

ZONING BOARD OF ADJUSTMENT PUBLIC HEARING AND MEETING
Tuesday, February 24, 2026

A public hearing of the Zoning Board of Adjustment was held on Tuesday, February 24, 2026 at 6:30 PM, at City Hall.

Jay Minkarah, Chair, asked for a Roll Call:

Jay Minkarah, Chair
Josh Nehiley, Vice Chair
JP Boucher
Steve Lionel
Joseph Patry - Alternate

Carter Falk, Deputy Planning Manager

Mr. Minkarah explained the Board's procedures, stating that the public is encouraged to submit their comments for future meetings via email to the Planning Department, which is zb@nashuanh.gov, or by mail, at P.O. Box 2019, Nashua, NH, 03061. Mr. Minkarah identified the points of law required for applicants to address relative to variances and special exceptions. Mr. Minkarah explained how testimony we 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. The Maistrosky Rev. Tr., Denise & Alan Maistrosky, Trustees (Owners) 97 Wellington Street (Sheet 65 Lot 148) requesting variance from Land Use Code Section 190-31 to encroach 7 feet into the 20 foot required front yard setback (on Columbia Avenue) to install a hot tub. RA Zone, Ward 3.**

Voting on this case:

Jay Minkarah
Josh Nehiley
JP Boucher
Steve Lionel
Joseph Patry

Denise & Alan Maistrosky, 97 Wellington Street, Nashua, NH. Mr. Maistrosky said that they purchased a hot tub from a firm in Hudson, and had it delivered to their home, and had them put it in the only spot possible, as the back yard is very small and is enclosed by a six-foot fence. He said that they notified Johnson's Electric to put the 220V line in, and when they applied for the permit, they were told they needed a building permit. He said it

was filed and submitted, and the project stopped there, as it was noticed that the hot tub would be too close to the front property line. He said that no one can see it, or hear it, it's behind a fence.

Mrs. Maistrosky said that the contractor told them that the proposed location is the best location for the hot tub, and also that the safest thing for them to do is to have a cement slab poured, which would make it more safer and stable. She said that they checked with their neighbors, and they do no care, and have lived here for 41 years and have had no problems.

Mr. Lionel said that this is a corner lot, with two front yard setbacks, and if this were a side yard, it would be compliant.

Mr. Minkarah said that he understands that the electrician indicated that the hot tub is in the best location from their prospective.

Mrs. Maistrosky said that there is a meter back there and it had to be so many feet from the meter, which it is, and then to hook it up to the 220V line, which is against the garage inside on the wall, so it's the shortest distance.

Mr. Lionel asked at what point did they know that they needed to have the concrete slab installed.

Mr. Maistrosky said that they were told that some people put them on gravel or stones, or pavers, but for a little more money, a small construction company can pour a small concrete pad and they decided to go with that.

Mr. Falk said that if someone wants to install a hot tub, it is considered an accessory structure, and does need a building/land use permit.

Mr. Lionel said that he was under the impression that if it wasn't a permanent structure, that a building permit was not required.

Mr. Falk said that the Building Department doesn't require a permit, but the Planning Department does, as staff reviews setbacks, open space, wetland buffers.

Mrs. Maistrosky said that the hot tub company indicated that they've never had to get permits such as this.

Mr. Falk said that hot tubs, pools and similar structures are regular submissions for permits.

SPEAKING IN FAVOR:

No one.

SPEAKING IN OPPOSITION OR WITH QUESTIONS OR CONCERNS:

No one.

END OF PUBLIC HEARING, BEGINNING OF PUBLIC MEETING:

Mr. Lionel said that this is very straightforward, it is a corner lot and there really isn't any other place to do it, and it will not interfere with the neighbors, and is in favor.

Mr. Minkarah agrees, and with their testimony on the proximity to the electric meter, and the difficulty in locating it anywhere else due to the addition of windows, and it's pretty compelling.

MOTION by Mr. Lionel to approve the variance application on behalf of the owner as advertised. Mr. Lionel stated that the granting of the variance would not be contrary to the public interest, because the location of the hot tub would be surrounded by a six-foot tall fence, and there is no testimony from any of the neighbors objecting.

Mr. Lionel said that the request is within the spirit and intent of the Ordinance, because it is a reasonable use and there are no other appropriate places for the hot tub to be placed.

Mr. Lionel stated that substantial justice will be served, it will allow the homeowner have their hot tub in the best possible location, near the electric meter, and behind the fence.

Mr. Lionel stated that the Board did not have any testimony about the value of surrounding properties being diminished.

Mr. Lionel stated that for unnecessary hardship, the Board finds that the proposed use is a reasonable one, it is a small, corner lot, and because it's a corner lot, there are two twenty foot front yard setbacks that dramatically would restrict placement of the hot tub, and the hot tub needs to be where it is because it is a

small lot, and the proximity to the electric meter, and there is not a fair and substantial relationship between the general public purpose of the ordinance and the specific application for that provision, because the proposed use is a reasonable use.

SECONDED by Mr. Patry.

MOTION TO APPROVE CARRIED UNANIMOUSLY 5-0.

MISCELLANEOUS:

REGIONAL IMPACT:

The Board did not see any cases that would have Regional Impact.

MINUTES:

None.

REHEARING REQUESTS:

None

ADJOURNMENT:

MOTION by Mr. Lionel to adjourn the meeting at 6:45 p.m.

Submitted by: Mr. Falk, Clerk.

CF - Taped Hearing