

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

**7:00 P.M.**

**May 16, 2023**

**ACTION SHEET**

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

**MEMBERS EXCUSED:**

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

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**AGENDA**

**PLEASE NOTE: DUE TO THE LARGE VOLUME OF AGENDA ITEMS SCHEDULED FOR May 16, 2023, THE BOARD WILL BE VOTING TO POSTPONE CONSIDERATION OF NEW BUSINESS ITEMS (III.) C. THROUGH J. TO THE MAY 23, 2023 BOARD OF ADJUSTMENT MEETING.**

*The Board voted to take petitions out of order to vote on postponements.  
Motion: T. Rossi; ML Geffert*

**I. APPROVAL OF MINUTES**

**A.** Approval of the April 18, 2023 minutes.

*The April 18, 2023 minutes were approved as amended.*

**B.** Approval of the May 2, 2023 minutes.

*The May 2, 2023 minutes were approved as presented..*

## II. OLD BUSINESS

- A. The request of **635 Sagamore Development LLC (Owner)**, for property located at **635 Sagamore Avenue** whereas relief is needed to remove existing structures and construct 4 single family dwellings which requires the following: 1) A Variance from Section 10.513 to allow four free-standing dwellings where one is permitted. 2) A Variance from Section 10.521 to allow a lot area per dwelling unit of 21,198 square feet per dwelling where 43,560 square feet is required. Said property is located on Assessor Map 222 Lot 19 and lies within the Single Residence A (SRA) District. (LU-22-209)

*Mr. Rheume & Mr. Rossi recused themselves from the petition.*

*The Board voted to allow extra time for Attorney Phoenix's presentation.*

*Motion: P. Mannle; B. Margeson*

*The Board voted to **deny** the request because the proposed plan did not meet the hardship criteria.*

*Motion failed.*

*Motion: ML Geffert; J Record*

*The Board voted to **approve** the variances for the project as presented with the following **condition**:*

- 1) The design and location of the dwellings may change as a result of Planning Board review and approval.*

*Motion: P. Mannle; J. Mattson*

- B. The request of **Jared J Saulnier (Owner)**, for property located at **4 Sylvester Street** whereas relief is needed to subdivide one lot into two lots which requires the following: Proposed Lot 1: 1) Variances from Section 10.521 to allow a) a lot area and lot area per dwelling of 9,645 square feet where 15,000 is required for each; b) 80 feet of lot depth where 100 feet is required; and c) a 9 foot right side yard where 10 feet is required. Proposed Lot 2: 1) Variances from Section 10.521 to allow a) a lot area and lot area per dwelling unit of 6,421 square feet where 15,000 is required for each; b) 40 feet of street frontage where 100 feet is required; and c) 80 feet of lot depth where 100 feet is required. Said property is located on Assessor Map 232 Lot 36 and lies within the Single Residence B (SRB) District. (LU-23-27)

*The Board voted to **deny** the application as presented because the request does not observe the spirit of the ordinance by creating 2 undersized lots with inadequate street access.*

*Motion: P. Mannle; T. Rossi*

- C. The request of **Cynthia Austin Smith and Peter (Owners)**, for property located at **9 Kent Street** whereas relief is needed to demolish the existing two-family and construct a single-family dwelling which requires the following: 1) Variances from Section 10.521 to allow a) a lot area and lot area per dwelling of 5,000 square feet where 7,500 square feet is required for each; b) 53% building coverage where 25% is the maximum allowed; c) a

4.5 foot rear yard where 20' is required; d) a 0.5 foot side yard where 10 feet is required; e) a 0 foot front yard where 11 feet is allowed under Section 10.516.10; and f) a 9.5 foot secondary front yard where 13 feet is allowed under Section 10.516.10. 2) A Variance from Section 10.515.14 to allow a 1.5 foot setback for a mechanical unit where 10 feet is required. Said property is located on Assessor Map 113 Lot 42 and lies within the General Residence A (GRA) District. (LU-23-28)

*The Board voted to **extend** the meeting beyond 10:00.*

*Motion: P. Mannle; J. Record*

*The Board voted to **deny** the request because the expansion of the non-conformities and proposed changes to the existing property do not meet the spirit of the ordinance, substantial justice is not done, and there is no hardship.*

*Motion: D. Rheaume; P. Mannle*

### **III. NEW BUSINESS**

- A.** The request of **Angela Davis and Katherine Nolte (Owners)**, for property located at **276 Aldrich Road** whereas relief is needed to construct a 5 foot by 4 foot landing which requires the following: 1) Variance from Section 10.521 to allow a) 3 foot secondary front yard where 30 feet is required; and b) 35% building coverage where 20% is allowed. 2) Variance from Section 10.321 to allow a nonconforming building or structure to be extended, reconstructed, or enlarged without conforming to the requirements of the Ordinance. Said property is located on Assessor Map 116 Lot 14 and lies within the Single Residence B (SRB) District. (LU-23-29)

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

*Motion: T. Rossi; J. Mattson*

- B.** Petition of **Salem Manufactured Homes, LLC**, for Appeal of an Administrative Decision to require a variance for the expansion of a non-conforming structure in accordance with Section 10.321 if the Zoning Ordinance for property located at **210 Oriental Gardens**. Said property is located on Assessor Map 215 Lot 9-21 and lies within the Gateway Corridor (G1) District. (LU-23-43)

*The Board voted to **grant** the request for the appeal.*

*Motion: T. Rossi; J. Record*

### **THE BOARD WILL BE VOTING TO POSTPONE CONSIDERATION OF THE FOLLOWING ITEMS TO THE MAY 23, 2023 BOARD OF ADJUSTMENT MEETING.**

- C.** The request of **Peter Gamble (Owner)**, for property located at **170 Aldrich Road** whereas relief is needed to demolish the existing garage and construct a new garage which requires the following: 1) Variance from Section 10.521 to allow a) 7 foot right

side yard where 10 feet is required; and b) 23% building coverage where 20% is allowed. Said property is located on Assessor Map 153 Lot 21 and lies within the Single Residence B (SRB) District. (LU-23-47)

*The Board voted to **postpone** the petition to the May 23 meeting.*

*Motion: B. Margeson; P. Mannle*

- D.** The request of **Shawn Bardong and Michiyo Bardong (Owner)**, for property located at **39 Dearborn Street** whereas relief is needed to demolish the existing shed and construct a two-story addition which requires the following: 1) Variance from Section 10.521 to allow a) 5 foot front yard where 15 feet is required; and b) 2 foot right side yard where 10 feet is required. 2) Variance from Section 10.321 to allow a nonconforming building or structure to be extended, reconstructed, or enlarged without conforming to the requirements of the Ordinance. Said property is located on Assessor Map 140 Lot 3 and lies within the General Residence A (GRA) and Historic District. (LU-23-5)

*The Board voted to **postpone** the petition to the May 23 meeting.*

*Motion: P. Mannle; ML Geffert*

- E.** The request of **Thomas Rooney (Owner)**, for property located at **29 Spring Street** whereas relief is needed to install two mechanical units in the rear of the primary structure which require the following 1) Variance from Section 10.515.14 to allow a) 7-foot side yard where 10 feet is required; and b) 4 foot rear yard where 10 is required. Said property is located on Assessor Map 130 Lot 21 and lies within the General Residence A (GRA) District. (LU-23-55)

*\*Please note the original notice had an error. The mechanical units are proposed to be located in the rear of the primary structure not the garage as previously advertised. \**

*The Board voted to **postpone** the petition to the May 23 meeting.*

*Motion: P. Mannle; B Margeson*

- F.** The request of **Scott Day and Marta Day (Owners)**, for property located at **18 Walden Street** whereas relief is needed to install a mechanical unit which requires a variance from Section 10.515.14 to allow a) 4 foot side yard where 10 feet is required; and b) 2 foot front yard where 10 feet is required. Said property is located on Assessor Map 101 Lot 20 and lies within the General Residence B (GRB) and Historic District. (LU-23-52)

*The Board voted to **postpone** the petition to the May 23 meeting.*

*Motion: P. Mannle; J. Mattson*

- G.** The request of **The Islamic Society of the Seacoast Area ISSA (Owner)**, and **Chinburg Development, LLC (Applicant)**, for property located at **686 Maplewood Avenue** whereas relief is needed to construct four (4) duplexes and one (1) single living unit to

create a total of nine (9) living units which requires the following: 1) Variance from Section 10.440, Use # 1.30 to permit four (4) two-family unit structures where they are not permitted, 2) Variance from Section 10.513 to permit five (5) free standing buildings with dwellings where not more than one is permitted, 3) Variance from Section 10.520 to allow a) 6,975 square feet of lot area per dwelling unit where 15,000 square feet is required; and b) 47 feet of frontage where 100 feet is required. Said property is located on Assessor Map 220 Lot 90 and lies within the Single Residence B (SRB) District and the Highway Noise Overlay District. (LU-23-57)

*Mr. Mattson recused himself from the vote.*

*The Board voted to **postpone** the petition to the May 23 meeting.*

*Motion: P. Mannle; B. Margeson*

- H.** The request of **Carl Krukoff (Owner)**, for property located at **3360 Lafayette Road** whereas relief is needed to convert a two bay garage into a third living unit which requires the following: 1) Variance from 10.521 to allow 8,002.5 square feet per dwelling unit where 15,000 square feet is required, 2) Variance from 10.331 to allow a non-conforming use to be extended or enlarged without conforming to the requirements of the Zoning Ordinance, 3) Variance from section 10.440 Use #1.51 to allow three (3) dwelling units where one (1) is permitted. Said property is located on Assessor Map 297 Lot 12 and lies within the Single Residence B (SRB) District. (LU-23-59)

*The Board voted to **postpone** the petition to the May 23 meeting.*

*Motion: B. Margeson; P. Mannle*

- I.** The request of **John Heath and Michael Meserve (Owners)**, for property located at **955 Woodbury Avenue** whereas relief is needed to construct a shed which requires a Variance from Section 10.571 to allow an accessory structure to be located closer to a street than the principal building. Said property is located on Assessor Map 219 Lot 33 and lies within the Single Residence B (SRB) District. (LU-23-56)

*The Board voted to **postpone** the petition to the May 23 meeting.*

*Motion: P. Mannle; ML Geffert*

- J.** The request of **Shantar Zuidema and Abby Zuidema (Owners)**, for property located at **126 Burkitt Street** whereas relief is needed to demolish the existing 10 foot by 16 foot deck and replace with a 6 foot by 4 foot enclosed porch which requires the following: 1) Variance from Section 10.521 to allow a 6 foot right side yard where 10 feet is required, and 2) Variance from Section 10.321 to allow a nonconforming building or structure to be extended, reconstructed or enlarged without conforming to the requirements of the Ordinance. Said property is located on Assessor Map 159 Lot 28 and lies within the General Residence A (GRA) District. (LU-23-61)

*The Board voted to **postpone** the petition to the May 23 meeting.*

*Motion: P. Mannle; T. Rossi*

**IV. OTHER BUSINESS**

*There was no other business.*

**V. ADJOURNMENT**

*The meeting was adjourned at 12:08 AM*