

ZBA MEETING ATTENDANCE

APRIL 25, 2023

Rob Shaw	<u> X </u>	Jay Minkarah	<u> X </u>
Jack Currier	<u> X </u>	Steve Lionel	<u> </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>		

APPROVAL OF MINUTES

Minutes of: 3/28/23

Motion to: **Approve**

Motion By: Currier

Seconded By: Mackay

MOTION CARRIED 5-0

Notes:

Voting members: Currier, Mackay, Shaw, Boucher, Nehiley

Amended: Minkarah said on page 10 he has no issue with density; it is the wetland incursion.

Minutes of: 4/11/23

Motion to: **Approve**

Motion By: Mackay

Seconded By: Shaw

MOTION CARRIED 5-0

Notes:

Voting members: Currier, Mackay, Shaw, Boucher, Minkarah

Amended: Boucher is Clerk

STAFF ATTENDANCE

Carter Falk X Kate Poirier X Sam Durfee

REGIONAL IMPACT

Yes:

No: X

MOTION TO ADJOURN

MOTION by: Shaw to adjourn at 8:02 PM

**Zoning Board of Adjustment
April 25, 2023**

- 1. 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.**

[WITHDRAWN BY APPLICANT, CASE TO BE READVERTISED]

**Zoning Board of Adjustment
April 25, 2023**

- 2. John G. Strickland (Owner) 8 Bailey Street (Sheet 138 Lot 47) requesting variance from Land Use Code Section 190-44 (A) to exceed maximum fence height, 6 feet permitted – 8 feet requested for 100 linear feet along rear property line. R9 Zone, Ward 1.**

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

REQUEST #1

MOTION TO: **Approve**

MOTION BY: Currier

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 notes that fence is set back from street and will not be noticed from the front of the property. Board notes that this will not cause physical impairments or impact visual enjoyment. Board finds that the purpose of the fence is privacy, not spite, as impacted abutter is in full support.

VOTE: 5-0

**Zoning Board of Adjustment
April 25, 2023**

- 3. Perimeter Place Investments, LLP (Owner) Breakthrough Behavioral & Educational Consultants, LLC (Applicant) 114 Perimeter Road, Units G & H (Sheet E Lot 1509) requesting use variance from Land Use Code Section 190-15, Table 15-1 (#250) to allow a preschool in a portion of an existing building. AI Zone, Ward 1.**

VOTING MEMBERS: Mackay, Shaw, Currier, Boucher, Minkarah

REQUEST #1

MOTION TO: Approve

MOTION BY: Currier

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:

Special Conditions: Board finds that majority of surrounding uses are not Industrial, with other approved childcare uses within the vicinity. Board finds that the impact would not be high, with limited operations. Board notes that Airport Authority is in full support.

VOTE: 5-0

**Zoning Board of Adjustment
April 25, 2023**

- 4. Harbor Homes, Inc. (Owner) Spectrum Signs & Graphics/Jilian Arsenault (Applicant) 46 Spring Street (Sheet 32 Lot 33) requesting variance from Land Use Code Section 190-101, Table 101-7, to encroach 7 feet into the 10 foot required front yard setback to replace a non-conforming ground sign. D-1/MU Zone, Ward 3.**

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

REQUEST #1

MOTION TO: Approve

MOTION BY: Shaw

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:

Special Conditions: Board notes that current sign is long standing and in need of replacement. Board notes that the proposed sign is in the same location, a smaller size, and non-illuminated. Board finds that the sign is much needed, and should be replaced.

VOTE: 5-0

Zoning Board of Adjustment
April 25, 2023

- 5. Marlena Gilbert (Owner) 9 Mount Pleasant Street (Sheet 67 Lot 66) requesting variance from Land Use Code Section 190-31 to encroach 3 feet into the 6 foot required right side yard setback to replace and expand a previous non-conforming detached garage from 20’x20’ to 20’x30’ after it collapsed. RB Zone, Ward 3.**

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

(Note: Minkarah recused himself)

REQUEST #1

MOTION TO: **Approve**

MOTION BY: Currier

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: Contingent on subsequent approval from the Historic District Commission

Special Conditions: Board finds that relocation of the garage to meet setbacks would change the look of the house and yard, and that meeting setbacks would be unproductive and unreasonable. Board notes that it is reasonable to expand the driveway for larger vehicles and lawn equipment, and that an expansion of depth is more reasonable than width. Board finds that it is within character in older neighborhoods for garages to encroach on the property lines.

VOTE: 5-0

**Zoning Board of Adjustment
April 25, 2023**

6. **City of Nashua (Owner) David Boucher, Superintendent, Department of Public Works, Wastewater Division (Applicant) “L” Campton Street (Sheet F Lot 4A) requesting special exception to work in the 75-foot prime wetland buffer of the Nashua River to upgrade a City-owned wastewater pump station and replace an associated sub-surface force main under the Nashua River. R9 Zone, Ward 1.**

VOTING MEMBERS: Mackay, Currier, Shaw, Boucher, Minkarah

REQUEST #1

MOTION TO: Approve

MOTION BY: Currier

SECONDED BY: Shaw

- 1) This use **is** listed in the Table of Uses, City of Nashua Land Use Code Section **190-112**.
- 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: Two conditions as per the April 4, 2023 Conservation Commission letter

Special Conditions: Board notes that the application has received a favorable recommendation from the Conservation Commission

VOTE: 5-0