

ZONING BOARD OF ADJUSTMENT PUBLIC HEARING AND MEETING
Tuesday, July 14, 2026

A public hearing of the Zoning Board of Adjustment was held on Tuesday, July 14, 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.

Mr. Minkarah announced that the case at 247 Main Dunstable Road was withdrawn.

1. Salt Creek Properties, LLC & Cutter Place Properties, LLC (Owners) Mac Milford Realty, LLC c/o Andrew Ciardelli (Applicant) 34 Buckmeadow Road (Sheet C Lot 350) requesting the following: 1) use variance from Land Use Code Section 190-15, Table 15-1 (#193) to allow a self-storage facility; and, 2) special exception from Land Use Code Section 190-115 to work in a 40-foot wetland to permanently impact 1,124 sq. ft of wetland and 45,889 sq. ft of wetland buffer to construct a 39,700 sq. ft self-storage facility consisting of six buildings, along with associated site improvements. R40 Zone, Ward 5.

POSTPONED FROM 7/14/2026 MEETING TO 7/28/2026 PER APPLICANT REQUEST

2. Brock & Barbara Putney (Owners) 3 Creek Place, Unit 113 (Sheet F Lot 32) requesting special exception from Land Use

Code Section 190-112 to work in a 40-foot wetland buffer greater than 9,000 sq.ft to remove and replace an existing 10'x10' deck with a new deck, same size. R18 Zone, Ward 1.

Voting on this case:

Jay Minkarah
Josh Nehiley
JP Boucher
Steve Lionel
Joseph Patry

Brock Putney, 3 Creek Place, Nashua, NH. Mr. Putney stated that their existing deck is old, from the mid 1980's, and needs to be replaced. He said that the proposed new deck will be the same size. He said that they did receive a positive recommendation from the Conservation Commission on 6-2-26, with no stipulations.

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 he is in favor, it's pretty straightforward, and the new deck is exactly the same footprint as the old one, and there is no way that they could build anything due to the proximity to the creek, and the Conservation Commission recommended support, with no stipulations. He said that the wetlands affidavit is also signed.

Mr. Minkarah said it's about as straightforward as they come.

MOTION by Mr. Boucher to approve the special exception as advertised on behalf of the applicant. Mr. Boucher said that it is listed in the Table of Uses, Section 190-112.

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

Mr. Boucher said that there is no indication that the proposed use

will overload public water, drainage, sewer systems or any other municipal systems.

Mr. Boucher said that the special regulations are met per the applicants testimony, and it was approved by the Conservation Commission on 6-2-26 with no stipulations, also, the affidavit was signed.

Mr. Boucher said that the proposed use will not impair the integrity or be out of character with the district or immediate neighborhood, and will not be detrimental to the health, morals or welfare of the residents.

SECONDED by Mr. Lionel.

MOTION TO APPROVE CARRIED UNANIMOUSLY 5-0.

- 3. James & Brenda Stewart (Owners) 10 Ohio Avenue (Sheet H Lot 36) requesting variance from Land Use Code Section 190-264 to exceed maximum accessory use area, 40% permitted, 60% proposed - to construct a new 14'x22' shed/garage. R9 Zone, Ward 7.**

Voting on this case:

Jay Minkarah
Josh Nehiley
JP Boucher
Steve Lionel
Joseph Patry

James Stewart, 10 Ohio Avenue, Nashua, NH. Mr. Stewart said that they want to install a 14' x 22' shed, there is currently a 10' x 14' shed Rubbermaid shed, and have outgrown it. He said that the building they bought was from Reeds Ferry, and want to put it on a cement pad and put a classic car in it. He said it will not have electricity, plumbing or heat. He said that neighbors are happy about it, and it will match the house.

SPEAKING IN FAVOR:

Mr. Minkarah read letters of support into the record from the following:

Mr. & Mrs. Hardy, 11 Ohio Avenue, Nashua, NH

Mary Levine, 27 Indiana Drive, Nashua, NH.

SPEAKING IN OPPOSITION OR WITH QUESTIONS OR CONCERNS:

No one.

END OF PUBLIC HEARING, BEGINNING OF PUBLIC MEETING:

Mr. Nehiley said that he is in favor of the application. He said that Reeds Ferry has a high quality product, and it looks like something should be there anyways. He said that they're eliminating the small plastic shed that they have, and there are letters in support.

Mr. Minkarah agreed, and said that a lot of people have sheds in the neighborhood, as well as accessory sheds and pools, and it's a relatively small lot, so it's tough to meet the accessory use percentage.

MOTION by Mr. Lionel to approve the variance application on behalf of the owner as advertised.

Mr. Lionel said that for public interest, they would be replacing a smaller shed at the end of their driveway, and comments from the neighbors indicate that they don't object.

Mr. Lionel said that the request is within the spirit and intent of the Ordinance, the accessory use limit is there to prevent overcrowding and cluttered lots, but if this structure were attached to the house, there would not be an issue.

Mr. Lionel stated that substantial justice will be served, because it would allow the homeowner to use the new shed/garage to park his car.

Mr. Lionel stated that the Board has no reason to believe that the property values of surrounding properties will be diminished, there was one letter in favor from a neighbor.

Mr. Lionel stated that for unnecessary hardship, owing to special conditions of the property it's a small lot with a larger house, and there is not a fair and substantial relationship between the general public purpose of the Ordinance and the specific application provision.

SECONDED by Mr. Patry.

MOTION TO APPROVE CARRIED UNANIMOUSLY 5-0.

- 4. Joshua & Elizabeth Zellers (Owners) 38 Roy Street (Sheet 107 Lot 16) requesting special exception from Land Use Code Section 190-112 to work in the 75-foot prime wetland buffer of Salmon Brook to remove an existing deck and construct a new one that is 20 sq.ft larger than the previous one. RA Zone, Ward 6.**

Voting on this case:

Jay Minkarah
Josh Nehiley
JP Boucher
Steve Lionel
Joseph Patry

Joshua Zellers, 38 Roy Street, Nashua, NH. Mr. Zellers stated that they want to replace the deck from 1986 that has completely fallen apart, and was poorly constructed. He said they're doing in in virtually the same footprint, but will be a total increase of 20 sq. ft larger than what is existing, but moving it slightly so that the downstairs window is not blocked by the deck anymore.

Mr. Zellers said that the Conservation Commission came and did their site visit, and they supported it at their last meeting.

SPEAKING IN FAVOR:

Mr. Nehiley read letters in support from the following:

Janet Valuk, 41 Roy Street, Nashua, NH.

Hannah Perciballi, 36 Roy Street, Nashua, NH.

SPEAKING IN OPPOSITION OR WITH QUESTIONS OR CONCERNS:

No one.

END OF PUBLIC HEARING, BEGINNING OF PUBLIC MEETING:

Mr. Boucher said that he is in favor of the application, it's

pretty straightforward, it's basically to rebuild a deck and adding a little square footage to the deck, and the reason to enlarge it slightly is reasonable. He said that the deck abuts some conservation land in the back, and the deck will not impact anyone.

Mr. Nehiley stated that due to the close proximity to the wetlands in the back, the Board has seen multiple projects along this street, and no one can do any projects in this area unless they come for a special exception. He said that the Conservation Commission did a great job and came up with five stipulations of approval.

Mr. Minkarah said that even with the increase in size, the size of the deck is certainly reasonable.

MOTION by Mr. Boucher to approve the special exception as advertised on behalf of the applicant. Mr. Boucher said that it is listed in the Table of Uses, Section 190-112.

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

Mr. Boucher said that there is no indication that the proposed use will overload public water, drainage, sewer systems or any other municipal systems.

Mr. Boucher said that the special regulations are met per the applicants testimony, and it was approved by the Conservation Commission on 7-7-26 with five stipulations, also, the affidavit was signed.

Mr. Boucher said that the proposed use will not impair the integrity or be out of character with the district or immediate neighborhood, and will not be detrimental to the health, morals or welfare of the residents.

SECONDED by Mr. Patry.

MOTION TO APPROVE CARRIED UNANIMOUSLY 5-0.

5. **Humane Society for Greater Nashua Corporation (Owner) Kim Pyszka, Harvey Construction (Applicant) 24 Ferry Road (Sheet G Lot 39) requesting the following variances from Land Use Code Section 190-108 (C)(8): 1) to allow two wall signs, where one is permitted in lieu of a ground sign, one ground**

sign exists; and, 2) to exceed maximum wall sign area, 6 sq.ft permitted, 68.7 sq.ft proposed. R18 Zone, Ward 2.

Voting on this case:

Jay Minkarah
Josh Nehiley
JP Boucher
Steve Lionel
Joseph Patry

Kim Pyskza, Harvey Construction, and Doug Barry, Nashua Humane Society, Nashua, NH. Ms. Pyskza said that their proposal is to allow two wall signs on the Humane Society building, one is their logo that will hang over the timber framing, and the other is text that states Humane Society for Greater Nashua. She said that they are not touching the existing small ground sign by the street, it will remain as is.

Ms. Pyskza said that they are adding a large addition to the Humane Society building now, it's a larger building, and to have additional signage will make it easier to see, as the building is set back far from the street.

Mr. Barry said that they've been in Nashua since 1900, and there are still a lot of people that don't know where they are, so the building and new signs will be beneficial.

Mr. Boucher asked to confirm that the sign would not be internally illuminated.

Ms. Pyskza said that the animal head logos by the timber framing would have an external light shining down on the logo, which also lights underneath the canopy as well. She said that the text will also be non-illuminated.

Mr. Lionel asked to confirm that there would be no change to the ground sign.

Ms. Pyskza said that is correct.

Mr. Nehiley said he understands that the addition is 10,000 square feet, and asked what the size of the existing building is.

Mr. Barry said it's approximately 9,500 square feet.

Mr. Nehiley asked if the clinic would be open 24/7.

Mr. Barry said it would be open during normal business hours.

SPEAKING IN FAVOR:

No one.

SPEAKING IN OPPOSITION OR WITH QUESTIONS OR CONCERNS:

Mr. Minkarah read a letter in opposition into the record from Julie Blackwell, 9 Hideaway Road, Nashua, NH. The letter indicated that they are against the larger size sign, as the property is surrounded by residential homes.

SPEAKING IN FAVOR - REBUTTAL:

Mr. Barry said that she has voiced concerns about the entire project, and the sign faces Ferry Road, she cannot even see the signs. He said that many people do not even realize that they are there in the first place.

END OF PUBLIC HEARING, BEGINNING OF PUBLIC MEETING:

Mr. Lionel said he's very familiar with this location, the ground sign on Ferry Road is very small. He said that once someone enters the complex of the Humane Society, they need to know where to go, as they are adding services, and there would be more than one entrance, and is in favor.

Mr. Boucher said that he is in support of the application, the size of the building will be double, and the Humane Society signs are not lit, and they fit in with the size and scope of the building, and they are adding signage that is very respectful to the neighborhood.

Mr. Minkarah agreed, and said that although the "ask" seems large, given the scale of the building and the overall site, and the building is set back from the street, it's a long established use, and Pennichuck Middle School has a somewhat larger sign.

MOTION by Mr. Nehiley to approve the variance application on behalf of the owner as advertised, with both requests considered collectively. Mr. Nehiley stated that the granting of the

variances would not be contrary to the public interest, because they are doubling the size of the facility, taking it from about 10,000 sq.ft to a 20,000 sq.ft facility, and it is very normal for a facility of this size to have this amount of signage, or more, 68 sq.ft is reasonable.

Mr. Nehiley said that the request is within the spirit and intent of the Ordinance, it is tastefully done with primarily an unlit symbol and text, which will help direct customers.

Mr. Nehiley stated that substantial justice will be served, as the sign out by the street is not lit, it's relatively small for this type of facility, and having the signage located very far back from the street is good for wayfinding, especially in winter months.

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 building is doubling in size, and it is not out of character to have this amount of signage on a 20,000 sq.ft building, in fact, the Board usually sees much more signage, and it was noted by the applicant that they have customers who miss their facility, as it is a small sign by the curbside, and it is not in a well-travelled area.

SECONDED by Mr. Patry.

MOTION TO APPROVE CARRIED UNANIMOUSLY 5-0.

- 6. John A. Koutsos Rev. Trust, John A. Koutsos, Trustee (Owner) 3 East Dunstable Road (Sheet 126 Lot 43) requesting variance from Land Use Code Section 190-264 to exceed maximum accessory use area, 40% permitted - 49% proposed - to construct a 993 sq.ft addition to existing carriage house. RA Zone, Ward 6.**

Voting on this case:

Jay Minkarah
Josh Nehiley
JP Boucher
Steve Lionel
Joseph Patry

Attorney Andrew Prolman, Prunier and Prolman, 20 Trafalgar Square,

Nashua, NH. Atty. Prolman said that the Board has seen several similar cases such as this over the years to exceed the 40% maximum accessory use percentage. He said that they are proposing a 993 square foot addition to the existing carriage house, with the existing carriage house, with the shed, it puts the total square footage 384 square feet over the allowed accessory use percentage.

Atty. Prolman said that the request is not contrary to the public interest, as it will not change the character of the neighborhood, the carriage house itself is set back from the street, barely visible and hidden behind some trees.

Atty. Prolman said that the spirit and intent of the Ordinance will be met, because the carriage house will continue to be a secondary and accessory use.

Atty. Prolman said that substantial justice will be served to the owner, as there is no adverse impact to the public.

Atty. Prolman said that the addition will not negatively impact any abutting property values, and there are letters in support from two abutters.

Atty. Prolman said it is a larger than usual lot in the neighborhood, and there are two other landlocked vacant parcels behind the property that are owned by Mr. Koutsos as well, so overall, it is a very unusual, large shaped property. He said that the request is reasonable.

SPEAKING IN FAVOR:

Mr. Minkarah read letters in favor from the following:

Ruth Lyons, 6 Catherine Street, Nashua, NH.

Cynthia Gale 4 Catherine Street, Nashua, NH.

SPEAKING IN OPPOSITION OR WITH QUESTIONS OR CONCERNS:

No one.

END OF PUBLIC HEARING, BEGINNING OF PUBLIC MEETING:

Mr. Patry said it is a reasonable request, it is a pretty minor addition, and does not see a reason to oppose it.

Mr. Nehiley said it is hard to see the building from the road, unless you know you're looking for it. He said it's hidden by trees, and it's an oversized lot, and there is support from neighbors. He said that not too long ago, the Board approved a request at the corner of East Dunstable Road and Burnett Street that was a much larger building on a much smaller lot, and sees no reason to oppose this.

Mr. Minkarah agreed, and said that the architectural drawings are consistent with what exists, and it will be compatible with the character of the neighborhood.

MOTION by Mr. Patry to approve the variance application on behalf of the owner as advertised. Mr. Patry stated that the granting of the variance would not be contrary to the public interest, because the addition would be a minor encroachment and will not disturb the neighborhood.

Mr. Patry said that the request is within the spirit and intent of the Ordinance, as the addition would maintain the use of the carriage house as a secondary use.

Mr. Patry stated that substantial justice will be served, as it will allow the owner to fully utilize their property while respecting the character of the neighborhood.

Mr. Patry stated that the Board has no reason to believe that the property values of surrounding properties will be diminished, and the addition is likely to add to the value of the Koutsos property.

Mr. Patry stated that for unnecessary hardship, owing to special conditions of the property that distinguish it from other properties in the area, denial of the variance would result in unnecessary hardship, because there is no fair and substantial relationship between the public purpose of the ordinance provision and the specific application of that provision, because this is a large lot, larger than others in the area and there is no relationship between the Code requirements and their use of the property, and the Board finds that the use is reasonable due to the unusual large size of the lot in the neighborhood, and the minor extra size for the addition.

SECONDED by Mr. Lionel.

MOTION TO APPROVE CARRIED UNANIMOUSLY 5-0.

7. David C. Bertrand (Owner) 203 Kinsley Street (Sheet 87 Lot 174) requesting variance from Land Use Code Section 190-16 (E) (1) to exceed maximum driveway width, 22 feet existing, 24 feet permitted - an additional 12'-6" feet proposed off of New Dunstable Road for a total width of 34'-6". RA Zone, Ward 6.

Voting on this case:

Jay Minkarah
Josh Nehiley
JP Boucher
Steve Lionel
Joseph Patry

David Bertrand, 203 Kinsley Street, Nashua, NH. Mr. Bertrand stated that he'd like a driveway off the back of his house as opposed to continually going out Kinsley Street. He said that going out New Dunstable Road is a lot safer, and in 1997 had a variance granted for the garage, and put in a garage door, but never got a driveway paved, but it was always the intent to go out New Dunstable Road. He said he's not sure if he'd do asphalt or cement.

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 he drives this way very often, and is familiar with the traffic patterns here. He said that drivers usually go faster than the speed limits here, and most of the traffic is going down Kinsley Street. He said having the second driveway in the back is reasonable to have, especially from a safety standpoint, and the property is unique because it has two street frontages.

Mr. Minkarah agreed, and said that cars can go fast down Kinsley Street there, and wouldn't want to back out of the driveway on

Kinsley Street, and supports the application.

MOTION by Mr. Minkarah to approve the variance application on behalf of the owner as advertised. Mr. Minkarah stated that the granting of the variance would not be contrary to the public interest, because it will not pose any threats to the public health, safety and welfare, in fact, it will enhance public safety for both the owner and the area, and it would not be inconsistent with the character of the area.

Mr. Minkarah said that the request is within the spirit and intent of the Ordinance, it will be consistent with the character of the neighborhood, and no injury to the public health, safety or welfare, and it will not be an overly large driveway entrance, and the new driveway would be on a different street.

Mr. Minkarah stated that substantial justice will be served, it will be a safety advantage to the owner.

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

Mr. Minkarah stated that for unnecessary hardship, owing to special conditions of the property that distinguish it from other properties in the area, being that it is a double frontage lot, and the additional driveway width is proposed on a different street, there is no fair and substantial relationship between the general public purpose of the ordinance provision and the specific application of that provision to the property, and is a reasonable use.

SECONDED by Mr. Boucher.

MOTION TO APPROVE CARRIED UNANIMOUSLY 5-0.

8. Robert Spezzaferri (Owner) 2 Candia Street (Sheet H Lot 282) requesting variance from Land Use Code Section 190-16 (E) (2) to exceed maximum driveway width, 19 feet existing, 37'-10" proposed, with the proposed extra driveway width located 10 feet away from front property line, while maintaining existing curb-cut opening. R9 Zone, Ward 2.

Voting on this case:

Jay Minkarah

Josh Nehiley

JP Boucher

Steve Lionel

Joseph Patry

Robert Spezzaferri, 2 Candia Street, Nashua, NH. Mr. Spezzaferri stated that he wants to widen his driveway, and has two kids at home, and four cars and a work truck, and has to park on the side a lot, and they have to move the cars around a lot, and there is no on-street parking. He said that he'd keep the same street opening, but have the extra width ten feet away as shown in the drawing.

Mr. Minkarah asked if he can elaborate why the extra pavement can't be at the 20 foot setback.

Mr. Spezzaferri said that it's because of the position of the house, it's at an angle.

SPEAKING IN FAVOR:

Mr. Minkarah read a letter in support from Steven & Elaine Tardiff, 1 Candia Street, Nashua, NH.

SPEAKING IN OPPOSITION OR WITH QUESTIONS OR CONCERNS:

No one.

END OF PUBLIC HEARING, BEGINNING OF PUBLIC MEETING:

Mr. Lionel said that while he's not a fan of wider driveways, but appreciates that he's not widening the street opening, and the area will be landscaped, and it will look nice, and is in favor.

Mr. Nehiley said that the house is kitty-cornered, and if the house was built straighter to the street, the owner may have the room to do what is proposed. He said that the owner is doing everything he can to comply with the Ordinance, and is in favor.

Mr. Minkarah said that there really isn't any other option, it's a corner lot and the house is skewed on the lot.

MOTION by Mr. Boucher to approve the variance application on behalf of the owner as advertised. Mr. Boucher stated that the granting of the variance would not be contrary to the public interest,

because the character of the neighborhood would be maintained, and there are other large driveways in the neighborhood.

Mr. Boucher said that the request is within the spirit and intent of the Ordinance, it would in essence maintain the curb cut opening without widening it at the street.

Mr. Boucher stated that substantial justice will be served, the homeowner would now be able to park his vehicles in the paved area without having to widen the curb cut.

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

Mr. Boucher stated that for unnecessary hardship, owing to special conditions of the property that distinguish it from other properties in the area, the house is kitty-cornered and the position of the garage and driveway makes it difficult to achieve anything but what is proposed, and the Board finds that the proposal is reasonable, because it maintains the curb cut.

SECONDED by Mr. Lionel.

MOTION TO APPROVE CARRIED UNANIMOUSLY 5-0.

- 9. Matthew & Tessa Feehan (Owners) 121 Lille Road (Sheet B Lot 969) requesting the following variances from Land Use Code Section 190-16, Table 16-3: 1) For existing lot B-969: to allow existing house to encroach 5 feet into 20-foot required right side yard setback; For proposed lot B-969-1: 2) minimum lot size, 18,000 sq.ft required - 10,807 sq.ft proposed, 3) minimum lot frontage, 100 feet required - 71 feet proposed, 4) minimum lot width, 120 feet required - 71.3 feet proposed, and 5) minimum right and left side yard setbacks, 20 feet required, 10 feet proposed for both - all requests to subdivide one lot into two lots and construct a new single-family home. R18 Zone, Ward 8.**

Voting on this case:

Jay Minkarah
Josh Nehiley
JP Boucher
Steve Lionel
Joseph Patry

Matthew & Tessa Feehan, 121 Lille Road, Nashua, NH. Mr. Feehan stated that the request is to subdivide the property into two residential lots, and to build a modest size single-family home in which to reside in indefinitely. He said that they wanted to design a home that fits in with the neighborhood, while keeping as much open space as possible. He said that the property sits at the edge of two zones, R18 and R9, and is surrounded by both small and large lots on Lille Road, and there are two nearby lots that would be the same size as proposed.

Mr. Feehan said that their current home no longer meets the needs of their growing family, and have looked at numerous open houses, and considered a second story on the house, vacant lots, but this proposal gives the opportunity to still remain in Nashua and in this neighborhood. He said that the proposed house would easily fit within the 50' x 90' building envelope, and don't intend to build anything near that size. He said that the house concepts they're reviewing now have a maximum width of 36 feet.

Mr. Feehan said that the proposal presents a reasonable use of the property, and will fit in with the character of the neighborhood, and satisfies the intent behind the variance criteria.

Mr. Lionel asked why their current house does not meet their needs, and asked about the size of the proposed house.

Mr. Feehan said that their existing house is two bedrooms, and have two small children that share a bedroom, and need more space. He said that they met with a contractor to investigate the possibility of a second floor and it wasn't practical.

Mr. Lionel asked if the existing house could be added on to.

Mr. Feehan said that they could, but their proposal tonight is "option A".

Mr. Lionel said that the Board needs to find that the five points of law are met, and one of them is that it will meet the character of the ordinance, and it would be an R9 house lot in the R18 zone.

Mr. Minkarah asked how the new lot would be consistent with some other lots in the area, and asked to what degree the proposed lot would be similar.

Mr. Feehan said that 108 and 110 Lille Road are about the exact same size as the proposed lot, they're about six houses down.

Mrs. Feehan said that there are other houses in the neighborhood that have the same distances between them as the proposed new house.

SPEAKING IN FAVOR:

Karen Dapkus, 111 Lille Road, Nashua, NH. Mrs. Dapkus said she is in favor of the request, and said that their plan fits into the neighborhood.

Mr. Minkarah read letters of support into the record from:

Bill Dapkus, 111 Lille Road, Nashua, NH

Amy & Mark Dupree, 122 Lille Road, Nashua, NH

The Chaputs, 116 Lille Road, Nashua, NH

SPEAKING IN OPPOSITION OR WITH QUESTIONS OR CONCERNS:

Mary Jo Tedder, 118 Lille Road, Nashua, NH. She said that lots here are all about a half-acre, and this would be a quarter acre.

Kevin Morrissey, 119 Lille Road, Nashua, NH. Mr. Morrissey said that he opposes the request, and they are asking for several variances. He said that the purpose of the R18 zone is to have similar sized lots, and this proposal of a smaller lot would change the character of the neighborhood.

Fred Goforth, 123 Lille Road, Nashua, NH. Mr. Goforth said approval of this would result in an undersized lot, it would be crowded and inconsistent with the R18 zone.

Attorney William Barry, 161 Kinsley Street, Nashua, NH. Atty. Barry said he represents 119 Lille Road. He said that they are asking for five variances, for a subdivision. He said that the purpose of dimensional standards is to maintain a cohesive, uniform neighborhood that people can rely upon when buying a home. He said that this case completely undermines the lot dimensions of the R18 zone. He said that the proposed lot is out of character with the R18 zone, and there are no special conditions to grant the variance.

Mr. Minkarah read a letter in opposition from Richard Jackson, 3 Shakespeare Road, Nashua, NH.

SPEAKING IN FAVOR - REBUTTAL:

Mr. Feehan said that this request is not a money grab, and this was not their first thing in mind, they got quotes for a second story addition that ended up not being practical, and have looked at numerous open houses and vacant land. He said that they have reduced the size of the proposed house so that the maximum width would be 36 feet wide, leaving a 20-foot setback on either side, so it will be compliant with R18 setbacks. He said that he understands devaluing the property, and this request will not devalue abutting property values. He said that they believe that this proposal does fit the neighborhood, it will be a single-family home.

SPEAKING IN OPPOSITION OR WITH QUESTIONS OR CONCERNS - REBUTTAL:

None.

END OF PUBLIC HEARING, BEGINNING OF PUBLIC MEETING:

Mr. Nehiley said a case like this where there is support and opposition in the neighborhood is difficult. He said it is a great neighborhood, with a lot of pride. He said he may be ok with this if there was no neighbor opposition, however, many of the neighbors are in opposition, especially the ones on either side and across the street, and they're the ones most impacted. He said this will change the view, and does not think he can be in support.

Mr. Lionel stated that it is a beautiful area, and asked why the original house cannot fit their long-term needs, it's a two bedroom house, and expanding the house horizontally into that space they want to build into is a viable option, which is a reasonable choice. He said that the Board typically approves a request for a split lot with minor setback encroachments, or if it is an oversized lot, but this is a typical sized lot, and cannot support this, and sympathizes with the neighbors' concerns.

Mr. Patry said that he appreciates what the homeowners are trying to do, and understands that they want to remain in the neighborhood, but ultimately is opposed because he cannot find anything unique about this property that would justify the Board

granting these variances, and cannot see a legal reason that would allow that justification.

Mr. Boucher said he also is in the same position, and could only get there if something was unique about the property. He said he appreciates the homeowners wanting to stay in the neighborhood, but there is nothing unique about the lot, it's a little too much of a request.

Mr. Minkarah said that he sympathizes with the homeowners, it is a difficult housing market, and is confident that what they would proposed would be a nice quality home, but the issue for him is that he doesn't find anything unique about this property, generally, when the Board has granted relief for creating a new lot, it is very often a scenario where what is proposed doesn't meet zoning, but is consistent with the overall character of the neighborhood, or, the deviation is relatively small, but doesn't see anything that distinguishes this lot from any other lot, and it is not consistent with the area. He said he doubts that property values would be impacted, and perhaps substantial justice would be done, but cannot see support for the other three criteria.

MOTION by Mr. Lionel to deny the variance application on behalf of the owner as advertised, with all requests considered collectively. Mr. Lionel stated that the granting of the variance would be contrary to the public interest, because it changes the character of the R18 zone, and there was substantial objection from the neighbors.

Mr. Lionel said that the request is not meeting the spirit and intent of the Ordinance, there are many requests to exempt from the R18 zone.

Mr. Lionel stated that substantial justice might be served, because they want to build a larger house, but they can do it in another way.

Mr. Lionel stated that the Board heard testimony from some of the neighbors that they believe it would diminish property values of surrounding properties.

Mr. Lionel stated that the Board found no unnecessary hardship, because there are no special conditions of the property that make it amenable to subdivide the lot, requiring so many variances, and there is a fair and substantial relationship between the general

purpose of the Ordinance and the specific application of that provision to the property, because the R18 zone is for wider spacing for houses and larger lot sizes, and although the homeowner stated that it borders the R9 zone, that doesn't change the properties of the R18 zone.

SECONDED by Mr. Nehiley.

MOTION TO DENY CARRIED UNANIMOUSLY 5-0.

***** 5-minute break *****

10. **Gary & Emily Duvall (Owners) 54 Baldwin Street (Sheet 62 Lot 229) requesting the following variances from Land Use Code Section 190-31: 1) to encroach 10'-1" into the 20 foot required front yard setback; and, 2) to encroach 5 feet into the 6 foot required right side yard setback to construct 18'x20' carport. RB Zone, Ward 3.**

Voting on this case:

Jay Minkarah
Josh Nehiley
JP Boucher
Steve Lionel
Joseph Patry

Tim O'Regan, 14 Back River Road, Merrimack, NH. Mr. O'Regan stated that the request is to construct a carport, and it's encroaching into the front yard setback. He said that the owner's vehicle has a gull-wing opening door, the owner is a combat veteran, and the door cannot open inside his garage, so he needs a little extra room. He said that the area has many houses with garages and/or carports such as this. He said that the request is not contrary to the public interest, the neighborhood has several homes with structures right at the property line. He said that the proposed carport will adhere to the spirit and intent of the ordinance, and it will protect the character of the neighborhood, and substantial justice will be done to the homeowner to allow him easier access to his vehicle. He said that he has a specially equipped vehicle and needs the carport to allow him the least invasive way to get to his vehicle. He said that the proposed use will not diminish abutting property values. He said that the structure needs to be where it is proposed because it is the most viable location, and the request is reasonable, and meets the hardship criteria.

Emily Duvall, 54 Baldwin Street, Nashua, NH. Mrs. Duvall stated that her husband can walk a little bit, and has a special vehicle, and for him to access the vehicle, he cannot even go through the garage because there are steps, and, they cannot install a ramp in the garage. She said that there is a ramp outside from the front door that he can use to access his vehicle. She said that they have three vehicles at the property. She said that all the neighbors are fine with this.

SPEAKING IN FAVOR:

Mr. Minkarah read a letter of support into the record from Dan Van Kalken & Julie Chaffee, 55 Baldwin Street, Nashua, NH.

SPEAKING IN OPPOSITION OR WITH QUESTIONS OR CONCERNS:

No one.

END OF PUBLIC HEARING, BEGINNING OF PUBLIC MEETING:

Mr. Patry said that this is very reasonable, and is in support.

Mr. Nehiley said that 33 Fairmount Street has quite a bit going on, but it's forward on their lot, and 54 Baldwin is a little bit negatively affected by the curvature in the street, and their house is oriented forward on the lot, and there is no other place they could put the carport where the owners vehicle could be covered. He said that everyone should have the right to access their vehicles, and this gentleman should have something that covers his vehicle, and is fully in favor.

Mr. Minkarah said that he agrees.

MOTION by Mr. Nehiley to approve the variance application on behalf of the owner as advertised. Mr. Nehiley stated that the granting of the variance would not be contrary to the public interest, because every person should have the ability to easily enter and access their homes and vehicles, and the lot is set up in a way that there is only one place that a carport could be set up.

Mr. Nehiley said that the request is within the spirit and intent of the Ordinance, the home is set forward on the property, while the direct abutter at 33 Fairmount Street, their house is set quite far away from the fence line that the carport will be up against,

and believe that the neighbors at 33 Fairmount will not be negatively impacted.

Mr. Nehiley stated that substantial justice will be served, the applicant needs to access a special vehicle with a gull-wing door, and cannot use his garage.

Mr. Nehiley stated that the Board has no reason to believe that the property values of surrounding properties will be diminished, in fact, the direct neighbor at 52 Baldwin Street and the neighbor across the street are in favor.

Mr. Nehiley stated that for unnecessary hardship, this property is unique in that the house is relatively new, and is located on a curve in the road, which minimizes their front yard, they have a short driveway, and it is normal to have three vehicles, and there really is only one reasonable location to place the carport.

SECONDED by Mr. Boucher.

MOTION TO APPROVE CARRIED UNANIMOUSLY 5-0.

11. **Zacharopoulos Family Rev. Trust (Owners) Saleh Alharbi (Applicant) 94-94½ Kinsley Street (Sheet 94 Lot 15) requesting use variance from Land Use Code Section 190-15, Table 15-1 (#137) to allow a convenience store/smoke shop in the LB Zone. LB Zone, Ward 6.**

Voting on this case:

Jay Minkarah
Josh Nehiley
JP Boucher
Steve Lionel
Joseph Patry

Moe Hasan, with Saleh Alharbi, Newburgh, NY. Mr. Hasan said that they are requesting approval to open up a convenience store/smoke shop. He said it will be a clean, professional business. He said in addition to tobacco products, the store will offer everyday convenience items such as beverages, snacks and other essentials. He said he'll strictly follow the rules and regulations to make sure it's a safe and respectful environment to the customers.

Mr. Hasan said that the business will provide convenience for local

residents, and possibly some jobs in the future, and it will be a positive impact on the community.

Mr. Nehiley said that its belief that this wouldn't be here if it was solely a convenience store, and the smoke shop is not allowed in the LB zone at all. He asked why they don't just do the convenience store instead.

Mr. Hasan said that he thought about it, and there used to be a convenience store here, but they closed up. He said the space is large, and they want to have both the convenience store and the smoke shop inside.

Mr. Nehiley asked if the Board is here just because a tobacco shop is not allowed in the LB zone, or is it that they are within 1,000 feet of the uses indicated in the attached Ordinance.

Mr. Falk said that staff does not believe there are any of the uses within 1,000 feet, like another vape shop, they are here because the vape shop is not permitted in the LB zone. He said that the applicant has been open and honest of what they want here.

Mr. Nehiley asked if the smoke shop products will be used inside the building, or are they just selling it.

Mr. Hasan said that they are selling only, no use will be permitted inside.

SPEAKING IN FAVOR:

Vasilios Zacharopoulos, 37 Sherri-Ann Avenue, Nashua, NH. Mr. Zacharopoulos said that he has had a hard time getting a tenant at this location.

SPEAKING IN OPPOSITION OR WITH QUESTIONS OR CONCERNS:

No one.

END OF PUBLIC HEARING, BEGINNING OF PUBLIC MEETING:

Mr. Nehiley asked if the Board has the ability to not allow customers to use the products on the facility.

Mr. Falk said it could be a criteria, but it would be extremely difficult to monitor.

Mr. Patry said it's his belief that it is not like Castro's.

Mr. Minkarah said that he is in favor simply because it's essentially a convenience store selling tobacco products, which is what they all do, and in that sense, it's consistent with the neighborhood and the other stores that we see. He said apparently they're not within 1,000 feet of churches and schools.

Mr. Nehiley said it sounds like a convenience store. He said he's in favor of this request, and the owner wants to get a tenant in the building.

MOTION by Mr. Nehiley to approve the use variance application on behalf of the applicant as advertised. Mr. Nehiley stated that granting the variance would not be contrary to the public interest, because convenience stores are normal in the LB zone, and the owner stated that he's had a hard time renting out this side of the building.

Mr. Nehiley said that the request is within the spirit and intent of the Ordinance, this request mirrors what the Board realizes is a convenience store, and not really a smoke shop, and this will not be a location like Castro's where they smoke on premises, and this will not be the case here.

Mr. Nehiley stated that substantial justice will be served, the applicant is trying to open a business where they can open their store, and the owner can fill a space that he's been trying to rent to a small business owner.

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 Board heard from the owner of the building that he's had some issues in the past keeping businesses in this space and feels that the applicant will have a better shot to keep it open, also, this probably wouldn't have been here if it were just a convenience store and not a smoke shop, and the special conditions of the property is that the application is for a convenience store, and the fact that the Board talked about a smoke shop really changed it to a hardship, and there will be no consuming the product on the premises.

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:

June 23, 2026:

Mr. Patry said on page 2, the second line where it says "and realized", the word "they" should be inserted between "and realized". He said that the second paragraph on page 2, 7th line down where it says "setback," it should read "they instead decided to apply for the variance", and cross out the "instead".

Mr. Patry said on page 10, at the bottom, speaking in opposition, the third line down, when the abutter said he was not approached in that email, it should say that he was not *addressed* in that email thread.

Mr. Patry said on page 13, where it says Mr. Armani said it was correct, it should say at the end "it wouldn't change"

Mr. Patry said that for the June 9th minutes, they were approved without any changes.

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

SECONDED by Mr. Lionel.

MOTION CARRIED UNANIMOUSLY 4-0 (Mr. Minkarah abstained).

REHEARING REQUESTS:

None

STAFF ANNOUNCEMENTS:

Mr. Falk announced that on July 31, 2026, he will be retiring, and

the next meeting on July 28, 2026 will be his last one.

MOTION by Mr. Patry to formally thank Mr. Falk for all his years of service and dedication to the City.

SECONDED by Mr. Nehiley.

MOTION CARRIED UNANIMOUSLY.

ADJOURNMENT:

MOTION by Mr. Minkarah to adjourn the meeting at 8:42 p.m.

Submitted by: Mr. Falk, Clerk.

CF - Taped Hearing