

**BOARD OF ADJUSTMENT MEETING  
EILEEN DONDERO FOLEY COUNCIL CHAMBERS  
MUNICIPAL COMPLEX, 1 JUNKINS AVENUE  
PORTSMOUTH, NEW HAMPSHIRE**

**7:00 P.M.**

**October 17, 2023**

**ACTION SHEET**

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

**MEMBERS EXCUSED:** ML Geffert, Alternate

**ALSO PRESENT:** Stefanie Casella, Planning Department

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**I. APPROVAL OF MINUTES**

**A.** Approval of the September 19, 2023 minutes.

*The September 19, 2023 minutes were approved as amended.*

**B.** Approval of the September 26, 2023 minutes.

*The September 26, 2023 minutes were approved as presented.*

*The Board voted to **take Item III. C out of order.***

**II. OLD BUSINESS**

**A.** The request of **Kathryn Waldwick and Bryn Waldwick (Owners)**, for property located at **30 Parker Street** whereas relief is needed to demolish and remove the existing shed and covered porch and construct a new attached shed with a covered porch which requires the following: 1) Variance from section 10.521 to permit a) 45% building coverage where 35% is allowed, b) two (2) foot right side yard where 10 feet is required, and c) two (2) foot rear yard where 20 feet is required; and 2) Variance from Section 10.321 to allow a nonconforming structure or building to be extended, reconstructed or enlarged without conforming to the requirements of the Ordinance. Said property is located on Assessor Map 126 Lot 27 and lies within the General Residence C (GRC) District. (LU-23-117)

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

### III. NEW BUSINESS – PUBLIC HEARING

- A.** The request of **2422 Lafayette Road Assoc LLC c/o Waterstone Retail (Owner)**, for property located at **2454 Lafayette Road** whereas relief is needed conduct a motor vehicle sales storefront which requires the following: 1) A Special Exception from Section 10.440 Use # 11.10 to allow motor vehicle sales which is permitted by Special Exception. Said property is located on Assessor Map 273 Lot 3 and lies within the Gateway Corridor (G1) District. (LU-23-160)

*The Board voted to **approve** the request with the following **conditions**:*

- 1. The showroom shall be no greater than 3,500 square feet.*
- 2. The site plan amendment shall be routed through both TAC and the Planning Board.*
- 3. There shall be only EV vehicles.*

- B.** The request of **EIGHTKPH LLC (Owner)**, for property located at **70 Maplewood Avenue** whereas relief is needed to install a free-standing sign which requires the following: 1) Variance from Section 10.1251.20 to allow 48 square feet of sign area where 20 square feet is allowed; and 2) Variance from Section 10.1253.10 to allow a freestanding sign to be setback two and a half (2.5) feet from the lot line where five (5) feet is required. Said property is located on Assessor Map 125 Lot 17-3 and lies within the Character District 5 (CD5), Downtown Overlay District, North End Incentive Overlay District, and Historic District (LU-23-141)

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

- C.** The request of **Frances E. Mouflouze Revoc Trust of 2015 (Owner)**, for property located at **550 Sagamore Avenue** whereas relief is needed to demolish the existing structure and construct two duplexes (creating a total of 4 living units) which requires the following: 1) Variance from Section 10.513 to allow more than one free-standing dwelling unit on a lot; and 2) Variance from Section 10.440 Use #1.30 to allow the construction of duplexes where they are not permitted. Said property is located on Assessor Map 222 Lot 11 and lies within the Single Residence B (SRB) District. (LU-23-164)

*The Board voted to **deny** the request because it did not meet the spirit of the ordinance or hardship criteria as the lot is oversized and is presently conforming.*

- D.** The request of **Ports Submarine Memorial Association (Owner)**, for property located at **569 Submarine Way** whereas relief is needed to construct an addition to the existing building to substantially increase the use which requires the following: 1) Variance from Section 10.440 Use #3.40 to allow a museum where the use is not permitted. Said property is located on Assessor Map 209 Lot 87 and lies within the Single Residence B (SRB) District. (LU-23-165)

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

- E. The request of **Cate Street Development LLC (Owner)** and **Buffalo Wild Wings (Applicant)**, for property located at **360 US Route 1 Byp** whereas relief is needed to install a sign on the northern facing façade which requires the following: 1) Variance from Section 10.1271 to allow a sign on the side of a building where there is no public entrance or street frontage. Said property is located on Assessor Map 172 Lot 1 and lies within the Gateway Corridor (G1) District. (LU-23-162)

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

*The Board voted to **suspend** the 10:00 meeting end rule and stay past 10:00pm.*

- F. The request of **Creeley Family Trust, Sean and Andrea Creeley Trustees (Owners)**, for property located at **337 Richards Avenue** whereas relief is needed to construct an addition to the existing structure which requires the following: 1) Variance from Section 10.521 to allow a 12.5 rear yard where 20 feet are required. Said property is located on Assessor Map 130 Lot 2 and lies within the General Residence A (GRA) District. (LU-23-163)

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

- G. The request of **Bobby and Angela Braswell (Owners)**, for property located at **82 Wibird Street** whereas relief is needed to demolish the existing accessory structure and construct a new detached garage which requires the following: 1) Variance from Section 10.521 to allow: a) a zero (0) foot rear yard where 20 feet is required; and b) a six (6) foot right yard where 10 feet are required. Said property is located on Assessor Map 148 Lot 59 and lies within the General Residence A (GRA) District. (LU-23-128)

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

#### **IV. OTHER BUSINESS**

There was no other business.

#### **V. ADJOURNMENT**

*The meeting adjourned at 10:38 p.m.*