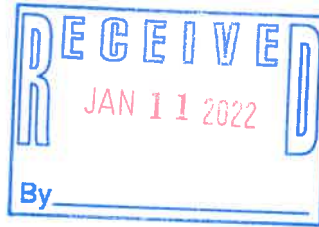


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Reply to: Manchester Office
1000 Elm Street, PO Box 3701
Manchester, NH 03105-3701

January 10, 2022
Via Email and U.S. Mail

Peter L. Britz, Interim Planning Director
City of Portsmouth
One Junkins Avenue
Portsmouth, NH 03801
plbritz@cityofportsmouth.com

Re: 53 Green Street

Dear Mr. Britz:

This letter is Stone Creek Realty, LLC's ("Stone Creek") response to Attorney Duncan MacCallum's letter to Portsmouth Zoning Board of Adjustment Vice Chairman Peter McDonell and you dated January 7, 2022. Stone Creek objects to Attorney MacCallum's request to postpone until February 2022 a rehearing on the appeal of the Planning Board's approval of the proposed development located at 53 Green Street. The request is nothing more than another way for Attorney MacCallum's clients to satisfy their own desire, delaying the proposed development, cloaked in faux consideration of others.

The only reason Stone Creek moved for reconsideration of the Board's grant of a rehearing is because half of the Board members are willing to defy inarguable law to serve their own political agenda. From the phrasing of the motion to grant the rehearing to an ineligible Board member's participation in voting on the motion to improperly deciding that a tie vote resulted in a rehearing, all the Board's decisions regarding the motion for rehearing were unlawful and unreasonable. The Board's actions in granting the rehearing are indefensible, so much so, that Attorney MacCallum did not even try to defend the Board's conduct in his request for postponement.

For the reasons stated in Stone Creek's Motion for Reconsideration, the Board should reverse its earlier decision and deny the motion for rehearing, thereby rendering the timing of a rehearing moot. However, it appears beyond peradventure that half of the Board believes that its quasi-judicial function means that it must follow the law only part of the time. Thus, in the actual spirit of cooperation and not seeking to inconvenience others, Stone Creek objects to continuing the rehearing until February, but would not object to postponing a rehearing, if one is deemed necessary, for one week, until January 25, 2022. Stone Creek expressly requests that, if a rehearing is held, the Board consider the entirety of Appellant's appeal and Stone Creek's

objections in *one* meeting of the ZBA. Last time, the Board's consideration of the matter spanned two ZBA meetings: September and October.

Please do not hesitate to contact me if you have any questions about this response.

Sincerely,

/s/ Michael D. Ramsdell

Michael D. Ramsdell

Cc: Duncan MacCallum, Esquire
Robert Sullivan, City Attorney