

ZONING BOARD OF ADJUSTMENT PUBLIC HEARING AND MEETING  
September 27, 2016

A public hearing of the Zoning Board of Adjustment was held on Tuesday, September 27, 2016 at 6:30 PM in Room 208, City Hall.

Members in attendance were:

Jack Currier Vice Chair, Acting as Chair  
JP Boucher, Clerk  
Rob Shaw  
Mariellen MacKay  
Kathy Vitale

Carter Falk, AICP, Deputy Planning Manager/Zoning

Mr. Currier explained the Board's procedures, including the points of law required for applicants to address relative to variances and special exceptions. Mr. Currier 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. Currier also explained procedures involving the timing light.

- 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]**

Voting on this case:

Jack Currier  
J.P. Boucher  
Rob Shaw  
Kathy Vitale

**MOTION** by Mr. Currier to take the request off the Table.

**SECONDED** by Mr. Shaw.

**MOTION CARRIED UNANIMOUSLY 4-0.**

Attorney Brad Westgate, Winer & Bennett, 111 Concord Street, Nashua, NH. Atty. Westgate handed out a packet of information to the Board, which were three photos and some background information.

Atty. Westgate said that the purpose of the canopy is to replace the prior canopy that was taken down around 2009. He said that that canopy actually replaced an even earlier canopy that was constructed sometime in the 1970's. He said that the first canopy was about 1.1 feet away from the Amherst Street right-of-way. He said that the second canopy was about 2.2 feet away from the Amherst Street right-of-way. He said that the proposed canopy would be 3.7 feet setback.

Atty. Westgate said that there are design constraints that are evident. He said that the property has been there for decades, and there is very little design flexibility that is available, to have a canopy that will cover all the pumps. He said that a canopy that covers only partial just doesn't do the trick. He said that fire suppression capabilities are also impacted. He said that the signage request is to allow six wall signs, as opposed to the three that are permitted. He said that they are pretty small, three are the small helios, the sunburst logo. He said that the size requested is under the Code requirements. He said that there is no free-standing sign on the site.

Atty. Westgate said that at the last meeting, they were asked what type of design flexibility exists. He said it is worth noting that this canopy would have 15 feet of clearance from the ground to the bottom of the canopy, and the pre-existing one was 14'-6". He said with the little bit more height, it gives a little more clearance to see the Camp's sign.

Atty. Westgate said one of the questions was any knowledge of widening Amherst Street and have been advised that there is a widening plan for Amherst Street, but there are no plans.

Atty. Westgate said that there was a concern about the visibility of the Camps sign. He went over some history of the signs, and showed some pictures of the canopy from years back. He said that all they really want to do is to replicate what has been in existence almost continuously, but for the past several years, which has harmoniously existed with the Camp's site as well. He referred the Board to some of the old pictures in the packet he submitted.

Atty. Westgate said that for the public interest, the canopy is helpful to customers in inclement weather, and provides lighting and fire suppression equipment up above. He said that the canopy can't be too high, it will lose its effectiveness. He said that virtually all gas stations now have canopies.

Atty. Westgate said that the request meets the spirit and intent of the ordinance, as the ordinance contemplates modernization and upgrading the site.

Atty. Westgate stated that substantial justice would be done, by allowing the canopy to replace the two previously existing canopies with a smaller setback, and a little higher than the previous one, is served.

Atty. Westgate stated that the canopy will not adversely impact property values, and the sign visibility of Camps will still remain, it will certainly not be worse.

Atty. Westgate said that the site has had a pre-existing variance for the canopy granted, and in 2001 the Zoning Board found hardship on this property for the first replacement canopy. He said that the use is a reasonable one, and it's pretty modest in its overall size.

Mr. Shaw asked about the option of changing the height of the canopy.

Atty. Westgate said that there are three fundamental purposes of the canopy, one for inclement weather coverage, lighting at night, and fire suppression equipment. He said that the higher the canopy goes, the less effective these purposes become. He said that there are industry standards, and the proposed canopy is consistent with them.

**SPEAKING IN FAVOR:**

Carolyn Parker, 3 Lorian Avenue, Worcester, MA. Ms. Parker said that for the fire suppression systems, there is a maximum height of 14 feet for the nozzle, so even if the canopy is 17 feet clearance, the nozzles will hang down 3 feet. She said that they're raising the canopy up to 15 feet, and setting it back a little bit from what it used to be. She said that the previous height was 14'-6", which is more of the industry standard.

Mr. Boucher asked about one of the photos, and asked where the 3'7" is measured to.

Ms. Parker said it's to the right-of-way.

Mr. Boucher asked if the canopy is in line with the inside edge of the sidewalk.

Atty. Westgate said he's looking at a plan dated 6-24-16, it looks as if there is a 3'7" designation with arrows on the plan showing it to the right-of-way.

Mr. Boucher asked if the power lines be right over the canopy, as it appears from the picture that the canopy is right under the lines.

Ms. Parker said that the photo was taken in her car, in the right hand lane, driving.

Atty. Westgate said that the power line poles are roughly setback from the curb line where the edge of the canopy is.

Discussion ensued about the power lines and poles.

Atty. Westgate said that the last picture in the handout has the old canopy, and the second canopy, and it was closer to Amherst Street and it shows a good perspective of the power lines with respect to the canopy.

**SPEAKING IN OPPOSITION OR WITH QUESTIONS OR CONCERNS:**

Michael Campagne, 491 Amherst Street, Nashua, NH. Mr. Campagne said he owns the laundromat next door. He said he voiced his opposition at the last meeting due to it blocking his road sign. He said his building is set back pretty far from the street, and they rely heavily on the road sign for visibility to attract business. He said if the Board grants the request, it will have a hardship on his business. He said the old canopy has been down for seven years, so they're really starting over, and didn't see how that was relevant to today, and said if he owned the property in 1987, he would have opposed the canopy that they got a variance for.

Mr. Currier said he believes that in looking at the photos, that he can see their sign. He said that the testimony was that the sign could be seen clearly in the left lane. He said that there's maybe a little intrusion, but a minimal amount.

Mr. Campange said he doesn't know anywhere else in Nashua where you can build a structure right out to the sidewalk. He said it is possible to raze the gas station and move it back, they can do other things with that piece of property.

**SPEAKING IN FAVOR - REBUTTAL:**

Atty. Westgate said in 2001, a variance was granted for the second canopy, and minutes from that meeting showed no opposition. He said that the second canopy probably had more impact on visibility than the proposed one. He said that the context of how each property got developed has to be recognized. He said that these uses have existed harmoniously side-by-side for a long time. He said that the Board has to consider the historical use as well. He said that the concern with cutting the canopy back is that it will leave the outside pumps exposed in inclement weather, and it will lessen the fire suppression capability as well, and cutting it back is just not the standard way to go.

Mr. Boucher asked how Atty. Westgate can explain that the canopy hasn't been there for about seven years.

Atty. Westgate said for one thing, the Board should look at the historical perspective, also, that variances run with the land in New Hampshire, and they tend not to be abandoned or lost, unless there are material changes or circumstances. He said that in this particular case, if the canopy had been down for seven years, and redevelopment of the Camps Carwash property had occurred, such that it had different signage and the position of canopy affected this new use, then the passage of time may have more importance, but in this case, nothing has changed, there has been no change in circumstance between Camps and this site, even going back 20 or 30 years. He said that the passage of time hasn't really generated a reason for the canopy to not be allowed.

Atty. Westgate said that the owner can also explain matters from an operational point of view.

Bruce Simmons, 515 West Hamilton Street, Allentown, PA. Mr. Simmons said that this property has been reconsolidate, and went through a series of transitions, and these transactions have delayed a business plan, then, the company went public, then was bought by another entity, and all along, there have been delays with the business plan, and all these plans and budgets take time to create and implement, and with all the different transitions of ownership with the property, and it's been difficult. He said that without the canopy, seasonally, this site has shut down in the winter months, because no one wants to pump their gas at a site with no canopy.

Mr. Currier asked about cutting the canopy back, and the ramifications of doing so.

Mr. Simmons said that typically it doesn't work, from the standpoint of doing this in 28 states, the higher you go, the larger the canopy needs to be, and it needs bigger more substantial footers, and extra engineering testimony. He said in cutting it back, it's more of an engineering question. He said he doesn't see it happening in the industry, at least with this company.

**SPEAKING IN OPPOSITION OR WITH QUESTIONS OR CONCERNS - REBUTTAL:**

Mr. Campagne said that in all the years he's been there, the gas station site has gone out of business about six times. He said he's tried to call the owners to work things out, or compromise, but no one ever called back. He said that he wants to see the gas station succeed, but doesn't want to sacrifice his business. He said that this isn't a typical site, it's a small site right on the road, and it's built like nothing would be today.

Mr. Shaw said there has been usage for about many years, except for the seven year gap. He said that there's been plenty of history with the site, actually both sites, and with each iteration, the canopy has been scaled back a little bit from the right-of-way, with minor incremental improvement.

Ms. Vitale said that she's good with their proposed signage, and it doesn't go over their allowed area. She said for the canopy, she said she's not comfortable with it right under the lines. She said she's more concerned about the wires than with the canopy being closer to the road.

Mr. Boucher said that this isn't just a sign, it's a canopy. He said it is unique to Amherst Street. He said if the canopy were to go up two feet, would it have such a detriment to the business that they would not get customers in inclement weather.

Ms. Vitale said she didn't have a problem with the height, it's reasonable for the business, and for fire suppression and lighting, and for coverage for the weather. She said the close proximity to the road as it does indirectly affect the signage of the neighbor.

Mr. Currier said the proximity on the south side to the wires, it didn't faze him as the canopy is built to last. He said that the proximity of things to wires like trees, and trees come down and take the wires with them. He said his concern on the south side is the blockage of the neighbors sign. He said he didn't see it as a big deal for the applicant to pull the canopy back a few feet. He suggested instead of 16'-8", how about 14'-8", or something like that.

Mr. Shaw said that there is something to be said about considering some kind of compromise to have the canopy reduced back, and it would turn out to be more of a partial relief on one side. He said it may balance out the competing issues here.

Mrs. MacKay agreed, it makes common sense to consider moving it back.

Mr. Boucher said he'd support moving the canopy back a little bit. He said as a Board, we have the right to do that, and would support a motion to do that.

Mr. Currier said he's thinking of about two feet, so it would be a 14'-8" incursion.

Ms. Vitale asked about where that would be, and suggested looking at their drawing where the green sign is at the edge, from the corner going back.

Mr. Shaw said the sign at that area is 5 feet from the corner edge.

Ms. Vitale said it would be best if the canopy is set back about half of that, so 2½ feet.

Mr. Shaw said that the Board has to be careful, as this is a reasonable point to judge by.

Mr. Currier said that he appreciates the pictures, as it really shows where the signs come into view as you're driving.

Mr. Shaw said that even if it goes to a 14'-2" incursion, it's still a huge encroachment into the setback, and a lot of relief. He said that by cutting the canopy back, it's allowing for a reasonable balance, but said he didn't know if that was a perfect distance back.

**MOTION** by Mr. Currier to approve the variance application. He said he'll do it in two motions. He said he's making a motion to approve the request for the maximum number of signs as presented. He said that the Board finds that the variance is needed to enable the applicant's proposed use of the property, which is an existing service station, and the special conditions are that given the shape of the canopy and the nature of the sign, like the sunburst, they are smaller signs, so the overall square footage is less than what is permitted by about 20 square feet, and the Board finds it reasonable to allow the applicant the six signs.

Mr. Currier said that the proposed signs would be within the spirit and intent of the ordinance, and will not adversely affect property values of surrounding parcels, and the Board finds that they're not contrary to the public interest, and substantial justice is served.

**SECONDED** by Mr. Shaw.

**MOTION CARRIED UNANIMOUSLY 4-0.**

**MOTION** by Mr. Currier to approve the variance for the canopy, but to encroach 14'-2", or 2½ feet less on the south side of the canopy, given the testimony tonight, the Board feels that this variance is not as much as the applicant is seeking, and won't give them full coverage of that outermost bay, but it will give some coverage to that, and it's reasonable relief to the abutters sign, so it shouldn't hurt his business.

Mr. Currier said that the compromise for the canopy would be within the spirit and intent of the ordinance, and will not adversely affect property values of surrounding parcels, and the

Board finds that it's not contrary to the public interest, and substantial justice is served.

**SECONDED** by Mr. Shaw.

**MOTION CARRIED UNANIMOUSLY 4-0.**

**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]**

Voting on this case:

Jack Currier - recused  
JP Boucher  
Rob Shaw  
Mariellen MacKay  
Kathy Vitale

Mr. Shaw acting as Chair.

**MOTION** by Mr. Shaw to remove the case from the Table.

**SECONDED** by Mr. Boucher

**MOTION CARRIED UNANIMOUSLY 4-0.**

Mr. Chris Eckler, 22 Amory Street, Nashua, NH. Mr. Eckler said he's asking to continue the use of an apartment in the building that has been there for about twenty years.

Mr. Eckler said that the City came to inspect the property for a routine gas leak, and they discovered that this unit didn't have a permit. He said that both he and the City were aware of this, but hadn't had a chance to move forward with an application until now.

Mr. Shaw went over the points of law for a special exception with the applicant, and all questions were answered.

Ms. Vitale asked about the things that need to be done to bring the building into compliance.

Mr. Eckler said he needs to expand the size of a basement window.

**SPEAKING IN FAVOR:**

No one.

**SPEAKING IN OPPOSITION OR WITH QUESTIONS OR CONCERNS:**

No one.

**MOTION** by Mrs. MacKay to approve the special exception application on behalf of the owner as advertised. Mrs. MacKay said that the use is listed in the Table of Uses, Section 190-119 (4).

Mrs. MacKay said that the use will not create undue traffic congestion, or unduly impair pedestrian safety, and it will not overload public water, drainage or sewer or other municipal systems. She said that all special regulations are fulfilled, and the request will not impair the integrity or be out of character with the neighborhood, or be detrimental to the health, morals or welfare of the residents, and by obtaining a building permit, it will help to bring the building up to Code, and will enhance the safety of the residents.

**SECONDED** by Mr. Shaw.

**MOTION CARRIED UNANIMOUSLY 4-0.**

**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.**

Voting on this case:

Jack Currier  
JP Boucher  
Rob Shaw  
Kathy Vitale  
Mariellen MacKay

Stephen Bourque, Airport Manager, 93 Perimeter Road Nashua, NH. Mr. Bourque said that they are looking to remove 11 trees for removal, possibly one more tree. He said that the FAA has instrument approach procedures that are used by pilots, typically in bad weather, to make a safe approach into the airport. He said that they are radio equipment that are located off the airport. He said that these trees have been identified as near the end of the runway, and these trees go into the approach. He said that the FAA has noted that this approach cannot be used at night because of these tree penetrations.

Mr. Bourque showed where the trees are located on the map to the Board. He went over the nine special points of law, to the Board's satisfaction. He said the intent is to selectively remove trees, and residents probably won't even know they're gone.

Ms. Vitale asked where the staging will be.

Mr. Bourque said that there is a little clearing towards the south end of the area, and some of the trees will need a crane, as they overhang the power lines, but they'll make sure that the disruption will be kept to a minimum.

Mr. Shaw said that by removing the trees will appear to further expose the power lines, and asked if it will create a secondary safety issue of any sort with the FAA.

Mr. Bourque said it won't be an issue, the trees are about 70-80 feet tall, much taller than the power lines, and the FAA hasn't identified the power lines as a safety issue.

**SPEAKING IN FAVOR:**

No one.

**SPEAKING IN OPPOSITION OR WITH QUESTIONS OR CONCERNS:**

Eugene Whitcomb, 706 West Hollis Street, Nashua, NH. Mr. Whitcomb said he's seen power lines with orange balls on them to let the pilot know they're there, also, is not supportive of removing the trees.

**SPEAKING IN FAVOR - REBUTTAL:**

Mr. Bourque said that the height of the power lines is not an issue, and there will be a lot of low lying vegetation at the site, and there are some shorter trees that will remain on site that will grow.

**SPEAKING IN OPPOSITION OR WITH QUESTIONS OR CONCERNS - REBUTTAL:**

None.

**MOTION** by Mr. Shaw to approve the special exception application on behalf of the owner as advertised. Mr. Shaw said that the use is listed in the Table of Uses, Section 190-112.

Mr. Shaw said that the use will not create undue traffic congestion, or unduly impair pedestrian safety, and it will not overload public water, drainage or sewer or other municipal systems. He said that the functionality of the wetland area will remain fairly consistent, and it will be a fairly limited activity. He said that all special regulations are fulfilled, by testimony, and the request will not impair the integrity or be out of character with the neighborhood, or be detrimental to the health, morals or welfare of the residents, in fact, the safety issue ultimately will be improved.

Mr. Shaw said that the Conservation Commission approved this request, as noted in their August 2<sup>nd</sup> and September 6<sup>th</sup>, 2016 letters with five stipulations of approval.

**SECONDED** by Mrs. MacKay.

**MOTION CARRIED UNANIMOUSLY 5-0.**

**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.**

Voting on this case:

Jack Currier  
JP Boucher  
Rob Shaw  
Mariellen MacKay  
Kathy Vitale

Heather King, 18 Twilight Drive, Nashua, NH. Ms. King said that she received a letter in November, 2014, she said she purchased a shed, that is 8'x12'. She said that Reeds Ferry told her that she needed to check to see if she needed a building permit. She said she looked on the City's website, and due to the size of it, a building permit was not necessary. She said she received another letter from the City in August, stating that the shed was un-permitted, and needed a land use permit.

Ms. King said that she is supposed to have a 6 foot setback from the abutters property. She said it is 11 feet to the rear property line, but its 3 feet to the side yard setback. She showed pictures of the shed to the Board. She said it is used for lawnmowers and other lawn and garden equipment.

**SPEAKING IN FAVOR:**

Dave Benson, 14 Twilight Drive, Nashua, NH. He said he lives a few houses down, and said that he'd never even seen the shed, and is in full support, as there are a lot of trees and vegetation.

**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 as advertised. Mrs. MacKay 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 request is within the spirit and intent of the ordinance.

Mrs. MacKay 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 Ms. Vitale.

**MOTION CARRIED UNANIMOUSLY 5-0.**

**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.**

Voting on this case:

Jack Currier  
JP Boucher  
Rob Shaw  
Mariellen MacKay  
Kathy Vitale

Louis Marino, 28 Bulova Drive, Nashua, NH. Mr. Marino said that they are requesting to encroach 6 feet into the 10 foot setback to add a 12'x22' carport onto an existing one-car garage. He referred the Board to the plot plan, and photos of the area, and an artist's rendering of what the carport would look like. He said that the carport should enhance the values of the property, and for the neighborhood as well.

Mr. Currier said that he observed several carports in the vicinity, and what is proposed doesn't seem like it would be out of character.

Ms. Vitale said the rendering is great, and liked how it ties into the house, and how it's setback in the front from the house.

**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 as advertised. Mrs. MacKay 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 request is within the spirit and intent of the ordinance.

Mrs. MacKay 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 Ms. Vitale.

**MOTION CARRIED UNANIMOUSLY 5-0.**

**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.**

Voting on this case:

Jack Currier  
JP Boucher  
Rob Shaw  
Mariellen MacKay  
Kathy Vitale

Dave Benson, 14 Twilight Drive, Nashua, NH. Mr. Benson said they are requesting approval to construct an in-law apartment in the basement of the existing house. He said that there is parking for six cars in the driveway. He said that there will be no construction outside, the house will look the same. He said that all safety and ingress/egress will meet the Code. He went over some building regulations relative to constructing the unit in the basement. He said that all the special regulations will be met.

Mr. Currier said that the application and testimony is very thorough.

**SPEAKING IN FAVOR:**

No one.

**SPEAKING IN OPPOSITION OR WITH QUESTIONS OR CONCERNS:**

No one.

**MOTION** by Mrs. MacKay to approve the special exception application on behalf of the owner as advertised. Mrs. MacKay said that the use is listed in the Table of Uses, Section 190-32.

Mrs. MacKay said that the use will not create undue traffic congestion, or unduly impair pedestrian safety, and it will not overload public water, drainage or sewer or other municipal systems.

Mrs. MacKay said that all special regulations are fulfilled, by testimony, and the request will not impair the integrity or be out of character with the neighborhood, or be detrimental to the health, morals or welfare of the residents.

**SECONDED** by Mr. Shaw.

**MOTION CARRIED UNANIMOUSLY 5-0.**

**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.**

Voting on this case:

Jack Currier  
JP Boucher  
Rob Shaw  
Mariellen MacKay  
Kathy Vitale

Cynthia Boisvert, Arago Land Consultants, Amherst, NH. Ms. Boisvert said that they are requesting a variance based upon density. She said it's a historical home, as evidenced by the photographs, and is located in an area with many multi-family units. She said that in granting this request, it will not be contrary to the public interest, as the existing use is already a multi-family with three units.

Ms. Boisvert said it has a walk-out door, that was already approved by the Historic District Commission on August 22, 2016. She said that many of the nearby homes are on lots that do not meet the minimum lot size requirements. She said that the new

unit will be within the existing structure. She said that substantial justice will be served in granting, as its unfinished space in the basement that can be used for one more unit. She said that the request will not diminish the values of surrounding properties because the existing use will be the same. She said that special conditions exist for hardship, as it's an older home, in a neighborhood with other older homes with multi-units. She said that parking is also fine.

Mr. Currier asked how the parking works, as it looks like a shared driveway with 43 Orange Street. He asked if there is a cross-easement.

Ms. Boisvert said that an access easement was created, it's an existing easement of record.

Mr. Currier asked if they share parking with the other house.

Ms. Boisvert said that they do not, it's just for access. She said that there are seven parking spaces.

Mr. Falk said that the Code would require six spaces.

**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 as advertised. Mrs. MacKay stated 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. She said that the Historic District Commission did approve the window going to a door.

Mrs. MacKay said that the request is within the spirit and intent of the ordinance.

Mrs. MacKay 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, and it will be in keeping with the neighborhood.

**SECONDED** by Mr. Shaw.

**MOTION CARRIED UNANIMOUSLY 5-0.**

**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.**

Voting on this case:

Jack Currier  
JP Boucher  
Rob Shaw  
Mariellen MacKay  
Kathy Vitale

Attorney Brad Westgate, Winer and Bennett, 111 Concord Street, Nashua, NH. Atty. Westgate passed out a copy of the site plan, and an aerial view of the site with surrounding properties nearby. Atty. Westgate said it would be under the condominium form of ownership, because there is one lot, and since its one lot, there is the need for the variance to exceed the one principal structure per lot provision. He said that they are proposing ten single-family homes, serviced by one private cul-de-sac road, City utilities, it's in the R9 district, and is about 2.5 acres, so it meets the density requirements, as four units per acre are permitted.

Atty. Westgate stated that there is an existing house on the property, built in 1946, which will be razed. He said it faintly shows its location on the plan.

Atty. Westgate described the property location and abutting uses. He said that the proposed roadway in the property would be privately maintained. He said that the site has about 205 feet of frontage, and the lot is about 525 feet deep. He said the lot is surrounded by a lot of other single-family uses, and

some institutional uses. He said the zone is R9, and the lot is much larger than the minimum size, and it really won't stay as a single-family home like it is, in this setting, indefinitely. He said it's compliant with the land use code, except for the number of units per lot provision.

Atty. Westgate said that the request is not contrary to the public interest to permit a residential community with single-family homes in this mixed use area. He said that the proposal is consistent with the area, and consistent with the R9 provisions. He said a very large lot with a home this old, more than 60 years old, simply won't stay this way indefinitely.

Atty. Westgate said that the proposal will observe the spirit and intent of the ordinance. He said that there are compatible neighborhoods nearby. He said that the property's elongated shape makes it not ideal for standard development, but makes it sensible for this type of development in conjunction with what's nearby.

Atty. Westgate said that substantial justice will be granted, in recognizing the nature of this property, its shape and location in the R9 district, its nearby similar properties, and it's being developed in a reasonable manner compatible with what is nearby.

Atty. Westgate said that the proposal will not diminish the value of surrounding properties. He said that the surrounding properties are the cemetery to the south, single-family homes to the north. He said that a residential development in a residential zone is not going to affect abutting property values.

Atty. Westgate said that for hardship, the proposed use is a reasonable one. He reiterated the special conditions of the lot, it's shape, a deep lot, narrow frontage, and the 2.5 acre lot size, located on an arterial roadway that has obviously changed since the house was built there, it abuts a cemetery. He said the area is a mixed use area, and the proposed use is residential in nature and character, and compatible to what is immediately nearby. He said that the most practical approach to developing this property is a single family development with a private road, privately maintained, with a cul-de-sac, in a condominium form of ownership. He said that the use is reasonable.

Mr. Currier read a question from Ms. Panny of the Planning Department from a letter, stating that the private road has to be constructed to City standards, including sidewalks and granite curbing, with seven inches of reveal, and roadways should be 28 feet in width, and no on-street parking is proposed.

Mr. Currier said that there is another correspondence dated August 9<sup>th</sup>, from Daniel Teague, Fire Department, saying that the proposed private road is too narrow given the available parking for residents, and enforcement of on-street parking will be problematic, making access for Fire apparatus impossible.

Atty. Westgate said that Mr. Branon will respond to these questions.

**SPEAKING IN FAVOR:**

Chad Bradon, Fieldstone Land Consultants, Bedford, NH. Mr. Branon. He said that he's met with staff about the road width, it was originally going to be 22 feet wide, and were told that 24 feet would be more appropriate, so it was revised to 24. He said that they've met with the Fire Department, and with Jeanne Walker in DPW about the project, and said that they believe that the 24 foot width will be adequate in width. He said that they're actively working on these items with the Fire Department and Engineering staff. He said that they are confident in the 24 foot width will be acceptable to them.

Mr. Branon said that they are contemplating a single car garage with one space outside each unit, with at least one more, so each unit would have three spaces for parking, which exceeds the ordinance.

Mr. Branon said that the curbing that is proposed is an asphalt curbing, the City standard is granite. He said that Ms. Walker may be fine with that material, but it's still an active process.

Mr. Branon said that the road that is proposed is measured from the West Hollis Street right-of-way to the center of the cul-de-sac, and its 350 feet in length, and the dead-end requirements are 750 feet, so this is satisfied. He said that the cul-de-sac terminates at the end of the road, and has been designed to meet

all City standards, and will comfortably handle all City emergency response vehicles.

Mr. Branon said that for stormwater management, they are working on obtaining the Engineering Departments signoff on that. He said that stormwater will be handled by infiltration on both sides of the project, there will be a small infiltration area on each side of the entrance to the site, as well as a larger one to the back that will handle a majority of the runoff. He said that the design will meet all City standards.

Mr. Shaw asked if the intent is to enforce the no-parking on the street by the developer itself, or has it been determined yet.

Mr. Branon said that they are not proposing any on-street parking as part of the project.

Mrs. MacKay asked how visitors will be stopped from parking on the street.

Mr. Branon said that there will be an association, so there will be covenants and restrictions outlining that it will not be allowed. He said it is a private road, so the City will not be enforcing it. He said that a 24-foot width is a very substantial width of a road.

Ms. Vitale asked why they want to install asphalt curbing over granite curbing.

Mr. Branon said that it's a cost factor, he said that they've had a lot of success in private street settings with asphalt curbing. He said that granite curbing is very expensive.

Ms. Vitale said that the use is intense for the acreage, and the asphalt curbing on a 24-foot wide road, with houses close together, she said there is a huge benefit to having granite curbing instead for longevity and the look, and after a while, it gets torn apart.

Mr. Currier asked about the drainage easements in the upper and lower portion by the streetside, and asked if it is already there, or will it be for treating stormwater from this site, and what will it look like.

Mr. Branon said that they will be very shallow depressions, they'll handle the runoff from the front end of the site, and they'll be conveyed to those areas, they'll be leaching basins where the stormwater will infiltrate into the ground, the area will be landscaped. He said it'll look like a maintained lawn with some landscaping. He said they will be easements. He said they'll be connected by leaching structures, and the overflow will tie into the municipal system.

Mr. Currier asked about the drainage easement on the other side, the south, or right side, and asked what it will have.

Mr. Branon said it won't be usable yard, it'll take on a bit more stormwater, it has a 4:1 slope into the basin, it has a bigger footprint, and it will treat and mitigate all the runoff from the project, and will be conveyed through swales along the curb line. He said all the stormwater runoff will be infiltrated. He said it'll be longer grass, it won't be standing water.

Mr. Currier asked about the two sets of dashed lines.

Mr. Branon said that there is a setback to cemetery's, its 25 feet in which nothing can be excavated in this area. He said that the topography of the site is very flat, with gentle slopes running north to south.

Mr. Currier said that the project just seems denser than what is around it. He said that a lot of the lots are smaller than 9,000 square feet, they're smaller than the lots on Mandinbarb. He said if the proposal is looking at ten homes, of which six or seven are on undersized lots, where they'd otherwise need a variance. He said it seems more dense, it seems like it's not in character with the neighborhood.

Mr. Branon said that the units that are shown are 26'x52' boxes, they're shown as potential footprints for a home. He said that they're 1,300 sq.ft footprints. He said that the setbacks range from a 30-35 foot back yard, which is very consistent with the abutting property. He said that the units are positioned 32 feet apart, which is a pretty good distance, and there are nice front yard areas as well. He said that in his opinion, it is consistent with the neighborhood for lot sizes.

Ms. Vitale asked if they would be one story if approved.

Mr. Branon said that there would be an option for two stories on the lots.

**SPEAKING IN FAVOR:**

Richard Maynard, Maynard & Paquette, East Pearl Street, Nashua, NH. Mr. Maynard said he's been the design engineer for several similar projects in this area. He said that the Hollis Landing project, which has 50 units in a condominium ownership, they have 22 feet of pavement, and doesn't appear to have a problem. He said that Courteney Estates has 12 houses, it also has a 22 foot roadway with a T-turnaround at the end, and it doesn't have any special provisions, and all these projects have 5-foot wide sidewalks. He said that Mandinbarb Circle is a standard R9 subdivision, with 9,000 or larger square foot lots. He said down the street is Lowther Place, another condominium style development with 22 foot wide pavement, and a T-turnaround at the end, and has a private drive.

Mr. Maynard said that the areas in the front are typically called rain gardens, they're shallow depressions to allow the water to infiltrate. He said that they'll blend right in.

**SPEAKING IN OPPOSITION OR WITH QUESTIONS OR CONCERNS:**

Matt Chapman, 9 Mandinbarb Circle, Nashua, NH. Mr. Chapman said that he bought here 13 years ago, it had a beautiful setting, private. He said that there's a right way and a wrong way to develop, but these lots are all at least 9,000 square foot lots, the spacing is nice, houses are about 2,400 square feet. He said that the Hollis Landing homes are nice, they have a lot of room. He said that here, they're asking for ten homes in a 2½ acre lot, and if you take out the asphalt, they're averaging 6,000 square feet per lot, and the homes will be small, and this will affect our property values. He said that the proposed back corner lot house would only be 13.5 feet from his property, and would have full view of this house. He said that Courteney Estates has been nothing but a yard sale, there are always three or four homes for sale there, and they are on top of one another. He said it's too much and too dense. He said he is very concerned about his assessed value if this development goes in.

Mr. Currier said that there isn't a limitation in the Code to have one story, they can go up to 2½ by right.

David Maskiewicz, 7 Mandinbarb Circle, Nashua, NH. Mr. Maskiewicz said that he shares the Board's concerns about the density of the project is a little bit too much. He said that ten homes on that lot is too much. He said he understands that they want to maximize their profit, but sometimes you have to think about the people who live behind this project. He said that none of the Board members would want this in their backyard. He said that seven, eight, that's fine, but ten is a little bit too much.

Eugene Whitcomb, 706 West Hollis Street, Nashua, NH. Mr. Whitcomb said that his concern is the size of the lots, he said his lot is ½ acre, and all the houses surrounding his are about a ¼ acre, and the houses on Settlement Way are about a ¼ acre.

Jane Chapman, 9 Mandinbarb Circle, Nashua, NH. Mrs. Chapman said that the plan specifically says single level homes. She said she is concerned about the size of the homes and the house that is 13.5 feet from their property line.

**SPEAKING IN FAVOR - REBUTTAL:**

Mr. Branon said the plan elevations submitted show a condo style development, so for the Planning Board, it is required to submit a representative elevation. He said that there is always the opportunity to change house styles through a condo plan, as people may show interest in some other style. He said that there are no stipulations that they have to be single-story.

Mr. Branon said that for the density, four units per acre meets the requirements. He said that all the setbacks are met, there are no green area requirements, and this development is consistent with the surrounding areas. He said that the distance between homes is consistent with the homes to the north, which is a conventional R9 development. He said that also, there are no individual lots, the homes have a limited common area, and there is a difference. He said that the lot common areas, not lot sizes, range from 6,500 to 11,500 square feet. He said that this plan meets all dimensional requirements as established in the ordinance, the only variance applied for is to exceed one principal structure on one lot.

Mr. Currier said he believes it's debatable, because they are asking for ten structures on one lot. He said that part of that is meeting the spirit and intent and the character of the neighborhood, and the result of that, if this is approved, is lots that look like 6,000 or 7,000 square feet, and are not 9,000 square feet, and it looks denser. He said that the smaller lot area is debatable.

Mr. Branon said that there is so much development on West Hollis Street that is very similar to the proposed one. He said that they're not proposing to cut any of the existing vegetation along the property line. He said that this proposal is very consistent with the neighborhood. He said it will look like a nice development, and will be compatible with the surroundings.

**SPEAKING IN OPPOSITION OR WITH QUESTIONS OR CONCERNS - REBUTTAL:**

Mr. Chapman said that he'd agree that the ten homes as designed will increase the value of the modular homes across the street, but they will decrease the value of the homes on Mandinbarb. He said the zoning size of R9 should be restricted. He said it should be done with the right size, the right scale that doesn't decrease his value.

Ms. Vitale said she does have a concern with the number of units being proposed, and even though there are like roads in the area, but that doesn't mean that everything would be that way. She said to have some properties larger, some smaller, she said that this property is being maximized with ten units, and doesn't agree with the way it's being proposed.

Mrs. MacKay agreed, and understands from the builders perspective that they want to maximize their profit, however, she said she recognizes the abutters concerns about whether the plans will be for a single or two story home. She said the number of units should be smaller, and also has concerns about the lot areas, and it isn't in keeping with their direct abutters, who they should be most concerned with. She said it looks like the development wants to be a good neighbor, but they're overdeveloped and the proposal is too large for the lot.

Mr. Shaw said that the density seems to be more than it shows. He said the 2½ acre lot can fit in the ten homes, but if you were looking at this like a normal public street, with individual lots, the area taken up by the roadway and common

area will not go into the calculations of the lot areas and space available, so while it's not obvious, not all of the space is used for the units. He said that there is a general sentiment from the abutters about the intensity and density of this use that if it were developed with a standard sized roadway, it could accommodate six, maybe seven or eight lots. He said overall he is not really comfortable with the plan that's presented.

Mr. Boucher said a lot of the issues discussed will be brought up pretty thoroughly at the Planning Board level. He said this plan, the way it's laid out, whether it's the roadway or the sidewalk, it's all shared property, and the grassed areas it's just common area for everybody. He said he understands the abutters concerns. He said he's not comfortable changing the density, because it's not certain what it may be. He said the use is allowed in our ordinances that can be trimmed down.

Mr. Currier said he agrees that there are denser developments nearby. He said that his sense is that when you have a denser development than the abutters, it does impact the abutters development. His thought is that it will impact the abutters negatively on Mandinbarb. He said that if this isn't supported by the Board, there are plenty of ways to develop this lot. He said that he's looking at 6,000, 7,000 square foot lot areas, it's what it appears to be, and that is not within the spirit and intent in an R9 zone. He said that a majority of the lot areas are less than 9,000 square feet. He said that he doesn't want to get in a situation where if this is approved as it, then the Planning Board will have to make the foot meet the shoe, and they won't have much to work with. He said he feels that it doesn't meet the spirit and intent of the ordinance to develop the lot in this fashion, there are other methods to develop it. He said he's also concerned about the property values of the surrounding parcels. He said that he cannot support it as submitted.

Mr. Shaw said that this will be done as a one lot development, and the side yard of the lot should really be the rear yards of these homes. He said it really doesn't meet the spirit and intent of the R9 zone. He said the use shown is very intensive and can't support it in this fashion.

Ms. Vitale said it doesn't sit well with her about the spirit and intent of the ordinance.

Mr. Shaw said for options going forward, perhaps tabling the case to give the applicant an opportunity to come back with a plan that takes into account our discussion, and we don't know how it will be conceived with perhaps seven or eight units. He said that the Board really needs to see some sort of proposal instead of us blindly saying some less number of units.

Mrs. MacKay said she'd support a tabling to allow the applicant an opportunity to plan, develop and design, and respond to the concerns brought forward. She said she can't support it as is.

**MOTION** by Mr. Currier to re-open the public hearing to speak with the applicant.

**SECONDED** by Mr. Shaw

**MOTION CARRIED UNANIMOUSLY 5-0.**

Atty. Westgate said that they don't object to the idea of the tabling. He said that four weeks makes sense.

**MOTION** by Mrs. MacKay to table the case as advertised to a date certain of October 25, 2016 so that they can come back and redesign the plan for presentation to this Board.

Mr. Shaw said that the Board wants the applicant to address the concerns that were raised regarding the density of the usage of the site and look at alternatives to address the issues to the Board and the abutters.

Mr. Currier said this will be brought off the table for another public hearing, and there may or may not be another plan for review.

**SECONDED** by Mr. Currier.

**MOTION CARRIED UNANIMOUSLY 5-0.**

**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.**

Voting on this case:

Jack Currier  
JP Boucher  
Rob Shaw  
Kathy Vitale  
Mariellen MacKay

Richard Maynard, Maynard and Paquette Engineering, East Pearl Street, Nashua, NH. Mr. Maynard said that the property has one house on it, and the lot is 62,006 square foot lot, which is 1¼ acres, in the R9 zone.

Mr. Maynard described the uses surrounding the property. He said the individual lot areas will be well over 9,000 square feet each, privately maintained, no City expenses in maintaining the roads, private utilities, etc. He said to the west is Lowther Place, a similar development, with multiple units one one lot, with a private T-turnaround, the same principal that is being requested for tonight, multiple units on one lot.

Mr. Maynard said across the street is Westgate Crossing, and Courteney Place is also nearby, which also had a variance for multiple units on one lot in the R9 zone. He said that many identical projects exist right in this area, the same as what is being proposed for this property. He said that it will be single-family detached residential project with a private driveway, and a T-turnaround, in a condo form of ownership.

Mr. Maynard said that the project will consist of five houses, one is existing, and four new homes on a private shared driveway, with a T-turnaround. He said it's meant to stay low-key. He said that the project will have a density of one house per 12,400 square feet, which is significantly less dense than many of the nearby developments, even the standard R9 subdivisions.

Mr. Maynard said the project will not impact the public interest, there are several benefits, the project will provide the City with some very much needed middle income affordable housing, the driveway will be private, and there will be no cost to the City for snow plowing, and with a density of one house per 12,400 square feet, there will be more open space and less asphalt.

Mr. Maynard said that the project will be consistent with the spirit and intent of the ordinance, it will be a single-family housing project, similar to a typical subdivision, but with less density.

Mr. Maynard said that substantial justice will be served, and will allow the property owner a reasonable use of the land, similar to many others in the area.

Mr. Maynard said that property values will not be diminished, the houses will be similar to others in the area, and it will be new construction.

Mr. Maynard said that the hardship will be met, it's a long and narrow lot, with minimal frontage, containing 62,000 square feet of land, and building a public roadway on one side of the lot adjacent to the property line serves no purpose, and would be out of character. He said that the abutter to the east and north is the Hollis Landing project, which has 50 units on an effective density of less than 9,000 square feet per unit, and Fotene's Nursery is there. He said that there are two letters of support from abutters, at 713 A&B West Hollis Street, and 715 West Hollis Street. He said that the proposal meets all the points of law. He said that the proposed houses likely will be two story homes, which is permitted, but they also have the right to build a ranch style home. He said to construct a cul-de-sac for only a total of five homes really doesn't serve a valid purpose. He said that the homes will have a two-car garage, and a double-wide driveway.

Mr. Shaw said that in this case, it appears as if the setbacks on the side are ten feet, and asked to clarify.

Mr. Maynard said that the lot is one lot, one front, two sides, and a rear. He said that the homes shown on the plan show a reasonable representation of where the homes would be placed, and it indicates a twenty foot rear setback. He said that ten feet is required on the sides.

Mr. Shaw asked if there was any consideration to go for six or seven homes on this lot, he said he appreciates the lower density, but asked if there was something that stopped them from asking for more.

Mr. Maynard said that his client had many options here, and a higher density was one of them, but in their discussions with abutters, it was agreed to go for less to appease the neighbors. He said that the plan will allow for a little more privacy and open space, it will be attractive and reasonable.

Mr. Currier said that he has a letter from the Fire Marshal, Adam Pouliot, and it says that the private driveway does not meet the minimum standards required in NFPA-1.

Mr. Maynard said that it doesn't apply to his project. He said he didn't agree with the Fire Department making comments on cases going to the Zoning Board. He said he'll be talking to the Fire Marshal about the road width.

**SPEAKING IN FAVOR:**

Letters submitted by the owners at 713A&B West Hollis Street and 715 West Hollis Street.

**SPEAKING IN OPPOSITION OR WITH QUESTIONS OR CONCERNS:**

Eugene Whitcomb, 706 West Hollis Street, Nashua, NH. Mr. Whitcomb asked about the sizes of the lots, and the types of homes that will be there, and asked if they will be two-story homes. He said that the driveway that exists for this property today is no wider than twenty feet, and has concerns about the driveway for the development with five homes leaving that wide of a driveway. He said that people on West Hollis Street are driving by at over 35 mph, and slam on their brakes to enter a driveway. He said that this driveway, with multiple cars trying to access five homes instead of one home, plus Norma Drive, plus Lowther Drive, it's getting pretty tight in this area. He asked if it's possible to have the driveway come off of Norma Drive to lessen the curb cuts on West Hollis Street.

**SPEAKING IN FAVOR - REBUTTAL:**

Mr. Maynard said that most likely the homes will be under private ownership, but there are no laws that say that they can't be rented out. He said all that is is a form of ownership, and it's not the purview of the Board. He said that they considered going off from Norma Drive, but to do so needs approval of their Condo Association, and they'd have to vote on it, with a three-quarters approval, and there would be numerous

legal adjustments, and it would be practically impossible for that option. He said that the plan still has to go to the Planning Board, and they'd like to get the project started sometime next year. He said that they'll be working with the City for the opening, they need one trench for the utilities, and they're aware of the moratorium on West Hollis Street. He said that West Hollis Street is a major roadway in the City, and they are allowed access to it. He said that all drive aisles in the City are twenty feet, as this one would be, and with five homes proposed, it is very minimal. He said that the existing home on the lot will remain, there are no plans to raze it.

**SPEAKING IN OPPOSITION OR WITH QUESTIONS OR CONCERNS - REBUTTAL:**

Mr. Whitcomb said that one of their main concerns is the frontage of the driveway coming out onto West Hollis Street, as sometimes cars go by at 50 mph. He said that there are quite a few accidents by the store, it's a high traffic area, and a safety concern. He said that perhaps they could widen the entrance so that two cars could go out, but not the driveway.

Mrs. MacKay asked how the Board overrides the statement by the Fire Marshal.

Mr. Currier said that his take on that is that the driveway is not wide enough for a fire truck, and the applicant testified that it is wide enough. He said that his sense is that if they agree that the driveway isn't wide enough, he said that he doesn't think that it shoots the plan down. He said he doesn't want to hand the Planning Board a plan that they can't work with. He said he's willing to go along with Mr. Maynard's testimony that it will work. He said he could look at it as a detail that can be hashed out later.

Mr. Shaw agreed, he said it will get resolved. He said that he's generally favorable to the plan, he said it's nice that extra density was tempered by the abutters, and a lot of the considerations have been addressed. He said he appreciated Mr. Maynard's discussion that a public road with a cul-de-sac would take up a lot of land. He said that it's a reasonable proposal. He said he can't say that he really likes the private drive with the T-turnaround, but it'll go to the Planning Board and will get resolved.

Ms. Vitale said as far as the shared driveway goes, she said it's not her most favorite way to see things, but with the proposed use of the property, it's a reasonable use, and meets the spirit and intent.

Mr. Currier said that Mr. Shaw captured his feelings about it. He said that West Hollis Street is a very overburdened street, but didn't think that the Board is in position to say that they can't develop the property.

**MOTION** by Mr. Currier to approve the variance application as advertised on behalf of the owner as advertised. Mr. Currier said that as variance is needed to enable the applicant's proposed use of the property, given the special conditions of the property, the lot is long and thin, with road frontage, and the traditional method of development you could say that you'd have a public road leading down one side of the property, the Board finds that the build-out would probably be the same as what it is now. He said that what is being offered before the Board tonight is a private driveway that the City won't have to deal with after its developed, with a total of five houses.

Mr. Currier said that the request is within the spirit and intent of the ordinance, given that it's a busy street, but it is a large lot, and the 12,400 square foot lots is a reasonable consideration.

Mr. Currier said that it will have no negative impact on surrounding properties, and that substantial justice is served to the landowner to allow the five units total.

**SECONDED** by Mrs. MacKay.

**MOTION CARRIED UNANIMOUSLY 5-0.**

**MISCELLANEOUS:**

**REGIONAL IMPACT:**

The Board did not see any cases of Regional Impact.

**REHEARING REQUESTS:**

None.

**MINUTES:**

8-23-16:

**MOTION** by Mr. Currier to approve the Minutes as presented, waive the reading, and place the Minutes in the permanent file.

**SECONDED** by Mrs. MacKay.

**MOTION CARRIED UNANIMOUSLY 5-0.**

**ADJOURNMENT:**

Mr. Currier called the meeting closed at 11:30 p.m.

Submitted by: Mr. Boucher, Clerk.

CF - Taped Hearing