

EXPANDED DRAFT MEETING SUMMARY
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ZONING BOARD OF ADJUSTMENT PUBLIC HEARING AND MEETING
Wednesday, September 9, 2026

A public hearing of the Zoning Board of Adjustment was held on Wednesday, September 9, 2026, at 6:30 PM, in the 3rd floor auditorium at Nashua City Hall, 229 Main Street, Nashua, NH. Josh Nehiley, Vice Chair, asked for a Roll Call:

Josh Nehiley, Vice Chair
JP Boucher, Member
Steve Lionel, Member
Joseph Patry, Member

Sam Durfee, Planning Manager

Mr. Nehiley noted that Chair Jay Minkarah was unable to attend the meeting.

Mr. Nehiley explained the Board's procedures, stating that public comments could be submitted via email to zb@nashuanh.gov or by mail to P.O. Box 2019, Nashua, NH. He noted that meeting minutes and audio-visual recordings are made available online at NashuaNewHampshire.gov. He identified the points of law required for applicants to address relative to variances, explaining that an applicant must satisfy five specific statutory criteria: that the variance will not be contrary to the public interest, the spirit of the ordinance is observed, substantial justice is done, surrounding property values are not diminished, and literal enforcement would result in an unnecessary hardship. He outlined the order of testimony, providing applicants up to 15 minutes for presentation, followed by 5-minute periods for speakers in favor, speakers in opposition or with questions, and a 5-minute rebuttal for the applicant. Mr. Nehiley noted that with four members present, three affirmative votes are required to pass any motion. Mr. Nehiley announced that the following cases were postponed:

Case No. 1: Ayer Rd, LLC (3 Ayer Road) - Postponed to the September 22, 2026 meeting per applicant request.

Case No. 3: Karleth Torres (30 Edwards Street) - Postponed to the September 22, 2026 meeting per applicant request.

1. Ryan Dillon (Owner) Paul Gaffney (Applicant) 22 Skyline Dr (Sheet D Lot 305) requesting variance from Land Use Code Section 190-16, Table 16-3 for 5-foot front setback encroachment, 15-feet proposed - 20-feet required, to construct an 8'x42' covered farmers porch. R-9 Zone, Ward 5.

Voting on this case:

Josh Nehiley
JP Boucher
Steve Lionel
Joseph Patry

Paul Gaffney, Bully's GC LLC, 11 Syracuse Road, Nashua, NH.
Ryan Dillon, 22 Skyline Drive, Nashua, NH.

Mr. Dillon stated that they are seeking a variance to construct an 8'x42' covered farmer's porch on their home. He explained that during construction they realized the structure encroached slightly into the required 20-foot front yard setback. He noted that while the physical encroachment beyond the permitted buffer is roughly six inches to a foot, relief for five feet was requested to encompass the full project scope. Mr. Dillon presented site photographs and stated he spoke with all surrounding neighbors, receiving no negative feedback.

SPEAKING IN FAVOR: No one spoke in person. Mr. Nehiley read two letters of support into the record: Linda and Steven Piche, 20 Skyline Drive, Nashua, NH. Mrs. Piche stated they live next door to the applicants, have no objection to the porch construction, and happily grant their permission and approval for the requested variance. Robin and Joe Mulvey, 24 Skyline Drive, Nashua, NH. Mr. and Mrs. Mulvey submitted a letter strongly supporting the requested variance, urging the City to approve it promptly so work can proceed without delay. They expressed frustration that a formal variance process was necessary for a minor residential addition given commercial activity along the street, but reaffirmed their unequivocal support for approval.

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

END OF PUBLIC HEARING, BEGINNING OF PUBLIC MEETING: Mr. Boucher spoke in full support of the application, observing that two other homes in the immediate neighborhood feature covered farmer's porches, making the design consistent with the area's established character. He noted that farmer's porch requests are increasingly common and that from a street perspective, the actual property line is set back from the roadway edge, meaning the minor

encroachment will be visually unnoticeable and cause no detriment to the neighborhood. Mr. Nehiley concurred with Mr. Boucher's points.

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 building the covered farmer's porch will not alter the essential character of the residential neighborhood.

Mr. Boucher stated that the **spirit of the ordinance would be observed** because the positioning of the front porch, even though extending slightly into the front setback, maintains architectural harmony with surrounding homes and neighborhood character.

Mr. Boucher stated that granting the variance **would do substantial justice** because it allows the homeowner to construct a standard residential porch addition as requested.

Mr. Boucher stated that the values of surrounding parcels **would not be diminished** by adding an aesthetically pleasing porch structure.

Mr. Boucher stated that owing to special conditions of the property, denial of the variance would result in **unnecessary hardship** because the proposed use is reasonable, farmer's porches are a customary residential addition, and the structure does not encroach into the public right-of-way or negatively impact neighboring properties.

SECONDED by Mr. Lionel

MOTION TO APPROVE CARRIED UNANIMOUSLY 4-0

2. Oleg Podroubnyi (Owner) Black Phoenix Builds (Applicant) 3 Suffolk Park U-361 (Sheet G Lot 455) requesting variance from Land Use Code Section 190-26 to allow a proposed 8' x 20' deck to encroach 8-feet into the required 30-foot setback from internal traffic routes. R-9/PRD Zone, Ward 2.

Voting on this case:

Josh Nehiley
JP Boucher
Steve Lionel
Joseph Patry

Eric Erb, Black Phoenix Builds, 246 Windham Road, Pelham, NH.
Oleg Podroubnyi, 3 Suffolk Park Unit 361, Nashua, NH.

Mr. Erb stated that the applicant is seeking a variance to construct a covered front porch addition at the primary entrance of the condominium unit. He explained that while the porch is uniform with other units in the condominium association, it requires an 8-foot variance from the 30-foot internal traffic route setback. Mr. Podroubnyi clarified that the project involves an 8'x22' covered front porch rather than an open deck as listed on the agenda notice. Mr. Podroubnyi added that the existing front entryway is steep and difficult for elderly residents, and constructing the covered porch with a four-foot wide stairway will improve safe physical access and shelter the primary entrance from weather.

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 spoke in favor of the application, noting that requests for covered entryways are common, straightforward, and formally approved by the condominium association. Mr. Boucher spoke in support, observing that two immediately adjacent condominium units feature farmer's porches. He added that as one travels up Suffolk Park toward the bend, building footprints naturally sit closer to the internal road, meaning the proposed porch visually conforms to existing neighborhood patterns. Mr. Nehiley agreed that the porch is entirely consistent with the existing architecture along the street.

MOTION by Mr. Lionel to approve the variance application on behalf of the owner, noting the correction that the structure is an 8'x22' covered front porch.

Mr. Lionel stated that granting the variance **would not be contrary to the public interest** because the porch is similar to existing porches in the immediate neighborhood and will not cause interference with public travel or safety.

Mr. Lionel stated that the **spirit of the ordinance would be observed** because the internal route setback is intended to prevent street overcrowding, and this covered entryway is visually compatible with neighboring homes and has been formally endorsed by the condominium association.

Mr. Lionel stated that granting the variance **would do substantial justice** by allowing the homeowners to improve shelter and safe physical access to their primary entrance.

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

Mr. Lionel stated that owing to special conditions of the property, denial of the variance would result in **unnecessary hardship** because the proposed residential porch is a reasonable use similar to neighboring units, and there is no fair and substantial relationship between the general public purpose of the internal route setback provision and its specific application to this site.

SECONDED by Mr. Patry

MOTION TO APPROVE CARRIED UNANIMOUSLY 4-0

OTHER BUSINESS:

REGIONAL IMPACT:

The Board reviewed the upcoming agenda and determined that none of the scheduled cases present regional impact.

MINUTES:

The Board reviewed the draft minutes for the August 25, 2026 public hearing and meeting. Mr. Patry noted four specific corrections:

1. Page 1: Verify the original building count reduction for 34 Buckmeadow Road.
2. Page 1: Ensure Alderman Johnson's opposition is reflected.
3. Page 5: Add proper spacing and horizontal formatting lines between the conclusion of Case No. 1 and Case No. 2 (230 Pine Street).
4. Case No. 5 (22 Conant Road): Clarify the motion wording to reflect "an existing portion of a wall" rather than constructing a new wall.
5. Include page numbers and the exact adjournment time at the end of the document.

MOTION by Mr. Nehiley to approve the minutes of August 25, 2026 as amended, waive the reading, and place the minutes in the file.

SECONDED by Mr. Lionel

MOTION CARRIED UNANIMOUSLY 4-0

Re-CODE Presentation: Sam Durfee, Planning Manager, delivered a presentation previewing the draft Zoning Code Rewrite (Recode):

- **Overarching Goals:** Mr. Durfee explained that the Recode has been in development for three years with target adoption in early 2027 to eliminate mass non-conformity across historical neighborhoods like the Tree Streets, Crown Hill, and French Hill.
- **Form-Based Standards & Building Types:** The new code introduces form-based building standards (cottage, house, duplex, triplex, millhouse, live-work, general building, etc.) that quantify the qualitative look, scale, and window/fenestration rhythm of established neighborhoods to guide infill development.
- **Density Factors & Square Footage:** The Recode transitions from "units per acre" to a "density factor" based on gross building square footage divided by a calibrated factor (ranging from 1,050 to 1,350 sq. ft.), with tiered incentives for sustainable site design and inclusionary affordable housing. Single-family typologies will retain fixed unit caps to protect residential neighborhood character.
- **Accessory Structure Standards:** Accessory structure allowances in residential zones will increase from 40% to 50% of the primary building footprint (or 400-600 sq. ft. minimums), directly addressing the high volume of variance requests historically brought before the ZBA.
- **Use Table Consolidation:** The current 293 specific land uses will be consolidated into 11 broad categories, eliminating the need for use variances when unlisted retail or commercial uses arise. Residential classifications will be simplified into standard residential, co-living, group living with services, and commercial lodging.
- **Electronic Messaging Center (EMC) Signs & Code Enforcement:** Board members discussed sign standards and code enforcement challenges regarding unpermitted driveways and electronic signs. Mr. Lionel expressed concern over unregulated sign proliferation and emphasized the importance of citywide enforcement. Mr. Durfee noted that feedback from the ZBA and the Planning and Economic Development Committee (PEDC) is actively shaping the final draft.

ADJOURNMENT:

MOTION by Mr. Boucher to adjourn the meeting at 8:07 PM.

SECONDED by Mr. Patry

MOTION CARRIED UNANIMOUSLY

Submitted by: Sam Durfee, Planning Manager

SD - Taped Hearing