

ZONING BOARD OF ADJUSTMENT PUBLIC HEARING AND MEETING
Tuesday, September 22, 2026

A public hearing of the Zoning Board of Adjustment was held on Tuesday, September 22, 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

Joseph Patry, Member

Sam Durfee, Planning Manager

Mr. Minkarah welcomed the public and noted that four members were present, which constitutes a quorum to move forward with the evening's business.

Mr. Minkarah explained the ZBA 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 request to deviate from the terms of the ordinance for a use permitted 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. He outlined the order of testimony, including the applicant's presentation, speakers in favor, speakers in opposition or with questions, the applicant's final five-minute rebuttal, and an opportunity for a designated spokesperson from the opposition to speak last.

Mr. Minkarah announced that the following case was postponed as reflected in the amended agenda: **Case No. 2: Ayer Rd, LLC (3 Ayer Road) - Postponed to the November 10, 2026 meeting per applicant request.**

1. 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] [TABLED ON 7-28-2026 AND POSTPONED TO 9/22/2026]

Voting on this case:

Jay Minkarah

Josh Nehiley

JP Boucher

Joseph Patry

Clint Licqurish, 19 Vista Way, Nashua, NH. Mr. Licqurish stated that he was returning to follow up on the application to remove 21 trees located within the 40-foot critical wetland buffer. He clarified that while the subject trees reside within the buffer on common land, there are tens of thousands of trees in the adjoining 300+ acre conservation area, making the requested removal a minor proportion of the contiguous woodland. He reported that per the Board's request, he contacted the New Hampshire Fish and Game Forestry Division; however, Fish and Game indicated they were unable to provide a formal third-party arborist assessment. He noted that Fish and Game provided three specific recommendations if removal is approved: 1) tree removal should occur between November 1st and April 1st; 2) cut logs should remain in the buffer area; and 3) no heavy vehicles should enter the buffer area. Mr. Licqurish agreed to accept all three stipulations. He emphasized that the request is driven strictly by risk management and safety, noting that a 60-to-70-foot tree recently collapsed in his neighborhood.

SPEAKING IN FAVOR: Kevin Fredette, Gate City Tree Service, 11 Syracuse Road, Nashua, NH. Mr. Fredette, a certified licensed arborist with over 30 years of experience, stated that he performed the initial assessment and selected 21 white pines that pose a direct hazard to the Licqurish home. He explained that when the house was built, the lot line posts were placed within 8 to 10 feet of 80-foot-tall mature trees, placing the structure well within striking distance. He stated that white pines in this grove have shallow root systems and represent a genuine safety hazard to the occupants, who have had to sleep in the basement during severe windstorms. He stated that removing these 21 trees among hundreds of acres of surrounding woods is a common-sense safety measure.

SPEAKING IN OPPOSITION OR WITH QUESTIONS OR CONCERNS: Sherry Dutzy, 18 Swart Terrace, Chair of the Nashua Conservation Commission. Mrs. Dutzy spoke in opposition, reiterating the Conservation Commission's 7-0 unfavorable recommendation. She stated that while trees do occasionally fall, the statistical probability of a tree striking a house is extremely low. She argued that the applicants purchased a home in a cluster conservation development with full knowledge of the surrounding wooded buffer. Mrs. Dutzy addressed the concept of tree replacement, noting that replacing 80 to 100 caliper inches of removed mature trees with new plantings would be physically impossible on the lot and would destroy the remaining wetland buffer.

SPEAKING IN FAVOR - REBUTTAL: Mr. Licqurish clarified that when he signed the purchase and sales agreement in January 2022, the lot had not been cleared and the exact location of the house relative to the wetland buffer boundary was unknown. He expressed surprise at the discussion of replacement trees, noting it was not included in the Conservation Commission's formal recommendation, but stated he remains open to reasonable mitigation. He reiterated that the threat is real and supported by a licensed arborist.

END OF PUBLIC HEARING, BEGINNING OF PUBLIC MEETING: Mr. Nehiley stated that 21 trees is a significant number in a critical buffer, but emphasized that safety must be the primary consideration. He expressed sympathy for the family's safety concerns and Mr. Fredette's professional testimony that the trees pose a hazard.

Mr. Minkarah stated he could not support the special exception. He expressed concern over setting a precedent in a conservation subdivision with many similarly situated homes. He highlighted the independent Gilman report commissioned by the City, which concluded that many of the tagged trees had a low probability of striking the house, as well as the Conservation Commission's unfavorable recommendation.

Mr. Boucher and Mr. Patry both spoke in favor. Mr. Boucher noted that Mr. Fredette is a professional arborist with no financial incentive who testified under oath that these specific 21 trees pose a hazard, while hundreds of other trees tall enough to hit the house were left untouched. Mr. Patry agreed that the Board should defer to the arborist's expert testimony regarding safety.

MOTION by Mr. Nehiley to approve the special exception application on behalf of the owners, with stipulations.

Mr. Nehiley stated that the requested use is listed as a special exception in the Use Matrix (§ 190-15, Table 15-1) under Section 190-112 and is permitted by special exception under this chapter.

Mr. Nehiley stated that the requested use **will not create undue traffic congestion or unduly impair pedestrian safety** as it involves residential tree maintenance.

Mr. Nehiley stated that 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 unduly subjected to hazards affecting health, safety, or general welfare.

Mr. Nehiley stated that **all special regulations for the use set forth in this article are fulfilled**, noting the applicant submitted the required wetland buffer application.

Mr. Nehiley stated that the requested use **will not impair the integrity or be out of character with the district or immediate neighborhood**, nor be detrimental to the health, morals, or welfare of the residents of the City. He stated that while the Board noted the Conservation Commission's unfavorable vote, the Board finds that the documented safety hazard to human life supersedes the Commission's recommendation.

Stipulations of approval:

1. No more than 21 identified trees shall be removed.
2. Tree removal work shall be performed between November 1st and April 1st.
3. Cut logs shall remain on-site within the buffer area.
4. No heavy vehicles or machinery shall enter the wetland buffer area.

SECONDED by Mr. Patry.

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

2. Ayer Rd, LLC (Owner) 3 Ayer Road (Sheet G Lot 12) requesting the following: 1) Use variance from Land Use Code Section 190-15, Table 15-1 (#6), to allow five duplex residential buildings in the R18 Zone, 2) from Land Use Code Section 190-17 (B), to allow more than one principal structure per lot, 1 permitted - 5 duplex buildings proposed; and, 3) from Land Use Code Section 190-16, Table 16-3, for minimum land area, 65,925 sq.ft exists - 174,240 sq.ft required - all requests to remove all dilapidated buildings and vehicles and redevelop the lot with five duplex residential buildings and associated site improvements. R18 Zone, Ward 2. [POSTPONED BY APPLICANT TO 9/22/2026]

CASE POSTPONED TO THE NOVEMBER 10, 2026 ZBA MEETING PER APPLICANT REQUEST.

3. Karleth Torres (Owner & Applicant) 30 Edwards Street (Sheet 122 Lot 594) requesting variance from Land Use Code Section 190-17 (E) (2) to exceed maximum driveway width, 24 feet permitted - up to 43 feet proposed for a paved driveway expansion within the front setback. RA Zone, Ward 6. [POSTPONED PER APPLICANT TO 9/22/2026]

Voting on this case:

Jay Minkarah
Josh Nehiley
JP Boucher
Joseph Patry

Karleth Torres, 30 Edwards Street, Nashua, NH. Ms. Torres stated she is requesting a variance to legalize an existing paved driveway expansion on her property. She explained that during recent paving work, the contractor paved a section extending toward the side and front yard. She clarified that a small gap currently exists between the new pavement and the street, and she seeks variance relief so she can obtain City permits to pave the final connection to the roadway. She noted that the garage is used strictly for storage rather than vehicle parking.

SPEAKING IN FAVOR: No one spoke in person. Mr. Minkarah read a letter of support into the record from immediate abutter Leonardo Agulian, 16 Edwards Street, Nashua, NH, stating that the paved area allows for safe off-street parking, does not obstruct sightlines, and improves the property.

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

END OF PUBLIC HEARING, BEGINNING OF PUBLIC MEETING: Mr. Patry and Mr. Boucher spoke in support. Mr. Patry noted it is a standard residential driveway request that causes no harm to neighbors. Mr. Boucher observed that Edwards Street is narrow, a utility pole constrains the corner, and several other homes in the immediate neighborhood have wide driveways to accommodate off-street parking.

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

Mr. Boucher stated that granting the variance **would not be contrary to the public interest** because allowing the owner to park vehicles safely off the street will not alter the essential character of the neighborhood.

Mr. Boucher stated that the **spirit of the ordinance would be observed** because the wider driveway enhances public safety by eliminating on-street parking congestion on a narrow street, which is consistent with neighborhood patterns.

Mr. Boucher stated that granting the variance **would do substantial justice** because it allows the homeowner to safely enter, exit, and park vehicles on her property without harming the public.

Mr. Boucher stated that surrounding **property values would not be diminished** as supported by the letter of favor from the adjacent neighbor.

Mr. Boucher stated that owing to special conditions of the property, denial of the variance would result in **unnecessary hardship** because denying the expansion would force vehicles onto a narrow street with tight turning radii, creating parking conflicts. The proposed driveway expansion is a reasonable residential use.

SECONDED by Mr. Patry.

MOTION TO APPROVE CARRIED UNANIMOUSLY 4-0.

4. Datec Tool and Machine, Inc. (Owner) Bolduc Enterprises, LLC (Applicant) 181 East Hollis St (Sheet 24 Lot 50) requesting variance from Section 190-26.1, H. (2) 15-foot maximum front setback required - 104-foot front setback proposed, to construct

a 48-unit, 5-story multifamily building and associated site improvements. GI/TOD Zone, Ward 7.

Voting on this case: Jay Minkarah Josh Nehiley JP Boucher Joseph Patry

Attorney Laura Gandia, Devine Millimet, Manchester, NH, alongside Paul Chisholm, PE, Keach-Nordstrom Associates, and Thomas Bolduc, Bolduc Enterprises, LLC, presented the case. Attorney Gandia explained that the applicant proposes to redevelop an irregular 0.7-acre parcel currently containing an abandoned industrial structure into a 5-story, 48-unit residential apartment building. The parcel is located in the Transit-Oriented Development (TOD) overlay district and features double frontage—40 feet along East Hollis Street and a larger frontage along Crown Street. The TOD code mandates a maximum 15-foot front setback. While the building meets the 15-foot maximum setback along Crown Street, it sits 104 feet back from East Hollis Street to accommodate surface parking, circulation, and the narrow 40-foot frontage neck.

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 and Mr. Minkarah spoke in strong support. Mr. Nehiley noted that the lot is uniquely shaped, wraps behind adjacent parcels, and currently holds an abandoned blighted building. He stated that replicating the multi-family residential style of the adjacent Riverfront Landing development is an ideal fit for the TOD zone. Mr. Minkarah agreed, noting that given the narrow 40-foot stem extending to East Hollis Street, placing a building within 15 feet of East Hollis Street is physically unworkable and would destroy site circulation.

MOTION by Mr. Patry to approve the variance application on behalf of the applicant.

Mr. Patry stated that granting the variance **would not be contrary to the public interest** because the proposed 48-unit residential building is consistent with the transit-oriented residential character of the corridor and replaces a blighted, abandoned structure.

Mr. Patry stated that the **spirit of the ordinance would be observed** because the TOD district was specifically established

to encourage high-density residential infill as envisioned in the East Hollis Street Master Plan.

Mr. Patry stated that granting the variance **would do substantial justice** because it allows for the productive redevelopment of a constrained lot to supply needed housing to the City.

Mr. Patry stated that surrounding **property values would be improved** by removing an eyesore and constructing a new residential building.

Mr. Patry stated that owing to special conditions of the property, denial of the variance would result in **unnecessary hardship** because the lot possesses unique physical conditions, specifically an irregular L-shape with dual frontages of vastly different lengths and a narrow 40-foot access neck onto East Hollis Street. There is no fair and substantial relationship between the 15-foot maximum front setback requirement on East Hollis Street and its specific application to this lot, and the proposed multi-family project is highly reasonable.

SECONDED by Mr. Boucher.

MOTION TO APPROVE CARRIED UNANIMOUSLY 4-0.

5. Michell Mancini (Owner) Stephanie Sherburne (Applicant) 4 Norwich Rd (Sheet C Lot 620) requesting variance from Land Use Code Section 190-16, Table 16-3 for 5-foot rear setback encroachment, 25-feet proposed - 30-feet required, to construct a 16'x36' home addition. R-9 Zone, Ward 9.

Voting on this case: Jay Minkarah Josh Nehiley JP Boucher Joseph Patry

Justin Mancini, 4 Norwich Road, Nashua, NH, presented on behalf of his brother, owner Mitchell Mancini. Mr. Mancini explained that the applicant is seeking a 5-foot rear setback variance to construct a 16'x36' addition on the rear left of the home. He stated that the house is a modest two-bedroom home, and the addition will add a third bedroom and living space for a growing family with three children. He noted that the rear property line sits at an angle, causing only the far rear left corner of the addition to encroach into the 30-foot setback, while the remainder of the addition complies.

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 and Mr. Minkarah spoke in favor. Mr. Boucher noted that the lot has an irregular trapezoidal shape and the corner encroachment will be completely unnoticeable from the street or neighboring parcels. Mr. Minkarah agreed that adding a third bedroom to a small single-family home is a modest, reasonable request.

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

Mr. Boucher stated that granting the variance **would not be contrary to the public interest** because adding modest residential space to a single-family home will not alter the essential character of the neighborhood.

Mr. Boucher stated that the **spirit of the ordinance would be observed** because the addition remains subordinate to the primary dwelling and maintains the residential character of the R-9 zone.

Mr. Boucher stated that granting the variance **would do substantial justice** because it allows a growing family to expand their home without imposing any burden on surrounding property owners.

Mr. Boucher stated that surrounding **property values would not be diminished** by a high-quality home addition.

Mr. Boucher stated that owing to special conditions of the property, denial of the variance would result in **unnecessary hardship** because the property features an irregular lot line angled relative to the rear building wall, creating a minor corner encroachment. There is no fair and substantial relationship between the 30-foot rear setback requirement and its specific application here, and the proposed residential addition is reasonable.

SECONDED by Mr. Patry.

MOTION TO APPROVE CARRIED UNANIMOUSLY 4-0.

6. Rishi & Namrita Yadav (Owners) 2 Adella Dr (Sheet G Lot 676) requesting variance from Table 16-3 for 15-foot front setback encroachment, 25-feet proposed - 40-feet required, for a 26'x36' attached garage. R-40 Zone, Ward 2.

Voting on this case: Jay Minkarah Josh Nehiley JP Boucher Joseph Patry

Peter Montesanti, Complete Home Improvements, representing owners Rishi and Namrita Yadav, 2 Adella Drive, Nashua, NH. Mr. Montesanti stated that the owners are requesting a 15-foot front setback variance to construct a 26'x36' three-car attached garage on the side of their home. He explained that the family needs to convert their existing three-car garage into living space to accommodate elderly parents moving in to age in place. The property is a corner lot with dual frontages along Adella Drive and Tinker Road. The proposed garage will be located on the Tinker Road side, maintaining access via the existing driveway off Adella Drive.

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 spoke in support, noting that corner lots with double frontages face severe building constraints. He stated that placing the garage within the existing driveway footprint off Adella Drive is far safer for traffic than creating a new access point onto Tinker Road, which experiences high vehicle speeds. He added that the addition allows multi-generational living and matches the large residential structures in the neighborhood.

MOTION by Mr. Nehiley to approve the variance application on behalf of the owners.

Mr. Nehiley stated that granting the variance **would not be contrary to the public interest** because maintaining driveway access on Adella Drive rather than creating a new entrance on high-speed Tinker Road protects public safety.

Mr. Nehiley stated that the **spirit of the ordinance would be observed** because large attached garages are customary in this R-40 neighborhood, and the structure fits aesthetically with the home.

Mr. Nehiley stated that granting the variance **would do substantial justice** because it allows the family to convert existing space for elderly parents to age in place while replacing required covered parking.

Mr. Nehiley stated that surrounding **property values would not be diminished** by an architecturally matching garage addition on a large lot.

Mr. Nehiley stated that owing to special conditions of the property, denial of the variance would result in **unnecessary hardship** because the home is situated on a corner lot with two required 40-foot front yard setbacks. The house sits far forward on the parcel, creating an artificial restriction along the secondary frontage of Tinker Road. There is no fair and substantial relationship between the 40-foot setback rule and its application to this secondary frontage, and the proposed residential garage is reasonable.

SECONDED by Mr. Patry.

MOTION TO APPROVE CARRIED UNANIMOUSLY 4-0.

7. Bisoño 413 S Main St, LLC (Owner) 413 South Main Street (Sheet 110 Lot 28) requesting variance from Land Use Code Section 190-15, Table 15-1 (#102) to allow a personal service use. RA Zone, Ward 6.

Voting on this case: Jay Minkarah Josh Nehiley JP Boucher Joseph Patry

Attorney Brad Westgate, Welts, White & Fontaine, Nashua, NH, and owner Miguel Bisoño presented the case. Attorney Westgate explained that the applicant seeks a use variance to permit a small 415-square-foot personal service use (specifically licensed aesthetician/skincare services) within three interior rooms of an existing 1,600-square-foot commercial office building. He noted that the Board granted a use variance in 2020 to convert the former residential building into a commercial office, followed by Planning Board site plan approval. Due to shifts toward remote work in the insurance industry, the full office space is no longer needed. He emphasized that no exterior building or site changes are proposed, access remains via the approved lower driveway off the stub end of Eastman Street, and client appointments are scheduled one at a time.

SPEAKING IN FAVOR: Kayla Gutierrez, 73 Burke Street, Nashua, NH. Ms. Gutierrez, an employee, spoke in favor, noting Mr. Bisono's commitment to maintaining a quiet, high-quality professional space. Mr. Minkarah read a letter of support from immediate abutter Hong Hai Gardiner, 411 South Main Street, Nashua, NH, stating that the property is meticulously maintained and the interior use change will have no negative impact.

SPEAKING IN OPPOSITION OR WITH QUESTIONS OR CONCERNS: Cynthia Knowles, 15 Eastman Street, Nashua, NH. Mrs. Knowles expressed concern over traffic and pedestrian safety on Eastman Street, stating it is a narrow residential street with young children and frequent cut-through traffic. She argued that adding personal service clients will increase vehicle trips.

Colleen Valente, 33 Eastman Street, Nashua, NH. Mrs. Valente cited ongoing traffic congestion, vehicles turning around in private driveways, and issues with snow plowing contractor vehicles blocking access along Eastman Street.

Mr. Minkarah noted receipt of letters expressing concerns from Elise Lucas (4 Learned St), Isabel Bonenfant, and Colleen Valente.

SPEAKING IN FAVOR – REBUTTAL: Attorney Westgate stated that the site plan approved by the Planning Board in 2020 authorized full commercial office use for the entire first floor. He emphasized that a 415-square-foot, single-practitioner aesthetician office operating by appointment generates equal or less traffic than permitted medical, legal, or accounting offices. He added that snow storage is designated on the approved site plan and the owner will ensure contractors comply.

END OF PUBLIC HEARING, BEGINNING OF PUBLIC MEETING: Mr. Nehiley, Mr. Patry, Mr. Boucher, and Mr. Minkarah spoke in favor. Mr. Nehiley noted that the building exterior and parking layout remain unchanged, and appointment-based aesthetician services result in low vehicle turnover. He urged the owner to maintain good neighbor relations regarding snow storage along Eastman Street. Mr. Patry and Mr. Boucher agreed that a single aesthetician sees fewer clients per hour than traditional walk-in office uses. Mr. Minkarah added that South Main Street is a heavily traveled commercial corridor with mixed non-residential uses, and converting interior office rooms to personal services creates no exterior impact.

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 personal service use will be conducted entirely within an existing, approved commercial office building with no exterior or site modifications, preserving neighborhood character.

Mr. Minkarah stated that the **spirit of the ordinance would be observed** because South Main Street contains a mix of commercial and office uses, and an appointment-only personal service use generates nominal traffic that will not injure public health, safety, or welfare.

Mr. Minkarah stated that granting the variance **would do substantial justice** because the loss to the property owner of leaving approved commercial space vacant outweighs any minor, unproven concern to the public.

Mr. Minkarah stated that there is no evidence that surrounding **property values would be diminished**, given that no physical site changes are occurring.

Mr. Minkarah stated that owing to special conditions of the property, denial of the variance would result in **unnecessary hardship** because the property is an existing commercial office building situated on a heavily traveled mixed-use corridor with dual street access. Strictly prohibiting a minor personal service use within a pre-existing approved office layout is unreasonable, and there is no fair and substantial relationship between the general RA prohibition and its specific application to this commercial site. The proposed use is reasonable.

SECONDED by Mr. Nehiley.

MOTION TO APPROVE CARRIED UNANIMOUSLY 4-0.

OTHER BUSINESS:

REGIONAL IMPACT: The Board reviewed the upcoming agenda and determined that none of the proposed cases present regional impact.

MINUTES: The Board reviewed the draft minutes for the September 9, 2026 public hearing and meeting.

MOTION by Mr. Patry to approve the minutes of September 9, 2026 as presented, waive the reading, and place the minutes in the file.

SECONDED by Mr. Nehiley.

MOTION CARRIED UNANIMOUSLY 4-0.

ADJOURNMENT: MOTION by Mr. Patry to adjourn the meeting at 8:34 PM.

SECONDED by Mr. Nehiley.

MOTION CARRIED UNANIMOUSLY.

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