

**BOARD OF ADJUSTMENT MEETING  
PORTSMOUTH, NEW HAMPSHIRE  
EILEEN DONDERO FOLEY COUNCIL CHAMBERS**

**7:00 P.M.**

**September 28, 2021**

**ACTION SHEET**

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

**MEMBERS EXCUSED:**

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

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**I. OLD BUSINESS**

**A. 361 Islington Street** – Request for Rehearing

The Board voted to **deny** the request for rehearing.

**II. PUBLIC HEARINGS – NEW BUSINESS**

**A.** Request of **238 Deer Street, LLC (Owner)**, for property located at **238 Deer Street** whereas relief is needed to demolish existing structure and construct new mixed use building with 21 residential units which requires the following: 1) Variances from Section 10.5A41.10C to allow a) 2.5% open space where 10% is required; and b) a 3.5' rear yard where 5' is required. 2) A Variance from Article 15 to allow a structure to be designated as a penthouse with an 8' setback from the edge where 15' is required and 60% floor area of the story below where 50% is the maximum allowed as outlined in the definition of a penthouse. Said property is shown on Assessor Map 125 Lot 3 and lies within the Historic District and Character District 4 (CD4). (LU-20-238)

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

1) Penthouse-level units will not exceed 500 square feet.

**B.** Request of **Neal Pleasant St. Properties. LLC, (Owner)**, for property located at **420 Pleasant Street** whereas relief is needed to remove a rear entry and addition and replace with new three story addition with code compliant stairs and rear porch which requires the following: 1) A Variance from Section 10.521 to allow a 1' left side yard where 10' 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 102 Lot 56 and lies within the Historic District and General Residence B (GRB). (LU-21-126)

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

C. Appeal of **Duncan MacCallum, (Attorney for the Appellants)**, of the July 15, 2021 decision of the Planning Board for property located at **53 Green Street** which granted the following: a) a wetlands conditional use permit under Section 10.1017 of the Zoning Ordinance; b) preliminary and final subdivision approval; and c) site plan review approval. Said property is shown on Assessor Map 119 Lot 2 and lies within the Character District 5 (CD5) and Character District 4 (CD4). (LU-21-162)

- 1) On the matter of standing, the Board voted determine the appellants do have standing to bring the appeal forward.
- 2) On the matter of whether the Board has jurisdiction to hear the appeal of the granting of a wetland Conditional Use Permit, the Board voted to determine they do not have jurisdiction to hear the appeal of the granting of a wetland Conditional Use Permit.
- 3) The Board voted to **continue** the remaining items of the appeal to the October meeting.

### III. OTHER BUSINESS

There was no other business.

### IV. ADJOURNMENT

The meeting was adjourned at 11:30 p.m.