

**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.

May 19, 2026

AGENDA

<p><u>PLEASE NOTE:</u> DUE TO THE LARGE VOLUME OF REQUESTS FOR MAY, ITEMS (III. D. THROUGH I.). WILL BE HEARD AT THE MAY 26, 2026 ZONING BOARD OF ADJUSTMENT MEETING.</p>
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I. APPROVAL OF MINUTES

- A. Approval of the March 31, 2026 Work Session minutes
- B. Approval of the April 21, 2026 meeting minutes.
- C. Approval of the April 28, 2026 meeting minutes.

II. OLD BUSINESS

- A. 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)
- B. **WITHDRAWN** The request of **Road to the West, LLC (Owner)**, for property located at **140 West Road** whereas relief is needed to create an outdoor dining area, which requires the following: 1) Variance from Section 10.440 Use #19.50 to allow an outdoor dining or drinking area, as accessory use where it is not allowed. Said property is located on Assessor Map 252 Lot 2-13 and lies within the Industrial (I) District. **WITHDRAWN** (LU-26-34)

- C. The request of **Port Hunter LLC (Owner)**, for property located at **361 Miller Avenue** whereas relief is needed to construct a detached garage with a professional office space on the second floor, which requires the following: 1) Variance from Section 10.573.20 to allow a) 6 foot side yard where 10 feet are required, and b) 10 foot rear yard where 20 feet are required; and 2) Variance from Section 10.440 Use #5.10 to allow a professional office use where it is not permitted. Said property is located on Assessor Map 131 Lot 33 and lies within the General Residence A (GRA) District. (LU-25-76)
- D. **POSTPONE TO JUNE** 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. **POSTPONE TO JUNE** (LU-26-12)

III. NEW BUSINESS

- A. The request of **Portsmouth Historical Society (Owner)**, for property located at **43 Austin Street** whereas relief is needed to convert a single-family home to an office use which requires the following: 1) Variance from Section 10.440 (Use #5.10) to allow professional office space where it is not permitted. Said property is located on Assessor Map 127 Lot 27 and lies within the General Residence C (GRC) and Historic Districts. (LU-26-43)
- B. The request of **Alexandre T and Lauren M LePage (Owners)**, for property located at **53 McNabb Court** whereas relief is needed to demolish the existing rear porch and construct an addition and construct a new front porch which requires the following: 1) Variance from Section 10.521 to allow a) 30.5% building coverage where 25% is allowed, b) 8 foot left yard where 10 feet are required, c) 6 foot right yard where 10 feet are required. Said property is located on Assessor Map 112 Lot 57 and lies within the General Residence A (GRA) District. (LU-26-50)
- C. The request of **Double Mc LLC (Owner)**, for property located at **134 Pleasant Street** whereas relief is needed to alter the existing drive-through facility which requires the following: 1) Variance from Section 10.334 to allow a drive-through use (Use # 19.40) to be extended to another part of the remainder of the land. Said property is located on Assessor Map 116 Lot 30 and lies within Character District 4 (CD4) and the Historic District. (LU-25-138)

THE FOLLOWING ITEMS WILL BE HEARD ON TUESDAY, MAY 26, 2026

- D. The request of **Eldredge Place Condo Association (Owner)**, for property located at **40 Merrimac Street** whereas relief is needed to demolish the existing rear deck and

construct a new deck which requires the following: 1) Variance from Section 10.521 to allow a 3.5-foot side yard where 10 feet are required. Said property is located on Assessor Map 129 Lot 18 and lies within the General Residence A (GRA) District. (LU-26-53)

- E.** The request of **801 Islington Street LLC (Owner)** and **Evergreen Yoga & Meditation, LLC d/b/a Studio 108 (Applicant)**, for property located at **801 Islington Street, Unit 33** whereas relief is needed to establish a yoga studio which requires the following: 1) Special Exception from Section 10.440 Use #4.40 to allow a yoga studio more than 2,000 square feet gross floor area. Said property is located on Assessor Map 165 Lot 8 and lies within the Character District 4-W (CD4-W). (LU-26-54)
- F.** The request of **Ryan Trust (Owner)**, for property located at **221 Woodbury Avenue** whereas relief is needed to subdivide the existing parcel into two parcels, for demolition of the existing one-story detached garage and construction of a new two-story detached garage on lot 1; and a new single-family residential structure on lot 2, which requires the following: 1) Variance from Section 10.521 to allow 63 feet of frontage where 100 feet is required. Said property is located on Assessor Map 175 Lot 10 and lies within the General Residence A (GRA) District. (LU-26-57)
- G.** The request of **Maximillian Kolbe Hochschwender (Owner)**, and **Flybird LLC (Applicant)** for property located at **44 Rogers Street** whereas relief is needed to construct a rear addition to the existing residential structure which requires the following: 1) Variance from Section 10.521 to allow a 3-foot side yard where 10 feet is required; and 2) Variance from Section 10.321 to allow a nonconforming building or structure to be extended, reconstructed or enlarged without conforming to the requirements of the Ordinance. Said property is located on Assessor Map 116 Lot 45 and lies within the Mixed Residential Office (MRO) and Historic Districts. (LU-26-55)
- H.** The request of **RRNR Revocable Trust (Owner)**, for property located at **111 Crescent Way** whereas relief is needed to demolish and reconstruct a detached garage which requires the following: 1) Variance from Section 10.573.20 to allow a 3-foot left side yard and a 4-foot rear yard where 8 feet is required from any lot line. Said property is located on Assessor Map 212 Lot 151 and lies within the General Residence B (GRB) District. (LU-26-58)
- I.** The request of **Hill Hanover Group LLC C/O JPK Properties LLC (Owner)**, for property located at **181 Hill Street** whereas relief is needed to demolish three existing multi-family buildings and to construct two new three-story multi-family buildings connected by an underground parking garage and elevated courtyard area which requires the following: 1) Variance from Section 10.5A41.10A to allow a) 1,008 square feet of lot area per dwelling unit where 3,000 feet is required, b) a building footprint of 5,232 square feet where 2,500 square feet is the maximum, c) a building footprint of 3,035 square feet where 2,500 square feet is the maximum, d) 18% open space where 25% is required; and 2) Variance from Section 10.440 to allow 10 dwelling units in a building where up to 8 dwelling units are permitted. Said property is located on Assessor Map 125 Lot 14 and lies within the Character District 4-L1 (CD4-L1). (LU-26-59)

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_iQ7AxHnASa62VL5lx-adVw

**MINUTES OF THE
BOARD OF ADJUSTMENT WORK SESSION
CONFERENCE ROOM A
MUNICIPAL COMPLEX, 1 JUNKINS AVENUE
PORTSMOUTH, NEW HAMPSHIRE**

6:00 P.M.

March 31, 2026

MEMBERS PRESENT: Beth Margeson, Chair; Jeffrey Mattson, Vice Chair; David Rheaume; Paul Mandle; Thomas Nies; Thomas Rossi; Robert Sullivan; Mike Lucas, Alternate

MEMBERS EXCUSED: None.

ALSO PRESENT: Stefanie Casella, Planning Department; Jillian Harris, Planning Department; Peter Stith, Planning Department; Trevor McCourt, Deputy City Attorney

I. WORKSHOP

A. Discussion with Planning Staff [Video timestamp 12:29]

Mr. Stith reviewed the zoning updates that were adopted starting from 2024 as follows:

- May 2024 – Electric vehicle charging (EVC) stations had two definitions added, EV Fueling Space A and B. Fueling Space A is a typical residential electric service, and Space B is more like what would be seen in a gas station.
- June 2024 –Due to a request from the artists community who wanted to have classes in their homes, an amendment was made to the Home Occupation ordinance. Occupation 1 will allow for up to two clients or visitors at any one time, and Occupation 2 will be allowed by a Conditional Use Permit (CUP) for up to six clients at any one time.
- July 2024 – Amendments were made to solar in the Historic District Commission (HDC). Certain exemptions are allowed if the panels are not visible and pertain to roof-mounted solar.
- November 2024 – A Gateway Neighborhood Overlay District for Commerce Avenue and Portsmouth Boulevard was adopted that allows for an overlay to create housing modeled after the Gateway zoning and includes three options for work force housing with incentives.

- March 2025 – The section for mechanical units was removed and changes were made to fence heights so that an 8-ft fence can be on side and rear yards. One-family and two-family dwellings are allowed to have up to a 120-sf shed or structure that is exempt from zoning. It can be in setbacks and does not have to count toward building coverage. Saunas and hot tubs are exempt.
- May 2025 – Co-living was added as a use and a section on co-living was adopted.
- February 2026 – It was clarified that mechanical units are exempt from yard and building coverage. Power generators must be set back five feet to be consistent with the fire code.
- A definition was created for ground-mounted solar to distinguish between whether it is an accessory use or a principal use and where it is allowed in the City. As a principal use, it requires a Conditional Unit Permit (CUP).
- July 2026 – Accessory Dwelling Units (ADUs) are not treated as a single-family dwelling and the minimum and maximum are set at 750 square feet. An ADU has to be owned by the property owner and have a parking space and cannot be placed in front of the house.
- The Parking Statute states that more than one parking space per dwelling unit cannot be required for residential dwelling units. It was amended to have half a space up to 500 sf and one space for anything 500 sf or more.
- Albacore asked to change their zone to Single Residence B in the Gateway District and allow their museum as a permitted use. The Planning Board recommended changing it to Gateway 2 and changed the museum from special exception to permitted in Gateways 1 and 2.
- Map amendments were made. In 2024, properties were rezoned from the Commercial District to the Gateway District. Another ten parcels mainly along Lafayette Road will be considered.
- The Planning Board is working on removing parking regulations from the zoning ordinance and putting them into site plan regulations so that someone could ask for a waiver to have less parking than required. There will be other definitional changes made in the coming months for front lot line and lot area to make it clear what the City's intent is in measuring lot area.

[Timestamp 24:20] Mr. Rheume asked if the State law said residential had to be allowed in the Commercial and Industrial Districts. Mr. Stith said the City had not addressed it but it would go into effect in July. He said there were changes being made to that law. He said only Office Research, General Business, and perhaps another district did not allow residential. Mr. Nies asked if the Special Exception conditions in Section 10.232.38 meant that the BOA can impose off street parking and loading spaces in excess of the minimum requirements of the ordinance. He said it seemed inconsistent to allow the BOA to do that if the parking regulations were being moved somewhere else. Mr. Stith said it would have to be discussed further at the Planning Board level. Mr. Mannle asked what the status was on murals. Mr. Stith said he the Board could recommend

changes. It was further discussed. Mr. Mannle asked if Ocean Road was being considered for rezoning, noting that 80-90 percent of the properties were zoned incorrectly. Mr. Stith said the Master Plan consultant was researching that issue and that it would likely be addressed at the Master Plan April 22nd meeting. Mr. Nies asked how the BOA provided feedback to the Planning Board about potential changes to the ordinance. Attorney McCourt said the most effective way would be for the two boards to meet and discuss the issues and then City Staff could help Chair Margeson write a letter to Chair Chellman to memorialize the thoughts in an organized way. Mr. Rheume said another method was to have a joint work session. Mr. Stith said if the same issues kept coming up, there might need to be a change in the ordinance.

[Timestamp 36:33] Mr. Rossi said de minimis changes came before the BOA and that he wasn't sure if it was a zoning issue as much as a Planning Department process issue. He said it might be reasonable to say that, for certain dimensional requirements, lot coverage and so on, a variance within a certain type of percentage would not be required being elevated to the BOA for review and approval. He said the ordinance did not state 25.0 percent lot coverage but said it was 25 percent lot coverage, so unless the last digit changed, it was not a change relevant to the ordinance. It was further discussed. Ms. Harris said if it was something like 25.6 percent, they rounded it up.

[Timestamp 42:08] The application process was discussed. Ms. Casella reviewed the process. She said the applicant would go to other boards if appropriate to get their building permit, and she explained the building permit process.

[Timestamp 45:47] Mr. Nies referred to the boiler plate language in Section 10.235 related to the consistency review. He said the Board noted at meetings that their variance granting was based on what they saw in front of them. He said sometimes what went to a different board was different than what the BOA saw. He asked how that section was interpreted and applied, and if it meant that anything could be changed as long as it did not conflict with a variance, or whether it was related to a particular project's design. Ms. Casella said every project and situation was different. She said they went back to the minutes and video tape to see how a motion was contemplated.

[Timestamp 50:01] Mr. Rheume asked how the Planning Board's interactions with DPW worked because they still had the authority to grant certain things like a driveway cut, and it had caused issues in the past. Mr. Stith said it was usually run by Eric Eby, the City's Parking, Transportation, and Planning Engineer. Ms. Casella said the online system also helped because it was fast and all connected. Mr. Mannle said there was often information in the application that either contradicted what was being asked for or contradicted what the applicant was telling the BOA. He said that was an instant denial for him. He recommended that the Planning Department Staff remove anything that the Board would not vote for from those kinds of applications before they came to the Board as well as any additional information that might add more questions from the Board. He also noted that a professional who represented the applicant should have stricter rules about not having things in the application that were not relevant to it. Chair Margeson said she would like to see more simplicity when the Board members were making motions and that the members should go be clear about how their findings match the criteria as well as make sure that the member who seconded the

motion aligns with the person who made the motion. She said a denial of an application was even more of a problem. It was further discussed. Ms. Casella said the first motion should list which criteria failed and then the Board could discuss it. Relating to a motion to amend, she said it would be clearer if it was part of the ultimate motion that was made. Attorney McCourt said it was helpful to him if all the reasons why the request for a variance failed were listed and not just one criterion. He said the factual rationale was important, especially if he had to go to court. Mr. Rheume said he might second a motion and feel that the motion maker did not capture everything in the criteria review. He asked how that would work. Attorney McCourt said the maker of the motion made the motion and the second seconded, then the motion maker went through their rationale. The Chair then asked if the second had anything to add, and then the second added their rationale and hopefully they agreed. Ms. Casella said it was important to make it clear. It was further discussed. Mr. Rossi said sometimes Board members expounded too much on matters of opinion, and he thought discussions should focus on fact and not hypotheticals. Vice-Chair Mattson asked if it was better to take the first two criteria together. Attorney McCourt said it was allowed. Ms. Casella said it only became an issue if they were taken together but only one was elaborated on. Mr. Rheume said the Board had to be diligent about reciting back to the Board after their discussion prior to the vote exactly what the Board was voting for. He said the Handbook for Local Officials noted that the Board did not have to reach a decision the same night but could render it for a later time. Attorney McCourt said the Statute allowed 90 days from the day of an application's receipt for the Board to make a decision, so the Board was within their right to move it to another night. He said the Board could also ask for more information or ask another City department or a consultant.

[Timestamp 1:20:31] Board member etiquette and member responsibilities were discussed. Attorney McCourt said it was not inappropriate to spend more time working through things in a complex application using a high degree of precision and that it was within the Board's judgement as to whether they spend more time talking through the issue to ensure that they got it right. He said it was also within the Chair's judgment.

[Timestamp 1:22:26] Mr. Rossi asked Attorney McCourt if he could provide periodic information to the Board about any of their prior decisions if they were being challenged in court and what the arguments were, and whether they were being supported or overturned. Attorney McCourt said he could give the Board written updates of appeals or talk to them. Mr. Rheume asked that the Board be notified of a court decision so that they could review it.

[Timestamp 1:24:17] Ms. Casella and Attorney McCourt explained the MapGeo process.

The following two items were merged.

B. Discussion with Deputy City Attorney Trevor McCourt

C. Q & A with City Staff

[Timestamp 1:31:13] The differences between the BOA and the Planning Board relative to the time allowed for the public to speak was discussed. Mr. Rheume asked City Staff to make sure the applicant provided his plans appropriately in either Landscape or Portrait mode.

[Timestamp 1:33:05] Mr. Rheume mentioned a case to the City's former attorney, Attorney Sullivan, in which Mr. Sullivan was concerned about the applicant's ability to come back to the Board due to Fisher v. Dover. He said he wanted to understand more about it. Mr. Sullivan explained that the application was close to a denial and that the discussion indicated that, with some small changes, the application might be approved. He said if the Board denied it due to Fisher v. Dover, the applicant could not return with small changes, so he suggested giving the applicant a month to amend the application and return. He said the application had to have a substantial change in order to come back to the Board, and with minor changes, the denial might turn into an approval.

[Timestamp 1:35:50] Mr. Rheume asked where the demolition ordinance and its enforcement stood. Attorney McCourt said the purpose behind the demolition ordinance was if a building got demolished anywhere in the City, there should be some forum where people have a chance to come out and express their views. He said the public had a chance to discuss it before the BOA, HDC, and Planning Board. He said the Demolition Review Committee was conceived as the gap filler for those buildings to be demolished that were not subject to site plan review approval, did not need a variance, or were outside of the Historic District. Mr. Rheume said the representation on the Demolition Committee reflected some strengths that the BOA did not have, like the Portsmouth Advocates. He said in the past, through the Demolition Review Committee process, compromises were made based on the historic nature of the properties or photos or documentation and he didn't think the BOA was equipped like that or wanted to spend the time working on it. Attorney McCourt said that wasn't the way it was currently set up. Mr. Rheume asked if the BOA would legally have a standing or could make a stipulation to say that the ability to appeal to the Demolition Committee would not be negated by an action that the Board is taking. Attorney McCourt said that would be contrary to the terms of the ordinance. Mr. Rossi asked if the Board would have any standing to deny an application for a variance based on their opinion that it had the possibility of demolishing a structure. Attorney McCourt suggested discussing the topic in a nonpublic setting.

[Timestamp 1:41:38] Mr. Rheume said sometimes applicants brought things that the Board thought were brought before TAC or the Planning Board for site plan review or subdivision review that he was not always sure was something the Board could look at. It was further discussed. Ms. Casella said the Planning Department could work on a cheat sheet.

[Timestamp 1:45:37] Time limits for speakers was discussed, as well as a better way to make sure the speakers were more concise to try to give equal balance to others. The issue of the applicant handing in additional written information at the meeting was discussed.

[Timestamp 1:51:31] Mr. Nies said he was uncomfortable waiting until the public meeting to ask for a site walk because it would push the applicant back a month. He suggested asking the Chair if there should be a site walk, which would give her control and the City Staff would not get

bombarded by individual members asking for or objecting to a site walk. Chair Margeson said it should be done before hearing the application and that it should be run through Ms. Casella first. It was further discussed. Mr. Nies asked what the agenda order was based on, noting that he felt sorry for a special exemption request that was heard later in the evening. Ms. Casella said the petitions could be taken out of order. Mr. Stith said the applicant was told that the sooner they got their application in, the higher on the agenda it would be. It was decided that the easiest thing to do would be to take the applications out of order at the meeting. Mr. Nies asked if there was training available for the revised Ethics ordinances. Attorney McCourt said it was being rolled out to new members as they were inducted on the boards but wasn't sure how that process was playing out in practice. He said he brought it to the attention of the Deputy City Manager. Chair Margeson said members of every board should be trained on the revised Ethics ordinance.

II. OTHER BUSINESS

There was no other business discussed.

III. ADJOURNMENT

The meeting adjourned at 8:00 p.m.

Submitted,

Joann Breault
BOA Minutes Taker

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

7:00 P.M.

April 21, 2026

6:30 P.M. -Non-Public Session (Conf. Rm A)

7:00 P.M. -Regular Meeting Begins

MEMBERS PRESENT: Beth Margeson, Chair; Jeffrey Mattson, Vice Chair; David Rheaume; Paul Mannle; Thomas Nies; Thomas Rossi; Robert Sullivan; Mike Lucas, Alternate

MEMBERS EXCUSED: None.

ALSO PRESENT: Stefanie Casella, Planning Department

Chair Margeson called the regular meeting to order at 7:03 p.m.

*Mr. Mannle moved to **leave the non-public meeting** and seal the minutes. Mr. Rossi seconded. The motion passed unanimously, 7-0.*

*Mr. Sullivan moved to **suspend** the rules to take New Business Item 3B, Road to the West, LLC (Owner) out of order. Mr. Nies seconded. The motion passed unanimously, 7-0.*

Chair Margeson read the postponement request into the record.

*Mr. Mannle moved to **postpone** the request to the May meeting, seconded by Mr. Sullivan. The motion passed unanimously, 7-0.*

I. APPROVAL OF MINUTES

A. Approval of the **March 17, 2026** meeting minutes.

Chair Margeson abstained from the vote.

*Mr. Rheaume moved to **approve** the March 17 minutes as presented, seconded by Mr. Nies. The motion passed unanimously, 6-0, with Chair Margeson abstaining.*

B. Approval of the **March 24, 2026** meeting minutes.

Mr. Nies and Chair Margeson abstained from the vote.

*Mr. Rheume moved to **approve** the March 24 minutes, seconded by Vice-Chair Mattson. The motion passed unanimously, 5-0, with Mr. Nies abstaining and Chair Margeson abstaining.*

C. Approval of the March 31, 2026 Work Session minutes.

*Mr. Sullivan moved to **approve** the March 31 minutes, seconded by Mr. Nies.*

Ms. Casella said Assistant Planning Manager Peter Stith and Deputy City Attorney Trevor McCourt did not review the minutes, and she asked if the Board wanted to postpone their approval until after Mr. Stith and Attorney McCourt reviewed them. The Board agreed.

Mr. Sullivan and Mr. Nies **withdrew** their motions.

*Mr. Rheume moved to **postpone** acceptance of the March 31 minutes until the May meeting. Mr. Nies seconded. The motion passed unanimously, 7-0.*

II. OLD BUSINESS

A. 238 Austin Street – Rehearing Request [Timestamp 12:19]

Mr. Rossi recused himself. Mr. Lucas also recused himself from taking a voting seat. Chair Margeson said the Board received four documents pertaining to the rehearing request, two from the appellants and two from the appellees.

DECISION OF THE BOARD

Mr. Sullivan said the Board's test was whether they had a good reason to find that the petition should be reheard. He said the most salient point made in the motion was that there was some confusion about the role of the Demotion Review Committee in the City's regulatory process. He said the non-existence or function of the Demolition Review Committee played no part in his analysis of the application, so whether or not the Demolition Review Committee was properly or improperly discussed was irrelevant to his decision that evening. He suggested denying the motion for a rehearing. Mr. Rheume said a lot of information was presented to the Board and that they postponed consideration of it at the March meeting because they only had four voting members and wanted more time to digest it. He said he reviewed the Board's deliberations. He said the rehearing of a decision by the Board is a high bar and that there must be clear evidence that the Board somehow made a mistake that needs to be readdressed, or that some significant new piece of information that should have been available was not available or affected the Board's deliberations. He agreed that there was some discussion about the Demolition Review Committee and its role. He said he was the member who made the successful motion to grant the applicant's relief, but now the appellants were saying there was an error. He said he had talked a bit about the motion, the Demolition Ordinance, and the demolition process, and that he did not say that the Board's decision was reliant on that process being able to make an impactful difference. He said he made it clear that his impression of the Demolition Ordinance and the Demolition Review Committee was that they are a useful outlet for providing information but unlikely to affect significant change in terms of preventing the demolition. He said he also talked about some of the other historical aspects brought

up by abutters and whether he had empathy for their arguments. He said he made it clear that the demolition portion of it was not something that the Board had the ability to include in their consideration. He said one of the appellant's arguments was there are historic properties outside the Historic District that are in the BOA's purview. He said he talked to that and his motion addressed it and that the motion was carried by the majority of the Board. He said the Board addressed all the fundamental points that the appellant was bringing up. He said there was discussion about a new technical report, but a lot of that dealt with the demolition of the barn portion of the property. He said overall, the argument that he made and agreed upon was that the demolition was not one of the things before the Board. He there was not enough there to say that the Board erred. He said it was the Board's interpretation and it was done in good faith and the Board's decision should stand.

*Vice-Chair Mattson moved to **deny** the rehearing request.*

Vice-Chair Mattson said his reasoning was that there was an understandable variety of opinions and thought on the matter, but specifically related to the five criteria, he did not think there was an error in the process in which the Board arrived at its decision and motion that ultimately prevailed.

Mr. Rheaume seconded. He said the Board finds no error or omission that warrants a rehearing to be granted for the appellant's application.

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

B. The request of **William and Virginia Osborn (Owners)**, for property located at **133 Miller Avenue** whereas relief is needed to demolish the existing one-story garage and construct a new two-story attached garage which requires the following: 1) Variance from Section 10.521 to allow a) a 6-foot rear yard where 20 feet is required; and b) 3-foot left side yard where 10 feet is required. Said property is located on Assessor Map 129 Lot 26 and lies within the General Residence A (GRA) District. (LU-26-21)

SPEAKING TO THE PETITION [Timestamp 21:16]

Attorney Tim Phoenix was present on behalf of the applicant, along with the owners William and Virginia Osborn, Corey Coldwell of TF Moran, and Christian Pearson of Pearson Builders. Attorney Phoenix reviewed the location of the proposed two-car garage with storage in the back and living space above it. He said the new garage would be connected to the main house with a breezeway/mudroom and that the deck and walkway would be removed. He said the lot was almost double the size required in the area. He said the neighbor's garage slightly encroached on the property line but that Mr. Pearson met with the neighbor and resolved the neighbor's concerns. He described the property's surrounding context and said the relief was needed due to the home's design and was why the garage and driveway were proposed to be behind the house. He said the additional living space would include a needed bedroom. He reviewed the criteria.

[Timestamp 36:01] Mr. Sullivan said Attorney Phoenix mentioned that one of the motivations for the requested relief was a large family in a smallish building, but he said the applicant was a construction company. He asked how the two fit together. Attorney Phoenix said the applicant was

the builder, who was applying for the owners. Mr. Rheume said the memorandum stated that the project was consistent with the other garage expansions in the neighborhood, which have provided larger garages matching the architectural style of the main home while providing living space above. He said that was a specific comparison point and that he did not see any examples in the packet. Attorney Phoenix said it could have been more thoughtfully detailed, but they had the examples of 9 Willard Street and 147 Summer Street in mind. Mr. Rheume said he thought there would be examples within a reasonable walking distance from the applicant's home. He said a lot of red was shown in the corner of the proposed construction conditions plan, and he asked if it reflected the demolition of all the items to make way for what the applicant proposed to build. Attorney Phoenix agreed. He said the red section was supposed to show a small connector that connected the existing garage to the rear area, with the deck and walkway coming out. Mr. Rheume said he wanted to ensure that it was showing everything that would be demolished. He said the back of the new 2-1/2 story would be three feet away from the property line towards the church, and from a maintenance standpoint three feet was not much. He asked if the applicant discussed having a maintenance easement with the neighbor. Attorney Phoenix said he was not aware of it. Mr. Rheume said the proposed structure was a lot taller than the existing one and more intensive to maintain. He said the closest point of the church structure had a large stained glass window that allowed light into the property. He asked whether the applicant had considered that as a concern. Attorney Phoenix said he did not think the project would take an unreasonable amount of light and air from the stained glass window and the church, and if it were a concern, the applicant would have heard from the church. Mr. Rheume said the first-floor layout showed a large storage area behind the garage. He said the garage was 24 deep and the applicant wanted an additional 11 feet of storage area. He asked why that would weigh in the applicant's favor in the balancing test. He noted that the 10-ft hangout space occupied a good portion of the rest of the space. Mr. Pearson said the family had a lot of recreational equipment, like bikes and kayaks, and there was no other outbuilding to place them in, which was the reason they were asking for the extra 10 feet.

[Timestamp 45:59] Mr. Rossi said the orientation of the structure on the property was such that a taller structure close to the lot line had the potential to obscure sunlight coming in from the southern direction. He said he was sensitive to that with regard to the stained glass window in the church. He said the purpose of stained glass ornamentation in churches is part of a religious expression of an artistic depiction of stories that may be particularly relevant to the congregation. He asked why the next structure had to remain so close to the lot line and what would prevent the owner from moving it seven feet forward toward Rockland Street. Attorney Phoenix said it was determined that it was the optimal location for the garage to meet the family's needs and have everything match up for the breezeway to connect to the main house. He said they did not think it detracted from air and light or the purpose of a stained glass window and that the church did not object to the project. He noted that there were some tall arborvitae as well. Mr. Rossi said he was looking for a property hardship argument that justified keeping a taller structure that would partially obscure light shining from the southerly direction into the stained glass structure. He said it did not always turn out to be true that if no one objected, there were no concerns, and he did not want to make that assumption in a case that doing so would override his own judgement. He said he wasn't wild about the lack of evidence argument. Related to the other garage that protruded into the property, he asked if there was any dispute about the property line. Attorney Phoenix said he was not aware of any and that there was no dispute on their side. Mr. Rossi said the Board should know if there was an ongoing dispute so

that they could ensure that the variance was adequate to cover the potential if there was some discussion about moving the property line. Attorney Phoenix said there was no discussion about moving the building or property line and that an easement could be granted to the neighbor to leave the garage where it is. He said his main concern was whether that little bit would put them over the line in terms of coverage or open space, and that City Staff confirmed that it would not.

Vice-Chair Mattson asked if the Rockland Street abutter's questions were addressed. Mr. Pearson said he spoke to the abutter and that he was mostly concerned about the tall arborvitae because they encroached on his driveway. He said if the variance was granted, the arborvitae would be removed because they were so overgrown. He said the neighbor was excited about that. Attorney Phoenix noted that the roof was a hip roof, so thought was given to slanting the roof, given the height of the building. He said the decision was in part to match but that it provided more area for light and air instead of tearing out the gable at the end. Mr. Nies said the applicant's memorandum stated that the proposed garage would be well screened from the closest residence. He asked if the applicant was referring to the fact that it would be near the closest residence's garage or to the tree line. He said the trees would probably be removed, so he was confused about the screening being discussed and what would be there after modification. Attorney Phoenix said he had not known that the trees would come down, otherwise he wouldn't have mentioned it. He said the main house screened a lot of the view of the garage because it was large and between the garage and Rockland Street. He said the neighbor's garage, although smaller, provided some screening.

Chair Margeson opened the public hearing.

SPEAKING TO, FOR, OR AGAINST THE PETITION

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

DISCUSSION OF THE BOARD [Timestamp 58:04]

Mr. Nies said it was true that the current garage was just as close, but the new garage would be much larger. He said he was curious as to why the applicant did not try to move the garage forward and noted that the Board did not get an explanation when they asked that question other than it was due to the design of the house. He said the back wall of the garage was quite a distance away from the wall of the house and it was difficult for him to see what the hardship was and why the applicant could not have moved the new garage farther away from the church's lot line. He said there were a few questions asked about the hardship that would necessitate putting the garage on the side yard, and he thought there was a strong argument as to why the garage needed to be located near the rear setback. He said he was still struggling with having that side yard setback so small on the church side. Mr. Rossi agreed and said he struggled with finding the hardship of the land that dictates that the new garage has to go in that spot. He said the rear yard setback was quite reasonable, given the layout of the land and the location of the house, so he was okay with that variance but not the other one. Mr. Rheume said it was a significant vertical expansion along a very close property line and that he was concerned about maintaining that. He said it was going closer to the closest point on the neighboring property's building because it jutted out at the spot where the applicant was proposing to jut their new garage. He said the impact of light and air was exacerbated in that location and not

somehow mollified by the fact that the next door neighbor is a church. He said he was more comfortable with the rear yard setback because it was six feet where 20 is required. He said he thought the 20-ft requirement was somewhat excessive and thought it should be something closer to 10 feet due to the sense that the property seemed like a side yard property. He said he could live with the additional 4-ft encroachment on that side because it was an imposing 2-story façade with three windows on the second floor, so it added more viewshed onto a neighboring property. He said he struggled with the 3-ft side yard setback up against the church property.

DECISION OF THE BOARD [Timestamp 1:04:27]

Mr. Rossi moved to sever Variances 1a and 1b so that they could be considered separately. Mr. Sullivan seconded the motion. The motion passed by a vote of 6-1, with Chair Margeson voting in opposition.

Mr. Rossi moved to deny Variance 1b, seconded by Mr. Mannle.

Mr. Rossi referred to Section 10.233.22 and said he did not feel that granting the variance would observe the spirit of the ordinance. He said the purpose of setbacks was to preserve open space and air and light, and in this case, it would be a taller than existing structure within that setback and would block the southern exposure to a significant feature of the neighboring property, which required good lighting in order for it to continue to operate the way it did. He said it would go to substantial justice, which he would not address. He referred to Section 10.233.25, the unnecessary hardship, and said he did not see any specific conditions of the property. He said it is a large property and there is room to consider other locations for that structure. He said the location was reasonable from an architectural standpoint, but that he found no hardship of the property dictating that it must be placed that close to the side lot line, and he felt that it could not achieve the same fair results for the owner for a more compliant conforming setback to the side lot line, so it failed on the hardship criteria. Mr. Sullivan said he would vote against the motion because he did find a special condition on the property, which was that it already has the existing building that distinguishes it from other similarly-regulated properties. Vice-Chair Mattson agreed and said, even though he shared the concern about the taller structure, the sun would still come in at an angle even in the winter above the height of the roof of the proposed addition.

The motion to deny passed by a vote of 5-2, with Mr. Sullivan and Vice-Chair Mattson voting in opposition.

Mr. Rossi moved to grant Variance 1a, seconded by Mr. Nies.

Mr. Rossi said one could argue that some of the same issues discussed with the previous motion were also at play, which was the consideration of light and space, but the overarching factor that convinced him in this case was the hardship. Referring to Section 10.233.25, he said he could not conceive of an architectural plan that would reasonably allow full conformance with that 20-ft setback on a rear yard and the garage. He said the location of the garage on the property, with the exception of the previous discussion on Variance 1b, was reasonable and appropriate given that it was where the driveway was and it made the most sense to put it there. He said the hardship criteria

was satisfied. He said granting the variance would not be contrary to the public interest and would observe the spirit of the ordinance. He said there was no public interest to be gained in not granting the variance for the rear yard setback. He said the structure was beautifully designed and fit architecturally with the rest of the neighborhood, and when completed, it would look wonderful and would not cause any safety issues. He said there was no contradiction with the requirements of Section 10.233.22. Referring to Section 10233.23, he said substantial justice would be done because he could not see any gain to the public by denying the variance. He said the balance of interest was in the favor of the property owner. Referring to Section 10.233.24, he said granting the variance would not diminish the values of surrounding properties. He said the Board submitted into their record the public comment from Peter and Deborah Hayden of 205 Rockland Street that expressed various concerns related to the impact on their property, and the Board had evidence that those concerns were addressed. Mr. Nies concurred. Referring to the hardship criteria, he said it was clear that the lot was an unusually large one and that the location of the curb cut and the driveway limits the location of the garage. He said those were special conditions as well as the location of the house and the driveway. He said it would be reasonable to have a smaller setback due to the reasons Mr. Rossi pointed out about the rear and side yards and so on. Mr. Rossi agreed with Mr. Nies' comments and said he would like to include them in the findings of fact.

The motion passed by a vote of 6-1, with Chair Margeson voting in opposition.

- C. The request of **John C. and Janice D. Carpenter (Owners)**, for property located at **614 Broad Street** whereas relief is needed to construct a front porch and rear addition to the primary dwelling, to demolish the existing detached garage, and construct a new two-story garage with Accessory Dwelling Unit above which requires the following: 1) Variance from Section 10.521 to allow a) a 0.5 foot rear yard where 20 feet is required; b) 2.5 foot left side yard where 10 feet is required; and c) 34% building coverage where 25% is the maximum. Said property is located on Assessor Map 221 Lot 54 and lies within the General Residence A (GRA) District. (LU-26-24)

SPEAKING TO THE PETITION [Timestamp 1:18:36]

Attorney Derek Durbin was present on behalf of the applicant. The owners John and Janice Carpenter and the architect Emily Wetherbee were present via Zoom. Attorney Durbin said the property was a narrow and small lot, one of the smallest in the area, and the single-family 1-1/3 story home was the smallest home in the area as well. He said the 363 sf detached garage was nonconforming and that the applicant wanted to add a 1-1/2 story, 462 sf addition to the back to house a bedroom and bathroom and also add a front porch. He said they wanted to demolish and reconstruct the garage in the same footprint and add an area above it. He said they would remove an existing 263 sf deck and replace it with a small one and a staircase to access the rear addition. He reviewed the criteria. He noted that only two other homes might be impacted, the assisted care facility at 188 Jones Avenue and the opposite home. He said both structures were buffered by trees.

[Timestamp 1:27:53] Mr. Rheume asked Attorney Durbin what he meant when he said the applicant was asking for a vertical expansion of the garage structure and would have needed the variances regardless. Attorney Durbin said he wanted to revise that statement. He said he consulted

with City Staff and there was an indication that an ADU could be above a garage without requiring relief, so he believed that a vertical expansion could indicate relief, particularly where it said there was no increase or new nonconformity to be made. He said there was an argument to be made because that language was different than Section 10.330 in the ordinance. He said maybe it was intended that someone could not have a horizontal expansion in the setbacks, so he believed the relief was probably needed. He said he was not sure that the person who gave him the information realized the extent of the reconstruction that would be involved. Mr. Rheaume said Exhibit A was submitted to give the Board an idea that the 1.3 acre lot was the smallest in the area. He said some of the other lots were not far different and that Attorney Durbin mentioned that there were other neighboring properties that had greater than allowed building coverage. Mr. Rheaume said he would have liked to see those noted in the exhibit, and he asked if Attorney Durbin had information on the ones that were close in size and if they were currently over 25 percent. Attorney Durbin said a density analysis was done by the other lawyer in his office, so he could not say which properties on the list had greater-than-allowed building coverage. Mr. Rossi asked how much of the 35 percent lot coverage was the proposed front porch. Attorney Durbin said it was 4 percent. Mr. Rossi said that if one were to say the proposed front porch did not exist, the ask would really be closer to 31 percent than 35 percent. He said, considering the purpose of the lot coverage requirements in the ordinance, the front porch did not really present a big massing issue because it was open on all sides and not obscure any views. He asked if the applicant would be comfortable with a stipulation stating that if the lot coverage is granted, there would not be a future enclosure of the porch to make it a solid structure. Attorney Durbin agreed. Mr. Rossi said the other aspects of the expanded lot coverage fell within the setbacks, which weighed in favor of thinking that the small size of the property was a hardship factor that could be considered.

Chair Margeson opened the public hearing.

SPEAKING TO, FOR, OR AGAINST THE PETITION

No one spoke. Chair Margeson noted that the Board received a letter in support of the project from the neighbors at 600 Broad Street. She closed the public hearing.

DECISION OF THE BOARD [Timestamp 1:36:20]

Mr. Rossi moved to grant the variances for the petition as presented and advertised, seconded by Mr. Sullivan.

Mr. Rossi referred to Sections 10.233.21 and .22 and said granting the variance would not be contrary to the public interest and would not violate the spirit of the ordinance. He said some of the factors to consider led him to believe that it does not violate the spirit of the ordinance, particularly with regard to the garage and the setbacks associated with it. He said there was a large distance between that structure and any of the structures on the surrounding lots, so there was no real infringement on the free circulation of air and light on surrounding properties. Therefore, he believed that the variance request was compliant with the spirit of the ordinance in all major respects. He said the additional structure was within the allowed setback, which was the best that could be done in compliance with the spirit of the ordinance. He said granting the variance would

do substantial justice. He said he often walked on that street and could not imagine what public impact the variance would have that would be negative and most of the properties on the street had front porches, which would make the home fit in better with the neighborhood. He said there would be no loss to the public that would outweigh any gain to the applicant. He said granting the variance would not diminish the values of surrounding properties. He said the location of the garage was so well separated from the other structures that it would not have an impact on those properties, and the rest of the additional lot coverage happened within the setback requirements and would not impact the neighbors in any significant way. Referring to Section 10.233.25, he said literal enforcement of the provisions of the ordinance would result in an unnecessary hardship. He said the hardship of the property was that the total square footage available to work within the lot was substantially lower than the square footage envisioned in the zoning for that area, which was 7500 square feet. He said the lot was only 5,735 sf, and because of that, it was difficult to see how any additions and expansions to include ADUs or reasonable additional space would not create a problem with regard to lot coverage. Therefore, he thought it was a hardship for the property that was worthy of consideration, particularly since a big portion of the variance, 4 percent out of the 10 percent, was related to the front porch that did not significantly block light or air circulation. He said it was very consistent with the rest of the neighborhood. He suggested a stipulation that the front porch would not be enclosed and would not become part of an enclosed structure at any future date because part of the basis for his motion was that the nature of the design of the front porch did not present a blockage of views, light, and air.

Chair Margeson suggested that the **condition** (or stipulation) should read as follows: The front porch shall not be enclosed and become part of an enclosed structure at a future date.

Mr. Sullivan concurred. He said the Board received an email of support from direct abutters Chris Dwyer and Mike Huxtable, who were public-spirited citizens with deep connections to the City government, and that he would rely on them for about three of the Board's criteria. Mr. Rheume said he would not support the motion. He said he was okay with the setback relief, despite not hearing a lot of discussion about the rationale, although it was a half-foot from the property line, which seemed extreme but it was just one corner of the garage layout. He said it increased substantially with the angles of the garage and the property line and ladders could be used to do what was necessary. He said the applicant's argument that the abutter to the rear of the property was a considerable distance away, and it was unlikely that there would be a structure that would come close to that. He said the 620 Broad Street property was far away from the garage structure, so he was good with that. He said his concern was that it was currently conforming and he would have liked to see a stronger argument as to why it was within the general characteristics of the neighborhood. He said the applicant said there were other properties that were not much larger but he did not say what those properties were and what they looked like in terms of lot coverage. He thought that was an important aspect if he were to approve the expansion and say that it met the general characteristics of the neighborhood, so he would not support the motion. Chair Margeson said she also would not support the motion because she was concerned about the increase in lot coverage and its related hardship.

The **amended** motion was:

*Mr. Rossi moved to grant the variances for the petition as presented and advertised with the following **condition**:*

- 1. The front porch shall not be enclosed and become part of an enclosed structure at a future date.*

Mr. Sullivan seconded the motion. The motion passed by a vote of 5-2, with Mr. Rheaume and Chair Margeson voting in opposition.

III. NEW BUSINESS

- A.** The request of **Anita Koury and Theodore Constantino (Owners)**, for property located at **302 Miller Avenue** whereas relief is needed to construct an addition to the existing garage, which requires the following: 1) Variance from Section 10.520 to allow a) 30% building coverage where 25% is maximum allowed; and 2) Variance from Section 10.573.20 to allow a 4 foot rear yard where 10 feet are required. Said property is located on Assessor Map 130 Lot 11 and lies within the General Residence A (GRA) District. (LU-26-32)

SPEAKING TO THE PETITION [Timestamp 1:46:55]

The applicants/owners Anita Koury and Theodore Constantino were present. Mr. Constantino said they wanted to add a shed to the side of the garage, which was noncompliant and too close to the rear and side lot lines. He said the left and rear setbacks were similar to two neighboring properties and that none of the buildings in the neighborhood aligned with the lot lines. He said the proposed location of putting the shed so that it attached to the existing garage was the best one because the property was so small. He said the shed would be half the size of the garage and have a total covered area of 140 square feet, with an enclosed dimension of 116 sf and an open area of 24 sf at the rear and covered by the roof to accommodate the trash bins. He reviewed the criteria.

[Timestamp 1:53:03] Mr. Rossi read the statement in the application that said the setback measurements are approximate because none of the structures on the property or on the adjacent properties are square with the lot lines. He said in those cases, the Board looked at the point of the structure closest to the lot line to determine the required setback. He wanted to ensure that if the applicant got the relief, it would be adequate for the structure that he had in mind. Mr. Constantino explained why he was satisfied with four feet being the amount of relief he needed. Mr. Rheaume verified that the total height, combined with the heights of the shed and the roof, was ten feet or less. He said if the shed were shortened by two feet and did not have the open storage roof area, the applicant could have built what he wanted by right without needing any relief from the Board. Ms. Casella said the existing garage was 225 square feet and that the applicant was adding onto that.

Chair Margeson opened the public hearing.

SPEAKING IN FAVOR OF THE PETITION [Timestamp 1:57:40]

Sam Winebaum of 312 Miller Avenue said his garage was on the left corner and had been in the family for 100 years. He said he had no objection of the applicant's plan as presented.

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

DECISION OF THE BOARD [Timestamp 1:58:36]

Mr. Nies asked how the building inspector would look at the four feet and whether the applicant would have to return if it was an inch off, or whether it could be rounded down. Ms. Casella said if it was less than what the relief is granted for, it comes back to the Board. She said she did not have the authority to judge 3'11.5", but sometimes the applicants made their structure smaller. She said if the applicants were six inches off, they could make it six inches less to make it four feet, and that would be usually acceptable. Mr. Rheame said it had been advertised as four feet and thought the Board would be remiss to grant more than what was advertised. He agreed with Ms. Casella and said the applicant could either resubmit his petition or make the shed three inches shorter.

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

Mr. Nies said the variance relief request was a minor one. He said the existing garage was four feet from the property line, and the shed would extend the size of the garage but would not add any more need for setback relief. He said the applicant was still asking for four feet. He said the building coverage change was marginal but was going from 29-1/2 percent to 30 percent, which was unnoticeable to the public. He said granting the variances would not be contrary to the public interest. He said it was a small addition to an existing garage and he could not see how it would affect the health, safety, and welfare of the neighborhood. Due to its location, he said the shed would not have any additional effect on light and air that the current garage did not already have, noting that it would be shorter than the existing garage and in the same location. He said granting the variances would not alter the essential characteristics of the neighborhood because many of the lots in that area had garages and many of them were within setbacks that were very close. He said the existing garage was hardly noticeable to anyone driving down the street and that he did not think the additional shed would be seen by someone driving down the street because it might be partially blocked by the house. He said those reasons showed why granting the variances would not be contrary to the public interest and would observe the spirit of the ordinance, and would be consistent with the ordinance in the respect that the ordinance tries to protect light, air, and the public's health, safety, and welfare. He said granting the variances would do substantial justice, noting that he could not see any benefit to the public by not granting them and that the applicant would suffer a loss if the variances were disapproved and would not have storage for yard implements and so on. He said granting the variances would not diminish the values of surrounding properties. He said no evidence was submitted that it would and there were no complaints or concerns expressed by the neighbors. He said the special conditions relating to hardship included that the lot is undersized, which was not unusual in that part of town. He said there were several undersized lots, but coupled with the small size of the lot was the existing garage that was already located in the rear setback of the area. He said the existing garage was not big enough to store anything in. He said those special conditions were such that there is no fair and substantial relationship between the purposes of the ordinance and its specific application to the property. He said the shed was a reasonable accessory use to a home and that he did not see any reason why the Board would insist on the strict application of the ordinance in this instance. Mr. Mannle concurred.

He said if the homeowner had placed a 140 sf shed in compliance in the backyard, he would still need the same variances for the lot coverage and the garage, and if had a change in use, he would still need the variances for the garage. He said it was a small ask.

[Timestamp 2:05:07] There was further discussion. Mr. Rossi said that Mr. Nies expressed some reservation about the adequacy of the 4-ft allowance in the variance, and he thought the Board could give the homeowner some flexibility by stipulating something. He said the additional storage shed was not even with the front of the garage due to a notch, so he suggested stipulating that it could deviate from what was presented and advertised if the shed needed to be forwarded to be even with the front of the garage and give the necessary clearance. It was further discussed. Mr. Rheume said the Board was giving the applicant the relief he wanted, and if the applicant discovered there was a problem, he could modify his plan slightly or return for additional relief. He said if the applicant moved the shed a bit farther away, it would still be within the fundamental approval from a BOA standpoint. Chair Margeson said she preferred a clean motion without any stipulations. Mr. Nies agreed, noting that it would be a minor change if the applicant had to move the shed an inch over.

The motion passed unanimously, 7-0.

B. REQUEST TO POSTPONE The request of **Road to the West, LLC (Owner)**, for property located at **140 West Road** whereas relief is needed to create an outdoor dining area, which requires the following: 1) Variance from Section 10.440 Use #19.50 to allow an outdoor dining or drinking area, as accessory use where it is not allowed. Said property is located on Assessor Map 252 Lot 2-13 and lies within the Industrial (I) District. **REQUEST TO POSTPONE (LU-26-34)**

DECISION OF THE BOARD

*Mr. Mannle moved to **postpone** the request to the May meeting, seconded by Mr. Sullivan. The motion passed unanimously, 7-0.*

IV. ADJOURNMENT

The meeting adjourned at 9:11 p.m.

Submitted,

Joann Breault
BOA Meeting Minutes Taker

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

7:00 P.M.

April 28, 2026

MEMBERS PRESENT: Beth Margeson, Chair; Jeffrey Mattson, Vice Chair; David Rheame; Paul Mannle; Thomas Nies; Thomas Rossi; Robert Sullivan

MEMBERS EXCUSED: Mike Lucas, Alternate

ALSO PRESENT: Stefanie Casella, Planning Department

Chair Margeson called the meeting to order at 7:00 p.m. She announced that Item B, Port Hunter LLC and Item D, Hope for Tomorrow Foundation would be heard at the May 19th meeting.

I. NEW BUSINESS

- A.** 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 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. (LU-26-12)

SPEAKING TO THE PETITION [Timestamp 7:10]

Justin Parker of Classic Signs was present on behalf of Lonza Biologics. He stated that Lonza wanted new signage for their new building. He reviewed the criteria.

[Timestamp 9:45] Mr. Sullivan asked if the sign would be visible from anywhere off the air base. Mr. Parker said it would not be. Mr. Rheame asked how Lonza came to have 770 sf of aggregate signage area where 200 sf was the maximum without having to get zoning relief. Mr. Parker said he did not know because the previous sign company was absorbed by his company. Mr. Nies said he did not see anything in the Pease Development Authority (PDA) sign ordinance that had language indicating that it applies to a business rather than the parcel. Mr. Parker said someone from the town denied the application due to that rule, so it had to be. Chair Margeson said the Legal Notice stated that the signs on the building would be illuminated but Mr. Parker said they would not be. Mr. Parker said the only illuminated sign would be the internally-illuminated monument sign that would be on Corporate Drive going toward International Drive. Ms. Casella said there was a Letter of

Decision from PDA with a contingent approval citing the source. She read “the sign shall not exceed a maximum aggregate area of 2 sf of sign area for each linear foot of street frontage, up to a maximum of 200 sf”. Chair Margeson asked if it said whether it was calculated by business and not for each parcel. Mr. Rossi said a variance would be needed because it was limited to 200 sf. Chair Margeson said she didn’t know what the square footage of the three proposed signs was. Mr. Parker said the total signage area on the specific property was 113.68 sf. Chair Margeson said that meant it was below the maximum in the Pease zoning ordinance and that the number included the Lonza properties that were on different lots. Ms. Casella said she could not find the Letter of Decision. Mr. Parker said the application was denied in the Portsmouth portal, so he had to get a variance approval from the PDA. Ms. Casella said the application materials stated that the area was calculated by business and not for each parcel. Mr. Parker said he put that in there because that was what he was told by whoever denied the application. Ms. Casella said the PDA referred it to the BOA and gave conditional approval, so if felt okay to her. Chair Margeson said the letter from the PDA was dated January 29, 2026 and it was supposed to be referred to the Board within 60 days. Ms. Casella asked Mr. Parker if he applied to the City for a signed permit that got denied and then he went to the PDA. Mr. Parker said he believed so. Chair Margeson said it was just a recommendation by representation of the applicant, and the aggregate area of the sign was less than 200 sf, so it was likely that it would not have needed to come before the Board anyway. She said she was comfortable going forward with the application. Mr. Nies suggested that the Board ask the PDA to explain where the supposed interpretation came from, noting that the Board did not have anything in writing stating that it was how Pease applied their sign ordinance. He said it reflected on whether it complied with the spirit of the Pease Land Board Use Regulations. He said if it was applied by parcel, it was a no-brainer because it was less than 200 sf, but if it was applied by business, then the Board had to wrestle with the spirit of the ordinance question. Mr. Rheume noted that the letter in the packet referring it to the City was the only correspondence from the PDA and was addressed to an engineer who worked for Lonza and not the City. Chair Margeson suggested continuing the request for clarification on the Pease Land Use Ordinance and the question of the referral.

Chair Margeson opened the public hearing.

SPEAKING TO, FOR, OR AGAINST THE PETITION

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

DISCUSSION OF THE BOARD [Timestamp 25:34]

Mr. Nies recommended that the Board move forward because it was a recommendation to the PDA and not ultimately a final decision based by the Board. He said he did not want to hold up the applicant for a clarification that might or might not affect the recommendation that the PDA may or may not listen to. Mr. Rheume disagreed and said there was too much confusion. He said it should be sent back to the applicant to get the right information. Mr. Rossi agreed. Mr. Mannle said Pease was its own entity and was coming before the Board as a courtesy, so he was fine with moving forward. Chair Margeson said it should be postponed to clear up the issue about the business vs.

parcel square footage and other issues. Ms. Casella said she found information indicating that the first sign permit was submitted in September and there was discussion saying that a variance was needed from the PDA. She said the actual land use application was filed by the applicant on February 27th and was accepted as complete in March for the April meeting. She said it looked like the first sign permit was submitted in September and there was discussion noting that a variance had to be received from the PDA. She said the actual land use application was filed by the applicant on February 27th and was not considered complete until March.

DECISION OF THE BOARD [Timestamp 31:23]

*Mr. Rossi moved to **continue** the application until the May 19th meeting so that the applicant can provide the specific section of the Pease Development Authority's zoning ordinance that is applicable, with the supporting rationale as to why the request is necessary. Mr. Rheume seconded the motion.*

Mr. Rossi said the application as presented was unclear in terms of exactly what aspect of the Pease zoning ordinance the Board was being asked to make a recommendation for a variance against, and without having that clear knowledge, it was impossible for the Board to judge whether the proposed signage was qualified based on the various criteria for a variance of the Pease zoning ordinance. Mr. Rheume concurred. Mr. Nies said he would not support the motion because the Board could not find anything in the record that said it was applied to the business, but someone told the applicant that it was. He said it did not warrant a delay. Mr. Rheume said it had been going on for months and there did not seem to be a rush to get it resolved. He said there were more questions than answers and that it was the corporation's responsibility to be fully prepared and to provide information to the Board so that the Board could understand what needed to be approved and recommended. Mr. Rossi said, given the nature of the request and the nature of Lonza's business, he did not see a strong sense of urgency in pushing it through and establishing a precedent for the Board for making decisions on a level of lack of clarity such as this.

*The motion **passed** by a vote of 5-2, with Mr. Mannle and Mr. Nies voting in opposition.*

- B. POSTPONE TO MAY** The request of **Port Hunter LLC (Owner)**, for property located at **361 Miller Avenue** whereas relief is needed to construct a detached garage with a professional office space on the second floor, which requires the following: 1) Variance from Section 10.573.20 to allow a) 6 foot side yard where 10 feet are required, and b) 10 foot rear yard where 20 feet are required; and 2) Variance from Section 10.440 Use #5.10 to allow a professional office use where it is not permitted. Said property is located on Assessor Map 131 Lot 33 and lies within the General Residence A (GRA) District.
POSTPONE TO MAY (LU-25-76)

DECISION OF THE BOARD

The petition was postponed to the May 19th meeting.

- C. The request of **Kristina Logan Revocable Trust (Owner)**, for property located at **220 South Street** whereas relief is needed to build a chicken coop and have chickens, which requires the following: 1) Special Exception from Section 10.440 Use # 17.20 to allow the keeping of farm animals where it is allowed by Special Exception. Said property is located on Assessor Map 111 Lot 1 and lies within the Single Residence B (SRB) and Historic Districts. (LU-26-39)

SPEAKING TO THE PETITION [Timestamp 39:16]

The owner/applicant Kristina Logan and Michael Graf were present. Ms. Logan said they wanted to keep chickens in their backyard as household pets and egg layers. She said it would not be a chicken farm or resemble an agricultural enterprise. She reviewed the standards for special exception and explained how they would be met. She said they would have six chickens. She noted that one neighbor was opposed due to concerns about odors and predators, but she said the coop would be located as far as possible from the property line.

[Timestamp 48:12] Mr. Rossi asked if the chickens would always be in the coop or would have free range. Ms. Logan said the chickens would be in the coop at night but would have a chicken run during the day in a fenced-in area. Mr. Rossi asked if the coop would require heating. Ms. Logan said they would use a deep mulch technique of putting down pine shavings that would create a natural heat. Mr. Rheume verified whether the number of hens the applicant wanted was six. Mr. Graf said they would like to have eight chickens. Ms. Logan said the coop would have solar instead of electricity and that there would be no roosters. Chair Margeson asked why Ms. Logan felt that the odor would not be a problem for the neighbors. Ms. Logan said the pine chips were a deep bedding system that started with two inches of chips and then were fluffed up to dissipate the odor, and they were then layered in 2-inch increments, which resulted in a compost underneath.

Chair Margeson opened the public hearing.

SPEAKING IN FAVOR OF THE PETITION

Mr. Graf submitted two letters of support from the neighbors.

SPEAKING IN OPPOSITION TO THE PETITION

Rachel Rush of 232 South Street, Unit 2, said she was the opposing neighbor but felt that the pine chips and the fact that the coop would be on the other side of the property would help. She said she didn't want skunks or racoons around, so she was glad the applicant would have a 6-ft barrier.

SPEAKING TO, FOR, OR AGAINST THE PETITON

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

DECISION OF THE BOARD [Timestamp 56:15]

*Mr. Nies moved to **grant** the special exception to raise up to eight chickens as presented. With the following conditions:*

The special exception is vested without issuance of a building permit because it was not needed for the construction of an exterior structure of the size proposed.

No roosters will be raised.

Mr. Mannle seconded.

Mr. Nies said he understood the neighbor's concern about wild animals but that the applicant seemed to have a well thought-out plan to reduce the ability of animals to get at the chickens. He said farm animals are allowed by special exception in that area and that there were not any specific standards that were applied. He said granting the special exception would pose no hazard to the public or adjacent properties on account of fire, explosion, or release of toxic material. He noted that the one potentially toxic material would be the waste from the chickens but the applicant had a plan to minimize that, and he wasn't sure if the compost could be called a toxic material according to the ordinance. He said it would pose no detriment to property values in the vicinity or change in the essential characteristics of any area including residential neighborhoods or business and industrial districts on account of the location or scale of buildings and other structures, parking areas, accessways, odors, smoke, gas, dust or other pollutants, noise, glare heat, or unsightly outdoor storage of equipment, vehicles or other materials. He said he was satisfied that the applicant had a good plan to minimize odors. He said the location of the coop and chickens were about as far away from any adjoining house as it could be. He said granting the special exception would pose no creation of a traffic safety hazard or a substantial increase in the level of traffic congestion in the vicinity. He said there would clearly be no increase in traffic by raising eight chickens in the backyard, where they would be controlled and would not wander around in the street. He said it would pose no excessive demand on municipal services including but not limited to water, sewer, waste disposal, police and fire protection and schools. He said there would be no demands on municipal services. He said it would pose no significant increase of stormwater runoff onto adjacent properties or streets. He said there would possibly be some runoff from the wood but that it would wind up on a level terrain. He said roosters would not be allowed. He said there was no permit needed, seeing that the access structure was small enough that it was exempt from everything, including the setback requirements. Mr. Mannle concurred. He said his daughter and son-in-law raised 18 chickens in Berwick and used the same method that the applicant intended to use. Mr. Rheume said in other instances, people came before the Board with a variance, which was a higher standard, and in this case the ordinance recognized that there was enough open space in the yard where it would not impact the neighbor and that the applicant met the criteria for eight hens.

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

D. POSTPONE TO MAY 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 MAY** (LU-26-41)

DECISION OF THE BOARD

The petition was postponed to the May 19th meeting.

- E. The request of **Brent and Susanne Morrill (Owners)**, for property located at **651 Woodbury Avenue** whereas relief is needed to construct a second driveway which requires the following: 1) Variance from Section 10.1114.31 to allow a second driveway on the lot where only one is permitted. Said property is located on Assessor Map 220 Lot 12 and lies within the Single Residence B (SRB) District. (LU-26-38)

SPEAKING TO THE PETITION [Timestamp 1:03:50]

The project land surveyor Joel Connolly was present on behalf of the applicants. He said they wanted to build a detached ADU and needed a second driveway for it. He said the new driveway would be off Edmond Avenue instead of Woodbury Avenue. He reviewed the criteria.

[Timestamp 1:07:24] Mr. Nies said he drove by the house and noticed another parking space/driveway where a pickup was parked off Edmond Avenue, so it seemed like there were already two driveways on the property. He asked if that parking space would be eliminated. Mr. Connolly agreed and said the proposed driveway for the ADU would be larger to accommodate any vehicles. Mr. Nies verified that the proposed full basement in the ADU would not be a living space. Mr. Connolly said it would only be used for utilities and storage. Mr. Rheume said he could not find the minimum required setback requirement in the ordinance. Ms. Casella said it was considered an accessory structure more than 100 sf in area, so it was the height of the structure, and the opposite lot line of Woodbury Avenue was the most distant and a rear side yard. Mr. Connolly submitted to the Board a letter from an abutter who was in favor of the project.

Chair Margeson opened the public meeting.

SPEAKING TO, FOR, OR AGAINST THE PETITION

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

DECISION OF THE BOARD [Timestamp 1:11:42]

*Mr. Nies moved to **grant** the variance as presented and advertised, with the following **condition**:*

- 1. The applicant shall eliminate the existing single parking space on Edmond Avenue next to the existing home.*

Mr. Mannle seconded the motion.

Mr. Nies said the detached ADU was by right and all that the Board was being asked to approve was the second driveway, which would facilitate access to the ADU. He said granting the variance would not be contrary to the public interest, noting that he did not see how putting in a driveway would have any effect on the health, safety, and welfare of the neighborhood or on light and air, or would alter the essential characteristics of the neighborhood. He said it could be argued that allowing the driveway would help the safety of the neighborhood by having less traffic come in and out of the property from Woodbury Avenue. He said those reasons were the same rationale for why granting the variance would observe the spirit of the ordinance. He said it would do substantial justice, noting that he could not see any benefit to the public by denying the variance and that in fact, denying it would create some traffic concerns on Woodbury Avenue. He said granting the variance would not diminish the value of surrounding properties because it would be a small detached ADU with a garage and there was no evidence presented nor had anyone argued that it would diminish the values of surrounding properties. He said it was unlikely that it would. Relating to hardship, he said the special conditions of the property were that it is a narrow corner lot on a heavily trafficked road and there was no way to access the proposed ADU in a safe manner from Woodbury Avenue due to the locations of the existing buildings. He said due to those special conditions that distinguish the property from others in the area, there did not appear to be any fair and substantial relationship between the purposes of the ordinance and the specific application to the property, and the use is reasonable. He said the idea of having properties restricted to one driveway was to minimize the number of driveways on the street. He said the proposed driveway would be on a different street and there would not be two driveways on the same street leading into the same property, so there was no reason to enforce this specific ordinance on the property.

Mr. Mannle concurred. Relating to the stipulation (or condition), he said the Board asked that the homeowner act in good faith, considering that there was no barrier between Edmond Avenue and the property, like a curb, sidewalk, hedge, and so on. Mr. Rheaume said the stipulation was helpful and important because in the future, if the City decided to put in curbing or a sidewalk, it would reflect from a planning standpoint that the property is only allowed the one driveway.

The motion passed unanimously, 7-0.

II. ADJOURNMENT

The meeting adjourned at 8:18 p.m.

Submitted,

Joann Breault
BOA Meeting Minutes Taker

II. OLD BUSINESS

- A. 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)

Existing & Proposed Conditions

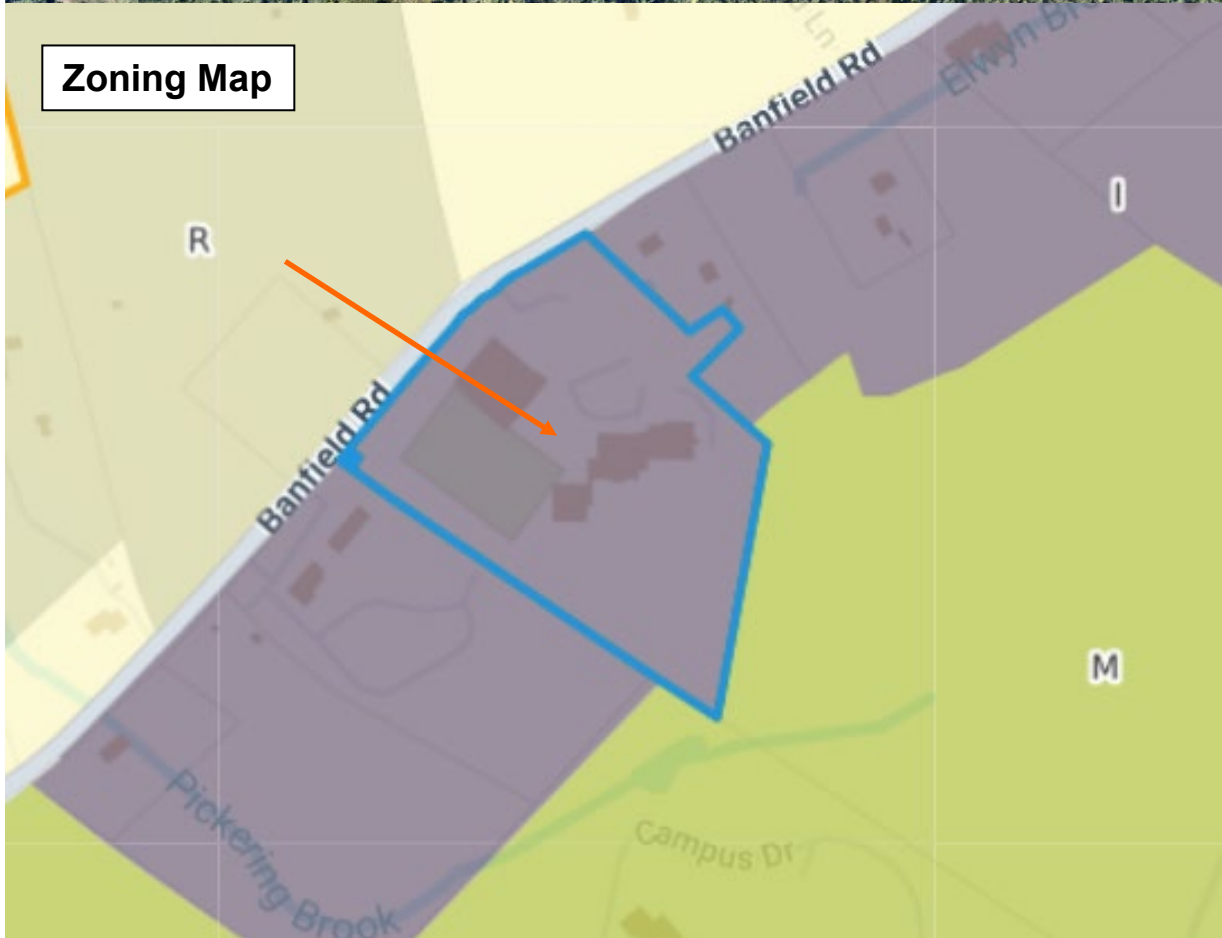
	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	School	*Construct an addition to the existing school building	Primarily Industrial Uses
<u>Estimated Age of Structure:</u>	2017	Variance request(s) shown in red.	

*Variance required to expand a nonconforming use to another part of the land

Other Permits/Approvals Required

- Site Review – TAC and Planning Board
- Building Permit

Neighborhood Context



Previous Board of Adjustment Actions

September 27, 2016 – The Board **granted** the request to construct and operate a K-8 Elementary School which requires the following: 1) a Variance from Section 10.440.3.21 to allow a primary or secondary school in a district where the use is not permitted.

March 21, 2017 – The Board granted the request to construct a K-8 Elementary School which requires the following: 1) A Variance from Section 10.1113.20 to allow off-street parking spaces to be located between the principal building and a street.

Planning Department Comments

The applicant is requesting relief to construct a 2,115 square foot addition to the existing school building. The applicant attended TAC and upon TAC review was referred to the BOA for the required variance. TAC recommended conditional approval to the Planning Board at the April 7, 2026 meeting. Language from the TAC letter of decision is below for the convenience of the Board.

The Technical Advisory Committee, at its regularly scheduled meeting of Tuesday, April 7, 2026, considered your application for amended Site Plan approval for the construction of a 2,115 s.f. Library addition to the existing 24,150 s.f. St. Patrick Academy School building with associated site improvements. Said property is shown on Assessor Map 266 Lot 5 and lies within the Industrial (I) District. As a result of said consideration, the Committee voted to recommend approval of this application to the Planning Board with the following conditions:

- 1) Variance must be granted prior to application to Planning Board.*
- 2) Applicant must construct the bike path on the east side of the site.*
- 3) E. Eby will develop conditions for traffic control measures which will potentially include a Bond for shoulder widening of Banfield Road, an Easement to the City, and monitoring timeframe for traffic flow improvement.*

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

March 25, 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 find a copy of the following materials relative to the above referenced variance application filed through Viewpoint for property located at 315 Banfield Road, Portsmouth (the "Property"):

- 1) Landowner Letter of Authorization
- 2) Narrative to Variance Application with Exhibits
- 3) Site Plan
- 4) Architectural Plans and Elevations
- 5) Photographs of the Property

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

Sincerely,



Derek R. Durbin, Esq.

LANDOWNER LETTER OF AUTHORIZATION

Hope for Tomorrow Foundation, Inc., record owner of property located at **315 Banfield Road, Portsmouth NH**, identified on **Portsmouth Tax Map 266, as Lot 5** (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.

Hope for Tomorrow Foundation, Inc.

James Melone

Dr. James Melone, Director
Duly Authorized

**CITY OF PORTSMOUTH
VARIANCE APPLICATION NARRATIVE**

**Hope for Tomorrow Foundation, Inc.
(Owner/Applicant)**

**315 Banfield Road
Portsmouth, NH 03801
Tax Map 266, Lot 5**

INTRODUCTION / BACKGROUND

The Property

Hope for Tomorrow Foundation, Inc. is non-profit educational organization that operates the school known as Saint Patrick Academy (“Saint Pats”), located at 315 Banfield Road, Portsmouth, NH 03801 (the “Property”). The Property is a 468,400 square foot parcel of land situated in the Industrial Zoning District.

Prior ZBA Approval (2016)

In 2016, Saint Pats received a variance from Section 10.440 of the Portsmouth Zoning Ordinance (the “Ordinance”) to allow the current school use of the Property. **Exhibit A**. Shortly thereafter, the existing school and related improvements were constructed on the Property. The school opened in 2018 and offers a catholic-based parochial education for students in kindergarten through 8th grade.

Proposed Library Addition

Saint Pats would like to construct a one-story 2,115 square foot addition to the west elevation of the existing 24,150 square foot school building to fill a much-needed educational void. The primary purpose of the addition is to create a centralized, dedicated library for the school. As it stands now, the school has two small rooms in disparate areas of the building that are each approximately 180 square feet in size that serve as “library space” consisting of shelves and books. These rooms can only accommodate 4-6 students at one time. One room is for the elementary students, while the other is for the middle school students in separate wings of the building.

The proposed library is sized to accommodate a single class at a time for reading instruction, research, and small group support but not to handle large assemblies or multi-class occupancy. Approximately 20% of students have identified learning needs, and roughly 35% receive some form of academic support or accommodation. The addition will allow for small group instruction, quiet reading areas, and access to organized materials in a better suited to focused learning.

The addition would also include two offices and a conference room. This would allow the school to relocate existing staff offices from an area adjacent to the library to create new bathroom facilities where the offices are presently located. No changes are proposed to the current staffing or student population as a result of the changes that are proposed.

SUMMARY OF ZONING RELIEF

The Applicant seeks the following variances from the Portsmouth Zoning Ordinance (the “Ordinance”):

- 1) Variance from Section 10.331 to allow the school use of the Property to be extended or enlarged on the Property without conforming to the Ordinance.
- 2) Variance from Section 10.334 to allow the school use of the Property to be extended to another part of the remainder of the land.

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 proposed addition constitutes a negligible expansion of the existing school and is modest in the context and scale of the existing site improvements, which includes a 17,000 square foot gymnasium in addition to the 24,150 square foot school building. It will be partially tucked into a jog in the westerly elevation of the school building and will occupy an underutilized area of the Property consisting of lawn and an existing paved walkway between the school building and the gymnasium and associated parking area. It will be a considerable distance from abutting properties and the structures thereon. The addition will have a subordinate appearance next to the school building. It will be 1-story in height and will have a footprint that is less than 5% of the total building area on the Property (43,555 sq. ft), which is still relatively small by modern school standards. Moreover, it will account for only 0.005% of the 9.3% building coverage on the Property, thus preserving the vast open space (74%) and natural screening of the Property. Aesthetically and functionally, the addition will integrate naturally with the existing school building.

The addition will have no impact upon the light, air and space of abutting properties or otherwise burden or interfere with the abutters' use of their properties based on its size, location and how well screened it is from abutting properties by existing buildings and mature trees. As more specifically discussed below (hardship criteria), this area of Banfield Road is characterized by a mixture of different land uses, including single-family homes and townhouses. The impact and intensity of use associated with the proposed addition will remain the same in terms of occupants, staff, daily traffic, and noise. In addition, the modest expansion will further a non-conforming use that is consistent with and/or compliments many of the immediately surrounding land uses on Banfield Road. For the aforesaid reasons, granting the variances will only not alter the essential character of the surrounding neighborhood or otherwise have a negative impact upon the public health, safety or welfare.

Substantial Justice will be done in granting the variances.

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

It would constitute a loss to Saint Pats if the variances were denied while providing little or no benefit to the public. The library addition will result in a modest expansion of the existing school that will provide the students with a much-needed library that offers the students the necessary space, amenities and resources to support and bolster their educational experiences and knowledge. This opportunity would be lost if the variances were denied. The proposed addition represents a negligible increase in the size of the existing school building while balancing the interests of the public by not placing additional structure or building mass closer to abutting properties. In this instance, denial of the variances would result in a loss to the landowner that outweighs any gain to the public.

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

It is hard to conceive of any scenario where granting the requested variances would have a negative impact upon surrounding properties or their values, as has been outlined above. The proposed addition is only 1-story in height and will not extend further towards abutting properties than the existing buildings on the Property or otherwise create an impact upon abutting landowners or the uses of their land. Moreover, it will be architecturally consistent with and maintain the character of the existing school building.

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 one of the largest upland parcels of land (10.75 acres) in the area. Despite the Industrial Zoning designation, there is not one predominant land use that defines the surrounding area on Banfield Road. **Exhibit B.** The abutting property directly to the north (TM 266-3) contains a single-family residence. The property just north of that also has a single-family home on it. Different entities associated with the Girl Scouts own and utilize the properties directly across Banfield Road to the west (TM 265-4 and TM 265-1) for educational and outdoor recreational purposes, while the Banfield Woods subdivision, consisting of twenty-two townhouses is immediately adjacent to that property to the north (TM 265-2). The abutting property to the south (TM 266-7) formerly housed an auto repair shop and served as a salvage yard and dumping ground. The parcel immediately adjacent to it contains an office building. The existing school use of the Property is a rare example of a situation where the non-conforming use is more suitable and beneficial for the surrounding area than most permitted uses would be given its proximity to the residential uses to the north and another educational/recreational use (Girls Scouts) to the west.

In addition to its size and location, the design and orientation of the existing buildings and associated site improvements are special conditions of the Property. The area of the proposed addition will be partially tucked into an existing jog of the school building that does not extend further towards abutting properties or otherwise impact areas of the Property that are not already in use. It will partially fill an open area that the students presently use to walk between the school building and gymnasium and to congregate during the warmer months.

The expansion of the school building will not add any additional staff, students or vehicles to the Property or otherwise alter the intensity of use or negatively impact surrounding properties, which is the primary goal behind the restrictions set forth in Sections 10.331 and 10.334 of the Ordinance. Given the special conditions of the Property and the surrounding land uses, there is no fair and substantial relationship between the general purposes of the Ordinance provisions and their strict application to the Property.

The proposed library expansion is reasonable, benign extension of an existing non-conforming use that will not alter the character of the area or otherwise unreasonably intrude upon surrounding properties.

CONCLUSION

In conclusion, Saint Pats believes that it has met the criteria for granting the variances being requested. It thanks the Board for its time, careful consideration and review of its variance application.

Respectfully submitted,
Hope for Tomorrow Foundation, Inc.
By and Through Its Attorney,

Derek R. Durbin, Esq.
Durbin Law Offices, PLLC
144 Washington Street
Portsmouth, NH 03801
derek@durbinlawoffices.com

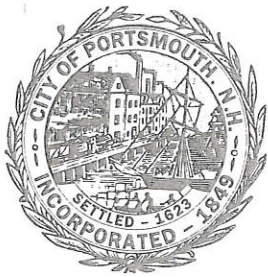


EXHIBIT A

CITY OF PORTSMOUTH

Community Development Department
(603) 610-7232

Planning Department
(603) 610-7216

PLANNING DEPARTMENT

September 30, 2016

Foundation for Seacoast Health
100 Campus Drive, Ste 1
Portsmouth, NH 03801

Re: Property at 315 Banfield Road, Permit 16-1268
Assessor Plan 266, Lots 4 (portion), 5 & 6

Dear Applicant:

The Board of Adjustment at its reconvened meeting on September 27, 2016 completed its consideration of your application described as follows:

Application:

- 13) Case #9-13
Petitioners: Foundation for Seacoast Health, owner, Hope for Tomorrow Foundation, applicant
Property: 315 Banfield Road
Assessor Plan 266, Lots 4 (portion), 5 & 6
Zoning District: Industrial
Description: Construct and operate a K-8 Elementary School.
Requests: The Variances and/or Special Exceptions necessary to grant the required relief from the Zoning Ordinance, including the following:
1. A Variance from Section 10.440.3.21 to allow a primary or secondary school in a district where the use is not permitted.

Action:

The Board voted to **grant** the petition as presented and advertised.

Stipulations:

None.

Review Criteria:

The petition was granted for the following reasons:

- Granting the variance will not be contrary to the public interest and the spirit of the Ordinance will be observed. The project as proposed will not alter the essential character of the neighborhood or threaten the health, safety or welfare of the public. There are a number of institutional type uses nearby with additional projects planned which are compatible with this proposed use.
- Granting the variance will result in substantial justice. The proposed uses are non-residential and similar in nature to other uses in the area. Denying the petition would be a detriment to the applicant while there would be no gain to the general public in limiting the uses to those specifically listed in the Table of Uses.
- There is nothing in the proposed use that will diminish the value of surrounding properties.
- The use will be conducted on a large lot created by subdivision with significant frontage and open, green space. It will be accommodated in an area in transition with a number of complimentary uses so that there is no fair and substantial relationship between an elementary school use not being allowed in the Table of Uses in an industrial zone and applying that limitation specifically to this property. This site is compatible with this use.

As provided for in NH RSA Chapter 677, the Board's decision may be appealed 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 Department for more details about the appeals process. Construction drawings or sketches must be reviewed and approved by the Building Inspector prior to the issuance of a building permit. Approvals by other land use boards may also be required prior to the issuance of a building permit.

The minutes and tape recording of the meeting may be reviewed in the Planning Department.

Very truly yours,

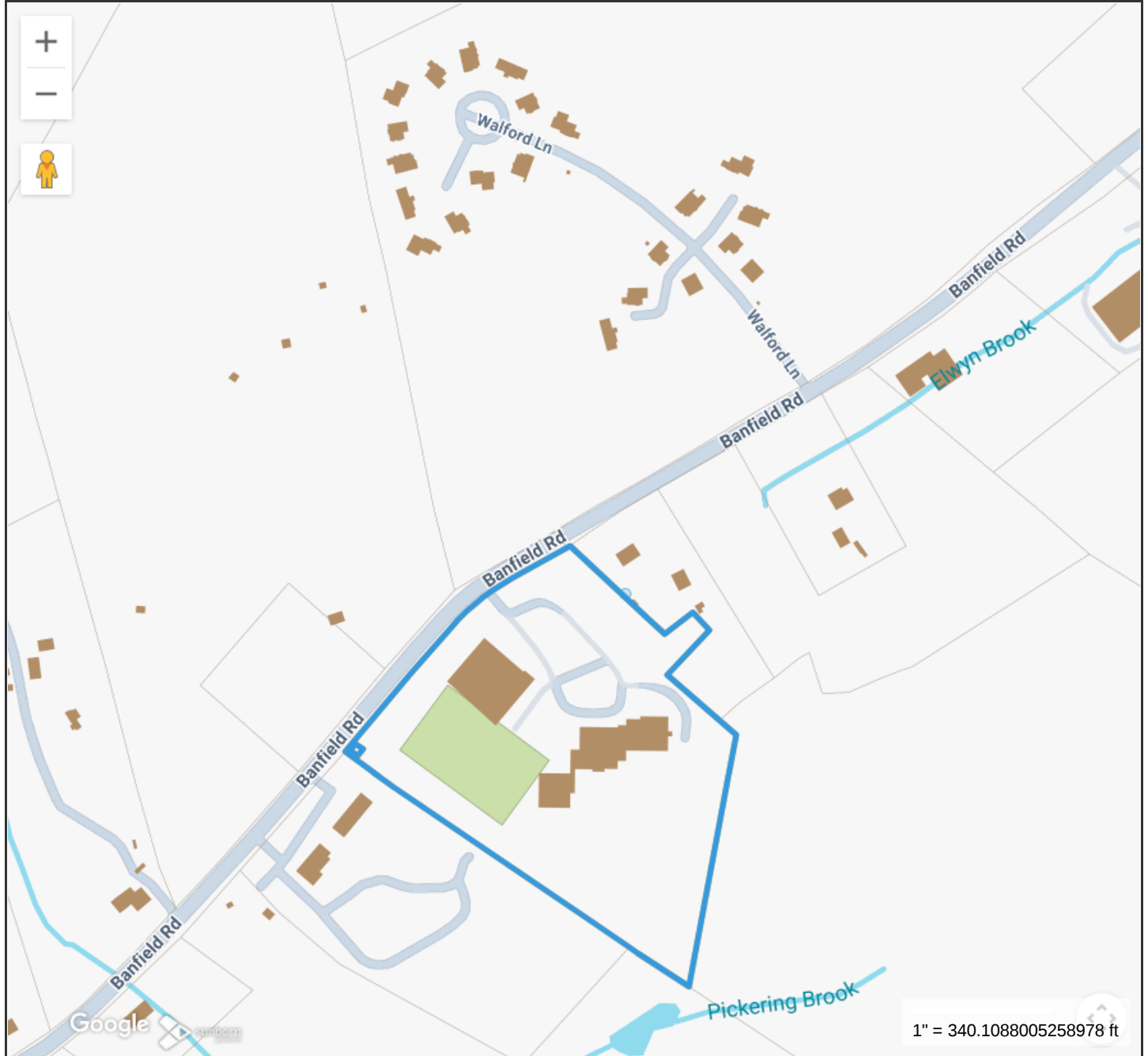


David Rheume, Chairman
Board of Adjustment

mek

c: Robert Marsilia, Chief Building Inspector
Roseann Maurice-Lentz, City Assessor
Hope for Tomorrow Foundation
Peter J. Loughlin, Esq.

EXHIBIT B



Property Information

Property ID 0266-0005-0000
Location 315 BANFIELD RD
Owner HOPE FOR TOMORROW FOUNDATION

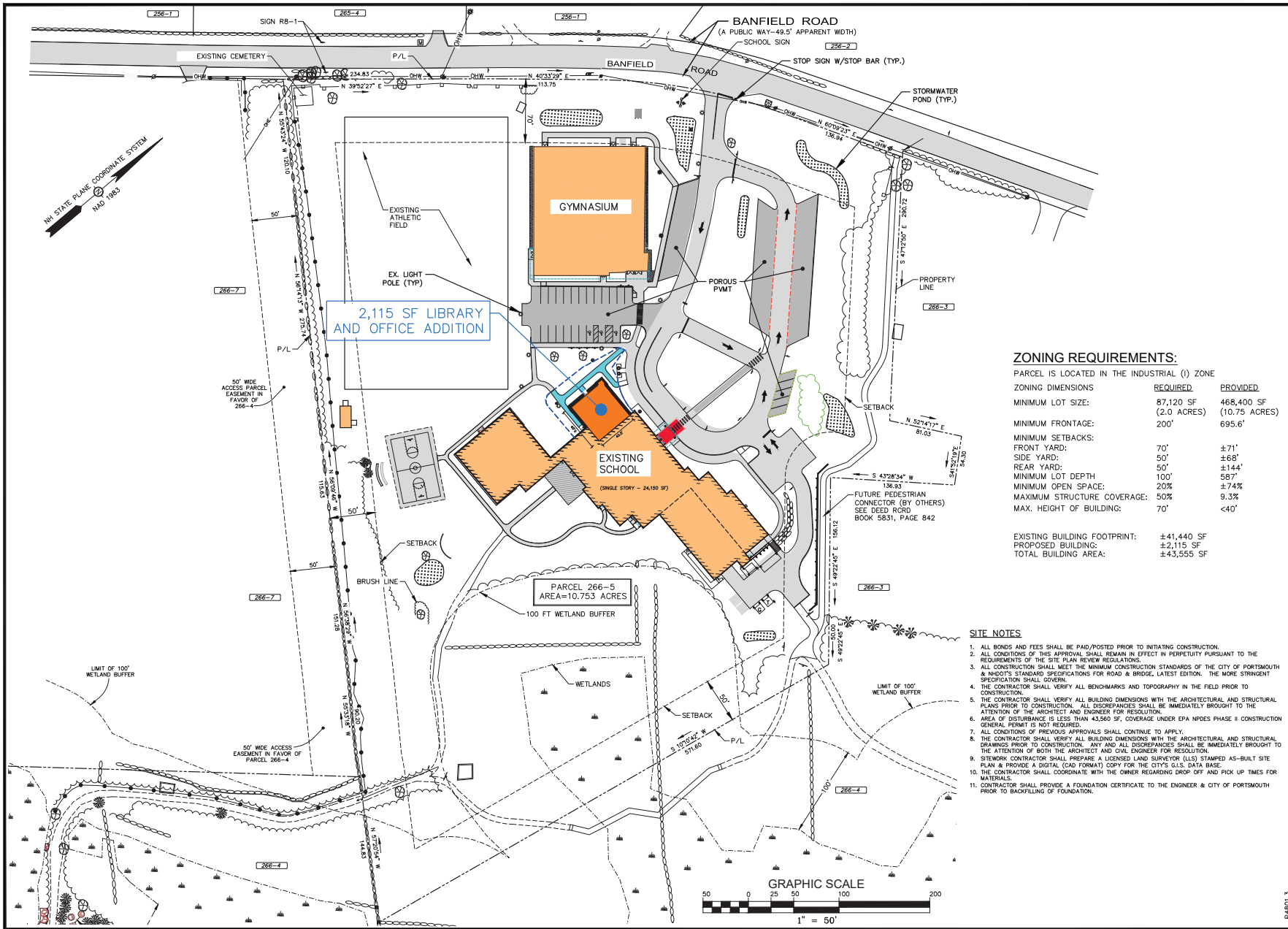


**MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT**

City of Portsmouth, NH makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Geometry updated 03/06/2026

Print map scale is approximate. Critical layout or measurement activities should not be done using this resource.



ZONING REQUIREMENTS:

PARCEL IS LOCATED IN THE INDUSTRIAL (I) ZONE

ZONING DIMENSIONS	REQUIRED	PROVIDED
MINIMUM LOT SIZE:	87,120 SF (2.0 ACRES)	468,400 SF (10.75 ACRES)
MINIMUM FRONTAGE:	200'	695.6'
MINIMUM SETBACKS:		
FRONT YARD:	70'	±71'
SIDE YARD:	50'	±56'
REAR YARD:	50'	±144'
MINIMUM LOT DEPTH	100'	587'
MINIMUM OPEN SPACE:	20%	±7.4%
MAXIMUM STRUCTURE COVERAGE:	50%	9.3%
MAX. HEIGHT OF BUILDING:	70'	<40'
EXISTING BUILDING FOOTPRINT:		±41,440 SF
PROPOSED BUILDING:		±2,115 SF
TOTAL BUILDING AREA:		±43,555 SF

SITE NOTES

1. ALL BONDS AND FEES SHALL BE PAID/POSTED PRIOR TO INITIATING CONSTRUCTION.
2. ALL CONDITIONS OF THIS APPROVAL SHALL REMAIN IN EFFECT IN PERPETUITY PURSUANT TO THE REQUIREMENTS OF THE SITE PLAN REVIEW REGULATIONS.
3. ALL CONSTRUCTION SHALL MEET THE MINIMUM CONSTRUCTION STANDARDS OF THE CITY OF PORTSMOUTH & NHDOT'S STANDARD SPECIFICATIONS FOR ROAD & BRIDGE, LATEST EDITION. THE MORE STRINGENT SPECIFICATION SHALL GOVERN.
4. THE CONTRACTOR SHALL VERIFY ALL BENCHMARKS AND TOPOGRAPHY IN THE FIELD PRIOR TO CONSTRUCTION.
5. THE CONTRACTOR SHALL VERIFY ALL BUILDING DIMENSIONS WITH THE ARCHITECTURAL AND STRUCTURAL PLANS PRIOR TO CONSTRUCTION. ALL DISCREPANCIES SHALL BE IMMEDIATELY BROUGHT TO THE ATTENTION OF THE ARCHITECT AND ENGINEER FOR RESOLUTION.
6. AREA OF DISTURBANCE IS LESS THAN 43,560 SF. COVERAGE UNDER EPA NPDES PHASE II CONSTRUCTION GENERAL PERMIT IS NOT REQUIRED.
7. ALL CONDITIONS OF PREVIOUS APPROVALS SHALL CONTINUE TO APPLY.
8. THE CONTRACTOR SHALL VERIFY ALL BUILDING DIMENSIONS WITH THE ARCHITECTURAL AND STRUCTURAL DRAWINGS PRIOR TO CONSTRUCTION. ANY AND ALL DISCREPANCIES SHALL BE IMMEDIATELY BROUGHT TO THE ATTENTION OF BOTH THE ARCHITECT AND CIVIL ENGINEER FOR RESOLUTION.
9. SITEWORK CONTRACTOR SHALL PREPARE A LICENSED LAND SURVEYOR (LLS) STAMPED AS-BUILT SITE PLAN & PROVIDE A DIGITAL (CAD FORMAT) COPY FOR THE CITY'S G.I.S. DATA BASE.
10. THE CONTRACTOR SHALL COORDINATE WITH THE OWNER REGARDING DROP OFF AND PICK UP TIMES FOR MATERIALS.
11. CONTRACTOR SHALL PROVIDE A FOUNDATION CERTIFICATE TO THE ENGINEER & CITY OF PORTSMOUTH PRIOR TO BACKFILLING OF FOUNDATION.

ENGINEER:

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

ISSUED FOR:
SITE PLAN AMENDMENT

ISSUE DATE:
FEBRUARY 12, 2026

REVISIONS:
NO. DESCRIPTION BY DATE
0 INITIAL SUBMISSION CDB 02/12/26

DRAWN BY: _____ CDB
APPROVED BY: _____ CDB
DRAWING FILE: 4801.3 DETAILS.DWG

SCALE:
22" x 34" - 1" = 50'
11" x 17" - 1" = 100'

OWNER:
HOPE FOR TOMORROW FOUNDATION
315 BANFIELD ROAD
PORTSMOUTH, N.H. 03801
ASSESSOR'S PARCEL 266-5

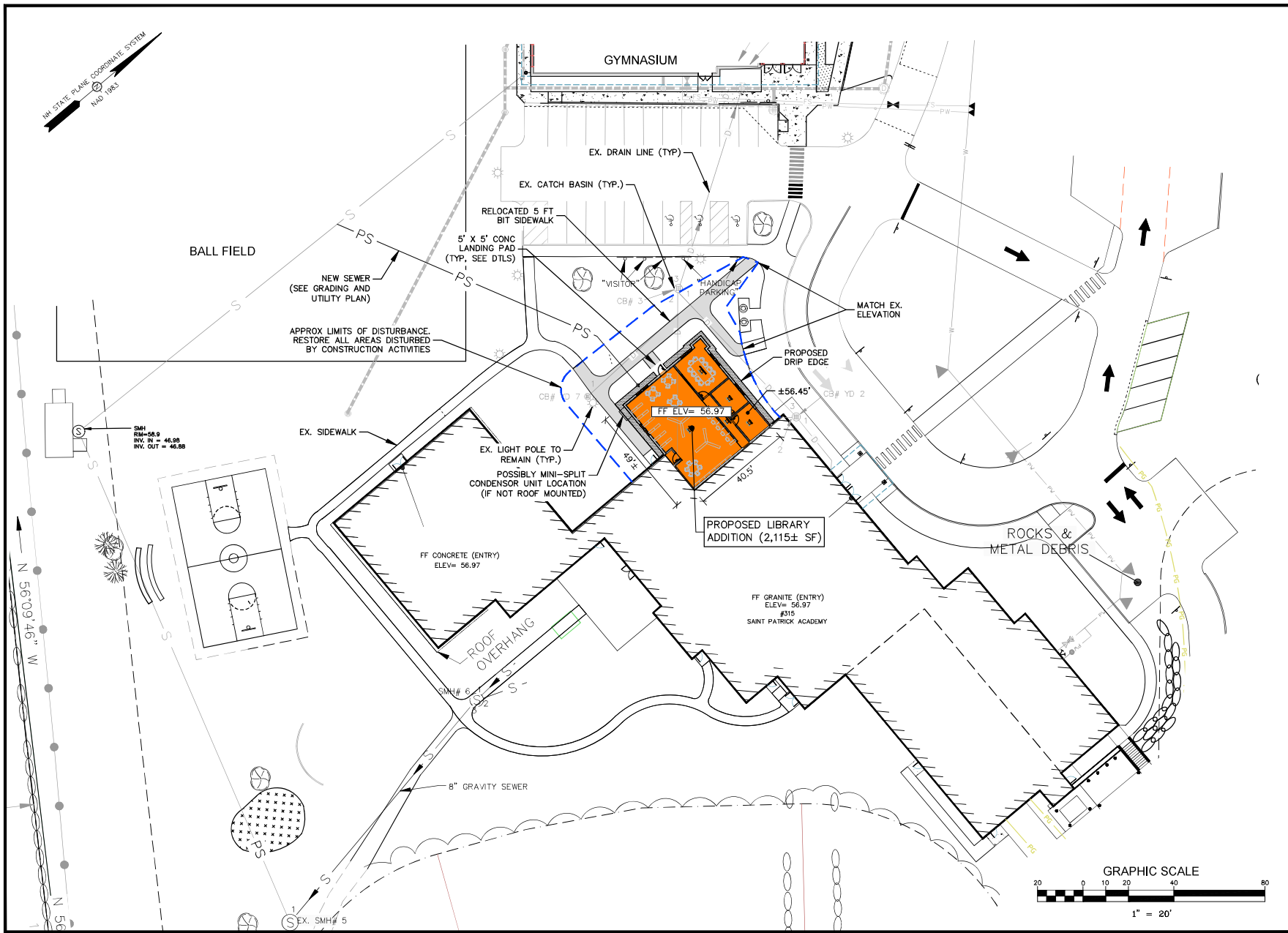
APPLICANT:
SAINT PATRICK ACADEMY
315 BANFIELD ROAD
PORTSMOUTH, N.H. 03801

PROJECT:
SAINT PATRICK ACADEMY LIBRARY EXPANSION
315 BANFIELD ROAD
PORTSMOUTH, N.H.
ASSESSOR'S PARCEL 266-5

TITLE:
OVERALL SITE PLAN

SHEET NUMBER:
C-1

P-4801.3



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



ISSUED FOR:
SITE PLAN AMENDMENT
 ISSUE DATE:
FEBRUARY 12, 2026

REVISIONS:
 NO. DESCRIPTION BY DATE
 0 INITIAL SUBMISSION CDB 02/12/26

DRAWN BY: CDB
 APPROVED BY: CDB
 DRAWING FILE: 4801.3 DETAILS.DWG

SCALE:
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 11" x 17" - 1" = 20'

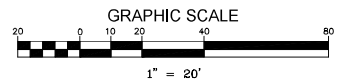
OWNER:
HOPE FOR TOMORROW FOUNDATION
 315 BANFIELD ROAD
 PORTSMOUTH, N.H. 03801
 ASSESSOR'S PARCEL 266-5

APPLICANT:
SAINT PATRICK ACADEMY
 315 BANFIELD ROAD
 PORTSMOUTH, N.H. 03801

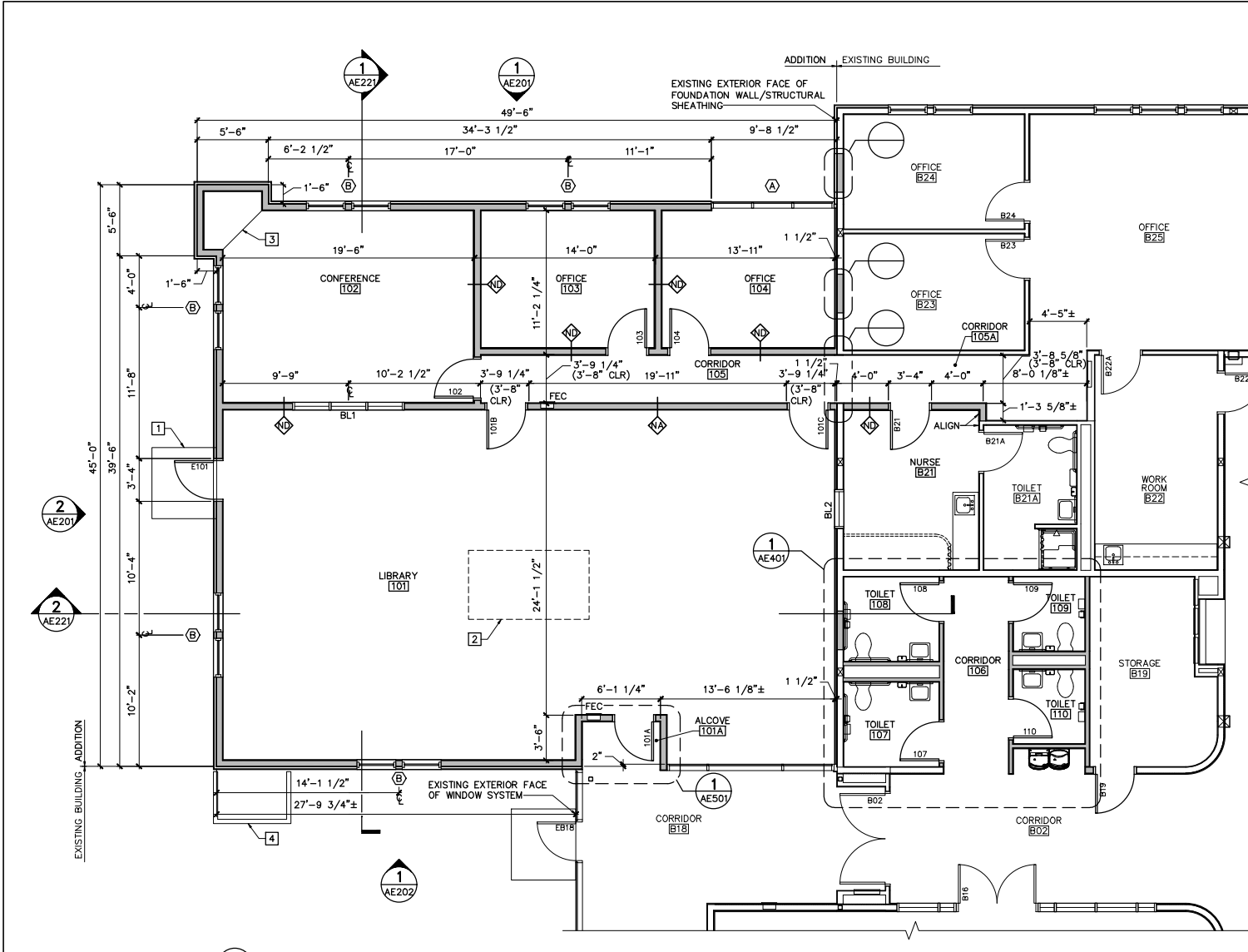
PROJECT:
SAINT PATRICK ACADEMY LIBRARY EXPANSION
 315 BANFIELD ROAD
 PORTSMOUTH, N.H.
 ASSESSOR'S PARCEL 266-5

TITLE:
SITE PLAN

SHEET NUMBER:
C-2



P-4801.3



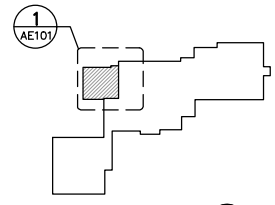
1 PARTIAL FLOOR PLAN
 AE101 SCALE: 1/4"=1'-0"

GENERAL NOTES

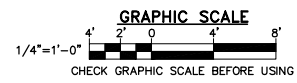
1. SEE SHEET G-003 FOR GENERAL CONSTRUCTION NOTES.
2. SEE SHEET AE001 FOR WALL TYPES AND GENERAL WALL TYPE NOTES.
3. SEE SHEET AE601 FOR DOOR SCHEDULE.
4. SEE SHEET AE621 FOR WINDOW AND BORROWED LITE TYPES.
5. SEE SHEET AE641 FOR FINISH SCHEDULES.

KEYNOTES (THIS SHEET ONLY)

- 1 REINFORCED CONCRETE EXTERIOR STOOP, SEE STRUCTURAL SHEETS.
- 2 SKYLIGHT ABOVE, SEE ROOF PLAN.
- 3 BUILT-IN STORAGE.
- 4 6'-0" HIGH ARCHITECTURAL SCREENING, CARRY (14) LINEAR FEET AND (1) GATE WITH LATCH.



KEY PLAN
 NOT TO SCALE
 PLAN NORTH



NO.	DATE	DESCRIPTION	BY

architecture
 engineering
 planning
OAK POINT ASSOCIATES
 16 WILSON STREET, PORTSMOUTH, NEW HAMPSHIRE 03801
 (603) 425-4444 | WWW.OPAONLINE.COM

50% SUBMISSION
 02-04-26

DESIGNED BY: BML
 DRAWN BY: RMT
 CHECKED BY: XXX
 PROJECT: 22-002.05

SAINT PATRICK ACADEMY
 315 BANFIELD ROAD
 PORTSMOUTH, N.H. 03801

SAINT PATRICK ACADEMY LIBRARY EXPANSION
 315 BANFIELD ROAD
 PORTSMOUTH, N.H. 03801

FLOOR PLAN

SCALE: AS NOTED
 DATE: 02-04-26

DWG.: AE101

SHEET: X OF XX

50% SUBMISSION
02-04-26

DESIGNED BY: BML
DRAWN BY: SAS
CHECKED BY: XXX
PROJECT: 22-002.05

SAINT PATRICK ACADEMY
315 BANFIELD ROAD
PORTSMOUTH, N.H. 03801

SAINT PATRICK ACADEMY LIBRARY EXPANSION
315 BANFIELD ROAD
PORTSMOUTH, N.H. 03801

ROOF PLAN

SCALE: AS NOTED

DATE: 02-04-26

DWG.: AE121

SHEET: X OF XX



GENERAL NOTES

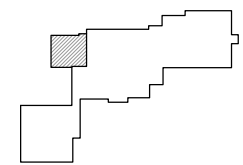
1. SEE SHEET S-002 FOR COMPONENT AND CLADDING DESIGN PRESSURES.
2. SEE SHEET AE641 FOR EXTERIOR FINISH SCHEDULE.

KEYNOTES (THIS SHEET ONLY)

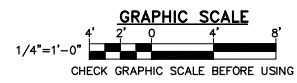
- 1 CURB MOUNTED SKYLIGHT, SEE SHEET AE623.
- 2 EPDM ROOF SYSTEM, SEE DETAIL 1/AE521.

ROOF LEGEND

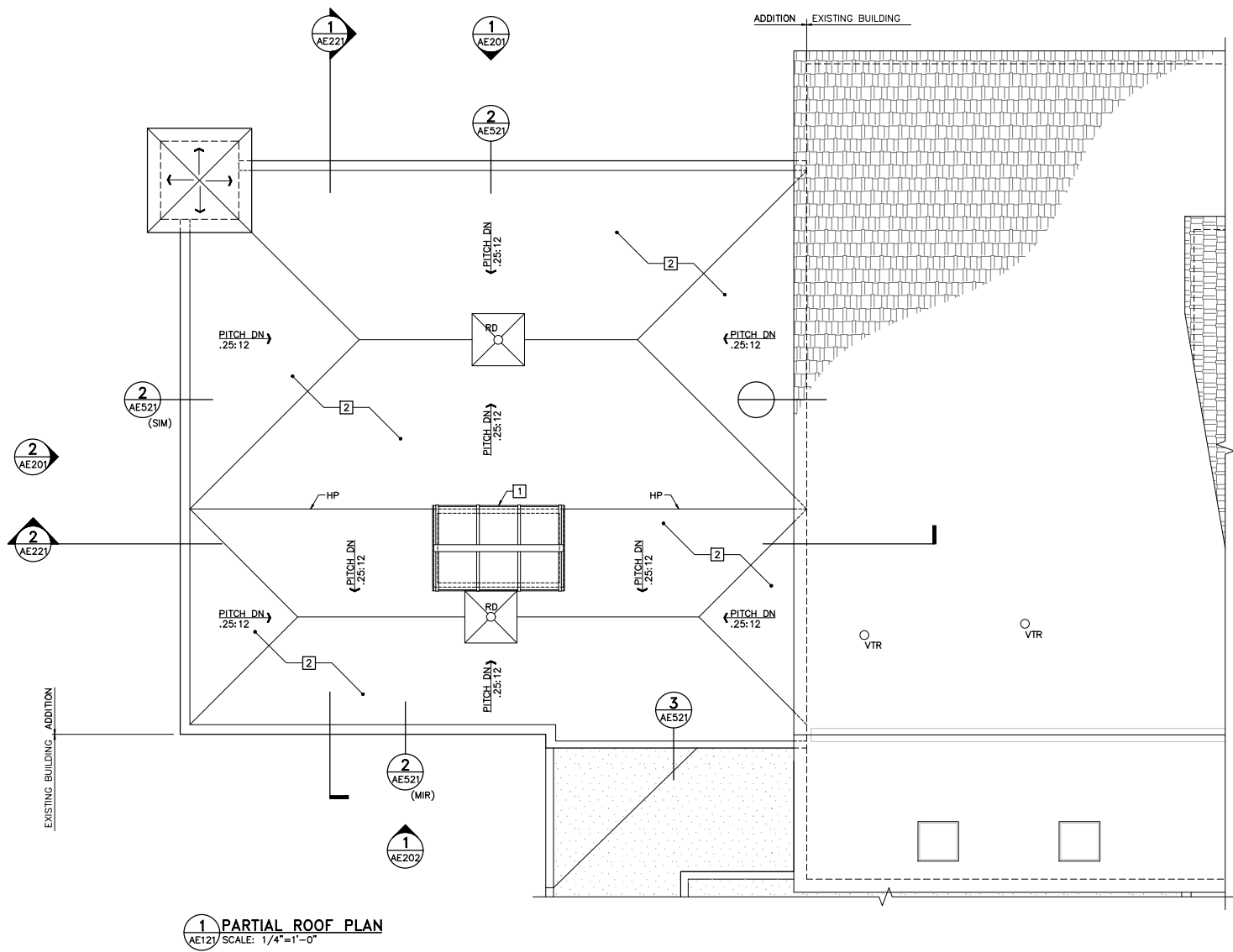
-  EXISTING ASPHALT SHINGLE ROOF SYSTEM
-  EXISTING EPDM MEMBRANE ROOF SYSTEM
- ROOF PITCH
- RD ROOF DRAIN
SEE DETAIL 5/AE521
- HP HIGH POINT
- VTR VENT THROUGH ROOF
SEE DETAIL 4/AE521



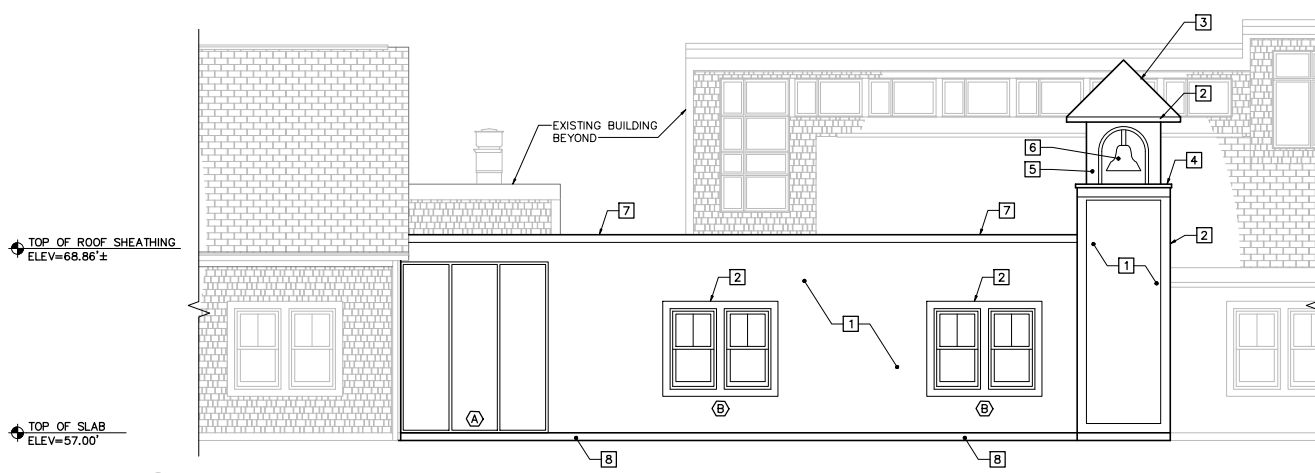
KEY PLAN
NOT TO SCALE
PLAN NORTH



NO.	DATE	DESCRIPTION	BY

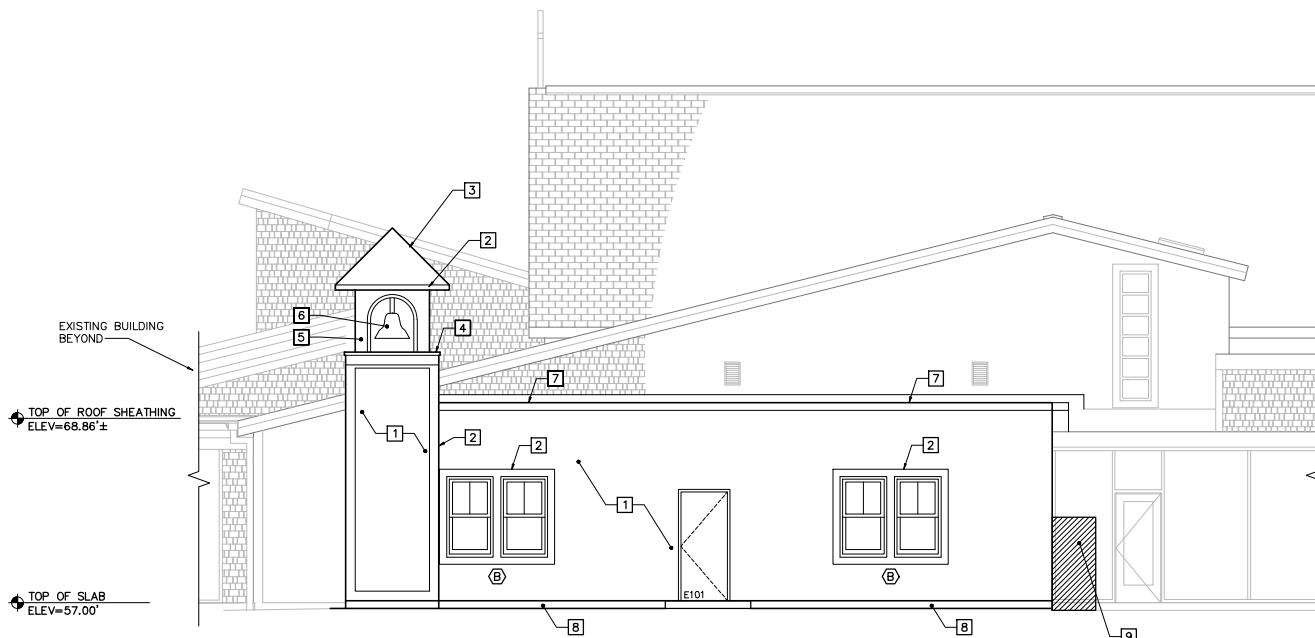


1 PARTIAL ROOF PLAN
AE121 SCALE: 1/4"=1'-0"



1 NORTH EXTERIOR ELEVATION

AE101, AE121, AE201 SCALE: 1/4"=1'-0"

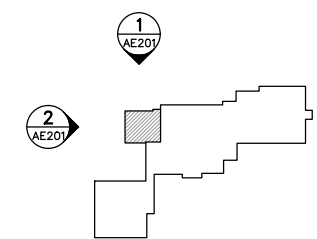


2 WEST EXTERIOR ELEVATION

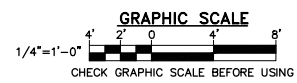
AE101, AE121, AE201 SCALE: 1/4"=1'-0"

- GENERAL NOTES**
- SEE SHEET AE621 FOR WINDOW TYPES.
 - SEE SHEET AE641 FOR EXTERIOR FINISH SCHEDULE.

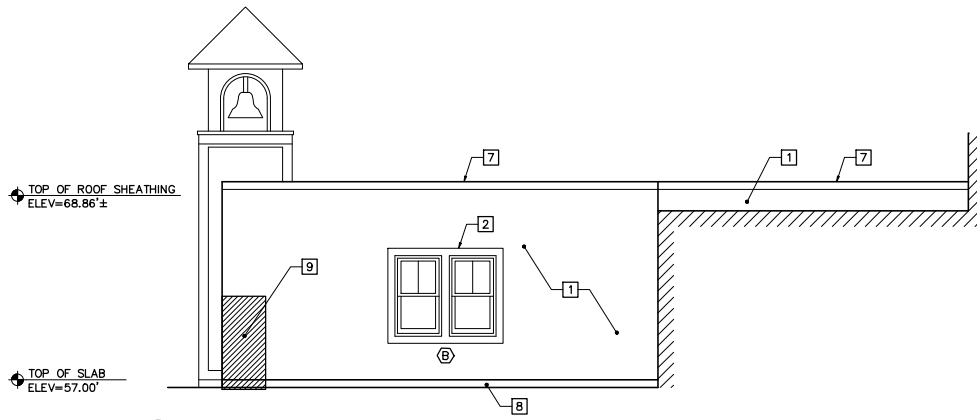
- KEYNOTES** (SHEETS AE201 AND AE202)
- VINYL SHINGLE SIDING, COLOR TO MATCH EXISTING SCHOOL.
 - 1x PVC TRIM.
 - ASPHALT SHINGLE ROOF SYSTEM.
 - PRECAST CONCRETE SILL.
 - STEEL FRAMED BELL TOWER WITH PVC TRIM.
 - 2'-0" STATIONARY ALUMINUM BELL.
 - PREFINISHED METAL FASCIA WITH DRIP EDGE.
 - CEMENTITIOUS FINISH SYSTEM OVER FOUNDATION INSULATION.
 - 6'-0" HIGH ARCHITECTURAL SCREENING, CARRY (14) LINEAR FEET AND (1) GATE WITH LATCH.



KEY PLAN
NOT TO SCALE
PLAN NORTH



NO.	DATE	DESCRIPTION	BY



1 SOUTH EXTERIOR ELEVATION
 AE101, AE121, AE202 SCALE: 1/4"=1'-0"

- GENERAL NOTES**
1. SEE SHEET AE201 FOR KEYNOTES.
 2. SEE SHEET AE621 FOR WINDOW TYPES.
 3. SEE SHEET AE641 FOR EXTERIOR FINISH SCHEDULE.

architecture
 engineering
 planning
OAK POINT
 ASSOCIATES
 16 WESLEY STREET, PORTSMOUTH, NEW HAMPSHIRE 03801
 (781) 883-4343 FAX (781) 883-1312
 www.oakpoint.com

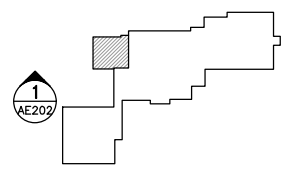
50% SUBMISSION
 02-04-26

DESIGNED BY: BML
 DRAWN BY: RMT
 CHECKED BY: XXX
 PROJECT: 22-002.05

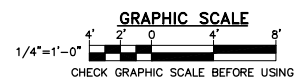
SAINT PATRICK ACADEMY
 315 BANFIELD ROAD
 PORTSMOUTH, N.H. 03801

SAINT PATRICK ACADEMY LIBRARY EXPANSION
 315 BANFIELD ROAD
 PORTSMOUTH, N.H. 03801

SOUTH EXTERIOR ELEVATION



KEY PLAN
 NOT TO SCALE
 PLAN NORTH



NO.	DATE	DESCRIPTION	BY

SCALE: AS NOTED
 DATE: 02-04-26

DWG.: **AE202**

SHEET: **X** OF **XX**



Area of Proposed Addition



Right Elevation of School Building



**Front Elevation of School Building
(Showing area of proposed addition)**



**Partial Front Elevation of School Building
(Showing area of proposed addition)**

BY: VIEWPOINT & HAND DELIVERY

April 13, 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,

Per our conversation last week, this is to confirm that it is the City's opinion that no variance is needed from Section 10.331 of the Zoning Ordinance. As indicated in our call, I included a variance request from Section 10.331 of the Ordinance with my client's application out of an abundance of caution. It is my understanding that this variance request is now moot and that the only variance needed is from Section 10.334 of the Ordinance, which makes perfect sense to me.

Sincerely,



Derek R. Durbin, Esq.

II. OLD BUSINESS

B. WITHDRAWN The request of **Road to the West, LLC (Owner)**, for property located at **140 West Road** whereas relief is needed to create an outdoor dining area, which requires the following: 1) Variance from Section 10.440 Use #19.50 to allow an outdoor dining or drinking area, as accessory use where it is not allowed. Said property is located on Assessor Map 252 Lot 2-13 and lies within the Industrial (I) District. **WITHDRAWN** (LU-26-34)

Planning Department Comments

Applicant has withdrawn the request



CELEBRATING 40 YEARS OF SERVICE TO OUR CLIENTS

PLEASE REPLY TO
111 MAPLEWOOD AVE, STE. D
PORTSMOUTH NH 03801

LIZABETH M. MACDONALD
ROBERT M. DEROSIER
CHRISTOPHER L. BOLDT
DOUGLAS M. MANSFIELD
KATHERINE B. MILLER
CHRISTOPHER T. HILSON
HEIDI J. BARRETT-KITCHEN
ERIC A. MAHER
CHRISTOPHER D. HAWKINS
JOHN K. BOSEN
ELAINA H. SMITH
WILLIAM K. WARREN
COURTNEY P. VAUGHAN
KATIE A. MOSHER

OF COUNSEL
MOLLY C. FERRARA
SCOTT S. ANDERS

RETIRED
MICHAEL J. DONAHUE
CHARLES F. TUCKER
ROBERT D. CIANDELLA
JOHN J. RATIGAN
DENISE A. POULOS
SHARON CUDDY SOMERS
NICHOLAS R. AESCHLIMAN

May 6, 2026

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

RE: Road to the West, LLC (Applicant)
140 West Road, Tax Map 252, Lot 2-13

Dear Chair Margeson and Board Members:

Please accept this letter as the Applicant's request to withdraw from the hearing on the Application regarding the above-referenced property from the Zoning Board of Adjustment's agenda for the meeting on May 19, 2026.

If you have any questions or require additional information, please do not hesitate to contact me.

Yours truly,

John K. Bosen, Esq.
jbosen@dtclawyers.com

Enclosures

Cc: Road to the West, LLC

DONAHUE, TUCKER & CIANDELLA, PLLC
16 Acadia Lane, P.O. Box 630, Exeter, NH 03833
111 Maplewood Avenue, Suite D, Portsmouth, NH 03801
Towle House, Unit 2, 164 NH Route 25, Meredith, NH 03253
83 Clinton Street, Concord, NH 03301

II. OLD BUSINESS

C. The request of **Port Hunter LLC (Owner)**, for property located at **361 Miller Avenue** whereas relief is needed to construct a detached garage with a professional office space on the second floor, which requires the following: 1) Variance from Section 10.573.20 to allow a) 6 foot side yard where 10 feet are required, and b) 10 foot rear yard where 20 feet are required; and 2) Variance from Section 10.440 Use #5.10 to allow a professional office use where it is not permitted. Said property is located on Assessor Map 131 Lot 33 and lies within the General Residence A (GRA) District. (LU-25-76)

Existing & Proposed Conditions

	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	6-unit Multi-family	*Demo existing detached garage and construct new detached garage in new location with professional office space on the second floor	Primarily Residential
<u>Lot area (sq. ft.):</u>	9,921	9,921	7,500 min.
<u>Lot Area per Dwelling Unit (sq. ft.):</u>	1,653.5	1,653.5	7,500 min.
<u>Lot depth (ft.):</u>	131.5	131.5	100 min.
<u>Street Frontage (ft.):</u>	75.8	75.8	70 min.
<u>Front Yard (ft.):</u>	>15	>15	15 min.
<u>Right Side Yard (ft.):</u>	Garage: 4	Garage: >10	10 min.
<u>Left Side Yard (ft.):</u>	Garage: >10	Garage: 6	10 min.
<u>Rear Yard (ft.):</u>	Garage: 21	Garage: 10.5	20 min.
<u>Building Coverage (%):</u>	23.9	26	25 max.
<u>Open Space Coverage (%):</u>	39.5	34.6	30 min.
<u>Height (ft.):</u>	Garage: <35	Garage: 24.5	35 max.
<u>Parking</u>	8	9	8
<u>Estimated Age of Structure:</u>	1880	Variance request(s) shown in red.	

*Professional office use is not allowed in the GRA

Other Permits/Approvals Required

- TAC / PB Amended Site Plan Approval
- Building Permit

Neighborhood Context



Previous Board of Adjustment Actions

July 15, 2025 – The Board **granted** the request to demolish the existing detached garage and construct a new detached garage which requires the following: 1) Variance from Section 10.521 to allow a building coverage of 26% where a maximum of 25% is permitted; 2) Variance from Section 10.573.20 to a) allow an accessory building with a 10.5 foot rear setback where 20 feet is required; and b) a 6 foot left side yard setback where 10 feet is required.

Planning Department Comments

The applicant is proposing to demolish the existing dilapidated one-story detached garage on the property and to construct a new 24' x 24', two-story, two-car garage in the northeasterly corner of the property. The proposed garage requires relief for left side yard setback and rear yard setback.

The applicant was granted relief for a similar project at the [July 15, 2026 BOA meeting](#). This new proposal includes a 2.5 foot increase in height and professional office space on the second floor of the new structure.

Variance Review Criteria

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

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

AND

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

OR

 - (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.

COLBY T. GAMESTER

Attorney At Law
Licensed in NH

144 Washington Street
Portsmouth, New Hampshire 03801

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

March 25, 2026

SUBMITTED VIA VIEWPOINT & HAND DELIVERED

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

**Re: Variance Application of Port Hunter, LLC
361 Miller Avenue, Portsmouth, NH (Tax Map 131, Lot 33)
LU-25-76**

Dear Chairwoman Margeson:

My office represents Port Hunter, LLC, the owner of property located at 361 Miller Avenue. 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 - Proposed Site Plan
5. Exhibit C - Architectural Renderings

Given the prior history of this Property and project, as well as the events that have occurred since the July 2025 Board hearing and approvals, it is possible that the Applicant may require more than the allotted fifteen (15) minutes for its presentation and respectfully requests that the Board grant an exception to the same.

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; Ross Engineering LLC; Tuscher Design Group (all via email only)

LANDOWNER LETTER OF AUTHORIZATION

I, the Undersigned, Elizabeth Pesce, as a member of Port Huner, LLC, the record owner of real property located at 361 Miller Avenue, Portsmouth, New Hampshire 03801, identified on Portsmouth Tax Map 131 as Lot 33 (the "Property"), hereby authorize Gamester Law Office, and its attorneys and representatives, Ross Engineering, LLC, and its representatives, and Tuscher Design Group, 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.


Elizabeth Pesce, Member

3/21/2025
Date

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

Owner and Applicant
Port Hunter, LLC
56 Piscataqua Street
New Castle, NH 03854

For Property Located At:
361 Miller Avenue
Portsmouth, NH 03801

Introduction and Relevant Historical Information

Port Hunter, LLC (“Owner”) is the owner of real property located at 361 Miller Avenue, identified on Portsmouth Tax Map 131 as Lot 33 (the “Property”). The Property lies in the General Residence A (“GRA”) zoning district, contains approximately 9,921 square feet (0.23 acres), and is improved with a single multi-family dwelling structure containing six (6) dwelling units, together with accessory structures and improvements. The Property maintains four (4) pre-existing nonconformities with respect to dimensional standards, including frontage, lot area per dwelling unit, and side-yard setbacks along both the northern and southern boundaries.

These existing conditions can be seen on a plan entitled “Existing Conditions Plan, 361 Miller Ave., Portsmouth, NH 03801, Tax Map 131, Lot 33” drawn by Ross Engineering, LLC, dated May 10, 2024, which is enclosed herewith as **Exhibit A**.

In 2021, the Owner, specifically Elizabeth, Tim, and Jameson Pesce, the underlying members of the LLC, purchased the Property and promptly undertook a comprehensive interior and exterior renovation of the property and all six (6) units to bring the structure into full compliance with current building codes while preserving its historic character. At the time of purchase, the existing two-car garage (approximately 20.5' x 20.5') was in a state of significant disrepair: the wood frame and structure were failing, and the concrete slab was deteriorating. The overall deteriorating conditions were exacerbated by the root system of a magnificent 210+ year-old silver maple tree located immediately adjacent to the garage in the southeast corner of the lot. The tree is certified through the New Hampshire Big Tree Program as one of the largest and oldest silver maples in Rockingham County. Rebuilding the garage in place would have required excavation and foundation work that would have threatened the tree’s health and longevity.

In May 2025, the Owner submitted an application seeking dimensional variances to demolish the existing garage and construct a new 24' x 24', two-story, two-car garage in the northeasterly corner of the Property. That application also addressed building coverage (proposed 25.6% where 25% is permitted), rear-yard setback (10.5' where 20' is required under Section

10.573.20), and left side-yard setback (6.0' where 10' is required under the same section). After a public hearing on July 22, 2025, the Zoning Board of Adjustment unanimously granted all requested relief (LU-25-76). The Board's decision recognized that the relocation would protect the historic tree, improve drainage and parking, enhance open space, and create a more functional and aesthetically pleasing site without adverse impacts to the neighborhood or public welfare.

These proposed conditions, the majority of which have been previously approved by the Board, namely the placement of the 24'x24' garage, can be seen on a plan entitled "Site Plan, 361 Miller Ave., Portsmouth, NH 03801, Tax Map 131, Lot 33" drawn by Ross Engineering, LLC, dated May 21, 2025, revised through March 24, 2026, which is enclosed herewith as **Exhibit B**.

A proposed office use on the second floor of the new garage has been part of the Owners' vision from the very beginning of the project, the ideations of which began years ago. The idea was first discussed with Planning Staff during the Owners' initial meeting with the Department in 2024, and it was revisited in subsequent conversations with both Staff and undersigned counsel as the plans were refined and all required zoning relief was identified.

The second-floor layout has always included a bathroom and storage areas alongside the office space itself. When a member of the public submitted public comment questioning the need for a bathroom and if the space would ever be used as a dwelling, the Owners promptly realized that the architectural plans incorrectly identified the open space on the second floor as "storage" and not "office" and, further, promptly submitted a supplemental memorandum to the Board clarifying that the space was intended solely as a Home Occupation 1 for the Owners' exclusive personal use, and that space was not intended to be, nor would it ever be, used as a dwelling. That memo, and the Home Occupation 1 use, were reviewed and discussed during the July 2025 Board meeting and the application passed without objection on the dimensional relief requested and the discussion pertaining to the Home Occupation 1. It is also worth noting that at that time the Owners had previously discussed the application with the immediate abutters, including the proposed use of the second floor, and there was no objection to the same.

It was not until the Technical Advisory Committee review in February 2026, well over a years after initial discussions with Planning Staff and six months after the variances were granted, that the City identified an oversight that had been missed by all parties through no fault other than the natural evolution of a project: that Home Occupation 1 may not be appropriate. Productive and professional dialogue followed where Staff and undersigned counsel parsed the literal language of the Home Occupation definition in Section 10.440.

The Owners noted that nothing in the ordinance expressly requires the property owner to reside on-site, yet Staff referenced the Meriam-Webster definition of "home" to be one's dwelling or residence. Though we still respectfully disagree that the label of the use should not be more controlling than the definition, undersigned counsel and Staff then correctly observed that the Home Occupation use applies only to an "existing" accessory building or dwelling. Because the

garage was and is new construction, not yet completed, the use could not technically qualify as Home Occupation 1 until constructed.

All parties agreed that in order to proceed the most accurate classification under the Table of Uses is "Professional Office," a use not permitted in the GRA district. The discovery was unfortunate in its timing but fortunate in its collaborative spirit; it allowed the project to move forward transparently rather than risk a later enforcement issue.

The second-floor office itself is approximately 310 square feet of usable office and related storage (within the overall 576-square-foot gross floor area of the second level, which also includes the bathroom and closet). It will be used solely by the Owner, the members of Port Hunter, LLC, for personal and property-management purposes. The space will also be used to reduce the current number of rented controlled climate storage units, currently at five. The climate controlled second floor will allow for safe storage of historical and genealogical documents, and administrative work related to the many rental units on the Property and throughout the City. Ultimately, the space will be a quiet refuge for the Owner's personal and business affairs.

There will be no employees, no client or customer visits, no signage, and no deliveries beyond ordinary postal service. This use is low-impact and functionally akin to the Home Occupation 1 that *is* expressly permitted in the GRA district; the only material differences being the new-construction status of the accessory structure and the fact that none of the Owners reside on-site. In other practical perspectives, the space operates exactly like a property management office that is often found onsite at rental properties in the City, such as 263 Rockland Street or the Margeson Apartments (albeit on a far smaller and personal scale). It is simply an incidental, owner-only office refuge included in the garage that serves the residential rental operation, preserving rather than altering the residential character of the Property and the neighborhood. Furthermore, it behooves the Owners to not commercialize the Property which could otherwise affect the primary purpose of the Property as serving residential tenants.

The classification of the second-floor space as a Professional Office requires compliance with commercial building-code standards, including revised stair geometry and headroom. To maintain the originally approved architectural character, ceiling heights, and usability of the interior space without external redesign of the roof line, the peak height of the garage has been increased to 26'6" (approximately 2.5' taller than the previously represented 24'). Because Section 10.573.20 ties the minimum setback for an accessory building to "the height of the building or the applicable yard requirement, whichever is less," this modest vertical change increases the intensity of the already approved non-conformity within the side and rear-yard areas.

The updated design and dimensional information of the garage are represented in the updated architectural renderings, elevations and floor plans of the drawn by Brayden Tuscher of Tuscher Design Group, which are enclosed herewith as **Exhibit C**.

The Owners note that the design and dimensions contained in the architectural renderings are preferred regardless of the Board's determination on the proposed use.

Zoning Relief Requested

In summary, the Owner respectfully requests the following variances from the Zoning Ordinance so that the previously approved garage may be constructed with the refined design and authorized use:

1. A variance from Section 10.573.20 to allow an accessory building to be set back from any lot line at least the height of the building or the applicable yard requirement, whichever is less (10 feet), within the side yard setback where 10 feet is required and 6.0 feet is proposed.
2. A variance from Section 10.573.20 to allow an accessory building to be set back from any lot line at least the height of the building or the applicable yard requirement, whichever is less (20 feet), within the rear yard setback where 20 feet is required and 10.7 feet is proposed.
3. A variance from Section 10.440 (Table of Uses) to permit a Professional Office as an accessory use on the second floor of the approved garage, where such use is otherwise not permitted in the GRA district.

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 dimensional relief requested is identical in footprint and location to that previously granted by this Board in July 2025. The only change is a modest 2.5-foot increase in peak height necessitated by commercial-code compliance for the stairs and ceiling height of the professional office. The garage will continue to be “tucked away” in the northeasterly corner, improving site lines, open space, and drainage while protecting the historic tree.

The use variance for the Professional Office likewise introduces no new impacts: the space is strictly for the Owners' personal and property-management use, and for storage, generates no additional traffic, employees, clients, or deliveries, and creates no odor, noise, or visual change beyond the approved structure. The proposal remains fully consistent with the residential character of the GRA district and the spirit of the Ordinance, which permits accessory uses (including Home Occupation 1) that are low-impact and incidental to residential ownership.

Granting the variances simply recognizes a reasonable, owner-specific accessory office in a structure this Board has already found appropriate.

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 Owner is clear if the variance relief sought is denied. Regarding the Professional Office use, the Owners would be deprived of a practical, low-impact office and storage area that has been part of the project vision from its inception; where accessory storage is allowed in every district and where office is permitted use as Home Occupation 1. This general office use received no objection, or in the very least warranted no substantive deliberation, in its first iteration in the Summer of 2025. The public gains nothing by such denial. Regarding the increased height, the footprint remains the same, the garage remains tucked away in the northeasterly corner of the lot, and otherwise has no effect on abutters just like in the original application. Again, the public gains nothing by such denial.

Substantial justice is served by allowing the Owners to complete a project that this Board has already determined improves the Property, the tree’s health, and does not affect the immediate neighbors, and while providing the Owners a reasonable, private space to manage their rental properties and personal affairs.

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

The relief will not diminish surrounding property values. The garage location and footprint are unchanged from the previously approved design. The modest height increase is not visible from the street or most abutting properties in any meaningful way, and the architectural character remains consistent with the main dwelling. The Professional Office use introduces no commercial activity, signage, or traffic; it is invisible to the public and neighbors. As with the original approval, the project continues to replace a dilapidated eyesore with a well-designed accessory structure, improves drainage and open space, and enhances the overall appearance and functionality of the site.

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

(1) The Property has special conditions that distinguish it from surrounding properties.

The Property is distinguished from surrounding properties by its existing and long-established use and configuration. It is a relatively large multi-family structure and residential property in a neighborhood comprised primarily of single-family homes and smaller multi-family dwellings, and it predates current zoning. It also contains pre-existing nonconformities as to setbacks and lot coverage. Most significantly, the Property includes a unique site condition in the form of the historic silver maple tree, together with the Board-approved relocation of the garage to the northeasterly corner of the lot, which together create a highly particularized site layout and functional arrangement not shared by surrounding properties.

The Property is therefore not a typical GRA lot. It is an existing multi-family residential property with unusual site constraints, an already approved accessory structure in a fixed and logical location, and an ownership use that is directly tied to the operation, oversight, and stewardship of the Property itself. The second-floor office is not proposed as a separate commercial enterprise, nor as a general office open to the public, but rather as a small, accessory, owner-only administrative space incidental to the ownership and management of this Property and other residential holdings in the City.

These conditions distinguish the Property from surrounding parcels in a meaningful way. Unlike the typical single-family or smaller residential lots in the neighborhood, this Property reasonably lends itself to a modest on-site administrative space associated with the ownership and management of a six-unit residential building, especially where the space is fully contained within an accessory structure already found by this Board to be appropriate for the site.

These special conditions make literal enforcement of the setback and use provisions uniquely burdensome here.

(2) Owing to these special conditions, there is no fair and substantial relationship between the general purposes of the Ordinance provisions and their specific application to the Property; and the proposed use is a reasonable one.

With respect to the requested use variance, the purpose of excluding professional office uses from the GRA district is plainly to prevent the intrusion of commercial activity that would alter neighborhood character or adversely affect public welfare, including customer traffic, employees, signage, noise, deliveries, or the outward appearance of a business use in a residential area. Literal enforcement of the Ordinance in this case, however, does not materially advance those purposes.

The proposed office is extremely limited in scope and intensity. It consists of approximately 310 square feet of office and related storage space within the second floor of the approved garage. It will be used solely by the Owners for personal, administrative, and property-management purposes. There will be no employees, no clients or customers visiting the site, no signage, no public-facing business activity, and no deliveries beyond ordinary mail. The space will not be rented to third parties, and it will not be used as a dwelling. In practical effect, the proposed use is invisible to the public and to neighboring properties and will function as a quiet, incidental accessory use serving the residential Property.

As applied here, the Ordinance sweeps more broadly than its underlying purpose. Although the Table of Uses leads us to the proposed space as a "Professional Office," the actual use proposed bears none of the characteristics typically associated with the kind of office activity the Ordinance seeks to exclude from a residential district. The use is instead functionally akin to the type of low-impact accessory activity the Ordinance already tolerates in residential settings, including home occupation type uses, except that the space here cannot technically qualify under that classification because the accessory structure is not yet constructed and because the Owners do not reside on-site. Those technical distinctions do not alter the actual character or impact of the use.

The dimensional relief requested is likewise reasonable and bears no fair and substantial relationship to the purposes underlying the setback requirement as applied here. This Board has already determined that the relocated garage footprint and placement in the northeasterly corner are appropriate because that location protects the historic silver maple, improves drainage and parking, and enhances the functionality and appearance of the site. The present application does not seek to move or enlarge that footprint. Instead, the requested setback relief is triggered only because the second-floor use classification requires compliance with applicable building-code standards, which in turn necessitated a modest increase in the peak height of the garage. Because the Ordinance ties the required setback to building height, that limited vertical change technically increases the degree of setback nonconformity, even though the garage remains in the same previously approved location and continues to produce the same practical site relationship to abutters and the neighborhood.

In these circumstances, literal enforcement of the setback and use provisions does not bear a fair and substantial relationship to the Ordinance's general purpose as applied to this Property. Denial would prohibit a reasonable, owner-only accessory use and would require redesign of a garage that this Board has already found to be the logical and appropriate solution for the site, despite the absence of any material new adverse impact. The requested relief is therefore reasonable and avoids the unnecessary hardship that would result from rigid application of the Ordinance to this particular Property.

The hardship here was not created by the Owners. The underlying conditions giving rise to the request include the Property's historic and unusual multi-family configuration, its pre-existing nonconformities, the location and preservation needs of the historic silver maple tree, the Board-approved placement of the garage, and the later determination by City staff and the Technical

Advisory Committee that the second-floor space could not technically qualify as a Home Occupation 1 and instead fell within the “Professional Office” category. That classification issue arose through the evolution and refinement of the project and was not the product of any bad faith, manipulation, or attempt to circumvent the Ordinance.

Similarly, the dimensional hardship was not self-created merely because the revised height now necessitates renewed setback relief. The garage footprint and location were previously approved by the Board based on the unique physical conditions of the site, and the modest increase in height arose only from code-compliance refinements associated with the clarified use classification, not from any effort to intensify the structure’s footprint, relocate it, or expand its neighborhood impact.

From the outset, the Owners contemplated a small second-floor office and storage area for their own use in connection with the Property. That concept was openly discussed during the planning process and was not concealed. The present request arose only after collaborative review clarified that, notwithstanding the low-impact and accessory nature of the use, the most accurate label under the Ordinance was “Professional Office.” The resulting hardship is therefore a function of the Property’s unique circumstances and the technical application of the Ordinance to those circumstances, not any self-created condition.

The Ordinance cannot adequately address every possible type of use or dimensional hypothetical situation, and if it did it would be thousands of pages long. Here, the proposed use of Professional Office simply exposes a gap in the Ordinance for precisely this low-impact, incidental office use by a non-resident owner of multi-family dwelling property in the GRA District. Literal enforcement would preclude a reasonable and customary accessory use that this Board has already implicitly endorsed through the original approval and public hearing. The use is entirely reasonable, consistent with the Ordinance’s allowance of home occupations and accessory structures, and will have no greater impact than the storage and office space originally discussed.

Proposed Stipulations

To further assure the Board that the Professional Office will remain low-impact and residential in character, the Owner proposes the following reasonable stipulations as conditions of approval:

1. The second-floor space shall be used solely by Owners of the Property, and shall not be otherwise rented to any tenant or third party.
2. The second floor space will not be used as a space for employees, or for regular meetings with and of other members of the public.
3. No signage of any kind shall be permitted.
4. The space shall never be converted to a dwelling unit.

Conclusion

The Owner has demonstrated that the updated application satisfies all five statutory criteria for the requested variances. This submission is not a new project but a modest refinement of one this Board has already found worthy of approval. The dimensional changes are driven by code compliance for an office space that has always been part of the Owners' vision, and the use itself is a private, low-impact accessory activity that fills a logical gap in the Ordinance while preserving the residential character of the GRA district. The Owner respectfully requests that the Board grant the three variances as presented and advertised so that the approved garage may be constructed with the refined design and authorized use.

Dated: March 25, 2026

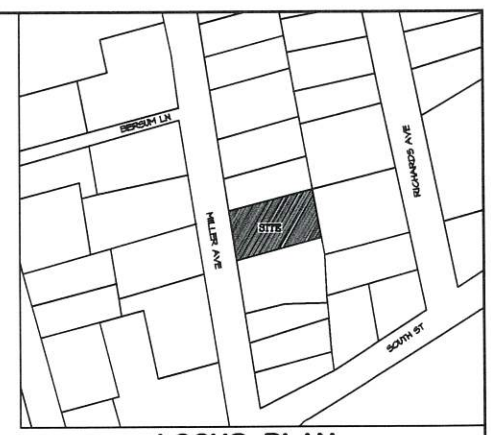
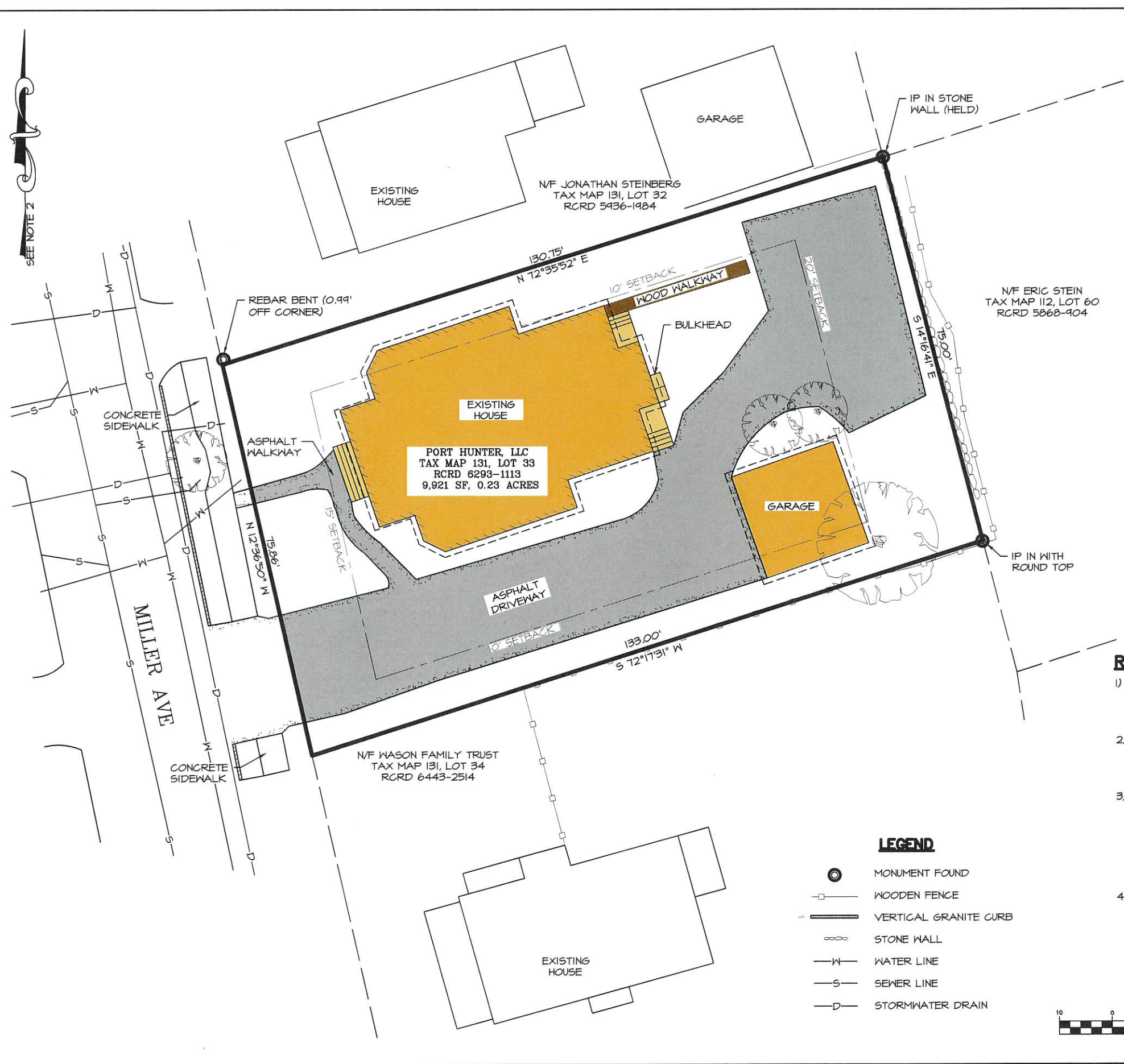
Respectfully submitted,
PORT HUNTER, LLC
By and through their Attorney,



Colby T. Gamester, Esquire
Gamester Law Office
144 Washington Street
Portsmouth, NH 03801
603-427-0000
colby@gamesterlaw.com

EXHIBIT A

SEE NOTE 2



LOCUS PLAN
N.T.S.

NOTES

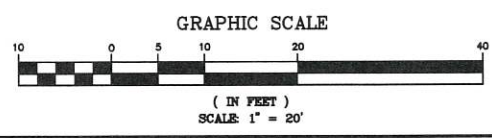
- OWNER OF RECORD:
PORT HUNTER, LLC
TAX MAP 131, LOT 33
361 MILLER AVE
PORTSMOUTH, NH 03801
RCRD: 6293-1113
AREA: 9,921 SF, 0.23 ACRES
- BASIS OF BEARING HELD FROM PLAN REFERENCE #1.
- PARCEL IS IN GENERAL RESIDENCE A ZONE (GRA):
MINIMUM LOT AREA.....7,500 SF
MIN. LOT AREA PER DWELLING UNIT.....7,500 SF
MINIMUM FRONTAGE.....100 FT
MINIMUM DEPTH.....70 FT
SETBACKS:
FRONT.....15 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%
- THE PARCEL IS NOT WITHIN A FEMA FLOOD ZONE, AS PER FLOOD INSURANCE RATE MAP #33015C0259F, PANEL 259 OF 681, DATED JANUARY 29, 2021. VERTICAL DATUM IS NAVD 1988.
- LOCATION OF EXISTING UTILITY LINES SHOWN ON PLAN ARE BASED FROM INFORMATION PROVIDED BY PORTSMOUTH D.P.W. IN JANUARY 2026. EXACT LOCATION OF UTILITIES MAY VARY. ADDITIONAL UTILITY LINES MAY EXIST.

REFERENCE PLANS

- "PLAN SHOWING PROPERTY OF EMERY BOYNTON & GAIFFIN, PORTSMOUTH NH" DATED OCTOBER 1898 BY L.E. SCRUTON. RCRD 00125.
- "PLAN OF LOTS IN PORTSMOUTH NEW HAMPSHIRE FOR M.J. GRIFFIN" BY WN A. GROVER. DATED MARCH 31, 1914. RCRD 062.
- "STANDARD PROPERTY SURVEY, TAX MAP 112 LOT 6, PROPERTY OF THE MCAULIFFE FAMILY REVOCABLE TRUST OF 2011, 452 & 460 RICHARDS AVENUE PORTSMOUTH, NEW HAMPSHIRE COUNTY OF ROCKINGHAM" BY MSC CIVIL ENGINEERS & LAND SURVEYORS, INC. DATED SEPTEMBER 14, 2012. NOT RECORDED.
- "THE CONDOMINIUMS AT LINCOLN HILL MANOR SITE PLAN 352 & 354 MILLER AVE" FOR WILLIAM H HOAGLAND & LEAH A ORTON, KENNETH & BEVERLY BELLEVUE & KAREN M DRISCOLL" BY ROSS ENGINEERING. DATED MARCH 26, 2018 RCRD D-40723.

LEGEND

- ⊙ MONUMENT FOUND
- WOODEN FENCE
- VERTICAL GRANITE CURB
- STONE WALL
- W WATER LINE
- S SEWER LINE
- D STORMWATER DRAIN



3	3/24/2026	ZBA SUBMITTAL
4	2/2/2026	TAC WORK SESSION
3	5/21/2025	ZBA SUBMITTAL
ISS.	DATE	DESCRIPTION OF ISSUE
SCALE 1" = 20'		
CHECKED	A.ROSS	
DRAWN	D.D.D.	

ROSS ENGINEERING, LLC
Civil/Structural Engineering
& Surveying
909 Islington St
Portsmouth, NH 03801
(603) 433-7560

CLIENT
ELIZABETH PESCE
361 MILLER AVE
PORTSMOUTH, NH 03801

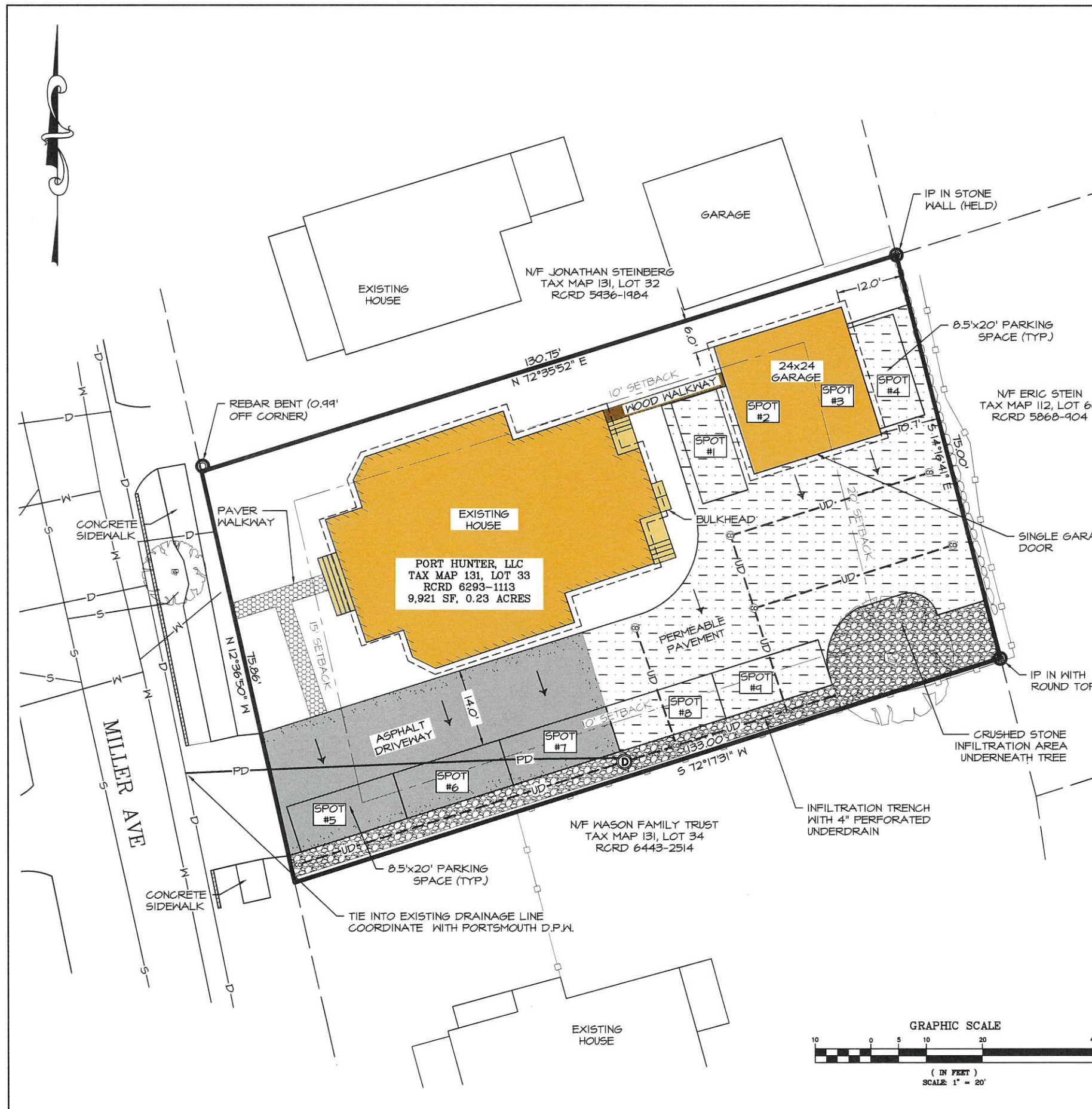
TITLE

EXISTING CONDITIONS PLAN

361 MILLER AVE
PORTSMOUTH, NH 03801
TAX MAP 131, LOT 33

JOB NUMBER	DWG. NO.	ISSUE
23-035	1 OF 2	5

EXHIBIT B

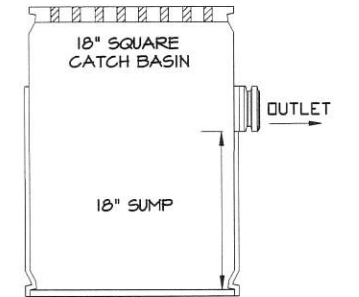
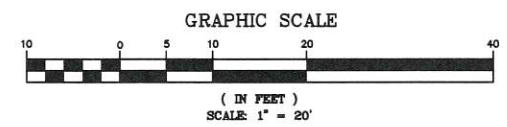


NOTES

- OWNER OF RECORD:
PORT HUNTER, LLC
361 MILLER AVE
PORTSMOUTH, NH 03801
RCRD: 6293-1113
AREA: 9,921 SF, 0.23 ACRES
- PARCEL IS IN GENERAL RESIDENCE A ZONE (GRA):
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.....15 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%
- COVERAGES:
BUILDING COVERAGE
EXISTING BUILDING COVERAGE
HOUSE.....1,883 SF
DECKS & STAIRS > 18".....65 SF
BULKHEAD.....11 SF
GARAGE.....412 SF
EXISTING STRUCTURE 2,371 SF
BUILDING COVERAGE 2,371 / 9,921 = 23.9%
PROPOSED BUILDING COVERAGE
HOUSE.....1,883 SF
DECKS & STAIRS > 18".....65 SF
BULKHEAD.....11 SF
GARAGE.....576 SF
PROPOSED STRUCTURE 2,535 SF
BUILDING COVERAGE 2,535 / 9,921 = 25.6%
OPEN SPACE
EXISTING OPEN SPACE
BUILDING COVERAGE.....2,371 SF
OVERHANG.....160 SF*
STAIRS < 18".....32 SF
ASPHALT.....3,371 SF
WOOD WALKWAY 70 SF
TOTAL LOT COVERAGE 6,004 SF
EXISTING OPEN SPACE = 9,921 - 6,004 = 3,917 SF
EXISTING OPEN SPACE = 3,917 / 9,921 = 39.5%
PROPOSED OPEN SPACE
BUILDING COVERAGE.....2,535 SF
OVERHANG.....132 SF*
STAIRS < 18".....32 SF
ASPHALT DRIVEWAY.....1,381 SF
PERMEABLE PAVEMENT DRIVEWAY.....2,631 SF
PAVER WALKWAY.....115 SF
WOOD WALKWAY 54 SF
TOTAL LOT COVERAGE 6,880 SF
PROPOSED OPEN SPACE = 9,921 - 6,880 = 3,041 SF
PROPOSED OPEN SPACE = 3,041 / 9,921 = 30.7%
- PARKING PROVIDED
7 PARKING SPOTS HAVE BEEN PROVIDED IN THE PROPOSED ASPHALT DRIVEWAY. 2 SPACES WILL BE PROVIDED IN THE PROPOSED GARAGE. 9 TOTAL SPACES HAVE BEEN PROVIDED.

*OVERHANG SHOWN IS THE ROOF OVERHANG THAT IS ABOVE PERVIOUS SURFACES. OVERHANG THAT IS OVER AN IMPERVIOUS SURFACE HAS NOT BEEN INCLUDED, SO AS TO NOT DOUBLE COUNT IMPERVIOUS AREAS.

- ### LEGEND
- ⊙ MONUMENT FOUND
 - WOODEN FENCE
 - ▬ VERTICAL GRANITE CURB
 - ∞ STONE WALL
 - W— WATER LINE
 - S— SEWER LINE
 - D— STORMWATER DRAIN
 - PD— PROPOSED STORMWATER DRAIN
 - UD— PROPOSED UNDERDRAIN



TYP. 18" ADS NYLOPLAST BASIN
N.T.S.

5	3/24/2026	ZBA SUBMITTAL
4	2/2/2026	TAC WORK SESSION
3	5/21/2025	ZBA SUBMITTAL
ISS.	DATE	DESCRIPTION OF ISSUE
SCALE 1" = 20'		
CHECKED	A. ROSS	
DRAWN	D.D.D.	

ROSS ENGINEERING, LLC
Civil/Structural Engineering & Surveying
909 Edington St.
Portsmouth, NH 03801
(603) 433-7560

CLIENT
ELIZABETH PESCE
361 MILLER AVE
PORTSMOUTH, NH 03801

TITLE

SITE PLAN

361 MILLER AVE
PORTSMOUTH, NH 03801
TAX MAP 131, LOT 33

JOB NUMBER	DWG. NO.	ISSUE
23-035	2 OF 2	5

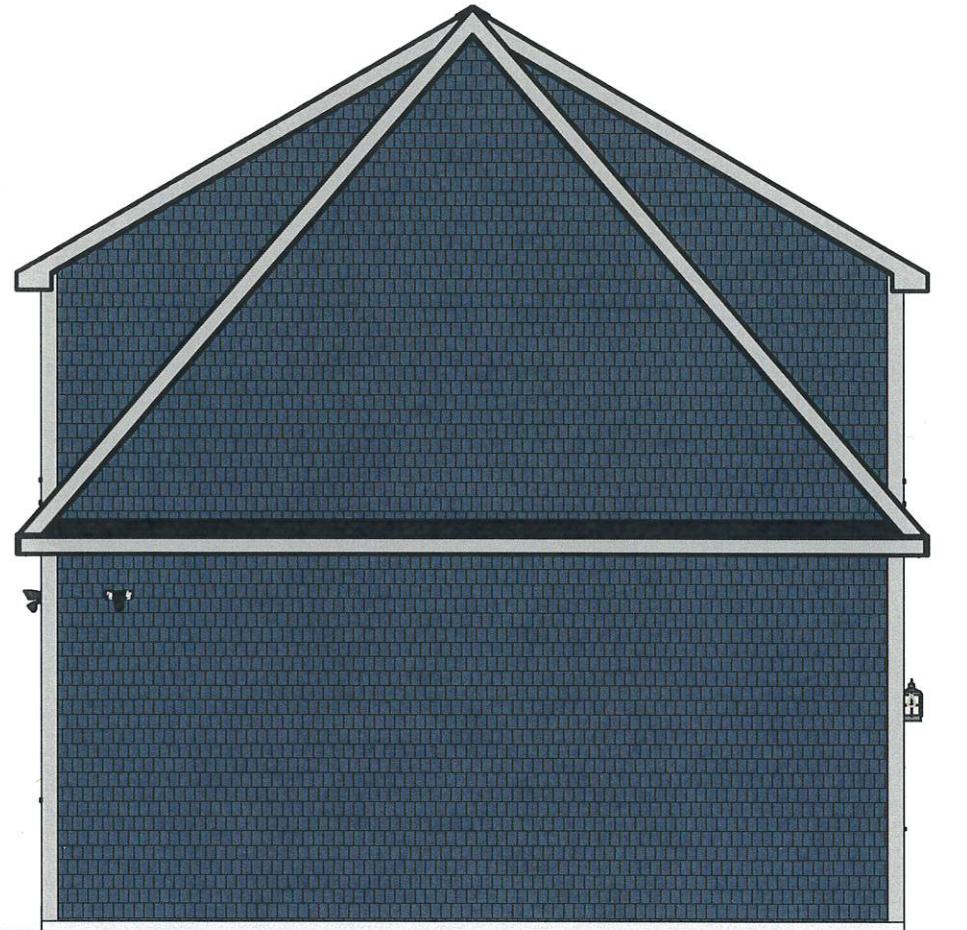




1) SOUTH



2) WEST



3) NORTH



4) EAST

VAKOTA
 architecture, pllc
 41 East 11th St, 11th Floor
 New York, New York 11225
 212.655.9875

PROJECT LINE:
PORT HUNTER, LLC
GARAGE
 361 MILLER AVE
 PORTSMOUTH, NEW HAMPSHIRE

SHEET TITLE:
EXTERIOR
ELEVATIONS

NO.	REVISION	DESCRIPTION	DATE

DATE: 03/23/2026
 SCALE: 3/16"=1'-0"
 SHEET NUMBER:
A4

II. OLD BUSINESS

- D. 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. (LU-26-12)

Planning Department Comments

Applicant has postponed consideration to the June BOA meeting.

Dear Portsmouth Board of Adjustment

We are requesting a postponement of Land Use Application LU-26-12. This postponement will allow us to refine the application and provide information clear up any confusion that was caused at the previous meeting. Thank you!

Justin Parker

5/13/2026

III. NEW BUSINESS

A. The request of **Portsmouth Historical Society (Owner)**, for property located at **43 Austin Street** whereas relief is needed to convert a single-family home to an office use which requires the following: 1) Variance from Section 10.440 (Use #5.10) to allow professional office space where it is not permitted. Said property is located on Assessor Map 127 Lot 27 and lies within the General Residence C (GRC) and Historic Districts. (LU-26-43)

Existing & Proposed Conditions

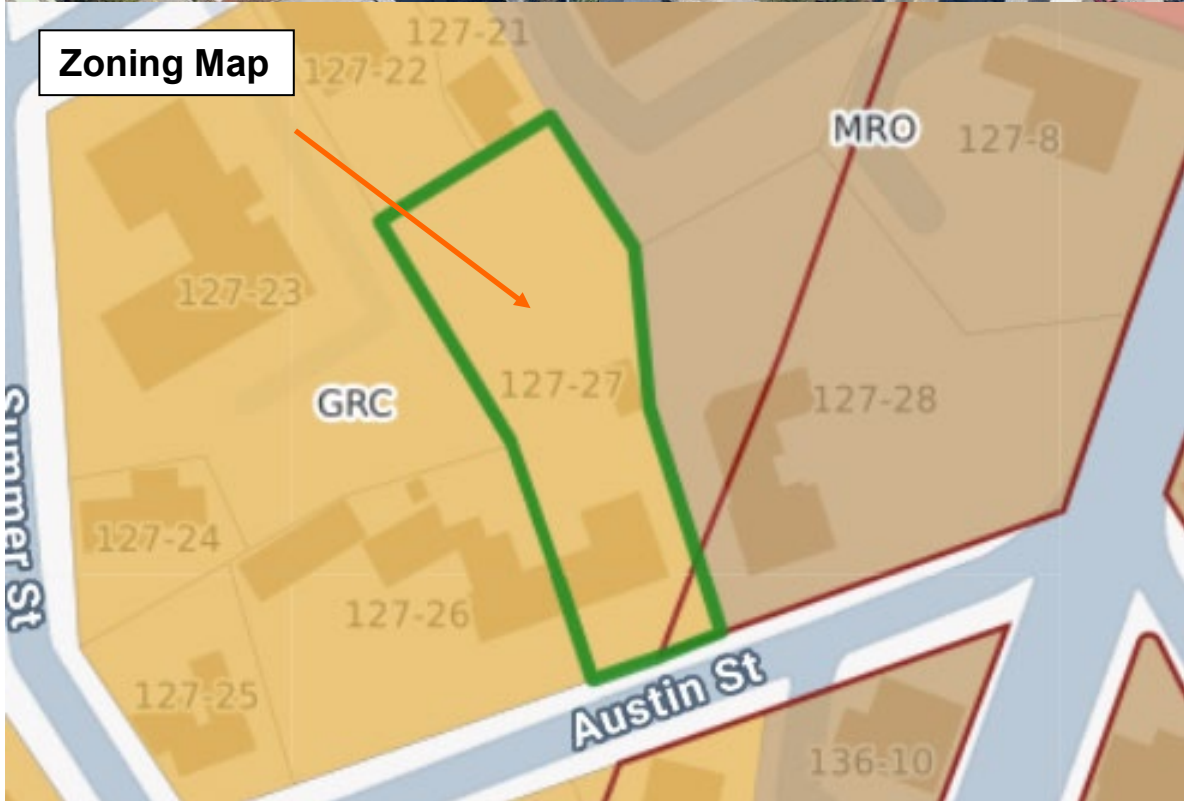
	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Single-family	*Convert existing space to professional office use	Primarily Residential
<u>Estimated Age of Structure:</u>	1801	Variance request(s) shown in red.	

*Professional office use is not allowed in the GRA

Other Permits/Approvals Required

- Tennant Fit Up – Building Permit
- Site Review – TAC and Planning Board

Neighborhood Context



Previous Board of Adjustment Actions

No previous history found.

Planning Department Comments

The applicant is requesting relief to convert the existing historic home to professional office space. If approved, this project will need Site Review approval to create the needed parking area.

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.



MEMORANDUM

TO: Portsmouth Zoning Board of Adjustment ("ZBA")
FROM: Emma Stratton, Executive Director
Portsmouth Historical Society
DATE: March 18, 2026
Re: Portsmouth Historical Society
43 Austin Street
Tax Map [127]/Lot [27]
General Residence C ("GRC")/Historic District Overlay ("HD")

Dear Chair Margeson and Zoning Board Members:

Portsmouth Historical Society ("PHS") respectfully submits this memorandum in support of its application for a Change of Use Variance from the Portsmouth Zoning Ordinance ("PZO") to allow professional office use at 43 Austin Street (Tax Map [127]/Lot [27]). PHS respectfully requests that the Zoning Board of Adjustment ("ZBA") grant the requested variance at its April 25 hearing.

I. EXHIBITS

-
- A. Historic Condition Assessment & Photographs of Existing Conditions— Arcove Architects
 - B. Site/Tax Map — Tax Map [127], Lot [27]
 - C. Property Deed and Deed Restriction — Peter Beck Trust

II. PROPERTY / PROJECT

43 Austin Street is a 5,000-square-foot single-family residence located in the General Residence C ("GRC") district and the Historic District Overlay ("HD") (the "Property"). The Property is listed as contributing on the National Register of Historic Places and is known locally as the "Dynamite House," a name derived from its former owner's practice of storing (and using) dynamite on the premises. It was the former home of Dr. Peter Beck and Mrs. Beck.

The Property was bequeathed to PHS by Dr. Beck in 2021 with a deed restriction providing that it may never be sold by PHS. At the time of the bequest, the Property was in seriously deteriorating condition. Since 2021, PHS has invested substantial time and financial resources to prevent further deterioration while carefully evaluating all responsible pathways for the Property's future. Despite these efforts, the unoccupied structure continues to decline and remains an ongoing neighborhood concern.

Shortly after taking title, PHS commissioned a Historic Condition Assessment, which identified over \$800,000 in improvements required to return the home to serviceable condition, including a minimum of \$300,000 in essential stabilization and life-safety upgrades required before any occupancy could be presumed. Both figures are well outside PHS's budget.

PHS evaluated three neighborhood-compatible reuse scenarios before concluding that professional office use represents the most viable path to preserving the Property. PHS also notes that preliminary consultations with the City's Planning and Fire Departments gave PHS confidence that this variance application was the appropriate path forward. The Property is located immediately adjacent to property zoned Mixed Residential Office ("MRO"), further supporting the compatibility of the proposed use with the surrounding area. The compatible reuse scenarios explored were:

Single-family rental:

- Very small pool of prospective tenants for a home of this size.
- High vacancy risk between tenants; significant additional investment required.
- Projected return is unlikely to attract a development partner.

Conversion to multiple rental units:

- Interior configuration makes subdivision highly challenging.
- Multiple kitchens and bathrooms would substantially increase renovation costs.
- Limited number of possible units constrained partner interest.
- Subdivision would compromise historic interior elements worthy of preservation.

Professional office use (proposed variance):

- Requires the least additional investment beyond the stabilization and life-safety work already necessitated by the Property's condition.
- Professional office tenants commonly undertake historically sensitive interior build-out at their own expense, reducing the capital burden on PHS.
- Portsmouth's downtown office market supports demand for this type of space, and the Property's configuration and on-site parking are well suited to professional use.
- This use presents the most realistic opportunity for PHS to identify a partner capable of funding the rehabilitation necessary to stabilize the structure.

PHS proposes no expansion of the existing building footprint and no dimensional relief. All required parking can be accommodated on site based on the applicable parking ratio for the square footage of the structure and the available lot area. The proposed use does not require exterior alterations that would alter the residential character of the structure.

III. VARIANCE REQUIREMENTS

1. The variance will not be contrary to the public interest.

2. The spirit of the ordinance is observed.

The threshold inquiry is whether granting the variance is not contrary to the public interest and is consistent with the spirit and intent of the ordinance, considered together. PZO §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." These purposes are served, not undermined, by the proposed variance:

- Use of land and buildings — The Property will be stabilized for a quiet, low-impact professional use consistent with neighboring properties, which already include a church, multi-family residences, and an office building.
- Intensity of land use — No expansion of the existing building footprint is proposed; building coverage, height, and bulk remain unchanged.
- Vehicular access, circulation, and parking — No change. All parking accommodated on site.
- Visual environment — The proposed improvements will stabilize and enhance the appearance of a deteriorating historic structure, benefiting the streetscape and the neighborhood.
- Preservation of historic structures — The variance enables PHS to partner with a developer to fund the Historic Condition Assessment's recommended rehabilitation in accordance with historic preservation best practices. Denial risks continued deterioration.

The GRC district's purpose is to promote compatibility, protect neighborhood scale, and encourage orderly development. Professional office use within the existing structure maintains the Property's architectural character and residential scale while introducing a use that is demonstrably compatible with the surrounding neighborhood. The building will continue to read as a large historic home. Granting the variance therefore observes the spirit of the ordinance and does not conflict with its basic zoning objectives.

Moreover, this neighborhood already contains multiple large historic homes that have been successfully converted to professional offices, and the immediately adjacent parcel is zoned MRO. The proposed variance is consistent with that established pattern.

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

Absent the variance, viable reuse pathways for the Property become severely constrained. The hardship PHS faces is not of its own making: the Property's size, its condition at the time of the bequest, the deed restriction prohibiting its sale, and the applicable zoning classification are all circumstances PHS inherited — none were created by PHS. Continued maintenance without the ability to fund full rehabilitation risks prolonged vacancy, chronic underinvestment, and an ongoing drain on PHS's core educational and preservation mission. There is no public benefit in denying the variance; to the contrary, the community benefits from the rehabilitation and productive reuse of a deteriorating historic asset. Substantial justice is done by granting the variance, while a substantial injustice is imposed by denial.

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

The proposed improvements will stabilize and enhance the Property while eliminating conditions that currently diminish the streetscape. PHS has received positive feedback from abutters and neighbors who strongly support correcting the Property's current condition. Well-maintained, professionally occupied historic buildings have been successfully integrated throughout Portsmouth's residential neighborhoods and frequently serve as neighborhood anchors. Granting the variance will not diminish surrounding property values; denial risks the opposite.

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

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

The hardship arises from a unique combination of conditions specific to this Property: it is a large historic structure requiring substantial capital investment for stabilization and ongoing maintenance,

and it is legally prohibited from ever being sold by PHS under the terms of the Peter Beck Trust and the resulting deed restriction. These circumstances combine to create conditions that distinguish 43 Austin Street from other residential properties in the GRC district.

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

The hardship here is not self-created. PHS did not create the zoning, the size of the home, its deteriorated condition at the time of the bequest, or the deed restriction that prevents its sale. The purpose of use restrictions in the GRC district is to protect neighborhood scale and character. None of those purposes are impaired by permitting quiet professional office use within the existing footprint of this historic structure. The building's exterior character is preserved; no expansion is proposed; and the use is demonstrably compatible with abutting properties.

Restricting the Property exclusively to residential use, given the foregoing combination of circumstances, eliminates any economically viable path to rehabilitation and condemns the Property to continued deterioration. There is therefore no fair and substantial relationship between the ordinance's general public purposes and its specific application to 43 Austin Street.

IV. CONCLUSION

This application represents the minimum relief necessary to preserve a significant historic structure, address longstanding neighborhood concerns, and bring 43 Austin Street into productive use consistent with the established character of the surrounding area. PHS is not proposing an intensification of use. We are proposing a preservation strategy. The requested variance permits a quiet, professional use that protects a deteriorating historic structure, respects the neighborhood, and ensures this property remains an asset to Austin Street and to the history of Portsmouth for decades to come.

For all of the foregoing reasons, PHS respectfully requests that the ZBA grant the requested Change of Use Variance.

Respectfully submitted,

Emma Stratton
Executive Director
Portsmouth Historical Society
10 Middle Street, Portsmouth, NH 03801
director@portsmouthhistory.org
603-436-8433



Historic Building Condition Assessment

**Austin Pickering House
Portsmouth, NH**

December 1, 2022

Table of Contents

Part 1 – Introduction	Page 3
Part 2 – Character, Development & History of Property	Page 5
Part 3 – Existing Conditions Assessment	Page 13
Part 4 – Recommendations for Existing Building, core & shell maintenance and rehabilitation strategies	Page 17
Part 5 – Supplemental information <u>Appendices</u>	Page 21
A. Structural Report	
B. Code & Zoning Review	
C. Existing Conditions, Life Safety and Accessibility, and Proposed Treatment floorplans and elevations.	
D. Budgetary opinion of probable costs and Construction phasing schedule outline	
i. Phase 1: Building stabilization	
ii. Phase 2: Life Safety Code compliance	
iii. Phase 3: Accessibility Regulatory compliance	
E. Technical Briefs	
i. National Park Service	
ii. New York Landmarks Conservancy Technical Services Center	
iii. Building Science	

Part 1 – Introduction

This report pertains to the Austin Pickering House at 43 Austin Street in Portsmouth, New Hampshire. This building was first erected circa 1802 – 1804 and expanded in four phases between 1815-1867. Daniel Austin was the original owner. The building passed through several owners and configurations over the years and is currently owned by the Portsmouth Historical Society.

The project team includes Arcove Architects with structural review by Marty Gorham. The purpose and intent of this report is to assess the existing conditions and provide recommendations to ensure the character defining historic fabric of the building endures for future generations.

The building is historically significant because of its comparatively fine level of period architectural detail and craftsmanship, its locally unique connected wood building configuration, and its relation to significant local historic events. It is designated as a Contributing Resource in the National Register’s “Portsmouth Downtown Historic District”.

Investigations of existing conditions find the building to be generally sound but in need of repair. There is substantial cosmetic deterioration of interior and exterior finishes, and outdated mechanical, electrical and plumbing systems. There is structural decay at first floor framing due to basement moisture.

Advanced building envelope weathering due to deferred maintenance should also be addressed. The interior of the building demonstrates many areas of worn finishes, with some moisture damage evident at exterior walls; however, the original finish carpentry is mostly intact and of exemplary quality.

Specific recommendations of this report are at a minimum, to stabilize and restore the building in its current use as a single-family dwelling and in its configuration, to provide for continued service as a single-family dwelling, for purposes of meeting current life safety regulations, while protecting its historic character defining features. This is a recommended minimum baseline level of action to preserve the building. Any further change of use or spatial reconfiguration greater than 50% of any floor area will require an additional level of code improvements with corresponding costs and schedule impact.

There are some code leniencies which may be granted upon review by Authorities having Jurisdiction for historic structures such as this when equivalent alternative solutions are proposed by a registered design professional. Per the International Existing Building Code Chapter 12, and per Life Safety Code NFPA 101 Chapter 43.10.2 for rehabilitation of historic structures, a written evaluation is required to be submitted for review and approval to the local Authority Having Jurisdiction (AHJ) as prepared by registered design professional, demonstrating historic status; and documenting required safety features or proposed equivalents where life safety code required changes would be damaging to contributing historic features. This report may be co-authored by a preservation professional. This report is required to “protect the health and safety of the public” and per NFPA is not required if the building will be occupied solely for personal use by the owner and their immediate family.

Per IEBC-202.1&.3, this building qualifies as a “historic building” because it is listed as contributing in the National Historic Register Downtown Portsmouth District and is also eligible for individual listing in the National Register of Historic Places. Specifically, the Austin-Pickering House is listed to the National Register of Historic Places (NR) as a contributing resource to the Portsmouth Downtown Historic District with National Significance under Criterion A with its associations with Community Planning and Development. The building directly reflects early planning efforts of Portsmouth including its associations with early deed restrictions implemented by the house’s builder as part of

the development and expansion of Portsmouth, NH in the early 19th century and its back addition built in response to the passing of the 1814 Brick Act. The period of significance for this criterion runs from 1800 to 1932. The building is also listed to the NR with local significance under Criterion C for architecture as a strong example of the Federal Style in Portsmouth, part of a “collection of late seventeenth through early twentieth-century residential, commercial, and government buildings that exhibit popular national architectural styles.” Like most of the houses in this “collection,” the Austin Pickering House experienced modifications in the 19th and 20th centuries as the building was expanded and updated to reflect changing tastes and fashions. The period of significance for this criterion is 1801-1803 with subsequent significant alteration dates.

A unique condition of this property is the brick party (demising) wall shared with adjacent dwelling at the property line, and at the rear wall and entire ell of brick, which is attached to the front wood framed structures. This is indicative of the incremental expansion of the building, before, during, and after the Portsmouth Brick Act of 1814-1824. The first deed referencing the brick demising wall running north/south is with the transfer from Kimbal to Stearns in 1858 (0381-0027), although the wall was likely constructed earlier during the Brick Act period as was required for construction and additions exceeding 12 feet. The first mention of joint tenancy was in 1825 when Clagget & Richardson became tenants in common, dividing up the structure between them, and adding the east ell.

Fire separation and protection regulations have continued to evolve since then. Today, to comply with current life safety regulations, this demising wall along the property line requires additional fire stopping, with fire resistive treatments added at both sides of wall and at both sides of adjacent roofs and cornices. Selective non-invasive investigate demolition would be required to verify continuity of masonry to underside of roof sheathing and to inside faces of exterior wall sheathing; any gaps could be remedied with infill masonry, grout, or fire stopping materials. If a property on one side of the fire wall makes layout or occupancy changes, and the other side does not want to add the required fire resistive treatments, then alternative substitute approaches would need to be proposed to and approved by the AHJ (such as, for example, a brick firewall extending up through roof, or fire sprinkler systems at both sides of fire wall). Additionally, if there is a future change of use or spatial reconfiguration greater than 50% of any floor area, a fire protection sprinkler system will be required throughout the building on the respective side of firewall. This would apply to changes for either 43 or 53 Austin Street.

Part 2 – Character, Development & History of Property

The Austin Pickering House is a noteworthy example of American federal style architecture. The house was originally constructed circa 1802-4 around center stair hall floor plan, one room deep but with an unusual two-bay room addition with stair, at the west side. Incremental expansions occurred over time.

Exterior

The main façade of the house is arranged with a five-bay symmetry, with two full stories plus a short third story topped by a shallow hipped roof. A shorter, 3 story brick rear ell was added around 1816 in accordance with the Portsmouth Brick Act. The house was subdivided into two separately owned dwellings in 1825 (Richardson & Claggett, Rockingham County Deed 0251-0317). The west wall of central stair hall was the demarcation line. Deed transfers prior to 1825 describe the property as “undivided moiety”. After 1825, transfer deeds drop that terminology and henceforth describe specific portions of the property. The building was returned to a single-family dwelling in 1858. The parcel was then subdivided again in 1876 by Commodore Charles Pickering and a new 3 bay wing expanded the west room. This addition consisted of a 2-room deep 3-story hipped roof structure, with stair hall entry, thus creating a symmetric center entry 5 bay façade, balancing that of the original east structure. A small, one-story brick ell and possibly bulkhead was added to the rear of the east kitchen around this time. The exterior rear wall of the original house is also brick. Although mixed construction materials with wood fronts and masonry side “fire” walls were sometimes found in more densely built downtown areas, it was less common for outlying detached buildings on a spacious lots. In this case, because the rear ell was built during the Brick Act, and the original structure built between the first two great Portsmouth Fires (1802 & 1806), we find this unique arrangement to be a character defining element which tells the story of its time.

The ornamentation and details of the front structure include an elaborate flat arched open portico with bulls-eye corners, brackets, and balustrade. An unusual smaller projecting vestibule sits within the space under the portico, built of simple vertical boards with a cap molding, and oval windows; this appears to have been added as an airlock for winter weather. It does not appear in summer photographs from 1975. A large carved four-panel door is flanked by sidelights and a transom window.

Deeply carved cyma reversa dentils and end brackets support flat pediments over the front facing first and second story windows, recalling a scaled down version of the portico cornice brackets. A yet smaller scaled dentil moulding runs along the underside of a projecting roof soffit, atop a wide frieze band, which is interrupted partially by the simpler moldings of the smaller third floor windows. Wood block quoining at the corners transitions the wood clapboard siding around to the side façade. A shallow projecting water table forms a base to the clapboards, above a cut granite foundation at the front with brick on rubble stone foundation wall to the side.

The first and second floor windows of the front structure are 6 over 6 double-hungs most of which appear to be original; the third floor are 2 over 2 double-hungs of a later vintage. Modern aluminum storm windows are currently installed at the 2nd and 3rd floors; additional stored storm windows should be reinstalled at the 1st floor.

Windows at the rear brick ells are of varying vintages and configurations, mostly replacements with simple and heavy brickmolds. These windows themselves are arranged unsymmetrically and are of inconsistent sizes. Two large iron scrolled shutter dogs are located between upper floors west of

westernmost rear ell windows; these do not seem to align with where the shutters would have been and may have been installed decoratively.

Exterior window casings throughout still have shutter pintles, however the shutters seen in historic photographs are no longer in place. The original shutters are currently being stored in the rear porch for future installation. An ornate balustrade seen running along the edge of top front roof in historic photographs is also no longer in place.

The building currently has 3 brick chimneys – one at the front east side, and two at the rear brick ells. An original 4th chimney at the front west side has been removed. The two easterly chimneys have triple bishop's caps, while the west chimney has a three chambered flat masonry cap.

Interior

The interior maintains most of its original finish carpentry and features. Elaborate built-up cornice mouldings are typical of the lower rooms.

Stairs - A well-crafted ornate center staircase curves up from the 1st to 3rd floors. The tall built-up wall cornice with tightly spaced dentils integrates seamlessly with the exceptional curved, narrow fluted architrave of the staircase's inner stringers. An unusual midlevel landing between 2nd and 3rd floors provides doorway access to 3rd floor of rear brick ell through a bathroom. A simple and steep, enclosed secondary service staircase is in the rear ell.

Finish Carpentry - Wood wainscot board paneling, with chair rail and base board moldings, and plaster on lath above, are at the front 1st and 2nd floor rooms. The chair rail in the Living Room is carved with a repeating scroll detail. 3rd floor front rooms have plaster on lath with chair rail and base board. Some of the closets have built in shelves, drawers, and cupboards. Raised four and six paneled doors have ceramic knobs and skeleton keyed spring latches, a few have surface mounted box/rim locks.

Doors & Windows - The interior side of front door transom and sidelites are fitted with unique operable louvered shutters to control light and privacy. The front rooms of the house have remarkable and intricately crafted interior inset paneled hinged or sliding concealed shutters.

Walls and wallpaper - Most rooms have wallpaper, some of which appears to be original hand blocked prints such as at Living Room (Rm#2), with more recent variations at other room. Paper is in disrepair or damaged from wall moisture in many locations. Plaster and lath substrate exists throughout, except in a few of the smaller rear ell rooms which have newer painted gypsum board or wallpaper.

Fireplaces - Each room has a fireplace, some of which have been closed off or retrofitted with coal burning apparatuses. Fireplace surrounds in the front lower Living & Dining rooms are finely detailed with carved swags and egg and dart moldings, marble, or tile hearths, with simpler detailing at upper bedrooms. A strangely located ceramic stove pipe cover with winter forest scene, is mortared into the side of the second-floor front bedroom chimney, at floor level within a side closet.

Flooring - Flooring is a mix of original wide boards, some painted; with narrow light/dark hardwood strip flooring at main entry stair hall; and some carpeting at upper bedrooms. Contemporary tile flooring is found at the recently modernized rear kitchen and powder room. The upper front bedrooms have unique built-in marble topped washstands with antique hard plumbed sinks and faucets; the one in Bedroom (Rm#6 - second floor, west) is cracked.

Basement - The basement has been excavated slightly deeper than the original condition as evidenced by the brick shelf along foundation walls. There is an active open well with standing water, and another excavated opening in the floor which has been filled in with dirt. A large empty steel safe is in the NW corner under kitchen. A slightly trenched interior perimeter drainage way leads to evidence of what might have been a sump pump in the past, exiting to the rear of building. A few remnants remain of a few simple interior board partitions, glazed sashes, and shelves. At the area to the west of center stair bay, the framing is of irregularly matched timbers in more advanced stage of decay, than the areas to the east. Additionally, there is a substantial timber ledger along the north/rear wall, supporting crumbling brick and mortar between framing above. This appears to have been added shortly after the original floor framing was constructed and could be indicative of the c. 1825 rear brick wall additions.

Ownership History

The property was developed originally by Daniel Austin on land inherited by his wife Mary around 1802-1804, and included what is now both 43 and 53 Austin Street. Austin sold the property to William Clagget in 1815. The east part was sold in 1816 to William M. Richardson who fell gravely ill in 1818 and moved to Chester in 1819. The parcel was expanded with rear and side additions, owned by Clagget & Richardson as tenants in common in 1825. Richardson sold his side back to Clagget in 1833. Clagget went on to distribute portions of the property to his heirs and later sold the east portion to David Kimball. Thereafter the property at 43 Austin was distributed among Kimball's various heirs (Harris, Culbert) for several generations, and also some portions sold to non-family members Stearns, Hersey, Pickering and Beck. Many of these owners and their spouses held highly esteemed positions in society. The property at 43 Austin Street is currently under ownership of the Portsmouth Historical Society, having been bequeathed by Peter Beck. The following timeline details the deed transactions, however because there were so many estate inheritances, additional details could likely be gleaned from probate records.

Further information on some of the owners:

Daniel Austin

c. 1800 wife Mary inherits land in west end Portsmouth & he becomes major developer of Market Sq. and "Austinboro" house lots

1800 appears in US Census Portsmouth

1802 D. Austin of Portsmouth signs petition to lay out Summer Street

1802 Rundlet MSS map shows Austin Street; Summer & Rundlett Streets just proposed

House built by 1804 = Mr. [Daniel] Austin (ATH Treadwell insurance map shows house)

1805 ad. *NH Gaz.*: lots near "Middle Road opposite the mansion house of Mr. Austin"

1812 mss map - long, narrow rectangle plan

1813 printed map shows kitchen wing off W end

1815 D. Austin to Wm. Claggett, Esq. \$5,200 "buildings & outbuildings...which the said Austin lately occupied and improved as his Dwelling."

b. Charlestown, MA son of Daniel and Mary (Penhallow) Austin; d. Kittery, 1877. Moved to Portsmouth ca. 1801 and worked as a teacher; graduated from Dartmouth 1823, honorary divinity degree from Harvard 1827. He returned to Kittery ca. 1849, was Athenaeum's director 1861-68. Philanthropy: the Austin School in Kittery, and his will left \$40,000 to various causes.

William Claggett

(b.1790 – d.1870)

b. Litchfield, Conn., Graduated from Dartmouth (1808) and was admitted to the Hillsborough Bar (1811); he moved to Portsmouth in 1812 to practice law. He purchased the home at 43 Austin in 1815, transferring an ownership portion to W.M. Richardson a few months later. He served in both houses of the N.H. State Legislature, as clerk of the federal court, and as a naval officer for Portsmouth (1830-38), and he played a key role in establishing the Portsmouth city charter and the town-farm system for the poor. He married Sarah F. Plummer. He apparently suffered great financial losses late in life.

William Merchant Richardson

b. Pelham, N.H., 4 Jan. 1774; d. Chester, N.H., 23 Mar. 1838.

Richardson grew up on a farm in Pelham, descendant from multiple generations of farmers. At age 15 he severely injured his hand in a farming accident and became unable to do farm work. He studied classic literature, was accepted to Harvard, excelled at poetry. After graduation in 1797 he became a teacher at The Academy at Leicester but was of feeble health and became exhausted and unwell by the work, so he retired from teaching, went back to live with his father on the farm in Pelham. He married young to Elizabeth (Betsy) Smith of Pelham. He was preceptor at Groton Academy, and became friends with Judge Samuel Dana, who hired him as a law understudy, and later made him a business partner. He was soon-after elected as a State Representative to the U.S. Congressman (1811-14), but found he disliked politics. He moved to Portsmouth in 1814 to resume his law practice, purchasing an ownership share at 43 Austin Street in 1816. He became the Atheneum's 1st president and was appointed NH Superior Court Justice. However, in 1818 he became deathly ill with a fever from which he never fully recovered. In 1819 he was Christened in Portsmouth and then moved to an apple farm he bought in Chester. He sold his share of the 43 Austin property in 1833. He continued living on the farm in Chester while continuing his service as Chief Justice for 19 years, until he died of liver disease in 1838. ^{1 2}

David Kimball (1799-1885)

b. Topsfield, Me., attended Dummer Academy and taught school in Newbury, Mass.; Kimball came to Portsmouth in 1822 to clerk in William Norwood's drug store. After attending lectures at the Medical College in Boston, he purchased Norwood's business and worked until 1880. He was also an early supporter of the anti-slavery cause and buys his ATH share in 1848.

c. 1867? Kimball sells to C W. Pickering (W ½)

Charles Whipple Pickering (1809-1888)

b. ca. 1809; d. St. Augustine, Fla., 29 Feb. 1888. Entered the Navy as a midshipman and served for 55 years, retiring in 1867 with the rank of Commodore. He was wounded in 1865 when his ship was blown up in Charleston Harbor. He purchased his ATHENAEUM share in 1866 and his estate transferred it to his son-in-law, Arthur C. Heffenger, in ca. 1888.

Peter and Nancy Beck

Born in 1923 in Switzerland, Peter Beck immigrated as a child to the U.S. and settled on a farm on Lake Champlain, VT. He was a graduate of Dartmouth College Medical School, Columbia College of Physicians and Surgeons, and the University of Bern in Switzerland. He served in the Army for three years and trained at Duke Hospital, Harvard Medical School and the Massachusetts Eye and Ear Infirmary. He was a Diplomate of the American Board of Ophthalmology. Peter was an avid traveler and student of history. He provided medical aid to his community and beyond, specializing in eye surgery, with professional offices out of his home on Austin Street. He was also known in his spare

¹ history.house.gov

² [Bell, Charles Henry]. Life of William M. Richardson, LL. D., Late Chief Justice of the Superior Court in New Hampshire. Concord: I. S. Boyd and W. White, 1839.

time for fixing construction equipment and excavating his property on Austin Street sometimes with dynamite. He also owned the Cutts mansion in Portsmouth for several years. He married Nancy Reynolds Beck in 1959 and settled in Portsmouth, NH, where they lived together for 57 years.

Nancy (Reynolds) Beck was born in 1927, raised in Boston and graduated from Mount Holyoke and Harvard. A former Managing Editor of Atlantic Monthly magazine, she married Dr. Peter Beck of Portsmouth in 1959 and moved into his Austin Street home. Nancy was a relentless supporter of many causes and was instrumental in the development of Strawberry Banke Museum, Theatre by The Sea, Prescott Park Arts Festival, and the Portsmouth Athenaeum. She was a pioneering historic preservationist. With Peter's enthusiastic support, she often invited travelers, actors, merchant captains and the occasional political operative to stay in their home on Austin Street, creating a salon for exchanging ideas and seeking mutual understanding. She was honored with numerous awards for her community endeavors and was a generous philanthropist in her passing at age 92, on September 29, 2019.

Date		Grantor	Grantee	Rockingham Deed Reference Number	Terms	Notes
09/06/1815	Daniel Austin	William Claggett	William Claggett	0208-0114	Paid \$5,250 to Austin for land bound westerly and northerly by land owned by Jeremiah Mason; and easterly land owned by Benj. Penthalow	whole parcel
2/13/1816	Mary Claggett, wife of William Claggett	William M Richardson	William M Richardson	0214-0541	\$2,625 paid to Claggett for moiety of land bound westerly and northerly by land owned by Jeremiah Mason; and easterly land owned by Benj. Penthalow	whole parcel
2/13/1816	William M Richardson	William Claggett	William Claggett	0212-0136	\$1,625 paid to Richardson for undivided moiety of land bound westerly and northerly by land owned by Jeremiah Mason and easterly land owned by Benj. Penthalow (paid in two installments \$874.50 in 1816 & \$896.00 in 1817)	whole parcel
12/27/1825	William M Richardson (east side)	William Claggett	William Claggett	0251-0317	Claggett & Richardson were tenants in common with equal shares ownership of moiety of land. Land is bounded westerly by John Lake, northerly by Jeremiah Mason and easterly by Benjamin Penthalow.	whole parcel: Richardson gets E front room & entry to W of it; chambers above, & all that "which was erected by sd Richardson & Claggett" that lies directly behind these rooms; + gardens; E part of cellar...
1/31/1833	David Kimball & Caroline Kimball (wife)	William M Richardson	William M Richardson	0269-0051	\$1,000 paid by Richardson to Kimball then \$300 the next year, and another \$300 the following year	
02/07/1833	William M Richardson	David Kimball	David Kimball	0269-0050	\$1,000 paid by Kimball to Richardson for portion of premises where he was formerly tenant in common with Kimball	
6/15/1858	Mary Claggett	David Kimball	David Kimball	0392-0040	\$500 paid to Claggett for land owned northerly by Daniel Treadwell, easterly land owned by David Kimball, westerly owned by widow of John Sake (same land as previously owned by Wm. Claggett).	middle portion, or east side?
9/30/1858	David Kimball	John Stearns	John Stearns	0381-0027	\$6,500 paid to Kimball, for land, dwelling, barn & outbuildings, bounded by land easterly owned by heirs of John Sake; 91 feet along Austin street to land westerly owned by David Kimball at brick demising wall of house, through house; to land northerly owned by Treadwell.	east side (43 Austin)
2/28/1864	Daniel Smith	Jacob Hersey	Jacob Hersey	0402-0285 (top part)	\$262.75 paid to Smith for dwelling house, barn & outbuildings, land bounded to east by land owned by heirs of John Sake; 91 feet along Austin st to land westerly owned by David Kimball, through brick demising wall of house (wall owned in common) to northerly land owned by Treadwell.	east side(43 Austin)
2/28/1864	John Stearns	Mary Pickering (husband Charles Pickering)	Mary Pickering (husband Charles Pickering)	0402-0285 (bottom part)	\$1 paid by Mary Pickering for dwelling house, barn & outbuildings, land bounded to east by land owned by heirs of John Sake; 91 feet along Austin st to land westerly owned by David Kimball, through brick demising wall of house (wall owned in common) to northerly land owned by Treadwell.	east side (43 Austin)

Date	Grantor	Grantee	Rockingham Deeds Reference Number	Terms	Notes
c.1885	David Kimball (b.1799-d.1895)	Lucy Woodward Kimball (daughter of David Kimball), married to Robert Harris		Robert Harris (1834-1896) born in Portsmouth, New Hampshire in 1834, was a civil engineer worked for the railroads all over the country he moved often sometimes bringing his family with him, and sometimes leaving them in Portsmouth. Robert Harris married Lucy Woodward Kimball (Daughter of David & Caroline Kimball) in 1864 and died in 1896.	
c.1924	Lucy Woodward Kimball Harris (d.1924) & Robert Harris	Edith Harris (daughter of Lucy Kimball Harris & Robert Harris)		conveyed by Probate?	
1956	Edith Harris	Peter Beck (east side, 43 Austin)		\$4,000 Edith Harris estate sale for 1/3 property interest. She was grand daughter of David Kimball. Edith Kimball Harris (1868-1956) was the second child of Lucy Woodward (Kimball) and Robert Harris and was born in Vallejo, California in 1868. Edith spent time in Europe during 1890 and 1891, returned to live in Portsmouth with her sister Mary and died on June 6, 1956. (atheneum)	
	Kimball descendant (?)	Caroline Pickard Culbert (east side) great-grand-daughter of David Kimball		conveyed by Probate?	
1957	Caroline Pickard Culbert (east side)	Peter Beck (east side)	1428-0188	quit claim deed, \$1 for 2/3 property interest	
		Caroline Pickard Culbert - great-grand-daughter of David Kimball & daughter of Jeanie A Gerrish Pickard and Dr John Pickard (m.1889 at 4 Austin Street "Kimball Mansion"). He was Governor of Missouri and National Grand Sovereign of Masonic Lodges, principal PHS). ... Brother: Leonard Culbert. Daughter: Lenore(Leonore) Culbert (b.1934, New Mexico).	1880 census: Caroline Gerrish age 36 @ 4 Austin St. daughter of David& Caroline Kimball. Caroline Gerrish's daughter is Jeanie Gerrish, age 17.	David & Caroline Rebecca Swett Kimball Daughter: Caroline (Kimball) Gerrish & _____ Gerrish Grand-daughter: Jeanie A Gerrish Picard & John Picard Great-grand-daughter: Caroline Picard Culbert & James I. Culbert	
2019	Nancy Beck (east side, 43 Austin)	Portsmouth Historical Society (east side)			

Treatments, repairs, or changes between 1805 and today (unless otherwise noted, observations from on-site inspections):

- Consecutive rear and side ell additions.³ See attached floorplans for locations and dates.
- Window replacements at rear ells and third floor
- Roof structure repair at west attic
- Kitchen and bathroom installations and renovations, domestic hot water and heating system
- Electric power and lighting system installations
- Fireplace inserts or closures
- Front portico vestibule addition
- Basement excavation
- In Dining Room (Rm#1) the window to right of fireplace was filled in with solid panel and shelves (likely when porch ell added behind this wall).
- Two lower front room fireplaces are boarded up or have coal burning insert.
- Interior finishes replacements at some of the rear ell rooms, carpeting.

Summary of character defining features:

- Symmetrical 5-bay center entry building form and fenestration
- Elaborate entry portico
- Transom and side lights surrounding paneled front door
- Finely scaled classical trim details, interior and exterior.
- Flat dentilled lintels over windows
- Double hung windows with narrow but deep muntins, thin mid-rail
- Exterior cornice with frieze and dentil moldings, and roof balustrade (original but currently missing)
- Low pitched hipped roof
- Rear brick hipped roof ell
- Connection on one side to adjacent residential structure.
- Rear brick wall and brick ell
- Marble topped washstands at bedrooms
- Two-toned hardwood flooring, walnut and maple, c. late 19th century
- Center staircase, fireplace surrounds, and built-in interior shutters
- Wallpaper at Living Room (Rm#2).

³ Reference Deed chronology cited above; physical inspection of existing framing connections and materials; [Building Portsmouth](#), R.M. Candee

Part 3 – Existing Conditions Assessment

Per visual inspection of interior and exterior non-concealed building assemblies, structure and MEP systems, the existing condition of the building includes the following items which are in disrepair, nonfunctional or in need of treatment to comply with NH State Life Safety Code (NH Saf-C 600 & NFPA). Concealed conditions were not reviewed. For specific locations of items requiring attention, please refer to the itemized list in **Part 4** (Recommendations for Maintenance and Rehabilitation) and the attached floorplans and photographs in **Appendix C**. A summary of these conditions is as follows.

Architectural

Structural Framing – Roof and floor framing are heavy sawn timber with sawn joists. Front building has wood framed walls; rear ell has multi-wythe brick bearing walls. Specific areas of deterioration include select areas of the first-floor framing as noted in the Appendix A Structural Report.

Masonry - Brick masonry at rear ell walls and chimneys need full repointing and reflashing; the worst conditions are at corners and areas where it appears the roof gutters failed, and along the foundation at north patio. The brownstone lintels above the upper story windows on east façade have spalled and need repair or replacement. The granite window lintels of lowest windows are in good condition.

It is important to note - The demising wall between 43 and 53 Austin Street is currently concealed by plaster finishes and was not reviewed. However historic deeds reference this wall as brick masonry. If this is the case, then additional fire proofing, to bring residential unit separation up to current codes, will be minimal and likely non-structural and non-invasive (may consist of adding UL Listed fire stopping materials at discontinuous areas of masonry, such as mortar and brick, mineral wool, intumescent putty, gypsum board, plaster, etc.). Construction of this interior demising wall should be investigated further. If the building undergoes a future change of use or layout, code required fire separation at the demising wall could impact historic fabric, if the wall is framed in wood instead of masonry.

Exterior framed walls – Minor moisture damage is evident at the inside face of exterior walls throughout. Excessive moisture infiltration at basement has led to structural decay of first floor framing; mold, mildew and fungus growth; and gradual spalling of foundation mortar and masonry. A musty odor is present in the lower levels. Concealed conditions did not allow for investigation of insulation between framing members currently. Further investigations with select areas of non-invasive demolition are required to review these concealed conditions.

Exterior Finish Carpentry - Some areas of exterior siding, trim and windows show signs of deterioration from moisture damage. Previously hung shutters have been removed, many of the pintles and shutter dogs remain. The missing shutters are currently being stored in the rear porch.

Doors – Interior period doors and hardware are mostly sound and functional, but with some cracked and peeling paint. The rear door at front lower east room (blue wallpaper) has split lower panels and casing, hangs crooked and does not latch. Ceramic doorknobs are serviceable but very loose in many locations; hinges and latches are mostly secure and aligned. Front entry door hardware is ornate and substantial but does not latch; a latch bolt box has been mounted above. Primitive mechanical string doorbell is functional. The door to the back porch is a 19th century four panel door, the upper two panels have been replaced with an etched glass with a star pattern, it has a deadbolt, a thumb latch and a slide bolt for hardware. A substantial patinaed brass doorbell device is at the exterior wall by back porch door.

Windows - Many windows are not in working order but have solid frames and sashes and some original glass; they are in need of refurbishing, with some missing putty, broken panes, and non-functioning balances. Second floor front Bedroom (Rm#7) has broken lites/sash at east wall. At front lower floors, corded weight and pulley balance systems have been painted over in some locations. Interior shutter panels, folding and sliding, are sound but operationally sticky or stuck. Rear brick ell and third floor of front structure have a mix of 19th and 20th century replacement windows. Windows lack weatherstripping. The aluminum framed storm windows need tracks cleaned and some minor adjustments for functional operability.

Roofing- Asphalt shingle roofing is in good condition. Gutters and downspouts are clogged, disconnected or leaking in some areas; they are useful to help control basement and sill plate moisture damage; a gravel landscaping strip along foundation, without plantings, would also help. In particular, roof flashings should be examined up close, at the connection of rear brick ell to main house, and along north fascia, due to signs of water infiltration from above, at exterior walls of the rooms below these areas. Chimney and vent pipe penetrations are also common potential sources of leaks. The rooftops were not accessed as part of this investigation, further field review is recommended for specific locations.

Interior Finish Carpentry - Most of the historic interior finish carpentry components are in very good shape. A built-up cornice moulding has been removed from one of the primary rooms (apparently to facilitate wall repair) and has been temporarily stored in basement. This should be relocated to a dryer, safer place for storage, or reinstalled. Wood wainscot paneling with carved chair rails is in fair condition with some localized cracking. The main stair is in fair shape. The banister rail is a little loose, a couple of balusters at the upper midlevel landing are very loose. The paint is in good condition. Overall, it seems to be structurally sound. The stair treads and risers are painted white with a modern carpet runner.

Interior finishes - The interior walls demonstrate some areas of worn finishes. Wood wainscot below windows has some cracking and bubbling of paint, indicative of some moisture damage from leaking window flashings. Wallpaper at front rooms has areas of discoloration and peeling. Wallpaper in main stair hall has some minor damage where it meets the stair stringer and major damage at second floor but otherwise appears in good condition with scenes of medieval European villages. There appears to be some bulging of the plaster in some areas behind the wallpaper in other rooms which could indicate moisture damage in the wall. Ceiling plaster and paint are in generally good condition. Carpeting is worn and discolored in many locations; the clear finished strip hardwood flooring in front stair hall and at rear ell 2nd floor bedroom are in very good condition; at upper floors, painted wood floors are in fair condition. Wood flooring in rear of stair hall may have been similar to front hall originally but is in poor condition possibly due to window or plumbing leaks from upper floors. There is significant water damage at central stairwell at rear wall. The wall plaster and wallpaper at first floor rear service stair are in poor condition.

Fireplaces – Most wood burning masonry fireboxes, hearths and mantle surrounds appear in original condition however the flues and dampers were not reviewed. The west front lower room (gold papered) is boarded up; and the east front lower room (blue papered) has a cast iron coal burning insert. At second floor east front bedroom, at the built-in closets at right side steps to rear bedroom there is an early 20th century ceramic and pressed tin stove pipe chimney flue cover, with a painted winter woodland scene, installed near the floor in back under the bottom shelf of closet. This cover plate has been mortared to the side of the brick chimney. Such covers were common at that time to seal up stove pipe exhaust connections or hot air supply vents for upper rooms when not in use, from coal or wood stove sources below (there is a coal stove insert in fireplace below). However, the location of this cover at the floor in the back of a small closet behind a door is unusual and would

have been ineffective at distributing heat, and too low and confined to provide direct exhaust. The reason for installation at this location could not be determined and is worth further investigation.

Lighting – Most installed early 20th century ceiling and wall sconce light fixtures work by wall switches except for the center stair hall chandelier which did not turn on. More contemporary fixtures are at the rear rooms, not all of the lights in kitchen work. Modern exterior security lighting is mounted at northeast corner of brick ell. The crystal chandelier at rear ell blue room does not work, there is exposed cloth electrical wiring in that ceiling by the corner posts.

General - There is evidence of a past fire at the upper floor and roof in the northwest quadrant, where some repairs to roofing and framing are evident; interior finishes below this area at NW Bedroom 5 are badly stained at fireplace, there may also be excessive exterior wall moisture damage in this area, which could be related to charring and water infiltration at fire damaged structure above. Further investigation and removal of select materials should be done at this area, to mitigate further deterioration. The front second floor bedroom has major water damage at rear wall with tar colored staining, this could be remnants from the attic fire. The marble commode in this room is cracked and tiled hearth is loose and disheveled. The kitchen and lower powder rooms have contemporary fixtures and finishes. Ants in this area indicate gaps due to moisture damage at the sill boards. Exterior sill framing and water table trim boards should be investigated for areas of decay, sealant between disparate materials can help prevent further damage and nuisance from pests. There were no signs of rodents. A few spaces have very low ceilings that do not meet current building code (7'-6" minimum): the first-floor rear hall behind main stair, and third floor rear ell rooms have 6'-0" ceilings, some doors are 5'-10". Note that the minimum clear height for doorways or isolated ceiling obstructions (such as a light fixture) per ADA handicapped regulations is 6'-8".

Mechanical

Heat is delivered via a forced hot-water baseboard and radiator system, distributed over four zones through a recent copper piping system. The high-efficiency gas fired boiler appears to be quite new, it is a multi-zoned Burnham Alpine boiler, 96% efficient; recently serviced by Simmons HVAC (800)929-8339. This model came out around 2019 and is still on the market for sale today. There is no mechanical ventilation or air conditioning. Note that replacing the mechanical system for current building conditions without concurrent envelope improvements (air sealing and insulation) will require a larger, more expensive and less efficient system. If insulation is added later, the usage loads on the mechanical system will be reduced.

Electrical

There are two installed electric meters, one of which appears in use and an older one not in use; rated for 240-volt 200 Amp service to 43 Austin Street, located at southeast corner. There is also one empty meter housing. The service feed line coming from the street pole to the meters shows areas of deterioration and fraying, the supplied power rate from feed line was not confirmed. A fuse box and a small breaker box in the basement serve this house. The breaker box appears fairly new, but the fuse box is vintage, obsolete, non-code compliant and potentially unsafe. What appears to be asbestos wrapped wiring runs throughout basement along with some newer insulated wiring. Most of the wiring runs secured to framing members. However various exposed, capped, and bare uncapped wires are terminated loosely and not in junction boxes; some terminate in junction boxes but without covers, some of these wires may or may not be abandoned in place. There are several switched timers throughout the basement, seemingly connected to lighting. Power receptacles through the house are un-grounded. An exterior mounted emergency power shutoff is required to bring building up to current state and city amended electric code.

Plumbing

Electric domestic hot water system appears to have been worked on fairly recently, with some copper and pex distribution tubing, and some older remnants in cast iron. At some upper floor locations exposed supply lines are run next to walls (instead of within). Upper floor bathroom fixtures are vintage. Venting and sanitary lines were not reviewed or confirmed. No active leaks were observed at time of review.

Structural

See attached appendix report.

Site

Outbuildings - Previously a small freestanding barn stood midway towards the rear and east side of the property. This was removed recently but still shows on current City Tax Maps. This outbuilding was determined as non-contributing in the National Register for the Portsmouth Downtown Historic District.

Hardscape - Remnants of a brick driveway and rear patio can be clearly seen through grass and gravel debris, what remains is unlevel and patchy. A low, leaning granite block retaining wall at the front garden supports an ornate and heavy post and rail capped picket fence with monumentally scaled quoined corner posts; the side return fencing along driveway is missing. The front fence has some missing and broken elements and needs repair.

Landscape - A partially excavated hillside with brush and small trees lies upward of an earthen berm and granite ledge outcropping. This is located towards the rear of the property behind a level grassy clearing. An enormous, aged, and somewhat compromised copper beech tree stands between the front entrance and driveway. The front yard slopes noticeably down towards the street front, with the house set up on a small rise, bounded by granite curbed border.

Accessibility – The first floor of the structure is raised above grade at face of building by approximately 40 inches at the front façade, 64 – 24 inches on the east side, and 12 – 4” at the rear. A code compliant handicapped ramp requires a maximum slope with 1-foot horizontal travel for every 1-inch vertical rise (1:12). Accordingly, a ramp at the front door would be 40 feet long, plus several landings, which is not reasonable at this location. A gently sloped walkway and patio from driveway, around the back to the rear porch area (at slope < 1:20, without handrails) would be more easily accommodated by the site and less intrusive to the historic fabric. Although current code requires the front entrance to be accessible, buildings designated as historic can apply for an exception for the accessible entrance to be located at the rear of building.

Part 4 – Recommendations for Existing Building, core & shell maintenance and rehabilitation strategies

See **Appendix C** for floor plan and building elevation locations and photographs of itemized recommendations. Assess the site for archaeological sensitivity before implementing any recommendations that require ground disturbance.

Exterior:

1. Scrape peeling paint, selectively repair/replace rotted wood siding and trim, inspect sheathing for rot, repaint siding and trim.
2. Reflash roofing and roof to wall connections where compromised. Areas requiring further close-up inspection are at bases of chimneys, wall to roof connections at rear ells; and bottom of roof at fascia flashings.
3. Repair or replace where required, gutters & downspouts. Provide gravel drip strip with perforated sub-grade drain piping along foundation perimeter to protect sill framing and foundation masonry from further decay.
4. Refurbish and reinstall missing shutters. Some are currently stored in the back porch.
5. Repoint and reflash existing chimneys. Repair bishop's caps. Rebuild the flat-topped chimney cap at the west chimney. Repair or replace brownstone lintels above the upper story windows on east brick façade.
6. Wooden double hung sash windows are typically in poor condition with cracked glass and missing putty and broken balances in many locations, there is no weather stripping; refurbishment is recommended. Existing aluminum storm windows at first floor also appear loose and in poor working condition, repair or replacement of storm windows is recommended, to help protect the historic windows and to improve thermal and moisture performance of wall assembly.
7. Exterior doors are slightly out of plumb with their frames and stops, due to normal settling over time. It is recommended that hinged be adjusted and weather stripping installed to ensure adequate thermal and moisture performance. The wood on the front entry door is in need of repair.
8. Front portico balustrade – Rotted areas of wood need repair & repainting. Consider reconstructing missing original rooftop balustrade.
9. Repair rotted gate and fencing.
10. Driveway brick pavers are loose and disheveled, resetting existing pavers and replacing missing pavers on a well-drained gravel/sand base is recommended.
11. Granite retaining walls between fence and driveway need repair.
12. Eastern Facade – Wood needs minor maintenance, rear brick needs cleaning, & repointing
13. The rusted bulkhead on north wall merits repair or replacement.

14. Rear brick patio is deteriorated and disheveled, needs to be re-laid or removed. Consider accessible walkway from driveway.
15. Repair or replace disconnected or clogged gutters & downspouts.
16. Evidence of previous fire damage in the northwest attic, reference structural report. Lumber used to repair the roof is rotary sawn, with some pressure treated members (circa late 20th century+). Water damage is seen at finishes in rooms below; further investigation is recommended for potential concealed moisture damage within wall and window framing and sheathing along this north wall.

Interior:

Basement -

1. Mold and fungi growing in basement due to damp musty air. Moisture mitigation is required to prevent further damage to wood floor framing and masonry foundations. There are various options for such systems which are sometimes complex, with widely varying levels of cost and performance success. Further in-depth evaluations of strategic options for basement walls and floors should be based on owner goals and constraints for logistics and costs. As a first and simpler step, exterior water management should be addressed by repairing gutters and downspouts, and removing foundations plantings, and installing a perimeter gravel drip strip with subgrade perforated perimeter drain.
2. Masonry is in severe disrepair, basement will need moisture mitigation to repair brick masonry, and as well as holes in floor and ceiling.
3. Electrical system is outdated and merits updating as a top priority for code and safety compliance.
4. Forced hot water heating system appears to work but is less inefficient than modern heat pump systems. When next due for replacement, or when the building is insulated a properly sized heat pump system could be a more cost-effective solution.

Upper Floors-

5. Repair mild to moderate moisture damage, typical throughout much of building. Some plaster will need to be repaired or replaced.
6. All electrical outlets are ungrounded and will need to be updated with any change of use or layout, per the NEC National Electric Code. It is recommended to update this regardless of any changes to the building. This is a severe fire hazard and is a top priority for preventing catastrophic damage to this building.
7. Folding and sliding shutters need repair for operability. The house has settled over time, and the tracks and frames within which the shutters fit or slide, are no longer parallel to the shapes of the shutters. Consequently, they can get stuck and do not work smoothly or at all.

Additionally, dust dirt and debris that has blown in through broken or gaping windows has accumulated along sills and tracks, a good cleaning would also improve these conditions.

8. Windows need refurbishment to varying degrees, and weatherstripping. Clean and realign or reinstall Aluminum Storm windows.
9. Door hardware throughout is loose and in need of repair. The door in lower front east room (blue papered) is cracked and hangs out of plumb. Multiple doors need new paint.
10. In various areas, wallpaper is peeling or is discolored and in need of repair.
11. In front west (gold) room, the crown molding above the alcove has a small misalignment of the bottom molding that has been painted over. Replace (stored) crown molding in rear dining room.
12. First floor framing should be repaired and selectively replaced according to structural report (Appendix A).
13. Energy upgrades to envelope: Not required if there is no change of use or alternation of layout. Compliance with energy code is required if there is a change of use or layout 50%. It is advised to review potential energy upgrades for consistency with latest available technical preservation guidance documents (see attached appendices). Recommendations include:
 - a. Primary envelope treatment: Improve air and weather barriers for better energy efficiency and vapor moisture control, and to reduce costs of installing and maintaining mechanical heating system. At a minimum, this consists of sound, uncracked paint on solid clean surfaces, with caulking at joints of disparate materials. Interior latex paint can help retard vapor moisture infiltration and damage to walls and wall papers. Flooring underlayments can reduce cold and damp air infiltration from basement. Inspect all windows and doors for sound weather stripping.
 - b. Additional Exterior wall treatment options:
 - i. Level 1: Repair exterior walls for areas of deteriorated wood siding, trim, flashing and sheathing boards. Scrape and repaint entirely.
 - ii. Level 2: Exterior wall cavities may be cored and filled with blown cellulose fiber insulation – due to the sensitive condition of interiors detailing, it is recommended to install insulation from the exterior in locations where trim boards can be temporarily removed and replaced without any damage. If the exterior air barriers (Step A and Step B Level 1) are not sufficiently and cohesively repaired, insulation is not recommended.
 - iii. Level 3: For optimal energy and moisture performance, and only if the extent of wood trim, siding, and sheathing repair due to rot and decay is extensive, it is recommended to remove and temporarily store all salvageable wood trim and replace rotted wood clapboards and rotted sheathing boards with new wood materials to replicate the originals, applied over continuous insulation board with continuous air barrier. Reinstall existing salvageable wood trim.
 - c. It is recommended at a minimum to install properly applied continuous attic insulation, with air and vapor barriers. Ensure adequate natural ventilation of attic space and mitigate ice damming by means of soffit and ridge vents. When roofing shingles are next replaced, consider applying vented insulated nail-base, for better

thermal performance and a conditioned (more efficient and can accommodate potential future sprinkler system) attic space, this can be installed with concealed venting strategies.

14. A sprinkler fire-suppression system installed in accordance with NFPA-13 is required for compliance with Life Safety and building codes in the event of change of use or modifications >50% floor area.
15. Plumbing - Replacing toilets and shower heads with newer technologies for low flow fixtures could reduce water usage costs. Review solder joints at copper lines for any signs of leaking; replace existing cast iron domestic water supply lines with copper or pex to prevent future leaks.

Structural (See attached structural reports):

Future investigations

Recommendations for future further studies, specialists and investigations:

1. Concealed construction of interior demising wall between 43 and 53 Austin Street should be investigated further, verify if brick masonry.
2. Consider an energy model study to assess cost impact and operating cost savings, and to determine most appropriate energy efficiency improvements for insulation options at existing walls, attic, and floor.
3. Historic accounts further reference:
 - a. The Harris Papers; Portsmouth Athenaeum
 - b. [Bell, Charles Henry]. Life of William M. Richardson, LL. D., Late Chief Justice of the Superior Court in New Hampshire. Concord: I. S. Boyd and W. White, 1839.
<https://babel.hathitrust.org/cgi/pt?id=hvd.32044086344009&view=1up&seq=25>
 - c. Richardson, William Merchant. The New-Hampshire Justice of the Peace. Concord, [N.H.]: Printed by I. Hill, 1824.
 - d. William Merchant Richardson: The New-Hampshire Town Officer. Concord, [N.H.]: J. B. Moore, 1829.
 - e. Rockingham County probate records

Part 5 – Supplemental information

Appendices

- A. Structural Report
- B. Code & Zoning Review
- C. Existing Conditions, Life Safety and Accessibility, and Proposed Treatment floorplans and elevations.
- D. Budgetary opinion of probable costs and Construction phasing schedule outline
 - iv. Phase 1: Building stabilization
 - v. Phase 2: Life Safety Code compliance
 - vi. Phase 3: Accessibility Regulatory compliance
- E. Technical Briefs
 - vii. National Park Service
 - 1. Flat plaster
 - 2. Painting interiors
 - 3. Moisture control
 - 4. Exteriors
 - 5. Improving Energy Efficiency
 - 6. Wallpaper
 - 7. Repointing Mortar Joints in Historic Masonry Buildings
 - viii. New York Landmarks Conservancy Technical Services Center
 - 1. The Brownstone Guide, Maintenance & Repair Facts for Historic Property Owners
 - ix. Building Science Briefs
 - 1. Rubble foundations - Basement damp proofing

Additional technical References:

- City of Portsmouth, zoning ordinance and amendments to state Building Code
 - a. <https://www.cityofportsmouth.com/planportsmouth/land-use-and-zoning-regulations>
- NH Building and Life Safety Codes
 - a. <https://www.nh.gov/safety/boardsandcommissions/bldgcode/nhstatebldgcode.html>
 - b. <https://www.nfpa.org/codes-and-standards/all-codes-and-standards/list-of-codes-and-standards/detail?code=101>
- Secretary of Interior’s Standards for the Treatment of Historic Properties
- National Park Service – “Wallpapers in Historic Preservation: Wallpaper Within A Restoration Project”

27 September, 2022

Tracy S. Kozak, AIA
ARCove Architects, LLC
3 Congress Street, Suite 1
Portsmouth, NH 03801

RE: Structural Observation Assessment
Austin Pickering House
43 Austin Street
Portsmouth, New Hampshire

Dear Ms. Kozak,

On Tuesday, 20 September, 2022, I visited the existing Austin Pickering Houses at 43 Austin Street. The intent of my visit was to review the existing conditions of the first floor framing and roof framing, which is readily visible, and comment on their condition.

The building is not presently occupied and there are no furnishings.

Description

The existing 3-story building encloses approximately 5,000 square feet over three floors. The original mansion is approximately 21' by 50', with an extension, or ell, on the back that is approximately 21' by 29'. There are three small entrance enclosures, and a bulkhead.



1 - Front Elevation



2 - Back Elevation

The basement floor is a concrete slab on grade. The exterior foundation walls are a combination of stone set in mortar and brick masonry. There are brick masonry piers, and one wood post, supporting a wood framed first floor, and the building above. The original mansion, which is visible from the street, is constructed with wood-framed exterior walls and floors. The ell off the back side of the mansion is constructed with brick masonry exterior walls and wood-framed floors. The roof over the mansion and ell are wood-framed.

Observations

The basement is damp and there is damage due to age, excessive moisture, and a lack of water management on the exterior of the building. This can be observed on the foundation walls, brick masonry piers, and some of the first floor wood framing. Images 3, 4, 5 and 6.



3 - View looking toward front left corner



4 – View looking toward front right corner



5 - View looking toward front wall



6 - Masonry pier deterioration

The mansion first floor is framed with a combination of wood timbers and sawn wood joists. The floor area below the stair hall is framed left-to-right into beams directly below the stair hall walls. Timbers below these walls, spanning front to back, are supported midspan on brick piers. These timbers, which appear to be original framing, have been wrapped along the sides and bottom with wood plank. A round timber post, which is bearing directly on the concrete floor slab, has been installed beneath one of these timbers to provide additional support. These timbers, other floor framing members, and floor decking have obvious area of decay. The sawn joists appear to be a repair/replacement that was installed many years ago. Images 7, 8, 9 and 10.



7 – Decayed timber joist



8 – Decayed timber joist



9 – Decayed timber on masonry pier



10 – Area of decayed floor deck

The mansion roof is a wood framed rafter and purlin system with board sheathing spanning from eave to ridge. An area of the front left corner, above Room 11, has been repaired with a variety of new framing materials. This includes conventional milled lumber, some pressure treated 4x4, 2x4 shoring posts, and a laminated veneer lumber beam. A cable tension tie has been installed on a repaired rafter set. There is too much debris in the attic to permit unimpeded and safe access. Images 11, 12, 13 and 14.



11 - Rafter and purlin framing



12 - View of repaired roof area



13 – New 4x4 and purlin shoring



14- View of repaired roof framing

The roof of the ell is a hip roof framed with rafters spanning from eave to the ridge and the hip rafters. The board sheathing is installed spanning across the rafters, parallel to the eaves. There is too much debris in this attic space to permit unimpeded and safe access.



15-Rafters and sheathing above ell



16-Hip rafter above ell

Conclusion

The foundation walls and piers can be repaired, repointed, and where necessary rebuilt. I do not anticipate that any changes to the existing foundation layout and design will be required. In the short term, I would recommend that the existing gutters and downspouts be cleaned and maintained. A gutter system should be installed along the front and side eaves of the mansion to help direct water away from the exterior walls and foundation.

The first floor framing and sheathing will require more careful evaluation to determine the extent and magnitude of decay. If the building is to be occupied, or used for light storage, prior to a full evaluation and repair, the existing floor framing should be temporarily shored at the areas where decay has compromised the framing to ensure structural integrity and safety. This temporary shoring could be studwalls, or beams on posts that transfer loads directly to the basement floor slab.

The roof framing and sheathing that was observed, although far from satisfying current building code requirements, is mostly original and appears to have held-up over time. Debris should be removed from the attic spaces to provide safe access, and a more

thorough observation and evaluation of the existing roof framing to determine if there are areas in need of repair.

Overall, my impression is that the building is in good structural condition with the exception of the foundation walls, masonry piers, and first floor framing which are in need of repair and maintenance.

Closure

Thank you for contacting Gorham Structural Engineering, PLLC to provide this review and opinion. As the project develops, we are available to provide additional structural engineering services as needed.

Please contact me if you have any questions or if it would be helpful for me to expand on some of the issues mentioned in this report.

Respectfully submitted,
Martin Gorham, PE, LEED-AP, SECB



Austin Pickering House

43 Austin Street, Portsmouth NH

October 13, 2022

LIFE SAFETY, ACCESSIBILITY & BUILDING CODE ANALYSIS

1 Applicable Codes & Regulations

International Residential Code (IRC) , 2018 Edition with NH Ammendments
International Energy Conservation Code, 2018 Edition with NH Ammendments
International Existing Buidling Code (IEBC) 2018
NH State Fire Code Saf-C 6000, NFPA-1, 2018 Edition
NFPA 101, Life Safety Code - 2018 Edition - Chapter 24 One and two family dwellings & Chapter 43 Building Rehabilitation
City of Portsmouth, Zoning Ordinance

2 Existing Building - Level of Work

IRC Appendix J: Repairs and Renovations
IEBC: Repairs and Alterations Level 1

NFPA 43.10.2 Code for Fire Protection of Historic Structures

For Modifcation, reconstruction or change of occupancy, for work where occupancy will be open to the public:
Written evaluation required by registered design professional, documenting required safety features or proposed equivalents where impacts contributing historic features

3 Occupancy

IRC & NFPA (Chapter 24)	R3 single family residential building (attached to adjacent property multifamily building)
-------------------------	--

4 Construction Type 5B - Tabular Height and Area Limitations

Existing Conditions	
Stories above grade	3
Height (Feet)	29' - 9 1/2"
Footprint Area	1,771

Gross Floor Area (sf)			
Level	Occupancy	Zoning & IRC - Building Area Footprint	IRC - Occupancy Floor Area
		to outside face of exterior walls	to inside face of exterior walls
3rd Floor	R3	1,663	
2nd floor	R3	1,663	2,530
1st floor	R3	1,771	2,480
Basement	R3	1,661	
gross area above grade		5,097	5,010

5 Fire Separation
 IRC 302.2.2. Townhouses, common walls

NFPA - 6.1.14.4.1a

OCCUPANCY	IRC Table 302.1.(2)				
R3 - single family	existing common wall at adjacent property is non-fire-rated (noncompliant)	Change of use: requires sprinkler system with 1-hour fire rating for exposure from outside; non fire rated allowed where > 3 feet fire separation	Plumbing or Mechanical not allowed in wall; fire rated membrane extend from foundation to underside of roof deck and exterior sheathing. Fire rated electrical penetrations. If fire-rated from both sides, sprinkler system not required.	No projections (soffits) < 2 feet of common wall. No openings allowed < 3 feet of common wall. Openings between 3-5 feet from common wall must be < 25% of wall. (no restrictions if both sides of common wall are sprinklered)	IRC 202.2.4 30" tall parapet required, except where roofing is Class C and either 1) roof heights vary >30"; or 2) roof decking is FRT plywd or 5/8" gwb below extending 4 feet to both sides of common wall.

IRC 302.11 Fire blocking required at all stories, penetrations and concealed spaces

IRC 302.12 Attic draftstopping < 1,000 sf

IRC 302.13 Fire separation required at underside of framing at all floors; including basement ceiling, when basement is used for storage or heating appliances - 1/2" gwb or 5/8" plywood

6 IRC 310.1 Emergency escape rescue openings

Required at every sleeping room, one window > 5.7sf & >24h x 20w. Door or window required at occupied basements.

310.2.5 For other than change of use, replacement windows are exempt when => existing operable window.

7 Fire Protection

IRC 313.1 Fire sprinkler protection required at townhouses for change of use; exempt for alterations and additions

R314 Interconnected smoke/co alarms throughout

8 Electrical

IRC AJ501.3 Requirements for Alterations when area of work < 50% of dwelling unit area

AJ501.5.2 existing service of 60 ampere, 3 wire capacity & >30amp feeders acceptable if adequate for electrical load served.

Portsmouth ammendment _ exterior emergency power disconnect

9 Energy Requirements - IECC Energy Conservation Code

Climate Zone 5

IEBC Alternations 908.1: Alterations to existing buidlings are **permitted without requiring the entire building to comply** with the energy requirements of the IECC. Alterations shall conform to energy requirements of IECC as they relate to new construction only.

Chapter 5 - Existing Building

C501.6: Historic Buildings: **Compliance is not mandatory** with report signed by registered design professional, to building officials demonstrating that compliance would threaten or destroy historic form fabric or function of building.

C503.1 Alterations to any building or structure **shall comply** with the requirements of the code for new construction.

C505.1 Spaces undergoing a change in occupancy that would result in an increase in demand for either fossil fuel or electrical energy **shall comply** with this code.

Building Envelope Requirements	Prescriptive Table C402.1.3	Performance Table C402.1.4	SHGC - sew	SHGC - n
	ci = continuous insulation			
Roof insulation - attic	R-49	u-0.037		
wood framed walls	R-13 + 5 ci; or R-20	u-0.064		
basement walls	R-15ci or R-19 btw studs			
basement floors	R-10 for 2' deep			
windows - operable	u-0.3, SHGC NR	u-0.45		



Austin Pickering House
43 Austin Street

Zoning Summary
 10/1/2022

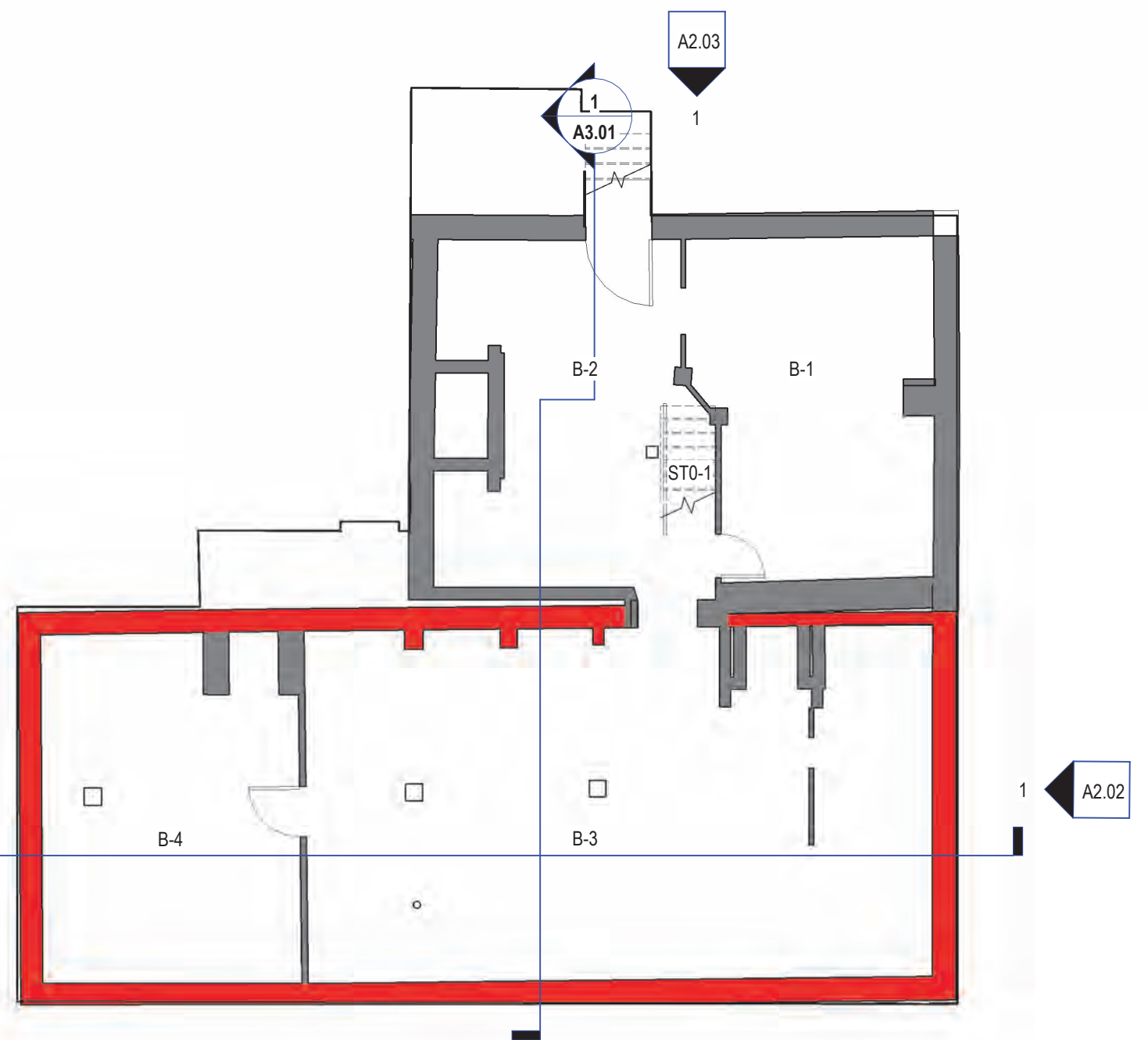
Zone GRC	Zoning Requirements	Existing Conditions	Existing Conformance
Min Lot area (sf)	3,500	19,166	yes
min LOT area per dwelling	3,500	19,166	yes
max # dwellings allowed per lot	5.5	1.0	yes
min continuous street frontage	70	60	no
min lot depth	50	242	yes
min front yard	5	34 +/-	yes
min side yard	10	14 +/- & 0	no
min rear yard	20	176 +/-	yes
max height - sloped roof	35	29' - 9 1/2"	yes
max height - flat roof	30	n/a	n/a
Roof appurtenance	8	n/a	n/a
footprint	700	1,771	yes
building coverage - existing	35%	9.24%	yes
minimum open space	20%	85.31%	yes
attached ADU (AADU), 2br max, gross floor area	<750 sf & addition height increase only within footprint		
detached ADU (DADU), min lot area for principal dwelling + DADU	7,000		
detatched ADA, 2br max gros floor area	<750sf		
DADU min separation from primary dwelling	20		
DADU - min front wall setback behind primary front wall	10		
off street parking, per dwelling<750	1.0		
off street parking, per dwelling>750	1.3		

Zone: GRC General Residence C	Front Yard	Side or Rear yard
Projections allowed into required yards		
Terraces, decks, steps and stoops that are uncovered and unenclosed and are less than 3 feet in height and less than 100 square feet in area	10'	0'
Porches, porticos, steps or stoops that are covered and unenclosed and are less than 12 feet in height (to top of roof) and less than 50 square feet in area	5'	0'
Porches and porticos that are covered and enclosed and are less than 12 feet in height (to top of roof) and less than 20 square feet in area	5'	0'

KEYNOTES:

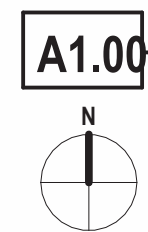
1. ELECTRICAL OUTLETS - NON COMPLIANT & NEED BASIC REPAIR
2. LIGHT FIXTURE NOT WORKING
3. WAINSCOT CRACKING RE: A4.00/1
4. MOISTURE DAMAGE RE: A4.00/2
5. SHUTTER DOES NOT CLOSE RE: A4.00/3
6. PAINTED ROPE PULLEY SYSTEMS FOR WINDOWS NEED OVERHAUL
7. WINDOWS LOOSE - NEED REPAINTING & REPOINTING
8. REPAINTING NEEDED
9. LOOSE DOOR HARDWARE - NEED REPAIR
10. WALLPAPER PEELING
11. MISALIGNMENT IN CROWN MOULDING RE: A4.00/4
12. LOW CEILING DOES NOT MEET CODE RE: A4.00/5
13. DOOR LOOSE
14. CRACKED HINGES RE: A4.00/6
15. CEILING CRACKED
16. SPLIT PANELS RE: A4.00/6
17. DOOR OUT OF PLUMB DOES NOT LATCH RE: A4.00/6
18. PLUMBING EXPOSED
19. RUSTED PLUMBING
20. WALLPAPER IN TERRIBLE CONDITION RE: A4.00/6
21. ANT ISSUES
22. PLASTER DETERIORATION WITH CLOTH WIRING EXPOSED
23. PLASTER & PAINT NEEDED

24. FLOOR IN NEED OF REPAIR
25. CARPET IN BAD CONDITION RE: A4.00/7
26. BROKEN UPPER SASH
27. CRACKED MARBLE COMMODOE RE: A4.00/10
28. CORREY TILES NEED RESETTING RE: A4.00/8
29. RAILING BROKEN RE: A4.00/9
30. MOLD & MILDEW
31. LADDER TO ATTIC IN CLOSET - ATTIC HAD PREVIOUS FIRE DAMAGE RE: A4.00/11
32. BALUSTRADE WOOD NEEDS REPAIR & REPAINTING
33. GATE ROTTED
34. BRICK PAVERS DISSHEVELED
35. WOOD NEEDS MINOR MAINTENANCE
36. RUSTY BULKHEAD
37. BRICK NEEDS CLEANING & REPOINTING
38. CHIMNEY TOPS IN NEED OF REPAIR RE: A4.00/12
39. DISCONNECTED GUTTERS & DOWNSPOUTS RE: A4.00/13
40. ELECTRICAL NEEDS TO BE UPDATED
41. 5' 10" DOOR NON-COMPLIANT
42. REPAIR MISSING CEILING AREAS
43. CLEAR ABANDONED UTILITIES
44. REPAIR WEATHERSEALED WINDOWS
45. REPAIR FLOOR SLAB @ TUNNEL ENTRANCE
46. REPAIR MASONRY & PARGING



GENERAL BASEMENT NOTES:
30, 40, 42, 43, 44, 45, 46

█ CIRCA 1802-04
█ CIRCA 1815



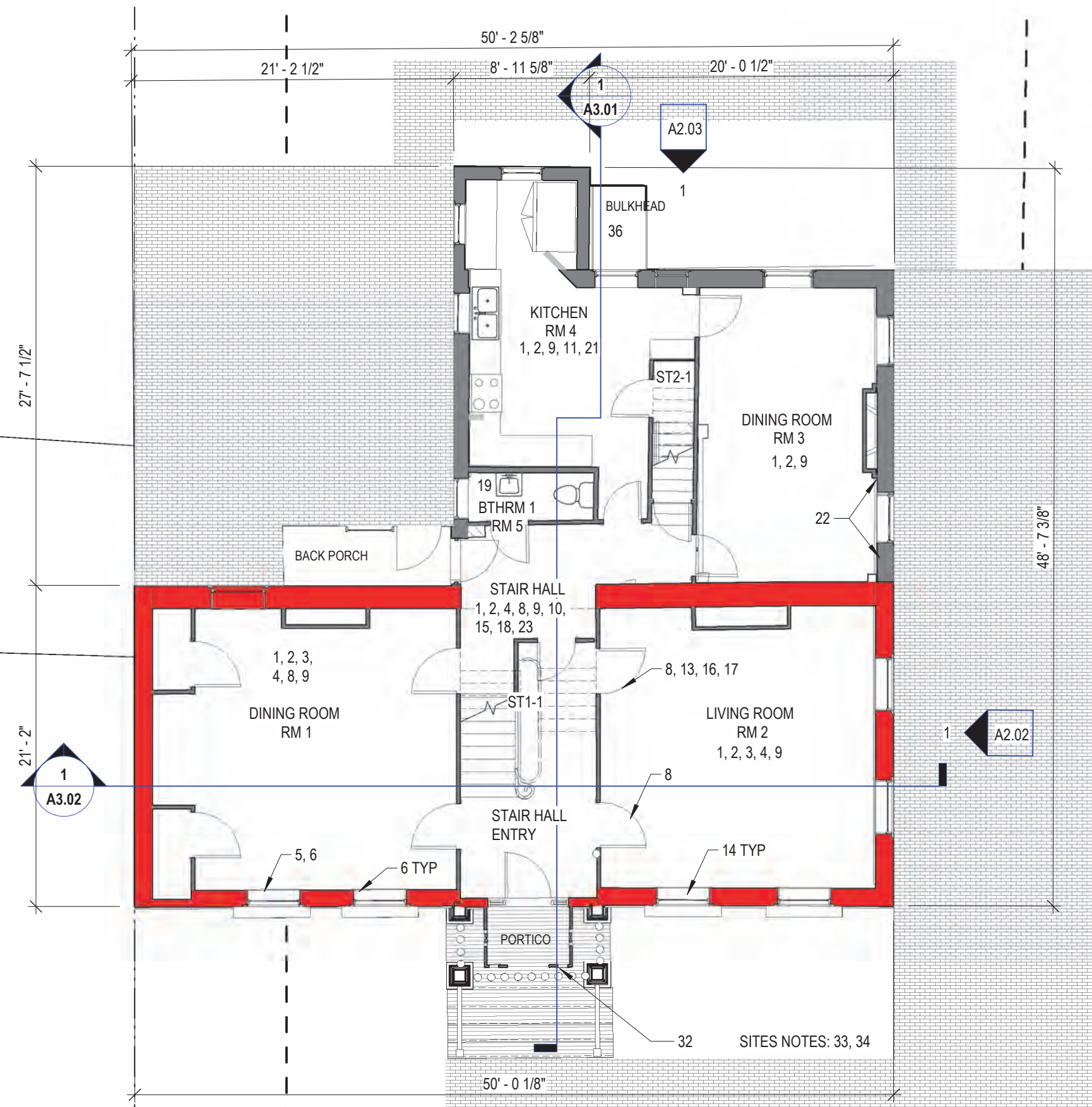
**A1.00 BASEMENT FLOOR PLAN
EXISTING CONDITIONS**

1/8" = 1'-0"
12/1/2022
GRAPHIC SCALE: 1/8" = 1'-0"
0' 4' 8' 16'



KEYNOTES:

- | | |
|---|---|
| 1. ELECTRICAL OUTLETS - NON COMPLIANT & NEED BASIC REPAIR | 24. FLOOR IN NEED OF REPAIR |
| 2. LIGHT FIXTURE NOT WORKING | 25. CARPET IN BAD CONDITION RE: A4.00/7 |
| 3. WAINSCOT CRACKING RE: A4.00/1 | 26. BROKEN UPPER SASH |
| 4. MOISTURE DAMAGE RE: A4.00/2 | 27. CRACKED MARBLE COMMODE RE: A4.00/10 |
| 5. SHUTTER DOES NOT CLOSE RE: A4.00/3 | 28. CORREY TILES NEED RESETTING RE: A4.00/8 |
| 6. PAINTED ROPE PULLEY SYSTEMS FOR WINDOWS NEED OVERHAUL | 29. RAILING BROKEN RE: A4.00/9 |
| 7. WINDOWS LOOSE - NEED REPAINTING & REPOINTING | 30. MOLD & MILDEW |
| 8. REPAINTING NEEDED | 31. LADDER TO ATTIC IN CLOSET - ATTIC HAD PREVIOUS FIRE DAMAGE RE: A4.00/11 |
| 9. LOOSE DOOR HARDWARE - NEED REPAIR | 32. BALUSTRADE WOOD NEEDS REPAIR & REPAINTING |
| 10. WALLPAPER PEELING | 33. GATE ROTTED |
| 11. MISALIGNMENT IN CROWN MOULDING RE: A4.00/4 | 34. BRICK PAVERS DISSHEVELED |
| 12. LOW CEILING DOES NOT MEET CODE RE: A4.00/5 | 35. WOOD NEEDS MINOR MAINTENANCE |
| 13. DOOR LOOSE | 36. RUSTY BULKHEAD |
| 14. CRACKED HINGES RE: A4.00/6 | 37. BRICK NEEDS CLEANING & REPOINTING |
| 15. CEILING CRACKED | 38. CHIMNEY TOPS IN NEED OF REPAIR RE: A4.00/12 |
| 16. SPLIT PANELS RE: A4.00/6 | 39. DISCONNECTED GUTTERS & DOWNSPOUTS RE: A4.00/13 |
| 17. DOOR OUT OF PLUMB DOES NOT LATCH RE: A4.00/6 | 40. ELECTRICAL NEEDS TO BE UPDATED |
| 18. PLUMBING EXPOSED | 41. 5' 10" DOOR NON-COMPLIANT |
| 19. RUSTED PLUMBING | 42. REPAIR MISSING CEILING AREAS |
| 20. WALLPAPER IN POOR CONDITION RE: A4.00/6 | 43. CLEAR ABANDONED UTILITIES |
| 21. ANT ISSUES | 44. REPAIR WEATHERSEALED WINDOWS |
| 22. PLASTER DETERIORATION WITH CLOTH WIRING EXPOSED | 45. REPAIR SLAB @ HOLE IN FLOOR |
| 23. PLASTER & PAINT NEEDED | 46. REPAIR MASONRY & PARGING |



CIRCA 1802-04
CIRCA 1815

A1.01

**FIRST FLOOR PLAN
EXISTING CONDITIONS**

1/8" = 1'-0"
12/1/2022

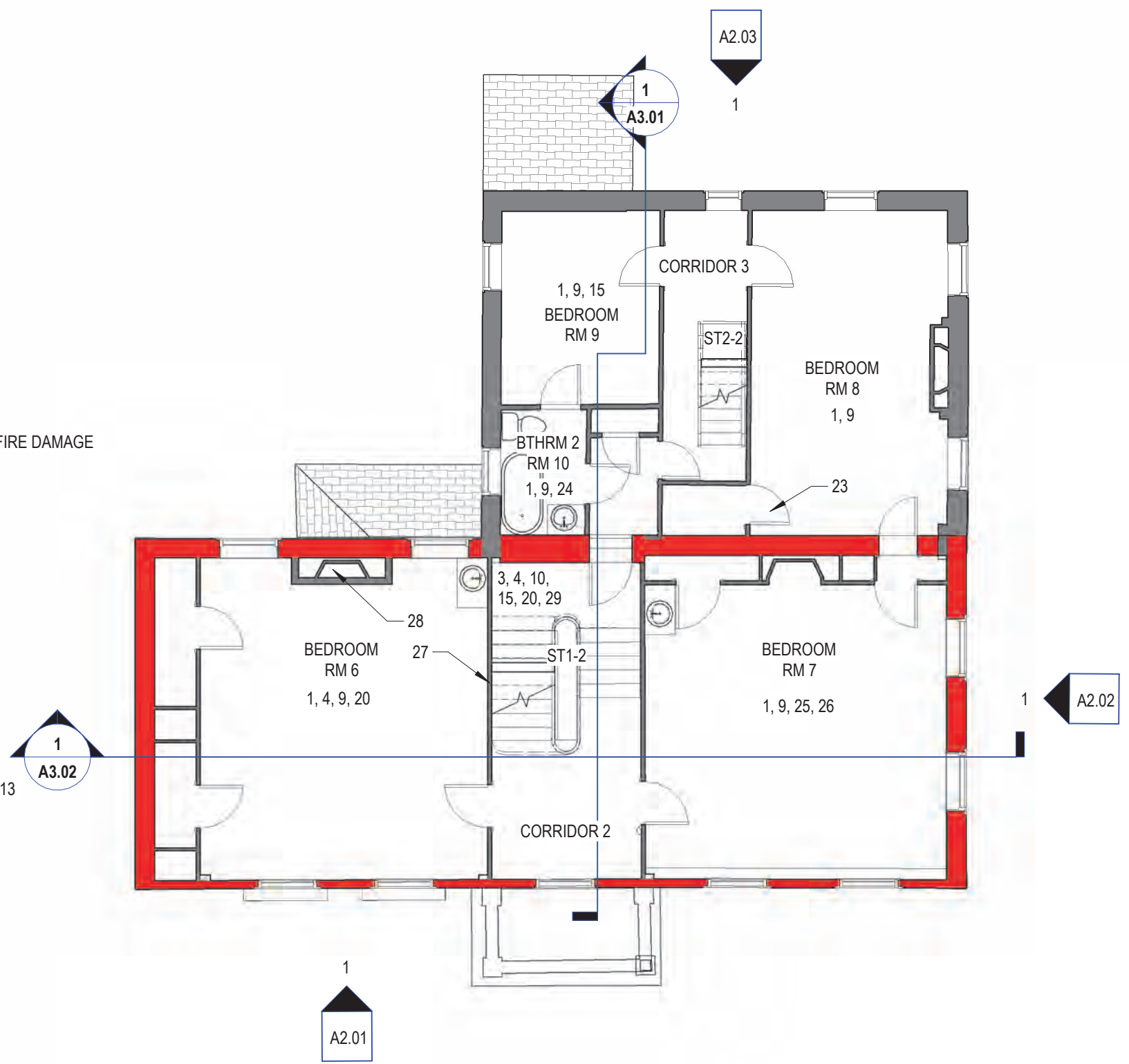
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0' 4' 8' 16'



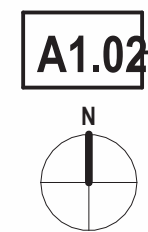
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2. LIGHT FIXTURE NOT WORKING
3. WAINSCOT CRACKING RE: A4.00/1
4. MOISTURE DAMAGE RE: A4.00/2
5. SHUTTER DOES NOT CLOSE RE: A4.00/3
6. PAINTED ROPE PULLEY SYSTEMS FOR WINDOWS NEED OVERHAUL
7. WINDOWS LOOSE - NEED REPAINTING & REPOINTING
8. REPAINTING NEEDED
9. LOOSE DOOR HARDWARE - NEED REPAIR
10. WALLPAPER PEELING
11. MISALIGNMENT IN CROWN MOULDING RE: A4.00/4
12. LOW CEILING DOES NOT MEET CODE RE: A4.00/5
13. DOOR LOOSE
14. CRACKED HINGES RE: A4.00/6
15. CEILING CRACKED
16. SPLIT PANELS RE: A4.00/6
17. DOOR OUT OF PLUMB DOES NOT LATCH RE: A4.00/6
18. PLUMBING EXPOSED
19. RUSTED PLUMBING
20. WALLPAPER IN POOR CONDITION RE: A4.00/6
21. ANT ISSUES
22. PLASTER DETERIORATION WITH CLOTH WIRING EXPOSED
23. PLASTER & PAINT NEEDED

24. FLOOR IN NEED OF REPAIR
25. CARPET IN BAD CONDITION RE: A4.00/7
26. BROKEN UPPER SASH
27. CRACKED MARBLE COMMODE RE: A4.00/10
28. CORREY TILES NEED RESETTING RE: A4.00/8
29. RAILING BROKEN RE: A4.00/9
30. MOLD & MILDEW
31. LADDER TO ATTIC IN CLOSET - ATTIC HAD PREVIOUS FIRE DAMAGE RE: A4.00/11
32. BALUSTRADE WOOD NEEDS REPAIR & REPAINTING
33. GATE ROTTED
34. BRICK PAVERS DISSHEVELED
35. WOOD NEEDS MINOR MAINTENANCE
36. RUSTY BULKHEAD
37. BRICK NEEDS CLEANING & REPOINTING
38. CHIMNEY TOPS IN NEED OF REPAIR RE: A4.00/12
39. DISCONNECTED GUTTERS & DOWNSPOUTS RE: A4.00/13
40. ELECTRICAL NEEDS TO BE UPDATED
41. 5' 10" DOOR NON-COMPLIANT
42. REPAIR MISSING CEILING AREAS
43. CLEAR ABANDONED UTILITIES
44. REPAIR WEATHERSEALED WINDOWS
45. REPAIR SLAB @ HOLE IN FLOOR
46. REPAIR MASONRY & PARGING



█ CIRCA 1802-04
█ CIRCA 1815



**A1.02 SECOND FLOOR PLAN
 EXISTING CONDITIONS**

1/8" = 1'-0"
 12/1/2022
 GRAPHIC SCALE: 1/8" = 1'-0"
 0' 4' 8' 16'



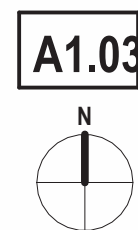
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2. LIGHT FIXTURE NOT WORKING
3. WAINSCOT CRACKING RE: A4.00/1
4. MOISTURE DAMAGE RE: A4.00/2
5. SHUTTER DOES NOT CLOSE RE: A4.00/3
6. PAINTED ROPE PULLEY SYSTEMS FOR WINDOWS NEED OVERHAUL
7. WINDOWS LOOSE - NEED REPAINTING & REPOINTING
8. REPAINTING NEEDED
9. LOOSE DOOR HARDWARE - NEED REPAIR
10. WALLPAPER PEELING
11. MISALIGNMENT IN CROWN MOULDING RE: A4.00/4
12. LOW CEILING DOES NOT MEET CODE RE: A4.00/5
13. DOOR LOOSE
14. CRACKED HINGES RE: A4.00/6
15. CEILING CRACKED
16. SPLIT PANELS RE: A4.00/6
17. DOOR OUT OF PLUMB DOES NOT LATCH RE: A4.00/6
18. PLUMBING EXPOSED
19. RUSTED PLUMBING
20. WALLPAPER IN POOR CONDITION RE: A4.00/6
21. ANT ISSUES
22. PLASTER DETERIORATION WITH CLOTH WIRING EXPOSED
23. PLASTER & PAINT NEEDED

24. FLOOR IN NEED OF REPAIR
25. CARPET IN BAD CONDITION RE: A4.00/7
26. BROKEN UPPER SASH
27. CRACKED MARBLE COMMODE RE: A4.00/10
28. CORREY TILES NEED RESETTING RE: A4.00/8
29. RAILING BROKEN RE: A4.00/9
30. MOLD & MILDEW
31. LADDER TO ATTIC IN CLOSET - ATTIC HAD PREVIOUS FIRE DAMAGE RE: A4.00/11
32. BALUSTRADE WOOD NEEDS REPAIR & REPAINTING
33. GATE ROTTED
34. BRICK PAVERS DISSHEVELED
35. WOOD NEEDS MINOR MAINTENANCE
36. RUSTY BULKHEAD
37. BRICK NEEDS CLEANING & REPOINTING
38. CHIMNEY TOPS IN NEED OF REPAIR RE: A4.00/12
39. DISCONNECTED GUTTERS & DOWNSPOUTS RE: A4.00/13
40. ELECTRICAL NEEDS TO BE UPDATED
41. 5' 10" DOOR NON-COMPLIANT
42. REPAIR MISSING CEILING AREAS
43. CLEAR ABANDONED UTILITIES
44. REPAIR WEATHERSEALED WINDOWS
45. REPAIR SLAB @ HOLE IN SLAB
46. REPAIR MASONRY & PARGING



█ CIRCA 1802-04
█ CIRCA 1815



**A1.03 THIRD FLOOR PLAN
 EXISTING CONDITIONS**

1/8" = 1'-0"
 12/1/2022

GRAPHIC SCALE: 1/8" = 1'-0"
 0' 4' 8' 16'





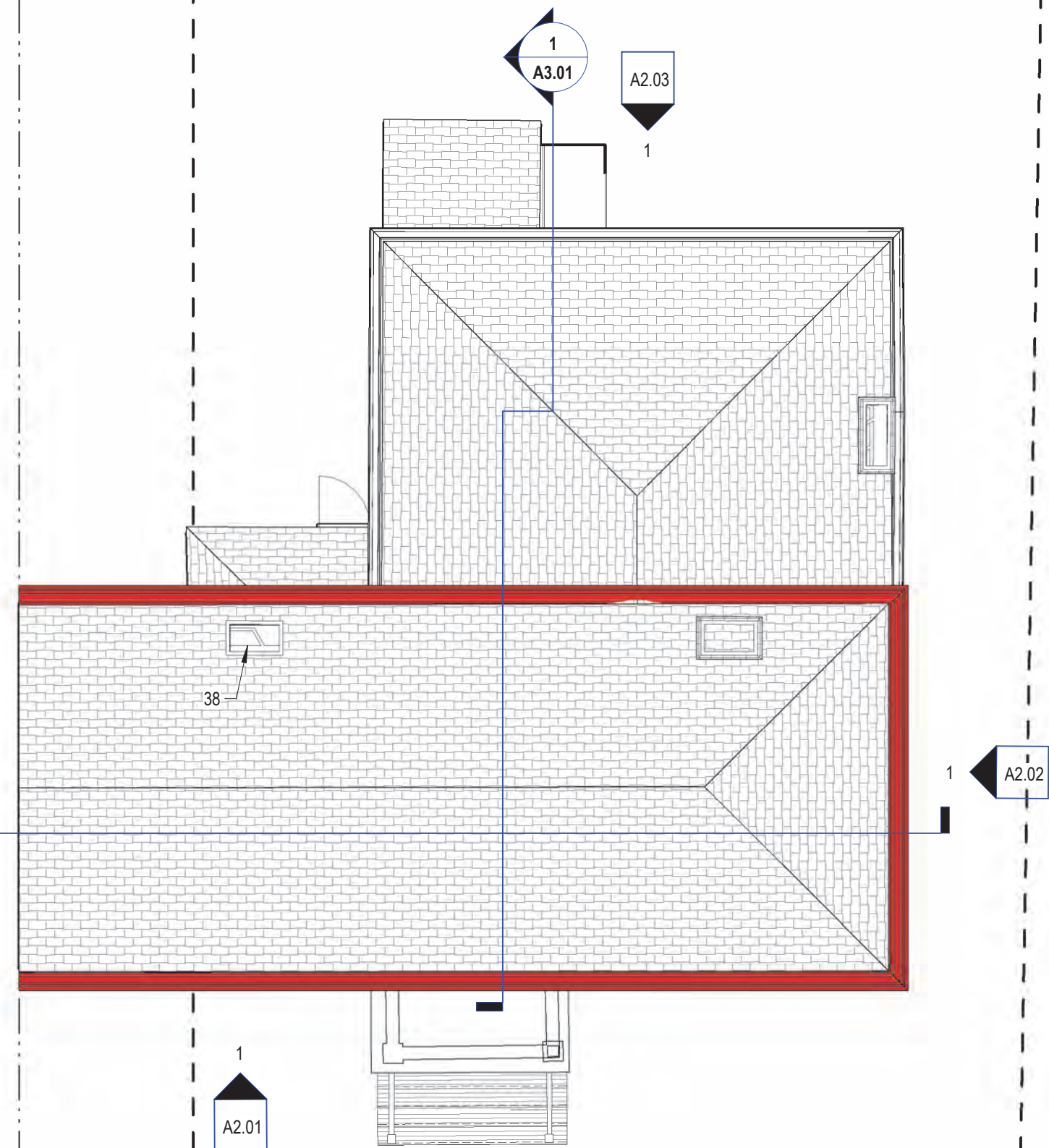
COPYRIGHT © 2022

KEYNOTES:

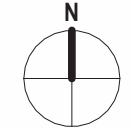
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2. LIGHT FIXTURE NOT WORKING
3. WAINSCOT CRACKING RE: A4.00/1
4. MOISTURE DAMAGE RE: A4.00/2
5. SHUTTER DOES NOT CLOSE RE: A4.00/3
6. PAINTED ROPE PULLEY SYSTEMS FOR WINDOWS NEED OVERHAUL
7. WINDOWS LOOSE - NEED REPAINTING & REPOINTING
8. REPAINTING NEEDED
9. LOOSE DOOR HARDWARE - NEED REPAIR
10. WALLPAPER PEELING
11. MISALIGNMENT IN CROWN MOULDING RE: A4.00/4
12. LOW CEILING DOES NOT MEET CODE RE: A4.00/5
13. DOOR LOOSE
14. CRACKED HINGES RE: A4.00/6
15. CEILING CRACKED
16. SPLIT PANELS RE: A4.00/6
17. DOOR OUT OF PLUMB DOES NOT LATCH RE: A4.00/6
18. PLUMBING EXPOSED
19. RUSTED PLUMBING
20. WALLPAPER IN TERRIBLE CONDITION RE: A4.00/6
21. ANT ISSUES
22. PLASTER DETERIORATION WITH CLOTH WIRING EXPOSED
23. PLASTER & PAINT NEEDED

24. FLOOR IN NEED OF REPAIR
25. CARPET IN BAD CONDITION RE: A4.00/7
26. BROKEN UPPER SASH
27. CRACKED MARBLE COMMODE RE: A4.00/10
28. CORREY TILES NEED RESETTING RE: A4.00/8
29. RAILING BROKEN RE: A4.00/9
30. MOLD & MILDEW
31. LADDER TO ATTIC IN CLOSET - ATTIC HAD PREVIOUS FIRE DAMAGE RE: A4.00/11
32. BALUSTRADE WOOD NEEDS REPAIR & REPAINTING
33. GATE ROTTED
34. BRICK PAVERS DISSHEVELED
35. WOOD NEEDS MINOR MAINTENANCE
36. RUSTY BULKHEAD
37. BRICK NEEDS CLEANING & REPOINTING
38. CHIMNEY TOPS IN NEED OF REPAIR RE: A4.00/12
39. DISCONNECTED GUTTERS & DOWNSPOUTS RE: A4.00/13
40. ELECTRICAL NEEDS TO BE UPDATED
41. 5' 10" DOOR NON-COMPLIANT
42. REPAIR MISSING CEILING AREAS
43. CLEAR ABANDONED UTILITIES
44. REPAIR WEATHERSEALED WINDOWS
45. REPAIR FLOOR SLAB @ TUNNEL ENTRANCE
46. REPAIR MASONRY & PARGING

 CIRCA 1802-04
 CIRCA 1815



A1.04 **ROOF PLAN**
EXISTING CONDITIONS



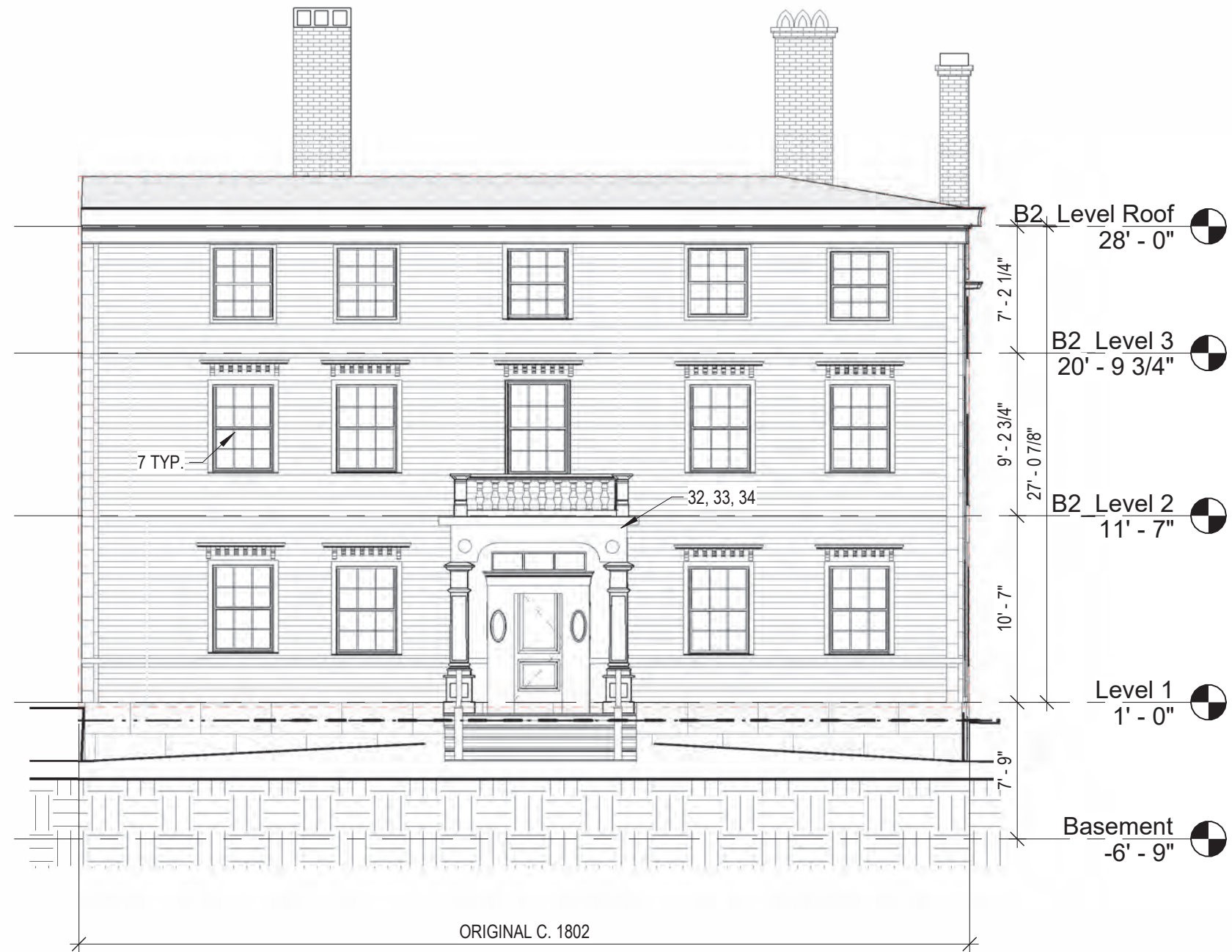
1/8" = 1'-0"
 GRAPHIC SCALE: 1/8" = 1'-0"
 0' 4' 8' 16'

12/1/2022



KEYNOTES:

- | | |
|---|---|
| 1. ELECTRICAL OUTLETS - NON COMPLIANT & NEED BASIC REPAIR | 24. FLOOR IN NEED OF REPAIR |
| 2. LIGHT FIXTURE NOT WORKING | 25. CARPET IN BAD CONDITION RE: A4.00/7 |
| 3. WAINSCOT CRACKING RE: A4.00/1 | 26. BROKEN UPPER SASH |
| 4. MOISTURE DAMAGE RE: A4.00/2 | 27. CRACKED MARBLE COMMODE RE: A4.00/10 |
| 5. SHUTTER DOES NOT CLOSE RE: A4.00/3 | 28. CORREY TILES NEED RESETTING RE: A4.00/8 |
| 6. PAINTED ROPE PULLEY SYSTEMS FOR WINDOWS NEED OVERHAUL | 29. RAILING BROKEN RE: A4.00/9 |
| 7. WINDOWS LOOSE - NEED REPAINTING & REPOINTING | 30. MOLD & MILDEW |
| 8. REPAINTING NEEDED | 31. LADDER TO ATTIC IN CLOSET - ATTIC HAD PREVIOUS FIRE DAMAGE RE: A4.00/11 |
| 9. LOOSE DOOR HARDWARE - NEED REPAIR | 32. BALUSTRADE WOOD NEEDS REPAIR & REPAINTING |
| 10. WALLPAPER PEELING | 33. GATE ROTTED |
| 11. MISALIGNMENT IN CROWN MOULDING RE: A4.00/4 | 34. BRICK PAVERS DISSHEVELED |
| 12. LOW CEILING DOES NOT MEET CODE RE: A4.00/5 | 35. WOOD NEEDS MINOR MAINTENANCE |
| 13. DOOR LOOSE | 36. RUSTY BULKHEAD |
| 14. CRACKED HINGES RE: A4.00/6 | 37. BRICK NEEDS CLEANING & REPOINTING |
| 15. CEILING CRACKED | 38. CHIMNEY TOPS IN NEED OF REPAIR RE: A4.00/12 |
| 16. SPLIT PANELS RE: A4.00/6 | 39. DISCONNECTED GUTTERS & DOWNSPOUTS RE: A4.00/13 |
| 17. DOOR OUT OF PLUMB DOES NOT LATCH RE: A4.00/6 | 40. ELECTRICAL NEEDS TO BE UPDATED |
| 18. PLUMBING EXPOSED | 41. 5' 10" DOOR NON-COMPLIANT |
| 19. RUSTED PLUMBING | 42. REPAIR MISSING CEILING AREAS |
| 20. WALLPAPER IN TERRIBLE CONDITION RE: A4.00/6 | 43. CLEAR ABANDONED UTILITIES |
| 21. ANT ISSUES | 44. REPAIR WEATHERSEALED WINDOWS |
| 22. PLASTER DETERIORATION WITH CLOTH WIRING EXPOSED | 45. REPAIR FLOOR SLAB @ TUNNEL ENTRANCE |
| 23. PLASTER & PAINT NEEDED | 46. REPAIR MASONRY & PARGING |



**A2.01 SOUTH EXTERIOR ELEVATION
EXISTING CONDITIONS**

1/8" = 1'-0"

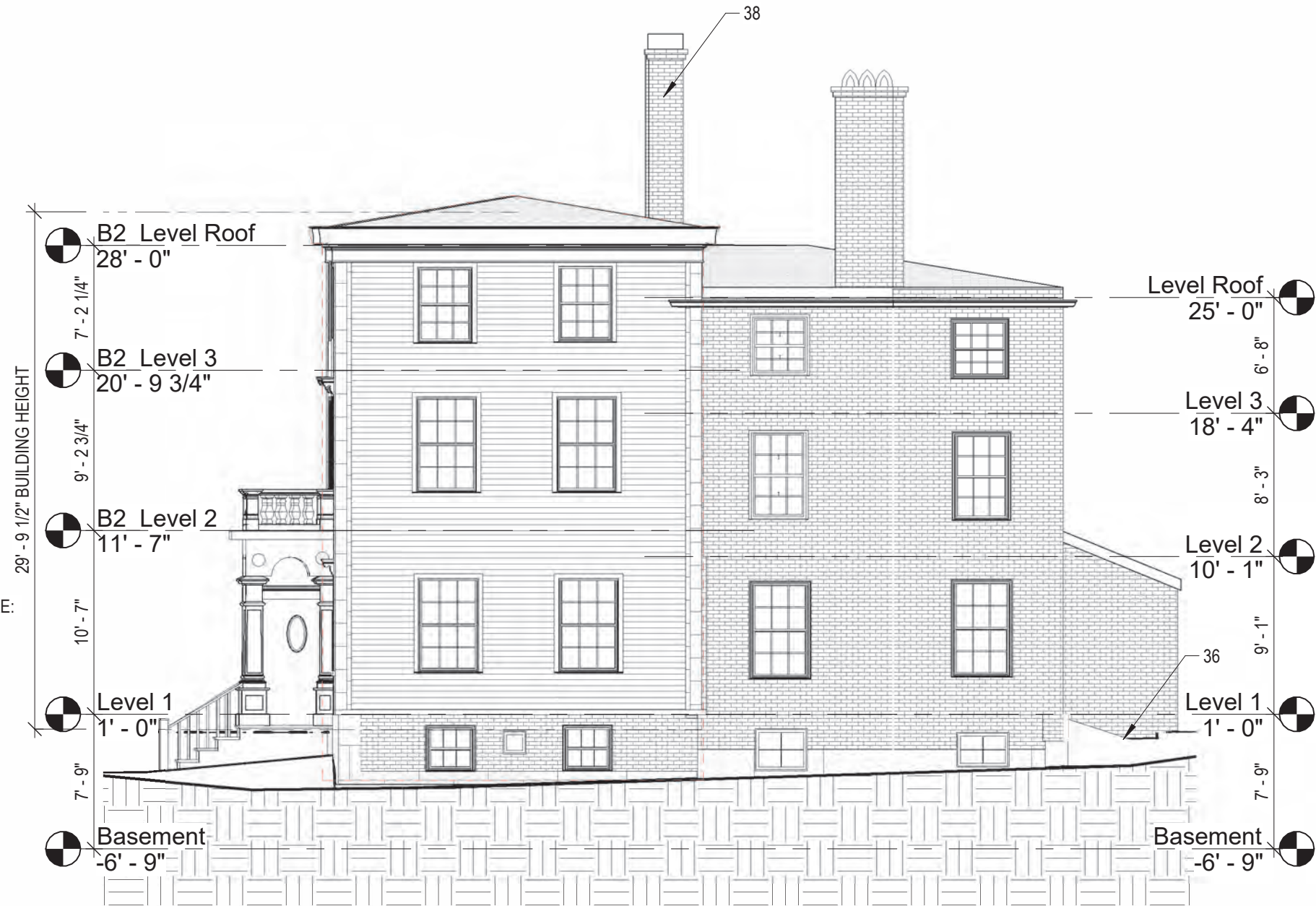
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KEYNOTES:

- | | |
|---|---|
| 1. ELECTRICAL OUTLETS - NON COMPLIANT & NEED BASIC REPAIR | 24. FLOOR IN NEED OF REPAIR |
| 2. LIGHT FIXTURE NOT WORKING | 25. CARPET IN BAD CONDITION RE: A4.00/7 |
| 3. WAINSCOT CRACKING RE: A4.00/1 | 26. BROKEN UPPER SASH |
| 4. MOISTURE DAMAGE RE: A4.00/2 | 27. CRACKED MARBLE COMMODE RE: A4.00/10 |
| 5. SHUTTER DOES NOT CLOSE RE: A4.00/3 | 28. CORREY TILES NEED RESETTING RE: A4.00/8 |
| 6. PAINTED ROPE PULLEY SYSTEMS FOR WINDOWS NEED OVERHAUL | 29. RAILING BROKEN RE: A4.00/9 |
| 7. WINDOWS LOOSE - NEED REPAINTING & REPOINTING | 30. MOLD & MILDEW |
| 8. REPAINTING NEEDED | 31. LADDER TO ATTIC IN CLOSET - ATTIC HAD PREVIOUS FIRE DAMAGE RE: A4.00/11 |
| 9. LOOSE DOOR HARDWARE - NEED REPAIR | 32. BALUSTRADE WOOD NEEDS REPAIR & REPAINTING |
| 10. WALLPAPER PEELING | 33. GATE ROTTED |
| 11. MISALIGNMENT IN CROWN MOULDING RE: A4.00/4 | 34. BRICK PAVERS DISSHEVELED |
| 12. LOW CEILING DOES NOT MEET CODE RE: A4.00/5 | 35. WOOD NEEDS MINOR MAINTENANCE |
| 13. DOOR LOOSE | 36. RUSTY BULKHEAD |
| 14. CRACKED HINGES RE: A4.00/6 | 37. BRICK NEEDS CLEANING & REPOINTING |
| 15. CEILING CRACKED | 38. CHIMNEY TOPS IN NEED OF REPAIR RE: A4.00/12 |
| 16. SPLIT PANELS RE: A4.00/6 | 39. DISCONNECTED GUTTERS & DOWNSPOUTS RE: A4.00/13 |
| 17. DOOR OUT OF PLUMB DOES NOT LATCH RE: A4.00/6 | 40. ELECTRICAL NEEDS TO BE UPDATED |
| 18. PLUMBING EXPOSED | 41. 5' 10" DOOR NON-COMPLIANT |
| 19. RUSTED PLUMBING | 42. REPAIR MISSING CEILING AREAS |
| 20. WALLPAPER IN TERRIBLE CONDITION RE: A4.00/6 | 43. CLEAR ABANDONED UTILITIES |
| 21. ANT ISSUES | 44. REPAIR WEATHERSEALED WINDOWS |
| 22. PLASTER DETERIORATION WITH CLOTH WIRING EXPOSED | 45. REPAIR FLOOR SLAB @ TUNNEL ENTRANCE |
| 23. PLASTER & PAINT NEEDED | 46. REPAIR MASONRY & PARGING |



**A2.02 EAST EXTERIOR ELEVATION
EXISTING CONDITIONS**

1/8" = 1'-0"

12/1/2022

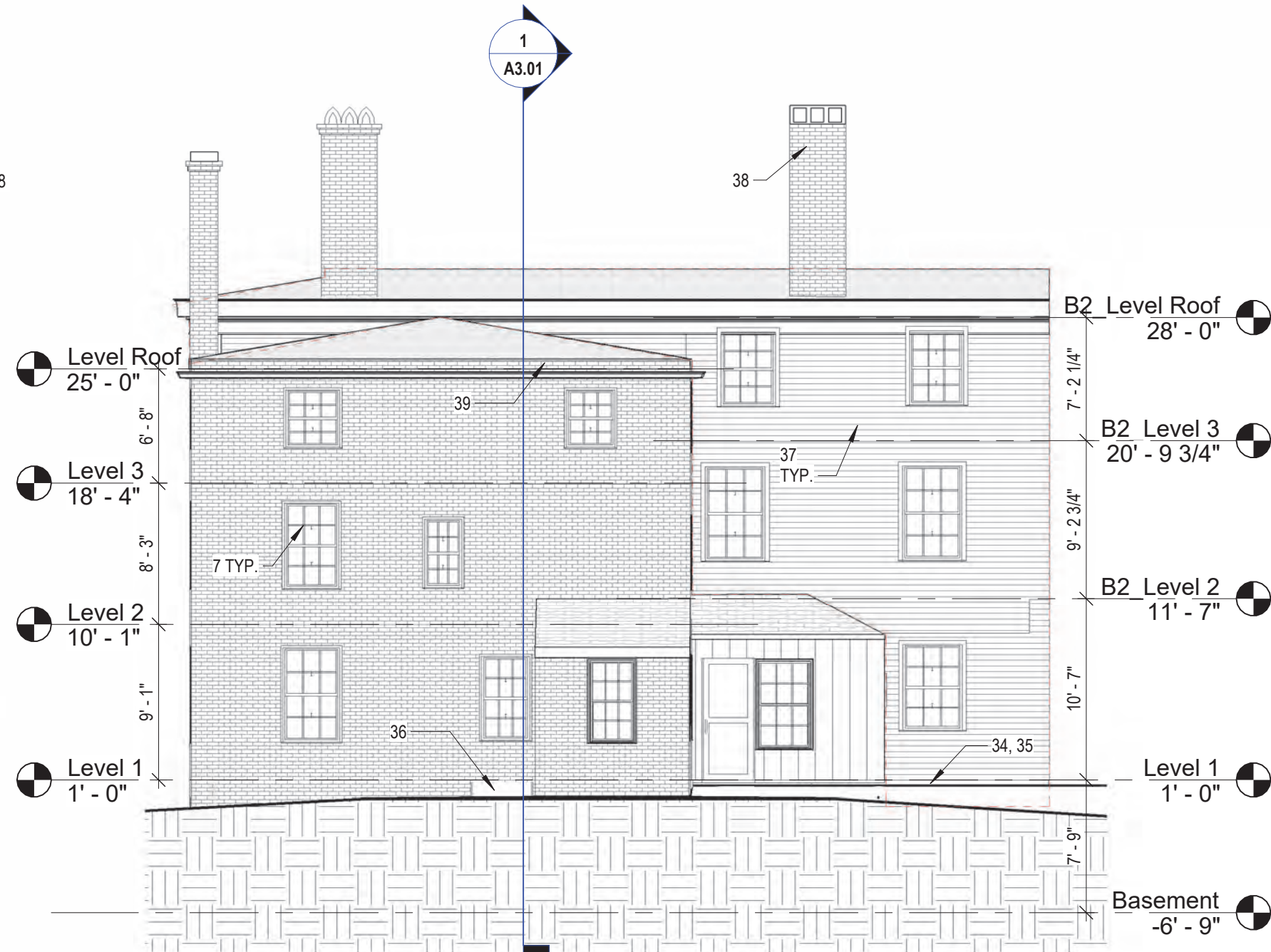


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KEYNOTES:

1. ELECTRICAL OUTLETS - NON COMPLIANT & NEED BASIC REPAIR
2. LIGHT FIXTURE NOT WORKING
3. WAINSCOT CRACKING RE: A4.00/1
4. MOISTURE DAMAGE RE: A4.00/2
5. SHUTTER DOES NOT CLOSE RE: A4.00/3
6. PAINTED ROPE PULLEY SYSTEMS FOR WINDOWS NEED OVERHAUL
7. WINDOWS LOOSE - NEED REPAINTING & REPOINTING
8. REPAINTING NEEDED
9. LOOSE DOOR HARDWARE - NEED REPAIR
10. WALLPAPER PEELING
11. MISALIGNMENT IN CROWN MOULDING RE: A4.00/4
12. LOW CEILING DOES NOT MEET CODE RE: A4.00/5
13. DOOR LOOSE
14. CRACKED HINGES RE: A4.00/6
15. CEILING CRACKED
16. SPLIT PANELS RE: A4.00/6
17. DOOR OUT OF PLUMB DOES NOT LATCH RE: A4.00/6
18. PLUMBING EXPOSED
19. RUSTED PLUMBING
20. WALLPAPER IN TERRIBLE CONDITION RE: A4.00/6
21. ANT ISSUES
22. PLASTER DETERIORATION WITH CLOTH WIRING EXPOSED
23. PLASTER & PAINT NEEDED

24. FLOOR IN NEED OF REPAIR
25. CARPET IN BAD CONDITION RE: A4.00/7
26. BROKEN UPPER SASH
27. CRACKED MARBLE COMMODOE RE: A4.00/10
28. CORREY TILES NEED RESETTING RE: A4.00/8
29. RAILING BROKEN RE: A4.00/9
30. MOLD & MILDEW
31. LADDER TO ATTIC IN CLOSET - ATTIC HAD PREVIOUS FIRE DAMAGE RE: A4.00/11
32. BALUSTRADE WOOD NEEDS REPAIR & REPAINTING
33. GATE ROTTED
34. BRICK PAVERS DISSHEVELED
35. WOOD NEEDS MINOR MAINTENANCE
36. RUSTY BULKHEAD
37. BRICK NEEDS CLEANING & REPOINTING
38. CHIMNEY TOPS IN NEED OF REPAIR RE: A4.00/12
39. DISCONNECTED GUTTERS & DOWNSPOUTS RE: A4.00/13
40. ELECTRICAL NEEDS TO BE UPDATED
41. 5' 10" DOOR NON-COMPLIANT
42. REPAIR MISSING CEILING AREAS
43. CLEAR ABANDONED UTILITIES
44. REPAIR WEATHERSEALED WINDOWS
45. REPAIR FLOOR SLAB @ TUNNEL ENTRANCE
46. REPAIR MASONRY & PARGING



A2.03 NORTH EXTERIOR ELEVATION
EXISTING CONDITIONS

1/8" = 1'-0"

12/1/2022



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A2.11

SOUTH EXTERIOR ELEVATION PHOTO
EXISTING CONDITIONS

12/1/2022



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A2.12 EAST EXTERIOR ELEVATION PHOTO
EXISTING CONDITIONS

12/1/2022



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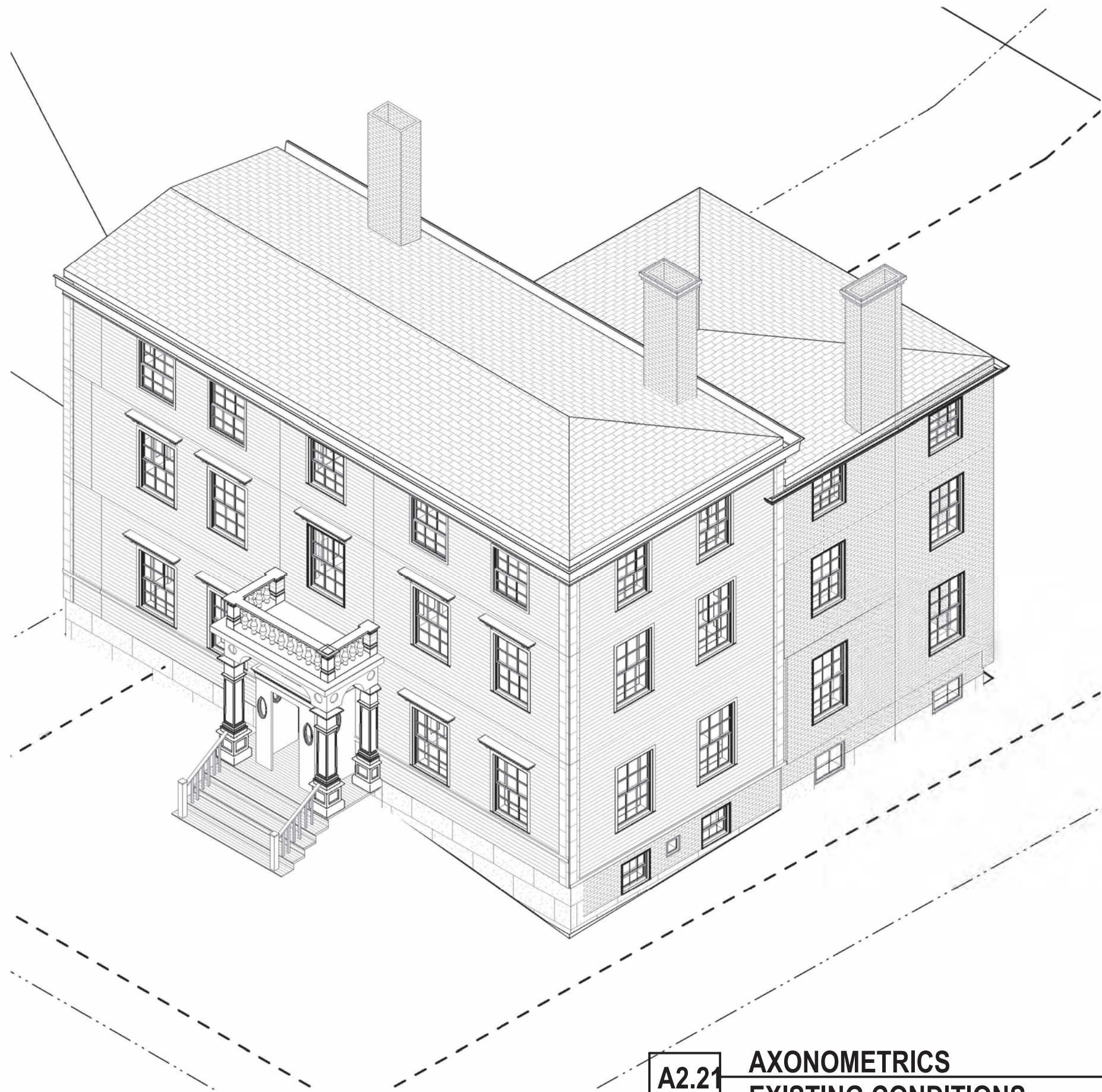


A2.13 NORTH EXTERIOR ELEVATION PHOTO
EXISTING CONDITIONS

12/1/2022



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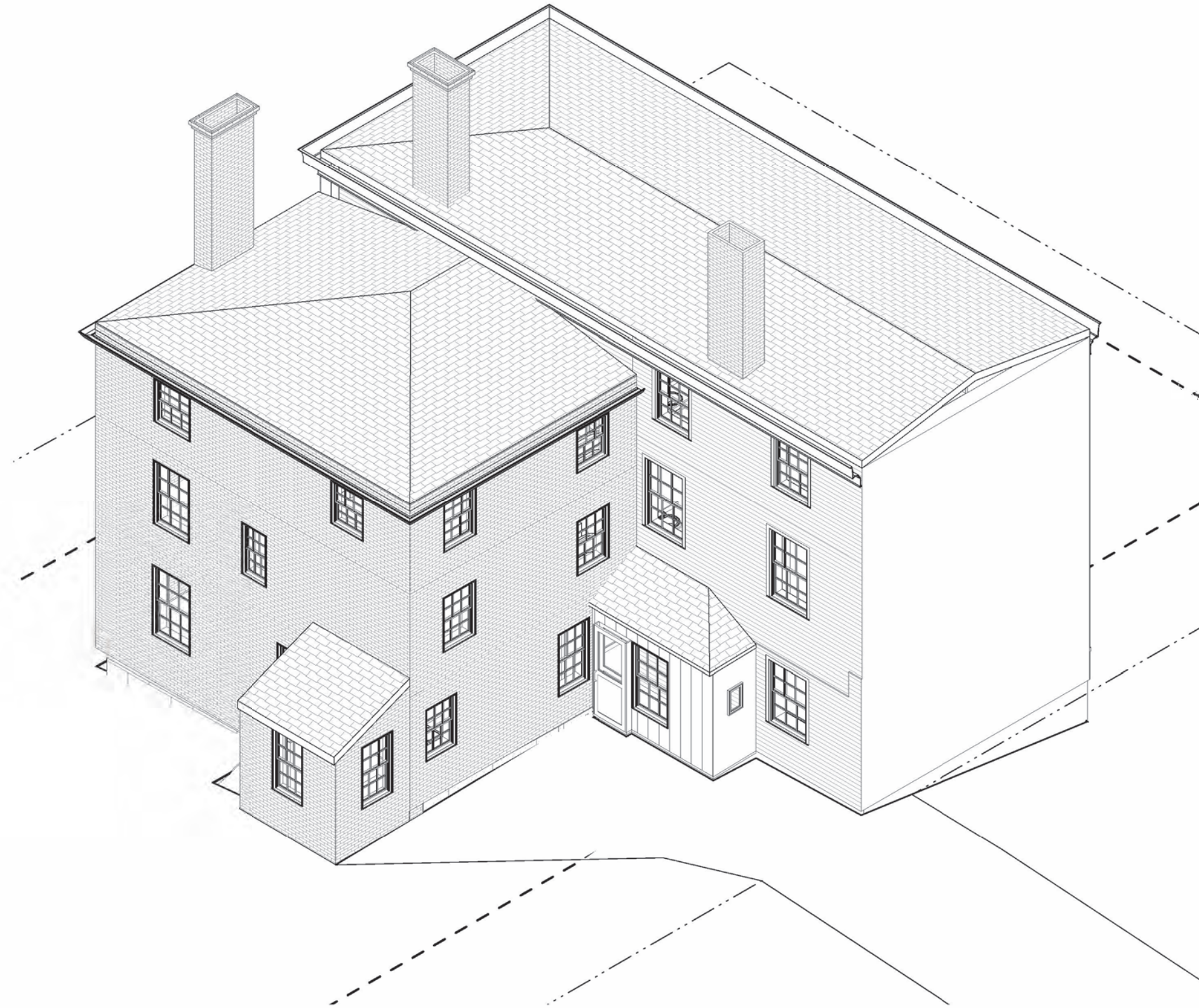


A2.21

**AXONOMETRICS
EXISTING CONDITIONS**

12/1/2022



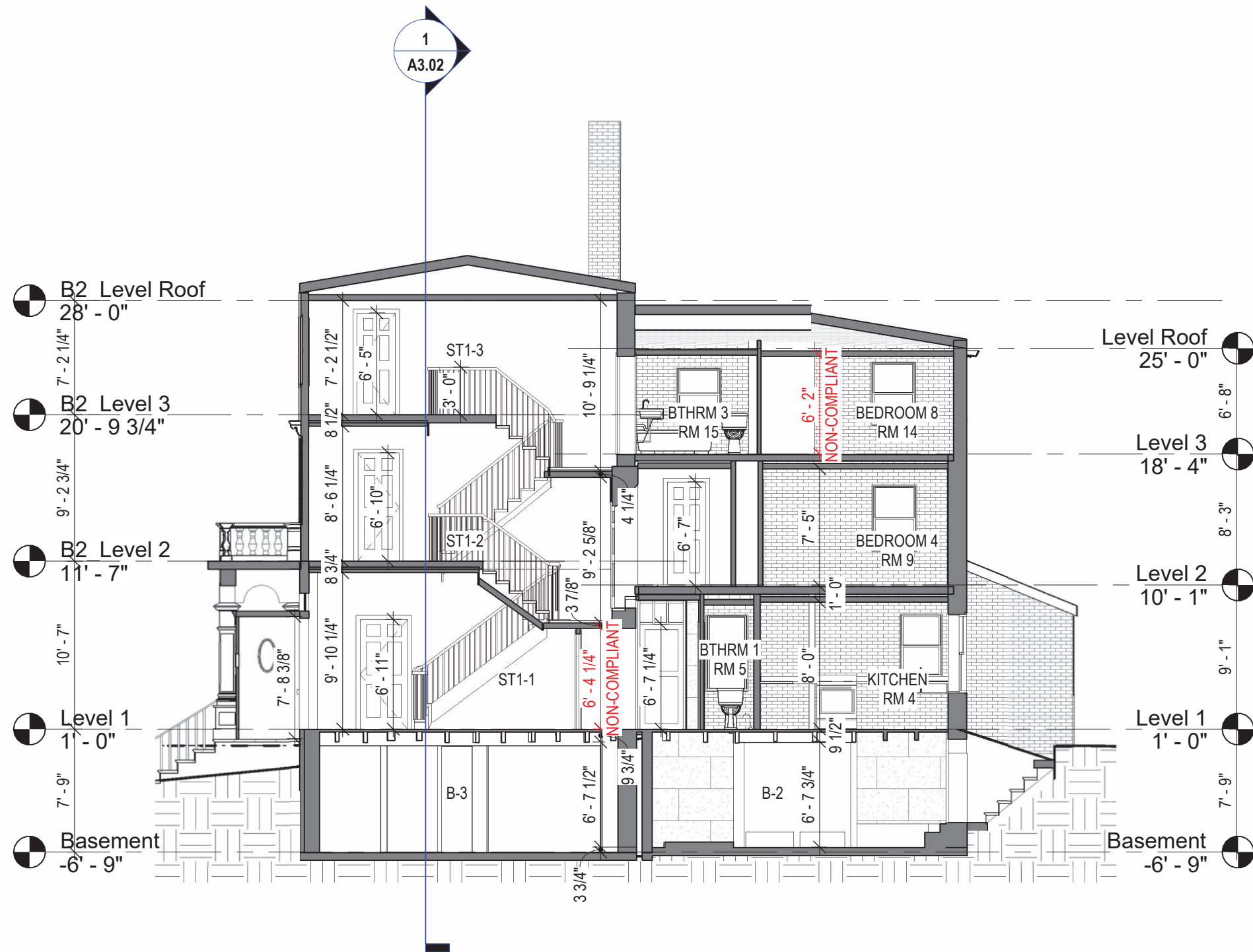


A2.22 AXONOMETRICS
EXISTING CONDITIONS

12/1/2022



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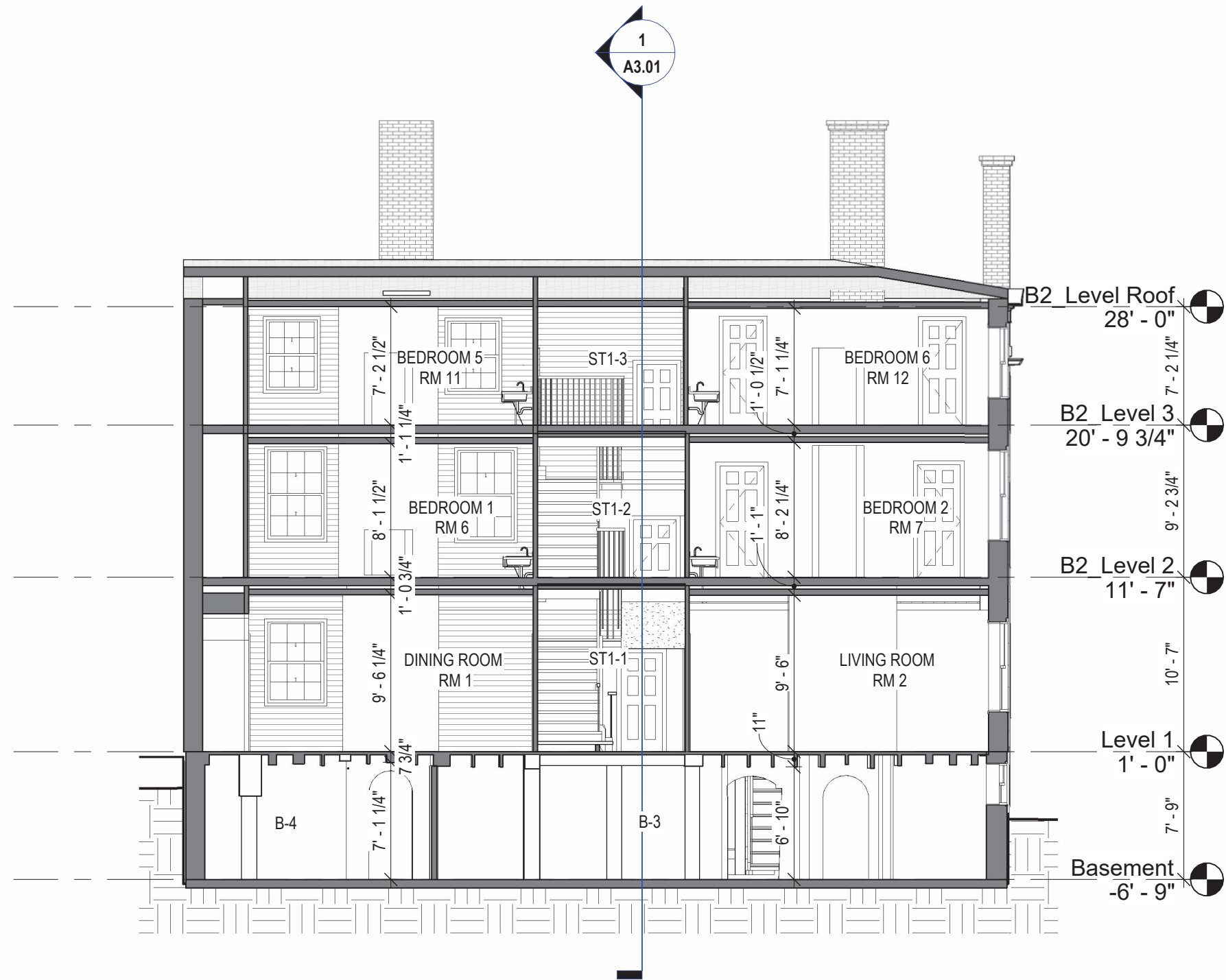
**A3.01 BUILDING SECTIONS
EXISTING CONDITIONS**

1/8" = 1'-0"

12/1/2022



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**A3.02 BUILDING SECTIONS
EXISTING CONDITIONS**

1/8" = 1'-0"

12/1/2022



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A ROOM 1



B ROOM 2



C ROOM 3



D ROOM 6



E ROOM 7



F ROOM 8



G ROOM 11



H ROOM 12



I ROOM 13



J BASEMENT

A4.01 INTERIOR CONDITIONS
EXISTING CONDITIONS

12/1/2022



KEYNOTES:

1. ELECTRICAL OUTLETS - NON COMPLIANT & NEED BASIC REPAIR
2. LIGHT FIXTURE NOT WORKING
3. WAINSCOT CRACKING RE: A4.00/1
4. MOISTURE DAMAGE RE: A4.00/2
5. SHUTTER DOES NOT CLOSE RE: A4.00/3
6. PAINTED ROPE PULLEY SYSTEMS FOR WINDOWS NEED OVERHAUL
7. WINDOWS LOOSE - NEED REPAINTING & REPOINTING
8. REPAINTING NEEDED
9. LOOSE DOOR HARDWARE - NEED REPAIR
10. WALLPAPER PEELING
11. MISALIGNMENT IN CROWN MOULDING RE: A4.00/4
12. LOW CEILING DOES NOT MEET CODE RE: A4.00/5
13. DOOR LOOSE
14. CRACKED HINGES RE: A4.00/6
15. CEILING CRACKED
16. SPLIT PANELS RE: A4.00/6
17. DOOR OUT OF PLUMB DOES NOT LATCH RE: A4.00/6
18. PLUMBING EXPOSED
19. RUSTED PLUMBING
20. WALLPAPER IN TERRIBLE CONDITION RE: A4.00/6
21. ANT ISSUES
22. PLASTER DETERIORATION WITH CLOTH WIRING EXPOSED
23. PLASTER & PAINT NEEDED
24. FLOOR IN NEED OF REPAIR
25. CARPET IN BAD CONDITION RE: A4.00/7
26. BROKEN UPPER SASH
27. CRACKED MARBLE COMMUNE RE: A4.00/10
28. CORREY TILES NEED RESETTING RE: A4.00/8
29. RAILING BROKEN RE: A4.00/9
30. MOLD & MILDEW
31. LADDER TO ATTIC IN CLOSET - ATTIC HAD PREVIOUS FIRE DAMAGE RE: A4.00/11
32. BALUSTRADE WOOD NEEDS REPAIR & REPAINTING
33. GATE ROTTED
34. BRICK PAVERS DISSHEVELED
35. WOOD NEEDS MINOR MAINTENANCE
36. RUSTY BULKHEAD
37. BRICK NEEDS CLEANING & REPOINTING
38. CHIMNEY TOPS IN NEED OF REPAIR RE: A4.00/12
39. DISCONNECTED GUTTERS & DOWNSPOUTS RE: A4.00/13
40. ELECTRICAL NEEDS TO BE UPDATED
41. 5' 10" DOOR
42. REPAIR MISSING CEILING AREAS
43. CLEAR ABANDONED UTILITIES
44. REPAIR WEATHERSEALED WINDOWS
45. REPAIR FLOOR SLAB @ TUNNEL ENTRANCE
46. REPAIR MASONRY & PARGING



K TYPICAL - KEYNOTE 3



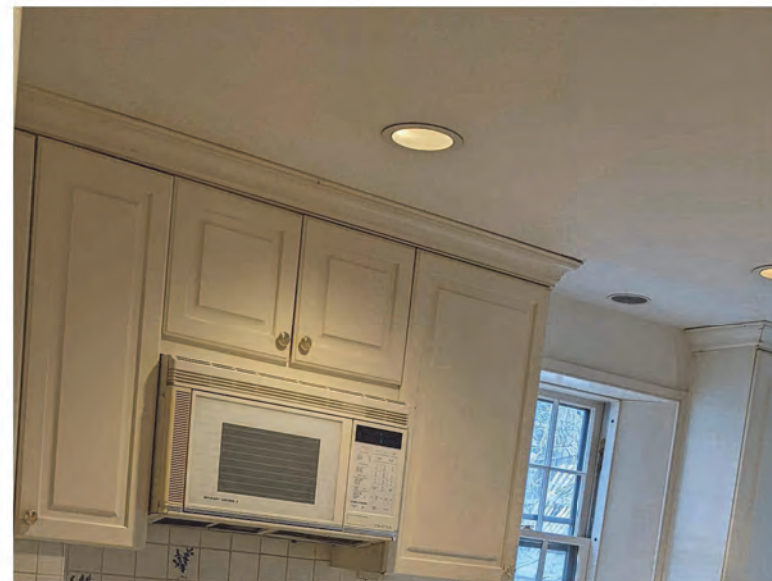
L TYPICAL - KEYNOTE 4



M ROOM 1 - KEYNOTE 5, 6, 7



N TYPICAL - KEYNOTE 10



O ROOM 4 - KEYNOTE 11



P TYPICAL - KEYNOTE 12



Q ROOM 2 - KEYNOTE 1, 2, 3, 4, 8, 9, 13, 16, 17

**A4.02 INTERIOR CONDITIONS
EXISTING CONDITIONS**

12/1/2022



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KEYNOTES:

1. ELECTRICAL OUTLETS - NON COMPLIANT & NEED BASIC REPAIR
2. LIGHT FIXTURE NOT WORKING
3. WAINSCOT CRACKING RE: A4.00/1
4. MOISTURE DAMAGE RE: A4.00/2
5. SHUTTER DOES NOT CLOSE RE: A4.00/3
6. PAINTED ROPE PULLEY SYSTEMS FOR WINDOWS NEED OVERHAUL
7. WINDOWS LOOSE - NEED REPAINTING & REPOINTING
8. REPAINTING NEEDED
9. LOOSE DOOR HARDWARE - NEED REPAIR
10. WALLPAPER PEELING
11. MISALIGNMENT IN CROWN MOULDING RE: A4.00/4
12. LOW CEILING DOES NOT MEET CODE RE: A4.00/5
13. DOOR LOOSE
14. CRACKED HINGES RE: A4.00/6
15. CEILING CRACKED
16. SPLIT PANELS RE: A4.00/6
17. DOOR OUT OF PLUMB DOES NOT LATCH RE: A4.00/6
18. PLUMBING EXPOSED
19. RUSTED PLUMBING
20. WALLPAPER IN TERRIBLE CONDITION RE: A4.00/6
21. ANT ISSUES
22. PLASTER DETERIORATION WITH CLOTH WIRING EXPOSED
23. PLASTER & PAINT NEEDED
24. FLOOR IN NEED OF REPAIR
25. CARPET IN BAD CONDITION RE: A4.00/7
26. BROKEN UPPER SASH
27. CRACKED MARBLE COMMODE RE: A4.00/10
28. CORREY TILES NEED RESETTING RE: A4.00/8
29. RAILING BROKEN RE: A4.00/9
30. MOLD & MILDEW
31. LADDER TO ATTIC IN CLOSET - ATTIC HAD PREVIOUS FIRE DAMAGE RE: A4.00/11
32. BALUSTRADE WOOD NEEDS REPAIR & REPAINTING
33. GATE ROTTED
34. BRICK PAVERS DISSHEVELED
35. WOOD NEEDS MINOR MAINTENANCE
36. RUSTY BULKHEAD
37. BRICK NEEDS CLEANING & REPOINTING
38. CHIMNEY TOPS IN NEED OF REPAIR RE: A4.00/12
39. DISCONNECTED GUTTERS & DOWNSPOUTS RE: A4.00/13
40. ELECTRICAL NEEDS TO BE UPDATED
41. 5' 10" DOOR
42. REPAIR MISSING CEILING AREAS
43. CLEAR ABANDONED UTILITIES
44. REPAIR WEATHERSEALED WINDOWS
45. REPAIR FLOOR SLAB @ TUNNEL ENTRANCE
46. REPAIR MASONRY & PARGING



R ROOM S1-2 - KEYNOTE 29



S ROOM 6 - KEYNOTE 1, 4, 9, 20, 27



T TYPICAL - KEYNOTE 28



U ROOM 11 - KEYNOTE 31



V TYPICAL - KEYNOTE 37, 38, 39

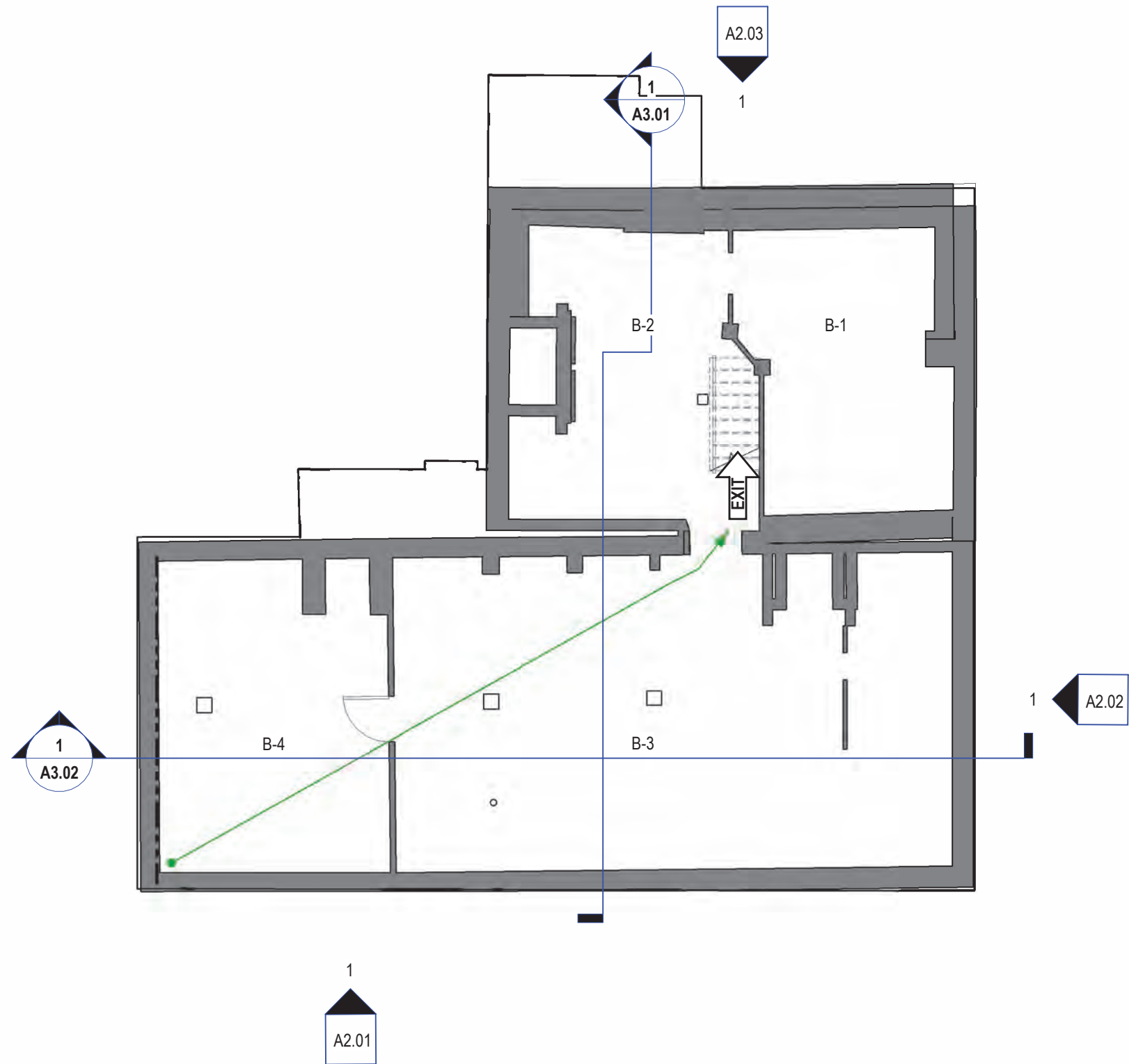


W BASEMENT - KEYNOTE 44



X BASEMENT - KEYNOTE 30, 42, 43, 45, 46

**A4.03 INTERIOR CONDITIONS
EXISTING CONDITIONS**



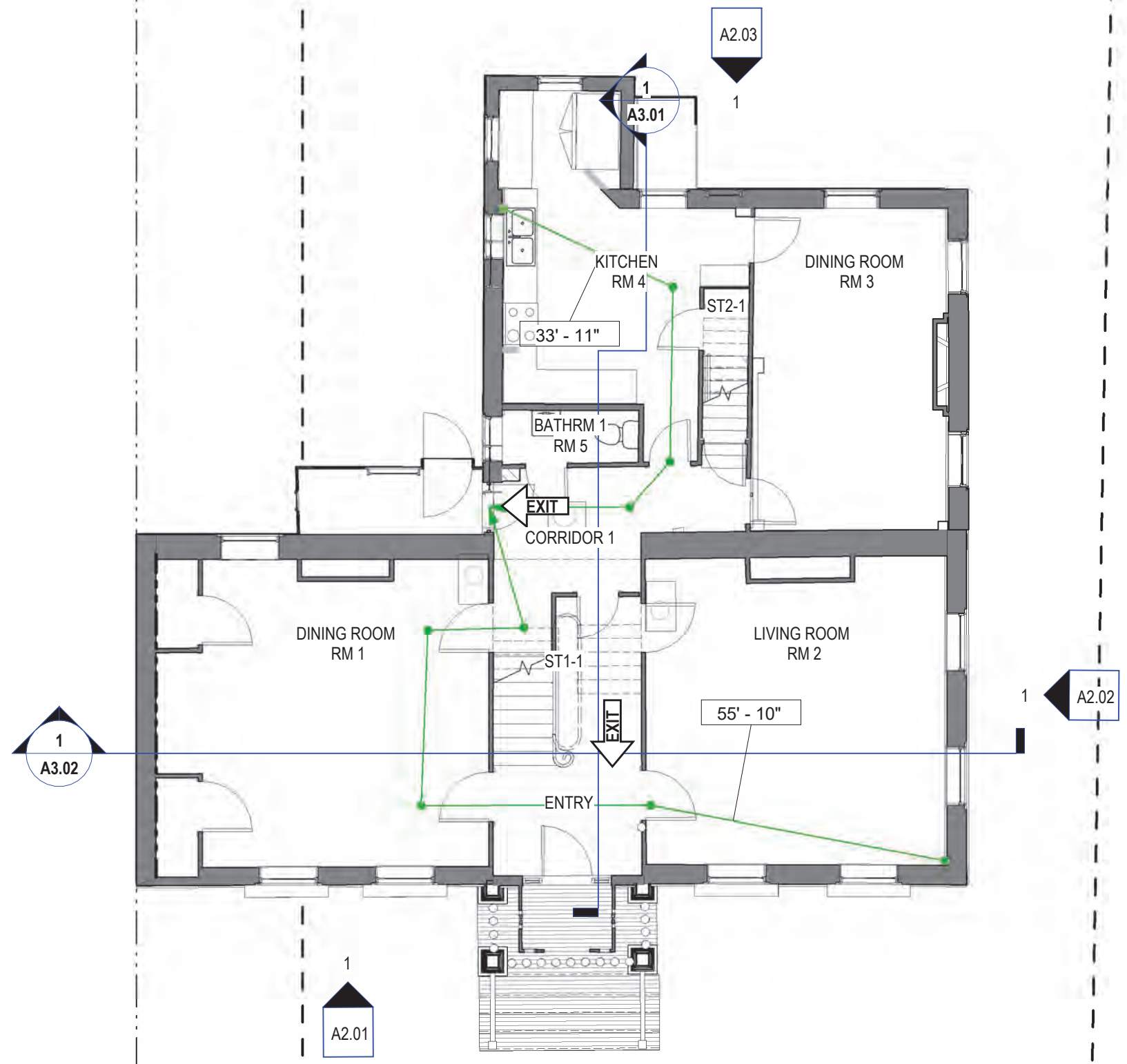
**A5.00 BASEMENT LIFE SAFETY PLAN
EXISTING CONDITIONS**

1/8" = 1'-0"

12/1/2022



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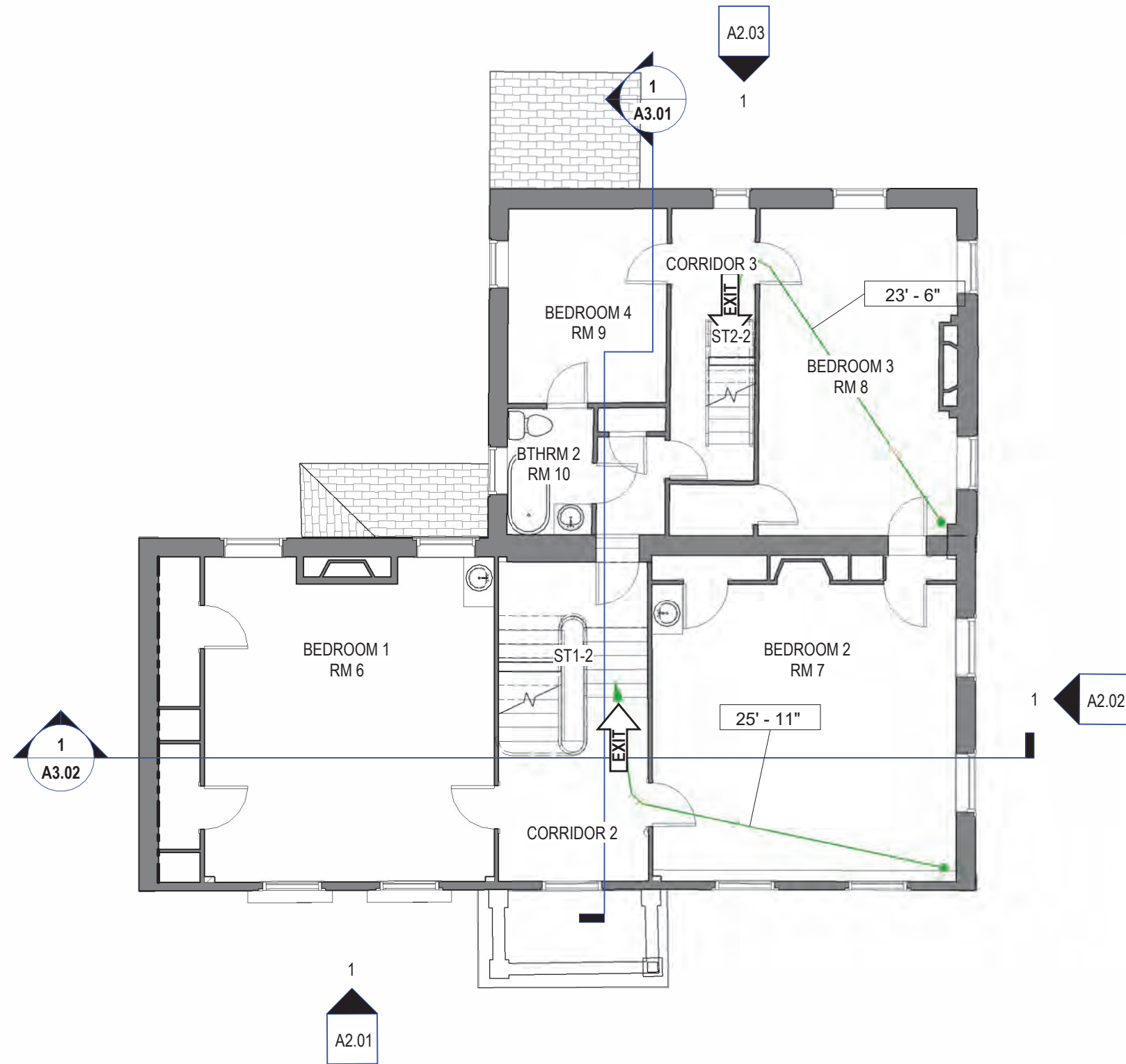


A5.01 FIRST FLOOR LIFE SAFETY PLAN
EXISTING CONDITIONS

1/8" = 1'-0"

12/1/2022





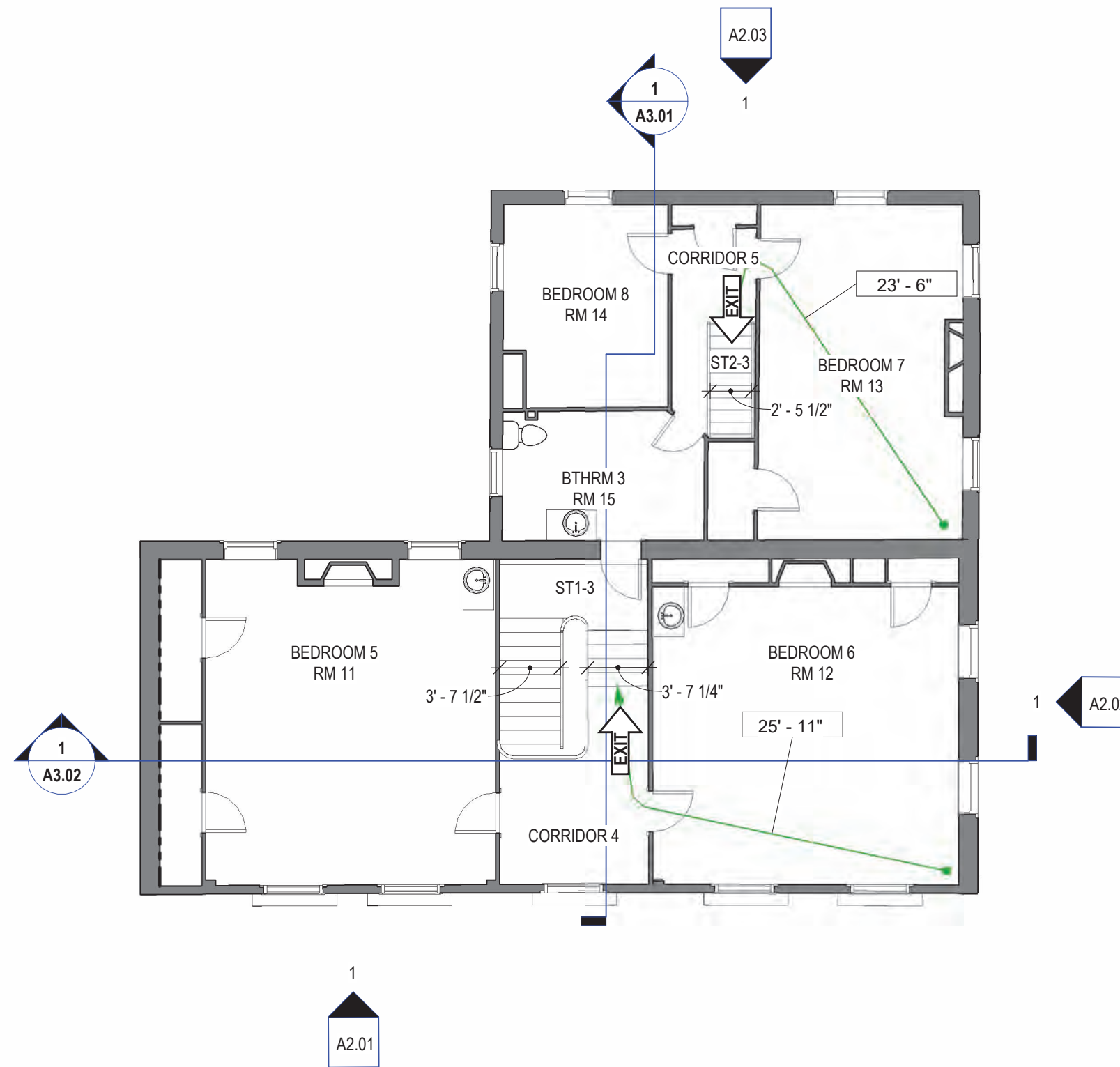
**A5.02 SECOND FLOOR LIFE SAFETY PLAN
EXISTING CONDITIONS**

1/8" = 1'-0"

12/1/2022



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A5.03 THIRD FLOOR LIFE SAFETY PLAN
EXISTING CONDITIONS

1/8" = 1'-0"

12/1/2022



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Austin-Pickering House

Preliminary Opinion of Budgetary Cost of Treatments for rehabilitation, life safety and accessibility

September 13, 2022

Building exterior perimeter	189	ls
Building footprint	1,771	sf
exterior wall height	27	lf
exterior wall area	5,103	sf
Total floor area, 1 2 & 3	5,096	sf
Basement area	1,657	sf
Total floor area B 1 2 & 3	6,753	sf
interior wall surfaces area	15,937	sf
all walls, total area	10,520	sf

Phases	
1	stabilization
2	life safety
3	accessibility, aesthetic & operational

Category	Description	qty	unit	unit cost	low	high	Phase
Site	Accessible brick walkway from driveway to rear patio & driveway to front stoop	318	sf	11.74	3,733	4,667	3
Site	re-lay rear brick patio	536	sf	11.74	6,293	7,866	3
Site	replace driveway (asphalt)	1,063	sf	17.81	18,932	23,665	1
Site	removing plantings and provide gravel drip strip with perimeter drain at building perimeter	41	cy	123.50	5,084	6,355	1
Structure	foundation masonry cleaning, tuck pointing & repair	189	lf	10.00	1,890	2,363	1
Structure	foundation walls: waterproofing membrane (15#felt), 2" sprayfoam insulation; intumescent coating	1,512	sf	11.46	17,328	21,659	1
Structure	perimeter interior trench drain with filter fabric and 6" gravel	189	lf	3.24	612	765	1
Structure	temporary shoring at first floor framing repair	10	ea	3,000.00	30,000	37,500	1
Structure	first floor framing repair & select replacement	1,771	sf	5.32	9,422	11,777	1
Structure	Basement floor moisture control - drainage mat on top of the existing slab with 2 in. of rigid-foam insulation and new concrete slab topping.	1,771	sf	7.42	13,141	16,426	1
Exteriors	repair / replace gutters & downspouts	189	lf	22.00	4,158	5,198	1
Exteriors	exterior siding and trim restoration and repainting (minor repairs)	5,103	sf	4.48	22,861	28,577	1
Exteriors	brick - cleaning	1,512	sf	1.95	2,948	3,686	1
Exteriors	brick - repointing	1,512	sf	12.00	18,144	22,680	1
Exteriors	recreate original roof balustrate	120	lf	250.00	30,000	37,500	3
Exteriors	storm windows - clean and adjust	44	ea	50.00	2,200	2,750	1
Exteriors	roofing and flashing repairs	284	lf	16.75	4,749	5,936	1
Exteriors	window repair / refurbishment	45	ea	600.00	27,000	33,750	1
Exteriors	door hardware - repair loose latch sets	48	ea	166.50	7,992	9,990	3
Interiors	patch damaged ceiling plaster (5%), 3 troweled coats	255	sf	12.47	3,177	3,972	3
Interiors	patch cracked wall plaster (5%)	797	sf	5.98	4,765	5,956	3
Interiors	touch up / repaint trim & walls (50%)	7,969	sf	2.22	17,690	22,113	3
Interiors	refinish flooring - paint/carpets (50%)	2,548	sf	34.12	86,938	108,672	3
Interiors	wall paper restoration	7,969	sf	13.00	103,591	129,488	3
Interiors	replace upstairs toilets	2	ea	1,960.00	3,920	4,900	3
Interiors	replace upstairs faucets	6	ea	490.00	2,940	3,675	3
MEP	fire suppression sprinkler system	6,753	sf	8.13	54,902	68,627	2
MEP	basement sump pump	1	ea	1,500.00	1,500	1,875	1
MEP	replace electrical service distribution	1	ea	12,000.00	12,000	15,000	2
MEP	replace circuits and wiring for lighting & branch power	1	ea	134,160.00	134,160	167,700	2
subtotal construction					652,069	815,087	

Soft Costs

procurement and general contracting	10.9%			71,336	89,170
LS permitting design & engineering	5.0%			32,603	40,754
general requirements	2.1%			13,954	17,443
contingency	15.0%			97,810	122,263
subtotal soft costs				215,705	269,631

TOTAL		33.08%		867,774	1,084,717
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Optional upgrades

	new HVAC heat pump system				
	thermal envelope improvements, roof & walls				



Austin-Pickering House
Preliminary Opinion of Budgetary Cost of Treatments for rehabilitation, life safety & accessibility
 October 13, 2022

PHASING SCHEDULE - LOW END COSTS

Low End Cost Estimate Description	Phase			
	1 - Stabilization	2 - Life Safety	3 - Access/Operations	Construction Total
Exteriors	\$ 82,060.47		\$ 37,992.00	\$ 120,052.47
exterior siding and trim restoration and repainting (minor repairs)	\$ 22,861.44			\$ 22,861.44
roofing and flashing repairs	\$ 4,748.63			\$ 4,748.63
repair / replace gutters & downspouts	\$ 4,158.00			\$ 4,158.00
brick - cleaning	\$ 2,948.40			\$ 2,948.40
brick - repointing	\$ 18,144.00			\$ 18,144.00
recreate original roof balustrate			\$ 30,000.00	\$ 30,000.00
storm windows - clean and adjust	\$ 2,200.00			\$ 2,200.00
window repair / refurbishment	\$ 27,000.00			\$ 27,000.00
door hardware - repair loose latch sets			\$ 7,992.00	\$ 7,992.00
Interiors			\$ 223,020.85	\$ 223,020.85
patch damaged ceiling plaster (5%), 3 troweled coats			\$ 3,177.36	\$ 3,177.36
patch cracked wall plaster (5%)			\$ 4,765.16	\$ 4,765.16
touch up / repaint trim & walls (50%)			\$ 17,690.07	\$ 17,690.07
refinish flooring - paint/carpets (50%)			\$ 86,937.76	\$ 86,937.76
wall paper restoration			\$ 103,590.50	\$ 103,590.50
replace upstairs toilets			\$ 3,920.00	\$ 3,920.00
replace upstairs faucets			\$ 2,940.00	\$ 2,940.00
MEP	\$ 1,500.00	\$ 201,061.89		\$ 202,561.89
fire suppression sprinkler system		\$ 54,901.89		\$ 54,901.89
basement sump pump	\$ 1,500.00			\$ 1,500.00
replace electrical service distribution		\$ 12,000.00		\$ 12,000.00
replace circuits and wiring for lighting & branch power		\$ 134,160.00		\$ 134,160.00
Site	\$ 24,015.81		\$ 10,025.96	\$ 34,041.77
Accessible brick walkway from driveway to rear patio & driveway to front stoop			\$ 3,733.32	\$ 3,733.32
re-lay rear brick patio			\$ 6,292.64	\$ 6,292.64
replace driveway (asphalt)	\$ 18,932.03			\$ 18,932.03
removing plantings and provide gravel drip strip with perimeter drain at building perimeter	\$ 5,083.78			\$ 5,083.78
Structure	\$ 72,392.42			\$ 72,392.42
foundation masonry cleaning, tuck pointing & repair	\$ 1,890.00			\$ 1,890.00
foundation walls: waterproofing membrane (15#felt), 2" sprayfoam insulation; intumescent coating	\$ 17,327.52			\$ 17,327.52
perimeter interior trench drain with filter fabric and 6" gravel	\$ 612.36			\$ 612.36
temporary shoring at first floor framing repair	\$ 30,000.00			\$ 30,000.00
first floor framing repair & select replacement	\$ 9,421.72			\$ 9,421.72
Basement floor moisture control - drainage mat on top of the existing slab with 2 in. of rigid-foam insulation and new concrete slab topping.	\$ 13,140.82			\$ 13,140.82
Construction Total	\$ 179,968.69	\$ 201,061.89	\$ 271,038.81	\$ 652,069.39
Soft Costs 33.08%	\$ 59,533.64	\$ 66,511.27	\$ 89,659.64	\$ 215,704.56
GRAND TOTAL	\$ 239,502.34	\$ 267,573.16	\$ 360,698.45	\$ 867,773.95



Austin-Pickering House

Preliminary Opinion of Budgetary Cost of Treatments for rehabilitation, life safety & accessibility

October 13, 2022

PHASING SCHEDULE - HIGH END COSTS

High End Cost Estimate Description	Phase			Construction Total
	1 - Stabilization	2 - Life Safety	3 - Access/Operations	
Exteriors	\$ 102,575.58		\$ 47,490.00	\$ 150,065.58
exterior siding and trim restoration and repainting (minor repairs)	\$ 28,576.80			\$ 28,576.80
roofing and flashing repairs	\$ 5,935.78			\$ 5,935.78
repair / replace gutters & downspouts	\$ 5,197.50			\$ 5,197.50
brick - cleaning	\$ 3,685.50			\$ 3,685.50
brick - repointing	\$ 22,680.00			\$ 22,680.00
recreate original roof balustrate			\$ 37,500.00	\$ 37,500.00
storm windows - clean and adjust	\$ 2,750.00			\$ 2,750.00
window repair / refurbishment	\$ 33,750.00			\$ 33,750.00
door hardware - repair loose latch sets			\$ 9,990.00	\$ 9,990.00
Interiors			\$ 278,776.06	\$ 278,776.06
patch damaged ceiling plaster (5%), 3 troweled coats			\$ 3,971.70	\$ 3,971.70
patch cracked wall plaster (5%)			\$ 5,956.45	\$ 5,956.45
touch up / repaint trim & walls (50%)			\$ 22,112.59	\$ 22,112.59
refinish flooring - paint/carpets (50%)			\$ 108,672.20	\$ 108,672.20
wall paper restoration			\$ 129,488.13	\$ 129,488.13
replace upstairs toilets			\$ 4,900.00	\$ 4,900.00
replace upstairs faucets			\$ 3,675.00	\$ 3,675.00
MEP	\$ 1,875.00	\$ 251,327.36		\$ 253,202.36
fire suppression sprinkler system		\$ 68,627.36		\$ 68,627.36
basement sump pump	\$ 1,875.00			\$ 1,875.00
replace electrical service distribution		\$ 15,000.00		\$ 15,000.00
replace circuits and wiring for lighting & branch power		\$ 167,700.00		\$ 167,700.00
Site	\$ 30,019.76		\$ 12,532.45	\$ 42,552.21
Accessible brick walkway from driveway to rear patio & driveway to front stoop			\$ 4,666.65	\$ 4,666.65
re-lay rear brick patio			\$ 7,865.80	\$ 7,865.80
replace driveway (asphalt)	\$ 23,665.04			\$ 23,665.04
removing plantings and provide gravel drip strip with perimeter drain at building perimeter	\$ 6,354.72			\$ 6,354.72
Structure	\$ 90,490.53			\$ 90,490.53
foundation masonry cleaning, tuck pointing & repair	\$ 2,362.50			\$ 2,362.50
foundation walls: waterproofing membrane (15#felt), 2"sprayfoam insulation; intumescent coating	\$ 21,659.40			\$ 21,659.40
perimeter interior trench drain with filter fabric and 6" gravel	\$ 765.45			\$ 765.45
temporary shoring at first floor framing repair	\$ 37,500.00			\$ 37,500.00
first floor framing repair & select replacement	\$ 11,777.15			\$ 11,777.15
Basement floor moisture control - drainage mat on top of the existing slab with 2 in. of rigid-foam insulation and new concrete slab topping.	\$ 16,426.03			\$ 16,426.03
Construction Total	\$ 224,960.87	\$ 251,327.36	\$ 338,798.51	\$ 815,086.74
Soft Costs 33.08%	\$ 74,417.05	\$ 83,139.09	\$ 112,074.55	\$ 269,630.69
GRAND TOTAL	\$ 299,377.92	\$ 334,466.45	\$ 450,873.06	\$ 1,084,717.43

Tax Map View 43 Austin



**MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT**

City of Portsmouth, NH makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Geometry updated 06/21/2023
Data updated 3/9/2022

Print map scale is approximate. Critical layout or measurement activities should not be done using this resource.

Record and return to:
Attorney Lisa J. Bellanti
Casassa Law Office
459 Lafayette Road
Hampton, NH 03842



LCHIP	ROA608178	25.00
RECORDING		14.00
SURCHARGE		2.00

FIDUCIARY DEED

JACINTHE GROTE, as **TRUSTEE** of **THE PETER BECK REVOCABLE TRUST OF 1992**, a New Hampshire trust created u/a dated September 22, 1992, with a mailing address of 124 Washington Road, Rye, Rockingham County, New Hampshire 03870, for consideration paid, grants to **PORTSMOUTH HISTORICAL SOCIETY**, a domestic non-profit corporation, of 10 Middle Street, P.O. Box 728, Portsmouth, Rockingham County, New Hampshire 03802, the following described premises:

A certain tract or parcel of land with any improvements thereon, situated at 43 Austin Street, Portsmouth, Rockingham County, New Hampshire, more particularly bounded and described as follows:

Southerly by Austin Street; Westerly by land now or formerly of Frank A. J. Veneroso at 53 Austin Street, Map/lot, 0127-0026-0000, and in part by land now or formerly of Advent Christian Church; Northerly by land now or formerly of Donald Trahan at 606 State Street, Map/lot 0127-0021-0000 and by land now or formerly of George Alexandrou at 690-10 State Street, Map/lot 0137-0030-0010; and Easterly by land now or formerly of Sean Mahoney at 27 Austin Street, Map/lot 0127-0028-0000.

SUBJECT TO the restrictions and conditions contained in The Peter Beck Revocable Trust of 1992, as amended August 28, 2013, which amendment was confirmed as such by court order dated December 21, 2021 in the 10th Circuit – Probate Division – Brentwood, Docket #318-2020-EQ-01427. These restrictions and conditions shall run with the land.

SUBJECT TO and TOGETHER WITH all other reservations, restrictions and/or covenants and easements of record, insofar as in force and applicable.

Meaning and intending to describe and convey the same premises conveyed to Peter Beck, Trustee of The Peter Beck Revocable Trust of 1992 by deed of Peter Beck dated September 9, 2005 and recorded in the Rockingham County Registry of Deeds at Book 4556, Page 0647. See also deed of Caroline Pickard Culbert to Peter Beck dated November 7, 1956, recorded in said Registry at Book 1428, Page 0187. See also deed of Charles J. Griffin, Executor under the Will of Edith K. Harris to Peter Beck dated December 21, 1956 recorded in said Registry at Book 1428, Page 0189.

The preparer of this instrument was neither furnished with, nor requested to review, an abstract on the described property and therefore expresses no opinion as to condition of title.

This transfer is a from a revocable trust made irrevocable upon the death of the grantor of the trust, in accordance with the terms of the trust instrument, and is exempt from transfer tax stamps pursuant to R.S.A 78-B:2, XI.

Certificate of Trustee pursuant to RSA 564-A:7

The undersigned trustee as Trustee under The Peter Beck Revocable Trust of 1992 created by Peter Beck as grantor under trust agreement dated September 22, 1992, as amended August 28, 2013 and June 10, 2016, and by provisions under the Last Will and Testimony of Peter Beck dated August 28, 2013 which Last Will and Testimony was validated as an amendment to said Trust by the 10th Circuit – Probate Division – Brentwood, Docket #318-2020-EQ-01427, and by and thereto has full and absolute power in said trust agreement to convey any interest in real estate and improvements thereon held in said trust and no purchaser or third party shall be bound to inquire whether the trustee has said power or is properly exercising said power or to see to the application of any trust asset paid to the trustee for a conveyance thereof.

This is not homestead property.

Signed on February 23, 2022.

Jacinthe Grote
Jacinthe Grote, Trustee of
The Peter Beck Revocable Trust of 1992

STATE OF NEW HAMPSHIRE
COUNTY OF Rockingham

The foregoing deed was acknowledged before me on February 23, 2022 by Jacinthe Grote, Trustee of The Peter Beck Revocable Trust of 1992, on behalf of said Trust.



[Signature]
(Signature of notarial officer)
(Seal)
Title: Notary Public
My Commission Expires:

53601

**THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
NH CIRCUIT COURT**

10th Circuit - Probate Division - Brentwood
PO Box 789
Kingston NH 03848-0789

Telephone: 1-855-212-1234
TTY/TDD Relay: (800) 735-2964
<http://www.courts.state.nh.us>

NOTICE OF DECISION

**PORTSMOUTH HISTORICAL SOCIETY
10 MIDDLE STREET
PORTSMOUTH NH 03801**

Case Name: **The Peter Beck Revocable Trust of 1992**
Case Number: **318-2020-EQ-01427**

On December 02, 2021, Judge Mark F. Weaver issued orders relative to:

Assented to Motion for Appearance of Strawberry Banke Museum f/k/a Strawberry Banke, Inc by remote means is granted.

Any Motion for Reconsideration must be filed with this court by December 31, 2021. Any appeals to the Supreme Court must be filed by January 20, 2022.

December 21, 2021

LoriAnne Hensel
Clerk of Court

C: Jacinthe Grote, Trustee; Pamela J. Newkirk, ESQ; Heather Elizabeth Crandlemire; Geoffrey Reynolds Crandlemire; Brooks Taylor Crandlemire; Christopher Hume Reynolds; Laura Stone Reynolds; Jenny Orme Reynolds; Strawberry Banke, Inc; Mount Holyoke; Dartmouth College; Palden Shangpa's Vermont, Inc.; Discover Portsmouth; Charitable Trusts Unit; Strawberry Banke Museum; Lisa J. Bellanti, ESQ; Diane M. Quinlan, ESQ; Michele E. Kenney, ESQ

**THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
NH CIRCUIT COURT**

10th Circuit - Probate Division - Brentwood
PO Box 789
Kingston NH 03848-0789

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<http://www.courts.state.nh.us>

NOTICE OF DECISION

**PORTSMOUTH HISTORICAL SOCIETY
10 MIDDLE STREET
PORTSMOUTH NH 03801**

Case Name: **The Peter Beck Revocable Trust of 1992**
Case Number: **318-2020-EQ-01427**

On December 21, 2021, Judge Mark F. Weaver issued orders relative to:

Motion for Entry of Judgment is granted - See Narrative Order.
Proposed Order approved changed to Order approved and allowed.

Any Motion for Reconsideration must be filed with this court by December 31, 2021. Any appeals to the Supreme Court must be filed by January 20, 2022.

December 21, 2021

LoriAnne Hensel
Clerk of Court

C: Jacinthe Grote, Trustee; Pamela J. Newkirk, ESQ; Heather Elizabeth Crandlemire; Geoffrey Reynolds Crandlemire; Brooks Taylor Crandlemire; Christopher Hume Reynolds; Laura Stone Reynolds; Jenny Orme Reynolds; Strawberry Banke, Inc; Mount Holyoke; Dartmouth College; Paiden Shangpa's Vermont, Inc.; Discover Portsmouth; Charitable Trusts Unit; Strawberry Banke Museum; Lisa J. Bellanti, ESQ; Diane M. Quinlan, ESQ; Michele E. Kenney, ESQ

10th CIRCUIT COURT

THE STATE OF NEW HAMPSHIRE

PROBATE DIVISION
BRENTWOOD

RECEIVED
DEC 06 2021

10th Circuit at Brentwood

Case Number: 318-2020-EQ-01427

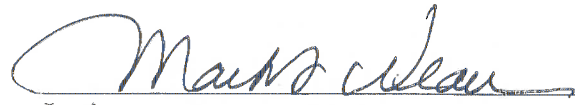
In re: The Peter Beck Revocable Trust of 1992

mzw ~~PROPOSED~~ ORDER

It is hereby ordered as follows:

1. The Peter Beck Revocable Trust of 1992 is annexed hereto as Exhibit A.
2. The August 28, 2013 Amendment to the Peter Beck Revocable Trust of 1992, annexed hereto as Exhibit B, revokes Paragraphs 3.D.2.a., and 3.D.2.e.i. and ii of the Trust.
3. The August 28, 2013 Amendment to the Peter Beck Revocable Trust of 1992 makes no additional changes or modifications to Paragraph 3.D. of the Trust.
4. The August 28, 2013 Amendment to the Peter Beck Revocable Trust of 1992 includes specific bequests in the amount of Ten Thousand Dollars (\$10,000.00) to each of the Portsmouth Historical Society and the Society for the Protection of New Hampshire Forests on the terms set forth therein.
5. The August 28, 2013 Amendment to the Peter Beck Revocable Trust of 1992 disposes of all of the trust residuary in an endowment to Palden Shangpa's Vermont on the terms set forth therein.
6. The bequest to Strawberry Banke Museum has been satisfied and no further distribution shall be made to Strawberry Banke Museum.
7. The instrument called the Last Will and Testimony dated August 28, 2013, annexed hereto as Exhibit C, is an amendment to the Peter Beck Revocable Trust of 1992.

Dated: 12/21/2021

A handwritten signature in black ink, appearing to read "Mark F. Weaver", written over a horizontal line.

Justice

Mark F. Weaver
Judge

EXHIBIT A

THE ORIGINAL OF THIS DOCUMENT IS LOCATED AT THE OFFICES OF
McLANE, GRAF, RAULERSON & MIDDLETON, P.A.
900 ELM STREET | MANCHESTER, NH 03105-0326 | (603) 623-6464

**THE
PETER BECK
REVOCABLE TRUST OF 1992**

THE PETER BECK REVOCABLE TRUST OF 1992

TRUST AGREEMENT, made on *Sept 22*, 1992 between PETER BECK, residing in Portsmouth, New Hampshire (hereinafter called the "Grantor"), and PETER BECK, residing in Portsmouth, New Hampshire (hereinafter called the "Trustee").

1. TRUST PROPERTY. The Grantor does hereby transfer and deliver to the Trustee the property listed in SCHEDULE A annexed hereto, to have and to hold the same and any cash, securities, or other property which the Trustee may, pursuant to any of the provisions hereof, at any time hereafter, hold or acquire, all of such property being hereinafter referred to collectively as the "trust estate," for the uses and purposes and upon the terms and conditions herein set forth.

2. DISPOSITIVE PROVISIONS: LIFETIME. The Trustee shall hold, manage, invest and reinvest the trust estate, and shall collect the income thereof and dispose of the net income and principal as follows:

- A. Pay such parts of the income, if any, and such parts of the principal of this trust to, or for the benefit of, the Grantor as the Grantor directs from time to time for the Grantor's support in reasonable comfort, education (including college and professional education), and maintenance in health (including medical, dental, hospital, nursing and nursing home expenses). Any income accrued or accumulated at the time of the Grantor's death shall be paid and transferred to principal, to be administered according to the terms hereinafter provided.
- B. In addition, during the lifetime of the Grantor, if the Grantor becomes so incapacitated that he cannot exercise his rights under sub-paragraph 2.A. above, and there are sufficient assets in this trust to do so, the Trustee is authorized to pay such parts of the income, if any, and such parts of the principal of this trust to, or for the benefit of, the Grantor and the Grantor's spouse as it deems advisable for their support in reasonable comfort and maintenance in health (including medical, dental, hospital, nursing and nursing home expenses), taking into consideration the amount of their income from sources other than this trust.

3. DISPOSITIVE PROVISIONS: AFTER-DEATH. Upon the death of the Grantor, the Trustee shall thereafter apply and distribute the trust estate as follows:

- A. If, at the time of the Grantor's death, there is found with this trust agreement a memorandum regarding

certain items of the Grantor's tangible personal property, the Trustee shall distribute the items of the Grantor's tangible personal property contained in said memorandum, outright and free of trust, as therein provided.

All of the Grantor's remaining tangible personal property and household effects which are then part of the trust estate, if any, including furniture, clothing, jewelry, silver, books, pictures, china, automobiles and their equipment, other vehicles and their equipment, and other articles of personal and household use or ornament, shall be distributed, outright and free of trust, to Nancy R. Beck, if she survives the Grantor.

If the Grantor's spouse, Nancy R. Beck, shall not survive the Grantor, then the Trustee shall distribute, outright and free of trust, all of the Grantor's tangible personal property and household effects located at 43 Austin Street, Portsmouth, New Hampshire, to Meredith S. Crandlemire, of Standish, Maine, if she shall be then living. Thereafter, the Trustee shall sell all of the Grantor's remaining tangible personal property and household effects at public auction or at private sale at maximum advantage to the trust estate and the net proceeds therefrom shall be added to the then remaining trust estate hereinbelow described in sub-paragraph 3.D. and administered as part thereof.

- B. Thereafter, if the Grantor's spouse, Nancy R. Beck, survives the Grantor, the Trustee shall divide the trust estate into two parts, one to be known as the "Marital QTIP Trust," and the other, the "Family Trust."
1. The Marital QTIP Trust shall consist of an amount equal to the maximum allowable federal estate tax marital deduction as calculated by law in effect at the time of the Grantor's death, diminished by the value for federal estate tax purposes of all items in the Grantor's gross estate which qualify for said deduction and which pass or have passed to the Grantor's spouse under the Grantor's will, by survivorship in joint tenancy or tenancy by the entirety property, by life insurance settlement, by operation of law or otherwise. Provided, however, that if the amount of the maximum allowable federal estate tax marital deduction in the Grantor's estate is greater than the amount needed to reduce the federal estate tax to zero, after considering the available unified tax credit and

state death tax credit allowable in determining such tax (provided that the state death tax credit shall be taken into account only to the extent that doing so would not result in an increase in state death taxes which would otherwise be payable), then the amount set aside in the Marital QTIP Trust shall be equal only to that portion of such marital deduction that is needed to reduce the federal estate tax on the Grantor's estate to zero.

2. For the purpose of determining the amount to be transferred into the Marital QTIP Trust, values shall be those which are finally determined for federal estate tax purposes. Elections made by the Grantor's executor with respect to an alternate valuation date and with respect to taking certain deductions for income tax purposes rather than for estate tax purposes shall determine the aforesaid values and the amount to constitute the Marital QTIP Trust. The words "which pass" or "has passed" shall have the same meaning as under the Internal Revenue Code for marital deduction purposes and no assets shall be transferred to the Marital QTIP Trust that do not qualify for the marital deduction.
3. In making allocation or distribution to the Marital QTIP Trust the Trustee is authorized to satisfy the Marital QTIP Trust in cash or in kind, or in combination of both, provided that all assets placed in the Marital QTIP Trust shall be valued for the purpose of being placed in the Marital QTIP Trust at their fair market value as determined as of the dates of respective distributions to the Marital QTIP Trust, which dates shall be the dates on which the Trustee makes specific allocation on its books of account (if such assets are in negotiable form), or when delivery is made in proper form for transfer, or a deed is executed (if real estate) and the aggregate fair market value thereof shall be no less than the amount required to completely fund the Marital QTIP Trust. The Trustee is further authorized to estimate the size of the Marital QTIP Trust and to fund the trust, subject, however, to any adjustments which may be required upon final determination of the federal estate tax on the Grantor's estate.
4. No debts, funeral expenses, expenses of administration, estate, inheritance, transfer, legacy or

succession taxes (state and federal), and any interest or penalties thereon shall be apportioned against or paid from the Marital QTIP Trust, any other provisions in the Grantor's will to the contrary notwithstanding.

C. Marital QTIP Trust. The Marital QTIP Trust shall be held and administered and disposed of as follows:

1. The Trustee shall pay over to the Grantor's spouse all of the net income of this Marital QTIP Trust during her life, at least annually, but at more frequent intervals if the Grantor's spouse shall, in writing, direct.

Also, the Trustee shall pay over to the Grantor's spouse whatever part or parts of the principal as the Trustee may deem proper or necessary for her support in reasonable comfort and maintenance in health (including medical, dental, hospital, nursing and nursing home expenses).

2. The Grantor's spouse shall have the absolute right once during each and every calendar year, between December 1 and December 31 inclusive, to withdraw from the principal of the Marital QTIP Trust, any amount, in cash or in kind, not to exceed Five Thousand Dollars (\$5,000) or five percent (5%) of the then value of the principal of the Marital QTIP Trust, whichever amount is greater. Such right to withdraw shall be noncumulative.
3. Upon the death of the Grantor's spouse, the Trustee shall pay to the executor of the Grantor's spouse's estate all income accrued but undistributed at the date of death of the Grantor's spouse. The Trustee shall then dispose of the then remaining principal as follows:
 - a. The Trustee shall first pay to the executor of the Grantor's spouse's estate, out of the principal of the trust estate, the full amount by which estate, inheritance, transfer, legacy or succession taxes (federal and state), and including penalties or interest thereon, imposed by reason of the Grantor's spouse's death, are increased as a result of the inclusion of this Marital QTIP Trust in the Grantor's spouse's estate for such tax purposes. The final determination of the amount due hereunder shall be based upon the values as finally determined for

federal estate tax purposes in the Grantor's spouse's estate.

- b. The Trustee shall then pay over and add the principal, if any, remaining at the Grantor's spouse's death and after the payment required under sub-paragraph 3.C.3.a. has been made, to the Family Trust and thereafter said additional principal shall be administered as part thereof.

D. Family Trust. The Family Trust shall consist of all of the remainder of the trust estate which has not been heretofore previously allocated and shall be held and administered and disposed of by the Trustee as follows:

1. If the Grantor's spouse, Nancy R. Beck, survives the Grantor, then, during her lifetime, the Trustee may pay over to her or may use, apply or expend for her direct or indirect benefit, so much or all of the income of the trust hereby created and so much or all of the principal of said trust as the Trustee may deem proper or necessary for her support in reasonable comfort and maintenance in health (including medical, dental, hospital, nursing and nursing home expenses).

In addition, the Grantor's spouse shall have the absolute right once during each and every calendar year, between December 1 and December 31 inclusive, to withdraw from the principal of the Family Trust any amount, in cash or in kind, not to exceed Five Thousand Dollars (\$5,000) or five percent (5%) of the then value of the principal of the Family Trust, whichever amount is greater. Such right to withdraw shall be noncumulative.

Said right of withdrawal herein shall not be made in duplication of the right of withdrawal contained in the Marital QTIP Trust in sub-paragraph 3.C.2. hereinabove and if the Grantor's spouse has utilized, in any calendar year, the right of withdrawal granted her in sub-paragraph 3.C.2. above, she shall have no right to exercise the withdrawal right granted hereunder in the same calendar year, or vice versa.

2. Upon the death of the Grantor's spouse, or upon the Grantor's death if the Grantor's spouse does not survive him, the Trustee shall distribute, outright and free of trust, the trust estate as follows:

- a. The sum of ten thousand dollars (\$10,000) to each of the following nieces and nephews of the Grantor's spouse, if then living:
 - i. Heather Elizabeth Crandlemire;
 - ii. Geoffrey Reynolds Crandlemire;
 - iii. Brooks Taylor Crandlemire;
 - iv. Christopher Hume Reynolds;
 - v. Laura Stone Reynolds;
 - vi. Jenny Orme Reynolds; and
 - vii. the Grantor's friend, Deidre Caproni, of Bethany, Connecticut, if she is then living.

- b. The sum of ten thousand dollars (\$10,000) to each of the following charitable organizations:
 - i. Dana Hall Schools, of Wellesley, Massachusetts, to be used for its general purposes;
 - ii. New Hampshire Association for the Blind, of Concord, New Hampshire, to be used for its general purposes;
 - iii. Perkins School for the Blind, of Watertown, Massachusetts, to be used for its general purposes;
 - iv. Carroll Center for the Blind Inc., of Newton, Massachusetts, to be used for its general purposes; and
 - v. Strawberry Banke Inc., of Portsmouth, New Hampshire, to be used for its general purposes.

- c. The sum of twenty-five thousand dollars (\$25,000) to Meredith S. Crandlemire, if she is then living.

- d. The sum of twenty-five thousand dollars (\$25,000) to Greater Piscataqua Community Foundation, of Portsmouth, New Hampshire, to be added to its Futures Fund.

- e. The remainder of said trust estate shall be distributed, outright and free of trust, as follows:
- i. Sixty percent (60%) thereof to the Trustees of the Mount Holyoke College, a corporation existing under the laws of the Commonwealth of Massachusetts and located in South Hadley in said Commonwealth, to be designated as THE ADRIAN BECK ENDOWMENT, to be used to establish a junior chair or a full professorship in the field of political science or history.

In the event there shall be funds in excess of the amount needed to establish a professorship, as described above, then the remainder thereof shall be designated as THE NANCY R. BECK 1948 ENDOWMENT, one-half (1/2) of the income of said Fund to be used for scholarships and the remaining one-half (1/2) of the income to be added to the principal of said Fund.

- ii. Forty percent (40%) thereof to the Trustees of Dartmouth College, a corporation duly existing under the laws of the State of New Hampshire and located in Hanover in said state, to be designated as THE ADRIAN BECK 1941 ENDOWMENT, to be used to establish a junior chair or a full professorship in the field of political science or history.

In the event there shall be funds in excess of the amount needed to establish a professorship, as described above, then the remainder thereof shall be designated as THE PETER BECK 1945 ENDOWMENT, one-half (1/2) of the income of said Fund to be used for scholarships and the remaining one-half (1/2) of the income to be added to the principal of said Fund.

4. TRUSTEE'S POWERS DURING GRANTOR'S INCAPACITY. If at any time during the Grantor's lifetime, there is delivered to the Trustee other than the Grantor, if any, or, if none, then to the successor Trustee, a written opinion, signed by two (2) licensed

physicians, stating that the Grantor has become incompetent or incapacitated, then from and after the delivery of such written opinion the Trustee other than the Grantor, or the successor Trustee, as the case may be, shall have those powers and authorities with respect to the trust estate given to it under sub-paragraph 2.B. and Paragraph 5.

5. TRUSTEE'S POWERS AFTER GRANTOR'S INCAPACITY OR DEATH.

In the administration of the trust estate, the Trustee, during the lifetime of the Grantor, shall have all of the powers granted to trustees under the Uniform Trustees' Powers Act, R.S.A. 564-A, as it may be amended from time to time.

6. ADDITIONAL PROPERTY.

The Grantor, or his spouse, Nancy R. Beck, may, by will, trust or during their lifetimes, from time to time, transfer and deliver to the Trustee cash, securities, and other property acceptable to the Trustee, and such cash, securities, and other property shall be held, administered, and disposed of by the Trustee in accordance with the provisions of this agreement without the execution of any further instrument or declaration.

7. SUCCESSOR TRUSTEE.

The following provisions shall govern the addition, removal and succession of the Trustee:

- A. If Peter Beck shall be unable or unwilling to serve in the capacity of Trustee for any reason, then the Grantor's spouse, Nancy R. Beck, shall serve in his stead.
- B. If Nancy R. Beck shall be unable or unwilling to serve in the capacity of Trustee for any reason, then Meredith S. Crandlemire, of Standish, Maine, shall serve in his stead.
- C. If Meredith S. Crandlemire shall be unable or unwilling to serve in the capacity of Trustee for any reason, then Dr. Matthew Norman, of Portsmouth, New Hampshire, shall serve in her stead.
- D. In the event there shall be no successor Trustee who shall be able or willing to serve in the capacity of Trustee, then the remaining Trustee, may, by a written instrument signed and acknowledged by him, appoint a successor Trustee.

8. TAX PROVISION.

The trust estate shall not be charged with the payment of any estate, inheritance, legacy, death taxes or duties of any nature (state or federal), or any interest or penalty thereon, except to the extent that the other assets in the Grantor's estate (excluding any assets which may be exempted from the payment of such taxes by the last will of the Grantor)

shall be insufficient to discharge such taxes, interest or penalties or shall be insufficiently liquid to satisfy the same. The Trustee may rely conclusively upon written certification from the executor of the Grantor's estate, or if no probate administration of the Grantor's estate is required under applicable law, upon request of the person or persons nominated as executor under the Grantor's will or upon any other evidence, as to the existence of such insufficiency and the amount thereof.

Provided, further, that in the event that no probate administration of the Grantor's estate is required under applicable law, the Trustee shall have all the powers and authority given the executor under the Grantor's will in relation to such taxes.

9. DEBTS AND EXPENSES. The trust estate shall not be charged with the payment of legal debts of the Grantor's estate, funeral expenses or expenses of administration of the Grantor's estate except to the extent that the other assets in the Grantor's estate shall be insufficient to discharge such debts and expenses, or shall be insufficiently liquid to satisfy the same. The Trustee may rely conclusively upon written certification from the executor of the Grantor's estate, or if no probate administration of the Grantor's estate is required under applicable law, upon request of the person or persons nominated as executor under the Grantor's will, or upon any other evidence, as to the existence of such insufficiency and the amount thereof. If the Trustee shall be required to pay any such debts and expenses, the same shall be treated as debts and expenses of the trust estate (to the extent the assets of the Grantor's estate are insufficient to satisfy the same) or as loans to the Grantor's estate (to the extent the liquid assets of the Grantor's estate are insufficient to satisfy the same) if any such debts and expenses are deducted for federal estate tax purposes in computing the value of the Grantor's taxable estate under Section 2053 of the Internal Revenue Code of 1986, or any provision successor thereto. If any such debts and expenses are either not so deducted or deductible under Section 2053 of the Internal Revenue Code of 1986, or any provision successor thereto, however, the same shall be charged against the principal of the trust estate as an expense without apportionment.


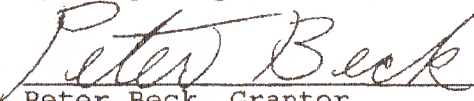

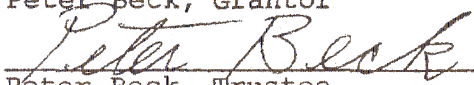
10. SURVIVAL REQUIREMENT. No person shall be deemed to have survived the Grantor, or any other person or event under the terms of this trust, unless such person survives the end of the period commencing with the close of the calendar day of the Grantor's death, the death of such other person or on which such event occurs, and ending with the close of the thirtieth (30th) calendar day thereafter.

11. GOVERNING LAW AND SITUS. The Grantor declares that this agreement and the trust created hereby shall be construed

and administered under the laws of the State of New Hampshire, that the validity and effect of this agreement and of this trust shall be determined in accordance with the laws of that State and that the Trustee shall not be chargeable in any court other than one of the courts of that State.

12. AMENDMENT AND REVOCATION. The Grantor reserves the right at any time or from time to time without the consent of any person and without notice to any person other than the Trustee to revoke or modify the trust hereby created, in whole or in part, to change the beneficiaries hereof, or to withdraw the whole or any part of the trust estate by filing notice of such revocation, modification, change, or withdrawal with the Trustee.

13. EXECUTION. This trust agreement, and any amendments hereto, shall be effective when executed by the Grantor, notwithstanding that the signature of the Trustee is provided for, the Trustee's signature being intended to denote the acceptance of the Trustee to serve in that capacity only.

	
_____	_____
	Peter Beck, Grantor
	
_____	_____
	Peter Beck, Trustee

STATE OF NEW HAMPSHIRE
ROCKINGHAM, SS.

7/22, 1992

Before me, personally appeared the above-named PETER BECK and acknowledged that he has executed the within Trust Agreement of his free will.



Notary Public/Justice of the Peace

CHARLES A. DEGRANDPRE, Notary Public
My Commission Expires April 28, 1997

SCHEDULE A

CASH: 10⁰⁰ cash

ACCEPTED: Sept. 22, 1992

Peter Beck
Peter Beck, Trustee

LAW OFFICE OF McLANE, GRAF, RAULERSON & MIDDLETON PROFESSIONAL ASSOCIATION 80 STARK STREET BOX 326 MANCHESTER, N.H. 03105	Received at	Manchester, N.H.,	September 22	1992
		Peter Beck		
		10		Dollars
	In re:	The Peter Beck Revocable Trust of 1992		
		McLANE, GRAF, RAULERSON & MIDDLETON Professional Association		
	10		<u>Linda Kelly</u>	

EXHIBIT B

original 8/28/13

AMENDMENT TO THE

PETER BECK REVOCABLE TRUST OF 1992

WHEREAS, on the 22th day of September, 1992, Peter Beck Beck, established the PETER BECK REVOCABLE TRUST OF 1992 (hereinafter sometimes referred to as the "Trust") by and between Peter Beck, as Grantor (hereinafter sometimes referred to as the "Grantor") and as Trustee (hereinafter sometimes referred to as the "Trustee"):

WHEREAS, pursuant to Section 16, of the Trust, the Grantor reserved the power to amend the Trust by an instrument in writing filing a notice of such revocation, modification, change or withdrawal with the Trustee; and

NOW THEREFORE, in consideration of the aforementioned, Peter Beck, Grantor does hereby amend the Trust by amending Section 3A to name Jacinthe Grote of Rye, New Hampshire instead-of (now deceased) Meredrth S Crandiemire.

NOW THEREFORE, in consideration of the aforementioned, Peter Beck, Grantor does hereby amend the Trust by revoking Section "D3, e, i. and ii." in its entirety. D3, subsection a., page 6 of the Revocable Trust of 1992 is to be entirely removed. D3 subsection b and D3 subsection d. is to be retained. The remainder of the trust, with the exception of all my real estate and all household furnishings, including pictures, tools, sculptures, carvings, and machinery in backyard and cellar but consisting of all household cash, all money in the joint, or individual checking account of Peter and Nancy Beck, investments, namely; all stocks and bonds whether individually or jointly owned, whether inside the Revocable Trust of 1992 or not, Government Life Insurance policy, any private placement, and all free cash in hand at any brokerage account in which Peter Beck has a then existing account, shall be distributed, outright and free of trust as, as follows:

NOW THEREFORE, in consideration of the aforementioned, Peter Beck, Grantor, having amended the Trust by revoking Sections of 3D, now retains the following sections of said trust estate to be distributed, outright and free of trust, as follows:

In equal amounts of ten thousand dollars each (\$10,000.) to the following charitable organizations, (but only if these charitable organizations have not been previously paid legacies, from the estate of Nancy R. Beck) (a) the Strawberry Banke Museum of 14 Hancock Street, Portsmouth, New Hampshire for general purposes; (b) the Portsmouth Historical Society of 43 Middle Street, Portsmouth, New Hampshire for the purpose of maintaining the Discover Portsmouth Center or other historical buildings acquired by the Historical Society; and (c) the Society for Protection of New Hampshire Forests specifically for the purpose of preserving and maintaining the Creek Farm of 400 Little Harbor Road, Portsmouth, New Hampshire

Should any of the aforementioned organizations or entities cease to exist under the above names, then to any successor organization or to a similar organization with a similar purpose. The determination as to any successor charitable organization or one with a similar purpose shall be made by the Trustee.

After payment of the foregoing charitable organizations the remaining, previously listed, money is to be placed into an endowment trust; the Peter & Nancy Beck Endowment for the exclusive benefit of Palden Shangpa's Vermont (PSV) Adrian Beck, retreat in Alburg Springs Vt. Currently under the leadership of Ms. Yana Robicheau (Tel; 802 225 6591) The money and other securities listed in this endowment are to be managed by Michael Whitney, CFA, Partner of Taylor Investment Associates, 50 Federal St., Boston Mass. 02110 Tel; 617 482 2222 a managed account that has performed well for Jacinthe Grote and Nancy Beck. Alternative registered money managers of part or all of this endowment must be agreeable to the executor-trustee and to the full Board of PSV. Sometime during each calendar year, PSV may withdraw 5% of the then value of the Endowment to be used in furtherance of their project, including scholarship, and education, at Alburg Springs. None of this 5% can be used for any salary beyond basic living expenses for any PSV member, administrator, associate, or volunteer. The financing for capital expenses for additional buildings, or acquiring additional land, houses, water, wells, renovations, or lowering the elevated highway which was done in 1969 with no reimbursement for slope rights, on to the Beck private property, can be done by borrowing money from Taylor Investments with a low interest rate or the money can be obtained from Taylor Investment by selling securities, with no interest payments, but with the obligation to repay the loan, in bimonthly installments, after completion, in a maximum of 14 years. Three/fourths of the PSV Board Members must agree to any such loan as well as the Executor, (if there continues to be an Executor-trustee.) The administrator of the PSV Endowment must review the expenditures paid from the PSV Endowment to certify, annually, that the expenditures are reasonable, utilized for the purpose specified and compatible with the requirements specified in the Endowment. If a bond is deemed necessary to safeguard the management of the Endowment, the cost therefor shall be born equally by the PSV organization and the Endowment.

NOW THEREFORE, in consideration of the aforementioned, Peter Beck, Grantor does hereby amend the Trust by replacing deceased, Meredith S. Crandlemire in Section 7B with Jacinthe Grote of Rye, N.H. to serve in her stead. In 7C replace Meredith S. Crandlemire with Jacinthe Grote and replace Dr. Matthew Norman with Lionel Ingram of Exeter, N.H. Namely; If the Grantor's spouse, Nancy R. Beck, shall be unable or unwilling to serve in the capacity of Trustee for any reason, then Jacinthe Grote of Rye, New Hampshire shall serve in her stead. All provisions of the Trust of September 22, 1992, not hereby amended or revoked shall remain in full force and effect.

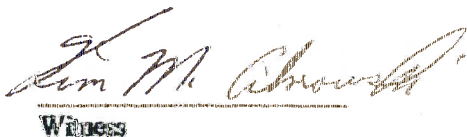
NOW THEREFORE, in consideration of the aforementioned, Peter Beck, Grantor does hereby amend the Trust by replacing deceased, Meredith S. Crandlemire in Section 7B with Jacinthe Grote of Rye, N.H. to serve in her stead. In 7C replace Meredith S. Crandlemire with Jacinthe Grote and replace Dr. Matthew Norman with Lionel Ingram of Exeter, N.H. Namely; If the Grantor's spouse, Nancy R. Beck, shall be unable or unwilling to serve in the capacity of Trustee for any reason, then Jacinthe Grote of Rye, New Hampshire shall serve in her stead. All provisions of the Trust of September 22, 1992, not hereby amended or revoked shall remain in full force and effect.

IN WITNESS WHEREOF, the Grantor and the Trustee have executed this Amendment to the PETER BECK REVOCABLE TRUST OF 1992 on this 28th day of August, 2013

WITNESSES TO BOTH


Witness


Peter Beck, Grantor


Witness


Peter Beck, Trustee

STATE OF NEW HAMPSHIRE
ROCKINGHAM, SS.

On this 28th day of August, 2013 before me, the undersigned officer personally appeared Peter Beck, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the same in his capacities as the Grantor and Trustee for the purposes therein contained.





Notary Public
My Commission Expires: June 3, 2014

EXHIBIT C

Last will and testimony, regarding only, two properties, individually owned by Peter Beck and his wife Nancy Beck in Portsmouth, N.H.

Now comes Peter Beck and his wife, Nancy Beck, both living at 43 Austin St. Portsmouth, N.H. and state as follows:

Peter Beck is sole owner of unencumbered residence at 43 Austin St, Portsmouth, N.H.
Nancy Beck is sole owner of unencumbered apartment house at 85 Austin St. " " " "

By our notarized signatures we agree that upon the demise of Peter Beck and Nancy Beck, both the foregoing properties will be managed, maintained and utilized for the benefit of Discover Portsmouth, located at 10 Middle St. Portsmouth, N.H. for as long as the parent organization of Discover Portsmouth, the Portsmouth Historical Society wishes, without any financial or other charges or obligations of any kind to the unencumbered estates of Peter and Nancy Beck.

Before any income generated by one or both of these properties, can be used at the discretion of Discover Portsmouth, the foregoing obligations must be paid from said earnings. If said earnings are insufficient to pay for maintenance costs these costs will be paid by Discover Portsmouth, or the Portsmouth Historical Society

The following restrictions and conditions shall apply;

Discover Portsmouth is prohibited from ever selling one or both properties. If the properties cannot be excluded from paying taxes because the ownership of the properties remains outside 501C-3 a sale for \$1.00 with the provision that if Discover Portsmouth no longer wants the responsibility and use of the properties they can never receive more than \$1.00 when transferring the same free indefinite use of the properties as now specified for Discover Portsmouth, from another 501C-3

Discover Portsmouth may transfer ownership to another charitable 501C-3 with the same restrictions as apply to Discover Portsmouth.

If Discover Portsmouth wishes to cease being custodians and beneficiaries of the properties, they are obligated to make a diligent search for another 501C-3 in or outside Portsmouth, the first candidate being the Cornell Isles of Shoals, Creek Farm project in Portsmouth.

If no 501C-3 charity wishes to become custodian and benefactor of the properties, ownership will be turned over to Dartmouth College to be sold and the proceeds put into a scholarship or student loan fund, to be financed by the earnings of the fund, in the name of Adrian Beck '41

The pond in the back yard at 43 Austin St. shall not be destroyed by filling it in. It was carved from solid rock with extreme effort. It is at ground water level. Water is an increasingly valuable resource, this body of water can be used to irrigate, raise fish, heat a house geo-thermally or become a year round swimming place with solar heating.

The maintenance man, Wayne Tuck, for the properties for well past a decade must be allowed to continue to live in and is happy with the cellar of the apartment house at 85 Austin St. If this is no longer permitted accommodations, up to 2 rooms, must be provided, free, on the top floor, 43 Austin St. He pays no rent for this current accommodations. In return he can be trusted to do all kinds of repairs and addressing tenant complaints as well as routine maintenance for \$12.00/ hour. If he wishes to continue this relationship, his wishes must be honored as part of this property transfer. His salary may be adjusted to conform with inflation or the cost of living increase. He is hereby being given ownership of the backhoe and compressor on the properties which continue useful for leveling the hill in the back yard of 43 Austin St and snow removal.

The back yard at 43 Austin St. has a 2 story structure which is beyond repair but could qualify for repair rather than a new construction for easier permitting. The land area is large enough for a house, storage barn, or other building which would be deemed useful for Discover Portsmouth. We, Peter & Nancy Beck would allow such a structure to be built with the help of a 10 year mortgage, if necessary. The mortgage would be funded & paid by the income from one or both of the properties .

Dated _____

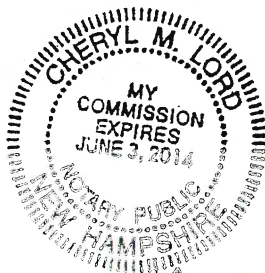
Dated: 8/28/13

Mrs. Nancy R. Beck

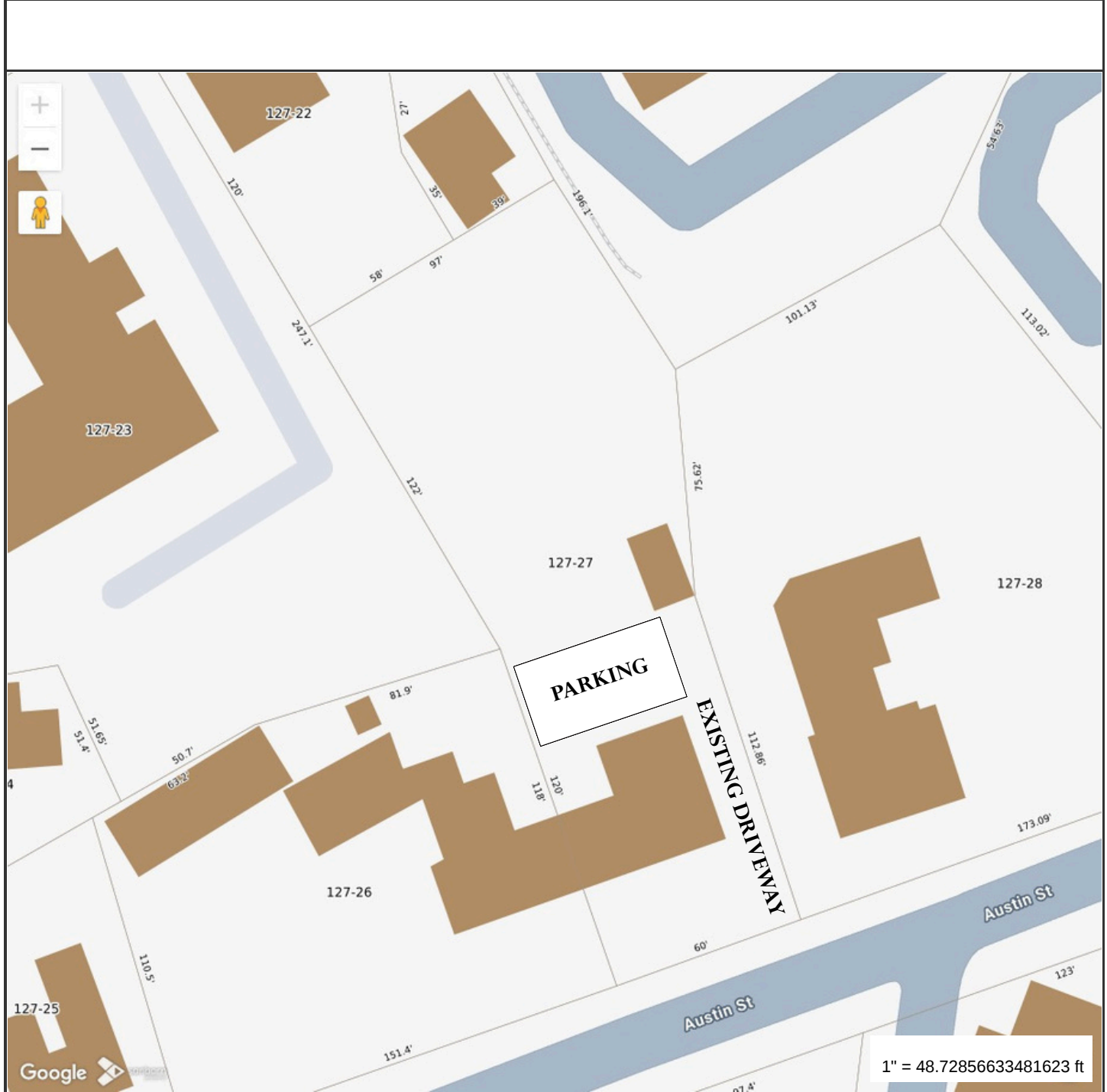
Peter Beck
Peter Beck, M.D.

*On this date: August 28, 2013
Peter Beck, MD appeared before
me:*

Cheryl M. Lord
Notary Public



My commission expires 6-3-2014



**MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT**

City of Portsmouth, NH makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Geometry updated 03/06/2026

Print map scale is approximate. Critical layout or measurement activities should not be done using this resource.

III. NEW BUSINESS

B. The request of **Alexandre T and Lauren M LePage (Owners)**, for property located at **53 McNabb Court** whereas relief is needed to demolish the existing rear porch and construct an addition and construct a new front porch which requires the following: 1) Variance from Section 10.521 to allow a) 30.5% building coverage where 25% is allowed, b) 8 foot left yard where 10 feet are required, c) 6 foot right yard where 10 feet are required. Said property is located on Assessor Map 112 Lot 57 and lies within the General Residence A (GRA) District. (LU-26-50)

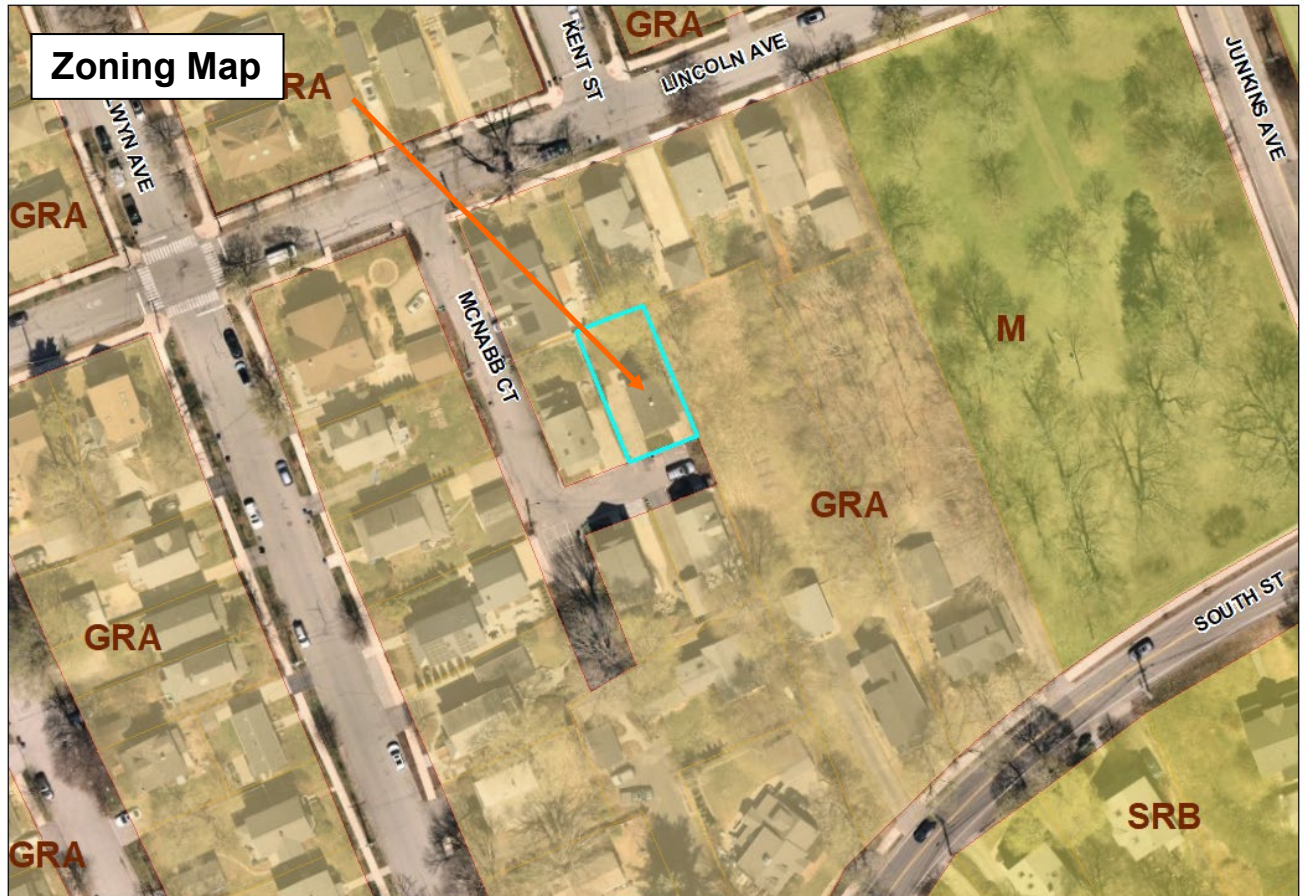
Existing & Proposed Conditions

	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Single Family Residential Home	Construct rear addition and front porch	Primarily Residential
<u>Lot area (sq. ft.):</u>	3,124	3,124	7,500 min.
<u>Street Frontage (ft.):</u>	40	40	100 min.
<u>Front Yard (ft.):</u>	6.7	3.5	15 max.
<u>Left Yard (ft.):</u>	11.3	8	10 min.
<u>Right Yard (ft.):</u>	4.5	6	10 min.
<u>Rear Yard (ft.):</u>	32.5	28.2	20 min.
<u>Height (ft.):</u>	30	30	35 max.
<u>Building Coverage (%):</u>	24.3	30.5	25 max.
<u>Estimated Age of Structure:</u>	1920	Variance request(s) shown in red.	

Other Permits/Approvals Required

- Building Permit

Neighborhood Context



0 30 60 120 Feet
1 inch = 67.8 feet

53 McNabb Ct



Previous Board of Adjustment Actions

January 21, 2026 – The Board **granted** the request to demolish a one-story enclosed porch and reconstruct with a three-story addition and to construct an open front porch on the front of the home, which requires the following: 1) Variance from Section 10.521 to allow a) 6.5 foot front yard setback where 15 feet is required, b) 4.5 foot right yard setback where 10 feet is required, c) 9 foot left yard setback where 10 feet is required, and d) 29% Building Coverage where 25% is allowed.

Planning Department Comments

The applicant is requesting relief to demolish the existing rear one story porch and construct a rear addition as well as a front porch. The applicant was before the Board on [January 21, 2026](#), with similar relief. As part of this updated request, the dimensions of the front porch have been altered as well as the left side porch.

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.

Variance Application

53 McNabb Ct; Assessor Map 112 Lot 57, General Residence A (GRA) District

Alexandre LePage and Lauren LePage

Dear Chair Margeson and Members of the Zoning Board of Adjustment:

This application is a revised submission following the Board's approval of our variance request on January 21, 2026 (LU-25-170). The scope of the proposed renovation remains the same: demolition of the existing one-story enclosed three-season porch on the rear of the structure, replacement with a three-story addition on a similar footprint, and the addition of an open front porch on the front of the home. Our builder, Mighty Roots, has since updated the construction plans, resulting in changes that require updated variance relief on three dimensions. We are therefore submitting this revised application to request approval of the updated plans.

SUMMARY OF CHANGES FROM PREVIOUSLY APPROVED PLANS

The Board approved variances for front yard setback, right yard setback, left yard setback, and building coverage on January 21, 2026. Since that approval, our builder has revised the plans as follows:

- 1. Front Porch (Updated – No Variance Required):** The front porch has been enlarged. The front porch stairs now extend to a 3.5' front yard setback. However, pursuant to Section 10.516.10 of the Zoning Ordinance (front yard exception for existing alignments), a front yard setback variance is no longer required because the proposed structure will not extend closer to the street than the neighboring structures on McNabb Ct. As Board Member Rheume noted at the January 21 hearing, this provision is available to us and eliminates the need for front setback relief.
- 2. Left Side Yard Stairs (Updated – Variance Required):** The stairs on the left side of the house have been revised and now extend further into the left yard setback. The previously approved left yard setback for stairs was 9.1'; the updated plans propose an 8.5' left yard setback for stairs where 10' is required.
- 3. Right Side Yard Setback for Front Porch (Updated – Variance Required):** The enlarged front porch extends further into the right side yard than the previously approved porch. The updated plans propose a 6.1' right yard setback for the front porch where 10' is required. The previously approved right yard setback for the porch was 5.3', and the existing right yard condition for the porch is 4.8'. The right yard setback for the house itself remains unchanged at 4.5', consistent with what was previously approved.
- 3. Building Coverage (Updated – Variance Required):** The updated plans result in a building coverage of 30.1% where 25% is allowed. The previously approved building coverage was 28.9%. The increase of 1.2 percentage points is driven by the enlarged front porch and updated stair configuration.

EXISTING AND PROPOSED CONDITIONS

Below are the existing, previously approved, and now proposed setbacks and building coverage for our home. Since 53 McNabb Ct is a small, nonconforming lot, the existing structure is already outside of most setbacks. The proposed changes are modest updates to what the Board already approved.

Provision	Requirement	Existing Condition	Previously Approved	Now Proposed	Non-Conforming Feature
Lot Area / Lot Area per Dwelling Unit	7,500 sq. ft.	3,124 sq. ft.	-	-	Lot
Frontage	100'	40'	-	-	Lot
Front Yard Setback	15'	11.7' 6.3'	11.7' 6.9'	11.7' 3.5'	House Stairs
Right Yard Setback	10'	4.5' 4.8'	4.5' 5.3'	4.5' 6.1'	House Porch/Stairs
Left Yard Setback	10'	14.1' 11.3'	12.2' 9.1'	12.2' 8.5'	House Stairs
Building Coverage	25%	24.3%	28.9%	30.1%	House

ZONING RELIEF SUMMARY

We are seeking the following variance approvals from the Board:

Section 10.521

- (a) To allow an 8.5' left yard setback for the construction of stairs where 10' is required. The previously approved left yard setback for stairs was 9.1'. The existing stairs have an 11.3' left yard setback.
- (b) To allow a 6.1' right yard setback for the construction of the front porch where 10' is required. The previously approved right yard setback for the porch was 5.3'. The existing right yard setback for the porch is 4.8'.
- (c) To allow 30.1% building coverage where 25% is allowed and 24.3% exists. The previously approved building coverage was 28.9%.

Section 10.321

To allow a nonconforming building or structure to be extended, reconstructed or enlarged without conforming to the requirements of the Ordinance.

VARIANCE CRITERIA

We believe our project continues to meet the required variance criteria found in Section 10.233 for the following reasons. We note that the Board unanimously found these criteria satisfied on January 21, 2026, and the changes in this revised application are modest updates to dimensions already approved.

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

The existing small single-family home will remain a small single-family home. There will be no change in the function or purpose of the home and it will continue to have a very similar footprint. As the Board found in its January 21 decision, the variances will not have an adverse effect on the health, safety, and welfare of the neighborhood, will have no effect on light and air, and will not alter the essential characteristics of the neighborhood. The modest updates in this revised application – an additional 0.6' of encroachment into the left side yard for stairs and an additional 1.2 percentage points of building coverage – do not change this analysis. There will be no difference for the average pedestrian or neighbor.

10.233.22 The spirit of the Ordinance will be observed:

Setbacks: The left yard setback for stairs moves from the previously approved 9.1' to 8.5' – an additional encroachment of only 0.6' (approximately 7 inches) beyond what the Board already approved. The right yard setback for the front porch moves from the previously approved 5.3' to 6.1', reflecting the enlarged front porch. Notably, the proposed 6.1' right yard porch setback is a meaningful improvement over the existing 4.8' condition – the porch will sit further from the right property line than what is there today. Only stairs and the porch encroach on the side yard requirements; the house itself is unchanged from previously approved dimensions. Granting the updated setback variances will not alter the essential character of the neighborhood or negatively affect public health, safety, or welfare.

Building Coverage: The increase from the previously approved 28.9% to 30.1% represents an additional 1.2 percentage points of coverage. This remains consistent with the neighborhood: the other three houses on McNabb Ct have approximately 29% (+/-) building coverage as a result of their renovations over the years, and our proposed 30.1% is closely in line with those figures. Even with the updated building coverage, the percent of the lot that is open space will remain at 44.3%, well above the 30% minimum requirement. The “green space” associated with the property will continue to be substantially preserved. As such, granting the building coverage variance will not alter the essential character of the neighborhood or negatively affect public health, safety, or welfare.

10.233.23 Substantial justice will be done:

The benefit to the applicant will not be outweighed by the harm to the public. As the Board found in January, the public will not notice any difference between how the property is being used currently and the proposed changes. The only differences noticed will be positive – the public will now notice that all four homes on McNabb Ct follow a more similar design with rear additions and front porches. The modest dimensional changes in this revised application do not

alter that calculus. It remains a small lot, a small house, and a growing family, and the benefit in having a more usable space clearly outweighs the minimal impact on the public.

10.233.24 The values of surrounding properties will not be diminished:

The changes proposed continue to be small and are designed to improve current impacts to the neighboring property. The addition is tastefully designed by a well-respected local builder (Mighty Roots) and will keep with the character of homes and structures on surrounding properties. As the Board found in January, there is no evidence that granting the variances would diminish the values of surrounding properties. If anything, the improvements will make the house more consistent with the other three properties immediately abutting the property, thereby preserving or enhancing surrounding property values.

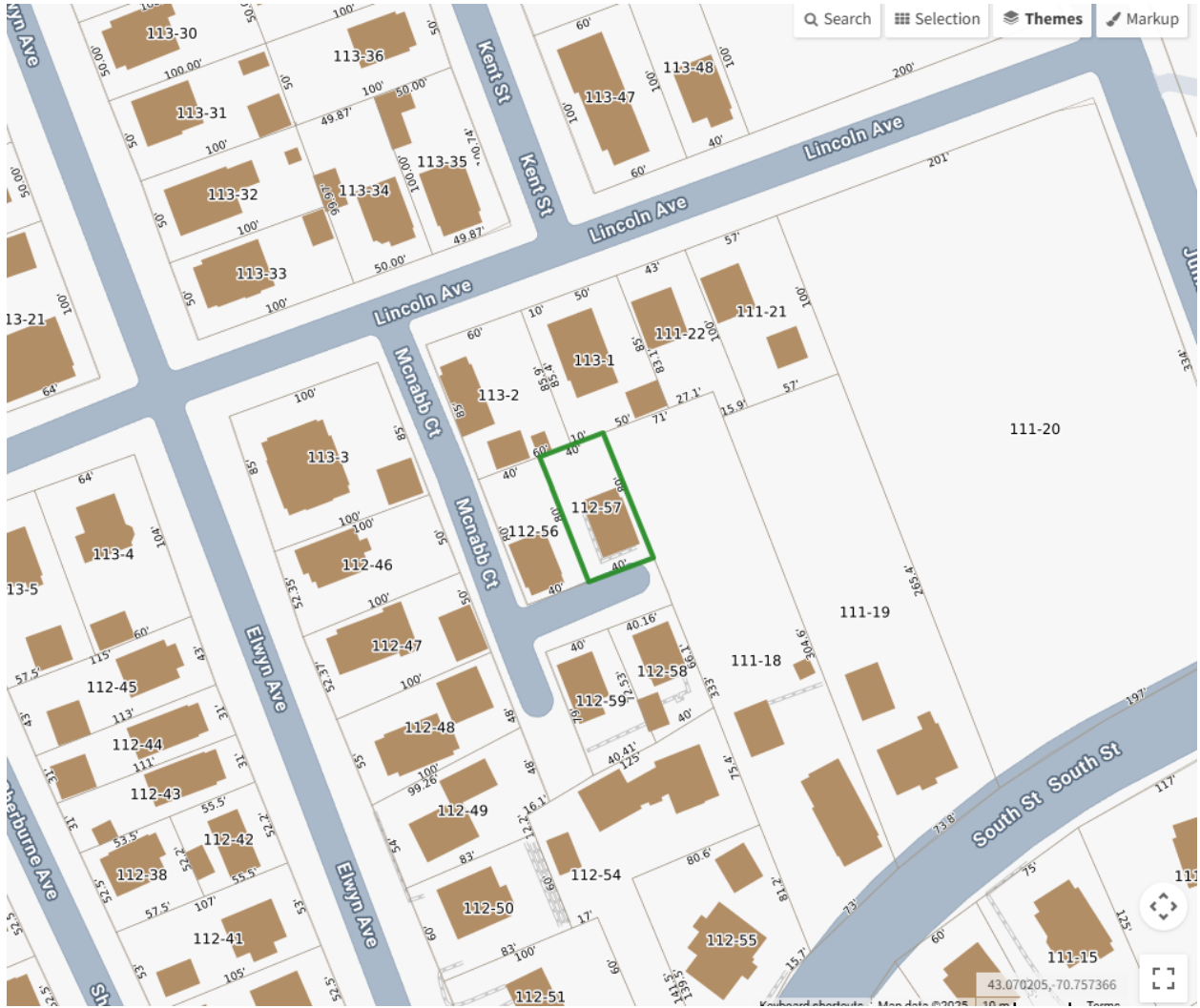
10.233.25 Literal enforcement of the provisions of the Ordinance would result in an unnecessary hardship:

The property continues to have the same special conditions the Board recognized in January – principally its size, width, and location at the end of a courtyard. The property was created long before current GRA zoning standards were adopted. It has only 3,124 square feet of land area, which is 41.7% of what is required in the GRA Zoning District. The lot is small and not obvious to anyone passing by on Lincoln Street, and making improvements to it will likely infringe on some setbacks. Literal enforcement of the ordinance would not serve the property in a fair and substantial way as it would prevent us from executing the renovation plans that the Board has already approved in concept. The proposed use of the property is reasonable as it will continue to be used for single-family residential purposes.

Sincerely,

Alexandre LePage and Lauren LePage

Owners





View of the front of the property



View of the rear of the property



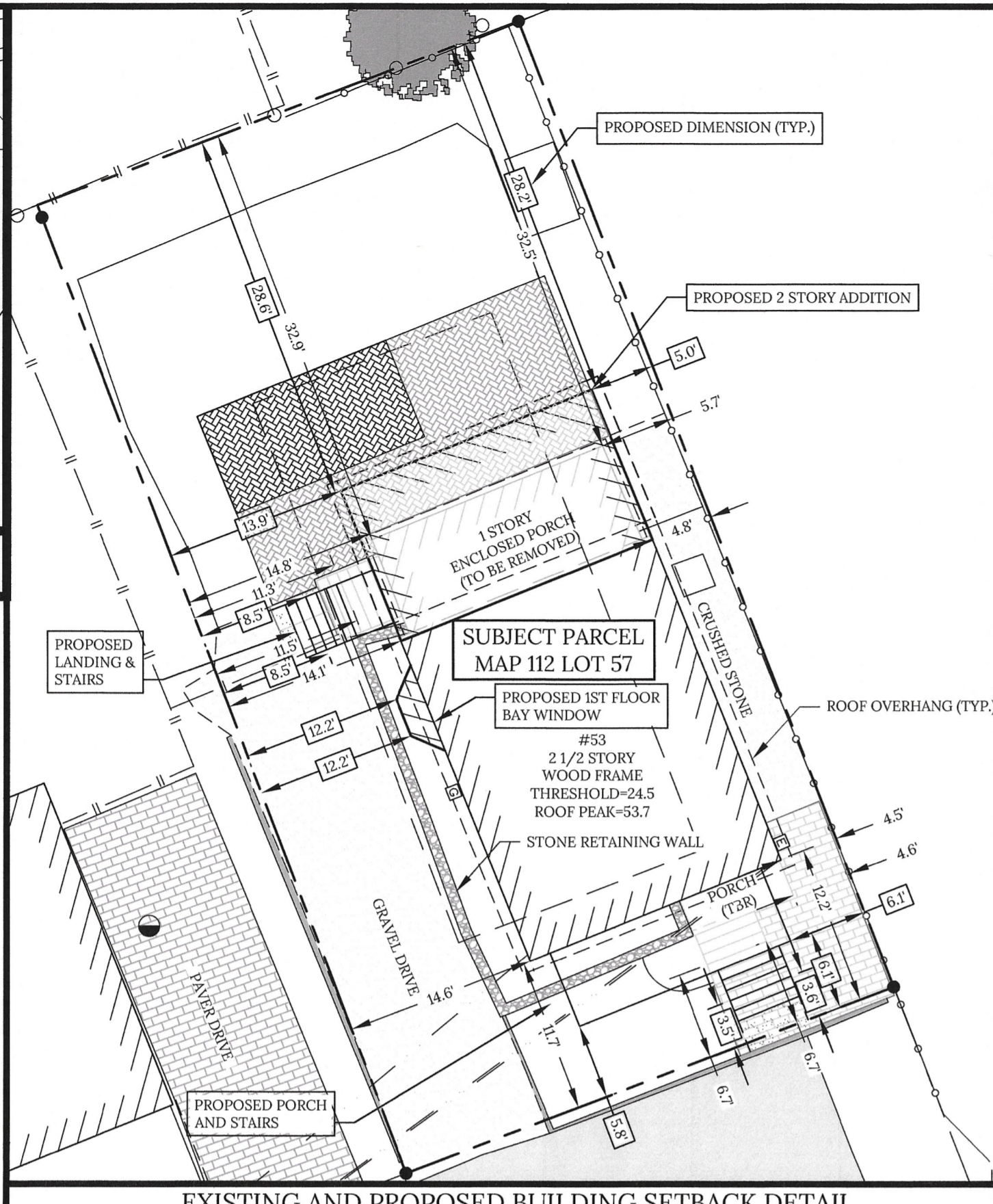
LOCATION MAP SCALE 1"=500'

OPEN SPACE CALCULATION (TO PROPERTY LINE):
 EXISTING:
 LAWN & LANDSCAPED AREAS (COMPLIANT WITH SECTION 10.515.20) - 1,224 S.F.
 NON-COMPACTED GRAVEL - 46 S.F.
 PATIOS & WALKS - 382 S.F.
 TOTAL OPEN SPACE-1,652 S.F. (PATIOS & WALKS ARE 23.1% OF OPEN SPACE)
 PERCENT OF LOT THAT IS OPEN SPACE - 52.9%

PROPOSED:
 LAWN & LANDSCAPED AREAS (COMPLIANT WITH SECTION 10.515.20) - 1,069 S.F.
 NON-COMPACTED GRAVEL - 0 S.F.
 PATIOS & WALKS - 315 S.F.
 TOTAL OPEN SPACE-1,384 S.F. (PATIOS & WALKS ARE 22.8% OF OPEN SPACE)
 PERCENT OF LOT THAT IS OPEN SPACE - 44.3%

BUILDING COVERAGE CALCULATION (TO PROPERTY LINE):
 EXISTING:
 HOUSE - 708 S.F.
 PORCHES & STAIRS - 52 S.F.
 TOTAL BUILDING COVERAGE- 760 S.F.
 BUILDING COVERAGE PERCENTAGE- 24.3%

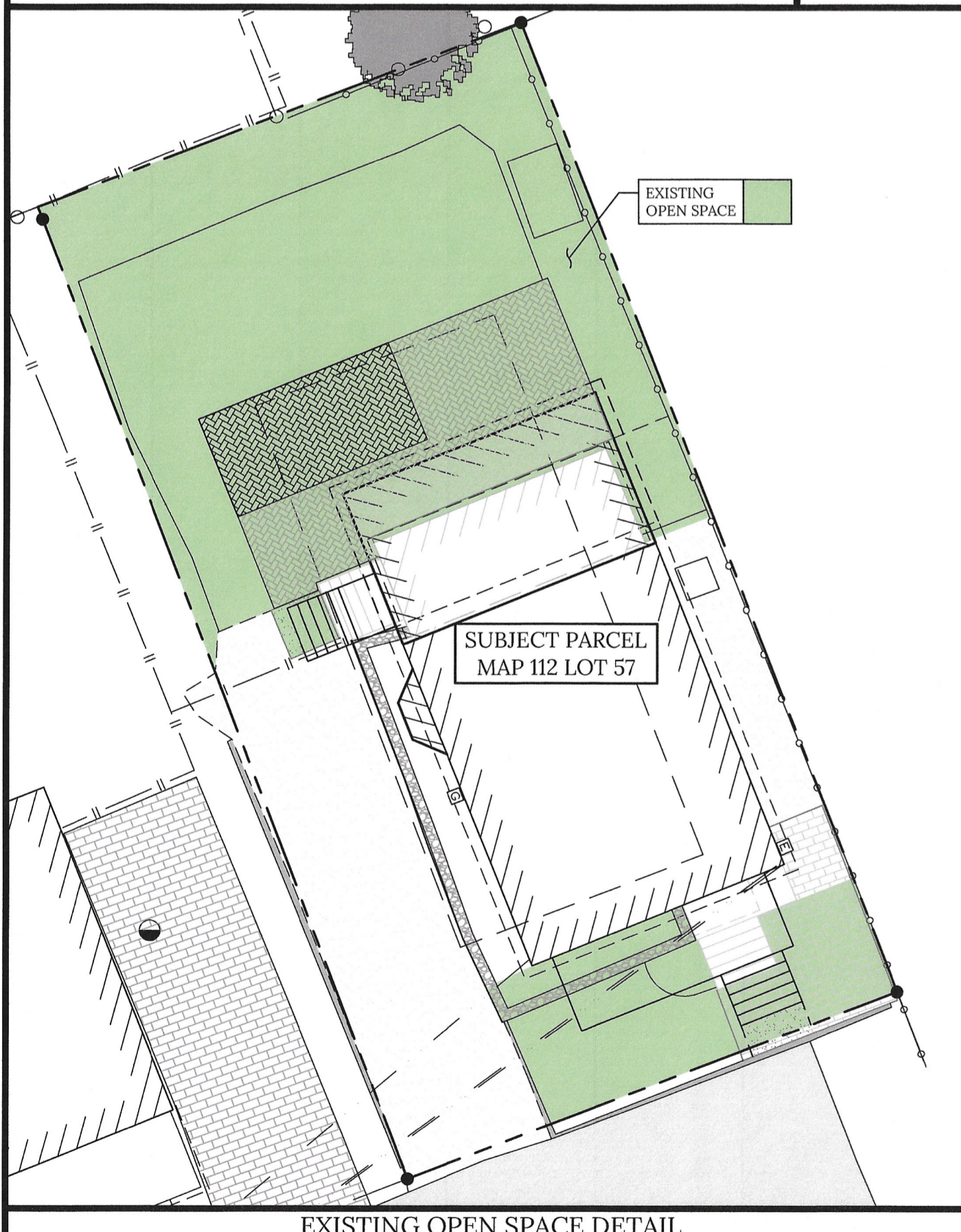
PROPOSED:
 HOUSE - 799 S.F.
 PORCHES & STAIRS - 141 S.F.
 TOTAL BUILDING COVERAGE - 940 S.F.
 BUILDING COVERAGE PERCENTAGE- 30.1%



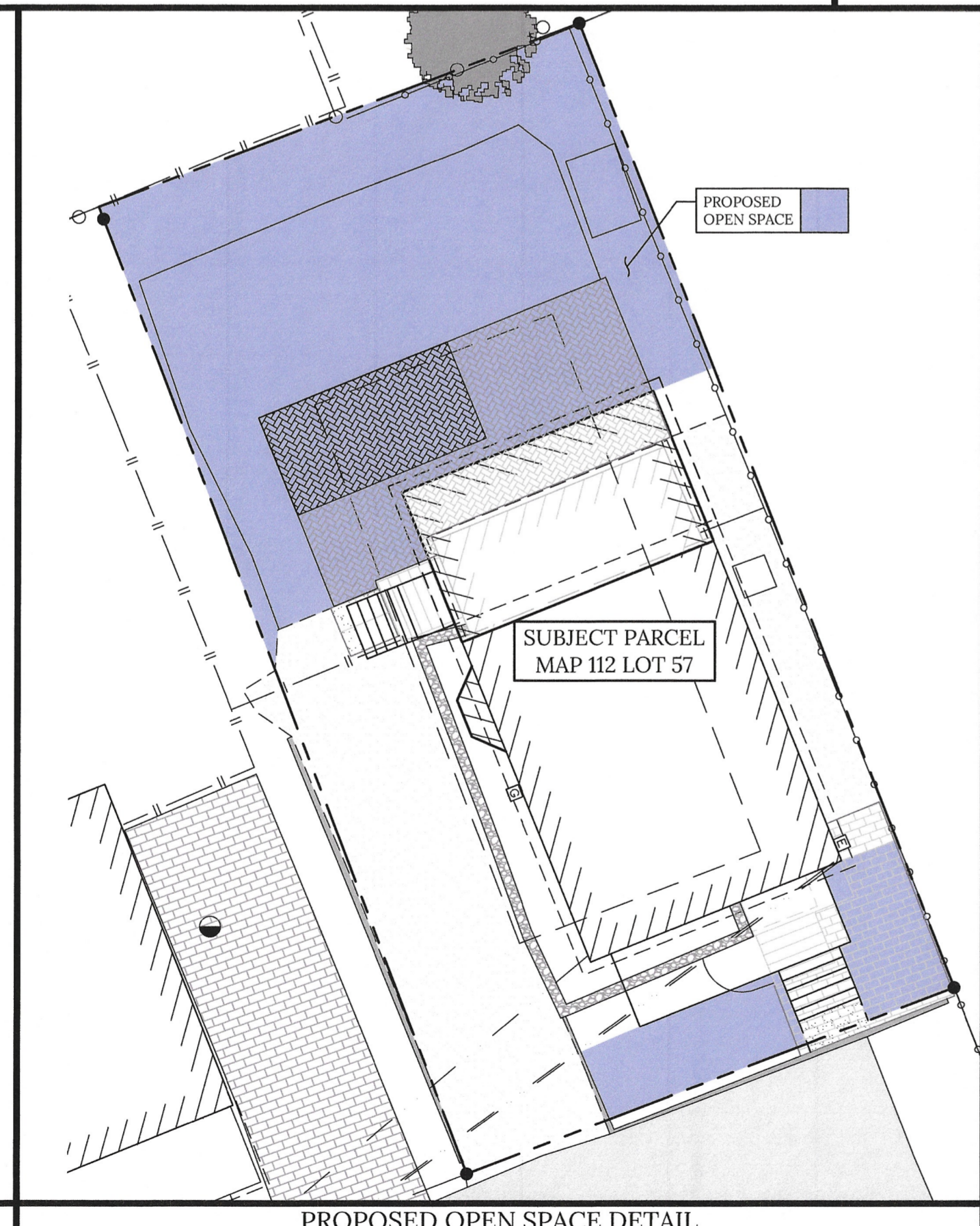
EXISTING AND PROPOSED BUILDING SETBACK DETAIL

EXISTING & PROPOSED SETBACKS:
 EXISTING:
 FRONT - 6.7 FEET (STAIRS), 11.7 FEET (HOUSE)
 RIGHT SIDE - 4.6 FEET (PORCH), 4.5 FEET (HOUSE)
 LEFT SIDE - 11.3 FEET (STAIRS), 14.1 FEET (HOUSE)
 REAR - 32.5 FEET (HOUSE)

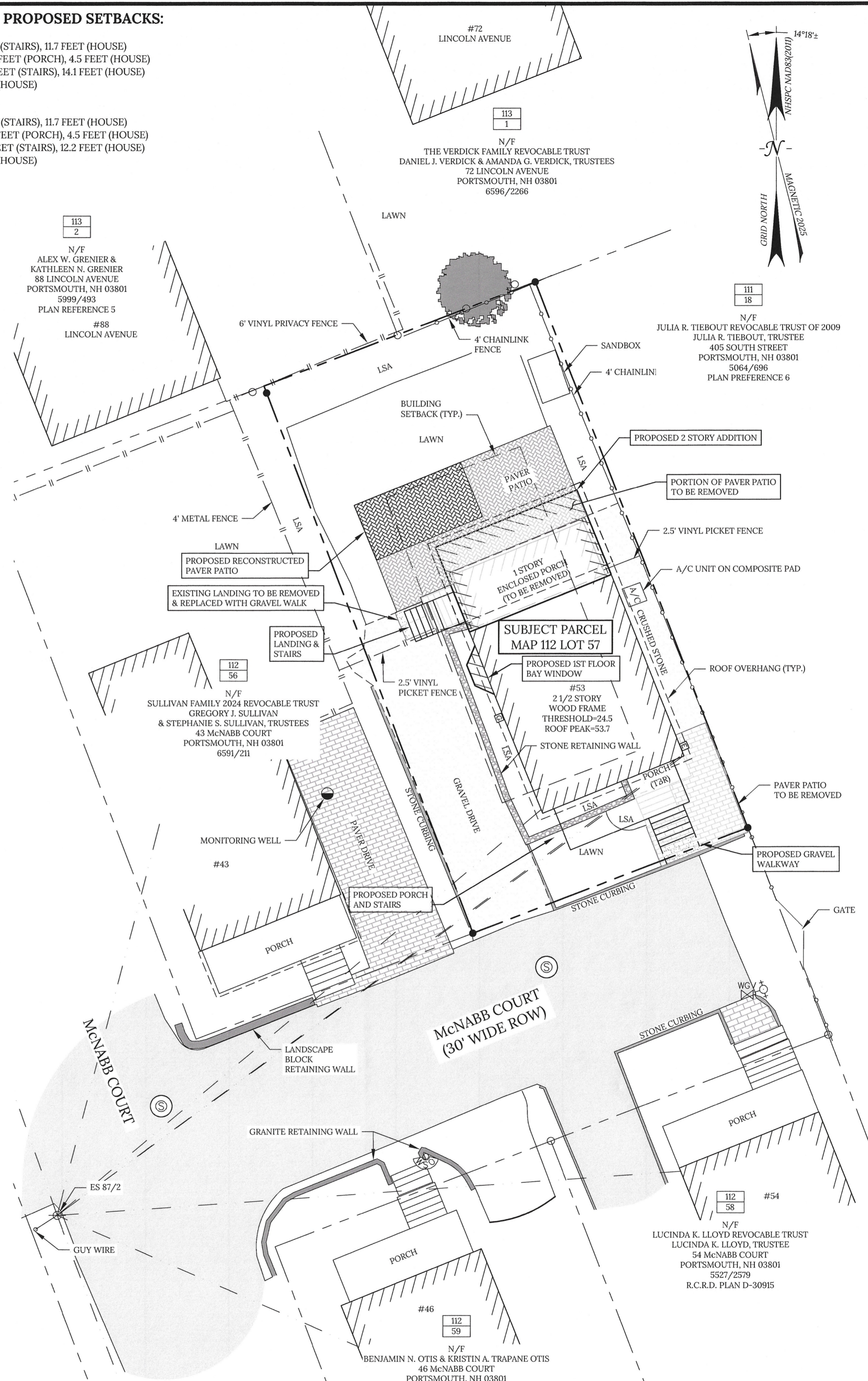
PROPOSED:
 FRONT - 3.5 FEET (STAIRS), 11.7 FEET (HOUSE)
 RIGHT SIDE - 6.1 FEET (PORCH), 4.5 FEET (HOUSE)
 LEFT SIDE - 8.5 FEET (STAIRS), 12.2 FEET (HOUSE)
 REAR - 28.2 FEET (HOUSE)



EXISTING OPEN SPACE DETAIL



PROPOSED OPEN SPACE DETAIL



REVISIONS		
NO.	DESCRIPTION	DATE
3	REVISE FRONT PORCH DIMENSIONS	3/19/26
2	REVISE FRONT PORCH & STAIRS, REVISE REAR STAIRS & LANDING	3/18/26
1	ADD PROPOSED BAY WINDOW	10/1/25

- NOTES:**
- THE PURPOSE OF THIS PLAN IS TO SHOW A PROPOSED ADDITION AND ASSOCIATED SITE IMPROVEMENTS ON ASSESSOR'S MAP 112 LOT 57 IN THE CITY OF PORTSMOUTH.
 - SUBJECT PARCEL IS SHOWN ON THE CITY OF PORTSMOUTH ASSESSOR'S MAP 112 AS LOT 57.
 - OWNERS OF RECORD:
 ALEXANDRE T. LePAGE & LAUREN M. LePAGE
 53 McNABB COURT
 PORTSMOUTH, NH 03801
 6330/1980
 - THE SUBJECT PARCEL IS NOT IN A SPECIAL FLOOD HAZARD AREA AS SHOWN ON FEMA FLOOD INSURANCE RATE MAP PANEL 33015C0259F. PANEL EFFECTIVE DATE JANUARY 29, 2021.
 - SUBJECT PARCEL AREA:
 3,124 S.F.
 0.0717 ACRES
 - SUBJECT PARCEL IS LOCATED IN THE GENERAL RESIDENCE A (GRA) ZONING DISTRICT AND IS SUBJECT TO THE FOLLOWING DIMENSIONAL REQUIREMENTS:

MINIMUM LOT SIZE	7,500 S.F.
FRONTAGE	100 FEET
DEPTH	70 FEET
SETBACKS	FRONT 15 FEET SIDE 10 FEET REAR 20 FEET
MAXIMUM BUILDING HEIGHT	35 FEET
MAXIMUM BUILDING COVERAGE	25%
MINIMUM OPEN SPACE	30%
 - BASIS OF BEARING & HORIZONTAL DATUM IS THE NEW HAMPSHIRE STATE PLANE COORDINATE SYSTEM NAD83(2011). BASIS OF HORIZONTAL DATUM IS POST-PROCESSED STATIC GNSS OBSERVATIONS.
 - FOR COMPLETE EXISTING CONDITIONS AND BOUNDARY INFORMATION SEE PLAN REFERENCE 1.
 - PROPOSED ADDITION FROM PLANS BY MIGHTY ROOTS DATED 3/19/2026.

PLAN REFERENCES:

- EXISTING CONDITIONS PLAN, OWNERS OF RECORD ALEXANDRE T. LePAGE & LAUREN M. LePAGE, ASSESSOR'S MAP 112 LOT 57, 53 McNABB COURT, CITY OF PORTSMOUTH, ROCKINGHAM COUNTY, NEW HAMPSHIRE. PREPARED BY STAKE & STONES LAND SURVEYING, LLC. DATED AUGUST 16, 2025, FINAL REVISION DATE, SEPTEMBER 18, 2025.
- SEE PLAN REFERENCE 1 FOR ADDITIONAL PLAN REFERENCES.

LEGEND:

N/F	NOW OR FORMERLY
RCRD	ROCKINGHAM COUNTY REGISTRY OF DEEDS
1 2	ABUTTER TAX MAP & LOT NUMBER
---	BOUNDARY
- - - -	BUILDING SETBACK
○	IRON ROD/PIPE FOUND
●	IRON ROD SET
---	OVERHEAD ELECTRIC/WIRES
---	EDGE OF PAVEMENT
---	EDGE OF GRAVEL WALKWAY
○	UTILITY POLE
○	WATER SHUT OFF/CURB STOP
WG	WATER GATE VALVE
+	HYDRANT
E	ELECTRIC METER
⊙	SEWER MANHOLE
AC	AIR CONDITIONER UNIT
ELEV.	ELEVATION
FF	FINISHED FLOOR
TYP.	TYPICAL
LSA	LANDSCAPED AREA

BUILDING PERMIT PLAN
 OWNERS OF RECORD
ALEXANDRE T. LePAGE & LAUREN M. LePAGE
 ASSESSOR'S MAP 112 LOT 57
 53 McNABB COURT
 CITY OF PORTSMOUTH
 ROCKINGHAM COUNTY
 NEW HAMPSHIRE

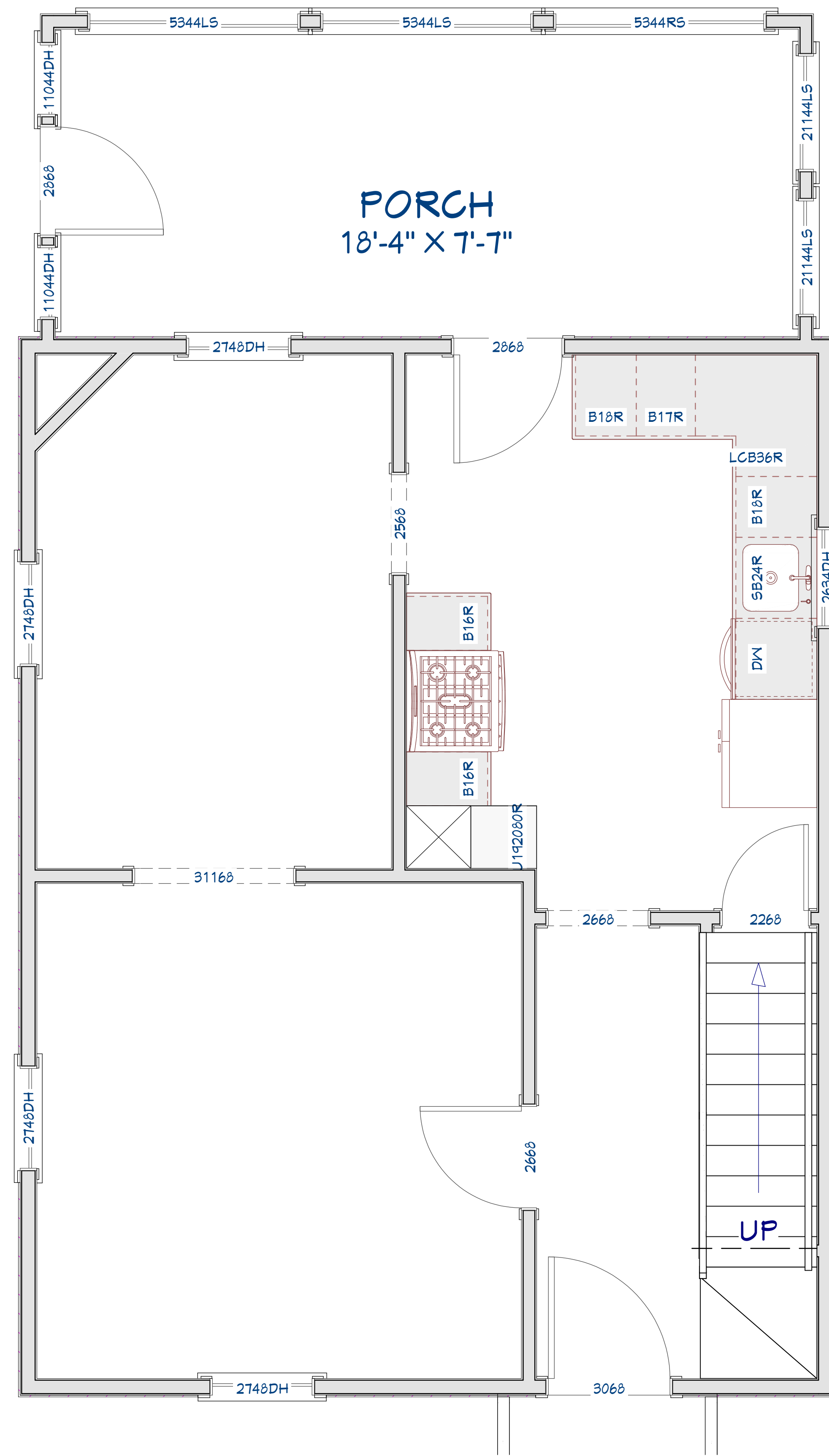
I CERTIFY THAT THIS PLAN WAS PREPARED UNDER MY DIRECT SUPERVISION, THAT IT IS THE RESULT OF A FIELD SURVEY BY THIS OFFICE AND HAS AN ACCURACY OF THE CLOSED TRAVERSE THAT EXCEEDS THE PRECISION OF 1:15,000.

3/17/2026
 DATE

PAUL A DOBBERSTEIN, LLS
 SIGNATURE

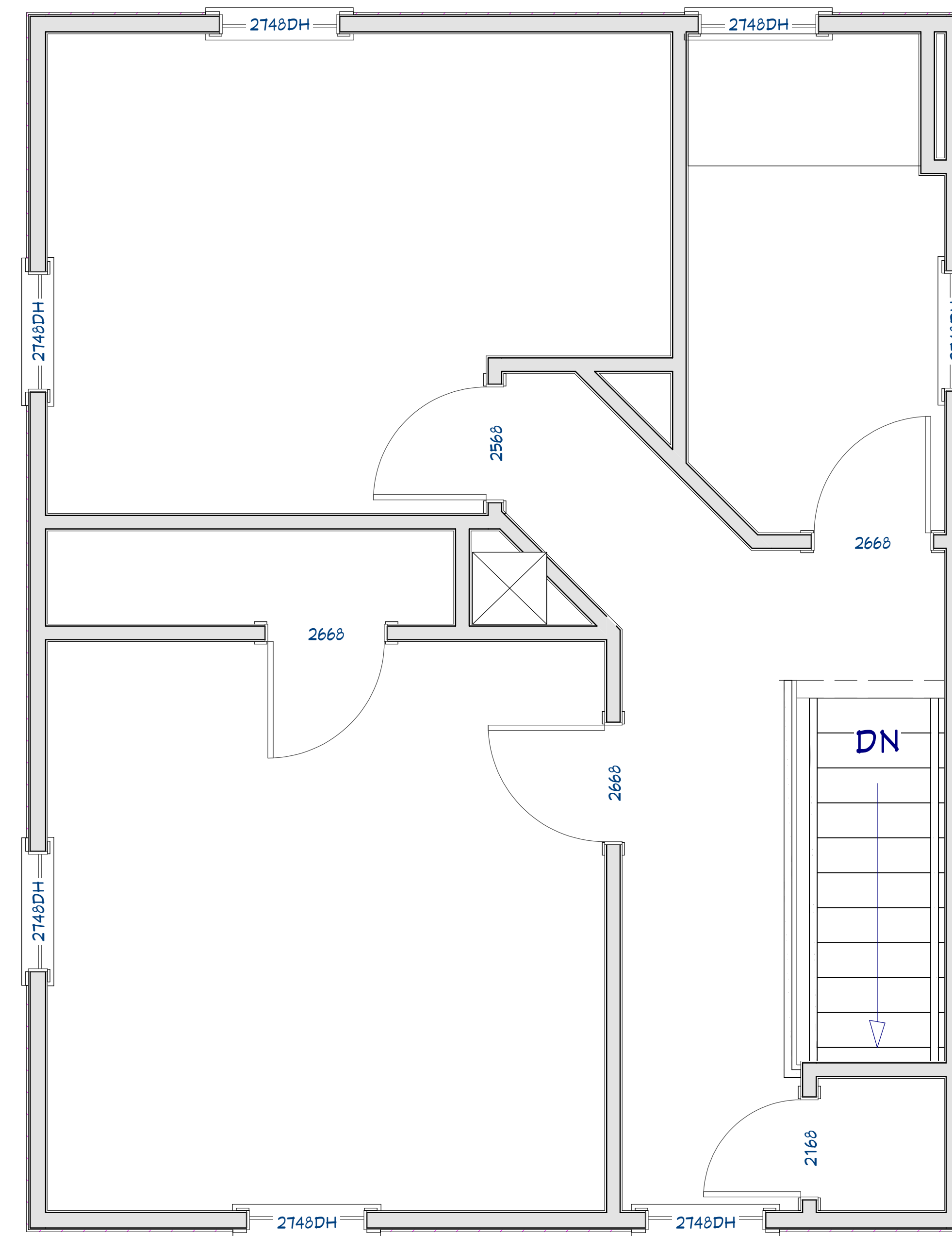
Stake & Stones Land Surveying, LLC
 229 S Main Street Newmarket, NH 03857
 603.292.5747 www.sslsnh.com

FB 27 PG 1 SCALE 1"=10' SEPTEMBER 21, 2025 JOB #266



FIRST FLOOR PLAN - EXISTING

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



SECOND FLOOR PLAN - EXISTING

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

REVISION TABLE	
NUMBER	DATE

LEPAGE RESIDENCE
53 McNabb Court
Portsmouth, NH 03801

FLOOR PLANS

DRAWINGS PROVIDED BY:
Mighty Roots, LLC
13 Alden Ave.
Greenland, NH 03840

DATE:

9/30/2025

SCALE:

SHEET:

A-1



RIGHT SIDE ELEVATION - EXISTING

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



REAR ELEVATION - EXISTING

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



LEFT SIDE ELEVATION - EXISTING

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



FRONT ELEVATION - EXISTING

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

NUMBER	DATE	REVISION BY	DESCRIPTION

LEPAGE RESIDENCE
53 McNabb Court
Portsmouth, NH 03801

DRAWINGS PROVIDED BY:
Mighty Roots, LLC
13 Alden Ave.
Greenland, NH 03840

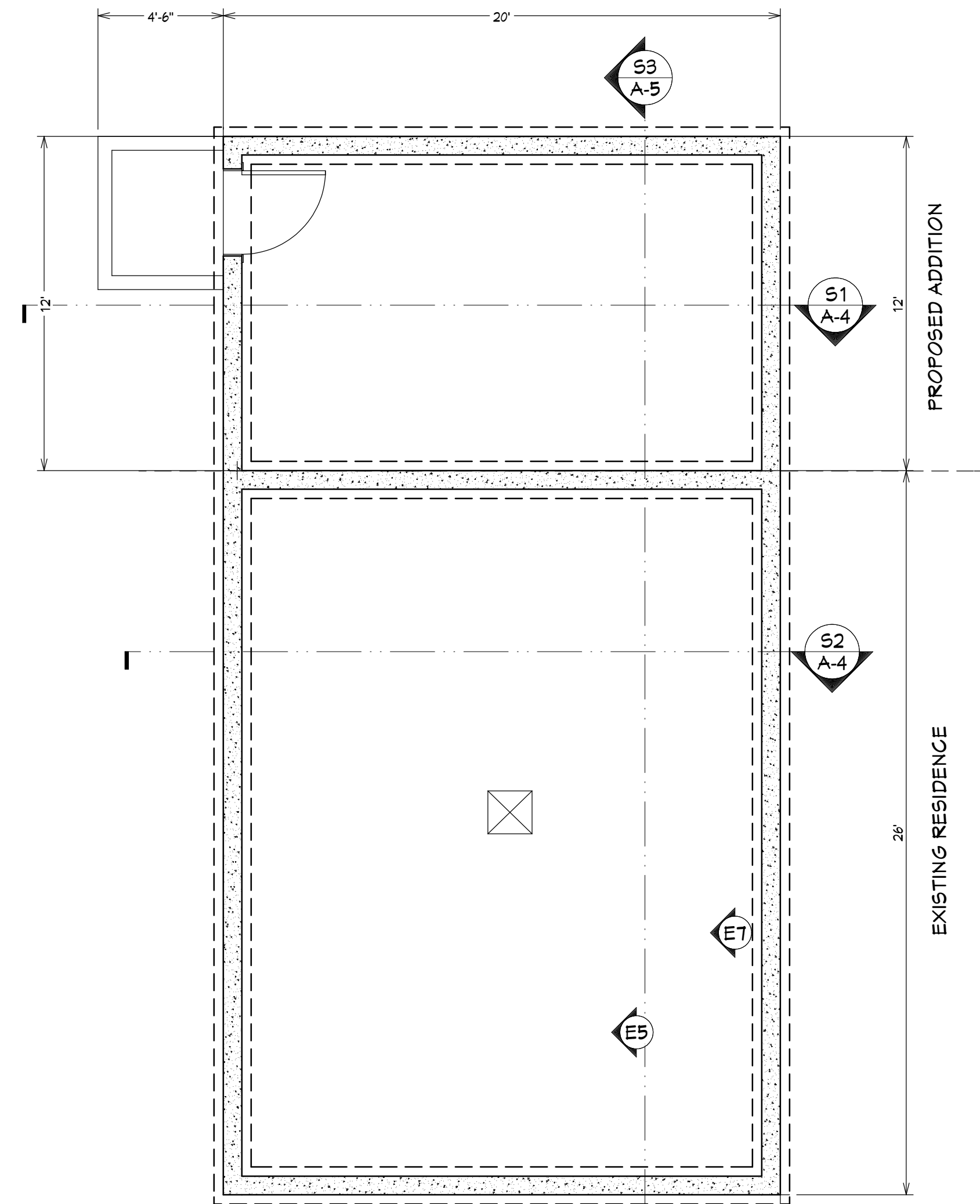
DATE:

9/30/2025

SCALE:

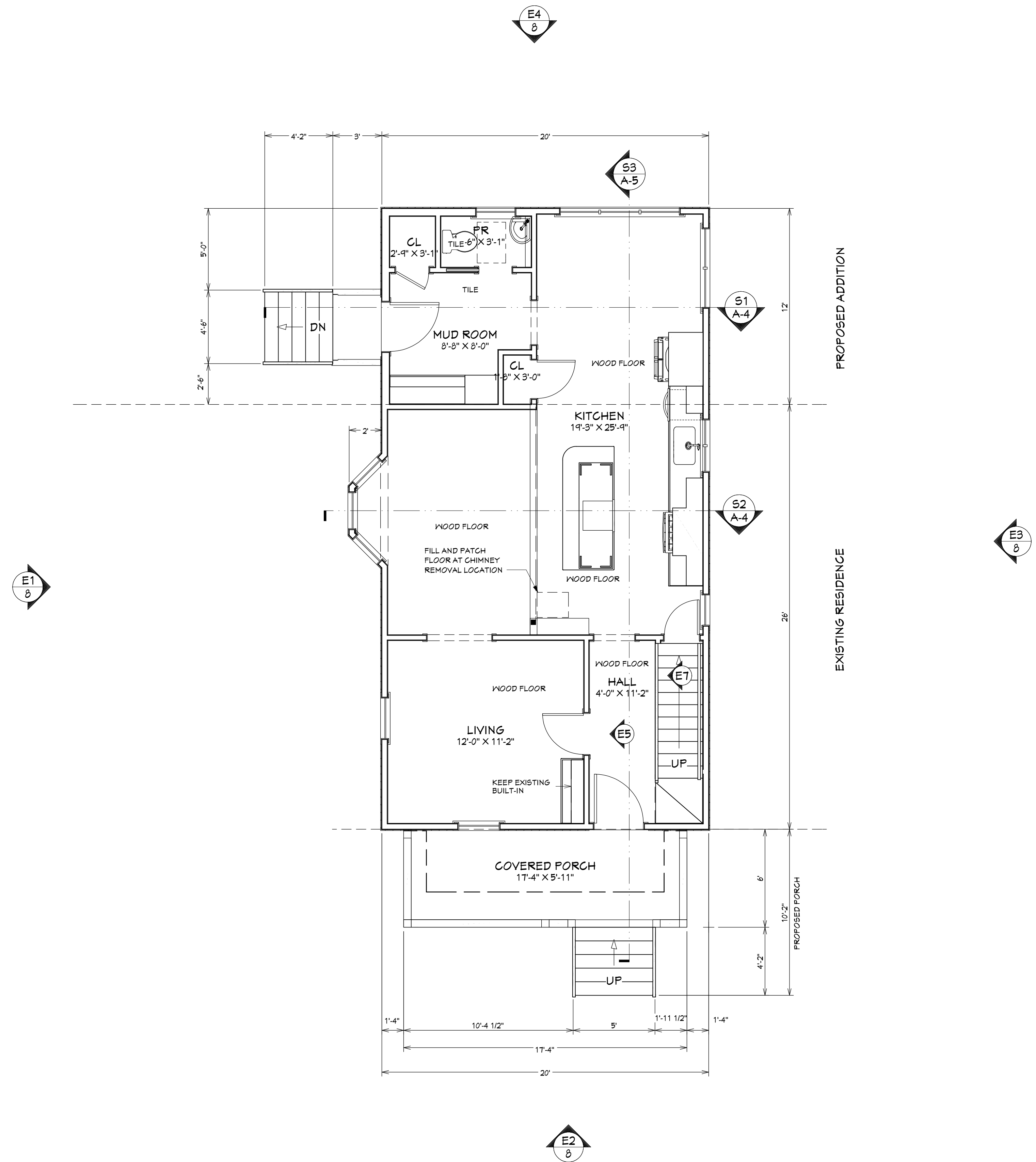
SHEET:

A-2



FOUNDATION PLAN

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



FIRST FLOOR PLAN

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



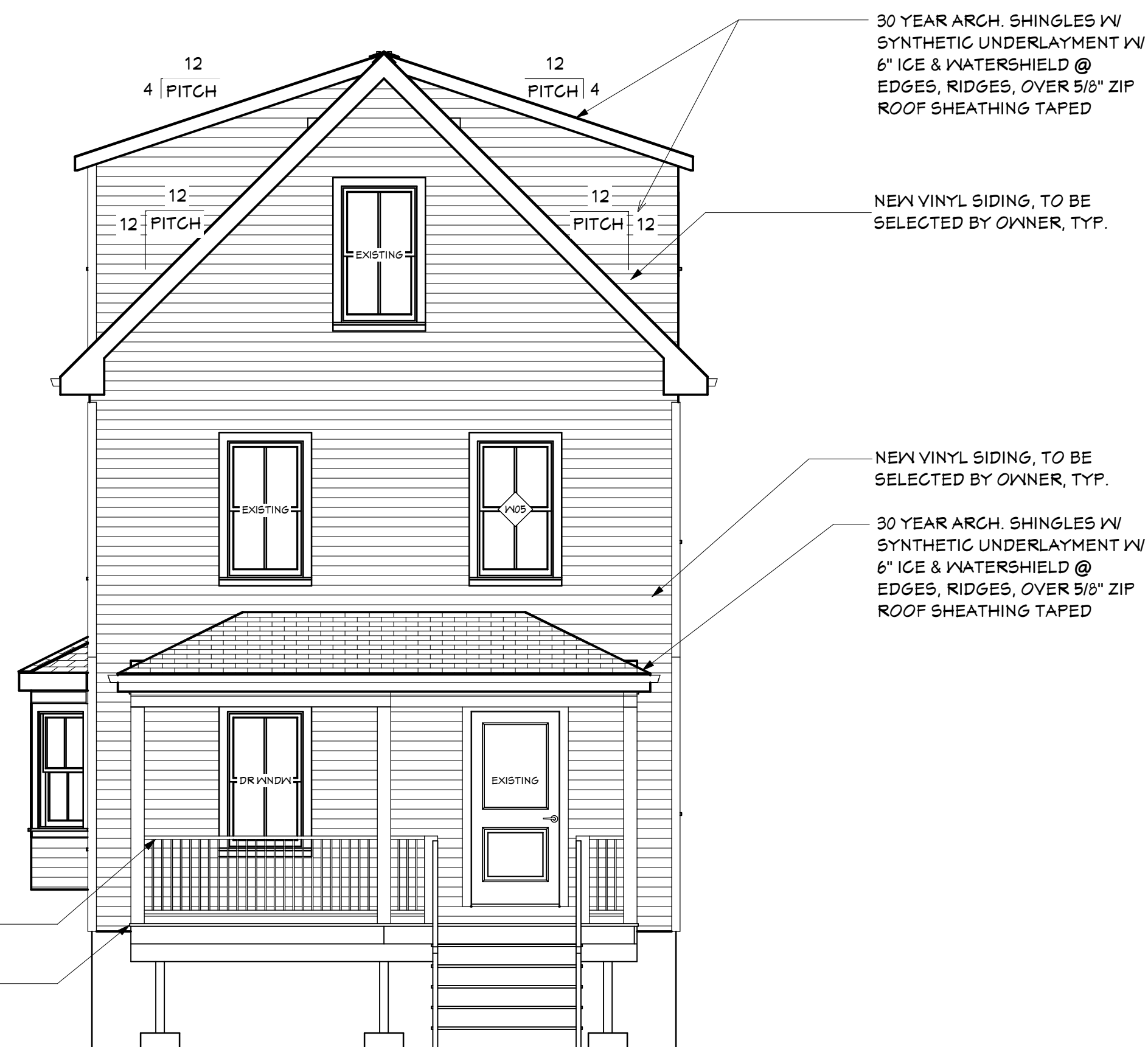
NORTH ELEVATION

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



WEST ELEVATION

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



SOUTH ELEVATION

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



EAST ELEVATION

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



MIGHTY ROOTS

13 ALDEN AVE.
GREENLAND, NH 03840
603-319-8095
www.mightyroots.com

PROJECT:
DATE:
REVISED 1:
REVISED 2:
DRAWN BY:
PHASE:

LEPAGE RESIDENCE
53 McNABB COURT
PORTSMOUTH, NH, 03801

ELEVATIONS

A-3

III. NEW BUSINESS

- C. The request of **Double Mc LLC (Owner)**, for property located at **134 Pleasant Street** whereas relief is needed to alter the existing drive-through facility which requires the following: 1) Variance from Section 10.334 to allow a drive-through use (Use # 19.40) to be extended to another part of the remainder of the land. Said property is located on Assessor Map 116 Lot 30 and lies within Character District 4 (CD4) and the Historic District. (LU-25-138)

Planning Department Comments

Staff have rejected the request as there is pending litigation for the prior decision made by the BOA on [October 28, 2025](#).

Proceeding with the request would violate Section VII. Item 4 of the [Board of Adjustment Rules and Regulations](#). See language below.

Section VII. Miscellaneous

...

4. The applicant shall be allowed to have only one active application before the Board at any time, including any application for a variance or Special Exception for a property with an application subject to appeal. Additional applications will be rejected by the staff at the time it is submitted for processing.