APPLICATION OF 33 JEWELL COURT PROPERTIES, LLC <u>33 JEWELL COURT</u> <u>Map 155, Lot 5</u>

APPLICANT'S NARRATIVE

A. The Project.

The Applicant, 33 Jewell Court Properties, LLC, is proposing to repurpose its vacant second floor office space at 33 Jewell Court into an event venue. The second floor is 6,041 square feet and is the former home of Hawthorn Creative, a publishing company that once housed 45 employees on a daily basis. However, since Covid, Hawthorn has adopted a work-from-home model leaving the second floor vacant for quite some time. Currently, there is no demand for office space, but the city is in need of event space for weddings and functions. The property sits in the CD4-W zone where functions for up to 250 people are allowed by special exception. §10.440.9.42.

The Special Exception.

The Applicant believes the proposal easily meets the criteria for the necessary special exception. Those criteria are set forth in the ordinance at §10.232.20.

First, the use proposed here, "function room," is permitted within this district by special exception, see §10.440.9.42.

Second, the proposed use will pose no hazard to the public or adjacent properties on account of potential fire, explosion or release of toxic materials. §10.232.22. No explosives, toxic materials or unusual accelerants will be stored on site. No toxic materials of any kind will be used or stored on site.

Third, there will be 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, odor, smoke, gas, dust, or other pollutant, noise, glare, heat, vibration, or unsightly outdoor storage of equipment, vehicles or other materials. §10.232.23. The location is on an existing, fully developed site and has been used for many years as office space with a daily parking demand. The building is part of a condominium complex that has 205 parking spaces. If this special exception is granted, the Applicant will appear before the Planning Board for a parking Conditional Use Permit. Also, there is no outdoor storage of product or equipment on site. The proposed use does not produce odor, smoke, gas, dust, noise, glare, heat, or vibration.

The building has four layers of brick masonry walls that are 13.5 inches thick. The front wall facing CVS is 17.5 inches thick. Noise penetration, even at high levels, is barely audible to the outside.. The Applicant has hired Eric Reuter Associates, LLC as a sound engineer.

His report concludes that the proposed function space will not generate noise levels in excess of applicable noise levels, see attached Exhibit A. As a result of the foregoing, there will be no detriment to property values or change in the essential characteristics of the vicinity.

Fourth, there will be no creation of a traffic safety hazard or a substantial increase in the level of traffic congestion in the vicinity. §10.232.23. The proposal is for a wedding venue that will primarily conduct its business on the weekends. As mentioned earlier, the condominium association has 205 parking spaces. All buildings in the condominium association have legal access to all 205 parking spaces. However, to reduce parking demand onsite, the Applicant intends to utilize only the allotted twenty-nine parking spaces on site spaces for wedding events and functions. The Applicant will hire valet service and will utilize shuttle services to get guests to and from events.

Fifth, there will be no excessive demand on municipal services, including, but not limited to, water, sewer, waste disposal, police and fire protection and schools. §10.232.24. None of these services will be implicated beyond other allowed uses in this zone.

Finally, the project will result in no significant increase of stormwater runoff onto adjacent property or streets. §10.232.25. There will be no change to the existing building footprint or impervious surfaces.

Conclusion.

For the foregoing reasons, the applicant respectfully requests the Board grant the special exception as requested and advertised.

Respectfully submitted,

Dated: December 14, 2023

<u>|s| John K. Bosen</u> By:

John K. Bosen, Esquire

EXHIBIT A



10 Vaughan Mall, Suite 201A Portsmouth, NH 03801 603-430-2081

December 11, 2023

Jessica Kaiser 33 Jewell Court Portsmouth, NH 03801

SUBJECT: 33 Jewell Court - Exterior Noise

Dear Jessica,

I understand that you plan to renovate the second floor of 33 Jewell Court in Portsmouth to create an event space. Some types of events, such as wedding receptions, may have a DJ or live band. There is a concern about compliance with the noise level limits in section 10.1332 of the City of Portsmouth Zoning Ordinance.

In this district, sound levels are limited to 55 dBA during the daytime hours of 7 am to 9 pm and 45 dBA during the nighttime hours. The intent of these limits is to protect residential receptors, accounting for increased sensitivity at night.

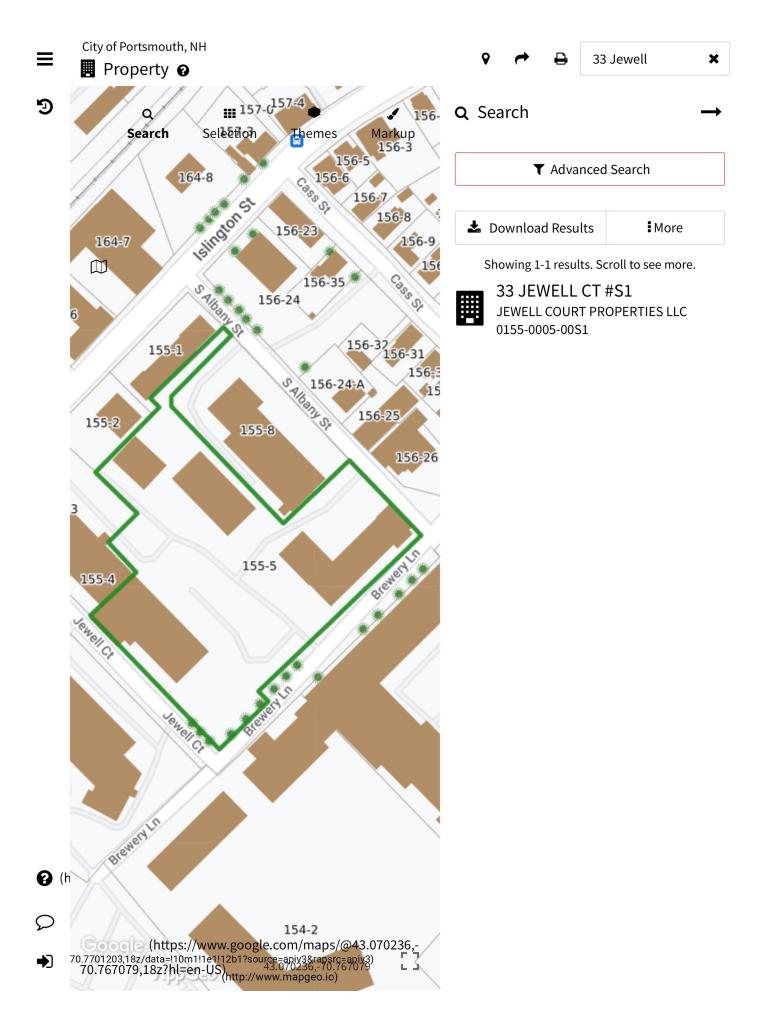
On the evening of December 4, I conducted sound transmission measurements at the site. Based on the application of these measurements to a typical rock/pop music spectrum, I expect that the sound pressure level at the nearest façade of 90 Brewery Lane, the nearest residential building, will comply with the 45-dBA limit, provided the interior sound level is limited to 95 dBA. It is reasonable to expect levels associated with these events to be below this level as a matter of course, as music this loud would preclude speech communication between patrons.

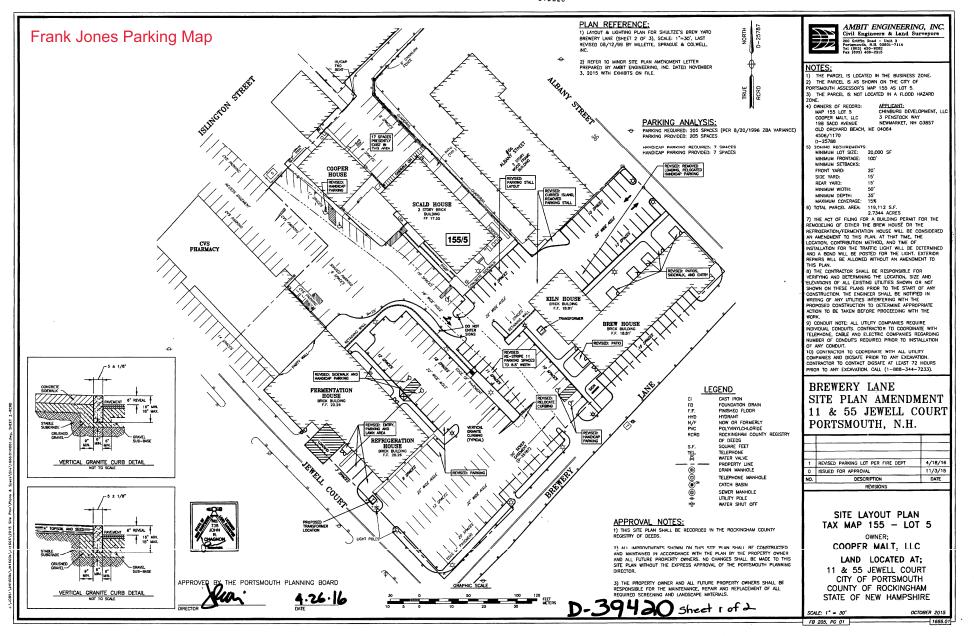
As such, I do not expect that the proposed event space will generate noise levels in excess of 45 dBA at the nearest residential building.

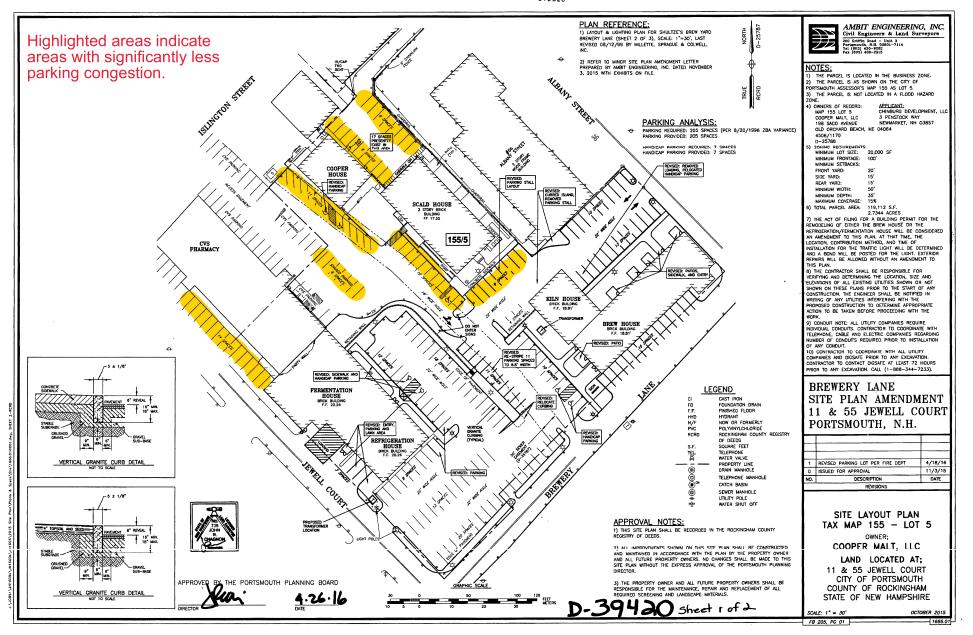
Sincerely,

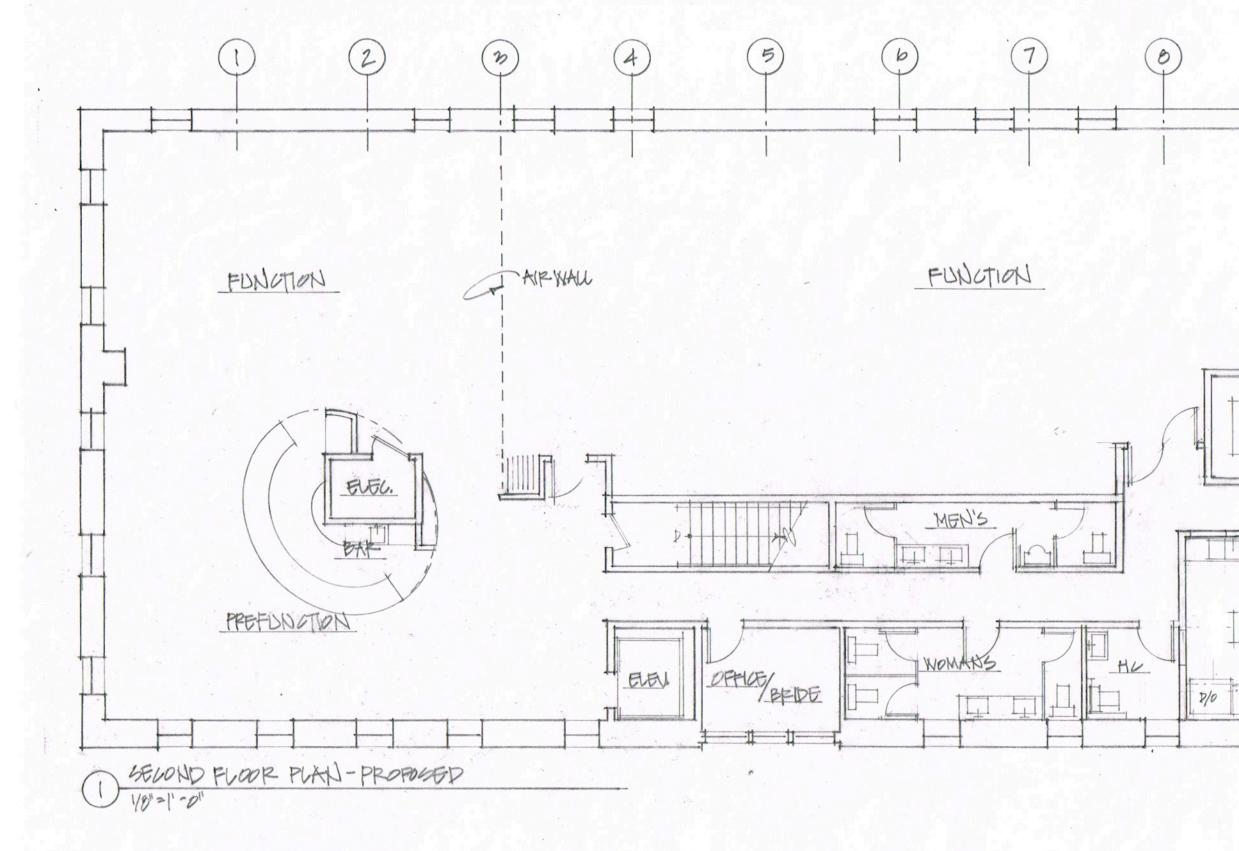
Crine Rother

Eric L. Reuter, INCE Bd. Cert. Principal











33 Jewell Court

Portsmouth, NH

9 NEW DOOR TH PROPOSED SELOND FLOOR PLAN PENISEP 5K-04B. 11. 27.2023











