



CITY OF PORTSMOUTH

Planning & Sustainability
Department
1 Junkins Avenue
Portsmouth, New
Hampshire 03801
(603) 610-7216

ZONING BOARD OF ADJUSTMENT

May 23, 2025

210 Commerce Way LLC
210 Commerce Way Suite 300
Portsmouth, New Hampshire 03801

**RE: Board of Adjustment request for property located at 210 Commerce Way,
Portsmouth, NH (LU-25-35)**

Dear Property Owner:

The Zoning Board of Adjustment, at its regularly scheduled meeting of **May 20, 2025**, considered your application for the 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 shown on Assessor Map 216 Lot 1-4 and lies within the Office Research (OR) District. As a result of said consideration, the Board voted to **approve** the request as presented and advertised.

The Board's decision may be appealed up to thirty (30) days after the vote. Any action taken by the applicant pursuant to the Board's decision during this appeal period shall be at the applicant's risk. Please contact the Planning & Sustainability Department for more details about the appeals process.

Approvals may also be required from other City Commissions or Boards. Once all required approvals have been received, applicant is responsible for applying for and securing a building permit from the Inspection Department prior to starting any project work.

This approval shall expire unless a building permit is issued within a period of two (2) years from the date granted unless an extension is granted in accordance with Section 10.236 of the Zoning Ordinance.

The Findings of Fact associated with this decision are available: attached here or as an attachment in the Viewpoint project record associated with this application and on the Zoning Board of Adjustment Meeting website:

<https://www.cityofportsmouth.com/planportsmouth/zoning-board-adjustment/zoning-board-adjustment-archived-meetings-and-material>

The minutes and audio recording of this meeting are available by contacting the Planning & Sustainability Department.

Very truly yours,

A handwritten signature in cursive script that reads "Phyllis Eldridge".

Phyllis Eldridge, Chair of the Zoning Board of Adjustment

cc: Shanti Wolph, Chief Building Inspector

Rosann Maurice-Lentz, City Assessor

John Bosen, DTC Lawyers

Findings of Fact | Variance

City of Portsmouth Zoning Board of Adjustment

Date: 05-20-2025

Property Address: 210 Commerce Way, 170-190 Commerce Way, 195 Commerce Way, 215 Commerce Way, 75 Portsmouth Blvd., 230 Commerce Way

Application #: LU-25-35, LU-25-42, LU-25-43, LU-25-44, LU-25-45

Decision: **Grant**

Findings of Fact:

Effective August 23, 2022, amended RSA 676:3, It now reads as follows: The local land use board shall issue a final written decision which either approves or disapproves an application for a local permit and make a copy of the decision available to the applicant. **The decision shall include specific written findings of fact that support the decision. Failure of the board to make specific written findings of fact supporting a disapproval shall be grounds for automatic reversal and remand by the superior court upon appeal, in accordance with the time periods set forth in RSA 677:5 or RSA 677:15, unless the court determines that there are other factors warranting the disapproval.** If the application is not approved, the board shall provide the applicant with written reasons for the disapproval. If the application is approved with conditions, the board shall include in the written decision a detailed description of all conditions necessary to obtain final approval.

The proposed application meets/does not meet the following purposes for granting a Variance:

Section 10.233 Variance Evaluation Criteria	Finding (Meets Criteria)	Relevant Facts
10.233.21 Granting the variance would not be contrary to the public interest.	YES	<ul style="list-style-type: none">Granting the variance would not be contrary to the public interest because the purpose and spirit of the signage ordinance is to maintain and enhance the character of the City's commercial districts and residential neighborhoods. It is a Commercial Office Area and the signage is consistent with that use and will not distract from it in any way and will enhance it by making it easier to find the intended buildings within a fairly large complex containing a lot of different lots.

10.233.22 Granting the variance would observe the spirit of the Ordinance.	YES	<ul style="list-style-type: none"> Granting the variance would observe the spirit of the Ordinance because the applicant was presenting relatively modest signs of 20 square feet in overall dimension, equivalent to a Sign District 2 as opposed to a Sign District 4, which was the Office Research District with a freestanding sign limit of 100 square feet and five times as much as what the applicant was asking for. The applicant was asking for only 20 percent of what would be allowed, so it would be more in accordance with Sign District 2. The 20 square feet is appropriate.
10.233.23 Granting the variance would do substantial justice.	YES	<ul style="list-style-type: none"> Substantial justice would be done because the loss to the applicant for not being able to direct traffic to commercial properties within the area would not outweigh the loss to the public by having those signs erected. They are public roadways that will primarily be visible to people who have already entered into the commercial property and will have an interest in finding their way around.
10.233.24 Granting the variance would not diminish the values of surrounding properties.	YES	<ul style="list-style-type: none"> Granting the variances would not diminish the values of surrounding properties because each property was undergoing similar treatments and one would not impact the value of the others. Someone would not be able to see any of them unless they took an exit from the through traffic areas and went specifically into the complex, and it would have no impact on properties that were in the broader definition of the neighborhood.
<p>10.233.25 Literal enforcement of the provisions of the Ordinance would result in an unnecessary hardship.</p> <p>(a)The property has special Conditions that distinguish it from other properties in the area. AND (b)Owing to these special conditions, a fair and substantial relationship does not exist between the general public purposes of the Ordinance provision and the specific application of that provision to the property; and the proposed use is a reasonable one.</p>	YES	<ul style="list-style-type: none"> Literal enforcement of the ordinance would result in unnecessary hardship including the setback that would place the signage in an unreasonable location where the signs would not be visible from the roadway, or they would diminish the accessibility of certain parking areas. The locations of the signs were consistent with what was already there, regardless of whether they had variances or were grandfathered in. The same applicant owned many of the properties that had been a large property at one time that was uniquely developed and the applicant was placing the signs to create a uniform appearance to the whole complex.

<p>OR</p> <p>Owing to these special conditions, the property cannot be reasonably used in strict conformance with the Ordinance, and a variance is therefore necessary to enable a reasonable use of it.</p>		
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CITY OF PORTSMOUTH

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(603) 610-7216

ZONING BOARD OF ADJUSTMENT

May 23, 2025

Commerce Center at Portsmouth
273 Corporate Drive Suite 150
Portsmouth, New Hampshire 03801

RE: Board of Adjustment Request for property located at 170 and 190 Commerce Way, Portsmouth NH 03801 (LU-25-42)

Dear Property Owner:

The Zoning Board of Adjustment, at its regularly scheduled meeting of **May 20, 2025**, considered your application for the 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 shown on Assessor Map 216 Lot 1-2 and lies within the Office Research (OR) District. As a result of said consideration, the Board voted to **approve** the request as presented and advertised.

The Board's decision may be appealed up to thirty (30) days after the vote. Any action taken by the applicant pursuant to the Board's decision during this appeal period shall be at the applicant's risk. Please contact the Planning & Sustainability Department for more details about the appeals process.

Approvals may also be required from other City Commissions or Boards. Once all required approvals have been received, applicant is responsible for applying for and securing a building permit from the Inspection Department prior to starting any project work.

This approval shall expire unless a building permit is issued within a period of two (2) years from the date granted unless an extension is granted in accordance with Section 10.236 of the Zoning Ordinance.

The Findings of Fact associated with this decision are available: attached here or as an attachment in the Viewpoint project record associated with this application and on the Zoning Board of Adjustment Meeting website:

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Very truly yours,

A handwritten signature in cursive script that reads "Phyllis Eldridge". The signature is written in black ink and is positioned above the printed name.

Phyllis Eldridge, Chair of the Zoning Board of Adjustment

cc: Shanti Wolph, Chief Building Inspector

Rosann Maurice-Lentz, City Assessor

John Bosen, DTC Lawyers

Findings of Fact | Variance

City of Portsmouth Zoning Board of Adjustment

Date: 05-20-2025

Property Address: 210 Commerce Way, 170-190 Commerce Way, 195 Commerce Way, 215 Commerce Way, 75 Portsmouth Blvd., 230 Commerce Way

Application #: LU-25-35, LU-25-42, LU-25-43, LU-25-44, LU-25-45

Decision: **Grant**

Findings of Fact:

Effective August 23, 2022, amended RSA 676:3, It now reads as follows: The local land use board shall issue a final written decision which either approves or disapproves an application for a local permit and make a copy of the decision available to the applicant. **The decision shall include specific written findings of fact that support the decision. Failure of the board to make specific written findings of fact supporting a disapproval shall be grounds for automatic reversal and remand by the superior court upon appeal, in accordance with the time periods set forth in RSA 677:5 or RSA 677:15, unless the court determines that there are other factors warranting the disapproval.** If the application is not approved, the board shall provide the applicant with written reasons for the disapproval. If the application is approved with conditions, the board shall include in the written decision a detailed description of all conditions necessary to obtain final approval.

The proposed application meets/does not meet the following purposes for granting a Variance:

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10.233.21 Granting the variance would not be contrary to the public interest.	YES	<ul style="list-style-type: none">Granting the variance would not be contrary to the public interest because the purpose and spirit of the signage ordinance is to maintain and enhance the character of the City's commercial districts and residential neighborhoods. It is a Commercial Office Area and the signage is consistent with that use and will not distract from it in any way and will enhance it by making it easier to find the intended buildings within a fairly large complex containing a lot of different lots.

10.233.22 Granting the variance would observe the spirit of the Ordinance.	YES	<ul style="list-style-type: none"> Granting the variance would observe the spirit of the Ordinance because the applicant was presenting relatively modest signs of 20 square feet in overall dimension, equivalent to a Sign District 2 as opposed to a Sign District 4, which was the Office Research District with a freestanding sign limit of 100 square feet and five times as much as what the applicant was asking for. The applicant was asking for only 20 percent of what would be allowed, so it would be more in accordance with Sign District 2. The 20 square feet is appropriate.
10.233.23 Granting the variance would do substantial justice.	YES	<ul style="list-style-type: none"> Substantial justice would be done because the loss to the applicant for not being able to direct traffic to commercial properties within the area would not outweigh the loss to the public by having those signs erected. They are public roadways that will primarily be visible to people who have already entered into the commercial property and will have an interest in finding their way around.
10.233.24 Granting the variance would not diminish the values of surrounding properties.	YES	<ul style="list-style-type: none"> Granting the variances would not diminish the values of surrounding properties because each property was undergoing similar treatments and one would not impact the value of the others. Someone would not be able to see any of them unless they took an exit from the through traffic areas and went specifically into the complex, and it would have no impact on properties that were in the broader definition of the neighborhood.
<p>10.233.25 Literal enforcement of the provisions of the Ordinance would result in an unnecessary hardship.</p> <p>(a)The property has special Conditions that distinguish it from other properties in the area. AND (b)Owing to these special conditions, a fair and substantial relationship does not exist between the general public purposes of the Ordinance provision and the specific application of that provision to the property; and the proposed use is a reasonable one.</p>	YES	<ul style="list-style-type: none"> Literal enforcement of the ordinance would result in unnecessary hardship including the setback that would place the signage in an unreasonable location where the signs would not be visible from the roadway, or they would diminish the accessibility of certain parking areas. The locations of the signs were consistent with what was already there, regardless of whether they had variances or were grandfathered in. The same applicant owned many of the properties that had been a large property at one time that was uniquely developed and the applicant was placing the signs to create a uniform appearance to the whole complex.

OR Owing to these special conditions, the property cannot be reasonably used in strict conformance with the Ordinance, and a variance is therefore necessary to enable a reasonable use of it.		
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(603) 610-7216

ZONING BOARD OF ADJUSTMENT

May 23, 2025

195 Commerce Way LLC
210 Commerce Way Suite 300
Portsmouth, New Hampshire 03801

**RE: Board of Adjustment Request for property located at 195 Commerce Way,
Portsmouth NH 03801 (LU-25-43)**

Dear Property Owner:

The Zoning Board of Adjustment, at its regularly scheduled meeting of **May 20, 2025**, considered your application for the 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 shown on Assessor Map 216 Lot 1-8 and lies within the Office Research (OR) District. As a result of said consideration, the Board voted to **approve** the request as presented and advertised.

The Board's decision may be appealed up to thirty (30) days after the vote. Any action taken by the applicant pursuant to the Board's decision during this appeal period shall be at the applicant's risk. Please contact the Planning & Sustainability Department for more details about the appeals process.

Approvals may also be required from other City Commissions or Boards. Once all required approvals have been received, applicant is responsible for applying for and securing a building permit from the Inspection Department prior to starting any project work.

This approval shall expire unless a building permit is issued within a period of two (2) years from the date granted unless an extension is granted in accordance with Section 10.236 of the Zoning Ordinance.

The Findings of Fact associated with this decision are available: attached here or as an attachment in the Viewpoint project record associated with this application and on the Zoning Board of Adjustment Meeting website:

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The minutes and audio recording of this meeting are available by contacting the Planning & Sustainability Department.

Very truly yours,

A handwritten signature in cursive script that reads "Phyllis Eldridge".

Phyllis Eldridge, Chair of the Zoning Board of Adjustment

cc: Shanti Wolph, Chief Building Inspector

Rosann Maurice-Lentz, City Assessor

John Bosen, DTC Lawyers

Findings of Fact | Variance

City of Portsmouth Zoning Board of Adjustment

Date: 05-20-2025

Property Address: 210 Commerce Way, 170-190 Commerce Way, 195 Commerce Way, 215 Commerce Way, 75 Portsmouth Blvd., 230 Commerce Way

Application #: LU-25-35, LU-25-42, LU-25-43, LU-25-44, LU-25-45

Decision: **Grant**

Findings of Fact:

Effective August 23, 2022, amended RSA 676:3, It now reads as follows: The local land use board shall issue a final written decision which either approves or disapproves an application for a local permit and make a copy of the decision available to the applicant. **The decision shall include specific written findings of fact that support the decision. Failure of the board to make specific written findings of fact supporting a disapproval shall be grounds for automatic reversal and remand by the superior court upon appeal, in accordance with the time periods set forth in RSA 677:5 or RSA 677:15, unless the court determines that there are other factors warranting the disapproval.** If the application is not approved, the board shall provide the applicant with written reasons for the disapproval. If the application is approved with conditions, the board shall include in the written decision a detailed description of all conditions necessary to obtain final approval.

The proposed application meets/does not meet the following purposes for granting a Variance:

Section 10.233 Variance Evaluation Criteria	Finding (Meets Criteria)	Relevant Facts
10.233.21 Granting the variance would not be contrary to the public interest.	YES	<ul style="list-style-type: none">Granting the variance would not be contrary to the public interest because the purpose and spirit of the signage ordinance is to maintain and enhance the character of the City's commercial districts and residential neighborhoods. It is a Commercial Office Area and the signage is consistent with that use and will not distract from it in any way and will enhance it by making it easier to find the intended buildings within a fairly large complex containing a lot of different lots.

10.233.22 Granting the variance would observe the spirit of the Ordinance.	YES	<ul style="list-style-type: none"> Granting the variance would observe the spirit of the Ordinance because the applicant was presenting relatively modest signs of 20 square feet in overall dimension, equivalent to a Sign District 2 as opposed to a Sign District 4, which was the Office Research District with a freestanding sign limit of 100 square feet and five times as much as what the applicant was asking for. The applicant was asking for only 20 percent of what would be allowed, so it would be more in accordance with Sign District 2. The 20 square feet is appropriate.
10.233.23 Granting the variance would do substantial justice.	YES	<ul style="list-style-type: none"> Substantial justice would be done because the loss to the applicant for not being able to direct traffic to commercial properties within the area would not outweigh the loss to the public by having those signs erected. They are public roadways that will primarily be visible to people who have already entered into the commercial property and will have an interest in finding their way around.
10.233.24 Granting the variance would not diminish the values of surrounding properties.	YES	<ul style="list-style-type: none"> Granting the variances would not diminish the values of surrounding properties because each property was undergoing similar treatments and one would not impact the value of the others. Someone would not be able to see any of them unless they took an exit from the through traffic areas and went specifically into the complex, and it would have no impact on properties that were in the broader definition of the neighborhood.
<p>10.233.25 Literal enforcement of the provisions of the Ordinance would result in an unnecessary hardship.</p> <p>(a)The property has special Conditions that distinguish it from other properties in the area. AND (b)Owing to these special conditions, a fair and substantial relationship does not exist between the general public purposes of the Ordinance provision and the specific application of that provision to the property; and the proposed use is a reasonable one.</p>	YES	<ul style="list-style-type: none"> Literal enforcement of the ordinance would result in unnecessary hardship including the setback that would place the signage in an unreasonable location where the signs would not be visible from the roadway, or they would diminish the accessibility of certain parking areas. The locations of the signs were consistent with what was already there, regardless of whether they had variances or were grandfathered in. The same applicant owned many of the properties that had been a large property at one time that was uniquely developed and the applicant was placing the signs to create a uniform appearance to the whole complex.

OR Owing to these special conditions, the property cannot be reasonably used in strict conformance with the Ordinance, and a variance is therefore necessary to enable a reasonable use of it.		
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Hampshire 03801
(603) 610-7216

ZONING BOARD OF ADJUSTMENT

May 23, 2025

Beacon Harbor Trust LLC
210 Commerce Way Suite 300
Portsmouth, New Hampshire 03801

RE: Board of Adjustment Request for property located at 215 Commerce Way and 75 Portsmouth Boulevard, Portsmouth NH 03801 (LU-25-44)

Dear Property Owner:

The Zoning Board of Adjustment, at its regularly scheduled meeting of **May 20, 2025**, considered your application for the 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 shown on Assessor Map 216 Lot 1-8a and lies within the Office Research (OR) District. As a result of said consideration, the Board voted to **approve** the request as presented with the following **condition**:

1) For 215 Commerce Way, 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.

The Board's decision may be appealed up to thirty (30) days after the vote. Any action taken by the applicant pursuant to the Board's decision during this appeal period shall be at the applicant's risk. Please contact the Planning & Sustainability Department for more details about the appeals process.

Approvals may also be required from other City Commissions or Boards. Once all required approvals have been received, applicant is responsible for applying for and securing a building permit from the Inspection Department prior to starting any project work.

This approval shall expire unless a building permit is issued within a period of two (2) years from the date granted unless an extension is granted in accordance with Section 10.236 of the Zoning Ordinance.

The Findings of Fact associated with this decision are available: attached here or as an attachment in the Viewpoint project record associated with this application and on the Zoning Board of Adjustment Meeting website:

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The minutes and audio recording of this meeting are available by contacting the Planning & Sustainability Department.

Very truly yours,

A handwritten signature in cursive script that reads "Phyllis Eldridge". The ink is dark and the signature is fluid, with a long, sweeping tail on the "e".

Phyllis Eldridge, Chair of the Zoning Board of Adjustment

cc: Shanti Wolph, Chief Building Inspector

Rosann Maurice-Lentz, City Assessor

John Bosen, DTC Lawyers

Findings of Fact | Variance

City of Portsmouth Zoning Board of Adjustment

Date: 05-20-2025

Property Address: 210 Commerce Way, 170-190 Commerce Way, 195 Commerce Way, 215 Commerce Way, 75 Portsmouth Blvd., 230 Commerce Way

Application #: LU-25-35, LU-25-42, LU-25-43, LU-25-44, LU-25-45

Decision: **Grant**

Findings of Fact:

Effective August 23, 2022, amended RSA 676:3, It now reads as follows: The local land use board shall issue a final written decision which either approves or disapproves an application for a local permit and make a copy of the decision available to the applicant. **The decision shall include specific written findings of fact that support the decision. Failure of the board to make specific written findings of fact supporting a disapproval shall be grounds for automatic reversal and remand by the superior court upon appeal, in accordance with the time periods set forth in RSA 677:5 or RSA 677:15, unless the court determines that there are other factors warranting the disapproval.** If the application is not approved, the board shall provide the applicant with written reasons for the disapproval. If the application is approved with conditions, the board shall include in the written decision a detailed description of all conditions necessary to obtain final approval.

The proposed application meets/does not meet the following purposes for granting a Variance:

Section 10.233 Variance Evaluation Criteria	Finding (Meets Criteria)	Relevant Facts
10.233.21 Granting the variance would not be contrary to the public interest.	YES	<ul style="list-style-type: none">Granting the variance would not be contrary to the public interest because the purpose and spirit of the signage ordinance is to maintain and enhance the character of the City's commercial districts and residential neighborhoods. It is a Commercial Office Area and the signage is consistent with that use and will not distract from it in any way and will enhance it by making it easier to find the intended buildings within a fairly large complex containing a lot of different lots.

10.233.22 Granting the variance would observe the spirit of the Ordinance.	YES	<ul style="list-style-type: none"> Granting the variance would observe the spirit of the Ordinance because the applicant was presenting relatively modest signs of 20 square feet in overall dimension, equivalent to a Sign District 2 as opposed to a Sign District 4, which was the Office Research District with a freestanding sign limit of 100 square feet and five times as much as what the applicant was asking for. The applicant was asking for only 20 percent of what would be allowed, so it would be more in accordance with Sign District 2. The 20 square feet is appropriate.
10.233.23 Granting the variance would do substantial justice.	YES	<ul style="list-style-type: none"> Substantial justice would be done because the loss to the applicant for not being able to direct traffic to commercial properties within the area would not outweigh the loss to the public by having those signs erected. They are public roadways that will primarily be visible to people who have already entered into the commercial property and will have an interest in finding their way around.
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<p>10.233.25 Literal enforcement of the provisions of the Ordinance would result in an unnecessary hardship.</p> <p>(a)The property has special Conditions that distinguish it from other properties in the area. AND (b)Owing to these special conditions, a fair and substantial relationship does not exist between the general public purposes of the Ordinance provision and the specific application of that provision to the property; and the proposed use is a reasonable one.</p>	YES	<ul style="list-style-type: none"> Literal enforcement of the ordinance would result in unnecessary hardship including the setback that would place the signage in an unreasonable location where the signs would not be visible from the roadway, or they would diminish the accessibility of certain parking areas. The locations of the signs were consistent with what was already there, regardless of whether they had variances or were grandfathered in. The same applicant owned many of the properties that had been a large property at one time that was uniquely developed and the applicant was placing the signs to create a uniform appearance to the whole complex.

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1 Junkins Avenue
Portsmouth, New
Hampshire 03801
(603) 610-7216

ZONING BOARD OF ADJUSTMENT

May 23, 2025

230 Commerce Way LLC
210 Commerce Way Suite 300
Portsmouth, New Hampshire 03801

**RE: Board of Adjustment Request for property located at 230 Commerce Way,
Portsmouth NH 03801 (LU-25-45)**

Dear Property Owner:

The Zoning Board of Adjustment, at its regularly scheduled meeting of **May 20, 2025**, considered your application for the 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 shown on Assessor Map 216 Lot 1-5 and lies within the Office Research (OR) District. As a result of said consideration, the Board voted to **approve** the request as presented and advertised.

The Board's decision may be appealed up to thirty (30) days after the vote. Any action taken by the applicant pursuant to the Board's decision during this appeal period shall be at the applicant's risk. Please contact the Planning & Sustainability Department for more details about the appeals process.

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Very truly yours,

A handwritten signature in cursive script that reads "Phyllis Eldridge".

Phyllis Eldridge, Chair of the Zoning Board of Adjustment

cc: Shanti Wolph, Chief Building Inspector

Rosann Maurice-Lentz, City Assessor

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Findings of Fact | Variance

City of Portsmouth Zoning Board of Adjustment

Date: 05-20-2025

Property Address: 210 Commerce Way, 170-190 Commerce Way, 195 Commerce Way, 215 Commerce Way, 75 Portsmouth Blvd., 230 Commerce Way

Application #: LU-25-35, LU-25-42, LU-25-43, LU-25-44, LU-25-45

Decision: **Grant**

Findings of Fact:

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10.233.21 Granting the variance would not be contrary to the public interest.	YES	<ul style="list-style-type: none">Granting the variance would not be contrary to the public interest because the purpose and spirit of the signage ordinance is to maintain and enhance the character of the City's commercial districts and residential neighborhoods. It is a Commercial Office Area and the signage is consistent with that use and will not distract from it in any way and will enhance it by making it easier to find the intended buildings within a fairly large complex containing a lot of different lots.

10.233.22 Granting the variance would observe the spirit of the Ordinance.	YES	<ul style="list-style-type: none"> Granting the variance would observe the spirit of the Ordinance because the applicant was presenting relatively modest signs of 20 square feet in overall dimension, equivalent to a Sign District 2 as opposed to a Sign District 4, which was the Office Research District with a freestanding sign limit of 100 square feet and five times as much as what the applicant was asking for. The applicant was asking for only 20 percent of what would be allowed, so it would be more in accordance with Sign District 2. The 20 square feet is appropriate.
10.233.23 Granting the variance would do substantial justice.	YES	<ul style="list-style-type: none"> Substantial justice would be done because the loss to the applicant for not being able to direct traffic to commercial properties within the area would not outweigh the loss to the public by having those signs erected. They are public roadways that will primarily be visible to people who have already entered into the commercial property and will have an interest in finding their way around.
10.233.24 Granting the variance would not diminish the values of surrounding properties.	YES	<ul style="list-style-type: none"> Granting the variances would not diminish the values of surrounding properties because each property was undergoing similar treatments and one would not impact the value of the others. Someone would not be able to see any of them unless they took an exit from the through traffic areas and went specifically into the complex, and it would have no impact on properties that were in the broader definition of the neighborhood.
<p>10.233.25 Literal enforcement of the provisions of the Ordinance would result in an unnecessary hardship.</p> <p>(a)The property has special Conditions that distinguish it from other properties in the area. AND (b)Owing to these special conditions, a fair and substantial relationship does not exist between the general public purposes of the Ordinance provision and the specific application of that provision to the property; and the proposed use is a reasonable one.</p>	YES	<ul style="list-style-type: none"> Literal enforcement of the ordinance would result in unnecessary hardship including the setback that would place the signage in an unreasonable location where the signs would not be visible from the roadway, or they would diminish the accessibility of certain parking areas. The locations of the signs were consistent with what was already there, regardless of whether they had variances or were grandfathered in. The same applicant owned many of the properties that had been a large property at one time that was uniquely developed and the applicant was placing the signs to create a uniform appearance to the whole complex.

OR Owing to these special conditions, the property cannot be reasonably used in strict conformance with the Ordinance, and a variance is therefore necessary to enable a reasonable use of it.		
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CITY OF PORTSMOUTH

Planning & Sustainability
Department
1 Junkins Avenue
Portsmouth, New
Hampshire 03801
(603) 610-7216

ZONING BOARD OF ADJUSTMENT

May 23, 2025

Colbea Enterprises LLC
695 George Washington Highway
Lincoln, Rhode Island 02865

**RE: Board of Adjustment Request for property located at 1980 Woodbury Avenue,
Portsmouth NH 03801 (LU-25-39)**

Dear Property Owner:

The Zoning Board of Adjustment, at its regularly scheduled meeting of **May 20, 2025**, considered your application for the 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; and 11) Variance from Section 1252.40 to allow illumination of a gas pump canopy area that shall not be included in the sign area where it is distinguished from the background only by color stripes. Said property is shown on Assessor Map 239 Lot 11 and lies within the Gateway Corridor (G1) District. As a result of said consideration, the Board voted to **postpone** Variances #2-10 until the June 17, 2025 meeting with the expectation that the applicant address significant concerns of the Board related to the variances associated with the drive-thru and either eliminate it or provide substantial justification as to why it would not impact the adjacent residential property; what could be done to mitigate the signage variances by either eliminating them or describing why they were critical to the property's operation of the gas stations use; and for the remaining variances, either eliminate them or provide a better explanation of why the objectives of the Gateway District could not be fully met if it remained as a gas station and Convenience Store 2 use.

This matter will be placed on the agenda for the Board of Adjustment meeting scheduled for **June 17, 2025**. One (1) copy of any revised plans and/or exhibits must be filed in the Planning & Sustainability Department no later than **Wednesday June 4, 2025**. Please remember you will be required to provide an electronic file (in a PDF format) of all plans and exhibits.

The minutes and audio recording of this meeting are available by contacting the Planning & Sustainability Department.

Very truly yours,

A handwritten signature in cursive script that reads "Phyllis Eldridge". The ink is dark and the signature is fluid, with a long, sweeping tail on the "e".

Phyllis Eldridge, Chair of the Zoning Board of Adjustment

cc:

Christopher Drescher, Attorney, Cronin Bisson & Zalinsky P.C.
Christopher Rice, Engineer, TFMoran Inc.
Jason Cook, Engineer, TFMoran Inc.



CITY OF PORTSMOUTH

Planning & Sustainability
Department
1 Junkins Avenue
Portsmouth, New
Hampshire 03801
(603) 610-7216

ZONING BOARD OF ADJUSTMENT

May 23, 2025

Deer Street Hospitality LLC
3 Gosling Road
Portsmouth, New Hampshire 03801

RE: Board of Adjustment Request for property located at 165 Deer Street, Portsmouth NH 03801 (LU-25-60)

Dear Property Owner:

The Zoning Board of Adjustment, at its regularly scheduled meeting of **May 20, 2025**, considered your application for the 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 shown on Assessor Map 125 Lot 17 and lies within the Character District 5 (CD5), Municipal (M), and Downtown Overlay Districts. As a result of said consideration, the Board voted to **approve** the request as presented with the following **condition**:

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

The Board's decision may be appealed up to thirty (30) days after the vote. Any action taken by the applicant pursuant to the Board's decision during this appeal period shall be at the applicant's risk. Please contact the Planning & Sustainability Department for more details about the appeals process.

Approvals may also be required from other City Commissions or Boards. Once all required approvals have been received, applicant is responsible for applying for and securing a building permit from the Inspection Department prior to starting any project work.

This approval shall expire unless a building permit is issued within a period of two (2) years from the date granted unless an extension is granted in accordance with Section 10.236 of the Zoning Ordinance.

The Findings of Fact associated with this decision are available: attached here or as an attachment in the Viewpoint project record associated with this application and on the Zoning Board of Adjustment Meeting website:

<https://www.cityofportsmouth.com/planportsmouth/zoning-board-adjustment/zoning-board-adjustment-archived-meetings-and-material>

The minutes and audio recording of this meeting are available by contacting the Planning & Sustainability Department.

Very truly yours,

A handwritten signature in cursive script that reads "Phyllis Eldridge". The signature is written in dark ink and is positioned above the printed name.

Phyllis Eldridge, Chair of the Zoning Board of Adjustment

cc: Shanti Wolph, Chief Building Inspector

Rosann Maurice-Lentz, City Assessor

Findings of Fact | Variance

City of Portsmouth Zoning Board of Adjustment

Date: 05-20-2025

Property Address: 165 Deer St

Application #: LU-25-60

Decision: **Grant**

Findings of Fact:

Effective August 23, 2022, amended RSA 676:3, It now reads as follows: The local land use board shall issue a final written decision which either approves or disapproves an application for a local permit and make a copy of the decision available to the applicant. **The decision shall include specific written findings of fact that support the decision. Failure of the board to make specific written findings of fact supporting a disapproval shall be grounds for automatic reversal and remand by the superior court upon appeal, in accordance with the time periods set forth in RSA 677:5 or RSA 677:15, unless the court determines that there are other factors warranting the disapproval.** If the application is not approved, the board shall provide the applicant with written reasons for the disapproval. If the application is approved with conditions, the board shall include in the written decision a detailed description of all conditions necessary to obtain final approval.

The proposed application meets/does not meet the following purposes for granting a Variance:

Section 10.233 Variance Evaluation Criteria	Finding (Meets Criteria)	Relevant Facts
10.233.21 Granting the variance would not be contrary to the public interest.	YES	<ul style="list-style-type: none">Granting the variance would not be contrary to the public interest because the applicant's signage for the building was overall modest compared to the much larger signage of some of the other nearby hotels, so there were similar things seen in the neighborhood that would not make the applicant's sign look and appear different.
10.233.22 Granting the variance would observe the spirit of the Ordinance.	YES	<ul style="list-style-type: none">The applicant met the spirit and general characteristics of the neighborhood.

<p>10.233.23 Granting the variance would do substantial justice.</p>	<p>YES</p>	<ul style="list-style-type: none"> Substantial justice would be done because there was nothing in the public interest from a traffic safety standpoint to indicate that it was not decent signage. It was relatively modest signage that served the public interest and would not outweigh the applicant's need to properly display information about the hotel that would allow guests to find it.
<p>10.233.24 Granting the variance would not diminish the values of surrounding properties.</p>	<p>YES</p>	<ul style="list-style-type: none"> Granting the variances would not diminish the values of surrounding properties because the area was a highly commercial one. The signage would not be imposing in a way that would negatively affect the property values of the other commercial buildings.
<p>10.233.25 Literal enforcement of the provisions of the Ordinance would result in an unnecessary hardship.</p> <p>(a)The property has special Conditions that distinguish it from other properties in the area. AND (b)Owing to these special conditions, a fair and substantial relationship does not exist between the general public purposes of the Ordinance provision and the specific application of that provision to the property; and the proposed use is a reasonable one. OR Owing to these special conditions, the property cannot be reasonably used in strict conformance with the Ordinance, and a variance is therefore necessary to enable a reasonable use of it.</p>	<p>YES</p>	<ul style="list-style-type: none"> Literal enforcement of the ordinance would result in unnecessary hardship because, regarding the setback encroachment, the setback for the freestanding sign was slightly set back from the property line, but the property line was tight and there was also an easement that went across onto the neighboring property for the road. It was on the neighboring property but was guaranteed by an easement, so the affected property line was farther away, which was a unique characteristic about the property. The property was situated on a corner and there was not a lot of opportunity for a wall sign, so using the marquee sign made the most sense and the marquee sign letters were see-thru ones and made the sign very different than if it were a solid one.



CITY OF PORTSMOUTH

Planning & Sustainability
Department
1 Junkins Avenue
Portsmouth, New
Hampshire 03801
(603) 610-7216

ZONING BOARD OF ADJUSTMENT

May 23, 2025

3201 Lafayette Road LLC
PO Box 2431
Salem, New Hampshire 03079

**RE: Board of Adjustment Request for property located at 3201 Lafayette Road,
Portsmouth NH 03801 (LU-25-49)**

Dear Property Owner:

The Zoning Board of Adjustment, at its regularly scheduled meeting of **May 20, 2025**, considered your application for the 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 shown on Assessor Map 291 Lot 8 and lies within the Gateway Corridor (G1) and Garden Apartment/Mobile Home Park (GA/MH) Districts. As a result of said consideration, the Board voted to **approve** the request as presented and advertised.

The Board's decision may be appealed up to thirty (30) days after the vote. Any action taken by the applicant pursuant to the Board's decision during this appeal period shall be at the applicant's risk. Please contact the Planning & Sustainability Department for more details about the appeals process.

Approvals may also be required from other City Commissions or Boards. Once all required approvals have been received, applicant is responsible for applying for and securing a building permit from the Inspection Department prior to starting any project work.

This approval shall expire unless a building permit is issued within a period of two (2) years from the date granted unless an extension is granted in accordance with Section 10.236 of the Zoning Ordinance.

The Findings of Fact associated with this decision are available: attached here or as an attachment in the Viewpoint project record associated with this application and on the Zoning Board of Adjustment Meeting website:

<https://www.cityofportsmouth.com/planportsmouth/zoning-board-adjustment/zoning-board-adjustment-archived-meetings-and-material>

The minutes and audio recording of this meeting are available by contacting the Planning & Sustainability Department.

Very truly yours,

A handwritten signature in cursive script that reads "Phyllis Eldridge". The signature is written in dark ink and is positioned above the printed name.

Phyllis Eldridge, Chair of the Zoning Board of Adjustment

cc: Shanti Wolph, Chief Building Inspector

Rosann Maurice-Lentz, City Assessor

Findings of Fact | Special Exception

City of Portsmouth Zoning Board of Adjustment

Date: May 20, 2025

Property Address: 3201 Lafayette Rd

Application #: LU-25-49

Decision: **Grant**

Findings of Fact:

Effective August 23, 2022, amended RSA 676:3, It now reads as follows: The local land use board shall issue a final written decision which either approves or disapproves an application for a local permit and make a copy of the decision available to the applicant. **The decision shall include specific written findings of fact that support the decision. Failure of the board to make specific written findings of fact supporting a disapproval shall be grounds for automatic reversal and remand by the superior court upon appeal, in accordance with the time periods set forth in RSA 677:5 or RSA 677:15, unless the court determines that there are other factors warranting the disapproval.** If the application is not approved, the board shall provide the applicant with written reasons for the disapproval. If the application is approved with conditions, the board shall include in the written decision a detailed description of all conditions necessary to obtain final approval.

The proposed application meets/does not meet the following purposes for granting a Special Exception:

Special Exception Review Criteria: Section 10.232.20	Finding	Relevant Facts
10.232.21 Standards as provided by this Ordinance for the particular use permitted by special exception;	Yes	<ul style="list-style-type: none">The use is allowed by special exception.
10.232.22 No hazard to the public or adjacent property on account of potential fire, explosion or release of toxic materials.	Yes	<ul style="list-style-type: none">The daycare does not involve any of those activities and it is in a commercial area and allowed by special exception.
10.233.23 No detriment to property values in the vicinity or change in the essential characteristics of any area including residential neighborhoods or business and industrial districts on account of the location or scale of buildings and other structures, parking areas, accessways, odor, smoke, gas, dust, or other pollutant, noise, glare, heat, vibration, or unsightly outdoor storage of equipment, vehicles or other materials;	Yes	<ul style="list-style-type: none">There was no evidence provided that the daycare would have an impact on property values and that minor changes such as fencing would not affect the neighbors.

10.233.24 No creation of a traffic safety hazard or a substantial increase in the level of traffic congestion in the vicinity;	Yes	<ul style="list-style-type: none"> The applicant showed that they have a plan for drop-off and pick-up, which would have a regulated traffic flow on the property, with people entering in one spot and exiting at another spot. The parents would be entering and exiting from busy Route One, but a little over a block away to the north was a traffic light that would interrupt the flow of traffic a bit, which should help people merge if they decided that they had to go southbound. The applicant also has a plan to space out the arrivals and departures, which would help mitigate any traffic. 40 students were planned, so possibly 40 vehicles added on Route One twice a day was probably negligible considering the amount of traffic seen on Route One.
10.233.25 No excessive demand on municipal services, including, but not limited to, water, sewer, waste disposal, police and fire protection and schools; and	Yes	<ul style="list-style-type: none"> The use will not have an excessive demand on municipal services because the daycare would be a daytime operation for 40 students and would not create an excessive load on water, sewage, waste disposal, or police and fire protection.
10.232.26 No significant increase of stormwater runoff onto adjacent property or streets.	Yes	<ul style="list-style-type: none"> No site work or exterior changes are proposed, therefore no increase in stormwater runoff.