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February 22, 2007

Hon. Steve Marchand, Mayor and
 Members of the Portsmouth City Council
 City of Portsmouth
 1 Junkins Avenue
 Portsmouth, NH 03801

Re: Proposed zoning amendments

Dear Mayor Marchand and Members of the City Council:

Please be advised that this office represents Borthwick Forrest, LLC, a New Hampshire limited liability company with a principal place of business at 210 Commerce Way, Suite 100, Portsmouth, New Hampshire, which is the owner of 37 acres of land frequently called "Islington Woods" located off of Islington Street and being shown on the Portsmouth City Tax Map as Tax Map 233, Lot 112; Map 233, Lot 113; and Map 241, Lot 25.

The two proposed zoning amendments will apply to any properties located in the Office Research Zone, provided that the premises comply with the provisions of the proposed Section 10-209, Table 5, paragraph 47.

Borthwick Forrest, LLC proposes the two zoning amendments in order to facilitate the development of an Elderly Congregate Care Facility on their 37-acre parcel located contiguous to Islington Street in the area of Borthwick Avenue and in close proximity to the Portsmouth Regional Hospital.

The first zoning amendment proposes to add a definition for Elderly Congregate Care Facility, which is appended hereto as Exhibit "1". This definition is consistent with the definitions used in many other communities.

The second zoning amendment provides for the revision of the Table of Use section of the Ordinance to permit Elderly Congregate Care Facilities by special exception, subject to four conditions specifically delineated in Exhibit 1.


The applicant believes that providing a state-of-the-art Elderly Congregate Care Facility in close proximity to the Portsmouth Regional Hospital will provide a positive fiscal benefit to the City of Portsmouth, and also will provide necessary services for a growing elderly population.

The specific language of the proposed zoning amendments are appended hereto as Exhibit 1.

It is respectfully requested that the City Council refer this matter to the Portsmouth Planning Board for further action.

Thank you for your anticipated cooperation in this matter.

Very truly yours,



Malcolm R. McNeill, Jr.

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MRM/jhf

cc: Borthwick Forrest, LLC
John Bohenko, City Manager
David Holden, Planning Director
Robert P. Sullivan, Esq.

PROPOSED AMENDMENTS TO THE
PORTSMOUTH ZONING ORDINANCE
TO ALLOW FOR
ELDERLY CONGREGATE CARE FACILITIES
IN THE OFFICE RESEARCH ZONE
BY SPECIAL EXCEPTION

Amendment #1

Amend Chapter 10, Article I, § 10-102A to add the following definition:

Definition – Elderly Congregate Care Facility: A residential facility for elderly persons over age 62, which may be located in either detached or multi-unit structures, containing efficiency units, one and two-bedroom units, and units without kitchens. The facility shall provide common dining facilities and shall provide facilities and services specifically designed to meet the physical and social needs of older persons.

Amendment #2

Amend Chapter 10, Article II, Section 10-209, Table 5 (Table of Uses), to add the following under Office Research, as being permitted by Special Exception:

47) Elderly congregate care facility – provided the following conditions are met:

- A. Minimum lot size of 5 acres;
- B. The proposed use is within one mile of a hospital providing in-patient facilities;
- C. The permitted lot area per dwelling unit is 2,500 sq. ft.
- D. The facility may be located on a private street.