



# CITY OF PORTSMOUTH

Planning & Sustainability  
Department  
1 Junkins Avenue  
Portsmouth, New  
Hampshire 03801  
(603) 610-7216

## ZONING BOARD OF ADJUSTMENT

June 23, 2026

Emma Stratton  
Portsmouth Historical Society  
10 Middle Street  
Portsmouth, New Hampshire 03801

**RE: Board of Adjustment Request for property located at 43 Austin Street, Portsmouth NH 03801 (LU-26-43)**

Dear Property Owner:

The Zoning Board of Adjustment, at its regularly scheduled meeting of **June 16, 2026**, considered your application for the property located at 43 Austin Street whereas relief is needed to convert a single-family home to an office use which requires the following: 1) Variance from Section 10.440 (Use #5.10) to allow professional office space where it is not permitted. Said property is shown on Assessor Map 127 Lot 27 and lies within the General Residence C (GRC) and Historic Districts. As a result of said consideration, the Board voted to **grant** the request as presented and advertised.

The Board's decision may be appealed up to thirty (30) days after the vote. Any action taken by the applicant pursuant to the Board's decision during this appeal period shall be at the applicant's risk. Please contact the Planning & Sustainability Department for more details about the appeals process.

Approvals may also be required from other City Commissions or Boards. Once all required approvals have been received, applicant is responsible for applying for and securing a building permit from the Inspection Department prior to starting any project work.

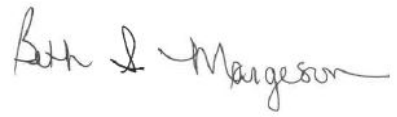
This approval shall expire unless a building permit is issued within a period of two (2) years from the date granted unless an extension is granted in accordance with Section 10.236 of the Zoning Ordinance.

*The Findings of Fact associated with this decision are available: attached here or as an attachment in the Viewpoint project record associated with this application and on the Zoning Board of Adjustment Meeting website:*

<https://www.portsmouthnh.gov/planportsmouth/zoning-board-adjustment/zoning-board-adjustment-archived-meetings-and-material>

The minutes and audio recording of this meeting are available by contacting the Planning & Sustainability Department.

Very truly yours,

A handwritten signature in black ink that reads "Beth Margeson". The signature is written in a cursive style with a large initial "B" and a long, sweeping underline.

Beth Margeson, Chair of the Zoning Board of Adjustment

cc: Shanti Wolph, Chief Building Inspector

Rosann Maurice-Lentz, City Assessor

# Findings of Fact | Variance

## City of Portsmouth Zoning Board of Adjustment

Date: 6-16-2026

Property Address: 43 Austin Street

Application #: LU-26-43

Decision: **Grant**

### Findings of Fact:

Effective August 23, 2022, amended RSA 676:3, It now reads as follows: The local land use board shall issue a final written decision which either approves or disapproves an application for a local permit and make a copy of the decision available to the applicant. **The decision shall include specific written findings of fact that support the decision. Failure of the board to make specific written findings of fact supporting a disapproval shall be grounds for automatic reversal and remand by the superior court upon appeal, in accordance with the time periods set forth in RSA 677:5 or RSA 677:15, unless the court determines that there are other factors warranting the disapproval.** If the application is not approved, the board shall provide the applicant with written reasons for the disapproval. If the application is approved with conditions, the board shall include in the written decision a detailed description of all conditions necessary to obtain final approval.

The proposed application meets/does not meet the following purposes for granting a Variance:

Section 10.233 Variance Evaluation Criteria	Finding (Meets Criteria)	Relevant Facts
10.233.21 Granting the variance would not be contrary to the public interest.	<b>YES</b>	<ul style="list-style-type: none"> <li>Part of the purpose of the ordinance is the preservation of historic districts, buildings, and structures of historic interest. The way it is worded is historic districts and buildings and does not require that those buildings be in the Historic District, so it is consistent with the intent and spirit of the ordinance.</li> </ul>
10.233.22 Granting the variance would observe the spirit of the Ordinance.	<b>YES</b>	<ul style="list-style-type: none"> <li>Part of the purpose of the ordinance is the preservation of historic districts, buildings, and structures of historic interest. The way it is worded is historic districts and buildings and does not require that those buildings be in the Historic District, so it is consistent with the intent and spirit of the ordinance.</li> </ul>

<p>10.233.23 Granting the variance would do substantial justice.</p>	<p><b>YES</b></p>	<ul style="list-style-type: none"> <li>• The loss to the property owner that will be experienced by denial of the variance will outweigh any potential gain to the public.</li> <li>• The calculus is in favor of the property owner because preserving a historic structure in that prominent location will be very much to the benefit of the public.</li> </ul>
<p>10.233.24 Granting the variance would not diminish the values of surrounding properties.</p>	<p><b>YES</b></p>	<ul style="list-style-type: none"> <li>• The property had been used in a similar fashion at points in time throughout its history, and continuing the office use in some fashion would unlikely affect the surrounding property values.</li> </ul>
<p>10.233.25 Literal enforcement of the provisions of the Ordinance would result in an unnecessary hardship.</p> <p>(a)The property has special Conditions that distinguish it from other properties in the area. AND (b)Owing to these special conditions, a fair and substantial relationship does not exist between the general public purposes of the Ordinance provision and the specific application of that provision to the property; and the proposed use is a reasonable one. OR Owing to these special conditions, the property cannot be reasonably used in strict conformance with the Ordinance, and a variance is therefore necessary to enable a reasonable use of it.</p>	<p><b>YES</b></p>	<ul style="list-style-type: none"> <li>• Part of the hardship is that the Society received the property through a bequest and could not sell it and had to find a way to salvage it or it would go into ruin.</li> <li>• The conditions of the property will require a substantial amount of investment to make it usable, and due to the restrictions of not being able to sell it to a commercial developer, the proposal is the only viable path forward.</li> </ul>



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## ZONING BOARD OF ADJUSTMENT

June 23, 2026

Lonza Biologics Inc  
PO Box 1912  
Morristown, New Jersey 07962-1912

**RE: Board of Adjustment Request for property located at 34 Harvest Way, Portsmouth NH 03801 (LU-26-12)**

Dear Property Owner:

The Planning Department has received your postponement request for the 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 shown on Assessor Map 305 Lot 5 and lies within the Airport Business Commercial (ABC) District. Your application hearing at the regularly scheduled meeting of **June 16, 2026** has been **postponed** to the July 21, 2026 meeting.

This matter will be placed on the agenda for the Board of Adjustment meeting scheduled for **July 21, 2026**. One (1) copy of any revised plans and/or exhibits must be filed in the Planning & Sustainability Department no later than **Friday, June 26, 2026**. Please remember you will be required to provide an electronic file (in a PDF format) of all plans and exhibits.

The minutes and audio recording of this meeting are available by contacting the Planning & Sustainability Department.

Very truly yours,

Stefanie Casella, Staff Liaison to the Zoning Board of Adjustment

cc:



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## ZONING BOARD OF ADJUSTMENT

June 23, 2026

NOMADQ Reps LLC  
84 West Broadway, Suite 200  
Derry, New Hampshire 03038

**RE: Board of Adjustment extension request for property located at 0 Melbourne Street (LU-24-109)**

Dear Property Owner:

The Zoning Board of Adjustment, at its regularly scheduled meeting of **June 16, 2026**, considered your request for a 1-Year extension to the July 6, 2024 approval for the construction of a single residential unit on a vacant and undersized lot which requires the following: 1) Variance from Section 10.521 to allow a) 6,197 sf of lot area where 15,000 sf are required, b) 6,197 sf of lot area per dwelling unit where 15,000 sf are required, and c) 50 ft of frontage where 100 ft are required.

As a result of said consideration, the Board voted to **grant** the request as presented and advertised.

The Board's decision may be appealed up to thirty (30) days after the vote. Any action taken by the applicant pursuant to the Board's decision during this appeal period shall be at the applicant's risk. Please contact the Planning & Sustainability Department for more details about the appeals process.

The minutes and audio recording of this meeting are available by contacting the Planning & Sustainability Department.

Very truly yours,

Beth Margeson, Chair of the Zoning Board of Adjustment

cc: Shanti Wolph, Chief Building Inspector  
Rosann Maurice-Lentz, City Assessor  
Christopher P. Mulligan, Attorney, Hoefle, Phoenix, Gormley & Roberts, PLLC



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## ZONING BOARD OF ADJUSTMENT

June 23, 2026

Hope for Tomorrow Foundation  
315 Banfield Road  
Portsmouth, New Hampshire 03801

**RE: Board of Adjustment Request for property located at 315 Banfield Road, Portsmouth NH 03801 (LU-26-41)**

Dear Property Owner:

The Planning Department has received your postponement request for the 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 shown on Assessor Map 266 Lot 5 and lies within the Industrial (I) District. Your application hearing at the regularly scheduled meeting of **June 16, 2026** has been **postponed** to the July 21, 2026 meeting.

This matter will be placed on the agenda for the Board of Adjustment meeting scheduled for **July 21, 2026**. One (1) copy of any revised plans and/or exhibits must be filed in the Planning & Sustainability Department no later than **Friday June 26, 2026**. Please remember you will be required to provide an electronic file (in a PDF format) of all plans and exhibits.

The minutes and audio recording of this meeting are available by contacting the Planning & Sustainability Department.

Very truly yours,

Stefanie Casella, Staff Liaison to the Zoning Board of Adjustment

cc:

Derek Durbin, Durbin Law Offices, PLLC



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## ZONING BOARD OF ADJUSTMENT

June 23, 2026

Port Hunter LLC  
PO Box 332  
New Castle, New Hampshire 03854

**RE: Board of Adjustment Request for property located at 361 Miller Avenue,  
Portsmouth NH 03801 (LU-25-76)**

Dear Property Owner:

The Zoning Board of Adjustment, at its regularly scheduled meeting of **June 16, 2026**, considered your application for the 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 shown on Assessor Map 131 Lot 33 and lies within the General Residence A (GRA) District. As a result of said consideration, the Board voted to **deny** the variances for the petition as presented and advertised because the petition fails the criteria of the spirit of the ordinance, diminishes the values of the surrounding properties as a result of higher structure and the impact on the nearby abutters, and the property has no hardship. There are no special conditions of the property that merit a use variance change.

The Board's decision may be appealed up to thirty (30) days after the vote. Please contact the Planning & Sustainability Department for more details about the appeals process.

*The Findings of Fact associated with this decision are available: attached here or as an attachment in the Viewpoint project record associated with this application and on the Zoning Board of Adjustment Meeting website:*

<https://www.portsmouthnh.gov/planportsmouth/zoning-board-adjustment/zoning-board-adjustment-archived-meetings-and-material>

The minutes and audio recording of this meeting are available by contacting the Planning & Sustainability Department.

Very truly yours,

Beth Margeson, Chair of the Zoning Board of Adjustment

cc:

Colby T. Gamester, Esq., Gamester Law Office

# Findings of Fact | Variance

## City of Portsmouth Zoning Board of Adjustment

Date: 6-16-2026

Property Address: 361 Miller Ave

Application #: LU-25-76

Decision: **Deny**

### Findings of Fact:

Effective August 23, 2022, amended RSA 676:3, It now reads as follows: The local land use board shall issue a final written decision which either approves or disapproves an application for a local permit and make a copy of the decision available to the applicant. **The decision shall include specific written findings of fact that support the decision. Failure of the board to make specific written findings of fact supporting a disapproval shall be grounds for automatic reversal and remand by the superior court upon appeal, in accordance with the time periods set forth in RSA 677:5 or RSA 677:15, unless the court determines that there are other factors warranting the disapproval.** If the application is not approved, the board shall provide the applicant with written reasons for the disapproval. If the application is approved with conditions, the board shall include in the written decision a detailed description of all conditions necessary to obtain final approval.

The proposed application meets/does not meet the following purposes for granting a Variance:

Section 10.233 Variance Evaluation Criteria	Finding (Meets Criteria)	Relevant Facts
10.233.21 Granting the variance would not be contrary to the public interest.		
10.233.22 Granting the variance would observe the spirit of the Ordinance.	<b>NO</b>	<ul style="list-style-type: none"> <li>The neighborhood is not designed for office use and is strictly residential.</li> </ul>
10.233.23 Granting the variance would do substantial justice.		
10.233.24 Granting the variance would not diminish the values of surrounding properties.	<b>NO</b>	<ul style="list-style-type: none"> <li>Due to the increased height of the structure and converting it to a professional office use, the encroachments on the lot line setbacks would become more</li> </ul>

		<p>significant to the surrounding properties.</p> <ul style="list-style-type: none"> <li>• Wherever the applicant put the garage would require bigger setbacks to relieve the issue of crowding and shadows and reduced light and air, so that criterion was not satisfied.</li> </ul>
<p>10.233.25 Literal enforcement of the provisions of the Ordinance would result in an unnecessary hardship.</p> <p>(a)The property has special Conditions that distinguish it from other properties in the area. AND (b)Owing to these special conditions, a fair and substantial relationship does not exist between the general public purposes of the Ordinance provision and the specific application of that provision to the property; and the proposed use is a reasonable one. OR Owing to these special conditions, the property cannot be reasonably used in strict conformance with the Ordinance, and a variance is therefore necessary to enable a reasonable use of it.</p>	<p><b>NO</b></p>	<ul style="list-style-type: none"> <li>• There has not really been any special conditions of the property identified with regard to the use variance, and a lot of the discussion focused on the value and intent to preserve the old tree and move the garage over to where it was. That was all covered in the first go-around with the Board, but it had no bearing on whether a use as a professional office was something that was appropriate for the property.</li> </ul>



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## ZONING BOARD OF ADJUSTMENT

June 23, 2026

Ryan Trust  
Martin Ryan TTEE  
221 Woodbury Avenue  
Portsmouth, New Hampshire 03801

**RE: Board of Adjustment Request for property located at 221 Woodbury Avenue, Portsmouth NH 03801 (LU-26-57)**

Dear Property Owner:

The Zoning Board of Adjustment, at its regularly scheduled meeting of **June 16, 2026**, considered your application for the property located at 221 Woodbury Avenue whereas relief is needed to subdivide the existing parcel into two parcels, for demolition of the existing one-story detached garage and construction of a new two-story detached garage on lot 1; and a new single-family residential structure on lot 2, which requires the following: 1) Variance from Section 10.521 to allow 63 feet of frontage where 100 feet is required. Said property is shown on Assessor Map 175 Lot 10 and lies within the General Residence A (GRA) District. As a result of said consideration, the Board voted to **grant** the request as presented and advertised.

The Board's decision may be appealed up to thirty (30) days after the vote. Any action taken by the applicant pursuant to the Board's decision during this appeal period shall be at the applicant's risk. Please contact the Planning & Sustainability Department for more details about the appeals process.

Approvals may also be required from other City Commissions or Boards. Once all required approvals have been received, applicant is responsible for applying for and securing a building permit from the Inspection Department prior to starting any project work.

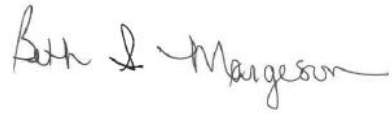
This approval shall expire unless a building permit is issued within a period of two (2) years from the date granted unless an extension is granted in accordance with Section 10.236 of the Zoning Ordinance.

*The Findings of Fact associated with this decision are available: attached here or as an attachment in the Viewpoint project record associated with this application and on the Zoning Board of Adjustment Meeting website:*

<https://www.portsmouthnh.gov/planportsmouth/zoning-board-adjustment/zoning-board-adjustment-archived-meetings-and-material>

The minutes and audio recording of this meeting are available by contacting the Planning & Sustainability Department.

Very truly yours,

A handwritten signature in black ink that reads "Beth Margeson". The signature is written in a cursive style with a large initial "B" and a long, sweeping underline.

Beth Margeson, Chair of the Zoning Board of Adjustment

cc: Shanti Wolph, Chief Building Inspector

Rosann Maurice-Lentz, City Assessor

# Findings of Fact | Variance

## City of Portsmouth Zoning Board of Adjustment

Date: 6-16-2026

Property Address: 221 Woodbury Avenue

Application #: LU-26-57

Decision: **Grant**

### Findings of Fact:

Effective August 23, 2022, amended RSA 676:3, It now reads as follows: The local land use board shall issue a final written decision which either approves or disapproves an application for a local permit and make a copy of the decision available to the applicant. **The decision shall include specific written findings of fact that support the decision. Failure of the board to make specific written findings of fact supporting a disapproval shall be grounds for automatic reversal and remand by the superior court upon appeal, in accordance with the time periods set forth in RSA 677:5 or RSA 677:15, unless the court determines that there are other factors warranting the disapproval.** If the application is not approved, the board shall provide the applicant with written reasons for the disapproval. If the application is approved with conditions, the board shall include in the written decision a detailed description of all conditions necessary to obtain final approval.

The proposed application meets/does not meet the following purposes for granting a Variance:

Section 10.233 Variance Evaluation Criteria	Finding (Meets Criteria)	Relevant Facts
10.233.21 Granting the variance would not be contrary to the public interest.	<b>YES</b>	<ul style="list-style-type: none"> <li>• It would not affect the health, safety and welfare of the neighborhood.</li> <li>• The subdivision and the eventual construction of a new house on the second lot would have spacing similar to many other properties in the area and would have no effect on the light and air of the abutters.</li> <li>• It would not alter the essential characteristics of the neighborhood, which is primarily a residential area.</li> <li>• The applicant addressed the traffic safety concern by having Lot 1 and Lot 2 access from Thornton Street.</li> </ul>
10.233.22 Granting the variance would observe the spirit of the Ordinance.	<b>YES</b>	<ul style="list-style-type: none"> <li>• It would not affect the health, safety and welfare of the neighborhood.</li> <li>• The subdivision and the eventual construction of a new house on the second lot would have spacing similar to many other properties in the area</li> </ul>

		<p>and would have no effect on the light and air of the abutters.</p> <ul style="list-style-type: none"> <li>• It would not alter the essential characteristics of the neighborhood, which is primarily a residential area.</li> <li>• The applicant addressed the traffic safety concern by having Lot 1 and Lot 2 access from Thornton Street.</li> </ul>
10.233.23 Granting the variance would do substantial justice.	<b>YES</b>	<ul style="list-style-type: none"> <li>• Because the applicant is requesting very minor relief only on the frontage of Lot 2, there is no benefit to the public by denial that would outweigh the loss to the applicant.</li> </ul>
10.233.24 Granting the variance would not diminish the values of surrounding properties.	<b>YES</b>	<ul style="list-style-type: none"> <li>• No evidence was presented that it would.</li> <li>• It would be hard to see how a well-constructed house on a lot that complies with the ordinance, with the exception of street frontage, would diminish the values of surrounding properties</li> </ul>
<p>10.233.25 Literal enforcement of the provisions of the Ordinance would result in an unnecessary hardship.</p> <p>(a)The property has special Conditions that distinguish it from other properties in the area. AND (b)Owing to these special conditions, a fair and substantial relationship does not exist between the general public purposes of the Ordinance provision and the specific application of that provision to the property; and the proposed use is a reasonable one. OR Owing to these special conditions, the property cannot be reasonably used in strict conformance with the Ordinance, and a variance is therefore necessary to enable a reasonable use of it.</p>	<b>YES</b>	<ul style="list-style-type: none"> <li>• The property has a few special conditions, including that it is a large corner lot made from two separate lots originally, and the existing structure on one side is very near Thornton Street and creates a large open space to the left of the property, and the applicant is proposing to use that space to subdivide the lot and create a new buildable lot.</li> <li>• Given the special conditions, there is no fair and substantial relationship between the ordinance's requirement to have 100 feet of street frontage and the specific application to the property. It is a reasonable use to use it as a single-family residence that would be built there as well.</li> <li>• There are several properties in the area had less than 100 feet of frontage and a number of them had less than 63 feet of frontage.</li> </ul>



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1 Junkins Avenue  
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## ZONING BOARD OF ADJUSTMENT

June 23, 2026

Dan Smith Management Group LLC  
234 Eastern District Road  
Danbury, New Hampshire 03230

**RE: Board of Adjustment Request for property located at 407 The Hill, #6-16, Portsmouth NH 03801 (LU-26-56)**

Dear Property Owner:

The Zoning Board of Adjustment, at its regularly scheduled meeting of **June 16, 2026**, considered your application for the property located at 407 The Hill, #6-16 whereas relief is needed to convert the ground floor to a residential use, which requires the following: 1) Variance from Section 10.642 to allow residential use on the ground floor in the Downtown Overlay District where it is not permitted. Said property is shown on Assessor Map 118 Lot 26-4 and lies within the Character District 4-L1 (CD4-L1) and the Historic District. As a result of said consideration, a motion was made to grant the request as presented and advertised, vote failed 2-5. A subsequent motion was made to deny the request as presented and advertised because it fails the hardship criteria, vote failed 3-4. As a result, your request was **denied** due to failure to receive a passing vote from the Board.

The Board's decision may be appealed up to thirty (30) days after the vote. Please contact the Planning & Sustainability Department for more details about the appeals process.

*The meeting records can be found on the Zoning Board of Adjustment Meeting website:*

<https://www.portsmouthnh.gov/planportsmouth/zoning-board-adjustment/zoning-board-adjustment-archived-meetings-and-material>

The minutes and audio recording of this meeting are available by contacting the Planning & Sustainability Department.

Very truly yours,

Beth Margeson, Chair of the Zoning Board of Adjustment

cc:

Philip Hastings, Attorney, Cleveland, Waters & Bass



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## ZONING BOARD OF ADJUSTMENT

June 23, 2026

Susan E Ingersoll  
46 Aldrich Road  
Portsmouth, New Hampshire 03801

**RE: Board of Adjustment Request for property located at 46 Aldrich Road, Portsmouth NH 03801 (LU-26-65)**

Dear Property Owner:

The Zoning Board of Adjustment, at its regularly scheduled meeting of **June 16, 2026**, considered your application for the property located at 46 Aldrich Road whereas relief is needed to demolish the existing detached garage and construct a new attached garage which requires the following: 1) Variance from Section 10.521 to allow a 17.5 foot rear yard where 20 feet are required. Said property is shown on Assessor Map 148 Lot 26 and lies within the General Residence A (GRA) and Historic Districts. As a result of said consideration, the Board voted to **grant** the request as presented and advertised, acknowledging that construction materials may change but will not affect the essential characteristics of what the Board is approving.

The Board's decision may be appealed up to thirty (30) days after the vote. Any action taken by the applicant pursuant to the Board's decision during this appeal period shall be at the applicant's risk. Please contact the Planning & Sustainability Department for more details about the appeals process.

Approvals may also be required from other City Commissions or Boards. Once all required approvals have been received, applicant is responsible for applying for and securing a building permit from the Inspection Department prior to starting any project work.


This approval shall expire unless a building permit is issued within a period of two (2) years from the date granted unless an extension is granted in accordance with Section 10.236 of the Zoning Ordinance.

*The Findings of Fact associated with this decision are available: attached here or as an attachment in the Viewpoint project record associated with this application and on the Zoning Board of Adjustment Meeting website:*

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The minutes and audio recording of this meeting are available by contacting the Planning & Sustainability Department.

Very truly yours,

A handwritten signature in cursive script that reads "Beth Margeson". The signature is written in black ink and is positioned below the closing "Very truly yours,".

Beth Margeson, Chair of the Zoning Board of Adjustment

cc: Shanti Wolph, Chief Building Inspector

Rosann Maurice-Lentz, City Assessor

# Findings of Fact | Variance

## City of Portsmouth Zoning Board of Adjustment

Date: 6-16-2026

Property Address: 46 Aldrich Rd

Application #: LU-25-65

Decision: **Grant, noting that the materials may change as a result of the Historic District Commission's review but that it would not affect the fundamental characteristics of what the Board is approving.**

### Findings of Fact:

Effective August 23, 2022, amended RSA 676:3, It now reads as follows: The local land use board shall issue a final written decision which either approves or disapproves an application for a local permit and make a copy of the decision available to the applicant. **The decision shall include specific written findings of fact that support the decision. Failure of the board to make specific written findings of fact supporting a disapproval shall be grounds for automatic reversal and remand by the superior court upon appeal, in accordance with the time periods set forth in RSA 677:5 or RSA 677:15, unless the court determines that there are other factors warranting the disapproval.** If the application is not approved, the board shall provide the applicant with written reasons for the disapproval. If the application is approved with conditions, the board shall include in the written decision a detailed description of all conditions necessary to obtain final approval.

The proposed application meets/does not meet the following purposes for granting a Variance:

Section 10.233 Variance Evaluation Criteria	Finding (Meets Criteria)	Relevant Facts
10.233.21 Granting the variance would not be contrary to the public interest.	<b>YES</b>	<ul style="list-style-type: none"> <li>• What is proposed is consistent with the neighborhood's characteristics.</li> <li>• The applicant already has a small garage on the property that is more nonconforming and they wanted to create a garage that was a bit bigger but very modest and attached to the home.</li> </ul>
10.233.22 Granting the variance would observe the spirit of the Ordinance.	<b>YES</b>	<ul style="list-style-type: none"> <li>• What is proposed is consistent with the neighborhood's characteristics.</li> <li>• The applicant already has a small garage on the property that is more nonconforming and they wanted to create a garage that was a bit bigger but very modest and attached to the home.</li> </ul>

<p>10.233.23 Granting the variance would do substantial justice.</p>	<p><b>YES</b></p>	<ul style="list-style-type: none"> <li>• The applicant wants to keep a modernized functional single-car garage and have it attached to make it better for entry in the foul weather.</li> </ul>
<p>10.233.24 Granting the variance would not diminish the values of surrounding properties.</p>	<p><b>YES</b></p>	<ul style="list-style-type: none"> <li>• The modest garage would be in almost the same location as before. What is unique about the property is the angled rear property line</li> <li>• The applicant would improve the nonconformity situation by reducing it.</li> </ul>
<p>10.233.25 Literal enforcement of the provisions of the Ordinance would result in an unnecessary hardship.</p> <p>(a)The property has special Conditions that distinguish it from other properties in the area. AND (b)Owing to these special conditions, a fair and substantial relationship does not exist between the general public purposes of the Ordinance provision and the specific application of that provision to the property; and the proposed use is a reasonable one. OR Owing to these special conditions, the property cannot be reasonably used in strict conformance with the Ordinance, and a variance is therefore necessary to enable a reasonable use of it.</p>	<p><b>YES</b></p>	<ul style="list-style-type: none"> <li>• The window that could not be reasonably relocated was an existing characteristic of the home.</li> </ul>



# CITY OF PORTSMOUTH

Planning & Sustainability  
Department  
1 Junkins Avenue  
Portsmouth, New  
Hampshire 03801  
(603) 610-7216

## ZONING BOARD OF ADJUSTMENT

June 23, 2026

Debra M Dupont  
911 Sagamore Avenue  
Portsmouth, New Hampshire 03801

**RE: Board of Adjustment Request for property located at 911 Sagamore Avenue, Portsmouth NH 03801 (LU-26-71)**

Dear Property Owner:

The Zoning Board of Adjustment, at its regularly scheduled meeting of **June 16, 2026**, considered your application for the property located at 911 Sagamore Avenue whereas relief is needed to demolish the existing sunroom and construct an addition which requires the following: 1) Variance from Section 10.531 to allow a 13 foot rear yard where 20 feet are required; and 2) Variance from Section 10.334 to allow the existing single family residential use (Use #1.10) to be extended to another part of the remainder of the land. Said property is shown on Assessor Map 223 Lot 33 and lies within the Waterfront Business (WB) District. As a result of said consideration, the Board voted to **grant** the request as presented and advertised.

The Board's decision may be appealed up to thirty (30) days after the vote. Any action taken by the applicant pursuant to the Board's decision during this appeal period shall be at the applicant's risk. Please contact the Planning & Sustainability Department for more details about the appeals process.

Approvals may also be required from other City Commissions or Boards. Once all required approvals have been received, applicant is responsible for applying for and securing a building permit from the Inspection Department prior to starting any project work.

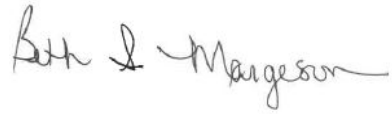
This approval shall expire unless a building permit is issued within a period of two (2) years from the date granted unless an extension is granted in accordance with Section 10.236 of the Zoning Ordinance.

*The Findings of Fact associated with this decision are available: attached here or as an attachment in the Viewpoint project record associated with this application and on the Zoning Board of Adjustment Meeting website:*

<https://www.portsmouthnh.gov/planportsmouth/zoning-board-adjustment/zoning-board-adjustment-archived-meetings-and-material>

The minutes and audio recording of this meeting are available by contacting the Planning & Sustainability Department.

Very truly yours,

A handwritten signature in black ink that reads "Beth Margeson". The signature is written in a cursive style with a large initial "B" and a long, sweeping underline.

Beth Margeson, Chair of the Zoning Board of Adjustment

cc: Shanti Wolph, Chief Building Inspector

Rosann Maurice-Lentz, City Assessor

Monica Kieser, Attorney, Hoefle, Phoenix, Gormley & Roberts, PLLC

Alex Ross, Engineer, Ross Engineering, LLC

# Findings of Fact | Variance

## City of Portsmouth Zoning Board of Adjustment

Date: 6-16-2026

Property Address: 911 Sagamore Avenue

Application #: LU-26-71

Decision: **Grant**

### Findings of Fact:

Effective August 23, 2022, amended RSA 676:3, It now reads as follows: The local land use board shall issue a final written decision which either approves or disapproves an application for a local permit and make a copy of the decision available to the applicant. **The decision shall include specific written findings of fact that support the decision. Failure of the board to make specific written findings of fact supporting a disapproval shall be grounds for automatic reversal and remand by the superior court upon appeal, in accordance with the time periods set forth in RSA 677:5 or RSA 677:15, unless the court determines that there are other factors warranting the disapproval.** If the application is not approved, the board shall provide the applicant with written reasons for the disapproval. If the application is approved with conditions, the board shall include in the written decision a detailed description of all conditions necessary to obtain final approval.

The proposed application meets/does not meet the following purposes for granting a Variance:

Section 10.233 Variance Evaluation Criteria	Finding (Meets Criteria)	Relevant Facts
10.233.21 Granting the variance would not be contrary to the public interest.	<b>YES</b>	<ul style="list-style-type: none"> <li>• There was no indication that the small change would affect the health, safety, and welfare of the neighborhood or public or have any effect on light and air.</li> <li>• It would not alter the essential characteristics of the neighborhood.</li> <li>• It was a Waterfront Business District use but most of the properties were already residential and it would not change that residential use.</li> </ul>
10.233.22 Granting the variance would observe the spirit of the Ordinance.	<b>YES</b>	<ul style="list-style-type: none"> <li>• There was no indication that the small change would affect the health, safety, and welfare of the neighborhood or public or have any effect on light and air.</li> <li>• It would not alter the essential characteristics of the neighborhood.</li> </ul>

		<ul style="list-style-type: none"> <li>It was a Waterfront Business District use but most of the properties were already residential and it would not change that residential use.</li> </ul>
10.233.23 Granting the variance would do substantial justice.	<b>YES</b>	<ul style="list-style-type: none"> <li>The Board could not identify any benefit to the public by denial that would outweigh the loss to the applicant.</li> </ul>
10.233.24 Granting the variance would not diminish the values of surrounding properties.	<b>YES</b>	<ul style="list-style-type: none"> <li>The change would not be visible to hardly anyone except the applicant, and there was no evidence presented by the abutters or anyone else that they were concerned about the value of their properties diminishing.</li> </ul>
<p>10.233.25 Literal enforcement of the provisions of the Ordinance would result in an unnecessary hardship.</p> <p>(a)The property has special Conditions that distinguish it from other properties in the area. AND (b)Owing to these special conditions, a fair and substantial relationship does not exist between the general public purposes of the Ordinance provision and the specific application of that provision to the property; and the proposed use is a reasonable one. OR Owing to these special conditions, the property cannot be reasonably used in strict conformance with the Ordinance, and a variance is therefore necessary to enable a reasonable use of it.</p>	<b>YES</b>	<ul style="list-style-type: none"> <li>There were a few special conditions, including that it was an existing longstanding single-family residence in the Waterfront Business District, and the lot was burdened by the fact that much of it is covered by the wetland buffer.</li> <li>A portion of the building encroached on the setback for the rear yard, but because of the waterfront buffer and other conditions of the property, there really was no alternative location for providing a similar benefit to the applicant of a small deck located outside the house that could be put on any other part of the property.</li> </ul>



# CITY OF PORTSMOUTH

Planning & Sustainability  
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1 Junkins Avenue  
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## ZONING BOARD OF ADJUSTMENT

June 23, 2026

1010 US Route 1 Bypass  
720 Lafayette Road  
Seabrook, New Hampshire 03874

**RE: Board of Adjustment Request for property located at 1010 US Route 1 Bypass, Portsmouth NH 03801 (LU-26-75)**

Dear Property Owner:

The Zoning Board of Adjustment, at its regularly scheduled meeting of **June 16, 2026**, considered your application for the property located at 1010 Route 1 Bypass whereas relief is needed for a canopy sign which requires the following: 1) Variance from Section 10.1251.20 for a 95 sq. ft. canopy sign where 20 sq. ft. is allowed; and 2) Variance from Section 10.1241 for an animated sign where it is not allowed. Said property is shown on Assessor Assessor Map 141 Lot 19 and lies within the Business (B) District. As a result of said consideration, the Board voted to **deny** the request as presented and advertised because it is contrary to the public interest, it is not consistent with the spirit of the Ordinance, and it fails the hardship criteria.

The Board's decision may be appealed up to thirty (30) days after the vote. Please contact the Planning & Sustainability Department for more details about the appeals process.

*The Findings of Fact associated with this decision are available: attached here or as an attachment in the Viewpoint project record associated with this application and on the Zoning Board of Adjustment Meeting website:*

<https://www.portsmouthnh.gov/planportsmouth/zoning-board-adjustment/zoning-board-adjustment-archived-meetings-and-material>

The minutes and audio recording of this meeting are available by contacting the Planning & Sustainability Department.

Very truly yours,

Beth Margeson, Chair of the Zoning Board of Adjustment

cc:

# Findings of Fact | Variance

## City of Portsmouth Zoning Board of Adjustment

Date: 6-16-2026

Property Address: 1010 Route 1 Bypass

Application #: LU-26-75

Decision: **Deny**

### Findings of Fact:

Effective August 23, 2022, amended RSA 676:3, It now reads as follows: The local land use board shall issue a final written decision which either approves or disapproves an application for a local permit and make a copy of the decision available to the applicant. **The decision shall include specific written findings of fact that support the decision. Failure of the board to make specific written findings of fact supporting a disapproval shall be grounds for automatic reversal and remand by the superior court upon appeal, in accordance with the time periods set forth in RSA 677:5 or RSA 677:15, unless the court determines that there are other factors warranting the disapproval.** If the application is not approved, the board shall provide the applicant with written reasons for the disapproval. If the application is approved with conditions, the board shall include in the written decision a detailed description of all conditions necessary to obtain final approval.

The proposed application meets/does not meet the following purposes for granting a Variance:

Section 10.233 Variance Evaluation Criteria	Finding (Meets Criteria)	Relevant Facts
10.233.21 Granting the variance would not be contrary to the public interest.	<b>NO</b>	<ul style="list-style-type: none"> <li>Granting the variances would be contrary to the public interest due to the residential neighborhood near the applicant's property.</li> <li>Granting a variance for an animated sign larger than allowed by the ordinance would affect the health, safety and welfare of the neighbors and would also affect their property values.</li> </ul>
10.233.22 Granting the variance would observe the spirit of the Ordinance.	<b>NO</b>	<ul style="list-style-type: none"> <li>The ordinance went through great detail on signs and the Board had not heard a strong argument as to why they should be changed in this case.</li> </ul>
10.233.23 Granting the variance would do substantial justice.		

<p>10.233.24 Granting the variance would not diminish the values of surrounding properties.</p>		
<p>10.233.25 Literal enforcement of the provisions of the Ordinance would result in an unnecessary hardship.</p> <p>(a)The property has special Conditions that distinguish it from other properties in the area. AND (b)Owing to these special conditions, a fair and substantial relationship does not exist between the general public purposes of the Ordinance provision and the specific application of that provision to the property; and the proposed use is a reasonable one. OR Owing to these special conditions, the property cannot be reasonably used in strict conformance with the Ordinance, and a variance is therefore necessary to enable a reasonable use of it.</p>	<p><b>NO</b></p>	<ul style="list-style-type: none"> <li>• The Board was not sure that the property really had special conditions that distinguished it from others in the area because it was a filling and service station on the highway.</li> <li>• Several stations in that area all had the same layout and the challenge of getting their prices out, so they were not convinced that special conditions had been identified in a clear enough way that there was a strong unnecessary hardship that would lead the Board to believe that there is no fair and substantial relationship between the purposes of the ordinance and its specific application to the property.</li> <li>• There were several filling stations on both sides of the Route 1 Bypass and none of them had canopy signs. The only instance they were aware of where the Board approved an illuminated canopy sign was on Portsmouth Avenue at the Sunoco station, which was in a very industrialized area and not anywhere near a residential district. The applicant's station was close to a residential district, so the hardship criterion needed extra scrutiny.</li> </ul>



# CITY OF PORTSMOUTH

Planning & Sustainability  
Department  
1 Junkins Avenue  
Portsmouth, New  
Hampshire 03801  
(603) 610-7216

## ZONING BOARD OF ADJUSTMENT

June 23, 2026

500 Maplewood Avenue LLC  
720 Lafayette Road  
Seabrook, New Hampshire 03874

**RE: Board of Adjustment Request for property located at 500 Maplewood Avenue,  
Portsmouth NH 03801 (LU-26-74)**

Dear Property Owner:

The Zoning Board of Adjustment, at its regularly scheduled meeting of **June 16, 2026**, received your request to withdraw the application for the property located at 500 Maplewood Avenue whereas relief is needed for a canopy sign which requires the following: 1) Variance from Section 10.1251.20 for a 95 sq. ft. canopy sign where 20 sq. ft. is allowed; and 2) Variance from Section 10.1241 for an animated sign where it is not allowed. The Board accepted the request to **withdraw** from the applicant's representative.

The minutes and audio recording of this meeting are available by contacting the Planning & Sustainability Department.

Very truly yours,

Beth Margeson, Chair of the Zoning Board of Adjustment

cc:



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Planning & Sustainability  
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1 Junkins Avenue  
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Hampshire 03801  
(603) 610-7216

## ZONING BOARD OF ADJUSTMENT

June 23, 2026

Madison Commercial Group  
72 Mirona Road, Suite 4  
Portsmouth, New Hampshire 03801

**RE: Board of Adjustment Request for property located at 72 Mirona Road, Portsmouth NH 03801 (LU-26-76)**

Dear Property Owner:

The Zoning Board of Adjustment, at its regularly scheduled meeting of **June 16, 2026**, considered your application for the 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 shown on Assessor Map 253 Lot 3 and lies within the Gateway Center (G2) District. As a result of said consideration, the Board voted to **postpone** the request to the July 21, 2026 meeting per the applicant's request.

This matter will be placed on the agenda for the Board of Adjustment meeting scheduled for **July 21, 2026**. One (1) copy of any revised plans and/or exhibits must be filed in the Planning & Sustainability Department no later than **Friday, June 26, 2026**. Please remember you will be required to provide an electronic file (in a PDF format) of all plans and exhibits.

The minutes and audio recording of this meeting are available by contacting the Planning & Sustainability Department.

Very truly yours,

Beth Margeson, Chair of the Zoning Board of Adjustment

cc:

Derek Durbin, Durbin Law Offices



# CITY OF PORTSMOUTH

Planning & Sustainability  
Department  
1 Junkins Avenue  
Portsmouth, New  
Hampshire 03801  
(603) 610-7216

## ZONING BOARD OF ADJUSTMENT

June 23, 2026

Prescott Family Revocable Trust  
Matthew A & Lara S Prescott TTEES  
306 South Street  
Portsmouth, New Hampshire 03801

**RE: Board of Adjustment Request for property located at 306 South Street,  
Portsmouth NH 03801 (LU-26-64)**

Dear Property Owner:

The Zoning Board of Adjustment, at its regularly scheduled meeting of **June 16, 2026**, considered your application for the property located at 306 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 shown on Assessor Map 253 Lot 3 and lies within the Single Residence B (SRB) and Historic Districts. As a result of said consideration, the Board voted to **grant** the request as presented and advertised, and the special exception is vested without issuance of a building permit because it is not needed for the construction of the chicken coop. The following **conditions** apply:

1) That a maximum of 8 hens and no roosters will be raised.

The Board's decision may be appealed up to thirty (30) days after the vote. Any action taken by the applicant pursuant to the Board's decision during this appeal period shall be at the applicant's risk. Please contact the Planning & Sustainability Department for more details about the appeals process.

Approvals may also be required from other City Commissions or Boards. Once all required approvals have been received, applicant is responsible for applying for and securing a building permit from the Inspection Department prior to starting any project work.

This approval shall expire unless a building permit is issued within a period of two (2) years from the date granted unless an extension is granted in accordance with Section 10.236 of the Zoning Ordinance.

*The Findings of Fact associated with this decision are available: attached here or as an attachment in the Viewpoint project record associated with this application and on the Zoning Board of Adjustment Meeting website:*

<https://www.portsmouthnh.gov/planportsmouth/zoning-board-adjustment/zoning-board-adjustment-archived-meetings-and-material>

The minutes and audio recording of this meeting are available by contacting the Planning & Sustainability Department.

Very truly yours,

A handwritten signature in cursive script that reads "Beth Margeson".

Beth Margeson, Chair of the Zoning Board of Adjustment

cc: Shanti Wolph, Chief Building Inspector

Rosann Maurice-Lentz, City Assessor

# Findings of Fact | Special Exception

## City of Portsmouth Zoning Board of Adjustment

Date: 6-16-2026

Property Address: 306 South Street

Application #: LU-26-64

Decision: **Grant, the special exception is vested without issuance of a building permit because it is not needed for the construction of the chicken coop.**

### Findings of Fact:

Effective August 23, 2022, amended RSA 676:3, It now reads as follows: The local land use board shall issue a final written decision which either approves or disapproves an application for a local permit and make a copy of the decision available to the applicant. **The decision shall include specific written findings of fact that support the decision. Failure of the board to make specific written findings of fact supporting a disapproval shall be grounds for automatic reversal and remand by the superior court upon appeal, in accordance with the time periods set forth in RSA 677:5 or RSA 677:15, unless the court determines that there are other factors warranting the disapproval.** If the application is not approved, the board shall provide the applicant with written reasons for the disapproval. If the application is approved with conditions, the board shall include in the written decision a detailed description of all conditions necessary to obtain final approval.

The proposed application meets/does not meet the following purposes for granting a Special Exception:

Special Exception Review Criteria: Section 10.232.20	Finding	Relevant Facts
10.232.21 Standards as provided by this Ordinance for the particular use permitted by special exception;	Yes	<ul style="list-style-type: none"><li>The use is allowed by special exception.</li></ul>
10.232.22 No hazard to the public or adjacent property on account of potential fire, explosion or release of toxic materials.	Yes	<ul style="list-style-type: none"><li>It will pose no detriment to property values in the vicinity or change in the essential characteristics of any area because the coop will be small.</li></ul>
10.233.23 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, odor, smoke, gas, dust, or other pollutant, noise, glare, heat, vibration, or unsightly outdoor storage of equipment, vehicles or other materials;	Yes	<ul style="list-style-type: none"><li>Noise could be an issue but the Board's stipulation states that there will be no roosters, which are usually the noisiest.</li></ul>

10.233.24 No creation of a traffic safety hazard or a substantial increase in the level of traffic congestion in the vicinity;	<b>Yes</b>	<ul style="list-style-type: none"> <li>The keeping of chickens will not have nothing to do with that.</li> </ul>
10.233.25 No excessive demand on municipal services, including, but not limited to, water, sewer, waste disposal, police and fire protection and schools; and	<b>Yes</b>	<ul style="list-style-type: none"> <li>Water, sewer and waste disposal could be issues but the Board's stipulation is for a maximum of eight chickens and those issues are minor compared to the other routine demands of a residential use.</li> </ul>
10.232.26 No significant increase of stormwater runoff onto adjacent property or streets.	<b>Yes</b>	<ul style="list-style-type: none"> <li>There will be no substantial increase in stormwater runoff onto adjacent properties or streets because the size and location of the coop will not result in that.</li> </ul>

<b>Stipulations</b>
1. <i>There shall be a maximum of eight laying hens, and no roosters.</i>