

EXPANDED DRAFT MEETING SUMMARY
THIS IS NOT AN OFFICIAL TRANSCRIPT OF TAPE RECORDED PROCEEDINGS
THE INFORMATION CONTAINED HEREIN HAS NOT BEEN REVIEWED OR APPROVED BY THE ZBA

ZONING BOARD OF ADJUSTMENT PUBLIC HEARING AND MEETING Tuesday,
August 25, 2026

A public hearing of the Zoning Board of Adjustment was held on Tuesday, August 25, 2026, at 6:30 PM, in the 3rd floor auditorium at Nashua City Hall, 229 Main Street, Nashua, NH.

Jay Minkarah, Chair, asked for a Roll Call:

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

Sam Durfee, Planning Manager

Mr. Minkarah explained ZBA procedures, variance/special exception criteria, and outlined the fifteen-minute presentation limit. He noted that comments could be submitted to zb@nashuanh.gov or via mail to P.O. Box 2019.

Mr. Minkarah announced that the following case was postponed as reflected in the amended agenda:

Case No. 4: Ayer Road, LLC (3 Ayer Road) - Postponed to the September 22, 2026 meeting per applicant request

PUBLIC COMMENT (TAKEN OUT OF ORDER): Alderman Johnson opposed Case No. 1 (34 Buckmeadow Road), noting she received many constituent emails against it. She argued that the commercial project surrounds sensitive wetlands, is out of character, lacks sidewalks for school traffic next to McCarthy Middle School, and represents an injustice to the southwest quadrant of the city.

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 - POSTPONED TO THE 8/25/2026 MEETING PER APPLICANT REQUEST]

Voting on this case:

Jay Minkarah Josh Nehiley
JP Boucher
Steve Lionel
Joseph Patry.

Attorney Andy Prolman, representing applicant Mack Milford Realty, LLC and owners Salt Creek Properties, LLC and Cutter Place Properties, LLC, alongside Chad Branon, PE, Fieldstone Land Consultants, presented the case. Attorney Prolman walked the Board through a revised plan reducing the proposal from six to four buildings (27,525 sq. ft.), completely eliminating the 1,124 sq. ft. of direct wetland impacts, and reducing permanent buffer impacts to 1,001 sq. ft., yielding a net positive buffer restoration of 8,809 sq. ft. He proposed downcast lighting, secure keypad gate entry, and an engineered stormwater system to treat 100% of runoff from the historic contractor yard. He cited a traffic study showing nominal peak-hour impacts and a letter of support from Randy Turmel of Keller Williams. Mr. Branon explained the existing conditions of the five-acre site, noting that replacing the 1960s chicken coop/contractor warehouse (authorized by a 1981 ZBA variance) would introduce modern stormwater controls, making the project a net positive restoration.

SPEAKING IN FAVOR:No one.

SPEAKING IN OPPOSITION OR WITH QUESTIONS OR CONCERNS:Gloria McCarthy, 65 Musket Drive, Nashua, NH. Mrs. McCarthy, a member of the Conservation Commission, opposed the variance. She argued that a 24/7 commercial facility directly abuts McCarthy Middle School, sits adjacent to sensitive Coldbrook wetlands, and is out of character with the R40 residential zone. She noted replacing the 1960s chicken coop with commercial storage is an inappropriate expansion, and no unique physical land hardship exists to prevent residential development.

Sherry Dutzy, 18 Swart Terrace, Nashua, NH. Mrs. Dutzy, Chair of the Conservation Commission, spoke in opposition. She noted the area contains sensitive wetlands and active vernal pools that provide critical wildlife habitat. She argued that removing trees in a grove increases the fall risk of remaining trees, and that NH Fish and Game does not support taking down healthy trees within a fall line. She also expressed concern over potential secondary rodenticide poisoning of local owls and herons.

Jessica Taylor, 33 Gilson Road, Nashua, NH. Ms. Taylor stated that a commercial storage facility would be out of character with the neighborhood and would burden surrounding wildlife through litter, noise, and unmonitored 24/7 night activity.

Heather Shaves, 18 Twilight Drive, Nashua, NH. Mrs. Shaves stated she walks in the area daily and has documented bobcats and blue herons. She noted that the historic contractor warehouse had extremely low-impact seasonal vehicle storage with negligible traffic, and argued a 24/7 commercial facility is out of character and poses traffic safety risks and rodenticide hazards for wildlife.

Mr. Minkarah noted receipt of numerous letters of opposition from local residents, including Stacia Mamoni, Flossie Hunt, Barbara Hawkins, Chelsea Poznik, Patricia Paterno, Eric Fournier, Chelsea Morphis, Chelsea June, Michael Tabasco, Carol Sarno, Allison Gallipo, Katrina Sousa, Sarah Morales, Janice Arcand, Larry Nutting, Ryan Fiore, and Jennifer McGregor.

SPEAKING IN FAVOR - REBUTTAL: Attorney Prolman noted that the buildings would be well-screened by foliage and would not be visible to drivers along Buckmeadow Road. He offered to address the Board's security concerns by locking the gates and shutting down access between 11:00 PM and 6:00 AM.

END OF PUBLIC HEARING, BEGINNING OF PUBLIC MEETING: The Board's deliberation was extensive. Mr. Minkarah opened by stating that while the net buffer restoration and zero direct wetland impact satisfied his environmental concerns for the special exception, he could not support the use variance. He noted that because the applicant is demolishing the warehouse, the Board is dealing with a blank slate. He found no unique physical conditions of the land preventing residential development as zoned.

Mr. Lionel agreed, noting the Board must look at the property as if it were undeveloped since the existing structure is being removed. He concluded a 24/7 commercial storage facility does not fit the neighborhood's residential character and is not the correct usage for this property.

Mr. Nehiley expressed severe concern regarding traffic and pedestrian safety on Buckmeadow Road, which serves as the front entrance to McCarthy Middle School and experiences a massive influx of children on bikes and scooters during dismissal. He concluded that the infrastructure cannot handle the additional commercial traffic, large SUVs, and U-Haul trailers associated

with self-storage, and he could not support either request in good conscience.

Mr. Patry agreed that applying the residential zoning is entirely reasonable and no physical hardship exists to justify the commercial use. Mr. Boucher spoke in support, arguing that a fully active contractor yard could generate far more intensive traffic than a low-impact self-storage facility.

MOTION by Mr. Minkarah to deny the use variance application on behalf of the applicant.

Mr. Minkarah stated that **granting the variance would be contrary to the public interest** because a commercial use is highly inconsistent with the rural and educational character of the neighborhood, and proximity to McCarthy Middle School raises severe traffic safety concerns.

Mr. Minkarah stated that **the spirit of the ordinance would not be observed** because the general purpose of the R40 zoning district is to provide for low-density residential development, which directly conflicts with a commercial self-storage facility.

Mr. Minkarah stated that **granting the variance would not do substantial justice** because the owner's private commercial benefit is far outweighed by the traffic, safety, and environmental hazards imposed upon the public.

Mr. Minkarah stated that surrounding **property values would not be diminished** because the Board received a letter from a professional realtor stating surrounding property values would not be diminished, and has no technical evidence to the contrary.

Mr. Minkarah stated that an **unnecessary hardship does not exist** under either path because there are no special conditions of the land that prevent it from being reasonably used in strict conformance with the R40 residential zoning. Demolishing the warehouse creates a blank slate, making a residential development a highly reasonable alternative. There is a fair and substantial relationship between the general public purpose of the R40 ordinance and its specific application to this property.

SECONDED by Mr. Nehiley.

MOTION TO DENY CARRIED 4-1. Mr. Boucher in opposition.

Following the denial of the use variance, Mr. Minkarah noted that the Board should still act on the special exception application

in the event of an appeal, which Mr. Durfee confirmed was appropriate.

MOTION by Mr. Nehiley to deny the special exception application.

Mr. Nehiley stated that the requested use is listed as a special exception in the Use Matrix (§ 190-15, Table 15-1) under Section 190-115 to work in a wetland/buffer, which represents a permitted path of relief under this chapter.

Mr. Nehiley stated that the requested use **will create undue traffic congestion and/or unduly impair pedestrian safety**, specifically on Buckmeadow Road. The road contains no sidewalks, has very tight shoulders, and experiences a massive influx of children on bikes, scooters, and buses during school dismissal at McCarthy Middle School. The entrance directly abuts the main school exit, posing an unavoidable safety hazard to pedestrians.

Mr. Nehiley stated that the requested use **will overload a municipal system**, specifically the road system of Buckmeadow Road (particularly going south), to such an extent that the area will be unduly subjected to safety hazards affecting the health, safety, or general welfare.

Mr. Nehiley stated that all special regulations for the use set forth in this article are fulfilled, as the applicant submitted a formal wetlands application.

Mr. Nehiley stated that the requested use **will impair the integrity and be out of character with the district and immediate neighborhood** in which it is located, and **will be detrimental to the health, morals, or welfare of the residents of the City** due to the commercial traffic, potential litter, and unmonitored 24/7 activity directly adjacent to a middle school.

SECONDED by Mr. Patry.

MOTION TO DENY CARRIED 4-1. Mr. Boucher in opposition.

2. 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 - POSTPONED PER APPLICANT REQUEST TO 8-25-2026]

Voting on this case:

Jay Minkarah

Josh Nehiley
JP Boucher
Steve Lionel
Joseph Patry.

Rafael Fraga, contractor and consultant with Two Thirty Pine Street, LLC, Nashua, NH, presented the case. Mr. Fraga requested to reissue an expired 2022 variance to convert attic space into a third residential unit. He noted his clients purchased the property as a three-family, paid taxes/insurance as such, and have had a tenant residing in the third unit since 2023. They discovered the ZBA approval's expiration when inquiring about a permit for an additional unit, which was immediately withdrawn.

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 spoke in support, noting the footprint of the building will not change and the conversion does not increase the overall bedroom count, minimizing impacts on parking or density. He stated that multi-family use is consistent with the Chestnut and Pine Street corridor. Mr. Lionel and Mr. Minkarah agreed, noting the city's GIS map already lists the property as three units, and no neighborhood character changes have occurred since the ZBA's original 2022 approval.

MOTION by Mr. Boucher to approve the variance application as advertised.

Mr. Boucher stated that **granting the variance would not be contrary to the public interest** because multi-family housing is deeply rooted in this RB residential zone. The property has operated as a three-family with no negative impact or threat to public health and safety.

Mr. Boucher stated that the **spirit of the ordinance would be observed** because the conversion is entirely interior, preserves the existing building footprint, does not increase bedroom count, and is surrounded by numerous multi-unit properties.

Mr. Boucher stated that **granting the variance would do substantial justice** because it allows the current owner to continue a residential use previously approved in 2022 and operated in good faith. Denying it would represent an unfair loss to the owner with no corresponding public gain.

Mr. Boucher stated that surrounding **property values would not be diminished** given the interior nature of the work, lack of footprint changes, and typical multi-family neighborhood patterns.

Mr. Boucher stated that owing to special conditions of the property, denial of the variance would result in **unnecessary hardship** because there is no fair and substantial relationship between the public purpose of the minimum land area requirement and its specific application here. The property is an existing lot of record with an existing structure and a previously utilized three-family attic conversion, and the proposed use is highly reasonable for this dense corridor.

SECONDED by Mr. Patry.MOTION TO APPROVE CARRIED UNANIMOUSLY 5-0.

3. Carolyn Russell (Owner) 9 Hughey Street (Sheet 127 Lot 68) requesting variance from Land Use Code Section 190-264 to exceed maximum accessory use area, 40% permitted - 59% requested, to erect a swimming pool with safety deck/ledge around it totaling 20'x32'. RB Zone, Ward 4.

Voting on this case:

Jay Minkarah
Josh Nehiley
JP Boucher
Steve Lionel
Joseph Patry.

PJ DeBernardo, representing owner Carolyn Russell, 9 Hughey Street, Nashua, NH, requested a variance to exceed the maximum accessory use area to construct a 20'x32' pool with a safety deck. He explained that because the primary house is small, the mathematical calculation is artificially restricted, although the backyard easily accommodates the pool.

SPEAKING IN FAVOR:No one.

SPEAKING IN OPPOSITION OR WITH QUESTIONS OR CONCERNS:No one.

END OF PUBLIC HEARING, BEGINNING OF PUBLIC MEETING:Mr. Lionel spoke in favor, noting a pool is a reasonable residential accessory use. He explained the lot is large and will not appear overcrowded; the accessory use percentage is only exceeded because of the mathematical relationship between the small primary house and the large lot. Mr. Boucher concurred.

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

Mr. Lionel stated that **granting the variance would not be contrary to the public interest** because the pool will be located in a fully fenced backyard, is screened from view, and poses no harm to public safety or neighbors.

Mr. Lionel stated that the **spirit of the ordinance would be observed** because the purpose of the accessory use percentage limit is to prevent lots from becoming overcrowded. Given this exceptionally large lot and small primary house, the pool will not cause the property to appear overcrowded.

Mr. Lionel stated that **granting the variance would do substantial justice** because swimming pools are common residential accessory uses in the area, and granting it allows the homeowner to reasonably enjoy their property in a manner consistent with their neighbors.

Mr. Lionel stated that surrounding **property values would not be diminished** by the installation of a high-quality pool and safety deck.

Mr. Lionel stated that owing to special conditions of the property, denial of the variance would result in **unnecessary hardship** because there is no fair and substantial relationship between the public purpose of the accessory use area limit and its specific application here. The mathematical calculation creates an artificial restriction where even a modest pool exceeds the 40% limit due to the small primary home sitting on an exceptionally large lot, making the proposed residential use highly reasonable.

SECONDED by Mr. Patry. MOTION TO APPROVE CARRIED UNANIMOUSLY 5-0.

5. Robert W. Champagne, Trustee of the Champagne Family Revocable Trust of 2026 (Owner) 22 Conant Road (Sheet C Lot 177) requesting variance from Land Use Code Section 190-44 to exceed maximum height for a portion of a 170 foot long retaining wall, 6 feet permitted, between 1.5' - 9' proposed. R9 Zone, Ward 9.

Voting on this case:

Jay Minkarah
Josh Nehiley
JP Boucher
Steve Lionel
Joseph Patry.

Attorney Bob Parodi, representing the applicant, and owner Robert Champagne, 22 Conant Road, Nashua, NH, presented the case. Attorney Parodi requested a variance to exceed the maximum 6-foot retaining wall height to construct a portion of a 170-foot engineered wall, rising to a maximum of 9 feet. He explained that grading for a 2022 subdivision and a 2025 lot line relocation left a severe 14.5-foot near-vertical grade change over a 10-foot span between Mr. Champagne's lot and the elevated southerly lot owned by Frederick and Mary Lewis. The wall utilizes GeoGrid anchoring and back-drainage to prevent catastrophic hillside erosion.

SPEAKING IN FAVOR:No one in person. Mr. Minkarah noted that the Board received a letter of strong support from Frederick and Mary Lewis, 26 Conant Road, stating that their lot is elevated above 22 Conant Road and requires such a wall. They noted the retaining wall and six-foot safety fence provide vital safety and privacy, are an asset to the neighborhood, and increase their property values.

SPEAKING IN OPPOSITION OR WITH QUESTIONS OR CONCERNS:No one.

END OF PUBLIC HEARING, BEGINNING OF PUBLIC MEETING:Mr. Nehiley spoke in favor, noting that the project was physically impossible to complete without a heavy-duty retaining wall given the severe slope. He stated that the Board would have approved the wall beforehand due to the topography and abutter support. Mr. Boucher agreed, noting the height limit is typically to prevent "grudge walls," which does not apply here. He observed that the new house will block its view, and the construction is highly aesthetic.

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

Mr. Patry stated that **granting the variance would not be contrary to the public interest** because the retaining wall does not alter the essential residential character of the neighborhood or threaten public health, safety, or welfare.

Mr. Patry stated that the **spirit of the ordinance would be observed** because the wall secures safety from soil erosion, protects the structural stability of both Mr. Champagne's lot and the uphill neighbor's lot, and has no negative impact on public safety.

Mr. Patry stated that **granting the variance would do substantial justice** because there is no harm to the public by allowing the

wall, and the neighborhood benefits directly from the structural stabilization of the hillside.

Mr. Patry stated that surrounding **property values would not be diminished**; rather, they are likely to be improved by the structural stabilization and new home construction, as supported by the immediate abutter's letter.

Mr. Patry stated that owing to special conditions of the property, denial of the variance would result in **unnecessary hardship** because there is no fair and substantial relationship between the literal 6-foot height limit of the ordinance and its specific application to this extreme topographical condition. Denying the variance would result in severe erosion, compromising Mr. Champagne's lot and the uphill lot, making the proposed wall highly reasonable and necessary due to the severe grade change.

SECONDED by Mr. Boucher.MOTION TO APPROVE CARRIED UNANIMOUSLY 5-0.

6. Dream Homes Corp. (Owner) Cronin, Bisson & Zalinsky, P.C. (Applicant) 93 East Hollis Street (Sheet 26 Lot 39) requesting variance from Land Use Code Section 190-15, Table 15-1 (#45) to sell automobiles, in conjunction with an existing auto repair and service facility. RC Zone, Ward 7.

Voting on this case:

Jay Minkarah
Josh Nehiley
JP Boucher
Steve Lionel
Joseph Patry.

PRE-HEARING BOARD DISCUSSION:The Board addressed the applicant's written assertion that a variance was not required because car sales represent an extension of the non-conforming auto repair shop operating since the 1940s. Mr. Durfee, Planning Manager, clarified that the Land Use Code lists "auto repair and service" and "auto sales" as separate uses, and while the DMV allows repair shops to sell up to two abandoned vehicles per year as an incidental accessory use, any systematic sale requires a separate dealer license. Mr. Patry and Mr. Minkarah agreed a variance is required.

MOTION by Mr. Minkarah that a variance is required for the proposed use.

SECONDED by Mr. Nehiley.MOTION CARRIED UNANIMOUSLY.

Attorney John Bisson, Cronin, Bisson & Zalinsky, P.C., and John Marino, principal of Dream Homes Corp., 93 East Hollis Street, Nashua, NH, presented the case. Mr. Marino explained that NH's recent elimination of safety inspections caused a drastic decline in his repair business. To supplement his income, he proposes to sell up to 10 used cars (vans and trucks) on the existing pavement. No physical changes are proposed. Attorney Bisson described the property's unique conflux of four zoning districts (GI, GB, RB, and RC) with three access points (East Hollis Street, Crown Street, and Alts Street).

SPEAKING IN FAVOR:No one.

SPEAKING IN OPPOSITION OR WITH QUESTIONS OR CONCERNS:No one. Mr. Minkarah noted receipt of a letter of support from Kathy Giacomoukas, 5 Crown Street, provided that no vehicles associated with the property are permitted to park anywhere along Crown Street, with the only exception being parking related to Infant Jesus Church on Sundays.

END OF PUBLIC HEARING, BEGINNING OF PUBLIC MEETING:Mr. Boucher spoke in support of the application, noting that East Hollis Street is a major commercial corridor containing existing dealerships and car rentals, making used car sales consistent with the area's character. Mr. Nehiley supported the application, stating that this represents a classic definition of hardship under zoning law, as a direct change in state regulations (the inspection law) has created a severe economic threat to a small local business. He noted that a commercial car rental is located directly across the street, making auto sales highly compatible. Mr. Minkarah agreed, noting that the property's location at the confluence of four zones and its historic use make applying the strict RC restrictions unreasonable.

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

Mr. Minkarah stated that **granting the variance would not be contrary to the public interest** because the sale of automobiles is consistent with the surrounding commercial and industrial uses along the East Hollis Street corridor and will not threaten public safety.

Mr. Minkarah stated that the **spirit of the ordinance would be observed** because, although the RC district is primarily intended for mixed residential and light commercial uses, this property has operated continuously as an automotive service facility for

over 80 years. Allowing used car sales maintains the established character of the corridor.

Mr. Minkarah stated that **granting the variance would do substantial justice** because it allows a long-standing local business to adapt to regulatory changes and remain viable, and there is no public gain from denying the request that would outweigh the loss to the owner.

Mr. Minkarah stated that surrounding **property values would not be diminished** because the footprint, pavement, and presence of vehicles will remain unchanged from the existing condition.

Mr. Minkarah stated that owing to special conditions of the property, denial of the variance would result in **unnecessary hardship** because of the property's conflux of four zoning districts, odd shape, three access points, entirely paved layout, and continuous automotive use since 1940. Given these conditions, there is no fair and substantial relationship between the requirements of the ordinance and their specific application to this lot, and the proposed supplementary use is reasonable.

SECONDED by Mr. Lionel. MOTION TO APPROVE CARRIED UNANIMOUSLY 5-0.

OTHER BUSINESS:

REGIONAL IMPACT:

The Board reviewed the upcoming agenda and saw no cases with regional impact.

MINUTES: The Board reviewed the minutes for the August 11, 2026 meeting.

MOTION by Mr. Boucher to approve the minutes of August 11, 2026 as presented, waive the reading, and place the minutes in the file.

SECONDED by Mr. Patry. MOTION CARRIED 4-0 (Mr. Nehiley abstaining).
OTHER BUSINESS:

New Zoning Code (Recode) Presentation Preview: Mr. Durfee announced that the next meeting would feature a presentation on the draft of the new zoning code (Recode), focusing on the base code and dimensional regulations. He noted that research compiled with retired Carter Falk analyzed city-wide variance trends to advise the new standards. He agreed to send out a PowerPoint prior to the meeting and to include slides on signage, noting a recent general ordinance amendment to permit electronic signs on Main

Street. He explained that the Recode is a "fresh start" targeted for 2027 to eliminate contradictions and overlays from the current code, and offered to share an interactive draft zoning map for feedback.

Transition to Fully Digital Case Packets:Mr. Durfee proposed transitioning the Board to fully digital case packets, demonstrating hyperlinked agendas that simplify navigation. He explained that a digital approach eliminates mailing massive physical packets and is highly cost-effective. He is exploring providing dedicated iPads pre-loaded with meeting materials, while still offering a paper pickup option. Mr. Lionel and Mr. Patry supported the transition, and Mr. Boucher supported it provided the City provides the devices. The Board reached a consensus to begin testing the digital format.

ADJOURNMENT:MOTION by Mr. Lionel to adjourn.**SECONDED by Mr. Patry.MOTION CARRIED UNANIMOUSLY.**

Submitted by: Sam Durfee, Planning Manager.
SD - Taped Hearing.