

1. Zoning Board Regular Meeting Agenda (PDF)

Documents:

[20160726 ZBA AGENDA.PDF](#)

2. 20160726 ZBA Meeting Packet

Documents:

[20160726 1 TARA BLVD.PDF](#)

[20160726 105 LOCK ST.PDF](#)

[20160726 323 DANIEL WEBSTER HWY.PDF](#)

[20160726 485 AMHERST ST.PDF](#)

[20160726 6 AND 8 GIROUARD AVE.PDF](#)

3. Zoning Board Regular Meeting Amended Agenda (PDF)

Documents:

[20160726 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

July 12, 2016

The following is to be published on ROP July 16, 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, July 26, 2016, at 6:30 PM at the Nashua City Hall Auditorium, 3rd floor, 229 Main Street.

1. John J. Flatley Company (Owner) Expose Sign & Graphics, Inc. (Applicant) 1 Tara Boulevard (Sheet A Lot 721) requesting variance to allow for three off-premises sign panels on an existing ground sign - 30 sq.ft for Homewood Suites, located at 15 Tara Boulevard, 30 sq.ft for new restaurant to be built, address undetermined, and 9.3 sq.ft for the Tara Heights Apartments, located at 6-30 Digital Drive. PI Zone, Ward 8.
2. Million Dollar View, LLC (Owner) 6-8 Girouard Avenue (Sheet 47 Lot 198) requesting variance for minimum lot width, 75 feet required, 57.2 feet proposed - to subdivide one lot into two lots. RA Zone, Ward 3.
3. Heritage Baptist Church of Nashua, Inc. (Owner) Heritage Baptist Academy (Applicant) 105 Lock Street (Sheet 41 Lot 49) requesting use variance to allow a school, grades 1-12, within an existing church. GI Zone, Ward 3.
4. Scupp Realty, LLC (Owner) Boston Sign Company (Applicant) 323 Daniel Webster Highway (Sheet A Lot 384) requesting variance to exceed maximum wall sign area, 112.5 sq.ft allowed, 112 sq.ft permitted on 7-1-16, one additional 37.12 sq.ft wall sign proposed for a total wall sign area of 150 sq.ft. HB Zone, Ward 7.
5. Leemilt's Petroleum, Inc. (Owner) Cross America Partners - Carolyn Parker (Applicant) 485 Amherst Street (Sheet H Lot 112) requesting the following variances: 1) to encroach 16'-8" into the 20' required front yard setback to construct a 36'x45' overhead canopy over existing gasoline pumps; and, 2) to exceed maximum number of wall signs, 3 permitted - 6 proposed. HB Zone, Ward 2.

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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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 One Tara Blvd
 Zoning District PI Sheet A Lot 721

b. VARIANCE(S) REQUESTED

Variance requested for an "off-premise sign located at 1 Tara Blvd for The Homewood Suites located at 15 Tara Blvd. The sign is an existing sign, but the client would like the panels changed to reflect the Radisson (existing on sign), Homewood Suites and a restaurant (name TBD).

2. GENERAL INFORMATION

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

Expose Signs & Graphics, Inc

Applicant's signature [Signature] Date 6.20.16

Applicant's address 13 Airport Road Hopedale, MA 01747

Telephone number (home) (508) 381-0941 (work) _____

b. PROPERTY OWNER John J Flatley Co

Owner's signature See Attached Date _____

Owner's address One Tara Blvd Suite 101

Telephone number (home) (603) 888-1300 (work) _____

Case number _____ Application Deadline _____ Date Received 6/23/16 Date of hearing 7/26/16

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. 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 sign is placed at the entrance to Tara Dr. to direct the public to the location which cannot be seen from the entrance to Tara Drive.

- 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 sign is to serve as an aid to locating the businesses named on the sign.

- 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 aids customers in finding the location

- 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 sign is already existing and we are just looking to update the panels to serve as a better identifier for the businesses named on the sign.

- 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.

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

6.20.14
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 karen@exposesigns.net; andy@exposesigns.net
- Please mail it to me at _____

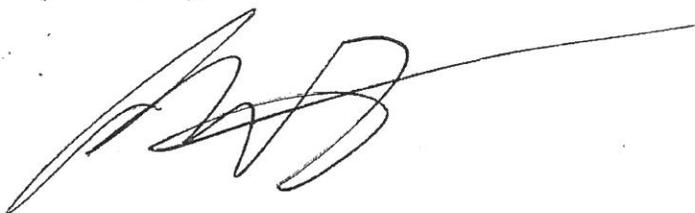
JOHN FLATLEY
Company

October 16, 2015

To whom it may concern:

Expose Sign Inc. has permission from the John Flatley Company to file a sign permit application for the installation of new sign panels on the existing pylon sign located adjacent to 1 Tara Boulevard in Nashua, NH.

Sincerely,

A handwritten signature in black ink, appearing to read 'BP', with a long horizontal line extending to the right.

Brian Pietz
John Flatley Company

Google Maps



Map data ©2016 Google 20 ft

EXISTING
SIGN

SETTLEMENT AGREEMENT

This Settlement Agreement ("Agreement") is made this 13th day of May, 2016 (the "Effective Date"), by and between AFP 105 Corp. ("Plaintiff") and John J. Flatley ("Defendant") (collectively, the "Parties").

WHEREAS, AFP 105 Corp. is the owner of the Nashua Radisson Hotel located at 11 Tara Boulevard, Nashua, New Hampshire (the "Hotel");

WHEREAS, a monument sign (the "Sign") for the Hotel has been and continues to be located on real property known as One Tara Boulevard, Nashua, New Hampshire (the "Property"), which property is owned by Defendant;

WHEREAS, the Parties are currently litigating over the ownership of the Sign and Plaintiff's rights to continue to have the Sign on the Property in the case captioned *AFP 105 Corp. v. John J. Flatley*, Hillsborough County Superior Court – Southern Division, Docket Number 226-2015-CV-00577 (the "Lawsuit");

WHEREAS, the claims and defenses set forth in the Lawsuit are contested;

WHEREAS, the Parties desire to resolve the Lawsuit amicably and by executing this Agreement.

NOW, THEREFORE, for good and valuable consideration and the mutual promises, covenants and agreements set forth below, the adequacy of which is acknowledged, the Parties agree as follows:

1. Plaintiff agrees to grant any and all ownership rights it has to the Sign to Defendant, subject to the terms of the Lease.
 2. Defendant agrees to allow Plaintiff to continue to utilize certain portions of the Sign on the Property, and Plaintiff agrees to share the panels located on the sign with Defendant under certain terms and conditions of that certain lease annexed hereto as Exhibit A (the "Lease").
 3. Within ten (10) days of the execution of this Agreement and Lease Agreement, Plaintiff shall file a Stipulation of Dismissal with Prejudice stating: "Neither Party, No Costs, No Further Action for the Same Cause."
 4. Each party shall bear his or its own attorneys' fees and costs.
 5. The invalidity, illegality or unenforceability of any provisions of this Agreement shall not affect the validity or enforceability of any other provision of this Agreement, which shall remain in full force and effect.
 6. This Agreement is deemed to have been drafted jointly by the Parties. Any uncertainty or ambiguity shall not be construed for or against any Party based on attribution of drafting to that party.
-

replaces any or all of Tenant's Panels, it shall be responsible to obtain any and all governmental approvals. In addition, in the event of a replacement of Tenant's Panels Tenant shall name Landlord as an additional insured on either its or its contractor general liability insurance policy. Landlord shall name Tenant as an additional insured on Landlord's general liability policy to cover Tenant from any liability against any third-party claims relating to the Monument Sign.

9. The Monument Sign shall at all times be visible from Spit Brook Road. Landlord shall at no time construct any improvements (or allow any third party to construct any improvements) which would in any way affect or limit the visibility of Tenant's Panels from Spit Brook Road. If for any reason beyond Landlord's control, Landlord is forced to remove the Monument Sign (i.e. a governmental taking), Landlord shall immediately notify Tenant of the same and hereby agrees to promptly construct a new monument sign similar to the Monument Sign (and the panels) in a location mutually agreeable to Landlord and Tenant.

10. Tenant shall have the right to assign this Agreement to any successor owner of the Hotel. Tenant shall notify Landlord in the event of said assignment.

11. Any notices required under this Agreement or otherwise shall be sent by certified mail or overnight mail to:

Tenant

AFP 105 Corp.
9 Park Place, 4th Floor
Great Neck, NY 11021
c/o Michael Weinbaum

With a copy to:
AFP 105 Corp.
9 Park Place, 4th Floor
Great Neck, NY 11021
c/o Rochelle Laufer, Esq.
General Counsel

Landlord

John J. Flatley
50 Braintree Hill Office Park
Suite 200
Braintree, MA 02184

With a copy to:
Gerald Prunier, Esq.
Prunier & Prolman, P.A.
20 Trafalgar Square
Suite 626
Nashua, NH 030630

12. This Agreement shall bind and inure to the benefit of the successors, heirs, executors, administrators and legal representatives of the parties hereto.

13. Upon execution of this Agreement, the same shall be recorded in the Land Records of Hillsborough County, New Hampshire for the benefit of Tenant's Land. Tenant shall pay all recording costs associated with said recording. Both parties agree to execute any and all documents necessary in connection with said recording.

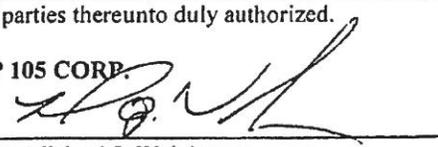
14. This instrument contains the entire understanding between the parties, and all prior or contemporaneous oral or written agreements are merged herein, and no amendment to this Agreement shall be effective unless in writing and signed by both parties hereto.

IN WITNESS WHEREOF, Landlord and Tenant have caused this instrument to be executed as of the date first above written, by their respective officers of parties thereunto duly authorized.

Dated:

5/13/16

AFP 105 CORP.

By: 

Name: Michael J. Weinbaum

Title: Vice President

Dated: _____

John J. Flatley, Individually

replaces any or all of Tenant's Panels, it shall be responsible to obtain any and all governmental approvals. In addition, in the event of a replacement of Tenant's Panels Tenant shall name Landlord as an additional insured on either its or its contractor general liability insurance policy. Landlord shall name Tenant as an additional insured on Landlord's general liability policy to cover Tenant from any liability against any third-party claims relating to the Monument Sign.

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9 Park Place, 4th Floor
Great Neck, NY 11021
c/o Michael Weinbaum

With a copy to:
AFP 105 Corp.
9 Park Place, 4th Floor
Great Neck, NY 11021
c/o Rochelle Laufer, Esq.
General Counsel

Landlord

John J. Flatley
50 Braintree Hill Office Park
Suite 200
Braintree, MA 02184

With a copy to:
Gerald Prunier, Esq.
Prunier & Prolman, P.A.
20 Trafalgar Square
Suite 626
Nashua, NH 030630

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AFP 105 CORP.

Dated: _____

Dated: 5/13/2016

By: _____

Name: Michael J. Weinbaum

Title: Vice President


John J. Flatley, Individually

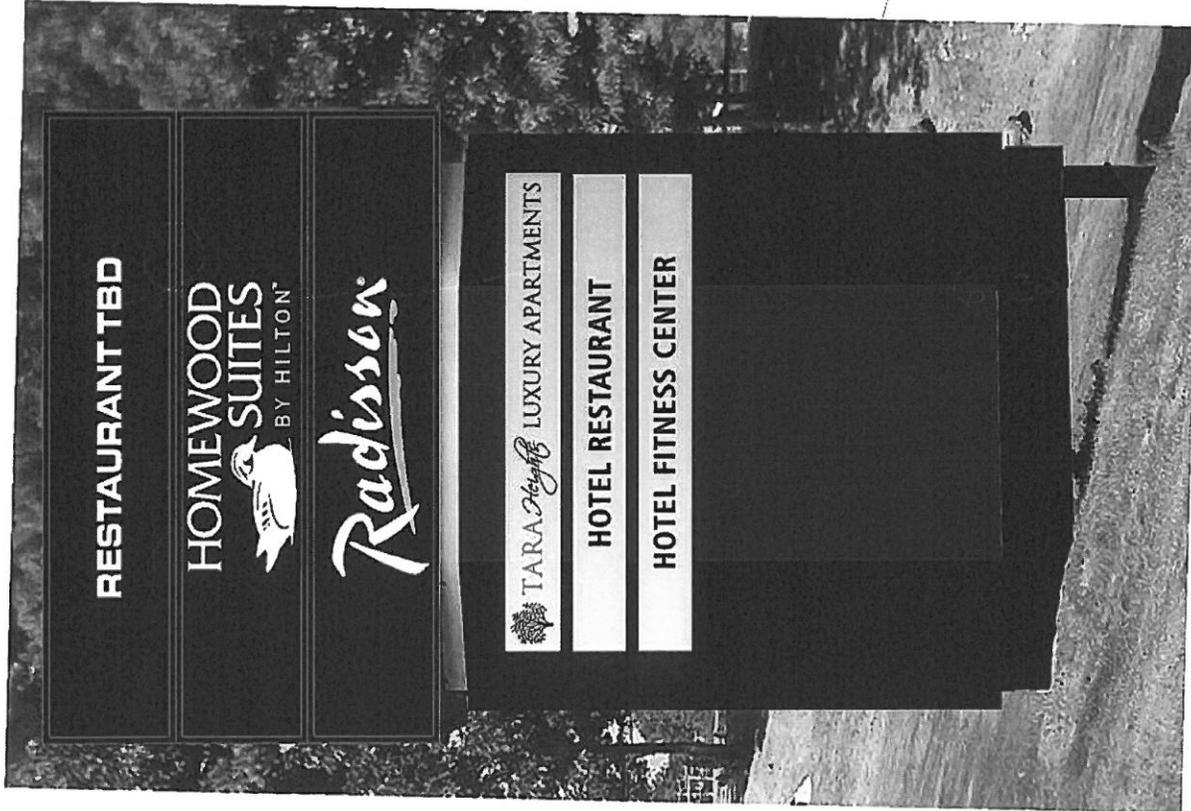
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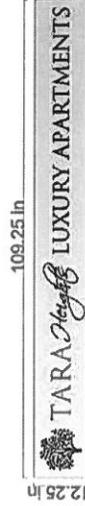
ITEM# 1

PROOF DATE: 2/24/16

DUE DATE:



144.75 in



BASE PAINTED BLACK

EXISTING



APPROVAL
SIGNATURE & DATE REQUIRED FOR PRODUCTION

SIGNATURE _____ DATE _____

2-sided monument
Homewood Suites Logo
Radisson & Restaurant TBD
Technique - TBD
(1) per side 12.25" x 109.25" w
Tara Heights

John J. Flatley Co.
One Tara Blvd
Nashua, NH 03062

EXPOSE
SIGNS & GRAPHICS, INC.
13 Airport Road • Hopedale, MA
phone 508.381.0941 fax 508.381.3784
www.exposedesigns.net

Ms. Vitale asked if the shed is closer to any of the neighbor's houses than his house.

Mr. Cady said that it is a tight-knit neighborhood, all the abutters are ok with it, he said the lot is small, and by using a 6 foot setback, the shed would be in the middle of the back yard.

Mr. Currier said that he saw several other sheds in the neighborhood that looked like they were right on the property line, it seems like it's prevalent in the neighborhood. He said that the back yard is somewhat small.

SPEAKING IN FAVOR:

No one.

SPEAKING IN OPPOSITION OR WITH QUESTIONS OR CONCERNS:

No one.

MOTION by Mr. Currier to approve the variance application as advertised on behalf of the owner. Mr. Currier said that the variance is needed to enable the applicant's proposed use of the property, which is essentially using the back yard as its intended and keeping the shed closer to the edge. He said that the Board finds it as a reasonable benefit for the applicant to do this encroachment, and therefore this encroachment in the setback is within the spirit and intent of the ordinance.

Mr. Currier said that the request is not contrary to the property values, the shed is a nice looking shed and should increase property values, and the Board finds that it is not contrary to the public interest, as there are other sheds nearby that are close to the property line, and substantial justice is served by allowing the shed as requested.

SECONDED by Mr. Shaw.

MOTION CARRIED UNANIMOUSLY 5-0.

- 
2. John J. Flatley Company (Owner) Expose Sign & Graphics, Inc. (Applicant) 1 Tara Boulevard (Sheet A Lot 721) requesting variance to allow for a 44.2 square foot off-premises tenant

panel on an existing ground sign for Homewood Suites,
(located at 15 Tara Boulevard). PI Zone, Ward 8.

Voting on this case:

Gerry Reppucci
Jack Currier
J.P. Boucher
Rob Shaw
Mariellen MacKay

Andrew Clark, Expose Signs & Graphics, Hopedale, MA. Mr. Clark stated that it's an existing sign that has been out there for about twenty years. He said that they're looking to switch the tenants on it, paint it, and make it look nicer as it's old. He said that Homewood Suites was just built further up into the park, and the existing sign has Radisson on it, it's also an existing off-premises sign on it. He said that the square footage and the overall structure is staying the same, it's just a replacement of tenant panels on it to update the sign.

Mr. Shaw said it looks like there would be three tenants on the sign, Bright Horizons, Radisson and Homewood Suites.

Mr. Clark said that currently, it has the Radisson, the health club inside the Radisson, and the Homewood Suites would take the headline position.

Mr. Reppucci stated that if the square footage of the sign isn't being changed, why would the applicant be here.

Mr. Shaw said it's because there is a new business on the sign, the Radisson sign has always been there, and there are two more businesses going on the sign.

Mr. Falk said that the reason why they're here is that the Homewood Suites is the new hotel up on the hill, in back of the Radisson, about a half-mile away, so, it's an off-premises sign. He said that they recently came before the Zoning Board for a large highway-oriented sign and wall signs. He said this panel is completely off-premises.

Mr. Reppucci asked about the Radisson, sign, and whether that is off-premises, too.

Mr. Falk said that the Radisson portion of the sign has been on the sign for quite some time, over 20 years.

Mr. Clark confirmed that the Radisson sign has been there a very long time, the name has changed from the Sheraton Tara and a couple other incantations of that name over the years, but it's always been the Radisson hotel site. He said that the Homewood Suites sign is a completely new sign, and it's an off-premises sign. He said that the Radisson portion of the sign is also an off-premise sign as well.

Mr. Shaw said if he understands the history of this property, it used to be one entire lot many years ago when the original Tara hotel was there, subsequently, there was a subdivision of the lot to have the parcels up front. He said seemingly, there was never any action to account for the sign being off-premise.

Mr. Currier said that the Radisson is stating that it's their sign, and it's being adjudicated in Court as he understands.

Mr. Clarke said that he is not privy to the Court case issue, he said as far as he knows, the sign is completely owned by the John J. Flatley Company, it's on their property. He said that they wouldn't be doing anything with the sign until that issue is resolved.

SPEAKING IN FAVOR:

No one.

SPEAKING IN OPPOSITION OR WITH QUESTIONS OR CONCERNS:

Attorney Fred Coolbroth Jr., Rath, Young & Pignatelli, Concord, NH. Atty. Coolbroth said that according to the letter sent in by his firm, his client respectfully objects to the granting of this variance at this time. He stated that this sign has been the personal property of the Radisson Hotel. He said that the property under the sign has been under dispute, and is currently in litigation. He said that they've filed a temporary restraining order. He said that Counsel to the Flatley Corporation said that they wouldn't be moving forward with the variance application until the litigation is resolved. He said that he feels that this request is premature, and the owners of this sign respectfully request that this Board deny the variance.

Mr. Boucher asked if the physical sign was paid for by the Radisson.

Atty. Coolbroth said yes, the physical sign has always been the property of the hotel, they paid for it, they pay for the electricity, they make sure the snow in front of it gets plowed, and that has been true for thirty-five years. He said that what is in dispute is the property entrance into the land.

Mr. Reppucci said that he read the entire package that was sent to the Board. He said in reading it, they didn't really dispute that the applicant owns the sign, the argument was more that they have used it for such a long time.

Atty. Coolbroth said he doesn't believe that is the case. He said that their consistent position is that the physical sign itself is the property of the Radisson.

Christine Tarris, AFPIOS Corp, Nashua, NH. Ms. Tarris said she is an employee of the hotel, and the sign has always had a history of being owned by the Radisson. She said that from the hotel's perspective, being set off the road, the hotel attracts 60,000 people to the hotel a year, for accommodations and functions, and the sign is very important to the hotel, and don't want to see it changed.

MOTION by Mr. Reppucci to allow Atty. Coolbroth to come up to the podium for additional testimony.

SECONDED by Mr. Currier.

MOTION CARRIED UNANIMOUSLY 5-0.

Mr. Reppucci said in reading the entry to the Superior Court, he said that number 11, Thomas Flatley sought permission to erect a sign on the north side of Spitbrook Road, several feet off the road, to advertise the hotel, and in May, 1981, the City of Nashua issued a permit for construction of the sign. The sign has always been used to advertise the hotel, but it doesn't say anything about the hotel buying the sign or owning the sign.

Atty. Coolbroth said it's just their complaint, it's a very early Court finding, and they haven't done any discovery yet,

it's all very preliminary, and they certainly expect to develop the facts.

Mr. Reppucci said in section 16, it says that each successive owner of the hotel has behaved as if there is an easement for the sign.

Atty. Coolbroth said he believes that there is entitlement to an easement, and takes the position that the physical sign itself is our property. He said that the land that the sign is on, what are the legal and equitable rights of the hotel to use the land that the sign sits on.

Mr. Currier said that Atty. Coolbroth said that they're seeking ownership of the sign.

Atty. Coolbroth said not necessarily ownership, but an easement or equitable right.

Mr. Currier said that in reading the history, the sign was probably there when the property was one lot, and when it was divided, essentially it was made to be an off-premises sign, and now there is an implied easement for use of the sign on that spot.

Atty. Coolbroth said that they are developing their understanding of the hotel's rights to the land. He said that they believe it is not controversial, that the hotel owns the plastic and the metal that makes up the sign, they believe that it's clear that the sign itself is the hotels.

Mr. Currier said that if the Board approves the request, and that Atty. Coolbroth's firm prevails in Court, wouldn't it make the Board's decision moot.

Atty. Coolbroth said that would have to be part of their litigation posture, certainly he doesn't know what the Judge would do, or find, so they're taking the position that this is premature, and any decision on the variance should be deferred.

Mr. Currier said he's struggling with the decision that the Board would render.

Atty. Coolbroth reiterated that they're early in the process with the Court, and are still coming up with discovery to

request documents from the other side, as well as the same thing from us, it allows both sides to develop theories and to determine things about the sign and the property.

Mr. Boucher said that the Flatley Company is not here to say anything one way or another, they've sent the Sign Company representative who's doing the best job he can for the variance. He said he's struggling with the issue of whether or not the Board is in a position to make a decision at this time.

Atty. Coolbroth said the question he'd propose to the Board is if the Board denies the variance, and Flatley decides to appeal, what is to stop them from coming back before the Board and asking for the variance that they seek today.

SPEAKING IN FAVOR - REBUTTAL:

Mr. Clark said they were just asked to get the permit to move forward with the sign, he said that they are aware of the litigation. He asked if the variance is denied, whether they can come back before the Board again on an appeal, or if this is it.

Mr. Reppucci said yes, if the Board makes a decision and denies anything, and if a similar application comes back to the Board, the Courts don't like to see that, they like a finality to decisions, the Board would have to determine if it's a substantially different application, or if the neighborhood has substantially changed, and if so, perhaps the Board could consider the request.

SPEAKING IN OPPOSITION OR WITH QUESTIONS OR CONCERNS - REBUTTAL:

Ms. Tarris said that on behalf of the hotel and the company, we are here to speak in opposition to the variance.

Mr. Reppucci said that the Board never looks at the content of signs, he said that there are Court decisions about this, and it's beyond the Board's purview of what people put on their signs. He said all the Board looks at is the actual size of the sign and the use of the sign. He said if someone changes what's on their sign, they don't need to come to the Board. He said this sign is the same size, they're not making it any larger.

Mr. Shaw said that Homewood Suites has requested an off-premises sign, it's because there is an off-premises business with advertising. He said that the Board doesn't get into any of the design characteristics of the sign, and generally if a tenant changes over and they aren't doing anything else, we'd never get involved. He said we would in this case because it's off-premises.

Mr. Reppucci said that the sign that's there now is an off-premises sign. He said they're just changing the message on it, but it's still the same thing, he said that clearly, there will be questions on the sign, and it's more involved because we got a 100-page document on it.

Mr. Shaw said that there isn't a question about the Radisson's usage, they started out as an on-premises sign.

Mr. Shaw said if the Radisson text stays on there, that's been the practice for over 30 years, and now, another business is part of the equation, and if Valentino's up the hill wanted to be on that sign also, they just couldn't automatically do that, it's an off-premise sign.

Further discussion ensued about off-premise signs in other locations.

Mr. Currier said he feels that it's appropriate for the sign to be before the Board for an off-premises sign request, and there's no record of the Radisson sign being before the Board for an off-premise sign. He said he appreciates that they're not adding a second sign on the property. He said he feels that the hardship test is being dependent upon the way the Court resolves the situation. He said he feels as if the Board shouldn't be making the first move here, we should be second, and perhaps table this, and let the Court adjudicate this first.

Mr. Reppucci said that in the thick packet that was submitted by the attorneys, there is a schedule in it with deadlines for being served, and appearing in Court, with timeframes.

MOTION by Mr. Currier to table the request as advertised, as what is before the Board tonight is unclear information as to who owns the sign, and it is being adjudicated in Hillsborough County Superior Court, and this Board finds it more prudent to

table this case until that is resolved, so that the hardships and situation is clearer before us.

Mr. Reppucci said that the Board should table it to a date certain.

Mr. Currier said if they're not ready, we can always table it again.

Mr. Falk said since it would be tabled about four months from now, staff would most likely re-advertise the case again.

Mr. Currier said that the Board will table the case to the March 8, 2016 meeting, so that the clarification on the ownership of the sign can be clarified in Court, and to this Board.

SECONDED by Mrs. MacKay.

MOTION CARRIED UNANIMOUSLY 5-0.

MISCELLANEOUS:

REHEARING REQUESTS:

None.

REGIONAL IMPACT:

The Board did not see any cases that will have any Regional Impact for the next agenda.

MINUTES:

None.

BY-LAWS:

Mr. Boucher asked about the By-Laws revision.

Mr. Reppucci said that the change was read at two successive meetings, so it's all set.

Mr. Falk said he'd get a copy of the revised By-laws out to the Board for signature.

To: Zoning Board of Adjustment

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

Date: July 19, 2016

Subj: **USE VARIANCE: Heritage Baptist Church of Nashua, Inc. (Owner) Heritage Baptist Academy (Applicant) 105 Lock Street (Sheet 41 Lot 49) requesting use variance to allow a school, grades 1-12, within an existing church. GI Zone, Ward 3.**

PROPOSAL:

The applicant, Heritage Baptist Academy, is requesting a use variance to use a portion of an existing church building to allow a school. The property is located in the General Industrial (GI) Zone. The property is 28,150 square feet in area (0.65 acres).

SITE ANALYSIS:

The subject site is located on the south side of Lock Street, between Perham Street and Atherton Avenue (see attached site location map). To the north of the subject lot, across Lock Street, is multifamily use. To the south is the Nashua River. To the east is a mixed use building, with a few small businesses in it. To the west is a parking lot for BAE Systems. All abutting properties are zoned GI.

According to the City of Nashua Land Use Code, Section 190-15, Table 15-1, (#250), "*Schools, academic, nursery and preschool, grade schools, elementary, middle, and high school*" is not a permitted use in the GI Zone. This use is permitted in the Local Business (LB), General Business (GB), Highway Business (HB), Downtown-1/Mixed Use (D-1/MU) and Downtown-3/Mixed Use (D-3/MU) zones. Further, it is also allowed as a Conditional Use in every Residential zone. This use is not permitted in any of the Industrial zones.

According to the applicant, there will be a total of fourteen students, from first grade through high school seniors. The school is planning on educating children in the highest principles of leadership, self-discipline, individual responsibility, personal integrity, citizenship, and Christian behavior. There will be a total of five staff members. The school is proposed to be located in the basement. The site plan (see attached) indicates that there are a total of 108 parking spaces, 75 of which are from an easement with BAE Systems.

The City's Future Land Use Plan identifies the subject property as "Medium Density Residential, 1.5 – 5.0 dwelling units/acre". 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 property is currently suitable for the proposed use, and that similar uses have been permitted within the district.

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 ordinance allows for churches in the area, and the school is church related.

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 the church exists and the school is within the physical church.

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 the school will be located in the church, and will be church related, and will not be out of character with the neighborhood, the school will be church supervised.

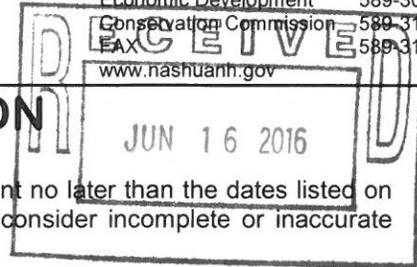
Substantial justice would be done to the property owner by granting the variance: the benefits to the applicant must not be outweighed by harm to the general public or to other individuals.

The applicant states that the use is related to church functions and church use.



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

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



VARIANCE APPLICATION

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

1. VARIANCE INFORMATION

a. ADDRESS OF REQUEST 105 Lock Street
 Zoning District D1/MU Sheet 41 Lot 49
G1 (ML)
 b. VARIANCE(S) REQUESTED
To allow a Church school.

2. GENERAL INFORMATION

a. APPLICANT / OPTIONEE (List both individual name and corporate name if applicable)
Heritage Baptist Academy
 Applicant's signature Pastor Larry C. Mileman Date June 16 2016
 Applicant's address by its attorney, Gerald Prunier, 20 Trafalgar Sq., Nashua, NH 03063
 Telephone number (home) _____ (work) (603) 883-8900

b. PROPERTY OWNER Heritage Baptist Academy
 Owner's signature Pastor Larry C. Mileman Date June 16, 2016
 Owner's address by its attorney, Gerald Prunier, 20 Trafalgar Sq., Nashua, NH 03063
 Telephone number (home) 603-880-8048 (work) (603) 883-8900

Case number _____ Application Deadline _____ Date Received 6/16/16 Date of hearing 7/12/16

Notices: Newspaper Abutters Board Action _____

\$ _____ fee Date Paid _____ Receipt # _____

\$ _____ application fee Date Paid _____ Receipt # _____

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

2016-00115

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 school is located in the church and will be church related. It will not be out of character with the neighborhood; the school will be church supervised.

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

The ordinance allows for churches in the area and the school is church related.

- 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 use is related to church functions and church use.

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

The church is already existing and the school is within the physical church.

- 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.

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 _____
- b. Hours and days of operation MONDAY - FRIDAY 8:30 - 2:30
- c. Number of daily and weekly visits to the premises by customers, clients, vendors and solicitors NONE
- d. Number of daily and weekly commercial deliveries to the premises NONE
- e. Number of parking spaces available 24
- f. Describe your general business operations
CHURCH SCHOOL FOR RELIGIOUS AND EDUCATIONAL PURPOSES
- g. Describe any proposed site renovations, including, but not limited to - landscaping, lighting, pavement, structural changes, signage, access and circulation
NO MAJOR CHANGES NEEDED

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.

Pastor Larry C. Mileman
Signature of applicant

June 16, 2016
Date

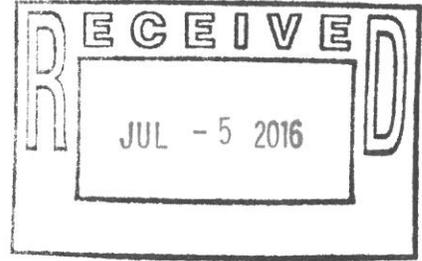
The staff report for a Use Variance request will be available no later than Friday of the week before the ZBA meeting. If you would like a copy, please indicate below:

- I will pick it up at City Hall
- Please email it to me at _____
- Please mail it to me at 105 LOCK STREET
NASHUA, NH 03064

HERITAGE BAPTIST ACADEMY

For School year 2016 We have 14 students

1	Student in	12 th Grade
1	Student in	11 th Grade
2	Students in	9 th Grade
1	Student in	8 th Grade
1	Student in	7 th Grade
1	Student in	6 th Grade
1	Student in	5 th Grade
1	Student in	4 th Grade
2	Students in	3rd Grade
2	Students in	2nd Grade
1	Student in	1st Grade



Parent/Student Interview

1. Answer any questions that the family might have.
2. Tell the parents that parent orientation is scheduled for _____. All parents must attend, this is mandatory. If the parents do not attend then the child [ren] cannot attend.
3. Explain the staff and the job responsibilities.

Supervisor/Principal

Pastor Larry Hileman

Responsible for the day to day operations of the school,
Does morning program with the kids
Holds all parent conferences
Manages all other teachers
Has been trained by A.C.E as an Administrator as well as a Supervisor
Attended an A.C.E. school himself

Monitor

Bro. Mike Corrigan

His main responsibility is the Readmaster program
It his job to make sure the students get extra work where needed in
Math, reading, spelling and typing
He has been trained in his job

Supervisor and School Secretary

Mrs. Lisa Hicks

General administration of the school office, monthly parent letter,
Order and maintain curriculum inventory, Assist with general
Supervision and oversight of the school.

Accountant

Bro. Hal Mahar

Also a member of the School Board Bro. Hal is responsible for the finances
Of the school

Senior Administrator

Pastor Hileman

Also a member of the School Board Pastor teaches chapel and is consulted
On all spiritual matters and high matters of discipline

School Board Member

Pastor Jay Neel, Brother Brian Denny, Brother Santos Sanchez,
and Dr. Ken Arndt

Are members of our School Board, and they have say in all
operations of the school.

Physical Education and Monitor

Mrs. Amberleigh Roberts

1. Finances

Our school runs on money. It is unavoidable that this subject must come up. We count on our parents to support our school and without that support there is no school. One way the parents support us is by paying their bill. Our bills are invoiced every month and mailed to every home. If a family falls behind by a week then will receive a phone call from Br. Hal Please if you are in a hardship do not be afraid of this call. We are a Christian Ministry. We do this out of love. There should never be a strained relationship between us, and to that end we have set up our financial rules to be consistent with everyone. If you fall more then two weeks behind and have not contacted Bro. Hal and the School Board to discuss your financial hardship then you will receive a letter from Bro. Mike explaining that until this matter is settled you will have to keep your children home.

Are there any special arrangements that need to be made?

2. Code Of Conduct

The school is about academic excellence however it also about teaching and training our children to be more like Christ. The Standards and rules of the school are derived from the teachings of the Bible. We will teach the children the difference between right and wrong as laid out in God's Word. We do not play favorites and we make no exceptions. We cannot because this is not about our preferences this is not about our wants or desires. We answer to God for what is preached and taught in this school. We will not kill people with the rules however they will be enforced evenly.

Go over the handbook rules section.

3. Discipline Principles.

The Bible teaches us that there are rewards for good and bad behavior. **Merits** are our reward system for the good. The students earn merits through out the school day that they are able to redeem once a month at our merit sale. **Demerits** are the most commonly used form of discipline. After a set amount of demerits a detention is issued that must be served during the school day on the following day. Detention are serious, however they are not the end of the world. All students will earn detentions, if there is a behavior that has become a concern you will receive a call from our Principal.

4. We do not offer transportation.

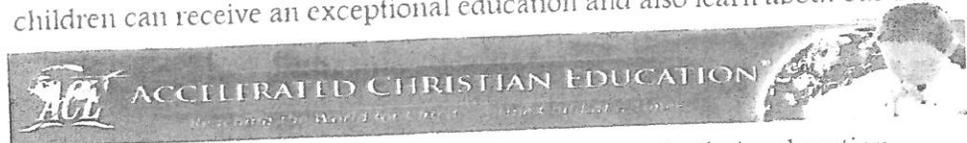
5. We do not supply lunches, hot or cold.

6. We do have a microwave; students will be allowed to use to heat up their lunch.

7. Please do not purchase lunch bags or boxes or backpacks with any questionable pictures on them. If you are not sure what "questionable" means then just ask.

Heritage Baptist Academy

For Years we have watched as public schools have become more violent and liberal and have taken the God that we love out of education. After much prayer, Pastor has been led of God to open our own school, a place where our children can receive an exceptional education and also learn about our Lord.



1. All New Students are tested to identify any gaps in their education.
2. An individualized plan is established within which students get their own daily goals.
3. Academic progress toward mastery is measured and posted to a chart at each student's desk.
4. Students are motivated by receiving merits for each job well done. Each Quarter, students may use their merits to purchase great prizes.
5. The sixty character traits of Christ are taught every year.

Our Academy is established to train Christian youth
in the highest principles of:

leadership, self-discipline, individual responsibility, personal integrity,
good citizenship, and Christian behavior.

The cost of a Christian Education is beyond most Christians' financial reach. Because of the importance in bringing up the next generation, the cost of HBA is \$50 a week! This covers all their books and materials that they will need for the year. Partner together with us as we reach the next Generation!

FOR MORE INFORMATION SEE PASTOR

Heritage Baptist Academy - Kindergarten - High School

A ministry of Heritage Baptist Church 105 Lock Street,

Nashua NH 880-8048



ZONING NOTE
 THE ZONING/BUILDING SETBACKS DEPICTED ON THIS PLAN ARE THOSE WE HAVE INTERPRETED FROM THE LATEST ZONING ORDINANCE OF THE MUNICIPALITY AND, AS SUCH, ARE ONLY OPINIONS EXPRESSED BY HAYNER/SWANSON, INC. THE FINAL INTERPRETATION OF THE ORDINANCE CAN ONLY BE MADE BY THE APPROPRIATE ZONING AUTHORITY SINCE BUILDING ORIENTATION, PROPOSED USES, AND OTHER FACTORS CAN AFFECT THE SETBACKS, PRIOR TO ANY DEVELOPMENT OF THIS PROPERTY, THE BUILDER/OWNER MUST CONSULT WITH THE TOWN/CITY TO INSURE THE CORRECT APPLICATION OF THE ZONING ORDINANCE.

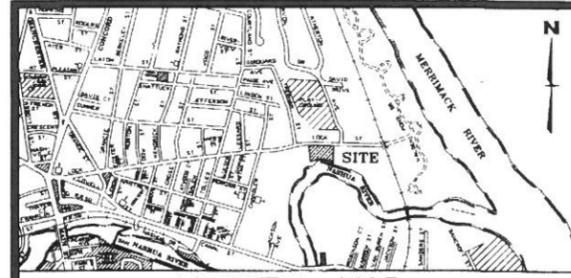
UTILITY NOTE
 THE UNDERGROUND UTILITIES SHOWN HEREON HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND PLOTTED FROM EXISTING DRAWINGS. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN HEREON ARE THE EXACT LOCATION INDICATED, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM THE INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND PORTIONS OF THE UTILITIES.

At the meeting of Thursday, September 3, 2015 Nashua City Planning Board approved, with modifications, the above-referenced Site Plan. The project must be developed consistent with the specific plan prepared as modified by the following findings, conditions and stipulations:

- The request for a waiver of § 190-221, which requires underground utilities to be installed, is granted, finding that the waiver will not be contrary to the spirit and intent of the regulation.
- The request for a waiver of MRO § 190-172, which sets building design standards, is granted, finding that the waiver will not be contrary to the spirit and intent of the regulation.

NOTES - CONT'D:

- FUTURE BUILDING CONSTRUCTION SHALL INCORPORATE FOUNDATION DRAINAGE SYSTEMS EXCEPT WHERE AN INVESTIGATION ESTABLISHES THAT SPECIFIC BUILDING SITES ARE LOCATED IN WELL DRAINED SOILS AND THAT SUCH SYSTEMS ARE NOT REQUIRED.
- PRIOR TO ANY WORK BEING CONDUCTED, A PRE-CONSTRUCTION CONFERENCE SHALL BE HELD WITH THE PLANNING STAFF AND OTHER CITY DEPARTMENTS AS NECESSARY TO REVIEW THE PROPOSED WORK.
- ROOF DRAIN TIE-INS AND DRAIN LINES WILL BE INSPECTED PRIOR TO BACKFILLING AND PAVING.
- ANY PIPE WORK WITHIN THE CITY OF NASHUA'S RIGHT OF WAY SHALL BE PERFORMED BY A LICENSED CITY OF NASHUA DRAIN LAYER.
- CONTRACTOR SHALL INSTALL BACK FLOW PREVENTERS ON ALL PROPOSED SEWER LINES, IF ANY.
- NO SITE LIGHTING IS PROPOSED WITH THIS PLAN SET.
- HOURS OF OPERATION
 SUNDAY THRU SATURDAY 7 AM TO 10 PM
 SERVICE TIMES
 THURSDAY 7:00 PM TO 8:30 PM
 SUNDAY 10:00 AM TO 12:15 PM
 6:00 PM TO 7:30 PM
- OWNER OF RECORD
 MAP 41, LOT 48
 HERITAGE BAPTIST CHURCH OF NASHUA INC
 105 LOCK STREET
 NASHUA, NEW HAMPSHIRE 03064
 VOL. 7405 PG. 1796



PLAN REFERENCES:

- AMENDED SITE PLAN (LOTS 48 & 74, MAP 41), 103 & 106 LOCK STREET, NASHUA, NEW HAMPSHIRE PREPARED FOR: HERITAGE BAPTIST CHURCH, RECORD OWNER. BAE SYSTEMS INFORMATION & ELECTRIC SYSTEMS INTEGRATION INC. SCALE: 1" = 40'. DATED: 23 DECEMBER 2004 WITH REVISIONS 11/23/02/15/06. AND PREPARED BY THIS OFFICE ON FILE AT THE CITY OF NASHUA ENGINEERING OFFICE - NR 2079.

NOTES:

- SITE AREA
 LOT 49 0.65 ± ACRES (57,643 ± SF)
- PRESENT ZONING G1: GENERAL INDUSTRIAL
 MINIMUM LOT REQUIREMENTS LOT 49
 AREA 5,000 SF 28,150 SF ±
 FRONTAGE 90 FT 152.2 FT ±
 WIDTH 75 FT 152 FT ±
 DEPTH 75 FT 205 FT ±
 MINIMUM BUILDING SETBACK REQUIREMENTS
 FRONT YARD 10 FT 15 FT ±
 SIDE YARD 10 FT 33 FT ±
 REAR YARD 15 FT 67 FT ±
 MAX BUILDING HEIGHT 60 FT N/A
 MAX STORIES 5 1.5
 OPEN SPACE (%) 10 29
 MAX FLOOR AREA (%) 2.0 0.36
- PURPOSE OF PLAN
 TO AMEND PLAN NR-2079 TO SHOW A PROPOSED 896 SF BUILDING ADDITION WITH MATCHING BASEMENT AND PROPOSED 853 SF MEZZANINE.
- PARKING

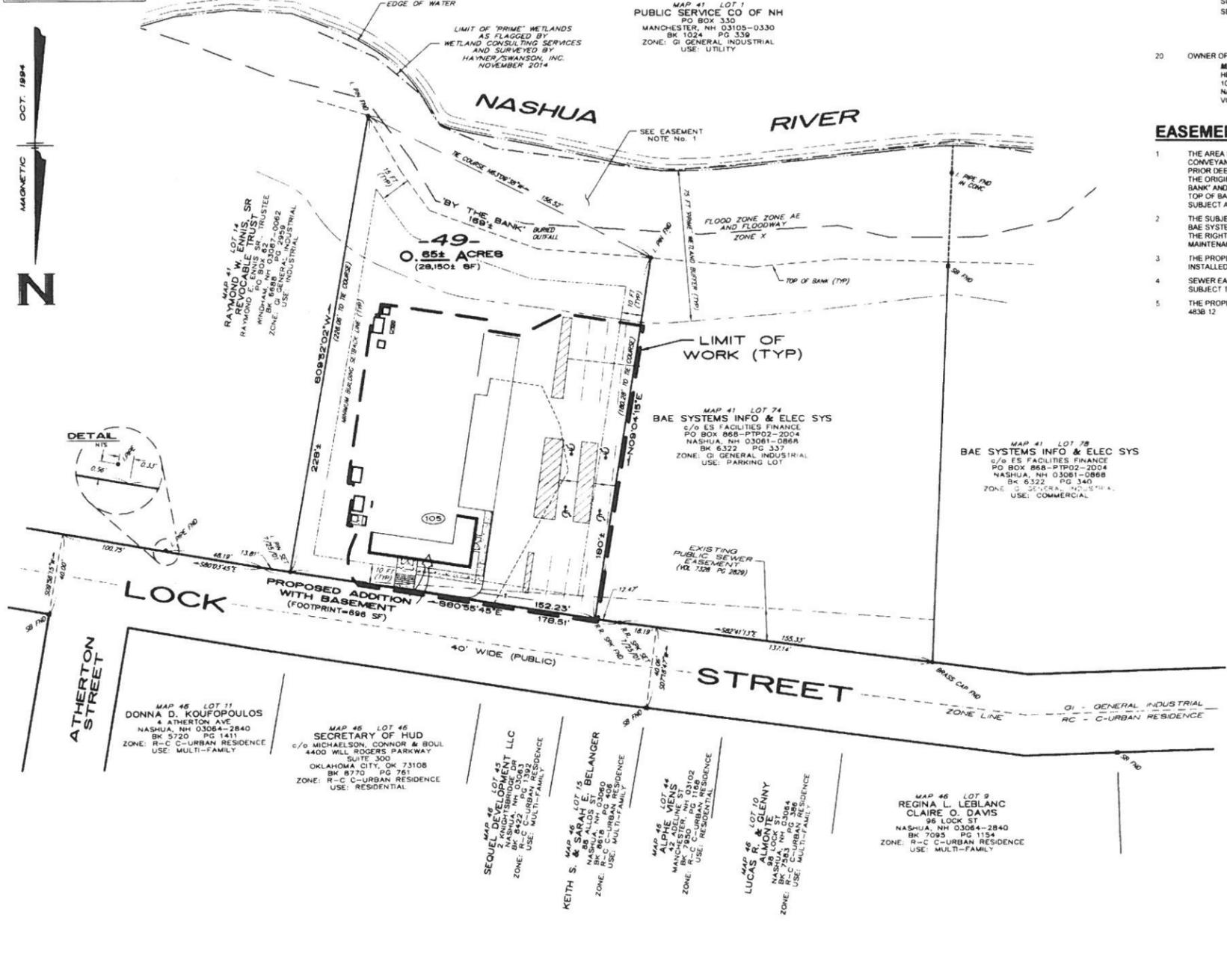
REQUIRED USE	MIN SPACES REQ	MAX SPACES REQ
CHURCH (299 SEATS)	1 SP/8 SEATS = 38	1 SP/15 SEATS = 199
OFFICE W/O DRIVE THROUGH (144 SF)	1 SP/1,000 SF = 1	1 SP/200 SF = 1
TOTAL SPACES REQUIRED	= 39 SPACES	= 200 SPACES
PROVIDED (INCL 4 H/C)	= 106 SPACES (SEE EASEMENT NOTE 2)	
- LOT IS SERVICED BY MUNICIPAL SEWER AND WATER BY PENNICKUCK WATER WORKS.
- MONUMENTS, WHERE REQUIRED, TO BE SET BY A LICENSED LAND SURVEYOR AS FOLLOWS
 [1] STONE BOUNDS AT STREET INTERSECTIONS, POINTS OF CURVATURE AND TANGENCY OF PUBLIC STREET
 [2] IRON PIPES AT LOT CORNERS
- ANY FUTURE LANDSCAPING SHALL CONFORM TO THE APPLICABLE CITY OF NASHUA LAND USE CODE UNDER ARTICLE XXVII.
- ALL SIGNAGE SHALL CONFORM TO THE APPLICABLE CITY OF NASHUA REGULATIONS WITH ALL PERMITS SECURED PRIOR TO INSTALLATION.
- SITE IMPROVEMENTS DEPICTED ON THE PLAN SHALL CONFORM WITH TITLE III OF THE AMERICANS WITH DISABILITIES ACT WITH REGARD TO DIMENSION AND GRADE.
- IT SHALL BE UNLAWFUL TO MODIFY, CHANGE, OR ALTER ANY STRUCTURE OR USE SHOWN ON THIS SITE PLAN IN ANYWAY WHATSOEVER, OR CONVERT OR ALTER ANY STRUCTURE OR USE SHOWN ON THIS SITE PLAN, OR CHANGE THE ABOVE USE INDICATED ON THE PLAN WITHOUT RECEIVING APPROVAL FROM THE CITY OF NASHUA PLANNING BOARD.
- THIS PARCEL DOES NOT APPEAR TO BE LOCATED IN A FLOOD HAZARD AREA AS DETERMINED FROM THE FLOOD INSURANCE STUDY (FIRM), HILLSBOROUGH COUNTY, CITY OF NASHUA, NEW HAMPSHIRE, COMMUNITY NO. 330097, PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, MAP NUMBER 3301C0514E, DATED APRIL 18, 2011.

THIS IS TO CERTIFY THAT THE WETLANDS HAVE BEEN DELINEATED IN ACCORDANCE WITH THE WITH THE U.S. ARMY CORPS OF ENGINEERS JANUARY 2012 REGIONAL SUPPLEMENT TO THE CORPS OF ENGINEERS WETLAND DELINEATION MANUAL, NORTHCENTRAL AND NORTHEAST (REGION 2).
 WETLAND DELINEATION PREPARED BY:
 WETLAND CONSULTING SERVICES
 ROBERT PROKOP
 CERTIFIED WETLAND SCIENTIST (#063)



LEGEND

- EXISTING GROUND CONTOUR
- EXISTING SPOT ELEVATION
- PROPOSED GRADE
- PROPOSED SPOT GRADE
- SANITARY SEWER & MANHOLE
- WATER MAIN & GATE VALVE
- GAS LINE & GATE VALVE
- ROOF DRAIN
- UTILITY POLE WITH GUY SUPPORT
- STREET LIGHT
- OVERHEAD ELECTRIC & TELEPHONE
- UNDERGROUND TELEPHONE
- OVERHEAD FIRE ALARM WIRE
- SIGN
- TREE LINE
- CONCRETE BOUND
- STONE BOUND
- IRON PIPE
- BUILDING SETBACK LINE
- CHAINLINK FENCE
- CURBING
- CURB TRANSITION
- STORMWATER RUNOFF DIRECTION
- HANDICAP PARKING SPACE
- PARKING SPACE COUNT
- TOTAL PARKING COUNT PER LOT
- PAVEMENT SAWCUT
- CONCRETE
- PROPOSED FULL-DEPTH PAVEMENT
- LIMIT OF WORK
- BORING LOCATION & IDENTIFIER



CERTIFICATION
 I HEREBY CERTIFY, TO MY KNOWLEDGE, INFORMATION AND BELIEF, THAT THIS PLAN SHOWS THE RESULTS OF AN ON THE GROUND "STANDARD PROPERTY SURVEY" AND THAT SAID SURVEY MEETS THE MINIMUM PRECISION AND/OR ACCURACY MEASUREMENTS FOR SURVEY CLASSIFICATION "U" (URBAN) AS SET FORTH IN TABLE 500.1 OF THE NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES OF THE BOARD OF LICENSEURE FOR LAND SURVEYORS ADOPTED 08/23/01, EFFECTIVE 01/01/09.
 I FURTHER CERTIFY THAT THIS PLAN IS THE RESULT OF AN ACTUAL FIELD SURVEY MADE ON THE GROUND AND HAS A MAXIMUM ERROR OF CLOSURE OF ONE PART IN FIFTEEN THOUSAND ON ALL PROPERTY LINES WITHIN AND BORDERING THE SUBJECT PROPERTY.
 9/17/15 DATE

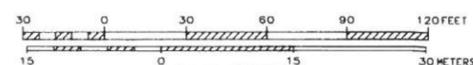


APPROVED
 NASHUA CITY PLANNING BOARD
 3/21/15 DATE
 CHAIRMAN

THE UNDERSIGNED DOES HEREBY AGREE TO PERFORM ALL OF THE SITE IMPROVEMENTS AS SHOWN ON THIS PLAN AND AS CONDITIONED ON BY THE NASHUA CITY PLANNING BOARD. ALL REQUIRED SITE IMPROVEMENTS MUST BE COMPLETED OR GUARANTEED PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY.
 Pastor Larry C. Williams 8/11/15
 FOR HERITAGE BAPTIST CHURCH

AMENDED SITE PLAN
 (MAP 41, LOT 49)
HERITAGE BAPTIST CHURCH
 105 LOCK STREET
 NASHUA, NEW HAMPSHIRE

PREPARED FOR/RECORD OWNER:
HERITAGE BAPTIST CHURCH OF NASHUA, INC
 105 LOCK STREET NASHUA, NEW HAMPSHIRE 03064 (603) 880-8048



23 JULY 2015



Three Congress Street Nashua, New Hampshire 03062-3301
 Tel (603) 883-2057 Fax (603) 883-5057
 www.hayner-swanson.com

FIELD BOOK: 1198	DRAWING NAME: 3986-KFP SITE F031	3986-KFP	1 OF 6
DRAWING LOCATION: P:\3986\DWG\3986-KFP SITE		File Name:	Sheet



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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 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 323 Daniel Webster Hwy Nashua, NH 03060

Zoning District HB Sheet A Lot 384

b. VARIANCE(S) REQUESTED:

To exceed the wall sign allowance of 112.5 sqft; requesting a total of 143.6 sqft

2. GENERAL INFORMATION

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

(Print Name): Emily Moynihan | Boston Sign Company

Applicant's signature Emily Moynihan Date 06-29-16

Applicant's address 40 Plympton St Boston MA 02118

Telephone number H: (617-338-2114) C: - E-mail: emily@boston-sign.com

b. PROPERTY OWNER (Print Name): Scrupp Realty LLC

Owner's signature [Signature] Date 6-29-16

Owner's address 24 Appletree Green MANAGER Nashua NH 03062

Telephone number H: 603-730-6826 C: - E-mail: allenj.mello@comcast.net

OFFICE USE ONLY

Application checked for completeness: ML

Case number _____ Application Deadline _____ Date Received _____ Date of hearing 7/26/16

Notices: Newspaper Abutters Board Action _____

\$ _____ fee Date Paid _____ Receipt # _____

\$ _____ application fee Date Paid _____ Receipt # _____

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

2016-00132

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 proposed sign faces a parking lot behind the building so therefore, faces away from the public.

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

The building is located on a commercial highway and faces a dead-end street with one other commercial property present. It is reasonable to install the proposed sign so the commercial property is identifiable and the proposed sign will not disrupt a private neighborhood.

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 is necessary to install the proposed sign for the building entrance to be identifiable from the parking lot. The proposed sign also completes the sign package that Long's Jewelers implements at all of its locations.

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.)

Long's is on a dead-end commercial street with one other commercial property present and therefore, conforms with the values of 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 building entrance faces away from the highway. The proposed signage is to make the building identifiable from the parking lot and highway.

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 15 Number of employees per shift 5 to 7
b. Hours and days of operation 7 days 10-7 Mon - Friday 10-6 Sat 12-5 Sunday
c. Number of daily and weekly visits to the premises by customers, clients, vendors and solicitors 25-40 300
d. Number of daily and weekly commercial deliveries to the premises 2 day 10 week
e. Number of parking spaces available 76
f. Describe your general business operations Retail Jewelry
Watches and Gifts
g. Describe any proposed site renovations, including, but not limited to - landscaping, lighting, pavement, structural changes, signage, access and circulation new construction

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.

Emily Mayniban
Signature of Applicant

06-29-16
Date

Emily Mayniban
Print Name

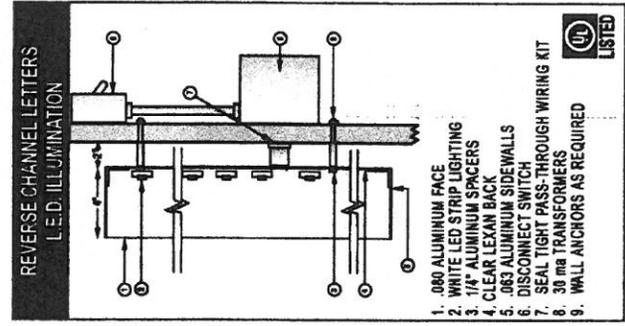
06-29-16
Date

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

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



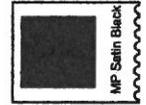
Attachment Detail
N.T.S.



1. .080 ALUMINUM FACE
2. WHITE LED STRIP LIGHTING
3. 1/4" ALUMINUM SPACERS
4. CLEAR LEXAN BACK
5. .063 ALUMINUM SIDEWALLS
6. DISCONNECT SWITCH
7. SEAL TIGHT PASS THROUGH WIRING KIT
8. 30 ma TRANSFORMERS
9. WALL ANCHORS AS REQUIRED



Paint Colors



1 unit-over entrance

mounted over entrance as shown on elevation drawings

white LED halo lit letters
painted satin black

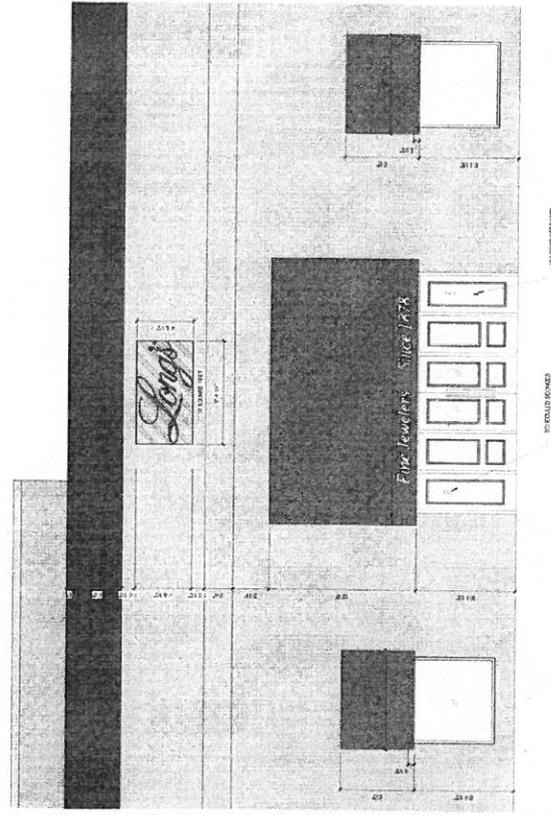
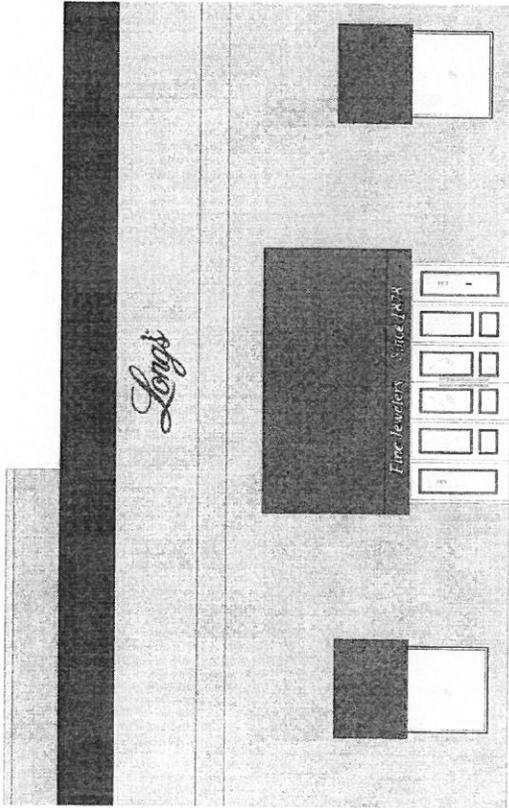
100.25" x 54.5" x 4" deep

Note:

UL Labels placed on tops of letters as per UL code not visible from ground (to enhance beauty of sign) please confirm this is acceptable to inspector we can provide photos of labels if needed

Sign Copy - 37.125 sq ft
1/2" scale





Long's Jewellers
 323 Daniel Webster Hwy.
 Nashua, NH 03060

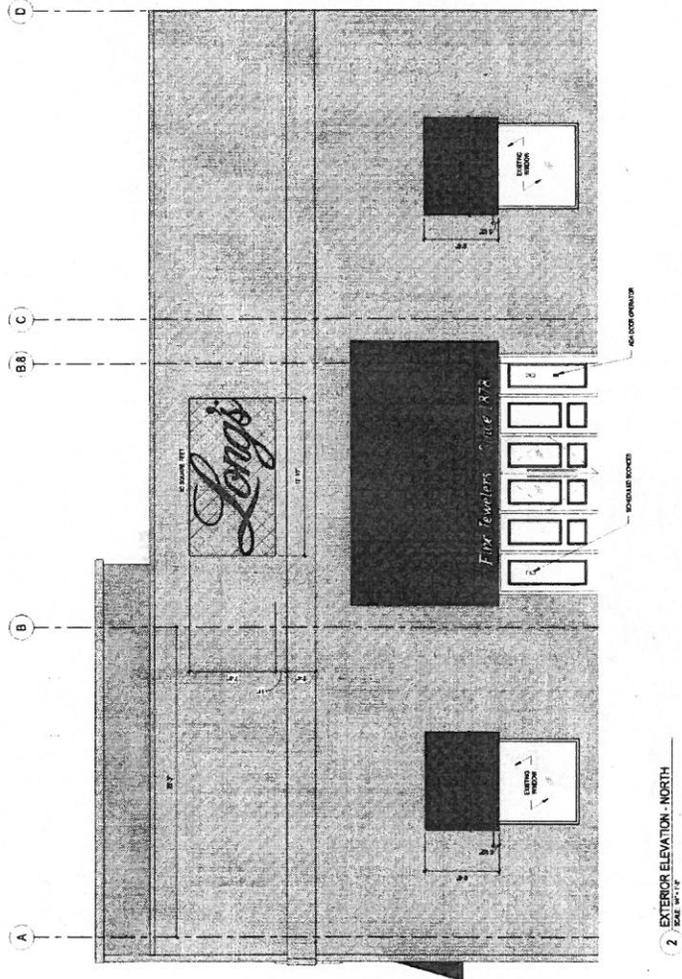
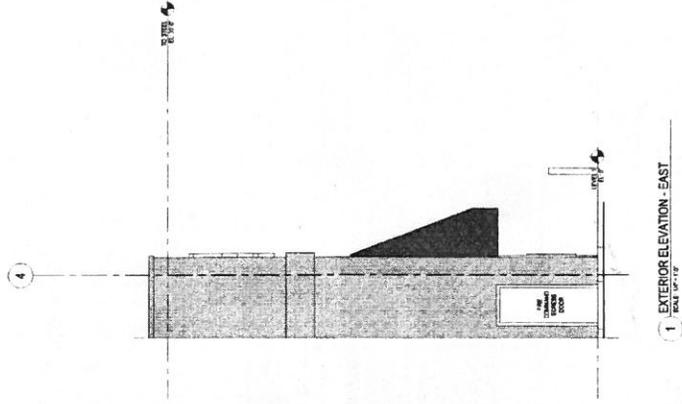
EXTERIOR ELEVATION - ENTRANCE AWNING

06/09/16

LDA
 ARCHITECTURE & INTERIORS

GENERAL ELEVATION NOTES

1. THESE ELEVATIONS ARE TO BE USED FOR INFORMATION PURPOSES ONLY.
2. CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND CONDITIONS OF EXISTING WORK.
3. CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND CONDITIONS OF EXISTING WORK.
4. CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND CONDITIONS OF EXISTING WORK.
5. CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND CONDITIONS OF EXISTING WORK.
6. CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND CONDITIONS OF EXISTING WORK.
7. CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND CONDITIONS OF EXISTING WORK.
8. CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND CONDITIONS OF EXISTING WORK.
9. CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND CONDITIONS OF EXISTING WORK.
10. CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND CONDITIONS OF EXISTING WORK.





SIGN PERMIT APPLICATION

Planning Department, 229 Main Street, Nashua, NH 03061-2019

Received by	_____
Date	_____

Address 323 DANIEL WEBSTER HWY A
 Lot # 384
 Store / Company name LONG'S JEWELERS Zone HB
 Unit # 2 Mail name _____ Site _____
 Subdiv plan _____

Project #	_____
Property account #	_____

Owner SCUPP REALTY LLC
 Mailing address
24 APPLE TREE GREEN
NASHUA, N.H. 03062
 Daytime telephone # 603-930-6820
 Email allenj.melloe.comcast.net

Applicant Boston Sign Company
 Mailing address 40 Plympton St
Boston MA 02118
 Daytime telephone # 617-338-2114
 Email emily@bostonsign.com

Contractor Bryn Robinson Mailing Address 40 Plympton St
 Daytime telephone # 617-338-2114 Boston MA 02118 Email be@bostonsign.com

Copy (Wording) of sign Attach drawing Is this a change of copy to an existing sign? No Yes
Long's

Type On-premise Off-premise Freeway oriented
 Ground Wall Projecting Roof Other (specify) illuminated, storefront
 Electronic changing Rotating (corner lots only) Not rotating * Halb-lit
 One face Two faces Corner sign

Size Applications for any permanent sign exceeding ten square feet in area and any temporary sign exceeding twenty-five square feet in area shall be accompanied by structural details of sign framing and anchorages; large signs and pylon signs shall be designed by a registered P.E. Attach these plans to the application form.
 Height: _____ feet 54 inches
 Width: _____ feet 99 inches

Location Distance from ground to: bottom of sign 26.4 feet top of sign 30.94 feet
 Lot frontage along which sign will be facing: _____ feet
 Building length along which sign will be placed: 64 feet
 Proposed setback(s) from property line(s) Attach location map
 _____ feet from _____ (name) Street
 _____ feet from _____ (name) Street

Lighting Non-illuminated Incandescent
 Internally illuminated Fluorescent
 Externally illuminated Neon

A separate electrical permit is required to wire the electrical sign. You must call for an electrical inspection of the sign prior to installation if the sign is to be electrified. All electrical signs shall be listed (example UL) unless otherwise permitted and installed in compliance with the National Electrical Code. The sign permit will not be released until an application for an electrical permit has been received.

Existing signs Are there existing signs on or within the property lot, building or development? No Yes
 If yes, describe the number, type, size, copy and location of signs. Attach a photo of the existing signs.

I hereby attest to the accuracy of the information submitted herein, including any attachments, and acknowledge that any inaccuracies or omissions can result in revocation of this permit and loss of my vested rights to this sign.

Emily Moynihan Emily Moynihan
 Name of applicant (print) Signature of applicant
[Signature] 6-20-16
 Signature of owner or authorized agent * Date

* If not the owner of the property, written permission from the owner must be presented indicating authorization to apply for the permit.

APPROVALS

BUILDING OFFICIAL OR DESIGNEE: Required Not required

Approved Denied _____
 Building Official or designee Date

Comments _____

ZONING ADMINISTRATOR OR DESIGNEE:

Approved Denied _____
 Zoning Administrator or designee Date

This sign permit is issued subject to the following additional requirements or stipulations:

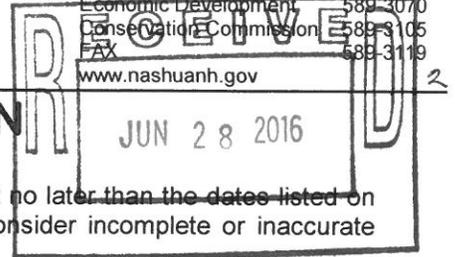
Comments _____

<input type="checkbox"/> Application fee	\$25	Receipt # _____	Date _____
<input type="checkbox"/> 50 sq. feet or less	\$55	Receipt # _____	Date _____
<input type="checkbox"/> 51 - 150 sq. feet	\$105	Receipt # _____	Date _____
<input type="checkbox"/> 151 sq. feet and over	\$200	Receipt # _____	Date _____
<input type="checkbox"/> Change of copy	No charge		



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 485 AMHERST STREET
 Zoning District HB Sheet H Lot 112

b. VARIANCE(S) REQUESTED -

#1 - SECTION 190-16 TABLE 16-3 DIM. MATRIX
CANOPY SETBACK
#2 - SECTION 190-108 WALL SIGNS
NUMBER OF WALL SIGNS ALLOWED

2. GENERAL INFORMATION

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

CAROLYN PARKER (CROSS AMERICA PARTNERS)

Applicant's signature Carolyn Parker Date 6/23/16

Applicant's address 3 LORION AVENUE, WORCESTER, MA 01606

Telephone number (home) N/A (work) 774-239-2781

b. PROPERTY OWNER LEEMILT'S PETROLEUM, INC.

Owner's signature SEE ATTACHED LTR Date 6/23/16

Owner's address 2 JERICHO PLAZA, JERICHO, NY 11753

Telephone number (home) _____ (work) _____
/o CROSS AMERICA PARTNERS - RANDY KEHS

Case number _____ Application Deadline _____ Date Received 6/28/16 Date of hearing 7/26/16

Notices: Newspaper Abutters Board Action _____

\$ _____ fee Date Paid _____ Receipt # _____

\$ _____ application fee Date Paid _____ Receipt # _____

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

rec'd
via
Fed Ex

PLR2016-00130

3. PURPOSE OF REQUEST VARIANCE #1 - FRONT SETBACK

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 installation of the overhead canopy would not be contrary to the public interest in fact it will benefit the public by shielding them from the in climate weather and offer additional lighting while their vehicles are being fueled.

- 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 installation of the new overhead canopy will not conflict with the spirit of the ordinance; in will fact it will help with the safety of the people by shielding them from weather and the addition of the canopy lighting.

- 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 site is currently a gas station, which has resided in the Highway Business Zone for over 30 years. The installation of the overhead canopy, which will replace the one removed due to corrosion, will be an enhancement to the property. Since the dispensers exist to remain we have to install the canopy above them and therefore require the setback variance.

- 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 site is an existing gas station that had been in existence since 1986, Cross America Partners; the leasee only proposes to enhance the site with the addition of the overhead canopy. The values of the surrounding properties will not be affected by this change.

- 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 485 AMHERST STREET

VARIANCE #1 - FRONT SETBACK

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 site is a small lot and not the normal size that a gas station would be built on today; which results in the leasee not being able to meet the 20'-0' setbacks for the canopy. The site is unique in that it is an existing gas station with the islands and dispensers remaining exactly where they are, therefore needing the front setback variance to install the new overhead canopy. The variance requested will not conflict with the general public purposes of the zoning ordinance and continues to permit a reasonable use, a gas station with overhead canopy. The granting of the requested variance poses no adverse impact to the health, safety and general welfare of the community.

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.

Cawley Parker - AGENT
Signature of applicant

6-27-16
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 _____

3. PURPOSE OF REQUEST

VARIANCE #2 - # OF WALL SIGN

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 variance request for additional wall signs will not be contrary to the public interest because the additional signs, which will be located on the overhead canopy, will benefit the public by letting them know what the brand of gas will be and the prices of said gas. Since the site does not have a free standing sign, which we would be allowed 150 square feet, to advertise the brand and gas prices we therefore need the additional signs on the overhead canopy.

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 of (3) three wall signs, allowing a total of (6) six on the property will not be in conflict with the spirit of the ordinance; in will in fact help with the safety of the people by allowing them to clearly see the brand of the gas station and the gas pricing. Once again we do not have a freestanding sign on the property so the additional signs are a necessity to properly display the BP brand.

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 site is currently a gas station, which has resided in the Highway Business Zone for over 30 years. The installation of (6) six wall signs, (1) one on the building and (5) five on the overhead canopy will do substantial justice because they are all necessary to properly brand the gas station and allow for the pricing of gas. Currently the gas prices are installed on the area light at the fuel dispensers. Once the canopy is installed you will not be able to clearly read the LED prices.

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 site is an existing gas station that had been in existence since 1986, Cross America Partners; the leasee only proposes to enhance the site with the addition of the overhead canopy with the proper branding and price display. The values of the surrounding properties will not be affected by this change.

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 485 AMHERST STREET

VARIANCE #2 - # OF WALL SIGNS

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.

Our hardship is that the site does not allow for the installation of a freestanding sign, of which we would be allowed 150 square feet in a Highway Business (HB) Zone, to the left of the property is a large Car Wash sign and to the right is the gas station entrance and shared driveway for the strip mall. Therefore we need to have the additional wall signs installed on the overhead canopy to properly advertise the BP brand and prices of the gas. The variance requested will not conflict with the general public purposes of the zoning ordinance and continues to permit a reasonable use, site signage. The granting of the requested variance poses no adverse impact to the health, safety and general welfare of the community.

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.

Candice Parker AGENT
Signature of applicant

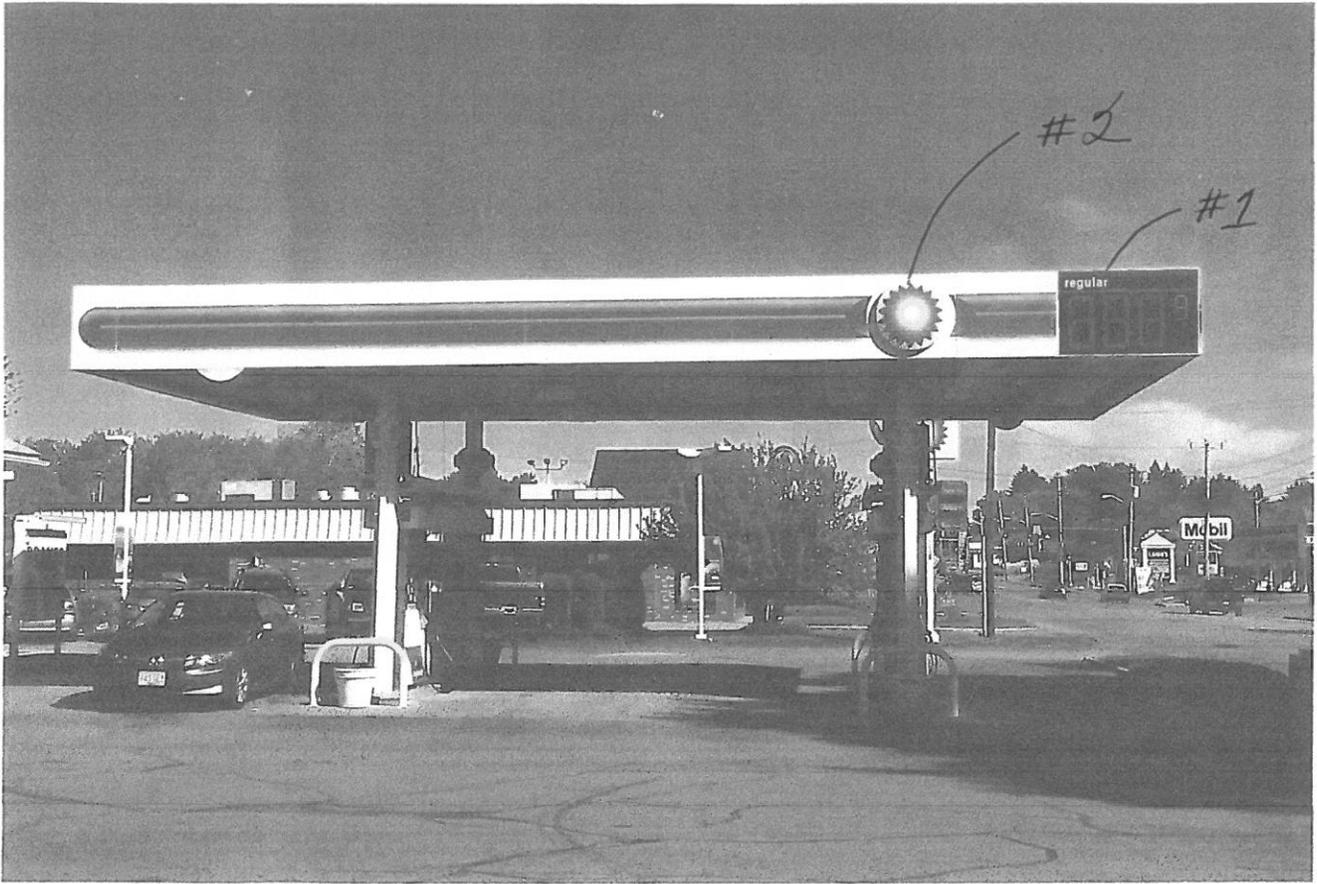
6/27/16
Date

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I will pick it up at City Hall

Please email it to me at _____

Please mail it to me at _____



"SAMPLE"

PROPOSED 36' X 45' OH CANOPY W/

- #1 (2) 3'-0" X 5'-0" LED PRICE SIGNS
- #2 (3) 3'-0" DIA. "HELIOS" BP DECALS
- #3 (1) "SHOP" WALL SIGN (EXISTING)

15.0

15.0

7.0

7.0

7.0

10.0

61.0 square feet

485 AMHERST ST
NASHUA, NH

Google Maps Amherst St



Image capture: Aug 2011 © 2016 Google

Nashua, New Hampshire

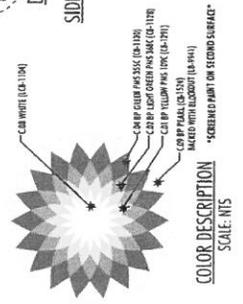
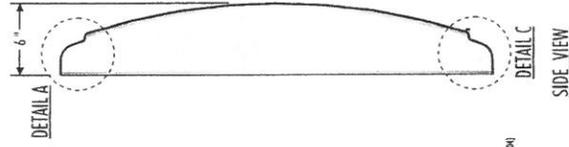
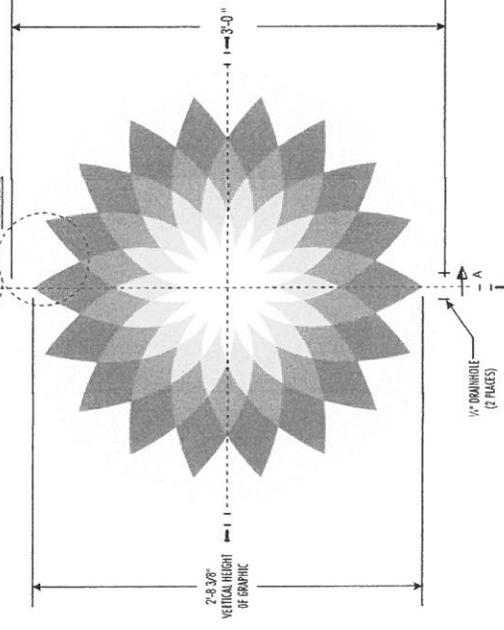
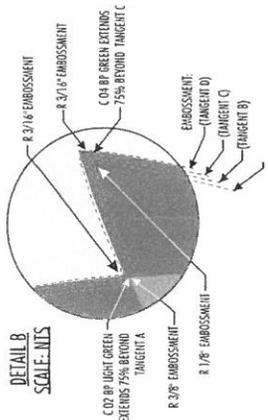
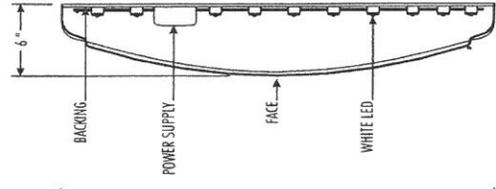
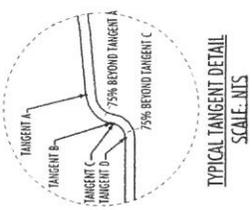
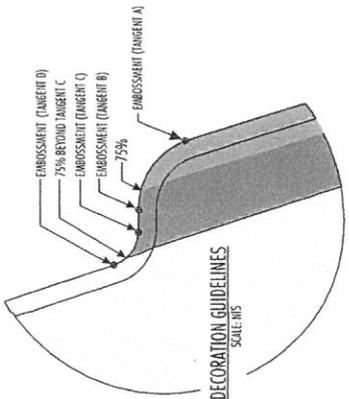
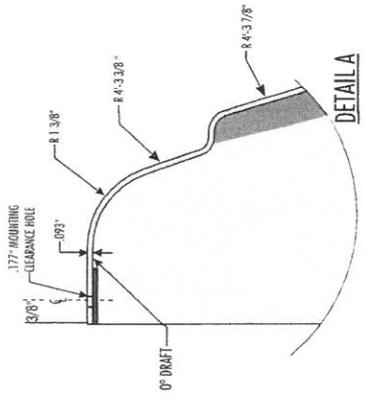
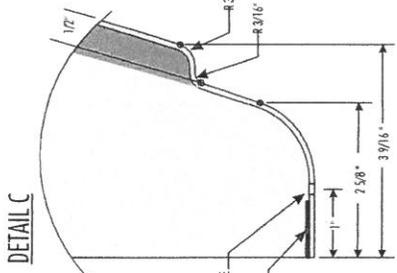
Street View - Aug 2011



EXISTING GAS STATION

#4 (2) 3'x5' LED PRICE SIGNS (TO BE REMOVED)

485 AMHERST ST
NASHUA, NH



REVISION HISTORY:	
REV. A	07/14/10
DESIGNED BY	YC
APPROVED BY	BO
EMBOSSMENT INITIAL DRAFTING RELEASE	
PARTS LIST:	
ITEM	DESCRIPTION
A	C04 BP FIBER
B	C04 BP WHITE
C	C04 BP GREEN
D	C04 BP LIGHT GREEN
E	C04 BP YELLOW
F	BLACKOUT
MATERIAL LIST	
1	PLASTIC FACE
2	SECOND SURFACE DECORATION
<p>THIS DRAWING IS INTENDED TO BE INSTALLED IN THE CABINET OF THE HELIOS GRAPHIC DETAIL. THE MATERIALS LISTED ARE THE MATERIALS TO BE USED FOR THE CABINET AND OTHER APPLICABLE LOCAL CODES. THIS INCLUDES PROPER GROUNDING AND BONDING OF THE AIR.</p>	
GENERAL NOTES	
<p>1. TOLERANCE (UNLESS NOTED) • GRAPHICS +1/8" • FACE SIZE + 1/16" - 1/4" • CABINET +/- 1/8" • VENT OVERLAP +/- 1/8" +/- 1/16" • ALL COPY LEVEL UNLESS NOTED OTHERWISE 2. VIEWING DISTANCE: 25' TO 50' UNLESS NOTED OTHERWISE 3. THIS COLOR CALIBRATION INDICATES USE OF SPRAWL ILM SYSTEM 4. INDICATION OF MATERIAL SUBSTITUTION WITHOUT EOL 5. ALL ELECTRICAL SHIMS TO COMPLY WITH UL 45</p>	
36" CANOPY HELIOS LOGO	
POLICE	CURTIS
DESIGNED BY	DOMICHE
DATE	JUN 11, 2010
LOCATION	BP
LOCATION	ARCO-VARIOUS
DATE	07/14/2010
REVISION	REV. A
PROJECT	BP36H-LED
SHEET #	1 OF 1

Leemilt's Petroleum, Inc.

June 23, 2016

City of Nashua
229 Main Street
Nashua, NH 03060

Re: 485 Amherst Street, Nashua, NH (Our Site #55245)

To Whom It May Concern:

Leemilt's Petroleum, Inc. ("Leemilt's") is the fee owner of the above-referenced premises (the "Nashua site"), which is leased to Lehigh Gas Wholesale Services, Inc. ("Lehigh") under a certain Unitary Net Lease and Net Sublease Agreement dated April 19, 2012 (the "Lease").

Leemilt's hereby authorizes Lehigh to act on behalf of Leemilt's with regard to applications and permits for the installation of a canopy at the Nashua site, including allowing Carolyn A. Parker Consulting to make applications and apply for permits for the canopy installation at the Nashua site. The limited authority granted herein applies only to the Nashua site, and is intended solely to facilitate the administration of applications and permits as specified above. Such limited authorization does not alter or diminish any of the obligations of Lehigh under the Lease and all obligations remain in full force and effect.

Please feel free to contact the undersigned below if you have any questions or require additional information.

Very truly yours,

LEEMILT'S PETROLEUM, INC.



Elena Lokis
Director of Asset Management

CAROLYN A. PARKER
CONSULTING

June 24, 2016

City of Nashua
229 Main Street
Nashua, NH 03061

Attn: Ms. Marcia Wilkins
City Planner

Cross America Partners/BP
485 Amherst Street
Nashua, NH 03061
Delivery: Email/Fedex

Dear Ms. Wilkins,

The existing gas station with small convenience store located at 485 Amherst Street is under a long term lease from the owner Leemilt's Petroleum, Inc. (Getty) to Cross America Partners. The leasee at this time proposes to install a new 36'-0" x 45'-0" overhead canopy above the existing fuel dispensers. The site is located in a Highway Business (HB) zone and we are requesting a variance per **Section 190-16 – Table 16-3 Dimensional Matrix** for the front setback. The required front yard setback is 20'-0", we are asking to receive a variance, from the Zoning Board of Adjustment, to install the overhead canopy setback 3.7' from the property line. Since all the existing site features, building and fuel dispensers, are to remain as is, we need to install the overhead canopy above the existing fuel dispensers. The use is remaining as is we only wish to expand the use with the installation of the overhead canopy. The hardship is the existing gas station itself, the setbacks of 20'-0" cannot be meet without doing a complete raze and rebuild if the property. The site has been a gas station for 30 years. There was a canopy but due to wear and tear they canopy had to be removed for safety reasons. The new leasee wishes to install a new overhead canopy to once again protect the customers and employees from the harsh New England weather, without a canopy customers will go to other gas stations that have overhead canopies installed when the weather is inclement. The installation of this overhead canopy will not nullify or substantially derogate from the bylaws since the use is allowed. If this was a ground up site today the lot would be larger and deeper, the building bigger and the setbacks would not be an issue. The leasee only wishes to provide their customers with the same conveniences that other gas stations are able to provide.

They currently have a "Shop" wall sign which is 10 square feet and will remain as is and (2) LED price signs (15 square feet per side) installed on the area light in the dispensing area that will be removed. They are also proposing the installation of (3) three 3'-0" diameter illuminated "Helios" signs and (2) two 3'-0" x 5'-0" LED price signs to be installed on each side of the overhead canopy. We are requesting a second variance per **Section 190-108 - Wall Signs** – we are allowed 1 1/2 times the wall frontage (40'-0" OAL) if no free standing sign and we can divide the allowed wall sign square footage to allow for 3 wall signs. We are allowed 80 square feet and we are requesting (6) six wall signs. The total square footage of the wall signs is 61 square feet.

SPECIALIZING IN THE PETROLEUM INDUSTRY
Project Management, Permit Expediting, Drafting & Fire Suppression Plans

3 Lorion Avenue, Worcester, MA 01606 • Tel: ~~508-853-1167~~ • Fax: 508-853-1176 • Cell: 774-239-2781 • capconsulting@verizon.net

774-239-2781

Enclosed please find the following information in support of our application for a Variance for the above referenced location:

- One (1) copy of the Variance Application for Zoning Board of Adjustment for both a variance #1 Front Setback for OH Canopy and #2 Number of Allowed Wall Signs.
- One (1) copy of Preliminary Canopy Elevations – 8 ½” x 11”
- One (1) copy of photo of the Existing Gas station
- One (1) copy of BP “Helios” Canopy Sign
- One (1) copy of Proposed Canopy Elevation
- One (1) copy of Owner Authorization Letter
- One (1) copy of Site Plan – “D” Size
- Check # 2801 in the amount of \$ 545.00 for Fees for (2) Two Variances

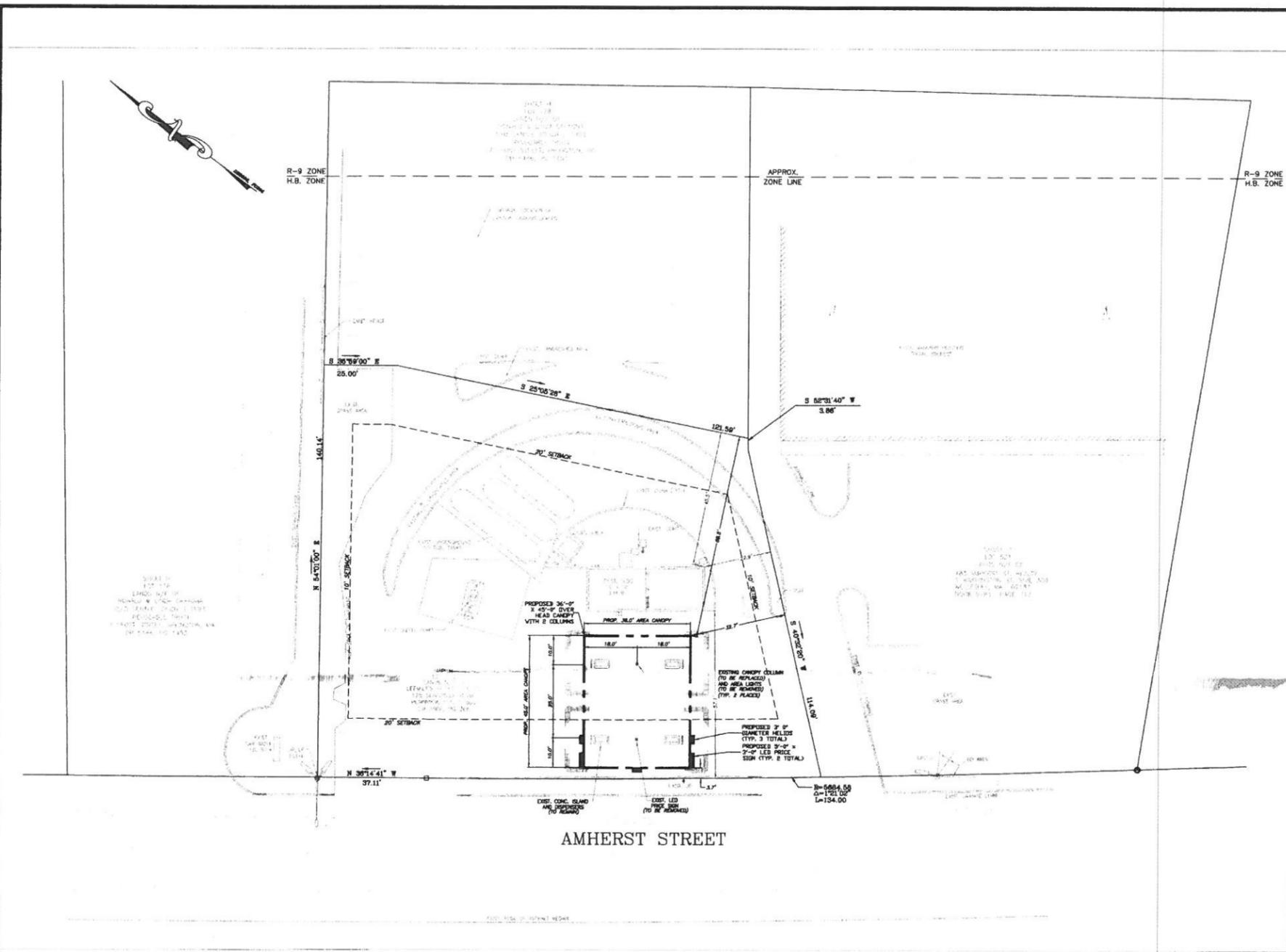
Please review the enclosed information and schedule us to be heard at the July 26, 2016 Zoning Board of Adjustment meeting. It is my understanding that you will do the Abutter List and Notifications and bill me for the cost. If you have any questions or need additional information please do not hesitate to call me at (774) 239-2781. Thank you in advance for your time in helping to expedite this matter.

Sincerely,



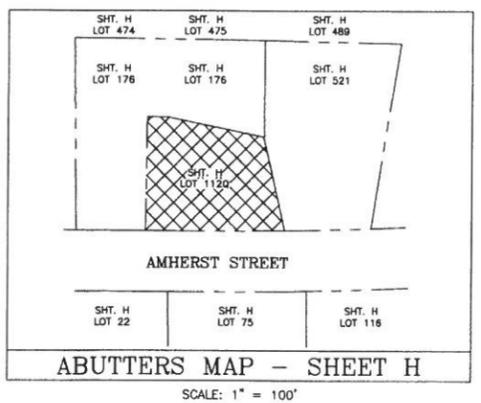
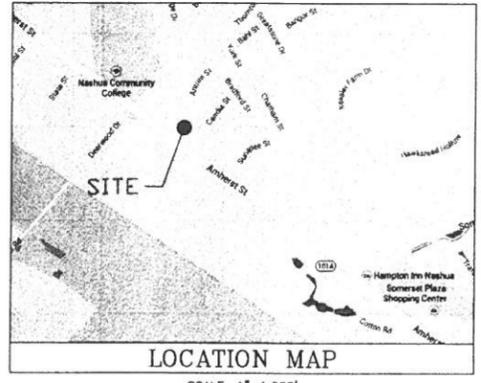
Carolyn A. Parker

Cc: Cross America Partners
File



ABUTTERS LIST

MAP H LOT 1120 LEEMILT'S PETROLEUM, INC. 125 JERICHO TURNPIKE JERICHO, NY 11753-1016 BOOK 3653 PAGE 305
LOT 1760 487 AMHERST STREET CAMPAGNA RONALD J. & LINDA M. TRUSTEES GENTLE TOUCH II REVOCABLE TRUST 487 AMHERST STREET NASHUA, NH 03083-1232 BOOK 5486 PAGE 1453
LOT 521 483 AMHERST NASHUA RLTY TRUST 372 BOSTON RD STE 16 BILLERICA, MA 01821 BOOK 8757 PAGE 1077
LOT 75 482 AMHERST STREET ON IN TWO MANAGEMENT, INC 482 AMHERST STREET NASHUA, NH 03083-0205 BOOK 7059 PAGE 367
LOT 116 478 AMHERST STREET FAB-BRAZE CORP. 5 PROGRESS AVE NASHUA, NH 03082-1908 BOOK 1559 PAGE 17
LOT 22 486 AMHERST STREET TAMPOSI, SAMUEL ASR TRUST & 20 TRAFAL CAR SQ STE 602 NASHUA, NH 03083 BOOK 8510 PAGE 588
LOT 475 DUNNING, ROGER F. III & LISA 18 ANTRIM STREET NASHUA, NH 03083-1109 BOOK 5633 PAGE 531
LOT 474 19 ANTRIM STREET JOHNSTON FAMILY REV TRUST 19 ANTRIM STREET NASHUA, NH 03083-1145 BOOK 8655 PAGE 2335
LOT 489 15 CANDIA STREET PINKSTON, MARK W. & ELIZABETH A. 15 CANDIA STREET NASHUA, NH 03083-1134 BOOK 5221 PAGE 1103

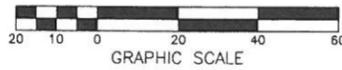


ZONING ANALYSIS TABLE

ZONE CRITERIA	REQUIRED	EXISTING	PROPOSED
ZONING DISTRICT	HIGHWAY BUSINESS (H.B.)		
MINIMUM LOT AREA	20,000 S. F.	20,277 S.F.	NO CHANGE
MINIMUM FRONTAGE	80 FT.	171.11 FT.	NO CHANGE
MAX. BLDG. COVERAGE	NONE	N/A	N/A
MIN. LOT WIDTH	100 FT.	167 FT.	NO CHANGE
MIN. LOT DEPTH	80 FT.	115.5 FT.	NO CHANGE
MIN. FRONT SETBACK	20 FT.	57.1 FT.	3.7 FT.
MIN. REAR SETBACK	20 FT.	45.5 FT.	NO CHANGE
MIN. SIDE SETBACK	10 FT.	22.9 FT.	NO CHANGE
MAX. BUILDING HEIGHT	60 FT.	17 FT. (+/-)	NO CHANGE
MIN. OPEN SPACE %	20% (4,055 SF)	19% (3,852 SF)	NO CHANGE
PARKING SPACES	1/250 S.F. GROSS FLOOR AREA		NO CHANGE
	600 SF/250 = 2.4 SPACES REQUIRED		

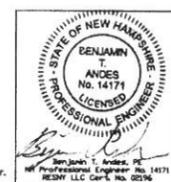
NOTE:
THE UNDERSIGNED DOES HEREBY AGREE TO PERFORM ALL OF THE SITE IMPROVEMENTS AS SHOWN ON THIS PLAN AND AS CONDITIONED OR STIPULATED BY THE NCPB.

LEEMILT'S PETROLEUM, INC. OWNER: MAP H LOT 1120 DATE
C/O GETTY PETROLEUM CORPORATION,
125 JERICHO TURNPIKE
JERICHO, NY 11753-1016
1-800-359-4388



GENERAL SITE NOTES

- APPLICANT: CROSS AMERICA PARTNERS, LP.
515 HAMILTON ST, SUITE 200
ALLENTOWN, PA 18101
OWNER: LEEMILT'S PETROLEUM, INC.
C/O GETTY PETROLEUM CORPORATION
125 JERICHO TURNPIKE
JERICHO, NEW YORK
- LOT SHOWN ON ASSESSOR'S MAP H, LOT 1120 IN THE CITY OF NASHUA.
- PARCEL AREA IS 20,277 SQUARE FEET.
- PROPERTY LINE AND INFORMATION TAKEN FROM A PLAN ENTITLED "BOUNDARY & TOPOGRAPHICAL SURVEY", DRAWN BY CONTROL POINT ASSOCIATES, INC. FOR STATION #56241, 485 AMHERST STREET, NASHUA, NH DATED 2/17/97.
- IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO REVIEW ALL OF THE DRAWINGS AND SPECIFICATIONS ASSOCIATED WITH THIS PROJECT WORKSCOPE PRIOR TO THE INITIATION OF CONSTRUCTION. SHOULD THE CONTRACTOR FIND A CONFLICT WITH THE DOCUMENTS, RELATIVE TO THE SPECIFICATIONS OR APPLICABLE CODES, IT IS THE CONTRACTOR'S RESPONSIBILITY TO NOTIFY THE PROJECT ENGINEER OF RECORD IN WRITING PRIOR TO THE START OF CONSTRUCTION. FAILURE BY THE CONTRACTOR TO NOTIFY THE PROJECT ENGINEER SHALL CONSTITUTE ACCEPTANCE OF FULL RESPONSIBILITY BY THE CONTRACTOR TO COMPLETE THE SCOPE OF WORK AS DEFINED BY THE DRAWINGS AND IN FULL CONFORMANCE WITH LOCAL REGULATIONS AND CODES.
- ALL WORK SHALL CONFORM TO THE CITY OF NASHUA AND THE NEW HAMPSHIRE DEPARTMENT OF TRANSPORTATION CONSTRUCTION STANDARDS AS APPLICABLE.
- LOCATION OF ALL EXISTING AND PROPOSED SERVICES ARE APPROXIMATE AND MUST BE CONFIRMED INDEPENDENTLY WITH LOCAL UTILITY COMPANIES PRIOR TO COMMENCEMENT OF ANY CONSTRUCTION OR EXCAVATION. ALL UTILITY SERVICE CONNECTION POINTS SHALL BE CONFIRMED INDEPENDENTLY BY THE CONTRACTOR IN THE FIELD PRIOR TO THE COMMENCEMENT OF CONSTRUCTION.
- ALL UTILITY LOCATIONS ARE APPROXIMATE. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO LOCATE CONDUITS, PRODUCT PIPING, ETC. PRIOR TO COMMENCEMENT OF EXCAVATION OF ANY TYPE.
- ANY EXCAVATED UNSUITABLE MATERIAL MUST BE TRANSPORTED TO AN APPROVED DISPOSAL LOCATION.
- IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO NOTIFY "DIG-SAFE" (1-800-322-4844) 72 HOURS PRIOR TO ANY EXCAVATION ON THIS SITE. CONTRACTOR SHALL ALSO NOTIFY LOCAL WATER & SEWER DEPARTMENTS TO MARK OUT THEIR UTILITIES.
- CONTRACTOR SHALL NOTIFY LOCAL FIRE DEPARTMENT AND OBTAIN PROPER TRADE PERMITS PRIOR TO COMMENCEMENT OF WORK.
- IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO NOTIFY THE BUILDING AND FIRE DEPARTMENTS 48 HOURS PRIOR TO COMMENCEMENT OF CONSTRUCTION.
- THE LIMITS OF WORK SHALL BE CLEARLY MARKED IN THE FIELD PRIOR TO THE START OF CONSTRUCTION OR SITE CLEARING.
- ALL CONCRETE AND BITUMINOUS PATCH AREAS TO MATCH EXISTING GRADES.
- ALL WORK IS TO BE PERFORMED IN ACCORDANCE WITH O.S.H.A. REQUIREMENTS.
- SOLID WASTE TO BE DISPOSED OF BY CONTRACTOR IN ACCORDANCE WITH ALL LOCAL, STATE AND FEDERAL REGULATIONS.
- CONTRACTOR IS RESPONSIBLE FOR ALL SHORING REQUIRED DURING EXCAVATION AND SHALL BE PERFORMED IN ACCORDANCE WITH CURRENT OSHA STANDARDS, AS WELL AS ADDITIONAL PROVISIONS TO ASSURE STABILITY OF CONTIGUOUS STRUCTURES, AS FIELD CONDITIONS DICTATE.
- ANY REPRODUCTION OF THIS ENGINEERED DOCUMENT WITHOUT THE PRIOR CONSENT OF THE "ENGINEER OF RECORD" IS STRICTLY PROHIBITED.
- IN CASE OF DISCREPANCIES BETWEEN PLANS, THE SITE PLAN WILL SUPERSEDE IN ALL CASES. NOTIFY ENGINEER OF RECORD OF ANY CONFLICTS.



RESNY
Remediation Equipment and
Services of New York, LLC

Canopy Install Location Plan
485 Amherst St.
Nashua, NH

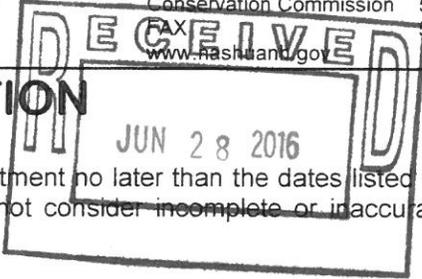
Scale: 1" = 100'
Sheet: 1 of 1
Date: 11-02-2016

It is a violation of law for any person to alter any document that bears the seal of a professional engineer.



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
 589-3119



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 6-8 Girouard Avenue
 Zoning District R-A Sheet 47 Lot 198
- b. VARIANCE(S) REQUESTED
A dimensional variance is requested from Table 16-3 Dimensional Matrix of the City of Nashua Land Use Code for lot width. 75 Ft required 57 Ft provided.

2. GENERAL INFORMATION

- a. APPLICANT / OPTIONEE (List both individual name and corporate name if applicable)
Million Dollar View, LLC
 Applicant's signature [Signature] Date 6-28-16
 Applicant's address PO Box 3691 Nashua, NH 03061
 Telephone number (home) (239) 707-3776 (work) (239) 707-3776
- b. PROPERTY OWNER Million Dollar View, LLC
 Owner's signature [Signature] Date 6-28-16
 Owner's address PO Box 3691 Nashua, NH 03061
 Telephone number (home) (239) 707-3776 (work) (239) 707-3776

Case number _____ Application Deadline _____ Date Received 6/28/16 Date of hearing 7/26/16
 Notices: Newspaper Abutters Board Action _____
 \$ _____ fee Date Paid _____ Receipt # _____
 \$ _____ application fee Date Paid _____ Receipt # _____
 \$15 signage fee \$100 recovery fee Date Paid _____ Receipt # _____

PLR2016-00129

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.")

It is not contrary to the public interest to grant a width variance to permit the subdivision of the existing 0.437 Acre parcel into two (2) lots because both lots will be more than adequate to support single family residential dwelling units.

- 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 spirit of the ordinance is to provide and adequate building site and separation between dwelling units. The proposed lot will provide adequate width to develop a single family unit in character with the surrounding neighborhood without need for further dimensional relief.

- 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 owner will be able to subdivide the existing tract into two residential building lots while still maintaining the character of the surrounding neighborhood.

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

A new home will be constructed on the lots with values equal to or exceeding surrounding values. The homes will be constructed in keeping with the surrounding neighborhood, therefor not negatively effecting surrounding 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.

It should be noted that the existing lot of record exceeds all of the requirements to subdivide with the exception of width. The existing easterly lot line is on an acute angle with the existing right of way line of Girouard Ave. The line appears to run parallel with the natural slope to the east. Because the side lines converge as they move into the lot, frontage is provided in excess, but lot width cannot be met where it is measured at the front setback. Due to the acute angle the easterly line makes with the right of way, no other alternative is available to achieve lot width.

4. USE VARIANCE ADDITIONAL INFORMATION

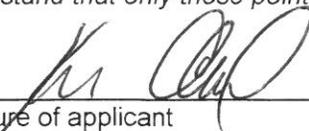
Please answer all questions below that are applicable. Your answers to these questions will allow staff to better understand your request.

- 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.



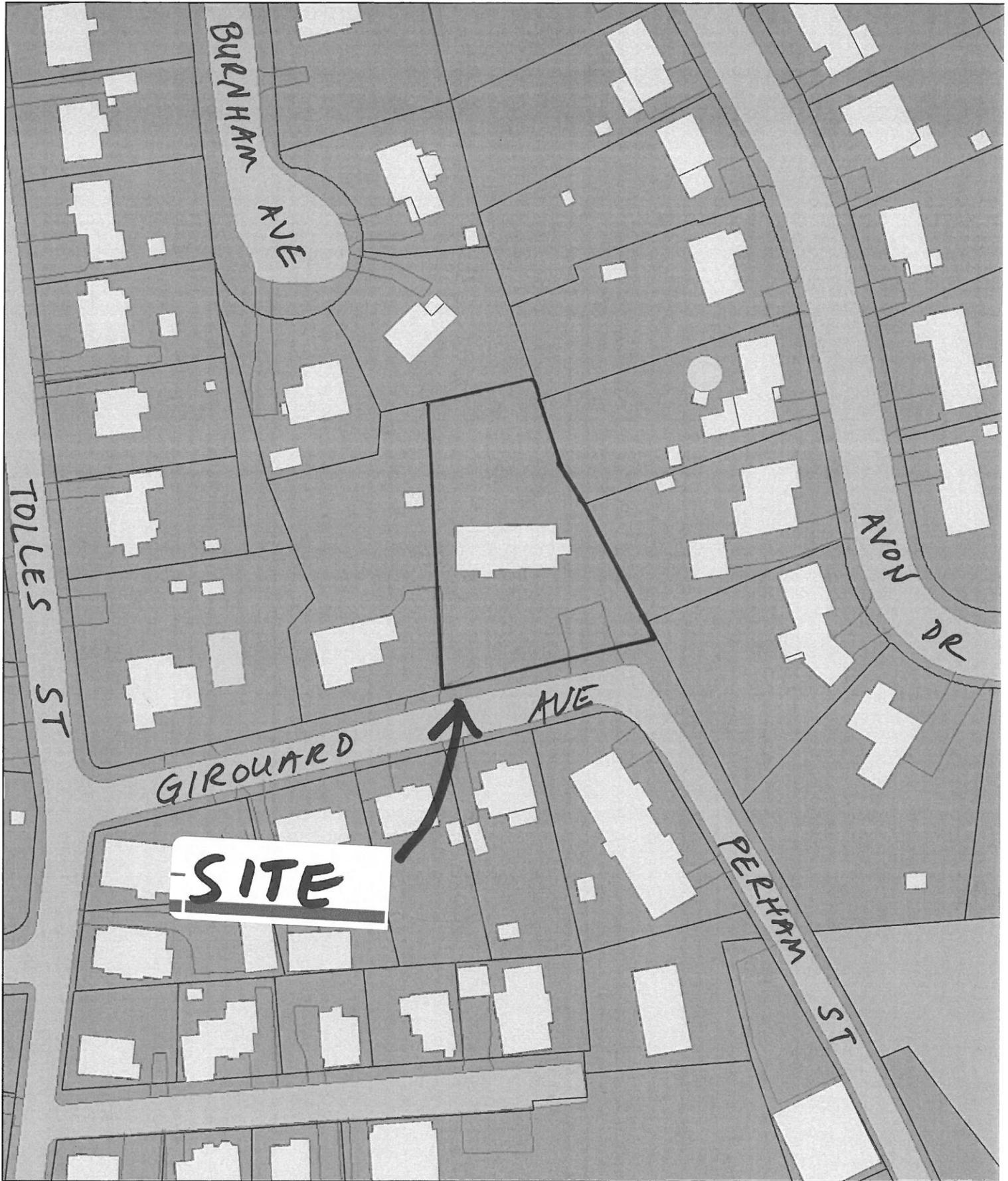
Signature of applicant

6-28-16

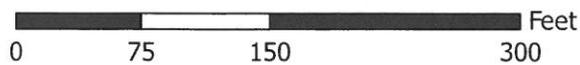
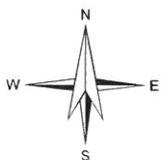
Date

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

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



6-8 Girouard Avenue

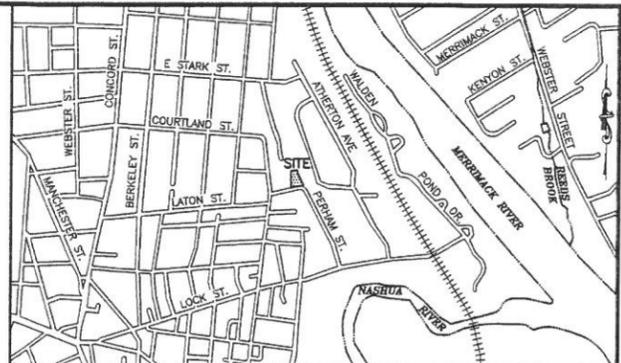
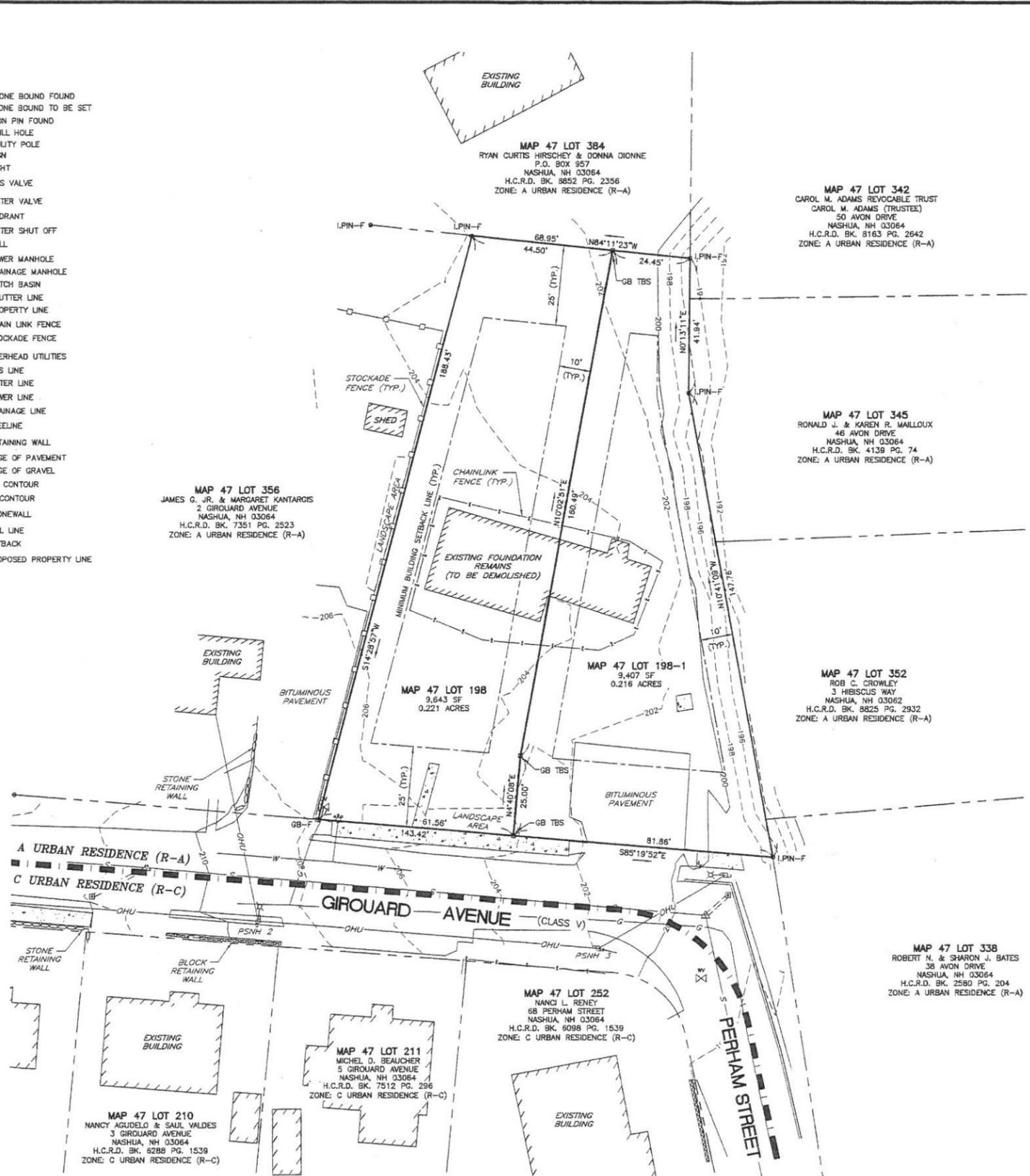


1 inch = 114 feet



LEGEND

- STONE BOUND FOUND
- STONE BOUND TO BE SET
- IRON PIN FOUND
- DRILL HOLE
- UTILITY POLE
- SIGN
- LIGHT
- GAS VALVE
- WATER VALVE
- HYDRANT
- WATER SHUT OFF
- WELL
- SEWER MANHOLE
- DRAINAGE MANHOLE
- CATCH BASIN
- ABUTTER LINE
- PROPERTY LINE
- CHAIN LINK FENCE
- STOCKADE FENCE
- OHU
- GAS LINE
- WATER LINE
- SEWER LINE
- DRAINAGE LINE
- TREELINE
- RETAINING WALL
- EDGE OF PAVEMENT
- EDGE OF GRAVEL
- 10' CONTOUR
- 2' CONTOUR
- STONEWALL
- SOIL LINE
- SETBACK
- PROPOSED PROPERTY LINE



VICINITY PLAN
SCALE: 1" = 1,000'

REFERENCE PLANS:

1. "LOT LINE RELOCATION PLAN, LOTS 198 & 356, MAP 47, 2 & 4-8 GIROUARD AVE, NASHUA NH," SCALE: 1"=20', DATED: JUNE 2003, PREPARED BY ERNEST JEFFREY, L.L.S. H.C.R.D. PLAN NO. 32709.

GENERAL NOTES:

1. THE PURPOSE OF THIS PLAN IS TO DEPICT THE SUBDIVISION OF TAX MAP 47 LOT 198 INTO TWO (2) BUILDING LOTS AS SHOWN HEREON.
2. MAP 47 LOT 198 INDICATES CITY OF NASHUA, NEW HAMPSHIRE TAX ASSESSOR'S MAP AND LOT NUMBER.
3. AREA OF EXISTING PARCEL:
TAX MAP 47 LOT 198 = 19,050 SF OR 0.437 ACRES
4. PROPOSED PARCEL AREAS FOLLOWING SUBDIVISION:
TAX MAP 47 LOT 198-1 = 9,643 SF OR 0.221 ACRES
TAX MAP 47 LOT 198-2 = 9,407 SF OR 0.216 ACRES
5. PRESENT OWNER OF RECORD:
MILLION DOLLAR VIEW, LLC
P.O. BOX 3691
NASHUA, NH 03061
BK. 8852 PG. 1576
6. THE SUBJECT PARCEL IS LOCATED WITHIN THE A URBAN RESIDENCE DISTRICT (R-A) ZONING DISTRICT AND SUBJECT TO THE FOLLOWING DIMENSIONAL REGULATIONS:

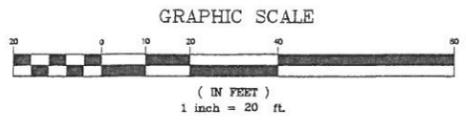
	REQUIRED	LOT 198	LOT 198-1
- MINIMUM LOT AREA:	7,500 SF	9,643 SF	9,407 SF
- MINIMUM LOT WIDTH:	75 FT	57.2 FT	75 FT
- MINIMUM LOT FRONTAGE:	60 FT	61.56 FT	81.86 FT
- MINIMUM LOT DEPTH:	90 FT	188.43 FT	185.49 FT
MINIMUM BUILDING SETBACKS:			
- FRONT:	25 FT	25 FT	25 FT
- SIDE:	10 FT	10 FT	10 FT
- REAR:	25 FT	25 FT	25 FT
- OPEN SPACE:	50%	N/A	N/A
- MAXIMUM BUILDING HEIGHT:	35 FT	N/A	N/A
- MAXIMUM STORIES:	2.5	N/A	N/A
- MAXIMUM FLOOR AREA RATIO:	0.5	N/A	N/A
7. THE FOLLOWING VARIANCE IS REQUIRED:
- SECTION 190-16 DIMENSIONAL REGULATIONS TO ALLOW A LOT WIDTH OF 57.2 FT WHERE 75 FT IS REQUIRED.
8. BOUNDARY AND TOPOGRAPHIC INFORMATION SHOWN HEREON IS THE RESULT OF A FIELD SURVEY PERFORMED BY THIS OFFICE IN MAY 2016.
9. VERTICAL & HORIZONTAL DATUM IS ASSUMED. NORTH ORIENTATION IS BASED ON REFERENCE PLAN #1.
10. EXAMINATION OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP (FIRM) MAP NUMBER 33011C0514E, PANEL 514 OF 701, REVISED DATE APRIL 18, 2011 INDICATES THAT THE SUBJECT PARCEL IS NOT LOCATED WITHIN A DESIGNATED FLOOD HAZARD AREA.
11. THE LOCATION OF ANY UNDERGROUND UTILITY INFORMATION SHOWN ON THIS PLAN IS APPROXIMATE. KEACH-NORDSTROM ASSOCIATES, INC. MAKES NO CLAIM TO THE ACCURACY OR COMPLETENESS OF UTILITIES SHOWN. PRIOR TO ANY EXCAVATION ON SITE THE CONTRACTOR SHALL CONTACT DIG SAFE AT 811.

OWNER OF LOT 198
SIGNATURE: *[Signature]*
DATE: 6-28-16

ZONING BOARD OF ADJUSTMENT PLAN
ALLARD SUBDIVISION
MAP 47 LOT 198
6-8 GIROUARD AVENUE
NASHUA, NEW HAMPSHIRE
HILLSBOROUGH COUNTY

OWNER OF RECORD / APPLICANT:
MILLION DOLLAR VIEW, LLC
P.O. BOX 3691
NASHUA, NH 03061
H.C.R.D. BK. 8852 PG. 1576

KM KEACH-NORDSTROM ASSOCIATES, INC.
Civil Engineering Land Surveying Landscape Architecture
10 Commerce Park North, Suite 3B, Bedford, NH 03110 Phone (603) 627-2881



I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED BY ME OR THOSE UNDER MY DIRECT SUPERVISION. FURTHER, THAT THIS PLAN IS BASED ON AN ACTUAL FIELD SURVEY PERFORMED BY THIS OFFICE DURING MAY OF 2016. SAID SURVEY HAS A RELATIVE ERROR OF CLOSURE OF ONE PART IN TEN THOUSAND (1:10,000) OR BETTER.

[Signature]
DATE: 6/28/16
LICENSED LAND SURVEYOR

REVISIONS			
No.	DATE	DESCRIPTION	BY

DATE: JUNE 8, 2016 SCALE: 1"=20'
PROJECT NO: 16-0413-2 SHEET 1 OF 1



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

JULY 26, 2016

AMENDED AGENDA

1. John J. Flatley Company (Owner) Expose Sign & Graphics, Inc. (Applicant) 1 Tara Boulevard (Sheet A Lot 721) requesting variance to allow for three off-premises sign panels on an existing ground sign - 30 sq.ft for Homewood Suites, located at 15 Tara Boulevard, 30 sq.ft for new restaurant to be built, address undetermined, and 9.3 sq.ft for the Tara Heights Apartments, located at 6-30 Digital Drive. PI Zone, Ward 8.
2. Million Dollar View, LLC (Owner) 6-8 Girouard Avenue (Sheet 47 Lot 198) requesting variance for minimum lot width, 75 feet required, 57.2 feet proposed - to subdivide one lot into two lots. RA Zone, Ward 3.
3. Heritage Baptist Church of Nashua, Inc. (Owner) Heritage Baptist Academy (Applicant) 105 Lock Street (Sheet 41 Lot 49) requesting use variance to allow a school, grades 1-12, within an existing church. GI Zone, Ward 3.
4. Scupp Realty, LLC (Owner) Boston Sign Company (Applicant) 323 Daniel Webster Highway (Sheet A Lot 384) requesting variance to exceed maximum wall sign area, 112.5 sq.ft allowed, 112 sq.ft permitted on 7-1-16, one additional 37.12 sq.ft wall sign proposed for a total wall sign area of 150 sq.ft. HB Zone, Ward 7.
5. Leemilt's Petroleum, Inc. (Owner) Cross America Partners - Carolyn Parker (Applicant) 485 Amherst Street (Sheet H Lot 112) requesting the following variances: 1) to encroach 16'-8" into the 20' required front yard setback to construct a 36'x45' overhead canopy over existing gasoline pumps; and, 2) to exceed maximum number of wall signs, 3 permitted - 6 proposed. HB Zone, Ward 2.

OTHER BUSINESS:

1. Review of Motion for Rehearing: **3 Dora St.**

2. Review of upcoming agenda to determine proposals of regional impact.
3. Approval of Minutes for previous hearings/meetings:
6/14/16, 6/28/16, 7/12/16

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