

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

*Members of the public also have the option to join the meeting over Zoom
(See below for more details)**

7:00 P.M.

September 16, 2025

AGENDA

I. APPROVAL OF MINUTES

- A.** Approval of the August 19, 2025 meeting minutes.

II. NEW BUSINESS

- A.** The request of **955 US Route 1 Bypass LLC (Owner)**, for property located at **955 US Route 1 Bypass** whereas relief is needed to remove the existing freestanding sign and install a new freestanding sign which requires the following: 1) Variance from Section 10.1253.10 to allow a freestanding sign setback of 15 feet where 20 feet are required. Said property is located on Assessor Map 142 Lot 36 and lies within the Business (B) District and Sign District 4. (LU-25-113)
- B.** The request of **Katherine Ann Bradford 2020 Revocable Trust (Owner)**, for property located at **170-172 Gates Street** whereas relief is needed to demolish the existing garage and construct a new garage which requires the following: 1) Variance from Section 10.521 to allow a) 45% building coverage where 30% is required, and b) 0 foot right side yard where 10 feet is required; and 2) Variance from Section 10.573.20 to allow a 0 foot rear yard where 10.5 feet is required. Said property is located on Assessor Map 103 Lot 19 and lies within the General Residence B (GRB) and Historic Districts. (LU-24-116)
- C.** The request of **445 Marcy Street, LLC (Owner)** and **Blue Sky Development Group, LLC (Applicant)**, for property located at **20 Pray Street** whereas relief is needed to construct a single-dwelling and Accessory Dwelling Unit which requires the following: 1) Variance from Section 10.1114.31 to allow a second driveway where only one is permitted; and 2) Variance from Section 10.571 to allow an accessory structure to be

located closer to the street than the principal structure. Said property is located on Assessor Map 101 Lot 3-1 and lies within the General Residence B (GRB) and Historic Districts. (LU-25-89)

- D. REQUEST TO POSTPONE** The request of **Charlie Neal and Joe McCarthy (Owners)**, for property located at **28 Whidden Street** whereas relief is needed to construct an addition to the rear of the structure which requires the following: 1) Variance from Section 10.521 to allow 42% building coverage where 30% is allowed; and 2) Variance from Section 10.321 to allow a nonconforming building or structure to be extended, reconstructed or enlarged without conforming to the requirements of the Ordinance. Said property is located on Assessor Map 102 Lot 64 and lies within the General Residence B (GRB) and Historic Districts. **REQUEST TO POSTPONE** (LU-25-127)
- E. REQUEST TO POSTPONE** The request of **Carrie and Gabriel Edwards (Owners)**, for property located at **51 Morning Street** whereas relief is needed to demolish the existing garage and construct a new attached garage with office space which requires the following: 1) Variance from Section 10.521 to allow a) 51% building coverage where 25% is allowed, b) 4 foot left side yard where 10 feet are required, c) 3.5 foot rear yard where 20 feet are required; and 2) Variance from Section 10.321 to allow a nonconforming building or structure to be extended, reconstructed or enlarged without conforming to the requirements of the Ordinance. Said property is located on Assessor Map 163 Lot 16 and lies within the General Residence A (GRA) District. **REQUEST TO POSTPONE** (LU-25-125)
- F.** The request of **Reichl Family Revocable Trust (Owner)**, for property located at **15 Marjorie Street** whereas relief is needed to construct additions to multiple sides of the existing dwelling which requires the following: 1) Variance from Section 10.521 to allow a) 2 foot front yard where 30 feet are required, b) 12.5 foot rear yard where 30 feet are required, c) 28.5% building coverage where 20% is allowed; and 2) Variance from Section 10.321 to allow a nonconforming building or structure to be extended, reconstructed or enlarged without conforming to the requirements of the Ordinance. Said property is located on Assessor Map 232 Lot 41 and lies within the Single Residence B (SRB) District. (LU-25-115)
- G. REQUEST TO POSTPONE** The request of **Brian T and Kyle M LaChance (Owners)**, for property located at **86 South School Street** whereas relief is needed to demolish the existing porch, construct an addition with a deck and replace an existing flat roof with a slanted roof on the existing dwelling which requires the following: 1) Variance from Section 10.521 to allow a) 7.5 side yard where 10 feet is required, b) 15 foot rear yard where 25 feet is required, c) 31% building coverage where 30% is the maximum allowed; and 2) Variance from Section 10.321 to allow a nonconforming building or structure to be extended, reconstructed or enlarged without conforming to

the requirements of the Ordinance. Said property is located on Assessor Map 101 Lot 63 and lies within the General Residence B (GRB) and Historic Districts. **REQUEST TO POSTPONE** (LU-25-122)

- H.** The request of **Ama and Alexander LoVecchio (Owners)**, for property located at **87 Grant Avenue** whereas relief is needed to demolish the existing home and construct a new dwelling in the same footprint which requires the following: 1) Variance from Section 10.521 to allow an 8 foot right side yard where 10 feet are required. Said property is located on Assessor Map 251 Lot 7 and lies within the Single Residence B (SRB) District. (LU-25-123)
- I.** The request of **CABN Properties, LLC (Owner)**, for property located at **409 Lafayette Road** whereas relief is needed to subdivide the existing lot into two lots which requires the following: 1) Variance from Section 10.521 to allow 0 feet of frontage for the rear lot where 100 feet is required. Said property is located on Assessor Map 230 Lot 22 and lies within the Single Residence B (SRB) District. (LU-25-126)

II. ADJOURNMENT

**Members of the public also have the option to join this meeting over Zoom, a unique meeting ID and password will be provided once you register. To register, click on the link below or copy and paste this into your web browser:*

https://us06web.zoom.us/webinar/register/WN_GV8alvb7QaWP-hOcuIW5Jg

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

7:00 P.M.

August 19, 2025

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

MEMBERS EXCUSED: Phyllis Eldridge, Chair

ALSO PRESENT: Stefanie Casella, Planning Department

Vice-Chair Margeson was Acting Chair for the evening.

I. APPROVAL OF MINUTES

A. Approval of the July 15, 2025 meeting minutes.

*Mr. Rossi moved to **approve** the minutes as amended, seconded by Mr. Nies.*

Mr. Nies requested the following changes. On page 9, the sentence ‘He said the argument could be made that there were not as many activities currently taking place on the property’ had the word ‘currently’ added to it to read as follows: He said the argument could be made that there were not as many activities currently taking place on the property.

On page 9, the vote for Petition C, 636 Lincoln Ave, Request to Withdraw, was changed from 7-0 unanimous to 6-0 unanimous, with Mr. Nies recused. The motion now reads: *Mr. Mannle moved to grant the request to withdraw the petition, seconded by Mr. Rheaume. The motion passed unanimously, 6-0, with Mr. Nies recused.*

On page 11, in the last line of the Timestamp 2:37:42 paragraph, the word ‘did’ was added to the sentence so that it now reads as follows: Mr. Nies said he would support the motion primarily because of the setback issue but did not think a hardship had been demonstrated.

*The motion **passed** unanimously, 6-0.*

B. Approval of the July 22, 2025 meeting minutes.

*Mr. Mattson moved to **approve** the minutes as presented, seconded by Mr. Nies. The motion **passed** unanimously, 6-0.*

II. OLD BUSINESS

A. 92 Brewster Street – Rehearing Request (LU-25-117)

Mr. Rheume recused himself from the petition. Mr. Rossi said he did not find that there was a substantive error made by the Board and that it largely seemed to be disagreement with the Board's viewpoint, which was not an error, so he was not in favor of a rehearing.

DECISION OF THE BOARD [Timestamp 10:54]

*Mr. Rossi moved to **deny** the Request for Rehearing, seconded by Mr. Mattson.*

Mr. Rossi said the petition was based on a disagreement with the Board's reasoning and conclusion and did not point out any substantive errors. He said on that basis it did not qualify for a rehearing. Mr. Mattson concurred and said it was more of a matter of different points of view than erring. Mr. Nies said one of the expressions of public interest is the zoning ordinance and that the building itself complies with all elements of the zoning ordinance. He said the applicant has a right to have an ADU if the measurements of the building all fit within the zoning ordinance. He said there was a concern about the setback being measured inappropriately and that it should be measured from the right of way. He said that was not what the ordinance calls for.

*The motion to deny the Request for Rehearing **passed** unanimously, 5-0.*

Mr. Rheume resumed his voting seat.

- B.** The request of **Greengard Center for Autism (Owner)**, for property located at **89 Brewery Lane** whereas relief is needed for a change of use from an assisted living home with 5 residents to an assisted living center with 6 residents which requires the following:
- 1) Variance from Section 10.440, Use #2.11 for an assisted living center where it is not permitted. Said property is located on Assessor Map 146 Lot 26 and lies within the Character District 4-L2 (CD4-L2). (LU-25-77)

SPEAKING TO THE PETITION

[Timestamp 13:18] Attorney Tim Phoenix was present on behalf of the Greengard Center, along with the Greengard Center Board Chair Dr. Barbara Frankel, Executive Director Tanya Newkirk, and Jane Bannister, the parent of the autistic person who would live in the sixth unit. Attorney Phoenix said the project was approved in 2015 and 2018 for an assisted living home permitted by special exception and that it was now an assisted living center with a proposed sixth resident, which was not permitting by zoning. He said nothing would physically change on the interior or exterior

and that the living area for the proposed sixth resident would be the former caretaker's apartment. He said the center was located in an eclectic area of businesses and residential homes and that the Greengard Center also owned most of the street. He said there was a pending action to grant the City an easement to travel over that portion of the street that was presently used by the public, and he noted that the City attorney had a draft of the easement and that City Staff proposed approval of the variance contingent on the finalization of the easement. He reviewed the criteria in detail.

[Timestamp 24:30] Mr. Rheume said the client's property was like a buffer between the CD4-L2 and CD4-W zones, and he asked if there was anything else about the property that would reassure the Board that the buffering would really take place. Attorney Phoenix said there had not been any issues between the neighbors and the existing five residents and that the overall intensity would be less than when the property was approved for special exception. Dr. Frankel said her son also had autism and lived in one of the apartments. She noted that the center opened to two residents in June 2021 during Covid. Mr. Rheume asked if the applicant would agree to a stipulation that there be no more than six residents, and Attorney Phoenix agreed. Acting Chair Margeson noted that the assisted living center was defined as six or more residents but there was no upper cap and the variance ran with the land. She said it was possible that the structure could be taken down and replaced by something else. Jane Bannister of Kensington said her son Peter had been part of the Center since 2016 and that the opportunity for him to live in an environment that valued his strengths and challenges was unmatched by anything else she had looked into in NH and other states. She said the level of comfort that her family had in the Greengard Center was immeasurable.

Acting Chair Margeson opened the public hearing.

SPEAKING TO, FOR, OR AGAINST THE PETITION

No one spoke, and Acting Chair Margeson closed the public hearing.

DECISION OF THE BOARD [Timestamp 30:18]

*Mr. Rossi moved to **grant** the variance for the petition as presented and advertised, with the following **stipulation**:*

- 1) The easement and right of way shall be finalized as a condition of approval.*

Mr. Mattson seconded the motion.

Mr. Rossi reviewed the criteria and said it was about taking an existing use in the building, with no changes to the interior or exterior, and a minimal expansion. He said it was an expansion to six residents and did not actually open the gateway to an infinite expansion into an assisted living center. He said it specifically indicated a center with six residents, which he was fine with and felt that there was no need for a further stipulation. He said granting the variance would not be contrary to the public interest and would observe the spirit of the ordinance. He said there was no public interest to be served by denying the expansion of the use. He said substantial justice would be done

because there would be no loss to the public by having an additional resident in the center. He said most of the discussion in the applicant's presentation was how the facility is run, which was really outside the Board's jurisdiction, and the only thing that concerned the Board was the use of the property, which was a minor change from the current use. He said granting the variance would not diminish the values of surrounding properties because the applicant's property was already in use in this manner and there was no conceivable way that it would diminish the values of surrounding properties by continuing the use and expanding it from five to six residents. He said there was no fair and substantial relationship between the general public purposes of the ordinance and its specific application, noting that in this instance, it was not the purpose of the ordinance to create difficulties in providing care for individuals who need this type of care in this type of facility, so there would be no conflict with the public purpose of the ordinance. Mr. Mattson concurred and said the ordinance needed to have a cutoff at some point, but the actual change from five to six residents without any physical external changes to the structure really was a minimal change, even though the category changed from assisted living. He agreed the added stipulation of increasing numbers was not necessary because the applicant would have to come back before the Board again. Mr. Rossi restated the stipulations as indicated on page 32 of the packet, which were incorporated into the motion's stipulations. Mr. Rheume said there was no stipulation regarding the maximum number of residents being capped at six, and he feared that the assisted living center had a broad interpretation and that the variance if granted would run with the land. He said he was not comfortable approving the petition without a stipulation of the Center having a maximum of six members. It was further discussed, and Mr. Mattson added the stipulation that the residents would be capped at six residents.

The **amended** motion was:

*Mr. Rossi moved to **grant** the variance for the petition as presented and advertised, with the following **stipulations**:*

- 1) There shall be no more than six residents at the Center, and*
- 2) The site plan approval shall include provision of an easement or right of way to the City for a portion of the road and/or future sidewalk on the parcel to connect to the public portion of Albany Street that shall be reviewed by the Planning and Legal Departments and approved by the City Council as a condition of this approval.*

*The motion **passed** unanimously, 6-0.*

III. NEW BUSINESS

- A.** The request of **Timothy John Berky JR (Owner)**, for property located at **121 Eastwood Drive** whereas relief is needed to construct an accessory storage shed in the rear of the property which requires the following: 1) Variance from Section 10.573.20 to allow a 5 foot rear yard where 21 feet are required. Said property is located on Assessor Map 288 Lot 3-17 and lies within the Single Residence B (SRB) District. (LU-25-97)

SPEAKING TO THE PETITION

[Timestamp 39:06] The owner Timothy Berky was present. He said the neighborhood had 21 residential lots and the road and infrastructure were privately owned. He said the spatial constraints did not align with the City's requirements and that he wanted to build an accessory storage shed with a second-story gym. He said the lot was small compared to most of the other lots and was landlocked between two abutting properties, which also had sheds, and that those properties would not be affected. He reviewed the criteria and said they would be met.

[Timestamp 46:08] Mr. Rheume said there seemed to be quite a bit of topography on the property, with the land sloping down and a lot of ledge. He asked what aspects of the topography drove the location for the shed and for pushing it closer to the back property line. Mr. Berky said if he pushed the shed closer, it would require blasting or a significant concrete wall to match the existing ledge. Mr. Rossi asked why a 21-ft shed was needed. Mr. Berky said the first floor would be for storage and the second floor would be a gym. He said he needed to stay in good physical shape for his job. He submitted a letter of support to the Board.

Acting Chair Margeson opened the public hearing.

SPEAKING IN FAVOR OF THE PETITION

No one spoke.

SPEAKING IN OPPOSITION TO THE PETITION

Lisa Arvidson of 131 Eastwood Dr and her husband Dwight were present. Ms. Arvidson said they were against the petition because the applicant had been building his garage for the past five years, which had removed a lot of sunshine and privacy for their backyard. She said the proposed 21-ft story structure would take away any remaining sunlight they had in their yard. She said the ongoing construction was stressful, lowered their property value, and made their yard less enjoyable. Mr. Arvidson said the structure's pad would be four feet above grade, making the actual height 25 feet. He said the neighbors had sheds but they were smaller, and he said there was no hardship.

Pierre Brazeau of 111 Eastwood Dr said he did not see the need for a two-story shed with a gym. He said the windows would look into his living room and other rooms and the elevation would overlook his backyard. He said it would impact their privacy and property's value.

SPEAKING TO, FOR, OR AGAINST THE PETITION

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

DISCUSSION OF THE BOARD

[Timestamp 54:20] Mr. Mattson said he questioned the hardship for a need of a two-floor structure, but the variance request was not for the structure. He said the structure seemed like it would be high, but it was due to the ridge. He said he was not sure if there was a hardship, however. He said the lot was unusual because it was oddly shaped and had the 111 Eastwood Dr property surrounding it from the back side, but a one-story shed would still need a variance and he thought it would be constructed well. Mr. Rossi said the 21-ft height was relevant because the ordinance dictates the required distance from the property line. Ms. Casella said if a shed was over a certain height, it had to be farther from the lot line. Mr. Rossi said the topography was relevant due to the shed's proposed height and its elevated position on the land, so he would not be in favor of granting the variance. Mr. Rheume said the application met the side yard setback of ten feet, so the abutting property to the right was okay but the back property line was the problem. He said a smaller shed could be placed in that location and thought the second story was a concern for the back abutter.

DECISION OF THE BOARD [Timestamp 59:48]

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

Mr. Rossi said the petition needed only one criterion to fail, and in this case it was the hardship. He said there was a relationship between the purpose of the ordinance and the unsuitability of the shed's height, which drove the need for as much relief as requested to the back lot line. He said the ordinance was trying to preserve light and air for the neighboring properties, and the proposed shed's second story pushed it outside of what the ordinance was trying to achieve by keeping open space where needed. He said the petition was particularly exacerbated by the property's special condition because the proposed location was elevated in topography, which made the second floor more egregious than it otherwise would be in terms of blocking light and air. Mr. Rheume agreed that the petition failed on the hardship criteria, noting that a two-story shed was an unusual request and that a second-story gym was usually seen in the primary structure. He said the other sheds in the neighborhood were smaller and only one story. He said the applicant could have an 120-sf one-story shed and have no restrictions with regard to the setbacks.

*The motion to deny **passed** by a vote of 5-1, with Mr. Mannle voting in opposition.*

- B.** The request of **Paul and Karolina Roggenbuck (Owners)**, for property located at **2 Sylvester Street** whereas relief is needed to construct a detached garage with accessory dwelling unit which requires the following: 1) Variance from Section 10.1114.31 to allow a second driveway where only one is permitted. Said property is located on Assessor Map 232 Lot 35 and lies within the Single Residence B (SRB) District. (LU-25-105)

[Timestamp 1:03:47] The Board discussed whether Fisher v Dover applied and decided that it did not apply because the proposed project was a significant change from the previous one.

SPEAKING TO THE PETITION

[Timestamp 1:06:44] Owners Karolina and Paul Roggenbuck were present. Ms. Karolina said they wanted to build a second driveway to serve a detached ADU on their property. She said the proposed ADU would be within all the size parameters of the ordinance, and they only needed a variance for the additional driveway. She reviewed the criteria in detail.

The Board had no questions. Acting Chair Margeson opened the public hearing.

SPEAKING TO, FOR, OR AGAINST THE PETITION

No one spoke, and Acting Chair Margeson closed the public hearing.

DECISION OF THE BOARD [Timestamp 1:15:38]

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

Mr. Rossi said the ADU was allowed by right and was also allowed to be in its particular location, so it required no variances. He said it was an interesting case for the Board because as more ADUs were being permitted, the Board had to consider how people would get to and from them. He said in this case, a second driveway to access the ADU was logical. He said granting the variance would not be contrary to the public interest and would observe the spirit of the ordinance. He said the Board should be promoting the use of ADUs. He said substantial justice would be done because there would be no loss to the general public by allowing the driveway. He said the values of surrounding properties would not be diminished because many of the surrounding properties already had second driveways and that it would not be out of character for the neighborhood. He said the grass permeable pavers were a great idea and that the overall effect between using those pavers and narrowing the existing driveway would decrease the impermeable surface and could be a benefit to the surrounding properties as well. He said literal enforcement of the ordinance would result in unnecessary hardship, noting that the special condition of the property that distinguished it from others was that it had an ADU by right, which was the condition that drove the need for the variance to make reasonable use of that ADU.

Mr. Rheume concurred. He said what was different about the property was that it is an unusually long piece of property and that the ordinance was trying to spread driveways out and to reduce backing in and out as well as the number of entry points onto a street. He noted that the abutting property was about the same length as the applicant's and that they had two driveway, which indicated that there was a hardship and that the extra driveway would not look out of place. He said the applicant was allowed to put a garage as long as the ADU did not exceed a certain size, and he was making it a more amenable living situation. He said it was reasonable and a special condition of the property. Mr. Nies noted that the Board received a letter from a resident who opposed the requested variance and that many of the neighbors opposed the attached ADU, but he said the applicant was allowed the ADU by right and the variance was only for the driveway. He said the variance was necessary to make it a better use of the ADU.

*The motion **passed** unanimously, 6-0.*

- C. The request of **909 West End LLC (Owner)** and **Loaded Question Brewing (Applicant)**, for property located at **909 Islington Street** whereas relief is needed to add 300 square feet of space to increase seating capacity from 36 to 54 which requires the following: 1) **Special Exception** from Section 10.440 Use #9.42 to allow occupant load from 50 to 250. Said property is located on Assessor Map 172 Lot 7 and lies within the Character District 4-W (CD4-W). (LU-25-102)

SPEAKING TO THE PETITION

[Timestamp 1:22:17] The co-owner of Loaded Question Brewing Tom Bath was present. He said relief was needed to add 300 sf of space to the restaurant and increase the capacity from 36 to 54 customers. He said the brewery's current operations would not change. He reviewed the criteria and said they would be met.

[Timestamp 1:25:09] Mr. Nies referred to the drawings and asked what would change. Mr. Bath explained that the gray space would be added and a wall would be built 10 feet behind the existing wall that would be demolished. Acting Chair Margeson said the numbers on the drawing indicated 60 seats instead of 54 seats. Mr. Bath said the extra seats against the wall would go away.

Acting Chair Margeson opened the public hearing.

SPEAKING TO, FOR, OR AGAINST THE PETITION

No one spoke, and Acting Chair Margeson closed the public hearing.

DECISION OF THE BOARD [Timestamp 1:28:39]

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

Mr. Rossi said it was a minor change to an existing use that drove the request for a special exception. He said the standards were permitted by special exception, so that criterion was met. He said granting the special exception would pose no hazard to the public or adjacent properties on account of potential fire, explosion, or release of toxic materials. He said the use would be the same as the current one being used on the site. He said there would be no detriment to property values in the vicinity because the use would be consistent with what was already going on in the general vicinity and would not change the property values. He said granting the special exception would pose no creation of a traffic safety hazard, noting that the traffic in and out of the vicinity was consistent with what was occurring in the general vicinity and would not add any significant congestion. He said it would pose no excessive demand on municipal services because the use was already occurring on the site and would not present any new demands on municipal services. He

said it would pose no significant increase in stormwater runoff because the building footprint would not change that much. Mr. Mattson concurred. He said it was a situation where at some point a cutoff number had to be chosen, but it was a minimal increase in square footage inside the existing building being attributed to the restaurant vs a future neighboring tenant, and he thought it made sense to grant a special exception.

*The motion **passed** unanimously, 6-0.*

- D.** The request of **145 Maplewood Avenue LLC (Owner)** and **FUEL Personal Training (Applicant)**, for property located at **145 Maplewood Avenue** whereas relief is needed to establish a health club with 2,500 square feet of gross floor area which requires the following: 1) **Special Exception** from Section 10.440 Use # 4.42 to allow a health club, yoga studio, martial arts school, or similar use with more than 2,000 sq. ft. GFA. Said property is located on Assessor Map 124 Lot 8-1 and lies within the Character District 5 (CD5) and Downtown Overlay District. (LU-25-107)

SPEAKING TO THE PETITION

[Timestamp 1:33:16] The applicant Matt Skeffington said the facility was presently located in Bedford and that they did small group personal training for people 40 and over. He further explained the details and reviewed the special exception criteria.

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

SPEAKING IN FAVOR OF THE PETITION

Abigail Bachman said she was Mr. Skeffington's real estate broker and thought the facility would be a phenomenal amenity to the building and the downtown area.

SPEAKING TO, FOR, OR AGAINST THE PETITION

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

DECISION OF THE BOARD [Timestamp 1:38:44]

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

Mr. Nies said it was a use allowed in the area by special exception and that it would pose no hazard to the public on account of potential fire, explosion, or release of toxic materials. He said there was no evidence that it would pose a detriment to property values in the vicinity or a change in the essential characteristics of the neighborhood because the training center would go into an existing building and there would be no changes to the building's external features. He said granting the

special exception would pose no creation of a traffic hazard because it was unlikely that eight training group participants at one time would affect the traffic in that area. He said it would pose no excessive demand on municipal services and no impact on police, fire protection, and schools because the building was already serviced by water, sewer, waste disposal, and so on. He said there would be no impact on stormwater runoff because the lot had already been built in a way that handled stormwater runoff onto adjacent properties and streets and there would be no physical changes to the building. Mr. Mannle concurred and had nothing to add.

*The motion **passed** unanimously, 6-0.*

- E. The request of **Mark N and Julie S Franklin (Owners)**, for property located at **168 Lincoln Avenue** whereas relief is needed to demolish the rear deck and construct a one-story addition, demolish and reconstruct the front porch, construct a kitchen addition, construct a bulkhead, and construct dormers which require the following: 1) Variance from Section 10.521 to allow a) 7.5 foot front yard where 15 feet are required, b) 7 foot right yard where 10 feet are required, and c) 32% building coverage where 25% is maximum allowed; and 2) Variance from Section 10.321 to allow a nonconforming building or structure to be extended, reconstructed or enlarged without conforming to the requirements of the Ordinance. Said property is located on Assessor Map 113 Lot 6 and lies within the General Residence A (GRA) District. (LU-25-109)

SPEAKING TO THE PETITION

[Timestamp 1:42:15] Attorney Derek Durbin was present on behalf of the applicant. He said the 2023 requested variances to demolish the existing detached garage and nonconforming rear deck and to construct an attached garage addition with two living spaces above it were approved in 2023 but proved to be too costly, so they were back with a redesign. He said they wanted to keep the existing detached garage but remove the rear deck and replace it with a small addition for just a mudroom and office space. He said they also wanted to replace the front porch in kind and the bulkhead. He said the redesign would result in less building coverage and that nothing had changed materially. He reviewed the criteria and said they would be met.

[Timestamp 1:48:50] Mr. Mannle confirmed that the existing two-car garage would not be demolished and rebuilt. Mr. Rheume asked if the bulkhead drove the setback concern and was greater than 18 inches above grade. Attorney Durbin agreed.

Acting Chair Margeson opened the public hearing.

SPEAKING TO, FOR, OR AGAINST THE PETITION

No one spoke, and Acting Chair Margeson closed the public hearing.

DECISION OF THE BOARD [Timestamp 1:50:39]

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

Mr. Rheume noted that the applicant previously had approval from the Board for something more extensive and that the overall coverage, while still above the 25 percent maximum allowed, was less than what was currently on the property. He said the new modest addition on the back would be a single story and consist of a mud room and an office. He said the front porch drove the front setback relief requirement but that the porch was a characteristic of the neighborhood, so allowing the applicant to rebuild it made sense. He said granting the variance would not be contrary to the public interest and would observe the spirit of the ordinance. He said the largest relief asked for was the replacement of the existing front porch, but it was an existing element of the building being preserved. He said the side yard setback was mostly driven by the new bulkhead, which was a small imposition to the setback. He said it came down to overall lot coverage and noted that several other properties in the vicinity had a 25 percent lot coverage allowance. He said the applicant was also reducing the overall coverage of the current property and adding only a small first-floor addition. He said substantial justice would be done because nothing the applicant was asking for would outweigh the general public's need for strict adherence to the ordinance. He said granting the variance would not diminish the values of surrounding properties because the home would look like it did before, but only with a modest addition on the back and a rebuilt porch on the front that would continue to add character to the neighborhood, and the existing garage would not change. He said the hardship was that the property had special conditions due to the home already having an existing orientation on the property by being pushed up toward the front of the property, which was not an atypical neighborhood characteristic, so the front relief was dictated by the property's existing conditions. He said the bulkhead addition was a small relief, and the applicant was asking for a small lot coverage because the lot was substandard. He said many other properties faced a similar issue where it was difficult to not have some need for relief due to the sizes of their properties.

Mr. Mannle concurred. He said that, compared to what was requested in December, the applicant was only asking for a foot more in the front yard, coupled with a one percent increase in building coverage, and it was a small request.

*The motion **passed** unanimously, 6-0.*

- F. The request of **Tyler Garzo (Owner)**, for property located at **62 McKinley Road** whereas relief is needed to subdivide the existing lot into two lots and demolish and reconstruct the existing garage which requires the following: 1) Variance from Section 10.521 to allow a) 8,430 square feet of lot area for proposed lot 26 where 15,000 square feet are required, b) 8,430 square feet of lot area per dwelling unit for proposed lot 26 where 15,000 square feet are required, c) lot depth of 87 feet for proposed lot 26 where 100 feet are required, d) 13 foot rear yard area where 30 feet are required, e) 8,430 square feet of lot area for proposed lot 26-1 where 15,000 square feet are required, f) 8,430 square feet of lot area per dwelling unit for proposed lot 26-1 where 15,000 square feet are required, and g) lot depth of 88 feet

where 100 feet are required. Said property is located on Assessor Map 268 Lot 26 and lies within the Single Residence B (SRB) District. (LU-25-111)

SPEAKING TO THE PETITION

[Timestamp 2:06:19] The owner Tyler Garzo was present and said that anything built on the proposed subdivided new lot would be by the buyer. He said a few abutters thought the project was reasonable and that two other abutters were interested in buying the lot and building on it. He said other lots in the neighborhood were subdivided. He said a potential building on the new lot would meet the ordinance and fit the neighborhood. He reviewed the criteria.

[Timestamp 2:13:15] Mr. Rheume asked for more explanation about the neighborhood IDs. Mr. Garzo said the 114 and 133 were just references in the tax assessor maps. Mr. Rheume asked if the hatched area on the plot plan was intended to represent the 30-ft setback requirement. Mr. Garzo explained that the dotted line that slightly overlapped the house was the 30-ft setback and the 13-ft aligned with the deck. Mr. Rheume asked if the garage would be kept out of the 30-ft setback. Mr. Garzo said that a little bit of the garage would be just a part of it but that it could be moved slightly forward. It was further discussed. Mr. Rheume verified that the primary portion of it would be within the 30-ft setback. Mr. Mannle asked how many lots in Elwin Park were less than 8,500 sf. Mr. Garzo said there were around 25 lots out of a total of 291 lots. Mr. Mannle said the 15,000 sf lot was irrelevant to the applicant's request because he wanted two lots of less than 8,500 sf. Mr. Garzo said he looked at it as lots that were not 15,000 sf in SRB requests. Acting Chair Margeson said the second lot did not currently have a building on it and asked how big a house would be that would not require zoning relief. Mr. Garzo said he took the footprint of his house that was under 1,000 sf and placed it into the required yard setback to show that there was space to put the same house in the proposed lot. Acting Chair Margeson said it seemed that less than 25 houses in the area had less than 15,000 sf, and she asked how the benefit to the applicant outweighed the public's loss. Mr. Garzo said the community would benefit from some level of density in a largely open space because he would not have to ask for variances to clear additional land or go into wetlands.

Acting Chair Margeson opened the public hearing.

SPEAKING TO, FOR, OR AGAINST THE PETITION

No one spoke, and Acting Chair Margeson closed the public hearing.

DISCUSSION OF THE BOARD [Timestamp 2:22:02]

Mr. Mattson said it was clear that someone could build a reasonable single-family home on the property but that it was just a matter of weighing whether it was worth creating two new lots that were similar in size to neighboring lots but those lots were nonconforming. Mr. Mannle said the applicant was asking for two lots that were less than 8,500 sf but did not know how many lots in Elwin Park were that small to give it some flavor of the neighborhood. He said he was not aware of

any push to start subdividing 15,000 sf lots in Elwin Park. He said if the lot were larger or the applicant wanted to place an ADU on it, there would be no problem. Mr. Nies said the applicant was asking for a .19 acre lot but that several lots down McKinley Rd were .20 or .21 and the lots in the Coolidge Dr area were larger. He said he struggled with how to reconcile the broader neighborhood with what was in the immediate vicinity of the lot. Mr. Rheume said the properties in the applicant's neighborhood were about .35 to .4 of an acre. He agreed with the applicant that his existing home was sided to one side of the corner property and some of the other properties in the neighborhood were more depth oriented, but he said it was still a lot of relief asked for. He said the building envelope on the new proposed lot was also a concern because it was a tight building envelope. He said he was fearful that in the future, the applicant would ask for a deck or something outside of the building envelope. He said the overall property size was just too small, which would put the applicant in a much smaller percentile than the neighborhood as a whole and out of character with the more micro-neighborhood portion around the property. He said it wouldn't work out with the front and rear setbacks. He noted that the current main tool for additional housing was ADUs, and from a two-lot standpoint, he thought it was asking for too much. Acting Chair Margeson said she would not support the application because of the building envelope on the second lot. She said she did not know where a driveway could be placed on the lot without going into the building envelope and that it was too close to the lot in back of it.

DECISION OF THE BOARD [Timestamp 2:32:01]

*Mr. Rossi moved to **deny** the variance request, seconded by Mr. Rheume.*

Mr. Rossi said a lot of relief was requested and thought it should be a high hurdle to take a conforming lot and turn it into two nonconforming ones. He said in past cases, two created nonconforming lots were not that nonconforming, and he did not think that dividing the lot into two would be consistent with the character of the immediate neighborhood, which included the other corner lots in that same intersection of McKinley Rd or some of the other lots within a tight radius of the property in question. He said the changes in law regarding ADUs obviated the need for subdividing a lot like the applicant's to achieve some of the benefits that were stated. With regard to substantial justice, he said whether those were really relevant to the zoning ordinance or not was another question but thought there were other ways to achieve that, like an ADU. He said the application primarily failed on the hardship criteria because there was nothing truly unique about the property that required the variance to allow the lot to be subdivided in order to enjoy the property or to be consistent with the characteristics of the surrounding lots. Mr. Rheume said the variance request also failed the first two criteria because the applicant wanted to create two lots that would be possibly some of the smallest in the micro neighborhood and would change its characteristics as well as those of the general neighborhood, and the building envelope that would result would be prohibitive within the ordinance's current setback requirements.

*The motion to deny **passed** by a vote of 5-1, with Mr. Mattson voting in opposition.*

- G.** The request of **420 Pleasant Street LLC (Owner)**, for property located at **420 Pleasant Street** whereas relief is needed to relocate the egress door 1 foot from the left side yard which requires the following: 1) Variance from Section 10.521 to allow 1 foot left side yard where 10 feet are required; and 2) Variance from Section 10.321 to allow a nonconforming building or structure to be extended, reconstructed or enlarged without conforming to the requirements of the Ordinance. Said property is located on Assessor Map 102 Lot 56 and lies within the General Residence B (GRB) and Historic Districts. (LU-25-112)

SPEAKING TO THE PETITION

[Timestamp 2:36:07] Attorney Tim Phoenix was present on behalf of the applicant, with owner Jeff Semprini and project architect Mark Gianniny. Acting Chair Margeson noted that the application had two variance requests, one from the law firm and one from McHenry Architects. Attorney Phoenix clarified that one submission was from 2021, when McHenry Architects represented the former owner and got some relief. He said the lot was 484 sf and was up to five residential units before the former owner converted it to three units. He said Mr. Semprini bought the property in 2025 after a fire and was continuing to rehabilitate the building and rebuild the addition. He said the dormer's side setback was approved to be one foot, but they wanted to change the existing door to a French door for safety and aesthetic reasons. He reviewed the criteria in detail.

[Timestamp 2:49:51] Mr. Mattson referred to the criteria of hardship and substantial justice and said that Attorney Phoenix referenced Walker v the City of Manchester, but he wondered whether the case of Belander v the City of Nashua applied because Attorney Phoenix said the case represented that a variance is proper when the ordinance no longer reflects the current character of the neighborhood. He asked Attorney Phoenix for further explanation. Attorney Phoenix said another lawyer in his firm came up with that and that he wasn't 100 percent sure about its application, but the point was that the area has a lot of old homes that are very large and close to the lot line, so the owner was asking for a small amount of relief for a building that already significantly violated the side setback. He said there were other buildings in the area that were similarly situated, so an argument legally existed that if the neighborhood does not reflect what the zoning requires, a variance can be obtained for that. He noted that their request was very minor.

Acting Chair Margeson opened the public hearing.

SPEAKING TO, FOR, OR AGAINST THE PETITION

No one spoke, and Acting Chair Margeson closed the public hearing.

DECISION OF THE BOARD [Timestamp 2:52:02]

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

Mr. Mattson said granting the variances would not be contrary to the public interest, and the spirit of the ordinance would be observed. He said the proposed use would remain the same and would not conflict with the purpose of the ordinance because that side of the building had existed for hundreds of years and it would not alter the essential character of the neighborhood because it would not be visible from the street and would barely impose on what was already there. He said substantial justice would be done because the benefit to the applicant would not be outweighed by harm to the general public. He said the rehabilitation of the property and dwellings made sense because it would benefit the applicant, and there was no evidence that it would harm the public. He said granting the variances would not diminish the values of surrounding properties because the building was being renovated and its value would be improved. He said literal enforcement of the ordinance would result in an unnecessary hardship due to the special conditions of the property, and there was no fair and substantial relationship between the purposes of the ordinance and the specific application to the property. He said the building had existed well before the zoning and had not been a problem, so the light, air and privacy were reasonable for the location, and the building was not visible from the street. He said the proposed use is a reasonable one and that it would still be a multi-family residential building with a few reduced units and with minimal changes visible from the street. Mr. Nies concurred and had nothing to add.

*The motion **passed** unanimously, 6-0.*

ADJOURNMENT

The meeting adjourned at 9:55 p.m.

Submitted,

Joann Breault
BOA Meeting Minutes Taker



City of Portsmouth
Planning Department
1 Junkins Ave, 3rd Floor
Portsmouth, NH
(603)610-7216

MEMORANDUM

TO: Zoning Board of Adjustment
FROM: Jillian Harris, Principal Planner
Stefanie Casella, Planner
DATE: September 10, 2025
RE: Zoning Board of Adjustment September 16, 2025

The agenda items listed below can be found in the following analysis prepared by City Staff:

II. New Business

- A. 955 US Route 1 Bypass
- B. 170-172 Gates Street
- C. 20 Pray Street
- D. 28 Whidden Street – Request for Postponement
- E. 51 Morning Street – Request for Postponement
- F. 15 Marjorie Street
- G. 86 South School Street – Request for Postponement
- H. 87 Grant Avenue
- I. 409 Lafayette Road

II. NEW BUSINESS

- A.** The request of **955 US Route 1 Bypass LLC (Owner)**, for property located at **955 US Route 1 Bypass** whereas relief is needed to remove the existing freestanding sign and install a new freestanding sign which requires the following: 1) Variance from Section 10.1253.10 to allow a freestanding sign setback of 15 feet where 20 feet are required. Said property is located on Assessor Map 142 Lot 36 and lies within the Business (B) District and Sign District 4. (LU-25-113)

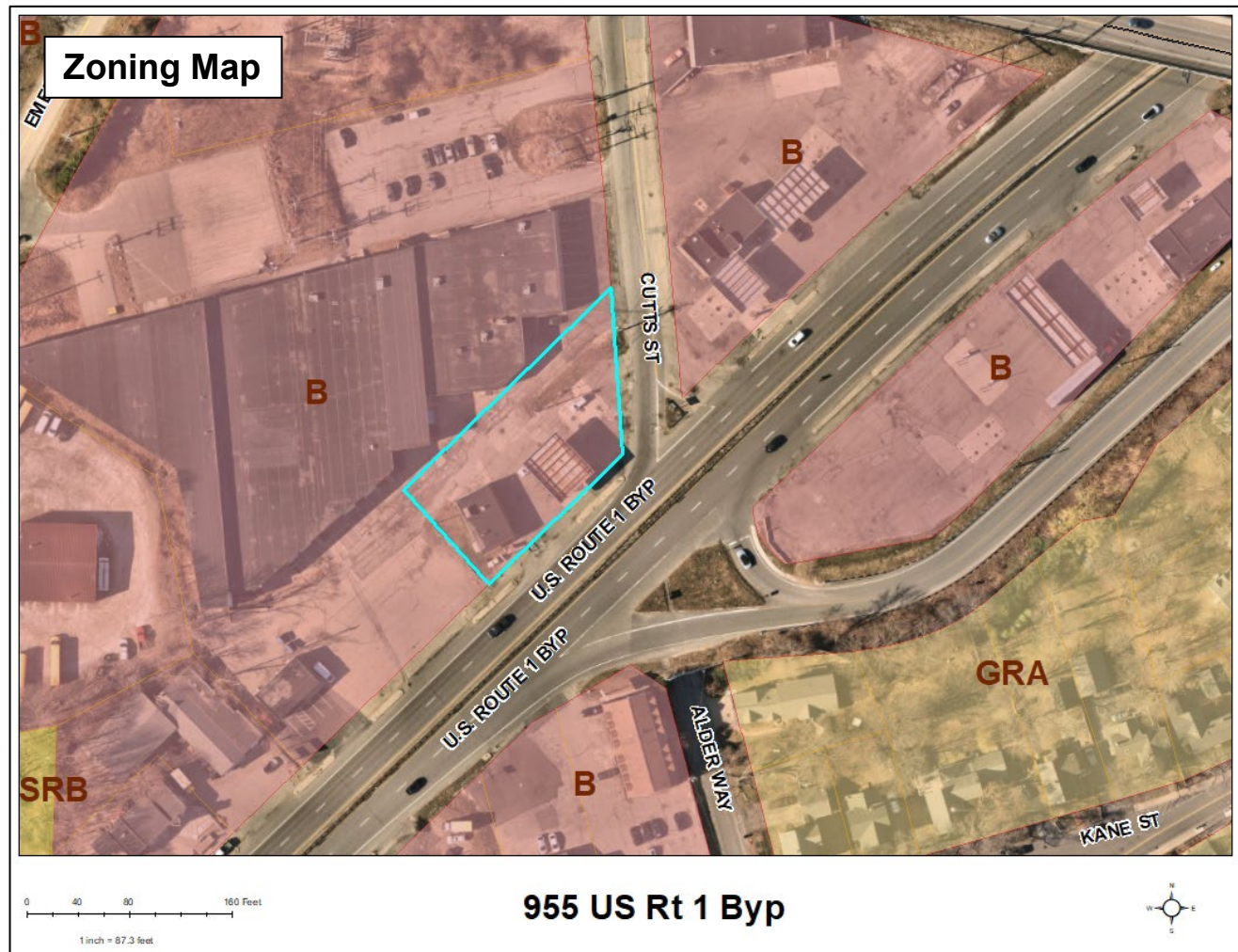
Existing & Proposed Conditions

	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Commercial Gas Station	Construct new freestanding sign	Mixed Use District
<u>Freestanding Sign Setback (ft.):</u>	15	15	20 min.
<u>Free Standing Sign Area (sq.ft)</u>	50.38	45	100 min.
<u>Estimated Age of Structure:</u>	1947	Variance request(s) shown in red.	

Other Permits/Approvals Required

- Sign Permit

Neighborhood Context



Previous Board of Adjustment Actions

October 24, 1989 – The Board **denied** the request for a Variance from Article II, Section 10-206 (17) (g) to allow the erection of a 36' x 48' pump island canopy with a vertical height of 16' and with a 1-1/2' front yard where a 50' front yard is required.

November 21, 1989 – The board **granted** the request to rehear the decision made on October 24, 1989.

December 5, 1989 – The Board **denied** the request for a Variance from Article II, Section 10-206 (17) (g) to allow the erection of a 36' x 48' pump island canopy with a vertical height of 16' and with a 1-1/2' front yard where a 50' front yard is required.

January 23, 1990 – The Board **granted** the request for a Variance from Article II, Section 10-206 (17) (g) to allow the installation of a canopy (36' x 43') with a 16' clearance over 2 gas pump islands with a 7' front lot line setback in a zone where front setbacks shall be 50'.

Planning Department Comments

The applicant is requesting relief to construct a new freestanding sign with a setback of 15 feet where 20 feet are required.

Freestanding signs are permitted in the Business District. There are currently 2 freestanding signs on the property and the applicant is proposing to remove the existing signs and replace them with 1 freestanding sign.

Variance Review Criteria

This application must meet all five of the statutory tests for a **variance** (see Section 10.233 of the Zoning Ordinance):

1. *Granting the variance would not be contrary to the public interest.*
2. *Granting the variance would observe the spirit of the Ordinance.*
3. *Granting the variance would do substantial justice.*
4. *Granting the variance would not diminish the values of surrounding properties.*
5. *The “unnecessary hardship” test:*
 - (a) *The property has special conditions that distinguish it from other properties in the area.*
AND
 - (b) *Owing to these special conditions, a fair and substantial relationship does not exist between the general public purposes of the Ordinance provision and the specific application of that provision to the property; and the proposed use is a reasonable one.*
OR
Owing to these special conditions, the property cannot be reasonably used in strict conformance with the Ordinance, and a variance is therefore necessary to enable a reasonable use of it.

10.235 Certain Representations Deemed Conditions

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

Addendum to Variance, 955 US Rt 1, Portsmouth, NH

We are requesting a variance to reduce the setback for a sign from 20 feet to 15 feet. The site is in Zone Business and is in sign zone 4.

The site is being upgraded, cleaned up and renovated, and is becoming a Sunoco.

There are currently 2 road signs, one a small Pricer, and the other an ID sign on a base that is cracked and needs to be replaced. The ID Sign has a setback of 15', and we wish to replicate this.

Thus, the two signs will become one.

The site is such that the only logical place to put a sign is adjacent to the building; this presents a setback issue, and the result is that we cannot achieve the required setback.

We are requesting a variance in terms of:

10.1253.10 The maximum and minimum heights and minimum setbacks for signs which in this case is 20 ft.

1. Granting this variance would not be contrary to the Public Interest

The requested setback maintains the setback of the existing sign. There is no logical location other than this to place the sign due to the location of the building, the canopy and the entrances and exits. The existing ID sign is at the same setback, and this location does not present a hazard.

It is in the interest of the users of the station and the public that the sign be visible, and prices displayed clearly so that traffic safety is enhanced.

2. The proposed use will observe the spirit of the ordinance:

The purpose of the Sign code, among others, is to maintain and enhance the character of the city's commercial districts. This entire upgrade, including the sign, turns a blighted property into an attractive site.

Adding a new sign will consolidate the number of freestanding signs from 2 to 1 and will declutter the area of the site.

3. Substantial Justice would be done to the Property owner by granting the Variance:

The proposed sign is really in the only logical place for it. One cannot move it north, or it would impede the lot, and one cannot move it south as it would impede the setback from the adjacent property. It is necessary for gas stations to advertise the brand and the price, and without this relief, this would be difficult to do.

4. The proposed use will not diminish the values of surrounding properties:

Allowing this change will not result in a change in the essential character of the neighborhood. The setback does not change, and the reduction of signage will improve property values. It will have a positive effect on the values of other properties.

5. Literal enforcement of the provisions of the ordinance would result in unnecessary hardship because:

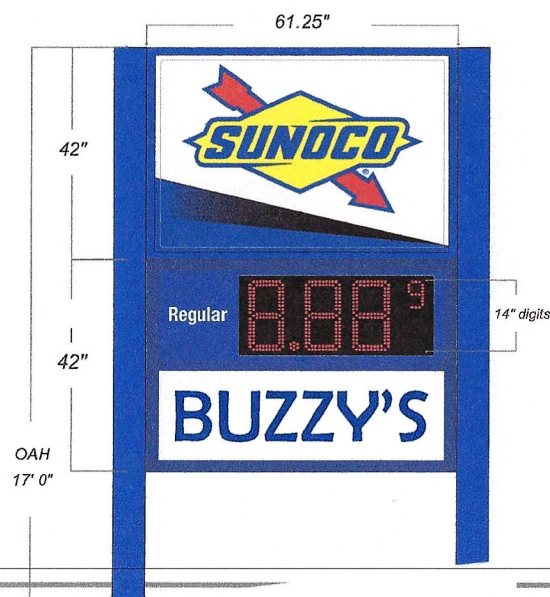
The 20 ft setback rule is impossible to meet in this case because of the layout of the site and building and the canopy. If this variance was denied, the owner would not be able to advertise the business, and especially prices in an effective manner.

We request the Boards favorable decision.

EXISTING



PROPOSED



66 Gold Ledge Avenue,
Auburn, NH 03032
603.437.1200
FAX: 603.437.1222
www.nhsigns.com

- DESIGN
- MANUFACTURE
- INSTALL
- SERVICE

CLIENT:
SUNOCO
PORTSMOUTH, NH

LOCATION:
955 US RET 1 BYPASS
PORTSMOUTH, NH

DATE:
07*9/25

ACCT. REP:
PM / NM

DESIGNER:
KAREN DAVIS

Rev#	Date:
1. 15FT -CURB	7/18/25
2. site plot plan	7/29/25

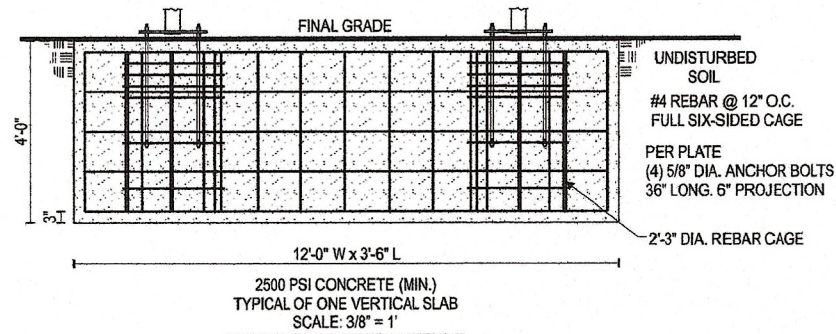
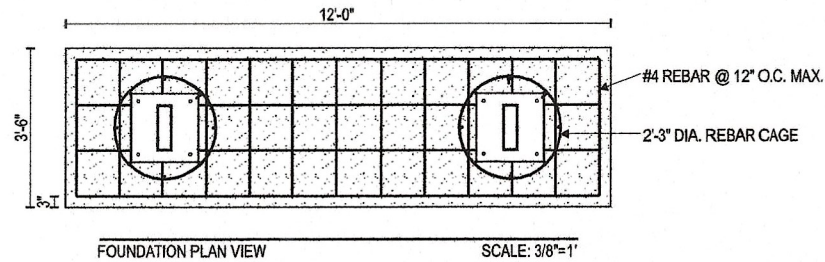
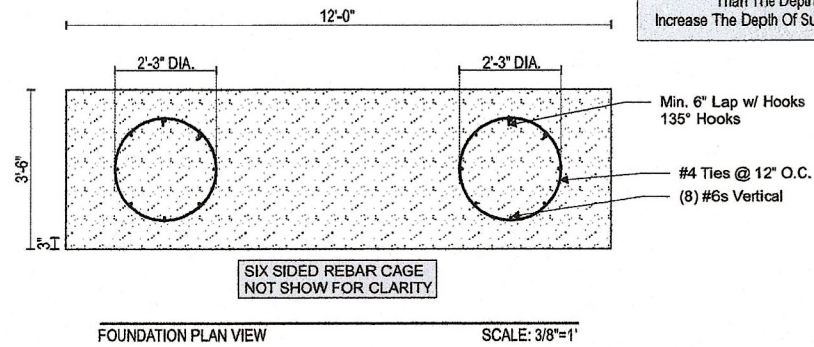
FILE NAME LOC:
SUNOCO
PORTSMOUTH, NH (955)
MID

Please Note: It is the customer's responsibility to provide primary electrical service including ground wiring directly from panel box, to within six (6') of sign's installation to comply with N.E.C. 800.

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PAGE: 1-r2

ME #: 63950



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THE DIMENSIONAL
LOCATIONS OF THE
VERTICAL SUPPORTS

If It Is Determined That The Actual Frost Depth Is Greater Than The Depth Of Any Footing Shown On This Document, Increase The Depth Of Such Footing(s) To 6" Below The Local Frostline Depth.



183 Edgewater Ct
Mocksville, NC 27028

Structural Sign Design
&
Engineering Services

Ph: (811) 813-7439
Email: sean@signstructures.com
Web: www.signstructures.com

SHELL

Address: MAIN AND CEDAR

City/State: HOPKINTON, MA

Client: NH SIGNS

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FOUNDATION ONLY.
NO CABINET ENGINEERING
PROVIDED OR IMPLIED.

Initial Drawing: (63950) DS

NC Firm Registration: F-1136
Massachusetts License Number: 45943
Massachusetts Expiration Date: 6/30/2024

The electronic seal appearing on this document was
authorized by Sean M. McFarland, PE on November 10, 2023.



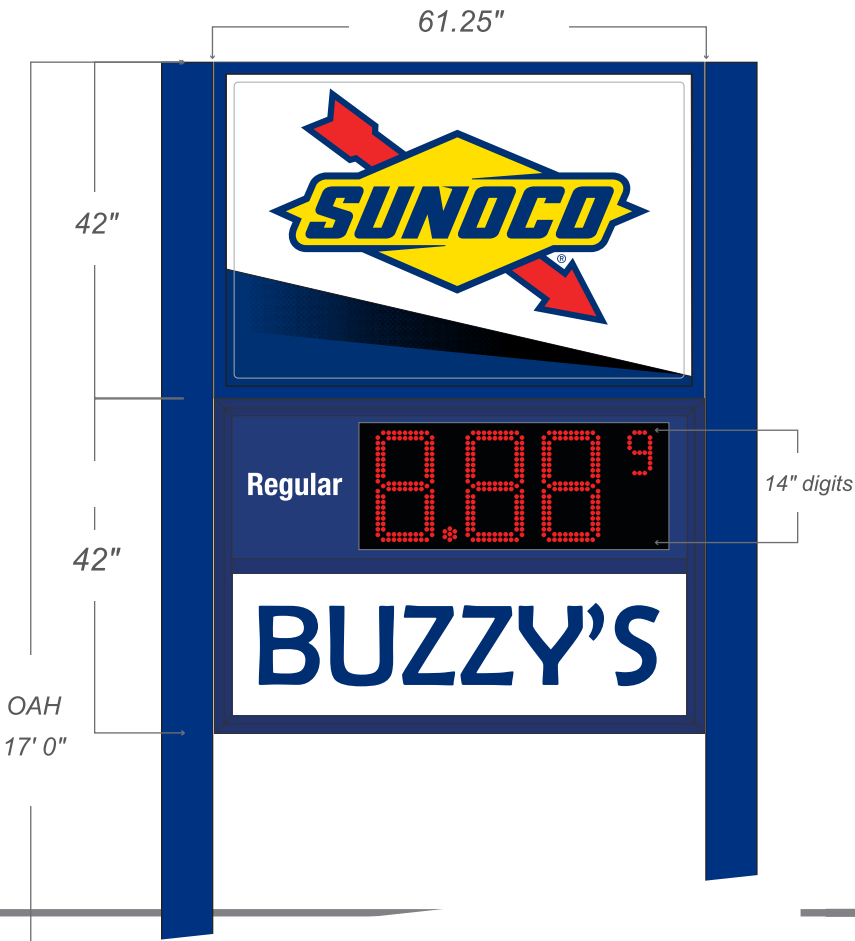
Date: 11-10-2023

Sheet #: 2 of 2

EXISTING



PROPOSED



66 Gold Ledge Avenue,
Auburn, NH 03032
603.437.1200
FAX 603.437.1222
www.nhsigns.com

- DESIGN
- MANUFACTURE
- INSTALL
- SERVICE

CLIENT:

SUNOCO
PORTSMOUTH, NH

LOCATION:

955 US RET 1 BYPASS
PORTSMOUTH, NH

DATE:

07*9/25

ACCT. REP:

PM / NM

DESIGNER:

KAREN DAVIS

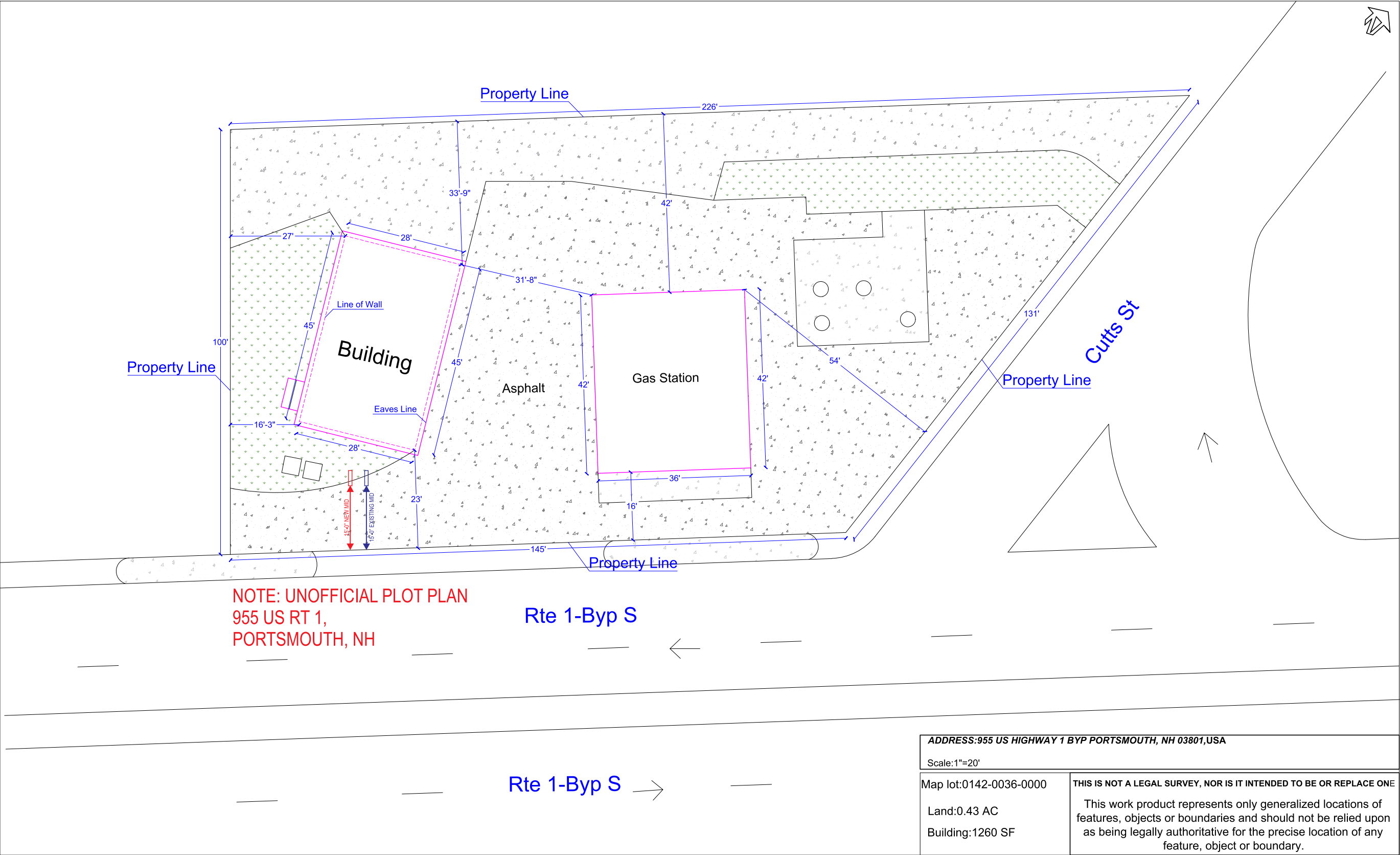
Rev#	Date:
1. 15FT -CURB	7/18/25
2.site plot plan	7/29/25

FILE NAME LOC:

SUNOCO
PORTSMOUTH, NH (955)
MID

Please Note: it is the customers responsibility to
provide primary electrical service (including ground wiring)
directly from panel box, to within six ft. of sign(s).
Installation to comply with N.E.C.600

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NOTE: UNOFFICIAL PLOT PLAN
955 US RT 1,
PORTSMOUTH, NH

Rte 1-Byp S

Rte 1-Byp S

ADDRESS: 955 US HIGHWAY 1 BYP PORTSMOUTH, NH 03801, USA

Scale: 1"=20'

Map lot: 0142-0036-0000

Land: 0.43 AC

Building: 1260 SF

THIS IS NOT A LEGAL SURVEY, NOR IS IT INTENDED TO BE OR REPLACE ONE

This work product represents only generalized locations of features, objects or boundaries and should not be relied upon as being legally authoritative for the precise location of any feature, object or boundary.



66 Gold Ledge Avenue,
Auburn, NH 03032

603.437.1200
FAX 603.437.1222
www.nhsigns.com

DESIGN

MANUFACTURE

INSTALL

SERVICE



Underwriters
Laboratories, Inc.
ELECTRIC SIGN

CLIENT:

SUNOCO
PORTSMOUTH, NH

LOCATION:

955 US RET 1 BYPASS
PORTSMOUTH, NH

DATE:

07*9/25

ACCT. REP:

PM / NM

DESIGNER:

KAREN DAVIS

Rev#

Date:

1. 15FT -CURB

7/18/25

2. site plot plan

7/29/25

FILE NAME LOC:

SUNOCO
PORTSMOUTH, NH (955)
MID

Please Note: it is the customers responsibility to
provide primary electrical service (including ground wiring)
directly from panel box, to within six ft. of sign(s).
Installation to comply with N.E.C.600

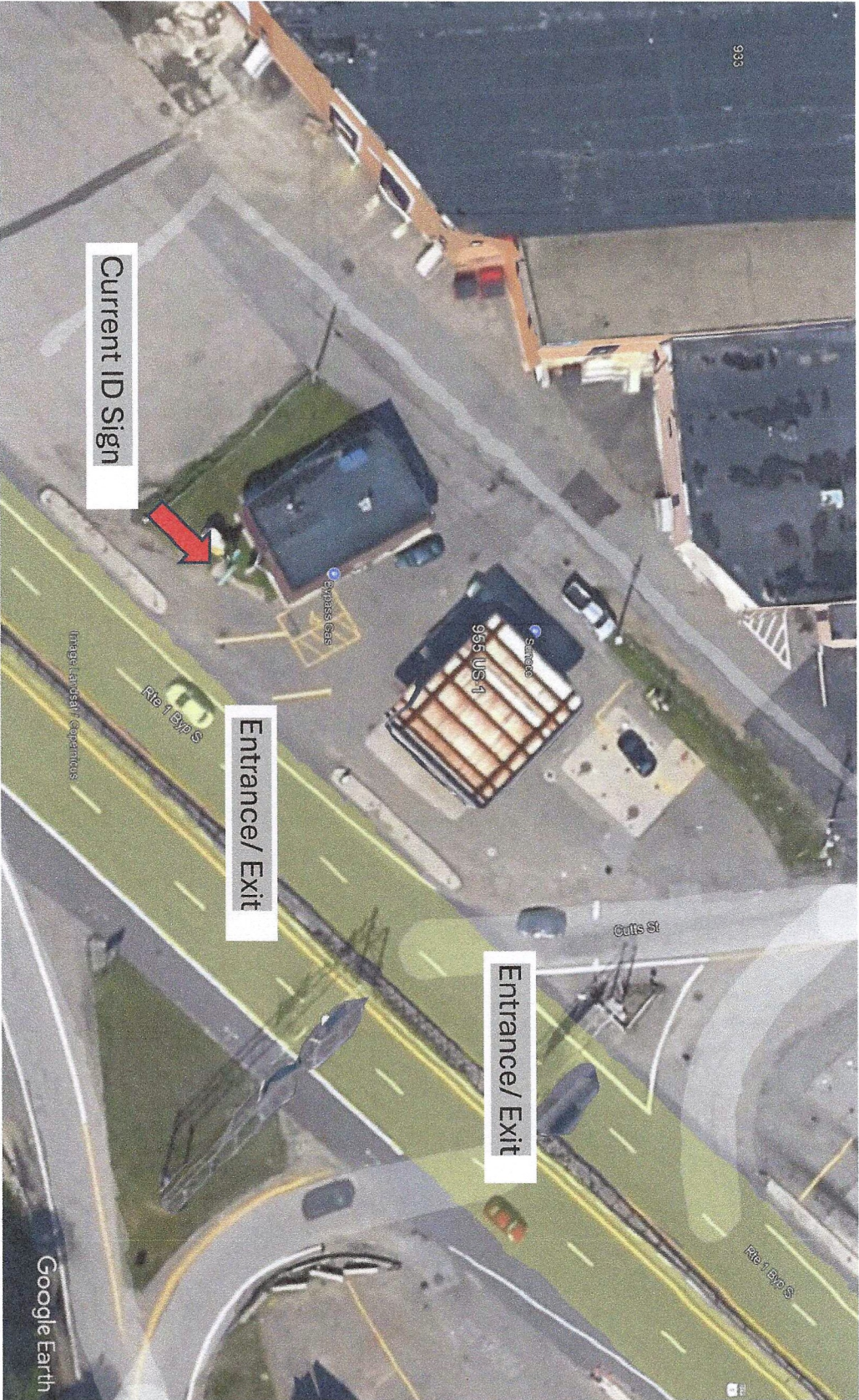
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PAGE: 2-r2

Property ID	0142-0036-0000
Location	955 US ROUTE 1 BYP
Owner	955 ROUTE 1 BY PASS LLC



957 US-1 BYP
Portsmouth, New Hampshire
[View on Google Maps](#)

[Back to Map](#)





To whom it may concern:

This letter authorizes Indaba Holdings, dba. NH Signs of 66 Gold Ledge Ave., Auburn, NH, to act as an authorized agent for Charlie Mahady with respect to the submission of applications for sign permits, sign waiver requests, variances, or other permit related documents to the Town of Fairbairn

As an authorized agent of the owner, NH Signs is allowed to sign and submit all forms necessary for the aforementioned application.

Date: 3/3/2025

Regards,

Charlie M Mahady
Signature

President
Title

II. NEW BUSINESS

- B.** The request of **Katherine Ann Bradford 2020 Revocable Trust (Owner)**, for property located at **170-172 Gates Street** whereas relief is needed to demolish the existing garage and construct a new garage which requires the following: 1) Variance from Section 10.521 to allow a) 45% building coverage where 30% is required, and b) 0 foot right side yard where 10 feet is required; and 2) Variance from Section 10.573.20 to allow a 0 foot rear yard where 10.5 feet is required. Said property is located on Assessor Map 103 Lot 19 and lies within the General Residence B (GRB) and Historic Districts. (LU-24-116)

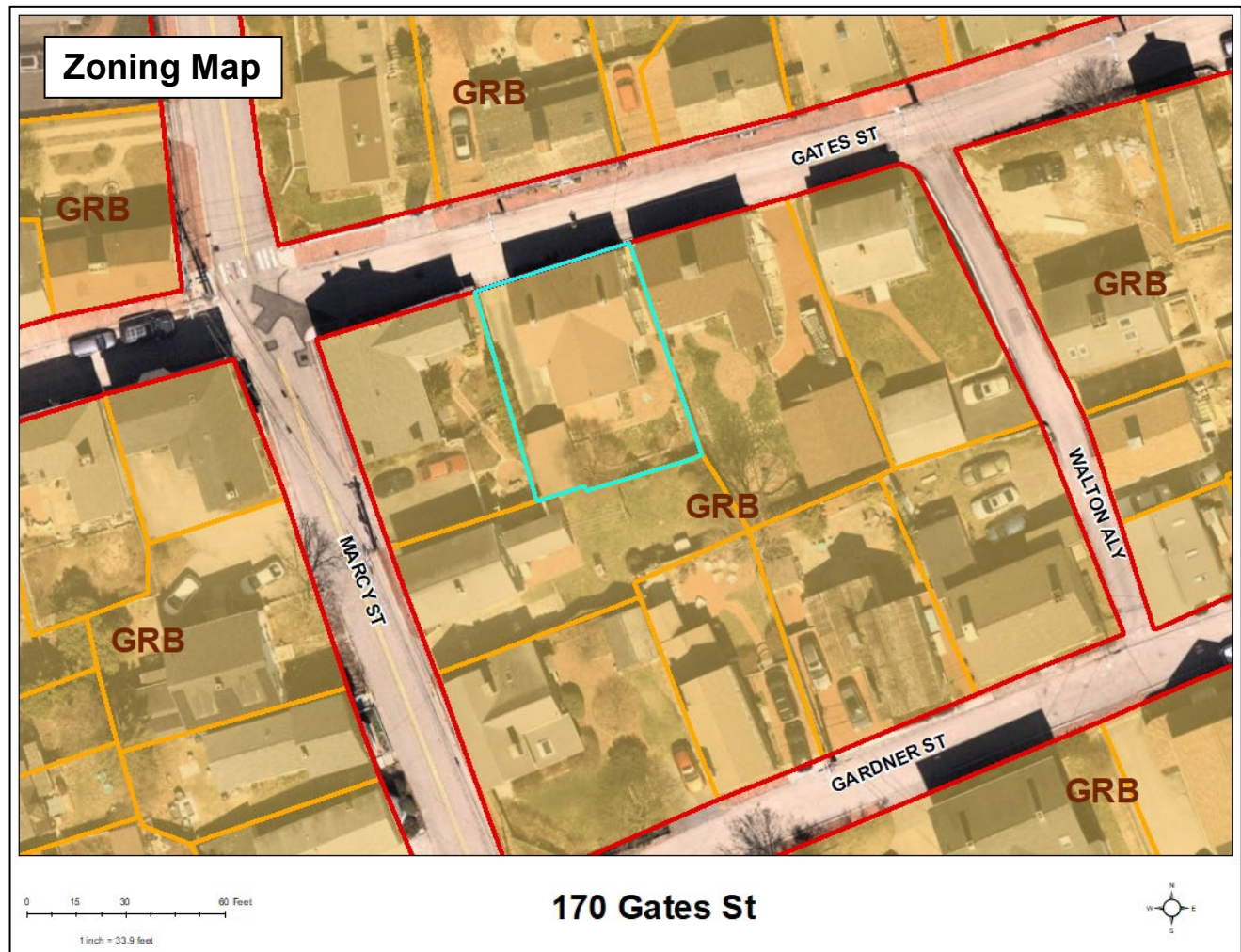
Existing & Proposed Conditions

	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Single-family	Demolish and reconstruct garage	Mixed-Use
<u>Lot area (sq. ft.):</u>	3,393	3,393	5,000 min.
<u>Lot Area per Dwelling Unit (sq. ft.):</u>	3,393	3,393	5,000 min.
<u>Front Yard (ft.):</u>	1.5	1.5	5 min.
<u>Left Yard (ft.):</u>	5	5	10 min.
<u>Right Yard (ft.):</u>	0	0	10 min.
<u>Rear Yard (ft.):</u>	0	0	10.5 min.
<u>Garage Height (ft.):</u>	10.5	10.5	35 max.
<u>Building Coverage (%):</u>	46	45	30 max.
<u>Open Space Coverage (%):</u>	>25	>25	25 min.
<u>Parking</u>	2	2	2
<u>Estimated Age of Structure:</u>	1780	Variance request(s) shown in red.	

Other Permits/Approvals Required

- Building Permit
- Historic District Commission Approval

Neighborhood Context



Previous Board of Adjustment Actions

July 16, 2024 – The Board **granted** the request to demolishing the existing garage and the small rear addition, and constructing a new garage in the same location as the existing garage and construct a side entryway roof which requires the following: 1) Variance from Section 10.521 to allow a) 45% building coverage where 30% is required, and b) 0 foot right side yard where 10 feet is required; 2) Variance from Section 10.573.20 to allow a 0 foot rear yard where 10.5 feet is required; 3) Variance from Section 10.321 to allow a nonconforming building or structure to be extended, reconstructed or enlarged without conforming to the requirements of the Ordinance.

Planning Department Comments

The applicant is requesting relief to demolish and reconstruct the garage to the same dimensions. The applicant was granted a variance by the Board on [July 16, 2024](#) for a similar garage design. The garage proposed in this application is slightly bigger, however the relief requested is the same that was granted in the 2024 approval.

Variance Review Criteria

This application must meet all five of the statutory tests for a **variance** (see Section 10.233 of the Zoning Ordinance):

1. *Granting the variance would not be contrary to the public interest.*
2. *Granting the variance would observe the spirit of the Ordinance.*
3. *Granting the variance would do substantial justice.*
4. *Granting the variance would not diminish the values of surrounding properties.*
5. *The “unnecessary hardship” test:*
 - (a) *The property has special conditions that distinguish it from other properties in the area.*
AND
 - (b) *Owing to these special conditions, a fair and substantial relationship does not exist between the general public purposes of the Ordinance provision and the specific application of that provision to the property; and the proposed use is a reasonable one.*
OR
Owing to these special conditions, the property cannot be reasonably used in strict conformance with the Ordinance, and a variance is therefore necessary to enable a reasonable use of it.

10.235 Certain Representations Deemed Conditions

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

**170-172 Gates Street
Map 103 Lot 14**

Rebuild Existing Detached Garage

To permit the following:

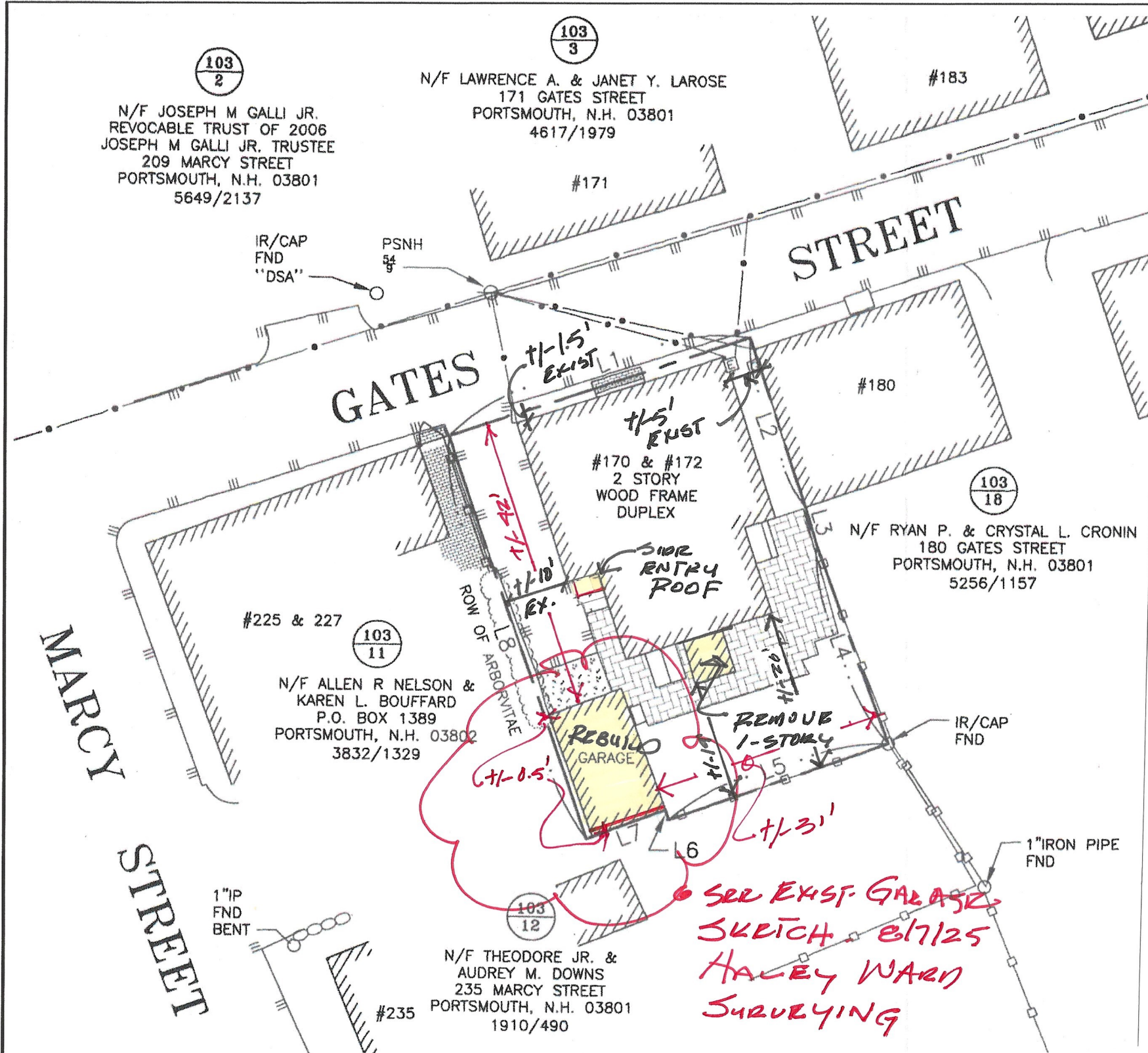
1. Rebuild Garage at 12.3' wide x 20.4' long, 251sf, Variance approved on 7/16/24 had the Garage at 12' wide by 20' long, 240sf. The Building Coverage of 45% remains the same.

The undersigned agrees that the following circumstances exist.....

1. As stipulated for the Building Permit, the Existing Garage was surveyed prior to scheduling demolition and the exact dimensions and setbacks were documented. The minor increase in size is the reason for this request. It does not change the approved variances, but adds 11 sf to the non-conforming structure. The added 11sf, does not change the approved Building Coverage (BC) of 45%. The approved BC was 44.47% and the requested BC is 44.78%

Criteria for the Variance:

1. The Variances are not contrary to the public interest in that many properties in this neighborhood are non-conforming to Building Area & Setbacks. The Garage will be rebuilt over the existing footprint
2. The Variances are consistent with the spirit of the ordinance in that it will allow this current Garage Use to be continued.
3. Substantial justice will be done, as the Variances will not expand the approved building coverage.
4. These Variances will not diminish the value of surrounding properties. The rebuilt Garage will replace a dilapidated structure.
5. The special condition of this property is the non-conformity of the Existing Garage and Lot. The Lot at 3393sf is just 67% of the required 5000sf in this Zone.



PROPOSED LOT PLAN
 SCALE: 1" = 20'-0"
 NOTES: 1. LOT PLAN GENERATED FROM BOUNDARY SURVEY SKETCH, BY AMBIT ENGINEERING, INC., NOVEMBER 2015, 200 GRIFFIN RD.
 2. SEE UPDATED EXISTING GARAGE SKETCH BY HALEY WARD SURVEYING AUGUST 2025

RENOVATIONS & GARAGE REBUILD

170-172 GATES STREET PORTSMOUTH, NH
 FOR: KATHERINE BRADFORD

MAP 103 LOT 19
 GENERAL RESIDENCE B (GRB)

LOT AREA 3393 SF

ALLOW. BUILDING COVERAGE 30%

EXISTING BUILDING COVERAGE

EXISTING RESIDENCE	1254 SF
1-STORY REAR ADDITION TO BE REMOVED	49 SF
EXISTING GARAGE	252 SF
	1555 SF (46%)

PROPOSED BUILDING COVERAGE

EXISTING RESIDENCE	1254 SF
REBUILT GARAGE	251 SF
SIDE ENTRY ROOF	15 SF
	1520 SF (45%)



ONE STORY ELL TO BE REMOVED

PROPOSED LOT PLAN

RENOVATIONS & GARAGE REBUILD, BRADFORD RESIDENCE
 170 - 172 GATES STREET PORTSMOUTH, NH

801 Islington St, Suite 32
 Portsmouth, NH 03801
 603-502-4387
 archwhit@aol.com

ANNE WHITNEY ARCHITECT

Project: #2304 Date: 6/18/24

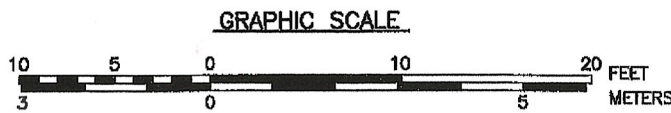
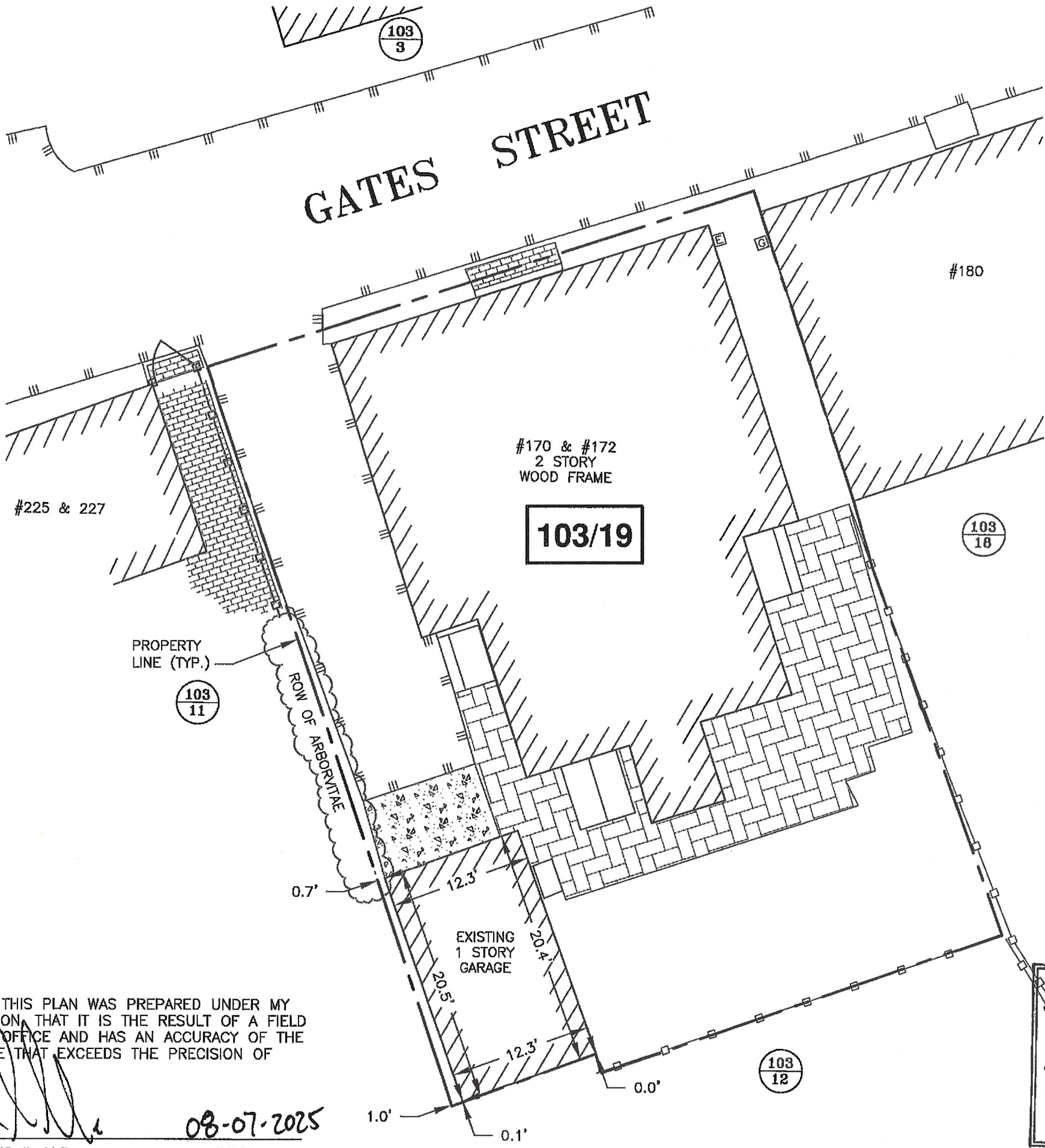
Revisions:
 REV 8/11/25

1 OF 2

EXISTING GARAGE SKETCH

OWNER: KATHERINE ANN BRADFORD 2020 REVOCABLE TRUST
PROPERTY LOCATION: 170-172 GATES STREET
CITY OF PORTSMOUTH
COUNTY OF ROCKINGHAM
STATE OF NEW HAMPSHIRE

- NOTES:
- 1) PARCEL IS SHOWN ON THE CITY OF PORTSMOUTH ASSESSOR'S MAP 103 AS LOT 19.
 - 2) PARCEL AREA: 3,393 S.F.
 - 3) DIMENSION FROM PROPERTY LINES TO EXISTING GARAGE ARE MEASURED PERPENDICULAR TO PROPERTY LINES.
 - 4) THE PURPOSE OF THIS PLAN IS TO SHOW THE LOCATION AND DIMENSIONS OF THE EXISTING GARAGE.



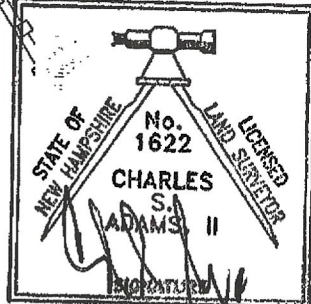
DEED REFERENCE: 6190/1306
PLAN REFERENCE: J.W.DURGIN PLAN NO. 3287

SCALE: 1" = 10' AUGUST 2025

"I CERTIFY THAT THIS PLAN WAS PREPARED UNDER MY DIRECT SUPERVISION, THAT IT IS THE RESULT OF A FIELD SURVEY BY THIS OFFICE AND HAS AN ACCURACY OF THE CLOSED TRAVERSE THAT EXCEEDS THE PRECISION OF 1:15,000."

CHARLES S. ADAMS II, LLS

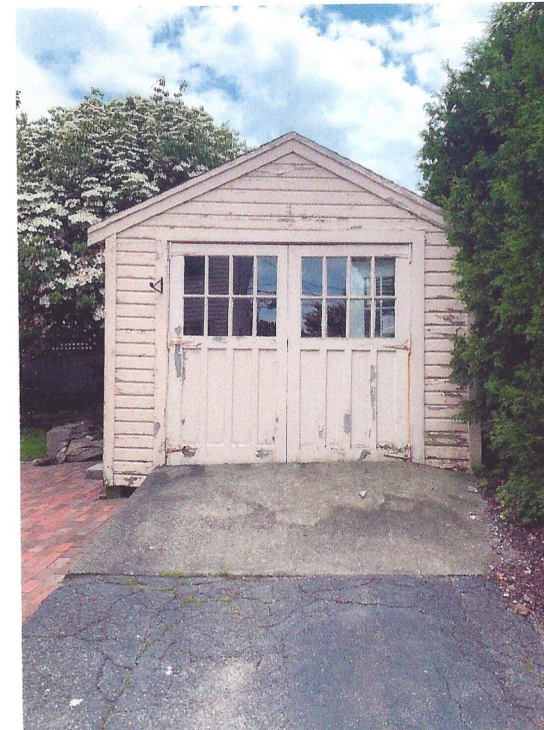
08-07-2025
DATE



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



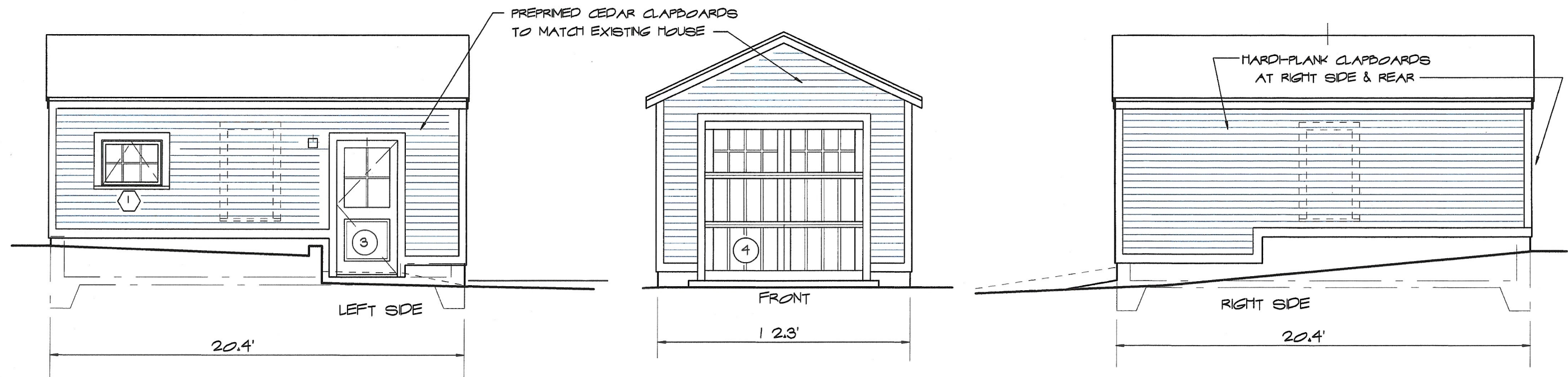
GARAGE EXIST LEFT SIDE



GARAGE EXIST FRONT



GARAGE EXIST RIGHT SIDE



REBUILT GARAGE ELEVATIONS
SCALE: 3/16" = 1'-0"

REVISED REBUILT
GARAGE DIMENSIONS

RENOVATIONS & GARAGE REBUILT, BRADFORD RESIDENCE

170 - 172 GATES STREET

801 Islington St, Suite 32
Portsmouth, NH 03801
603-562-4387
archwhit@aol.com

ANNE WHITNEY ARCHITECT

PORTSMOUTH, NH

Project: # 2304
Revisions:
REV. 8/11/25

Date: 10/9/24

2 OF 2

II. NEW BUSINESS

- C. The request of **445 Marcy Street, LLC (Owner) and Blue Sky Development Group, LLC (Applicant)**, for property located at **20 Pray Street** whereas relief is needed to construct a single-dwelling and Accessory Dwelling Unit which requires the following: 1) Variance from Section 10.1114.31 to allow a second driveway where only one is permitted; and 2) Variance from Section 10.571 to allow an accessory structure to be located closer to the street than the principal structure. Said property is located on Assessor Map 101 Lot 3-1 and lies within the General Residence B (GRB) and Historic Districts. (LU-25-89)

Existing & Proposed Conditions

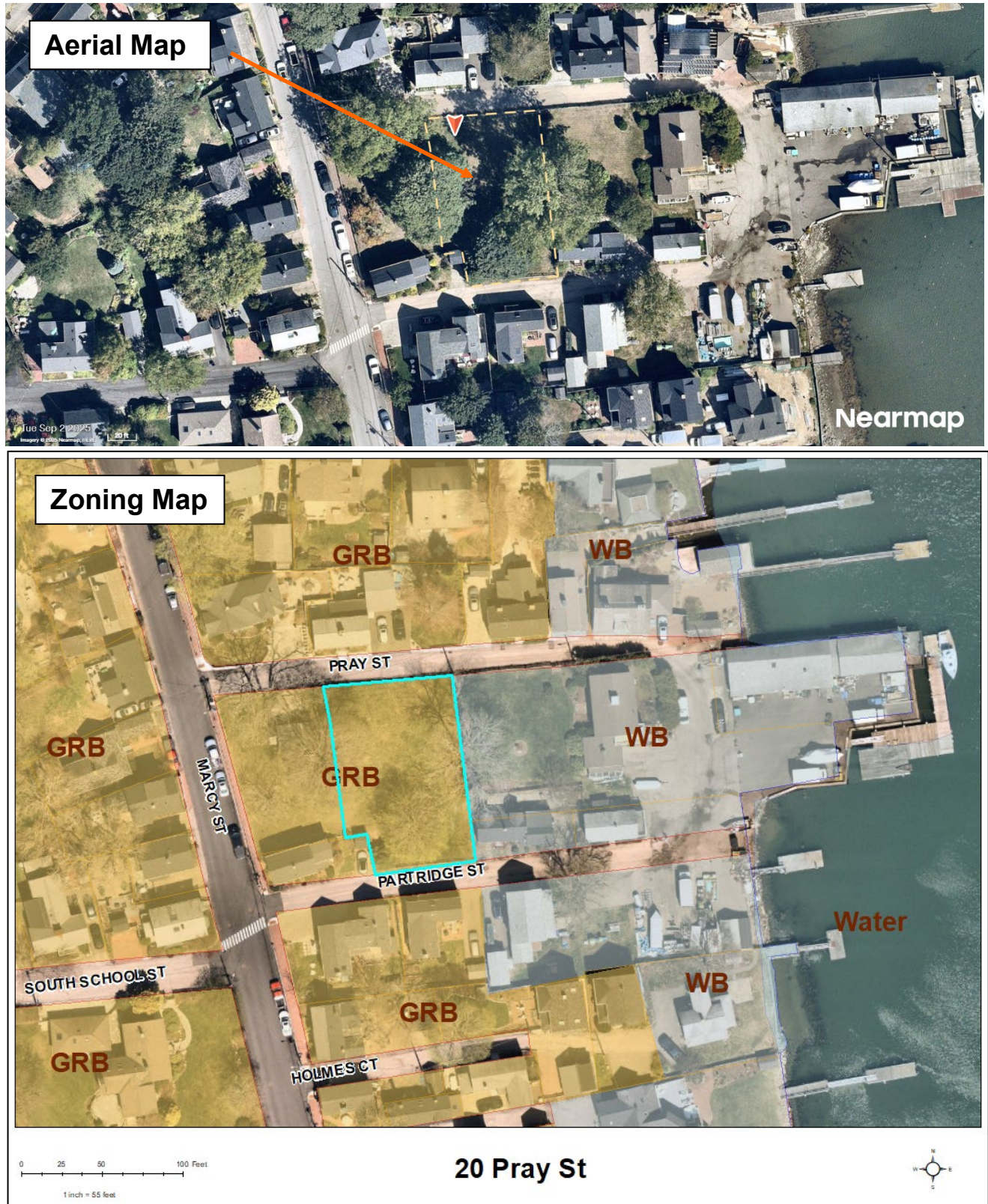
	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Vacant Lot	*Construct a primary structure, ADU, and second driveway to service the new ADU	Primarily residential
<u>Parking:</u>	0	3	3
<u>Estimated Age of Structure:</u>	1934	Variance request(s) shown in red.	

*Relief needed for the location of the garage/ADU, proposed closer to the street than the primary structure on the secondary front yard side.

Other Permits/Approvals Required

- Building Permit
- Historic District Commission Approval

Neighborhood Context



Previous Board of Adjustment Actions

No previous BOA history was found.

Planning Department Comments

The applicant is requesting relief to construct a second driveway to service the proposed accessory dwelling unit (ADU) and for an accessory structure that is proposed closer to the street than the primary structure on the secondary front yard side. The parcel is a through lot with primary frontage on Pray Street and secondary frontage on Partridge Street. The second driveway that will serve as the driveway for the ADU is proposed on Partridge Street.

Variance Review Criteria

This application must meet all five of the statutory tests for a **variance** (see Section 10.233 of the Zoning Ordinance):

1. *Granting the variance would not be contrary to the public interest.*
2. *Granting the variance would observe the spirit of the Ordinance.*
3. *Granting the variance would do substantial justice.*
4. *Granting the variance would not diminish the values of surrounding properties.*
5. *The “unnecessary hardship” test:*
 - (a) *The property has special conditions that distinguish it from other properties in the area.*
AND
 - (b) *Owing to these special conditions, a fair and substantial relationship does not exist between the general public purposes of the Ordinance provision and the specific application of that provision to the property; and the proposed use is a reasonable one.*
OR
Owing to these special conditions, the property cannot be reasonably used in strict conformance with the Ordinance, and a variance is therefore necessary to enable a reasonable use of it.

10.235 Certain Representations Deemed Conditions

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

**445 Marcy Street, LLC
20 Pray Street, Portsmouth
Tax Map 101, Lot 3-1**

Applicant's Narrative

The Applicant, Blue Sky Development Group, LLC and the owner, 445 Marcy Street, LLC¹, are developing the property at 20 Pray Street, which is presently a vacant lot.

The applicant received approval on July 2, 2025 from the Historic District Commission to construct a single-family dwelling with a detached garage with accessory use space on the property. The applicant desires to utilize the accessory space for an accessory dwelling unit. In consultation with Portsmouth Planning Department staff, we have determined that the recent amendments to RSA 674:71, :72 and :73, effective as of July 1, 2025, obviate the need for a Conditional Use Permit from the Planning Board for the proposed ADU.

Nevertheless, as proposed, the parking for the ADU is sited so as to be accessed via a second driveway on Partridge Street. This requires a variance from section 10.1114.31, which incorporates section 3.3.2.3 of the Site Plan Review Regulations, limiting driveways to one per lot.

In addition, as this is a through lot with frontage on both Pray and Partridge Streets, it has front yards on both streets. While the ADU meets the applicable front yard setback requirement from Partridge Street, it is closer to Partridge Street than the primary dwelling. This requires a variance from section 10.571 which prohibits an accessory structure from being closer to a street than the principal building.

The applicant could avoid the need for the driveway variance by proposing a 24 wide driveway on Pray Street, however, the applicant believes that a more effective and harmonious design would be to site the driveway on Partridge Street.

The applicant maintains the project as proposed meets all necessary criteria for granting the requested variances.

Granting the requested variances will not be contrary to the spirit and intent of the ordinance nor will it be contrary to the public interest. The “public interest” and “spirit and intent” requirements are considered together pursuant to Malachy Glen Associates v. Chichester,

¹ As of the date of this submission, 445 Marcy Street, LLC is the owner of record of the property. It is anticipated that title to the property will have been conveyed to Blue Sky Development Group, LLC by the time this matter is considered by the Board.

152 NH 102 (2007). The test for whether or not granting a variance would be contrary to the public interest or contrary to the spirit and intent of the ordinance is whether or not the variance being granted would substantially alter the characteristics of the neighborhood or threaten the health, safety and welfare of the public.

The essentially residential characteristics of the neighborhood would not be altered in any manner whatsoever by permitting a second driveway on Partridge Street or by permitting an accessory structure to be closer to Partridge Street than the primary structure on this through lot. The proposed development otherwise meets all dimensional requirements and the design has been thoroughly vetted and approved by the HDC. Thus, the essentially residential character of the neighborhood will remain. A single-family dwelling, which is permitted by right in this zone, and an ADU, which is required to be permitted pursuant to state law, both of which will feature modern, code-compliant construction, will not threaten the health, safety and welfare of the public in any manner.

Were the variances to be granted, there would be no change in the essential characteristics of the neighborhood, nor would any public health, safety or welfare be threatened.

Substantial justice would be done by granting the variance. Whether or not substantial justice will be done by granting a variance requires the Board to conduct a balancing test. If “there is no benefit to the public that would outweigh the hardship to the applicant” this factor is satisfied. Harborside Associates, L.P. v. Parade Residence Hotel, LLC, 162 N.H. 508 (2011). That is, “any loss to the [applicant] that is not outweighed by a gain to the general public is an injustice.” Malachy Glen, *supra* at 109. “Property” has been interpreted to mean not the tangible property itself, but rather the right to possess, use, enjoy and dispose of it. Burrows v. City of Keene, 121 N.H. 590, 597 (1981).

The proposed ADU will add much needed housing, consistent with local and state policy encouraging its introduction. The property is a through lot which has Pray Street as its primary front lot line. Compliance with the requirement that an accessory building be further set back from the secondary street line makes no sense on a through lot. A second driveway on Partridge Street is preferable to a 24 foot wide common driveway on Pray Street, as the latter would increase the potential for conflicts with the primary dwelling and with neighboring properties’ driveways on Pray Street.

In this case, there is no benefit to the public in denying the variances that is not far outweighed by the hardship upon the owner. Denying the variances would serve no public purpose that is not significantly outweighed by the resulting detriment to the applicant.

The values of surrounding properties will not be diminished by granting the variance. The proposed single-family dwelling and ADU will be new, fully code compliant construction with appropriate landscaping, vegetation and screening and will enhance the neighborhood significantly. The applicant will be making a substantial investment into the

property that will benefit the neighborhood. The project will comply with all setbacks and other dimensional requirements. The proposal to site a second driveway on Partridge Street is preferable to the alternative available. The values of the surrounding properties will not be diminished if the variances are granted.

There are special conditions associated with the property which prevent the proper enjoyment of the property under the strict terms of the zoning ordinance and thus constitute unnecessary hardship.

The property in question is a through lot with frontage on Pray and Partridge Streets. This is a special condition that distinguishes this property from others in the area. If this were a conventional lot with frontage on a single street, no variance from section 10.571 would be necessary, and the opportunity to site the parking space associated with the ADU to minimize conflicts would not be present.

The use is a reasonable use. A residential dwelling and detached ADU are permitted in this zone and are consistent with the uses within the immediate vicinity of this property. If the use is permitted, it is deemed reasonable. Vigeant v. Hudson, 151 NH 747 (2005).

There is no fair and substantial relationship between the purpose of the ordinance and its application to this particular property.

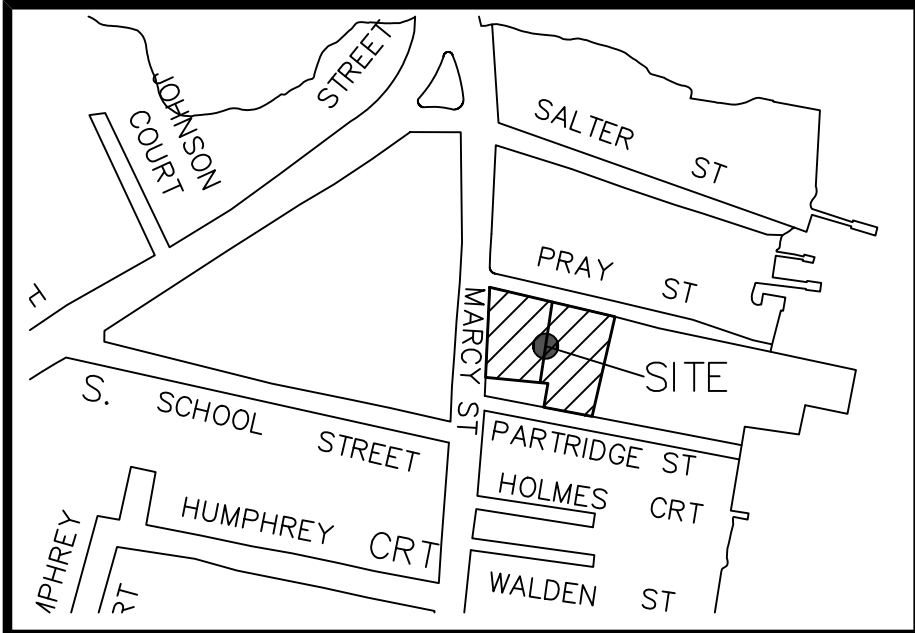
The proposed accessory structure is very obviously subservient to the primary dwelling, notwithstanding it being closer to Partridge Street, and would be fully compliant with section 10.517 but for the fact that this is a through lot with frontage on two streets. The prohibition on more than one driveway per lot is intended to mitigate possible conflicts among driveways on neighboring parcels. Siting a second driveway on the opposite side of the property, as opposed to having a much larger driveway on Pray Street, servicing the property, accomplishes the ordinance's purpose of mitigating potential vehicular conflicts among neighboring properties. There is no fair and substantial relationship between the purposes of these ordinances and their relationship to this property.

Respectfully Submitted,

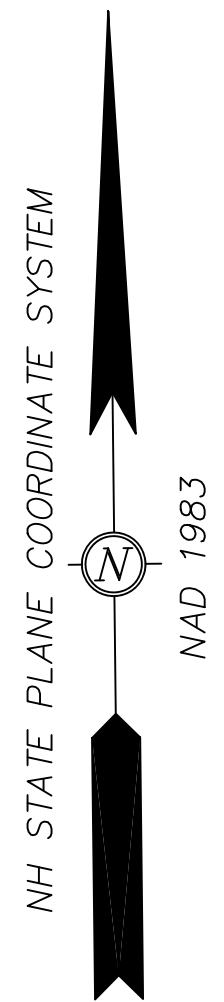
Date: August 19, 2025

Christopher P. Mulligan

Christopher P. Mulligan, Esquire
Attorney for the Applicant



LOCUS
(N.T.S.)



LEGEND:

- IRON ROD (AS NOTED)
- ▲ SURVEY NAIL (AS NOTED)
- POST & RAIL FENCE
- WOOD FENCE
- ▤ BRICK SIDEWALK
- ▥ CONCRETE
- ▦ STONE RETAINING WALL
- ▧ CRUSHED STONE
- UTILITY POLE
- ☆ UTILITY POLE W/TRANSFORMER
- GUY
- OHW— OVERHEAD WIRES
- UTILITY POLE WITH ARM & LIGHT
- Ⓜ ELECTRIC METER
- RCD ROCKINGHAM COUNTY REGISTRY OF DEEDS
- 101-03 TAX SHEET / LOT NO.
- EOP EDGE OF PAVEMENT
- LA LANDSCAPED AREA
- ▤ CATCH BASIN
- ⊙ SEWER MANHOLE
- ⊙ SEWER CLEAN OUT
- W — WATER LINE
- S — SEWER LINE
- D — DRAIN LINE
- G — GAS LINE
- ⌵ WATER GATE VALVE
- ⌵ WATER SHUT OFF VALVE
- ⌵ HYDRANT
- VGC VERTICAL FACED GRANITE CURB
- RWW WOOD RETAINING WALL
- PSNH PUBLIC SERVICE CO. OF NH
- PP/PL PLASTIC GAS LINE
- Ⓜ GAS METER
- ⊙ DECIDUOUS TREE
- ⊙ CONIFEROUS TREE
- ⊙ DOWN SPOUT
- D-GAS DISCONTINUED GAS SERVICE

OWNERS

APN 101-2 (40 PRAY ST)
SANDERS LOBSTER CO. INC.
54 PRAY STREET
PORTSMOUTH, NH 03801
2042/0383

APN 101-3
445 MARCY STREET LLC.
30 WALDEN STREET
PORTSMOUTH, NH 03801
5829/1409

APN 101-4
MICHELE E. MCLAUGHLIN
469 MARCY STREET
PORTSMOUTH, NH 03801
2803/1555

APN 101-5
MARCY STREET INVESTMENTS
54 PRAY STREET
PORTSMOUTH, NH 03801
2862/1897

APN 101-8
ROBERT W. MORIN, III REV. TRUST
20 PARTRIDGE STREET
PORTSMOUTH, NH 03801
3460/747

APN 101-9
MARCY STREET REV. TRUST
JOHN TYLER MARKLEY, TRUSTEE
KRISTINE CUDAHY, TRUSTEE
PO BOX 268
CENTER HARBOR, NH 03226
6299/1657

APN 101-74
KRISTEN L. BENSON
478 MARCY STREET
PORTSMOUTH, NH 03801
5799/040

APN 101-75
RALPH J. MONTGOMERY REV. TRUST
RALPH J. MONTGOMERY, TRUSTEE
466 MARCY STREET
PORTSMOUTH, NH 03801
6122/014

APN 101-76
SARAH J. MINOR REV. TRUST
SARAH J. MINOR, TRUSTEE
65 LAUREL COURT
PORTSMOUTH, NH 03801
5222/1652

APN 101-77
JOHN & CAROL EBERLEIN
454 MARCY STREET
PORTSMOUTH, NH 03801
6199/1736

APN 101-78
JANINE CONTILLO
MICHAEL J. VITALE
442 MARCY STREET
PORTSMOUTH, NH 03801
3491/568

APN 102-36
MARK & NANCY MININBERG
7 PORTWALK PLACE, #1523
PORTSMOUTH, NH 03801
6204/2930

APN 101-37
BRUCE L. ADDISON REV. TRUST
SALLY E. ELSHOUT REV. TRUST
17 PRAY STREET
PORTSMOUTH, NH 03801
6254/2072

PROPOSED LOT AREAS		
LOT	CURRENT	PROPOSED
101-03	14,947	ORIG. LOT
1	---	6,127 S.F.
2	---	8,820 S.F.
BUILDING COVERAGE		
101-03	2.51%	---
1	---	6.10%
IMPERVIOUS COVERAGE		
101-03	5.65%	---
1	---	13.74%

BOUNDARY LINE TABLE	
LINE	BEARING DISTANCE
L1	N 15°16'28" W 102.43
L2	N 85°08'55" E 80.00
L3	S 07°16'38" E 115.68
L4	S 82°20'16" W 62.44
L5	N 11°23'51" W 25.57
L6	S 78°56'14" W 113.48
L7	N 85°08'55" E 67.83
L8	S 12°11'11" E 21.05
L9	S 07°35'24" W 73.90
L10	S 78°56'14" W 155.85

TREE TABLE

TREE	SPECIES/SIZE	CANOPY
(A)	16" MAPLE	44'
(B)	10" PINE	15'
(C)	2" CEDAR	6'
(D)	2" CEDAR	6'
(E)	18" JAP. MAPLE	20'
(F)	8" BALSAM FIR	15'
(G)	24" HICKORY?	40'±
(H)	20" HICKORY	40'±
(I)	20" HICKORY?	40'±
(J)	24" HICKORY?	40'
(K)	20" HICKORY	35'
(L)	20" HICKORY	35'
(M)	60" MAPLE	60'

NOTES:

- OWNER OF RECORD.....445 MARCY STREET, LLC.
ADDRESS.....30 WALDEN STREET, PORTSMOUTH, NH 03801
DEED REFERENCE.....5829/1409
TAX SHEET / LOT.....101-03
PARCEL AREA.....14,947 S.F. 0.34 ACRES
- ZONED:.....GENERAL RESIDENCE B FRONT YARD SETBACK5'
MINIMUM LOT AREA..5,000 S.F. SIDE YARD SETBACK10'
FRONTAGE.....80' REAR YARD SETBACK25'
- THE RELATIVE ERROR OF CLOSURE WAS LESS THAN 1 FOOT IN 15,000 FEET.
- THE LOCATION OF ALL UNDERGROUND UTILITIES SHOWN HEREON ARE APPROXIMATE AND ARE BASED UPON THE FIELD LOCATION OF ALL VISIBLE STRUCTURES (IE CATCH BASINS, MANHOLES, WATER GATES ETC.) AND INFORMATION COMPILED FROM PLANS PROVIDED BY UTILITY COMPANIES AND GOVERNMENTAL AGENCIES. ALL CONTRACTORS SHOULD NOTIFY, IN WRITING, SAID AGENCIES PRIOR TO ANY EXCAVATION WORK AND CALL DIG-SAFE @ 1-888-DIG-SAFE.
- HORIZONTAL DATUM: NAD 1983 ESTABLISHED BY SURVEY GRADE GPS OBSERVATION AND NGS "OPUS" SOLUTION. REFERENCE FRAME: NAD83 (2011)(EPOCH: 2010.0000), US SURVEY FOOT.
VERTICAL DATUM: NAVD 1988. PRIMARY BENCHMARK: CITY OF PORTSMOUTH "ROBE"
- PORTIONS OF PROPOSED LOTS 1 & 2 LIE WITHIN THE FLOODPLAIN DISTRICT (FP) AS DEFINED BY SECTION 10.613.10 OF THE PORTSMOUTH ZONING ORDINANCE. A PORTION OF THE PROPOSED LOT 1 AND ALL OF PROPOSED LOT 2 LIE WITHIN THE EXTENDED FLOOD HAZARD AREA AS DEFINED BY SECTION 10.622.20 OF THE PORTSMOUTH ZONING ORDINANCE.
- A PORTION OF THE PARCEL SHOWN HEREON LIES WITHIN ZONE AE (ELEVATION 8.3) & ZONE X (AREA OF MINIMAL FLOOD HAZARD) AS IDENTIFIED ON FLOOD INSURANCE RATE MAP, ROCKINGHAM COUNTY, NEW HAMPSHIRE, MAP NUMBER 33015C0278F, EFFECTIVE DATE 1/29/2021 BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.
- APPROXIMATE 250' SETBACK TO THE HIGHEST OBSERVABLE TIDE LINE PER THE CITY OF PORTSMOUTH TAX MAPS.
- THE DRIVEWAY FOR LOT 1 SHALL BE AT LEAST 30' FROM THE INTERSECTION OF PRAY & MARCY STREETS.
- LOT 1 HAS STORM WATER DRAINAGE RIGHTS OVER LOT 2.

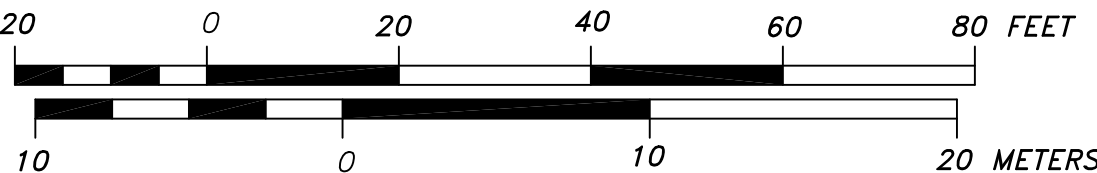
REFERENCE PLANS:

- EXISTING CONDITIONS PLAN 445 MARCY STREET RESIDENCE, TAX MAP 101, LOT 03, DATED 10-11-2021 BY ALTUS ENGINEERING, INC. NOT RECORDED.
- PLAT OF LAND, #445 MARCY STREET, PORTSMOUTH, NEW HAMPSHIRE FOR JAMES H. SANDERS, DATED 9/1/94. RECORDED AS RCD PLAN #D-23172.

APPROVED FOR THE RECORD:

CHAIRMAN PORTSMOUTH PLANNING BOARD

DATE

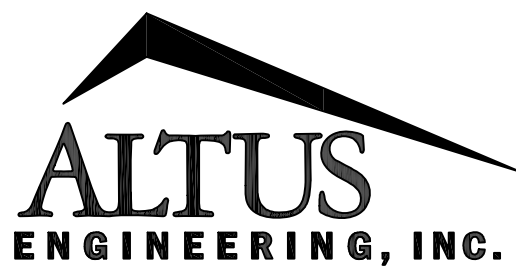


JAMES VERRA
& ASSOCIATES, INC.

LAND SURVEYORS

101 SHATTUCK WAY - SUITE 8
NEWINGTON, N.H. 03801- 7876
603-436-3557

JOB NO: 20460-A



133 COURT STREET PORTSMOUTH, NH 03801
(603) 433-2335 www.ALTUS-ENG.com

ISSUED FOR:

APPROVAL

ISSUE DATE:

5-24-2022

REVISIONS

NO.	DESCRIPTION	BY	DATE
1	REVISE PROP. LOTS & SETBACKS	GTD	4-1-22
2	PER TAC COMMENTS	GTD	5-20-22

DRAWN BY:

GTD

APPROVED BY:

JV

DRAWING FILE:

20460-A2.DWG

SCALE:

22" x 34" - 1" = 20'
11" x 17" - 1" = 40'

APPLICANT:

445 MARCY STREET, LLC.
30 WALDEN STREET
PORTSMOUTH, NH 03801

OWNER:

445 MARCY STREET, LLC.
30 WALDEN STREET
PORTSMOUTH, NH 03801

PROJECT:

445 MARCY STREET
RESIDENCE
TAX MAP 101,
LOT 03

445 MARCY STREET
PORTSMOUTH, NH

TITLE:

SUBDIVISION
PLAN
445 MARCY STREET
PORTSMOUTH, NH

SHEET NUMBER:

S-1

LU-25-89

20 PRAY STREET RESIDENCE

Zoning Summary
7/30/2025

Portsmouth Zoning Ordinance
GRB General Residence B
Flood Plain overlay

Dimensional Standards 10.521	GRB	20 Pray Street
Minimum Lot Dimensions		
Lot area, sf	5,000	8,820
Lot area per dwelling unit, sf	5,000	
# dwellings allowed based on lot area (up to 2 are permitted by right)		1
Continuous street frontage, lf	80'	
Depth, lf	60'	
Minimum Yard Dimensions (setbacks)		
front	5'	5'
side	10'	10'
rear	25'	n/a
Maximum Structure Dimensions		
sloped roof height	35'	24'-3"
Roof appurtenance height	8'	
Building coverage, maximum (footprint)	30%	2,646
Open space, minimum	25%	2,205
Parking	2 spaces for primary dwelling > 1,300sf total living area, + 1.0 space for ADU <1,300sf.	
Accessory Dwelling Unit, new construction	CUP Condition Use Permit	1 allowed, up to 750sf total living area, complying with dimensional lot standards



DRAWING LIST

- A0.1 - COVER SHEET
- A1.1 - SITE & CONTEXT PLAN
- A1.2 - FLOOR PLANS
- A2.1 - ELEVATIONS
- A3.1 - PERSPECTIVE VIEWS

20 PRAY STREET ADU
PORTSMOUTH, NEW HAMPSHIRE, 03801

PLANNING BOARD - CUP
PROJECT NO: 1042



3 CONGRESS ST., SUITE 1
PORTSMOUTH NH 03801
603.988.0042
www.ARCove.com

20 PRAY STREET
RESIDENCE

PRAY STREET
PORTSMOUTH, NEW HAMPSHIRE, 03801

PROJECT NO: 1042

CLIENT
445 MARCY STREET, LLC
1047 PROVINCE ROAD
STRAFFORD, NH 03884

CONSULTANT
ALTUS ENGINEERING
133 COURT STREET
PORTSMITH, NH 03801
603.433.2335

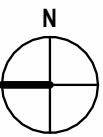
STAMP

PLANNING BOARD - CUP

REVISIONS

NO.	DATE	DESCRIPTION

COVER SHEET



SCALE: _____

DATE: 7/30/2025

DRAWN: Author

CHECKED: Checker

A0.1

**20 PRAY STREET
RESIDENCE**

PRAY STREET
PORTSMOUTH, NEW HAMPSHIRE, 03801

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PLANNING BOARD - CUP

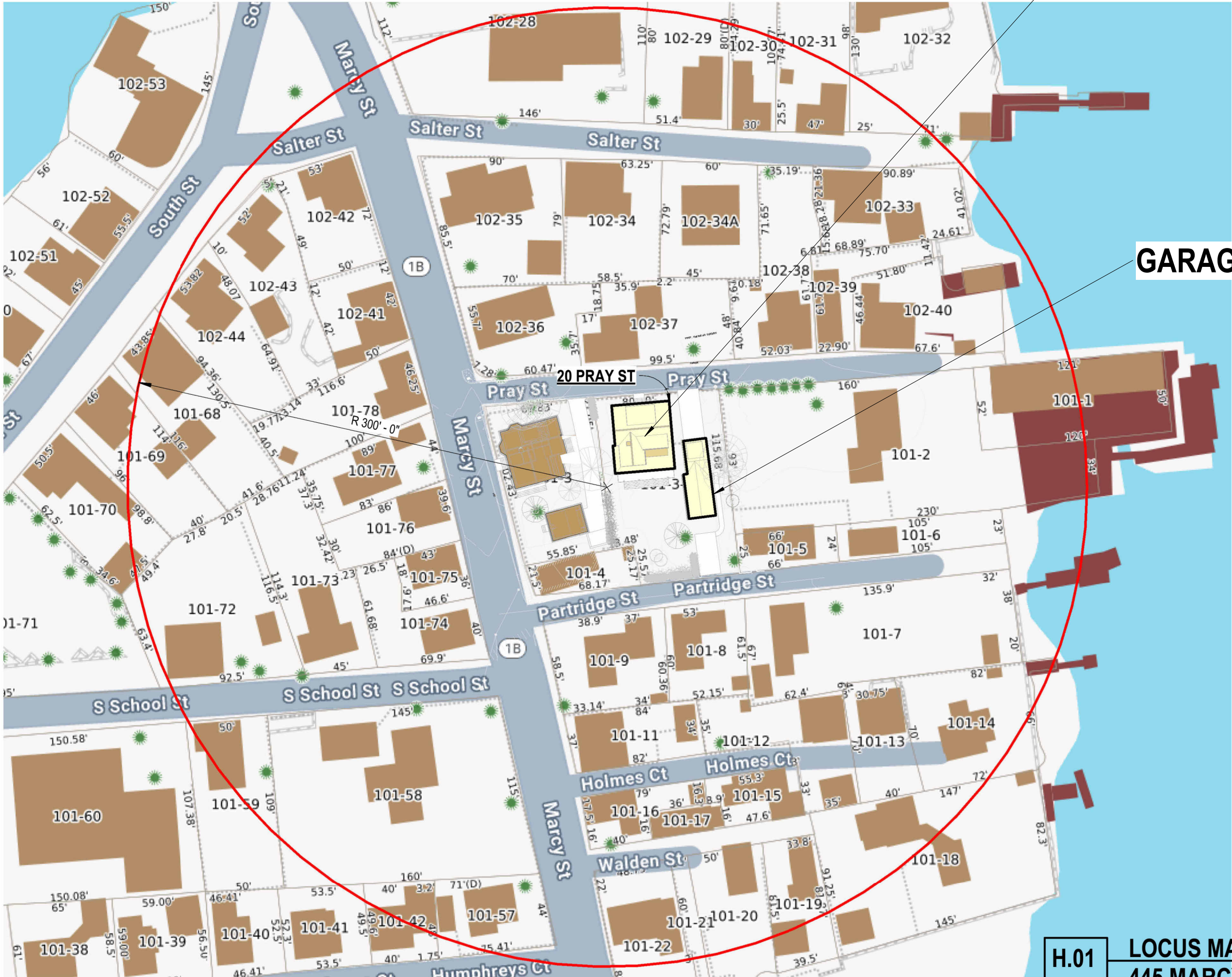
REVISIONS

NO.	DATE	DESCRIPTION

**SITE & CONTEXT
PLAN**

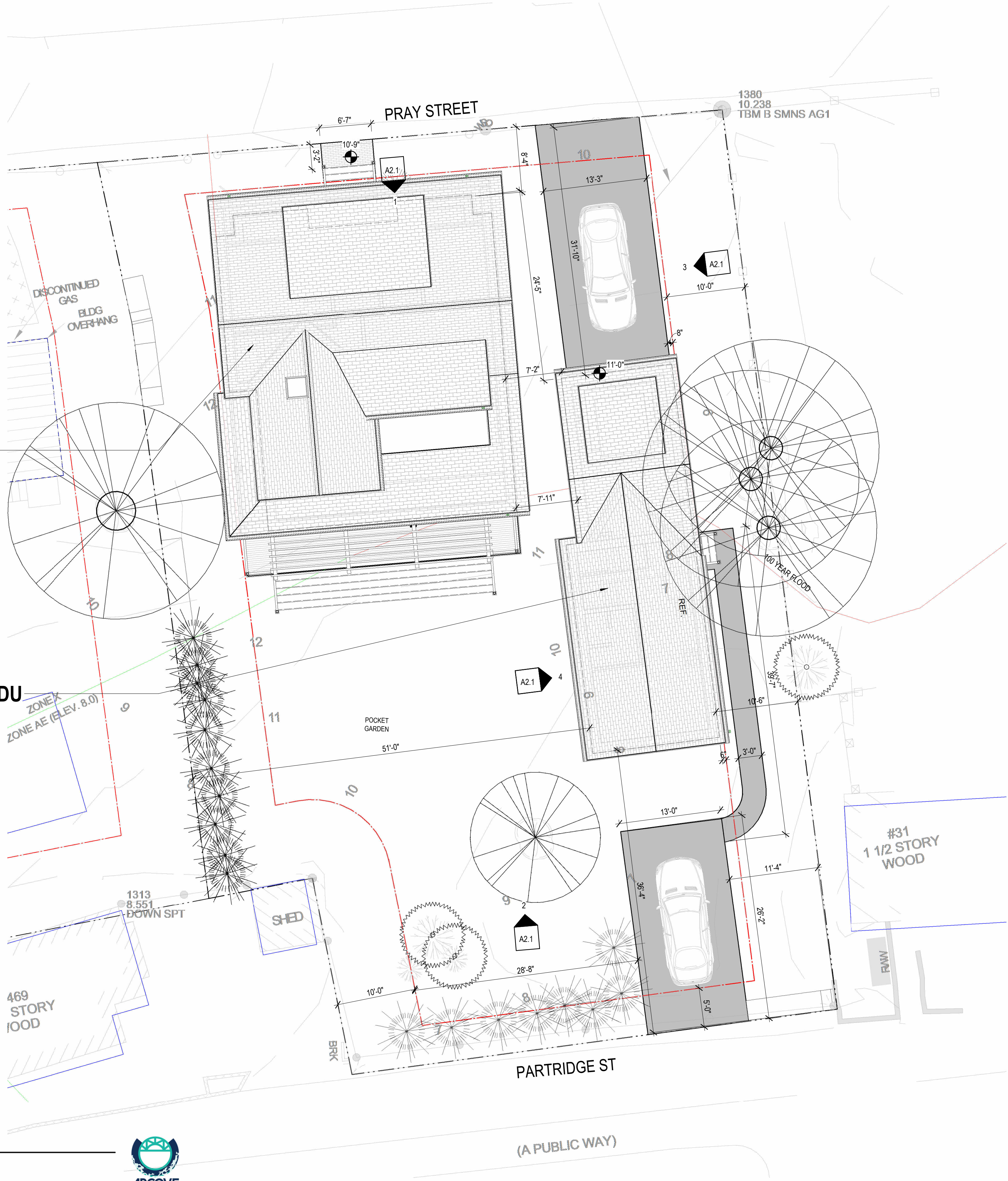
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DATE: 7/30/2025
DRAWN: Author
CHECKED: Checker

A1.1

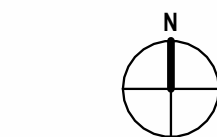


2 SITE PLAN CONTEXT FOOTPRINTS 300'
1" = 60'-0"

H.01 LOCUS MAP
445 MARCY ST
SCALE: 1" = 60'-0"
7/30/2025



1 OVERALL SITE PLAN
1/8" = 1'-0"





PRAY STREET
PORTSMOUTH, NEW HAMPSHIRE, 03801

PROJECT NO: 1042

CLIENT

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STRAFFORD, NH 03884

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PORTSMITH, NH 03801
603.433.2335

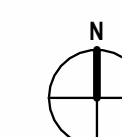
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PLANNING BOARD - CUP

REVISIONS

[illegible]

FLOOR PLANS



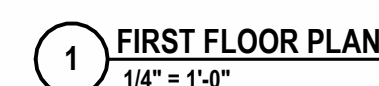
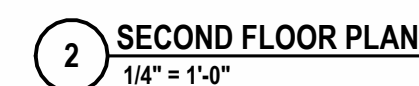
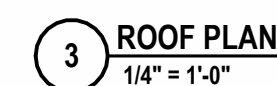
SCALE: 1/4" = 1'-0"

DATE: 7/30/2025

DRAWN: Author

CHECKED: Checker

A1.2



PRAY STREET
PORTSMOUTH, NEW HAMPSHIRE, 03801

PROJECT NO: 1042

CLIENT

445 MARCY STREET, LLC
1047 PROVINCE ROAD
STRAFFORD, NH 03884

CONSULTANT

ALTUS ENGINEERING
133 COURT STREET
PORTSMITH, NH 03801
603.433.2335

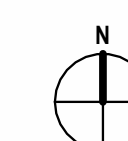
STAMP

PLANNING BOARD - CUP

REVISIONS

[illegible]

ELEVATIONS



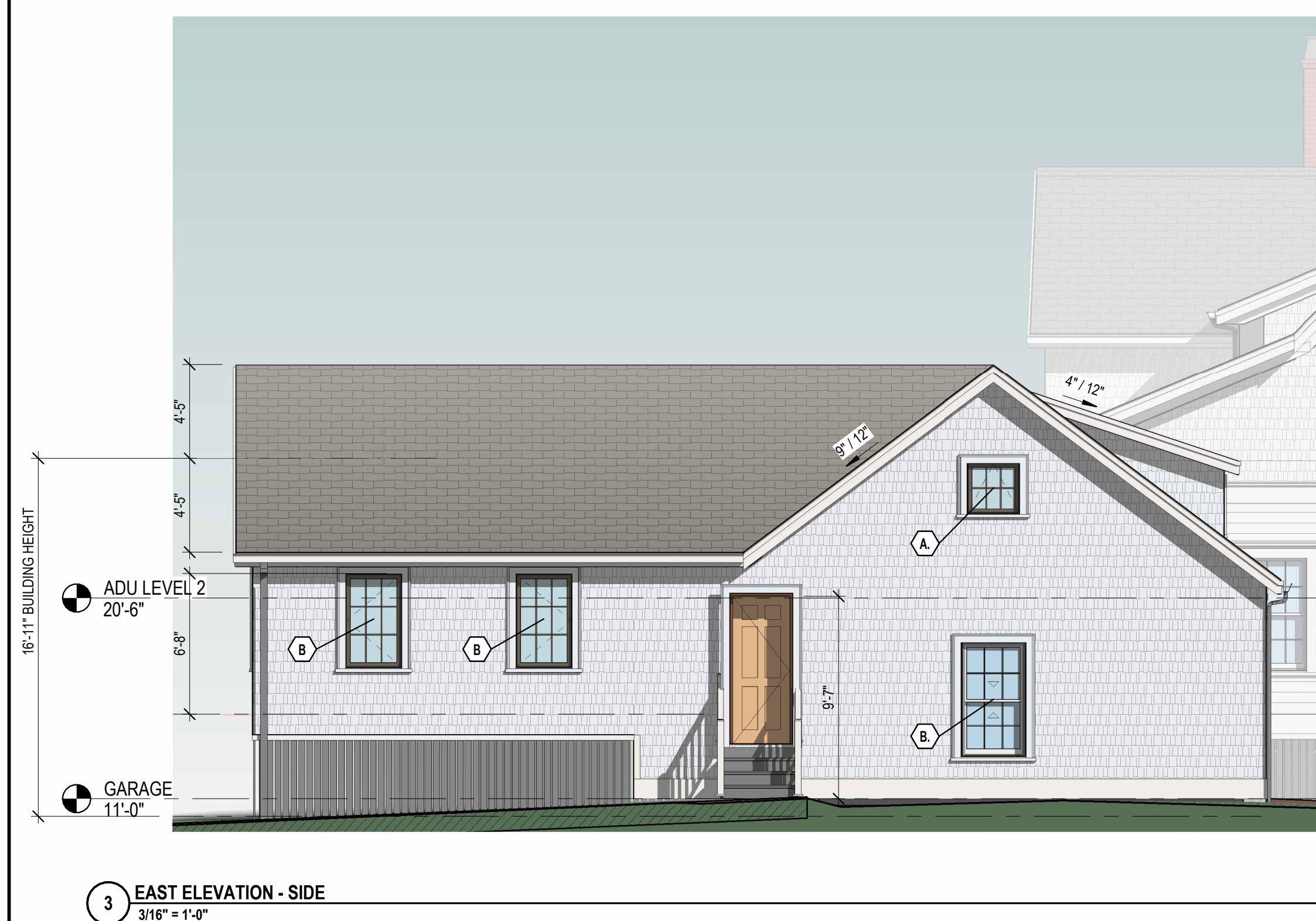
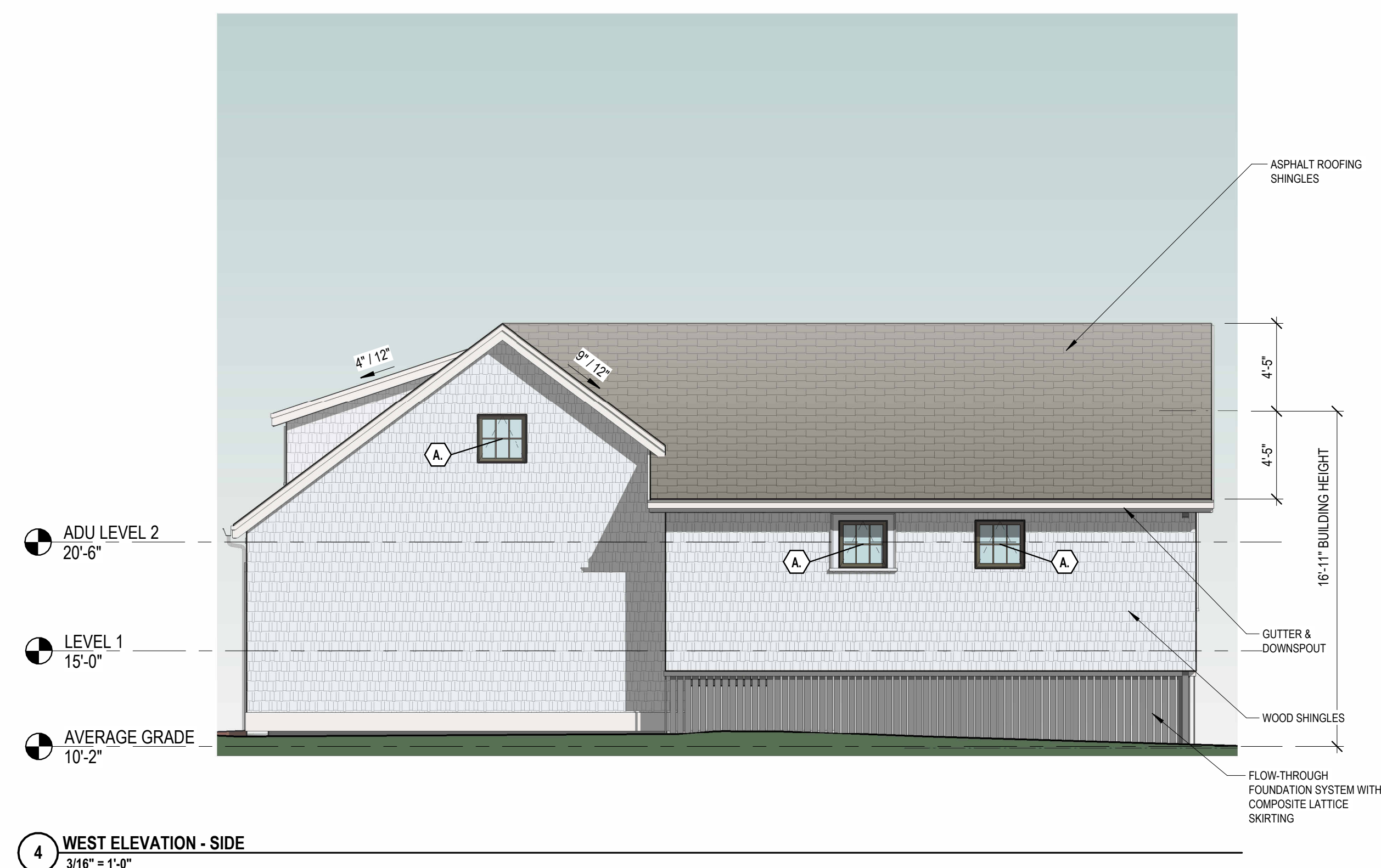
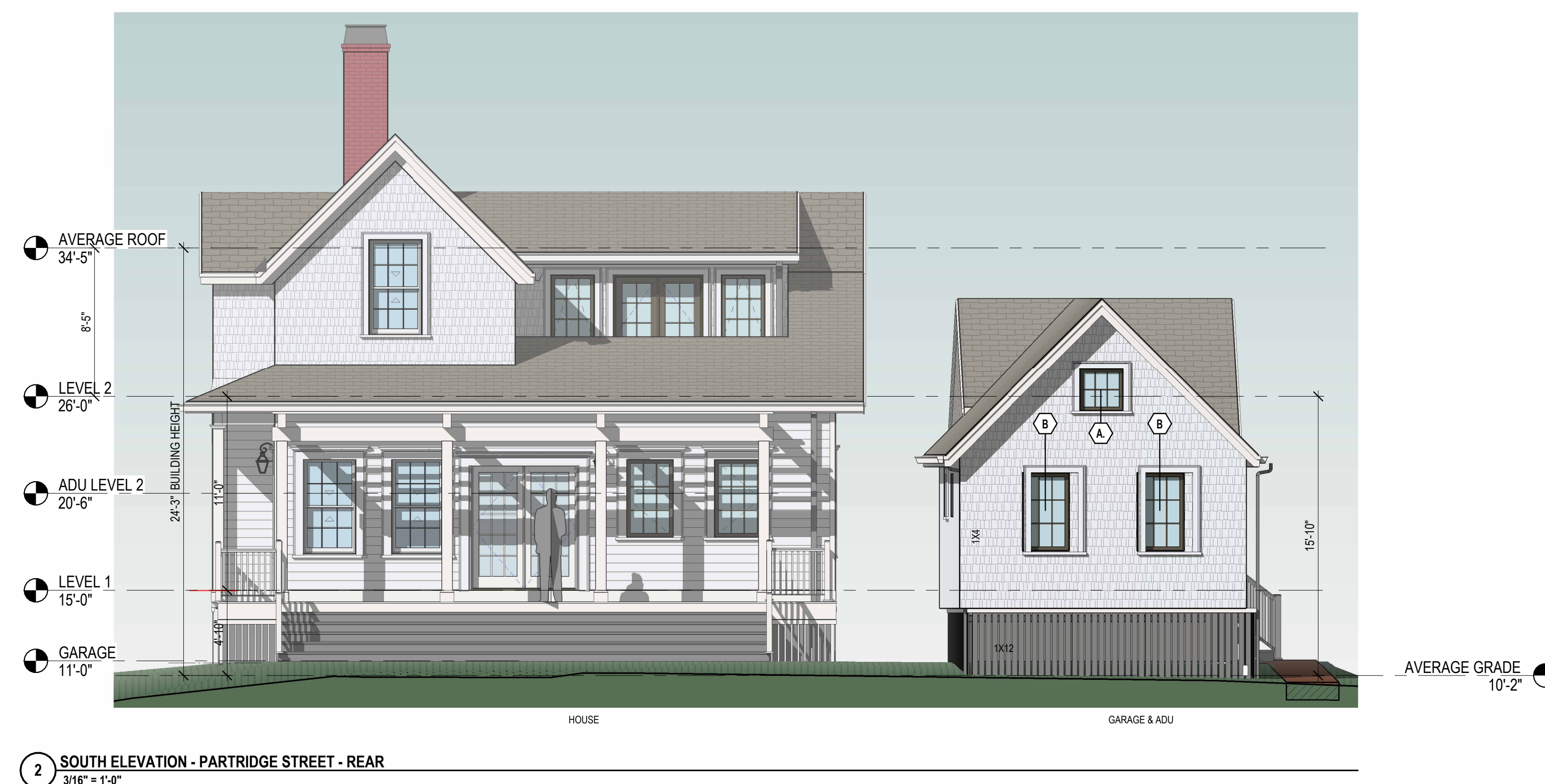
SCALE: $3/16" = 1'-0"$

DATE: 7/30/2025

DRAWN: Author

CHECKED: Checker

A2.1





2. VIEW FROM PARTRIDGE STREET

ADU



1. VIEW FROM MARCY STREET



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RESIDENCE

PRAY STREET
PORTSMOUTH, NEW HAMPSHIRE, 03801

PROJECT NO: 1042

CLIENT

445 MARCY STREET, LLC
1047 PROVINCE ROAD
STRAFFORD, NH 03884

CONSULTANT

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133 COURT STREET
PORTSMITH, NH 03801
603.433.2335

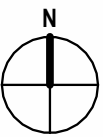
STAMP

PLANNING BOARD - CUP

REVISIONS

NO.	DATE	DESCRIPTION

PERSPECTIVE
VIEWS



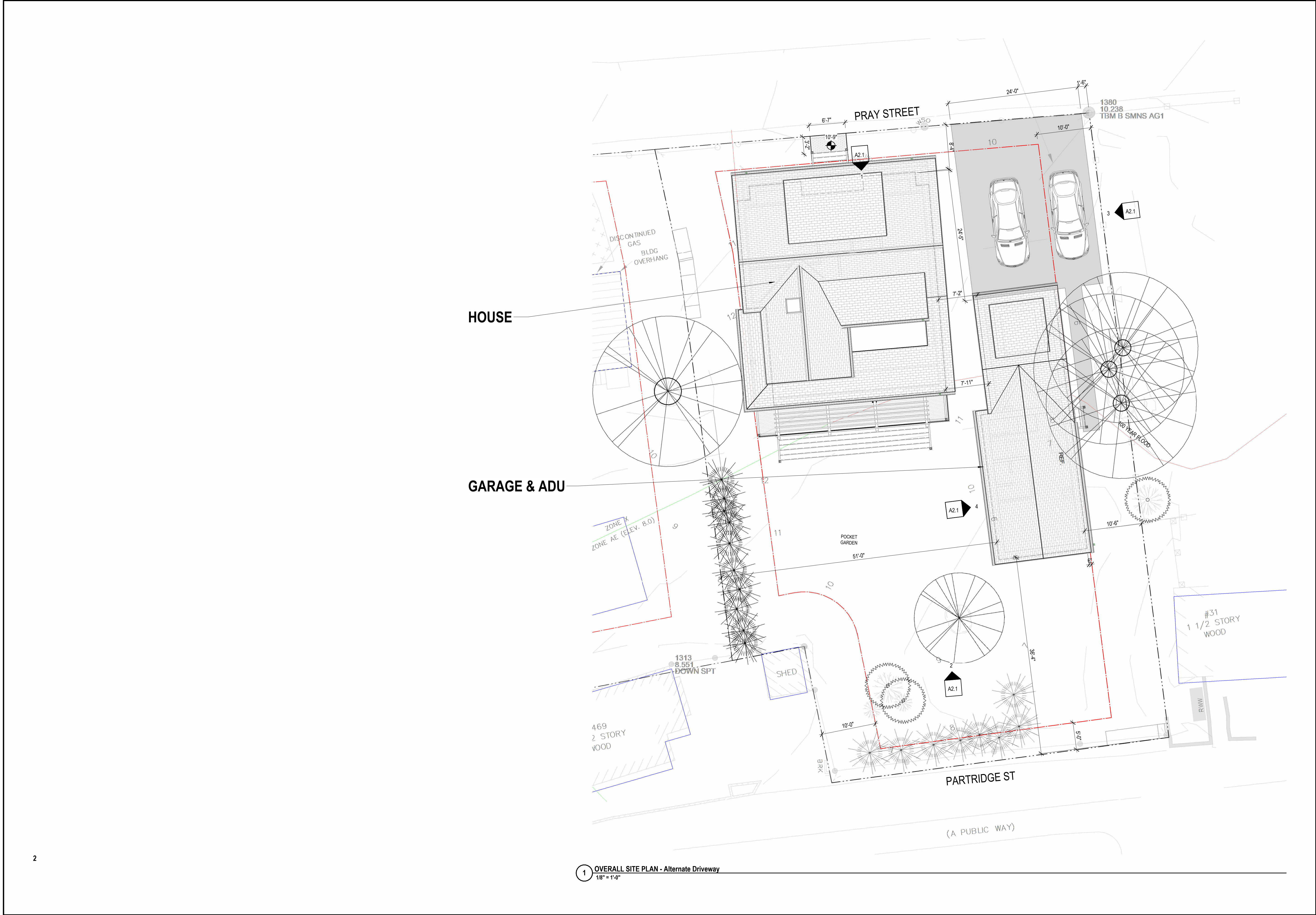
SCALE:

DATE: 7/30/2025

DRAWN: Author

CHECKED: Checker

A3.1



1 OVERALL SITE PLAN - Alternate Driveway
1/8" = 1'-0"



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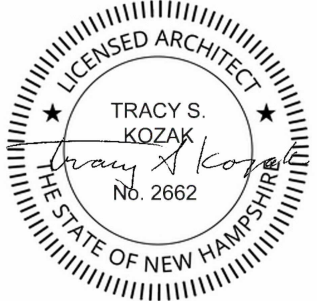
20 PRAY STREET
RESIDENCE

PRAY STREET
PORTSMOUTH, NEW HAMPSHIRE, 03801

PROJECT NO: 1042

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STRAFFORD, NH 03884

CONSULTANT
ALTUS ENGINEERING
133 COURT STREET
PORTSMOUTH, NH 03801
603.433.2335



PLANNING BOARD - CUP

REVISIONS

NO.	DATE	DESCRIPTION

SITE PLAN,
Alternate

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

DATE: 7/30/2025

DRAWN: Author

CHECKED: Checker

A1.1B

II. NEW BUSINESS

- D. The request of **Charlie Neal and Joe McCarthy (Owners)**, for property located at **28 Whidden Street** whereas relief is needed to construct an addition to the rear of the structure which requires the following: 1) Variance from Section 10.521 to allow 42% building coverage where 30% is allowed; and 2) Variance from Section 10.321 to allow a nonconforming building or structure to be extended, reconstructed or enlarged without conforming to the requirements of the Ordinance. Said property is located on Assessor Map 102 Lot 64 and lies within the General Residence B (GRB) and Historic Districts. (LU-25-127)

Planning Department Comments

The applicant is requesting to postpone the application at the request of staff to allow more time to do a full assessment of the proposed open space. If Open Space relief is needed, the application will be readvertised to include the additional variance.

REQUEST TO POSTPONE LU-25-127

Please find this document a request to postpone the September 2025 Board of Adjustment hearing review for 28 Whidden as we need to determine the open space calculation.

thank you,



Amy Dutton

Founder & Creative Director

Amy Dutton Home

(207) 337-2020

amyduttonhome.com

9 Walker Street, Kittery, ME 03904



II. NEW BUSINESS

- E. The request of **Carrie and Gabriel Edwards (Owners)**, for property located at **51 Morning Street** whereas relief is needed to demolish the existing garage and construct a new attached garage with office space which requires the following: 1) Variance from Section 10.521 to allow a) 51% building coverage where 25% is allowed, b) 4 foot left side yard where 10 feet are required, c) 3.5 foot rear yard where 20 feet are required; and 2) Variance from Section 10.321 to allow a nonconforming building or structure to be extended, reconstructed or enlarged without conforming to the requirements of the Ordinance. Said property is located on Assessor Map 163 Lot 16 and lies within the General Residence A (GRA) District. (LU-25-125)

Planning Department Comments

The applicant is requesting to postpone the application to the October BOA meeting to appropriately notice for an open space variance request.

HOEFLE, PHOENIX, GORMLEY & ROBERTS, PLLC

ATTORNEYS AT LAW

127 Parrott Avenue | Portsmouth, NH, 03801
Telephone: 603.436.0666 | Facsimile: 603.431.0879 | www.hpgrlaw.com

September 11, 2025

VIA ELECTRONIC AND HAND DELIVERY SUBMISSION

Phyllis Eldridge, Chair
Portsmouth Zoning Board of Adjustment ("ZBA")
1 Junkins Ave.
Portsmouth, NH 03801

Re: Gabriel & Carrie Edwards
51 Morning Street, Tax Map 163, Lot 16
General Residence A ("GRA") Zone
LU- 25-125

Dear Chair Eldridge and Zoning Board members:

We learned yesterday that an additional variance is required. Pursuant to PZO Table 10.521, required open space is 30%. Although the plans we submitted identified 30% as the requirement, my submission chart identified 20% required. Existing open space is 19.7%. Proposed open space is 21.9%. It is an improvement but does not comply with the 30% requirement. The PZO requires compliance not only improvement in order to avoid a variance. It was thus not noticed to the abutters or the public.

Since notice is required, please accept this letter as a request to continue the Zoning Board Hearing presently scheduled for Tuesday, September 16, 2025 to the October 21, 2025 ZBA hearing date.

Respectfully submitted,

Gabriel and Carrie Edwards

By: 
R. Timothy Phoenix

cc: Planning Staff
Clients (email)
Somma Studios (email)
Stake & Stones Land Surveying, LLC (email)

DANIEL C. HOEFLE	ALEC L. MCEACHERN	PETER V. DOYLE	STEPHEN H. ROBERTS In Memoriam
R. TIMOTHY PHOENIX	KEVIN M. BAUM	MONICA F. KIESER	OF COUNSEL:
LAWRENCE B. GORMLEY	JACOB J.B. MARVELLEY	CHRISTOPHER P. MULLIGAN	SAMUEL R. REID
R. PETER TAYLOR	GREGORY D. ROBBINS	KAREN W. OLIVER	JOHN AHLGREN

II. NEW BUSINESS

- F. The request of **Reichl Family Revocable Trust (Owner)**, for property located at **15 Marjorie Street** whereas relief is needed to construct additions to multiple sides of the existing dwelling which requires the following: 1) Variance from Section 10.521 to allow a) 2 foot front yard where 30 feet are required, b) 12.5 foot rear yard where 30 feet are required, c) 28.5% building coverage where 20% is allowed; and 2) Variance from Section 10.321 to allow a nonconforming building or structure to be extended, recon-structed or enlarged without conforming to the requirements of the Ordinance. Said property is located on Assessor Map 232 Lot 41 and lies within the Single Residence B (SRB) District. (LU-25-115)

Existing & Proposed Conditions

	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Single-family residence	*Construct an addition	Primarily residential
<u>Lot area (sq. ft.):</u>	8,276.4	8,276.4	15,000 min.
<u>Front Yard (ft)</u>	16	2	30 min.
<u>Rear Yard (ft.):</u>	11	12.5	30 min.
<u>Right Yard (ft.):</u>	19	19	10 min.
<u>Left Yard (ft.):</u>	42	39	10 min.
<u>Height (ft.):</u>	34	34	35 max.
<u>Building Coverage (%):</u>	17	28.5	20 max.
<u>Open Space Coverage (%):</u>	>40	>40	40 min.
<u>Parking:</u>	2	2	2 min.
<u>Estimated Age of Structure:</u>	1931	Variance request(s) shown in red.	

***Relief needed to construct an addition to the already non-conforming primary structure that would further impact the non-conformity.**

Other Permits/Approvals Required

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

Neighborhood Context



Previous Board of Adjustment Actions

July 23, 2019 – The Board **granted** the request to construct a 2-story addition at the rear of an existing structure which requires the following: a) Variance from Section 10.521 to allow a 10.8' rear yard where 30' is required; and b) Variance from Section 10.321 to allow a lawful nonconforming structure to be extended, reconstructed or enlarged without conforming to the requirements of the Ordinance, with the following condition:

- 1) The approval for the rear yard may be modified by 6 inches plus or minus to allow for any discrepancies.

Planning Department Comments

The applicant is requesting relief to construct a series of additions on multiple sides of the home. The project is located off of the paper street at the end of Sylvester Street with access from Marjorie Street.

Variance Review Criteria

This application must meet all five of the statutory tests for a **variance** (see Section 10.233 of the Zoning Ordinance):

1. *Granting the variance would not be contrary to the public interest.*
2. *Granting the variance would observe the spirit of the Ordinance.*
3. *Granting the variance would do substantial justice.*
4. *Granting the variance would not diminish the values of surrounding properties.*
5. *The "unnecessary hardship" test:*
 - (a) *The property has special conditions that distinguish it from other properties in the area.*
AND
 - (b) *Owing to these special conditions, a fair and substantial relationship does not exist between the general public purposes of the Ordinance provision and the specific application of that provision to the property; and the proposed use is a reasonable one.*
OR
Owing to these special conditions, the property cannot be reasonably used in strict conformance with the Ordinance, and a variance is therefore necessary to enable a reasonable use of it.

10.235 Certain Representations Deemed Conditions

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

Application of Reichl Family Revocable Trust

15 Marjorie St Portsmouth NH

Map Lot 0232-0041-0000

I. Property

- a. The homeowners, Matt and Beth Reichl have owned the property located at 15 Marjorie Street since July of 2013. It is a single-family dwelling on a .19-acre parcel in the SRB Residential District. The existing structure is placed far back in the Northwest corner of the property with an inland wetland buffer zone originating from the Southeast direction. The property is non-conforming regarding front, right, and rear setbacks, as well as lot area and lot area per dwelling.

The Homeowners intend to add a two-story addition with drive under garage measuring 20'x32' to the east side of the structure, as well as an 18'x18' sunroom and 18'x18' covered porch on the south side of the structure. To accomplish this, we will need to demolish the existing covered porch on the east side of the structure as well as removal of the existing 18'x20' deck

The Homeowners seek relief from section 10.310 and 10.321 to allow the enlargement of an existing lawful nonconforming structure that does not comply with lot area, lot coverage, front, right, and rear setbacks. The proposed setbacks would be Front: 2.5 foot, left: 45.5 feet, Rear: 12.92 feet, right: 16.5 feet, and 28.3% lot coverage as shown on page AD-0.01 of the plan set.

II. Criteria

The Homeowners believe that their application meets the standards required for the Board to request the variance.

- a) **Granting of the requested variance will be conducive to the spirit and intent of the ordinance** and will not be contrary to public interest. There will be no negative effects to the neighborhood, nor public health, safety, or welfare. Although the front setback will be minimal, it should be noted that the front setback abuts a paper road, and the closest abutter property line is approximately 50 feet in distance. Regarding lot size and coverage, the board should be aware that the Homeowners also own Lot 232-39 and are in the process of a

voluntary merge, which would nullify the need for relief of lot size and coverage.

- b) **Substantial Justice would be done by granting the Variance.** The homeowners completed a small addition to the property in the months before the Covid-19 pandemic. Since then, we have witnessed many changes in the world that were once thought impossible. Work from home has become common and with the addition of a growing family, and aging parents, the Homeowners seek to create a home in which they will be able to raise children as well as age in place themselves. “If the hardship upon the owner/applicant outweighs any benefit to the public in denying the variance, then substantial justice would be done by granting the variance. It is substantially just to allow a property owner the reasonable use of his or her property.”
- c) **The values of surrounding properties will not be negatively impacted by granting the variance.** If granted, the variance would be an improvement upon the client’s home and property value. This will inevitably increase the value of surrounding properties.
- d) **Special Conditions of the Property affect the usage of property and constitute an unnecessary hardship.** It is well established that there is an illegal sewer line that cuts through the homeowner’s property. It is the opinion of the homeowners, as well as licensed surveyors, that this illegal sewer line is partially responsible for the wetland buffer zone encroaching onto Lot 232-41 as much as it has. This limits the homeowner’s ability to enjoy their property to its fullest potential, as well as introducing increased construction and planning costs
- e) **The purpose and intent of the ordinance is not negatively affected by granting the variance.** As previously mentioned, although we seek relief from the ordinance for setbacks and lot coverage, the homeowners are in the process of merging their two lots which would remediate the noncompliance of lot coverage and lot size. Additionally, the paper road at the front of the building provides an adequate buffer that fulfills the purpose and intent of setbacks in creating adequate light, air, and access between structures and abutting neighbors.

III. Conclusion

- a. For the reasons stated above, the Homeowners respectfully ask the Board to grant the Variances as requested.

Regards,

Timothy J Hron

Hron Brother's Construction

Erosion Control Plan – 15 Marjorie Street, Portsmouth, NH

Project Description:

The project will involve residential construction that disturbs soil, with the addition of new impervious areas. Erosion and sediment control measures will be installed prior to land disturbance and maintained throughout construction.

1. Goals

- Prevent sediment from leaving the site and entering storm drains, wetlands, or neighboring properties.
 - Stabilize exposed soils as quickly as possible.
 - Maintain compliance with Portsmouth regulations and NHDES stormwater best practices.
-

2. Pre-Construction Measures

- **Perimeter Protection:**
 - Install *silt fence* or *erosion control wattles* along all downslope property boundaries and near any catch basins.
 - Stakes set on the downhill side, trench bottom of fence at least 6 inches deep.
 - **Construction Entrance:**
 - Provide a *stabilized construction entrance* (6–8 inches of 1.5–3 inch angular stone, minimum 12 feet wide × 25 feet long) to reduce tracking of sediment onto public roads.
 - Sweep streets daily if tracking occurs.
-

3. During Construction

- **Stockpile Management:**
 - Locate soil stockpiles away from wetland buffers and storm drains.
 - Cover with tarps or seed if inactive for more than 14 days.
 - **Stormwater Diversion:**
 - Use temporary swales or sandbags to direct runoff away from disturbed areas.
 - Avoid pumping sediment-laden water into storm drains without filtration.
 - **Soil Stabilization:**
 - Seed and mulch disturbed areas not under active construction within 14 days.
 - Use erosion control blankets on slopes steeper than 3:1.
-

4. Post-Construction / Final Stabilization

- All disturbed soils will be stabilized by:
 - 4–6 inches of loam and permanent vegetation (seed or sod), or
 - Landscape plantings with mulch cover.
 - Remove all temporary erosion control measures after vegetation is established.
 - Sweep and clean all paved areas before final sign-off.
-

5. Maintenance & Inspection

- Inspect all erosion control measures **weekly** and after rainfall events ≥ 0.5 inches.
 - Repair or replace damaged controls immediately.
 - Keep a log of inspections and maintenance for city review.
-

Prepared for:

15 Marjorie Street, Portsmouth, NH

Residential Stormwater Management Plan

Property Owners: Matt & Beth Reichl

Address: 15 Sylvester Street, Portsmouth, NH

Lot Size: Approximately 0.25 acres

New Impervious Area: 964 sq. ft. (addition)

Date: 05.05.2025

1. Project Overview

This plan addresses stormwater impacts from the addition of 964 square feet of impervious surface to an existing residential lot. Stormwater practices are proposed to promote infiltration and reduce runoff volume and velocity in accordance with the **New Hampshire Stormwater Manual**.

2. Site Conditions

- **Soil Type:** Sandy loam (Hydrologic Soil Group B)
 - **Topography:** Gently sloping to the rear of the property
 - **Vegetation:** Mixed lawn and tree canopy
 - **Wetlands:** Approx. 7,380 sq. ft. of inland wetland buffer present on-site
-

3. Stormwater Management Objectives

- Reduce runoff volume from new impervious surfaces
 - Promote infiltration on-site to support groundwater recharge
 - Prevent erosion and sediment transport to nearby wetlands
 - Improve water quality through natural filtration
-

4. Proposed Best Management Practices (BMPs)

B. Dry Well for Roof Runoff

- **Purpose:** Capture and infiltrate rooftop runoff from new addition
- **Location:** Adjacent to building foundation, downslope side
- **Design Volume:** Sized for the 1-inch water quality storm (~60–80 gallons)
- **Construction:** Pre-cast concrete or plastic chamber set in gravel trench
- **Inlet:** Connected to downspouts
- **Overflow:** Routed to vegetated lawn or existing swale

C. Vegetated Buffer Strip

- **Purpose:** Treat and slow overland flow before it reaches wetland buffer
- **Location:** At edge of lawn near wetland buffer zone
- **Design:**
 - **Width:** 10 feet minimum
 - **Slope:** Less than 5%
 - **Vegetation:** Dense mix of native grasses and shrubs

5. Maintenance Plan

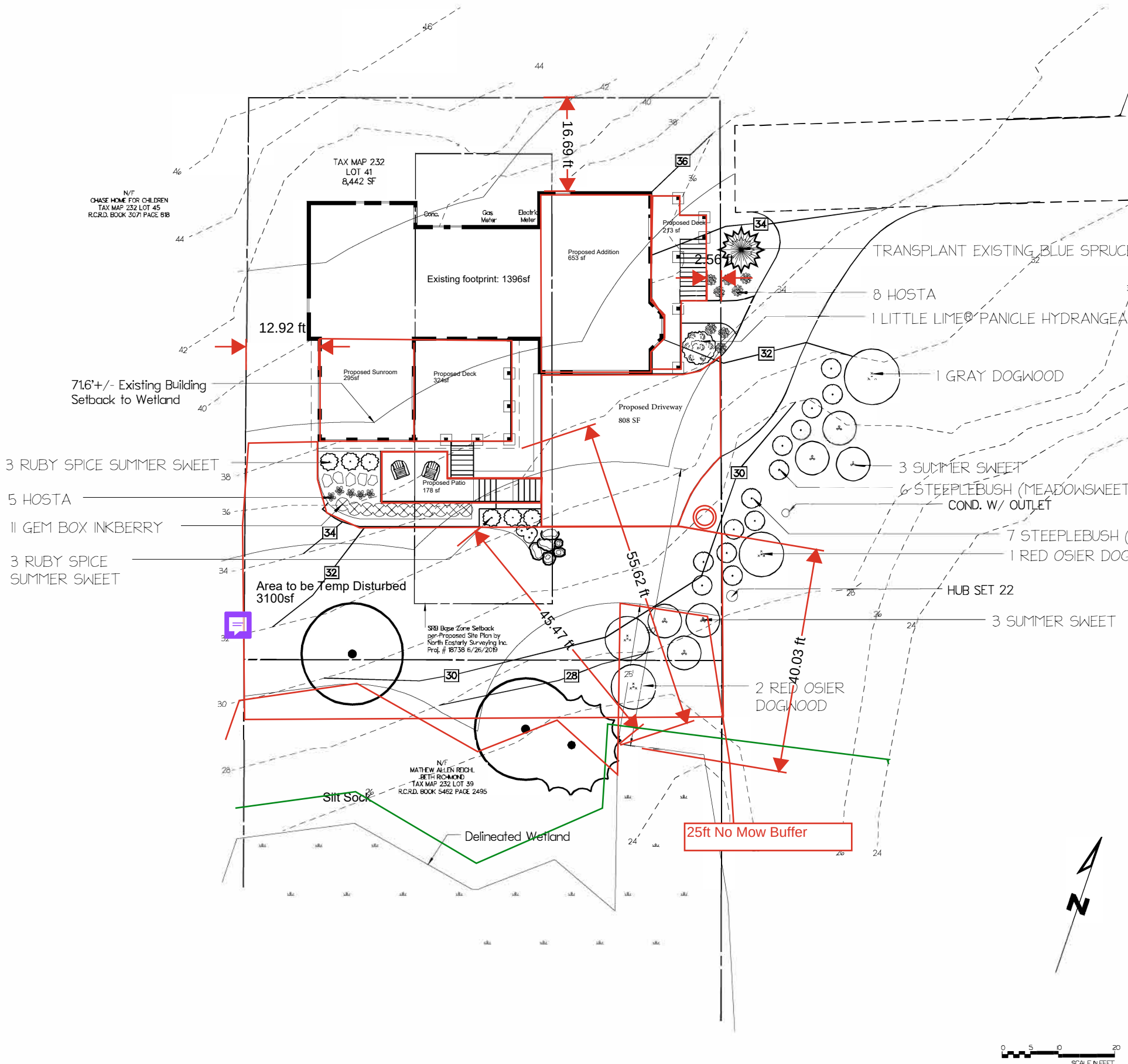
BMP	Task	Frequency
Permeable Pavers	Sweep/vacuum to remove sediment	Quarterly
Dry Well	Inspect inlet/outlet, clean debris	Biannually and after storms
Vegetated Buffer Strip	Mow high grasses, remove invasives	Monthly during growing season

6. Regulatory Compliance

This plan follows design guidance provided in the **New Hampshire Stormwater Manual**, especially:

- **Volume 2: Post-Construction Best Management Practices**
- **Volume 3: Stormwater Site Design and Infiltration Guidelines**

All BMPs are designed with adequate separation from seasonal high groundwater (>4 feet where infiltration is proposed), and no structures encroach within required buffers for jurisdictional wetlands.



Lot Size: 8431 SF
Existing Footprint: 1396 SF
Existing Lot Coverage: 16.6%

Proposed Footprint: 2416 SF
Proposed Lot Coverage 28.7SF

Decks and Patio:
Front Deck and stairs: 213 SF
Patio and stairs:178sf

- NOTES:
- This plan was developed using the following plans as references:
 - Additions and Renovations for the Reichl Residence, Prepared by Hubert Krah Designs LLC 6/27/24
 - City of Portsmouth, New Hampshire Sewer Service Improvements. Drawing C-4, Reichl Home Sewer Service Plan and Profile, Prepared by Wright Pierce. Revision date not listed on plan.
 - Proposed Site Plan, Project No 18738 Drawing No 18738_SITE prepared by North Easterly Surveying 6/26/19
 - Elevation markers noted as inches in relation to the established zero point (marked +/- 0.0). The zero point is the threshold of the door to rear deck.

Reichl Residence		
15 Marjorie Way, Portsmouth, NH 03801		
client:		
scale	1"=20'	revision 2
date	7.25.25	
drawn by	checked by	drawing #

The Matt and Beth Reichl Residence

15 Marjorie Lane, Portsmouth NH 03801
Additions and Renovations

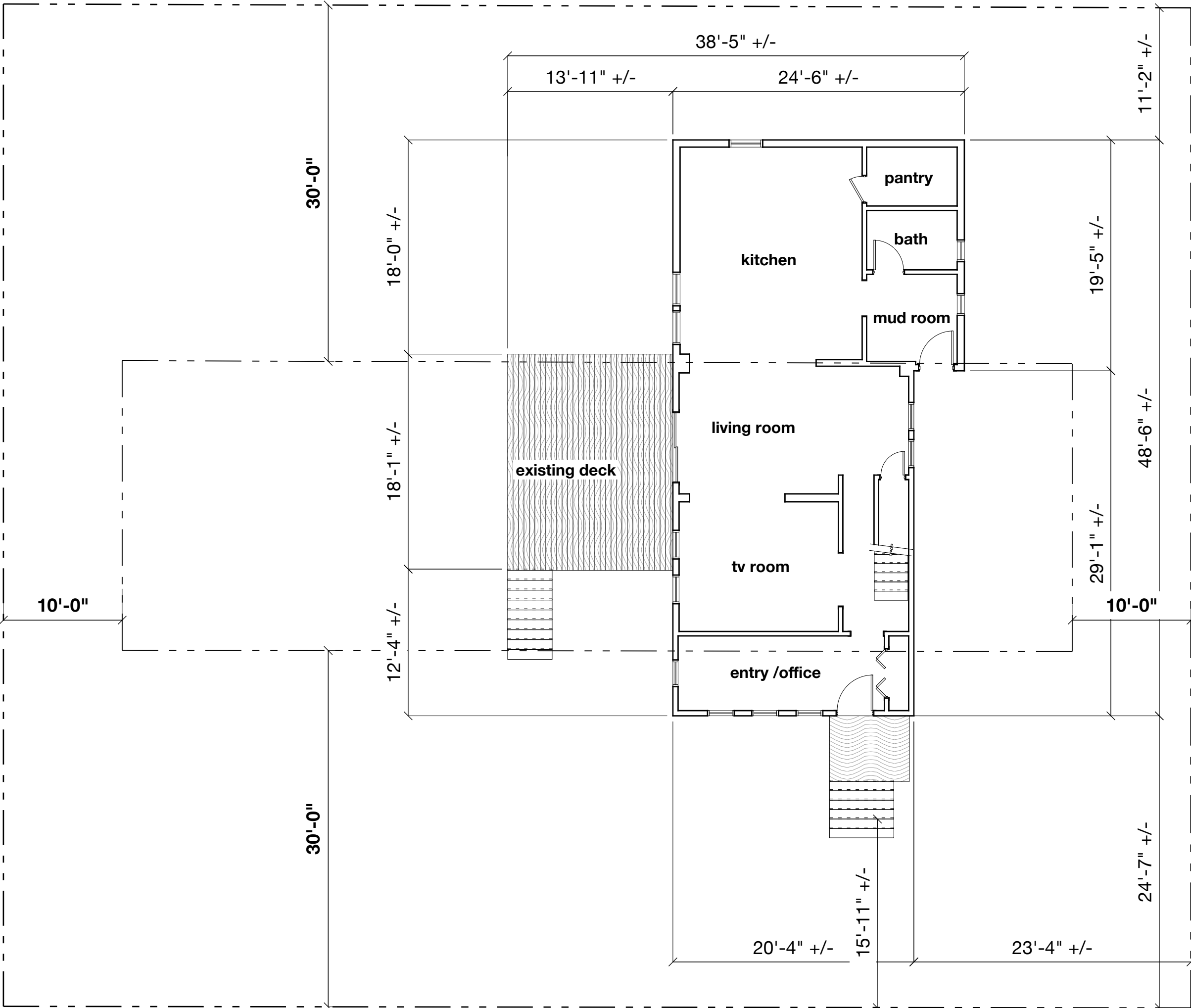


Architectural Design Drawing List

AD-0.01 EXISTING AND NEW PLOT PLANS

AD-1.00 EXISTING & NEW BASEMENT PLAN
AD-1.01 EXISTING & NEW FIRST FLOOR PLAN
AD-1.02 EXISTING & NEW SECOND FLOOR PLAN
AD-1.03 EXISTING & NEW ROOF PLAN

AD-3.01 NEW EXTERIOR ELEVATIONS SOUTH & EAST
AD-3.02 NEW EXTERIOR ELEVATIONS NORTH & WEST



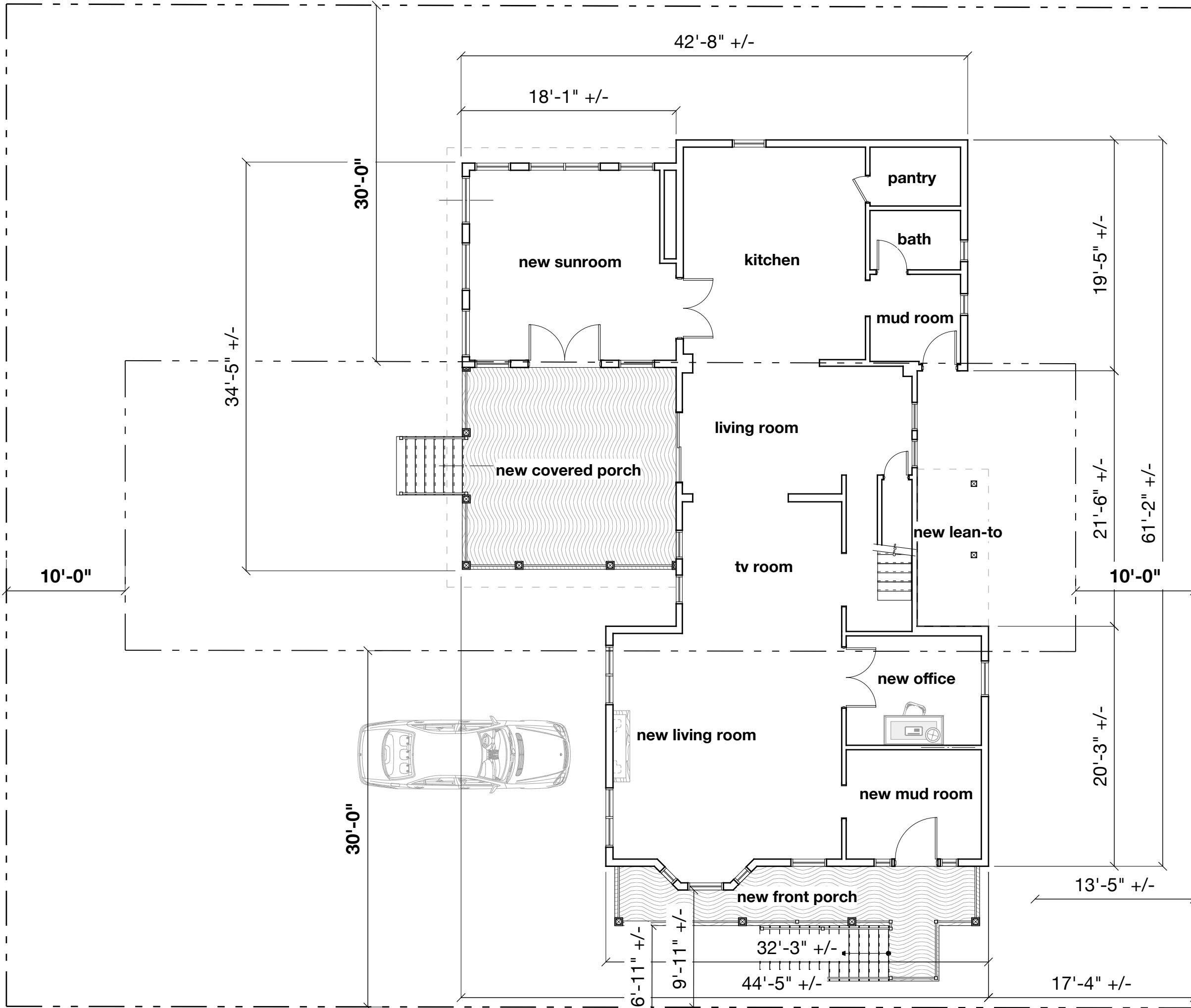
LOT # 232-41 (existing)

LOT SIZE 8,431 SQFT
EX'G FOOT PRINT 1,396 SQFT
EX'G LOT COVERAGE 16.6%

GROSS BASEMENT AREA	470 SQFT
GROSS FIRST FLOOR AREA	1,067 SQFT
GROSS SECOND FLOOR AREA	917 SQFT
TOTAL	2,454 SQFT
EXISTING DECK	253 SQFT
EXISTING LANDING	37 SQFT
TOTAL WITH DECK & LANDING	2,744 SQFT

Existing Plot Plan

1/8" = 1'-0"



LOT # 232-41 (proposed)

LOT SIZE 8,431 SQFT
EX'G FOOT PRINT 1,396 SQFT
EX'G LOT COVERAGE 16.6%2

NEW FOOT PRINT 2,416 SQFT
NEW LOT COVERAGE 28.7%

ALLOWED FOOT PRINT (20%) 1,686 SQFT
ALLOWED FOOT PRINT IF 15,000 SQFT 3,000 SQFT
NEW LOT COVERAGE IF 15,000 SQFT 16.1%

Proposed New Plot Plan

1/8" = 1'-0"

GROSS BASEMENT AREA	1,110 SQFT
GROSS FIRST FLOOR AREA	1,887 SQFT
GROSS SECOND FLOOR AREA	1,561 SQFT
TOTAL	4,558 SQFT
NEW FRONT PORCH	130 SQFT
NEW COVERED PORCH	306 SQFT
TOTAL WITH PORCHES	4,994 SQFT

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- CONTRACTORS SHALL VERIFY ALL SITE CONDITIONS AND DIMENSIONS IN FIELD.
- DO NOT SCALE DRAWINGS FROM PRINTS OR REPRODUCTIONS. SCALE INDICATED IS VALID ON ORIGINAL DRAWINGS WHICH IS 24" X 36" OVERALL.

Progress Issues:

06/18/24	BETH & MATT REICHL, HBC
06/27/24	BETH & MATT REICHL, HBC

Permit Issues:

Construction Issues:

PROJECT:

Additions and Renovations for

The Reichl Residence
15 Marjorie Street
Portsmouth NH 03801

DATE:

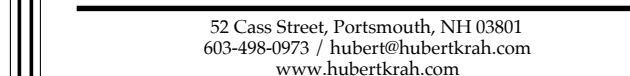
06/27/24

ISSUED AS:

**PROGRESS
ISSUE**

**Architectural
Plot Plans
& Title**

AD-0.01



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PROJECT:

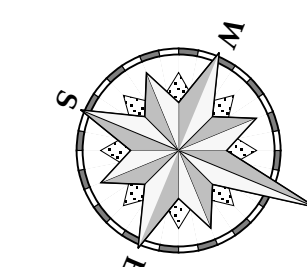
15 Marjorie Street
Portsmouth NH 03801

DATE:

ISSUED AS:

Architectural Floor Plans Basement

AD-1.00



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06/27/24	BETH & MATT REICHL, HBC

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Additions and
Renovations
for

The Reichl
Residence

15 Marjorie Street
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DATE:

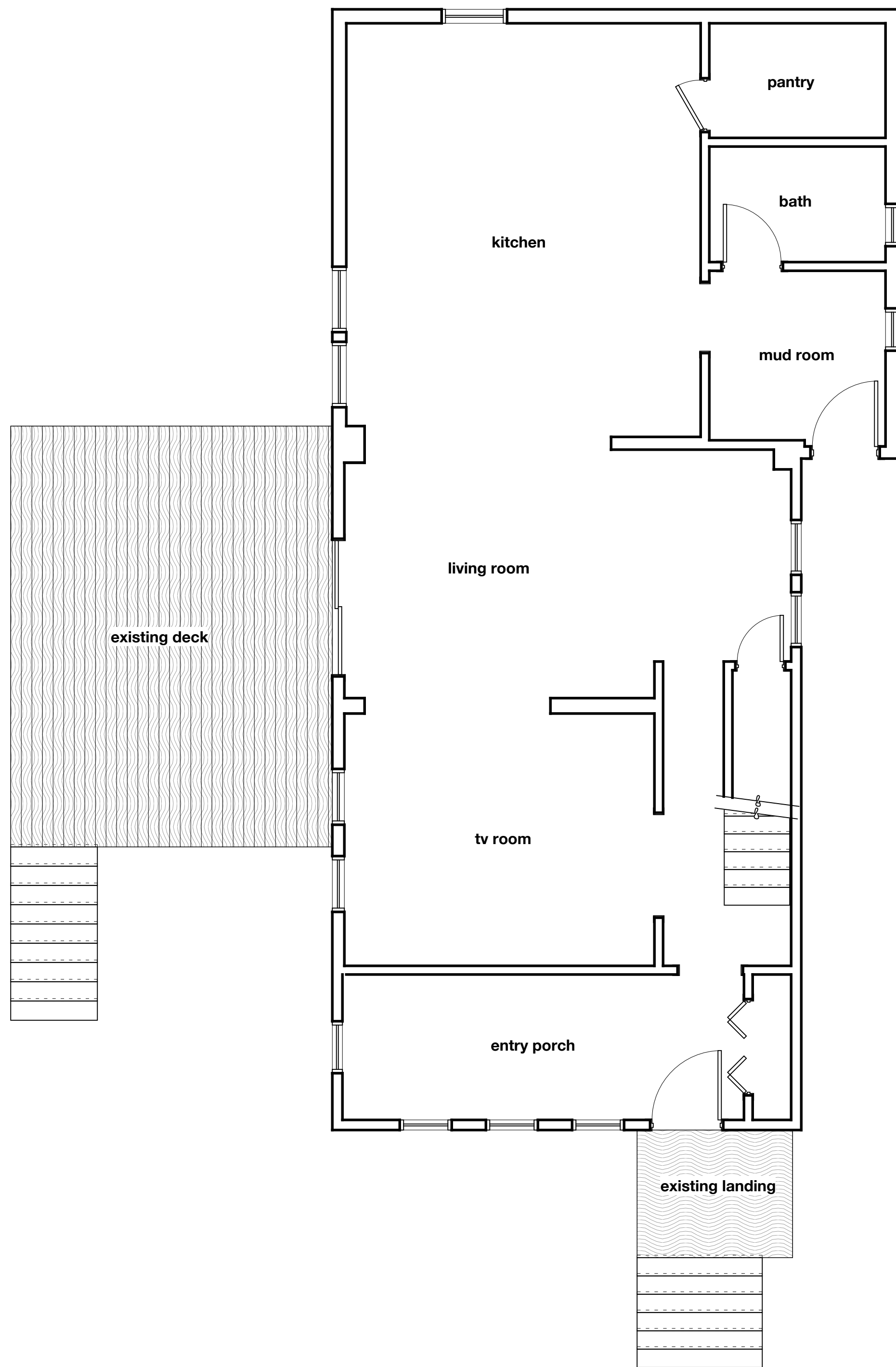
06/27/24

ISSUED AS:

PROGRESS
ISSUE

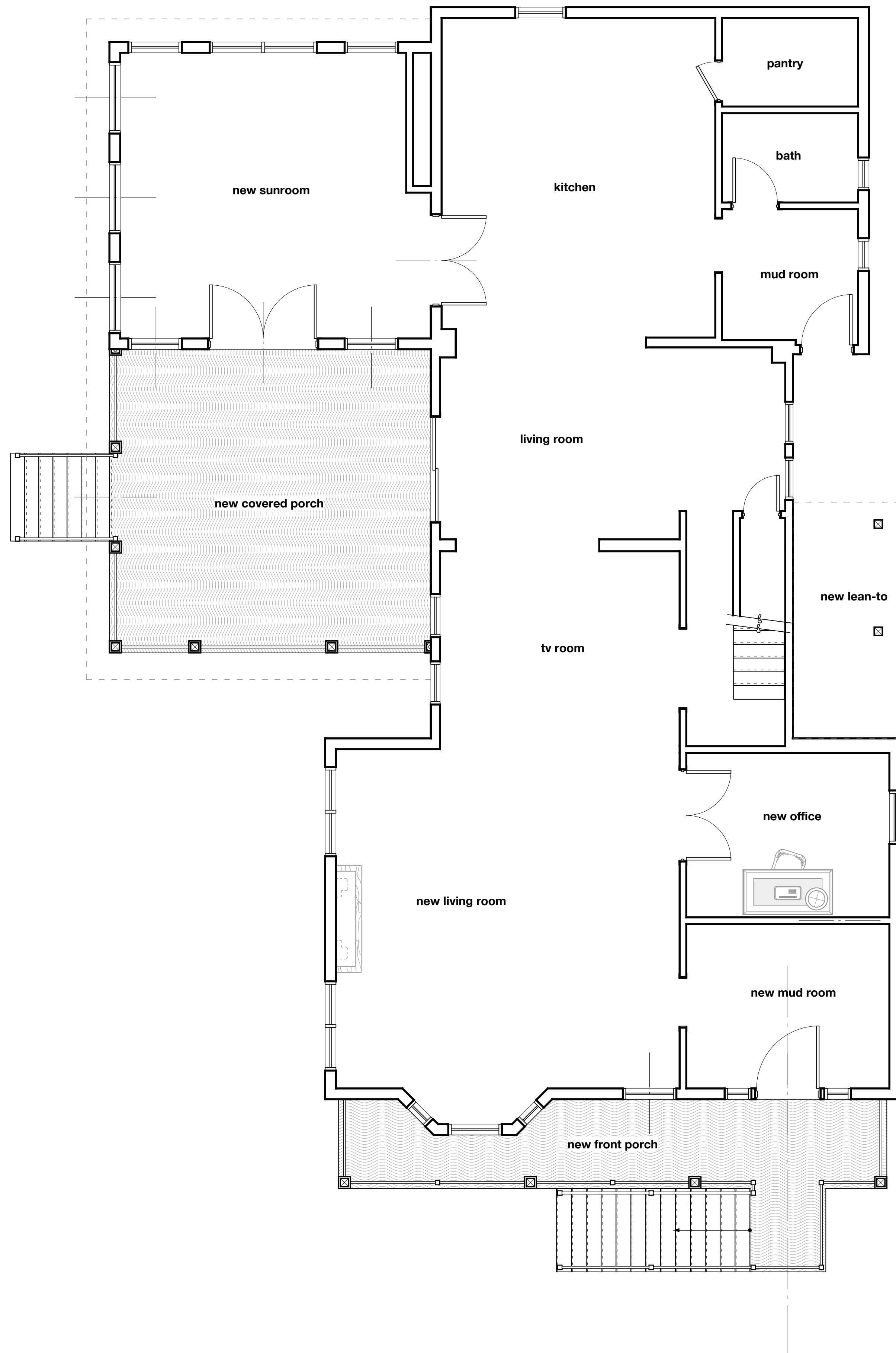
Architectural
Floor Plans
First Floor

AD-1.01



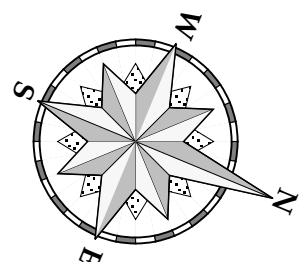
Existing New Floor Plan @ First Floor

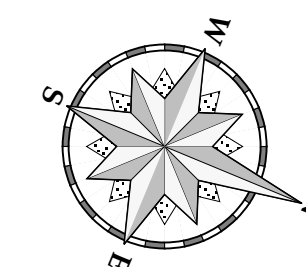
1/4" = 1'-0"



Proposed New Floor Plan @ First Floor

1/4" = 1'-0"





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Progress Issues:

06/18/24	BETH & MATT REICHL, HBC
06/27/24	BETH & MATT REICHL, HBC

Permit Issues:

Construction Issues:

PROJECT:

Additions and Renovations

The Reichl Residence

**15 Marjorie Street
Portsmouth NH 03801**

DATE:

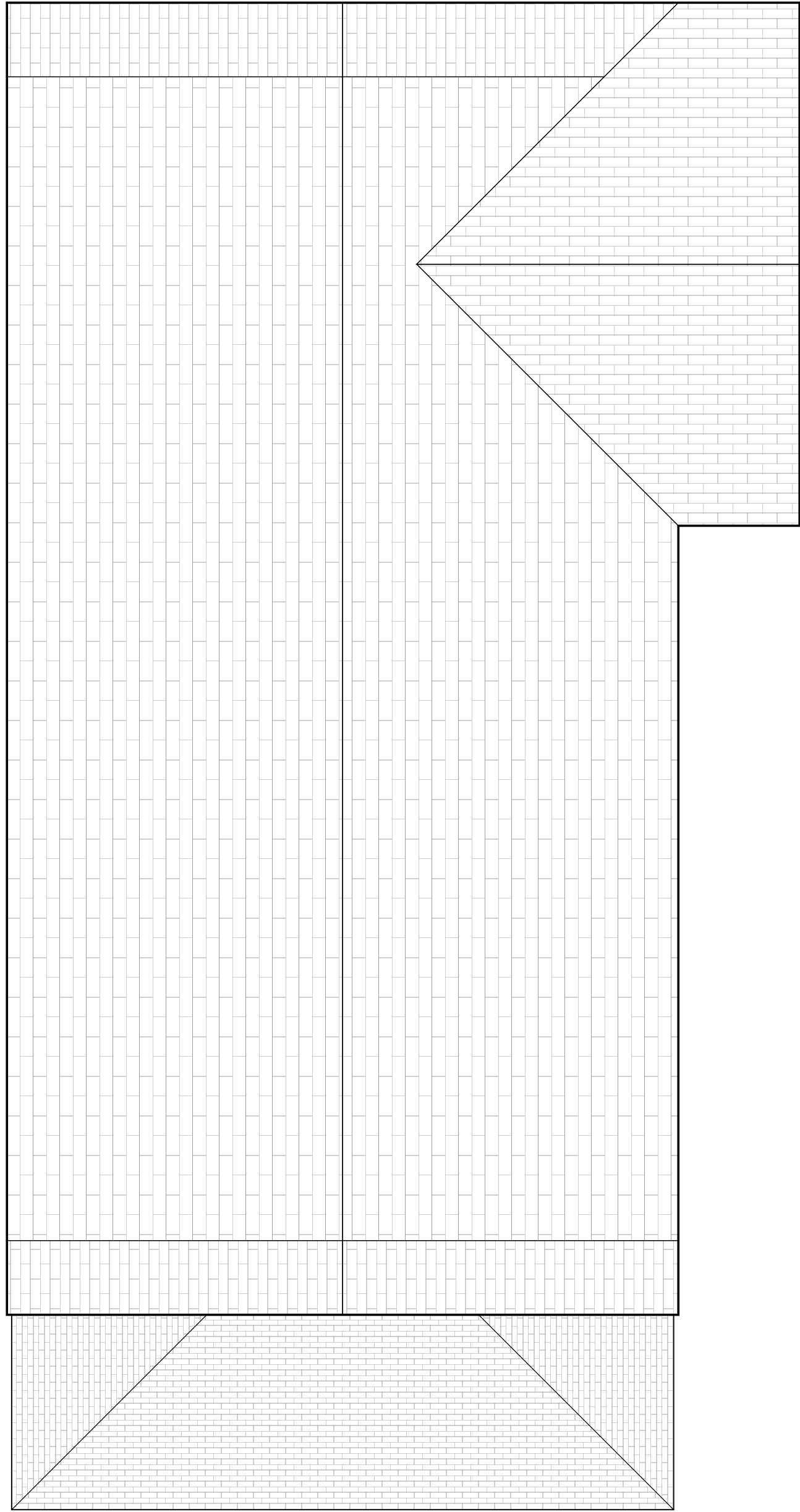
06/27/24

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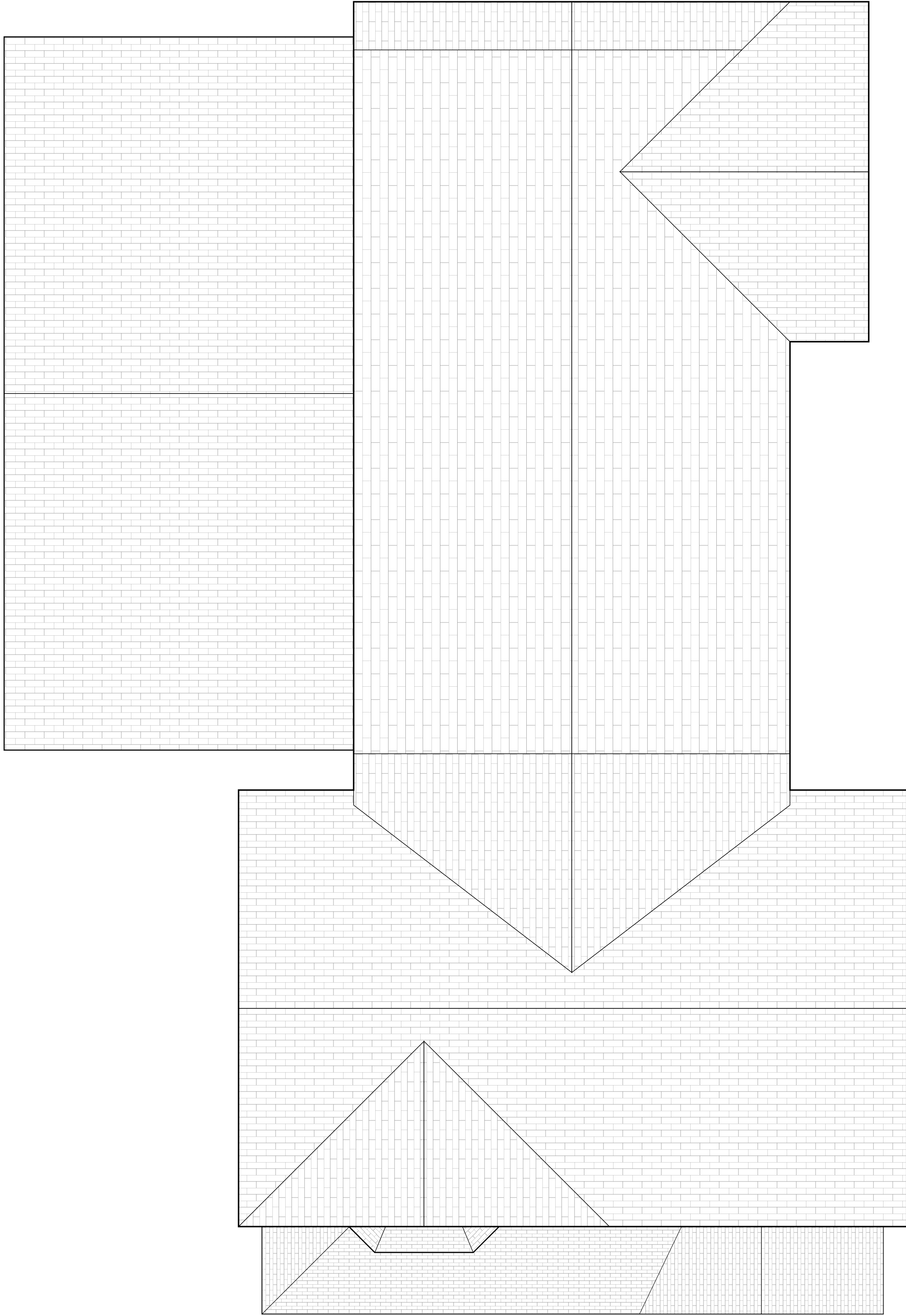
PROGRESS
ISSUE

Architectural Floor Plans Second Floor

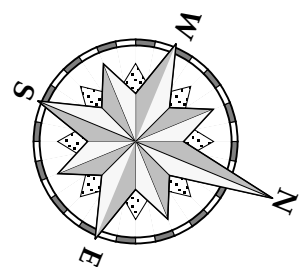
AD-1.02



Existing Roof Plan
1/4" = 1'-0"



Proposed New Roof Plan
1/4" = 1'-0"



52 Cane Street, Portsmouth, NH 03801
603-488-0973 / hubert@hubertkrah.com
www.hubertkrah.com

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Progress Issues:

06/18/24	BETH & MATT REICHL, HBC
06/27/24	BETH & MATT REICHL, HBC

Permit Issues:

Construction Issues:

PROJECT:

**Additions and
Renovations**
for
**The Reichl
Residence**
15 Marjorie Street
Portsmouth NH 03801

DATE:

06/27/24

ISSUED AS:

**PROGRESS
ISSUE**

**Architectural
Floor Plans**
Roof

AD-1.03



Proposed New South Elevation

1/4" = 1'-0"



Proposed New East Elevation

1/4" = 1'-0"

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Progress Issues:

06/18/24	BETH & MATT REICHL, HBC
06/27/24	BETH & MATT REICHL, HBC

Permit Issues:

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Construction Issues:

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PROJECT:

**Additions and
Renovations**
for
**The Reichl
Residence**
15 Marjorie Street
Portsmouth NH 03801

DATE:

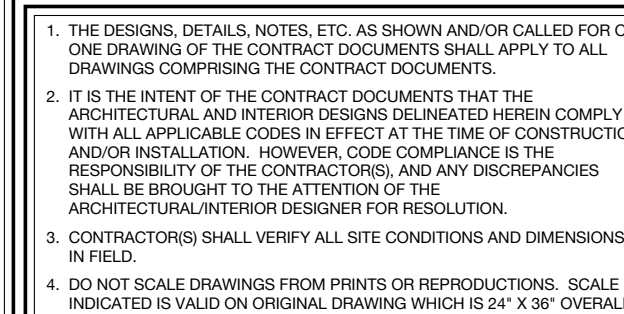
06/27/24

ISSUED AS:

**PROGRESS
ISSUE**

**New Exterior
Elevation
South & East**

AD-3.01

[illegible]

Construction Issues:	

PROJECT:

**Additions and
Renovations
for
The Reichl
Residence**
15 Marjorie Street
Portsmouth NH 03801

DATE:

06/27/24

ISSUED AS:

PROGRESS ISSUE

New Exterior Elevation North & West

AD-3.02



East
Elevation



North Elevation



South
Elevation

West Elevation



Pavement Maintenance plan

Inspect the Driveway

- Look for leaves, dirt, or water that isn't draining.
- Check for weeds or loose areas.

Clean the Surface

- Use a **leaf blower**, **broom**, or **stiff brush** to remove leaves, dirt, and debris.
 - Sweep gently to avoid pushing dirt into the surface.
-

2. Seasonal or As-Needed Tasks

Remove Weeds

- Pull weeds by hand, roots and all.
- Consider adding a layer of gravel or sand between pavers to block new growth (use only clean material).

Fix Uneven Areas

- If pavers or stones settle, lift and re-level them.
- Add more base material (gravel or sand) under the pavers if needed.

Check Drainage

- After a rain, look for spots where water doesn't soak in.
 - If water pools, sweep or lightly rake to loosen dirt, or consider professional vacuum cleaning once a year.
-

Winter Tips (No Salt or Sand)

- Use a **plastic shovel** or snow blower to remove snow without damaging the surface.
- Don't use **salt**, **sand**, or **ash**, as they can clog the pores.
- Let small amounts of snow melt naturally if it's safe to do so.



For work conducted
in October 2018

2019 ADDITION 23354.

TABLE DATA FOR OCT. 31, 1954 (continued)

PLANT, GARDEN, AND HOUSE

```

ADDRESS LIST AREA: 15,000 Sq. Ft.
RFR (RFR/AND UNIT): 15,000 Sq. Ft.
CONTRACTS STREET FRONTAGE: 100 Ft.
CONTRACTS LOT DEPTH: 100 Ft.
CONTRACTS FRONT YARD: 20 Ft.
CONTRACTS SIDE YARD: 10 Ft.
CONTRACTS REAR YARD: 30 Ft.
CONTRACTS STRUCTURE HEIGHT: 25 Ft.
CONTRACTS BUILDING COVERAGES: 25%
CONTRACTS OPEN SPACE: 40%

```

TABLE OF ORIENTATIONAL STANDARDS-RESIDENTIAL AND WARD RESIDENTIAL DISTRICTS

REFERENCES

1. "EASTVIEW PLAIN, PLAN FOR 'HONEY LADENBERRY' WARDROBE, PORTSMOUTH, N.H. PREPARED BY GCM ASSOCIATES, P.L.L.C. DATED MARCH 30, 1982 AND RECORDED AT THE P.L.R.S. AS PLAN 0-37798
2. "A PLAN OF LAND IN PORTSMOUTH, N.H. FOR THE CHASE HOME FOR CHILDREN", PREPARED BY JOHN W. DARRIN ASSOCIATES, INC., DATED SEPTEMBER 10, 1980, PLAN NO. 3880.
3. "PROSPECT PARK, PORTSMOUTH, N.H., BELONGING TO LEAHY, WOODSWORTH & WRIGHT, 30 COURT STREET, BOSTON, MASS., PREPARED BY JOHN A. MACINTOSH, DATED APRIL 30, 1982 AND RECORDED AT THE P.L.R.S. AS PLAN 0025.
4. "PLAN OF LAND, PORTSMOUTH, N.H., FOR 'WAX WAGON', PREPARED BY JOHN W. DARRIN, DATED JULY 1982.

WATER

1. CORNER OF RECORD:
TAX MAP 232 LOT 41
MATHIAS ALLEN REICH
BETH RICHMOND
R.C.R.D. BOOK 2462 PAGE 2465
DATED JULY 18, 2013
2. TOTAL FLOODING PLUNGE AREA:
TAX MAP 232 LOT 41
A-40 SQ. FT.
3. BASIS OF MEASUREMENT FOR PLAIN REFERENCE #1.
4. APPROXIMATE ADJUTANT'S LINES SHOWN HEREON ARE FOR REFERENCE PURPOSES ONLY AND SHALL NOT BE RELIED UPON AS BOUNDARY INFORMATION.
5. EASEMENTS OR OTHER ADJUTANT'S RIGHTS WAS (WAS) THAT ENCUMBER OR BENEFIT THE PROPERTY NOT SHOWN HEREON.
6. ZONING INFORMATION AND SETBACKS SHOWN HEREON ARE FOR REFERENCE PURPOSES. CURRENTLY CURRENT ZONING REQUIREMENTS WITH THE CITY OF PORTLAND OREGON TO DESIGN OR CONSTRUCTION.
7. THE BOUNDARY SHOWN HEREON IS DETERMINED FROM WRITTEN RECORDS, FIELD EVIDENCE AND PHOTO TESTIMONY RECORDED AT THE TIME OF SURVEY AND MAY BE SUBJECT TO CHANGE IF OTHER EVIDENCE BECOMES AVAILABLE.
8. THE METES AND BOUNDARY AS CORRECTED ON THIS PLAN WAS DELINEATED/PLANNED BY JEFFREY W. MOORE, WE CERTIFY MR. MOORE, SURVEYOR IN OCTOBER 2018, THE PLACE WHERE SURVEY LOCATED BY MOORE EASTERN SURVEYING INC. IN OCTOBER 2018, THE DELINEATION WAS CONDUCTED IN ACCORDANCE WITH THE U.S. ARMY CORPS OF ENGINEERS DOCUMENT: CORPS OF ENGINEERS METELOGICAL DELINEATION MANUAL (1987) ALONG WITH THE REQUIRED REGIONAL SUPPLEMENT TO THE CORPS OF ENGINEERS METELOGICAL MANUAL, NORTH-CENTRAL AND NORTH-EAST REGION (MARCH 2, JANUARY 2012).
9. HYDRO SURVEY DETERMINATIONS WERE CONDUCTED IN ACCORDANCE WITH THE UNITED STATES DEPARTMENT OF AGRICULTURE, NATURAL RESOURCES CONSERVATION SERVICE BOUNDARY FIELD INDICATORS OF HYDRO SOILS OF THE UNITED STATES HEREON 7.8 (2012) ALONG WITH THE MANUAL FIELD INDICATORS FOR IDENTIFYING HYDRO SOILS IN NEW ENGLAND (MARCH 2, APRIL 2014).
10. PLANT SPECIES INDICATOR STATUS WAS BASED ON THE U.S. ARMY CORPS OF ENGINEERS PUBLICATION: THE NATIONAL METELOGICAL PLANT LIST (2013).
11. REFERENCE IS MADE TO "STATE OF OREGON" EXEMPTED" RECORDED AT THE R.C.R.D. AT BOOK 2462 PAGE 2465.
12. LOT 41 IS SUBJECT TO A GROSS EASEMENT. LOCATION SHOWN IS APPROXIMATE PER PLAN REFERENCE #1.

READING COMPREHENSION

LOF AREA	8.442 SQ FT
WALLS	8004 SQ FT
FLOOR	20000 SQ FT
TOTAL	1.00866 SQ FT (111,111)

40th STATE GENERAL ASSEMBLY

Item	Quantity	Unit Price	Total Price
1000	1000	1.00	1000.00
2000	2000	2.00	4000.00
3000	3000	3.00	9000.00
4000	4000	4.00	16000.00
5000	5000	5.00	25000.00
6000	6000	6.00	36000.00
7000	7000	7.00	49000.00
8000	8000	8.00	64000.00
9000	9000	9.00	81000.00
10000	10000	10.00	100000.00
Total	50000		500000.00

EXISTING CONDITIONS PLAN

FOR RENT
5 Sylvester Street
Portsmouth, Rockingham County, New Hampshire

Mathew Allen Reichl
Beth Richmond

5 Spenser Street, Portsmouth, NH 03801

 **EASTERLY**
SURVEYING, Inc.

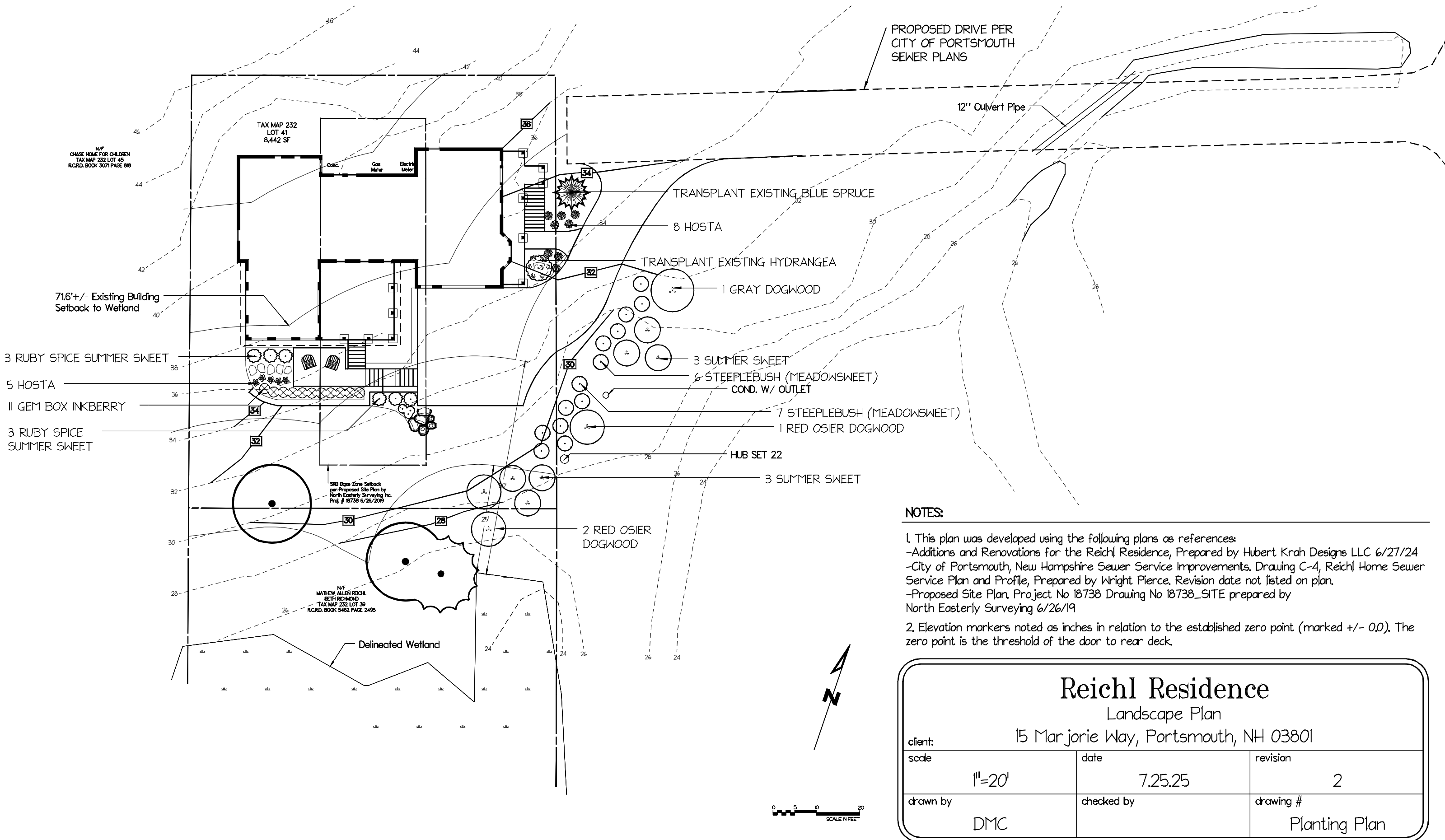
SURVEYORS IN N.H. & MAINE 184 STATE ROAD, SUITE #1
(603) 433-8333 SUDBURY, MAINE 03084

NAME	PHASED TO	DATE	DATE	DATE	DATE
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1	2	3	4	5	6
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Page Nine 2007 Oct 4

1000	1000
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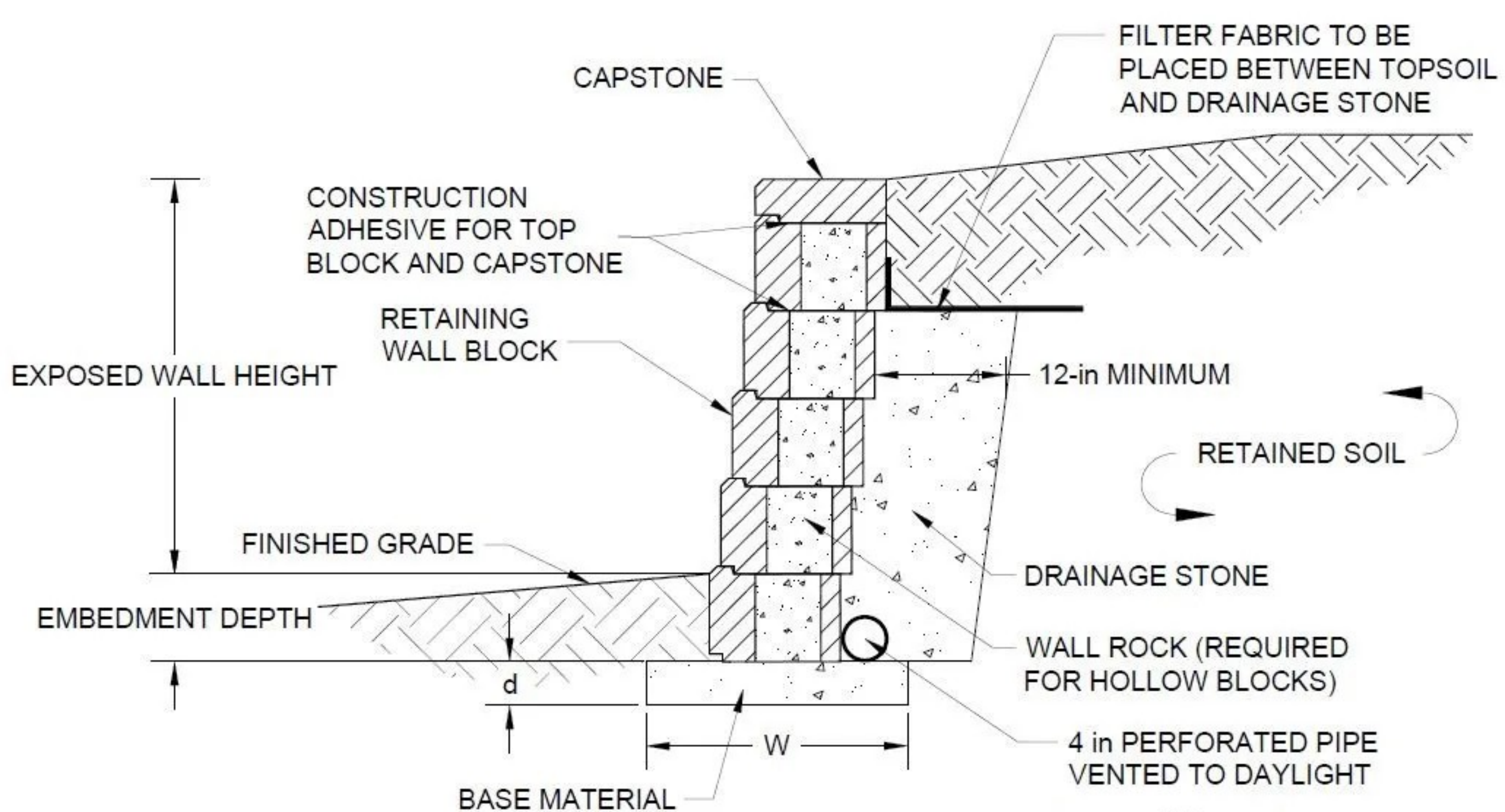


NOTES:

1. This plan was developed using the following plans as references:
-Additions and Renovations for the Reichl Residence, Prepared by Hubert Krah Designs LLC 6/27/24
-City of Portsmouth, New Hampshire Sewer Service Improvements, Drawing C-4, Reichl Home Sewer Service Plan and Profile, Prepared by Wright Pierce, Revision date not listed on plan.
-Proposed Site Plan, Project No 18738 Drawing No 18738_SITE prepared by North Easterly Surveying 6/26/19

2. Elevation markers noted as inches in relation to the established zero point (marked +/- 0.0). The zero point is the threshold of the door to rear deck.

Reichl Residence		
Landscape Plan		
15 Marjorie Way, Portsmouth, NH 03801		
client:		
scale	1"=20'	date 7.25.25
drawn by	DMC	checked by
		revision 2
		drawing #
		Planting Plan



SECTION 02513A

POROUS BITUMINOUS CONCRETE PAVING

PART 1 - GENERAL

1.1 DESCRIPTION

A. Work Included:

1. Furnish all plant, labor, equipment and materials required to install porous bituminous concrete pavement. Furnish all plant, labor, equipment and materials required to install all layers or aggregates, filter fabric and underdrain below the porous bituminous concrete pavement.

B. Work Not Included: Removal and replacement of paving for the convenience of the Contractor will not be considered for payment.

C. Related Work Specified Elsewhere (When Applicable): Earthwork, Bituminous Concrete Pavement and pavement markings.

1.2 SUBMITTALS AND MEETINGS

A. Contractor shall submit to the Engineer a proposed design for the porous pavement material. Gradations, abrasion, degradation, angularity, hardness and all other applicable test results for all aggregates to be used in the mix shall be submitted. The porous pavement will be discussed at the prepave conference(s).

B. Delivery slips shall be furnished with each load of mix delivered to the project. Information shall include:

1. Vehicle identification.
2. Date.
3. Project.
4. Identification of material.
5. Gross, tare and net weights.
6. Signed by the bituminous concrete producer.
7. Stamped by a licensed public weighmaster.

PART 2 - PRODUCTS

2.1 POROUS AGGREGATE MEDIA COURSES- MATERIALS

A. Porous Media Infiltration Beds. Porous media infiltration beds are located below the porous asphalt mix. Gradation and compaction requirements are listed in Table 1. Washed aggregate for the choker course and reservoir course shall meet the following:

- Maximum Wash Loss of 0.5% (AASHTO T 11 I ASTM C 117)
- Maximum Abrasion Loss of 10% for 100 revolutions, and maximum of 50% for 500 revolutions. (AASHTO T 96 I ASTM C 131)

B. A choker course of crushed stone, meeting the requirements of AASHTO M 43 Standard Size No. 57 shall be located directly below the porous pavement mix at a minimum thickness of 4".

C. A filter course of poorly graded sand (modified 304.1) is located below the choker course. Filter course material shall have a hydraulic conductivity (also

referred to as coefficient of permeability) of 10 to 60 ft/day at 95% standard proctor compaction (AASHTO T 99) unless otherwise approved by the Engineer. The filter course shall be located directly below the choker course at a minimum thickness of 12”.

- D. A filter blanket that is an intermediate setting bed (3/8-inch pea gravel), located below the filter course at a minimum thickness of 3”.
- E. A reservoir course of crushed stone meeting the requirements of AASHTO M 43 Standard Size No. 3 is located over the subgrade materials at minimum thickness of 4”.

Table 1. - Gradations and compaction of choker, filter and reservoir course materials.

US Standard Sieve Size	Percent Passing ☐ ☐ ☐			
Sieve Size inch (mm)	Choker Course (AASHTO Standard Size No. 57)	Filter Course (Modified NHDOT 304.1)	Reservoir Course (AASHTO Standard Size No.3)	Reservoir Course Alternative* (AASHTO Standard Size No.5)
6 (150)		100		
2.5 (63)		-	100	
2 (50)		-	90-100	
1.5 (37.5)	100	-	35-70	100
1 (25)	95-100	-	0-15	90-100
0.75 (19)	-	-	-	20-55
0.50 (12.5)	25-60	-	0-5	0-10
0.375 (9.5)	-	-	-	0-5
No.4 (4.75)	0-10	70-100	-	-
No.8 (2.36)	0-5	-	-	-
No.200 (0.075)	-	0-6**	-	-
%Compaction (AASHTO T 99)	95	95	95	95

☐ Alternate gradations (e.g. AASHTO Standard Size No. 5) may be accepted upon Engineer's approval.

☐☐ Preferably less than 4% fines

2.2. POROUS PAVEMENT MIX- MATERIALS

Bituminous materials used for asphalt cement binder shall meet the properties specified in AASHTO M 320. The grade of asphalt cement binder for this project shall be PG 64-28 SBR with 5 pounds of fibers per ton of asphalt mix. The dosage of fiber additives shall be either 0.25 percent cellulose fibers or 0.4 percent mineral fibers by total mixture mass. Table 2 provides the Porous Asphalt Mix Criteria. Porous pavement shall be applied at a minimum thickness of 4”.

Table 2 - Porous Asphalt Mix Design Criteria

Sieve Size (inch/mm)	Percent Passing (%)
0.75 (19)	100
0.50 (12.5)	85-100
0.375 (9.5)	55-75
No. 4 (4.75)	10-25
No 8 (2.36)	5-10
No. 200 (0.075)	2-4
Binder Content (AASHTO T 164)	6-6.5%
Fiber Content by Total Mixture Mass	0.25 cellulose or 0.4% mineral
Air Void Content (ASTM D6752/AASHTO T 275)	16.0-22.0%
Draindown (ASTM D 6390)_*	<0.3%
Retained Tensile Strength (AASHTO T 283)**	>80%

* Cellulose or mineral fibers may be used to reduce draindown.

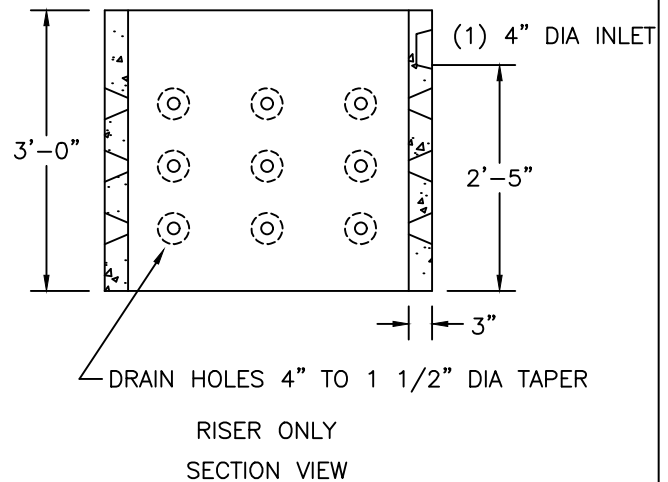
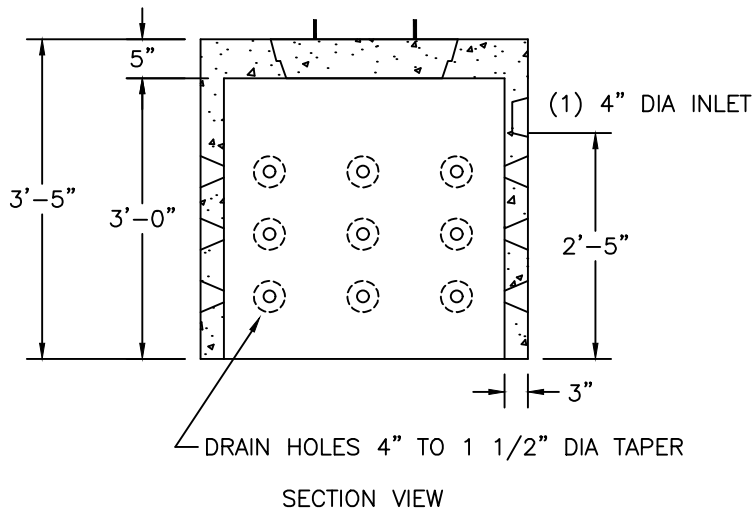
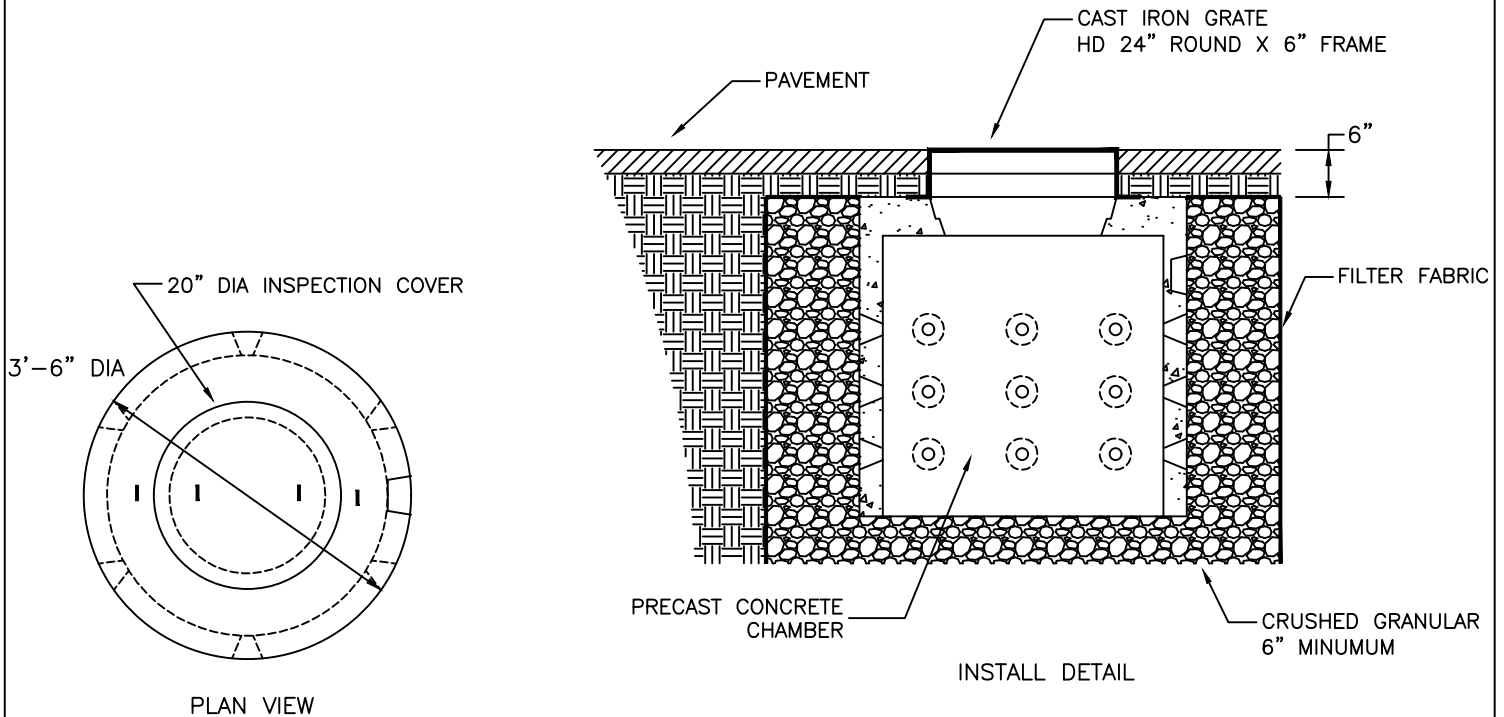
** If the TSR (retained tensile strength) values fall below 80% when tested per NAPA IS 131 (with a single freeze thaw cycle rather than 5), then in Step 4, the contractor shall employ an antistrip additive, such as hydrated lime (ASTM C977) or a fatty amine, to raise the TSR value.

PART 3 – EXECUTION AND CONSTRUCTION REQUIREMENTS

3.1 GENERAL

- A. Porous media aggregate bases shall only be compacted to establish sound contact between particles. Overcompaction must be avoided to protect the infiltration capacity of the soil materials.
- B. Material delivered to the spreader not having a temperature between 275° and 325° F (135° and 163° F), within 10° F (6° C) of the compaction temperature for the approved mix design, will not be used.
- C. Rollers shall move at a slow but uniform speed with the drive roll or drive wheels nearest the paver, except on steep grades. Static rollers shall not operate at speeds in excess of 6 mph (10 km/h). All courses shall be rolled until all roller marks are eliminated. The compaction objective is 16% - 19% in-place void content (Core-Lok test, AASHTO TP-69). When ordered by the Engineer, density tests shall be taken at the beginning of the porous pavement course construction to establish the correct rolling patterns that will achieve the required density.
- D. Breakdown rolling shall occur when the mix temperature is between 135-163°C (275 to 325°F). Intermediate rolling shall occur when the mix temperature is between 93-135°C (200 to 275°F). Finish rolling shall occur when the mix temperature is between 66-93°C (150 to 200°F). The cessation temperature occurs at approximately 79°C (175°F).

END OF SECTION



NOTES:

1. CONCRETE: 4,000 PSI MINIMUM AFTER 28 DAYS.
2. DESIGNED FOR AASHTO HS-20 LOADING, 1 TO 5 FT COVER.
3. CAPACITY INCREASES IN INCREMENTS OF 160 GALLONS FOR EVERY 3' SECTION ADDED.
4. BOTTOM PLATES AVAILABLE.

			WEIGHT
ITEM NO.	MDWH	3' SECTION W/COVER (ONE PIECE)	1,404#
	MDWHNC	3' SECTION NO COVER	1,048#

SHEA PRODUCT ID:
SEE TABLE

PREPARED FOR:

FILE NAME:

dwcmini.dwg

WEIGHT (LBS):
SEE TABLE

DRAWN BY: ARO

DATE: 03/01/2018

PAGE: F1



Residential Drywell Maintenance Plan

Purpose

This plan provides guidelines for the proper inspection and maintenance of the drywell to ensure it functions effectively for stormwater infiltration and does not cause flooding or water quality issues.

Inspection Schedule

- After major rain events (greater than 1" of rainfall in 24 hours).
- At least twice per year: once in the spring and once in the fall.

Maintenance Tasks

- **Visual Inspection** – Check for standing water more than 48 hours after rainfall, inspect inlets, grates, and overflow pipes for blockages, and look for erosion or structural damage.
- **Debris & Sediment Removal** – Remove leaves, trash, and sediment from inlet areas. If sediment buildup is visible inside the drywell, schedule professional cleaning or pumping.
- **Vegetation Care** – Maintain grass or plantings to reduce erosion. Avoid trees or shrubs with aggressive roots near the drywell.
- **Flow Check** – During rainfall, confirm water is flowing into the drywell without bypassing.

Long-Term Maintenance

- Pumping/cleaning every 5–10 years, or sooner if standing water persists.
- Drywell replacement typically every 20–30 years with proper care.

Owner Responsibilities

- Keep records of inspections and maintenance performed.
- Ensure contractors performing pumping or repair are licensed and dispose of materials properly.

II. NEW BUSINESS

- G.** The request of **Brian T and Kyle M LaChance (Owners)**, for property located at **86 South School Street** whereas relief is needed to demolish the existing porch, construct an addition with a deck and replace an existing flat roof with a slanted roof on the existing dwelling which requires the following: 1) Variance from Section 10.521 to allow a) 7.5 side yard where 10 feet is required, b) 15 foot rear yard where 25 feet is required, c) 31% building coverage where 30% is the maximum allowed; and 2) Variance from Section 10.321 to allow a nonconforming building or structure to be extended, reconstructed or enlarged without conforming to the requirements of the Ordinance. Said property is located on Assessor Map 101 Lot 63 and lies within the General Residence B (GRB) and Historic Districts. (LU-25-122)

Planning Department Comments

The applicant is requesting to postpone the application to the October BOA meeting to appropriately notice for an open space variance request.

From: [Kyle LaChance](#)
To: [Jen L. Crockett](#)
Cc: [Brian LaChance](#); [Jillian Harris](#); [Stefanie L. Casella](#)
Subject: Postpone BOA meeting
Date: Thursday, September 11, 2025 4:15:49 PM

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

Please postpone the Board of Adjustment meeting for LaChance @86 South School St until the October meeting.

Regards,
Kyle and Brian LaChance

II. NEW BUSINESS

H. The request of **Ama and Alexander LoVecchio (Owners)**, for property located at **87 Grant Avenue** whereas relief is needed to demolish the existing home and construct a new dwelling in the same footprint which requires the following: 1) Variance from Section 10.521 to allow an 8 foot right side yard where 10 feet are required. Said property is located on Assessor Map 251 Lot 7 and lies within the Single Residence B (SRB) District. (LU-25-123)

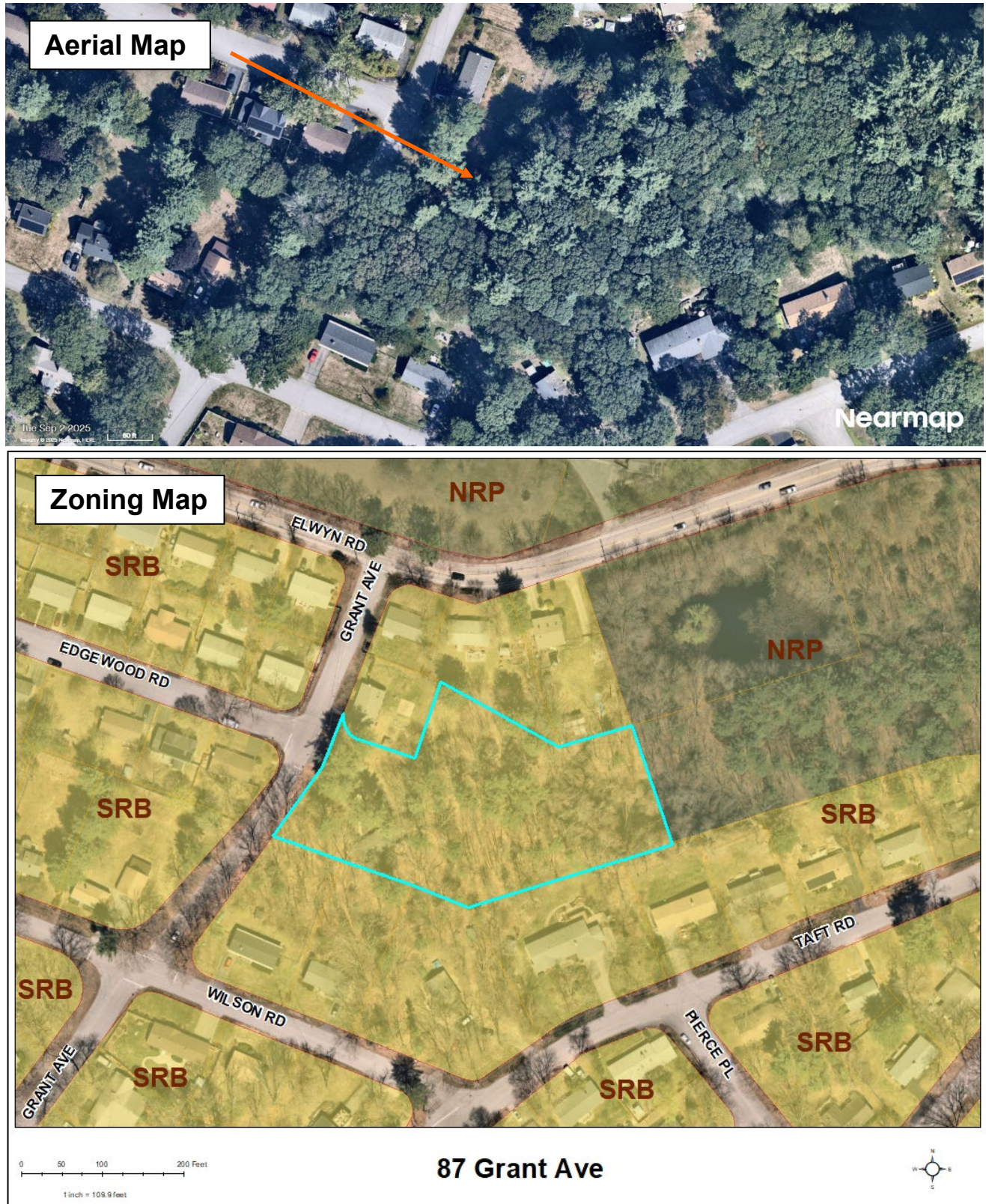
Existing & Proposed Conditions

	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Single-family residence	*Construct new residence	Primarily residential
<u>Lot area (sq. ft.):</u>	79,279.2	79,279.2	15,000 min.
<u>Front Yard (ft)</u>	85	85	30 min.
<u>Rear Yard (ft.):</u>	>30	>30	30 min.
<u>Right Yard (ft.):</u>	8	8	10 min.
<u>Left Yard (ft.):</u>	86	86	10 min.
<u>Height (ft.):</u>	14	34	35 max.
<u>Building Coverage (%):</u>	2	2	20 max.
<u>Open Space Coverage (%):</u>	>40	>40	40 min.
<u>Parking:</u>	2	2	2 min.
<u>Estimated Age of Structure:</u>	1971	Variance request(s) shown in red.	

Other Permits/Approvals Required

- Building Permit

Neighborhood Context



Previous Board of Adjustment Actions

No previous BOA history was found.

Planning Department Comments

The applicant is requesting relief to demolish the existing single story primary structure and construct a new 2 story structure in the same footprint.

Variance Review Criteria

This application must meet all five of the statutory tests for a **variance** (see Section 10.233 of the Zoning Ordinance):

1. *Granting the variance would not be contrary to the public interest.*
2. *Granting the variance would observe the spirit of the Ordinance.*
3. *Granting the variance would do substantial justice.*
4. *Granting the variance would not diminish the values of surrounding properties.*
5. *The “unnecessary hardship” test:*
 - (a) *The property has special conditions that distinguish it from other properties in the area.*
AND
 - (b) *Owing to these special conditions, a fair and substantial relationship does not exist between the general public purposes of the Ordinance provision and the specific application of that provision to the property; and the proposed use is a reasonable one.*
OR
Owing to these special conditions, the property cannot be reasonably used in strict conformance with the Ordinance, and a variance is therefore necessary to enable a reasonable use of it.

10.235 Certain Representations Deemed Conditions

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

To the City of Portsmouth, Board of Adjustment

We the LoVecchio's are proposing to replace our home in the same footprint with an updated home built to modern standards inline with the routine development occurring in the neighborhood. We do not plan to expand the footprint of our home, as it is 8 feet from the side and backyard property lines. Below, we layout our argument:

1. The Variances are not contrary to the public interest in that many properties in this neighborhood are non-conforming to Building Area & Setbacks. - The home is a single residence home, surrounded by other single residence homes in the Elwin park neighborhood. It's in the public's interest to have a sightly and safe home resting in place of the current outdated structure, which is surrounded by updated structures that are either much newer, or have been substantially improved in a manner like we are proposing. The home will be owner occupied (by us) and we plan to live here in Portsmouth for many years to come. As such, it does not threaten public health, safety, or welfare, or otherwise injure public rights.

-The proposed project is a vertical expansion upon the current footprint of the house. As such, no modifications will be made to the footprint. The back and side yard setback and building coverage variance request will not increase the current non-compliance. The house renovations will remain consistent with the original footprint. As such, it does not threaten public health, safety, or welfare, or otherwise injure public rights.

2. The Variances are consistent with the spirit of the ordinance in that it will allow this variance with minimal impact without adversely affecting the abutters & neighborhood.

-The existing building coverage is far below that of any other property within the Elwin park neighborhood. In this regard, it observes the spirit of the ordinance and is not contrary to the public interest nor does it threaten public health, safety, or welfare, or otherwise injure public rights.

-The project does not alter the essential character of the neighborhood; rather it allows for the homes' compatibility to align with the neighborhoods' updating of housing trend. For example, both these homes are close by and have received extensive renovations such as we are proposing: 8 EDGEWOOD RD Map-Lot 0251-0105-0000 and 35 WILSON RD Map-Lot 0251-0092-0000. The proposed house design does not threaten public health, safety, or welfare, or otherwise injure public rights.

-Conditions that may appear incongruous with the neighborhood, such as the proximity of the house to the property lines have existed since the home was built in 1972. Furthermore, these conditions exist extensively throughout the neighborhood. As seen below in exhibits 1,2,and 3. Many homes surrounding our property exist in a similar state of variance.

Exhibit 1

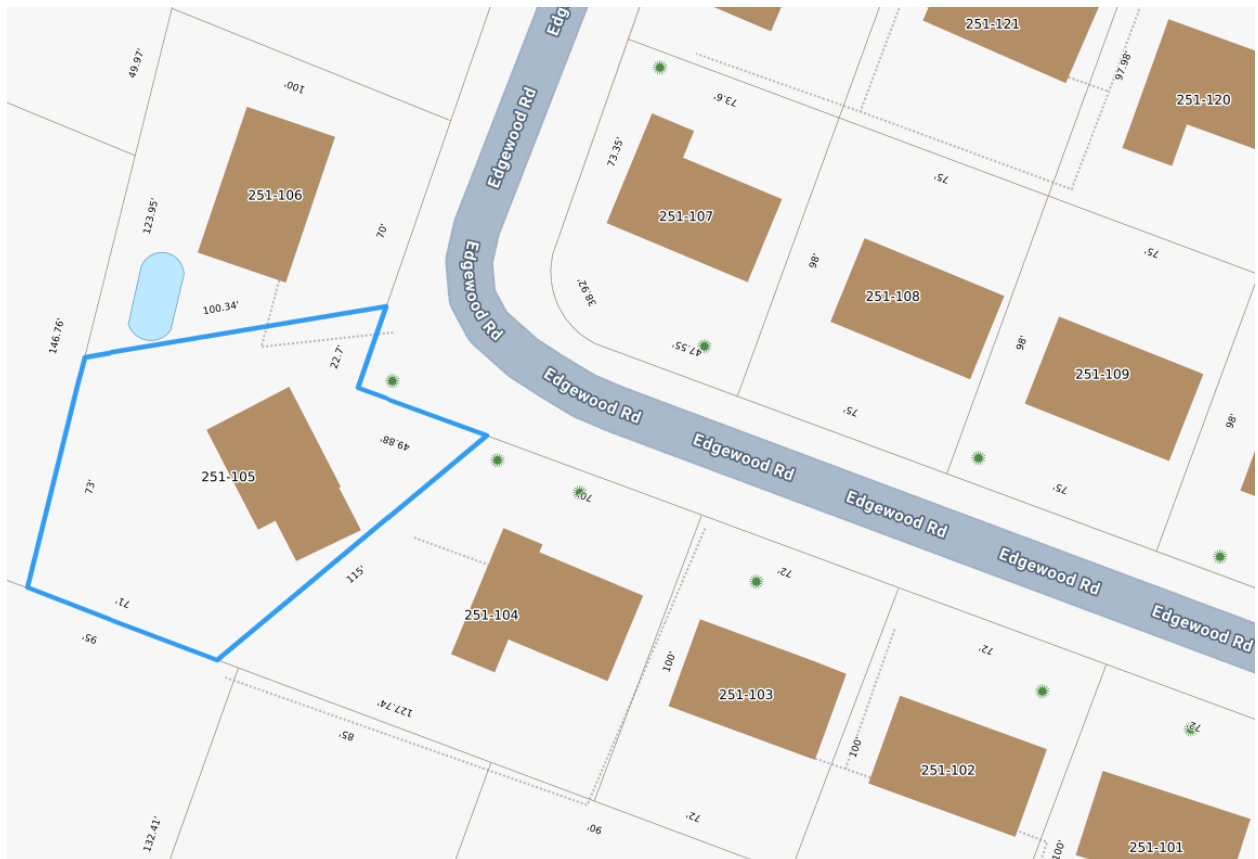


Exhibit 2



Exhibit 3



- The project does not conflict with the explicit or implicit purpose of the ordinance.
- The project observes the spirit of the ordinance by not increasing neighborhood crowding and by greatly improving the quality and appearance of the subject property.

3. Substantial justice will be done, as the Variances will allow the best location for this unit from both the neighborhood and owners perspective.

- The existing footprint of the building and intensity of property use will remain the same.
- We will be constructing a modernized, energy-efficient, fire-safe structure, meeting current building and fire codes.
- The property will be renovated and upgraded in a pleasing design, which benefits the neighborhood.
- The house renovation project does not harm the general public or other individuals.

4. These Variances will not diminish the value of surrounding properties.

- The proposed design will rebuild the 1971 home inline with the renovated housing existing in the neighborhood.
- The proposed house renovations will be aesthetically pleasing and greatly improve the look of the property, therefore increasing the property values of the surrounding homes.
 - In Portsmouth, in recent years, even modest renovation to a residence has consistently resulted in an increase of surrounding property values.

5. The special condition of this property is the non-conformity of the Existing Residence to Rear & Left Side Setbacks and the irregular shape of the rear property line.

- See attached site plan for non-compliant setback of current home to side and rear yard setbacks of 10 feet. We are planning to build within the current footprint of the existing home, with no further impact to the setbacks.

-Literal enforcement of the ordinance would result in unnecessary hardship:

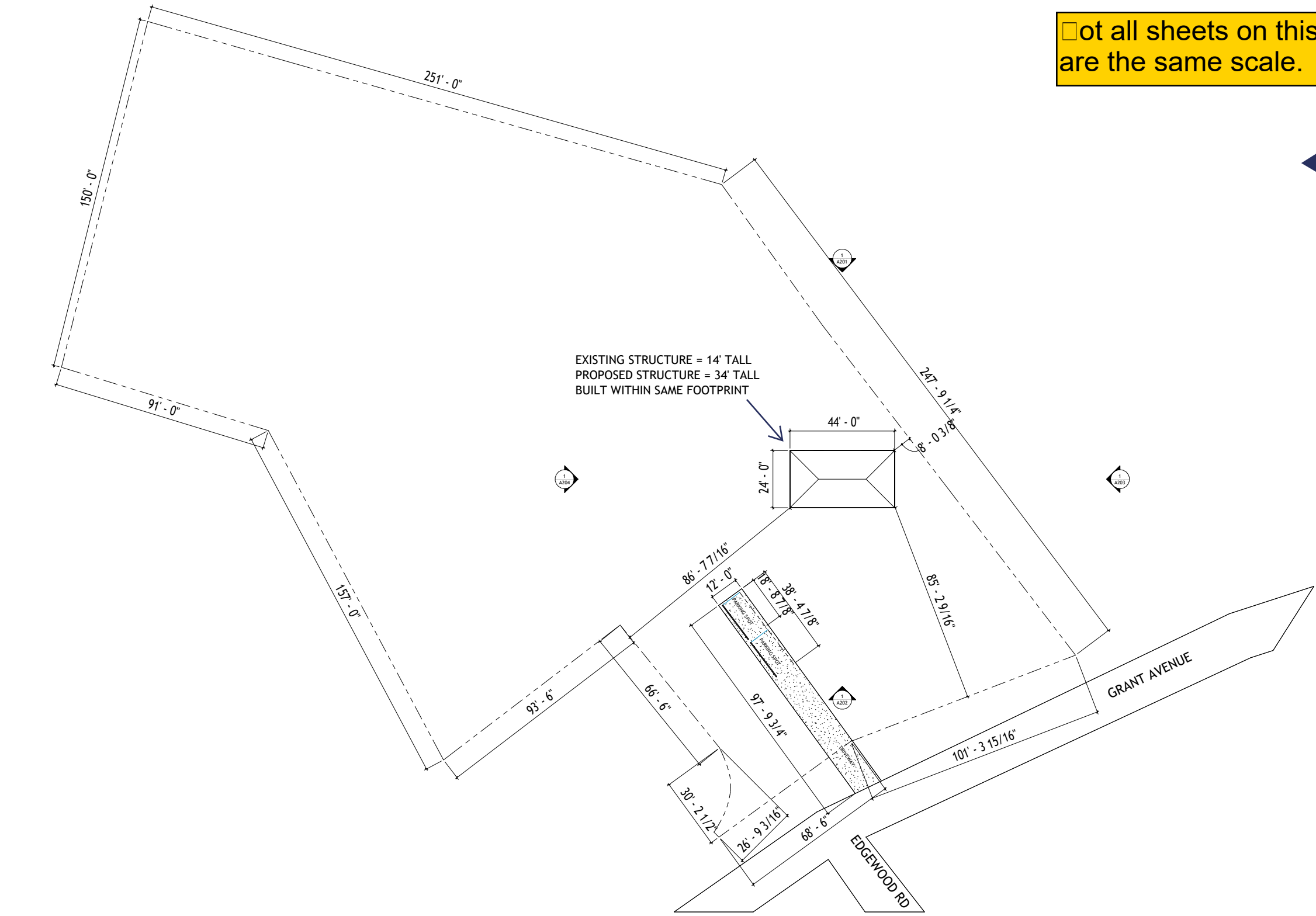
- Waste of perfectly suitable foundation, utility stubs, and natural appeal.
- We plan to live here for a long time, and provide room for our family to grow. The house as it stands would present significant hardship in terms of implementing the safest current housing standards.
- Moving the house in any direction from where it stands would result in less free space for our neighbors and more impact to the neighborhood from the substantial removal of forestry.
- The property has a minor non-conformance as it is, within the current footprint. Many surrounding homes have greater non-conformances and do not impact the neighborhood negatively.

CONCLUSIONS

- We are not increasing the house's footprint; we are not increasing non-conformity.
- We will maintain the existing forestry as deemed possible by certified arborists.
- The house design is aesthetically pleasing and fits the nature of the neighborhood.
- The renovations greatly improve the appearance of the house and property, and consequently, increase the value of surrounding properties.

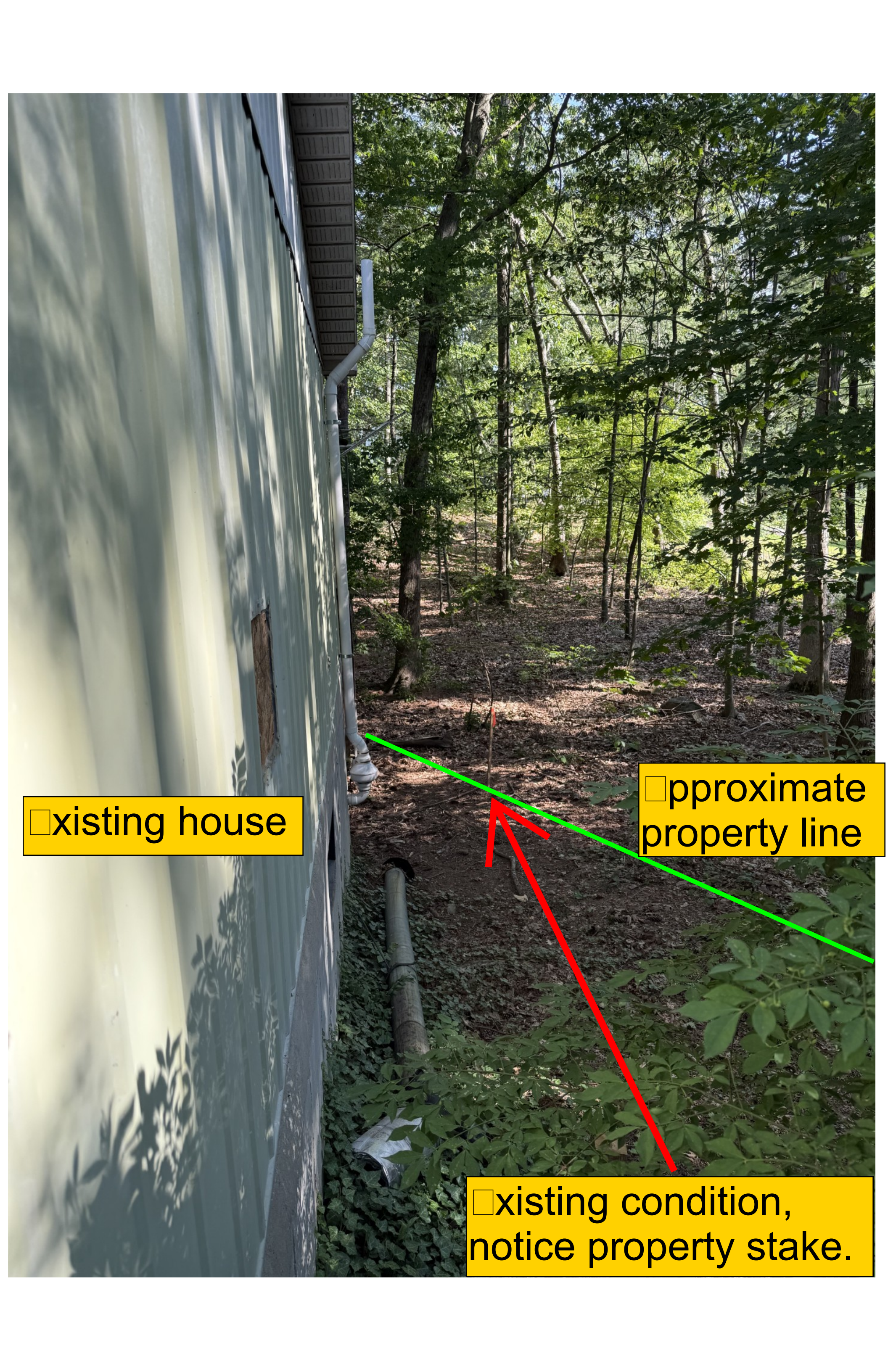
We, the LoVecchio's, respectfully request the Board's approval on this matter.

Not all sheets on this plan are the same scale.



① Site Plan
1/16" = 1'-0"

87 Grant Avenue	
Mr & Mrs LoVecchio	
Project Number	1
Date	8/15/2025
Drawn By	AL
C101	
Scale	1/16" = 1'-0"

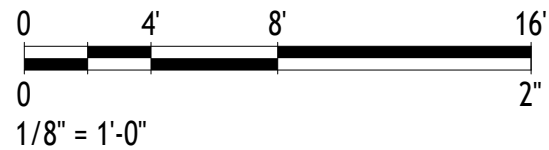
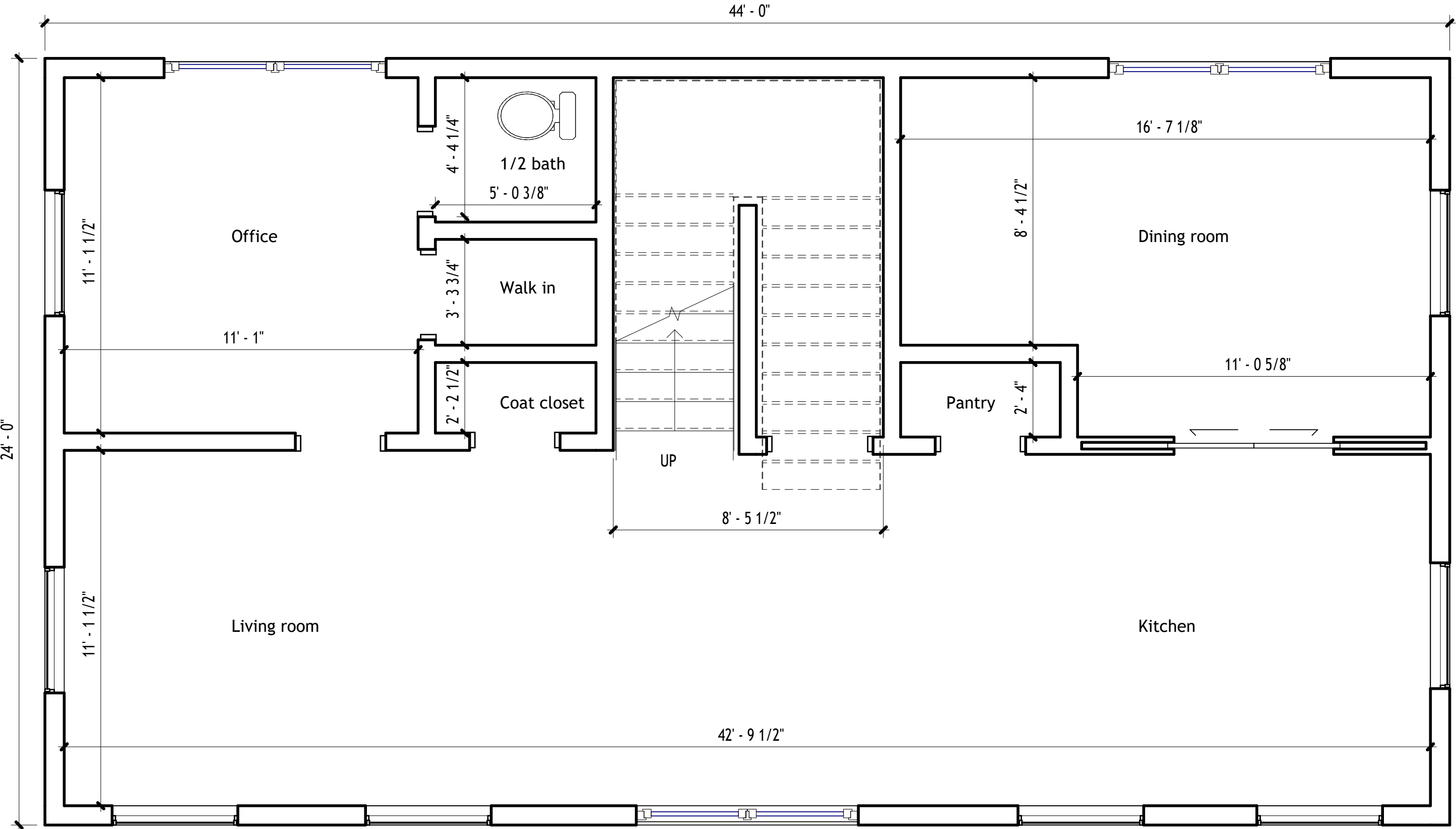


Existing house

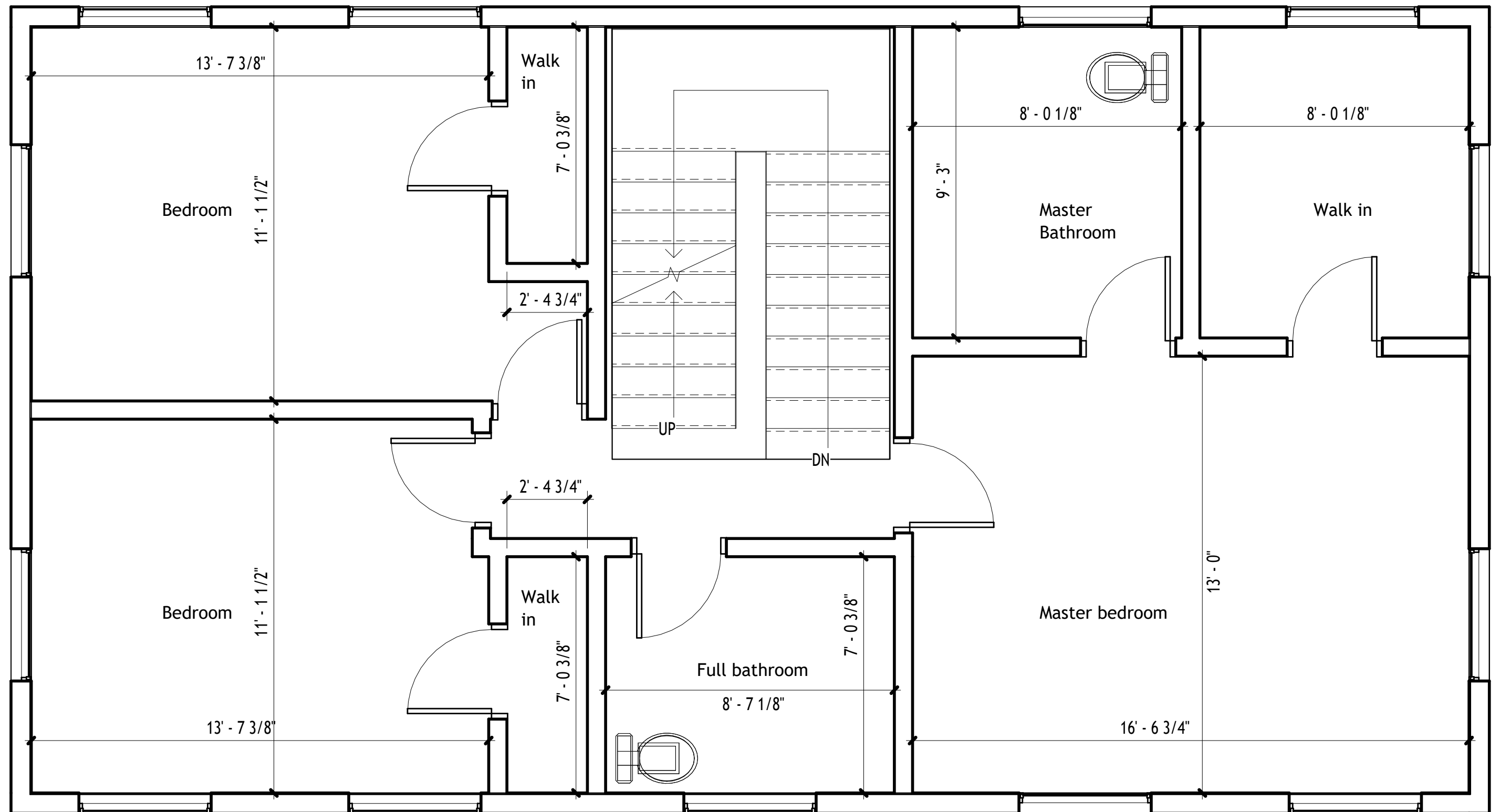
Approximate property line

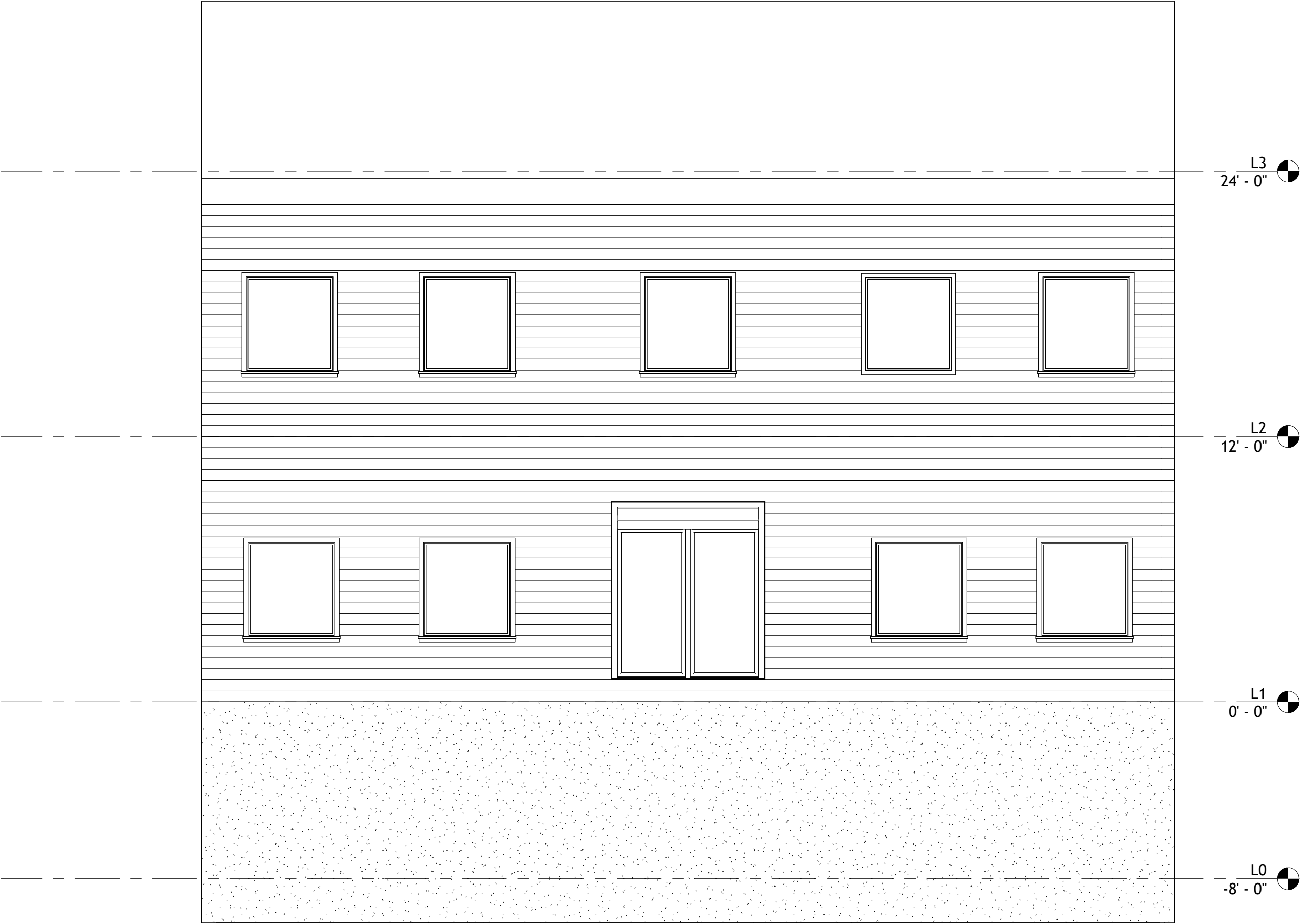
Existing condition, notice property stake.

Demo plan □ Demolish existing single floor house to make way for the new home seen below. The foundation, sewer stub, and water stub in will remain in place during works.



First floor ☐ ☐ ☐ Grant ☐ ☐ e





Previously submitted to city of
Portsmouth for the demolition permit

To the city of Portsmouth, New Hampshire,

We, the LoVecchio's, acknowledge that a demolition permit being issued by the city of Portsmouth for the existing structure at 87 Grant Avenue, does not grant us the right to rebuild a new home. We appreciate the city's consideration of this matter.

Thank you,

Ama and Alexander LoVecchio

II. NEW BUSINESS

- I. The request of **CABN Properties, LLC (Owner)**, for property located at **409 Lafayette Road** whereas relief is needed to subdivide the existing lot into two lots which requires the following: 1) Variance from Section 10.521 to allow 0 feet of frontage for the rear lot where 100 feet is required. Said property is located on Assessor Map 230 Lot 22 and lies within the Single Residence B (SRB) District. (LU-25-126)

Existing & Proposed Conditions

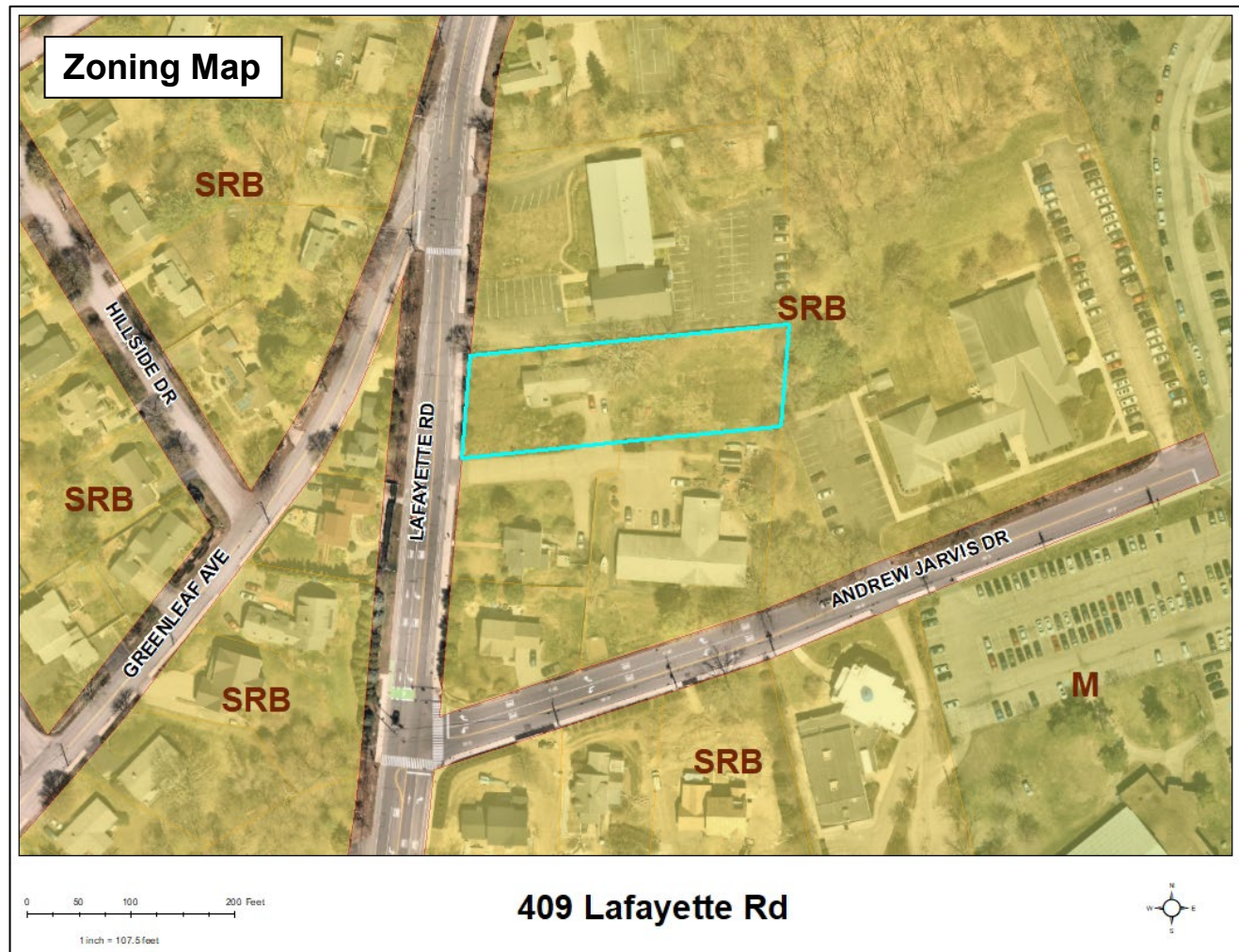
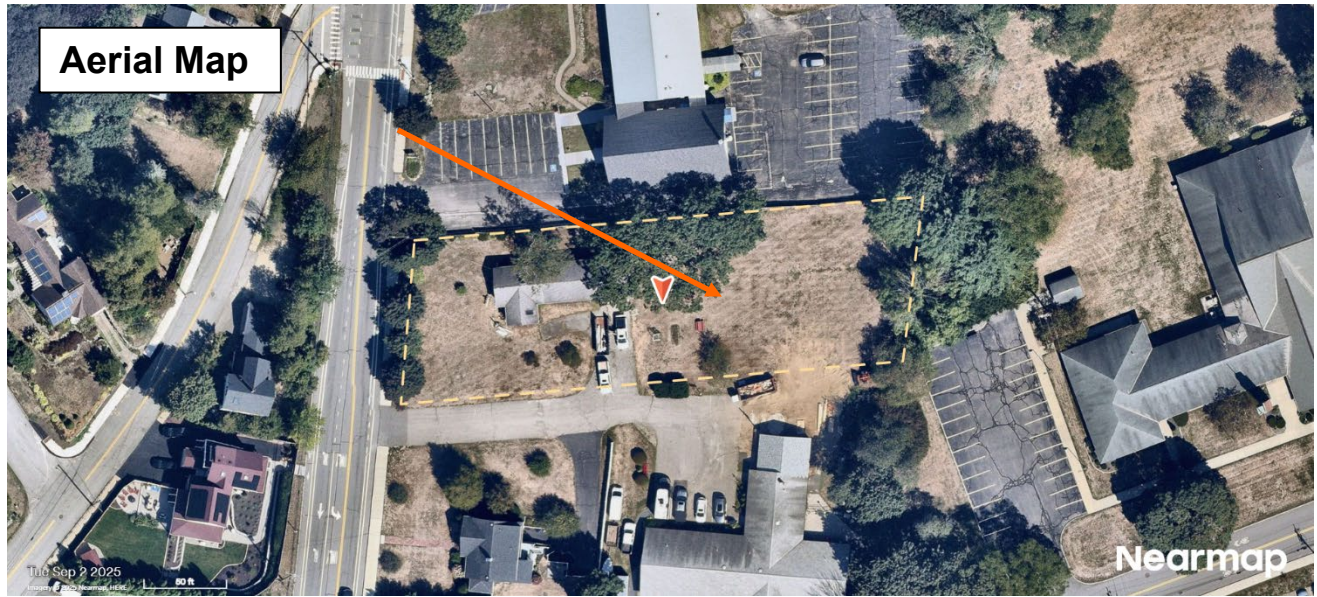
	<u>Existing</u>	<u>Proposed Lot 1</u>	<u>Proposed Lot 2</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Single-family residence	Single Family Residence	*Vacant Lot	Primarily residential
<u>Lot area (sq. ft.):</u>	30,4373	15,195	15,278	15,000 min.
<u>Front Yard (ft)</u>	49	49	30	30 min.
<u>Rear Yard (ft.):</u>	65	>30	30	30 min.
<u>Right Yard (ft.):</u>	>10	>10	10	10 min.
<u>Left Yard (ft.):</u>	>10	>10	10	10 min.
<u>Building Coverage (%):</u>	9	14.5	20	20 max.
<u>Open Space Coverage (%):</u>	>40	>40	40	40 min.
<u>Parking:</u>	2	2	2	2 min.
<u>Estimated Age of Structure:</u>	1925	Variance request(s) shown in red.		

***Relief required to create a lot with no frontage on a public way**

Other Permits/Approvals Required

- Subdivision Approval – Technical Advisory Committee and Planning Board

Neighborhood Context



Previous Board of Adjustment Actions

No previous BOA history was found.

Planning Department Comments

The applicant is requesting relief to subdivide the existing parcel into two lots. Both proposed lots are conforming in dimensional requirements except for road frontage for proposed lot 2.

Variance Review Criteria

This application must meet all five of the statutory tests for a **variance** (see Section 10.233 of the Zoning Ordinance):

1. *Granting the variance would not be contrary to the public interest.*
2. *Granting the variance would observe the spirit of the Ordinance.*
3. *Granting the variance would do substantial justice.*
4. *Granting the variance would not diminish the values of surrounding properties.*
5. *The “unnecessary hardship” test:*
 - (a) *The property has special conditions that distinguish it from other properties in the area.*

AND

 - (b) *Owing to these special conditions, a fair and substantial relationship does not exist between the general public purposes of the Ordinance provision and the specific application of that provision to the property; and the proposed use is a reasonable one.*

OR

 - Owing to these special conditions, the property cannot be reasonably used in strict conformance with the Ordinance, and a variance is therefore necessary to enable a reasonable use of it.*

10.235 Certain Representations Deemed Conditions

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

BY: VIEWPOINT & HAND DELIVERY

August 20, 2025

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

**RE: Variance Application of CABN Properties, LLC
409 Lafayette Road, Tax Map 230, Lot 22**

Dear Stefanie,

Please find a copy of the following materials relative to the above referenced variance application filed through Viewpoint for property located at 409 Lafayette Road, Portsmouth:

- 1) Landowner Letter of Authorization;
- 2) Narrative to Variance Application;
- 3) Subdivision Plan;
- 4) Photographs of Property.

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

Sincerely,



Derek R. Durbin, Esq.

LANDOWNER LETTER OF AUTHORIZATION

CABN Properties, LLC, record owner of property located at **409 Lafayette Road, Portsmouth NH**, identified on **Portsmouth Tax Map 230, as Lot 22** (the "Property"), hereby authorizes **Durbin Law Offices PLLC and Altus Engineering**, to file any building, zoning, planning or other municipal permit applications with the City of Portsmouth for said Property and to appear before its land use boards. This Letter of Authorization shall be valid until expressly revoked in writing.

CABN Properties, LLC

Kevin Coyle

Kevin Coyle (Aug 12, 2025 11:23:12 EDT)

Signature

Kevin Coyle
Print Name (Member, Duly Authorized)

CITY OF PORTSMOUTH VARIANCE APPLICATION NARRATIVE

**CABN Properties, LLC
(Owner/Applicant)**

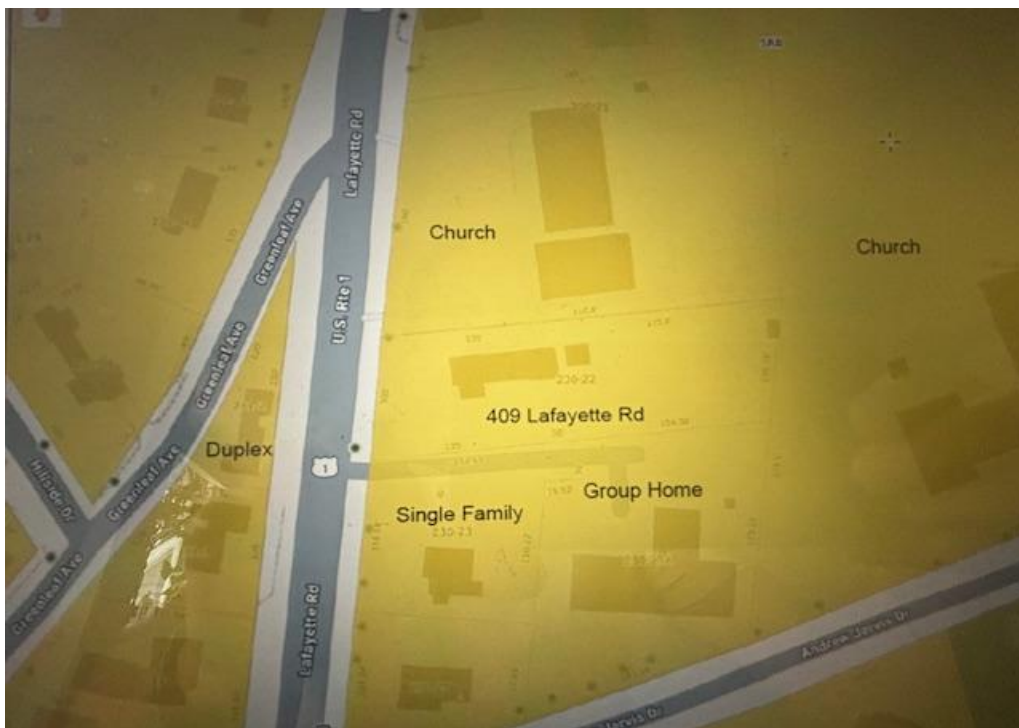
**409 Lafayette Road
Tax Map 230, Lot 22**

INTRODUCTION

Existing Conditions

The property at 409 Lafayette Road is a 30,473 square foot improved parcel of land (the “Property”). It lies within the Single-Family Residence B (“SRB”) zoning district. There is a single-family home on the Property that was owned by the Pettis family from 1968 until recently. The deed describes the Property as two separate parcels of land, but the City assesses it as one.

While the Property is zoned SRB, it is not part of any defined residential neighborhood and is primarily surrounded by commercial uses.



The Property is accessed by a paved drive within a 50' wide private right-of-way ("ROW") that runs from Lafayette Road through the abutting property to the right at 417 Lafayette Road (Tax Map 230-23). The driveway is also serves as the primary access to the property at 417 Lafayette Road and the Friends of Lafayette House property at 413 Lafayette Road (Tax Map 230-23A).

The Applicant is proposing a two-lot subdivision of the Property. The primary access to the Property would be achieved via the existing paved drive. Accordingly, a frontage variance is needed for the proposed lot to the rear - **Lot 22-2**. The proposed lots have been purposely configured to achieve compliance with all the other dimensional requirements set forth in the Zoning Ordinance (the "Ordinance").¹

SUMMARY OF ZONING RELIEF

The Applicant seeks a variance from Article 10.521 of the Portsmouth Zoning Ordinance (the "Ordinance") to 0' of continuous street frontage where 100' is required.

VARIANCE CRITERIA

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

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

The purpose behind minimum street frontage requirements is multifaceted but the primary reasons such standards are adopted are to ensure safe and convenient access to property, promote orderly development (i.e. a uniform streetscape), and regulate density.

In the present instance, there is a 50' wide ROW that has existed for several decades and was created to provide safe and convenient access to the Property as well as two other properties that are adjacent to it. Allowing a fourth lot off the existing paved drive will not negatively alter the "streetscape" or otherwise affect the character of the "neighborhood", which consists of both residential and non-residential uses. The proposed lots will be at least 15,000 square feet and thus meet the density goal of the Ordinance. The proposed lots will each contain single-family homes, a use which aligns with and is permitted by right within the SRB zoning district. For these reasons, granting the frontage variance will not alter the essential character of the neighborhood or

¹ Had the Applicant followed the description of the parcels described in the current deed to the Property, additional variances would have been required for lot area and lot area per dwelling unit.

otherwise threaten public health, safety or welfare.

Substantial Justice will be done in granting the variances.

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

There would be no legitimate public interest served by denying the frontage variance that has been requested. However, it would constitute a loss to the Applicant to deny the variance when considering that the Property is over 30,000 square feet in size and already benefits from a 50’ wide ROW and paved drive that runs the length of the property. In addition, the current deed already describes the Property as two separate parcels of land despite how it has been historically assessed. In the present case, the equitable balancing test for determining whether substantial justice is done weighs heavily in favor of the Applicant.

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

Proposed Lot 22-2 will be situated directly across from the Friends of Lafayette House group home. It will be accessed from an established paved drive that already serves as primary access to three existing properties and is wider than most City streets. The creation of a new house lot will result in minimal impact on surrounding properties and will not otherwise alter the character of the area.

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

There are several conditions associated with the Property that distinguish it from surrounding properties. The Property contains more than 30,000 square feet of land area and is accessed via an established, paved ROW that functions as a street and runs the length of the easterly boundary. In addition, the Property has been historically described as two parcels of land. Owing to these special conditions of the Property, there is no fair and substantial relationship between the general purposes of the frontage requirement, as more specifically discussed above, and their relationship to the Property. The proposed single-family use of the Property is also reasonable, as it is permitted by right within the SRB Zoning District.

CONCLUSION

The Applicant has demonstrated that its application meets the five (5) criteria for granting the variance requested. Thank you for your time and consideration.

Respectfully Submitted

August 20, 2025

CABN Properties, LLC
By and Through Its Attorney,

A handwritten signature in black ink, appearing to read "Derek R. Durbin", enclosed within a large, loopy oval shape.

By: Derek R. Durbin, Esq.
DURBIN LAW OFFICES PLLC
144 Washington Street,
Portsmouth, NH 03801
derek@durbinlawoffices.com



Private ROW off of Lafayette Road



West Elevation of House at 409 Lafayette Road



East Elevation of House at 409 Lafayette Road from Rear Yard



South Elevation of House at 409 Lafayette Road



Property at 413 Lafayette Road (Tax Map 230-23A)
Friends of Lafayette House



**Property at 417 Lafayette Road (Tax Map 230-23)
Single-Family Home**



**Rear Yard - 409 Lafayette Road
View of 65 Andrew Jarvis Drive (Tax Map 230-24)
Church of Jesus Christ**



410 Lafayette Road (Tax Map 231-2)
2-Family Home (Green Building)



**397 Lafayette Road (Tax Map 230-21)
Seacoast Community Church**