

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

**7:00 P.M.**

**February 15, 2022**

**ACTION SHEET**

**MEMBERS PRESENT:** Chairman Arthur Parrott, Chairman, Jim Lee, Vice Chair, David MacDonald, Beth Margeson, Thomas Rossi, Paul Mannle, Phyllis Eldridge, Alternate

**MEMBERS EXCUSED:**

**ALSO PRESENT:** Peter Stith, Planning Department

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**I. ELECTION OF VICE CHAIR**

*The Board voted to elect **Jim Lee** as Vice Chair.*

**II. APPROVAL OF MINUTES**

A) Approval of the minutes of the meeting of January 18, 2022.

*The minutes for January 18, 2022 were **approved**.*

**III. OLD BUSINESS**

A. **Matthew Beal** and **Heidi Medlyn - 242 Leslie Drive** request a 1-Year Extension to the Variance from Dimensional Standards granted on February 24, 2020. (LU-20-14)

*The Board Voted to **grant** the 1-year extension.*

B. Rehearing of the **Appeal of Duncan MacCallum, (Attorney for the Appellants)**, of the July 15, 2021 decision of the Planning Board for property located at **53 Green Street** which granted the following: a) a wetlands conditional use permit under Section 10.1017 of the Zoning Ordinance; b) preliminary and final subdivision approval; and c) site plan

review approval. Said property is shown on Assessor Map 119 Lot 2 and lies within the Character District 5 (CD5) and Character District 4 (CD4). (LU-21-162)

*The Board voted to acknowledge that all parties have agreed to **stay the hearing** until a decision is made in Superior Court.*

- C. Request of **Evan C. Maloney and Jill Maloney (Owners), and Duncan McCallum (Applicant)**, for the property located at **389 Lincoln Avenue** requesting an equitable waiver or variance for approval of a previously constructed tree house which requires the following: 1) A Variance or Equitable Waiver from Section 10.573.20 to allow a) a 0 foot rear yard where 8 feet is required; and b) a 5' left side yard where 8 feet is required. Said property is shown on Assessor Map 135 Lot 17 and lies within the General Residence A (GRA) District. (LU-21-213)

*The Board voted to **deny** the variance request.*

#### IV. NEW BUSINESS

- A) The request of **Cyrus Beer and Erika Caron (Owners)**, for the property located at **64 Mount Vernon Street** whereas relief is needed to add a condenser unit which requires the following: 1) A Variance from Section 10.515.14 to allow a 4 foot setback where 10 feet is required. Said property is shown on Assessor Map 111 Lot 30 and lies within the General Residence B (GR-B) and Historic Districts. (LU-21-210)

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

- B) The request of **Treadwell House INC (Owner)**, for the property located at **70 Court Street** whereas relief is needed to convert the building into an 8 room inn with caretaker residence which requires the following: 1) A Variance from Section 10.440 Use #10.30 to allow an Inn where the use is not permitted. 2) A Variance from Section 10.114.21 to allow a 13' maneuvering aisle where 24' is required. Said property is shown on Assessor Map 116 Lot 49 and lies within the Character District 5 (CD5) and Character District 4-L1 (CD4-L1). (LU-22-10)

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

- C) The request of **Mastoran Restaurants Inc. (Owner)**, for the property located at **2255 Lafayette Road** whereas relief is needed to demolish the existing Burger King and construct a 5,555 square foot convenience store with drive-thru and fueling island which requires the following: 1) A Variance from Section 10.5B33.20 to allow 0% front lot line buildout where 75% is required. 2) A Variance from Section 10.5B22.40 to allow a building to be constructed outside of the 70 - 90 foot setback from the centerline of Lafayette Road. 3) A Variance from Section 10.1113.20 to allow parking to be located

between a principal building and a street. 4) A Variance from Section 10.1114.31 to allow more than one driveway. 5) A Variance from Section 10.835.32 to allow a bypass lane for a drive thru to be set back 24 feet from a lot line where 30 feet is required. 6) A Variance from Section 10.1251.20 to allow a 160 square foot freestanding sign where 100 square feet is the maximum allowed. Said property is shown on Assessor Map 272 Lot 3 and lies within the Gateway Corridor (G-1) district. (LU-22-13)

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

## **V. OTHER BUSINESS**

*There was no other business.*

## **VI. ADJOURNMENT**

*The meeting was adjourned at 10:23 p.m.*