

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 11, 2026

A public hearing of the Zoning Board of Adjustment was held on Tuesday, August 11, 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
JP Boucher, Member
Steve Lionel, Member
Joseph Patry, Member

Sam Durfee, Planning Manager

Mr. Minkarah noted that Vice Chair Josh Nehiley was not present for the evening.

Mr. Minkarah explained the Board's procedures, stating that the public is invited to present cases within a fifteen-minute timeframe. He encouraged the public to submit comments for future meetings via email to the Planning Department at zb@nashuanh.gov or by mail to P.O. Box 2019, Nashua, NH, 03061. He identified the points of law required for applicants to address relative to variances and special exceptions. A special exception is a use allowed under the ordinance provided specific criteria are met. For a variance, Mr. Minkarah explained that the Board must find five specific criteria are met: that the variance would not be contrary to the public interest, the spirit of the ordinance would be observed, substantial justice would be done, no diminution of surrounding property values would occur, and that an unnecessary hardship exists due to special conditions of the property. Mr. Minkarah explained the order of testimony, including the applicant's presentation, speakers in favor, speakers in opposition or with concerns, and the applicant's final five-minute rebuttal.

Mr. Minkarah announced the case at 38 Buckmeadow is postponed to the August 25, 2026 meeting.

1. 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 12' x 24' deck. RA Zone, Ward 2.

Voting on this case:

Jay Minkarah
JP Boucher
Steve Lionel
Joseph Patry

Kathleen Wallace, 12 Brinton Drive, Nashua, NH. Ms. Wallace clarified that the existing deck is already 12'x24', rather than the 10'x12' footprint stated in the application. She stated she has lived at the property for over 25 years and the deck is now rotting and requires an update. She noted that to bring the structure up to current permit codes, she must adjust the footings from 8 inches to 12 inches. She confirmed that the new deck would occupy the same footprint as the original. Ms. Wallace stated that the Conservation Commission reviewed the project in July and provided a favorable recommendation 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:

The Board's deliberation was concise given the nature of the request. Mr. Boucher spoke in support of the application, noting that the deck is a long-standing existing structure. He observed that doing a drive-by of the neighborhood and reviewing GIS maps confirms that most homes on that side of the street contend with the same wetland buffer issues. He stated that the applicant has no other choice for placement and that replacing a rotting deck is a matter of safety. Mr. Minkarah noted that the applicant had signed the stipulation regarding special conditions for wetland work.

MOTION by Mr. Boucher to approve the special exception application on behalf of the owner as advertised, noting the correction that the existing deck is 12'x24'.

Mr. Boucher stated that the **requested use is listed in the special exception matrix** and is permitted under Section 190-112.

Mr. Boucher stated the **requested use will not create undue traffic congestion or unduly impair pedestrian safety** as it is a private residential deck.

Mr. Boucher stated the **requested use will not overload any public water, drainage, or sewer system** or any other municipal system to such an extent that the area will be subjected to hazards affecting health or safety.

Mr. Boucher stated that **all special regulations have been fulfilled**, including the nine individual wetland special conditions attested to and signed off by the applicant.

Mr. Boucher stated the **requested use will not impair the integrity or be out of character with the neighborhood**, nor be detrimental to the health, morals, or welfare of residents, specifically citing the favorable recommendation from the Conservation Commission dated July 9th.

SECONDED by Mr. Lionel.

MOTION TO APPROVE CARRIED UNANIMOUSLY 4-0.

2. The Kumar Family Rev. Liv. Trust (Owners) 12 Annabelle Court (Sheet C Lot 2900) requesting variance from Land Use Code Section 190-17 (E) (2) to exceed maximum driveway width, 24 feet permitted – up to 29 feet proposed, for a driveway addition on right side of existing driveway. R40/FUOD Zone, Ward 9.

Voting on this case:

Jay Minkarah
JP Boucher
Steve Lionel
Joseph Patry

Amit Kumar, 12 Annabelle Court, Nashua, NH. Dr. Kumar stated that he and his family built the home 16 years ago. He explained that as his children have reached high school age, the family now requires a third vehicle. The current driveway is approximately 20 feet wide with a two-car garage. He is requesting to widen the upper portion of the driveway near the garage to 29 feet while leaving the entrance at the street unchanged.

Dr. Kumar emphasized that safety and snow management are the primary drivers for the request. He noted the driveway has a significant slope and that his medical practice at Foundation Medical almost never cancels due to weather, requiring him to clear snow early in the morning to get to work on time. The extra width would allow him to park a car to the side to facilitate safer and more efficient passes with a snowblower. He proposed constructing a professional retaining wall with appropriate drainage to protect both his property and the neighbor's property. Dr. Kumar submitted a letter of support from his neighbor at 14 Annabelle Court. He noted the garage is approximately 48 feet back from the street.

SPEAKING IN FAVOR:

No one.

SPEAKING IN OPPOSITION OR WITH QUESTIONS OR CONCERNS:

No one.

END OF PUBLIC HEARING, BEGINNING OF PUBLIC MEETING:

The Board's deliberation focused on the site-specific challenges. Mr. Lionel stated that while he is generally not a fan of widening driveways, the request is minimal and reasonable given the slope and the neighbor's agreement. Mr. Boucher noted the unique geometry of the property, which is situated on a circle (cul-de-sac). He observed that the driveway is located on the shortest distance to the house, which creates a unique constraint. Mr. Minkarah agreed, noting that the angle of the house and the curb distance make the property appear closer to the front property line than is typical.

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** as it improves safety for the homeowner and has no deleterious effect on neighbors, as confirmed by testimony from the affected abutter.

Mr. Lionel stated the **spirit of the ordinance would be observed** because the limited scope and design of the addition will not be visually imposing or detract from the neighborhood's aesthetic.

Mr. Lionel stated that **substantial justice will be served** by allowing the applicant to move vehicles safely to clear snow, allowing for essential medical work travel.

Mr. Lionel stated the Board has **no evidence that property values would be diminished.**

Mr. Lionel stated that **unnecessary hardship exists** due to special conditions of the property, specifically its location on a circle/cul-de-sac and the side-sloping topography. He found there is no fair and substantial relationship between the general public purpose of the ordinance and its specific application here.

SECONDED by Mr. Patry.

MOTION TO APPROVE CARRIED UNANIMOUSLY 4-0.

3. Edward J. Paquin, Trustee of the Edward J. Paquin Revocable Trust (Owner) "L" East Hobart Street (Sheet 129 Lot 13) requesting variances for: 1) minimum lot frontage, 60 feet required, 37 feet proposed; 2) minimum lot width, 75 feet required, 51 feet proposed; and 3) special exception from Land Use Code Section 190-156 to allow a duplex residential building. RA Zone, Ward 7.

Voting on this case:

Jay Minkarah
JP Boucher
Steve Lionel
Joseph Patry

PRE-HEARING BOARD DISCUSSION:

Before opening the public hearing, the Board engaged in a detailed discussion regarding the necessity of the requested variances for lot width and frontage. Mr. Minkarah noted that since this is an existing lot of record and not a new subdivision, the proposed dimensions are inherent to the land. The Board reviewed a staff memo from Mr. Durfee. Mr. Lionel and Mr. Boucher agreed it seemed inappropriate to penalize a landowner for dimensional issues that existed prior to current zoning codes, provided the proposed building fits within all other setbacks. Mr. Patry cited Land Use Code Section 190-121, which he interpreted as making such non-conforming lots essentially conforming for development purposes.

MOTION by Mr. Minkarah that the two variances for frontage and width are not required based on Section 190-121 and the fact that the lot is an existing lot of record.

SECONDED by Mr. Patry.

MOTION CARRIED UNANIMOUSLY 4-0.

Brad Westgate, attorney with Whelts, White & Fontaine, representing Ed Paquin. Attorney Westgate formally withdrew the variance applications without prejudice following the Board's determination.

Regarding the special exception for the duplex, Attorney Westgate stated the lot is approximately 29,000 square feet, nearly four times the minimum size requirement for the RA district. He described the project as ideal "infill development". He noted that while a single-family home could be built by right, the duplex is permitted by special exception. The proposed building would be set back roughly 200 feet from East Hobart Street, making it "nestled" among other properties and largely invisible from the street.

Attorney Westgate addressed neighbor concerns regarding drainage, stating that the applicant would handle drainage appropriately through the building and tie-in permit processes. He noted the property contains a brook that is part of a larger watershed, and the project would honor all wetland setbacks. He clarified that the proposed 60'x40' structural box on the plan was conceptual to establish a maximum footprint.

SPEAKING IN FAVOR:

A letter of support was read from David and Ann Pfeiffer, 12 East Hobart Street, stating the project would add value to the neighborhood.

SPEAKING IN OPPOSITION OR WITH QUESTIONS OR CONCERNS:

Brice Young, 11 East Hobart Street. Mrs. Young expressed concern regarding the size of the project and the significant percentage of relief originally requested. She highlighted existing issues with standing water and mosquitoes in her yard and asked how stormwater runoff would be handled. She also cited concerns regarding construction noise, dust, and the loss of privacy provided by existing trees. Mrs. Young noted that the city's assessing records label the parcel as "undevelopable".

Robert Goldman, 19 Dudley Street. Mr. Goldman stated his property is at the end of the brook's line. He expressed concern that an impervious structure of this size would increase water deflection and exacerbate the existing flooding in his backyard, which occurred during the massive storms of 2023.

A letter from Christina Torres Scarlatos, 1 East Hobart Street,

cited concerns regarding neighborhood character intensity, traffic, road capacity, and construction disruption.

SPEAKING IN FAVOR - REBUTTAL:

Attorney Westgate reiterated that Mr. Paquin would work through the Community Development Division to ensure drainage is handled properly and noted that the applicant must protect his own property from water damage as well.

END OF PUBLIC HEARING, BEGINNING OF PUBLIC MEETING:

Mr. Durfee clarified that while duplexes do not go to the Planning Board, drainage standards are considered "peripherally" through the engineering review during the building permit process. Mr. Lionel stated that the massive setback of the house from the street made him feel better about the proposal. Mr. Patry and Mr. Boucher agreed that since a single-family home could be built in the same footprint without ZBA approval, the construction and character concerns were less weighty than the fact that the use is reasonable for the lot size.

MOTION by Mr. Boucher to approve the special exception application.

Mr. Boucher stated the **requested use is listed as a special exception in the use matrix.**

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

Mr. Boucher stated the **requested use will not overload any public water, drainage, or sewer system**, noting that the builder must ensure runoff does not increase to surrounding properties.

Mr. Boucher stated there are **no special regulations to be fulfilled.**

Mr. Boucher stated the **requested use will not impair the integrity or character of the neighborhood** given its significant setback and its location in a residential district.

SECONDED by Mr. Patry.

MOTION TO APPROVE CARRIED 3-1. Mr. Minkarah in opposition.

4. Nathan Delyani (Owner) Kelsie Delyani (Applicant) 568 S. Main Street (Sheet A Lot 114) requesting variance from Land Use Code Section 190-264 to exceed maximum accessory use area, 40% permitted

- 50.8% proposed - to construct a 120 sq.ft shed. RA Zone, Ward 7.
Voting on this case:

Jay Minkarah
JP Boucher
Steve Lionel
Joseph Patry

Kelsie Delyani, 568 South Main Street, Nashua, NH. Mrs. Delyani stated the home is just under 1,500 square feet on a large 0.7-acre lot. Because the house is relatively small for the lot size, the addition of a 120-square-foot freestanding shed exceeds the 40% accessory use area limit. She noted the lot is wooded and private, making the shed invisible from the street and neighbors. She clarified the unique nature of the lot, explaining that it is accessed via a right-of-way and that the land between her house and South Main Street is owned by the Osgood family. She confirmed that the neighbor who initially expressed concern had visited the property, reviewed the lines, and now supports the project.

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 noted this is a typical request for a small house on a large lot with a detached garage. Mr. Minkarah agreed the shed size is conventional and the lot is unusual.

MOTION by Mr. Patry to approve the variance application.

Mr. Patry stated that **granting the variance would not be contrary to the public interest** as the shed size is minor relative to the lot and allows the owner to fully utilize the property.

Mr. Patry stated the **spirit of the ordinance would be observed** because the shed does not harm neighborhood character or impact neighbors.

Mr. Patry stated that **substantial justice will be served** by allowing the owner storage space that is otherwise limited by the house's layout.

Mr. Patry stated **property values will not be diminished** due to the wooded screening and lack of impact.

Mr. Patry stated that **unnecessary hardship exists** due to the special conditions of the property's size versus the home's small footprint. He noted the proposed use is reasonable and typical for the area.

SECONDED by Mr. Boucher.
MOTION TO APPROVE CARRIED UNANIMOUSLY 4-0.

5. Robert G. Roberge (Owner) 30 Merrimack Street (Sheet 63 Lot 11) requesting variance from Land Use Code Section 190-264 to exceed maximum accessory use area, 40% permitted - 78% proposed - to construct a 30' x 35' three-car garage. RA Zone, Ward 3.

Mr. Minkarah recused himself from this case. Steve Lionel was chosen as Chair Pro Tem.

Voting on this case:

JP Boucher
Steve Lionel
Joseph Patry

Robert Roberge, 30 Merrimack Street, Nashua, NH. Mr. Roberge stated that the lot is accessed from Artillery Lane behind Holman Stadium. He stated a concrete pad has existed on the site for years. Mr. Lionel noted that while the garage is large, the lots on Merrimack Street are small and the houses are modest, which causes the 40% limit to be exceeded.

Xavier Castacio, Mr. Roberge's son. Mr. Castacio stated the family are car enthusiasts and require the three-car garage to protect their assets. He shared that a family vehicle had previously caught fire due to fireworks from Holman Stadium, making the garage a necessity for safety and protection.

SPEAKING IN FAVOR:

Three letters of support were received from neighbors: Heron Rodriguez (28 Merrimack St), Donna Gosselin (30 Merrimack St), and Jason Richwa (32-34 Merrimack St).

SPEAKING IN OPPOSITION OR WITH QUESTIONS OR CONCERNS:

No one.

END OF PUBLIC HEARING, BEGINNING OF PUBLIC MEETING:

The Board found the request consistent with the unusual neighborhood where garages are traditionally placed along Artillery Lane.

MOTION by Mr. Boucher to approve the variance application.

Mr. Boucher stated that **granting the variance would not be contrary to the public interest** as the garage addresses overcrowding on the lot and follows neighborhood patterns.

Mr. Boucher stated the **spirit of the ordinance would be observed** because garages are normal for this neighborhood.

Mr. Boucher stated that **substantial justice will be served** by allowing the owner to protect his vehicles from weather and fire hazards.

Mr. Boucher stated **property values will not be diminished**.

Mr. Boucher stated that **unnecessary hardship exists** due to the narrow lot and the small size of the primary home relative to the proposed garage. He found the use reasonable.

SECONDED by Mr. Patry.

MOTION TO APPROVE CARRIED 3-0.

6. Rachel Surette & Justin Drohan (Owners) 19 Dublin Avenue (Sheet 53 Lot 56) requesting variance from Land Use Code Section 190-209 (C) to allow a driveway within 50 feet of an intersection - 38 feet proposed, to remove existing driveway off of Dublin Avenue and construct new 24-foot wide driveway off of Dixville Street. R9 Zone, Ward 1.

Voting on this case:

Jay Minkarah
JP Boucher
Steve Lionel
Joseph Patry

Justin Drohan, 19 Dublin Avenue, Nashua, NH. Mr. Drohan stated the goal is to move the driveway from an arterial road (Dublin Avenue)

to a quiet dead-end street (Dixville Street) for safety. He noted that backing out of the current driveway onto Dublin Avenue is hazardous and that his truck often hangs into the road. The new 24-foot driveway would accommodate four cars and be 38 feet from the intersection. He noted the neighbor at 17 Dublin already has a driveway 35 feet from the intersection.

SPEAKING IN FAVOR:

Jennifer Olson, 21 Dublin Avenue. Ms. Olson stated she lives on the other side of Dixville Street and fully supports the project, noting that Dublin Avenue has become "crazy" with traffic. Letters of support were received from Kevin Kennedy (24 Dublin) and Ray Grier (22 Dublin).

SPEAKING IN OPPOSITION OR WITH QUESTIONS OR CONCERNS:

No one.

END OF PUBLIC HEARING, BEGINNING OF PUBLIC MEETING:

The Board found that putting the driveway on the dead-end Dixville Street was a significantly safer alternative.

MOTION by Mr. Minkarah to approve the variance application.

Mr. Minkarah stated that **granting the variance would not be contrary to the public interest** as it enhances public safety without changing neighborhood character.

Mr. Minkarah stated the **spirit of the ordinance would be observed** because the 50-foot setback rule is intended for safety, which this proposal achieves more effectively than the current configuration.

Mr. Minkarah stated that **substantial justice will be served** by improving the owners' access and safety.

Mr. Minkarah stated **property values will not be diminished**, citing neighbor support.

Mr. Minkarah stated that **unnecessary hardship exists** due to the lot's location and size, making it impossible to install a standard driveway that meets the setback. He found the use reasonable.

SECONDED by Mr. Lionel.

MOTION TO APPROVE CARRIED UNANIMOUSLY 4-0.

7. Blue Coral Cross, LLC (Owner) Anand Mahendrakar (Applicant) 19 Cross Street (Sheet 42 Lot 115) requesting variance from Land Use Code Section 190-16, Table 16-3 for minimum land area, 6,110 sq.ft exists - 20,909 sq.ft required - to convert an existing 3-unit residential building into a 6-unit residential building. RC Zone, Ward 3.

Voting on this case:

Jay Minkarah
JP Boucher
Steve Lionel
Joseph Patry

Anand Mahendrakar, Blue Coral Cross, LLC. Mr. Mahendrakar amended the request during testimony, seeking to remodel the building into **five units** rather than six. He stated the remodel would be interior only and that the property already has eight paved parking spots in tandem. He expressed willingness to work with the city on landscaping and drainage. He provided context showing other six-unit buildings on Cross Street. Mr. Durfee clarified that state law now requires only a 1:1 parking ratio.

SPEAKING IN OPPOSITION OR WITH QUESTIONS OR CONCERNS:

A letter was received from Michelle Plant, 15.5 Cross Street, expressing concerns regarding snow storage, drainage, traffic, and noise.

END OF PUBLIC HEARING, BEGINNING OF PUBLIC MEETING:

Mr. Boucher and Mr. Lionel found the reduction to five units and the existing eight parking spots satisfied their concerns. Mr. Minkarah expressed pause regarding tandem parking with five different units but ultimately agreed the density was consistent with the neighborhood.

MOTION by Mr. Patry to approve the variance for five units.

Mr. Patry stated that **granting the variance would not be contrary to the public interest** as the density is within neighborhood character.

Mr. Patry stated the **spirit of the ordinance would be observed.**

Mr. Patry stated that **substantial justice will be served** by increasing the housing stock.

Mr. Patry stated **property values are likely to increase** with the added units.

Mr. Patry stated that **unnecessary hardship exists** because of the lot's location in a dense district and the minor nature of the increase.

SECONDED by Mr. Boucher.
MOTION TO APPROVE CARRIED UNANIMOUSLY 4-0.

OTHER BUSINESS:

REGIONAL IMPACT: The Board saw no cases with Regional Impact.

MINUTES:

July 28, 2026. Mr. Patry and Mr. Lionel noted several corrections:

- Page 1: Buckmeadow Road cases were postponed to a date certain.
- Page 2: "Keith Fredette" should be "Kevin Fredette".
- Page 4: Strike out "is available" regarding NH Fish and Game.
- Page 9: Insert "driver" in the Joe Landry paragraph.
- Page 11: Add a missing period.

MOTION by Mr. Lionel to approve the minutes as amended.
SECONDED by Mr. Patry.
MOTION CARRIED 4-0.

ADJOURNMENT:
MOTION by Mr. Lionel to adjourn at 8:24 PM.
SECONDED by Mr. Minkarah.
CARRIED UNANIMOUSLY

Submitted by: Mr. Durfee, Clerk.

SD - Taped Hearing