

EXPANDED DRAFT MEETING SUMMARY
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ZONING BOARD OF ADJUSTMENT PUBLIC HEARING AND MEETING
Tuesday, July 28, 2026

A public hearing of the Zoning Board of Adjustment was held on Tuesday, July 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
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 38 Buckmeadow Road is postponed to the XXX meeting.

- 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 - POSTPONED TO THE 8-11-2026 MEETING

2. Clint & Mary S. Licqurish (Owners) 19 Vista Way (Sheet D Lot 23) requesting special exception from Land Use Code Section 190-112 to work in a 40-foot critical wetland buffer to remove 21 trees identified as a danger to the house. R40 Zone, Ward 5. [POSTPONED TO 7-28-2026 ZBA MEETING/ CONSERVATION COMMISSION 2nd OPINION REQUEST]

Voting on this case:

Jay Minkarah
Josh Nehiley
JP Boucher
Joseph Patry

Clint Licqurish, 19 Vista Way, Nashua, NH. Mr. Licqurish said that late last year, he said he was concerned about some trees adjacent to his home, and sought a professional opinion to have feedback on the trees, and retained the services of Keith Fredette, a licensed arborist, and he identified trees that were a risk to the home. He said that the trees are on common land, and the HOA is ok with it contingent upon obtaining Conservation Commission and Zoning Board approvals. He said that he applied to the Conservation Commission in February, they did a site walk, and the application was discussed in the March Conservation Commission meeting, and they decided to seek a second opinion.

Mr. Licqurish said that the Conservation Commission discussed the case at their June meeting, and after a brief discussion, the Commission rejected the application. He said that the Conservation Commission's letter is a recommendation. He said that the second opinion indicates that many trees would not reach the house due to insufficient height, and that is not the case, there are several trees that are tall enough to hit the house. He said that earlier this year, a tree fell against another tree, and stated that he doesn't have confidence that a tree will fall at its mid-height. He said that there was an observation in the report that the trees were healthy, stated in the second opinion, but said that a number of the trees are not. He said that in the original assessment done by Mr. Fredette, he did not tag every tree that was tall enough to hit the house, as he was somewhat judicious in identifying trees that he considered were dangerous and a threat to the house. He said he's aware that there was an adverse reaction by the Conservation Commission, in noting that the original request said that all the trees posed a danger, when in fact it should have said that almost all, all but one, so that was erroneous.

Mr. Licqurish said many sites in the City have cleared hundreds of trees, the sports complex, Doucette Landing, and elsewhere. He said he abuts fifty acres of conservation land, and there are thousands of trees there, and removing the proposed trees is not problematic.

Mr. Nehiley said he understands about trees hitting his house. He said he was taken aback when this was first submitted to remove 21 trees. He said that the Board read the original application, and had a chance to read the assessment from Mr. Gilman, and agrees in the findings in there that did not specifically say that the trees are going to hit the house, it would be a low probability. He asked if he is open to amending this to just removing the trees that could actually hit the house, and getting that 21 number down significantly, just the number that would hit the house.

Mr. Licqurish said that the second opinion said that many trees would hit the house but if you were to examine the trees, most, if not all of them are tall enough to hit the house. He said he'd be happy to get a more detailed explanation of their height. He said that a majority of the trees would be tall enough to hit the house.

Mr. Patry asked how many of the trees are diseased.

Mr. Licqurish said he looked forward to seeing the second opinion to see the specialists opinion provide a tree-for-tree assessment that he committed to providing. He said he'd be acceptable to taking out the trees that are diseased or dead.

SPEAKING IN FAVOR:

No one.

SPEAKING IN OPPOSITION OR WITH QUESTIONS OR CONCERNS:

Sherry Dutzy, 18 Swart Terrace, Nashua, NH. Mrs. Dutzy indicated that she is the Chair of the Conservation Commission. She said that the Conservation Commission paid Mr. Gilman, who is the certified tree arborist, to look at the trees, and he deemed that all the trees were all healthy, and there were 19 standing trees and two trees that were dead and on the ground. She said that the trees on the ground will never hit the house, and then the Commission decided to go with Mr. Gilman because Mr. Fredette, who is in the tree removal service, that he did a level 1 assessment,

and Mr. Gilman did a level 2 assessment, where he looked at each tree individually, you look at the base of the tree, and his determination was that if you prune some of the trees you'll remove some of the dead weight. She said that any tree can be a risk, just like every car on the highway or every time you walk across the street.

Mrs. Dutzy said that they called the New Hampshire Fish and Game Department is available to get their recommendations on this, and their recommendations were the same, as they do not take down healthy trees, and there's no exception for the fall line of a tree, so they won't take down a healthy tree that's 40 feet because it's 20 feet from the house. She said that Fish and Game is willing to have one of their experts come down and do the same assessment and to give him a second opinion they will do it free of charge.

Mr. Minkarah asked about the function or value of maintaining the wooded buffer to the wetland in general.

Mrs. Dutzy said that the Conservation Commission did a lot of work with this development because of the vernal pools and it was sensitive, and there is an active vernal pool right across the street from this development and it's important for amphibians for their reproduction, and it is a great wildlife habitat. She said for the trees, they are mature trees here that are habitat for birds, and other animals, and this whole area is sensitive and must be maintained, and finds it hard to believe the applicant didn't know the trees were close to his house, they are mature trees and provide habitat for a lot of wildlife, and were there before the house was built.

SPEAKING IN FAVOR - REBUTTAL:

Mr. Licqurish said that they signed the P&S in January, 2022, and the lot wasn't cleared, and they weren't aware of the final disposition of the location of the house, as well as the exact buffer area, so it was a bit of an unknown. He said they weren't aware until they moved into the house ten months later. He said all but one of the trees pose a danger. He said that Mr. Gilman's report does not say that the trees are healthy, but there are trees that are clearly in jeopardy, and his statement that all the trees are healthy is incorrect. He said that Mr. Fredette, a licensed arborist, did not tag every tree that could hit the house. He said that the vernal pools are on the development, they're actually

several hundred feet away. He said that his trees do not affect the vernal pools.

SPEAKING IN OPPOSITION OR WITH QUESTIONS OR CONCERNS - REBUTTAL:

No one.

END OF PUBLIC HEARING, BEGINNING OF PUBLIC MEETING:

Mr. Minkarah said that he's weighing heavily on the Conservation Commission's recommendation. He said that they've seen many requests for impacting a wetland buffer, such as for a deck, shed or another reasonable use. He said that the removal of any tree that could fall on a house, regardless of its health, is going too far, we have wetland buffers for a reason, and we want to maintain wooden buffers for a reason as well, and finds it hard looking at the criteria, and questioned if it's an activity that can be avoided, is it the least damaging route, etc., and can't answer these questions to approve this.

Mr. Nehiley said he knows this area well, and it was eye-opening with the original request to remove the 21 trees. He said he could get to three or four trees, but 21 trees give heartache. He said if they go with the 21 trees, there's a good chance that other owners in that complex will come back with similar requests, and that would open up that area considerably. He said if they were going to go with the red-dotted trees, shown in the report as the ones potentially hitting the house, he could get there, but can't get to the 21.

Mr. Boucher said he's concerned about the number of trees. He said that there is a safety aspect, but would be there for diseased trees, they pose a risk, that's reasonable. He said he doesn't have enough information to say that all the trees should go. He said that there are some trees that reasonably could be taken down, and the Board has seen some trees taken down to a ten-foot high pole. He said that some of the trees may be warranted to take down, but not all of them.

Mr. Patry said he'd be interested in seeing a Fish and Game assessment, that might be helpful, and agrees that the Board should not sign off on all the trees, but certainly the ones that are diseased or pose a more significant risk, that would be reasonable, but it would be great to see their guidance on the trees.

Mr. Minkarah asked if the Board is leaning on tabling this case until such time that we receive a report from the NH Fish and Game.

Mr. Patry said yes, and asked how long it may take them to come up with the report, because if we table it to a date certain, they wouldn't have to do the whole notice and advertisement all over again.

Mr. Minkarah asked if there is a motion to open up the public hearing again for asking Commissioner Dutzy about this.

Mr. Patry said so moved.

MOTION CARRIED UNANIMOUSLY TO RE-OPEN THE PUBLIC HEARING.

Mrs. Dutzy said that it's her understanding that the Fish and Game has a Forestry Division, to contact them, they have an individual that covers this area. She said that they may be short-staffed, and doesn't know how long this would take, but was told that they do this often, and hope that they would be able to do this within the next couple weeks, the Fish and Game are there for the trees and wildlife.

Mr. Nehiley said that he doesn't think the applicant should incur any more costs, and the Board should ask the applicant if they are willing to do this.

Mr. Minkarah asked Mr. Licqurish if he is willing to continue this case so that Fish and Game can do an assessment.

Mr. Licqurish said yes.

Mr. Minkarah said that the soonest we could do this would be the second meeting in September, the 22nd.

MOTION by Mr. Patry to table this application to the September 22, 2026 meeting for the purpose of getting a report from the New Hampshire Fish and Game on the health of the trees and any other relevant information.

SECONDED by Mr. Boucher.

MOTION CARRIED UNANIMOUSLY 4-0.

Mr. Minkarah said it would be reasonable to open the meeting to

have public testimony.

3. Kathleen Yourell Wallace Rev. Living Trust, Kathleen Yourell Wallace, Trustee (Owner) 12 Brinton Drive (Sheet 49 Lot 224) requesting special exception from Land Use Code Section 190-112 to work in 75-foot prime wetland buffer of Supply Pond to replace an existing 10'x12' deck with a new deck, same size. RA Zone, Ward 2.

CASE WITHDRAWN - WILL BE RE-ADVERTISED AND IS SCHEDULED FOR THE 8-11-2026 ZBA MEETING.

4. 230 Pine Street, LLC (Owner) Raphael Fraga (Applicant) 230 Pine Street (Sheet 101 Lot 105) requesting variance from Land Use Code Section 190-16, Table 16-3 for minimum land area, 9,016 sq.ft existing - 18,669 sq.ft required, to convert a two-family dwelling into a three-family dwelling, by converting space in attic. RB Zone, Ward 6. [APPROVED BY ZBA ON 9-27-2022, NO PERMIT APPLIED FOR ADDITIONAL UNIT]

CASE POSTPONED TO THE 8-25-2026 ZBA MEETING.

5. John A. Panos (Owner) 62 Chestnut Street (Sheet 81 Lot 73) requesting variance from Land Use Code Section 190-31 to encroach 10 feet into the 20 foot required front yard setback (abutting public bike/rail trail) to install an 8'x10' shed. RC Zone, Ward 4.

Voting on this case:

Jay Minkarah
Josh Nehiley
JP Boucher
Joseph Patry

John Panos, 62 Chestnut Street, Nashua, NH. Ms. Panos said he just wants to build a shed in his back yard, and was told he has two front yards. He said this lot is in the downtown, and there isn't much room to store yard items. He said it will be a Reeds Ferry Shed, it is nice looking. He said the Rail Trail has a fence by it and feels like the twenty foot setback is a lot.

SPEAKING IN FAVOR:

No one.

SPEAKING IN OPPOSITION OR WITH QUESTIONS OR CONCERNS:

No one.

END OF PUBLIC HEARING, BEGINNING OF PUBLIC MEETING:

Mr. Minkarah asked if the Rail Trail is considered as frontage.

Mr. Falk said that it is a right-of-way, a former railroad right-of-way, and staff thought to err on the side of caution and since it is a right-of-way for public crossing, that it would be treated as a front, as the use of the rail trail is conducive to public traffic and passage, and staff believed it was more of a front than a side. He said in other situations in the City, a paper street would be considered frontage as well.

Mr. Nehiley said that he is in favor, it's the first time he's seen a rail trail be considered as frontage, and the owner does need this shed, and Reeds Ferry Sheds do increase the looks and feel of the house, and it's normal and reasonable to have a shed.

Mr. Boucher said that north of Pine Street, there are many garages right on the trail, and the applicant is asking for something that is typical.

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 this is a minor encroachment, and a reasonable use of the property and will not negatively impact any of the properties in the area.

Mr. Patry said that the request is within the spirit and intent of the Ordinance, it is a minor encroachment and will not impact other properties, given the uniqueness and location of the property in close proximity to the Rail Trail, the applicant doesn't have any other place to put the shed.

Mr. Patry stated that substantial justice will be served, it will allow the owner to more fully use his property in a way that is reasonable in the neighborhood.

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

is a minor impact on the 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 general public purpose of the ordinance provision and the specific application of that provision to the property because of the unique position of the property and the minor encroachment on the neighborhood, and the Board finds that the proposed use is reasonable because it is a minor encroachment and will allow the applicant to have full use of his property.

SECONDED by Mr. Boucher.

MOTION TO APPROVE CARRIED UNANIMOUSLY 4-0.

6. Carol S. Pietravalle Revocable Trust (Owner) Joe Landry, Build Savvy, LLC (Applicant) 23 Russell Street (Sheet 8 Lot 90) requesting variance from Land Use Code Section 190-31 to exceed height of detached garage within 10 feet of side and rear setbacks, 12 feet permitted - 13 feet proposed - to remove an aging detached garage and construct a new detached garage with hobby space located 6 feet from right side and rear property lines. RA Zone, Ward 7.

Voting on this case:

Jay Minkarah
Josh Nehiley
JP Boucher
Joseph Patry

Joe Landry, Build Savvy, Nashua, NH. Mr. Landry said that there is an obsolete structure there, and the goal is to design something so the other can pull out and not hit the house, increase safety, and put a useful structure there. He said the height would be 13 feet at the halfway point of the roof, as opposed to the limit of 12 for an accessory structure. He said that they are reducing the nonconformity, the back of the garage is two feet from the property line to the rear yard. He said that they want it designed so the owner does not have to back out all the way to the street, and there will be a little turnaround put in. He said that the new garage would be six feet from the property line.

Carol Pietravalle, 23 Russell Avenue, Nashua, NH. Mrs. Pietravalle said that on the side of the garage would be a little studio for her.

Mr. Landry reiterated that the new garage would now meet setbacks, it will increase driver safety, and be a more functional building.

Mr. Minkarah asked what is the special need for the additional foot in height.

Mrs. Pietravalle said that it is a wider garage, with a hip roof, and aesthetically, if it were to be 12 feet high, it would almost look flat and not aesthetically pleasing.

Mr. Landry said it is in keeping with the neighborhood, they drew it up to meet the height, but it was hideous, it's amazing what that one extra foot does to how it looks, and it helps in emulating what the house looks like. He said the garage will now be conforming to the setbacks as well.

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 is neat, older architecture over there, and loves how they're moving it away from the rear yard setback, so it's a gain of four feet, and the architecture of the garage would meet the house, it should add to the value of the property and will increase safety in the driveway.

Mr. Minkarah said that the neighborhood has many other garages right up to the rear property line, it's common, and consistent with the area, and they are making it less nonconforming by moving it in four feet.

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 it is common to have a garage, and many of the garages in

the neighborhood are close to the property lines

Mr. Nehiley said that the request is within the spirit and intent of the Ordinance, in that they are trying to replace an obsolete garage to make it look more consistent with how the house looks, in fact, they are reducing the setback to meet the ordinance.

Mr. Nehiley stated that substantial justice will be served, in that they will be taking a functionally obsolete garage, and removing it for a new one that will have better circulation to increase driver safety with a new turnaround in the driveway.

Mr. Nehiley stated that the Board has no reason to believe that the property values of surrounding properties will be diminished, but the Board believes that removing an obsolete garage and building a new one with better sight lines and for it to be more architecturally in tune with the house will add to the values.

Mr. Nehiley stated that for unnecessary hardship, many of the houses in the neighborhood have garages that are older, and there is a safety issue with the current driveway, and the garage is functionally obsolete at this point, and as to the height variance, the proposed 13 feet will make it more compatible with the house and will make it look better.

SECONDED by Mr. Patry.

MOTION TO APPROVE CARRIED UNANIMOUSLY 4-0.

MISCELLANEOUS:

REGIONAL IMPACT:

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

MINUTES:

July 14, 2026:

Mr. Patry said on Page 9, the 5th paragraph down, the last word in the sentence should be "is", where it says "id".

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

SECONDED by Mr. Nehiley.

MOTION CARRIED UNANIMOUSLY 4-0

REHEARING REQUESTS:

None

ADJOURNMENT:

MOTION by Mr. Nehiley to adjourn the meeting at 7:34 p.m.

Submitted by: Mr. Falk, Clerk.

CF - Taped Hearing