III)	JRDEV, I	JRDEV, LLC			LETTER OF TRANSMITTAL	
	Applicar	Applicant			May 12, 2022	
世	225 Ban	- 225 Banfield Road			2019054	
	Portsmo	Portsmouth, NH 03801				
Ph. (603) 436-3112				Attn:	Peter Stith	
	Fax (603) 436-3935				HAND CARRY	
		(,		Re:	JRDEV, LLC Variance application	
To:	To: Mr. Peter Stith, Principal Planner			i iii.	225 Banfield Road	
10.	1 Junkins Avenue					
			<u> </u>		Updated variance request	
Portsmouth, NH 03801)I		application	
	(603) 610-4188					
∇ariance application			Subcontract		Requisition	
Code Review			Plans		Specifications	
Permit fee			Purchase Order		Submittal(s)	
Copies	Date	No.	Description			
1	5-12-22	1	Variance request application			
1	5-12-22	1	Direct abutters "Letter of Support"			
1	5-12-22	1	"The Grail Zone" issued on January 21, 2022, including			
1	5-12-22	1	Variance support letters			
1	5-12-22	1	Existing conditions plan prepared by Verra & Associates			
1	5-12-22	1	Aerial view of locus site (225 Banfield Road)			
1	5-12-22	1	Conceptual site plans as prepared by Allen & Major			
1	5-12-22	1	Conceptual resid	Conceptual residential plans/elevation by Winter Holben Arch's.		
1	5-12-22	1	Conceptual Industrial plans/elevations by Ricci Construction LLC			
THESE ARE TRANSMITTED as checked below:						
For Your Use Subcontract					Submit	
As Requested, Returned for Corrections Return						
REMARKS: Peter, attached is the revised ZBA Variance application for the Use and Setback.						
variances proposed at 225 Banfield Road by JRDEV, LLC. Please review and call with any questions.						
We look forward to working with the ZBA, City Staff and Planning Department on this application.						
COPY TO: SIGNED:						
C. Mulligan, Bosen & Assocaites TITLE:						
J. Ricci, JRDEV, LLC						
IF ENCLOSURES ARE NOT AS NOTED, KINDLY NOTIFY US AT ONCE.						

May 12, 2022

JRDEV, LLC

Variance application

APPLICATION OF JRDEV, LLC 225 Banfield Road, Portsmouth, NH Map 266, Lot 1/Map 254, Lot 1

I. THE PROPERTY:

The applicant, JRDEV, LLC, is a New Hampshire limited liability company operated by John Ricci, President of Ricci Construction Co., Inc., On behalf of Ricci Construction Co., Inc., the deeded owner the property located at 225 Banfield Road, Portsmouth, New Hampshire, the Applicant presents the foregoing.

The property located at 225 Banfield Road, Portsmouth, New Hampshire currently consists of two abutting lots (collectively, the "Property"). The applicant proposes to merge the two parcels on the Property to accommodate the proposed development of a commercial building and a 60-unit apartment building.

Combined, the Property is approximately 9.68 acres in size and the development site is situated between Bryan and Denise Arnold's residence and Arnold Welding, Inc. to the southwest, a commercial plaza to the east, Pike Industries, Inc. to the southeast, and the Community Campus fields to the south. The Property currently consists of a single commercial building operated by Ricci Construction Co., Inc. which was built in 1962, with the remaining Property consisting of a mix of developed and undeveloped land. An overview of the Property is shown on the attached map and aerial photo.

The Property is located in the I – Industrial zoning district.

Banfield Road is a transitional section of Portsmouth with a diverse mix of residential, commercial, and industrial properties. Banfield Road is currently the home of The Village at Banfield Woods, a residential community comprised of 22 free standing homes. Additionally, Banfield Road is home to a variety of residential structures and the public Community Campus fields, abutting the Property. It is close in proximity to the Great Bog and the recreational opportunities it affords.

As noted above, the applicant's principal operates Ricci Construction Company, Inc. The company and its leadership have been fixtures in Portsmouth since the company's inception in 1935. For over 85 years, Ricci Construction has assisted or participated in countless developments within the City.

The Applicant proposes to demolish the current commercial building along the Property frontage and reconstruct a similarly sized commercial building with a larger setback on Banfield Road (the "Commercial Building"). The Applicant proposes to develop the rear portion of the Property with a two-story, 60-unit micro apartment building with underground garage parking spaces on a 38,936 ± square foot footprint ("Residential Building").

The project is designed in response to the need for more economical housing in the City, and in New Hampshire in general, where local businesses continue to struggle to fill positions, in

large part, due to housing shortages. At a time when young professionals and residents are being forced to move out of the City, the Applicant seeks to create additional and much needed housing alternatives.

While the Property is not located directly in a residential or mixed-use zoning district, the larger Banfield Road neighborhood has supported residential uses, as evidenced by the success of the Village at Banfield Woods and the various residential structures on Banfield Road. Accordingly, the Applicant feels the Property is an excellent location for implementing a creative solution to the City's housing and rental crisis. The residents of the Project will directly enjoy the benefits of the public Community Campus fields, located directly behind the Property, and surrounding businesses on Banfield Road and Lafayette Road.

In order for the project to move forward, the following variances are required:

- 1. Section 10.531 Allow a 45-foot Front Yard Setback where 70 feet is required. (34'-7" existing)
- 2. Section 10.440.1 Allow a mixed residential and commercial development in the Industrial zoning district where residential uses are not permitted.

II. THE VARIANCES:

The applicant believes this Application meets all criteria necessary for the Board to grant the requested variances.

- 1. Granting the variance will not be contrary to the public interest.
- 2. Granting the variance will not be contrary to the spirit of the ordinance.

The "public interest" and "spirit and intent" requirements are considered together pursuant to Malachy Glen Associates v. Chichester, 152 NH 102 (2007). The test for whether or not granting a variance would be contrary to the public interest or contrary to the spirit and intent of the ordinance is whether or not the variance being granted would substantially alter the characteristics of the neighborhood or threaten the health, safety and welfare of the public.

Here, granting the requested variances will not be contrary to the public interest. The encroachment on the front yard setback will not substantially alter the essential character of Banfield Road. The current commercial building is located 34' 7" feet from Banfield Road, and is thus a pre-existing, non-conforming structure. The proposed replacement would be setback 45 feet from the right of way on Banfield Road. This is an improvement over the existing building setback and consistent with other buildings on Banfield Road. This proposed location will not materially impact the character of Banfield Road and will, in fact, create a more appealing roadside view of the Property. The Commercial Building will reduce the amount of asphalt parking in front of the building while showing off a more appealing façade.

Banfield Road is a well-developed area with diverse housing types and businesses. The Property is remote, situated approximately 3 miles outside of the City's downtown resulting in a

creative solution to house residents who would otherwise likely be excluded from the City's housing market.

The Project will provide ample on-site parking and bicycle racks to allow residents to come and go from the Property to the downtown and surrounding areas. The development will have convenient access to the Community Campus fields, and the Great Bog. In many ways the variance will bolster the public health, safety and welfare by providing housing in a time when the City, and New Hampshire in general, needs more housing opportunities and alternatives.

The setback variance will not threaten the public health, safety, and welfare, because repositioning the Commercial Building inside the front yard setback will force less vehicles to park in front of the Commercial Building and will funnel additional vehicles to the rear entrance of the building, where a parking lot dedicated to the Commercial Building will be located. Moreover, the Project will improve public safety by creating a larger dedicated space for the residential building on the Property to allow residents to feel as though they are in an inviting community as opposed to walking out of their front doors into the back of a commercial building.

The Project will require full site review, further protecting the health, safety and welfare of the public.

3. The proposed use would not diminish surrounding property values.

An industrial use is allowed by right in this zoning district. The proposed construction of a commercial building inside the front yard setback would not diminish surrounding property values because the Applicant would have the opportunity to demolish and reconstruct the current building and create a newer, more appealing Commercial Building. Additionally, the relocation of the Commercial Building will greatly improve surrounding property values because the residential building on the Property will be afforded ample space and parking for residents. More importantly, the Project will implement a walking trail and bike path to the surrounding Community Campus Fields. Banfield Road functions well with a diverse mix of residential and commercial uses.

The existing commercial building already encroaches into the front yard setback, at 34'7". The relocation of the Commercial Building to 45 ft. will have no affect at all on surrounding property values.

Additionally, the Property is located in an area where significant commercial and residential buildings reside. The creation of additional housing on the Property would not diminish the surrounding property values. The Residential Building will have green space and a walking trail connecting the Property to the abutting Community Campus fields. It will meet all dimensional requirements of the ordinance.

4. By granting the variance, substantial justice would be done.

The loss to the Applicant, in the event that these variances are denied, outweighs any gain to the general public. The denial of this variance will result in the denial of the entire Project, including the Residential Building. In the event the Project is outright denied, the Applicant or a subsequent owner may, by right, develop the Property into a large industrial and commercial facility. Not only may this reduce the values of the surrounding properties, but any alternative plan of the Project will result in a missed opportunity to address the City's housing crisis.

Granting the variances will provide residents and employees, who have limited housing options available to them, the ability to work and live in the City. Denial of the variance will result in additional workers and residents fleeing from the unsustainable costs of City rentals and real estate.

- 5. <u>Denial of the variances would result in unnecessary hardship to the owner owing the special conditions of the land.</u>
 - (A) No fair and substantial relationship exists between the general public purposes of the ordinance and the specific application to the Property.

The Property is unique in that is has location, topography and characteristics that differ from other properties in the zone. The Property is a collection of two lots that are partially forested and includes wetlands that require protection. It has significant frontage on Banfield Road in two distinct locations. The Property's location abutting the Community Campus fields and its proximity to other recreational opportunities makes it a particularly desirable location to site housing. Alternative developments such as single-family developments or industrial complexes will result in more impacts, greater road lengths and increased impervious surfaces. Currently there are insufficient housing opportunities to maintain and support the workforce.

Here, the location and infrastructure are suitable for multi-household development.

In short, there is no fair and substantial relationship between the residential use limitation of the Ordinance and its application to the Property where the Applicant proposes to add residential apartment units. The wetlands on the southwestern corner of the lot further burden the site and limit the amount of land available for development, further counseling against strict adherence to the front setback requirements.

(B) The proposed use is reasonable.

The proposed use is reasonable. The Commercial Building is a use permitted by right in this zone. The Residential Building presents a creative solution to a pressing problem confronting the City in a relatively remote location that is well-suited for the development of apartment housing.

III. <u>CONCLUSION:</u>

For the foregoing reasons, the applicant respectfully requests that this Board grant the variances as requested.

Respectfully submitted,

Dated: April 26, 2022

/s/ Christopher P. Mulligan
By: Christopher P. Mulligan, Esquire
Austin M. Mikolaites, Esquire

May 12, 2022

JRDEV, LLC

Direct/adjacent

abutter support letters

Abutter Letter of Support

April 21st, 2022

Bryan Arnold 261 Banfield Road Portsmouth, NH 03801

Dear Ricci Construction:

Bryan Arnold strongly supports the proposed industrial commercial and residential mixed-use development at your current office location on 225 Banfield Road, Portsmouth, NH 03801.

We believe this development will provide a valuable benefit to our community by both providing housing next to the new city community campus fields with the amount of demand for housing in our city as well as supplying additional industrial units to expand upon our industrial zoned location.

We are aware of the variances being sought out (listed below) by Ricci Construction Co. Inc, and JRDEV, LLC and are in support of their proposed plans.

- 10.531 to permit a front yard setback of 45' where 70' is minimum required
- 10.440.1 to permit a mixed residential/commercial development in the Industrial District where residential uses are not permitted

Sincerely,

Bryan G. Arnold

Bryan D. amold

Resident

261 Banfield Road

Portsmouth, NH 03801

Abutter Letter of Support

April 21, 2022

Joe Ricci Project Manager Ricci Construction, Co., Inc. 225 Banfield Road, Portsmouth, NH 03801

Dear Ricci Construction:

T-Beyar Realty, LLC (abutter at 141 Banfield Road) strongly supports the proposed industrial commercial and residential mixed-use development at your current office location on 225 Banfield Road, Portsmouth, NH 03801.

We believe this development will provide a valuable benefit to our community by both providing housing next to the new city community campus fields with the amount of demand for housing in our city as well as supplying additional industrial units to expand upon our industrial zoned location.

We are aware of the variances being sought out (listed below) by Ricci Construction Co. Inc, and JRDEV, LLC and are in support of their proposed plans.

- 10.531 to permit a front yard setback of 45' where 70' minimum is required
- 10.440.1 to permit a mixed residential/commercial development in the Industrial District where residential uses are not permitted

Sincerely,

Tina Bosen

Tina Bosen

T-Beyar Realty, LLC

Owner

May 12, 2022

JRDEV, LLC

Variance support letters



The Chase Home

Supporting children, youth & families since 1877.

Arthur Parrott, Chair Zoning Board of Adjustment City of Portsmouth 1 Junkins Ave, 3rd Floor

Dear Mr. Parrott and fellow Board Members,

I would like to express my support for a proposed mixed residential and commercial development by JRDEV, LLC, including a 60-unit apartment building at 225 Banfield Road, currently under consideration by the Zoning Board of Adjustment.

I am the Executive Director of The Chase Home at 698 Middle Road in Portsmouth, where I have served for the past nine years. I have also served as a child and family therapist for the Seacoast Mental Health Center since 2017.

After discussing these plans with developer John Ricci, I believe this project will benefit the city and its residents greatly. The residential component of this development is not incongruous with the neighborhood, which already includes a good deal of housing, and adding new housing options is critical to grow Portsmouth's economy and lift families out of poverty. The smaller-sized units will also make it possible for Ricci to offer apartments at more reasonable rates for working adults and retirees alike.

I encourage the Board to approve these variance requests.

Thank you,

Meme Wheeler



Arthur Parrott, Chair Zoning Board of Adjustment City of Portsmouth 1 Junkins Ave, 3rd Floor

May 5, 2022

Dear Mr. Parrott and fellow Board Members,

I write today to express my support for the proposed mixed-use residential and commercial development at 225 Banfield Road by JRDEV, LLC.

I am a local business owner and an active member of the Portsmouth community, having served on both The Music Hall Board of Trustees and The Chamber Collaborative of Greater Portsmouth Board of Directors. I have ownership in Portsmouth restaurants The Franklin, Jumpin' Jay's Fish Café, Moxy, Vida Cantina, Luigi's and White Heron Tea, and I am a property owner.

Recently, I had the opportunity to learn about this proposed development from John Ricci, the President of Ricci Construction. I would place my full support behind his proposal. This is exactly the kind of project we need to see more of in Portsmouth not only because it moves the needle on increasing urgently needed housing stock but also because it takes an innovative approach to rental housing which enables people of nearly all income levels to afford a unit. That's important to me as a restauranteur because I and everyone else in my industry are struggling to hire enough kitchen and serving staff to run and grow our businesses, partly because they can't afford to live here.

Lots of people claim they want to help solve the housing crisis in New Hampshire. John is putting his money where his mouth is with this proposal. I truly hope the board approves these variance requests.

Thank you,

Jay McSharry



Mark. M. Bodi 121 State Street Portsmouth, New Hampshire

Arthur Parrott, Chair Zoning Board of Adjustment City of Portsmouth 1 Junkins Ave, 3rd Floor Portsmouth, NH 03801

May 12, 2022

Dear Mr. Parrott and fellow Board Members,

I recently learned about the proposed mixed-use residential and commercial development at 225 Banfield Road submitted by JRDEV LLC.

As a longtime Portsmouth resident, I have seen an ever-increasing need for reasonably priced housing. I believe this project offers an innovative approach to addressing the problem.

Portsmouth desperately needs the kind of moderately priced microunits this development would provide, particularly for young professionals starting their careers and retirees looking to downsize.

As we have seen over the past few years, it is extremely difficult to permit this kind of development anywhere near downtown, so I believe this parcel offers an ideal location. It is near natural woodlands and recreation areas, and the project will install a connector to the nearby Community Campus Fields. And although Banfield Road seems remote from our historic downtown, it is just a quick ride by car, bike, or scooter. Many employees who work in Portsmouth's downtown or on Lafayette Road would benefit from having this kind of housing nearby.

While I understand and respect the need for restricting specific uses in specific zones, I believe this project is worthy of a variance to allow residential use in its industrial zone.

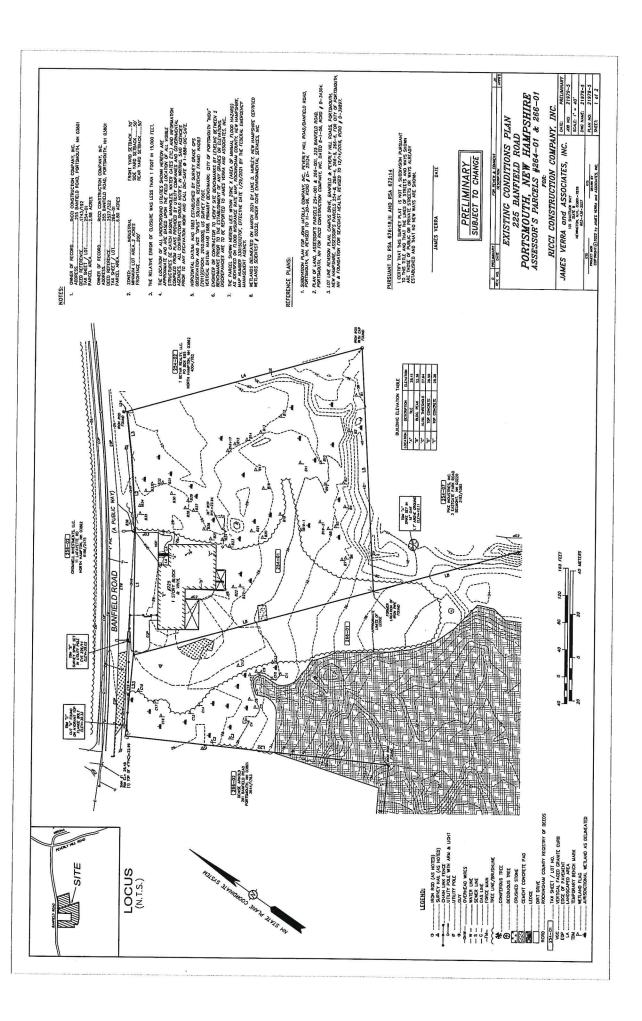
Respectfully submitted,

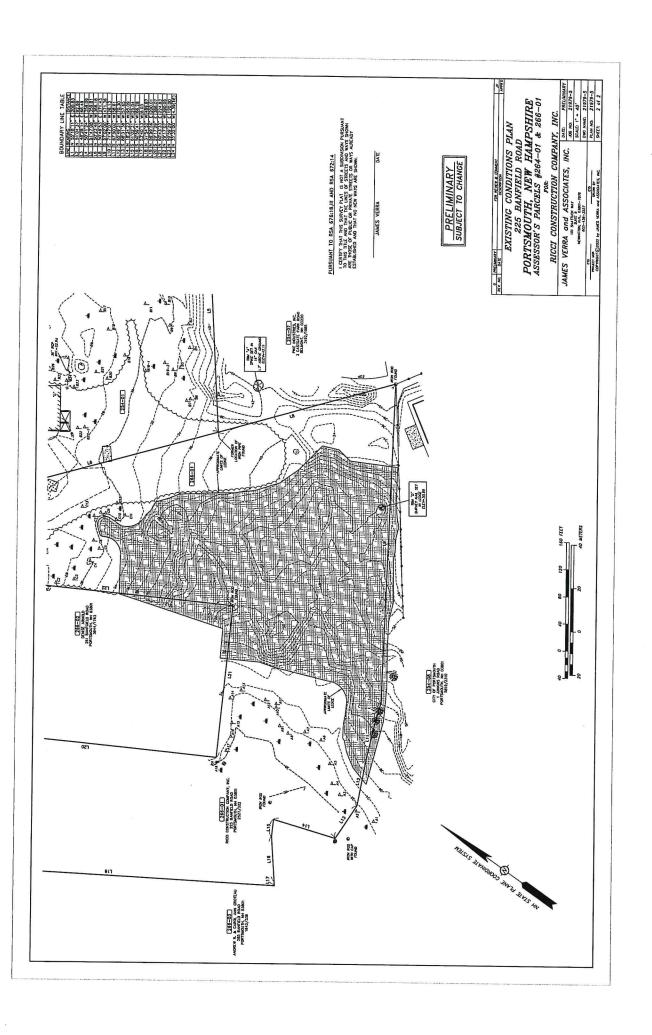
Mark M. Bodi

May 12, 2022

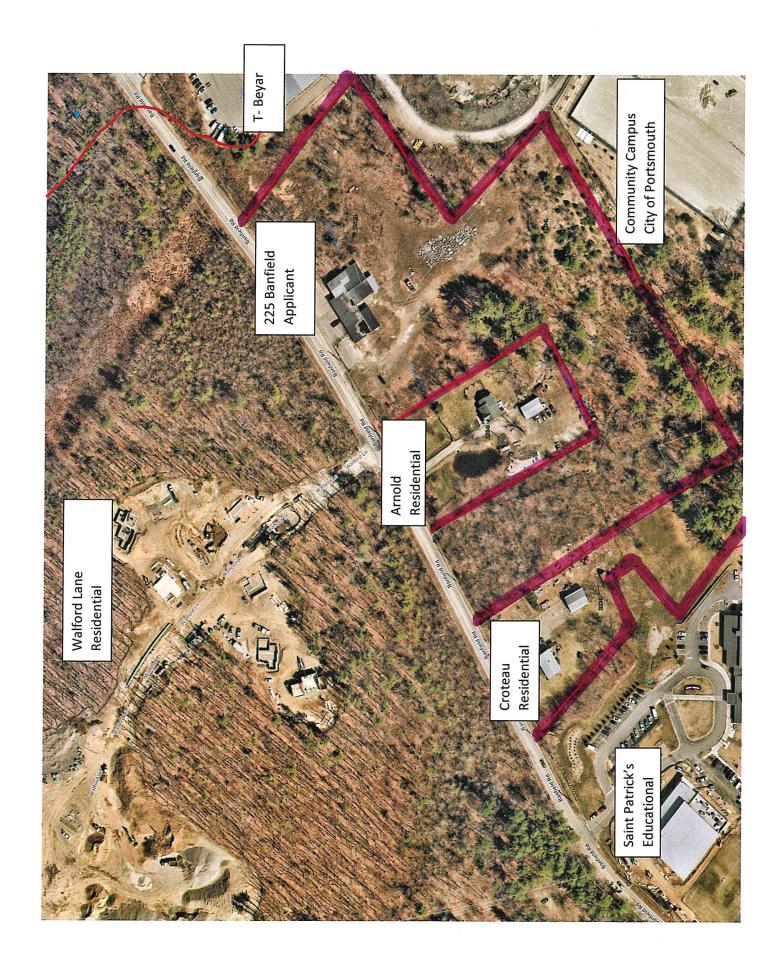
JRDEV, LLC

Existing conditions





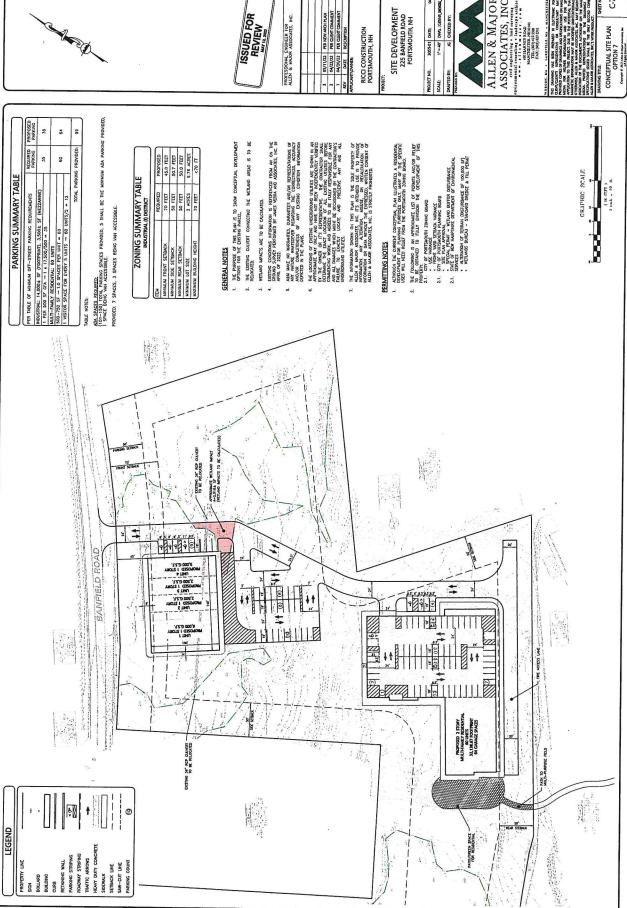
May 12, 2022 JRDEV, LLC Aerial view



May 12, 2022

JRDEV, LLC

Conceptual site plans







PROFESSIONAL ENGINEER FOR ALLEN & MAJOR ASSOCIATES, INC.

3 05/11/22 PEN NEW ANCH PLAN 2 04/22/22 PEN CLIBHT COMMENT 1 04/20/12 PEN CLIBHT COMMENT NEW DATE DESCUNTON

RICCI CONSTRUCTION PORTSMOUTH, NH

ASSOCIATES, INC. ALLEN & MAJOR

57





SITE DEVELOPMENT 225 BANFIELD ROAD PORTSMOUTH, NH

ALLEN & MAJOR

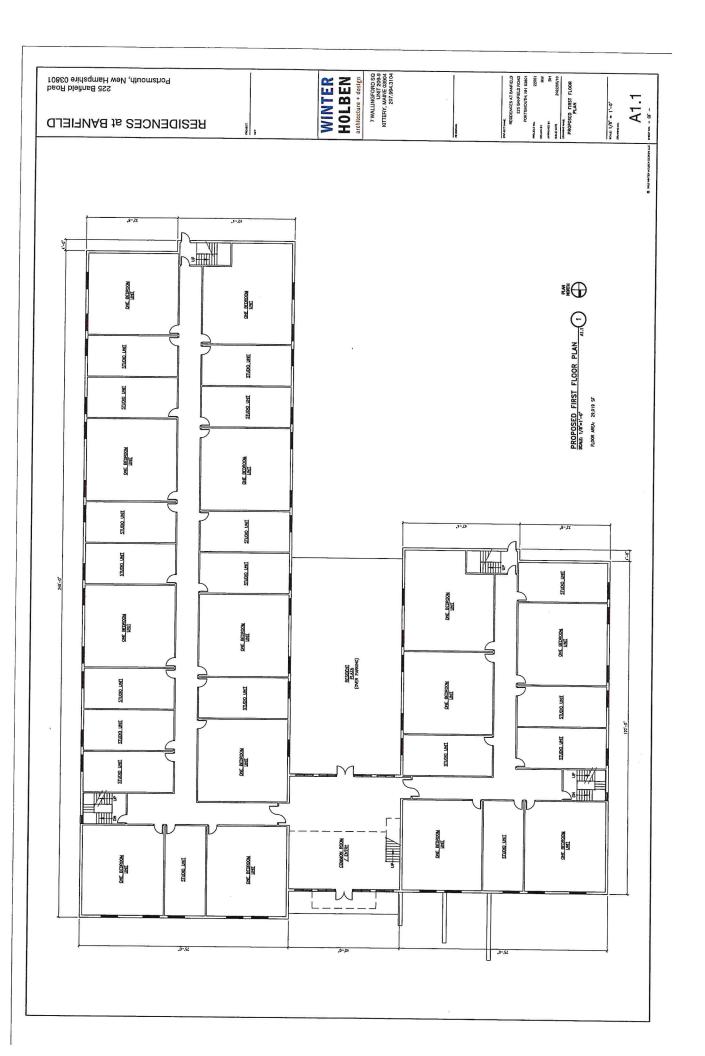
May 12, 2022

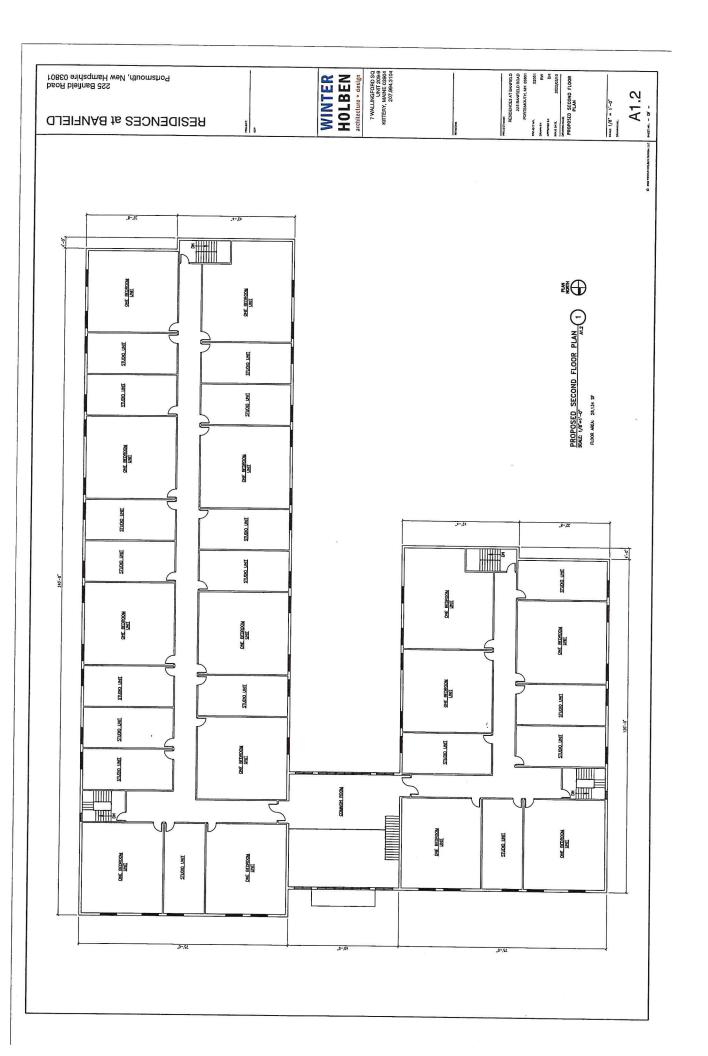
JRDEV, LLC

Conceptual residential plans/elevations

7 WALLINGFORD SO UNIT 209-9 KITTERY, MAINE 03904 207.994.3104 WINTER HOLBEN architecture + design SSS Banfield Road Portsmouth, New Hampshire 03801 A2.1 SOUR N.T.S. RESIDENCES at BANFIELD WINTER WINTER HOLBEN architecture + design 田田 (5) PROPOSED WEST ELEVATION PROPOSED EAST ELEVATION STATE HTS. 田田 WINTER architecture + design WINTER HOLBEN PROPOSED NORTH ELEVATION ALL (a) PROPOSED SOUTH ELEVATION

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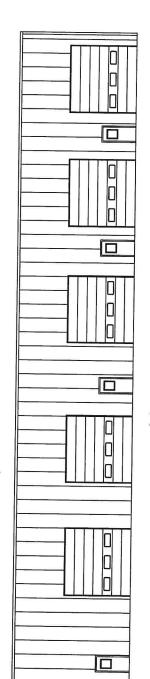


May 12, 2022

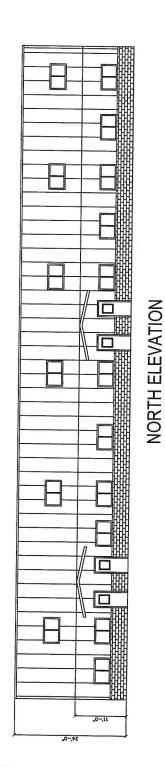
JRDEV, LLC

Conceptual industrial

plans/elevations



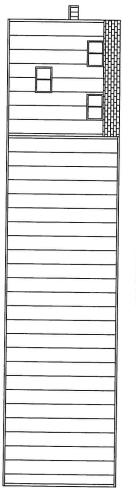
SOUTH ELEVATION



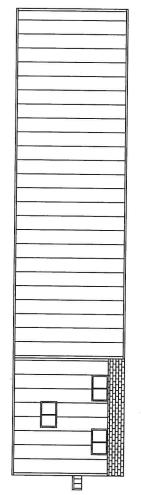
225 Banfield Road Prepared for JRDEV, LLC Date: May, 20, 2022



CONSTRUCTION COMPANY, INC. 225 BANFIELD ROAD PORTSMOUTH, NH 03801 603-436-3112



EAST ELEVATION

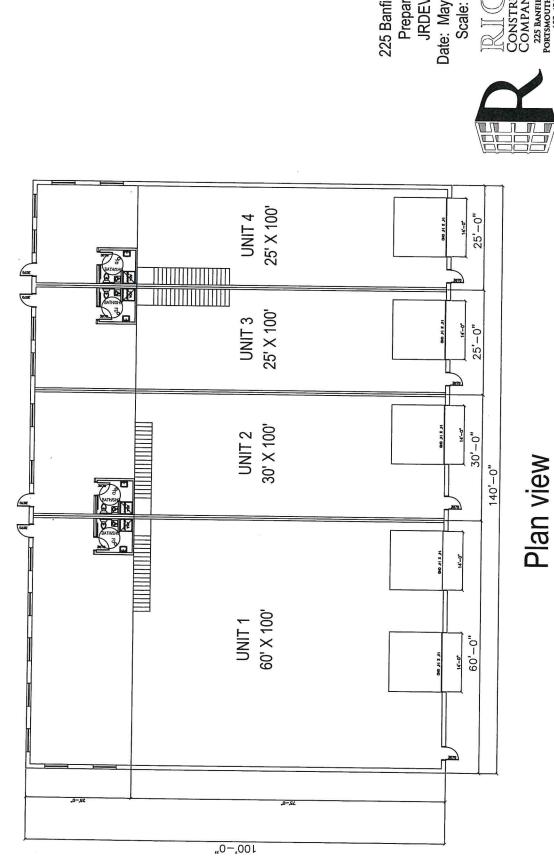


WEST ELEVATION

225 Banfield Road Prepared for JRDEV, LLC Date: May, 20, 2022 Scale: None



CONSTRUCTION COMPANY, INC. 225 BANFIELD ROAD PORTSMOUTH, NH 03801 603-436-3112



Prepared for JRDEV, LLC Date: May, 20, 2022 Scale: None 225 Banfield Road



CONSTRUCTION COMPANY, INC. 225 BARTIELD ROAD PORTSMOUTH, NH 03801 603-436-3112