

**ACTION SHEET – BOARD OF ADJUSTMENT**

**TO:** John P. Bohenko, City Manager

**FROM:** Judith A. Claveau, Secretary, Planning Department

**RE:** Actions Taken by the Portsmouth **Board of Adjustment** meeting held on **January 20, 2004**, in the Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, New Hampshire

**PRESENT:** Chairman Charles LeBlanc, Vice-Chairman Jim Horrigan, Bob Marchewka, Nate Holloway, Alain Jousse, David Witham, Alternate Arthur Parrott and Alternate Steven Berg

**EXCUSED:** Chris Rogers

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**I. APPROVAL OF MINUTES**

Draft of October 21, 2003, minutes were reviewed and approved unanimously by the Board.

**II. OLD BUSINESS**

**A.** Petition of **James and Catherine Lamond, owners**, for property located at **84 Haven Road** wherein Variances from Article III, Section 10-302(A) and Article IV, Section 10-401(A)(2)(c) are requested to allow the following: a) a 220 sf irregular shaped front porch with a 7.33' front yard where 30' is the minimum required, b) a 7' x 24' one story addition to the left side of the existing dwelling with an 18.33' front yard where 30' is the minimum required; and, c) a 4' x 10' porch on the right side with a 27' front yard where 30' is the minimum required. Said property is shown on Assessor Plan 206 as Lot 28 and lies within the Single Residence B district. Case # 12-3 (This application has been withdrawn by the owner.)

After brief consideration, the Board members voted unanimously to **grant** the request for withdrawal of the above petition.

**B.** **Request for Re-Hearing, Richard Fecteau, Owner**, requested by Peter J. Loughlin Esq., for property located at **120 Spaulding Turnpike**. Said property is shown on Assessor Plan 236 as Lot 33 and lies within the General Business district. Case #12-2.

As a result of such consideration, it was voted that the request be **granted** and the petition will be scheduled for a Public Hearing at the February 17, 2004 Board of Adjustment meeting.

**C.** **Request for Re-Hearing, Patricia Butterworth, Owner, 61 Suzanne Drive**, requested by Diana L. Dennett, Abutter. Said property is shown on Assessor Plan 292 as Lot 30 and lies within the Single Residence B district. Case #11-5.

It was voted that the request be **denied**. The Board found that no new information was presented that was not discussed at the November 18, 2003, Board of Adjustment meeting, nor did the Board err in the decision reached at that meeting.

**D. Request for One-Year Extension of Time for John Samonas, Owner, Jon Bursaw, Applicant, for property located at 3020 Lafayette Road.** Said land is shown on Assessor Plan 292 as Lot 152 and lies within the Mixed Residential B District.

As a result of such consideration, the Board voted to **grant** the one-year extension, thereby extending the variance until **January 20, 2005**.

### III. PUBLIC HEARINGS

**1. Petition of Public Service Company of New Hampshire, owner,** for property located at **400 Gosling Road** wherein Variances from Article III, Section 10-305(A) and Article IV, Section 10-401(A)(2)(c) were requested to allow the following a) a wood fired boiler, air emission control device and ductwork not to exceed 125' in height, b) a stack not to exceed 350' in height, c) a wood conveyor not to exceed 100' in height constructed over the existing coal conveyor, extending from Lot 1 over the railroad parcel to Lot 2A; and, d) a wood fired boiler, ductwork, stack, wood conveyor and fireside wash recycle basin located within the required side yards. All construction being in a district where the maximum height is 45' and the minimum required side yards are 50'. Said property is shown on Assessor Plan 214 as Lots 1 & 2 and lie within the Waterfront Industrial district. Case # 12-4

As a result of this consideration, the Board voted to **grant the request to table** this application to the February 17, 2004, Board of Adjustment meeting.

**2. Petition of Christopher W. Serlin, owner,** for property located at **89 Sparhawk Street** wherein a Variance from Article III, Section 10-302(A) was requested to allow: a) a 90 sf deck and steps with a 9'± front yard where 15' is the minimum required; b) a 85 sf porch on the left side with a 2' ± front yard where 15' is the minimum required, c) a 205 sf irregular shaped one story addition with a 14'± front yard where 15' is the minimum required; and, d) a 37 sf irregular shaped porch on the right side with a 3'± front yard where 15' is the minimum required. Said property is shown on Assessor Plan 159 as Lot 2 and lies within the General Residence A district. Case # 1-1

As a result of such consideration, it was voted that the request be **granted** as presented and advertised as it met all of the required criteria. The Board found that the relief sought posed a minimal request and would not alter the nature of the street but reflect positively, creating no diminution of this or neighboring properties.

**3. Petition of George and Maria Pappas, owners,** for property located at **170 Melbourne Street** wherein a Variance from Article III, Section 10-302(A) was requested to allow a 7' x 12' one story addition creating 22.4% building coverage where 20% is the maximum allowed. Said property is shown on Assessor Plan 233 as Lot 69 and lies within the Single Residence B district. Case # 1-2

As a result of such consideration, it was voted that the request be **granted** as presented and advertised as it met all the requirements of the five criteria. The Board also found this request to be minimal and a very reasonable use of the property. They found that this alteration would pose no violation of the ordinance or the rights of public or private interests.

**4.** Petition of **Karl and Gale A. Belilah, owners**, for property located at **244 & 254 New Castle Avenue** wherein a Variance from Article III, Section 10-302(A) was requested to allow a lot line relocation with: a) Lot 39 going from 4,827 sf to 3,674 sf where 15,000 sf is the minimum lot area required allowed and Lot 38 becoming more conforming as to lot area, and b) Lot 39 going from 17.6% building coverage to 23.1% building coverage where 20% is the maximum allowed. Said property is shown on Assessor Plan 207 as Lots 38 & 39 and lie within the Single Residence B and Historic A districts. Case # 1-4

As a result of such consideration, it was voted that your request be **granted** as presented and advertised as it met all the requirements of the five criteria. The Board felt that granting the variance would allow for a more reasonable use of both lots 38 and 39 as well as creating lots that were more useable. The Board also felt that granting this variance would not be contrary to public interest.

**5.** Petition of **Changing Places LLC, owner**, for property located off **Chase Drive** wherein a Variance from Article III, Section 10-302(A) was requested to allow an irregular shaped 2,360 sf footprint, 1 ½ story single family dwelling with a 15' rear yard where 30' is the minimum required. Said property is shown on Assessor Plan 210 as Lot 27 and lies within the Single Residence B district. Case # 1-5

As a result of such consideration, it was voted that the request be **denied** as it did not meet all the requirements of the five criteria. As a relatively new subdivision, the Board felt that many months of negotiations had taken place between owner/developer and Planning and Technical Advisory Committees to create this subdivision. They also felt that in order to stay within the plan that was agreed upon with the city, it may be necessary for the owner/developer to redesign a house to fit within the present bounds. Also noted by the Board was the fact that all the building envelopes in this subdivision had undergone changes during the negotiations and that the above-referenced property was not unique in relationship to the other properties.

**6.** Petition of **Michael R. Clark, Owner**, for property known as **Belle Isle off Little Harbor Road** for an amendment to a previously granted request for a Special Exception (for the keeping of up to five horses) to change the size and location of the two story riding arena from 60' x 120' to 70' x 140' and slightly relocate from the previous approval. Said property is shown on Assessor Plan 205 as Lot 2 and lies within the Rural district. Case # 1-6

As a result of such consideration, it was voted that the request be **granted** as presented and advertised. The Board found that the request posed a minimal change to a conforming structure and that there would be no impact on the wetlands or harm done to neighboring properties. The Board also felt that the request was reasonable as it would allow the present riding arena to conform to the required dimensions for competition training.

**7.** Petition of **150 Greenleaf Avenue Realty Trust, owner**, for property located at **150 Greenleaf Avenue** wherein a Variance from Article IX, Section 10-908 Table 14 is requested to allow: a) 185 sf of freestanding signage where 150 sf is the maximum allowed, and b) 241 sf of aggregate signage where 200 sf of aggregate signage is the maximum allowed. Said property is shown on Assessor Plan 243 as Lot 67 and lies within the General Business district. Case # 1-7

As a result of such consideration, the **motion to grant failed by a 3 to 4 vote**, therefore the petition was **denied**. The Board felt that either a temporary sign or use of the existing sign could satisfy the needs of the business. They felt that the petition was premature and they did not want to grant a variance based upon incomplete information as to what the signage may look like for the entire site. The Board also considered the comments offered by the neighbors.

#### **IV. NEW BUSINESS**

Election of the officers was held. The motion was made and seconded to nominate Charles LeBlanc as Chair and James Horrigan as Vice-chair of Board of Adjustment. The motion passed with a 6-1 vote by the Board, with Steve Berg voting in the negative.

#### **V. ADJOURNMENT**

The motion was made and seconded to adjourn the meeting at 9:50 p.m.

Respectfully submitted,

Judith A. Claveau,  
Secretary