

ZONING BOARD OF ADJUSTMENT PUBLIC HEARING AND MEETING  
Tuesday, March 10, 2026

A public hearing of the Zoning Board of Adjustment was held on Tuesday, March 10, 2026 at 6:30 PM, at City Hall.

Josh Nehiley, Vice Chair, asked for a Roll Call:

Josh Nehiley, Vice Chair  
JP Boucher  
Rob Shaw  
Steve Lionel  
Joseph Patry - Alternate

Carter Falk, Deputy Planning Manager

Mr. Nehiley 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](mailto:zb@nashuanh.gov), or by mail, at P.O. Box 2019, Nashua, NH, 03061. Mr. Nehiley identified the points of law required for applicants to address relative to variances and special exceptions. Mr. Nehiley explained how testimony 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 Elizabeth Righter Trust (Owner) Kayla Jarry, LCO Holdings, LLC (Applicant) 39 Simon Street, Unit 15 (Sheet E Lot 824) requesting use variance from Land Use Code Section 190-15, Table 15-1 (#102) to allow a massage therapist and estheticians office in a multi-tenant office park. PI Zone, Ward 4.**

Voting on this case:

Josh Nehiley  
JP Boucher  
Rob Shaw  
Steve Lionel  
Joseph Patry

Kayla Jarry, 39 Simon Street, Nashua, NH. Ms. Jarry said that she's been operating her business for about five years, all of their clientele is local, and the reason why they're leaving their current location is that they just couldn't keep staying there. She said that in looking for a new location, all of them are in industrial zoned properties. She said that they have 5 or 6

employees, and each of them work different schedules, so it's rare that they're all there at the same time. She said that they would be open during the normal business hours at the complex, and in talking to the other tenants, they all thought that it would be a great fit. She said that they have minimal traffic, it's not an everyday business, it's low impact. She said that they're already established, and have their clientele already, and would like to keep resuming their operations.

**SPEAKING IN FAVOR:**

Mr. Nehiley read a letter of support from Kelly Caron, Unit 15 owner, into the record.

**SPEAKING IN OPPOSITION OR WITH QUESTIONS OR CONCERNS:**

No one.

**END OF PUBLIC HEARING, BEGINNING OF PUBLIC MEETING:**

Mr. Shaw said that he sees no issues with this, and it seems like it's well-accepted by the existing businesses there. He said that there's no indication that the proposed business will cause any undue traffic or busyness, or excessive use, it's a reasonable request.

Mr. Nehiley said that he is in support of the application, and did a drive-by and does not have any parking concerns. He said that this reminds him of a case the Board heard recently on Northeast Boulevard, that business condo. He said that this location has a mix of businesses, and will fit really well in there, and we have a letter of support as well.

**MOTION** by Mr. Boucher to approve the use variance application on behalf of the owner and applicant as advertised. Mr. Boucher stated that the granting of the variance would not be contrary to the public interest, the character of the neighborhood would not be altered with this use.

Mr. Boucher said that the request is within the spirit and intent of the Ordinance, mainly because it is in concert with the other businesses there in the neighborhood, and will be consistent with the several other businesses that are similar in nature to this request.

Mr. Boucher stated that substantial justice will be served, it will allow the property owner to use this space for the requested use.

Mr. Boucher stated that the Board did not have any testimony about the value of surrounding properties being diminished, but believe that property values will not be diminished by this request.

Mr. Boucher stated that for unnecessary hardship, owing to special conditions of the property that distinguish it from other properties in the area, the Board finds that the proposed use is a reasonable one, as this property has changed over the years into more of these businesses that provide services, and the business going in there is not a high traffic type of business, so it's in concert with what is already there.

**SECONDED** by Mr. Lionel.

**MOTION TO APPROVE CARRIED UNANIMOUSLY 5-0.**

- 2. Palm Square, LLC (Owner) 57 Palm Street (Sheet 83 Lot 67) requesting variance from Land Use Code Section 190-16, Table 16-3, to exceed maximum density for elderly housing to allow a total of 151 residential units within existing building, where 140 units with a restaurant space was permitted by the Zoning Board on 10-24-06, 92 units are permitted (converting former restaurant space to 11 new residential units). RC & GB Zones, Ward 4.**

Voting on this case:

Josh Nehiley  
JP Boucher  
Rob Shaw  
Steve Lionel  
Joseph Patry

Attorney Morgan Hollis, Gottesman and Hollis, P.A., 39 East Pearl Street, Nashua, NH. Atty. Hollis said that he is representing the owner, this was the former Batesville Casket Company, and in 2006, was before the Board on behalf of the owner to convert the mill building into mostly elderly housing units, at that time, 92 units were allowed and requested relief from the Ordinance for 140 units, and the front portion, closest to West Hollis Street, was laid out as a restaurant, but over the years, four different restaurant

owners have not survived here. He said parking for the restaurant is limited in the front, and the owner is asking for relief to remove the restaurant to convert it to eleven additional residential units, so it's a variance to increase the density.

Atty. Hollis said that this will not alter the character of the neighborhood, the area is dense multi-family and mixed use commercial along West Hollis Street. He said that the proposal will not be noticeable from the exterior of the building, it will look the same. He said that they understand that with the change of use, they'd need an Administrative approval, but no change to the exterior, and the use would be in accord with the heavy density mixed use neighborhood.

Atty. Hollis said that there would be no threat to the public health, safety and welfare, there is parking on the site for the new units. He said that there is existing utilities as well.

Atty. Hollis said that the density asked for is much more in keeping with the neighborhood, it will allow for consistent use of the property and will not alter the character of the neighborhood.

Atty. Hollis said that substantial justice will be granted, the owner has attempted a number of different restaurants and all have failed, and there is a small amount of commercial space left, but the restaurants have not been successful.

Atty. Hollis said that allowing the space to become eleven new residential units will not harm the public in any way, there will be no external changes.

Atty. Hollis said that there will be no adverse impact to neighboring property values, the requested work will not have an impact to property values, it is a permitted use in the RC Zone, and the part of the property that is zoned HB is only a small strip in the front of the property along West Hollis Street and the building is not in the HB zoned portion of the lot.

Atty. Hollis said that there is a hardship on the property, it is a very large former casket manufacturing facility, it's been rehabilitated into housing with a restaurant, and there is no other property in the neighborhood like this, and that is what makes it unique. He said that the Board found hardship in 2006 for this property, and this has not been a problem in the neighborhood, and the viability of the restaurant has not worked out, where the

residential portion has, and converting interior space to additional housing is reasonable, and to disallow this conversion would be a hardship to the property, it is a very slight improvement to the density overall, and there is no reason to deny this reasonable request.

Mr. Boucher asked if the proposed units are typical in size to the existing units.

Atty. Hollis said that they are almost identical.

Mr. Nehiley asked if there is still the police substation in the building.

Atty. Hollis said that he is not sure if it's still there, but at one point there was one, and there is still a little bit of commercial space.

**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 he is in favor of the application, and was not aware that there was a restaurant here. He said that given that there are no exterior changes to the building, the new residential units are similar to what already exists, is in full support.

Mr. Boucher said that he is also in support of the application, he said that he's been to the restaurants there, and they were never busy. He said that it is a good use of the property and the proposed use makes sense, and the parking is fine.

Mr. Nehiley said that he is also in favor, and had similar experiences going to the restaurant there, so with the current housing stock issues and no external changes, and the parking is available, and is in favor.

**MOTION** by Mr. Lionel to approve the variance application on behalf

of the owner and applicant as advertised. Mr. Lionel stated that the granting of the variance would not be contrary to the public interest, because there is no disturbance to the exterior of the building, and additional housing is always a benefit.

Mr. Lionel said that the request is within the spirit and intent of the Ordinance, mainly because the density required by the Ordinance is reflected in the crowding of the lot and there are no changes to the exterior of the building, this is a large building.

Mr. Lionel stated that substantial justice will be served, it will allow the property owner to use this space that has not been successful over many years.

Mr. Lionel stated that the Board did not have any testimony about the value of surrounding properties being diminished, but believe that property values will not be diminished by this request.

Mr. Lionel stated that for unnecessary hardship, owing to special conditions of the property that distinguish it from other properties in the area, given that it is a very large building in the downtown area, there is nothing else quite like it, denial of the variance would result in unnecessary hardship because there is not a fair and substantial relationship between the general public purpose of the Ordinance provision and the specific application of that provision to this property, there is no external affect to this additional density, therefore, it will not be visible.

**SECONDED** by Mr. Patry.

**MOTION TO APPROVE CARRIED UNANIMOUSLY 5-0.**

3. **Vernon C. Shelby & Estate of Samuela Shelby & Philip Simard (Owners) 15 & 19 Atherton Avenue (Sheet 46 Lots 22 & 23) requesting the following: 1) Use Variance from Land Use Code Section 190-15, Table 15-1 (#15) to allow 16 multi-family units in three buildings; and the following variances from Land Use Code Section 190-16, Table 16-3: 2) for land area, 51,619 square feet existing - 116,160 square feet required; 3) for open space, 50% required - 48% proposed; 4) for floor area ratio, 50% allowed - 61% proposed; and, 5) for maximum building stories, 2½ stories permitted - 3 stories proposed - all requests to remove two single family houses and construct 16 multi-family units. RA & RC Zones, Ward 3.**

Voting on this case:

Josh Nehiley  
JP Boucher  
Rob Shaw  
Steve Lionel  
Joseph Patry

Attorney Andrew Prolman, Prunier and Prolman, P.A., 20 Trafalgar Square, Nashua, NH. Atty. Prolman said that he is here on behalf of Lefavor Properties, and is joined by Ethan Beals, from Hayner Swanson/IMEG. He said that they're seeking a use variance for multi-family in the RA zone, as well as four dimensional variances.

Atty. Prolman said that they are seeking to consolidate 15 and 19 Atherton Avenue into one lot, and, to subdivide an 8 foot wide strip of land on the northern property line, and convey it to the neighbor to the north, at 21 Atherton Avenue, as the driveway encroaches onto 19 Atherton Avenue's property, so that will be taken care of. He said that the neighbor, Mr. Sutton, has a letter in for the Board. He said that they're going to knock down the two existing homes and create the multi-family development as shown, it will be a standard three-story, with a garage, second floor would have a den, kitchen and living area, and bedrooms and bathroom on the top floor. He said it really is considered one of today's starter homes.

Atty. Prolman said that the existing two lots are two of the larger lots in the neighborhood, the lots were established in 1936. He said that the neighborhood is conducive to what is proposed, there are two multi-family properties to the south, each has six units, and there is PSNH and the railroad property to the rear, and Atherton Park is across the street. He said that the lot is a split-zoned lot, the smaller southwestern corner of the lot is zoned RC, and the remainder of the lot is in the RA district.

Atty. Prolman said that the applicant is the same builder who built the Sapphire and Opal condominiums on both 111 and 115 Lock Street, and a very similar product is expected at this location. He said that the units would be serviced by all local and existing utilities.

Atty. Prolman said for the use variance, for multi-family in the RA district, there is a genuine mix of uses in this area, all different types of housing, and these additional units will not

negatively impact the character of the neighborhood, or any of the public rights of others.

Atty. Prolman said that the spirit of the ordinance is observed because they could come at this differently, they could, go seek a Conditional Use permit from the Planning Board, because of the split-zoned lot, but that is a little risky because to get to the Planning Board, it is a lot of time and expense, so the intent is to try to secure the right to build these units.

Atty. Prolman said that substantial justice would be done, all parties benefit, the City gets much-needed housing stock, and it doesn't make sense to renovate the existing two homes.

Atty. Prolman said that they have a letter about property values from Keller Williams Company, and the broker went into a lot of detail about how, in reviewing many factors, that this would not negatively impact adjacent property values, actually, it will probably improve property values since it will be new construction.

Atty. Prolman said that the lots are oversized, it is split-zoned, with a mix of uses in the area, and believe it is a reasonable proposal for the Board, and it is a residential use in a residential district, a reasonable use.

Atty. Prolman said that the dimensional variances are all generally similar, and lumped them into one discussion. He said that with the overly large lot, even the two lots as is are larger than others nearby, and putting them together gives a decent proposal to the Board, and believe that the 16 units, the way that they're laid out and facing the park, and with working with the neighbor to the north who does not have an objection, believe that it is a reasonable proposal.

Atty. Prolman said that for the open space, the plan shows that it is just a little shy of the requirement, only 2%, the Floor Area Ratio is also just over, given the three floors of the building, and the building stories, it's common to have that top floor, so overall, believe it's a reasonable proposal.

Atty. Prolman said that the dimensional variances will not alter the essential character of the area, it will not harm anyone's public rights, it meets the spirit of the ordinance, it will not be overcrowding. He said that for substantial justice, all parties will benefit by this, and the Keller Williams letter indicates

that property values will not be decreased by this proposal, it is an oversized lot, with very close proximity to the RC Zone, it is a reasonable use.

Atty. Prolman said that a neighbor who lives immediately to the south, Howard Chain, was here earlier and left. He said that his old wooden fence is falling apart, and he asked if the developer can put up a fence along the southern border property line. He said that they will do that, and will commit to a six-foot fence along that boundary, the type of fence to be determined.

Atty. Prolman said that they've worked with Mr. Sutton, the neighbor to the north, originally there were going to be second floor decks on back of the units, but units 1, 2 and 3 will have patios at ground level, as they are the closest units to Mr. Sutton's property. He said that the conditions laid out in Mr. Sutton's letter are agreed to.

Atty. Prolman handed out a traffic study to the Board. He said it was for the Lock Street project that had 18 units, Sapphire Place, and the conclusion was that the traffic was going to be so low, that it did not require a traffic study, and this development would have two fewer units, and do not believe it will require a traffic study.

Mr. Shaw said that there is the issue of side yards, dimensionally, the lot only has the requirement of a typical side yard setback, but treating them like rear yards, as the rear of the structure is really on a side yard. He said that the general point being you have the rear parts of these structures that are now on the side of the abutter, so it looks like the setback in existence with the multi-family to the south is pretty similar to what is proposed, and it seems like there's an agreement with Mr. Sutton to the north with patios instead of decks, and it looks like there's a reasonable accommodation to the north. He said he understands that if the buildings were pushed closer to the middle of the lot to increase setbacks, it would impact the parking proposed for the visitor area. He asked if the building locations could be explained.

Atty. Prolman said that they had this same discussion about the six units proposed off of Pennichuck Street, but those were stand-alone homes. He said that if they are to squeeze this tighter, each condominium unit has two parking spaces, one in the garage and one in the driveway, it would probably cause to remove the

twenty foot driveway depth that is needed. He said that they're trying to meet all the criteria as best as they can, perhaps the buildings can be shifted back a little bit, so it would have even less impact on Mr. Sutton, but the setbacks are met and Mr. Sutton is getting an additional 8 feet. He said that the neighbors to the south has a similar type of project, and they're going to get a fence as well, so they're doing the best they can with the site.

Mr. Shaw said that he is not sure that he heard sufficient justification, or what is really behind going from the allowed density of 7 or 8 units allowed by right.

Atty. Prolman said that with the two lots combined, 7 units would be permitted, and the variance is for 16 units.

Mr. Shaw said that he wants to hear more of what drove this to 16 units, and why isn't 7 units sufficient.

Atty. Prolman said that the layout of the lot really called for the number of units, and the layout of the buildings, they believe the site is large enough to handle the 16 units, the units will not overly impact the neighborhood, there is a nice open area in the middle, and certainly less units could be put there, but this is what developers do, and believe that 16 units are a reasonable proposal that makes sense, given the demand for housing stock.

**SPEAKING IN FAVOR:**

Mr. Nehiley read a letter into the record in support from Mr. Stanley Sutton, 21 Atherton Avenue, Nashua, NH, with six conditions that the applicant has agreed to, and those measures and design is acceptable, and does not object.

**SPEAKING IN OPPOSITION OR WITH QUESTIONS OR CONCERNS:**

Mr. Nehiley read a letter into the record from Sonya Trapp, 6 Sapphire Lane, Nashua, NH. She said that the traffic in this area is out of control, and there are too many people in this area already.

**SPEAKING IN FAVOR - REBUTTAL:**

Atty. Prolman said that if this property were completely in the RC district, it would be allowed to have 14 dwelling units, but due to the split-zoned lot, it's 7 units.

**SPEAKING IN OPPOSITION OR WITH QUESTIONS OR CONCERNS - REBUTTAL:**

No one.

**END OF PUBLIC HEARING, BEGINNING OF PUBLIC MEETING:**

Mr. Shaw said that he had some concerns, and the setback issue is one of them, but is not as concerned about it for this project, in that the southernmost affected property already has a similar setback, and we are not aware of any opposition from them, there was one neighbor that lives there who inquired before the meeting but the fence issue was resolved, and the northernmost abutter, the single-family resident, Mr. Sutton, basically already worked with the applicant his concerns, and if the setback was a bigger concern, that he would have pursued that more so, but it looks like his concerns were addressed, and gives him comfort. He said that the density of the multi-family property to the south is much more densely packed on their lot, and the subject lot is split-zoned, with 14 units allowed if the whole lot were zoned RC, is more reasonable, so is at the point that he is ok with this. He said that this lot will not really look that crowded, and it's a reasonable request.

Mr. Lionel said that he is in support of this application, it's a large lot with basically nothing behind it, nothing in front of it, and the Board has neighbors on each side that don't have a problem with it. He said the only question he had was on the three stories, but it is appropriate here.

Mr. Boucher said that he is in support of the application for many of the reasons already brought up, and after looking at what is proposed, and it says a lot when the neighbor is happy with what will be built. He said that for the three stories, it's more common now, and garages on the first floor are more common now.

Mr. Nehiley said that he is also in support, and is always interested to see if neighbors are opposed, and both the lots to the south of this are townhouse complexes. He said that the interesting thing about this request is that the Board can see what it will look like by looking at the one on Sapphire, it's the same buildout. He said that these are a good gateway house for those who are looking for starter homes, or, to downsize. He said on the back side, nothing will be built there because it's PSNH property, and railroad, and there is the park across the street.

He said he understands the concern of people walking around now, that it's unsafe, but there are a lot of snowdrifts around, and we've had other requests in this area and no one has really expressed any concerns about traffic around there. He said that he likes the plan, and appreciated getting the traffic survey, and it's not even close to triggering any concerns. He said that he also appreciated the very in-depth analysis from Keller Williams, it was very thorough. He said that the Board needs to put in the motion what the conditions were from the neighbors to the north and south.

Mr. Shaw said that with the floor area ratio, he asked if there is a removal of the garage from the calculation.

Mr. Falk said that it is gross floor area. He said that in his tenure here, the Board has only seen three variances for floor area ratio, also, the open space is only about 1% over the maximum, no one would ever walk on this property and know what the calculations are for the floor area ratio or the open space. He said that the dimensional variances requested are very minimal. He said that even a 2½ story building has bedrooms and living space above the second floor.

**MOTION** by Mr. Nehiley to approve the variance application on behalf of the owner and applicant as advertised, with all requests considered collectively. Mr. Nehiley stated that the granting of the variance would not be contrary to the public interest, in that this adds additional housing stock to the City's housing, and as these are smaller townhouses, they are good entry-point units which the City has specifically asked for.

Mr. Nehiley said that the request is within the spirit and intent of the Ordinance, based on the location of this lot, for the RA and RC zones, if this had been located in a slightly different area, they would be authorized for up to 14 units by right, and they're asking for 16, and the Board discussed the way the buildings are separated, the side yard setbacks, the agreements made with the abutters on either side, that the Ordinance is looking for enough open space so that the buildings do not tower over each other, and based upon the way the buildings are situated on the lot, the Board finds that the spirit of the Ordinance would be observed.

Mr. Nehiley stated that substantial justice will be served, these are two oversized lots, they are abutting a right-of-way for the

railroad and PSNH, so nothing can be built behind them, and the two buildings that are currently on the lots have been noted that the cost to renovate those and to add in the proposed housing stock would do greater justice to the group that just bought these properties and is combining them into one property.

Mr. Nehiley stated that the Board did receive information from Keller Williams that the value of surrounding properties would not be negatively impacted, in fact, it indicated that they would be positively impacted.

Mr. Nehiley stated that for unnecessary hardship, these properties are two oversized lots, the neighbor to the north has agreed because it was found out that their driveway was improperly infringing on the 19 Atherton, that the northern neighbor will have a lot line adjustment to clean that up, in addition, this is very close to newer townhouses on Lock Street that are basically the same as this one, and they are adjacent to two older townhouse developments on Atherton, so it does make sense that this is a consistent use of the properties in the area, and to not allow the applicant to build townhouses would create a hardship.

Mr. Nehiley said that the Board does have stipulations submitted by Atty. Prolman, and there are agreements with the neighbor to the north and south, to the northern neighbor, there were six points that they've agreed to, it's in a letter on the record, and the neighbor to the south has agreed with the applicant on a fence as well.

**SECONDED** by Mr. Shaw.

**MOTION TO APPROVE CARRIED UNANIMOUSLY 5-0.**

**MISCELLANEOUS:**

**REGIONAL IMPACT:**

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

**MINUTES:**

February 10, 2026:

Mr. Nehiley said on page 8, the second paragraph down, where the paragraphs begins as "Mr. Nehiley agreed...". He said it probably

was someone else speaking.

Mr. Falk said he'd listen to the audio and revise it accordingly.

Mr. Patry said on page 2, the paragraph that starts with Atty. Prolman, line 9, that starts with issued a favorable recommendation, and would add in that "the City" agrees to all conditions of approval.

Mr. Patry said on page 18, the sixth paragraph, the second to last line, that says Mr. Nehiley said that the special regulations are fulfilled, and there's a reference to a Conservation Commission meeting, it says 2023, and should state 2026.

**MOTION** by Mr. Lionel to approve the minutes with the aforementioned revisions, waive the reading, and place the minutes in the file.

**SECONDED** by Mr. Shaw.

**MOTION CARRIED UNANIMOUSLY 5-0.**

February 24, 2026:

**MOTION** by Mr. Patry to approve the minutes as presented, waive the reading, and place the minutes in the file.

**SECONDED** by Mr. Lionel

**MOTION CARRIED UNANIMOUSLY 5-0.**

**REHEARING REQUESTS:**

None

**ADJOURNMENT:**

**MOTION** by Mr. Shaw to adjourn the meeting at 7:46 p.m.

Submitted by: Mr. Falk, Clerk.

CF - Taped Hearing