

# KEANE, MACDONALD & DONOHUE

A PROFESSIONAL CORPORATION • ATTORNEYS AT LAW

October 9, 2024

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

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

RE: Public Hearing for 38 State Street, Unit 4 (Tax Map 105/Lot 10-4)  
Owner: Jeffrey Daniel Berlin (the "Applicant")

Dear Chair 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 which directly abuts 38 State Street whose owner has a Public Hearing scheduled for tonight. Based on the information submitted by the owner to date, my client wishes to highlight an issue for consideration by Committee.

The Property at 38 State Street ("38 State") currently shares a chimney with my client's property, which is the chimney located closer to the State Street side of 38 State. On page 1.1 of the plans submitted by the Applicant the chimney is depicted as being outside of the exterior walls of 38 State.

The 46 State Street property, owned by R&S (the "R&S Property") is a 3-story single-family home with three fireplaces, one on each of its three floors. Each of those fireplaces are served by the chimney that the R&S Property shares with 38 State. My clients understand that currently two flues are located within the chimney, one serving each property.

The Applicant's plan show that the shared chimney will be increased in height. My client has no present objection to the proposed work as depicted on the Applicant's plan provided that any work done to the shared chimney be done in a manner that preserves the integrity and functionality of the shared chimney for both properties. My client respectfully requests that the foregoing become a condition of any approval the Committee may make at tonight's meeting. My client further requests that this letter be read into or otherwise entered into the formal record for tonight's meeting.

My client appreciates the Committee's consideration of the request made in this letter.

Respectfully Submitted,

  
Douglas W. Macdonald, Esq.

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

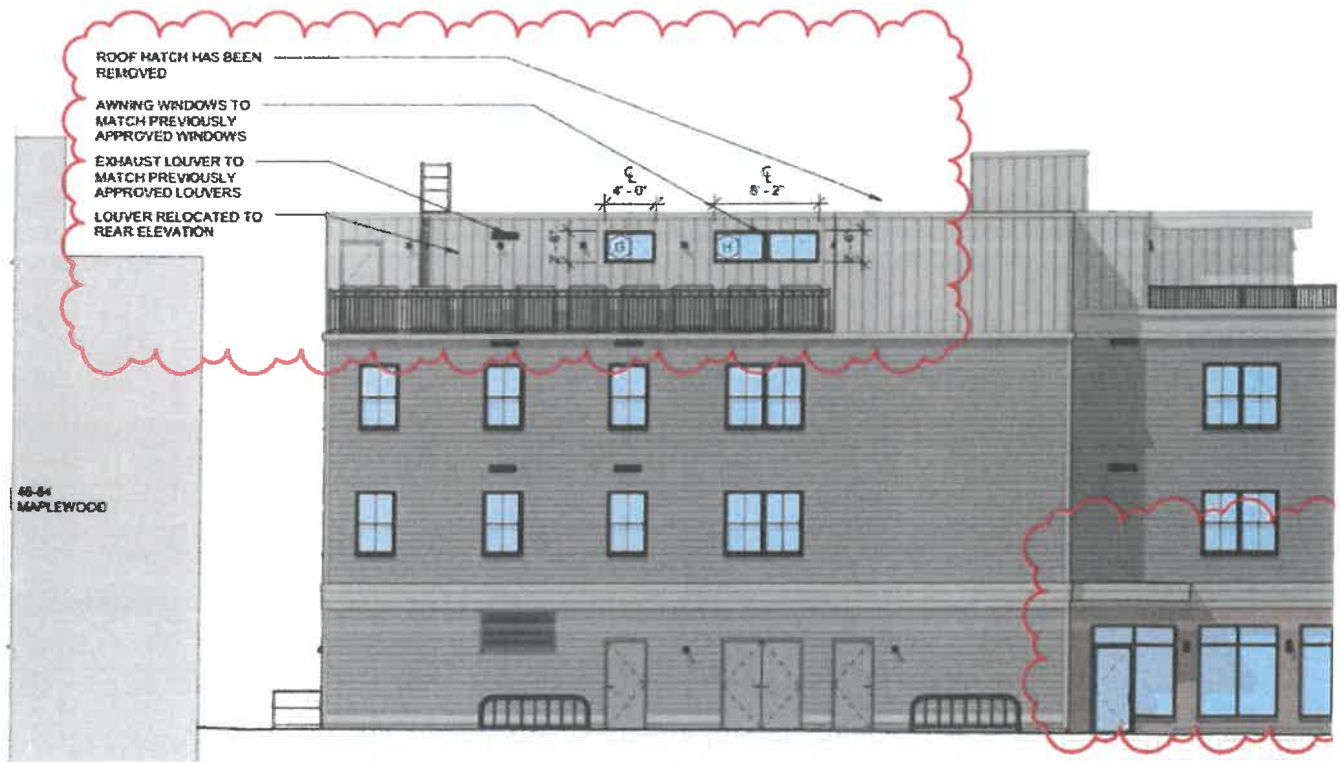
**From:** Glen Brown <[drillwithne@gmail.com](mailto:drillwithne@gmail.com)>  
**Date:** October 9, 2024 at 4:19:04 PM EDT  
**To:** Glen And Becky Brown/ Lorton <[Drillwithne@gmail.com](mailto:Drillwithne@gmail.com)>  
**Subject:** City Council and Mayor

239 Deer St

### Note to Portsmouth City Councilors and Mayor

I am writing to ask that the HDC reapproval for third floor air conditioning visuals not be done by Administrative approval because we have to look at this and want our opportunity to protest at the HDC meeting to ensure this meets all the visual requirements for HDC. In June there was administrative approval to add three windows above the air conditioners and we as neighbors were never notified. We want to be assured that a low visibility barrier railing be installed higher than the tallest air conditioners. We have been advised that the owners have been notified that they are out of compliance and need to come back to HDC with a change. No date has been set for when this is to occur on record. Thank you for your consideration.

Glen Brown  
50 Maplewood  
One of 9 condos that look directly effected by this visual



1 EAST ELEVATION (PUBLIC WALKWAY)  
1/8" = 1'-0"

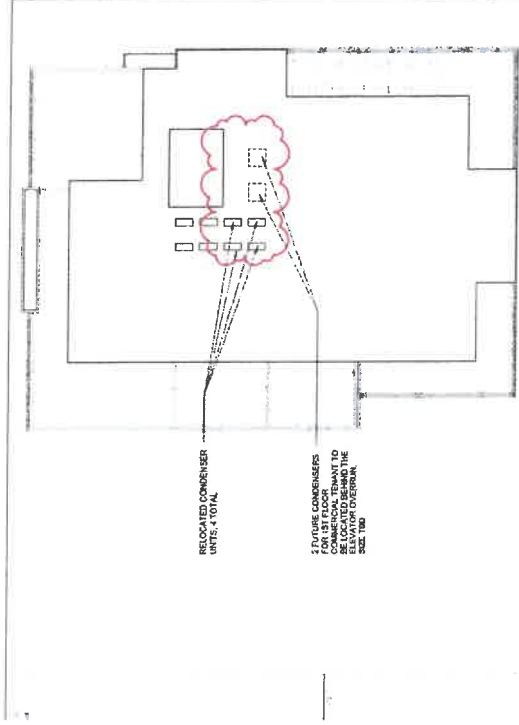
**DEER ST. MIXED-USE BUILDING**  
238 DEER STREET  
PORTSMOUTH, NH 03801

**PUBLIC WALKWAY ELEVATION**  
HISTORIC DISTRICT COMMISSION ADMINISTRATIVE  
APPROVAL - JUNE 2024

**McHENRY ARCHITECTURE**  
4 Market Street  
Portsmouth, New Hampshire  
Project File: 20062-038 DEER STRE

PREVIOUSLY APPROVED DURING

Above is 238 Deer Street third floor amendment to add windows submitted for administrative approval summer 2024. It shows 14 small air conditioning units partially hidden by a railing.



RELOCATED CONDENSER UNITS - TOTAL

2 FUTURE CONDENSERS TO BE INSTALLED IN THE CENTRAL AREA TO ACCOMMODATE THE RELOCATED CONDENSER UNITS.

1 ROOF PLAN  
3/24" x 1/2"

© 2024 McHenry Architecture

07/17/2024

MD/AL: JD / MG

NOT TO SCALE

A5

McHENRY ARCHITECTURE  
4 Maple Street  
Portsmouth, New Hampshire

ROOF PLAN & LIGHT FIXTURES  
HISTORIC DISTRICT COMMISSION ADMINISTRATIVE  
APPROVAL - AUGUST 2024



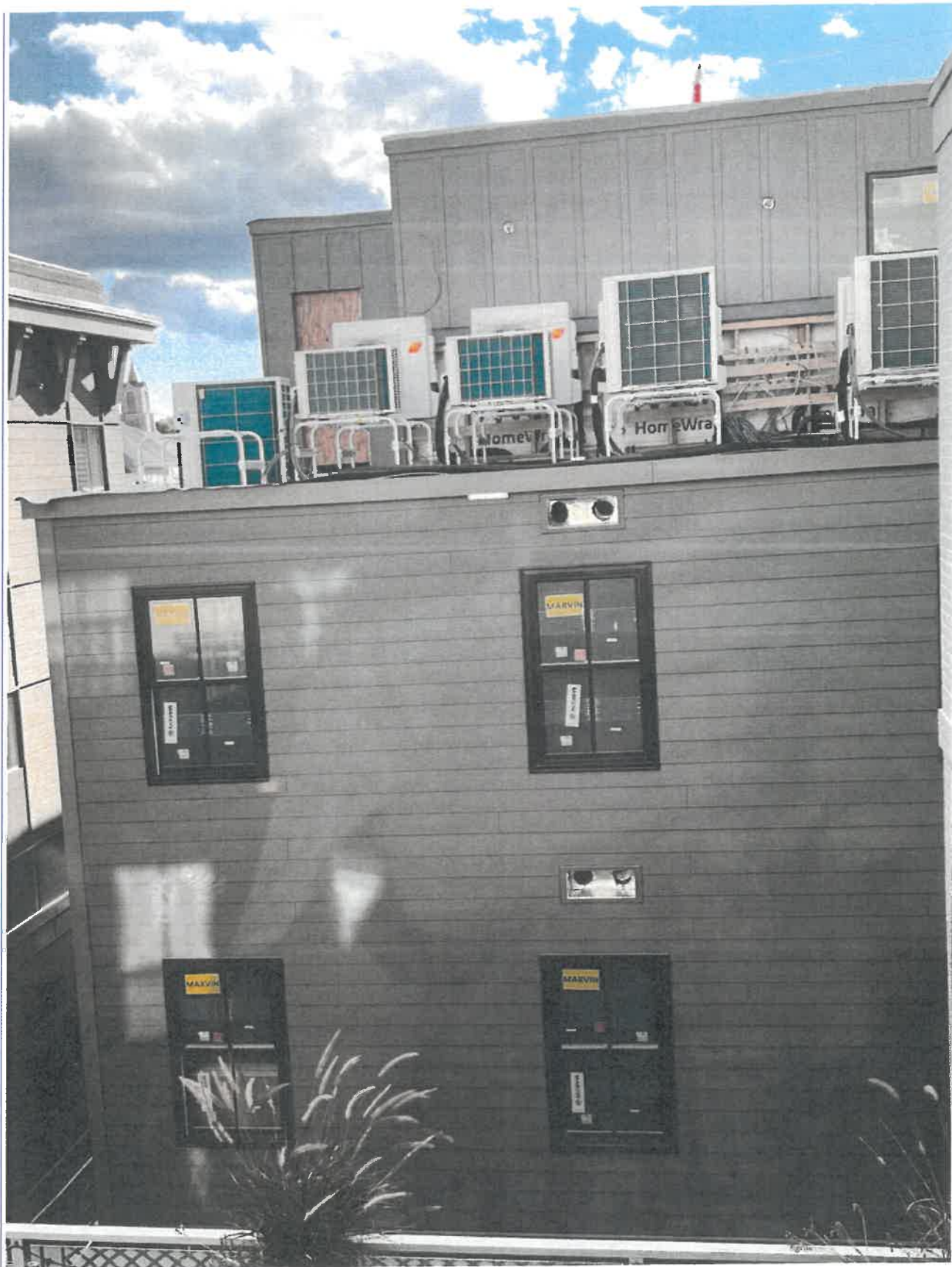
what was installed looks nothing like what was approved Administratively in June 2024.  
18 inch snow risers were not in approved plans and no railings have been installed.  
The approved ratings are " like likely too short " to hide the units.



view from our Bedroom window



also from our bedroom windows





from our living room

[405 833 6835](tel:4058336835) Glen

[Drillwithne@gmail.com](mailto:Drillwithne@gmail.com)

Paul Gormley and Kimi Iguchi

56 Salter Street

Portsmouth, NH 03801

November 4, 2024

Historic District Committee Portsmouth, NH

1 Junkins Avenue

Portsmouth, NH 03801

Dear Members of the Historic District Committee,

We are writing to express our concerns regarding the proposed roof deck addition at 53 Pray Steet, which is in remarkably close proximity to our property at 56 Salter Street. While we understand the desire for outdoor living space, we believe this proposed alteration will have significant negative impacts on both the privacy of our property and potentially its value.

Privacy Concerns:

The proposed roof deck would create a direct line of sight into our property, particularly the patio sitting area and small front yard. This elevated vantage point would severely compromise the privacy that our family currently enjoys in our home and outdoor spaces. The loss of privacy could significantly affect our quality of life and our ability to comfortably use our property. Furthermore, much of our yard space is already exposed to the street. We cherish the area that is more private and have gone to great lengths to install landscaping to create more privacy.

Property Value Impact:

We are also concerned about the potential negative impact on our property's value. The loss of privacy could potentially make our property less desirable to future buyers, possibly decreasing its market value. Given the compact nature of our neighborhood, the limited private space we enjoy is a precious commodity. The proposed roof deck threatens to erode this privacy, potentially diminishing our property's attractiveness and worth in the real estate market.

Historic Preservation:

As residents of a historic district, we all share the responsibility of preserving the architectural integrity and character of our neighborhood.

Request for Consideration:

We respectfully request that the Historic District Committee carefully consider these concerns when reviewing the proposal for the roof deck at 53 Pray Street. We would appreciate the opportunity to explore potential alternatives or modifications that could address these issues while

still allowing for improvements to the neighboring property. We included pictures to help understand the situation.

Thank you for your time and attention to this matter. We look forward to your response and to working together to maintain the character and value of our historic neighborhood.

Sincerely,

Paul Gormley & Kimi Iguchi



