

# KEANE, MACDONALD & DONOHUE

A PROFESSIONAL CORPORATION • ATTORNEYS AT LAW

July 9, 2024

**BY EMAIL ONLY (igilbo@cityofportsmouth.com)**

Reagan Ruedig, Chair  
Historic District Commission  
Portsmouth City Hall  
1 Junkins Avenue  
Portsmouth, NH 03801

RE: Work Session for 461 Court Street (Tax Map 105/Lot 7)  
Owners: Argeris and Eloise Karabelas (the "Application")

Dear Ms. Ruedig and Committee Members:

Please be advised that Keane, Macdonald & Donohue, PC represents Russell & Sprague, LLC ("R&S"). R&S is the owner of 46 State Street (the "R&S Property") which directly abuts 461 Court Street whose owners have a Public Hearing scheduled for July 10, 2024. Based on the information submitted by the owners to date, my client wishes to express concerns to the Committee.

As stated in my letter of last month, the Property at 461 Court Street ("the Karabelas Property") is owned by Argeris and Eloise Karabelas and 46 State Street abuts that property to the rear. Submitted with my earlier letter were photos labeled RS#1, RS#2, RS#3 and RS#4 which show the views from the 2<sup>nd</sup> floor (RS #1-2) and 3<sup>rd</sup> floor (RS#3-#4) of the R&S Property.

The plans submitted for the Public Hearing continue to depict the existing structure as a 2 ½ story 924± SF brick structure with a basement. The proposed addition is to extend the rear of the building 22' into what is now the rear yard of the Karabelas Property. The submitted plan for the Karabelas Property lacks a measurement for the sufficient detail to understand the exact distance of the northwest corner of the proposed addition to the property line, it appears that the distance is approximately 7' from the line.

My client was not contacted prior to the initial submission of plans by the applicant to the City, but I did attend the Board of Adjustment meeting to share my client's concerns. Following that meeting I reached out to the architect, Anne Whitney, to initiate a conversation about possible adjustments to the plan but have not heard back at the time of this letter. While the Board of Adjustment granted the variance requested, its focus was primarily on the right property line rather than the expansion of a nonconforming use or the historic district considerations set forth in the zoning ordinance at Section 10.631. The Board of Adjustment's decision is still within the appeal period.

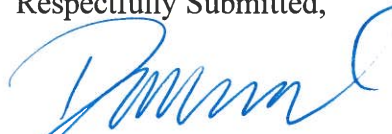
As stated in earlier letter to the Committee, the proposed expansion is inconsistent with the historic character of the existing building represented throughout the neighborhood and by the existing structure. As noted at an earlier meeting of the Committee, this structure is a unique “half-house” but the proposed addition fails to honor that element by placing the addition to rear rather than the westerly side of the building which would be consistent with the original intent for expansion. The interlocking bricks intended to join to the other half of the building, which was never constructed, are indicative of the historic intention of the builder. The proposed addition incorporates no element incorporating that intent.

As for other close buildings in the neighborhood, the proposed addition poses a unique situation by locating windows on the rear of the building such that they overlook the neighbor’s yards and outdoor living space. Since the proposed addition would eliminate the privacy buffer created by the existing open space and trees, these window placements are even more intrusive and inconsistent with surrounding properties of historic value.

My client fears that the proposed addition, if approved, will have a significant and adverse impact on surrounding properties in the historic district due to the building placement, as well as the location of the proposed addition and windows.

Unfortunately, I am unable to attend the meeting in person but request that this letter be read into the record. My client appreciates the Committee’s consideration of the concerns set forth in this letter.

Respectfully Submitted,



Douglas W. Macdonald, Esq.

c: Client  
Izak Gilbo, Planner 1, City of Portsmouth