

EXPANDED DRAFT MEETING SUMMARY
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ZONING BOARD OF ADJUSTMENT PUBLIC HEARING AND MEETING
April 28, 2020

A public hearing of the Zoning Board of Adjustment was held on Tuesday, April 28, 2020 at 6:30 PM, via WebEx.

Members in attendance were as follows, via verbal Roll Call. All members stated that they are alone:

Mariellen MacKay, Chair
Steve Lionel, Vice Chair
Jack Currier, Clerk
Rob Shaw
JP Boucher
Nick Kanakis
Jay Minkarah

Carter Falk, Deputy Planning Manager/Zoning
Kate Poirier, Zoning Coordinator

Mrs. MacKay explained the Board's procedures, stating that the Board is operating under the Governor's Executive Order via WebEx. Mrs. MacKay explained how public access is available by telephone, and additional access means by video or other electronic access, as well as the meeting being streamed through the City's website on Nashua's Community Link and also on Channel 16 on Comcast. Mrs. MacKay including the points of law required for applicants to address relative to variances and special exceptions. Mrs. MacKay explained how testimony will be given by applicants, those speaking in favor or in opposition to each request, as stated in the Zoning Board of Adjustment (ZBA) By-laws.

1. **Juan R. Taveras & Miguelina Oriach (Owners) 4 Kanata Drive (Sheet E Lot 972) requesting special exception from Land Use Code Section 190-112 to work within the 40-foot critical wetland buffer of Lincoln Brook to construct a 10'x20' shed and modify fence locations. R9 Zone, Ward 1. [POSTPONED FROM 3-24-2020 MEETING]**

Voting on this case:

Mariellen MacKay, Chair
Steve Lionel, Vice Chair
Jack Currier, Clerk
Rob Shaw
JP Boucher

Juan Taveras, 4 Kanata Drive, Nashua, NH. Mr. Taveras said that the Board has their package, and they will follow the mitigation that the Conservation Commission has reviewed extensively. He said that all the improvements stated on the plans and drawing will be done.

Mr. Minkarah stated that this is very typical for a residential use, it is consistent with the neighborhood, and the Board has the Conservation Commission letter of support.

SPEAKING IN FAVOR:

Mrs. MacKay said that there is a letter of support from the Conservation Commission dated February 11, 2020, that on their February 4th meeting, they voted in support with seven (7) stipulations of approval. She stated that the applicant will adhere to the stipulations.

SPEAKING IN OPPOSITION OR WITH QUESTIONS OR CONCERNS:

No one.

END OF PUBLIC HEARING - BEGINNING OF PUBLIC MEETING:

Board members all expressed support for the application

MOTION by Mr. Boucher to approve the special exception request on behalf of the owner as advertised. He said that the variance is needed to enable the applicant's proposed use of the property, given the special conditions of the property, and the benefit sought by the applicant cannot be achieved by some other method reasonably feasible for the applicant to pursue, other than the variance. He said that the property is a corner lot, with two front yard setbacks, also the position of the house and the addition leaves no other reasonable spot to add the additional garage space without encroaching into one of the setbacks.

Mr. Shaw said that the request is within the spirit and intent of the ordinance, and it will not adversely affect the property values of surrounding parcels.

Mr. Shaw said that the request is not contrary to the public interest, and substantial justice would be served.

SECONDED by Mr. Kanakis.

MOTION CARRIED UNANIMOUSLY 5-0.

MISCELLANEOUS:

REGIONAL IMPACT:

The Board did not see any cases of Regional Impact.

MINUTES:

2-25-2020:

Mr. Lionel asked if a statement could be put in that indicates when the Public Hearing is over, and when the Public Meeting begins.

Mr. Falk said that they haven't indicated that in past Minutes, but stated that he will revise the Minutes, and will indicate that in future Minutes moving forward.

Mr. Currier said that on Page 19, the adjournment should state Mrs. MacKay instead of Mr. Boucher. He said he understands that Mr. Falk already made the correction.

MOTION by Mr. Shaw to approve the minutes with the changes, waive the reading, and place the minutes in the file.

SECONDED by Mr. Kanakis.

MOTION CARRIED UNANIMOUSLY 5-0.

ADJOURNMENT:

MOTION by Mr. Shaw to adjourn the meeting at 6:46 p.m.

SECONDED by Mr. Kanakis.

MOTION CARRIED UNANIMOUSLY 5-0.

Submitted by: Mr. Currier, Clerk.

CF - Taped Hearing

DRAFT