

1. Zoning Board Regular Meeting Agenda (PDF)

Documents: [20160628 ZBA AGENDA.PDF](#)

2. 20160628 ZBA Meeting Packet

Documents: [20160628 2 SHELTON ST.PDF](#), [20160628 6 ACACIA ST.PDF](#), [20160628 79 WEST GROTON RD.PDF](#), [20160628 436 AMHERST ST.PDF](#)

3. Zoning Board Regular Meeting Amended Agenda (PDF)

Documents: [20160628 ZBA AMENDED AGENDA.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

June 14, 2016

The following is to be published on ROP June 18, 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, June 28, 2016, at 6:30 PM at the Nashua City Hall Auditorium, 3rd floor, 229 Main Street.

1. Michael J. & Joanne L. O'Loughlin (Owners) 2 Shelton Street (Sheet B Lot 1305) requesting variance to encroach 5 feet into the 10 foot required right side yard setback to construct an attached 24'x32' garage. R9 Zone, Ward 9.
2. Douglas A. & Dorothy A. Young (Owners) 6 Acacia Street (Sheet C Lot 1031) requesting variance to encroach 2 feet into the 30 foot required rear yard setback to construct an attached 10'x14' sunroom, with associated 6'x6' deck and 4'x4' landing. R9 Zone, Ward 5.
3. 436 Amherst LLC (Owner) 436 Amherst Street (Sheet H Lot 73) requesting the following: 1) variance to allow an electronic changing message sign; and, 2) to allow electronic changing message sign that would display symbols, graphics and images, where only three lines of text is permitted. AI Zone, Ward 2.
4. Christopher M. & Sarah K. Ward (Owners) 79 West Groton Road (Sheet D Lot 312) requesting the following: 1) special exception for a major home occupation to allow an indoor hydroponics farm contained within a shipping container; and the following variances: 1) to exceed maximum size of home occupation floor area, 300 square feet permitted, 320 square feet proposed, 2) to allow use in a detached accessory building, where it is required that the home occupation be carried on strictly within the principal building, 3) to allow a major home occupation that will change the external residential character of the property, and 4) to have exterior storage or display related to the home occupation. R40 Zone, Ward 5.

### 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.

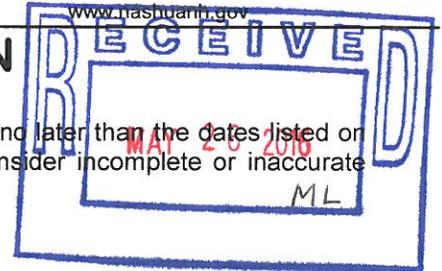
"SUITABLE ACCOMMODATIONS FOR THE SENSORY IMPAIRED  
WILL BE PROVIDED UPON ADEQUATE ADVANCE NOTICE."



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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 2 Shelton Street a

Zoning District R-9 Sheet B Lot B-1305

b. VARIANCE(S) REQUESTED

\* 5'

To build a garage that will be set back 6 feet from the side property line.  
The land use code is a building set back of 10 feet from the side property line. Garage plans and plot plan are attached.

\* CF per Michael O'Loughlin 6-8-16  
 due to 1 foot error

**2. GENERAL INFORMATION**

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

Michael O'Loughlin

Applicant's signature Michael J O'Loughlin Date 5/26/16

Applicant's address 2 Shelton St, Nashua NH 03062

Telephone number (home) 603-891-1469 (work) 603-222-8692

b. PROPERTY OWNER Michael and Joanne O'Loughlin

Owner's signature Michael J O'Loughlin Date 5/26/16

Owner's address 2 Shelton St, Nashua, NH 03062

Telephone number (home) 603-891-1468 (work) 603-222-8692

Case number \_\_\_\_\_ Application Deadline \_\_\_\_\_ Date Received 5/26/16 Date of hearing 6/28/16

Notices: Newspaper  Abutters  Board Action \_\_\_\_\_

\$ \_\_\_\_\_ fee  Date Paid \_\_\_\_\_ Receipt # \_\_\_\_\_

\$ 330 application fee  Date Paid \_\_\_\_\_ Receipt # \_\_\_\_\_

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

PLR#2016-00102

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 garage should not be contrary to public interest and should not interfere with any of the abutter's land use/access or views.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- 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 garage should observe the spirit of the ordinance. The garage will be 6 feet from one side property line and the other side of the house is 28.8 feet from the property line. This should allow construction/excavation vehicles access to the back yard from this side if necessary.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- 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 would serve the property owners justice by easing maintenance and care of vehicles in the winter time and inclement weather.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- 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 garage should not diminish property values in the neighborhood. Many other houses in the neighborhood have 1 and 2 car garages as well.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- 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.

If the variance is not granted, the owners will not be able to enjoy the use of the garage and the easing of automobile and driveway maintenance in New England winter weather. As the owner's age this will make physical maintenance of the property more difficult.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

N/A

**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.*

*Michael J. O'Sullivan*  
Signature of applicant

5/26/16  
Date

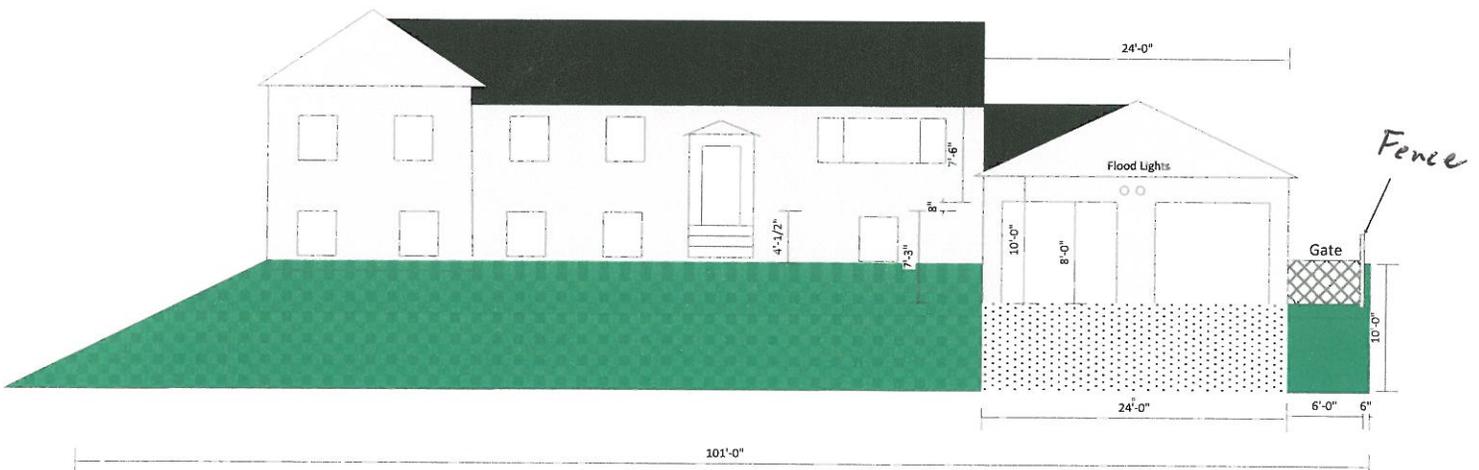
The staff report for a Use Variance request will be available no later than Friday of the week before the ZBA meeting. If you would like a copy, please indicate below:

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

Garage Proposal/Plans  
2 Shelton St, Nashua NH 03062  
Michael O'Loughlin  
5/21/16

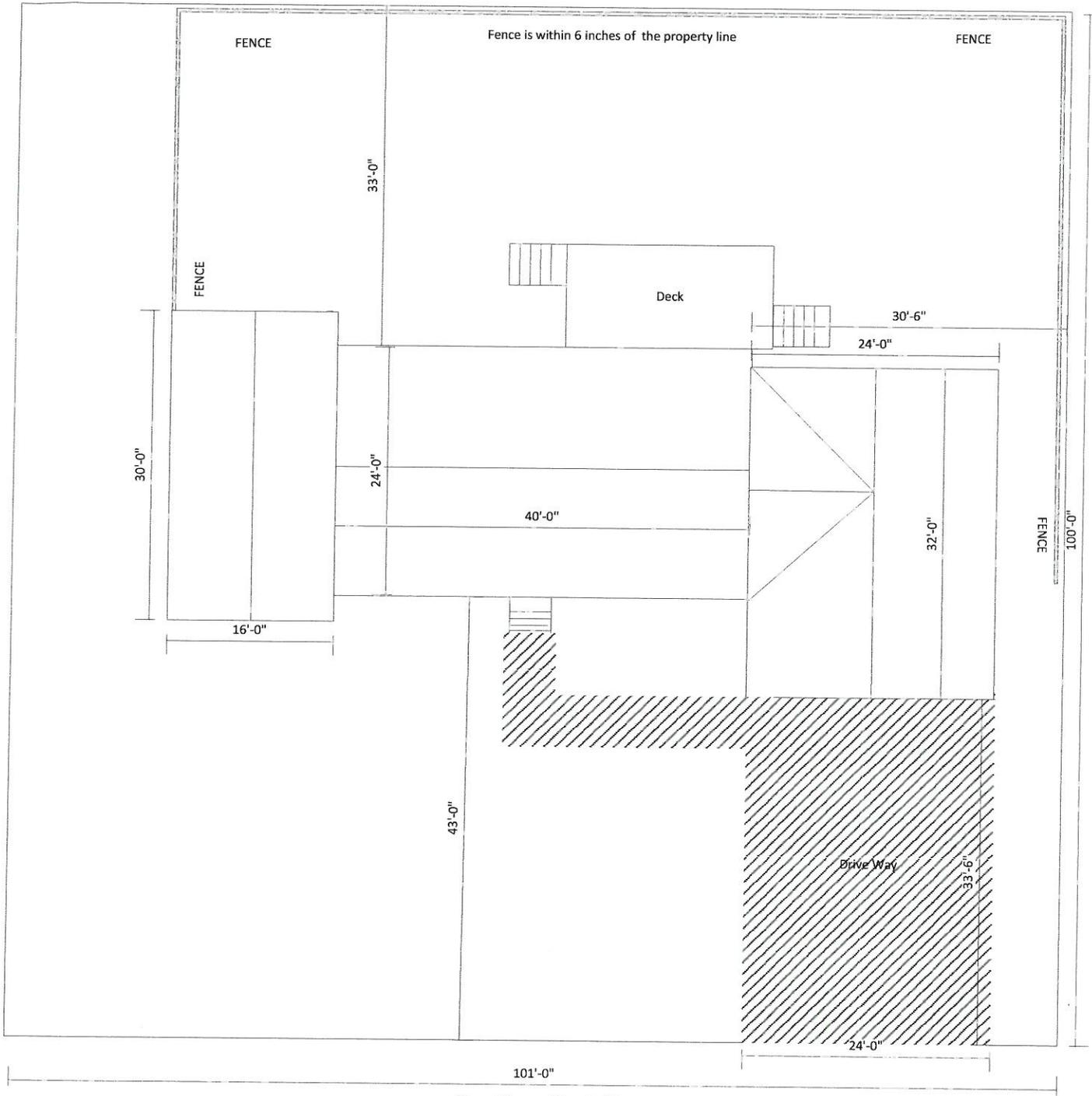
Description of work

1. To build a 24 ft by 32 ft garage
  - a. To be built in such a way that no support posts will be put on the garage floor in the parking area.
  - b. This includes external siding and roofing.
  - c. Garage Floor to be made with reinforced concrete to reduce cracking.
  - d. Existing basement floor and garage floor will be at the same level.
2. Cut and install finished door/doorway into the basement per attached drawing. Repair sheet rock as needed.
3. Window in living room and kitchen on garage side may have to be removed and wall repaired and finished.
4. Electrical
  - a. Garage
    - i. Flood light (LF) on front of the garage controlled by two light switches per plan (SF)
    - ii. 6 120V outlets (x)
    - iii. 6 light fixtures (L1x) in the garage controlled by three switches (s1)
  - b. Basement
    - i. Two light switches (S2) to control over head light in basement room that has a door to the garage.
5. Back Deck
  - a. Add second set of stairs to existing deck per plan
6. Gate
  - a. Add chain link gate or gates on the side of the garage to the existing fence.



Front of House





Top View, Yard, Plot

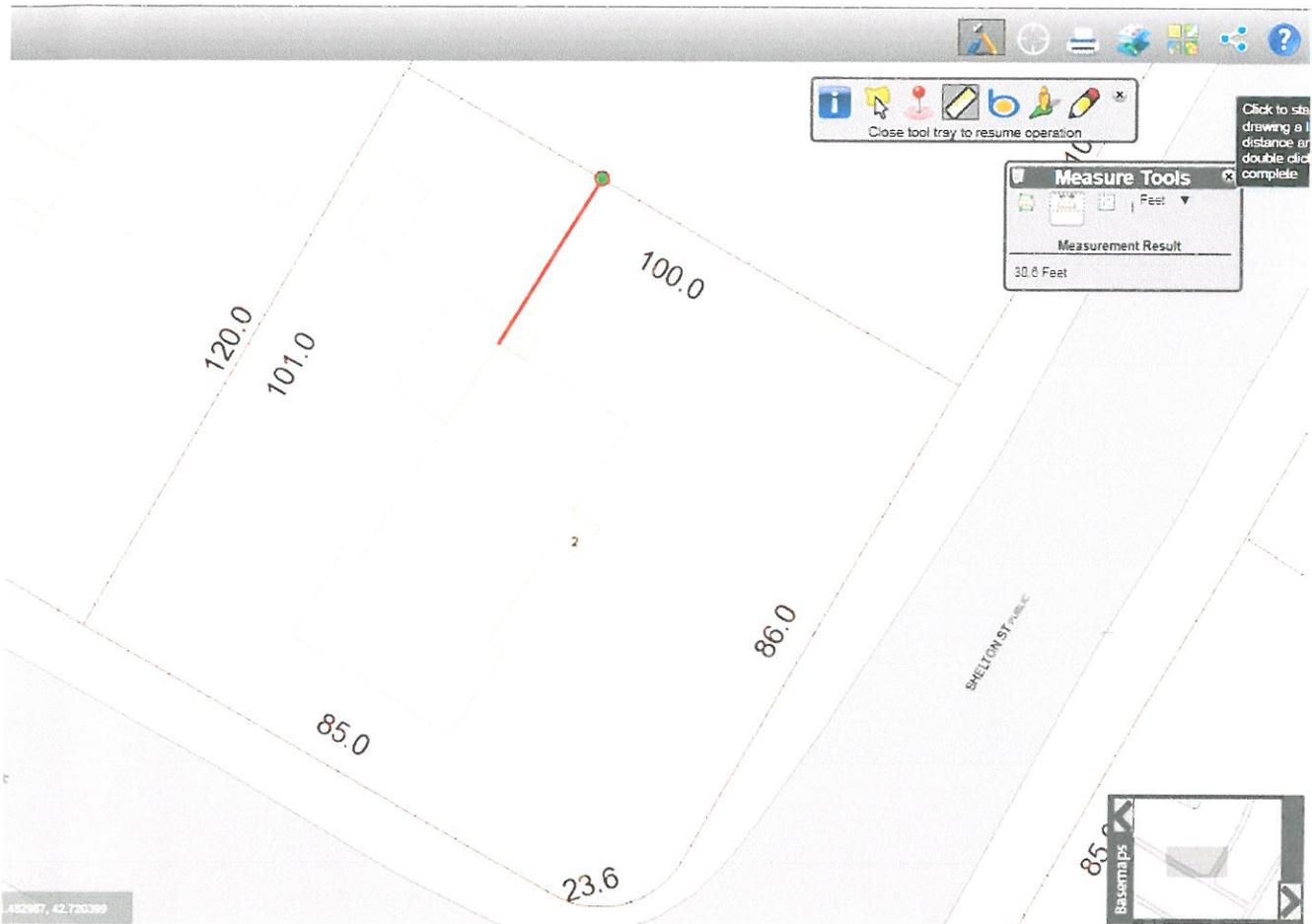
**CITY OF NASHUA PLANNING DEPARTMENT**

I, the undersigned, certify that to the best of my knowledge, this plan accurately depicts existing and proposed site conditions as it pertains to my application before the Zoning Board of Adjustment.

Owner/applicant signature: *Michael J. Douglas*

Date: 5/26/16

# GIS Plot Plan



# Photo of House



Property Line on Proposed Garage Side of the House

1. Fence is within the property line



Rear Property Marker behind fence



Picture of top fence from back of property



Measured Front Property Corner/Line



Shortest Distance to the Fence from the House 30 ft, 1in.



Side Property lines drawn in from aerial view with yellow lines.

142003

91 OCT -4 PM 3:35

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS that we, Edwin C. Blease and Janice A. Blease, husband and wife, for consideration paid, grant to Michael J. O'Loughlin and Joanne L. Kijanka of 2 Shelton Street, Nashua, New Hampshire 03062 as joint tenants with rights of survivorship with WARRANTY COVENANTS, the following:

The land with the buildings thereon situated in Nashua, Hillsborough County, New Hampshire, being shown as Lot 149 on a plan of land entitled "Subdivision Plan 'Hilton Development, Inc.', Carriage Hill, Nashua, N.H." dated August, 1967, A.E. Maynard, Civil Engineer, Revised February 220, 1969, which plan is recorded with Hillsborough County Registry of Deeds as Plan No. 4049, and bounded and described according to said plan as follows:

Beginning at a point on the West line of Shelton Street as shown on said plan, at the Southeast corner of Lot 165 as shown on said plan and at the Northeast corner of the premises; thence running

NORTH 59 degrees 38' West along the South line of said Lot 165, one hundred (100.00) feet to a point; thence turning and running

SOUTH 30 degrees 22' West along the East line of said Lot 143 as shown on said plan, one hundred and one and 0/10 (101.0) feet to a point on the North line of Norwich Road as shown on said plan; thence turning and running

SOUTH 59 degrees 38' East along the North line of said Norwich Road, eighty-five (85.0) feet to a point; thence running

By a curve having a radius of 15.0 feet forming the intersection of said Norwich Road and said Shelton Street, twenty-three and 5/10 (23.5) feet; to a point on the West line of said Shelton Street; thence turning and running

NORTH 30 degrees 22' East along the West line of said Shelton Street, eighty-six (86.0) feet to the point of beginning.

Containing 10,050 square feet: more or less according to said plan.

Said premises are conveyed subject to Protective Covenants recorded with said Registry of Deeds in Volume 2006, Page 145, and Volume 2001, Page 275 which refer to Plan No. 3678 of said Registry of Deeds; also conveyed subject to easements to New England Telephone & Telegraph Company and to the Public Service Company of New Hampshire, recorded with said Registry, Volume 1967, Page 478, and Volume 1987, Page 406.

5287 PG911



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 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 6 Acacia St  
 Zoning District \_\_\_\_\_ Sheet \_\_\_\_\_ Lot \_\_\_\_\_

b. VARIANCE(S) REQUESTED TO Encroach 2' INTO a 30' rear yard setback

**2. GENERAL INFORMATION**

a. APPLICANT / OPTIONEE (List both individual name and corporate name if applicable)  
Morgan Exteriors LLC  
 Applicant's signature [Signature] Date 5/31/16  
 Applicant's address 78 Londonderry turnpike unit E1 Hooksett NH 03106  
 Telephone number (home) \_\_\_\_\_ (work) 603 895 2092

b. PROPERTY OWNER Doug & Dorothy Yang  
 Owner's signature [Signature] Date \_\_\_\_\_  
 Owner's address 6 Acacia St  
 Telephone number (home) 603-883-1779 (work) 603 459-9345

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

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 Sunroom addition would contribute to neighborhood growth, design / Appeal and add to the value of the home as well as the neighborhood by increasing living 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.")

The proposed addition does not conflict with the purpose of ordinance. There are houses of all sizes and design in the neighborhood. The distance from the public way would not cause any public, health or safety issues.

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 a 2' variance regarding the rear setback would allow the property owner to build a 14x10 sunroom on the rear of the house were it is most functional and aesthetically pleasing to the design of the property.

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 sunroom would add market value to the dwelling, increased footage to the home and add a new look to the home and improve the neighborhood.

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 no other functional place to add  
sunroom to home that is useable and will also create  
a safe exit from the home with new landing  
and stairs.

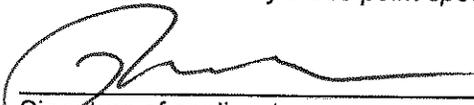
**4. USE VARIANCE ADDITIONAL INFORMATION**

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

5/31/16  
\_\_\_\_\_  
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 \_\_\_\_\_



# THE CITY OF NASHUA

Community Development Division  
Planning Department

"The Gate City"

May 24, 2016

Mr. and Mrs. Young  
6 Acacia St  
Nashua, NH 03060

**Re: Letter of Application Determination**

Dear Mr. and Mrs. Young,

The Zoning Department has recently received your Land Use permit to construct a 10' x 14' screen room with a 6' x 6' deck with stairs and 4' x 4' landing.

There are a number of Land Use Code requirements that are reviewed for compliance when you submit your application, such as, dimensional setbacks from property lines, open space for the lot, accessory use percentage, and compliance with the Wetlands Ordinance as well as compliance with the Floodplain Management Ordinance.

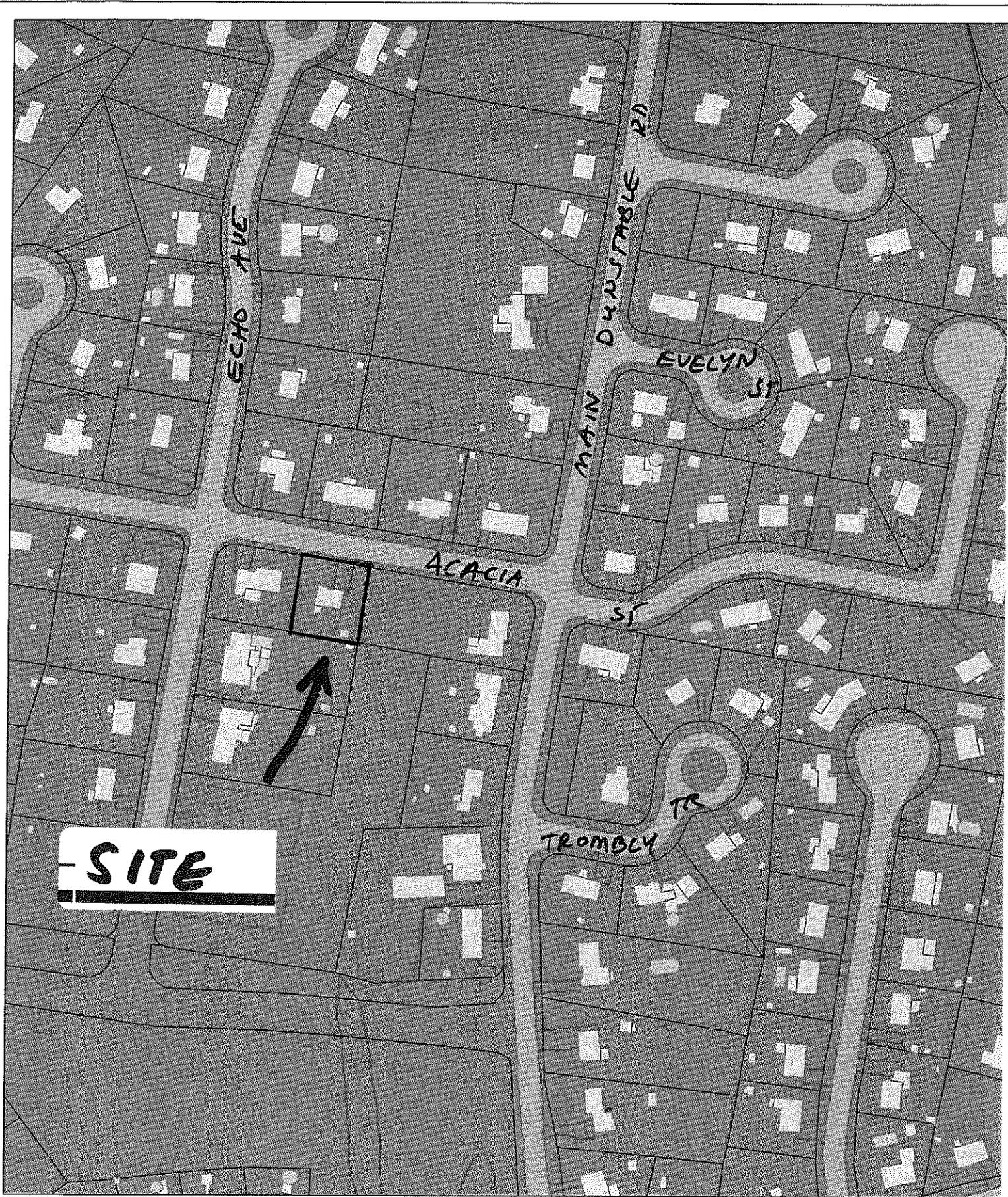
After reviewing your application it has been determined that based on current Land Use ordinances, before the application can be approved it will require additional approvals with the Zoning Board of Adjustment because the request does not comply with the rear yard setback requirement of 30'. To avoid the Zoning Board the screen room will need to be reduced to 8' x 14' and the stairs will need to be reconfigured to the house side of the 6' x 6' deck.

I have enclosed a Variance application, for your use, the fee is \$ 345.00, the request is to encroach 2' into a 30' rear yard setback, to construct a 10' x 14' screen room with stairs and a landing.

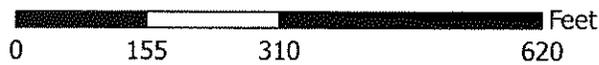
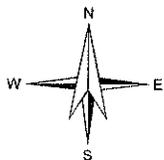
Sincerely,

Marcia Wilkins  
Planner I, Planning & Zoning Department

Cc: Property Account File  
Building Safety Department



### 6 Acacia Street



1 inch = 227 feet





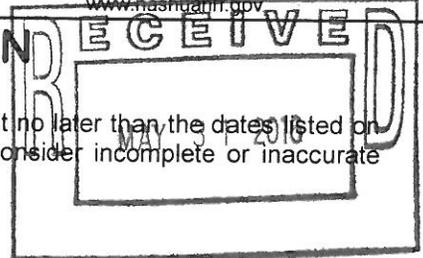


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www.nashua.nh.gov

**VARIANCE APPLICATION RECEIVED**



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**1. VARIANCE INFORMATION**

- a. ADDRESS OF REQUEST 79 West Groton Road  
 Zoning District R-40 Sheet D Lot 312
- b. VARIANCE(S) REQUESTED  
See attached

**2. GENERAL INFORMATION**

- a. APPLICANT / OPTIONEE (List both individual name and corporate name if applicable)  
Christopher M Ward  
 Applicant's signature [Signature] Date 5/30/2016  
 Applicant's address 79 West Groton Road, Nashua NH 03062  
 Telephone number (home) (603) 521-2003 (work) \_\_\_\_\_
- b. PROPERTY OWNER Christopher M Ward, Sarah K Ward  
 Owner's signature [Signatures] Date 5/30/2016  
 Owner's address 79 West Groton Road, Nashua NH 03062  
 Telephone number (home) (603) 521-2003 (work) \_\_\_\_\_

Case number \_\_\_\_\_ Application Deadline \_\_\_\_\_ Date Received 5/31/16 Date of hearing 6/23/16  
 Notices: Newspaper  Abutters  Board Action \_\_\_\_\_  
 \$ \_\_\_\_\_ fee  Date Paid \_\_\_\_\_ Receipt # \_\_\_\_\_  
 \$ \_\_\_\_\_ application fee  Date Paid \_\_\_\_\_ Receipt # \_\_\_\_\_  
 \$15 signage fee  \$100 recovery fee  Date Paid \_\_\_\_\_ Receipt # \_\_\_\_\_

2016-00104

3. PURPOSE OF REQUEST

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

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

See attached.

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

See attached.

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

See attached.

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

See attached.

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- 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.

See attached.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**4. USE VARIANCE ADDITIONAL INFORMATION**

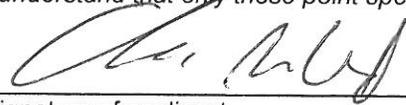
Please answer all questions below that are applicable. Your answers to these questions will allow staff to better understand your request.

- a. Total number of employees 2 Number of employees per shift 1
- b. Hours and days of operation No set hours. 15-20 hours per week anticipated inside farm
- c. Number of daily and weekly visits to the premises by customers, clients, vendors and solicitors 4 weekly
- d. Number of daily and weekly commercial deliveries to the premises 2 weekly
- e. Number of parking spaces available 4
- f. Describe your general business operations  
See attached.

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

*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

5/30/2016  
\_\_\_\_\_  
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 chris@OasisSpringsFarm.com
- Please mail it to me at \_\_\_\_\_

**Zoning Variance Application**  
**79 West Groton Road**  
**Sheet D, Lot 312**

**1.b. VARIANCE(S) REQUESTED**

For Major Home Occupation, we require four variances to the conditions outlined in 190-47B of the code. I am listing the conditions here but will refer to them using their condition number throughout the rest of this application.

**(B2)** -No more than 30% of the gross floor area of the dwelling or 300 square feet, whichever is less

**(B3)** -The use shall be carried on strictly within the principal building.

**(B4)** -The use will not change the internal or external residential character or function of the dwelling to the extent that the use will be objectionable to other residential uses in the neighborhood.

**(B5)** - There shall be no exterior storage or display of any kind which is related to the home occupation.

**3.1 Granting of the requested variance will not be contrary to the public interest.**

(B2) The gross floor area that we are requesting is 320 sf, which is 20sf or 6% more additional space. We feel this will not be contrary to public interest because the additional space is so small.

(B3 & B5) We would be utilizing a shipping container to do the hydroponic farming. The farming would take place inside the container. There would be no activity going on outside except to load the produce from the container into our minivan. Our expectation is that people would not know that the container is being used for a business – it would be indistinguishable from a container or shed that is used for storage.

(B4) Although it is not typical to have a shipping container on a residential property, we believe that in this case it would not be contrary to public interest because to will be hidden from view as much as possible and will be barely noticeable.

**3.2 The proposed use will observe the spirit of the ordinance.**

(B2) The small difference in size of square footage is so small that the spirit of the would be unaffected.

(B3 & B5) My understanding is that a home occupation is supposed to be inside the principal building so that the business is not noticeable to the neighborhood. We are proposing to operate the business outside the main building however since we have no customers, will make no noise nor have additional traffic, the business will not be noticeable to the neighborhood and in fact would be less noticeable than many home businesses that do operate inside the primary building.

(B4) Although it is not typical to have a shipping container on a residential property, we believe that in this case it would observe the spirit of the ordinance because to will be hidden from view as much as possible and will be barely noticeable.

**3.3 Substantial justice would be done to the property-owner by granting the variance.**

(B2) We are proposing to operate inside a recycled shipping container. We will be purchasing this shipping container which has been refurbished and out fitted with state of the art hydroponics and environmental control equipment. The shipping container only comes in one size – 8’ by 40’ which calculates to 320sf. Without this variance we would be unable to operate the business in the shipping container which would fundamentally change our business plan.

(B3 & B5) We’re trying to help with the local food movement, eating healthier and fresher produce rather than shipping it across the country. Starting a small business is difficult and time consuming –By having the farm on our property it will allow my wife to work flexible hours while still taking care of our two young boys.

(B4) Although it is not typical to have a shipping container on a residential property, we believe that in this case the variance would serve justice to the owner because it will be hidden from view as much as possible and will be barely noticeable the neighbors.

**3.4 The proposed use will not diminish the values of surrounding properties.**

79 West Groton Road is located on a street that has many different styles of properties built over many years. I do not believe that container would be out of character to the point that property values would diminish. In addition, we will be making every effort to make sure the container does not stand out by placing it in a location where it is concealed by natural vegetation. If the container does stand out more than we expect we would take action to camouflage it.

**3.5 Special conditions exist such that literal enforcement of the ordinance results in unnecessary hardship.**

The type of home occupation that we are doing is a hydroponics farm that produces a large quantity of vegetables in a small footprint of space. Even though hobbyists may utilize their basement for hydroponics, a house is not a suitable for commercial hydroponic growing. A separate structure where the environment can be 100% controlled is what makes this business idea feasible. Since the neighborhood should not notice any difference if we were farming in our basement verses inside an external structure we believe it is not “fair and reasonable” to restrict to the primary building.

**4.f. Describe your general business operations**

We plan to grow leafy vegetables and herbs using hydroponics. To achieve this, we plan to purchase a refurbished shipping container that has been outfitted with state of the art hydroponics equipment.

Noise -The only noise created by the container is a small mini split air-conditioning unit which is no louder than a typical residential window air conditioner.

Electricity - The container uses approximately 80 kWh per day for lights and AC. It plugs into the same type outlet that a large RV would use.

Water - The unit uses on average less than 10 gallons a day. That is less than a 5-minute shower. The water system is a closed loop system and continually reuses the water. Depending on the dehumidifier setting we add water every couple weeks. Once every 3 months we completely drain the system and put in fresh water. For comparison, I change the water in my hot tub every 3 -4 months and it uses about the same amount of water as the hydroponic container per year.

Waste Water - Water is typically drained into the ground. The waste water only contains the

nutrients that we feed the plants with. If I had an outdoor garden, we would use this to water that garden. When we approach the time to change water we turn the dehumidifier off and do not add water for the last couple weeks so there is only about 30 gallons to drain. For comparison, I let my 400-gallon hot tub drain into the backyard. We have both city water and a separate well on our property (currently well is only used for irrigation system).

The vegetables would be planted as seeds and be harvested approximately six weeks later. When it is time to harvest the produce, it would all be done inside the shipping container, including packaging. The boxes would then be loaded into our van for delivery to produce wholesalers or restaurants. All activity would take place inside the container and because of the environmental controls, the door would remain shut at all times. The only goods we would be selling would be those grown on premises.

**4.g. Describe any proposed site renovations**

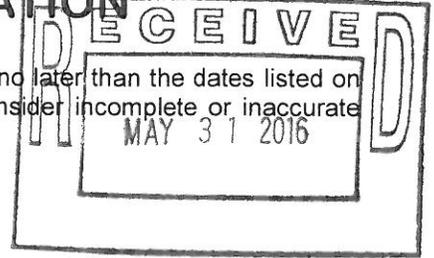
The container would be located behind our existing carport. To create this space, we would need to remove several large pine trees. We picked this location because we believe it to be the most private area on our property and therefore would have the least visual impact on our neighbors. This area is heavily shaded and there is little ground level vegetation. All the main trees that need to be cleared have no branches lower than 50' to the ground. To the west and north is a buffer of trees with low level leafs and branches that provides a year round visual buffer from the Groton Woods development. The smallest footprint possible would be cleared of trees, leveled and a cement pad would be poured to place the container on. Power and water would be buried underground through our back yard from our house. There would be no sign for the business. No other site renovations would be performed – the goal is to disrupt as little as possible.



**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

## 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 79 West Groton Road  
 Zoning District R40 Sheet D Lot 312
- b. SPECIAL EXCEPTION(S) REQUESTED  
The special exception being is requested is for a "major home occupation".

**2. GENERAL INFORMATION**

- a. APPLICANT / OPTIONEE (List both individual name and corporate name if applicable)  
Christopher M Ward  
 Applicant's signature *Chris Ward* Date 5/30/2016  
 Applicant's address 79 West Groton Road, Nashua NH 03062  
 Telephone number (home) (603) 521-2003 (work) \_\_\_\_\_
- b. PROPERTY OWNER Christopher M Ward, Sarah K Ward  
 Owner's signature *Chris Ward, Sarah K Ward* Date 5/30/2016  
 Owner's address 79 West Groton Road, Nashua NH 03062  
 Telephone number (home) (603) 521-2003 (work) \_\_\_\_\_

Case number \_\_\_\_\_ Application Deadline \_\_\_\_\_ Date Received \_\_\_\_\_ Date of hearing 6/28/16

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.

See attached

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.

See attached

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?

See attached

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

See attached

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?

See attached

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 2 Number of employees per shift 1

b. Hours and days of operation No set hours. 15 - 20 hours per week anticipated inside farm.

c. Number of daily and weekly visits to the premises by customers, clients, vendors and solicitors 4 weekly

d. Number of daily and weekly commercial deliveries to the premises 2 weekly

e. Number of parking spaces available 4

f. Describe your general business operations

See attached.

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

See attached.

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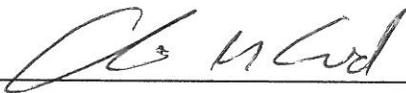
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I hereby acknowledge that I have read this application and state that the above is correct and agree to comply with all the city ordinances and state laws regulating construction.

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



Signature of applicant

5/28/2016

Date

**Special Exception Application**  
**79 West Groton Road**  
**Sheet D, Lot 312**

**3. a. Describe the nature of your proposal.**

The major home occupation will be an indoor hydroponics farm. We would be growing year round lettuce and herbs that would be sold to restaurants and produce wholesalers.

**3.b. Does your proposal involve the physical construction or expansion of a structure?**

The farm would operate inside an 8' x 40' (320sf) shipping container. This container would be placed on our property and follow all local building codes, setbacks and open space requirements. West Groton Road has several properties with barns, garages or other detached structures of comparable sizes.

**3.c. Do you anticipate the need for additional on-site parking space as a result of your proposal?**

Our driveway accommodates several parked cars. However, we do not anticipate that parking will be an issue. Except for the occasional privately scheduled tour, there will be no customers onsite. We anticipate that most of the work will be performed by our family members who already reside at home (wife and kids). Once the business gets operational we may have one additional employee who helps harvest.

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

None - The traffic would be indistinguishable from typical traffic to and from a residence. Incoming deliveries are estimated at once per week and would arrive by UPS or FedEx (seeds, nutrients, packaging material, etc.). Outgoing deliveries would be two to three times per week. If we could find a produce wholesaler that would do pickups, we would take advantage of that if their delivery vehicle were the size of a UPS truck however we have not found such a wholesaler. Instead we plan on doing deliveries initially using our existing personal minivan. In the future we envision a small delivery vehicle like a van or Ford Transit.

**3.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?**

We believe that the proposal will not impair the integrity or be out of character of the neighborhood. We do not plan on having customers, there should be little to no activity outdoors and no noise compared to a typical residence. Our goal is to give people walking by no indication that there is anything going on in the property besides that of a normal residence. You will still see our kids playing baseball in the back yard and basketball in the driveway. However, we understand that a shipping container permanently placed on a property is not typical for residential zoning. For that reason, we plan on placing the container in a location where it will be hidden to neighbors as much as possible. On three sides there is at least a 60' buffer of trees. The other side (street side) will be blocked by our existing carport. In addition, we will be painting the container so that it does not stand out. From West Groton Road or Diamondback Avenue the container will be barely visible to people walking or driving by. The

only way to really see it would be to stop, stare through the trees and possibly walk into the woods for a better view.

**4.f. Describe your general business operations**

We plan to grow leafy vegetables and herbs using hydroponics. To achieve this, we plan to purchase a refurbished shipping container that has been outfitted with state of the art hydroponics equipment.

Noise -The only noise created by the container is a small mini split air-conditioning unit which is no louder than a typical residential window air conditioner.

Electricity - The container uses approximately 80 kWh per day for lights and air conditioning. It plugs into the same type outlet that a large RV would use.

Water - The unit uses on average less than 10 gallons a day. That is less than a 5-minute shower. The water system is a closed loop system and continually reuses the water. Depending on the dehumidifier setting we add water every couple weeks. Once every 3 months we completely drain the system and put in fresh water. For comparison, I change the water in my hot tub every 3 -4 months and it uses about the same amount of water as the hydroponic container per year.

Waste Water - Water is typically drained into the ground. The waste water only contains the nutrients that we feed the plants with. If I had an outdoor garden, we would use this to water that garden. When we approach the time to change water we turn the dehumidifier off and do not add water for the last couple weeks so there is only about 30 gallons to drain. For comparison, I let my 400-gallon hot tub drain into the backyard. We have both city water and a separate well on our property (currently well is only used for irrigation system).

The vegetables would be planted as seeds and be harvested approximately six weeks later. When it is time to harvest the produce, it would all be done inside the shipping container, including packaging. The boxes would then be loaded into our van for delivery to produce wholesalers or restaurants. All activity would take place inside the container and because of the environmental controls, the door would remain shut at all times. The only goods we would be selling would be those grown on premises.

**4.g. Describe any proposed site renovations**

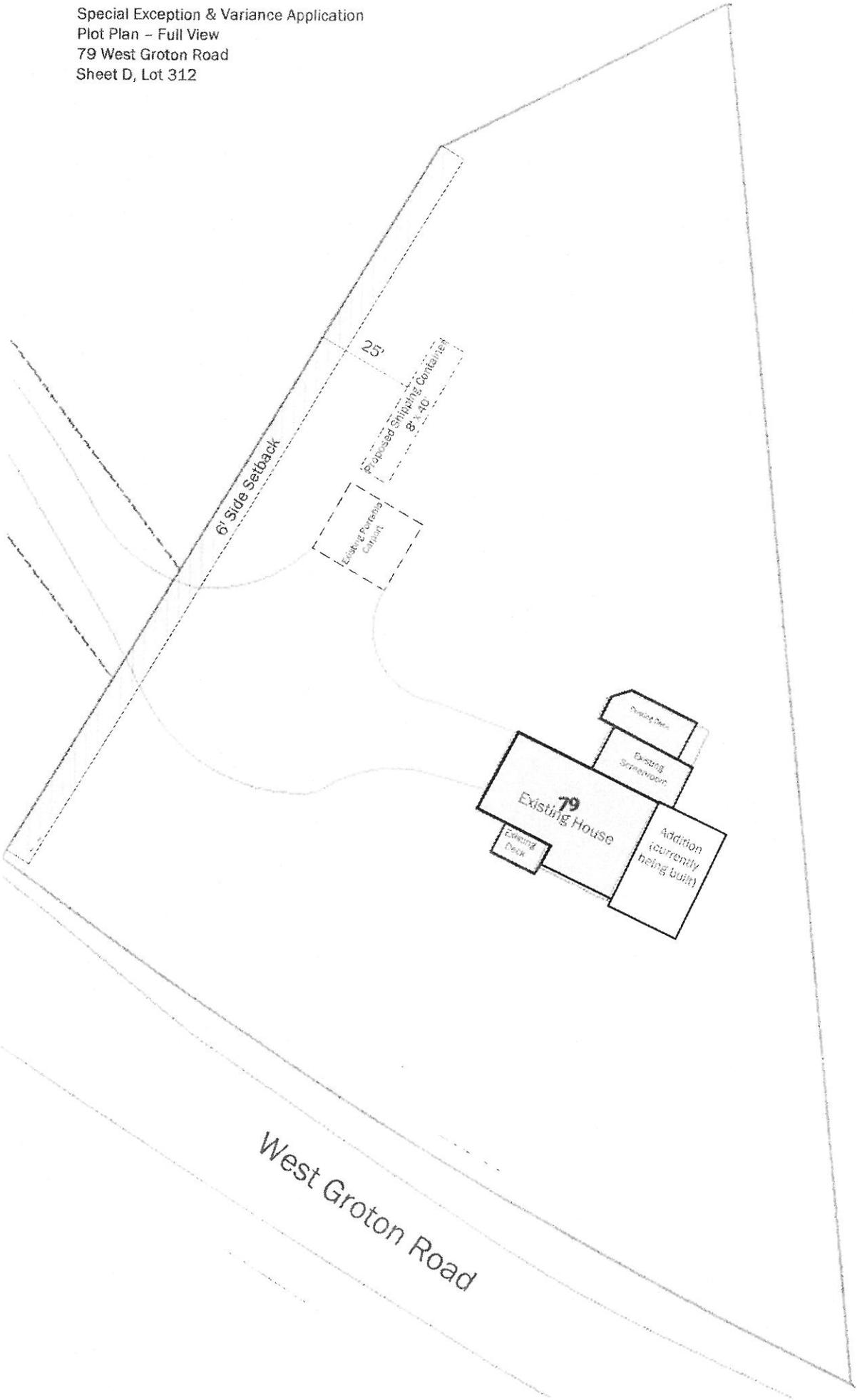
The container would be located behind our existing carport. To create this space, we would need to remove several tall pine trees. We picked this location because we believe it to be the most private area on our property and therefore would have the least visual impact on our neighbors. This area is heavily shaded and there is little ground level vegetation. All the main trees that need to be cleared have no branches lower than 50' to the ground. To the west and north is a buffer of trees with low level leafs and branches that provides a year round visual buffer from the Groton Woods development. The smallest footprint possible would be cleared of trees, leveled and a cement pad would be poured to place the container on. Power and water would be buried underground through our back yard from our house according to building codes. There would be no sign for the business. No other site renovations would be performed – the goal is to disrupt as little as possible.

**CITY OF NASHUA PLANNING DEPARTMENT**

I, the undersigned, certify that to the best of my knowledge, this plan accurately depicts existing and proposed site conditions as it pertains to my application before the Zoning Board of Adjustment.

Owner/applicant signature:

Date: 9/31/2016

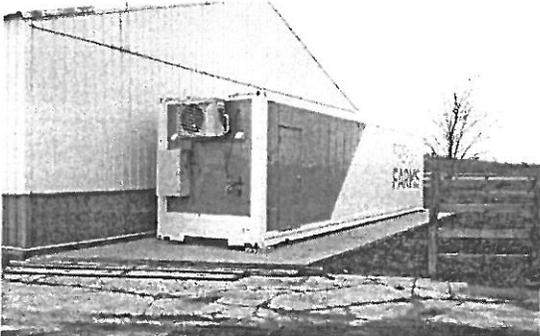




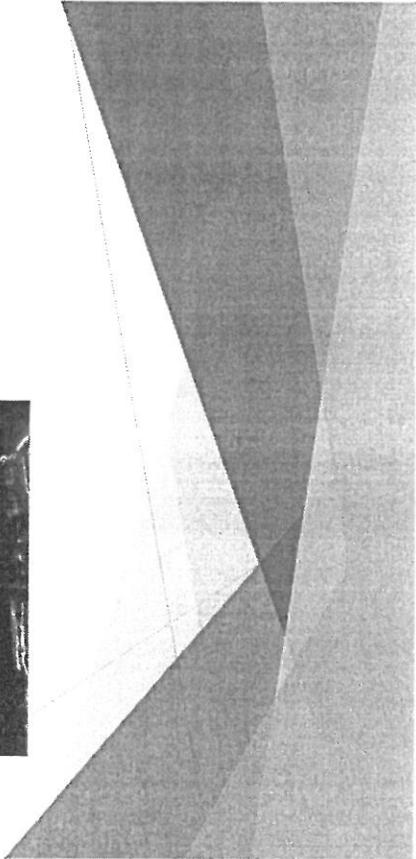
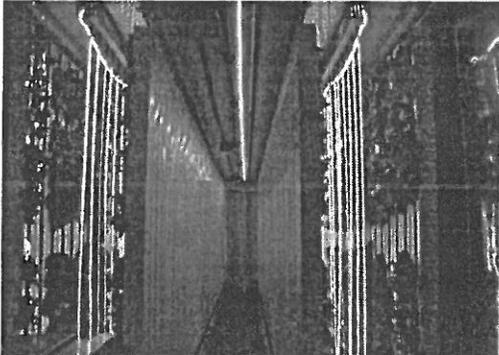
# Oasis Springs Farm

# What are we Proposing?

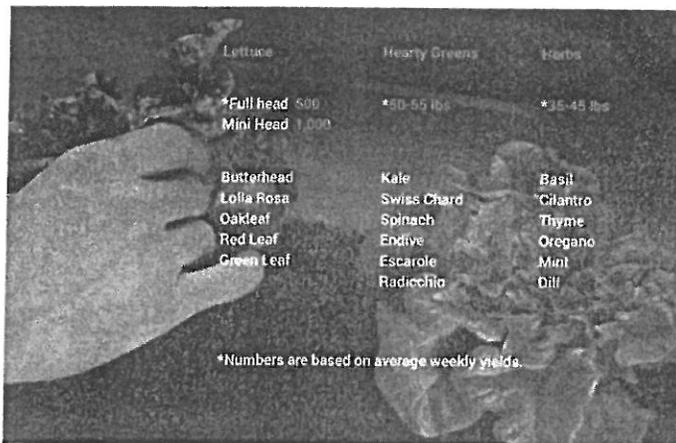
▶ Outside



▶ Inside



## What does it do?



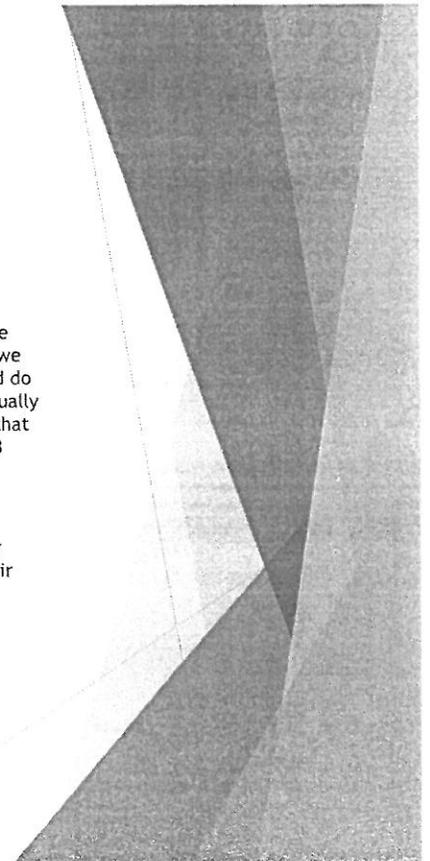
Lettuce	Hearty Greens	Herbs
*Full head 500 Mini Head 1,000	*50-55 lbs	*35-45 lbs
Butterhead Lolla Rosa Oakleaf Red Leaf Green Leaf	Kale Swiss Chard Spinach Endive Escarole Radicchio	Basil Cilantro Thyme Oregano Mint Dill

\*Numbers are based on average weekly yields.

- ▶ Designed to grow leafy greens and herbs.
- ▶ Capable of producing 1000 mini heads of lettuce per week.
- ▶ Planning to sell directly to produce wholesalers.
- ▶ To start, we'd most likely be using our personal minivan to make 1 to 2 deliveries per week.
  - ▶ Ideally, we'd love the whole seller to pick up at our location but we haven't found anyone willing to do that.
- ▶ No customers would come on site.

## Impact on Neighborhood

- ▶ Visual Impact
  - ▶ Over 60' of tree buffer on three sides - plus the carport in front to block view.
  - ▶ We would paint a dark green, same as our car port. This makes it stand out less through the trees.
- ▶ Customers
  - ▶ There will be no customers coming onsite.
- ▶ Employees
  - ▶ Our plan is that only my family would work here. It is possible that in the future we have a high school student from the abutting neighborhood to help with harvesting.
- ▶ Delivery
  - ▶ We're planning on doing deliveries to produce wholesaler using our personal minivan. If we could find a produce distributor that would do pickups we'd do that but none of them actually do that. Regardless, my understanding is that a minor home occupancy allows for up to 3 deliveries per week.
- ▶ Noise
  - ▶ There is no noise except an air conditioner which is no louder than a typical window air conditioner.



## Impact on Neighborhood (cont.)

### ▶ Electricity

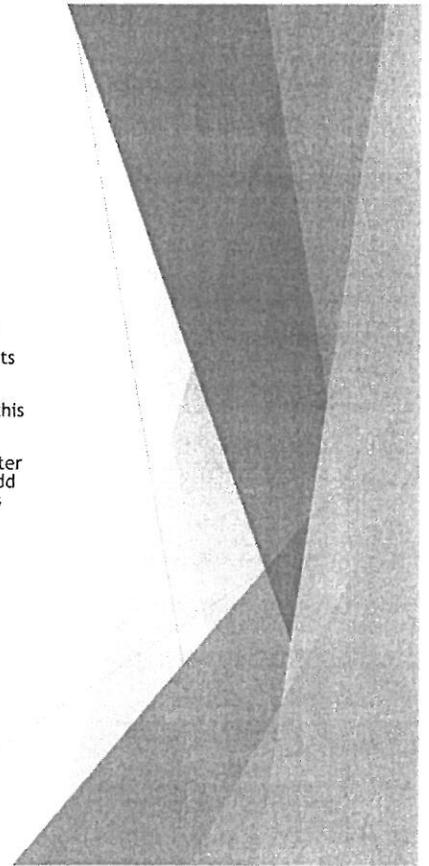
- ▶ The container uses 80 kWh per day. It plugs into the same type of outlet that a large RV would use.

### ▶ Water

- ▶ The unit uses on average less than 10 gallons a day. That is less than a 5-minute shower.
- ▶ The water system is a closed loop system and continually reuses the water.
- ▶ Depending on the dehumidifier setting we add water every couple weeks.
- ▶ Once every 3 months we completely drain the system and put in fresh water.
- ▶ For comparison, I change the water in my hot tub every 3 -4 months and it uses about the same amount of water as the hydroponic container per year.
- ▶ We have both city water and a separate well on our property (currently well is only used for irrigation system).

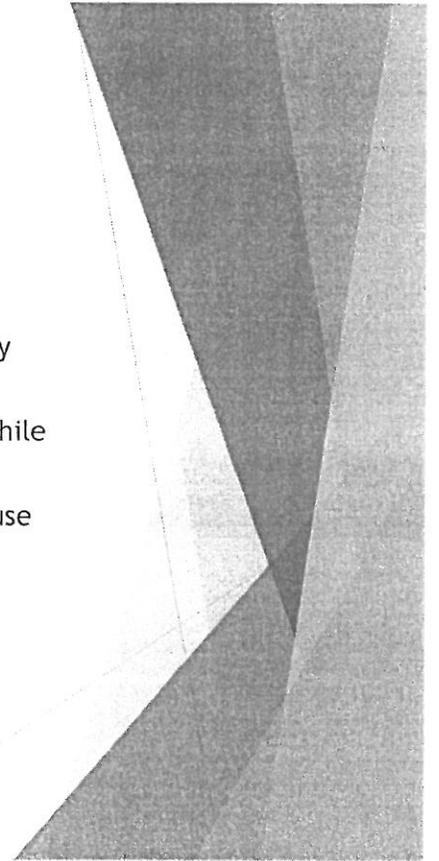
### ▶ Waste Water

- ▶ Water is typically drained into the ground.
- ▶ The waste water only contains the nutrients that we feed the plants with.
- ▶ If I had an outdoor garden, we would use this to water that garden.
- ▶ When we approach the time to change water we turn the dehumidifier off and do not add water for the last couple weeks so there is only about 30 gallons to drain.
- ▶ For comparison, I let my 400 gallon hot tub drain into the backyard.

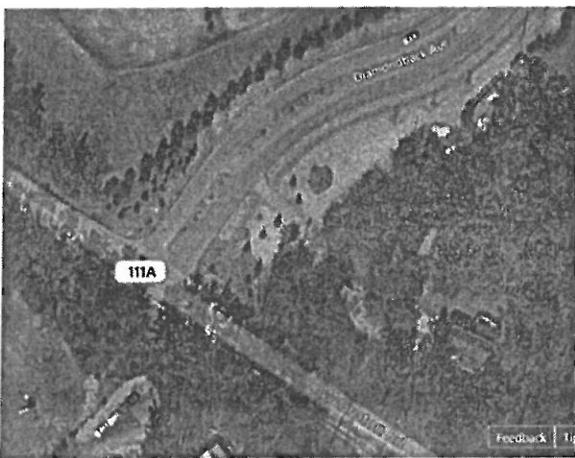


## Why are we proposing this on our home property?

- ▶ This is a part time business.
- ▶ Profits are small until you get 3 -4 containers. Having on our home property helps saves expenses.
- ▶ Having it on our property would make it feasible for us to work the farm while I work full time and my wife is taking care of our young children.
- ▶ As the kids get older and start going to school longer, we can expand because we will have more time.
- ▶ I really believe there will be no *real* negative neighborhood impact.
- ▶ I believe the property can support three containers.
- ▶ If we need to grow larger, we would move offsite to another location.

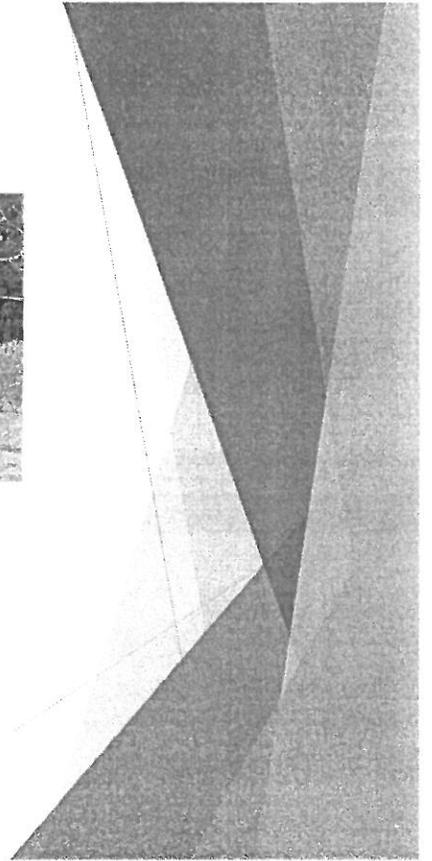


## Overhead Pictures of Location

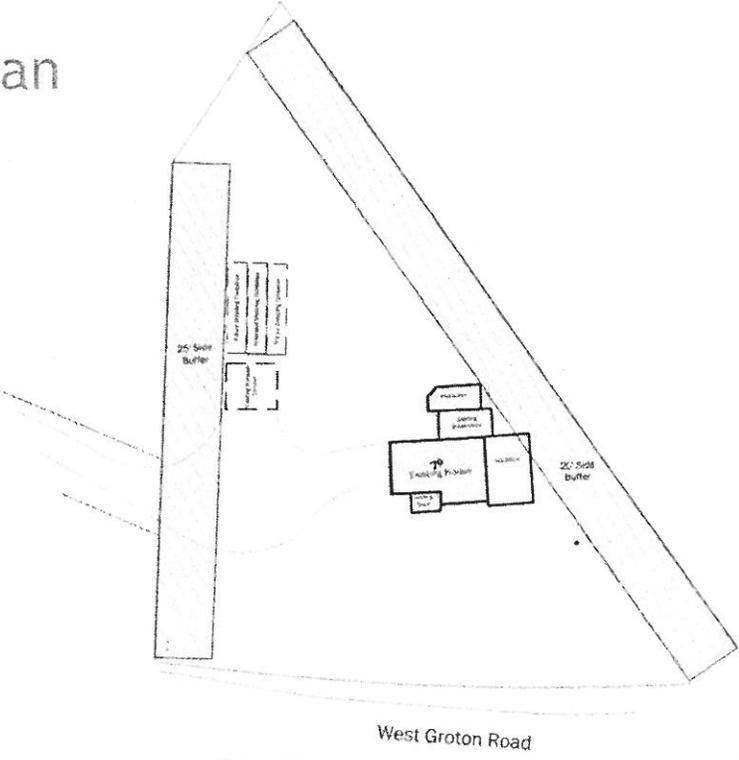


Red shows proposed location of container

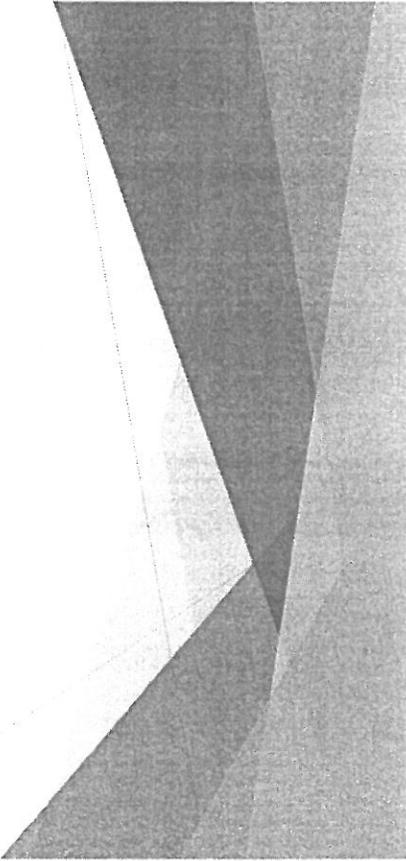
View from Diamond Back Ave.



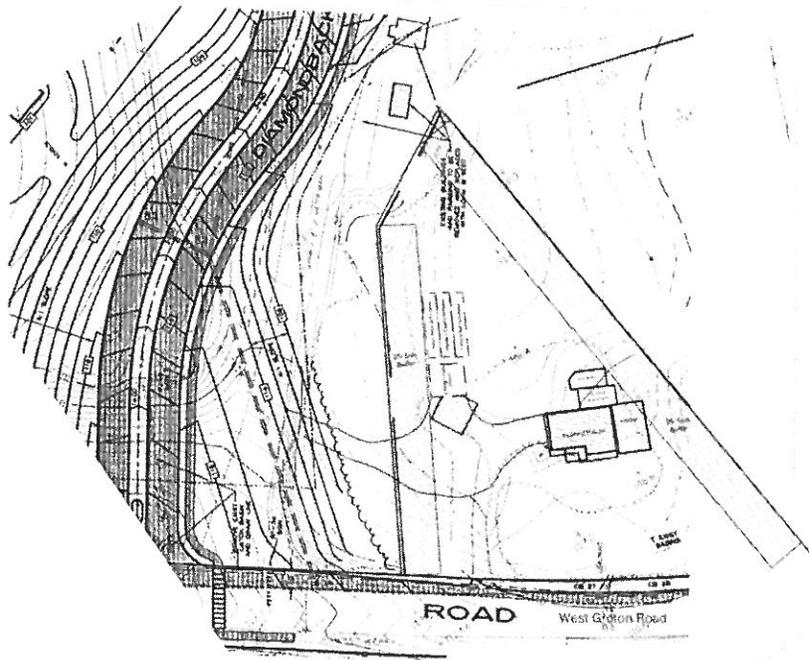
# Plot Plan



# Plot Plan - Zoomed in



# Plan overlaid on Groton Woods Site Plan



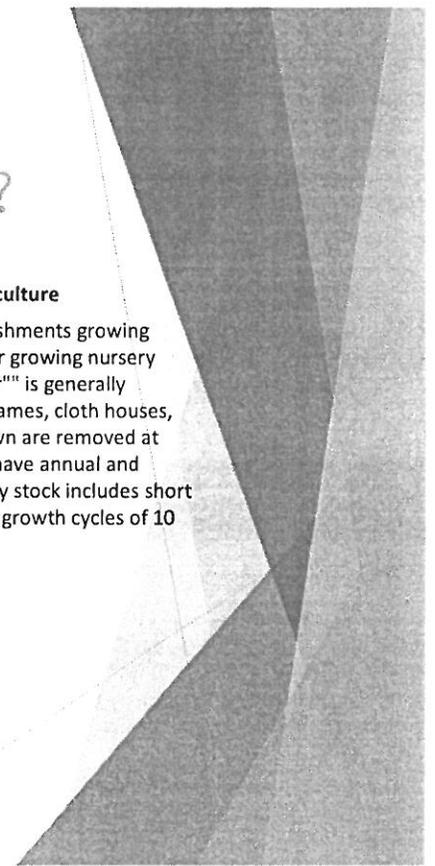
Zoning?

Is this really a commercial Greenhouse?

Agriculture							
279. Agricultural uses including raising crops, orchards, forestry, and related uses other than livestock, unless otherwise listed in this matrix	9100-9165 9300-9510	8100-8300 8700	11	P	P	P	P
280. Animal production and support services	9300-9380	8200		C	-	-	-
281. Forestry, commercial	9400-9430			P	P	-	-
282. Forestry, noncommercial, and growing of all vegetation	9400		113	P	P	P	P
283. Greenhouses, commercial	9140	8500	1114	C	C	C	-
284. Hatcheries and poultry houses	9340	8220		-	-	-	-
285. Kennels, animal pounds and shelters	6730	8700	81291	C	C	-	-
286. Livestock sales, and markets	9200			-	-	-	-
287. Livestock, noncommercial raising and keeping of livestock, horses and poultry, the raising of swine or fur animals for commercial use	9100-9165 9300-9510	8100-8300 8700	11	P	P	C	-

**9140 Greenhouse, nursery, and floriculture**

This category comprises establishments growing crops of any kind under cover or growing nursery stock and flowers. "Under cover" is generally defined as greenhouses, cold frames, cloth houses, and lath houses. The crops grown are removed at various stages of maturity and have annual and perennial life cycles. The nursery stock includes short rotation woody crops that have growth cycles of 10 years or less.



## Must a Site Plan be Required?

- ▶ § 190-133 Conditional use permits.
- ▶ *Purpose: Conditional use permits are authorized by RSA 674:21 II as an innovative land use control. Conditional use permits are like special exceptions in that they require discretionary public hearings for designated uses. Unlike special exceptions, the decision maker is the Planning Board rather than the ZBA.*
- ▶ H. Scope of approval. A conditional use permit shall authorize the applicant to apply for approval of a site plan or subdivision plan, if required, and a building permit and certificate of use and occupancy. Conditions to a conditional use permit shall not be reduced or eliminated unless a new notice is provided prior to the final decision.

**79 West Groton Road – Special Exception and Variance**

View from the sidewalk on Diamond Back Ave. taken, this spring before the leaves came.



**79 West Groton Road – Special Exception and Variance**

Overhead pictures of our property. The red mark is where the container would be located.



RECEIVED  
JUN - 1 2016

**79 West Groton Road – Special Exception and Variance**

This is what the container looks like. However, we would be painting ours a darker color that does not stand out so much and there would be no logo or words on the side. The end with the AC and electrical box would be blocked from view by our car port.



RECEIVED  
JUN - 1 2016



**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  
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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 436 Amherst Street  
 Zoning District AI Sheet H Lot 73
- b. VARIANCE(S) REQUESTED  
To allow an EMC (Electronic Message Center) sign.
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

**2. GENERAL INFORMATION**

- a. APPLICANT / OPTIONEE (List both individual name and corporate name if applicable)  
436 Amherst LLC  
 Applicant's signature [Signature] Date 5/31/16  
 Applicant's address by its attorney, Gerald Prunier, 20 Trafalgar Sq., Nashua, NH 03063  
 Telephone number (home) \_\_\_\_\_ (work) (603) 883-8900
- b. PROPERTY OWNER 436 Amherst LLC  
 Owner's signature [Signature] Date 5/31/16  
 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 6/23/16

Notices: Newspaper  Abutters  Board Action \_\_\_\_\_

\$ \_\_\_\_\_ fee  Date Paid \_\_\_\_\_ Receipt # \_\_\_\_\_

\$ \_\_\_\_\_ application fee  Date Paid \_\_\_\_\_ Receipt # \_\_\_\_\_

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

PUR2016-00105

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.")

There are EMC signs presently existing both in this district as well as in surrounding districts.  
The existence of a new sign would not alter the essential character of the neighborhood.  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

- 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.")

Signs are allowed in the district. The purpose of the EMC sign is to give the public more up-to-date information.  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

- 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 general public will benefit by having the opportunity to be provided with more information.  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

- 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.)

There are many signs in the area. This sign would be no different than the others and as such, would not deteriorate the property values.  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

- 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 character of the neighborhood will not be changed, as this is a commercial area which has many signs.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**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.*

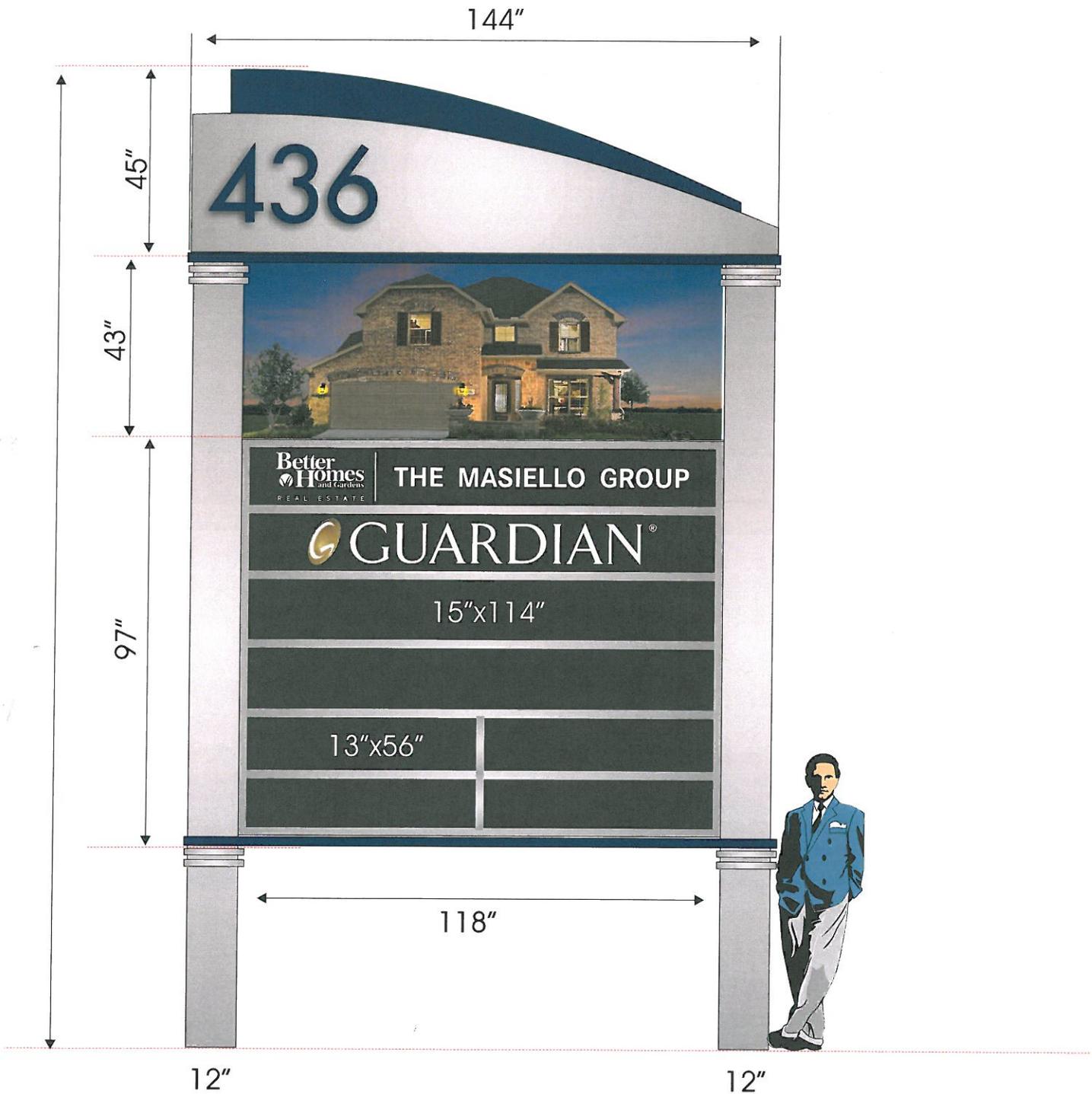
*I understand that only those point specifically mentioned are affected by action taken on this appeal.*

  
Signature of applicant

5/31/16  
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 \_\_\_\_\_



Measurements on this artistic rendering may vary slightly from the actual "AS BUILT" upon final engineering. Color and Resolution in proof are not representative of final project due to individual monitor settings.



# 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](http://www.gonashua.com)

## ZONING BOARD OF ADJUSTMENT

### AMENDED AGENDA

JUNE 28, 2016

1. Stephen J. & Andrea M. Curtis (Owners) 213 Harris Road (Sheet C Lot 501) requesting special exception to allow an accessory (in-law) dwelling unit within existing house. R9 Zone, Ward 9.  
**[TABLED FROM 6-14-16 MEETING]**
2. Michael J. & Joanne L. O'Loughlin (Owners) 2 Shelton Street (Sheet B Lot 1305) requesting variance to encroach 5 feet into the 10 foot required right side yard setback to construct an attached 24'x32' garage. R9 Zone, Ward 9.
3. Douglas A. & Dorothy A. Young (Owners) 6 Acacia Street (Sheet C Lot 1031) requesting variance to encroach 2 feet into the 30 foot required rear yard setback to construct an attached 10'x14' sunroom, with associated 6'x6' deck and 4'x4' landing. R9 Zone, Ward 5.
4. 436 Amherst LLC (Owner) 436 Amherst Street (Sheet H Lot 73) requesting the following: 1) variance to allow an electronic changing message sign; and, 2) to allow electronic changing message sign that would display symbols, graphics and images, where only three lines of text is permitted. AI Zone, Ward 2.
5. Christopher M. & Sarah K. Ward (Owners) 79 West Groton Road (Sheet D Lot 312) requesting the following: 1) special exception for a major home occupation to allow an indoor hydroponics farm contained within a shipping container; and the following variances: 1) to exceed maximum size of home occupation floor area, 300 square feet permitted, 320 square feet proposed, 2) to allow use in a detached accessory building, where it is required that the home occupation be carried on strictly within the principal building, 3) to allow a major home occupation that will change the external residential character of the property, and 4) to have exterior storage or display related to the home occupation. R40 Zone, Ward 5.

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:

April 12, 2016

April 26, 2016

May 10, 2016

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