

**REGULAR MEETING  
BOARD OF ADJUSTMENT  
EILEEN DONDERO FOLEY COUNCIL CHAMBERS  
MUNICIPAL COMPLEX, 1 JUNKINS AVENUE  
PORTSMOUTH, NEW HAMPSHIRE**

**7:00 P.M.**

**JUNE 21, 2016  
TO BE RECONVENED  
JUNE 28, 2016**

**AGENDA**

**I. APPROVAL OF MINUTES**

- A) May 17, 2016
- B) May 24, 2016

**II. OLD BUSINESS**

- A) Request for Rehearing regarding property located at 150 Route One By-Pass.

**III. PUBLIC HEARINGS – OLD BUSINESS**

- A) Case #4-13    ***THERE IS A REQUEST TO WITHDRAW THIS PETITION***  
Petitioners:   Blueberry Lafayette Investors LLC & Edward Walsh, owners, William P. Walsh, applicant  
Property:       3605 (3607) Lafayette Road  
Assessor Plan 298, Lot 2  
Zoning District: Gateway & Rural  
Description:   Motor vehicle repair  
Requests:       The Variances and/or Special Exceptions necessary to grant the required relief from the Zoning Ordinance, including the following:
  - 1. A Special Exception under Section 10.440, Use #11.20 to allow a motor vehicle repair use in a district where the use is allowed only by Special Exception.
  - 2. A Variance from Section 10.1111 to allow a change in use that does not meet the requirements for off-street parking.
  - 3. A Variance from Section 10.843.12 to allow more than two 40' wide curb cuts or access or egress points on each abutting street.
  - 4. A Variance from Section 10.843.21 to allow areas for parking, outdoor storage and outdoor display of vehicles or equipment to be set back less than 40 feet from the street right-of-way.
  
- B) Case #4-9    ***THERE IS A REQUEST TO POSTPONE THIS PETITION***  
Petitioner:     Michael De La Cruz  
Property:       75 Congress Street (63 Congress Street)  
Assessor Plan 117, Lot 5  
Zoning District: Character District 5, Downtown Overlay District

- Description: Construct five residential use dormers and one office use dormer, with walkways and decks. Restore pediments.
- Requests: The Variances and/or Special Exceptions necessary to grant the required relief from the Zoning Ordinance, including the following:
1. A Variance from Section 10.321 to allow a nonconforming building or structure to be extended, enlarged or structurally altered without conforming to the Ordinance.
  2. A Variance from Section 10.5A43.31 and Section 10.5A21.22 to allow the following building heights where the maximum building heights allowed per Map 10.5A21B are 40’ for a 2-3 stories height requirement area and 45’ for a 2-3 stories (short 4<sup>th</sup>) height requirement area:
    - a. 62’11” for the proposed pediments
    - b. 64’6” for the proposed office dormer, and
    - c. 60’5” for the proposed residential dormers

*(This petition has been revised since its initial publication, with the changes indicated in italics. The revised petition was postponed for additional information at the June meeting)*

**IV PUBLIC HEARINGS – NEW BUSINESS**

- 1) Case #6-1
 

Petitioners: Colette TM Foley Revocable Trust, John D. & Colette TM Foley, Trustees

Property: 25 Lafayette Road

Assessor Plan 152, Lot 3

Zoning District: General Residence A

Description: Raising chickens.

Requests: The Variances and/or Special Exceptions necessary to grant the required relief from the Zoning Ordinance, including the following:

  1. A Variance from Section 10.440, Use #17.20 to allow the keeping of chickens where this use is not allowed.
  
- 2) Case #6-2
 

Petitioner: 30 Maplewood LLC

Property: 30-46 Maplewood Avenue

Assessor Plan 125, Lot 2

Zoning District: Character District 4, Downtown Overlay District

Description: Continue parking use on subdivided lot.

Requests: The Variances and/or Special Exceptions necessary to grant the required relief from the Zoning Ordinance, including the following:

  1. A Variance under Section 10.440 to allow a surface parking lot as a principal use where such use is not allowed.
  2. A Variance from Section 10.5A44 to allow a parking lot that does not comply with the requirements of the Ordinance.
  
- 3) Case #6-3
 

Petitioners: Jason Combs & Meghan Rose J. Parks

Property: 834 Middle Road

Assessor Plan 232, Lot 55

Zoning District: Single Residence B

Description: Construct new single-family home.

Requests: The Variances and/or Special Exceptions necessary to grant the required relief from the Zoning Ordinance, including the following:

1. A Variance from Section 10.321 to allow a nonconforming building or structure to be extended, enlarged or structurally altered except in conformity with the Ordinance.
2. A Variance from Section 10.516.10 to allow a secondary front yard setback of 12.8'± where 17.7' is required.
3. A Variance from Section 10.521 to allow a rear yard setback of 22'± where 30' is required.

4) Case #6-4

Petitioners: Marc G. Goulet, owner, Stephanie A. Lane, applicant

Property: 4 Melbourne Street

Assessor Plan 233, Lot 18

Zoning District: Single Residence B

Description: Allow massage therapy use as a Home Occupation.

Requests: The Variances and/or Special Exceptions necessary to grant the required relief from the Zoning Ordinance, including the following:

1. A Special Exception under Section 10.440, Use 19.22 to allow a Home Occupation II in a district where it is allowed by special Exception.

5) Case #6-5

Petitioners: Linda & John Leland

Property: 26 Thaxter Road

Assessor Plan 166, Lot 37

Zoning District: Single Residence B

Description: Covered front porch/entryway.

Requests: The Variances and/or Special Exceptions necessary to grant the required relief from the Zoning Ordinance, including the following:

1. A Variance from Section 10.321 to allow a nonconforming building or structure to be extended, enlarged or structurally altered except in conformity with the Ordinance.
2. A Variance from Section 10.521 to allow an 18'± front yard setback where 30' is required.
3. A Variance from Section 10.521 to allow 31.39%± building coverage where 20% is the maximum allowed.

6) Case #6-6

Petitioners: Cristin Pugliese

Property: 5 Buckminster Way

Assessor Plan 282, Lot 6-23

Zoning District: Single Residence A

Description: Rental of a single family residence.

Requests: The Variances and/or Special Exceptions necessary to grant the required relief from the Zoning Ordinance, including the following:

1. A Variance under Section 10.440 to allow a two family dwelling where only a single family dwelling is permitted.
2. A Variance from Section 10.521 to allow a 21,997.8± s.f. lot area per dwelling unit where 43,560 s.f. (1 acre) is required.

- 7) Case #6-7  
Petitioner: Richard P. Fusegni  
Property: 201 Kearsarge Way  
Assessor Plan 218, Lot 5  
Zoning District: Single Residence B  
Description: Construct home on one lot of a three-lot subdivision.  
Requests: The Variances and/or Special Exceptions necessary to grant the required relief from the Zoning Ordinance, including the following:  
1. A Variance from Section 10.521 to allow a front yard setback of 15'± where 30' is required.
- 8) Case #6-8  
Petitioners: Sarnia Properties, Inc., owner, Q, LLC, applicant  
Property: 4 Cutts Street #3 (933 Route One By-Pass)  
Assessor Plan 142, Lot 37  
Zoning District: Business  
Description: Design and engineering of firearms, silencers and related accessories to the sporting and defense industries.  
Requests: The Variances and/or Special Exceptions necessary to grant the required relief from the Zoning Ordinance, including the following:  
1. A Variance under Section 10.440 to allow a light industry use in a district where this use is not allowed.  
2. A Variance from Section 10.1112.30 to allow 84 parking spaces where 103 parking spaces are required.
- 9) Case #6-9  
Petitioners: Clipper Traders, LLC, owner, Great Rhythm Brewing Company, applicant.  
Property: 105 Bartlett Street  
Assessor Plan 157, Lot 1  
Zoning District: Office Research  
Description: Brewery with tasting room and outdoor area.  
Requests: The Variances and/or Special Exceptions necessary to grant the required relief from the Zoning Ordinance, including the following:  
1. Amend previously granted variance to allow a brewery use with an 800± s.f. tasting area and adjoining outdoor tasting area.
- 10) Case #6-10  
Petitioner: Timothy R. Connolly  
Property: 195 Hillside Drive  
Assessor Plan 231, Lot 17  
Zoning District: Single Residence B  
Description: Addition over existing garage.  
Requests: The Variances and/or Special Exceptions necessary to grant the required relief from the Zoning Ordinance, including the following:  
1. A Variance from Section 10.321 to allow a nonconforming building or structure to be extended, enlarged or structurally altered except in conformity with the Ordinance.  
2. A Variance from Section 10.521 to allow a 7'± left side yard setback where 10' is required.

11) Case #6-11

Petitioner: Jeremy N. Mard

Property: 21 Dearborn Street

Assessor Plan 140, Lot 5

Zoning District: General Residence A

Description: Install rear condenser.

Requests: The Variances and/or Special Exceptions necessary to grant the required relief from the Zoning Ordinance, including the following:

1. A Variance from Section 10.321 to allow a nonconforming building or structure to be extended, enlarged or structurally altered except in conformity with the Ordinance.
2. A Variance from Section 10.521 to allow a 0'± right side yard setback where 10' is required.

**V. OTHER BUSINESS**

**VI. ADJOURNMENT**

**NOTICE TO MEMBERS OF THE PUBLIC WHO ARE HEARING IMPAIRED**

If you need assistance to attend a meeting, please contact the Human Resources Department at 610-7274.