

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

7:00 P.M.

July 21, 2026

MEMBERS PRESENT: Beth Margeson, Chair; David Rheame; Thomas Nies; Thomas Rossi; Robert Sullivan

MEMBERS EXCUSED: Jeffrey Mattson, Vice Chair; Paul Mannle; Mike Lucas, Alternate

ALSO PRESENT: Jillian Harris, Planning Department

Chair Margeson announced that member Paul Mannle resigned from the Board because he was moving out of Portsmouth, and she thanked him for his service. She said Old Business Item II.B, 315 Banfield Road, and New Business Item III.B, 292 Wibird Street, were postponed to the August 18 meeting at the request of the applicant.

Mr. Nies moved to suspend the rules for Old Business Item II.A, Lonza Biologics. Mr. Rossi seconded. The motion passed with all in favor, 5-0.

Chair Margeson read the petition into the record.

Mr. Rossi moved to accept the withdrawal request for Old Business Item II.A, Lonza Biologics, seconded by Mr. Sullivan. The motion passed with all in favor, 4-0, with Mr. Rheame abstained.

Mr. Rossi moved to suspend the rules to take items out of order, seconded by Mr. Nies. The motion passed with all in favor, 5-0.

Chair Margeson read Old Business Item II.C, 72 Mirona Road, into the record.

Mr. Rossi moved to postpone the item to the August 18 meeting, seconded by Mr. Sullivan. The motion passed with all in favor, 5-0.

Chair Margeson read New Business Item III.A, 475 Broad Street, into the record.

Mr. Nies moved to postpone the petition to the August 18 meeting, seconded by Mr. Rossi. The motion passed with all in favor, 5-0.

Chair Margeson read New Business Item III.D, 0 Joffre Avenue and 18 Barberry Lane, into the record.

Mr. Rossi moved to postpone the petition to the August 18 meeting, seconded by Mr. Rheame. The motion passed with all in favor, 5-0.

Chair Margeson read New Business Item III.E, 315 Bartlett Street, into the record

Mr. Nies moved to postpone the petition to the August 18 meeting, seconded by Mr. Rossi. The motion passed with all in favor, 5-0.

Note: At this point in the meeting, Mr. Rheume stated that he would abstain on the vote for withdrawing Old Business Item II.A, Lonza Biologics, because he still could not find documentation in the Staff packet about the applicant submitting a request for withdrawal.

I. APPROVAL OF MINUTES [Timestamp 12:16]

A. Approval of the June 16, 2026 meeting minutes.

*Mr. Rheume moved to **approve** the June 16 minutes as amended. Mr. Nies seconded.*

Mr. Rheume asked that the sentence on page 8: “He said it was already an intensively used property and in the middle of a very residential area and was not an allowed use in all the nearby zones” be changed to: “He said it was already an intensively used property and in the middle of a very residential area, and an office use was not an allowed use in all the nearby zones.”

He asked to change the phrase on page 19, “up to 20 feet higher”, to “up to 20 feet high”. The sentence now reads: “He said a freestanding sign could be up to 20 feet higher, which was taller than what the applicant proposed, and it could be fully illuminated, so he thought the proposal was consistent with what was being done along the business corridor.”

The motion passed unanimously, 5-0.

II. OLD BUSINESS

- A. REQUEST TO WITHDRAW** 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 Authority 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. **REQUEST TO WITHDRAW (LU-26-12)**

DECISION OF THE BOARD

Mr. Rossi moved to accept the withdrawal request for Item 2A, seconded by Mr. Sullivan. The motion passed with all in favor, 5-0.

- B. POSTPONE TO AUGUST** 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 AUGUST** (LU-26-41)

DECISION OF THE BOARD

The petition was postponed to the August 18 meeting per the request of the applicant.

- C. REQUEST TO POSTPONE** The request of **Madison Commercial Group (Owner)**, for property located at **72 Mirona Road** whereas relief is needed to establish a 5,049 square foot Pilates/exercise studio which requires the following: 1) Special Exception from Section 10.440 Use #4.42 to allow a 5,049 square foot health club, yoga studio, or similar use where more than 2,000 square feet are allowed by Special Exception. Said property is located on Assessor Map 253 Lot 3 and lies within the Gateway Center (G2) District. **REQUEST TO POSTPONE** (LU-26-76)

DECISION OF THE BOARD

Mr. Rossi moved to postpone the item to the August 18 meeting, seconded by Mr. Sullivan. The motion passed with all in favor, 5-0.

III. NEW BUSINESS

- A. REQUEST TO POSTPONE** The request of **Brian and Martha Ratay (Owners)**, for property located at **475 Broad Street** whereas relief is needed to construct a detached garage which requires the following: 1) Variance from Section 10.521 to a) allow 30% building coverage where 25% is allowed; b) a 5-foot right side yard where 10 feet are required; and c) 5.5-foot rear yard where 14 feet are required. Said property is located on Assessor Map 221 Lot 96 and lies within the General Residence A (GRA) District. **REQUEST TO POSTPONE** (LU-26-95)

DECISION OF THE BOARD

Mr. Nies moved to postpone the petition to the August 18 meeting, seconded by Mr. Rossi. The motion passed with all in favor, 5-0.

- B. POSTPONE TO AUGUST** The request of **Jonah Goldblatt and Gabrielle Dell'Aquila (Owners)**, for property located at **292 Wibird Street** whereas relief is needed to demolish the existing detached garage and construct a new two-story attached garage addition and enlarged rear deck, which requires the following: 1) Variance from Section 10.521 to a) allow a building coverage of 31% where 25% is the maximum; b) allow a left side yard setback of 4.5 feet where 10 feet is required; and c) allow a right side yard setback of 3 feet

where 10 feet is required. Said property is located on Assessor Map 149 Lot 25 and lies within the General Residence A (GRA) District. **POSTPONE TO AUGUST (LU-26-88)**

DECISION OF THE BOARD

The petition was postponed to the August 18 meeting per the request of the applicant.

[Timestamp 14:54] At this point in the meeting, Mr. Sullivan said he had planned to recuse himself from the following petition because he used to work with the applicant and was still friendly with her, and he had assumed that there would be a full Board. Since there was not a full Board, that would leave only four voting members, and the applicant would be severely penalized by his recusal. He read from RSA 673:14.II, which stated that when uncertainty arises as to the application of the paragraph that requires recusal, the Board shall, upon the request of that member, vote on the question of whether that member should be disqualified. Mr. Sullivan said he wanted to hear the case and would have no difficulty denying the applicant's request if it failed to meet the criteria. The Board discussed whether Mr. Sullivan should be disqualified from voting on the application and decided that it would not be a problem.

- C. The request of **Jane M Shouse Revocable Trust (Owner)**, for property located at **555 Dennett Street** whereas relief is needed to demolish the existing detached garage and construct a new rear addition which requires the following: 1) Variance from Section 10.521 to a) allow a building coverage of 27% where 25% is the maximum allowed. Said property is located on Assessor Map 161 Lot 39 and lies within the General Residence A (GRA) District. (LU-26-86)

SPEAKING TO THE PETITION [Timestamp 23:10]

The owner and applicant Jane Shouse was present to speak to the petition. She said her contractor Kevin Folger was also present. She said she had maintained her home since her husband died in 2019. She said she wanted a new rear addition constructed to allow a building coverage of 27 percent where 25 percent is the maximum. She said that, under a separate permit, she and her neighbor planned to demolish the old garage. She said the property line went down the middle of the garage. She said the demolition permit was under review by the Inspection Department. She reviewed the history of the house and its renovations and said she needed the addition for a bathroom and laundry room. She said the stairs were also becoming difficult for her to climb. She said the new addition would replace the footprint of the back deck. She reviewed the criteria.

[Timestamp 30:17] Mr. Nies said Ms. Shouse was adding an addition on the back of the house but was also eliminating a garage, so the building coverage would decline and the property would be more conforming with the zoning. He asked who owned the garage. Ms. Shouse said she owned the half on her property and her neighbor owned the half on his property. Mr. Nies asked if a document was submitted for the demolition with both their signatures and if it was currently being reviewed

by the Inspection Department. Ms. Shouse said she submitted the application and her abutter wrote a signed letter indicating that he was in agreement and wanted to be added to the permit.

Chair Margeson opened the public hearing.

SPEAKING IN FAVOR OR IN OPPOSITION TO THE PETITION

No one spoke.

SPEAKING TO, FOR, OR AGAINST THE PETITION [Timestamp 32:10]

Project contractor Kevin Folger said he had done several additions on Dennett Street and had also remodeled Ms. Shouse's home. He said the rise on the steep stairway was a 9 pitch, which made it difficult to get upstairs. He said the lot backed up to Route One, so the rear was not very visible. He said he saw no issues with the inspection process relating to the garage.

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

DECISION OF THE BOARD [Timestamp 34:00]

*Mr. Nies moved to **grant** the variance for the petition as presented and advertised, seconded by Mr. Rossi.*

Mr. Nies said an addition was being added onto the back of the house but the garage would be eliminated, which would make the lot more conforming with the ordinance because the lot coverage would decrease. He said granting the variance would not be contrary to the public interest because there was no indication that it would affect the health, safety, and welfare of the neighborhood, would have no effect on light and air, and it would not alter the essential characteristics of the residential neighborhood. He noted that on one side of the property, there was a large space before the neighbor's house, and on the other side there were two driveways between the structures, so he did not think there would be any effect on light and air, and the structure would be smaller in the back than the remainder of the house. He said granting the variance would observe the spirit of the ordinance. He noted that one of the items in the ordinance for lots that were nonconforming because they were established and built before the ordinance stated that the goal was to get them to be more compliant, which would be done by reducing the building coverage by five percent. He said it would do substantial justice because there would be no benefit to the public by denial that would outweigh the loss to the applicant. He said if the application was denied, it was not clear that the applicant would be able to continue to live in the house, and it would have to be a very strong benefit to the public to outweigh that. He said granting the variance would not diminish the values of surrounding properties, noting that no evidence was presented that it would. He said it was difficult to see how demolishing a decrepit garage would somehow hurt the values of surrounding properties, even with the small addition being added on the back. He said literal enforcement of the ordinance would result in unnecessary hardship. He said the property has special conditions, some

of which are visible from the street. He said the lot is undersized for the zone, which makes it difficult to add anything onto it without bumping up against the building coverage requirements. He said it has an old garage that would be demolished and that it straddled the property line and was held in joint ownership. He said the demolition would help offset the building coverage increase of the structure. He said the house was located on the left side of the lot, which puts open space on the adjoining lot, and it has two driveways on the right side, which also leaves open space, so there is no concern about light and air. He said the steepness of the interior stair probably made the house not officially compliant with current code requirements and made it difficult for the applicant. He said due to these special conditions, there is no fair and substantial relationship between the purpose of the ordinance and its specific application to the property.

Mr. Rossi concurred. He said despite the undersized nature of the lot for the zone, the requested relief for lot coverage does not pose a problem for the left, right, or rear setbacks, and that is a condition related to the hardship and the unique aspects of the property that allow the variance to move forward. Mr. Rheume said he would support the motion. He said the garage would be demolished but the applicant would re-use some existing footprint that already had a structure of about 18 inches on it. He said the applicant was just asking to convert that space into a slightly taller one-story addition that was modest in size and purpose.

The motion passed with all in favor, 5-0.

D. REQUEST TO POSTPONE The request of **Michael J Ferrelli (Owner)**, for property located at **0 Joffre Avenue and 18 Barberry Lane** whereas relief is needed to construct a single-family home on a vacant lot which requires the following: 1) Variance from Section 10.521 to a) allow for 0 feet of street frontage where 100 feet is required; b) allow for 12,185 square feet of lot area where 15,000 square feet is required; c) allow for 12,185 square feet of lot area per dwelling where 15,000 square feet is required; and 2) Variance from Section 10.1114.31 to allow for two driveways on a single lot where one is permitted. Said properties are located on Assessor Map 233, Lot 135 and Lot 131 and lie within the Single Residence B (SRB) District. **REQUEST TO POSTPONE (LU-26-92)**

DECISION OF THE BOARD

Mr. Rossi moved to postpone the petition to the August 18 meeting, seconded by Mr. Rheume. The motion passed with all in favor, 5-0

E. REQUEST TO POSTPONE The request of **Kaitlyn O and Brendan A West (Owners)**, for property located at **315 Bartlett Street** whereas relief is needed to demolish the existing home and construct a new home on the lot which requires the following: 1) Variance from Section 10.521 to a) allow a 9.5-foot left side yard where 10 feet is required; b) a 7-foot right side yard where 10 feet is required; and c) 60 feet of street frontage where 100 feet is required. Said property is located on Assessor Map 162 Lot 12 and lies within the General Residence A (GRA) District. **REQUEST TO POSTPONE (LU-26-93)**

DECISION OF THE BOARD

Mr. Nies moved to postpone the petition to the August 18 meeting, seconded by Mr. Rossi. The motion passed with all in favor, 5-0.

IV. ADJOURNMENT

The meeting adjourned at 7:38 p.m.

Submitted,

Joann Breault
BOA Meeting Minutes Taker