

**PLANNING DEPARTMENT - BOARD OF ADJUSTMENT**

**ACTION SHEET**

**TO:** John P. Bohenko, City Manager  
**FROM:** Mary Koepenick, Planning Department  
**RE:** Actions Taken by the Portsmouth **Board of Adjustment at its regular meeting on February 19, 2014** in the Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, New Hampshire  
**PRESENT:** Chairman David Witham, Vice-Chairman Arthur Parrott, Derek Durbin, Charles LeMay, Christopher Mulligan, David Rheame, Alternate: Patrick Moretti  
**EXCUSED:** Susan Chamberlin

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**I. PUBLIC HEARINGS - OLD BUSINESS**

No Old Business was presented.

**II. PUBLIC HEARINGS – NEW BUSINESS**

- 1) Case # 2-1  
Petitioners: Betty Morton Belcher, Jane Morton Man, Matthew Morton, Martha Fuller Clark, Clare Kittredge, Nancy Elwell, Paul Mannle, George Dodge, Erica Dodge, and Portsmouth Advocates  
Property: 173 – 175 Market Street  
Assessor Plan 118, Lots 3 & 4  
Zoning District: Central Business A, Historic and Downtown Overlay  
Description: Appeal Decisions of the Historic District Commission.  
Requests: Appeal the decisions of the Historic District Commission to grant a Certificate of Approval and a Conditional Use Permit for this property.

**Action:**

The Board took the following actions:

- Voted to **issue** a Notice of Disapproval of the petition. The effect of this action by the Board was to grant this portion of the Appeal and reverse the decision of the Historic District Commission to issue a Certificate of Approval on August 8, 2013.
- Voted to **grant** a Conditional Use Permit for the petition. The effect of this action by the Board was to deny this portion of the Appeal and uphold the decision of the Historic District Commission to grant a Conditional Use Permit for the property on August 8, 2013.

**Stipulations:**

None.

**CERTIFICATE OF DISAPPROVAL**

**Purpose and Objectives of the Historic District Ordinance:**

It was determined that the overall Purpose and Objectives were not met, with specific reference to the following sub-sections, which were not met for the following reasons:

- Assessing the historical and architectural value of buildings, structures, and settings and significance in terms of the represented time period.  
The proposed rear addition would obscure the building from the Ceres Street perspective detracting from the historic and architectural value of the original structure. The proposed front dormers are not an architectural feature of the original building.
- Maintaining the special character of the District as reflected in the scale, mass, location and style of buildings.  
The rear addition is different in style and mass from other buildings in the area.

**Review Criteria:**

It was determined that the overall Review Criteria were not met, with specific reference to the following sub-sections which were not met for the following reasons:

- Consistent with special and defining character of surrounding properties.  
The proposed rear portion, with extensive windows in the proposed surround, is very different from other properties in the area and a design could be developed that would better fit the streetscape on the Ceres Street side.
- The design, scale and other characteristics of the proposed project complement the existing structure and are compatible with surrounding properties.  
The texture and detailing of the rear portion of the building do not complement the existing structure and contribute to a building that is not in character with others in the area.

**CONDITIONAL USE PERMIT**

The Conditional Use Permit was granted as it met the conditions for approval:

- The proposed three and a half story height is consistent with the rooflines and streetscape that exists on nearby lots so that the increase in building height is supported.
- There will be no need to mitigate the impact of the proposed increased height on neighboring properties as it will be similar to the existing roof heights of those properties. The increased height is appropriate given the slope of the land along Market Street and from Market Street toward the water.

**ITEM III, ITEM IV PETITIONS 2) THROUGH 6) AND ITEM V WILL BE HEARD ON  
TUESDAY, FEBRUARY 25, 2014.**

**VI. ADJOURNMENT**

It was moved, seconded and passed to adjourn the meeting at 11:25 p.m.

Respectfully submitted,

Mary E. Koepenick, Secretary