

**PLANNING DEPARTMENT - BOARD OF ADJUSTMENT**

**ACTION SHEET**

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

**FROM:** Mary Koepenick, Planning Department

**RE:** Actions Taken by the Portsmouth **Board of Adjustment regular meeting on February 20, 2007** in the Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, New Hampshire

**PRESENT:** Chairman Charles LeBlanc, Vice Chairman David Witham, Carol Eaton, Alain Jousse, Duncan MacCallum, Arthur Parrott, Henry Sanders, Alternate: Charles LeMay

**EXCUSED:** None

=====

**I. OLD BUSINESS**

A) Approval of Minutes – January 16, 2007.

After a clerical correction, a motion was made, seconded and passed by unanimous voice vote to accept the Minutes as corrected.

-----

B) Petition of **Wayne D. Moore, Murry Hill Properties Inc, owner**, for property located at **304 Maplewood Avenue** wherein Variances from Article II, Section 10-207 and Article IV, Section 10-401(A)(1)(b) were requested to allow the 2<sup>nd</sup> floor(1,150 sf) to be used for storage as accessory to the first floor medical supply business. Said property is shown on Assessor Plan 140 as Lot 7 and lies within the Mixed Residential Office district. *This item was tabled at the January 16, 2007 meeting.*

After consideration, the Board voted to grant the petition as presented and advertised for the following reasons:

- This is an appropriate accessory use in previously empty space.
- With restriction of storage to medical supplies as an accessory use to the first floor medical supply business, the public's interest will be protected.
- Having to maintain an empty second floor would interfere with the landowner's reasonable use of the property.

=====

**II. PUBLIC HEARINGS**

1) Appeal from a Decision of the Historic District Commission’s Decision of December 6, 2006 denying a Certificate of Appropriateness concerning the Petition of **7 Islington Street, LLC**, owner, for property located at **7 Islington Street** wherein permission was requested to allow demolition of an existing structure (southern wing of building, garage building, house structure, and commercial building), new construction of an existing structure (new 3-4 story mixed use building), and exterior renovations to an existing structure (renovate exterior, replace windows, add exterior stair and canopy) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 126 as Lot 51, Plan 126 as Lot 49, and Plan 126 as Lot 52 and lies within the Mixed Residential Office, Central Business B, Historic A, and Downtown Overlay Districts.

After consideration, the Board voted to remand the petition back to the Historic District Commission with the following conditions:

- That the four criteria in Article X, Section 10-1004(B) (1) through (4) of the Zoning Ordinance be addressed in making their decision.
- That the Historic District Commission document the Findings of Fact.
- That the decision letter be signed by the Chair of the Commission.
- That a minimum of one work session will be arranged by mutual agreement between the applicant and the Historic District Commission and that the work session will be followed by a Public Hearing at which the vote to grant or deny the petition will be taken.

It was requested that Attorney McEachern contact the Planning Department to arrange the designated work session.

-----

2) Petition of **Portsmouth Farms LLC, owner, and Starbucks Coffee Co, applicant**, for property located at **1855 Woodbury Avenue** wherein a Variance from Article IX, Section 10-908 is requested to allow the following: a) a 17.36 sf freestanding sign 15’ from the front property line where 20’ from the front property line is the minimum required setback, b) 49.02 sf sf free-standing signage where 37.5 sf is the maximum allowed, and c) 77.95 sf of aggregate signage where 37.5 sf is the maximum allowed. Said property is shown on Assessor Plan 215 as Lot 11 and lies within the General Business district.

After consideration, the Board voted to grant the petition as presented and advertised. In their vote, the Board noted that the petition administratively withdrawn in January was readvertised as part of this petition. The petition was granted for the following reasons:

- With the size and nature of the lot, the building frontage allows only limited signage for a commercial entity.
- The actual size of the signs is modest for a highly commercial area.

- The menu board, which substantially increases the aggregate signage, is in the back and out of sight of the passing public.

=====

**IV. ADJOURNMENT.**

The motion was made, seconded and passed to adjourn the meeting at 11:05 p.m.

Respectfully submitted,

Mary E. Koepenick, Secretary