

1. Zoning Board Regular Meeting Agenda (PDF)

Documents: [20160308 ZBA AGENDA.PDF](#)

2. 20160308 ZBA Meeting Packet

Documents: [20160308 257 PINE ST.PDF](#)

3. Zoning Board Regular Meeting Amended Agenda (PDF)

Documents: [20160308 ZBA AMENDED AGENDA.PDF](#)



THE CITY OF NASHUA

"The Gate City"

Community Development Division Planning Department

February 22, 2016

The following is to be published on ROP February 27, 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, March 8, 2016, at 6:30 PM at the Nashua City Hall Auditorium, 3rd floor, 229 Main Street.

1. G. Hurd & Son Construction, LLC (Owner) 257 & "L" Pine Street (Sheet 101, Lots 26, 27, 29) requesting the following variances: 1) minimum lot width, 60 feet required, 50 feet proposed for "Lot A"; and, 2) minimum lot width, 60 feet required, 50 feet proposed for "Lot B" - both requests to subdivide 257 Pine Street into two lots and combine them with "L" Pine Street. RB Zone, Ward 6.

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."



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 257 Pine Street
 Zoning District RB Sheet 101 Lot 26-27-29

b. VARIANCE(S) REQUESTED
Applicant seeks two (2) variances for the purpose of attaining two (2) buildable single family lots that meet or exceed all other requirements excepting the minimum width requirement at the prescribed setback. Each lot will exceed minimal square footage requirement and meet required frontage of fifty (50') feet, and will meet and exceed the required sixty (60') foot minimum width at some point on the propose lots.

2. GENERAL INFORMATION

a. APPLICANT / OPTIONEE (List both individual name and corporate name if applicable)
George Hurd - G. Hurd & Son Construction, LLC

Applicant's signature [Signature] Date 2-4-16
 Applicant's address 13 Merrimack Street, Nashua, NH 03064
 Telephone number (home) (603) 718-2932 (work) (603) 718-2932

b. PROPERTY OWNER G. Hurd & Son Construction, LLC

Owner's signature [Signature] Date 2-4-16
 Owner's address 13 Merrimack Street, Nashua, NH 03064
 Telephone number (home) (603) 718-2932 (work) (603) 718-2932

Case number _____ Application Deadline _____ Date Received _____ Date of hearing 3/8/16

Notices: Newspaper Abutters Board Action _____

\$ _____ fee Date Paid _____ Receipt # _____

\$ _____ application fee Date Paid _____ Receipt # _____

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

2016-00024

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 variances seeking relief from the sixty (60') foot minimum width requirement at the prescribed setback would not alter the essential character of the neighborhood, as the proposed two single family lots created would meet or exceed all other requirements and establish two lots, each in excess of the required square footage. The proposed variances would in no way adversely affect public safety, welfare or injure any public rights. The allowance of the requested variances would serve the intended purpose of the ordinance by way of creating two single family lots that are consistent with and would benefit the residential make up of the area.

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 proposed use of the property in establishing two single family lots that meet or exceed all other requirements, excepting the minimum width at the prescribed setback, would not alter the character of the neighborhood, and would in fact mirror the nature and type of residential family lots that do now and have historically existed in the area. Two single family lots each exceeding the required square footage would have no adverse impact or pose any threat to the public safety, welfare or public rights.

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 requested variance, allowing relief from the required sixty (60') foot minimum width at the prescribed setback, would provide substantial justice because no harm to the general public would be created in so doing. The allowance of the variances would facilitate the creation of two single family lots that would actually enhance the general public and neighborhood as a whole. The property owner would benefit from the substantial justice afforded by creating two single family lots on parcels totaling 18,550 sq. ft., consistent with or exceeding the present profile of the neighborhood.

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 allowance of the proposed variances relieving the applicant from the requirement of the minimum sixty (60') foot width requirement at the prescribed setback, thereby facilitating the creation of two single family lots that each meet or exceed all other requirements would likely preserve or enhance the value of surrounding properties. The construction of two single family homes in an established RB neighborhood would bring added value to the real estate that is the subject of this request and positively reflect on the surrounding residences.

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 literal enforcement of the ordinance, requiring a minimum width of 60 feet at the prescribed set back would be unfair, unreasonable, and impose a restriction unintended by the spirit of the ordinance. The property which consists of 18,550 sq. ft., would meet all other requirements of the ordinance, allow for the creation of two single family lots consistent with the existing neighborhood conditions, and allow for the most reasonable use of the property that reflects the character of the neighborhood and benefits the general public. The configuration of the three lots that comprise the property necessitate the proposed use.

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.

MLA

Signature of applicant

2-4-10

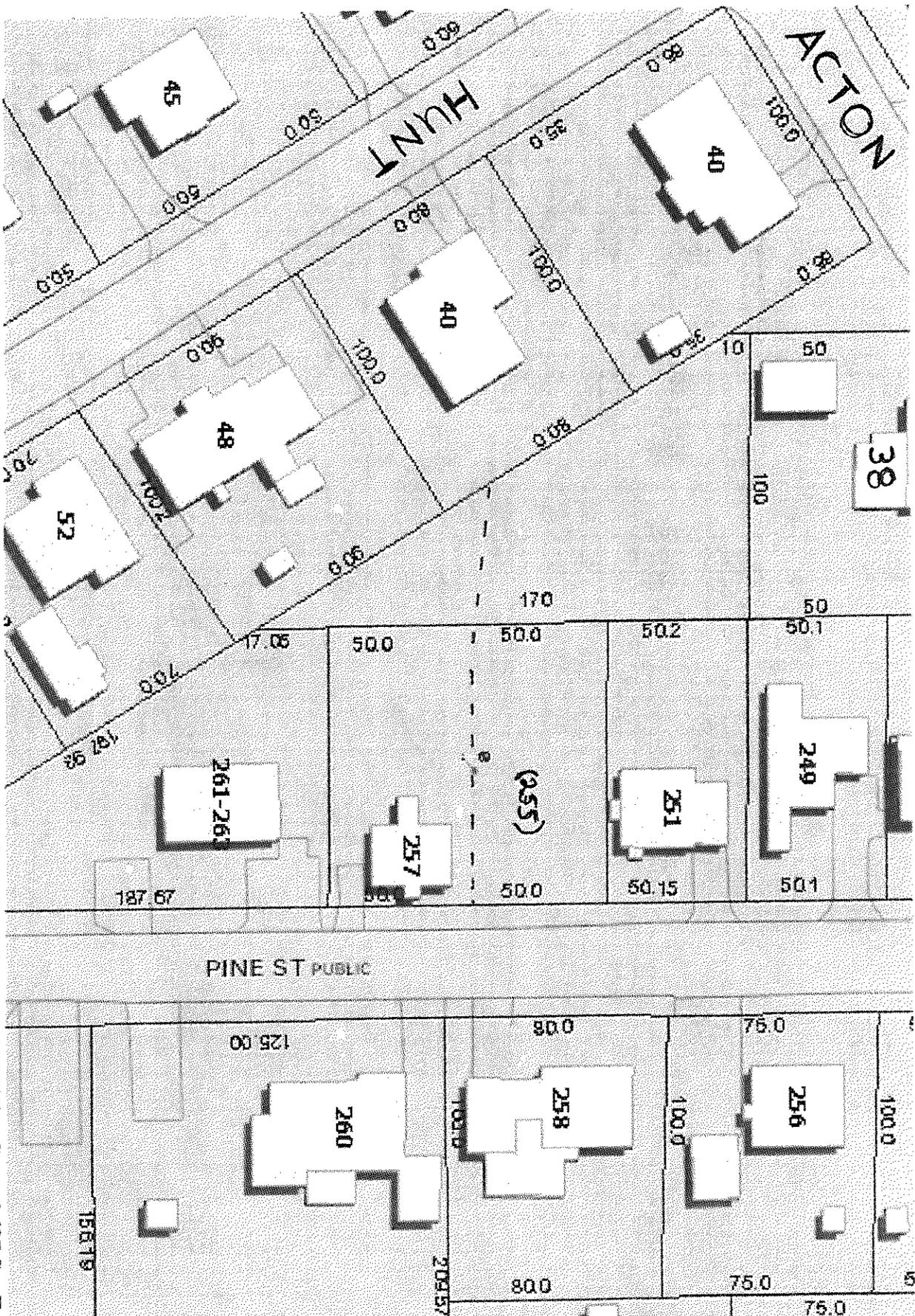
Date

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 _____



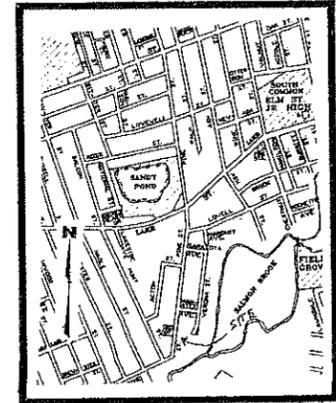
257 Pine St. - 18,862 Sq. Ft. (as presently situated) - Proposed 255 Pine St. - 12,225 Sq. Ft. - Proposed 257 Pine St. - 6,637 Sq. Ft.
 249 Pine St. - 5,000 Sq. Ft. **** 251 Pine St. - 5,000 Sq. Ft. **** 261 / 263 Pine St. (two family / triangular lot) 10,269 Sq. Ft. **** 256
 258 Pine St. - 8,000 Sq. Ft. *** 260 Pine St. - (two family) 22,605 Sq. Ft. *** 40 Hunt St., 8,000 Sq. Ft. *** 48 Hunt St., 9,000 Sq. Ft. **
 40 Acton St. - 9,000 Sq. Ft. **** 38 Acton St., 10,000 Sq. Ft.

G. Hurd and Son Construction, LLC - Variance Requests for minimum lot width at set back re

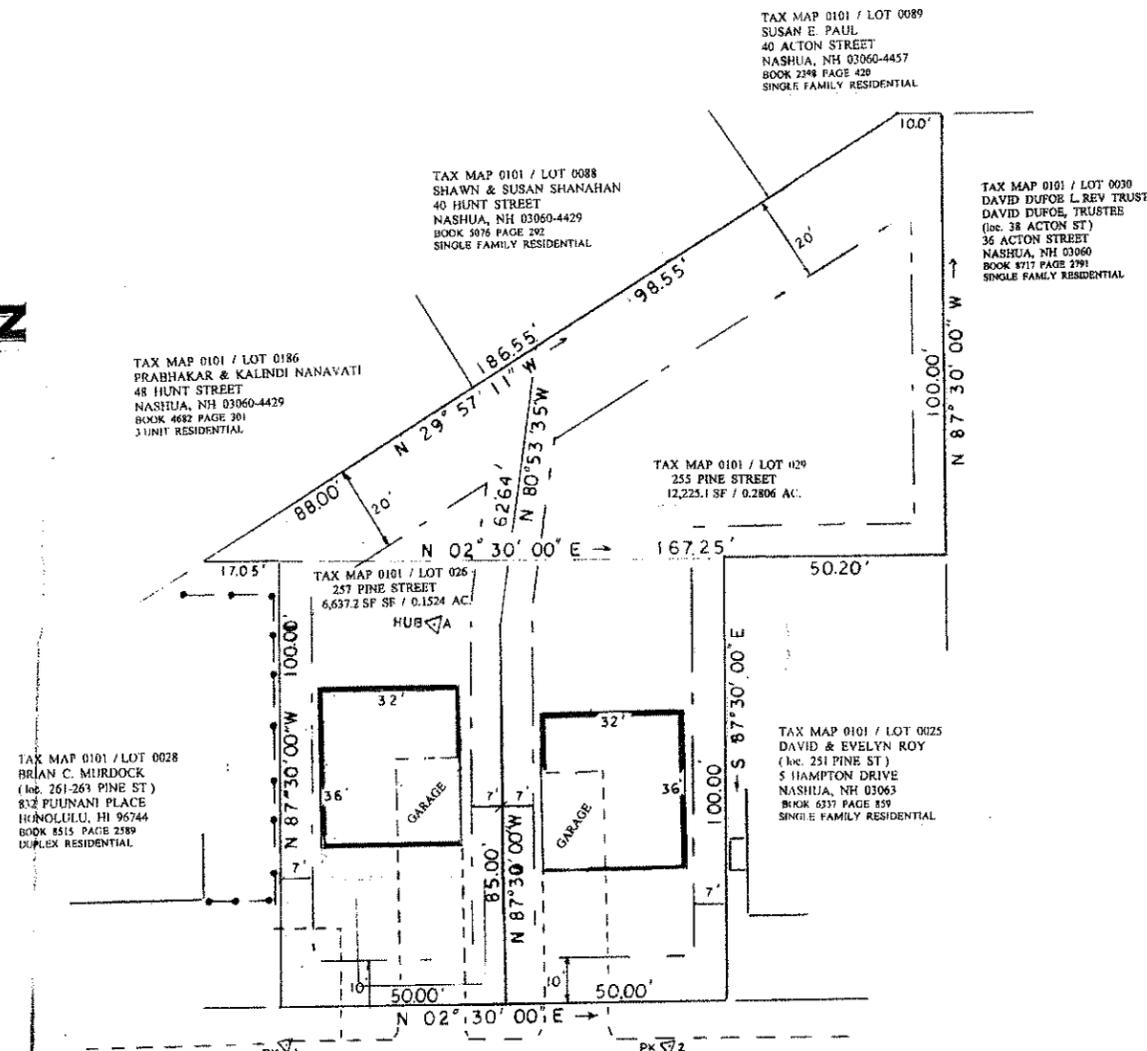
DIMENSIONAL REQUIREMENTS

ZONING DISTRICT: R-B REQUIRED

MIN. LOT SIZE	6,000 S.F.
MIN. FRONTAGE	50 FT.
MIN. LOT WIDTH	60 FT.
MIN. LOT DEPTH	80 FT.
FRONT SETBACK	10 FT.
SIDE SETBACK	7 FT.
REAR SETBACK	20 FT.
MAX. HEIGHT	45 FT.
MAX. STORIES	3
OPEN SPACE	35 %



LOCATION PLAN



PINE STREET

OWNERS: G. HURD & SON CONSTRUCTION, LLC DATE
13 MERRIMACK STREET
HUDSON, NH 03051
(603) 817-2932

TAXMAP 0101 / LOTS 0026 & 0029
G. HURD & SON CONSTRUCTION, LLC
EXISTING CONDITIONS &
LOT LINE RELOCATION PLAN
257 PINE STREET
NASHUA, NH

PREPARED FOR: G. HURD & SON CONSTRUCTION, LLC
13 MERRIMACK STREET
HUDSON, NH 03051
(603) 718-2932

JANUARY 6, 2016 SCALE: 1" = 20'

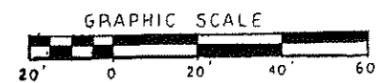
M. J. GRAINGER ENGINEERING, INC.
PROFESSIONAL ENGINEERS - SURVEYORS - PLANNERS
220 DERRY ROAD HUDSON, NH 03051 (603) 882-4359

JN 15-117

APPROVED
NASHUA CITY ZONING BOARD

CHAIRMAN _____ DATE _____

SECRETARY _____ DATE _____



REVISIONS				
NO.	DATE	DESCRIPTION	BY	APP.

I CERTIFY THAT THIS PLAN WAS PREPARED FROM THE BOUNDARY INFORMATION SHOWN ON THE PLAN REFERENCED AND A FIELD SURVEY MADE ON THE GROUND DURING SEPTEMBER 2015, IN ACCORDANCE WITH CITY REGULATIONS.



THE CITY OF NASHUA

"The Gate City"

*Community Development Division
Planning Department*

ZONING BOARD OF ADJUSTMENT

MARCH 8, 2016

AMENDED AGENDA

1. John J. Flatley Company (Owner) Expose Sign & Graphics, Inc. (Applicant) 1 Tara Boulevard (Sheet A Lot 721) requesting variance to allow for a 44.2 square foot off-premises tenant panel on an existing ground sign for Homewood Suites, (located at 15 Tara Boulevard). PI Zone, Ward 8. **[TABLED FROM 11-24-15 MEETING]**
2. G. Hurd & Son Construction, LLC (Owner) 257 & "L" Pine Street (Sheet 101, Lots 26, 27, 29) requesting the following variances: 1) minimum lot width, 60 feet required, 50 feet proposed for "Lot A"; and, 2) minimum lot width, 60 feet required, 50 feet proposed for "Lot B" - both requests to subdivide 257 Pine Street into two lots and combine them with "L" Pine Street. RB Zone, Ward 6.

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."