

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

7:00 P.M.

December 17, 2024

ACTION SHEET

MEMBERS PRESENT: Phyllis Eldridge, Chair; Beth Margeson, Vice Chair; David Rheaume; Thomas Rossi; Paul Mannle; Jeffrey Mattson; Thomas Nies; Jody Record, Alternate

MEMBERS EXCUSED: None

ALSO PRESENT: Stefanie Casella, Planning Department

I. ELECTION OF OFFICERS

The Board voted to elect Phyllis Eldridge as Chair.

Motion: Rossi; **Second:** Mattson

The Board voted to elect Beth Margeson as Vice-Chair.

Motion: Rossi; **Second:** Mannle

II. APPROVAL OF MINUTES

A. Approval of the November 19, 2024 meeting minutes.

*The minutes of the November 19, 2024 meeting were **approved** as **amended**.*

III. OLD BUSINESS

- A.** The request of **361 Hanover Steam Factory LLC (Owner)**, and **Hampshire Development Corporation LLC (Applicant)**, for property located at **361 Hanover Street** whereas relief is needed to expand and renovate the existing commercial building and convert it to multi-family residential and to construct three new multi-family residential buildings which requires the following: 1) Variance from Section 10.642 to allow residential principal uses on the ground floor of the buildings; 2) Variance from Section 10.5A41 - Figure 10.5A41.10D to a) allow for "Apartment", "Rowhouse" and "Duplex" building types where they are not permitted; b) allow a ground floor height of 10.5 feet where 12 feet is required; and 3) Variance from Article 15 - Definition of Penthouse - to allow a penthouse with a setback of 8 feet from all roof edges where 15-20 feet is required and to allow no greater than 80% of the gross living area of the level of the floor below where 50% is the maximum. Said property is

located on Assessor Map 138 Lot 63 and lies within the Character District 5 (CD5) District and the Downtown Overlay District. (LU-24-196)

Mr. Rheaume recused himself from the petition, and Alternate Ms. Record took a voting seat.

The Board voted to allow the applicant additional time for the presentation.

Motion: Mattson; **Second:** Margeson

The Board voted to suspend the rules to reopen the public hearing.

Motion: Margeson; **Second:** Mannle

*The Board voted to **postpone** the hearing and requested the applicant provide the following information for the January 22, 2025 meeting:*

- 1. Plan and elevations of Building A;*
- 2. Definitive number of stories in Building D;*
- 3. Height elevations for all buildings;*
- 4. Streetscape showing project next to 407 Hanover Street;*
- 5. More information about the possible burial ground;*
- 6. Clarity on the height of each story within each building ; and*
- 7. Traffic study if it has been done already.*

Motion: Mattson; **Second:** Mannle

B. WITHDRAWN 84 Pleasant Street - Request for Rehearing WITHDRAWN (LU-24-195)

The petition was withdrawn by the applicant.

IV. NEW BUSINESS

- A.** The request of **Patrick and Wendy Quinn (Owners)**, for property located at **124 Melbourne Street** whereas relief is needed to construct dormers onto the existing structure which requires the following: 1) Variance from Section 10.521 to allow a) 15 foot front yard where 30 feet is required; b) 20 foot secondary front yard where 30 feet is required; c) 7 foot left side yard where 10 feet is required; and 2) 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 233 Lot 55 and lies within the Single Residence Business (SRB) District. (LU-24-202)

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

Motion: Rossi; **Second:** Mattson

- B.** The request of **Kent and Jennifer Bonniwell (Owners)**, for property located at **332 Hanover Street** whereas relief is needed to demolish the existing primary and accessory structure and construct a 2-living unit structure which requires the following: 1) Variance from Section 10.5A41.10A to allow: a) 2,167 square feet of lot area per dwelling unit where 3,000 square feet is required; b) a secondary front yard of 17 feet where 12 feet is the maximum; and c) a finished floor surface 6.5 feet above the sidewalk grade where 36 inches is maximum. Said property is located on Assessor Map 126 Lot 43 and lies within the Character District 4-L1(CD4-L1) District. (LU-24-211)

A motion was made to allow the applicant to speak to the Fisher v. Dover issue.

Motion: Rossi; **Second:** Mattson

*The motion **failed** by a vote of 4-3, with Mr. Nies, Mr. Mannle, Vice-Chair Margeson, and Mr. Rheaume opposed.*

The Board voted to invoke Fisher v. Dover, deciding the case law applied to the petition and declined to hear the petition. The Board determined that the application was not materially different from the previous application.

Motion: Mannle; **Second:** Margeson

- C.** The request of **Walter and Tamara Tate (Owners)**, for property located at **108 Burkitt Street** whereas relief is needed to construct an addition above the existing enclosed porch and replace a mechanical unit which requires the following: 1) Variance from Section 10.521 to allow a 4 foot right side yard where 10 feet is required; 2) Variance from Section 10.515.14 to install a mechanical unit 1 foot from the side property line whereas 10 feet is required; and 3) 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 159 Lot 30 and lies within the General Residence A (GRA) District. (LU-24-203)

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

Motion: Nies; **Second:** Rheaume

The Board voted to extend the meeting past the 10:00 PM end time.

Motion: Mannle; **Second:** Rossi

- D.** The request of **Kathryn and Bryn Waldwick (Owners)**, for property located at **30 Parker Street** whereas relief is needed to install two mechanical units which requires the following: 1) Variance from Section 10.515.14 to install a mechanical unit with a) a 5 foot right side setback where 10 is required and b) a 0.5 foot rear yard setback where 10 is required; and 2) Variance from Section 10.515.14 to install a mechanical unit with a) a 2 foot right side yard setback where 10 is required and b) a 2 foot rear yard setback where 10 is required. Said property is located on Assessor Map 126 Lot 27 and lies within the General Residence C (GRC) District. (LU-24-205)

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

Motion: Mattson; **Second:** Nies

- E.** The request of **Chris G. and Lisa Alexandropoulos (Owners)**, for property located at **3168 Lafayette Road** whereas relief is needed to establish a tattoo studio which requires the following:
- 1) Variance from Section 10.440, Use # 7.20 to allow a personal service use where it is not allowed. Said property is located on Assessor Map 292 Lot 150 and lies within the Single Residence B (SRB) District. (LU-24-207)

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

Motion: Rheaume; **Second:** Margeson

V. ADJOURNMENT

The meeting was adjourned at 10:30 PM