

ZONING BOARD OF ADJUSTMENT PUBLIC HEARING AND MEETING
Tuesday, April 28, 2026

A public hearing of the Zoning Board of Adjustment was held on Tuesday, April 28, 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
Rob Shaw
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. George Simione (Owner) 8 Gendron Street (Sheet E Lot 239) requesting variance from Land Use Code Section 190-264 to exceed maximum accessory use area, 40% permitted, 56% proposed, to construct an accessory 30'x30' shed in back yard. R9 Zone, Ward 5.**

Voting on this case:

Jay Minkarah
Josh Nehiley
JP Boucher
Rob Shaw
Steve Lionel

Attorney Andrew Prolman, Prunier and Prolman, 20 Trafalgar Square, Nashua, NH. Atty. Prolman gave the Board an aerial photo handout. He said that it's a pretty straightforward case, there are some sheds in the back yard of 8 Gendron Street, and the request is to knock them all down and replace them with a new 30'x30' shed in the back yard. He said that the definition of accessory use is

why they are here, as they're allowed to be only 40% of the size of the principal use, which allows 656 square feet, and the request is for a 900 square foot shed in the back yard.

Atty. Prolman said that this case has all the neighbors in support, the neighbor at 6 Gendron is in support, the owner actually owns 10 Gendron, and there is a letter of support from the neighbor directly across the street at 15 Gendron Street, and behind the lot, is a thick wooded area, a small stream, and the Kensington Ridge Condominiums in the rear, and they're pretty far back.

Atty. Prolman said that the existing sheds on site are failing, and are falling apart, and are old, and once the new shed goes up, the old ones will be removed. He said that the new one will meet all relevant setbacks.

Atty. Prolman said it will not impact the public interest in any way, and it will not impact anyone's health, safety or welfare. He said it will meet the spirit of the ordinance, they are taking down some old existing sheds, and having the new shed in the back yard and it will not be overbearing, and will be hidden by trees.

Atty. Prolman said that they meet substantial justice because they are replacing old and decaying sheds with a new shed, it will clean up the lot. He said that this will not negatively impact anyone's property values, the location of the shed is in the back, and the neighbors will not be impacted.

Atty. Prolman said that with respect to the hardship, this is an unusual lot in this area, because not only are the lots deep, but there is a big PSNH easement running across the front third of the lot, so with the easement running through the front, it makes it an unusual lot and has special circumstances to warrant the hardship for the shed, which is a customary and reasonable use.

Mr. Lionel asked about the larger shed, with the four vehicles parked behind it, if the intention is to cover that parking area.

Atty. Prolman said that all you see there is coming out, so there's a shed in the front, and a penned-in area in the back, all that comes out, and it will have topsoil, seed, and it will be yard area.

Mr. Minkarah said that the term seems to be used interchangeably, but this is really a garage.

Atty. Prolman said that it really is a garage, it has two bays and a side door.

SPEAKING IN FAVOR:

Mr. Minkarah read letters in support from:

Steve Gautieri, 15 Gendron Street, Nashua, NH.
Jean Lapierre, 6 Gendron Street, Nashua, NH.

SPEAKING IN OPPOSITION OR WITH QUESTIONS OR CONCERNS:

No one.

END OF PUBLIC HEARING, BEGINNING OF PUBLIC MEETING:

Mr. Shaw said that this is a classic case where the house is on the smaller size for area, but has a large lot. He said this may be more of an issue on a small lot, but this lot is very large, and it will not have any impact on the neighbors, also, there is a similarly large structure on the lot next door at 10 Gendron Street, which the applicant also owns. He said that the abutter across the street said he'd be the most impacted, but the garage would be over one hundred feet back.

Mr. Nehiley said that he is also in favor, and it is nice to see when a structure is getting towards the end of its useful life, and replaced with something that is new and not an eyesore. He said this reminds him of a similar case on West Hollis Street, where on paper, the structure looks pretty big, but the yard is very large.

Mr. Minkarah said that the reason why this is here is because it's a relatively small house, and the lot is very large, and the purpose of the Ordinance is to minimize overcrowding and given the size of the lot, that won't be an issue here, also, there is a buffer in the back of the lot and no one is impacted.

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, the existing shed is old and at the end of its useful life, and the new garage would replace that and that open area parking area of vehicles in the back yard.

Mr. Lionel said that the request is within the spirit and intent of the Ordinance, even though the accessory use Ordinance is intended to prevent something from overpowering the house, we have a smaller sized house on a large lot, and it would be in the far back of the property.

Mr. Lionel stated that substantial justice will be served, it will allow them to replace end-of-life structures with a new structure that can hold everything they have outdoors.

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, and there is testimony from neighbors on both sides and directly across the street in favor.

Mr. Lionel stated that for unnecessary hardship, in not granting the variance, owing to special conditions of the property that distinguish it from other properties in the area, the Board finds that lot is a large lot with a utility easement that restricts where things can be placed, and this is a reasonable use.

SECONDED by Mr. Shaw.

MOTION TO APPROVE CARRIED UNANIMOUSLY 5-0.

2. Mark Lessard & Jane McCutcheon (Owners) 26 Verona Street (Sheet 101 Lot 151A) requesting special exception from Land Use Code Section 190-112 to work in the 75-foot prime wetland buffer of Salmon Brook to construct a 12'x12' deck to the back of the house. RB Zone, Ward 6.

CASE POSTPONED TO THE MAY 12, 2026 MEETING

3. Andrew Ramos (Owner) 23 Ashland Street (Sheet 60 Lot 57) requesting Variance from Land Use Code Section 190-17 (E) (1) to exceed maximum driveway width, 24 feet permitted, 18 feet existing - an additional 17 feet of driveway width proposed on left side of existing driveway for a total width of 35 feet. RA Zone, Ward 2.

Voting on this case:

Jay Minkarah

Josh Nehiley

JP Boucher

Rob Shaw

Steve Lionel

Andrew Ramos, 23 Ashland Street, Nashua, NH. Mr. Ramos said that his driveway is very small for their four vehicles, and there are a couple new drivers in the house. He said that they're trying to avoid safety issues for not only his residents, but also for the neighbors. He said that this will not cause any safety issues, it is just a driveway extension, and will not be an eyesore to anyone.

Mr. Minkarah said that the driveway is relatively narrow, at 18 feet, and asked if he considered going with a 24 foot wide driveway which would comply.

Mr. Ramos said that he didn't think it would meet it for their four cars.

SPEAKING IN FAVOR:

No one.

SPEAKING IN OPPOSITION OR WITH QUESTIONS OR CONCERNS:

No one.

END OF PUBLIC HEARING, BEGINNING OF PUBLIC MEETING:

Mr. Nehiley said that the lot is irregularly shaped, which contributes to what is going on. He said in looking at the picture, there are three vehicles in the driveway, but they're tight, and at a minimum, they'd need to go to 24 feet wide, and the applicant is trying to not shuffle cars in the driveway. He said that he is in favor, the way the house is oriented on the lot, most driveways have the ability to put two cars back-to-back, and because of the shape, they cannot do this, also, there are some other driveways in the neighborhood that are relatively wide, and won't be out of character with the neighborhood.

Mr. Lionel said that he is generally not a big fan of wider driveways, and this one is not only narrow, but its short, and there is not a lot of space between the garage and the street, and it's a one-bay garage. He said that a 24-foot wide driveway is

typical, but most of the houses in this area do have relatively narrow driveways, but will not object to this application, and with the shape of the lot would vote in favor.

Mr. Shaw said that he is also not a fan of wider driveways, but there is a slight angular difference between the driveway and the garage, so it's amazing how much a difference that makes. He said it's not a big angle, but can make parking somewhat trickier. He said that the other thing is that the property line is about 6-8 feet back from the curb of the street, and it's highly unlikely this street would be widened, there is already a reliance on parking of those vehicles beyond the property line, and it adds to the argument for what they have rights to for parking.

Mr. Minkarah said that he noticed that a lot of the driveways in the neighborhood are slightly narrow, but he is convinced with the shortness of the driveway, and the angle of the house that is compelling.

MOTION by Mr. Nehiley to approve the variance application on behalf of the owner and applicant as advertised. Mr. Nehiley stated that the granting of the variance would not be contrary to the public interest, because the angle of this lot does not allow them to have more than two cars legally in this lot, and they have four drivers in the household, and it is normal to have four cars park in a driveway.

Mr. Nehiley said that the request is within the spirit and intent of the Ordinance, if the street would ever be widened, they would be negatively impacted.

Mr. Nehiley stated that substantial justice will be served, as the applicant is looking to minimize the amount of moves to the street, and want to fully fit four cars in the driveway.

Mr. Nehiley stated that the Board has no reason to believe that the property values of surrounding properties will be diminished.

Mr. Nehiley stated that for unnecessary hardship, the real root of the issue is that the house is sitting on an irregularly shaped lot, the house is actually not straight facing the lot, and there is a single car garage and it would be located at a slight angle to access it, so as a result, the hardship is that the driveway gets smaller as it gets to the Ashland Street side of the property.

SECONDED by Mr. Boucher.

Mr. Shaw said it is a corner lot and part of the motivation is to have less need for vehicles in the street and to avoid car jockeying, and anytime there are less vehicles parked near an intersection, that usually is better from a safety perspective as well.

MOTION TO APPROVE CARRIED UNANIMOUSLY 5-0.

3. **Johnny Da Silva (Owner) 28-30 Central Street (Sheet 83 Lot 46) requesting variance from Land Use Code Section 190-16, Table 16-3, to encroach an additional 1 foot into the 7 foot required right side yard setback, 5 foot encroachment exists, for a total encroachment of 6 feet - to remove and replace existing unsafe two-story porches and staircases with new ones. RC Zone, Ward 4.**

Voting on this case:

Jay Minkarah
Josh Nehiley
JP Boucher
Rob Shaw
Steve Lionel

Johnny Da Silva, 28-B Central Street, Nashua, NH. Mr. Da Silva said that he is requesting the variance to replace the two decks, they are very old, and to replace them, they need to be brought up to Code, and they have to be a little bit wider, and on the right hand side, is encroaching into the setback, the left hand side is fine and meets the setback.

SPEAKING IN FAVOR:

No one.

SPEAKING IN OPPOSITION OR WITH QUESTIONS OR CONCERNS:

No one.

END OF PUBLIC HEARING, BEGINNING OF PUBLIC MEETING:

Mr. Shaw said that from a safety perspective, this really needs to be done, and there is no other way to do it, so this will be a

much safer environment for all involved.

Mr. Minkarah agreed, and this needs to happen soon, and clearly it is necessary to meet Code.

MOTION by Mr. Boucher to approve the 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, because in this part of the City, there are a lot of homes that are built right up to the setback, or encroaching, so this is in character with the neighborhood.

Mr. Boucher said that the request is within the spirit and intent of the Ordinance, these homes are right up to the setbacks and the reason for the Ordinance is to give space and for residents, and increase the safety for the residents.

Mr. Boucher stated that substantial justice will be served, as the applicant needs to rebuild the stairs, as the existing ones are not safe and they need to be widened to meet the Ordinance.

Mr. Boucher stated that the Board has no reason to believe that the property values of surrounding properties will be diminished, but in the Boards estimation, any new construction to the home will add some value to the home and the neighborhood.

Mr. Boucher stated that for unnecessary hardship, that owing to special conditions of the property, the proposed use is a reasonable one because some of these homes already have parts of their structure encroaching into the setbacks.

SECONDED by Mr. Lionel.

Mr. Minkarah said that the main reason for the variance is that the staircase needs to be widened to meet the Code.

MOTION TO APPROVE CARRIED UNANIMOUSLY 5-0.

4. **Jonathan Leake & Alex Nikulin (Owners) Andrew H. Sullivan, Esq. (Applicant) 7 Haines Street (Sheet 19 Lot 36) requesting the following variances: 1) from Land Use Code Section 190-16, Table 16-3, for minimum land area, 11,886 sq.ft existing, 18,669 sq.ft required - to maintain a three unit house; and, 2) from Land Use Code Section 190-31, to encroach 1'-4" into the 6-foot required rear yard setback and to encroach 2'-10"**

into the 6-foot required side yard setback, both requests to maintain an existing shed. RB Zone, Ward 7.

Voting on this case:

Jay Minkarah
Josh Nehiley
JP Boucher
Rob Shaw
Steve Lionel

Attorney Andrew Sullivan, Bedford, NH. Atty. Sullivan said that it is a large lot. He said that it has 106 feet of frontage, and his client bought the property in March, 2024, with an existing unit in the basement, and they found out subsequently that it was an illegal unit, and they don't know how long it's been there.

Atty. Sullivan said that the two units on the first floor are units A and B; A is 952 square feet, and B is 700 sq.ft. He said that the basement unit is about 1,100 square feet, and they are all one-bedroom units. He said that Unit A and B are occupied, the basement, unit C, is unoccupied. He said that there are two parking spaces on the left hand side for unit C, with a walkway to the doghouse to go down in the basement.

Atty. Sullivan said it's a ranch style home, and the plan shows the three units. He said that the basement is accessed by a stairway on the left hand side. He said that in the package, he provided pictures of the house on all sides. He said page 4 shows the driveway with two cars in it. He said page 5 is an aerial overlay of the property, showing the driveways. He said that the plan for the basement shows a living room, bathroom, bedroom, a staircase, and a bonus room.

Atty. Sullivan said that there will be two sheds for the three units. He said that when the owners bought it, they thought it was all existing, and thought that they were buying a three-unit building. He said that other than the lot, the dimensions exceed the requirements for a lot in the RB zone, the frontage, depth and width all meet the lot requirements, as do the setbacks. He said the only dimensional requirement that it does not meet is the lot area for the three units, but, the footprint will stay the same, the façade will stay the same, and you would not know that there is a unit in the basement.

Atty. Sullivan said that for the shed, it is approximately 8' x 10' and is on sonar tubes, and is in the setbacks. He said on page 7, it shows two sheds, one is a metal shed and will be removed, and there is a gambrel-roofed one, it's largely contained in the building envelope, and meets the setbacks. He said that there are three sheds, and in the end, there will be two sheds.

Atty. Sullivan said that if this variance is granted, they will still have to go to the Planning Board for a Conditional Use approval, a three-family is allowed in this zone, but as a Conditional Use.

Atty. Sullivan said that the spirit of the ordinance is being met, and will not be contrary to the public interest. He said that the house was built in the 1960's, the footprint hasn't changed, and there are homes like this with basement units throughout the City, and they are trying to make this legal. He said that substantial justice is being done, the owners spent good money on this, and want to make it legal for the three units. He said that three-family units are allowed in this zone. He said that he submitted a brokers opinion letter for the property values, and it says that the property values will not be negatively impacted.

Atty. Sullivan said that for unnecessary hardship for the shed, it has been there for a long time, and if they had to move it, it would probably destroy it. He said that the shed is needed for storage, and is a reasonable use. He said that this is an existing lot, and no land can be added onto it, and this is a reasonable use.

Mr. Nehiley asked how this ended up at the Zoning Board.

Atty. Sullivan said that they contacted him about another expansion, and he suggested they go to City Hall and see, and that's when they were told that the third unit wasn't approved.

Mr. Lionel said that he was confused that the application kept referring to this as an existing three-unit house, and the Assessing chart says it's two units. He said that he is not concerned about the shed issue. He said that there are four parking spaces, and doesn't see how this would meet the parking for three units.

Atty. Sullivan said that it needs 1.5 spaces for the three units, and the Ordinance states that if it is not over one-half, you

reduce it down to 4 spaces.

Mr. Lionel said that it looks like the driveway area exceeds 24 feet, and asked if a driveway variance was ever requested.

Atty. Sullivan said that he is not aware how long the driveways have been there.

Mr. Shaw asked about the purchase and sale of the property. He asked if the current owners bought it as a two-unit, or as a three-unit.

Atty. Sullivan said that they bought it as a three-unit, as the unit was already there. He said that he wasn't aware whether or not it was listed as a three-unit. He said that they do buy apartment buildings, but suspects that they did buy it as a three-unit. He asked the applicants if they were aware if they bought it as a three-unit.

Mr. Shaw said that he finds this troubling, and didn't think there was a variance for the extra driveway width.

Atty. Sullivan said it's just over 36 feet for the driveway.

Mr. Falk said that there is no variance requested for the driveway.

Mr. Lionel said that the City assessing data is publicly available, and it specifies it as two units, isn't thrilled that the applicants didn't bother to look at the City's assessing information, and it also indicates that there was an illegal kitchen that was removed.

Mr. Shaw asked if an ADU can be placed in a duplex.

Mr. Falk said that they are only allowed in conjunction with a single-family home.

Mr. Minkarah said that the floor plans show stairs going to Unit B, and asked if they are existing.

Atty. Sullivan said that they are closed, and locked. He said that when it was a single-family home, it was the staircase going down to the basement.

Mr. Minkarah said that the Assessors note indicates that a kitchen

was removed, and asked when the client purchased the property, if there were two kitchens.

Atty. Sullivan said it was three kitchens, three complete units.

Mr. Shaw asked if the duplex is allowed by right, no need for any relief on it, and to continue to use the house as a duplex, it would be within Code.

Atty. Sullivan said yes.

Mr. Patry said that the Multiple Listing Service (MLS) indicated that it had three bedrooms and three kitchens, and asked if it was advertised as such.

Atty. Sullivan said he believes it was three bedrooms, three baths, and that's typically how they'd advertise it.

Mr. Falk said that a kitchen must have a stove, a way to cook food.

Mr. Nehiley asked if the downstairs unit has been empty since they bought the property in May, 2024.

Atty. Sullivan said it's empty now, and is not sure if it was empty when they bought it.

SPEAKING IN FAVOR:

No one.

SPEAKING IN OPPOSITION OR WITH QUESTIONS OR CONCERNS:

No one.

END OF PUBLIC HEARING, BEGINNING OF PUBLIC MEETING:

Mr. Boucher said that the Assessing card shows notes that the inspector made. He said at one time they had it as a two-family, and it had that basement unit, and with the condition of the home and the driveways, it looks as if it's been there a long time, it's not like a new driveway was just put in. He said that there are no neighbors here in opposition, and you can infer that the neighborhood realizes it is three units, and has been so for a long time, and hasn't created any problems. He said it's not like a very small lot, either. He said it appears as what he sees,

this has existed for a very long time, and it wasn't just put in.

Mr. Lionel said that it's possible that the third unit was put in a long time ago, and occupied, clearly as of November 2025, the City told them to take out that third kitchen, and vacate that unit. He said that the property is already a little bit too small for two units, and we're being asked to extend it to three units. He said that he doesn't believe that the buyers were unaware that this was considered a two-unit by the City, and maybe they thought they could get away with it and turn it into three units. He said he wouldn't be in favor of this as a three-unit, given the size of the house. He said that he is a no vote for this.

Mr. Minkarah said that whatever happened in the due diligence in purchasing this property, and asked if this were to come in as a two-family today, and requested a variance to go to a three unit, would it meet the criteria. He said that the character of the area, and there are some three family units nearby, the character here really is single family and two family units, given the size of the lot, and the building and the surrounding neighborhood, doesn't think he could get there for three. He said in looking at the floor plan and the assessor card, it is clearly listed as two units, granted, there is confusion of the third kitchen, and there is a staircase to the basement, and if it is unlocked, it is a finished basement, it's one large finished room. He said he cannot vote for this request.

Mr. Shaw said that he's torn. He said it's quite possible that this has existed this way for a long time. He said that it's a relatively small house, so whether there are two units or three units, there's only so many people that can live in the existing amount of floor space, the first floor is essentially divided up into two units, they're relatively small, so, in the basement, the fact that there's three units here, it feels like it could be no more intensive than just it being a duplex.

Mr. Falk said that they'd need 12,445 square feet of land, and they have 11,886 square feet.

Mr. Shaw said that he also doesn't know he could get to an approval if someone is coming in and saying it's an existing two-unit and would like to add an additional unit. He said he sees the merits of all the arguments that have been made so far, and has to determine which side he'd come down on.

Mr. Patry said that he agrees with what Mr. Boucher stated, because it has existed in this state for some period of time, and appears to have been used for a three-unit for some time. He said it doesn't seem to impact the neighborhood negatively, given that it has been like this for a while. He said if he were voting, he'd be for it.

Mr. Nehiley said that he is having a hard time with this, and can go either way. He said he thought this one would be pretty cut and dry, and has no issues with the sheds. He said the third unit downstairs is actually the largest unit, and the two up top are pretty small. He said that this has been here forever, as evidenced by the pictures, and no one in the neighborhood has spoken negatively about it, and is probably in favor of the application because the applicant is trying to do the right thing. He said it's possible that the Board tables this, should we want to talk to the owners. He said that he'd be in favor of the application, but reluctantly.

MOTION by Mr. Nehiley to approve the variance application on behalf of the owner and applicant as advertised. He said that this motion is for the land area. Mr. Nehiley stated that the granting of the variance would not be contrary to the public interest, because this house, according to testimony, has had a third unit historically, and the City is in need of additional housing units.

Mr. Nehiley said that the request is within the spirit and intent of the Ordinance, in that the City needs additional housing stock, and the lot appears to be a little bit larger than the lots around it, there were concerns about the amount of square footage that is existing, as compared to what is required, but with the spirit of the ordinance to have a certain size dwelling area on a certain sized lot, it appears that the additional square footage can be assisted by the fact that the units on the first floor also have sheds to use for additional goods, the third unit in the basement has a built in closet-type area for additional items.

Mr. Nehiley stated that substantial justice will be served, in that the applicant did say that the owner purchased this house thinking it was three units, and they did approach the City to say that they're trying to bring everything into compliance, as they were aware that there were potentially some issues with what was permitted versus what was not permitted, so it appears as if they were doing something in good faith.

Mr. Nehiley stated that the Board has no reason to believe that the property values of surrounding properties will be diminished, in fact, the Board has a letter from a real estate professional noting that the values would not be diminished.

Mr. Nehiley stated that for unnecessary hardship, the Board heard testimony that the applicants who purchased this two years ago believed that it was a three-unit house, although that came into question by the Board, as far as what was disclosed in the MLS, and the Board is unaware of what the realtor disclosed as well, and the Board believes that there are other duplex units in this area, and a third unit in a building would not be out of general character with this area, and the Board believes that the applicant is trying to add housing stock to the area.

SECONDED by Mr. Boucher.

MOTION TO APPROVE CARRIED 3-2 (Mr. Minkarah and Mr. Lionel)

MOTION by Mr. Nehiley to approve the variance application on behalf of the owner and applicant as advertised. He said that this motion is for the shed. Mr. Nehiley stated that the granting of the variance would not be contrary to the public interest, because many folks in this area do have sheds, and it is common in this area for sheds close to the property line.

Mr. Nehiley said that the request is within the spirit and intent of the Ordinance, in that this is a fenced-in yard, so the neighbors won't be able to see it, also, the sheds have been there for a long time, and to try to move them would cause them to be demolished.

Mr. Nehiley stated that substantial justice will be served, in that it is essential that the tenants have a little bit of space to store items, and the sheds are being used for storage for the folks that live on the property.

Mr. Nehiley stated that the Board has no reason to believe that the property values of surrounding properties will be diminished, in fact, the Board has a letter from a real estate professional noting that the values would not be diminished.

Mr. Nehiley stated that for unnecessary hardship, the sheds have been on the lot for quite a long time, and to move them would be to demolish them, and the applicant would have to get new ones,

which is a financial burden to the owner.

SECONDED by Mr. Boucher.

MOTION CARRIED UNANIMOUSLY 5-0.

5. **James M & Sandra A. Mirakian (Owners) 3 Osgood Road (Sheet A Lot 794) requesting special exception from Land Use Code Section 190-112 to work in a 40-foot wetland buffer to construct a 16'x16' shed. RA Zone, Ward 7.**

Voting on this case:

Jay Minkarah
Josh Nehiley
JP Boucher
Rob Shaw
Steve Lionel

James Mirakian, 3 Osgood Road, Nashua, NH. Mr. Mirakian said that the revised shed size is 12'x16'. He had the Conservation Commission look at this, and the location was revised, the corner of the shed would be 5 feet from the southeast corner of the house, and there would be 33 feet from the back side of the shed to the wetland, according to the wetland scientist. He said that the elevation is substantially different, it is about 12 to 14 feet, and the shed is in the flat part of the property. He said that he agreed to plant some shrubs too, and agrees with what everything the Conservation Commission recommends. He said that it is a temporary structure, built on wood blocks, all wood construction, no electric or plumbing or heat, it's just a shed.

Mr. Mirakian said that he has an existing 10'x14' shed that is much closer to the wetland, and applied for a permit 30 years ago, and the shed is still there, but at some point, that shed may go away, as they don't last forever. He passed out a drawing for the Board to review. He said that with a 16'x16' shed, he'd have to put it on a slab, and this one is under 200 square feet, so it does not need a foundation or concrete pillars, and that is why the smaller size was chosen. He said that from the street level to where the shed would be is about a 10 foot difference, lower in elevation.

SPEAKING IN FAVOR:

No one.

SPEAKING IN OPPOSITION OR WITH QUESTIONS OR CONCERNS:

No one.

END OF PUBLIC HEARING, BEGINNING OF PUBLIC MEETING:

Mr. Shaw said that he's received support from the Conservation Commission, with criteria for approval, and the overall wetland criteria regulations are met, and is in support.

Mr. Minkarah said that the amended plan is for a smaller shed, closer to the house, and is lesser of an impact.

MOTION by Mr. Boucher to approve the special exception application on behalf of the owner as advertised, with the revised size of the shed being 12'x16'. He said that it is listed in the Table of Uses, Land Use Code Section 190-112.

Mr. Boucher said that the requested use will not create undue traffic congestion or unduly impair pedestrian safety.

Mr. Boucher said that the use will not overload any public water, drainage or sewer systems.

Mr. Boucher said that all special regulations are met, it was approved by the Conservation Commission on 4-7-2026 with three stipulations of approval, also, the nine individual wetland special conditions are met per testimony.

Mr. Boucher said that the requested use will not impair the integrity or be out of character with the neighborhood, nor be detrimental to the health, morals or welfare of the residents.

SECONDED by Mr. Shaw.

MOTION CARRIED UNANIMOUSLY 5-0.

6. Blue Coral Canal, LLC., (Owner) Anand Mahendrakar (Applicant) 20 Canal Street (Sheet 42 Lot 47) requesting use variance from Land Use Code Section 190-15, Table 15-1 (#15) to convert an existing attached garage into two additional residential units, three existing, for a total of five residential units. LB Zone, Ward 3.

Anand Mahendrakar, 60 Tanglewood Drive, Nashua, NH. Mr. Mahendrakar said that they are requesting the variance to convert an existing garage into two additional units, it has three units currently, and will be utilizing the existing building footprint. He said that the lot is about a quarter-acre in size. He said that there are ten parking spaces in the front of the lot, and three in the back of the building. He said that the garage is not being used, it is vacant. He said that the request would have a unit on the first floor, and one on the second floor. He said that the garage has access from the back of the structure as well.

Mr. Lionel asked if there was an issue for land area for the five units.

Mr. Falk said that since it's in a commercial zone, there is no density requirements like there would be in a residential zone, and the three units have been there for a long time. He said that they're requesting to add two more residential units to three existing, and the LB zone does not permit multi-family.

Mr. Minkarah said that they are expanding a nonconforming use.

Mr. Nehiley asked how large each of the units would be.

Mr. Mahendrakar said it would be a single bedroom on the first floor, and two bedrooms on the second floor. He said that the garage itself is 33' x 24', about 600 square feet. He said that the second floor unit would be about 700 square feet.

Mr. Nehiley asked to confirm if the garage is being used now.

Mr. Mahendrakar said it is not, there are ten parking spaces in the front, and three in the rear, and most of the tenants use the spaces in the rear of the building, so there is plenty of parking spaces.

SPEAKING IN FAVOR:

No one.

SPEAKING IN OPPOSITION OR WITH QUESTIONS OR CONCERNS:

No one.

END OF PUBLIC HEARING, BEGINNING OF PUBLIC MEETING:

Mr. Nehiley said that Holman Street is a small street. He said that additional housing stock is needed, it would be entry level, and they're already not using the garage, and it will be put to good use, and there is more than enough parking, a good use of unused space.

Mr. Boucher said that he is in favor as well. He said it acts like two separate properties, the parking area, and where the house is, and it seems to be in character with this neighborhood. He said that they're using existing footprint area.

MOTION by Mr. Minkarah to approve the use variance application on behalf of the owner and applicant as advertised. Mr. Minkarah stated that the granting of the variance would not be contrary to the public interest, because there would be no injury to the public health, safety or welfare, the garage already exists, and it would not be out of character with the neighborhood, the area is predominantly multi-family, higher density homes.

Mr. Minkarah said that the request is within the spirit and intent of the Ordinance, for the same reasons mentioned in the public interest, and this property is split zoned.

Mr. Minkarah stated that substantial justice will be served, as it would allow for full utilization of the property, and the garage space is not being used, and to provide additional housing units which are needed.

Mr. Minkarah stated that the Board has no reason to believe that the property values of surrounding properties will be diminished, and there is the possibility that the additional investment in the property would increase property values.

Mr. Minkarah stated that for unnecessary hardship, that owing to special conditions of the property, as previously noted, this is a split zoned property, and the lot is larger than the typical lot in the neighborhood, and it is a double frontage property, and due to those conditions, there is no fair and substantial relationship between the purpose of the ordinance and its specific application, and converting the garage space to two additional residential units is consistent with the density in the area, and is a reasonable use.

SECONDED by Mr. Lionel.

MOTION TO APPROVE CARRIED UNANIMOUSLY 5-0.

Mr. Falk said that this request will have to go to the Planning Board, as any development greater than four units will require a site plan.

MISCELLANEOUS:

REGIONAL IMPACT:

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

MINUTES:

April 14, 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. Nehiley.

MOTION CARRIED UNANIMOUSLY 5-0.

REHEARING REQUESTS:

None

ADJOURNMENT:

MOTION by Mr. Shaw to adjourn the meeting at 8:12 p.m.

Submitted by: Mr. Falk, Clerk.

CF - Taped Hearing