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. **October 21, 2025**

AGENDA

PLEASE NOTE: DUE TO THE LARGE VOLUME OF REQUESTS FOR OCTOBER, ITEMS (III. D. THROUGH I.). WILL BE HEARD AT THE OCTOBER 28, 2025 ZONING BOARD OF ADJUSTMENT MEETING.

I. APPROVAL OF MINUTES

A. Approval of the September 16, 2025 meeting minutes.

II. OLD BUSINESS

A. 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 a) 42% building coverage where 30% is allowed, b) 11 foot rear yard where 25 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 64 and lies within the General Residence B (GRB) and Historic Districts. (LU-25-127)

B. 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; d) 21.5% open space where 30% is 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)

C. 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 foot side yard where 10 feet is required, b) 14 foot rear yard where 25 feet is required, c) 31% building coverage where 30% is the maximum allowed, d) 24 % open space where 25% is the minimum; 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)

III. NEW BUSINESS

A. The request of **Lorencic Revocable Trust (Owner),** for property located at **209 Marcy Street** whereas relief is needed to construct a second story addition and a one story addition which requires the following: 1) Variance from Section 10.521 to allow a 12 foot rear yard where 25 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 103 Lot 2 and lies within the General Residence B (GRB) and Historic Districts. (LU-25-120)

B. The request of **909 West End LLC** and **PWED2 LLC (Owners),** for property located at **909** and **921 Islington Street** whereas relief is needed to construct a sign at 921 Islington Street that will be servicing the businesses located at 909 Islington Street which requires the following: 1) Variance from Section 10.1253.10 to allow a setback of 4 feet from a lot line where 5 feet are required, 2) Variance from Section 10.1253.20 to allow a sign to be erected and maintained between the heights of 2.5 feet and 10 feet above the edge of the pavements grades where a driveway intersects with a street and lies within an area bounded by (a) the sidelines of the driveway and street and (b) lines joining points along said side lines to feet from the point of intersection, and 3) Variance from Section 10.1224.90 to allow a sign advertising a product or service not provided on the lot on which the sign is located ("off premise sign"). Said property is located on Assessor Map 172 Lots 7 & 10 and lies within the Character District 4-W (CD4-W). (LU-25-134)

C. The request of **35 Pines LLC (Owner),** for property located at **295 Maplewood Avenue, Unit 1** whereas relief is needed to create a second driveway which requires the following: 1) Variance from Section 10.521 to allow 0% open space where 25% is the minimum, and 2) Variance from Section 10.1114.31 to allow a second driveway where

only one is permitted. Said property is located on Assessor Map 141 Lot 35-1 and lies within the Character District 4-L2 (CD4-L2) and Historic District. (LU-25-135)

THE FOLLOWING ITEMS WILL BE HEARD ON TUESDAY, OCTOBER 28, 2025

D. The request of **Double Mc LLC (Owner),** for property located at **134 Pleasant Street** whereas relief is needed for redevelopment of the existing commercial building and construction of horizontal and vertical building expansions for a mixed-use building with below-grade parking and the relocation of drive-through teller lanes, which requires the following: 1) Variance from Section 10.440, Use #19.40 for a drive-through facility as an accessory to a permitted principle use; and 2) Variance from Section 10.331 to change the location and use of the drive-through facility. Said property is located on Assessor Map 116 Lot 30 and lies within the Character District 4 (CD4) and Historic District. (LU-25-138)

E. The request of **Tyler Garzo (Owner),** for property located at **62 McKinley Road** whereas relief is needed to construct a detached 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 268 Lot 26 and lies within the Single Residence B (SRB) District. (LU-25-136)

F. The request of **ZJBV Properties LLC (Owner)** and **Jason Michalak (Applicant),** for property located at **180 Islington Street** whereas relief is needed to establish a personal service use for a tattoo studio which requires the following: 1) Special Exception from Section 10.440 Use #7.20 to allow a personal service use. Said property is located on Assessor Map 137 Lot 19 and lies within the Character District 4-L2 (CD4-L2) and Historic District. (LU-25-137)

G. The request of **Christopher J and Rachel A Delisle (Owners),** for property located at **250 McKinley Road** whereas relief is needed to construct a second story addition to the primary structure which requires the following: 1) Variance from Section 10.521 to allow a) 23 foot front yard where 30 feet are required, b) 0 foot right side yard where 10 feet is 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 250 Lot 117 and lies within the Single Residence B (SRB) District. (LU-25-139)

H. The request of **Nuchow Hartzell Family Trust (Owner),** for property located at **204 Aldrich Road** whereas relief is needed to construct an addition and ramp to the primary structure which requires the following: 1) Variance from Section 10.521 to allow a) 3 foot right side yard where 10 feet is required, b) 7 foot left side yard where 10 feet is required, c) 31% building coverage where 20% 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 153 Lot 26 and lies within the Single Residence B (SRB) District. (LU-25-140)

I. The request of **Trenton and Denise Sensiba (Owners),** for property located at **0 and 12 Ruth Street** whereas relief is needed for a lot line adjustment which requires the following: 1) Variance from Section 10.521 for 20.66 feet of frontage on Map 143 Lot 16 where 100 feet is required. Said property is located on Assessor Map 143 Lots 16 and 9-1 and lies within the General Residence A (GRA) District. (LU-25-118)

IV. 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_PdPMLe8SQSOWJhF_btuOxA

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

7:00 P.M. **September 16, 2025**

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

MEMBERS EXCUSED: None.

ALSO PRESENT: Stefanie Casella, Planning Department

Chair Eldridge noted that there were three Requests to Postpone, Petition D for 23 Whidden Street, Petition E for 51 Morning Street, and Petition G for 86 South School Street. She said they would be postponed to the October 23 meeting. (**Note**: there was no motion or vote).

I. APPROVAL OF MINUTES

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

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

Mr. Nies requested a change to the explanation of the amended July 15 minutes in the beginning of the August 19 minutes by deleting the word 'currently' in the description and noting that it was added to the sentence, and also changing the word 'had' to 'add'. The revised sentence now reads: He said the argument could be made that there were not as many activities currently taking place on the property. Mr. Rheaume asked that a sentence on page 13 have the phrase 'or a future owner' added to it so that it now reads: He said he was fearful that in the future, the applicant or a future owner would ask for a deck or something outside of the building envelope.

*The motion **passed** unanimously, 7-0.*

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)

SPEAKING TO THE PETITION

[Timestamp 7:28] Peter March of New Hampshire Signs was present on behalf of the applicant and said the site had already been upgraded to a new gas station and there were currently two road signs which he wanted to consolidate into a single sign. He said the proposed location was the only logical place to put the new sign. He reviewed the criteria and said it would be met.

[Timestamp 11:56] Mr. Rossi said the old sign had a single post that was 3-4 feet farther away from the road and close to 20 feet from the road, and the proposed new sign has two posts, so the post closest to the road was different from what it had been. He asked how the City calculated that the setback had not changed. Ms. Casella said the setback changed by six inches, so it was measured from the edge of the sign. It was further discussed. Mr. Rossi asked why the sign would have two posts. Mr. March said it was a standard Sunoco sign and was more stable with two posts.

Chair Eldridge opened the public hearing.

SPEAKING TO, FOR, OR AGAINST THE PETITION

No one spoke, and Chair Eldridge closed the public hearing.

DECISION OF THE BOARD [Timestamp 14:16]

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

Mr. Nies said it was a minor change to an existing location and a difference of six inches in setback. He said granting the variance would not be contrary to the public interest, noting that there was no evidence that it would affect the health, safety, and welfare of the neighborhood or would affect light and air compared to what currently exists, or alter the essential characteristics of the neighborhood. He said it would remain a commercial area. It said it would be consistent with the spirit of the Sign Ordinance in that it will be a relocation in the number of structures and that there will only be one sign. He said he could not see any benefit to the public by not granting the variance and that it would clearly be a loss to the applicant because the applicant would have to use an old sign with a bad base or no sign at all, which would not work for a gas station, so granting the variance would do substantial justice. He said it would not diminish the values of surrounding properties because it was a commercial strip, and signs like the proposed one were needed by all the gas stations on the strip. He said there was no evidence presented that it would diminish the property's values, and he noted that the upgrades to the gas station which included the sign may increase the property's value. He said the property has special conditions, including the construction of the property, the location of the building and gas pumps and canopies, and the number of ingress

and egress locations on the lot limiting where the sign could be placed. He said the sign should be on the Route One Bypass instead of on Cutts Avenue because most of the traffic was on the Bypass. He said the conditions of the property show that there is no fair and substantial relationship between the purpose of the ordinance, which is to have a larger setback, and the specific application of the ordinance to the property. Mr. Mattson concurred and said the sign would be in the same spot as the existing one and would be slightly smaller in square footage, so it seemed reasonable. Mr. Rheaume said he would support the motion. He said the Board recently held other sign variance requests for another gas station to a tight interpretation of the ordinance but thought it was important to note that the proposed sign was less than half of what would be allowed in Sign District 4 in terms of overall square footage, which indicated that it was a very modest request.

*The motion **passed** unanimously, 7-0.*

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)

SPEAKING TO THE PETITION

[Timestamp 18:55] The contractor Joe Terravecchia was present and said the project architect Anne Whitney was on Zoom. Ms. Casella asked Ms. Whitney if she provided an authorization for the contractor to represent the applicant, and Ms. Whitney said she did not but that Mr. Terravecchia was registered as a guest of the owner. Ms. Casella said the Board did not have an authorization form, and it was further discussed. Mr. Nies said the Board was revisiting a variance that they granted the previous year due to a minor change and that he would be comfortable suspending the rules to allow the architect to serve as the representative present with authority via Zoom.

*Mr. Nies moved to **suspend** the rules to allow project architect Anne Whitney to serve as the applicant's representative via Zoom. Mr. Rheaume seconded. The motion **passed** by a vote of 6-1, with Vice-Chair Margeson voting in opposition.*

[Timestamp 23:14] Ms. Whitney said they received approval for the garage's rebuild in 2024. She said in the process of getting the building permit, there was a stipulation that a surveyor be hired to set the corner posts and record the actual size of the building. She said when she did the initial measurements for the building permit in 2024, she may have been conservative in showing it at 20'x12' because the building had a lot of disrepair. She said it was really 20.3 feet wide and 20.4 feet long. She said the additional square footage would not change the allowable building coverage that the applicant was awarded previously. She said the original approval was for 44.7 percent and now it was for 44.8 percent, so they were slightly under the approved 45 percent coverage, and they

were adding a little bit more square footage in that nonconforming zone. She said her client wanted to build the structure so that it matched the existing garage. She reviewed the criteria.

The Board had no questions. Chair Eldridge opened the public hearing.

SPEAKING TO, FOR, OR AGAINST THE PETITION

No one spoke, and Chair Eldridge closed the public hearing.

DECISION OF THE BOARD [Timestamp 27:00]

*Mr. Rossi moved to **grant** the variances for the application as presented and advertised, seconded by Mr. Rheaume.*

Mr. Rossi said the application reflected a measurement change that came about as a result of some surveying work to make the measurements a little more precise than they were when this almost identical application came before the Board recently. As such, he said the Board has already gone on record approving the rebuilding of the garage. He said granting the variances would not be contrary to the public interest, noting that the structure or the one that will be replaced already exists and there can be no real loss to the public interest by replacing an old rundown garage with one that is more sturdy and aesthetically pleasing. He said it would be consistent with the spirit of the ordinance. He said the ordinance is not designed to prohibit maintaining a safe structure on the property. He said substantial justice would be done as there really is no change to the surrounding area. He said the public would not experience any loss, so there is nothing to counterbalance the loss to the applicant if the variances were to be denied. He said granting the variances would not diminish the values of surrounding properties because rebuilding the garage and replacing a dilapidated structure with a more current one of essentially the same dimensions and design can have no conceivable impact on the surrounding properties other than to improve their value. He said the special condition of the property is the substandard or nonconforming lot size, which makes it difficult if not impossible to conceive of an alternate location for the garage that would be conforming with setbacks and lot coverage requirements. Mr. Rheaume concurred. He said it was the exact reason why the Board called for rounding all the values in a Legal Notice so that they could provide for this type of error. He said he was not quite sure why the application was before the Board because it was 3/10 of a one percent change and was still within the 45 percent. Ms. Casella clarified that it was not an issue of more or less building coverage but was the fact that it was a different design. She said City Staff did not have the authority to make that decision and that the structure was before the Board because it was bigger.

*The motion **passed** unanimously, 7-0.*

Chair Eldridge recused herself from the following petition, and Vice-Chair Margeson was Acting Chair.

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)

SPEAKING TO THE PETITION

[Timestamp 32:00] Attorney Chris Mulligan was present on behalf of the applicant, with project architect Tracy Kozak and project engineer Eric Weinrieb. Attorney Mulligan said the property was created by a subdivision in 2022 and that the current proposal was to develop the vacant lot with a single-family residence and a detached garage with an ADU. He said the plans were approved by the Historic District Commission (HDC) in July. He said what they proposed was compliant with the ordinance except for the secondary front yard setback requirement because the property had frontage on three lots and they were proposing an ADU that would be closer to Partridge Street than the primary structure. He said they also needed relief from the prohibition against more than one driveway because of the frontage on Partridge Street, which his client thought he should take advantage of. He said the new single-family dwelling would have the detached garage next to it, which would extend farther back from the primary dwelling and place it closer to Partridge Street. He said they would need additional approvals from the New Hampshire Department of Environmental Services (NHDES) because they were within the 250-ft State wetlands setback. He said Mr. Weinrieb was confident that the storm management and drainage plans would work and would be approved by the Department of Public Works (DPW). He reviewed the criteria.

[Timestamp 42:57] Mr. Rheaume asked why the main structure was oriented toward Pray Street and along it instead of Partridge Street. Ms. Kozak said it was consistent with the neighborhood to have the houses up to the street, and the grade was higher on Pray Street and more out of the flood zone. Acting Chair Margeson clarified that the zoning relief was for the second driveway that services the ADU on the Partridge Street side and the other variance was for having that in front of the principal dwelling for the Partridge Street side.

Acting Chair Margeson opened the public hearing.

SPEAKING IN FAVOR OF THE PETITION

No one spoke.

SPEAKING IN OPPOSITION TO THE PETITION [Timestamp 45:00]

Tyler Markley of 475 Marcy Street said he opposed the variance request to grant a second driveway. He said the ordinance stated that driveways shall be limited to one lot. He said the hardship claimed that there were multiple frontages, which he said was not a unique attribute in the

neighborhood because five of the surrounding abutters all had multiple frontages. He said the applicant said there were other options that did not require him to get a variance to comply and that the hardship offered the opportunity to site the parking space, and that they wanted to take advantage of that site frontage. He said that was not a hardship. He said the lot was unique and hydrologically challenging. He said the Board had to ensure that all the criteria were met tonight because future promises of the NHDSE being involved did not count.

Michele McLaughlin of 469 Marcy Street said she opposed the variance for the second driveway. She agreed with all of Mr. Markley's points and said there was no hardship. She said the developer had the option to put a driveway on the primary lot line instead of on Partridge Street and that the project would increase flooding to neighboring properties and decrease property values.

SPEAKING TO, FOR, OR AGAINST THE PETITION [Timestamp 52:06]

Mr. Weinrieb said they prepared the stormwater management plans with the original owner and worked closely with the DPW on the design and was confident that the new design would have their full support. He said they would have permeable surfaces for the driveway and the subsurface detention and improve the drainage on the property to convey it out of the area and into the culvert. He said they would prepare engineering calculations on meeting the City's site plan review standards and would have DPW review it and that the drainage issue would be improved.

Marcia MacCormack of 53 Salter Street asked if an ADU could just be built instead of converting an existing building into an ADU. Ms. Casella said the laws had changed in the last six months and encouraged Ms. MacCormack to contact her to discuss it further.

Attorney Mulligan said the changes in the State law did not affect the City's ordinance prohibiting ADUs to be in condo associations separate from the ownership of the primary dwelling. He said they had to be in current ownership and that they would be. He said that was a requirement that the City had that was not affected by the change in law. He said it would not be a condo association. He said he understood Mr. Markley's argument about how the applicant was asking to take advantage of the unique feature of the property, but he said the way hardship is defined is not impossibility. He said there were other solutions and that the applicant's solution was the better one.

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

DISCUSSION AND DECISION OF THE BOARD [Timestamp 57:20]

Mr. Rossi said the Board would see more requests for additional driveways due to the changes in law about the allowance for ADUs. He said if he were looking at the lot and where things were proposed to be placed, it made sense to have the ADU on one side or the other to be closer to the primary frontage or secondary frontage road. He said what troubled him was the current condition of flooding and water management and that it was not clear to him that, once all the work was done to mitigate the flooding and come up with a satisfactory plan for the DPW, the proposal would

actually be the one that would end up being built. He said the Board had cases in the past where they approved variances but the person did not follow through due to State regulations. He said he was not satisfied that proceeding with the project would not have an adverse impact on surrounding property values or that it would meet the substantial justice criteria, so without the benefit of seeing exactly how it would be mitigated, he could not support the proposal. Mr. Rheaume said a lot of it was driven by the fact that the property has two front yards, and if Partridge Street did not exist in terms of the positioning of the second structure, an accessory structure would be allowed. He said the property would want to mitigate the flooding issue so that the property could be used. He said there were technical solutions that could resolve the flooding issue and that he had great faith in the DPW and other permitting agencies. He said the hardship for the property was not really a hardship but was how the property is different than other properties in the same zone that justify doing something that the ordinance normally does not allow. He said the applicant has the right to develop the property in the way they want. He said the variance requests were well within the allowable criteria. He noted that the applicant had the approval of the HDC and that the request for a second driveway was logical and driven by the unique characteristics of the property. He said he had concerns about putting pavement right up against the neighboring property line but that the applicant would provide a more respectful setback on the Partridge Street and Pray Street sides. Mr. Mannle said the Board was aware of his distaste for the City's zoning when it came to corner lots but thought there was no hardship for the second driveway and that it was just the applicant's preference. He said he was undecided on the variances if they were voted on together. Acting Chair Margeson said her concerns were more about the stormwater and the water drainage issues. She said if the Board denied the variances based on stormwater issues, there may be no reasonable opportunity for the property to be used by the owner as it was intended to. She said having a doublewide driveway on Pray Street might ruin the streetscape. Mr. Nies suggested a condition that the ADU would be contingent on approval of a stormwater management plan by the relevant authorities. It was decided to separate the two variances.

[Timestamp 1:09:20] *Mr. Rheaume moved to **grant** Variance Section 10.571 to allow an accessory structure to be closer to the street than the principal structure. Mr. Mattson seconded.*

Mr. Rheaume said the through lot was influencing the applicant's request. He said granting the variance would not be contrary to the public interest and would observe the spirit of the ordinance. Regarding the character of the neighborhood, he said the HDC weighed in. He said the applicant already indicated that they would have to push the house toward Pray Street, so an accessory structure would probably extend beyond the massing of the house. He said the appropriate massing is a relatively modest size house put against the Pray Street side, so any accessory building would probably extend into the second front yard. He said substantial justice would be done because he did not believe there was anything that would outweigh the public's benefit by having the accessory structure placed in the proposed location. He said it was driven by the fact that the lot was a through lot with two front yards and by the nature of the way the topography and layout was set up. He said granting the variance would not diminish the values of surrounding properties. Related to the specific request, he said the accessory structure would look normal and add a feeling of occupation near the Patridge Street side. He said the unique conditions of the property were that it is a through

lot, has topography concerns, and is in the Historic District. He said the proposed design was trying to comply with the HDC's desire to keep the look and feel of the neighborhood. He said the use was a reasonable one and that all the structures were allowed in the zone. Mr. Mattson concurred. He said the crux of the whole application was the through lot. He said the lot was also bigger than the average lot and it was vacant, and those factors made the property quite unique in the area. He said it was clear that the definition of the Driveway Ordinance portion did not consider through lots and that it also applied to the indications for where the ADU would be placed. He said it was a hardship to have the through lot and get the Conditional User Permit for an ADU. He said anyone who pulled a building permit to build a house could not make the drainage and stormwater runoff worse and that the DPW and NHDES would be looking at it. He said the Board heard about the technical ways to improve the drainage, like a permeable driveway and the subsurface retention area. He said he understood the neighbors' concerns about the stormwater management plan not taking effect yet, but if the Board denied the variance now, the owner would not have a chance to do anything.

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

[Timestamp 1:16:32] Acting Chair Margeson asked for a motion to grant the variance from Section 10.1114.31 to allow a second driveway where only one is permitted.

*Mr. Mattson moved to **grant** the variance with the following **condition**:*

1. *The applicant will submit a stormwater management plan for DPW approval to construct a second driveway on Partridge Street.*

Mr. Rheaume seconded the motion.

Mr. Mattson said he appreciated the concerns because there were flooding issues on the property as a vacant lot that had not been engineered at all. He said granting the variance would not be contrary to the public interest and would observe the spirit of the ordinance. He said the proposed use would not conflict with the explicit or implicit purposes of the ordinance and that ADUs were allowed by a Conditional Use Permit. He said the portion of the ordinance regarding the driveway does not consider through lots because the concept of having two driveways on the same frontage is a different scenario than having driveways on two opposite frontages that one cannot see from the other side. He said the single-family home with an ADU would not alter the essential character of the neighborhood or threaten the public's health, safety, or welfare or otherwise injure public rights. He said having a building permit and passing inspections required someone to deal with the stormwater management, and that there was also extra engineering and oversight happening at the State level and the DPW. He said multiple points of review would not be met if the application could not proceed. He said granting the variance would do substantial justice because the benefit to the applicant would not be outweighed by any harm to the general public or other individuals. He said the property was vacant and the applicant made a good effort to build a single-family home with an ADU. He said he understood the public's concerns regarding the stormwater runoff and drainage but said they would be improved. He said the values of surrounding properties would not be diminished because the design had been through many revisions and boards and was approved

by the HDC. He said it was a tastefully done design, and the new construction would not diminish the values of surrounding properties. He said literal enforcement of the ordinance would result in unnecessary hardship due to the special conditions of the property, namely the fact that it is a through lot, bigger than average, and vacant, which is rare in the South End. He said the way the ordinance was written for driveways do not seem to properly account for through lots, so there is no fair and substantial relationship between the purpose of the ordinance and its specific application to the property. He said the use was a reasonable one.

Mr. Rheaume concurred. He said the included condition put the Board into the review of the experts who develop and approve the plan. He said the Board looked at things from a map standpoint and how the property compared to the other properties in the zone, and that allowing something that is the applicant's choice with the caveat that experts will be brought in would be a good thing. He said the neighbors had a legitimate concern about the floodwater issue but that it would be mitigated, and if it could not, then the driveway would not be allowed.

[Timestamp 1:24:28] Mr. Mannle explained why he thought the application failed on the first two criteria and said he could not support it.

*The motion **passed** by a vote of 4-2, with Mr. Mannle and Mr. Rossi voting in opposition and Chair Eldridge recused.*

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)

DECISION OF THE BOARD

The petition was **postponed** to the October 21 meeting.

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)

DECISION OF THE BOARD

The petition was **postponed** to the October 21 meeting.

Chair Eldridge returned to her seat and Acting-Chair Margeson returned to Vice-Chair status.

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)

SPEAKING TO THE PETITION

[Timestamp 1:27:54] Contractor Timothy Hron of the Hron Brothers was present on behalf of the applicant. He said the single-family unit was in the far northwest corner and was nonconforming regarding the front, right, and rear setbacks as well as the lot area and lot area per dwelling. He said they wanted to build a 2-story 20'x32' addition, an 18'x18 sunroom, and a 18'x18' covered porch. He said they would have to demolish the existing covered porch on the east side and remove the existing deck. He said the owners owned the abutting Lot 232-39 that was .41 acres and were in the process of doing a voluntary merge, which would make their lot size three times the average of a typical lot on Marjorie Street. He reviewed the criteria and noted that they had conditional approval from the Conservation Commission because the lot had an inland wetland.

[Timestamp 1:33:30] Mr. Rheaume asked what the new footprint would be. Mr. Hron said they wanted to remove the existing porch from the front. He indicated on the map where they wanted to add the covered porch, sunroom, and 2-story addition. Mr. Rheaume verified that the sunroom and porch were one-story additions. He asked if the patio would be raised above 18 inches or would be at ground level. Mr. Hron said it was proposed to be about six inches above the current grade but the property sloped down toward the inland wetland buffer. He further described it. Mr. Rheaume asked if the lot to be merged was the one directly to the south of the property, and Mr. Hron agreed.

Chair Eldridge opened the public hearing.

SPEAKING TO, FOR, OR AGAINST THE PETITION

No one spoke. Vice-Chair Margeson asked if the other lot was on the front or the side. Mr. Hron showed where the lot was and how it ran down parallel to the paper street. Vice-Chair Margeson asked where the wetland delineation began and how many feet it was down from the property line. Mr. Hron said there was about 44 feet of setback from the wetland to the closest proposed structure.

Chair Eldridge closed the public hearing.

DECISION OF THE BOARD

[Timestamp 1:38:18] Mr. Nies asked Ms. Casella to explain how the City considered a paper street. Ms. Casella said a paper street was considered a public right-of-way where a road has not been built yet and that the City had the right to build that street at any time or require the applicant to build it.

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

Mr. Rheaume further explained the paper street. He said he thought the applicant was asking for a fair amount of relief, but there were unique conditions to the property because it was a small lot surrounded by lots of woods that, due to the wetlands, a paper street never got built and the property might not get developed in the future. He said once the two properties were merged, it would be a 8-1/2 percent total coverage, and even without the merger the property would not be developable enough to be sold off. He said the applicant met the coverage requirements. Regarding the setbacks ,he said most of what the applicant was proposing for the most significant development was toward the paper street and there was a considerable distance between his property and the next one, which worked in the applicant's favor. He said the more modest additions were proposed to be toward the south side of the property and up against one of the single largest properties in Portsmouth, so the things that the Board were normally concerned about were not significant because of the property's location. He said granting the variance would not be contrary to the public interest and would observe the spirit of the ordinance. He said it would not change the neighborhood because the parcel was uniquely situated and not really visible. He said substantial justice would be done because no one would be driving down the paper street. He said the values of surrounding properties would not be diminished because the property was situated quite a ways from the other properties, and there were multiple unique situations about the property that said it should not be treated the way other SRB properties are treated. He said the applicant was justified in having a fairly substantial addition, especially toward the paper street side. He said the request was a reasonable one, to continue to make use of the allowed residential structure that is there but provides more room in a more modern setting and provide more creature comforts.

[Timestamp 1:44:25] Mr. Mattson said it was the classic reason why a variance is needed. He said he was surprised at first how much relief was being asked for, but then he saw how unique the parcel was in terms of the long driveway, its location in the woods and near an enormous parcel and the wetland buffer, and so on. He said the requested variances made sense.

*The motion **passed** by a vote of 6-,1, with Mr. Nies voting in opposition.*

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)

DECISION OF THE BOARD

The petition was **postponed** to the October 21 meeting.

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)

SPEAKING TO THE PETITION [Timestamp 1:46:44]

The applicant was not present.

DECISION OF THE BOARD

*Mr. Rossi moved to **postpone** consideration of the application until the November 18 meeting, seconded by Mr. Mannle.*

Mr. Rheaume said he would support the motion but found it frustrating because several people were present to speak to the petition and had waited a considerable amount of time but would not have the opportunity to provide their input.

*The motion **passed** unanimously, 7-0.*

A few citizens in the audience explained why they were frustrated (no names were given). It was further discussed.

*Mr. Rheaume moved that the application will be readvertised and notice will be sent out at the applicant's expense. Mr. Nies seconded. The motion **passed** unanimously, 7-0.*

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)

SPEAKING TO THE PETITION

[Timestamp 1:54:00] Attorney Derek Durbin was present on behalf of the owner. He said the current deed to the property described two separate parcels with a total land area of 30,473 sf. He said Parcel 1 was about 13,500 sf and had 100 feet of frontage on Lafayette Road, whereas Parcel 2 was 16,973 sf and did not benefit from any public street access. He said both parcels along with the adjacent properties of 413 and 417 Lafayette Road benefited from a 50-ft wide access right-of-way and that there was a paved driveway in that right-of-way about 20-25 feet in width that made it like a pocket neighborhood. He said his client wanted to re-subdivide the property to create two new house lots that would more closely conform to the ordinance. He reviewed the criteria.

[Timestamp 2:00:52] Mr. Nies asked where the right-of-way was and how far into the lot it went. Attorney Durbin showed the location on the map and said it went into the abutting lot at 413 Lafayette Road and appeared to extend about 20 feet or so into that lot. Mr. Nies asked how far it went to the southeast. Attorney Durbin showed that it went slightly beyond where the lot line was drawn for Lot 22-2. Mr. Nies said the shown area indicated that it was a proposed access easement in favor of Lot 22-1, the lot that abuts Lafayette Road. Attorney Durbin said the two lots would share a driveway entrance and that the driveway would cross Lot 22-2 to access Lot 22-1. Mr. Nies said the 1981 subdivision plan indicated that the lot line between the two lots was to be removed. He asked if that happened. Attorney Durbin said he researched it and could not figure out why things were done the way they were but knew that the longtime owner of Parcel 1 never joined into the subdivision plan where the lot line was to be eliminated between her lot and the rear lot. He said there were two deeded parcels and that the City assessed it as one, so he considered it under both scenarios for purposes of presenting the materials to the Board. Vice-Chair Margeson asked if the hatched area on the diagram would be the driveway for both properties and whether the resident on Lot 22-2 would have their driveway on Lot 22-1. Attorney Durbin explained that there was a jog in the line separating the two lots.

[Timestamp 2:06:09] Project engineer Eric Weinrieb was present and explained that the jog was necessary to show that the driveway could stay as it is so that the house in front could utilize it and the house in back would come off the driveway and go across their own land. Mr. Rheaume verified that the intent was that there would be another driveway that extends from the portion that has the easement on it into the buildable area of Lot 22-2 to allow a garage or a driveway that would be accessible to the back lot. He asked if there was sufficient room to make that happen, and Mr. Weinrieb agreed. Vice-Chair Margeson asked how the right-of-way for the shared driveway portion

would be treated legally if the variance was approved. Mr. Weinrieb said they would have a homeowner's association for shared use and shared expenses for the two lots. Attorney Durbin noted that an easement would be conveyed at the time the rear parcel Lot 22-2 was conveyed and would define the maintenance responsibilities of the shared portion of the driveway.

Chair Eldridge opened the public hearing.

SPEAKING IN FAVOR OF THE PETITION

[Timestamp 2:09:53] Dave Baxter said he was the founder and current member of 413 Lafayette Road, owned by the Friends of Lafayette House. He said they were in support of the petition but wanted a condition (stipulation). He said the lot was created in 1983 for the 6,000 sf building and that it had twelve residents with intellectual disabilities. He said the proposed house would not present any issues to them, especially since the applicant agreed to install a fence along the southern border of Lot 22-2. He said in 1983, there were not ADUs, Airbnbs, and so on. He said the residents at the Lafayette House were not like normal single-family home residents and had certain challenges and requirements. He said a short-term rental next to them would endanger their safety. He said a condition was requested that if there is to be an ADU, there would be no short-term rentals allowed. Ms. Casella said someone could advertise regular short-term rental properties such as Airbnbs, B&Bs, hotels and motels without their being the same thing as a regular unit that someone owns for the regular purpose of an Airbnb. It was discussed further.

Chair Eldridge opened the public hearing.

SPEAKING TO, FOR, OR AGAINST THE PETITION

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

DECISION OF THE BOARD

[Timestamp 2:14:30] Mr. Rossi said he thought it was premature for the Board to consider conditions that involved exactly how the lot would be developed and improved until they had a specific proposal in front of them that would constitute building out the lot. Mr. Rheaume said that the City allowed a Bed & Breakfast One use, which was 1-5 guests, and a Bed & Breakfast Two use was not currently allowed in the SRB zone but if it were potentially allowed, someone could say that they owned a B&B and advertise it on short-term rental sites. He said all kinds of legislation went before the State every year and that the State contemplated allowing short-term rentals in all residential zones. He said if the State were to make a decision, the City's hands would be tied. He said right now it was not an allowed use by the ordinance in that particular zone. Mr. Rossi said the Board could only react to what they had in front of them, which was simply a plan to divide the property into two lots, and he thought it was a lot that lent itself to division into two lots based on its size and right-of-way access, so he was in favor of the application.

*Mr. Rossi moved to **grant** the variance for the application as presented and advertised, seconded by Vice-Chair Margeson.*

Mr. Rossi said granting the variance would not be contrary to the public interest and would observe the spirit of the ordinance. He said the purpose of the lot frontage requirement is all about access to the lot and not overcrowding a road with lots that are too closely spaced together, and the intended driveways allowed ingress and egress. He said since both lots are accessed by an established right-of-way that really doesn't come into play, the lot is not really landlocked. He said there was adequate access to a lot with that right-of-way. He said substantial justice would be done because the lot is a large one and oversized for the zone, and it would be a substantial loss to the owner not to be able to enjoy the benefit of dividing it and the consequent increase in the property's value. He said that was not outweighed by a loss to the general public. He said granting the variance would not dimmish the values of surrounding properties, noting that the other uses adjacent to the lot would be insensitive to the property as two lots vs. one lot. He said literal enforcement of the ordinance would result in unnecessary hardship, noting that the property's hardship that required the variance is that the lot is separated from Lafayette Road by a large similar property and it is a very deep lot and impossible for it to have frontage due to the nature of the property itself.

Vice-Chair Margeson concurred. She said in terms of the spirit and intent of the ordinance, there were frontage requirements so that the streetscape is orderly and uniform and makes for more pleasantly aesthetic neighborhoods. She said in this case, the lot is a tandem one and behind another lot, therefore the spirit and intent of the ordinance was not really applicable to this lot. She said the public would not really lose anything because it is a lot that is behind another lot. In terms of the hardship criteria, she said the property has special conditions that distinguish it from other properties in the area, and owing to those special conditions, a fair and substantial relationship does not exist between the general public purposes of the ordinance's provision and the specific application of that provision, and the proposed use is a reasonable one. She said the property did have special conditions because it was not on a street frontage, so it did not make much sense for the purposes of the public ordinance to have 100 feet of street frontage applied to the property. She said the proposed use is a reasonable one, a single-residence home in the SRB District.

*The motion **passed** unanimously, 7-0.*

III. ADJOURNMENT

The meeting adjourned at 9:23 p.m.

Submitted,

Joann Breault
BOA Minutes Taker

II. OLD BUSINESS

A. 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 a) 42% building coverage where 30% is allowed, b) 11 foot rear yard where 25 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 64 and lies within the General Residence B (GRB) and Historic Districts. (LU-25-127)

Existing & Proposed Conditions

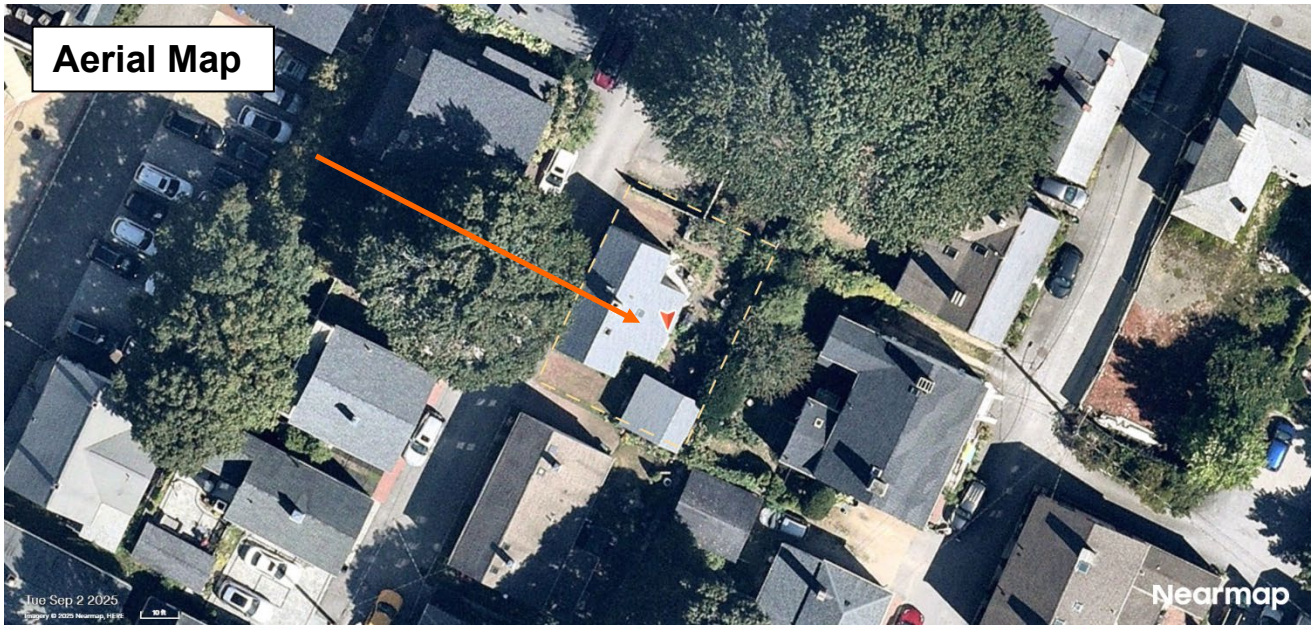
	Existing	Proposed	Permitted / Required	
Land Use:	Single-family	*Construct addition at rear of structure	Mixed-Use	
Lot area (sq. ft.):	2,613.6	2,613	5,000	min.
Front Yard (ft.):	0	0	5	min.
Left Yard (ft.):	15	23 feet to addition	10	min.
Right Yard (ft.):	8	15’11” to addition	10	min.
Rear Yard (ft.):	16	11	25	min.
Building Height (ft.):	<35	<35	35	max.
Building Coverage (%):	37.7	42	30	max.
Open Space Coverage (%):	36	33	25	min.
Parking	2	2	2	
Estimated Age of Structure:	1780	Variance request(s) shown in red.		

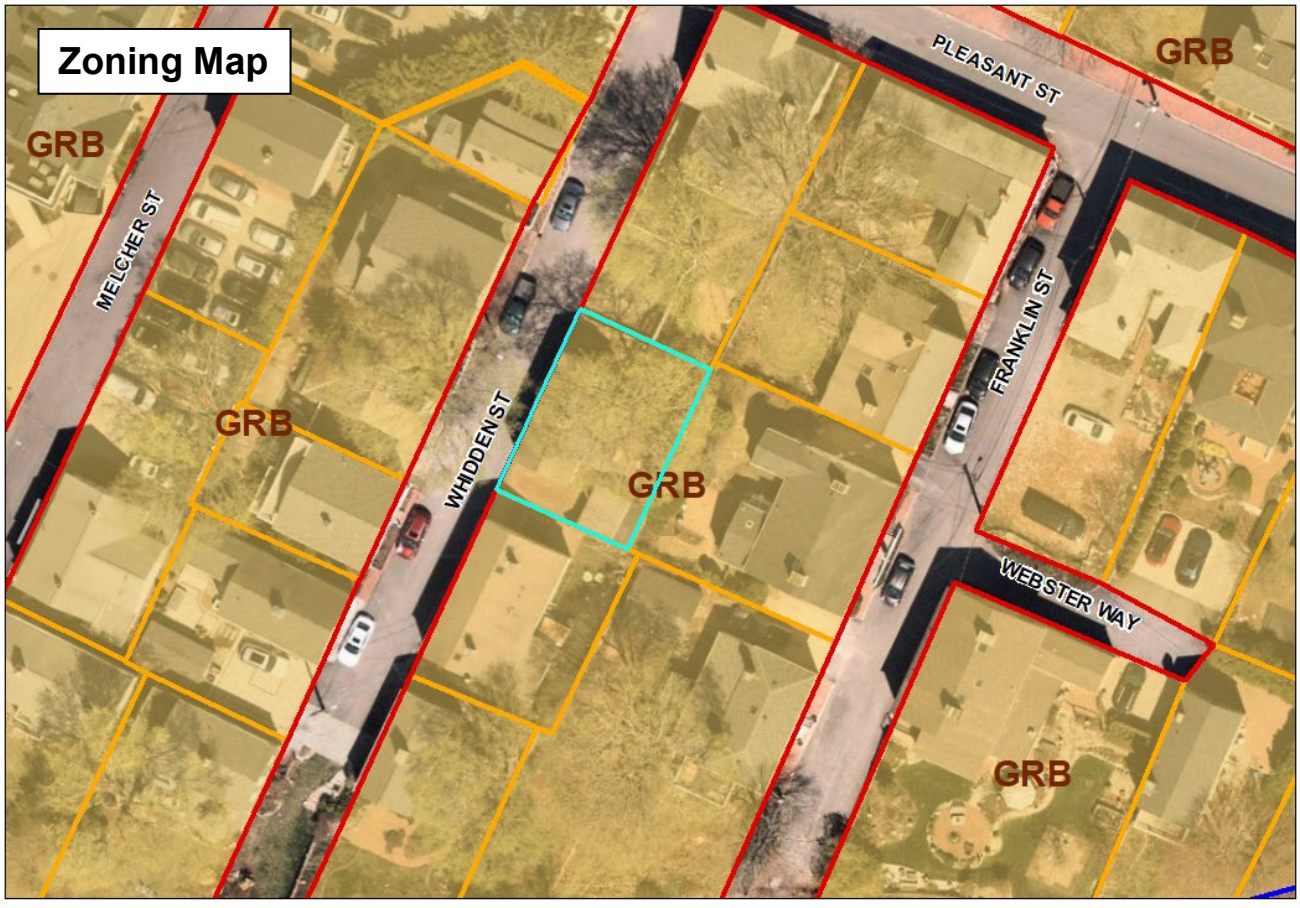
*Relief needed to construct an addition to the already non-conforming primary structure that would further impact the non-conformity.

Other Permits/Approvals Required

- Building Permit
- Historic District Commission

Neighborhood Context





Previous Board of Adjustment Actions

December 16, 1986 – The Board **granted** a Variance from Article III, Section 10-302 is requested to allow the construction of a 68.5 s.f. rear addition with the following: a) a 17' rear yard where a rear yard of 25' is required; and b) building coverage of 37.8% where a maximum building coverage of 20% is allowed.

Planning Department Comments

The applicant is requesting relief to construct a 105 square foot addition to rear side of the structure.

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.

Portsmouth, NH - Board of Adjustment
Variance Statement for: 28 Whidden

Date: 10.01.25

Chairman of the Board of Adjustment
C/O Planning Department City of Portsmouth
1 Junkins Ave.
Portsmouth, NH 03801

To The Chairman of the Board of Adjustment,

Please find this statement addressing the requirements for a variance on the proposed project located at 28 Whidden Rd, Portsmouth, NH.

Overview: The existing single-family home located in the Historic District of Portsmouth, NH we are proposing an addition of a “Mudroom Hallway” that functions as a mudroom and storage shed area. The home will remain single family.

We are requesting relief for lot coverage from 36% to 42% on a .06ac lot with this addition of 105sf where 30% is allowed.

Per Section 10.233.21 – The variance will not be contrary to public interest.
We do not see this proposal as contrary to public interest and is staying consistent to other additions / renovations in the neighborhood.

Per Section 10.233.22 - The spirit of the Ordinance will be observed.
This home currently has no transition area from exterior to interior. We are trying to create a space to enter from the side and back while still connecting it to a shed that will be used as a seasonal studio space.

Per Section 10.233.23 – Substantial Justice will be done.
We believe we are asking for a modest request of expanding the footprint of the addition by 105 square feet. We are already over lot coverage so there would be no way to expand the footprint without board approval. We believe that with the small amount of square footage we are requesting, it would significantly improve the function of this historic home.

Per Section 10.233.24 - The values of the surrounding properties will not be diminished.
The neighborhood is a lovely mix of historic homes, primarily colonials with additions. All neighbors will benefit from the financial investment that the homeowners are willing to invest in the property.

Per Section 10.233.25 – Literal enforcement of the provisions of the ordinance would result in hardship.

a. The non-conforming structure of the home has been a challenge and we worked hard to increase the current footprint by the minimal amount.
b. The house has had little, or no work done for several years and feels as if it is truly back in the 1780's. We are trying to improve the property to modern living standards by having a transitional space to come in out of weather before stepping directly into our kitchen. The front door has not functioned in many decades but also does not offer the transition relief that we are looking for.
c. Not receiving a variance for this project would be a hardship to the homeowners.

We encourage the Portsmouth Board of Adjustment to grant the variance to the Neal McCarthy Residence.

Submitted respectfully,

Amy Dutton
Amy Dutton Home
9 Walker Street
Kittery, Maine 03904
amy@amyduttonhome.com
207-337-2020

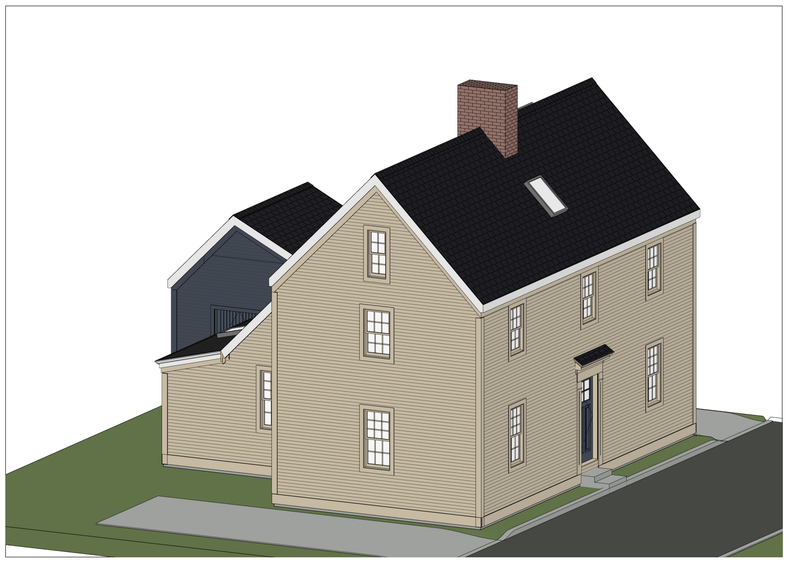
PHOTOS OF EXISTING PROPERTY:

FRONT VIEW with SHED

LEFT FRONT VIEW

REAR RIGHT VIEW

REAR LEFT VIEW with SHED



@AMY DUTTON HOME
DRAWINGS USED EXPRESSIVELY FOR DESIGN ONLY FOR NOTED CLIENT. ALL STRUCTURAL ENGINEERING PROVIDED BY OTHER.

Building contractor / home owner to review and verify all dimensions, specs and connections before construction begins.

PRIMARY:

- INTERNATIONAL RESIDENTIAL CODE (IRC 2021)

SECONDARY:

- ELECTRICAL CODE SYSTEM: NEC 2020
- MECHANICAL SYSTEM CODE: IMC 2021
- PLUMBING SYSTEM CODE: (IPC 2021)
- INTERNATIONAL ENERGY CONSERVATION CODE (IECC 2021)

LIVING AREA

MAIN FLOOR	747 sqft
UPPER STORY, FINISHED	595 sqft
ATTIC	149 sqft
TOTAL	1,491 sqftsqft
SHED	238 sqft

LIVING AREA

MAIN FLOOR	747 sqft
SHED CONNECTOR ADDITION	105 sqft
UPPER STORY, FINISHED	595 sqft
ATTIC	149 sqft
TOTAL	1,596 sqft
SHED	238 sqft

DIM DISCLAIMER

BUILDING CONTRACTOR/HOME OWNER TO REVIEW AND VERIFY ALL DIMENSIONS, SPECS, AND CONNECTIONS BEFORE CONSTRUCTION BEGINS.

OVERVIEW

SCALE: NTS

Layout Page Table

AMY DUTTON
ARCHITECTURE & DESIGN

Revision Table

Number	Date	Revised By	Description

OVERVIEW

PROJECT:
NEAL MCCARTHY
28 Whidden, Portsmouth
NH 03801

CONTACT:
AMY DUTTON HOME
9 WALKER STREET
KITTERY, ME 04101
207.345.6050

DATE:
10/1/2025

SCALED FOR:
24" X 36"

SCALE:
SEE SCALE ON DRAWINGS

SHEET:
O-1

CALCULATIONS

ZONING MAXIMUMS: GRB
front setback: 5'
rear setback: 25'
side setbacks: 10'
lot coverage: 30%

EXISTING CONDITIONS:
LOT SIZE: 0.06 AC

FRONT/REAR HEIGHT:
26' 4" EXISTING RIDGE HT FROM FRONT GRADE

LIVABLE SF: **1,491 SF**
FIRST FLOOR 747 SF
UPPER STORY 595
ATTIC 149 SF
GROSS SF: **1,937 SF**
FIRST FLOOR 747 SF
UPPER STORY 595 SF
ATTIC 595 SF
OUTBUILDINGS
SHED 238 SF

AREA OF FOOTPRINT: **985 SF**
EXISTING SETBACKS:
FRONT: 0
REAR: 16.5'
LEFT: 15'
RIGHT: 8.1'
EXISTING LOT COVERAGE: **37.7 %**
EXISTING PARCEL AREA: 2,613.6 SF (0.06 AC)

PROPOSED CONDITIONS:

FRONT/REAR HEIGHT:
9'-5" PROPOSED RIDGE HT FROM FRONT GRADE

LIVABLE SF: **1,596 SF**
FIRST FLOOR 852 SF
UPPER STORY 595 SF
ATTIC 149 SF

GROSS SF: **2,042 SF**
FIRST FLOOR 852 SF
UPPER STORY 595 SF
ATTIC 595 SF
OUTBUILDINGS
SHED 238 SF

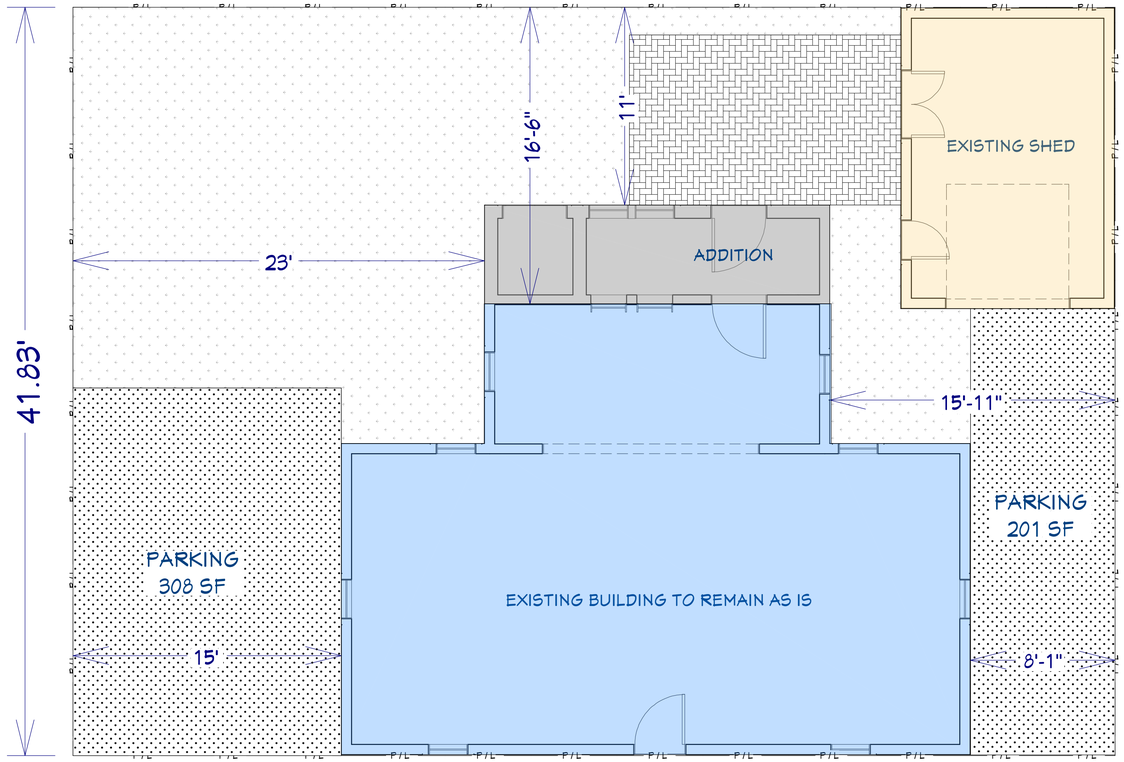
AREA OF FOOTPRINT: **1,090** SF
PROPOSED SETBACKS:
FRONT: 0
REAR: 11'
LEFT: 15'
RIGHT: 8.1'
PROPOSED LOT COVERAGE: **42%**
EXISTING PARCEL AREA: 2,613.6 SF (0.06 AC)

CAD BLOCK GUIDE

EXISTING FOOTPRINT (747 SQFT)

EXISTING SHED (238 SQFT)

PROPOSED ADDITION (105 SQFT)



= 144 SF PERMEABLE PAVERS OR GRAVEL

= 854 SF OPEN SPACE

= 509 SF TOTAL PARKING AREA

28 Whidden St

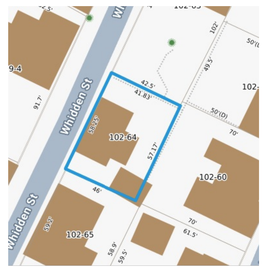
INFORMATION SOURCE: PORTSMOUTH, NH MAP GEO

PROPOSED PLOT PLAN

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

SITE LOCATION

MAP VIEW



SITE PLAN

EXISTING CONDITION PHOTO

SITE PLAN

AMY DUTTON
ARCHITECTURE & DESIGN

Revision Table

Number	Date	Revised By	Description

SITE PLAN

PROJECT:
NEAL MCCARTHY
28 Whidden, Portsmouth
NH 03801

CONTACT:
AMY DUTTON HOME
9 WALKER STREET
KITTERY, ME 04101
207.345.6050

DATE:
10/1/2025

SCALED FOR:
24" X 36"

SCALE:
SEE SCALE ON DRAWINGS

SHEET:
S-1

CALCULATIONS

ZONING MAXIMUMS: GRB
front setback: 5'
rear setback: 25'
side setbacks: 10'
lot coverage: 30%

EXISTING CONDITIONS:
LOT SIZE: 0.06 AC

FRONT/REAR HEIGHT:
26' 4" EXISTING RIDGE HT FROM FRONT GRADE

LIVABLE SF: **1,491 SF**
FIRST FLOOR 747 SF
UPPER STORY 595
ATTIC 149 SF
GROSS SF: **1,937 SF**
FIRST FLOOR 747 SF
UPPER STORY 595 SF
ATTIC 595 SF
OUTBUILDINGS
SHED 238 SF

AREA OF FOOTPRINT: **985 SF**
EXISTING SETBACKS:
FRONT: 0
REAR: 16.5'
LEFT: 15'
RIGHT: 8.1'
EXISTING LOT COVERAGE: **37.7 %**
EXISTING PARCEL AREA: 2,613.6 SF (0.06 AC)

PROPOSED CONDITIONS:

FRONT/REAR HEIGHT:
9'-5" PROPOSED RIDGE HT FROM FRONT GRADE

LIVABLE SF: **1,596 SF**
FIRST FLOOR 852 SF
UPPER STORY 595 SF
ATTIC 149 SF

GROSS SF: **2,042 SF**
FIRST FLOOR 852 SF
UPPER STORY 595 SF
ATTIC 595 SF
OUTBUILDINGS
SHED 238 SF

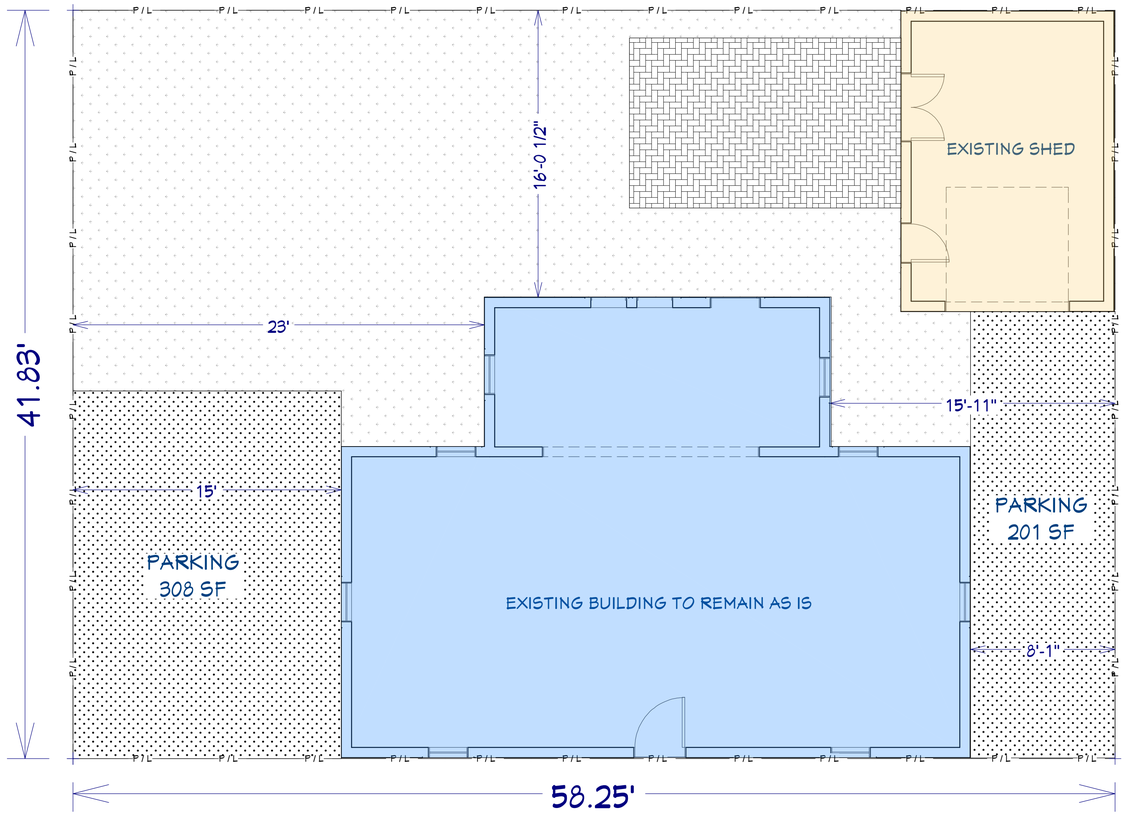
AREA OF FOOTPRINT: **1,090** SF
PROPOSED SETBACKS:
FRONT: 0
REAR: 11'
LEFT: 15'
RIGHT: 8.1'
PROPOSED LOT COVERAGE: **42%**
EXISTING PARCEL AREA: 2,613.6 SF (0.06 AC)

CAD BLOCK GUIDE

EXISTING FOOTPRINT (747 SQFT)

EXISTING SHED (238 SQFT)

PROPOSED ADDITION (105 SQFT)



= 144 SF PERMEABLE PAVERS OR GRAVEL

= 950 SF OPEN SPACE

= 509 SF TOTAL PARKING AREA

N

28 Whidden St

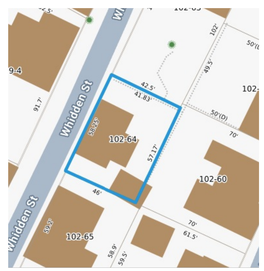
INFORMATION SOURCE: PORTSMOUTH, NH MAP GEO

EXISTING PLOT PLAN

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

SITE LOCATION

MAP VIEW



SITE PLAN

EXISTING CONDITION PHOTO

SITE PLAN

AMY DUTTON
ARCHITECTURE & DESIGN

Revision Table

Number	Date	Revised By	Description

SITE PLAN

PROJECT:
NEAL MCCARTHY
28 Whidden, Portsmouth
NH 03801

CONTACT:
AMY DUTTON HOME
9 WALKER STREET
KITTERY, ME 04101
207.345.6050

DATE:
10/1/2025

SCALED FOR:
24" X 36"

SCALE:
SEE SCALE ON DRAWINGS

SHEET:
S-2

BUILDER:

THE BUILDER SHALL VERIFY THAT SITE CONDITIONS ARE CONSISTENT WITH THESE PLANS BEFORE STARTING WORK. WORK NOT SPECIFICALLY DETAILED SHALL BE CONSTRUCTED TO THE SAME QUALITY AS SIMILAR WORK THAT IS DETAILED. ALL WORK SHALL BE DONE IN ACCORDANCE WITH INTERNATIONAL BUILDING CODES AND LOCAL CODES.

WRITTEN DIMENSIONS AND SPECIFIC NOTES SHALL TAKE PRECEDENCE OVER SCALED DIMENSIONS AND GENERAL NOTES. THE ENGINEER/DESIGNER SHALL BE CONSULTED FOR CLARIFICATION IF SITE CONDITIONS ARE ENCOUNTERED THAT ARE DIFFERENT THAN SHOWN, IF DISCREPANCIES ARE FOUND IN THE PLANS OR NOTES, OR IF A QUESTION ARISES OVER THE INTENT OF THE PLANS OR NOTES. CONTRACTOR SHALL VERIFY AND IS RESPONSIBLE FOR ALL DIMENSIONS (INCLUDING ROUGH OPENINGS).

SPECIFIC MANUFACTURES AND MODEL NUMBERS SHOWN ON THE PLANS ARE INDICATIONS OF QUALITY ONLY. THE OWNER/ BUILDER SHALL NOT BE PROHIBITED FROM SUBSTITUTING MATERIALS AND/OR APPLIANCES OF EQUAL QUALITY/ STRENGTHS FROM NON-SPECIFIED MANUFACTURERS.

THE OWNER/BUILDER MAY SUBSTITUTE MATERIALS PROVIDED THEY MEET CURRENT BUILDING CODE, AND ARE APPROVED FOR THAT SPECIFIC USE BY THE BUILDING OFFICIAL.

BUILDING SITE:

CERTIFICATIONS AND SPECIAL INSPECTIONS:
CHANGES: ALL CHANGES MUST BE APPROVED BY THE BUILDING DEPARTMENT PRIOR TO CONSTRUCTION.

DRAINABE NOTES:
REFER TO CIVIL ENGINEERING

UNDERGROUND UTILITIES:

INSPECTION IS REQUIRED PRIOR TO BACKFILL OF WATER, ELECTRIC, GAS AND SEWER LINES. OTHER DEPARTMENTS AND AGENCIES MAY HAVE ADDITIONAL INSPECTIONS; SEE PERMIT CARD FOR THOSE INSPECTION NUMBERS.

PROVIDE WARNING TAPE. BACKFILL MATERIAL TO BE FREE OF CONSTRUCTION MATERIAL, ROCKS AND DEBRIS. .

FOLLOW LOCAL CODE FOR MINIMUM BURIAL DEPTHS FOR UTILITIES AFTER THE SERVING UTILITY POINT OF CONNECTION.

GAS, WATER AND SANITARY LINES SHOULD BE UNDER THE APPROPRIATE TEST PRESSURE AT TIME OF INSPECTION.

STRUCTURAL NOTES:

SEE STRUCTURAL ENGINEERING PLANS FOR ALL STRUCTURAL SPECIFICATIONS.

KITCHEN:

(E3703.2, E3901.4 & E3902.6)
PROVIDE A MINIMUM OF TWO (2) 20-AMP CIRCUITS FOR THE KITCHEN COUNTER.
A RECEPTACLE OUTLET SHALL BE INSTALLED AT EACH COUNTER SPACE WIDER THAN 12 INCHES.
ALL RECEPTACLES INSTALLED TO SERVE THE COUNTERTOP SURFACE IN A KITCHEN TO BE PROTECTED BY GROUND-FAULT CIRCUIT INTERRUPTERS
KITCHEN COUNTER RECEPTACLES SHALL BE INSTALLED SO THAT NO POINT ALONG WALL LINE IS MORE THAN 24" MEASURED HORIZONTALLY FROM AN OUTLET MEASURED IN SUCH A MANNER THAT THERE WILL BE AN OUTLET FOR EVERY 4 LINEAR FEET OR FRACTION THEREOF OF COUNTER LENGTH. RECEPTACLES OUTLETS SHALL NOT BE INSTALLED IN A FACE-UP POSITION IN THE WORK SURFACES OR COUNTERTOPS. (E3902.7)

BATHROOMS:

AT LEAST ONE WALL RECEPTACLE OUTLET SHALL BE INSTALLED WITHIN 3' OF BASIN LOCATION. (E3901.6)
ALL OUTLETS LOCATED IN THE BATHROOM SHALL BE PROTECTED BY A GROUND-FAULT CIRCUIT INTERRUPTER. (E3902.1) 2013

GENERAL ITEMS:

GARAGE:

THE GARAGE SHALL BE SEPARATED FROM THE RESIDENCE AND ITS ATTIC AREA BY NOT LESS THAN FIRE-RATED 5/8-INCH GYPSUM BOARD APPLIED TO THE GARAGE SIDE.

GARAGES BENEATH HABITABLE ROOMS SHALL BE SEPARATED FROM ALL HABITABLE ROOMS ABOVE BY NOT LESS THAN 5/8-INCH TYPE X GYPSUM BOARD OR EQUIVALENT. WHERE THE SEPARATION IS A FLOOR-CEILING ASSEMBLY, THE STRUCTURE SUPPORTING THE SEPARATION SHALL ALSO BE PROTECTED BY NOT LESS THAN 1/2-INCH GYPSUM BOARD OR EQUIVALENT. (TABLE R302.6)

DOORS TO BE 1 3/8" SOLID CORE OR RATED 20 MIN. EQUIPPED WITH A SELF-CLOSING
DEVICE.

WOOD BURNING APPLIANCES:

WOOD STOVES AND FIREPLACES SHOWN ON PLANS MUST BE INSTALLED PRIOR TO FINAL INSPECTION PER THEIR INSTALLATION DIRECTIONS TO MEET WARRANTY REQUIREMENTS. THE AFFIDAVIT OF EMISSION STANDARDS IS TO BE ON SITE.

SPECIAL WALL COVERINGS:

ADHERED VENEERS AND ATTACHED STONE OVER WOOD WALLS MUST BE INSTALLED OVER A WATER-PROOF BARRIER.
ALSO FLASHING MUST BE INSTALLED AS REQUIRED BY R703.8 AND WEEP SCREED MUST BE INSTALLED AT THE BOTTOM OF THE WALL FINISH.

FRAMING - GENERAL:

INSTALL APPROVED FRAMING CLIPS AT EACH END OF ALL TRUSSES AND RAFTERS.
FLOOR JOIST BLOCKING IS REQUIRED AT ALL BEARING POINTS OR FOLLOW MANUFACTURED JOIST INSTALLATION INSTRUCTIONS.
BUILDINGS WITH COMBUSTIBLE CEILING OR ROOF CONSTRUCTION SHALL HAVE AN ATTIC ACCESS OPENING TO ATTIC AREAS THAT EXCEED 30 SQUARE FEET AND THAT HAVE A VERTICAL HEIGHT OF 30" OR MORE. THE ROUGH-FRAMED OPENING SHALL NOT BE LESS THAN 22" BY 30". THE ACCESS SHALL BE LOCATED IN A HALLWAY OR OTHER READILY ACCESSIBLE LOCATION. A MINIMUM HEIGHT OF 30" UNOBSTRUCTED HEADROOM SHALL BE PROVIDED IN THE ATTIC SPACE AT SOME POINT ABOVE THE ACCESS OPENING. (R807)
PROVIDE FOR PROPER ATTIC VENTILATION. (R806)
ATTIC ACCESS IN GARAGES SHOULD NOT COMPROMISE ANY REQUIRED FIRE SEPARATION. SEE IRC SECTION M1305.1.3 FOR ACCESS REQUIREMENTS WHERE MECHANICAL EQUIPMENT WILL BE LOCATED IN ATTICS.
FIRE-BLOCKING SHALL BE PROVIDED PER (R302.11).
CHANGE OF TRUSS MANUFACTURER MUST BE APPROVED PRIOR TO CONSTRUCTION.

PLYWOOD SHEATHING SHALL BE AS FOLLOWS:

ROOF SHEATHING SHALL BE 5/8" PLYWOOD OR OSB.
WALL SHEATHING SHALL BE 1/2" INT-APA RATED 32/16 OR 7/16" OSB.
FLOOR SHEATHING SHALL BE 3/4" T & G – OSB INT - APA – RATED

LIGHTING E3803.1

AT LEAST ONE (1) WALL SWITCH-CONTROLLED LIGHTING OUTLET SHALL BE INSTALLED IN EVERY HABITABLE ROOM, IN BATHROOMS, HALLWAYS, STAIRWAYS, BASEMENTS, ATTACHED GARAGE, AND AT OUTDOOR ENTRANCES. EXCEPTION: IN HABITABLE ROOMS, OTHER THAN KITCHENS AND BASEMENT, ONE OR MORE RECEPTACLES CONTROLLED BY A WALL SWITCH SHALL BE PERMITTED IN LIEU OF A LIGHTING OUTLET.
ALL INTERIOR AND EXTERIOR STAIRWAYS SHALL BE PROVIDED WITH A MEANS TO ILLUMINATE THE STAIRS, INCLUDING THE LANDINGS AND TREADS. INTERIOR STAIRWAYS SHALL BE PROVIDED WITH AN ARTIFICIAL LIGHT SOURCE LOCATED IN THE IMMEDIATE VICINITY OF EACH LANDING OF THE STAIRWAY. FOR INTERIOR STAIRS THE ARTIFICIAL LIGHT SOURCES SHALL BE CAPABLE OF ILLUMINATING TREADS AND LANDINGS TO LEVELS NOT LESS THAN 1 FOOT-CANDLE (11 LUX) MEASURED AT THE CENTER OF TREADS AND LANDINGS. EXTERIOR STAIRWAYS SHALL BE PROVIDED WITH AN ARTIFICIAL LIGHT SOURCE LOCATED IN THE IMMEDIATE VICINITY OF THE TOP LANDING OF THE STAIRWAY. EXTERIOR STAIRWAYS PROVIDING ACCESS TO A BASEMENT FROM THE OUTSIDE GRADE LEVEL SHALL BE PROVIDED WITH AN ARTIFICIAL LIGHT SOURCE LOCATED IN THE IMMEDIATE VICINITY OF THE BOTTOM LANDING OF THE STAIRWAY. SEE R303.7 FOR ALL REQUIREMENTS.

GENERAL FRAMING NOTES:

FLOOR:
PROVIDE DOUBLE JOISTS. UNDER ALL WALLS RUNNING PARALLEL TO JOISTS.
INSULATION:
PROVIDE POSITIVE VENTILATION AT EA. END OF EA. RAFTER SPACE AT VAULTED CEILING AREAS. PROVIDE FOR PROPER ATTIC VENTILATION. (R806)
FIRE BLOCKING:
PROVIDE FIRE BLOCKING, DRAFT STOPS AND FIRE STOPS AS PER (IBC-SEC. R502.12).
BRACKETS:
PROVIDE POSITIVE CONNECTIONS AT EACH END OF ALL POSTS AND COLUMNS TO RESIST LATERAL DISPLACEMENT.
ATTIC ACCESS - MAIN:
BUILDINGS WITH COMBUSTIBLE CEILING OR ROOF CONSTRUCTION SHALL HAVE AN ATTIC ACCESS OPENING TO ATTIC AREAS THAT EXCEED 30 SQUARE FEET AND THAT HAVE A VERTICAL HEIGHT OF 30" OR MORE. THE ROUGH-FRAMED OPENING SHALL NOT BE LESS THAN 22" BY 30". THE ACCESS SHALL BE LOCATED IN A HALLWAY OR OTHER READILY ACCESSIBLE LOCATION. A MINIMUM HEIGHT OF 30" UNOBSTRUCTED HEADROOM SHALL BE PROVIDED IN THE ATTIC SPACE AT SOME POINT ABOVE THE ACCESS OPENING. (R807)
ATTIC ACCESS - GARAGE:
ATTIC ACCESS IN GARAGES SHOULD NOT COMPROMISE ANY REQUIRED FIRE SEPARATION. SEE IRC SECTION M1305.1.3 FOR ACCESS REQUIREMENTS WHERE MECHANICAL EQUIPMENT WILL BE LOCATED IN ATTICS.
ICE SHIELD:
36" DOUBLE ROLE
ENGINEERED TRUSSES:
TRUSS MANUFACTURER MUST BE APPROVED PRIOR TO CONSTRUCTION

ROOF FRAMING / TRUSS NOTES:

TRUSS DRAWING IS FOR ILLUSTRATION ONLY. ALL TRUSSES SHALL BE INSTALLED & BRACED TO MANUFACTURERS DRAWINGS & SPECIFICATIONS.

ALL TRUSSES SHALL CARRY MANUFACTURERS STAMP.

ALL TRUSSES SHALL BE INSTALLED & BRACED TO MANUFACTURERS SPECIFICATIONS.

ALL TRUSSES WILL NOT BE FIELD ALTERED WITHOUT PRIOR BUILDING DEPT. APPROVAL OF ENGINEERING CALCULATIONS.

SCISSORS TRUSS CEILING PITCH CALCULATED BY MANUFACTURER

ALL TRUSSES SHALL HAVE DESIGN DETAILS & DRAWINGS ON SITE FOR FRAMING INSPECTION.

ALL CONNECTIONS OF RAFTERS, JACK, OR HIP TRUSSES TO MAIN GIRDER TO BE PROVIDED BY TRUSS MANUFACTURER.

DOORS:

ALL EXTERIOR DOORS ARE TO BE SOLID CORE WITH WEATHERSTRIPPING.
PROVIDE 1/2 IN. DEADBOLT LOCKS ON ALL EXTERIOR DOORS, AND LOCKING DEVICES ON ALL DOORS WITHIN 10 FT. (VERTICAL) OF GRADE.

PROVIDE PEEPHOLE 54-66 IN. ABOVE FIN. FLOOR ON EXTERIOR ENTRY DOORS

DOORS BETWEEN GARAGE AND LIVING AREA SHALL BE 1-3/4" TIGHT FITTING SOLID CORE DOORS WITH A RATING OF 60 MINUTES. DOOR SHALL BE SELF CLOSING WITH BOTTOM THRESHOLD AND DOOR SHOE WITH SMOKE SEAL

EXTERIOR EXIT DOORS WILL BE 36" MIN. NET CLEAR DOORWAY SHALL BE 32" MIN. DOOR SHALL BE OPEN-ABLE FROM INSIDE WITHOUT THE USE OF A KEY OR ANY SPECIAL KNOWLEDGE OR EFFORT. GLAZING IN DOORS SHALL BE DUAL PANE SAFETY GLASS WITH MIN. U-VALUE OF 0.60
GARAGE DOORS TO BE SECTIONAL, OVERHEAD DOORS

OPENINGS:

ALL PENETRATIONS OF THE BUILDING ENVELOPE SHALL BE SEALED WITH CAULK OR FOAM.

FOUNDATION:

CONCRETE STRENGTH:

*3,0000 PSI @ 28 DAY MINIMUM
* STEEL REINFORCING: GRADE 40MIN.
*MIN. LAP LENGTH: 40 BAR DIAMETERS
*1/8" PER FOOT SLOPE FROM BACK OF GARAGE TO DOORS

INFILTRATION:

ALL OPENINGS IN THE EXT. BLDG. ENVELOPE SHALL BE SEALED AGAINST AIR INFILTRATION. THE FOLLOWING AREAS MUST BE SEALED.
* JOINTS AROUND WINDOW AND DOOR FRAMES
* JOINTS BETWEEN WALL CAVITY AND WINDOW / DOOR FRAME.
* JOINTS BETWEEN WALL AND FOUNDATION
* JOINTS BETWEEN WALL AND ROOF
* JOINTS BETWEEN WALL PANELS
* UTILITY PENETRATIONS THROUGH EXTERIOR WALLS

INSULATION: PROVIDE PROPER UNDER-FLOOR VENTILATION. (R408.1)

FOUNDATION WALL: 8-10" CONT. FOUR
(2)#4 BAR HORIZONTA (TOP& BOTTOM)
(1) #6 BAR VERTIAL @ 48" OC
LAP CORNERS & SPLICES OF REBAR PER CODE
SECURE SILL TO FOUNDATION W/ 1/2"D. ANCHOR BOLTS THAT EXTEND 7" INTO CONCRETE
TIGHTEN W/ NUT & WASHER @ 6' OC & MAX 12" FROM CORNER
HEIGHT: 7'-10" HIGH (TYP. WHEN POSSIBLE)
FOOTING: 10-12" X 20-24"
(2) #4 HORIZONTAL (BOTTOM)
(1)#4 DOWEL BAR @ 48" OC
LALLY COLUMN PAD: 30"X 30" X 12"
(2) #4 EACH WAY (BOTTOM)

*MAINTAIN CONTINUOUS 4'-0" FROST DEPTH
* 1/2" CTR. ANCHOR BOLD @ 4'-0" OC - 3 EA. CORNER / 2 EA. JOINT)

PORCH FOUNDATION

* 12" CTR. CONCRETE FILLED SONOTUBE
(1) #6 BAR VERTICAL @ CTR
SPREAD FOOTINGS & ANCHOR BOLD
ELEVATED 4X4 OR 6X6 POST BASE
*POSTS UNDER DECK CAN BE SOLID 4X4 UP TO 48" IN HEIGHT, SOLID 6X6 PT FOR HIGHER DECKS.
*PRECAST BELL OR POURED FOOTINGS @ PORCH, 20" BASE TO FROST WITH 8" SONOTUBE

DECK + PORCH

*BOLT / SCREW CONNECTION : R502.2.2.1
*LATERAL CONNECTION: R502.2.2.

BULKHEAD NOTES:

*55"W X 72"L X 19.5" H (67" X 48" OPENING)
*CONTRACTOR TO CONFIRM SIZE & LOCATION

WINDOWS:

WINDOWS:

ALL GLAZING WITHIN 60 IN. OF TUB OR SHOWER FLOOR, 60 IN. OF A STAIR LANDING OR GREATER THAN 9 SQUARE FEET ARE TO HAVE SAFETY GLAZING

EGRESS:

WINDOW ESCAPE & RESCUE REQUIREMENTS (R310 & R612):
EVERY BEDROOM SHALL BE PROVIDED WITH AN EGRESS WINDOW WITH FINISH SILL HEIGHT NOT GREATER THAN 44" ABOVE THE FINISH FLOOR HEIGHT AND SHALL HAVE A MINIMUM OPEN-ABLE AREA OF 5.7 SQ. FT.
IN ALL ROOMS USED FOR SLEEPING AND IN ALL BASEMENTS WITH HABITABLE SPACES, ONE WINDOW SHALL OPEN A MINIMUM OF 5.7 SQUARE FEET, 20" WIDE, 24" HIGH WITH A MAXIMUM SILL HEIGHT OF 44".

SKYLIGHTS:

SKYLIGHTS ARE TO BE GLAZED WITH TEMPERED GLASS ON OUTSIDE AND LAMINATED GLASS ON THE INSIDE (UNLESS PLEXIGLAS).

GLASS TO HAVE MAXIMUM CLEAR SPAN OF 25 IN. AND FRAME IS TO BE ATTACHED TO A 2x CURB WITH A MINIMUM OF 4 IN. ABOVE ROOF PLANE.

OPENINGS:

ALL PENETRATIONS OF THE BUILDING ENVELOPE SHALL BE SEALED WITH CAULK OR FOAM.

DECKS – STAIRS - RAILS:

MINIMUM STAIR REQUIREMENTS:
MAXIMUM RISE = 7 3/4"
MINIMUM RUN = 10"
MINIMUM HEAD CLEARANCE = 6'8"
MINIMUM STAIR WIDTH 36"

TREADS MUST BE UNIFORM AND CAN NOT VARY FROM THE LARGEST TO THE SMALLEST BY MORE THAN 3/8".

A FLIGHT OF STAIRS SHALL NOT HAVE A VERTICAL-RISE LARGER THAN 12 FEET BETWEEN FLOOR LEVELS OR LANDINGS.
EXTERIOR SPIRAL STAIRS TO BE FABRICATED AND INSTALLED PER THE MFG. INSTRUCTIONS.
PORCHES, BALCONIES, RAMPS, OR RAISED FLOOR SURFACES LOCATED MORE THAN 30" ABOVE THE FLOOR OR GRADE BELOW SHALL HAVE GUARDS NOT LESS THAN 36" IN HEIGHT.

OPEN SIDES OF STAIRS WITH A TOTAL RISE OF MORE THAN 30" ABOVE THE FLOOR OR GRADE BELOW SHALL HAVE GUARDS NOT LESS THAN 34" IN HEIGHT MEASURED VERTICALLY FROM THE NOSING OF THE TREADS.
HANDRAILS SHALL BE PLACED BETWEEN 34" TO 38" ABOVE THE NOSING OF TREADS AND LANDING. STAIRWAYS FOR DWELLINGS WITH FOUR OR MORE RISERS SHALL HAVE HANDRAILS. (R311.7.8)
THE HAND GRIP PORTION OF HANDRAILS SHALL NOT BE LESS THAN 1-1/2" OR GREATER THAN 2" IN CROSS-SECTIONAL DIMENSION.
HANDRAILS SHALL BE CONTINUOUS THE FULL LENGTH OF THE STAIRS.
THE ENDS OF HANDRAILS SHALL RETURN TO WALL OR TERMINATE INTO A NEWEL POST OR SAFETY TERMINAL.
STAIRWAYS HAVING LESS THAN 2 RISERS DO NOT REQUIRE A HANDRAIL.
THE OPENINGS BETWEEN BALLISTERS NEWELS IS TO BE NO MORE THAN 4". THE TRIANGULAR OPENINGS FORMED BY THE RISER, TREAD, AND BOTTOM OF GUARDRAIL SHALL NOT ALLOW A 6" DIAMETER SPHERE TO PASS THROUGH.

GENERAL PLUMBING & HVAC NOTES:

METALLIC GAS PIPE, WATER PIPE, AND FOUNDATION REINFORCING BARS SHALL BE BONDED TO THE ELECTRICAL SERVICE GROUND.

DRYER, WATER HEATER, KITCHEN AND BATHROOM VENTING SHALL EXHAUST TO THE OUTSIDE OF THE BUILDING AND BE EQUIPPED WITH A BACK-DRAFT DAMPER.

ALL GAS LINES SHALL BE SIZED FOR APPLIANCE LOAD. ALL JOINTS SHALL BE TAPED WHERE BURIED OR EXPOSED TO WEATHER.

TUBS/SHOWERS SHALL BE PROVIDED WITH INDIVIDUAL CONTROL VALVES OF THE PRESSURE BALANCE OR THE THERMOSTATIC MIXING TYPE. THE WATER TEMPERATURE SHALL BE AT A MAXIMUM OF 120*F.

WATER SOFTENER UNIT SHALL CONDITION WATER BEFORE ENTERING THE WATER HEATERS AND THE COLD-WATER SOURCE.

EACH HOSE BIBB SHALL BE EQUIPPED WITH A BACK-FLOW PREVENTION DEVICE.

HEAT DUCTING SHALL BE SECURED, SEALED, AND INSULATED AS APPROPRIATE.

INSTALL WATERPROOF GYPSUM BOARD AT ALL WATER SPLASH AREAS TO MINIMUM 70" ABOVE SHOWER DRAINS. (see plumbing elevations for heights)

INSULATE WASTE LINES FOR SOUND CONTROL.

DIMENSIONS:

DIMENSIONS ARE TO FACE OF STUD, UNLESS NOTED OTHERWISE.
CLOSETS ARE 24" CLEAR INSIDE, UNLESS DIMENSIONED OTHERWISE.

SQUARE FOOTAGES:

1. Square foot numbers are interior to room and use in calculating finishes.

2. Cabinet and fixtures are not subtracted.

3. Add for doorways when floor finishes run through.

AMY DUTTON
ARCHITECTURE & DESIGN

Revision Table

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GENERAL NOTES

PROJECT:
NEAL MCCARTHY
26 Whidden, Portsmouth
NH 03801

CONTACT:
AMY DUTTON HOME
9 WALKER STREET
KITTERY, ME 04101
207.345.6050

DATE:
10/1/2025

SCALED FOR:
24" X 36"

SCALE:
SEE SCALE ON DRAWINGS

SHEET:
G-1

FRAMING NOTES

1. ALL DIMENSIONAL LUMBER SHALL BE DOUGLAS FIR LARCH NO. 2 AND LARGER LUMBER SHALL BE DOUGLAS FIR NO.1 OR BETTER, UNO.
2. WALL HEADERS: (2) 2 X 10 DF 2 W IK/IT TYP. UNO
3. I-JOISTS AND LVL MEMBERS MUST BE INSTALLED IN COMPLIANCE WITH THEIR LISTINGS.
4. ALL TRUSSES SHALL BE ENGINEERED AND STAMPED WITH A SEPARATE ENGINEERED DOCUMENT.
5. PRE-MANUFACTURED WOOD JOISTS & TRUSSES SHALL BE OF THE SIZE AND TYPE SHOWN ON THE DRAWINGS, MANUFACTURED BY THE TRUSS OR JOIST COMPANY. NO MEMBERS SHALL BE MODIFIED AND MUST BE INSTALLED IN COMPLIANCE WITH THEIR LISTINGS. PROVIDE BRIDGING IN CONFORMANCE WITH THE MANUFACTURERS RECOMMENDATIONS. MEMBERS AND BRIDGING SHALL BE CAPABLE OF RESISTING THE WIND UPLIFT NOTED ON THE DRAWINGS. PRE-MANUFACTURED WOOD JOIST ALTERNATES WILL BE CONSIDERED, PROVIDED THE ALTERNATE IS COMPATIBLE WITH THE LOAD CAPACITY, STIFFNESS, DIMENSIONAL, AND FIRE RATING REQUIREMENTS OF THE PROJECT, AND IS ENGINEER OR ICBO APPROVED.
6. ALL JOISTS AND RAFTERS SHALL HAVE SOLID BLOCKING AT THEIR BEARING POINTS. CONNECT BLOCKING TO TOP OF WALL W/ SIMPSON FRAMING ANCHORS. ROOF JOIST TO HAVE HURRICANE CLIPS @ 48" O.C. OR SIMPSON H-1 HURRICANE CLIPS @ 24" O/C. INSTALL PRIOR TO ROOF SHEETING.
7. ALL WOOD & IRON CONNECTIONS MUST CARRY THE CAPACITY OF THE MEMBER. THE CONTRACTOR IS RESPONSIBLE FOR ALL CONNECTIONS. IF OTHER THAN STANDARD CONNECTIONS ARE REQUIRED, CONTACT PROJECT ENGINEER FOR ASSISTANCE. USE SIMPSON OR OTHER ICC LISTED CONNECTIONS.
8. NAILS: ALL SHEAR WALL SHEATHING NAILS SHALL BE COMMON NAILS ALL FRAMING NAILS SHALL BE COMMON NAILS. OR HOT DIPPED GALVANIZED BOX NAILS. FRAMING NAILS SHALL BE PER IBC TABLE 2304.9.1 OR IRC TABLE R602.3(1).
10. TRUSS SHALL BE ELIMINATED BY THE USE OF COLLAR TIES OR CEILING JOISTS, WHERE REQUIRED.
11. BEVELED BEARING PLATES ARE REQUIRED AT ALL BEARING POINTS FOR BCI & TJI RAFTERS.
12. ALL COLUMNS SHALL EXTEND DOWN THRU THE STRUCTURE TO THE FOUNDATION. ALL COLUMNS SHALL BE BRACED AT ALL FLOOR LEVELS. COLUMNS SHALL BE THE SAME WIDTH AS THE MEMBERS THAT THEY ARE SUPPORTING.
13. ALL EXTERIOR WALLS SHALL BE SHEATHED WITH 1/2" THICK 2-M-W SHEATHING OR EQUAL W/ 8D COMMON NAILS @ 6" O.C. @ EDGES @ 12" O.C. IN FIELD, UNO. SHEATHING SHALL BE CONTINUOUS ACROSS ALL HORIZONTAL FRAMING JOINTS.
14. ALL ROOF SHEATHING AND SUB-FLOORING SHALL BE INSTALLED WITH FACE GRAIN PERPENDICULAR TO SUPPORTS, EXCEPT AS INDICATED ON THE DRAWINGS. ROOF SHEATHING SHALL EITHER BE BLOCKED, TONGUE-AND-GROOVE. SHEAR WALL SHEATHING SHALL BE BLOCKED WITH 2X FRAMING AT ALL PANEL EDGES. SHEATH ROOF PRIOR TO ANY OVER FRAMING.
15. PLYWOOD PANELS SHALL CONFORM TO THE REQUIREMENTS OF "U.S. PRODUCT STANDARD PS 1 FOR CONSTRUCTION AND INDUSTRIAL PLYWOOD" OR APA PRP-108 PERFORMANCE STANDARDS. UNO, PANELS SHALL BE APA RATED SHEATHING, EXPOSURE 1, OF THE THICKNESS AND SPAN RATING SHOWN ON THE DRAWINGS. PLYWOOD INSTALLATION SHALL BE IN CONFORMANCE WITH APA RECOMMENDATIONS. ALLOW 1/8" SPACING AT PANELS ENDS AND EDGES, UNLESS OTHERWISE RECOMMENDED BY THE PANEL MANUFACTURER.
16. GLULAM BEAMS SHALL BE FABRICATED IN CONFORMANCE WITH U.S. PRODUCT STANDARD PS 56, "STRUCTURAL GLUED LAMINATED TIMBER" AND AMERICAN INSTITUTE OF TIMBER CONSTRUCTION, ATTIC 117. EACH MEMBER SHALL BEAR AN ATTIC IDENTIFICATION MARK AND BE ACCOMPANIED BY A CERTIFICATE OF CONFORMANCE. ONE COAT OF END SEALER SHALL BE APPLIED IMMEDIATELY AFTER TRIMMING IN EITHER SHOP OR FIELD.
17. GLULAM BEAMS SHALL BE 24F-V4 DF/DF OR EQUAL FOR SIMPLE SPANS, AND 24F-V8 DF/DF FOR CONTINUOUS SPANS.
18. "VERSA-LAM" & "MICRO-LAM MEMBERS SHALL BE GRADE 2.0 E.
19. ANY WOOD IN CONTACT W/ CONCRETE OR MASONRY SHALL BE PRESSURE TREATED.
20. ALL WOOD & IRON CONNECTORS SHALL BE INSTALLED W/ ALL REQUIRED FASTENERS IN COMPLIANCE W/ THEIR WRITTEN APPROVAL.
21. ALL HANGERS TO BE "SIMPSON" OR EQUAL.
22. NOTIFY CONTRACTOR PRIOR TO DRILLING HOLES IN STEEL BEAMS.

OUTDOOR AND GARAGE OUTLETS:

AT LEAST TWO (2) OUTLETS, ACCESSIBLE AT GRADE LEVEL SHALL BE INSTALLED OUTDOORS AND LOCATED AT THE FRONT AND REAR OF THE DWELLING AND SHALL BE WATERPROOF AND NOT INSTALLED ON THE SMALL APPLIANCE BRANCH CIRCUIT. (E3901.7)
AT LEAST ONE (1) OUTLET MUST BE LOCATED IN AN ATTACHED GARAGE. (E3901.9)
AT LEAST ONE (1) OUTLET MUST BE LOCATED IN A BASEMENT. OUTLETS IN BASEMENTS USED AS NON-HABITABLE ROOMS SHALL BE GFCI PROTECTED.
ALL OUTLETS LOCATED OUTDOORS, IN CRAWL SPACES AT OR BELOW GRADE LEVEL OR IN A GARAGE SHALL BE PROTECTED BY A GROUND-FAULT INTERRUPTER. (E3902)
BALCONIES, DECKS, AND PORCHES THAT ARE ACCESSIBLE FROM INSIDE THE DWELLING UNIT SHALL HAVE AT LEAST ONE RECEPTACLE OUTLET INSTALLED THE PERIMETER OF THE AREA. (3901.7)

ELECTRICAL NOTES:

1 ALL APPLIANCES TO BE ON DEDICATED CIRCUITS - REFER TO APPLIANCE SPECS FOR AMP/VOLTAGE REQUIREMENTS
2 ELECTRICAL RECEPTACLES IN BATHROOMS, KITCHENS, FOUNDATION, AND GARAGE SHALL BE G.F.C.I. PER NATIONAL ELECTRICAL CODE REQUIREMENTS
3 ALL BEDROOM OUTLETS AND LIGHTS BE ARCH FAULT PROTECTED
4 ALL VENTILATION FANS TO BE FANTEC 300 CFM
5 PROVIDE ONE SMOKE DETECTOR AND CARBON MONOXIDE DETECTOR IN EACH ROOM AND ONE IN EACH CORRIDOR ACCESSING BEDROOMS. CONNECT SMOKE DETECTORS TO HOUSE POWER AND INTER-CONNECT SMOKE DETECTORS TO HOUSE POWER SO THAT WHEN ANY ONE IS TRIPPED, THEY WILL ALL SOUND. PROVIDE BATTERY BACKUP FOR ALL UNITS.
6 CIRCUITS SHALL BE VERIFIED WITH DESIGNER PRIOR TO WIRE INSTALLATION
7 FINAL SWITCHES FOR TIMERS AND DIMMERS SHALL BE VERIFIED WITH DESIGNER
8 FIXTURES TO BE SELECTED BY DESIGNER AND HOME OWNER
9 ALL LIGHTING SHALL BE DIMABLE AND USE LED BULBS

NOTE: ALL ELECTRICAL LOCATIONS TO BE CONFIRMED ON SITE WITH DESIGNER, LOCATIONS NOT EXACT UNLESS DIMENSIONED ON PLANS

SCHEDULE MEETING WITH DESIGNER TO REVIEW PLACEMENT AND PLAN ON SITE

CARBON MONOXIDE ALARMS
IRC SECTION R315

PROVIDE A CARBON MONOXIDE ALARMS OUTSIDE OF EACH SEPARATE SLEEPING AREA IN THE IMMEDIATE VICINITY OF THE BEDROOMS IN DWELLING UNITS WITH FUEL FIRED APPLIANCES OR ATTACHED GARAGES.
WHEN MECHANICAL WORK, GAS WORK, REMODELS, OR ADDITIONS REQUIRING A PERMIT OCCURS, THE INDIVIDUAL DWELLING UNITS WITH FUEL FIRED APPLIANCES OR ATTACHED GARAGES SHALL BE EQUIPPED WITH CARBON MONOXIDE ALARMS LOCATED AS REQUIRED FOR NEW DWELLINGS.

SMOKE DETECTORS - IRC SECTION R314

PROVIDE A SMOKE DETECTOR IN EACH SLEEPING ROOM AND AT A POINT CENTRALLY LOCATED IN THE HALLWAY OR AREA GIVING ACCESS TO EACH SLEEPING AREA.
THE SMOKE DETECTOR SHALL RECEIVE ITS PRIMARY POWER FROM BUILDING WIRING AND SHALL BE EQUIPPED WITH A BATTERY BACKUP.
DETECTORS SHALL BE INTERCONNECTED TO SOUND AN ALARM AUDIBLE IN ALL SLEEPING AREAS OF DWELLING UNITS IN WHICH THEY ARE LOCATED.
DETECTORS SHALL NOT BE ON A CIRCUIT WHICH IS GROUND-FAULT INTERRUPTER PROTECTED. DETECTORS IN BEDROOMS TO BE AFCI PROTECTED.
WHEN ALTERATIONS, REPAIRS OR ADDITIONS REQUIRING A PERMIT OCCUR, OR WHEN ONE OR MORE SLEEPING ROOMS ARE ADDED OR CREATED IN EXISTING DWELLINGS, THE INDIVIDUAL DWELLING UNIT SHALL BE EQUIPPED WITH SMOKE ALARMS LOCATED AS REQUIRED FOR NEW DWELLINGS; THE SMOKE ALARMS SHALL BE INTERCONNECTED AND HARD-WIRED.

EXCEPTIONS:

INTER CONNECTION AND HARD WIRING OF SMOKE ALARMS IN EXISTING AREAS SHALL NOT BE REQUIRED WHERE THE ALTERATIONS OR REPAIRS DO NOT RESULT IN THE REMOVAL OF INTERIOR WALL OR CEILING FINISHES EXPOSING THE STRUCTURE, UNLESS THERE IS AN ATTIC, CRAWL SPACE OR BASEMENT AVAILABLE WHICH COULD PROVIDE ACCESS FOR HARD WIRING AND INTERCONNECTION WITHOUT THE REMOVAL OF INTERIOR FINISHES.
WORK INVOLVING THE EXTERIOR SURFACES OF DWELLINGS, SUCH AS THE REPLACEMENT OF ROOFING OR SIDING, OR THE ADDITION OR REPLACEMENT OF WINDOWS OR DOORS, OR THE ADDITION OF A PORCH OR DECK, ARE EXEMPT FROM THE REQUIREMENTS OF THIS SECTION

RECEPTACLE OUTLETS:

(IRC CHAPTER 39)
IN EVERY HABITABLE ROOM, RECEPTACLE OUTLETS SHALL BE INSTALLED SO THAT NO POINT ALONG THE FLOOR LINE IN ANY WALL SPACE, INCLUDING ANY WALL SPACE 2 FEET OR MORE IN WIDTH, IS MORE THAN 6 FEET MEASURED HORIZONTALLY FROM AN OUTLET IN THAT SPACE SO THAT THERE WILL BE AN OUTLET FOR EVERY 12 LINEAR FEET OR FRACTION THEREOF OF WALL LENGTH. FIXED GLASS PANELS, RAILINGS AND OTHER FIXED ROOM DIVIDERS SUCH AS FREESTANDING BAR TYPE COUNTERS SHALL BE INCLUDED IN THE 6' MEASUREMENT. (E3901.2)

ALL RECEPTACLES INSTALLED WITHIN 6 FEET OF A LAUNDRY, UTILITY OR WET BAR SINK SHALL BE PROTECTED BY GROUND-FAULT CIRCUIT INTERRUPTERS. (E3902.7)
MINIMUM OF ONE RECEPTACLE OUTLET IN HALLWAYS 10' OR MORE IN LENGTH SHALL BE INSTALLED.
ALL ROOM CIRCUITS INCLUDING LIGHTING AND SMOKE DETECTORS TO BE AFCI PROTECTED. SEE CODE FOR EXCEPTIONS.

ALL RECEPTACLE OUTLETS SHALL BE TAMPERED RESISTANT. (E4002.14)

ABBREVIATIONS & SYMBOLS

CODE SUMMARY

THESE BUILDING PLANS HAVE BEEN DESIGNED IN ACCORDANCE WITH THE INTERNATIONAL RESIDENTIAL CODE - 2015 EDITION FOR NEW HAMPSHIRE

&	AND
@	AT
℄	CENTERLINE
APPROX.	APPROXIMATE
ARCH.	ARCHITECTURAL
ADJ.	ADJUSTABLE
A.F.F.	ABOVE FINISH FLOOR
A.D.	AREA DRAIN
BSMT.	BASMENT
BLDG.	BUILDING
BLK.	BLOCK
BLKG.	BLOCKING
BM.	BEAM
BET.	BETWEEN
CAB.	CABINET
C.O.	CASED OPENING
CLG.	CEILING
O.C.	CENTER(ON)
CL.	CLOSET
CLR.	CLEAR
COL.	COLUMN
CONC.	CONCRETE
CONT.	CONTINUOUS
CONST.	CONSTRUCTION
CU.	CUBIC
CPT.	CARPET
C.M.U.	CONCRETE MASONRY UNIT
DBL.	DOUBLE
D.F.	DOUGLAS FIR
D.A.	DOUBLE ACTING
DIA.	DIAMETER
DIM.	DIMENSION
DO.	DITTO
DET.	DETAIL
DN.	DOWN
DW	DISHWASHER
DWGS.	DRAWINGS
EA.	EACH
EL.	ELEVATION(GRADE)
ELEV.	ELEVATION(FACADE)
ELV.	ELEVATOR
EQ.	EQUAL
EXIST.	EXISTING
EXP. JT.	EXPANSION JOINT
EXP.	EXPOSED
EXT.	EXTERIOR
FDN.	FOUNDATION
F.E.	FIRE EXTINGUISHER
FGL.	FIBERGLASS
FIN.	FINISH(ED)
F.O.	FACE OF
FLR	FLOOR
F.D.	FLOOR DRAIN
FLUOR.	FLUORESCENT
FT.	FEET-FOOT
F.S.	FULL SIZE
GALV.	GALVANIZED
G.C.	GENERAL CONTRACTOR
G.L.	GLASS
GR.	GRADE
GYP.	GYPSUM
HGT./HT.	HEIGHT
HDWD.	HARDWOOD
H.P.	HIGH POINT
H.M.	HOLLOW METAL
HORIZ.	HORIZONTAL
INSUL.	INSULATION
INCAND.	INCANDESCENT
I.D.	INSIDE DIAMETER
I.P.S	INSIDE PIPE SIZE
INV.	INVERT
JST.	JOIST
JT.	JOINT
LAV.	LAVATORY
LAM.	LAMINATED
MAX.	MAXIMUM
MFR.	MANUFACTURER
MTL.	METAL
MECH.	MECHANICAL
MIN.	MINIMUM
MISC.	MISCELLANEOUS
MLDG.	MOULDING
N.	NORTH
N.I.C.	NOT IN CONTACT
N.T.S.	NOT TO SCALE
NO.	NUMBER
O.H.	OVERHEAD
OPNG.	OPENING
OPP.	OPPOSITE
O.D.	OUTSIDE DIAMETER
O.C.	ON CENTER
OA	OVERALL
PLYWD.	PLYWOOD
P.T.	PRESSURE TREATED
PVC.	POLYVINYL CHLORIDE
PR.	PAIR
PNL.	PANEL
PTN.	PARTITION
PL.	PLATE
POL.	POLISHED
R.	RISER
RAD.	RADIUS
REINF.	REINFORCED/REINFORCING
R.O.	ROUGH OPENING
REQD.	REQUIRED
RF.	ROOF
R.D.	ROOF DRAIN
SECT.	SECTION
SHT.	SHEET
SIM.	SIMILAR
S&P	SHELF AND POLE
SVC.	SERVICE
SH.	SHELVES
SPECS.	SPECIFICATIONS
SQ.	SQUARE
STD.	STANDARD
STL.	STEEL
STRUCT.	STRUCTURAL
SUSP.	SUSPENDED
T.	TREADS
T&B	TOP AND BOTTOM
TBD	TO BE DETERMINED
T&G	TOUGE AND GROOVE
TYP.	TYP.
T.W.	TO THE WEATHER
T.O.	TOP OF
T.O.F.	TOP OF FOOTING
T.O.F.W.	TOP OF FOUNDATION WALL
T.O.S.	TOP OF SLAB
T.O.W	TOP OF WALL
TEL.	TELEPHONE
TEMP.	TEMPERED
TLT.	TOILET
U.N.O.	UNLESS NOTED OTHERWISE
V.I.F	VERIFY IN FIELD
VERT.	VERT
W/	WITH
WD.	WOOD
W.I.C	WALK-IN CLOSET
WH	WATER HEATER
W/O	WITHOUT
W.C.	WATER CLOSET
W.I.	WROUGHT IRON
W.R.	WATER RESISTANT

AMY DUTTON
ARCHITECTURE & DESIGN

Revision Table

Number	Date	Revised By	Description

GENERAL NOTES

PROJECT:
NEAL MCCARTHY
26 Whidden, Portsmouth
NH 03801

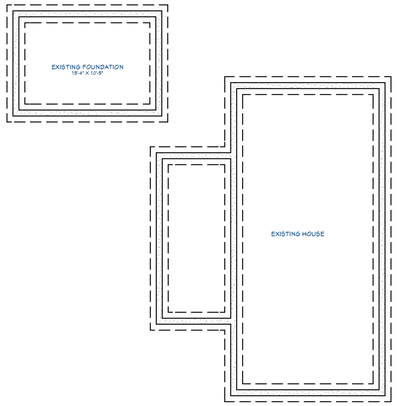
CONTACT:
AMY DUTTON HOME
9 WALKER STREET
KITTERY, ME 04101
207.345.6050

DATE:
10/1/2025

SCALED FOR:
24" X 36"

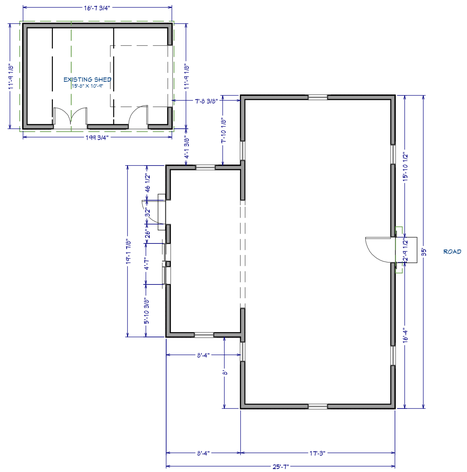
SCALE:
SEE SCALE ON DRAWINGS

SHEET:
G-2



EXISTING FOUNDATION PLAN

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



EXISTING FIRST FLOOR PLAN

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

WALL LEGEND

= EXTERIOR WALL - 2x6 wood stud

= INTERIOR WALL - 2x4 wood stud, unless noted

= GLASS TOP TILE BOTTOM PONY WALL

= GLASS SHOWER WALL

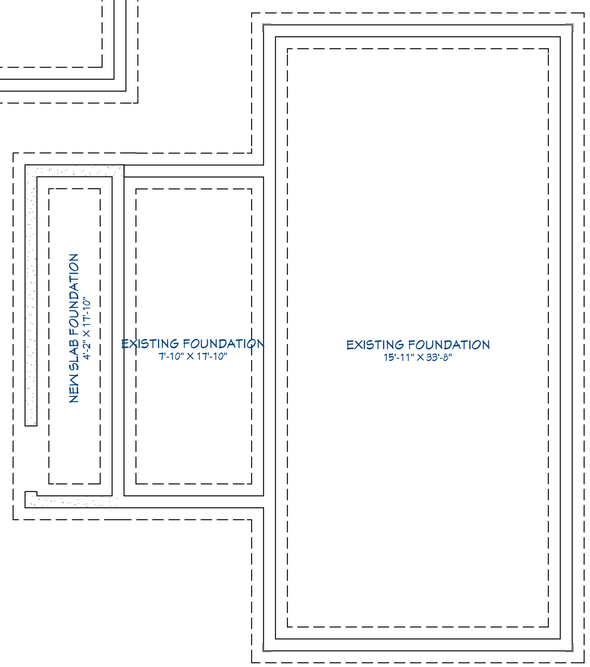
= NEW WALL

NOTE: 2X6 & 2X4 Wood stud, 16" oc unless otherwise noted.

WALL LEGEND

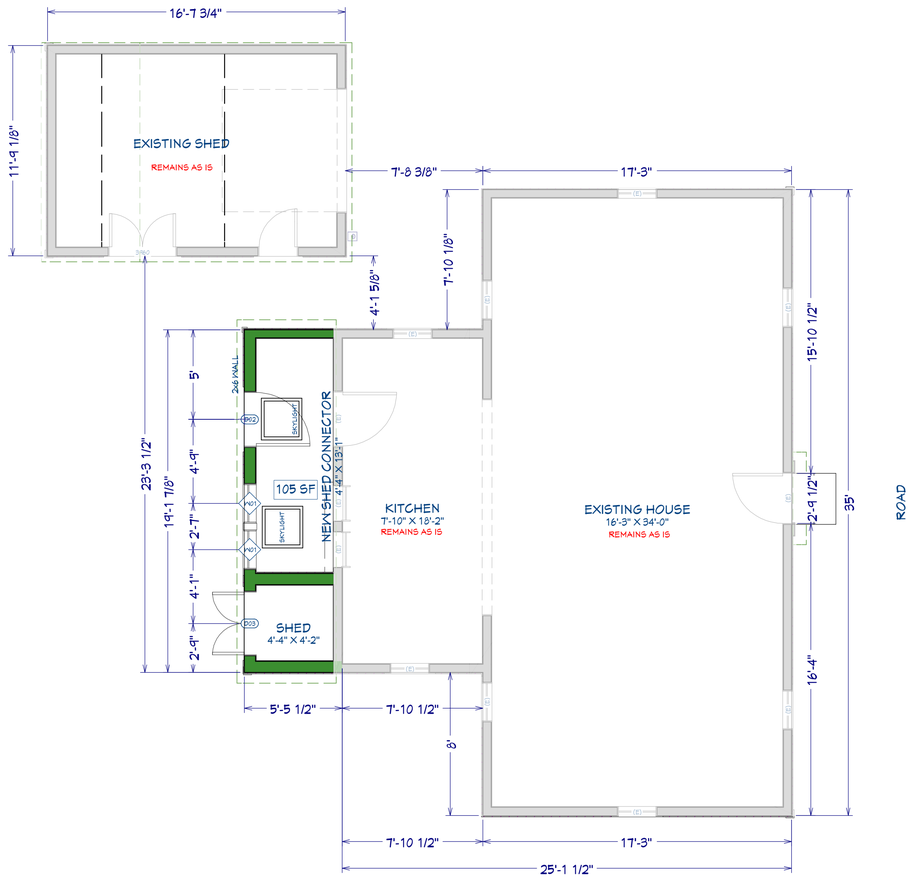
= NEW 8" CONCRETE FOUNDATION WALL

= EXISTING 8" CONCRETE FOUNDATION WALL



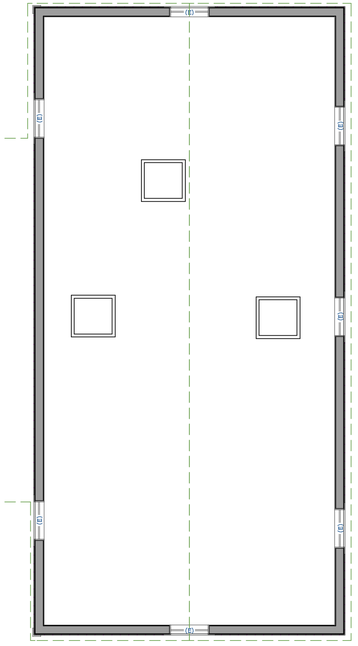
PROPOSED FOUNDATION PLAN

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



PROPOSED FIRST FLOOR PLAN

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



SECOND FLOOR PLAN REMAINS AS IS

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

AMY DUTTON
ARCHITECTURE & DESIGN

Revision Table

Number	Date	Revised By	Description

FIRST FLOOR

PROJECT:
NEAL MCCARTHY
28 Whidden, Portsmouth
NH 03801

CONTACT:
AMY DUTTON HOME
9 WALKER STREET
KITTERY, ME 04101
207.345.6050

DATE:
10/1/2025

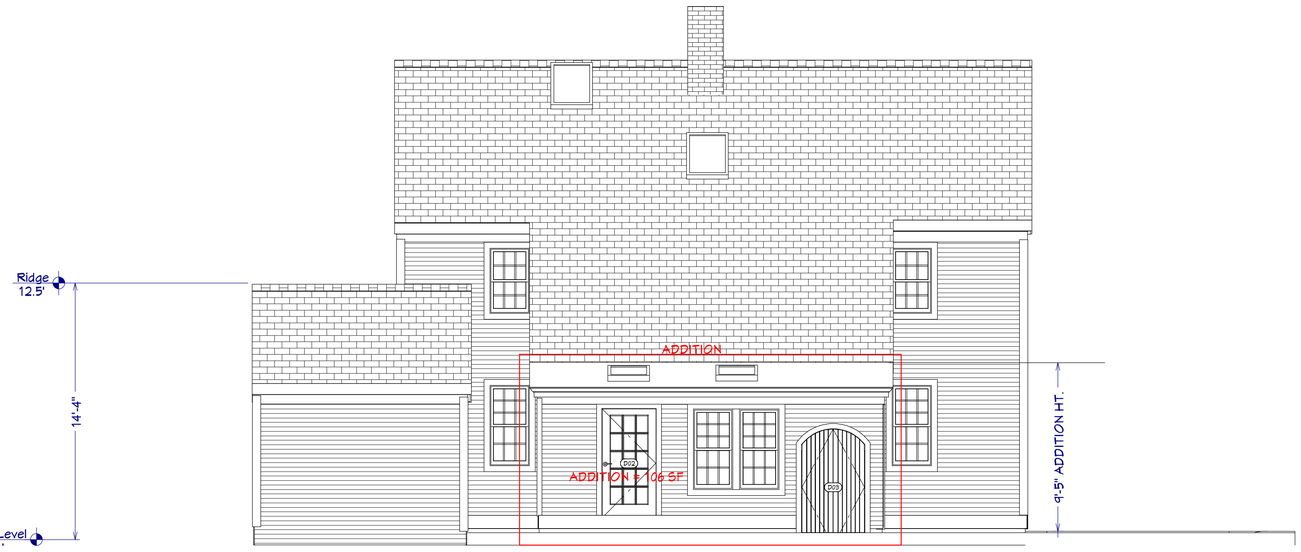
SCALED FOR:
24" X 36"

SCALE:
SEE SCALE ON DRAWINGS

SHEET:
A-1

EXISTING TO REMAIN FRONT ELEVATION

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



PROPOSED REAR ELEVATION

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

ELEVATIONS

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

EXISTING REAR VIEW

EXISTING FRONT VIEW

EXISTING REAR ELEVATION

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

AMY DUTTON
ARCHITECTURE & DESIGN

Revision Table

Number	Date	Revised By	Description

ELEVATIONS

PROJECT:
NEAL MCCARTHY
28 Whidden, Portsmouth
NH 03801

CONTACT:
AMY DUTTON HOME
9 WALKER STREET
KITTERY, ME 04101
207.345.6050

DATE:
10/1/2025

SCALED FOR:
24" X 36"

SCALE:
SEE SCALE ON DRAWINGS

SHEET:
A-2

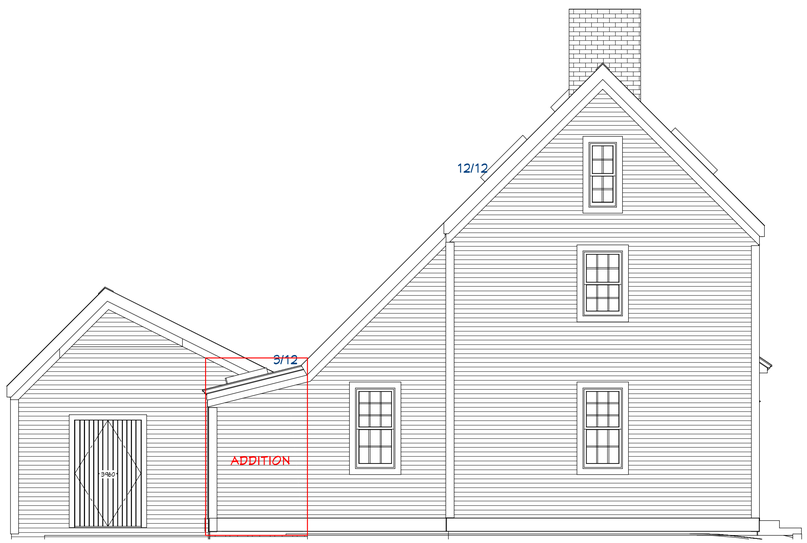
PROPOSED SOUTH ELEVATION | SIDE VIEW

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

EXISTING WEST ELEVATION | SIDE VIEW

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

EXISTING EAST VIEW



PROPOSED NORTH ELEVATION | SIDE VIEW

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

EXISTING EAST ELEVATION | SIDE VIEW

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

ELEVATIONS

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

AMY DUTTON
ARCHITECTURE & DESIGN

Revision Table

Number	Date	Revised By	Description

ELEVATIONS

PROJECT:
NEAL MCCARTHY
28 Whidden, Portsmouth
NH 03801

CONTACT:
AMY DUTTON HOME
9 WALKER STREET
KITTERY, ME 04101
207.345.6050

DATE:
10/1/2025

SCALED FOR:
24" X 36"

SCALE:
SEE SCALE ON DRAWINGS

SHEET:
A-3

II. OLD BUSINESS

B. 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; d) 21.5% open space where 30% is 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)

Existing & Proposed Conditions

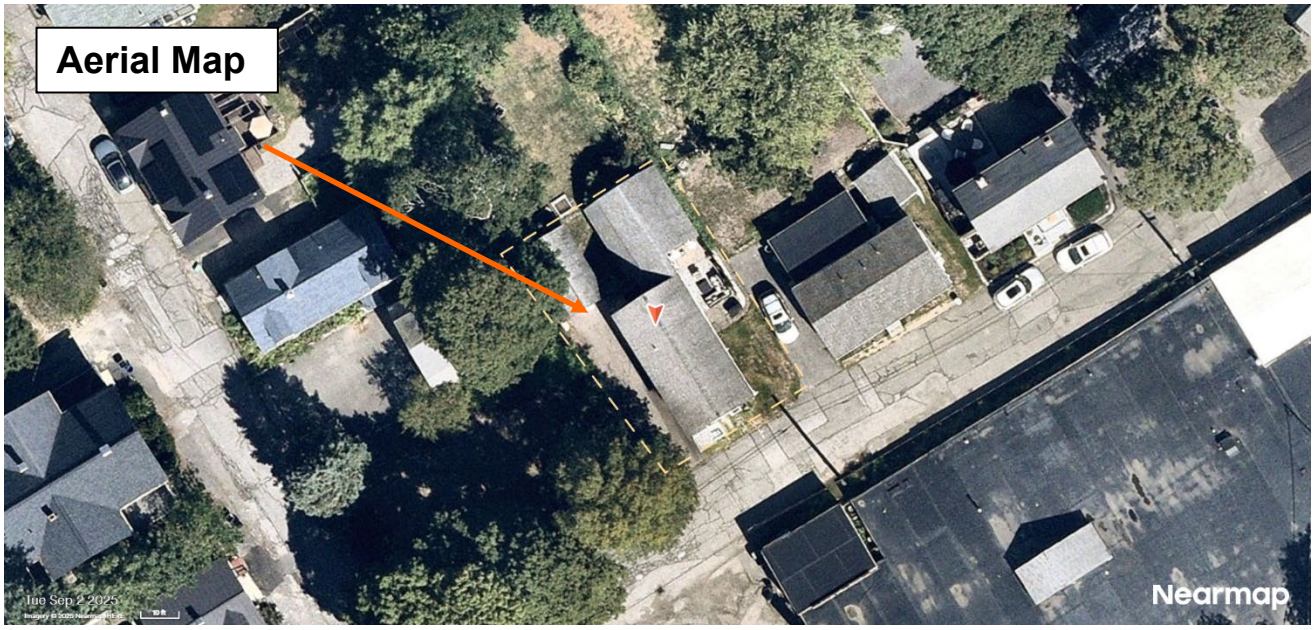
	Existing	Proposed	Permitted / Required	
Land Use:	Single-family	*Demolish and existing garage and construct attached garage addition	Mixed-Use	
Lot area (sq. ft.):	3,326	3,326	7,500	min.
Front Yard (ft.):	0	0	15	min.
Left Yard (ft.):	3.9	4	10	min.
Right Yard (ft.):	1.9	1.9	10	min.
Rear Yard (ft.):	3.7	3.5	20	min.
Building Height (ft.):	<35	<35	35	max.
Building Coverage (%):	43	51	25	max.
Open Space Coverage (%):	20	21.5	30	min.
Parking	3	3	2	
Estimated Age of Structure:	1920	Variance request(s) shown in red.		

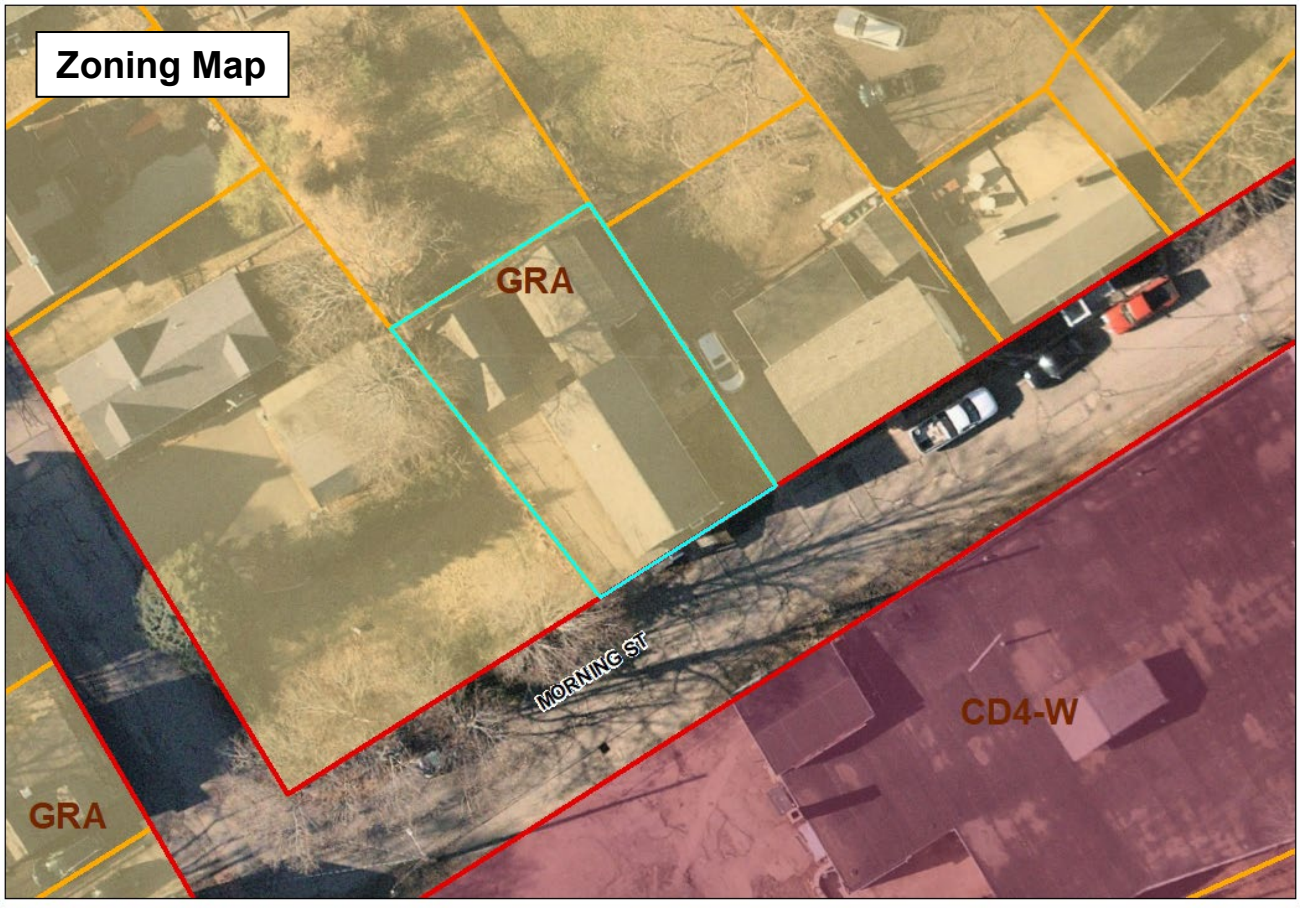
*Relief needed to construct an addition to the already non-conforming primary structure that would further impact the non-conformity.

Other Permits/Approvals Required

- Building Permit

Neighborhood Context





0 12.5 25 50 Feet

1 inch = 25 feet

51 Morning Street

Previous Board of Adjustment Actions

December 1, 1987 –The Board **denied** the request for 1) a Variance from Article II, Section 10-205 (3)(c) to allow the following: a) the conversion of a single family home into two dwelling units with 1,575 s.f. lot area per family where a minimum of 2,000 s.f. of lot area per family is required; b) open space of approximately 9-1/2% in a district where a minimum open space of 30% is required; and 2) a Special Exception from Article II, Section 10-205 (3)(c) to permit the conversion of an existing structure into a duplex on a street with a right-of-way of less than 40' width.

The Board stated there was no evidence of hardship in converting a single family residence into two dwelling units since the home has been a single family for many years. The Board felt that because of the density in that particular area there would be problems with parking.

May 18, 2004 – The Board **granted** the request for variances from Article III, Section 10-302 (A) and Article IV, Section 10-401 (A)(2)(c) are requested to allow an irregular shaped 276 sf two story building after demolition of the existing 276 sf addition with 38.2% building coverage where 25% is the maximum allowed.

Planning Department Comments

The applicant is requesting relief to demolish the existing detached garage and construct and attached garage. Garage is proposed to have living space above which will be a extension of the existing single family home and not a new accessory dwelling unit.

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.

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 17, 2025

HAND DELIVERED/VIEWPOINT UPLOAD/EMAIL

Stefanie Casella, Planner
Portsmouth City Hall
1 Junkins Avenue
Portsmouth, NH 03801

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

Dear Ms. Casella & Zoning Board Members:

On behalf of Carrie & Gabriel Edwards ("Edwards"), enclosed please find a revised Memorandum in support of our variance application. The revised memorandum simply clarifies that the Project requires relief from open space requirements in addition to the relief previously requested. There are no other changes to the Project or to submitted plans.

For ease of reference, we will upload this Memorandum to Viewpoint with the previous plans/exhibits. We look forward to presenting this application to the Zoning Board at its October 21, 2025 meeting.

Very truly yours,

R. Timothy Phoenix

Enclosure

cc: Client (email)
Stake & Stones Land Surveying, LLC (email)
Somma Studios (email)

MEMORANDUM

TO: Portsmouth Zoning Board of Adjustment ("ZBA")
FROM: R. Timothy Phoenix, Esquire
DATE: August 20, 2025 – Revised September 17, 2025
RE: Carrie & Gabriel Edwards
51 Morning Street Tax Map 163, Lot 16
General Residence A ("GRA") Zone

Dear Chair Eldredge and Zoning Board Members:

On behalf of Carrie & Gabriel Edwards ("Edwards"), we are pleased to submit this memorandum and attached exhibits in support of Edwards' request for zoning relief for consideration by the Zoning Board of Adjustment ("ZBA") at its September 16, 2025 meeting.

I. EXHIBITS

A. 8/16/25 Plan Set, p.1 by Ambit Engineering and p.2 by Stake & Stones Land Surveying, LLC.
B. Architectural Plan Set-by Somma Studios.
C. Site Photographs (5 pages)
D. Tax Map 163.
E. Deeds, 1926 to Present.

II. PROPERTY/PROJECT

51 Morning Street is a very small 3,326 square foot lot with 44.0 feet of frontage ("the Property"). The Property contains a small-ish two-bedroom home encroaching upon all setbacks. The primary home is in the lot center with the right setback 1.9 feet less, rear setback 3.7 feet, left setback 3.9 feet and front setback 0'feet.

A detached one-story car garage with paved driveway access is at the left rear of the lot. A small patio/retaining wall is to the right of the home. The existing garage is in very poor shape, significantly leaning to the right. Between the detached garage and the home towards the rear of the lot is a small "open area" in which little grows but weeds, often muddy due to little sunlight.

Edwards proposes to remove the existing poor-quality garage in favor of a new 1.5 story garage with office space above, slightly improved from the left (3.9' to 4.6') and rear (3.7' to 3.8') lot lines, connected to the main home. Front and right structures and setbacks do not change.

While building coverage slightly increases (42.9% to 50.9%)[1] due to "in filling" the area between the existing garage and home, open space is increased (19.7% to 21.9%) due to the right-ward movement of the new garage/office. [2]

Relief is required due to the small and narrow lot, and long-existing location of the home. Attaching the garage/office to the existing home can only reasonably occur in the proposed location.

In an abundance of caution, Edwards requests all variances below.

III. RELIEF REQUIRED:

Ordinance Section	Required	Existing	Proposed
PZO§10.321 Nonconforming Building PZO Table §10.521 Dimensional Standards	No expansion	N/A	Connect addition to main nonconforming home
• Building Coverage	25%	1,426 s.f. (42.9%)	1,693 s.f. (50.9%)
• Min. Open Space	30%	654 s.f. (19.7%)	729 s.f. (21.9% (Improved)
• Left Side Yard	10'	3.9'	4.6' (Improved)
• Rear Yard	20'	3.7'	3.8' (Improved)

IV. OTHER PEMITS REQUIRED

- Building Permit

VI. VARIANCE REQUIREMENTS

1. **The variances will not be contrary to the public interest.**
2. **The spirit of the ordinance is observed.**

The first step in the ZBA's analysis is to determine whether granting a variance is not contrary to the public interest and is consistent with the spirit and intent of the ordinance, considered together pursuant to Malachy Glen Associates, Inc. v. Town of Chichester, 155 N.H. 102 (2007) and its progeny. Upon examination, it must be determined whether granting a

[1] The percentages are high due to the very small lot size.
[2] The ordinance prohibits counting open space <5' in width. Moving the garage to the right increases the left setbacks in areas to >5' thus increasing open space.

variance "would unduly and to a marked degree conflict with the ordinance such that it violates the ordinance's basic zoning objectives." Id. "Mere conflict with the zoning ordinance is not enough." Id.

The Portsmouth Zoning Ordinance (PZO§10.121) was enacted for the general purpose of promoting the health, safety, and welfare in accordance with the Master plan by regulating:

1. The use of land, buildings and structures for business, industrial, residential and other purposes – The Project continues a permitted residential use on a dimensionally undersized decades old lot of record.
2. The intensity of land use, including lot sizes, building coverage, building height and bulk, yards and open space – A substandard, small, damaged garage is replaced with a connected single-family garage with office above, compliant with height and improved left setback, increasing open space.
3. The design of facilities for vehicular access, circulation, parking and loading – The Project provides unchanged compliant parking.
4. The impacts on properties of outdoor lighting, noise, vibration, stormwater runoff and flooding – The uses proposed are permitted and compatible with the neighborhood. It merely connects the garage addition to the home. No negative impact.
5. The preservation and enhancement of the visual environment – The Project replaces a dated poor-quality garage with a new code-compliant aesthetically superior garage/office with slightly improved left and rear setbacks and increased open space.
6. The preservation of historic districts buildings and structures of historic or architectural interest – The Property is not in the historic district and is of no known specific historic or architectural interest.
7. The protection of natural resources, including groundwater, surface water, wetlands, wildlife habitat and air quality – The property is served by municipal water and sewer. There are no wetlands in the area. Accordingly these purposes are served by granting the variances.

Variances are required because the 3,326 s.f. Property is small and narrow, despite which all dimensional requirements apply just as to a 7,500 s.f. lot. The proposed garage/office is compliant with height restrictions while providing increased open space and improving the rear and left side yard setback. Relief is required to permit increased building coverage on a dimensionally nonconforming lot of record, primarily due to bridging the gap between the garage and the home. The structure width and depth are needed to accommodate continued single car parking.

Granting the variances on these facts does not "in a marked degree conflict with the ordinance such that it violates the ordinance's basic zoning objectives." Malachy Glen, supra, which also held:

> One way to ascertain whether granting the variance would violate basic zoning objectives is to examine whether it would alter the essential character of the locality…. . Another approach to [determine] whether granting the variance violates basic zoning objectives is to examine whether granting the variance would threaten the public health, safety or welfare. (emphasis added)

The Project is compatible with the "look", coverage, density and setbacks of other lots in the area, continuing single-family use on a long existing dimensionally nonconforming lot of record, while aesthetically improving the lot, open space, left and rear setbacks. Thus, granting variances for the addition will neither "alter the essential character of the locality nor threaten the public health, safety or welfare."

3. **Substantial justice will be done by granting the variance.**

If "there is no benefit to the public that would outweigh the hardship to the applicant" this factor is satisfied (Emphasis added). Harborside Associates, L.P. v. Parade Residence Hotel, L.L.C, 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. (Emphasis added)

Edwards is constitutionally entitled to the use of the lot as they see fit; including removal and reconstruction of a permitted single-car garage and office above, subject only to the effect of the home on the dimensional requirements. "The right to use and enjoy one's property is a fundamental right protected by both the State and Federal Constitutions." N.H. CONST. pt. I, arts. 2, 12; U.S. CONST. amends. V, XIV; Town of Chesterfield v. Brooks, 126 N.H. 64 (1985) at 68. Part I, Article 12 of the New Hampshire Constitution provides in part that "no part of a man's property shall be taken from him, or applied to public uses, without his own consent, or that of the representative body of the people." Thus, our State Constitutional protections limit the police power of the State and its municipalities in their regulation of the use of property. L. Grossman & Sons, Inc. v. Town of Gilford, 118 N.H. 480, 482 (1978). "Property" in the constitutional sense 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). (emphasis added).

The Supreme Court has also held that zoning ordinances must be reasonable, not arbitrary and must rest upon some ground of difference having fair and substantial relation to the object of

the regulation. Simplex Technologies, Inc. v. Town of Newington, 145 N.H. 727, 731 (2001); Chesterfield at 69.

Granting the requested relief allows for reasonable "on the ground" dimensional relief via tasteful replacement of a dated, small, single-car garage on a decades-long existing 3,326 s.f. square foot lot of record in a manner reasonable under the circumstances, consistent with many lot sizes and setbacks in the surrounding area. The existing nonconforming home is expanded by connecting the garage/office but negatively affects no one. There is absolutely no harm to the general public from granting relief. It follows that there is no benefit to the public from denial. Conversely, Edwards will be greatly harmed by denial as they will lose the opportunity to reasonably build and connect the garage/office with permitted uses that overall improve existing conditions. Accordingly, there is no benefit to the public from granting the variance that outweighs the harm to the owner from denial.

4. **Granting the variance will not diminish surrounding property values.**

The Project with relief improves the Property with a new code-compliant single-car garage with office space above, connected to the main home, entirely reasonable given the New Hampshire climate. Viewing the tax map, proposal is consistent with the density and yard setbacks of surrounding area properties. It is thus clear that granting variances will not diminish surrounding property values.

5. **Denial of the variances results in an unnecessary hardship.**

a. Special conditions distinguish the property from others in the area.

At less than one-half (44.4%) of required 7,500 s.f. lot size, the property is small, narrow and burdened by the location and setbacks of the existing home, garage and driveway. The Property exists in a densely developed area of the City with numerous other nonconforming lots developed with single family homes located in rear or side yard setbacks. (**Exhibits C,D**). The Property's small size, narrow width, existing improvements and their location combine to create special conditions.

b. No fair and substantial relationship exists between the general public purposes of the ordinance and its specific application in this instance.

Building coverage, open space, and yard setback requirements exist to prevent overcrowding and to ensure adequate air, light, space, and separation between neighbors. Limitations on expansion of nonconforming structures is intended to avoid overcrowding, and

preserve space. The Project replaces a dated, poor quality single-car garage with a code-complaint, use-permitted single-car garage/office; the yard setback relief required is an improvement (left, rear), or unchanged (right, front), while increasing open space. The lot coverage increase is primarily driven by the "in fill" of the area between the existing garage and the home required in order to connect, the increase percentage due to the very small lot size. Accordingly, the purposes of these requirements are met, thus there is no reason to apply the strict density requirements of the zoning ordinance.

c. The proposed use is reasonable.

If the use is permitted, it is deemed reasonable. Vigeant v. Hudson, 151 N.H. 747 (2005). The Project proposes a connected single-car garage with a decades existing nonconforming lot of record. Accordingly, the use is reasonable.

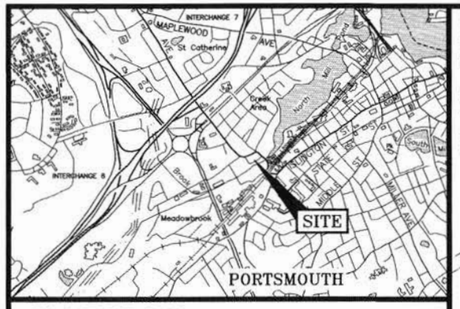
VI. CONCLUSION

For all of the reasons stated, Edwards respectfully requests that the Portsmouth Zoning Board of Adjustment grant the requested relief.

Respectfully submitted,
Carrie & Gabriel Edwards

By: R. Timothy Phoenix

EXHIBIT A



LOCATION MAP SCALE: 1"=2,000'

PLAN REFERENCES:

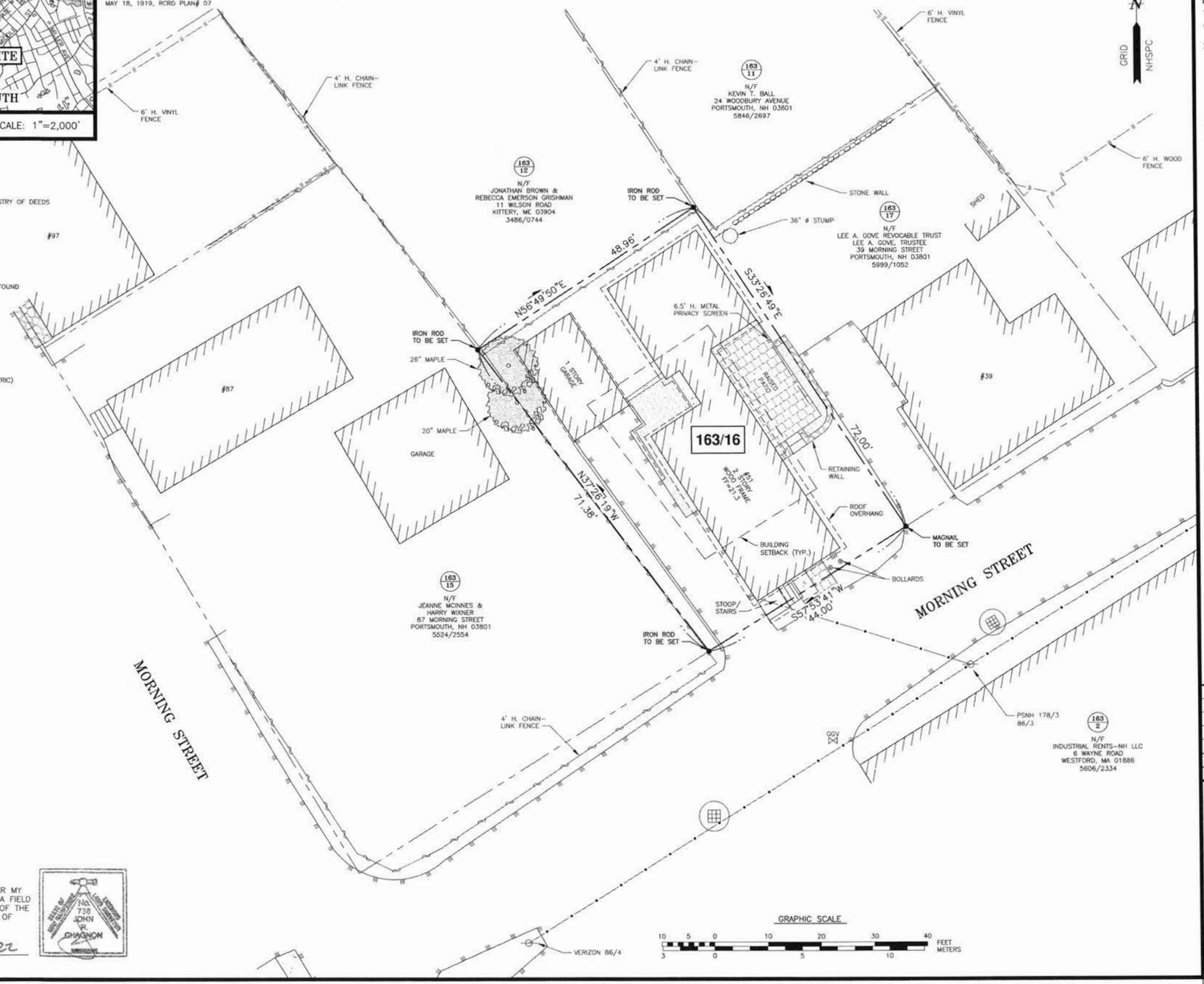
1) CONDOMINIUM PLAN IN PORTSMOUTH, NH SHOWING UNITS A & B OF THE 25 & 27 MORNING STREET CONDOMINIUM AT 25 & 27 MORNING STREET (ASSESSORS MAP 163 LOT 19) . PREPARED BY MILLENNIUM ENGINEERING, INC. SCALE: 1"=10'. DATED OCT. 15, 2013. R.C.R.D. D-38014.

2) SUBDIVISION OF LAND FOR MAXINE LOWE, MORNING STREET, COUNTY OF ROCKINGHAM, PORTSMOUTH, NH. PREPARED BY MCKENNA ASSOCIATES. SCALE: 1"=10'. DATED: MAY 19, 1975. R.C.R.D. D-5346.

3) PLAN OF LOTS IN PORTSMOUTH, N.H. OWNED BY GEORGE R. COX, SCALE: 1" = 30', DATED MAY 18, 1919, RCRD PLAN# 07

LEGEND:

N/F	NOW OR FORMERLY
RP	RECORD OF PROBATE
RCRD	ROCKINGHAM COUNTY REGISTRY OF DEEDS
11/27	MAP 11 / LOT 21
	BOUNDARY
	SETBACK
	RAILROAD SPIKE FOUND
	IRON ROD/PIPE FOUND
	DRILL HOLE FOUND
	STONE/CONCRETE BOUND FOUND
	RAILROAD SPIKE SET
	IRON ROD SET
	DRILL HOLE SET
	GRANITE BOUND SET
	EDGE OF PAVEMENT (EP)
	WOODS / TREE LINE
	UTILITY POLE (w/ GUY)
G W E	METER (GAS, WATER, ELECTRIC)
TYP.	TYPICAL
LSA	LANDSCAPED AREA



"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."

12.15.22

JOHN R. CHAGNON, LLS DATE

STATE OF NEW HAMPSHIRE No. 738 JOHN R. CHAGNON LICENSED LAND SURVEYOR

AMBIT ENGINEERING, INC.
Civil Engineers & Land Surveyors
200 Griffin Road – Unit 3
Portsmouth, N.H. 03801-7114
Tel (603) 430-9282
Fax (603) 436-2315

NOTES:

1) PARCEL IS SHOWN ON THE CITY OF PORTSMOUTH ASSESSOR'S MAP 163 AS LOT 16.

2) OWNER OF RECORD:
CARRIE EDWARDS &
GABRIEL EDWARDS
56 RIDGE STREET
ARLINGTON, MA 02474
6330/1980

3) PARCEL NOT IN A SPECIAL FLOOD HAZARD AREA AS SHOWN ON FIRM PANEL 33015C0259F. EFFECTIVE DATE JANUARY 29, 2021.

4) EXISTING LOT AREA:
3,326 S.F.
0.0764 ACRES

5) PARCEL IS LOCATED IN THE GENERAL RESIDENCE A (GRA) ZONING DISTRICT.

6) DIMENSIONAL REQUIREMENTS:

MIN. LOT AREA:		7,500 S.F.
FRONTAGE:		100 FEET
MIN. DEPTH:		70 FEET
SETBACKS:	FRONT:	15 FEET
	SIDE:	10 FEET
	REAR:	20 FEET
MAXIMUM STRUCTURE HEIGHT:		35 FEET
MAXIMUM BUILDING COVERAGE:		25%
MINIMUM OPEN SPACE:		30%

8) VERTICAL DATUM IS NAVD88. BASIS OF VERTICAL DATUM IS REDUNDANT RTN GNSS OBSERVATIONS.

9) THE PURPOSE OF THIS PLAN IS TO SHOW THE RESULTS OF A STANDARD BOUNDARY SURVEY OF ASSESSOR'S MAP 163 LOT 16 IN THE CITY OF PORTSMOUTH.

NO.	DESCRIPTION	DATE
0	ISSUED FOR COMMENT	12/15/22

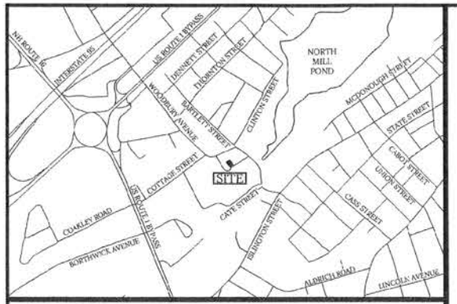
REVISIONS

STANDARD BOUNDARY SURVEY
TAX MAP 163 – LOT 16

OWNER:
CARRIE EDWARDS &
GABRIEL EDWARDS
51 MORNING STREET
CITY OF PORTSMOUTH
COUNTY OF ROCKINGHAM
STATE OF NEW HAMPSHIRE

SCALE: 1"=10' NOVEMBER 2022

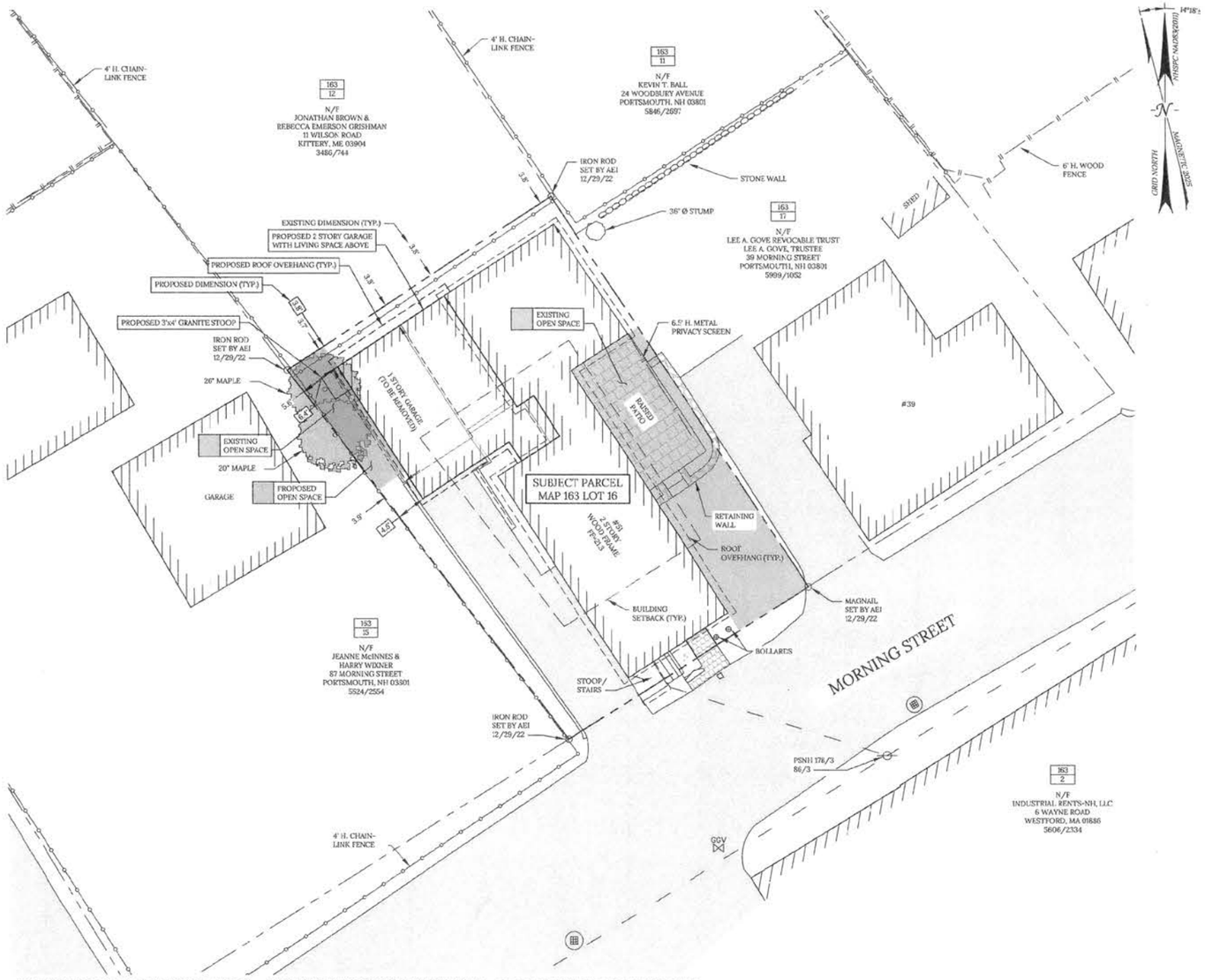
FB 439 PG 1 3523



LOCATION MAP SCALE 1"=1,000'

LEGEND:

N/F	NOW OR FORMERLY
R.C.R.D.	ROCKINGHAM COUNTY REGISTRY OF DEEDS
1/2	ABUTTER TAX MAP & LOT NUMBER
	BOUNDARY LINE
	BUILDING SETBACK LINE
	IRON ROD/IRON PIPE
	OVERHEAD ELECTRIC/WIRES
	EDGE OF PAVEMENT
	EDGE OF GRAVEL
	UTILITY POLE
E	ELECTRIC METER
WSO	WATER SHUTOFF
GGV	GAS GATE VALVE
WGV	WATER GATE VALVE
TYP.	TYPICAL



BUILDING COVERAGE CALCULATION (TO PROPERTY LINE):

EXISTING:
HOUSE - 1,147 S.F.
GARAGE - 255 S.F.
PORCH - 24 S.F.
TOTAL BUILDING COVERAGE - 1,426 S.F.
BUILDING COVERAGE PERCENTAGE - 42.9%

PROPOSED:
HOUSE w/ATTACHED GARAGE - 1,669 S.F.
PORCH - 24 S.F.
TOTAL BUILDING COVERAGE - 1,693 S.F.
BUILDING COVERAGE PERCENTAGE - 50.9%

EXISTING & PROPOSED SETBACKS:

EXISTING:
FRONT - 0 FEET
RIGHT SIDE - 1.9 FEET
LEFT SIDE - 3.9 FEET
REAR - 3.7 FEET

PROPOSED:
FRONT - 0 FEET
RIGHT SIDE - 1.9 FEET
LEFT SIDE - 4.6 FEET
REAR - 3.8 FEET

OPEN SPACE CALCULATION (TO PROPERTY LINE):

EXISTING:
654 S.F. (PATIO & RETAINING WALL ARE 37.5% OF OPEN SPACE)
OPEN SPACE - 19.7%

PROPOSED:
729 S.F. (PATIO, RETAINING WALL, & GRANITE STOOP ARE 35.3% OF OPEN SPACE)
OPEN SPACE - 21.9%

NOTES:

1) THE PURPOSE OF THIS PLAN IS TO SHOW A PROPOSED RENOVATION AND EXPANSION OF AN EXISTING STRUCTURE ON ASSESSOR'S MAP 163 LOT 16 IN THE CITY OF PORTSMOUTH.

2) SUBJECT PARCEL IS SHOWN ON THE CITY OF PORTSMOUTH ASSESSOR'S MAP 163 AS LOT 16.

3) OWNERS OF RECORD:
CARRIE EDWARDS & GABRIEL EDWARDS
59 RIDGE STREET
ARLINGTON, MA 02474
6330/1980

4) THE SUBJECT PARCEL IS NOT IN A SPECIAL FLOOD HAZARD AREA AS SHOWN ON FEMA FLOOD INSURANCE RATE MAP PANEL 33015C0259F. PANEL EFFECTIVE DATE JANUARY 29, 2021.

5) SUBJECT PARCEL AREA:
3,326 S.F. (PER PLAN REFERENCE 1)
0.0764 ACRES (PER PLAN REFERENCE 1)

6) SUBJECT PARCEL IS LOCATED IN THE GENERAL RESIDENCE A (GRA) ZONING DISTRICT AND IS SUBJECT TO THE FOLLOWING DIMENSIONAL REQUIREMENTS:

MINIMUM LOT SIZE		7,500 S.F.
FRONTAGE		100 FEET
DEPTH		70 FEET
SETBACKS	FRONT	15 FEET
	SIDE	10 FEET
	REAR	20 FEET
MAXIMUM BUILDING HEIGHT		35 FEET
MAXIMUM BUILDING COVERAGE		25%
MINIMUM OPEN SPACE		30%

7) BASIS OF BEARING & HORIZONTAL DATUM IS THE NEW HAMPSHIRE STATE PLANE COORDINATE SYSTEM NAD83(2011). BASIS OF HORIZONTAL DATUM IS PLAN REFERENCE 1.

8) THIS PLAN IS BASED ENTIRELY ON A SURVEY BY AMBIT ENGINEERING, INC. CONDUCTED IN 2022. THIS PLAN IS NOT THE RESULT OF A FIELD SURVEY BY STAKE & STONES LAND SURVEYING, LLC. SEE PLAN REFERENCE 1 FOR BOUNDARY INFORMATION.

PLAN REFERENCE:

1) STANDARD BOUNDARY SURVEY TAX MAP 162-LOT 16 OWNER: CARRIE EDWARDS & GABRIEL EDWARDS 51 MORNING STREET CITY OF PORTSMOUTH COUNTY OF ROCKINGHAM STATE OF NEW HAMPSHIRE. PREPARED BY AMBIT ENGINEERING, INC. DATED NOVEMBER 2022, FINAL REVISION DATE DECEMBER 15, 2022. NOT RECORDED.

BUILDING PERMIT PLAN

OWNERS OF RECORD
CARRIE EDWARDS &
GABRIEL EDWARDS
ASSESSOR'S MAP 163 LOT 16
51 MORNING STREET
CITY OF PORTSMOUTH
ROCKINGHAM COUNTY
NEW HAMPSHIRE

I CERTIFY THAT THIS PLAN WAS PREPARED UNDER MY DIRECT SUPERVISION, THAT THE CALCULATIONS SHOWN HEREON, BASED SOLELY ON PLAN REFERENCE 1, ARE CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

PAUL A DOBBERSTEIN, LLS — DATE 8/16/2025

STATE OF NEW HAMPSHIRE — LICENSED LAND SURVEYOR — No. 1000 — PAUL A. DOBBERSTEIN — SEABROOK

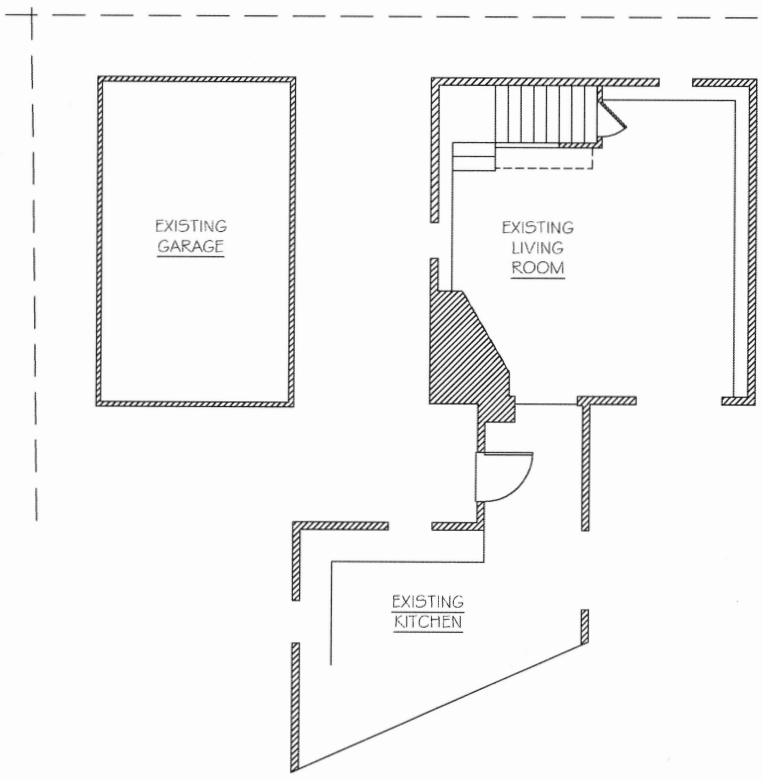
GRAPHIC SCALE
10 5 0 10 20 30 40 FEET
3 0 5 10 METERS

REVISIONS		
NO.	DESCRIPTION	DATE
2	CORRECT OWNER ADDRESS	8/16/2025
1	REVISE PER COMMENTS	8/14/25

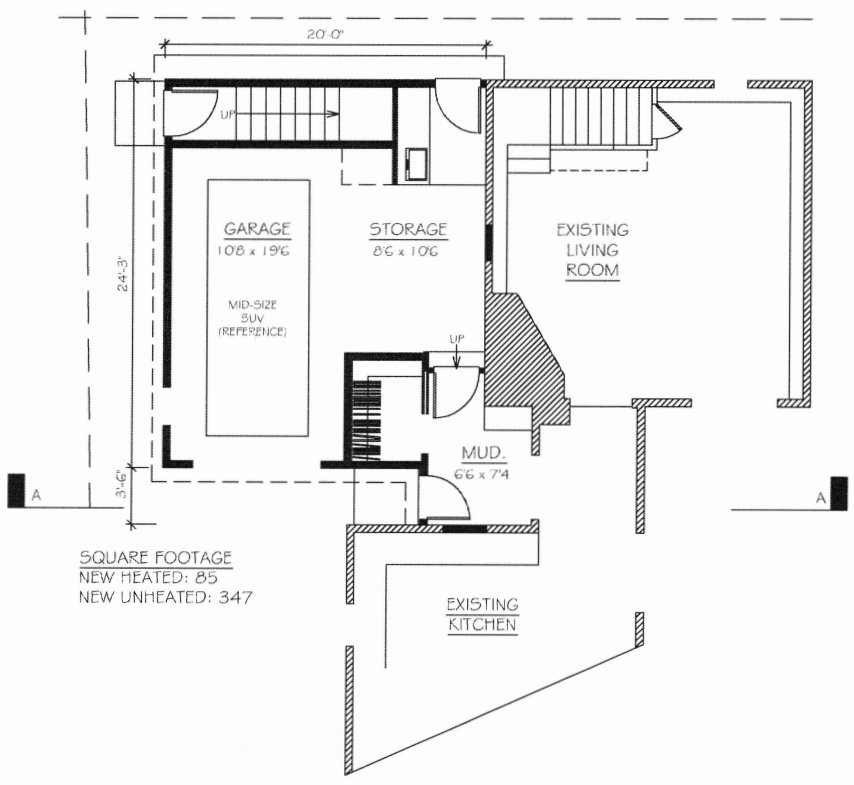
Stake & Stones Land Surveying, LLC
229 S Main Street Newmarket, NH 03857
603.292.5747 www.sslsnh.com

SCALE 1"=10' JULY 23, 2025 JOB #248

EXHIBIT B



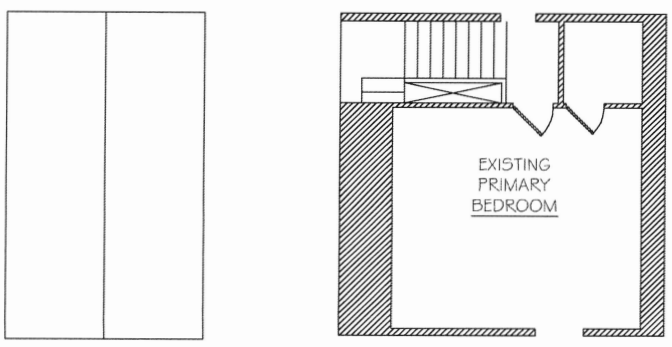
EXISTING FIRST FLOOR



PROPOSED FIRST FLOOR

EXISTING FRAMING

NEW FRAMING



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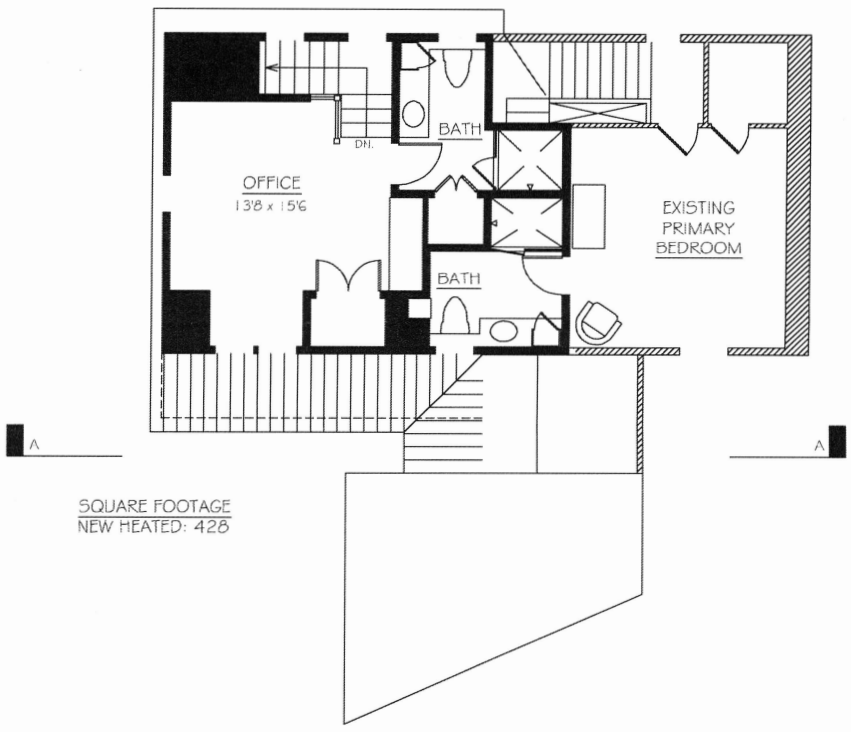


PROPOSED SECOND FLOOR

EXISTING FRAMING

NEW FRAMING

PROPOSED ELEVATION-SECTION A-A

51 MORNING STREET, PORTSMOUTH, NH
SOMMA Studios

PLANS
BOA

SEPT 2025

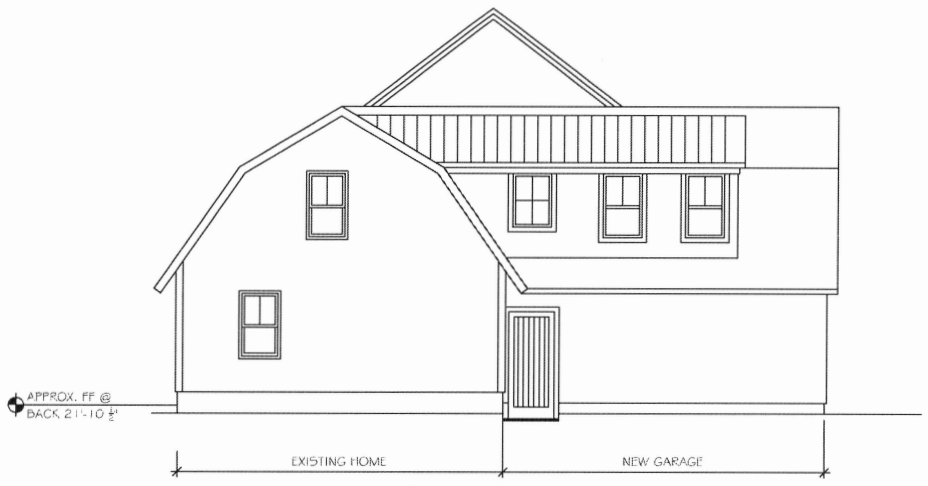
EXISTING NORTHEAST ELEVATION
(STREET)

PROPOSED NORTHEAST ELEVATION
(STREET)

EXISTING SOUTHWEST ELEVATION
(DRIVEWAY)

PROPOSED SOUTHWEST ELEVATION
(DRIVEWAY)

EXISTING NORTHWEST ELEVATION
(BACK)



PROPOSED NORTHWEST ELEVATION
(BACK)

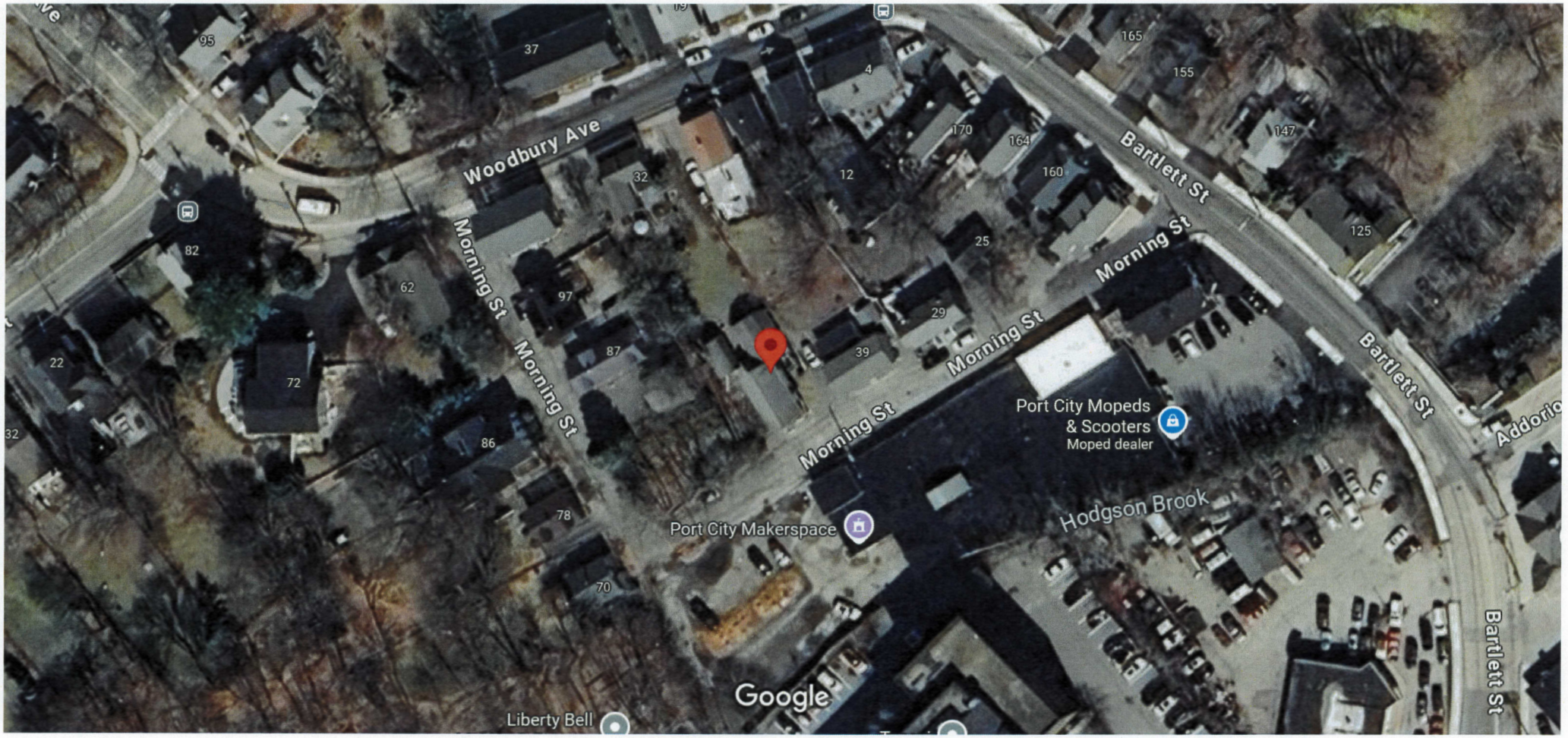
51 MORNING STREET, PORTSMOUTH, NH
SOMMA Studios

ELEVATIONS
BOA

SEPT 2025

Google Maps 51 Morning St

EXHIBIT C



Imagery ©2025 Airbus, Maxar Technologies, Map data ©2025 50 ft

Google Maps 68 Morning St

Image capture: Sep 2019 © 2025 Google

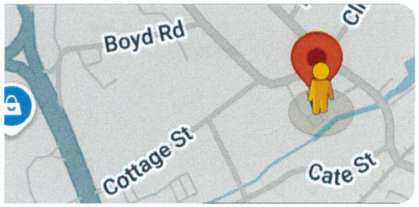
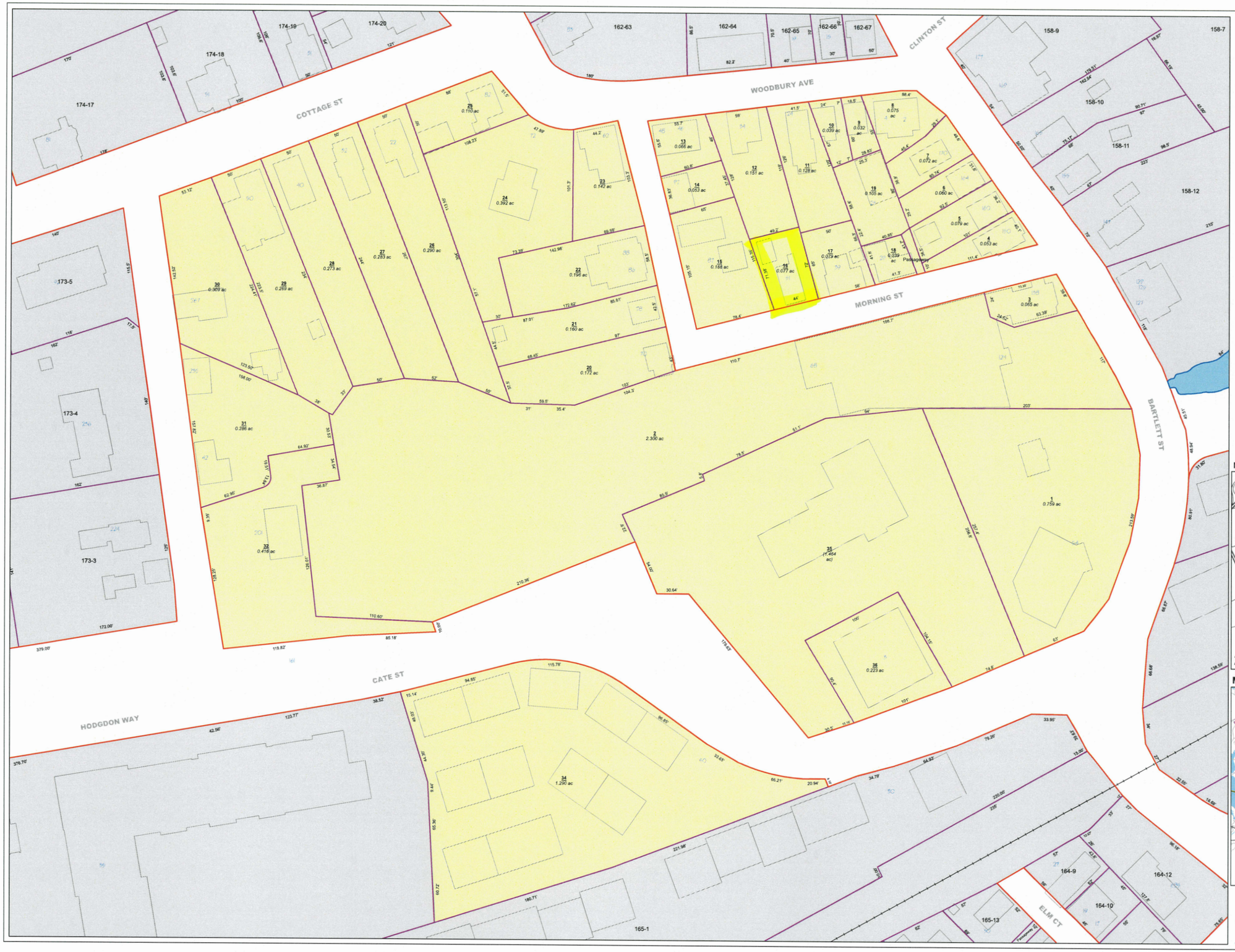


EXHIBIT D



Partial Legend

See the cover sheet for the complete legend.

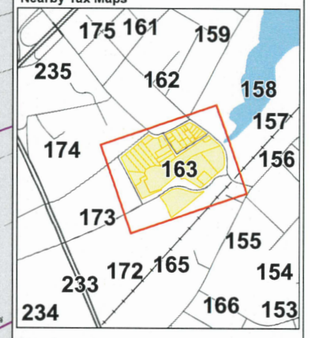
- 7-5A — Lot or lot-unit number
- 2.56 ac — Parcel area in acres (ac) or square feet (sf)
- Address number
- 233-137 — Parcel number from a neighboring map
- 68' — Parcel line dimension
- SIMS AVE — Street name
- Parcel/Parcel boundary
- Parcel/ROW boundary
- Water boundary
- Structure (1994 data)
- Parcel covered by this map
- Parcel from a neighboring map (see other map for current status)

0 50 100 Feet

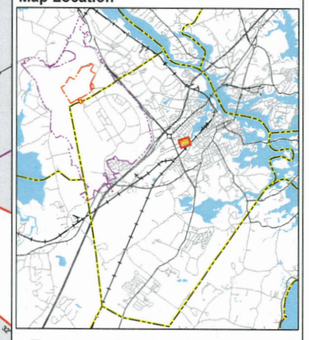
0 20 40 Meters

This map is for assessment purposes only. It is not intended for legal description or conveyance.
Parcels are mapped as of April 1.
Building footprints are 2006 data and may not represent current structures.
Streets appearing on this map may be paper (unbuilt) streets.
Lot numbers take precedence over address numbers. Address numbers shown on this map may not represent posted or legal addresses.

Nearby Tax Maps



Map Location



Portsmouth, New Hampshire
2024

Tax Map 163

II. OLD BUSINESS

C. 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 foot side yard where 10 feet is required, b) 14 foot rear yard where 25 feet is required, c) 31% building coverage where 30% is the maximum allowed, d) 24 % open space where 25% is the minimum; 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)

Existing & Proposed Conditions

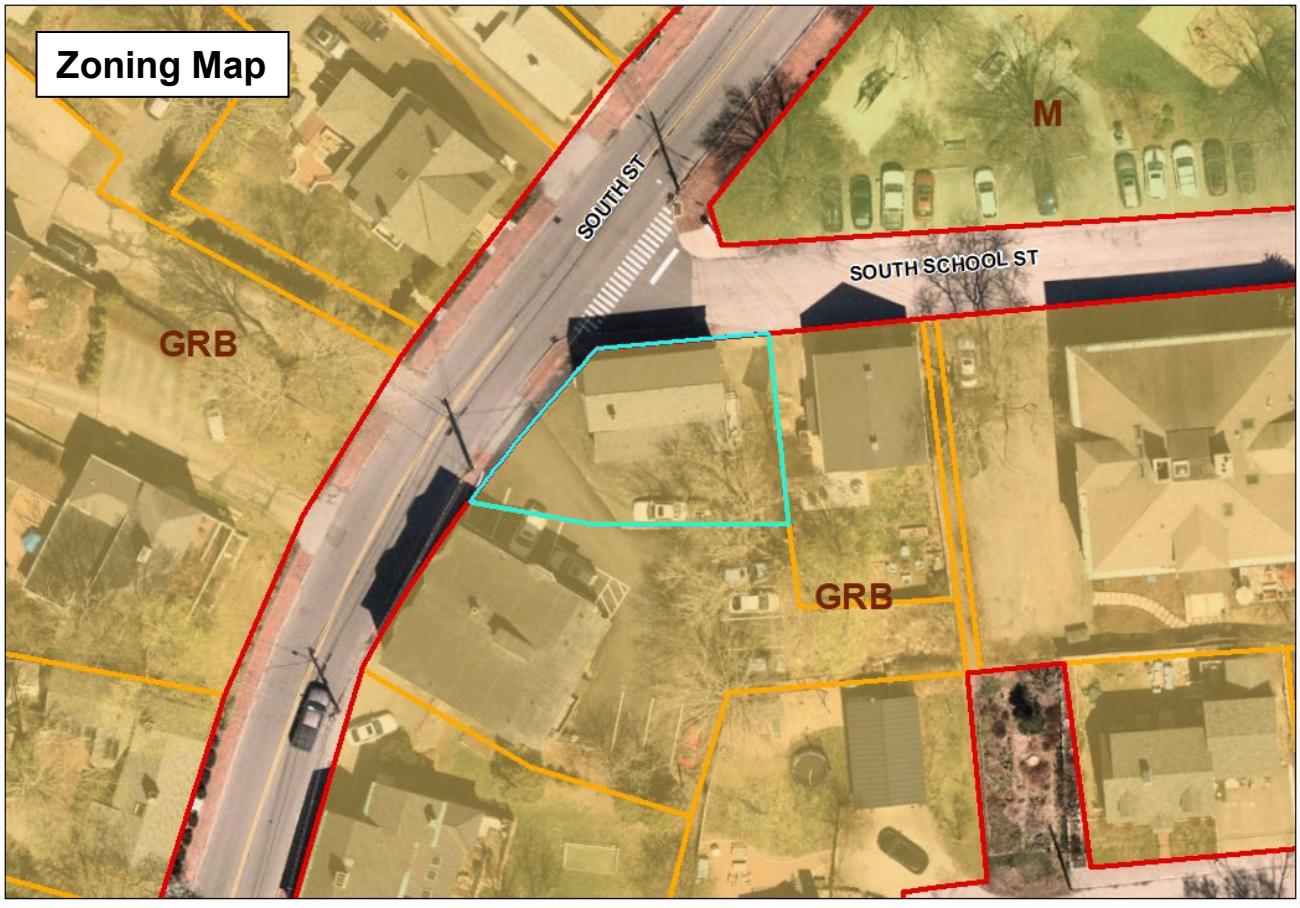
	Existing	Proposed	Permitted / Required	
Land Use:	Single-family	*Construct a small addition	Mixed-Use	
Lot area (sq. ft.):	3,809	3,809	5,000	min.
Front Yard (South School St) (ft.):	2.5	2.5	5	min.
Secondary Front (South St) (ft)	2	2	5	min
Left Yard (ft.):	8.5	7	10	min.
Rear Yard (ft.):	20	14	25	min.
Building Height (ft.):	26	26	35	max.
Building Coverage (%):	30.8	31	30	max.
Open Space Coverage (%):	21.7	24	25	min.
Parking	4	4	2	
Estimated Age of Structure:	1850	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
- Historic District Commission Approval

Neighborhood Context



0 15 30 60 Feet

1 inch = 35 feet

86 South School Street

Previous Board of Adjustment Actions

No previous BOA history was found.

Planning Department Comments

The applicant is requesting relief to construct an addition to the left side of the existing structure. Addition will total 138 square feet in area and 15 feet in height.

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.

Land Use Application
LU-25-122

Your Submission
Attachments
Guests (1)

- Preliminary Application Review
- Preliminary Address Review
- Land Use Permit -- Planning
- Application Permit Fee
- Letter of Decision - BOA (09-16-
- Land Use Code Review

Zoning Board of Adjustment Approval
Historic District Commission Approval
Land Use Conditions of Approval Review
Building Permit Issued

Your submission

Submitted Aug 15, 2025 at 4:21pm

Contact Information

Kyle LaChance

Email address
kylemariel@yahoo.com

Phone Number
6035571335

Mailing Address
86 S School St , Portsmouth, NH 03801

Locations

1 location total

PRIMARY LOCATION

86 SOUTH SCHOOL ST
Portsmouth, NH 03801

Applicant Information

Please indicate your relationship to this project *

A. Property Owner

Alternative Project Address

Alternative Project Address

--

Project Type

Addition or Renovation: any project (commercial or residential) that includes an ADDITION to an existing structure or a NEW structure on a property that already has structure(s) on it

☑

New Construction: any project (commercial or residential) that involves adding a NEW structure on a parcel that is currently VACANT. If there are any existing structures on the property (even if you are planning to remove them), you should select Addition and Renovation above

--

Minor Renovation: for projects in the Historic District only that involve a minor exterior renovation or alteration that does not include a building addition or construction of a new structure

--

Home Occupation: residential home occupation established in an existing residential dwelling unit and regulated by the Zoning Ordinance. Home Occupations are not allowed in the following Zoning Districts: Waterfront Business, Office Research, Industrial, or Waterfront Industrial

--

New Use/Change in Use: for a change of land use or an expansion to an existing use (e.g. addition of dwelling units) that includes no exterior work or site modifications

--

Temporary Structure / Use: only for temporary uses (e.g. tents, exhibits, events)

--

Demolition Only: only applicable for demolition projects that do not involve any other construction, renovation, or site work

--

Subdivision or Lot Line Revision: for projects which involved a subdivision of land or an adjustment to an existing lot line

--

Other Site Alteration requiring Site Plan Review Approval and/or Wetland Conditional Use Permit Approval

--

Sign: Only applies to signs requiring approval from a land use board (e.g. Historic Commission, Zoning Board of Adjustment)

--

Request for Extension of Previously Granted Land Use Approval

--

Appeal of an Administrative Decision or Request for Equitable Waiver

--

Request for Rehearing or Appeal of a Land Use Decision

--

Public Art Installation (Sculpture, Mural, etc.)

--

Zoning Information

Base Zoning District
General Residence B (GRB)

Base Zoning District 2
--

Historic District
☑

Flood Plain District
--

Downtown Overlay District
--

Osprey Landing Overlay District
--

Airport Approach Overlay District
--

Waterfront Use Overlay District
--

North End Incentive Overlay District
--

West End Incentive Overlay District
--

Highway Noise Overlay District
--

Application Type

Lot Line Revision (Planning Board)
--

Subdivision (Planning Board)
--

Amended Subdivision or Lot Line Revision Approval
--

Wetland Conditional Use Permit (Planning Board)
--

Accessory Dwelling Unit Conditional Use Permit (Planning Board)
--

Accessory Dwelling Unit Administrative Approval
--

Site Plan Review (Planning Board)
☐

Amended Site Plan Review
--

Other Conditional Use Permit (Planning Board)
--

Variance (Zoning Board of Adjustment)
☑

Special Exception (Zoning Board of Adjustment)
--

Historic District Certificate of Approval (Historic District Commission)
☑

Request for Extension of Previously Approved Application
--

Appeal of Administrative Decision
--

Equitable Waiver
--

Are You Creating 1 or More New Dwelling Units?
--

Are You Converting Existing Dwelling Units Into Condos?
--

Request for Rehearing (Zoning Board of Adjustment)
--

Project Description

Lot Area (s.f.)
~~3,920.4~~ 3809

Lot Area Source
~~tax card~~ Plot Plan 01432 From Registry of Deeds

Detailed Description of Proposed Work *

1. Renovation to existing single family home to replace the existing porch wth an enclosed entryway (mudroom) off the existing kitchen doorway. Historical picture from the Anthenaeum shows an enclosed entryway at this location.
2. Reduce impervious pavement in the back of the house by replacing with a permeable patio with plantings enclosed with a fence (no fence currently).
3. Install a heat pump to eliminate the current window AC units.
4. Replace the existing flat roof covering the back rooms of the house with a slanted roof to improve the look and drainage of the structure. A 2nd floor window will be reduced in size to accomodate this change.
5. Remove pavement on right side of house. to. improve open space.

Brief Description of Existing Land Use
*

Single family dwelling with an open porch off the existing kitchen entryway. The back of the house is mostly pavement.

Land Use Application Fee Calculation

Valuation of New Construction ($)
--

Total Number of Dwelling Units
--

Existing Buildings/Structures

Building / Structure Description	Total Gross Floor Area (s.f.)	Area of Footprint (s.f.)	+ 3 Additional Fields
Single family residence	1,738	1,114	...

Existing Yards, Coverage, Parking, and Wetlands

Principal Front Yard / Building Setback (ft)
2.66

Secondary Front Yard / Building Setback (ft)
3

Rear Yard / Building Setback (ft)
20

Right Side Yard / Building Setback (ft)
--

Left Side Yard / Building Setback (ft)
9.5

Total # of Residential Units
1

Number of Parking Spaces
4

Number of Loading Spaces
--

Area of Surface Parking & Driveways (sq ft)
2,302

Other Impervious Surface Area (sq ft)
45

Is all or a portion of the property located in the wetland area and/or within 100' of the wetland boundary?
--

Proposed Building/Structures (REQUIRED)

Building / Structure Description	Total Gross Floor Area (sq ft)	Area of Footprint (s.f.)	+ 2 Additional Fields
Enclosed entryway with front and back doors. Inside will have a wall unit to store coats, shoes and dog paraphernalia.	138	138	...

Additional Proposed Building Information

Number of new hotel rooms
--

Total New Restaurant Use Gross Floor Area
--

Proposed Yards, Coverage, Parking and Wetlands (REQUIRED)

Principal Front Yard / Building Setback (ft)
~~2.66~~ 0 to include front entry way covering in setback

Secondary Front Yard / Building Setback (ft)
3 Right side of house facing South Street

Rear Yard / Building Setback (ft)
~~20~~ 14.5

Right Side Yard / Building Setback (ft)
-- 3' See Secondary Front Yard

Left Side Yard / Building Setback (ft)
~~9.5~~ 7

Total # of Residential Units
1

Number of Parking Spaces
~~4~~ 3

Number of Loading Spaces
0

Area of Surface Parking & Driveways (sq ft)

~~2,301~~ 1586 after open space improvements

Other Impervious Surface Area (sq ft)

~~45~~ Replaced paved walkway with permeable walkway

Are you proposing to do any work in the wetland area or within 100' of the wetland boundary?

--

Zoning Board of Adjustment Application Check List

Application Type *

Variance or Special Exception from Dimensional Requirements

I understand that I will need to submit a site plan with this application showing existing and proposed conditions including: front, side, and rear setback/yard dimensions; lot dimensions; abutting streets and street names; driveways / accessways; dimensions (size and height) of structures; dimensions and location of parking spaces; scale of all drawings and plans (scale is the ratio of the drawing's size relative to the actual size) *

☑

I understand that I will need to submit labeled photos of existing conditions with this application *

☑

I understand that I will need to submit building plans and elevations of any proposed structures or additions with this application *

☑

I understand that I will need to submit interior floor plans for any renovations to or expansion of existing structures with this application *

☑

I understand that I will need to submit a written statement with this application explaining how the request complies with the requirements of the Zoning Ordinance as provided in Article 2 (Section 10.233.20 for Variances, Section 10.232.20 for Special Exceptions) *

☑

I understand that all plans / exhibits submitted with this application shall be 8.5" X 11" or 11" X 17" in size *

☑

Project Representatives

Relationship to Project	If you selected "Other", please state relationship to project.	Full Name (First and Last)	+ 7 Additional Fields
Owner	--	Brian LaChance	...
Owner	--	Kyle LaChance	...

Plan Submission

I understand that this application will not be considered complete until I have provided the required plans and any additional submission requirements. I also understand that any hard copies as required by the Planning Department are required to be submitted prior to the application deadline. (You will be prompted at the next screen to upload your plans.) *

☑

I have reviewed the application requirements provided on the Planning Department's web page -- www.cityofportsmouth.com/planportsmouth/land-use-applications-forms-and-fees. *

☑

Acknowledgement

If this application is approved, I hereby acknowledge that all changes or variation in the design as presented shall require further Historic District Commission approval *

☑

I hereby certify that as the applicant for permit, I am *

Owner of this property

If you selected "Other" above, please explain your relationship to this project. Owner authorization is required.

--

I certify that the information given is true and correct to the best of my knowledge. *

☑

I understand that I am responsible for paying any applicable application fees and that I will be invoiced separately for legal and abutter notification costs as well. *

☑

Is this property under condominium ownership?

--

I understand that it is the obligation of the applicant to submit adequate documents, plans, and exhibits to demonstrate compliance with the Zoning Ordinance. *

By signing below, I agree that this is equivalent to a handwritten signature and is binding for all purposes related to this transaction. *

KYLE LACHANCE
Jun 19, 2025

INTERNAL USE -- Land Use Approvals

Historic District Commission
--

HDC Approval Granted
--

Zoning Board of Adjustment
--

BOA Approval Granted
--

Zoning Relief Required
--

Conservation Commission Review
--

Conservation Commission Review Completed
--

Conditional Use Permit (Wetlands)
--

Wetland CUP Granted
--

Conditional Use Permit (Other)
--

Other CUP Granted
--

Prelim. Concept. Consultation
--

Prelim. Concept. Consultation Completed
--

Design Review Phase
--

Design Review Phase Completed
--

Subdivision / Lot Line Revision
--

Subdivision / Lot Line Revision Granted
--

Site Plan Review
--

Site Plan Review Granted
--

Proposed Lot Area per DU
--

Technical Advisory Committee Review
--

TAC Review Completed
--

Internal consistency review required
--

Certificate of Use Required
--

Stipulations
--

Additional Planning Department Comments
--

We bought our house on 86 S School St 10 years ago. Because the side door enters directly into the kitchen, we have been discussing adding a mudroom since we moved in. We recently rescued a dog so the need is even greater to reduce the rain, snow and/or dirt being tracked into the house.

Regarding Zoning Variance Section 2, 10.233.20:

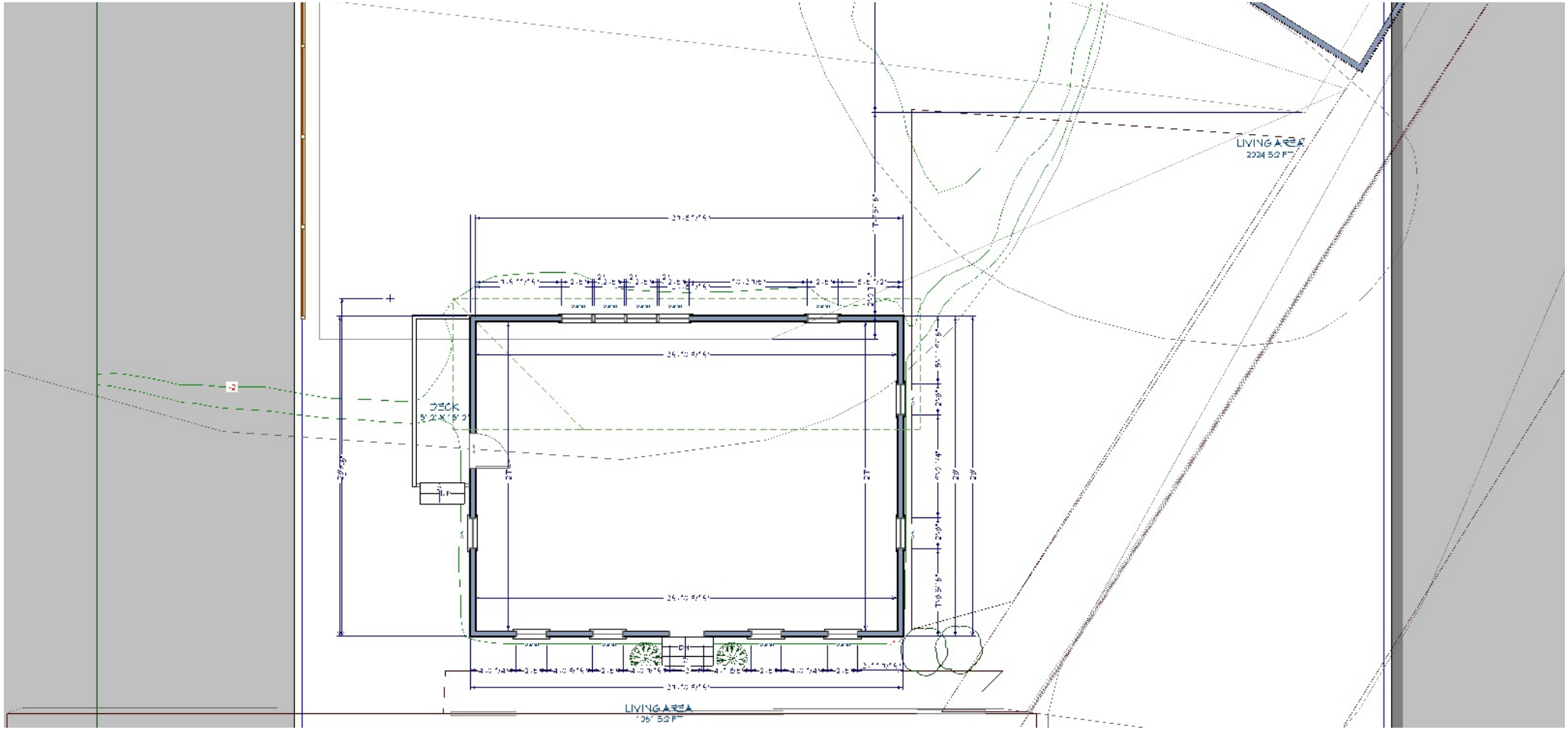
This renovation will improve the appearance, function and value of our home, and have a positive impact on the public interest because of these improvements to the property. The values of surrounding properties will be enhanced, not diminished, and the building process will be contained on our property so as not to present any unnecessary hardship to the surrounding properties. In addition, the removal of pavement will improve drainage further enhancing this and the surrounding properties by reducing water runoff.

1. The Variances requested are not contrary to the public interest in that many properties in this neighborhood are non-conforming to Building Area & Setbacks. The proposed entry way will replace an existing deck and have minimal change to the already non conforming setback. The Heat Pump is located to provide the best separation from abutting buildings and to minimize the length and visibility of the insulated pipework.
2. The Variances are consistent with the spirit of the ordinance in that it will allow this variance with minimal impact and without adversely affecting the abutters & neighborhood.
3. Substantial justice will be done, as the Variances will allow the best location for the proposed entry way and the heat pump from both the neighborhood and owners perspective.
4. These Variances will not diminish the value of surrounding properties and is expected to increase the property value of our house and have a positive effect on the abutting properties.
5. The special condition of this property is the non-conformity of the Existing Residence to Front, Rear & Left Side Setbacks and the irregular shape of the rear property line.

Variances requested are

1. Variance from Section 10.521 to allow a) 7 side yard where 10 feet is required, b) 14.5 foot rear yard where 25 feet is required, c) 31% building coverage where 30% is the maximum allowed, d) 24 % building coverage where 25% is the minimum; 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



As is plan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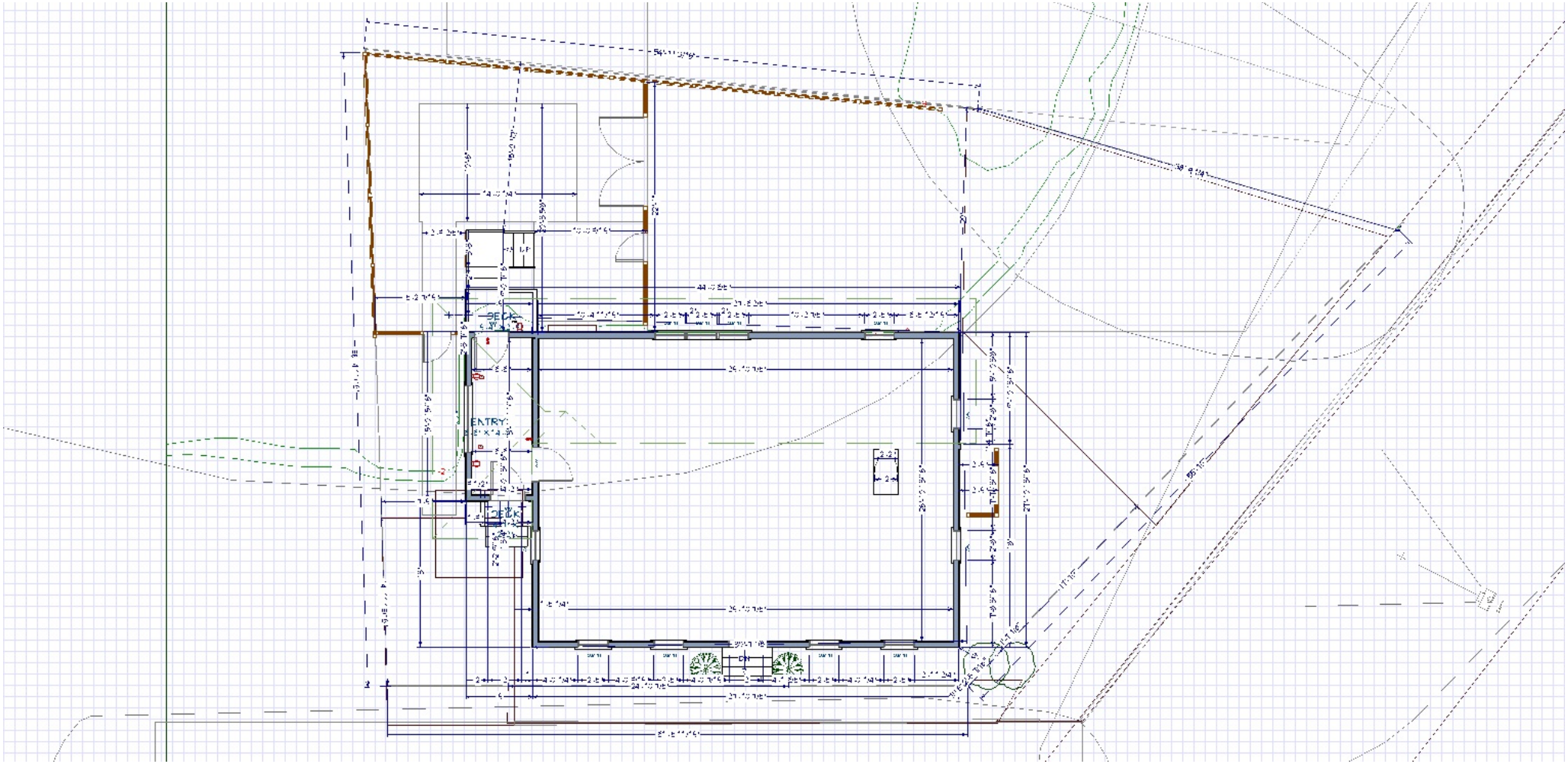
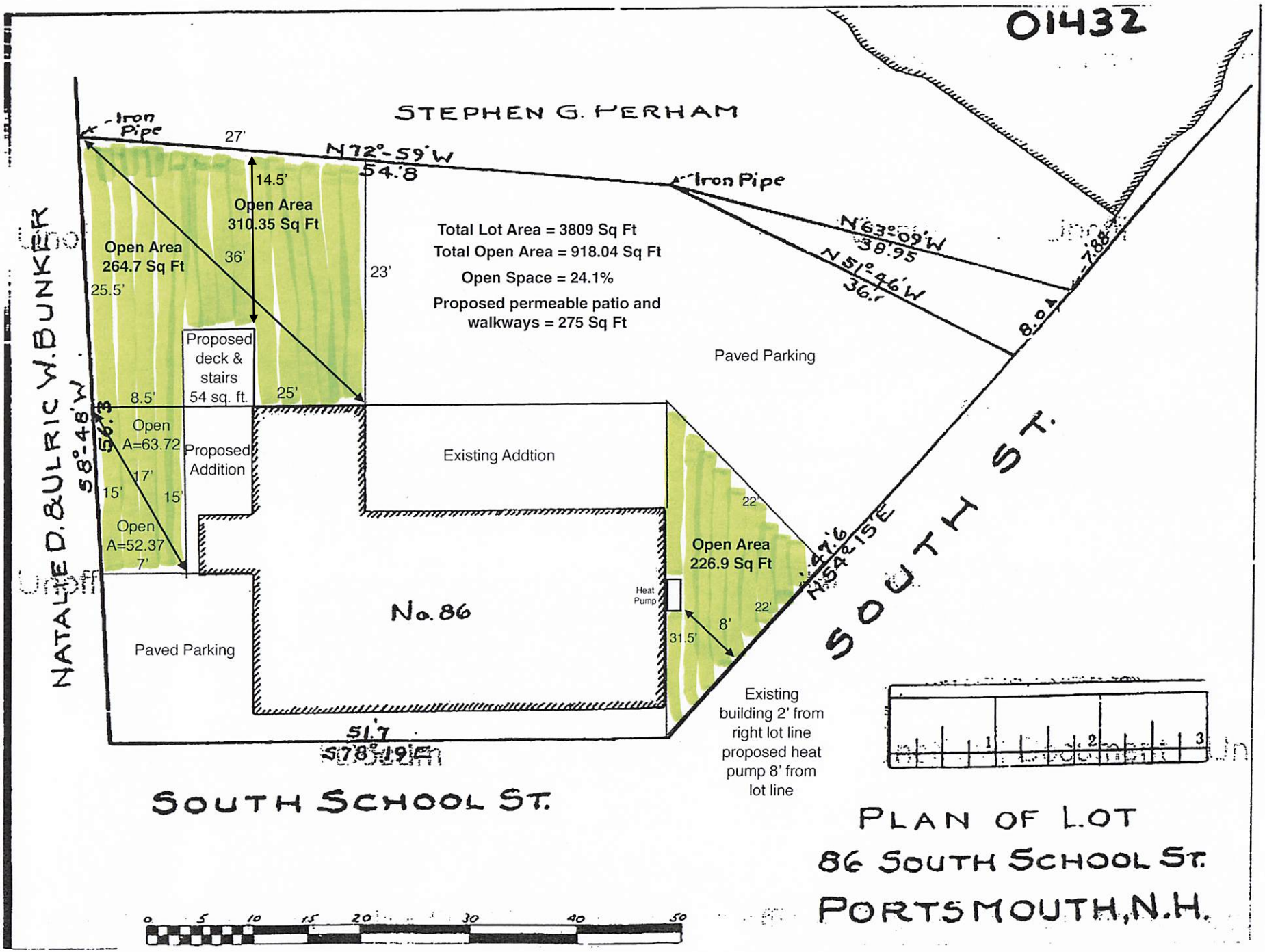
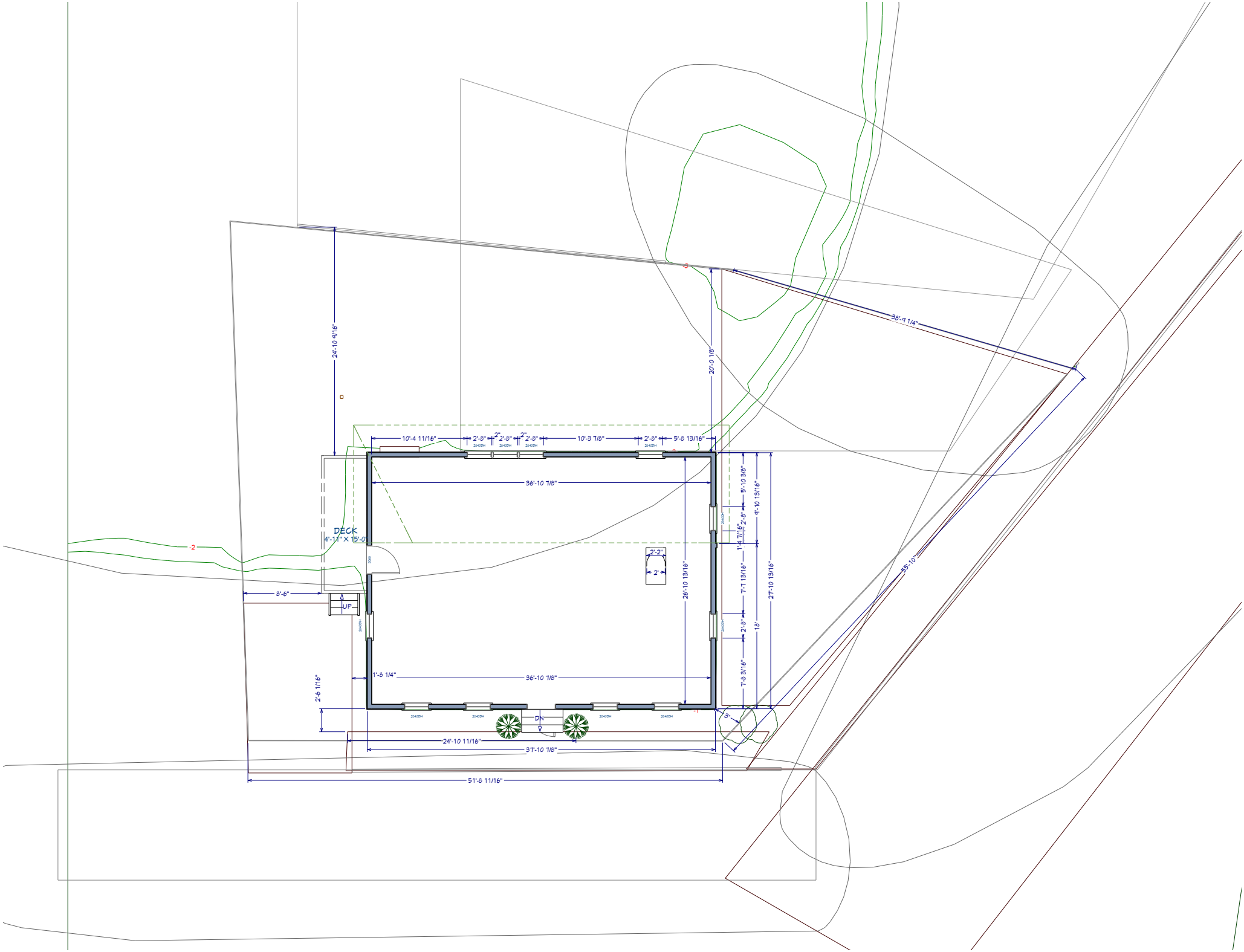


Proposed Renovation Plan



Proposed Open Space Plan


SOUTH ST
Portsmouth Athenaeum


24'-10 9/16"
20'-0 1/8"
38'-9 1/4"
10'-4 11/16"
2'-8"
2'-8"
2'-8"
10'-3 7/8"
2'-8"
5'-6 13/16"
36'-10 7/8"
DECK
4'-11" X 15'-0"
2'-2"
2'
26'-10 13/16"
5'-10 3/8"
4'-10 13/16"
1'-4 7/16"
2'-8"
7'-7 13/16"
2'-8"
7'-8 3/16"
27'-10 13/16"
18'
55'-10"
8'-6"
UP
1'-8 1/4"
36'-10 7/8"
2'-6 1/16"
DN
3'
24'-10 11/16"
37'-10 7/8"
51'-8 11/16"

III. NEW BUSINESS

A. The request of **Lorencic Revocable Trust (Owner),** for property located at **209 Marcy Street** whereas relief is needed to construct a second story addition and a one story addition which requires the following: 1) Variance from Section 10.521 to allow a 12 foot rear yard where 25 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 103 Lot 2 and lies within the General Residence B (GRB) and Historic Districts. (LU-25-120)

Existing & Proposed Conditions

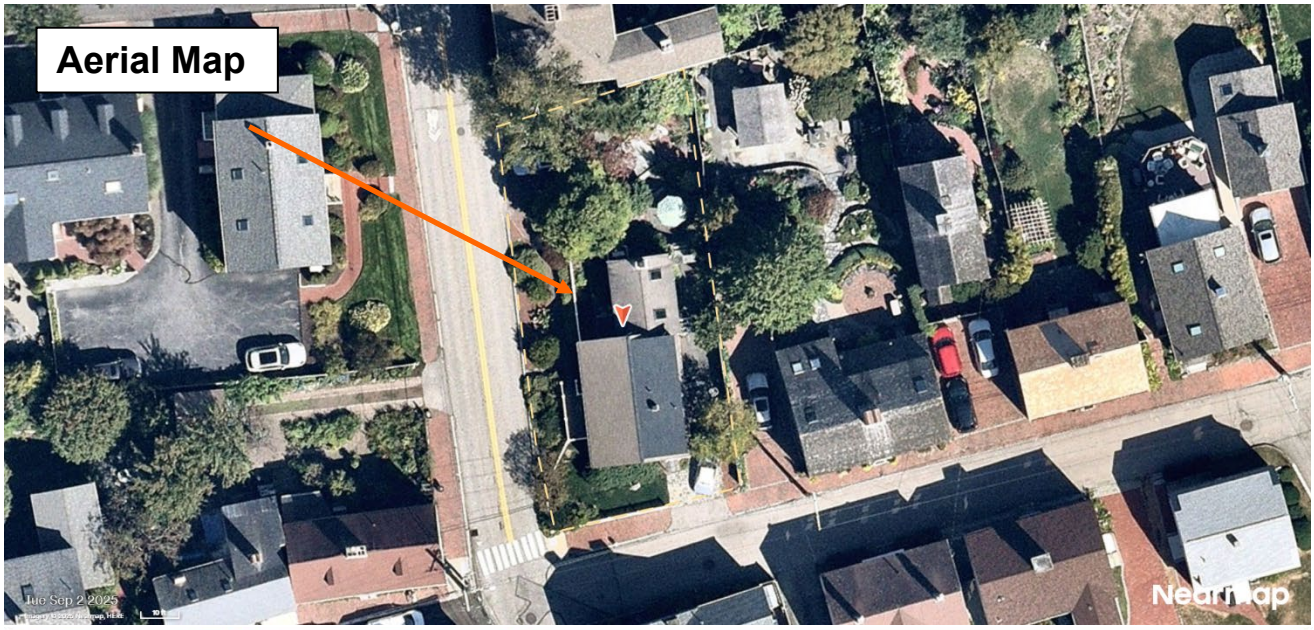
	Existing	Proposed	Permitted / Required	
Land Use:	Single-family	*Construct additions to existing structure	Mixed-Use	
Lot area (sq. ft.):	5,663	5,663	5,000	min.
Front Yard (Marcy St)(ft.):	13.5	1.5	5	min.
Left Yard (ft.):	44	5	10	min.
Secondary Front Yard (Gates St) (ft.):	11.5	0	5	min.
Rear Yard (ft.):	11	12	25	min.
Building Height (ft.):	17	Addition:11	35	max.
Building Coverage (%):	21.6	24	30	max.
Open Space Coverage (%):	>25	>25	25	min.
Parking	2	2	2	
Estimated Age of Structure:	1950	Variance request(s) shown in red.		

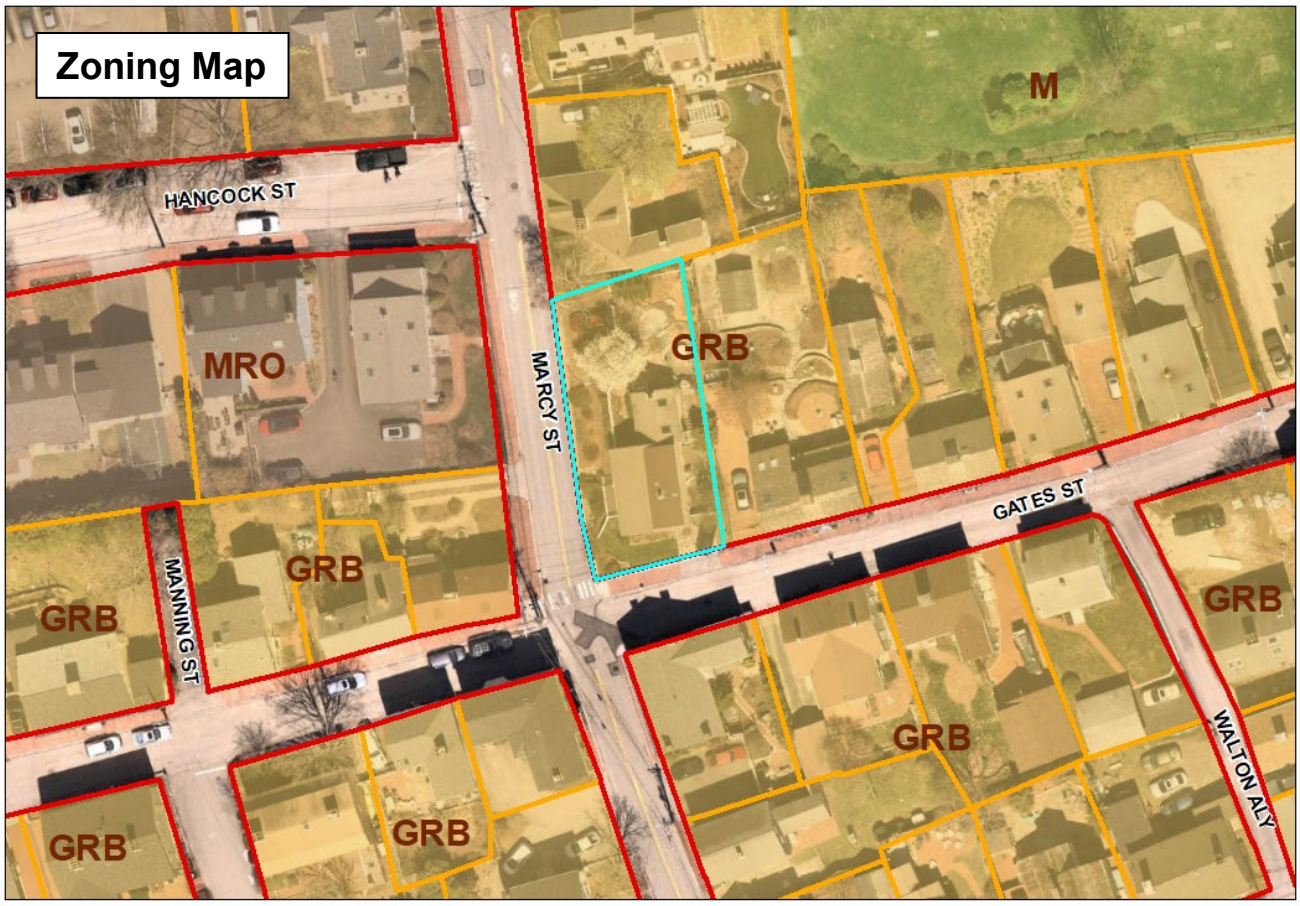
*Relief needed to construct an addition to the already non-conforming primary structure that would further impact the non-conformity.

Other Permits/Approvals Required

- Building Permit
- Historic District Commission Approval

Neighborhood Context





209 Marcy Street

Previous Board of Adjustment Actions

September 17, 1996 – The Board **granted** a Variance from Article III, Section 10-302(A) to allow a 8' x 13' one story addition with a 12' rear yard setback where 25' is the minimum required.

February 18, 1997 – The Board **granted** a Variance from Article III, Section 10-302 to allow a 14' x 13' one story addition with a 12' rear yard where 20' rear yard is the minimum required.

December 21, 1999 – The Board **granted** a Variance from Article III, Section 10-302(A) to allow a 16' x 20' one story addition to the left side of the dwelling with a 10'8" rear yard where 25' is the minimum required.

Planning Department Comments

The applicant is requesting relief to construct a second story on the existing 1 story section of the structure and one small addition on the Gates street side of the structure. In the application, the applicant requested two rear yard variances, staff advertised for the most impactful distance of 12 feet which is the second story section. As part of this project, the applicant is also proposing a small addition to the Marcy Street side of the structure which does not require any relief.

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.

209 Marcy Street
Map 103 Lot 2

2nd Floor Addition and 1 Story Right Side Addition

To permit the following:

1. 2nd Floor Addition with a +/- 12' rear setback where 25' is required.
2. 1 Story Right Side Addition with a +/- 14.5 rear setback where 25' is required.
3. Expansion of a non-conforming structure

The undersigned agrees that the following circumstances exist……

1. This Corner Lot has an address & primary front line on Marcy St & a secondary front line on Gates St. The Gates St line is just over 50', so the 25' rear setback covers half of that property and with the front setback leaves just 20' of buildable area.

2. The Existing Residence is set back +/-12' from that rear line and adding a 2nd floor will continue that non-conformity. The 1 Story Addition with a +/-14.5' rear setback is located to best connect to the Residence between the Kitchen & Dining Area. This will allow minimal interior renovations.

3. The Existing 1.5 Story Residence has a Dormer on the rear roof with an interior wall height of just 6'. The eve of the proposed 2nd Floor roof will be less than 12" higher than the current Dormer eve, and the ridge will be 7' higher than the existing ridge.

4. If the property Address was on Gates St, this lot with the proposed Additions would be conforming. The rear setback in that case would be 44'. The Building Area at 23.8% and Open Space at 52% are conforming. Given the density of structures on Gates St, this property is unusual with the amount of open space at the property lines.

Criteria for the Variance:

1. The Variances are not contrary to the public interest in that the proposed Additions are in keeping with the fabric of the Marcy & Gates Street neighborhood. Most Residences in this area are 2 Story and many are built on or close to the front and side property lines.

2. The Variances are consistent with the spirit of the ordinance in that setbacks are needed to maintain separation between structures. This narrow property still maintains setback that are greater than most properties along Gates Street.

3. Substantial justice will be done, as the Variances will allow needed expansion of the Living Space without adversely affecting the abutters.

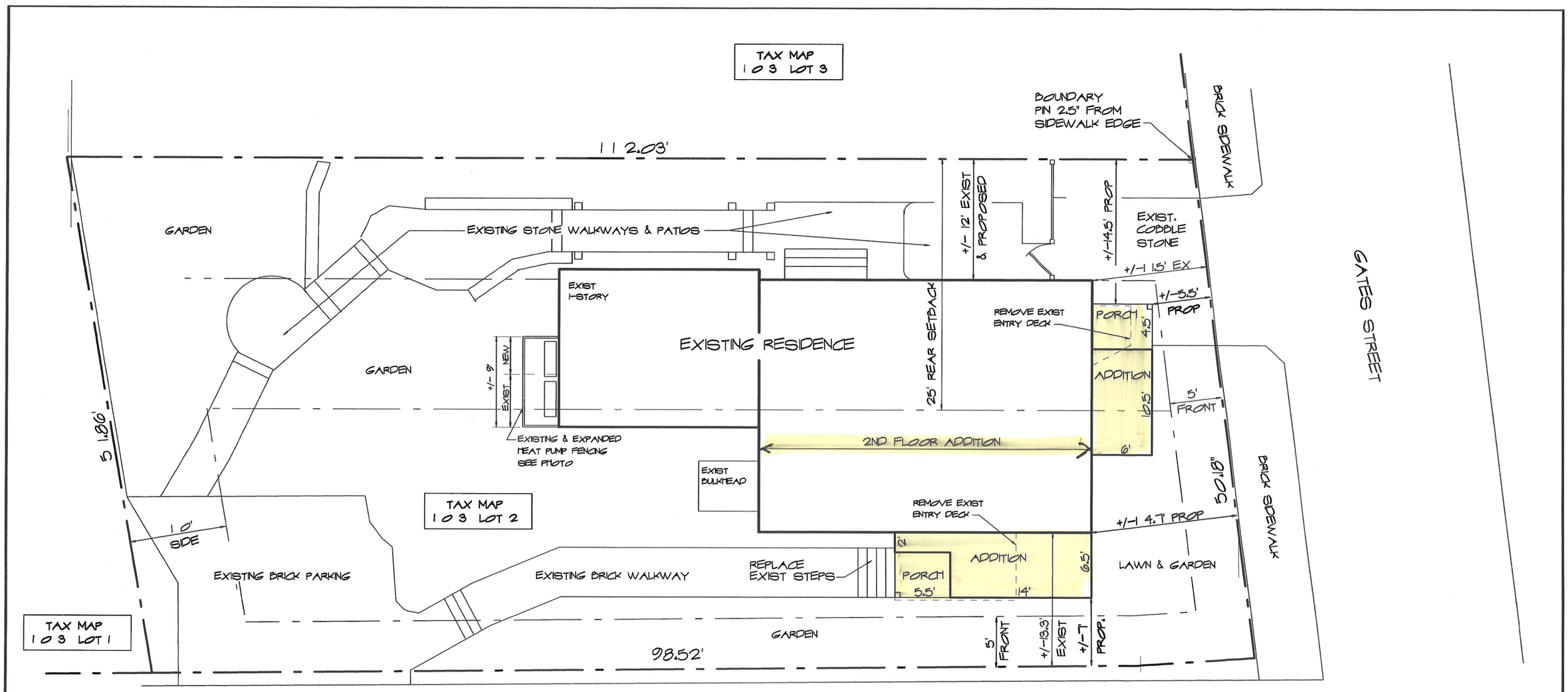
4. These Variances will not diminish the value of surrounding properties.

5. The special condition of this property is the narrow depth of the Lot and the location of the Existing Residence within the rear setback. The zoning restriction as applied interferes with the landowners reasonable use of the property, considering the unique setting of the property in its environment (Simplex analysis).

9/2/25, Anne Whitney Architect For: Harry & Kimberly Lorencic

VIEW OF MARCY ST, LOOKING SOUTH FROM HANCOCK ST

VIEW FROM MARCY ST, LOOKING EAST, DOWN GATES ST.



SCHEMATIC SITE LAYOUT PLAN

SCALE : 1" = 10'-0"

NOTE: SITE LAYOUT PLAN GENERATED FROM MAP GEO
& FIELD MEASUREMENTS BY ANNE WHITNEY ARCHITECT

0' 5' 10' 20'

SCHEMATIC DESIGN

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

ANNE WHITNEY ARCHITECT

Project: #2407

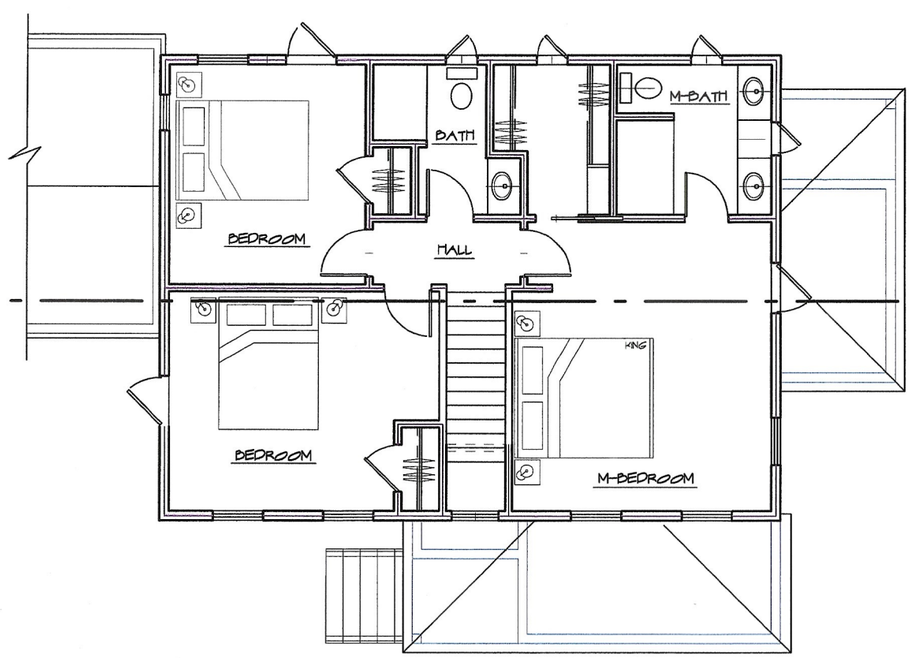
Revisions:
REV, 8/28/25

Date: 8/14/25

1 OF 3

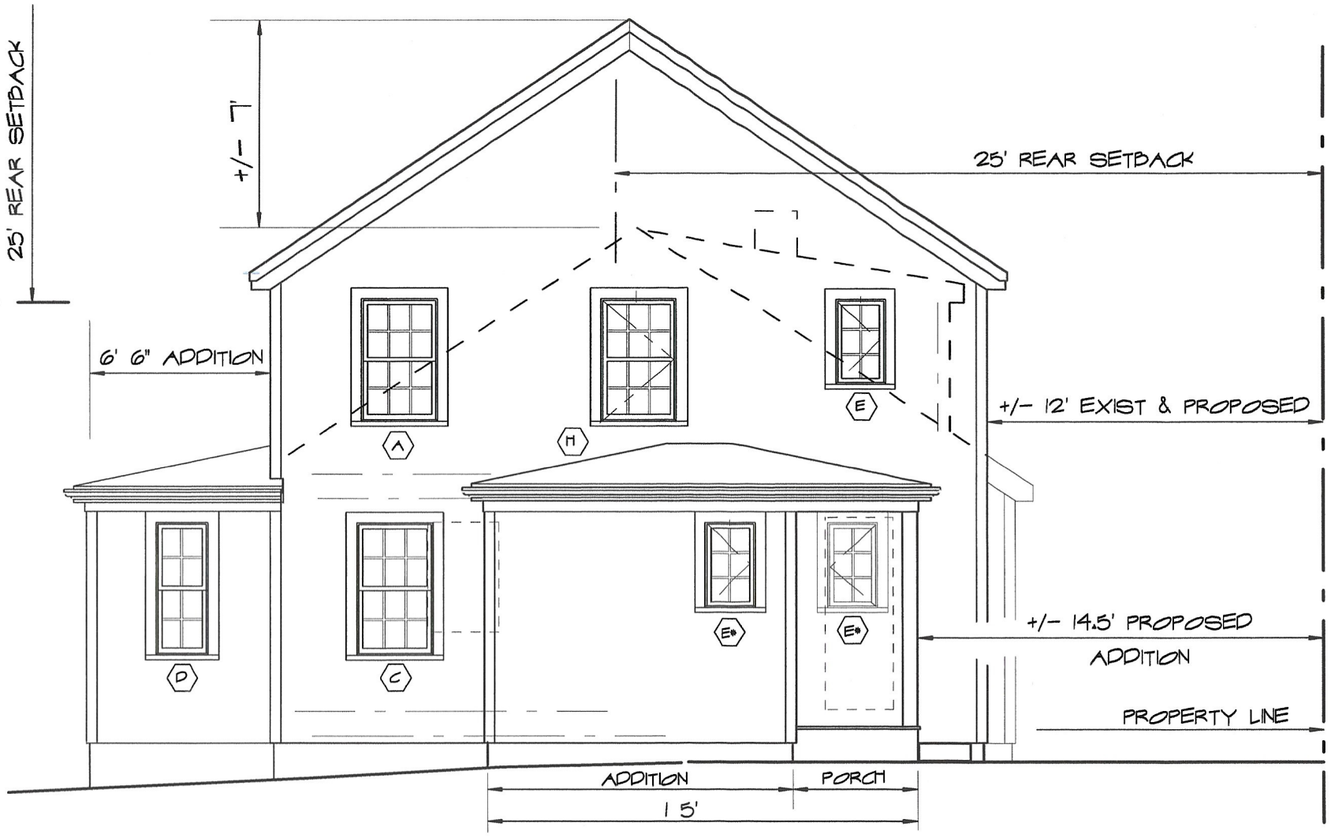
ADDITIONS & RENOVATIONS, LORENIC RESIDENCE

209 MARCY STREET PORTSMOUTH, NH



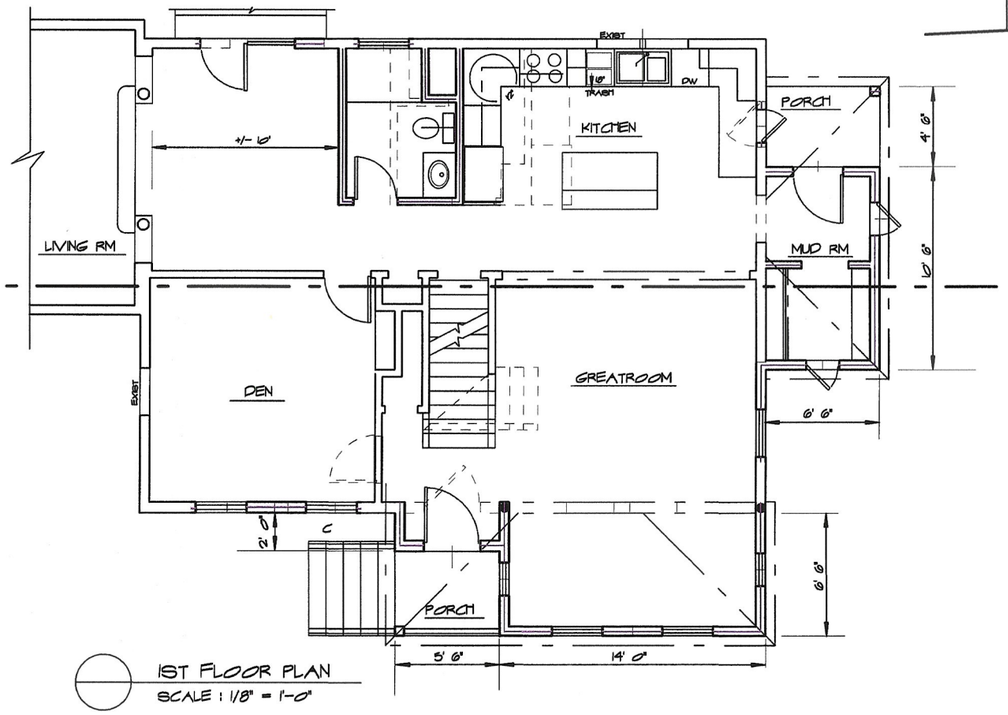
25' REAR SETBACK

1ST FLOOR PLAN
SCALE : 1/8" = 1'-0"



GATES ST ELEVATION
SCALE : 3/16" = 1'-0"

EXISTING GATES ST ELEVATION



1ST FLOOR PLAN
SCALE : 1/8" = 1'-0"

SCHEMATIC DESIGN

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

ANNE WHITNEY ARCHITECT

ADDITIONS & RENOVATIONS, LORENIC RESIDENCE
209 MARCY STREET PORTSMOUTH, NH

Project: #2407
Revisions:

Date: 8/28/25

rear elevation
SCALE : 3/16" = 1'-0"

EXISTING REAR ELEVATION

SCHEMATIC DESIGN

801 Islington St, Suite 32
Portsmouth NH 03801
603-522-4387
archwhit@aol.com

ANNE WHITNEY ARCHITECT

ADDITIONS & RENOVATIONS, LORENIC RESIDENCE

209 MARCY STREET PORTSMOUTH, NH

Project: #2407

Revisions:
REV, 8/28/25

Date: 8/14/25

III. NEW BUSINESS

B. The request of **909 West End LLC and PWED2 LLC (Owners),** for property located at **909 and 921 Islington Street** whereas relief is needed to construct a sign at 921 Islington Street that will be servicing the businesses located at 909 Islington Street which requires the following: 1) Variance from Section 10.1253.10 to allow a setback of 4 feet from a lot line where 5 feet are required, 2) Variance from Section 10.1253.20 to allow a sign to be erected and maintained between the heights of 2.5 feet and 10 feet above the edge of the pavements grades where a driveway intersects with a street and lies within an area bounded by (a) the sidelines of the driveway and street and (b) lines joining points along said side lines to feet from the point of intersection, and 3) Variance from Section 10.1224.90 to allow a sign advertising a product or service not provided on the lot on which the sign is located ("off premise sign"). Said property is located on Assessor Map 172 Lots 7 & 10 and lies within the Character District 4-W (CD4-W). (LU-25-134)

Existing & Proposed Conditions

	Existing	Proposed	Permitted / Required	
Land Use:	Commercial	*Construct a freestanding sign on the adjacent property.	Mixed-Use	
Freestanding Sign Setback:	In City ROW	Side: 4 Front: >5	5 (from all lot lines)	min.
Off Premises Sign	No	Yes	No	min.

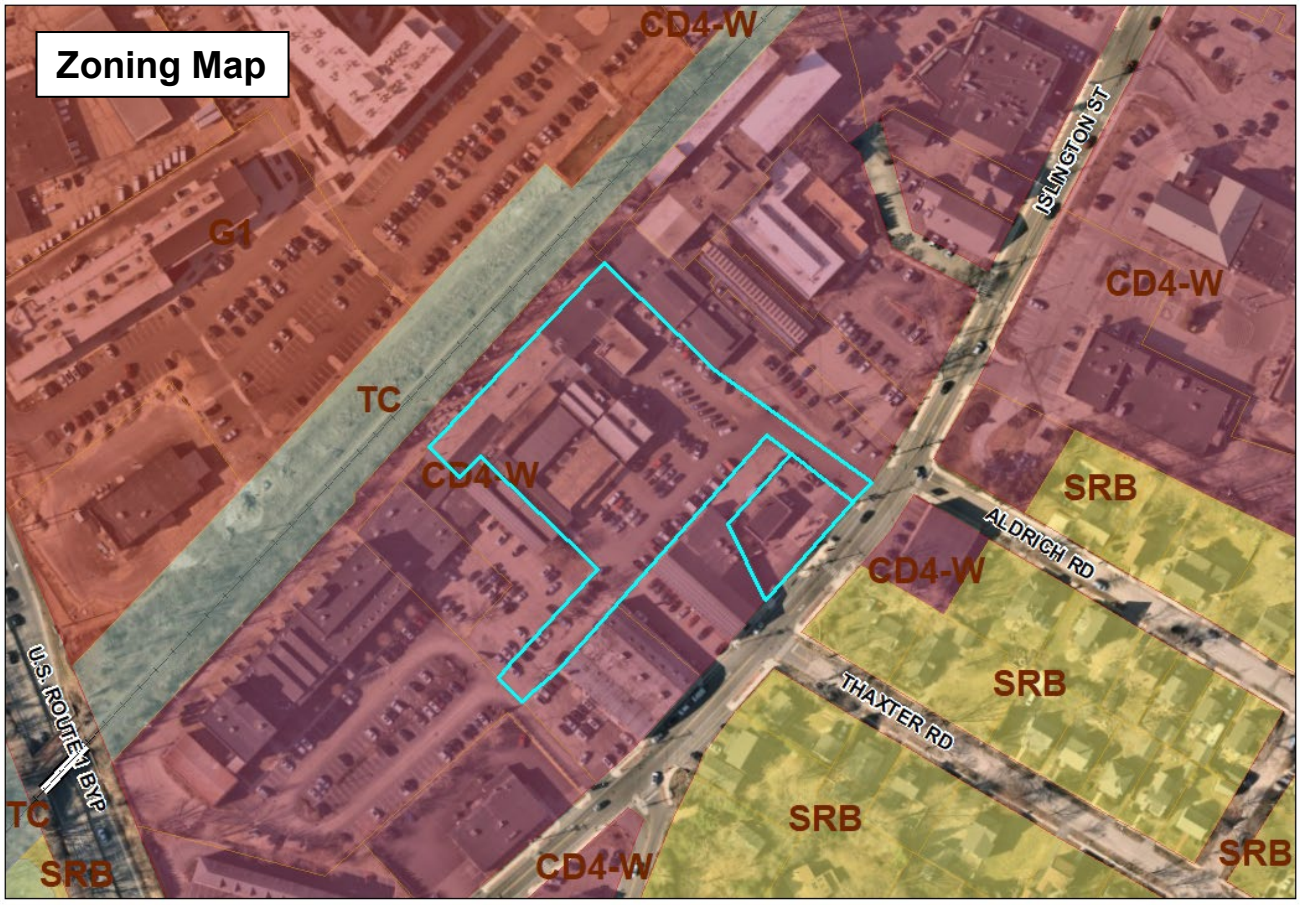
Variance request(s) shown in red.

*Relief needed for allow a sign to be erected and maintained between the heights of 2.5 feet and 10 feet above the edge of the pavements grades where a driveway intersects with a street and lies within an area bounded by (a) the sidelines of the driveway and street and (b) lines joining points along said side lines to feet from the point of intersection.

Other Permits/Approvals Required

- Building Permit/ Sign Permit

Neighborhood Context



909 and 921 Islington Street

Previous Board of Adjustment Actions

Due to the extensive history on file for both properties (909 and 921 Islington St), only items for the last 10 years have been included in this memo. Complete history is available upon request.

909 Islington St:

November 22, 2016 – The Board **granted** a Variance from Section 10.1243 to allow two freestanding signs on a lot where only one freestanding sign is allowed. Variances from Section 10.1253 to allow a freestanding sign to be set back 10'± from the front lot line and 1.5"± from the left side lot line where 20" is required for each.

January 28, 2025 – The Board **granted** the request to allowing a restaurant which requires the following: Special Exception from Section 10.440, Use #9.42 to allow a restaurant with an occupant load from 50 to 250 people where it is allowed by Special Exception.

August 19, 2025 – The Board **granted** the request 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.

921 Islington St:

July 22, 2025 – The Board **granted** the request for 1) Variance from Section 10.575 to allow a dumpster to be located within 20 feet of a Residential or Mixed Residential zoned lot or within 10 feet of any lot line; and 2) Variance from Section 10.1113.20 to allow off-street parking to be located between the principal building and the street. The Board voted to **grant** the request as presented with the following **conditions**:

1)The Board recognizes that the advertisement misstated that there was to be a demolition of the existing structure, which was not the applicant's intent. The current structure will not be completely demolished and the exterior walls will remain at the minimum as a definition of not being fully demolished;

2)The location and orientation of the dumpster may change as a result of site review but shall not be located closer to the lot line than what was presented.

Planning Department Comments

The applicant is requesting relief to remove the existing freestanding sign and construct a new freestanding sign on the adjacent property. The proposed sign will be located at 921 Islington Street and will advertise for businesses and services located at 909 Islington 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.

909 & 921 Islington Street Variance - Narrative

THE PROPOSAL:
The reason for this variance request comes from the constraints of the frontage of the 909 Islington St. of 30 feet and being an active driveway for 909 and the right of way drive to 865 Islington St. On the property line of 909 and 921 a sidewalk is being installed to make pedestrian access to these properties safer and with these constraints it does not allow a proper location for signage for the 909 Islington St. businesses.

The applicant Sundance Sign Company for Chinburg properties proposes to remove a non-conforming freestanding sign currently existing in the public right of way. We propose to construct a multi tenant sign for 909 Islington St., this proposed sign due to frontage constraints will need to be placed on 921 Islington Streets lot, which is also owned by Chinsburg property. This would be considered as an off premise advertising sign and we ask for relief from this as well as side setback under 5 feet from the 909 Islington Street lot. This situation is not unique in this area of Islington St as the signage at 1001 is very similar to this situation

THE SITE:
909 Islington St lot 172-7
921 Islington St lot 172-10

VARIANCE REQUESTED:
Relief from section 12 of the Portsmouth regulations

1) Granting the requested variance would benefit the public interest. The general public would benefit by the grant of this variance and that the identification of the businesses at 909 Islington St. Would be made easier having this properly located signage at the roadway. By allowing the signage location as requested the board would improve Traffic Safety in the area and benefit the public by creating safer conditions.

2) The proposal before the board this evening is not excessive and is not contrary to the spirit and intent of the ordinance sign ordinance is to permit and to regulate signs in a manner that protects the public safety and enhances the economic advantages enjoyed by the Portsmouth property owners. The spirit of the ordinance is observed by the size and the style fits within

current sign ordinance provisions; the applicant believes that the signage location as proposed is adequately placed to identify the 909 Islington St. businesses to the general public.

3) Granting. The requested variance. Would result. In substantial justice being done. As board members are well aware., the test for whether or not substantial justice is done, is whether or not the benefit to the general public is denying the variance would outweigh the hardship upon the owner applicant. Seeking the variant. And this is the. Instance. In this instance., there is no benefit to the general public in denying this requested variance, but on the contrary, the public is actually benefited by granting of the variance. Granting the variance will enhance public safety and will not in any way create an eyesore or more confusing. Situation. Since there was no benefit to the public and denying the variance, substantial justice would be done by granting the variance in order to alleviate the hardship upon the owner applicant.

4) No diminution in value of the surrounding properties would result from the granting of the variance. The property in question lies in the midst of the Islington St. commercial district. This signage would in no way diminish surrounding property valuations, as can be seen in the attachment that the style and color of the sign is tastefully done.

5)Hardship. Due to the constraints of the frontage, not allowing this request would create hardship for the tenants not being able to allow their businesses to have proper identification signs to the drivers on Islington street.

CONCLUSION:
In conclusion, it is the position of the Applicant that the five (5) criteria necessary for the Board to grant the requested Variance are met within the application. As such, it is respectfully requested that the board grant the variance as advertised and presented.

Respectfully submitted,
Sundance Sign Company
Michael Leary

Proposed: #1
8-25-25
Item: 1 of 1

Company: Chinburg
Project: 909 Islington
Scope: New Freestanding

Quantity: 1

Size: 20sqft
Tenant panels 2’w x 1’h

Sides: 2

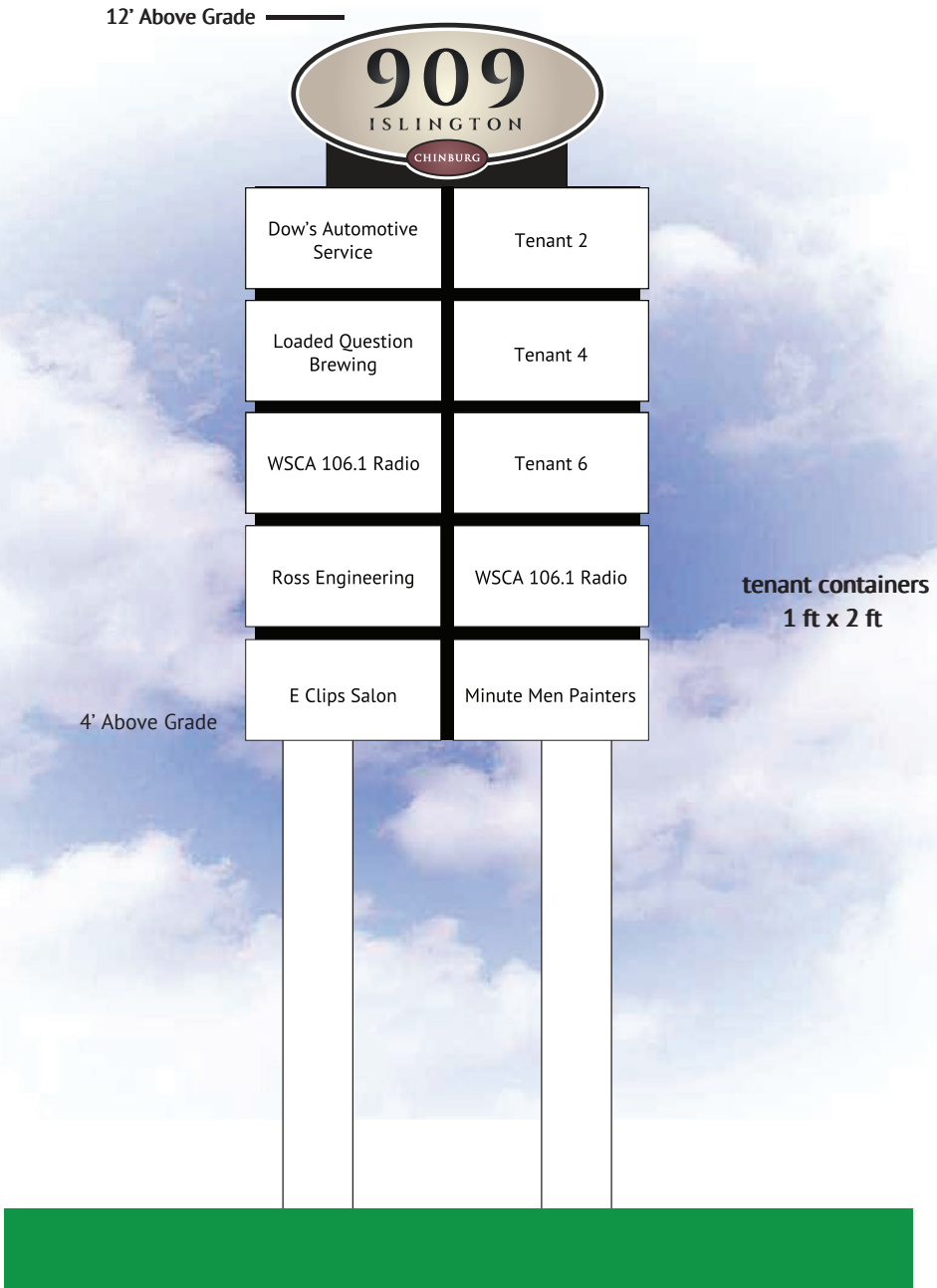
Style: Flat - Non Lit

Power: NA

Substrate: PVC & ACM

Posts & Brackets: 8”w x 10’h

Colors: 909 Branded



Sundance Sign Company • 603-742-1517 • 89 Oak St. Dover, NH 03820

I have verified the accuracy of all graphics shown with respect to sizes and content. The specifications are correct and represent our order requirements exactly. I authorize release to production according to this approval submittal.

Customer Approval_____ **Date:**_____

Initial layout and 1 revision included - 2nd revision $65 or billed hourly

MUST HAVE BOTH SIGNATURES BEFORE MOVING TO PRODUCTION
PROJECT MANAGER:_____ PROOFREADER:_____

OFFICE: - [ ] SITESURVEY - [ ] SENT PROOF - [ ] ART APPROVED - [ ] ESTIMATED - [ ] 50% DEP REC. - [ ] CONTRACT - [ ] PERMITS - [ ] PLAN - [ ] MATERIALS ORDERED - [ ] APPROVED ARTFILES - [ ] PROD. PACKAGED

Proposed: #1
8-25-25
Item: 1 of 1

EXISTING

Company: Chinburg

Project: 909 Islington

Scope: New Freestanding

Sundance Sign Company • 603-742-1517 • 89 Oak St. Dover, NH 03820

I have verified the accuracy of all graphics shown with respect to sizes and content. The specifications are correct and represent our order requirements exactly. I authorize release to production according to this approval submittal.

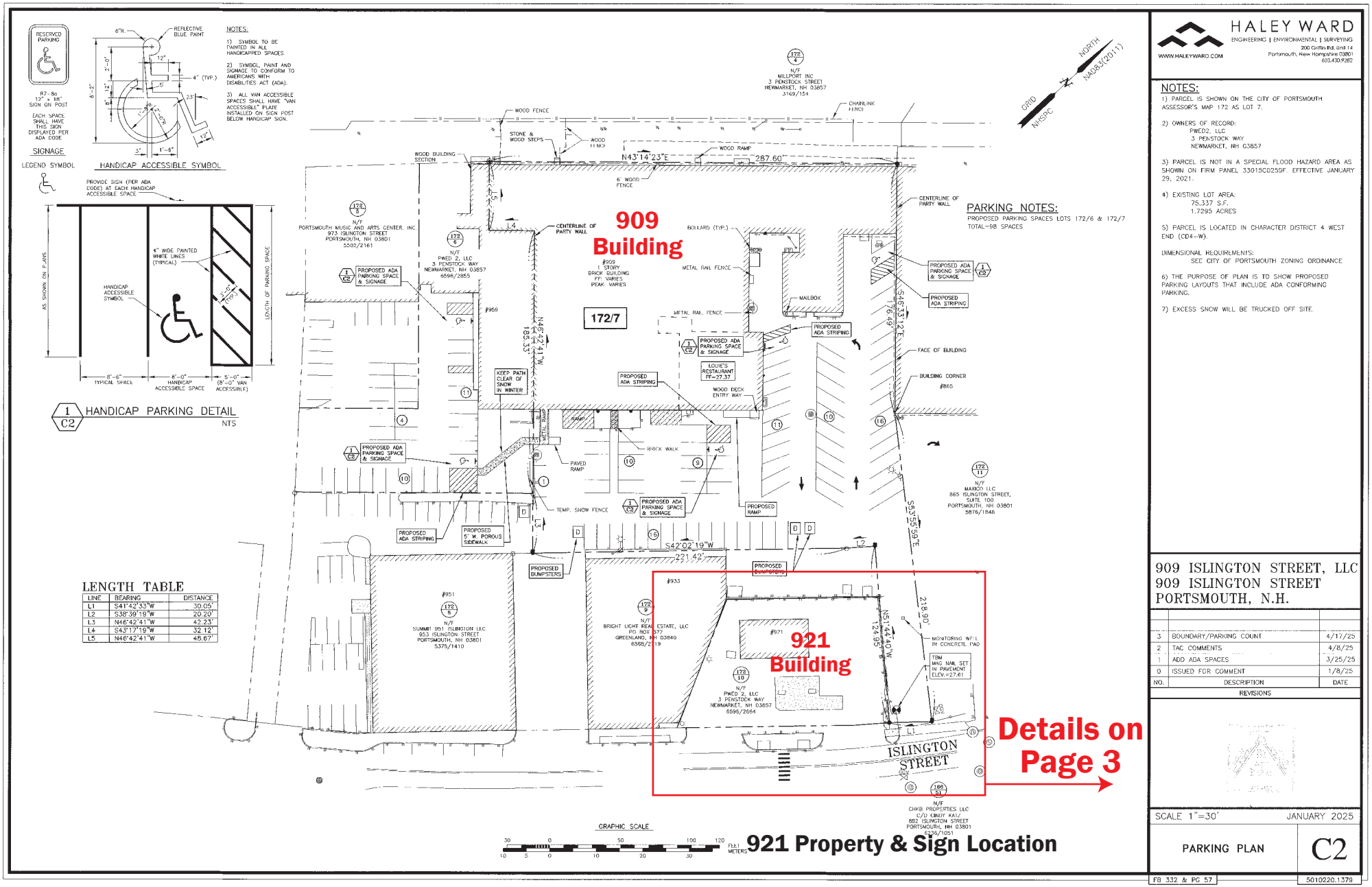
Customer Approval_____ **Date:**_____

Initial layout and 1 revision included - 2nd revision $65 or billed hourly

MUST HAVE BOTH SIGNATURES BEFORE MOVING TO PRODUCTION
PROJECT MANAGER:_____ PROOFREADER:_____

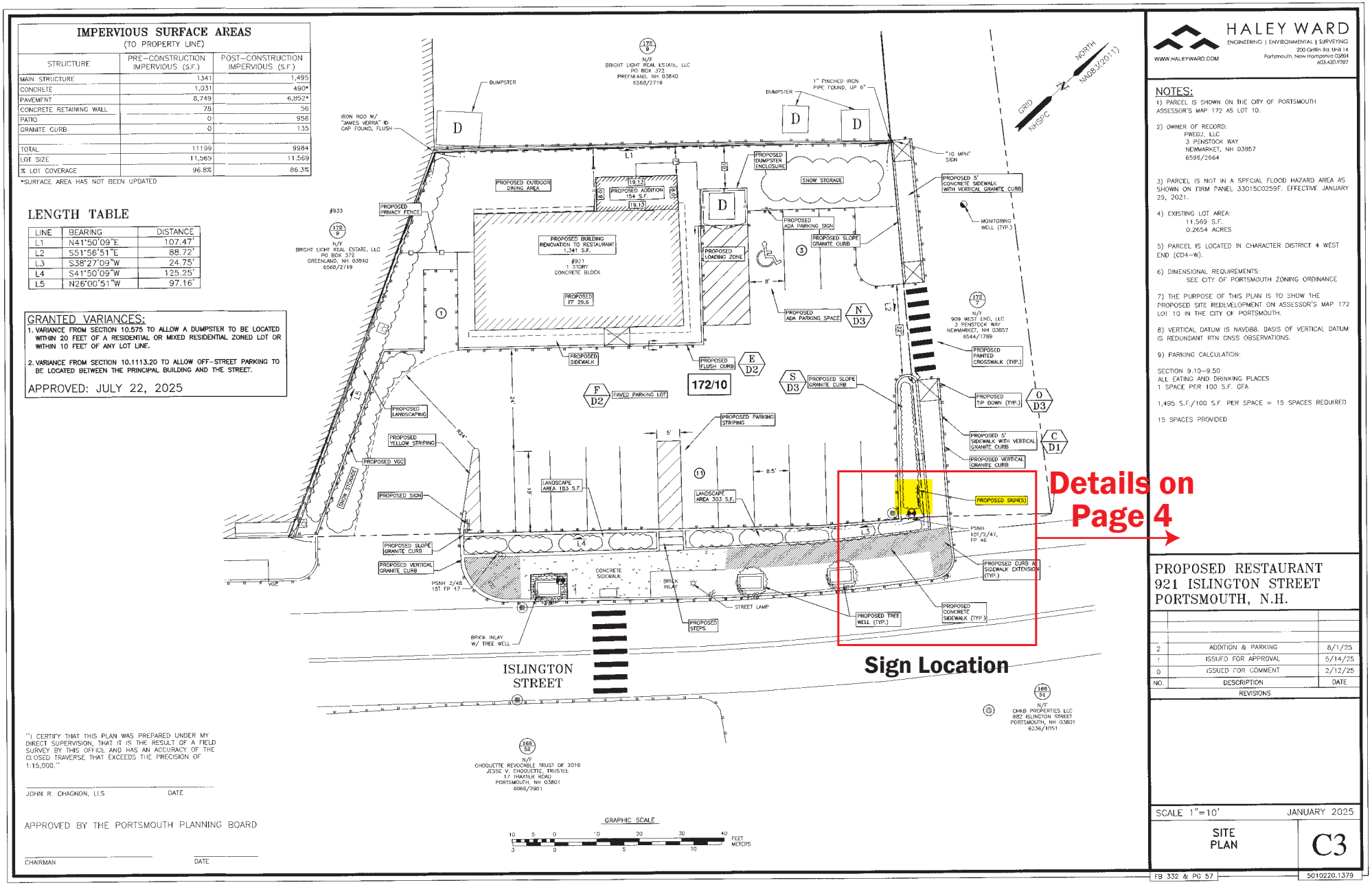
OFFICE: - [ ] SITESURVEY - [ ] SENT PROOF - [ ] ART APPROVED - [ ] ESTIMATED - [ ] 50% DEP REC. - [ ] CONTRACT - [ ] PERMITS - [ ] PLAN - [ ] MATERIALS ORDERED - [ ] APPROVED ARTFILES - [ ] PROD. PACKAGED

909 Property Map

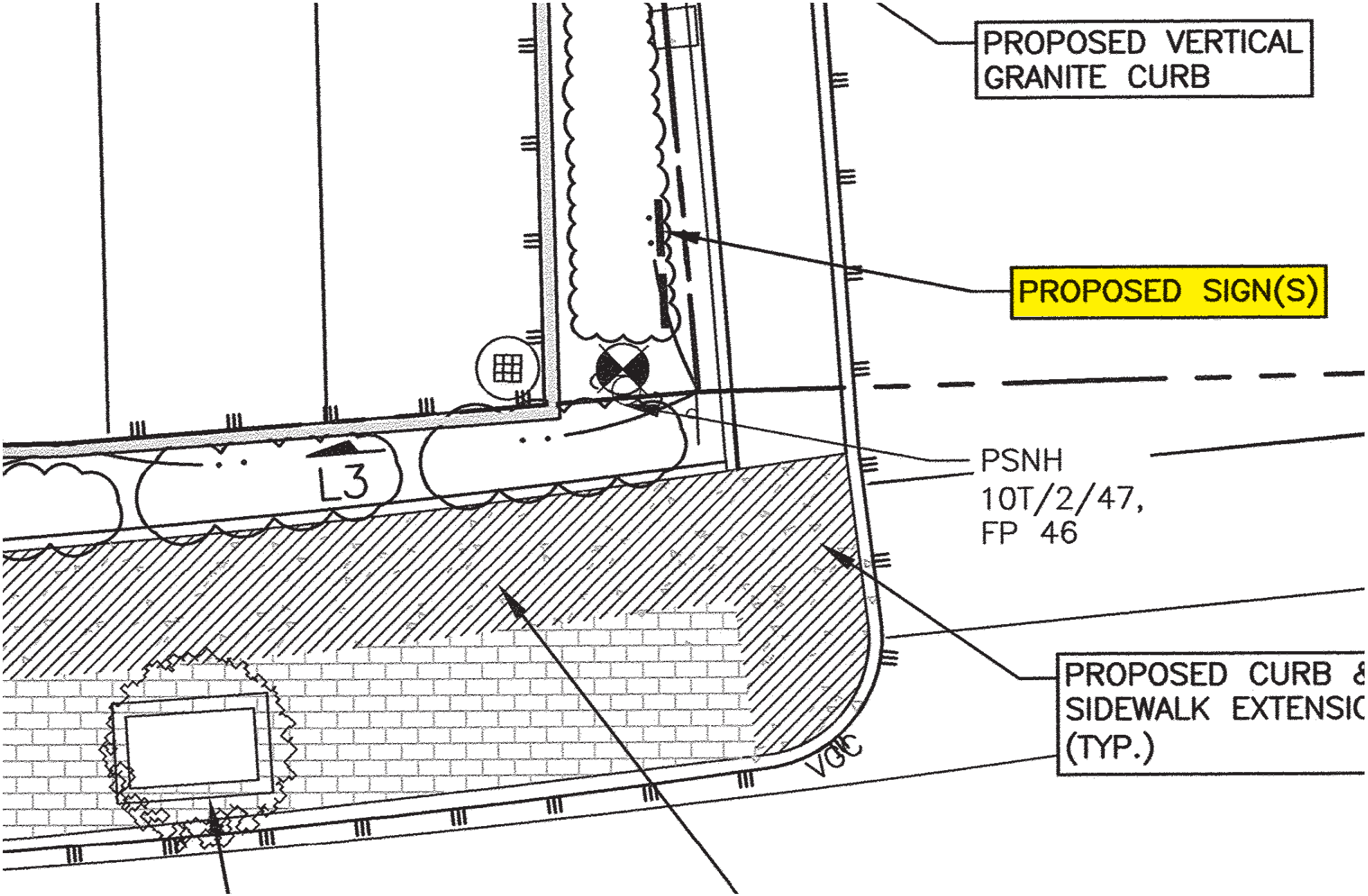


Prepared by Sundance Sign Company • 603-742-1517 • 89 Oak St. Dover, NH 03820

921 Property Map



Sign Location



Prepared by Sundance Sign Company • 603-742-1517 • 89 Oak St. Dover, NH 03820

Islington Street

III. NEW BUSINESS

C. The request of **35 Pines LLC (Owner),** for property located at **295 Maplewood Avenue, Unit 1** whereas relief is needed to create a second driveway which requires the following: 1) Variance from Section 10.521 to allow 0% open space where 25% is the minimum, and 2) Variance from Section 10.1114.31 to allow a second driveway where only one is permitted. Said property is located on Assessor Map 141 Lot 35-1 and lies within the Character District 4-L2 (CD4-L2) and Historic District. (LU-25-135)

Existing & Proposed Conditions

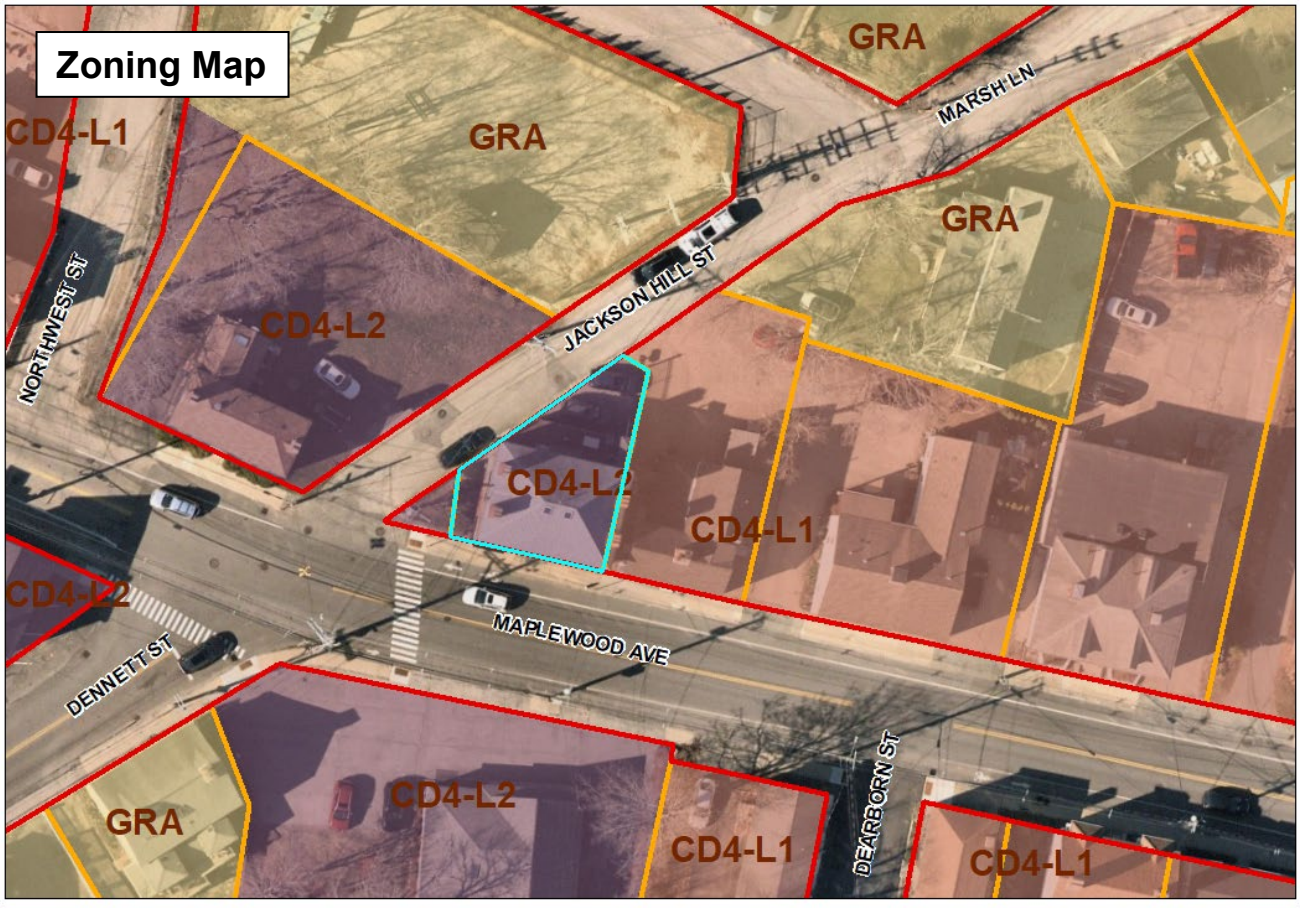
	Existing	Proposed	Permitted / Required	
Land Use:	Mixed use building	*Create a second driveway	Mixed Use	
Lot area (sq. ft.):	2,178	2,613	3,000	min.
Open Space Coverage (%):	0	0	25	min.
Parking:	2	3	4	min.
Estimated Age of Structure:	1730	Variance request(s) shown in red.		

*Relief needed to construct a second driveway where only one per lot is permitted.

Other Permits/Approvals Required

- Driveway Permit
- Lot Merger

Neighborhood Context



0 15 30 60 Feet

1 inch = 36.3 feet

295 Maplewood Avenue

Previous Board of Adjustment Actions

December 7, 1976 – The Board **granted** a Variance to establish two apartments in an existing commercial structure, where such use had previously existed but had been permitted to elapse.

The Board voted to **grant** the request as presented with the following **condition:**

1) That the parking spaces in the rear be paved.

September 1, 1981 – The Board **denied** the request for a Special Exception to establish a furniture store; a Variance to allow an 8.5 s.f. projecting sign; and a Variance to allow for three parking spaces where five are required, and to allow vehicles to back into the street where parking shall be arranged so that vehicles will not need to back into the street.

July 19, 1994 –The Board **granted** the request for a Variance from Article II, Section 10-206 to allow the establishment of a workshop which will offer consumer services specializing in custom window treatments including the sale of fabrics and accompanying hardware in a district where such use is not allowed.

The Board voted to **grant** the request as presented with the following **conditions:**

1) That the hours of operation be from 10:00 am to 4:30 pm Tuesday through Saturday; and

2) That no upholstering of furniture take place on the site.

May 16, 1995 – The Board **granted** the request to adjust the hours of operation on a Variance granted at the July 19, 1994 meeting to be open one evening a week until 7:00 pm.

September 15, 1998 – The Board **granted** the request for 1) a Variance from Article IV, Section 10-401(A)(1)(b) to allow the retail business "Portsmouth Curtain Call" to expand upstairs into an existing apartment which will be eliminated; and 2) a Variance from Article XII, Section 10-1204 to allow no parking to be provided where 2 additional parking spaces would be required.

The Board voted to **grant** the request as presented with the following **condition:**

1) That the maximum people on site be the owner plus two employees.

February 18, 2003 – The Board **granted** the request for Variances from Article III, Section 10-303(A) and Section 10-401(A)(2)(c) were requested to allow a 2nd floor irregular shaped deck approximately 10' x 36' with: a) 0' left and right side yards where 10' was the minimum required, b) 15% open space where 25% was the minimum required; and c) 64% ± building coverage where 40% was the maximum allowed.

The Board voted to **grant** the request as presented with the following **condition:**

1) That appropriate screening be placed on the left side of the deck from the ground to the upper level.

September 28, 2010 –The Board **granted** the request for a Variance from Section 10.1112.30 to allow the first floor space to be used by a use permitted in the zoning district with no off-street parking spaces.

January 25, 2011 – The Board **granted** the request to construct a sign projecting over the sidewalk 42" where 31.6" is allowed which requires the following: a Variance from Section 10.1253.50 to allow a projecting sign to project more than one-third the width of the sidewalk.

December 21, 2021 –The Board **granted** the request to establish a barber shop which requires the following: 1) A Special Exception from Section 10.440 Use #7.20 to allow a barber shop where the use is allowed by special exception.

Planning Department Comments

The applicant is requesting relief to construct a second driveway to the left one the existing structure. In order to do this, the applicant will need to purchase the adjacent 435 square foot parcel currently owned by Eversource. Although the lot area is growing, the new space created by the merging of lot does not count under the definition of open space in the Zoning Ordinance.

In addition to the previous BOA history, in 2021 the applicant was granted a parking conditional use permit. Details on the CUP application granted by the Planning Board can be found in the December 30, 2021 meeting minutes and packet.

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.

35 Pines, LLC
295 Maplewood Ave, Unit 1
Portsmouth NH 03801

September 23, 2025

Portsmouth Zoning Board of Adjustment

Dear Zoning Board:

I am the owner of 295 Maplewood Ave, Unit #1 and of 35 Pines, LLC.

Patrick Lavoie, Jr.

Variance Application Criteria from section 10.223 of the Portsmouth Zoning Ordinance
for 35 Pines, LLC 295 Maplewood Ave., Unit #1

The Five Variance Criteria per Portsmouth Zoning Ordinance Section 10.223 (as set forth in NH RSA 674:33, I(b))

Please demonstrate compliance with the following:

1. 10.233.21: The variance is not contrary to the public interest because:

The variance is not contrary because there are two other parking spots for the residential units but none for my small one chair barber business. There will no change to the landscape nor the area besides the cobblestone driveway and removal of a tree. This will provide for the health, safety and welfare for me to be able to park my vehicle off of Maplewood Ave which, I current do now.

2. 10.233.22: The spirit of the ordinance is observed because:

The spirit of the ordinance will be observed because it will be proving a safe place for me to park and enter my business.

3. 10.233.23: Substantial justice is done because:

The one car parking space will be off of an already busy street, and I will be able to park safely and walk into #1 without being on a major thoroughfare.

4. 10.233.24: The values of the surrounding properties are not diminished because:

The values will not be diminished because almost all the units in the area have sufficient parking for their units, if anything this will improve the value.

Variance Application Criteria from section 10.223 of the Portsmouth Zoning Ordinance
for 35 Pines, LLC 295 Maplewood Ave., Unit #1

5. 10.233.25: Therefore, literal enforcement of the ordinance would result in unnecessary hardship because:

If the variance is denied, I will not be able to park in the closest free parking place to my unit #1 295 Maplewood Ave., because there is a large commercial condos and apartment buildings which is being developed on the other side of the bridge on Maplewood Ave and once that is complete, the one free spot that I am currently using, may not always be available for me.

- There are special conditions of the property that distinguish it from other properties in that area because:

  The size of the lot, that two units have parking and this unit does not is contrary to other buildings in the area which provide parking for all of their units. The property is at the corner of Jackson Hill Street, Dennet Street and on Maplewood Ave making this a unique property with these special conditions.

- There is no fair and substantial relationship between the general purposes of the ordinance provision and the specific application of that provision to the property because:

  Due to the size of the lot, location on three major streets in Portsmouth and that unit #1 was never provided a parking space when I purchased the property. The unit owns 7'.3" from the building and 9' is required for a parking space, therefore with the Eversource Easement, I will then have 10'3".

- The proposed use is a reasonable one because:

  It is reasonable request because everyone should be able to park on their own property.

Outlook

Fw: Updated narrative and variances

From Jillian Harris <jharris@portsmouthnh.gov>
Date Tue 9/30/2025 9:00 AM
To Jillian Harris <jharris@portsmouthnh.gov>

From: Patrick Lavoie <patrickplavoie@gmail.com>
Sent: Monday, September 29, 2025 5:46 PM
To: Jillian Harris <jharris@portsmouthnh.gov>
Subject: Updated narrative and variances

Per stefs note, I've attached an updated narrative and variance materials for 295 Maplewood Ave. The packet clarifies that my intent is to purchase the abutting Lot 141-34 for the specific purpose of creating a second driveway, and it now includes the open space variance request.

Attached:

- Driveway_Variance_Application_295_Maplewood.pdf (narrative + variance criteria)

Thanks for your guidance, and please let me know if the Board would like any additional detail before Wednesday, October 1.

Best,

Patrick Lavoie Jr.

Owner, 295 Maplewood Ave

Variance Application – 295 Maplewood Ave

To the City of Portsmouth Zoning Board:

I am respectfully requesting approval for two variances related to my property at 295 Maplewood Ave:

1. A variance for a second driveway

2. A variance for open space

To make this possible, I intend to purchase the abutting lot (Tax Map 141, Lot 34) for the purpose of creating this additional driveway. This project is intended to improve safety and accessibility while maintaining the character of the neighborhood.

Second Driveway Variance

The proposed second driveway at 295 Maplewood Ave will provide a safe, dedicated access point that reduces reliance on street parking. This is especially important for daily use and improves accessibility.

The project ensures the property continues to serve its intended use in a way that is both functional and

consistent with the neighborhood character.

Open Space Variance

1. No diminution in surrounding property values will occur:

The project will improve the overall function and appearance of the property, ensuring off-street parking

is orderly and safe. This will complement surrounding properties rather than diminish their value.

2. Granting the variance will not be contrary to the public interest:

By reducing on-street parking reliance and ensuring safe access to the site, the driveway project supports the public interest in safety and orderly traffic flow.

3. The spirit of the ordinance will be observed:

While the ordinance seeks to preserve open space, the requested variance balances this by creating safer site access. The character of the neighborhood will remain intact, as the project respects both the scale and look of surrounding properties.

4. Substantial justice will be done:

The benefit to the applicant—safer and more functional property use—outweighs any minimal impact on open space. Denying the variance would impose an unnecessary burden without a clear public benefit.5. Literal enforcement would result in unnecessary hardship:

Strict enforcement would prevent the creation of safe, functional driveway access despite the property having adequate size through the addition of Lot 141-34. The unique configuration of the parcel makes

this variance necessary to achieve reasonable use of the property

---------- Forwarded message ---------
From: **Victoria Bouchard** <bassi.victoria@gmail.com>
Date: Fri, Sep 19, 2025 at 5:44 AM
Subject: Parking Spot Follow Up
To: <Patrickplavoie@gmail.com>

Dear Patrick,

The 295 Maplewood Avenue Condominium Association ("Association"), having reviewed your request to convert Limited Common Area #1 into a designated parking space for the exclusive use of Unit 1, issues the following conditions for tentative approval.

Findings:

- The proposed parking space overlaps both Unit 1's Limited Common Area ("LCA") and a parcel of land currently owned by Eversource, which you intend to purchase ("Parcel 1").
- The Association requires that the entire parking space be subject to HOA governance and designated exclusively for Unit 1.

Conditions of Approval:

1. Street Parking Restriction: Upon construction of the parking space, street parking shall no longer be permitted by the City of Portsmouth on the eastern side of Marsh Lane (from Maplewood Avenue to Jackson Hill Street), immediately adjacent to the western boundary of the Property.

2. Setback Requirement: At no time shall a vehicle parked within the new parking space encroach within three (3) feet of a straight line extending from the northern edge of the building structure at 295 Maplewood Avenue. This requirement ensures safe ingress and egress for Unit 2.

3. Governance of Parcel 1: Because approximately seventy percent (70%) of the proposed parking space lies on Unit 1's LCA (governed by the Association) and

approximately thirty percent (30%) lies on Parcel 1, the following governance requirements shall apply:

a. Ownership Restriction: Parcel 1 shall be deemed appurtenant to Unit 1 and may not be sold, conveyed, gifted, leased, or otherwise transferred separate and apart from Unit 1, without the prior written consent of the Association.

b. Governance Transfer: In the alternative, the owners of Unit 1 shall transfer, convey, or otherwise grant authority over the three feet, six inches (3'6") portion of Parcel 1 necessary to complete the 10'6" depth of the parking space to the Association, such that the entirety of the parking space falls under Association governance.

Reservation of Rights:

The Association reserves the right to request additional documentation, surveys, or legal instruments necessary to effectuate the above conditions and ensure compliance with governing documents.

Please reach out to us with questions or if you'd like to discuss further.

Victoria Bouchard

President

295 Maplewood Ave Condo Association

603-489-8902

Bassi.victoria@gmail.com

780 N. Commercial Street,
Manchester, NH 03101

PO Box 330
Manchester, NH 03105

(781) 441-8839
(603) 634-2438
nathaniel.morneault@eversource.com

September 22nd, 2025

In re: Property Designated as Portsmouth Tax Map 34, Lot 141, known as 00 Jackson Hill St.

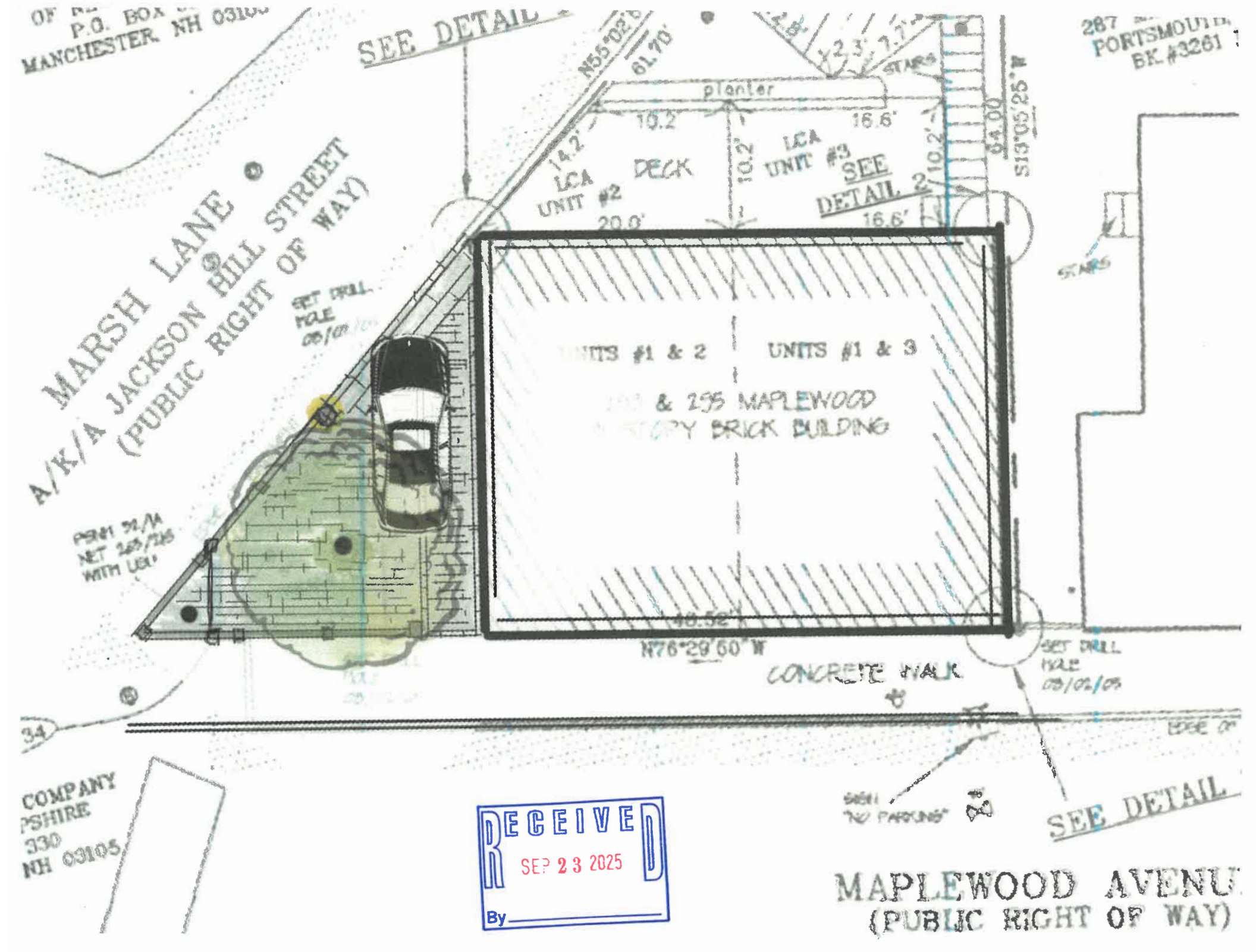
Dear City of Portsmouth Planning Board:

I represent the Real Estate Department at Eversource Energy and have been working with Mr. Lavoie on conveying him Eversource property, Tax Map 34, Lot 141, in the City of Portsmouth, on Jackson Hill Street while maintaining easement rights for overhead lines. Eversource agrees in principle to allow a private driveway within what will be Eversource easement area. Eversource does reserve the right to review final design prior to granting the driveway.

You may contact me if you have any questions.

Sincerely,

Nathaniel M. Morneault
Senior Specialist – Real Estate



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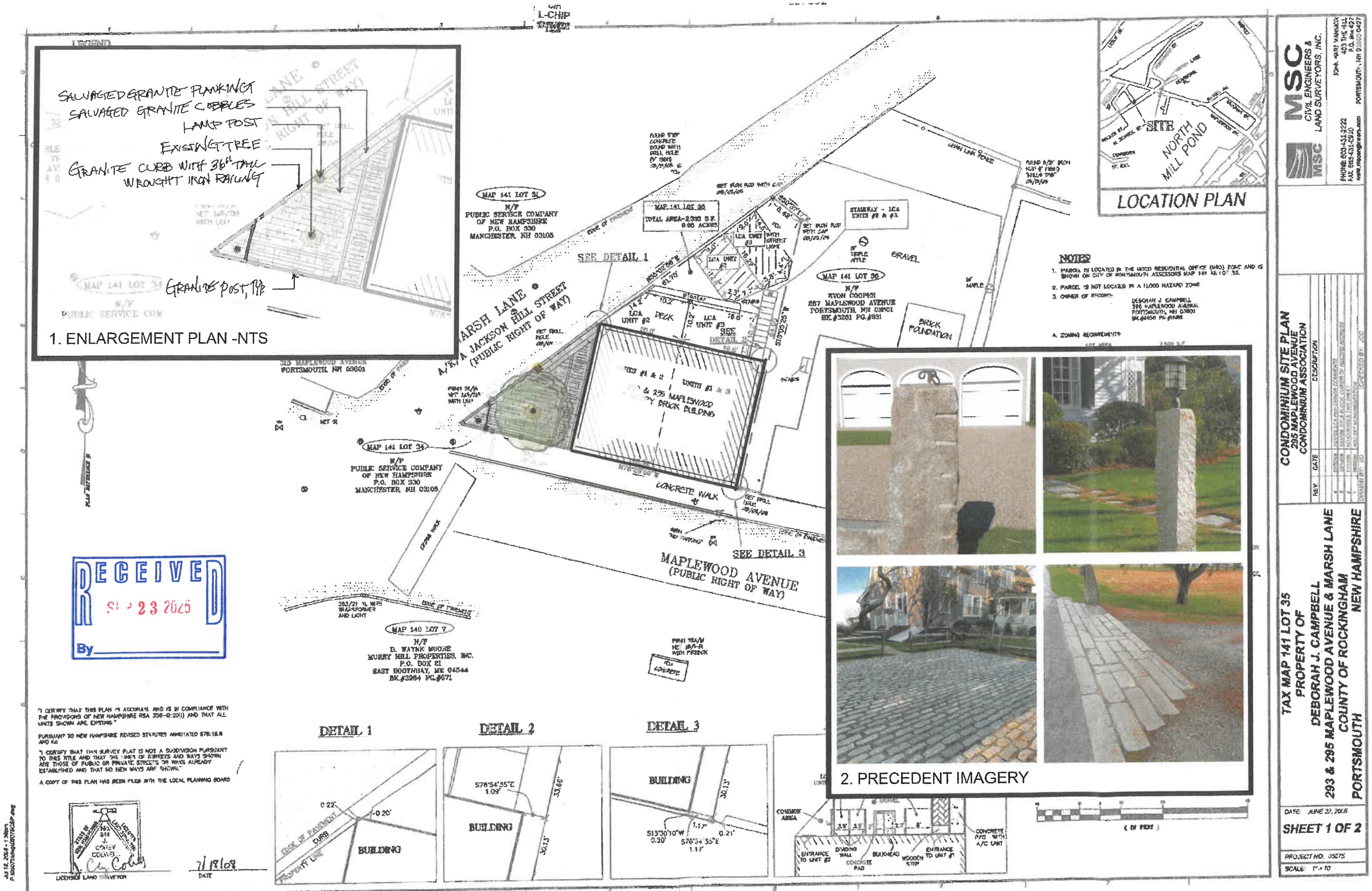

D-35561 sheet 1of2

PLAN NTS