

ZONING BOARD OF ADJUSTMENT PUBLIC HEARING AND MEETING
Tuesday, January 13, 2026

A public hearing of the Zoning Board of Adjustment was held on Tuesday, January 13, 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
Rob Shaw
Joseph Patry - Alternate

Carter Falk, Deputy Planning Manager

Mr. Minkarah explained the Board's procedures, stating that the public is encouraged to submit their comments for future meetings via email to the Planning Department, which is zb@nashuanh.gov, or by mail, at P.O. Box 2019, Nashua, NH, 03061. Mr. Minkarah identified the points of law required for applicants to address relative to variances and special exceptions. Mr. Minkarah explained how testimony we will be given by applicants, those speaking in favor or in opposition to each request, as stated in the Zoning Board of Adjustment (ZBA) By-laws.

- 1. City of Nashua (Owner) Chief Steve M. Buxton, Nashua Fire Rescue (Applicant) 25 Teak Drive & 840 West Hollis Street (Sheet C Lot 1320 & Sheet D Lot 54) requesting the following: 1) A determination whether a material change of circumstances affecting the merits of the application has occurred, or, that the application is for a use that materially differs in nature and degree from the special exception for an access driveway that was denied by the ZBA on 10-14-2025; and, if so: requesting special exception from Land Use Code Section 190-112 to work in a 40-foot "other" wetland and wetland buffer to construct a water line service from Teak Drive to the Four Hills Landfill property for the proposed Fire Training Facility. R9 & R30/GMZ Zones, Ward 5. *UPDATE: [TABLED FROM 1/13/2026 ZBA MEETING TO THE 2/10/2026 MEETING]**

Voting on this case:

Jay Minkarah

Josh Nehiley
JP Boucher
Steve Lionel
Rob Shaw

Mr. Minkarah read a letter into the record from Attorney Andrew Prolman requesting to continue this special exception application to the February 10, 2026 hearing to allow them time to update the water line location, which would reduce the temporary wetland impact and minimize the visual impact to the neighbors, also, it will allow an opportunity to update the Conservation Commission, which will be at the February 3, 2026 meeting.

MOTION by Mr. Nehiley to table this application to a date certain for the February 10, 2026 Zoning Board meeting, per request of the applicant.

SECONDED by Mr. Lionel.

MOTION TO APPROVE TABLING CARRIED UNANIMOUSLY 5-0.

2. Christopher DeLucia (Owner) 12 Waltham Drive (Sheet A Lot 614) requesting variance from Land Use Code Section 190-31 to encroach 4'-8" into the 6 foot required rear yard setback to construct an 8'x10' shed. RA Zone, Ward 7.

Voting on this case:

Jay Minkarah
Josh Nehiley
JP Boucher
Steve Lionel
Rob Shaw

Christopher DeLucia, 12 Waltham Drive, Nashua, NH. Mr. DeLucia said that he is just looking to place a shed in his back yard, he bought the house with his family a few years ago, and need more storage outside. He said that there is a park that abuts his back yard, there are eighteen houses that abut the park and eleven of them have sheds in their back yard within the six foot setback. He said that he wants the same opportunity that a lot of the neighbors already have. He said that his lot is small.

SPEAKING IN FAVOR:

No one.

SPEAKING IN OPPOSITION OR WITH QUESTIONS OR CONCERNS:

No one.

END OF PUBLIC HEARING, BEGINNING OF PUBLIC MEETING:

Mr. Shaw said that this one is very straightforward, and the applicant noted that this is very consistent with the neighborhood, and it abuts a park, the lot is not very big, and to meet the setback it would be about in the middle of the relatively modest amount of back yard. He said it is a reasonable request, and is very common in this neighborhood.

Mr. Lionel said that he is also in favor, and also the back yard is fenced.

MOTION by Mr. Lionel to approve the variance application on behalf of the owner as advertised. Mr. Lionel stated that the granting of the variance would not be contrary to the public interest, because it is similar to other sheds in the neighborhood, and there is a fence backing the property, and on the other side of the fence is a public park.

Mr. Lionel said that the request is within the spirit and intent of the Ordinance, because the purpose of the Ordinance is to prevent encroachment of out-buildings to neighbors, and there will be none, and the Board heard no testimony opposing this request.

Mr. Lionel stated that substantial justice will be served to the owner, because it gives him storage similar to his neighbors.

Mr. Lionel stated that the Board did not have any testimony about the value of surrounding properties being diminished, in general, adding a shed will increase property values.

Mr. Lionel stated that for unnecessary hardship, special conditions of the property are that it is a small lot, with a small back yard, and the owner chose about the only place for the shed.

SECONDED by Mr. Boucher.

MOTION TO APPROVE CARRIED UNANIMOUSLY 5-0.

3.106 West Hollis Street, LLC (Owner) Gage Armand (Applicant)

106 West Hollis Street (Sheet 86 Lot 33) requesting use variance from Land Use Code Section 190-15, Table 15-1 (#84) to allow a single residential unit in basement for a live-work unit in conjunction with first floor barbershop. RC Zone, Ward 4.

Voting on this case:

Jay Minkarah
Josh Nehiley
JP Boucher
Steve Lionel
Rob Shaw

Gage Armand, 106 West Hollis Street, Nashua, NH. Mr. Armand said that he is requesting the variance for a single apartment, which would be below the existing barbershop at 106 West Hollis Street. He said that it is not against the public interest, as commercial use exists in the neighborhood, and the apartment will not increase traffic in the neighborhood, nor will it be a demand on City services.

Mr. Armand said it will observe the spirit and intent of the Ordinance, the RC district allows residential and small-scale commercial uses, and the proposed use reflects a traditional mixed use character of West Hollis Street.

Mr. Armand said that the next-door property at 110 West Hollis Street already functions as a mixed-use building with a residential unit with their shop.

Mr. Armand said that substantial justice would be done by granting the variance, as without the apartment, the building would remain underutilized, and having a basement apartment would be a reasonable use.

Mr. Armand said that surrounding property values will not be diminished, he said he'd be the occupant and has a proven track record of improving this building at 106 West Hollis Street as well as other nearby properties.

Mr. Armand said that the proposed use is reasonable and meets the hardship for mixed use, there is an approved commercial use on the first floor and it will only add a single basement apartment, and will be consistent with the neighborhood.

Mr. Nehiley asked if the apartment would take up the whole basement.

Mr. Armand said most of it, except for the boiler room and electric room.

Mr. Nehiley asked about the access, and asked if there is a stairway going to the back yard.

Mr. Armand said that there is a stairway that goes to his back door, and will have a second egress.

SPEAKING IN FAVOR:

No one.

SPEAKING IN OPPOSITION OR WITH QUESTIONS OR CONCERNS:

No one.

END OF PUBLIC HEARING, BEGINNING OF PUBLIC MEETING:

Mr. Lionel said that he thinks it's pretty straightforward and reasonable, and is in support.

Mr. Shaw agreed, and said that its reasonable, and the idea of the owner occupied building is good.

Mr. Minkarah said that it is in an RC Zone, so residential is allowed.

Mr. Nehiley said that he's a fan of an owner putting down roots and living where they work, and is fully in favor, and it's not out of character with the neighborhood.

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, in that: a) we need more housing stock in the neighborhood, and, b) as the Board discussed, there are quite a few other residential units around this building, and its surrounded by residential units

Mr. Nehiley said that the request is within the spirit and intent of the Ordinance because this is a unique building, with an

underused basement, and there is a lack of housing stock in this area, so this will be a net addition to that.

Mr. Nehiley stated that substantial justice will be served to the owner, as the applicant is looking to live in the unit owned by himself, and there are other units in close proximity to this building that have apartments in similar setups.

Mr. Nehiley stated that the Board did not have any testimony about the value of surrounding properties being diminished, but the Board has no reason to believe that the surrounding property values would be diminished.

Mr. Nehiley stated that for unnecessary hardship, this is a very unique building, actually, there are two buildings that are nearby that are very unique that have gone through many changes over the years, so therefore, to have an apartment in the basement where the owner can live in to properly run his business on the first floor is a net positive for the neighborhood, and to not allow this would take away the ability for the applicant to create an apartment for him to live and work in the same building.

SECONDED by Mr. Shaw.

MOTION TO APPROVE CARRIED UNANIMOUSLY 5-0.

- 4. Law Realty Co, LLC. (Owner) 350 Amherst Street (Sheet G Lot 479) requesting the following variances: 1) From Land Use Code Section 190-101 (E)(2) to exceed 100 square feet for ground sign for a corner lot, 123.5 square feet exists, 2) from Land Use Code Section 190-101 (E)(3) to maintain an existing ground sign within 75 feet of intersection; and, 3) from Land Use Code Section 190-103 (A)(1), to place a ground sign for the benefit of 340 Amherst Street on 350 Amherst Street's property resulting in 350 Amherst Street having two ground signs for a corner lot. GB Zone, Ward 1.**

Voting on this case:

Jay Minkarah
Josh Nehiley
JP Boucher
Steve Lionel
Joseph Patry

Rob Shaw - recused.

Attorney Morgan Hollis, Gottesman and Hollis, 39 East Pearl Street, Nashua, NH. Atty. Hollis stated that this is a somewhat complicated application. He said that the property is a corner lot at Amherst Street and Airport Road, this is a redeveloped property, it used to have Grand Buffet, and now has Evviva Trattoria and Cava. He said that the owner also owns the next two abutting properties, at 338 and 340 Amherst Street, formerly known as Leda Lanes and the Glow Bowl facility, and those structures were recently removed, so now there are three lots here, one is an Emergency Clinic under construction. He said that in developing these lots, the access points became crucial. He said that the parking and access driveways and lanes are all there for cross-access. He said that the three lots are all separate, but intertwined.

Atty. Hollis said that 338 Amherst will have its own sign for the Emergency Clinic. He said that 340 Amherst Street does not have a ground sign. He said that 350 Amherst has an existing ground sign at the corner, which is permitted already.

Atty. Hollis said that when it came time to seek a location for the 340 Amherst Street sign, there was a choice to place it on the eastern side of the lot, or the westerly side. He pointed out the site plan to the Board, and if the sign is on the westerly side of the lot, a parking space would be removed, and if on the easterly side, there is already a sign for the Emergency Clinic, and it would be blocked. He said that the proposed sign location is marked in "red" on the plan, but it's on 350 Amherst Streets lot.

Atty. Hollis said that the best option is to get the ground sign as close to the driveway that will serve it, and the proposed location is it, however, it's on 350 Amherst Street's lot. He said that to move the lot line over a little bit is a longer and more extensive proposition, the best option is to apply for a variance, as this situation is very unique.

Atty. Hollis said that they're essentially asking for a second ground sign at the corner, which is allowed at a corner lot, unfortunately, the first sign, the existing one, is slightly too large, so that is the first variance, it's to have the existing sign to remain as is, in excess of the 100 square foot size. He said that the second sign requested would meet the size, and would be setback properly, but because of that second sign, the first

sign is now located too close to the intersection, they're supposed to be at least 75 feet from the intersection, so that is the second variance request. He said that the third variance is to have the proposed sign on 350 Amherst Street's lot, and it would be for 340 Amherst Street, so it's considered an off-premises sign, so that is the three requests.

Atty. Hollis said that for the public interest, the size of the existing sign is already established, and it is not in the public interest to move the sign back. He said that if the sign were perhaps to be placed on 340 Amherst Street's lot, it actually could go up to 150 square feet by right, where only 100 square feet is proposed, so that doesn't make sense, it makes better sense to have the sign be off-premises, but much smaller, and it will not impact the character of the neighborhood.

Atty. Hollis said for the spirit and intent of the Ordinance, it will not alter the character of the neighborhood, the proposed signs would be placed in such a fashion that their location and size makes sense and would be best for identifying the businesses.

Atty. Hollis stated that substantial justice would be done, the owner put a lot of thought and energy into this plan, there will be cross-access, cross-entry and parking. He said it is important that the motoring public can find what they're looking for, so the sign at the proposed location is the best alternative so that drivers don't go past the site, and there's no harm to the public if all variances are granted.

Atty. Hollis stated that there will be no adverse impact on surrounding property values if this request is granted, all the immediate abutting properties are owned by the Law Family, and the properties across the street, a 4-lane highway, will not be impacted at all.

Atty. Hollis said that for hardship, 350 Amherst Street is a corner lot, and there is driveway access from Airport Road. He said that what makes this site unusual, or unique, is the cross-access for the overall development. He said there is no fair and substantial reason to reduce the size of the existing sign, or to relocate it further back on Airport Road, it does not make any sense. He said that the request is reasonable, and the location of the sign on the abutting property is reasonable as well.

Mr. Lionel said that if a driver is going east on Amherst Street,

if they turn where the sign would be, they'd have to make an immediate left to get to 340 Amherst Street.

Atty. Hollis said that is the first principal entrance, and the secondary is if you go by and miss that one, you'd go to the next one at the Emergency Center and make a right.

SPEAKING IN FAVOR:

No one.

SPEAKING IN OPPOSITION OR WITH QUESTIONS OR CONCERNS:

No one.

END OF PUBLIC HEARING, BEGINNING OF PUBLIC MEETING:

Mr. Lionel said it's a complex traffic situation, and they need signage for the new 340 Amherst Street building. He said that he doesn't have a problem with the size and location of the existing sign, and doesn't see any other reasonable alternative to the proposed location for the new sign.

Mr. Nehiley said that they've done a lot of work in this area the past few years, they've done a great job and have put a lot of thought into the proposed sign. He said he's in favor, and it brings in enhanced safety by putting the sign where it's proposed, as Amherst Street is unique with a lot of traffic. He said that the existing sign at 350 Amherst Street is a good size for that lot, and the new sign is in a great spot.

Mr. Minkarah said he agrees.

MOTION by Mr. Minkarah to approve the variance application on behalf of the owner as advertised, with all requests considered collectively. Mr. Minkarah stated that the granting of the variance would not be contrary to the public interest, because there would be no injury to the public health, safety or welfare, actually, safety would be enhanced by having this sign that directs people appropriately, especially on a busy road such as Rte. 101A to the correct entrances to the property, and it wouldn't be out of the character of the neighborhood, either the size or the position of the proposed sign, and one sign is already located there at the intersection.

Mr. Minkarah said that the request is within the spirit and intent of the Ordinance, due to the reasons just stated, and the purpose of the Ordinance is to avoid visual clutter, and the size and position of the signs are within the character of the neighborhood, and the sign that would go on 350 Amherst Street, for 340 Amherst Street, the property line is not perceptible to anyone unless you're looking at the site plan.

Mr. Minkarah stated that substantial justice will be served to allow adequate signage for the property's use and function.

Mr. Minkarah stated that the Board did not have any testimony about the value of surrounding properties being diminished, but there is no reason to believe that property values would be diminished with the proposed signage, because the signs would be consistent with the surrounding area.

Mr. Minkarah stated that for unnecessary hardship, essentially what we have are three adjacent properties that from a traffic flow point of view, function as one overall site, and 340 Amherst Street has no direct access for itself, so it's essential that the signage for these properties be positioned in a way that allows for a better flow of traffic, given the shared access, and for that reason, denying the variance would result in unnecessary hardship.

SECONDED by Mr. Patry.

MOTION TO APPROVE CARRIED UNANIMOUSLY 5-0.

MISCELLANEOUS:

REGIONAL IMPACT:

Mr. Minkarah said that he does not see any cases that would have Regional Impact.

MINUTES:

December 9, 2025:

Mr. Lionel said on Page 7, the first paragraph, third line, it should say "Dearborn Street", and it says "Dearborh Street". He said on Page 13, there is a "1 08 03" in the middle of the page. He said further down on the page, where it says Speaking in

Opposition, it's blank.

Mr. Patry said that there actually was some opposition, we had a letter.

Mr. Falk said that all of these changes were already made, and believes that the Board didn't receive the most updated copy of the minutes.

Mr. Patry said on Page 3, the last sentence starting with Mr. Minkarah, it should say that Mr. Minkarah asked how the treatment of water comparing with the existing systems would be with the new systems.

Mr. Lionel said it would be taking out the "be" at the end of it.

Mr. Patry said on Page 19, in the findings of fact, the first paragraph where it states that Mr. Minkarah stated that substantial justice, and thought Mr. Minkarah stated that substantial justice would not be done.

Mr. Minkarah said he believes it is correct as stated.

MOTION by Mr. Lionel to approve the minutes with the proposed changes, waive the reading, and place the minutes in the file.

SECONDED by Mr. Nehiley.

MOTION CARRIED UNANIMOUSLY 5-0.

OFFICERS FOR 2026:

MOTION by Mr. Shaw for the slate of Officers to have Mr. Minkarah remain as Chair, and for Mr. Nehiley to remain as Vice Chair.

ADJOURNMENT:

MOTION by Mr. Shaw to adjourn the meeting at 7:18 p.m.

Submitted by: Mr. Falk, Clerk.

CF - Taped Hearing