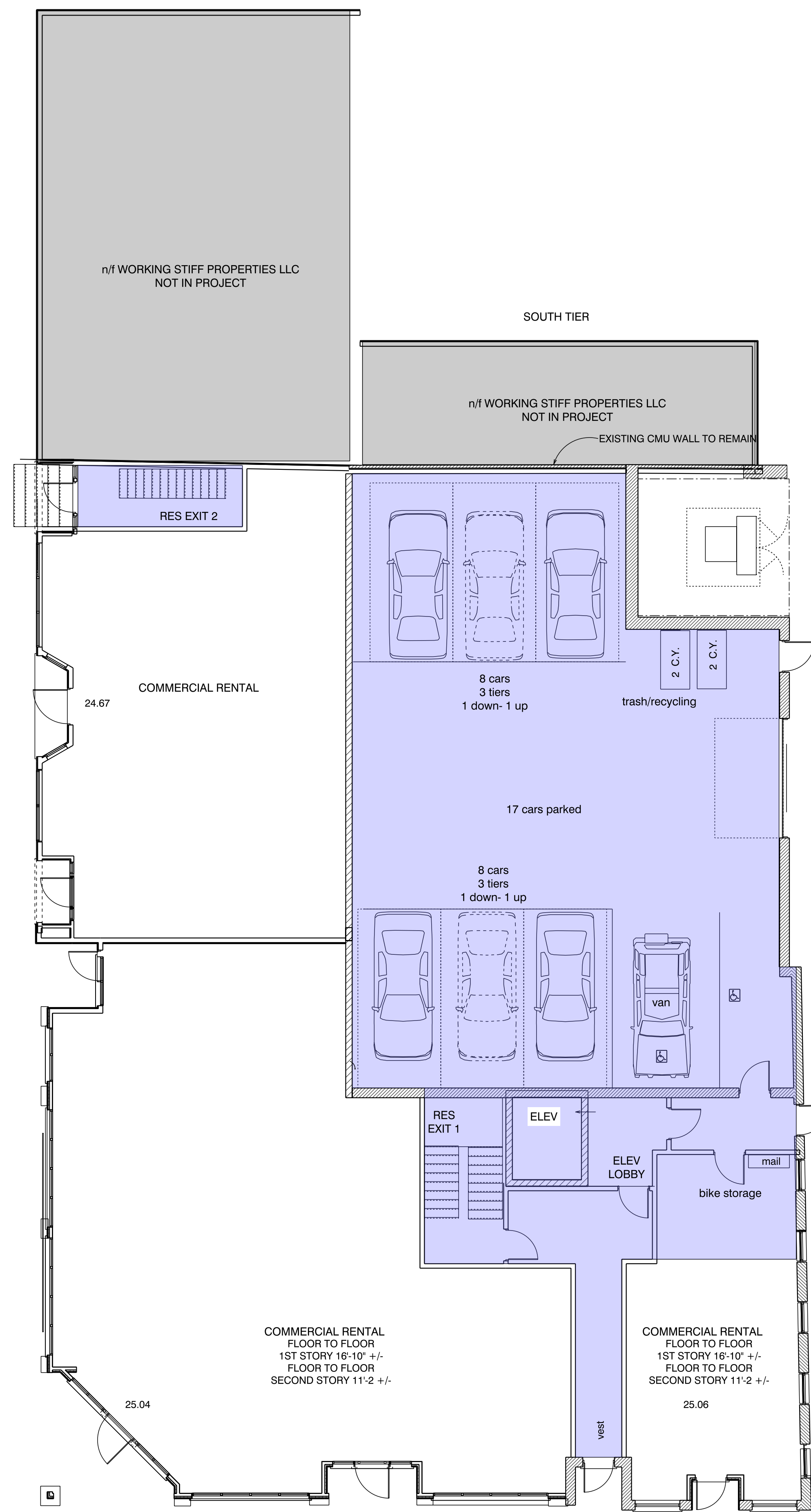
DRAWING NO.

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BOA.6



BASEMENT PLAN
SCALE: 1/8" = 1'-0"



FIRST FLOOR PLAN
SCALE: 1/8" = 1'-0"

7933 GROSS
3405 RES EXCLUSIVE
43% +/- DEDICATED RESIDENTIAL USE

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PORTSMOUTH NH

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PORTSMOUTH, NH
03801

TITLE

BASEMENT & 1ST FLR PLAN

DRAWN BY:

CHECKED BY:

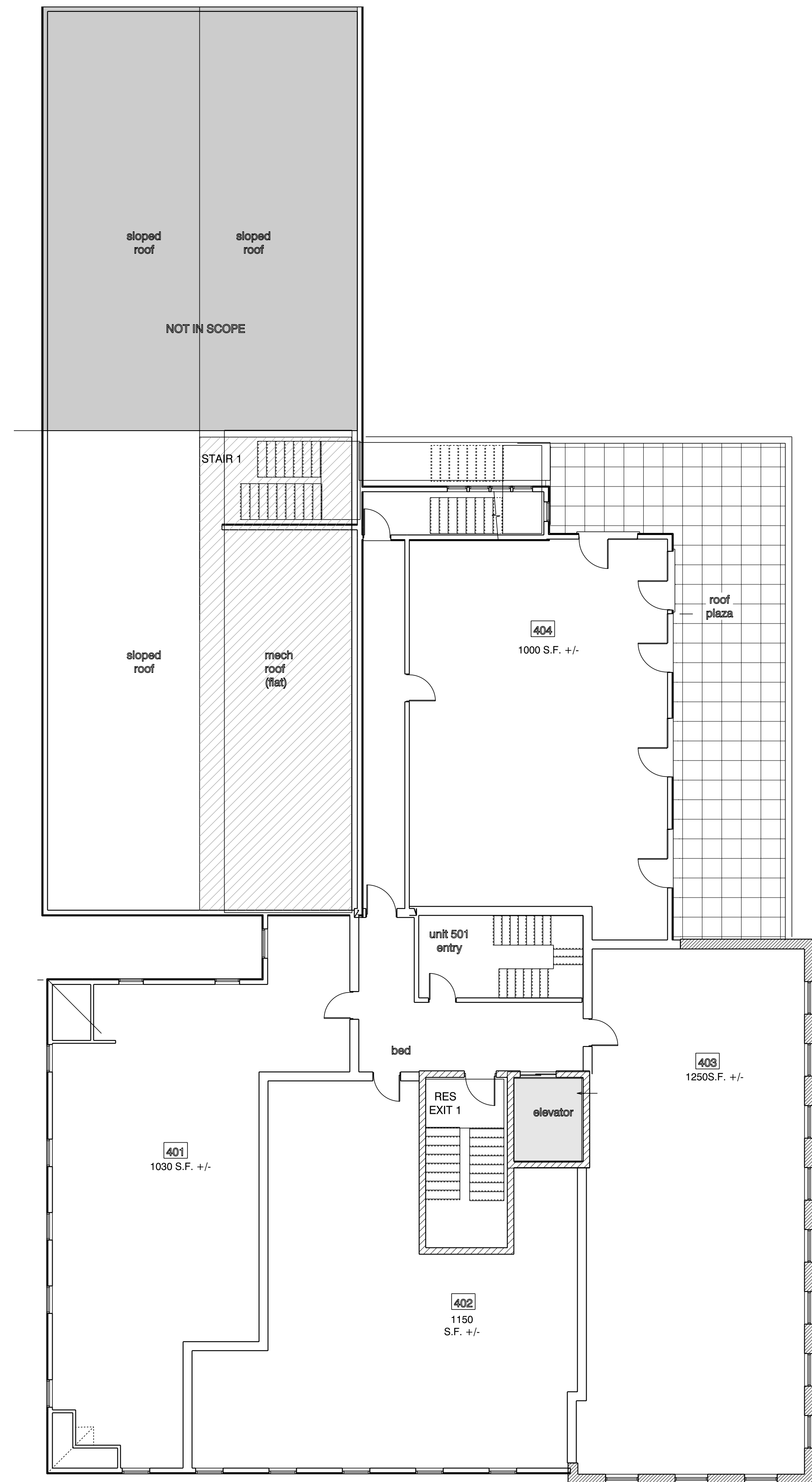
DATE: 10/22/2024

SCALE: AS NOTED

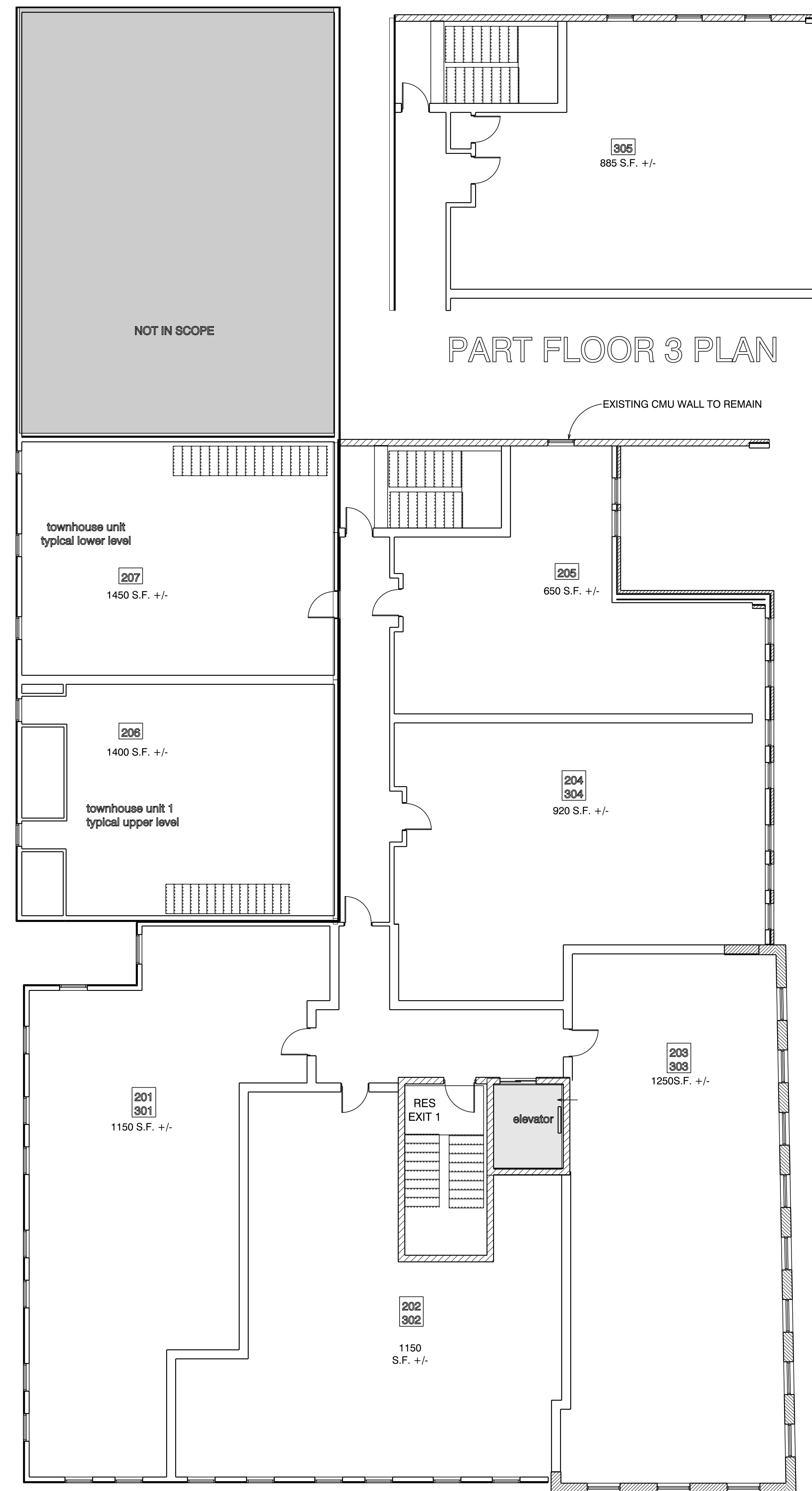
DRAWING NO.

BOA.7

DO NOT SCALE PRINTS

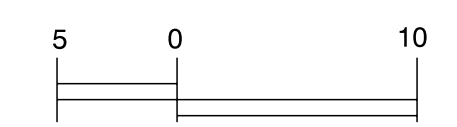


FLOOR 4 PLAN



TYPICAL FLOOR 2-3 PLAN

FLOOR PLANS
SCALE: 1/8" = 1'-0"



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TITLE
UPPER LEVEL PLANS

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SCALE: AS NOTED
DRAWING NO.

BOA.8

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TITLE

PENTHOUSE PLAN

DRAWN BY:

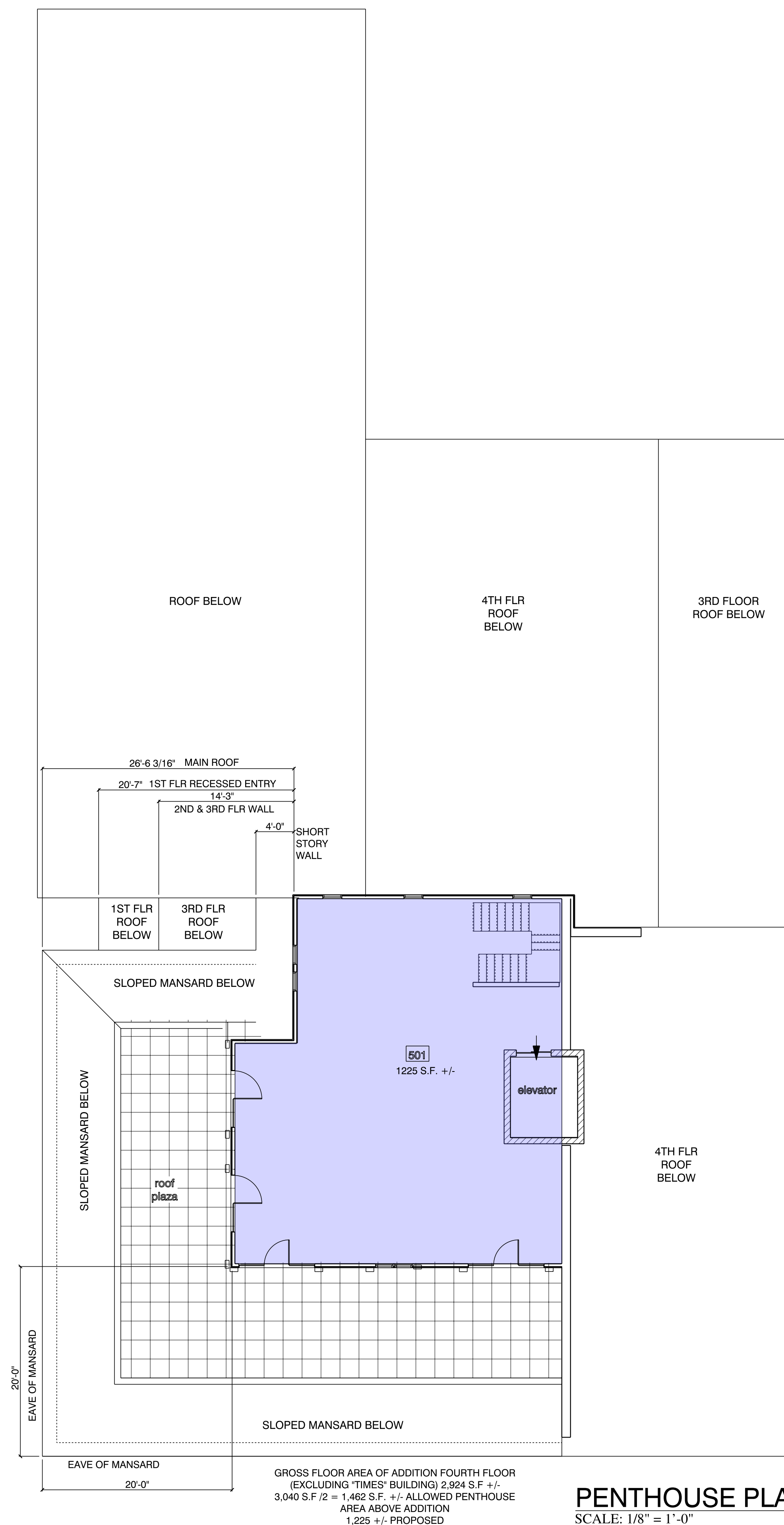
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DATE: 10/22/2024

SCALE: AS NOTED

DRAWING NO.

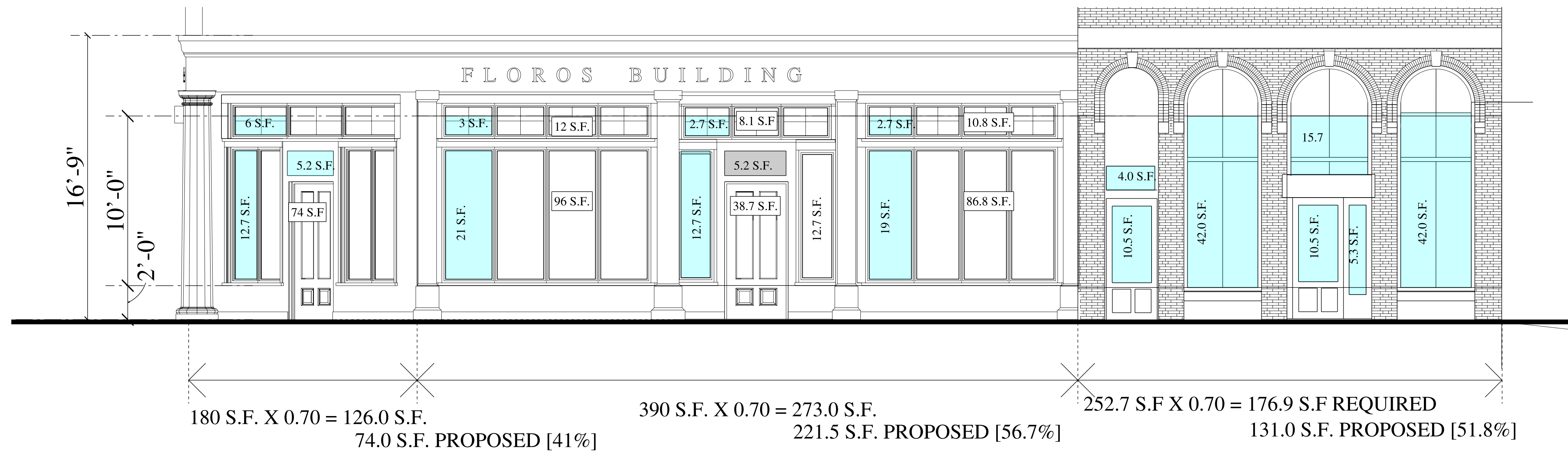
BOA.9



GROSS FLOOR AREA OF ADDITION FOURTH FLOOR
(EXCLUDING 'TIMES' BUILDING) 2,924 S.F. +/-
3,040 S.F. /2 = 1,482 S.F. +/- ALLOWED PENTHOUSE
AREA ABOVE ADDITION
1,225 +/- PROPOSED

PENTHOUSE PLAN
SCALE: 1/8" = 1'-0"

DO NOT SCALE PRINTS



STATE STREET STOREFRONT ELEVATION
SCALE: 1/4" = 1'-0"



PLEASANT STREET STOREFRONT ELEVATION
SCALE: 1/4" = 1'-0"

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TITLE
 FACADE GLAZING STUDIES

DRAWN BY:

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DATE: 10/22/2024

SCALE: AS NOTED

DRAWING NO.

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BOA.10

II. NEW BUSINESS

D. The request of **James and Mallory B Parkington (Owners)**, for property located at **592 Dennett Street** whereas relief is needed to demolish an existing shed and construct a new 120 square foot shed which requires the following: 1) Variance from Section 10.573.20 to allow a 3 foot side setback where 10 feet is required; and 2) Variance from Section 10.521 to allow 26% building coverage where 25% is allowed. Said property is located on Assessor Map 161 Lot 18 and lies within the General Residence A (GRA) District. (LU-24-194)

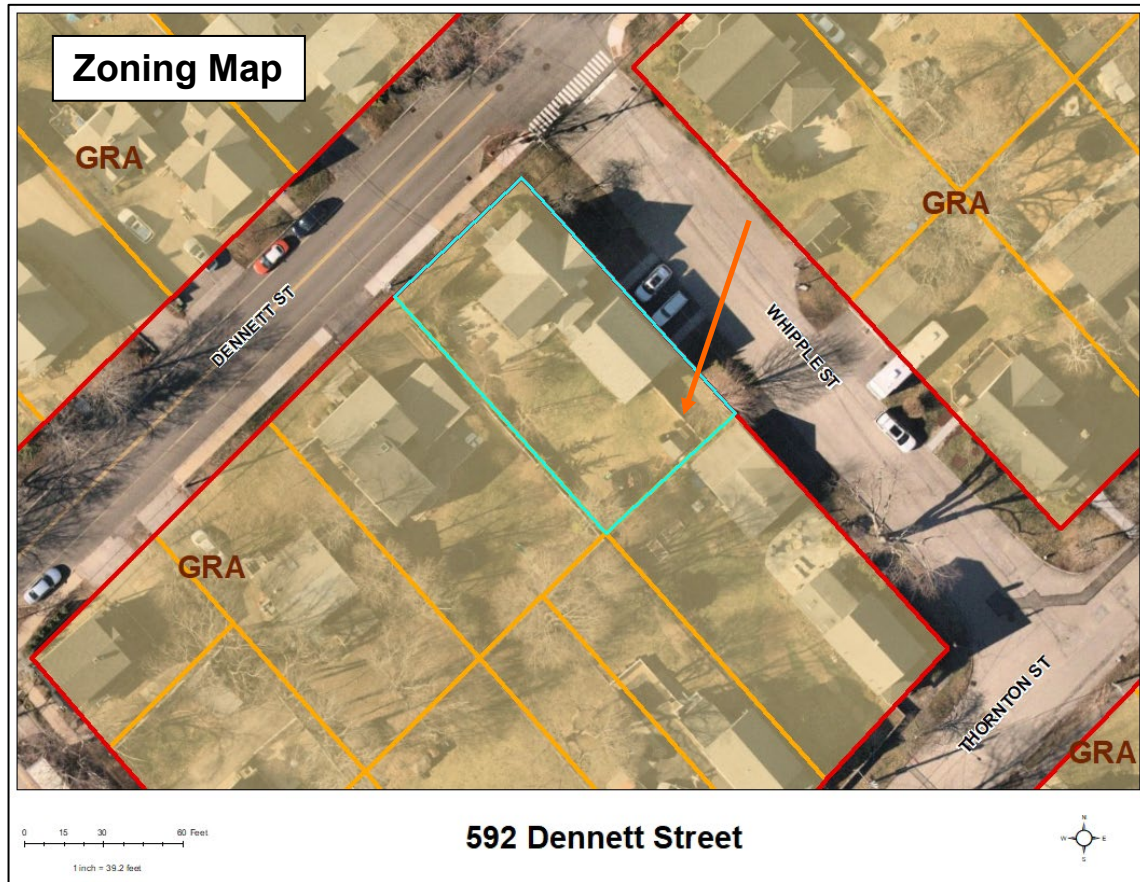
Existing & Proposed Conditions

	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Single-family residence with shed	Demolish shed and replace with new shed	Primarily residential
<u>Lot area (sq. ft.):</u>	7,980	7,980	7,500 min.
<u>Primary Front (Dennett St) Yard (ft)</u>	>15	>15	15
<u>Secondary Front (Whipple St) Yard (ft.):</u>	House:0 Shed: >15	House:0 Shed: >15	15 min.
<u>Rear Yard (ft.):</u>	Shed: 3	Shed: 3	15 min.
<u>Left Yard (ft.):</u>	>10	>10	10 min.
<u>Height (ft.):</u>	<35	Shed: 11	35 max.
<u>Building Coverage (%):</u>	25	26	25 max.
<u>Open Space Coverage (%):</u>	>30	73.1	30 min.
<u>Parking:</u>	2	2	2 min.
<u>Estimated Age of Structure:</u>	1890	Variance request(s) shown in red.	

Other Permits/Approvals Required

- Building Permit

Neighborhood Context



Previous Board of Adjustment Actions

January 22, 2020 – The Board **granted** the following: 1) A Variance from Section 10.521 to allow a 4' secondary front yard where 15' is required; and 2) A Variance from Section 10.321 to allow a nonconforming structure or building to be extended, reconstructed or enlarged without conforming to the requirements of the Ordinance.

Planning Department Comments

The applicant is proposing to demolish the existing 8x8 foot shed and construct a new 10x12 foot shed. Staff do not believe that this is reason to readvertise as the required relief is the same per Section 10.573.20.

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.

BY: VIEWPOINT & HAND DELIVERY

October 23, 2024

City of Portsmouth
Attn: Stefanie Casella, Planner
Zoning Board of Adjustment
1 Junkins Avenue
Portsmouth, NH 03801

**RE: Variance Application of James and Mallory Parkington
592 Dennett Street (Tax Map 161, Lot 18)**

Dear Stefanie,

Please find a copy of the following submission materials in connection with the variance application filed on behalf of James and Mallory Parkington for property located at 592 Dennett Street.

- 1) Landowner Letter of Authorization;
- 2) Narrative to Variance Application;
- 3) Existing and Proposed Conditions Plan;
- 4) Photographs of Property.

A copy of the above application materials is being delivered to the Planning Department today. Should you have any questions or concerns regarding the enclosed application materials, do not hesitate to contact me at your convenience.

Sincerely,



Derek R. Durbin, Esq.

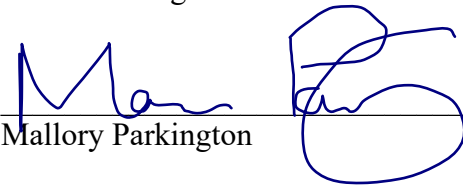
LANDOWNER LETTER OF AUTHORIZATION

James and Mallory Parkington, owners of property located at 592 Dennett Street, Portsmouth, NH, Tax Map 161, Lot 18 (the "Property"), hereby authorizes **Durbin Law Offices, PLLC** to file any zoning board, planning board, historic district commission or other municipal permit applications with the City of Portsmouth for said Property and to appear before its land use boards. This Letter of Authorization shall be valid until expressly revoked in writing.



James Parkington

October 21, 2024



Mallory Parkington

October 21, 2024

**CITY OF PORTSMOUTH
ZONING BOARD OF ADJUSTMENT
APPLICATION NARRATIVE**

James and Mallory Parkington
(Owner/Applicant)
Tax Map 161, Lot 18
592 Dennett Street
Portsmouth, NH 03801

INTRODUCTORY STATEMENT

The Property

The Property at 592 Dennett Street is a 7,980 square foot corner lot owned by James and Mallory Parkington that is situated at the intersection of Dennett Street and Whipple Street (the “Property”). The Property is in the GRA Zoning District and contains a single-family residence with attached garage and ADU. There is an 8’ x 8’ shed located in the right side yard of the Property that the Parkingtons would like to demolish and replace with a more functional 10’ x 12’ shed that they would use to store personal belongings, including their outdoor tools and bikes.

To construct the new shed, the Parkingtons need right yard setback and building coverage variances. The existing shed is non-conforming with respect to the right yard setback. The replacement shed is proposed for the same location as the existing shed, which is 3+/- from the rear property boundary. Building coverage on the Property would increase from 25.0% (1,997 sq. ft.) +/- to 25.7% (2,053 sq. ft.).

SUMMARY OF VARIANCE RELIEF

The Applicants seek the following variances from Section 10.521 of the Ordinance for the proposed replacement shed:

1. To allow a 3’ +/- right yard setback where 10’ is the minimum required and 3’ exists.
2. To allow 25.7% building coverage where 25% is the maximum allowed and 25% exists.

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

Aside from being a corner lot, the Property is one of only four properties with frontage on Whipple Street. Whipple Street is a short connector street between Dennett and Thornton Streets. Two of the properties on Whipple Street have Dennett Street addresses while the other two have Thornton Street addresses. Whipple Street is, in a sense, its own micro neighborhood, which makes this area of the larger Dennett/Thornton Street neighborhood(s) unique.

The City's records and older plans depicting the Whipple Street right-of-way ("ROW") show it significantly wider than the pavement suggests. All the property owners on Whipple Street have assimilated substantial portions of the ROW into their side yards. All properties with frontage on Whipple Street have landscaping and portions of their driveways within the ROW. Not unlike the other three (3) properties on Whipple Street, an approximately 21' wide portion of the Parkingtons' left side yard (approx. 2,550 sq. ft.) and most of their existing driveway are within the ROW. If this portion of the ROW counted as part of the total lot area of the Property and reflected reality on the ground, the Parkingtons would not need a variance for building coverage. Building coverage would be 19.5%.

The proposed shed will replace a slightly smaller non-conforming shed in the same location. The footprint of the proposed structure is only marginally larger than what exists and will have no additional impact upon the nearest abutting property. It will also be buffered by an existing 6' high fence that the Parkingtons maintain along the common boundary.

These special conditions of the Property make it such that there is no fair and substantial relationship between the general purposes of the Ordinance provisions and their application to the Property.

The proposed use is inherently reasonable. Accessory uses, such as the shed proposed in this instance, are permitted by right within the GRA Zoning District.

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

In the case of *Chester Rod & Gun Club, Inc. v. Town of Chester*, the Court observed that the requirements that a variance not be "contrary to the public interest" or "injure the public rights of others" are coextensive and are related to the requirement that the variance be consistent with the spirit of the ordinance. 152 N.H. 577 (2005). The Court noted that since the provisions of all ordinances represent a declaration of public interest, any variance will, in some measure, be contrary to the ordinance, but to be contrary to the public interest or injurious to public rights of others, "the variance must 'unduly, and in a marked degree' conflict with the ordinance such that it violates the ordinance's 'basic zoning objectives.'" Id. "There are two methods of ascertaining whether granting a variance would violate an ordinance's basic zoning objectives: (1) examining whether granting the variance would alter the essential character of the neighborhood or, in the

alternative; and (2) examining whether granting the variance would threaten the public health, safety, or welfare.” *Harborside Assoc v. Parade Residence Hotel*, 162 N.H. 508, 514 (2011).

The primary purpose of the building coverage limitation set forth in the Ordinance is to prevent the overcrowding of structures on land. In the present instance, the Parkingtons are seeking a less than 1% deviation (56 sq. ft.) from what is allowed by the Ordinance. If the approximately 2,550 sq. ft. portion of the ROW that is assimilated into the Property counted towards the lot area requirement, the Parkingtons would be at 19.5% total lot coverage. Even at 25.7%, building coverage on the Property is consistent with other properties immediately surrounding it, as shown on **Exhibit A** attached hereto. The average building coverage on the abutting properties, based on the City’s assessing records, is 27.33%.

The objective behind requiring minimum building setbacks is to preserve the light, air and space of abutting properties. In this case, the objective of the Ordinance is accomplished, as the new shed will be placed in the same location as the existing shed and will only be slightly taller. The existing shed is approximately 9’ in height while the replacement shed would have a roof that slopes from 11’ in the front to 9’ in the rear. It will be buffered by an existing 6’ fence. In addition, because the Property is a corner lot, the shed lines up with the left side yard of the only affected abutting property. This area of the abutter’s property is utilized less often than their rear yard and includes an existing stand-alone 2-car garage adjacent to the shed location.

For the foregoing reasons, granting the variances requested will not alter the essential character of the neighborhood or otherwise threaten the public’s health, safety or welfare.

Substantial justice will be done by granting the variances.

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

There is no gain to the general public by denying the variance requests. The replacement shed is proposed for the same location as the existing shed which has been on the Property for approximately 30 years. There is only one abutting property (618 Dennett Street) that is potentially impacted by the encroachment of the shed into the right yard setback. However, the proposed shed will be mostly buffered by an existing 6’ high fence. It constitutes a loss to the Applicants to deny them the opportunity to construct a more functional shed of a slightly larger dimension on their property.

The values of surrounding properties will not be diminished by granting the variances.

Aesthetically, the new shed, which will be similar in scale to the existing shed, will improve the conditions of the Property. This can only benefit the abutting property at 618 Dennett Street. It will certainly not affect this property in any negative way.

CONCLUSION

In conclusion, for the reasons set forth herein, the application satisfies the five (5) criteria for each of the variances being requested. Accordingly, the Applicants respectfully request that the Board approve their Variance Application.

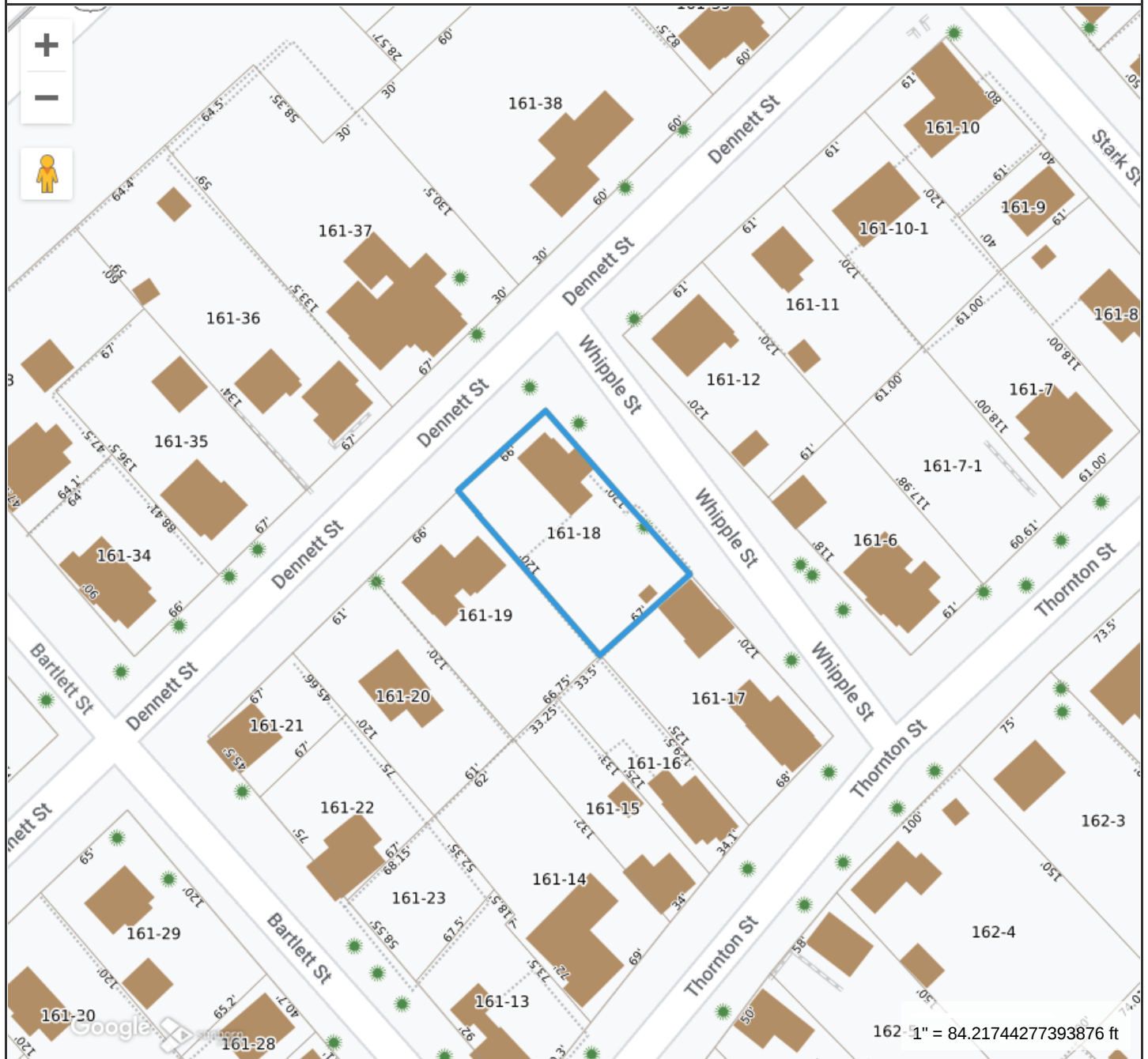
Respectfully Submitted,

Dated: October 23, 2024

James and Mallory Parkington

By: 
Derek R. Durbin, Esq.
DURBIN LAW OFFICES PLLC
144 Washington Street
Portsmouth, NH 03801
(603)-287-4764
derek@durbinlawoffices.com

EXHIBIT A



Property Information

Property ID 0161-0018-0000
 Location 592 DENNETT ST
 Owner PARKINGTON JAMES



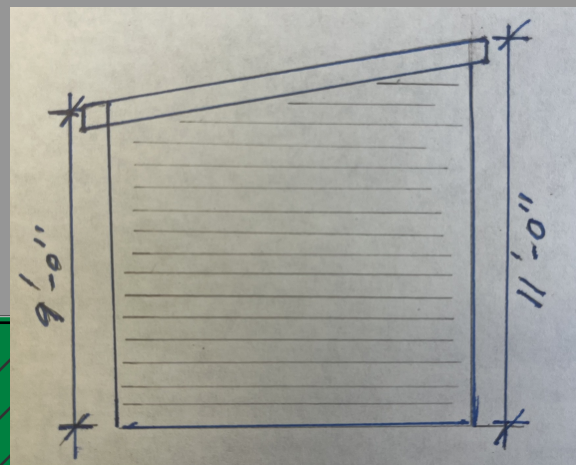
**MAP FOR REFERENCE ONLY
 NOT A LEGAL DOCUMENT**

City of Portsmouth, NH makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Geometry updated 09/26/2024

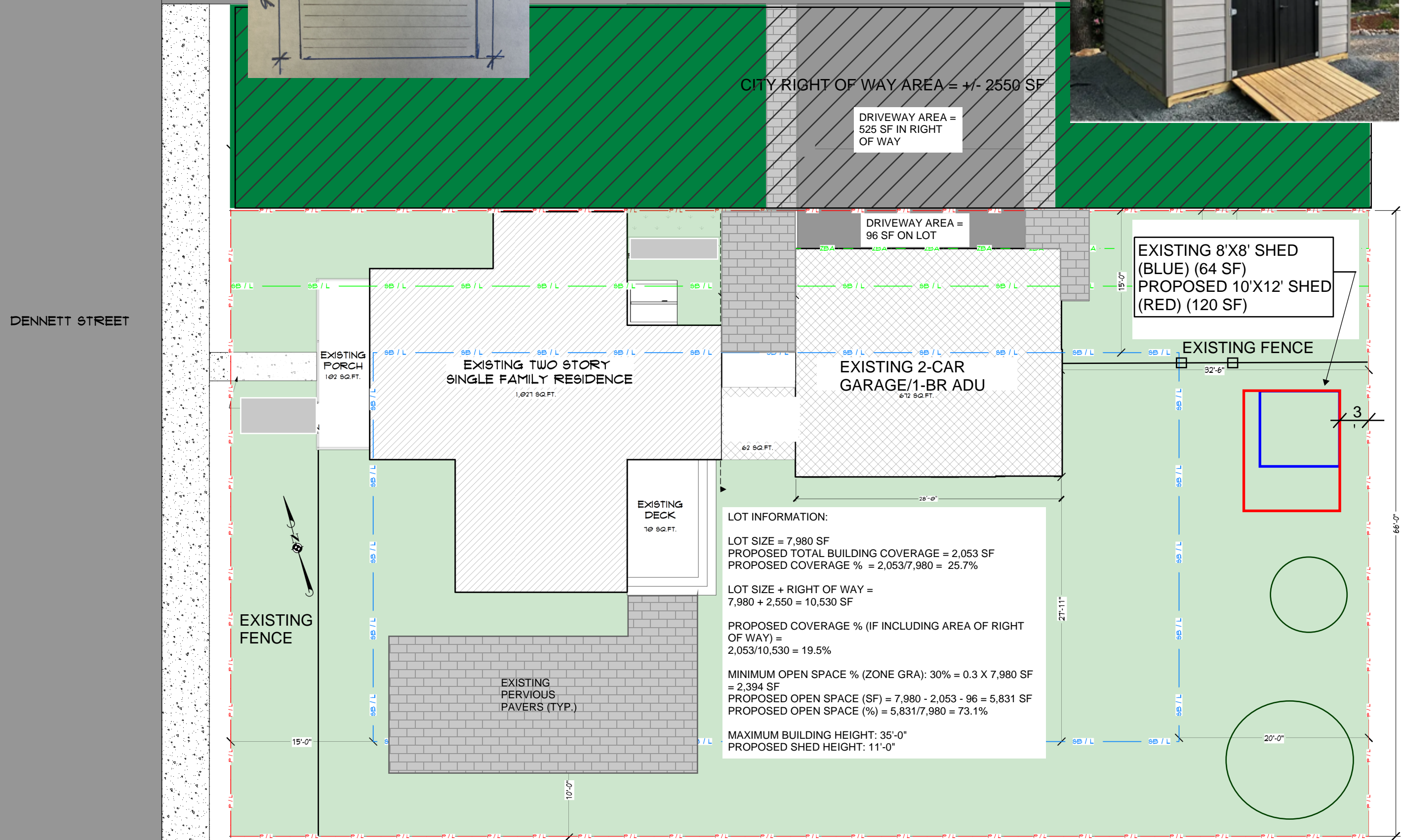
Print map scale is approximate. Critical layout or measurement activities should not be done using this resource.

Address	Lot	Living Area	Lot Size (Acres)	Lot Size (Sq Ft)	Coverage
592 Dennett	161-18	2540	0.18	7840.8	32.4%
589 Dennett	161-37	3200	0.38	16552.8	19.3%
603 Dennett	161-36	2989	0.29	12632.4	23.7%
618 Dennett	161-19	2188	0.18	7840.8	27.9%
570 Dennett	161-12	2081	0.17	7405.2	28.1%
260 Thornton	161-06	2416	0.17	7405.2	32.6%



WHIPPLE STREET
PROPOSED 10'X12' SHED
SIDE ELEVATION

PROPOSED
10'X12' SHED
GRAPHIC



LOT INFORMATION:

LOT SIZE = 7,980 SF
 PROPOSED TOTAL BUILDING COVERAGE = 2,053 SF
 PROPOSED COVERAGE % = 2,053/7,980 = 25.7%

LOT SIZE + RIGHT OF WAY =
 7,980 + 2,550 = 10,530 SF

PROPOSED COVERAGE % (IF INCLUDING AREA OF RIGHT
 OF WAY) =
 2,053/10,530 = 19.5%

MINIMUM OPEN SPACE % (ZONE GRA): 30% = 0.3 X 7,980 SF
 = 2,394 SF
 PROPOSED OPEN SPACE (SF) = 7,980 - 2,053 - 96 = 5,831 SF
 PROPOSED OPEN SPACE (%) = 5,831/7,980 = 73.1%

MAXIMUM BUILDING HEIGHT: 35'-0"
 PROPOSED SHED HEIGHT: 11'-0"

GENERAL NOTES:

tuscher
design
group
603.583.6469
tdgdesign@hotmail.com

PROJECT INFO:
**THE PARKINGTON
 RESIDENCE**
 592 DENNETT ST
 PORTSMOUTH, NH

SHEET TITLE:
**PROPOSED
 SITE PLAN**

PROJECT STATUS:
 PERMITTING

DATE: 09/27/24 - DRAFT
 SCALE: 1"=10'-0"
 SHEET NUMBER:

S1





II. NEW BUSINESS

E. The request of **Stephen A and Kathryn L Singlar, (Owner)**, for property located at **43 Holmes Court** whereas relief is needed to construct a new single-family dwelling which requires the following: 1) Variance from Section 10.628.20 to allow an unfinished basement to be constructed at a flood elevation of 5.75 ft. where 10 feet is required, and 5.75 ft. exists. Said property is located on Assessor Map 101 Lot 14 and lies within the Waterfront Business (WB) and Historic Districts. (LU-22-227)

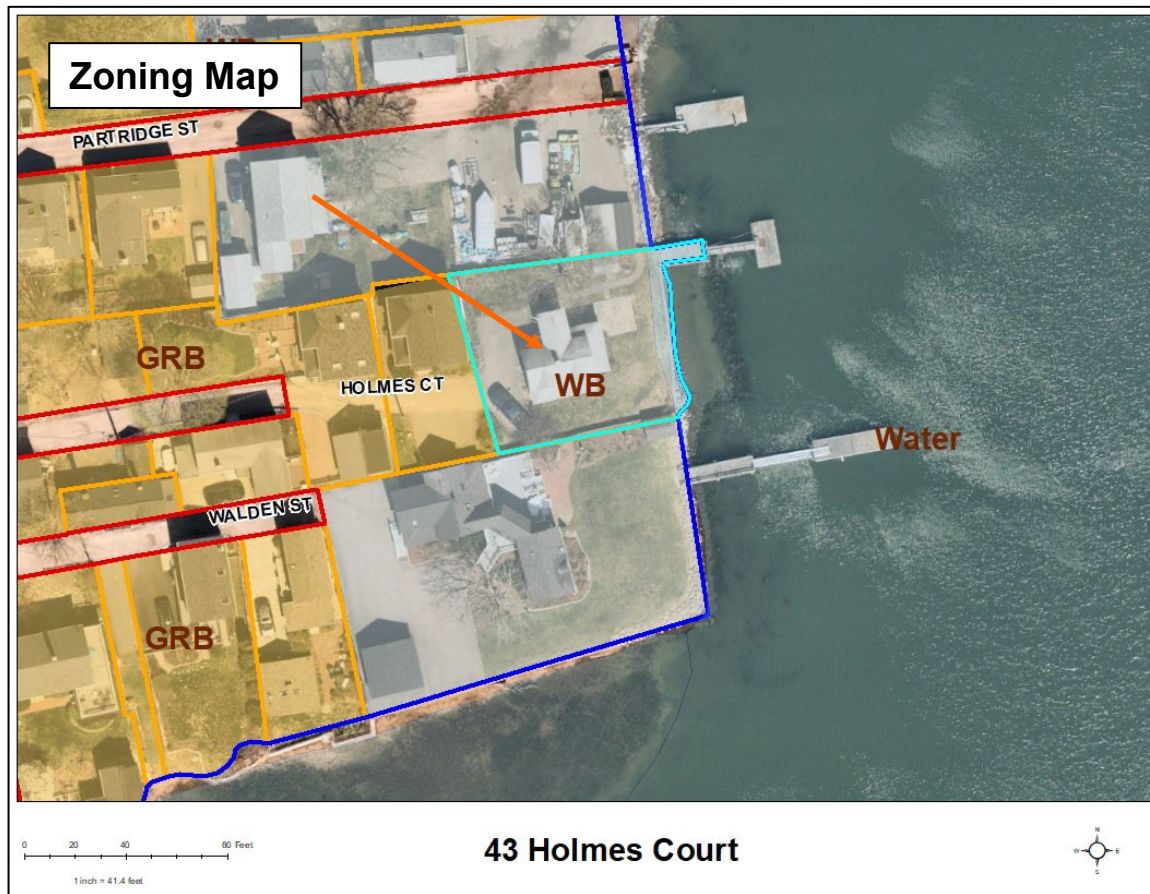
Existing & Proposed Conditions

	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Single-family residence	Construct new single-family residence	Primarily residential
<u>Unfinished Basement Flood Elevation (ft.):</u>	5.75	5.75	10 min.
<u>Estimated Age of Structure:</u>	1749	Variance request(s) shown in red.	

Other Permits/Approvals Required

- Building Permit
- State (DES) Approvals

Neighborhood Context



Previous Board of Adjustment Actions

December 20, 2022 – The Board **granted** the following: 1) Variances from Section 10.531 to allow a) a lot area of 5,353 square feet where 20,000 square feet is required, b) 0 feet of street frontage where 100 feet is required, c) 75' of lot depth where 100 feet is required, d) a 17 foot front yard where 30 feet is required, e) a 14 foot left side yard where 30 feet is required, and f) a 14 foot right side yard where 30 feet is required; and 2) A Variance from Section 10.440, Use # 1.10 to allow a single family dwelling where the use is not permitted.

May 28, 2024 – The Board **granted** the following: 1) Variance from Section 10.531 to allow a 16 foot front yard where 30 feet is required.

Planning Department Comments

The applicant is requesting relief to the floodplain district ordinance found in Section 10.628.20 of the [Zoning Ordinance](#) and provided below for your convenience.

10.628.20 *Any new construction of a residential structure shall have the lowest floor (including basement) elevated to at least two (2) feet above the base flood elevation if in Zone A or AE, and to at least two (2) feet above the base flood elevation of the adjacent special flood hazard area if in an extended flood hazard area.*

If the Board would like to reference the past meeting and application materials, please follow the links below.

- December 2022: <https://www.cityofportsmouth.com/planportsmouth/events/zoning-board-adjustment-29>
- May 2024: <https://www.cityofportsmouth.com/planportsmouth/events/zoning-board-adjustment-31>

To grant an approval, the Board must find that the request meets the Variance criteria as well as the criteria outlined in Section 10.629 of the [Zoning Ordinance](#).

Variance and Appeal Criteria as Found in Section 10.629 of the Zoning Ordinance

In addition to the standard variance criteria (as found in Section 10.233 of the Zoning Ordinance), appeals under section 10.629 must also meet the following criteria (as found in Section 10.629.20):

- a) *That the variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense;*
- b) *That if the requested variance is for activity within a designated regulatory floodway, no increase in flood levels during the base flood discharge will result; and*
- c) *That the variance is the minimum necessary considering the flood hazard, to afford relief.*

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.

BY: VIEWPOINT & HAND DELIVERY

October 23, 2024

City of Portsmouth
Attn: Sefanie Casella, Planner
Zoning Board of Adjustment
1 Junkins Avenue
Portsmouth, NH 03801

**RE: Variance Application of Stephen and Kathryn Singlar
43 Holmes Court, Tax Map 101, Lot 14**

Dear Stefanie,

Our Office represents Stephen and Kathryn Singlar, owners of the property located at 43 Holmes Court. The following materials have been submitted for consideration at the Zoning Board of Adjustment's November 2024 meeting:

- 1) Variance Application (through Viewpoint);
- 2) Landowner Letter of Authorization;
- 3) Narrative to Variance Application;
- 4) Plans (Existing Conditions, Proposed Conditions, NH DES Wetlands, and Floor Plans/Elevations);
- 5) Photographs of the Property.

A copy of the application submission is being delivered to the Planning Department. Should you have any questions or concerns regarding the enclosed application materials, do not hesitate to contact me at your convenience.

Sincerely,



Derek R. Durbin, Esq.

LANDOWNER LETTER OF AUTHORIZATION

Stephen and Kathryn Singlar, record owners of property located at 43 Holmes Court, Portsmouth, NH 03801, Tax Map 101, Lot 14 (the "Property"), hereby authorizes **Durbin Law Offices, PLLC, Altus Engineering, Inc. and Brendan McNamara, and their agents and representatives** to file any building, zoning, planning or other municipal permit applications with the City of Portsmouth for said Property and to appear before its land use boards. This Letter of Authorization shall be valid until expressly revoked in writing.



Stephen Singlar

November 14, 2022



Kathryn Singlar

November 14, 2022

**CITY OF PORTSMOUTH
ZONING APPLICATION NARRATIVE**

Stephen Singlar and Kathryn Singlar
(Owners/Applicants)
Tax Map 101, Lot 14
43 Holmes Court
Portsmouth, NH 03801

INTRODUCTION

The Zoning Board of Adjustment previously reviewed and approved, on two separate occasions, the variances necessary to construct a new single-family home on the property located at 43 Holmes Court (the “Property”). In addition, the Historic District Commission has issued a Certificate of Approval for the Applicants’ house plans. Earlier in the year, the Conservation Commission recommended that the NH DES approve the Wetlands Dredge and Fill Permit (Wetlands Permit”) for the Property, and in April the NH DES approved it. Despite this, and the rigorous review and scrutiny the Applicants’ redevelopment plans have undergone, it was recently determined by the Inspections Department that a variance was needed from Section 10.628.20 of the Ordinance. Accordingly, the Applicants are submitting this variance request pursuant to that determination.

SUMMARY OF ZONING RELIEF

The Applicants seek a variance from Section 10.628.20 of the Ordinance to allow an unfinished basement to be constructed at a flood elevation of 5.75’ where 10’ is required and 5.75’ exists.

STANDARD VARIANCE CRITERIA

Granting the variances will not be contrary to the spirit and intent of the Zoning Ordinance or the public interest.

In the case of *Chester Rod & Gun Club, Inc. v. Town of Chester*, the Court noted that since the provisions of all ordinances represent a declaration of public interest, any variance will, in some measure, be contrary to the ordinance, but to be contrary to the public interest or injurious to public rights of others, "the variance must 'unduly, and in a marked degree' conflict with the ordinance such that it violates the ordinance's 'basic zoning objectives.'" *Id.* The Court observed that “[t]here are two methods of ascertaining whether granting a variance would violate an ordinance’s basic zoning objectives: (1) examining whether granting the variance would alter the essential character of the neighborhood or, in the alternative; and (2) examining whether granting the variance would threaten the public health, safety, or welfare.” *152 N.H. 577 (2005)*.

The primary purpose of Section 10.628.20 is to protect newly constructed buildings from flood damage and the inherent risks associated with it, including life safety risks. The Ordinance imposes a requirement that is 2' above what FEMA requires for the AE Zone, which has a base flood elevation requirement of 8'. It can be fairly assumed that the additional 2' is an additional protective measure that may be intended to account for a potential sea level rise.

The Ordinance does not account for the Property being significantly re-graded as part of the proposed redevelopment. The proposed re-grading of the Property was approved as part of the issuance of the Wetlands Dredge and Fill Permit ("Wetlands Permit") that was issued for the Property by the NH DES in April 2024. The re-grading of the Property will substantially minimize the risk of basement flooding and may ultimately result in the house being removed from the AE Flood Zone altogether. The Applicants intend to submit for a Letter of Map Amendment ("LOMA") from FEMA post-construction to remove the home from the AE Flood Zone, but there is no guarantee or certainty that FEMA will approve it, hence the need for the variance.

In addition to the re-grading of the Property, the basement will be unfinished and will not contain any electrical or mechanical components. The basement has been engineered to handle the load of the home against climate change and other major weather events and will be constructed with state-of-the-art water resistant materials.

It is important to point out that the existing basement is at elevation 5.75' and contains an electrical panel, wires and mechanical equipment, including a furnace, washer and dryer. The existing basement is structurally unsound and is comprised primarily of stone and is porous. The proposed basement would be at the same elevation as the existing basement but will be slightly further from the water and will not include any electricals or mechanicals. It would be purely used for the storage of personal belongings. Therefore, even without a re-grading of the Property, the flood risks that the Ordinance is designed to protect against will be addressed. They can also be reinforced through a condition of approval....*that so long it is determined by the City that Section 10.628.20 of the Ordinance applies to the Property, the basement shall not contain any electrical or mechanical equipment other than a sump pump or its equivalent.*

The Applicants are improving the conditions of the Property and bringing it into greater overall compliance with the Ordinance. They are also reducing impervious surface coverage from 40.9% to 24% and will be implementing a stormwater management plan to mitigate stormwater runoff.

For the foregoing reasons, granting the requested variance will not result in any threat to public health, safety or welfare nor would it alter the essential character of the neighborhood.

B. Substantial Justice will be done in granting the variance relief sought.

To determine whether substantial justice is done, the Board must balance the equities between the rights of a private landowner and the public interest in deciding whether to grant or deny a variance request. The “only guiding rule is that any loss to the individual that is not outweighed by a gain to the general public is an injustice.” New Hampshire Office of State Planning, *The Board of Adjustment in New Hampshire, A Handbook for Local Officials* (1997); [*Malachy Glen Assocs., Inc. v. Town of Chichester*, 155 N.H. 102 \(2007\)](#).

The Property is significantly constrained and burdened by local, state and federal regulations that apply to it. The plans for the Property do not provide for much storage space, as the Applicant has made a conscious effort to minimize the size, height and overall impact of the home. Allowing an unfinished basement on the Property will provide the Applicants with some much needed storage space. Denying the variance would not result in any gain to the public, as the Property is being re-graded to minimize any risk of flooding, and the proposed basement will be constructed of modern materials designed to prevent water intrusion. Moreover, the basement will remain unfinished and not contain any electrical or mechanical equipment. The loss to the Applicants of denying the variance outweighs any perceived gain that would be realized by the public.

C. Surrounding property values will not be diminished by granting the variance.

The Board has already determined on two prior occasions that the Applicants’ redevelopment plans will not negatively impact surrounding property values. It follows that allowing a basement below the first floor of the proposed house, which will be at elevation 13’, will not have any impact on surrounding property that may not have been previously contemplated by the Board.

D. Denying the variance would constitute an unnecessary hardship.

The Property has a myriad of special conditions that distinguish it from surrounding properties, all of which have been discussed and considered ad nauseum by the Board in the past two (2) years. The Property is so heavily burdened by local, state and federal regulations that it is an essentially unbuildable lot if it were not for the fact that there is an existing home on it. The existing basement is at flood elevation 5.75’. Because the Property is in the AE Flood Zone, the Ordinance requires that even the basement be located 2’ above the base flood elevation (8’) despite the fact it will remain unfinished and will only be used as storage space and will not contain any electrical or mechanical equipment. The Ordinance does not account for the fact that the Property will be substantially re-graded and that the proposed will be setback from the water further than the existing basement and will be constructed of materials designed to prevent water intrusion. The Applicants have addressed the risks that the Ordinance is intending to protect against.

As a result of the special conditions of the Property, there is no fair and substantial relationship between the general purposes of the restriction set forth in Section 10.628.20 of the Ordinance and its application to the proposed basement.

ADDITIONAL CRITERIA
Section 10.629

In addition to the variance criteria above, the Applicant must satisfy the standards set forth in Section 10.629 of the Ordinance, as more specifically addressed below:

- (a) **That the variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense;**

The Property is bordered by the Piscataqua River as opposed to wetlands where there could be a threat of water displacement. Water will not be displaced by placing the proposed basement at the same elevation as the existing basement. The Property will be re-graded as part of the Applicants' redevelopment plans. In addition, the proposed basement will be slightly further from the water and will be designed and constructed of materials that are intended to prevent water intrusion. The proposed basement will be unfinished and used for storage only and will not contain any mechanical or electrical equipment. For the foregoing reasons, the variance will not result in any increased flood heights, additional threats to public safety, or extraordinary public expense.

- (b) **That if the requested variance is for activity within a designated regulatory floodway, no increase in flood levels during the base flood discharge will result; and**

As indicated herein, there is an existing basement on the Property at the same elevation as the proposed basement. Notwithstanding The requested variance does not involve any activity within a designated floodway. Therefore, criteria (b) is not applicable.

- (c) **That the variance is the minimum necessary considering the flood hazard, to afford relief.**

There is a lessened risk of flooding at the basement level of the home due to the re-grading of the Property and the design and materials being used to construct the basement, as more specifically discussed above. This condition of the Property is ultimately being improved from what exists

CONCLUSION

In conclusion, the Applicants have demonstrated that their application meets the five (5) criteria for granting the variance and respectfully request the Board's approval.

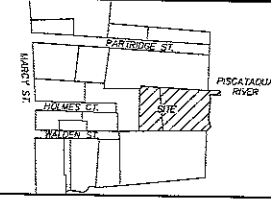
Respectfully Submitted,

Stephen and Katheryn Singlar

Dated: October 23, 2024
(revised October, 30, 2024)



By: Derek R. Durbin, Esq.
DURBIN LAW OFFICES PLLC
144 Washington Street
Portsmouth, NH 03801
(603)-287-4764
derek@durbinlawoffices.com



REFERENCE PLANS:

1. PLAN OF LOT NO. 24 HOLMES COURT, PORTSMOUTH, NH, JUNE 1947, JOHN W. DURON FILE NO. 2611.
2. PLAN OF LOT, PORTSMOUTH, NH, NO. 39 HOLMES COURT, AUGUST 1975, JOHN W. DURON FILE NO. 2396, PLAN NO. 3273.
3. PLAN OF LOT, PORTSMOUTH, NH, FOR SAMUEL PENDELTON, JR., AUGUST 1975, JOHN W. DURON FILE NO. 2356, PLAN NO. 4383.
4. PLAN OF LAND FOR JOHN H. & JUDITH A. MILLER, 33 HOLMES COURT, PORTSMOUTH, NH, DATED MARCH 12, 1984, RECORDED AS RCOR PLAN #D-12356.

PURSUANT TO RSA 676:18, III AND RSA 672:14

I CERTIFY THAT THIS SURVEY PLAT IS NOT A SUBDIVISION PURSUANT TO THIS TITLE AND THAT THE LINES OF STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED AND THAT NO NEW WAYS ARE SHOWN.

James Verra 8-15-2022
JAMES VERRA DATE



NOTES:

1. OWNER OF RECORD.....39 HOLMES COURT, LLC.
ADDRESS.....30 WALDEN STREET, PORTSMOUTH, NH 03801
DEED REFERENCE.....5809/1412
TAX SHEET / LOT.....101-13
PARCEL AREA.....2,672 S.F.
OWNER OF RECORD.....43 HOLMES COURT, LLC.
ADDRESS.....30 WALDEN STREET, PORTSMOUTH, NH 03801
DEED REFERENCE.....5829/1407
TAX SHEET / LOT.....101-14
PARCEL AREA.....3,368 S.F. (TO ELEV. 3.52)
2. ZONED:.....WATERFRONT BUSINESS FRONT YARD SETBACK.....10'
MINIMUM LOT AREA.....20,000 S.F. SIDE YARD SETBACK.....10'
FRONTAGE.....100' REAR YARD SETBACK.....10'
3. THE RELATIVE ERROR OF CLOSURE WAS LESS THAN 1 FOOT IN 15,000 FEET.
4. THE LOCATION OF ALL UNDERGROUND UTILITIES SHOWN HEREON ARE APPROXIMATE AND ARE BASED UPON THE FIELD LOCATION OF ALL VISIBLE STRUCTURES (IE CATCH BASINS, MANHOLES, WATER GATES ETC.) AND INFORMATION COMPILED FROM PLANS PROVIDED BY UTILITY COMPANIES AND GOVERNMENTAL AGENCIES. ALL CONTRACTORS SHOULD NOTIFY IN WRITING SAID AGENCIES PRIOR TO ANY EXCAVATION WORK AND CALL DIG-SAFE @ 1-800-DIG-SAFE.
5. HORIZONTAL DATUM: NAD 1983 ESTABLISHED BY SURVEY GRADE GPS OBSERVATION AND NGS "OPUS" SOLUTION, REFERENCE FRAME NAD83 (2011 EPOCH: 2010.0000), US SURVEY FOOT.
VERTICAL DATUM: NAVD 1988, PRIMARY BENCHMARK: CITY OF PORTSMOUTH "ROBE".
6. CONTRACTOR TO VERIFY SITE BENCHMARKS BY LEVELING BETWEEN 2 OR MORE MARKS PRIOR TO THE ESTABLISHMENT OF ANY GRADES OR ELEVATIONS. DISCREPANCIES ARE TO BE REPORTED TO JAMES VERRA AND ASSOCIATES, INC.
7. THE PARCELS SHOWN HEREON LIES WITHIN ZONE AE (ELEVATION B) & ZONE X (AREA OF ANIMAL FLOOD HAZARD) AS IDENTIFIED ON FLOOD INSURANCE RATE MAP, ROCKINGHAM COUNTY, NEW HAMPSHIRE, MAP NUMBER 3301C0278F, EFFECTIVE DATE 1/25/2022, BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.
8. THE HIGHEST OBSERVABLE TIDE LINE WAS DELINEATED BY MICHAEL CUOMO, NEW HAMPSHIRE CERTIFIED WETLAND SCIENTIST FROM MAY 28, 2022 & RECORDED BY JAMES VERRA AND ASSOCIATES, INC. UNDER THE DIRECTION OF MICHAEL CUOMO, NO FLUDES WERE SET.
9. 33 HOLMES COURT IS SUBJECT TO THE RIGHT OF WAY ACROSS SAID PREMISES FROM THE EASTERLY END OF HOLMES COURT. SEE RCOR BK 5829 PG 1715.
10. 39 HOLMES COURT IS CONVEYED TOGETHER WITH A RIGHT OF WAY ACCESS LAND NOW OR FORMERLY OF SAID CATLIN TO HOLMES COURT AND SUBJECT TO THE RIGHT OF WAY ACROSS THE PREMISES HEREBY CONVEYED FROM LAND NOW OR FORMERLY OF DOWNS TOWARD SAID HOLMES COURT. SEE RCOR BK 5829 PG 1412.
11. SEE RCOR 578 PG 230, 10/12/1900, J. CORNELIUS COAKLEY TO JAMES PAY AND RCOR BK 578 PG 308, 11/02/1900, J. CORNELIUS COAKLEY TO MARGARET FEK FOR THE ORIGINS OF SAID RIGHT OF WAYS.

BOUNDARY LINE TABLE

LINE	BENCHMARK	DISTANCE
L1	N 08°31'30" W	17.43
L2	N 23°21'11" E	13.02
L3	N 04°18'52" W	12.95
L4	N 8°25'28" E	100.7
L5	S 17°38'57" E	21.57
L6	S 78°49'44" W	33.14
L7	N 8°25'28" E	14.3
L8	S 09°31'36" E	02.31 (FIB)
L9	S 78°49'44" W	178.808
L10	N 08°25'28" E	27.92 (FIB)
L11	S 78°49'44" W	22.21 (LIE)

BUILDING ELEVATION TABLE

LOCATION	DESCRIPTION	ELEVATION
A*	ROOF PEAK	30.55
B*	WOOD THRESHOLD	12.02
C*	WOOD THRESHOLD	8.35
D*	WOOD THRESHOLD	12.02
E*	WOOD THRESHOLD	14.79
F*	WOOD THRESHOLD	14.44
G*	CONCRETE CELLAR	7.18
H*	ROOF PEAK	42.84

LOCUS (N.T.S.)



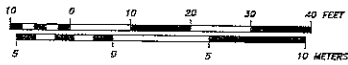
101-8
ROBERT W. MOHIN, IR REVOCABLE TRUST
30 PARTRIDGE STREET
PORTSMOUTH, NH 03801
5640/747

101-7
PHYLLIS H. SANDERS, JOBS TRUST
PHYLLIS H. SANDERS, TRUSTEE
30 WALDEN STREET
PORTSMOUTH, NH 03801
5752/1330

101-12
BRENDA J. SQUICHARD REVOC. TRUST
BRENDA J. SQUICHARD, TRUSTEE
39 HOLMES COURT
PORTSMOUTH, NH 03801
5829/1715

101-18
GAIL H. SANDERS REVOC. TRUST
GAIL H. SANDERS, TRUSTEE
30 WALDEN STREET
PORTSMOUTH, NH 03801
5810/492

- LEGEND:**
- IRON ROD (AS NOTED)
 - IRON PIPE FOUND
 - △ GRANITE POST FOUND
 - ▲ SURVEY NAIL (AS NOTED)
 - 101-15 TAX SHEET / LOT NO.
 - WOOD FENCE
 - VINYL FENCE
 - UTILITY POLE
 - UTILITY POLE W/ TRANSFORMER
 - CITY
 - UTILITY POLE WITH ARM & LIGHT
 - OVERHEAD WIRES
 - EOP EDGE OF PAVEMENT
 - LA LANDSCAPED AREA
 - RWB LANDSCAPE BLOCK RETAINING WALL
 - BRICK RETAINING WALL
 - VFC VERTICAL FACED GRANITE CURB
 - RCOR ROCKINGHAM COUNTY REGISTRY OF DEEDS
 - CONCRETE
 - BRICK PAVERS
 - CRUSHED STONE
 - RIP RAP
 - RETAINING WALL



James Verra and Associates, Inc.
LAND SURVEYORS
101 SHATTUCK WAY - SUITE 8
NEWINGTON, N.H. 03801 - 7876
603-436-3557
JOB NO: 23999

ALTAUS ENGINEERING, INC.
133 COURT STREET PORTSMOUTH, NH 03801
(603) 438-2288 www.ALTAUS-1949.com

ISSUED FOR:
ENGINEERING DESIGN

ISSUE DATE:
8-15-2022

REVISIONS
NO. DESCRIPTION BY DATE

DRAWN BY: **CTD**

APPROVED BY: **JV**

DRAWING FILE: **23999.000**

SCALE:
22" x 34" - 1" = 10'
11" x 17" - 1" = 5'

OWNER/APPLICANT:
30 HOLMES COURT, LLC. & 43 HOLMES COURT, LLC.
30 WALDEN STREET
PORTSMOUTH, NH 03801
ASSESSOR'S PARCELS
MAP 101 - LOTS 13 & 14

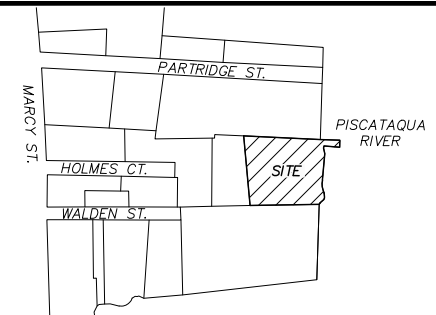
OWNER:
30 HOLMES COURT, LLC. & 43 HOLMES COURT, LLC.
30 WALDEN STREET
PORTSMOUTH, NH 03801
ASSESSOR'S PARCELS
MAP 101 - LOTS 13 & 14

PROJECT:
PROPOSED SITE DEVELOPMENT PLANS
HOLMES COURT
#39 & #43
PORTSMOUTH, NH
ASSESSOR'S PARCELS
MAP 101-LOTS 13 & 14

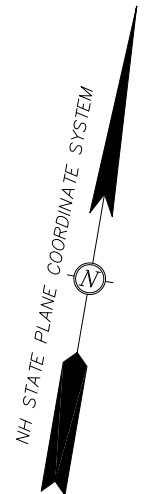
TITLE:
EXISTING CONDITIONS PLAN

SHEET NUMBER:
1 OF 1

REC328



LOCUS
(N.T.S.)



ZONING SUMMARY

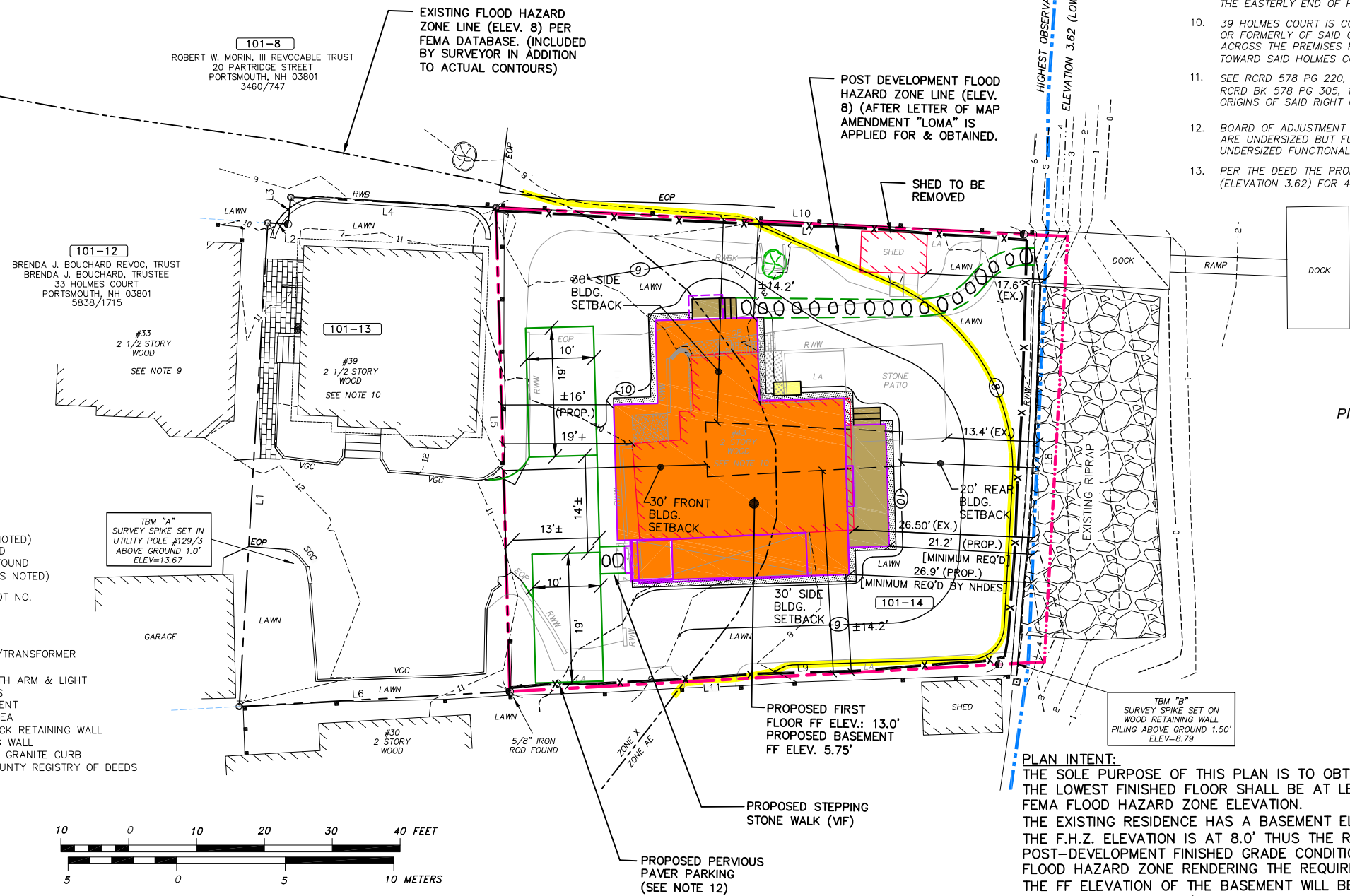
ZONE: WATERFRONT BUSINESS (WB) – SINGLE FAMILY RESIDENCE – EXISTING, TO BE REPLACED WITH SINGLE FAMILY RESIDENCE **
EXISTING LOT AREA: 5,353 S.F.± (0.12 AC.±)

DIMENSIONAL REQUIREMENTS	REQUIRED	EXISTING	PROPOSED
MIN. LOT AREA:	20,000 S.F.	±5,353 S.F.	±5,353 S.F. **
MIN. STREET FRONTAGE:	100'	0' (EX.) (HOLMES)	±0' (EXISTING) (NON-CONFORMING) **
DEPTH:	100'	±75'	±75' **
FRONT SETBACK:	30'	19'+ (EX.)	±16' (PROPOSED) *
SIDE SETBACK:	30'	±14.2' (EX.)	±14.2' (PROPOSED) **
REAR SETBACK:	20'	±26'+ (EX.)	±26'+ (PROPOSED RESIDENCE)/20'+ (PR. DECK) **
MAX. HEIGHT:	35'	<25' (EX.)	<25' (PROP. RESIDENCE)
MAX. BUILDING COVERAGE:	30%	±16.7% (EX.)(±895 SF)	±21.7% (±1,160 S.F.)
MIN. OPEN SPACE:	20%	±59.1% (±3,164 SF)	±64.1% (±3,434 SF)

* ZONING RELIEF REQUIRED
** ZONING RELIEF PREVIOUSLY GRANTED

NOTES:

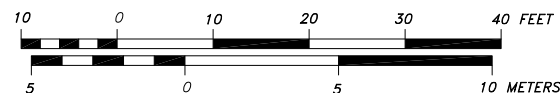
- OWNER OF RECORD.....STEPHEN A. SINGLAR and KATHRYN L. SINGLAR
ADDRESS.....21 ELLIOT STREET, EXETER, NH 03833
DEED REFERENCE.....6393/1443
TAX SHEET / LOT.....101-14
PARCEL AREA.....5,353 S.F.±(TO ELEV. 3.62)
- ZONED:.....WATERFRONT BUSINESS FRONT YARD SETBACK.....30'
MINIMUM LOT AREA.....20,000 S.F. SIDE YARD SETBACK.....30'
FRONTAGE.....100' REAR YARD SETBACK.....20'
- THE RELATIVE ERROR OF CLOSURE WAS LESS THAN 1 FOOT IN 15,000 FEET.
- THE LOCATION OF ALL UNDERGROUND UTILITIES SHOWN HEREON ARE APPROXIMATE AND ARE BASED UPON THE FIELD LOCATION OF ALL VISIBLE STRUCTURES (IE CATCH BASINS, MANHOLES, WATER GATES ETC.) AND INFORMATION COMPILED FROM PLANS PROVIDED BY UTILITY COMPANIES AND GOVERNMENTAL AGENCIES. ALL CONTRACTORS SHOULD NOTIFY, IN WRITING, SAID AGENCIES PRIOR TO ANY EXCAVATION WORK AND CALL DIG-SAFE @ 1-888-DIG-SAFE.
- HORIZONTAL DATUM: NAD 1983 ESTABLISHED BY SURVEY GRADE GPS OBSERVATION AND NGS "OPUS" SOLUTION. REFERENCE FRAME: NAD83 (2011)(EPOCH: 2010.0000), US SURVEY FOOT.
VERTICAL DATUM: NAVD 1988. PRIMARY BENCHMARK: CITY OF PORTSMOUTH "ROBE".
- CONTRACTOR TO VERIFY SITE BENCHMARKS BY LEVELING BETWEEN 2 BENCHMARKS PRIOR TO THE ESTABLISHMENT OF ANY GRADES OR ELEVATIONS. DISCREPANCIES ARE TO BE REPORTED TO JAMES VERRA AND ASSOCIATES, INC.
- THE PARCELS SHOWN HEREON LIES WITHIN ZONE AE (ELEVATION 8) & ZONE X (AREA OF MINIMAL FLOOD HAZARD)AS IDENTIFIED ON FLOOD INSURANCE RATE MAP, ROCKINGHAM COUNTY, NEW HAMPSHIRE, MAP NUMBER 33015C0278F, EFFECTIVE DATE 1/29/2021 BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.
- THE HIGHEST OBSERVABLE TIDE LINE WAS DELINEATED BY MICHAEL CUOMO, NEW HAMPSHIRE CERTIFIED WETLAND SCIENTIST #004 ON MAY 20, 2022 & RECORDED BY JAMES VERRA AND ASSOCIATES, INC. UNDER THE DIRECTION OF MICHAEL CUOMO. NO FLAGS WERE SET.
- 33 HOLMES COURT IS "SUBJECT TO THE RIGHT OF WAY ACROSS SAID PREMISES FROM THE EASTERLY END OF HOLMES COURT." SEE RCRD BK 5838 PG 1715.
- 39 HOLMES COURT IS CONVEYED "TOGETHER WITH A RIGHT OF WAY ACROSS LAND NOW OR FORMERLY OF SAID CATLIN TO HOLMES COURT AND SUBJECT TO THE RIGHT OF WAY ACROSS THE PREMISES HEREBY CONVEYED FROM LAND NOW OR FORMERLY OF DOWNS TOWARD SAID HOLMES COURT." SEE RCRD BK 5829 PG 1412.
- SEE RCRD 578 PG 220, 10/17/1900, J. CORNELIUS COAKLEY TO JAMES FAY AND RCRD BK 578 PG 305, 11/12/1900, J. CORNELIUS COAKLEY TO MARGARET FOX FOR THE ORIGINS OF SAID RIGHT OF WAYS.
- BOARD OF ADJUSTMENT NOTE: THE TWO EXISTING PARKING SPACES ON THE PARCEL ARE UNDERSIZED BUT FUNCTIONAL SPACES. THEY ARE BEING REPLACED WITH ONE UNDERSIZED FUNCTIONAL SPACE AND ONE STANDARD SIZE PARKING SPACE.
- PER THE DEED THE PROPERTY BOUNDARY LINE EXTENDS TO THE LOW WATER MARK (ELEVATION 3.62) FOR 43 HOLMES COURT.



HOLMES COURT
(A PUBLIC WAY)

LEGEND:

- IRON ROD (AS NOTED)
- IRON PIPE FOUND
- GRANITE POST FOUND
- △ SURVEY NAIL (AS NOTED)
- 101-14 TAX SHEET / LOT NO.
- WOOD FENCE
- VINYL FENCE
- UTILITY POLE
- ⊗ UTILITY POLE W/TRANSFORMER
- GUY
- UTILITY POLE WITH ARM & LIGHT
- OHW..... OVERHEAD WIRES
- EOP..... EDGE OF PAVEMENT
- LA LANDSCAPED AREA
- RWB LANDSCAPE BLOCK RETAINING WALL
- RWBK BRICK RETAINING WALL
- VGC VERTICAL FACED GRANITE CURB
- RCRD ROCKINGHAM COUNTY REGISTRY OF DEEDS
- CONCRETE
- BRICK PAVERS
- CRUSHED STONE
- RIP RAP
- RETAINING WALL



PLAN REFERENCES:

- "EXISTING CONDITIONS PLAN" DATED 8/15/22, BY JAMES VERRA AND ASSOCIATES, INC.
- PORTSMOUTH G.I.S. (MAPGEO) DATA BASE.
- SITE OBSERVATIONS BY ALTUS ENGINEERING, INC. OCTOBER 2022.

PLAN INTENT:

THE SOLE PURPOSE OF THIS PLAN IS TO OBTAIN ZONING RELIEF FROM THE RULE REQUIRING THE LOWEST FINISHED FLOOR SHALL BE AT LEAST 2- FEET HIGHER THAN ESTABLISHED BY FEMA FLOOD HAZARD ZONE ELEVATION.
THE EXISTING RESIDENCE HAS A BASEMENT ELEVATION OF 5.75'.
THE F.H.Z. ELEVATION IS AT 8.0' THUS THE REQUIREMENT WOULD BE 10', HOWEVER, IN THE POST-DEVELOPMENT FINISHED GRADE CONDITION THE RESIDENCE WILL NOT BE LOCATED IN THE FLOOD HAZARD ZONE RENDERING THE REQUIREMENT MOOT.
THE FF ELEVATION OF THE BASEMENT WILL BE AT 5.75' AND THE FF ELEVATION OF THE FIRST FLOOR WILL BE AT 13.0', AN IMPROVEMENT FROM THE EXISTING 12.09' ELEVATION.

ENGINEER:
ALTUS
ENGINEERING
133 Court Street Portsmouth, NH 03801
(603) 433-2335 www.altus-eng.com

ISSUED FOR:
BOARD OF ADJUSTMENT

ISSUE DATE:
OCTOBER 23, 2024

REVISIONS

NO.	DESCRIPTION	BY	DATE
0	INITIAL SUBMISSION	EBS	10/25/22
1	ADJUST LOCATION OF PROP. BLDG BASED ON NHDES WETLANDS REQUIREMENTS	EBS	04/25/24
2	ADD FG/ELEVS. INFO.	EBS	10/23/24

DRAWN BY: RLH
APPROVED BY: EBS
DRAWING FILE: 5328-BOA-FOR-BASEMENT

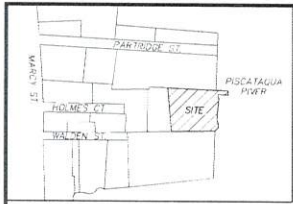
SCALE:
22" x 34" - 1" = 10'
11" x 17" - 1" = 20'

OWNER/APPLICANT:
STEPHEN A. & KATHRYN L. SINGLAR
21 ELLIOT STREET
EXETER, NH 03833

PROJECT:
PROPOSED SITE DEVELOPMENT PLANS
#43 HOLMES COURT
PORTSMOUTH, NH
ASSESSOR'S PARCEL MAP 101-LOT 14

TITLE:
BOARD OF ADJUSTMENT SITE PLAN

SHEET NUMBER:
1 OF 1



LOCUS
(N.T.S.)



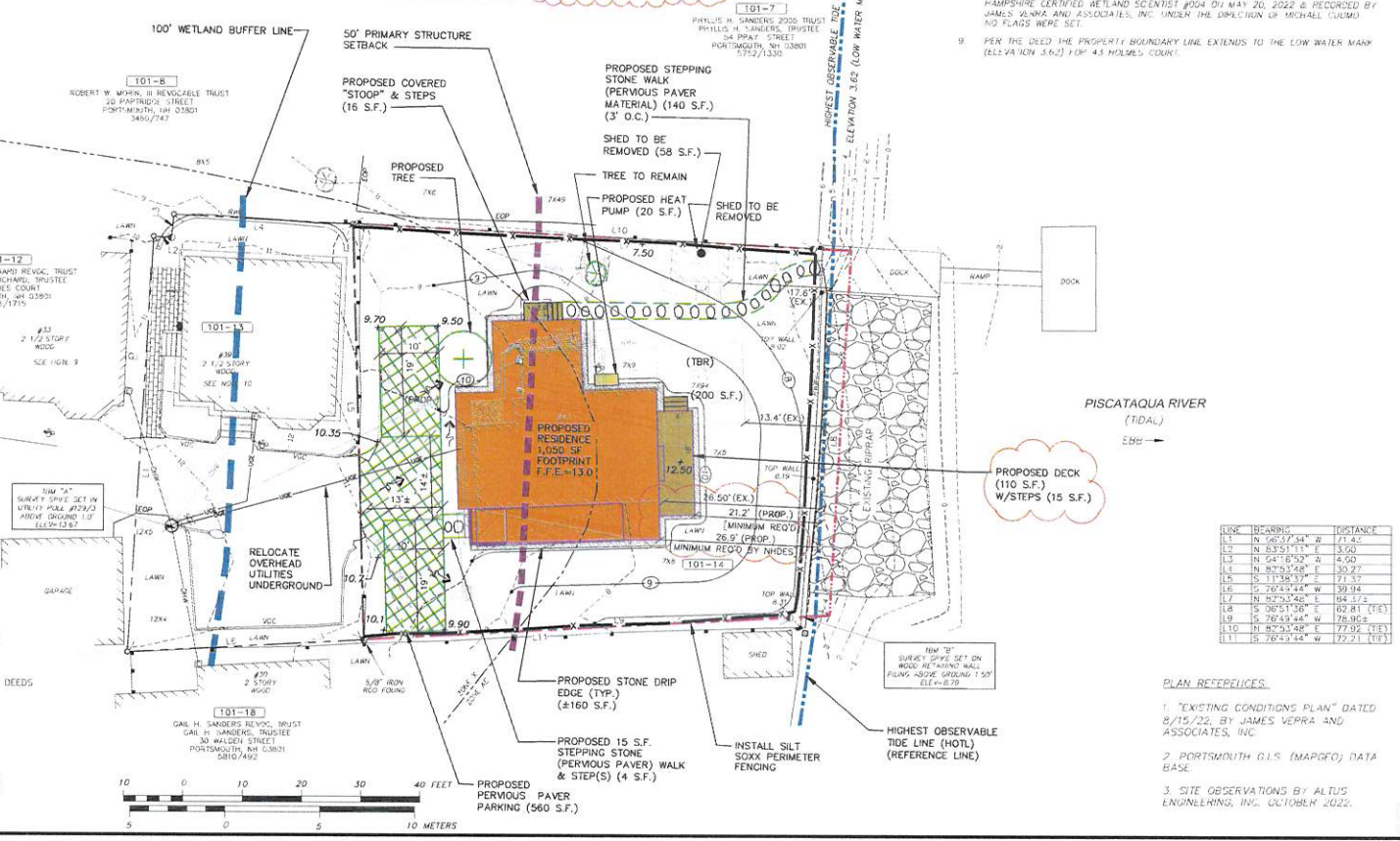
SITE NOTES

- DO NOT BEGIN CONSTRUCTION UNTIL ALL STATE AND LOCAL PERMITS HAVE BEEN APPLIED FOR AND RECEIVED.
- ALL CONSTRUCTION SHALL MEET THE MINIMUM CONSTRUCTION STANDARDS OF THE CITY OF PORTSMOUTH & NHDOT'S STANDARD SPECIFICATIONS FOR ROAD & BRIDGE, LATEST EDITION. THE MORE STRINGENT SPECIFICATION SHALL GOVERN.
- THE CONTRACTOR SHALL VERIFY ALL BENCHMARKS AND TOPOGRAPHY IN THE FIELD PRIOR TO CONSTRUCTION. ANY DISCREPANCIES SHALL BE BROUGHT TO THE ATTENTION OF THE ENGINEER.
- WETLAND AND BUFFER IMPACTS:**
NHDES AREA OF WETLAND IMPACT: 0 S.F.
AREA OF BUFFER DISTURBANCE: ±4,650 S.F. (PERMANENT)
TOTAL DISTURBANCE: ±4,650 S.F. (0.11 ACRE)
- NHDES WETLANDS PERMIT REQUIRED (PENDING).
- NO WORK REQUIRED BEYOND THE 100' TIDAL BUFFER FOR 43 HOLMES COURT, NHDES SHORELAND PERMIT NOT REQUIRED.
- AREA OF DISTURBANCE IS UNDER 43,560 SF. COVERAGE UNDER EPA NPDES PHASE II CONSTRUCTION GENERAL PERMIT IS NOT REQUIRED.
- CONTRACTOR SHALL INSTALL AND MAINTAIN TEMPORARY SEDIMENT AND EROSION CONTROL MEASURES TO PREVENT SEDIMENT FROM CONSTRUCTION ACTIVITIES LEAVING THE SITE. PERIMETER EROSION AND SEDIMENT CONTROLS SHALL BE MAINTAINED IN GOOD WORKING ORDER FOR THE DURATION OF CONSTRUCTION AND ARE NOT TO BE REMOVED UNTIL THE UPRILL CONTRIBUTING AREAS ARE STABILIZED. CONTROLS SHALL BE INSPECTED ON A REGULAR BASIS AND AFTER ALL RAIN EVENTS OF 0.25 INCHES OR GREATER. ANY DEFICIENCIES IN THE CONTROLS SHALL BE ADDRESSED IMMEDIATELY AND BROUGHT TO THE ATTENTION OF THE OWNER.
- ON-SITE LOAM SHALL BE REUSED IN ITS ENTIRETY. IMPORTED LOAM SHALL BE MIXED WITH NATIVE LOAM PRIOR TO APPLICATION TO AVOID SEGREGATED SOIL ZONES.
- EXISTING VEGETATION TO BE RETAINED TO THE GREATEST EXTENT POSSIBLE.
- MEET & MATCH ALL PAVEMENT AND LAWN GRADES. COORDINATE ELEVATIONS OF CONCRETE HVAC PAD, PATIO & DECK WITH ARCHITECT.
- TREE GRID NOTE: THERE IS ONE COUNTABLE TREE WITHIN 50'-FEET OF THE RESOURCE LINE.
- ORGANIC LAWN AND LANDSCAPE CARE METHODS SHALL BE AS SPECIFIED IN THE NORA ORGANIC STANDARDS LAWN CARE INCLUDING THE USE OF ORGANIC FERTILIZERS ONLY.
- IMPERVIOUS COVERAGE:**
EXISTING: ±2,189 S.F. (40.0%)
PROPOSED: ±1,284 S.F. (24.0%)

PROPOSED IMPACTS IN THE WETLAND BUFFER INCLUDE RAZING AND REPLACING THE SINGLE FAMILY RESIDENCE, CONSTRUCTION OF A NEW DECK, PLACING OVERHEAD UTILITIES UNDERGROUND, INSTALLATION OF HVAC PAD & EQUIPMENT, REMOVAL OF PAVED PATH & SHED, INSTALLATION OF WALKWAY AND LANDSCAPING (4,650 SF PERMANENT IMPACT). ANY ADDITIONAL WORK IN THE 100-FOOT WETLAND BUFFER OR 250-FOOT SHORELAND PROTECTION BUFFER WILL REQUIRE A SEPARATE PERMIT.

SURVEY NOTES:

- OWNER OF RECORD: STEPHEN A. & KATHRYN SINGLAR
ADDRESS: 21 ELLIOT STREET, EXETER, NH 03833
DEED REFERENCE: 6593/1443
TAX SHEET: L31-101-14
PARCEL AREA: 5,253 S.F. (±10 ELEV. 3.62)
- ZONED: WATERFRONT BUSINESS FRONT YARD SETBACK: 30'
MINIMUM LGT AREA: 20,000 S.F. SIDE YARD SETBACK: 30'
FRONTAGE: 100' REAR YARD SETBACK: 20'
- THE RELATIVE ERROR OF CLOSURE WAS LESS THAN 1 FOOT IN 15,000 FEET
- THE LOCATION OF ALL UNDERGROUND UTILITIES SHOWN HEREON ARE APPROXIMATE AND ARE BASED UPON THE FIELD LOCATION OF ALL VISIBLE STRUCTURES (E.C. CATCH BASINS, MANHOLES, WATER GATES ETC.) AND INFORMATION COPIED FROM PLANS PROVIDED BY UTILITY COMPANIES AND GOVERNMENTAL AGENCIES. ALL CONTRACTORS SHOULD NOTIFY IN WRITING SAID AGENCIES PRIOR TO ANY EXCAVATION WORK AND CALL DIG-SAFE @ 1-888-DIG-SAFE.
- HORIZONTAL DATUM: NAD 1983 ESTABLISHED BY SURVEY ORAL GPS OBLIGATION AND HAS "OPTIC" COLLISION REFERENCE FRAME: NAD83 (2011 EPOCH); 2011 EPOCH; US SURVEY FOOT.
VERTICAL DATUM: NAVD 1988. PRIMARY BENCHMARK: CITY OF PORTSMOUTH "RUBEL"
- CONTRACTOR TO VERIFY SITE BENCHMARKS BY LEVELING BETWEEN 2 BENCHMARKS PRIOR TO THE ESTABLISHMENT OF ANY GRADES OR ELEVATIONS. DISCREPANCIES ARE TO BE REPORTED TO JAMES VERRA AND ASSOCIATES, INC.
- THE PARCELS SHOWN HEREON LIES WITHIN ZONE AF (ELEVATION R) & ZONE X (AREA OF MINIMAL FLOOD HAZARD) AS IDENTIFIED ON FLOOD INSURANCE RATE MAP, ROCKINGHAM COUNTY, NEW HAMPSHIRE, MAP NUMBER 33015C0278, EFFECTIVE DATE 1/29/2021 BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.
- THE HIGHEST OBSERVABLE TIDE LINE WAS DELINEATED BY MICHAEL CUDMO, NEW HAMPSHIRE CERTIFIED WETLAND SCIENTIST #004 01 MAY 20, 2022 & RECORDED BY JAMES VERRA AND ASSOCIATES, INC. UNDER THE DIRECTION OF MICHAEL CUDMO #0 FLOOD WISE SET.
- PER THE DEED THE PROPERTY BOUNDARY LINE EXTENDS TO THE LOW WATER MARK (ELEVATION 3.62) FOR 43 HOLMES COURT.



- LEGEND:**
- IRON ROD (AS NOTED)
 - IRON PIPE FOUND
 - GRANITE POST FOUND
 - SURVEY NAIL (AS NOTED)
 - TAX SHEET (LOT NO)
 - WHY FENCE
 - UTILITY POLE
 - UTILITY POLE W/ HANGING ORNAMENT
 - UTILITY POLE WITH ARM & LIGHT
 - OVERHEAD WIPES
 - EDGE OF PAVEMENT
 - LANDSCAPED AREA
 - LANDSCAPE B (EXC. RETAINING WALL)
 - BRICK RETAINING WALL
 - WOOD RETAINING WALL
 - VCC VERTICAL FACED GRANITE CURB
 - ROCKINGHAM COUNTY REGISTRY OF DEEDS
 - CONCRETE
 - BRICK PAVERS
 - CRUSHED STONE
 - RIP RAP
 - RETAINING WALL
 - PROPOSED SPOT GRADE ELEVATION
 - PROPOSED UNDERGROUND UTILITIES



LINE	BEARING	DISTANCE
L2	N 26°27'44" W	71.40
L3	N 83°51'11" E	3.00
L4	N 64°0'52" W	4.50
L5	N 80°55'58" E	23.27
L6	S 11°38'59" E	71.57
L7	S 76°49'44" W	39.94
L8	N 82°53'42" E	68.57
L9	S 06°51'26" E	82.81 (FIE)
L10	S 76°49'44" W	78.96±
L11	N 82°53'42" E	77.66 (FIE)
L12	S 76°49'44" W	72.21 (FIE)

PLAN REFERENCES:

- "EXISTING CONDITIONS PLAN" DATED 8/15/22, BY JAMES VERRA AND ASSOCIATES, INC.
- PORTSMOUTH G.I.S. (MAPPGO) DATA BASE.
- SITE OBSERVATIONS BY ALTUS ENGINEERING, INC. OCTOBER 2022.

ENGINEER:

133 Court Street Portsmouth, NH 03801
(603) 433-1335 www.altus-eng.com



ISSUED FOR: APPROVAL

ISSUE DATE: MARCH 6, 2024

REVISIONS

NO	DESCRIPTION	BY	DATE
0	INITIAL SUBMISSION	EBS	02/17/24
1	PER NHDES COMMENTS	EBS	04/26/23
2	PER NHDES RF#1	OS	06/19/23
3	PER NHDES RF#1	EBS	01/12/24
4	PER NHDES RF#1	EBS	03/05/24

DRAWN BY: RLH
APPROVED BY: EBS
DRAWING FILE: 9328-2024-02-23-10-01

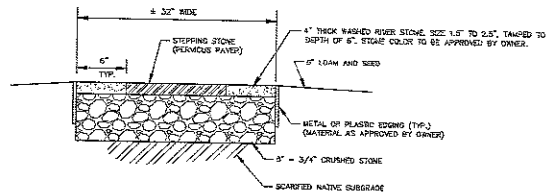
SCALE:
22" x 34" - 1" = 10'
11" x 17" - 1" = 20'

OWNER/APPLICANT:
STEPHEN A. & KATHRYN L. SINGLAR
21 ELLIOT STREET
EXETER, NH 03833

PROJECT:
PROPOSED SITE DEVELOPMENT PLANS
#43 HOLMES COURT
PORTSMOUTH, NH
ASSESSOR'S PARCEL MAP 101-LOT 14

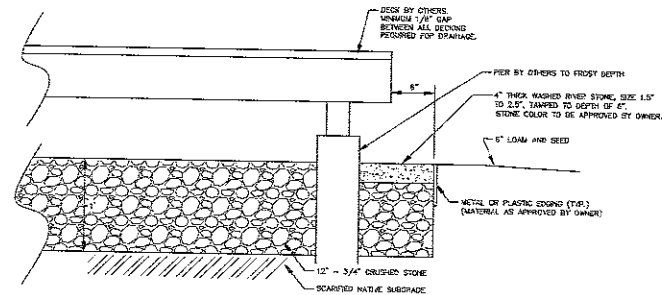
TITLE:
NHDES WETLANDS PERMIT PLAN & STORM WATER MANAGEMENT PLAN

SHEET NUMBER:
1 OF 2

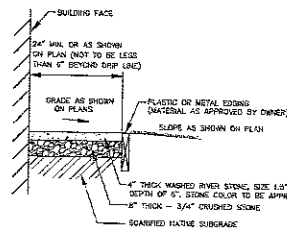


PERMEABLE STEPPING STONES (PAVERS) CLEANING AND MAINTENANCE
 Function = Permeable paver stepping stones are designed to capture rainwater runoff containing suspended solids, nutrients and pollutants. These systems require periodic maintenance to insure infiltration and storage capacity.
 Maintenance = Permeable stepping stone pavers should be observed periodically during rain events for proper water infiltration into the system and inspected at least once per year to verify water flow and infiltration. Sediment and debris should be removed from the surface of the paver and stone surface to increase infiltration through light vacuuming on a semi-annual basis.

PERMEABLE STEPPING STONE WALKWAY DETAIL NOT TO SCALE

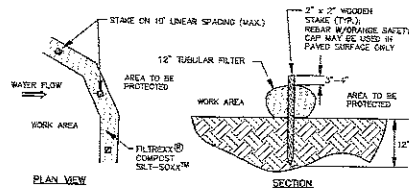


IMPERVIOUS DECK DETAIL NOT TO SCALE



STONE DRIP EDGE CLEANING AND MAINTENANCE
 Function = Stone drip edges are designed to capture rainwater runoff containing suspended solids, nutrients and pollutants. These systems require periodic maintenance to insure infiltration and storage capacity.
 Maintenance = Stone drip edge surfaces should be observed periodically during rain events for proper water infiltration into the system and inspected at least once per year to verify water flow and infiltration. Sediment, vegetation and debris should be removed from the joint/void opening to increase infiltration on a semi-annual basis.

DRIP EDGE DETAIL NOT TO SCALE

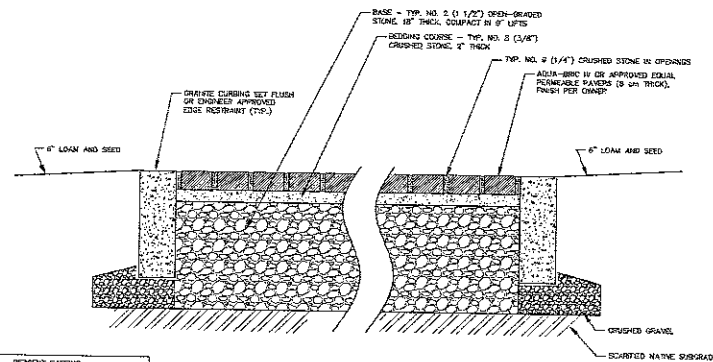


NOTES:
 1. FILTER OF APPROVED EQUAL SHALL BE USED FOR TUBULAR SEDIMENT BARRIERS.
 2. ALL MATERIAL TO MEET MANUFACTURER'S SPECIFICATIONS.
 3. GRANULE/SAND/ROCK/SEED FILL MATERIAL SHALL BE ADJUSTED AS NECESSARY TO MEET THE REQUIREMENTS OF THE SPECIFIC APPLICATION.
 4. ALL SEDIMENT TRAPPED BY BARRIER SHALL BE DISPOSED OF PROPERLY.

TUBULAR SEDIMENT BARRIER NOT TO SCALE

SEIVE SIZE	PERCENT PASSING		
	No. 2 (1/2")	No. 8 (3/8")	No. 20 (3/16")
3 in	-	-	100
2 1/2 in	-	-	80 - 100
2 in	-	-	35 - 70
1 1/2 in	-	-	0 - 45
3/4 in	-	-	0 - 5
1/2 in	100	100	-
3/8 in	80 - 100	80 - 100	-
No. 4	30 - 85	10 - 30	-
No. 8	5 - 30	0 - 10	-
No. 16	0 - 10	0 - 5	-
No. 50	0 - 5	-	-

PERMEABLE PAVERS DETAIL (DRIVEWAY)



PERMEABLE PAVES CLEANING AND MAINTENANCE
 Function = Pavers are designed to capture rainwater runoff containing suspended solids, nutrients and pollutants. These systems require periodic maintenance to insure infiltration and storage capacity.
 Maintenance = Permeable pavers should be observed periodically during rain events for proper water infiltration into the system and inspected at least once per year to verify water flow and infiltration. Sediment and debris should be removed from the joint/void opening to increase infiltration through light vacuuming on a semi-annual basis.

NOT TO SCALE

ENGINEER:
ALTUS ENGINEERING
 133 Court Street Portsmouth, NH 03801
 (603) 435-2335 www.altus-eng.com



ISSUED FOR: APPROVAL
 ISSUE DATE: MARCH 5, 2024

REVISIONS:
 NO. DESCRIPTION BY DATE
 0 INITIAL SUBMISSION EBS 04/28/23
 1 INITIAL RFP #1 EBS 01/17/24
 2 INITIAL RFP #2 SUB EBS 05/06/24

DRAWN BY: RLH
 APPROVED BY: EBS
 DRAWING FILE: 2324.DWG

SCALE:
 22" x 34" - NOT TO SCALE
 11" x 17" - NOT TO SCALE

OWNER/APPLICANT:
 STEPHEN A. & KATHRYN L. SINGLAR
 21 ELLIOT STREET
 EXETER, NH 03833

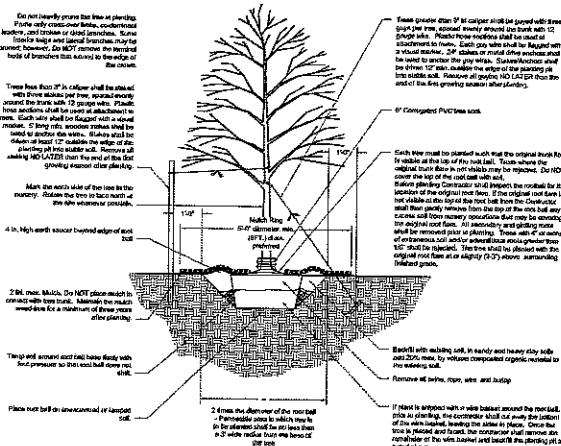
PROJECT:
 PROPOSED SITE DEVELOPMENT PLANS
 #43 HOLMES COURT
 PORTSMOUTH, NH
 ASSESSOR'S PARCEL MAP 101 - LOT 14

TITLE:
 DETAIL SHEET

SHEET NUMBER:
 2 OF 2

Landscape Notes

- Design is based on drawings by Alton Engineering and may require adjustment due to actual field conditions.
- The contractor shall follow best management practices during construction and shall take all means necessary to establish and protect the storm water.
- Erosion Control shall be in place prior to construction.
- Erosion Control to consist of Hay Bales and Erosion Control Fabric shall be placed between the work and Water bodies, Wetlands and/or drainage ways prior to any excavation.
- The Contractor shall verify layout and grades and inform the Landscape Architect or Client's Representative of any discrepancies or changes to layout and/or grade/relationships prior to construction.
- It is the contractor's responsibility to verify drawings provided are to the correct scale prior to any bid, estimate or installation. A graphic scale bar has been provided on each sheet for this purpose. If it is determined that the scale of the drawing is incorrect, the landscape architect will provide a set of drawings at the correct scale, at the request of the contractor.
- Trees to remain within the construction zone shall be protected from damage for the duration of the project by snow fence or other suitable means of protection to be approved by Landscape Architect or Client's Representative. Snow fence shall be located at the edge of the minimum 100ft. tree buffer, trunk and bark of the trees to be protected shall be wrapped with a material to protect the integrity of the tree. Do not store any materials or construction equipment within the tree protection zone.
- The plan is for reference purposes only. NOT for Construction. Construction Documents will be provided upon request.
- Location, support, protection, and restoration of all existing utility and appurtenances shall be the responsibility of the Contractor.
- The Contractor shall verify exact location and elevation of all utilities with the respective utility owners prior to construction. Call DIGSAFE at 1-800-244-7232.
- The Contractor shall procure any required permits prior to construction.
- Prior to any landscape construction activities Contractor shall test all existing loam and loam from off-site intended to be used for lawn and plant beds using a thorough sampling throughout the supply. Soil testing shall include levels of pH, nitrate, nitro-nitro-nitrate, iron, available salts, and organic matter. Contractor shall provide Landscape Architect with test results and recommendations from the testing facility along with soil amendment plans as necessary for the proposed planting to follow. All loam to be used on site shall be amended as approved by the Landscape Architect prior to placement.
- Contractor shall notify landscape architect or owner's representative immediately if at any point during demolition or construction a site condition is discovered which may negatively impact the proposed project. This includes, but is not limited to, unforeseen drainage problems, unknown subsurface conditions, and discrepancies between the plan and the site. If a contractor is aware of a potential issue, and does not bring it to the attention of the landscape architect or owner's representative immediately, they may be responsible for the labor and materials associated with correcting the problem.
- The Contractor shall furnish and plant all plants shown on the drawings and listed below. All plants shall be nursery-grown under climatic conditions similar to those in the locality of the project. Plants shall conform to the botanical name and quantity of size, culture, and quality for the highest grade and standards as adopted by the American Association of Nurserymen, Inc. in the American Standard of Nursery Stock.
- A complete list of plants, including a schedule of sizes, quantities, and other notes appears as shown on the drawings. In the event that quantity discrepancies or material variations occur in the plant materials list, the planting plans stand govern.
- All plants shall be irrigated with proper advanced means.
- The Contractor shall guarantee all plants for not less than one year from time of acceptance.
- Owner or Owner's Representative will inspect plants prior to delivery for conformity to specification requirements. Such approval shall not affect the right of inspection and rejection during or after the progress of the work. The Owner reserves the right to inspect and/or select all areas of the place of growth and reserves the right to approve a representative sample of each type of shrub, tree, and ground cover. Plants shall be appropriately watered prior to, during and after planting. It is the contractor's responsibility to provide clean water suitable for plant health from on site, should it not be available on site.
- No substitutions of plants may be made without the prior approval of the Owner or the Owner's Representative for any reason.
- All landscaping shall be provided with the following:
 - Quality tree stakes to include a maximum of 100 feet apart, and
 - An underground irrigation system, or
 - A temporary irrigation system designed for a two-year period of plant establishment.
- If an automatic irrigation system is installed, all irrigation valves/bodies shall be located within planting bed areas.
- The contractor is responsible for all plant material from the time their work commences until final acceptance. This includes but is not limited to maintaining all plants in good condition, the security of the plants material once delivered to the site, and watering of plants. Plants shall be appropriately watered prior to, during and after planting. It is the contractor's responsibility to provide clean water suitable for plant health from on site, should it not be available on site.
- Contractor shall provide an alternate plan for irrigating all newly landscaped areas and creating of any existing irrigation that will be disturbed during planting. Contractor shall provide irrigation design for review by Landscape Architect or Owner's Representative when awarded the project.
- All finished areas will be finished with 4" of topsoil and planted as noted on the plans or selected except plant beds. Plant beds shall be prepared to a depth of 12" with 70% loam and 30% compost.
- Trunks, ground cover, and shrub bases shall be mulched to a depth of 2" with one-year-old, well-composted, absorbent native bark not longer than 4" in length and 1/2" in width, free of weeds and twigs. Mulch for ferns and hostas should be no larger than 1" in length. Trees in lawn areas shall be mulched by 6" diameter mulch circles. Color of mulch shall be black.
- Drip pipe shall extend to 6" beyond root overhang and shall be added with 3/16" thick mulch edger.
- In no case shall mulch touch the stems of a plant nor shall mulch ever be more than 3" thick (including previously applied mulch) over the root ball of any plant.
- Structural lateral branches of deciduous trees overhanging vehicular and pedestrian walkways shall be pruned to 1/2 height of 6' to allow clear and safe passage of vehicles and pedestrians over such overhangs. Within the right-of-way, all limbs at or above sidewalk level shall be pruned to 6' high.
- Stems shall be staked a maximum of 5' from trunk and trunk of tree. Landscape Architect is not responsible for the means and methods of the contractor.

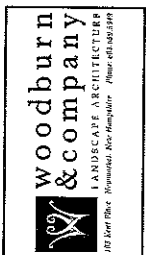
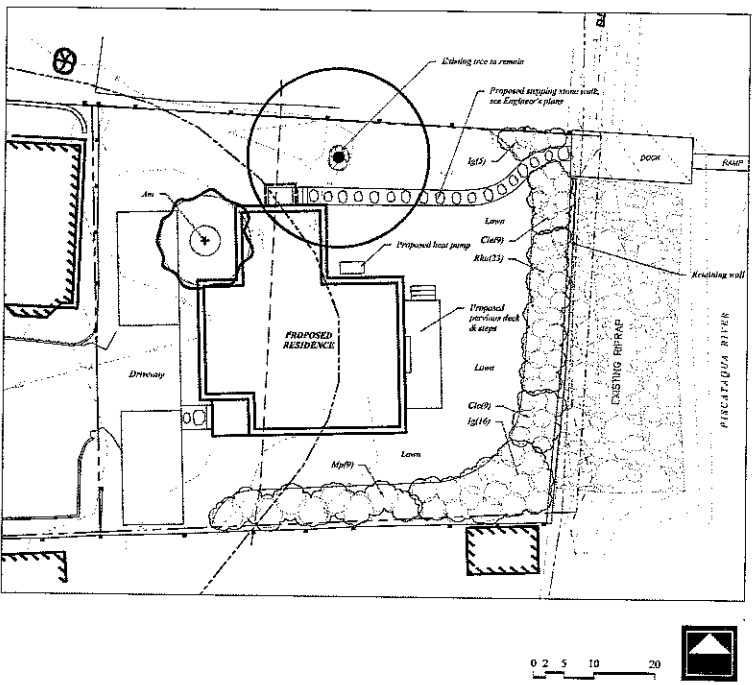


Tree Planting Detail

Plant List

TREES	Symbol	Botanical Name	Common Name	Quantity	Size	Comments
	Am	American's grand/Rose Autumn Excellence	Autumn Brilliance Serviceberry	1	10-12" Ht	888, Main stem

SHRUBS	Symbol	Botanical Name	Common Name	Quantity	Size	Comments
	Ch	Clivia albida 'Hummelstrahl'	Hummelstrahl Compact Summerweet	18	8 gal	
	Cl	Clivia albida 'Shamrock'	Shamrock Inkberry	21	5 gal	Call for ground
	My	Myrica pensylvanica	Maritime Bayberry	9	5 gal	
	Rlu	Rosa arvensis 'Grow-Low'	Grow Low Rose	23	3 gal	



Singlar Residence

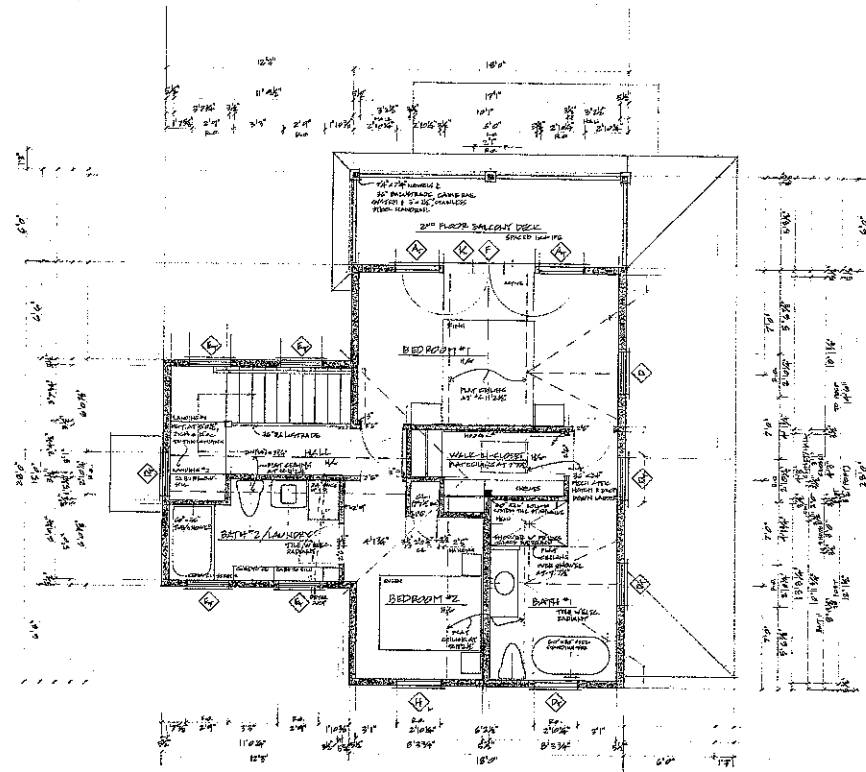
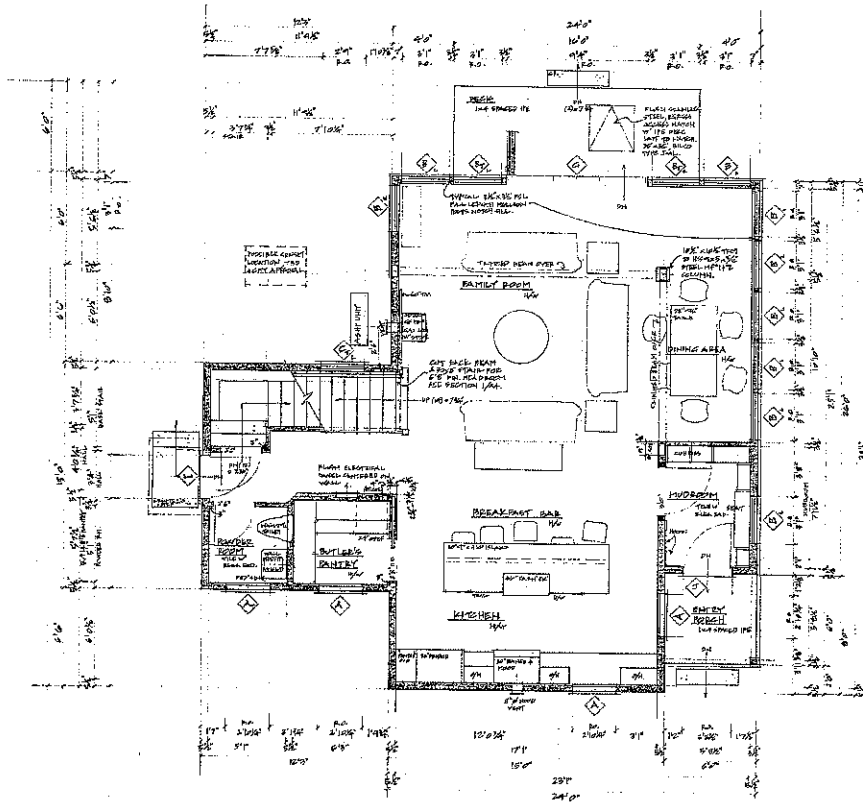
PLANTING PLAN

43 Holmes Court Portsmouth, New Hampshire

Drawn By: VM
 Checked By: RW
 Scale: 1" = 10' - 0"
 Date: November 14, 2023
 Revisions:

L-1

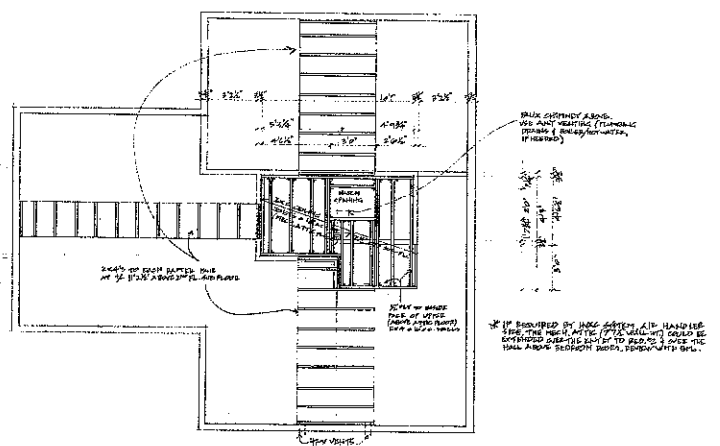
Sheet 1 of 1



EXTERIOR DOOR & WINDOW SCHEDULE 43 HOLMES CRT, PORTSMOUTH, NH

No.	FIN. (WxH)	MANUFACTURE	GLASS TYPE	NOTES (HINGE SIDE FROM EXTERIOR)	QTY	RTIC
A	2'10 1/2" x 4'8 3/8"	7938	66	IMPH 2052 DOUBLE HUNG WITH 16 SCREWS	4	8
A1	"	"	"	"	4	8
B	3'1" x 8'3/4"	7438	93	CASHEMETS, SHED FUNCTIONAL, W/ ACCESSORIES (FL, CR, (T) (L))	1	9
B1	"	"	"	"	1	9
C	2'9" x 2'9 1/4"	312	93	CASHEMET, W/ SCREEN, THERMOPANE (FL)	1	1
D	2'10 1/2" x 4'1 3/8"	611	66	IMPH 2050 DOUBLE HUNG, WITH 16 SCREWS	1	1
D1	"	"	"	"	1	1
E	2'9" x 2'9 1/4"	514	312	MAXX 3232 ANYTHING WITH SCREENS, THERMOPANE GLASS	1	4
F	2'1" x 2'1 1/4"	178	242	FIXED AWNING	1	1
G	9'4" x (FRAME 7'4 3/8")	7438	311	AWNING WITH SCREENS, THERMOPANE GLASS	1	1
H	2'10 1/2" x 4'1 3/8"	611	66	IMPH 2050 DOUBLE HUNG, WITH 16 SCREWS	1	1
I	2'10 1/2" x 2'2 1/8"	7438	311	AWNING WITH SCREENS, THERMOPANE GLASS	1	1
J	3'2 1/2" x (FRAME 7'4 3/8")	7438	311	AWNING WITH SCREENS, THERMOPANE GLASS	1	1
K	8'0" x 6'11"	611	11	AWNING WITH SCREENS, THERMOPANE GLASS	1	1

EXTERIOR: WHITE INTERIOR: WHITE
 HARDWARE: OIL RUBBER BRONZE
 4" STAINLESS STEEL OPERATING HARDWARE, COASTAL. SILLS: TYPE 'E', 3/4" HISTORIC

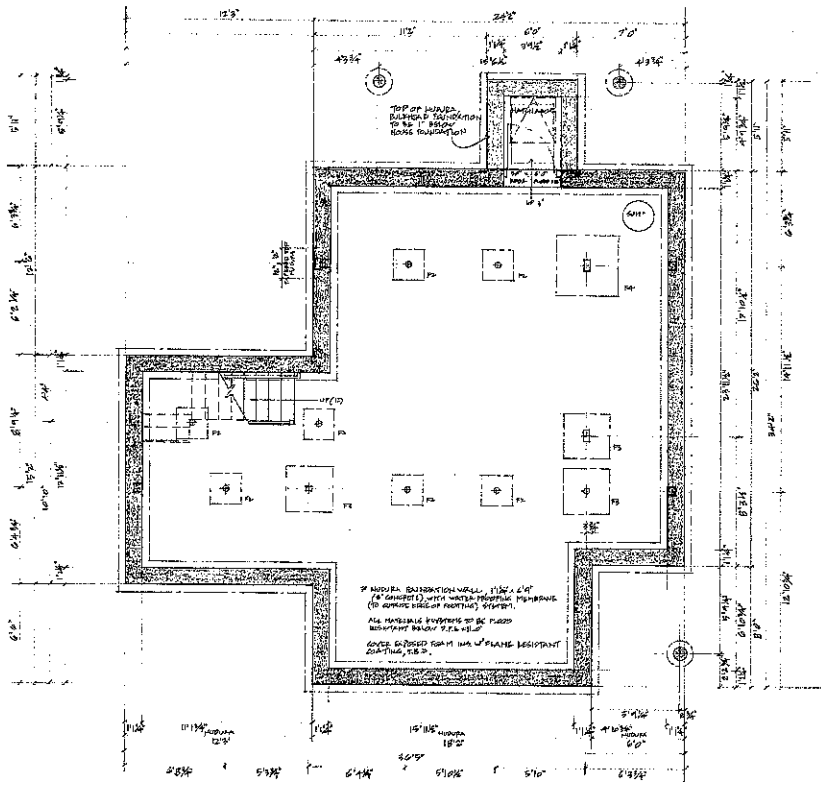


BRENDAN MCNAMARA
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 brennanc@comcast.net

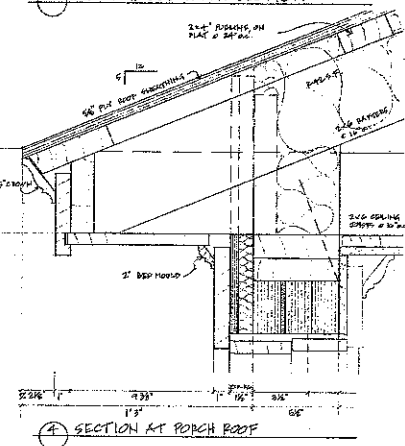
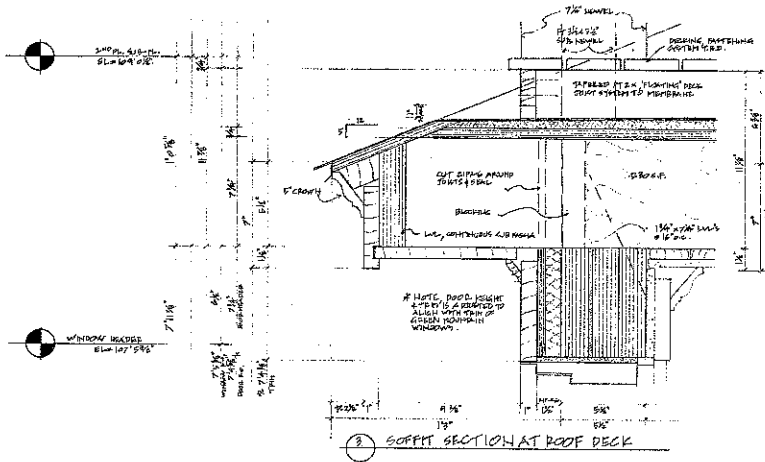
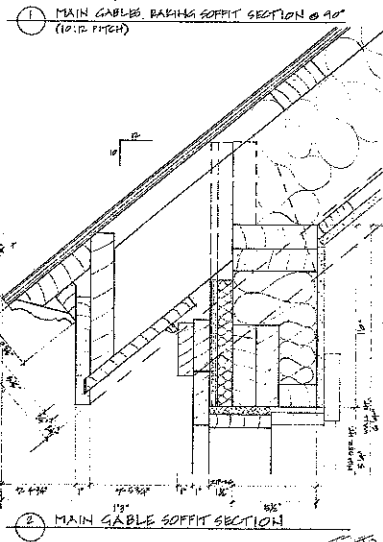
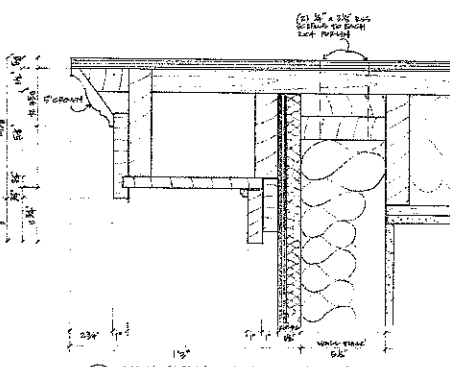
PROPOSED NEW STRUCTURE
 AT 43 HOLMES COURT,
 PORTSMOUTH, NH.

TITLE: PROPOSED FLOOR PLANS, EXTERIOR WINDOW & DOOR SCHED.
 SCALE: 1/4"=1'-0"
 DATE: 2.6.2023
 REVISIONS: 4.18.2023 7.20.2023

PAGE A.1



PROPOSED MECHANICAL & STORAGE BASEMENT FLOOR PLAN
 FLOOR FLOORED + ONLY FLOOD RESISTANT MATERIALS BELOW D.F.E. = 11.0'



INSULATION SCHEDULE

INSULATION INSTALLATION IS TO MEET, OR EXCEED, THAT DESCRIBED IN THE 2015 INTERNATIONAL ENERGY CONSERVATION CODE (IECC 2015) AS DEFINED FOR ZONE 5A.

USE "VALVE ENGINEERING" FRAMING TECHNIQUES WHERE POSSIBLE TO ENSURE ACCESSIBILITY FOR SPRAYFOAM APPLICATION.

NOTE 2" RIGID FOAM AS HEADER SHIMS OR 3" TO 1.5" HEADERS, FILL ANY VOIDS IN FRAMING THAT OCCUR WITH RIGID FOAM TO ELIMINATE ANY AIRSPACE. SEE SECTIONS FOR GRAPHICAL DESCRIPTION.

EXTERIOR CLOSED CELL POLYURETHANE SPRAYFOAM, RATED TO 6.5#/INCH MINIMUM. ALLOW 21 DAYS BEFORE COVERING WITH SHEETROCK TO MONITOR SHRINKAGE.

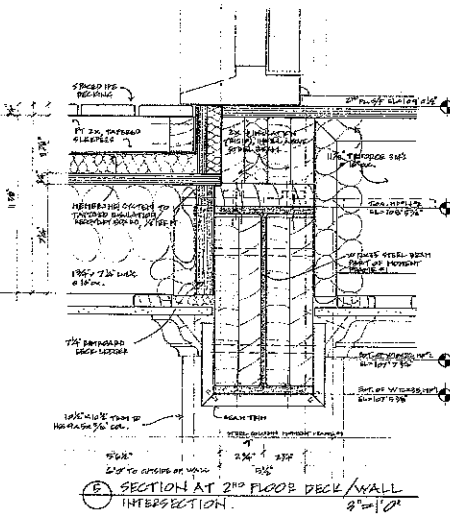
ROOF: R42, NOTE FURLIN DETAIL. NOTE THE ATTIC MECHANICAL AREA WILL NEED TO HAVE SPRAY FOAM COVERED BY FLAME RESISTANT COATING.

WALLS AND RUM/JOISTS: R21, MINIMUM, NOTE THE USE OF ZIP-R6 AS EXTERIOR WALL SHEATHING.

WINDOWS AND DOORS: LOW EXPANSION FOAM TO ALL OPENINGS, ENSURE COMPLETE FILL (4 9/16"), WITHOUT EFFECTING WINDOW/DOOR OPERATION.

INTERIOR: R11 AND R29 ROCKWOL (OR SIMILAR, OR BETTER) TO ALL INTERIOR WALLS FOR SOUND. USE TO SUIT 2X4 AND 2X6 WALL THICKNESS. R19 TO 2" FLOOR JOIST SYSTEM AND ATTIC CEILING JOISTS.

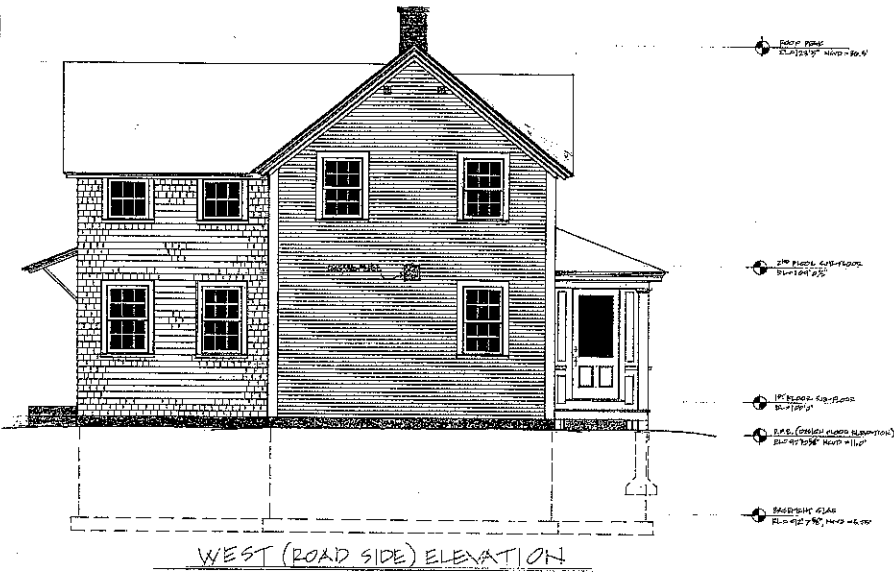
AIR INFILTRATION FROM BLOWER DOOR TEST, THE BUILDING MUST ACHIEVE A MINIMUM OF 0.25 ACH. CAULK ALL "BAND" FRAMING MEMBERS AND PLATE/FLOOR CONNECTIONS. SEAL ALL PENETRATIONS AS PER MANUFACTURERS REQUIREMENTS. AN ENERGY RECOVERY VENTILATION SYSTEM WILL BE INSTALLED AND UTILIZED FOR BATHROOM VENTILATION WHERE POSSIBLE.



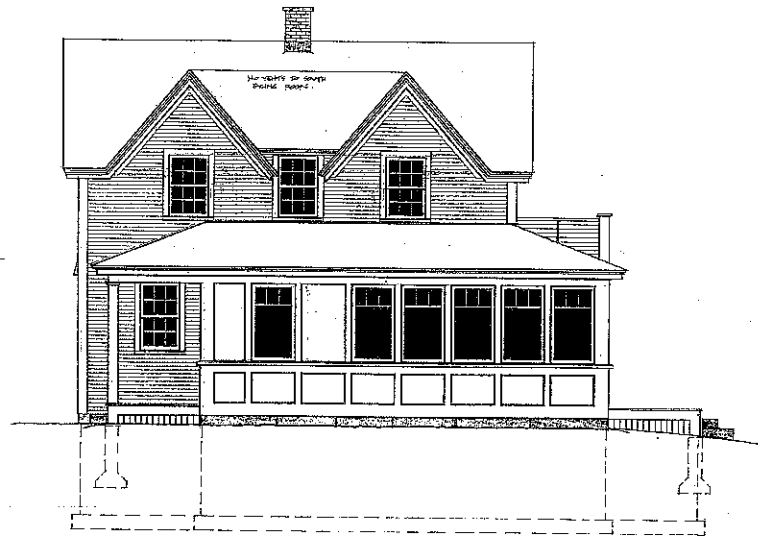
TITLE : PROP BASEMENT/EDN FLOOR PLAN, SOFFIT SECTIONS
 SCALE : 1/4" = 1'-0"
 DATE : 2.6.2023
 REVISIONS : 3.23.2023 7.20.2023

PROPOSED NEW STRUCTURE
 AT 49 HOLMES COURT,
 PORTSMOUTH, NH.

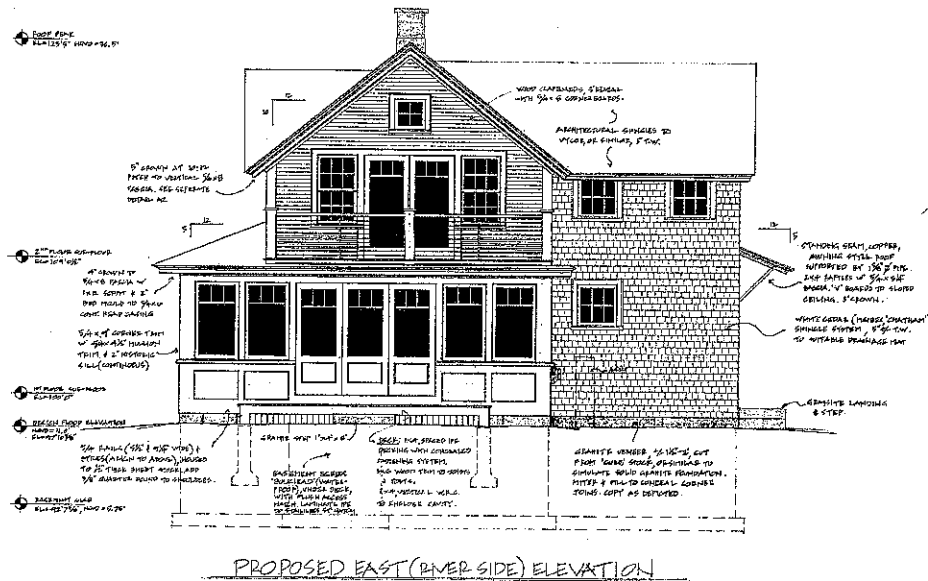
Brendan McNamara
 brennam@smcmasters.com
 603.663.1105



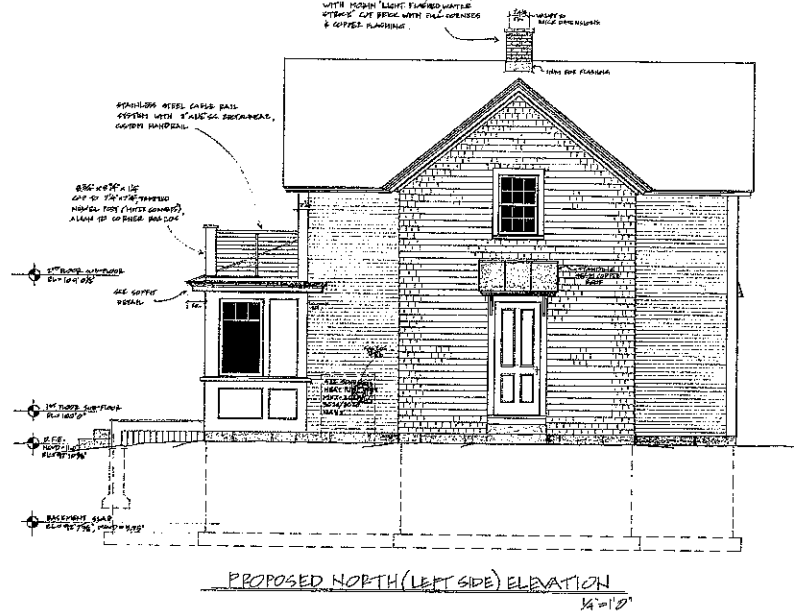
WEST (ROAD SIDE) ELEVATION



PROPOSED SOUTH (RIGHT SIDE) ELEVATION



PROPOSED EAST (RIVER SIDE) ELEVATION



PROPOSED NORTH (LEFT SIDE) ELEVATION

Brendan McNamara
 803.852.1105 brennamc@comcast.net

TITLE: PROPOSED ELEVATIONS
 SCALE: 1/4"=1'-0"
 DATE: 2.6.2023
 REVISIONS: 4.18.2023 7.20.2023

PROPOSED NEW STRUCTURE
 AT 49 HOLMES COURT,
 PORTSMOUTH, N.H.



① SECTIONAL VIEW, NORTH/SOUTH (LEFT/RIGHT) 1/8"=1'-0"

ROSS ENGINEERING STRUCTURAL REVIEW

All structural members for the roof frame, floor frame and foundation have been reviewed to meet IRC 2018 primary structural requirements. These structures have been reviewed for gravity loads. Refer to structural drawings for more details.

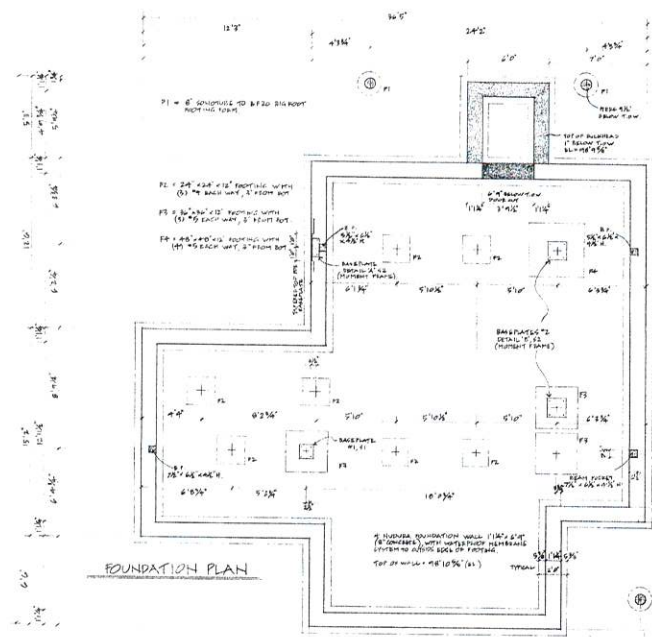
DATE: 8-17-2023

ISSUED FOR PERMIT

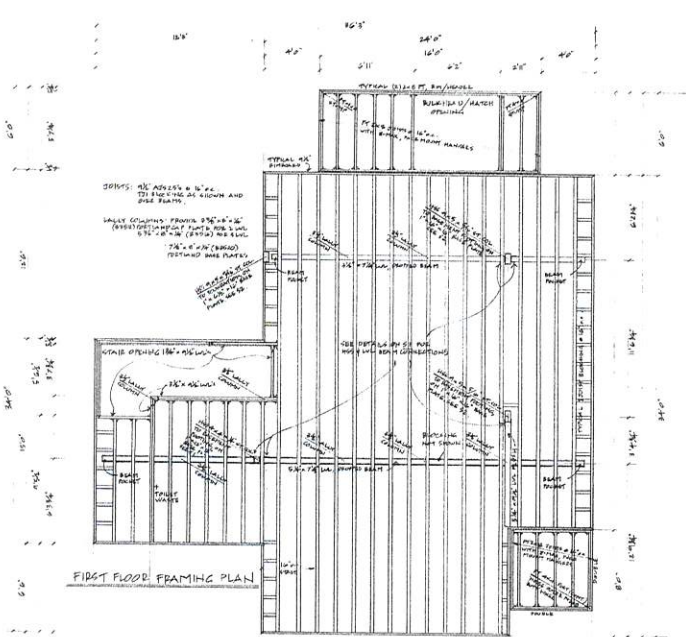
Brendan McNamara
 Structural Engineer
 603.881.1105
 brennamara@comcast.net

TITLE: PROPOSED SECTIONAL VIEW, NORTH/SOUTH
 SCALE: 1/8"=1'-0"
 DATE: 2.6.2023
 REVISIONS: 3.23.2023, 4.18.2023, 7.20.2023

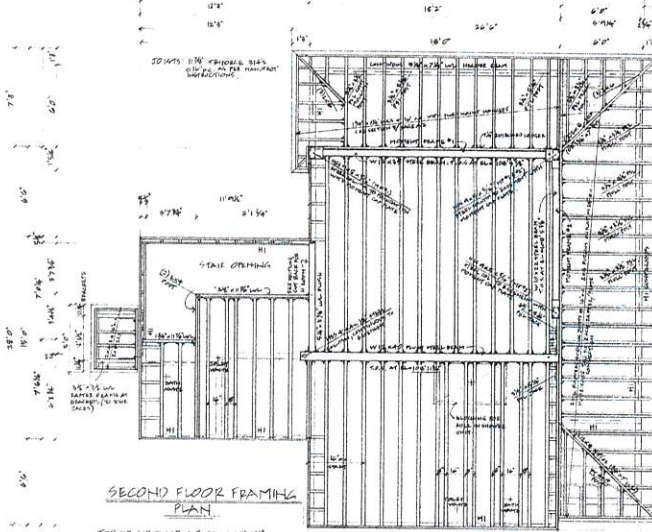
PROPOSED NEW STRUCTURE
 AT 43 HOLMES COURT,
 PORTSMOUTH, NH



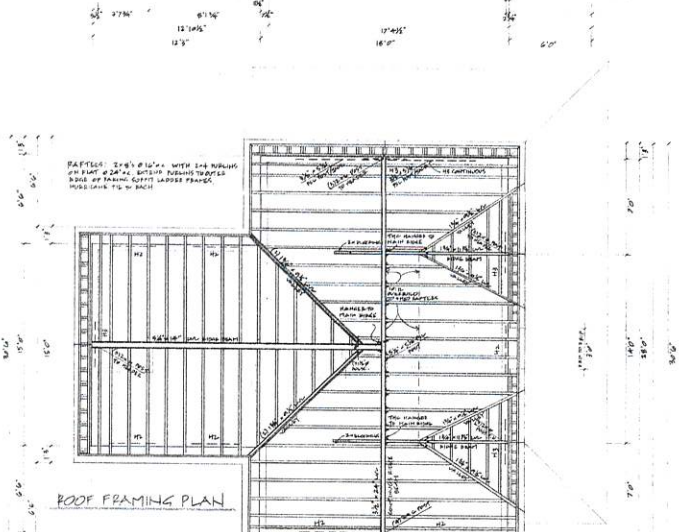
FOUNDATION PLAN



FIRST FLOOR FRAMING PLAN



SECOND FLOOR FRAMING PLAN



ROOF FRAMING PLAN

- HEADERS SCHEDULE:
- H1 - (2) 12\"/>

RAFTERS: 2\"/>

TITLE : FOUNDATION & FRAMING PLANS
 SCALE : 1/4"=1'-0"
 DATE : 3.22.2023
 REVISIONS : 7.20.2023

PROPOSED NEW STRUCTURE
 AT 43 HOLMES COURT,
 PORTSMOUTH, N.H.

PAGE 35.

ROSS ENGINEERING STRUCTURAL REVIEW

All structural members for the roof frame, floor frame and foundation have been reviewed to meet IRC 2018 primary structural requirements. These structures have been reviewed for gravity loads. Refer to structural drawings for more details.

DATE: 8-17-2023

ISSUED FOR PERMIT

Brendan McNamara
 ARCHITECTURAL ARCHITECTURE
 bnamcnamara@gmail.com
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Front Elevation View



Left Elevation View



Rear Elevation View



View of Rear Yard



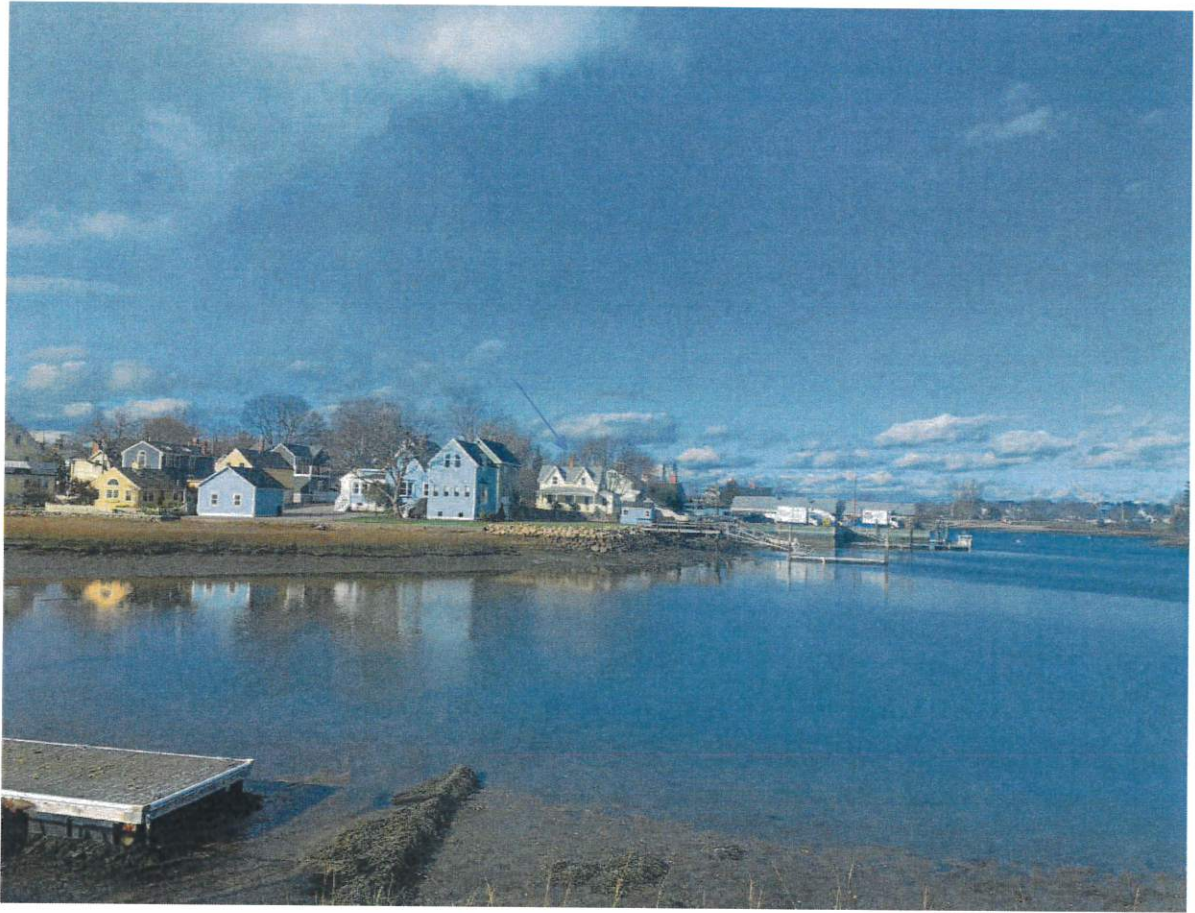
Right Elevation View



View of Parking Area



View of Holmes Court



View of 43 Holmes Court from New Castle Avenue

II. NEW BUSINESS

F. The request of **361 Hanover Steam Factory LLC (Owner)**, and **Hampshire Development Corporation LLC (Applicant)**, for property located at **361 Hanover Street** whereas relief is needed to expand and renovate the existing commercial building and convert it to multi-family residential and to construct three new multi-family residential buildings which requires the following: 1) Variance from Section 10.642 to allow residential principal uses on the ground floor of the buildings; 2) Variance from Section 10.5A41 - Figure 10.5A41.10D to a) allow for "Apartment", "Rowhouse" and "Duplex" building types where they are not permitted; b) allow a ground floor height of 10.5 feet where 12 feet is required; and 3) Variance from Article 15 - Definition of Penthouse - to allow a penthouse with a setback of 8 feet from all roof edges where 15-20 feet is required and to allow no greater than 80% of the gross living area of the level of the floor below where 50% is the maximum. Said property is located on Assessor Map 138 Lot 63 and lies within the Character District 5 (CD5) and the Downtown Overlay District. (LU-24-196)

Existing & Proposed Conditions

	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Commercial	*Residential apartment, rowhouse, and duplex style buildings	Mixed use
<u>Lot area (sq. ft.):</u>	43,245	Lot 1: 4,717 Lot 2: 38,528	NR min.
<u>Primary Front (Hanover St) Yard (ft.):</u>	>15	1	15 max.
<u>Secondary Front Yard (Rock St) (ft.):</u>	0	0	12 max
<u>Right Yard (ft.):</u>	5	5	5-20 max
<u>Secondary Front Yard (Foundry Pl) (ft.):</u>	0	0	12 max.
<u>Height (ft.):</u>	25 (approx.)	Building A: 52 Building B: 36 Building C: 36 Building D: 40	40 max. Or 52' with incentives (10.5A46.10) and penthouse (zoning map)
<u>Penthouse Gross Living Area % of the Floor Below (%)</u>	n/a	80	50 max
<u>Penthouse Setback (ft)</u>	n/a	8	15-20 min.

<u>Ground Floor Height (ft)</u>	10	10.5	12	min.
<u>Building Coverage (%)</u> :	38	72	95	max.
<u>Open Space Coverage (%)</u> :	<5	>5	5	min.
<u>Parking</u> :	57	72		
<u>Estimated Age of Structure</u> :	1850	Variance request(s) shown in red.		

*Apartment, Rowhouse, and Duplex style buildings are not allowed building types under section 10.10.5A41 figure 10.5A41.10D

*Residential principal uses are not allowed on the ground floor in the Downtown Overlay District per Section 10.642

*Full CD5 Zoning Table can be found on page 23 and 39 (C3 of plan set) of the application materials

Other Permits/Approvals Required

- Building Permit
- Site Plan Approval – Technical Advisory Committee and Planning Board
- Subdivision/LLA Approval – Technical Advisory Committee and Planning Board

Neighborhood Context



Previous Board of Adjustment Actions

June 12, 1979 – The Board **denied** the following: 1) Variance from Article II, Section 10-213 and Article XII, Section 10-1210 to allow a dance ballroom in an existing building with 90 parking spaces where 167 are required.

May 28, 1985 – The Board **granted** the following: A Variance from Article II, Section 10-207 to allow the operation of a recreational facility including squash courts, nautilus, exercise rooms, and swimming pool in an industrial district. The Board **denied** the following: A Variance from Article XII, Section 10-1201, Table 7 to allow for 36 parking spaces are required.

September 17, 2013 – The Board **granted** the following: 1) Variance from Section 10.1113.111 to allow required parking spaces to be located on a separate lot from the principal use at a municipally owned uncovered parking facility where a municipally owned covered parking facility is required.

Planning Department Comments

The applicant is proposing to subdivide the property, renovate and further develop the existing commercial structure into multi-family residential, and construct 3 new multi-family residential buildings on the site.

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

361 HANOVER STREET, PORTSMOUTH, NEW HAMPSHIRE

Tax Map 138 Lot 63

361 Hanover Steam Factory, LLC.

APPLICANT'S PROJECT NARRATIVE

THE APPLICANT

Hampshire Development Corporation, LLC. (“HDC”), acquired the property at 361 Hanover Street, formerly the home of Heineman, in November 2021. HDC is a regional development company with extensive experience in redevelopment projects in downtown Portsmouth. HDC intends to redevelop, expand and convert the existing historic building on the site into a multi-family residential building and convert the existing 57-space surface parking along Rock and Hanover Streets into three multi-family residential buildings under a Conditional Use Permit Plan (the “CUP Plan”).

PURPOSE

Although the Property is currently vested with an approved “as-of-right” Design Review Plan, HDC has subsequently developed and presented to the Planning Board an preferred CUP Plan. Although supported by the Planning Board, the CUP Plan requires variances to allow for a multi-family residential housing project. For context and a frame of reference, both the As-of-Right Design Review Plan and the preferred CUP Plan are shown and described in this narrative. The CUP plan is our preferred redevelopment plan and, as such, it will require approval of zoning relief from this Board for three (3) distinctive elements of the project. The first element is the zoning requirement for ground-floor commercial uses and the relief needed to allow smaller residential building types in the CD5 District. The second element is the relief needed to the requirement for the minimum height of the ground-floor level of the buildings, and the third element is the relief from the maximum floor area and setback requirements for penthouse attic levels.

EXISTING CONDITIONS

The lot at 361 Hanover Street (the “Property”) is irregularly shaped, with approximately 178’ of frontage on Hanover Street. The Property abuts a city-owned parcel fronting on Rock Street and Foundry Place. As shown on Figure 1, there are two existing structures on the lot. And a 57-space surface parking lot along Hanover Street.



Figure 1 – Existing Conditions showing 361 Hanover Street

As shown on Figure 2, the Existing Conditions Plans shows the two-story former Steam Factory Building with a footprint of 14,808 SF. It has a second, mezzanine level. The former Powerhouse Building has a footprint of 1,400 SF and is a single-story structure with a partial basement. The total building coverage on the lot is 32%. Both buildings are currently used commercially as professional office and light industrial uses. There are 57-space surface parking spaces on the property. Vehicular access to the parking lot is limited to Hanover Street, a public street. A private access easement to the property is also provided from Hill Street, a private way. An access easement is also provided across the Hanover Street parking area to the abutting lot (349 Hanover Street).

The property also has access to the rear parking area adjacent Foundry Place through a license agreement with the City to the 23,000 SF property along Foundry Place. Notably, the retaining walls separating this rear parking area and Foundry Place are between 5 and 8 feet in height. The property has virtually no open space, is 97.5% impervious, and has limited landscaping.

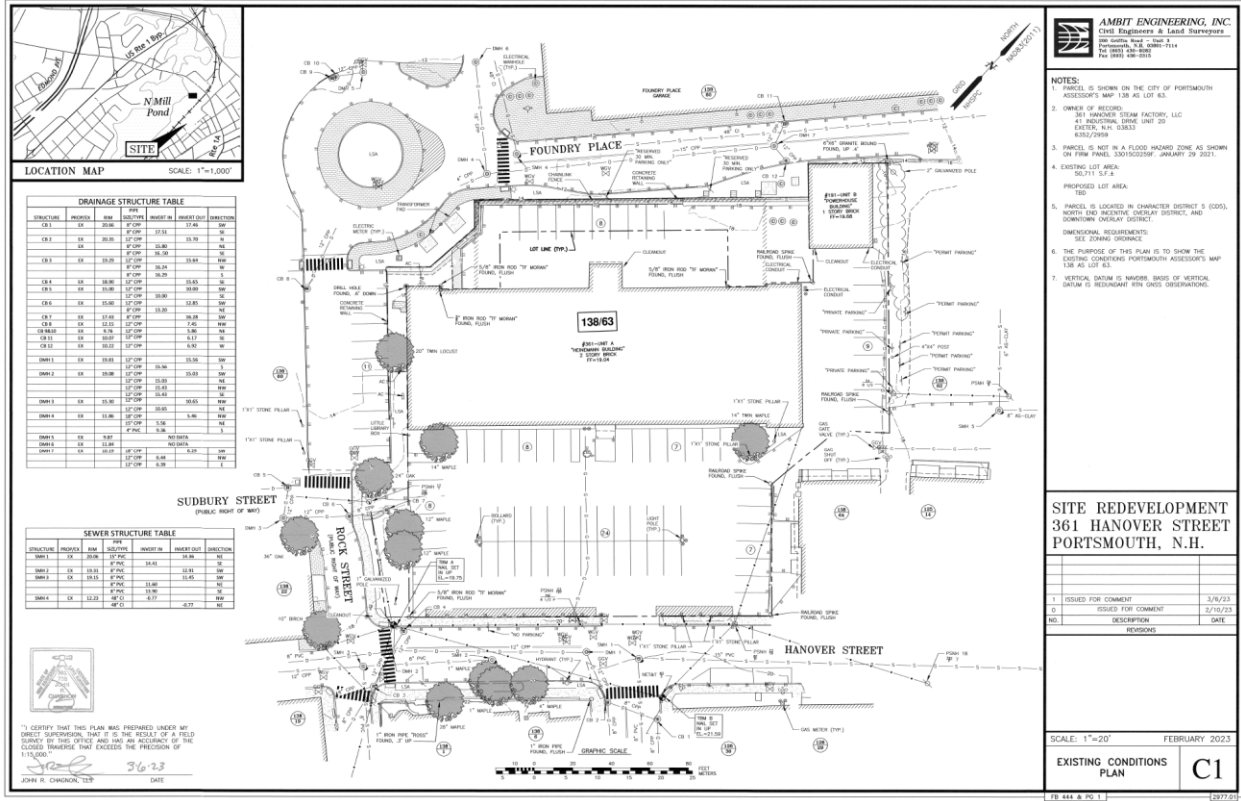


Figure 2 - Existing Conditions showing 361 Hanover Street

Proposed Subdivision Plan

As part of the proposed reorganization of the ownership structure for the Property, we are seeking to subdivide the property into two lots. As shown in Figure 3, Lot 1 will contain the former Powerhouse Building, currently *The Last Chance Garage*. Lot 1 is proposed to be a conforming lot with 4,717 SF of land area with 8 off-street parking spaces. Lot 1 will also have an access easement across Lot 2 to Hanover Street. Lot 2 will contain the former Portsmouth Steam Factory building – currently the Portsmouth Offices for the Hampshire Development Corporation – and be 38,528 SF in land area and have frontage and access off of Hanover Street and have 57-space surface parking lot fronting on Hanover Street.

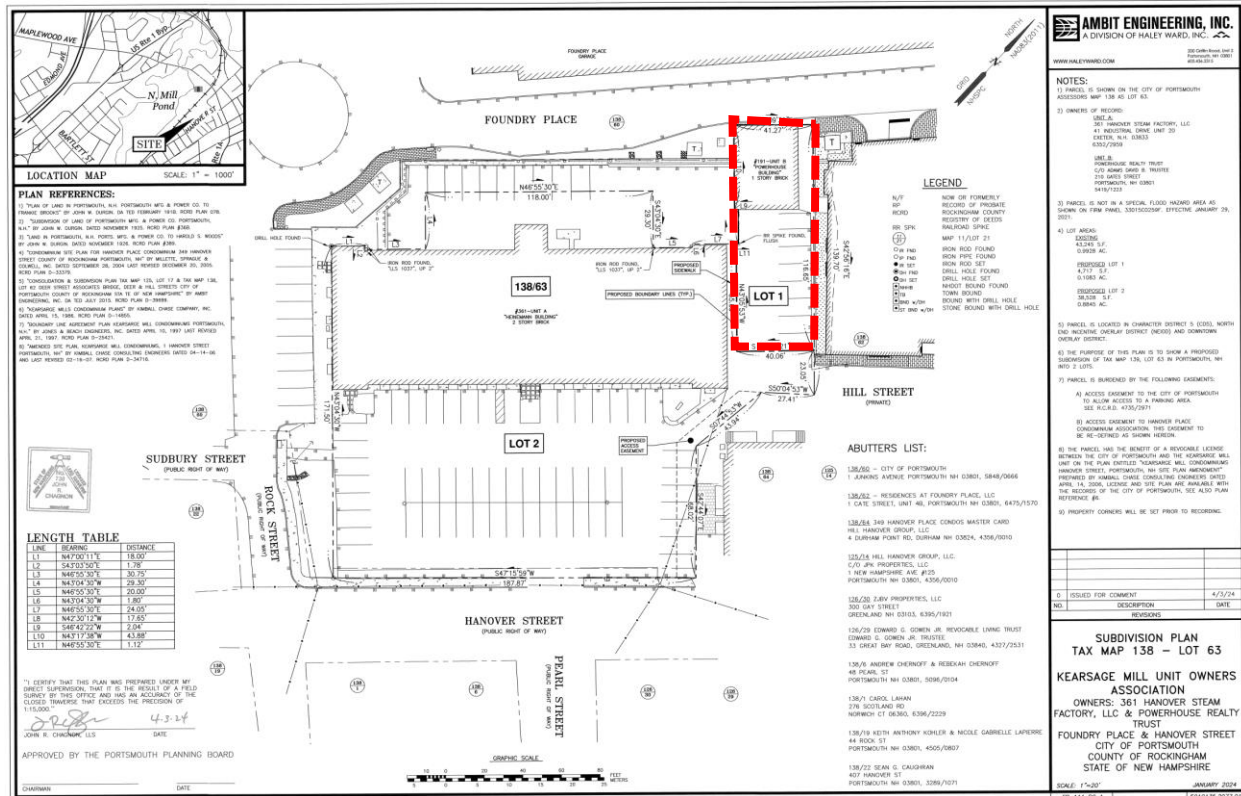


Figure 3 – Proposed Subdivision Plan for the Powerhouse Building/“Adams” Parcel (4,717 SF)

HISTORIC LAND USE

As illustrated in Figure 4, the Property has a long history of industrial and commercial land use. Built in the late 19th century as a 5-story brick and heavy timber structure with a flat roof and slab basement level, the main building was originally owned and occupied by the Portsmouth Steam Factory. In the late 19th century, a fire destroyed the building reducing the building to a two-story building. In the 1950s, the building was later occupied with an auto dealership and later, in the 1970s, with JSA, an architectural design firm. In 21st Century, the building was occupied by Heineman, an international publishing company.

Historic Context

1. 180 Years of Industrial and Commercial Land Use
2. Italianate Revival Building Design
3. 5 Story / 70' Building Height

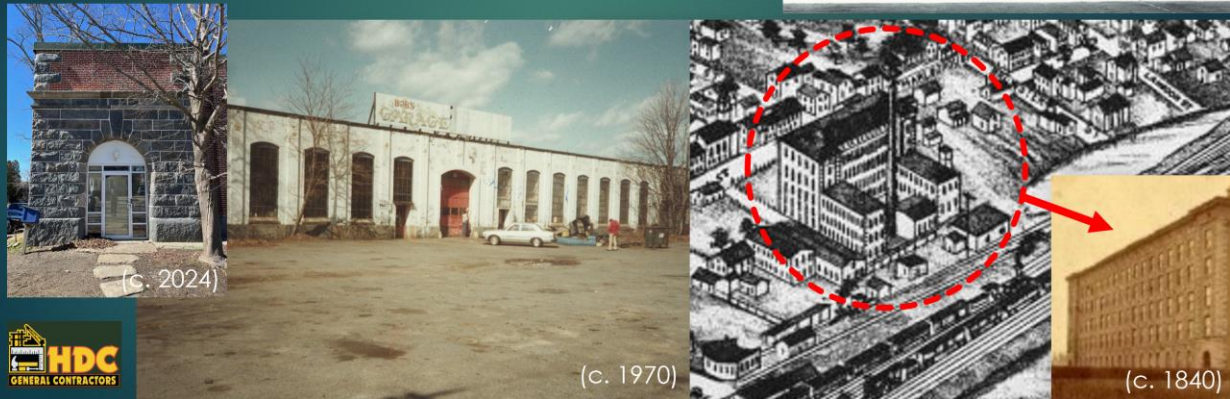


Figure 4 – Historic Character and Use of the Existing Building on 361 Hanover St.

NORTH END VISION PLAN

As illustrated in Figure 5, the goals and objectives of the North End Vision Plan (the “North End Vision Plan”) are focused on generating buildings, land uses, and site designs that support economic development while being respectful and sensitive to the surrounding context. In particular, buildings are intended to step up or down in transitional areas - like the property at 361 Hanover Street – in response to the surrounding land use pattern.

This stepping element is why the North End Incentive Overlay District (the “NEIOD”), and its encouragement of larger buildings, does not carry over to the parking lot portion of the property along Hanover Street. Additionally, the North End Vision Plan encourages ground-floor commercial uses to activate the sidewalk and enhance the pedestrian experience. Although, the Downtown Overlay District (the “DOD”) was extended into much of the North End along Hill Street and Foundry Place, it included the frontage along Hanover Street due to the fact that the entire parcel was included in the DOD. Notably, no other parcels along Hanover Street are included in the DOD.

PLAN PORTSMOUTH
NORTH END PRELIMINARY VISION PLAN

DESIGN NARRATIVE

The North End is envisioned over the long term to grow as a complementary extension of Portsmouth's downtown. Unlike many other areas of the City within the former Urban Renewal area, very little historical context remains. This fact, coupled with several larger vacant parcels, makes this district ripe for redevelopment opportunities close to downtown. Implementation of this vision will likely require a wide array of innovative land use regulations, policies and programs.

The North End Vision Plan has four main components:

CIVIC SPACE

The Plan incorporates an extensive network of parks, plazas, paths, playgrounds, trails and open space. One essential feature is the waterfront trail network along the periphery of the North Mill Pond. With several landscaped fingers, this network is designed to pull the waterfront back into the North End and provide public access to and along the waterfront. In celebrating the unique history of this area, a central civic space is located adjacent to the former shipbuilding and launch ramp as a series of landscaped plazas, greens and waterfront esplanades for active and passive recreation. Across the Maplewood Avenue bridge, the existing City-owned boat launch site on Marsh Lane is expanded into a new park. The trail network also includes a path through the Union & North Cemeteries.

BUILDING DESIGN

The massing strategy of the vision plan is to respond to the surrounding context and viewsheds by stepping down building heights and densities towards the waterfront and existing historic structures. While Portsmouth's downtown is rich in historical architectural styles, public opinion during the charrette expressed a desire for a mixture of contemporary building design, styles types, materials and a wide variety of building height, volumes and massing techniques in the North End. This purposeful distinction will help to define the North End as a unique entity while complementing and contrasting with the historic character of the larger downtown.

LAND USE

Land uses in the North End will include a variety of residential, office and commercial spaces. The Vision Plan anticipates a range of mixed-use building types from smaller rowhouses and live-work units to mid-rise buildings. Ground floor uses will be commercial in order to activate streetscapes and to keep residences out of potential flood zones. Ideally, these residential units will incorporate a full range of housing opportunities from affordable workforce housing to luxury units. Parking will be located in the rear of lots, in subterranean garages or in wrapped parking structures to be concealed from public view. There may be an opportunity to support infill housing on the former PSNH Substation parcel now that much of the equipment has been removed or consolidated. Additionally, the plan envisions the eventual removal of the overhead transmission lines.

TRANSPORTATION & INFRASTRUCTURE

The Vision Plan anticipates a harmonious integration of various modes of transportation including pedestrian, bicycle, vehicular and transit connections in the form of bus and future passenger rail lines. All thoroughfares are designed to be pedestrian-friendly and incorporate multi-modal design features including generous sidewalks and bike lanes where possible. The City is planning to replace the Maplewood Avenue bridge over the North Mill Pond. When this is done, there may be opportunities to integrate new buildings and waterfront dining to better connect the Dennett Street area with the North End.

© 2014 Town Planning & Urban Design Collaborative LLC



- 1 NOBLE'S ISLAND
- 2 ALBACORE MUSEUM
- 3 PSNH SUBSTATION
- 4 MAPLEWOOD/DENNETT GATEWAY REDEVELOPMENT
- 5 MARSH LANE PARK
- 6 WATERFRONT DINING
- 7 MILL POND CIVIC PLAZA & GREEN
- 8 MILL POND WATERFRONT PARK & GREENWAY
- 9 35 ARTSPACE
- 10 MARKET STREET ROUNDABOUT & PARKS
- 11 NORTH END PLAZA
- 12 FUTURE HARBOR/CORP/WHOLE FOODS CONVENTION CENTER
- 13 UNION CEMETERY/NORTH CEMETERY
- 14 MAPLEWOOD HISTORIC HOMES
- 15 TRANSIT ORIENTED DEVELOPMENT
- 16 FUTURE PASSENGER RAIL STATION
- 17 FUTURE NORTH END PARKING GARAGE W/ MIXED-USE LINER BUILDING
- 18 FUTURE MAPLEWOOD PARKING GARAGE W/ MIXED-USE LINER BUILDING
- 19 FUTURE MAPLEWOOD AVENUE SQUARE/PARK
- 20 FUTURE ARTISAN/WORKFORCE HOUSING DISTRICT
- 21 FUTURE UPWARD EXTENSION OF HEINEMANN BUILDING
- 22 FUTURE MIXED-USE DISTRICT
- 23 FUTURE INFILL & LINER BUILDINGS

Figure 5 – 2014 North End Preliminary Vision Plan

Streets in the North End are also encouraged to support multi-modal traffic with an emphasis of non-vehicular use of new streets, driveways and sidewalks. Finally, to achieve more vibrant, walkable streets and sidewalks, the character-based zoning also includes incentives for public or civic spaces like shared streets, wide public sidewalks, or urban parks, alleyways, or other publicly accessible open space areas.

In the case of 361 Islington Street, the North End Vision Plan called for high density zoning and taller, commercial or mixed-use buildings along Foundry Place and smaller buildings along Hanover Street.

EXISTING ZONING

Consistent with other properties along Foundry Place and Hill Street, the property is zoned CD5 (see Figure 6). The CD5 District is an urban zoning district that allows for a wide array of higher density commercial and residential uses within mixed-use buildings. The Property is also subject to several Overlay Districts (see Figure 7). The northern half of the property is located within the North End Incentive Overlay District (NEIOD). The entire property is also located within the Downtown Overlay District (DOD).

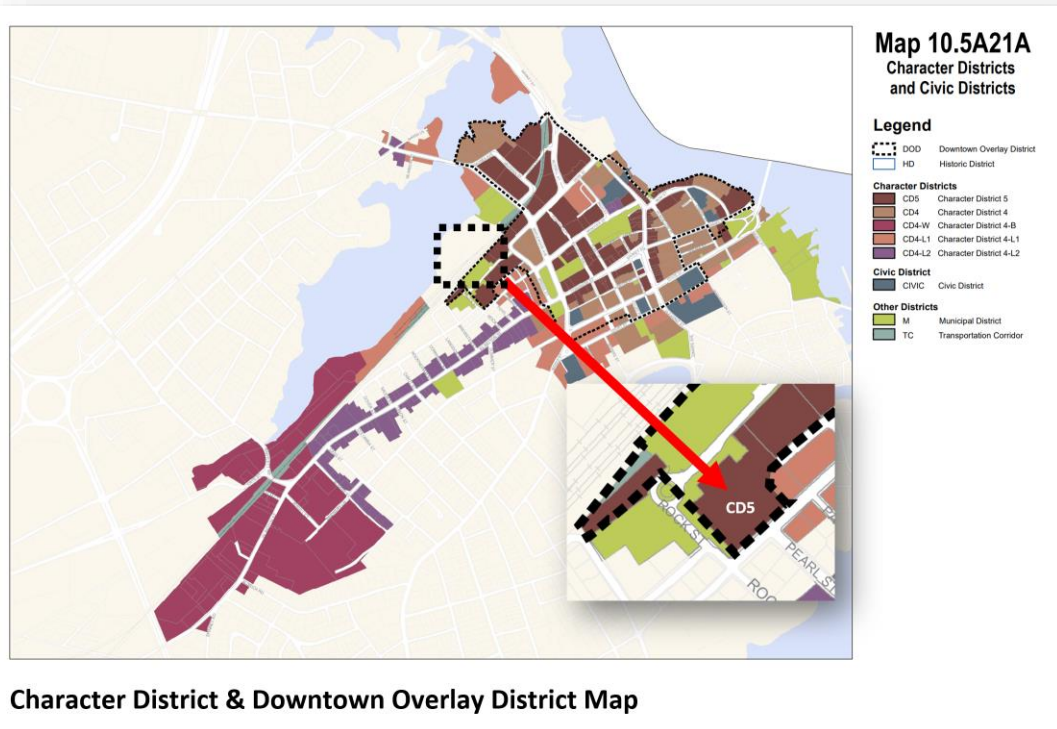


Figure 6 – Existing Character Districts showing 361 Hanover Street

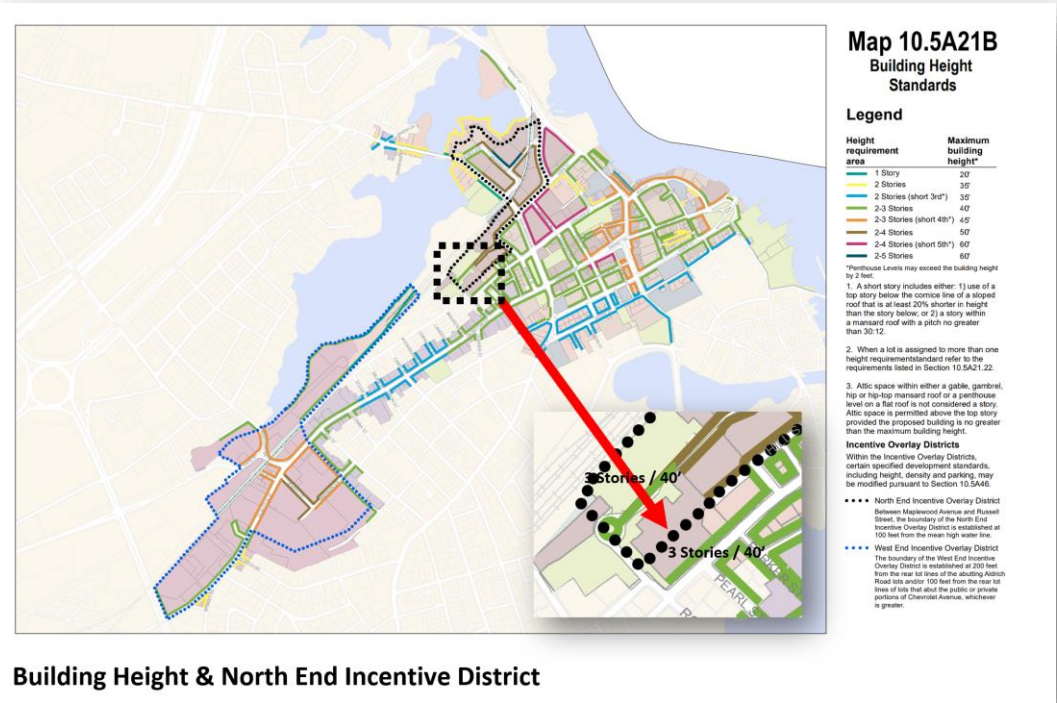


Figure 7 – Existing Building Height Standards showing the NEIOD

As illustrated in Figure 7, the Building Height Standards for 361 Hanover Street are limited to three (3) stories or 40'. However, the rear portion of the property that contains the existing buildings also allows for an additional story or 50' under the NEIOD.

NEIGHBORHOOD CONTEXT

The surrounding neighborhood context is characterized by a mix of land uses, building heights and footprints. The context includes the 14 properties shown on Figure 8. The context includes a portion of Foundry Place as well as Hanover, Hill, Rock, and Sudbury Streets. As shown in Figure 8, while the taller 4-5 story mixed-use structures are located to the north and east of the property, to the south and west of the property, most existing structures are 2 to 2 ½ stories, of wood-frame construction and are built between the late 18th and late 19th centuries. These smaller 2 – 2 ½ story historic structures are also located directly along the street edge with narrow side yards on small urban lots with limited off-street parking.

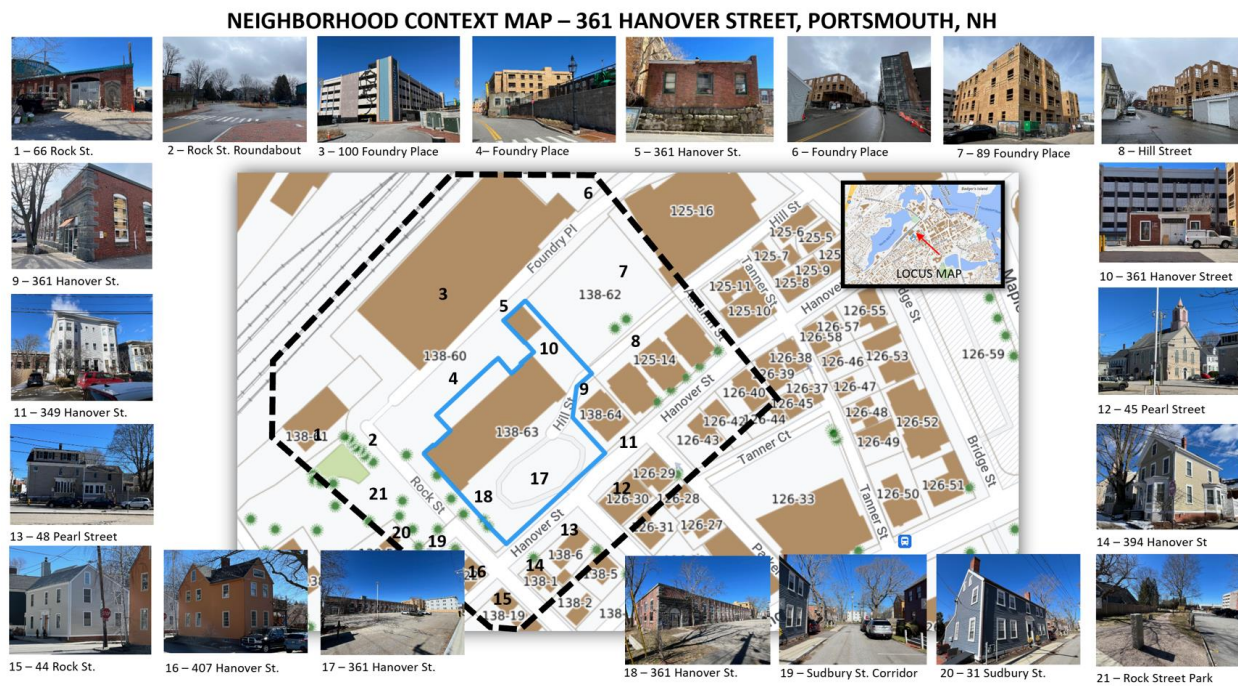


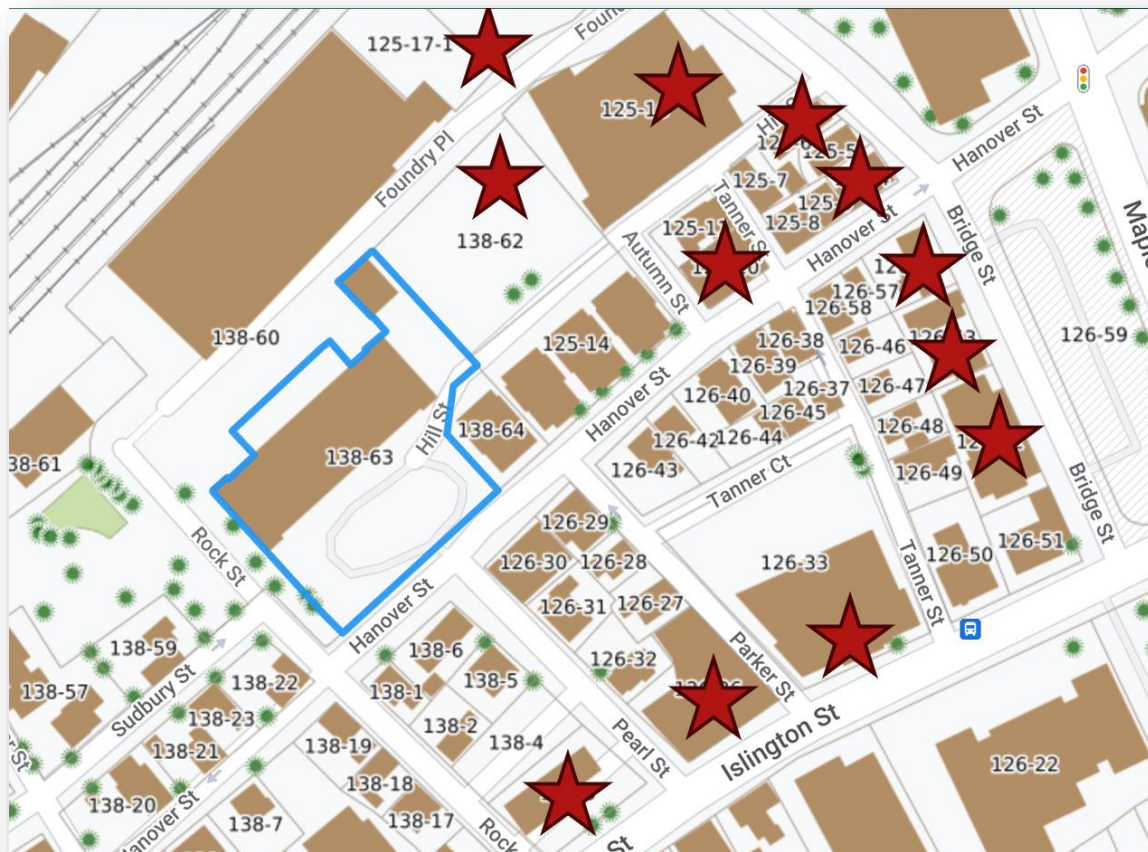
Figure 6 – Neighborhood Context Map showing 361 Hanover Street

To the north are considerably larger urban structures associated with the recent development within the North End Incentive Overlay District. Most buildings on the north side are 4-5 stories and 52-64 feet in height with large footprints, high building coverage, and limited active commercial uses on the ground-floor. Parking is primarily located on the ground-floor behind a commercial liner

building. Importantly, the 6 level (64') Foundry Place municipal parking structure, shown on Figure 6, is located direct adjacent to the existing building on 361 Hanover Street.

To the south, and southwest, the existing land use pattern is represented by multi-family structures built in the late 19th century. Additionally, the former Pearl Church is located directly across the site, and it is a two-story, wood frame building that is approximately 40 feet in height. To the east, the land use pattern is characterized with 2 – 3-story wood frame multi-family historic structures. These structures were built in the mid- to late-19th century, have a relatively high building coverage and limited open space due to parking being added over time behind and between the structures.

Although the Downtown Overlay District (the “DOD”) includes 361 Hanover Street it is important to acknowledge that there are no other properties fronting on Hanover Street included in the DOD. This is likely a result of the DOD following the property lines of the entire parcel as no properties are split zoned in the North End. Additionally, no other parcel in the North End spans the land area between Foundry Place and Hanover Street. Under the Zoning Ordinance, the DOD requires ground-floor commercial uses within all buildings with the intention to activating the street edge and enhance the pedestrian experience.



Unfortunately, in this area along Hanover Street Figure 7 shows that of all the existing buildings fronting on Hanover Street from Bridge to Rock Street, only 293 Hanover Street is designed and used as a ground-floor commercial use. Figure 7 also shows that, to the east, Bridge Street is essentially the edge of the downtown commercial district and Islington Street – a mixed-use commercial corridor linking the Downtown to the West End – provides intermittent commercial uses that support the adjacent neighborhoods.

Density can be defined in a number of ways including, but not limited to, the number of dwelling units per acre, as well as the height, volume, footprint, or massing of the buildings. When looking at density as a function of the number of dwelling units per acre, Figure 8 illustrates the transition from the high-density developments and land use pattern within the CD5 Character-District along Foundry Place and Hill Street with the lower density traditional neighborhoods along Hanover, Rock, and Sudbury Streets. Similarly, when converting the number of dwelling units per acre to a minimum lot area per dwelling unit, the proposed CUP project for 361 Hanover Street is consistent with the minimum lot area per dwelling unit of the existing historic buildings located within the CD4-L1 Character District along Hanover Street.



THE DEFAULT - “AS-OF-RIGHT” - DESIGN REVIEW PLAN

On May 16th, 2024, HDC appeared before the Planning Board seeking Design Review approval for a project that conformed to the existing zoning requirements. As illustrated in Figure 9, the Planning Board approved Design Review Plan shows a subdivision of the property to separate the former Powerhouse building from the remainder of the site and redevelopment of the former Steam Factory building into a 3-story building with a mansard attic level, and placement of new 3-story building (with another mansard attic level) on the surface parking lot fronting on Hanover Street. Notably, approval of the Design Review Plan vests the current zoning to the Property. Thus, without approval of the requested zoning relief, the Design Review Plan is likely to be submitted for Site Plan Approval by the Planning Board.



Figure 9 – The “As-of-Right” Design Review Plan

Site Plan

The existing land use regulations allow the property to support three-story buildings (with additional attic levels) provided the buildings are no taller than 40 feet in height, 95% in coverage, and have at least 5% open space, and the required off-street parking.

The proposed site plan, shown in Figure 10, shows two, three-story buildings totaling approximately 85,000 +/- square feet of floor area with a total of 72 off-street parking spaces. The plan also proposes a small demolition to the rear elevation of the Portsmouth Steam Factory Building and replacement with a multi-story addition with a footprint of 3,485 SF. Along Hanover Street and a new three-story building with an 11,036 SF +/- footprint is proposed. Like the abutting new construction in the North End, structured parking spaces within the ground-floor of both buildings is proposed behind commercial liner buildings.

The proposed new building along Hanover Street would have a 20-foot covered passageway entrance from the street to a central courtyard between the buildings that would provide access to the indoor parking areas. The upper floors of the Hanover Street building would contain 12 residential dwelling units and the Portsmouth Steam Factory Building would contain 24 dwelling



Figure 11 –Elevations for the Upward Expansion of the Portsmouth Steam Factory Building

Both buildings show an attic level under a mansard roof which provides up to 95% of the floor area and living space of the story below. The Portsmouth Steam Factory building has a total GFA of nearly 75,000 SF with up to 42 parking spaces proposed within the ground story of the building.

Figure 12 shows the proposed 3-story mansard building along Hanover Street. The Hanover Street building has ground floor commercial uses along the street edge within a liner building and 26 off-street parking spaces within the rear portion of the ground floor. Additionally, there are four visitor spaces proposed for the courtyard area between the buildings.



Figure 12 – Front, Side, and Rear Elevations for the Mixed-Use Hanover Street Building

Building Height

Figure 13 shows a cross section of the Hanover Street building and a proposed building height of 40 feet. Importantly, both buildings are proposed to meet the requirement to be no taller than 3 stories (plus and attic level within a mansard roof) and 40 feet.

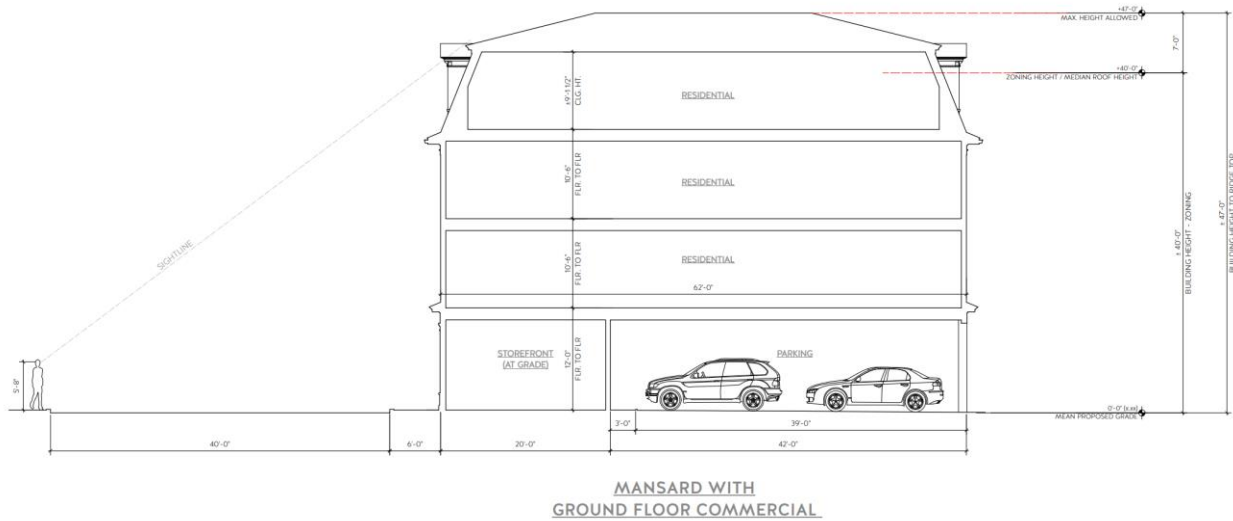


Figure 13 – Proposed 40’ Building Height for the Mixed-Use Hanover Street Building

Figure 14 illustrates the proposed 3 ½ story mixed use building along Hanover Street in the As-of-Right approved Design Review Plan.



Figure 14 –Rendering of the Hanover Street Mixed-Use Building in the Design Review Plan

Access and Circulation

As shown above in the proposed site plan, access and egress to the site is proposed using a 20-foot covered driveway connecting Hanover Street to the proposed courtyard between the buildings. The courtyard will provide access to structured parking within the two buildings as well as four

visitor spaces within the courtyard. All parking spaces and driveway aisles will conform to the required minimum dimensions. Emergency access will be provided using the proposed tunnel and driveway within the courtyard area.

Parking and Loading

As shown in Figure 15, there are 72 proposed off-street parking spaces shown on the proposed site plan. Given the property is located within the DOD only 51 spaces are required for the proposed use. A total of 47 spaces are required for 36 dwelling units given the units are all over 750 SF in GFA. Additionally, 8 visitor spaces are required for a total of 55 spaces. Tandem parking spaces will be assigned to the same unit owner. The DOD does not require any off-street parking for any proposed commercial uses and there is a four-space credit from the required parking. Thus, in the aggregate, the proposed building design and site plan has the capacity to provide nearly 2 spaces per dwelling unit plus visitor parking thereby minimizing any potential spillover parking to the abutting neighborhood.

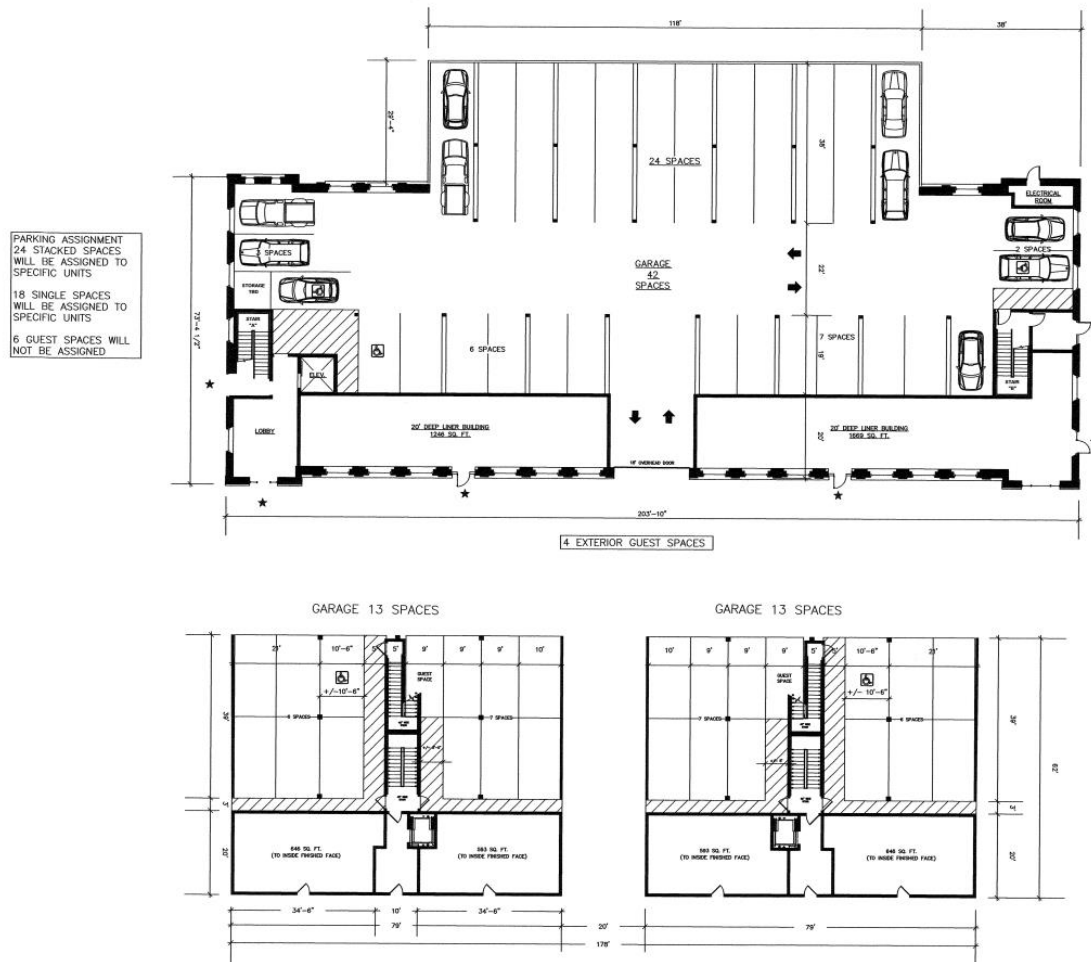


Figure 15 – Proposed Parking Layout (72 Spaces) for the Design Review Plan

Character District Zoning

The two proposed mixed-use buildings in the Design Review Plan meet all the development standards of the CD5. Table 2 illustrates how the two buildings comply.

ZONING DEVELOPMENT STANDARD			
CD5: CHARACTER DISTRICT 5, DOD: DOWNTOWN OVERLAY DISTRICT			
	REQUIRED	EXISTING	PROPOSED
Height	2-3 stories 40'	2 stories / 18" +/-	3 stories / 40'
Penthouses	may exceed bldg height by 2'	NA	NA
Roof appurtenance	may exceed bldg height by 10'	< 10'	<10'
Façade Types		NA	NA
Building Types	commercial, live-work, mixed use, flex space & community.	Commercial	Mixed-Use
Front (principle) max	5	99'	1'
Front (secondary) max	5	0'	0'
Side	NR	0.00	1'
Rear yard	5'	0'	0'
Front lot line buildout	80% min	100%	94%
Lot area (sf)	NR	N/A	N/A
Lot area per dwelling	NR	N/A	N/A
Building coverage, maximum	95%	34.0%	75.0%
Maximum building footprint	20,000	14,808	18,808
Ground floor area per use, max	15,000	18,808	7,660
Open space, minimum	5%	<5%	5.3%
Permitted uses		Commercial	Mixed-Use
Block length, max (ft)	225	205'	178'
Façade modulation length, max (ft)	100	205'	79'
Entrance spacing, max (ft)	50	>50'	<50'
Floor height above sidewalk, max	36"	0'	0'
Ground story height, min	12'	10'	12'
Second story height, min	10'	10'	10'
Glazing, shopfront, min	70%	NA	NA
Glazing, other	20%-50%	>20%	>20%
Roof types	flat, gable, hip, gambrel, mansard	Flat	Mansard

Table 1 – Zoning Development Standards for As-of-Right, Design Review Plan

Issues Raised during Design Review

As part of the Public Hearing within the Design Review process, several core issues of concern were expressed from both Planning Board members, neighbors, and members of the general public. The core issues included the height, scale, volume, and massing of the proposed buildings, especially along Hanover Street. Additionally, there were also concerns about the prospect of ground-floor commercial uses and their potential impact on spill-over street parking, lighting, noise and other potential negative impacts on the surrounding residential neighborhood. Other issues included emergency access concerns via the proposed covered driveway, and whether the proposed buildings and zoning requirements were consistent with the design goals North End

Vision Plan; in particular, whether the proposed building design were reflective of the quality and character of the existing historic structures within the surrounding neighborhood.

In response to these issues, we developed an preferred project, the “CUP Plan”, to better reflect the goals, objectives, and comments provided from both the Board members and participating residents from the surrounding neighborhood.

THE PREFERRED PROJECT – THE CUP PLAN

On July 18th, 2024, HDC appeared before the Planning Board seeking feedback on a conceptual CUP Plan. As shown in Figure 16, the CUP Plan, which also shows a subdivision of the former Powerhouse Building from the property, proposed redevelopment of the former Steam Factory Building into a 4-story/ 50’ building (with a flat-roofed recessed penthouse attic level), and three (3) 3-story buildings (one with a mansard attic level) proposed on the 57-space, surface parking lot fronting on Hanover Street.



Figure 16 – The Preferred CUP Plan

The preferred CUP Plan seeks to address the core issues listed above by adhering to the goals and objectives of the North End Vision Plan. Moreover, it also seeks to redevelop the property by employing a context-sensitive approach that steps down and transitions from a high-density newer development along Foundry Place and Hill Street to a moderate density along Hanover Street and lower density along Rock and Sudbury Streets.

Figure 9 illustrates how the previously proposed 3 ½ story mansard building along Hanover Street occupies the full street frontage along Hanover Street and overpowers some of the smaller abutting buildings. In contrast, Figure 10 illustrates the preferred CUP Plan where the larger building has been broken into three separate buildings with reduced height and volume to better align with the lower density context of the southwestern side of the site.

As we discussed within the Design Review process, the CUP Plan also proposes to increase the height of the Kearsarge Building along Foundry Place – in a historically sensitive manner – to reestablish the volume, height, and historic character of the building and support the transfer of

development rights from Hanover Street to Foundry Place as intended in the North End Vision Plan and the Character-Based Zoning.

Ground-Floor Residential Uses

Given the questions of economic viability and the potential for adverse impacts on the surrounding neighborhood (i.e. spillover parking, noise, and light pollution), the CUP Plan proposes a residential ground-floor use in all four buildings.

Site Plan

As shown in Figure 11, there is parking available on-site to support up to 48 dwelling units within the four (4) proposed buildings.

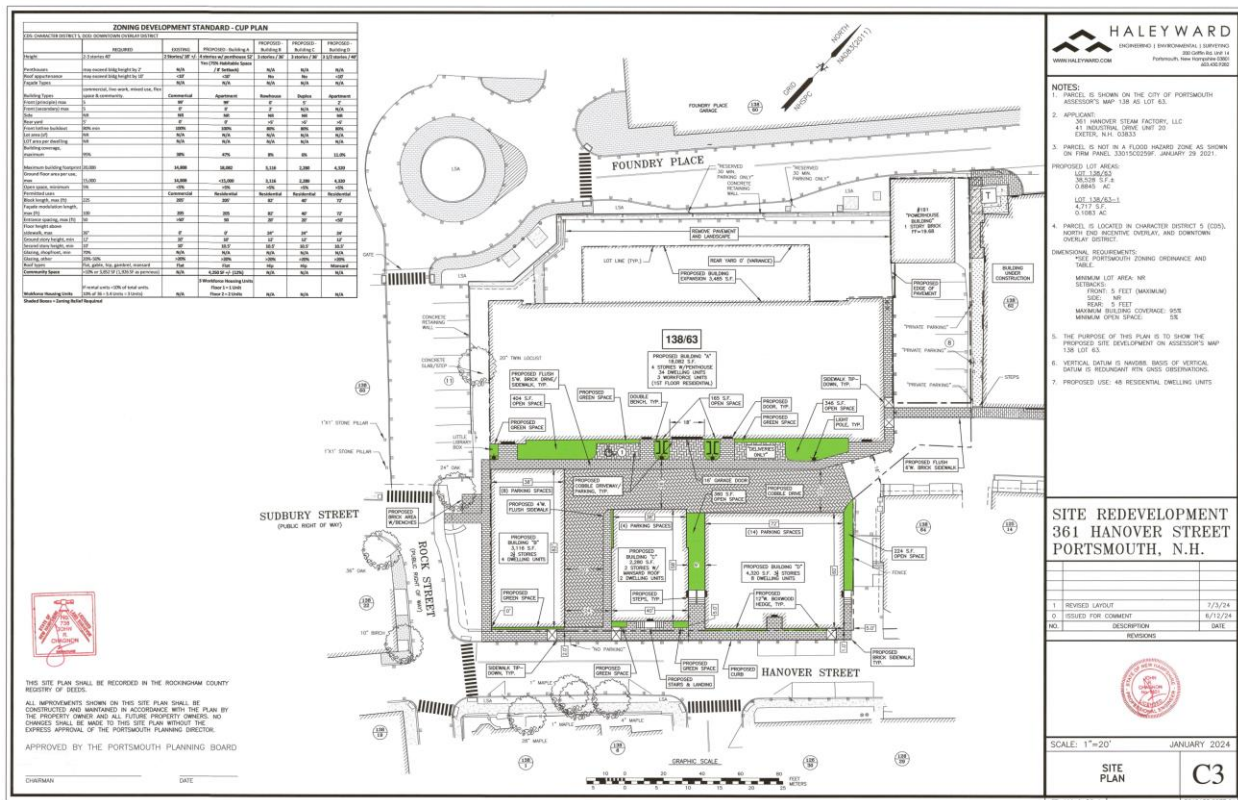


Figure 11 – Preferred CUP Plan showing Proposed Buildings, Driveways, and Open Space

Building Design

As shown in Figures 12-15, all four buildings have been redesigned to be more consistent with the historic character of the surrounding neighborhood. Understanding this property is located outside the Historic District, we have intentionally redesigned these buildings to reference the historic elements in the surrounding context versus the more contemporary buildings being constructed along Foundry Place and Deer Street in the North End.



Figure 12 – Building A: 4½-Story “Apartment” Building (the Kearsarge Building)



Figure 13 – Building B: 3-Story “Rowhouse” Building



Figure 14 – Building C: 3-Story “Duplex” Building



Figure 15 - Building D: 3½-Story “Apartment” Building

Community Space

As required under the CUP, at least 10% (3,853 SF +/-) of the property would be deeded as Community Space. As shown on Figure 16, the proposed Community Space would be a 4,500 +/- SF Shared Multi-Modal Way connecting Rock Street to Hill Street. The shared street would include formal landscaping, lighting and street furniture.

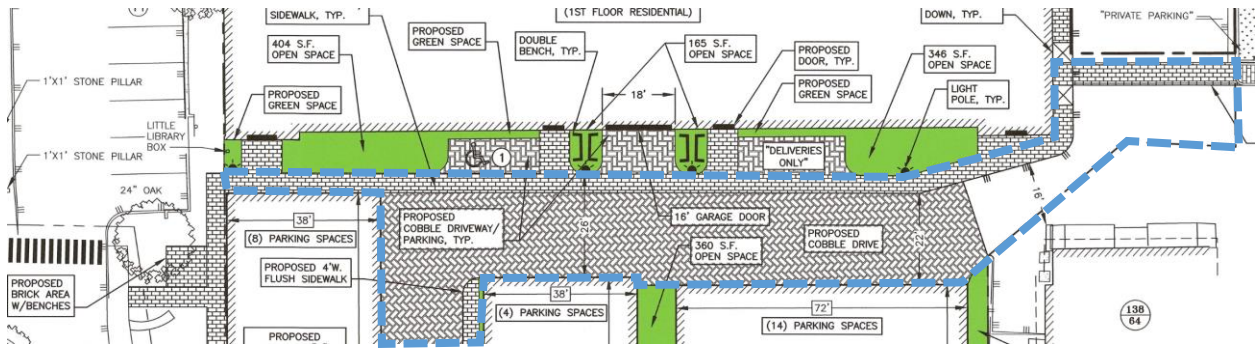


Figure 16 – Proposed Community Space - Multi-Modal Way

Workforce Housing

As required under the CUP, at least 10% of the proposed dwelling units would be deed restricted as rental Workforce Housing Units and be rented to a household with an income of no more than 60% of the median family income for a 3-person household. Such units will be at least 600 SF in GFA and are proposed to be located within the 1st and 2nd floor of Building A (the only building located within the North End Incentive Overlay District).

Zoning Relief Needed

Table 1 shows how the proposed four buildings align with the development standards for the CD5.

ZONING DEVELOPMENT STANDARD - CUP PLAN						
CDS: CHARACTER DISTRICT 5, DOD: DOWNTOWN OVERLAY DISTRICT						
	REQUIRED	EXISTING	PROPOSED - Building A	PROPOSED - Building B	PROPOSED - Building C	PROPOSED - Building D
Height	2-3 stories / 40'	2 Stories / 18' +/-	4 stories w/ penthouse 52' Yes (75% Habitable Space / 8' Setback)	3 stories / 36'	3 stories / 36'	3 1/2 stories / 40'
Penthouses	may exceed bldg height by 2'	N/A		N/A	N/A	N/A
Roof appurtenance	may exceed bldg height by 10'	<10'	<10'	No	<10'	<10'
Facade Types		N/A	N/A	N/A	N/A	N/A
Building Types	commercial, live-work, mixed use, flex space & community.	Commercial	Apartment	Rowhouse	Duplex	Apartment
Front (principle) max	5	99'	99'	0'	5'	2'
Front (secondary) max	5	0'	0'	2'	N/A	N/A
Side	NR	NR	NR	NR	NR	NR
Rear yard	5'	0'	0'	>5'	>5'	>5'
Front lotline buildout	80% min	100%	100%	80%	80%	80%
Lot area (sf)	NR	N/A	N/A	N/A	N/A	N/A
LOT area per dwelling	NR	N/A	N/A	N/A	N/A	N/A
Building coverage, maximum	95%	38%	47%	8%	6%	11.0%
Maximum building footprint	20,000	14,808	18,082	3,116	2,280	4,320
Ground floor area per use, max	15,000	14,808	<15,000	3,116	2,280	4,320
Open space, minimum	5%	<5%	>5%	>5%	>5%	>5%
Permitted uses		Commercial	Residential	Residential	Residential	Residential
Block length, max (ft)	225	205'	205'	82'	40'	72'
Facade modulation length, max (ft)						
Entrance spacing, max (ft)	100	205	205	82'	40'	72'
Floor height above sidewalk, max	50	>50'	50	20'	20'	<50'
Ground story height, min	36"	0'	0'	24"	24"	24'
Second story height, min	12'	10'	10'	12'	12'	12'
Glazing, shopfront, min	10'	10'	10.5'	10.5'	10.5'	10.5'
Glazing, other	70%	N/A	N/A	N/A	N/A	N/A
Roof types	20%-50%	>20%	>20%	>20%	>20%	>20%
Community Space	flat, gable, hip, gambrel, mansard	Flat	Flat	Hip	Hip	Mansard
Workforce Housing Units	>10% or 3,852 SF (1,926 SF as pervious)	N/A	4,250 SF +/- (12%)	N/A	N/A	N/A
	If rental units =10% of total units. 10% of 36 = 3.4 Units = 3 Units)	N/A	3 Workforce Housing Units Floor 1 = 1 Unit Floor 2 = 2 Units	N/A	N/A	N/A

Table 2 – Zoning Table showing Development Standards for each Building

As illustrated with the shaded boxes in Table 2, to support the CUP Plan, zoning relief from the Board of Adjustment is necessary. The following variances are required to permit and construct the preferred CUP Plan:

REQUESTED ZONING RELIEF

Approval of the **preferred CUP Plan** requires approval of the following variances:

1. Ground Floor Commercial Uses – The Downtown Overlay District (the “DOD”) requires the ground-floor level of the buildings to be restricted to commercial uses. Additionally, in the CD5, all buildings are required to be either mixed-use (with upper floor residential uses) or commercial uses (on all floors). Thus, if the requested variance allowing for ground-floor residential uses is granted, the resulting residential buildings require zoning relief to allow for an “Apartment”, “Duplex”, and Rowhouse” buildings on the Property.
2. Minimum First Floor Height – The CD5 Character District requires the minimum height of the ground floor to be 12 feet. The purpose of this requirement is two-fold: to design ground-floor spaces to support commercial uses and to ensure that ground-floor residential uses to be elevated above the sidewalk for privacy concerns. The request is to allow for the ground floor height in the existing building to be 10’6”.
3. Attic Level Setbacks and Gross Floor Area Requirements – Attic levels that are flat-roofed penthouses are limited to an area no greater than 50% of the gross living area of the level of the floor level below. There are also setback requirements that range from 8’ to 15’ from the edge of the roof. The purpose of these requirements is to provide for penthouse levels that are smaller than a full story and reduce the visual appearance of the height of the building from the sidewalk. The requested variance is to allow for a minimum setback of 8’ from all roof edges and to allow no greater than 80% of the gross living area of the level of the floor below.

VARIANCE CRITERIA

The Applicant believes that this project meets the criteria necessary for granting the requested variances.

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

In this case, were the variances to be granted, there would be no change in the essential characteristics of the neighborhood, nor would any public health, safety or welfare be threatened. The property is located at the transition from larger (and taller) buildings located along Foundry Place and Hill Street to smaller, more traditionally scaled buildings along Hanover and Rock

Streets. Approval of the variance to allow for ground-floor commercial use of the buildings will not adversely impact the health, safety and welfare of the public. The essentially urban character of the neighborhood will not be altered in any fashion by this project, nor will the health, safety or welfare of the public be threatened by granting the relief requested, as what is proposed is consistent with the mass and scale of neighboring buildings. The project must obtain further approval from the Planning Board so the interest of the public will be more than adequately protected.

- Ground Floor Commercial Uses - Approval of the variance to allow ground-floor residential uses in the buildings shown on the Preferred CUP Plan will result in a positive impact on the health, safety, and welfare of the public. The buildings on the property are located within a densely developed residential neighborhood where commercial uses are not present and largely located along Foundry Place, Islington, and Bridge Streets. There is also limited on-street parking in this location and the street right is narrow with many one-way streets. Granting of this variance will improve the design of the building(s) and reduce the overall height of the building(s).
- Minimum First-Floor Height - Approval of the variance to allow the ground-floor height of the existing historic building shown on the Preferred CUP Plan to be 10'6" versus 12' will result in a positive impact on the health, safety and welfare of the public given the ground floor of the building is primarily being used for covered parking as no commercial uses are proposed for the building. Granting of this variance will reduce the overall height of the building.
- Attic Level Setbacks and Gross Living Area Requirements - Approval of the variance to allow the setbacks of the living area of penthouse level shown on the Preferred CUP Plan to be reduced to 8' will result in a positive impact on the health, safety and welfare of the public given the preferred, as-of-right mansard roof will result in over 95% of the gross floor area of the floor below with no setback from the roof edge. Granting of this variance will improve the building design and reduce the overall volume of the building.

Substantial justice would be done by granting the variances. Whether or not substantial justice will be done by granting a variance requires the Board to conduct a balancing test. If the hardship upon the owner/applicant outweighs any benefit to the general public in denying the variance, then substantial justice would be done by granting the variance. It is substantially just to allow a property owner the reasonable use of his or her property. In this case, there is no benefit to the public in denying the variances that is not outweighed by the hardship upon the owner.

- Ground Floor Commercial Uses – Substantial justice will be done by approval of the variance to allow ground-floor residential uses in the buildings shown on the Preferred CUP Plan. Approval will result in a benefit to the public and will outweigh the hardship

to the owner of leasing marginal commercial space within a densely developed residential neighborhood with limited on-street parking.

- Minimum First-Floor Height - Substantial justice will be done by approval of the variance to allow the ground-floor height of the existing historic building shown on the Preferred CUP Plan to be 10'6" versus 12'. Approval will result in a benefit to the public and will outweigh the hardship to the owner of using an additional 18" of the height of the ground floor of the building when the primary use of the ground-floor is for covered parking as no commercial uses are proposed for the building.
- Attic Level Setbacks and Gross Living Area Requirements - Substantial justice will be done by approval of the variance to allow the setbacks of the penthouse level shown on the Preferred CUP Plan to be reduced to 8' and the gross living area to be increased to 80% of the floor below. Approval will result in a benefit to the public and will outweigh the hardship to the owner of using an "as-of-right" mansard roof for the attic which will increase the gross living area to 95% of the gross floor area of the floor below with no setback from the roof edge. Additionally, the original historic building had a strong cornice and did not use a mansard roof and this variance allows for the attic level to emulate that historic character.

The values of surrounding properties will not be diminished by granting the variances. Granting of the variances will not adversely impact the values of the surrounding properties will not be negatively affected in any way. Moreover, denial of the variances may result in an adverse impact on the values of the surrounding properties given the ground-floor commercial requirement which may result in spillover parking within the neighborhood, as well as lighting and noise impacts. As shown in the Design Review Plan, denial of the variances will result in a significantly larger building (footprint, volume and height) being constructed along Hanover Street that is out of scale and character with the surrounding neighborhood. Coupled with the ground-floor commercial use of the building, the larger building design illustrated in the as-of-right Design Review Plan will likely diminish any added value to the surrounding properties.

- Ground Floor Commercial Uses – The values of the surrounding properties will not be diminished by approval of the variance to allow ground-floor residential uses in the buildings shown on the Preferred CUP Plan. Approval of the variances will avoid any potential externalities associated with commercial uses in this densely developed residential neighborhood and thereby, result in a benefit to the public and increase the added value to the surrounding properties.
- Minimum First-Floor Height - The values of the surrounding properties will not be diminished by approval of the variance to allow the ground-floor height of the existing historic building shown on the Preferred CUP Plan to be 10'6" versus 12'. Approval of the variances will result in a benefit to the public and increase the added value to the surrounding properties. The shorter ground floor height of the existing building will

improve the design of the upper floors of the building adding value to the project and, indirectly, the added value of the surrounding properties.

- Attic Level Setbacks and Gross Living Area Requirements - The values of the surrounding properties will not be diminished by approval of the variance to allow the setbacks of the penthouse level shown on the Preferred CUP Plan to be reduced to 8' and the gross living area to be increased to 80% of the floor below. In contrast to using the "as-of-right" mansard roof, approval of the variances for the penthouse level will result in a better building design and, indirectly, added value to the surrounding properties.

There are special conditions associated with the property which prevent the proper enjoyment of the property under the strict terms of the zoning ordinance and thus constitute unnecessary hardship. The two historic structures on the property date back to the late 19th century. Although the property has its legal frontage on Hanover Street, it has a right-of-way to access Hill Street (a private way) and fronts along Foundry Place and Rock Street. However, the City owns a thin strip of land consisting of 7,300 SF located between the Property and the City's right-of-way for Foundry Place and Rock Street. This thin strip remains from the former Rock Street Garage property that was once used by the DPW prior to construction of Foundry Place. This is also the only property in this section of the North End that spans Foundry Place to Hanover Street. The property also has an eight (8) foot grade change from Foundry Place to Hill Street. Additionally, the existing historic building is located behind a 57-space surface parking lot; more than 100 feet from Hanover Street.

- Ground Floor Commercial Uses – The special conditions associated with the property and its historic structure and unique location 100 feet from Hanover Street and location 8 feet above Foundry Place, creates a hardship for the requirement of ground-floor commercial uses. Approval of the variances will result in a better design and a property enjoyment of the property and be consistent with the surrounding neighborhood context.
- Minimum First-Floor Height - The special conditions associated with the property and the historic structure constitutes a hardship for the requirement of 12' first-floor heights. Approval of the variances will result in a reasonable use of the ground-floor of the property and be consistent with the physical attributes of the building as this building has no basement level so the parking is at grade. Allowing the ground-floor height of the existing historic building to be 10'6" versus 12' will result in a better design of the parking level as well as upper levels and a design consistent with the surrounding neighborhood context.
- Attic Level Setbacks and Gross Living Area Requirements - The special conditions associated with the property and irregular shape of the historic building constitutes a hardship for the requirement of limiting the gross living area to 50% and the setbacks

of 15' and 20' from the roof edge on two sides of the building. Allowing the variance to the setbacks and gross living area will result in a better design and a reasonable use of the property and be consistent with the surrounding neighborhood context shown on the Preferred CUP Plan. Allowing the living area to be setback 8' and the gross living area to be increased to 80% of the floor below will result in a better building design and a property enjoyment of the property.

The use is a reasonable use. Except for the ground floor residential use, all the proposed uses of the buildings are permitted in the CD5.

- **Ground Floor Commercial Uses** – Allowing for residential ground floor uses is not only reasonable given all but one building along Hanover Street have ground-floor residential uses shown on the Preferred CUP Plan.
- **Minimum First-Floor Height** - The use of the existing historic structure is reasonable given it does not front directly on a public way and is located more than 100 feet from Hanover Street and, if approved as shown on the Preferred CUP Plan, it will have three residential buildings between the front façade and Hanover Street.
- **Attic Level Setbacks and Gross Living Area Requirements** - The use of a penthouse for the attic level of the historic structure is not only reasonable, but also preferred, as an alternative to a larger volumed mansard roof that is also inconsistent with the historic character of the building and an over-used roof type for new buildings in downtown Portsmouth due to the added volume provided.

There is no fair and substantial relationship between the purpose of the ordinance as it is applied to this particular property. The requirements for ground-floor commercial uses, added first-floor height and the smaller penthouse attic level do not present a fair and substantial relationship between the purpose of the ordinance as it is applied to this particular property. Thus, there is no fair and substantial relationship between the purposes of the height requirements and their application to this property.

- **Ground Floor Commercial Uses** – The requirement of ground-floor commercial uses in all the existing or proposed buildings bears no fair and substantial relationship between the ordinance and this particular property. The primary reason this property was included in the DOD was due to the prior commercial use in the historic building and the lot shape which extended to Hanover Street. The 57-space surface parking lot was not contemplated for redevelopment with mixed-use buildings given the absence of the DOD along Hanover Street. In contrast, approval of the variances will avoid any off-site impacts of commercial activity at this location, result in a benefit to the public, and increase the added value to the surrounding properties.

- Minimum First Floor Height - The requirement of a 12’ first-floor height in the existing building bears no fair and substantial relationship between the ordinance and this particular property given the 8’ grade change to Foundry Place (which was not in existence when the zoning was adopted) making commercial use along Foundry Place unreasonable (especially with no existing basement level in the historic building) . In contrast, allowing the ground-floor height of the existing historic building to be 10’6” versus 12’ will result in a benefit to the public and increase the added value to the surrounding properties. The shorter ground floor height of the existing building is appropriate for ground level parking and will improve the design of the upper floors of the building adding value to the project and, indirectly, the added value of the surrounding properties.
- Attic Level Setbacks and Gross Floor Area Requirements - The setbacks and gross living area requirements of a penthouse on the existing historic structure bears no fair and substantial relationship between the ordinance and this particular property. In contrast, allowing the setbacks of the penthouse level to be reduced to 8’ and the gross living area to be increased to 80% of the floor below will result in a smaller building volume than the alternative mansard roof option.

I. Conclusion.

After consideration of the many valuable comments, issues, concerns, and suggestions provided by the Planning Board and members of the public during both the Design Review process for the “As-of-Right” Design Review Plan and the Preliminary Conceptual Consultation for the preferred CUP Plan, we believe the proposed CUP Plan meets the goals and objectives of the North End Vision Plan and, subject to the granting of this zoning relief from the Board of Adjustment and exceeds the findings and criteria needed for the subsequent approval of a CUP from the Planning Board.

We believe the preferred CUP Plan illustrates a unique opportunity to redevelop this property – and replace the unsightly 57-space surface parking lot fronting on Hanover Street with context-sensitive buildings that respect and support the quality and character of the surrounding neighborhood. Despite being located outside the City’s Historic District we also believe our efforts to design the buildings and site amenities is architecturally consistent with the surrounding historic character. Additionally, providing covered parking within the buildings for the required parking for the residential dwelling units is a significant achievement and benefit to the neighborhood. Similarly, the proposed Community Space in the form of a multi-modal way, and much-needed, Workforce Housing - the first project to do so in the North End – is a significant public benefit. Taken together, we believe these substantial public benefits strengthen the value of the project and address the primary concerns shared by the Board and members of the surrounding neighborhood.

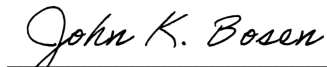
In closing, we believe the CUP Plan represents a well-conceived building and site design that provides an incremental but well-balanced, transition from the high-density, mixed-use developments located along Foundry Place and Hill Street to the lower density established

neighborhoods along Hanover and Rock Streets. Pending approval of the requested variances we remain committed to working with the Planning Staff, Board, and members of the public to refine the design of the CUP Plan, which we strongly believe will result in a positive contribution to the architectural fabric of downtown Portsmouth, the North End, and a provide the desired stepping down and transition to the abutting Islington Creek Neighborhood.

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

Respectfully submitted,

DATE: October24, 2024



John K. Bosen, Esquire

361 Hanover Photo Page







PROPOSED DEVELOPMENT

361 HANOVER STREET PORTSMOUTH, NEW HAMPSHIRE VARIANCE APPLICATION PLAN

OWNER/APPLICANT:

361 HANOVER STREET
FACTORY, LLC
41 INDUSTRIAL DRIVE UNIT 20
EXETER, NH 03833
TEL. (603) 235-5475

CIVIL ENGINEER/LAND SURVEYOR:

AMBIT ENGINEERING, INC.
200 GRIFFIN ROAD, UNIT 3
PORTSMOUTH, N.H. 03801
TEL. (603) 430-9282

ARCHITECT:

SCOTT BROWN
29 WATER STREET, SUITE 209
NEWBURYPORT, MA 01950
TEL. (978) 465-3535

PLANNING CONSULTANT:

NICHOLAS CRACKNELL
TEL. (978) 270-4789

LAND USE ATTORNEY:

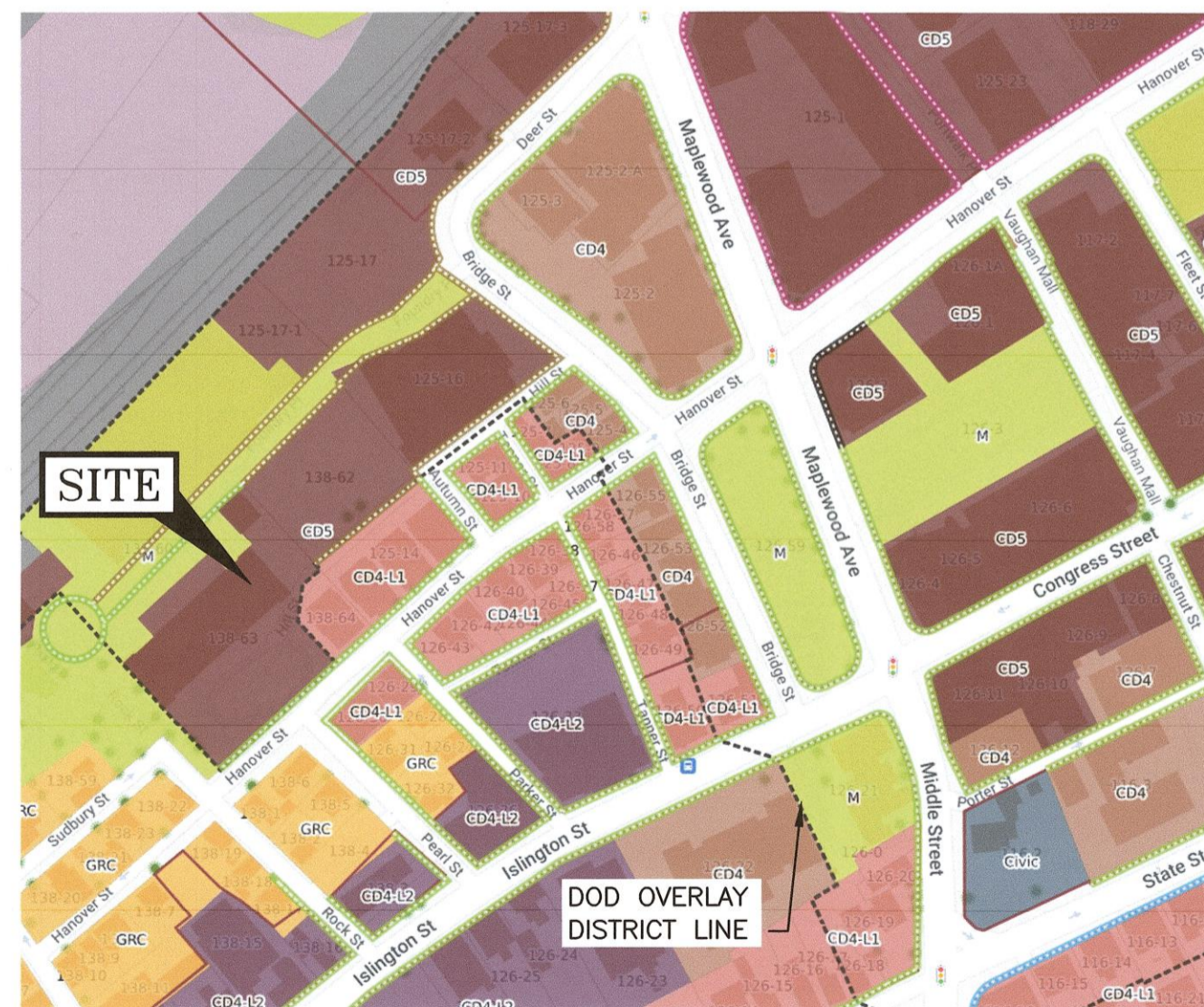
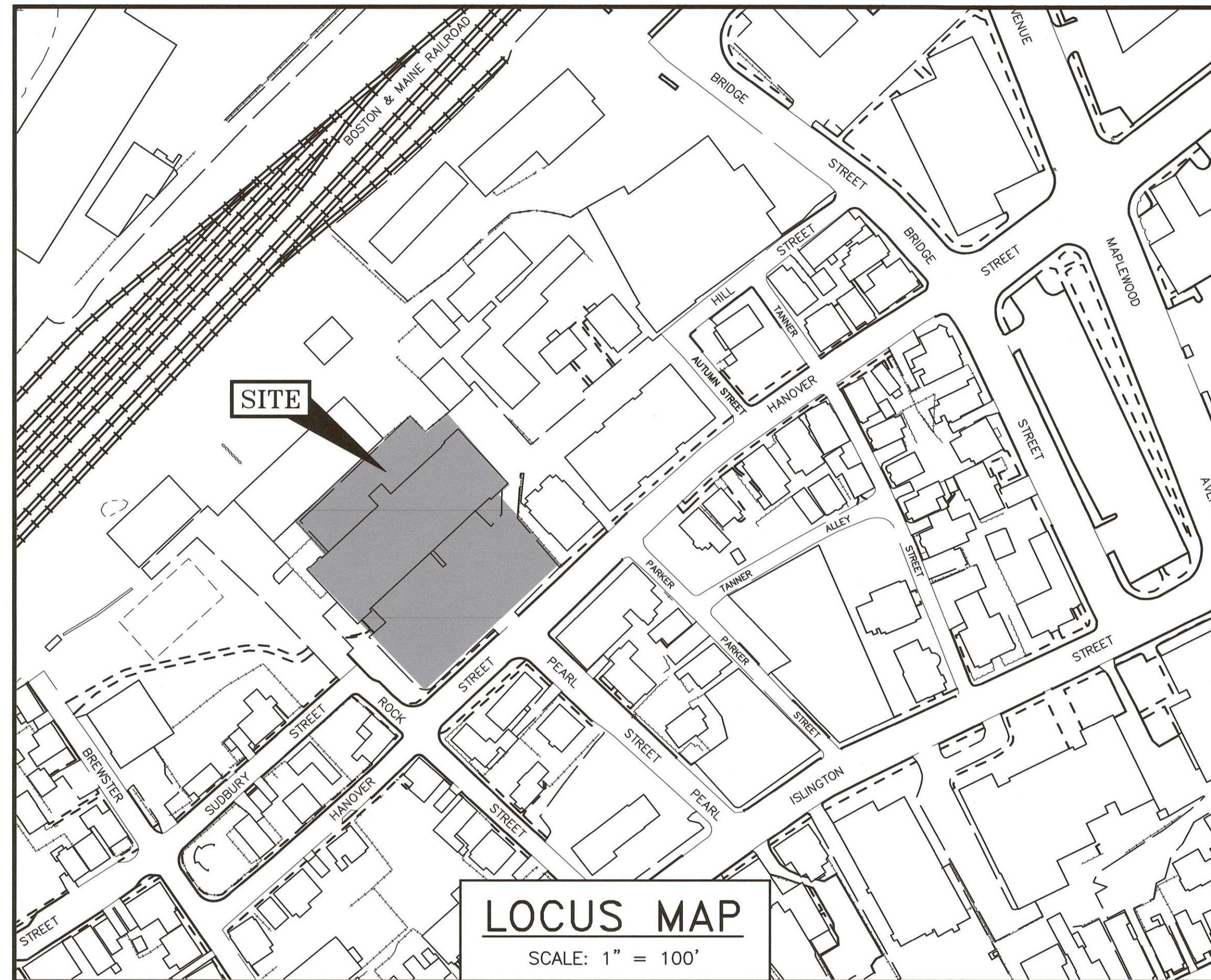
BOSEN & ASSOCIATES
266 MIDDLE STREET
PORTSMOUTH, N.H. 03801
TEL. (603) 427-5500

PERMIT LIST:

PORTSMOUTH HDC:
PORTSMOUTH ZONING BOARD:
PORTSMOUTH SITE REVIEW:
PORTSMOUTH CONDITIONAL USE PERMIT:

LEGEND:

EXISTING	PROPOSED	
---	---	PROPERTY LINE
---	---	SETBACK
S	S	SEWER PIPE
SL	SL	SEWER LATERAL
G	G	GAS LINE
D	D	STORM DRAIN
W	W	WATER LINE
WS	WS	WATER SERVICE
UGE	UGE	UNDERGROUND ELECTRIC
OHW	OHW	OVERHEAD ELECTRIC/WIRES
---	---	FOUNDATION DRAIN
---	---	EDGE OF PAVEMENT (EP)
100	100	CONTOUR
97x3	98x0	SPOT ELEVATION
⊙	⊙	UTILITY POLE
⊙	⊙	WALL MOUNTED EXTERIOR LIGHTS
⊙	⊙	TRANSFORMER ON CONCRETE PAD
⊙	⊙	ELECTRIC HANDHOLD
⊙	⊙	SHUT OFFS (WATER/GAS)
⊙	⊙	GATE VALVE
⊙	⊙	HYDRANT
⊙	⊙	HYDRANT
⊙	⊙	CATCH BASIN
⊙	⊙	SEWER MANHOLE
⊙	⊙	DRAIN MANHOLE
⊙	⊙	TELEPHONE MANHOLE
⊙	⊙	PARKING SPACE COUNT
⊙	⊙	PARKING METER
LSA	LSA	LANDSCAPED AREA
TBD	TBD	TO BE DETERMINED
CI	CI	CAST IRON PIPE
COP	COP	COPPER PIPE
DI	DI	DUCTILE IRON PIPE
PVC	PVC	POLYVINYL CHLORIDE PIPE
RCP	RCP	REINFORCED CONCRETE PIPE
AC	AC	ASBESTOS CEMENT PIPE
VC	VC	VITRIFIED CLAY PIPE
EP	EP	EDGE OF PAVEMENT
EL	EL	ELEVATION
FF	FF	FINISHED FLOOR
INV	INV	INVERT
S =	S =	SLOPE FT/FT
TBM	TBM	TEMPORARY BENCH MARK
TYP	TYP	TYPICAL



**MAP 10.5A21A
CHARACTER DISTRICTS
AND CIVIC DISTRICTS**

**MAP 10.5A21B
BUILDING HEIGHT
STANDARDS**

Height requirement area	Maximum building height*
1 Story	20'
2 Stories	35'
2 Stories (short 3rd)	35'
2-3 Stories	40'
2-3 Stories (short 4th)	45'
2-4 Stories	50'
2-4 Stories (short 5th)	60'
2-5 Stories	60'

*Penthouse Levels may exceed the building height by 2 feet.

UTILITY CONTACTS

ELECTRIC:
EVERSOURCE
1700 LAFAYETTE ROAD
PORTSMOUTH, N.H. 03801
Tel. (603) 436-7708, Ext. 555.5678
ATTN: MICHAEL BUSBY, P.E. (MANAGER)

NATURAL GAS:
UNITIL
325 WEST ROAD
PORTSMOUTH, N.H. 03801
Tel. (603) 294-5144
ATTN: DAVE BEAULIEU

CABLE:
COMCAST
155 COMMERCE WAY
PORTSMOUTH, N.H. 03801
Tel. (603) 679-5695 (X1037)
ATTN: MIKE COLLINS

SEWER & WATER:
PORTSMOUTH DEPARTMENT OF PUBLIC WORKS
680 PEVERLY HILL ROAD
PORTSMOUTH, N.H. 03801
Tel. (603) 427-1530
ATTN: JIM TOW

COMMUNICATIONS:
CONSOLIDATED COMMUNICATIONS
JOE CONSIDINE
1575 GREENLAND ROAD
GREENLAND, N.H. 03840
Tel. (603) 427-5525

INDEX OF SHEETS

DWG. NO.	
-	SUBDIVISION PLAN
-	SITE ORTHOPHOTO
C1	EXISTING CONDITIONS PLAN
C2	DEMOLITION PLAN
C3	SITE PLAN
-	LICENSE AREA PLAN

PORTSMOUTH APPROVAL CONDITIONS NOTE:
ALL CONDITIONS ON THIS PLAN SET SHALL REMAIN IN EFFECT IN PERPETUITY PURSUANT TO THE REQUIREMENTS OF THE CITY OF PORTSMOUTH SITE PLAN REVIEW REGULATIONS.

APPROVED BY THE PORTSMOUTH ZONING BOARD

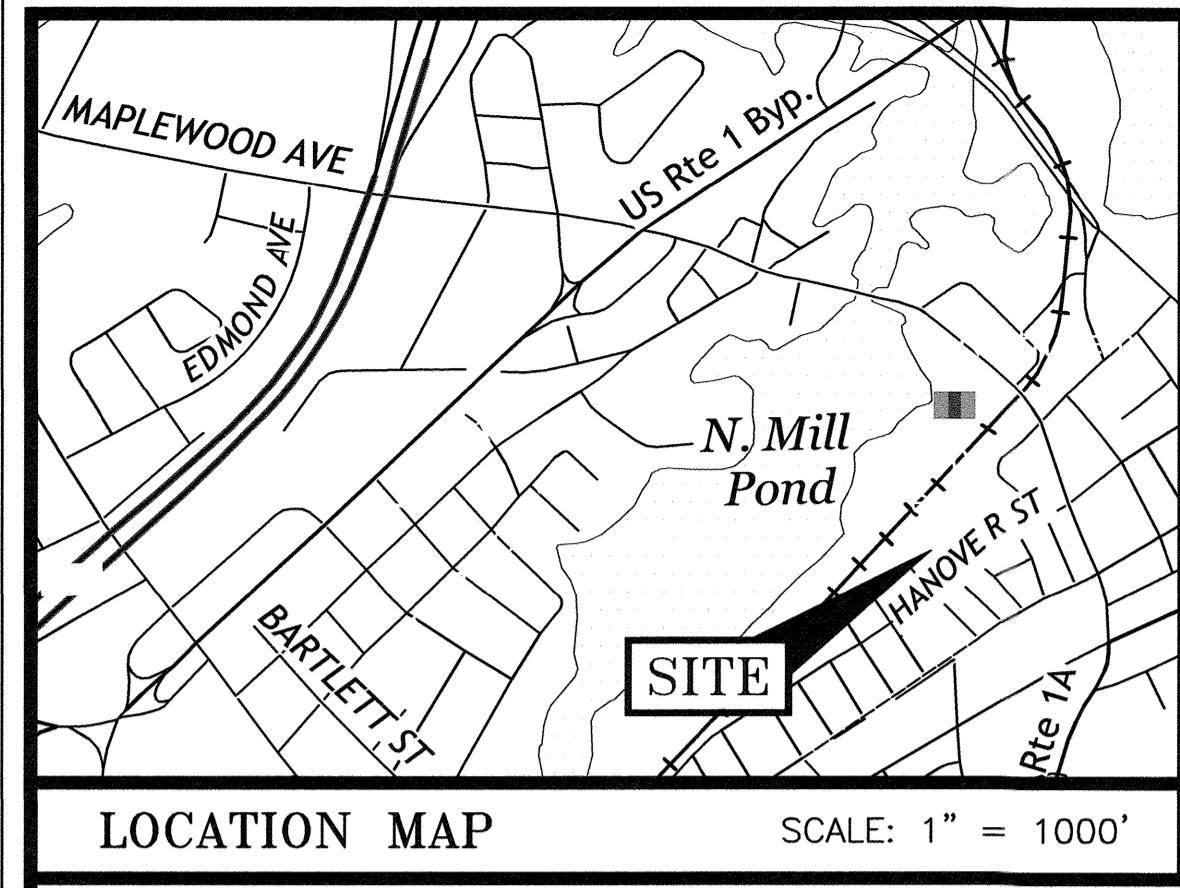
CHAIRMAN _____ DATE _____

VARIANCE APPLICATION PLAN
PROPOSED DEVELOPMENT
361 HANOVER STREET
PORTSMOUTH, N.H.

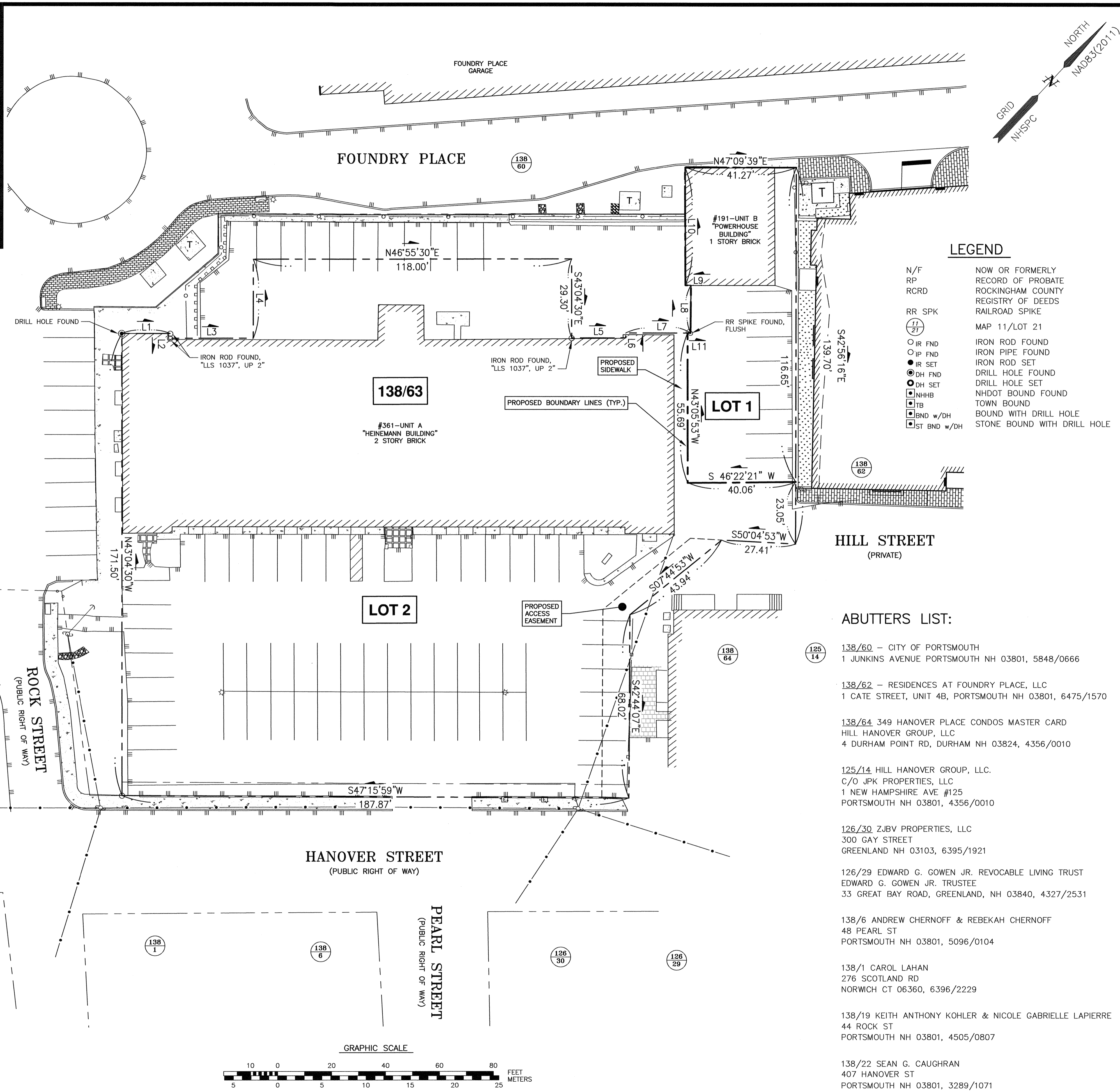
HALEYWARD
ENGINEERING | ENVIRONMENTAL | SURVEYING
200 Griffin Rd, Unit 14
Portsmouth, New Hampshire 03801
603.430.9282
WWW.HALEYWARD.COM

PLAN SET SUBMITTAL DATE: 24 OCTOBER 2024

5010135.2977.01



- PLAN REFERENCES:**
- "PLAN OF LAND IN PORTSMOUTH, N.H. PORTSMOUTH MFG & POWER CO. TO FRANKIE BROOKS" BY JOHN W. DURGIN. DA TED FEBRUARY 1918. RCRD PLAN 078.
 - "SUBDIVISION OF LAND OF PORTSMOUTH MFG. & POWER CO. PORTSMOUTH, N.H." BY JOHN W. DURGIN. DATED NOVEMBER 1925. RCRD PLAN #36B.
 - "LAND IN PORTSMOUTH, N.H. PORTS. MFG. & POWER CO. TO HAROLD S. WOODS" BY JOHN W. DURGIN. DATED NOVEMBER 1926. RCRD PLAN #389.
 - "CONDOMINIUM SITE PLAN FOR HANOVER PLACE CONDOMINIUM 349 HANOVER STREET COUNTY OF ROCKINGHAM PORTSMOUTH, NH" BY MILLETTE, SPRAGUE & COLWELL, INC. DATED SEPTEMBER 28, 2004 LAST REVISED DECEMBER 20, 2005. RCRD PLAN D-33379.
 - "CONSOLIDATION & SUBDIVISION PLAN TAX MAP 125, LOT 17 & TAX MAP 138, LOT 62 DEER STREET ASSOCIATES BRIDGE, DEER & HILL STREETS CITY OF PORTSMOUTH COUNTY OF ROCKINGHAM STATE OF NEW HAMPSHIRE" BY AMBIT ENGINEERING, INC. DA TED JULY 2015. RCRD PLAN D-39699.
 - "KEARSARGE MILLS CONDOMINIUM PLANS" BY KIMBALL CHASE COMPANY, INC. DATED APRIL 15, 1986. RCRD PLAN D-14855.
 - "BOUNDARY LINE AGREEMENT PLAN KEARSARGE MILL CONDOMINIUMS PORTSMOUTH, N.H." BY JONES & BEACH ENGINEERS, INC. DATED APRIL 10, 1997 LAST REVISED APRIL 21, 1997. RCRD PLAN D-25421.
 - "AMENDED SITE PLAN, KEARSARGE MILL CONDOMINIUMS, 1 HANOVER STREET PORTSMOUTH, NH" BY KIMBALL CHASE CONSULTING ENGINEERS DATED 04-14-06 AND LAST REVISED 02-16-07. RCRD PLAN D-34716.



AMBIT ENGINEERING, INC.
A DIVISION OF HALEY WARD, INC.

200 Griffin Road, Unit 3
Portsmouth, NH 03801
603.436.2315

WWW.HALEYWARD.COM

- NOTES:**
- PARCEL IS SHOWN ON THE CITY OF PORTSMOUTH ASSESSORS MAP 138 AS LOT 63.
 - OWNERS OF RECORD:
UNIT A:
361 HANOVER STEAM FACTORY, LLC
41 INDUSTRIAL DRIVE UNIT 20
EXETER, N.H. 03833
6352/2959
UNIT B:
POWERHOUSE REALTY TRUST
C/O ADAMS DAVID B. TRUSTEE
210 GATES STREET
PORTSMOUTH, NH 03801
5419/1223
 - PARCEL IS NOT IN A SPECIAL FLOOD HAZARD AREA AS SHOWN ON FIRM PANEL 33015C0259F. EFFECTIVE JANUARY 29, 2021.
 - LOT AREAS:
EXISTING
43,245 S.F.
0.9928 AC.
PROPOSED LOT 1
4,717 S.F.
0.1083 AC.
PROPOSED LOT 2
38,528 S.F.
0.8845 AC.
 - PARCEL IS LOCATED IN CHARACTER DISTRICT 5 (CD5), NORTH END INCENTIVE OVERLAY DISTRICT (NEIOD) AND DOWNTOWN OVERLAY DISTRICT.
 - THE PURPOSE OF THIS PLAN IS TO SHOW A PROPOSED SUBDIVISION OF TAX MAP 139, LOT 63 IN PORTSMOUTH, NH INTO 2 LOTS.
 - PARCEL IS BURDENED BY THE FOLLOWING EASEMENTS:
A) ACCESS EASEMENT TO THE CITY OF PORTSMOUTH TO ALLOW ACCESS TO A PARKING AREA. SEE R.C.R.D. 4735/2971
B) ACCESS EASEMENT TO HANOVER PLACE CONDOMINIUM ASSOCIATION. THIS EASEMENT TO BE RE-DEFINED AS SHOWN HEREON.
 - THE PARCEL HAS THE BENEFIT OF A REVOCABLE LICENSE BETWEEN THE CITY OF PORTSMOUTH AND THE KEARSARGE MILL UNIT ON THE PLAN ENTITLED "KEARSARGE MILL CONDOMINIUMS HANOVER STREET, PORTSMOUTH, NH SITE PLAN AMENDMENT" PREPARED BY KIMBALL CHASE CONSULTING ENGINEERS DATED APRIL 14, 2006, LICENSE AND SITE PLAN ARE AVAILABLE WITH THE RECORDS OF THE CITY OF PORTSMOUTH, SEE ALSO PLAN REFERENCE #6.
 - PROPERTY CORNERS WILL BE SET PRIOR TO RECORDING.

- LEGEND**
- N/F NOW OR FORMERLY
 - RP RECORD OF PROBATE
 - RCRD ROCKINGHAM COUNTY REGISTRY OF DEEDS
 - RR SPK RAILROAD SPIKE
 - MAP 11/LOT 21
 - IRON ROD FOUND
 - IRON PIPE FOUND
 - IRON ROD SET
 - DRILL HOLE FOUND
 - DRILL HOLE SET
 - NHDOT BOUND FOUND
 - TOWN BOUND
 - BOUND WITH DRILL HOLE
 - STONE BOUND WITH DRILL HOLE

HILL STREET
(PRIVATE)

ABUTTERS LIST:

- 138/60 - CITY OF PORTSMOUTH
1 JUNKINS AVENUE PORTSMOUTH NH 03801, 5848/0666
- 138/62 - RESIDENCES AT FOUNDY PLACE, LLC
1 CATE STREET, UNIT 4B, PORTSMOUTH NH 03801, 6475/1570
- 138/64 349 HANOVER PLACE CONDOS MASTER CARD
HILL HANOVER GROUP, LLC
4 DURHAM POINT RD, DURHAM NH 03824, 4356/0010
- 125/14 HILL HANOVER GROUP, LLC.
C/O JPK PROPERTIES, LLC
1 NEW HAMPSHIRE AVE #125
PORTSMOUTH NH 03801, 4356/0010
- 126/30 ZJBV PROPERTIES, LLC
300 GAY STREET
GREENLAND NH 03103, 6395/1921
- 126/29 EDWARD G. GOWEN JR. REVOCABLE LIVING TRUST
EDWARD G. GOWEN JR. TRUSTEE
33 GREAT BAY ROAD, GREENLAND, NH 03840, 4327/2531
- 138/6 ANDREW CHERNOFF & REBEKAH CHERNOFF
48 PEARL ST
PORTSMOUTH NH 03801, 5096/0104
- 138/1 CAROL LAHAN
276 SCOTLAND RD
NORWICH CT 06360, 6396/2229
- 138/19 KEITH ANTHONY KOHLER & NICOLE GABRIELLE LAPIERRE
44 ROCK ST
PORTSMOUTH NH 03801, 4505/0807
- 138/22 SEAN G. CAUGHRAN
407 HANOVER ST
PORTSMOUTH NH 03801, 3289/1071

LENGTH TABLE

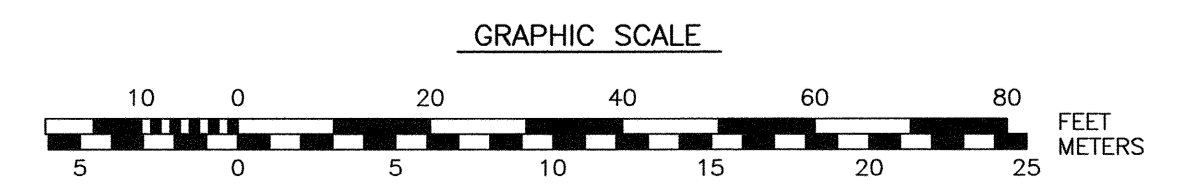
LINE	BEARING	DISTANCE
L1	N47°00'11"E	18.00'
L2	S43°03'50"E	1.78'
L3	N46°55'30"E	30.75'
L4	N43°04'30"W	29.30'
L5	N46°55'30"E	20.00'
L6	N43°04'30"W	1.80'
L7	N46°55'30"E	24.05'
L8	N42°30'12"W	17.65'
L9	S46°42'22"W	2.04'
L10	N43°17'38"W	43.88'
L11	N46°55'30"E	1.12'

"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 4.3.24
JOHN R. CHAGNON, LLS DATE

APPROVED BY THE PORTSMOUTH PLANNING BOARD

CHAIRMAN DATE



SUBDIVISION PLAN
TAX MAP 138 - LOT 63

KEARSARGE MILL UNIT OWNERS ASSOCIATION
OWNERS: 361 HANOVER STEAM FACTORY, LLC & POWERHOUSE REALTY TRUST
FOUNDRY PLACE & HANOVER STREET
CITY OF PORTSMOUTH
COUNTY OF ROCKINGHAM
STATE OF NEW HAMPSHIRE



NOTES:

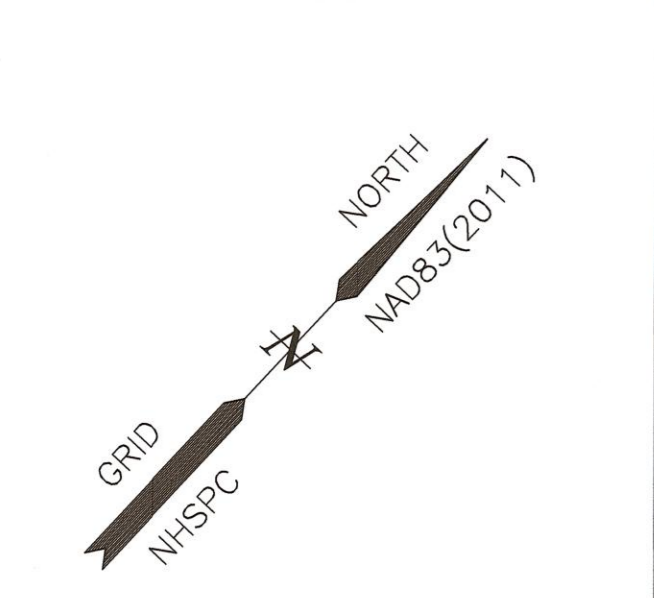
1) PARCEL IS SHOWN ON THE CITY OF PORTSMOUTH ASSESSORS MAP 138 AS LOT 63.

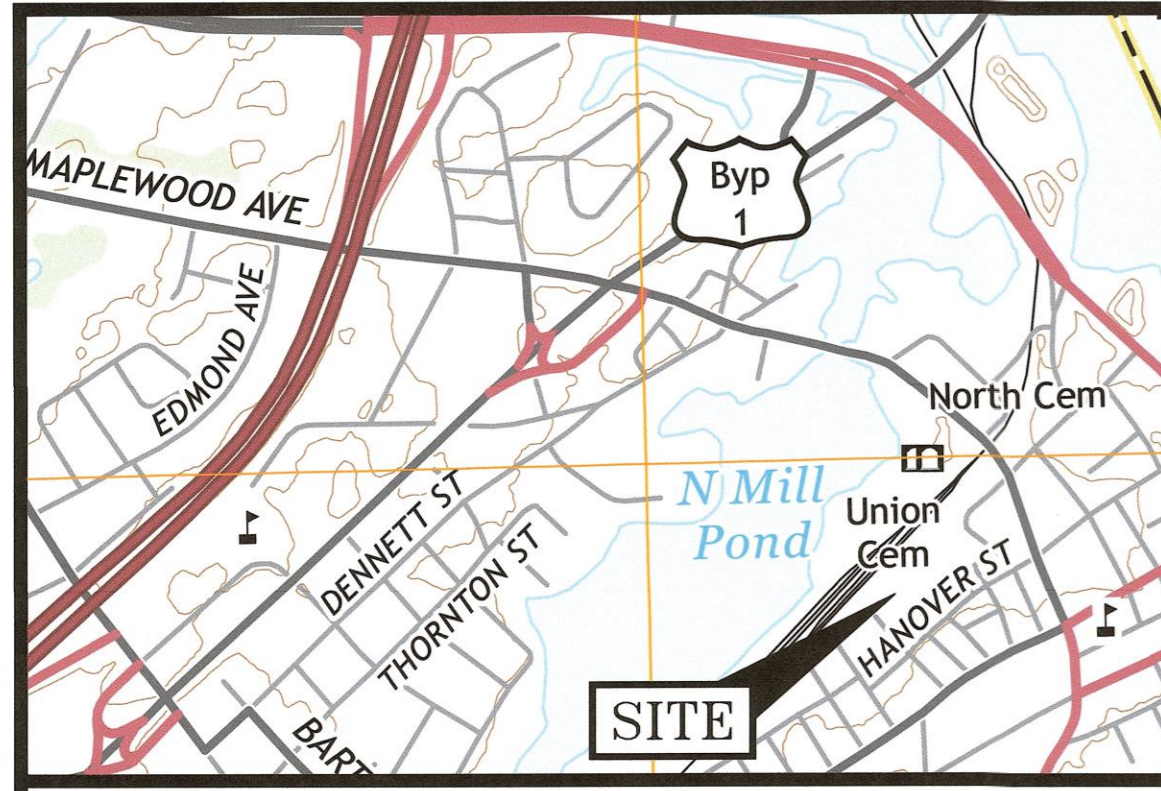
2) APPLICANT:
 361 HANOVER STEAM FACTORY, LLC
 41 INDUSTRIAL DRIVE UNIT 20
 EXETER, NH 03833
 6352/2959

3) THE PURPOSE OF THIS PLAN IS TO SHOW SITE FEATURES AS OF FEBRUARY 2023 ON THE CITY OF PORTSMOUTH ASSESSOR'S MAP 138 LOT 63.

NO.	DESCRIPTION	DATE
0	ISSUED FOR COMMENT	4/3/24
REVISIONS		

SITE ORTHOPHOTO
TAX MAP 138 – LOT 63
361 HANOVER STEAM FACTORY, LLC
FOUNDRY PLACE & ROCK STREET
CITY OF PORTSMOUTH
COUNTY OF ROCKINGHAM
STATE OF NEW HAMPSHIRE



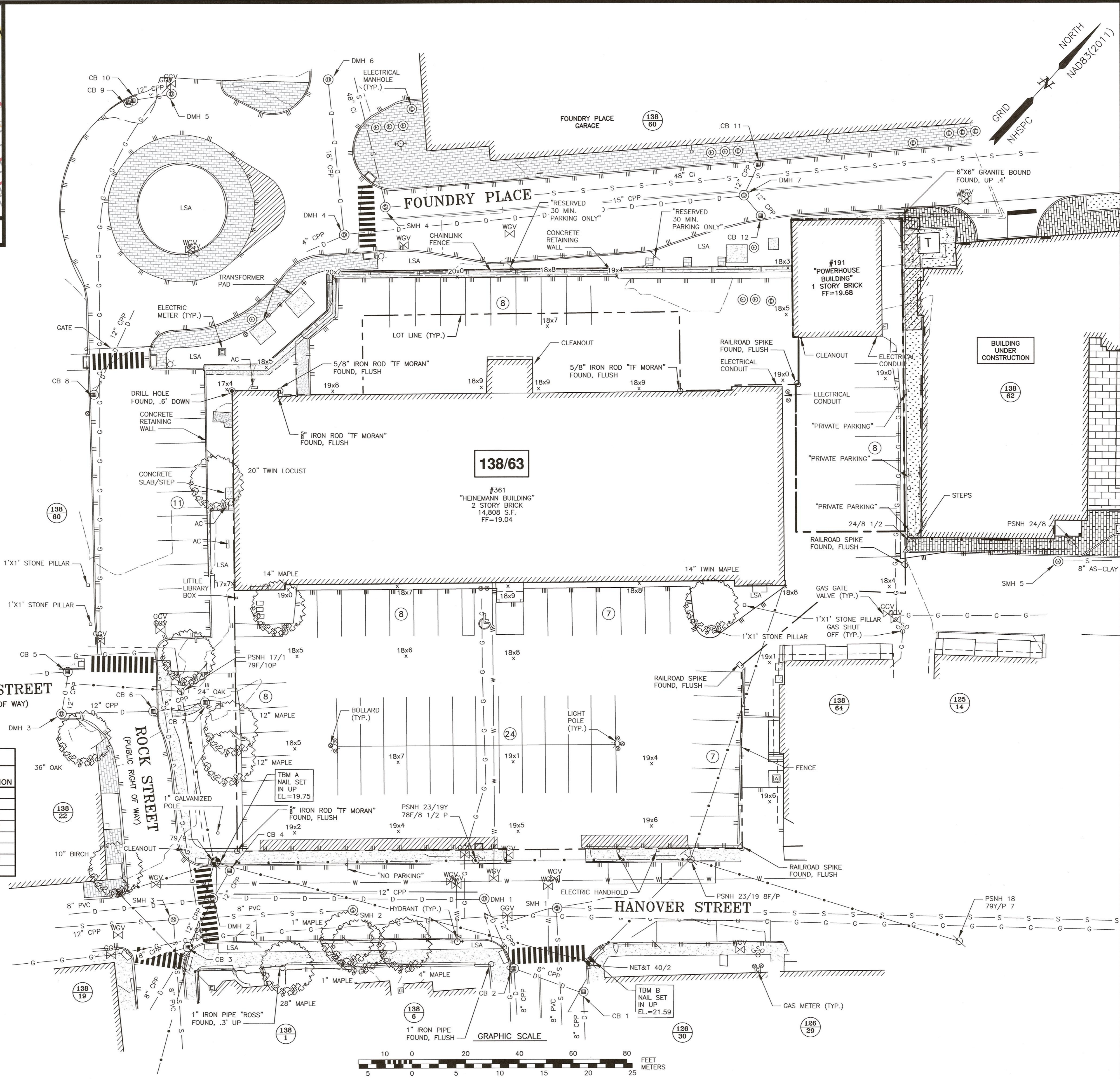


LOCATION MAP SCALE: 1"=1,000'

- NOTES:**
- PARCEL IS SHOWN ON THE CITY OF PORTSMOUTH ASSESSOR'S MAP 138 AS LOT 63.
 - OWNER OF RECORD:
 361 HANOVER STEAM FACTORY, LLC
 41 INDUSTRIAL DRIVE UNIT 20
 EXETER, N.H. 03833
 6352/2959
 - PARCEL IS NOT IN A FLOOD HAZARD ZONE AS SHOWN ON FIRM PANEL 33015C0259F. JANUARY 29 2021.
 - EXISTING LOT AREA:
 38,528 S.F.
 - PARCEL IS LOCATED IN CHARACTER DISTRICT 5 (CD5), NORTH END INCENTIVE OVERLAY DISTRICT, AND DOWNTOWN OVERLAY DISTRICT.
 - DIMENSIONAL REQUIREMENTS:
 SEE ZONING ORDINANCE
 - THE PURPOSE OF THIS PLAN IS TO SHOW THE EXISTING CONDITIONS ON PORTSMOUTH ASSESSOR'S MAP 138 AS LOT 63, AS AMENDED.
 - VERTICAL DATUM IS NAVD88. BASIS OF VERTICAL DATUM IS REDUNDANT RTN GNSS OBSERVATIONS.

DRAINAGE STRUCTURE TABLE						
STRUCTURE	PROP/EX	RIM	PIPE SIZE/TYPE	INVERT IN	INVERT OUT	DIRECTION
CB 1	EX	20.66	8" CPP	17.51	17.46	SW
CB 2	EX	20.35	12" CPP	15.80	15.70	N
	EX		8" CPP	15.80		NE
	EX		8" CPP	16.50		SE
CB 3	EX	19.29	12" CPP	16.24	15.64	NW
	EX		8" CPP	16.24		W
	EX		8" CPP	16.29		S
CB 4	EX	18.90	12" CPP	15.65	15.65	SE
CB 5	EX	15.00	12" CPP	10.00	10.00	SW
	EX		12" CPP	10.00		SE
	EX		8" CPP	13.20		NE
CB 7	EX	17.43	8" CPP	16.28	16.28	SW
CB 8	EX	12.15	12" CPP	7.45	7.45	NW
CB 9&10	EX	9.76	12" CPP	5.86	5.86	NE
CB 11	EX	10.07	12" CPP	6.17	6.17	SE
CB 12	EX	10.22	12" CPP	6.92	6.92	W
DMH 1	EX	19.81	12" CPP	15.56	15.56	SW
	EX		12" CPP	15.56		E
DMH 2	EX	19.08	12" CPP	15.03	15.03	SW
	EX		12" CPP	15.03		NE
	EX		12" CPP	15.43		NW
	EX		12" CPP	15.43		SE
DMH 3	EX	15.30	12" CPP	10.65	10.65	NW
	EX		12" CPP	10.65		NE
DMH 4	EX	11.86	18" CPP	5.46	5.46	NW
	EX		15" CPP	5.56		NE
	EX		4" PVC	9.36		S
DMH 5	EX	9.87				NO DATA
DMH 6	EX	11.84				NO DATA
DMH 7	EX	10.19	18" CPP	6.29	6.29	SW
	EX		12" CPP	6.44		NW
	EX		12" CPP	6.39		E

SEWER STRUCTURE TABLE						
STRUCTURE	PROP/EX	RIM	PIPE SIZE/TYPE	INVERT IN	INVERT OUT	DIRECTION
SMH 1	EX	20.06	15" PVC	14.36	14.36	NE
	EX		8" PVC	14.41		SE
SMH 2	EX	19.31	8" PVC	12.91	12.91	SW
SMH 3	EX	19.15	8" PVC	11.60	11.45	SW
	EX		8" PVC	11.60		NE
	EX		8" PVC	13.90		SE
SMH 4	EX	12.23	48" CI	-0.77	-0.77	NW
	EX		48" CI			NE



"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."

JRC 4.3.24
 JOHN R. CHAGNON, LLS DATE

**SITE REDEVELOPMENT
 361 HANOVER STREET
 PORTSMOUTH, N.H.**

NO.	DESCRIPTION	DATE
2	ISSUED FOR REVIEW	4/3/24
1	UPDATE E.C. & ADD SPOT GRADES	2/28/24
0	ISSUED FOR COMMENT	1/31/24

REVISIONS		
NO.	DESCRIPTION	DATE

SCALE: 1"=20' JANUARY 2024

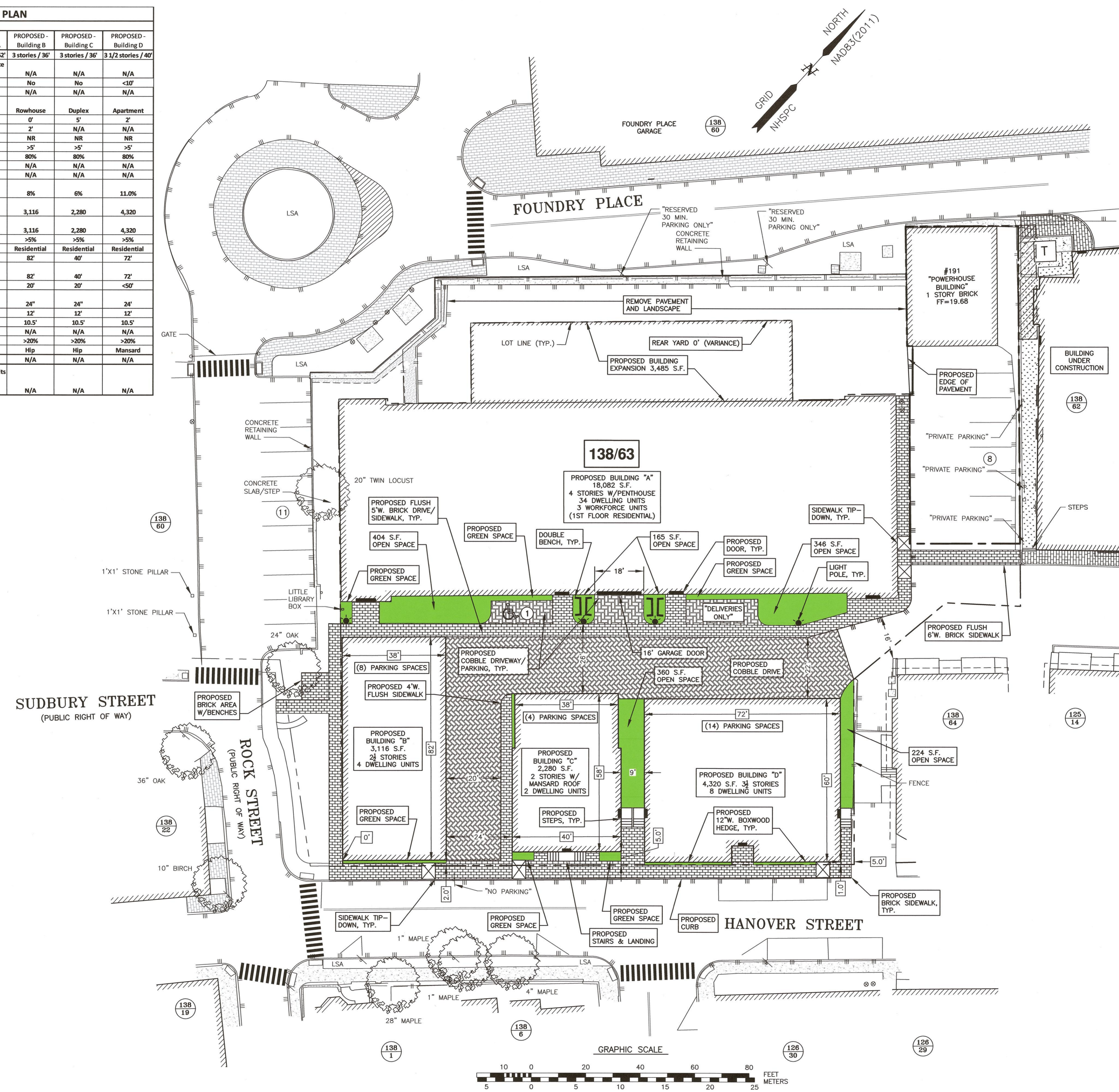
EXISTING CONDITIONS PLAN **C1**

ZONING DEVELOPMENT STANDARD - CUP PLAN						
CDS: CHARACTER DISTRICT 5, DOD: DOWNTOWN OVERLAY DISTRICT						
	REQUIRED	EXISTING	PROPOSED - Building A	PROPOSED - Building B	PROPOSED - Building C	PROPOSED - Building D
Height	2-3 stories / 40'	2 stories / 18' +/-	4 stories w/ penthouse 52'	3 stories / 36'	3 stories / 36'	3 1/2 stories / 40'
Penthouses	may exceed bldg height by 2'	N/A	Yes (75% Habitable Space / 8' Setback)	N/A	N/A	N/A
Roof appurtenance	may exceed bldg height by 10'	<10'	<10'	No	No	<10'
Facade Types	N/A	N/A	N/A	N/A	N/A	N/A
Building Types	commercial, live-work, mixed use, flex space & community.	Commercial	Apartment	Rowhouse	Duplex	Apartment
Front (principle) max	5'	99'	99'	0'	5'	2'
Front (secondary) max	5'	0'	0'	2'	N/A	N/A
Side	NR	NR	NR	NR	NR	NR
Rear yard	5'	0'	0'	>5'	>5'	>5'
Front lotline buildout	80% min	100%	100%	80%	80%	80%
Lot area (sf)	NR	N/A	N/A	N/A	N/A	N/A
LOT area per dwelling	NR	N/A	N/A	N/A	N/A	N/A
Building coverage, maximum	95%	38%	47%	8%	6%	11.0%
Maximum building footprint	20,000	14,808	18,082	3,116	2,280	4,320
Ground floor area per use, max	15,000	14,808	<15,000	3,116	2,280	4,320
Open space, minimum	5%	<5%	>5%	>5%	>5%	>5%
Permitted uses		Commercial	Residential	Residential	Residential	Residential
Block length, max (ft)	225	205'	205'	82'	40'	72'
Facade modulation length, max (ft)	100	205	205	82'	40'	72'
Entrance spacing, max (ft)	50	>50'	50	20'	20'	<50'
Floor height above sidewalk, max	36"	0"	0"	24"	24"	24"
Ground story height, min	12'	10'	10'	12'	12'	12'
Second story height, min	10'	10.5'	10.5'	10.5'	10.5'	10.5'
Glazing, shopfront, min	70%	N/A	N/A	N/A	N/A	N/A
Glazing, other	20%-50%	>20%	>20%	>20%	>20%	>20%
Roof types	flat, gable, hip, gambrel, mansard	Flat	Flat	Hip	Hip	Mansard
Community Space	>10% or 3,852 SF (1,926 SF as pervious)	N/A	4,250 SF +/- (12%)	N/A	N/A	N/A
Workforce Housing Units	If rental units =10% of total units. 10% of 36 = 3.4 Units = 3 Units	N/A	3 Workforce Housing Units Floor 1 = 1 Unit Floor 2 = 2 Units	N/A	N/A	N/A

Shaded Boxes = Zoning Relief Required

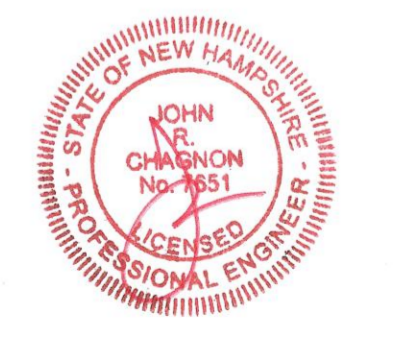
- NOTES:**
- PARCEL IS SHOWN ON THE CITY OF PORTSMOUTH ASSESSOR'S MAP 138 AS LOT 63.
 - APPLICANT:
361 HANOVER STEAM FACTORY, LLC
41 INDUSTRIAL DRIVE UNIT 20
EXETER, N.H. 03833
 - PARCEL IS NOT IN A FLOOD HAZARD ZONE AS SHOWN ON FIRM PARCEL 33015C0259F. JANUARY 29 2021.
- PROPOSED LOT AREAS:
LOT 138/63
38,528 S.F.±
0.8845 AC

LOT 138/63-1
4,717 S.F.
0.1083 AC
- PARCEL IS LOCATED IN CHARACTER DISTRICT 5 (CD5), NORTH END INCENTIVE OVERLAY, AND DOWNTOWN OVERLAY DISTRICT.
- DIMENSIONAL REQUIREMENTS:**
*SEE PORTSMOUTH ZONING ORDINANCE AND TABLE.
- MINIMUM LOT AREA: NR
SETBACKS:
FRONT: 5 FEET (MAXIMUM)
SIDE: NR
REAR: 5 FEET
MAXIMUM BUILDING COVERAGE: 95%
MINIMUM OPEN SPACE: 5%
- THE PURPOSE OF THIS PLAN IS TO SHOW THE PROPOSED SITE DEVELOPMENT ON ASSESSOR'S MAP 138 LOT 63.
 - VERTICAL DATUM IS NAVD88. BASIS OF VERTICAL DATUM IS REDUNDANT RTN GNSS OBSERVATIONS.
 - PROPOSED USE: 48 RESIDENTIAL DWELLING UNITS



SITE REDEVELOPMENT
361 HANOVER STREET
PORTSMOUTH, N.H.

NO.	DESCRIPTION	DATE
1	REVISED LAYOUT	7/3/24
0	ISSUED FOR COMMENT	6/12/24



SCALE: 1"=20' JANUARY 2024

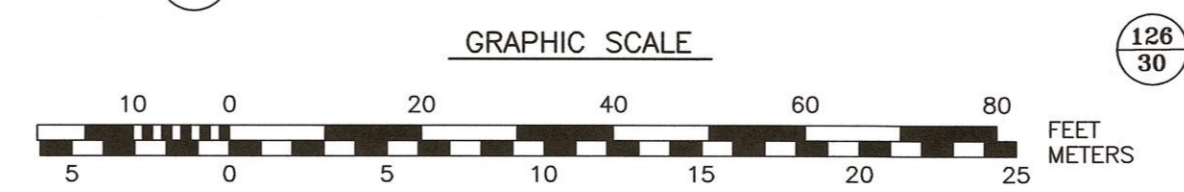
SITE PLAN **C3**

THIS SITE PLAN SHALL BE RECORDED IN THE ROCKINGHAM COUNTY REGISTRY OF DEEDS.

ALL IMPROVEMENTS SHOWN ON THIS SITE PLAN SHALL BE CONSTRUCTED AND MAINTAINED IN ACCORDANCE WITH THE PLAN BY THE PROPERTY OWNER AND ALL FUTURE PROPERTY OWNERS. NO CHANGES SHALL BE MADE TO THIS SITE PLAN WITHOUT THE EXPRESS APPROVAL OF THE PORTSMOUTH PLANNING DIRECTOR.

APPROVED BY THE PORTSMOUTH PLANNING BOARD

CHAIRMAN _____ DATE _____

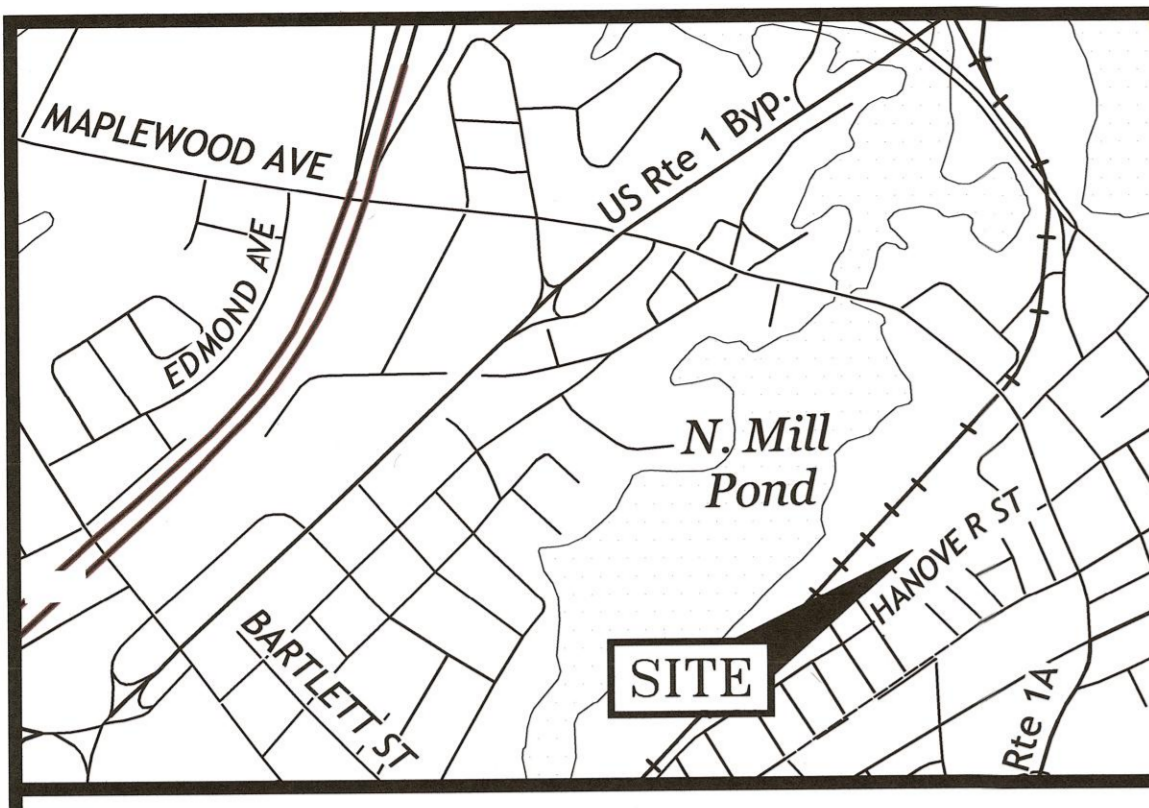


P:\NH\5010135-Hampshire Development\037701-Hanover St., Portsmouth-NH\037701-Plan\Plan & Specs\Site\037701 Site Option B.dwg, 7/3/2024, 7:51:44 AM, Portsmouth Plotted Canon TX3000.pc3

NOTES:

- 1) PARCEL IS SHOWN ON THE CITY OF PORTSMOUTH ASSESSORS MAP 138 AS LOT 60.
- 2) OWNERS OF RECORD:
LOT 60
CITY OF PORTSMOUTH
JUNKINS AVENUE
PORTSMOUTH, NH 03801

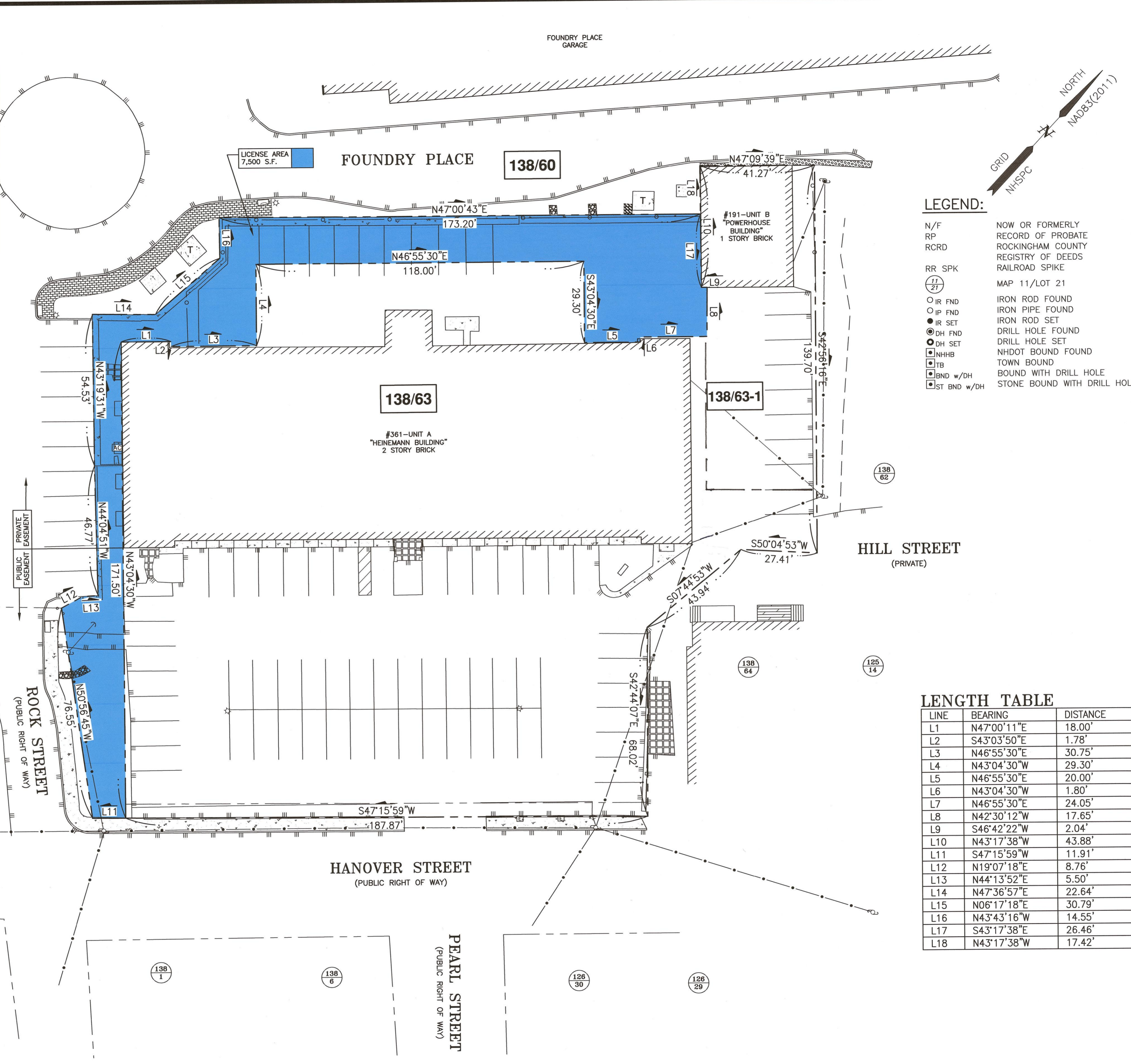
LOT 63 - UNIT A
361 HANOVER STEAM FACTORY, LLC
41 INDUSTRIAL DRIVE UNIT 20
EXETER, N.H. 03833
6352/2959
- 3) PARCEL IS NOT IN A SPECIAL FLOOD HAZARD AREA AS SHOWN ON FIRM PANEL 33015C0259F. EFFECTIVE JANUARY 29, 2021.
- 4) LOT AREA: 38,528 S.F.
- 5) PARCEL IS LOCATED IN CHARACTER DISTRICT 5 (CD5) AND DOWNTOWN OVERLAY DISTRICT.
- 6) THE PURPOSE OF THIS PLAN IS TO SHOW A PROPOSED LICENSE AREA ON TAX MAP 138, LOT 60 TO BENEFIT TAX MAP 138, LOT 63 IN PORTSMOUTH, NH.
- 7) THE LICENSE AGREEMENT BETWEEN THE CITY OF PORTSMOUTH AND 361 HANOVER STEAM FACTORY, LLC WILL REPLACE THE EXISTING PARKING LICENSE AGREEMENT RECORDED AT DEED BOOK 4735 PAGE 2971 AND PROVIDE A PUBLIC AND PRIVATE LANDSCAPING EASEMENT TO 361 HANOVER STEAM FACTORY, LLC.



LOCATION MAP SCALE: 1" = 1000'

PLAN REFERENCES:

- 1) "PLAN OF LAND IN PORTSMOUTH, N.H. PORTSMOUTH MFG & POWER CO. TO FRANKIE BROOKS" BY JOHN W. DURGIN. DA TED FEBRUARY 1918. RCRD PLAN 078.
- 2) "SUBDIVISION OF LAND OF PORTSMOUTH MFG. & POWER CO. PORTSMOUTH, N.H." BY JOHN W. DURGIN. DATED NOVEMBER 1925. RCRD PLAN #368.
- 3) "LAND IN PORTSMOUTH, N.H. PORTS. MFG. & POWER CO. TO HAROLD S. WOODS" BY JOHN W. DURGIN. DATED NOVEMBER 1926. RCRD PLAN #389.
- 4) "CONDOMINIUM SITE PLAN FOR HANOVER PLACE CONDOMINIUM 349 HANOVER STREET COUNTY OF ROCKINGHAM PORTSMOUTH, NH" BY MILLETTE, SPRAGUE & COLWELL, INC. DATED SEPTEMBER 28, 2004 LAST REVISED DECEMBER 20, 2005. RCRD PLAN D-33379.
- 5) "CONSOLIDATION & SUBDIVISION PLAN TAX MAP 125, LOT 17 & TAX MAP 138, LOT 62 DEER STREET ASSOCIATES BRIDGE, DEER & HILL STREETS CITY OF PORTSMOUTH COUNTY OF ROCKINGHAM STATE OF NEW HAMPSHIRE" BY AMBIT ENGINEERING, INC. DA TED JULY 2015. RCRD PLAN D-39699.
- 6) "KEARSARGE MILLS CONDOMINIUM PLANS" BY KIMBALL CHASE COMPANY, INC. DATED APRIL 15, 1986. RCRD PLAN D-14855.
- 7) "BOUNDARY LINE AGREEMENT PLAN KEARSARGE MILL CONDOMINIUMS PORTSMOUTH, N.H." BY JONES & BEACH ENGINEERS, INC. DATED APRIL 10, 1997 LAST REVISED APRIL 21, 1997. RCRD PLAN D-25421.
- 8) "AMENDED SITE PLAN, KEARSARGE MILL CONDOMINIUMS, 1 HANOVER STREET PORTSMOUTH, NH" BY KIMBALL CHASE CONSULTING ENGINEERS DATED 04-14-06 AND LAST REVISED 02-16-07. RCRD PLAN D-34716.



LEGEND:

- N/F NOW OR FORMERLY
- RP RECORD OF PROBATE
- RCRD ROCKINGHAM COUNTY REGISTRY OF DEEDS
- RR SPK RAILROAD SPIKE
- (17/21) MAP 11/LOT 21
- IR FND IRON ROD FOUND
- IP FND IRON PIPE FOUND
- IR SET IRON ROD SET
- DH FND DRILL HOLE FOUND
- DH SET DRILL HOLE SET
- NHFB NHDOT BOUND FOUND
- TB TOWN BOUND
- BND w/DH BOUND WITH DRILL HOLE
- JST BND w/DH STONE BOUND WITH DRILL HOLE

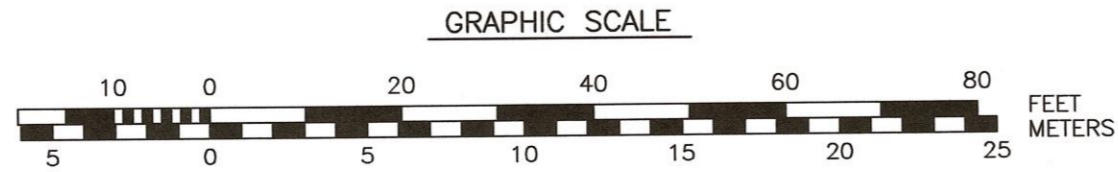
LENGTH TABLE

LINE	BEARING	DISTANCE
L1	N47°00'11"E	18.00'
L2	S43°03'50"E	1.78'
L3	N46°55'30"E	30.75'
L4	N43°04'30"W	29.30'
L5	N46°55'30"E	20.00'
L6	N43°04'30"W	1.80'
L7	N46°55'30"E	24.05'
L8	N42°30'12"W	17.65'
L9	S46°42'22"W	2.04'
L10	N43°17'38"W	43.88'
L11	S47°15'59"W	11.91'
L12	N19°07'18"E	8.76'
L13	N44°13'52"E	5.50'
L14	N47°36'57"E	22.64'
L15	N06°17'18"E	30.79'
L16	N43°43'16"W	14.55'
L17	S43°17'38"E	26.46'
L18	N43°17'38"W	17.42'



"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] 7-3-24
JOHN R. CHAGNON, LLS DATE

APPROVED BY THE PORTSMOUTH PLANNING BOARD



NO.	DESCRIPTION	DATE
1	REPLOTT	7/3/24
0	ISSUED FOR COMMENT	3/21/24

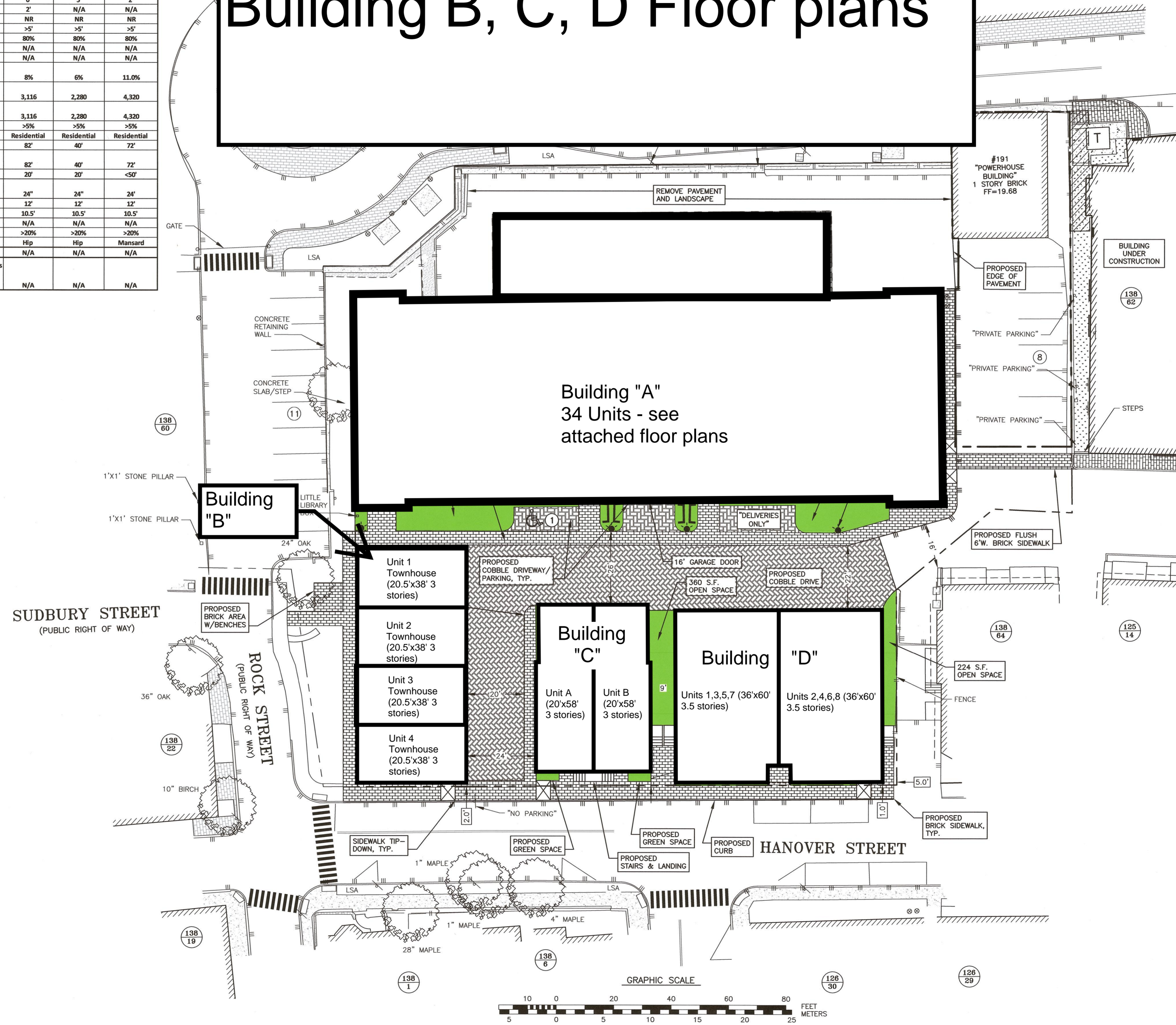
PROPOSED LICENSE AREA PLAN
TAX MAP 138 - LOT 63
CITY OF PORTSMOUTH
TO
361 HANOVER STEAM
FACTORY, LLC
FOUNDRY PLACE & ROCK STREET
CITY OF PORTSMOUTH
COUNTY OF ROCKINGHAM
STATE OF NEW HAMPSHIRE

P:\NA\5010135-Hampshire_Development\5010135-Hampshire_Development\5010135-Hampshire_Development\5010135-Hampshire_Development.dwg, 7/2/2024 9:40:53 AM, \S\RS\5010135-Hampshire_Development\5010135-Hampshire_Development\5010135-Hampshire_Development.dwg

ZONING DEVELOPMENT STANDARD - CUP PLAN						
CDS: CHARACTER DISTRICT 5, DOD: DOWNTOWN OVERLAY DISTRICT						
	REQUIRED	EXISTING	PROPOSED - Building A	PROPOSED - Building B	PROPOSED - Building C	PROPOSED - Building D
Height	2-3 stories / 40'	2 stories / 18' +/-	4 stories w/ penthouse 52'	3 stories / 36'	3 stories / 36'	3 1/2 stories / 40'
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Front (secondary) max	NR	0'	0'	2'	N/A	N/A
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Rear yard	5'	0'	0'	>5'	>5'	>5'
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Lot area (sf)	NR	N/A	N/A	N/A	N/A	N/A
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Glazing, shopfront, min	70%	N/A	N/A	N/A	N/A	N/A
Glazing, other	20%-50%	>20%	>20%	>20%	>20%	>20%
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Workforce Housing Units	If rental units =10% of total units. 10% of 36 = 3.4 Units = 3 Units	N/A	3 Workforce Housing Units Floor 1 = 1 Unit Floor 2 = 2 Units	N/A	N/A	N/A

Shaded Boxes = Zoning Relief Required

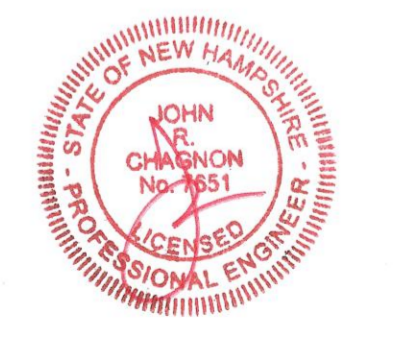
ZBA "Preferred Plan" Building B, C, D Floor plans



- NOTES:**
- PARCEL IS SHOWN ON THE CITY OF PORTSMOUTH ASSESSOR'S MAP 138 AS LOT 63.
 - APPLICANT:
361 HANOVER STEAM FACTORY, LLC
41 INDUSTRIAL DRIVE UNIT 20
EXETER, N.H. 03833
 - PARCEL IS NOT IN A FLOOD HAZARD ZONE AS SHOWN ON FIRM PANEL 33015C0259F. JANUARY 29 2021.
- PROPOSED LOT AREAS:
LOT 138/63
38,528 S.F.±
0.8845 AC
LOT 138/63-1
4,717 S.F.
0.1083 AC
- PARCEL IS LOCATED IN CHARACTER DISTRICT 5 (CD5), NORTH END INCENTIVE OVERLAY, AND DOWNTOWN OVERLAY DISTRICT.
- DIMENSIONAL REQUIREMENTS:**
*SEE PORTSMOUTH ZONING ORDINANCE AND TABLE.
MINIMUM LOT AREA: NR
SETBACKS:
FRONT: 5 FEET (MAXIMUM)
SIDE: NR
REAR: 5 FEET
MAXIMUM BUILDING COVERAGE: 95%
MINIMUM OPEN SPACE: 5%
 - THE PURPOSE OF THIS PLAN IS TO SHOW THE PROPOSED SITE DEVELOPMENT ON ASSESSOR'S MAP 138 LOT 63.
 - VERTICAL DATUM IS NAVD88. BASIS OF VERTICAL DATUM IS REDUNDANT RTN GNSS OBSERVATIONS.
 - PROPOSED USE: 48 RESIDENTIAL DWELLING UNITS

SITE REDEVELOPMENT 361 HANOVER STREET PORTSMOUTH, N.H.

NO.	DESCRIPTION	DATE
1	REVISED LAYOUT	7/3/24
0	ISSUED FOR COMMENT	6/12/24



SCALE: 1"=20' JANUARY 2024

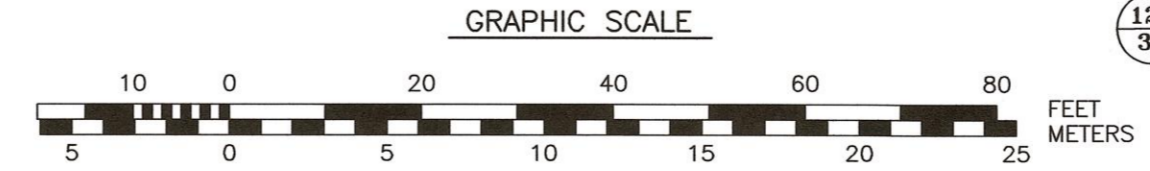
SITE PLAN **C3**

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ALL IMPROVEMENTS SHOWN ON THIS SITE PLAN SHALL BE CONSTRUCTED AND MAINTAINED IN ACCORDANCE WITH THE PLAN BY THE PROPERTY OWNER AND ALL FUTURE PROPERTY OWNERS. NO CHANGES SHALL BE MADE TO THIS SITE PLAN WITHOUT THE EXPRESS APPROVAL OF THE PORTSMOUTH PLANNING DIRECTOR.

APPROVED BY THE PORTSMOUTH PLANNING BOARD

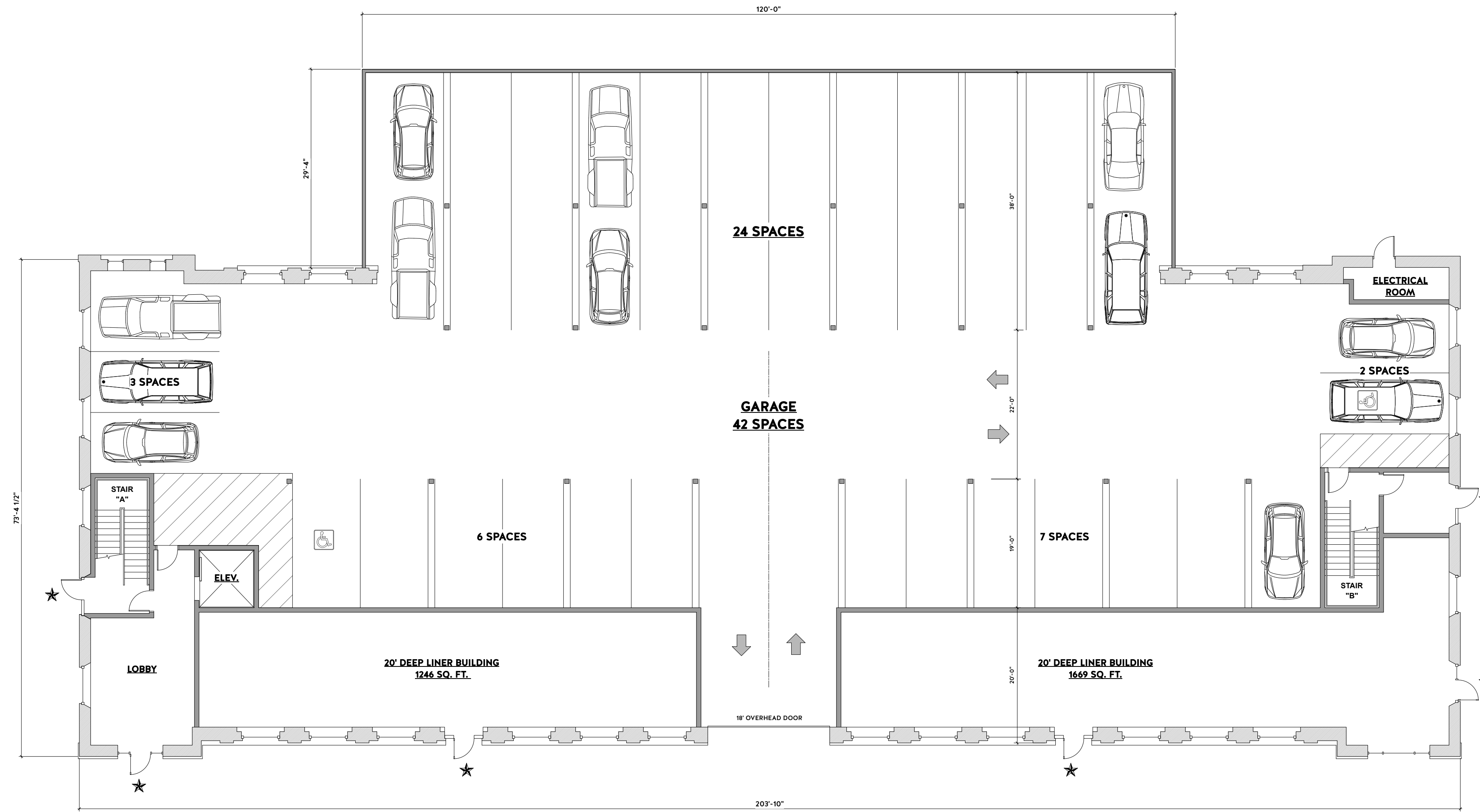
CHAIRMAN _____ DATE _____



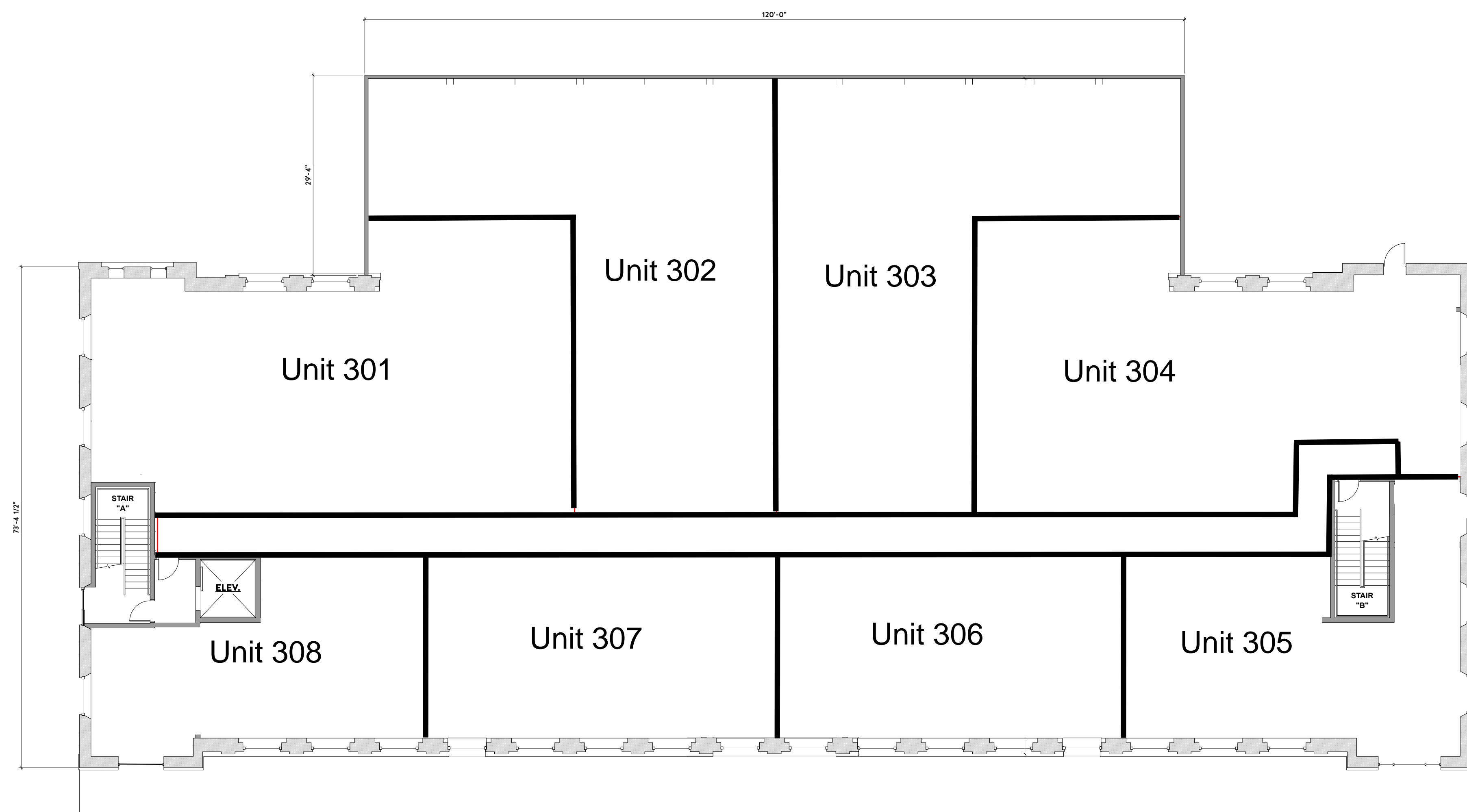
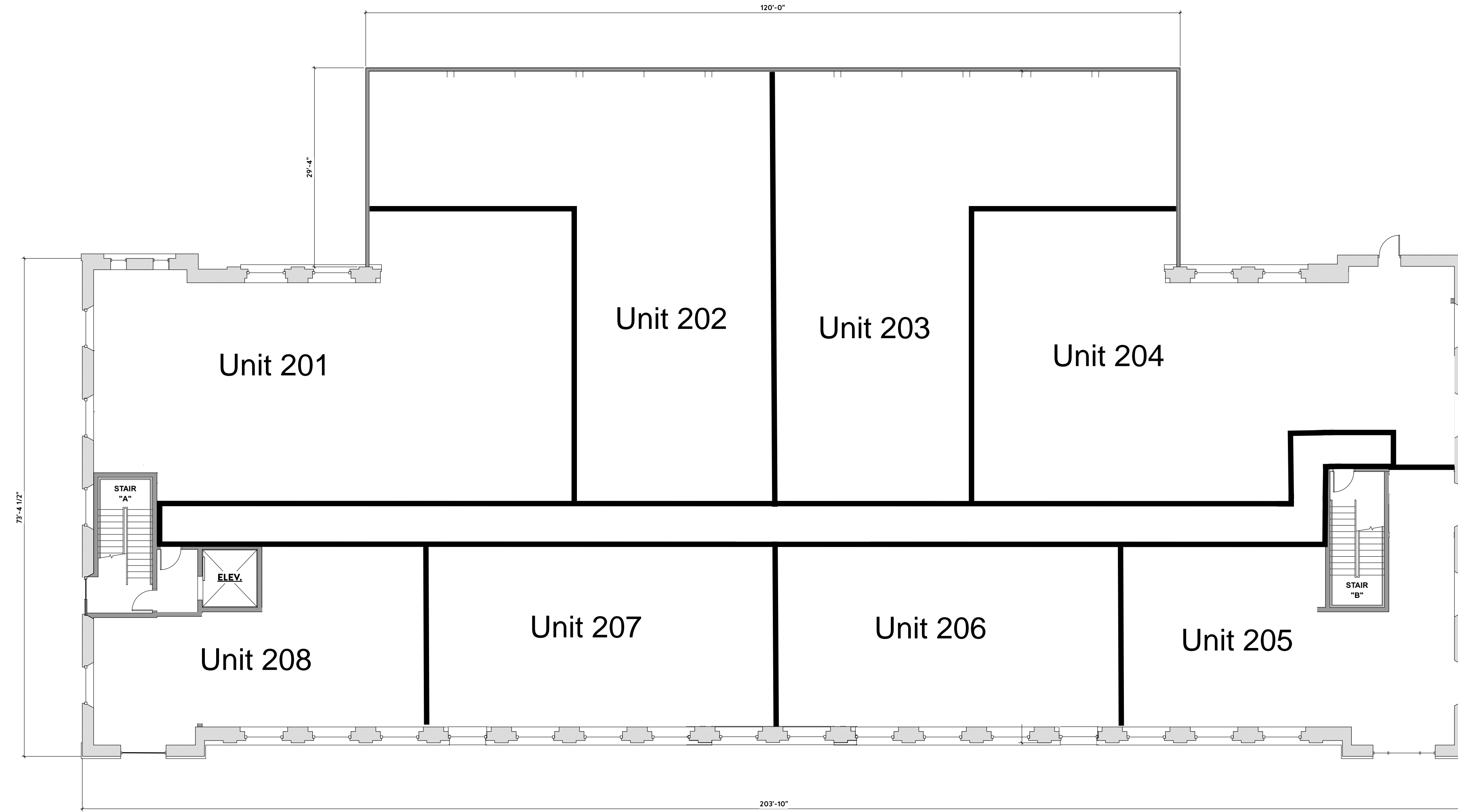
P:\NH\5010135-Hampshire Development\037701-Hanover St., Portsmouth-RCON 28771-2024 Site Plan Plans & Specs\Sites\287701 Site Option B.dwg, 7/3/2024 7:51:44 AM, Portsmouth Plotted, Canon TX3000.pc3

Building "A" Floorplans

1st Floor Parking Plan (Commercial Units Shown, Residential Requested)



2nd Floor & 3rd Floor (Typical)



4th Floor (Typical) & Penthouse

