

ZONING BOARD OF ADJUSTMENT PUBLIC HEARING AND MEETING
May 24, 2016

A public hearing of the Zoning Board of Adjustment was held on Tuesday, May 24, 2016 at 6:30 PM in Room 208, City Hall.

Members in attendance were:

Gerry Reppucci, Chair
J.P. Boucher, Clerk
Mariellen MacKay
Rob Shaw
Kathy Vitale

Carter Falk, AICP, Deputy Planning Manager/Zoning

Mr. Reppucci explained the Board's procedures, including the points of law required for applicants to address relative to variances and special exceptions. Mr. Reppucci explained how testimony will be given by applicants, those speaking in favor or in opposition to each request, as stated in the Zoning Board of Adjustment (ZBA) By-laws. Mr. Reppucci also explained procedures involving the timing light.

- 1. United Way of Greater Nashua (Owner) Holly Hill (Applicant) 18-20 Broad Street (Sheet 61 Lot 164) requesting use variance to allow a hair salon in a portion of an existing building. GI Zone, Ward 4.**

Voting on this case:

Gerry Reppucci
Kathy Vitale
J.P. Boucher
Mariellen MacKay
Rob Shaw

Holly Hill, 3 Farmington Road, Nashua, NH. Ms. Hill said she's seeking approval for a hair salon in a part of the existing building. She said that she's not changing the character of the building or the area.

Mr. Reppucci asked how long she's been in the business.

Ms. Hill said 20 years in Nashua.

Mr. Reppucci asked how many chairs she'd have.

Ms. Hill said six chairs, three working chairs, and three for customers waiting for their hair color.

Ms. Vitale asked if she was taking over the entire first floor or a portion of it.

Ms. Hill said she's taking the other side of the United Way, so just a portion.

Ms. Vitale asked if she had any relation to the hair salon that was approved years ago upstairs.

Ms. Hill said no.

SPEAKING IN FAVOR:

Mike Apfelberg, President, United Way, Nashua NH. Mr. Apfelberg said that there is no hair salon upstairs at the present time, now, it's a mortgage lender. He said that they're excited to have a new tenant who fits in very well.

SPEAKING IN OPPOSITION OR WITH QUESTIONS OR CONCERNS:

No one.

MOTION by Ms. Vitale to approve the variance application as advertised on behalf of the applicant. Ms. Vitale said that the variance is needed to enable the applicant's proposed use of the property, given the special conditions of the property, and the benefit sought by the applicant cannot be achieved by some other method reasonably feasible for the applicant to pursue, other than an area variance, in this case, the building was previously approved to have a hair salon in the upstairs area, and parking is acceptable, and the use fits in well in the property.

Ms. Vitale said that the proposed use would be within the spirit and intent of the ordinance.

Ms. Vitale said that it will have no negative impact on surrounding properties. She said it is not contrary to the public interest, and substantial justice is served to the owner.

SECONDED by Mr. Shaw.

MOTION CARRIED UNANIMOUSLY 5-0.

- 2. Stephen J. & Andrea M. Curtis (Owners) 213 Harris Road (Sheet C Lot 501) requesting special exception to allow an accessory (in-law) dwelling unit within existing house. R9 Zone, Ward 9.**

Voting on this case:

Gerry Reppucci
Kathy Vitale
J.P. Boucher
Mariellen MacKay
Rob Shaw

Applicant not present to make a presentation, the Board decided to hear the case at the end of the Agenda.

MOTION by Mr. Reppucci to table the case to the end of the meeting.

SECONDED by Mrs. MacKay

MOTION CARRIED UNANIMOUSLY 5-0.

- 3. Keith & Kimberly Girouard (Owners) 8 Mizoras Drive (Sheet B Lot 1396) requesting variance to encroach 6 feet into the 20 foot required right side yard setback to construct an attached 22'x28' single-level garage. R18 Zone, Ward 8.**

Voting on this case:

Gerry Reppucci
Kathy Vitale
J.P. Boucher
Mariellen MacKay
Rob Shaw

Keith Girouard, 8 Mizoras Drive, Nashua, NH. Mr. Girouard said that his property has a 20 foot setback on the side in the R18 Zone, and the proposal is to encroach 6 feet into the 20 foot setback.

Mr. Girouard said that it will not impair the public interest, and it will meet the spirit of the ordinance as it will be an

attached garage and used as such. He said that his house is the only house on the street that doesn't have a two-car garage, so it wouldn't diminish the property values of surrounding parcels, and it should fit in fine.

Mr. Reppucci asked if the driveway will have to be widened.

Mr. Girouard said it will have to be widened, and said that he understands that after the front yard setback, it can get wider than the 24 feet required, and it will be widened towards the right.

Mr. Falk said that he spoke with Mr. Girouard about the driveway width requirements, and he understands what the ordinance is.

Mr. Shaw asked if there will be any room above the garage.

Mr. Girouard said it will be only a single-level garage, with normal storage in the top.

Ms. Vitale asked if it will tie into the existing house.

Mr. Girouard said it will be directly attached to the house.

SPEAKING IN FAVOR:

No one.

SPEAKING IN OPPOSITION OR WITH QUESTIONS OR CONCERNS:

No one.

MOTION by Mr. Shaw to approve the variance application as advertised on behalf of the owner as advertised. Mr. Shaw said that the variance is needed to enable the applicant's proposed use of the property, given the special conditions of the property, which lead to the placement of the garage on the right side of the property, and the structure is a fairly small footprint for this use, and there really is no place that is reasonably feasible to place the garage on the property.

Mr. Shaw said that the proposed use would be within the spirit and intent of the ordinance.

Mr. Shaw said that it will have no negative impact on surrounding properties; it will be more consistent with other properties on the street. He said it is not contrary to the public interest, and substantial justice is served to the owner.

Mr. Shaw said that a special condition is that the garage will be a single-level garage per testimony.

SECONDED by Ms. Vitale.

MOTION CARRIED UNANIMOUSLY 5-0.

- 4. Just Right Properties, LLC (Owner) Greg Hazard (Applicant)
2 O'Neil's Court (Sheet E Lot 192) requesting use variance
to convert a previously approved carpet sales and rug
cleaning business to a part-time fabric and quilting shop.
R9 Zone, Ward 1.**

Voting on this case:

Gerry Reppucci
Kathy Vitale
J.P. Boucher
Mariellen MacKay
Rob Shaw

Greg Hazard, 23 Prescott Street, Groton, MA. Mr. Hazard said that they recently closed on the property, and are seeking permission to operate a part-time quilting supply shop in the storefront portion of the property. He said that the commercial portion of the property has been in use as a carpet sales and rug cleaning business for about 48 years or so, as Kempton Rug Company.

Mr. Hazard said that their business will consist of retail sales of fabric and quilting supplies, as well as occasional quilting instructional classes. He said that business hours will be limited to about two days per week including weekends, as this is part-time. He said that the proposed use will generate less traffic, activity and noise as compared to the prior rug business, which had much more activity and equipment. He said that they intend to do a lot of cleaning on the property outside as well.

Mr. Hazard said that in essence, they are seeking to continue

the non-conforming use as was granted to the prior owner, and it will have less impact on the surrounding neighborhood.

SPEAKING IN FAVOR:

No one.

SPEAKING IN OPPOSITION OR WITH QUESTIONS OR CONCERNS:

No one.

MOTION by Mrs. MacKay to approve the variance application as advertised on behalf of the owner. She said that the variance is needed to enable the applicant's proposed use of the property, given the special conditions of the property, and the benefit sought by the applicant cannot be achieved by some other method reasonably feasible for the applicant to pursue, other than an area variance.

Mrs. MacKay said that the proposed use would be within the spirit and intent of the ordinance.

Mrs. MacKay said that it will have no negative impact on surrounding properties, in fact, it may substantially help property values with less traffic and activity, and debris on the lot. She said it is not contrary to the public interest, and substantial justice is served to the owner.

SECONDED by Mr. Shaw.

MOTION CARRIED UNANIMOUSLY 5-0.

2. Stephen J. & Andrea M. Curtis (Owners) 213 Harris Road (Sheet C Lot 501) requesting special exception to allow an accessory (in-law) dwelling unit within existing house. R9 Zone, Ward 9.

Voting on this case:

Gerry Reppucci
Kathy Vitale
J.P. Boucher
Mariellen MacKay
Rob Shaw

At this point, the owner or applicant for 213 Harris Road did not show up

MOTION by Mr. Reppucci to table the case to a date certain of June 14, 2016.

SECONDED by Mr. Shaw.

MOTION CARRIED UNANIMOUSLY 5-0.

MISCELLANEOUS:

REGIONAL IMPACT:

There is no Agenda yet, as there is an extra week between meetings.

REHEARING REQUESTS:

None.

MINUTES:

4-12-16:

4-26-16:

No action taken by the Board.

ADJOURNMENT:

Mr. Reppucci called the meeting closed at 7:03 p.m.

Submitted by: Mr. Boucher, Clerk.

CF - Taped Hearing