

ZBA MEETING ATTENDANCE

JANUARY 24, 2023

Rob Shaw		Jay Minkarah	X
Jack Currier	X	Steve Lionel	X
J.P. Boucher	X	Efstathia Booras	
Mariellen MacKay	X	Josh Nehiley	X
Nick Kanakis			

APPROVAL OF MINUTES

Minutes of: January 10, 2023

Motion to: **Approve**

Motion By: Lionel

Seconded By: Boucher

MOTION CARRIED 5-0

Notes:

Voting: Mackay, Lionel, Nehiley, Boucher, Currier

Minutes of:

Motion to: **Approve/Deny Table**

Motion By:

Seconded By:

MOTION CARRIED 0-0

Notes:

STAFF ATTENDANCE

Carter Falk X Kate Poirier X Sam Durfee _____

REGIONAL IMPACT

N/A

MOTION TO ADJOURN

MOTION by: MacKay _____ to adjourn at 7:25 PM _____

**Zoning Board of Adjustment
January 24, 2023**

- 1. The Belanger Family Rev. Trust (Owners) David N. and Paula R. Belanger, Trustees (Applicants) 11 Bramble Drive (Sheet B Lot 383) requesting variance from Land Use Code Section 190-16, Table 16-3, to encroach 1 foot into the 20 foot required front yard setback to construct a 6’x23’ roofed farmers porch. R9 Zone, Ward 9.**

VOTING MEMBERS: MacKay, Lionel, Boucher, Currier, Nehiley

REQUEST #1

MOTION TO: Approve

MOTION BY: Boucher

SECONDED BY: Lionel

1. The Board found that the variance **is** needed to enable the applicant’s proposed use of the property, and given there **are** special conditions associated with the property, the benefit sought by the applicant **cannot** be achieved by some other method reasonably feasible for the applicant to pursue.
2. The Board found that the spirit and intent of the ordinance being kept in good faith to **Approve** this request.
3. The Board found that property values **will not** be negatively impacted by this request.
4. The Board found that the request **is not** contrary to the public interest.
5. Substantial justice **will** be served to the applicant by granting this request.

Stipulations: None

Special Conditions: Board believes the incursion is minimal and is within character of the neighborhood. Board notes that the house is a bit closer to the street in the buildable envelope and board finds that a 6’ wide deck is minimally reasonable. Board notes that Bramble Drive is busier towards the rear, leading towards greater usage of the front yard.

VOTE: 5-0

**Zoning Board of Adjustment
January 24, 2023**

- 2. Chestnut Woodburn, LLC & Axis Realty (Owners) James Gebo, Alpha Landscape Contractors (Applicant) 71½ - 73 Walnut Street (Sheet 81 Lot 67 & 70) requesting variance from Land Use Code Section 190-16, Table 16-3 for minimum land area, 9,279 sq.ft existing, 20,909 sq.ft required, to add two dwelling units to the third floor of existing four-unit multifamily building, for a total of six dwelling units. RC Zone, Ward 4.**

VOTING MEMBERS: MacKay, Lionel, Boucher, Currier, Minkarah

REQUEST #1

MOTION TO: Approve

MOTION BY: Boucher

SECONDED BY: Minkarah

1. The Board found that the variance **is** needed to enable the applicant's proposed use of the property, and given there **are** special conditions associated with the property, the benefit sought by the applicant **cannot** be achieved by some other method reasonably feasible for the applicant to pursue.
2. The Board found that the spirit and intent of the ordinance being kept in good faith to **Approve** this request.
3. The Board found that property values **will not** be negatively impacted by this request.
4. The Board found that the request **is not** contrary to the public interest.
5. Substantial justice **will** be served to the applicant by granting this request.

Stipulations: None

Special Conditions: Board finds that the proposed density of this application is consistent with the neighborhood. Board notes that there are 16 available parking spaces on the adjacent lot to support the use. Board notes that this is a conversion of existing vacant space within the building.

VOTE: 5-0

**Zoning Board of Adjustment
January 24, 2023**

- 3. McChandler, LLC (Owner) 36 Chandler Street (Sheet 42 Lot 203) requesting variance from Land Use Code Section 190-16, Table 16-3 for minimum land area, 19,483 sq.ft existing, 55,757 sq.ft required, to maintain 16 dwelling units, where 5 units are permitted. RC Zone, Ward 3.**

VOTING MEMBERS: MacKay, Lionel, Boucher, Currier, Nehiley

REQUEST #1

MOTION TO: Approve

MOTION BY: Lionel

SECONDED BY: Boucher

1. The Board found that the variance **is** needed to enable the applicant's proposed use of the property, and given there **are** special conditions associated with the property, the benefit sought by the applicant **cannot** be achieved by some other method reasonably feasible for the applicant to pursue.
2. The Board found that the spirit and intent of the ordinance being kept in good faith to **Approve** this request.
3. The Board found that property values **will not** be negatively impacted by this request.
4. The Board found that the request **is not** contrary to the public interest.
5. Substantial justice **will** be served to the applicant by granting this request.

Stipulations: None

Special Conditions: Board finds that the proposed density is in character with the neighborhood, and that 16 units have existed and been taxed as such for over 30 years. Board believes the property has adequate onsite parking and that there are no changes to the property being asked for to accommodate this request. Board notes that no physical changes are being proposed, and that this request is to legitimize an existing condition.

VOTE: 5-0

**Zoning Board of Adjustment
January 24, 2023**

- 4. City of Nashua (Owner) 10 Whipple Street – Mine Falls Park (Sheet E Lot 1487) requesting special exception from Land Use Code Sections 190-111 through 190-117 to work within the 75-foot prime wetland buffer of the Nashua River for tree removal work to allow for sewer siphon rehabilitation. RB Zone, Ward 4.**

VOTING MEMBERS: MacKay, Lionel, Boucher, Currier, Minkarah

REQUEST #1

MOTION TO: Approve

MOTION BY: Boucher

SECONDED BY: Lionel

- 1) This use **is** listed in the Table of Uses, City of Nashua Land Use Code Section **190-15, Table 15-1 (#292)**.
- 2) This use **will not** create undue traffic congestion or unduly impair pedestrian safety.
- 3) This use **will not** overload public water, drainage, or sewer, or have negative impacts on municipal systems.
- 4) Special use regulations **are** fulfilled.
- 5) This use **will not** impair the integrity, **will not** be out of character with the neighborhood, and **will not** be detrimental to the health, morals, or welfare of the residents.

Stipulations: As noted in the January 3, 2023 Conservation Commission letter.

Special Conditions: Board notes that the applicant attests that the 9 wetland special conditions are met. Board notes that impacts are temporary and necessary for infrastructure maintenance.

VOTE: 5-0