

1. Zoning Board Regular Meeting Agenda (PDF)

Documents:

[20161213 ZBA AGENDA.PDF](#)

2. Zoning Board Regular Meeting Amended Agenda (PDF)

Documents:

[20161213 ZBA AGENDA AMENDED.PDF](#)

3. Zoning Board Regular Meeting Amended Agenda - 2 (PDF)

Documents:

[20161213 ZBA AGENDA AMENDED2.PDF](#)

4. 20161213 ZBA Meeting Packet

Documents:

[20161213 2 TILTON ST.PDF](#)  
[20161213 25 FAIRWAY ST.PDF](#)  
[20161213 200 INNOVATIVE WAY.PDF](#)  
[20161213 300 AMHERST ST.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

November 29, 2016

The following is to be published on ROP December 3, 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, December 13, 2016, at 6:30 PM at the Nashua City Hall Auditorium, 3rd floor, 229 Main Street.

1. Nashua Development Corp. (Owner) Nashua Country Club (Applicant) 25 Fairway Street (Sheet 116 Lot 1) requesting the following special exceptions: 1) to allow an expansion of a non-conforming use to re-build the curling rink and pro shop; and, 2) to allow a temporary wetland buffer impact to an "other" wetland. R9 Zone, Ward 7.
2. David A. Gerniglia Sr. (Owner) Richard E. Kaas (Applicant) 2 Tilton Street (Sheet F Lot 188) requesting the following: 1) special exception to maintain an existing accessory dwelling unit (in-law apartment); 2) variance to allow someone other than the owner to reside in either the primary or accessory dwelling unit; 3) variance to exceed maximum area of accessory dwelling unit, 1,055 sq. ft. proposed. R9 Zone, Ward 1.
3. Peter B. Proko Limited Family Partnership (Owner) New Hampshire Signs (Applicant) 300 Amherst Street (Sheet G Lot 655) requesting variance to allow an off-premises sign panel on an existing ground sign at 300 Amherst Street for the benefit of Launch Trampoline Park at 17 Tanguay Avenue. HB Zone, Ward 1.
4. John J. Flatley Company (Owner) 200 Innovative Way (Sheet A Lot 798) requesting use variance to allow for the construction of 28 townhouses. PI Zone, Ward 8.

### OTHER BUSINESS:

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

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





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### ZONING BOARD OF ADJUSTMENT

DECEMBER 13, 2016

#### AMENDED AGENDA

Notice is hereby given that a Public Hearing of the City of Nashua Zoning Board of Adjustment will be held on Tuesday, December 13, 2016, at 6:30 PM at the Nashua City Hall Auditorium, 3rd floor, 229 Main Street.

1. 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. **[REHEARING] [TABLED FROM 11-22-16 MEETING]**
2. Nashua Development Corp. (Owner) Nashua Country Club (Applicant) 25 Fairway Street (Sheet 116 Lot 1) requesting the following special exceptions: 1) to allow an expansion of a non-conforming use to re-build the curling rink and pro shop; and, 2) to allow a temporary wetland buffer impact to an "other" wetland. R9 Zone, Ward 7.
3. David A. Gerniglia Sr. (Owner) Richard E. Kaas (Applicant) 2 Tilton Street (Sheet F Lot 188) requesting the following: 1) special exception to maintain an existing accessory dwelling unit (in-law apartment); 2) variance to allow someone other than the owner to reside in either the primary or accessory dwelling unit; 3) variance to exceed maximum area of accessory dwelling unit, 1,055 sq. ft. proposed. R9 Zone, Ward 1.
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OTHER BUSINESS:

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2. Review of upcoming agenda to determine proposals of regional impact.
3. Approval of Minutes for previous hearings/meetings:  
**10/25, 11/9, 11/22, 2017 Meeting & Deadline Dates**

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# City of Nashua

## Community Development Division

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### ZONING BOARD OF ADJUSTMENT

DECEMBER 13, 2016

#### AMENDED AGENDA

Notice is hereby given that a Public Hearing of the City of Nashua Zoning Board of Adjustment will be held on Tuesday, December 13, 2016, at 6:30 PM at the Nashua City Hall Auditorium, 3rd floor, 229 Main Street.

- 1. Diane E. Gimber & Bishop Realty Management (Owners) Granite Green Investment Partners, LLC (Applicant) 122 Manchester Street (Sheet 59 Lot 135) appealing administrative decision and requesting clarification why a use variance is required for an age restricted development, along with a variance to exceed more than one principal structure per lot, for a proposed development with 5 buildings and 18 condominium units. RA Zone, Ward 2. [NOTE: THIS APPLICATION HAS BEEN WITHDRAWN]*
- 2. 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. [REHEARING] [TABLED FROM 11-22-16 MEETING]*
- 3. Nashua Development Corp. (Owner) Nashua Country Club (Applicant) 25 Fairway Street (Sheet 116 Lot 1) requesting the following special exceptions: 1) to allow an expansion of a non-conforming use to re-build the curling rink and pro shop; and, 2) to allow a temporary wetland buffer impact to an "other" wetland. R9 Zone, Ward 7.*
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requesting variance to allow an off-premises sign panel on an existing ground sign at 300 Amherst Street for the benefit of Launch Trampoline Park at 17 Tanguay Avenue. HB Zone, Ward 1.

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OTHER BUSINESS:

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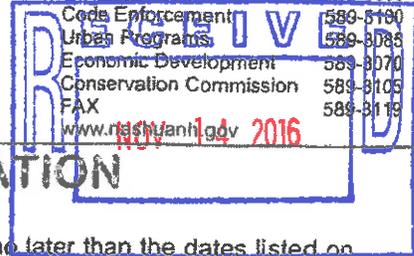
"SUITABLE ACCOMMODATIONS FOR THE SENSORY IMPAIRED  
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# City of Nashua Planning Department

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

Community Development	589-3095
Planning and Zoning	589-3090
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FAX	589-3119



## 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. Please print clearly or type. **INCOMPLETE OR ILLEGIBLE APPLICATIONS WILL BE RETURNED TO APPLICANT.**

### 1. SPECIAL EXCEPTION INFORMATION

a. ADDRESS OF REQUEST 2 Tilton Street Nashua 03063  
Zoning District R9 Sheet F Lot 188

b. SPECIAL EXCEPTION(S) REQUESTED:

To permit the development of an accessory dwelling unit in the basement of 2 Tilton St. Nashua. The residence has a pre-existing ADD which has never gone through the permit process. We are new owners who have bought this home for our son with multiple neurologic disabilities

### 2. GENERAL INFORMATION

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

(Print Name): Richard E. Kees

Applicant's signature Richard E. Kees Date 11/9/2016

Applicant's address 1 Edson St. Nashua, NH 03064

Telephone number H: 603-883-4128 C: 603-494-3710 E-mail: rekees@yahoo.com

b. PROPERTY OWNER (Print Name): Richard E. Kees & Kathleen F. Kees

Owner's signature Richard E. Kees Kathleen Kees Date 11/12/16 REVOCABLE TRUST 11/12/16

Owner's address 1 Edson St. Nashua 03064

Telephone number H: 603-883-4628 C: 603-494-3710 E-mail: rekees@yahoo.com

#### OFFICE USE ONLY

Application checked for completeness: ML

Case number \_\_\_\_\_ Application Deadline \_\_\_\_\_ Date Received 11/14/16 Date of hearing 12/13/16

PLR# 2016-00253 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.

Our son has multiple neurologic disabilities and requires 24 hour supervision by trained staff. Ben, our son, and his primary caregiver will occupy the entire house. The ADU will be the caregiver's living space when he is not on duty for Ben.

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

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

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

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

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

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

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

There should be no more traffic than there would be for a normal family home.

\_\_\_\_\_

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

The ADU will only be for Ben's staff person when he or she is off duty. When his primary caregiver is off duty, another caregiver will be with Ben upstairs.

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 0

d. Number of daily and weekly commercial deliveries to the premises 0

e. Number of parking spaces available 4

f. Describe your general business operations:

*This will not be a business. It is a home for our son. His caregivers (primary) will be with him a majority of the time, but on days off a different staff person will be upstairs with Ben.*

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 E. Kass Kathleen Kass*  
Signature of Applicant

11/12/16 11/12/16  
Date

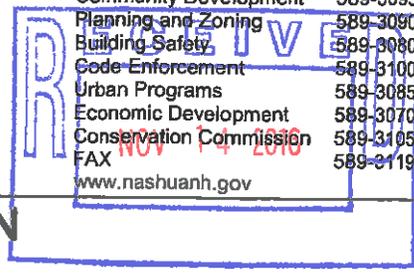
*Richard E. Kass Kathleen Kass*  
Print Name

11/12/16 11/12/16  
Date



**City of Nashua**  
**Planning Department**  
 City Hall, 229 Main Street, PO Box 2019  
 Nashua, New Hampshire 03061-2019

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www.nashuanh.gov	



## VARIANCE APPLICATION

This application must be completed and submitted to the Planning Department no later than the dates listed on the Zoning Board of Adjustment (ZBA) schedule sheet. Please print clearly or type. **INCOMPLETE OR ILLEGIBLE APPLICATIONS WILL BE RETURNED TO APPLICANT.**

### 1. VARIANCE INFORMATION

a. ADDRESS OF REQUEST 2 Tilton Street Nashua 03063  
 Zoning District R9 Sheet F Lot 188

b. VARIANCE(S) REQUESTED:  
See Attached Sheet

### 2. GENERAL INFORMATION

a. APPLICANT / OPTIONEE (List both individual name and corporate name if applicable)  
 (Print Name): Richard E. Kaas Kathleen Kaas  
 Applicant's signature Richard E. Kaas Kathleen Kaas Date 11/12/16 11/12/16  
 Applicant's address 1 Edson St. Nashua, NH 03064  
 Telephone number H: 603-883-4628 C: 603-494-3710 E-mail: rc kaas@yahoo.com

b. PROPERTY OWNER (Print Name): Richard E and Kathleen E. Kaas Revocable Trust  
 Owner's signature Richard E. Kaas Kathleen Kaas Date 11/12/16 11/12/16  
 Owner's address 1 Edson St. Nashua  
 Telephone number H: 603-883-4628 C: 603-494-3710 E-mail: rc kaas@yahoo.com

<b>OFFICE USE ONLY</b>		Application checked for completeness: <u>ML</u>	
Case number _____	Application Deadline _____	Date Received <u>11/14/16</u>	Date of hearing <u>12/13/16</u>
PLR# <u>2016-00253</u>	Board Action _____		
\$ _____ application fee <input type="checkbox"/>	Date Paid _____	Receipt # _____	
\$ _____ signage fee <input 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.")

See Attached Sheet

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 Sheet

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 Sheet

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 Sheet

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 2 Tilton St. Nashua

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 Sheet

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.

Richard E. Kess OVM Kathleen Kess  
Signature of Applicant

11/12/16 11/12/16  
Date

Richard E. Kess Kathleen Kess  
Print Name

11/12/16 11/12/16  
Date

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

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

**City of Nashua  
Planning Department  
Variance Application  
2 Tilton Street, Nashua**

**1b. Variances requested:**

1. To allow an Accessory Dwelling Unit of approximately 1055sq ft in the basement of 2 Tilton Street.
2. To be able to have the accessory dwelling unit without we as the owners living in the home.

**3.Purpose of request:**

1. In regards to the size of the ADU: When we first saw the property, **there was an existing ADU of the present size in the basement. No** special exception or variance had been applied for so the ADU was not compliant with code. We are not proposing to change the size of the existing set up in the basement, only to legalize the arrangement that exists, so we are able to reinstall the electric range in the kitchen area of the ADU.

We are purchasing this home for our 33 year old son, Ben. Ben has multiple neurologic disabilities, including uncontrolled seizure disorder. His seizures can occur without warning at any time of the day or night. As such, he requires round the clock monitoring by trained staff for his safety. The caregivers will be provided by IPPI, The Institute of Professional Practice. IPPI specializes in services for persons with Autism. We, his parents, are getting older and finding it increasingly more difficult to handle his needed care in our home. We need to get Ben established in his own home to give him that stability for future years. The residence at 2 Tilton will be Ben and the caregiver's, primary residence. When the caregiver is on duty, he or she will live upstairs with Ben. When off duty, the ADU in the basement will provide them their own space, separate from Ben's. As his care has become more involved, it will be necessary for both Ben and the caregiver to have this

break. On his primary caregiver's days and nights off, a different staff person will continue Ben's care upstairs.

## **2 Tilton Street Variance Application cont.**

### **3.1.cont.**

Nothing about our proposed arrangement for the house should have an impact on traffic, street parking, or abutters.

### **3.2 In regards to the spirit of the ordinance**

Those residing at 2 Tilton will be our son and his caregiver. This should result in no greater impact on the neighborhood than would an average family with one of the family members living in the basement, and certainly less than how it has functioned previously. It will not be separate family units leasing the upstairs and downstairs.

This will be Ben's home as long as he needs it. Ben cannot own the home himself. We will only be using 2 Tilton to meet the needs of our son. Space and function of the home do not permit us, Ben, and the caregiver to live there simultaneously, but this, again, should not have an impact on the surrounding homes and neighborhood.

### **3.3. In regards to substantial justice**

There will be no negative impact, whatsoever, upon the general public. The caregiver will merely be staying upstairs with Ben when working, and on days off have a separate living area, the ADU.

### **3.4. In regards to values of surrounding properties**

The property has had an ADU for some time. By us, the owners, not living there, it provides for a more simplified use of the house than previously existed, and, thus, will not have an impact on surrounding

property values. The home and grounds will be well maintained and cared for.

## **2 Tilton Street Variance Application cont.**

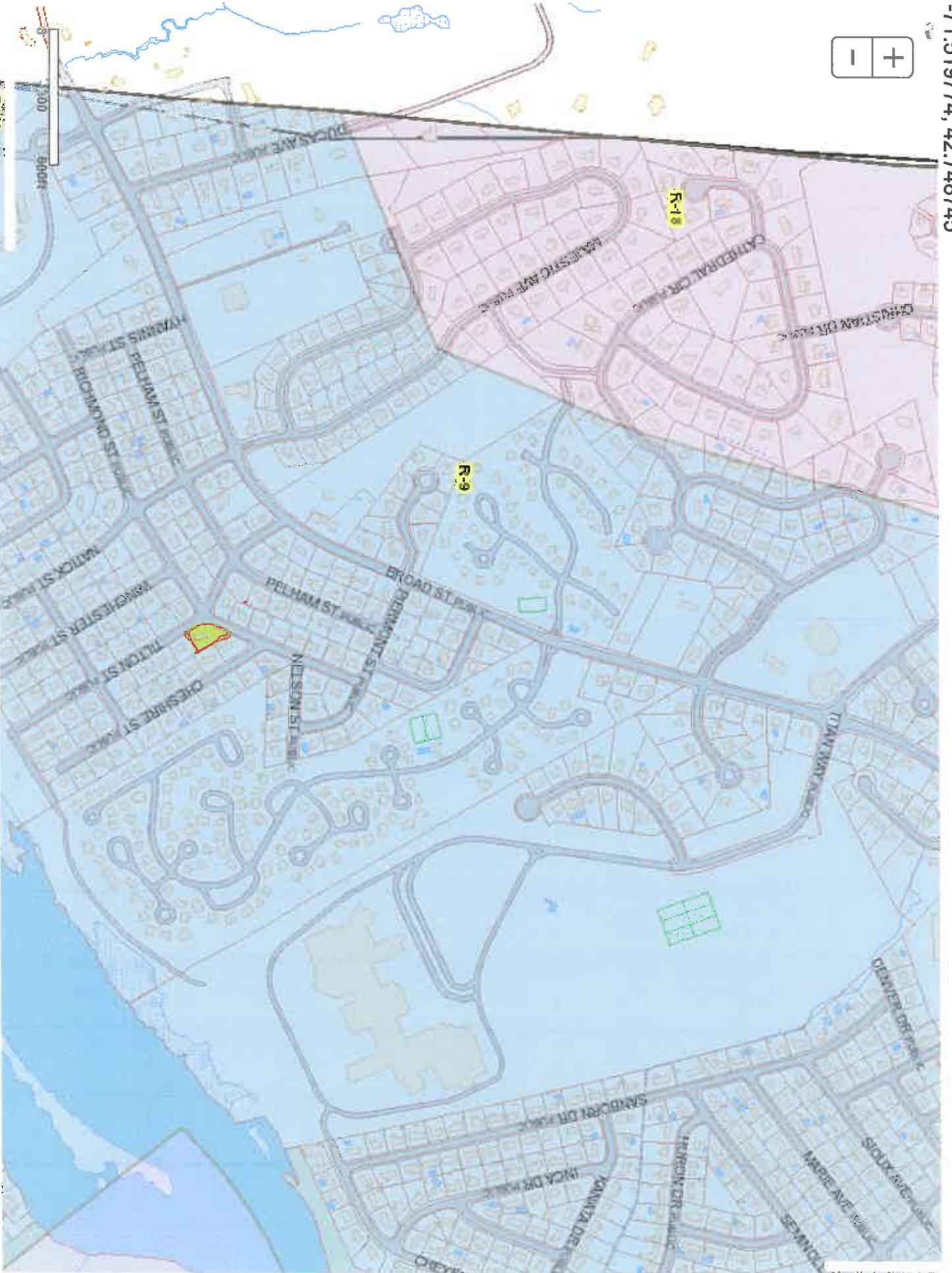
### **3.5. In regards to unnecessary hardship**

Our son has autism, and other neurological disabilities including epilepsy. It is important for his psychological and medical wellbeing to have a stable home environment from which to venture out into the world. We have been able to provide this for him for many years at home. We, however, are getting older and must look down the road to provide for Ben's future needs as best we can.

In Ben's autism world, he struggles with having 2 caregivers at the same time. He can't adjust to having more than one "boss" at a time. Not having the ADU will result in overlap of staff, particularly in the kitchen and at all meal times, making Ben's world more complicated and difficult to maneuver. Not having the ADU, also, will not allow his off duty staff to be truly off duty, which is essential to maintain staff longevity.

As the property already has an existing ADU (with the exception, currently, of the electric range) our proposed use seems to us to be very reasonable. Again, we do not believe it alters the character of the neighborhood in any way.

While we understand the purpose of the ordinances in question, we do not feel our proposed use negatively impacts the neighborhood in the Tilton Street area. So, in this case, we do not feel the ordinance serves the purpose of the restriction in a fair and reasonable way. We are not seeking to change or impact the neighborhood, only to set up the best environment for our son for the future.



R-18

R-9

0 500ft 1000ft

-71.519803, 42.749492



E - Electrical Service  
 R - Refrigerator  
 KS - Kitchen Sink  
 SCO - Stove Cut Out  
 HW - Hot Water Heater  
 F - Furnace

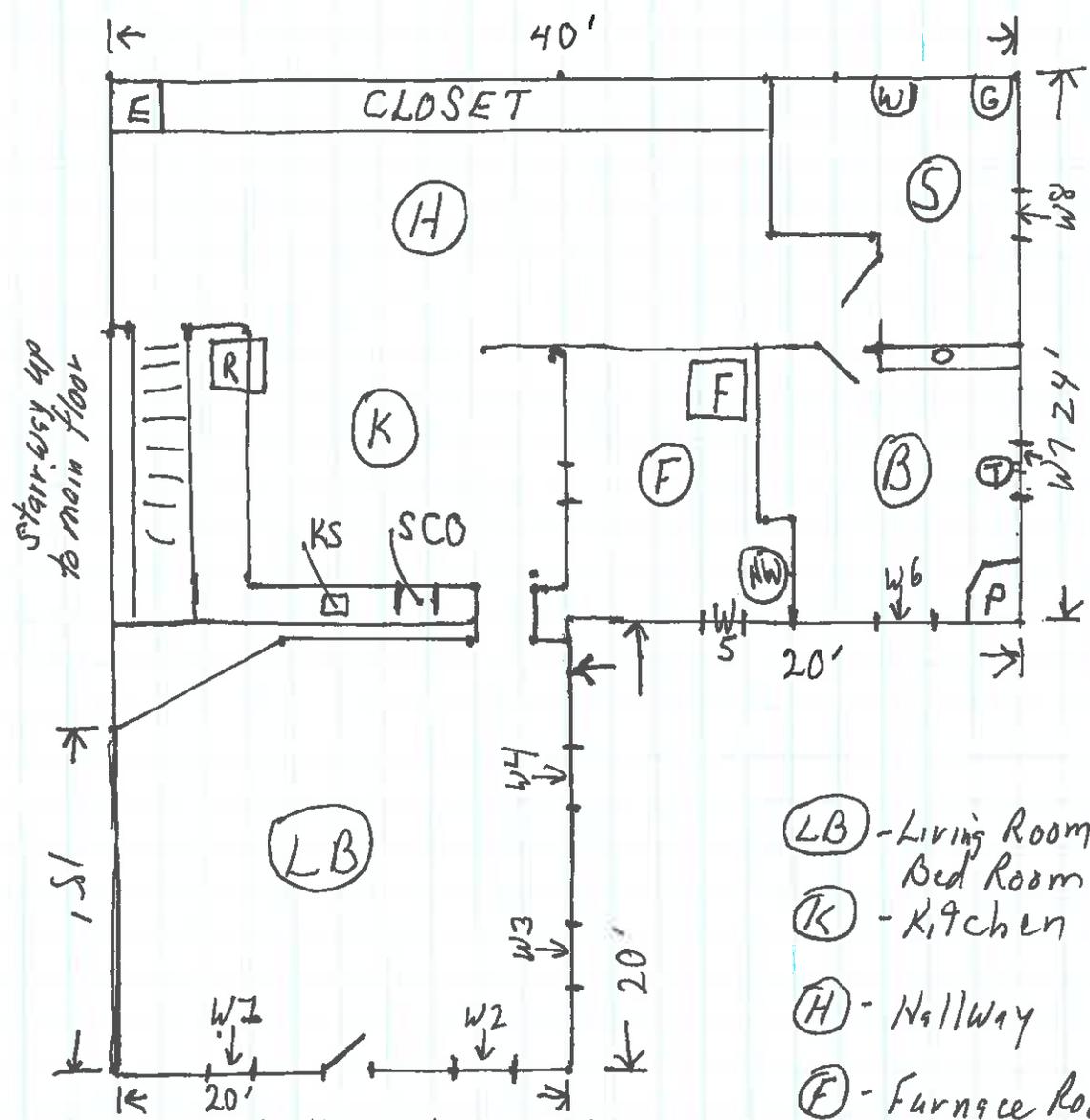
Ⓜ - Water meter  
 ⓐ - Gas meter  
 Ⓣ - Toilet  
 Ⓟ - Pump

CITY OF NASHUA PLANNING DEPARTMENT

2' 1/2" 1/2"

2 Triton St  
 Nashua, NH

Basement



ⓁⓅ - Living Room  
 ⓁⓁ - Bed Room  
 Ⓚ - Kitchen  
 Ⓜ - Hallway  
 ⓕ - Furnace Room  
 Ⓢ - Store Room  
 Ⓟ - Bathroom

Special Exception +  
 Kass Variance Request

2/1/90

## Basement Windows

W1 - Through W4 - Living Room/Bed Room  
- Double crank out with partition down center  
33½ wide x 34½ H

W5 - Basement window - Furnace Room  
24" W x 18" H

W6 - Double hung - Bathroom  
33 W x 37 H

W7 + W8 - Sliding windows 30" W x 18" H

W7 - Bathroom

W8 - Storeroom

Reass Basement Request.



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## SPECIAL EXCEPTION APPLICATION

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

### 1. SPECIAL EXCEPTION INFORMATION

- a. ADDRESS OF REQUEST 25 Fairway Street  
 Zoning District R9 Sheet 116 Lot 1
- b. SPECIAL EXCEPTION(S) REQUESTED:  
NLUC Section 190-119: To allow an expansion of a non-conforming use in a R9 zone  
NLUC Section 190-115: To allow a temporary buffer impact to an "other" wetland

### 2. GENERAL INFORMATION

- a. APPLICANT / OPTIONEE (List both individual name and corporate name if applicable)  
 (Print Name): Nashua Country Club  
 Applicant's signature *James M. Petropoulos, President XBi \** Date 11-14-16  
 Applicant's address 25 Fairway Street, Nashua, NH 03060  
 Telephone number H: 603-888-0121 C: \_\_\_\_\_ E-mail: dscaer@nashuacountryclub.com
- b. PROPERTY OWNER (Print Name): Nashua Development Corp.  
 Owner's signature *James M. Petropoulos, President XBi \** Date 11-14-16  
 Owner's address 25 Fairway Street, Nashua, NH 03060  
 Telephone number H: 603-888-0121 C: \_\_\_\_\_ E-mail: \_\_\_\_\_  
*\* Agent for owner/applicant*

OFFICE USE ONLY		Application checked for completeness: <u>ML</u>	
Case number _____	Application Deadline _____	Date Received <u>11/14/16</u>	Date of hearing <u>12/13/16</u>
PLR# <u>2016-00254</u>	Board Action _____		
\$ _____ application fee <input type="checkbox"/>		Date Paid _____	Receipt # _____
\$ _____ signage fee <input 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. Attach additional sheets if necessary. Please see "Procedures for Filing a Special Exception" for further information.

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

See attached sheet for supporting information

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

See attached sheet for supporting information

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

See attached sheet for supporting information

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?

See attached sheet for supporting information

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 60-140 Number of employees per shift Varies - seasonal business

b. Hours and days of operation Monday-Sunday 7AM to 10 PM

c. Number of daily and weekly visits to the premises by customers, clients, vendors and solicitors 200+

d. Number of daily and weekly commercial deliveries to the premises 25+ per week

e. Number of parking spaces available 184

f. Describe your general business operations:

See attached sheet for supporting information

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

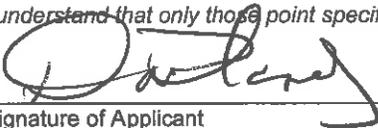
g. Describe any proposed site renovations, including, but not limited to – landscaping, lighting, pavement, structural changes, signage, access and circulation:

See attached sheet for supporting information

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

*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

11/8/16

Date

David Scaer, General Manager

Print Name

Date

# ZONING BOARD OF ADJUSTMENT

## SPECIAL EXCEPTIONS - SUPPORTING INFORMATION

The Nashua Country Club is located at 25 Fairway Street in Nashua, NH. The club includes an 18-hole championship golf course and practice areas, a 45,000 square foot clubhouse with dining and function rooms, tennis courts, a pool, a curling rink and a pro shop upon its 161 acre property. The club has approximately 500 active members of varying levels and has been in operation at this location since 1916. The existing curling rink and pro shop buildings are proposed to be re-built in their current locations. These improvements will necessitate minor improvements to the parking areas and drive aisles currently located on the site.

With regard to the expansion of these two building, Table 190-15-1 of the Nashua Land Use Code indicates that while a private golf course (#211) is permitted in an R9 zone a private country club (#219) is prohibited. Therefore according to ***Section 190-119 a special exception is required to expand a non-conforming use.*** It is interesting to note that the current Land Use Code was enacted in 2007 and the previous zoning ordinance did allow country clubs within an R9 zoning district.

***A special exception under Section 190-115*** is also being sought for a temporary impact to a 40-foot wetland buffer for purposes of constructing the site improvements associated with the proposed building construction. As can be seen on the attached photographs the impacted area is currently grassed and serves as a transition from the current parking area to a man-made golf course pond, which is part of the 13<sup>th</sup> hole. Minor grading work adjacent to the new parking area is being proposed. Seven new trees (a combination of Stellar Pink Dogwood and Stewartia) shall be planted in the new buffer area as a means to replace the seven existing crab-apple trees being taken down in this location.

The information below contains responses to Sections 3 and 4 of the Nashua Zoning Board of Adjustment Special Exception Application:

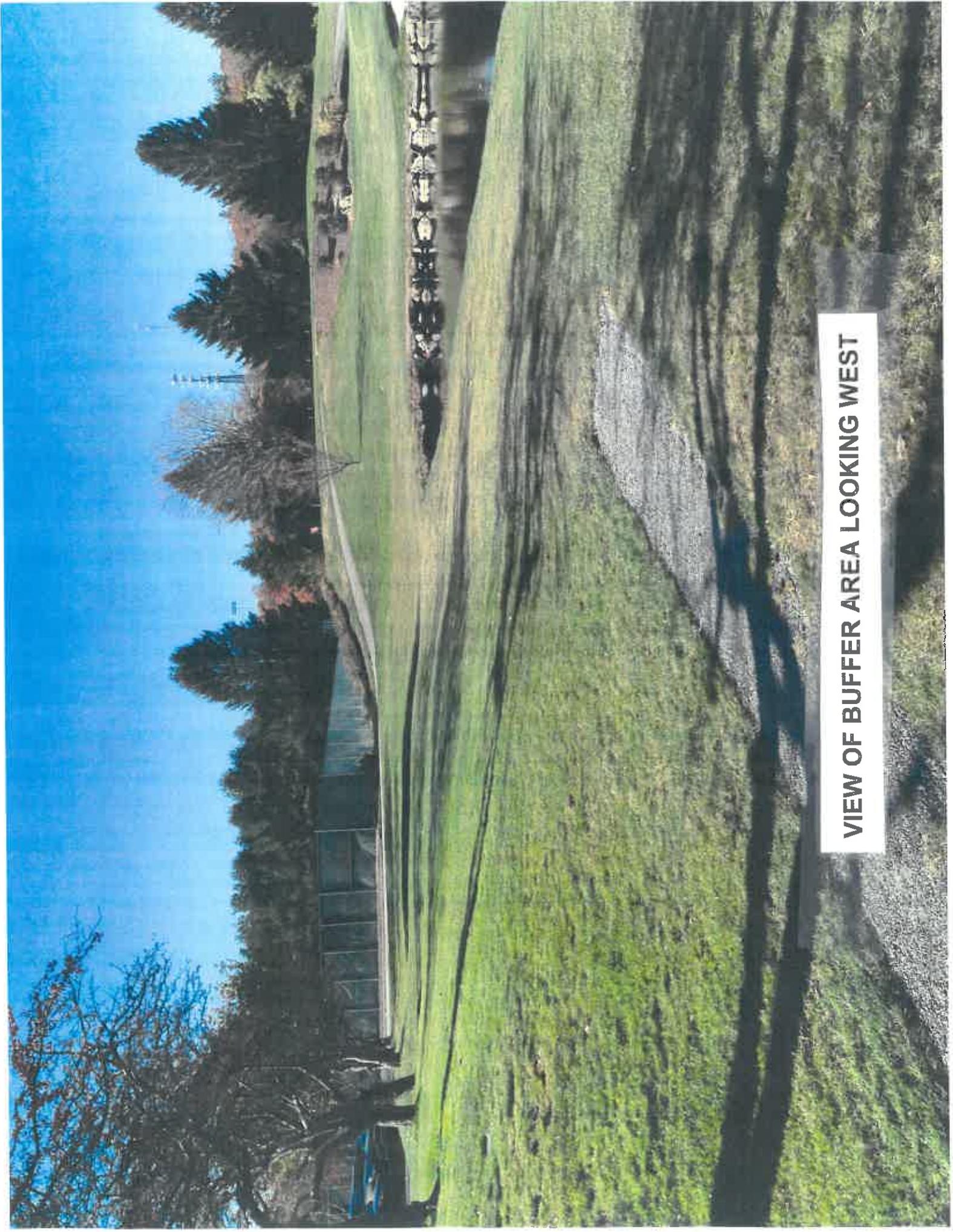
- 3a. It is being proposed to raze the current curling rink and pro shop as those two buildings are dated and in need of significant improvements. The proposed curling rink will have four lanes, whereas the existing building contains only three. The building will be approximately 8015 square feet larger in size. The new pro shop will add approximately 684 square feet. Minor site, parking and utility improvements are needed to complete this project. Both buildings will be constructed in their current location. A portion of the site improvements being considered will temporarily impact 2547square feet of an “other” wetland buffer (see attached plan).
- 3b. Existing curling rink: 8585 SF  
Proposed curling rink: 16,600 SF
- Existing Pro Shop: 2085 SF  
Proposed Pro Shop: 2,769 SF

Due to the size of the overall size of this property (161-acres) and the fact that this project will be located in the center of the site approximately 710 feet from the closest abutter, it is our opinion that these slight building increases will not adversely impact any surrounding properties.

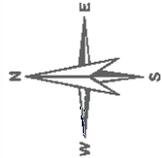
- 3c. The proposed improvements are needed because the existing buildings are in such disrepair and to meet the existing need for these two facilities. The project will reduce the existing parking lot by 14 spaces.
- 3e. As mentioned above, due to the proximity of these improvements it is likely that only a few abutters would actually see these two buildings. With regard to neighborhood character these facilities have existed for many years without adversely impacting any abutting properties. The architecture of these two new buildings will be consistent with the existing clubhouse building.
- 4f. The Nashua Country Club, located at 25 Fairway Street in Nashua, NH just recently celebrated its 100<sup>th</sup> birthday. The club provides for a number of uses including golf, tennis, swimming, curling and dining. While open year around the busiest time of year is the summer/fall season.
- 4g. The attached site plan shows the proposed building and site improvements for this project.



**VIEW OF BUFFER AREA LOOKING EAST**



**VIEW OF BUFFER AREA LOOKING WEST**

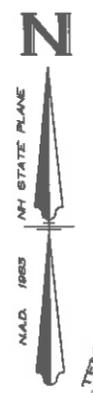
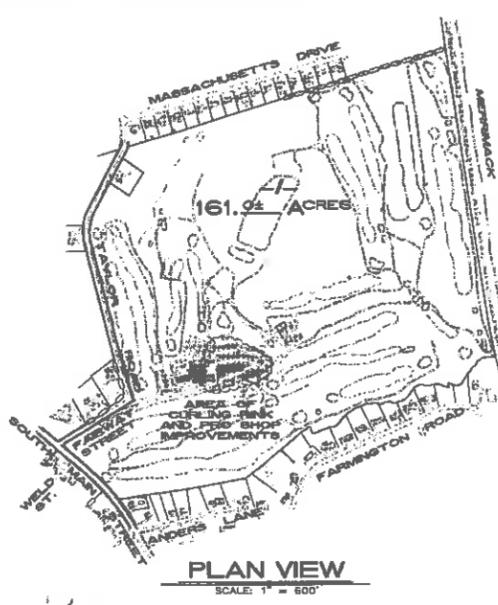
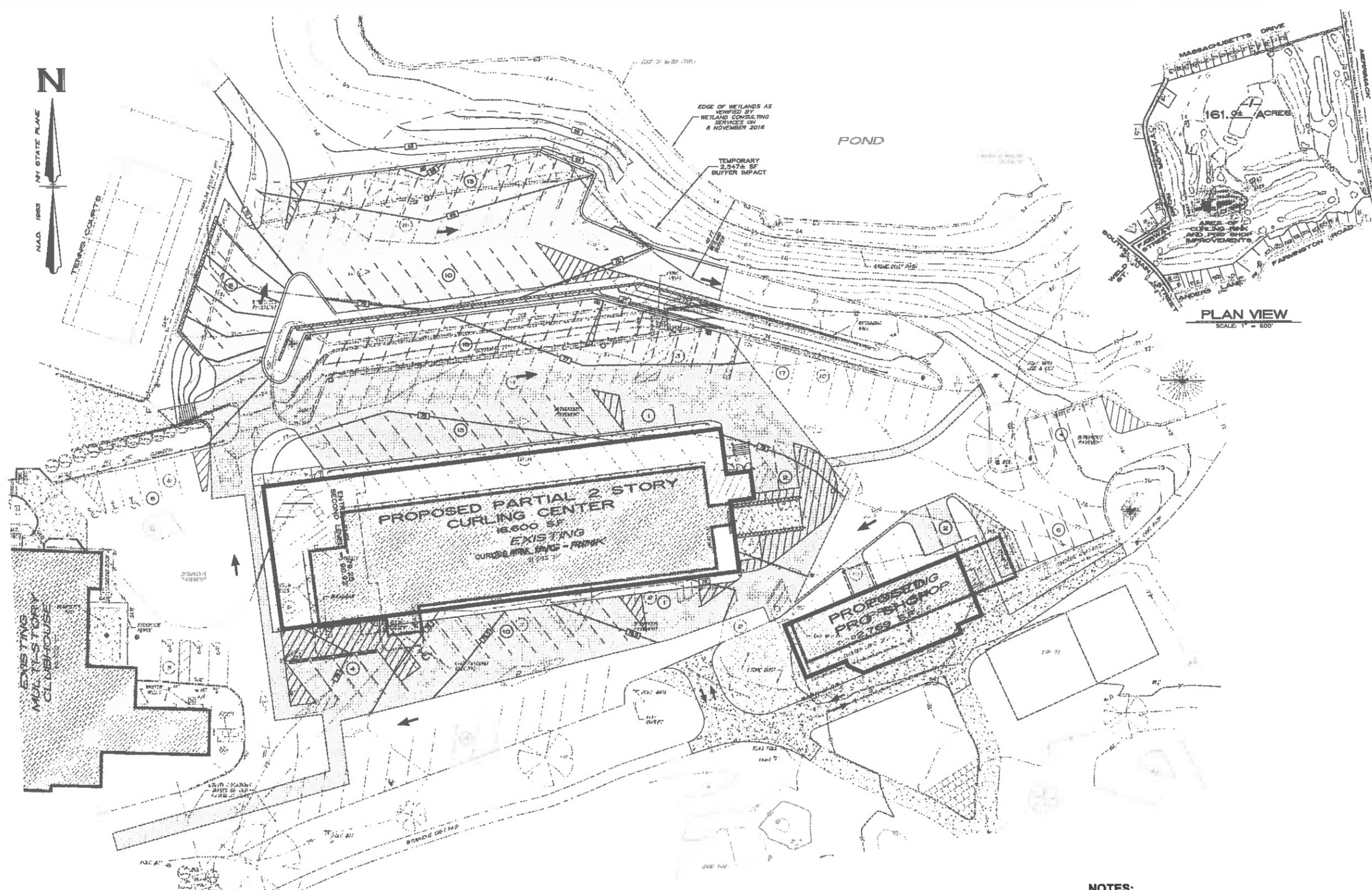


# Nashua, NH



1 inch = 159 feet





EDGE OF WETLANDS AS  
IDENTIFIED BY  
WETLAND CONSULTING  
SERVICES ON  
8 NOVEMBER 2016

TEMPORARY  
2,547± SF  
BUFFER IMPACT

PROPOSED PARTIAL 2 STORY  
CURLING CENTER  
16,600 SF  
EXISTING  
CURLING RINK - RINK  
8,925 SF

PROPOSED  
PRO SHOP  
5,100 SF

EXISTING  
MULTI-LEVEL  
CLUBHOUSE

**NOTES:**

1. TOTAL SITE AREA: 101± ACRES
2. PRESENT ZONING: R; C-SUBURBAN RESIDENCE
3. PURPOSE OF PLAN:
  - A. TO SHOW THE PROPOSED CURLING RINK AND PRO SHOP IMPROVEMENTS
  - B. TO SHOW THE 2,547± SF TEMPORARY WETLAND BUFFER IMPACT.
4. PRESENT OWNER OF RECORD:
  - LOT 1, MAP 116
  - NASHUA DEVELOPMENT CORP.
  - 25 FAIRWAY STREET
  - NASHUA, NEW HAMPSHIRE 03080
  - BK. 738, PG. 170

**PRELIMINARY**  
NOT FOR CONSTRUCTION

---

No. DATE REVISION

---

PREPARED FOR:  
**NASHUA COUNTRY CLUB**  
25 FAIRWAY STREET NASHUA, NEW HAMPSHIRE 03080 (603) 888-0121

RECORD OWNER:  
**NASHUA DEVELOPMENT CORP.**  
25 FAIRWAY STREET NASHUA, NEW HAMPSHIRE 03080 (603) 888-0121

---

ZONING BOARD OF PLAN  
ADJUSTMENT PLAN  
(MAP 116, LOT 1)  
**NASHUA COUNTRY CLUB**  
25 FAIRWAY STREET  
NASHUA, NEW HAMPSHIRE

---

**HSL** *Hayner/Swanson, Inc.*  
Civil Engineering/Lead Surveyor  
25 FAIRWAY STREET, NASHUA, NEW HAMPSHIRE 03080-9324  
PHONE: (603) 882-2437 FAX: (603) 882-5007  
www.haynerswanson.com

FIELD BOOK: 110 DATE: 10 NOVEMBER 2016  
DWG. LOCATION: S:\2016\06\0510\0510.DWG Scale: 1" = 20'  
1 OF 1 0510-CR Date Plotted: 10/27/2016

To: Zoning Board of Adjustment

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

Date: December 5, 2016

Subj: **USE VARIANCE: John J. Flatley Company (Owner) 200 Innovative Way (Sheet A Lot 798) requesting use variance to allow for the construction of 28 townhouses. PI Zone, Ward 8.**

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**PROPOSAL:**

The owner, John J. Flatley Company, is requesting a use variance to construct 28 new townhouse units. The property is located in the Park Industrial (PI) zone, and is 4.036 acres in size (175,803 square feet).

**PRIOR HISTORY:**

There have been no Zoning Board cases for the current configuration of this lot, however, there have been a few lot line adjustments and subdivisions in the entire Flatley property.

**SITE ANALYSIS:**

The subject site is located on the western side of Innovative Way, generally located south of the existing multi-family apartments at Tara Heights (see attached map). To the north and west of the subject property are the Tara Heights multifamily apartments, zoned RC (C-Urban Residence). To the east, across Innovative Way, is the F.E. Everett Turnpike Exit 1 southbound ramp. To the south are R & D buildings with the same owner, zoned PI.

According to the Land Use Code, Section 190-15, Table 15-1, (#15), "*Multifamily dwelling, 3 or more units, including but not limited to garden apartments, quadruplexes, triplexes, rowhouses or townhouse*" is not a permitted use in the PI Zone. This use is permitted in the RC, D-1/MU (Downtown-1/Mixed Use) and D-3/MU (Downtown 3/Mixed Use) zones, and is allowed as a Conditional Use in the RB (B-Urban Residence) zone, subject to Planning Board approval.

A total of 28 townhouses are proposed, each one would be 20'x24' in size. The ordinance requires 1.5 parking spaces per unit, therefore, 42 spaces are required. The applicant is proposing two parking spaces per unit, along with eight (8) guest parking spaces, for a total of 64 parking spaces.

The City's Future Land Use Plan identifies the subject property as "Industrial". In order for the ZBA to grant the variance request, the applicant must satisfy all the relevant points of law, as listed below:

**Special conditions exist such that literal enforcement of the ordinance results in unnecessary hardship:** The applicant must establish that because, because of the special

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

**The applicant has indicated that the topography allows a reasonable use for the construction of the townhouses without devastating the area because the townhouses can be built into the hill.**

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

**The applicant states that the proposed use is close to residential uses, both single family and multi-family districts, and will not threaten the public health, safety or welfare in the area.**

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

**The applicant indicates that they are the owner of the surrounding real estate and this will be new construction, it will not diminish property values.**

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

**The applicant states that the neighborhood has multi-family residences along with office space, and the intent was to develop the area so that people could live close to their work, as well as having open space, and because of the topography of the area, the townhouses area a great use, the character of the neighborhood will not be changed.**

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

**The applicant states that because of the topography in the area, as well as the idea of trying to have people live close to this work, it gives the property owner a good use of his real estate.**



**City of Nashua**  
**Planning Department**  
 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. Please print clearly or type. **INCOMPLETE OR ILLEGIBLE APPLICATIONS WILL BE RETURNED TO APPLICANT.**

**1. VARIANCE INFORMATION**

a. ADDRESS OF REQUEST 100-300 Innovative Way  
 Zoning District PI Sheet A Lot 798

b. VARIANCE(S) REQUESTED:  
To allow the construction of 28 Townhouses.  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**2. GENERAL INFORMATION**

a. APPLICANT / OPTIONEE (List both individual name and corporate name if applicable)  
 (Print Name): John J. Flatley, d/b/a John Flatley Company  
 Applicant's signature [Signature] Date \_\_\_\_\_  
 Applicant's address by his attorney, Gerald Prunier, 20 Trafalgar Square, Nashua, NH 03063  
 Telephone number H: 603-883-8900 C: \_\_\_\_\_ E-mail: gprunier@prunierlaw.com

b. PROPERTY OWNER (Print Name): John J. Flatley  
 Owner's signature [Signature] Date \_\_\_\_\_  
 Owner's address by his attorney, Gerald Prunier, 20 Trafalgar Square, Nashua, NH 03063  
 Telephone number H: 603-883-8900 C: \_\_\_\_\_ E-mail: gprunier@prunierlaw.com

OFFICE USE ONLY		Application checked for completeness: _____	
Case number _____	Application Deadline _____	Date Received _____	Date of hearing _____
PLR# <u>2016-00257</u>	Board Action _____		
\$ _____ application fee <input type="checkbox"/>	Date Paid _____	Receipt # _____	
\$ _____ signage fee <input 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 neighborhood has multi-family residences along with office space; the intent was to develop the area so that people could live close to their work, as well as having open space; because of the topography of the area, the townhouses are a great use; the character of the neighborhood will not be changed.

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

The area is close to residential uses, both single family and multi-family districts; the use would not threaten public health, safety or welfare in the area.

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---

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

Because of the topography in the area, as well as the idea of trying to have people live close to this work, it gives the property owner a good use of his real estate.

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

Because the applicant is the owner of the surrounding real estate and this will be new construction, it will not diminish the surrounding values.

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

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

The special conditions of the real estate (topography) allow a reasonable use for the construction of the townhouses without devastating the area because the townhouses can be built into the hill.

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

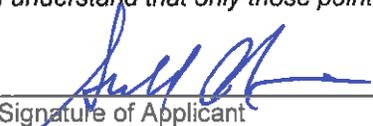
**4. USE VARIANCE ADDITIONAL INFORMATION**

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

11/22/16  
Date

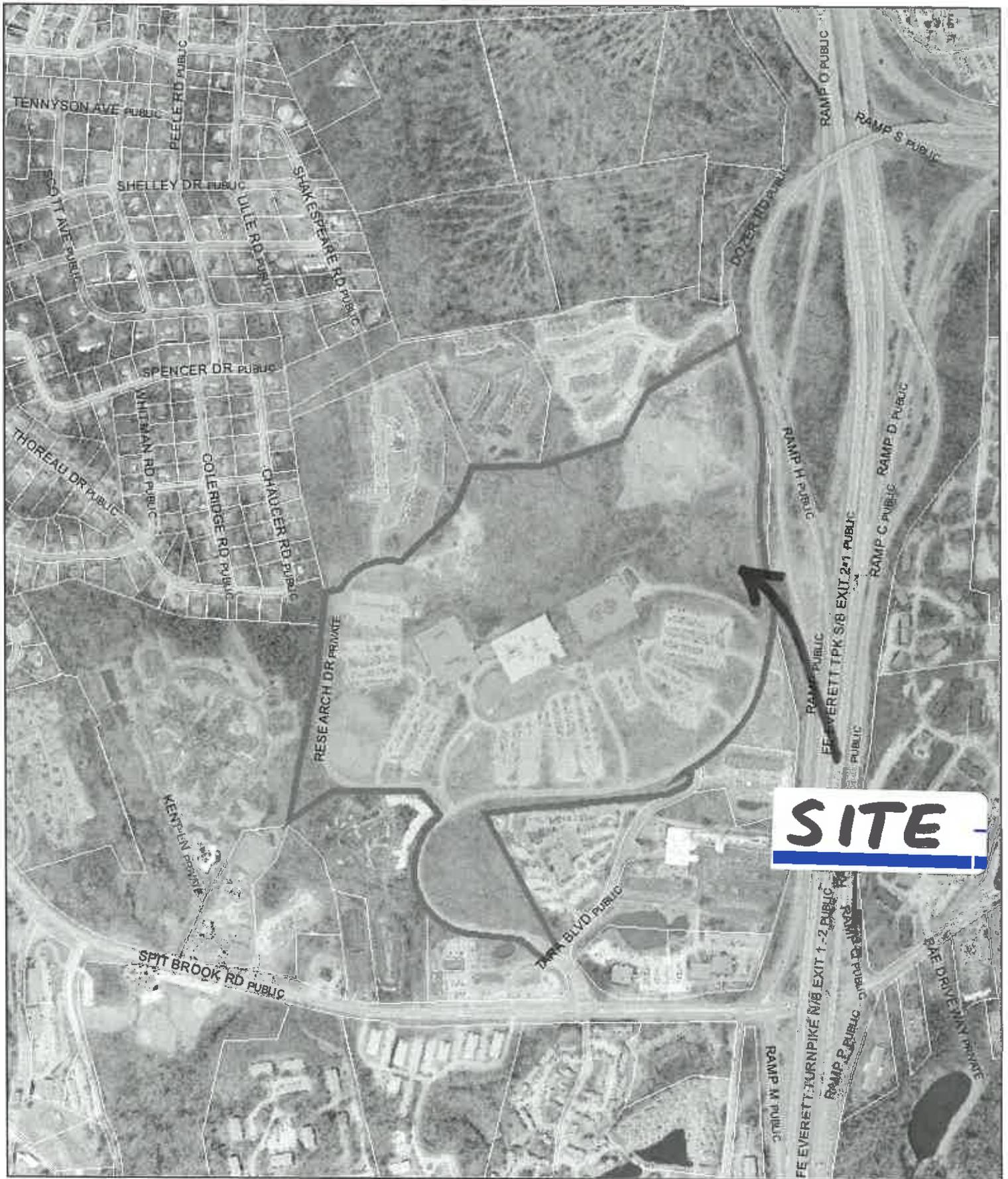
GERALD R. PRUNIER  
Print Name

\_\_\_\_\_  
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:

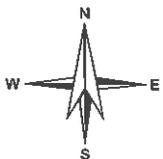
- I will pick it up at City Hall
- Please email it to me at \_\_\_\_\_
- Please mail it to me at \_\_\_\_\_  
\_\_\_\_\_





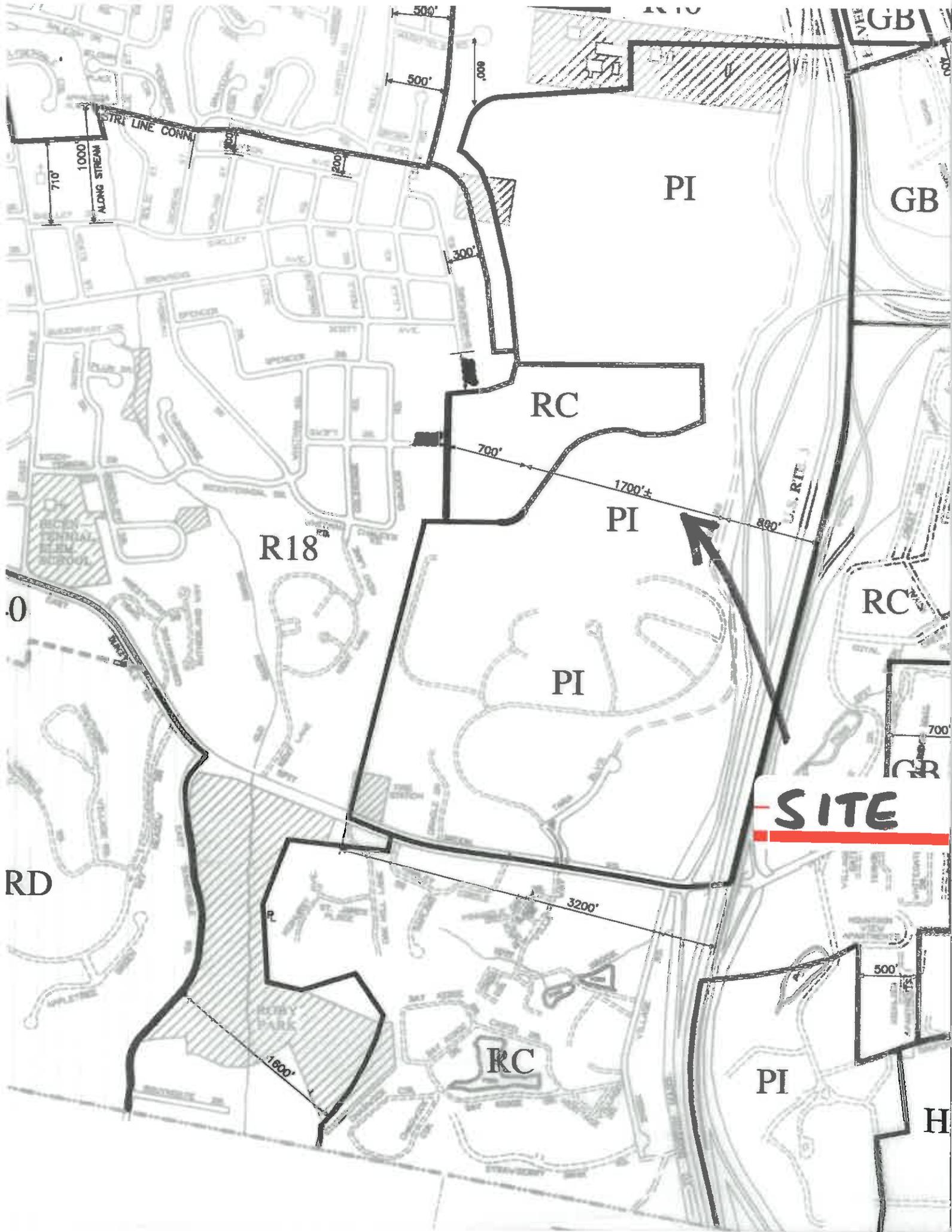
**SITE**

**200 Innovative Way**



1 inch = 1,016 feet





PI

GB

RC

R18

PI

RC

PI

GR

**SITE**

RD

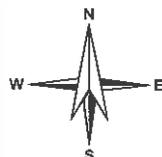
RC

PI

H



**SITE**



### 200 Innovative Way



1 inch = 1,016 feet

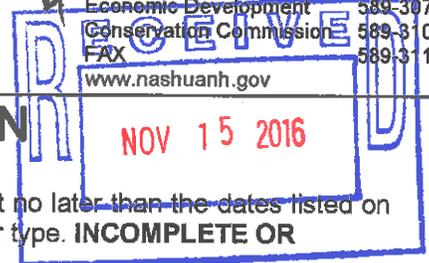




# City of Nashua Planning Department

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. Please print clearly or type. **INCOMPLETE OR ILLEGIBLE APPLICATIONS WILL BE RETURNED TO APPLICANT.**

### 1. VARIANCE INFORMATION

a. ADDRESS OF REQUEST 290-300 AMHERST ST  
Zoning District HTB Sheet G Lot 655

b. VARIANCE(S) REQUESTED:

SEE ATTACHED LETTER  
OFF PREMISE SIGN FOR LAUNCH TRAMPOLINE  
17 TANDRAY SIGN TO BE LOCATED ON PROPERTY OF  
PETERS AUTO ON EXISTING SIGN CORNER OF  
TANDRAY AND AMHERST

### 2. GENERAL INFORMATION

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

(Print Name): PETER MARCH NH SIGNS  
Applicant's signature [Signature] Date 11/15/16  
Applicant's address 66 GOLD LEDGE AVE AUBURN NH  
Telephone number H: 437-1200 C: \_\_\_\_\_ E-mail: \_\_\_\_\_

b. PROPERTY OWNER (Print Name): PETER PROKO

Owner's signature SEE ATTACHED AUTHORIZATION Date \_\_\_\_\_  
Owner's address 280 AMHERST ST  
Telephone number H: 579-5246 C: \_\_\_\_\_ E-mail: PETER.MARCH @ NHSIGNS.COM

**OFFICE USE ONLY**

Application checked for completeness: ML

Case number \_\_\_\_\_ Application Deadline \_\_\_\_\_ Date Received 11/15/16 Date of hearing 12/13/16

PLR# 2016-00252 Board Action \_\_\_\_\_

\$ _____ application fee <input type="checkbox"/>	Date Paid _____	Receipt # _____
\$ _____ signage fee <input 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.")

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.")

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.)

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.)

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

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SEE ATTACHED B/D

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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.

Peter March  
Signature of Applicant

11/15/16  
Date

PETER MARCH  
Print Name

11/15/16  
Date

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

- I will pick it up at City Hall
- Please email it to me at \_\_\_\_\_
- Please mail it to me at 66 NH SIGNS

66 GOLD LEDGE AVE HUBBURN NH 03032

## **Background:**

This variance is to add an off-premise sign on a legal pre-existing sign at the Peters Auto Property located at 290-300 Amherst St, Nashua. The Off-Premise sign is being requested by Launch Trampoline Park, located at 17 Tanguay Avenue Nashua. Peters is Zoned HB.

Launch is a 10,000-sq. ft. indoor facility that incorporates a number of trampolines, foam pits, soft climbing walls and other games such as tag and basketball. It caters primarily to groups such as birthday parties, scouting groups and children and young adults on sports teams and field trips. For most of the year, especially during school terms, most visits occur at night after school. Hours during the middle of the week are 3.30pm to 8.00pm, and weekends 10 or 11 am to as late as 9.00pm.

The facility is one of very few of its type in the area, and draws customers from the towns surrounding Nashua, and also Northern MA and areas between Nashua and Manchester. Many of the visitors are first time or occasional visitors from out of town.

The facility is an imaginative re-purpose of an industrial building- it was once a Law Motor Freight building. It is located down a narrow road that is reached off the East Bound side of 101. Traffic exiting the Everett needs to turn in the 2<sup>nd</sup> Jug handle beyond the new Whole Foods.

The management of the facility have received consistent complaints from out of towners in particular that the facility is difficult to find and this sign is an attempt to rectify that situation.

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

The area is relatively populated with signs; this is a use of an existing sign, and involves changing the graphics over less than ½ of the exiting face with a simple graphic that provides directional information with the logo of the facility.

- The use of the sign does not change the nature of the neighborhood, nor does it threaten public health or safety.
- The character of the neighborhood is such that there are many signs in the area; lettering this one differently will not change the character of the area.
- Public rights will not be affected.

**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 code concerning Off Premises signs says that outdoor advertising signs are regulated differently from on-premises signs. It is intended that outdoor advertising signs be located away from residential areas, and that such signs be regulated to protect the character of the area wherein outdoor advertising signs are located, and to conserve property values in these areas. Among others goals are to:

1. promote the safety of the traveling public,
2. protect existing property values in both residential and nonresidential areas,

In this case, this sign represents the partial use of an existing legal on premise sign by another party. It is designed to facilitate traffic flow and traffic safety in the surrounding area. It is submitted that the use considered does not have any effect on the area or property values. It does in fact promote traffic safety and protect property values.

A goal of the ordinance is to promote public safety, and as such, ensuring clear directions for parties attending Launch has to be a positive element of this request.

In particular, where much of the business is generated at night and during winter time, providing clear directions are key and we submit, must fall within the goals for the ordinance.

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

As stated above, the management of the facility have received consistent complaints from out of towners that the facility is difficult to find. This sign is an attempt to rectify that situation and to ensure the financial success of the business.

The business relies on a certain volume of traffic to remain viable; the average charge is \$20-25 per person for a typical program; group rates are less.

The facility is such that the building signage is not readily viewable by passersby, particularly at the speed that motorists generally travel down 101. The Jug handle is not a traffic scheme that many motorists are familiar with, and the location is not immediately intuitive.

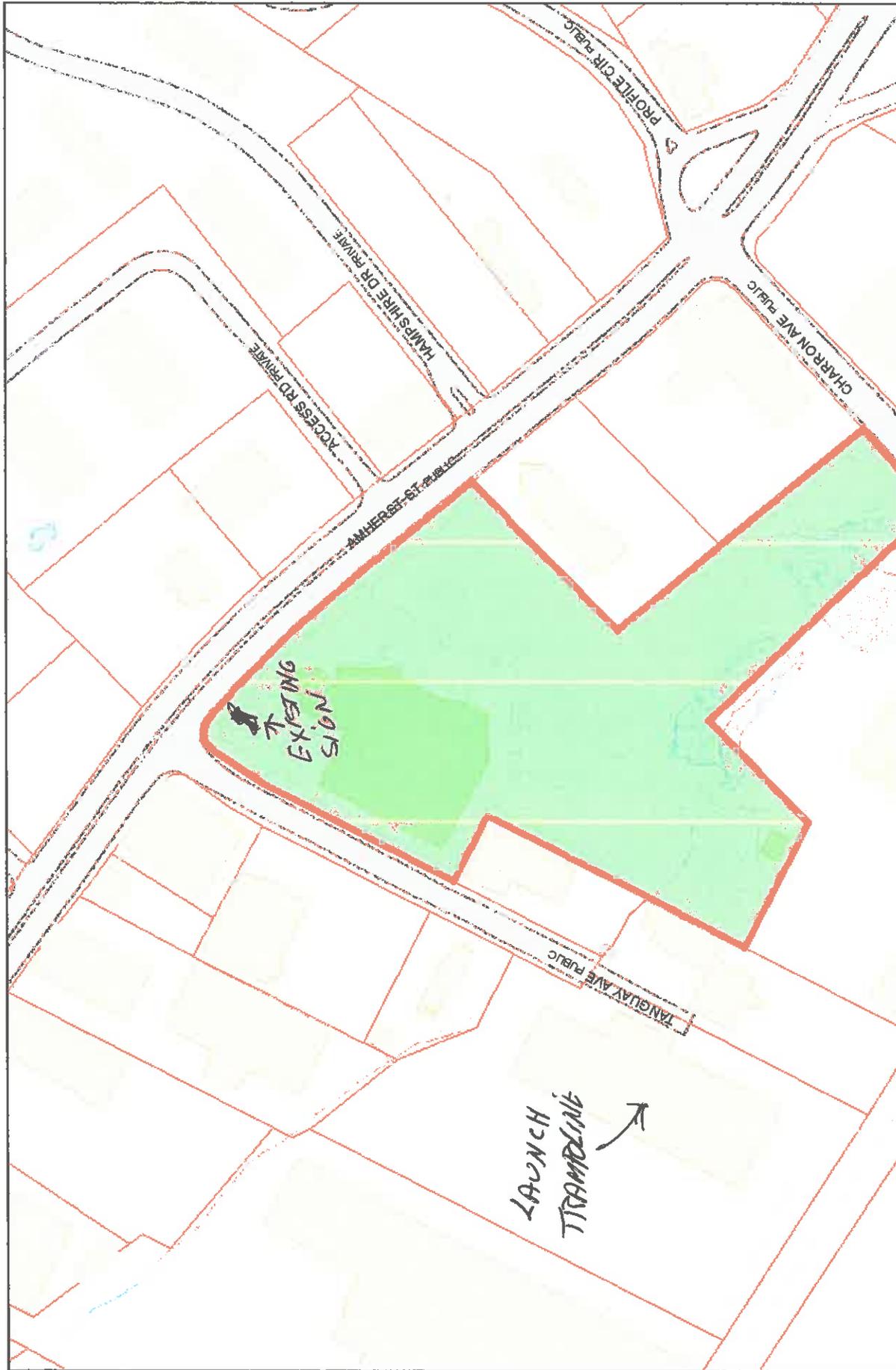
The facility provides a needed physical diversion for the youth of Nashua and surrounding towns, and as such, keeping it viable helps Nashua as well as the owner.

**4. The proposed use will not diminish the values of surrounding properties, because**

The sign being proposed is simple a re-letter of an existing sign; there is no increase in size, no increase in lighting, no effect on surrounding properties.

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

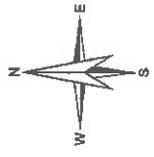
- This business relies on a certain volume of traffic; visitors tend to be unfamiliar with the area as, stated above, they are attending the site infrequently and often at night.
- The facility is down a narrow road that is not well lit in comparison to 101, and the signage is not visible from 101
- There is no location other than that proposed to mount an off-premise sign.
- Amherst st. has some unique traffic patterns that tend to confuse drivers not familiar with the area- this creates an additional safety burden that this sign attempts to address.



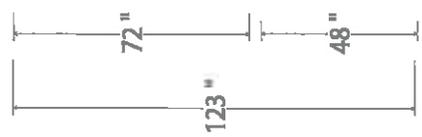
**Nashua, NH**



1 inch = 240 feet



120"



REFURBISH EXISTING DOUBLE SIDED , INTERNALLY ILLUMINATED SIGN

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CLIENT: PETERS AUTO  
 LOCATION NASHUA, NH  
 DATE 07 07 15  
 DESIGNER: CSC  
 ACCT. REP: DAN HITCHINS

BY: [Signature]  
 DATE: [Blank]

REVISION NOTES

1	08 13 15	BY
2	09 29 16	
3	10 04 16	

MORE INFORMATION REQUIRED  
 QUOTE NEEDED FOR: \_\_\_\_\_  
 APPROVAL \_\_\_\_\_  
 PERMITS / SUBMITTALS \_\_\_\_\_  
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Google Maps 322 Amherst St



Image capture: Oct 2015 © 2016 Google

Nashua, New Hampshire

Street View - Oct 2015



Whole Foods M

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