

ZONING BOARD OF ADJUSTMENT PUBLIC HEARING AND MEETING
July 12, 2022

A public hearing of the Zoning Board of Adjustment was held on Tuesday, July 12, 2022 at 6:30 PM, both in person at City Hall and via Zoom.

Steve Lionel, Vice Chair, asked for a Roll Call.

Steve Lionel, Vice Chair
Jack Currier, Clerk
Robert Shaw
JP Boucher
Jay Minkarah

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

Mr. Lionel explained the Board's procedures, saying that real-time public comment can be addressed using Zoom, or by telephone, or in person. Mr. Lionel 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. Lionel identified the points of law required for applicants to address relative to variances and special exceptions. Mr. Lionel 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. 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 duplex/condex, where each unit is requesting 24 feet in width. RB Zone, Ward 6. [TABLED FROM 6-14-2022 MEETING].**

Voting on this case:

Steve Lionel
Jack Currier
Rob Shaw

JP Boucher
Jay Minkarah

Connor Feathers, 302-B Pine Street, Heather Clarke, 302-A Pine Street, Nashua, NH. Mr. Feathers said that they are really acting like two separate properties, they'd like 40 feet of driveway width, which would be split up with 24 feet for 302-A and 16 foot section for 302-B. He said that they've altered the design from the first meeting, and now it looks less like a parking lot, and now it will look like two individual driveways.

Mr. Feathers said that they've talked to their abutters, and they're all in support of the design.

Ms. Clarke said that they've submitted photos of the surrounding neighborhood, as well as a drawing with the revised proposal. She said it will look a lot better, and there are a lot of properties nearby with larger driveways, as shown in the photos.

Mr. Shaw asked about the jog in the driveway at 302-B. He asked to confirm it is 16 feet at the curb, and then widens out, or 16 feet partly on the jog.

Mr. Feathers said that from the drawing it is 16 feet that is directly touching the road, and there is a telephone pole, which prevents making the driveway go wider. He said that he wants 20 feet, but cannot move the pole, so it will be 20 feet after the telephone pole.

Mr. Shaw said that it's really 24 feet on the left side, and 20 feet on the right side.

Mr. Lionel said that the width requirement is measured for the full front yard setback from the street.

Mr. Falk said that the driveway at 302-A is 24 feet. He said that the 302-B driveway, while it is 16 feet as it meets the public paved right-of-way, there is a phone pole, but just north of the pole, the driveway is 20 feet, so the driveway would be 20 feet wide. He said that their revision is less than what was advertised.

Mr. Currier asked if they would ever be using that front corner, as parking would most likely be on the right hand side, and wondered if they would just swoop it out.

Mr. Feathers said that he currently parks two cars there, and would need slightly beyond the 10 foot setback to have all four tires on it. He said that when the paving is done, the edges will be smoothed out.

SPEAKING IN FAVOR:

Peter Maccini, 1080 West Hollis Street, Nashua, NH. Mr. Maccini said that he is in support for the proposal. He said that the utility company will relocated the pole if he asks.

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, the changes made from the last time we saw this are a significant improvement, there are two distinct properties, with the condex scenario, so for each to have its own driveway, each of which would comply with the driveway requirements if they were separate lots, is reasonable.

Mr. Shaw said that he is in support.

Mr. Boucher said that he is in support.

Mr. Currier said that he is in support as articulated by Mr. Minkarah.

Mr. Lionel said that he is also in support.

MOTION by Mr. Shaw to approve the variance application on behalf of the owner as advertised. Mr. Shaw stated that the variance is needed to enable the applicant's proposed use of the property, given the special conditions of the property, this is a condex arrangement with two separate dwellings, and the request is what the City normally allows for a single-family home, and it is consistent with that.

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

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

Mr. Shaw said that it is not contrary to the public interest, and substantial justice will be served. He said that the applicant's modified plan separating the pavement does create the appearance of two distinct and separate driveways, and the motion is to support a 44 foot allowance, the original request was for 48 feet, and it would be 24 feet for 302-A and 20 feet for 302-B.

SECONDED by Mr. Boucher.

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

2. **Jeanne F. McGuinness Rev. Trust (Owner) 38 Sanborn Drive (Sheet E Lot 458) requesting variance from Land Use Code Section 190-16, Table 16-3 to encroach 8 feet into the 30-foot required rear yard setback to construct an attached 14'x16' family room addition. R9 Zone, Ward 1.**

Voting on this case:

Steve Lionel
Jack Currier
Rob Shaw
JP Boucher
Jay Minkarah

Jeanne McGuinness, 38 Sanborn Drive, Nashua, NH. Mrs. McGuinness said that the family is growing, and want to have a family room on the back of the house, and has a fenced-in backyard, there was a patio there. She said it would be a four-season room. She said that it is 40 feet from the back of the house to the fence, and this will be 16 feet out, so the encroachment would be 6 feet. She said that all the neighbors have been contacted and they are all ok. She said that the house is a ranch house. She said that John Forcier would be doing the construction.

Mr. Boucher said that the application is for an 8 foot encroachment.

Mrs. McGuinness said that it should be 6 feet, not 8 feet.

Mr. Currier said that on the plan, it shows a 14'x16' addition, perhaps it was drawn by hand, but the 14'x16' looks like it's reversed.

Mrs. McGuinness said that it is reversed. She said she wants it 14 feet wide, and 16 feet deep.

Mr. Currier asked if there was any consideration for trying to reduce the depth and increase the width.

Mrs. McGuinness said that it would block a window, so that is why it has to be 14 feet wide.

SPEAKING IN FAVOR:

Peter Maccini, 1080 West Hollis Street, Nashua, NH. Mr. Maccini said that R9 is somewhat tight, and the addition is needed for space for their family.

SPEAKING IN OPPOSITION OR WITH QUESTIONS OR CONCERNS:

No one.

END OF PUBLIC HEARING, BEGINNING OF PUBLIC MEETING:

Mr. Shaw said that he is in support, there is not a lot of room to work with here, the family room proposed is a reasonable size, it's not excessively large, and there is a limitation of a window there, and it's a reasonable use, neighbors are supportive, and it's a limited encroachment.

Mr. Boucher said that he is in support.

Mr. Currier said he was initially concerned, but with the window, it explains the proposed shape.

Mr. Minkarah said that he is in support, as it is a fairly small lot, granted that it has that in common with all the other lots in the neighborhood, and it does appear that no matter what they want, there would be a setback encroached upon in some way. He said that overall, it's a modest house, the addition proposed is fairly modest, and there is no way to add onto this house without needing relief in some way, and the proposed dimensions are pretty modest, and to get any smaller, it wouldn't make

sense, and is in support of the application.

Mr. Lionel said that he is in support of the application as the encroachment is relatively minor, given the distance between the house and the rear.

MOTION by Mr. Shaw to approve the variance application on behalf of the owner as advertised. Mr. Shaw stated that the variance is needed to enable the applicant's proposed use of the property, given the special conditions of the property, primarily to add on a reasonable amount of living space to the property, it appears that there will be a need to go into one of the setbacks, short of perhaps doing a ten foot deep addition across the full back of the house, which would block at least one window, and perhaps other windows, and sees like an unreasonable way to add some living space, where the request is for a fairly modest 6 foot encroachment, even though it was advertised for 8 feet.

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

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

Mr. Shaw said that it is not contrary to the public interest, and substantial justice will be served, and there is support from the neighbors, including the rear neighbor.

SECONDED by Mr. Boucher.

Mr. Currier said that the motion should be for 6 feet.

Mr. Shaw said that the advertisement was for 8 feet, but the actual approval is for a 6 foot encroachment.

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

3. Property Possible, Inc. (Owner) 49 Buckmeadow Road (Sheet C Lot 18) requesting special exception from Land Use Code Section 190-115 to work in the 75-foot prime wetland buffer of Old Ridge Road Wetlands and in a 40-foot critical wetland buffer to construct an 11-unit residential conservation subdivision development, along with associated

improvements. R40 Zone, Ward 5.

Voting on this case:

Steve Lionel
Jack Currier
JP Boucher
Rob Shaw
Jay Minkarah

Tom Zajac, (on Zoom) Hayner Swanson, Inc., 3 Congress Street, Nashua, NH. Mr. Zajac said that they are seeking a special exception to disturb approximately 92,518 square feet of wetland buffer area associated with a proposed 10-unit project. He said that it is roughly a 10-acre site, located in the R40 Zone, abutted by residential uses to the north, east and south and west.

Mr. Zajac said that a majority of the site is currently developed as existing lawn areas, there is an existing single-family dwelling on the northeast portion of the property. He said that in the rear of the property, there are a number of outbuildings, sheds, trailers and materials stockpiled associated with a tree service business. He said that the house is serviced by a private septic system, well and propane.

Mr. Zajac stated that for the wetlands, they were flagged by a Certified Wetland Scientist, and the property was surveyed by Hayner Swanson. He said that there is a large wetland area along the westerly portion of the site, that is associated with the Old Ridge Road prime wetlands. He said that it is pretty well defined and there is a drainage ditch that extends along the back portion of the property, and those are a 75-foot buffer, additionally, there is a farm pond, and two small fingers of wetland that extend on the site by the northerly property line, that have been determined to not meet the prime wetland buffer, and they are considered to be a 40-foot critical wetland buffer.

Mr. Zajac indicated that they intend to construct ten single-family detached homes, to be known as Buckmeadow Estates. He said that it would be a conservation subdivision, covered under Section 190-40. He said that the units will be on one common lot, under a condominium form of ownership, and open space will be maintained by the association. He said that access to the

site will be provided by a new 400-foot private street, it will be roughly the same location as the existing southerly driveway is today.

Mr. Zajac said that the new homes will be serviced by an on-site private septic systems, and Pennichuck will extend water down from the intersection of Buckmeadow Road and Ridge Road, about 1,000 feet to the south. He said that it will have on-site propane and underground electric as well.

Mr. Zajac said that they believe the highest and best use is what is proposed. He said that the land is zoned residential, and there is a critical housing shortage in the City, and very careful consideration has been made to design the project which balances the increase in density, while also protects the wetland areas and natural resources on the site, by working with the existing topography, and trying to keep the proposed development area focused on the northerly and easterly portions of the site. He said that they would disturb about 92,518 square feet of wetland buffer area as shown on the plan. He said that there are no direct wetland impacts, just buffers. He said that the vast majority of the buffer impacts are related to the restoration and revegetation of previously disturbed buffer areas, specifically in the rear portion of the site. He said that they would remove a trailer, sheds and materials stockpiled in the buffer, and removal of existing gravel drives, that will all be graded, re-loamed and seeded with conservation seed mixes, and these buffer areas will be vegetated. He said that wetland posts and plaques will be installed to ensure that these areas will be protected.

Mr. Zajac said that they spend a lot of time with the Conservation Commission, and appreciates their help and guidance to have something that will work for all parties. He said that they meet all the special exception nine points of law, and went over them to the Boards satisfaction. He said that item 1B from the Conservation Commissions letter of approval should be further clarified, the wording as written accidentally omits some text, it reads that all wetland buffer areas remain, where the intent was to say that all wetland buffer areas remain in their natural state upon completion of the proposed restoration.

Mr. Currier said that the application is for eleven units, and just wanted clarification that there would be ten units.

Mr. Zajac agreed, and all the other numbers relative to buffer impacts have been adjusted accordingly.

SPEAKING IN FAVOR:

No one.

SPEAKING IN OPPOSITION OR WITH QUESTIONS OR CONCERNS:

Lisa Law, 25 Pelham Street, Nashua, NH. Mrs. Law said that it was stated that the city has a home deficiency, and asked how many of the ten units will be for affordable housing. She also asked if they considered the animals that live in the wetlands, and how much wetland is lost with this construction and also the past 20 years.

Lawrence Artz, 7 Fountain Lane, Nashua, NH. He said that he also owns 48 Buckmeadow Road. He said that his concern is that the driveway of the property is right after the hill, where a lot of vehicles come down, and it is extremely difficult to pull out of the driveway safely. He said that he is also concerned about the groundwater with this new development.

SPEAKING IN FAVOR - REBUTTAL:

Mr. Zajac said that their application is for a special exception to work in a wetland buffer, and said that a lot of the concerns raised were not related to the application, and a lot of the traffic concerns are more appropriate for the Planning Board. He agreed that Buckmeadow can be a challenging road, and the new Middle School is under construction as well, and they do not believe that their project will significantly impact the roadway in a negative manner.

SPEAKING IN OPPOSITION OR WITH QUESTIONS OR CONCERNS - REBUTTAL:

Mr. Artz said that he disagrees with the access road, and said that the traffic is difficult here, and the topography is tough, and is concerned with cars pulling out.

Mr. Lionel said that traffic is more of a Planning Board issue, the Zoning Board is only considering the wetland buffer impacts.

END OF PUBLIC HEARING, BEGINNING OF PUBLIC MEETING:

Mr. Boucher said that he is in favor of the application, this is

a common request before the Board, and the work proposed is only in the buffer, not in the wetlands. He said that the property will be left in better condition than it was found. He said he understands the concerns about the driveway and traffic, but that is not what the Zoning Board is to decide on.

Mr. Currier said that he is in support. He said that there are no wetland impacts, and the wetlands here were created by the previous owner, and the buffers in their current state are not doing much good for the habitat of the wildlife, as they are in bad shape, and if this plan goes forward, they will be stable and will be a better environment for the habitat and vegetation. He said that the proposed driveway is in the ideal spot, but that's not before us tonight.

Mr. Minkarah said that he is in support, it's a developed property and the impacts are almost entirely within areas that are already developed, and there are several out buildings that will be removed.

Mr. Shaw said he is in support also. He said he has concerns about the road, especially with the new Middle School. He said that he sees the proposal as a net positive with the restoration and revegetation of the wetland buffers.

Mr. Lionel said that he is in support, it is a net improvement to the property, and the current conditions are not amenable to wildlife, and the wetlands work will improve the buffer and improve the quality of the wetlands.

MOTION by Mr. Boucher to approve the special exception application on behalf of the applicant as advertised. Mr. Boucher said that it is listed in the Table of Uses, Section 190-115.

Mr. Boucher said that it will not create undue traffic congestion or unduly impair pedestrian safety.

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

Mr. Boucher said that all special regulations are fulfilled.

Mr. Boucher said 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.

Mr. Boucher said that that per testimony, the Conservation Commission recommended approval of this case on July 5, 2022. He said there were seven special conditions, and wants to amend one stipulation as stipulated by the applicant, 1b, to state that the buffer areas remain in their natural state after restoration, as attested to by Mr. Zajac.

SECONDED by Mr. Shaw.

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

4. Peter H. Maccini (Owner) 1080 West Hollis Street (Sheet D Lot 41) requesting variance from Land Use Code Section 190-264 for accessory use area, 40% allowed, 75% existing - 164% proposed, to construct an attached one-story 34'x34' garage addition on the rear of existing detached garage. R30 Zone, Ward 5.

Voting on this case:

Steve Lionel
Jack Currier
JP Boucher
Rob Shaw
Jay Minkarah

Peter Maccini, 1080 West Hollis Street, Nashua, NH. Mr. Maccini said that when he bought the lot, it had a lot of land and it was in a great state of disrepair, and was foreclosed by the previous owner. He said that he and his wife have redone the whole house as time has gone on. He said that he's recently retired, and his hobby is classic car collecting and restoration of them. He said that a lot of his vehicles are out in the weather now.

Mr. Maccini said that his intention is to build a foundation, and has a 34'x34' space to build the garage on. He pointed out his drawing to the Board that shows where the garage would go. He said that the area had an in-ground swimming pool to the rear of the existing garage, and it was in bad disrepair, so they had it excavated and filled in, so that is the area where the 34'x34' garage extension would go, the same footprint. He said

that when it shows, he has to move all the cars out of the driveway and can't access the current garage because of the parking situation in front of it. He said that this will allow him to restore the cars and get them to car shows, and would rather have the cars in a garage under shelter, he said that he has a lift in the garage, but can't use it due to the number of collectible cars there. He said that he has some pictures of what the property has looked like over the years.

Mr. Minkarah asked about the amount of overage. He asked about the removal of the existing concrete pad, and with the removal of the existing concrete apron, the net additional square footage is 44 square feet.

Mr. Maccini said that is accurate.

Mr. Minkarah asked how an additional 44 square feet get from 75% of coverage to 164%.

Mr. Maccini said that the initial concrete that was surrounding the swimming pool, and the pool coping, that wasn't covered with a roof. He said it was his understanding that accessory structures weren't roofed, so there was no issue with the concrete in the ground.

Mr. Minkarah asked if the additional square footage at issue only 44 square feet, or is it the total square footage of the proposed additional garage. He said that the new garage is 1,156 square feet. He asked if it's an increase of 1,156 or 44 square feet.

Mr. Lionel said that there is 1,156 square feet of accessory structure to be added, and it goes where an existing concrete pad, which is not part of our calculations.

Mr. Falk said that the calculations staff has is the existing garage at 960 square feet, the garage addition at 1,156 square feet, for a total of 2,116 square feet of detached accessory structure use, and the house is 1,288 square feet, so that is how staff came up with the figures, as he would be allowed 515 square feet to meet the 40%.

Mr. Shaw asked to confirm that what was the existing in-ground pool, that was considered an accessory use, and that would be calculated.

Mr. Falk said that for an in-ground pool, staff would count the whole thing as an accessory use, as it is a structure.

Mr. Shaw said that the old pool would have been a large square footage, and perhaps it wasn't considered as an existing accessory use part of the calculations.

Mr. Falk said that perhaps it wasn't counted, or it was so long ago.

Mr. Maccini said that not only did the pool get removed, but the cabana as well, which was adjacent to the pool, and it was 8'x16'.

Mr. Shaw said that the GIS map does show some kind of a small rectangular structure, near where the pool was.

Mr. Currier asked what the proposed height of the addition would be.

Mr. Maccini said it would be a one-story garage, and the one that is there now has a floor above it. He said that the height would be 18 feet to the peak.

SPEAKING IN FAVOR:

Lawrence Artz, 7 Fountain Lane, Nashua, NH. Mr. Artz said that he is a fellow car collector and restorer, and is in support.

Flavio Campus, 1072 West Hollis Street, Nashua, NH. Mr. Campus said that it would be nice to have another garage where he can store his cars, and is in favor.

SPEAKING IN OPPOSITION OR WITH QUESTIONS OR CONCERNS:

No one.

END OF PUBLIC HEARING, BEGINNING OF PUBLIC MEETING:

Mr. Currier said that a lot of properties on West Hollis Street extend way back, and this is one of those. He said that the application speaks to the applicant's wants and desires, but it's a very large lot, with a small house, and it will be a one story structure, and doesn't seem to be a burden to abutters,

and it shouldn't be seen from the street, and feels that it meets the criteria.

Mr. Minkarah said he initially thought the overage was excessive, and was concerned, but in looking at it more closely, it is a very large lot and the impact of this addition on surrounding properties would be minimal, and if the pool were to still be there in its entirety, and if the proposal was to remove the pool and replace it with this structure, it would be a diminimus increase. He said that it appears as if the pool was removed in the past, and replaced with a garden, but the apron is still there, so the rest of the structure would be removed as part of this proposal, and assuming that's true, the pool apron would be removed, this is a relatively minor increase in the overall overage, and is in support.

Mr. Shaw said that he is in support as well, in fact, the cabana that was removed, was not factored in this at all, so if anything, it might technically be a slightly less overall impact if it was going directly from a pool and cabana to this addition on the garage structure, so there has already been a history of very similar, very large accessory use area to this property. He said it is a very large lot, with a small house, so the amount of total square footage of the structure is still relatively small for the entire lot, and is in support.

Mr. Boucher said that he is in support as well.

Mr. Lionel said that he is in support.

MOTION by Mr. Boucher to approve the variance application on behalf of the owner as advertised. Mr. Boucher stated that the variance is needed to enable the applicant's proposed use of the property, given the special conditions of the property, as discussed, the property is 2.3 acres, which is a large lot, and there is a relatively small house on the property, a modest ranch house, and the Board recognizes that there was a pool and cabana that were removed, and with these structures gone, the Board finds that there is a small net difference of the overage percentages, 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. Boucher said that the request is within the spirit and intent of the Ordinance.

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

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

SECONDED by Mr. Shaw.

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

5. Thomas & Justine Bergin (Owners) 17 Winchester Street (Sheet F Lot 956) requesting special exception from Land Use Code Section 190-115 to maintain recently constructed driveway in 75-foot prime wetland buffer of the Nashua River. R9 Zone, Ward 1.

Voting on this case:

Steve Lionel
Jack Currier
JP Boucher
Rob Shaw
Jay Minkarah

Thomas Bergin, 17 Winchester Street, Nashua, NH. Mr. Bergin said that they have four cars, and the second driveway is twelve feet wide, as well as the original one. He said that he understands that the new driveway is close to the water, but only a portion of it, but it doesn't affect the water whatsoever, there is no runoff into it, as there is a forested area before the water.

Mr. Currier asked if it is a new house.

Mr. Bergin said it's old, with one 12 foot driveway, built in 1985.

Mr. Lionel asked when this was noticed.

Mr. Bergin said it was done last summer, and someone called in and complained, and then it went to the Conservation Commission.

SPEAKING IN FAVOR:

Lisa Law, 25 Pelham Street, Nashua, NH. Ms. Law said that the house is nice, kept well, and is in favor of the application. She said that there is no damage at all to the river.

Mr. Shaw reminded Ms. Law what the role of the Board is, as a quasi-judicial Board, and all applicants must meet the points of law, as there was work done in a wetland buffer without permission.

SPEAKING IN OPPOSITION OR WITH QUESTIONS OR CONCERNS:

No one.

END OF PUBLIC HEARING, BEGINNING OF PUBLIC MEETING:

Mr. Boucher asked about the wetland special conditions, as they were not discussed.

MOTION by Mr. Shaw to re-open the Public Hearing.

SECONDED by Mr. Minkarah.

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

Mr. Bergin said that they had their property surveyed twice.

Mr. Lionel said that the Board has a copy of the positive recommendation from the Conservation Commission.

Mr. Lionel read all of the nine wetland special conditions to the applicant.

Mr. Bergin said that they meet all the special regulations.

END OF PUBLIC HEARING, BEGINNING OF PUBLIC MEETING:

Mr. Minkarah said that he is in support, the driveways meet the overall width requirement, and there is support from the Conservation Commission.

Mr. Shaw said that he is in support.

Mr. Boucher said that he is in support.

Mr. Currier said that he is in support, and said that the house was built before the wetlands ordinance, as a part of the house is in the buffer.

Mr. Lionel said that he is in support, the incursion is minimal.

MOTION by Mr. Boucher to approve the special exception application on behalf of the applicant as advertised. Mr. Boucher said that it is listed in the Table of Uses, Section 190-115.

Mr. Boucher said that it will not create undue traffic congestion or unduly impair pedestrian safety.

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

Mr. Boucher said that all special regulations are fulfilled.

Mr. Boucher said 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.

Mr. Boucher said that that per testimony, the Conservation Commission recommended approval of this case on August 3, 2021, and the applicant has attested that they will meet the stipulations.

SECONDED by Mr. Shaw.

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

6. Heritage Baptist Church of Nashua (Owner) Pastor Larry C. Hileman (Applicant) 105 Lock Street (Sheet 41 Lot 49) requesting special exception to expand approved non-conforming use by changing school from grades 1-12 to K-12. GI/TOD Zone, Ward 3.

Voting on this case:

Steve Lionel
Jack Currier

JP Boucher
Rob Shaw
Jay Minkarah

Pastor Larry Hileman, Heritage Baptist Church, Nashua, NH. He said that they have a small Christian School in their church. He said that one pupil's sibling will be in kindergarten starting this year, and the request is just to allow that grade, and only two new students will be coming into the school, and one of them is a teachers student. He said that there is no building modification needed, no new parking issues, no traffic impacts.

SPEAKING IN FAVOR:

No one.

SPEAKING IN OPPOSITION OR WITH QUESTIONS OR CONCERNS:

No one.

END OF PUBLIC HEARING, BEGINNING OF PUBLIC MEETING:

Board members said that this is about as straightforward as a case can be, and are in support.

MOTION by Mr. Boucher to approve the special exception application on behalf of the applicant as advertised. Mr. Boucher said that it is listed in the Table of Uses, Section 190-119.

Mr. Boucher said that it will not create undue traffic congestion or unduly impair pedestrian safety.

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

Mr. Boucher said that all special regulations are fulfilled.

Mr. Boucher said 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. Shaw.

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:

6-28-2022:

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

SECONDED by Mr. Boucher.

MOTION CARRIED UNANIMOUSLY 4-0-1 (Mr. Minkarah abstained) BY VERBAL ROLL CALL OF THE VOTING MEMBERS.

ADJOURNMENT:

MOTION by Mr. Shaw to adjourn the meeting at 8:31 p.m.

Submitted by: Mr. Currier, Clerk.

CF - Taped Hearing