

Proposed ice cream shop seeks waiver from parking impact fee

By **Charles McMahon**

cmcmahon@seacoastonline.com

March 13, 2012 3:23 PM

PORTSMOUTH — A specialty chocolate and ice cream shop could be moving into the former RiverRun Bookstore location on Congress Street.

Kilwins, a franchise focused on handmade chocolates, fudge, and ice cream since 1947, could be moving into the site of the former bookstore at 20 Congress St., according to independent business owner Janette Desmond.

As the potential owner of a Kilwins franchise, Desmond said she's considering leasing the downtown location, but insisted nothing is final yet.

Plans on file with the city indicate Desmond is hoping to spend an estimated \$150,000 to redesign the space and turn it into a retail shop with four tables and eight chairs.

But before she can move along with the project, Desmond is asking for a variance from the city's Board of Adjustment to waive a parking impact fee.

In her application, Desmond argues that because her store is for retail use and is not a restaurant, it should not be subject to the fee.

"This is not a sit-down place," she said. "There are no menus. Most people who buy an ice cream don't sit down inside to enjoy it."

She suggests the variance should be granted because the parking fee will create a "hardship."

The application, which will be heard March 20, also indicates that a lease will be signed after a variance request is approved.

Desmond said she could not discuss terms of a potential lease agreement, but said she's excited about the possibility of bringing the franchise to Portsmouth.

"It's a wonderful place," she said. "It's got a nice family feel."

Kilwins boasts having the "finest quality traditional down-home confections and ice cream that are kitchen made fresh from premium ingredients and original recipes."

It was founded in Michigan by Don and Katy Kilwin.

"Kilwins is where people celebrate, vacation, and share the experience of life, family, and gifting in a nostalgic Americana setting," according to the company website.

There are reportedly nearly 80 Kilwins franchises across the country, the closest being in Rhode Island.