

To: Zoning Board of Adjustment
From: Fran Berman
Re: 361 Hanover Street proposal and request for zoning relief
Date: January 21, 2025

I am a resident and owner who is an immediate abutter to 361 Hanover Street. My condo (unit 3), which takes up the second floor on the southern side of 349 Hanover Street, overlooks 361 Hanover. I have several concerns about the current proposal for 361 Hanover.

1. While I support the creation of additional housing in the city and appreciate the developer's willingness to adjust his plans for this lot in response to community feedback, I remain concerned about the mass and height of Building D in the revised project.

Building D is now described as a three-story apartment building with an attic fronting on Hanover Street, where other homes fronting on this section of Hanover Street have a maximum of three stories. The attic consists of what is essentially a fourth story with a mansard roof. This height and style is out of keeping with the character and style of the neighborhood, which does not include mansard roofs and is made up of buildings of two or three stories.

2. I am also concerned about the project's effect on a right-of-way that exists for the residents of 349 Hanover Street to drive through the property at 361 Hanover. This right of way is especially crucial for one of our units, whose parking space abuts 361 Hanover directly, requiring them to maneuver their car through the current parking area at 361 Hanover in order to enter and exit their parking space along the southwestern side of our building. Two additional parking spaces that belong to 349 Hanover are located along the rear of our building on Hill Street and also need access through the right of way. I do not see any references to this right of way in the current proposal. Please see the attached site plan showing the property lines and indicating the affected parking spaces in yellow.

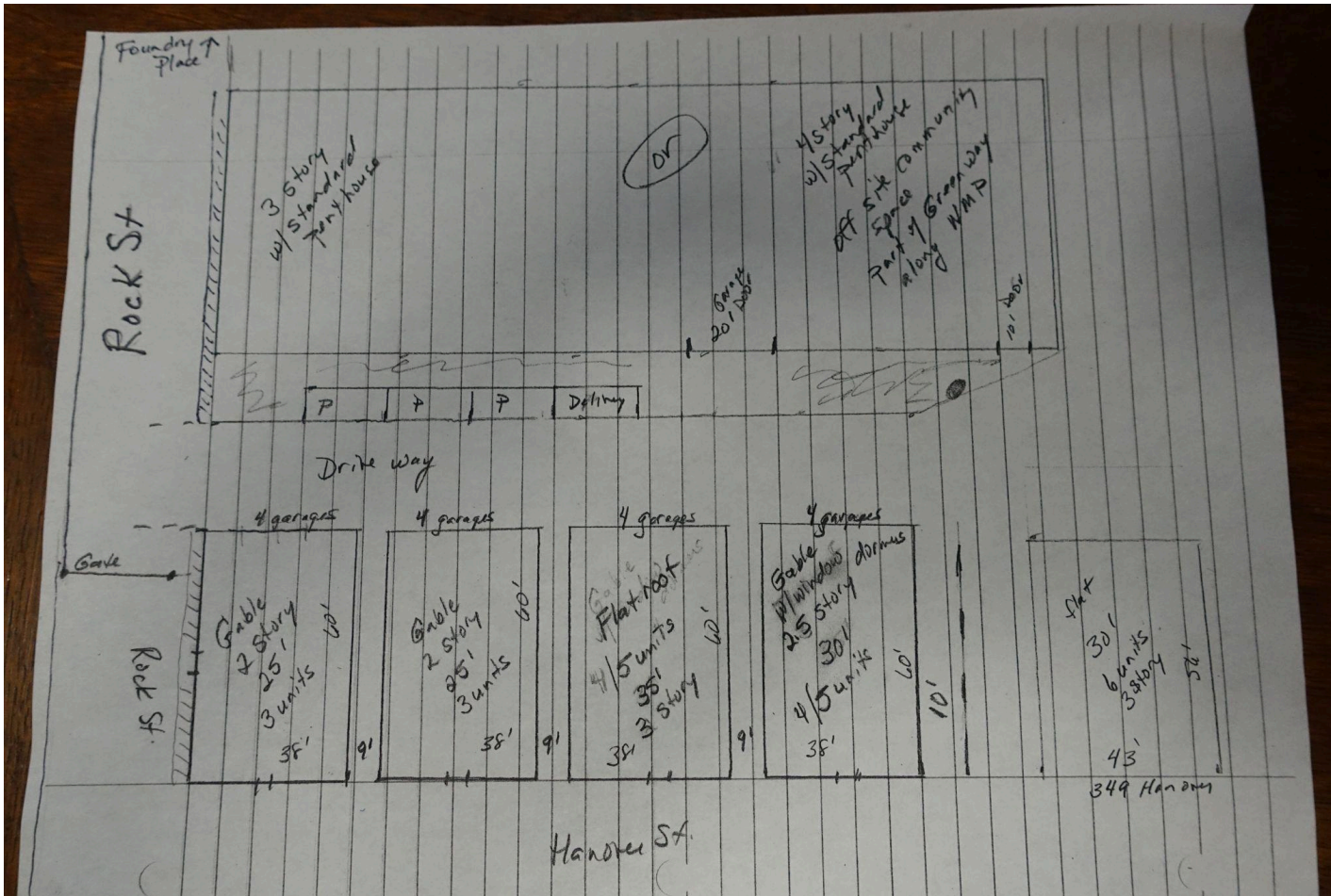
Thank you for your consideration of these issues.

Sincerely,
Fran Berman, resident and owner
349 Hanover Street #3
Portsmouth, NH 03801

Dear Members of the Zoning Board of Adjustments,

Please find this simple graphic of an idea to keep the excess traffic out of the neighborhood. Foundry Place is a very wide road with limited parking and a mini-circle to control traffic. There is currently a gate, to prevent cars from driving into the neighborhood to use it as a parking lot, at the corner of Foundry Place and Rock St. That gate could be moved closer to Sudbury St and all the cars from the development at 361 Hanover St could exit and enter onto Rock St and continue down Foundry Place to Bridge St. This could **eliminate** an increase in traffic by 50%, per the traffic report and the total daily trips of over 262 being added to the neighborhood which was presented as having over 500 trips a day already (also a 50% increase). **Notice in the traffic report that the use of Foundry and Bridge will have no change in the Level of Service if the project is built.**

Not being an engineer it would make sense that Building B would need to be shortened to change the access to Rock St. This basic graphic tries to maintain the unit count and still have it fit into the neighborhood in style. Roof areas will be 60 X 38' leaving more than enough room (1140 sf=60X19) for attic apartments with roof dormers without using mansard roofs.



From: [Julienne Echavarri](#)
To: [Planning - Info - Shr](#)
Subject: Direct Abutters Concern with the Development on 361 Hanover
Date: Tuesday, January 21, 2025 12:48:10 PM

You don't often get email from jechavan@gmail.com. [Learn why this is important](#)

To Whom It May Concern:

I noticed that 361 Hanover is on the agenda for the meeting on Wed, January 22, 2025 and that the developer has added an updated packet that is very long, not giving us enough time to review before the meeting. However, after a quick review, I notice that my main concerns about parking, no traffic study and the main entrance being between Rock St and Pearl St (2 small streets) have not been addressed. I live on 34 Rock St and the increase in traffic of at least 40 cars a day will directly affect me and likely **decrease my property value**. The increase density zoning is for foundry place not for our neighborhood streets and yet the main entrance to a 40 unit development is through our streets which are not zoned for such high density. The main entrance to this high density development should be through foundry place which correlates with the zoning. I do not understand how this development can be approved this way, especially since our streets cannot meet the necessary standards for emergency services for a such high density development. Please consider rejecting the plans for this development until these issues have been addressed and the direct abutters concerns are taken into consideration.

Thank you,

Julienne Echavarri
34 Rock St. Portsmouth

From: [Dayl Soule](#)
To: [Planning - Info - Shr](#)
Subject: 361 Hanover St variance request
Date: Tuesday, January 21, 2025 4:25:53 PM

I continue to object to the granting of variances for the 361 Hanover St. Project.

Some specific objections -

1. Bldg D is now measuring at 40' tall with a full height to roof top of 45'5". The average building height in the neighborhood is approximately 24' - as compiled by a neighbor previously. This, and Bldg A, at the same height will have these buildings towering over the rest of the neighborhood making them completely out of character in the neighborhood. A mansard roof design was turned down by this board a few months ago as being out of character, this denial should carry forward to these two mansard roofs.

Additionally, Bldg D will be built approximately 15' from 349 Hanover St and will completely block the light to the west side of that building and severely compromise privacy on that side; not to mention possible property value decreases because of the proximity of the new building.

2. There is a pending lawsuit concerning blocking access to the existing public right of way along the rear of the Hill-Hanover buildings and Hanover Place Condominiums (349 Hanover St). This access has been blocked with concrete pillars, "no thru traffic" signs, and various parked vehicles actively for at least the last year - prior efforts to block the access had been less intrusive. I have personally had considerable difficulty (and conversations) accessing my deeded parking adjacent to the 361 Hanover parking lot because my access to the "public" right of way has been compromised.

The 361 development plans have completely ignored this right of way and actually show Bldg D being built on top of it. - how can you build on top of a public right of way? I don't think that any variances to this design should be granted until this suit is resolved. Who knows if there will be building delays or stoppages that would add more inconvenience to the already inconvenience of living in a construction zone.

3. There are several discrepancies in the traffic study that don't reflect the current development design. The design also shows new sidewalks, pavement, and landscaping behind the existing building on property that, I believe, doesn't belong to the development (as shown on several drawings of the existing property). How can this happen - is that property going to change hands at some point?

There are more questions than answers, still, and I don't think this project is ready to move forward as currently presented.

Thank you for your consideration
Dayl Soule
349 Hanover St. #4

30 Parker Street
Portsmouth, NH 03801

January 20, 2025

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

Re: 361 Hanover Street Development

Dear Zoning Board of Adjustment Members:

As abutters to the proposed development at 361 Hanover Street, we have similar thoughts to our previous letters and request that the variances be denied (more information to our reasoning can be found in the appendix.) We also have new concerns over the conflicting and/or incorrect information in the applicant's new January packet and request the Zoning Board, at a minimum, postpone this vote until it is corrected given the legally binding nature of an application.

Conflicting and/or Incorrect Information in the Packet:

- **Whether or not there is a penthouse.** In some parts of the application, the applicant says they have removed their request for a penthouse and states that building A will be 3 stories plus an attic (which will function like a fourth floor). However, on [page 14](#) and [page 52](#) of the application, the height is still listed as four stories plus a penthouse.
- **The total number of units included.** This new design appears to have 40 units total (but it remains ambiguous given the conflicting information on page 14 and page 52 for the height and number of floors of this building).
- **The number of parking spots included as well as if there are any removal of street spots for this development.** Per information on [page 16](#) of the application, there are 42 parking spots in the garage (though 24 of those are tandem spaces). In past discussions, there was mention of 68 parking spots, but that is not officially captured in the application or plans. On [page 20](#) of the application (in the traffic report) they state "on-site parking will be provided for 60 vehicles." It is hard to know how much parking there will be.
- **If there will be removal of street spots for this development.** It is also ambiguous if the development will cause the removal of existing street parking spots on Rock Street (particularly those across from Rock Street park) and Hanover Street (there is currently street parking across the street from the Heinemann building).
- **Incorrect street width measurements in the traffic study.** Rock Street is a one way road with parking on one side and is only approximately 18 feet wide on the portion between Islington Street and Hanover Street (where vehicles would be accessing this

development). The study on [page 22](#) states about Rock Street “The one-way roadway segment is approximately 28-feet in width with on-street parking along one side.”

- **The traffic study uses an incorrect development entrance as part of its measurements.** The traffic study assumes the entrance to this development is directly across from Pearl Street. On [page 48](#), it states “by way of a new driveway that will intersect the south side of Hanover Street approximately 60 feet east of Rock Street.” However, the drawings for this project show the entrance between Rock Street and Pearl Street. How does moving the entrance affect traffic flow, congestion, and the safety and sight lines?
- **The Traffic Study incorrectly cites Foundry Place as an access point.** Per the traffic report on pages [20 and 48](#) “Access to the Project site will be provided by way of Rock Street and Foundry Place, and by way of a new driveway that will intersect the south side of Hanover Street approximately 60 feet east of Rock Street.” We would love for this development to use Foundry as the point of access, but the developer has stated time and again this is infeasible. How can the traffic report be valid if it is incorrectly citing usage of Foundry place?

Note: It is our understanding that the request for the penthouse variance has been withdrawn. This and other information above is based on the information gleaned from the application packet posted on the city website. The neighborhood, to the best of our knowledge, has not been engaged by the development team any time between now and the last ZBA meeting on December 17, 2024.

As acknowledged in previous letters, we believe the “Alternative CUP Plan” being presented by Hampshire Development Corp (HDC) has some merits. We also acknowledge that since December, the application packet has had more information added to it, including an HDC-commissioned traffic study (albeit one that contains errors and inconsistencies), additional (though not all) requested renderings, and some more background information on a potential burial ground. However, we still believe it does not go far enough to address the issues raised in the initial round of feedback for this project back in May 2024, as well as issues raised by the public in the November and December ZBA public comment sections. While it is difficult to tell what the current plan is given the errors and inconsistencies cited above, we still think the “Alternative CUP Plan” remains inconsistent to public interest and will diminish property values and reduce quality of life for others living nearby in the neighborhood (see Appendix for our more detailed explanation of why we think this is.)

Thank you for your time and your service to the city and its residents.

Sincerely,
Kathryn “Kate” Waldwick
Bryn Waldwick

APPENDIX

The key reasons we believe this design is contrary to public interest and diminish property values are the following:

I. The increased density and therefore traffic afforded by allowing residential on the first floor (similar to CD4-L1 and GRC zoning) while still leveraging the density of CD-5, is inconsistent with public interest due to safety issues

As mentioned in previous letters, we are parents of young children, so traffic and safety continue to be our top concern. While we agree the first floors should not be used for commercial space, the lack of sufficient parking spots and increased traffic for the new residences on the ground floor will exacerbate existing parking issues in the neighborhood. It is also ambiguous if the development will cause the removal of existing street parking spots on Rock Street (particularly those across from Rock Street park) and Hanover Street (there is currently street parking across the street from the Heinemann building).

This design continues to leverage Hanover Street and other quiet side streets as the main vehicular access to this development. It's notable that even though this lot is zoned as CD5, the streets the developer is planning to use to service this building (Hanover, Rock, Pearl, Parker) are NOT CD5 zoned - they are quiet residential side streets not designed to handle this type of volume. This lot had been zoned as CD-5 with the idea that it would be part of the downtown overlay district, and therefore leverage Foundry for vehicular access. Having a development of CD-5 proportions (it appears to be at least 40 units) leveraging quiet residential streets for vehicular access will irrevocably change the character of having quiet, safe streets to push strollers, ride bikes with our children, etc.

Lack of parking leads to distracted drivers whizzing by and circling in a rushed, frantic manner (we already see this in the neighborhood). This new design appears to have 40 units total (but it remains ambiguous given the conflicting information on [page 14](#) and page 52 for the height and number of floors of this building). The total number of parking spots included for all the buildings does not appear to be listed. Per information on [page 16](#) of the application, there are 42 parking spots in the garage (though 24 of those are tandem spaces). In past discussions, there was mention of 68 parking spots, but that is not officially captured in the application or plans so it is hard to know how much parking there will be. It is also unclear if the new development will remove existing street parking spots from Hanover and Rock Streets.

The parking study also assumes that the entrance to this development is across from Pearl Street. However, the entrance has since been moved to between Rock and Pearl Street. We question the accuracy of this study given that.

II. The building heights are out of character with our neighborhood, do not meet the goals of a character district, and diminish property values. We would like to see these building heights lowered

The 361 Hanover lot is zoned as CD5, which is a character district. Per [Article 5A](#) in Portsmouth's Zoning Ordinance, the key purpose and intent of all character districts is 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." Neither plan proposed by the developer meets these goals. In the "Alternative CUP Plan" the heights and aesthetics of Buildings A and D are actively hostile to the established character of the neighborhood.

Building D will be a full story taller than any other building on Hanover Street. The developer is calling this three stories plus an attic. It appears there would be four floors of residential living, so calling this an attic feels disingenuous. Additionally, past precedent by the ZBA indicates this design is not in keeping with character of the neighborhood. On October 15th, 2024, a Mansard style building at 332 Hanover Street (which was a whole story shorter than the proposed building D), had its variances denied due to the design and scale of the building not being in character with the neighborhood. Given this, building D should also be considered out of character with the neighborhood given it is larger and taller than the original proposed design at 332 Hanover Street.

Building A's height continues to be ambiguous. In some parts of the application, the applicant says they have removed their request for a penthouse and states that building A will be 3 stories plus an attic (which will function like a fourth floor). However, on [page 14 and page 52](#) of the application, the height is still listed as four stories plus a penthouse. Given the legally binding nature of an application, we have deep concerns over this inconsistency. We cannot have a supportive viewpoint if we don't even know how tall the building will be

To: Chairman & members of the city council
1 Junkins Ave
Portsmouth, Nh 03801
Re: 361 Hanover st Development

Re: Zoning meeting Dec 16th, 2024
361 Hanover St
For public record/ In favor

Dec 16, 2024

Dear Chairman & Members of the board.

After reviewing the 2 plans set forth by the developer, I highly favor the 2nd plan with the requested variances be accepted by the board in order to make a more acceptable transition of downtown monolith buildings to the zoning of the single residence of the Islington Creek neighborhood.

- 1). This area does not need to have commercial space on the first floor and the height of the first floor in regard to the business application. The area is surrounded by single family residences on two sides and a third side by small condo buildings. To enforce the commercial aspect of the zoning would create a monolith block of a building completely disregarding the abutting properties. This is not justice for the start of this neighborhood.
- 2). By forcing the builder to use the "Gambrel style roof structure which has invaded the downtown landscape, the regulations are forcing the developer to create a unappealing block structure without regard to the abutting colonial architecture.
- 3). The request for the "penthouse" roof will allow a reduced appearance of height while still allowing the developer to gain enough square footage to build a project that will blend more with the adjacent colonial single family residences and make the transition from a downtown to a neighborhood.

I am in favor of approval of all requests from this developer who has attempted to stop the flood of mono architectural buildings from spreading from the downtown commercial area into our neighborhoods. Too many developers are looking for maximum square footage and profitability with no regard to how our city will look in the next 50 years.

Please approve the variances so that 361 Hanover will create a transition and not become another monolith block of towering buildings of the now new modern downtown.

Sincerely
James Beal
286 Cabot St
Portsmouth, NH
resident since 1999

RE: 361 Hanover St
Meeting: Zoning Board of Adjustment
Date: Dec 17, 2024

Dear Members of the Zoning Board of Adjustment,

Dec 13, 2024

After having gone to the Developer/Neighborhood meeting a review of the application plan was necessary. The presented application does have a lot of fluff but seems to be missing some important information to be able to make decisions on some parts of the proposed variances.

1. To allow ground floor use as residential vs commercial

Commercial is required on the first floor for **CD5 as well as the Downtown Overlay District**. This request is straightforward and Building A's parking and residential is clearly presented. However, the presented application does not seem to include buildings B, C or D to show how the parking vs the ground floor residential will be laid out. They are also in CD5. This might be something to consider when agreeing to allow residential on the ground floor and is very important to the neighborhood.

2. To allow other building types.

One would think these would need to fit into the character of the neighborhood not only in style but in massing.

Building D shows 8 units more than any other building fronting on Hanover and is 72' across the front. The widest building near it is the Church across the street at 40'. It is also significantly taller with its uncharacteristic mansard roof. It too does not show how its parking will be laid out for variance 1 regarding adding residential on the first floor.

2a. To allow 10' 5" as the first floor.

There seem to be a few versions of this request. In the beginning of the proposal outlined in red in the chart, it shows 10' 5" as the requested height. In the "Zoning Development Standard CUP" chart it shows ground floor height of Building A 10' height and Buildings B, C and D with 12' proposed heights. Second story heights are proposed at 10.5. There is likely a typo but in the "Requested Zoning Relief" it states 10' 6" being requested. These are very conflicting as to how high each building's ground floor level much less the upper floors will be.

3. Penthouse size relief

There seems to be only one plan that shows the penthouse and that is the 5th floor plan with no engineering information. There are no dimensional plans, not renderings, nothing. It does state it will be 80% and setback between 8' to 15' from the edge. What is the area of the proposed penthouse vs what is allowed? What will the roof look like? Where are the setbacks 8' vs 15'? The "Zoning Development Standards CUP Plan" shows NA for Penthouse height. How tall is this "penthouse" going to be? There are NO depictions of Building A from the front or the back in the application, much less what the proposed penthouse will look like from the Foundry Garage, 89 Foundry Place and 349 Hanover St which will be able to see this.

Generally, this application has a lot of information and details on the "vested" proposal but seems to be lacking in detail on the "cup plan", which is the one for which these variances are being requested. This is one of the most incomplete applications for a Penthouse and seems to have a lot of incomplete or conflicting information for the other variances. Please ask this applicant to provide the information needed to be able to assess whether these variances are able to meet the criteria to be approved or denied.

Sincerely,
Elizabeth Bratter
159 McDonough St, Property Owner

December 16, 2024

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

Re: 361 Hanover Street variance petition

We live at 407 Hanover Street, on the corner at Rock Street, directly abutting 361 Hanover Street.

We lack adequate information about the “Alternative CUP Plan” to determine whether the requested variances will alter our neighborhood's essential character or threaten the public's health, safety, or general welfare. Therefore, we ask the Zoning Board to delay a decision on this application until we have been provided with sufficient specifications of the Alternative CUP Plan to evaluate how it will likely impact us. If the Zoning Board is inclined to vote on the HDC’s application at this December meeting, we would request variances number one and three be denied.

Variance request #1, seeking permission for first floor residential units rather than commercial units, would substantially increase the residential density directly across the street from our house. We have no information about the safety, traffic, parking and infrastructure implications of this density. As residents, the only way we can obtain that information is via a public hearing before the Planning Board and recommendations from the TAC.

Variance request #3, with respect to penthouse setbacks, is similarly opaque. HDC’s plans contain no visual depiction of the penthouse and minimal visuals for Building A. We don’t know what those buildings might look like or how they will impact our privacy, air, light and property value. We cannot support the request without information sufficient to assess how the changes permitted by the variance could impact us.

The one and only opportunity for public comment on the 361 Hanover project was at the May 2024 meeting, when HDC presented its “by right” plan. The “Alternative CUP Plan” was not presented. The Planning Department has sought no public input on the Alternative CUP Plan.¹ As we understand it, the purpose of public comment is to promote public understanding of a plan and to give the public chance to speak. It is unclear to us why no such public session has been held on the Alternative CUP Plan.

¹ While it is no substitute for public comment, HDC held an afternoon meeting with the neighborhood on December 11, 2024; however, that meeting was inaccessible to many neighborhood residents due the time of day, location and length of the meeting.

Finally, we also believe the variance requests are premature because, to our knowledge, neither the developer nor the city has submitted to the NH Division of Historical Resources a Request for Project Review. The Planning Board directed HDC to consult state archeologists to evaluate whether construction or excavation could impact a burial site known to be located at the corner of Hanover and Rock Streets. The archeologists' recommendations, if any are made, could require materially changing the Alternate CUP Plan to comply with RSA 289:3. If that were to happen, HDC would devise a different plan, to which these variances would be applicable, and we would have no opportunity to object. Consulting the state archeologist now would eliminate this variable and assist us in understanding the precise contours of what we are being asked to support.

Without waiving our objection to the variances, we request that the Zoning Board delay a decision on the requests until after HDC has provided thorough documentation that meaningfully illustrates the Alternative CUP Plan; the Planning Board has held a public hearing on it; the TAC has evaluated how it will impact neighborhood safety, infrastructure and welfare; and the NH Division of Historical Resources has had an opportunity to provide comment and recommendations, if relevant.

Thank you for your thoughtful consideration.

Very truly yours,

Sean Caughran
Marcie Vaughan

From: [Mark DeLorenzo](#)
To: [Planning - Info - Shr](#)
Subject: Public Comment in regards to 361 Hanover Street petition for Zoning relief Tuesday, December 17, 2024.
Date: Monday, December 16, 2024 11:50:03 AM
Importance: High

Dear Zoning Board of Adjustment,

In regards to this carry-over Agenda topic below from November 19th:

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)

I am a neighbor who directly abuts the property at 361 Hanover St. I feel the developer has made great effort in improving their original design in the proposed CUP design, and I applaud them for these efforts. I have no concerns in regards to their requested relief items 1 & 2, however I feel I must push back and provide comment on their 3rd item -- *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.*

A Penthouse has been carefully defined by the City so that it comes with both benefits and trade-offs in equal measure. Developers use Penthouses to add additional space and height to their buildings, while not having that additional space count as a full story (because it is only 50% utilized and has large setbacks). The reason it is allowed to be counted this way is because the space (in a similar manner to that of an attic) is not fully usable, thus height and story limitations can be worked around. Were the space more fully utilized, it would have to count as a full story or short story (which counts as a full story). My concern is that in this request for relief, I feel the developer is seeking to have the benefit of naming that top level a Penthouse, while asking for it to not meet the requirements of such. They wish to have the benefits of a Penthouse designation with few of the restrictions in capacity or design. I feel this sends a very bad precedent for future development. I would prefer that the developer design this building in a way that meets code in this regards, and comes closer to maintaining the definition of a Penthouse, and if they wish for greater square footage on their top level of Building A, that they design it in such a manner that achieves it without the need to completely rewrite what a Penthouse is. A gross living area ratio request of 60% for instance would be a small variance (from 50%) I would find acceptable if needed. For me, a change from 50% → 80% of a gross living space is too far from what defines a top floor as a Penthouse.

Sincerely,

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

From: [Mark Vangel](#)
To: [Planning - Info - Shr](#)
Subject: Variance request for 361 Hanover St
Date: Monday, November 18, 2024 8:33:16 PM

[You don't often get email from mvan52@gmail.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

To whom it may concern

I am against the variance requested for 361 Hanover St regarding the penthouse. The proposed building's overall size and height is not in keeping with the character of the neighborhood. The sheer size is something more appropriate for downtown Portsmouth, not a residential neighborhood with single family homes and small apartment buildings. I am a direct abutter to 361 Hanover.

Thank you,
Mark Vangel
349 Hanover St #5

Sent from my iPhone

30 Parker Street
Portsmouth, NH 03801

December 16, 2024

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

Re: 361 Hanover Street Development

Dear Zoning Board of Adjustment Members:

As abutters to the proposed development at 361 Hanover Street, we still believe there has not been adequate and thorough information provided for residents to have an informed opinion on whether this project will be in the public interest. We believe the decision on these variances should be delayed. If the zoning board is inclined to vote on these variances in this December meeting, we would request variances numbers one and three be denied.

We believe the decision with these variances should be delayed until:

- **The “Alternative CUP Plan” has been vetted by the Technical Advisory Committee (TAC) to ensure it addresses key traffic and safety issues.** As parents of young children, the safety issues caused by increased traffic and parking issues were our top concern. The “Alternative CUP Plan” actually exacerbates these issues by increasing the density and number of units from the “As-of-Right” plan (36→48 units) and decreasing the parking (72 →69 parking spots). It’s notable that even though this lot is zoned as CD5, the streets the developer is planning to use to service this building (Hanover, Rock, Pearl, Parker) are NOT CD5 zoned - they are quiet residential side streets not designed to handle this type of volume.
- **The “Alternative CUP Plan” provides more thorough documentation on what this plan includes.** There are some glaring examples of information that have not been provided including:
 - No visuals on what all of Building A, including the requested penthouse, will look like or how its height will compare to surrounding buildings. There is only one partial figure on [page 20](#) of the application that does not even appear to show a penthouse
 - No visuals of what this project looks like from Foundry Place
 - No diagrams of where parking will be for buildings B, C, or D
- **The “Alternative CUP Plan” has gone before the Planning Board in a format that has allowed official Public Comment.** The only time the 361 Hanover project has had official public comment allowed was in the May 2024 meeting. This meeting only focused on the vested plan, as the “Alternative CUP Plan” was not presented. Meetings since

then, including working sessions, have not allowed public comment. We feel that not allowing the public the opportunity to provide public comment on the design as a whole is akin to letting the developer grade their own homework on how well they incorporated May 2024 feedback.

- **A “Request for Project Review” has been submitted to the state archaeologist.** This was a request on behalf of the Planning Board after the May 2024 meeting as there is a known burial site at the corner of Hanover and Rock Street. As far as we know, neither HDC nor the city has submitted this request. In addition to it being a potential violation of state law for construction to impact a burial site, we also believe in honoring past residents of Portsmouth. Portsmouth is a city with a rich history that we want to see honored.

Given these, we feel any decision by the zoning board without this information would be premature and should be postponed until more thorough information is provided.

If the zoning board is inclined to decide on these variances in the December meeting, we would request the variances be denied. While we believe the “Alternative CUP Plan” being presented by Hampshire Development Corp has some merits, it does not go far enough to address the issues raised in the initial round of feedback for this project back in May 2024. In its current form, and based on the limited information available to the public, we believe the “Alternative CUP Plan” remains inconsistent to public interest and will diminish property values and reduce quality of life for others living nearby in the neighborhood. We could support the requested variances if additional concessions are made to ensure that the development is consistent with the surrounding structures and also has been vetted for safety. These concessions were listed in our initial letter, and we have included them below in an appendix for easier reference.

Thank you for your time and your service to the city and its residents.

Sincerely,
Kathryn “Kate” Waldwick
Bryn Waldwick

APPENDIX

Our concerns with granting the variances given the current design and the concessions we would like to see are the following:

- I. **The increased density afforded by allowing residential on the first floor (similar to CD4-L1 and GRC zoning) while still leveraging heights and density of a CD5 lot, is inconsistent with public interest.**

While we agree the first floors should not be used for commercial space, the lack of sufficient parking spots and increased traffic for the new residences on the ground floor will exacerbate existing parking issues in the neighborhood. This new proposal actually has more units than the original design (36 → 48) and fewer parking spots (72 → approx 69). Assuming two cars per unit, this is a core issue the development team has ignored that was one of the top concerns of neighbors. Essentially, the “Alternative CUP Plan” seeks to mix and match zoning rules where convenient; it wants to have the perks of not having to have commercial on the first floor (which could struggle financially in this area given it is a quiet residential neighborhood) while still being able to pack in units and leverage heights afforded by CD5.

Concession Requested: We would like to see reduced density (through reduced building height and number of units) that is more in line with the character of the neighborhood and addresses the top concerns that had been brought up by neighbors during May’s public hearing at the Planning Board. We would like to see a design that has at least two spots per unit and also uses Foundry Place for vehicular access.

- II. **The building heights are out of character with our neighborhood, do not meet the goals of a character district, and diminish property values. We would like to see these building heights lowered**

The 361 Hanover lot is zoned as CD5, which is a character district. Per [Article 5A](#) in Portsmouth’s Zoning Ordinance, the key purpose and intent of all character districts is 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.” Neither plan proposed by the developer meets these goals. In the “Alternative CUP Plan” the heights and aesthetics of Buildings A and D are actively hostile to the established character of the neighborhood.

Building A is proposed to be taller than the parking garage and other buildings along Foundry place. This building is further from downtown and closer to two story residential homes and a public park than other buildings along Foundry, so it is confusing that the height would increase rather than offer a transition to the park, residential homes, and 1 story, CD5 zoned blacksmith shop.

The out of character nature of this building adversely affects the quality of the greenspace for all our neighbors in Islington Creek. Few homes in Islington Creek have yards, so Rock Street Park is the only green space many of us have. This structure would loom over the park blocking sky views, increase flooding in the park and surrounding streets, potentially create wind tunnels and diminish the open-air feeling the park provides so many of us. Also, from the park one is able to clearly see one of the most iconic buildings not just in Islington Creek, but all of Portsmouth: The Pearl. In Figure 2, one can imagine how much the sky and views would be blocked with a towering, 5 story building there.



Figure 1: Current view from Rock Street Park. Note one can see the Pearl and residential homes.



Figure 2: One can imagine the irrevocable change to the neighborhood and quality of greenspace if a towering 5 story building were next to the park.



Another view showing how close this proposed 5-story building would be to residential homes and the loss of privacy.

Building D will be a full story taller than any other building on Hanover Street. On October 15th, 2024, a Mansard style building at 332 Hanover Street (which was a whole story shorter than the proposed building D), had its variances denied due to the design and scale of the building not being in character with the neighborhood. Given this, building D should also be considered out of character with the neighborhood given it is larger and taller than the original proposed design at 332 Hanover Street.

Concession Requested: We would like to see Building A provide a graceful transition from the four story heights of the other buildings on Foundry Place to the parks, residences, and one story industrial buildings (and certainly not be taller than the parking garage). We would like to see Building D not exceed the height of any existing residential building on Hanover Street (the current tallest residential building is 349 Hanover Street)

- III. **Allowing a penthouse to take up 80% of the rooftop and only have an 8 foot setback is not in spirit of the definition of a penthouse per [Article 15 definitions](#) and is against public interest**

Allowing a 60% increase in rooftop coverage (50% → 80%) and a 47%-60% reduction in the allowed setbacks (15-20 ft → 8 ft) does not serve the public at all. From our understanding, penthouses have setbacks of 15-20 ft. in order to minimize public views from a public place (like a park). A penthouse that takes up 80% of a roof with only an 8 ft setback would essentially function as a slightly smaller additional floor and would be quite visible from public spaces. Allowing this variance would exacerbate the height issues mentioned about Building A earlier in this letter.

From: [Mark DeLorenzo](#)
To: [Kimberli Kienja](#)
Subject: Re: The latest submission this past Friday by John Bosen, esq., representing 361 Hanover St. (LU-24-196)
Date: Monday, January 20, 2025 12:01:20 PM
Attachments: [image001.png](#)

You don't often get email from mark.delorenzo@ams-osram.com. [Learn why this is important](#)

Dear Kimberli,

Would you please be so kind as to forward this letter to the Zoning Board of Adjustment members in response to the latest submission this past Friday by John Bosen, esq., representing 361 Hanover St. (LU-24-196).

Dear Chair Eldredge and esteemed Board Members,

I am writing in regards to the Wednesday, January 22nd, 2025 meeting in regards to the latest documents submitted by the group representing **361 Hanover St.**

In their recently submitted packet, they claim that Building D is a "3 Story building with an attic", and show revised height elevations of their latest design of 45.5' to the roof, and a mid-height of the top floor of 40', allowing them to meet the Story and Height requirements for this lot- (3 Stories, 40' Max Height).

HOWEVER, I am challenging their design and definition, and whether it truly qualifies as an attic.

An Attic is defined as "**Attic- The interior part of a building contained within a gable, gambrel, or hip-roof mansard roof, or within a penthouse on a flat roof.**" - 15-6 Portsmouth Zoning Ordinance

Their drawing/design is NOT that of "a gable, gambrel, or hip-roof mansard roof, or within a penthouse on a flat roof.", therefore I view this design as out of scope, and not in meeting with their characterization of the height and # of stories of this building.

This design below is that of a Flat-Top Mansard Roof, and if the Board agrees (as it clearly does not come to a peak), then this building D is 45.5' in height, and 4 full stories, as Flat Top Mansard roofs are counted as Short Stories (and not Attics), and thus count as Full Stories. (15-38)

Mansard roof- A building with either a flat- or hip-topped mansard roof as follows:

(a) **Flat-topped mansard** Four sided flat-top mansard roof, characterized by one slope on each side of its sides, where the sloped roof may be punctured by dormer windows and higher roof surface is a flat roof.

(b) **Hip-topped mansard**

A roof characterized by two slopes on each side with the lower slope punctured by dormer windows. 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.**

(Article 15 Definitions As Amended Through November 18, 2024. 15-26 & 27)



Sincerely,

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

Dear Zoning Board of Adjustment,

I am an abutter of the 361 Hanover Street – the “Heinemann” property. I am writing to you with several concerns regarding the submitted proposal.

Firstly, there are a large number of errors in this submission, as follows:

- (1) On page 12 of this submission, the image of Building A states “SOUTH ELEVATION (COMMERCIAL FIRST FLOOR)” which is incorrect per the variance request to have all first floor levels residential rather than commercial. Or, have they changed the first floor to Commercial after all??:



1 SOUTH ELEVATION (COMMERCIAL FIRST FLOOR)
Scale: 1/8" = 1'-0"

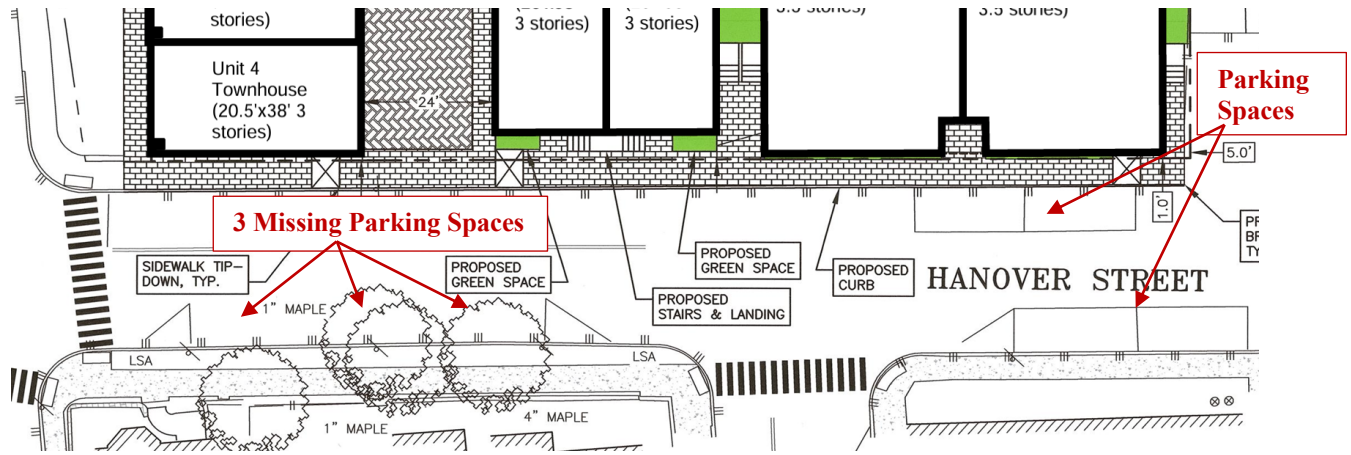
- (2) Applicant states that they have removed their request for a penthouse, yet the penthouse is still mentioned in the proposal on pages 14 and 52– referencing the height of Build A as 4 Stories w/penthouse 52’” and “Penthouses, PROPOSED – Building A – Yes (75% Habitable Space/8’ Setback).” The new proposal indicates that this is still included in the proposal as shown below, or has it been removed as stated in a separate letter??:

ZONING DEVELOPMENT STANDARD - CUP PLAN						
CD5: 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

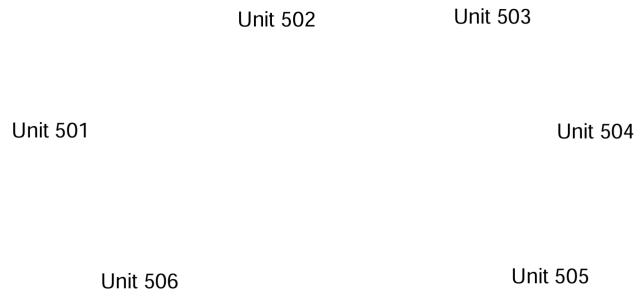
- (3) Applicant shows 26 Units in Building A in this revised plan without the penthouse. Yet, on pages 14 and 52 of their proposal, they show a calculation for Workforce Housing Units “10% of 36 = 3.4 Units = 3 Units”. Firstly, their math is wrong (10% of 36 = 3.6, not 3.4) and secondly, the calculation should now be “10% of 26 Units = 2.6 Units = 2 Units”. Or, are their # of Units in Building A incorrect? Are they still requesting a CUP and providing workforce housing units and community space or has this changed??:

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
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- (4) Also on page 14, The illustration of the property fronting on Hanover Street includes rectangles to show parking spaces. However, they do not show 3 existing parking spaces opposite their new entrance to the property. Does this mean that their new entrance will cause the loss of 3 parking spaces to allow entry/exit to the property on Hanover Street, which is already a parking desert?



(5) On page 18, it shows a 5th floor's 6 units: Unit 501, 502, 503, 504, 505, 506. There is no mention of these units – are they left over from the penthouse that was removed?? It is confusing and the mention of these units should be removed if there is no 5th floor (penthouse):

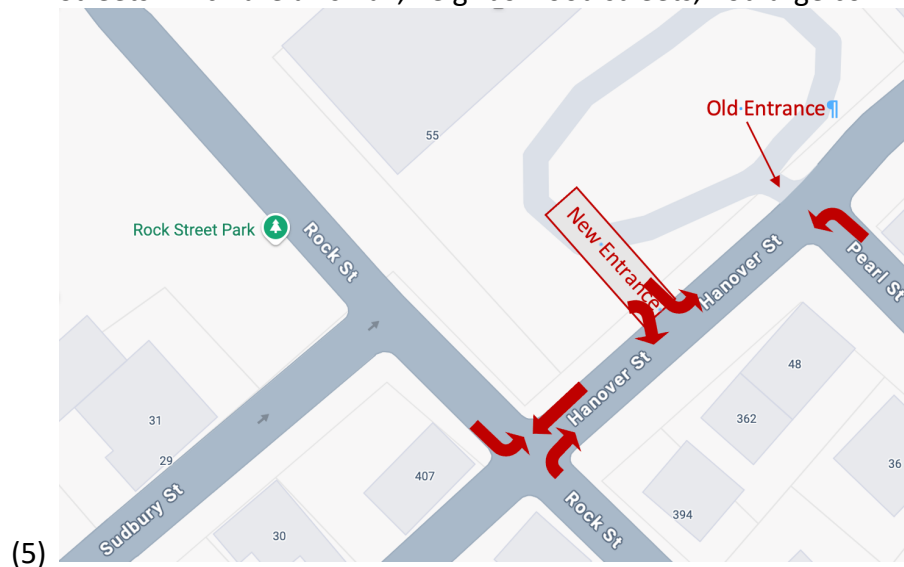


- (6) In the Traffic Study portion of this submission on pages 20 and 48 of the report states, "Access to the Project site will be provided by way of Rock Street and Foundry Place, and by way of a new driveway that will intersect the south side of Hanover Street approximately 60 feet east of Rock Street." Rock Street is less than 18 feet wide (17' 7"), has parking on one side of the street, and is one-way only and provides a very narrow pathway of approximately 9' for vehicles to squeeze past the parked cars. This street is not meant to be used as a major throughway to access this property with the stated 262 daily trips. Additionally, there is no access from Foundry Place to the property – there is a gate which prevents access from Foundry Place to Rock Street and is not passable unless there is an emergency. Pearl Street, which is 28 feet wide and allows two-way traffic (by squeezing past parked cars on one side of the street) is not even mentioned for access to this property. The neighborhood strongly recommends that the primary entry to this property come from Foundry Place into the rear of the property, alleviating the traffic and parking issues that will surely come with this development.
- (7) As noted above, in the Traffic Study portion of the submission on page 22, the report states that Rock Street is 28 feet wide. This measurement is incorrect as the actual width of this street is just 17 feet and 7 inches.
- (8) The Traffic Study also states that the entrance/exit to the property is located 60 feet from Rock Street, however this measurement is incorrect and the actual dimension is not provided in this submission but it is significantly less (~30 feet)?

With so many errors in this submission, can the information presented be trusted? And, consequently, should it be considered a valid/legal/complete submission?

In addition to the numerous errors, I have the following objections to the remaining requested variances:

- (1) **Mansard Roofs:** 2 of the buildings on this property have Mansard roofs. None of the houses surrounding this property have Mansard roofs – the roofs which are throughout our neighborhood are Gable Roofs (predominately), Saltbox, and Flat roofs. There are no Mansard roofs. Mansard roofs are out of character with our neighborhood and this is in Character District 5 and should match with the existing character of the neighborhood which the proposed mansard roofs do not.
- (2) **Row House (Building B):** The row house is 82 feet long with no modulation. Row houses are not permitted in CD5. If you decide to allow this row house, then please require that there is significant modulation between the 4 units so it doesn't appear to be one single massive building.
- (3) **Apartment (Building D):** A Mansard roof (which is called out incorrectly on page 14 as a "Flat" roof type) does not fit with the character of our neighborhood.
- (4) **Traffic Study:** When the traffic study was done in August of 2024, the property's entrance/exit was opposite Pearl Street. The entrance/exit has since been moved towards Rock Street close to a very congested intersection. Shouldn't the traffic study be redone to study traffic flow and congestion now that the entrance/exit has moved due to its proximity to a very congested intersection in addition to potential issues with line of sight which were found at its previous location? Additionally, the property cannot be accessed from Foundry Place as stipulated in the traffic study which would yield very different results as traffic is confined to just Rock, Hanover, and Pearl Streets which are all small, neighborhood streets, not large commercial streets like Foundry Place.



Thank you for your consideration of my concerns regarding this proposed development.

Best,

Robin Husslage
27 Rock Street
Portsmouth