

**REGULAR MEETING
BOARD OF ADJUSTMENT
PORTSMOUTH, NEW HAMPSHIRE**

7:00 P.M.

CITY COUNCIL CHAMBERS

MAY 18, 2004

AMENDED AGENDA

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**NOTICE IS HEREBY GIVEN** that the Board of Adjustment will hold Public Hearings on **Old Business** and **Petitions #1 through #9** on **Tuesday, May 18, 2004**. **Petitions #10 through #14** will be heard on **Tuesday, May 25, 2004**, following **Old Business**. Both meetings will begin at 7:00 P.M. in the City Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, New Hampshire.  
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THE FOLLOWING PETITIONS WILL BE HEARD ON TUESDAY, MAY 18, 2004

I. OLD BUSINESS

A) Petition of **Lafayette Plaza LLC, owner**, for property located at **2454 Lafayette Road** wherein a Special Exception as allowed in Article II, Section 10-208(36) is requested to allow a bay car wash (with recycling water) in a 60' x 40' in a district where such use is allowed by Special Exception. Said property is shown on Assessor Plan 273 as Lot 3 and lies within the General Business district. Case # 4-12 (**Tabled at April 27, 2004 Reconvened Board of Adjustment Meeting and has been re-advertised. See below.**)

B) Petition of **Barry and Carol L. Shore, owners**, for property located at **91 South Street** wherein the following are requested: 1) a Variance from Article IV, Section 10-402(B) and Section 10-401(A)(2)(c) to allow a 3' 10" x 15' - 1 ½ story addition to the left side of the existing garage with an 8.1' left side yard and an 11' rear yard where 12.3' is the minimum required for both, and 2) a Variance from Article III, Section 10-302(A) and Article IV, Section 10-401(A)(2)(c) to allow a 13'3" x 18'5" - 1 ½ story addition to the rear of the existing dwelling with a 6" right side yard where 10' is the minimum required and b) a total of 355.25 sf of new building footprint creating 42.4% building coverage where 30% is the maximum allowed. Said property is shown on Assessor Plan 102 as Lot 46 and lies within the General Residence B and Historic A districts. Case # 4-7

C) Petition of **Thomas M. Hammer and Dierdre Veo Costabile, owners**, for property located at **102 Mill Pond Way** wherein a Variance from Article III, Section 10-302(A) is requested to allow the construction of a two family dwelling unit where the minimum required is 15,000 sf of lot area for two dwelling units. Said property is shown on Assessor Plan 141 as Lot 2 in the General Residence A district. Case # 3-4 (**This request has been withdrawn by the applicant.**)

D) **Request for Rehearing** for the Petition of **The Childrens Museum of Portsmouth, owner**, for property located at **295 Woodbury Ave** and **abutting lot on Woodbury Avenue** and **The Hyder Irrevocable Trust of 1993, owner**, for property located at **677 and 659 Dennett Street**.

Said property is shown on Assessor Plan 161 as Lots 31 & 32 and Assessor Plan 175 as Lots 6 & 6A and lies within the General Residence A district. Case # 2-10

II. PUBLIC HEARINGS

- 1) Petition of **Lafayette Plaza LLC, owner**, for property located at **2454 Lafayette Road** wherein a Special Exception as allowed in Article II, Section 10-208(36) is requested to allow a 3 bay car wash (recycled water) **WITHDRAWN** such use is allowed by Special Exception. Said property is shown on Assessor Plan 161 as Lots 31 & 32 and lies within the General Business district. Case # 4-12
- 2) Petition of **Vincent M. Yosua, owner**, for property located at **30 Spinney Road** wherein a Variance from Article IV, Section 10-402(B) is requested to allow an 8' x 10' deck adjacent to an above ground pool with a 3'± left side yard where 10' is the minimum required. Said property is shown on Assessor Plan 171 as Lot 2 and lies within the Single Residence B district. Case # 5-1
- 3) Petition of **William F. Cowgill, Margaret S. Cowgill & Thomas M. Cowgill, owners**, for property located at **88-90 Wibird Street** wherein Variances from Article III, Section 10-302(A) and Article IV, Section 10-401(A)(2)(c) are requested to allow a 10' x 16' deck with: a) a 7'± right side yard where 10' is the minimum required, and b) 29.4% building coverage where 25% is the maximum allowed. Said property is shown on Assessor Plan 148 as Lot 58 and lies within the General Residence A district. Case # 5-2
- 4) Petition of **Clear Channel Broadcasting Inc., owner**, for property located at **815 Lafayette Road** wherein a Special Exception as allowed in Article II, Section 10-10-208(51) is requested to replace 5 existing panel antennae with 12 panel antennae at the height of 165' on the existing 490' antenna. Said property is shown on Assessor Plan 245 as Lot 3 and lies within the General Business district. Case # 5-3
- 5) Petition of **Joseph R. Gobbi Jr., owner**, for property located at **27 Elm Court** wherein Variances from Article III, Section 10-304(A) and Article IV, 10-401(A)(2)(c) are requested to allow a 12' x 18' two story addition with: a) a 3'± rear yard where 15' is the minimum required, and b) a 13' right side yard where 15' is the minimum required and 2) a Variance from Article IV, Section 10-401(A)(1)(b)&(c) to allow the expansion of a single family dwelling in a district where such use is not allowed. Said property is shown on Assessor Plan 164 as Lot 9 and lies within the Business district. Case # 5-4
- 6) Petition of **Robert J. Chaffee and Barbara A. Trimble, owners**, for property located at **32 Miller Avenue** wherein a Special Exception as allowed in Article II, Section 10-207(8) is requested to allow the expansion of an existing **WITHDRAWN** a proposed attached garage. Said property is shown on Assessor Plan 111 as Lot 2 and lies within the Mixed Residential Office district. Case # 5-5 (**This Petition request is no longer required as the owner has eliminated the expansion of the Bed & Breakfast use in the second floor of the garage.**)
- 7) Petition of **Craig A. Hood and Amy N. Brnger, owners**, for property located at **139 Clinton Street** wherein Variances from Article III, Section 10-302(A) and Article IV, Section 10-401(A)(2)(c) are requested to allow a 16' x 21' one story addition with a 4' right side yard where

10' is the minimum required. Said property is shown on Assessor Plan 162 as Lot 42 and lies within the General Residence A district. Case # 5-6

8) Petition of **Sharan R. Gross Revocable Trust, owner**, for property located at **201 Cate Street** wherein a Variance from Article IX, Section 10-908 is requested to allow a 40 sf attached sign for a hair salon in a district where commercial signs are not allowed. Said property is shown on Assessor Plan 163 as Lot 32 and lies within the General Residence A district. Case # 5-7

9) Petition of **Stacey L. Bussing, owner**, and **Lee Gove, option holder**, for property located at **51 Morning Street** wherein Variances from Article III, Section 10-302(A) and Article IV, Section 10-401(A)(2)(c) are requested to allow an irregular shaped 276 sf two story building after demolition of the existing 276 sf addition with 38.2% building coverage where 25% is the maximum allowed. Said property is shown on Assessor Plan 163 as Lot 16 and lies within the General Residence A district. Case # 5-8

<p style="text-align: center;">THE FOLLOWING PETITIONS WILL BE HEARD ON TUESDAY, MAY 25, 2004</p>
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I. OLD BUSINESS

A) Petition to **Public Service Company of New Hampshire, owner**, for property located at **400 Gosling Road** wherein the following are requested: 1) Variances from Article III, Section 10-305(B)(2) to allow a replacement boiler, air emission control device, conveyor and other appurtenances, (including coal crusher house, limestone silo, bed ash storage silo and wood ash silo) with heights between 85' and 125' but which will not exceed 125' where 45' is the maximum allowed height, 2) Variances from Article III, Section 10-305(B)(2) to allow a stack with heights between 250' and 275' but which will not exceed 275' where 45' is the maximum allowed height, 3) Variances from Article III, Section 10-305(A) to allow: a) wood storage building; b) process building; and c) conveyor on storage building extending from Lot 1 over the railroad parcel to Lot 2A, all of which have heights between 75' and 85' but which will not exceed 85' where 70' is the maximum allowed height, 4) Variances from Article III, Section 10-305(A) to allow a replacement boiler with auxiliary equipment, duct work, stack, conveyor fireside wash recycle basin, and other appurtenant structures located within 50' of the required side yard where 50' is the minimum required setback distance; and, 5) Variances from Article III, Section 10-305(A) to allow minor roof appurtenances on any of the following: the replacement boiler, air emission control device, conveyor, stack, wood storage building, process building, and other appurtenances (including coal crusher house, limestone silo, bed ash storage silo and wood ash silo) which will not exceed 25' where 10' is the maximum allowed height. All construction being in a district in which the height limitation is 45' for all portions of buildings within 200' of the high watermark along the shores of the Piscataqua River and where the height limitation is 70' for those portions of buildings beyond 200' of the high watermark and in which the minimum required side yards are 50'. Said property is shown on Assessor Plan 214 as Lots 1 and 2 and lies within the Waterfront Industrial District. Case # 12-4

I. PUBLIC HEARINGS

10) Petition of **Orville N. Guptill Revocable Trust, owners**, for property located at **27 Thaxter Road** wherein Variances from Article III, Sections 10-301(A)(4) and 10-302(A) are requested to

allow the separation of two lots in common ownership with lot 52 having 10,475 sf and lot 39 having 12,580 sf in a district where the minimum lot area is 15,000 sf. Said property is shown on Assessor Plan 166 as Lots 52 & 39 and lie within the Single Residence B district. Case # 5-8A

11) Petition of **Christopher Grant, owner**, for property located at **41 South Mill Street** wherein Variances from Article III, Section 10-302(A) and Article IV, Section 10-401(A)(2)(c) are requested to allow a 5' x 11' deck with: a) a 15' rear yard where 25' is the minimum required, b) a 5' left side yard where 10' is the minimum required; and, c) 49.1% building coverage where 30% is the maximum allowed. Said property is shown on Assessor Plan 102 as Lot 18 and lies within the General Residence B and Historic A districts. Case # 5-9

12) Petition of **Leslie Bouvier, owner**, and **V. Stephen Piro, applicant**, for property located at **368 Greenside Avenue** wherein the following are requested: 1) a Special Exception as allowed in Article II, Section 10-206(12) to allow a 256 sq ft psychotherapy office for the applicant, and 2) a Variance from Article III, Section 10-302(A) to allow the required parking space to be provided in the existing driveway. Said property is shown on Assessor Plan 261 as Lot 4-1 and lies within the Single Residence B district. Case # 5-10 **(This request has been withdrawn by the applicant.)**

13) Petition of **Henry S. Dutkowski, owner**, for property located at **806 US Route One Bypass** wherein a Variance from Article XII, Section 10-1204 Table 15 is requested to allow 37 parking spaces to be provided where 58 parking spaces are required. Said property is shown on Assessor Plan 161 as Lot 43 and lies within the Business district. Case # 5-11

14) Petition of **Smith, Smith & Ward LLC, owners**, for property located at **1338 Woodbury Avenue** wherein a Variance from Article IV, Section 10-401(A) is requested to allow a replacement of an unsafe trailer with a newer 8' x 35' trailer in an pre-existing non-conforming trailer park. Said property is shown on Assessor Plan 237 as Lot 70 and lies within the Mixed Residential Business district. Case # 5-12

II. ADJOURNMENT