

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

**7:00 P.M.**

**March 29, 2023**

**ACTION SHEET**

**MEMBERS PRESENT:** Phyllis Eldridge, Chair; Beth Margeson, Vice Chair; Paul Mannle; David MacDonald; Jeffrey Mattson, Alternate

**MEMBERS EXCUSED:** Thomas Rossi; David Rheume

**ALSO PRESENT:** Stefanie Casella, Planning Department

---

*Mr. Mannle moved to **suspend** the rules, seconded by Mr. Mattson. The motion passed unanimously, 5-0.*

*Mr. Mannle moved to **postpone** New Business Item C, 55 Mangrove Street, to the April meeting, noting that the applicant postponed it because there were only five members. Mr. Mattson seconded. The motion passed unanimously, 5-0.*

*Mr. Mannle moved to **postpone** New Business Item D, 74 Sunset Road, to the April meeting for the same reason. Mr. Mattson seconded. The motion passed unanimously, 5-0.*

*Mr. Mannle moved to **postpone** New Business Item F, 196 Aldrich Road, to the April meeting, noting that the applicant needed to do a new survey. Vice-Chair Margeson seconded. The motion passed unanimously, 5-0.*

*Mr. Mannle moved to **postpone** New Business Item I, 15 Lafayette Road, to the April meeting, noting that the applicant postponed it due to a team member not being able to be present. Vice-Chair Margeson seconded. The motion passed unanimously, 5-0.*

*Mr. Mannle moved to **postpone** New Business Item K, 4 Sylvester Street, to the April meeting because there were only five board members present. Vice-Chair Margeson seconded. The motion passed unanimously, 5-0.*

*Mr. Mannle moved to **postpone** New Business Item L, 9 Kent Street, to the April meeting for the same reason. Mr. Mattson seconded. The motion passed unanimously, 5-0.*

## **I. NEW BUSINESS**

- A. REQUEST TO POSTPONE** he request of **Michael Knight (Owner)**, for property located at **55 Mangrove Street** whereas relief is needed to replace existing 6 foot chain link fence with 8 foot cedar fence which requires the following: 1) A Variance from Section 10.515.13 to allow an 8 foot fence on the rear and side lot lines where a 6 foot maximum is allowed. Said property is located on Assessor Map 219 Lot 7 and lies within the Single Residence B (SRB) District. **REQUEST TO POSTPONE (LU-23-15)**

*The petition was **postponed** to the April meeting.*

*Motion: P. Mannle; J. Mattson*

- B. REQUEST TO POSTPONE** The request of **John T McDonald III and Mary R McDonald (Owners)**, for property located at **74 Sunset Road** whereas relief is needed for an addition of a chimney bump out which requires the following: 1) Variances from Section 10.521 to allow a) a 6.5 foot left yard where 10 feet is required; and b) 26.6% building coverage where 20% is required. 2) A Variance from Section 10.321 to allow a nonconforming building or structure to be expanded, reconstructed, or enlarged without conforming to the requirements of the Ordinance. Said property is located on Assessor Map 153 Lot 14 and lies within the Single Residence B (SRB) District. **REQUEST TO POSTPONE (LU-22-182)**

*The petition was **postponed** to the April meeting.*

*Motion: P. Mannle; J. Mattson*

- C.** The request of **Katherine L Cook (Owner)**, for property located at **199 Clinton Street** whereas relief is needed to demolish the existing dwelling and construct a new single-family dwelling which requires the following: 1) Variances from Section 10.521 to allow a) a lot area and lot area per dwelling unit of 4,917 where 7,500 is required for each; b) 54 feet of frontage where 100 feet is required; c) a 4 foot front yard where 15 feet is required; d) a 9 foot right side yard where 10 feet is required; and e) 28% building coverage where 25% is the maximum allowed. Said property is located on Assessor Map 159 Lot 26 and lies within the General Residence A (GRA) District. (LU-23-23)

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

*Motion: D. MacDonald; J. Mattson*

- D. REQUEST TO POSTPONE** The request of **Joshua Wyatt and Erin Hichman (Owners)**, for property located at **196 Aldrich Road** whereas relief is needed to demolish existing garage and construct new garage and construct new addition over

existing side porch which requires the following: 1) Variances from Section 10.521 to allow a) a secondary front yard of 3 feet where 30 feet is required; b) a 6 foot rear setback where 10 feet 7 inches is required; c) 23% building coverage where 20% is the maximum allowed. 2) A Variance from Section 10.571 to allow an accessory structure to be 10 feet from the front lot line and located in the front yard. 3) 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 153 Lot 25 and lies within the Single Residence B (SRB) District. (LU-23-24) **REQUEST TO POSTPONE**

*The petition was **postponed** to the April meeting.*

*Motion: P. Mannle; Margeson*

- E.** The request of **Colmax LLC (Owner)**, for property located at **411 The Hill #6-14 (411 Deer Street)** whereas relief is needed to convert building into a single family dwelling which requires the following: 1) A Variance from Section 10.642 to allow residential use on the ground floor in the Downtown Overlay District where is not permitted. 2) a Variance from Section 10.5A41.10A to allow a house in the Downtown Overlay District where it is not permitted. Said property is located on Assessor Map 118 Lot 26-1 and lies within the Character District 4-L1 (CD4-L1) in the downtown Overlay District. (LU-23-21)

*The Board voted to **grant** the variances with the following **conditions**:*

- 1. The house shall be restored as a single-family home, and*
- 2. The historic features described on pages 3 and 6 of the application and contained in Figures 1 through 5 shall be required from the applicant.*

*Motion: B. Margeson; P. Mannle;*

- F.** The request of **Mark N Franklin and Julie S Franklin (Owners)**, for property located at **168 Lincoln Avenue** whereas relief is needed for demolition of the existing detached garage and porch and construction of a new attached garage and wrap-around porch which requires the following: 1) Variances from Section 10.521 to allow a) a 7.5 foot front yard where 15 feet is required; b) a 9 foot secondary front yard where 15 feet is required; c) 38% building coverage where 25% is the maximum allowed. 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 113 Lot 6 and lies within the General Residence A (GRA) District. (LU-23-25)

*The Board voted to **deny** the request because it failed to meet the criteria set forth in 10.233.22 as the spirit and intent of the ordinance was to avoid overcrowding and overbulking of lots; and failed to meet criteria set forth in 10.233.24 as there was evidence submitted from A Land Realty saying the proposal would have a negative impact on the value of the abutting property.*

*Motion: D. MacDonald; B. Margeson*

- G. REQUEST TO POSTPONE** The request of **Murdock Living Trust (Owner)**, for property located at **15 Lafayette Road** whereas relief is needed to subdivide one lot into two lots which requires the following: 1) A Variance from Section 10.521 to allow 73.8 feet of continuous street frontage where 100 feet is required for the remainder lot. Said property is located on Assessor Map 152 Lot 2 and lies within the General Residence A (GRA) and Historic District. **REQUEST TO POSTPONE (LU-23-26)**

*The petition was **postponed** to the April meeting.*

*Motion: P. Mannle; J. Mattson*

- H.** The request of **Seacoast Management Consulting LLC (Owner)**, for property located at **3 Walton Alley** whereas relief is needed to add an AC unit and relocate landing and steps which requires the following: 1) A Variance from Section 10.515.14 to allow a 1 foot side setback where 10 feet is required. 2) A Variance from Section 10.521 to allow a) an 8.5 foot setback where 25 feet is required; and b) 38.5% building coverage where 30% is the maximum allowed. Said property is located on Assessor Map 103 Lot 20 and lies within the General Residence B (GRB) and Historic District. (LU-23-22)

*The Board voted to **grant** the variances with an 11.5 foot rear yard setback, noting that the variance was advertised as an 8.5 ft. rear yard setback but was actually a more conforming 11.5 ft. rear yard setback.*

*Motion: J. Mattson; P. Mannle*

- I. REQUEST TO POSTPONE** The request of **Jared J Saulnier (Owner)**, for property located at **4 Sylvester Street** whereas relief is needed to subdivide one lot into two lots which requires the following: Proposed Lot 1: 1) Variances from Section 10.521 to allow a) a lot area and lot area per dwelling of 9,645 square feet where 15,000 is required for each; b) 80 feet of lot depth where 100 feet is required; and c) a 9 foot right side yard where 10 feet is required. Proposed Lot 2: 1) Variances from Section 10.521 to allow a) a lot area and lot area per dwelling unit of 6,421 square feet where 15,000 is required for each; b) 40 feet of street frontage where 100 feet is required; and c) 80 feet of lot depth where 100 feet is required. Said property is located on Assessor Map 232 Lot 36 and lies within the Single Residence B (SRB) District. **REQUEST TO POSTPONE (LU-23-27)**

*The petition was **postponed** to the April meeting.*

*Motion: P. Mannle; B. Margeson*

- J. REQUEST TO POSTPONE** The request of **Cynthia Austin Smith and Peter (Owners)**, for property located at **9 Kent Street** whereas relief is needed to demolish the existing two-family and construct a single-family dwelling which requires the following: 1) Variances from Section 10.521 to allow a) a lot area and lot area per dwelling of 5,000 square feet where 7,500 square feet is required for each; b) 53% building coverage where 25% is the maximum allowed; c) a 4.5 foot rear yard where 20' is required; d) a 0.5 foot side yard where 10 feet is required; e) a 0 foot front yard where 11 feet is allowed under

Section 10.516.10; and f) a 9.5 foot secondary front yard where 13 feet is allowed under Section 10.516.10. 2) A Variance from Section 10.515.14 to allow a 1.5 foot setback for a mechanical unit where 10 feet is required. Said property is located on Assessor Map 113 Lot 42 and lies within the General Residence A (GRA) District. **REQUEST TO POSTPONE** (LU-23-28)

*The petition was **postponed** to the April meeting.*

*Motion: P. Mannle; J. Mattson*

## **II. OTHER BUSINESS**

*There was no other business.*

## **III. ADJOURNMENT**

*The meeting was adjourned at 10:00 PM*