

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

7:00 P.M.

August 19, 2025

ACTION SHEET

MEMBERS PRESENT: Beth Margeson, Vice Chair; David Rheaume; Paul Mannle; Thomas Rossi; Jeffrey Mattson; Thomas Nies

MEMBERS EXCUSED: Phyllis Eldridge, Chair

ALSO PRESENT: Stefanie Casella, Planning Department

I. APPROVAL OF MINUTES

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

*The July 15, 2025 meeting minutes were **approved** as amended.*

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

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

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

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

II. OLD BUSINESS

A. 92 Brewster Street – Rehearing Request (LU-25-117)

*The Board voted to **deny** the request for rehearing as the petition is based on a disagreement with the reasoning and conclusions of the Board and does not provide evidence of substantive errors and as such does not qualify for a rehearing.*

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

- B.** The request of **Greengard Center for Autism (Owner)**, for property located at **89 Brewery Lane** whereas relief is needed for a change of use from an assisted living home with 5 residents to an assisted living center with 6 residents which requires the following: 1) Variance from Section 10.440, Use #2.11 for an assisted living center where it is not permitted. Said property is located on Assessor Map 146 Lot 26 and lies within the Character District 4-L2 (CD4-L2). (LU-25-77)

*The Board voted to **approve** the request as presented with the following **conditions**:*

- 1) There shall be no more than six residents at the Center, and.*
- 2) The site plan approval shall include provision of an easement or right of way to the City for a portion of the road and/or future sidewalk on the parcel to connect to the public portion of Albany Street that shall be reviewed by the Planning and Legal Departments and approved by the City Council as a condition of this approval.*

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

III. NEW BUSINESS

- A.** The request of **Timothy John Berky JR (Owner)**, for property located at **121 Eastwood Drive** whereas relief is needed to construct an accessory storage shed in the rear of the property which requires the following: 1) Variance from Section 10.573.20 to allow a 5 foot rear yard where 21 feet are required. Said property is located on Assessor Map 288 Lot 3-17 and lies within the Single Residence B (SRB) District. (LU-25-97)

*The Board voted to **deny** the request as presented and advertised, as it failed to meet the hardship criteria and to preserve light and air to neighboring properties.*

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

- B.** The request of **Paul and Karolina Roggenbuck (Owners)**, for property located at **2 Sylvester Street** whereas relief is needed to construct a detached garage with accessory dwelling unit which requires the following: 1) Variance from Section 10.1114.31 to allow a second driveway where only one is permitted. Said property is located on Assessor Map 232 Lot 35 and lies within the Single Residence B (SRB) District. (LU-25-105)

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

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

- C.** The request of **909 West End LLC (Owner)** and **Loaded Question Brewing (Applicant)**, for property located at **909 Islington Street** whereas relief is needed to add 300 square feet of space to increase seating capacity from 36 to 54 which requires the

following: 1) Special Exception from Section 10.440 Use #9.42 to allow occupant load from 50 to 250. Said property is located on Assessor Map 172 Lot 7 and lies within the Character District 4-W (CD4-W). (LU-25-102)

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

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

- D.** The request of **145 Maplewood Avenue LLC (Owner)** and **FUEL Personal Training (Applicant)**, for property located at **145 Maplewood Avenue** whereas relief is needed to establish a health club with 2,500 square feet of gross floor area which requires the following: 1) Special Exception from Section 10.440 Use # 4.42 to allow a health club, yoga studio, martial arts school, or similar use with more than 2,000 sq. ft. GFA. Said property is located on Assessor Map 124 Lot 8-1 and lies within the Character District 5 (CD5) and Downtown Overlay District. (LU-25-107)

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

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

- E.** The request of **Mark N and Julie S Franklin (Owners)**, for property located at **168 Lincoln Avenue** whereas relief is needed to demolish the rear deck and construct a one-story addition, demolish and reconstruct the front porch, construct a kitchen addition, construct a bulkhead, and construct dormers which require the following: 1) Variance from Section 10.521 to allow a) 7.5 foot front yard where 15 feet are required, b) 7 foot right yard where 10 feet are required, and c) 32% building coverage where 25% is 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 113 Lot 6 and lies within the General Residence A (GRA) District. (LU-25-109)

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

Motion: D. Rheume; **Second:** P. Mannle

- F.** The request of **Tyler Garzo (Owner)**, for property located at **62 McKinley Road** whereas relief is needed to subdivide the existing lot into two lots and demolish and reconstruct the existing garage which requires the following: 1) Variance from Section 10.521 to allow a) 8,430 square feet of lot area for proposed lot 26 where 15,000 square feet are required, b) 8,430 square feet of lot area per dwelling unit for proposed lot 26 where 15,000 square feet are required, c) lot depth of 87 feet for proposed lot 26 where 100 feet are required, d) 13 foot rear yard area where 30 feet are required, e) 8,430 square feet of lot area for proposed lot 26-1 where 15,000 square feet are required, f) 8,430

square feet of lot area per dwelling unit for proposed lot 26-1 where 15,000 square feet are required, and g) lot depth of 88 feet where 100 feet are required. Said property is located on Assessor Map 268 Lot 26 and lies within the Single Residence B (SRB) District. (LU-25-111)

*The Board voted to **deny** the request, as it failed the hardship criteria because there was nothing truly unique about the property that required the variance to allow the lot to be subdivided in order to enjoy the property or to be consistent with the characteristics of the surrounding lots.*

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

- G.** The request of **420 Pleasant Street LLC (Owner)**, for property located at **420 Pleasant Street** whereas relief is needed to relocate the egress door 1 foot from the left side yard which requires the following: 1) Variance from Section 10.521 to allow 1 foot left side yard where 10 feet are required; 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 102 Lot 56 and lies within the General Residence B (GRB) and Historic Districts. (LU-25-112)

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

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

IV. ADJOURNMENT

The meeting adjourned at 9:50 p.m.