

**BOARD OF ADJUSTMENT MEETING  
PORTSMOUTH, NEW HAMPSHIRE**

**Remote Meeting Via Zoom Conference Call**

Per NH RSA 91-A:2, III (b) the Chair has declared the COVID-19 outbreak an emergency and has waived the requirement that a quorum be physically present at the meeting pursuant to the Governor's Executive Order 2020-04, Section 8, as extended by Executive Order 2021-01, and Emergency Order #12, Section 3. Members will be participating remotely and will identify their location and any person present with them at that location. All votes will be by roll call.

**7:00 P.M.**

**April 20, 2021**

**ACTION SHEET**

**MEMBERS PRESENT:** Chairman David Rheaume, Vice-Chairman Peter McDonell, Jim Lee, Christopher Mulligan, David MacDonald, Arthur Parrott, and Alternates Chase Hagaman and Phyllis Eldridge

**MEMBERS ABSENT:** John Formella

**ALSO PRESENT:** Peter Stith, Planning Department

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**AGENDA**

**I. APPROVAL OF MINUTES**

A) Approval of the minutes of the meetings of March 16 and 23, 2021.

The March 16 and March 23 minutes were **approved** as presented.

**II. OLD BUSINESS**

A) 53 Austin Street Extension Request

The Board voted to **grant** the request as advertised and presented.

**III. PUBLIC HEARINGS – NEW BUSINESS**

A) Petition of the **Carol Elliott Revocable Trust of 2011, Owner**, for property located at **143 Gates Street** whereas relief is needed from the Zoning Ordinance to remove existing shed and replace with new 10' x 12' shed which requires the following: 1) Variances from Section 10.573.20 to allow a) a rear yard of 3 feet where 8.5 feet is required; b) a right side yard of 15.5 inches where 8.5 feet is required; and c) a left side yard of 15.5 inches where 8.5 feet is required.

2) A Variance from Section 10.321 to allow a nonconforming building or structure to be extended, reconstructed or enlarged without conforming to the requirements of the Ordinance. Said property is shown on Assessor Map 103 Lot 99 and lies within the General Residence B (GRB) District.

The Board voted to **grant** the request with the following stipulation:

1.) The maximum allowable building coverage shall be 35 percent.

B) **REQUEST TO POSTPONE** Petition of **John McMahon & Jessica Kaiser, Owners**, for property located at **30 Spring Street** whereas relief is needed from the Zoning Ordinance to remove existing front entry and construct new front porch which requires the following: 1) Variances from Section 10.521 to allow a) a 5 inch front yard where 15 feet is required; b) a 4 foot right side yard where 10 feet is required; and c) 29% building coverage where 25% is required. 2) A Variance from Section 10.321 to allow a nonconforming building or structure to be extended, reconstructed or enlarged without conforming to the requirements of the Ordinance. Said property is shown on Assessor Map 130 Lot 13 and lies within the General Residence A (GRA) District.

The Board voted to **postpone** the request to the next BOA meeting.

C) **REQUEST TO POSTPONE** Petition of **Spaulding Group, LLC, Owner**, for property located at **180 Spaulding Turnpike** whereas relief is needed from the Zoning Ordinance to for the partial demolition of the existing showroom and construction of new showroom which requires the following: 1) A Variance from Section 10.531 to allow a 15 foot rear yard where 50 feet is required. 2) A Variance from Section 10.591 to allow a structure to be setback 15 feet from a parcel in a Residential district where 100 feet is required. 3) A Variance from Section 10.592.20 to allow the sale, rental, leasing, distribution and repair of vehicles be located adjacent to a Residential district where a minimum of 200 feet is required. 4) A Variance from Section 10.321 to allow a nonconforming building or structure to extended, reconstructed or enlarged without conforming to the requirements of the Ordinance. Said property is shown on Assessor Map 236 Lot 39 and lies within the General Business (GB) District.

The Board voted to **postpone** the request to the next BOA meeting.

D) Petition of **Michael & Arna Lewis, Owners**, for property located at **41 Salter Street** whereas relief is needed from the Zoning Ordinance to construct a second story addition over existing first floor which requires the following: 1) Variances from Section 10.530 to allow a) a 23 foot front yard where 30 feet is required; b) a 2 foot left side yard where 30 feet is required; and c) a 13 foot right side yard where 30 feet is required. 2) A Variance from Section 10.321 to allow a nonconforming building or structure to be extended, reconstructed or enlarged without conforming to the Ordinance. Said property is shown on Assessor Map 102 Lot 30 and lies within the Waterfront Business (WB) District.

The Board voted to **grant** the request as advertised and presented.

- E) Petition of the **Prendergast Family Revocable Trust of 2012, Owner**, for property located at **70 Sheffield Road** whereas relief is needed from the Zoning Ordinance to Construct an 8' x 22' farmers porch which requires the following: 1) An after-the-fact Variance from Section 10.521 to allow a rear yard of 28 feet where 30 feet is required for an existing deck. 2) A Variance from Section 10.521 to allow a 20 foot front yard where 30 feet is required. 3) A Variance from Section 10.521 to allow 25% building coverage where 20% is the maximum allowed. 4) A Variance from Section 10.321 to allow a nonconforming building or structure to be extended, reconstructed or enlarged without conforming to the requirements of the Ordinance. Said property is shown on Assessor Map 233 Lot 46 and lies within the Single Residence B (SRB) District.

The Board voted to **grant** variances 2, 3, and 4 with the following stipulation:

- 1) The building coverage variance shall be 22 percent maximum coverage.

**Note:** The applicant did not require Variance #1.

- F) Petition of **John & Chelsea Chapin, Owners**, for property located at **1281 Islington Street** whereas relief is needed from the Zoning Ordinance for the keeping of chickens which requires the following: 1) A Special Exception from Section 10.440 Use #17.20 to allow the keeping of farm animals where the use is permitted by Special Exception. Said property is shown on Assessor Map 233 Lot 120 and lies within the Single Residence B (SRB) District.

The Board voted to take the remaining cases out of order and move the petition to the end of the meeting.

**Note:** As the applicant was still not present at the end of the meeting, the Board voted to **continue** the petition to the May 18 meeting.

- G) Petition of **262-264 South Street Condos, LLC, Owner**, for property located at **262-264 South Street** whereas relief is needed from the Zoning Ordinance to add 2 condenser units which requires the following: 1) Variances from Section 10.515.14 to allow a) a 4 foot left side setback and b) to allow a 3 foot side setback where 10 feet is required for each. Said property is shown on Assessor Map 111 Lot 05-02 and lies within the Single Residence B (SRB) District.

The Board voted to **grant** this request as advertised and presented.

- H) Petition of **Michael & Deborah McNeilly, Owners**, for property located at **205 Wibird Street** whereas relief is needed from the Zoning Ordinance to remove an existing 8' x 10' shed and replace with a new 10' x 12' shed which requires the following: 1) A Variance from Section 10.573.20 to allow a 4 foot side setback where 9 feet is required. 2) A Variance from Section 10.321 to allow a nonconforming structure or building to be extended, reconstructed or enlarged without conforming to the requirements of the

Ordinance. Said property is shown on Assessor Map 133 Lot 53 and lies within the General Residence A (GRA) District.

The Board voted to **grant** this request as advertised and presented.

- I) Petition of **Tobias Lear House Historic Inn, LLC, Owner and Stephen Foster, Applicant**, for property located at **49 Hunking Street** whereas relief is needed from the Zoning Ordinance to install a fence greater than 4 feet in height within the front yard which requires the following: 1) A Variance from Section 10.515.13 to allow a fence taller than 4 feet in height to be located within the front yard where 4 feet is the maximum height allowed. Said property is shown on Assessor Map 103 Lot 39 and lies within the General Residence B (GRB) District.

The Board voted to **grant** this request as advertised and presented.

The Board voted to **suspend** the ten o'clock rule for ending the meeting.

- J) Petition of **David & Jennifer Chapnick, Owners**, for property located at **97 Meredith Way** whereas relief is needed from the Zoning Ordinance to allow the keeping of chickens which requires the following: 1) A Variance from Section 10.440 Use #17.20 to allow the keeping of farm animals where the use is not permitted. Said property is shown on Assessor Map 162 Lot 15 and lies within the General Residence A (GRA) District.

The Board voted to **grant** the request with the following stipulation:

- 1) A maximum of 6 hens and no roosters.

- K) Petition of **Griffin Family Corp., Owner, and Hannaford Supermarket, Applicant**, for property located at **800 Islington Street** whereas relief is needed from the Zoning Ordinance to replace existing wall sign with new sign and add additional wall sign which requires the following: 1) A Variance from Section 10.1251.20 to allow an 86.21 square foot wall sign where 40 square feet is the maximum allowed in Sign District 3. 2) A Variance from Section 10.1271.10 to allow a wall sign on a side of a building that does not face a street or have a public entrance. Said property is shown on Assessor Map 154 Lot 1 and lies within the Commercial District 4-W (CD4-W) District.

The Board voted to **grant** Variance #1.

**Note:** The applicant did not require Variance #2.

#### **IV. OTHER BUSINESS**

There was no other business.

#### **V. ADJOURNMENT**

The meeting was adjourned at 10:38 p.m.