

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

7:00 P.M.

May 20, 2025

ACTION SHEET

MEMBERS PRESENT: Phyllis Eldridge, Chair; David Rheaume; Thomas Rossi; Paul Mannle; Jeffrey Mattson; Thomas Nies

MEMBERS EXCUSED: Beth Margeson, Vice Chair and Jody Record, Alternate

ALSO PRESENT: Jillian Harris, Planning Department

*Mr. Rossi moved to take Item II.G, 1980 Woodbury Avenue, out of order. Mr. Mannle seconded. The motion **passed** unanimously, 6-0.*

*Mr. Rossi moved to **postpone** Item II.G, 1980 Woodbury Avenue, to the June 17 meeting. Mr. Mannle seconded. The motion **passed** unanimously, 6-0.*

I. APPROVAL OF MINUTES

A. Approval of the April 15, 2025 meeting minutes.

*The April 15, 2025 meeting minutes were **approved** as presented.*

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

B. Approval of the April 22, 2025 meeting minutes.

*The April 22, 2025 meeting minutes were **approved** as presented.*

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

II. OLD BUSINESS

The Board decided that they would address as a group Section II, Old Business, Items A-E, the Kane Company (Owners) for removing, replacing, and relocating existing freestanding signs at Kane properties.

- A. The request of **The Kane Company (Owners)**, for property located at **210 Commerce Way** whereas relief is needed to remove, replace and relocate an existing freestanding sign which requires the following: 1) Variance from Section 10.1253.10 for a freestanding sign to be setback 4 feet from the front property line where 20 feet is required. Said property is located on Assessor Map 216 Lot 1-4; and lies within the Office Research (OR) District. (LU-25-35)
- B. The request of **The Kane Company (Owners)**, for property located at **170 and 190 Commerce Way** whereas relief is needed to remove, replace and relocate two existing freestanding signs which requires the following: 1) Variance from Section 10.1253.10 for two freestanding signs to be setback a) 2 feet and b) 10.5 feet from the front property line where 20 feet is required. Said property is located on Assessor Map 216 Lot 1-2 and lies within the Office Research (OR) District. (LU-25-42)
- C. The request of **The Kane Company (Owners)**, for property located at **195 Commerce Way** whereas relief is needed to remove, replace and relocate an existing freestanding sign which requires the following: 1) Variance from Section 10.1253.10 for a freestanding sign to be setback 6 feet from the front property line where 20 feet is required. Said property is located on Assessor Map 216 Lot 1-8 and lies within the Office Research (OR) District. (LU-25-43)
- D. The request of **The Kane Company (Owners)**, for property located at **215 Commerce Way and 75 Portsmouth Boulevard** whereas relief is needed to remove, replace and relocate two existing freestanding signs which requires the following: 1) Variance from Section 10.1253.10 for two freestanding signs to be setback a) 1.5 feet and b) 9.5 feet from the front property line where 20 feet is required. Said property is located on Assessor Map 216 Lot 1-8a and lies within the Office Research (OR) District. (LU-25-44)
- E. The request of **The Kane Company (Owners)**, for property located at **230 Commerce Way** whereas relief is needed to remove, replace and relocate an existing freestanding sign which requires the following: 1) Variance from Section 10.1253.10 for a freestanding sign to be setback 4 feet from the front property line where 20 feet is required. Said property is located on Assessor Map 216 Lot 1-5 and lies within the Office Research (OR) District. (LU-25-45)

*The Board voted to **approve** Items II.A – II.E as presented and advertised, with the following condition:*

- 1) For 215 Commerce Way (II.D), the sign shall be located an additional 5 feet farther back than indicated in the submitted materials for a total setback of 6.5 feet from the property line.*

Motion: *T. Rossi*; **Second:** *D. Rheume*

F. RE-ADVERTISED FOR MAY 27, 2025 The request of **Mezansky Family Revocable Trust (Owners)**, for property located at **636 Lincoln Avenue** whereas relief is needed to demolish an existing detached garage and to construct an addition to the primary structure which requires the following: 1) Variance from Section 10.521 to a) allow a 2 foot left side yard setback where 10 feet is required; b) allow a 16 foot rear yard setback where 20 feet is required; c) allow 39% building coverage where 25% is the maximum allowed; 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 148 Lot 17 and lies within the General Residence A (GRA) District. (LU-25-27) **RE-ADVERTISED FOR MAY 27, 2025**

The petition was re-noticed to the May 27, 2025 meeting.

G. REQUEST TO POSTPONE - The request of **Colbea Enterprises LLC (Owners)**, for property located at **1980 Woodbury Avenue** whereas relief is needed to demolish and redevelop an existing gas station and convenience store which requires the following: 1) Special Exception from Section 10.440, Use #8.122 to allow a convenience goods 2 use with 24 hours per day operation (*approved April 22, 2025*); 2) Variance from Section 10.5B33.20 to allow for a front lot line build out of 0% where a minimum of 75% is required for a commercial building; 3) Variance from Section 10.5B34.60 to allow for a front setback from the lot line of 27 feet on Woodbury Avenue and 46 feet on Gosling Road where a maximum of 20 feet is required; 4) Variance from Section 10.5B83.10 to allow for parking spaces to be located between the principal building and the street; 5) Variance from Section 10.835.32 to allow for drive-through lanes, bypass lanes and stacking lanes to be located within 13 feet of the property line where 30 feet is required; 6) Variance from Section 10.835.31 to allow outdoor service facilities to be located within 38 feet of a lot line where 50 feet is required; 7) Variance from Section 10.843.33 to allow for pump islands to be located within 28 feet of the lot lines where 40 feet is required; 8) Variance from Section 10.1251.10 to allow for an aggregate sign area of 454 s.f. where a maximum of 223.5 s.f. is allowed; 9) Variance from Section 10.1251.20 to allow a 134 s.f. freestanding sign where a maximum of 100 s.f. is allowed; and 10) Variance from Section 10.1253.10 to allow for a freestanding sign at a) a height of 26.5 feet where a maximum of 20 feet is allowed and b) two freestanding signs at a setback of 3 feet where 10 feet is required. Said property is located on Assessor Map 239 Lot 11 and lies within the Gateway Corridor (G1) District. (LU-25-39) – **REQUEST TO POSTPONE**

The Board voted to approve the applicants' request to postpone to the June meeting.

Motion: *T. Rossi*; **Second:** *P. Mannle*

III. NEW BUSINESS

- A. The request of **Deer Street Hospitality LLC (Owners)**, for property located at **165 Deer Street** whereas relief is needed for a marquee sign and a freestanding sign which requires the following: 1) Variance from 10.1251.20 for a 67.5 s.f. marquee sign where 20 s.f. is allowed; 2) Variance from 10.1273.10 to allow a marquee sign to be placed on top and to be 24 inches tall; 3) Variance from 10.1253.10 to allow a freestanding sign to be setback 0 feet where 5 feet is required. Said property is located on Assessor Map 125 Lot 17 and lies within the Character District 5 (CD5), Municipal (M), and Downtown Overlay Districts. (LU-25-60)

*The Board voted to **approve** the request as presented and advertised, with the following **condition**:*

- 1) The letters shall remain as freestanding letters and shall not have a backing.*

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

- B. The request of **3201 Lafayette Road LLC (Owners)** and **Jessica King (Applicant)**, for property located at **3201 Lafayette Road** whereas relief is needed to allow a group daycare facility which requires the following: 1) Special Exception from Section 10.440, Use #7.12 to allow a group daycare facility where it is allowed by Special Exception. Said property is located on Assessor Map 291 Lot 8 and lies within the Gateway Corridor (G1) District. (LU-25-49)

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

Motion: *T. Nies*; **Second:** *P. Mannle*

IV. OTHER BUSINESS

- A. Zoning Board of Adjustment Rules and Regulations

*The Zoning Board of Adjustment Rules and Regulations were **approved** as amended.*

Motion: *T. Rossi*; **Second:** *D. Rheume*

V. ADJOURNMENT

The meeting adjourned at 8:42 p.m.