

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

7:00 P.M.

January 27, 2026

ACTION SHEET

MEMBERS PRESENT: Beth Margeson, Chair; Jeffrey Mattson, Vice Chair; David Rheaume; Paul Mannle; Thomas Nies; Thomas Rossi; Robert Sullivan; Mike Lucas, Alternate

MEMBERS EXCUSED:

ALSO PRESENT: Stefanie Casella, Planning Department

Mr. Mannle moved to take Item II. E, 94 Langdon Street and 98 Cornwall Street petition out of order, seconded by Mr. Nies. The Motion passed unanimously 7-0 with Mr. Rheaume recused.

The Board voted to postpone Item II. E, 94 Langdon Street and 98 Cornwall Street to March per the applicant's request. The Motion passed unanimously 7-0 with Mr. Rheaume recused.

I. OLD BUSINESS

A. 58 Humphrey's Court – Request for rehearing (Admin Appeal Abutters)

The Board voted to deny the request for rehearing.

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

B. 58 Humphrey's Court – Request for rehearing (Admin Appeal Owners)

The Board voted to deny the request for rehearing.

Motion: R. Sullivan; **Second:** P. Mannle

C. 58 Humphrey's Court – Request for rehearing (Variances)

*The Board voted to **deny** the request for rehearing.*

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

II. NEW BUSINESS

A. The request of **Rigz Enterprises LLC (Owner)**, for property located at **822 US Route 1 Bypass** whereas relief is needed to place a new sign on an existing pole which requires the following: 1) Variance from Section 10.1253.10 to allow a sign setback of 2.5 feet from a lot line where 20 feet are required. Said property is located on Assessor Map 160 Lot 29 and lies within the Business and General Residence A (GRA) Districts. (LU-25-179)

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

Motion: J. Mattson; **Second:** P. Mannle. Mr. Sullivan recused.

B. The request of **Three Hundred Seventy One Lowell Avenue Realty LLC and TMK Lavergne LLC (Owners)** and **Convenient MD (Applicant)**, for property located at **1303 Woodbury Avenue** whereas relief is needed for a change of use from retail to medical office and striping on existing pavement for additional parking which requires the following: 1) Variance from Section 10.5B83.10 to locate parking between the principal building and the street; 2) Variance from Section 10.1113.20 to locate parking between the principal building and the street; and 3) Variance from Section 10.1113.31 to permit parking within 100 feet of a residential zone. Said property is located on Assessor Map 217 Lot 1 and lies within the Gateway Corridor (G1) District. (LU-25-174)

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

- 1) *The hours of use for the striped 10 parking spots added by this variance shall be limited from 6 am to 7 pm.*

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

C. **POSTPONED TO FEBRUARY** The request of **Lisa Paige Reyes (Owner)** and **Chris Ward (Applicant)**, for property located at **238 Austin Street** whereas relief is needed to demolish the existing structures, subdivide the lot and construct a new home on each lot which requires the following for the proposed Austin Street Lot: 1) Variance from Section 10.521 to allow a) 49.75 feet of frontage where 70 feet is required; and b) an 8.5 foot right side yard where 10 feet is required. The following is required for the proposed Coffins

Court Lot: 1) Variance from Section 10.521 to allow a) 2,884 sq.ft. of lot area where 3,500 sq.ft. is required, b) 2,884 sq.ft. of lot area per dwelling unit where 3,500 sq.ft. is required, c) a 5.5 ft. side yard where 10 feet is required; and d) an 18 foot rear yard where 20 feet is required. Said property is located on Assessor Map 135 Lot 61 and lies within the General Residence C (GRC) District. **POSTPONED TO FEBRUARY (LU-25-177)**

D. The request of **Bretta Heilbut (Owner)**, for property located at **21 Elwyn Avenue** whereas relief is needed to demolish the existing one-story detached garage and construct a new two-story garage which requires the following: 1) Variance from Section 10.521 to allow a) a 6 foot left side yard where 10 feet is required, b) a 5 foot rear yard where 19 feet is required; and c) 34.5% Building Coverage where 25% is allowed. Said property is located on Assessor Map 113 Lot 28 and lies within the General Residence A (GRA) District. (LU-25-176)

*The Board voted to **deny** the request as presented and advertised because it is not consistent with the spirit and intent of the Ordinance and failed to meet the hardship criteria.*

***Motion:** D. Rheaume; **Second:** R. Sullivan*

E. REQUEST TO POSTPONE The request of **Regan Electric CO INC (Owner)** and **Chinburg Development (Applicant)**, for property located at **94 Langdon Street and 98 Cornwall Street** whereas relief is needed to merge the lots, demolish the existing structures and construct three new single-family dwellings which requires the following: 1) Variance from Section 10.521 to allow 88 feet of frontage where 100 feet is required. Said property is located on Assessor Map 139 Lots 1 and 8 and lies within the Mixed Residential Business (MRB) District. **REQUEST TO POSTPONE (LU-25-175)**

*The Board voted to **postpone** the request to the March meeting.*

II. ADJOURNMENT

The meeting adjourned at 10:04 p.m.