

**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.

August 18, 2026

AGENDA

I. APPROVAL OF MINUTES

- A. Approval of the July 21, 2026 meeting minutes.

II. OLD BUSINESS

- A. POSTPONED TO SEPTEMBER** The request of **Hope for Tomorrow Foundation (Owner)**, for property located at **315 Banfield Road** whereas relief is needed to construct an addition to the existing school on the property, which requires the following: 1) Variance from Section 10.334 to allow the existing primary and secondary school use (Use #3.21) to be extended to another part of the remainder of the land. Said property is located on Assessor Map 266 Lot 5 and lies within the Industrial (I) District. **POSTPONED TO SEPTEMBER (LU-26-41)**
- B. WITHDRAWN** The request of **Madison Commercial Group (Owner)**, for property located at **72 Mirona Road** whereas relief is needed to establish a 5,049 square foot Pilates/exercise studio which requires the following: 1) Special Exception from Section 10.440 Use #4.42 to allow a 5,049 square foot health club, yoga studio, or similar use where more than 2,000 square feet are allowed by Special Exception. Said property is located on Assessor Map 253 Lot 3 and lies within the Gateway Center (G2) District. **WITHDRAWN (LU-26-76)**
- C.** The request of **Jonah Goldblatt and Gabrielle Dell'Aquilo (Owners)**, for property located at **292 Wibird Street** whereas relief is needed to demolish the existing detached garage and construct a new two-story attached garage addition and enlarged rear deck, which requires the following: 1) Variance from Section 10.521 to a) allow a building coverage of 31% where 25% is the maximum; b) allow a left side yard setback of 4.5 feet where 10 feet is required; and c) allow a right side yard setback of 2.5 feet where 10

feet is required. Said property is located on Assessor Map 149 Lot 25 and lies within the General Residence A (GRA) District. (LU-26-88)

- D. The request of **Michael J Ferrelli (Owner)**, for property located at **0 Joffre Avenue and 18 Barberry Lane** whereas relief is needed to construct a single-family home on a vacant lot which requires the following: 1) Variance from Section 10.521 to a) allow for 0 feet of street frontage where 100 feet is required; b) allow for 12,185 square feet of lot area where 15,000 square feet is required; c) allow for 12,185 square feet of lot area per dwelling where 15,000 square feet is required; and 2) Variance from Section 10.1114.31 to allow for two driveways on a single lot where one is permitted. Said properties are located on Assessor Map 233, Lot 135 and Lot 131 and lie within the Single Residence B (SRB) District. (LU-26-92)
- E. The request of **Kaitlyn O and Brendan A West (Owners)**, for property located at **315 Bartlett Street** whereas relief is needed to demolish the existing home and construct a new home on the lot which requires the following: 1) Variance from Section 10.521 to a) allow a 9.5-foot left side yard where 10 feet is required; b) a 7-foot right side yard where 10 feet is required; and c) 60 feet of street frontage where 100 feet is required. Said property is located on Assessor Map 162 Lot 12 and lies within the General Residence A (GRA) District. (LU-26-93)
- F. The request of **Brian and Martha Ratay (Owners)**, for property located at **475 Broad Street** whereas relief is needed to construct a detached garage which requires the following: 1) Variance from Section 10.521 to a) allow 30% building coverage where 25% is allowed; b) a 5-foot right side yard where 10 feet are required; and c) 5.5-foot rear yard where 14 feet are required. Said property is located on Assessor Map 221 Lot 96 and lies within the General Residence A (GRA) District. (LU-26-95)

III. NEW BUSINESS

- A. The request of **Boston and Maine Corporation (Owner)** and **Outfront Media (Applicant)**, for property located at **0 Bartlett Street** whereas relief is needed to replace a one-sided static billboard with an animated billboard which requires the following: 1) Variance from 10.1224.10 to allow an animated sign where it is not allowed; 2) Variance from Section 10.1224.90 to allow an off-premise sign where it is not allowed; 3) Variance from Section 10.1234 to allow a sign not specifically allowed in a sign district; 4) Variance from Section 10.1241 to allow a sign not permitted in a sign district; 5) Variance from Section 10.1251.20 to allow sign area of 378 sq feet where the maximum is not specified; 6) Variance from Section 10.1253 to allow a sign height of 25 feet and sign setback of 1.5 feet where the minimums and maximums are not specified; 7) Variance from Section 10.1262 to allow 24 hours of illumination throughout the day. Said property is located on Assessor Map 165 Lot 14 and lies within the Transportation Corridor. (LU-26-87)
- B. **POSTPONED TO AUGUST 25, 2026** The request of **Road to the West, LLC (Owner)**, for property located at **140 West Road** whereas relief is needed to establish an

indoor recreation space, restaurant, event space, and outdoor dining area which requires the following: 1) Variance from Section 10.440 to allow a) Use #9.43, a restaurant and function room with an occupant load from 250 to 500 where it is not allowed, b) Use #4.30, indoor recreation use where it is not allowed, and c) Use #19.50, outdoor dining as accessory use to a permitted principal use; 2) Variance from Section 10.1113.20 to allow parking spaces between the principal building and street; and 3) Variance from Section 10.1113.41 to allow a 2 foot parking space setback where 50 is required. Said property is located on Assessor Map 252 Lot 2-1301 and lies within the Industrial (I) District. **POSTPONED TO AUGUST 25, 2026** (LU-26-107)

- C. POSTPONED TO SEPTEMBER** The request of **Ann Marie Wiley Revocable Trust (Owner)**, for property located at **64 Woodworth Avenue** whereas relief is needed to construct an addition to the existing structure which requires the following: 1) Variance from Section 10.521 to allow a) 8.5 foot left yard where 10 feet are required, and b) 26% building coverage where 20% is the maximum. Said property is located on Assessor Map 243 Lot 42 and lies within the Single Residence B (SRB) District. **POSTPONED TO SEPTEMBER** (LU-26-102)

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_Rdy9GhCiTpeDKc9JilhIDw

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

7:00 P.M.

July 21, 2026

MEMBERS PRESENT: Beth Margeson, Chair; David Rheame; Thomas Nies; Thomas Rossi; Robert Sullivan

MEMBERS EXCUSED: Jeffrey Mattson, Vice Chair; Paul Mannle; Mike Lucas, Alternate

ALSO PRESENT: Jillian Harris, Planning Department

Chair Margeson announced that member Paul Mannle resigned from the Board because he was moving out of Portsmouth, and she thanked him for his service. She said Old Business Item II.B, 315 Banfield Road, and New Business Item III.B, 292 Wibird Street, were postponed to the August 18 meeting at the request of the applicant.

Mr. Nies moved to suspend the rules for Old Business Item II.A, Lonza Biologics. Mr. Rossi seconded. The motion passed with all in favor, 5-0.

Chair Margeson read the petition into the record.

Mr. Rossi moved to accept the withdrawal request for Old Business Item II.A, Lonza Biologics, seconded by Mr. Sullivan. The motion passed with all in favor, 4-0, with Mr. Rheame abstained.

Mr. Rossi moved to suspend the rules to take items out of order, seconded by Mr. Nies. The motion passed with all in favor, 5-0.

Chair Margeson read Old Business Item II.C, 72 Mirona Road, into the record.

Mr. Rossi moved to postpone the item to the August 18 meeting, seconded by Mr. Sullivan. The motion passed with all in favor, 5-0.

Chair Margeson read New Business Item III.A, 475 Broad Street, into the record.

Mr. Nies moved to postpone the petition to the August 18 meeting, seconded by Mr. Rossi. The motion passed with all in favor, 5-0.

Chair Margeson read New Business Item III.D, 0 Joffre Avenue and 18 Barberry Lane, into the record.

Mr. Rossi moved to postpone the petition to the August 18 meeting, seconded by Mr. Rheame. The motion passed with all in favor, 5-0.

Chair Margeson read New Business Item III.E, 315 Bartlett Street, into the record

Mr. Nies moved to postpone the petition to the August 18 meeting, seconded by Mr. Rossi. The motion passed with all in favor, 5-0.

Note: At this point in the meeting, Mr. Rheume stated that he would abstain on the vote for withdrawing Old Business Item II.A, Lonza Biologics, because he still could not find documentation in the Staff packet about the applicant submitting a request for withdrawal.

I. APPROVAL OF MINUTES [Timestamp 12:16]

A. Approval of the June 16, 2026 meeting minutes.

*Mr. Rheume moved to **approve** the June 16 minutes as amended. Mr. Nies seconded.*

Mr. Rheume asked that the sentence on page 8: “He said it was already an intensively used property and in the middle of a very residential area and was not an allowed use in all the nearby zones” be changed to: “He said it was already an intensively used property and in the middle of a very residential area, and an office use was not an allowed use in all the nearby zones.”

He asked to change the phrase on page 19, “up to 20 feet higher”, to “up to 20 feet high”. The sentence now reads: “He said a freestanding sign could be up to 20 feet higher, which was taller than what the applicant proposed, and it could be fully illuminated, so he thought the proposal was consistent with what was being done along the business corridor.”

The motion passed unanimously, 5-0.

II. OLD BUSINESS

- A. REQUEST TO WITHDRAW** The request of **Lonza Biologics INC (Owner)**, for property located at **34 Harvest Way** whereas relief is needed to install two illuminated wall signs and one illuminated monument sign, which requires relief from the following: 1) from Section 306.01(d) of the Pease Development Authority Ordinance to allow signs to exceed a maximum aggregate area of two (2) square feet of sign area for each linear foot of street frontage up to a maximum of 200 square feet. Said property is located on Assessor Map 305 Lot 5 and lies within the Airport Business Commercial (ABC) District. **REQUEST TO WITHDRAW (LU-26-12)**

DECISION OF THE BOARD

Mr. Rossi moved to accept the withdrawal request for Item 2A, seconded by Mr. Sullivan. The motion passed with all in favor, 5-0.

- B. POSTPONE TO AUGUST** The request of **Hope for Tomorrow Foundation (Owner)**, for property located at **315 Banfield Road** whereas relief is needed to construct an addition

to the existing school on the property, which requires the following: 1) Variance from Section 10.334 to allow the existing primary and secondary school use (Use #3.21) to be extended to another part of the remainder of the land. Said property is located on Assessor Map 266 Lot 5 and lies within the Industrial (I) District. **POSTPONE TO AUGUST** (LU-26-41)

DECISION OF THE BOARD

The petition was postponed to the August 18 meeting per the request of the applicant.

- C. REQUEST TO POSTPONE** The request of **Madison Commercial Group (Owner)**, for property located at **72 Mirona Road** whereas relief is needed to establish a 5,049 square foot Pilates/exercise studio which requires the following: 1) Special Exception from Section 10.440 Use #4.42 to allow a 5,049 square foot health club, yoga studio, or similar use where more than 2,000 square feet are allowed by Special Exception. Said property is located on Assessor Map 253 Lot 3 and lies within the Gateway Center (G2) District. **REQUEST TO POSTPONE** (LU-26-76)

DECISION OF THE BOARD

Mr. Rossi moved to postpone the item to the August 18 meeting, seconded by Mr. Sullivan. The motion passed with all in favor, 5-0.

III. NEW BUSINESS

- A. REQUEST TO POSTPONE** The request of **Brian and Martha Ratay (Owners)**, for property located at **475 Broad Street** whereas relief is needed to construct a detached garage which requires the following: 1) Variance from Section 10.521 to a) allow 30% building coverage where 25% is allowed; b) a 5-foot right side yard where 10 feet are required; and c) 5.5-foot rear yard where 14 feet are required. Said property is located on Assessor Map 221 Lot 96 and lies within the General Residence A (GRA) District. **REQUEST TO POSTPONE** (LU-26-95)

DECISION OF THE BOARD

Mr. Nies moved to postpone the petition to the August 18 meeting, seconded by Mr. Rossi. The motion passed with all in favor, 5-0.

- B. POSTPONE TO AUGUST** The request of **Jonah Goldblatt and Gabrielle Dell'Aquila (Owners)**, for property located at **292 Wibird Street** whereas relief is needed to demolish the existing detached garage and construct a new two-story attached garage addition and enlarged rear deck, which requires the following: 1) Variance from Section 10.521 to a) allow a building coverage of 31% where 25% is the maximum; b) allow a left side yard setback of 4.5 feet where 10 feet is required; and c) allow a right side yard setback of 3 feet

where 10 feet is required. Said property is located on Assessor Map 149 Lot 25 and lies within the General Residence A (GRA) District. **POSTPONE TO AUGUST (LU-26-88)**

DECISION OF THE BOARD

The petition was postponed to the August 18 meeting per the request of the applicant.

[Timestamp 14:54] At this point in the meeting, Mr. Sullivan said he had planned to recuse himself from the following petition because he used to work with the applicant and was still friendly with her, and he had assumed that there would be a full Board. Since there was not a full Board, that would leave only four voting members, and the applicant would be severely penalized by his recusal. He read from RSA 673:14.II, which stated that when uncertainty arises as to the application of the paragraph that requires recusal, the Board shall, upon the request of that member, vote on the question of whether that member should be disqualified. Mr. Sullivan said he wanted to hear the case and would have no difficulty denying the applicant's request if it failed to meet the criteria. The Board discussed whether Mr. Sullivan should be disqualified from voting on the application and decided that it would not be a problem.

- C. The request of **Jane M Shouse Revocable Trust (Owner)**, for property located at **555 Dennett Street** whereas relief is needed to demolish the existing detached garage and construct a new rear addition which requires the following: 1) Variance from Section 10.521 to a) allow a building coverage of 27% where 25% is the maximum allowed. Said property is located on Assessor Map 161 Lot 39 and lies within the General Residence A (GRA) District. (LU-26-86)

SPEAKING TO THE PETITION [Timestamp 23:10]

The owner and applicant Jane Shouse was present to speak to the petition. She said her contractor Kevin Folger was also present. She said she had maintained her home since her husband died in 2019. She said she wanted a new rear addition constructed to allow a building coverage of 27 percent where 25 percent is the maximum. She said that, under a separate permit, she and her neighbor planned to demolish the old garage. She said the property line went down the middle of the garage. She said the demolition permit was under review by the Inspection Department. She reviewed the history of the house and its renovations and said she needed the addition for a bathroom and laundry room. She said the stairs were also becoming difficult for her to climb. She said the new addition would replace the footprint of the back deck. She reviewed the criteria.

[Timestamp 30:17] Mr. Nies said Ms. Shouse was adding an addition on the back of the house but was also eliminating a garage, so the building coverage would decline and the property would be more conforming with the zoning. He asked who owned the garage. Ms. Shouse said she owned the half on her property and her neighbor owned the half on his property. Mr. Nies asked if a document was submitted for the demolition with both their signatures and if it was currently being reviewed

by the Inspection Department. Ms. Shouse said she submitted the application and her abutter wrote a signed letter indicating that he was in agreement and wanted to be added to the permit.

Chair Margeson opened the public hearing.

SPEAKING IN FAVOR OR IN OPPOSITION TO THE PETITION

No one spoke.

SPEAKING TO, FOR, OR AGAINST THE PETITION [Timestamp 32:10]

Project contractor Kevin Folger said he had done several additions on Dennett Street and had also remodeled Ms. Shouse's home. He said the rise on the steep stairway was a 9 pitch, which made it difficult to get upstairs. He said the lot backed up to Route One, so the rear was not very visible. He said he saw no issues with the inspection process relating to the garage.

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

DECISION OF THE BOARD [Timestamp 34:00]

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

Mr. Nies said an addition was being added onto the back of the house but the garage would be eliminated, which would make the lot more conforming with the ordinance because the lot coverage would decrease. He said granting the variance would not be contrary to the public interest because there was no indication that it would affect the health, safety, and welfare of the neighborhood, would have no effect on light and air, and it would not alter the essential characteristics of the residential neighborhood. He noted that on one side of the property, there was a large space before the neighbor's house, and on the other side there were two driveways between the structures, so he did not think there would be any effect on light and air, and the structure would be smaller in the back than the remainder of the house. He said granting the variance would observe the spirit of the ordinance. He noted that one of the items in the ordinance for lots that were nonconforming because they were established and built before the ordinance stated that the goal was to get them to be more compliant, which would be done by reducing the building coverage by five percent. He said it would do substantial justice because there would be no benefit to the public by denial that would outweigh the loss to the applicant. He said if the application was denied, it was not clear that the applicant would be able to continue to live in the house, and it would have to be a very strong benefit to the public to outweigh that. He said granting the variance would not diminish the values of surrounding properties, noting that no evidence was presented that it would. He said it was difficult to see how demolishing a decrepit garage would somehow hurt the values of surrounding properties, even with the small addition being added on the back. He said literal enforcement of the ordinance would result in unnecessary hardship. He said the property has special conditions, some

of which are visible from the street. He said the lot is undersized for the zone, which makes it difficult to add anything onto it without bumping up against the building coverage requirements. He said it has an old garage that would be demolished and that it straddled the property line and was held in joint ownership. He said the demolition would help offset the building coverage increase of the structure. He said the house was located on the left side of the lot, which puts open space on the adjoining lot, and it has two driveways on the right side, which also leaves open space, so there is no concern about light and air. He said the steepness of the interior stair probably made the house not officially compliant with current code requirements and made it difficult for the applicant. He said due to these special conditions, there is no fair and substantial relationship between the purpose of the ordinance and its specific application to the property.

Mr. Rossi concurred. He said despite the undersized nature of the lot for the zone, the requested relief for lot coverage does not pose a problem for the left, right, or rear setbacks, and that is a condition related to the hardship and the unique aspects of the property that allow the variance to move forward. Mr. Rheume said he would support the motion. He said the garage would be demolished but the applicant would re-use some existing footprint that already had a structure of about 18 inches on it. He said the applicant was just asking to convert that space into a slightly taller one-story addition that was modest in size and purpose.

The motion passed with all in favor, 5-0.

D. REQUEST TO POSTPONE The request of **Michael J Ferrelli (Owner)**, for property located at **0 Joffre Avenue and 18 Barberry Lane** whereas relief is needed to construct a single-family home on a vacant lot which requires the following: 1) Variance from Section 10.521 to a) allow for 0 feet of street frontage where 100 feet is required; b) allow for 12,185 square feet of lot area where 15,000 square feet is required; c) allow for 12,185 square feet of lot area per dwelling where 15,000 square feet is required; and 2) Variance from Section 10.1114.31 to allow for two driveways on a single lot where one is permitted. Said properties are located on Assessor Map 233, Lot 135 and Lot 131 and lie within the Single Residence B (SRB) District. **REQUEST TO POSTPONE (LU-26-92)**

DECISION OF THE BOARD

Mr. Rossi moved to postpone the petition to the August 18 meeting, seconded by Mr. Rheume. The motion passed with all in favor, 5-0

E. REQUEST TO POSTPONE The request of **Kaitlyn O and Brendan A West (Owners)**, for property located at **315 Bartlett Street** whereas relief is needed to demolish the existing home and construct a new home on the lot which requires the following: 1) Variance from Section 10.521 to a) allow a 9.5-foot left side yard where 10 feet is required; b) a 7-foot right side yard where 10 feet is required; and c) 60 feet of street frontage where 100 feet is required. Said property is located on Assessor Map 162 Lot 12 and lies within the General Residence A (GRA) District. **REQUEST TO POSTPONE (LU-26-93)**

DECISION OF THE BOARD

Mr. Nies moved to postpone the petition to the August 18 meeting, seconded by Mr. Rossi. The motion passed with all in favor, 5-0.

IV. ADJOURNMENT

The meeting adjourned at 7:38 p.m.

Submitted,

Joann Breault
BOA Meeting Minutes Taker

II. OLD BUSINESS

- A. POSTPONED** The request of **Hope for Tomorrow Foundation (Owner)**, for property located at **315 Banfield Road** whereas relief is needed to construct an addition to the existing school on the property, which requires the following: 1) Variance from Section 10.334 to allow the existing primary and secondary school use (Use #3.21) to be extended to another part of the remainder of the land. Said property is located on Assessor Map 266 Lot 5 and lies within the Industrial (I) District. (LU-26-41) **POSTPONED**

Planning Department Comments

Applicant has postponed consideration to the September BOA meeting

BY: VIEWPOINT & HAND DELIVERY

July 31, 2026

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

**RE: Variance Application of Hope for Tomorrow Foundation, Inc.
315 Banfield Road, Tax Map 266, Lot 5**

Dear Stefanie,

Please forward the following request to the Zoning Board of Adjustment. My client is seeking further postponement of the public hearing on their variance application for the property at 315 Banfield Road. Discussions have been ongoing with the City staff and legal department for several weeks that affect the merits of the application. Until those discussions have closed, it makes little sense to hold a hearing on the substance of the application. I know all parties are hoping to resolve all pending matters as soon as possible.

Sincerely,



Derek R. Durbin, Esq.

II. OLD BUSINESS

B. WITHDRAWN The request of **Madison Commercial Group (Owner)**, for property located at **72 Mirona Road** whereas relief is needed to establish a 5,049 square foot Pilates/exercise studio which requires the following: 1) Special Exception from Section 10.440 Use #4.42 to allow a 5,049 square foot health club, yoga studio, or similar use where more than 2,000 square feet are allowed by Special Exception. Said property is located on Assessor Map 253 Lot 3 and lies within the Gateway Center (G2) District. (LU-26-76) **WITHDRAWN**

Planning Department Comments

Applicant has withdrawn the request.

BY: VIEWPOINT & HAND DELIVERY

August 7, 2026

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

**RE: Request to Withdraw Application
Special Exception Application of Madison Commercial Group, LLC
72 Mirona Road, Portsmouth (Tax Map 253, Lot 3)**

Dear Stefanie,

My client has decided to withdraw the Special Exception application referenced above.
Thank you for your time and attention to this matter.

Sincerely,



Derek R. Durbin, Esq.

II. OLD BUSINESS

- C. The request of **Jonah Goldblatt and Gabrielle Dell'Aquilo (Owners)**, for property located at **292 Wibird Street** whereas relief is needed to demolish the existing detached garage and construct a new two-story attached garage addition and enlarged rear deck, which requires the following: 1) Variance from Section 10.521 to a) allow a building coverage of 31% where 25% is the maximum; b) allow a left side yard setback of 4.5 feet where 10 feet is required; and c) allow a right side yard setback of 2.5 feet where 10 feet is required. Said property is located on Assessor Map 149 Lot 25 and lies within the General Residence A (GRA) District. (LU-26-88)

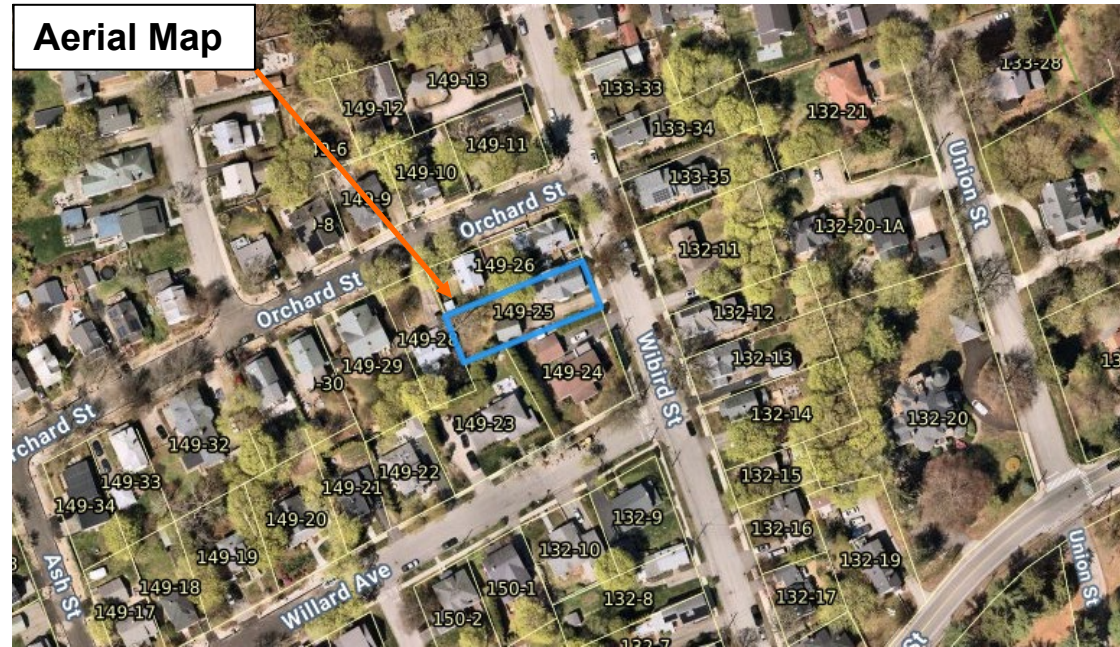
Existing & Proposed Conditions

	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Two-Family Residential	*Demo detached garage and construct attached garage addition and deck with conversion to Single-family Residential	Primarily Residential
<u>Lot area (sq. ft.):</u>	7,331	7,331	7,500 min.
<u>Lot Area per Dwelling Unit (sq. ft.):</u>	3,666	7,331	7,500 min.
<u>Front Yard (ft.):</u>	3	3	15 min.
<u>Right Side Yard (ft.):</u>	0	2.5*	10 min.
<u>Left Side Yard (ft.):</u>	2	4.5	10 min.
<u>Rear Yard (ft.):</u>	38	58	20 min.
<u>Building Coverage (%):</u>	25	31	25 max.
<u>Open Space Coverage (%):</u>	58	61	30 min.
<u>Height (ft.):</u>	<35	<35	35 max.
<u>Estimated Age of Structure:</u>	1899	Variance request(s) shown in red.	

Other Permits/Approvals Required

- Building Permit

Neighborhood Context



Previous Board of Adjustment Actions

August 24, 1976 – a Special Exception to convert a single family to a two-family dwelling. The Board voted to **grant** the request as presented with the following **conditions**:

- 1) Provided the petitioner define adequate turn-around in the rear of the property in order that people can drive out of the driveway; and
- 2) That the petitioner go to the Planning Department to secure information on the proper turning radii.

Planning Department Comments

The applicant proposes to demolish the existing detached garage and to construct a new two-car garage addition to the main dwelling, to enlarge the rear deck and to renovate the interior of the dwelling from a two-family to a single-family residence. The applicant proposes to reduce impervious area and install stormwater management improvements as part of the project to address drainage.

Staff notes that the right side yard setback was noticed as 3-feet where 10-feet is required. The plans provided outline a proposed 2.8' setback for the right side yard with removal of the existing stairs. Should the Board decide to grant the requested relief, staff recommends a condition of the approval that the right side yard setback is 2.8 feet.

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.

COLBY T. GAMESTER

Attorney At Law

154 Maplewood Avenue
Portsmouth, New Hampshire 03801

(603)-427-0000
colby@gamesterlaw.com

June 24, 2026

SUBMITTED VIA VIEWPOINT

City of Portsmouth
Zoning Board of Adjustment
Attn: Beth Margeson, Chair
1 Junkins Avenue
Portsmouth, NH 03801

**Re: Variance Application of Jonah Goldblatt and Gabrielle Dell'Aquilo Goldblatt
292 Wibird Street, Portsmouth, NH (Tax Map 149, Lot 25)**

Dear Chair Margeson:

My office represents Jonah Goldblatt and Gabrielle Dell'Aquilo Goldblatt, the owners of property located at 292 Wibird Street, Portsmouth. Enclosed herewith are the following materials for submission to the Zoning Board of Adjustment for consideration at the next regularly scheduled meeting:

1. Landowner Letter of Authorization
2. Narrative to Variance Application
3. Exhibit A - Existing Conditions Plan
4. Exhibit B - Pictures of the Property
5. Exhibit C - Owners' Source Deed
6. Exhibit D - BOA Site Plan & Grading Plan
7. Exhibit E - Floors Plans and Elevations
8. Exhibit F - Drainage Memorandum

One (1) copy of this Application will be delivered this same day to the Planning Department. Should there be any questions, comments or concerns regarding the enclosed application and materials then please do not hesitate to contact me.

Kindest Regards,


Colby T. Gamester, Esq.

Enclosures

Cc: file; Clients, Altus Engineering, Portsmouth Architects; Alden Builders (all via email only)

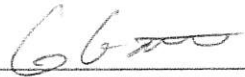
LANDOWNER LETTER OF AUTHORIZATION

We, the Undersigned, Jonah Goldblatt and Gabrielle Dell'Aquilo Goldblatt, the record owners of real property located at 292 Wibird Street, Portsmouth, New Hampshire 03801, identified on Portsmouth Tax Map 149 as Lot 25 (the "Property"), hereby authorize Gamester Law Office, and its attorneys and representatives, Altus Engineering LLC, and its representatives, Portsmouth Architects, and its representatives, and Alden Builders LLC, and its representatives, to file any document with the City of Portsmouth (the "City"), communicate and correspond with City staff and officials, and submit applications with and appear before the City's land use boards all regarding the Property. This Letter of Authorization shall be valid until expressly revoked in writing.



Jonah Goldblatt

6/19/25
Date



Gabrielle Dell'Aquilo

6/19/26
Date

**CITY OF PORTSMOUTH
ZONING BOARD OF ADJUSTMENT
NARRATIVE TO APPLICATION**

Jonah Goldblatt and Gabrielle Dell'Aquilo Goldblatt
292 Wibird Street
Portsmouth, NH 03801
Owner and Applicant

Introduction and Relevant Property & Historical Information

Jonah Goldblatt and Gabrielle Dell'Aquilo Goldblatt ("Owners" or "Applicant") are the owners of real property located at 292 Wibird Street, identified on Portsmouth Tax Map 149 as Lot 25 (the "Property"). The Property is located in the General Residence A ("GRA") zoning district, is approximately 7,331 square feet, or 0.168 acres, and contains a 2.5-story wood frame dwelling structure (recently and historically used as a two-family residence), an existing detached garage and decks and porches. The Property has 49.89 feet of frontage solely on Wibird Street.

The Property contains multiple preexisting nonconformities:

- (1) lot area of 7,331 square feet where 7,500 square feet is required;
- (2) frontage of 49.89 feet where 100 feet is required;
- (3) front yard setback of approximately 3.40 feet where 15 feet is required;
- (4) left side yard setback of approximately 2.13 feet where 10 feet is required;
- (5) right side yard setback of 0 feet where 10 feet is required; and
- (6) building coverage of approximately 25.1% where 25% is the maximum permitted.

These existing conditions can be seen on a plan entitled "Existing Conditions Plan, 292 Wibird Street, Portsmouth, NH, Tax Map 149, Lot 25" prepared by Altus Engineering and James Verra & Associates, Inc., dated May 18, 2026, which is enclosed herewith as ***Exhibit A***. These existing conditions can also be seen in pictures of the Property which are enclosed herewith as ***Exhibit B***.

The Property is a preexisting nonconforming lot of record. The lot and its structures predate the City's first enactment of zoning regulations in 1927 (when the area was zoned Single Residence) and subsequent rezoning to GRA. The size and placement of the home, and existence of the detached garage, on the narrow lot drive the preexisting nonconforming features (setbacks and coverage) of the Property and also dictate how this project both maintains certain nonconforming features and reduces nonconforming features; such as, but not necessarily limited to, the overall size and width of the house, the presence of the bay window, and the house's placement being askew to the property lines.

The current Owners acquired the Property by Warranty Deed dated April 9, 2026, recorded in Book 6698, Page 1637, which is enclosed herewith as ***Exhibit C***. The Property has maintained its essential configuration when tracing its title back to the 1800's, and per City records the home was constructed in 1899.

The Owners, who met at Boston College and have ties to the area, are excited to have found and purchased a home in Portsmouth. Jonah Goldblatt will be the fourth generation of his family to live in Portsmouth, and their daughter Eleanor will be the fifth. Jonah is an ophthalmologist with practice locations in Portsmouth, Exeter, Kittery, and Somersworth. Gabrielle works from home in the mental health sector. They are looking forward to making this Property their family home and undertaking thoughtful improvements that respect the character of the neighborhood while addressing practical needs for parking, storage, modern living space, and usable yard area.

The existing detached garage is in a state of significant deterioration. The wood framed floor system has deteriorated beyond repair due to age, moisture, and long-term wear. Numerous floor and foundation components exhibit rot, structural degradation, sinking, and loss of load-carrying capacity, creating unsafe conditions for normal use and occupancy. Given the extent of the deterioration, repair is not considered practical or feasible. The structure is no longer functional for its intended purpose and presents a safety concern.

The Owners propose to: (1) demolish the existing detached garage; (2) reduce the amount of pavement and impervious surface by shortening the driveway; (3) construct a new two-car garage addition that is integrated with the main dwelling through a mudroom infill connection, thereby "bundling" the structures to avoid a sprawling effect of multiple detached buildings on the narrow lot; (4) enlarge the rear deck to be more usable by a connection to and extension of an open-concept kitchen and living area renovation; (5) renovate the interior to convert from a two-family to a single-family residence with a modern, efficient layout; and (6) install stormwater management improvements including a proposed drywell and associated grading per the drainage memo prepared by Altus Engineering.

The new garage will feature architecture relatable to and consistent with the main house, with a height that is appropriate and modest for garage use at approximately 16.5 feet and which is narrower than a typical side-by-side double-car width so it does not require the taller roof massing that would be needed to match the existing home's roof lines. These proposed conditions result in a building coverage of 30.7% and new right and left yard setback encroachments which are more confirming than the existing conditions, which can all be seen on the "Board of Adjustment Site Plan & Grading Plan, Garage Reconstruction, 292 Wibird Street, Portsmouth, NH, Tax Map 149, Lot 25" prepared by Altus Engineering, enclosed herewith as **Exhibit D**, and the "Floor Plans and Elevations" prepared by Portsmouth Architects, enclosed herewith as **Exhibit E**. The Drainage Memorandum prepared by Altus Engineering is enclosed herewith as **Exhibit F**.

The ability to perform this work will: (A) increase usable open space and yard area for the Owners and open space for the abutters by bundling structures and reducing pavement; (B) improve the streetscape with a seamless, characterful east elevation and by removing the dilapidated visible garage; (C) provide safe, convenient indoor parking for two vehicles while still allowing driveway spaces for family and guests, thereby reducing on-street parking demand; (D) address drainage through reduced impervious area and new stormwater infrastructure; and (E) allow modernization of the home for single-family use without fundamentally altering the historic character of the main structure.

Zoning Relief Requested

In summary, the Owners seek the following variances from the Zoning Ordinance to permit the proposed garage reconstruction, mudroom infill, enlarged deck, and associated site improvements:

1. A variance from Article 10.521 – Table of Dimensional Standards in the GRA Zoning District to allow a building coverage of 30.7% as proposed, where a preexisting nonconforming building coverage of approximately 25.1% currently exists, and where a maximum building coverage of 25% is required.
2. A variance from Article 10.521 – Table of Dimensional Standards in the GRA Zoning District to allow a left side yard setback of approximately 4.40 feet, where a preexisting nonconforming setback of 2.13 feet currently exists, and where 10 feet is required.
3. A variance from Article 10.521 – Table of Dimensional Standards in the GRA Zoning District to allow a right side yard setback of 2.80 feet, where a preexisting nonconforming setback of 0 feet currently exists, and where 10 feet is required.

While the building coverage percentage increases, the compact bundled infill design and reduction in pavement actually increases overall usable open space and pervious area compared to the status quo or to what would result from a more sprawling detached garage configuration. And, these proposed setbacks remain generally within the preexisting nonconforming building envelope created by the original house and garage placement on the narrow lot.

Variance Criteria

A. Granting the variances will not be contrary to the public interest and will observe the spirit of the Ordinance.

"There are two methods of ascertaining whether granting a variance would violate an ordinance's basic zoning objectives: 1) examining whether granting the variance would alter the essential character of the neighborhood or, in the alternative, 2) examining whether granting the variance would threaten the public health, safety, or welfare." *Harborside Assoc. v. Parade Residence Hotel*, 162 N.H. 508, 514 (2011).

The zoning relief requested herein will not alter the essential character of the neighborhood, nor will it create any negative impact to the public health, safety, or welfare.

The purposes of both building coverage limits and setback requirements in the GRA District are to prevent overcrowding, protect light, air, and privacy for neighboring properties, maintain a consistent and attractive neighborhood character, ensure adequate open space and pervious area for stormwater management and aesthetic/open feel, and avoid the visual and functional impacts of overbuilding on narrow or constrained lots. The proposed project furthers these goals even while seeking relief from the numerical standards.

First and foremost, the Property currently contains a garage, and many properties in this established residential neighborhood on Wibird Street contain garages and accessory structures, often located within setbacks due to the age of the neighborhood and preexisting nonconformities. Replacing the dilapidated detached garage with a new, architecturally consistent, integrated garage addition will not alter the essential character of the neighborhood; rather, it will continue and improve upon a feature that speaks to the neighborhood's character.

The removal of the visibly deteriorating garage, as well as the exterior stair case previously serving as secondary means of egress for the two-dwelling structure, and the construction of a new garage structure that is "snugged" into the main house as shown with the proposed east elevation architecture will enhance the streetscape and improve site lines for abutters.

The use of a stacked parking garage will also offer maximum functionality as compared to other traditional two-car garages built on nonconforming lots in the area that look good, but don't function well. The proposed garage will function as a garage is supposed to, keeping cars, and its potential pollutants, inside and out of the elements, as well as off the street.

With respect to setbacks, although recent removal of structures on the abutting property to the south means more of the proposed garage will be visible from that direction, the garage is non-living space. Unlike a kitchen, living area, or bedroom window placed close to a lot line, a garage does not create direct overlook or loss of privacy into the abutting yard. It functions as a buffer that preserves and enhances privacy for both properties. The height of the proposed garage is modest (topping out at approximately 16.5 feet) and appropriate for its use; it is narrower than a typical double-car garage, so it does not require a taller roof massing that would be architecturally necessary to match the main house roof lines. The stepped-back, infill design respects the existing nonconforming building envelope and avoids creating a looming or overbearing presence.

With respect to building coverage, although the percentage increases from the preexisting 25.1% to 30.7%, the compact bundled infill design and reduction in pavement actually increases overall usable open space and pervious area compared to the current condition. This directly furthers the Ordinance's goal of meaningful open space and better stormwater management (supported by the proposed drywell and grading improvements in the Altus drainage memo). A more sprawling detached two-car garage placed farther back to minimize setback relief would consume more of the usable yard, require additional pavement, and reduce, not increase, net open space. The proposed design therefore advances the underlying purpose of the coverage standard more effectively than feasible alternatives.

The proposal reduces impervious surface, which improves drainage for the Property and surrounding properties, and incorporates a drywell for further stormwater management. These improvements serve the public interest in better neighborhood aesthetics, reduced on-street parking pressure, and improved drainage without threatening health, safety, or welfare.

B. Substantial justice will be done by granting the variance relief.

"Any loss to the individual that is not outweighed by a gain to the general public is an injustice." *New Hampshire Office of State Planning, The Board of Adjustment in New Hampshire,*

A Handbook for Local Officials (1997); *Malachy Glen Assoc. Inc v. Town of Chichester*, 155 N.H. 102 (2007).

In this instance, the loss to the Owners if the variance relief is denied is clear and significant. As detailed earlier, the existing detached garage is in a state of significant deterioration. The Owners would be forced to either: (1) retain or attempt to repair the existing dilapidated garage in its current location which would also limit the potential use of the backyard; (2) eliminate garage parking and storage entirely, losing the benefits of indoor parking, security, and weather protection while increasing on-street parking demand; or (3) construct a more sprawling detached garage elsewhere on the narrow lot.

A traditional side-by-side two-car detached garage sized to provide reasonable maneuvering would need to be placed significantly farther back into the usable yard space to accommodate safe vehicle turning given the bay window's constraint on driveway width and geometry. That alternative would require substantially more pavement and impervious surface, consume more of the very open space the project seeks to increase, and reintroduce the sprawling multi-structure effect that the infill design successfully avoids. Alternatively, achieving adequate garage access by significantly altering the main dwelling structure itself (e.g., major modifications to accommodate width or location) would be tragic to the home's historic character and architectural integrity. The proposed integrated infill design is the configuration that allows the reasonable and typical benefit of two-car parking for a rather wide single-family home, while simultaneously increasing net open space, preserving yard usability, and maintaining privacy for abutters.

Denial would impose a substantial loss on the Owners with no corresponding gain to the public by forcing either inadequate parking, restoring a structurally unsafe garage in an even more nonconforming location, or a design that reduces open space and increases impervious coverage more than the proposed plan does. Granting relief achieves substantial justice.

C. The values of surrounding properties will not be diminished by granting the variance relief.

Granting the requested relief will not diminish the value of surrounding properties. As previously noted, many properties in the immediate Wibird Street neighborhood contain preexisting nonconforming setbacks, garages within or near setbacks, and similar lot constraints. The existing garage is visibly dilapidated and detracts from the streetscape and views for abutters. Replacing it with a new, architecturally consistent structure that is integrated into the main house in a seamless manner will improve aesthetics and property values.

The "bundled" infill approach increases usable open space rather than reducing it, benefiting the Owners and abutters alike. The garage, as non-living space, maintains and enhances privacy even where it is more visible due to the removal of structures on the southern abutter's property. Reduced impervious surface and new stormwater infrastructure will mitigate drainage issues that currently affect the Property and potentially neighboring properties. It is reasonable to conclude that the proposed improvements will have a positive, rather than negative, impact on surrounding property values.

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

1. There are special conditions that distinguish the Property from surrounding properties.

The Property has special conditions that distinguish it from surrounding properties and that drive the need for the requested relief. The Property is a preexisting nonconforming lot of record having narrow frontage with a relatively large house footprint for the lot's size. The original construction and placement of the house (off-center, askew and with the bay window), with the later in time additions of a three seasons room, egress stairs, and decks, created preexisting side yard nonconformities and contributed to the preexisting building coverage nonconformity of 25.1%. Even if the house could hypothetically be relocated and centered on the lot (which is neither practical nor proposed), it would still encroach into one or both side setbacks, and doing so would have precluded any reasonable garage access or addition. If this lot was vacant, then requesting this wide of a house on 49.89 of frontage could be unreasonable.

The bay window geometry specifically constrains the driveway width making it unsafe to reduce the width of the proposed garage to lesson or avoid setback relief. A traditional side-by-side two-car detached garage on this narrow lot would require placement significantly farther back into the usable yard to achieve safe maneuvering, resulting in substantially more pavement and impervious surface, greater consumption of open space (the opposite of the project's explicit goal), and reintroduction of the sprawling multi-structure effect that the infill design eliminates.

Altering the main dwelling structure itself to accommodate a garage (e.g., significant modifications to the first floor or foundation) would fundamentally and tragically transform the home's historic character and architectural integrity. The unique constraints of the narrow preexisting lot, the large off-center house with bay window influence on driveway geometry, the house being askew to the property lines, the existing detached garage, which as set forth above has deteriorated beyond repair and presents a safety concern, creating a pinch point, the preexisting coverage nonconformity, and the practical and reasonable need for a two-car garage without sacrificing the open space and privacy gains the project achieves distinguish this Property and necessitate the modest, context-sensitive relief requested. The proposed integrated infill garage addition is the only configuration that delivers reasonable two-car parking while increasing (rather than decreasing) net open space, maintaining privacy for abutters, and respecting the spirit of the existing building envelope.

2. There is no fair and substantial relationship between the general purposes of the ordinance and their specific application to the Property.

The Property was created and the main dwelling constructed well before the City's adoption of zoning regulations in 1927 (and subsequent iterations leading to the current GRA standards). The lot is a preexisting nonconforming lot of record, and the original development pattern established the nonconforming setbacks, coverage, and frontage that exist today, including the preexisting building coverage of 25.1%.

As previously stated, the purposes of setbacks and building coverage standards include creating uniform lots and building envelopes where possible, protecting light/air/privacy, preventing overcrowding, and ensuring adequate open space and pervious area. Here, strict literal application of the current 10-foot side yard and 25% coverage standards to this pre-zoning Property would be impractical and would prevent a reasonable, beneficial modernization that actually increases usable open space and improves drainage through compact infill design rather than sprawling development. The proposed garage addition and deck encroach no farther into the spirit of the existing nonconforming envelope than the original house placement already does; the stepped-back infill configuration respects that envelope while delivering clear benefits to open space, privacy, aesthetics, and stormwater management. There is no fair and substantial relationship between the Ordinance's general purposes and rigidly applying its dimensional standards to block this context-appropriate improvement on a Property that predates those standards.

3. The Proposed Use is Reasonable.

The Property is located in the GRA District and will be a single-family residential use following the proposed conversion from its recent two-family configuration. Two-car garage parking is typical and customary for single-family residences in this district and throughout the City. The Owners are requesting relief to replace a dilapidated detached garage with a new, integrated, architecturally consistent two-car garage addition that improves the Property's functionality, aesthetics, open space, privacy for abutters, and relationship to the street. The proposed use and improvements are entirely reasonable.

Proposed Stipulations

None at this time.

In conclusion, the Owners have demonstrated that the application meets the five criteria for each of the variances sought and respectfully request that the Board approve this application.

Respectfully submitted,

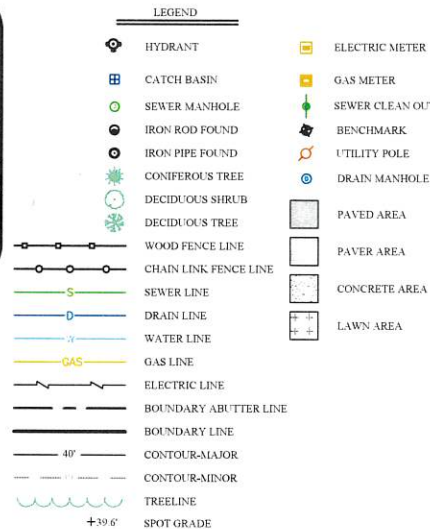
Jonah Goldblatt &
Gabrielle Dell'Aquilo Goldblatt

By and through their Attorney,



Colby T. Gamester, Esquire
154 Maplewood Avenue
Portsmouth, NH 03801
603-427-0000
colby@gamesterlaw.com

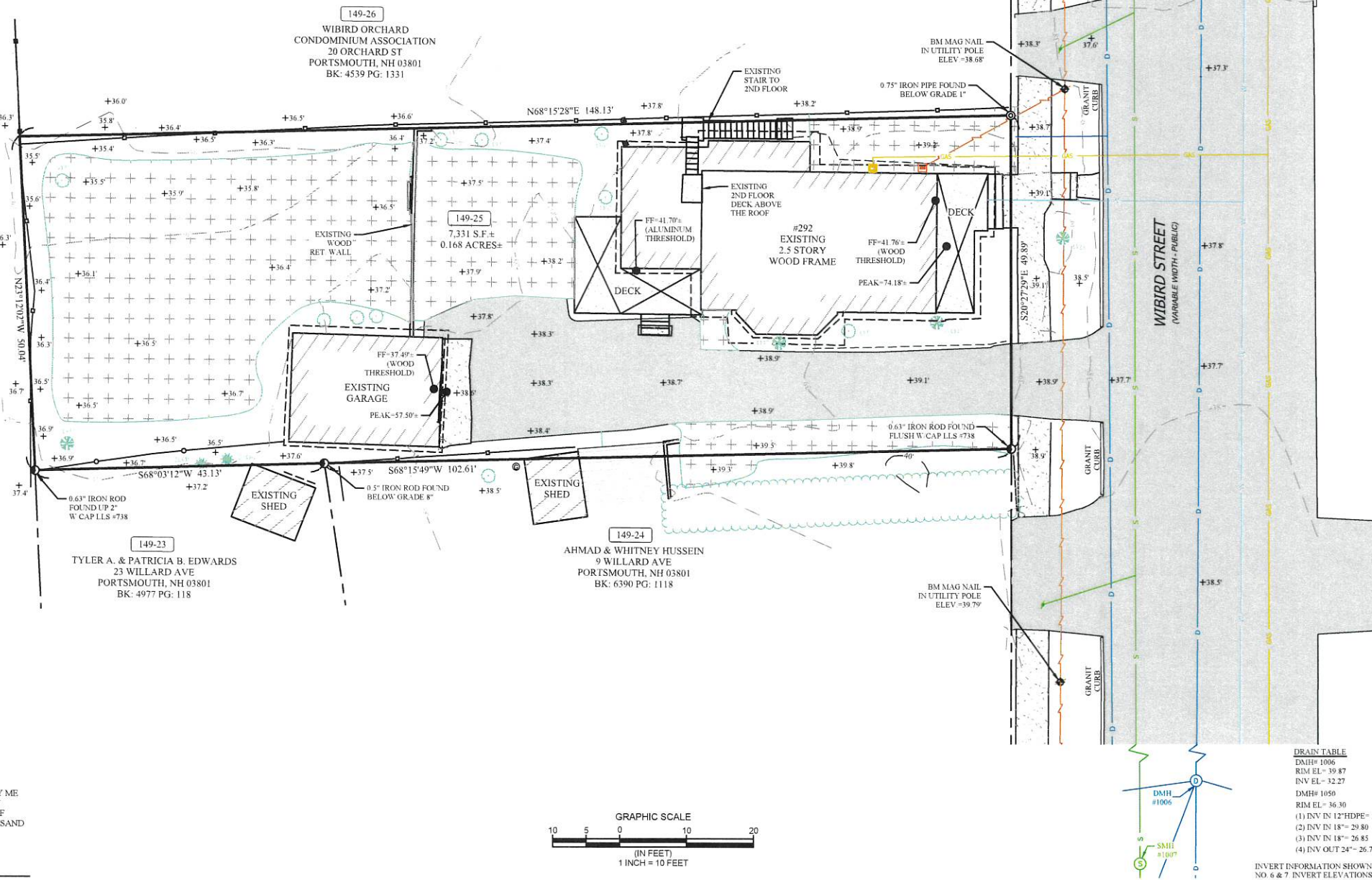
Dated: June 24, 2026

LOCUS
(1" = 500')**NOTES**

- OWNER OF RECORD: MARC GRIFFIN
ADDRESS: 1 CAMELOT WAY, PORTSMOUTH, NH 03801
DEED REFERENCE: BK. 6002 PG. 1412
TAX SHEET: LOT 149-25
- ZONED: GENERAL RESIDENCE A (GRA)
MIN. LOT AREA: 7,500 S.F. FRONT YARD SETBACK: 15'
FRONTAGE: 100' SIDE YARD SETBACK: 10'
MAX. LOT COVERAGE: 25% REAR YARD SETBACK: 20'
MAX. BUILDING HEIGHT: 35 FT (SLOPED ROOF) / 30 FT (FLAT ROOF)
MIN. OPEN SPACE: 30%
- THE INTENT OF THIS PLAN IS TO SHOW THE EXISTING CONDITIONS OF THE SUBJECT PARCEL AND THE IMPROVEMENTS THEREON FOR ENGINEERING DESIGN.
- THE LOCATION OF ALL UNDERGROUND UTILITIES SHOWN HEREON ARE APPROXIMATE AND ARE BASED UPON THE FIELD LOCATION OF ALL VISIBLE STRUCTURES (IE CATCH BASINS, MANHOLES, WATER GATES ETC.) AND INFORMATION COMPILED FROM PLANS OF RECORD, AND PLANS PROVIDED BY UTILITY COMPANIES AND GOVERNMENTAL AGENCIES. ALL CONTRACTORS SHOULD NOTIFY, IN WRITING, SAID AGENCIES PRIOR TO ANY EXCAVATION WORK, AND CALL DIG-SAFE @ 1-888-DIG-SAFE.
- HORIZONTAL DATUM: NAD83, VERTICAL DATUM: NAVD83 ESTABLISHED BY SURVEY GRADE GPS OBSERVATIONS, UNITS: US SURVEY FOOT.
- THE PLAN IS BASED UPON A FIELD SURVEY COMPLETED IN APRIL OF 2026 WITH TRIMBLE S5 ROBOTIC TOTAL STATION, CARLSON BRX7 RTK GPS UNITS, PANASONIC FZ-M1/1000 TSCT DATA COLLECTORS.
- THE PARCEL SHOWN HEREON LIES WITHIN ZONE X (AREA OF MINIMAL FLOOD HAZARD) AS IDENTIFIED ON FLOOD INSURANCE RATE MAP, ROCKINGHAM COUNTY, NEW HAMPSHIRE, MAP NUMBER 33015C029F, EFFECTIVE DATE 1/29/2021 BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.
- CONTRACTOR TO VERIFY SITE BENCHMARKS BY LEVELING BETWEEN 2 BENCHMARKS PRIOR TO THE ESTABLISHMENT OF ANY GRADES OR ELEVATIONS. DISCREPANCIES ARE TO BE REPORTED TO JAMES VERRA AND ASSOCIATES, INC.

REFERENCE PLANS

- "LOT PLAN, 280 WILBIRD ST, PORTSMOUTH, N.H." DATED AUGUST 1940, PREPARED BY JOHN W. DURGIN C.E. ON FILE WITH THIS OFFICE. JWD FILE #1259-1
- "LAND ON WILLARD AVE, PORTSMOUTH, N.H. ANNIE M. BOHAN TO ANAST A. MARINOS" DATED DECEMBER 1946, PREPARED BY JOHN W. DURGIN C.E. ON FILE WITH THIS OFFICE. JWD FILE #1259-2
- "PLAN OF LAND BELONGING TO MISS SIDNE J. MARSTON, PORTSMOUTH, N.H." DATED OCTOBER 7, 1898, PREPARED BY A. C. HOYT SURVEYOR R.C.R.D. #00115
- "PLAN OF LAND BELONGING TO JOHN F. LEAVITT, PORTSMOUTH, N.H." DATED AUGUST 10, 1898, PREPARED BY UNKNOWN, R.C.R.D. #00388
- "SUBDIVISION OF LAND FOR JOHN & LINDA ELLISON, 9 WILLARD AVENUE, PORTSMOUTH, N.H." DATED DECEMBER 1997, PREPARED BY AMBIT SURVEY CIVIL ENGINEERS & LAND SURVEYORS R.C.R.D. 12-26179
- "EXISTING CONDITIONS" DATED NOVEMBER 25, 2020, MAP PREPARED BY CITY OF PORTSMOUTH PUBLIC WORKS
- "EXISTING CONDITIONS PLAN, WILLARD AVENUE IMPROVEMENT PROJECT, WILLARD AVENUE, ORCHARD & ASH STREETS & ORCHARD COURT, PORTSMOUTH, NEW HAMPSHIRE, CMA ENGINEERS, INC." DATED DECEMBER 2, 2021, PREPARED BY JAMES VERRA & ASSOCIATES, INC. ON FILE WITH THIS OFFICE. JVA JOB #23944



DRAIN TABLE

DMH#	1006
RIM EL.	39.87
INV EL.	32.27
DMH#	1050
RIM EL.	36.30
(1) INV IN 12"HDPE	29.45
(2) INV IN 18"HDPE	29.80
(3) INV IN 18"HDPE	26.85
(4) INV OUT 24"	26.75

SEWER TABLE

SMH#	1007
RIM EL.	39.77
INV	30.92
SMH#	1049
RIM EL.	35.79
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(2) INV IN 24"PVC	23.85
(3) INV OUT 24"PVC	23.70

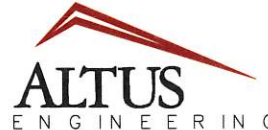
INVERT INFORMATION SHOWN HEREON WAS TAKEN FROM REFERENCE PLAN NO. 6 & 7. INVERT ELEVATIONS AND UTILITY LOCATIONS ARE APPROXIMATE AND SHOULD BE FIELD VERIFIED PRIOR TO DESIGN OR CONSTRUCTION.

SURVEYOR:



100 GRIFFIN ROAD, UNIT C
PORTSMOUTH, N.H. 03801
603-436-3557 • 2026
www.jvasurveyors.com
JOB NO. 26-2035

ENGINEER:



133 Court Street Portsmouth, NH 03801
(603) 433-2335 www.altus-eng.com

ISSUED FOR:

ENGINEERING REVIEW

ISSUE DATE:

05-18-2026

REVISIONS

NO. DESCRIPTION BY DATE

DRAWN BY:

CD/DK

APPROVED BY:

RMF

DRAWING FILE:

26-2035 EXCON DWG

SCALE:

22" x 34" - 1" = 10'
11" x 17" - 1" = 20'

OWNER:

MARC GRIFFIN
1 CAMELOT WAY
PORTSMOUTH, NH 03801

APPLICANT:

MARC GRIFFIN
1 CAMELOT WAY
PORTSMOUTH, NH 03801

PROJECT:

**292 WILBIRD STREET
PORTSMOUTH
NEW HAMPSHIRE
TAX MAP 149, LOT 25**

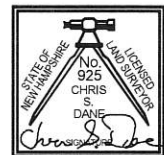
TITLE:

**EXISTING
CONDITIONS
PLAN**

SHEET NUMBER:

V-1

ALTUS JOB# P5763

**SURVEYOR'S CERTIFICATION**

"I HEREBY CERTIFY THAT THIS SURVEY AND PLAT WERE PREPARED BY ME OR THOSE UNDER MY DIRECT SUPERVISION AND IS THE RESULT OF AN ACTUAL FIELD SURVEY MADE ON THE GROUND AND HAS AN ERROR OF CLOSURE OF GREATER ACCURACY THAN ONE PART IN FIFTEEN THOUSAND (1:15,000)."

Chris S. Davis
LICENSED LAND SURVEYOR

5/18/2026
DATE

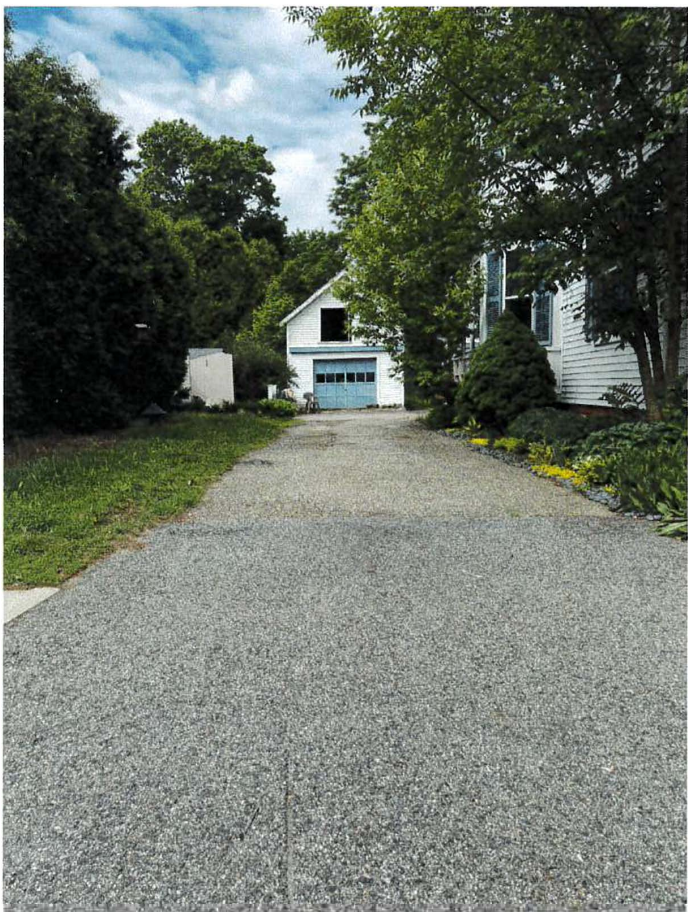
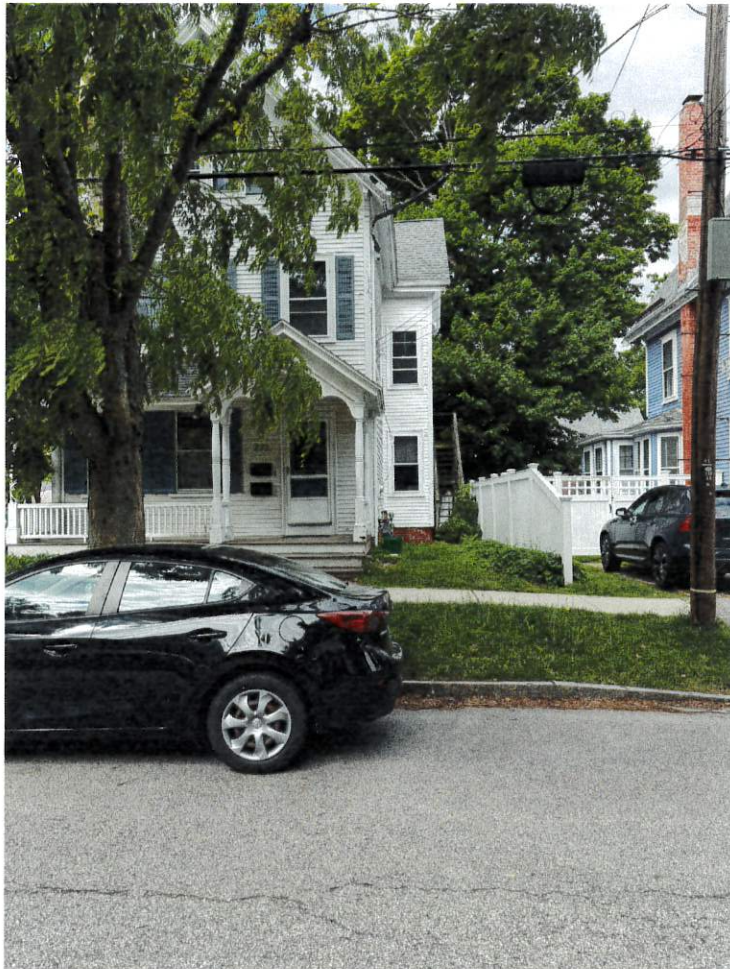
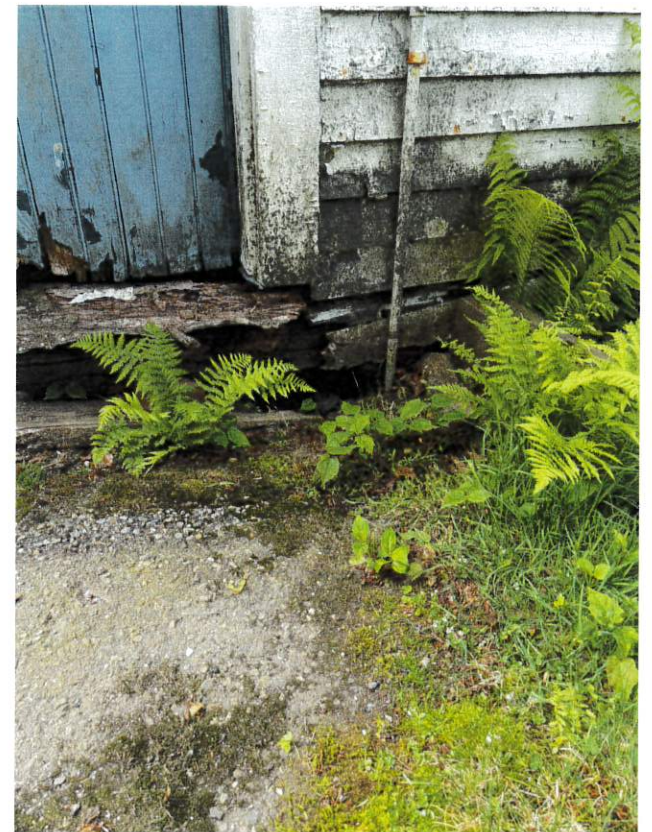


EXHIBIT B













LCHIP	ROA737861	25.00
TRANSFER TAX	RO142473	17,850.00
RECORDING		14.00
SURCHARGE		2.00

WARRANTY DEED

KNOW ALL PERSONS BY THESE PRESENTS: That **Marc Griffin**, married, of 1 Camelot Way, Berwick, ME 03901, for consideration paid grants to **Jonah Goldblatt** and **Gabrielle Dellaquila Goldblatt**, husband and wife, of 200 E 72nd Street, Apt 2B, New York, NY 10021, as Joint Tenants with Rights of Survivorship, with WARRANTY COVENANTS:

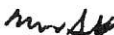
A certain lot of land with the buildings thereon, situate on the Westerly side of Wibird Street in Portsmouth, in the County of Rockingham and State of New Hampshire, more particularly bounded and described as follows, viz:

Northerly by land now or formerly of James E. Scammon and Mary Scammon, there measuring 145 feet, more or less; Easterly by Wibird Street, there measuring 50 feet, more or less; Southerly by land now or formerly of Albert Isselbacher and Flori Isselbacher, there measuring 145 feet, more or less; Westerly by land now or formerly of Annie M. Bohan, there measuring 50 feet, more or less.

Meaning and intending to describe and convey the same premises conveyed to Marc Griffin, by virtue of a Deed from Robert A. Cimini, dated May 23, 2019 and recorded at the Rockingham County Registry of Deeds in Book 6002, Page 1412.

This is not homestead property of the grantor or his spouse.

Executed this 9th day of April, 2026.

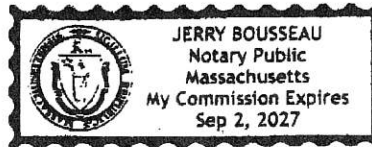


Marc Griffin

State of Massachusetts
County of Suffolk

On April 9th, 2026, before me, the undersigned officer, personally appeared the above-named, **Marc Griffin**, and proved to me through satisfactory evidence of identification, which was a driver's license, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.

Jerry Bousseau
Name: Jerry Bousseau
Title: Notary Public
My Commission Expires: 09-02-27





REFERENCE PLAN

"EXISTING CONDITIONS PLAN, TAX MAP 149, LOT 25, 292 WIBIRD STREET, PORTSMOUTH, NH", BY JAMES VERRA AND ASSOCIATES, INC., DATED MAY 18, 2026.

ZONING SUMMARY

ZONE: GRA (GENERAL RESIDENCE A) - EXISTING RESIDENCE TO BE REPLACED WITH SAME
EXISTING LOT AREA: 0.168 AC ± (7,331 S.F. ±)

DIMENSIONAL REQUIREMENTS

	REQUIRED	EXISTING	PROPOSED
MIN. LOT AREA:	7,500 S.F.	7,331 S.F. ±	7,331 S.F. ±
MIN. LOT AREA PER DWELLING UNIT:	7,500 S.F.	3,666 S.F. ± *	7,331 S.F. ±
DWELLING UNITS:	-	2	1
MIN. STREET FRONTAGE:	100'	49.89' ±	49.89' ±
MIN. LOT DEPTH:	70'	146.90' ± (AVERAGE)	146.90' ± (AVERAGE)
FRONT SETBACK:	15'	3.40' ±	3.40' ±
SIDE SETBACK (LEFT):	10'	2.13' ±	4.40' ± **
SIDE SETBACK (RIGHT):	10'	0' ±	2.8' ± **
REAR SETBACK:	20'	38.0' ±	58.0' ±
MAX. HEIGHT (SLOPED ROOF):	35'	<35'	<35' (PROP.)
MAX. BUILDING COVERAGE:	25 %	25.1 % ± (INCL. DECK & STEPS)	30.7 % ± (INCL. DECK & STEPS) **
MIN. OPEN SPACE:	30 %	58.2 % ± (4265 SF ±)	61.9 % ± (4,535 SF ±)
* EXISTING LOT OF RECORD			
** VARIANCE REQUIRED			

ENGINEER:

ALTUS
ENGINEERING

133 Court Street Portsmouth, NH 03801
(603) 433-2335 www.altus-eng.com



ISSUED FOR:

APPROVAL

ISSUE DATE:

JUNE 23, 2026

REVISIONS:

NO.	DESCRIPTION	BY	DATE
0	INITIAL SUBMISSION	EDW	06/23/26

DRAWN BY:

PJL

APPROVED BY:

EDW

DRAWING FILE:

5763.DWG

SCALE:

22" x 34" - 1" = 10'
11" x 17" - 1" = 20'

APPLICANT/OWNER:

JONAH GOLDBLATT &
GABRIELLE DELLAQUILLO
200 E 72ND STREET APT. 2B
NEW YORK, NY 10021

PROJECT:

GARAGE
RECONSTRUCTION
292 WIBIRD STREET
TAX MAP 149
LOT 25
PORTSMOUTH, NH

TITLE:

BOARD OF
ADJUSTMENT
SITE PLAN

SHEET NUMBER:

C - 1

P5763

NOTES:

1. THE PURPOSE OF THIS PLAN IS TO OBTAIN A BOARD OF ADJUSTMENT SITE PLAN APPROVAL TO REPLACE THE EXISTING GARAGE ON THE LOT WITH A SLIGHTLY LARGER GARAGE ATTACHED TO THE EXISTING SINGLE FAMILY RESIDENCE WHILE IMPROVING THE LEFT SIDE SETBACK, AND REPLACE THE EXISTING DECK WITH A SLIGHTLY LARGER DECK.
2. THERE ARE NO WETLANDS ON THE PROPERTY.
3. BUILDING COVERAGE CALCULATIONS:
EX. RESIDENCE (1,386 SF±) + EX. GARAGE (365 SF±) + EX. STEPS (84 SF±) = 1,837 SF±
1,837 SF ± / 7,331 SF = 25.1% ±
PROP. GARAGE & DECK (1,045 SF±) + EXIST. BUILDING TO REMAIN (1,204 SF±) = 2,249 SF±
2,249 SF ± / 7,331 SF = 30.7% ±
4. IMPERVIOUS COVERAGE/OPEN SPACE CALCULATIONS:
EX. BLDG COVERAGE (1,837 SF ±) + DRIVEWAY & CONCRETE (1,189 SF±) + EX. ABUTTING PATIO (23 SF±) + EX. RET. WALLS (17 SF±) = 3,066 SF± = 41.8%
THEREFORE OPEN SPACE = 58.2%
PROP. GARAGE & MUDROOM (803 SF±) + PROP. DECK (272 SF±) + PROP. DRIVEWAY (470 SF±) + EXIST. BUILDING & STEPS (1,222 SF±) + ABUTTING STRUCTURES (29 SF±) = 2,796 SF± = 38.1% ±
THEREFORE OPEN SPACE = 61.9% ±

LEGEND:

- IRON REBAR SET
- IRON ROD FOUND
- IRON PIPE FOUND
- WOOD FENCE
- CHAINLINK FENCE
- BRICK
- CONCRETE
- RCRD ROCKINGHAM COUNTY REGISTRY OF DEEDS
- 101-03 TAX SHEET / LOT NO.
- LA LANDSCAPED AREA
- DECIDUOUS TREE
- CONIFEROUS TREE
- TREE LINE
- SHRUB
- BIR BIRCH
- MPL MAPLE
- PROPERTY LINE
- BUILDING SETBACK LINE
- EXISTING BUILDING (TBR)
- PROPOSED BUILDING
- EXISTING IMPERVIOUS
- PROPOSED IMPERVIOUS
- PROPOSED LANDSCAPED AREA

WIBIRD STREET
(VARIABLE WIDTH - PUBLIC)

EXISTING DRIVEWAY
TO BE RECONSTRUCTED.

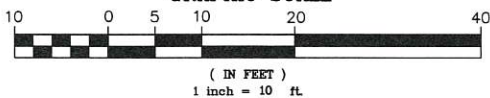
149-28
THE AK GAFFNEY REVOCABLE
TRUST
KYLE P. & ALEXANDRA D.
HORNE TRUSTEES
42 ORCHARD ST
PORTSMOUTH, NH 03801
BK: 6676 PG: 1297

149-26
WIBIRD ORCHARD CONDOMINIUM
ASSOCIATION
20 ORCHARD ST
PORTSMOUTH, NH 03801
BK: 4539 PG: 1331

149-23
TYLER A. & PATRICIA B. EDWARDS
23 WILLARD AVE
PORTSMOUTH, NH 03801
BK: 4977 PG: 118

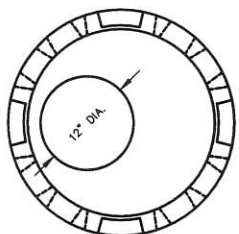
149-24
AHMAD & WHITNEY HUSSEIN
9 WILLARD AVE
PORTSMOUTH, NH 03801
BK: 6390 PG: 1118

GRAPHIC SCALE



REFERENCE PLAN

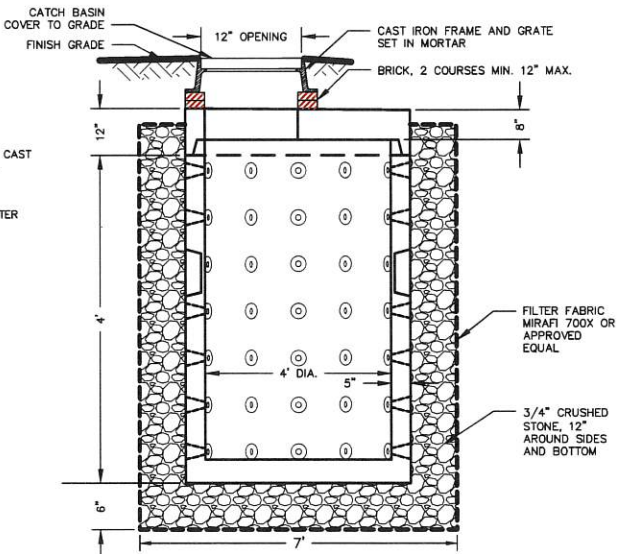
"EXISTING CONDITIONS PLAN, TAX MAP 149, LOT 25, 292 WIBIRD STREET, PORTSMOUTH, NH", BY JAMES VERRA AND ASSOCIATES, INC., DATED MAY 18, 2026.



PLAN VIEW

NOTES:

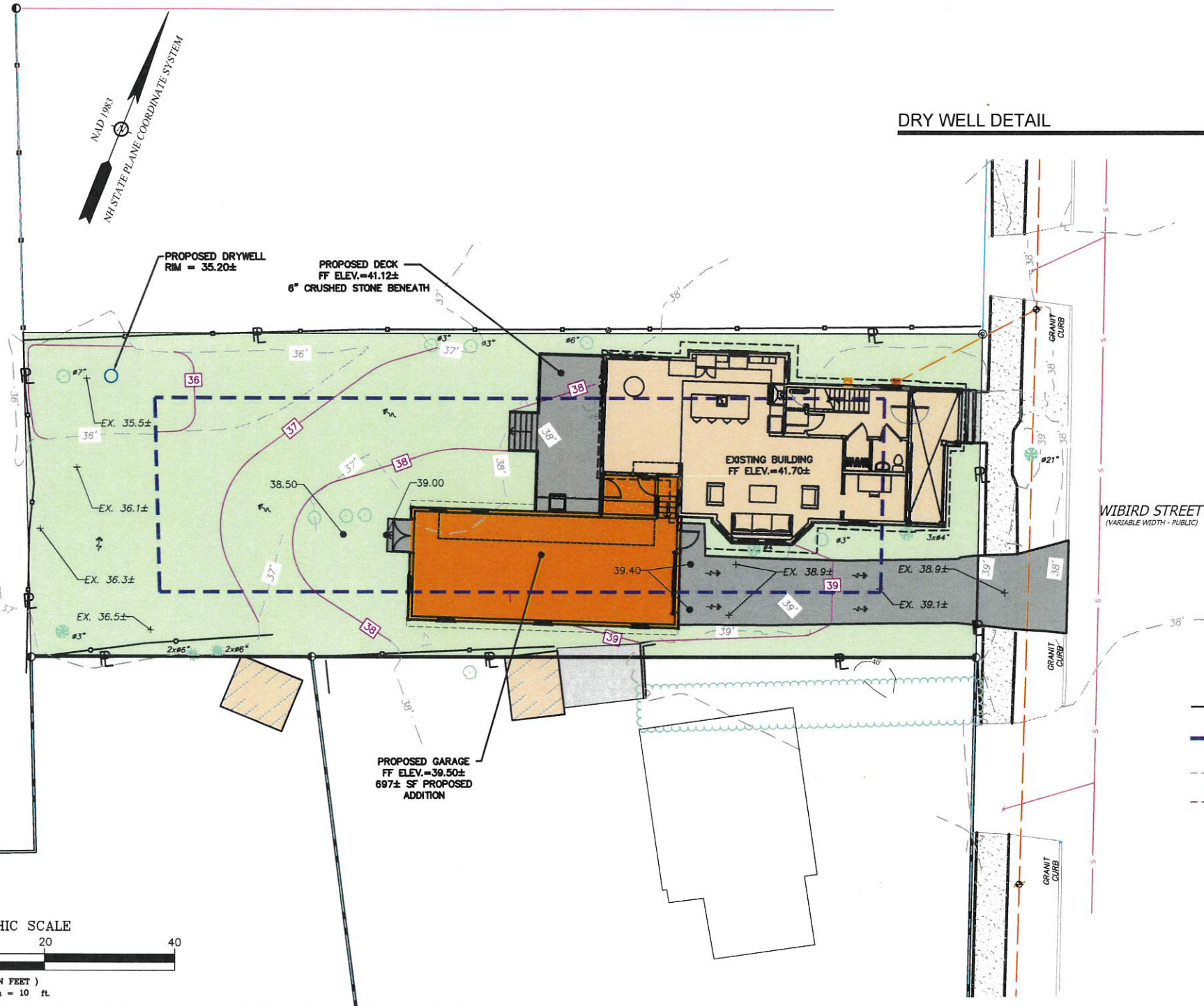
1. TO ACCOMMODATE A 48" CAST IRON FRAME AND GRATE.
2. GRATE OPENING MAY BE OFFSET OR CENTERED IN STRUCTURE TOP.
3. CONCRETE: 4,000 PSI AFTER 28 DAYS.



SECTION VIEW

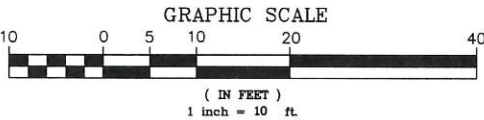
NOT TO SCALE

DRY WELL DETAIL

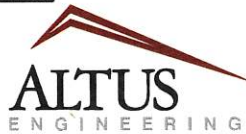


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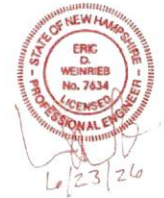
- IRON REBAR SET
- IRON ROD FOUND
- IRON PIPE FOUND
- WOOD FENCE
- CHAINLINK FENCE
- BRICK
- CONCRETE
- ROCKINGHAM COUNTY REGISTRY OF DEEDS
- TAX SHEET / LOT NO.
- LANDSCAPED AREA
- DECIDUOUS TREE
- CONIFEROUS TREE
- TREE LINE
- SHRUB
- BIR
- MPL
- PROPERTY LINE
- BUILDING SETBACK LINE
- EXISTING CONTOUR
- PROPOSED CONTOUR
- EXISTING SPOT GRADE
- PROPOSED SPOT GRADE
- PROPOSED BUILDING
- EXISTING IMPERVIOUS
- PROPOSED IMPERVIOUS
- PROPOSED LANDSCAPED AREA



ENGINEER:



133 Court Street Portsmouth, NH 03801
(603) 433-2335 www.altus-eng.com



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DRAWN BY:

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DRAWING FILE:

5763.DWG

SCALE:

22" x 34" - 1" = 10'
11" x 17" - 1" = 20'

APPLICANT/OWNER:

JONAH GOLDBLATT &
GABRIELLE DELLAQUILLO
200 E 72ND STREET APT. 2B
NEW YORK, NY 10021

PROJECT:

GARAGE
RECONSTRUCTION
292 WIBIRD STREET
TAX MAP 149
LOT 25
PORTSMOUTH, NH

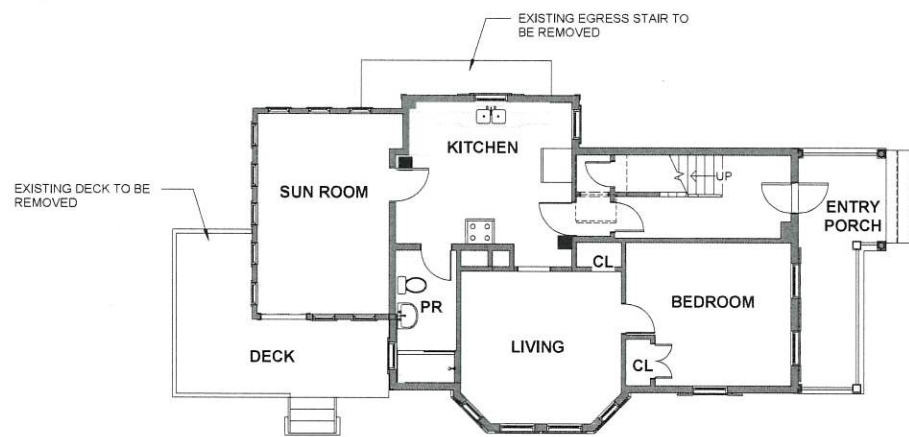
TITLE:

PRELIMINARY
GRADING PLAN

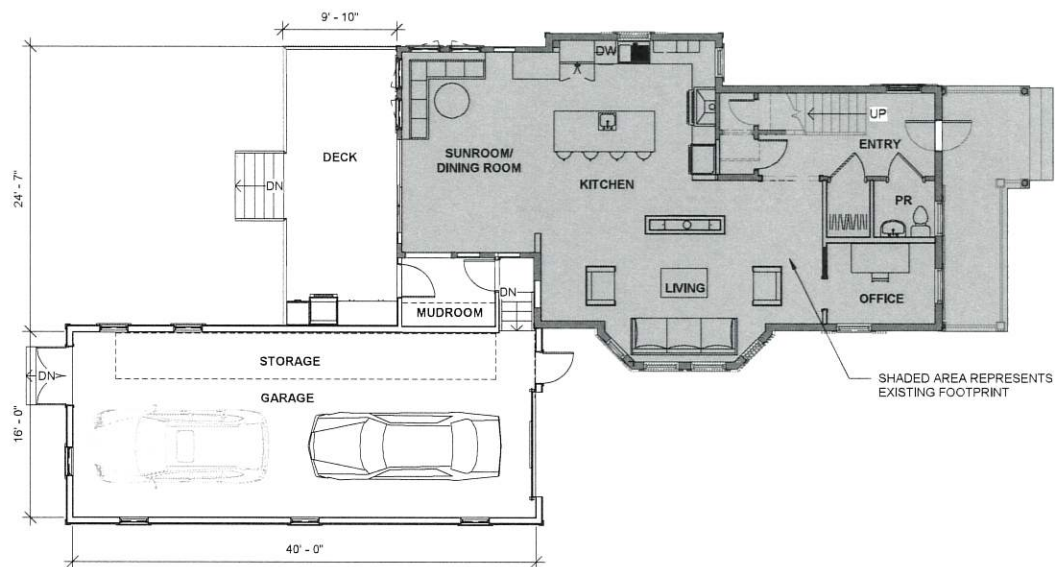
SHEET NUMBER:

C - 2

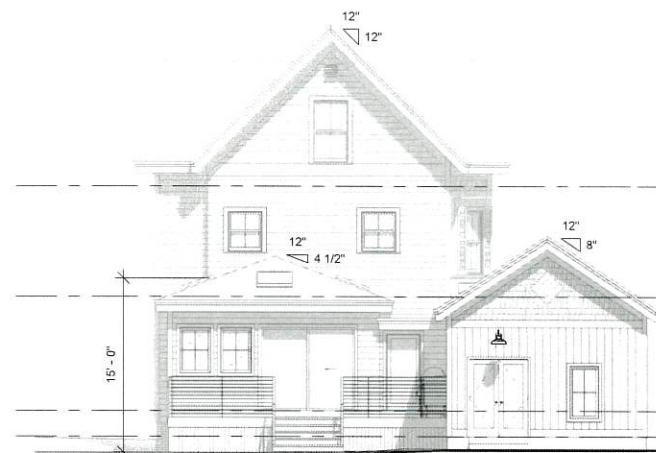
P5763



1 EXISTING FIRST FLOOR PLAN
1/8" = 1'-0"



2 PROPOSED FIRST FLOOR PLAN
1/8" = 1'-0"



3 WEST ELEVATION
1/8" = 1'-0"



4 SOUTH ELEVATION
1/8" = 1'-0"



5 EAST ELEVATION
1/8" = 1'-0"



6 NORTH ELEVATION
1/8" = 1'-0"

THIRD FLOOR
119' - 4"
(61.03' +/-)

SECOND FLOOR
109' - 10"
(41.70' +/-)

FIRST FLOOR
100' - 0"
(51.53' +/-)

GARAGE FLOOR
97' - 9 1/2"
(39.50' +/-)

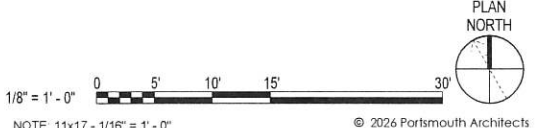
THIRD FLOOR
119' - 4"
(61.03' +/-)

SECOND FLOOR
109' - 10"
(41.70' +/-)

FIRST FLOOR
100' - 0"
(51.53' +/-)

GARAGE FLOOR
97' - 9 1/2"
(39.50' +/-)

GRAPHIC SCALE(S)



SINGLE FAMILY RENOVATION

292 WIBIRD STREET, PORTSMOUTH, NH 03801

FLOOR PLANS AND ELEVATIONS

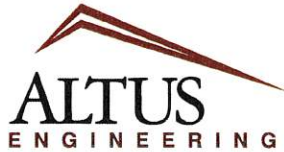
4 Market Street
Portsmouth, New Hampshire
603.430.0274



PORTSMOUTH
ARCHITECTS

A0

06/24/2026
Scale: 1/8" = 1'-0"
PA: MM / MG
Project Number: 26045



**Civil
Site Planning
Environmental
Engineering**

133 Court Street
Portsmouth, NH
03801-4413

Drainage Memorandum

Date: June 23, 2026

Project: **Tax Map 149 Lot 25
292 Wibird Street
Portsmouth, NH 03801
Altus Project No. 5763**

Prepared by: Patrick Lamott, Engineer II

A handwritten signature in blue ink that reads "Patrick Lamott".

Eric, D. Weinrieb, PE

A handwritten signature in blue ink that reads "Eric D. Weinrieb".

Altus has prepared Board of Adjustment Site Plans on behalf of the applicant, Jonah Goldblatt & Gabrielle Dellaquilo for the proposed project located on Tax Map 149 Lot 25 at 292 Wibird Street. The project proposes to demolish an existing deck and detached garage and construct an attached garage, mudroom, and expanded deck. As it exists, the lot is approximately 41.8% (3,066 square feet +/-) impervious and there is no existing drainage infrastructure on the property. The project proposes to decrease the impervious coverage by 237 square feet +/- to approximately 38.6%.

With the reduction in impervious surfaces there will be an overall reduction in stormwater runoff. The rear yard of the site is depressed with no runoff discharging from the site. Altus has visited the site after modest rainfall events and did not observe any surface water ponding. The construction of the proposed project will decrease the runoff towards the rear yard, however Altus proposes that a leaching catch basin, drywell, is installed to improve drainage on the property and mitigate runoff from the abutting properties. The proposed drywell provides the site with the ability to drain in frozen conditions and is capable of storing approximately 37.7 cubic feet of water before infiltration. The proposed wooden deck will have 6" of crushed stone beneath it to allow for infiltration. We believe the reduction in impervious coverage and installation of drainage infrastructure with the proposed project will improve the existing conditions at the property and abutting residences. Due to the reconfiguration of the structures there is a slight increase in runoff towards Wibird Street. It is Altus' opinion that the increase is de minimis and will not adversely impact the Wibird Street Right-of-way.

Please feel free to reach out if you have any questions or need additional information.

II. OLD BUSINESS

- D.** The request of **Michael J Ferrelli (Owner)**, for property located at **0 Joffre Avenue and 18 Barberry Lane** whereas relief is needed to construct a single-family home on a vacant lot which requires the following: 1) Variance from Section 10.521 to a) allow for 0 feet of street frontage where 100 feet is required; b) allow for 12,185 square feet of lot area where 15,000 square feet is required; c) allow for 12,185 square feet of lot area per dwelling where 15,000 square feet is required; and 2) Variance from Section 10.1114.31 to allow for two driveways on a single lot where one is permitted. Said properties are located on Assessor Map 233, Lot 135 and Lot 131 and lie within the Single Residence B (SRB) District. (LU-26-92)

Existing & Proposed Conditions

	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Vacant lot	Construct new SFR on vacant lot & driveway access from 18 Barberry Lane*	Primarily Residential
<u>Lot area (0 Joffre) (sq. ft.):</u>	12,185	12,185	15,000 min.
<u>Lot Area per Dwelling Unit (sq. ft.):</u>	12,185	12,185	15,000 min.
<u>Frontage (ft.):</u>	0	0	100 min.
<u>Depth (ft.):</u>	>100	>100	100 min.
<u>Front Yard (ft.):</u>	N/A	>30	30 min.
<u>Right Side Yard (ft.):</u>	N/A	>10	10 min.
<u>Left Side Yard (ft.):</u>	N/A	>10	10 min.
<u>Rear Yard (ft.):</u>	N/A	>30	30 min.
<u>Building Coverage (%):</u>	N/A	<20	20 max.
<u>Open Space Coverage (%):</u>	100	>40	40 min.
<u>Height (ft.):</u>	N/A	<35	35 max.
<u>Parking</u>	0	1	1
<u>Estimated Age of Structure:</u>	1961	Variance request(s) shown in red.	

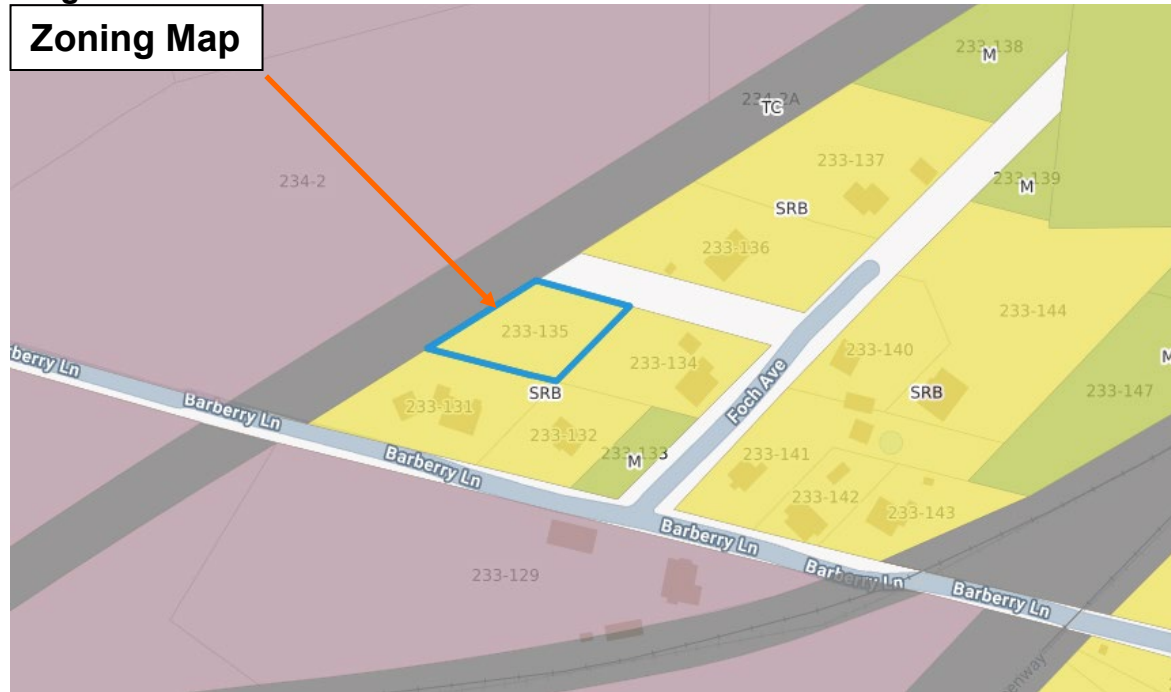
***Variance from Section 10.1114.31 to allow for two driveways on a single lot**

Other Permits/Approvals Required

- Wetland CUP / Planning Board
- Building Permit

Neighborhood Context

Zoning Map



Aerial Map



Previous Board of Adjustment Actions

No Previous BOA history was found.

Planning Department Comments

The applicant is proposing to construct a new single-family residential dwelling on a vacant lot that does not conform to the minimum frontage or lot area requirements. The City was unable to find evidence to suggest that Joffre Avenue was formally accepted as a public way and the abutting landowners may have rights to claim to the centerline of the paper street. The applicants plan includes the area of Joffre Avenue to the centerline of the paper street abutting the property. To provide access to the lot, the applicant is proposing a second driveway on 18 Barberry Lane with a 16' driveway easement.

Variance Review Criteria

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

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

10.235 Certain Representations Deemed Conditions

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

BY: VIEWPOINT & HAND DELIVERY

June 30, 2026

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

**RE: Revised Variance Application of J. Michael Ferrelli
Joffre Avenue, Tax Map 233, Lot 135**

Dear Stefanie,

Please find a copy of the revised variance application for the above referenced property. The enclosed materials have also been filed through Viewpoint. Please replace the materials filed on June 24, 2026 with the enclosed, and please do not hesitate to reach out should you have any questions or concerns. Included with this submission is the following:

- 1) Landowner Letter of Authorization
- 2) Narrative (Revised) to Variance Application with Exhibits
- 3) Variance Plan prepared by Ambit Engineering, Inc.
- 4) Photographs of Property
- 5) GIS Map

Sincerely,



Derek R. Durbin, Esq.

LANDOWNER LETTER OF AUTHORIZATION

J. Michael Ferrelli, record owner of property located at **Joffre Avenue, Portsmouth New Hampshire**, identified on **Tax Map 233, Lot 135** (the "Property"), hereby authorizes **Durbin Law Offices PLLC**, to file any building, zoning, planning or other municipal permit applications with the City of Portsmouth for said Property and to appear before its land use boards. This Letter of Authorization shall be valid until expressly revoked in writing.


J. Michael Ferrelli (Jun 24, 2026 08:09:50 GMT+7)

J. Michael Ferrelli

Landowner Authorization Form -Ferrelli

6-23-2026

Final Audit Report

2026-06-24

Created:	2026-06-24
By:	DARCY PEYSER (darcy@durbinlawoffices.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAADMg16RYN1srUiBivNsP4O9IzB0jWIAej

"Landowner Authorization Form -Ferrelli 6-23-2026" History

-  Document created by DARCY PEYSER (darcy@durbinlawoffices.com)
2026-06-24 - 0:24:40 AM GMT
-  Document emailed to J. Michael Ferrelli (mike@ferrellienterprises.com) for signature
2026-06-24 - 0:24:44 AM GMT
-  Email viewed by J. Michael Ferrelli (mike@ferrellienterprises.com)
2026-06-24 - 0:25:17 AM GMT
-  Document e-signed by J. Michael Ferrelli (mike@ferrellienterprises.com)
Signature Date: 2026-06-24 - 1:09:50 AM GMT - Time Source: server - Signature Appearance Selected: MOBILE_DRAW
-  Agreement completed.
2026-06-24 - 1:09:50 AM GMT



Adobe Acrobat Sign

**PORTSMOUTH ZONING BOARD OF ADJUSTMENT
VARIANCE APPLICATION NARRATIVE**

**Off Joffre Avenue
Tax Map 233, Lot 135**

**J. Michael Ferrelli
(Owner/Applicant)**

INTRODUCTION

The property shown on Tax Map 233 as Lot 131 (the "Property" or "Applicant's Property") is a 12,185 square foot undeveloped lot of record located in the SRB Zoning District. The Property consists of two merged lots first shown on the "Pershing Terrace" subdivision plan of 1918, recorded in the Rockingham County Registry of Deeds as Plan 082 (the "1918 Plan"). Exhibit A. The original parcels comprising the Property are identified on the 1918 Plan as Lots 37 and 38. It is not clear from the title history exactly when the lots were merged or whether it occurred voluntarily or involuntarily. Regardless of how the merged lot came to be, the Applicant now seeks the zoning relief necessary to construct a single-family home on the Property, which does not conform to the minimum frontage or lot area requirements.

Because the City was unable to find evidence to suggest that Joffre Avenue was formally accepted as a public way, it is the City's opinion that any rights it had in the paper street reverted to the abutting landowners pursuant to RSA 231:51, who each own to the centerline. As a result, the Applicant's Property lacks frontage on a public street. To provide legal access to the Property, the Applicant is proposing a 16' wide driveway easement over abutting land he owns at 18 Barberry Lane.

In addition to lacking frontage, the Property does not conform to the 15,000 square foot minimum lot area requirement applicable to the SRB Zoning District. Based on the most recent surveyed plan of the Property prepared by Ambit Engineering, it has 12,185 square feet of area not counting any portion of the paper street. If you count the land area associated with the paper street, the Property is 14,152 square feet. The Applicant has used the more conservative lot area calculation for purposes of the lot area variances he seeks.

ZONING RELIEF SUMMARY

The Applicant seeks the following variance approvals from the Board:

Section 10.521

To allow for 0' of continuous street frontage where 100' is required and 0' exists.

To allow for 12,185 square feet of lot area where 15,000 square feet is required.

To allow for 12,185 square feet of lot area per dwelling unit where 15,000 square feet is required.

Section 10.1114.31

To allow for two driveways on a single lot where one is permitted per the standards for "General Accessway and Driveway Design" in the Site Plan Review Regulations.

VARIANCE CRITERIA

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

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

The requested variances are necessary to allow the Applicant to construct a single family home on the Property. In general, the primary purpose behind minimum frontage and lot area requirements is to ensure sufficient access for emergency vehicles, provide space for utilities, and create a certain level of spacing between homes to promote and preserve consistent neighborhood aesthetics. In the present case, the lot area is an existing condition of the Property. Lot sizes vary in the surrounding neighborhood, but what is proposed, even without considering the land area associated with the paper street, is a minor deviation (18.8%) from what the Ordinance requires. Constructing a home on the Property would not overcrowd or otherwise alter the essential character of the neighborhood. Any home constructed on the Property will meet or exceed all applicable building setback standards and be a considerable distance from the homes on abutting properties. The Property is in a largely wooded area that is bordered to the west by a power line easement and a paper street to the north. The purpose behind the requirement of having one driveway per lot is to preserve sight lines and provide for the safe, efficient and orderly movement

of vehicles. The driveway easement that would be utilized to access the Property provides sufficient access for emergency vehicles and space for utilities, and there will be no impact to sight lines because the home borders public utility land at the end of a dead end street. Because there is nearly no traffic on the street, a second driveway access point does not pose any danger to vehicles or pedestrians on the road. Therefore, no public health, safety or welfare concerns are presented by granting the variances. For the foregoing reasons, the general objectives and public purposes behind the frontage, lot area and driveway requirements are met.

Substantial Justice will be done in granting the variances.

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

It would represent a loss to the Applicant that is not outweighed by any gain to the public for the Board to deny the variances necessary to construct a conforming single-family home on an existing lot of record that was created long before current zoning standards. The Applicant acquired the Property as a separately deeded parcel of land with the reasonable expectation that he could build a home upon it, like those surrounding it. There are no public health, safety or welfare concerns implicated by the variances and the lot itself is larger than many other SRB zoned properties throughout the City of Portsmouth. In the present case, the equitable balancing test weighs heavily in favor of the Applicant and the vested rights he has in the Property.

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

The future addition of a new single-family home on the Property will not alter the essential character of the neighborhood or otherwise negatively impact abutting properties. There is sufficient land area to accommodate the use without overcrowding the Property or encroaching upon the light, air and space of abutting properties. As stated above, any house that is built on the Property will meet or exceed all applicable building setback standards and be a considerable distance from the homes on abutting properties. The Applicant has shown a conservative building envelope for the Property by omitting the land area associated with the paper street and by delineating a 30' front yard setback even though the Property technically has no “front yard” by definition. Under the circumstances, granting the variances should only preserve or enhance surrounding property values.

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

The Property has special conditions that distinguish it from surrounding properties. It is a deeded lot of record consisting of two merged parcels that were created long before Portsmouth adopted its first zoning map and ordinance or SRB zoning standards. As a result of the City never formally accepting or constructing Joffre Avenue, the Applicant's Property was left landlocked

where access can only be achieved through abutting land. The only way for the Applicant to make reasonable use of the land under current SRB zoning standards is by obtaining variances from the minimum lot area and frontage requirements, and to add a second driveway across his abutting lot. The Property is not vastly dissimilar in size to many of the properties that surround it and is quite a bit larger than many other SRB-zoned properties in Portsmouth. The Property abuts public utility land to the west and the homes to the north, south and east are a considerable distance away from where any home would be constructed on the Applicant's property. Because the Applicant owns the abutting parcel to the south, he is able to establish sufficient driveway access to the Property without impacting surrounding properties. Owing to these special conditions of the Property, there is no fair and substantial relationship between the purposes of the lot area and frontage requirements and their application to the Property. The proposed use is also a reasonable one. The Property will be used to construct a single-family residence in the future, which is allowed by right in the SRB Zoning District.

CONCLUSION

The Applicant thanks you for your time and consideration of the application and respectfully requests your approval of the variances being requested.

Respectfully Submitted,
J. Michael Ferrelli

June 30, 2026

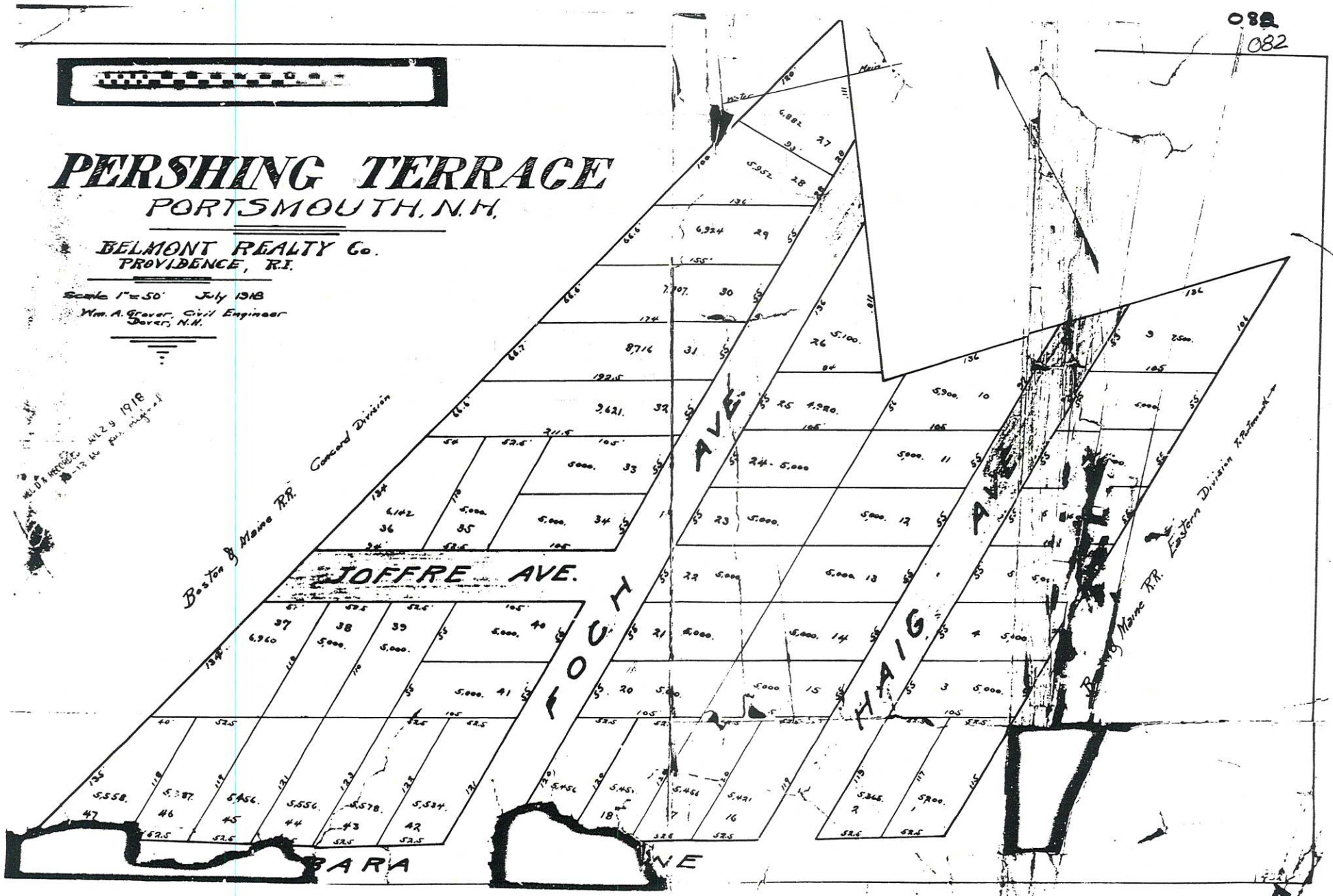
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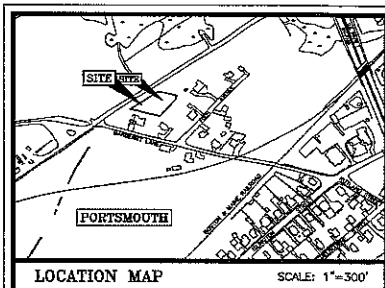


Derek R. Durbin, Esq.
Darcy Pesyer, Esq.
DURBIN LAW OFFICES PLLC
154 Maplewood Avenue
Portsmouth, NH 03801
(603)-287-4764
derek@durbinlawoffices.com

082
082

BARA WE





PLAN REFERENCES:

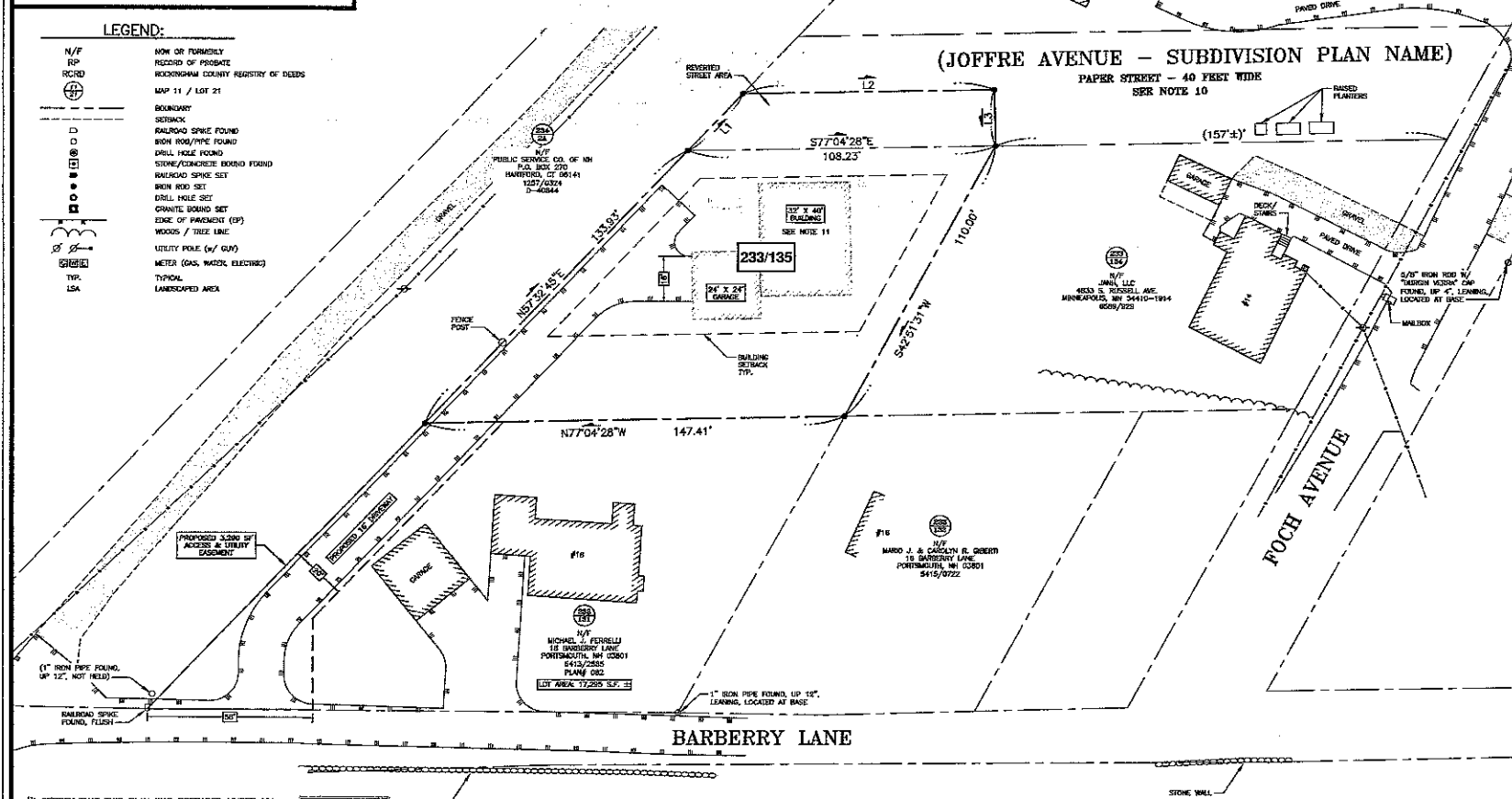
- 1) PERFORMING TERRACE PORTSMOUTH, N.H. BELMONT REALTY CO. PROVIDENCE, R.I. PREPARED BY WM. A. GORMAN CIVIL ENGINEER DOVER, N.H. SCALE: 1"=60'. DATED JULY 1918, RCD PLAN 082.
- 2) LOT LINE REVISION PERFORMING TERRACE BARBERRY LANE & FOCH AVENUE PORTSMOUTH, NEW HAMPSHIRE FOR DEANS H. LONLEY, PREPARED BY DUNN, KERR & ASSOCIATES, INC. SCALE: 1"=60'. DATED 9/25/92, R.D. PLAN D-22045.
- 3) LOT LINE REVISION PLAN LAND OF SEABY REALTY, LLC TAX MAP 234 LOTS 2, 3 & 7-7 U.S. ROUTE 1 897-PASS & BARBERRY LANE PORTSMOUTH, NEW HAMPSHIRE, SCALE: 1" = 40', DATED MARCH 12, 2014, PREPARED BY DOUGLASS SURVEY INC., RCD D-28435.
- 4) STREET REVISION AND LOT LINE RELOCATION PLAN MAP 233- LOTS 141, 143, 144, 149 & 147 FOR DENNIS COMBET, DONNA B. WILLIAM CLAGGILL, JOSEPH WINTON AND THE CITY OF PORTSMOUTH FOCH AVENUE, BARBERRY LANE AND HAWK AVENUE PORTSMOUTH, N.H. PREPARED BY AMBIT ENGINEERING, INC. SCALE: 1"=40', DATED JUNE 2001, REV. 2 DATED 11/13/01, NOT RECORDED.
- 5) EASEMENT PLAN REQUESTING NORTHERN UTILITIES, INC. DRA. UNITIL ENERGY SYSTEMS, INC. 6 LIBERTY LANE WEST HAMPTON, NH 03842 ENCUMBERING LAND OF PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE NEW ENGLAND ENERGY PO BOX 330 MANCHESTER, NH 03108, SCALE: 1 INCH = 20 FEET, DATED: OCTOBER 2010, PREPARED BY TOM SURVEY, RCD D-40844.

REQUEST FOR VARIANCE:

1. 10.521 DIMENSIONAL STANDARDS: FRONTAGE - 0 FEET FRONTAGE WHERE 100 FEET IS REQUIRED
2. 10.521 DIMENSIONAL STANDARDS: LOT AREA - 12,185 S.F. WHERE 15,000 S.F. IS REQUIRED
3. 10.521 DIMENSIONAL STANDARDS: LOT AREA PER DWELLING UNIT - 12,185 S.F. PER DWELLING UNIT WHERE 15,000 S.F. IS REQUIRED

LEGEND:

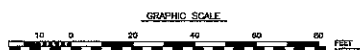
- N/F
RP
RCD
MAP 11 / LOT 21
- BOUNDARY
SETBACK
RAILROAD SPIKE FOUND
IRON ROD/PIPE FOUND
DRILL HOLE FOUND
STONE/CONCRETE BLOCK FOUND
RAILROAD SPIKE SET
IRON ROD SET
DRILL HOLE SET
GRANITE BOUND SET
EDGE OF PAVEMENT (EP)
WOODS / TREE LINE
UTILITY POLE (w/ GUY)
METER (GAS, WATER, ELECTRIC)
TYPICAL
LANDSCAPED 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 TRANSVERSE THAT EXCEEDS THE PRECISION OF 1:15,000."

JOHN R. CHAGNON, L.L.S.

6-17-26
DATE



LENGTH TABLE

LINE	BEARING	DISTANCE
L1	N57°32'45"E	28.10'
L2	S77°04'28"W	88.48'
L3	S12°55'32"W	20.00'



AMBIT ENGINEERING, INC.
Civil Engineers & Land Surveyors
200 Goffe Road - Bldg 3
Portsmouth, N.H. 03801-7114
Tel: (603) 436-2252
Fax: (603) 436-2318

NOTES:

- 1) PARCEL IS SHOWN ON THE CITY OF PORTSMOUTH ASSESSOR'S MAP 233 AS LOT 135.
- 2) OWNER OF RECORD:
J. MICHAEL FERRELLI
18 BARBERRY LANE
PORTSMOUTH, NH 03801
6413/2585
- 3) PARCEL NOT IN A SPECIAL FLOOD HAZARD AREA AS SHOWN ON FIRM PANEL 33015C0258F, EFFECTIVE DATE JANUARY 29, 2001.
- 4) EXISTING LOT AREA:
DEED AREA
12,185 S.F.
0.2797 ACRES

REVERTED AREA
14,182 S.F.
0.3249 ACRES
- 5) PARCEL IS LOCATED IN THE SINGLE RESIDENCE B (SRB) ZONING DISTRICT.
- 6) DIMENSIONAL REQUIREMENTS:
MIN. LOT AREA: 15,000 S.F.
MIN. LOT AREA: 100 FEET
MIN. DEPTH: 100 FEET
SETBACKS: FRONT: 30 FEET
SIDES: 10 FEET
REAR: 30 FEET

MAXIMUM STRUCTURE HEIGHT: 35 FEET
MAXIMUM BUILDING COVERAGE: 20%
MINIMUM OPEN SPACE: 40%
- 8) VERTICAL DATUM IS NAVD83. BASIS OF VERTICAL DATUM IS REDUNDANT WITH GROUND OBSERVATIONS.
- 9) THE PURPOSE OF THIS PLAN IS TO SHOW THE PROPOSED DEVELOPMENT ON ASSESSOR'S MAP 233 LOT 135 IN THE CITY OF PORTSMOUTH.
- 10) THE PUBLIC RIGHT OF WAY KNOWN AS JOFFRE AVENUE ACCESS RIGHTS UNCERTAIN.
- 11) THIS APPLICATION IS FOR THE LAND ONLY AND IS NOT INTENDED TO REPRESENT A SPECIFIC DWELLING. THE EXAMPLE SHOWN RESULTS IN THE FOLLOWING:
15% BUILDING COVERAGE
60% OPEN SPACE
DRIVENWAY EASEMENT ADDS:
12% IMPERVIOUS TO MAP 233 LOT 131
RESULTING IN:
68% OPEN SPACE FOR MAP 233 LOT 131

NO.	DESCRIPTION	DATE
0	ISSUED FOR COMMENT	6/17/26
REVISIONS		

VARIANCE APPLICATION PLAN
TAX MAP 233 - LOT 135

OWNER:
J. MICHAEL FERRELLI
PROPERTY LOCATED AT:
JOFFRE AVENUE
CITY OF PORTSMOUTH
COUNTY OF ROCKINGHAM
STATE OF NEW HAMPSHIRE



Area of proposed driveway ROW adjacent to 18 Barberry Lane



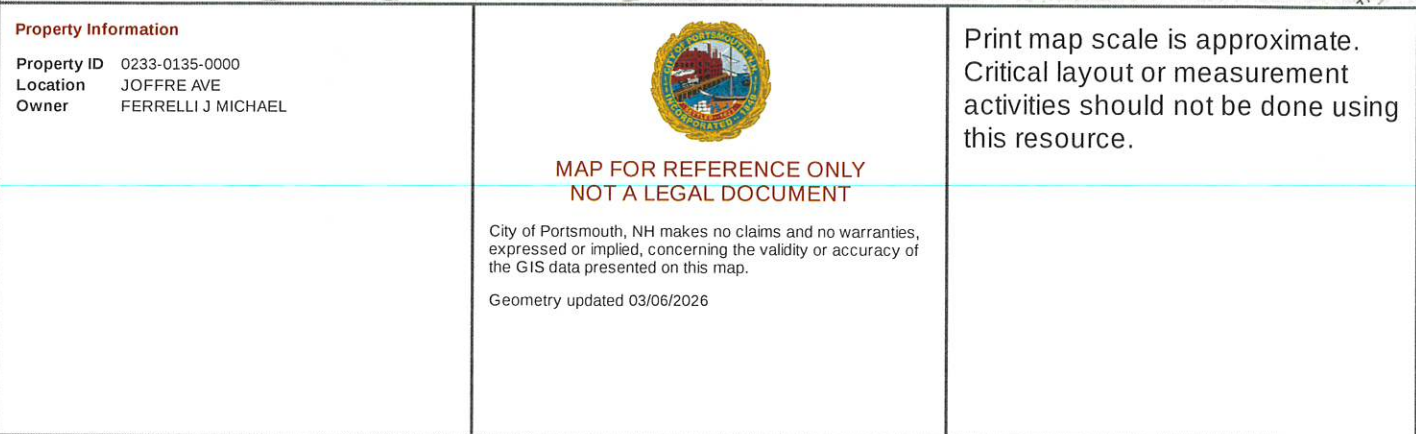
Vacant Lot – Joffre Lane



Vacant Lot – Joffre Lane



Aerial View of Vacant Lot – Google Satellite Image



II. OLD BUSINESS

- E. The request of **Kaitlyn O and Brendan A West (Owners)**, for property located at **315 Bartlett Street** whereas relief is needed to demolish the existing home and construct a new home on the lot which requires the following: 1) Variance from Section 10.521 to a) allow a 9.5-foot left side yard where 10 feet is required; b) a 7-foot right side yard where 10 feet is required; and c) 60 feet of street frontage where 100 feet is required. Said property is located on Assessor Map 162 Lot 12 and lies within the General Residence A (GRA) District. (LU-26-93)

Existing & Proposed Conditions

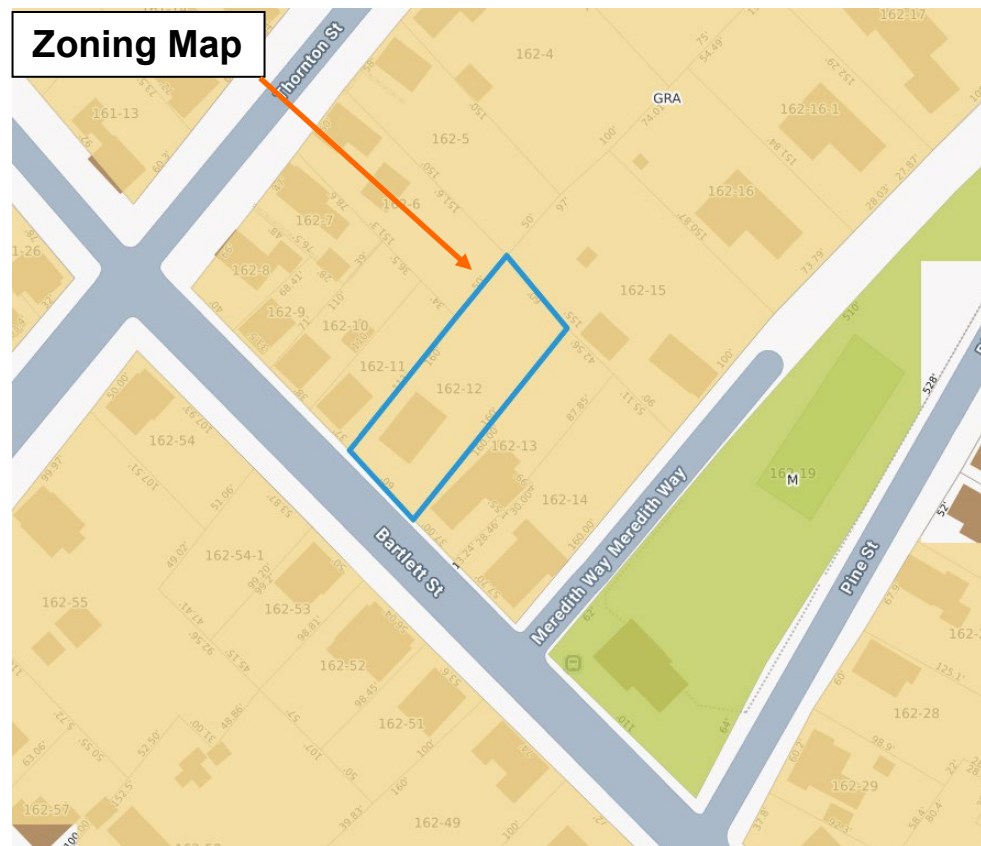
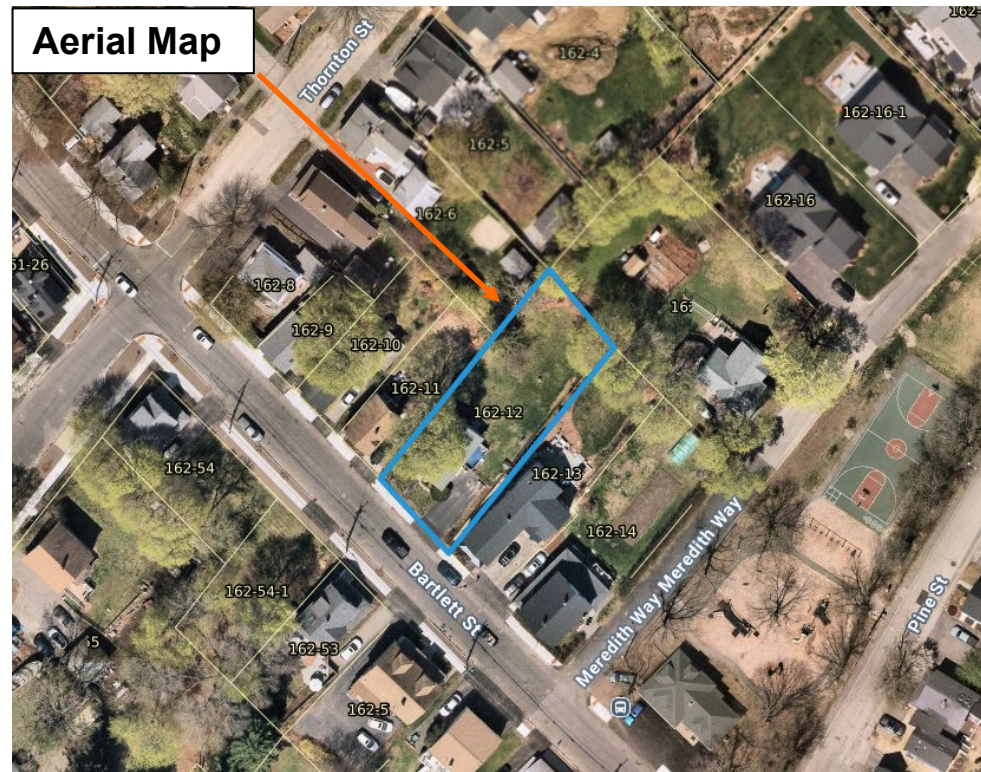
	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	SFR	Demo existing home and construct new SFR	Primarily Residential
<u>Lot area (sq. ft.):</u>	9,481	9,481	7,500 min.
<u>Lot Area per Dwelling Unit (sq. ft.):</u>	9,481	9,481	7,500 min.
<u>Frontage (ft.):</u>	60	60	100 min.
<u>Depth (ft.):</u>	160	160	70 min.
<u>Front Yard (ft.):</u>	>11	11	11* min.
<u>Right Side Yard (ft.):</u>	>10	7	10 min.
<u>Left Side Yard (ft.):</u>	9.9	9.5	10 min.
<u>Rear Yard (ft.):</u>	>20	>20	20 min.
<u>Building Coverage (%):</u>	12	22.5	25 max.
<u>Open Space Coverage (%):</u>	75	60	30 min.
<u>Height (ft.):</u>	<35	29.5	35 max.
<u>Parking</u>	2	3	1
<u>Estimated Age of Structure:</u>	1975	Variance request(s) shown in red.	

***Section 10.516.10**

Other Permits/Approvals Required

- Building Permit

Neighborhood Context



Previous Board of Adjustment Actions

No Previous BOA history was found.

Planning Department Comments

The applicant proposes to demolish the existing one-story home and to construct a new two-story home with attached garage in its place. Because the existing home is proposed to be removed to the foundation and the lot may have been held in common ownership with other lots prior to 1966, relief is required for street frontage that does not meet the minimum requirements for the GRA District per Section 10.311.

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

June 24, 2026

HAND DELIVERED

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

Re: Brendan A. & Kaitlyn O. West, Owner/Applicant
315 Bartlett Street/Map 162, Lot 12
General Residence A Zone

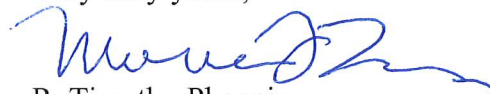
Dear Ms. Casella, Chair Margeson, and Zoning Board Members:

On behalf of Owners and Applicants, Brendan A. & Kaitlyn O. West ("West"), enclosed please find the following in support of a request for zoning relief:

- Digital Application submitted earlier today.
- Owner's Authorization.
- 6/24/2026 – Memorandum and exhibits in support of Variance Application

We look forward to presenting this application to the Zoning Board at its July 21, 2026 meeting.

Very truly yours,



R. Timothy Phoenix
Monica F. Kieser

Encl.

cc: Brendan & Kaitlyn West
Ross Engineering, LLC
Esoteric Designs, Inc.

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

OWNER'S AUTHORIZATION

We, Brendan & Kaitlyn West, Owners/Applicants of 315 Bartlett Street, Tax Map 162/Lot 12, hereby authorize law firm Hoefle, Phoenix, Gormley & Roberts, PLLC to represent me before any and all City of Portsmouth Representatives, Boards and Commissions for permitting the project.

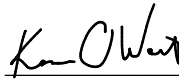
Respectfully submitted,

Date: 06/18/2026

A handwritten signature in black ink, appearing to read 'B. West', written over a horizontal line.

Brendan West

Date: 06/18/2026

A handwritten signature in black ink, appearing to read 'K. West', written over a horizontal line.

Kaitlyn West

MEMORANDUM

TO: Portsmouth Zoning Board of Adjustment
FROM: R. Timothy Phoenix, Esquire
Monica F. Kieser, Esquire
DATE: June 24, 2026
RE: Brendan A. & Kaitlyn O. West, Owner/Applicant
315 Bartlett Street/Map 162, Lot 12
General Residence A Zone

Dear Chair Margeson and Zoning Board Members:

On behalf of Brendan & Kaitlyn West (“West”), we are pleased to submit this memorandum and attached exhibits in support of West’s request for relief from the Portsmouth Zoning Ordinance (“PZO” or “the Ordinance”) to be considered by the Zoning Board of Adjustment (“ZBA”) at its July 21, 2026.

I. EXHIBITS

- A. Plan Set – issued by Ross Engineering, LLC.
- B. Rockingham County Registry of Deeds:
Book 543, Page 374.
Book 6700, Page 358.
- C. Architectural Plan Set – Esoteric Residential Design, Inc.
- D. Site Photographs.
- E. Tax Map 162.

II. PROPERTY/PROJECT

315 Bartlett Street is a 9,481 square foot lot with a 59.53 linear feet of frontage (“the Property”). The lot supports a single-family residential use in a small, one-story, two-bedroom, single-family home (946 s.f.) and deck/landings (170 s.f.). **(Exhibit A)**. The lot has been described in a deed in its current configuration since 1894. **(Exhibit B)**. The existing house is 9.9. feet from the left side lot line and was constructed in 1975 according to the tax card.

West intends to remove the existing ranch home and construct a new home on the same foundation, expanding it to include an incorporated one-car garage and living space above (“the Project”). The new home will comply with height, open space, building coverage, and front and rear yard requirements and maintains the left-side yard setback to the home will remain the same. The Project requires relief to accommodate the expansion/reconstruction of the home in the left-side yard and the garage addition in the right-side yard setback.

Because the existing home is removed to the foundation and the lot may have been held in common ownership with other lots prior to 1966, relief may be required from frontage requirements to re-establish the permitted use on the same foundation after intentional demolition of the existing walls and roof. See PZO §10.311-12 and PZO §10.312.22. We question whether relief is necessary, but include the request in an abundance of caution.

III. RELIEF REQUIRED:

<u>Variance Section</u>	<u>Existing</u>	<u>Proposed</u>
<u>PZO §10.520/Table §10.521:</u> <u>Dimensional Standards</u> <u>10' Side Yard</u>	9.9' house (left) >10' deck (right)	9.9' house (left) 9.9' rear porch 6.1' sub-grade stairs (left) ¹ 7.2' garage (right)
<u>PZO §10.520/Table §10.521:</u> <u>Dimensional Standards</u> <u>100' street frontage</u>	±60' since 1894 home added in 1975	±60' new home

V. 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 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.

¹ We include the request for the basement stairs on the left-side of the home in an abundance of caution. These basement egress stairs are below grade and occupy 50 square feet. Accordingly, they meet the Ordinance 5-foot setback requirement for stoops and stairs less than 3 feet high occupying less than 100 square feet. PZO 10.516.40.

Portsmouth Zoning Ordinance (“PZO”) Section 10.121 identifies the general purposes and intent of the ordinance “to promote the health, safety, and general welfare of Portsmouth...in accordance with the...Master Plan” This is accomplished by regulating:

1. The use of land, buildings and structures for business, industrial, residential and other purposes – The Project replaces a modest ranch on a lot that has existed since 1894 with a classically designed, code-compliant, single-family home with incorporated one-car garage.
2. The intensity of land use, including lot sizes, building coverage, building height and bulk, yards and open space – Open space, building coverage, height, and front/rear yard setbacks comply, while side yard setbacks match conditions in the area.
3. The design of facilities for vehicular access, circulation, parking and loading – No change.
4. The impact on properties on of outdoor lighting, noise, vibration, stormwater runoff and flooding – Use of the property will not change.
5. The preservation and enhancement of the visual environment – The existing outdated ranch will be replaced with tastefully designed home and incorporated one-car garage.
6. The preservation of historic districts and building and structures of historic architectural interest – The Property is not in the Historic Overlay District.
7. The protection of natural resources, including groundwater, surface water, wetlands, wildlife habitat and air quality – The Property is a previously developed lot and the Project is not in the vicinity of any wetlands.

In considering whether variances “in a marked degree conflict with the ordinance such that they violate the ordinance’s basic zoning objectives.” Malachy Glen, supra, 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)

Here, the Property meets lot area requirements and contains an existing modest single-family home which will be reconstructed and expanded to include a single-car garage. The Lot size and frontage remain the same. Open space, building coverage, front and rear yard setbacks all comply while side yard setbacks are comparable to others in the area. Accordingly, the Project 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. 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. West is constitutionally entitled to the use of the lot as they see fit; including reconstruction of a code-compliant, permitted single-family home with an incorporated garage, meeting all dimensional requirements except for frontage, which cannot be changed, and side yard 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 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.

Because the lot meets area requirements, frontage matches the surrounding area and the lot has been developed with a home, there is no harm from reestablishing a permitted use on the Property. Similarly, the Project complies with open space, building coverage, height, and front/rear yard requirements, matches the existing dimension from the home to left side lot line, and proposes a right-side yard setback similar to others in the area. Accordingly, there is no benefit to the public from denying the variances. Conversely, West will suffer great harm from denial because they will be unable to replace the dated ranch with a new, code-compliant home

with incorporated garage. There is no benefit to public that outweighs the hardship to the applicant if the variances are denied.

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

The Project significantly improves the Property with a new, code-compliant home while complying with open space, building overage, height, and front/rear yard setbacks. Relief is required solely from frontage, which has existed since 1894 and supported a home from at least 1975. The proposed left-side side yard matches existing conditions, while the right-side yard setback proposed is common for the small lots in the area and the homes that have been expanded with garages. **(Exhibit E)**. Under these circumstances, granting a variance for the newly designed home and garage addition will not diminish surrounding property values.

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

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

The Property contains sufficient lot area, but the parcel's frontage does not meet today's requirements. The parcel's depth is disproportionate to its frontage and results in a long narrow lot. These circumstances, along with the location on Bartlett Street and need to accommodate as much parking as possible, 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.

Yard setbacks and frontage exist to promote air, light, separation between neighbors, maintain sightlines and to provide space for stormwater treatment. The frontage proposed is identical to what has existed since 1984 and has long supported a modest home. The existing home, 9.9 feet from the left-side lot line, is nearly compliant so the change from the larger home is minimal. On the right side, the incorporation of the one care garage slightly intrudes on the right-side yard setback, but the Project matches neighborhood conditions and allows ample room for air, light, separation between neighbors and space for stormwater treatment. Accordingly, the purposes of these regulations are met, so there is no reason to apply the strict side setback 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 provides a reconstructed home and garage addition, significantly improving

functionality of a modest single-family home in the GRA and enhancing one of the main throughfares into the City. Accordingly, the use is reasonable.

VI. CONCLUSION

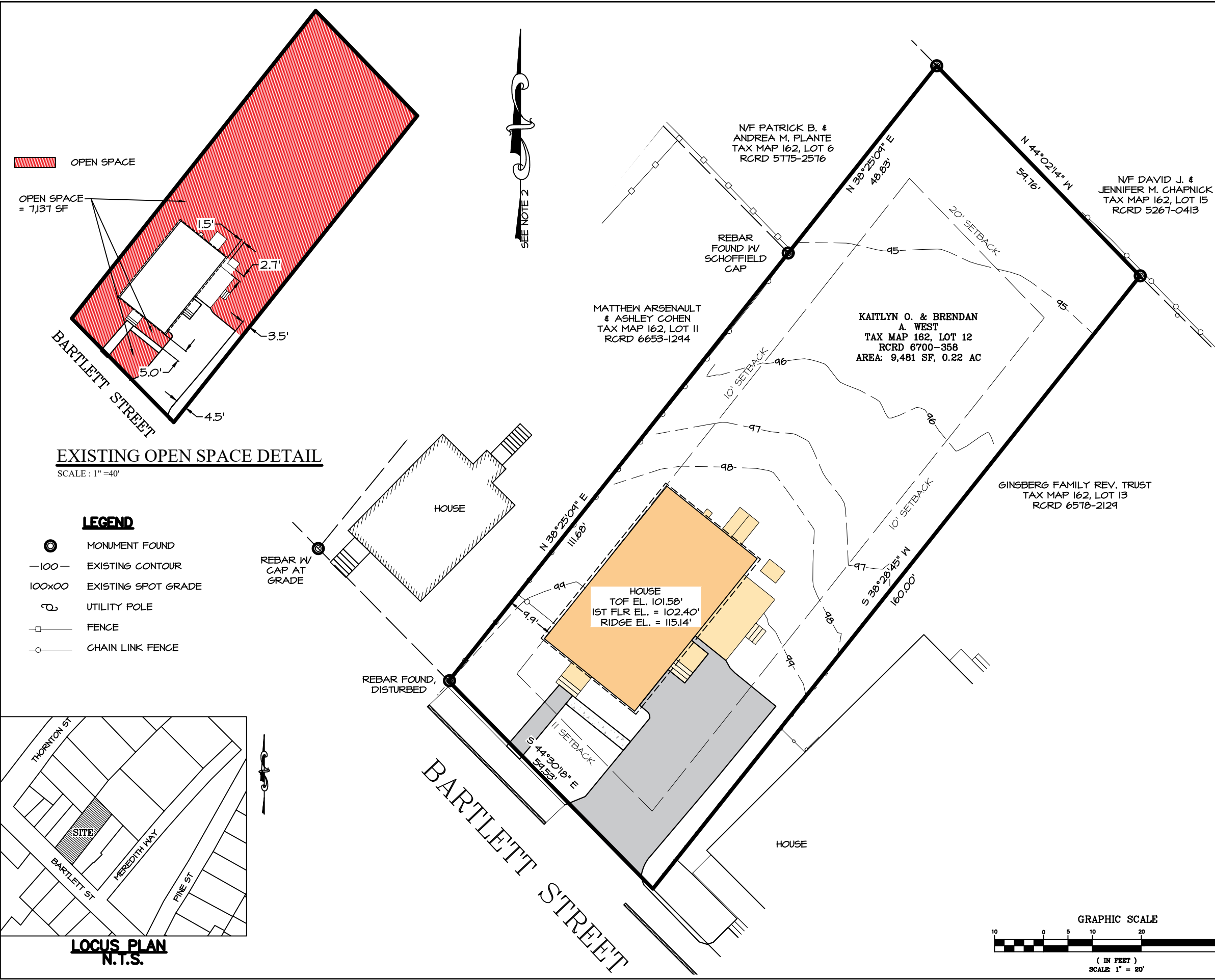
For all of the reasons stated, West respectfully requests that the Portsmouth Zoning Board of Adjustment grant all requested variances. We look forward to presenting this application at the July 21, 2026 Meeting.

Respectfully submitted,

BRENDAN & KAITLYN WEST

A handwritten signature in blue ink, appearing to read "Monica F. Kieser", is written over a horizontal line.

By: R. Timothy Phoenix
Monica F. Kieser



NOTES

1) OWNER OF RECORD:
KAITLYN O. & BRENDAN A. WEST
315 BARTLETT STREET
PORTSMOUTH, NH 03801
TAX MAP 162, LOT 12
RCRD: 6700-358
AREA: 9,481 SF, 0.22 ACRES

2) BASIS OF BEARING HELD FROM PLAN REFERENCE #1.

3) PARCEL IS IN GENERAL RESIDENCE A (GRA) ZONE:
MINIMUM LOT AREA.....7,500 SF
MIN. LOT AREA PER DWELLING UNIT.....7,500 SF
MINIMUM FRONTAGE.....100 FT
MINIMUM DEPTH.....70 FT
SETBACKS:
FRONT.....11 FT*
SIDE.....10 FT
REAR.....20 FT
MAXIMUM BUILDING HEIGHT:
SLOPED ROOF.....35 FT
FLAT ROOF.....30 FT
MAXIMUM BUILDING COVERAGE.....25%
MINIMUM OPEN SPACE.....30%

*AS PER PORTSMOUTH ZONING ORDINANCE 10.516.10, IF EXISTING PRINCIPAL BUILDINGS ON THE SAME SIDE OF THE SAME STREET, IN THE SAME ZONING DISTRICT, AND WITHIN 200 FEET OF A LOT ARE LOCATED CLOSER TO THE STREET THAN THE MINIMUM REQUIRED FRONT YARD SPECIFIED IN THIS ARTICLE, THE REQUIRED FRONT YARD FOR THE PRINCIPAL BUILDING ON SUCH LOT SHALL BE THE AVERAGE OF THE EXISTING ALIGNMENTS OF ALL SUCH PRINCIPAL BUILDINGS, ROUNDED TO THE NEAREST FOOT. FOR THE PURPOSES OF THIS PROVISION, BUILDINGS ON THE SUBJECT LOT SHALL NOT BE INCLUDED IN THE AVERAGE OF EXISTING ALIGNMENTS.

THE DISTANCE FROM THE PRINCIPAL BUILDING TO BARTLETT ST FOR ALL LOTS WITHIN 200' OF LOT 12 ARE LISTED BELOW.

TAX MAP 162, LOT 8 - 27.4'
TAX MAP 162, LOT 9 - 5.4'
TAX MAP 162, LOT 10 - 6.1'
TAX MAP 162, LOT 11 - 6.9'
TAX MAP 162, LOT 13 - 13.3'
TAX MAP 162, LOT 14 - 4.5'
AVERAGE OF LOTS = 27.4+5.4+6.1+6.9+13.3+4.5/6 = 10.6'
REQUIRED FRONT SETBACK = 11'

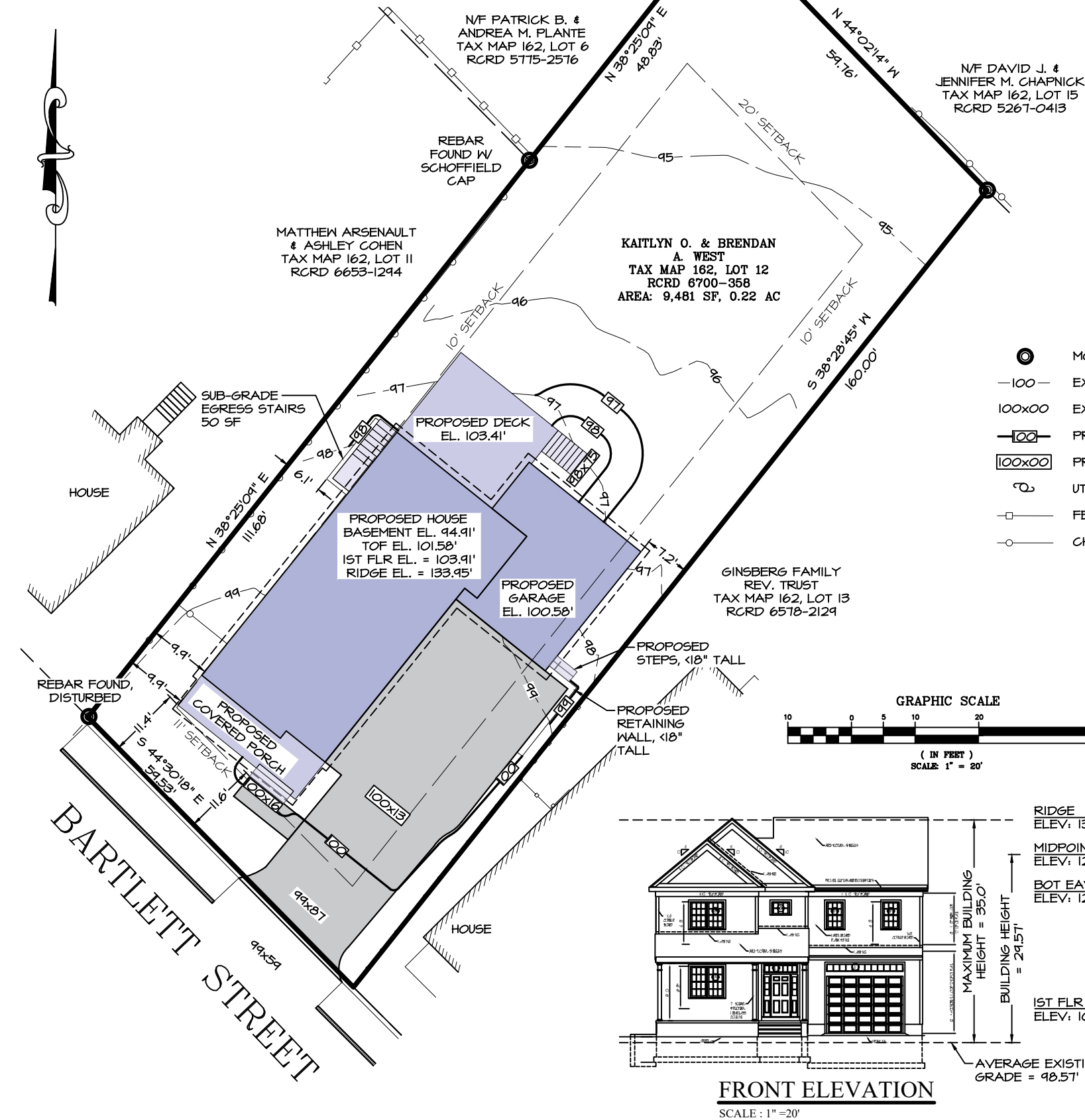
4) THE PARCEL IS NOT WITHIN A FEMA SPECIAL HAZARD FLOOD AREA (SFHA), AS PER FLOOD INSURANCE RATE MAP #33015C0254F, PANEL 254 OF 681, DATED JANUARY 29, 2021. VERTICAL DATUM IS NAVD 1988.

EXHIBIT A

1	6/24/2026	ZBA SUBMITTAL	
ISS.	DATE	DESCRIPTION OF ISSUE	
SCALE	1" = 20'		
CHECKED	A.ROSS		
DRAWN	J.G.E.		
ROSS ENGINEERING, LLC Civil/Structural Engineering & Surveying 650 Idington St, 2nd Floor Portsmouth, NH 03801 (603) 433-7560			
CLIENT KAITLYN & BRENDAN WEST 315 BARTLETT STREET PORTSMOUTH, NH 03801			
TITLE EXISTING CONDITIONS PLAN 315 BARTLETT STREET PORTSMOUTH, NH 03801 TAX MAP 162, LOT 12			
JOB NUMBER	26-046	DWG. NO.	1 OF 3
ISSUE			1

VARIANCES REQUIRED

SETBACKS	REQUIRED	EXISTING	PROPOSED
LEFT SIDE PROPERTY LINE TO PORCH	10'	N/A	9.9'
LEFT SIDE PROPERTY LINE TO FOUNDATION	10'	9.9'	9.9'
RIGHT SIDE PROPERTY LINE TO GARAGE	10'	N/A	7.2'

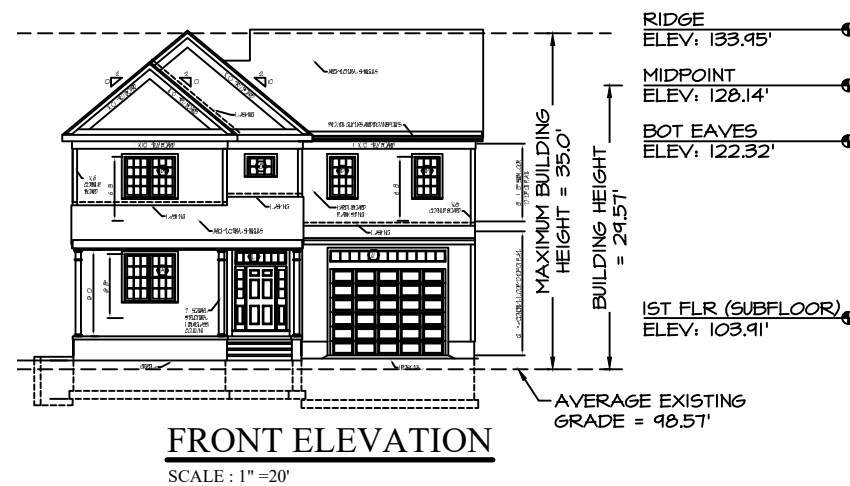
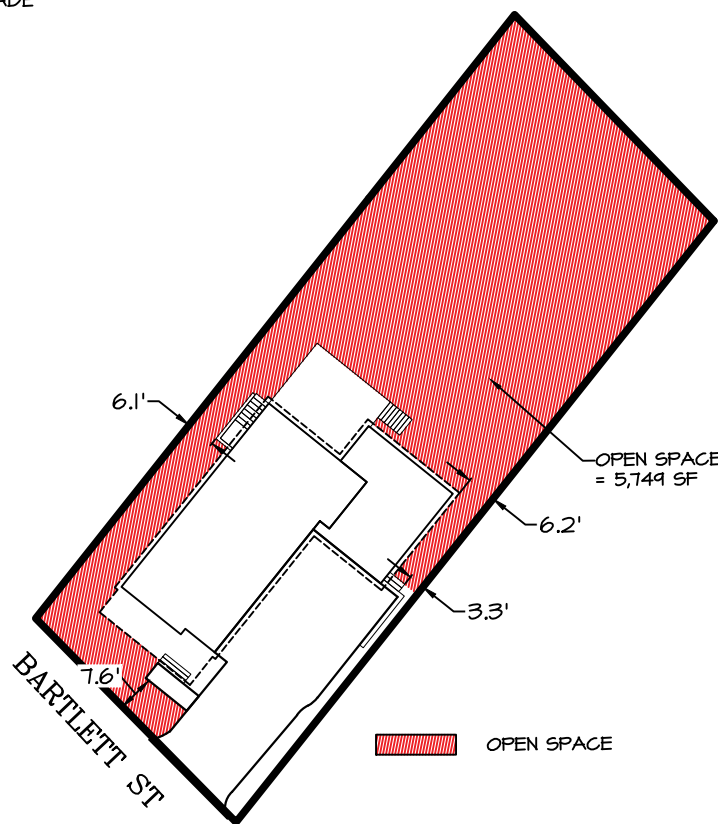


NOTES

- 1) OWNER OF RECORD:
KAITLYN O. & BRENDAN A. WEST
315 BARTLETT STREET
PORTSMOUTH, NH 03801
TAX MAP 162, LOT 12
RCRD: 6700-358
AREA: 9,481 SF, 0.22 ACRES
- 2) PARCEL IS IN GENERAL RESIDENCE A (GRA) ZONE:
MINIMUM LOT AREA.....7,500 SF
MIN. LOT AREA PER DWELLING UNIT.....7,500 SF
MINIMUM FRONTAGE.....100 FT
MINIMUM DEPTH.....70 FT
SETBACKS:
FRONT.....11 FT*
SIDE.....10 FT
REAR.....20 FT
MAXIMUM BUILDING HEIGHT:
SLOPED ROOF.....35 FT
FLAT ROOF.....30 FT
MAXIMUM BUILDING COVERAGE.....25%
MINIMUM OPEN SPACE.....30%
- 3) OPEN SPACE
EXISTING
SEE EXISTING OPEN SPACE DETAIL. EXISTING OPEN SPACE IS 7,137 SF.
OPEN SPACE = 7137 / 9481 = 75.3%
- PROPOSED
SEE PROPOSED OPEN SPACE DETAIL. PROPOSED OPEN SPACE IS 5,731 SF.
OPEN SPACE = 5744 / 9481 = 60.6%
- 4) BUILDING COVERAGE
EXISTING
HOUSE.....946 SF
CHIMNEY.....2 SF
BULKHEAD.....30 SF
DECKS & LANDINGS > 18".....170 SF
STAIRS > 18".....7 SF
TOTAL.....1,155 SF
BUILDING COVERAGE = 1155 / 9481 = 12.2%
- PROPOSED
HOUSE.....1179 SF
GARAGE.....443 SF
COVERED PORCH.....148 SF
DECKS.....311 SF
STAIRS > 18".....23 SF
TOTAL.....2,104 SF
BUILDING COVERAGE = 2104 / 9481 = 22.3%
- 5) AVERAGE EXISTING GRADE:
AS PER PORTSMOUTH ZONING ORDINANCE THE AVERAGE EXISTING GRADE SHALL BE THE AVERAGE GROUND LEVELS ADJOINING THE BUILDING AT ALL EXTERIOR WALLS MEASURED EVERY FIVE FEET AROUND THE PERIMETER OF THE BUILDING.
THE AVERAGE EXISTING GRADE WAS CALCULATED AS 98.57'.
- 6) BUILDING HEIGHT:
AS PER PORTSMOUTH ZONING ORDINANCE THE BUILDING HEIGHT SHALL BE THE GREATEST VERTICAL MEASUREMENT BETWEEN THE LOWER AND UPPER REFERENCE POINTS. THE LOWER REFERENCE POINT SHALL BE THE AVERAGE EXISTING GRADE OR AVERAGE FINISHED GRADE, WHICHEVER IS LOWER. THE UPPER REFERENCE POINT FOR GAMBREL, HIP, HIP-TOPPED MANSARD ROOF, OR PENTHOUSE SHALL BE THE ELEVATION MIDWAY BETWEEN THE LEVEL OF EAVES AND THE HIGHEST POINT OF THE ROOF.
AVERAGE EXISTING GRADE = 98.57'
EAVES EL. = 122.32'
RIDGE EL. = 133.95'
MIDPOINT EL. = 133.95 + 122.32 / 2 = 128.14'
BUILDING HEIGHT = 128.14' - 98.57' = 29.57'

LEGEND

- MONUMENT FOUND
- EXISTING CONTOUR
- EXISTING SPOT GRADE
- PROPOSED CONTOUR
- PROPOSED SPOT GRADE
- UTILITY POLE
- FENCE
- CHAIN LINK FENCE



PROPOSED OPEN SPACE DETAIL

SCALE: 1" = 40'

1	6/24/2026	ZBA SUBMITTAL	
ISS.	DATE	DESCRIPTION OF ISSUE	
SCALE	1" = 20'		
CHECKED	A.ROSS		
DRAWN	D.D.D.		
ROSS ENGINEERING, LLC Civil/Structural Engineering & Surveying 650 Idington St., 2nd Floor Portsmouth, NH 03801 (603) 433-7560			
CLIENT KAITLYN & BRENDAN WEST 315 BARTLETT STREET PORTSMOUTH, NH 03801			
TITLE SITE PLAN			
315 BARTLETT STREET PORTSMOUTH, NH 03801 TAX MAP 162, LOT 12			
JOB NUMBER	DWG. NO.	ISSUE	
26-046	2 OF 3	1	

THORNTON STREET

TAX MAP
162, LOT 8

HOUSE

TAX MAP
162, LOT 9

HOUSE

TAX MAP
162, LOT 10

HOUSE

TAX MAP
162, LOT 11

HOUSE

#315
BARTLETT ST
TAX MAP 162,
LOT 12

TAX MAP
162, LOT 13

HOUSE

TAX MAP
162, LOT 14

HOUSE

MEREDITH STREET (PUBLIC)

BARTLETT STREET

27.4'

5.4'

6.1'

6.9'

13.3'

4.5'

NOTES

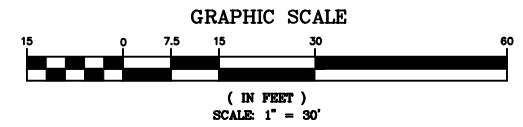
1) OWNER OF RECORD:
KAITLYN O. & BRENDAN A. WEST
315 BARTLETT STREET
PORTSMOUTH, NH 03801
TAX MAP 162, LOT 12
RCRD: 6700-358
AREA: 9,481 SF, 0.22 ACRES

2) PARCEL IS IN GENERAL RESIDENCE A (GRA) ZONE:
MINIMUM LOT AREA.....7,500 SF
MIN. LOT AREA PER DWELLING UNIT.....7,500 SF
MINIMUM FRONTAGE.....100 FT
MINIMUM DEPTH.....70 FT
SETBACKS:
FRONT.....11 FT*
SIDE.....10 FT
REAR.....20 FT
MAXIMUM BUILDING HEIGHT:
SLOPED ROOF.....35 FT
FLAT ROOF.....30 FT
MAXIMUM BUILDING COVERAGE.....25%
MINIMUM OPEN SPACE.....30%

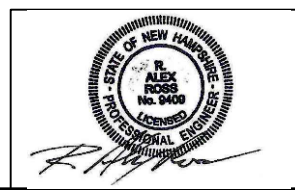
*AS PER PORTSMOUTH ZONING ORDINANCE 10.516.10, IF EXISTING PRINCIPAL BUILDINGS ON THE SAME SIDE OF THE SAME STREET, IN THE SAME ZONING DISTRICT, AND WITHIN 200 FEET OF A LOT ARE LOCATED CLOSER TO THE STREET THAN THE MINIMUM REQUIRED FRONT YARD SPECIFIED IN THIS ARTICLE, THE REQUIRED FRONT YARD FOR THE PRINCIPAL BUILDING ON SUCH LOT SHALL BE THE AVERAGE OF THE EXISTING ALIGNMENTS OF ALL SUCH PRINCIPAL BUILDINGS, ROUNDED TO THE NEAREST FOOT. FOR THE PURPOSES OF THIS PROVISION, BUILDINGS ON THE SUBJECT LOT SHALL NOT BE INCLUDED IN THE AVERAGE OF EXISTING ALIGNMENTS.

THE DISTANCE FROM THE PRINCIPAL BUILDING TO BARTLETT ST FOR ALL LOTS WITHIN 200' OF LOT 12 ARE LISTED BELOW.

TAX MAP 162, LOT 8 - 27.4'
TAX MAP 162, LOT 9 - 5.4'
TAX MAP 162, LOT 10 - 6.1'
TAX MAP 162, LOT 11 - 6.9'
TAX MAP 162, LOT 13 - 13.3'
TAX MAP 162, LOT 14 - 4.5'
AVERAGE OF LOTS = $27.4+5.4+6.1+6.9+13.3+4.5/6 = 10.6'$
REQUIRED FRONT SETBACK = 11'



1	6/24/2026	ZBA SUBMITTAL	
ISS.	DATE	DESCRIPTION OF ISSUE	
SCALE	1" = 30'		
CHECKED	A.ROSS		
DRAWN	D.D.D.		
ROSS ENGINEERING, LLC Civil/Structural Engineering & Surveying 650 Edgemoor St, 2nd Floor Portsmouth, NH 03801 (603) 433-7560			
CLIENT KAITLYN & BRENDAN WEST 315 BARTLETT STREET PORTSMOUTH, NH 03801			
TITLE SETBACK COMPARISON 315 BARTLETT STREET PORTSMOUTH, NH 03801 TAX MAP 162, LOT 12			
JOB NUMBER	DWG. NO.	ISSUE	
26-046	3 OF 3	1	



26013938 04/23/2026 12:26:52 PM
Book 6700 Page 358 Page 1 of 7
Register of Deeds, Rockingham County

Carly Ann Seavey

LCHIP	ROA738485	25.00
TRANSFER TAX	RO142598	10,050.00
RECORDING		34.00
SURCHARGE		2.00

Return to 
Kaitlyn O. West and Brendan A. West
315 Bartlett Street
Portsmouth, NH 03801

T/S: \$10,050



EXHIBIT B

FIDUCIARY DEED

KNOW ALL MEN BY THESE PRESENTS: That Robert Charles Montville, Executor of The Estate of Mary Ann Deatley AKA Mary Ann De Atley, of 315 Bartlett Street, Portsmouth, NH 03801, by power conferred by the 19th Circuit Court – Probate Division, Brentwood, and every other power, for consideration paid grant to Kaitlyn O. West and Brendan A. West, of 633 Dennett Street, Portsmouth, NH 03801 as Joint Tenants with Rights to Survivorship with FIDUCIARY COVENANTS:

A certain parcel of land, with the buildings thereon, situate in Portsmouth, County of Rockingham and State of New Hampshire, bounded and described as follows:

Beginning on Bartlett Street at the Northwest corner of the lot, at other land of Miriam V. Mullen, and thence running Easterly by land of said Mullen and by land of Helen Davis a distance of 160 feet to land of Laurence E. and Bella M. Robbins; thence turning and running Southerly by land of said Robbins, 60 feet to land of Joseph W. Geiger; thence turning and running Westerly by land of said Geiger and by land of Joseph R. and Marie C. Tosi, 160 feet to Bartlett Street; thence turning and running Northerly by and along said Bartlett Street, 60 feet, more or less, to the point of beginning.

Meaning and intending to describe and convey the same premises conveyed to Michael De Atley and Mary Ann De Atley by virtue of a deed dated July 20, 1973 and recorded in the Rockingham County Registry of Deeds at Book 2206 and Page 1960. Death Certificate for Mary Ann De Atley recorded at Book 6661, Page 1037 of the Rockingham County Registry of Deeds. Death Certificate for Michael De Atley recorded herewith.

This is not homestead property.

Executed this 13th day of April, 2026.

The Estate of Mary Ann Deatley AKA Mary Ann
De Atley

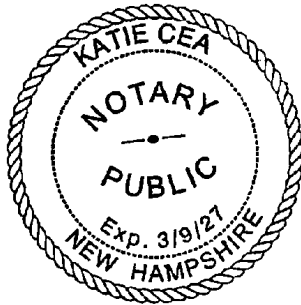
Robert Charles Montville, Executor

Robert Charles Montville, Executor

State of New Hampshire
County of Rockingham

April 13, 2026

Then personally appeared before me on this 13th day of April, 2026, the said Robert Charles Montville, Executor of The Estate of Mary Ann Deatley AKA Mary Ann De Atley and acknowledged the foregoing to be his voluntary act and deed.



[Signature]

Notary Public/Justice of the Peace
Commission expiration: 3/9/27

Know all Men by these Presents,

That S. Mary J. Wain of Portsmouth in the County of Rockingham and State of New Hampshire.

Wain
to
Lester

For and in consideration of the sum of one dollar
to me in hand before the delivery hereof, well and truly paid by

Thomas B. Lester of the same Portsmouth.

Delivered to
S. W. Emery
Mail

the receipt whereof I do hereby acknowledge, have given, granted, bargained and sold, and by these presents do give, grant, bargain, sell, alien, enfeof, convey and confirm unto the said
Thomas B. Lester and his heirs and assigns forever,

A certain parcel of lands situated in Portsmouth aforesaid, and bounded and described as follows: beginning on Bartlett street at the North west corner of the lot and running Easterly one hundred sixty feet to lands of John Beardon, thence running Southerly by lands of John Beardon fifty feet to land of Mary J. Wain, thence running by lands of Mary J. Wain, westerly, one hundred and sixty feet to Bartlett street, and thence Northerly by Bartlett street, sixty feet to the point begun at.

To have and to hold the said granted premises, with all the privileges and appurtenances to the same belonging to him the said Thomas B. Lester and his heirs and assigns, to his and their only proper use and benefit forever. And I the said Mary J. Wain for myself and my heirs, executors and administrators, do hereby covenant, grant and agree, to and with the said Thos. B. Lester and his heirs and assigns, that until the delivery hereof I am the lawful owner of the said premises, and am seized and possessed hereof in my own right in fee simple; and have full power and lawful authority to grant and convey the same in manner aforesaid; that the said premises are free and clear from all and every incumbrance whatsoever; and that I and my heirs, executors and administrators, shall and will warrant and defend the same to the said Thos. B. Lester

and his heirs and assigns, against the lawful claims and demands of any person or persons whomsoever. And I, Joseph Wain, husband of the said Mary J. Wain in consideration aforesaid, do hereby release, discharge and waive all such rights of exemption from attachment and levy or sale on execution, and such other rights whatsoever in said premises, and in each and every part thereof, as our Family Homestead, as are reserved or secured to us, or either of us, by the Statute of the State of New Hampshire, passed July 4, 1851, entitled "an Act to exempt the Homestead of Families from attachment and levy or sale on execution," or by any other Statute or Statutes of said State.

In witness whereof, we have hereunto set our hands and seals this first day of September in the year of our Lord 1894

SIGNED, SEALED AND DELIVERED IN PRESENCE OF US:

S. W. Emery
John Grant

Mary J. Wain
Joseph Wain

State of New Hampshire, Rockingham, ss.

Sept 1.

A. D. 1894.

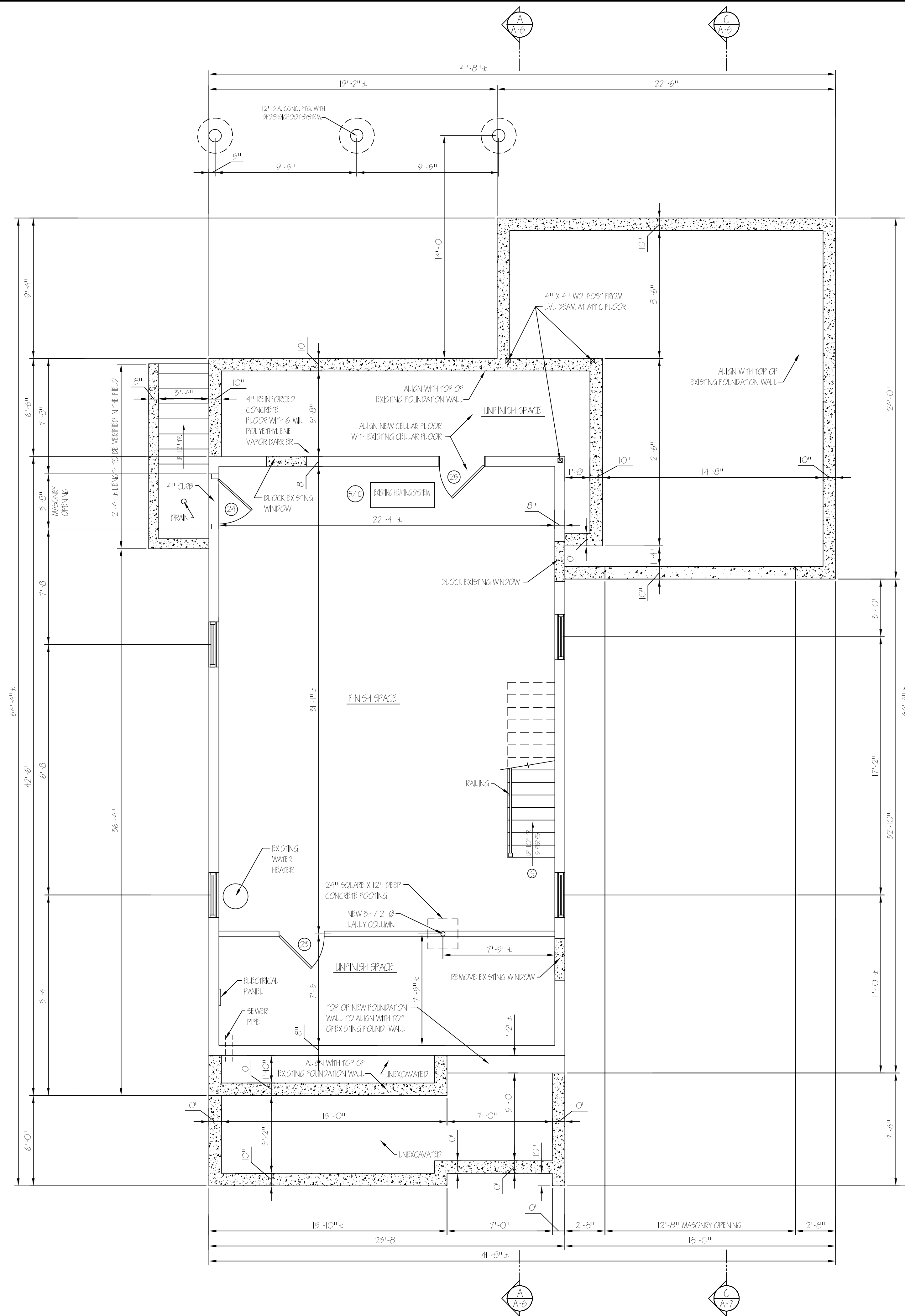
PERSONALLY appeared the above-named Mary J. Wain and Joseph Wain and acknowledged the foregoing instrument to be their voluntary act and deed. Before me,

Samuel W. Emery Justice of the Peace.

Received and Recorded, Oct. 22, 4-40 Pm 1894

William Morrell

Register.



FOUNDATION NOTES:

1. ALL FOOTINGS TO BE ON SOLID SOIL BEARINGS.
2. ALL CONCRETE TO BE 3000#.
3. ALL ANCHOR BOLTS 1/2" DIA. X 16" LONG
J-BOLTS AT 6'-0" O.C.
4. ASPHALT COAT FOUNDATION WALLS FROM FOOTING TO GRADE.
5. TOP OF FOUNDATION WALL TO BE 8" MIN. ABOVE FINISH GRADE.
6. PROVIDE DAMPROOFING AT ALL FOUNDATION WALLS.

⊙ - SMOKE DETECTOR

⊙/⊙ - SMOKE / CARBON MONOXIDE DETECTOR

— EXISTING CONCRETE FOUNDATION

— NEW CONCRETE FOUNDATION

COVERED PORCH TOP OF FOUNDATION HEIGHT NOTE:

DETERMINE THE MATERIAL USED FOR THE FINISH FLOOR SO THAT THE FINISH PORCH FLOOR IS 7-3/4" BELOW THE FOYER FLOOR

DEMOLITION NOTE:

DEMOLISH ALL STRUCTURES ABOVE THE EXISTING TOP OF FOUNDATION WALL.
DEMOLISH ALL EXISTING PARTITIONS, STAIRS AND LALLY COLUMNS IN THE EXISTING CELLAR.

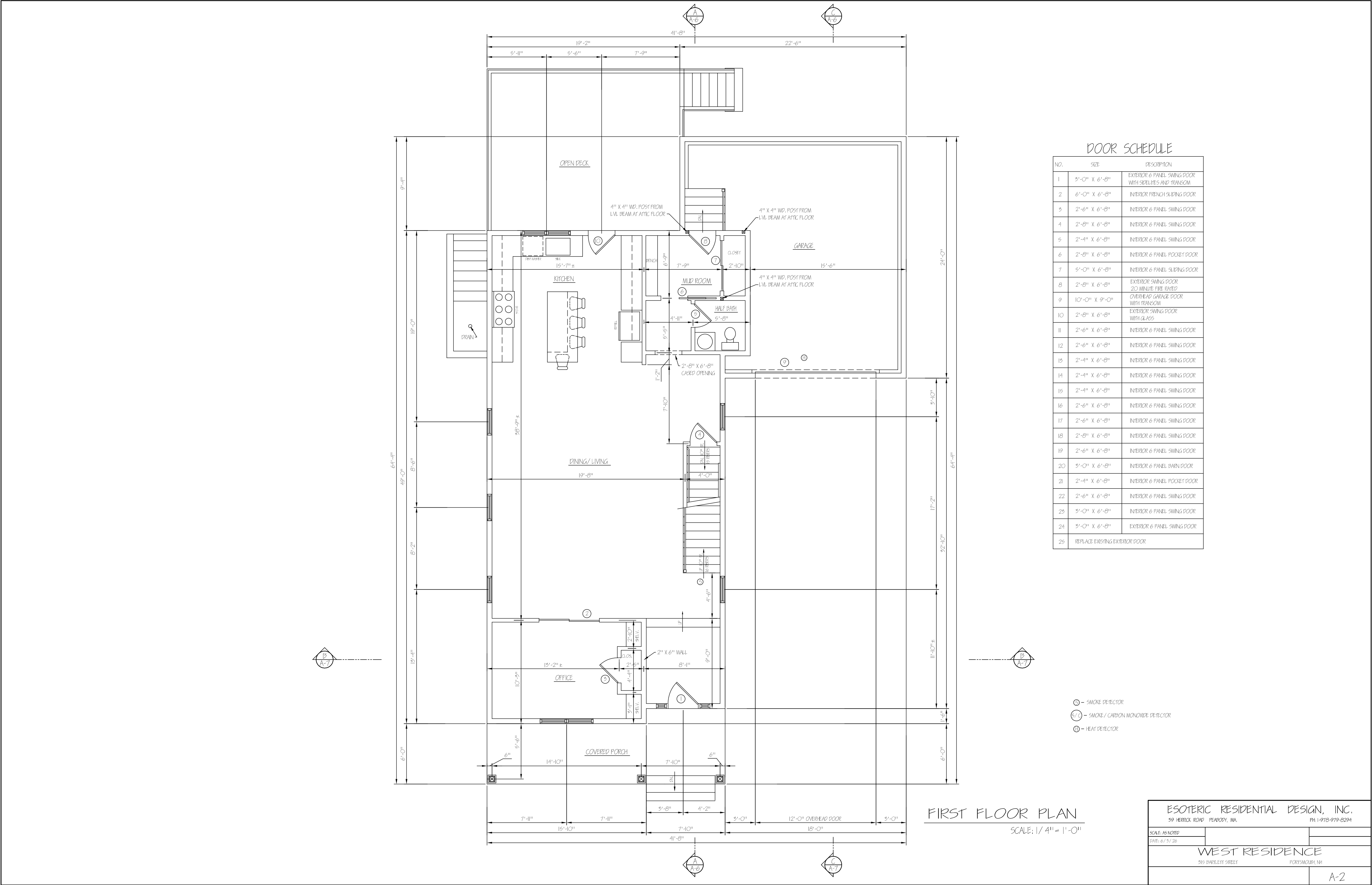
BASEMENT FLOOR PLAN

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

EXHIBIT C

ESOTERIC RESIDENTIAL DESIGN, INC.		
39 HERROCK ROAD PEABODY, MA. PH 1-978-979-8294		
SCALE: AS NOTED		
DATE: 6/5/26		
WEST RESIDENCE		
319 BARLETT STREET PORTSMOUTH, NH		

A-1



DOOR SCHEDULE

NO.	SIZE	DESCRIPTION
1	3'-0" X 6'-8"	EXTERIOR 6 PANEL SWING DOOR WITH SIDELITES AND TRANSOM
2	6'-0" X 6'-8"	INTERIOR FRENCH SLIDING DOOR
3	2'-6" X 6'-8"	INTERIOR 6 PANEL SWING DOOR
4	2'-8" X 6'-8"	INTERIOR 6 PANEL SWING DOOR
5	2'-4" X 6'-8"	INTERIOR 6 PANEL SWING DOOR
6	2'-8" X 6'-8"	INTERIOR 6 PANEL POCKET DOOR
7	5'-0" X 6'-8"	INTERIOR 6 PANEL SLIDING DOOR
8	2'-8" X 6'-8"	EXTERIOR SWING DOOR 20 MINUTE FIRE RATED
9	10'-0" X 9'-0"	OVERHEAD GARAGE DOOR WITH TRANSOM
10	2'-8" X 6'-8"	EXTERIOR SWING DOOR WITH GLASS
11	2'-6" X 6'-8"	INTERIOR 6 PANEL SWING DOOR
12	2'-6" X 6'-8"	INTERIOR 6 PANEL SWING DOOR
13	2'-4" X 6'-8"	INTERIOR 6 PANEL SWING DOOR
14	2'-4" X 6'-8"	INTERIOR 6 PANEL SWING DOOR
15	2'-4" X 6'-8"	INTERIOR 6 PANEL SWING DOOR
16	2'-6" X 6'-8"	INTERIOR 6 PANEL SWING DOOR
17	2'-6" X 6'-8"	INTERIOR 6 PANEL SWING DOOR
18	2'-8" X 6'-8"	INTERIOR 6 PANEL SWING DOOR
19	2'-6" X 6'-8"	INTERIOR 6 PANEL SWING DOOR
20	3'-0" X 6'-8"	INTERIOR 6 PANEL BARN DOOR
21	2'-4" X 6'-8"	INTERIOR 6 PANEL POCKET DOOR
22	2'-6" X 6'-8"	INTERIOR 6 PANEL SWING DOOR
23	3'-0" X 6'-8"	INTERIOR 6 PANEL SWING DOOR
24	3'-0" X 6'-8"	EXTERIOR 6 PANEL SWING DOOR
25	REPLACE EXISTING EXTERIOR DOOR	

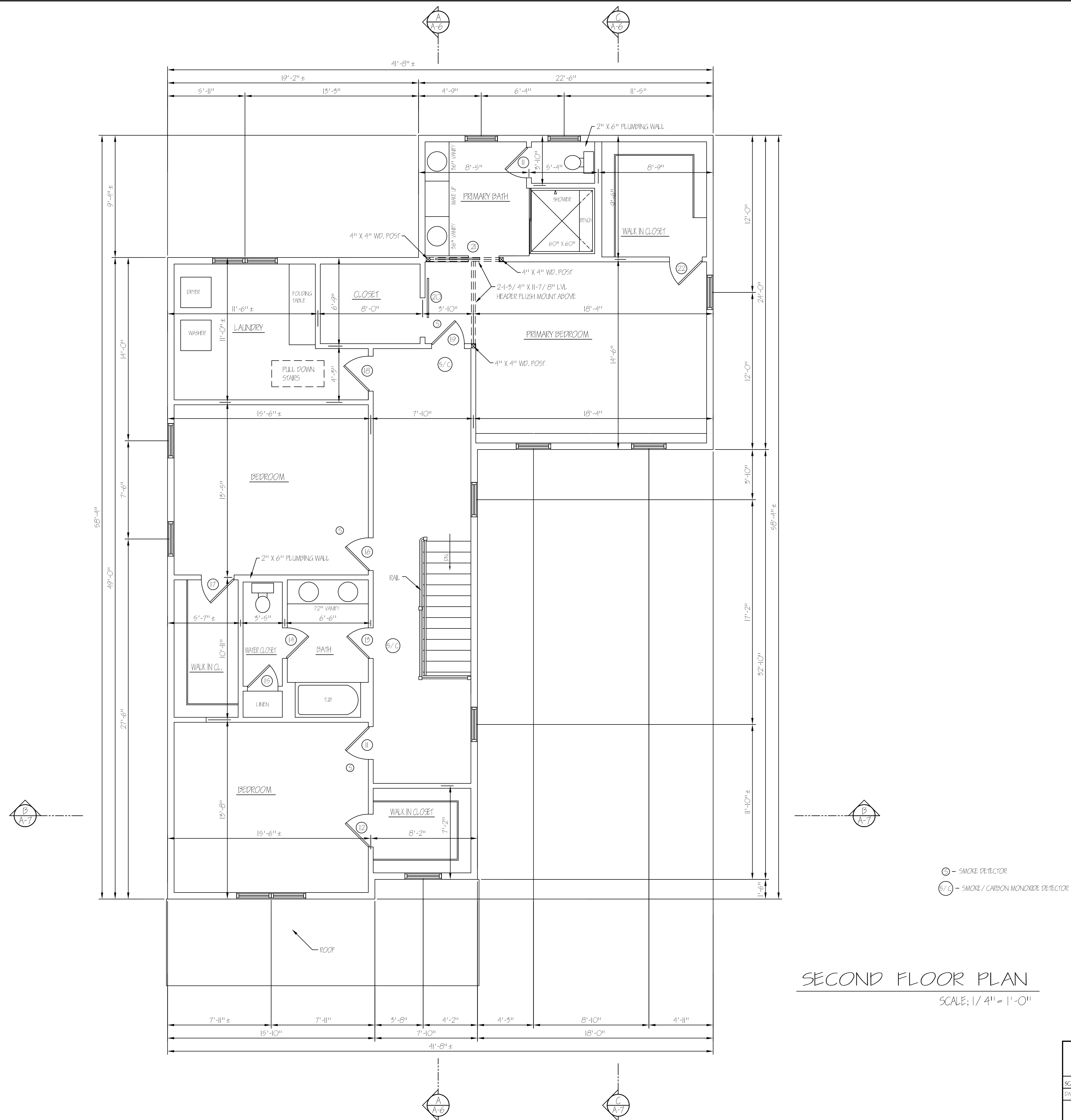
- ① - SMOKE DETECTOR
② - SMOKE / CARBON MONOXIDE DETECTOR
③ - HEAT DETECTOR

FIRST FLOOR PLAN

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

ESOTERIC RESIDENTIAL DESIGN, INC.
39 HERROCK ROAD PEABODY, MA PH 1-978-979-8294

SCALE: AS NOTED
DATE: 6/5/26
WEST RESIDENCE
319 BARLETT STREET PORTSMOUTH, NH



SECOND FLOOR PLAN
SCALE: 1/4" = 1'-0"



FRONT ELEVATION

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

WINDOW SCHEDULE

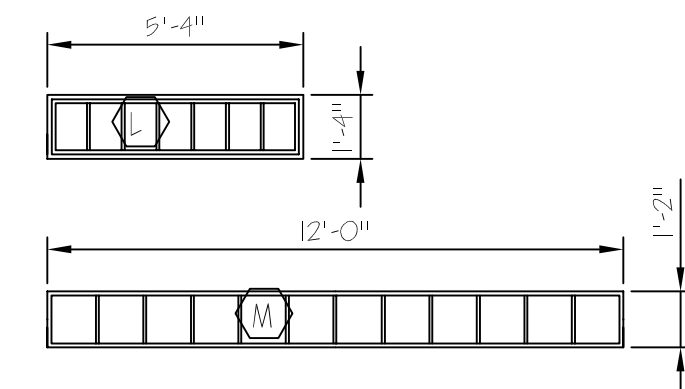
DES.	QTY.	ANDERSEN WDW. NO.	ROUGH OPENING (W x L)	DESCRIPTION
A	1	TW26410-2	5'-3-7/8" X 5'-0-7/8"	MILLED DOUBLE HUNG
B	1	TW2642-2	5'-3-7/8" X 4'-4-7/8"	MILLED DOUBLE HUNG
C	1	TW120111	2'-2-1/8" X 2'-1-7/8"	TRANSOM
**	7	TW2642	2'-8-1/8" X 4'-4-7/8"	DOUBLE HUNG
**	5	TW26410	2'-8-1/8" X 5'-0-7/8"	DOUBLE HUNG
F	4	A31	5'-0-1/2" X 2'-0-5/8"	AWNING
G	1	CW235	4'-9" X 5'-5-5/8"	CASEMENT
H	1	TW2442-2	4'-11-7/8" X 4'-4-7/8"	MILLED DOUBLE HUNG
I	1	TW24210	2'-6-1/8" X 5'-0-7/8"	DOUBLE HUNG
**	2	TW2456	2'-6-1/8" X 5'-8-7/8"	DOUBLE HUNG
K		DELETE		
L	1	TRANSOM	SEE UNIT DIMENSION BELOW	
M	1	TRANSOM	SEE UNIT DIMENSION BELOW	

* ANDERSEN 400 SERIES

** PROVIDE SAFETY GLASS AT WINDOWS E-I AT FIRST FLOOR STAIRWAY UP AND DOWN

** PROVIDE SAFETY GLASS AT WINDOW D-I AT SECOND FLOOR STAIRWAY DOWN

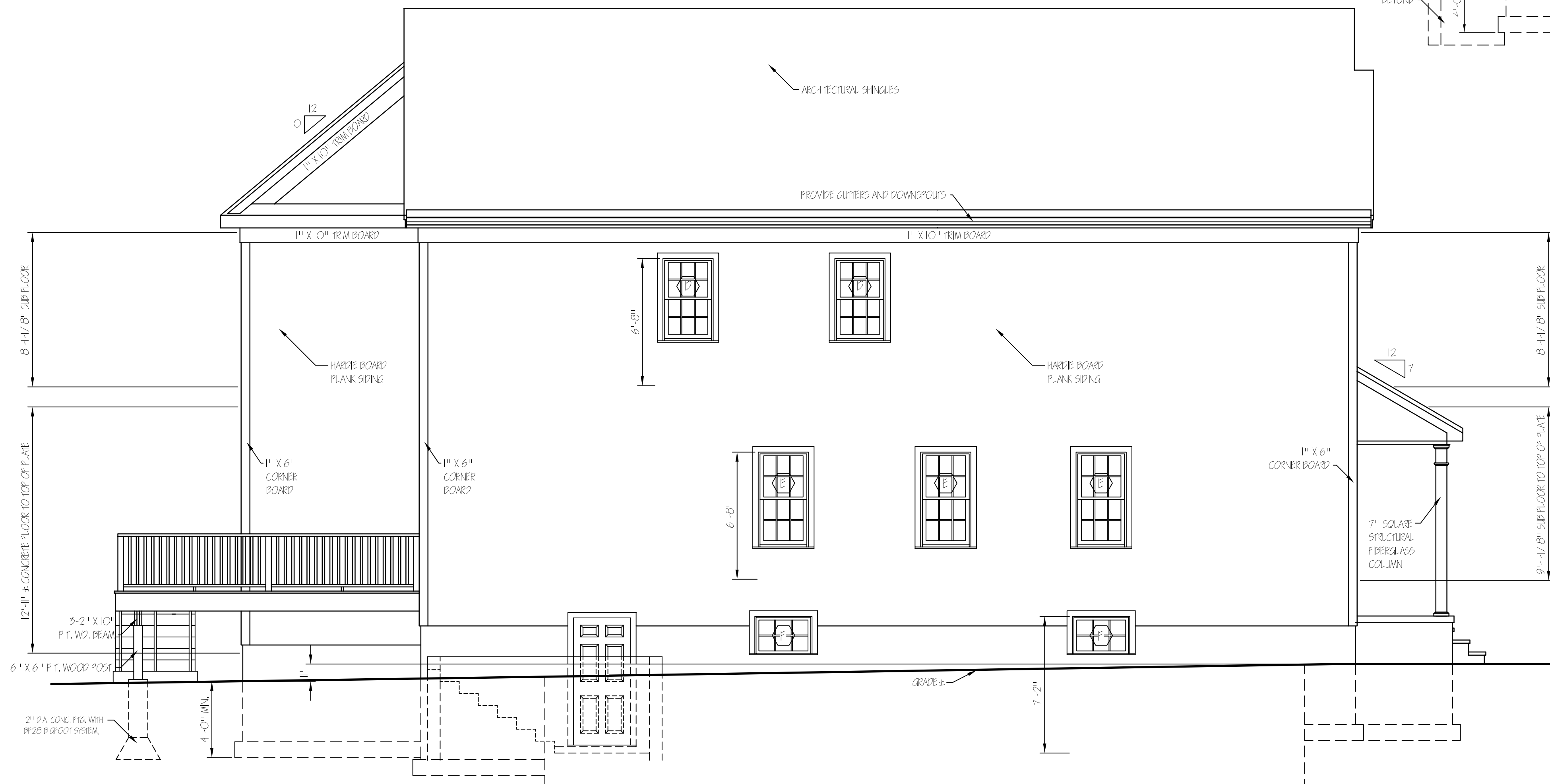
** PROVIDE SAFETY GLASS AT WINDOW J-I AT PRIMARY BATH



ESOTERIC RESIDENTIAL DESIGN, INC.
39 HERROCK ROAD PEABODY, MA PH 1-978-979-8294

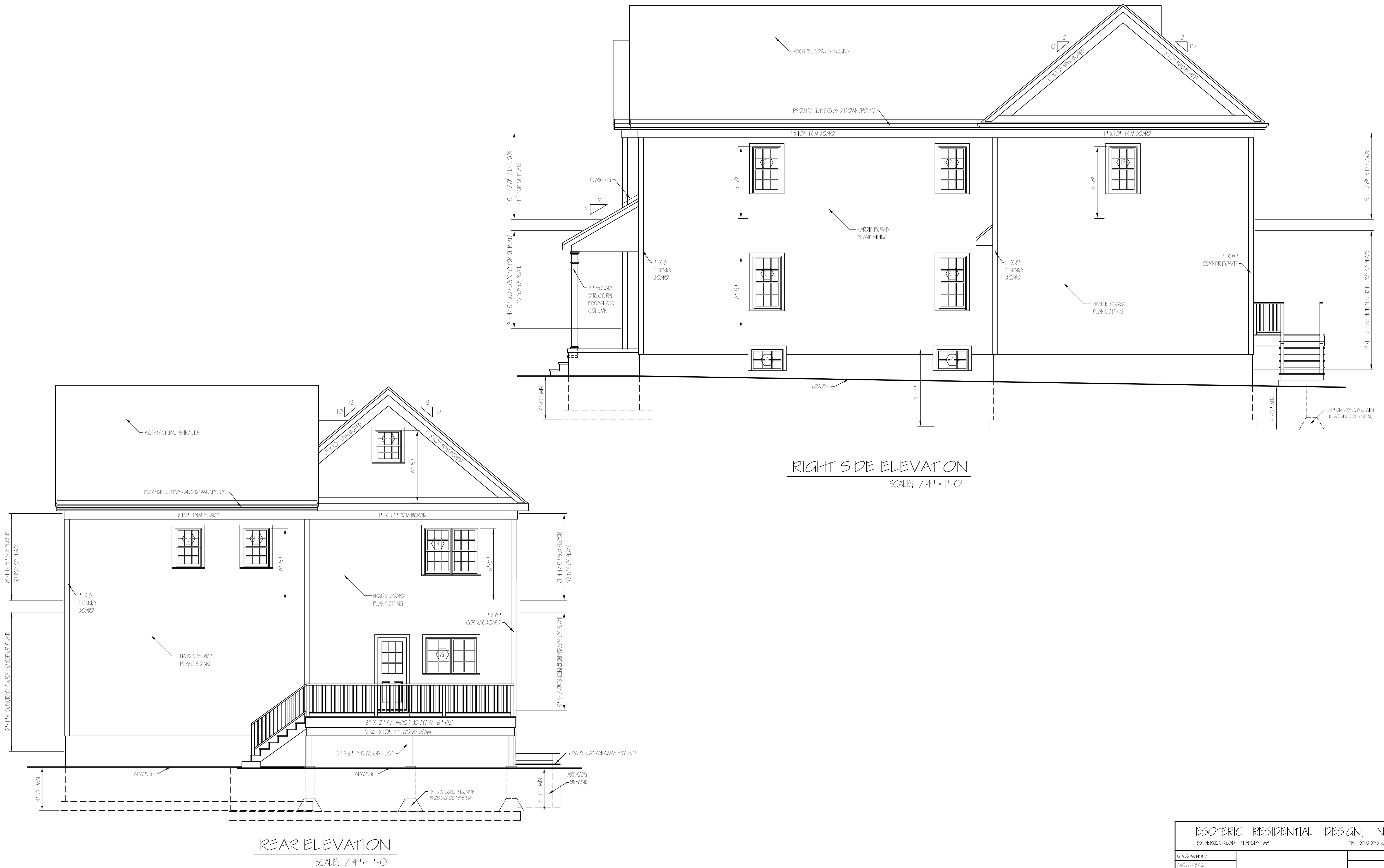
SCALE: AS NOTED
DATE: 6/5/26
WEST RESIDENCE
319 BARTLETT STREET PORTSMOUTH, NH

A-4

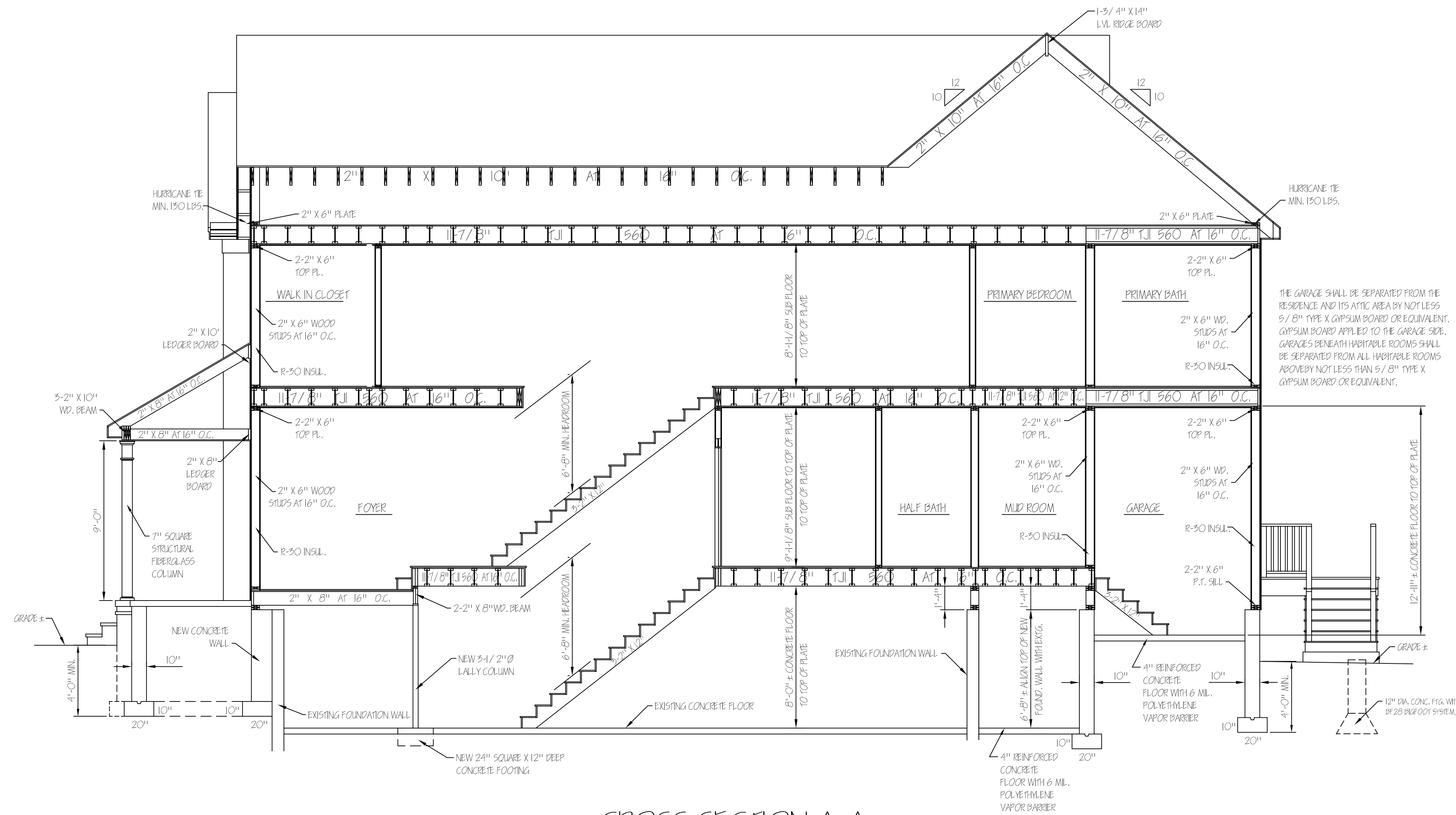


LEFT SIDE ELEVATION

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



ESOTERIC RESIDENTIAL DESIGN, INC.		
39 HERROCK ROAD PEABODY, MA. PH 1-978-979-8294		
SCALE: AS NOTED		
DATE: 6/5/26		
WEST RESIDENCE		
319 BARLETT STREET PORTSMOUTH, NH		
		A-5



CROSS SECTION A-A

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

ESOTERIC RESIDENTIAL DESIGN, INC.
39 HERROCK ROAD PEABODY, MA. PH 1-978-979-8294

SCALE: AS NOTED
DATE: 6/5/26

WEST RESIDENCE
319 BARLETT STREET PORTSMOUTH, NH

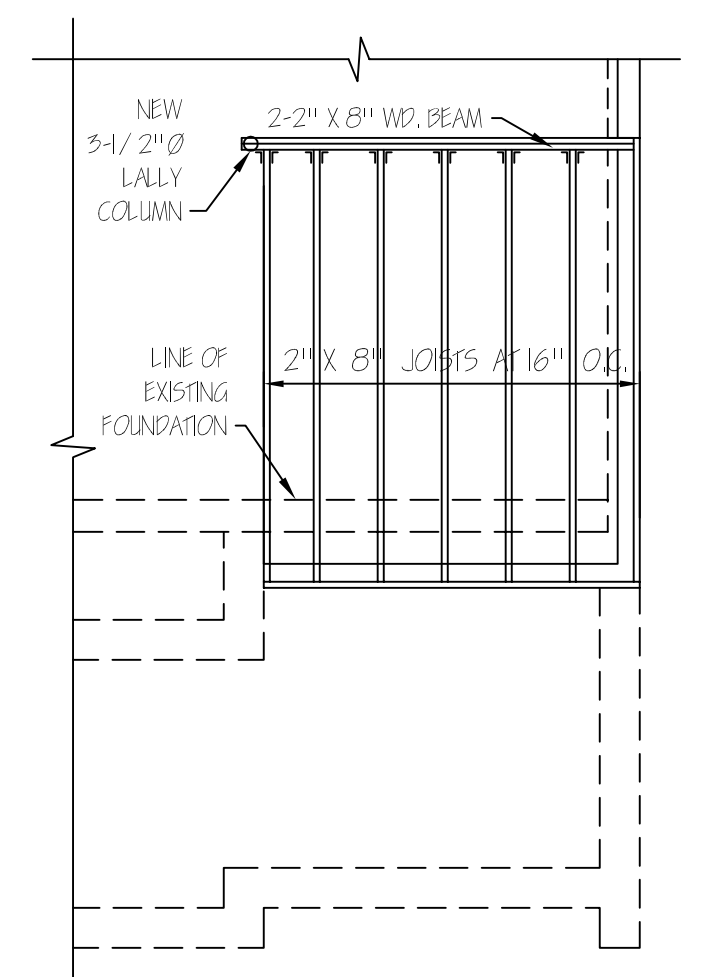
A-6



V-7



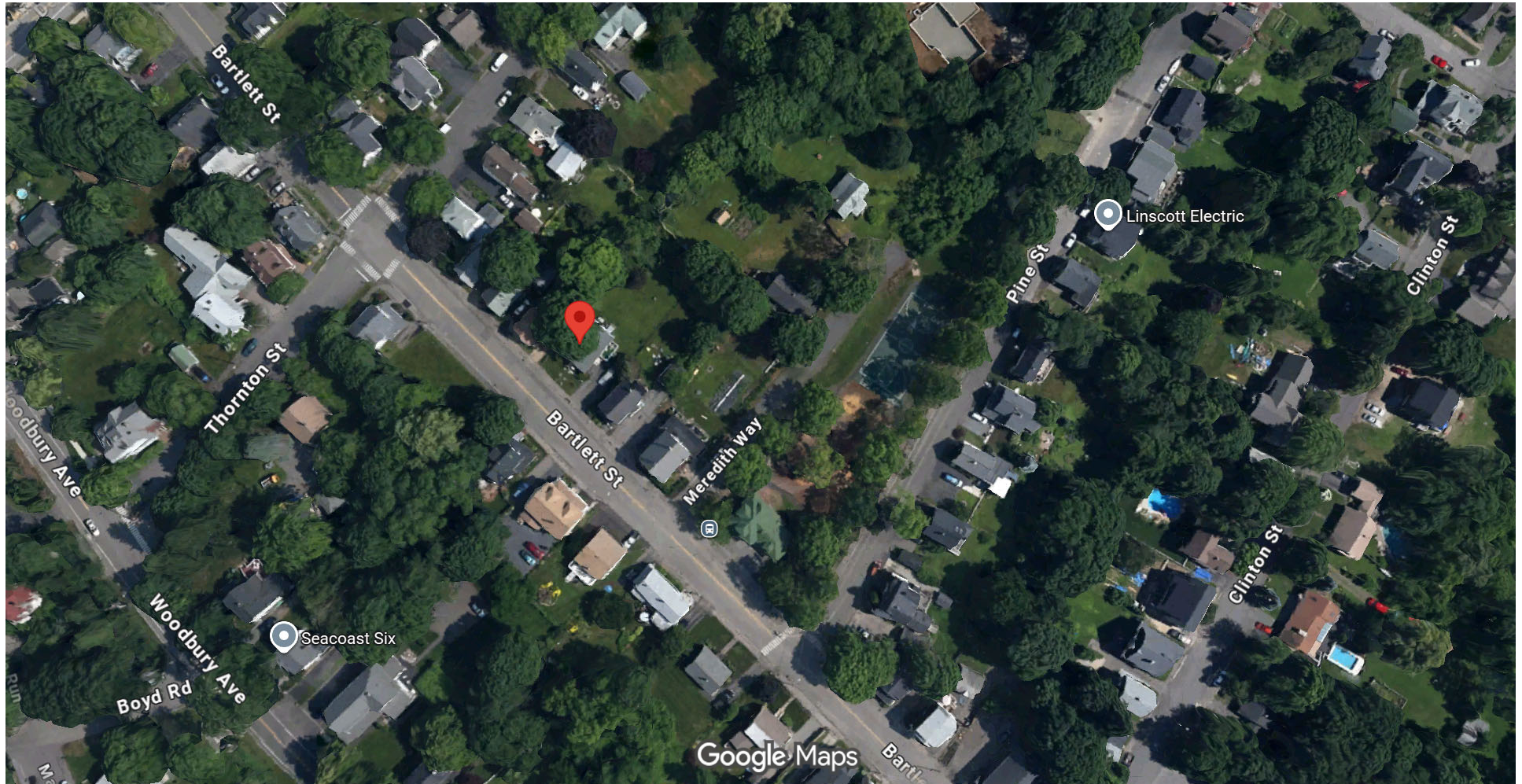
1. ALL JOISTS TO BE TJI'S UNLESS OTHERWISE NOTED
2. PROVIDE JOIST HANGERS AT ALL FLUSH FRAMED CONDITIONS
3. PROVIDE COLUMN CAPS AT ALL POST TO BEAM CONNECTIONS
4. PROVIDE COLUMN BASE CAPS AT ALL POST TO BASE CONNECTIONS
5. ALL NEW SILLS TO BE 2-2" X 6" PRESSURE TREATED



ESOTERIC RESIDENTIAL DESIGN, INC.	
39 HERBOK ROAD PEARBODY, MA.	PH: 1-978-979-8294
SCALE: AS NOTED	
DATE: 6/5/26	
WEST RESIDENCE	
315 BARELETT STREET	PORTRSMOUTH, NH
	A-8



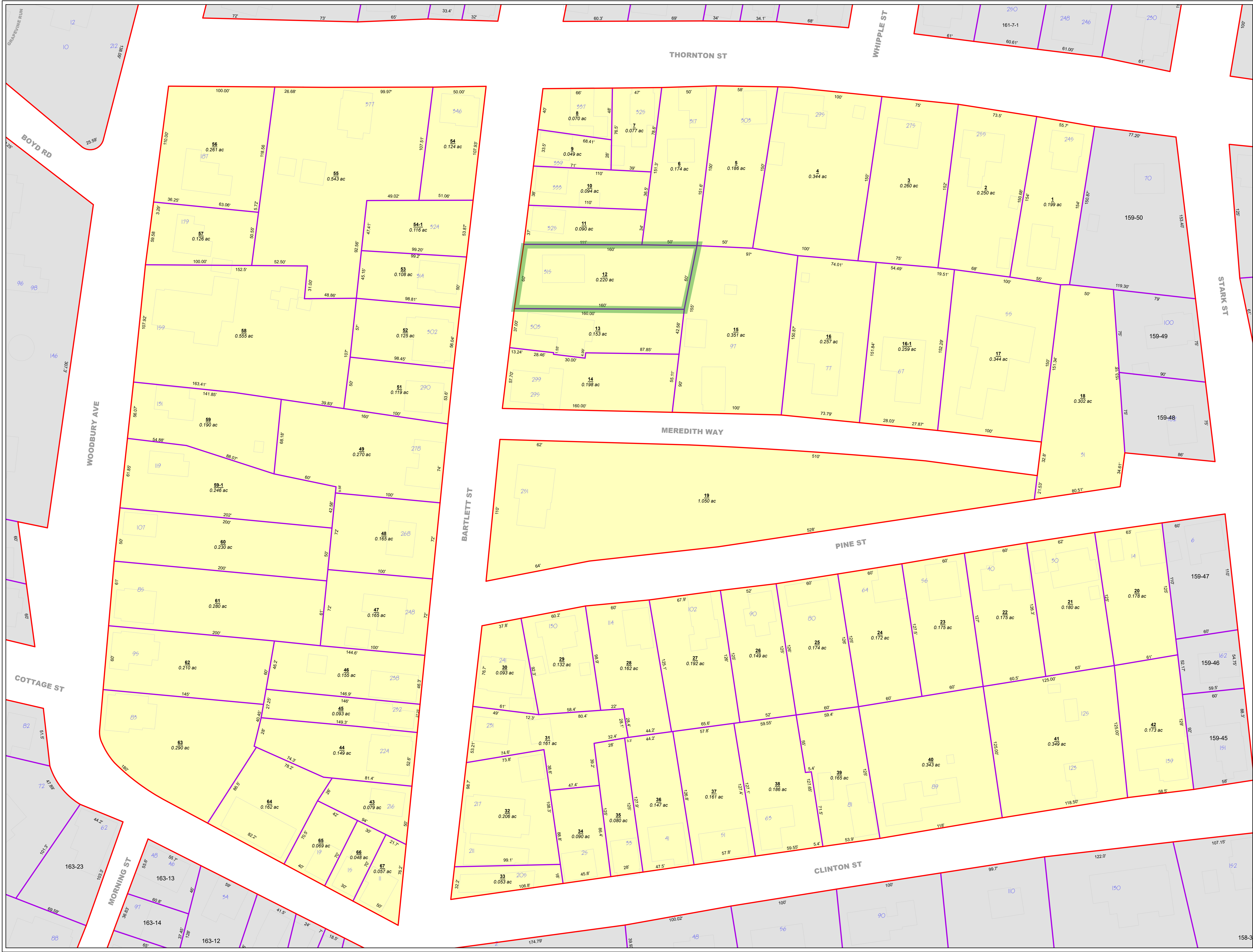
315 Bartlett St



Imagery ©2026 Google, Imagery ©2026 Airbus, Maxar Technologies, Map data ©2026 100 ft

EXHIBIT D





Partial Legend

See the cover sheet for the complete legend.

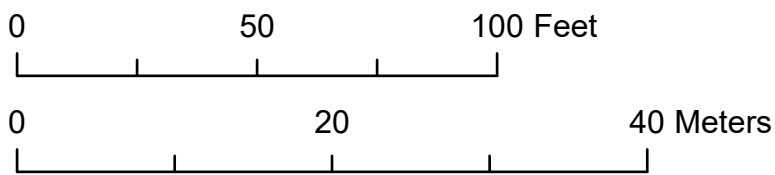
7-5A Lot or lot-unit number
2.56 ac Parcel area in acres (ac) or square feet (sf)
Address number
233-137 Parcel number from a neighboring map
68' Parcel line dimension
Street name

SIMS AVE

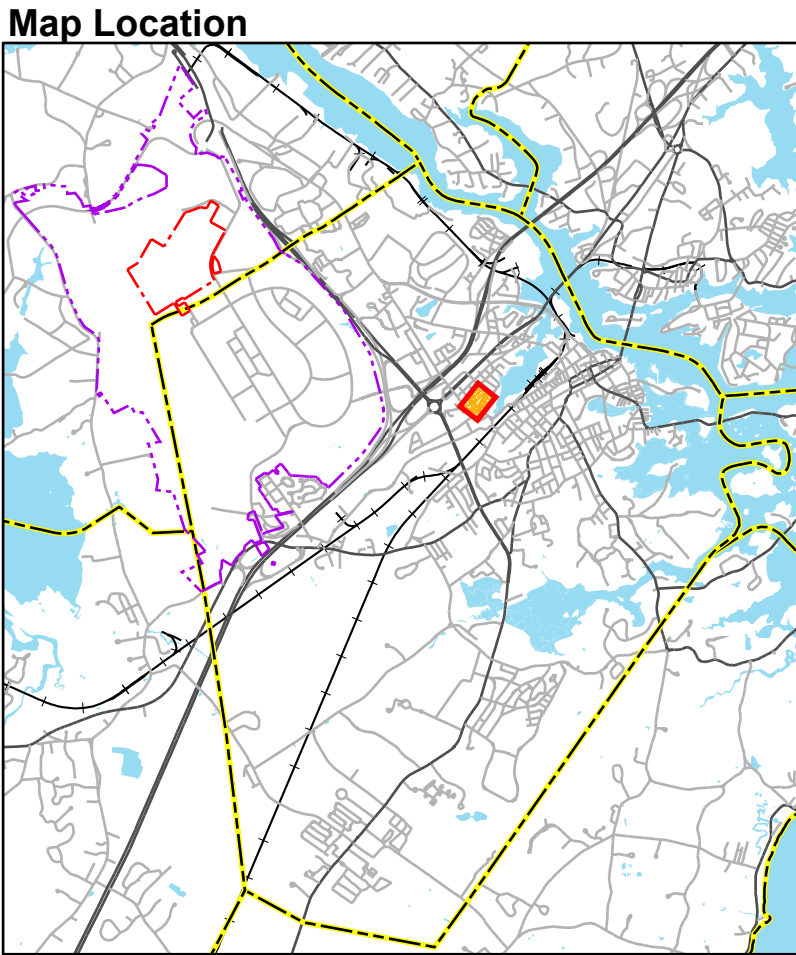
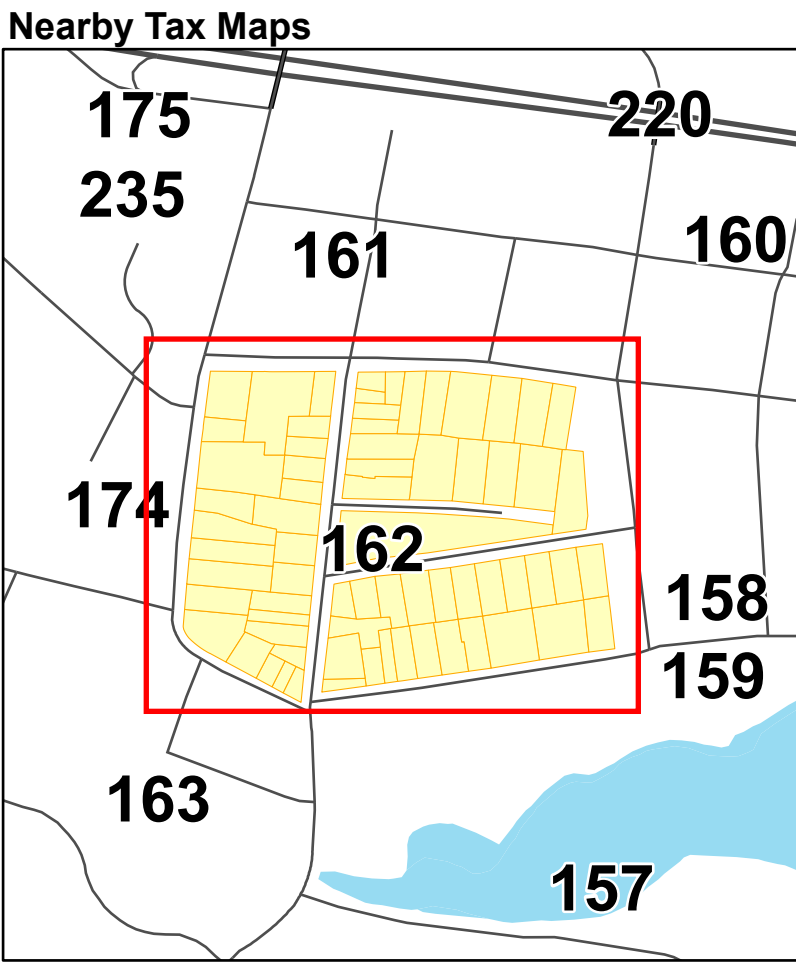
Parcel/Parcel boundary
Parcel/ROW boundary
Water boundary
Structure (1994 data)

Parcel covered by this map
Parcel from a neighboring map (see other map for current status)

EXHIBIT E



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.



Portsmouth, New Hampshire
2025

Tax Map 162

II. OLD BUSINESS

- F. The request of **Brian and Martha Ratay (Owners)**, for property located at **475 Broad Street** whereas relief is needed to construct a detached garage which requires the following: 1) Variance from Section 10.521 to a) allow 30% building coverage where 25% is allowed; b) a 5-foot right side yard where 10 feet are required; and c) 5.5-foot rear yard where 14 feet are required. Said property is located on Assessor Map 221 Lot 96 and lies within the General Residence A (GRA) District. (LU-26-95)

Existing & Proposed Conditions

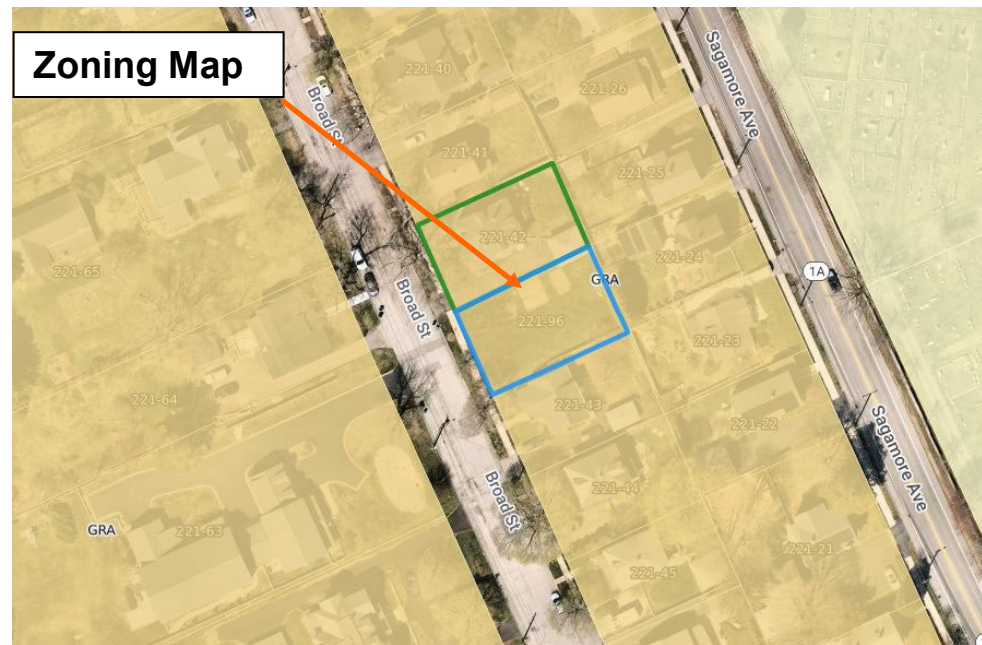
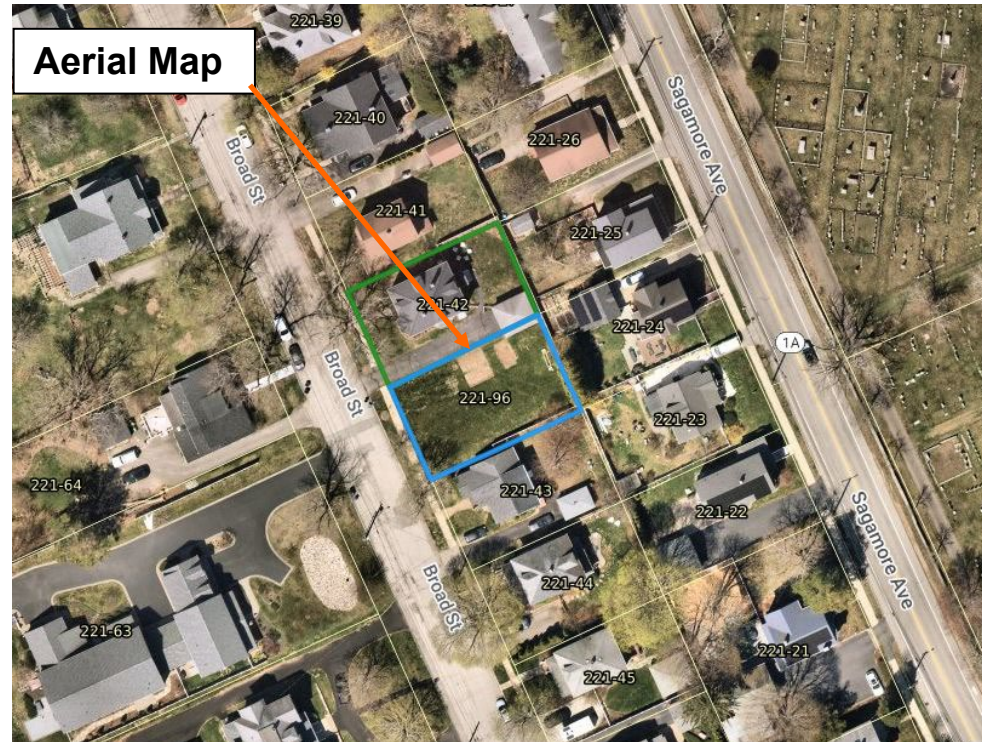
	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Single-family Residential	Detached garage	Primarily residential
<u>Lot area (sq. ft.):</u>	6,101	6,101	7,500 min.
<u>Lot Area per Dwelling Unit (sq. ft.):</u>	6,101	6,101	7,500 min.
<u>Lot depth (ft.):</u>	100	100	70 min.
<u>Street Frontage (ft.):</u>	60	60	100 min.
<u>Front Yard (ft.):</u>	20	20	15 min.
<u>Right Yard (ft.):</u>	Garage: 5	Garage: 5	10 min.
<u>Left Yard (ft.):</u>	Garage: >10	Garage: >10	10 min.
<u>Rear Yard (ft.):</u>	Garage: 5.5	Garage: 5.5	14* min.
<u>Height (ft.):</u>	14	14	35 max.
<u>Building Coverage (%):</u>	30	30	25 max.
<u>Open Space Coverage (%):</u>	52	52	30 min.
<u>Parking:</u>	2	>2	2
<u>Estimated Age of Structure:</u>	n/a	Variance request(s) shown in red.	

***Section 10.573.20**

Other Permits/Approvals Required

- Building Permit

Neighborhood Context



Previous Board of Adjustment Actions

- **August 20, 2024** – constructing a primary structure and detached garage on a vacant lot which requires the following: 1) Variance from Section 10.521 to allow a) 6,101 square feet of lot area where 7,500 is required, b) 6,101 square feet of lot area per dwelling unit where 7,500 is required, c) 60 feet of street frontage where 100 feet are required, d) 31% building coverage where 25% is allowed, e) 5 foot right side yard where 10 feet are required, and f) 2 foot rear yard where 20 feet are required. The Board voted to **grant** the request as presented and advertised.

Planning Department Comments

At the August 20, 2024 meeting, the applicant was granted relief to construct a primary structure and a detached garage on the existing vacant property. The applicant is under active construction and back before the Board seeking a change to the design and scale of the detached garage, constructed as a one-story traditional gabled roof, rather than a modern, taller, single plane roof. The design change means there will no longer be a back staircase and changes the relief needed for the construction of the garage. The applicant is requesting relief for the rear setback (5.5 feet), the right side yard setback (5 feet) and 30% building coverage where 25% is allowed.

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

 - (c) *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.

LU-26-95

Brian & Martha Ratay

Garage Plan Change Narrative

475 Broad Street

June 24, 2026

June 24, 2026

Garage build change – seeking new approval.

We are Brian and Martha Ratay, and we are submitting this application to the Board of Adjustments.

We appeared before you in the Summer of 2024, requesting 6 variances, in order to build a single single-family residence (our new home) along with a single car, two-story garage. You approved the project and all variances.

Due to several unforeseen items and the resulting budget impact during the construction of our new home, as well as, the significant cost of building the originally planned and approved garage, we are seeking a new approval to build a smaller garage, with two changes:

- The new garage will be one-story, rather than two-stories.
- The new garage will be a traditional gabled roof, rather than a modern, taller, single plane roof.

This also means the new garage will not include the second-floor square footage and will also not include the back staircase to access it. Beyond this, the new garage will have the same dimensions and exterior finish as originally planned.

We believe the city will find the new design more in keeping with the surrounding homes and garages and will therefore, prefer its single-story design.

As before we have spoken with all of our abutting neighbors. They are all in favor of the new design and have no issues with the changes.

Thank you.

In addition to the above, and relative to the City Zoning Ordinance, section 10.233.20, our responses to the criteria and rationale for variance authorization are as follows:

10.233.21 The variance will not be contrary to the public interest:

The requested approval is not contrary to the public interest, as the garage for the property does not impact the health, safety and/or welfare of the public. With this change, the visual environment and natural resources are better preserved for both the public and the city. The proposed one car garage is consistent with over half the lots on the same side of the Broad Street, which are identical in lot size and frontage, and therefore, complimentary to the overall neighborhood.

10.233.22 The spirit of the Ordinance will be observed:

The requested approval remains in the spirit of the Ordinance, due to the fact that the newly proposed garage is smaller in dimension and more traditional in roof design than the previously approved garage. As mentioned, it is also consistent with neighboring and surrounding homes. Additionally, it is surrounded by a 6' cedar privacy fence along the rear and right side of the property line, bordered in the rear by 6x45 ft Arborvitae Trees and on the right by a large Japanese Maple. This additional tree border is owned by either abutting neighbor and grows well over our current lot lines. We mutually maintain these trees with our neighbors. Because of this, the proposed garage will not interfere with the adjoining property's views, property use or privacy. Lastly, the proposed garage was specifically designed to minimally infringe with specific angles, door placement, structure placement and smaller privacy windows on the East (right) side.

10.233.23 Substantial justice will be done:

The requested approval will provide substantial justice as we require weather protection for at least one car and is consistent with our neighbors and surrounding homes. We have forgone our original plan to include a taller garage with office above, as well as, a larger garage with parking for two cars. Without this approval, injustice and inequity will be done.

10.233.24 The values of the surrounding properties will not be diminished:

The relief requested does not diminish surrounding properties as the proposed one car garage is consistent with over half the homes on the same side of Broad Street. In addition, the new garage design will be better in keeping with the aesthetic and layout of the neighborhood and will, therefore, elevate the properties in the surrounding neighborhood.

10.233.25 Literal enforcement of the provisions of the Ordinance would result in unnecessary hardship:

Without the approval literal enforcement would result in unnecessary hardship for us. This garage has been reduced to its minimal size and use and will only include parking for one vehicle and reasonable storage for a standard sized home.



ZONING DATA PER CITY OF PORTSMOUTH ZONING ORDINANCE
(LAST AMENDED MARCH 17, 2023, REV. NOTE #6)

ZONE: GENERAL RESIDENCE A (GRA)

REQUIREMENTS:

MINIMUM LAND AREA:	7,500 SQ. FT.
PER DWELLING UNIT:	7,500 SQ. FT.
MINIMUM STREET FRONTAGE:	100 FT.
MINIMUM LOT DEPTH:	70 FT.
MINIMUM FRONT YARD:	10 FT.
MINIMUM SIDE YARD:	10 FT.
MINIMUM REAR YARD:	20 FT.
MAXIMUM BUILDING HEIGHT:	35 FT. (SLOPED ROOF)
MAXIMUM BUILDING COVERAGE:	25%
MINIMUM OPEN SPACE:	30%

PROPOSED BUILDING COVERAGE:

(INCLUDING DECKS/STEPS 18" + ABOVE GRADE)

LOT AREA:	6,101 SQ. FT.
HOUSE:	1,480 SQ. FT.
GARAGE:	568 SQ. FT.
TOTAL:	1,848 SQ. FT. (30.3%)

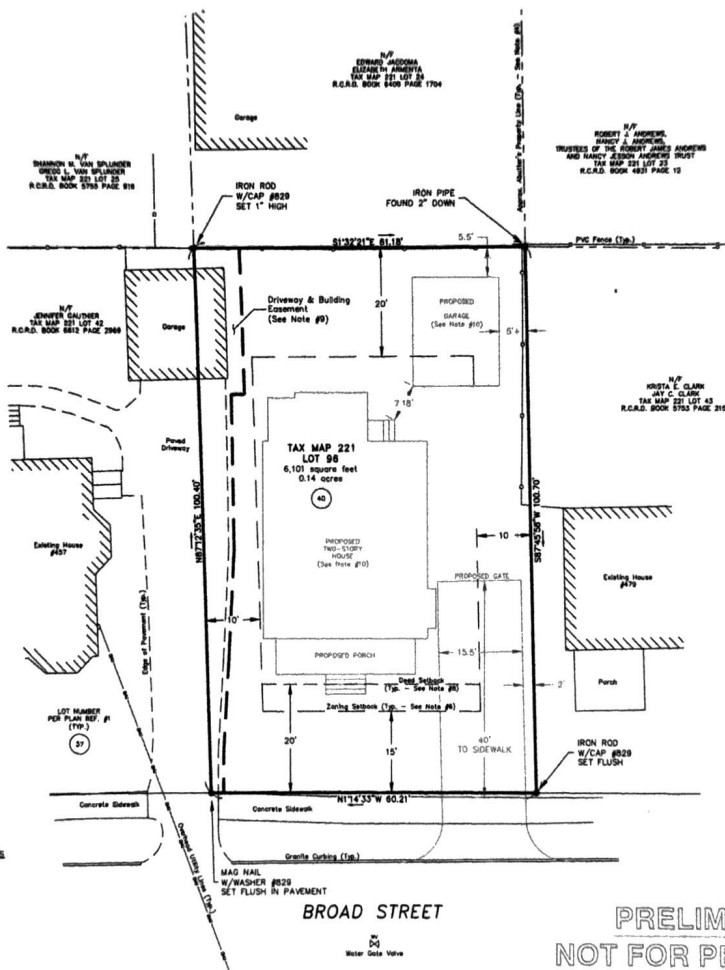
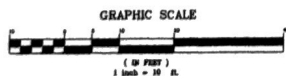
PROPOSED OPEN SPACE CALCULATION:

LOT AREA:	6,101 SQ. FT.
OPEN SPACE:	3,166 SQ. FT.
PERCENTAGE:	51.9%

GRANTED VARIANCES (REV. NOTE #1):

§15.37 - TABLE OF DIMENSIONAL STANDARDS - RESIDENTIAL AND MIXED RESIDENTIAL DISTRICTS

1. ALLOW 6,101 SQ. FT. OF LOT AREA WHERE 7,500 SQ. FT. IS REQUIRED.
2. ALLOW 6,101 SQ. FT. OF LOT AREA PER DWELLING UNIT WHERE 7,500 SQ. FT. IS REQUIRED.
3. ALLOW 60 FT. OF STREET FRONTAGE WHERE 100 FT. IS REQUIRED.
4. ALLOW 31% OF BUILDING COVERAGE WHERE 25% IS REQUIRED.
5. ALLOW 5-FOOT RIGHT SIDE YARD WHERE 10-FOOT IS REQUIRED.
6. ALLOW 2-FOOT REAR YARD WHERE 20-FOOT IS REQUIRED.



PLAN REFERENCES:

1. "PLAN OF LOTS OF LAND EXTENDING FROM SOUTH ROAD TO JONES AVENUE, PORTSMOUTH, NH," PREPARED BY A.C. MEYER, SURVEYORS, DATED AUGUST 1, 1893, AND RECORDED AT THE R.C.R.D. AS PLAN 00397.
2. "CONDOMINIUM SITE PLAN, 482 BROAD STREET, PORTSMOUTH, NH," PREPARED BY AMST ENGINEERING, INC., DATED JANUARY 2018, AND RECORDED AT THE R.C.R.D. AS PLAN SHEET 1 OF 7 D-40894.
3. "STANDARD PROPERTY SURVEY FOR PROPERTY AT 457 BROAD STREET, PORTSMOUTH, ROCKINGHAM COUNTY, NEW HAMPSHIRE, OWNED BY THE FRANCES S. LEBEL REVOCABLE TRUST OF 2014, C/O THOMAS LEBEL," PREPARED BY NORTH EASTERLY SURVEYING, INC., DATED MAY 27, 2022, PROJECT NO. 22022.
4. "PROPOSED EASEMENT PLAN FOR PROPERTY AT 457 & 475 BROAD STREET, PORTSMOUTH, ROCKINGHAM COUNTY, NEW HAMPSHIRE, OWNED BY MARTHA RATAY & BRIAN RATAY," PREPARED BY NORTH EASTERLY SURVEYING, DATED 11/21/2024, ON RECORD AT THE R.C.R.D. AS PLAN NO. D-44817.

NOTES:

1. OWNERS OF RECORD:
TAX MAP 221 LOT 98
MARTHA RATAY
BRIAN RATAY
R.C.R.D. BOOK 6442 PAGE 980
DATED SEPTEMBER 28, 2022
2. TOTAL EXISTING PARCEL AREA:
TAX MAP 221 LOT 98
6,101 SQ. FT.
0.14 AC.
3. BASIS OF BEARING IS PER MAGNETIC OBSERVATION TAKEN IN MAY 2022.
4. APPROXIMATE ADJUTER'S LINES SHOWN HEREON ARE FOR REFERENCE PURPOSES ONLY AND SHALL NOT BE RELIED UPON AS BOUNDARY INFORMATION.
5. EASEMENTS OR OTHER UNWRITTEN RIGHTS MAY EXIST THAT ENCUMBER OR BENEFIT THE PROPERTY NOT SHOWN HEREON.
6. ZONING INFORMATION AND SETBACKS SHOWN HEREON ARE FOR REFERENCE PURPOSES. CONFIRM CURRENT ZONING REQUIREMENTS WITH THE CITY OF PORTSMOUTH PRIOR TO DESIGN OR CONSTRUCTION.
7. THE BOUNDARY SHOWN HEREON IS DETERMINED FROM WRITTEN RECORDS, FIELD EVIDENCE AND PARCEL TESTIMONY RECOVERED AT THE TIME OF SURVEY AND MAY BE SUBJECT TO CHANGE IF OTHER EVIDENCE BECOMES AVAILABLE.
8. LOCUS PARCEL IS "SUBJECT TO THE CONDITION THAT NO BUILDING, OR OTHER STRUCTURE, SHALL EVER BE ERECTED, OR PLACED, UPON SAID LOT WHICH SHALL, IN ANY PART BE LOCATED, OR STAND, WITHIN TWENTY (20) FEET OF THE EASTERLY SIDE LINE OF BROAD STREET." SEE REFERENCE DEED BOOK 5514 PAGE 739.
9. LOCUS PARCEL IS SUBJECT TO A DRIVEWAY AND BUILDING BUFFER EASEMENT TO THE BENEFIT OF TAX MAP 221 LOT 42. SEE PLAN REFERENCE #4 AND R.C.R.D. BOOK 6812 PAGE 2971.
10. REFER TO DESIGN DOCUMENTS PREPARED BY MIGHTY ROOTS.
11. REFERENCE IS MADE TO LETTER SENT FROM THE CITY OF PORTSMOUTH PLANNING & SUSTAINABILITY DEPARTMENT, ZONING BOARD OF ADJUSTMENT, TO MARTHA & BRIAN RATAY, DATED 8/27/2024.

PURPOSE OF PLAN:

THE PURPOSE OF THIS PLAN IS TO SHOW PROPOSED IMPROVEMENTS FOR A PERMIT APPLICATION. THIS PLAN IS NOT A STANDARD BOUNDARY SURVEY AND IS NOT INTENDED TO BE USED FOR CONVEYANCE OR ANY OTHER TITLE PURPOSE.

PROPOSED SITE PLAN

FOR PROPERTY AT
475 Broad Street
Portsmouth, Rockingham County, New Hampshire
OWNED BY
Martha Ratay
Brian Ratay
457 Broad Street, Portsmouth, NH 03801

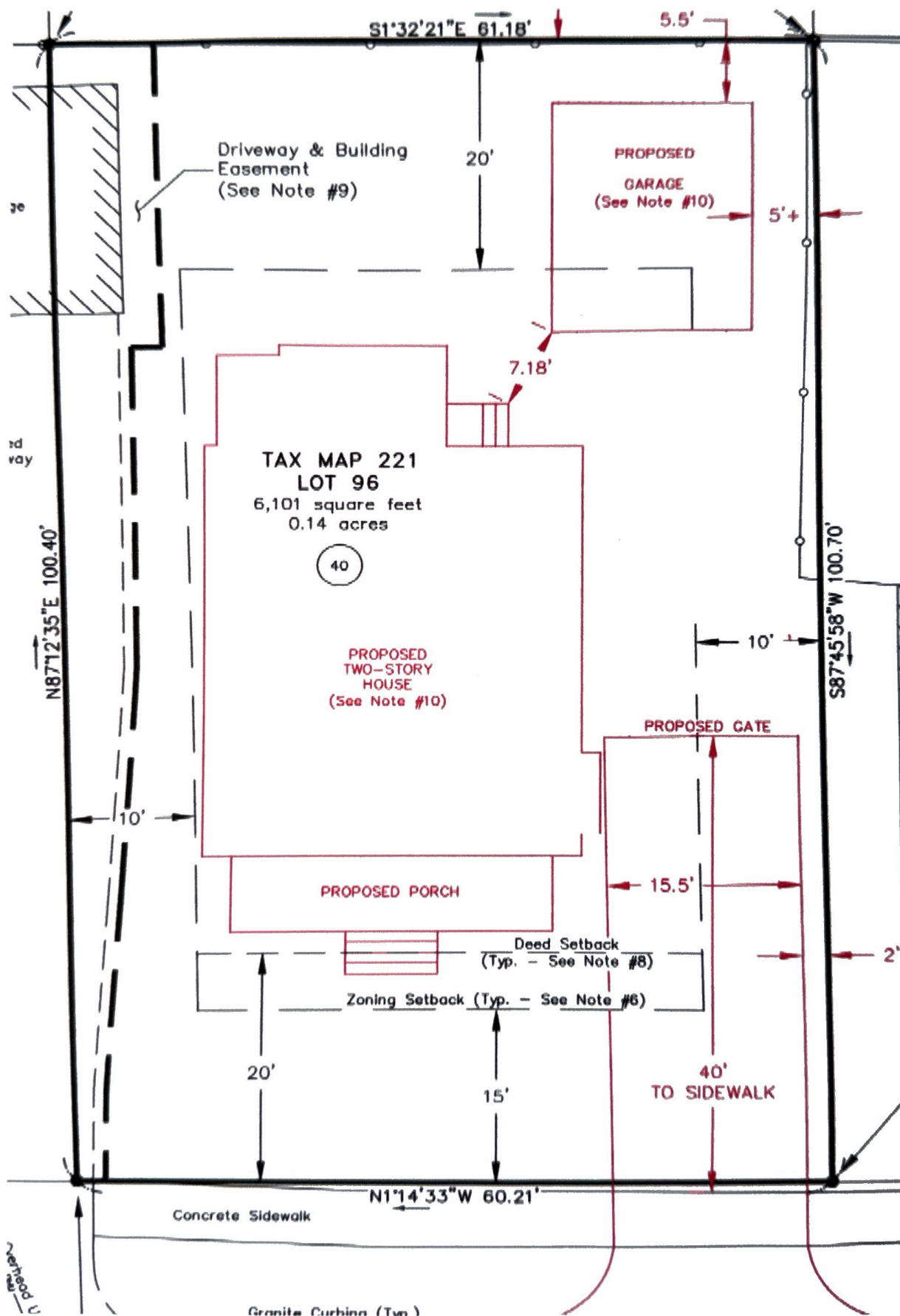
NORTH
W
EASTERLY
SURVEYING

SURVEYORS IN N.H. & MAINE 1081 GOODWIN ROAD, UNIT #1
(207) 439-8333 ELIOT, MAINE 03903

SCALE:	PROJECT NO.	DATE:	SHEET:	DRAWN BY:	CHECKED BY:
1" = 10'	24-264	5/14/2024	1 OF 1	A.P.M.	P.L.A.
CREATED ON: 24-264 Site					Tax Map 221 Lot 98
FIELD BOOK NO. "Portsmouth #18"					

REV.	DATE	STATUS	BY	CHKD	APPRO.

PRELIMINARY
NOT FOR PERMITTING
NOT FOR CONVEYANCE
NOT VALID WITHOUT STAMP





CITY OF PORTSMOUTH

Planning & Sustainability
Department
1 Junkins Avenue
Portsmouth, New
Hampshire 03801
(603) 610-7216

ZONING BOARD OF ADJUSTMENT

August 27, 2024

Martha & Brian Ratay
457 Broad Street
Portsmouth, New Hampshire 03801

RE: Board of Adjustment request for property located at 0 Broad Street, Portsmouth, NH (LU-24-119)

Dear Property Owner:

The Zoning Board of Adjustment, at its regularly scheduled meeting of **Tuesday, August 20, 2024**, considered your application for constructing a primary structure and detached garage on a vacant lot which requires the following: 1) Variance from Section 10.521 to allow a) 6,101 square feet of lot area where 7,500 is required, b) 6,101 square feet of lot area per dwelling unit where 7,500 is required, c) 60 feet of street frontage where 100 feet are required, d) 31% building coverage where 25% is allowed, e) 5 foot right side yard where 10 feet are required, and f) 2 foot rear yard where 20 feet are required. Said property is shown on Assessor Map 221 Lot 96 and lies within the General Residence A (GRA) District. As a result of said consideration, the Board voted to **grant** the request as presented and advertised.

The Board's decision may be appealed up to thirty (30) days after the vote. Any action taken by the applicant pursuant to the Board's decision during this appeal period shall be at the applicant's risk. Please contact the Planning & Sustainability Department for more details about the appeals process.

Approvals may also be required from other City Commissions or Boards. Once all required approvals have been received, applicant is responsible for applying for and securing a building permit from the Inspection Department prior to starting any project work.

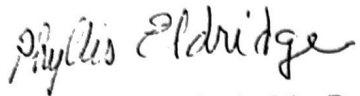
This approval shall expire unless a building permit is issued within a period of two (2) years from the date granted unless an extension is granted in accordance with Section 10.236 of the Zoning Ordinance.

The Findings of Fact associated with this decision are available: attached here or as an attachment in the Viewpoint project record associated with this application and on the Zoning Board of Adjustment Meeting website:

<https://www.cityofportsmouth.com/planportsmouth/zoning-board-adjustment/zoning-board-adjustment-archived-meetings-and-material>

The minutes and audio recording of this meeting are available by contacting the Planning & Sustainability Department.

Very truly yours,

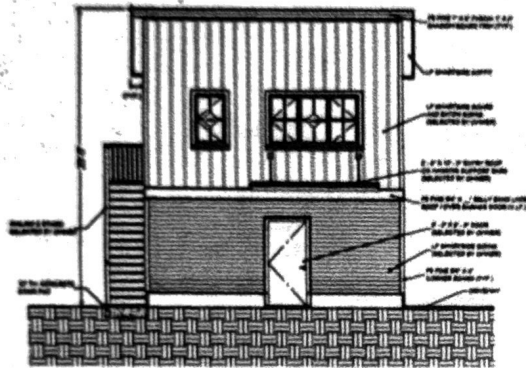
A handwritten signature in cursive script that reads "Phyllis Eldridge".

Phyllis Eldridge, Chair of the Zoning Board of Adjustment

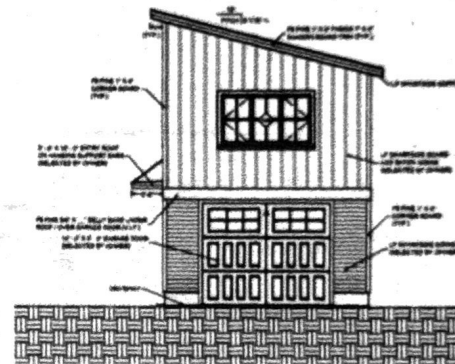
cc: Shanti Wolph, Chief Building Inspector

Rosann Maurice-Lentz, City Assessor

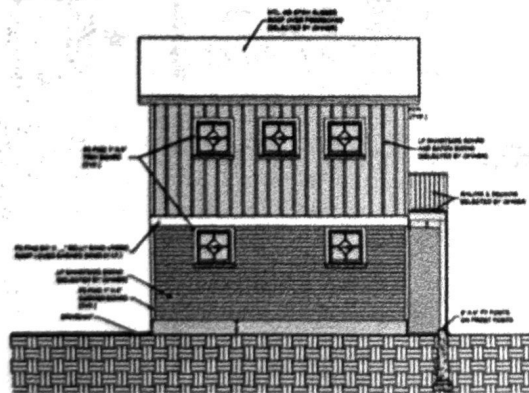
OLD - APPROVED



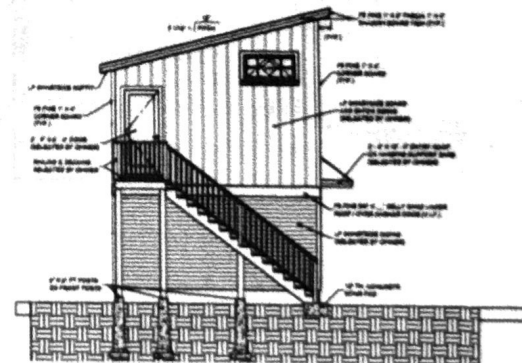
GARAGE LEFT SIDE ELEVATION



GARAGE STREET VIEW (FRONT) ELEVATION



GARAGE RIGHT SIDE ELEVATION



GARAGE REAR ELEVATION



PROJECT: RESIDENCE 101
101 ALLEN AVE.
GREENLAND, NH 03040

GARAGE ELEVATIONS

RATAY RESIDENCE
BROAD STREET
PORTSMOUTH, NH 02801

DATE:

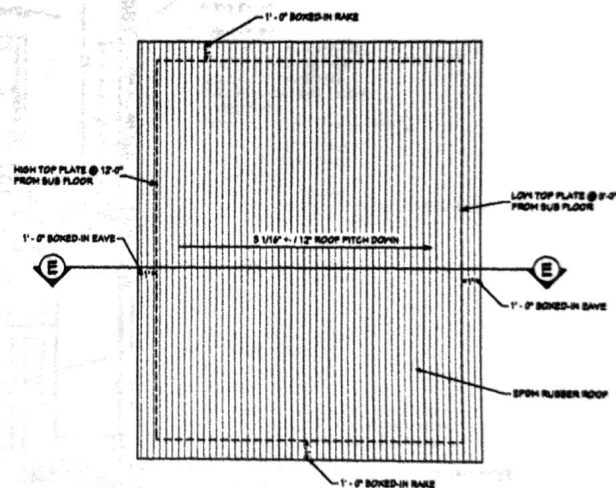
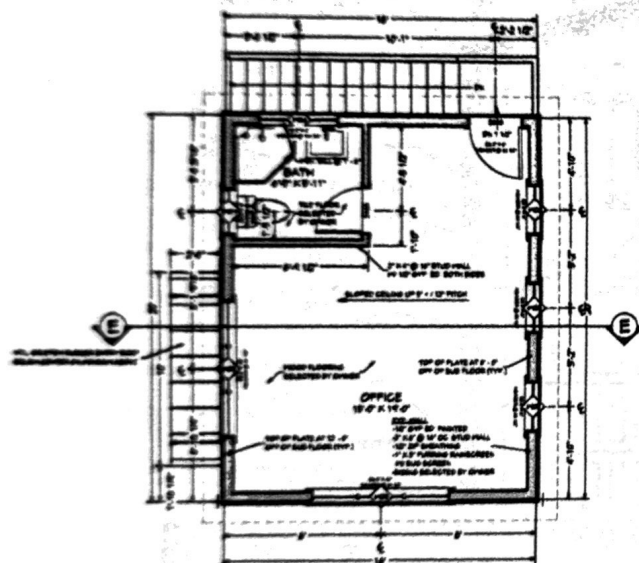
12/4/2024

SCALE:

1/4" = 1'-0"

SHEET:

A-11



NIGHTY ROOTS
13 ALDEN AVE.
GREENLAND, NH 03840

**RATAY RESIDENCE
BROAD STREET
PORTSMOUTH, NH 03201**

DATE:

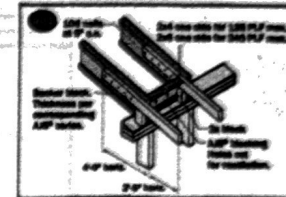
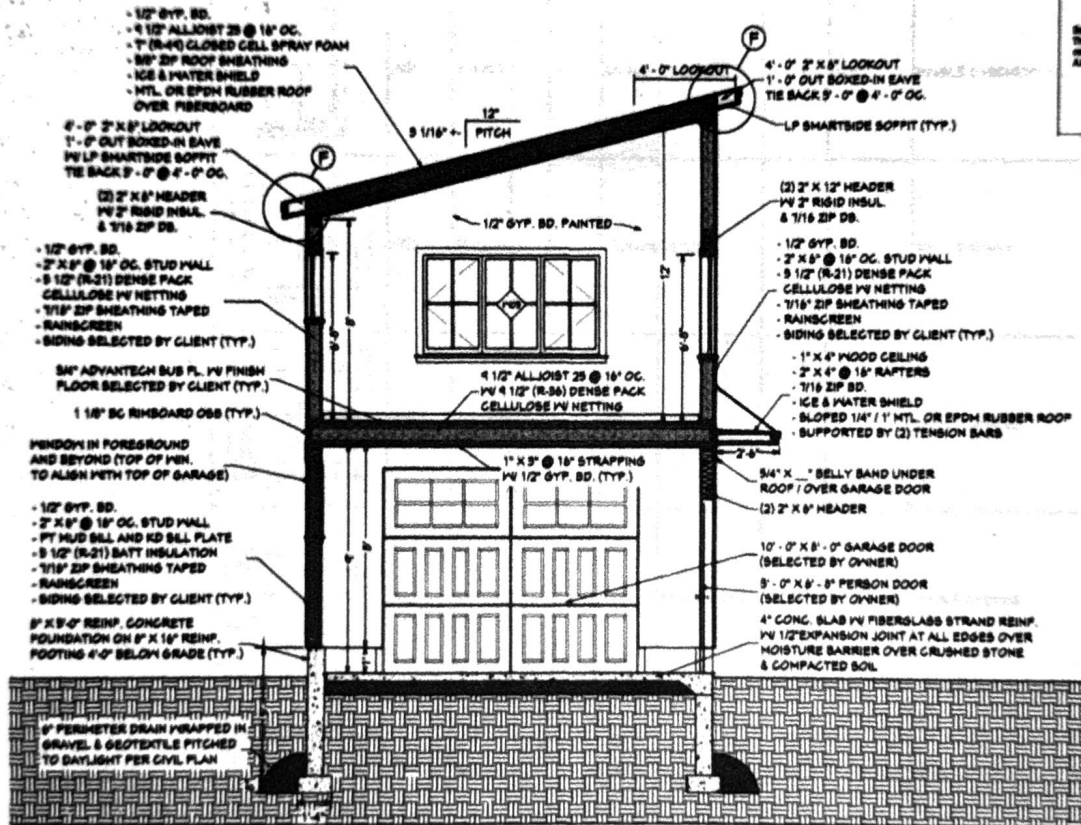
12/4/2024

SCALE:

 $30^\circ = 1'0''$

SHEET:

A-10



JOIST LOOKOUT DETAIL (P)

GARAGE CROSS SECTION E - E

PROPOSED PROJECT BY:
NIGHTY ROOTS
13 ALDEN AVE.
GREENLAND, NH 03840

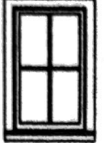
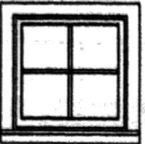
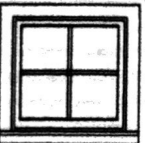
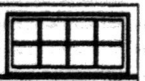
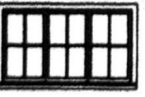
GARAGE CROSS
SECTION E - E

NATAY RESIDENCE
BROAD STREET
PORTSMOUTH, NH 03801

DATE:
12/4/2024

SCALE:
1/2" = 1'-0"

SHEET:
A-12

GARAGE WINDOW		ELEVATION NUMBER		LABEL		FLOOR		RHS		LHS		TEMPERED		DESCRIPTION	
	W01	2440SC	1	2	2440SC	28 7/8"x48 1/2"		YES						SINGLE CASEMENT-HL	
	W02	2828AW	2	1	2828AW	32"x32"								SINGLE AWNING	
	W03	2828AW	3	2	2828AW	32"x32"								SINGLE AWNING	
	W04	4020AW	1	2	4020AW	48 1/2"x24 5/8"								SINGLE AWNING	
	W05	1140TC	2	2	1140TC	68 1/8"x48 1/2"								TRIPLE CASEMENT-LHL/RHR	

GARAGE WINDOW SCHEDULE



PREPARED BY:
 NICHOLAS BOOTH
 13 ALDEN AVE.
 GREENLAND, NH 03048

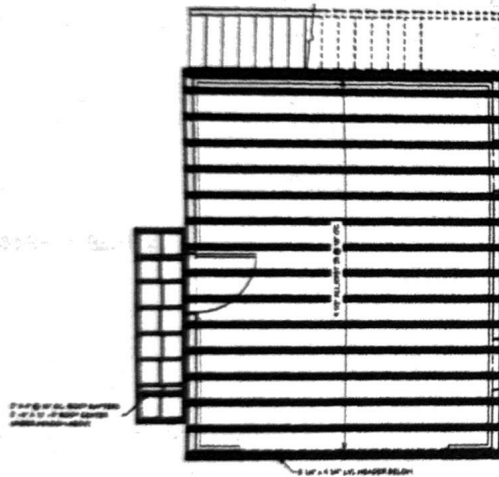
GARAGE WINDOW
 SCHEDULE

RAYAN RESIDENCE
 BEACON STREET
 FORTSMOUTH, NH 03061

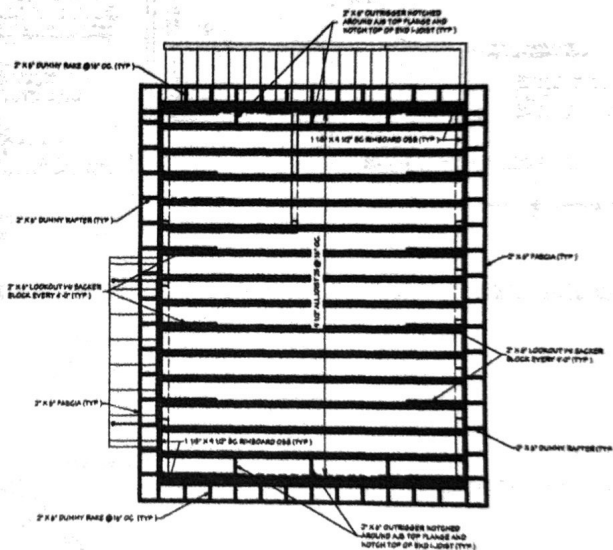
DATE:
 12/4/2024

SCALE:
 1"=1'-0"

SHEET:
 A-13



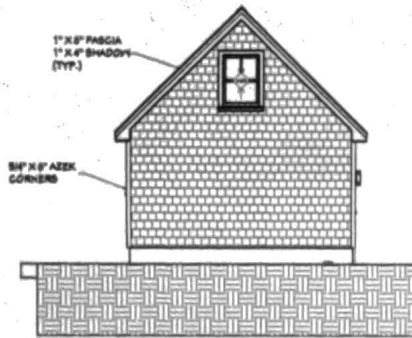
GARAGE 2ND FLOOR FRAMING PLAN



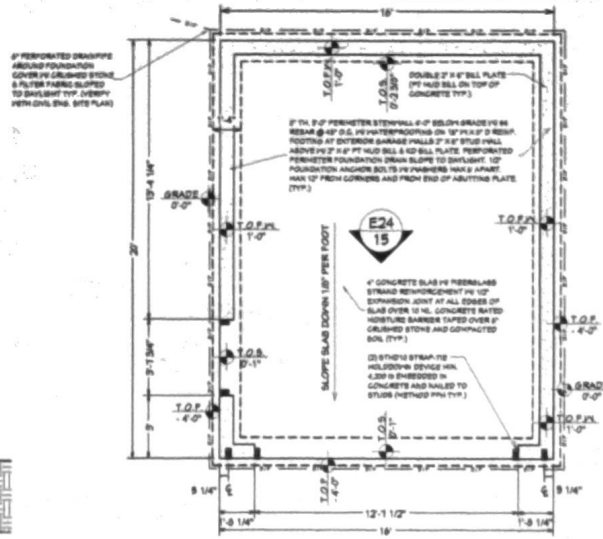
GARAGE ROOF FRAMING PLAN

DRAWING PROVIDED BY: HIGHTY ROOTS 13 ALDEN AVE. GREENLAND, NH 03840	
GARAGE 2ND FLOOR & ROOF FRAMING PLANS	
KATY RESIDENCE BROND STREET PORTSMOUTH, NH 02801	
DATE:	12/4/2024
SCALE:	3/8" = 1'-0"
SHEET:	A-14

NEW - REQUESTED

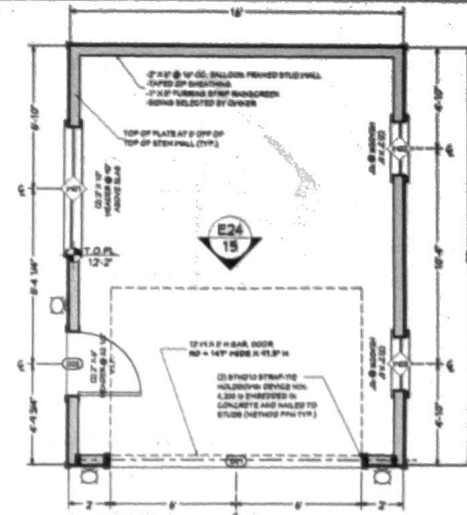


GARAGE REAR ELEVATION SCALE: 1/4" = 1'-0"

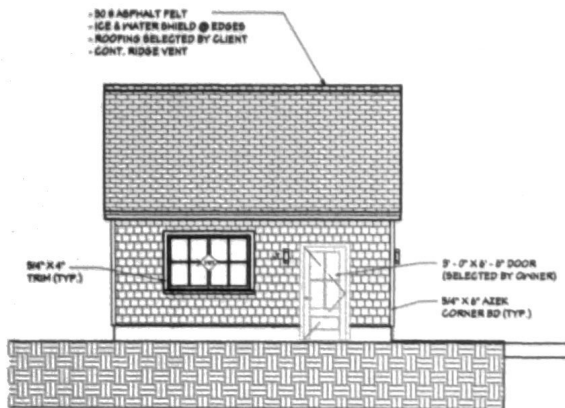


GARAGE FOUNDATION PLAN

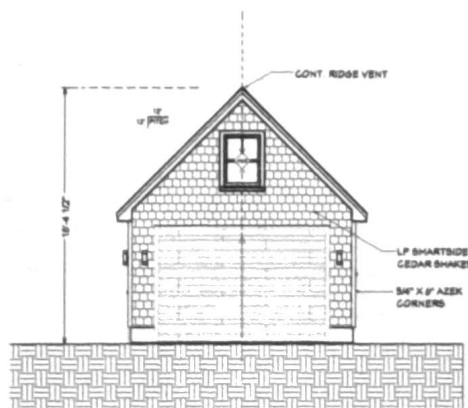
SCALE: 3/8" = 1'-0"



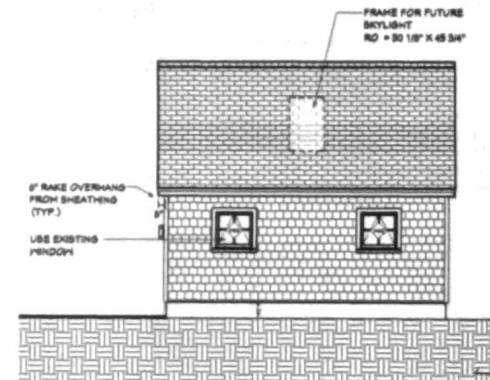
GARAGE 1ST FLOOR PLAN



GARAGE LEFT SIDE ELEVATION SCALE: 1/4" = 1'-0"



GARAGE STREET VIEW (FRONT) ELEVATION



GARAGE RIGHT SIDE ELEVATION SCALE: 1/4" = 1'-0"



NO.	DATE	DESCRIPTION
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DRAWINGS PROVIDED BY:
MIGHTY ROOTS
13 ALDEN AVE.
GREENLAND, NH 03840

GARAGE FLOOR
PLANS

RATAY RESIDENCE
BROAD STREET
PORTSMOUTH, NH 03801

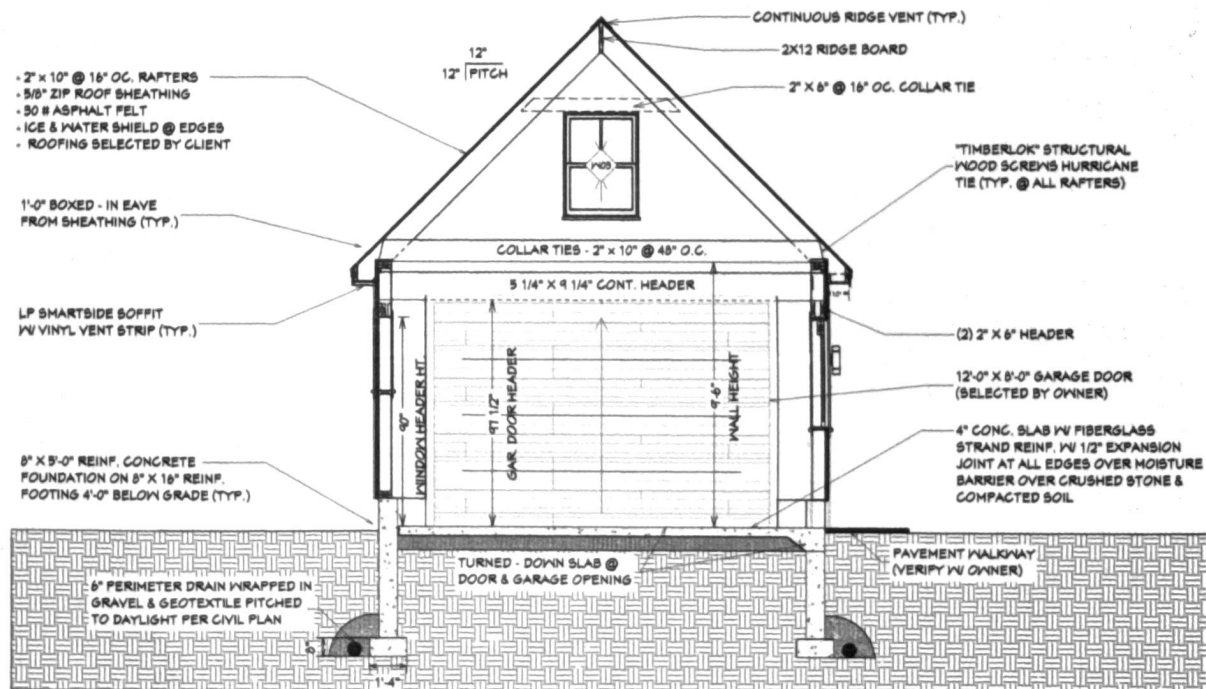
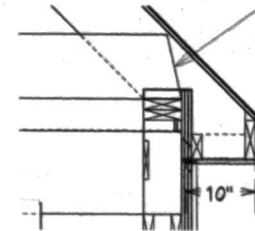
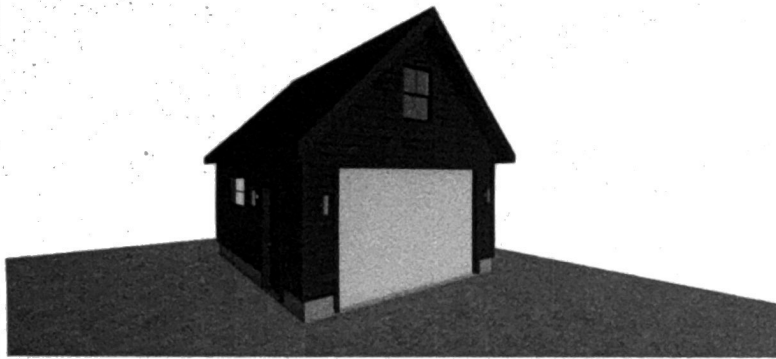
DATE:

6/17/2026

SCALE:

SHEET:

A-11



GARAGE CROSS SECTION F - F



REVISION TABLE	
NO.	DESCRIPTION
1.00	ISSUED FOR PERMIT

DRAWINGS PROVIDED BY:
HIGHTY ROOTS
 13 ALDEN AVE.
 GREENLAND, NH 03040

GARAGE CROSS SECTION F - F

RATAY RESIDENCE
 BRAD STREET
 FORTSMOUTH, NH 03061

DATE:
 6/17/2026

SCALE:
 1/2" = 1'-0"

SHEET:
A-12

III. NEW BUSINESS

- A.** The request of **Boston and Maine Corporation (Owner) and Outfront Media (Applicant)**, for property located at **0 Bartlett Street** whereas relief is needed to replace a one-sided static billboard with an animated billboard which requires the following: 1) Variance from 10.1224.10 to allow an animated sign where it is not allowed; 2) Variance from Section 10.1224.90 to allow an off-premise sign where it is not allowed; 3) Variance from Section 10.1234 to allow a sign not specifically allowed in a sign district; 4) Variance from Section 10.1241 to allow a sign not permitted in a sign district; 5) Variance from Section 10.1251.20 to allow sign area of 378 sq feet where the maximum is not specified; 6) Variance from Section 10.1253 to allow a sign height of 25 feet and sign setback of 1.5 feet where the minimums and maximums are not specified; 7) Variance from Section 10.1262 to allow 24 hours of illumination throughout the day. Said property is located on Assessor Map 165 Lot 14 and lies within the Transportation Corridor. (LU-26-87)

Existing & Proposed Conditions

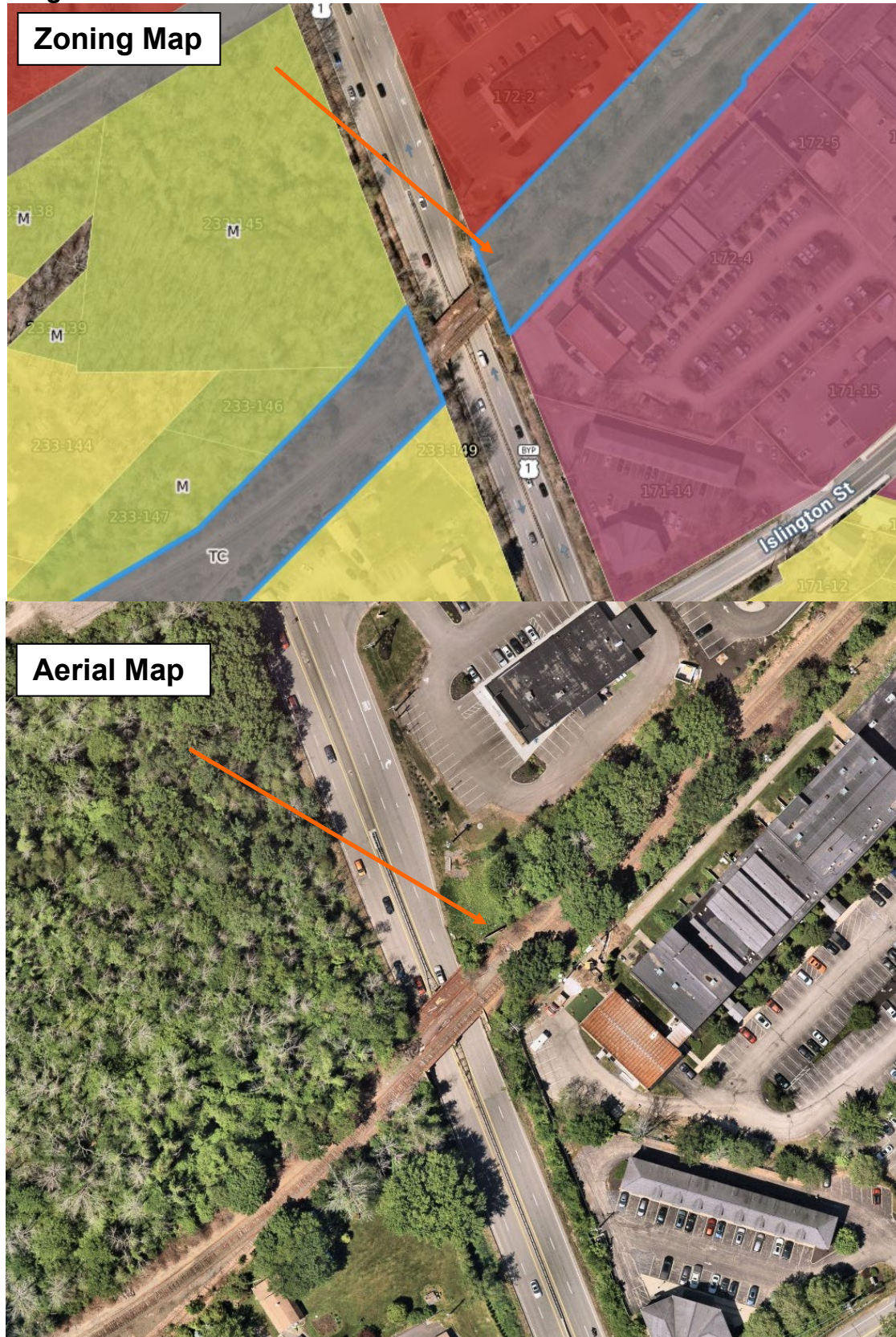
	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Railroad	*Remove existing billboard and construct a new animated billboard	Transportation related uses and facilities
<u>Animated Sign:</u>	No	Yes	No
<u>Off Premise Sign:</u>	Yes	Yes	No
<u>Sign Area (sq. ft.):</u>	288	378	Not specified
<u>Height (ft.):</u>	25	25	Not specified
<u>Setback (ft.):</u>	0	1.5	Not specified
<u>Illumination Hours</u>	24	24	Illumination prohibited between 11:00pm and 6:00am
<u>Estimated Age of Structure:</u>	1955	Variance request(s) shown in red.	

**Allow sign not specificized or specifically allowed in a sign district per sections 10.1234 and 10.1241*

Other Permits/Approvals Required

- Building Permit

Neighborhood Context

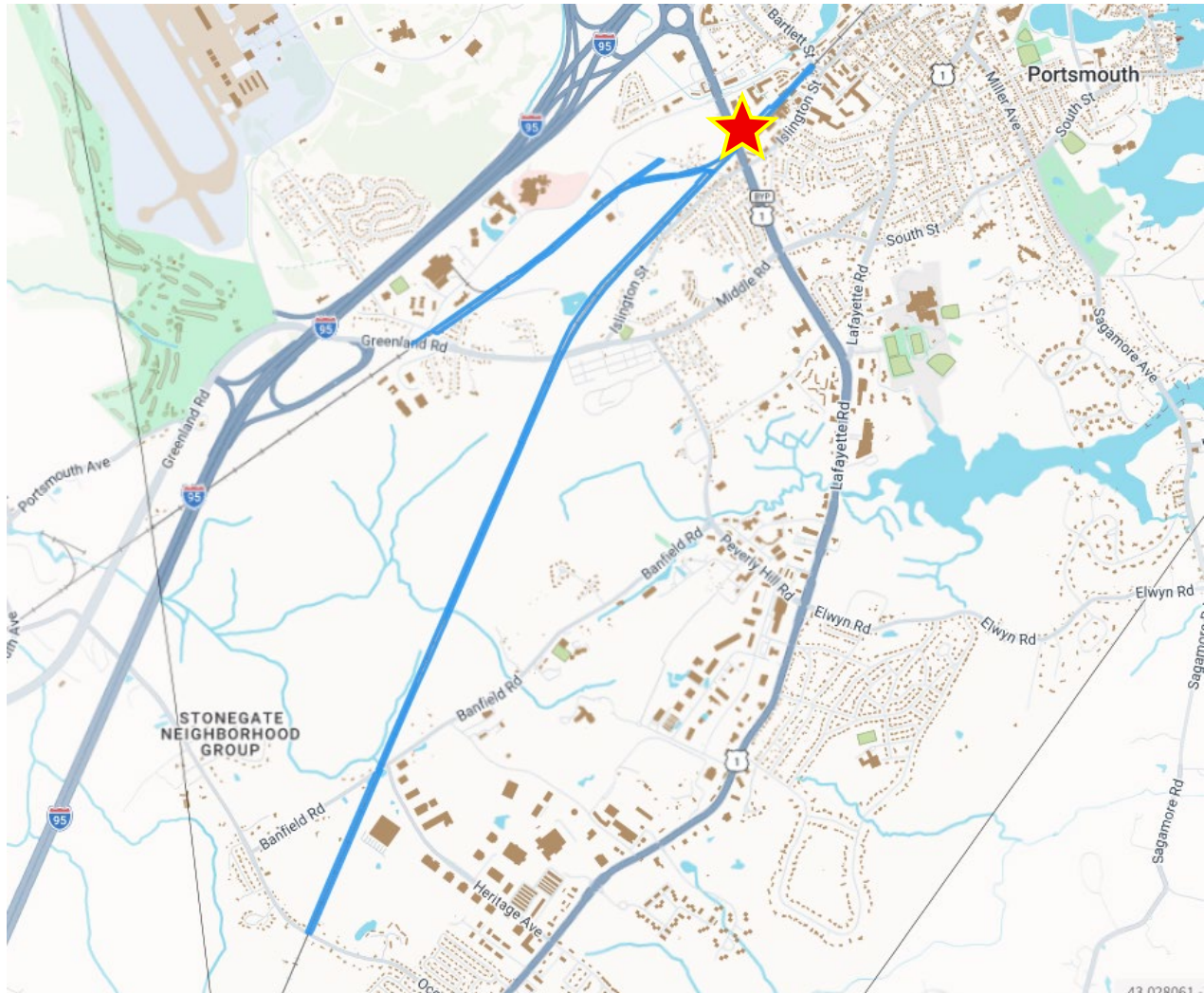


Previous Board of Adjustment Actions

No Previous BOA history was found.

Planning Department Comments

It should be made clear that the billboard in question is located at the railroad crossing over Lafayette Road. The parcel where this billboard is located encompasses a large area of land and it should be noted that the location of the billboard is not found at 0 Bartlett Street. See limits of entire parcel in the map below.



The applicant is proposing to remove the existing billboard and construct an animated sign. The relief associated with this request is largely due to the lack of the Transportation Corridor's inclusion in any of the sign districts.

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.



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A. Eli Leino
Shareholder Attorney
603-665-8859
eleino@bernsteinshur.com

VIA FEDEX

June 24, 2026

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

Re: 0 Bartlett Street - Variance Application

Dear Chair Margeson and Members of the Board:

On behalf of our client, Outfront Media LLC, enclosed please find the following in connection with our Variance Application which was submitted electronically on June 23, 2026:

- Variance Addendum
- Light Survey
- Site Plan
- Preliminary Construction Drawings

Please advise us if you need further documentation and we will provide it promptly.

Thank in advance for your consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read "AEL".

A. Eli Leino

AEL/krm

**Outfront Media
0 Bartlett Street
Map 165; Lot 14
Variance Addendum**

Proposal: Outfront Media (the “Applicant”) is proposing to replace an existing one-sided static sign located within the Transportation Corridor on land owned by Boston and Maine Corp. (“Owner”) with a one-sided 10’6’ x 36’ digital sign. The proposed changeable copy sign will run both advertising and public service messages for the City throughout the day and night.

Ordinance provisions from which relief is requested:

- 10.1224.10 Animated signs
- 10.1224.90 Off-premise signs
- 10.1234 & 10.1241 Sign not specifically allowed in sign district
- 10.1251.20 Sign Area
- 10.1253 Sign Height & Setback
- 10.1262 Illumination Hours

10.233 Variances

10.233.10 The Board may authorize upon appeal in specific cases a variance from the terms of this Ordinance.

10.233.20 In order to authorize a variance, the Board must find that the variance meets all of the following criteria:

- 10.233.21 The variance will not be contrary to the public interest;
- 10.233.22 The spirit of the Ordinance will be observed;
- 10.233.23 Substantial justice will be done;
- 10.233.24 The values of surrounding properties will not be diminished; and
- 10.233.25 Literal enforcement of the provisions of the Ordinance would result in an unnecessary hardship.

**Variance 1
10.1224.10
Animated Sign (Changeable Copy)**

Introduction: “Animated Signs” are not allowed in any district. The Applicant is proposing a changeable copy digital sign, where the message will change instantly every 10 seconds without flashing or moving. While not technically an animated sign with moving graphics, relief from this provision is the closest applicable section of the Portsmouth Zoning Ordinance to permit the proposal.

- 1. The variance would not be contrary to the public interest because:** For a variance to be contrary to the public interest, the proposal has to conflict with the Ordinance so much that it violates the Ordinance’s basic zoning objectives. The relevant tests, as set forth by

the New Hampshire Supreme Court, are (1) whether the proposal will alter the essential character of the neighborhood; and (2) whether it threatens public health, safety or welfare.

The Property is situated in the TC – Transportation Corridor zone and is understandably dominated by the presence of the active railroad line. The proposed project is the conversion of a legally existing billboard structure that has been in place for over 30 years. The surrounding area is a highly developed transportation and industrial corridor with no visibility to residential properties, and the project will reduce existing lighting impacts, while improving the overall appearance of the structure. The digital display will operate with no animation, flashing, or movement, with static images changing instantaneously every 10 seconds. The sign will maintain a maximum brightness of 0.3 foot-candles above ambient light, consistent with industry standards and supported by a submitted photometric study. The LED sign utilizes automatic dimming technology, unlike the existing static billboard which relies on fixed, 24/7 external lighting that can create light spill. As a result, the proposal will not alter the essential character of the neighborhood.

Additionally, the proposal does not threaten public health, safety, or welfare. The modern sign provides clear public benefits, including allowing more opportunities for local advertisers, providing 15 hours per month of free public service messaging and emergency alerts, and generating annual revenue for the City. The applicant already runs 15 hours per month of free New Hampshire Department of Transportation public service messaging on all existing digital displays. Similarly, the sign is a modern update of the existing sign, which has not created safety issues. The instantaneous change in the sign face will not cause undue distraction or otherwise threaten public safety. Given these factors, the project benefits, rather than harms, the public interest.

2. **The spirit of the ordinance is observed because:** Because it is in the public's interest to uphold the spirit of the ordinance, the Supreme Court has held that this and the first criterion are related. If an application meets one test, it almost certainly meets the other. *See Farrar v. City of Keene*, 158 N.H. 684 (2009). In addition to the reasons stated above, which are incorporated herein by reference, granting the variance will be consistent with the spirit of the ordinance. The intent of the ordinance is to regulate signage to maintain and enhance the character of the City's commercial districts and residential neighborhoods and to protect the public from hazardous and distracting displays.

Although the subject property is located within the TC zone, which is not assigned to a specific sign district under the ordinance, the applicant has designed the project to align with the intent of the regulations. This proposal advances the stated goals through modernization of the visual appearance by removing catwalks, aprons, and external lighting fixtures. Additionally, the conversion replaces uncontrolled external illumination with precisely regulated digital brightness technology that adjusts to ambient light. The project also reduces on-site activity, as vinyl changes will no longer be required. Moreover, the Applicant is offering voluntary removal of two existing static billboards on Maplewood

Avenue and Cate Street, aiding the Ordinance goal of regulating the “type, number, location, size and illumination of signs.” These elements directly support the ordinance’s intent by improving aesthetics, safety, and community value.

3. **Substantial justice would be done because:** The Supreme Court has held that measuring substantial justice requires balancing public and private rights. “Perhaps the only guiding rule is that any loss to the individual that is not outweighed by a gain to the general public is an injustice.” *Harborside Assocs., L.P. v. Parade Residence Hotel, LLC*, 162 N.H. 508, 515 (2011). Granting the variance results in a fair balance between public benefit and private rights. There is no injury to the public if the variance is granted because, as discussed above, the renovated sign will be consistent with, and complement, the character of the area, and will provide significant benefits to the City through public service announcements, tax benefits, and grant payments to the City.

The Applicant is seeking to modernize an existing, long-standing sign on a parcel where there are no viable alternative uses due to the railroad line. Through this proposal the public receives meaningful and measurable benefits, including emergency messaging, community content, annual revenue, and the removal of duplicative signage. Denial would impose a significant economic limitation on the property while yielding little to no corresponding public benefit, as the existing billboard would remain. The proposal represents a net positive outcome for both the City and the property owner, meaning substantial justice would be done.

4. **The values of surrounding properties would not be diminished because:** The Applicant’s proposal is an improvement to the existing sign that will not affect the character of this transportation-focused area. The project will not negatively impact surrounding property values. The billboard has existed in this location for decades; the proposal does not introduce a new visual element. The upgraded structure will have a cleaner, more modern appearance, improving upon the current condition. Lighting impacts will be reduced and better controlled than the existing static sign. The site is located within a transportation/industrial corridor with no visibility to residential properties, minimizing sensitivity to visual change.
5. **Literal enforcement of the provisions of the ordinance would result in unnecessary hardship if:**

(A) **Owing to the following special conditions of the property that distinguish it from other properties in the area:**

The parcel is railroad-owned land with no reasonable alternative development potential. The existing billboard represents the only viable economic use of the site and this proposal merely replaces it with a modern LED sign.

i. No fair and substantial relationship exists between the general purposes of the ordinance provisions and the specific application of that provision to the property; and

Due to zoning, lot dimensions, and regulatory constraints, the Applicant cannot relocate or develop a conforming sign elsewhere on the parcel. The location of the preexisting sign on the property is also a site condition demanding consideration. Without the requested variances, the Applicant is deprived of the ability to reasonably modernize and maintain the long-standing use, placing the property at a competitive and functional disadvantage. The hardship arises from the unique limitations of the parcel and regulatory framework, not from any action of the Applicant. This is a rare opportunity where the City can modernize an existing sign, gain a new revenue stream, and expand public messaging capabilities, all without introducing a new use or increasing the physical impact of the site. Allowing the variance allows the property to be put to its best reasonable use.

ii. The proposed use is a reasonable one.

A hardship exists when special conditions of the land render the use for which the variance is sought “reasonable.” *See Rancourt v. City of Manchester*, 149 N.H. 51, 54 (2003). A confluence of factors makes this unique lot a suitable location for the Applicant’s proposed use, as well as the related parking, and is therefore reasonable.

(B) N/A

**Variance 2
10.1224.90
Off-Premise Sign**

Introduction: Off-premise signs are not allowed in any district. The Applicant is proposing replacing the existing static off-premise sign with a digital changeable copy sign displaying off-premises messaging. Relief from this provision of the Portsmouth Zoning Ordinance is necessary to permit the proposal.

- 1. The variance would not be contrary to the public interest because:** The Property is situated in the TC – Transportation Corridor zone, and is understandably dominated by the presence of the active railroad line. With no building located on the property, on-premises advertising would be completely ineffectual. The proposed project is the conversion of a legally existing billboard structure that has displayed off-premise advertisements for over 30 years. The proposal will not alter the character of the neighborhood. The surrounding area is a highly developed transportation and industrial corridor with no visibility to residential properties, and the project will reduce existing lighting impacts, while improving the overall appearance of the structure.

Additionally, the proposal does not threaten public health, safety, or welfare. The modern sign provides clear public benefits, including allowing more opportunities for local

advertisers, providing 15 hours per month of free public service messaging and emergency alerts, and generating annual revenue for the City. The applicant already runs 15 hours per month of free New Hampshire Department of Transportation public service messaging on all existing digital displays. Similarly, the sign is a modern update of the existing sign, which has not created safety issues. The continuation of off-premise advertisements will not threaten public safety. Given these factors, the project benefits, rather than harms, the public interest.

2. **The spirit of the ordinance is observed because:** The intent of the ordinance is to regulate signage to maintain and enhance the character of the City's commercial districts and residential neighborhoods and to protect the public from hazardous and distracting displays. This proposal promotes modernization of the existing sign, and merely maintains the existing off-premise sign location. Updating the existing sign directly supports the ordinance's intent by improving aesthetics, safety, and community value.
3. **Substantial justice would be done because:** Granting the variance results in a fair balance between public benefit and private rights. There is no injury to the public if the variance is granted because, as discussed above, the renovated sign will be consistent with, and complement, the character of the area, and will provide significant benefits to the City through public service announcements and increased tax payments to the City.

The Applicant is seeking to modernize an existing off-premise sign on a parcel where there are no viable alternative uses due to the railroad line. Through this proposal the public receives meaningful and measurable benefits, including emergency messaging, community content, annual revenue, and the removal of duplicative signage. Denial would impose a significant economic limitation on the property while yielding little to no corresponding public benefit, as the existing billboard would remain. The proposal represents a net positive outcome for both the City and the property owner, meaning substantial justice would be done.

4. **The values of surrounding properties would not be diminished because:** The Applicant's proposal is an improvement to the existing off-premise sign that will not affect the character of this transportation-focused area. The project will not negatively impact surrounding property values. The billboard has existed in this location for decades; the proposal does not introduce a new visual element. The upgraded structure will have a cleaner, more modern appearance, improving upon the current condition. Lighting impacts will be reduced and better controlled than the existing static sign. The site is located within a transportation/industrial corridor with no visibility to residential properties, minimizing sensitivity to visual change.
5. **Literal enforcement of the provisions of the ordinance would result in unnecessary hardship if:**

(B) Owing to the following special conditions of the property that distinguish it from other properties in the area:

The parcel is railroad-owned land with no reasonable alternative development potential. The size and shape of the property, as well as active railroad tracks mean a building cannot be constructed. The existing billboard represents the only viable signage on the site and this proposal merely replaces it with a modern LED sign.

i. No fair and substantial relationship exists between the general purposes of the ordinance provisions and the specific application of that provision to the property; and

As the property does not have a building and one cannot be constructed due to the railroad corridor, the Applicant cannot reasonably install a compliant sign on the parcel. The location of the preexisting sign on the property is also a site condition demanding consideration. Without the requested variances, the Applicant is deprived of the ability to reasonably modernize and maintain the long-standing use, placing the property at a competitive and functional disadvantage. The hardship arises from the unique limitations of the parcel and regulatory framework, not from any action of the Applicant. This is a rare opportunity where the City can modernize an existing sign, gain a new revenue stream, and expand public messaging capabilities, all without introducing a new use or increasing the physical impact of the site. Allowing the variance allows the property to be put to its best reasonable use.

ii. The proposed use is a reasonable one.

A hardship exists when special conditions of the land render the use for which the variance is sought “reasonable.” *See Rancourt v. City of Manchester*, 149 N.H. 51, 54 (2003). A confluence of factors makes this unique lot a suitable location for the Applicant’s proposed use, as well as the related parking, and is therefore reasonable.

(B) N/A

**Variance 3
10.1234 & 10.1241
Signage in the TC Zone**

Introduction: Table 10.1241 of the ordinance does not provide that any signs are allowed in the TC district. Most zoning ordinances in New Hampshire are “permissive,” meaning that, in the absence of a variance or special exception, such an ordinance generally prohibits uses of land unless they are expressly permitted as primary or accessory uses. Per Section 10.1234, “Any sign not specifically allowed in a sign district is not permitted.” As the Applicant is proposing replacing the existing sign in the TC zone, relief from Section 10.1234 and Table 10.1241 is necessary to permit the proposal.

1. **The variance would not be contrary to the public interest because:** The Property is situated in the TC – Transportation Corridor zone and is understandably dominated by the presence of the active railroad line. Of note, prior to the establishment of the TC zone, the Property was zoned GW – Gateway District. The proposed project is the conversion of a legally existing billboard structure that has displayed advertisements for over 30 years. The proposal will not alter the character of the neighborhood. The surrounding area is a highly developed transportation and industrial corridor with no visibility to residential properties, and the project will reduce existing lighting impacts, while improving the overall appearance of the structure.

Additionally, the proposal does not threaten public health, safety, or welfare. The modern sign provides clear public benefits, including allowing more opportunities for local advertisers, providing 15 hours per month of free public service messaging and emergency alerts, and generating annual revenue for the City. The applicant already runs 15 hours per month of free New Hampshire Department of Transportation public service messaging on all existing digital displays. Similarly, the sign is a modern update of the existing sign, which has not created safety issues. The evolution of the sign will not threaten public safety. Given these factors, the project benefits, rather than harms, the public interest.

2. **The spirit of the ordinance is observed because:** The intent of the ordinance is to regulate signage to maintain and enhance the character of the City's commercial districts and residential neighborhoods and to protect the public from hazardous and distracting displays. This proposal promotes modernization of the existing sign, and merely maintains the existing sign location. Updating the existing sign directly supports the ordinance's intent by improving aesthetics, safety, and community value.
3. **Substantial justice would be done because:** Granting the variance results in a fair balance between public benefit and private rights. There is no injury to the public if the variance is granted because, as discussed above, the renovated sign will be consistent with, and complement, the character of the area, and will provide significant benefits to the City through public service announcements and grant payments to the City.

The Applicant is seeking to modernize an existing sign on a parcel where there are no viable alternative uses due to the railroad line. Through this proposal the public receives meaningful and measurable benefits, including emergency messaging, community content, annual revenue, and the removal of duplicative signage. Denial would impose a significant economic limitation on the property while yielding little to no corresponding public benefit, as the existing billboard would remain. The proposal represents a net positive outcome for both the City and the property owner, meaning substantial justice would be done.

4. **The values of surrounding properties would not be diminished because:** The Applicant's proposal is an improvement to the existing sign that will not affect the character of this transportation-focused area. The project will not negatively impact surrounding

property values. The billboard has existed in this location for decades; the proposal does not introduce a new visual element. The upgraded structure will have a cleaner, more modern appearance, improving upon the current condition. Lighting impacts will be reduced and better controlled than the existing static sign. The site is located within a transportation/industrial corridor with no visibility to residential properties, minimizing sensitivity to visual change.

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

(C) Owing to the following special conditions of the property that distinguish it from other properties in the area:

The parcel is railroad-owned land with no reasonable alternative development potential. The existing billboard legally exists on the site despite the present prohibition in the TC zone, and this proposal merely replaces it with a modern LED sign.

i. No fair and substantial relationship exists between the general purposes of the ordinance provisions and the specific application of that provision to the property; and

The location of the preexisting sign on the property is a site condition demanding consideration. *See Harborside Associates, L.P. v. Parade Residence Hotel, LLC*, 162 N.H. 508, 519 (2011) (“[The applicant] merely had to show that its proposed signs were a “reasonable use” of the property, given its special conditions.” Without the requested variances, the Applicant is deprived of the ability to reasonably modernize and maintain the long-standing use, placing the property at a competitive and functional disadvantage. The hardship arises from the unique limitations of the parcel and regulatory framework, not from any action of the Applicant. This is a rare opportunity where the City can modernize an existing sign, reduce visual clutter elsewhere through sign removals, gain a new revenue stream, and expand public messaging capabilities, all without introducing a new use or increasing the physical impact of the site. Allowing the variance allows the property to be put to its best reasonable use.

ii. The proposed use is a reasonable one.

A hardship exists when special conditions of the land render the use for which the variance is sought “reasonable.” *See Rancourt v. City of Manchester*, 149 N.H. 51, 54 (2003). A confluence of factors makes this unique lot a suitable location for the Applicant’s proposed use, as well as the related parking, and is therefore reasonable.

(B) Without variance relief, the only signage use is to leave the outdated existing sign.

**Variances 4, 5, & 6
10.1251.20; 10.1253 (two counts)**

Dimensional Relief: Sign Area, Height, and Setback

Introduction: Table 10.1251.20 and Table 10.1253.10 do not provide sign dimensions or setbacks in the TC zone. The Applicant is proposing to replace the existing 12' x 24' sign located on the property line with a 10'6" x 36' sign (378 square feet) located 1.5' from the Route 1 Bypass right of way. As reflected on the plans submitted herewith, the proposed sign height is 25' utilizing a single pole. As the Applicant is proposing replacing the existing sign in the TC zone, relief from 10.1251.20 and Table 10.1253.10 is necessary to permit the proposal.

- 1. The variance would not be contrary to the public interest because:** The Property is situated in the TC – Transportation Corridor zone and is understandably dominated by the presence of the active railroad line. The proposed project is the conversion of a legally existing billboard structure that has displayed advertisements for over 30 years. The proposal will not alter the character of the neighborhood. The surrounding area is a highly developed transportation and industrial corridor with no visibility to residential properties, and the project will reduce existing lighting impacts, while improving the overall appearance of the structure. The proposed height, size, and location have all been developed based on industry best practices and will be appropriate for the location.

Additionally, the proposal does not threaten public health, safety, or welfare. The modern sign provides clear public benefits, including allowing more opportunities for local advertisers, providing 15 hours per month of free public service messaging and emergency alerts, and generating annual revenue for the City. The applicant already runs 15 hours per month of free New Hampshire Department of Transportation public service messaging on all existing digital displays. Similarly, the sign is a modern update of the existing sign, which has not created safety issues. The evolution of the sign will not threaten public safety. Given these factors, the project benefits, rather than harms, the public interest.

- 2. The spirit of the ordinance is observed because:** The intent of the ordinance is to regulate signage to maintain and enhance the character of the City's commercial districts and residential neighborhoods and to protect the public from hazardous and distracting displays. This proposal promotes modernization of the existing sign with a minimal expansion in sign area. Updating the existing sign directly supports the ordinance's intent by improving aesthetics, safety, and community value.
- 3. Substantial justice would be done because:** Granting the variance results in a fair balance between public benefit and private rights. There is no injury to the public if the variances are granted because, as discussed above, the renovated sign will be consistent with, and complement, the character of the area, and will provide significant benefits to the City through public service announcements and grant payments to the City.

The Applicant is seeking to modernize an existing sign on a parcel where there are no viable alternative uses due to the railroad line. Through this proposal, the public receives

meaningful and measurable benefits, including emergency messaging, community content, annual revenue, and the removal of duplicative signage. Denial would impose a significant economic limitation on the property while yielding little to no corresponding public benefit, as the existing billboard would remain. The proposal represents a net positive outcome for both the City and the property owner, meaning substantial justice would be done.

- 4. The values of surrounding properties would not be diminished because:** The Applicant's proposal is an improvement to the existing sign that will not affect the character of this transportation-focused area. The project will not negatively impact surrounding property values. The billboard has existed in this location for decades; the proposal does not introduce a new visual element. The upgraded structure will have a cleaner, more modern appearance, improving upon the current condition. Lighting impacts will be reduced and better controlled than the existing static sign. The site is located within a transportation/industrial corridor with no visibility to residential properties, minimizing sensitivity to visual change.

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

(D) Owing to the following special conditions of the property that distinguish it from other properties in the area:

The parcel is railroad-owned land with no reasonable alternative development potential. The existing billboard legally exists on the site despite the present prohibition in the TC zone, and this proposal merely replaces it with a modern LED sign.

i. No fair and substantial relationship exists between the general purposes of the ordinance provisions and the specific application of that provision to the property; and

The location of the preexisting sign on the property is a site condition demanding consideration. *See Harborside Associates, L.P. v. Parade Residence Hotel, LLC*, 162 N.H. 508, 519 (2011) (“[The applicant] merely had to show that its proposed signs were a “reasonable use” of the property, given its special conditions.” Without the requested variances, the Applicant is deprived of the ability to reasonably modernize and maintain the long-standing use at an appropriate size and location, placing the property at a competitive and functional disadvantage. The hardship arises from the unique limitations of the parcel and regulatory framework, not from any action of the Applicant. This is a rare opportunity where the City can modernize an existing sign, gain a new revenue stream, and expand public messaging capabilities, all without introducing a new use or increasing the physical impact of the site. Allowing the variance allows the property to be put to its best reasonable use.

ii. The proposed use is a reasonable one.

A hardship exists when special conditions of the land render the use for which the variance is sought “reasonable.” *See Rancourt v. City of Manchester*, 149 N.H. 51, 54 (2003). A confluence of factors makes this unique lot a suitable location for the Applicant’s proposed use, as well as the related parking, and is therefore reasonable.

Variance 7
10.1262
Hours of Illumination

Introduction: Pursuant to the ordinance, “Signs shall not be illuminated between 11:00 p.m. and 6:00 a.m.” The Applicant is proposing a digital sign that adjusts to ambient light throughout the day. As a result, the sign is significantly dimmer during the subject hours where traditional signage is expected to be turned off.

1. **The variance would not be contrary to the public interest because:** The Property is situated in the TC zone. The surrounding area is a highly developed transportation and industrial corridor with no visibility to residential properties, and the project will reduce existing lighting impacts. The sign will maintain a maximum brightness of 0.3 foot-candles above ambient light, consistent with industry standards and supported by a submitted photometric study. The LED sign utilizes automatic dimming technology, unlike the existing static billboard which relies on fixed, 24/7 external lighting that can create light spill. As a result, the proposal will not alter the essential character of the neighborhood.

Additionally, the proposal does not threaten public health, safety, or welfare. The modern sign provides clear public benefits, including allowing more opportunities for local advertisers, providing 15 hours per month of free public service messaging and emergency alerts, and generating annual revenue for the City. The applicant already runs 15 hours per month of free New Hampshire Department of Transportation public service messaging on all existing digital displays. Similarly, the sign is a modern update of the existing sign, which has not created safety issues. Given these factors, the project benefits, rather than harms, the public interest.

2. **The spirit of the ordinance is observed because:** In addition to the reasons stated above, which are incorporated herein by reference, granting the variance will be consistent with the spirit of the ordinance. The intent of the ordinance is to regulate signage to maintain and enhance the character of the City’s commercial districts and residential neighborhoods and to protect the public from hazardous and distracting displays.

Although the subject property is located within the TC zone, which is not assigned to a specific sign district under the ordinance, the applicant has designed the project to align with the intent of the regulations. This proposal replaces uncontrolled external illumination with precisely regulated digital brightness technology that adjusts to ambient light. This

proposal directly supports the ordinance's intent by sufficiently limiting light spill between 11:00 p.m. and 6:00 a.m.

3. **Substantial justice would be done because:** Granting the variance results in a fair balance between public benefit and private rights. There is no injury to the public if the variance is granted because, as discussed above, the renovated sign will be consistent with, and complement, the character of the area, and will provide significant benefits to the City through public service announcements and grant payments to the City. Allowing the sign to remain illuminated during the overnight hours does not represent a public detriment.

The Applicant is seeking to modernize an existing, long-standing sign on a parcel where there are no viable alternative uses due to the railroad line. Through this proposal the public receives meaningful and measurable benefits, including emergency messaging, community content, annual revenue, and the removal of duplicative signage. The proposal represents a net positive outcome for both the City and the property owner, meaning substantial justice would be done.

4. **The values of surrounding properties would not be diminished because:** The Applicant's proposal is an improvement to the existing sign that will not affect the character of this transportation-focused area. The project will not negatively impact surrounding property values. The billboard has existed in this location for decades; the proposal does not introduce a new visual element. The upgraded structure will have a cleaner, more modern appearance, improving upon the current condition. Lighting impacts will be reduced and better controlled than the existing static sign. The site is located within a transportation/industrial corridor with no visibility to residential properties, minimizing sensitivity to visual change.

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

(E) Owing to the following special conditions of the property that distinguish it from other properties in the area:

The parcel is railroad-owned land with no reasonable alternative development potential. The existing billboard represents the only viable economic use of the site and this proposal merely replaces it with a modern LED sign.

i. No fair and substantial relationship exists between the general purposes of the ordinance provisions and the specific application of that provision to the property; and

Forcing the sign to "go dark" for seven hours each evening does not advance any of the ordinance's stated goals regarding aesthetics or safety. This sign serves the Route 1 Bypass and the railroad corridor without negatively affecting residential or other susceptible

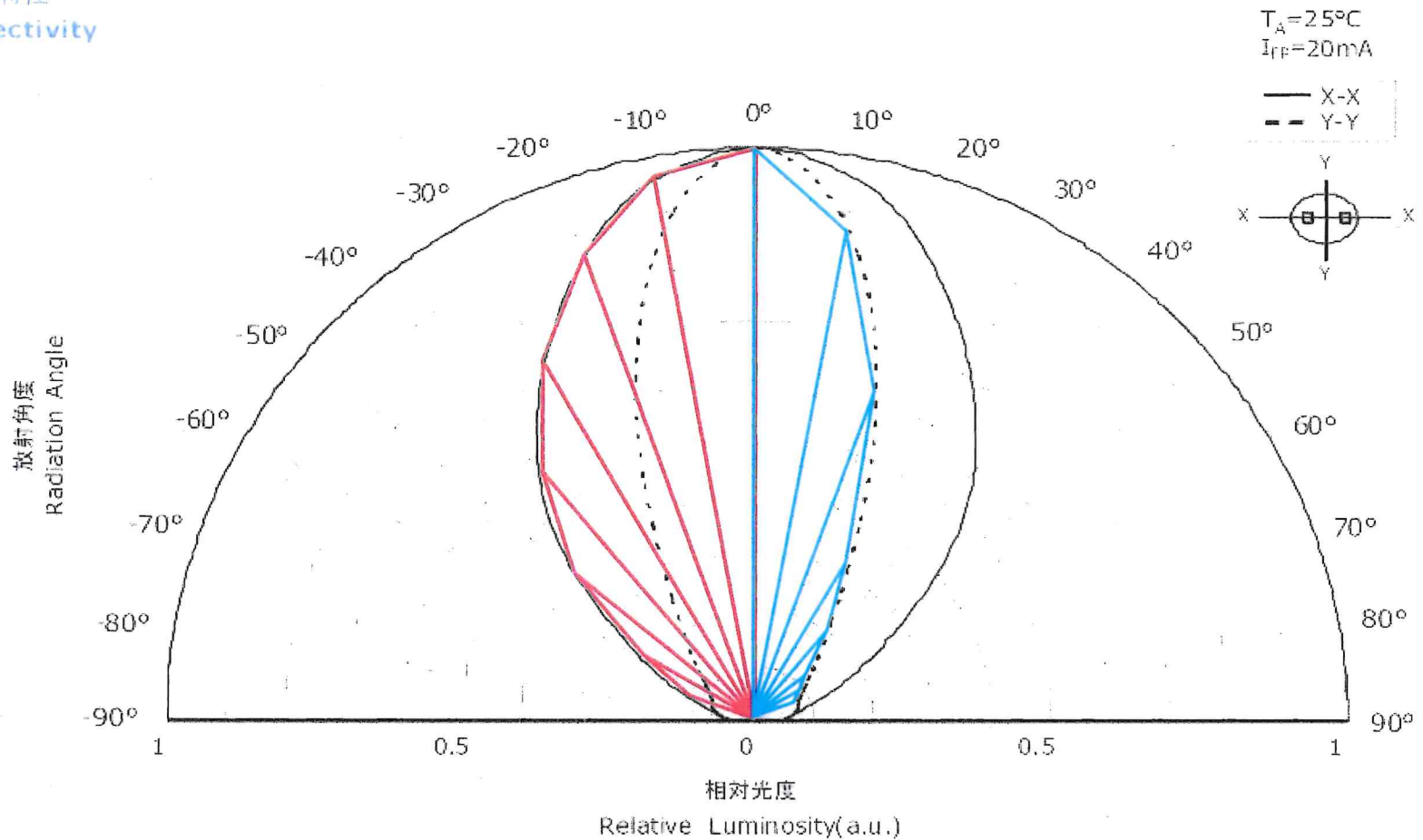
abutters. Without the requested variance, the Applicant is deprived of the ability to maximize the reasonable use of the sign without a corresponding public benefit. The hardship arises from the unique limitations of the parcel and regulatory framework, not from any action of the Applicant. Allowing the variance allows the property to be put to its best reasonable use.

ii. The proposed use is a reasonable one.

A hardship exists when special conditions of the land render the use for which the variance is sought “reasonable.” *See Rancourt v. City of Manchester*, 149 N.H. 51, 54 (2003). A confluence of factors makes this unique lot a suitable location for the Applicant’s proposed use, as well as the related parking, and is therefore reasonable.

(B) N/A

指向特性
Directivity



Use Nichia NSPX336 FOV
90 degree horizontal
45 degree vertical diodes
with more narrow light
broadcast dispersion.

Horizontal dispersion mapped in red

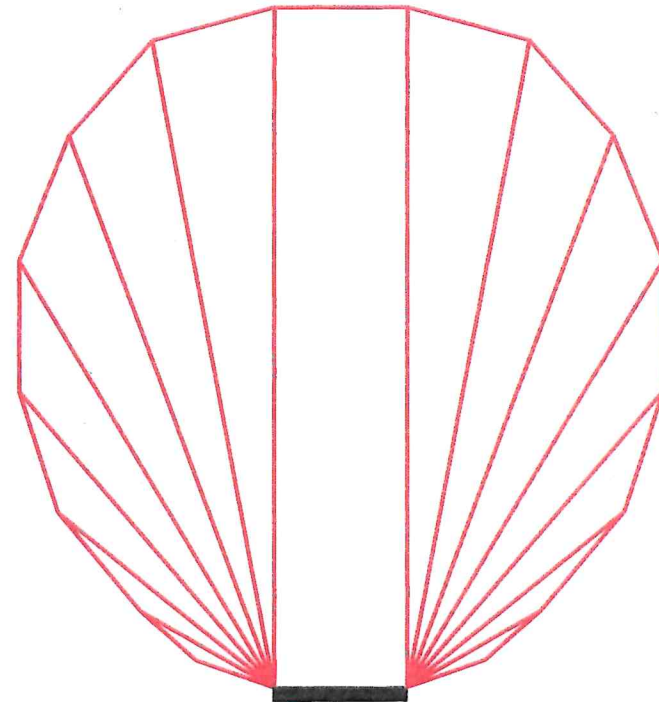
Vertical dispersion mapped in blue

10.5' x 36 Horizontal Dispersion (Plan View)

Display Height in ft	10.5	feet
Display Width in ft	36	feet
Display brightness nit	300	nit
Total Square Meters	35.1174	sq meters
Total candela output	10535.2	cd
foot-candle threshold	0.3	foot candles
Distance to Residential	187.396	feet

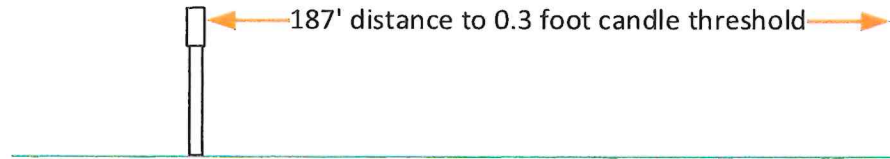
Math for threshold distance

187.4' distance to 0.3 foot candle threshold

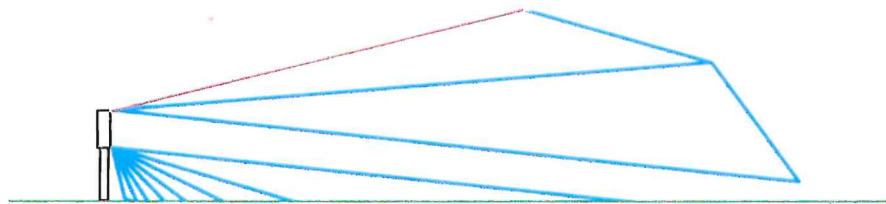


10.5 x 36 Vertical Dispersion (Side Elevation View)

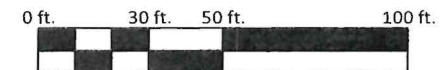
Updated to show down pitched diodes



14 degree above perpendicular to face limit



In this drawing the display is 25' above grade



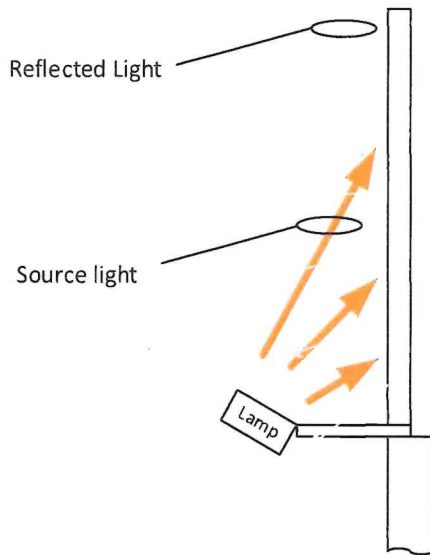


PeriMed Urgent Care Vet Clinic - Portsmouth

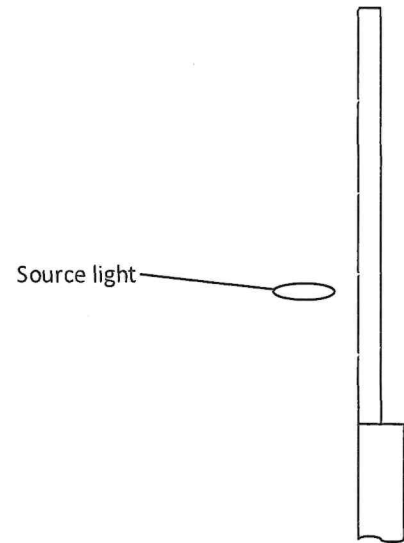
Google Earth

Efficiency of Static vs Digital Billboards

Static Billboard



Digital Billboard



Description	Static	Digital	Comment
Technical description of light	Illumination	Lumination	
Light source	4 each Metal Halide Floods	LED surface	
Light angles at light source	Directed through glass lens	Specific to diodes and louvers	Flood lamps are set to 30 degree apex for calcs
Light pattern from sign face	Scattered	Specific to diodes and louvers	
Number of fixtures	4	N/A, surface light only	
Candelas per fixture	31300	Surface output is variable	
Total candelas	584789	Surface output is variable	
Light to specific target	Random	Mathematically determinable	Variations of lens, reflectivity of copy, etc effect flood light scatter
Source light output for full white copy in candela	584789	18729	Static is 31 times more candela at light source (Fig A)
Source light output for full green copy in candela	584789	11267	Static is 52 times more candela at light source (Fig B)
Source light output for full red copy in candela	584789	5618	Static is 104 times more candela at light source (Fig C)
Source light output for full blue copy in candela	584789	1873	Static is 312 times more candela at light source (Fig D)
Source light output for typical copy without white background	584789	6000	Static is 97 times more candela at light source (Fig E)

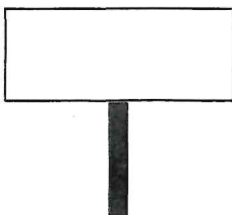


Fig A

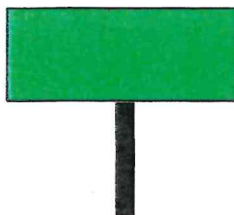


Fig B

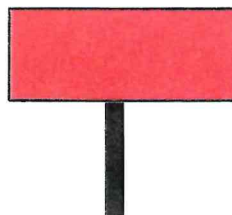


Fig C.

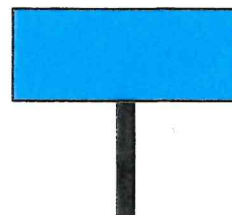
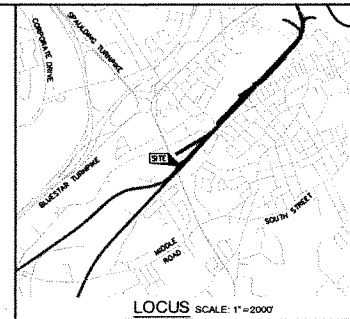
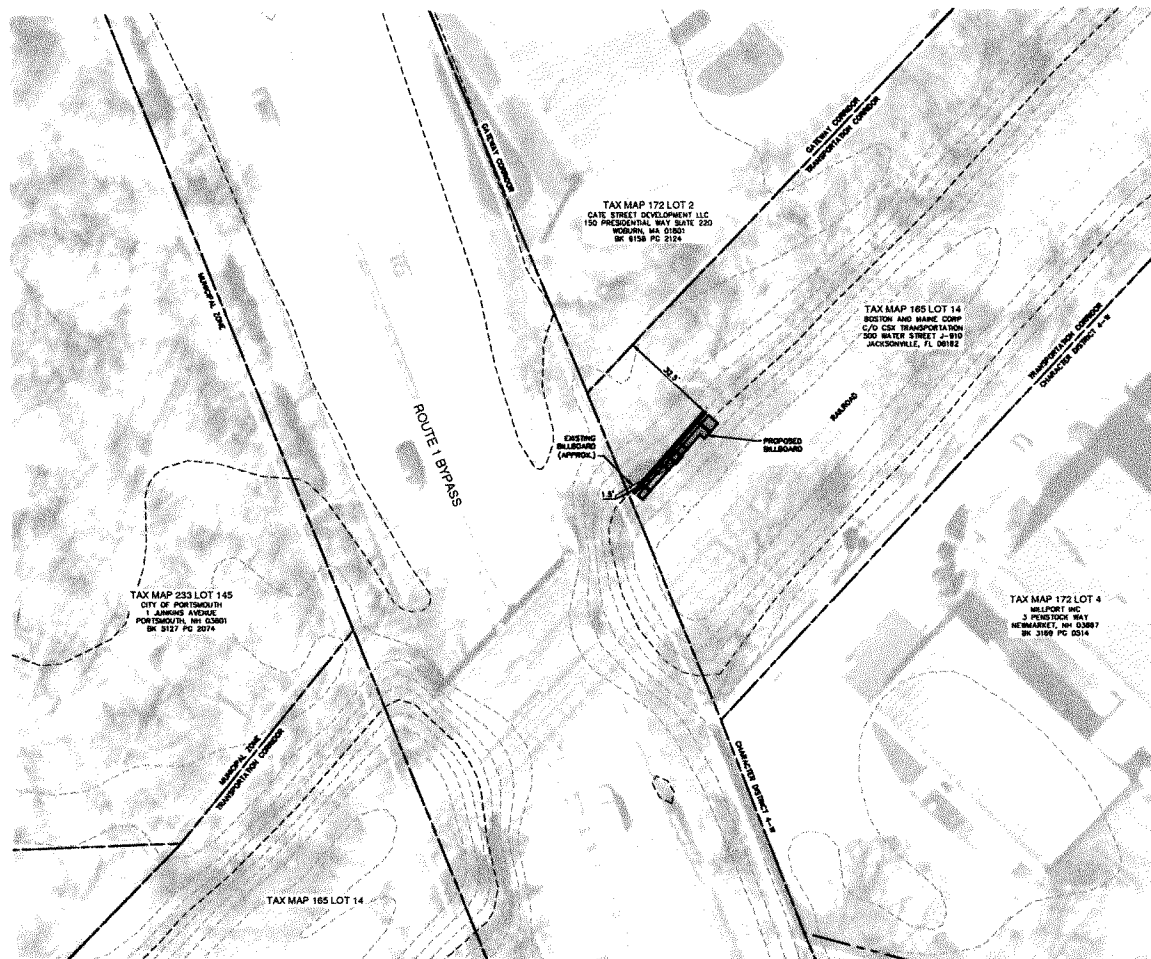


Fig D



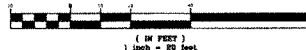
Fig E



SITE NOTES:

1. THE INTENT OF THIS PLAN IS TO SHOW A PROPOSED BILLBOARD.
2. TOPOGRAPHY AND PROPERTY LINES WERE DERIVED FROM GIS SOURCES AND SHOULD BE CONSIDERED APPROXIMATE.
3. ALL CONSTRUCTION SHALL CONFORM TO TOWN STANDARDS AND REGULATIONS, AND MEET STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION, WHICHEVER IS MORE STRINGENT.
4. SITE LOCATION IS NOT LOCATED WITHIN A FEDERALLY DESIGNATED 100 YEAR FLOOD HAZARD ZONE, REFERENCE FEMA COMMUNITY PANEL NO. 33050025P, DATED JANUARY 28, 2021.
5. LANDOWNERS ARE RESPONSIBLE FOR COMPLYING WITH ALL APPLICABLE LOCAL, STATE AND FEDERAL, NEILAND REGULATIONS, INCLUDING PERMITTING REQUIRED UNDER THESE REGULATIONS.
6. PRIOR TO THE START OF CONSTRUCTION, THE CONTRACTOR SHALL COORDINATE WITH THE ENGINEER, ARCHITECT AND/OR OWNER, IN ORDER TO OBTAIN AND/OR PAY ALL THE NECESSARY LOCAL PERMITS, FEES AND BONDS.
7. ALL PROPOSED SIGNAGE SHALL CONFORM WITH THE TOWN ZONING REGULATIONS, UNLESS A VARIANCE IS OTHERWISE REQUESTED.
8. ALL STRUCTURE DIMENSIONS SHALL BE VERIFIED WITH THE ARCHITECTURAL AND STRUCTURAL PLANS PROVIDED BY THE OWNER. ANY DISCREPANCIES SHOULD BE BROUGHT TO THE ATTENTION OF THE ENGINEER AND OWNER PRIOR TO THE START OF CONSTRUCTION. BUILDING DIMENSIONS AND AREAS TO BE OUTSIDE OF MASSDOT, UNLESS OTHERWISE NOTED.
9. ALL CONSTRUCTION ACTIVITIES SHALL CONFORM TO LABOR OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION (OSHA) RULES AND REGULATIONS.
10. ALL PRECAST CONCRETE PRODUCTS WILL BE SOURCED FROM MANUFACTURING FACILITIES IN COMPLIANCE WITH THE NATIONAL PRECAST CONCRETE ASSOCIATION (NPCA) PLANT CERTIFICATION PROGRAM. EVIDENCE OF COMPLIANCE WILL BE PROVIDED FOR THE CURRENT CALENDAR YEAR THE PRODUCTS WERE MANUFACTURED WITHIN.

GRAPHIC SCALE



PROJECT PARCEL
TOWN OF PORTSMOUTH
TAX MAP 165, LOT 14

APPLICANT:
OUTFRONT MEDIA
ATTN: JENNA FISHER
7 EAST POINT DRIVE
POCONSETT, NH 03306

Design: XXX	Draft: RDR	Date: 3/17/26
Checked: PSL	Scale: AS SHOWN	Project No.: 26020
Drawing Name: 26020-Concept 1.dwg		
THIS PLAN SHALL NOT BE MODIFIED WITHOUT WRITTEN PERMISSION FROM JONES & BEACH ENGINEERS, INC. (JBE).		
ANY ALTERATIONS, AUTHORIZED OR OTHERWISE, SHALL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY TO JBE.		

REV.	DATE	ISSUED FOR REVIEW	BY
0	—	—	—
1	—	—	—
2	—	—	—
3	—	—	—
4	—	—	—
5	—	—	—
6	—	—	—
7	—	—	—
8	—	—	—
9	—	—	—

Designed and Produced in NH

J/B Jones & Beach Engineers, Inc.

Civil Engineering Services

65 Portsmouth Ave.
PO Box 219
Stratham, NH 03885

603-772-4749
E-MAIL: JBE@JONESANDBEACH.COM

Plan Name:	SITE PLAN
Project:	ROUTE 1 BYPASS/B&M RAILROAD INTERSECTION, PORTSMOUTH, NH
Owner of Record:	BOSTON AND MAINE CORP. C/O CSX TRANSPORTATION 500 WATER STREET, J-910, JACKSONVILLE, FL 08182

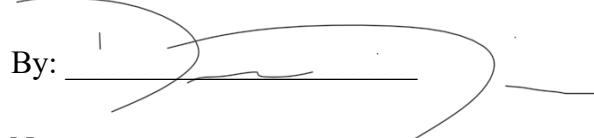
DRAWING NO.	C2
SHEET 1 OF 1	JBE PROJECT NO. 26020

AUTHORIZATION TO PRESENT ON BEHALF OF THE OWNER

CSX Transportation, Inc., as owner and/or authorized controller of the property identified as Tax Map Parcel 0165-0014-0000 in Portsmouth, New Hampshire (the "Property"), hereby authorizes Outfront Media LLC and Attorney A. Eli Leino of Bernstein, Shur, Sawyer & Nelson, P.A. to represent CSX Transportation, Inc. and the Property in connection with applications, testimony, plans, and supporting materials before the City of Portsmouth Zoning Board of Adjustment and any related municipal boards, departments, officials, or agencies regarding the existing billboard and proposed improvements thereto located on the Property.

Dated: June 22, 2026

CSX TRANSPORTATION, INC.

By: 

Name: Damien D'Anna

Title: Director

DUNKIN' REFRESHERS

THAT'S REFRESHING



OUTFRONT

00GZBD



III. NEW BUSINESS

B. POSTPONED The request of **Road to the West, LLC (Owner)**, for property located at **140 West Road** whereas relief is needed to establish an indoor recreation space, restaurant, event space, and outdoor dining area which requires the following: 1) Variance from Section 10.440 to allow a) Use #9.43, a restaurant and function room with an occupant load from 250 to 500 where it is not allowed, b) Use #4.30, indoor recreation use where it is not allowed, and c) Use #19.50, outdoor dining as accessory use to a permitted principal use. Said property is located on Assessor Map 252 Lot 2-1301 and lies within the Industrial (I) District. **POSTPONED** (LU-26-107)

Planning Department Comments

The application has been postponed due to an error in the notice. This application has been re-noticed and scheduled for the August 25, 2026 BOA meeting.

III. NEW BUSINESS

C. POSTPONED The request of **Ann Marie Wiley Revocable Trust (Owner)**, for property located at **64 Woodworth Avenue** whereas relief is needed to construct an addition to the existing structure which requires the following: 1) Variance from Section 10.521 to allow a) 8.5 foot left yard where 10 feet are required, and b) 26% building coverage where 20% is the maximum. Said property is located on Assessor Map 243 Lot 42 and lies within the Single Residence B (SRB) District. **POSTPONED** (LU-26-102)

Planning Department Comments

The application has been postponed to the September meeting.



CELEBRATING 40 YEARS OF SERVICE TO OUR CLIENTS

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KATHERINE B. MILLER
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OF COUNSEL
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RETIRED
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CHARLES F. TUCKER
ROBERT D. CIANDELLA
JOHN J. RATIGAN
DENISE A. POULOS
SHARON CUDDY SOMERS
ROBERT M. DEROSIER
NICHOLAS R. AESCHLIMAN

August 6, 2026

Beth Margeson, Chair
Zoning Board of Adjustment
City of Portsmouth
1 Junkins Avenue
Portsmouth, NH 03801

RE: Ann Wiley (Applicant)
64 Woodworth Avenue, Tax Map 243, Lot 42

Dear Chair Margeson and Board Members,

Please consider this letter as the Applicant's formal request to withdraw the proposed project from the August 18, 2026, Zoning Board of Adjustment agenda and to include it instead in the September 15, 2026, meeting. If you have any questions or need further information, feel free to reach out to me. Thank you.

Yours truly,

Courtney P. Vaughan, Esq.
cvaughan@dtclawyers.com

Postponement

DONAHUE, TUCKER & CIANDELLA, PLLC
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111 Maplewood Avenue, Suite D, Portsmouth, NH 03801
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