



Town of Portsmouth
Zoning Board of Review
2200 East Main Road/Portsmouth, Rhode Island 02871
www.portsmouthri.gov

ZBR MINUTES MARCH 16, 2023

MEMBERS PRESENT: Chairman James Nott, Vice Chairman John G. Borden, Secretary Benjamin Furriel, Eric Raposa, and Langdon Harris.

MEMBERS ABSENT: Sue Horowitz, Kevin Donavan

OTHERS PRESENT: Aaron Lindo, Assistant Town Planner; Kevin Gavin, Town Solicitor; Teresa Monterey, Recording Secretary

I. ROLL CALL

Mr. Nott called for a roll call and the Board members introduced themselves.

II. MINUTES

No minutes were prepared for approval.

III. CHAIRMAN'S REPORT

No update to provide.

IV. NEW BUSINESS

Mr. Nott noted for the record that the last petition on the agenda, North East Dockside Services, was to be withdrawn by the applicant.

Mr. Nott noted for the record that the application for James and Kathryn Barry requested for a continuance to the next Zoning Board meeting. Mr. Borden motioned for the continuance with Mr. Furriel seconding. Motion unanimously approved to continue the application until April 20, 2023.

1. Decision Extension Consideration - William and Elizabeth Noonan, of 01287 Narragansett Avenue, Prudence Island, request a 1-year extension for a dimensional variance and a special use permit granted in March 2022.

Members participating in the decision were Chairman James E. Nott, Vice Chairman John G. Borden, Secretary Benjamin Furriel, Eric Raposa, and Langdon Harris.

As explained in petitioner Elizabeth McDonough Noonan's letter dated March 8, 2023, petitioners are still engaged in the CRMC application process for the project.

The Board found that good cause had been shown. Mr. Borden motioned to grant the extension with Mr. Raposa seconding the motion. The Board voted unanimously to grant a one-year

extension of the prior approvals, up to and including March 27, 2024.

2. Linda Calcagni (applicant and owner) for property located at 34 Albert Street; being Tax Assessor's Map 49 Lot 30 (Zoned Residential, R-20). The Applicant seeks a Dimensional Variance (Article IV, Section C(5)) to locate a shed under 120' in front yard within 3' of the side setback.

Members participating in the decision were Chairman James E. Nott, Vice Chairman John G. Borden, Secretary Benjamin Furriel, Eric Raposa, and Langdon Harris.

The Board heard testimony of petitioner and considered the exhibits submitted with the petition. Petitioner explained that she and her husband have no garage and their property is on a steep hill. They seek variances to allow them to locate an existing storage shed to the left of their front steps and driveway, on the side property line to the south, to conceal their trash barrels. The shed is 58' from the front property line on Albert Street. Petitioner explained that they are unable to haul their trash barrels up the steep hill from their rear yard and there is no other reasonable place to locate the shed. They previously had a stockade fence to enclose and conceal their trash barrels, but a small storage shed provides better protection and screening.

The Chair asked if any abutters or interested parties wished to be heard. Joseph Abbondanza testified that he owns the abutting property at 42 Albert Street, adjacent to the shed. He objected to the petition and stated the shed should have been placed in the rear yard as required. He stated there are arborvitaes planted on his property which screen the shed from view. (The arborvitaes are shown in photographs submitted with the petition.)

The Board then considered the petition and found that the requests for dimensional relief to allow the storage shed were reasonable under the circumstances. The Board found that petitioner has no garage for storage and the shed is very small and preferable to a fence or leaving the trash barrels out in the open. The topography of the lot makes it difficult for petitioner to locate the shed in the rear yard and transport their trash barrels to the front. The Board determined based on the testimony and evidence presented that the proposal would have no negative impact on any abutters or the neighborhood. The Board determined that petitioner had requested the minimum relief necessary and that the hardship that necessitated the request for relief was not the result of prior action of petitioner but was due to the unique characteristics of the land and structures in question. The Board determined that granting the requested relief would not alter the general character of the surrounding area or impair the purpose or intent of the ordinance or the Comprehensive Community Plan, and that denial of the relief requested would result in more than a mere inconvenience to petitioner.

Mr. Borden made a motion to approve the the application with Mr. Furriel seconding the motion. Accordingly, the Board voted unanimously to grant petitioner the dimensional relief requested from the requirements of Art. IV, Sec. C.5 to allow the proposed shed in accordance with the plans as submitted.

VOTE: 5 - 0 in favor of approving the application.

3. Susan and George Ring (applicants and owners) for property located at 86 Narragansett Boulevard; being Tax Assessor's Map 5 Lot 35 (Zoned Residential, R-10). The Applicant seeks a Dimensional Variance (Article IV, Section B) to exceed the maximum allowed lot coverage to install a pool and accessory shed.

Members participating in the decision were Chairman James E. Nott, Vice Chairman John G. Borden, Secretary Benjamin Furriel, Eric Raposa, and Langdon Harris.

The Board heard testimony of petitioners and their surveyor, Neal Hingorany, and considered the exhibits submitted with the petition. Petitioners explained they wish to install a 15' x 32' inground swimming pool in their side yard along with an 8' x 10' storage shed. The additional lot coverage will bring the total lot coverage to 30.7% and requires a 10.7% lot coverage variance. No setback relief is needed. Petitioners noted that a survey performed by Mr. Hingorany had shown that their fencing was located outside of their property line. Mr. Hingorany answered questions from the Board regarding the required distance between the swimming pool and a propane tank located on the property.

The Chair asked if any abutters or interested parties wished to be heard. Meaghan Krupa, 98 Narragansett Boulevard, testified that her abutting property is closest to where the proposed swimming pool would be located. In light of the confusion over the actual boundary line between the two lots, Ms. Krupa requested that there be a condition that her survey confirm the location of the property line as shown on petitioners' survey. The Board voted unanimously to impose the following condition on any grant of dimensional variance:

- That a survey of the boundary line performed for Ms. Krupa coincide with petitioners' survey or be more beneficial to petitioners; provided that the survey be completed within two months.

Alfred Morin, 89 Narragansett Boulevard, testified that he owned property across the street, and asked how far the proposed shed would be from his property.

The Board then considered the petition and found that the request for dimensional relief was reasonable under the circumstances. The Board found that a swimming pool is a permissible accessory use and reasonable for the full enjoyment of a residential property. The Board determined, based on the testimony and evidence presented and the condition imposed by the Board, that the proposal would have no negative impact on any abutters or the neighborhood. The Board determined that petitioners had requested the minimum relief necessary and that the hardship that necessitated the request for relief was not the result of prior action of petitioners but was due to the unique characteristics of the land and structures in question. The Board determined that granting the requested relief would not alter the general character of the surrounding area or impair the purpose or intent of the ordinance or the Comprehensive Community Plan, and that denial of the relief requested would result in more than a mere inconvenience to petitioners.

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Mr. Borden made a motion to approve the the application with Mr. Furriel seconding the motion. Accordingly, the Board voted unanimously to grant petitioners a 10.7% lot coverage variance to allow the proposed swimming pool and storage shed in accordance with the plans as submitted.

VOTE: 5 - 0 in favor of approving the application.

4. Thomas Woll (applicant and owner) for property located at 12 Dighton Avenue; being Tax Assessor's Map 3 Lot 53 (Zoning Residential, R-10). The Applicant seeks Dimensional Variances (Article IV, Section B) and a Special Use Permit (Article VII, Section A(1)(c)) to construct an addition in the front setback on a substandard lot of record.

Members participating in the decision were Chairman James E. Nott, Vice Chairman John G. Borden, Secretary Benjamin Furriel, Eric Raposa, and Langdon Harris.

The Board heard testimony of petitioner's project engineer, Rami Sidani of Northcountry Group, Inc., and considered the exhibits and materials submitted with the petition. No objectors were heard.

Mr. Sidani provided testimony consistent with his letter to the Assistant Town Planner, which was submitted with the application. Petitioner needs additional living space to accommodate a growing family. The subject property is a substandard lot with 4,000 SF of lot area instead of the minimum 10,000 SF required and 50' of lot frontage instead of the minimum of 100' required, in an R-10 zoning district. Petitioner proposes to build an addition to the front of the house that will bump out the house by 7' for addition 210 SF of lot coverage. The current front setback is 13.6' and the proposed setback will be 6.3'. The septic system is in the rear of the property and due to the proximity of the septic tank to the foundation it is impossible to build a rear addition. An addition to the front is the only feasible location. A half-story is proposed to be added for a master bedroom suite. The number of bedrooms will remain at three.

It was noted that because the lot is a substandard lot of record, petitioner would have to meet applicable criteria under Article VI, Section A.4 in order to obtain dimensional relief. The Chair elicited testimony from Mr. Sidani addressing all applicable criteria.

The Board considered the petition and, based on the testimony and documents presented, found that the request for dimensional relief was reasonable under the circumstances. Petitioner is constrained by the small size and configuration of the lot and the location of the existing structure and septic system. The Board determined that the proposal would have no negative impact on any abutters or the neighborhood. The Board determined that petitioner had requested the minimum relief necessary and that the hardship that necessitated the request for relief was not the result of prior action of petitioner but was due to the unique characteristics of the land and structures in question. The Board determined that granting the requested relief would not alter the general character of the surrounding area or impair the purpose or intent of the ordinance or the Comprehensive Community Plan, and that denial of the relief requested

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would result in more than a mere inconvenience to petitioner. The Board further determined that the proposal would meet the applicable criteria under Article VI, Section A.4 for dimensional variances on a substandard lot of record.

The Board further determined that the proposal would meet applicable special use permit criteria under Article VII. The Board concluded that the proposal will not be detrimental to the surrounding area; that it will be compatible with neighboring land uses; that it will not create a nuisance or a hazard in the neighborhood; that adequate protection is afforded to the surrounding property by the use of open space and planting; that safe vehicular access and adequate parking are provided; control or noise, smoke, odors, lighting and any other objectionable feature is provided; that solar rights of abutters are not impacted; that the proposed use will be in conformance with the purposes and intent of the comprehensive plan and the zoning ordinance of the Town of Portsmouth and that the health, safety and welfare of the community are protected.

Mr. Borden made a motion to approve the the application with Mr. Furriel seconding the motion. Accordingly, the Board voted unanimously to grant petitioner a 6.3' front yard setback variance and an 8% lot coverage variance and a special use permit to construct the proposed addition to a single-family home on a substandard lot of record, in accordance with the plans as submitted.

VOTE: 5 - 0 in favor of approving the application.

5. MBandCC, LLC (applicant and owner) for property located at 3076 East Main Road; being Tax Assessor's Map 29 Lot 116 (Zoned Commercial, C). The Applicant seeks a Special Use Permit (Article V, Section E(14); Article VII, Section G) for a new retail/office/consumer service business of over 5,000 gross square feet of floor area.

Petitioner was represented by Jeremiah C. Lynch, III.

Members participating in the decision were Chairman James E. Nott, Vice Chairman John G. Borden, Secretary Benjamin Furriel, Eric Raposa, and Langdon Harris.

The Board heard the presentation of Mr. Lynch, testimony in support of the petition by Craig Clark, John Braga, Melissa Hutchinson, and James Houle and considered the exhibits and materials submitted with the petition and during the course of the hearing. Mr. Lynch summarized the proposal and noted that a special use permit is required for any new retail business, office, or consumer service development of over 5,000 gross square feet in size. There will be no manufacturing onsite.

Mr. Clark testified that he and his wife Marybeth Clark are the owners of Ocean State Air Solutions currently located at 1844 East Main Road. They purchased the subject property and plan to relocate and expand the business. Mr. Clark generally described his business operations and the features of the site. As shown on the plans on file, the proposal is for a 2,320 SF office/showroom along with a 4,224 SF production/storage area with a 580 SF

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connector. The new structure will meet all dimensional setback requirements and will have 36 parking spaces, over the minimum 28 required by the ordinance.

John Braga, P.E. testified regarding the site conditions and site plan, stormwater plan, parking, and access and walked through the plans. The site is 1.93 acres. RIDEM has approved the OWTS design. Water service will come from Wentworth Terrace. They have met with the Fire Department and made revision required by the department. The main entrance to the development will be from East Main Road. There will be emergency access, gated, from Wentworth Terrace. Mr. Braga answered a number of questions from members of the Board.

Melissa Hutchinson of MH Architect, LLC was recognized as an expert architecture. Ms. Hutchinson testified regarding the building design and the landscaping and lighting plans. The lighting will face downward and there will be no spillover to neighboring properties. She described the vegetative screening to be provided between the property and the residential abutters to the north and south. The plans had been revised to satisfy issues raised by the Design Review Board.

James Houle of James A. Houle & Associates was recognized as an expert in real estate. Mr. Houle's Report dated March 16, 2023 (with attached curriculum vitae) was introduced as an exhibit. Mr. Houle explained his review of the proposal, the property site, the proposed buildings and uses, the surrounding neighborhood and uses, the zoning ordinance, and the comprehensive community plan. Mr. Houle summarized his analysis, findings and conclusions, which are set forth in detail in his written report. Mr. Houle testified that in his professional opinion, the subject site and neighborhood are well-suited and appropriate for the proposed use, and the proposal meets all applicable requirements and criteria for the granting of a special use permit.

The Chair asked if any abutters or interested parties wished to be heard. Debra Hulings, 57 Reise Terrace, testified that she is an abutter to the north side and raised some concerns over screening. Michael Botelho, 3104 East Main Road, asked question about the land to the north of the stone wall and it was noted that the Town has a drainage easement over the property. Kathryn Sibya, 3104 East Main Road, asked questions regarding the screening on the north side of the site.

Before voting on the petition, the Board voted unanimously to impose the following conditions on any grant of special use permit:

1. All exterior lighting shall point and shine down at a 90-degree angle;
2. All deliveries and dumpster service shall be between the hours of 8:00 a.m. and 5:00 p.m., Monday - Saturday;
3. Arborvitae of no less than 6 feet in height and no more than 4 feet apart shall be planted along the northern property line along the stone wall (outside of the drainage easement area) in order to provide adequate screening to abutting properties, with the length of coverage to be agreed upon between petitioner and the individual abutters;
4. The dumpster enclosure shall be enlarged to be twice the proposed size in order to provide an area to store used HVAC equipment until proper disposal;

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5. There shall be no outside storage other than company or personal vehicles and company owners' boat;
6. There shall be no exterior storage containers of any type or size; and
7. An emergency access gate shall be installed at the cul de sac where it meets the petitioner's property, to be locked at all times, with keys provided to the Portsmouth Fire Department and the Portsmouth Police Department for access.

The Board then considered the proposal and, based on the evidence and testimony presented, determined that the proposal would meet all applicable special use permit criteria under Article VII. The Board found that the property is located in the commercial zoning district and the proposed use is conditionally allowed by special use permit. The Board concluded that the proposal will not be detrimental to the surrounding area; that it will be compatible with neighboring land uses; that it will not create a nuisance or a hazard in the neighborhood; that adequate protection is afforded to the surrounding property by the use of open space and planting; that safe vehicular access and adequate parking are provided; control or noise, smoke, odors, lighting and any other objectionable feature is provided; that solar rights of abutters are not impacted; that the proposed use will be in conformance with the purposes and intent of the comprehensive plan and the zoning ordinance of the Town of Portsmouth and that the health, safety and welfare of the community are protected.

Mr. Borden made a motion to approve the the application with Mr. Furriel seconding the motion. Accordingly, the Board voted unanimously to grant petitioner a special use permit for the proposed development in accordance with the plans as submitted, subject to the conditions imposed by the Board.

VOTE: 5 - 0 in favor of approving the application.

6. Raymond Perry (applicant and owner) for property located at 0 Common Fence Boulevard; being Tax Assessor's Map 4 Lot 164 (Zoning Residential, R-10). The Applicant seeks Dimensional Variances (Article IV, Section B, Article VI, Section A(4)) to construct a new single-family dwelling unit on a pre-existing, non-conforming vacant lot of record.

Petitioner was represented by Cort B. Chappell, Esquire. Members participating in the decision were Chairman James E. Nott, Vice Chairman John G. Borden, Secretary Benjamin Furriel, Eric Raposa, and Langdon Harris.

The Board heard the presentation of Mr. Chappell and testimony of petitioner, and considered the exhibits and materials submitted with the petition and during the course of the hearing. No objectors were heard.

Petitioner explained his proposal to construct a new home on an existing substandard lot of record. The lot is 5,043 SF in area and is irregularly shaped. The lot also has frontage on two streets which must meet front yard setback requirements. Mr. Chappell noted that letters of

support from two abutters were submitted with the petition.

The Board considered the petition and, based on the testimony and documents presented, found that the request for dimensional relief was reasonable under the circumstances. Petitioner is constrained by the small size and configuration of the lot and having frontage on two streets. The Board determined that the proposal would have no negative impact on any abutters or the neighborhood. The Board determined that petitioner had requested the minimum relief necessary and that the hardship that necessitated the request for relief was not the result of prior action of petitioner but was due to the unique characteristics of the land and structures in question. The Board determined that granting the requested relief would not alter the general character of the surrounding area or impair the purpose or intent of the ordinance or the Comprehensive Community Plan, and that denial of the relief requested would result in more than a mere inconvenience to petitioner.

Mr. Borden made a motion to approve the the application with Mr. Furriel seconding the motion. Accordingly, the Board voted unanimously to grant petitioner a 7.85' front yard setback variance, an 11.4' rear yard setback variance, and a 7.1% lot coverage variance to construct a new single-family home in accordance with the plans as submitted.

VOTE: 5 - 0 in favor of approving the application.

7. Cort Chappell (applicant) representing Jesus Sosa (owner) for property located at 0 Riverside Street; being Tax Assessor's Map 20 Lots 255 and 255A (Zoned Residential, R-10). The Applicant seeks Dimensional Variances (Article IV, Section B, Article VI, Section A(4)) to construct a new single-family dwelling unit on a pre-existing, non-conforming vacant lot of record on lot 255A. The lot has had an approved decision that has since expired. The new petition is an expansion from what was previously approved.

Petitioner was represented by Cort B. Chappell, Esquire. Members participating in the decision were Chairman James E. Nott, Vice Chairman John G. Borden, Secretary Benjamin Furriel, Eric Raposa, and Langdon Harris.

The Board heard the presentation of Mr. Chappell and considered the exhibits and materials submitted with the petition and during the course of the hearing. No objectors were heard.

Mr. Chappell explained that the Board previously approved variances in 2020 to construct a house on this property (Lot 255A), but it has expired. The lot is very small and narrow with 3,600 SF of lot area. The house previously approved would have been just 18' wide. After purchasing the property, petitioner came to realize that having an 18' wide house presented a number of challenges regarding design, construction, and utility. The property next door (Lot 255) which is nonconforming but larger, was put up for sale and petitioner purchased that property. Petitioner has filed an application for an administrative subdivision to adjust the lot line to make Lot 255A wider (and Lot 255 narrower) by 4 feet. The present application to this Board seeks the same dimensional relief that the Board granted in 2020, but for a house that will be 22'

wide. The Planning Board has issued a favorable advisory opinion.

The Board considered the petition and, based on the testimony and documents presented, found that the request for dimensional relief was reasonable under the circumstances and not excessive. Petitioner is constrained by the small lot size. Upon completion and filing of the administrative subdivision, the subject lot will be able to accommodate a 22' wide house with the same dimensional relief previously granted. The Board determined that the proposal would have no negative impact on any abutters or the neighborhood. The Board determined that petitioner had requested the minimum relief necessary and that the hardship that necessitated the request for relief was not the result of prior action of petitioner but was due to the unique characteristics of the land and structures in question. The Board determined that granting the requested relief would not alter the general character of the surrounding area or impair the purpose or intent of the ordinance or the Comprehensive Community Plan, and that denial of the relief requested would result in more than a mere inconvenience to petitioner.

Mr. Borden made a motion to approve the the application with Mr. Furriel seconding the motion. Accordingly, the Board voted unanimously to grant petitioner a 2' side yard setback variance to the north, a 6' side yard setback variance to the south, and a 2.8% lot coverage variance, to construct a new single-family home in accordance with the plans as submitted.

VOTE: 5 - 0 in favor of approving the application.

8. Cort Chappell (applicant) representing Sirens, LLC (owner) for property located at 0 Common Fence Boulevard; being Tax Assessor's Map 3 Lot 92B (Zoned Residential, R-10). The Applicant seeks Dimensional Variances (Article IV, Section B, Article VI, Section A(4)) to construct a new single-family dwelling unit on a pre-existing, non-conforming vacant lot of record.

Petitioner was represented by Cort B. Chappell, Esquire. Members participating in the decision were Chairman James E. Nott, Vice Chairman John G. Borden, Secretary Benjamin Furriel, Eric Raposa, and Langdon Harris.

The Board heard the presentation of Mr. Chappell and considered the exhibits and materials submitted with the petition. No objectors were heard.

Mr. Chappell explained that the subject property is a 3,905 SF substandard lot and is irregularly shaped. Petitioner was able to locate the modest 714 SF house on the lot without the need for any dimensional variances. However, petitioner wishes to construct an 8' x 20' deck overlooking the water. The deck will be 12.4' from the front property line with Common Fence Boulevard (and more than 25' from the pavement) and requires a 7.6' front yard setback variance. The deck will increase lot coverage to 22.3%, requiring a 2.3% lot coverage variance.

It was noted that because the lot is a substandard lot of record, petitioner would have to meet additional criteria under Article VI, Section A.4 in order to obtain dimensional relief. Mr.

Chappell addressed all applicable criteria.

The Secretary read into the record a letter from Chuck Miksis, 242 Common Fence Boulevard, objecting to the petition.

The Board considered the petition and, based on the testimony and documents presented, found that the requests for dimensional relief were reasonable under the circumstances and not excessive. Petitioner is constrained by the small size and irregular shape of the lot. The Board determined that the proposal would have no negative impact on any abutters or the neighborhood. The Board determined that petitioner had requested the minimum relief necessary and that the hardship that necessitated the request for relief was not the result of prior action of petitioner but was due to the unique characteristics of the land and structures in question. The Board determined that granting the requested relief would not alter the general character of the surrounding area or impair the purpose or intent of the ordinance or the Comprehensive Community Plan, and that denial of the relief requested would result in more than a mere inconvenience to petitioner. The Board further determined that all applicable criteria under Article VI, Section A.4 for dimensional variances on a substandard lot of record were satisfied.

Mr. Borden made a motion to approve the the application with Mr. Furriel seconding the motion. Accordingly, the Board voted unanimously to grant petitioner a 7.6' front yard setback variance and a 2.3% lot coverage variance to construct a new single-family home with an 8' x 20' deck in accordance with the plans as submitted.

VOTE: 5 - 0 in favor of approving the application.

9. Robert Kreft (applicant and owner) for property located at 196+202 Riverside Street; being Tax Assessor's Map 20 Lot 150 (Zoned Residential, R-10). The Applicant seeks Dimensional Variances (Article IV, Section B) and a Special Use Permit (Article VII, Section A(1)(c)) to construct a 2nd floor deck with stairs in the rear yard on a substandard lot of record.

Members participating in the decision were Chairman James E. Nott, Vice Chairman John G. Borden, Secretary Benjamin Furriel, Eric Raposa, and Langdon Harris.

The Board heard testimony of petitioner and considered the exhibits and materials submitted with the petition. No objectors were heard.

Petitioner explained that he is renovating this 2-unit property and wishes to add a deck and entry way for the upstairs apartment with stairs from the rear yard. The house is located in a unique and difficult position on the lot. The deck and stairs will add 118.5 SF of lot coverage bringing the total to 28.8 SF and will require an 8.8% lot coverage variance.

It was noted that because the lot is a substandard lot of record, petitioner would have to meet applicable criteria under Article VI, Section A.4 in order to obtain dimensional relief. The Chair

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elicited testimony from petitioner addressing all applicable criteria.

The Board considered the petition and, based on the testimony and documents presented, found that the request for dimensional relief was reasonable under the circumstances. Petitioner is constrained by the size and configuration of the lot and the location of the existing structure and septic system. The Board determined that the proposal would have no negative impact on any abutters or the neighborhood. The Board determined that petitioner had requested the minimum relief necessary and that the hardship that necessitated the request for relief was not the result of prior action of petitioner but was due to the unique characteristics of the land and structures in question. The Board determined that granting the requested relief would not alter the general character of the surrounding area or impair the purpose or intent of the ordinance or the Comprehensive Community Plan, and that denial of the relief requested would result in more than a mere inconvenience to petitioner. The Board further determined that the proposal would meet the applicable criteria under Article VI, Section A.4 for dimensional variances on a substandard lot of record.

The Board further determined that the proposal would meet applicable special use permit criteria under Article VII. The Board concluded that the proposal will not be detrimental to the surrounding area; that it will be compatible with neighboring land uses; that it will not create a nuisance or a hazard in the neighborhood; that adequate protection is afforded to the surrounding property by the use of open space and planting; that safe vehicular access and adequate parking are provided; control or noise, smoke, odors, lighting and any other objectionable feature is provided; that solar rights of abutters are not impacted; that the proposed use will be in conformance with the purposes and intent of the comprehensive plan and the zoning ordinance of the Town of Portsmouth and that the health, safety and welfare of the community are protected.

Mr. Borden made a motion to approve the the application with Mr. Furriel seconding the motion. Accordingly, the Board voted unanimously to grant petitioner an 8.8% lot coverage variance and a special use permit to add a rear deck and stairs to an existing dwelling on a substandard lot of record, in accordance with the plans as submitted.

VOTE: 5 - 0 in favor of approving the application.

A motion to adjourn was made by Mr. Borden to adjourn and was seconded by Mr. Raposa. The meeting was adjourned at 9:00 PM.

Minutes respectfully submitted by Aaron Lindo, Assistant Town Planner. Please contact the Planning Department for further information.