

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

7:00 P.M.

November19, 2024

ACTION SHEET

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

MEMBERS EXCUSED: None

ALSO PRESENT: Stefanie Casella, Planning Department

I. APPROVAL OF MINUTES

A. Approval of the October 15, 2024 meeting minutes.

The Board voted to approve the October 15, 2024 meeting minutes as presented.

***Motion:** B. Margeson; **Second:** T. Rossi*

B. Approval of the October 22, 2024 meeting minutes.

The Board voted to approve the October 22, 2024 meeting minutes as presented.

***Motion:** J. Mattson; **Second:** P. Mannle (Rheaume abstained from the vote)*

II. NEW BUSINESS

- A.** The request of **Hogswave LLC (Owner)**, for property located at **913 Sagamore Road** where as relief is needed to demolish the existing home and boathouse and construct a new primary residential unit and boathouse with living unit above which requires the following: 1) Variance from Section 10.531 to allow 0 feet of frontage where 100 feet are required; 2) Variance from Section 10.334 to allow a nonconforming residential use to be extended into another part of the remainder of the lot; 3) Variance from Section 10.331 to allow a lawful nonconforming use to be extended or enlarged; and 4) Variance from Section 10.440 to allow a single family dwelling where it is not permitted. Said property is located on Assessor Map 223 Lot 27 and lies within the Waterfront Business (WB) District. (LU-24-141)

*Vice Chair Margeson moved to **deny** the variances for the petition as presented and advertised, seconded by Mr. Mannle. The motion to deny **failed** by a vote of 3-4, with Mr. Nies, Ms. Record, Mr. Mattson, and Chair Eldridge voting in opposition.*

*The Board voted to **grant** the variances for the petition as presented and advertised, with the following **condition**:*

- 1) The property owner shall continue to operate a waterfront business on the property and no additional residences shall be allowed.*

***Motion:** T. Nies; **Second:** J. Mattson (vote passed 4-3 with Mr. Mannle, Vice Chair Margeson, and Mr. Rheaume voting in opposition)*

- B.** The request of **Northeast Credit Union (Owner)**, for property located at **100 Borthwick Avenue** whereas relief is needed to establish an Ambulatory Surgical Center which requires the following: 1) Special Exception according to Section 10.440 to allow an Ambulatory Surgical Center where one is allowed by Special Exception. Said property is located on Assessor Map 259 Lot 15 and lies within the Office Research (OR) District. (LU-24-193)

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

***Motion:** T. Rossi; **Second:** J. Mattson*

- C.** The request of **PNF Trust of 2013, (Owner)**, for property located at **84 Pleasant Street and 266, 270, 278 State Street** whereas relief is needed to merge the lots and construct a four-story mixed-use building which requires the following: 1) Variance from Section 10.5A41.10.C to allow a) 98% building coverage where 90% is maximum, b) 0% open space where 10% is minimum, and c) 53% shopfront façade glazing on Pleasant Street and 52% on State Street where 70% is the minimum required; 2) Variance from Section 10.5A21.B to allow a) 55 feet of building height where 47 feet is permitted with a penthouse, b) a fourth story addition at 50 feet in height to the Church street elevation where 3 full stories and a short fourth are allowed with 45 feet maximum height permitted; 3) Variance from Section 10.642 to allow 43% ground floor residential area where 20% is maximum. Said property is located on Assessor Map Lot Map 107 Lot 77, Map 107 Lot 78, Map 107 Lot 79, Map 107 Lot 80 and lies within the Character District 4 (CD4), Historic and Downtown Overlay Districts. (LU-24-195)

*The Board voted **grant** the variances as presented and advertised for Variance No. 1 in its entirety, Variance No. 3 in its entirety, and Variance 2(b) only.*

***Motion:** D. Rheaume; **Second:** J. Mattson*

*The Board voted to **deny** the request for variance No. 2(a) because it fails the hardship criterion as there are no special conditions of the property that drive the need for a penthouse.*

Motion: T. Rossi; **Second:** P. Mannle (vote passed 6-1 with Vice Chair Margeson voting in opposition)

The Board voted 1) to suspend the rules so that Petition F could be postponed.

Motion: T. Rossi; **Second:** T Nies

*The Board voted to **postpone** Petition F, 361 Hanover Street, to the December 17 meeting.*

Motion: T. Rossi; **Second:** T. Nies

(D. Rheaume recused himself from both votes.)

- D.** The request of **James and Mallory B Parkington (Owners)**, for property located at **592 Dennett Street** whereas relief is needed to demolish an existing shed and construct a new 120 square foot shed which requires the following: 1) Variance from Section 10.573.20 to allow a 3 foot side setback where 10 feet is required; and 2) Variance from Section 10.521 to allow 26% building coverage where 25% is allowed. Said property is located on Assessor Map 161 Lot 18 and lies within the General Residence A (GRA) District. (LU-24-194)

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

Motion: T. Rossi; **Second:** T. Nies

- E.** The request of **Stephen A and Kathryn L Singlar, (Owner)**, for property located at **43 Holmes Court** whereas relief is needed to construct a new single-family dwelling which requires the following: 1) Variance from Section 10.628.20 to allow an unfinished basement to be constructed at a flood elevation of 5.75 ft. where 10 feet is required, and 5.75 ft. exists. Said property is located on Assessor Map 101 Lot 14 and lies within the Waterfront Business (WB) and Historic Districts. (LU-22-227)

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

Motion: T. Rossi; **Second:** J. Mattson (vote passed 5-2 with Vice Chair Margeson and Mr. Rheaume voting in opposition)

- F.** The request of **361 Hanover Steam Factory LLC (Owner)**, and **Hampshire Development Corporation LLC (Applicant)**, for property located at **361 Hanover Street** whereas relief is needed to expand and renovate the existing commercial building and convert it to multi-family residential and to construct three new multi-family residential buildings which requires the following: 1) Variance from Section 10.642 to allow residential principal uses on the ground floor of the buildings; 2) Variance from Section 10.5A41 - Figure 10.5A41.10D to a) allow for "Apartment", "Rowhouse" and "Duplex" building types where they are not permitted; b) allow a ground floor height of 10.5 feet where 12 feet is required; and 3) Variance from Article 15 - Definition of Penthouse - to allow a penthouse with a setback of 8 feet from all roof edges where 15-20 feet is required

and to allow no greater than 80% of the gross living area of the level of the floor below where 50% is the maximum. Said property is located on Assessor Map 138 Lot 63 and lies within the Character District 5 (CD5) District and the Downtown Overlay District. (LU-24-196)

*The petition was **postponed** to the **December 17, 2024** meeting.*

III. ADJOURNMENT

The meeting was adjourned at 10:30 PM.