

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

7:00 P.M.

October 20, 2026

ACTION SHEET

MEMBERS PRESENT: Beth Margeson, Chair; Jeffrey Mattson, Vice Chair; David Rheaume; Jack Holzman; Thomas Rossi; Thomas Nies; Robert Sullivan

MEMBERS EXCUSED: Mike Lucas, Alternate

ALSO PRESENT: Peter Stith, Assistant Planning Director

I. APPROVAL OF MINUTES

A. Approval of the September 15, 2026 meeting minutes.

*The September 15, 2026 meeting minutes were **approved** as amended.*

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

The motion passed with all in favor, with Mr. Holzman abstaining.

II. OLD BUSINESS

A. WITHDRAWN The request of **Hope for Tomorrow Foundation (Owner)**, for property located at **315 Banfield Road** whereas relief is needed to construct an addition to the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. (LU-26-41)
WITHDRAWN

The application was withdrawn.

- B.** The request of **Ann Marie Wiley Revocable Trust (Owner)**, for property located at **64 Woodworth Avenue** whereas relief is needed to construct a side addition and front porch to the existing structure which requires the following: 1) Variance from Section 10.521 to allow a) 8.5 foot left yard where 10 feet are required, b) 2.5 foot front yard where 30 feet are required, and c) 26% building coverage where 20% is the maximum. Said property is located on Assessor Map 243 Lot 42 and lies within the Single Residence B (SRB) District. (LU-26-102)

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

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

The motion passed with all in favor.

- C. POSTPONED** The request of **Christopher H. Daniell (Owner)**, for property located at **50 Whidden Street** whereas relief is needed to construct a rear addition and cantilevered deck which requires the following: 1) Variance from Section 10.521 to allow a 9.5 foot rear yard where 25 feet are required. Said property is located on Assessor Map 102 Lot 66 and lies within the General Residence B (GRB) and Historic Districts. **POSTPONED** (LU-26-15)

The Board acknowledged the postponement.

- D. 84 Pleasant Street and 266, 270, 278 State Street – Extension Request** (LU-24-195)

*The Board voted to **grant** the one-year extension to November 19, 2027.*

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

Motion passed 6-1 with T. Nies voting against.

- E.** The request of **Ben and Andrea St. Jean, Braden and Robyn Ferrari, Bob and Laura Gunning, Mike and Zoe Daboul, Tim and Kim Sullivan, and Jamie and Amy Baker (Appellants)**, for appeal of the administrative decision of a zoning determination pertaining to the side and rear lot lines of the property for a proposed subdivision located at **58 Humphrey's Court**. The Board will be considering the remand from the court on the issue of the property's rear lot line. Said property is located on Assessor Map 101 Lot 47 and lies within the General Residence B (GRB) and Historic Districts. (LU-25-165)

The Board voted to determine the rear lot line for this property will be the lot line opposite the lot line on Humphrey's Court connecting to New Castle Avenue.

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

The motion passed with all in favor.

III. NEW BUSINESS

- A. WITHDRAWN** The request of **Islington Properties LLC (Owner)**, for property located at **369 Islington Street, Unit A** whereas relief is needed to convert a commercial unit to a residential unit which requires the following: 1) Variance from Section 10.5A41.10A to allow 918 square feet of lot area per dwelling unit where 3,000 square feet are required. Said property is located on Assessor Map 144 Lot 22-1 and lies within Character District 4-L2 (CD4-L2) and the Historic District. **WITHDRAWN** (LU-26-111)

This application was withdrawn.

- B.** The request of **100 C Albany ST LLC (Owner)**, for property located at **100 Albany Street, Unit C** whereas relief is needed to establish a dog grooming operation which requires the following: 1) Special Exception from Section 10.521 Use #7.30 to allow a pet grooming service in a zone where it is allowed by special exception. Said property is located on Assessor Map 146 Lot 24-3 and lies within Character District 4-L2 (CD4-L2). (LU-26-117)

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

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

The motion passed with all in favor,

- C.** The request of **Clever Beaumont Revocable Trust (Owner)**, for property located at **30 Salem Street** whereas relief is needed to remove the existing 5-foot fence and replace with a new 5-foot fence which requires the following: 1) Variance from Section 10.515.13 to allow a 5-foot fence in the front yard area. Said property is located on Assessor Map 144 Lot 35 and lies within the General Residence C (GRC) District. (LU-26-118)

*The Board voted to **deny** the requests as presented and advertised because they fail the following criteria: 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, 10.233.23 granting the variance would do substantial justice, and 10.233.25 the hardship criteria.*

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

Motion passed 6-1 with R. Sullivan voting against.

- D.** The request of **Path Lab Inc C/O Labcorp (Owner)**, and **Lilia Madden, PLLC (Applicant)**, for property located at **230 Lafayette Road, Unit 11D** whereas relief is needed to allow a medical office which requires the following: 1) Variance from Section 10.440 Use #6.20 to allow a medical office where the

use is not allowed. Said property is located on Assessor Map 151 Lot 6-D11 and lies within the General Residence A (GRA) District. (LU-26-121)

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

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

The motion passed with all in favor.

- E.** The request of **Colbea Enterprises LLC (Owner)**, for property located at **1980 Woodbury Avenue** whereas relief is needed for signage which requires the following: 1) Variance from Section 10.1251.10 to allow for aggregate sign area greater than the maximum of 1.5' per linear foot of the building frontage establishment; and 2) Variance from Section 10.1252.40 to allow illumination of lightbars as canopy sign background distinguished only by color stripes. Said property is located on Assessor Map 239 Lot 11 and lies within the Gateway Corridor (G1) District. (LU-25-163)

*The Board voted to **continue** the petition to the next monthly meeting on November 17, 2026, requesting the following information from the applicant:*

- 1. Staff will advertise for Section 10.1251.20*
- 2. Applicant will provide exact dimensions on what areas of the canopy will be illuminated and also provide maximum potential dimensions.*
- 3. Applicant will provide total aggregate sign area allowed under Section 10.1251.10.*
- 4. Applicant will provide which canopy signs are greater than 20 square feet.*

Motion: D. Rheaume; **Second:** T. Rossi

The motion passed with all in favor.

IV. ADJOURNMENT

The meeting adjourned at 10:20 PM