

**APPLICATION OF THE MEADOWBROOK INN CORPORATION**  
**549 U.S. ROUTE 1-BYPASS**  
**MAP 234, LOT 51**

**APPLICANT'S NARRATIVE**

**A. The Project.**

The Applicant, The Meadowbrook Inn Corporation owns the parcel where Portsmouth Chevrolet Inc. currently operates an automobile dealership. This large, roughly 18-acre parcel, abuts the Portsmouth Traffic Circle to the north, Coakley Road to the south, and Hodgson Brook to the west. Currently, this large lot is exclusively the home of Portsmouth Chevrolet, an automobile dealership. The southeasterly portion of the lot is largely undeveloped apart from motor vehicle ingress and egress.

The Applicant is seeking to construct a 4-story hotel with a total of 116 rooms in the aforementioned southeasterly corner of the lot. This hotel requires 145 parking spaces, which have been identified and marked on the included Zoning Relief Plan dated May 29, 2024 and prepared by TFMoran, Inc. At the February 29, 2024 Planning Board Meeting, this lot was changed from the General Business (GB) Zone to the Gateway Neighborhood Business (G1). Pursuant to the Zoning Ordinance, a hotel is permitted in the G1 zone by Special Exception. §10.440.10.40. A limited portion of the proposed development will impact the previously developed 100' Wetland Buffer and the Applicant will seek the necessary relief pending the outcome of this Application.

Owing to the fact that parcels in the near vicinity to the Applicant's parcel, including its direct abutter to the south are currently hotels, and that the Applicant believes the proposal meets the criteria necessary for a special exception as required by §10.232.20 of the Zoning Ordinance, it is the Applicant's sincere hope that the Zoning Board of Adjustment grant the requested Special Exception.

Additionally, due to the zoning change, the applicant is seeking a variance from The City of Portsmouth Zoning Ordinance §10.5B41.80, Open Space and Community Space Coverage. While the applicant understands the importance of community space and open space, this lot is substantially covered by wetlands and owing to the fact that impacting wetlands is potentially detrimental, the applicant is seeking relief. Notably, the applicant is attempting to tastefully implement as much community space as the lot will allow without any additional impact to abutting wetlands.

**B. The Special Exception.**

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

First, the proposed use, “hotel,” is permitted within this G1 District by special exception, see §10.440 Table of Uses, no. 10.40. §10.232.20.

Second, the proposed use as a hotel will not be a hazard to the public or adjacent property on account of potential fire, explosion or release of toxic materials. No explosives or toxic materials will be used or stored at the proposed hotel and the new building will meet all life safety requirements. See §10.232.22.

Third, 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 project is proposed in a dense commercial area with a number of similar or larger scale hotels in the direct vicinity consisting of approximately the same or more rooms than what is proposed. The proposed hotel directly to the Applicant’s south, owned by Giri Hotel Management, LLC is tentatively proposed to have 115 rooms. The Holiday Inn, located at 300 Woodbury Avenue has 130 rooms, the Best Western, located at 580 US Highway 1-Bypass has 168 rooms, and the Fairfield Inn Portsmouth Seacoast located at 650 Borthwick Avenue, has 102 rooms. The proposed hotel is certainly in keeping with the essential characteristics of the area as it is in keeping with all hotels in the vicinity. Additionally, many of the parking spaces that will be utilized for this proposed hotel are already in place and the additional ones will be of no detriment to the property values in the vicinity or change the essential characteristics of the neighborhood. Moreover, the proposed building is situated tastefully on the lot as to comply with the requisite setbacks and owing to its aesthetically pleasing design, its location and scale will not have a negative impact on property values in the vicinity or change the essential characteristics of the area.

Fourth, there will be no creation of a traffic safety hazard or a substantial increase in the level of traffic congestion in the vicinity. §10.232.24. As is depicted on the enclosed Zoning Relief Plan, the existing ingresses and egresses both adjacent to Coakley Road and Route 1-Bypass will remain in place with a slight alteration at the Coakley Road location. The current automobile dealership at this location has used these two ingresses and egresses for quite some time and they pose no traffic safety hazard. Consequently, the addition of this hotel will not create a traffic safety hazard. This proposed hotel will have a negligible impact on traffic and will certainly not cause a substantial increase in the level of traffic congestion in the vicinity.

Fifth, no excessive demand on municipal services, including, but not limited to, water, sewer, waste disposal, police and fire protection and schools will be caused by this proposed hotel. §10.232.25. While this proposal will impact municipal services, there will be no excessive demand on them. By right, the applicant has the ability to develop this portion of the lot in a manner that would cause significantly more of an impact on municipal services than what is proposed.

Sixth and finally, the project will result in no significant increase of stormwater runoff onto adjacent property and streets. A comprehensive stormwater management plan will be developed by TFMoran and any potential stormwater runoff will be appropriately mitigated and managed as to not cause additional runoff onto adjacent property and streets.

### C. Variance

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

The New Hampshire Supreme Court has made clear in Chester Rod & Gun Club, Inc. v. Town of Chichester, that the requirements that the variance not be “contrary to the public interest” or “injure the public rights of others” are coextensive and are related to the requirement that the variance be consistent with the spirit of the ordinance. To be contrary to the public interest or injurious to the 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. There are two ways to ascertain whether granting a variance would violate “basic zoning objectives:” (1) whether it would “alter the essential character of the locality; or (2) whether granting the variance would threaten the public health, safety, or welfare. *See id.*

In this instance, the applicant is seeking relief that would neither alter the essential character of the neighborhood or threaten the public health, safety, or welfare. To the contrary, the applicant is seeking to improve public health, safety, and welfare by adding a considerable amount of community space. While in totality, it is not the amount of community space required in this new area of the G1 Zone, it covers a substantial portion of the parcel without negatively impacting the wetlands. The Zoning Ordinance requires 10% of the total site area to be community space and the applicant is proposing 7.85%. The addition of this 61,759 square feet of community space will not alter the essential character of the locality, nor will it threaten the public health, safety, or welfare.

*Substantial Justice will be done in granting the variance.*

“Perhaps the only guiding rule [on this factor] is that any loss to the individual that is not outweighed by a gain to the general public is an injustice.” 15 P. Loughlin, New Hampshire Practice, Land Use Planning and Zoning §24.11, at 308 (2000); Malachy Glen Assocs., Inc. v. Town of Chichester, 155 N.H. 102 (2007).

There is no gain to the public by denying this variance request. In fact, a denial would be depriving the public of community space on this site. Without the requested relief, in order to meet the 10% requirement for community space, the applicant would have to impact the vast amount of wetlands that are on the parcel and this would be contrary to their preservation. A denial of the requested relief would be a significant loss to the applicant to make reasonable use of the property.

*Surrounding property values will not be diminished by granting the variance.*

Granting of this variance request would have no impact on surrounding property values. The applicant is simply seeking to reduce the amount of community space required in this zone so as to not interfere with the wetlands. It would be illogical to conclude that surrounding property values will be impacted with such a request.

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

Owing to special conditions of this property, it is distinguishable from other properties in the area and no fair and substantial relationship exists between the general public purposes of the Ordinance provision and the specific application of that provision to the property. Furthermore the proposed use is a reasonable one. Additionally, owing to the special conditions of this property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance.

This parcel contains over 18 acres of land in the G1 District. In this district, 10% of the total site area is required to be community space. This would mean that almost 80,000 square feet would need to be community space. The applicant is proposing almost 62,000 square feet. This lot is unique and distinguishable from other properties in the area for two reasons. First, this parcel is substantially larger than any of the surrounding properties. Secondly, as is depicted on the enclosed Zoning Relief Plan, a large portion of this premises is wetlands. Consequently and because of the vast wetland coverage, this property cannot be reasonably used in strict conformance with the Ordinance. Moreover, the proposed use is a reasonable one and allowed with a Special Exception.

While this community space requirement is new to this area with the recent zoning changes, the applicant understands and appreciates both the intent and the purpose of such a regulation and has pushed the design team to come up with a design that allows for as much community space as possible without altering the land necessary for the function of the existing car dealership, the proposed hotel and the wetland coverage. Literal enforcement of the ordinance in this instance would certainly result in an unnecessary hardship.

**D. Conclusion.**

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

Respectfully Submitted,

Dated: June 17, 2024

By: /s/ James F. Scully, Jr.  
James F. Scully, Jr., Esq.  
The Meadowbrook Inn Corporation  
Corporate Counsel

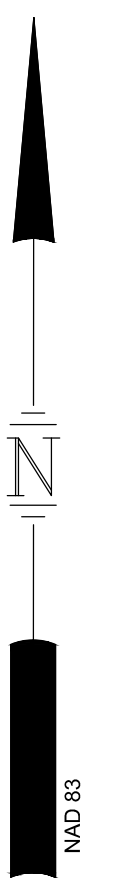


Attachments: Zoning Relief Plan  
Owner Authorization



**LEGEND:**

- PRIOR PAVEMENT IN WETLAND BUFFER TO BE REMOVED
- PROPOSED COMMUNITY SPACE AREA
- ROCKINGHAM COUNTY REGISTRY OF DEEDS
- BOOK
- PAGE
- SQUARE FEET
- LIMITED ACCESS RIGHT OF WAY
- SPACES USED FOR CAR DEALERSHIP
- PARKING CALCULATION
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- SIGN
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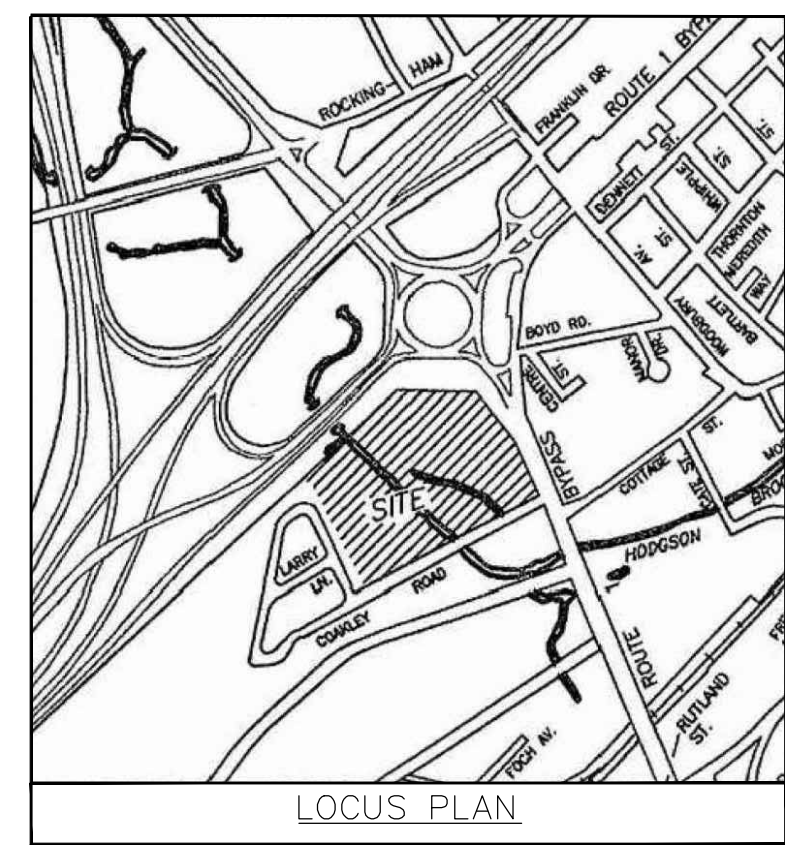
**SITE DATA**

OWNER OF RECORD OF MAP 234 LOT 51: MEADOWBROOK INN CORP. C/O PORTSMOUTH CHEVROLET, 549 ROUTE 1 BYPASS, PORTSMOUTH, NH 03801  
 DEED REFERENCE TO PARCEL IS BK 2382 PG 1968  
 AREA OF PARCEL = 786,468± SF OR 18.05± ACRES

CURRENT ZONING: GATEWAY-1  
 EXISTING USE: CAR DEALERSHIP  
 PROPOSED USE: CAR DEALERSHIP AND HOTEL (HOTEL USE REQUIRES SPECIAL EXCEPTION)

THE PURPOSE OF THIS PLAN IS TO DEPICT THE LOCATION OF A NEW, MULTI-STORY HOTEL ON THE PROPERTY TO ACCOMPANY AN APPLICATION FOR A VARIANCE AND SPECIAL EXCEPTION LISTED IN THE ZONING REVIEW TABLE. ASSOCIATED IMPROVEMENTS INCLUDE ACCESS, GRADING, STORMWATER MANAGEMENT SYSTEMS, UTILITIES, LIGHTING, AND LANDSCAPING.

TYPICAL HOURS OF OPERATION: CAR DEALERSHIP - 9 AM TO 7 PM  
 HOTEL - 24 HOURS A DAY



**DIMENSIONAL REQUIREMENTS (CURRENT ZONING)**

LOT STANDARDS	REQUIRED:	PROVIDED:
LOT DEPTH	NO REQUIREMENT	1,012 FT
LOT FRONTAGE	100 FT	2667.26 FT
MINIMUM SETBACKS (DEALERSHIP):		
COAKLEY ROAD FRONT	0 FT MIN - 50 FT MAX	403.1 FT (EXISTING)
ROUTE 1 BYPASS FRONT	0 FT MIN - 50 FT MAX	145.5 FT (EXISTING)
REAR	15 FT	626.6 FT (EXISTING)
MINIMUM SETBACKS (HOTEL):		
COAKLEY ROAD FRONT	0 FT MIN - 50 FT MAX	25 FT
ROUTE 1 BYPASS FRONT	0 FT MIN - 50 FT MAX	830.7 FT
REAR	15 FT	
MINIMUM OPEN SPACE COVERAGE	10%	66.58%
<b>DESIGN STANDARDS:</b>		
MAX BUILDING HEIGHT (DEALERSHIP)	4 STORIES OF 50 FT	29 FT
MAX BUILDING HEIGHT (HOTEL)	4 STORIES OR 50 FT	4 STORIES
MAX BUILDING COVERAGE (EXISTING)	70%	3.96%
MAX BUILDING COVERAGE (PROPOSED)	70%	5.87%
MAX BUILDING FOOTPRINT (HOTEL)	40,000 SF	15,087 SF
MAX BUILDING FOOTPRINT (DEALERSHIP)	40,000 SF	30,968 SF
COMMUNITY SPACE:	10% OF TOTAL SITE AREA (78,647 SF)	7.85% (61,759 SF) (VARIANCE REQUIRED)
<b>PARKING REQUIREMENTS</b>		
PARKING SPACES (SEE CALCULATION)	241 SPACES	269 SPACES
ACCESSIBLE SPACES (REQ'D BY ADA)	10 SPACES	10 SPACES
PARKING SPACE SIZE	8.5 FT X 19 FT	9 FT X 19 FT
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LOADING SPACES	3 SPACES	3 SPACES
<b>PARKING CALCULATIONS</b>		
REQUIRED PARKING RATIO:		
INN/HOTEL/MOTEL: 1.25 SPACE PER GUEST ROOM PLUS 1 SPACE PER 100 SF OF LOUNGE OR RESTAURANT AREA PLUS 1 SPACE PER 25 SF OF CONFERENCE OR BANQUET FACILITIES		
SALES, RENTING, OR LEASING OF VEHICLES: 1 SPACE PER 600 SF GROSS FLOOR AREA PLUS 1 SPACE PER 2000 SF OUTSIDE DISPLAY OR STORAGE AREA		
HOTEL = 116 GUEST ROOMS * 1.25 SPACE/116 ROOM = 145 SPACES + 0 SF OF RESTAURANT * 1 SPACE/0 SF = 0 SPACES + 0 SF OF CONFERENCE FACILITIES * 1 SPACE/0 SF = 0 SPACES		
TOTAL		145 SPACES
CAR DEALERSHIP (39,740 SF GFA * 1 SPACE/600 SF = 67 SPACES + 77,077 SF OF DISPLAY AREA * 1 SPACE/2000 SF = 39 SPACES)		
*TOTAL		106 SPACES * 0.9 (SHARED PARKING)
TOTAL = 145 SPACES (HOTEL) + 96 SPACES (CAR DEALERSHIP) =		241 SPACES
PARKING PROVIDED =		269 SPACES
MAX PARKING ALLOWED IS 20% OVER REQUIRED = 241 SPACES * 1.2 =		290 SPACES
* PURSUANT TO SECTION 10.112.60 OF THE PORTSMOUTH ZONING ORDINANCE, RETAIL/SERVICE HAS A 90% OCCUPANCY RATE DURING THE HIGHEST HOTEL OCCUPANCY RATE. THEREFORE THE RETAIL/SERVICE TOTAL REQUIRED PARKING IS 90% OF THE PARKING REQUIREMENT.		
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TOTAL = 1 SPACE (HOTEL) + 2 SPACES (CAR DEALERSHIP) =		3 SPACES

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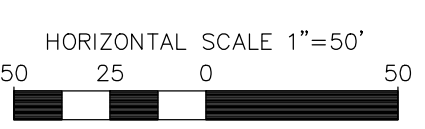
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**SITE DEVELOPMENT PLANS**

TAX MAP 234 LOT 51  
**ZONING RELIEF PLAN**  
**PROPOSED HOTEL**  
**549 US ROUTE 1 BYPASS, PORTSMOUTH, NH**

OWNED BY  
**MEADOWBROOK INN CORP.**

**1"=100' (11"X17")**  
**SCALE: 1"=50' (22"X34")** **MAY 29, 2024**



Civil Engineers  
 Structural Engineers  
 Traffic Engineers  
 Land Surveyors  
 Landscape Architects  
 Scientists

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REV	DATE	DESCRIPTION	DR	CK

FILE	45407.150	DR	FB		
		CK	CADFILE	45407-150 ZONING RELIEF PLAN	C-01

Jun 13, 2024 - 11:03am \\fmr-befordr4\Projects\Civil-Survey\MISC Projects\45407 - Lafayette Road - Lafayette Road - Portsmouth\45407-150 Meadowbrook Inn Corp - 549 US Rte 1 Byp\Design\Concept\2024-05-14 Concept\45407-150 Zoning Relief Plan.dwg

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 PRIOR TO CONSTRUCTION





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Structural Engineers  
Traffic Engineers  
Land Surveyors  
Landscape Architects  
Scientists

# Photo Exhibit

**549 US Route 1 Bypass, Portsmouth, NH**

*See attached Photo Orientation Key for reference.*



Photo #1:



Photo #2:





Photo #3:



Photo #4:





Photo #5:

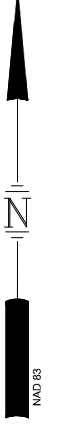


Photo #6:



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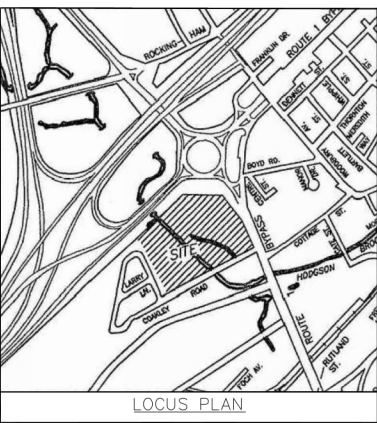
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**PORTSMOUTH TRAFFIC CIRCLE**

**NEW HAMPSHIRE TURNPIKE  
US ROUTE 1-95  
(LAROW)**

**U.S. ROUTE 1 BYPASS  
(PUBLIC RIGHT OF WAY)**

**COAKLEY ROAD  
(PUBLIC RIGHT OF WAY)**

**HODGSON BROOK**

**MAP 234 LOT 51**  
786,468 S.F.  
(18.05 AC.)

EXISTING CAR DEALERSHIP  
AREA = 30,968 SF FOOTPRINT  
HEIGHT = 29 FT  
FFE = 31.94 FT

PROPOSED 4 STORY HOTEL  
(15,087 SF FOOTPRINT)  
60,309 GROSS FLOOR AREA  
-116 ROOMS  
-145 SPACES MIN. (ALONE)

PROPOSED COMMUNITY  
SPACE AREA = 7,593  
(0.17 ACRES)

Photo 6

Photo 5

Photo 4

Photo 3

Photo 1

**ZONING RELIEF TABLE**

THE FOLLOWING VARIANCE IS REQUIRED FROM THE CITY OF PORTSMOUTH ZONING ORDINANCE:

- SECTION 10.5B41.80 - TO ALLOW 7.85% (61,759 SF) OF COMMUNITY SPACE WHERE 10% (78,647 SF) IS REQUIRED.

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HORIZONTAL SCALE 1"=50'  
50 25 0 50

**SITE DEVELOPMENT PLANS**

TAX MAP 234 LOT 51  
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**PROPOSED HOTEL**  
**549 US ROUTE 1 BYPASS, PORTSMOUTH, NH**

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FILE	45407.150	DR	FB			
		CK	CADFILE	45407-150 ZONING RELIEF PLAN		C-01

Jun 13, 2024 - 11:03am  
 \\fr-beford\41\Projects\Civil-Survey\MISC Projects\45407 - Lafayette Road - Lafayette Inn Corp - 549 US Rte 1 Byp\Design\Concept\2024-05-14 Concept\45407-150 Zoning Relief Plan.dwg

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