

1. Zoning Board Regular Meeting Agenda (PDF)

Documents: [20160412 ZBA AGENDA.PDF](#)

2. 20160412 ZBA Meeting Packet

Documents: [20160412 1 CHESTNUT ST.PDF](#), [20160412 15 HUTCHINSON ST.PDF](#), [20160412 30 TEMPLE ST.PDF](#), [20160412 34 BELL ST.PDF](#), [20160412 79 WEST GROTON RD.PDF](#), [20160412 117 WEST GLENWOOD ST.PDF](#), [20160412 226 BROAD ST.PDF](#), [20160412 L BADGER ST.PDF](#), [20160412 2 HILLS FERRY RD AND L CONCORD ST.PDF](#)

3. Zoning Board Regular Meeting Amended Agenda (PDF)

Documents: [20160412 ZBA AGENDA AMENDED.PDF](#)



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.gonashua.com

March 29, 2016

The following is to be published on ROP April 2, 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, April 12, 2016, at 6:30 PM at the Nashua City Hall Auditorium, 3rd floor, 229 Main Street.

1. Beazer East, Inc. & City of Nashua (Owners) 2 Hills Ferry Road & "L" Concord Street (Sheet 48 Lots 3 & 8) requesting special exception to work within the 75-foot prime wetland and wetland buffer of the Merrimack River for implementation of the NHDES approved Remedial Action Plan. GI & RA Zones, Ward 3.
2. Stephany C. Houghton (Owner) Warren Houghton (Applicant) 226 Broad Street (Sheet E Lot 108) requesting use variance to allow a massage therapy business in a portion of an existing building. R9 Zone, Ward 1.
3. Andre E. & Nicole R. Laliberte (Owners) "L" Badger Street (Sheet 86 Lot 55) requesting the following variances: 1) minimum lot area, 5,000 square feet required, 3,293 square feet existing; 2) minimum lot depth, 80 feet required, 63.5 feet existing; and, 3) minimum rear yard setback, 20 feet required, 12 feet proposed - to remove existing garage bays and construct a new single-family house. RC Zone, Ward 6.
4. 117 W. Glenwood Street, LLC (Owner) 117 West Glenwood Street (Sheet 132 Lot 31) requesting use variance to construct a paved automobile storage lot. RA Zone, Ward 7.
5. Christopher M. & Sarah K. Ward (Owners) 79 West Groton Road (Sheet D Lot 312) requesting variance to encroach up to 5 feet into the 25 foot required right side yard setback to construct an attached 20'x30' two-story home addition. R40 Zone, Ward 5.
6. Arnaldo & Viki Zabala (Owners) 15 Hutchinson Street (Sheet 127 Lot 22) requesting the following variances: 1) to exceed maximum driveway width, 24 feet allowed, 20 feet existing, an additional 18 feet proposed (on Brigham Street); and, 2) to permit the construction of a driveway within 50 feet of the intersection of Hutchinson Street and Brigham Street, 25 feet proposed. RB Zone, Ward 4.

7. Josefina & Enrique Ruiz (Owners) 34 Bell Street (Sheet 135 Lot 80) requesting variance to encroach 4 feet into the 25 foot required front yard setback to construct an attached 28'x30' garage with rooms above. RA Zone, Ward 3.
8. One Chestnut Street Limited Partnership (Owner) First Sign & Corporate Image, Inc. (Applicant) 1 Chestnut Street (Sheet 80 Lot 1) requesting variance to exceed maximum wall sign area, 100 square feet allowed, 200 square feet existing, two additional wall signs at 375.5 square feet each proposed for east and west elevations for a total of 951 square feet. GI/MU Zone, Ward 4.
9. CREG-Temple Street, LLC (Owner) First Sign & Corporate Image (Applicant) 30 Temple Street (Sheet 33 Lot 31) requesting the following variances: 1) to exceed maximum number of ground signs, one permitted, two proposed; and 2) to encroach 22 feet into the 25 foot minimum distance to an intersection to replace an existing sign at southern driveway entrance. D-1/MU Zone, Ward 4.

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."



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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 ONE CHESTNUT STREET
 Zoning District GI/MU Sheet 80 Lot 1

b. VARIANCE(S) REQUESTED
We are requesting a variance to exceed the allowable size for a wall sign as dictated in section 190-108 of the Land Use Code, City of Nashua, NH.

2. GENERAL INFORMATION

a. APPLICANT / OPTIONEE (List both individual name and corporate name if applicable)
FIRST SIGN & CORPORATE IMAGE, INC.
 Applicant's signature [Signature] Date 4/13/2016
 Applicant's address 107 HOLLIS STREET, MANCHESTER NH 03101
 Telephone number (home) _____ (work) (603) 627-0003

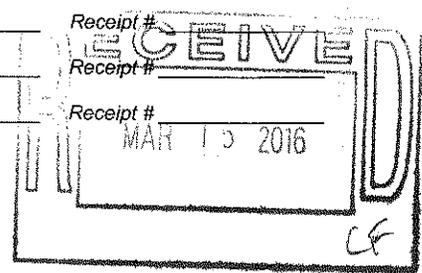
b. PROPERTY OWNER TICHNOR PROPERTIES
 Owner's signature [Signature] Date 3/16/16
 Owner's address ONE CHESTNUT STREET
 Telephone number (home) _____ (work) _____

Case number _____ Application Deadline _____ Date Received _____ Date of hearing _____

Notices: Newspaper Abutters Board Action _____

\$ _____ fee Date Paid _____
 \$ _____ application fee Date Paid _____
 \$15 signage fee \$100 recovery fee Date Paid _____

PLR2016-00055



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 will not be affected as the requested signage is in proportion to the scale of the building. The design is specifically to achieve, in the most aesthetic way possible, the visibility and recognition necessary. The signs will be used to brand this as a professional building and will enhance the area by helping to make the building viable.

- 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 ordinance is to restrict the size and proliferation of signs as relating to the most common situations and has the provision for a variance to allow for situations that fall outside this norm. The granting of this variance will allow the application of signage which is sized appropriately for the building.

- 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 application of the proposed signs is intended to enhance the visibility of the building. The added exposure would help to make the property more marketable. The ultimate goal being to increase and maintain a higher level of occupancy. The continued viability as a commercial building is essential to the immediate area.

- 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 application of the proposed sign would increase the value of the property by making it a more viable professional building thereby realizing its highest and best use. The result being to bolster 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.

The position and location of the building create a challenge from both a marketing perspective and a wayfinding perspective. The parkway at the rear of the building has opened up better opportunities for locating the subject property. The owner intends to direct traffic to use the parkway to approach the building which will make it necessary for them to circumnavigate the building to approach from the front entrance.

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
The site houses a cross section of professional space, warehouse and manufacturing space and has the potential to house product development companies as well as service industries.
- g. Describe any proposed site renovations, including, but not limited to – landscaping, lighting, pavement, structural changes, signage, access and circulation
In addition to the wall signs, the freestanding building directory is being updated to reflect the branding as "One Chestnut Street Business Center".

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.

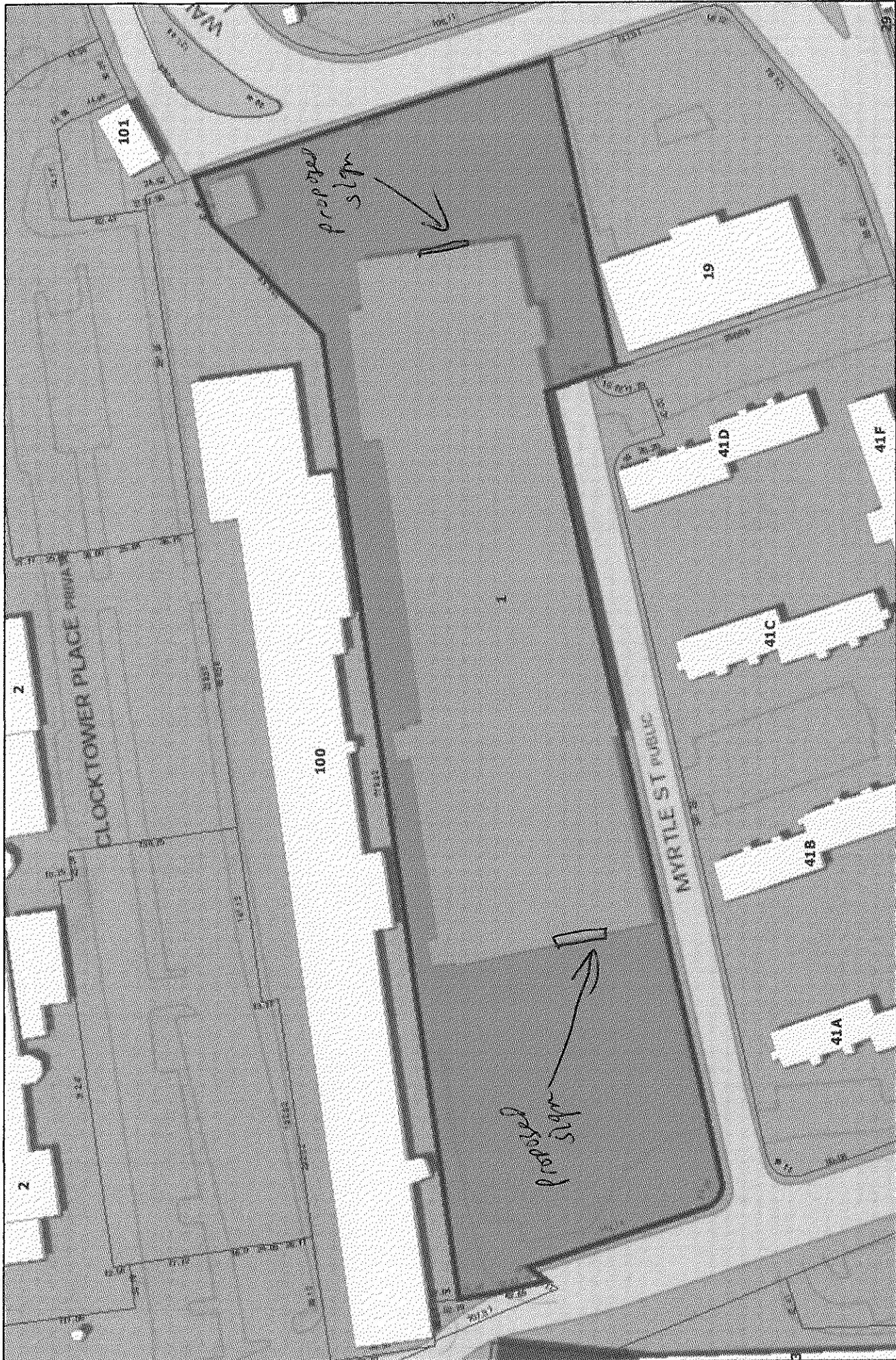
I understand that only those point specifically mentioned are affected by action taken on this appeal.


Signature of applicant

03/15/16
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:

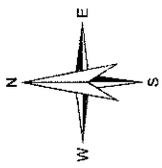
- I will pick it up at City Hall
- Please email it to me at _____
- Please mail it to me at _____

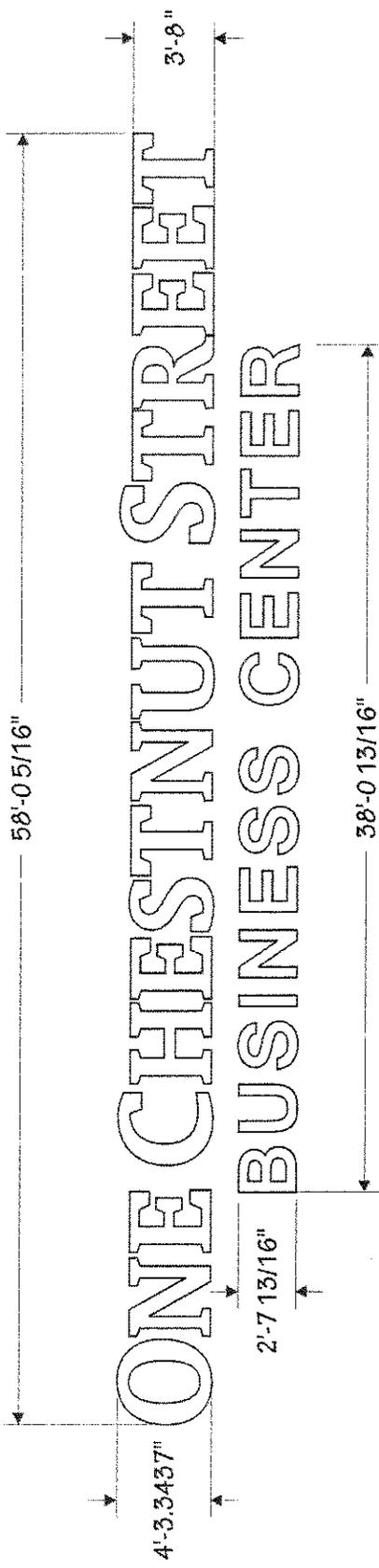


One Chestnut Street



1 inch = 143 feet

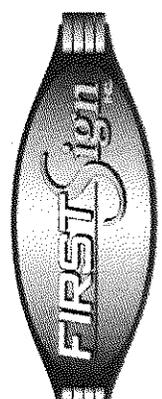




ONE SET OF LETTERS FOR EAST AND WEST ELEVATIONS

Individual channel letters installed on an electrical raceway.
 Lighting provided by high output low voltage LEDs.

375.5A



02/2016 1/8" = 1'-0" 107 Helios Street Manchester, NH 03101 627-0003 This drawing is the property of Complete Storefront Remodeling including Signs - Awnings - Lighting Innovative Design & Flawless Execution of Dimensional Signage

WEST ELEVATION (2 of 2 Pcs.)

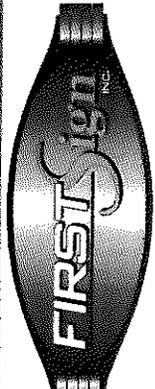


02/20/16 not to scale

107 Hollis Street
Manchester, NH 03101

627-0003

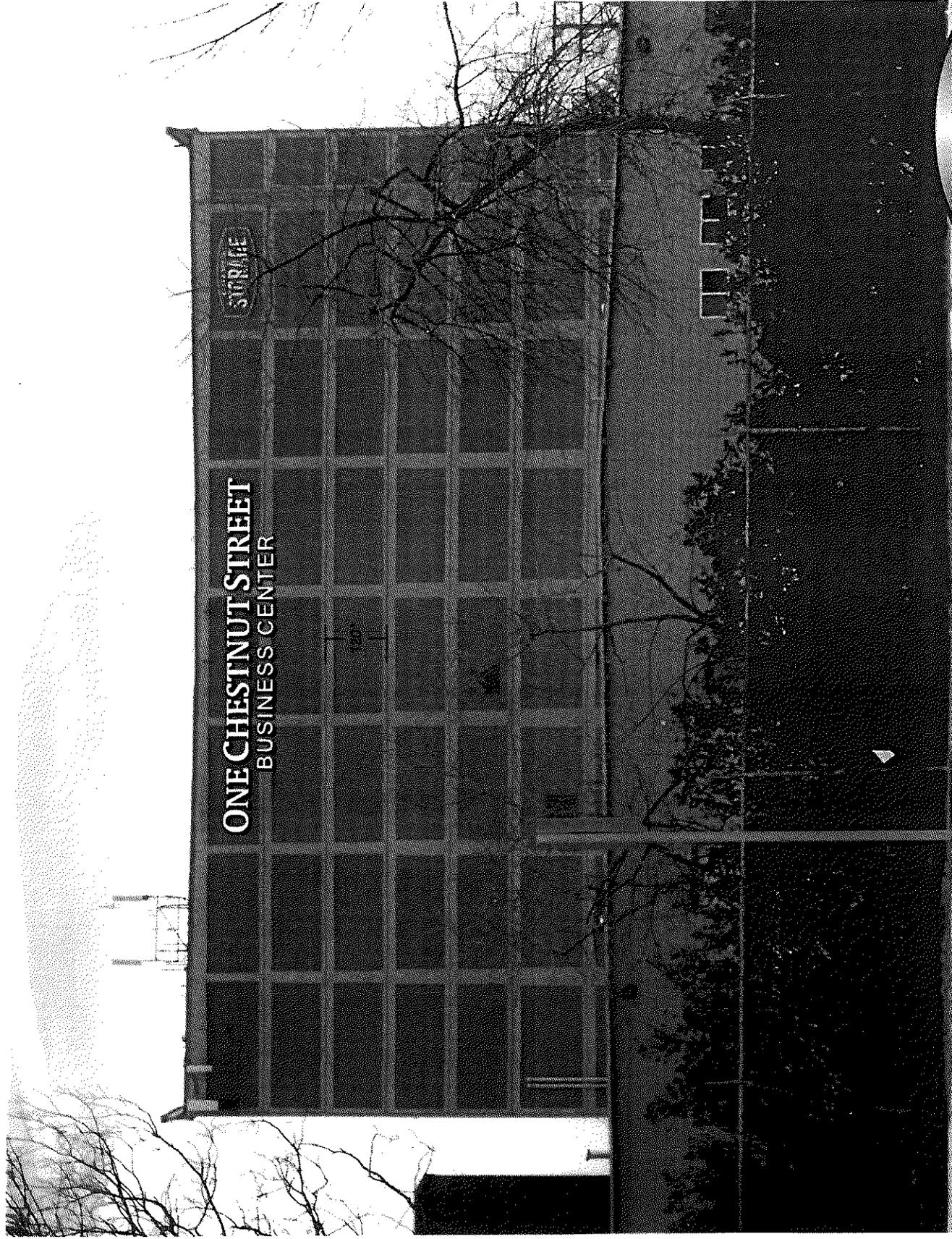
This drawing is the property of



Innovative Design & Flawless Execution of Dimensional Signage

Complete Storefront Remodeling including Signs - Awnings - Lighting

WEST-ELEVATION (1 of 2 PAGES)



07/2016

custom scale

107 Hollis Street
Manchester, NH 03101

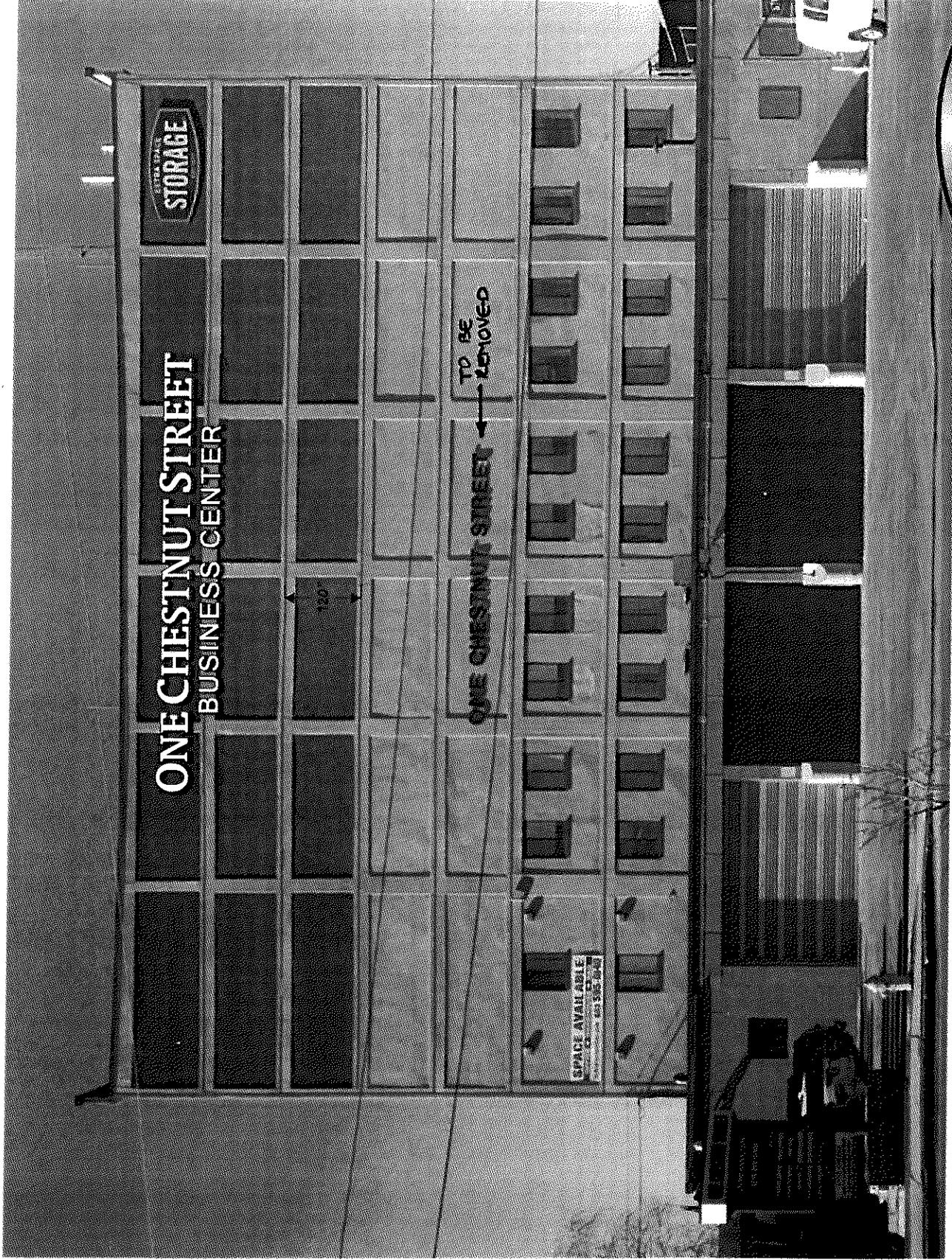
627-0003

This drawing is the property of



Innovative Design & Flawless Execution of Dimensional Signage ■ Complete Storefront Remodeling including Signs - Awnings - Lighting

EAST ELEVATION



02/2016 custom scale

107 Hollis Street
Manchester, NH 03101

627-0003

This drawing is the property of



Innovative Design & Flawless Execution of Dimensional Signage ■ Complete Storefront Remodeling including Signs - Awnings - Lighting



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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 15 Hutchinson Street
 Zoning District RB Sheet 127 Lot 22

b. VARIANCE(S) REQUESTED We are requesting a variance to add an additional driveway which is 18x18 on the right side of our home. We also request a variance to allow a driveway to be 29 ft away from intersecting streets instead of the 50ft required.

#2 To exceed 24' of driveway. 20ft existing 38ft Proposed.

2. GENERAL INFORMATION

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

Viki and Arnaldo Zabala
 Applicant's signature [Signature] Date 03-14-16
 Applicant's address 15 Hutchinson St
 Telephone number (home) 978 804 5490 (work) _____

b. PROPERTY OWNER Viki and Arnaldo Zabala
 Owner's signature [Signature] Date 03-14-16
 Owner's address 15 Hutchinson St
 Telephone number (home) 978 804 5490 (work) _____

Case number _____ Application Deadline _____ Date Received 3-15-16 Date of hearing 4-12-16

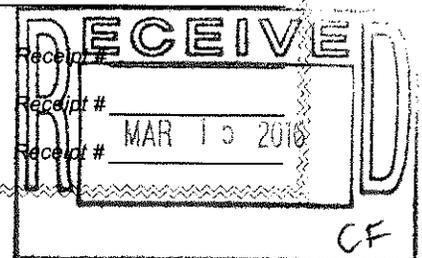
Notices: Newspaper Abutters Board Action _____

\$ 345 _____ fee

\$ 300 application fee

\$15 signage fee \$100 recovery fee

Date Paid _____
 Date Paid _____
 Date Paid _____



PLR2016-00054

CF

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 addition of a driveway to this property will not be contrary to the public interest as it will not impact the neighborhood, nor or threaten public safety. The additional driveway will contribute to the safety by allowing cars to park off of the street and will preserve the same look and feel as the current walkways and garden patio.

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.")

This will observe the spirit of the ordinance as it will be an improvement to the neighborhood and allow us to keep a 50yr silver maple tree in the front yard.

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.)

Substantial justice would be done by granting this variance by allowing us to gain utility our family desires and preserving the look to the front of our home by allowing a 50yr silver maple tree to remain. We have 5 children and 4 cars with 2 going to college at NCC - this will allow room for both children to park without parking on the street.

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.)

This additional driveway will use 6 inch slab of stamped concrete and preserves the same look and feel of our walkways and garden patio. Our beautiful hedges and surrounding bushes will also help to keep the consistency of our neighborhood and home. There will be no diminishing value to 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 is reasonable to add this parking area so no cars would be parked on the road, making it hard for public to pass. We have no other spots to park our cars and the additional lightening on the side of the home will prevent car break ins and theft.

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.

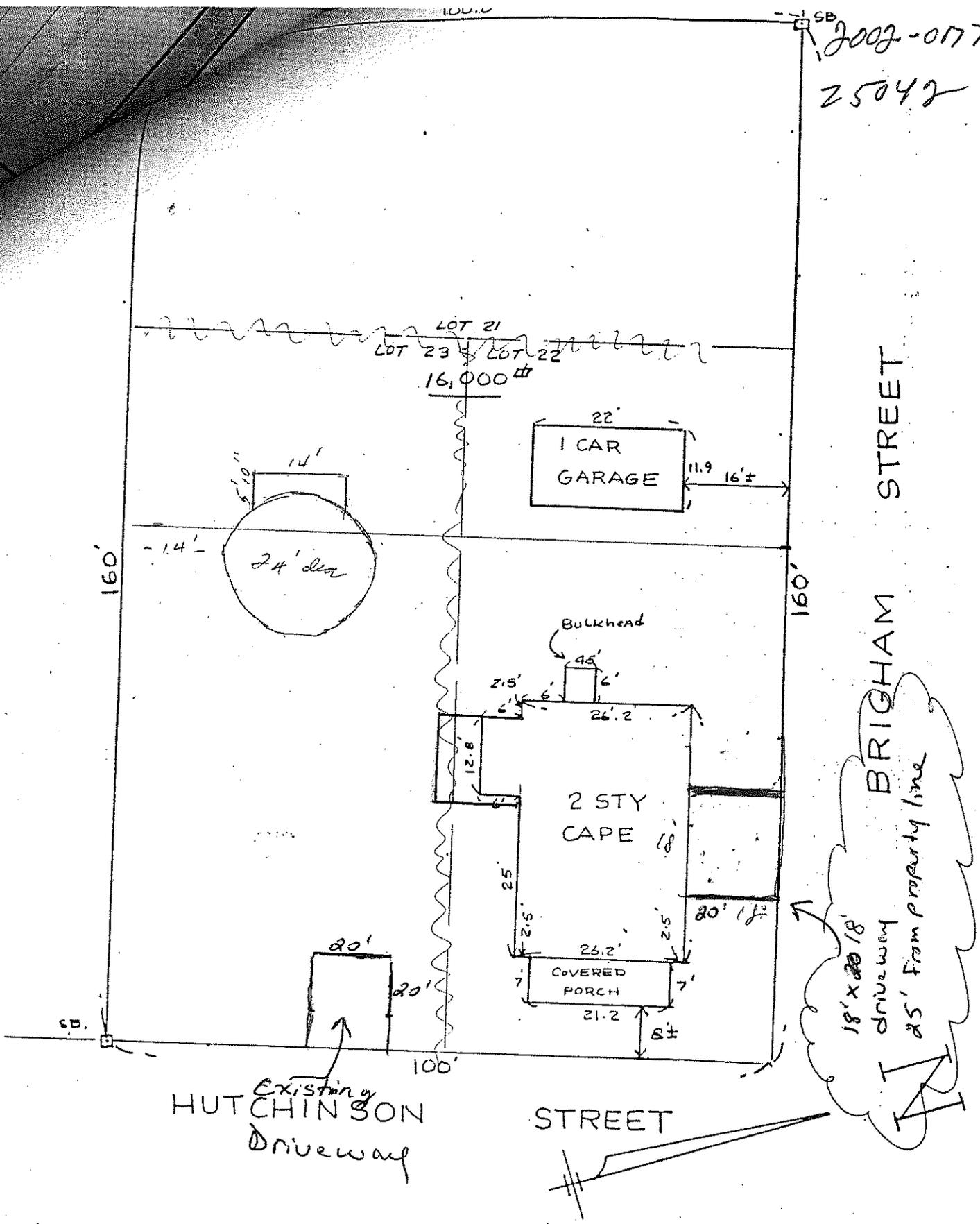
[Signature]
Signature of applicant

03-14-16
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 _____

2007-01776
25042



Scale 1" = 20'

HUTCHINSON STREET

LOT 3 } SHT. 127

LOT 4 } SHT. 127

50' R.O.W.

EXIST. 15" AKRON SEWER

EXIST. 6" WATER

EXIST. GARAGE

EXIST. 4' HIGH WIRE FENCE

80.00'

EXIST. POOL
(SEE NOTE #9)

NEW LOT 22 }
SHEET 127
8,000 S.F.
OR
(.184 Ac.)

NEW LOT
SHT.
7,999 S.
OR
(.184 Ac.)

S 20° 48' 43" W
100.00'

(U)

EXISTING HOUSE
(SINGLE-FAMILY)

OLD LOT 23
OLD LOT 22

100.00'

S 20° 48' 43" W

EXIST. GARAGE
(TO REMO...)

APPROX. ZONING

APPROX. ZONING

80.00'

S 69° 12' 48" E

159.9'

PLAN 2723

EXIST. SMH

50' R.O.W.

BRIGHAM ST

EXIST. 12"

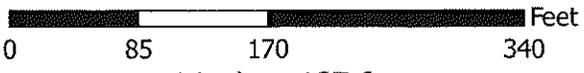
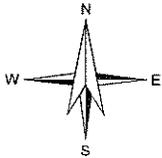
12" AKRON SEWER

LOT 36 } SHT. 127



SITE

15 hutchinson st



1 inch = 127 feet





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VARIANCE APPLICATION

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1. VARIANCE INFORMATION

a. ADDRESS OF REQUEST 30 TEMPLE STREET
 Zoning District D-1 Sheet 33 Lot 31 & 57

b. VARIANCE(S) REQUESTED
We are requesting a variance to install a property directory which constitutes a second freestanding sign where only one is allowed. To install the sign inside the 25' setback where the existing sign is presently.

2. GENERAL INFORMATION

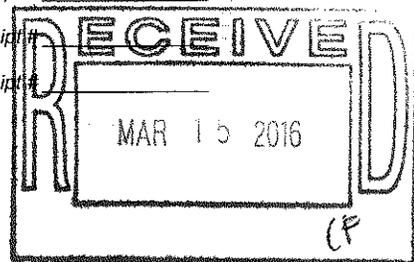
a. APPLICANT / OPTIONEE (List both individual name and corporate name if applicable)
FIRST SIGN & CORPORATE IMAGE, INC.
 Applicant's signature [Signature] Date 3/15/2016
 Applicant's address 107 HOLLIS STREET, MANCHESTER NH 03101
 Telephone number (home) _____ (work) (603) 627-0003

b. PROPERTY OWNER R.J. FINLAY & COMPANY
 Owner's signature [Signature] Date 3/15/2016
 Owner's address 30 TEMPLE STREET
 Telephone number (home) _____ (work) (603) 672-0300

Case number _____ Application Deadline _____ Date Received 3-15-16 Date of hearing 4-12-16
 Notices: Newspaper Abutters Board Action _____

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

PLR2016-00056



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 will not be affected as the requested signage is helpful due to the number of tenants within the building and the sign does not create visual clutter. The design of the proposed sign is based on the new property sign while allowing for up to 30 tenants to be represented.

- 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 ordinance is to restrict the size and proliferation of signs as relating to the most common situations and has the provision for a variance to allow for situations that fall outside this norm. Our goal with this sign is to help visitors and customers to locate a specific business within the building.

- 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.)

A comprehensive exterior directory minimizes confusion by allowing customers and visitors to locate the tenant before entering the building and confirming that they are in the right location. The size of the parcel(s) and the number of entrances to the property warrant the existence of a second sign.

- 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 installation of a building directory will have no negative impact on the surrounding properties. A well designed, comprehensive signage program tends to enhance the building and it's surroundings.

- 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 number of tenants at this property verses a building housing a few large tenants make the identification and wayfinding a challenge. We are addressing this by having only a listing of the tenants and not allowing any corporate logos or colors on this directory.

4. USE VARIANCE ADDITIONAL INFORMATION

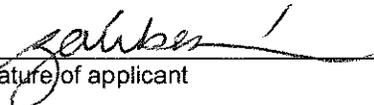
Please answer all questions below that are applicable. Your answers to these questions will allow staff to better understand your request.

- 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.

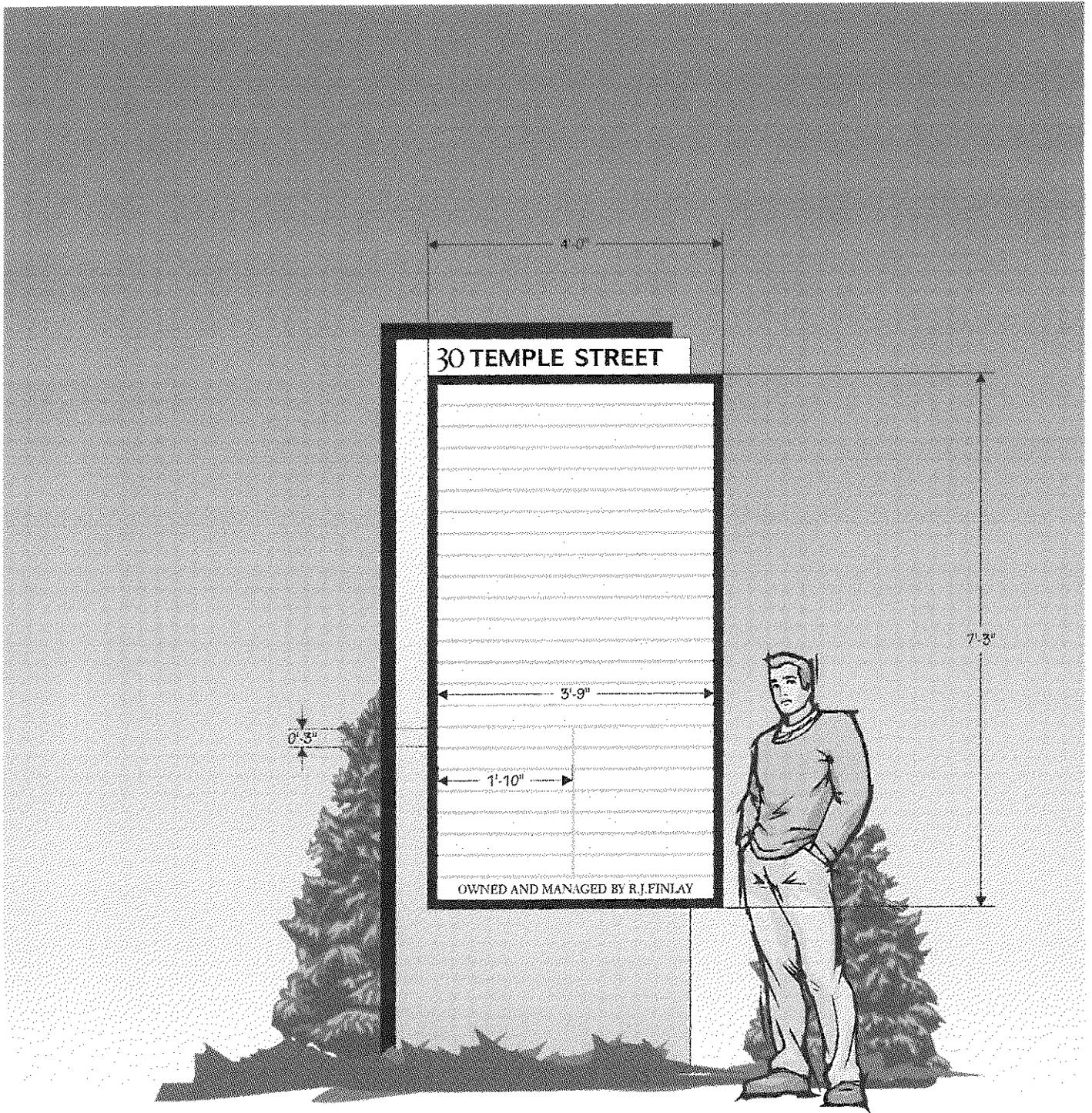
I understand that only those point specifically mentioned are affected by action taken on this appeal.


Signature of applicant

3/15/2015
Date

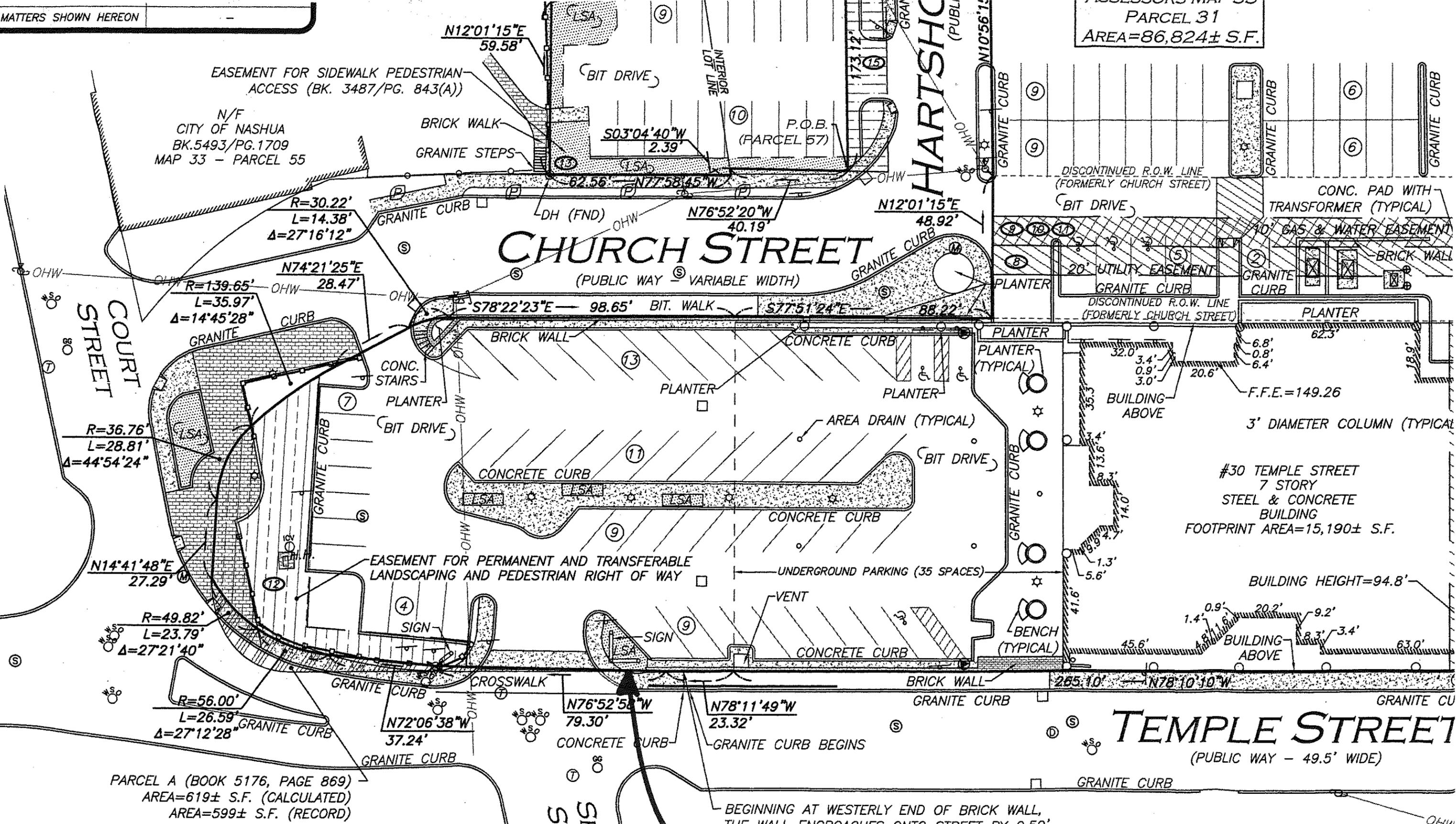
The staff report for a Use Variance request will be available no later than Friday of the week before the ZBA meeting. If you would like a copy, please indicate below:

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



16 large panels
14 small panels

PARCEL 31
AREA=86,824± S.F.



PARKING SUMMARY	
TOTAL STALLS	223
PAID STALLS	6

BEGINNING AT WESTERLY END OF BRICK WALL, THE WALL ENCROACHES ONTO STREET BY 0.50'. ENCROACHMENT CONTINUES UNTIL WALL CROSSES PROPERTY LINE 63.86' EASTERLY.

REPAIRING EXISTING BLDG. DIRECTORY

#30 TEMPLE STREET
7 STORY
STEEL & CONCRETE
BUILDING
FOOTPRINT AREA=15,190± S.F.

BUILDING HEIGHT=94.8'

TEMPLE STREET
(PUBLIC WAY - 49.5' WIDE)

CHURCH STREET
(PUBLIC WAY - VARIABLE WIDTH)

HARTSHIC
(PUBL)

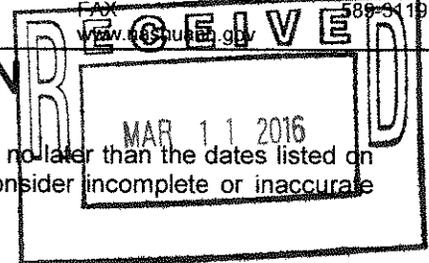
SPRING STREET

COURT STREET



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 589-3419



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 34 Bell St Nashua, NH 03064
 Zoning District RA Sheet 135 Lot 80

b. VARIANCE(S) REQUESTED

I am requesting a 4ft variance on the 25ft front setback requirement, as the 28ft x 30ft new attached garage with two bedroom and two bathroom addition above the garage while being attached to existing house.

2. GENERAL INFORMATION

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

Enrique and Josefina Ruiz

*Applicant's signature *Enrique Ruiz* Date 3-11-16
 Applicant's address 34 Bell St Nashua, NH 03064
 Telephone number (home) (603) 438-5493 (work) _____

b. PROPERTY OWNER Enrique and Josefina Ruiz

*Owner's signature *Enrique Ruiz* Date 3-11-16
 Owner's address 34 Bell St Nashua, NH 03064
 Telephone number (home) (603) 438-5493 (work) _____

Case number _____ Application Deadline _____ Date Received 3-11-16 Date of hearing 4/12/16

Notices: Newspaper Abutters Board Action _____

\$ _____ fee Date Paid _____ Receipt # _____

\$ _____ application fee Date Paid _____ Receipt # _____

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

PLR2016-00048

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 is to allow construction of a garage with a two bedroom and two bathroom addition above it. It will serve 3 purposes. First it will add additional living space for our family because currently the space we have is too cramped. Secondly it will serve as a much needed secure storage facility to protect our vehicles and other important equipment thus maintaining the property. The third purpose is because it will improve the appearance of the house thus making the neighborhood look better.

- 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 two bedroom addition is to accommodate our family. By adding two bedrooms and two bathrooms above the constructed garage, allows us to have more room in the house, making it feel less cramped. The 4ft variance that we are requesting distance from the street provides enough room in the front of the constructed garage. Also this variance will not impact the safety or design of the street.

- 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 benefit of this variance will give us storage for our vehicles and equipment that is needed to maintain the property from New Hampshire weather. Also the additions will not harm the general public and it would actually benefit them and the neighbors because it allows us to store trash cans and recycling bins in the garage making a clean front yard. Another benefit is that it will allow our home to accommodate our family and allow us to pass it on to our child so that her children could grow up in a wonderful neighborhood like she did and it gives us the space we need to not be cramped.

- 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 construction of a garage and the two bedrooms and two bathrooms above it will not have a negative effect on the property values in our neighborhood because there are many houses that are two story homes and have garages.

- 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.

There is approximately 23ft from the front of the house to the property line before the street but with the addition there will still be a 23ft from the constructed garage to the property line although there will be an overhang that causes it to be 21ft from the property line before the street. This will not affect the character of the neighborhood in a negative way. We need this variance to accommodate our family with the space we need.

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.

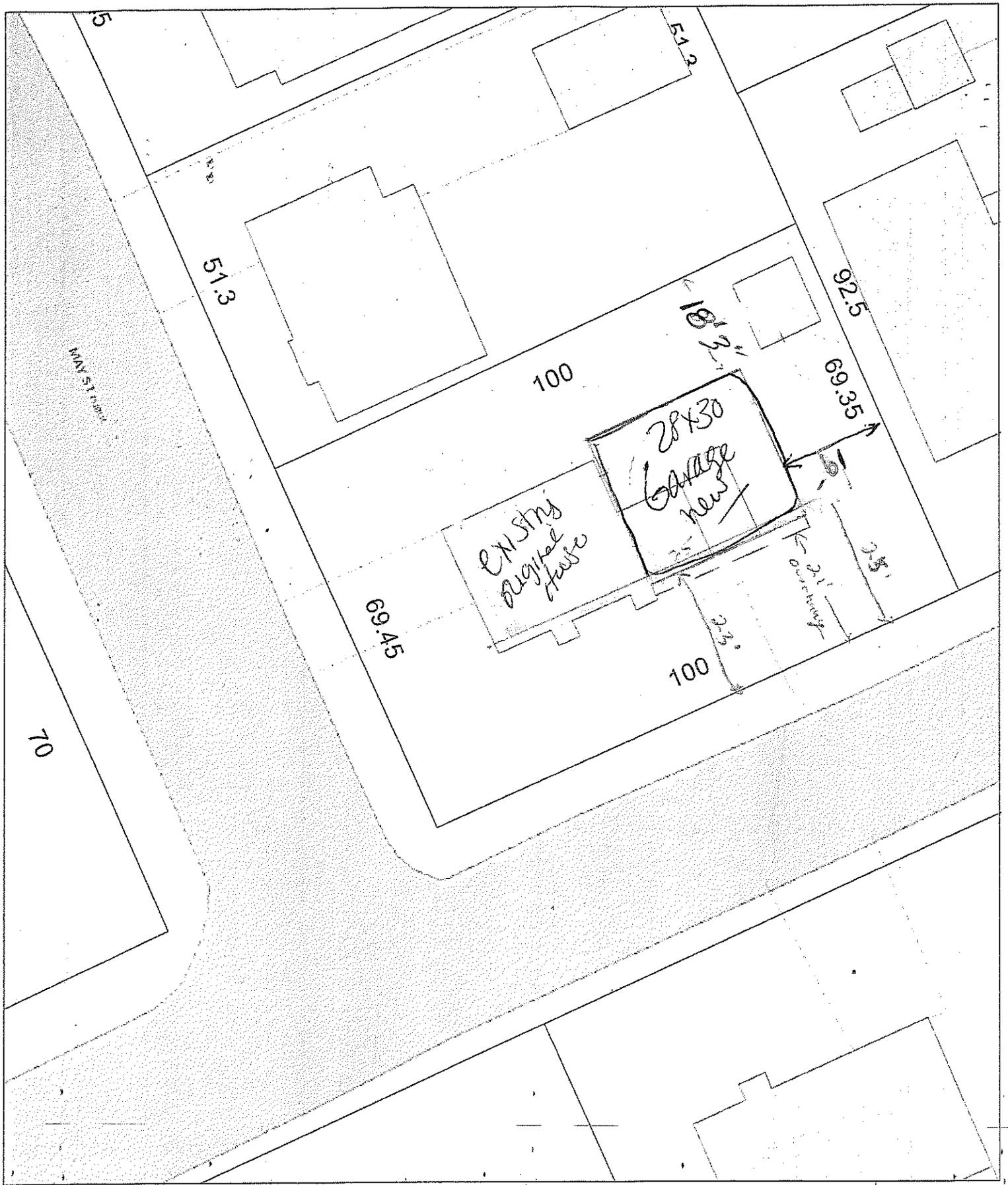
I understand that only those point specifically mentioned are affected by action taken on this appeal.

*
Signature of applicant

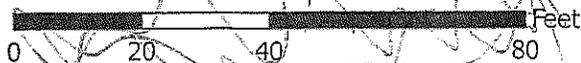
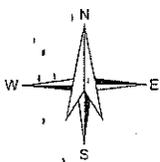
3-11-16
Date

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 ruizenrique77@aol.com
- Please mail it to me at _____



Nashua, NH



1 inch = 30 feet



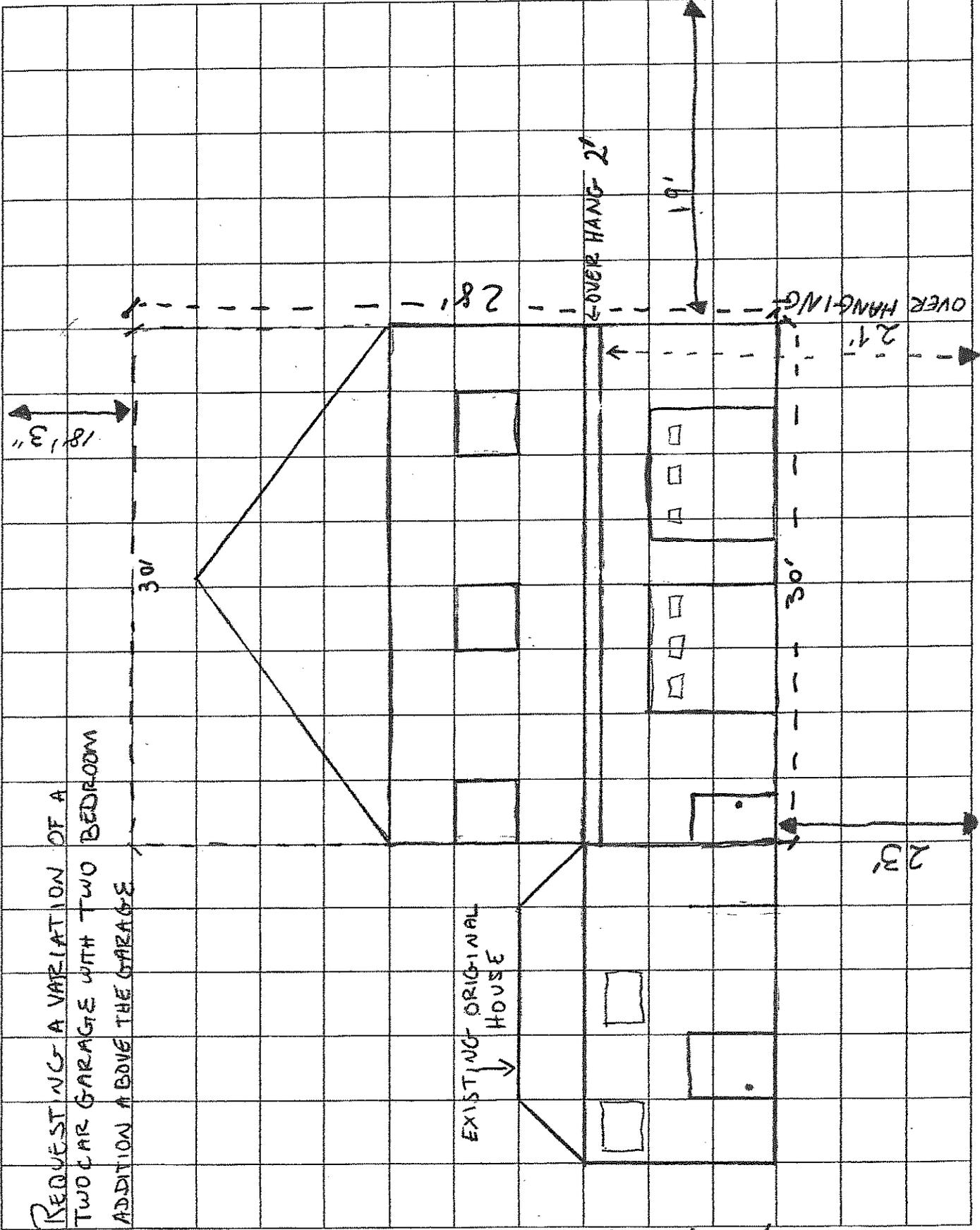
MARY ST

* REQUESTING A VARIATION OF A TWO CAR GARAGE WITH TWO BEDROOM ADDITION ABOVE THE GARAGE

EXISTING ORIGINAL HOUSE

PROPERTY LINE

PROPERTY LINE



BUILDING PERMIT

* ORIGINAL PLOT PLAN EXISTING HOUSE *

LOT 8951 #82

SHEET 135

SCALE 1" = 20 ft.

JOSEPH GARRIEL JR.
Owner's Name

Oct 4, 1948

APR 30 1952

#34 BELL ST

No. Street

"A" Res.

AUG 4 1955

District

9-30-57

No. 7652.
9701
12017
13736

REMARKS

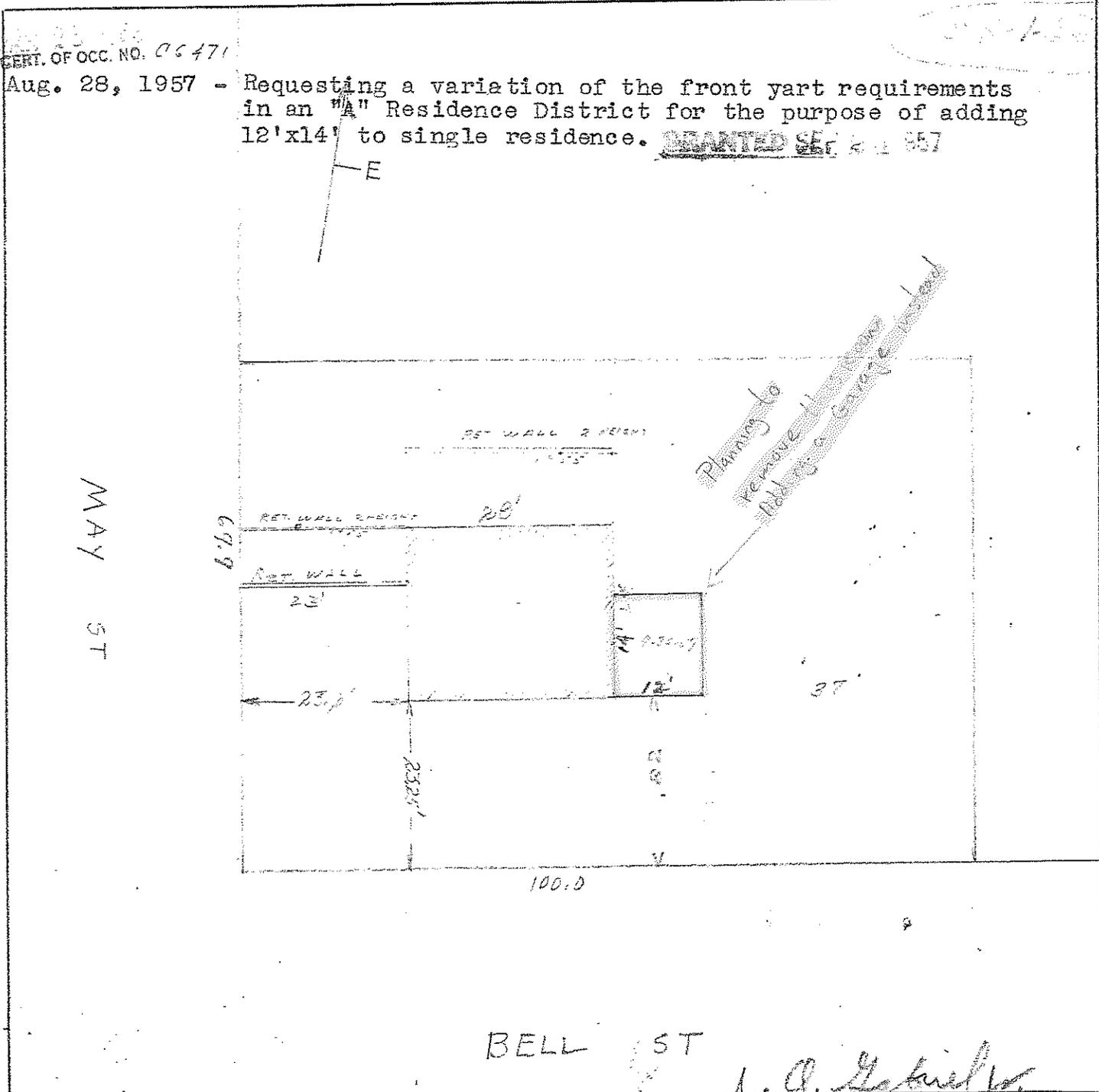
SINGLE RESIDENCE 25'x24'

1955 - 20' CONCRETE WALL

BK 1-6-49

CERT. OF OCC. NO. 06471

Aug. 28, 1957 - Requesting a variation of the front yard requirements in an "A" Residence District for the purpose of adding 12'x14' to single residence. **GRANTED SEC 2-1-57**

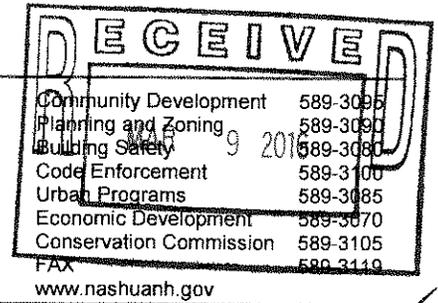


BELL ST

J. G. Garriel Jr.
Joseph J. Garriel



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



VARIANCE APPLICATION

6

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 79 West Groton Road

Zoning District R-40 Sheet D Lot 312

b. VARIANCE(S) REQUESTED

I am requesting a 5' variance on the 25' side setback requirement to
construct a 20' by 30' two story addition to our house. The addition will
consist of a first floor family room and home office plus a second floor
master bedroom and bathroom.

2. GENERAL INFORMATION

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

Christopher Ward

Applicant's signature Date 3/9/2016

Applicant's address 79 West Groton Road

Telephone number (home) (603) 521-2003 (work) (603) 816-2130

b. PROPERTY OWNER Christopher Ward

Owner's signature _____ Date _____

Owner's address 79 West Groton Road

Telephone number (home) (603) 521-2003 (work) (603) 816-2130

Case number _____ Application Deadline _____ Date Received 3/9/16 Date of hearing 4/12/16

Notices: Newspaper Abutters Board Action _____

\$ _____ fee Date Paid _____ Receipt # _____

\$ _____ application fee Date Paid _____ Receipt # _____

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

2016 - 00040

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.")

Adding the addition will not be contrary to the public interest as the 5 foot variance is minimal and is actually only for one corner of the addition. The existing tree line and wooded area between houses would remain undisturbed. The addition would contribute to neighborhood growth, provide superior neighborhood design appeal and contribute to neighborhood values due to the increased living 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 addition will observe the spirit of the ordinance, as the 5 foot variance regarding the side setback is minimal and is actually only for one corner of the addition not the entire length and totals less than 20sf. Because the property line is at an angle, the front of the addition is actually 37 feet from the side property line.

- 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.)

Granting the variance for the side setback requirement would allow us to build the addition in the most functional and aesthetically pleasing design possible. Adding onto the other sides of the house would be difficult because of the septic system in the front yard, the screened porch in the back and a hill on the opposite side of the house. Our family with two young boys would greatly benefit from the extra space, especially a third bedroom on the second floor.

- 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.)

I do not see how this addition would diminish the values of surrounding properties. As mentioned, the existing wooded area between the neighbor's property would remain undisturbed.

West Groton Road and Groton Road (Route 111a) consist of many different styles of homes built over a long period of time therefore our house with an addition would not be out of character for the neighborhood. In recent years several new homes have been built that are over 2500sf with a large family room and master suite.

- 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.

This is a large lot (0.95 acres), however there are circumstances that make this lot difficult to fully utilize. First, this lot is pie shaped and the side property line cuts behind the house. Second because this is a long narrow lot there is a lot of property that resides in the setbacks compared to a square lot with the same acreage. Third, the existing house is not centered in the property which makes it difficult to put an addition on the most desired side of the house - if the house would have been built in the center of the property a variance would not have been required.

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

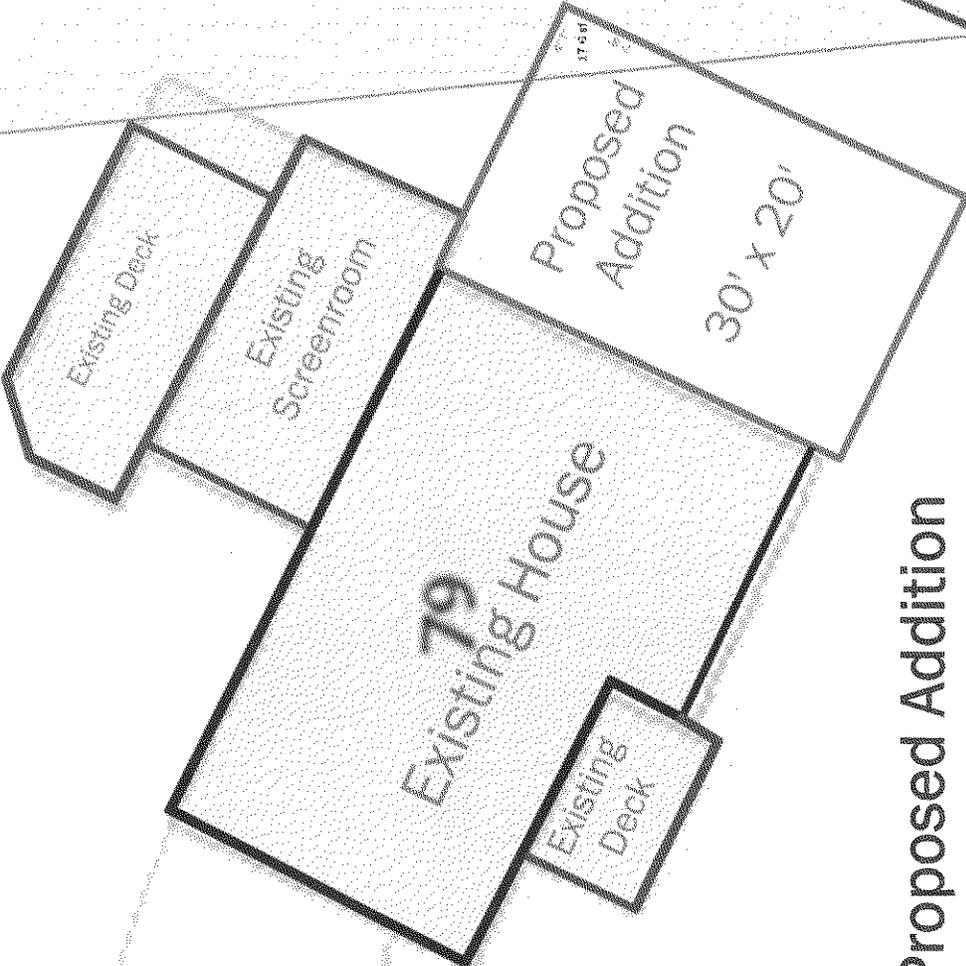
3/9/2016
Date

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 ward@sciinc.com

Please mail it to me at _____



- Red = Proposed Addition
- Dark Blue = Existing House
- Hashed Area = Side Buffer
- Lt Blue = Property Line
- Green = Tree line

25' Side Buffer

Proposed Addition
30' x 20'

Existing House
79

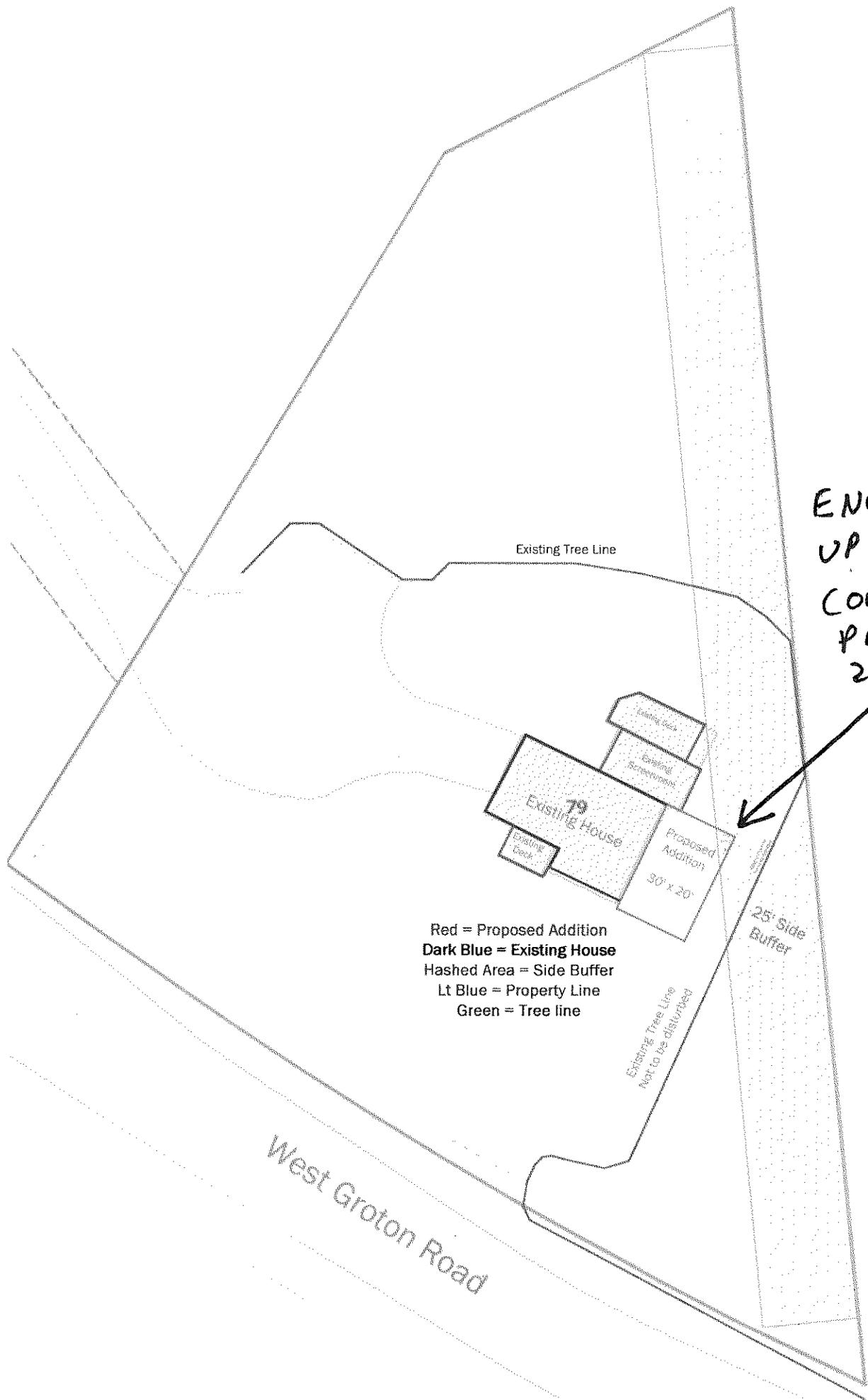
Existing Deck

Existing Screenroom

Existing Deck

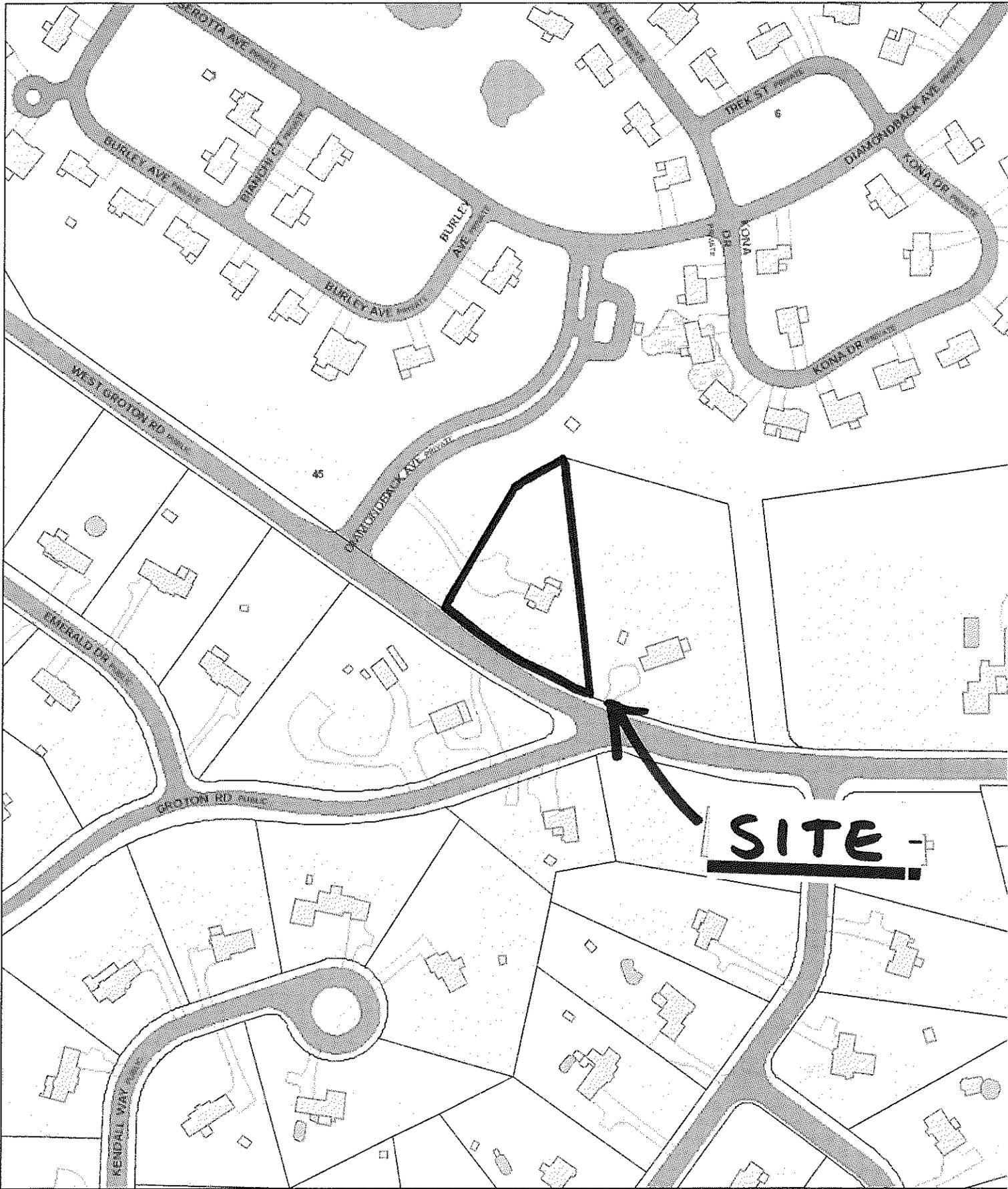
Existing Tree Line
NOT TO BE DISTURBED

Tree Line
to be disturbed

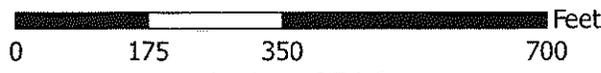
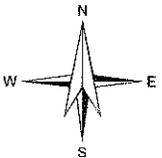


Red = Proposed Addition
 Dark Blue = Existing House
 Hashed Area = Side Buffer
 Lt Blue = Property Line
 Green = Tree line

ENCROACHMENT
 UP TO 5' IN
 CORNER OF
 PROPOSED
 20' x 30' ADD'N



79 West Groton Rd



1 inch = 254 feet



To: Zoning Board of Adjustment

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

Date: March 22, 2016

Subj: **USE VARIANCE: 117 W. Glenwood Street, LLC (Owner) 117 West Glenwood Street (Sheet 132 Lot 31) requesting use variance to construct a paved automobile storage lot. RA Zone, Ward 7.**

PROPOSAL:

The applicant, 117 West Glenwood Street, LLC, is requesting a use variance to construct a 163-space parking area for automobile storage. The property is located in the A-Urban Residence (RA) Zone. The property is 108,029 sq.ft (2.48 acres).

This application was brought before the Zoning Board last October, and after testimony and discussion, it was withdrawn without prejudice by the applicant (see attached minutes).

SITE ANALYSIS:

The subject site is located at the terminus of West Glenwood Street, at the intersection of Daniel Webster Highway, generally located between the F.E. Everett Turnpike and Daniel Webster Highway (see attached site location map). To the north of the subject lot is a PSNH substation. To the east is a single-family home and a vacant lot. To the south is a single-family home. To the west is the F.E. Everett Turnpike. All surrounding properties are zoned RA.

According to the Land Use Code, Section 190-15, Table 15-1, (#262), "*Parking lots, surface, underground or in structures, as a principal use*" is not a permitted use in the RA zone. This use is permitted in the Downtown (both D-1 and D-3), General Business (GB), Highway Business (HB), Airport Industrial (AI), Park Industrial (PI) and General Industrial (GI) zones. The use is allowed as a Conditional Use, subject to Nashua Planning Board approval, in the Local Business (LB) and the C-Urban Residence (RC) zones.

The site has one single-family home and a detached garage on it, both are to be razed. The plan is to construct a 163-space parking lot, to be used for automobile storage, for Toyota of Nashua. A building structure is not planned for this site. Access to the site would be from the terminus of West Glenwood Street.

Although not necessarily a Zoning Board issue, Staff has concerns how the drainage and stormwater management will be handled. A large portion of the site will be the proposed parking lot, and the site has a significant downslope from the F.E. Everett Turnpike. Also, the applicant should be able to discuss the traffic and usage of West Glenwood Street. If the lot is used to capacity, it would have 163

vehicles on it, and possibly large vehicle transport/carrier trucks dropping them off. To go from a narrow, steep, and old street that only services one or two houses, to a large parking lot with 163 vehicles on it, the applicant must be able to state whether the existing street can even handle the additional traffic and usage.

New Hampshire law provides the statutory authority for the Zoning Board of Adjustment to grant use variances. The land use pattern envisioned in the Master Plan and shown on the zoning map can be altered lot by lot. The City's Master Plan calls for this area to be Medium Density Residential (1.5 to 5 dwelling units per acre).

This section of DW Highway from south of the applicant's property north to Pike Street is still predominately residential. It should remain this way until such time as a determination has been made through the legislative hearing process by the Board of Aldermen whether this area should be changed to a new use, how it should be changed, and when. This area is large enough and affects several properties to warrant this level of review and planning. This is an encroachment into a defined residential neighborhood.

The City's Future Land Use Plan identifies the subject property as "Medium Density Residential". 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 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, 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, 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 applicant has indicated that the changes in the area over the years have made the use as residential neighborhood unreasonable, and the noise from the turnpike makes it difficult to have outdoor activities, and the proposed use is reasonable for that area.

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 has indicated that the area is turning towards a business zone.

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 use of the lot as automobile storage with the fencing and trees would not devalue the surrounding real estate.

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 the lot is surrounded by the D.W. Highway, a Public Service substation, and two residences, and there are many businesses in the area, and that over the years, the area has seen businesses being established, and it is no longer a residential area, and because of the D.W. Highway, this area has become an island and should be all businesses.

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 because of the changes in the area, the use as a residence is not reasonable, and granting the variance would not be harmful to the general public, and would be a reasonable use to the applicant.



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

Community Development 589-3095
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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 117 West Glenwood Street

Zoning District R-A Sheet 132 Lot 31

b. VARIANCE(S) REQUESTED

Property is to be used as an automotive storage area.

2. GENERAL INFORMATION

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

117 W. Glenwood Street, LLC

Applicant's signature [Signature] Date 3/8/16

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

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

b. PROPERTY OWNER 117 W. Glenwood Street, LLC

Owner's signature [Signature] Date 3/8/16

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 4/12/16

Notices: Newspaper Abutters Board Action _____

\$ _____ fee Date Paid _____ Receipt # _____

\$ _____ application fee Date Paid _____ Receipt # _____

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

PLR#2016-00047

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 lot is surrounded by the D.W. Highway, a public service sub-station, and two residences; there are many businesses in the area; over the years, the area has seen businesses being established; it is no longer a residential area; because of the D.W. Highway, this area has become an island and should be all businesses.

- 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 area is turning towards a business 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.)

Because of the changes in the area, the use as a residence is not reasonable; granting the variance would not be harmful to the general public and would be a reasonable use to the applicant.

- 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 use of the lot as automobile storage with the fencing and trees would not devalue the surrounding real estate.

- 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 changes in the area over the years have made the use as a residential neighborhood unreasonable; the noise from the turnpike makes it difficult to have outdoor activities; the proposed use is reasonable for that area.

4. USE VARIANCE ADDITIONAL INFORMATION

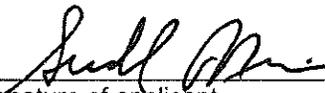
Please answer all questions below that are applicable. Your answers to these questions will allow staff to better understand your request.

- 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.

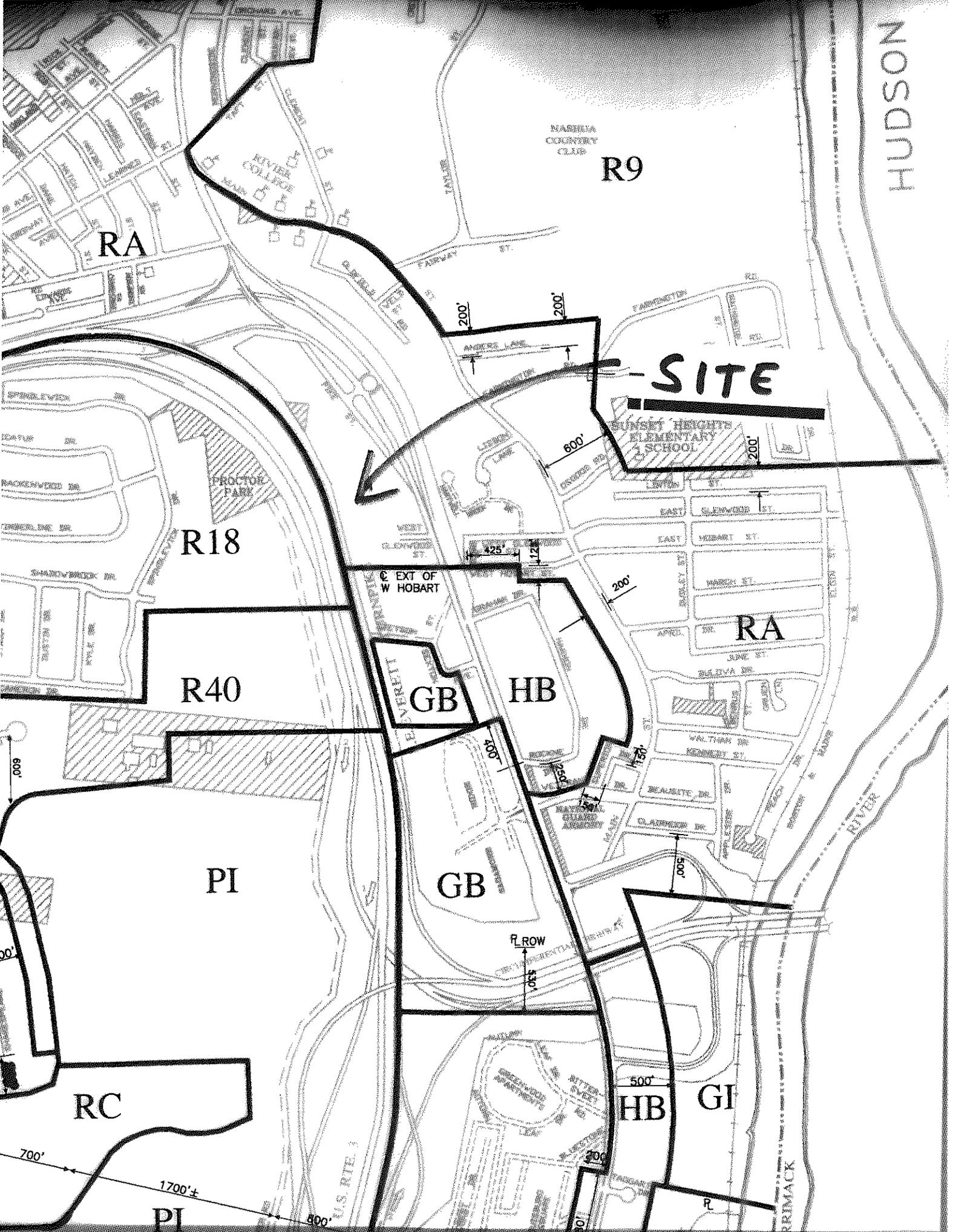
I understand that only those point specifically mentioned are affected by action taken on this appeal.


Signature of applicant

3/8/16
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 gprunier@prunierlaw.com
- Please mail it to me at _____



RA

NARBERA COUNTRY CLUB
R9

SITE

R18

R40

RA

GB

HB

PI

GB

RC

HB

GI

PI

HUDSON

RIVER COLLEGE

NARBERA COUNTRY CLUB

SUNSET HEIGHTS ELEMENTARY SCHOOL

EXT OF W HOBART

WATER RIVER

PRIMACK

600'

200'

200'

600'

200'

425'

112'

200'

500'

250'

1005'

R ROW
108'

500'

200'

700'

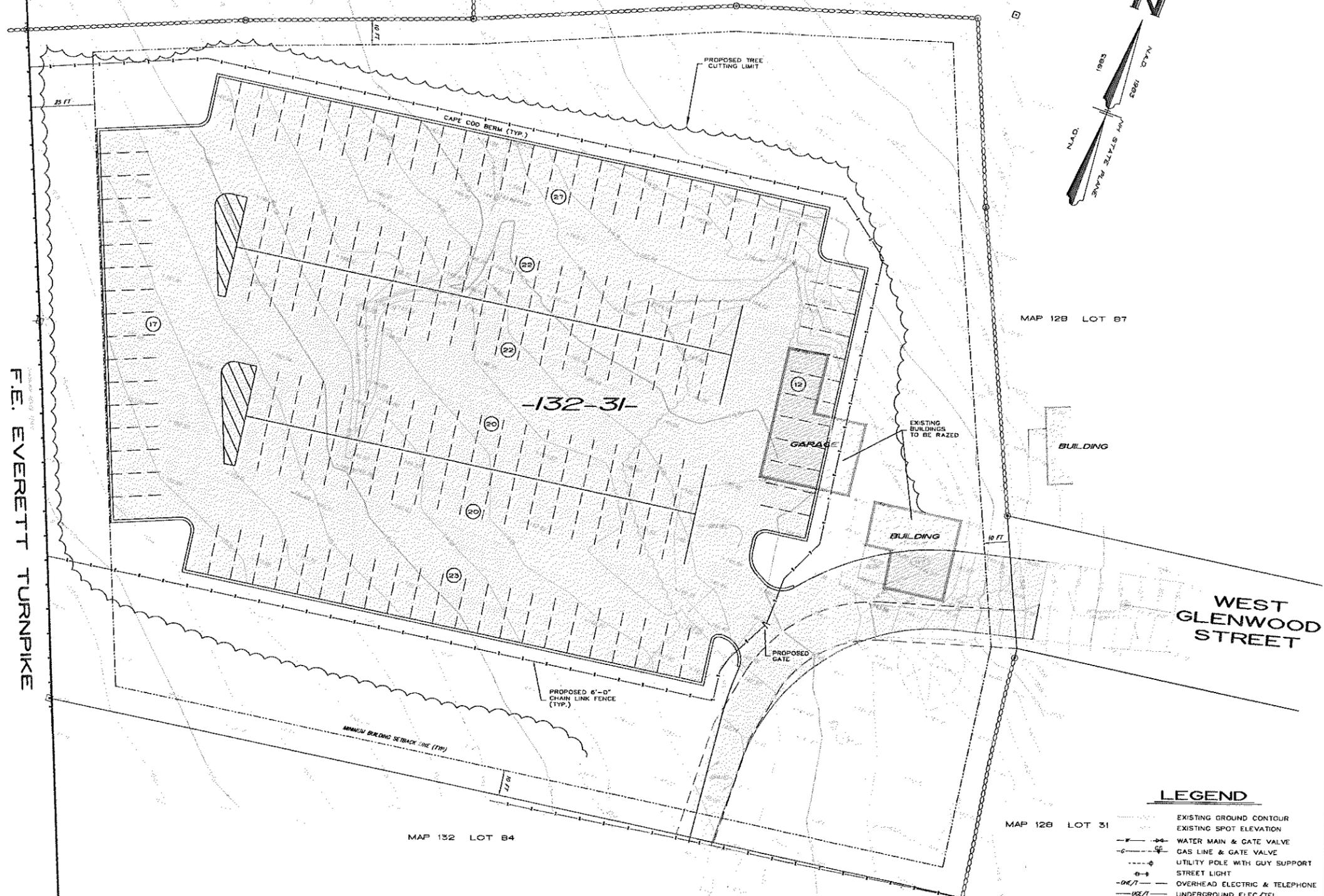
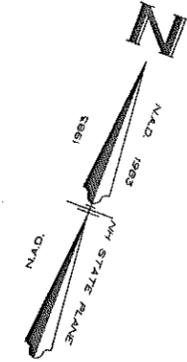
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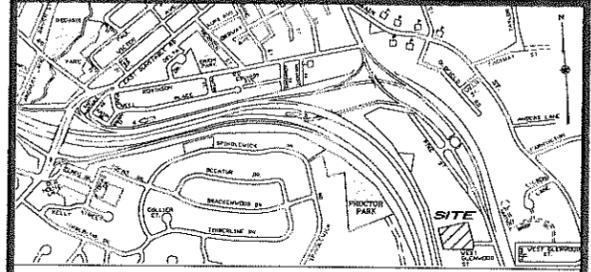
MAP "A" LOT 179



F.E. EVERETT TURNPIKE

LEGEND

- EXISTING GROUND CONTOUR
- EXISTING SPOT ELEVATION
- WATER MAIN & GATE VALVE
- GAS LINE & GATE VALVE
- UTILITY POLE WITH GUY SUPPORT
- STREET LIGHT
- OVERHEAD ELECTRIC & TELEPHONE
- UNDERGROUND ELEC./TEL
- SANITARY SEWER & MANHOLE
- SIGN
- TREE LINE
- STONE BOUND
- IRON PIN
- IRON PIPE
- DRILL HOLE & STONE WALL
- BUILDING SETBACK LINE
- CHAINLINK FENCE
- DECIDUOUS TREE



VICINITY MAP

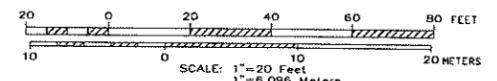
NOTES:

1. TOTAL SITE AREA: 2.49 ACRES (108,029 SF)
2. PRESENT ZONING: R-A, A - URBAN RESIDENCE
 DIMENSIONAL REQUIREMENTS:

	REQUIRED	EXISTING
MIN. LOT AREA	7,500 SF	108,029 SF
MIN. LOT WIDTH	75 FT	263.1 FT
MIN. FRONTAGE	80 FT	52.2 FT
MIN. LOT DEPTH	90 FT	371.5 FT
MIN. FRONT SETBACK	10 FT	48.6 FT
MIN. SIDE SETBACK	10 FT	30.5 FT
MIN. REAR SETBACK	25 FT	25.0 FT
3. LOT NUMBERS REFER TO THE CITY OF NASHUA ASSESSORS MAP 132.
4. PURPOSE OF PLAN: TO SHOW A PROPOSED 153 SPACE VEHICLE STORAGE PARKING LOT.
5. PRESENT OWNER OF RECORD: MAP 132 LOT 31, 117 W GLENWOOD ST., LLC, 10 MARMON DRIVE, NASHUA, NH 03060

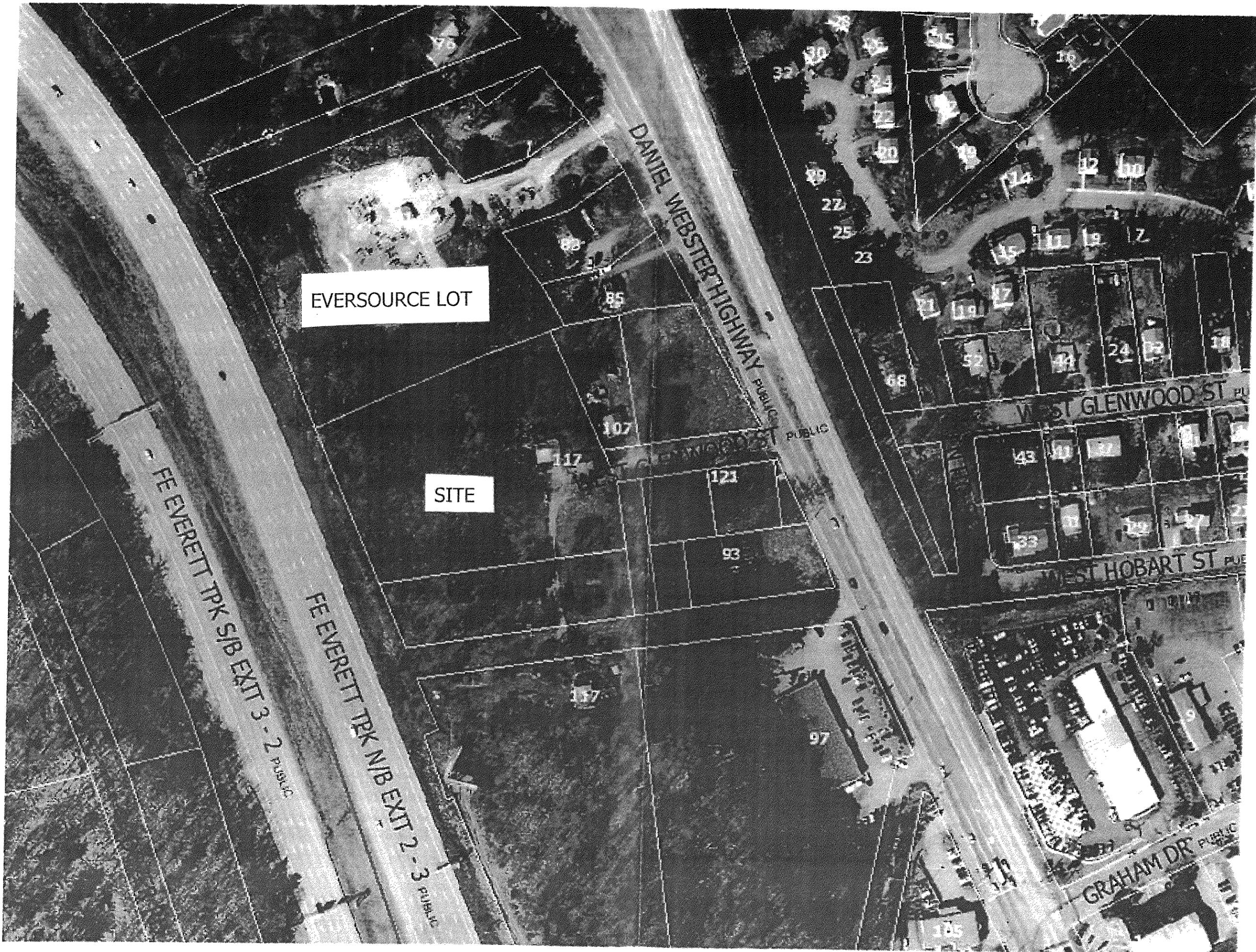
PRELIMINARY
NOT FOR CONSTRUCTION

ZONING BOARD OF ADJUSTMENT PLAN
(LOT 557, MAP 'G')
117 WEST GLENWOOD STREET
NASHUA, NEW HAMPSHIRE
PREPARED FOR/RECORD OWNER:
117 W GLENWOOD ST., LLC
10 MARMON DRIVE, NASHUA, NH 03060



17 SEPTEMBER 2015

HSI Hayner/Swanson, Inc.
Civil Engineers/Land Surveyors
Three Congress Street Nashua, New Hampshire 03062-3301
Tel (603) 883-2057 Fax (603) 883-5057
www.hayner-swanson.com



EVERSOURCE LOT

SITE

FE EVERETT TPK S/B EXIT 3 - 2

FE EVERETT TPK N/B EXIT 2 - 3

DANIEL WEBSTER HIGHWAY

WEST GLENWOOD ST

WEST HOBART ST

GRAHAM DR

117

121

93

157

97

115

68

27

25

23

15

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19

12

43

41

37

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19

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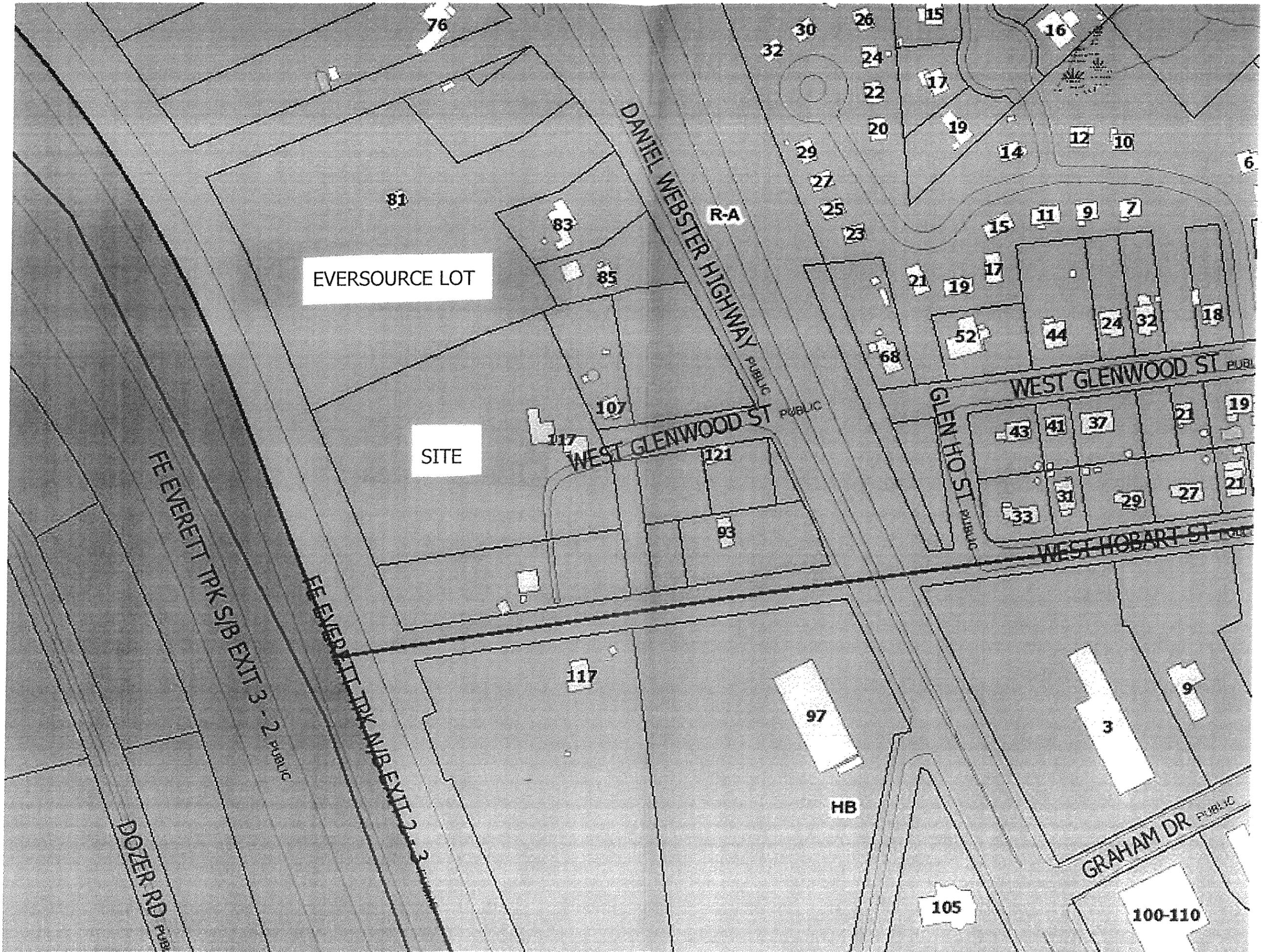
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EVERSOURCE LOT

SITE

DANIEL WEBSTER HIGHWAY R-A

WEST GLENWOOD ST PUBLIC

WEST HOBART ST

GRAHAM DR PUBLIC

FE EVERETT TRK S/B EXIT 3 - 2 PUBLIC

FE EVERETT TRK N/B EXIT 2 - 2

DOZER RD

105

100-110

HB

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85

107

121

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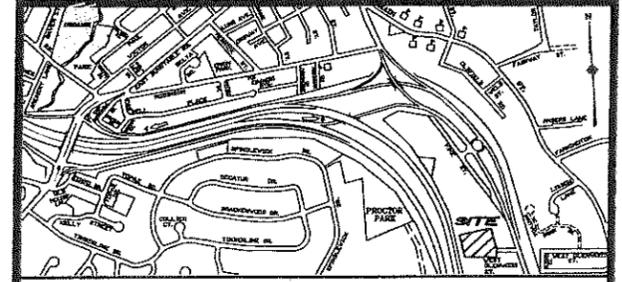
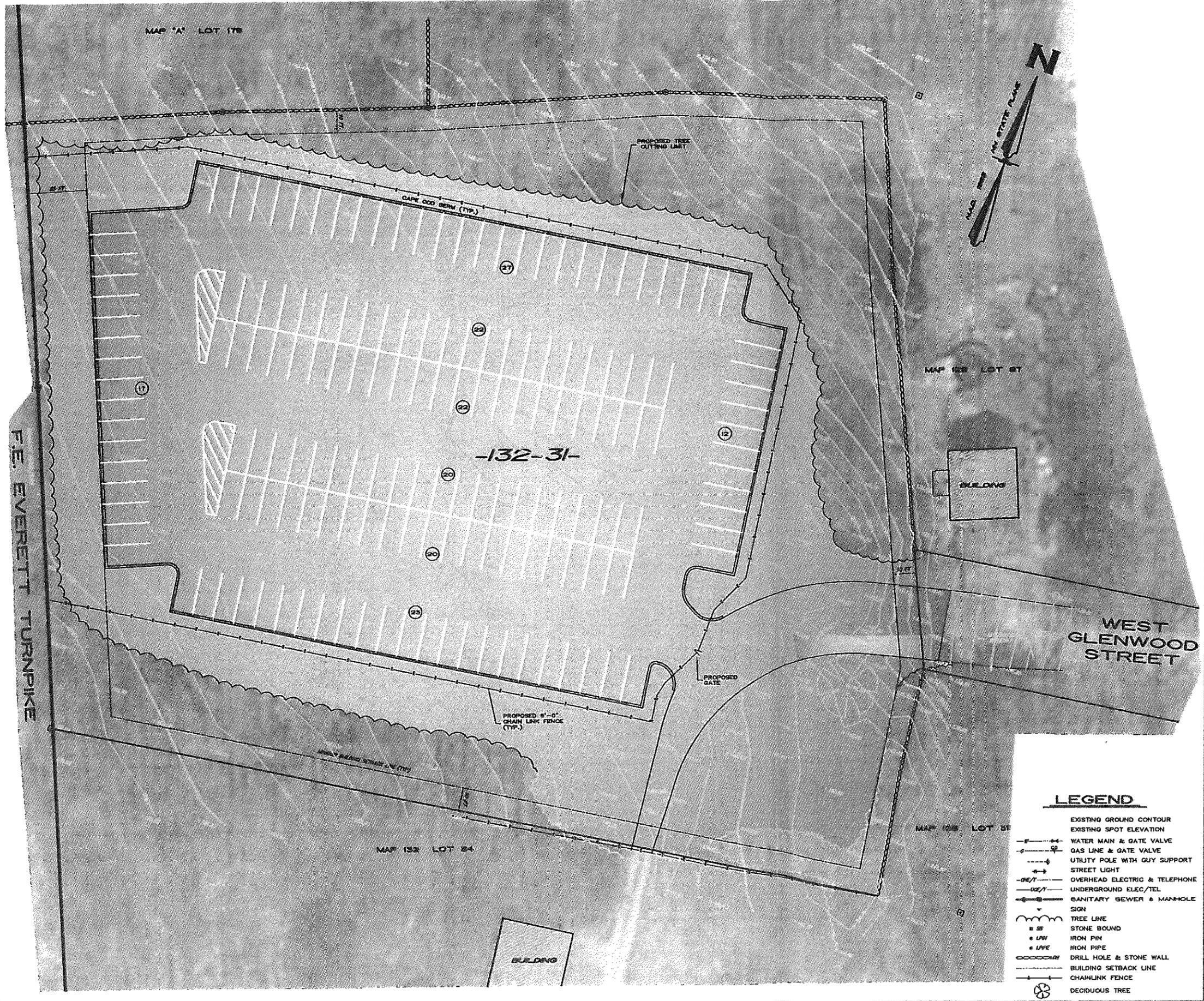
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NOTES:

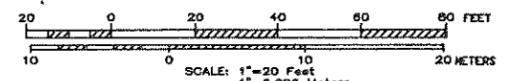
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MIN. SIDE SETBACK	10 FT	20.6 FT
MIN. REAR SETBACK	25 FT	25.0 FT
- LOT NUMBERS REFER TO THE CITY OF NASHUA ASSESSORS MAP 132.
- PURPOSE OF PLAN: TO SHOW A PROPOSED 163 SPACE VEHICLE STORAGE PARKING LOT.
- PRESENT OWNER OF RECORD: MAP 132, LOT 31, 117 W GLENWOOD ST., LLC, 10 MARMON DRIVE, NASHUA, NH 03060.

PRELIMINARY
NOT FOR CONSTRUCTION

NO.	DATE	REVISION	BY

ZONING BOARD OF ADJUSTMENT PLAN
(LOT 587, MAP 'G')
117 WEST GLENWOOD STREET
NASHUA, NEW HAMPSHIRE
PREPARED FOR/RECORD OWNER:
117 W GLENWOOD ST., LLC
10 MARMON DRIVE, NASHUA, NH 03060



17 SEPTEMBER 2015

HESI Hayner/Swanson, Inc.
Civil Engineers/Land Surveyors

Three Congress Street, Nashua, New Hampshire 03062-3301
Tel (603) 883-2057 Fax (603) 883-9097
www.haynerswanson.com

To: Zoning Board of Adjustment

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

Date: March 24, 2016

Subj: **USE VARIANCE: Stephany C. Houghton (Owner) Warren Houghton (Applicant) 226 Broad Street (Sheet E Lot 108) requesting use variance to allow a massage therapy business in a portion of existing building. R9 Zone, Ward 1.**

PROPOSAL:

The applicant, Warren Houghton, is requesting a use variance to use a portion of an existing building for a massage therapy business. The property is located in the C-Suburban Residence (R9) Zone. The property is 38,329 square feet in area (0.88 acres).

HISTORY:

Jun 1986: Variance – *Granted* – to allow a ground sign with a maximum size of 24 square feet.

Mar 1988: Use Variance – *Granted* – to allow a veterinary clinic.

Jun 2015: Use Variance – *Granted* – to allow a beauty salon in a portion of existing building

Meeting minutes of the above-mentioned cases are included in the package.

SITE ANALYSIS:

The subject site is located on the southern side of Broad Street, just east of O'Neil's Court (see attached site location map).

According to the Land Use Code, Section 190-15, Table 15-1, (#102), "*Personal services, generally*" is not a permitted use in the R9 zone. This use is permitted in the Local Business (LB), Downtown (both D-1 and D-3), General Business (GB) and Highway Business (HB) zones. Further, it is allowed as a Conditional Use, subject to Nashua Planning Board approval, in the Park Industrial (PI) and Airport Industrial (AI) zone, as long as at least 75% of the floor area is reserved for uses listed in the "Industrial and Manufacturing" category.

This property is currently occupied by dentist's office, a real estate office and a beauty salon. The building is 6,275 square feet in size. The approved site plan indicates that there are 21 parking spaces. Parking requirements for the proposed use are 1 space per 500 square feet. According to the applicant, they will be utilizing 787 square feet, therefore, two parking spaces will be required. The application

indicates that there will be 1-2 employees total. Operating hours are Monday through Saturday, from 9:00 a.m. to 9:00 p.m.

The City's Future Land Use Plan identifies the subject property as "Medium Density Residential". 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 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, 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, 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 applicant has indicated that the building is composed of a number of units for multiple purposes, and that the proposed use will not conflict with the existing uses of the units.

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 indicates that the proposal is to utilize the existing residential building for commercial use that will be compatible with the surrounding uses, and not alter the essential character of the neighborhood, and also, states that there are no known issues that would impact public health, safety or welfare.

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 proposed use is consistent and compatible with the surrounding uses and will not diminish the surrounding property values. The applicant states that the occupancy of the unit will not only offer services to the community, but will also provide potential employment.

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 the area surrounding the subject property consists of a mix of uses, dental offices, and professional office space.

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 there will be no harm to the public, and a service would be provided.



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 226 Broad street
 Zoning District R9 Sheet E Lot 108

b. VARIANCE(S) REQUESTED A variance is requested to permit commercial use for a Massage therapy and Float tank center within the proposed structure

per Mr. Houghton - AREA IS 787 sq ft CF
3-20-16

2. GENERAL INFORMATION

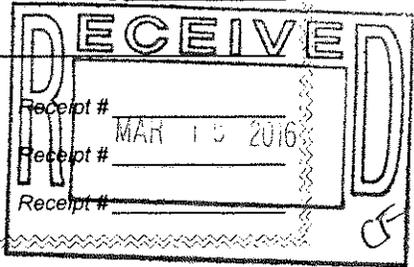
a. APPLICANT / OPTIONEE (List both individual name and corporate name if applicable)
warren Bradley Houghton
 Applicant's signature [Signature] Date 3/1/16
 Applicant's address 9 storybrook Ln, Amherst, NH
 Telephone number (home) 603-233-3308 (work) _____

b. PROPERTY OWNER Stephany C. Houghton
 Owner's signature [Signature] Date 3/1/16
 Owner's address 9 storybrook Ln, Amherst, NH
 Telephone number (home) 673 6929 (work) 889 5248

Case number _____ Application Deadline _____ Date Received 3-15-16 Date of hearing 4-12-16

Notices: Newspaper Abutters Board Action _____

\$ 900 _____ fee Date Paid _____
 \$ _____ application fee Date Paid _____
 \$15 signage fee \$100 recovery fee Date Paid _____



PLR2016-00053

Address 226 Broad Street

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.")

In general the area surrounding consists of mix uses, dentist office and Hair salon, and office space.

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.")

This proposed is to utilize the existing residential building for commercial use that will be compatible with the surrounding uses and therefore not alter the essential character of the neighborhood. There are no known issues that would impact public health, safety or welfare.

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.)

There would be no harm to the public and a service would be provided.

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 use is consistent and compatible with the surrounding ~~residential~~ uses and will therefore not diminish the surrounding property values. The occupancy of the unit will not only offer services to the community but also provide potential employment.

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 226 Broad 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 building is composed of a number of units for multiple purposes. The proposed use will not conflict with the existing uses of the units.

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 1-2 Number of employees per shift 1-2
- b. Hours and days of operation Monday - Saturday 9am - 9pm
- c. Number of daily and weekly visits to the premises by customers, clients, vendors and solicitors approximately 9am 10-15
- d. Number of daily and weekly commercial deliveries to the premises No deliveries
- e. Number of parking spaces available 20
- f. Describe your general business operations 1-2 massage therapy rooms and 1-2 float tanks
- g. Describe any proposed site renovations, including, but not limited to – landscaping, lighting, pavement, structural changes, signage, access and circulation no exterior site modifications

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.

Warren Gregory Houghton
Signature of applicant

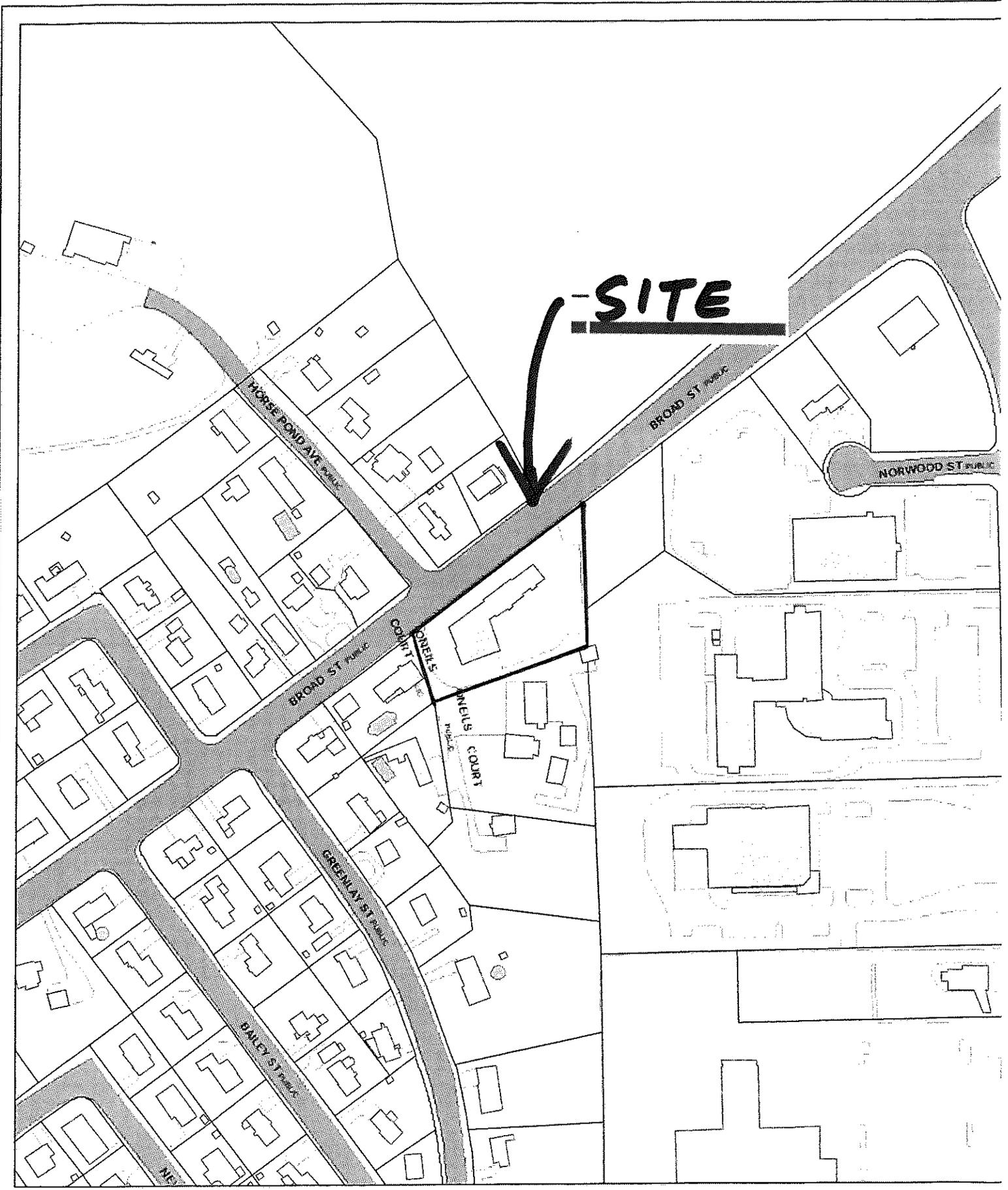
3/1/16
Date

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:

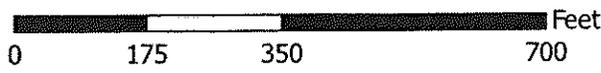
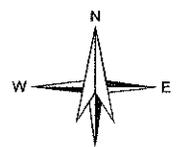
I will pick it up at City Hall

Please email it to me at _____

Please mail it to me at _____

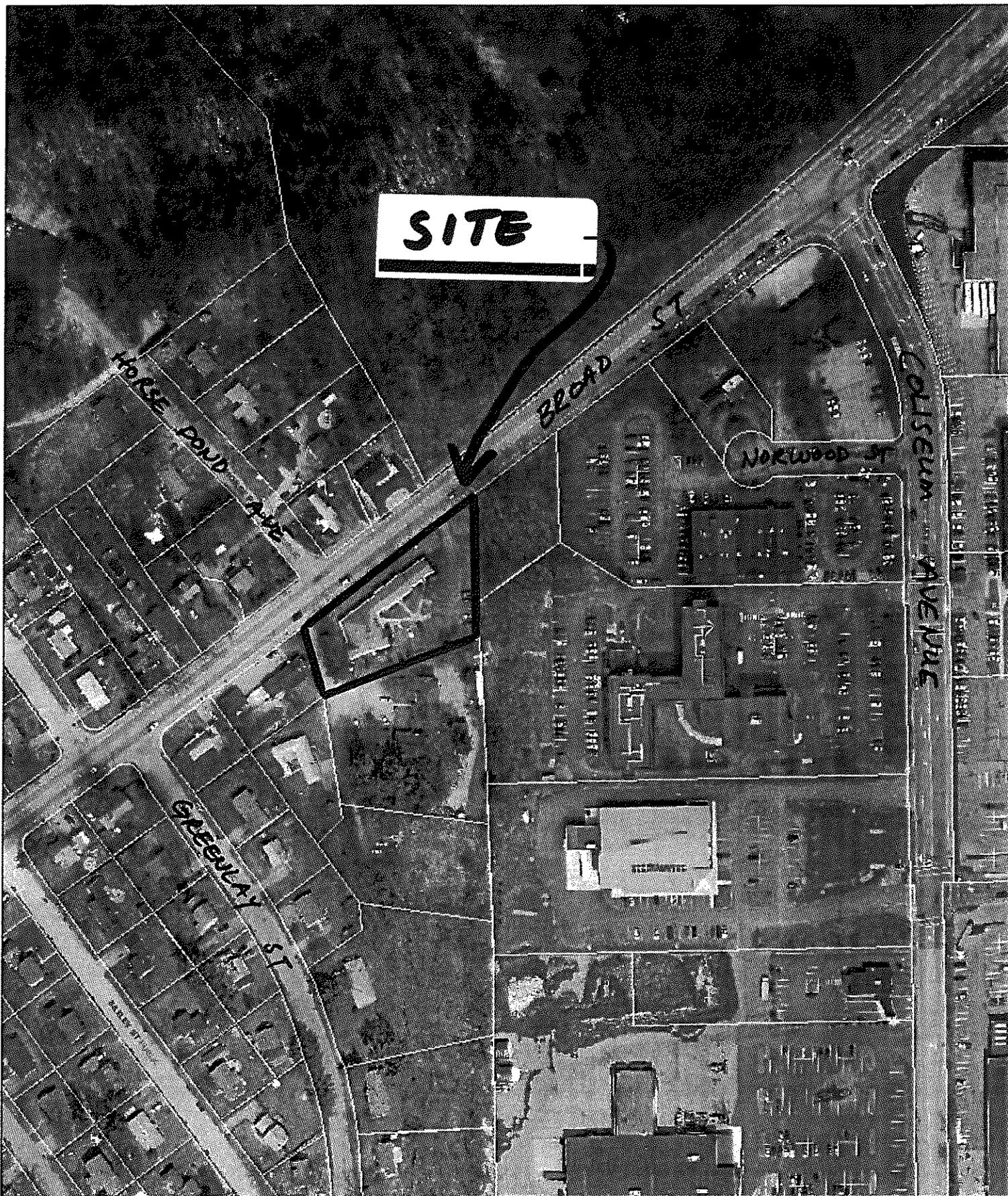


226 Broad St

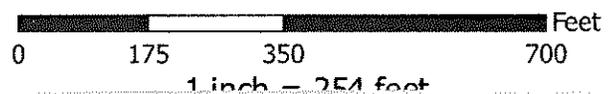
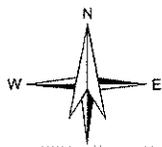


1 inch = 254 feet





226 Broad St



Mr. Kudzma asked those presenting cases to be brief; he didn't feel that a case had to take hours on end. He said in general there is a limit of one-half hour per case as a maximum.

Mr. Kudzma asked if anyone wished to withdraw a case because of the short Board.

Mr. Nerney added that there is a carry-over case from the last hearing, 91-93 Chandler Street.

Robert Hicks (owner), 226 Broad Street, requesting use variance to allow the establishment of a veterinary clinic. R-9 zone

Atty. Gerald Prunier, representing the owner, said the building at 226 Broad Street was granted a variance by this Board about two years for professional offices including medical offices, and additional parking was added. Atty. Prunier said his client has added additional parking spaces in a particular area.

Atty. Prunier said a veterinarian wanted to lease the property to operate it as a clinic not as a hospital, and Atty. Prunier said it was important to make the distinction between these uses.

Atty. Prunier said at the time the City was aware of what was going on in that particular development as far as the use of that office space by a veterinarian. After a few weeks it was ruled by the City that the city ordinances do not cover a veterinary clinic; they cover a veterinary office.

Atty. Prunier said as the Board is aware as times change the zoning sometimes doesn't catch up to it until sometimes after the fact.

Atty. Prunier stressed that what they are talking about is a clinic; no overnight stays or kennels. It is approximately 950 s.f. The sole purpose of the clinic is for animals to come on a regular basis for shots and check-ups or for emergency treatment. Animals are treated very much like humans; in fact, some animal owners take their pets for more check-ups than they have for themselves. The doctor involved operates a hospital in Milford so if an animal came to the Nashua facility and was so sick that it needed to stay overnight, he would have it transported to the Milford facility.

Atty. Prunier said the square footage is very small, 950 s.f., and there are no kennels either inside or out, maybe a couple of pens for animals who are waiting.

ZBA PUBLIC HEARING
March 8, 1988
Page Five

Atty. Prunier said there will be less noise and less outdoor than if you were to go to Doctor Pet at the Nashua Mall where they keep the pets overnight.

Atty. Prunier said this particular building is located next to Kempton Rug overlooking the Nashua Mall. It is in an R-9 area which abuts a general business district.

Atty. Prunier said there is nothing in the zoning ordinance, and Mr. Nerney went through the ordinance quite carefully to see if there was a place where a veterinary clinic could be located.

This type of facility is where people take their animals only on an appointment basis unless there is an emergency. The doctor will only see animals on a half hour basis so he won't have a lot of traffic. There will be a receptionist, nurse, and the doctor.

Atty. Prunier said in looking at the zoning ordinance Mr. Nerney concluded that there is nothing in the ordinance relative to this and therefore had to classify it as a veterinary hospital even though he clearly realized that it wasn't a hospital because there were no overnight stays, no kennels. The animals are to be treated for limited purposes for a short period of time.

As far as odor and noise are concerned, Atty. Prunier said he has spoken to the doctor, and that has been covered in his lease because the other tenants that are there are very concerned. He noted that one of our local alderpersons is an abutter and tenant in this building.

Atty. Prunier said the doctor has indicated that odor and noise are never problems; there may be a little yap from a dog but it is quickly taken care of because that is the doctor's business, to make sure there isn't any noise.

Atty. Prunier said they can't have any odor because if you let a dog or cat mess in a particular place and it's not cleaned up, the next dog or cat follows to that place. Atty. Prunier said there has to be immediate clean-ups of any messes but none are anticipated. There are no great fumes that might develop in a hospital setting; he stressed that this is a clinic.

The intensity is no more than a patient every half hour so there will be no more than two in an hour unless there is an emergency which would result in three but no more than that.

Atty. Prunier said they were before the Board this evening because they have no place to fit their particular profession under the Nashua Zoning Ordinance. Because they don't fit into any of the categories in the ordinance, they feel they have a hardship.

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Atty. Prunier said they meet the spirit and intent of the ordinances at least that which is nearby. If you look at the general business areas where a Doctor Pet is located, they stay overnight. This is a less intense use than what they have.

Atty. Prunier said no one will be adversely affected because they have to make the place clean and odorless and noiseless. Also, they are affected by the lease.

Atty. Prunier said he felt there was an injustice because there is a need in the community for this type of clinic to service these types of animals, and the zoning ordinance doesn't provide for that type of use.

Atty. Prunier said if the Board wanted to hear the definition of veterinary hospital, he could cite that to them, but it is usually considered an overnight stay when it is necessary to operate on the animals, etc. If any animal needed that type of operation, it would be directed to the hospital in Milford.

Mr. Richards asked him to describe the access and egress where people will come into and how much affect that will have on the traffic in this area.

Atty. Prunier said as far as this use is concerned, they are only talking about two cars an hour, and in an emergency case it would be three cars an hour that would come into this parking lot. The office is located in the back of the building. The front of the building is oriented so that it is overlooking the Mall with the parking lot in the back so the front of the building is on Broad Street.

Mr. Kudzma asked if it had a separate entrance, and Atty. Prunier said yes, each one of the units has a separate entrance so it wouldn't affect anyone else.

Mr. Richards asked if this was the same area where you went into the real estate brokers office, and Atty. Prunier said yes, the same driveway.

Atty. Prunier said as interesting history, Dr. Homer who lived at this site 30-40 years used to be a veterinarian. He was involved with the Army for many years treating horses, and when they got rid of the horses and bought tanks they retired the doctor. He was an interesting person.

Mrs. Adams asked Atty. Prunier to list the other businesses in that area.

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Atty. Prunier said there is a real estate firm, a new business started by Ald. Ackerman and her partner.

Rod Clermont said he managed the business; he is the owner-broker of the real estate company that is located here. He said along with his business is an advertising agency which has about 1,000'; a nursing placement business which has about 1,500 s.f. and the balance of 950 s.f. is for the veterinary clinic.

Mrs. Adams said when she takes her animal to the vet she always walks her around a little bit before taking her into the vet's office, and she asked if there was an area for that purpose at this location, and she asked what would be done about cleaning up that area.

Atty. Prunier said there is open space in the back. As far as cleaning it up, he would ask the doctor to answer that.

Dr. Phoenix said they police the area every time they go in. There will be some accidents periodically, but that is not the norm. He said the office space is wall to wall carpeting; they don't expect to have an odor or noise problem, and it would be to their detriment to have this.

He noted that Atty. Prunier mentioned Doctor Pet Center where there are healthy, active animals which generate noise and odor; that is expected. Dr. Phoenix said in a hospital situation, it is a place where you can do intensive therapy, extensive surgery and keep animals for long-term therapy.

What they are talking about is an outpatient clinic. They see the patient, diagnose the problem and treat it. If it is something that requires intensive therapy they refer the animal to the hospital. This is similar to a doctor's office such as Dr. Fontana in the Mall. If you go there he can take care of your laceration; however, if you go there and have a fracture, he will send you to a hospital, and the veterinary clinic as proposed will operate the same way. If it is a minor situation, they handle it, and if it is major they transport the animal or have the owner bring the animal to the hospital which they are associated with.

Dr. Phoenix said what many people think about when they think about a veterinary hospital is a boarding facility. A true veterinary hospital is not a boarding facility. You don't have a lot of animals that are healthy so there isn't a lot of barking and noise and odor. The animals that are there are sick. It is just like when a human goes to a hospital, you don't feel like dancing around, you are in bed. The same is true with the animals.

Dr. Phoenix said around the country you are seeing veterinary clinics open up in Mall situations even in some instances where you have to walk into the Mall. A lot of dental clinics are doing that too, and Dr. Phoenix said it will be here soon also. It is just a matter of time. He said a clinic in a Mall situation couldn't have odor and noise.

Mrs. Adams said she understood that was applicable to the inside. She was referring to outside of the building.

Dr. Phoenix said they will be policing the outside themselves every time they go in.

Mr. STata asked if there will be a particular area/^{outside} which will be designated and marked accordingly as part of the agreement with Mr. Clermont for that purpose.

Mr. Clermont said there was.

Dr. Phoenix said with their situation in Milford if they have an accident five or six times a year that is unusual. However, they police that all the time.

Mr. Nerney said one of the things worth pointing out about the ordinance is that for this type of use they permit it only in an R-40 and HB zone, and he thought it was almost making the assumption that this is the type of use that you want to limit as much as possible, either in a rural area (R-40) or in our most intensive business zone. He thought the ordinance was looking at this as a fairly intensive type of use where in fact the profession may have changed. It might not have that same image that it had 20 years ago.

Atty. Prunier said Mr. Nerney was talking about a veterinary hospital with kennels and outdoor runs and overnight stays. This is not what they are proposing here.

Mrs. Adams asked if the business would be limited to small animals.

Dr. Phoenix said yes, when people think about a veterinarian they think about the horses, cows, etc. and the odors that go along with these animals, and it is no longer like that.

Mr. Stata asked if there would be any cases where the owner would be leaving the animal during the day?

Dr. Phoenix said yes, an owner may leave his or her animal for the day for treatment and pick them up before the evening.

Mr. STata concluded that they may be doing, in effect, some outpatient type surgery, and Dr. Phoenix said yes.

Mr. STata asked how many holding pens they planned to have, and Dr. Phoenix said at the hospital they have 42, and at the clinic they will have 3 because it is in and out, and if it is more intensive they have a place to send them to.

Mr. Stata asked how the signs would be handled for this business, and ATty. Prunier said they will just have a sign in front which will indicate that the veterinary clinic is located there, and they will be within the requirements of the sign ordinance.

Mr. Clermont said to answer the question on the signage, there was a variance granted for the sign. The tenants, one of whom will be the doctor, each have sign space of 1½' x 2'. It is a directional type of sign.

As far as the tenants, Mr. Clermont said they were very concerned when this was first proposed. They did so some checking on the construction of the units, and between the units are double walls (2"x6") giving well over a foot of air space and sound barrier. Dr. Phoenix has been operating there for a few weeks, and Mr. Clermont said he hardly noticed that Dr. Phoenix was there. Mr. Clermont said the two other tenants in the building have expressed their concern, and this situation will be monitored quite closely. He said he didn't expect horses and cows to be coming up the driveway. Mr. Clermont said the lease is very restrictive and part of his agreement with the owner is to enforce that lease. He said he would be on top of this all of the time.

Mr. Richards said one thing that bothers him is that the sign appears to have been there for awhile.

Mr. Clermont said there is a temporary sign.

Mr. Richards said that isn't the issue; the issue is that this has apparently been operating there for some time now, and they are just now coming in for a variance.

Mr. Nerney said the use report will make reference to that. What happened is that when this structure was built, it was built fully renovated and renovation permits were not required. Normally when a tenant comes in he will make arrangements to have final renovation permits taken care of. Because this didn't require any formal submittal of building permits to the City no review of it took place so essentially the City had no way of know. Basically a mistake just occurred.

SPEAKING IN OPPOSITION

Mr. Kudzma read the report from Mark Kohrell, planner with City Planning Office, relative to this request for a use variance, copy attached to report.

Another letter was received from Taken Associates in which they say "My firm was one of the first tenants of 226 Broad Street with our office being rented to us by Robert Hicks, Inc. and it was presented to us as a professional office complex. The building has limited parking facilities and on certain days of the week it is impossible to find a parking space for those who are tenants of the building and occupy the building on a daily work week basis. It is my belief that the parking situation prohibits the traffic flow of a veterinary clinic. Secondly, I object to manure droppings on the walks and lawns. Thirdly I don't believe that a veterinary clinic fits into the category of a professional office. Therefore, I oppose the variance. /s/ Ruth Tucker Taken, President of Deacon Associates. "

Atty. Peter Bennett said he is representing Consulting Resources for Healthcare, Inc. which is Taken Associates, that is a trade name which they utilize. He said this firm occupies the premises immediately adjacent to the clinic, and it is necessary for patrons of the clinic to walk by their front door in order to get to the clinic itself.

Atty. Bennett said the objections fall into several categories; there is a problem concerning parking at the site as Mrs. Taken said in her letter. There is currently a fairly large volume of traffic through there because of the existence of the real estate office and the other businesses there. Atty. Bennett said his client has noticed a parking problem there, most particularly in the last couple of months. Atty. Bennett said he thought the principal problem he had with the applicant's request is that there really is no hardship to the owner of this particular building.

The building can be rented for professional office space; in fact, Atty. Bennett said that is how it was represented to her client when she entered into the original lease with Mr. Hicks.

Although it may be a problem for Dr. Phoenix to locate his clinic in another zone, Atty. Bennett said he didn't think there was a hardship to Mr. Hicks in this situation that pertains to this particular property as it can be leased to others.

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Secondly, Atty. Bennett said the property already is operating under an existing variance. It is primarily a residential zone. This is an intense use, a non-residential use. It goes beyond a variance already granted by this Board. Atty. Bennett said it would take matters one step further to go from a professional office building and go into a situation where regardless of the good intentions and efforts that the people there make to control the odor, noise and droppings, problems are going to exist.

Atty. Bennett said it is something that will adversely affect his client as an immediate tenant and perhaps others in the area as well.

Atty. Bennett said the access and egress to the complex is difficult because of its location on Broad Street. He said he didn't know if three additional cars per hour would significantly worsen that but any additional traffic on Broad Street would not have a positive effect as a whole. On that basis Consulting Resources feels that a hardship hasn't been established, and this is very much contrary to what was represented to his client when they entered into the lease arrangement.

He thought this worked against the spirit of the ordinance and goes considerably beyond what this Board granted previously.

REBUTTAL - IN FAVOR

Atty. Prunier said relative to the parking issue, they have made provisions for that with additional parking spaces which will be asphalted as soon as possible sometime the end of March when the asphalt plants open.

Atty. Prunier said as far as the difficulty of access and egress on Broad Street, he said he lived in the Broad Street area for seventeen years. There is more traffic now than when he lived in the Broadacres Area. However, last night at 5:30 PM he had no problem pulling in and out of this particular building. He said a week ago he had no trouble getting in and out at 5:00 PM and that is supposed to be the busiest time in terms of traffic.

Atty. Prunier said he travels Broad Street to go home at night, and there isn't that much traffic in this area. The lights at the Mall set the traffic flow so that there is easy access in and out of this building.

Atty. Prunier said the hardship is that there is no type of use for this clinic in the zoning ordinance. This is something that is now in demand by people and something that has developed since the zoning ordinance was first passed in 1974 and was first considered in 1967.

Atty. Prunier said times have changed, and there is a hardship being put on this particular piece of property in this particular profession just by the ordinance itself.

REBUTTAL - IN OPPOSITION

Atty. BENNETT said the six additional parking spaces would help. However, he still felt that the hardship issue had nothing to do with Mr. Hicks. With respect to the veterinary clinic location, it can be located in other zones in which it is a permitted use in this City and that isn't a hardship to Mr. Hicks particularly.

Arthur J. & Pierrette G. Berube (owners), 20 Cotton Road, requesting 1) Variance to allow a three story structure where a two story structure is permitted and 2) Special exception to allow offsite parking for 71 spaces on a lot within 300' of the lot line. AI zone

Mr. Kudzma asked if this was behind Mr. TAMPOSI's double building or behind the pond, and Atty. Hollis said behind the double building. He said that building was four stories and 40' high.

Mr. Kudzma asked how far away the building was, and Atty. Hollis said it is directly across the street, 75-100'.

Mr. Kudzma asked the distance to the airport runway, and Atty. Hollis said said to the railroad right of way it is probably 150'; he didn't know about the runway.

Mr. Kudzma concluded this would be lower than Mr. Tamposi's and about 150' from the edge.

Atty. Morgan Hollis, 39 East Pearl Street, said he was representing the Berubes who live at 20 Cotton Road, lot 63, sheet G. This is in an Airport Industrial zone, and it is the only undeveloped parcel out there off Cotton Road. The proposal is to demolish the house and construct an office building. An office building is permitted but only under certain conditions one of which is that it be a minimum of 10,000 s.f. which says it therefore must be a fairly large building. Their proposal is for 37,400 s.f. It must be occupied by multi-tenants; therefore, the framers didn't intend to have small buildings created in the airport industrial zone. It cannot be higher than 45'; however, it can only have two stories.

Mr. Kudzma asked if this would be under 45', and Atty. Hollis said yes.

Mr. Richards said this isn't a minor encroachment but rather a major one; it is more than half way.

VOTE on MOTION TO DENY -- MOTION CARRIED UNANIMOUSLY.

Roman Catholic Bishop of Manchester (owner), Patterson -Duhamel (optionee), West Hollis Street and Erie Circle requesting 1) Special exception to allow mobile home park and 2) Special exception to allow cluster scheme of development. R-9 zone

CASE REMOVED FROM AGENDA.

Robert Hicks (owner), 226 Broad Street, requesting use variance to allow the establishment of a veterinary clinic. R-9 zone

Mr. Richards said he thought the lawyer for the opposition made an effective case against granting this. There is no reason why that space couldn't be rented out for an office which doesn't involve animals. They were talking about having a place to walk animals before the owners bring their animals in, but in the winter who is going to walk anywhere but in the parking area of sidewalk.

Mr. Nerney said the Board might want to consider the limited size of this facility. It is only 900 s.f. which isn't that large.

Mr. Stata said he agreed to a point, but he looked at where it is permitted--shopping mall, middle of Main Street, residential zone if it had the area (this isn't what the ordinance intends it would be a full veterinary type of horse farm/clinic or hospital). Mr. Stata said you are looking at the other side of it which says what kind of a business environment can support this. We are saying it has to be a business environment by the ordinance. Mr. STata said this being his favorite buffer lot, they have established numerous times that there isn't a residential problem. On one side it is open facing the Mall so there isn't an abutter problem that way.

Mr. Stata said he shared Mrs. Adams concern about an area being maintained for the animals, and they have agreed to that. He didn't think that the ordinance ever anticipated this kind of establishment when the ordinance was written.

Mr. Nerney said as described in the ordinance it conjures up the idea of a kennel with dogs kept outside.

Mr. Stata said if this is granted he would like to see some stipulations such as having no animals left unattended at any time; no animals staying overnight.

Mrs. Adams noted that the applicant did agree to that.

Mr. Richards said the Board has to consider that this is in the same building where there are offices. It's closer than if you have it in a residence in a residential zone. These people are just next door in the same building.

Mrs. Adams said she wouldn't want this on her street in a residential zone.

Mr. Richards agreed and said this is even closer to people trying to do office work, and they are talking about the possibility of bringing an animal in on the way to work in the morning and picking it up on their way home from work in the evening; there is no telling how much of this there will be.

Mrs. Adams said this site was approved for medical offices.

Mr. Nerney said a doctor's office or something of that nature would be permitted.

Mr. Kudzma said a person coming in won't make the noise that an animal will. He said he didn't think there would be any objection to having a travel agency in one space and a doctor's office next door to that. He noted that people don't have to get walked outside.

Mr. Kudzma said he wasn't convinced that this couldn't be used for a normal office but it could be used for this.

Mr. Richards added that some concerns were expressed by people in offices right adjacent to this.

Mrs. Adams said she was looking at this as a medical office.

Mr. Nerney said his concern is for the use itself and the inadequacy of the City's ordinance to address this use.

Mrs. Adams said she's been to doctor's offices where the children are yelling and screaming.

Mr. Richards said he didn't feel strongly enough about this to carry it to court or anything, but he just didn't see it.

Mr. Kudzma said his thought when this case was being presented was that this was sort of a dirty trick on the other offices in this building to rent all of the space out as offices except for this last one which they are planning to rent out as a veterinary hospital.

Mr. Nerney said he mentioned to the Board a couple of meetings ago that he thought this was somewhat of a professional service.

Mrs. Adams said she looked at it different after she heard the testimony tonight. This was much different than what she thought it was going to be.

Mr. Stata asked what dog grooming would come under. He asked if that could go into this zone.

Mr. Nerney said he wasn't sure.

Mr. Kudzma felt it would be termed miscellaneous professional services.

Mr. Nerney said he never thought of dog grooming as a professional service as such.

Mr. Stata felt it was in the same nature as a hair dresser. Would a hair dresser be allowed at this location?

Mr. Nerney said the point he is faced with is there is an ordinance which breaks down uses of the broad categories, and this is somewhat of a grayish area; the ordinance doesn't fully address it.

Mrs. Adams recalled a request for a dog grooming facility not too long ago.

Mr. Nerney said that was for a residential area as a home accessory use, and the Board denied the request.

Mr. Richards asked if it was up to the Board to change perceived inequities in the ordinance or is it up to the Board of Aldermen to do that?

Mr. Stata said it is the ZBA's job to make exceptions to the ordinance.

Mr. Kudzma said the law can't anticipate everything that comes down the pike.

Mr. Richards said there are reasons under which someone can obtain an exception or variance, but the applicant has to meet every one of those requirements.

Mr. Kudzma said for a use variance, the following are the requirements:

- (1) Hardship must exist which is inherent in the land and not be shared in common with other parcels of land in the district.

Mr. Kudzma said the Board has granted the right to use this property for business office purposes. It was found that there was some hardship on the land to begin with, and the Board said the land

didn't have to be used for an R-9; it could be used for businesses.

Mr. Richards asked if the granting of the previous variance smoothed off the hardship so that it doesn't exist anymore?

Mr. Kudzma said yes, they were granted relief from the hardship.

(2) The spirit and intent of the ordinance must not be broken by granting the variance.

Mr. Kudzma said the spirit and intent is air, noise, light, etc.

Mrs. Adams said she thought they had addressed all of those issues. Mr. Kudzma agreed.

(3) Granting will not adversely affect other property in the district.

Mr. Kudzma said this point is the one which is causing the sticky point.

Mrs. Adams said one tenant in the building testified that he wasn't in opposition to this; however, he administers the building, but he does have an office there too.

Mr. Richards said he thought there were two who objected to this.

Mr. Kudzma said the nurse placement office was the main objector.

Mrs. Adams said it was her feeling that if the other tenants in the building were that much opposed to this use that they would have been here tonight or sent a letter stating their objections.

Mr. Kudzma said there was a letter from the occupant of the office right next door to this proposed use.

Mr. Nerney asked if the Board got any opposition or information about actual problems which have occurred to date.

Mrs. Adams said no.

Mr. Kudzma agreed and said no concrete complaints were brought in other than the one letter.

Mr. Kudzma said maybe by granting this with certain stipulations the problem will be alleviated in some way. For example, they could designate an airing area for the animals and stipulate that it be plowed in the winter.

Mr. STata said he would like to make sure the area was designated so that it wouldn't run over onto someone else's property and cause problems with an abutter.

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Mr. Stata said the designated area should be plowed in the winter and sanitized in the summer so that it is kept clean.

Mr. Richards said he is opposed to this because he doesn't feel that the applicant meets the requirements necessary in order to get a variance.

Mr. Stata said it was his feeling that a dog grooming facility could be located here, and this isn't any different in terms of bringing them in and picking them up; in terms of the traffic.

Mr. Nerney felt the Board should look at the fact that it is only 900 s.f, and there will be one doctor and receptionist. He said with the additional parking, which incidentally is not required, but is being provided, he didn't have a problem with this.

MOTION By Mrs. Adams that the request for a use variance to allow the establishment of a veterinary clinic at 226 Broad Street be granted with the stipulations that there be no animals overnight; additional parking be provided; there be a designated area for airing of animals and that this area be plowed and maintained properly. The property sign is to be limited to the tenant sign, and the applicant has one week to remove the temporary sign which now exists. The variance is being granted as hardship has been proved on the site

SECONDED By Mr. Stata

MOTION CARRIED - Mr. Richards opposed.

Estate of Charles R. Martin (owner), Cynthia M. Bickford (Administrator), 9 & 11 Douglas Street, requesting 1) Use variance to allow minimum lot width of 62' where 75' is required and 2) Variance to allow lot area of 6,200 s.f. where 7,500 s.f. is required (proposed subdivision and transfer of lot). RA zone

Mr. Nerney suggested that the Board go through the conditions of law on this case.

Mr. Kudzma said the first condition is whether there is a hardship on the lot. He said looking at the pictures he thought in this subdivision it is such a tight squeeze that they will be demolishing part of a building just to squeeze this thing in thereby rendering the house totally different and out of character with the rest of them. He said he realized character doesn't enter into it on a variance case, but by being so out of character he thought this affected the value of surrounding property. There was also testimony that there is a drainage problem in the area, and there were ample letters to prove it.

Atty. Daniels said under the proposal the parking requirements (37 spaces) would be increased. They are adding 4,160 s.f. and under the formula of one space per thousand square feet they are looking at 4+ spaces. The required parking in that situation would then be 42 spaces. The number of spaces that they have are 40. In order for the proposal to be approved they would need to reduce the required parking.

Atty. Daniels presented a traffic count that was done indicating that there are ample parking spaces available at all times during the day. They are asking for a reduction of 4.76% of the parking.

They don't feel that this will be out of character with the area. He presented a listing of the other businesses in the area such as Midas Muffler, Sullivan Tire, Community Auto Center .

He felt that this proposal would lead to reduced traffic in terms of reduced deliveries in the area.

Mr. Stata asked if they would ever get into the situation of storing materials in the yard.

The owner of the property said they were revamping the warehouse, and it was necessary to move the inventory into the parking area for a day or two while the revamping was being completed.

There was some discussion about the sign with the owner saying that the owner of Chicken Hutch asked that their sign be on his premises while some construction was being done. Now that the construction is completed, the sign will be moved back to the Chicken Hutch property.

Atty. Daniels said the warehouse business and muffler business are distinct from one another.

SPEAKING IN OPPOSITION -- No one.

NO REBUTTAL.

Robert M. Hicks (owner), 226 Broad Street, requesting a variance to allow a ground sign of 54 s.f. R-9 zone.

Atty. Bob Welts, 29 Factory Street, said he was representing Robert N. Hicks, the owner of the property in question.

The property is a professional office building located on the southerly side of Broad Street just westerly of the Nashua Mall and the Medical Associates building and just easterly of O'Neil Court.

This property was previously before the Board on July 10, 1984 at which time this Board granted the request of Mr. Holmberg to allow miscellaneous professional and business offices on the site. The present building was constructed by another corporation. When it ran into financial difficulties, Robert M. Hicks, Inc. purchased the property nine months ago and completed the building. Atty. Welts showed photos of the one story building. It makes a nice transitional building from the Mall to the residences. The building is wood with brick facade.

There are presently three tenants in the building with one additional office still vacant. These tenants are Century 21 Clermont & Associates, ComFed Mortgage Co., Inc. and Theiken Associates, an administrative nursing placement agency.

When Hicks applied for a sign permit it was advised that commercial signs are not permitted in a residential area and that no request for a variance for a sign had been made.

Atty. Welts said he didn't represent Mr. Holmberg at the July 1984 meeting so he didn't know everything that was said at that meeting. He has, however, studied the minutes of that meeting carefully and finds no reference to a sign in the minutes. The notes on the plan submitted to the Planning Board for site plan approval had the standard phrase, "Signs shall conform to the City of Nashua Regulations and a sign permit to be obtained prior to erection."

Atty. Welts said he thought it was obvious that everyone assumed that a sign would be permitted and overlooked the fact that commercial signs are prohibited in a residential zone.

Atty. Welts said his clients are requesting a variance to erect a ground sign similar to the drawing. The sign would be a brown wood carved sign with gold leaf and white to harmonize with the building that has been erected. It would contain four panels, a 3 x 4 for Clermont & Associates which is the anchor tenant, and three 1 x 4 panels for the other three tenants. The yellow shown on the drawing would be gold leaf.

Mr. Kudzma asked the amount of square footage allowed, and Mr. Nerney said zero.

Atty. Welts said they were 60' from the GB district which permits signs.

Atty. Welts noted that relative to the hardship, a sign is a normal and usual accessory use for any business establishment. He mentioned the businesses in the area and showed photographs of Kempton Rug. He also showed a photo of a State of New Hampshire sign which is in the area.

Atty. Welts said that the sign would help the flow of traffic in this area because otherwise the cars will be slowing down to try and locate the building and thus cause the other traffic to slow down on a heavily travelled street.

Atty. Welts said not to grant the variance would result in an injustice to Mr. Hicks who should be allowed the same opportunities as other businesses where signs are allowed.

Mr. Kudzma asked about the decoration on top of the proposed sign and whether or not it was for aesthetic purposes.

Atty. Welts said no, it denotes the street address.

Mr. Kudzma asked if a variance was needed to put the building in, and Atty. Welts said yes.

Mr. Kudzma noted that the same hardship which was present for the variance for the building could also be applied to the request for the sign.

said the minutes mention that the building will be 6,200 feet, and it's actually 6,000 feet. Atty. Welts commented that he thought this building had been nicely done by Mr. Hicks, and Mr. Stata concurred; however, he was opposed to this originally.

SPEAKING IN OPPOSITION

No one.

NO REBUTTAL NECESSARY.

Nikolaos Delenikos (owner), 37 Elm Street, requesting a special exception to allow substitution of one parking space in a municipal lot and/or garage. CB zone.

Nikolaos Delenikos, 37 Elm Street, said this is a duplex, and he has a beauty shop downstairs. He would like to change the upstairs to a furrier shop.

Mr. Kudzma noted that in order to do that he needed one parking spot.

Mr. Delenikos said he had two parking spaces already upstairs for the apartment. He will use 500 s.f. for the shop and the rest will be storage space. Right now he has the upstairs apartment rented to three single guys, and they have a lot of friends coming over so they use more parking spaces than the business that he proposes.

Mr. Delenikos said the shop would make the area look better, and it will be quieter at night because the guys in the apartment make noise sometimes.

Mr. Kudzma said this is the CB zone, and Mr. Delenikos is asking to be allowed to eliminate an apartment and put in a business. However, as soon as he changes to a business more parking space is needed, and he is asking the Board to substitute a space in the municipal lot.

Mr. Kudzma said the Board was aware of the fact that Maple Street is underutilized.

Mr. Nerney noted that there is also a newly constructed parking garage which has space.

Robert M. Hicks (owner), 226 Broad Street, requesting a variance to allow a ground sign of 54 s.f. R-9 zone.

Mr. Kudzma said he felt this request was reasonable, and he felt there was a hardship on the land in order to have allowed the variance to construct the building.

Mr. Stata said he disagreed with the building being there as he thought it was totally inappropriate and encroachment on the residential area; however, he felt they deserved a sign.

Mr. Drake said he thought the building was constructed nicely, and it's the proper transition area.

MOTION By Mr. Kudzma that the request be granted because to deny would result in an injustice. The variance is being granted with the stipulation that the sign be a maximum of 24 s.f.

SECONDED By Mr. Stata

Mr. Nerney pointed out that this is not what Mr. Hicks was asking for according to the plan.

Mr. Kudzma said he changed his testimony and said all he wanted was a 24 s.f. sign.

MOTION CARRIED UNANIMOUSLY.

Nikolaos Delenikos (owner), 37 Elm Street, requesting a special exception to allow substitution of one (1) parking space in a municipal lot and/or garage. CB ZONE.

MOTION By Mr. Kudzma that the special exception be granted as there was testimony to show that parking is available in the parking garage

SECONDED By Mr. Stata

MOTION CARRIED UNANIMOUSLY.

76 Allds Street

Mr. Nerney said a clarification was needed on this case. The Board granted the request with the stipulation that the petitioner construct a fence and double the amount of landscaping along the back lot line.

Mr. Nerney said he had visited the site, and it appears to him that a substantial amount of full grown trees / shrubs would have to be removed in order to plant new vegetation. He felt that the preservation of existing vegetation would be more effective in terms of fulfilling the Board's objective of buffering office usage from existing residential properties.

Mr. Stata said he thought the stipulation prohibiting outside storage was already attached to this piece of property.

Mr. Richards said he was there close to noontime yesterday, and the parking lot was practically empty, and he didn't see the pallets which Mr. Stata referred to during the public hearing.

MOTION By Mr. Drake that the special exception for the expansion be granted as it is warehousing and won't adversely impact traffic or pedestrian safety nor will it overload municipal systems. This expansion will not be out of character with the surrounding neighborhood. This is being granted with the stipulation that outside storage of material on this site be prohibited.

SECONDED By Mr. Richards

MOTION By Mr. Drake that the special exception to reduce the parking be granted with the stipulation that a minimum of 40 spaces be maintained. This is being granted because it will not be out of character with the surrounding uses nor will it have a negative impact on municipal services.

SECONDED By Mr. Richards

MOTION CARRIED UNANIMOUSLY.

There was some discussion about the number of parking spaces and what the applicant's request was.

Mr. Kudzma said 40 spaces could be fit on the lot, and this essentially will be giving him a reduction. There are 40 spaces there now. When you build on the warehouses he will need more so by keeping the number of spaces at 40 they will be giving him a reduction from the requirement.

However, not as low as 80% of the required number, which would take the number of spaces down to 34 according to Mr. Stata.

Mr. Nerney said a 5% reduction would reduce the number of spaces to 38. He questioned if the applicant could make this work if his request for a reduction in parking is not granted. Office space that is probably being used for storage will probably take care of the applicant's needs; however, he is adding a mezzanine area.

Mr. Kudzma asked if 40 cars could currently fit on the lot, and Mr. Nerney said under the current plan he is required to have 40 spaces. However, some of the area that was previously designated as office is now being used for something else so the number of parking spaces he was required to have can now be reduced because of the different uses.

MOTION CARRIED UNANIMOUSLY.

MOTION by Mr. Currier to suspend the rules to ask Mr. Derby about dates for tabling the request, either two weeks out, or five weeks out.

Mr. Derby said he'd prefer to come back in two weeks.

MOTION by Mr. Currier to table the request to the June 23, 2015 meeting, and if the applicant isn't ready, the Board is willing to give additional time, to study their options. He said when it comes back, it will be a Public Hearing, and it will be the first case heard whenever it comes back, with the purpose of this coming back is to for the applicant to see if there is an alternative for parking at the curb, given the reluctance that the Board has for the submitted application.

SECONDED by Mr. Boucher.

MOTION CARRIED UNANIMOUSLY 4-0.



6. Stephany Houghton (Owner) Kathleen Bradley (Applicant) 226 Broad Street (Sheet E Lot 108) requesting use variance to allow a beauty salon within a portion of an existing building. R9 Zone, Ward 1.

Voting on this case:

Gerry Reppucci
Rob Shaw
Jack Currier
J.P. Boucher

Kathleen Bradley, 6 Stillwater Drive, Nashua, NH. Ms. Bradley said she's looking to install a beauty salon within the existing building. She said it is zoned residential, even though there is a dentist office there, and there are several other non-residential uses nearby, such as a dog groomer.

Mr. Currier asked her if she is the business owner.

Ms. Bradley said she will be.

Mr. Currier asked her what part of the building she'd be located in.

Ms. Bradley said she will be in the middle section.

Mr. Currier asked her what is there now.

Ms. Bradley said the owner's daughter is using it for music lessons.

Mr. Falk said that the beauty salon needs a total of three parking spaces, and there is sufficient parking on site, further, there is an approved site plan for the property.

SPEAKING IN FAVOR:

No one.

SPEAKING IN OPPOSITION OR WITH QUESTIONS OR CONCERNS:

No one.

MOTION by Mr. Currier to approve the variance request on behalf of the applicant as advertised. Mr. Currier said that the variance is needed to enable the applicant's proposed use of the property, which is a beauty salon.

Mr. Currier said that it is within the spirit and intent of the ordinance, as the building is already used for a light commercial area. He said that there shouldn't be any negative effects on surrounding property values. He said that it is not contrary to the public interest, and substantial justice will be served to allow the proposed beauty salon.

SECONDED by Mr. Reppucci.

MOTION CARRIED UNANIMOUSLY 4-0.

MISCELLANEOUS:

REHEARING REQUESTS:

None.

REGIONAL IMPACT:

The Board did not find that any of the cases have Regional Impact.

Map E/Lot 108 (owner) Solace Enterprises, Inc. 124 Main St. Westford, MA 01886 V. 2464/P. 280
 Map E/Lot 760 Coliseum Senior Resident Assoc. c/o Rally Mortgage Group 2300 M Street Washington, D.C. 20027 V. 2708/P. 495

Map 138/Lot 100 Michael & Judy Leclerc 1 O'Neil Court Nashua, NH 03063 V. 3311/P. 772

Map 136/Lot 1 Kenneth & Meredith Bouley 236 Broad St. Nashua, NH 03060 V. 2396/P. 540

Map E/Lot 192 Lee Kempton 2 O'Neil Court Nashua, NH 03063 V. 2388/P. 37

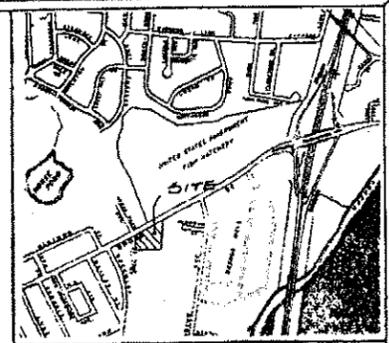
Map E/Lot 38 Claire & Albert Ouellette 155 Lund Rd. P.O. Box 411 Nashua, NH 03062 V. 3633/P. 42

Map E/Lot 42 U.S. Fish Commission 151 Broad St. Nashua, NH 03063 V. 1842/P. 287

Map E/Lot 359 Albert & Olive Bourges 225 Broad St. Nashua, NH 03062 V. 1747/P. 246

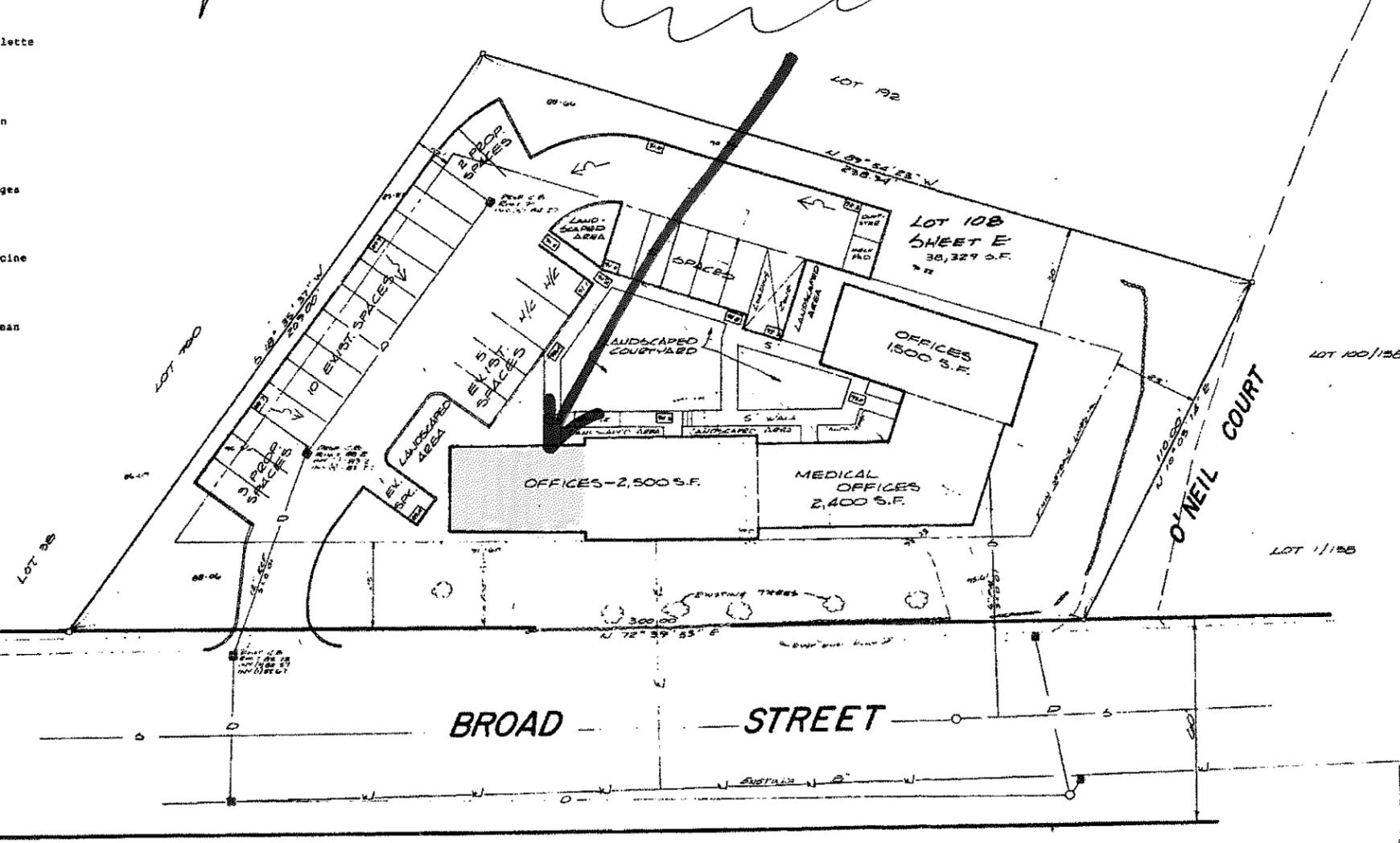
Map E/Lot 360 Gerard & Therese Racine 1 Horseshoe Ave. Nashua, NH 03062 V. 3780/P. 52

Map E/Lot 224 Herbert & Eleanor Jean 231 Broad St. Nashua, NH 03060 V. 1409/P. 390



LOCUS

787 sq ft



- NOTES:
1. PRESENT ZONING - "R-9"
 2. PROPOSED USE - PROFESSIONAL AND MEDICAL OFFICES
 3. AREA OF LOT - 38,329.05 S.F. (.880 ACRES)
 4. AREA OF EXISTING BUILDING - 6,000 S.F. (UG BASEMENT)
 5. PARKING - REQUIRED: 26 SPACES PROVIDED: 26 SPACES (INCLUDING 2 H/C)
 6. LOT NUMBERS REFER TO CITY OF NASHUA ACCESSORS SHEET E
 7. LANDSCAPING SHALL CONFORM WITH SECTION 424 OF THE CITY OF NASHUA REGULATIONS:
 1 TREE/40' ± 1 TREE AS REQUIRED
 1 SHRUB/5' ± 1 SHRUB AS REQUIRED
 8. ALL LIGHTING TO BE DIRECTED ON SITE AND BE IN ACCORDANCE WITH THE CITY OF NASHUA REGULATIONS.
 9. SIGNS SHALL CONFORM TO THE CITY OF NASHUA REGULATIONS AND A SIGN PERMIT TO BE OBTAINED PRIOR TO ERECTION.
 10. LOT IS SERVICEABLE BY CITY SEWER AND PENNACHTUCK WATER WORKS.
 11. VARIANCE TO ALLOW MISCELLANEOUS PROFESSIONAL AND BUSINESS OFFICES IN R-9 DISTRICT AND VARIANCE TO ALLOW REDUCTION IN LOADING ZONE LENGTH FROM REQUIRED 45' TO 25' GRANTED ON JULY 10, 1982 WITH THE FOLLOWING STIPULATIONS:
 A) THAT THE DEVELOPMENT BE SUBSTANTIALLY AS SHOWN IN THE PICTURE
 B) THAT THE NUMBER OF PARKING SPACES BE MINIMIZED SO THAT MORE GREEN SPACE CAN BE MAINTAINED
 C) THAT THERE BE NO MORE THAN 21 PARKING SPACES UNLESS MEDICAL OFFICES OCCUPY PART OF THE BUILDING
 12. OPEN SPACE - REQUIRED: 50% PROVIDED: 54%
 13. EXISTING HOUSE, GARAGE, SHED TO BE REMOVED
 14. BUILDING FOOTPRINT AND PARKING LOCATED BY THE OFFICE OF ALLAN H. SWANSON, INC. ON JUNE 26, 1985.

I, THE UNDERSIGNED, DO HEREBY AGREE TO PERFORM ALL THE SITE IMPROVEMENTS SHOWN ON THIS PLAN AND THAT THEY SHALL CONFORM TO SECTION 424 OF THE CITY OF NASHUA REGULATIONS

ROBERT M. HICKS, INC. - OWNER LOT 108
 124 MAIN STREET
 WESTFORD, MA 01886
 DATE: 9/1/87

SITE PLAN - LOT 108 / SHEET E
226 BROAD STREET
 NASHUA, NEW HAMPSHIRE

FOR:
 ROBERT M. HICKS, INC.
 124 MAIN STREET
 WESTFORD, MA 01886
 SCALE: 1" = 20'
 DATE: SEPTEMBER 1984
MAYNARD & PAQUETTE INC.
 CONSULTING ENGINEERS & LAND SURVEYORS
 23 EAST PEARL STREET - NASHUA, N.H. 03060 - (603) 883-8364

I CERTIFY THAT THIS PLAN IS BASED ON A FIELD SURVEY MADE ON THE GROUND ON 5/27/84 IN ACCORDANCE WITH THE REGULATIONS OF THE CITY OF NASHUA.

MAURICE G. PAQUETTE L.L.S.#522 DATE
 MAYNARD & PAQUETTE, INC.



REVISED PLAN 12/2/87

NR 18 RJD

BOOK & PAGE	TYPE	SIZE	SHEET NUMBER
			899

NR 18



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

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 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 5 Badger Street

Zoning District ~~RB~~ RC Sheet 86 Lot 55

b. VARIANCE(S) REQUESTED

1) Variance for a single unit home when 5,000 square feet required, and 3,293 square feet provided; 2) From a rear yard setback, when 20 feet required, and 12 feet provided; 3) Variance for lot depth when 80 feet required and 63 1/2 feet provided.

2. GENERAL INFORMATION

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

Andre E. Laliberte

Applicant's signature [Signature] Date 3/10/16

Applicant's address By his attorney, Gerald Prunier, 20 Trafalgar Sq., Nashua, NH 03063

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

b. PROPERTY OWNER Andre E. Laliberte

Owner's signature [Signature] Date 3/10/16

Owner's address By his 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 4/12/16

Notices: Newspaper Abutters Board Action _____

\$ _____ fee Date Paid _____ Receipt # _____

\$ _____ application fee Date Paid _____ Receipt # _____

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

PLR2016-00046

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 area is comprised of a mixture of old housing and is located in an older area of Nashua. It is presently used for garages which are in disrepair; it has been a separate tax lot and its use for residential purpose will be more in character with the neighborhood; it would also provide the type of housing that Nashua needs.

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 use as a single family residence would be more in conformity with the ordinance than rental of garages.

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.)

It would allow the applicant to use the property for a use that is allowed under the zoning district.

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.)

This would be new construction replacing an old garage.

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 is zoned as a residential lot; by allowing the variance, the lot can be used for residential purposes.

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.

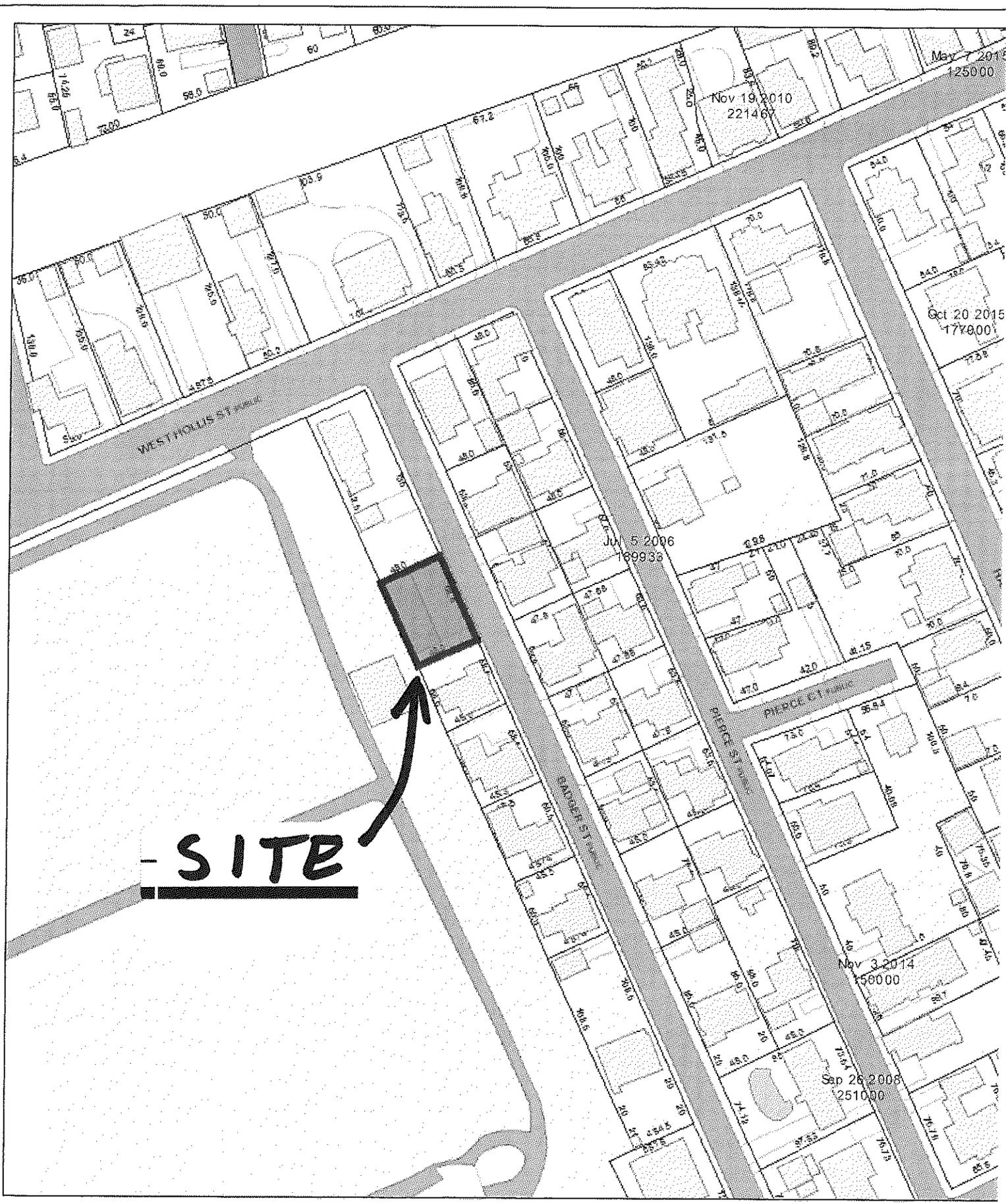
I understand that only those point specifically mentioned are affected by action taken on this appeal.


Signature of applicant

3/10/16
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 gprunier@prunierlaw.com
- Please mail it to me at _____



SITE

"L" Badger St



1 inch = 127 feet



WOODLAW'S CEMETERY

REAR SETBACK 20 FT 8 FT SHORT

36 FT

SINGLE UNIT

26 X 36 CAPE NEW ENGBLAND
STRUCTURE

19 FT

19 FT

26

48 FT

26 FT

SETBACK

7 FT

20 FT

DRAWING

SINGLE UNIT

26 X 36 CAPE NEW ENGLAND
STRUCTURE

48 FT

26 FT

26

SET BACK

7 FT

10 FT

SET BACK

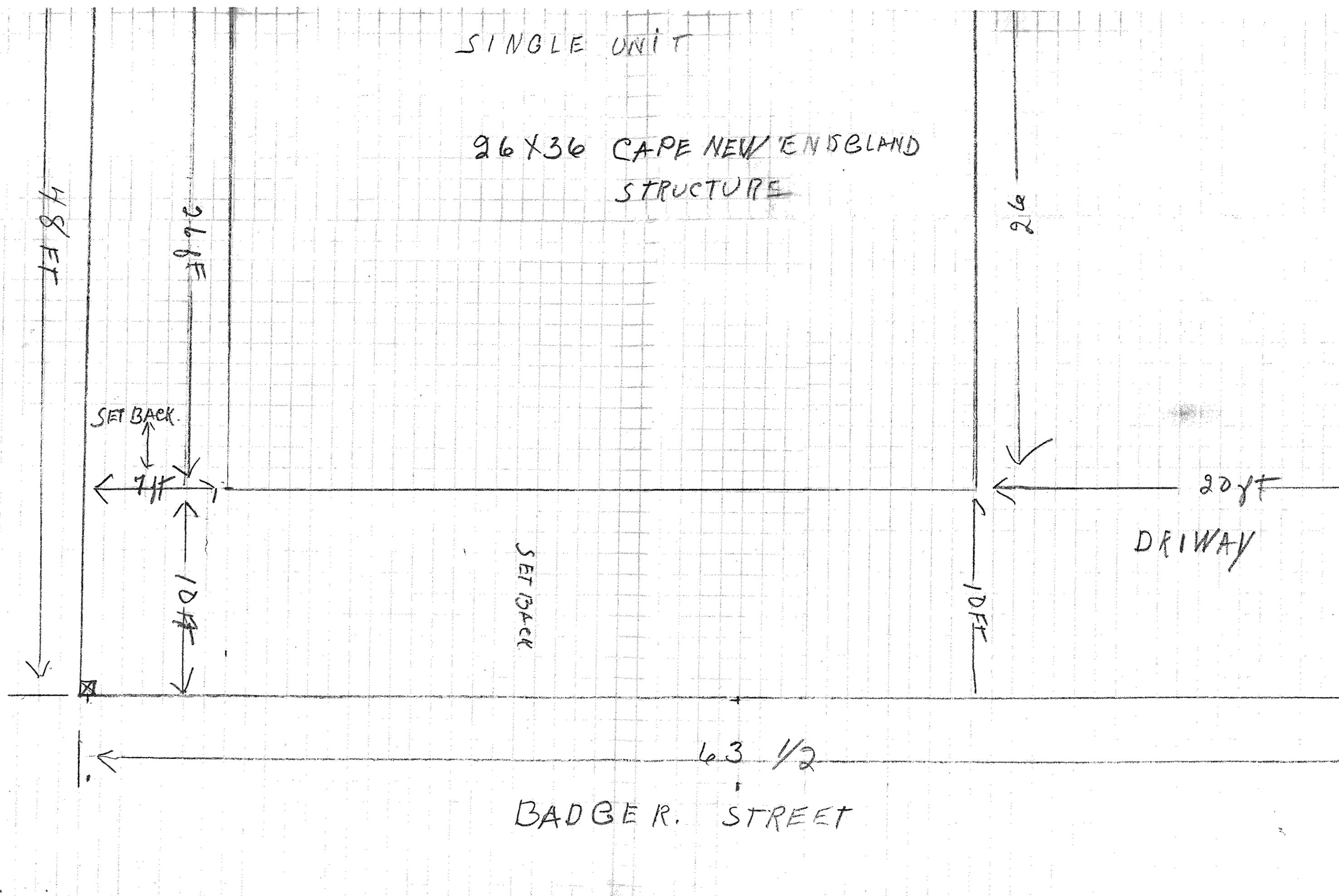
10 FT

20 FT

DRIVEWAY

63 1/2

BADGER STREET





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SPECIAL EXCEPTION 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. SPECIAL EXCEPTION INFORMATION

a. ADDRESS OF REQUEST 2 Hills Ferry Road, Nashua
 Zoning District GI Sheet 48 Lot 8

b. SPECIAL EXCEPTION(S) REQUESTED
A Special Exception is requested for work in the Merrimack River and 75' Prime Wetland Buffer for implementation of the NHDES approved Remedial Action Plan (RAP).

2. GENERAL INFORMATION

a. APPLICANT / OPTIONEE (List both individual name and corporate name if applicable)
Beazer East, Inc.,
 Applicant's signature [Signature] Date 2-23-16
 Applicant's address 1910 Cochran Rd Manor Oak One, Suite 200, Pittsburgh, PA 15220
 Telephone number (home) _____ (work) (412) 208-8864

b. PROPERTY OWNER Beazer East, Inc.,
 Owner's signature [Signature] Date 2-23-16
 Owner's address 1910 Cochran Rd Manor Oak One, Suite 200, Pittsburgh, PA 15220
 Telephone number (home) _____ (work) (412) 208-8864

Case number _____ Application Deadline _____ Date Received _____ Date of hearing _____

Notices: Newspaper Abutters Board Action _____

\$ _____ fee Date Paid _____ Receipt # _____

\$ _____ application fee Date Paid _____ Receipt # _____

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

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. Attach additional sheets if necessary. Please see "Procedures for Filing a Special Exception" for further information.

a. Describe the nature of your proposal. Please be specific.

Beazer East, Inc. (Beazer) is planning to implement a Remedial Action Plan (RAP) at the Former Koppers Wood Treating Site. See attached for details on the proposed remediation.

b. Does your proposal involve the physical construction or expansion of a structure? Yes No
If yes, describe how the size of the addition (and any existing structure) compares with the physical size of surrounding properties.

c. Do you anticipate the need for additional on-site parking space as a result of your proposal? Yes No
If yes, approximately how many square feet of paved or designated parking space will be provide for both existing and proposed usage?

d. What affects would the requested use have upon surrounding traffic congestion and pedestrian safety?

There will be a temporary increase in truck traffic during construction. See attached for additional details.

e. What measures will be taken (if any) to insure that your proposal will not impair the integrity or be out of character with the zoning district or immediate neighborhood?

The remediation is a NHDES mandated activity and will not impair the integrity or be out of character with the zoning district (General Industrial) or immediate neighborhood.

4. SPECIAL EXCEPTION AND USE VARIANCES

For Special Exception and Use Variances, 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 NA Number of employees per shift NA - See f. below.

b. Hours and days of operation 6 AM - 6 PM Mon- Sat during 2016 and 2017 construction seasons.

c. Number of daily and weekly visits to the premises by customers, clients, vendors and solicitors NA

d. Number of daily and weekly commercial deliveries to the premises will vary - generally 5-10 trucks daily

e. Number of parking spaces available NA

f. Describe your general business operations

No business operation is proposed following construction. The attached project description details activities proposed at the site. During the construction work, approximately 20 personnel will be on site on a daily basis.

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

No changes to lighting, pavement, structural changes, signage, or access and circulation are proposed. Sheet ES 812 depicts the proposed landscaping (tree planting) at the site.

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 points specifically mentioned are affected by action taken on this appeal.



Signature of applicant

2-23-16

Date



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

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SPECIAL EXCEPTION 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. SPECIAL EXCEPTION INFORMATION

a. ADDRESS OF REQUEST L Concord Street
 Zoning District R-A Sheet 48 Lot 3

b. SPECIAL EXCEPTION(S) REQUESTED
A Special Exception is requested for work in the Merrimack River and 75' Prime Wetland Buffer for implementation of the NHDES approved Remedial Action Plan (RAP).

2. GENERAL INFORMATION

a. APPLICANT / OPTIONEE (List both individual name and corporate name if applicable)
Key Environmental, Inc.
 Applicant's signature [Signature] Date 3/8/16
 Applicant's address 120 Exchange Street, Portland, Maine 04101
 Telephone number (home) 207 2336234 (work) (207) 772-8100

b. PROPERTY OWNER City of Nashua (Mayor James Donchess)
 Owner's signature [Signature] Date 3/8/16
 Owner's address 229 Main Street, Nashua NH 03060
 Telephone number (home) _____ (work) (603) 589-3260

Case number _____ Application Deadline _____ Date Received 3/10/16 Date of hearing 4/12/16
 Notices: Newspaper Abutters Board Action _____
 \$ _____ fee Date Paid _____ Receipt # _____
 \$ _____ application fee Date Paid _____ Receipt # _____
 \$15 signage fee \$100 recovery fee Date Paid _____ Receipt # _____

2016-000415

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. Attach additional sheets if necessary. Please see "Procedures for Filing a Special Exception" for further information.

a. Describe the nature of your proposal. Please be specific.

Beazer East, Inc. (Beazer) is planning to implement a Remedial Action Plan (RAP) at the Former Koppers Wood Treating Site and adjacent Greeley Park. See attached for details on the proposed remediation.

b. Does your proposal involve the physical construction or expansion of a structure? Yes No
If yes, describe how the size of the addition (and any existing structure) compares with the physical size of surrounding properties.

c. Do you anticipate the need for additional on-site parking space as a result of your proposal? Yes No
If yes, approximately how many square feet of paved or designated parking space will be provide for both existing and proposed usage?

d. What affects would the requested use have upon surrounding traffic congestion and pedestrian safety?

There will be a temporary increase in truck traffic during construction. See attached for additional details.

e. What measures will be taken (if any) to insure that your proposal will not impair the integrity or be out of character with the zoning district or immediate neighborhood?

The remediation is a NHDES mandated activity and will not impair the integrity or be out of character with the zoning district (Urban Residence) or immediate neighborhood.

4. SPECIAL EXCEPTION AND USE VARIANCES

For Special Exception and Use Variances, 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 NA Number of employees per shift NA

b. Hours and days of operation 6 AM - 6 PM Mon - Sat during 2016 and 2017 construction seasons.

c. Number of daily and weekly visits to the premises by customers, clients, vendors and solicitors NA

d. Number of daily and weekly commercial deliveries to the premises NA

e. Number of parking spaces available NA

f. Describe your general business operations

No business operation is proposed following construction. The attached project description details activities proposed at the site.

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

No changes to lighting, pavement, structural changes, signage, or access and circulation are proposed. Sheet ES 812 depicts the proposed landscaping (tree planting) at the site.

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 points specifically mentioned are affected by action taken on this appeal.

James W. Deane
Signature of applicant

3/1/16
Date

3. PURPOSE OF REQUEST

a. Describe the nature of your proposal. Be specific.

Beazer East, Inc. (Beazer) is planning to implement a Remedial Action Plan (RAP) at the Former Koppers Wood Treating Site (Site) located in Nashua New Hampshire. The RAP was developed in accordance with a Consent Decree (Docket No. 04-E-0151) between Beazer and the New Hampshire Department of Environmental Services (NHDES). The NHDES has assigned the Site as DES No. 198708017 and Project No. 346. The Site is located at 2 Hills Ferry Road, Nashua, NH.

The subject property is approximately 96 acres and is bounded by the Merrimack River to the east and north, a Boston and Maine Railroad line to the west and Greeley Park to the South. The main area of interest identified in the RAP consists of the southeastern portion of the property, an area of Greeley Park property encompassed by fencing, and the adjacent shoreline reaches of the Merrimack River. The Project Area is approximately 13 acres. The remedial action is required to address soils, groundwater, and sediment impacted from previous site operations.

In general, the remediation planned for the Site includes the installation of a subsurface barrier wall, in-place treatment of soils, removal of soils and sediments and on-site consolidation of any excavated materials. As some of the remediation activities will take place in the bed of the Merrimack River, emergent wetlands, and the Primary Wetland Buffer of the Merrimack River, an application to the Nashua Conservation Commission has been submitted and a Special Exception from Nashua Zoning is required.

The impacts to jurisdictional resources are needed in order to comply with the Consent Decree. Excavation of the riverbed and riverbank is needed in order to remove impacted soils and sediment.

Work in City-Owned Greeley Park

As mentioned above, a small section of the northern portion of Greeley Park directly adjoining the Koppers parcel has been included in the remediation activities. The work to be completed in Greeley Park consists of the following:

In Situ Geochemical Stabilization

A relatively small area in the upland of Greeley Park (referred to as the Observation Well [OW] 5/55 Area) will be remediated to address contamination that exists in the soils that are located about 25 to 40 ft. below ground surface. The remediation planned for this area is described as In-Situ Geochemical Stabilization (ISGS). ISGS entails the injection of an enhanced permanganate reagent to oxidize, contain and isolate subsurface non-aqueous phase liquids (NAPLs). The method planned for injection the ISGS reagent is utilizing direct-push drilling

rig (i.e. Geoprobe®) tools to inject the reagent into targeted NAPL-impacted zones. Vertical direct-push drilling using Geoprobe® (or other, equivalent methods) does not require drilling fluids and provides relatively rapid borehole advancement with minimal investigation derived waste (IDW) generation (drilling spoils). A Geoprobe moves on narrow tracks with little disturbance to the underlying terrain. The borehole is approximately the same size as the direct-push casing (i.e., 2 inches).

During and following injection a plan to monitor the effectiveness of the remediation will be implemented.

Excavation and Restoration

The second form of remediation to be employed in Greeley Park will consist of excavation and restoration of a relatively small area along the river bank and removal of sediments. As shown on the project plans, the bank at the approximate elevation of ordinary high water (OHW) will be excavated to remove impacted soils and then restored by installing a combination of a gravel/sand layer under a reactive core mat which would be covered by a protective gravel/sand layer and topped with rip-rap for erosion control. Although the excavation is expected to remove the majority of the existing impacted soils and sediment, the reactive core mat is an environmental component that will help prevent any potentially remaining impacts from migrating into river. The final elevation of this cover would be approximately the same as existing grade.

Sediment excavation will also occur between the Koppers property and up to the bank restoration area within Greeley Park. The limit of sediment excavation, and of permanent impacts, is yet to be finalized but will be no more than to the limit of the bank restoration area. Sediment excavation is anticipated to be performed within 45 ft. outward from the OHW elevation into the river. Areas to be excavated will be restored to approximate existing grade in the same manner as the bank restoration discussed above.

Temporary Construction Platform

In order to access the river bank and sediments along Greeley Park south of the Koppers property, a temporary berm of clean stone placed on filter fabric will be constructed below the OHW level, on the riverbed. This berm will be removed following construction. In areas where sediment removal has occurred, the gravel/sand, reactive core mat and rip-rap as described above will be placed. In areas where the temporary access berm was constructed and no sediment excavation was required, the river bed will be restored to existing grades.

Work On Koppers Property

For the Koppers property, the following combination of remediation components will be completed to satisfy the NHDES approved RAP.

- 1) Installation of a subsurface barrier wall made of a cement/bentonite mixture to contain site impacts and prevent migration of NAPL toward the river. The subsurface barrier wall will be constructed in an upland area to an approximate depth of 45 feet.
- 2) Treatment of subsurface soils using ISGS (technology same as described for Greeley Park) between the proposed subsurface barrier wall and the existing steel sheetpile wall;
- 3) Excavation of impacted soils in the existing wetland behind the existing steel sheetpile wall;
- 4) Joint grouting of the existing steel sheetpile wall;
- 5) Removal of impacted sediment and river bottom capping and restoration;
- 6) River bank reconstruction.

Riverbank Excavation and Restoration

The major steps envisioned will consist of clearing of vegetation on the bank and constructing a level platform to facilitate construction of the subsurface barrier wall. Following construction of the wall the existing bank will be graded as depicted on Sheet RE-612 of the Wetland Impact Plan Set "Rip-Rap and Erosion Controls" to an approximate 2 to 1 slope down to an elevation of about 105 ft. at which a permanent 10-foot wide bench will be constructed. The disturbed area will be temporarily stabilized immediately after construction. The bank below the 105 ft. bench will then be graded to a 2 to 1 slope down to the existing steel sheetpile wall at which a bench will be constructed at elevation 94 ft. The excavation of impacted soils and grouting of steel sheetpile joints will then be performed.

A reactive core mat will be placed on the riverbank up to elevation 100 ft. The reactive core mat is an essential component of the remedy to adsorb any remaining residual impacts. Layers of gravel/sand and rip-rap will be placed to protect the reactive core mat. The remaining riverbank area upslope of the rip-rap is proposed to be revegetated with native tree and shrub species currently growing at the site, as depicted on Sheet ES 812, "Planting Plan", of the Wetland Impact Plan Set. The proposed bench will be seeded with native seed mix but will not be planted with trees or shrubs, in order to maintain access to the shoreline if needed. It is anticipated that the access way will be mown on an annual or twice yearly schedule.

Riverbed Sediment Removal

Riverbed sediments will be removed via land-based equipment out to about a maximum of 45 ft into the river outboard from the OHW, and to a minimum depth of two feet. The area of riverbed sediment excavation will be restored in a similar manner as described above for the Greeley Park area using a layer of clean gravel/sand, reactive core mat covered by gravel/sand, and rip-rap. In order to extend this layered cover system up the bank to an elevation above OHW to prevent erosion of the riverbank, the sheetpile wall will be cut off to a level just below grade (approximately the top four feet).

The disturbance described above which is the subject of this application has been determined to be necessary to allow for the implementation and long term effectiveness

NASHUA ZONING BOARD OF ADJUSTMENT
SPECIAL EXCEPTION REQUEST
BEAZER EAST, MAP 48, LOTS 8 AND 3
2 HILLS FERRY ROAD AND L CONCORD STREET

of the remedial actions required to render the site to an acceptable environmental condition.

d. What effects would the requested use have upon surrounding traffic congestion and pedestrian safety?

During construction, there will be an increase in truck traffic with deliveries of construction materials such as riprap, bentonite, cement, fabric liners, and other miscellaneous items to the site. In general, deliveries will number 5-10 per day, with the exception of larger quantity materials (riprap and bentonite) that may require up to 40 deliveries per day for a short duration.

Access to the site is via Route 3 (Daniel Webster Highway) to Hills Ferry Road, a town owned road that travels through a residential neighborhood. Trucks will travel approximately 2,000 feet on Hills Ferry Road (NHDOT Class V) to the entrance of the Beazer East property. Deliveries of material will occur over a 3-4 week period. No export of materials is planned, as all excavated material is proposed to remain on-site.

All appropriate precautions will be taken by delivery trucks, and no negative impacts are anticipated to pedestrian safety. Deliveries will occur during the day and are not anticipated to have any significant effect on traffic congestion.



City of Nashua
Conservation Commission
City Hall, 229 Main Street, PO Box 2019, Nashua NH 03061-2019
(603) 589-3105 www.nashuanh.gov

March 7, 2016

Vicki Chase
Normandeau Associates, Inc.
25 Nashua Road
Bedford, NH 03110

Re: 2 Hills Ferry Road and "L" Concord Street. Beazers East, Inc. and City of Nashua (Owners).
Environmental remediation of the former Koppers Wood Treating Site.

Dear Ms. Chase:

Your application for the above referenced project received a favorable recommendation from the Nashua Conservation Commission (NCC) at their meeting on March 1, 2016 with the following stipulations:

1. Notification to the Nashua Conservation Commission ten (10) days prior to commencement and at project completion.
2. Photographs to be provided to the Nashua Conservation Commission before, during, and at project completion. All photographs shall include the date taken.
3. Access to the property provided to the Nashua Conservation Commission with notification.
4. Incorporate the mitigation plan dated February, 2016 with an in lieu contribution of \$211,200 to the ARM fund as well as other mitigation pieces in the report that go and above what the requirements are.
5. An easement be given for a public access to the property.

Additional action is necessary to meet the city's requirements, including submitting an application to the Zoning Board of Adjustment, per NRO Section 190-114 Wetland application (E). Please contact Carter Falk, Deputy Planning Manager at (603) 589-3116 regarding that application process. It is also the owner's responsibility to submit any required applications to states agencies as may be needed for your particular project. Adherence to the dates and requirements identified in this letter and any included on the plans is important. If you have any questions about this letter or your responsibilities, please contact Linda Panny at (603) 589-3110.

Respectfully,

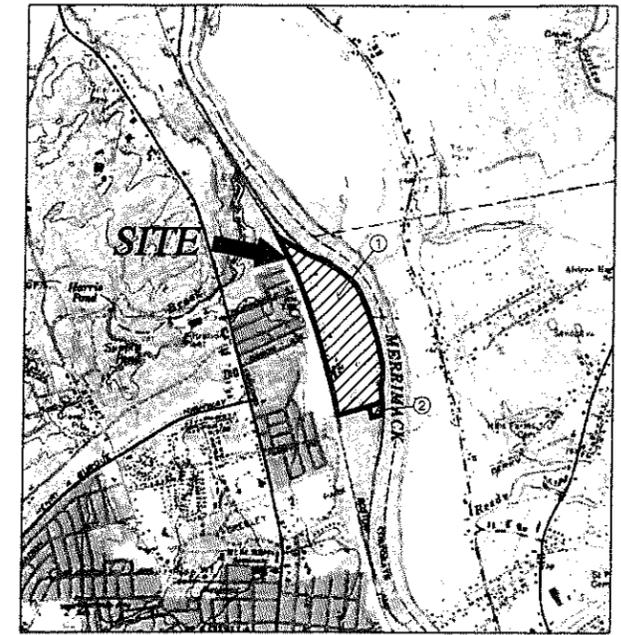
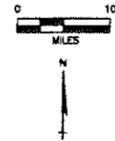
Nashua Conservation Commission

cc: Carter Falk, Deputy Zoning Manager

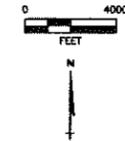
NHDES WETLAND PERMIT APPLICATION DRAWINGS FORMER KOPPERS COMPANY, INC. SITE NASHUA, NEW HAMPSHIRE



VICINITY MAP



PARCEL LOCATION MAP



SITE ADDRESS:
2 HILLS FERRY ROAD
NASHUA, NH 03064

PARCEL OWNERS
1. BEAZER EAST, INC.
TAX MAP 48 - LOT 8
2. CITY OF NASHUA
TAX MAP 48 - LOT 3

RESPONSIBLE PARTY

- NORMANDEAU ASSOCIATES, INC.
 - PERMIT AGENT
 - WETLAND DELINEATION
- KEY ENVIRONMENTAL, INC.
 - ENGINEERING
- HAYNOR/SWANSON, INC.
 - SURVEYING (BASEMAP)

NO.

TITLE

TS-002	TITLE SHEET- WETLAND PERMIT
SC-101	EXISTING SITE CONDITIONS
GP-420	WETLAND TEMPORARY/PERMANENT IMPACTS
RE-612	RIP-RAP AND EROSION CONTROLS
ES-812	PLANTING PLAN

ISSUED FOR PERMIT REVIEW (ONLY)

BEAZER EAST, INC.
PITTSBURGH, PENNSYLVANIA

DRWN: SCC DATE: 10/13/15
CHKD: DATE:
APPD: DATE:
SCALE: AS SHOWN



WETLAND PERMIT APPLICATION
FORMER KOPPERS WOOD TREATING FACILITY
NASHUA, NEW HAMPSHIRE

ISSUE DATE:

KEY ENVIRONMENTAL, INC.
200 THIRD AVENUE
CARNEGIE, PA 15106

TITLE SHEET

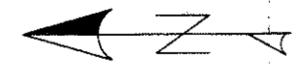
PROJECT NO: 15-035
TS-002

REFERENCES: 1. RAND-McNALLY ROAD ATLAS OF NEW HAMPSHIRE, 2002. NOTES: 1. THIS DESIGN DRAWING IS PART OF A DRAWING SET.

2. USGS 7.5 MINUTE TOPOGRAPHIC QUADRANGLES:
- NASHUA NORTH, NEW HAMPSHIRE

REV #	DATE	DESCRIPTION	APPD

I:\031511\Nashua\Production Drawings\DR7 wetland permit application\15-002.dwg 10/29/2015 6:41 AM Plotted By: Shelly Carter 10/30/2015 2:03 PM Scale: 1:1



MERRIMACK RIVER CENTER LINE (APPROX.)

MERRIMACK RIVER FLOW DIRECTION



R2UB2/3H

2
PEM1E

3
BANK

4
PSS1E

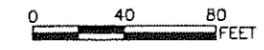
PARCEL 1
TAX MAP 48
LOT 8

PARCEL 2
TAX MAP 48
LOT 3

LEGEND

- PROPERTY BOUNDARY
- EXISTING SHEET PILE BARRIER WALL
- TOPOGRAPHIC CONTOURS (FEET-MSL)
- CPB CITY OF NASHUA 75 FEET PRIMARY WETLAND BUFFER
- DW DELINEATED WETLAND (SEE NOTE 1.)
- FP 100 YEAR FLOOD PLAN
- OHW ORDINARY HIGH WATER
- TOB TOP OF BANK
- SWQPA SWQPA JURISDICTIONAL LIMITS

WETLAND CLASSIFICATION CODES (SEE NOTE 1.)	
△ R2UB2/3H	RIVERINE, LOWER PERENNIAL, UNCONSOLIDATED BOTTOM, SAND AND MUD SUBSTRATE, PERMANENTLY FLOODED
△ PEM1E	PALUSTRINE, EMERGENT, PERSISTENT, SEASONALLY FLOODED/SATURATED
△ BANK	BANK
△ PSS1E	PALUSTRINE, SCRUB-SHRUB, BROAD-LEAVED DECIDUOUS, SEASONALLY FLOODED/SATURATED



NOTE:
1. WETLANDS WERE DELINEATED BY NORMANDEAU ASSOCIATES, INC. ON AUGUST 14, 2012. THE WETLAND DELINEATION WAS COMPLETED IN ACCORDANCE WITH THE CRITERIA DESCRIBED IN THE U.S. ARMY CORPS OF ENGINEERS WETLAND DELINEATION MANUAL TECHNICAL REPORT Y-87-1 (JANUARY, 1987) AND THE REGIONAL SUPPLEMENT FOR THE NORTHCENTRAL AND NORTHEAST REGION (JANUARY, 2012) AND MEET THE CRITERIA FOR WETLAND DELINEATION IN ACCORDANCE WITH THE NH DES ADMINISTRATIVE RULES ENV-WT 301.01 AND ENV-WT 101.48.

ISSUED FOR PERMIT REVIEW (ONLY)

BEAZER EAST, INC.
PITTSBURGH, PENNSYLVANIA

DRWN: SCC	DATE: 10/13/15
CHKD:	DATE:
APPD:	DATE:
SCALE:	AS SHOWN



WETLAND PERMIT APPLICATION
FORMER KOPPERS WOOD TREATING FACILITY
NASHUA, NEW HAMPSHIRE

VICKI CHASE, CERTIFIED WETLAND SCIENTIST

SIGNATURE _____ DATE _____

ISSUE DATE: _____

KEY ENVIRONMENTAL, INC.
200 THIRD AVENUE
CARNEGIE, PA 15106

EXISTING SITE CONDITIONS

PROJECT NO: 15-035
SC-101

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REV #	DATE	DESCRIPTION	APPD

REFERENCE:

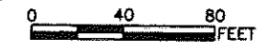
MERRIMACK RIVER FLOW DIRECTION

R2UB27/3H

TEMPORARY BERM FOR CONSTRUCTION

GEOPROBE DRILLING FOR ISGS, AS NEEDED (SEE PERMIT APPLICATION NARRATIVE FOR DESCRIPTION)

1 WETLAND IMPACT PLAN
GP-420 1" = 40'



JURISDICTIONAL AREA DESIGNATION	UPSTREAM WETLAND CLASSIFICATION CODE	LOCATION	PERMANENT IMPACTS (sf)		TEMPORARY IMPACTS (sf)	
			NHWS and ACOE WETLANDS	NHWS RIVER BANK	NHWS and ACOE WETLANDS	NHWS RIVER BANK
1	R2UB27/3H (PRIME WETLAND)	A	21576			
2	PEMBL (PRIME WETLAND)	B	3815			
3	BANK	C		1741		
4	R2UB27/3H (PRIME WETLAND)	D			75*	
5	R2UB27/3H (PRIME WETLAND)	E			1926	
6	BANK	F		625		
7	PSS1E	G			632	
TOTAL AREA (sf)			28399	5304	3614	

CITY OF NASHUA PRIME WETLAND BUFFER IMPACT AREA = 59,002 SF

NOTES:
 NHWS - NEW HAMPSHIRE WETLANDS BUREAU
 ACOE - ARMY CORPS OF ENGINEERS
 MERRIMACK RIVER - IMPACT AREA BASED ON DISTURBANCE WITHIN THE RIVER UP TO THE ORDINARY HIGH WATER (OHW) LIMIT.
 NHWS AND ACOE WETLANDS - IMPACT AREA BASED ON DISTURBANCE WITHIN DELINEATED WETLANDS, SPECIFICALLY DESIGNATED AS PEM1E, PSS1E, OR R2UB27/3H.
 NHWS RIVER BANK - IMPACT AREA BASED ON DISTURBANCE LANDSIDE BETWEEN THE OHW LIMIT AND THE TOP OF BANK (TOB) LIMIT.
 CITY OF NASHUA PRIME WETLAND BUFFER - A LINE ESTABLISHED 75 FEET LANDWARD FROM THE OHW LIMIT OR LANDSIDE EDGE OF A DESIGNATED WETLAND.
 CITY OF NASHUA PRIME WETLAND BUFFER IMPACTS - AREA BASED ON DISTURBANCE WITHIN THE CITY OF NASHUA PRIME WETLAND BUFFER.

LEGEND

- PROPERTY BOUNDARY
- EXISTING SHEET PILE BARRIER WALL
- TOPOGRAPHIC CONTOURS (FEET-MSL)
- EXISTING WETLAND
- TOB - TOB TOP OF BANK
- OHW - OHW ORDINARY HIGH WATER
- CPB - CITY OF NASHUA 75 FEET PRIMARY WETLAND BUFFER
- PROPOSED SUBSURFACE BARRIER WALL
- PROPOSED WORKING PLATFORM
- SWOPA - SHORELAND WATER QUALITY PROTECTION ACT JURISDICTIONAL LIMITS
- PROPOSED CONTOUR
- PROPOSED TURBIDITY CURTAIN
- SRL - PROPOSED SEDIMENT REMOVAL LIMIT
- PERMANENT BANK IMPACT
- PERMANENT WETLAND IMPACT
- TEMPORARY IMPACT
- CITY OF NASHUA PRIMARY WETLAND BUFFER IMPACT
- WETLAND DESIGNATION NUMBER
- WETLAND IMPACT LOCATION

REFERENCE:

REV #	DATE	DESCRIPTION	APPD
12-21-15		REVISED TEMPORARY IMPACTED AREA	PWS

ISSUED FOR PERMIT REVIEW (ONLY)

BEAZER EAST, INC.
PITTSBURGH, PENNSYLVANIA

DRWN: SCC	DATE: 10/13/15
CHKD:	DATE:
APPD:	DATE:
SCALE:	AS SHOWN



WETLAND PERMIT APPLICATION
FORMER KOPPERS WOOD TREATING FACILITY
NASHUA, NEW HAMPSHIRE

VICKI CHASE, CERTIFIED WETLAND SCIENTIST

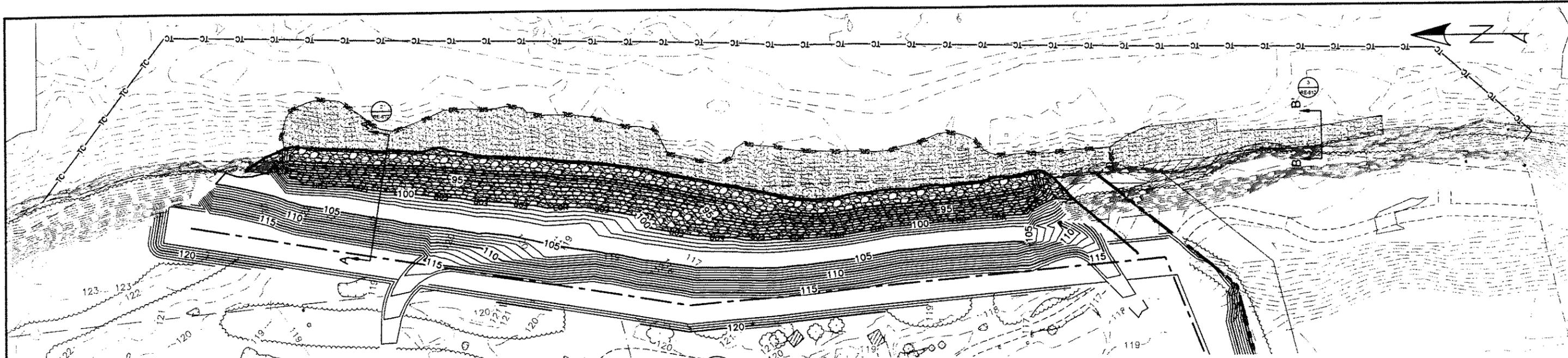
SIGNATURE _____ DATE _____

ISSUE DATE:

KEY ENVIRONMENTAL, INC.
200 THIRD AVENUE
CARNEGIE, PA 15106

WETLAND TEMPORARY/
PERMANENT IMPACTS

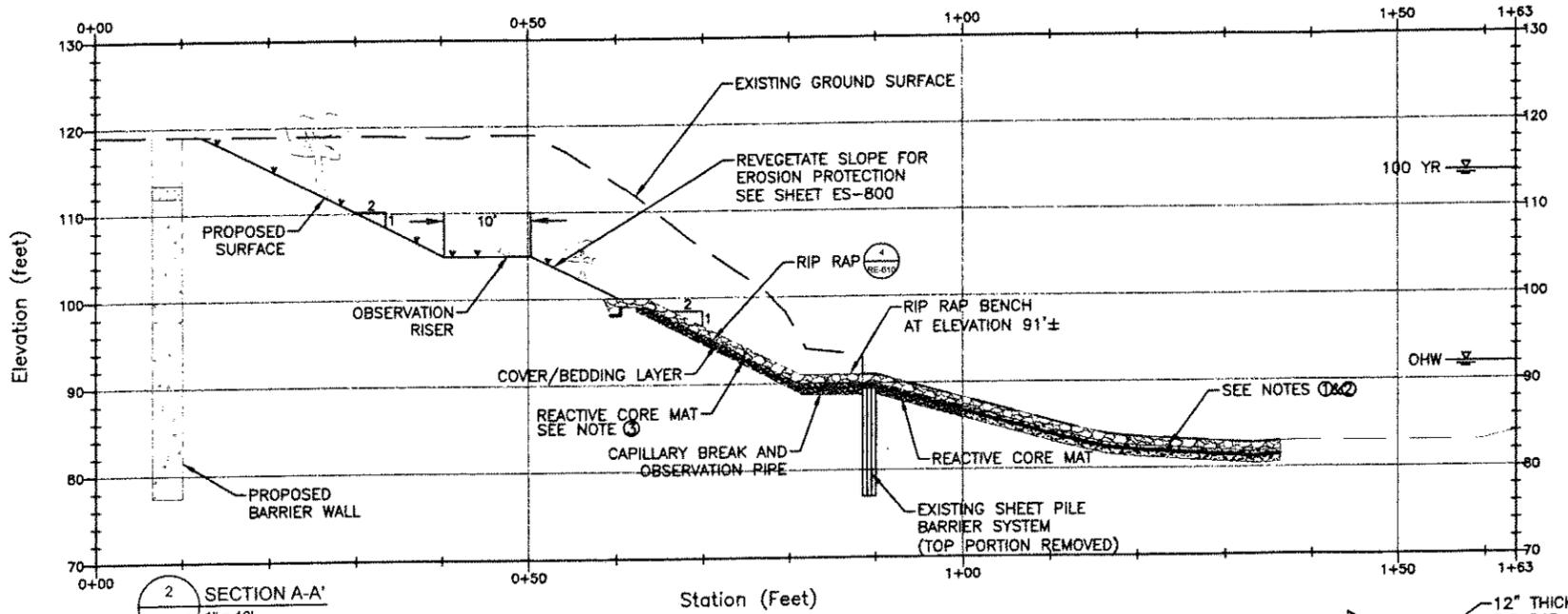
PROJECT NO: 15-035
GP-420



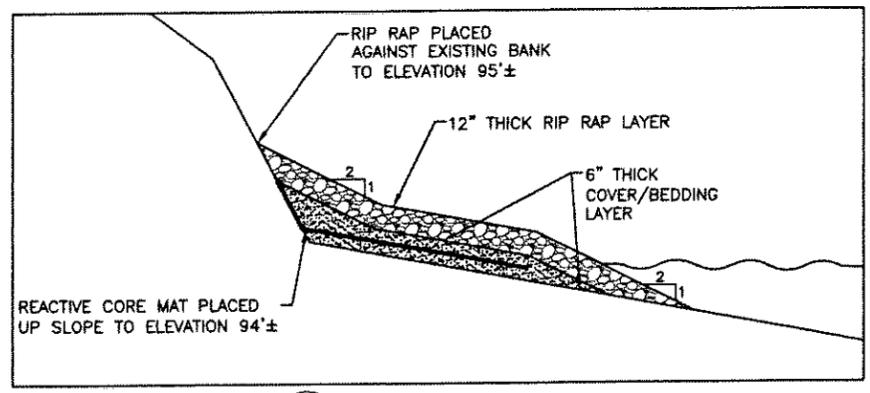
1 RIPRAP LIMITS
RE-612 1" = 40'
0 40 80 FEET

LEGEND

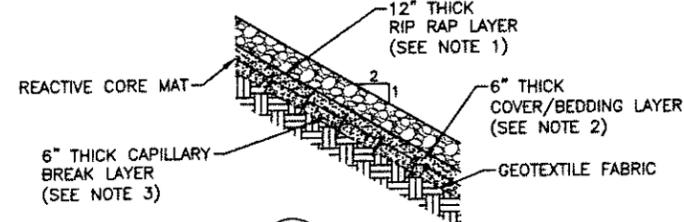
- PROPERTY BOUNDARY
- EXISTING SHEET PILE BARRIER WALL
- 120 TOPOGRAPHIC CONTOURS (FEET-MSL)
- PROPOSED BARRIER WALL ALIGNMENT
- PROPOSED CONTOUR
- SRL PROPOSED SEDIMENT REMOVAL LIMITS
- TC PROPOSED TURBIDITY CURTAIN
- EOR EDGE OF RIP RAP



2 SECTION A-A'
RE-612 1" = 10'
0 10 20 FEET



3 SECTION B-B'
RE-612 NOT TO SCALE



4 RIPRAP DETAIL
RE-612 NOT TO SCALE

100 YR - 100 YEAR FLOOD ELEVATION = 114.2' (FEMA, MAP 127P, SECTION F)
OHW - ORDINARY HIGH WATER ELEVATION = 92.0' (NORMANDEAU)

- NOTES:**
1. SEDIMENT EXCAVATION UP TO APPROXIMATELY 45 FEET FROM THE SHEETPILE BARRIER WALL.
 2. RIP RAP OR OTHER EROSION CONTROL MATERIAL WILL BE PLACED OVER THE REACTIVE CORE MAT.
 3. PLANTING OVER THE REACTIVE CORE MAT IS PROHIBITED.

- NOTES:**
1. CLASS I RIP RAP CONSISTING OF ANGULAR DURABLE PARTICLES WITH THE FOLLOWING GRADATION: D15 = 3.7 TO 5.2 INCHES, D50 = 5.7 TO 6.9 INCHES, D85 = 7.8 TO 9.2 INCHES, DMAX = 12 INCHES.
 2. COVER/BEDDING LAYER AGGREGATE, AASHTO #57, OR ALTERNATIVE APPROVED BY THE ENGINEER.
 3. CAPILLARY BREAK CONSISTS OF CLEAN OPEN GRADED GRAVEL MIXTURE.

PRELIMINARY

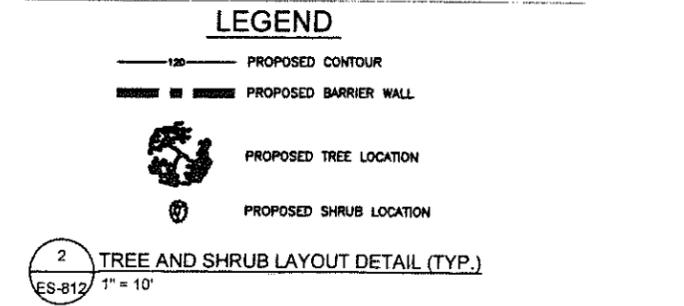
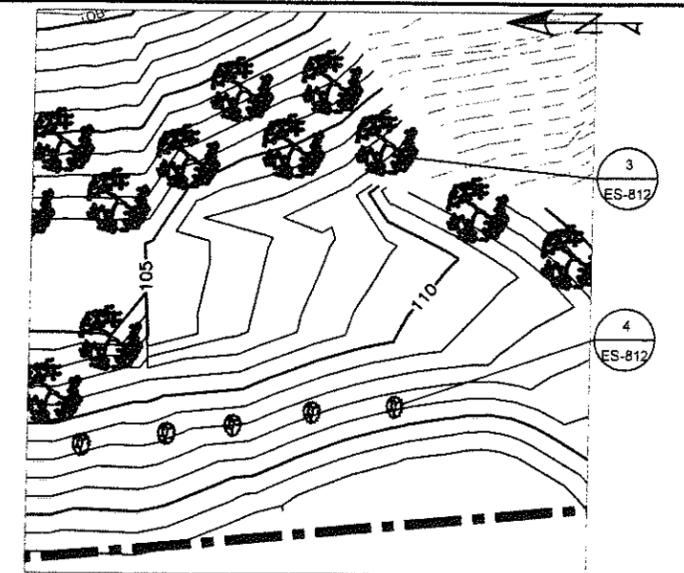
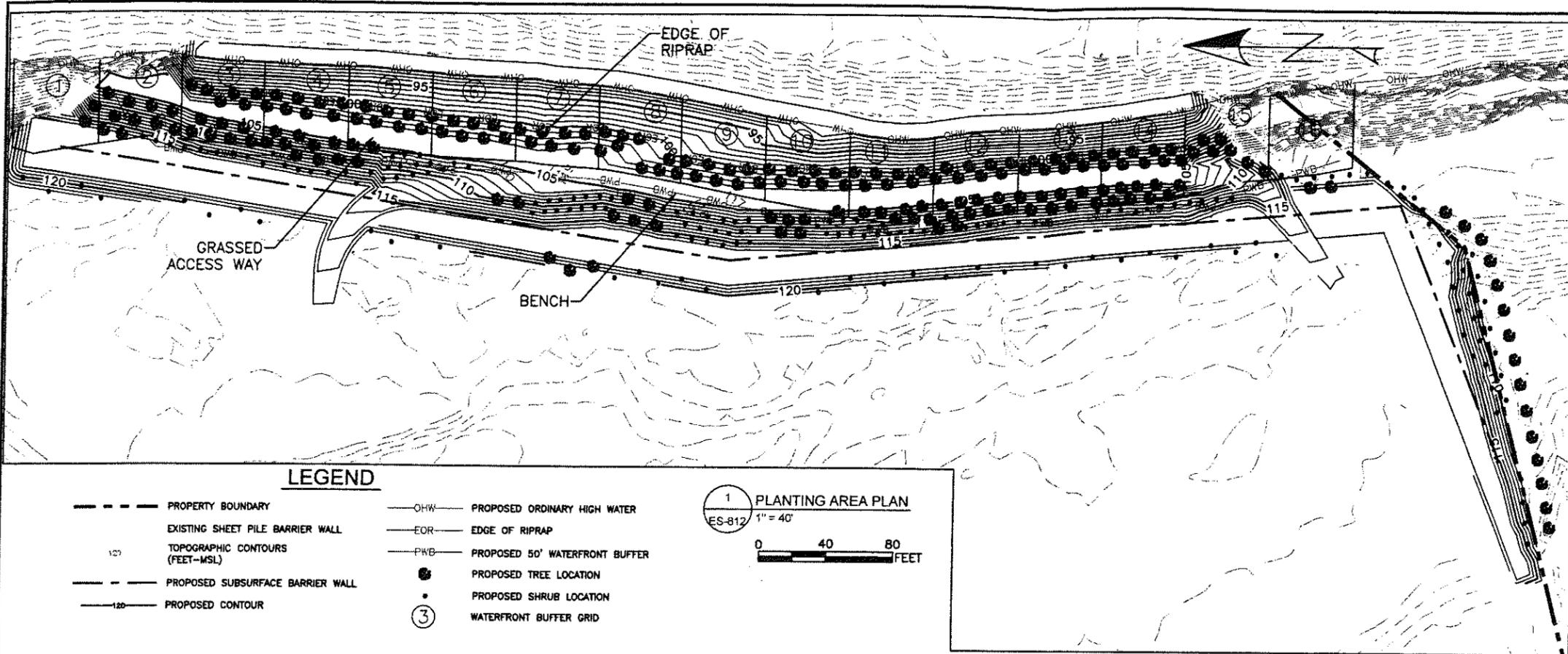
ISSUED FOR PERMIT REVIEW (ONLY)

BEAZER EAST, INC. PITTSBURGH, PENNSYLVANIA	
DRWN: SCC	DATE: 12/11/15
CHKD:	DATE:
APPD:	DATE:
SCALE:	AS SHOWN
KEY ENVIRONMENTAL INCORPORATED	
ALTERATION OF TERRAIN PERMIT APPLICATION FORMER KOPPERS WOOD TREATING FACILITY NASHUA, NEW HAMPSHIRE	
RIP RAP PLAN AND DETAILS	PROJECT NO: 15-035 RE-612

REV #	DATE	DESCRIPTION	APPD

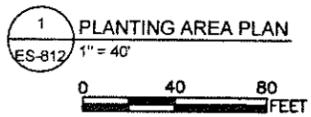
REFERENCE:

MARK LAHR
ISSUE DATE:
KEY ENVIRONMENTAL, INC.
200 THIRD AVENUE
CARNEGIE, PA 15106

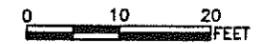


LEGEND

- PROPERTY BOUNDARY
- EXISTING SHEET PILE BARRIER WALL
- 100 TOPOGRAPHIC CONTOURS (FEET-MSL)
- PROPOSED SUBSURFACE BARRIER WALL
- PROPOSED CONTOUR
- OHW PROPOSED ORDINARY HIGH WATER
- EOR EDGE OF RIPRAP
- PKB PROPOSED 50' WATERFRONT BUFFER
- PROPOSED TREE LOCATION
- PROPOSED SHRUB LOCATION
- ③ WATERFRONT BUFFER GRID



2 TREE AND SHRUB LAYOUT DETAIL (TYP.)
ES-812 1" = 10'



NOTES:

- THE PLANTING LAYOUT DEPICTED ON THIS PLAN IS APPROXIMATE AND MAY BE ADJUSTED FOR SITE CONDITIONS. HOWEVER, THE SPECIES AND NUMBER OF TREES AND SHRUBS WILL BE PLANTED WITHIN THE DESIGNATED PLANTING AREA.
- ACCESS ROAD AND BENCH AREAS TO BE SEEDED AND MAINTAINED WITH THE "NEW ENGLAND EROSION CONTROL/RESTORATION MIX FOR DRY SITES, APPLICATION RATE 35 POUNDS/ACRE.

5 PLANTING SCHEDULE
ES-812

		PLANTING SCHEDULE		
		SPECIES LATIN / COMMON NAME	SIZE	QUANTITY
TREE		QUERCUS RUBRA	RED OAK	4" CALIPER 40
		PRUNUS VIRGINIANA	BLACK CHERRY	3" CALIPER 40
		ULMUS AMERICANA	AMERICAN ELM	4" CALIPER 30
		ACER SACCHARINUM	SILVER MAPLE	3" CALIPER 30
		PINUS STROBILUS	WHITE PINE	4" CALIPER 30
			Total =	200
SHRUB		CORNUS RACEMOSA	GRAY DOGWOOD	3" MINIMUM 50
		CORNUS ALTERNIFOLIA	ALTERNATE LEAFED DOGWOOD	3" MINIMUM 20
		LOPYCIS AMERICANA	AMERICAN PAFFLUT	4" MINIMUM 30
			Total =	170

ISSUED FOR PERMIT REVIEW (ONLY)

BEAZER EAST, INC.
PITTSBURGH, PENNSYLVANIA

DRWN: SCC DATE: 12/10/15
CHKD: MRL DATE: 12/23/15
APPD: PWS DATE: 12/23/15
SCALE: AS SHOWN



ALTERATION OF TERRAIN PERMIT APPLICATION
FORMER KOPPERS WOOD TREATING FACILITY
NASHUA, NEW HAMPSHIRE

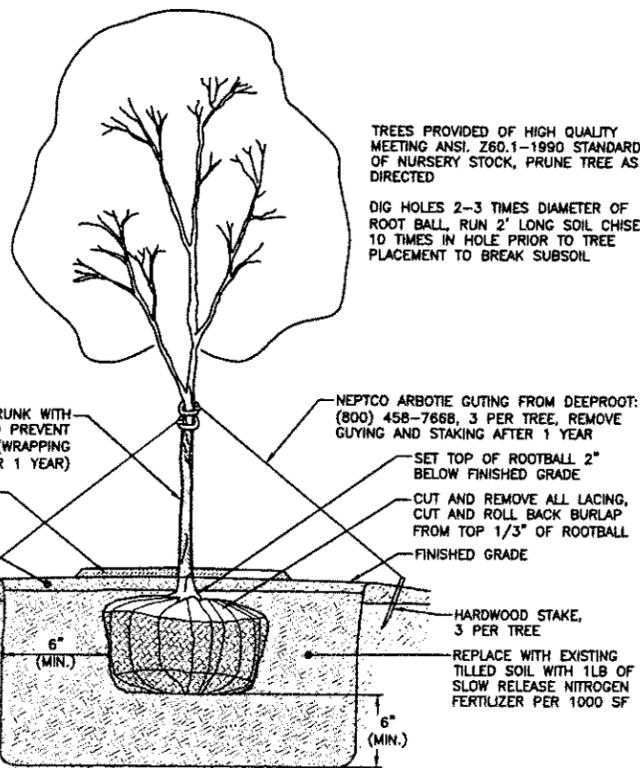
ISSUE DATE:

KEY ENVIRONMENTAL, INC.
200 THIRD AVENUE
CARNEGIE, PA 15106

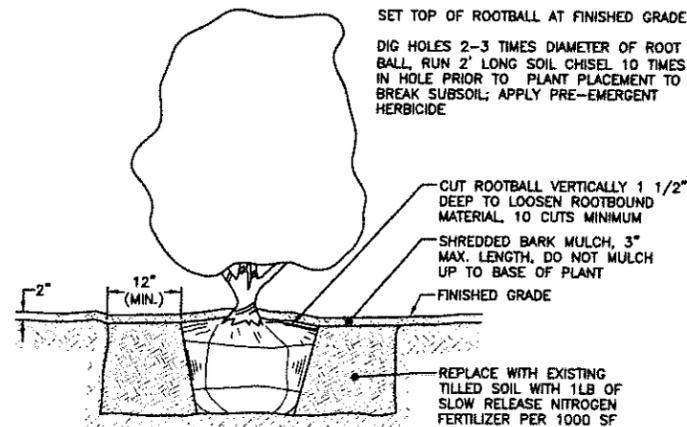
PROJECT NO: 15-035

PLANTING PLAN AND DETAILS

ES-812



3 TREE PLANTING
ES-812 N.T.S.



4 PERENNIAL & CONTAINER SHRUB PLANTING
ES-812 N.T.S.

REFERENCE:

REV #	DATE	DESCRIPTION	APPD



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.gonashua.com

ZONING BOARD OF ADJUSTMENT

APRIL 12, 2016

AMENDED AGENDA

1. Sandey Ndegwa (Owner) 3 Kennedy Drive (Sheet A Lot 731) requesting the following: 1) special exception to convert an existing single-family home into a two-family home, and; 2) variance for minimum lot area, 10,000 square feet existing, 14,520 square feet required. RA Zone, Ward 7. **[TABLED FROM 3-22-16 MEETING]**
2. Beazer East, Inc. & City of Nashua (Owners) 2 Hills Ferry Road & "L" Concord Street (Sheet 48 Lots 3 & 8) requesting special exception to work within the 75-foot prime wetland and wetland buffer of the Merrimack River for implementation of the NHDES approved Remedial Action Plan. GI & RA Zones, Ward 3.
3. Stephany C. Houghton (Owner) Warren Houghton (Applicant) 226 Broad Street (Sheet E Lot 108) requesting use variance to allow a massage therapy business in a portion of an existing building. R9 Zone, Ward 1.
4. Andre E. & Nicole R. Laliberte (Owners) "L" Badger Street (Sheet 86 Lot 55) requesting the following variances: 1) minimum lot area, 5,000 square feet required, 3,293 square feet existing; 2) minimum lot depth, 80 feet required, 63.5 feet existing; and, 3) minimum rear yard setback, 20 feet required, 12 feet proposed - to remove existing garage bays and construct a new single-family house. RC Zone, Ward 6.
5. 117 W. Glenwood Street, LLC (Owner) 117 West Glenwood Street (Sheet 132 Lot 31) requesting use variance to construct a paved automobile storage lot. RA Zone, Ward 7.
6. Christopher M. & Sarah K. Ward (Owners) 79 West Groton Road (Sheet D Lot 312) requesting variance to encroach up to 5 feet into the 25 foot required right side yard setback to construct an attached 20'x30' two-story home addition. R40 Zone, Ward 5.
7. Arnaldo & Viki Zabala (Owners) 15 Hutchinson Street (Sheet 127 Lot 22) requesting the following variances: 1) to exceed maximum driveway width, 24 feet allowed, 20 feet existing, an

additional 18 feet proposed (on Brigham Street); and, 2) to permit the construction of a driveway within 50 feet of the intersection of Hutchinson Street and Brigham Street, 25 feet proposed. RB Zone, Ward 4.

8. Josefina & Enrique Ruiz (Owners) 34 Bell Street (Sheet 135 Lot 80) requesting variance to encroach 4 feet into the 25 foot required front yard setback to construct an attached 28'x30' garage with rooms above. RA Zone, Ward 3.
9. One Chestnut Street Limited Partnership (Owner) First Sign & Corporate Image, Inc. (Applicant) 1 Chestnut Street (Sheet 80 Lot 1) requesting variance to exceed maximum wall sign area, 100 square feet allowed, 200 square feet existing, two additional wall signs at 375.5 square feet each proposed for east and west elevations for a total of 951 square feet. GI/MU Zone, Ward 4.
10. CREG-Temple Street, LLC (Owner) First Sign & Corporate Image (Applicant) 30 Temple Street (Sheet 33 Lot 31) requesting the following variances: 1) to exceed maximum number of ground signs, one permitted, two proposed; and 2) to encroach 22 feet into the 25 foot minimum distance to an intersection to replace an existing sign at southern driveway entrance. D-1/MU Zone, Ward 4.

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: 3/8/16

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