

EXPANDED DRAFT MEETING SUMMARY
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ZONING BOARD OF ADJUSTMENT PUBLIC HEARING AND MEETING
June 14, 2022

A public hearing of the Zoning Board of Adjustment was held on Tuesday, June 14, 2022 at 6:30 PM, both in person at City Hall and via Zoom.

Robert Shaw, Acting Chair, asked for a Roll Call.

Robert Shaw
Jack Currier, Clerk (on Zoom)
Nick Kanakis
Jay Minkarah
Efsthathia Booras

Carter Falk, Deputy Planning Manager/Zoning
Kate Poirier, Zoning Coordinator

Mr. Shaw explained the Board's procedures, saying that real-time public comment can be addressed using Zoom, or by telephone, or in person. Mr. Shaw said that real-time comments via audio will be addressed at the conclusion of the public hearing, and the public is encouraged to submit their comments for future meetings via email to the Planning Department, which is Planningdepartment@nashuanh.gov, or by mail, at P.O. Box 2019, Nashua, NH, 03061. Mr. Shaw identified the points of law required for applicants to address relative to variances and special exceptions. Mr. Shaw explained how testimony 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. The Sarah K. Zimmerman Rev. Tr. (Owner) 33 Fairmount Street (Sheet 62 Lot 192) requesting variance from Land Use Code Section 190-264 for accessory use area, 40% allowed - 62% existing - 58% proposed - to remove a 900 sq.ft boat house and replace with a new 750 sq.ft garage. RB Zone, Ward 3.**

Voting on this case:

Rob Shaw
Jack Currier, Clerk
Jay Minkarah

Nick Kanakis
Efsthathia Booras

Robert Zimmerman, 33 Fairmount Street, Nashua, NH. Mr. Zimmerman said that they put up this boat house in 1999, at the time they were doing an addition, and it's been there until this spring. He said that they have three adults and three cars, and there is three garages, one for each person. He said that they sold their boat, and bought a smaller boat, and hope to travel, and none of them will fit in the garage.

Mr. Zimmerman said that the request is to remove the old boathouse, which is 900 sq.ft, and replace it with a steel building, and it would be within the proper setbacks. He said that when they purchased the property, it came with a pool, pool house and two-car garage, and there is no reasonable way to fill in the pool, since they all use it for physical therapy every day. He said that it will be an engineered building, it will fit in with the décor of the house. He said it will not take away from the character of the house, and it will help protect their vehicles and other things to be neat, orderly and protected.

SPEAKING IN FAVOR:

No one.

SPEAKING IN OPPOSITION OR WITH QUESTIONS OR CONCERNS:

No one.

END OF PUBLIC HEARING, BEGINNING OF PUBLIC MEETING:

Mr. Minkarah said that it's a pretty odd request, with three garages on the property, two freestanding. He said that he supports it because it's making the property more conforming.

Mr. Kanakis agreed, and said that its reducing the existing overage, and it's moved out of the side yard setback more.

Ms. Booras said that she agrees, and is also in support.

Mr. Currier said that this is a step up from what it is, it's been in that situation since the late 1990s, so it's been a part of this neighborhood for a long time, and it's bringing it into

more conformity.

Mr. Shaw said that he is also in support of the application for the same reasons, it's making the property more conforming.

MOTION by Mr. Minkarah to approve the variance application on behalf of the owner as advertised. Mr. Minkarah stated that the variance is needed to enable the applicant's proposed use of the property, the applicant has satisfied that it is needed to use the property in a reasonable manner, it will make the property more conforming, and the benefit sought by the applicant cannot be achieved by some other method reasonably feasible for the applicant to pursue, other than the variance.

Mr. Minkarah said that the request is within the spirit and intent of the Ordinance.

Mr. Minkarah stated that the request will not adversely affect the property values of surrounding parcels.

Mr. Minkarah said that it is not contrary to the public interest, and substantial justice will be served.

SECONDED by Ms. Booras.

MOTION CARRIED UNANIMOUSLY 5-0 BY VERBAL ROLL CALL VOTE OF THE MEMBERS.

2. Javier Guitron, Jr. (Owner) Jocelyn Guitron (Applicant) 11 Seminole Drive (Sheet B Lot 364) requesting special exception from Land Use Code Section 190-47 (B) for a major home occupation for an in-home physical therapy business. R9 Zone, Ward 1.

Voting on this case:

Rob Shaw
Jack Currier, Clerk
Jay Minkarah
Nick Kanakis
Efsthathia Booras

Jocelyn Guitron, 11 Seminole Drive, Nashua, NH. Mrs. Guitron said that she'd like to practice in her home. She said that there will be no new construction, and it will not change the

residential nature of the neighborhood, nor will it obstruct any traffic, as it is by appointment only, and they can park in the driveway. She said that she is a licensed physical therapist in NH, and she identified the job functions she would perform.

Mr. Currier asked if she would be the only physical therapist, or if she would have any employees.

Mrs. Guitron said she will be the only one. She said that she hopes to also practice in patients homes as well.

Mr. Kanakis asked about ten special criteria, and asked if they would be adhered to.

Mr. Shaw read the special criteria for a major home occupation.

Mrs. Guitron said that she will meet all of them. She said that she will meet the sign criteria, with only the owners name and address, and it would be two square feet instead of the 2'x2' sign that she mentioned in the application.

SPEAKING IN FAVOR:

No one.

SPEAKING IN OPPOSITION OR WITH QUESTIONS OR CONCERNS:

No one.

END OF PUBLIC HEARING, BEGINNING OF PUBLIC MEETING:

Mr. Kanakis said that he is in favor of the application, it is a minimal change to the property.

Ms. Booras said that she is in support.

Mr. Currier said that he is in support of the application, and by the nature of the business, you can only have one client at a time, and it is an appointment driven business, and the owner has been in this business for a while, and it should run smoothly.

Mr. Minkarah stated that he is in support.

Mr. Shaw said that he is also in support.

MOTION by Mr. Kanakis to approve the special exception application on behalf of the owner as advertised. He said that it is listed in the Table of Uses, Section 190-47 B.

Mr. Kanakis said that the use will not create undue traffic congestion or unduly impair pedestrian safety, as the business will be only one client at a time, by appointment only

Mr. Kanakis said that it will not overload public water, drainage or sewer or other municipal systems.

Mr. Kanakis stated that all special regulations are met.

Mr. Kanakis stated that it will not impair the integrity or be out of character with the neighborhood or be detrimental to health, morals or welfare of residents.

SECONDED by Mr. Minkarah.

MOTION CARRIED UNANIMOUSLY 5-0 BY VERBAL ROLL CALL VOTE OF THE MEMBERS.

3. Justin M. & Pamela Reardon (Owners) 11 April Drive (Sheet A Lot 413) requesting variance from Land Use Code Section 190-31, to encroach 20 feet into the 20 foot required front yard setback (on Dudley Street) to replace an 8'x12' shed with a new 8'x12' shed. RA Zone, Ward 7.

Voting on this case:

Rob Shaw
Jack Currier, Clerk
Jay Minkarah
Nick Kanakis
Efstathia Booras

Justin Reardon, 11 April Drive, Nashua, NH. Mr. Reardon said that they purchased the house 21 years ago, and the shed was there already. He said that the pictures he submitted shows the sheds age. He said that they simply wish to replace it in the same location, and the same size. He said that it would be a Reeds Ferry Shed. He said that they looked into just repairing the shed, but it would cost several thousand dollars more than the cost of a new shed.

Mr. Currier asked if there was a possibility of having it be more in conformance with the setback, and asked if there is a topography challenge.

Mr. Reardon said that it's a small corner lot, and putting the shed to meet setbacks is not feasible, as it would sit on an angle. He said that the proposed location is the best location on the yard for it.

SPEAKING IN FAVOR:

No one.

SPEAKING IN OPPOSITION OR WITH QUESTIONS OR CONCERNS:

No one.

END OF PUBLIC HEARING, BEGINNING OF PUBLIC MEETING:

Ms. Booras said that she is in favor of the application, the placement of the shed is fine, and it doesn't seem feasible to repair the shed.

Mr. Currier said that the shed has been there over 21 years, and it's part of the neighborhood, and per testimony, it is a step up to replace it with a new Reeds Ferry Shed.

Mr. Minkarah said that he supports the application, and it is a small corner lot, and there is a small hill in the yard that would make it challenging to site it elsewhere on the lot. He said that the neighborhood has several sheds that are right on the property line.

Mr. Kanakis said that he is in support.

Mr. Shaw said that he is also in support, and once all the setbacks are met, especially two front yard setbacks, the shed would be almost in the middle of a fairly small back yard, also, it's been a long-standing use with no previous objections.

MOTION by Mr. Kanakis to approve the variance application on behalf of the applicant as advertised. Mr. Kanakis stated that the variance is needed to enable the applicant's proposed use of the property, given the special conditions of the property, it

is a small corner lot with some topography challenges, and the benefit sought by the applicant cannot be achieved by some other method reasonably feasible for the applicant to pursue, other than the variance.

Mr. Kanakis said that the request is within the spirit and intent of the Ordinance.

Mr. Kanakis stated that the request will not adversely affect the property values of surrounding parcels, and a new shed may be an improvement to property values.

Mr. Kanakis said that it is not contrary to the public interest, and substantial justice will be served.

SECONDED by Ms. Booras.

MOTION CARRIED UNANIMOUSLY 5-0 BY VERBAL ROLL CALL VOTE OF THE MEMBERS.

4. **Norman G. Duchesne & Pamela L. Cadieux (Owners) 40 Richmond Street (Sheet F Lot 256) requesting variance from Land Use Code Section 190-264 for accessory use area, 40% allowed - 58% proposed - to construct an attached 16'x24' addition on back of existing detached garage. R9 Zone, Ward 1.**

Voting on this case:

Rob Shaw
Jack Currier, Clerk
Jay Minkarah
Nick Kanakis
Efstathia Booras

Norman Duchesne, 40 Richmond Street, Nashua, NH. Mr. Duchesne said that they want an addition onto the back of their garage to replace a temporary structure that has been there for a few years. He said that he has a lot of lawn equipment, and patio furniture, and needs the space. He said that it would be behind the garage, and would meet the setbacks.

SPEAKING IN FAVOR:

No one.

SPEAKING IN OPPOSITION OR WITH QUESTIONS OR CONCERNS:

No one.

END OF PUBLIC HEARING, BEGINNING OF PUBLIC MEETING:

Mr. Currier said that he feels that it meets the criteria, he said that you wouldn't see it from the street, and you don't see the temporary structure from the street. He said none of the abutters have any concerns, and is in support.

Mr. Minkarah said that he supports the application, and it does not appear to be any opposition from the neighbors, and the overall size of the structure is large, but is not an unreasonable use of the property.

Mr. Kanakis agreed, and is in support of the application.

Ms. Booras said that she is in support for all the reasons previously stated.

Mr. Shaw said that he is finding support for the application as well.

MOTION by Mr. Kanakis to approve the variance application on behalf of the applicant as advertised. Mr. Kanakis stated that the variance is needed to enable the applicant's proposed use of the property, given the special conditions of the property, it is a smaller lot with a detached garage, and the benefit sought by the applicant cannot be achieved by some other method reasonably feasible for the applicant to pursue, other than the variance.

Mr. Kanakis said that the request is within the spirit and intent of the Ordinance.

Mr. Kanakis stated that the request will not adversely affect the property values of surrounding parcels, it does not appear to be visible from the street.

Mr. Kanakis said that it is not contrary to the public interest, and substantial justice will be served.

SECONDED by Mr. Minkarah.

MOTION CARRIED UNANIMOUSLY 5-0 BY VERBAL ROLL CALL VOTE OF THE MEMBERS.

5. Joseph M. & Wendy L. Schumann (Owners) 9-11 Demanche Street (Sheet 105 Lot 59) requesting variance from Land Use Code Section 190-17 (E) (1) to exceed maximum driveway width, 24 feet permitted, one 13' gravel driveway existing on west side of lot to remain as is, one 20' paved driveway on east side of lot for existing width of 33 feet - requesting to widen driveway on east side of lot to 22 feet for a total width of 35 feet. R9 Zone, Ward 6.

Voting on this case:

Rob Shaw
Jack Currier, Clerk
Jay Minkarah
Nick Kanakis
Efsthathia Booras

Joseph and Wendy Schumann, 9-11 Demanche Street, Nashua, NH. Mr. Schumann said that it is a two-family home. Mrs. Schumann said that they'd like their driveway repaved, as it is old and has cracks and oil stains. She said that they requested to have two extra feet paved, but if it's an issue with the Board, they don't have to.

Mr. Schumann said that their contractor mentioned going two feet wider, he said that they don't necessarily need it but it would be nice in winter to snow blow the driveway. He said that the adults have two cars each, and no room for anything else.

Mr. Kanakis asked on what side the two feet would be added.

Mr. Schumann mentioned the left side, the bricks at the road would stay the same, the width would be the same.

SPEAKING IN FAVOR:

No one.

SPEAKING IN OPPOSITION OR WITH QUESTIONS OR CONCERNS:

No one.

END OF PUBLIC HEARING, BEGINNING OF PUBLIC MEETING:

Mr. Minkarah said that he supports the application, and the request to widen the existing driveway is clearly necessary, the additional two feet is reasonable for a two-family home, there are a lot of vehicles, and 20 feet wide is challenging for two cars parked side-by-side.

Mr. Kanakis said that he is in support of the application, for all the reasons Mr. Minkarah spoke to.

Ms. Booras said that she is in support.

Mr. Currier said that he is in support.

Mr. Shaw said that he is also in support for all the reasons stated.

MOTION by Mr. Kanakis to approve the variance application on behalf of the applicant as advertised. Mr. Kanakis stated that the variance is needed to enable the applicant's proposed use of the property, given the special conditions of the property, and due to the size of the driveway, it is tight for use of the property as a two-family residence, and the benefit sought by the applicant cannot be achieved by some other method reasonably feasible for the applicant to pursue, other than the variance.

Mr. Kanakis said that the request is within the spirit and intent of the Ordinance.

Mr. Kanakis stated that the request will not adversely affect the property values of surrounding parcels, it will improve the look of the property.

Mr. Kanakis said that it is not contrary to the public interest, and substantial justice will be served.

SECONDED by Mr. Minkarah.

MOTION CARRIED UNANIMOUSLY 5-0 PER VERBAL ROLL CALL.

6. **James A. Cooper & Connor Feathers (Owners) 302-A & 302-B Pine Street (Sheet 102 Lot 179) requesting variance from Land Use Code Section 190-17 (E)(1) to exceed maximum**

driveway width, 24 feet permitted, no pavement existing, 48 feet proposed for a duplex/condex, where each unit is requesting 24 feet in width. RB Zone, Ward 6.

Voting on this case:

Rob Shaw
Jack Currier, Clerk
Jay Minkarah
Nick Kanakis
Efstathia Booras

Connor Feathers, 302-B Pine Street, Nashua, NH & Heather Clark, 302-A Pine Street, and James Cooper, 302-A Pine Street, on Zoom, Nashua, NH. Mr. Feathers said that they are requesting to have 48 feet of driveway width, 24 feet to each condex. He said that the property is zoned as a single property but each half of the building operates independently, each unit looks different on the front. He said that 24 feet would be insufficient for the whole, it would only be 12 feet per condex, it would only be comfortable for one car each. He said that it would be much more visually appealing if there were the two driveways. He said that the current driveway is a mixture of dirt and grass. He said that since it has an uneven surface, it is very difficult to shovel, and a driveway would make it much easier to clear the snow off the property, and it would be less of a slipping hazard, and it would be more comfortable for parking.

Ms. Clark said that Mr. Cooper has lived there for about 20 years, and a paved driveway would be much more aesthetically pleasing to the eye in the neighborhood, as it is dirt and weeds, and Mr. Cooper would keep the grass on the left side of the driveway along the fence line, and it would be more appealing to the neighborhood.

Mr. Cooper said that they've gone back and forth on the design of the driveway. He said that he doesn't really want the unpaved section in the middle of the two driveways. He said that he doesn't want a trip hazard, and having that middle section unpaved would be problematic for the lawnmower. He said that Mr. Feathers has four cars in his area, and his girlfriend just moved in too, and he has a motorcycle, he said that having only 12 feet per side is just not enough.

Mr. Shaw said that there are two submitted drawings with the application, and asked if they now want 48 feet of continuous

pavement.

Mr. Feathers said that they submitted two drawings in the application, one has a gap in the middle that is about 8 feet wide. He said that from the centerline of the house, Mr. Cooper would like to have all of that paved, so that there is no separation in the front, there would be no tripping hazard.

Mr. Shaw said that the thought of having the 48 feet of continuous pavement would look like a massive small parking lot, versus two 24-foot driveways separated by some amount of grass, and keeping them apart is a more appealing solution aesthetically.

Mr. Feathers said that the reason they submitted two drawings was to allow for discussion on this matter. He said that they'd like it paved, and want to do it in satisfaction from the Board.

Mr. Shaw said that the two submitted drawings show amounts of grass in the middle, and it seems like now the Board is hearing that they are proposing a third drawing which would be a complete continuous pavement.

Mr. Cooper said that they don't really have to have the full 48 feet, and they don't want the gap in the middle, because it is an eyesore now, it's just weeds and dirt and sand and gravel mixed together, and it would be an ugly spot that each owner would have to tend to half of it. He said that he doesn't want to tend to a four foot section where the stairway is. He said that he wants whatever he can get for his side, and wants his driveway to be in line with his half of the property going left, that is 24 feet from the edge of the stairs, or the middle of the property line, to the edge of his unit, that is the 24 feet that he wants paved. He said that he wants to come from the middle point out, and does not want to tend to the four foot section of dirt, grass and weeds in the middle, because people will park there anyways. He said that no matter what, he wants to put the driveway from the middle out, and after the front yard setback, would have it get wider towards the side. He said that he has three cars and a motorcycle now, and does not want to deal with the middle section, having to deal with the dirt, weeds and gravel. He said that this portion of Pine Street has a slight downgrade, so everything rolls downhill, and it goes towards the 302-B side, so all the drainage and all the runoff, all the water, will pool in between the two driveways, or it

will run down his side.

Mr. Feathers said that he has the other drawing, and submitted it to the Board.

Ms. Clark said that for the runoff, there is a concern that it will cause damage to the driveway on 302-B.

Mr. Feathers said that the paving company told them it would make more sense to have the two driveways connected rather than having a small gap between, and often times the snow gets piled in the center.

Mr. Cooper said that the owner of Stans Paving talked to someone in DPW, who ok'd the driveway with no gap, and the day they came out to do the paving, another person told them that they were too close to the stop sign, but Planning Staff said that the stop sign issue was not an issue, and told them that it is not a corner lot and the stop bar is not an issue, and it has no relevance to the case.

Mr. Feathers said that of the three drawings, they said that they would be in favor of the Board disapproving one, rather than disapproving the whole variance, and if there is a drawing that meets the land use law, they are open to suggestions.

Mr. Currier asked how long this structure has been a condex for.

Mr. Cooper said he is not 100% sure, he said that he bought the property in 2000, and the building was built in 1984, so his best guess was in 2000.

Mr. Minkarah said that one of the drawings showed a 20 foot driveway for 302-A, and the one for 302-B is 24 feet wide, and asked if that is a no.

Mr. Feathers said that drawing was an option to extend the driveway on 302-B, but it could also be 20 feet.

Mr. Kanakis asked if there is a consideration to doing a 24-foot driveway for the first 10 feet, and then widening it.

Mr. Feathers said that was originally proposed, with how the parking works in the front, that would leave about one car parked per unit on the driveway, and then the other car would be

parked off on the dirt, and it would look weird.

Mr. Cooper said it would be much less visually attractive, but as it sits now, we are parking 8 cars and a motorcycle there, there just isn't any pavement.

SPEAKING IN FAVOR:

No one.

SPEAKING IN OPPOSITION OR WITH QUESTIONS OR CONCERNS:

No one.

END OF PUBLIC HEARING, BEGINNING OF PUBLIC MEETING:

Mr. Kanakis said that he is struggling to find support for this one, 48 feet seems massive for a driveway in this neighborhood, and there may be other solutions to this issue, rather than having this much pavement.

Ms. Booras said that she is also struggling with this one.

Mr. Currier said that he's struggling with the application too, and certainly empathizes with the applicant having a lot of vehicles and a motorcycle, but that is not the criteria that the Board is considering, the Board considers situations like this for the lot size, not the applicants number of vehicles they possess at any one time. He said that he is struggling with the 48 feet, and sees that some driveway relief is warranted on the lot but not 48 feet, it will look out of character with the neighborhood, and cannot guess what relief is needed, but what is in front of us is 48 feet and that does not meet the criteria.

Mr. Minkarah said that he agrees with Mr. Currier, in that he could find his way towards supporting some relief, given that this is an unusual situation, but cannot see 48 feet, and certainly not in one contiguous parking lot. He said that he is not comfortable with the multiple choice, we've been given three options and pick one, he said that he is not comfortable with 48 feet in general, and certainly not comfortable with the lack of separation.

Mr. Shaw said that he is in the same spot, and definitely is not

comfortable with the continuous 48 feet. He said that in looking at the lot, especially from an aerial view, the lot is wider than a lot of the other lots nearby, and some relief may be potentially reasonable and warranted, but it is a little difficult at this point with what has been presented with the multiple options.

Mr. Currier said that he appreciates the applicant's testimony about wanting to keep away from the stop sign, and didn't come upon that as a potential issue, but thought that a driveway on the right side and the left side where you could extend it back, as it's a deep property and they have a lot of space there.

Mr. Shaw asked if the Board is thinking of tabling this application, and having the applicant come back with something that is more certain.

Board members expressed support for having the applicant come back up and discuss tabling the request.

MOTION by Mr. Shaw to re-open the Public Hearing to see if the applicant is open to tabling the request.

SECONDED by Ms. Booras.

MOTION CARRIED UNANIMOUSLY 5-0 TO RE-OPEN THE PUBLIC HEARING.

Mr. Shaw asked Mr. Feathers if he is interested in possibly coming back with a modified proposal with a single proposal.

Mr. Feathers said that he would be interested in a tabling.

Mr. Cooper said that he is interested in tabling the request.

PUBLIC HEARING CLOSED, RETURNING TO PUBLIC MEETING:

Mr. Shaw said it would go to the July 12th meeting.

Mr. Falk suggested the July 12th meeting.

MOTION by Mr. Shaw to table the variance application on behalf of the applicant as advertised, to the July 12, 2022 meeting. He said that the issue of multiple options presented to the Board, the Board's concerns about having a full 48 feet that the applicant will reconsider if there is a different proposal that

they will bring back to the Board.

SECONDED by Ms. Booras.

MOTION CARRIED UNANIMOUSLY 5-0 BY VERBAL ROLL CALL VOTE OF THE MEMBERS.

7. Robert J. & Nicole Schwartz (Owners) 19 Brookline Street (Sheet 64 Lot 154) requesting the following variances: 1) from Land Use Code Section 190-16, Table 16-3, to encroach 18 feet into the 25 foot required front yard setback (on Gordon Street) to construct an attached single-story 12'x20'-8" garage addition; and, 2) from Land Use Code Section 190-17 (E)(2) to construct new driveway within approximately 25 feet of the intersection of Brookline Street and Gordon Street, minimum of 50 feet required, while eliminating existing driveways on Manchester Street and Gordon Street. RA Zone, Ward 2.

Voting on this case:

Rob Shaw
Jack Currier, Clerk
Nick Kanakis
Efsthathia Booras

Nicole Schwartz, 19 Brookline Street, Nashua, NH. Mrs. Schwartz said that they have little children, and is concerned about the safety in getting in and out of the driveway. She said that the plan is to eliminate the two driveways, so there will be a safer place to get kids in and out of the car, on much safer Brookline Street, where the front of the house is. She said that the other variance is for the garage addition, so it would go from a single garage to a two-car garage. She said it will be safer all the way around, as the existing driveways are very busy, especially with St. Christopher's traffic and other drivers cutting through.

Mr. Minkarah asked if the existing driveways do not comply.

Mr. Falk said that they don't, they're within the 50 feet to an intersection. He said that with this request, they would be taking away two non-conforming driveways, and it would be a safer situation.

Mrs. Schwartz said that she has been told that they don't comply.

SPEAKING IN FAVOR:

Mr. Shaw read an email from Michael Richards, 17 Brookline Street, Nashua, NH, in support.

SPEAKING IN OPPOSITION OR WITH QUESTIONS OR CONCERNS:

No one.

END OF PUBLIC HEARING, BEGINNING OF PUBLIC MEETING:

Mr. Currier said that overall, he is in support of the application, he said that most drivers don't drive the speed limit on Manchester Street, and while this is a big ask, the application is a step up and it's an improvement from what is there. He said the two-car garage is typical for the neighborhood, there is an encroachment there, but they've thought through the plan and it won't look out of place and it meets the criteria.

Mr. Minkarah said that he agrees. He said that a two-car garage is reasonable and it is consistent with the neighborhood, and they have street frontages on three sides of this lot, it's unique in that sense, and the driveways that are there now are nonconforming, and this would greatly improve the situation.

Mr. Kanakis said that he is in support, they're taking two nonconforming driveways away, into one new nonconforming driveway, but it will be much safer, and it's a double-corner lot.

Mr. Shaw said that he is in support as well, but this meets the spirit and intent of the ordinance, and it is in the public interest, as it benefits everyone especially with the safety issue, and the property does have three frontages, and this will be a positive to the community from a safety perspective, and for the homeowner too, it all makes sense, and the garage addition is a normal reasonable request.

Ms. Booras stated that she is in support of the application as well.

MOTION by Mr. Kanakis to approve the variance application on behalf of the applicant as advertised. Mr. Kanakis stated that the variance is needed to enable the applicant's proposed use of the property, given the special conditions of the property, being that it has frontage on three sides, and has two non-conforming driveways, and the benefit sought by the applicant cannot be achieved by some other method reasonably feasible for the applicant to pursue, other than the variance.

Mr. Kanakis said that the request is within the spirit and intent of the Ordinance.

Mr. Kanakis stated that the request will not adversely affect the property values of surrounding parcels, it will fit in the character of the neighborhood.

Mr. Kanakis said that it is not contrary to the public interest, and substantial justice will be served.

SECONDED by Mr. Minkarah.

Mr. Shaw said that the extra 12-foot width of the garage is not unreasonable to ask for.

MOTION CARRIED UNANIMOUSLY 5-0 BY VERBAL ROLL CALL VOTE OF THE MEMBERS.

MISCELLANEOUS:

REHEARING REQUESTS:

None.

REGIONAL IMPACT:

The Board did not see any cases of Regional Impact.

MINUTES:

5-24-2022:

Mr. Currier said that for Case #4, the Town of Stow should be spelled Stow, not Stowe.

Mr. Falk said that staff will make the appropriate change.

MOTION by Mr. Minkarah to approve the minutes, with the correction, waive the reading, and place the minutes in the permanent file.

SECONDED by Mr. Kanakis.

MOTION CARRIED UNANIMOUSLY 5-0 BY VERBAL ROLL CALL OF THE VOTING MEMBERS.

ADJOURNMENT:

MOTION by Mr. Kanakis to adjourn the meeting at 8:19 p.m.

Submitted by: Mr. Currier, Clerk.

CF - Taped Hearing

DRAFT