

**6:30 PM ANTICIPATED "NON-MEETING" WITH COUNSEL
IN CONFERENCE ROOM A**

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

7:00 P.M.

CITY COUNCIL CHAMBERS

February 17, 2004

AGENDA

PLEASE NOTE: The Board of Adjustment will hold Public Hearings on **Petitions #1 through #6 will be heard on Tuesday, February 17, 2004. Petitions #7 through #13 will be heard on Tuesday, February 24, 2004.** Both meetings will begin at 7 p.m. in the City Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, New Hampshire. **Please note that there is a request to table petitions #10 through #12 until the March 16, 2004, Board of Adjustment Meeting.**

I. APPROVAL OF MINUTES

Reconvened Meeting of November 25, 2003.

II. OLD BUSINESS

A) Petition of **Public Service Company of New Hampshire, owner**, for property located at **400 Gosling Road** wherein Variances from Article III, Section 10-305(A) and Article IV, Section 10-401(A)(2)(c) are requested to allow the following a) a wood fired boiler, air emission control device and ductwork not to exceed 125' in height, b) a stack not to exceed 350' in height, c) a wood conveyor not to exceed 100' in height constructed over the existing coal conveyor, extending from Lot 1 over the railroad parcel to Lot 2A; and, d) a wood fired boiler, ductwork, stack, wood conveyor and fireside wash recycle basin located within the required side yards. All construction being in a district where the maximum height is 45' and the minimum required side yards are 50'. Said property is shown on Assessor Plan 214 as Lots 1 & 2 and lie within the Waterfront Industrial district. Case # 12-4

III. PUBLIC HEARINGS

1) Petition of **Richard P. Fecteau, owner**, for property located at **120 Spaulding Turnpike** wherein a Variance from Article IX, Section 10-908 Table 14 is requested to allow: a) a 155.25 sf free-standing sign 37.5' in height where a 150 sf of free-standing signage is the maximum allowed and the maximum height is 20', b) four 13 sf directional signs totaling 52 sf where 1.5 sf per sign is allowed; and, c) an aggregate of 350.79 sf of signage where 200 sf is the maximum aggregate allowed. Said property is shown on Assessor Plan 236 as Lot 33 and lies within the General Business district. Case # 11-2

2) Petition of **Brewster Street Properties, LLC, owner**, for property located at **98 Brewster Street** wherein a Variance from Article III, Section 10-303(A) is requested to allow a 22' x 34' three story single family dwelling with an attached 11.5' x 20' a garage including a

second floor and attic space above with: a) a 2'± front yard where 5' is the minimum required, b) a 2'± left side yard where 10' is the minimum required; and, c) a 1.5'± x 6'± roof over the front steps with a 4'± front yard where 5' is the minimum required. Said property is shown on Assessor Plan 138 as Lot 56 and lies within the Mixed Residential Business district. Case # 2-1

3) Petition of **James F. and Catherine Lamond, owners**, for property located at **84 Haven Road** wherein Variances from Article III, Section 10-302(A) and Article IV, Section 10-401(A)(2)(c) are requested to allow the following: a) a 252 sf irregular shaped front porch and steps with a 7'± front yard where 30' is the minimum required, b) a 7' x 24' one story addition to the left side of the existing dwelling with an 20.5' front yard where 30' is the minimum required; and, c) a 14.25' x 24' garage with living space on the second floor with an 8.8' right side yard' yard where 30' is the minimum required. Said property is shown on Assessor Plan 206 as Lot 28 and lies within the Single Residence B district. Case # 2-3

4) Petition of **Robert L.Casella, LLC, owner, David Hodgdon, d/b/a PCG, option holder**, for property located at **30 Mirona Road Extension** wherein the following are requested: 1) Variances from Article III, Section 10-305(A) and Article IV and Section 10-401(A)(2)(c) to allow a 24' x 54' (1255 sf) irregular shaped one story addition to the right of the existing building with a 66.8' front yard where 70' is the minimum required, and 2) a Variance from Article XII, Section 10-1201(3)(f)(2) to allow parking 18' from the front property line where 50' is the minimum required setback. Said property is shown on Assessor Plan 253 as Lot 4 and lies within the Industrial district. Case # 2-4

5) Petition of **Daryl K. and Maria A. Gregory, owners**, for property located at **85 Ocean Road** wherein Variances from Article II, Section 10-206 and Article III, Section 10-301(A)(2) are requested to allow two free-standing single family dwellings with attached garages and decks on a lot with an existing single family dwelling in a district where only one single family dwelling is allowed on a lot. Said property is shown on Assessor Plan 292 as Lot 154 and lies within the Single Residence B district. Case # 2-5

6) Petition of **Friends of The Music Hall, owner, Portsmouth Community Radio, applicant**, for property located at **28 Chestnut Street** wherein a Variance from Article III, Section 10-304(A) is requested to allow a 20' antenna where the maximum height allowed is 10' for roof appurtenances. Said property is shown on Assessor Plan 126 as Lot 7 and lies within the Central Business B and Historic A districts. Case # 2-6

THE FOLLOWING PETITIONS WILL BE HEARD ON TUESDAY, FEBRUARY 24, 2004

7) Petition of **GRN Realty Trust, Glenn and Robin Normandeau, owners**, for property located at **11 & 15 Pickering Street** wherein the following are requested: 1) a Variance from Article II, Section 10-208 to allow two dwelling units in a new building in a district where dwelling units are not allowed, and 2) a Variance from Article III, Section 10-304(A) to allow a 1,820 irregular shaped two story building with: a) a 5' front yard where 30' is the minimum required, and b) a 20' right side yard where 30' is the minimum required. Said property is shown on Assessor Plan 102 as Lot 24 and lies within the Waterfront Business district. Case # 2-7

8) Petition of **2400 Lafayette Road LLC, owner, "Wash Me Now", applicant**, for property located at **2400 Lafayette Road** wherein a Special Exception as allowed in Article II, Section 10-208(36) is requested to allow 4,350± sf car wash in a district where such use is allowed by Special Exception. Said property is shown on Assessor Plan 273 as Lot 6 and lies within the General Business district. Case # 2-8

- 9) Petition of **Forum Development , LLC, owner**, for property located at **Stonecroft Apartments off Lang Road** wherein the following are requested: 1) a Variance from Article III, Section 10-302(A) to allow the construction of a 35.5' x 48' (1,630.5 sf) one story building with basement with a 10' right side yard where 25' is the minimum required, and 2) a Variance from Article II, Section 10-206 to allow said building to be used for a real estate management office in a district where such use is not allowed. Said property is shown on Assessor Plan 286 as Lot 24 and lies within the Garden Apartment and Mobile Home district. Case # 2-9

- 10) Petition of **The Childrens Museum of Portsmouth, owner**, for property located at **295 Woodbury Ave and abutting lot on Woodbury Avenue**; and **The Hyder Irrevocable Trust of 1993, owner**, for property located at **677 and 659 Dennett Street** wherein a Variance from Article II, Section 10-206 is requested to allow the Childrens Museum and 1,000 sf of office space for the Hyder Children's Foundation to be located in a district where such uses are not allowed. Said property is shown on Assessor Plan 161 as Lots 31 & 32 and Assessor Plan 175 as Lots 6 & 6A and lies within the General Residence A district. Case # 2-10

- 11) Petition of **Lafayette Plaza LLC, owner**, for property located **2454 Lafayette Road** wherein the following are requested: 1) a Special Exception as allowed in Article II, Section 10-208(36) is requested to allow 2,400± sf car wash in a district where such use is allowed by Special Exception, and 2) a Variance from Article III, Section 10-304(A) to allow a 75' front yard where 105' is the minimum required. Said property is shown on Assessor Plan 273 as Lot 3 and lies within the General Business district. Case # 2-11

- 12) Petition of **Robert J. Chaffee and Barbara A. Trimble, owners** for property located at **32 Miller Avenue** wherein the following are requested: 1) a Variance from Article III, Section 10-303(A) to allow the a 4,000± sf L-shaped building for four units on a 32,939 sf lot having an existing dwelling unit for a total of five dwelling units with 6,587.8 sf of lot area per dwelling where 7,500 sf of lot area is required per dwelling unit, and 2) a Variance from Article II, Section 10-207 to allow five dwelling units on a lot where the maximum allowed is four dwelling units. Said property is shown on Assessor Plan 136 as Lot 18 and lies within the Mixed Residential Office district. Case # 2-12

- 13) Petition of **Robert Marchewka and Jennifer Crompton, owners**, for property located at **327 Sagamore Avenue** wherein a Variance from Article III, Section 10-302(A) is requested to allow an irregular shaped 205± sf deck with a 2.5±' rear yard where 30' is the minimum required. Said property is shown on Assessor Plan 222 as Lot 27 and lies within the General Residence A district. Case # 2-13

IV. ADJOURNMENT