

**ZBA MEETING ATTENDANCE**

**MARCH 28, 2023**

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

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**APPROVAL OF MINUTES**

**Minutes of:** February 28, 2023

Motion to: **Approve**

Motion By: MacKay

Seconded By: Shaw

**MOTION CARRIED 5-0**

Notes:

Page 7 Mr. Heliley stated that the driveway “should not be 40’ “, and not “should be” .

Page 7: End of paragraph should be “presented” not “present”.

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**Minutes of: None**

Motion to: **Approve/Deny Table**

Motion By:

Seconded By:

**MOTION CARRIED 0-0**

Notes:

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**STAFF ATTENDANCE**

Carter Falk           X           Kate Poirier           X           Sam Durfee                           

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**REGIONAL IMPACT**

Yes:                           

No:           X          

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**MOTION TO ADJOURN**

**MOTION** by: MacKay to adjourn at 8:47 PM

**Zoning Board of Adjustment  
March 28, 2023**

1. **Marcelo S. Gouveia (Owner) 48 Ross Street (Sheet 95 Lot 14) requesting the following: 1) special exception from Land Use Code Section 190-15, Table 15-1 (#3) to allow an accessory (in-law) dwelling unit in basement; and, 2) variance from Land Use Code Section 190-32 (B)(1) to exceed maximum size of accessory dwelling unit, 750 sq.ft allowed – 920 sq.ft proposed. RB Zone, Ward 6. [POSTPONED FROM THE MARCH 14, 2023 MEETING]**

**VOTING MEMBERS:** MacKay, Lionel, Currier, Shaw, Boucher

*Note: Actual size of unit is 856-sqft*

**REQUEST #1: SPECIAL EXCEPTION**

MOTION TO: **Approve**

MOTION BY: Shaw

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 (#3)**.
- 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:** None

**Special Conditions:** See Variance - below

**VOTE:** 5-0

**REQUEST #2: VARIANCE**

MOTION TO: **Approve**

MOTION BY: Shaw

SECONDED BY: Boucher

**Zoning Board of Adjustment**  
**March 28, 2023**

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:** Actual ADU area, minus the home's utility room, is 856-sqft

**Special Conditions:** Board finds that it is unreasonable to adhere to the 750 sq ft requirement for this property because it would result in removing what would become unusable space in the basement; there is no reasonable benefit to walling it off. It makes sense to allow the applicant to use that dwelling for the Accessory Use.

**VOTE:** 5-0

**Zoning Board of Adjustment  
March 28, 2023**

- 2. Ronald P. & Estelle G. Hudon (Owners) Lefavor Folio, LLC (Applicant) 115 Lock Street (Sheet 41 Lot 21) requesting use variance from Land Use Code Section 190-15, Table 15-1 (#15) to remove existing building and construct one 8-unit multi-family building, along with associated site improvements. GI Zone, Ward 3. [POSTPONED FROM THE MARCH 14, 2023 MEETING]**

**VOTING MEMBERS:** MacKay, Lionel, Currier, Shaw, Boucher

**REQUEST #1**

**MOTION TO:**           **Table to April 11, 2023**

**MOTION BY:** Shaw

**SECONDED BY:** Currier

**Notes:** Board has issue with the proposed density, which appears to result in an incursion into the wetland buffer, open space, and minimum setbacks. Board is also concerned with the proposed placement of a dumpster within the wetland buffer. Board is tabling to allow applicant to address these concerns by the Board.

**Special Conditions:** N / A

**VOTE:** 5-0

**Zoning Board of Adjustment  
March 28, 2023**

- 3. The Bowman Family Rev. Trust, Robert & Candie Bowman, Trustees (Owners) Robert Bowman (Applicant) 31 Orchard Avenue (Sheet 118 Lot 27) requesting variance from Land Use Code Section 190-16, Table 16-3 to encroach 13 feet into the 25 foot required front yard setback (on Orchard Avenue) to replace an existing front porch with a new 8’x21’ roofed farmers porch. RA Zone, Ward 7.**

**VOTING MEMBERS:** MacKay, Lionel, Currier, Shaw, Boucher

**REQUEST #1**

**MOTION TO:**           **Approve**

**MOTION BY:** Boucher

**SECONDED BY:** Shaw

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 house is situated close to the street and that it was placed prior to current zoning setbacks. Board finds that it is reasonable for the home to have access under the proposed farmer’s porch from the front door directly to the driveway, enhancing safety. Board notes that porch is not excessively deep, and is in line with other nearby homes.

**VOTE:** 5-0

**Zoning Board of Adjustment  
March 28, 2023**

- 4. Ijeoma C. & Charles Okorie (Owners) 46 Cox Street (Sheet 137A Lot 3) requesting special exception from Land Use Code Section 190-16 (E)(3)(a) for a minor encroachment to encroach 3'-6" into the 10 foot required left side yard setback to construct an attached 21'x22' two-car garage. RA Zone, Ward 2.**

**[POSTPONED TO THE APRIL 11, 2023 MEETING]**

**Zoning Board of Adjustment  
March 28, 2023**

- 5. Larry W. Kittle (Owner) Alpha Contracting Services, Inc., c/o Helton Rodrigues (Applicant) 58 Chandler Street (Sheet 42 Lot 254) requesting variance from Land Use Code Section 190-16, Table 16-3 for minimum land area, 5,520 sq.ft existing - 6,970 sq.ft required, to construct a two-family structure, where a 6-22-2021 ZBA approval for lot width was granted for approval of a single-family home. RC Zone, Ward 3.**

**VOTING MEMBERS:** MacKay, Lionel, Currier, Shaw, Boucher

**REQUEST #1**

**MOTION TO: Deny**

**MOTION BY:** Lionel

**SECONDED BY:** Shaw

1. The Board found that the variance **isn't** needed to enable the applicant's proposed use of the property, and given there **aren't** special conditions associated with the property, the benefit sought by the applicant **can** 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 **Deny** this request.
3. The Board found has no opinion on the impact on property values.
4. The Board found that the request **is not** contrary to the public interest.
5. Substantial justice **will not** be served to the applicant by granting this request.

**Stipulations:** None

**Special Conditions:** Board finds that the previous relief granted for a lot subdivision for a single family home was reasonable, and that this additional relief is not warranted. Board has issue with parking, and finds that an already small lot would be overburdened by this request.

**VOTE:** 4-1 (Boucher opposed)