

ZBA MEETING ATTENDANCE

APRIL 11, 2023

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

APPROVAL OF MINUTES

Minutes of: None

Motion to: **Approve/Deny/Table**

Motion By: _____ Seconded By: _____

MOTION CARRIED 0-0

Notes:

Minutes of: None

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

Yes: _____ No: X

MOTION TO ADJOURN

MOTION by: Mackay to adjourn at 9:55 PM

**Zoning Board of Adjustment
April 11, 2023**

- 1. 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. [TABLED FROM THE MARCH 28, 2023 MEETING]**

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

MOTION TO: Remove from Table

MOTION BY: Lionel

SECONDED BY: Currier

VOTE: 5-0

REQUEST #1

MOTION TO: Approve

MOTION BY: Lionel

SECONDED BY: Currier

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 proposed plan is compatible with adjacent development density. Board notes that revised plan addresses concerns raised at the previous meeting regarding density, wetland encroachment, impervious surfaces, and dumpster placement.

VOTE: 5-0

**Zoning Board of Adjustment
April 11, 2023**

- 2. 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 a maximum of 4 feet into the 10 foot required left side yard setback to construct an attached 21'x22' two-car garage. RA Zone, Ward 2. [POSTPONED FROM THE MARCH 28, 2023 MEETING]**

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

MOTION TO: **Approve**

MOTION BY: Boucher

SECONDED BY: Mackay

- 1) This use **is** listed in the Table of Uses, City of Nashua Land Use Code Section **190-16, Table 16-3(a)**.
- 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.

VOTE: 2-3 MOTION FAILS

MOTION TO: **Deny**

MOTION BY: Currier

SECONDED BY: Lionel

- 1) This use **is** listed in the Table of Uses, City of Nashua Land Use Code Section **190-16, Table 16-3(a)**.
- 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.

Zoning Board of Adjustment
April 11, 2023

- 5) This use **will** impair the integrity, **will** 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: Board finds that while it is customary to have a two-car garage, the proposed encroachment is out of character with the neighborhood.

VOTE: 3-2 MOTION PASSES

**Zoning Board of Adjustment
April 11, 2023**

- 3. The Richard Family Rev. Tr. (Owners) Thomas Richard (Applicant) 4 Nelson Street (Sheet F Lot 382) requesting special exception from Land Use Code Section 190-15, Table 15-1 (#3) to construct a 26'x28' one story attached addition for an accessory (in-law) dwelling unit. R9 Zone, Ward 1.**

[WITHDRAWN BY APPLICANT]

**Zoning Board of Adjustment
April 11, 2023**

- 4. Alyssa A. & Michael A. St. Aubin (Owners) 18 Bedford Street (Sheet E Lot 308) requesting variance from Land Use Code Section 190-16, Table 16-3 to encroach 19 feet into the 30 foot required rear yard setback to construct an attached 15’x26’ one-story addition to rear of existing house. R9 Zone, Ward 1.**

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

REQUEST #1

MOTION TO: Approve

MOTION BY: Currier

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 finds that orientation of home already places home in setback and leaves the yard to the side, not the rear. Board notes that the lots are fairly large, and the home is place at the opposite corner from the nearest abutter.

VOTE: 5-0

**Zoning Board of Adjustment
April 11, 2023**

- 5. East Dunstable Properties, LLC (Owner) John Forcier (Applicant) 7 East Dunstable Road (Sheet 109 Lot 76) requesting variance from Land Use Code Section 190-17 (E)(1) to exceed maximum driveway width, 24 feet permitted, 36 feet proposed, to construct one 24-foot wide driveway on Burnett Street, and one 12-foot wide driveway on East Dunstable Road. RA Zone, Ward 6.**

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

REQUEST #1

MOTION TO: Table to the April 25, 2023 meeting

MOTION BY: Mackay

SECONDED BY: Currier

Notes: Board expressed safety concerns with placing a driveway on East Dunstable Road. Board noted that variances require special conditions of the property, not the needs of the owner. Board is amenable to an expanded driveway, but not on East Dunstable Road. Board moves to table this application in order to give the applicant time to consider other options.

VOTE: 5-0

**Zoning Board of Adjustment
April 11, 2023**

- 6. Maria C. Amorin & Juscali DeCales (Owners) 30 East Dunstable Road (Sheet 111 Lot 42) requesting the following: 1) special exception from Land Use Code Section 190-15, Table 15-1 (#6) to convert a single-family home into a two-family home; and, 2) variance from Land Use Code Section 190-16, Table 16-3 for minimum land area, 9,824 sq.ft existing, 14,520 sq.ft required. RA Zone, Ward 6.**

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

REQUEST #1: VARIANCE

MOTION TO: Deny

MOTION BY: Currier

SECONDED BY: Lionel

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 that property values **will** be negatively impacted by this request.
4. The Board found that the request **is** contrary to the public interest.
5. Substantial justice **will not** be served to the applicant by granting this request.

Stipulations: None

Special Conditions: Board notes that request is not within character of the neighborhood, which is primarily single family. Board finds that hardship is on the applicant, not the land, and that there is nothing unique about the lot.

VOTE: 5-0

REQUEST #2: SPECIAL EXCEPTION

MOTION TO: Deny

MOTION BY: Currier

SECONDED BY: Lionel

Zoning Board of Adjustment
April 11, 2023

- 1) This use **is** listed in the Table of Uses, City of Nashua Land Use Code Section **190-15, Table 15-1**
- 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** 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: Board notes that request is not within character of the neighborhood, which is primarily single family.

VOTE: 5-0