

May 9, 2024

Planning & Sustainability Department
City of Portsmouth
1 Junkins Avenue, 3rd Floor
Portsmouth NH 03801

Re: 361 Hanover Street Development

Dear Planning Board Members:

As direct abutters to 361 Hanover Street, we welcome context-sensitive development of this lot, that is, a development that reflects the character and history of our neighborhood and is consistent with the scale and scope of surrounding structures. But here, the developer's Application for Design Review is premature because the proposal inadequately assesses the impact on our neighborhood; is inconsistent with its character and history; and lacks detail required for us to understand the project and identify problems and concerns. We urge the Board to decline the Design Review Application in its current form.

Part I of this letter briefly outlines elements of our neighborhood's history with respect to which the Project Narrative for Design Review – 361 Hanover Street, Portsmouth (“Project Narrative”) is silent. We submit this information for the record because the developer has expressed concern for historic preservation and a goal of “context sensitive” development. Moreover, this information is necessary for the Planning Board to comply with its obligation to “[p]reserve and enhance the historic and cultural character of the community.”¹ Neither of those ends can be accomplished without consideration of Rock Field and our home's history.

Part II describes problems and concerns arising from, or inadequately addressed by, the Project Narrative. In conclusion, we urge the Planning Board to delay acceptance of the Design Review Application, pending additional information from the developer and a Site View by the Board.

I. Historic Context

In 1797, William and Mary Furber purchased the lot now known as 407 Hanover Street from Samuel and John Penhallow, who owned Rock Field at the time and eventually sold the land in tracts set out on the Rock Field plan. (Exhibit 1) By the dawn of the 1800's, William - a housewright and joiner by trade - had built the house in which we now live; deeds from the Furbers' 1804 purchase of two abutting lots refer to the Furber home. Records also suggest that William had a hand in the construction of at least one of our neighbor's homes and, perhaps, other similar colonials clustered nearby.

Our property has changed hands only twelve (12) times since 1797, eight (8) of those transactions occurring between 1968 and 1994. Past owners include Portsmouth luminaries Congressman Nathaniel A. Haven; Frank Jones, Ezra Winchester and Charles Mendum; and Peter “Buzz” and Erica Dodge. Sean purchased the home in 1994 as his residence and, later, used it as a rental. In 2016, he embarked on a restoration/renovation project. Likely due to the limited

¹Ports. NH, Site Plan Regs., Art. 1 §1.1(h) (Nov. 2020)

number of prior owners, this project has unearthed relics of those who came before us including well-preserved examples of William Furber’s joinery and other historic construction techniques left untouched for about 225 years. That project is now in its final stage. In 2022, 407 Hanover Street became our forever home.

Our home sits at the border of the Rock Field plan in a cluster of five (5) similar timber-frame colonials (“the Rock Field colonials”). (Exhibit 2) This cluster of timber-frame homes is distinct from, and much older than, the surrounding homes and reflects a unique and vanishing portion of our City’s history. The record should be clear that this history neither began nor ended with the Steam Factory. As described in Charles Brewster’s *Rambles about Portsmouth*, in the 1700’s, the mansion of Portsmouth annalist Nathaniel Adams “was situated on the spot where the factory stands, and a red fence extending around the whole premises enclosed one of the most attractive gardens and prolific orchards to be found in Portsmouth.”

The history of Rock Field is one of constant evolution and we invite the next chapter in this story, including development at 361 Hanover Street. We look forward to providing the developer additional information as necessary to “develop a context sensitive building [...] that reflects the historic character of the Hill and Hanover Street [**and Rock Field**] neighborhood.”² We anticipate with appreciation the City’s ongoing attention to the Purpose and Intent of the Character Based Zoning, that is, “encourage[ing] 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.”³

II. Impact on Neighborhood/Information Needed to Understand Problems and Concerns

A. Preservation and Enhancement of the Historic and Cultural Character of the Community

The Project Narrative is silent as to how the development will be sensitive to the context of our directly abutting 225-year-old home. The proposed development would be more than twenty (20) feet taller than our home and its inhabitants would peer into our windows and yard from above. (Exhibit 3) With respect to our home and the cluster of Rock Field colonials, design considerations should include the following:

- Gabled roofs
- Smaller stature
- Smaller footprint
- Greater light and air
- Modulation
- Decreased height; at a minimum, a step-down transition abutting the Rock Field colonials

Beyond its failure to acknowledge the distinct historic nature of the Rock Field colonials, the current Project Narrative also disregards the neighborhood’s more recent history. For instance, the proposed Mansard style roof is not in keeping with the character of the surrounding buildings. The height of the building itself would undermine the neighborhood’s history by

² Project Narrative for Design Review – 361 Hanover Street, Portsmouth, NH, p. 2 (April 2, 2024)

³ Ports. NH, Zoning Ordinance, Character Based Zoning, *Purpose and Intent* Art. 5A §10.5A11

casting shadows depriving our neighborhood and the City of iconic views of The Pearl. Views like Exhibit 4, depicting The Pearl in the late afternoon, would disappear forever.

B. Protecting Abutters against Hazards, Unsightliness, and Nuisances Detrimental to Property Values

The proposed design will negate the value of our home by overshadowing its historic presence, invading our privacy (Exhibit 5), impeding light and air (Exhibit 6), and increasing artificial light shining into our home. We intend to engage an expert assessor to evaluate the loss of value and request that the Board stay its acceptance of the Design Review Application to allow us a reasonable period of time to enter this expert testimony into the record. Standing alone, or in a more suitable neighborhood, the proposed design would be attractive. However, this design is entirely inappropriate for our neighborhood, the charm of which is due in part to the quaint and historic presence of the Rock Field colonials.

Traffic flow associated with the proposed design will also introduce enhanced safety hazards in our neighborhood. For instance, motorists regularly treat the stop sign at the corner of Sudbury and Rock as “stopoptional.” This intersection is located at the corner of our driveway. The significant increase in local traffic will endanger pedestrians, including the children who use Rock Street Park daily, and make it more dangerous for us to pull out of our driveway or step into the street to walk our dog. The proposed traffic flow will also create a hazard at the intersection of Pearl and Islington Streets. We urge Planning Board members to drive through our neighborhood on an average weekday and try to safely take the turn from Pearl to Islington. Then, imagine what a parade of new traffic will do.

C. Long-Term Economic Vitality and Ecologic Integrity

It appears that the proposed development could impede the ability of some abutters to install solar. This issue should be examined, given that the City’s Planning regulations emphasize the need for “design and development that supports long-term economic vitality and ecologic integrity.”⁴

D. Management of Stormwater Runoff at the Source

Stormwater drainage problems in our neighborhood are no secret and this large structure, which will sit on ground that is slightly higher than the surrounding buildings, may exacerbate this problem. The current pavement in the parking lot is permeable in many places, while the proposed building would force drainage in the direction of our home. We would like to know how the developer intends to address this issue.

III. Conclusion

We request the City’s assistance on the following issues:

- Prior to accepting the Design Review Application for 361 Hanover, we request that the Planning Board grant us a reasonable period of time to engage an expert assessor to examine and document the diminution of our property value that will be caused by the proposed development.

⁴ Site Plan Regs., Art. 1 §1.1(b)

- Given that Board members may rely on their personal knowledge when making decisions, we ask that the Board conduct a Site Visit to include assessment of the following:
 - Light, air and privacy concerns, to include observation of how the proposed building will invade our intimate living quarters.
 - Examination of the scale of the Rock Field colonials relative to the towering building currently proposed.
 - As assessment of roadway hazards and the impact on street parking that will be created by proposed traffic flow.
 - As relevant to the proposed community space, observation of foot traffic in the neighborhood, which does not currently include significant use of the parking lot by pedestrians to access Hill Street; instead, observation will reveal that most pedestrians cut across the parking lot to access Hanover Street.⁵ As proposed, the community space is a solution looking for a problem.
 - Assess how the proposed development will impact solar power installation in the neighborhood.

Very truly yours,

/s/ Sean and Marcie

Sean Caughran
Marcie Vaughan

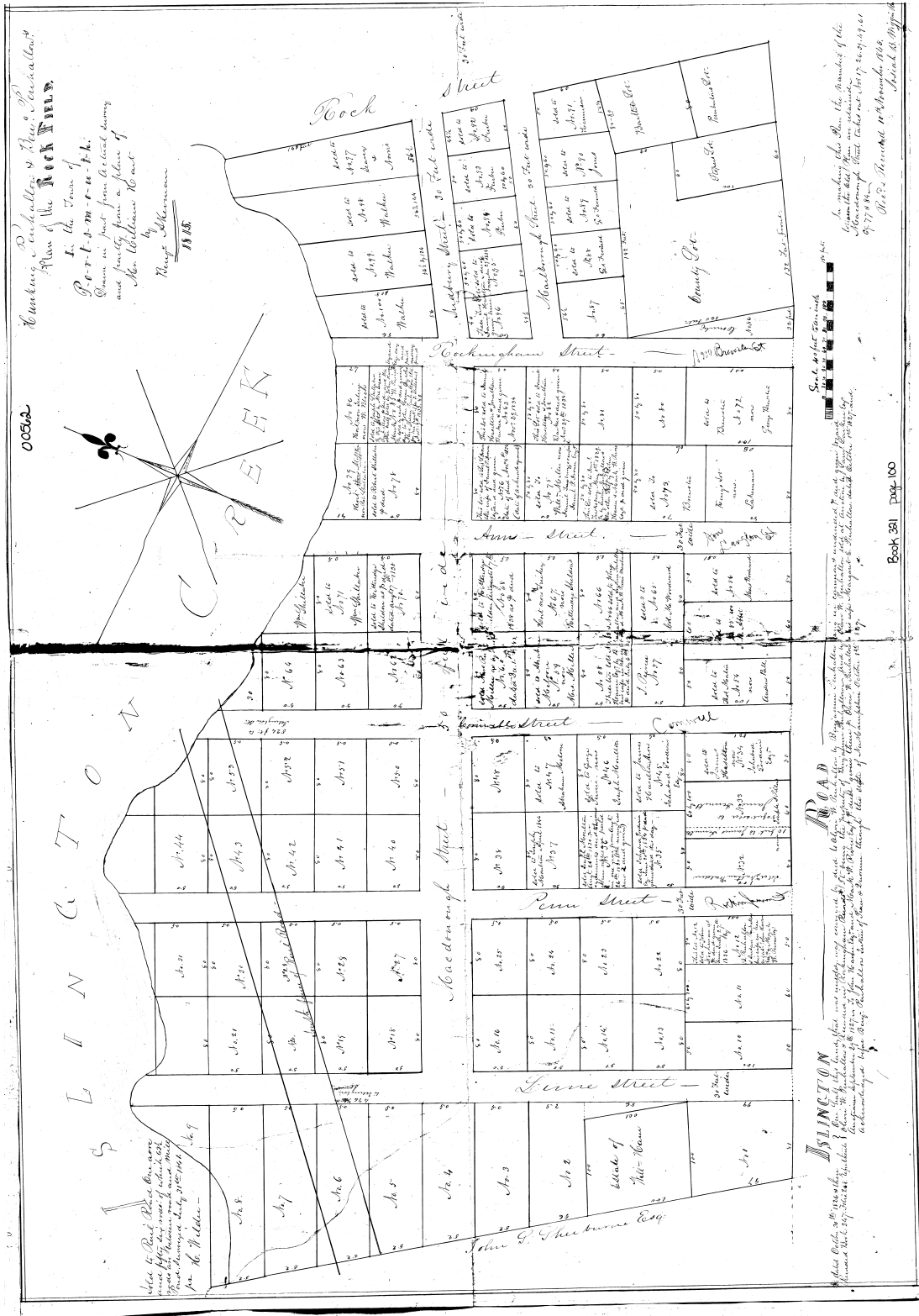
407 Hanover Street
Portsmouth, NH

⁵ Though we do not address concerns about the multi-modal community space in detail here, we incorporate by reference issues raised by our neighbors. Individuals who spend time in the neighborhood understand that this proposed cut through to Hill Street is unneeded by the community. Community space that actually serves the community would be welcomed.

Exhibit	Content
1	Rock Field Plan
2	The Rock Field Colonials
3	Comparative size
4	The Pearl, late afternoon
5	Invasion of privacy
6	Light and Air

(Exhibit 1)

Rock Field Plan



(Exhibit 2)

Rock Field Colonials

44 Rock St

407 Hanover St

428 Hanover St

30 Sudbury St

29 Sudbury St



(Exhibit 3)

Comparative Size



(Exhibit 4)

The Pearl Afternoon



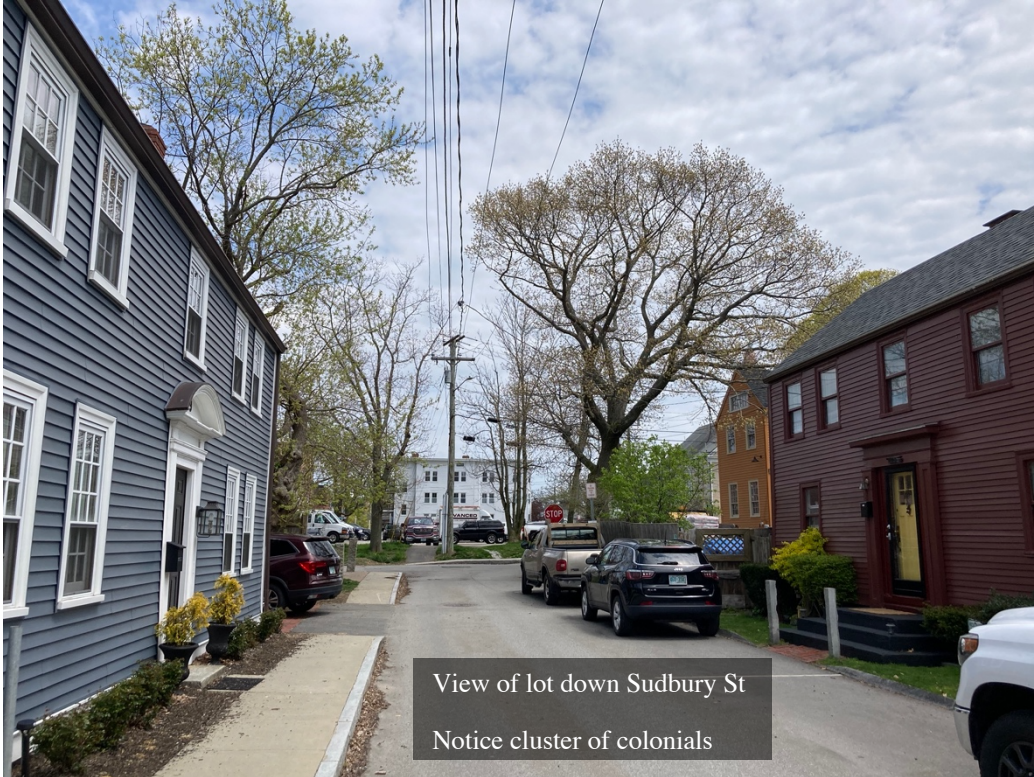


(Exhibit 5)
Privacy



From our backyard

(Exhibit 6)
Light and Air



From: [Carol Lahan](#)
To: [Kimberli Kienia](#)
Subject: Heinemann Building Project
Date: Friday, April 26, 2024 1:58:23 PM

April 26, 2024

Dear Madame/Sir:

I write this letter to voice my opposition to the number of units and parking spaces currently proposed for the Heinemann building area. I, Carol Lahan, live directly across the street from the property at 394 Hanover St and I have to park on the street.

Since you rescinded the program giving street residents preferred parking it has become increasingly difficult to find parking on a daily basis. There is no question that once the Heinemann project is completed that there will be overflow parking which will make it even more difficult for residents of Hanover and Rock streets to park. We as tax paying residents should not have to pay for parking in the parking garage which may become our only option.

Thank you for your attention to this matter. Please forward this letter to the Planning Board Chair and board members.

Sincerely,
Carol Lahan

Sent from my iPhone

Portsmouth, NH
Planning Board

Subject: Preliminary Conceptual Consultation for 361 Hanover Street

Dear Planning Board,

I live at 27 Rock Street and am a direct abutter to the planned development at 361 Hanover Street. I moved to this Islington Creek neighborhood due to the historic nature of this part of Portsmouth. Islington Creek, known locally as “The Creek” is a late nineteenth century neighborhood with distinctive characteristics of the period: small lots, closely spaced houses that are wood-frame construction and 1½ to 2½ stories tall consisting of mostly residential homes. In fact, portions of the Islington Creek neighborhood including 361 Hanover and all of the abutters are part of the Portsmouth Downtown National Historic District which was listed to the National Register in June of 2017 (note that this District is separate and distinct from Portsmouth's Local Historic District). Referenced in the [Portsmouth Downtown National Historic District](#) are a number of photos, one of which is nearby on Hanover Street:



Photo 8. Hanover Street, looking northeast from the intersection with Pearl Street; 349–351 Hanover Street is in the foreground.

Given the historic nature of our neighborhood, I searched for guidance on new developments or redevelopment in historic communities from the [Rockingham Planning Commission's Historic Resources](#). There I found Historic Resources Chapter Goals which lists **Goal 3: New development and redevelopment respect and complement the historical and architectural character of communities**. The proposed development for 361 Hanover Street does not complement either the historical or architectural character of our community, not even a little bit.

Let's consider the height and mass of the proposed buildings' compatibility with the buildings in our neighborhood: the building being proposed on Hanover Street is 47 feet in height and 178 feet long:



By comparison, the homes surrounding this building on all sides are 20-35 feet in height and 19-38 feet wide. Here are some examples of homes abutting the proposed building at 361 Hanover Street:



A new development should complement the buildings which surround it, not tower over them dominating the small homes in an historic Portsmouth, NH neighborhood. I am not against the development of this property but it should be respectfully developed to complement our neighborhood rather than completely destroy this important historic place, very few of which remain in Portsmouth due to rampant developments like this.

I respectfully request that the developer go back to the drawing board to reduce the height and mass of the front building on Hanover Street and break up the huge 178-foot length to let light and air through so it is more in keeping with the existing buildings, complementing our neighborhood as recommended by the Rockingham Planning Commission's goal for historic development/redevelopment. Additionally, the mansard roof style does not exist among any of the abutters' homes so does not belong on this building either.

I request that you deny this developer's current application based upon the application's complete disregard for the Rockingham Planning Commission's Historic Goal 3 which states that the "New development and redevelopment respect and complement the historical and architectural character of communities" which this application does not comply with as it neither complements the historical or architectural character of our community.

I hope that you will consider helping our neighborhood to preserve our immense historic character by denying this developer's current application.

Respectfully,

Robin Husslage
27 Rock Street Apt B

From: [Kimberli Kienia](#)
To: [Kimberli Kienia](#)
Subject: FW: Webform submission from: Planning Board > Body Blocks
Date: Monday, May 13, 2024 9:28:47 AM

Subject
361 Hanover Street Development

Message

5/12/24

Dear Planning Board Members,

My name is Nicole LaPierre and I have lived at 44 Rock Street for just shy of 20 years. Prior to that Islington Creek was the first neighborhood I lived in Portsmouth. It has a special place in my heart and I would argue is the most unique neighborhood in the entirety of the city. I am a direct abutter to the proposed structures slated to be built on the former Heinemann lot. I have many concerns about the proposed structures. Primarily, I am writing to request a light study and traffic study.

Large structures cast a large shadow. The current proposed structure is not broken up to let in light. It is monolithic in facade design and overall structure. I am requesting a light study to determine how the structure will impact the homes on Hanover Street as well as the residence that will be a part of the original Heinemann building structure.

I am also requesting a traffic study based on the increased demand this structure will inevitably create on parking and traffic. The extra story in the old Heinemann building would result in a requirement for 60 off-street parking spaces and 8 visitor spaces to be located partially within the courtyard and within the ground floor of the buildings. However, 46 units = 92 cars. The parking spaces are also in tandem. The nature of this design inevitably will also increase street demand parking based on roommates' schedules. The only entrance and exit is directly across from Pearl Street. I am requesting a traffic study because I wonder what impact this will have on Pearl Street? Will it essentially be an extended driveway? I am also concerned about the increased traffic to Rock Street as well. Will an additional traffic light be needed on Pearl Street? This building in conjunction with the multiple other structures in the area currently under construction will inevitably also re-raise the issue of the need for a neighborhood parking program. I am concerned about the city's reactive response versus the obvious proactive response to growth when it comes to residential parking.

As many different purposes as the Heinemann building has historically served pre and post fire, that plot in front of it slated for development has never been developed. What is now a parking lot was once a pasture and nothing more. Even with a looming industrial building, there was the buffer of a pasture for the homes that abutted it. Please think about that. Colonial homestead structures that still exist were given the space to exist without the shadow of what now would be considered a downtown structure. The zoning was never properly resolved and it should be a transitional area, not a stark contrast between downtown and old colonial residential structures.

My greatest hope is that whatever happens is that it would be respectful of the character of an amazing historic New England neighborhood and something Mr. Wilson could be proud of it as part of his legacy. In its current configuration, I can not say that is the case.

Thank you for your consideration,
Nicole LaPierre 44 Rock Street

bcc-email
chellman@TNDEngineering.com,plbritz@cityofportsmouth.com,pmstith@cityofportsmouth.com

From: [Dayl Soule](#)
To: [Planning Info](#)
Subject: Proposed 361 Hanover St. - Portsmouth Steam Project
Date: Tuesday, May 14, 2024 9:40:38 AM

Planning Board -

Please consider the following in your discussions regarding the Portsmouth Steam Project.

Building - The existing building is located in a primarily residential area with 2 - 2 1/2 story wooden structures built in the 18th and 19th century. The neighborhood streets are narrow, with Hanover being one way towards Bridge St. and the neighborhood consists of single family homes with some converted to small condo and apartments. It's interesting that the Neighborhood Context Map chose to picture several views of 361 Hanover and Foundry Place, both larger buildings, and illustrated very few of the single family homes in the adjoining neighborhood - seemingly trying to show an inaccurate view of the area.

The proposed 361 building completely ignores the character of the existing neighborhood, the building - another boring brick facade with a bunch of windows and an "attic" allowing four stories - dwarfs the surrounding neighborhood in both character and scale. It's hard to believe how this "attic" provision allows for an additional full 4th story, bringing the building close to the height of the Foundry Parking garage, dwarfing the surrounding buildings in the neighborhood. The building will be a huge eyesore.

Parking - Tandem parking is provided for the building's occupants, however; there's bound to be many instances when the inside car needs to be the outside car and visa versa. This will cause cars to have to seek, at least temporarily, outside parking. The surrounding streets fill up with parking on a daily basis - many existing residents have to park on the street all the time. Now we'll see the "inside parkers" in the building seeking, at least temporary, street parking - exacerbating the existing problem.

Traffic - Hanover St. is quite narrow and is one way down to Bridge St. It will have to accommodate considerably more traffic from the residents in the new 361 Hanover building. Hill St. is a narrow private way and will lead into the new building. This private way will experience considerably increased traffic in both directions seriously affecting and inconveniencing the residences abutting it. Dwyer's Pub has an agreement for outside dining, which makes Hill St. unpassable when it's open - no through way for all the new occupants of 361 Hanover. All those cars will have to use Pearl St. and the surrounding residential streets off Islington - these are narrow streets with primarily residential homes on both sides of the street. The

impact on all the surrounding streets will be substantial and constant. I would expect considerable traffic congestion through out these neighborhoods. The building will have parking for 72 cars inside and several more outside; that's a lot of cars and traffic for our small streets in the area.

I would appreciate it if you would reconsider the current proposed design to bring it more in line with the neighborhood aesthetic.

Dayl Soule
349 Hanover St. #4
Portsmouth, nh 03801

Concerns regarding Proposed Development at 361 Hanover Street

05-14-2024

We understand that his parcel is going to be developed as its too valuable to be an empty parking lot, but the ultimate development should be appropriate and respectful to the Neighborhood.

Major Concerns:

1. The City has made several mistakes in developing the zoning for this parcel.
 - a. The CD-5 Character District is not appropriate to the Hanover St side of the parcel. It is the only lot on the street that has this zone and is sandwiched between CD-L4 and General Residence C. Is this SPOT zoning?
 - b. The Downtown Overlay District should not be applied to the Hanover Street portion of the development. The Downtown Overlay District was added to the Foundry Place developments when the City made a deal with a developer for the Foundry Place Garage Land. It should apply to the Foundry Place side of the property only. Traffic generated by that overlay should be accessed from Foundry Place, not narrow Hanover St. The North End Incentive Overlay District currently bisects the lot, why doesn't the Downtown Overlay District?
 - c. Why is this the only portion of the DOD that is not subject HDC oversight? That is the Board that deals with Scale, Massing and Appropriateness. We wonder if this was intentionally left out of the HDC purview as part of the original Foundry Place deal? Again, is this SPOT zoning?
 - d. It is now up to this Board to work with the Developer to craft an appropriate development that does not overwhelm with neighborhood visually and with traffic.
2. Vehicle Traffic – The proposed traffic layout is of concern.
 - a. The Downtown Overlay District which allows for a large development and runs along Foundry Place, should route traffic to/from Foundry Place, not dump into the residential neighborhood of Hanover Street.
 - b. Some traffic can utilize Hanover Street, but it should do it in a safe manner. The Driveway should align with Pearl Street to avoid diagonal movements across Hanover Street. Hill Street is too narrow to provide access to/from Bridge Street.
 - c. Where do visitors park? The neighborhood has a very limited number of open parking spaces. The Rock Street Park parking area is constantly filled with Downtown workers, these should not be dedicated to this development. The Developer should work with the City to get a safe pedestrian access point on the Foundry garage side of the site to encourage visitors to use the garage and not overflow our neighborhoods streets.
3. Safety – how does the fire department service this development? I don't think the trucks can get up Hill Street and won't get through the current driveway from Hanover Street.
 - a. Pedestrian safety: This portion of Hanover Street is the main access to downtown from the McDonough Street neighborhood. How are cars coming out of the Tunnel going to exit from the site and see pedestrians prior to crossing onto the sidewalk?
4. Appropriate Development: The Developer has options that will not overwhelm the neighborhood.
 - a. Allow the developer to get a variance from the Downtown Overlay District requirement for first floor commercial space on the Hanover Street side of the parcel with a stipulation. We agree that these commercial spaces will be difficult to lease in this location and being as small as they are. The compromise should be to put residential uses on the first floor but reduce the height of the Hanover Street building to 2-1/2 stories to fit in better with the neighborhood. A townhouse type product similar to those across from the Goodwin Park will fit in better.

- b. The Rear building should not extend up beyond the 4 stories of the base zoning unless the increased vehicle access generated by the overlays is from Foundry Place.

Further information on the Major Concerns:

1. Inappropriate zoning of the lot for that portion of Hanover Street. When the City made their deal with the landowners for the Foundry Garage location, the City extended the DOD to allow the property owner to develop larger buildings. We were told that this increase in building mass and traffic was based on the fact that Foundry Place would be constructed to handle the traffic that the developments (currently under construction) would be from Foundry Place and not overload the adjacent neighborhood streets. The northern portion of the 361 Hanover St site does abut Foundry Place and if the developer wants to take advantage of the incentive overlays, they should have their traffic access the site via Foundry Place. The City made a mistake by extending the Downtown Overlay District out to Hanover Street. Hanover, Rock, Hill and Pearl St are not configured to accommodate the influx of another 75 vehicles in the neighborhood. We do not want to see the neighborhood lose any of the on-street parking spaces just to allow this developer to maximize the density of their property.
 - a. 20+ years ago, the City rezoned this area once before as Central Business B which introduced zero lot line buildings into a neighborhood of wooden residential structures with irregular lot lines. The neighborhood came together to get it changed back to Residential C (Apartment Zoning) which is more appropriate. When the City most recently reworked the zoning ordinance they reintroduced the Downtown Overlay District onto this lot which is similar to the previous problems. One lot SPOT Zoning. The neighborhood has once again gone back through the process to get the zoning to more reflect the neighborhood and eliminate this overlay which was on the Planning Board agenda of Feb 2021. That meeting did not generate a change to having the Downtown Overlay District on this lot, nor having it restricted to the rear half of the lot that abuts Foundry Place as the North End Incentive overlay was restricted to the north side of the lot. The City claimed then that they could not have zoning requirements change halfway through a lot, and yet the original parcel at 111 Maplewood Avenue had two different height limits prior to it ultimately being subdivided with the building of the new office building.
 - b. Developments with inappropriate zoning should be respectful of the abutting established properties. Again, this is the only portion of the Downtown Overlay District that was left out of the oversight of the Historic District Commission which would have provided another forum for discussion of appropriateness of the building mass and design (another mistake by the City).
 - c. We should not have a lot that is zoned completely differently in the middle of a residential street that does not respect the adjacent properties. This overlay and the CD5 is sandwiched between the CD-L4 and the General Residence C zoning of the rest of the neighborhood. Most of the buildings in this neighborhood are 2-1/2 to 3 stories in height. Introducing a 4-story building in the middle of the block, at the highest point of the street, is inappropriate. The developer keeps calling it a 3-story building, but with the full mansard roof it definitely is a 4-story building that will loom over the neighborhood.
 - d. The existing rear building has been noted as a much taller building when it was the Steam Plant, but for many years of its life as a Ford dealership it was only 3 stories tall under a pitched roof. It would be appropriate for the development to have changes to its scale, from 2-1/2 stories along Hanover Street, to a 4 story building along Foundry Place as a transition to the 6 story Foundry Place Garage. A 5-story option for the rear building is not appropriate as it will exceed the height of the Foundry Place Garage since the first floor is already 10 feet or more above Foundry Place.
 - e. The City's own Master Plan, that was generated along with the changes to the zoning ordinance, shows smaller scale buildings along Hanover St and a clear definition of traffic flow from Pearl St.
2. Traffic flow and lack of parking.
 - a. The traffic flow through the site is awkward and does not align with adjacent streets. The 20 ft wide access drive with solid walls on either side that runs between the front buildings does not align with

Pearl Street forcing very awkward turns and making the sidewalk along Hanover St very dangerous to pedestrians as the drivers coming out cannot see pedestrians until they are already crossing the sidewalk with their vehicles. *Isn't the minimum width for a 2-way drive 22 ft in the ordinance? At 20 ft I can see plenty of broken mirrors.*

How many of these residents will have the patience to crawl out between the walls and look for pedestrians?

From Site Plan Review Regulations - The internal network of accessways and driveways shall: (a) Provide for the safe, efficient and orderly movement of all modes of transportation, including vehicles, public transit, bikes and pedestrians;

This sidewalk is a main artery for Pedestrians from the McDonough Street neighborhood to downtown. Accessing Islington Street in the current configuration is awkward, and therefore dangerous vehicle movements are going to occur. The internal driveways to the two buildings are offset which is not ideal for good traffic flow, why not offset slightly in the other direction to allow alignment with Pearl Street?

The developer may argue that there were many more cars when this property was occupied by Heinemann as an office. True there were more cars, but the traffic flowed out through Pearl Street and the drivers had plenty of visibility up and down the sidewalks of Hanover Street.

A traffic study of this development's impact on Hanover Street is definitely warranted, but we also do not want to see the conclusion being that the neighborhood loses any of its precious on street parking spaces.

- b. The current layout has parking being provided only for the residential units and only at a rate based on the Downtown Overlay District. We are glad that those spaces are located inside the building, but with the increase in units, the major traffic flow should be accessed from Foundry Place. The base zoning would require more parking spaces. The lack of overflow spaces will mean that the Rock Street Park spaces will always be full by these residents. This is 72-hour parking for all the residents of the neighborhood and the users of the Park. The development proposal does not add a direct pedestrian access to Foundry Place, if the overflow is going to park in the garage, how do they get there? They are certainly not going to walk all the way around the building through the Rock Street parking lot. Also, with this site having a Hanover Street address, guests are going to use their GPS which will bring them down Pearl Street and then parking in the limited spaces of the neighborhood.

Since this project is not under the purview of the Historic District Commission, it is this Planning Boards responsibility to work with the Developer to create a project that is of an appropriate scale and massing to the neighborhood and also safe for all pedestrians and vehicles.

We also have an issue with the way the original conceptual workshop meeting on April 18th was advertised by the City. Below is the meeting announcement from the website. This was clearly a "New Business Item" as it was the first time before the Board. We were surprised to see that the hearing was still held. Better clarity should be considered for the public going forward.

**Planning Board Meeting - The Public Hearing Portion of this meeting has been rescheduled.
All New Business Items will be heard at the APRIL 25, 2024 Meeting
April 18, 2024**

We are more than willing to discuss these concerns further with members of the City Staff, Boards or the Developer.

Michelle and Matthew Wirth, 439 Hanover Street
mwirthnh@gmail.com

Meeting: May 16, 2024

RE: 361 Hanover St (pg 622-660 of packet)

Planning Board Preliminary Review

Dear Members of the Planning Board,

May 13, 2023

When looking at the Heinemann Lot its zoning history needs to be reviewed. It was changed to the Central Business District around 2012. As the land deal with Deer Street Associates (DSA) was being worked on and the desire for a parking garage, the area was rezoned to CD5, the highest intensity zoning in the Character Districts. The North End Incentive Overlay District (NEIOD) and the Downtown Overlay District(DOD) were added to this area as well. It was odd but the Heinemann building, which does NOT front on Foundry Place, was also rezoned. The Hanover St side of the Heinemann property did not receive the NEIOD but did receive the DOD. That too was odd because for years there has been a parking problem in Islington Creek and the DOD gives a 4 parking space reduction in parking requirements and requires no parking for commercial use. Very contraindicated for the neighborhood. *During the rezoning it was believed by the neighborhood that once the garage was completed the area on the Islington Creek side of the garage would be rezoned to create a buffer between the lowest intensity zoning of CD4-L1 found on Hill St and the highest intensity of CD5 found within 18 feet of those property lines. Islington Street was also part of the Central Business District and it was rezoned as CD4-L2 at that time because it directly abuts Islington Creek and Goodwin Park Neighborhoods.*

The City broke ground on the garage in September of 2017 and completed it in October of 2018. However, at the end of 2016 DSA began a proposal for Lot 6, within 18' of Islington Creek and residents finally found out what CD5 really entailed and began working with the Planning Department regarding the zoning in Islington Creek. The Planning Board approved the rezoning of this area in January 2020 and unanimously agreed this was some kind of mistake and should be moved forward to a public hearing. *At that time the owners of the Heinemann building supported the changes proposed for the rezoning.* In March of 2020 the Planning Board Public Hearing was scheduled and Covid hit. This rezoning has never been moved onto the schedule of the Planning Board. It could have been added to any rezoning that took place by itself or as housekeeping, but was not. The neighbors asked the Planning Department about this everytime any rezoning was going on in the city, including when the Planning Department changed the building heights throughout the city in 2022. Nothing was done. Pretty much the Planning Department chose not to bring the rezoning forward to the Planning Board much less the City Council. Neighbors were assured it would be added "later".

Yes, the CD5, the NEIOD and the DOD zoning are in place but the matter of neighborhood vs property owner vs Planning Department rights, falls into someone else's pay grade.

Defining the existing number of stories is incongruent per city and state definition of story.

NH Life Safety Code of 2018 states:

3.3.184 Mezzanine

Diagram

An intermediate level between the floor and the ceiling of any room or space. (SAF-FIR)

The Heinemann building is an 18' structure with one story and a mezzanine. CD5 zoning requires the commercial liner to be 12' tall. The minimum height for a story is 10', even being generous 6' does not a story make, as a matter of fact it could not even be used as a bathroom ceiling.

It was stated by the development team, they want to use the public property at the rear of the building and there is no public access. **There is public access however currently a fence prevents access to said area.** Not only is there public access but there is a very nice view of the North Mill Pond from said PUBLIC property, which could be opened as a pocket park, since many have given up their backyards to put in off-street parking. This area will likely be cleared completely by this development. The development team stated they are not able to dig too close to the building. The proposal includes increasing the size of the rear of the building; the asphalt in the rear will likely have to be removed. ***Please view the pictures at the end to see how the proposed***

increase in the rear will stifle their ability to use the rear for parking access as well as attempts to make the public property less accessible.

The proposed multi-modal way is not necessary for any reason. Most people use Foundry Place when heading to the lower part of downtown. The rest use Hanover St or Islington St to access the upper part of downtown. Bicycles will likely use the North Mill Pond path once it is completed because it will lead to easier crossing at Maplewood Ave and direct access to the continuation of the connected bike routes in Portsmouth. *Some elements required for the multi-modal pathway are missing as well as parking maneuvering and NEIOD sidewalk requirements.*

It was stated the first floor parking will be accessed from the rear. *How will that be possible for the Heinemann building? The proposal shows a building enlargement there. Will the multi-modal path be used for parking access? What about delivery vehicles?* The parking "tunnel" will provide access to parking for up to 72 or more vehicles coming and going throughout the day. *The 14' easement (plan C3) will make the community space totally unnecessary.*

It was a 6 story building for about 30 years. It's been a 1 story for about 142 years with a FLAT roof. There was never a mansard roof of any kind on the Steam Factory much less at the car dealership. Looking at historical pictures from the athenaeum this neighborhood has had gable or flat roof for over a century. **A mansard is completely out of context of the character of the neighborhood.**

As shared at the last meeting by the development team, this is supposed to be a transitional area. Noting that the Heinemann sits about 10' above Foundry Place making the 60' tall Foundry Garage only 50' tall from the Heinemann perspective. *It would make sense for the Heinemann to be no higher than 40' at its peak and moving down to the "middle of the saddle", as was described by the development team, to 30' on Hanover and then up again along Islington St . It has a 1 story repair shop on one side of Pearl St and a one story automobile parts shop on the other, that would be a realistic transition.* It would also make sense that the buildings facing Hanover St were either single family homes or a maximum of 4 units to better transition between the multi-families on Hanover St and the single family homes directly abutting this lot. The front building appears to be totally out of character with the neighborhood as presented, not only in design but in the lack of breaking it up into smaller sections. A driveway with balconies over it will definitely create a "tunnel" look, as described by the development team and the lack of creating the saddle between the Foundry Place and Islington Creek. It is hardly something found in a neighborhood.

Please do NOT approve this preliminary design. The size and placement of the front buildings as well as the open spaces on the lot do not accent the lot but take away from it. It does not provide any transition between Foundry Place and Hanover St, the tandem parking will likely lead to more on street parking and its architectural design is not at all in the character of the neighborhood, much less the proposed height increase.

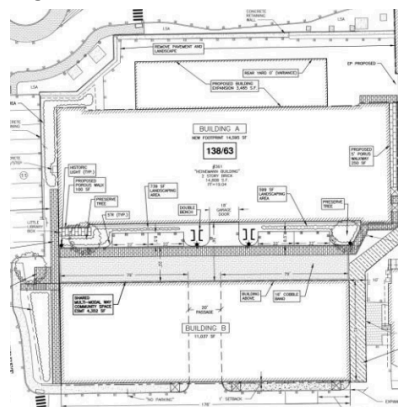
Sincerely,

Elizabeth Bratter

Figure 9



Figure 11



Planning Board
Portsmouth, New Hampshire

Subject: Preliminary Conceptual Consultation & Design Review for 361 Hanover Street

5/14/2024

Dear Planning Board Members,

I have been a resident of Portsmouth for 14 years, and live at 349 Hanover Street, directly adjacent to the property proposed. The residents of our building are saddened by the proposal of yet another massive development around our 100 year-old building, which sits surrounded on two sides by CD5 development, and even now has construction going on behind us of a 4-5 story mixed-use building adjacent to the property above, which was followed shortly after by the proposal of a large single 12-unit apartment building at 181 Hill Street--currently 3 separate apartment buildings (317 & 319, 327 & 329, 337 & 339 Hanover St.)-- proposed in 2019 by the Hill Hanover Group, LLC, whose request for numerous zoning variances was thankfully denied in 2021 as it was out of character with the district and the neighborhood.

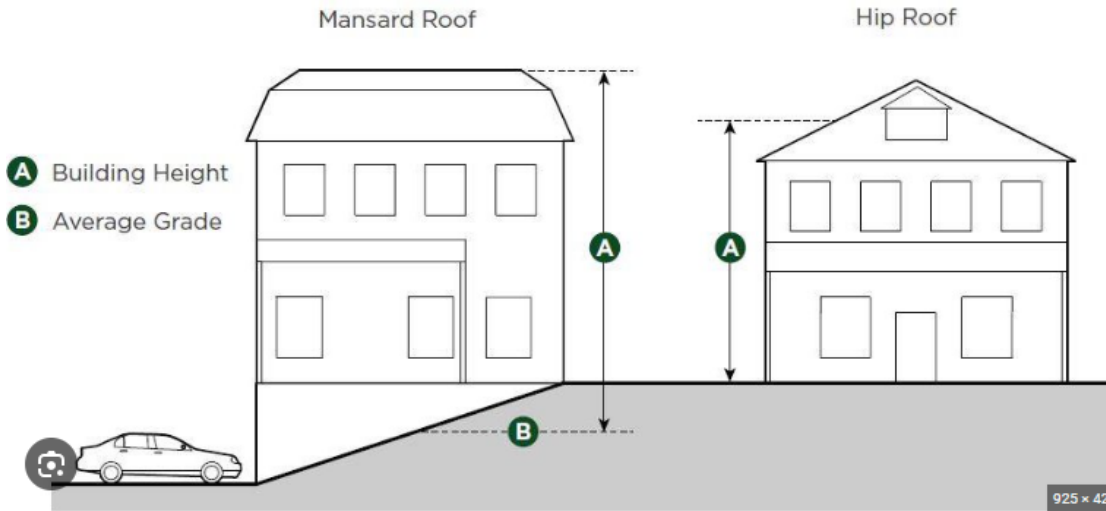
We have concerns this new building proposal raises, such as the flow of traffic down Hanover Street and from/onto Pearl Street. We are also concerned about the easement and access of our residents into their deeded parking spaces on and off of Hill Street, and how that access could be impacted by the seasonal closure of Hill Street at the junction of Bridge St. during the summer months as it is used for outdoor seating by Dwyer's Pub. We had also hoped that the previous proposal and design floated of the former Heinemann Building & parking lot of a 3-story apartment building, would not be replaced with that of a 4-story apartment building in its place. We were wrong.

When I reviewed the site proposal for the new building, one item I noticed was the building height seemed out of compliance with the zoning rules for building height for two reasons. CD5 Character District building height standards (Map 10.5A21B Building Height Standards) calls for a "2-3 story building height district with a maximum building height of 40 feet".

The first concern I had was with the number of stories. In regard to the building that will encompass what was the surface parking lot along Hanover Street-- the Building, as defined by the Preliminary Proposal, is said to be "3 stories with an attic". Character Development 5 (CD5) Building Forms- Principal Building requirements (5A-16) dictate that any buildings with a Mansard/gambrel roof have a roof pitch between 6:12 min. to 30:12 max. The City's zoning definitions state that "...for the purpose of determining the number of stories in a building, a story above the grade plane shall count as a full story. An attic, half story or penthouse shall not be counted as a full story, but a short story shall be counted as a story." (15-36) It goes on to define a Short Story as "**Either** (1) a top story that is below the cornice line of a sloped roof and is at least 20% shorter than the story below; or (2) a story within a mansard roof with a pitch no greater than 30:12. (15-37). Since this building has a Mansard roof, and is in CD5, and CD5 requires a pitch for mansard roofs to be no greater than 30:12, I submit that this top floor is not an Attic, but instead meets the definition of a Short Story as required and defined by all items above, and thus because "a short story shall be counted as a story", this building is 4 stories in height, not "3 stories with an attic".

My second concern was over the stated building height of the front building on Hanover Street as shown in the proposal.

Flat-Top Mansard roofed buildings, such as the one proposed in the design, are measured in height to the top of the flat roof surface. It is only ridge roof buildings or Hip-Top Mansard buildings, which like Gambrel designs come to a ridge or peak, that are measured to a mid-point of that sloped roof.



Sec. 10-01-12. Rules of Measurement and Calculation.

Visit >

A Flat-topped mansard is defined as a “Four sided flat-top mansard roof, characterized by one slope on each side of its sides, where the sloped roof [sic] may be punctured by dormer windows and higher roof surface is a flat roof.”

The Portsmouth zoning definition of a Hip-Top Mansard roof is as follows: “The upper slope of the roof may not be visible from street level when viewed from close to the building and the highest roof [sic] structure shall not be a flat roof as defined herein.” <https://files.cityofportsmouth.com/files/planning/ZoningOrd-230807.pdf> 15-26.

As we can see from the drawing submitted, based on the fact that the highest roof structure is both visible from the street and is a flat roof, I believe this design is misrepresented and is in actuality a Flat-Top Mansard with a building height of 47’, and not a Hip-Top Mansard with a building height of 40’.



If both items are true- then this design proposal by definition is a 4-story building (3 stories + a short story), and is 47’ in height, and it does not meet the requirements of a building that is a “2-3 story building height district with a maximum building height of 40 feet”. (Map 10.5A21B Building Height Standards).

I ask that the Planning Board please look into this further and make sure the proposed property is correctly classified and meets the zoning definition of that classification, while also considering the impact on the character of the adjoining property and the neighborhood that it awkwardly extends into.

Sincerely,

Mark DeLorenzo
349 Hanover St. Apt. 1
Portsmouth, NH 03801