

1. Zoning Board Regular Meeting Agenda (PDF)

Documents: [20160223 ZBA AGENDA.PDF](#)

2. 20160223 ZBA Meeting Packet

Documents: [20160223 19 D ST.PDF](#), [20160223 40 LINTON ST.PDF](#), [20160223 45 HIGH ST.PDF](#), [20160223 66 WEST HOLLIS ST.PDF](#), [20160223 117 FAIRVIEW AVE.PDF](#), [20160223 167-169 WEST HOLLIS ST.PDF](#)

3. Zoning Board Regular Meeting Amended Agenda (PDF)

Documents: [20160223 ZBA AMENDED AGENDA.PDF](#)



THE CITY OF NASHUA

"The Gate City"

Community Development Division Planning Department

February 9, 2016

The following is to be published on ROP February 13, 2016, under the Seal of the City of Nashua, Public Notice Format 65 MP 51.

Notice is hereby given that a Public Hearing of the City of Nashua Zoning Board of Adjustment will be held on Tuesday, February 23, 2016, at 6:30 PM at the Nashua City Hall Auditorium, 3rd floor, 229 Main Street.

1. Harbor Homes Inc. (Owner) 45 High Street (Sheet 79 Lot 127) requesting variances to allow two electronic message centers as wall signs, one facing High Street, one facing Factory Street. D-1/MU Zone, Ward 4.
2. Robert D'Ortona Jr. (Owner) 40 Linton Street (Sheet 129 Lot 254) requesting the following variances: 1) to encroach 2'-4" into the 6 foot left side yard setback; and 2) to encroach 4'-11" into the 6 foot required rear yard setback - both requests to maintain a 14'x40' shed. RA Zone, Ward 7.
3. Hol-Cot Realty, LLC (Owner) 167-169 West Hollis Street (Sheet 87 Lot 33) requesting variance for minimum lot area, 22,924 square feet existing, 62,228 square feet required - to convert one unit from an office use to a residential unit. RB Zone, Ward 6.
4. Joseph J. Butler, Trustee (Owner) 66 West Hollis Street (Sheet 84 Lot 29) requesting variance to encroach 3'-9" over the front property line (facing West Hollis Street), to construct a new roof awning to replace original awning destroyed by fire. GB Zone, Ward 4.
5. Bible Baptist Church (Owner) 117 Fairview Avenue (Sheet 105 Lot 5) requesting variance for minimum open space, 50% required, 51.7% existing - 41% proposed - to construct a 5,800 square foot building addition. R9 Zone, Ward 6.
6. Robert & Demetria Nadeau (Owner) Randy Guilbault d/b/a Jenna Auto Sales (Applicant) 19 D Street (Sheet 40 Lot 14) requesting use variance to allow for auto sales of no more than 10 cars at any given time in existing building. GI Zone, Ward 7.

OTHER BUSINESS:

1. Review of Motion for Rehearing:
2. Review of upcoming agenda to determine proposals of regional impact.
3. Approval of Minutes for previous hearings/meetings.

"SUITABLE ACCOMMODATIONS FOR THE SENSORY IMPAIRED
WILL BE PROVIDED UPON ADEQUATE ADVANCE NOTICE."

To: Zoning Board of Adjustment

From: Carter W. Falk, AICP, Deputy Planning Manager/Zoning

Date: February 16, 2016

Subj: **USE VARIANCE: Robert & Demetria Nadeau (Owner) Randy Guilbault d/b/a Jenna Auto Sales (Applicant) 19 D Street (Sheet 40 Lot 14) requesting use variance to allow for auto sales of no more than 10 cars at any given time in existing building. GI Zone, Ward 7.**

PROPOSAL:

The applicant, Randy Guilbault, d/b/a Jenna Auto Sales, is requesting a use variance to allow the sale of automobiles at the above-mentioned property. The property is located in the General Industrial (GI) zone, and totals 4,817 square feet (0.11 acres) in size.

SITE ANALYSIS:

The subject site is located on the west side of D Street, immediately north of East Hollis Street (see attached maps). To the north is a 4-unit multifamily residential building. To the east, across D Street, is 3-unit multifamily residential building. To the south is a barbershop, and to the west is 2-family residential building, with frontage on C Street. All surrounding properties are zoned GI.

According to the Land Use Code, Section 190-15, Table 15-1, (#45), "*car, boat or marine craft dealers (including auctions)*" is not a permitted use in the GI Zone. This use is permitted in the General Business (GB) and Highway Business (HB) zones. Also, the proposed use is allowed as a Conditional Use, subject to Planning Board approval, in the Park Industrial (PI) and Airport Industrial (AI) zones, only in site plans where at least 75% of the gross floor area is reserved for uses listed in the "industrial and manufacturing" category.

American Auto Seat Cover has occupied the building since 1981. The site has an existing 1,925 square foot building on it, with three overhead garage doors facing D Street. The applicant has stated that they wish to sell automobiles here, with a maximum of ten cars at any given time on the premises. The parking lot is not striped, but it appears as if there approximately six parking spaces, so some of the cars may need to be stored inside the building. The minimum parking requirements for an auto dealer is 1 space/500 square feet, therefore, a total of 4 parking spaces will be required.

The City's Future Land Use Plan identifies the subject property as "Residential/Commercial Mix". In order for the ZBA to grant the variance request, the applicant must satisfy all the relevant points of law, as listed below:

Special conditions exist such that literal enforcement of the ordinance results in unnecessary hardship: The applicant must establish that, owing to special conditions of the property that distinguish it from other properties in the area, that (1) no fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property, and (2) that the proposed use is reasonable.

The applicant states that the property has been used in the past for various automotive related businesses, and the layout and construction of the building is conducive to the auto industry as opposed to a retail store or industrial uses.

The proposed use will observe the spirit of the ordinance: the proposed use must not conflict with the explicit or implicit purpose of the ordinance and must not alter the essential character of the neighborhood, threaten public health, safety, or welfare, or otherwise injure “public rights”.

The applicant states that the property will be used for display and storage of vehicles for sale and the use of the interior office will be for maintaining proper records and documents related to the sale of vehicles.

The proposed use will not diminish the values of surrounding properties: the Board will consider expert testimony, but also may consider other evidence of the effect on property values, including personal knowledge of the members themselves.

The applicant indicates that the building will be maintained and should please the surrounding neighbors.

Granting of the requested variance will not be contrary to the public interest: the proposed use must not conflict with the explicit or implicit purpose of the ordinance and that it must not alter the essential character of the neighborhood, threaten public health, safety, or welfare, or otherwise injure “public rights”.

The applicant states that cars will be kept in a neat and orderly fashion and more often than not be kept inside the building.

Substantial justice would be done to the property owner by granting the variance: the benefits to the applicant must not be outweighed by harm to the general public or to other individuals.

The applicant states that justice would be done, as approval will initiate general maintenance and upkeep of the property on a daily basis and will add value to the property for this use.



City of Nashua
Community Development Division
 City Hall, 229 Main Street, PO Box 2019
 Nashua, New Hampshire 03061-2019

Community Development 589-3095
 Planning and Zoning 589-3090
 Building Safety 589-3080
 Code Enforcement 589-3100
 Urban Programs 589-3085
 Economic Development 589-3070
 Conservation Commission 589-3105
 FAX 589-3119
 www.nashuanh.gov

VARIANCE APPLICATION

This application must be completed and submitted to the Planning Department no later than the dates listed on the Zoning Board of Adjustment (ZBA) schedule sheet. The ZBA will not consider incomplete or inaccurate applications for action. ~ PLEASE PRINT OR TYPE ~

1. VARIANCE INFORMATION

a. ADDRESS OF REQUEST 19 D St Nashua NH
 Zoning District G1 Sheet 0040 Lot 00014

b. VARIANCE(S) REQUESTED Operate a small car dealership
With no more than 10 cars at any given
time

2. GENERAL INFORMATION

a. APPLICANT / OPTIONEE (List both individual name and corporate name if applicable)
Kendy Guilbault DBA Jenna Auto Sales
 Applicant's signature [Signature] Date 1/27/16
 Applicant's address 6 Glenside Dr Pelham N.H. 03076
 Telephone number (home) _____ (work) (603) 321-7950

b. PROPERTY OWNER * Robert Wade
 Owner's signature Robert Wade Date _____
 Owner's address 18 Hartson Circle
 Telephone number (home) 603-930-5418 (work) Bea son 5418

Case number _____ Application Deadline _____ Date Received _____ Date of hearing 2/23/16

Notices: Newspaper Abutters Board Action _____

\$ _____ fee Date Paid _____ Receipt # _____

\$ _____ application fee Date Paid _____ Receipt # _____

\$15 signage fee \$100 recovery fee Date Paid _____ Receipt # _____

2016-00020

3. PURPOSE OF REQUEST

Answer all questions below. Provide as much information as available to give the ZBA the necessary facts to review your case. Attached additional sheets if necessary. See "Procedures for Filing a Variance" for further information.

1. **Granting of the requested variance will not be contrary to the public interest**, because: (The proposed use must not conflict with the explicit or implicit purpose of the ordinance and that it must not alter the essential character of the neighborhood, threaten public health, safety, or welfare, or otherwise injure "public rights.")

Cars will be kept in a neat and orderly fashion and more often than not be kept inside the building

2. **The proposed use will observe the spirit of the ordinance**, because: (The Proposed use must not conflict with the explicit or implicit purpose of the ordinance and must not alter the essential character of the neighborhood, threaten public health, safety, or welfare, or otherwise injure "public rights.")

Property will be used for display/storage of vehicles for sale and the use of the interior office will be for maintaining proper records and documents related to the sale of these vehicles

3. **Substantial justice would be done to the property-owner by granting the variance**, because: (The benefits to the applicant must not be outweighed by harm to the general public or to other individuals.)

The granting of the variance will initiate general maintenance and upkeep of the property on a daily basis and add value to the property by this added use

4. **The proposed use will not diminish the values of surrounding properties**, because: (The Board will consider expert testimony but also may consider other evidence of the effect on property values, including personal knowledge of the members themselves.)

Much needed maintenance being maintained daily should please the surrounding neighbors.

5. **Special conditions exist such that literal enforcement of the ordinance results in unnecessary hardship**, because: (The applicant must establish that because, because of the special conditions of the property in question, the restriction applied to the property by the

ordinance does not serve the purpose of the restriction in a "fair and reasonable" way. Also, you must establish that the special conditions of the property cause the proposed use to be reasonable. The use must not alter the essential character of the neighborhood. Alternatively, you can establish that, because of the special conditions of the property, there is no reasonable use that can be made of the property that would be permitted under the ordinance. If there is any reasonable use (including an existing use) that is permitted under the ordinance, this alternative is not available.

Property has been used in the past for various Automotive related businesses and the layout and construction of the building is conducive to the Automotive industry as opposed to a retail store of industrial uses

4. USE VARIANCE ADDITIONAL INFORMATION

Please answer all questions below that are applicable. Your answers to these questions will allow staff to better understand your request.

- a. Total number of employees 1 Number of employees per shift 1
- b. Hours and days of operation Mon - Fri 9am - 6pm Sat 9am - 2pm
- c. Number of daily and weekly visits to the premises by customers, clients, vendors and solicitors 2 daily
- d. Number of daily and weekly commercial deliveries to the premises 2 (weekly)
- e. Number of parking spaces available _____
- f. Describe your general business operations Buying and Selling Automobiles
- g. Describe any proposed site renovations, including, but not limited to - landscaping, lighting, pavement, structural changes, signage, access and circulation use existing signage space with 10 inch Lettering

I hereby acknowledge that I have read this application and state that the above is correct and agree to comply with all the city ordinances and state laws regulating construction.

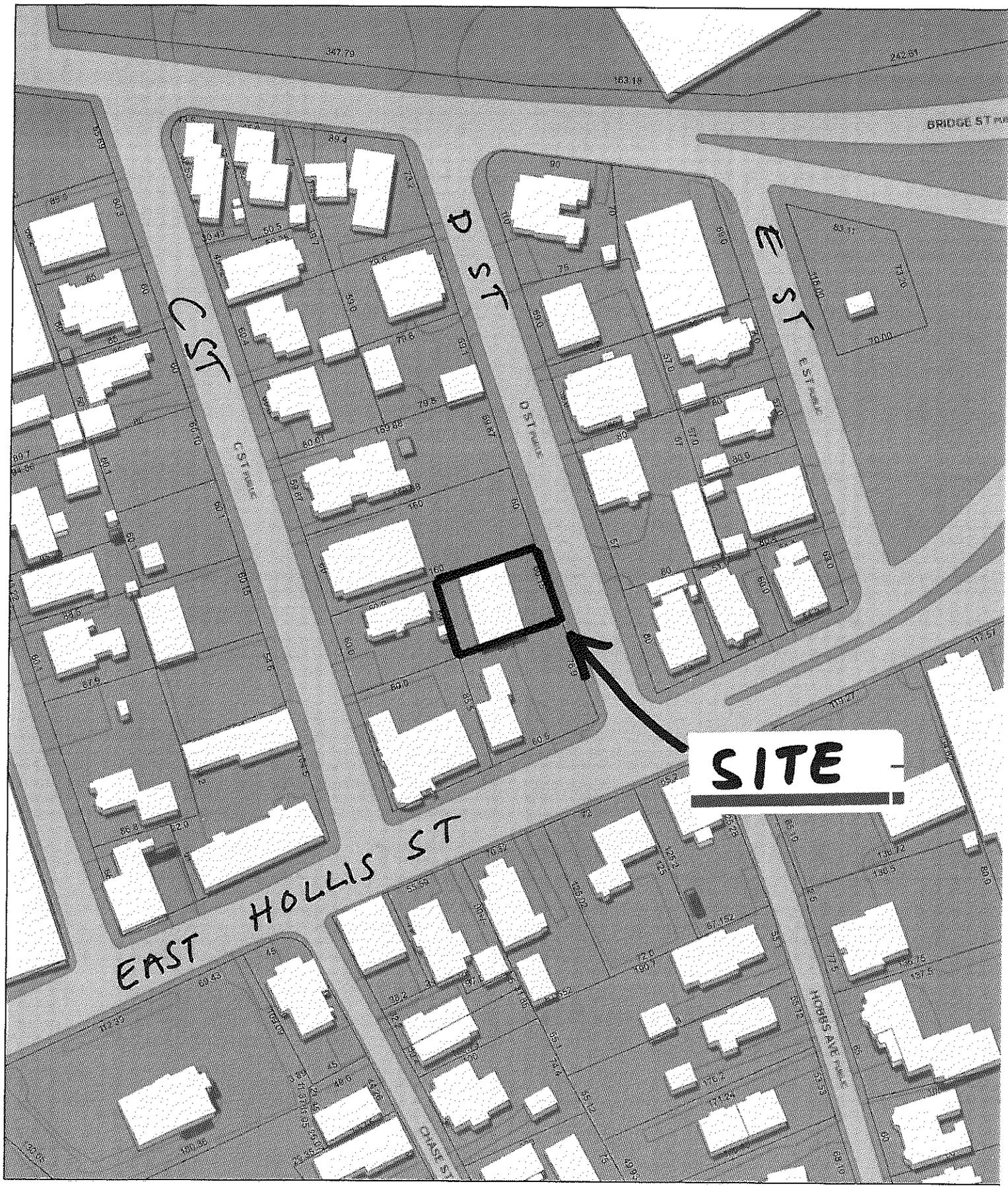
I understand that only those point specifically mentioned are affected by action taken on this appeal.

[Signature] / Jenna Auto Sales
Signature of applicant

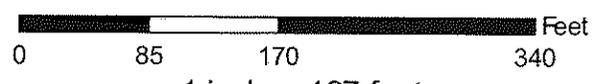
2/29/16
Date

The staff report for a Use Variance request will be available no later than Friday of the week before the ZBA meeting. If you would like a copy, please indicate below:

- I will pick it up at City Hall
- Please email it to me at randyguilbault@yahoo.com
- Please mail it to me at _____

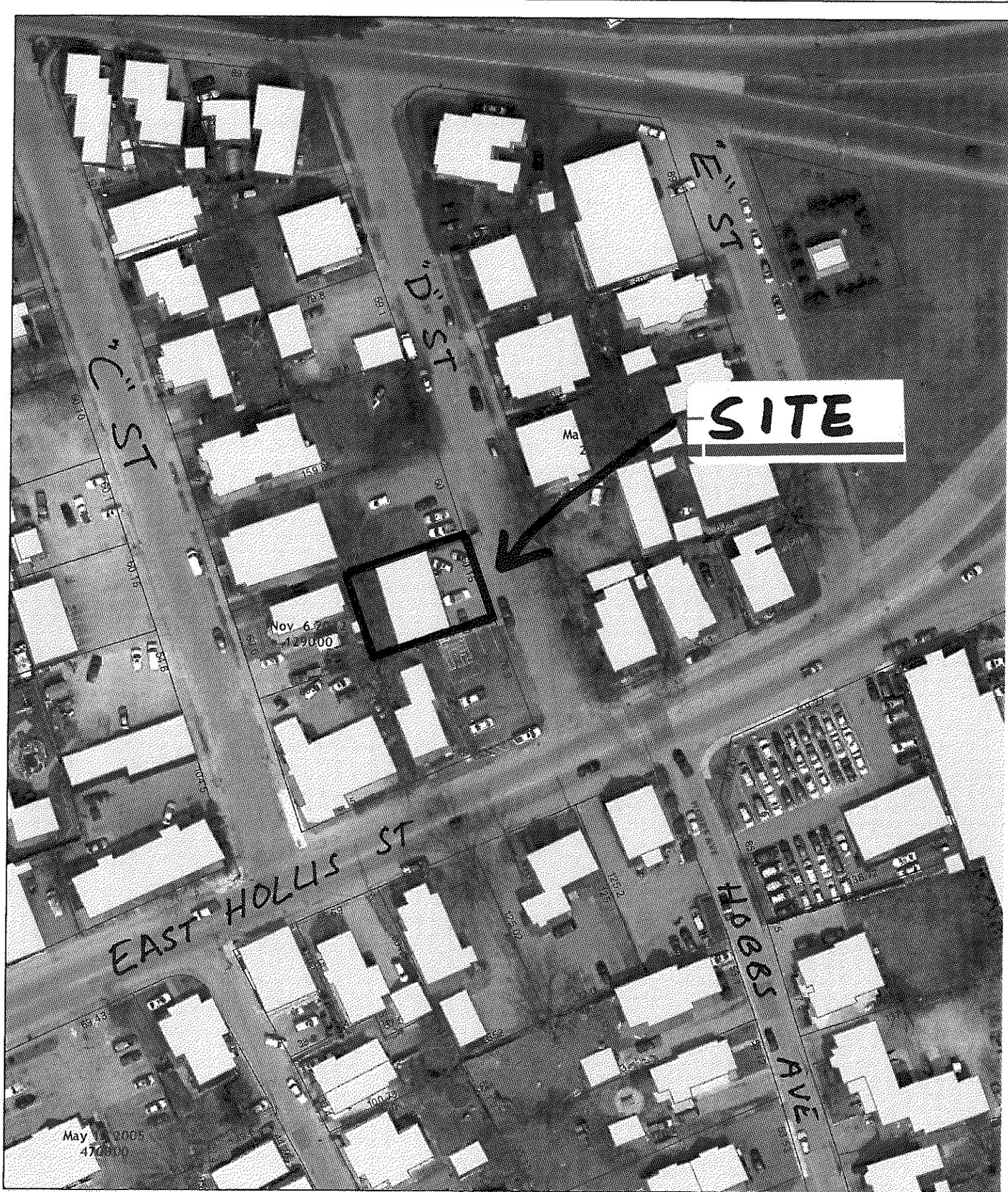


19 D Street

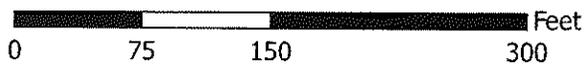
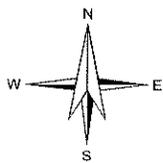


1 inch = 127 feet



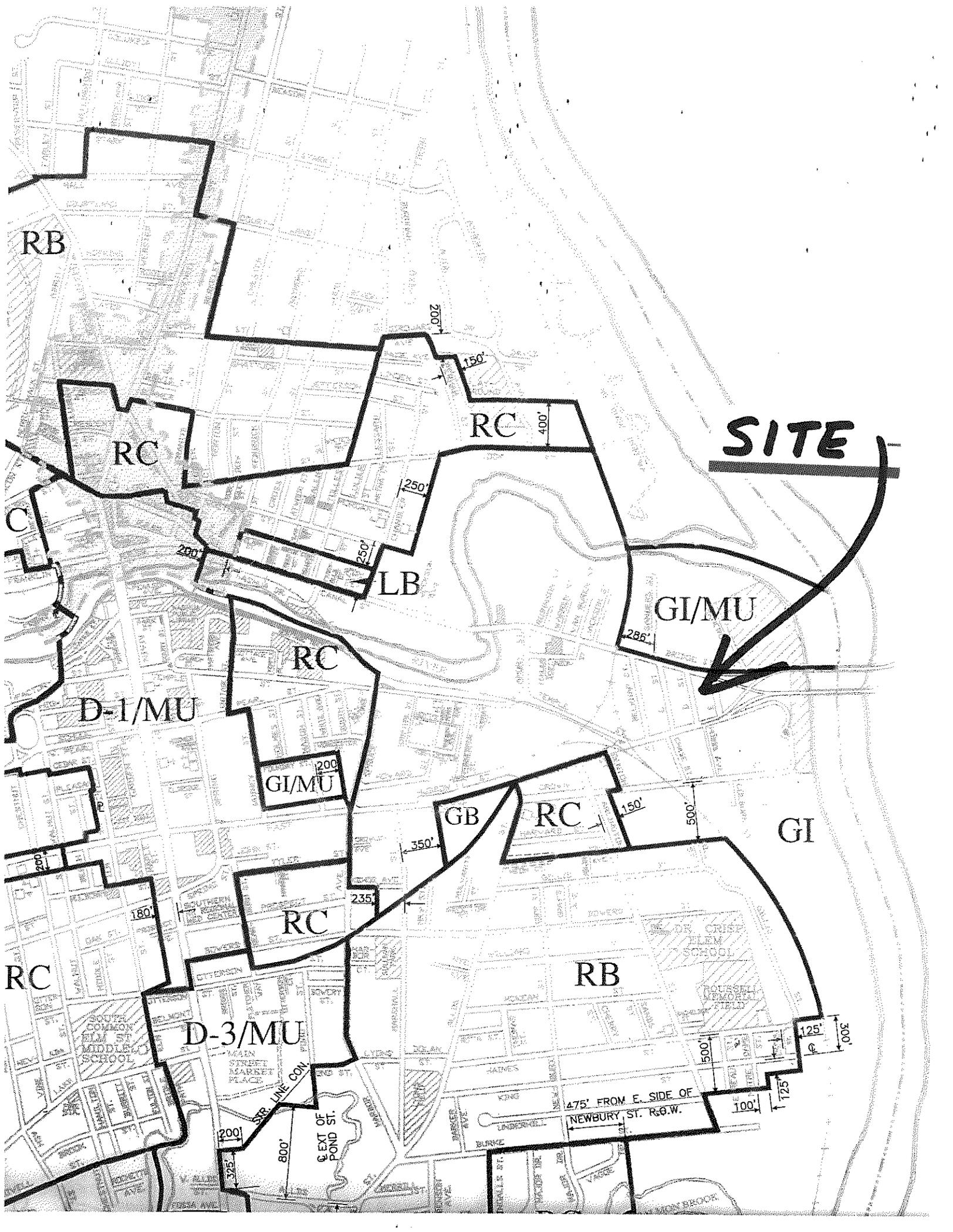


19 D Street



1 inch = 113 feet





RB

RC

RC

SITE

LB

GI/MU

RC

D-1/MU

GI/MU

GB

RC

GI

RC

RC

D-3/MU

RB

325'

800'

EXT OF POND ST.

STR. LINE CON.

100'

475' FROM E. SIDE OF NEWBURY ST. R.O.W.

125'

125'

300'

300'

1500'

1500'

100'

100'

350'

235'

150'

500'

150'

200'

250'

250'

200'

180'

200'

286'

400'

Google Maps American Auto Seat Cover

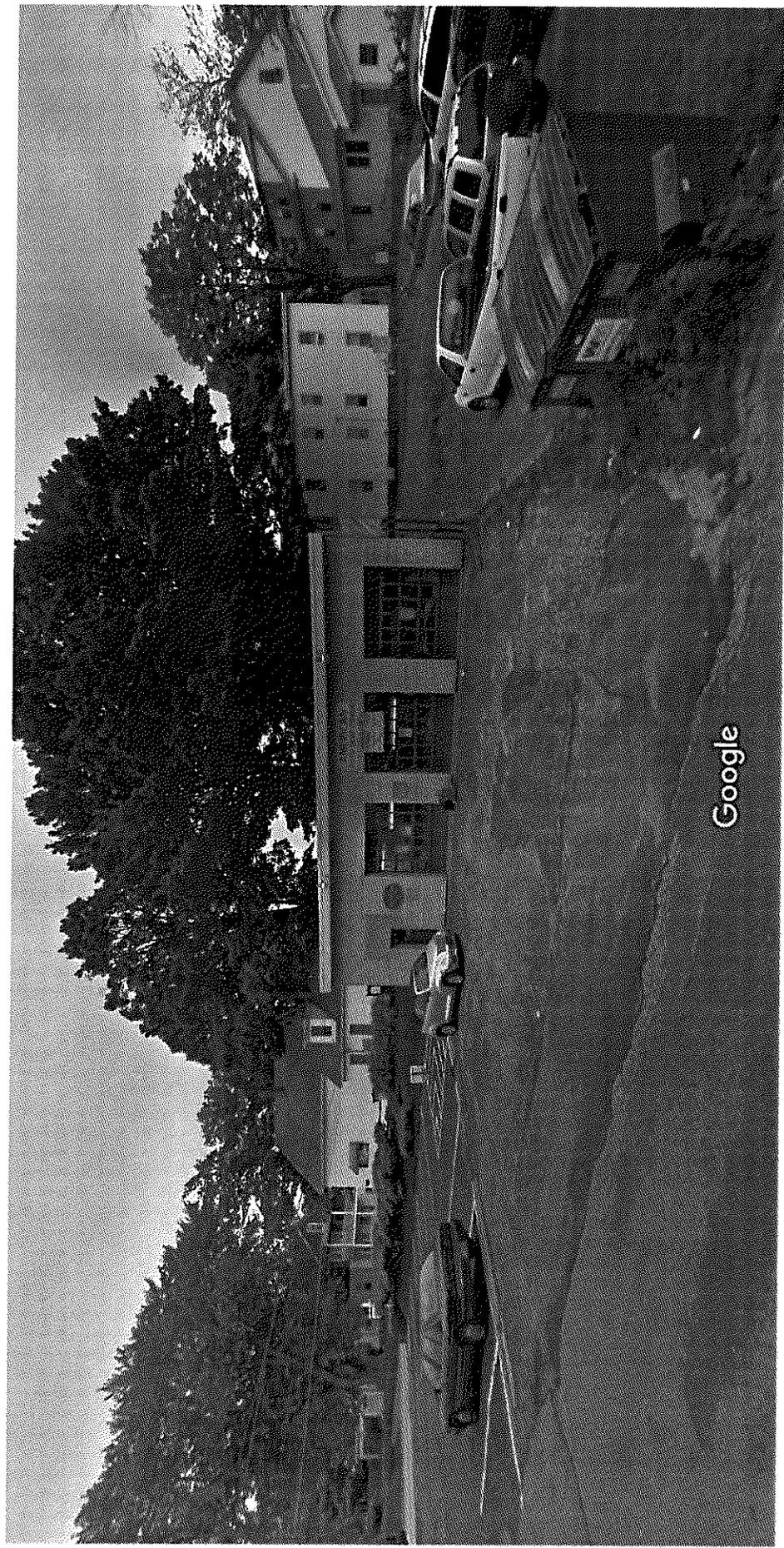
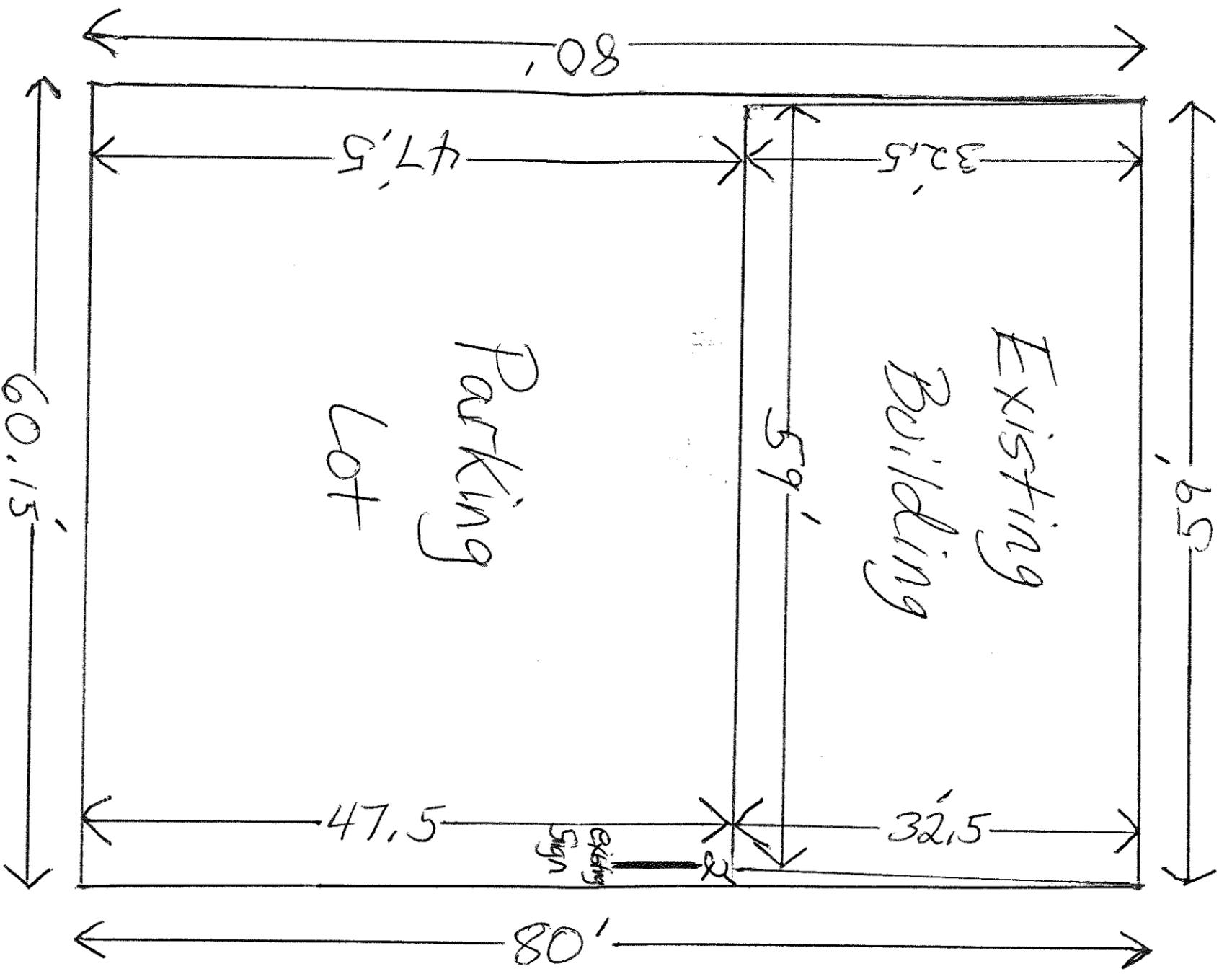


Image capture: Aug 2011 © 2016 Google

19 "D" STREET



Nashua, New Hampshire
Street View - Aug 2011



19 D St Lindh = 10F
 Lot No. 00014
 Sheet 0040



City of Nashua
Community Development Division
 City Hall, 229 Main Street, PO Box 2019
 Nashua, New Hampshire 03061-2019

Community Development 589-3095
 Planning and Zoning 589-3090
 Building Safety 589-3080
 Code Enforcement 589-3100
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 Economic Development 589-3070
 Conservation Commission 589-3105
 FAX 589-3119
 www.nashuanh.gov

VARIANCE APPLICATION

This application must be completed and submitted to the Planning Department no later than the dates listed on the Zoning Board of Adjustment (ZBA) schedule sheet. The ZBA will not consider incomplete or inaccurate applications for action. ~ PLEASE PRINT OR TYPE ~

1. VARIANCE INFORMATION

a. ADDRESS OF REQUEST 40 Linton Street
 Zoning District RA Sheet 129 Lot 254

b. VARIANCE(S) REQUESTED
To allow a shed of 14' X 40' to be within 3.8' and 4.1' of the side and rear setbacks when 6' is required.

2. GENERAL INFORMATION

a. APPLICANT / OPTIONEE (List both individual name and corporate name if applicable)
Robert D'Ortona
 Applicant's signature [Signature] Date 1/28/16
 Applicant's address by Gerald R. Prunier, his attorney, 20 Trafalgar Sq., Nashua, NH 03063
 Telephone number (home) _____ (work) 883-8900

b. PROPERTY OWNER Robert D'Ortona
 Owner's signature [Signature] Date 1/28/16
 Owner's address 40 Linton Street, Nashua, NH
 Telephone number (home) _____ (work) 883-8900

Case number _____ Application Deadline _____ Date Received _____ Date of hearing 2/23/16

Notices: Newspaper Abutters Board Action _____

\$ _____ fee Date Paid _____ Receipt # _____

\$ _____ application fee Date Paid _____ Receipt # _____

\$15 signage fee \$100 recovery fee Date Paid _____ Receipt # _____

2016-00022

3. **PURPOSE OF REQUEST**

Answer all questions below. Provide as much information as available to give the ZBA the necessary facts to review your case. Attached additional sheets if necessary. See "Procedures for Filing a Variance" for further information.

- 1. **Granting of the requested variance will not be contrary to the public interest**, because: (The proposed use must not conflict with the explicit or implicit purpose of the ordinance and that it must not alter the essential character of the neighborhood, threaten public health, safety, or welfare, or otherwise injure "public rights.")

Because of its location there is sufficient room for circulation around the shed. The rear of the shed abuts the school departments open space and parking lot.

- 2. **The proposed use will observe the spirit of the ordinance**, because: (The Proposed use must not conflict with the explicit or implicit purpose of the ordinance and must not alter the essential character of the neighborhood, threaten public health, safety, or welfare, or otherwise injure "public rights.")

The purpose of the setbacks are to allow circulation for safety purposes. There is sufficient room around the shed.

- 3. **Substantial justice would be done to the property-owner by granting the variance**, because: (The benefits to the applicant must not be outweighed by harm to the general public or to other individuals.)

Because of the size of the shed it would be difficult to move. The shed also serves to provide privacy for the abutting neighbors.

- 4. **The proposed use will not diminish the values of surrounding properties**, because: (The Board will consider expert testimony but also may consider other evidence of the effect on property values, including personal knowledge of the members themselves.)

The shed fits into the neighborhood and adds value to the surrounding properties.

- 5. **Special conditions exist such that literal enforcement of the ordinance results in unnecessary hardship**, because: (The applicant must establish that because, because of the special conditions of the property in question, the restriction applied to the property by the

ordinance does not serve the purpose of the restriction in a "fair and reasonable" way. Also, you must establish that the special conditions of the property cause the proposed use to be reasonable. The use must not alter the essential character of the neighborhood. Alternatively, you can establish that, because of the special conditions of the property, there is no reasonable use that can be made of the property that would be permitted under the ordinance. If there is any reasonable use (including an existing use) that is permitted under the ordinance, this alternative is not available.

The property abuts the school department land, which is all open space, moving of the shed would be costly.

4. USE VARIANCE ADDITIONAL INFORMATION

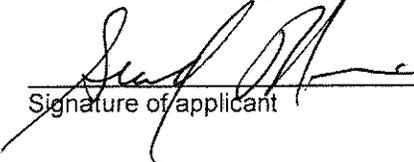
Please answer all questions below that are applicable. Your answers to these questions will allow staff to better understand your request.

- a. Total number of employees _____ Number of employees per shift _____
- b. Hours and days of operation _____
- c. Number of daily and weekly visits to the premises by customers, clients, vendors and solicitors _____
- d. Number of daily and weekly commercial deliveries to the premises _____
- e. Number of parking spaces available _____
- f. Describe your general business operations

- g. Describe any proposed site renovations, including, but not limited to – landscaping, lighting, pavement, structural changes, signage, access and circulation

I hereby acknowledge that I have read this application and state that the above is correct and agree to comply with all the city ordinances and state laws regulating construction.

I understand that only those point specifically mentioned are affected by action taken on this appeal.



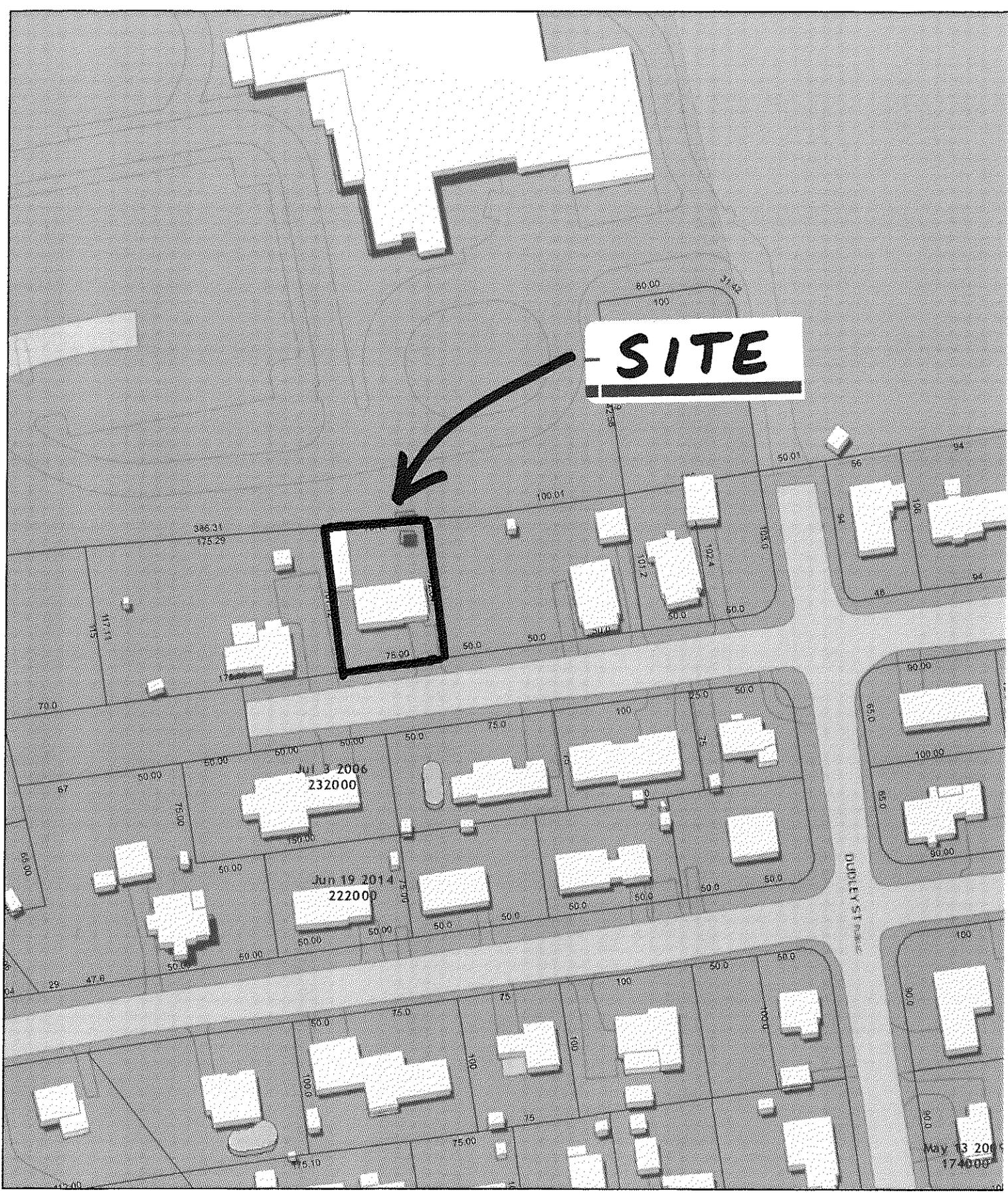
Signature of applicant

1/28/16

Date

The staff report for a Use Variance request will be available no later than Friday of the week before the ZBA meeting. If you would like a copy, please indicate below:

- I will pick it up at City Hall
- Please email it to me at _____
- Please mail it to me at _____



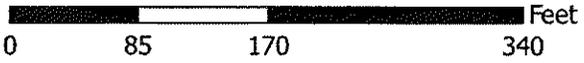
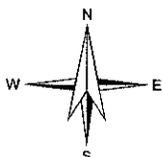
SITE

Jul 3 2006
232000

Jun 19 2014
222000

May 13 2006
174000

40 Linton



1 inch = 127 feet





City of Nashua
Community Development Division
 City Hall, 229 Main Street, PO Box 2019
 Nashua, New Hampshire 03061-2019

RECEIVED	Community Development	589-3093
	Planning and Zoning	589-3090
	Building Safety	589-3080
	Code Enforcement	589-3100
	Urban Programs	589-3085
	Economic Development	589-3070
	Conservation Commission	589-3105
	FAX	589-3119
www.nashuanh.gov		

VARIANCE APPLICATION

This application must be completed and submitted to the Planning Department no later than the dates listed on the Zoning Board of Adjustment (ZBA) schedule sheet. The ZBA will not consider incomplete or inaccurate applications for action. ~ PLEASE PRINT OR TYPE ~

1. VARIANCE INFORMATION

- a. ADDRESS OF REQUEST 45 High Street
 Zoning District D-1 / MU Sheet 79 Lot 127
- b. VARIANCE(S) REQUESTED
Variations from Sections 190-97 and 190-108 and any related sections of Article X of the Land Use Code to permit 2 electronic message centers (electronic changing message signs) as wall signs which will comply with all dimensional criteria.

2. GENERAL INFORMATION

- a. APPLICANT / OPTIONEE (List both individual name and corporate name if applicable)
Harbor Homes, Inc.
 Applicant's signature [Signature] Date January 12, 2016
 Applicant's address 45 High Street, Nashua, NH 03060
 Telephone number (home) N/A (work) (603) 882-3616
- b. PROPERTY OWNER Harbor Homes, Inc.
 Owner's signature [Signature] Date January 12, 2016
 Owner's address 45 High Street, Nashua, NH 03060
 Telephone number (home) N/A (work) (603) 882-3616

Case number _____ Application Deadline _____ Date Received _____ Date of hearing 2/9/16

Notices: Newspaper Abutters Board Action _____

\$ _____ fee Date Paid _____ Receipt # _____

\$ _____ application fee Date Paid _____ Receipt # _____

\$15 signage fee \$100 recovery fee Date Paid _____ Receipt # _____

2016-00012

3. PURPOSE OF REQUEST

Answer all questions below. Provide as much information as available to give the ZBA the necessary facts to review your case. Attached additional sheets if necessary. See "Procedures for Filing a Variance" for further information.

- 1. **Granting of the requested variance will not be contrary to the public interest**, because: (The proposed use must not conflict with the explicit or implicit purpose of the ordinance and that it must not alter the essential character of the neighborhood, threaten public health, safety, or welfare, or otherwise injure "public rights.")

See attached.

- 2. **The proposed use will observe the spirit of the ordinance**, because: (The Proposed use must not conflict with the explicit or implicit purpose of the ordinance and must not alter the essential character of the neighborhood, threaten public health, safety, or welfare, or otherwise injure "public rights.")

See attached.

- 3. **Substantial justice would be done to the property-owner by granting the variance**, because: (The benefits to the applicant must not be outweighed by harm to the general public or to other individuals.)

See attached.

- 4. **The proposed use will not diminish the values of surrounding properties**, because: (The Board will consider expert testimony but also may consider other evidence of the effect on property values, including personal knowledge of the members themselves.)

See attached.

- 5. **Special conditions exist such that literal enforcement of the ordinance results in unnecessary hardship**, because: (The applicant must establish that because, because of the special conditions of the property in question, the restriction applied to the property by the

ordinance does not serve the purpose of the restriction in a "fair and reasonable" way. Also, you must establish that the special conditions of the property cause the proposed use to be reasonable. The use must not alter the essential character of the neighborhood. Alternatively, you can establish that, because of the special conditions of the property, there is no reasonable use that can be made of the property that would be permitted under the ordinance. If there is any reasonable use (including an existing use) that is permitted under the ordinance, this alternative is not available.

Please see attached.

4. USE VARIANCE ADDITIONAL INFORMATION

Please answer all questions below that are applicable. Your answers to these questions will allow staff to better understand your request.

- a. Total number of employees N/A Number of employees per shift N/A
- b. Hours and days of operation 7:00 a.m. to 9:00 p.m. / 7 days per week (signs)
- c. Number of daily and weekly visits to the premises by customers, clients, vendors and solicitors N/A
- d. Number of daily and weekly commercial deliveries to the premises N/A
- e. Number of parking spaces available N/A
- f. Describe your general business operations
Harbor Homes, Inc. operates a health/dental clinic at 45 High Street, has office operations pertaining to veterans and other human services and its affiliates have office and related operations.
- g. Describe any proposed site renovations, including, but not limited to – landscaping, lighting, pavement, structural changes, signage, access and circulation
Installation of 2 electronic message centers as wall signs - one on the wall facing High Street (south) (approximately 75 square feet in size) and other facing west (approximately 30 square feet in size)

I hereby acknowledge that I have read this application and state that the above is correct and agree to comply with all the city ordinances and state laws regulating construction.

I understand that only those point specifically mentioned are affected by action taken on this appeal.

Harbor Homes, Inc.

By:

Signature of applicant

[Handwritten Signature], President (CEO)

January 12, 2016

Date

The staff report for a Use Variance request will be available no later than Friday of the week before the ZBA meeting. If you would like a copy, please indicate below:

- I will pick it up at City Hall
- Please email it to me at jbwestgate@winerbennett.com
- Please mail it to me at _____

HARBOR HOMES, INC. – OWNER & APPLICANT
(45 High Street – Sheet 79, Lot 127)

ATTACHMENT TO VARIANCE APPLICATION

3. PURPOSE OF REQUEST

Introduction

Harbor Homes, Inc. is the owner of the property at 45 High Street (the “Property”). The Property is located in the D-1 / MU Zoning Districts. The Property contains approximately .39 acres of land and a building. The building contains a first floor and second floor when viewed from the High Street side, as well as a lower level (below the first floor level) with walk-out exposure on the Factory Street side.

At present, the building contains offices and programming space for certain of Harbor Homes, Inc.’s and certain affiliates’ operations. At present, the office uses at the Property includes Harbor Homes, Inc.’s corporate offices as well as offices for certain affiliates and space for service and counseling programs, including outpatient services. The building also contains a training room customarily used by Harbor Homes, Inc.’s affiliate – Welcoming Light, Inc. – and also serves as a general training or meeting room for other Harbor Homes, Inc.’s or affiliates’ operations. The building also houses Harbor Homes, Inc.’s Harbor Care & Wellness Center, which provides health care and dental care services to qualifying low income people. The recent renovations to the Property included substantial fit-up and improvements to house the clinic. Harbor Homes, Inc.’s affiliate – Healthy at Home, Inc. – recently relocated to 12 Amherst Street.

The building has approximately 95’ of frontage along High Street, 83’ of frontage along Factory Street as well as approximately 80’ of building length facing the Clocktower Place apartments to the west.

At present, the building only has one (1) sign – the wall sign facing High Street. This sign contains letters changed by hand to provide different information regarding programming at the Property. This sign would be replaced by one of the electronic message centers / wall signs (the one which would face High Street) described below.

Proposed Signage

Harbor Homes, Inc. desires to install three (3) signs to be affixed to the building – two (2) wall signs (which would also be electronic message centers) and a projecting sign, as further detailed below. A relatively small department directory sign on the outside wall near the Factory Street entrance is also planned.

The proposed signage was described in detail in the letter of J. Bradford Westgate, Esquire (counsel for Harbor Homes, Inc.) to Carter Falk, Deputy Manager / Zoning and Marcia

Wilkins, Planner I, dated November 21, 2015. That letter requested formal administrative / zoning determinations with respect to the proposed signage.

By letter of December 10, 2015, Mr. Falk issued his formal administrative / zoning determinations and concluded that the only variances required with respect to the proposed signage were variances to allow electronic message centers (electronic changing message signs) on the two (2) wall signs. No dimensional variances were required nor were any variances required for the proposed projecting sign along Factory Street.

As a result, this Variance Application seeks to allow electronic message centers as wall signs – one facing High Street (to the south) and the other facing the Clocktower Place Apartments (to the west).

1. Electronic Message Center / Wall Sign Facing High Street. Harbor Homes, Inc. proposes to install and use an electronic message center / wall sign on the wall of the building facing High Street, to replace the existing wall sign. The new electronic message center / wall sign would be in the same basic location as the existing sign. The new wall sign (electric message center) would be approximately 13' 8" wide and 5' 6" tall, being just over 75 square feet total. The top of the sign would not exceed 20' from ground level. Being an electronic message center, no more than 50% of the area of the sign would be a so-called changing sign (meaning the area housing the electronic messages).

See attached Sheet 3.0 prepared by Barlo Signs which sets forth a general depiction of the proposed sign as well as its proposed location on the building. The colors and lettering to be employed may, of course, be different than that depicted; however, it is Harbor Homes, Inc.'s present intention that the Harbor Care & Wellness Center would be the program identified by the sign.

2. Electronic Message Center / Wall Sign Facing Factory Street. This sign would be an electronic message center / wall sign similar to that proposed facing High Street (item 1 above) but smaller in all dimensions. This electronic message center / wall sign would be approximately 6' 8" wide and approximately 4' 6" tall, a total of approximately 30 square feet. The top of the sign will not be higher than 20' above ground level. The changing sign component (electronic message center component) would not exceed 50% of the overall size of this sign. See attached Sheet 2.0 prepared by Barlo Signs giving a general depiction of this proposed electronic message center / wall sign. It is also anticipated that the Harbor Care & Wellness Center would be the program identified by the sign.

5 Criteria for Granting a Variance

The numbers below correspond to the numbered subsections of Section 3 of the Variance Application.

1. **Granting of the requested variance will not be contrary to the public interest, because:**

It is not contrary to the public interest to permit two (2) electronic message centers / wall signs that meet all dimensional criteria on a building set a long block westerly of Main Street, located in which building is a health and dental clinic used by substantial number of qualifying low income people. Electronic message centers form an important means of communication to the clinic's clientele, enabling them to be aware of hours of operation, seasonal programming and other periodic programming. The clinic's clientele may have limited access to other means of communications. Therefore, enhancing community and clientele awareness of the clinic is in the public interest.

2. The proposed use will observe the spirit of the ordinance, because:

In part, the spirit of the ordinance (the Land Use Code) is derivative from its purposes. The Property is located in the D-1 District. Table 14-1 of the Land Use Code details the purposes of the various zoning districts. The D Districts are "pedestrian-oriented" and contain a mix of uses, including multi-family uses and commercial and institutional uses.

Permitting electronic message centers on a building in the D-1 District, which building is not located directly on Main Street and which has limited visibility given its back street location, is consistent with the spirit of the ordinance since it will enhance pedestrian awareness and serve residents in the general downtown area who will become more readily aware of its location and services. As such, the electronic message centers are consistent with pedestrian-oriented nature of the D Districts and consistent with the mixed use nature of the D District, which districts are designed to afford residents in the area services accessible to them.

3. Substantial justice would be done to the property-owner by granting the variance, because:

Permitting two (2) electronic message centers on a building which contains a health and dental clinic for qualifying low income people, where such building is located in the downtown area, but off Main Street, and where the electronic message centers provide greater visibility and information regarding the clinic and its services for all residents, many of which eligible residents reside in downtown Nashua, does substantial justice. If the variance is granted, Harbor Homes, Inc. will be permitted to install an electronic message center / wall sign facing High Street (smaller in size than the current mechanical letter manipulated wall sign) and a relatively small electronic message center facing the Clocktower Apartments and Water Street. Neither wall sign will be visible from Main Street, but will bring greater visibility (and thus accessibility) to a building located off Main Street, but in the downtown area, the heart of the clinic's service area.

The electronic message centers will meet all dimensional criteria and will, of course, have to comply with the operational criteria set forth in Section 190-97(B) of the Land Use Code. For example, the changing sign (electronic) component (the changing lettering) may not exceed fifty percent (50%) of the sign's area. The changing sign will be restricted to three (3) lines of text without additional symbols, graphics or images, and the illumination elements will remain at a fixed level of illumination for at least five (5) seconds. As such, it will not be intrusive, especially since the building is set back from High Street.

4. **The proposed use will not diminish the value of surrounding properties, because:**

Relatively modest sized electronic changing signs, located a long block away from Main Street, in the mixed use area, primarily consisting of non-residential uses in the most immediate vicinity, with governed hours of operation, will not diminish the value of surrounding properties. Harbor Homes, Inc.'s building at 45 High Street is set back from High Street. Adjacent to it is the Arena Sports lounge (to the west), a city parking lot and parking garage to the east and another city parking lot to the south. The electronic message center facing High Street faces that city parking lot. For a downtown location, it is relatively isolated (supporting the desire to have the electronic message centers in the first place) and thus not within close proximity to immediate sight lines of residential buildings. Also, the provisions of Section 190-97(B) further render electronic message centers less intrusive, particularly when contemplating the purpose of these signs – to generate awareness of the health and dental clinic and its programming.

5. **Special conditions exist such that literal enforcement of the ordinance results in unnecessary hardship, because:**

Under RSA 674:33, I(b), “unnecessary hardship” means that, owing to special conditions of the property that distinguish it from other properties in the area (i) no fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application to of that provision to the property and (ii) the proposed use is a reasonable one.

45 High Street has a number of special conditions. First, although located downtown, it is in a relatively isolated location with frontage on two (2) streets (Factory Street and High Street), a parking lot / city garage to its east and another city parking lot across High Street to its south. It is not located in a close cluster of buildings. Its back street location underpins a need for improvements which make the clinic (and the services provided in the building) more visible and assessable to the downtown community. This is particularly relevant given the nature of the health and dental clinic – servicing qualifying low income individuals.

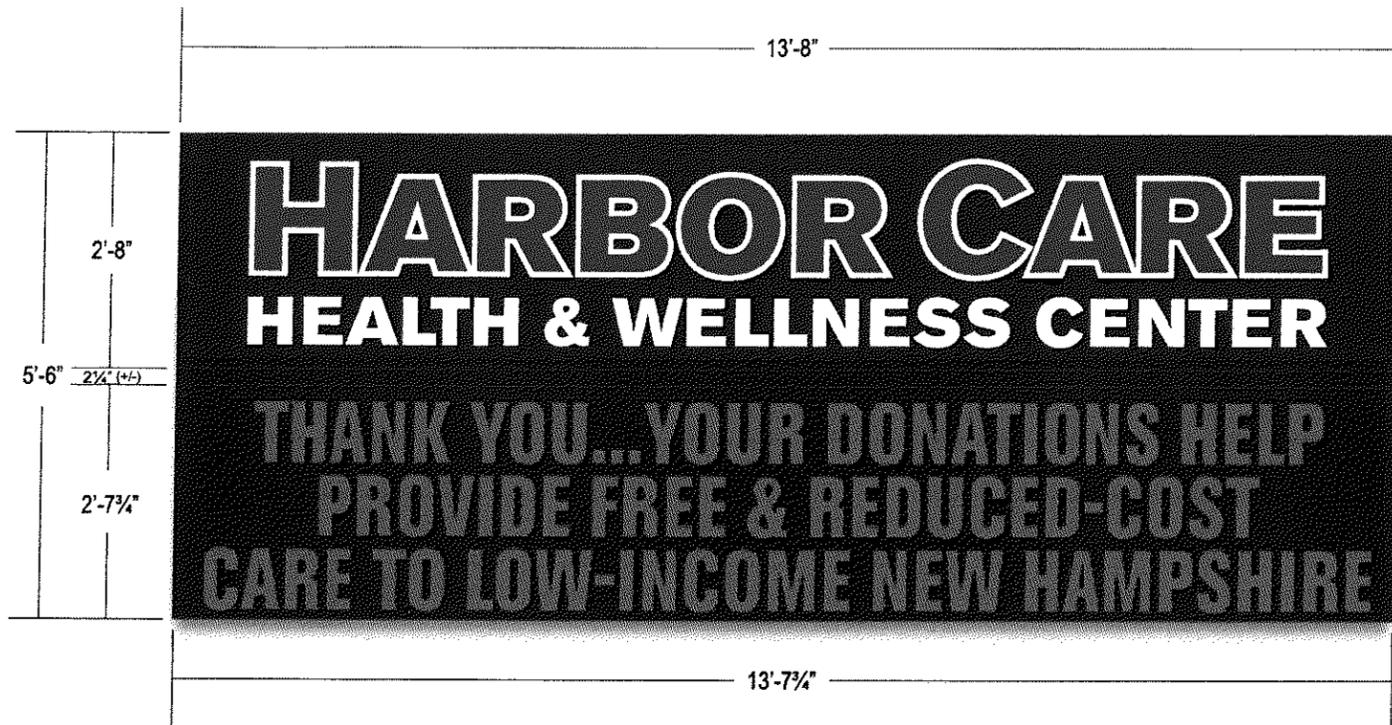
With these special conditions in mind, it is clear that no fair and substantial relationship exists between the general public purposes of the ordinance provisions (which prohibit a wall sign from being an electronic message center) and the specific application of those provisions to 45 High Street.

As noted above in the discussion of the spirit of the ordinance, part of the purposes of the D Districts is to acknowledge their mixed use nature (of commercial, institutional and residential facilities) and the pedestrian-oriented physical characteristics of downtown and the D Districts. Appropriately sized and governed electronic message centers, which are not located on or visible from Main Street, serve those purposes of the D Districts. Consequently, the provisions in the Land Use Code which prohibit that purpose (Sections 190-97 and 190-108 and other provisions of the sign ordinance (Article X)) do not bear a fair and substantial relationship to the specific application of those provisions in this case. In short, the

provisions of Article X (the sign ordinance) that prohibit electronic message centers in this particular case, for this particular building, set a long block or so off Main Street, in a relatively isolated location, surrounded by streets on two (2) sides and city parking facilities adjacent or across the street as well, preclude implementation of the public purposes of the D District and thus bear no fair and substantial relationship to them.

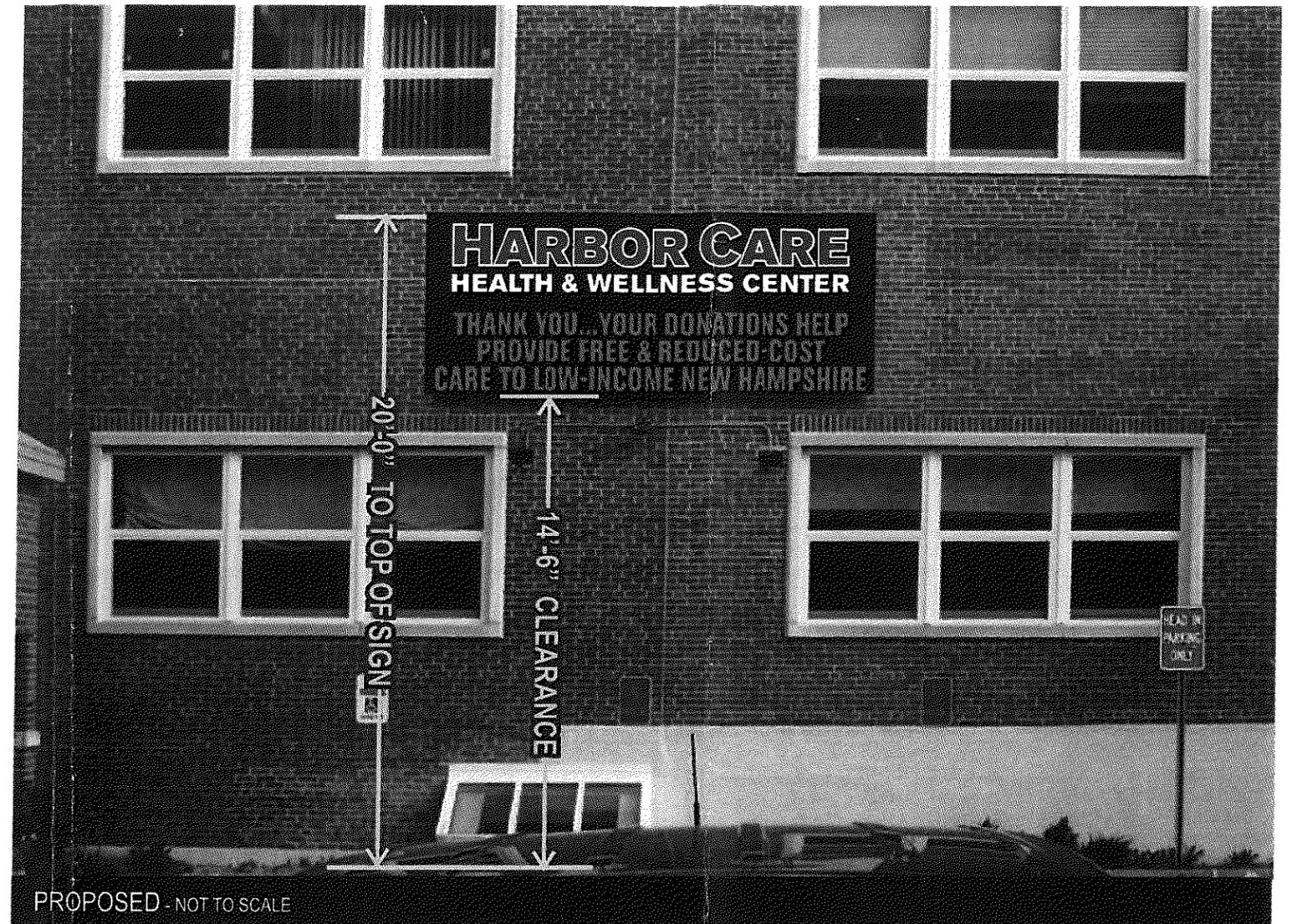
Conclusion

In light of the foregoing, Harbor Homes, Inc. respectfully requests that the Variance Application be granted.



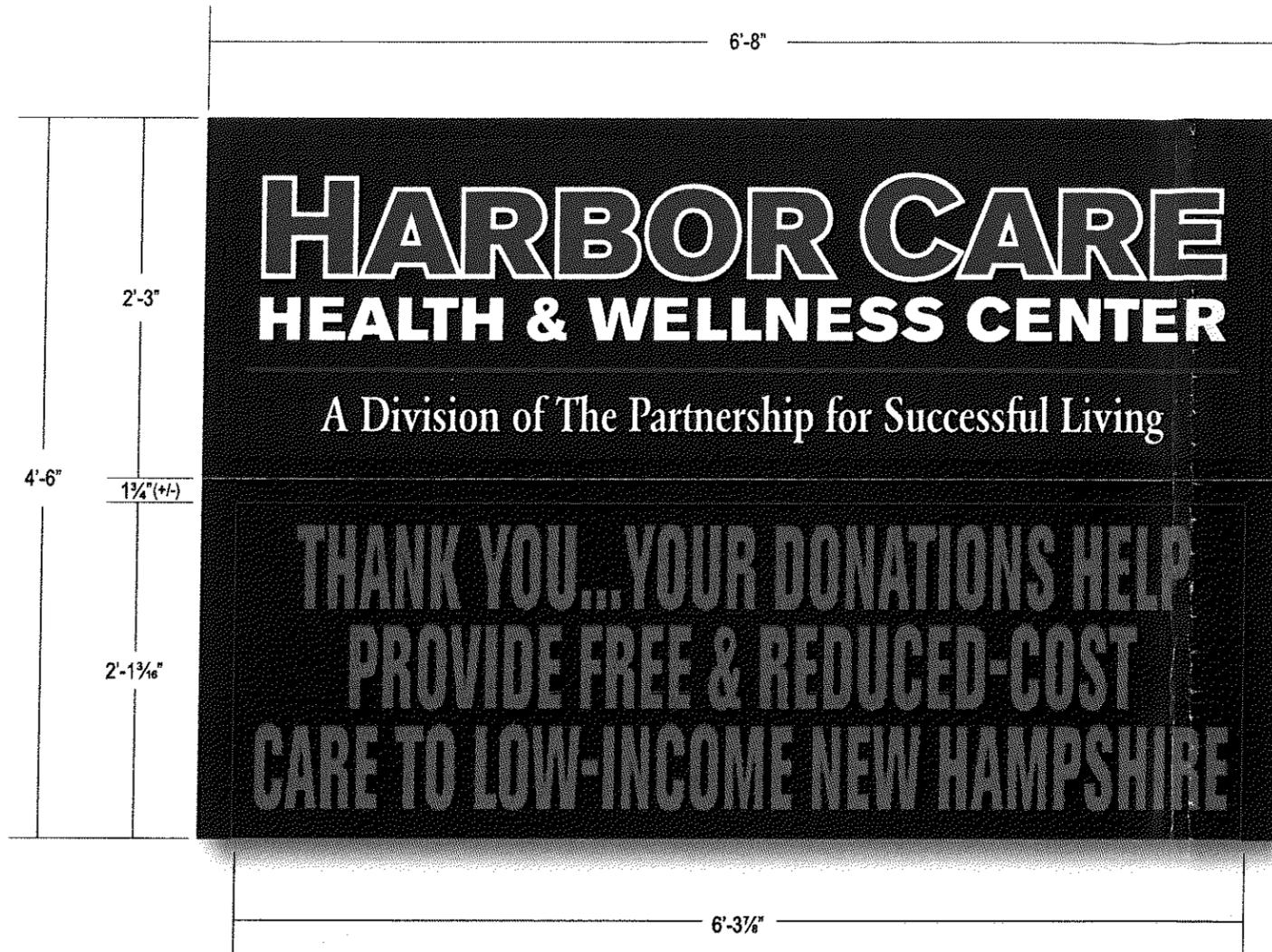
ITEM C - (1) S/F INTERNALLY-LIT WALL SIGN w/ EMC

SCALE: 1/2" = 1'-0"



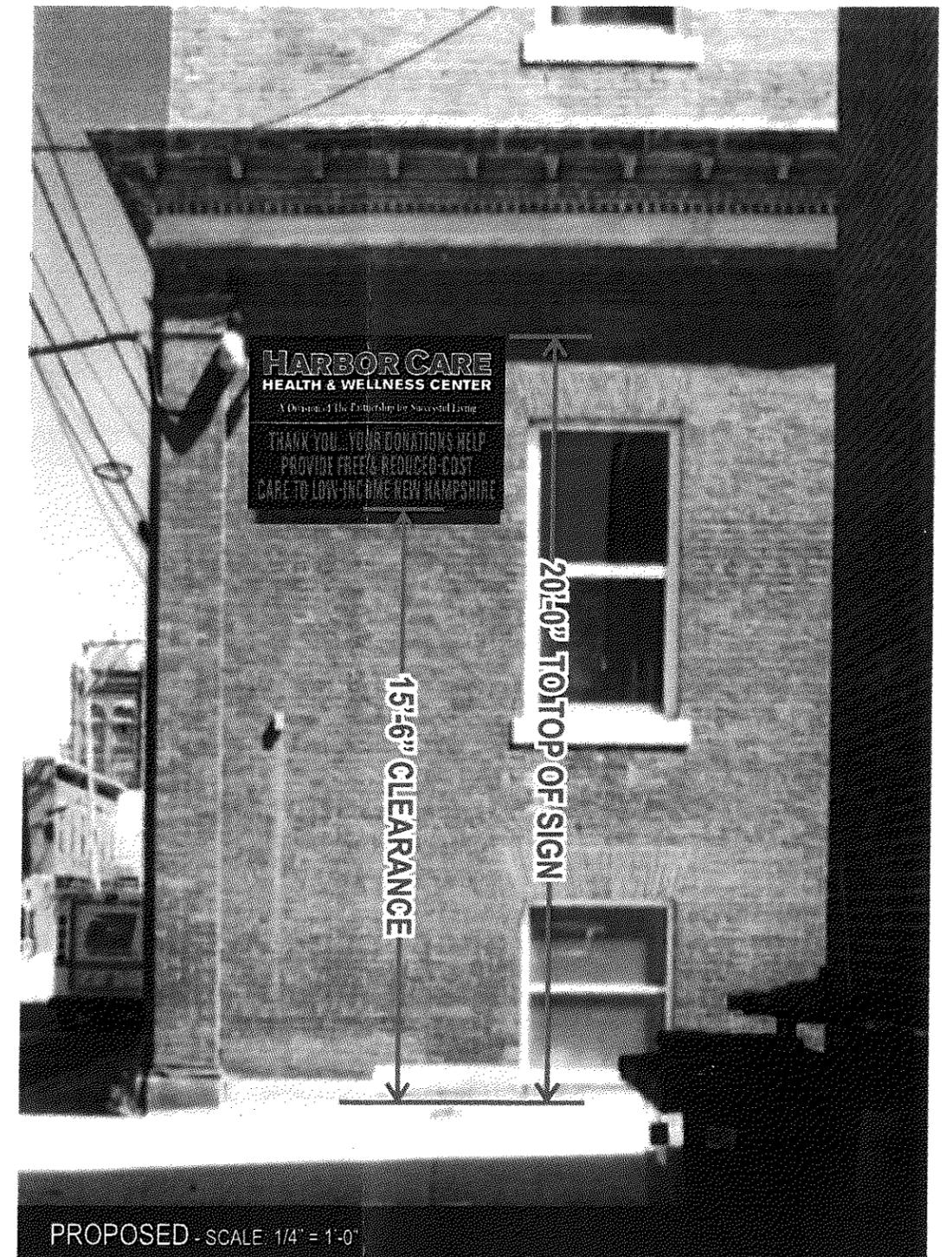
FIELD SURVEY REQUIRED
(MEASUREMENTS MUST BE VERIFIED)

JOB#:		SIGN CABINET COLORS		ELECTRONIC MESSAGE CENTER		REVISIONS		Job Name: HARBOR CARE HEALTH & WELLNESS		<p>158 Greeley St., Hudson, NH 03051 (603) 882-2638 Fax (603) 882-7680 For Service: 800-227-5674</p>	
SCOPE OF WORK		Cabinet: 8 1/2" PTM S/G BLACK	Retainer: 1 1/2" PTM S/G BLACK	Red Amber RGB	Date	Comment	Location: 45 High St. - Nashua NH		Design Specifications Accepted By:		Drawn By: DAYNA
MANUFACTURE & INSTALL ITEM C - (1) S/F INTERNALLY-LIT WALL SIGN w/ EMC		Face/Background: 3/16" WHITE LEXAN	Illumination: <input checked="" type="checkbox"/> Fluorescent <input type="checkbox"/> LED <input type="checkbox"/> Non-Illuminated	Cabinet Size: 2'-7.75" x 13'-7.75"			Client:		Sales Rep: WILK		PM: HL
Sign Area: 75.16 SQ FT		Copy: EUROPEAN BLUE 3630-137 (B/G) LT EURO BLUE 3630-147 (COPY) REVERSE CUT WHITE (COPY)	Special Note:	Matrix: 40 x 208			Landlord:		Date: 10/5/15		
Artwork Req: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Photos Avail: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	ALL COLORS ARE FOR REPRESENTATION ONLY. SEE ACTUAL SAMPLES FOR COLOR MATCH.		Pixel Size: 20 MM			PROJECT APPROVAL		© COPYRIGHT 2015 THE BARLO GROUP THIS DESIGN CONCEPT IS THE PROPERTY OF THE BARLO GROUP. ALL PRODUCTION AND DUPLICATION RIGHTS ARE RESERVED BY THE BARLO GROUP. THIS PRINT IS DESIGNED FOR YOUR PERSONAL USE AND IS NOT TO BE USED OUTSIDE YOUR ORGANIZATION OR EXHIBITED BY ANY PARTIES.		
Sign Deposition:	Corp Specs Avail: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			T & T Weather Station			Design: _____ Date: _____	Underwriters Laboratories Inc.		File Name: Harbor Care Health 150714898 10-5	
				Comm: Fiber DC (RF) PM Cell			Engineering: _____ Date: _____			B-15-07-14898	
				Master/Slave Master/Slave			Estimating: _____ Date: _____			SHEET: 3.0	
				Computer Provided: Y N			Sales: _____ Date: _____				
							Production: _____ Date: _____				
							Installation: _____ Date: _____				



ITEM B - (1) S/F INTERNALLY-LIT WALL SIGN w/ EMC
SCALE: 1" = 1'-0"

FIELD SURVEY REQUIRED
(MEASUREMENTS MUST BE VERIFIED)



PROPOSED - SCALE: 1/4" = 1'-0"

JOB#:		SIGN CABINET COLORS		ELECTRONIC MESSAGE CENTER		REVISIONS		Job Name: HARBOR CARE HEALTH & WELLNESS		 158 Greeley St., Hudson, NH 03051 (603) 882-2638 Fax (603) 882-7680 For Service: 800-227-5674
SCOPE OF WORK		Cabinet: 8 1/2" PTM S/G BLACK	Retainer: 1 1/2" PTM S/G BLACK	Red Amber RGB	Date	Comment	Location: 45 High St. - Nashua NH			
MANUFACTURE & INSTALL ITEM B - (1) S/F INTERNALLY-LIT WALL SIGN w/ EMC		Face/Background: 3/16" WHITE LEXAN	Illumination: <input checked="" type="checkbox"/> Fluorescent <input type="checkbox"/> LED <input type="checkbox"/> Non-Illuminated	Cabinet Size: 2'-1.18" x 6'-3.87"			Design Specifications Accepted By:			
Sign Area: 30 SQ FT		Copy: EUROPEAN BLUE 3630-137 (B/G) LT EURO BLUE 3630-147 (COPY) REVERSE CUT WHITE (COPY)	Special Note:	Matrix: 24 x 80			Drawn By: DAYNA			
Artwork Req: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Photos Avail: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			Pixel Size: 20 MM			Sales Rep: WILK			
Sign Deposition:				T & T Weather Station			PM: HL			
Corp Specs Avail: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		ALL COLORS ARE FOR REPRESENTATION ONLY. SEE ACTUAL SAMPLES FOR COLOR MATCH.		Comm: Fiber DC (RF) PM Cell			Date: 10/5/15			
				Master/Master Master/Slave			PROJECT APPROVAL			
				Computer Provided: Y N			Design: Date:	© COPYRIGHT 2015 THE BARLO GROUP THIS DESIGN CONCEPT IS THE PROPERTY OF THE BARLO GROUP. ALL PRODUCTION AND DUPLICATION RIGHTS ARE RESERVED BY THE BARLO GROUP. THIS PRINT IS DESIGNED FOR YOUR PERSONAL USE AND IS NOT TO BE USED OUTSIDE YOUR ORGANIZATION OR EXHIBITED IN ANY MANNER.		
							Engineering: Date:			
							Estimating: Date:			
							Sales: Date:			
							Production: Date:	Underwriters Laboratories Inc.		
							Installation: Date:			
							File Name: Harbor Care Health 150714898 10-5			
							B-15-07-14898			
							SHEET: 2.0			



City of Nashua
Community Development Division
 City Hall, 229 Main Street, PO Box 2019
 Nashua, New Hampshire 03061-2019

RECEIVED	Community Development	889-3095
	Planning and Zoning	889-3090
	Building Safety	889-3080
	Code Enforcement	889-3100
	Urban Programs	889-3085
	Economic Development	889-3070
	Conservation Commission	889-3105
FAX	889-3119	
www.nashuanh.gov		ML

VARIANCE APPLICATION

This application must be completed and submitted to the Planning Department no later than the dates listed on the Zoning Board of Adjustment (ZBA) schedule sheet. The ZBA will not consider incomplete or inaccurate applications for action. ~ PLEASE PRINT OR TYPE ~

1. VARIANCE INFORMATION

a. ADDRESS OF REQUEST 66 WEST HOLLIS STREET
 Zoning District GB Sheet 84 Lot 29

b. VARIANCE(S) REQUESTED FOR BUILDING RENOVATION (after fire):
Along front elevation (Hollis St.), construction of
sheltering roof over front entrances - to replace
original roof - at a height of 11'-4" above sidewalk.

2. GENERAL INFORMATION

a. APPLICANT / OPTIONEE (List both individual name and corporate name if applicable)
JOE BUTLER, WEST HOLLIS STREET TRUST
 Applicant's signature _____ Date JAN. 25, 2016
 Applicant's address P.O. BOX 56, SUNAPEE NH 03782
 Telephone number (home) _____ (work) 607-839-1411

b. PROPERTY OWNER (same)
 Owner's signature Joe Butler Trustee Date 1/25/2016
 Owner's address Same as above
 Telephone number (home) _____ (work) _____

Case number _____	Application Deadline _____	Date Received <u>1/26/16</u>	Date of hearing <u>2/23/16</u>
Notices: Newspaper <input type="checkbox"/>	Abutters <input type="checkbox"/>	Board Action _____	
\$ _____ fee <input type="checkbox"/>	Date Paid _____	Receipt # _____	
\$ _____ application fee <input type="checkbox"/>	Date Paid _____	Receipt # _____	
\$15 signage fee <input type="checkbox"/>	\$100 recovery fee <input type="checkbox"/>	Date Paid _____	Receipt # _____

2016-00019

3. PURPOSE OF REQUEST

Answer all questions below. Provide as much information as available to give the ZBA the necessary facts to review your case. Attached additional sheets if necessary. See "Procedures for Filing a Variance" for further information.

1. **Granting of the requested variance will not be contrary to the public interest**, because: (The proposed use must not conflict with the explicit or implicit purpose of the ordinance and that it must not alter the essential character of the neighborhood, threaten public health, safety, or welfare, or otherwise injure "public rights.")

The public interest is benefited by the renovation (and substantial improvement) of a prominent 3 story apartment building on a corner site.

The proposed roof is a central part of the appearance of the building.

The proposed roof (replacing an earlier roof) provides visual interest, shade in the summer, and protection from the elements.

2. **The proposed use will observe the spirit of the ordinance**, because: (The Proposed use must not conflict with the explicit or implicit purpose of the ordinance and must not alter the essential character of the neighborhood, threaten public health, safety, or welfare, or otherwise injure "public rights.")

The proposal does not threaten public safety or welfare -

a) the roof is higher than the pre-existing roof, and

b) the roof provides shelter from precipitation better than before.

The proposal supports the character of the neighborhood -

a) the roof adds detail and interest to the building, and

b) diminishes the severe box shape of the 3 stories.

The proposal observes the spirit of the ordinance because

a) the ordinance allows for roof projections within a setback (but the building sits on the lot line - no setback).

3. **Substantial justice would be done to the property-owner by granting the variance**, because: (The benefits to the applicant must not be outweighed by harm to the general public or to other individuals.)

The primary benefit would be for the occupants of the building.

A sheltering roof over the entry ways adds to the comfort and amenity of arriving and leaving the building.

A sheltering roof over the ground floor windows allows for open windows side during warm weather rains keeping the units cooler in humid weather, with less AC use.

4. **The proposed use will not diminish the values of surrounding properties**, because: (The Board will consider expert testimony but also may consider other evidence of the effect on property values, including personal knowledge of the members themselves.)

The proposed roof use complements surrounding properties because most of these properties have traditional details and small scale elements - similar to this new roof.

This is an older neighborhood near the center of town - with high pedestrian traffic - and it is well understood that awnings and roof projections provides additional amenity to pedestrians.

5. **Special conditions exist such that literal enforcement of the ordinance results in unnecessary hardship**, because: (The applicant must establish that because, because of the special conditions of the property in question, the restriction applied to the property by the

Address 606 WEST HOLLY STREET

ordinance does not serve the purpose of the restriction in a "fair and reasonable" way. Also, you must establish that the special conditions of the property cause the proposed use to be reasonable. The use must not alter the essential character of the neighborhood. Alternatively, you can establish that, because of the special conditions of the property, there is no reasonable use that can be made of the property that would be permitted under the ordinance. If there is any reasonable use (including an existing use) that is permitted under the ordinance, this alternative is not available.

The special property condition is that the building sits directly on the front (Holly St.) lot line.

The pre-existing roof also does not meet the current ordinance. Retaining the visual character and use/amenity of the previous roof cannot meet the current ordinance.

4. USE VARIANCE ADDITIONAL INFORMATION

Please answer all questions below that are applicable. Your answers to these questions will allow staff to better understand your request.

- a. Total number of employees 1 (part time maintenance) (Number of employees per shift _____)
- b. Hours and days of operation Apartment House - 10 units
- c. Number of daily and weekly visits to the premises by customers, clients, vendors and solicitors 0
- d. Number of daily and weekly commercial deliveries to the premises 0
- e. Number of parking spaces available 0
- f. Describe your general business operations Residential Use

- g. The number of apartments (10) has not changed.
Describe any proposed site renovations, including, but not limited to - landscaping, lighting, pavement, structural changes, signage, access and circulation
Construction of sheltering roof over first floor entrances - to replace original roof.

I hereby acknowledge that I have read this application and state that the above is correct and agree to comply with all the city ordinances and state laws regulating construction.

I understand that only those point specifically mentioned are affected by action taken on this appeal.

[Signature]
Signature of applicant

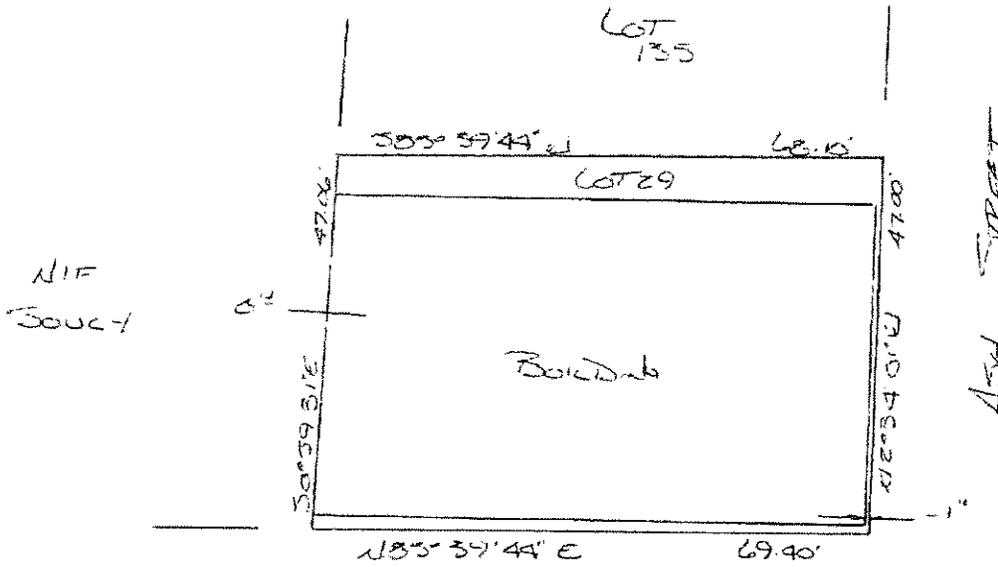
Jan. 25, 2016
Date

The staff report for a Use Variance request will be available no later than Friday of the week before the ZBA meeting. If you would like a copy, please indicate below:

- I will pick it up at City Hall
- Please email it to me at _____
- Please mail it to me at _____

PLOT PLAN

(For Mortgagee's Use Only)



WEST HOLLIS STREET
 LOT 29

This plan is not the result of an accurate boundary survey. It is for mortgage purposes only and not to be used for boundary determination. It must not be used for establishing lot lines, the erection of fences, walls, or hedges, or for supporting documentation for obtaining a variance.

I hereby certify that the building(s) on this plan is/are approximately as shown hereon and that it does comply to the town/city of ALBANY county of ALBANY zoning regulations regarding setbacks from streetlines and lot lines when constructed
 By Daniel J. Young

SCALE: 1"=20'
 DATE: 10/19/09

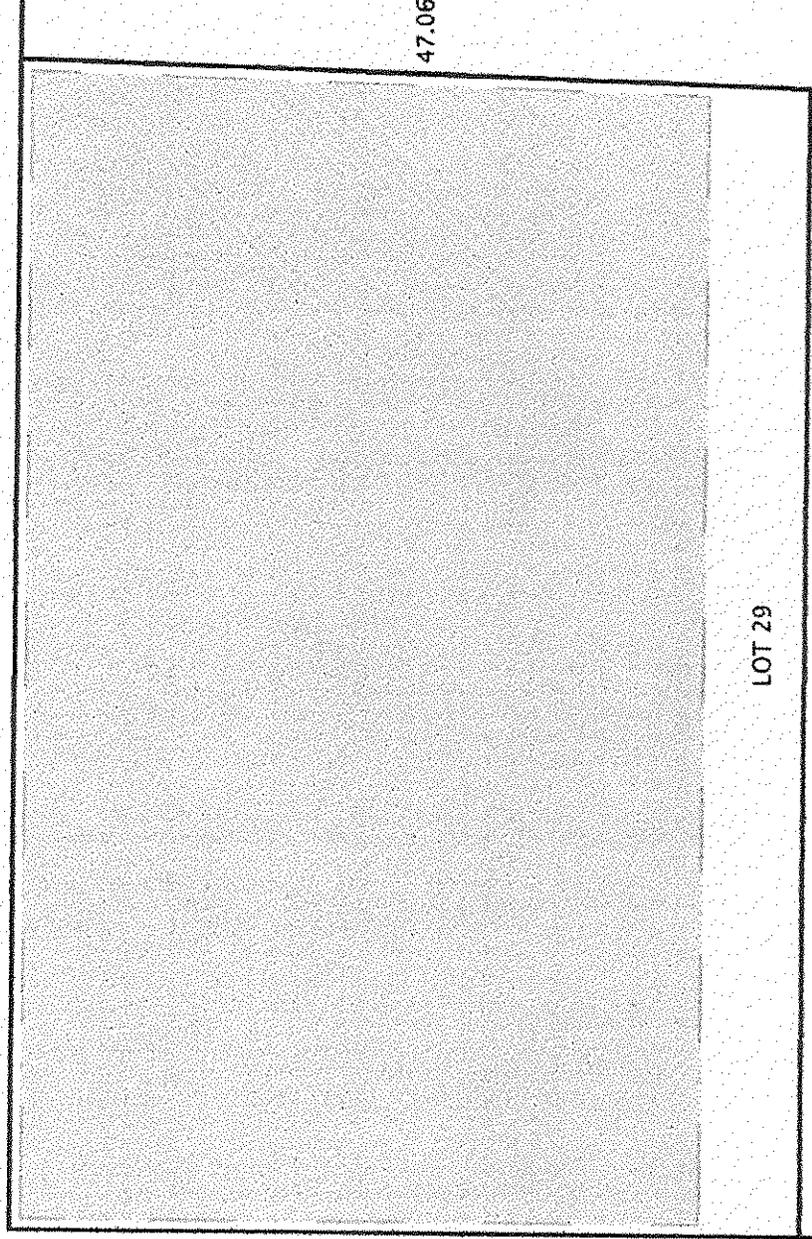
Boundary information taken from



WEST HOLLIS STREET APARTMENTS

WEST HOLLIS
STREET

69.40



47.00

ASH
STREET

LOT 29

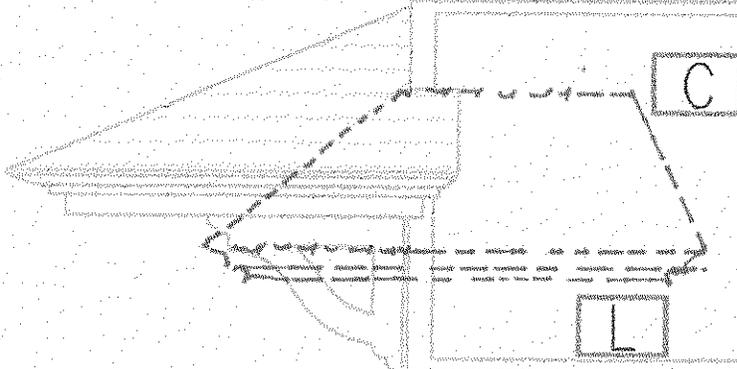
68.10

47.06

5'-0"



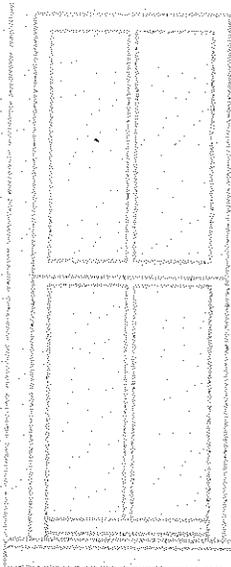
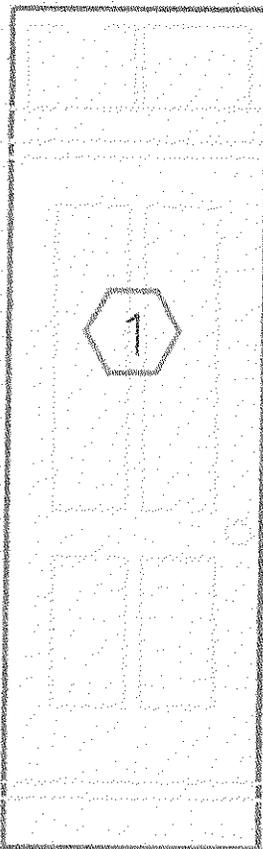
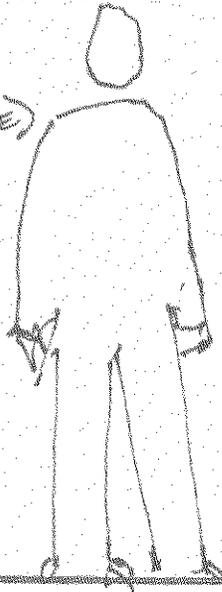
2'-8³/₈"



ORIGINAL ROOF

11'-6" ABOVE CORNER ABOVE SIDEWALK

(11'-4" TO 11'-6" RADIUS)

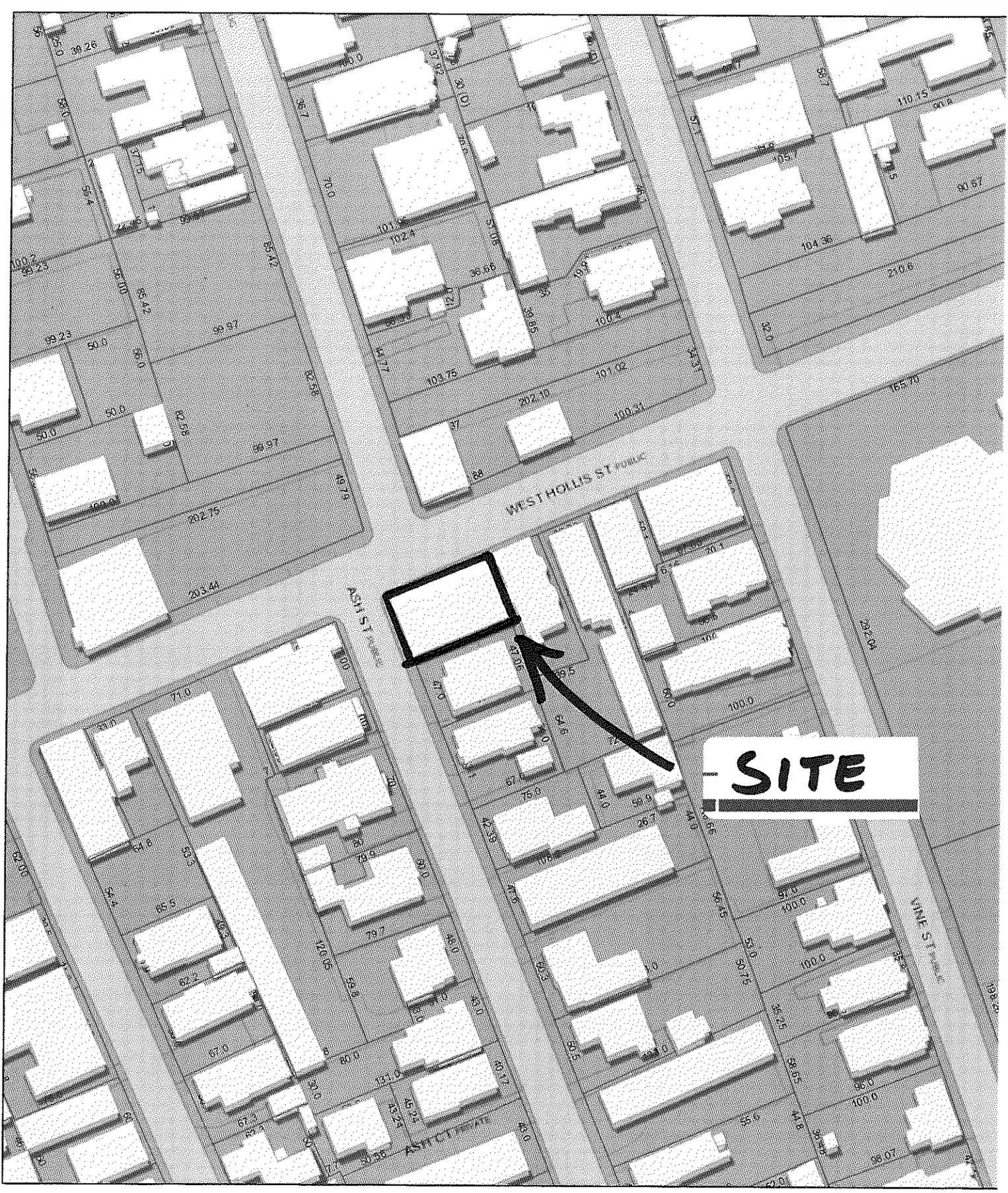


D

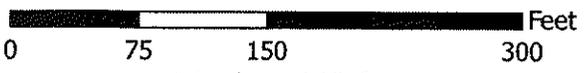
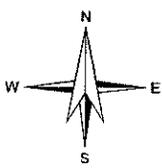
SCALE: 1/2" = 1'-0"

66 WEST HOLKIS STREET

PROPOSED ROOF



66 West Hollis Street



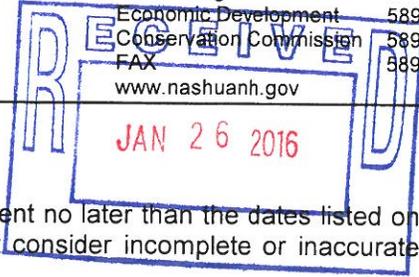
1 inch = 113 feet





City of Nashua
Community Development Division
 City Hall, 229 Main Street, PO Box 2019
 Nashua, New Hampshire 03061-2019

Community Development 589-3095
 Planning and Zoning 589-3090
 Building Safety 589-3080
 Code Enforcement 589-3100
 Urban Programs 589-3085
 Economic Development 589-3070
 Conservation Commission 589-3105
 FAX 589-3119
 www.nashuanh.gov



VARIANCE APPLICATION

This application must be completed and submitted to the Planning Department no later than the dates listed on the Zoning Board of Adjustment (ZBA) schedule sheet. The ZBA will not consider incomplete or inaccurate applications for action. ~ PLEASE PRINT OR TYPE ~

1. VARIANCE INFORMATION

- a. ADDRESS OF REQUEST 117 Fairview Ave Nashua NH 03060
 Zoning District R-9 Sheet 105 Lot 5
- b. VARIANCE(S) REQUESTED Open space is 50%, we are asking for an addition 8%-9%. New construction will put us at 58-59%.

2. GENERAL INFORMATION

- a. APPLICANT / OPTIONEE (List both individual name and corporate name if applicable)
Bible Baptist Church / Stephen Bates (Pastor)
 Applicant's signature [Signature] Date 1-26-16
 Applicant's address 62 Caldwell Rd Nashua, NH 03060
 Telephone number (home) 603-579-0686 (work) 603-889-4426
- b. PROPERTY OWNER Bible Baptist Church
 Owner's signature [Signature] Date 1-26-16
 Owner's address same
 Telephone number (home) same (work) same

Case number _____ Application Deadline _____ Date Received _____ Date of hearing 2/23/16

Notices: Newspaper Abutters Board Action _____

\$ _____ fee Date Paid _____ Receipt # _____

\$ _____ application fee Date Paid _____ Receipt # _____

\$15 signage fee \$100 recovery fee Date Paid _____ Receipt # _____

2016-00018

Address 22 Caldwell Rd

3. PURPOSE OF REQUEST

Answer all questions below. Provide as much information as available to give the ZBA the necessary facts to review your case. Attached additional sheets if necessary. See "Procedures for Filing a Variance" for further information.

1. **Granting of the requested variance will not be contrary to the public interest**, because: (The proposed use must not conflict with the explicit or implicit purpose of the ordinance and that it must not alter the essential character of the neighborhood, threaten public health, safety, or welfare, or otherwise injure "public rights.")

the requested variance better allows us to serve the public since we are a church open to the community. It will give us the opportunity to facilitate serving others in our community. We are asking for a variance related to green space / lot coverage.

2. **The proposed use will observe the spirit of the ordinance**, because: (The Proposed use must not conflict with the explicit or implicit purpose of the ordinance and must not alter the essential character of the neighborhood, threaten public health, safety, or welfare, or otherwise injure "public rights.")

We do not feel that the minimal additional green space coverage would threaten the character or public health/safety.

3. **Substantial justice would be done to the property-owner by granting the variance**, because: (The benefits to the applicant must not be outweighed by harm to the general public or to other individuals.)

Currently, our church has been growing rapidly and we do not want to add additional chairs in the existing building downstairs as we feel this could be a safety issue and also would require elderly attendees to have to navigate too many stairs.

4. **The proposed use will not diminish the values of surrounding properties**, because: (The Board will consider expert testimony but also may consider other evidence of the effect on property values, including personal knowledge of the members themselves.)

We currently have a church. We are proposing to expand the existing use slightly.

5. **Special conditions exist such that literal enforcement of the ordinance results in unnecessary hardship**, because: (The applicant must establish that because, because of the special conditions of the property in question, the restriction applied to the property by the

ordinance does not serve the purpose of the restriction in a "fair and reasonable" way. Also, you must establish that the special conditions of the property cause the proposed use to be reasonable. The use must not alter the essential character of the neighborhood. Alternatively, you can establish that, because of the special conditions of the property, there is no reasonable use that can be made of the property that would be permitted under the ordinance. If there is any reasonable use (including an existing use) that is permitted under the ordinance, this alternative is not available.

we are quickly running out of space for worship and classroom space. If we can not expand at our existing location we may be forced to move which would be very detrimental to the church and the attendees.

4. USE VARIANCE ADDITIONAL INFORMATION

Please answer all questions below that are applicable. Your answers to these questions will allow staff to better understand your request.

- a. Total number of employees 1 Number of employees per shift 1
- b. Hours and days of operation wednesday 7-9pm Sundays
- c. Number of daily and weekly visits to the premises by customers, clients, vendors and solicitors 3
- d. Number of daily and weekly commercial deliveries to the premises N/A
- e. Number of parking spaces available 47 currently
- f. Describe your general business operations we are a church

g. Describe any proposed site renovations, including, but not limited to – landscaping, lighting, pavement, structural changes, signage, access and circulation
we would be getting rid of an existing entry @ farnew and adding a fire lane as requested by the fire marshall.

I hereby acknowledge that I have read this application and state that the above is correct and agree to comply with all the city ordinances and state laws regulating construction.

I understand that only those point specifically mentioned are affected by action taken on this appeal.

[Signature]
Signature of applicant

1-26-16
Date

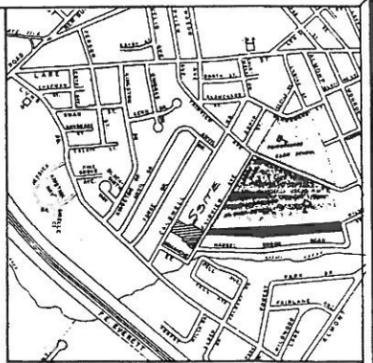
The staff report for a Use Variance request will be available no later than Friday of the week before the ZBA meeting. If you would like a copy, please indicate below:

- I will pick it up at City Hall
- Please email it to me at _____
- Please mail it to me at _____

ABUTTERS

- Map 105/Lots 5, 6, 7
Bible Baptist Church
62 Caldwell Road
Nashua, NH 03060
Bk 3692, Pg 334
Acct 26124
- Map 105/Lot 4
Simone Quizon
119 Fairview Ave.
Nashua, NH 03060
Bk 5806, Pg 1631
Acct 27954
- Map 105/Lot 8
Daniel Reed
111 Fairview Ave.
Nashua, NH 03060
Bk 5404, Pg 1317
Acct 19636
- Map 105/Lot 46
Gabrielle Provencier
58 Caldwell Rd.
Nashua, NH 03060
Bk 2657, Pg 355
Acct 27806
- Map 105/Lot 55
Irene Boaguet
Janet Cate
68 Caldwell Rd.
Nashua, NH 03060
Bk 2668, Pg 467
Acct 37274
- (RESIDENTIAL)
LOT 46 / SHT. 105
VOL. 1610 / PG. 93
- Map 105/Lot 73
Christine Sheridan
61 A Caldwell Rd.
Nashua, NH 03060
Bk 5404, Pg 1236
Acct 37980
- Map 105/Lot 74
Deborah & Jerome Kollodge
PO Box 184
Sisters, OR 97159
Bk 5358, Pg 439
Acct 21556
- Map 105/Lot 75
Michael Tancretti
Amos White
84 Lake St.
Nashua, NH 03060
Bk 5235, Pg 1714
Acct 35418
- Map 105/Lot 76
Leslie Ferri
34 Bay Rd.
Barrington, RI 02806
Bk 3100, Pg 612
Acct 27502
- Map 106/Lot 6
Clifford & Robin Barrie
120 Fairview Ave.
Nashua, NH 03060
Bk 5025, Pg 173
Acct 26458
- Map 106/Lot 6
City of Nashua
1 Assessors Office
-229 Main St.
Nashua, NH 03060
Bk 1272, Pg 41
Acct 39545
- Map 106/Lot 41
Security Homes, Inc.
PO Box 468
Nashua, NH 03061
Bk 3051, Pg 578
Acct 37134

- LEGEND**
- STAKEBOUNDS FOUND
 - STAKEBOUNDS TO BE SET
 - 1200L PIPES FOUND
 - 1200L PIPES TO BE SET
 - MIN. RETAIL LINE
 - TO BE LANDSCAPED



VICINITY MAP

NOTES:

- PRESENT ZONING: R-9 C-SUBURBAN RESIDENCE
- PRESENT USE - RESIDENTIAL & PARSONAGE
- PROPOSED USE - CHURCH
- TOTAL AREA OF PARCEL - 56,211 SF OR 1.28 AC
- MAXIMUM REQUIRED: 1 SP/7/4 CHURCH SEATS = 41
2 SPACES/PARSONAGE = 2
2 SPACES/DWELLING = 45 SPACES
- PARKING PROVIDED: 46 SPACES INCL. 3 HANDICAPPED
- SITE TO BE SERVED BY PENNICKUCK WATER WORKS AND CITY SEWER SURVEYOR.
- PERMANENT MARKERS TO BE SET AT ALL LOT CORNERS BY A LICENSED LAND SURVEYOR.
- MAX BLDG AREA PERMITTED = 208
BLDG AREA PROVIDED = 10.2%
- MIN OPEN SPACE REQUIRED = 501
OPEN SPACE PROVIDED = 51.7%
- THE EXISTING SINGLE FAMILY DWELLING AT 117 FAIRVIEW AVENUE SHALL BE FOR CHURCH PURPOSES ONLY. NOT TO BE RENTED OUT TO THE PUBLIC.
- PER SECTION 16-197 OF THE CITY OF NASHUA REGULATIONS, IT SHALL BE UNLAWFUL TO MODIFY, CHANGE OR ALTER ANY STRUCTURE SHOWN ON THIS PLAN OR CHANGE ANY USE INDICATED ON THIS PLAN WITHOUT RECEIVING CITY APPROVAL.
- LIGHTING SHALL BE DIRECTED ON SITE AND CONFORM TO SECTION 16-274(4) OF THE CITY OF NASHUA REGULATIONS.
- LANDSCAPING SHALL CONFORM TO SECTION 16-123 OF THE CITY OF NASHUA REGULATIONS.
- ALL SITE IMPROVEMENTS SHALL CONFORM TO ADA SPECIFICATIONS.
- THE PURPOSE OF THIS PLAN IS TO REVISE THE ENTRANCE AND TO RETAIN THE EXISTING SINGLE FAMILY DWELLING AT 117 FAIRVIEW AVE. FOR CHURCH PURPOSES ONLY.
- SIGNS SHALL CONFORM WITH SECTION 16-497 OF THE CITY OF NASHUA REGULATIONS.
- APPROVED PER THE FOLLOWING STIPULATIONS:
1. A CHAIN LINK FENCE, WITH SLATS TO MATCH THOSE OF THE EXISTING FENCE SHALL BE ERRECTED ADJACENT TO LOTS 4 AND 48, PRIOR TO SEPTEMBER 1, 1996.
2. IT SHOULD ALSO BE NOTED THAT IN ORDER TO ELIMINATE THE POSSIBILITY OF DRAINAGE SYSTEM BE INSTALLED AS SOON AS POSSIBLE.

I, THE UNDERSIGNED, DO HEREBY AGREE TO PERFORM ALL THE SITE IMPROVEMENTS SHOWN ON THIS PLAN AND AS CONDITIONED OR STIPULATED BY THE CITY OF NASHUA PLANNING BOARD.

Daniel R. Quigley
REV. DANIEL QUIGLEY, PASTOR
BIBLE BAPTIST CHURCH
12/22/95
DATE

- A chain link fence, with slats to match those of the existing fence, shall be erected adjacent to lots 4 and 48, prior to September 1, 1996.
- It should also be noted that in order to eliminate the possibility of drainage issues occurring with abutters, that the drainage system be installed as soon as possible.

EXISTING PLAN

**SITE PLAN - LOT 5 / SHEET 105
117 FAIRVIEW AVENUE
NASHUA, NH**

FOR
REV. DANIEL QUIGLEY, PASTOR
BIBLE BAPTIST CHURCH
62 CALDWELL ROAD
NASHUA, NH 03060

SCALE: 1"=20'
DATE: DECEMBER 4, 1995

MAYNARD & PAQUETTE INC.
CONSULTING ENGINEERS & LAND SURVEYORS
23 EAST PEARL STREET - NASHUA, N. H. 03060 - (603) 883-8384

PLAN REFERENCES

- LAND OF HENRY DEMANCHE, CALDWELL ROAD, NASHUA, NH. SCALE: 1" = 50', APRIL 24, 1954, BY EARLE WILLIAMS, HCRD # 1019
- LAND OF HENRY DEMANCHE, FAIRVIEW AVENUE, NASHUA, NH. SCALE: 1" = 40', OCTOBER 22, 1948, BY EARLE WILLIAMS, HCRD # 733
- NASHUA, NEW HAMPSHIRE, PLAN & PROFILE OF FAIRVIEW AVENUE, SCALE: 1" = 50', SEPT. 1977, BY AE MAYNARD, CE (NOT RECORDED).
- SITE PLAN - 117 FAIRVIEW AVENUE, NASHUA, NH, FOR REVEREND WJ EWING - BIBLE BAPTIST CHURCH, SCALE: 1" = 20', DATE MARCH 1987, BY MAYNARD & PAQUETTE, INC.

I CERTIFY THAT THIS PLAN IS BASED ON A FIELD SURVEY MADE ON THE GROUND ON 9/15/86 AND IS IN ACCORDANCE WITH THE REGULATIONS OF THE CITY OF NASHUA.



APPROVED
CITY OF NASHUA

DETAIL
DETENTION DRAIN
(NOT TO SCALE)

APPROVED BY THE CITY OF NASHUA
PLANNING BOARD

W. Wilbert
CHAIRMAN
2-28-96
DATE

REF NR A35

DESIGNED	DRAFTED	CHECKED	APPROVED	BOOK & PAGE	REVISION	SIZE	JOB NUMBER
				286,353,362	D	1877	

LOT 73 / SHT. 105
LOT 74 / SHT. 105
LOT 75 / SHT. 105

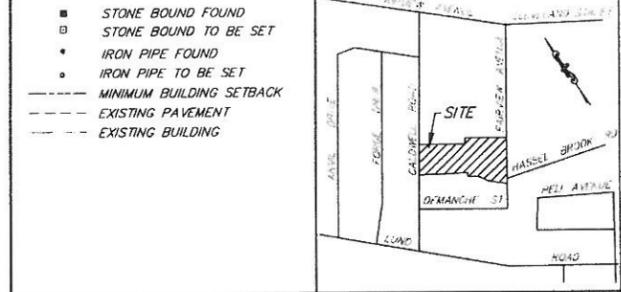
BRUNING 44-132 68060

PLAN REFERENCES:

- SITE PLAN - 117 FAIRVIEW AVENUE, NASHUA, NH FOR: REV. DANIEL QUIGLEY, PASTOR BIBLE BAPTIST CHURCH, NASHUA, NH DATED: DECEMBER 4, 1995. SCALE: 1" = 20' BY: MAYNARD & PAQUETTE, INC.; ON FILE AT CITY OF NASHUA PLANNING DEPARTMENT AS NR 1842.
- SITE PLAN - 117 FAIRVIEW AVENUE, NASHUA, NH FOR: REVEREND WJ EWIN - BIBLE BAPTIST CHURCH SCALE: 1"=20'; DATED: MARCH 1987; BY: MAYNARD & PAQUETTE, INC.



SHEET 105 / LOT 8



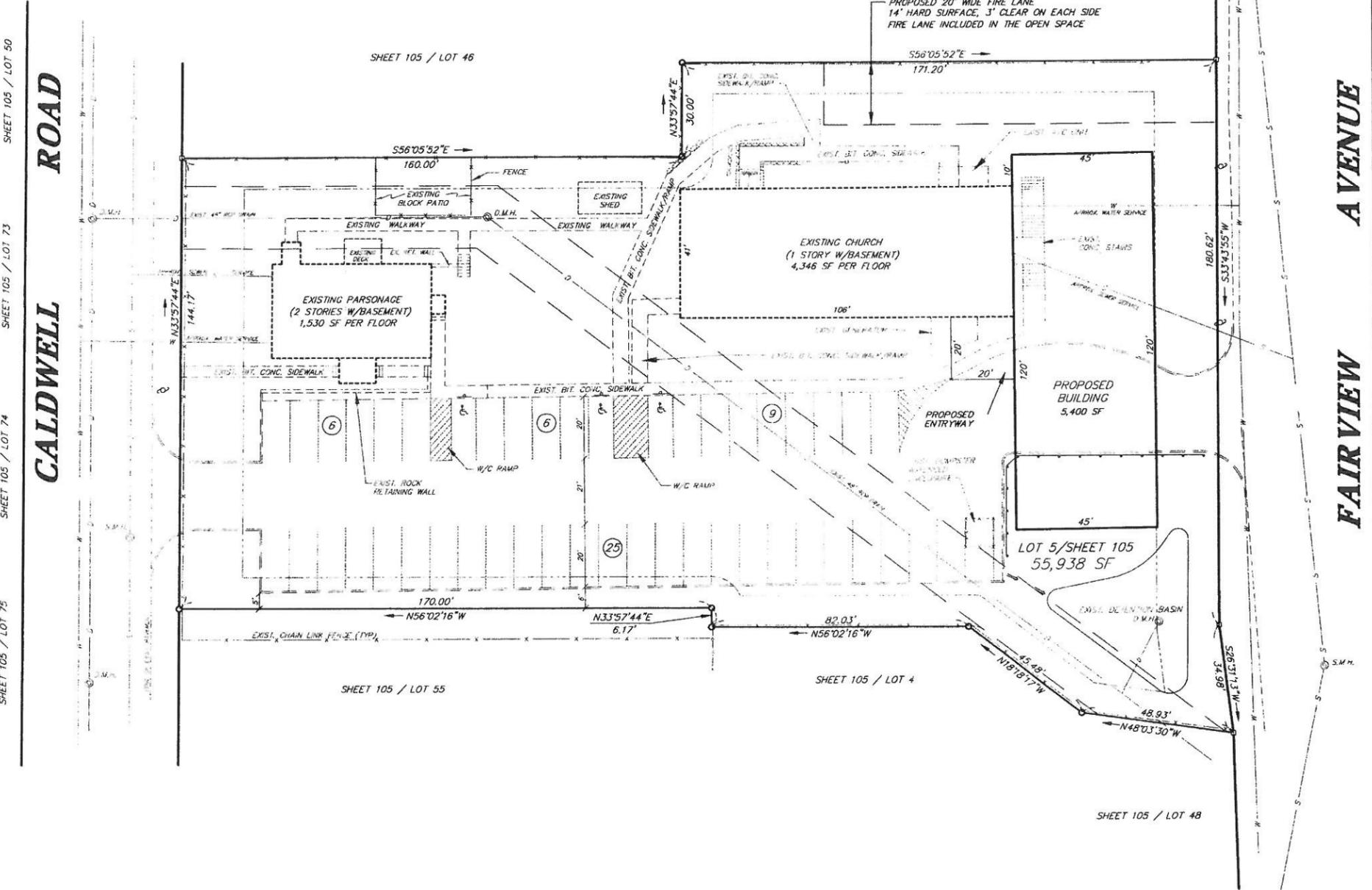
LEGEND

- STONE BOUND FOUND
- STONE BOUND TO BE SET
- IRON PIPE FOUND
- IRON PIPE TO BE SET
- MINIMUM BUILDING SETBACK
- - - EXISTING PAVEMENT
- - - EXISTING BUILDING

VICINITY

NOTES:

- PRESENT ZONING - "R-9" SUBURBAN RESIDENCE
- PRESENT USE - CHURCH & PARSONAGE
- PROPOSED USE - CHURCH & PARSONAGE
- TOTAL AREA OF PARCEL - 55,938 SF or 1.28 Ac.
- SITE IS SERVED BY CITY OF NASHUA SEWER AND PENNICHUCK WATER WORKS.
- DIMENSIONAL REQUIREMENTS -
 MIN. LOT AREA - 9,000 SF
 MIN. LOT WIDTH - 90 FEET
 MIN. LOT FRONTAGE - 75 FEET
 MIN. LOT DEPTH - 90 FEET
 MIN. OPEN SPACE REQUIRED - 50%
 MIN. OPEN SPACE PROPOSED - 41%
 FRONT YARD SETBACK - 20 FEET
 SIDE YARD SETBACK - 10 FEET
 REAR YARD SETBACK - 30 FEET



SHEET 106 / LOT 3

SHEET 106 / LOT 6

NO.	DATE	BY	REVISION

APPROVED BY THE CITY OF NASHUA
 ZONING BOARD

CHAIRMAN _____ DATE _____

I CERTIFY THAT THIS PLAN WAS PREPARED FROM A FIELD SURVEY MADE ON THE GROUND ON 3/29/1999 AND PLAN REFERENCES 1 & 2 AND IS IN ACCORDANCE WITH THE REGULATIONS OF THE CITY OF NASHUA..

ZONING PLAN LOT 5/SHEET 105
117 FAIRVIEW AVENUE & 62 CALDWELL ROAD
 NASHUA, NEW HAMPSHIRE

PREPARED FOR:
 BIBLE BAPTIST CHURCH
 62 CALDWELL ROAD
 NASHUA, NEW HAMPSHIRE 03060

SCALE: 1" = 20' DATE: JANUARY 25, 1995

ENGINEERING
MP
ASSOCIATES
Maynard & Paquette
 Engineering Associates, LLC
 Consulting Engineers and Land Surveyors
 23 East Pearl Street, Nashua, N.H. 03060
 Phone: (603)883-8433 Fax: (603)883-7227

KPM	APB	RAM	574/35	D	12489
DESIGNED	DRAWN	CHECKED	APPROVED	BOOK & PAGE	REVISION



City of Nashua
Community Development Division
 City Hall, 229 Main Street, PO Box 2019
 Nashua, New Hampshire 03061-2019

Community Development 589-3095
 Planning and Zoning 589-3090
 Building Safety 589-3080
 Code Enforcement 589-3100
 Urban Programs 589-3085
 Economic Development 589-3070
 Conservation Commission 589-3105
 FAX 589-3119
 www.nashuanh.gov

VARIANCE APPLICATION

This application must be completed and submitted to the Planning Department no later than the dates listed on the Zoning Board of Adjustment (ZBA) schedule sheet. The ZBA will not consider incomplete or inaccurate applications for action. ~ PLEASE PRINT OR TYPE ~

1. VARIANCE INFORMATION

a. ADDRESS OF REQUEST 167-169 West Hollis Street

Zoning District RB Sheet 87 Lot 33

b. VARIANCE(S) REQUESTED

To allow a change from an office use to a residential unit when Lot size is 22,924 sq. ft. and 62,228 sq. ft. are required.

2. GENERAL INFORMATION

a. APPLICANT / OPTIONEE (List both individual name and corporate name if applicable)

Hol-Cot LLC

Applicant's signature [Signature] Date 1/28/16

Applicant's address by its attorney, Gerald Prunier, 20 Trafalgar Sq., Nashua, NH 03063

Telephone number (home) _____ (work) (603) 883-8900

b. PROPERTY OWNER Hol-Cot LLC

Owner's signature [Signature] Date 1/28/16

Owner's address by its attorney, Gerald Prunier, 20 Trafalgar Sq., Nashua, NH 03063

Telephone number (home) _____ (work) (603) 883-8900

Case number _____ Application Deadline _____ Date Received _____ Date of hearing 2/23/16

Notices: Newspaper Abutters Board Action _____

\$ _____ fee Date Paid _____ Receipt # _____

\$ _____ application fee Date Paid _____ Receipt # _____

\$15 signage fee \$100 recovery fee Date Paid _____ Receipt # _____

2016-00021

3. PURPOSE OF REQUEST

Answer all questions below. Provide as much information as available to give the ZBA the necessary facts to review your case. Attached additional sheets if necessary. See "Procedures for Filing a Variance" for further information.

- 1. **Granting of the requested variance will not be contrary to the public interest**, because: (The proposed use must not conflict with the explicit or implicit purpose of the ordinance and that it must not alter the essential character of the neighborhood, threaten public health, safety, or welfare, or otherwise injure "public rights.")

The present building is comprised of 10 residential multi-family units; previously, there were 9 residential units plus an office; the neighborhood is multi-family on a busy street; to allow the conversion of the 10th unit would not be out of character and would not threaten health, safety or welfare of the general public.

- 2. **The proposed use will observe the spirit of the ordinance**, because: (The Proposed use must not conflict with the explicit or implicit purpose of the ordinance and must not alter the essential character of the neighborhood, threaten public health, safety, or welfare, or otherwise injure "public rights.")

The ordinance allows multi-family units in the zone.

- 3. **Substantial justice would be done to the property-owner by granting the variance**, because: (The benefits to the applicant must not be outweighed by harm to the general public or to other individuals.)

The building was a legal non-conforming multi-family building with an office; the addition of a tenth unit will not harm the public and will be more conforming.

- 4. **The proposed use will not diminish the values of surrounding properties**, because: (The Board will consider expert testimony but also may consider other evidence of the effect on property values, including personal knowledge of the members themselves.)

The fact that the unit will be used for multi-family use instead of an office should not affect the value of the surrounding properties.

- 5. **Special conditions exist such that literal enforcement of the ordinance results in unnecessary hardship**, because: (The applicant must establish that because, because of the special conditions of the property in question, the restriction applied to the property by the

ordinance does not serve the purpose of the restriction in a "fair and reasonable" way. Also, you must establish that the special conditions of the property cause the proposed use to be reasonable. The use must not alter the essential character of the neighborhood. Alternatively, you can establish that, because of the special conditions of the property, there is no reasonable use that can be made of the property that would be permitted under the ordinance. If there is any reasonable use (including an existing use) that is permitted under the ordinance, this alternative is not available.

It makes sense to use the 10th unit for multi-family purposes; the residential use will bring it into more conformity.

4. USE VARIANCE ADDITIONAL INFORMATION

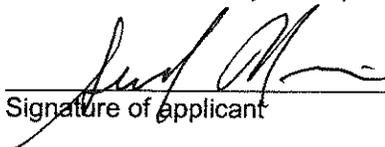
Please answer all questions below that are applicable. Your answers to these questions will allow staff to better understand your request.

- a. Total number of employees _____ Number of employees per shift _____
- b. Hours and days of operation _____
- c. Number of daily and weekly visits to the premises by customers, clients, vendors and solicitors _____
- d. Number of daily and weekly commercial deliveries to the premises _____
- e. Number of parking spaces available _____
- f. Describe your general business operations _____

- g. Describe any proposed site renovations, including, but not limited to – landscaping, lighting, pavement, structural changes, signage, access and circulation _____

I hereby acknowledge that I have read this application and state that the above is correct and agree to comply with all the city ordinances and state laws regulating construction.

I understand that only those point specifically mentioned are affected by action taken on this appeal.



Signature of applicant

1/28/16

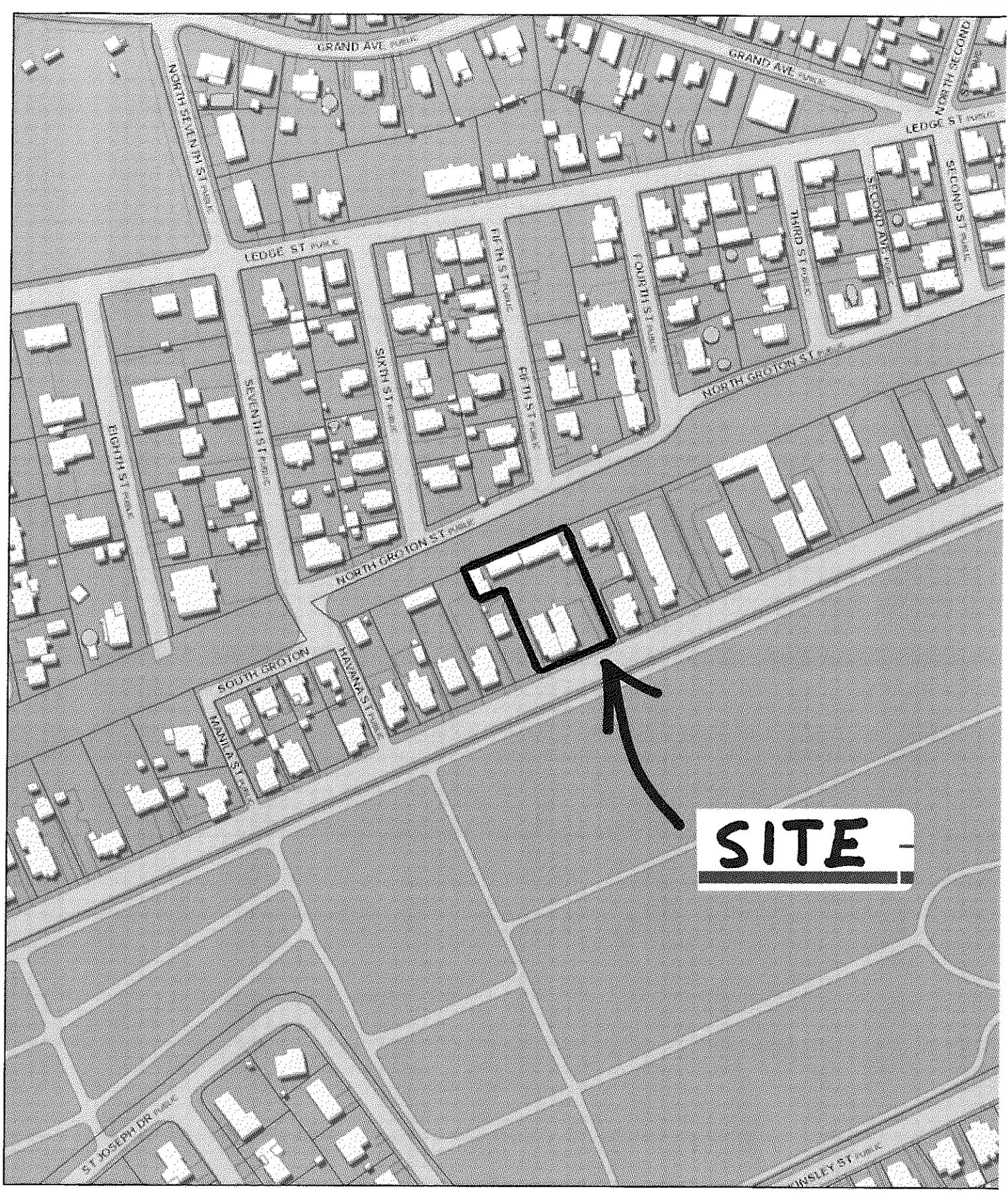
Date

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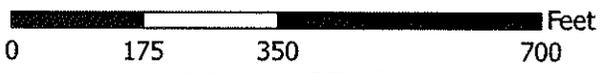
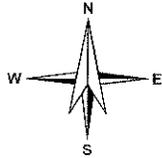
Please email it to me at gprunier@prunierlaw.com

Please mail it to me at _____



SITE

167-169 W. Hollis St



1 inch = 254 feet





THE CITY OF NASHUA

"The Gate City"

*Community Development Division
Planning Department*

ZONING BOARD OF ADJUSTMENT

FEBRUARY 23, 2016

AMENDED AGENDA

1. Ballinger Properties, LLC & BT Realty Limited Partnership, Joanne Charron and Towers Motor Parts Corporation of Nashua (Owners) 242 Main Street, 1 & 5 East Hollis Street (Sheet 31 Lots 1, 2 & 6) requesting the following variances: 1) to allow an electronic changing message center sign on a portion of a new ground sign, 2) to exceed maximum ground sign height, 10 feet allowed, 24 feet proposed, 3) to exceed maximum ground sign area, 50 sq.ft allowed, 88 sq.ft proposed, 4) to exceed maximum wall sign area, 100 sq.ft allowed, 112 sq.ft proposed, 5) to allow an additional wall sign on the building, two permitted, an additional wall sign proposed for eastern façade for a total of three wall signs, and 6) to exceed maximum wall sign area, a total of 200 sq.ft allowed, 285 sq.ft proposed for all three wall signs. D-1/MU Zone, Ward 4. **[ONLY VARIANCES #2 AND #3 TABLED FROM 1-12-16 ZBA MEETING]**
2. Harbor Homes Inc. (Owner) 45 High Street (Sheet 79 Lot 127) requesting variances to allow two electronic message centers as wall signs, one facing High Street, one facing Factory Street. D-1/MU Zone, Ward 4.
3. Robert D'Ortona Jr. (Owner) 40 Linton Street (Sheet 129 Lot 254) requesting the following variances: 1) to encroach 2'-4" into the 6 foot left side yard setback; and 2) to encroach 4'-11" into the 6 foot required rear yard setback - both requests to maintain a 14'x40' shed. RA Zone, Ward 7.
4. Hol-Cot Realty, LLC (Owner) 167-169 West Hollis Street (Sheet 87 Lot 33) requesting variance for minimum lot area, 22,924 square feet existing, 62,228 square feet required - to convert one unit from an office use to a residential unit. RB Zone, Ward 6.
5. Joseph J. Butler, Trustee (Owner) 66 West Hollis Street (Sheet 84 Lot 29) requesting variance to encroach 3'-9"

over the front property line (facing West Hollis Street), to construct a new roof awning to replace original awning destroyed by fire. GB Zone, Ward 4.

6. Bible Baptist Church (Owner) 117 Fairview Avenue (Sheet 105 Lot 5) requesting variance for minimum open space, 50% required, 51.7% existing - 41% proposed - to construct a 5,800 square foot building addition. R9 Zone, Ward 6.
7. Robert & Demetria Nadeau (Owner) Randy Guilbault d/b/a Jenna Auto Sales (Applicant) 19 D Street (Sheet 40 Lot 14) requesting use variance to allow for auto sales of no more than 10 cars at any given time in existing building. GI Zone, Ward 7.

OTHER BUSINESS:

1. Review of Motion for Rehearing:
2. Review of upcoming agenda to determine proposals of regional impact.
3. Approval of Minutes for previous hearings/meetings.

"SUITABLE ACCOMMODATIONS FOR THE SENSORY IMPAIRED
WILL BE PROVIDED UPON ADEQUATE ADVANCE NOTICE."