

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

**7:00 P.M.**

**May 24, 2022**

**ACTION SHEET**

**MEMBERS PRESENT:** Arthur Parrott, Chairman, Jim Lee, Vice Chair; David MacDonald, Beth Margeson, Paul Mannle, Phyllis Eldridge

**MEMBERS EXCUSED:** Thomas Rossi

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

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**I. OLD BUSINESS**

- A.** The request of **Pamela J. Katz Revocable Trust (Owner)**, for property located at **462 Lincoln Ave, Unit 4** whereas relief is needed to install a generator which requires the following: 1) A Variance from Section 10.515.14 to allow a 6 foot setback where 10 feet is required and to allow the generator to be closer to the street than the principal structure. Said property is located on Assessor Map 133 Lot 20-4 and lies within the General Residence A (GRA) District. (LU-22-77)

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

**II. NEW BUSINESS**

- A.** The request of **Joseph Ricci (Applicant)**, for property located at **225 Banfield Road** whereas relief is needed to demolish existing building and construct new 5 unit commercial building and 60 unit residential building with underground parking which requires the following: 1) A Variance from Section 10.521 to allow a 45 foot front yard where 70 feet is required. 2) A Variance from Section 10.440 to allow a 60 unit residential building where residential uses are not permitted in the Industrial district. Said property is located on Assessor Map 254 Lot 1 and Map 266 Lot 1 and lies within the Industrial (I) District. (LU-22-91)

*The Board voted to 1) **grant** Variance #1; and 2) **grant** Variance #2 with the following **stipulation**:*

*2.1) The building design including size, scale, location and site layout may change subject to review by the Conservation Commission and the Planning Board.*

- B.** The request of **Thomas Hammer (Applicant)**, for property located at **219 Sagamore Avenue** whereas relief is needed to demolish the existing garage and deck and construct new garage and entryway which requires the following: 1) A Variance from Section 10.521 to allow 30.5% building coverage where 25% is the maximum allowed. 2) A Variance from Section 10.573.20 to allow a 2.5 foot rear yard where 15 feet is required. 3) A Variance from Section 10.571 to allow an accessory structure to be located closer to a street than the principal structure. 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 located on Assessor Map 221 Lot 19 and lies within the General Residence A (GRA) District. (LU-22-26)

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

- C.** The request of **2422 Lafayette Road Associates LLC (Owner)**, for property located at **2454 Lafayette Rd, Unit 5** whereas relief is needed for a proposed veterinary urgent care clinic which requires the following: 1) A Special Exception from Section 10.440 Use #7.50 to allow a Veterinary Care use where the use is allowed by Special Exception. Said property is located on Assessor Map 273 Lot 3-5 and lies within the Gateway Corridor (G1) District. (LU-22-93)

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

- D.** The request of **Nicole Giusto (Applicant)**, and **Cooper Malt LLC (Owner)**, for property located at **650 Islington St, Unit C** whereas relief is needed for a proposed veterinary care clinic which requires the following: 1) A Special Exception from Section 10.440 Use #7.50 to allow a Veterinary Care use where the use is allowed by Special Exception. Said property is located on Assessor Map 155 Lot 5-C1 and lies within the Character District 4-W (CD4W) and the Historic District. (LU-22-92)

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

- E.** The request of **Thomas and Lindsey Vickery (Owners)**, for property located at **37 Orchard Street** whereas relief is needed for a proposed addition which requires the following: 1) A Variance from Section 10.521 to allow 26.5% building coverage where 25% is the maximum allowed. Said property is located on Assessor Map 149 Lot 9 and lies within the General Residence A (GRA) District. (LU-22-95)

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

- F.** The request of **London Bridge South Inc. (Owner)**, for the property located at **114 Saratoga Way** whereas relief is needed to amend a previously approved application to merge two lots and demo existing structures in order to construct a 4 unit multi family dwelling which requires the following: 1) A Variance from Section 10.521 to allow a lot area per dwelling unit of 3,736 square feet where 5,000 square feet is the minimum required; and 2) A Special Exception from Section 10.440 Use #1.51 to allow 4 dwelling units where the use is allowed by a special

exception. Said property is shown on Assessor Map 212 Lot 112 and lies within the General Residence B District. (LU-20-164)

*The Board voted to **grant** the request to **amend** the previously-approved variance and special exception with the revised design as presented.*

- G.** The request of **Katherine Nolte and Angela Davis (Owners)**, for property located at **276 Aldrich Road** whereas relief is needed to remove existing mudroom and construct covered front porch which requires the following: 1) Variances from Section 10.521 to allow a) 33% building coverage where 20% is the maximum allowed; b) 7.5 feet left side yard where 10 feet is required; and c) 7.5 feet secondary front 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 requirements of the Ordinance. Said property is located on Assessor Map 166 Lot 14 and lies within the Single Residence B (SRB) District. (LU-22-97)

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

- H. REQUEST TO POSTPONE** The request of **Joel St. Jean and Mariele Chambers (Owners)**, for property located at **108 Burkitt Street** whereas relief is needed to demolish existing garage and construct new 13' x 30' garage which requires the following: 1) A Variance from Section 10.573.20 to allow a 1 foot left side yard where 10 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 located on Assessor Map 159 Lot 30 and lies within the General Residence A (GRA) District. **REQUEST TO POSTPONE** (LU-22-89)

*The Board voted to **postpone** to the **July** meeting.*

- I.** The request of **Thomas J. and Angela Mita (Owners)**, for property located at **81 Taft Road** whereas relief is needed to construct a 235 square foot addition which requires the following: 1) A Variance from Section 10.521 to allow a 17.5 foot secondary front 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 requirements of the Ordinance.. Said property is located on Assessor Map 247 Lot 87 and lies within the Single Residence B (SRB) District. (LU-22-98)

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

- J.** The request of **Christopher Mulligan (Applicant)**, and **One Hundred Forty West Road Condos (Owner)**, for property located at **140 West Road** whereas relief is needed to convert existing structure into a private indoor recreation facility which requires the following: 1) A Variance from Section 10.440 Use #4.30 to allow and indoor recreation use where the use is not permitted. 2) A Variance from Section 10.1113.41 to allow parking to be located 2 feet from the

front lot line where 50 feet is required. Said property is located on Assessor Map 252 Lot 2-13 and lies within the Industrial (I) District. (LU-22-99)

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

## **II. OTHER BUSINESS**

*There was no other business.*

## **III. ADJOURNMENT**

*The meeting adjourned at 10:22PM*