

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

7:00 P.M.

April 21, 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

Chair Margeson called the regular meeting to order at 7:03 p.m.

*Mr. Mannle moved to **leave the non-public meeting** and seal the minutes. Mr. Rossi seconded. The motion passed unanimously, 7-0.*

Mr. Sullivan moved to suspend the rules to take Item III. B, 140 West Road petition out of order, seconded by Mr. Nies. The motion passed unanimously, 7-0.

*Mr. Mannle moved to **postpone** III. B, 140 West Road to the May meeting per the applicant's request, seconded by Mr. Sullivan. The motion passed unanimously, 7-0.*

I. APPROVAL OF MINUTES

A. Approval of the March 17, 2026 meeting minutes.

The March 17, 2026 meeting minutes were approved as presented.

***Motion:** D. Rheaume; **Second:** T. Nies. Chair Margeson abstained.*

B. Approval of the March 24, 2026 meeting minutes.

The March 24, 2026 meeting minutes were approved as presented.

***Motion:** D. Rheaume; **Second:** J. Mattson. Chair Margeson and T. Nies abstained.*

C. Approval of the March 31, 2026 Work Session minutes.

The Board voted to postpone acceptance of the March 31, 2026 Work Session minutes until the May meeting.

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

II. OLD BUSINESS

A. 238 Austin Street – Rehearing Request

*The Board voted to **deny** the request for rehearing, because the appellant failed to identify an error in procedure or law in the decision by the Board.*

Motion: J. Mattson; **Second:** D. Rheume

- B.** The request of **William and Virginia Osborn (Owners)**, for property located at **133 Miller Avenue** whereas relief is needed to demolish the existing one-story garage and construct a new two-story attached garage which requires the following: 1) Variance from Section 10.521 to allow a) a 6-foot rear yard where 20 feet is required; and b) 3-foot left side yard where 10 feet is required. Said property is located on Assessor Map 129 Lot 26 and lies within the General Residence A (GRA) District. (LU-26-21)

The Board voted to consider Variances 1a and 1b separately.

Motion: T. Rossi; **Second:** R. Sullivan

*The Board voted to **deny** Variance 1b, because it failed to observe the spirit of the Ordinance and failed to meet the hardship criteria.*

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

*The Board voted to **grant** Variance 1a as presented and advertised.*

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

- C.** The request of **John C and Janice D Carpenter (Owners)**, for property located at **614 Broad Street** whereas relief is needed to construct a front porch and rear addition to the primary dwelling, to demolish the existing detached garage and construct a new two-story garage with Accessory Dwelling Unit above which requires the following: 1) Variance from Section 10.521 to allow a) a 0.5 foot rear yard where 20 feet is required; b) 2.5 foot left side yard where 10 feet is required; and c) 34% building coverage where 25% is the

maximum. Said property is located on Assessor Map 221 Lot 54 and lies within the General Residence A (GRA) District. (LU-26-24)

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

- 1) *The front porch shall not be enclosed and become part of an enclosed structure at a future date.*

Motion: T. Rossi; **Second:** R. Sullivan

III. NEW BUSINESS

- A.** The request of **Anita Koury and Theodore Constantino (Owners)**, for property located at **302 Miller Avenue** whereas relief is needed to construct an addition to the existing garage, which requires the following: 1) Variance from Section 10.520 to allow a) 30% building coverage where 25% is maximum allowed; and 2) Variance from Section 10.573.20 to allow a 4 foot rear yard where 10 feet are required. Said property is located on Assessor Map 130 Lot 11 and lies within the General Residence A (GRA) District. (LU-26-32)

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

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

- B. REQUEST TO POSTPONE** The request of **Road to the West, LLC (Owner)**, for property located at **140 West Road** whereas relief is needed to create an outdoor dining area, which requires the following: 1) Variance from Section 10.440 Use #19.50 to allow an outdoor dining or drinking area, as accessory use where it is not allowed. Said property is located on Assessor Map 252 Lot 2-13 and lies within the Industrial (I) District.
REQUEST TO POSTPONE (LU-26-34)

*The Board voted to **postpone** the petition to the May 19th meeting.*

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

IV. ADJOURNMENT

The meeting adjourned at 9:11 p.m.