

**MINUTES OF THE  
BOARD OF ADJUSTMENT MEETING  
EILEEN DONDERO FOLEY COUNCIL CHAMBERS  
MUNICIPAL COMPLEX, 1 JUNKINS AVENUE  
PORTSMOUTH, NEW HAMPSHIRE**

**7:00 P.M.**

**April 28, 2026**

**MEMBERS PRESENT:** Beth Margeson, Chair; Jeffrey Mattson, Vice Chair; David Rheame; Paul Mannle; Thomas Nies; Thomas Rossi; Robert Sullivan

**MEMBERS EXCUSED:** Mike Lucas, Alternate

**ALSO PRESENT:** Stefanie Casella, Planning Department

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Chair Margeson called the meeting to order at 7:00 p.m. She announced that Item B, Port Hunter LLC and Item D, Hope for Tomorrow Foundation would be heard at the May 19<sup>th</sup> meeting.

**I. NEW BUSINESS**

- A.** The request of **Lonza Biologics INC (Owner)**, for property located at **34 Harvest Way** whereas relief is needed to install two illuminated wall signs and one illuminated monument sign, which requires relief from the following: 1) from Section 306.01(d) of the Pease Development Ordinance to allow signs to exceed a maximum aggregate area of two (2) square feet of sign area for each linear foot of street frontage up to a maximum of 200 square feet. Said property is located on Assessor Map 305 Lot 5 and lies within the Airport Business Commercial (ABC) District. (LU-26-12)

**SPEAKING TO THE PETITION [Timestamp 7:10]**

Justin Parker of Classic Signs was present on behalf of Lonza Biologics. He stated that Lonza wanted new signage for their new building. He reviewed the criteria.

[Timestamp 9:45] Mr. Sullivan asked if the sign would be visible from anywhere off the air base. Mr. Parker said it would not be. Mr. Rheame asked how Lonza came to have 770 sf of aggregate signage area where 200 sf was the maximum without having to get zoning relief. Mr. Parker said he did not know because the previous sign company was absorbed by his company. Mr. Nies said he did not see anything in the Pease Development Authority (PDA) sign ordinance that had language indicating that it applies to a business rather than the parcel. Mr. Parker said someone from the town denied the application due to that rule, so it had to be. Chair Margeson said the Legal Notice stated that the signs on the building would be illuminated but Mr. Parker said they would not be. Mr. Parker said the only illuminated sign would be the internally-illuminated monument sign that would be on Corporate Drive going toward International Drive. Ms. Casella said there was a Letter of

Decision from PDA with a contingent approval citing the source. She read “the sign shall not exceed a maximum aggregate area of 2 sf of sign area for each linear foot of street frontage, up to a maximum of 200 sf”. Chair Margeson asked if it said whether it was calculated by business and not for each parcel. Mr. Rossi said a variance would be needed because it was limited to 200 sf. Chair Margeson said she didn’t know what the square footage of the three proposed signs was. Mr. Parker said the total signage area on the specific property was 113.68 sf. Chair Margeson said that meant it was below the maximum in the Pease zoning ordinance and that the number included the Lonza properties that were on different lots. Ms. Casella said she could not find the Letter of Decision. Mr. Parker said the application was denied in the Portsmouth portal, so he had to get a variance approval from the PDA. Ms. Casella said the application materials stated that the area was calculated by business and not for each parcel. Mr. Parker said he put that in there because that was what he was told by whoever denied the application. Ms. Casella said the PDA referred it to the BOA and gave conditional approval, so if felt okay to her. Chair Margeson said the letter from the PDA was dated January 29, 2026 and it was supposed to be referred to the Board within 60 days. Ms. Casella asked Mr. Parker if he applied to the City for a signed permit that got denied and then he went to the PDA. Mr. Parker said he believed so. Chair Margeson said it was just a recommendation by representation of the applicant, and the aggregate area of the sign was less than 200 sf, so it was likely that it would not have needed to come before the Board anyway. She said she was comfortable going forward with the application. Mr. Nies suggested that the Board ask the PDA to explain where the supposed interpretation came from, noting that the Board did not have anything in writing stating that it was how Pease applied their sign ordinance. He said it reflected on whether it complied with the spirit of the Pease Land Board Use Regulations. He said if it was applied by parcel, it was a no-brainer because it was less than 200 sf, but if it was applied by business, then the Board had to wrestle with the spirit of the ordinance question. Mr. Rheume noted that the letter in the packet referring it to the City was the only correspondence from the PDA and was addressed to an engineer who worked for Lonza and not the City. Chair Margeson suggested continuing the request for clarification on the Pease Land Use Ordinance and the question of the referral.

Chair Margeson opened the public hearing.

### **SPEAKING TO, FOR, OR AGAINST THE PETITION**

No one spoke, and Chair Margeson closed the public hearing.

### **DISCUSSION OF THE BOARD [Timestamp 25:34]**

Mr. Nies recommended that the Board move forward because it was a recommendation to the PDA and not ultimately a final decision based by the Board. He said he did not want to hold up the applicant for a clarification that might or might not affect the recommendation that the PDA may or may not listen to. Mr. Rheume disagreed and said there was too much confusion. He said it should be sent back to the applicant to get the right information. Mr. Rossi agreed. Mr. Mannle said Pease was its own entity and was coming before the Board as a courtesy, so he was fine with moving forward. Chair Margeson said it should be postponed to clear up the issue about the business vs.

parcel square footage and other issues. Ms. Casella said she found information indicating that the first sign permit was submitted in September and there was discussion saying that a variance was needed from the PDA. She said the actual land use application was filed by the applicant on February 27<sup>th</sup> and was accepted as complete in March for the April meeting. She said it looked like the first sign permit was submitted in September and there was discussion noting that a variance had to be received from the PDA. She said the actual land use application was filed by the applicant on February 27<sup>th</sup> and was not considered complete until March.

#### **DECISION OF THE BOARD** [Timestamp 31:23]

*Mr. Rossi moved to **continue** the application until the May 19<sup>th</sup> meeting so that the applicant can provide the specific section of the Pease Development Authority's zoning ordinance that is applicable, with the supporting rationale as to why the request is necessary. Mr. Rheume seconded the motion.*

Mr. Rossi said the application as presented was unclear in terms of exactly what aspect of the Pease zoning ordinance the Board was being asked to make a recommendation for a variance against, and without having that clear knowledge, it was impossible for the Board to judge whether the proposed signage was qualified based on the various criteria for a variance of the Pease zoning ordinance. Mr. Rheume concurred. Mr. Nies said he would not support the motion because the Board could not find anything in the record that said it was applied to the business, but someone told the applicant that it was. He said it did not warrant a delay. Mr. Rheume said it had been going on for months and there did not seem to be a rush to get it resolved. He said there were more questions than answers and that it was the corporation's responsibility to be fully prepared and to provide information to the Board so that the Board could understand what needed to be approved and recommended. Mr. Rossi said, given the nature of the request and the nature of Lonza's business, he did not see a strong sense of urgency in pushing it through and establishing a precedent for the Board for making decisions on a level of lack of clarity such as this.

*The motion **passed** by a vote of 5-2, with Mr. Mannle and Mr. Nies voting in opposition.*

- B. POSTPONE TO MAY** The request of **Port Hunter LLC (Owner)**, for property located at **361 Miller Avenue** whereas relief is needed to construct a detached garage with a professional office space on the second floor, which requires the following: 1) Variance from Section 10.573.20 to allow a) 6 foot side yard where 10 feet are required, and b) 10 foot rear yard where 20 feet are required; and 2) Variance from Section 10.440 Use #5.10 to allow a professional office use where it is not permitted. Said property is located on Assessor Map 131 Lot 33 and lies within the General Residence A (GRA) District.  
**POSTPONE TO MAY (LU-25-76)**

#### **DECISION OF THE BOARD**

The petition was postponed to the May 19<sup>th</sup> meeting.

- C. The request of **Kristina Logan Revocable Trust (Owner)**, for property located at **220 South Street** whereas relief is needed to build a chicken coop and have chickens, which requires the following: 1) Special Exception from Section 10.440 Use # 17.20 to allow the keeping of farm animals where it is allowed by Special Exception. Said property is located on Assessor Map 111 Lot 1 and lies within the Single Residence B (SRB) and Historic Districts. (LU-26-39)

**SPEAKING TO THE PETITION** [Timestamp 39:16]

The owner/applicant Kristina Logan and Michael Graf were present. Ms. Logan said they wanted to keep chickens in their backyard as household pets and egg layers. She said it would not be a chicken farm or resemble an agricultural enterprise. She reviewed the standards for special exception and explained how they would be met. She said they would have six chickens. She noted that one neighbor was opposed due to concerns about odors and predators, but she said the coop would be located as far as possible from the property line.

[Timestamp 48:12] Mr. Rossi asked if the chickens would always be in the coop or would have free range. Ms. Logan said the chickens would be in the coop at night but would have a chicken run during the day in a fenced-in area. Mr. Rossi asked if the coop would require heating. Ms. Logan said they would use a deep mulch technique of putting down pine shavings that would create a natural heat. Mr. Rheume verified whether the number of hens the applicant wanted was six. Mr. Graf said they would like to have eight chickens. Ms. Logan said the coop would have solar instead of electricity and that there would be no roosters. Chair Margeson asked why Ms. Logan felt that the odor would not be a problem for the neighbors. Ms. Logan said the pine chips were a deep bedding system that started with two inches of chips and then were fluffed up to dissipate the odor, and they were then layered in 2-inch increments, which resulted in a compost underneath.

Chair Margeson opened the public hearing.

**SPEAKING IN FAVOR OF THE PETITION**

Mr. Graf submitted two letters of support from the neighbors.

**SPEAKING IN OPPOSITION TO THE PETITION**

Rachel Rush of 232 South Street, Unit 2, said she was the opposing neighbor but felt that the pine chips and the fact that the coop would be on the other side of the property would help. She said she didn't want skunks or racoons around, so she was glad the applicant would have a 6-ft barrier.

**SPEAKING TO, FOR, OR AGAINST THE PETITON**

No one else spoke, and Chair Margeson closed the public hearing.

**DECISION OF THE BOARD** [Timestamp 56:15]

*Mr. Nies moved to **grant** the special exception to raise up to eight chickens as presented, with the following **conditions**:*

*The special exception is vested without issuance of a building permit because it was not needed for the construction of an accessory structure of the size proposed.*

*No roosters will be raised.*

*Mr. Mannle seconded.*

Mr. Nies said he understood the neighbor's concern about wild animals but that the applicant seemed to have a well thought-out plan to reduce the ability of animals to get at the chickens. He said farm animals are allowed by special exception in that area and that there were not any specific standards that were applied. He said granting the special exception would pose no hazard to the public or adjacent properties on account of fire, explosion, or release of toxic material. He noted that the one potentially toxic material would be the waste from the chickens but the applicant had a plan to minimize that, and he wasn't sure if the compost could be called a toxic material according to the ordinance. He said it would pose no detriment to property values in the vicinity or change in the essential characteristics of any area including residential neighborhoods or business and industrial districts on account of the location or scale of buildings and other structures, parking areas, accessways, odors, smoke, gas, dust or other pollutants, noise, glare heat, or unsightly outdoor storage of equipment, vehicles or other materials. He said he was satisfied that the applicant had a good plan to minimize odors. He said the location of the coop and chickens were about as far away from any adjoining house as it could be. He said granting the special exception would pose no creation of a traffic safety hazard or a substantial increase in the level of traffic congestion in the vicinity. He said there would clearly be no increase in traffic by raising eight chickens in the backyard, where they would be controlled and would not wander around in the street. He said it would pose no excessive demand on municipal services including but not limited to water, sewer, waste disposal, police and fire protection and schools. He said there would be no demands on municipal services. He said it would pose no significant increase of stormwater runoff onto adjacent properties or streets. He said there would possibly be some runoff from the wood but that it would wind up on a level terrain. He said roosters would not be allowed. He said there was no permit needed, seeing that the access structure was small enough that it was exempt from everything, including the setback requirements. Mr. Mannle concurred. He said his daughter and son-in-law raised 18 chickens in Berwick and used the same method that the applicant intended to use. Mr. Rheume said in other instances, people came before the Board with a variance, which was a higher standard, and in this case the ordinance recognized that there was enough open space in the yard where it would not impact the neighbor and that the applicant met the criteria for eight hens.

*The motion **passed** unanimously, 7-0.*

**D. POSTPONE TO MAY** The request of **Hope for Tomorrow Foundation (Owner)**, for property located at **315 Banfield Road** whereas relief is needed to construct an addition to the existing school on the property, which requires the following: 1) Variance from Section

10.334 to allow the existing primary and secondary school use (Use #3.21) to be extended to another part of the remainder of the land. Said property is located on Assessor Map 266 Lot 5 and lies within the Industrial (I) District. **POSTPONE TO MAY** (LU-26-41)

### **DECISION OF THE BOARD**

The petition was postponed to the May 19<sup>th</sup> meeting.

- E. The request of **Brent and Susanne Morrill (Owners)**, for property located at **651 Woodbury Avenue** whereas relief is needed to construct a second driveway which requires the following: 1) Variance from Section 10.1114.31 to allow a second driveway on the lot where only one is permitted. Said property is located on Assessor Map 220 Lot 12 and lies within the Single Residence B (SRB) District. (LU-26-38)

### **SPEAKING TO THE PETITION** [Timestamp 1:03:50]

The project land surveyor Joel Connolly was present on behalf of the applicants. He said they wanted to build a detached ADU and needed a second driveway for it. He said the new driveway would be off Edmond Avenue instead of Woodbury Avenue. He reviewed the criteria.

[Timestamp 1:07:24] Mr. Nies said he drove by the house and noticed another parking space/driveway where a pickup was parked off Edmond Avenue, so it seemed like there were already two driveways on the property. He asked if that parking space would be eliminated. Mr. Connolly agreed and said the proposed driveway for the ADU would be larger to accommodate any vehicles. Mr. Nies verified that the proposed full basement in the ADU would not be a living space. Mr. Connolly said it would only be used for utilities and storage. Mr. Rheaume said he could not find the minimum required setback requirement in the ordinance. Ms. Casella said it was considered an accessory structure more than 100 sf in area, so it was the height of the structure, and the opposite lot line of Woodbury Avenue was the most distant and a rear side yard. Mr. Connolly submitted to the Board a letter from an abutter who was in favor of the project.

Chair Margeson opened the public meeting.

### **SPEAKING TO, FOR, OR AGAINST THE PETITION**

No one spoke, and Chair Margeson closed the public hearing.

### **DECISION OF THE BOARD** [Timestamp 1:11:42]

*Mr. Nies moved to **grant** the variance as presented and advertised, with the following **condition**:*

1. *The applicant shall eliminate the existing single parking space on Edmond Avenue next to the existing home.*

*Mr. Mannle seconded the motion.*

Mr. Nies said the detached ADU was by right and all that the Board was being asked to approve was the second driveway, which would facilitate access to the ADU. He said granting the variance would not be contrary to the public interest, noting that he did not see how putting in a driveway would have any effect on the health, safety, and welfare of the neighborhood or on light and air, or would alter the essential characteristics of the neighborhood. He said it could be argued that allowing the driveway would help the safety of the neighborhood by having less traffic come in and out of the property from Woodbury Avenue. He said those reasons were the same rationale for why granting the variance would observe the spirit of the ordinance. He said it would do substantial justice, noting that he could not see any benefit to the public by denying the variance and that in fact, denying it would create some traffic concerns on Woodbury Avenue. He said granting the variance would not diminish the value of surrounding properties because it would be a small detached ADU with a garage and there was no evidence presented nor had anyone argued that it would diminish the values of surrounding properties. He said it was unlikely that it would. Relating to hardship, he said the special conditions of the property were that it is a narrow corner lot on a heavily trafficked road and there was no way to access the proposed ADU in a safe manner from Woodbury Avenue due to the locations of the existing buildings. He said due to those special conditions that distinguish the property from others in the area, there did not appear to be any fair and substantial relationship between the purposes of the ordinance and the specific application to the property, and the use is reasonable. He said the idea of having properties restricted to one driveway was to minimize the number of driveways on the street. He said the proposed driveway would be on a different street and there would not be two driveways on the same street leading into the same property, so there was no reason to enforce this specific ordinance on the property.

Mr. Mannle concurred. Relating to the stipulation (or condition), he said the Board asked that the homeowner act in good faith, considering that there was no barrier between Edmond Avenue and the property, like a curb, sidewalk, hedge, and so on. Mr. Rheaume said the stipulation was helpful and important because in the future, if the City decided to put in curbing or a sidewalk, it would reflect from a planning standpoint that the property is only allowed the one driveway.

*The motion passed unanimously, 7-0.*

## **II. ADJOURNMENT**

The meeting adjourned at 8:18 p.m.

Submitted,

Joann Breault  
BOA Meeting Minutes Taker