

1. Zoning Board Regular Meeting Agenda (PDF)

Documents:

[20160927 ZBA AGENDA.PDF](#)

2. 20160927 ZBA Meeting Packet

Documents:

[20160927 14 TWILIGHT DR.PDF](#)
[20160927 18 TWILIGHT DR.PDF](#)
[20160927 28 BULOVA DR.PDF](#)
[20160927 41 ORANGE ST.PDF](#)
[20160927 711 WEST HOLLIS ST.PDF](#)
[20160927 738 WEST HOLLIS ST.PDF](#)
[20160927 L CHARRON AVE.PDF](#)

3. Zoning Board Regular Meeting Amended Agenda (PDF)

Documents:

[20160927 ZBA AGENDA AMENDED.PDF](#)



City of Nashua

Community Development Division

City Hall, 229 Main Street, PO Box 2019
Nashua, New Hampshire 03061-2019

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

September 13, 2016

The following is to be published on ROP September 17, 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, September 27, 2016, at 6:30 PM at the Nashua City Hall Auditorium, 3rd floor, 229 Main Street.

1. 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. **[TABLED FROM 8-23-16 ZBA MEETING]**
2. City of Nashua (Owner) Stephen Bourque, Airport Manager (Applicant) "L" Charron Avenue (Sheet E Lot 2137) requesting special exception to work within a 40-foot critical wetland buffer to remove 8-12 trees that have been identified by the FAA as penetrating into the approach surface aircraft use to arrive at airport in inclement weather. HB Zone, Ward 1.
3. Heather A. King (Owner) 18 Twilight Drive (Sheet C Lot 938) requesting variance to encroach 3 feet into the 6 foot required left side yard setback to maintain an 8'x12' shed. R9/R30 Zone, Ward 5.
4. Louis S. Marino Rev. Trust (Owner) 28 Bulova Drive (Sheet A Lot 551) requesting variance to encroach 6 feet into the 10 foot required left side yard setback to construct an attached 12'x22' carport. RA Zone, Ward 7.
5. Rose Hatch (Owner) 14 Twilight Drive (Sheet C Lot 936) requesting special exception for an accessory (in-law) dwelling unit. R9 Zone, Ward 5.
6. T.J. Lats Latvis & Hattaya Dowbenko (Owners) 41 Orange Street (Sheet 44 Lot 2) requesting variance for minimum lot area, 10,878 sq.ft existing, 13,939 sq.ft required - to add one additional residential unit to an existing three-unit multi-family building. RC Zone, Ward 3.

7. Mary E. Castonguay, Trustee of Henry P. & Mary E. Castonguay Rev. Trust (Owner) Raisanen Homes Elite, LLC (Applicant) 738 West Hollis Street (Sheet D Lot 75) requesting variance to exceed maximum principal structures permitted on one lot, one existing, ten single-family detached units proposed. R9 Zone, Ward 5.

8. 711 West Hollis Street Realty Trust, LLC, Michelle Rodriguez, Manager (Owner) 711 West Hollis Street (Sheet F Lot 54) requesting variance to exceed maximum principal structures permitted on one lot, one existing, four additional detached units proposed for a total of five units. R9 Zone, Ward 5.

OTHER BUSINESS:

1. Review of Motion for Rehearing:

2. Review of upcoming agenda to determine proposals of regional impact.

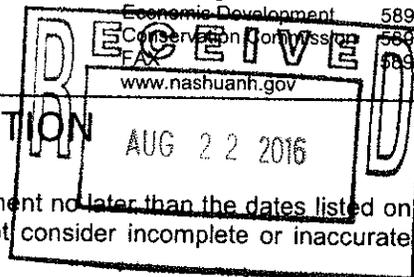
3. Approval of Minutes for previous hearings/meetings.

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



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 589-1105
 FAX 589-1119



SPECIAL EXCEPTION APPLICATION

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

1. SPECIAL EXCEPTION INFORMATION

a. ADDRESS OF REQUEST 14 Twilight Drive Nashua, NH 03062
 Zoning District R9 Sheet C Lot 936

b. SPECIAL EXCEPTION(S) REQUESTED Create accessory apartment
in basement, including bathroom and kitchenette.
Total area less than 30% of total, and
less than 700 sq. ft.

2. GENERAL INFORMATION

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

Applicant's signature David Benson Date 8/19/16
 Applicant's address Same
 Telephone number (home) 603-770-7912 (work) _____

b. PROPERTY OWNER Rose Hatch

Owner's signature Rose Hatch Date 8/19/16
 Owner's address 14 Twilight Drive
 Telephone number (home) 603-770-7912 (work) _____

Case number _____ Application Deadline 8/30/16 Date Received 8/22/16 Date of hearing 9/27/16

Notices: Newspaper Abutters Board Action _____

\$ _____ fee Date Paid _____ Receipt # _____

\$ 330 application fee } \$345 Date Paid _____ Receipt # _____

\$15 signage fee \$100 recovery fee } CK# 195 Date Paid _____ Receipt # _____

PLR# 2016-00183

3. PURPOSE OF REQUEST

Answer all questions below. Provide as much information as available to give the ZBA the necessary facts to review your case. Attach additional sheets if necessary. Please see "Procedures for Filing a Special Exception" for further information.

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

To create small in-law apartment in basement of 1 story ranch.

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

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

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

None

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

All work will be interior only, No increase in traffic or external appearance

4. SPECIAL EXCEPTION AND USE VARIANCES

For Special Exception and Use Variances, please answer all questions below that are applicable. Your answers to these questions will allow staff to better understand your request.

a. Total number of employees _____ 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 None

g. Describe any proposed site renovations, including, but not limited to – landscaping, lighting, pavement, structural changes, signage, access and circulation None

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

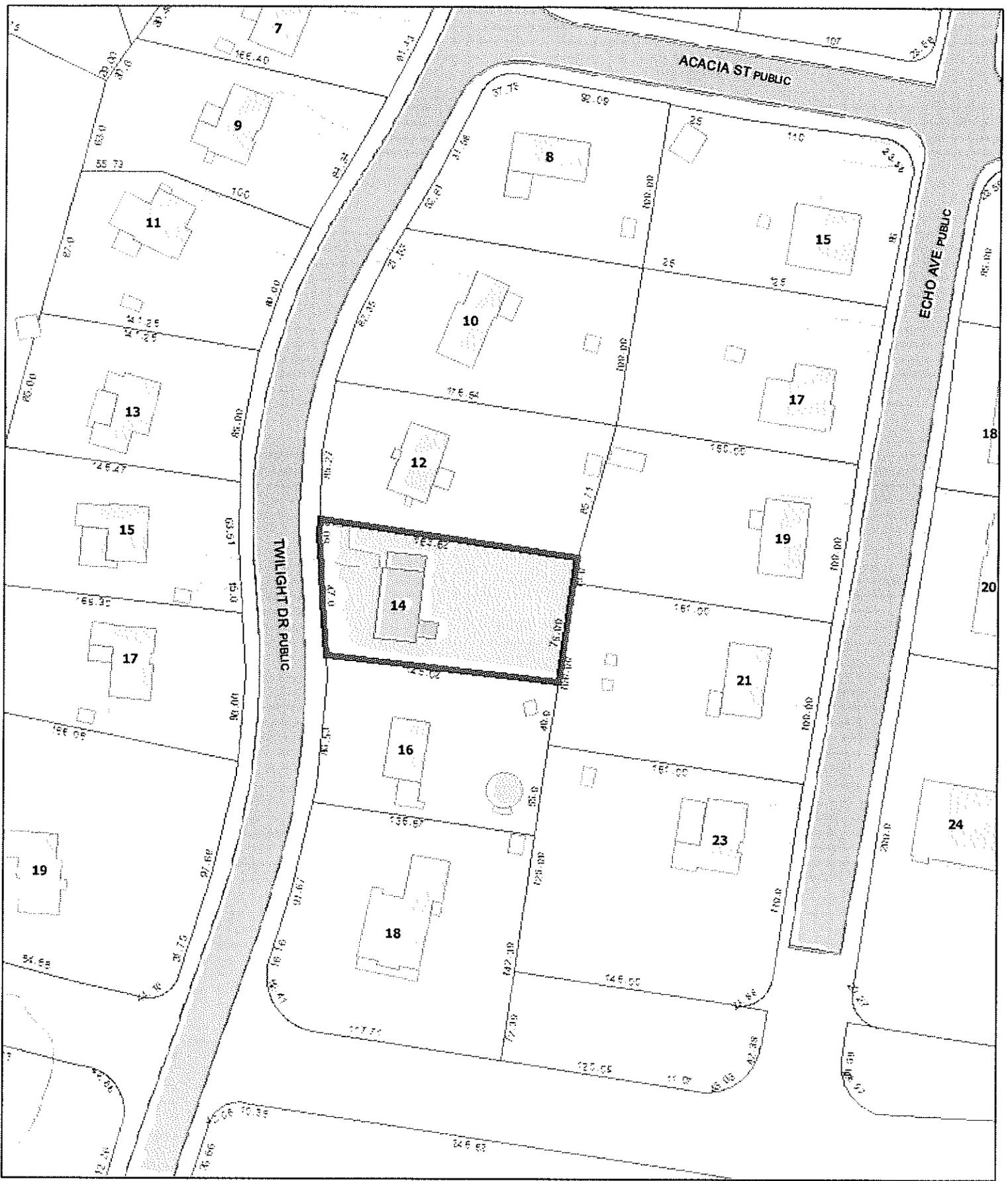
I understand that only those points specifically mentioned are affected by action taken on this appeal.

David D. Benson

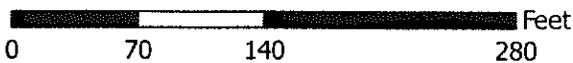
Signature of applicant

8/19/16

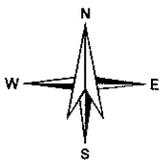
Date



14 Twilight Drive



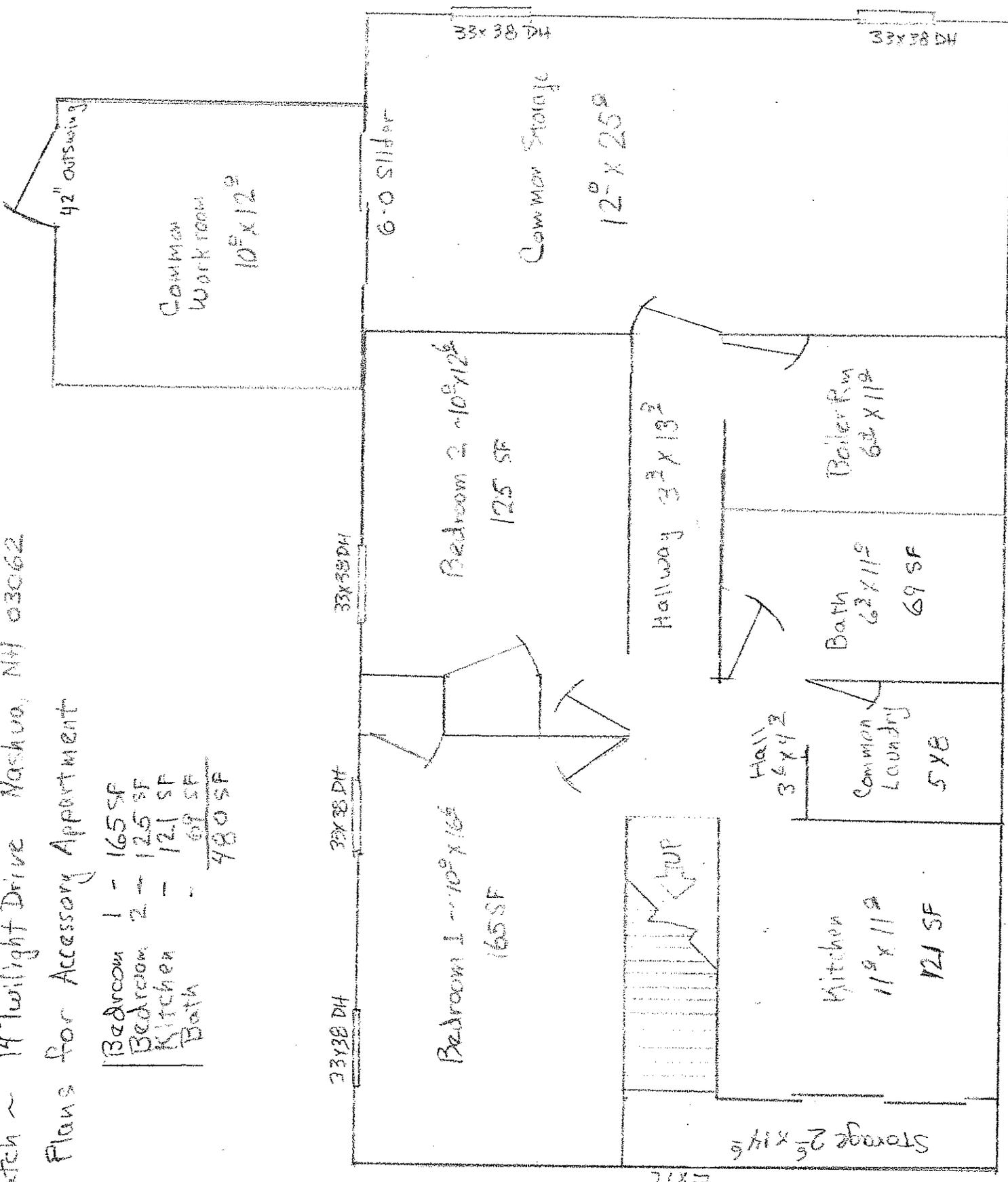
1 inch = 106 feet



Rose Hatch ~ 14 Twilight Drive Nashua, NH 03062

Plans for Accessory Apartment

Bedroom 1	-	165 SF
Bedroom 2	-	125 SF
Kitchen	-	121 SF
Bath	-	69 SF
		<hr/>
		480 SF



CITY OF NASHUA PLANNING DEPARTMENT

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

Owner/applicant signature: David M. Pearson

Date: 8/22/16



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 www.nashuanh.gov

VARIANCE APPLICATION

5

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 18 TWILIGHT DRIVE NASHUA, NH 03062
 Zoning District R4/R30 Sheet C Lot 93B

b. VARIANCE(S) REQUESTED:

We have added an 8x12 shed to our property such that we do not want to have to store power equipment outdoors with tarp covers which would be unsightly. When shed was purchased, manufacturer told me to see if permits were necessary. Checked gonashua website and was under the understanding permit was NOT needed

2. GENERAL INFORMATION based on 8x12 size.

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

(Print Name): HEATHER A. CHAVES
 Applicant's signature [Signature] Date 8/30/16
 Applicant's address 18 TWILIGHT DRIVE NASHUA, NH 03062
 Telephone number H: _____ C: 978-660-4511 E-mail: _____

b. PROPERTY OWNER (Print Name): SAME

Owner's signature _____ Date _____
 Owner's address _____
 Telephone number H: _____ C: _____ E-mail: _____

OFFICE USE ONLY

Application checked for completeness: CF

Case number _____ Application Deadline _____ Date Received 8-30-16 Date of hearing 9-27-16

PLR# 2016-00200 Board Action _____

\$ _____ application fee <input checked="" type="checkbox"/>	Date Paid <u>\$345⁰⁰</u> <u>8-30-16</u>	Receipt # _____
\$ _____ signage fee <input checked="" type="checkbox"/>	Date Paid _____	Receipt # _____
\$ _____ certified mailing fee <input type="checkbox"/>	Date Paid _____	Receipt # _____

3. PURPOSE OF REQUEST

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

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

The shed in question is not obtrusive in size and prevents us from having to store a riding lawn-mower 2 push mowers and a large snowblower on the side yard with tarp covers which would be extremely unsightly for us as well as our neighbors.

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.")

If anything, the shed prevents unsightly storage of power equipment on our side lawn which would be unappreciated by our neighbors. The shed is BARELY visible to passers by from the front of the house. Additionally, the shed adds to the property. All neighbors have sheds & some even have multiple.

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.)

Justice would be done by allowing our property to look neat and clean without neighbors having to look at a cluster of power equipment. It doesn't disturb or bother anyone and allows us to do our part in keeping our neighborhood looking attractive.

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.)

Our neighbors were notified in advance of our shed purchase/installation during regular neighborly conversations. There were no objections at the time as they agreed a shed would be preferred storage for power tools/equipments vs our side yard with tarp covers.

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

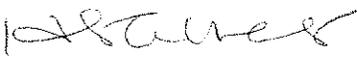
Please answer all questions below that are applicable. Your answers to these questions will allow staff to better understand your request.

- 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

8/30/16
Date

Print Name

Date

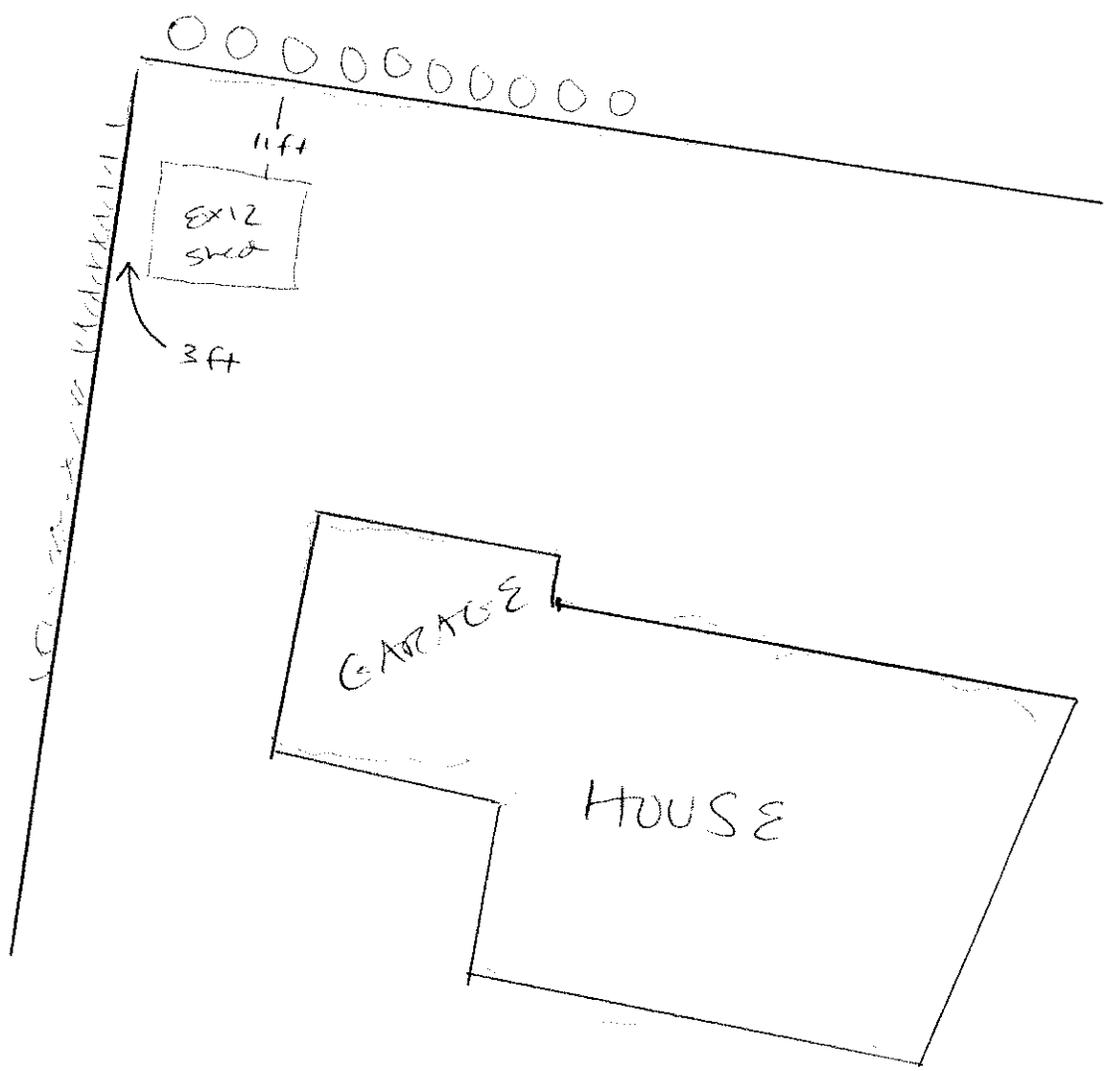
The staff report for a Use Variance request will be available no later than Friday of the week before the ZBA meeting. If you would like a copy, please indicate below:

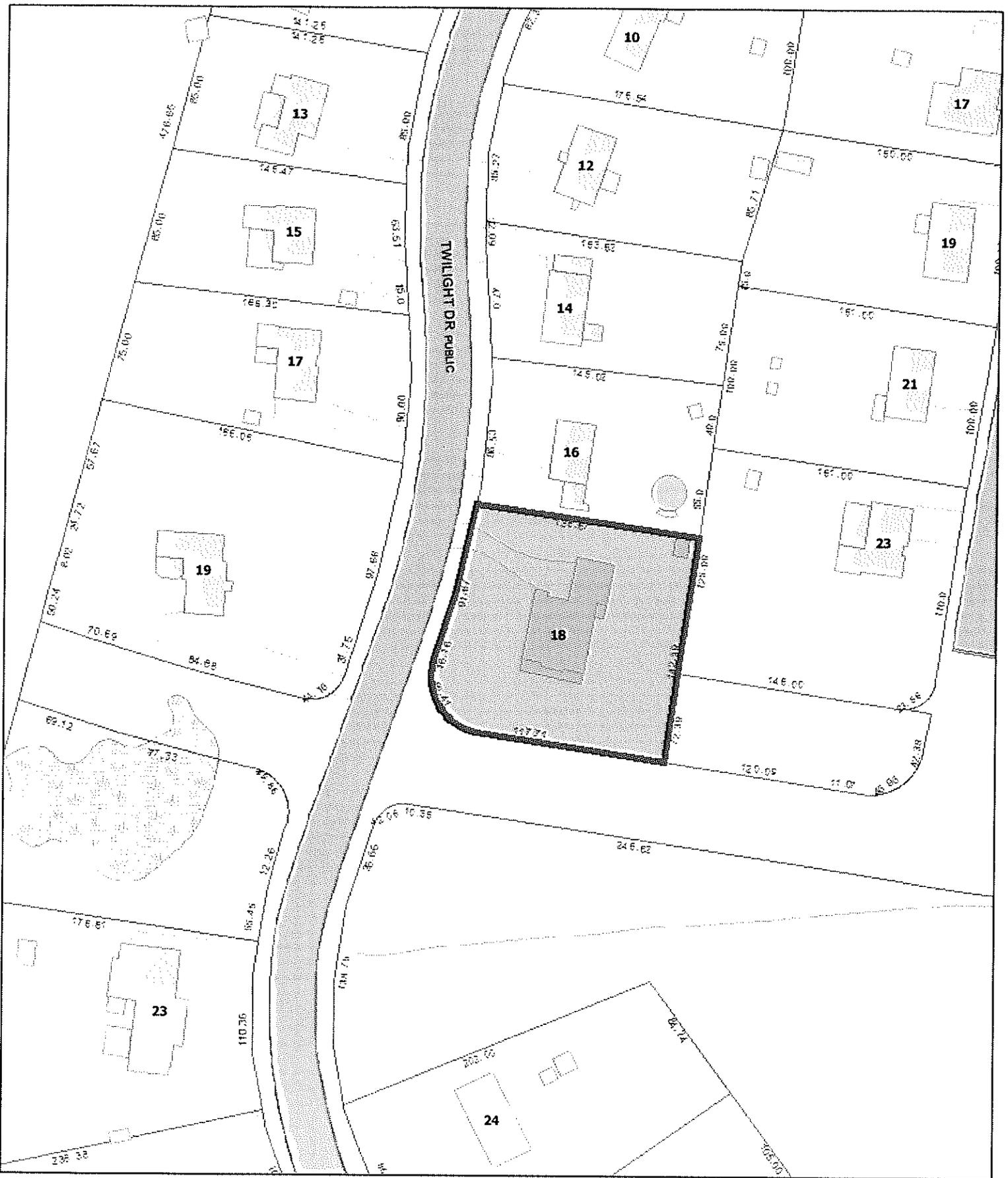
- I will pick it up at City Hall
- Please email it to me at _____
- Please mail it to me at _____



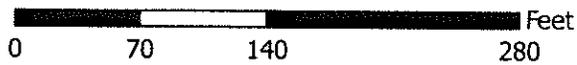
rear
neighbors
property

side
neighbors

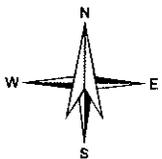


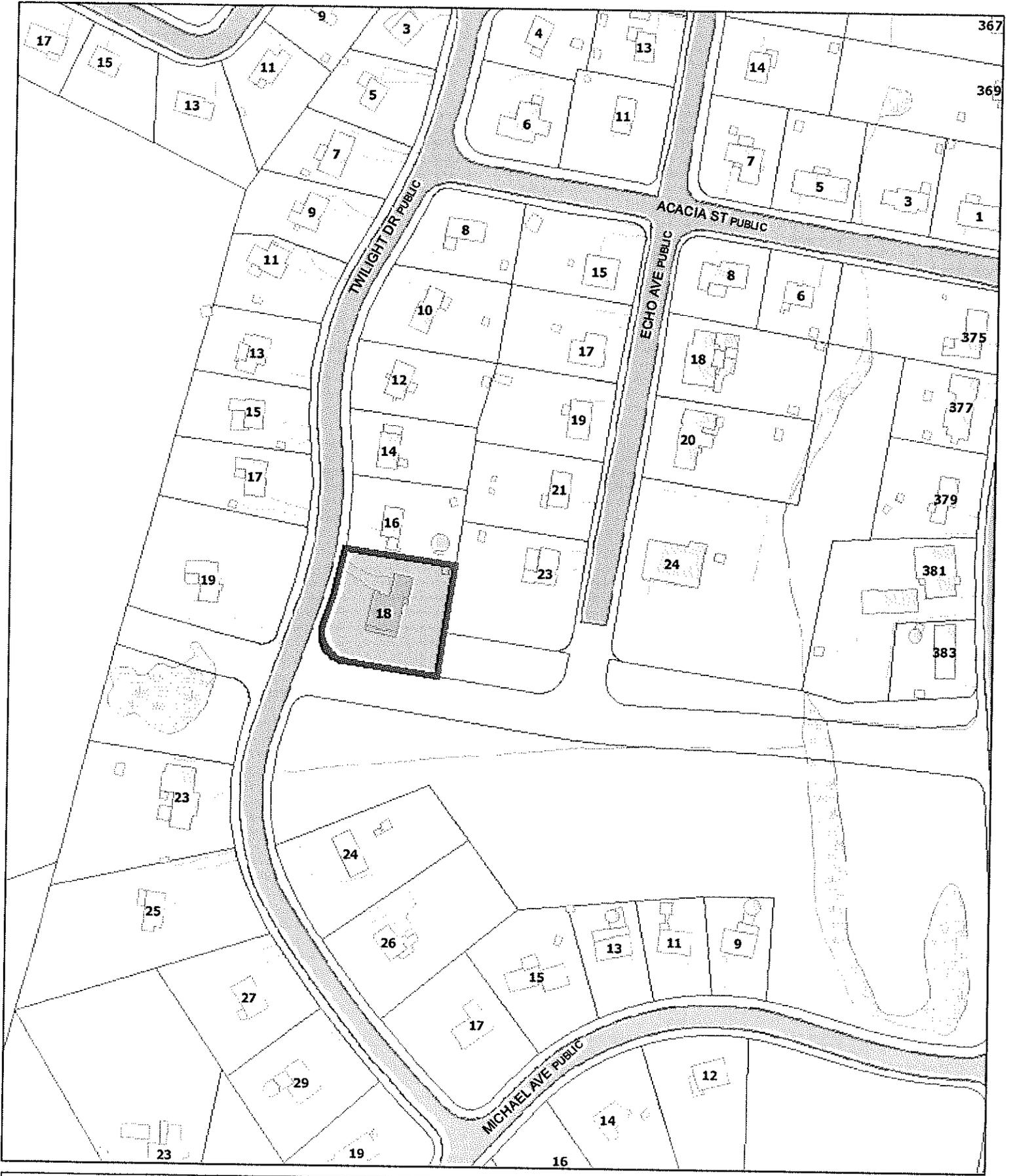


18 Twilight Drive

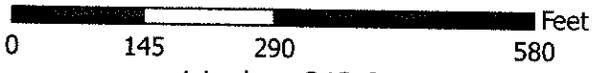
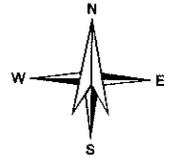


1 inch = 106 feet





18 Twilight Drive



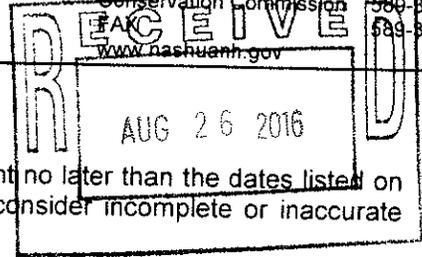
1 inch = 212 feet





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VARIANCE APPLICATION

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

1. VARIANCE INFORMATION

a. ADDRESS OF REQUEST 28 Bulova Drive
 Zoning District R-A Sheet A L.P. 707-B Lot 14 551

b. VARIANCE(S) REQUESTED To Add A 12' W X 22' D CARPORT TO AN
EXISTING GARAGE (EXHIBIT "A" ATTACHED), ENCRoACHING
6' INTO 10' BUFFER ZONE.

2. GENERAL INFORMATION

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

Applicant's signature _____ Date _____
 Applicant's address _____
 Telephone number (home) _____ (work) _____

b. PROPERTY OWNER LOUIS & GAIL MARINO
 Owner's signature Louis Marino Gail Marino Date 8/18/16
 Owner's address 28 Bulova Drive
 Telephone number (home) 888-4192 (work) N/A

Case number _____ Application Deadline _____ Date Received 8/26/16 Date of hearing 9/27/16
 Notices: Newspaper Abutters Board Action _____
 \$ _____ fee Date Paid _____ Receipt # _____
 \$ _____ application fee Date Paid _____ Receipt # _____
 \$15 signage fee \$100 recovery fee Date Paid _____ Receipt # _____

PLR 2016-00191

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 CARPORT (Exhibit "B", Artist Rendering) IS
ESTHETICALLY PLEASING TO VIEW AND WILL NOT ALTER THE
CHARACTER OR CAUSE DETRIMENT TO ADJOINING PROPERTIES
AND STRUCTURES.

SEE EXISTING GARAGE PHOTO (EXHIBIT "A")

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.")

OTHER CARPORTS AND 2 CAR GARAGES EXIST ADJACENT
TO OR WITHIN THE ABOVE NEIGHBORHOOD AND WOULD ADD
OR RETAIN THE CHARACTER OF THE 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.)

THE CARPORT WOULD HELP TO RETAIN THE PROPERTY
VALUE FOR THE OWNER AND INDIRECTLY FOR THE CITY.

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 CARPORT WOULD BE IN-LINE WITH OTHER PERMITTED
CARPORTS AND/OR 2 CAR GARAGES ADJACENT TO OR WITHIN THE
NEIGHBORHOOD. IT MAY ALSO HELP RETAIN AND/OR INCREASE
THIS PROPERTY VALUE AND THAT OF THE NEIGHBORING HOMES.

- SEE LETTER FROM CINDY LUCIER (NEIGHBOR)

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

VARIANCE APPLICATION

Page 3

Address 28 Bulova Drive

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.

My wife and I are longtime Nashua residents, original owners of this property (44 years) and retirees. We believe this carport will help us SAFELY approach our car during inclement weather. It will also reduce driveway maintenance. More importantly, it will also permit us to remain in our home as we continue to age. This added shelter will give us & others such as taxi service, elder services etc. safe access to our home that otherwise could be difficult.

4. USE VARIANCE ADDITIONAL INFORMATION

N/A

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.

Louis Marino Gail J. Marino
Signature of applicant

8/18/10
Date

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

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

PLOT PLAN

LOT 14

DANA PATTERSON Inc.
Owner's Name

SHEET 707-B
L.P.

28 BULOVA DR.
No. Street

SCALE 1" = 20ft.

"A" R9
District

Occ. No.	Date	Permit No.
	11-19-71	24883

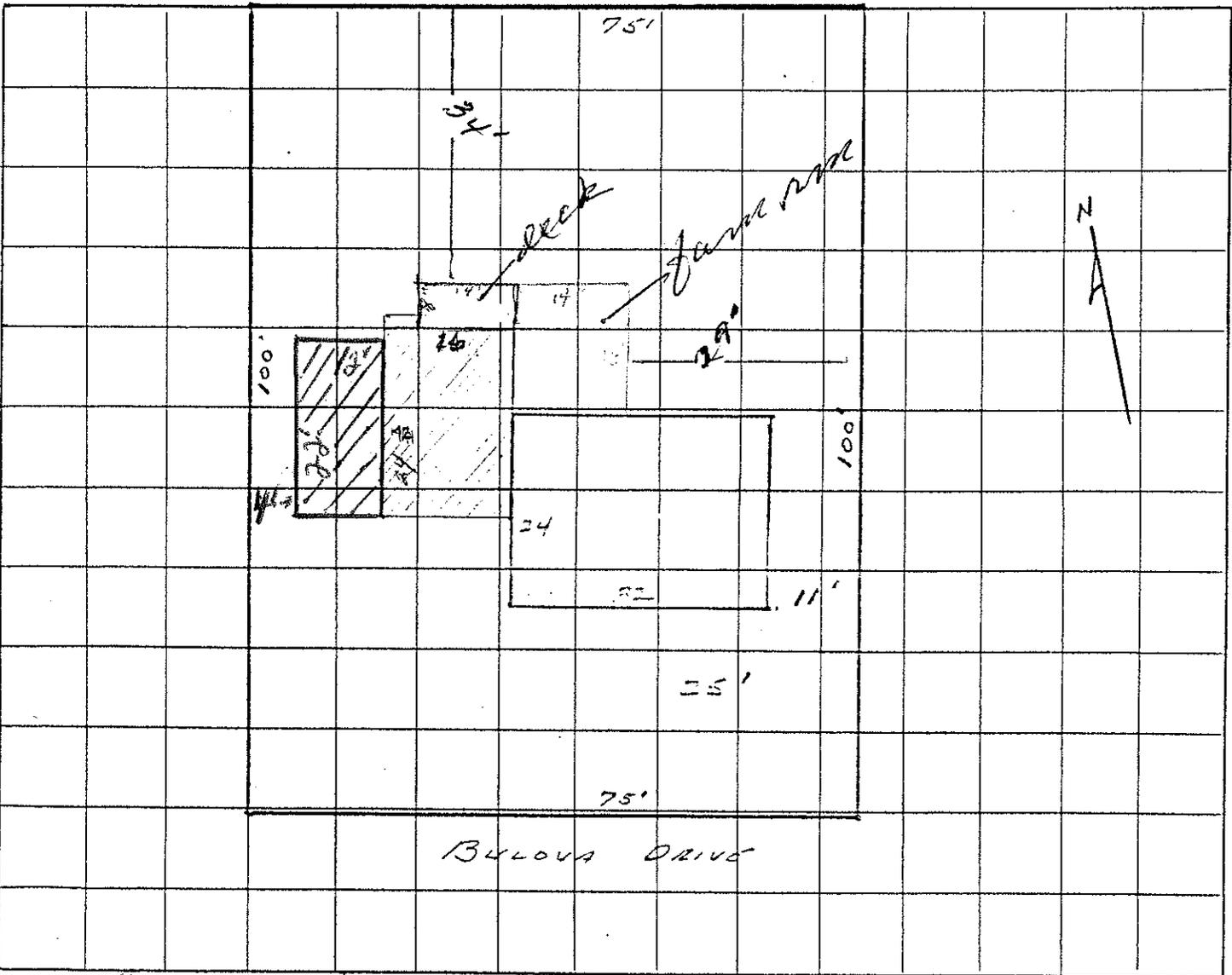
CITY OF NASHUA PLANNING DEPARTMENT

REMARKS SINGLE RES. 32' X 24' 1/2 STOR.

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

Owner/applicant signature: Louis Martin

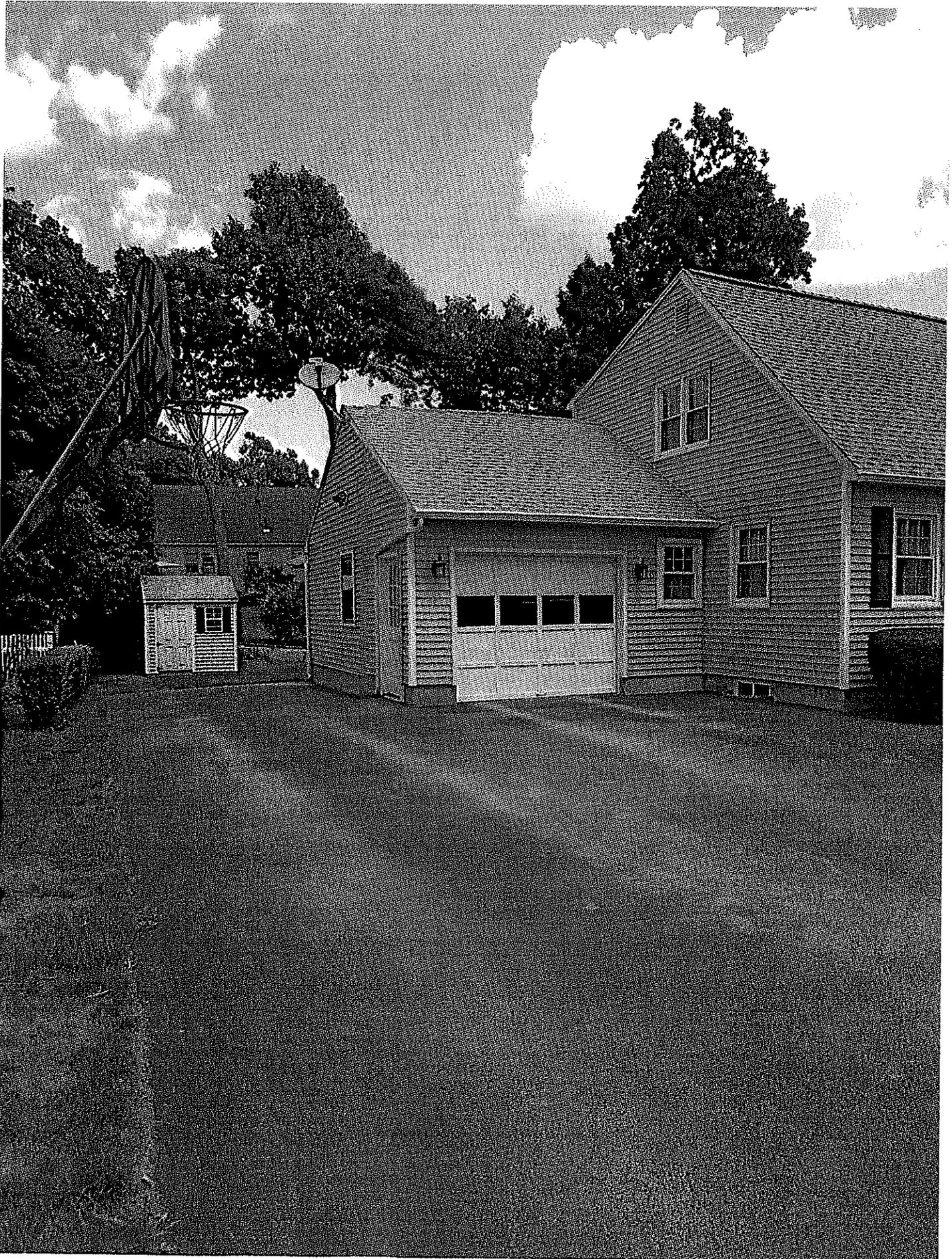
Date: 8/26/16

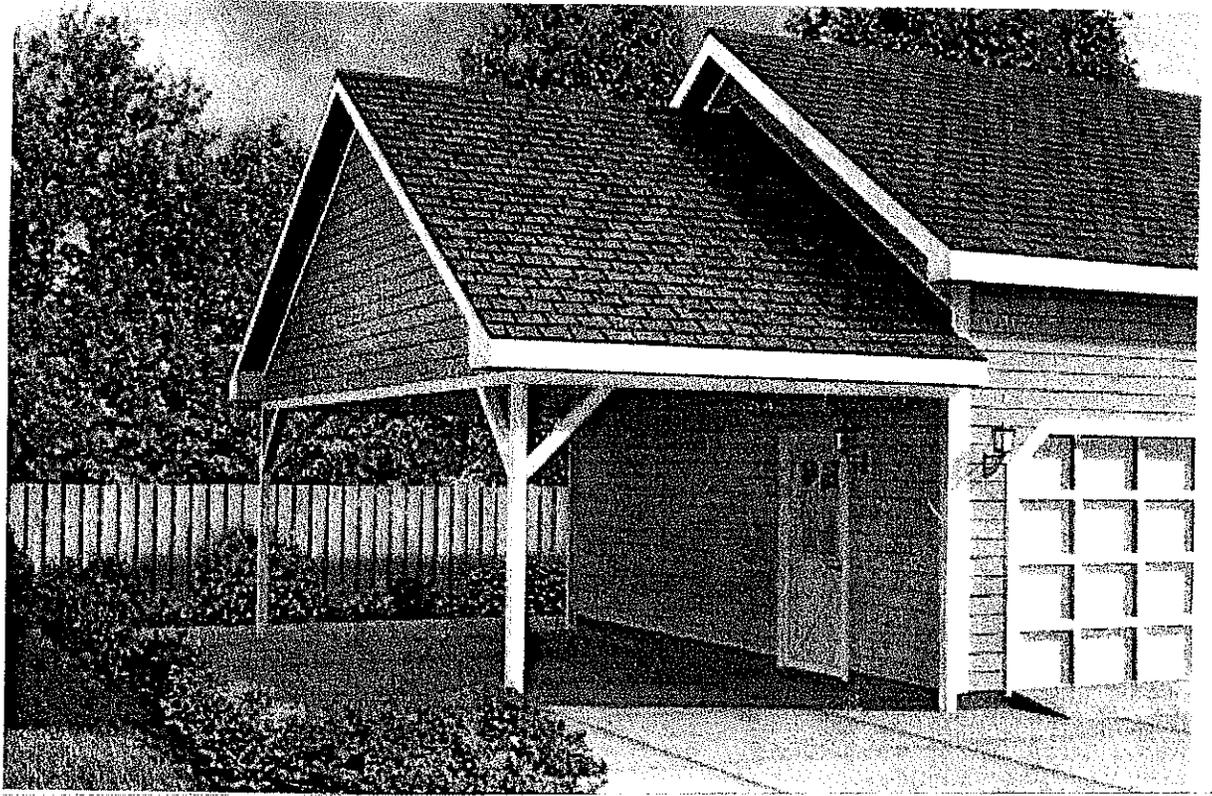


I, Dana Patterson

certify this plot.

Date





"B"

August 23, 2016

26 Bulova Drive
Nashua, NH 03060
603-930-5443

Louis & Gail Marino
28 Bulova Drive
Nashua NH 03060

Dear Lou & Gail:

I understand you plan to apply to the Nashua Zoning Board for a variance in order to add a 12' x 22' carport to your existing garage which entails encroaching six (6) feet into the ten (10) foot buffer zone of our property line on the garage side of my home.

Please convey to the ZBA with a copy of this letter that I have no objection to your request and encourage the ZBA to grant you the variance.

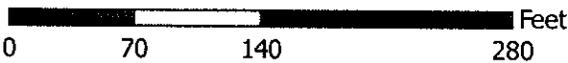
Regards,

A handwritten signature in black ink, appearing to be 'Cindy Lucier', with a long horizontal stroke extending to the right.

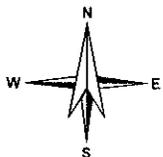
Cindy Lucier



28 Bulova Dr



1 inch = 106 feet





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VARIANCE APPLICATION

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

1. VARIANCE INFORMATION

a. ADDRESS OF REQUEST 41 Orange Street

Zoning District R-C Sheet 44 Lot 2

b. VARIANCE(S) REQUESTED:

Article III, 16-27 (b) (2) Residential Density. The area of the lot 10,878 SF. Density for Zone R-C is 12.5, or 2484 SF per unit. The building currently has 3 units. The variance is being requested to add a fourth unit. 13,936 SF for lot per density requirement.

2. GENERAL INFORMATION

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

(Print Name): TJ Lats Latvis & Hattaya Dowbenko

Applicant's signature [Signature] Date 8/25/16

Applicant's address 2552-A Gough Street San Francisco, CA 94123

Telephone number H: _____ C: 415-377-3575 E-mail: lats1919@gmail.com

b. PROPERTY OWNER (Print Name): same

Owner's signature [Signature] Date 8/25/16

Owner's address same

Telephone number H: _____ C: same E-mail: same

OFFICE USE ONLY

Application checked for completeness: _____

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

PLR# 2016-00201 Board Action _____

\$ _____ application fee Date Paid _____ Receipt # _____

\$ _____ signage fee Date Paid _____ Receipt # _____

\$ _____ certified mailing 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.")

Granting the variance will not be contrary to the public interest as the existing use is multi family, 3 units. The proposed unit is within the existing building. The neighborhood is home to many multi family units on lots that do not meet the current lot size/density requirement.

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

The proposed use will observe the spirit of the ordinance. The current use of multi family remains the same with no addition necessary to accomodate the added unit. The parcel is 10, 878 SF with an older home that has been preserved to appear as a single family home while serving the City of Nashua with multi units within walking distance of downtown Nashua.

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

Substantial justice would be done to the property owner by granting the variance because the existing building has unfinished space that can be utilized for an additional unit.

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

The proposed use will not diminish the values of surrounding properties because the existing use remains the same (multi family) in a neighborhood of multi family homes.

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.

Special conditions exist such that literal enforcement of the ordinance results in unnecessary hardship because the existing building has the space for an additional unit. This is a neighborhood of older buildings on lots that were created prior to zoning regulations. The hardship is created by the parcel size having a large historical home.

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 na Number of employees per shift na
- b. Hours and days of operation _____
- c. Number of daily and weekly visits to the premises by customers, clients, vendors and solicitors na
- d. Number of daily and weekly commercial deliveries to the premises na
- e. Number of parking spaces available 13
- f. Describe your general business operations _____
na
- g. Describe any proposed site renovations, including, but not limited to – landscaping, lighting, pavement, structural changes, signage, access and circulation _____
The Nashua Historical Commission approved changing a window to a door for this unit on August 22, 2016.

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

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

[Signature]
Signature of Applicant

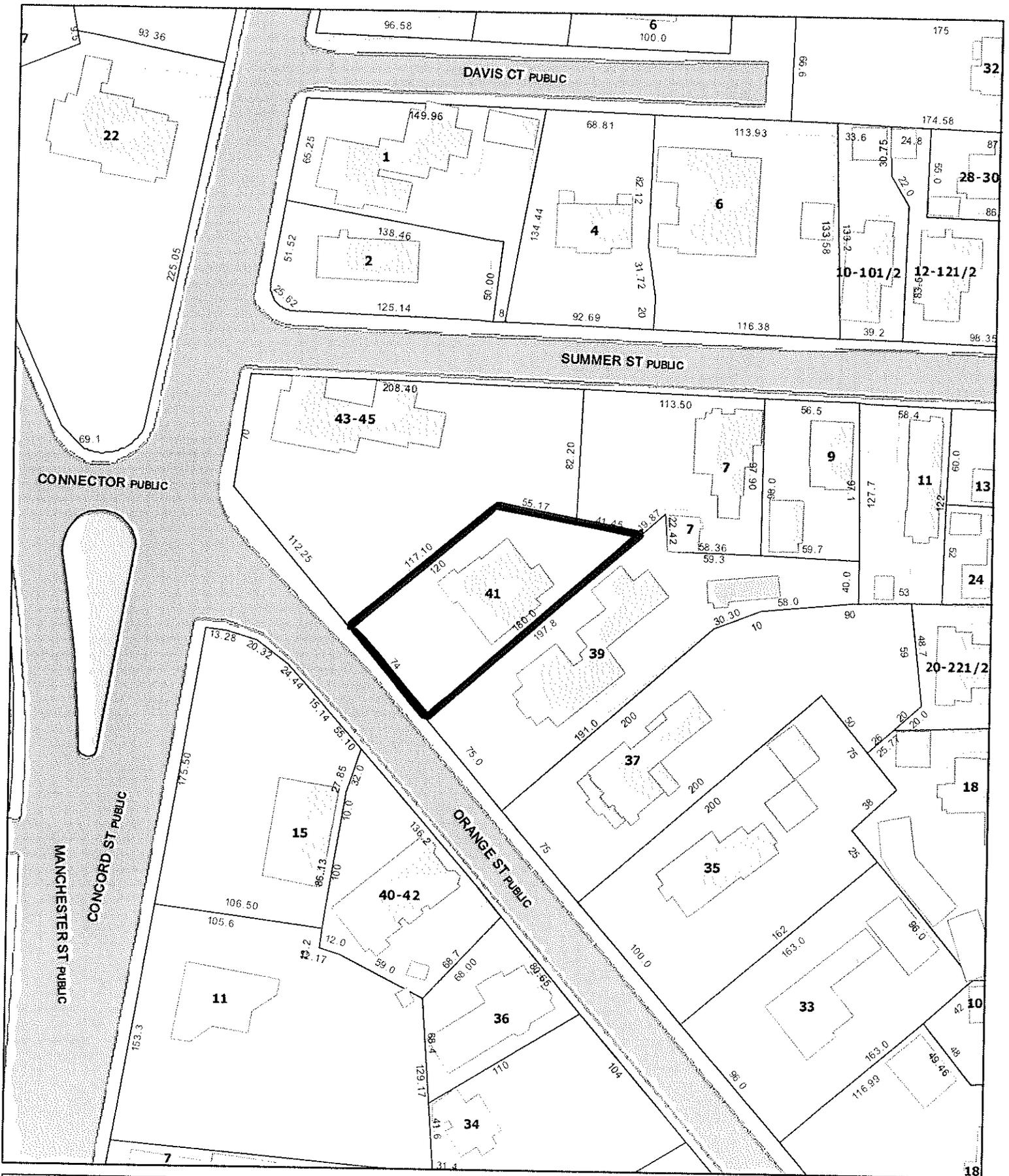
8/25/16
Date

T.J. LATS LANDS
Print Name

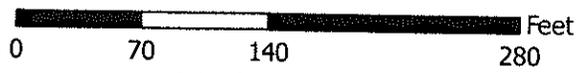
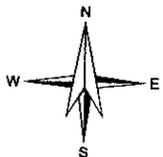
8/25/16
Date

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 LATS1919@gmail.com
- Please mail it to me at _____



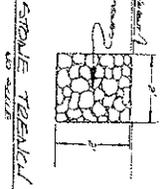
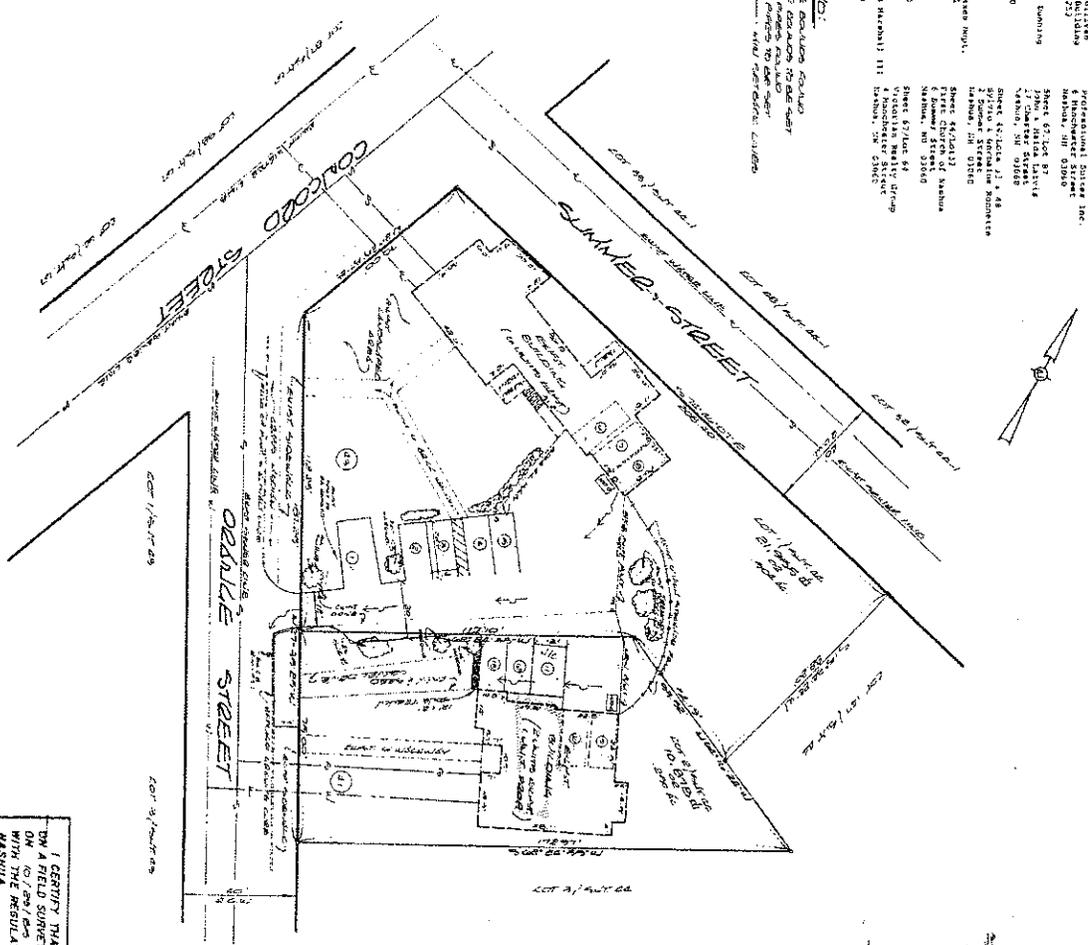
41 Orange St



1 inch = 106 feet



Sheet 41-43/2 of 2
 REVISED 10/20/85
 PROJECT: 41-43 ORANGE STREET
 NASHUA, NH 03000
 SHEET 41-43/2 OF 2
 SHEET 41-43/1 OF 2
 SHEET 41-43/3 OF 2
 SHEET 41-43/4 OF 2
 SHEET 41-43/5 OF 2
 SHEET 41-43/6 OF 2
 SHEET 41-43/7 OF 2
 SHEET 41-43/8 OF 2
 SHEET 41-43/9 OF 2
 SHEET 41-43/10 OF 2
 SHEET 41-43/11 OF 2
 SHEET 41-43/12 OF 2
 SHEET 41-43/13 OF 2
 SHEET 41-43/14 OF 2
 SHEET 41-43/15 OF 2
 SHEET 41-43/16 OF 2
 SHEET 41-43/17 OF 2
 SHEET 41-43/18 OF 2
 SHEET 41-43/19 OF 2
 SHEET 41-43/20 OF 2



- NOTES:**
1. ALL DIMENSIONS ARE IN FEET AND INCHES.
 2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
 3. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED.
 4. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE STREET UNLESS OTHERWISE NOTED.
 5. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE LOT UNLESS OTHERWISE NOTED.
 6. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE BLOCK UNLESS OTHERWISE NOTED.
 7. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE DISTRICT UNLESS OTHERWISE NOTED.
 8. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE CITY UNLESS OTHERWISE NOTED.
 9. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE STATE UNLESS OTHERWISE NOTED.
 10. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE COUNTRY UNLESS OTHERWISE NOTED.

I CERTIFY THAT THIS PLAN IS BASED ON A FIELD SURVEY MADE ON THE GROUND WITH THE NECESSARY PRECISION AND IS IN ACCORDANCE WITH THE REGULATIONS OF THE CITY OF NASHUA.

BRAND MA
 ON 10/20/85
 BY: [Signature]
 SURV. NO. 21-207-1-AD-85



SITE PLAN - LOTS 1 & 2 / SHEET 44
41-43 ORANGE STREET
 NASHUA, NEW HAMPSHIRE
 DATE: OCT 1985
 MAYNARD & PAQUETTE INC.
 CONSULTING ENGINEERS & LAND SURVEYORS
 21 EAST PLAIN STREET - NASHUA, N.H. 03000 - (603) 882-8844

Prepared by:
T.J. 'Lats' Latvis
July 31, 2016

415-377-3575
Lats1919@gmail.com

NEW DWELLING PROPOSAL:
41 ORANGE ST., NASHUA, NH 03064

To the attention of the Zoning Board:

Thank you for your valuable time in reviewing the enclosed application for a variance to allow for a 4th residential unit in a 3-unit building located at 41 Orange St., Nashua NH.

ATTACHED ARE:

- A neighborhood density study including a map identifying neighboring properties, varying from single family up to 7-unit, as well as condo.
- **Comparison of Land Use** of 4, 5, 6 and 7-unit properties
- **"Unofficial Property Record Card"** for every property identified
- Exterior photos of the subject property
- Photos of the proposed interior space/raw to be developed
- An architectural rendering of the proposed space

PROPOSAL:

- to develop an already existing, approximate 600 sq. ft., vacant space as a 4th new dwelling/residential unit, in what is currently a 3-unit residential building. This vacant, approximate 600 sq. ft. space meets the level -grade of the driveway, located on the west side of the property.

REASON AND PURPOSE:

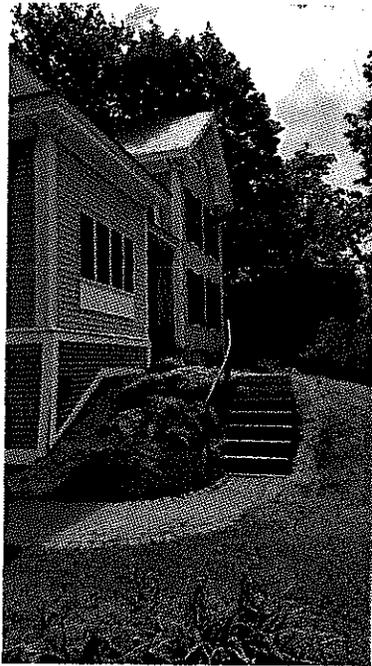
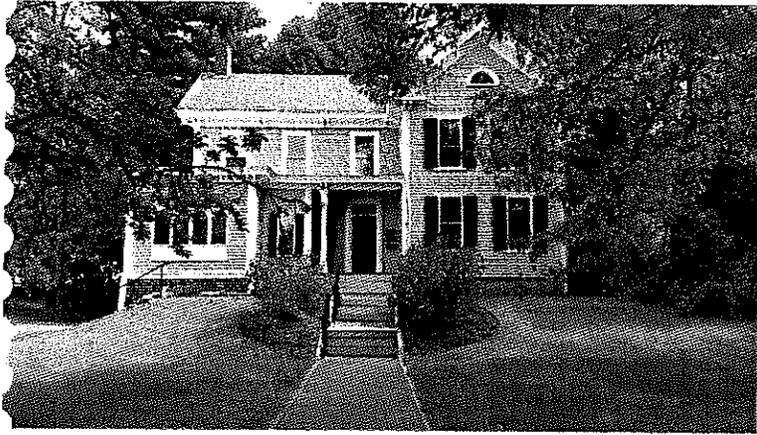
- to develop an approximate already existing 600 sq. ft. space, that would otherwise only continue to be a waste area and dumping ground for tenant's unwanted personal items, rotting wood, broken furniture, defunct appliances, old paint cans/cleaners, etc.
- to provide the benefit of affordable housing in the prime location of Nashua's Historic District, that offers a fantastic, walkable proximity, to Nashua's downtown businesses.
- to render BEST USE, economically and so to maximize full, quality utilization of this property.

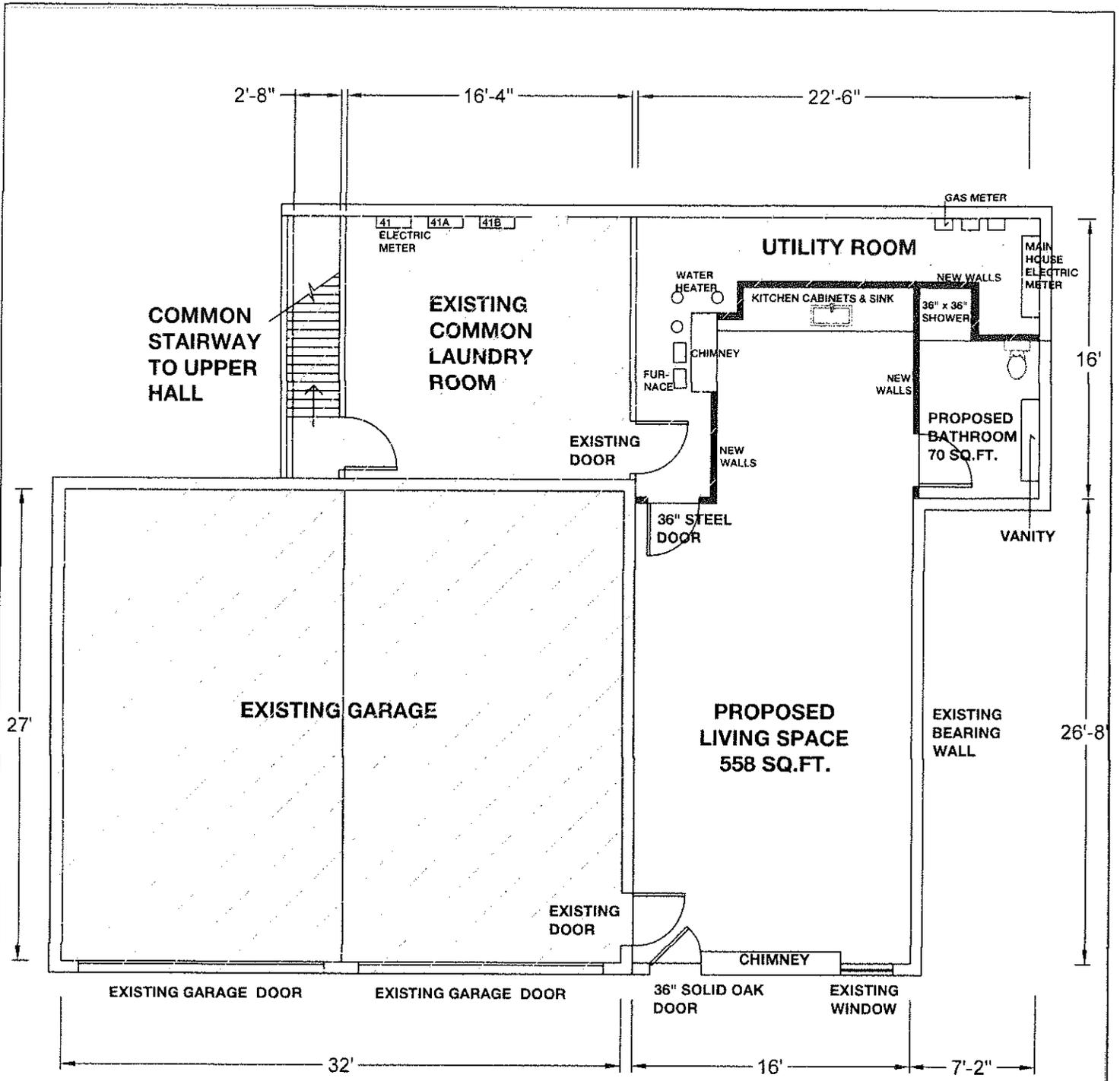
Thank you again for your valuable time and thoughtful consideration.

Best personal regards,



T.J. 'Lats' Latvis

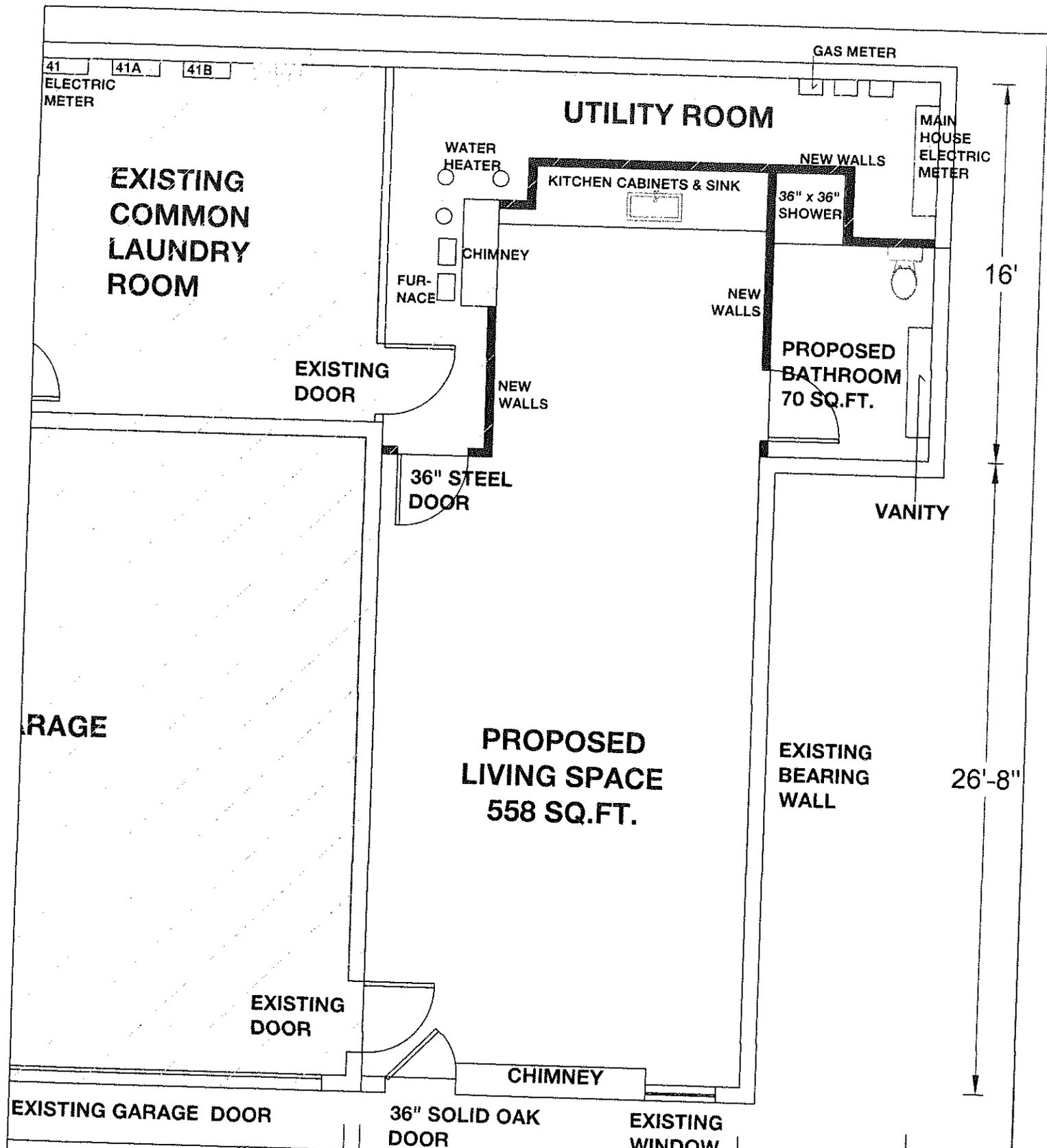




**41 ORANGE ST,
NASHUA,
NH 03064**

Proposed New Dwelling			
DRAWING			
LAYOUT			
SIZE	DWG.NO	REV.	
	01		
SCALE : 1/8" = 1'-0"		AUGUST 1, 2016	SHEET

THIS DOCUMENT AND THE IDEAS INCORPORATED HEREIN, AS AN INSTRUMENT OF PROFESSIONAL SERVICE, AND IS NOT TO BE USED IN WHOLE OR PART FOR ANY OTHER PROJECT WITHOUT THE WRITTEN AUTHORIZATION.



**41 ORANGE ST,
NASHUA,
NH 03064**

Proposed New Dwelling			
DRAWING			
PLAN			
SIZE	DWG.NO	REV.	
	01		
SCALE : 3/16" = 1'-0"		AUGUST 1, 2016	SHEET

THIS DOCUMENT AND THE IDEAS INCORPORATED HEREIN, AS AN INSTRUMENT OF PROFESSIONAL SERVICE, AND IS NOT TO BE USED IN WHOLE OR PART FOR ANY OTHER PROJECT WITHOUT THE WRITTEN AUTHORIZATION.

COMPARISON OF LAND USE OF 4, 5, 6, 7 UNIT PROPERTIES:

Lot size of 41 Orange St.: .256 acres, 11,130 sq. ft.
Required lot size for 4-unit: .319 acres, 13,939.2 sq. ft.
Short: .063 acres, 2,809 sq. ft.

Following are multi-unit properties that neighbor 41 Orange St. Highlighted, are neighboring properties that do not meet the required .319 acre lot-size for a 4-unit property. Also highlighted are 5, 6 and 7-unit properties, short the required acreage.

ORANGE ST.

3-unit: .070 acres; 20 Orange St.
4-unit: .206 acres; 40-42 Orange St.
5-unit: .359 acres; 33 Orange St.
5-unit: .160 acres; 36 Orange St.
6-unit: .490 acres; 43-45 Orange St.
7-unit: .133 acres; 19 Orange St.

CONCORD ST.

4-unit: .378 acres; 67 Concord St.
5-unit: .453 acres; 55 Concord St.
6-unit: .388 acres; 35 Concord St.
7-unit: .487 acres, 5 Concord St.

NORTON ST.

3-unit: .127 acres; 27 Norton St.
4-unit: .013 acres; 15 Norton St.
4-unit: .377 acres; 29-29 ½ Norton St.

GRANITE ST.

4-unit: .154 acres; 20-22 ½ Granite St.

SUMMER ST.

4-unit: .087 acres; 24-26 Summer St.
4-unit: .066 acres; 17-23 Summer St.
6-unit: 1.210 acres; 32 ½ - 36 Summer St.

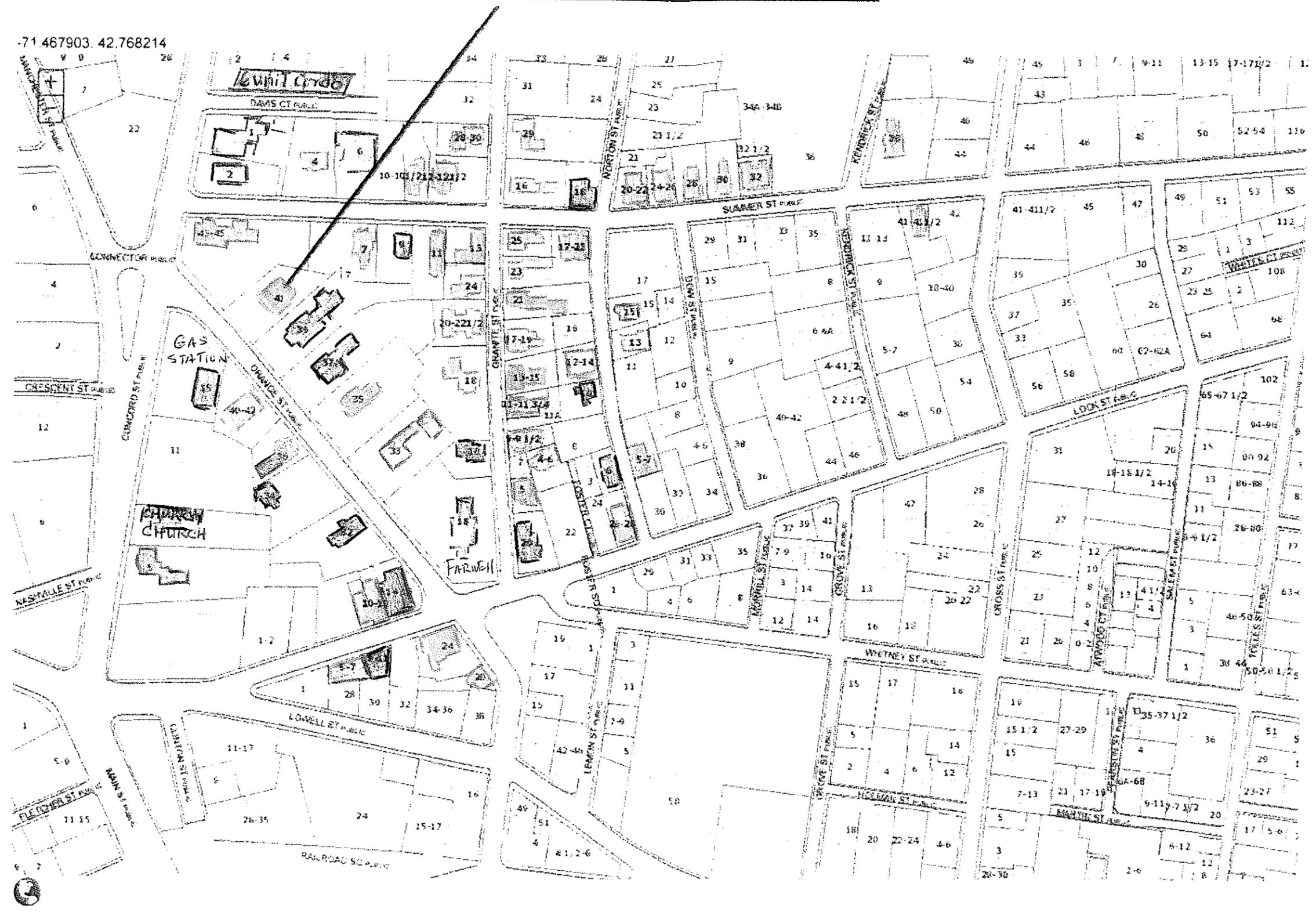
LOCK ST.

7-unit: .124 acres; 14-16 Lock St.

-71.467903, 42.768214

KEY

-  1-unit
-  2-unit
-  3-unit
-  4-unit
-  5-unit
-  6-unit
-  7-unit



-71 466695, 42.769776

KEY

-  1-unit
-  2-unit
-  3-unit
-  4-unit
-  5-unit
-  6-unit
-  7-unit

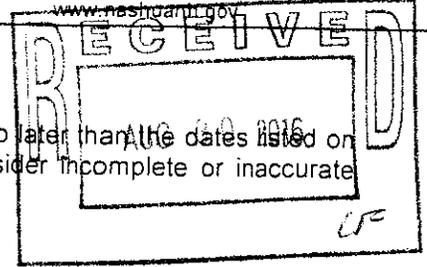




City of Nashua
 Community Development Division
 City Hall, 229 Main Street, PO Box 2019
 Nashua, New Hampshire 03061-2019

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

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 711 WEST HOLLIS ST
 Zoning District R9 Sheet F Lot 54

b. VARIANCE(S) REQUESTED
MULTIPLE BUILDINGS/RESIDENCES ON ONE LOT
WITH SHARED DRIVE, 62,006 SF LOT,
5 UNITS IS 1 PER 12,401 SF WHILE REQUIREMENT
IS 1 UNIT PER 9,000 SF

2. GENERAL INFORMATION

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

711 WEST HOLLIS ST. REALTY, LLC, MICHELLE RODRIGUEZ MGR

Applicant's signature [Signature] Date 8/30/16

Applicant's address 79 CONANT ROAD, NASHUA NH 03062

Telephone number (home) _____ (work) 718-296-2869

b. PROPERTY OWNER ~~SARA~~ MICHELLE RODRIGUEZ, MGR

→ Owner's signature _____ Date _____

Owner's address _____

Telephone number (home) _____ (work) _____

Case number _____ Application Deadline _____ Date Received 8-30-16 Date of hearing 9-27-16

Notices: Newspaper Abutters Board Action _____

\$ _____ fee Date Paid _____ Receipt # _____

\$ _____ application fee Date Paid _____ Receipt # _____

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

2016-00203

Address 711 WEST HOLDS ST, NASHUA

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.")

PUBLIC INTEREST SERVED WITH AFFORDABLE HOUSING
AND NO NEW CITY STREETS TO MAINTAIN
SEE SIMILAR PROPERTIES IN NEIGHBORHOOD SUCH AS
COURTNEY LANE, LOWTHER PLACE, ETC

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.")

R-9 ZONE / 1 UNIT / 9,000 SF. THIS PROPOSAL
IS FOR 5 UNITS (2 EXIST + 3 NEW) AT DENSITY
OF ONE UNIT PER 12,401 SF

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.)

ALLOWS PROPERTY OWNER REASONABLE USE OF
HER LAND SIMILAR TO NEIGHBORS AND AT
LESS DENSITY THAN ORDINANCE REQUIRES

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.)

VERY SIMILAR HOUSING TO ADJACENT
NEIGHBORHOOD, NEW CONSTRUCTION
ENHANCES PROPERTY VALUES

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

Address 711 WEST HOWES ST

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.

LONG AND NARROW LOT, BUILDING PUBLIC ROAD TO BE MAINTAINED BY CITY SERVES NO PURPOSE

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.

N/A

- 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.

Richard Maynard ADTH REP
Signature of applicant

8/30/16
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 MPEALLC@AOL.COM
- Please mail it to me at _____



Maynard & Paquette
Engineering Associates, LLC
Consulting Engineers and Land Surveyors
23 East Pearl Street, Nashua, NH 03060
Phone (603)883-8433 Fax (603)883-7227

September 12, 2016

Carter Falk
Zoning Administrator
City Hall
229 Main Street
Nashua, NH 03060

ZBA Application - Rodriguez
711 West Hollis St. (J-12459)

Dear Carter:

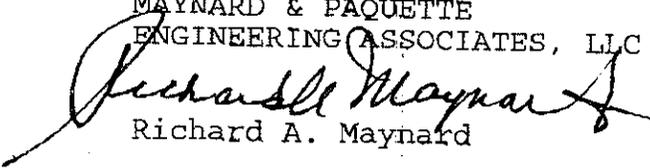
Attached are letters from abutters to the above variance application expressing their support for the project. The abutters are:

- Srikanth Garikipati at 715 West Hollis Street, Nashua
- Gil Dubray AT 713 A&B West Hollis Street, Nashua

Please include these letters of support in the application package to be distributed to the ZBA members for the September 27th meeting.

Enclosed also is a letter of authorization for Richard A. Maynard and Maynard & Paquette to represent the applicant and property owner.

Very Truly Yours,
MAYNARD & PAQUETTE
ENGINEERING ASSOCIATES, LLC


Richard A. Maynard

enc.

cc w/enc: Michelle Rodriguez, Manager
711 West Hollis St. Realty, LLC

ram2459

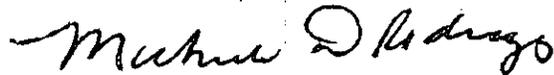
August 29, 2016

711 West Hollis Street Realty
Nashua, NH (J-12459)

To Whom It May Concern:

Please be advised that Richard A. Maynard and the firm of Maynard & Paquette Engineering Associates, LLC are fully authorized to represent me, Michelle Rodriguez, Manager and 711 West Hollis Street Realty, LLC, with regard to property at 711 West Hollis Street, Nashua, NH (Map F/Lot 54) before any and all Nashua Boards and Agencies including the ZBA, Planning Board, etc.

Very Truly Yours,



Michelle Rodriguez, Manager and
711 West Hollis St. Realty, LLC

cc: Maynard & Paquette
Engineering Assoc., LLC

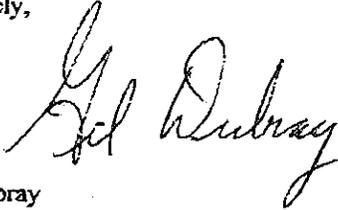
ram2459c

August 31, 2016

To Whom it may concern,

The purpose of this letter is to express that I fully understand what is being proposed at 711 West Hollis Street and that I have no reservations or objections to that plan.

Sincerely,



Gil Dubray

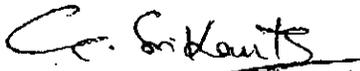
713 A 713 WEST
HOLLIS ST

August 31, 2016

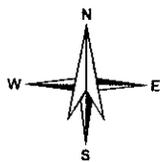
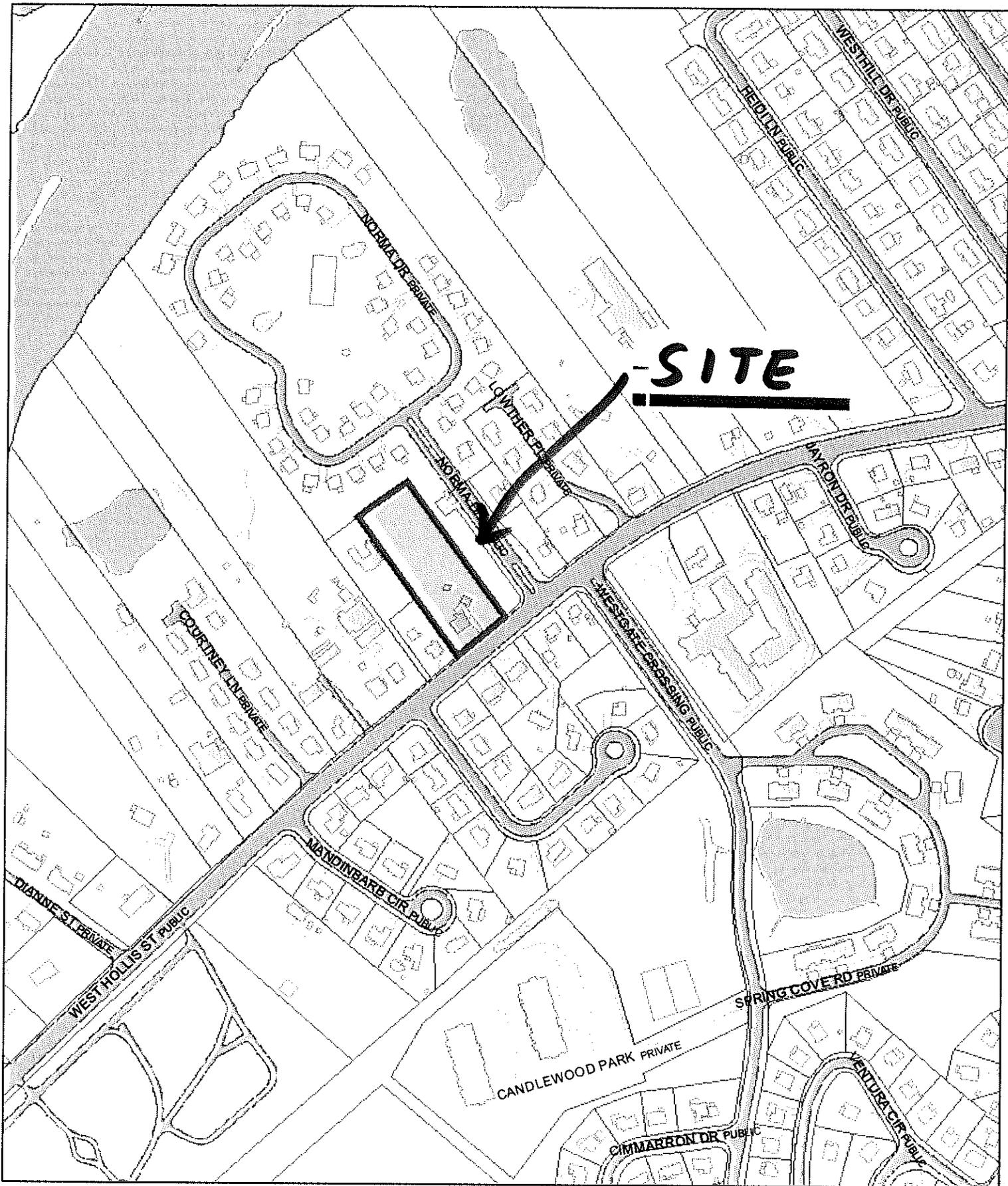
To Whom it may concern,

The purpose of this letter is to express that I fully understand what is being proposed at 711 West Hollis Street and that I have no reservations or objections to that plan. (for 4 houses)

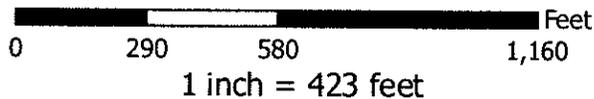
Sincerely,


Srikanth Garikipati

715 WEST HOLLIS ST



711 West Hollis Street



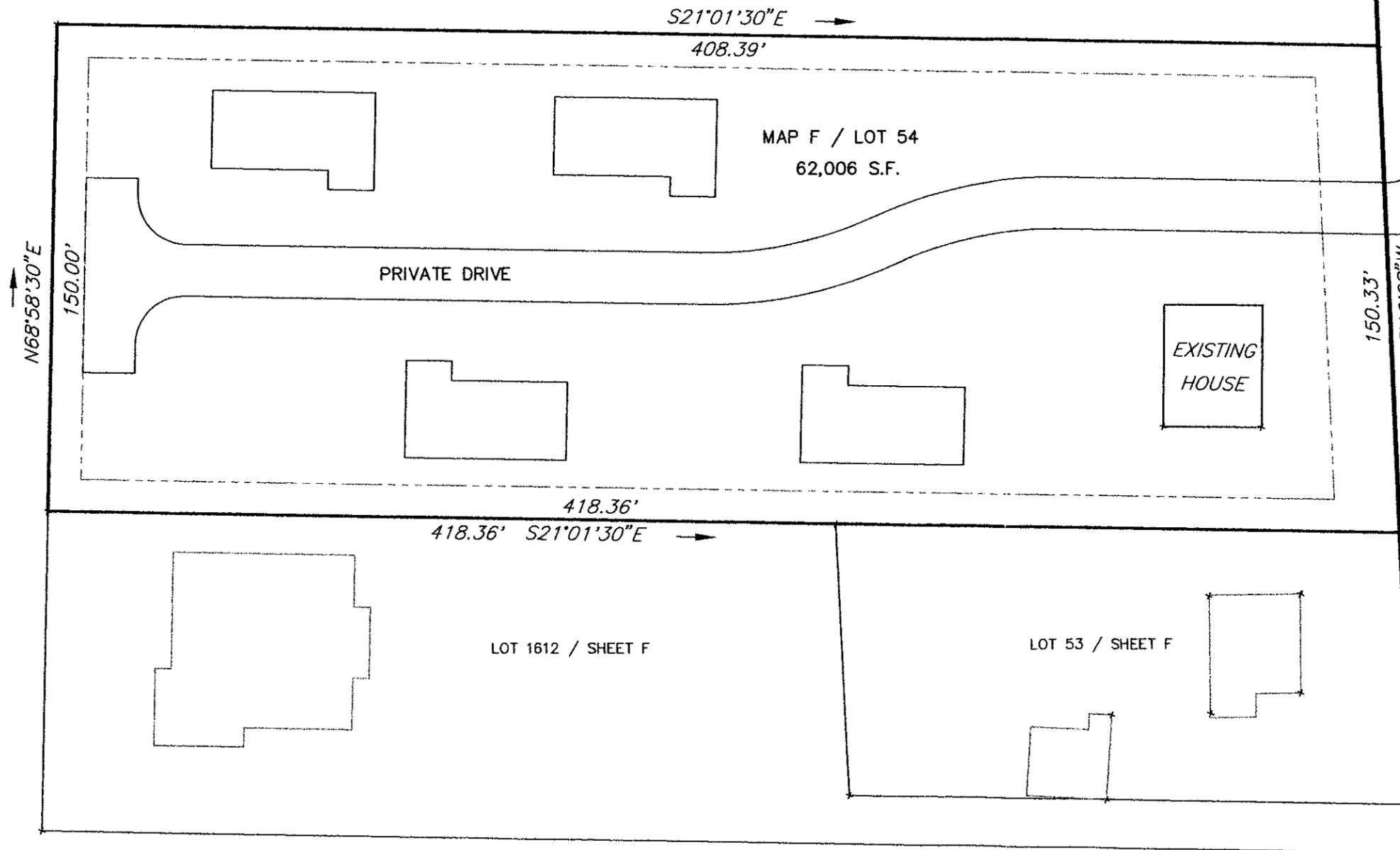
N O R M A D R I V E

W E S T
H O L L I S
S T R E E T

NOTES

1. ZONED "R 9" (C-SUBURBAN RESIDENCE)
MINIMUM AREA-9,000 S.F.
MINIMUM LOT WIDTH-90'
MINIMUM LOT FRONTAGE-75'
MINIMUM LOT DEPTH-90'
SETBACKS 20' FRONT
10' SIDE
30' REAR
2. VARIANCE-MULTIPLE (5)
RESIDENCES/BUILDINGS
ON ONE LOT WITH SHARED DRIVE.
3. PROPOSED 5 UNITS/HOUSES
ON 62,006 S.F. OR
1 UNIT / 12,401 S.F.

HOLLIS LANDING
CONDOMINIUMS



MAP F / LOT 54
62,006 S.F.

EXISTING
HOUSE

LOT 1612 / SHEET F

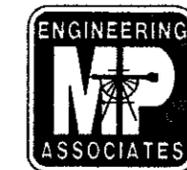
LOT 53 / SHEET F

ZBA PLOT PLAN
MAP F / LOT 54

**711 WEST HOLLIS ST.
NASHUA, N.H.**

SCALE: 1" = 40'

DATE: AUGUST 29, 2016



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

PLAN REFERENCES

1. OAKMONT PARK
HOLLIS-PEPPERELL ROAD, NASHUA, N.H.
SCALE 1"=100' DATED JULY 1936
BY NOTTINGHAM SURVEYORS
HCRD NO. 2606

KPM	KPM		CERT	B	12459
DRAFTED	CHECKED	BOOK / PAGE	TYPE	SIZE	JOB NUMBER

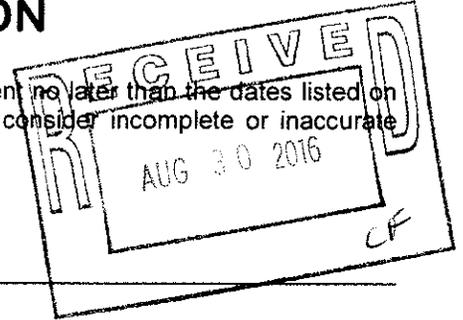


City of Nashua
Community Development Division
 City Hall, 229 Main Street, PO Box 2019
 Nashua, New Hampshire 03061-2019

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 738 West Hollis Street

Zoning District R-9 Sheet D Lot 75

b. VARIANCE(S) REQUESTED:

Variance from Section 190-17(B) of the Land Use Code to permit more than one (1) principal structure on a lot to facilitate a residential condominium community of 10 single-family detached units.

2. GENERAL INFORMATION

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

(Print Name): Raisanen Homes Elite LLC

Applicant's signature [Signature] Date August 30, 2016

Applicant's address c/o Winer and Bennett, LLP, P.O. Box 488, Nashua, New Hampshire 03061-0488

Telephone number H: 603-882-5157 C: n/a E-mail: jbwestgate@winerbennett.com

b. PROPERTY OWNER (Print Name): Mary E. Castonguay, Trustee of the Henry P. and Mary E. Castonguay Revocable Trust

Owner's signature [Signature] Date August 30, 2016

Owner's address 738 West Hollis Street, Nashua, NH 03062

Telephone number H: _____ C: 603-860-7951 E-mail: _____
 (nephew, Steven Demarais)

OFFICE USE ONLY

Application checked for completeness: CF

Case number _____ Application Deadline _____ Date Received 8-30-16 Date of hearing 9-27-16

PLR# 2016-00202 Board Action _____

\$ _____ application fee Date Paid _____ Receipt # _____

\$ _____ signage fee Date Paid _____ Receipt # _____

\$ _____ certified mailing 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.")

See attached.

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

See attached.

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

See attached.

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

See attached.

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

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

See attached

4. USE VARIANCE ADDITIONAL INFORMATION

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

- a. Total number of employees N/A Number of employees per shift _____
- b. Hours and days of operation 24/7
- c. Number of daily and weekly visits to the premises by customers, clients, vendors and solicitors N/A
- d. Number of daily and weekly commercial deliveries to the premises N/A
- e. Number of parking spaces available 2 per unit
- f. Describe your general business operations _____
N/A (residential units)
- g. Describe any proposed site renovations, including, but not limited to – landscaping, lighting, pavement, structural changes, signage, access and circulation _____
See attached

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

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

By: [Signature]
Signature of Applicant

August 30, 2016
Date

Richard Raisanen Manager
Print Name

Date

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

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

RAISANEN HOMES ELITE, LLC – APPLICANT

**MARY E. CASTONGUAY, TRUSTEE OF THE HENRY P. AND
MARY E. CASTONGUAY REVOCABLE TRUST – OWNER
(738 West Hollis Street; Map D, Lot 75)**

ATTACHMENT TO VARIANCE APPLICATION

3. PURPOSE OF REQUEST

Introduction

Mary E. Castonguay, Trustee of the Henry P. and Mary E. Castonguay Revocable Trust, is the owner of a 2.504 acre parcel of land (Map D, Lot 75) situated on the southerly side of West Hollis Street (N.H. Route 111), with an address of 738 West Hollis Street. The property includes an existing single family dwelling. The property is located in the R-9 zoning district. The property's shape is rectangular, with relatively short frontage on West Hollis Street, making it a long and narrow parcel.

Mary E. Castonguay is the widow of Henry P. Castonguay (the deceased co-trustee) who died on February 10, 2016.

The property is bordered on the west by the St. Louis De Gonzagues Cemetery. Immediately across West Hollis Street is Reno's Auto Body. Abutting the property to the east are five residential lots (part of a small subdivision). Across the street and slightly to the west is a mobile home / manufactured housing community containing 48 units. Across West Hollis Street and to the east is a condominium with 12 detached units. Beyond that are two small commercial buildings, Fotene's Market and Pitarys Farms. Abutting the property to the rear is land part of Westgate Village.

Project Outline

The Applicant desires to develop the property for 10 single family dwellings under the condominium form of ownership. The existing single family dwelling would be razed. The site plan set for the project is entitled "Condominium Site Plan West Hollis Estates – Lot 75, Map "D" – 738 West Hollis Street Nashua, New Hampshire" prepared by Fieldstone Land Consultants, PLLC dated July 29, 2016, as revised. A copy of sheet 2 of the set is appended to this Application (the "Site Plan").

The residential community would be established under the condominium form of ownership. It would be serviced by a common private driveway and private parking spaces. The community would be serviced by Pennichuck Water Works, Inc. and the City of Nashua sanitary sewer system as well as customary utilities. Except for components of the utility systems required to be public, utility services would be private. The driveway, parking spaces

and landscaping would be privately maintained. Each unit would have at least 2 parking spaces (outdoor and/or indoor).

As mentioned and as the Site Plan depicts, the property is located in the R-9 District. The general, nearby area of West Hollis Street contains several multi-family developments of varying types, including condominiums, manufactured housing communities, single family home subdivisions and institutional elderly housing containing multiple units in larger buildings, as well as commercial properties. Given the nature of its immediate abutters and the general character of the nearby residential developments, the Applicant's proposed 10-unit condominium subdivision would not be out of character of the area.

Variance Proposal

The Applicant is applying for a variance from Section 190-17(B) of the Land Use Code. Section 190-17(B) states that only one principal structure is permitted on a lot unless "otherwise provided by this chapter." The Applicant seeks a variance to permit more than one principal structure on a lot, specifically 10 single family dwellings under the condominium form of ownership. Under Table 15-1 of the Land Use Code, single-family detached dwellings are permitted in the R-9 district; consequently, it is the anomaly of Section 17(B) that precludes more than one dwelling (in the condominium form of ownership) without a variance.

5 Criteria for Granting a Variance

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

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

It is not contrary to the public interest to permit a modest residential community (of single family dwellings) on a long and narrow parcel of land, at a location (in a mixed use area) which is near similar residential developments of varying types, including condominiums, manufactured housing communities, institutional elderly housing and subdivisions of single-family homes. In addition, it is not contrary to the public interest to permit a productive use of the property, in this mixed setting, where much of the property is currently not productive. Furthermore, the variance would permit demolition of an older, outdated single family dwelling as well as permit a new and vital use of the property, demonstrating both a vitality in the area and enhancement to nearby commercial and residential properties alike.

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

Permitting development of an underutilized parcel of land, located in a setting which contains many similar or compatible residential neighborhoods as well as some commercial properties, and situated between an institutional property (the cemetery) on one

side, and residential properties on the other sides, is not contrary to the spirit to the ordinance, where the ordinance contemplates appropriate and productive use of property and promotes harmonious development of land between adjacent land uses.

The property is located in the R-9 District. Its elongated, narrow shape makes it impossible to create a similar number of single family dwellings on individual lots, therefore multiple single family dwellings on a single lot using the condominium form of ownership is preferable. The property is located on an arterial road and is surrounded by various residential communities, institutional properties and commercial properties. Many of the condominiums, manufactured housing communities, institutional elderly housing communities and single-family subdivisions in the vicinity of the property contain many more than 10 units, making the proposed 10 unit condominium community fall nicely within the overall character of that section of West Hollis Street.

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

Permitting the proposed use does substantial justice, with recognition of the nature of the property, in particular its long, narrow shape, its location in the R-9 District and its proximity to similar existing condominiums and other multi-unit residential communities, institutional properties and commercial properties. Permitting a new, vital use of a currently underutilized parcel (with a modern residential character) provides a relative benefit to the immediate neighborhood and the general public by showing vitality in that neighborhood, and by its similar character to many of the surrounding well-established residential developments.

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

The proposed community (of 10 single-family dwellings) will not diminish the value of surrounding properties. First, new, modern single family homes adjacent to an institutional property (the cemetery) will not affect the value of that property. Furthermore, the commercial properties across West Hollis Street will not be affected by the addition of 10 new detached single family homes, as they are already near other similar developments, including several of more than 10 units. The nearby commercial properties are far more affected (adversely or beneficially) by their location along West Hollis Street than their proximity to the proposed development. The nearby residential properties are not adversely affected by new, modern residential structures built adjacent to them. Furthermore, new residences adjacent to older residences demonstrate vitality in the neighborhood and tend to enhance property values.

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

Under RSA 674:33, I(b), "unnecessary hardship" means that, owing to special conditions of the property that distinguish it from other properties in the area (i) no fair and substantial relationship exists between the general public purposes of the ordinance provision

and the specific application to of that provision to the property and (ii) the proposed use is a reasonable one.

This property has a number of special conditions which have been already noted. First, it is located on a busy, arterial road in the City (West Hollis Street). Second, it has a relatively long, narrow shape, limiting its productive use (in terms of acreage – 2.504) in the R-9 Zone, if restricted to a minimal number of single family homes supported by a cul-de-sac public street. Third, it abuts a large parcel containing the cemetery. Fourth, in its general vicinity are many similar residential communities of numerous types (i.e. condominiums, a manufactured housing community, institutional elderly housing, single-family home subdivisions), including several developments containing many more than 10 units. Fifth, it is located on a stretch of West Hollis Street containing a mix of uses, including residential, commercial and institutional uses, rather than an insular, suburban residential neighborhood of primarily single family homes.

With residential uses in mind, the most practical approach to make productive use of a long, narrow parcel of this type is a residential development, under the condominium form of ownership serviced by a private driveway. The property needs no other variances for this appropriate and reasonable use. For example, it readily meets the density requirements of the Land Use Code. As is evident, there a number of special conditions pertaining to the property within the meaning of RSA 674:33, I(b).

With these special conditions in mind, it is clear that no fair and substantial relationship exists between the general public purposes of the Land Use Code and the specific application of this particular provision (Section 190-17(B) (only one principal structure permitted on the property)).

Section 190-17(B) treats the property as if it were an ideal shaped 2.504 acres (which it is not) in a pure residential setting on a non-arterial road. But the property is not ideally shaped, nor is it in a pure residential setting, but in a mixed use area on an arterial road. Therefore, in this case, Section 190-17(B) precludes a reasonable and productive use of this parcel and thus does not have a substantial relationship to the general public purposes of the requirement of one principal structure on a lot. 738 West Hollis Street is located on an arterial road and surrounded by parcels of widely varying shapes and sizes containing all types of residential developments, including other similar condominiums, manufactured housing, institutional elderly housing and single family subdivisions, as well as several nearby commercial and institutional properties.

Article 2 of the Land Use Code notes that the purpose of the zoning districts is to implement the City's Master Plan by providing the "best and most appropriate future development of the area under the jurisdiction of the Planning Board . . .". The general purposes of the zoning ordinance also include accomplishing the purposes described in RSA 674:17.

These general purposes are frustrated by application of Section 190-17(B) which precludes reasonable development of this property.

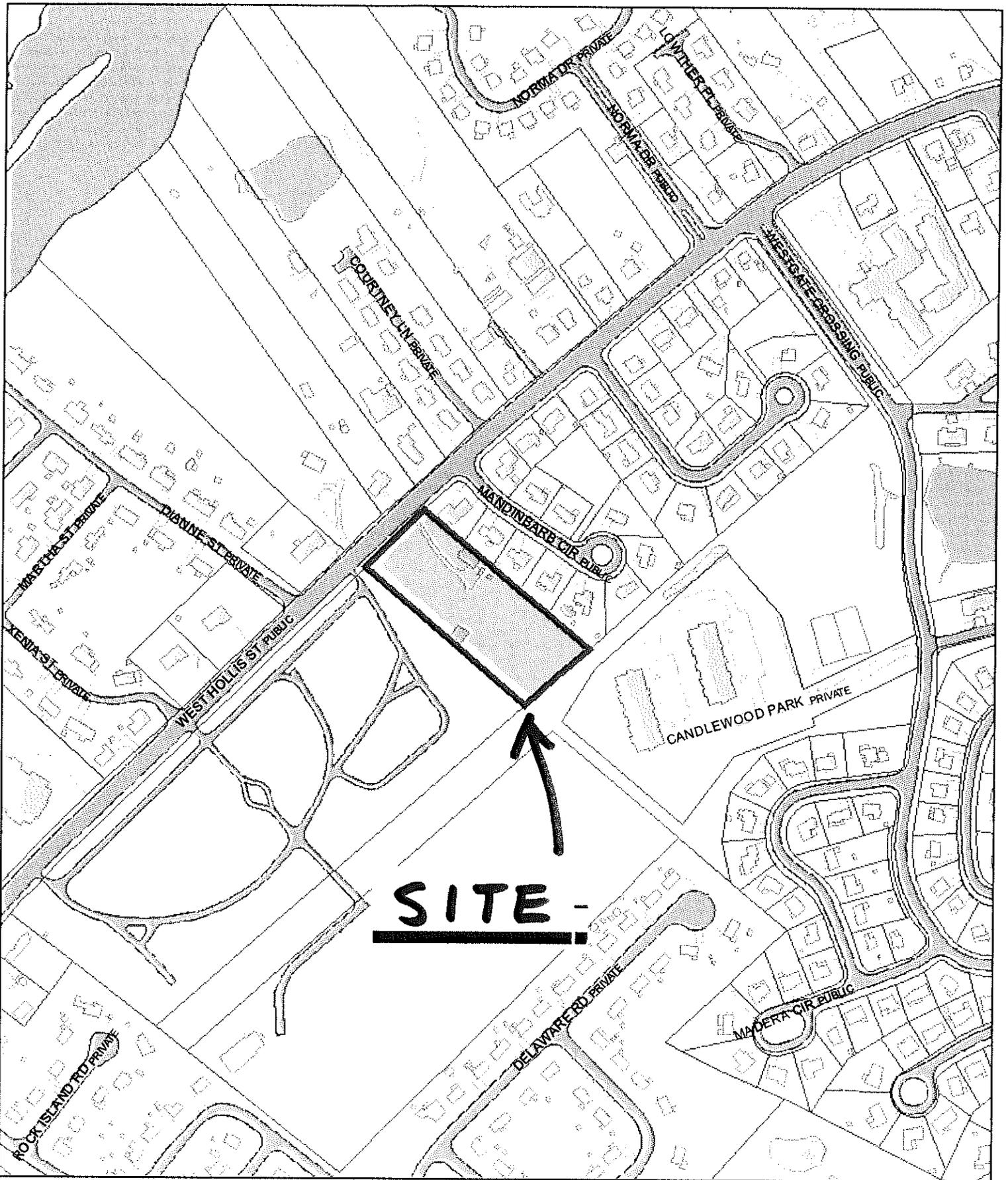
Given the nature of the special conditions of the property, the types of nearby properties and the proposed use, and in light of the factors mentioned, the proposed use is a reasonable one and relief from the aforesaid use, one principal structure requirement is also reasonable to permit implementation of the proposed use.

Conclusion

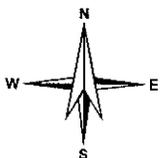
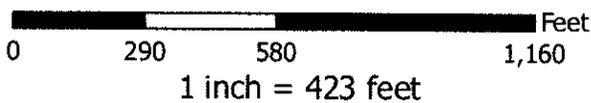
In light of the foregoing, the Applicant respectfully request that the variance be granted.

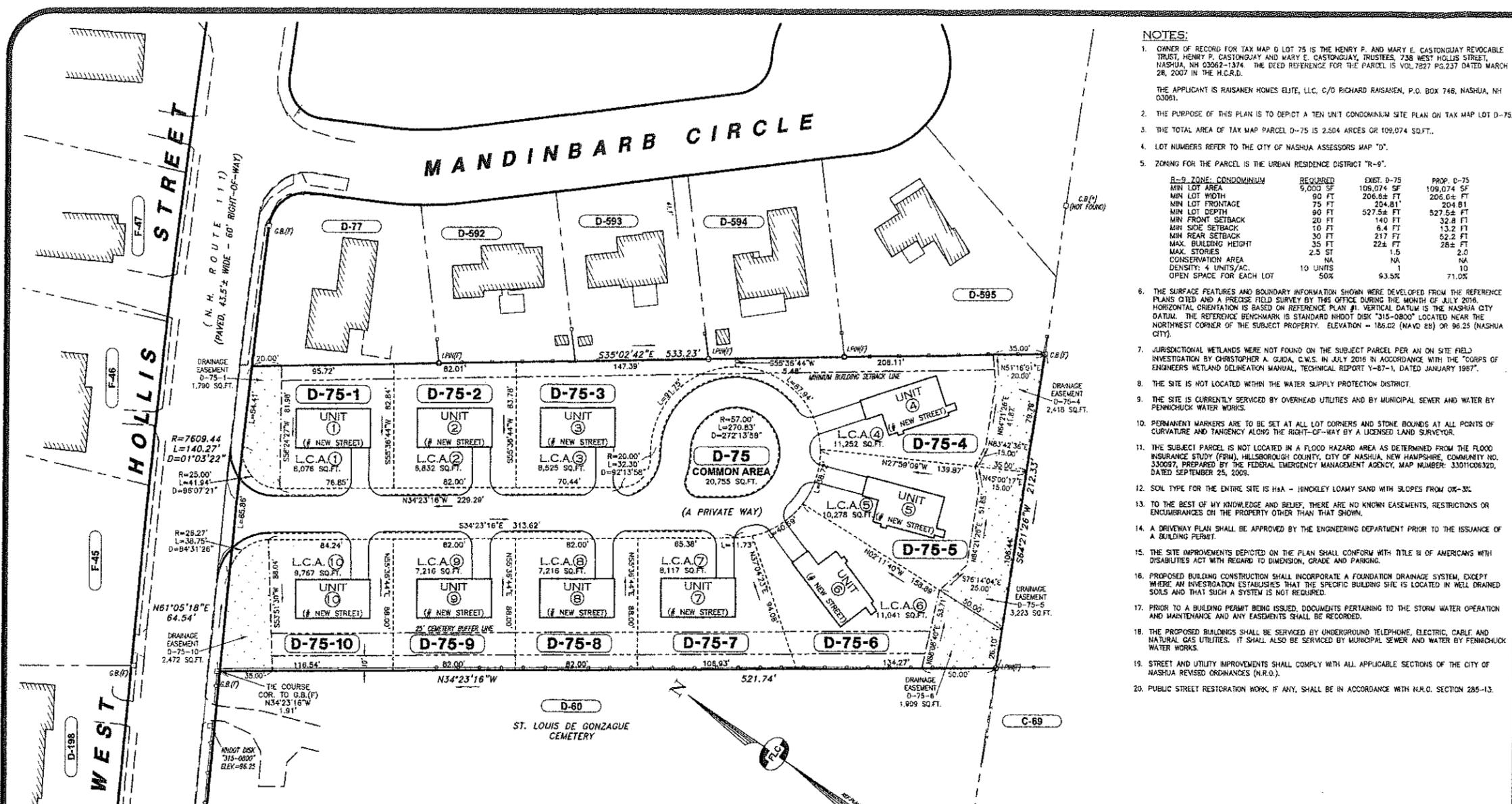
4. **USE VARIANCE ADDITIONAL INFOMRATION**

- g. A residential community of 10 single-family dwellings, under the condominium form of ownership. The community will be serviced by private driveways, and municipal water and sanitary sewer services. Customary residential landscaping is contemplated. Access would be from West Hollis Street. Final design, layout, positioning of units and other site and related improvements to be determined by the Planning Board.



738 West Hollis Street

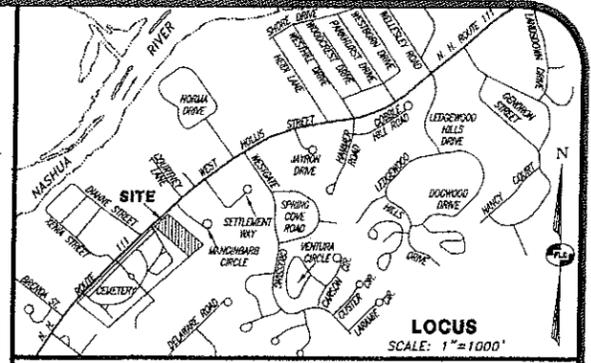




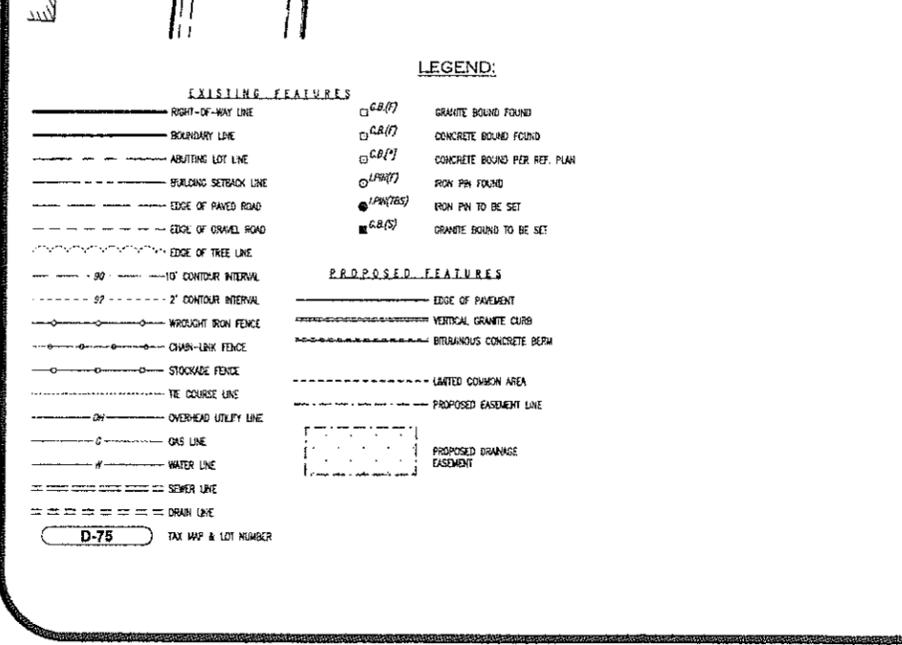
- NOTES:**
- OWNER OF RECORD FOR TAX MAP D LOT 75 IS THE HENRY P. AND MARY E. CASTONGUAY REVOCABLE TRUST, HENRY P. CASTONGUAY AND MARY E. CASTONGUAY, TRUSTEES, 738 WEST HOLLIS STREET, NASHUA, NH 03062-1374. THE DEED REFERENCE FOR THE PARCEL IS VOL.7827 PG.237 DATED MARCH 28, 2007 IN THE H.C.R.D.
 - THE APPLICANT IS RAISANEN HOMES ELITE, LLC, C/O RICHARD RAISANEN, P.O. BOX 748, NASHUA, NH 03061.
 - THE PURPOSE OF THIS PLAN IS TO DEPICT A TEN UNIT CONDOMINIUM SITE PLAN ON TAX MAP LOT D-75.
 - THE TOTAL AREA OF TAX MAP PARCEL D-75 IS 2,504 ARCES OR 109,074 SQ.FT..
 - LOT NUMBERS REFER TO THE CITY OF NASHUA ASSESSORS MAP "D".
 - ZONING FOR THE PARCEL IS THE URBAN RESIDENCE DISTRICT "R-9".

R-9 ZONE CONDOMINIUM	REQUIRED	EXIST. D-75	PROP. D-75
MIN LOT AREA	9,000 SF	109,074 SF	109,074 SF
MIN LOT WIDTH	90 FT	206.62 FT	206.62 FT
MIN LOT FRONTAGE	75 FT	204.81'	204.81'
MIN LOT DEPTH	90 FT	527.58 FT	527.58 FT
MIN FRONT SETBACK	20 FT	140 FT	32.8 FT
MIN SIDE SETBACK	10 FT	6.4 FT	13.2 FT
MIN REAR SETBACK	30 FT	217 FT	52.2 FT
MAX. BUILDING HEIGHT	35 FT	22.2 FT	28.2 FT
MAX. STORIES	2.5 ST	1.5	2.0
CONSERVATION AREA	NA	NA	NA
DENSITY: 4 UNITS/AC.	10 UNITS	1	10
OPEN SPACE FOR EACH LOT	50%	93.5%	71.0%

- THE SURFACE FEATURES AND BOUNDARY INFORMATION SHOWN WERE DEVELOPED FROM THE REFERENCE PLANS OBTAINED AND A PRECISE FIELD SURVEY BY THIS OFFICE DURING THE MONTH OF JULY 2016. HORIZONTAL ORIENTATION IS BASED ON REFERENCE PLAN #1. VERTICAL DATUM IS THE NASHUA CITY DATUM. THE REFERENCE BENCHMARK IS STANDARD HEIGHT BENCH MARK "315-0800" LOCATED NEAR THE NORTHWEST CORNER OF THE SUBJECT PROPERTY. ELEVATION = 166.02 (NAVD 83) OR 96.25 (NASHUA CITY).
- JURISDICTIONAL WETLANDS WERE NOT FOUND ON THE SUBJECT PARCEL PER AN ON SITE FIELD INVESTIGATION BY CHRISTOPHER A. GUIDA, C.W.S. IN JULY 2016 IN ACCORDANCE WITH THE "CORPS OF ENGINEERS WETLAND DELINEATION MANUAL, TECHNICAL REPORT Y-87-1, DATED JANUARY 1987".
- THE SITE IS NOT LOCATED WITHIN THE WATER SUPPLY PROTECTION DISTRICT.
- THE SITE IS CURRENTLY SERVICED BY OVERHEAD UTILITIES AND BY MUNICIPAL SEWER AND WATER BY PENNOCHEUK WATER WORKS.
- PERMANENT MARKERS ARE TO BE SET AT ALL LOT CORNERS AND STONE BOUNDS AT ALL POINTS OF CURVATURE AND TANGENCY ALONG THE RIGHT-OF-WAY BY A LICENSED LAND SURVEYOR.
- THE SUBJECT PARCEL IS NOT 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: 33011C0632D, DATED SEPTEMBER 25, 2009.
- SOIL TYPE FOR THE ENTIRE SITE IS H8a - HINCKLEY LOAMY SAND WITH SLOPES FROM 0% - 3%.
- TO THE BEST OF MY KNOWLEDGE AND BELIEF, THERE ARE NO KNOWN EASEMENTS, RESTRICTIONS OR ENCUMBRANCES ON THE PROPERTY OTHER THAN THAT SHOWN.
- A DRIVEWAY PLAN SHALL BE APPROVED BY THE ENGINEERING DEPARTMENT PRIOR TO THE ISSUANCE OF A BUILDING PERMIT.
- THE SITE IMPROVEMENTS DEPICTED ON THE PLAN SHALL CONFORM WITH TITLE 16 OF AMERICANS WITH DISABILITIES ACT WITH REGARD TO DIMENSION, GRADE AND PARKING.
- PROPOSED BUILDING CONSTRUCTION SHALL INCORPORATE A FOUNDATION DRAINAGE SYSTEM, EXCEPT WHERE AN INVESTIGATION ESTABLISHES THAT THE SPECIFIC BUILDING SITE IS LOCATED IN WELL DRAINED SOILS AND THAT SUCH A SYSTEM IS NOT REQUIRED.
- PRIOR TO A BUILDING PERMIT BEING ISSUED, DOCUMENTS PERTAINING TO THE STORM WATER OPERATION AND MAINTENANCE AND ANY EASEMENTS SHALL BE RECORDED.
- THE PROPOSED BUILDINGS SHALL BE SERVICED BY UNDERGROUND TELEPHONE, ELECTRIC, CABLE AND NATURAL GAS UTILITIES. IT SHALL ALSO BE SERVICED BY MUNICIPAL SEWER AND WATER BY PENNOCHEUK WATER WORKS.
- STREET AND UTILITY IMPROVEMENTS SHALL COMPLY WITH ALL APPLICABLE SECTIONS OF THE CITY OF NASHUA REVISED ORDINANCES (N.R.D.).
- PUBLIC STREET RESTORATION WORK, IF ANY, SHALL BE IN ACCORDANCE WITH N.R.D. SECTION 285-13.



- REFERENCE PLAN:**
- CORRECTIVE BOUNDARY PLAN OF -- LOTS D-595, D-596 & D-597 -- MANDINBARB CIRCLE -- WEST HOLLIS STREET -- NASHUA, NEW HAMPSHIRE -- OWNER OF RECORD: AMP PROPERTIES LLC, SCALE 1"=40', DATED OCTOBER 16, 2002 BY GRANITE STATE SURVEYING, INC. RECORDED IN THE H.C.R.D. AS PLAN NO. 32122.
 - BOUNDARY PLAN OF LAND OWNED BY: -- ROMAN CATHOLIC BISHOP OF MANCHESTER -- NASHUA, NEW HAMPSHIRE, SCALE 1"=100', BY GEORGE F. KELLER, INC. RECORDED IN THE H.C.R.D. AS PLAN NO. 17926.
 - STATE OF NEW HAMPSHIRE -- DEPARTMENT OF PUBLIC WORKS AND HIGHWAYS -- RIGHT OF WAY -- PLANS OF PROPOSED -- FEDERAL AID PROJECT -- S-28(15) -- N.H. PROJECT NO. S-7868 -- HOLLIS ROAD, SCALE 1"=50', DATED AUGUST 7, 1987 RECORDED IN THE H.C.R.D. AS PLAN NO. 4534 AND NO. 5020.
 - UTILITY SERVICE PLAN -- TAX MAP D, LOT 75 -- 738 WEST HOLLIS STREET -- NASHUA, NEW HAMPSHIRE -- PREPARED FOR: -- RAISANEN HOMES ELITE, LLC -- LAND OF HENRY P. & MARY E. CASTONGUAY REVOCABLE TRUST, SCALE 1"=20', DATED JUNE 13, 2016, BY FIELDSTONE LAND CONSULTANTS, PLLC.



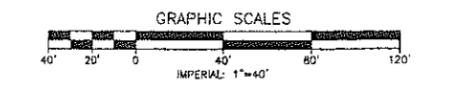
- LIST OF ABUTTERS**
- MAP D LOT 75
HENRY P. & MARY E. CASTONGUAY REV. TRUST
HENRY P. & MARY E. CASTONGUAY, TRUSTEES
738 W. HOLLIS STREET
NASHUA, NH 03062-1374
VOL.7827 PG.237 3/28/07
(738 W. HOLLIS ST.)
- MAP D LOTS 60
ROMAN CATHOLIC BISHOP
FINANCE & REAL ESTATE OFFICE
153 ASH STREET, P.O. BOX 310
MANCHESTER, NH 03105
VOL.830 PG.432 5/2/24
(W. HOLLIS ST.)
- MAP C LOT 89
WESTGATE VILLAGE GROUP
C/O GREAT NORTHERN
PROPERTY MANAGEMENT
78 NORTHEASTERN BLVD.
NASHUA, NH 03082
VOL.2910 PG.577 1/1/82
(WESTGATE CROSSING)
- MAP D LOT 77
ERWIN LANGILL
734 W. HOLLIS STREET
NASHUA, NH 03062-1374
VOL.6731 PG.381 10/9/02
(734 W. HOLLIS ST.)
- MAP D LOT 592
JIBY PARAKKAL &
SANTOSH KUNNANURU
5 MANDINBARB CIRCLE
NASHUA, NH 03062
VOL.7788 PG.2614 12/29/06
(3 MANDINBARB CIRCLE)
- MAP D LOT 593
EDWIN B. &
VAREBEL A. EWATA
5 MANDINBARB CIRCLE
NASHUA, NH 03062
VOL.5939 PG.746 5/28/03
(5 MANDINBARB CIRCLE)
- MAP D LOT 594
DAVID R. MASHKIEWICZ &
LISA A. RICCO
7 MANDINBARB CIRCLE
NASHUA, NH 03062
VOL.8735 PG.2417 3/19/15
(7 MANDINBARB CIRCLE)
- MAP D LOT 595
MATTHEW S. CHAPMAN &
KIM M. OUELLETTE
9 MANDINBARB CIRCLE
NASHUA, NH 03062
VOL.7199 PG.2183 4/1/04
(9 MANDINBARB CIRCLE)
- MAP D LOT 198
PITARY'S HOMES, INC.
6A ANNE STREET
HOLLIS, NH 03049-1331
VOL.5901 PG.43 2/10/98
(749 W. HOLLIS ST.)
- MAP F LOT 45
MARY L. &
MARK A. BOULANGER
747 W. HOLLIS STREET
NASHUA, NH 03060-1331
VOL.XXXX PG.XXX 3/21/07
(747 W. HOLLIS ST.)
- MAP F LOT 46
JOHN L. DESCHENES AND
RENO & CHARLEN DESCHENES
741 W. HOLLIS STREET
NASHUA, NH 03060-1331
VOL.5235 PG.352 9/15/89
(745 W. HOLLIS ST.)
- MAP F LOT 47
RENO DESCHENES REV. TRUST
RENO DESCHENES, TRUSTEE
741 W. HOLLIS STREET
NASHUA, NH 03062
VOL.8613 PG.2393 10/18/13
(741 W. HOLLIS ST.)

CERTIFICATION:
I HEREBY CERTIFY THAT THIS PLAN COMPLIES WITH RSA 356-B:20 1, AND THAT ALL PROPOSED IMPROVEMENTS ARE NOT YET BEGUN

DATE: 8/22/16

APPROVED BY NASHUA PLANNING BOARD

CHAIRMAN: _____ DATE: _____
SECRETARY: _____ DATE: _____



REV.	DATE	DESCRIPTION	C/O	DR	CK
A	8/22/16	REVISED TITLE AND NOTES PER CITY REVIEW			

CONDOMINIUM SITE PLAN
TAX MAP D LOT 75 - 738 WEST HOLLIS STREET
NASHUA, NEW HAMPSHIRE

PREPARED FOR:
RAISANEN HOMES ELITE, LLC
C/O RICHARD RAISANEN, P.O. BOX 748, NASHUA, NH 03061 - PH (603) 321-6549

LAND OF:
HENRY P. AND MARY E. CASTONGUAY REVOCABLE TRUST
738 WEST HOLLIS STREET, NASHUA, NH 03062-1374

SCALE: 1" = 40' JULY 29, 2016

Surveying + Engineering + Land Planning + Permitting + Septic Designs

FIELDSTONE LAND CONSULTANTS, PLLC

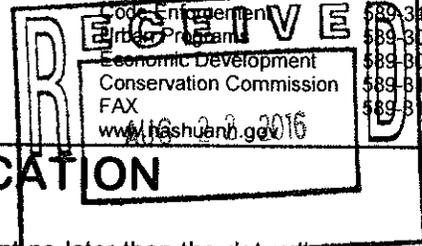
206 Elm Street, Milford, NH 03055
Phone: (603) 672-5456 Fax: (603) 413-5456
www.FieldstoneLandConsultants.com

FILE: 1291C000R.dwg PRG. NO. 1291.00 SHEET: CD-1 PAGE NO. 2 OF 13



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 589-8105
 FAX 589-8119
 www.nashua.nh.gov



SPECIAL EXCEPTION APPLICATION

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

1. SPECIAL EXCEPTION INFORMATION

a. ADDRESS OF REQUEST Charron Ave (No known street number) Parcel E-2137

Zoning District HB Airport Industrial Sheet _____ Lot E-2137

b. SPECIAL EXCEPTION(S) REQUESTED: Encroachment into a wetland buffer area (190-115B)

We request permission to remove 8-12 trees in a small cluster on the southeast side of Charron Ave. These trees have been identified by the FAA as penetrating up into the approach surface aircraft utilize to arrive at the airport in inclement weather. The removal of these trees will allow the approach to be utilized at night, thereby increasing the utility of the airport and creating a safer operating environment for pilots who utilize that approach.

Please see attached Special Exception Criteria from NCC Wetland Application Review

2. GENERAL INFORMATION

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

(Print Name): Stephen Bourque

Applicant's signature [Signature] Date _____

Applicant's address 93 Perimeter Rd., Nashua, NH 03063

Telephone number H: 603-882-0661 C: 603-660-9986 E-mail: s.bourque@nashuaairport.com

b. PROPERTY OWNER (Print Name): City of Nashua

Owner's signature _____ Date _____

Owner's address 229 Main St., Nashua, NH 03061

Telephone number H: _____ C: _____ E-mail: _____

OFFICE USE ONLY

Application checked for completeness: ML

Case number _____ Application Deadline _____ Date Received 8/22/16 Date of hearing _____

PLR# 2016-001888 Board Action _____

\$ _____ application fee Date Paid _____ Receipt # _____

\$ _____ signage fee Date Paid _____ Receipt # _____

\$ _____ certified mailing fee Date Paid _____ Receipt # _____

3. PURPOSE OF REQUEST

Answer all questions below. Provide as much information as available to give the ZBA the necessary facts to review your case. Attach additional sheets if necessary. Please see "Procedures for Filing a Special Exception" for further information.

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

We request permission to remove tall trees directly adjacent to the airport that penetrate into the approach surface utilized by pilots to make a safe approach to the ground in bad weather.

b. Does your proposal involve the physical construction or expansion of a structure? Yes No

If yes, describe how the size of the addition (and any existing structure) compares with the physical size of surrounding properties.

c. Do you anticipate the need for additional on-site parking space as a result of your proposal? Yes No

If yes, approximately how many square feet of paved or designated parking space will be provide for both existing and proposed usage?

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

None

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

These trees are located across the street from, and surrounded by, industrial facilities. I don't believe this action will be out of character with the immediate neighborhood.

4. SPECIAL EXCEPTION AND USE VARIANCES

For Special Exception and Use Variances, please answer all questions below that are applicable. Your answers to these questions will allow staff to better understand your request.

a. Total number of employees N/A Number of employees per shift N/A

b. Hours and days of operation N/A

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

d. Number of daily and weekly commercial deliveries to the premises N/A

e. Number of parking spaces available N/A

f. Describe your general business operations:

We are a public use airport open to the public. We manage and maintain Boire Field - Nashua Airport for the benefit of the public and our tenants and users.

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

We intend to remove only the trees that penetrate or will penetrate into the approach surface. We intend to leave the stumps in place so as to preserve the ground and minimize the chance of any washout.

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

Stephen Bourque

Print Name

8-16-16

Date

8-16-16

Date

Special Exception Criteria

The following statements must be completed to assist the Conservation Commission in reviewing the application relative to the special exception criteria which will be reviewed by the Zoning Board of Adjustment (per 190-115B items (1-9)).

- 1) The use or activity proposed and its attendant impacts cannot reasonably be avoided.

In order to comply with Federal Aviation Administration (FAA) standards, the Airport must maintain an approach that is clear of obstructions. Failure to remove obstructions to the Airport's protected airspace would violate FAA requirements, pose a safety hazard to the general public, and jeopardize Federal funding.

- 2) The least damaging route and methodology have been selected, and that which is being proposed is the best practicable alternative available.

In order to minimize potential impacts to the wetland, the intent of the project is to remove those trees that are actual obstructions, or are within 10 feet of becoming obstructions. Some additional clearing of smaller trees and shrubs is inevitable where equipment access is required. To the maximum extent practicable, the use of machinery in the wetland buffer will be minimized.

- 3) That reasonable and acceptable impact mitigation measures have been incorporated where necessary and appropriate to minimize wetland loss or degradation.

Tree stumps will be left in place to minimize ground disturbance. Silt fence and other erosion control measures will be utilized as appropriate. All BMPs will be in accordance with NHDES standards.

- 4) That the overall impact of encroaching into wetland or buffer areas is necessary for the productive use of adjoining buildable land and, as such, non-encroachment is outweighed by the benefits thereby derived.

In order for the Airport to comply with FAA regulations, provide airspace free of vegetative obstructions, and enhance safety for aircraft operating at the Airport and the general public, the proposed vegetation management is necessary. Failure to remove vegetative obstructions to the Airport's approach presents a safety hazard, and jeopardizes obtaining federal funding to support airport improvement projects.

- 5) That no significant impact on the habitat of rare or endangered species or exemplary communities, as listed by the State of New Hampshire or Federal government, will result.

Copy of New Hampshire Natural Heritage Bureau (NHB) letter attached: Yes: No:

There are no known Federally or State-listed species in the project area. The proposed selective tree removal will not cause a significant habitat to rare or endangered species or their habitat. The tree removal measures proposed will limit impacts to wildlife during construction.

- 6) That the best available adequate erosion and sedimentation control methods are incorporated.

The project proposes the use of BMPs, including silt fence and other erosion control measures as appropriate, to reduce the potential for erosion and sedimentation. Erosion control measures that provide the least disturbance to wetlands and buffers will be used. All BMPs will be in accordance with NHDES standards.

- 7) That the proposed activity or use shall not significantly impair wetland capacity to provide important wildlife and fishery functions, including habitat, food, shelter, breeding, migration and over-wintering.

The proposed activity will not impair wetland capacity to provide wildlife functions. The proposed vegetation management will selectively remove only those trees that are obstructions or near obstructions to the Airport's protected surfaces.

- 8) That the project shall not impair the stability of a water body's bank.

Vegetation will be selectively removed from an area within a wetland buffer. The vegetation removed will not impair the stability of the buffer, and measures will be taken during construction to avoid impacts to the associated wetland.

- 9) That the wetland and buffer functions of hydrologic absorption capacity and storage shall not be impaired.

There will be no impairment of the wetland and wetland buffer's hydrologic capacity and storage.

If additional pages are attached, please identify the project location on each page, and the specific application requirements you are responding to.



City of Nashua
Conservation Commission
City Hall, 229 Main Street, PO Box 2019, Nashua NH 03061-2019
(603) 589-3090 www.nashuanh.gov

September 7, 2016

Mr. Stephen Bourque, Agent
Nashua Airport Authority
103 Perimeter Road
PO Box 2019
229 Main Street
Nashua, NH 03061-2019

Re: Cutting of trees at L Charron Avenue, a City owned lot, to reduce hazards concerning an airport runway approach.

Dear Mr. Bourque:

Your application for the above referenced project received a favorable recommendation from the Nashua Conservation Commission (NCC) at their meeting on August 2, 2016 with the following stipulations:

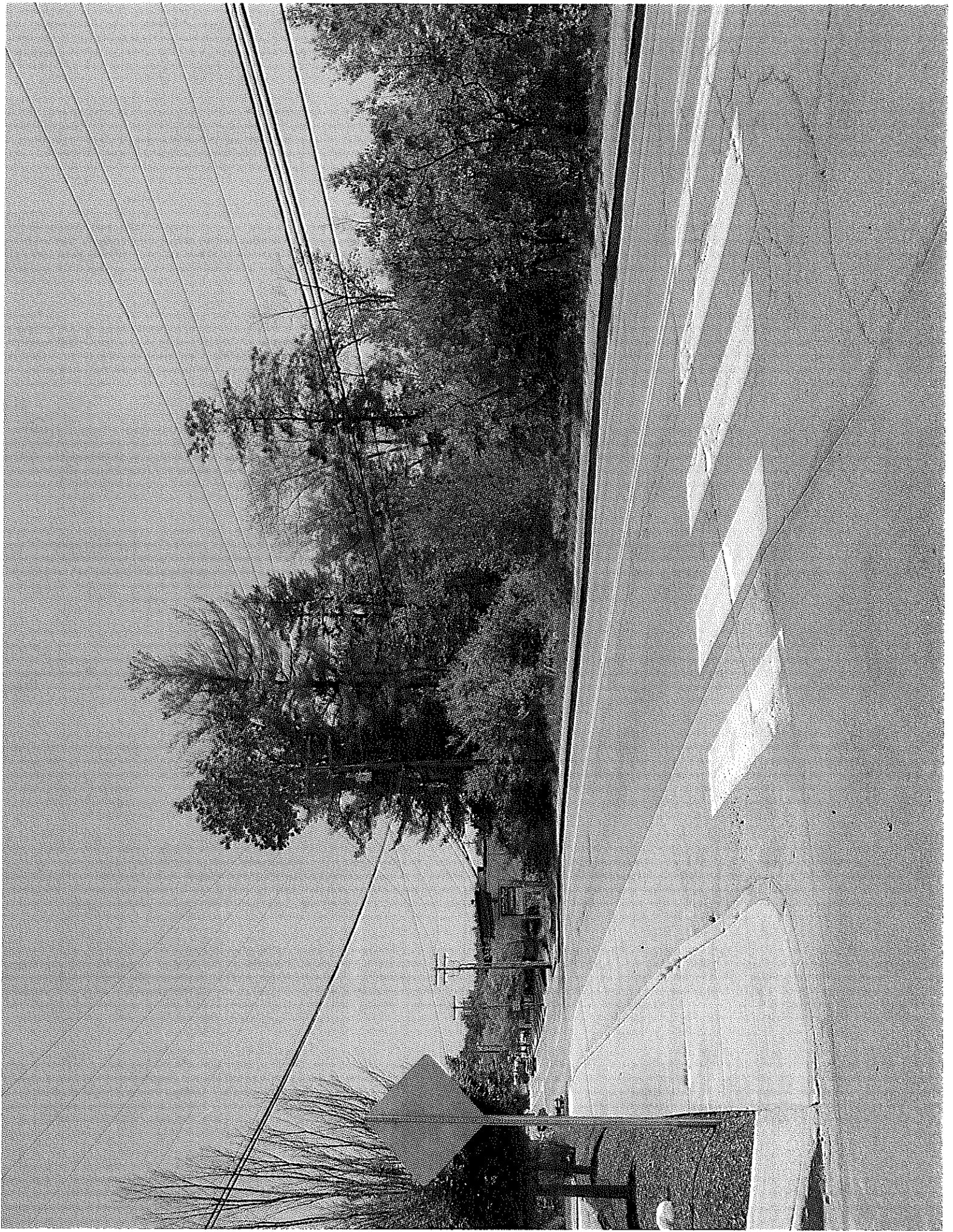
1. Notification to the Nashua Conservation Commission ten (10) days prior to commencement and at project completion.
2. Photographs to be provided to the Nashua Conservation Commission before, during, and at project completion. All photographs shall include the date taken.
3. Authorized Signature by the City of Nashua. (in process)
4. Remove and properly dispose of invasive species from the impacted areas of the site.
5. **Please mark all trees to be removed and notify the Planning office when this has been completed. The Conservation Commission can then schedule a site walk as agreed to at the September 6, 2016 meeting.**

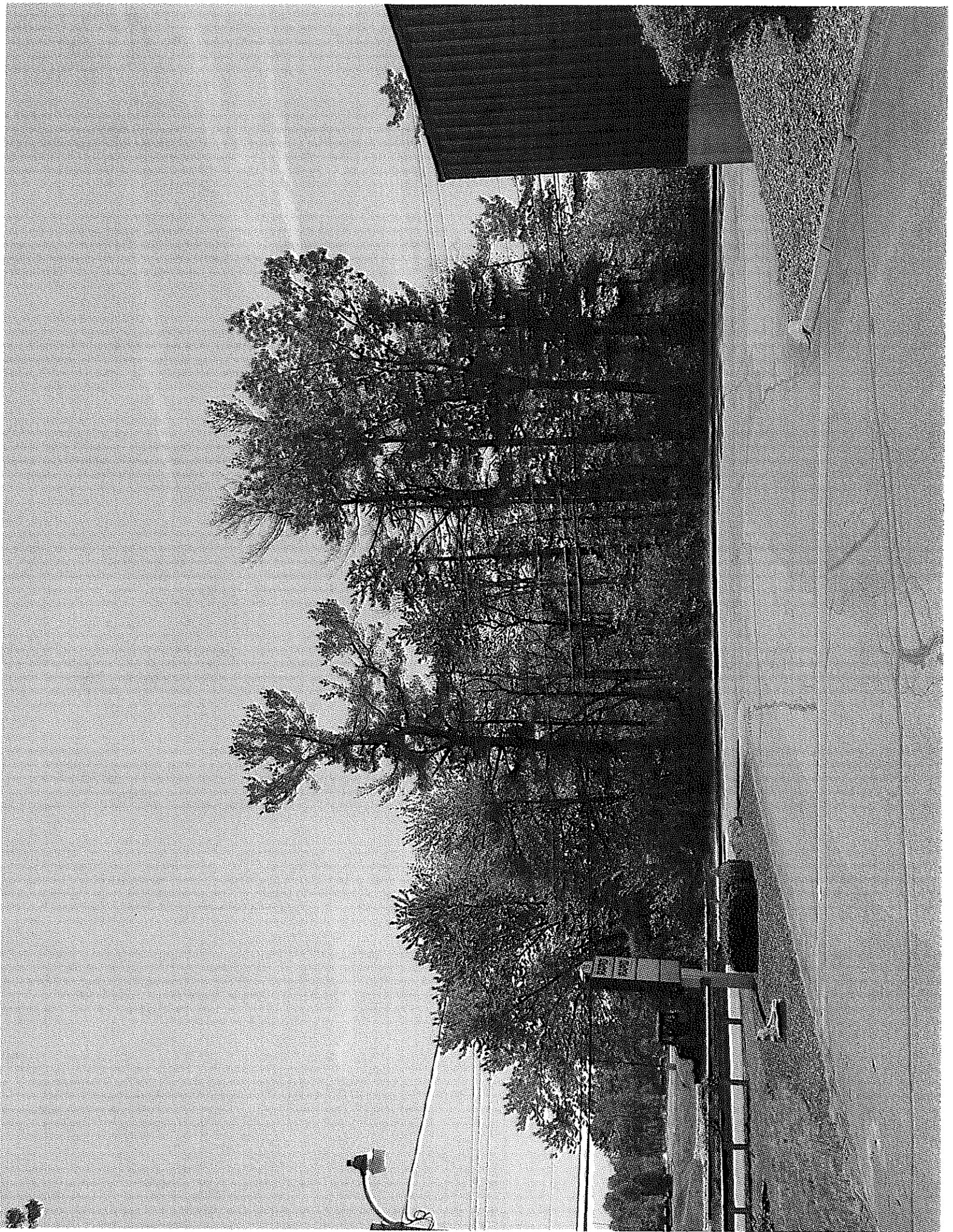
Additional action is necessary to meet the city's requirements, including submitting an application to the Zoning Board of Adjustment, per NRO Section 190-114 Wetland application (E). Please contact Carter Falk, Deputy Planning Manager at (603) 589-3116 regarding that application process. It is also the owner's responsibility to submit any required applications to states agencies as may be needed for your particular project. Adherence to the dates and requirements identified in this letter and any included on the plans is important. If you have any questions about this letter or your responsibilities, please contact Scott McPhie at (603) 589-3111.

Respectfully,

Nashua Conservation Commission

cc: Carter Falk, Deputy Zoning Manager
Linda Panny, Deputy Planning Manager







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

SEPTEMBER 27, 2016

AMENDED AGENDA

1. 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. **[TABLED FROM 8-23-16 ZBA MEETING]**
2. Christopher Eckler (Owner) 4-6 Union Street (Sheet 38 Lot 37) requesting special exception to maintain expansion of a nonconforming use, two dwelling units approved, three dwelling units existing. GI Zone, Ward 7. **[TABLED FROM 9-13-16 ZBA MEETING]**
3. City of Nashua (Owner) Stephen Bourque, Airport Manager (Applicant) "L" Charron Avenue (Sheet E Lot 2137) requesting special exception to work within a 40-foot critical wetland buffer to remove 8-12 trees that have been identified by the FAA as penetrating into the approach surface aircraft use to arrive at airport in inclement weather. HB Zone, Ward 1.
4. Heather A. King (Owner) 18 Twilight Drive (Sheet C Lot 938) requesting variance to encroach 3 feet into the 6 foot required left side yard setback to maintain an 8'x12' shed. R9/R30 Zone, Ward 5.
5. Louis S. Marino Rev. Trust (Owner) 28 Bulova Drive (Sheet A Lot 551) requesting variance to encroach 6 feet into the 10 foot required left side yard setback to construct an attached 12'x22' carport. RA Zone, Ward 7.
6. Rose Hatch (Owner) 14 Twilight Drive (Sheet C Lot 936) requesting special exception for an accessory (in-law) dwelling unit. R9 Zone, Ward 5.
7. T.J. Lats Latvis & Hattaya Dowbenko (Owners) 41 Orange Street (Sheet 44 Lot 2) requesting variance for minimum lot area, 10,878 sq.ft existing, 13,939 sq.ft required - to add one

additional residential unit to an existing three-unit multi-family building. RC Zone, Ward 3.

8. Mary E. Castonguay, Trustee of Henry P. & Mary E. Castonguay Rev. Trust (Owner) Raisanen Homes Elite, LLC (Applicant) 738 West Hollis Street (Sheet D Lot 75) requesting variance to exceed maximum principal structures permitted on one lot, one existing, ten single-family detached units proposed. R9 Zone, Ward 5.

9. 711 West Hollis Street Realty Trust, LLC, Michelle Rodriguez, Manager (Owner) 711 West Hollis Street (Sheet F Lot 54) requesting variance to exceed maximum principal structures permitted on one lot, one existing, four additional detached units proposed for a total of five units. R9 Zone, Ward 5.

OTHER BUSINESS:

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

8/23

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