

1. Zoning Board Of Adjustment Regular Meeting Agenda(PDF)

Documents:

[20200310 ZBA AGENDA.PDF](#)

2. 20200310 ZBA Case Packets

Documents:

[20200310 16 HIDEAWAY RD.PDF](#)

3. 20200310 ZBA Decision Sheets

Documents:

[20200310 ZBA DECISIONS.PDF](#)



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

Planning & Zoning 589-3090  
Fax 589-3119  
WEB [www.nashuanh.gov](http://www.nashuanh.gov)

February 25, 2020

The following is to be published on ROP February 29, 2020, 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, March 10, 2020, at 6:30 PM at the Nashua City Hall Auditorium, 3<sup>rd</sup> floor, 229 Main Street, Nashua, NH.

1. Debra Milne Revocable Trust (Owner) 16 Hideaway Road (Sheet G Lot 147) requesting variance from Land Use Code Section 190-16, Table 16-3, to encroach 5 feet into the 20 foot required front yard setback (on Robin Lane) - to remove an existing one-car garage and construct an attached 24'x28' two-car garage. R18 Zone, Ward 2.

OTHER BUSINESS:

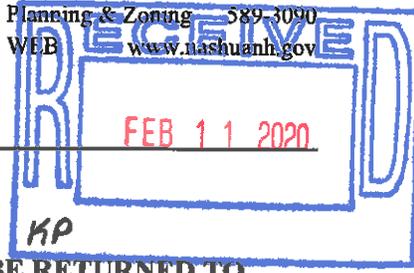
1. Review of Motion for Rehearing:
2. Review of upcoming agenda to determine proposals of regional impact.
3. Approval of Minutes for previous hearings/meetings.

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



**City of Nashua**  
**Planning Department**  
 229 Main Street  
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**VARIANCE APPLICATION (ZBA)**

**PLEASE NOTE: INCOMPLETE OR ILLEGIBLE APPLICATIONS WILL BE RETURNED TO APPLICANT.**

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.

**I. VARIANCE INFORMATION**

1. ADDRESS OF REQUEST 16 Hideaway Road Nashua N.H  
 Zoning District H-18 Sheet G Lot 147

2. VARIANCE(S) REQUESTED:

To encroach five (5) feet into the required twenty (20) foot setback to expand an existing one car garage to hold two cars.

**II. GENERAL INFORMATION**

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

(Print Name): Debra Milne  
 Applicant's signature Debra Milne Date 2/11/20  
 Applicant's address 16 Hideaway Road Nashua N.H.  
 Telephone number H: - C: 603-759-8625 E-mail: dmilne079@gmail.com

2. **PROPERTY OWNER (Print Name):** Debra Milne

\*Owner's signature Debra Milne Date 2/11/20  
 Owner's address 16 Hideaway Road, Nashua N.H.  
 Telephone number H: ~ C: 603-759-8625 E-mail: dmilne079@gmail.com

\*Agents and/or option holders must supply written authorization to submit on behalf of owner(s).

<b>OFFICE USE ONLY</b>	Date Received <u>2/11/20</u>	Date of hearing <u>3/10/20</u>	Application checked for completeness: <u>if</u>
PLR# <u>2020-00017</u>	Board Action _____		
\$ <u>30</u> application fee <input checked="" type="checkbox"/>	Date Paid _____	Receipt # _____	
\$ <u>15</u> signage fee <input checked="" type="checkbox"/>	Date Paid _____	Receipt # _____	
\$ _____ certified mailing fee <input type="checkbox"/>	Date Paid _____	Receipt # _____	
Land Use Code Section(s) Requesting Variances From: <u>190-16, table 16-3</u>			

**III. 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. See "Procedures for Filing a Variance" for further information.

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

see attached

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

see attached

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

see attached

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

see attached

1. The city of Nashua rezoned the property from R9 to R18. This zoning restriction as applied to our property interferes with our use of the land considering the unique setting of the property in its environment.
2. This variance is requesting only 5 feet of the total setback to expand the garage. Robin Lane is a dead-end street and only two houses use the street for access.

The garage will not encroach on the city right of way, sight lines or any utilities (water, sewer, etc.) of the neighbors. As such, it will not impact the health, safety or welfare of the public.

3. The owner has resided at 16 Hideaway Road for 40 years. As senior citizens who wish to age in place, having a garage that houses two cars will make it physically easier for us during New England winters.

As a couple, we have merged two households resulting the need for a heated space to accommodate storage, a workbench, tools for home maintenance and most importantly another car.

4. The existing one car garage was added to the house by a previous owner and is not consistent with the other homes in the area. The expanded garage will change the structure from a salt box look to a traditional cape design in keeping with the local esthetic. The design concept of the modified garage will enhance the cape cod structure, the sightline and value of the home and neighborhood.

5. The house is on a corner lot and at the corner of two dead end streets. Due to a small lot size there isn't anywhere else on the property to place a two car garage except to modify the existing one car garage. Expanding the current front opening of the garage would require cutting down a 100 plus year old oak tree. Either way we would still require a variance.

We are zoned R18. We do not have the land to build a two car garage anywhere else. The land requirement has doubled leaving us no option but to expand the existing garage. Because we were upgraded from an R9 lot, we cannot meet the restriction in a fair and reasonable way.

- 5. **Special conditions exist such that literal enforcement of the ordinance results in unnecessary hardship, because:** (The applicant must establish that because, because of the special conditions of the property in question, the restriction applied to the property by the ordinance does not serve the purpose of the restriction in a "fair and reasonable" way. Also, you must establish that the special conditions of the property cause the proposed use to be reasonable. The use must not alter the essential character of the neighborhood. Alternatively, you can establish that, because of the special conditions of the property, there is no reasonable use that can be made of the property that would be permitted under the ordinance. If there is any reasonable use (including an existing use) that is permitted under the ordinance, this alternative is not available.

see attached

**IV. 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.*

Debra Milne  
Signature of Applicant

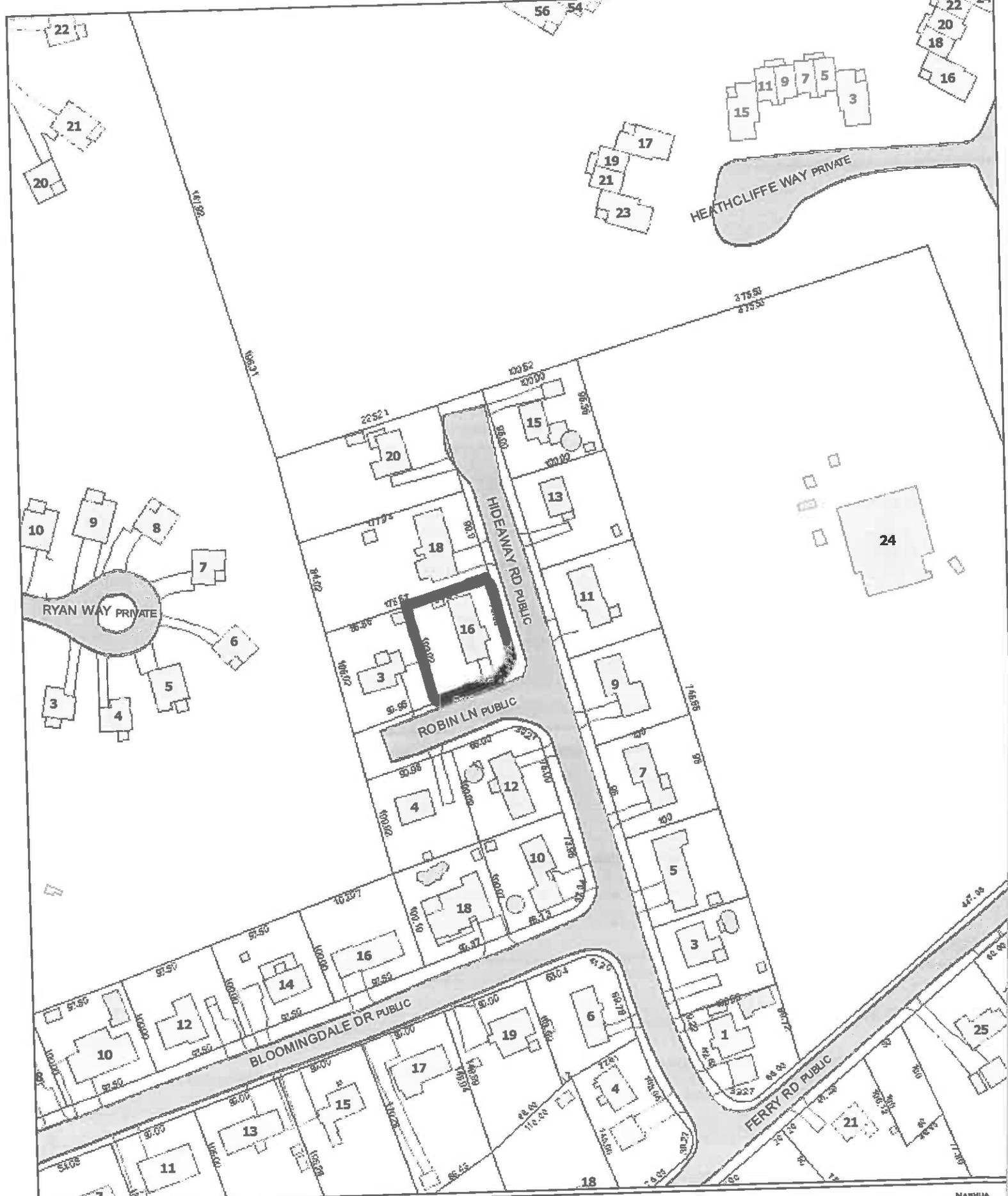
2/11/20  
Date

Debra Milne  
Print Name

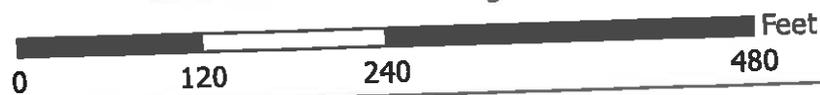
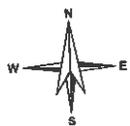
2/11/20  
Date

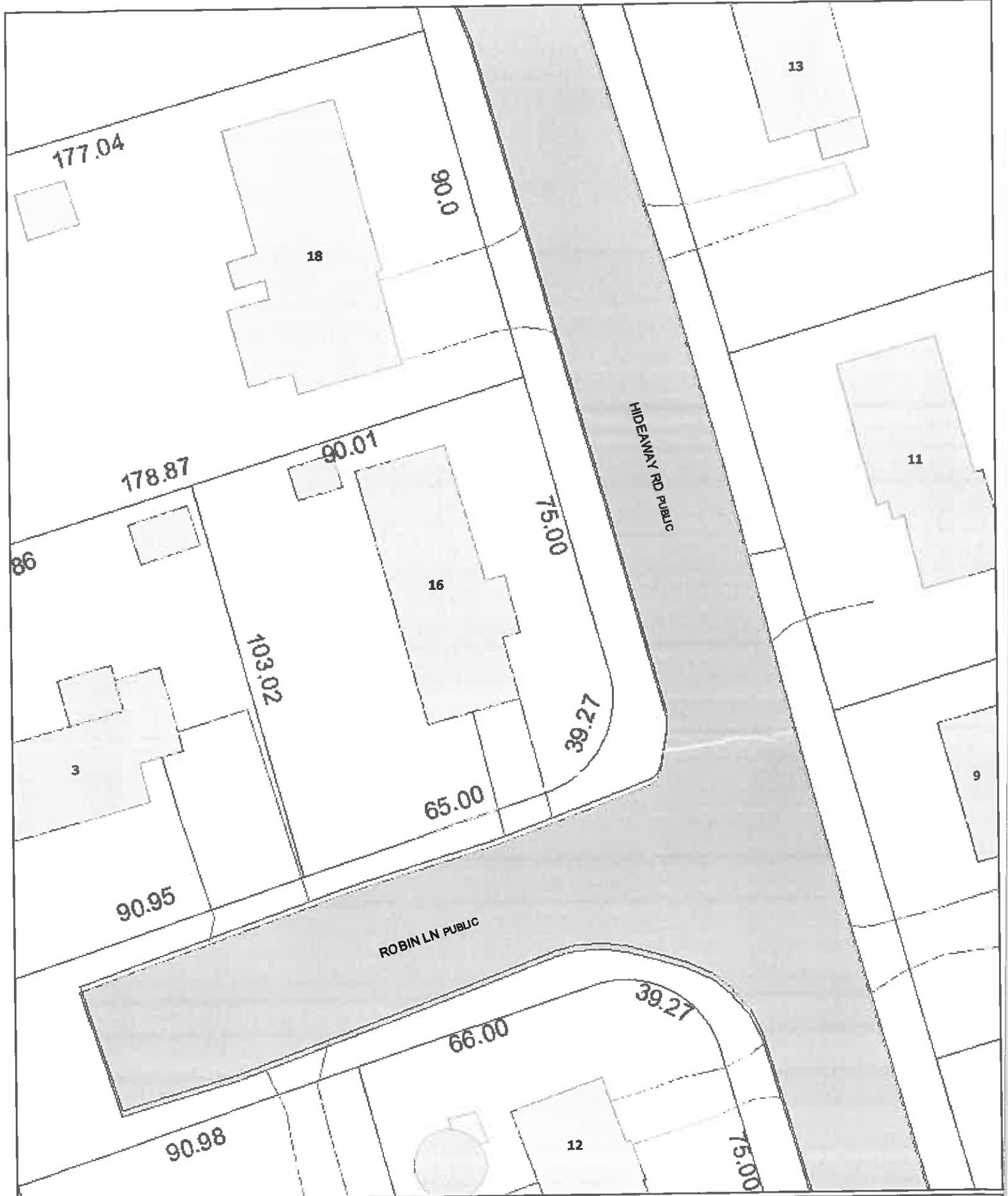
The staff report for a Use Variance request will be available no later than Friday of the week before the ZBA meeting. If you would like a copy, please indicate below:

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

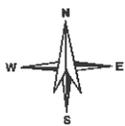


# 16 Hideaway Road

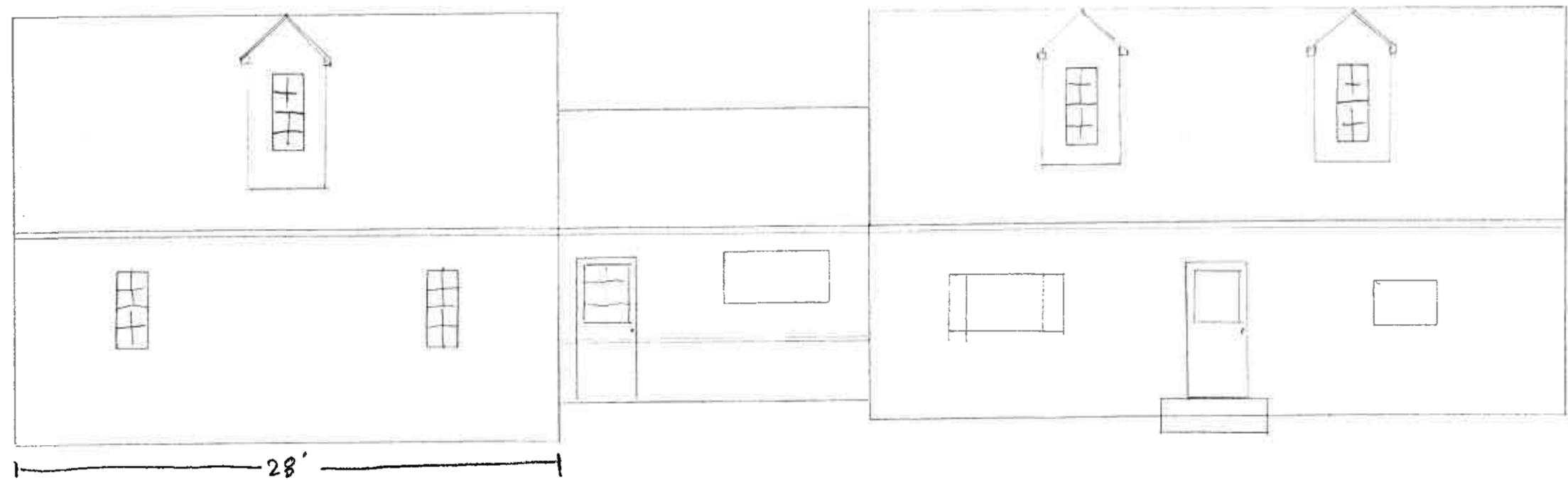




# 16 Hideaway Road



Milve/Bonnacolta  
16 Hillaway Rd.  
1/4" = 1"

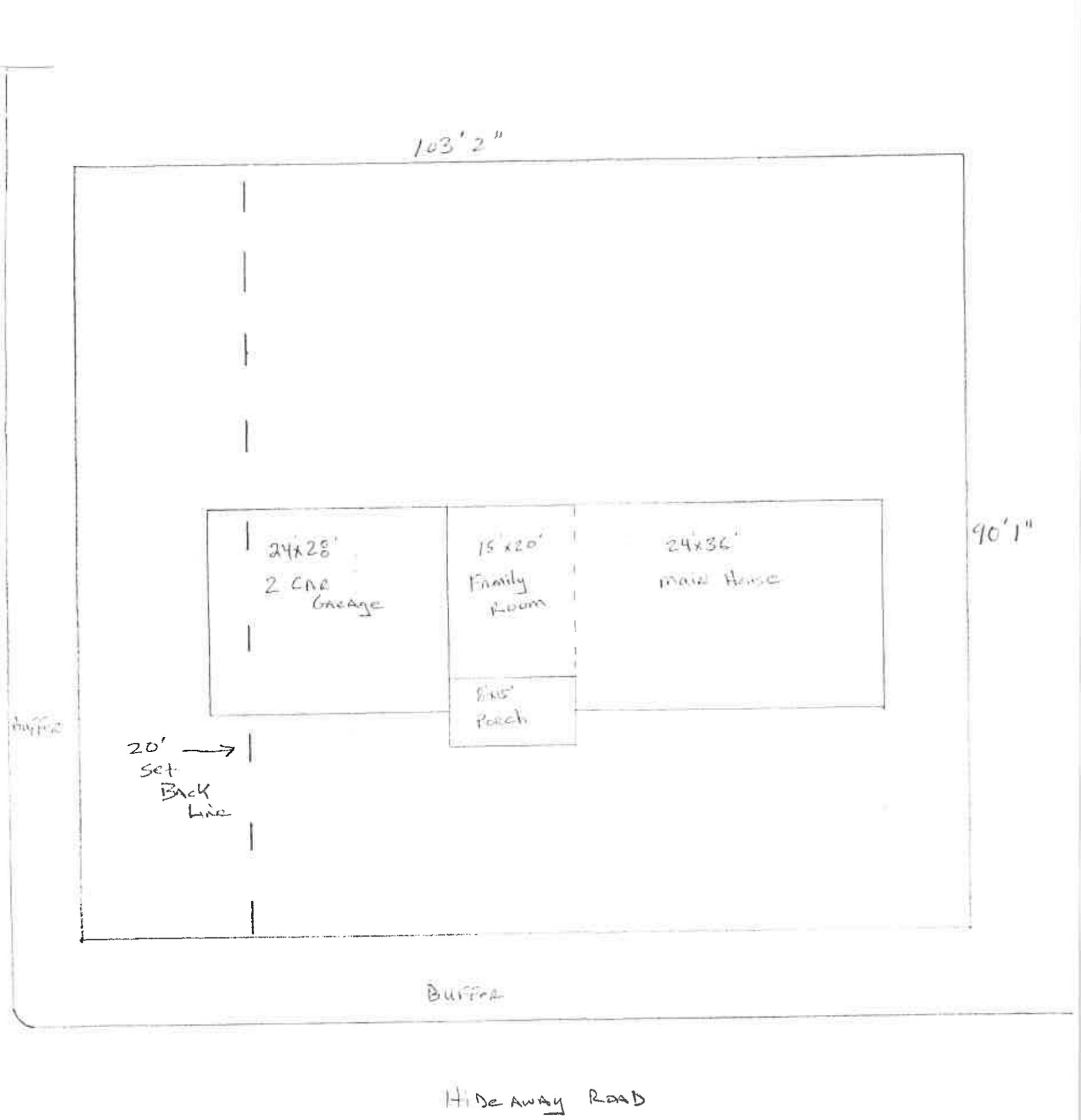


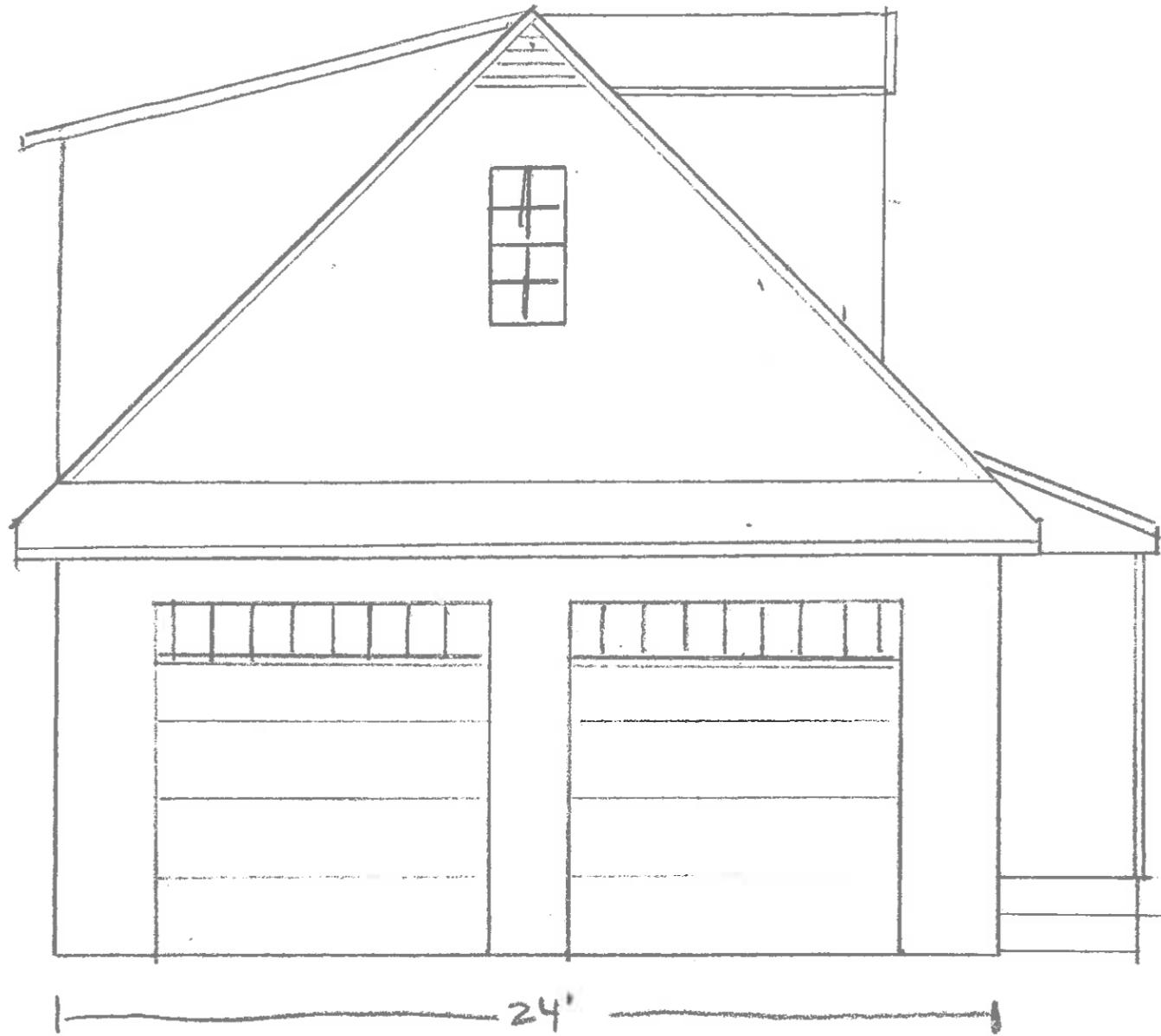
↑  
Set  
Back Line

Front elevation  
Hillaway Road

Milne/Bonaccotra  
16 Hideaway Rd.  
1/8" = 1'

Robin  
LANE





GARAGE SIDE ELEVATION  
ROBIN LANE

1/4" = 1ft



*"An example of our New England winters!"*



*"Abutter - 3 Robin Ln"*



*"Abatten - Robin Ln"*



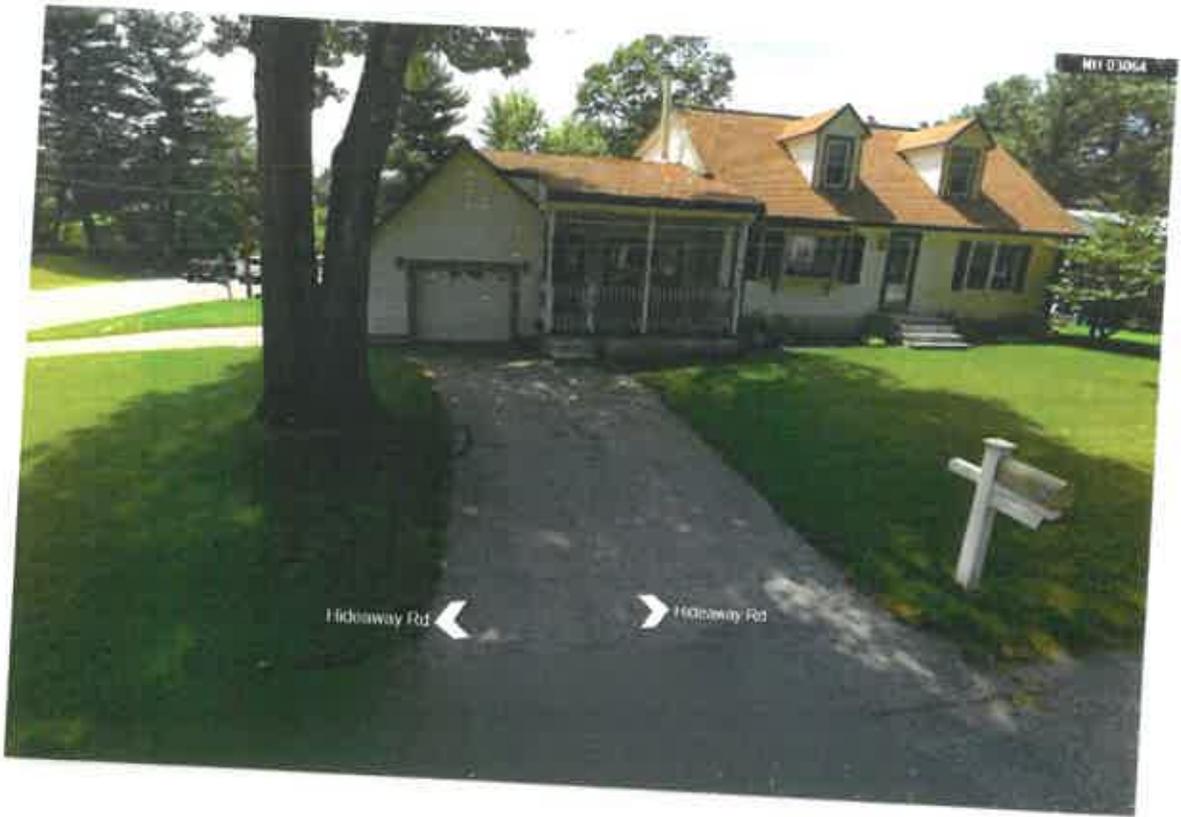
*"Abatten - 11+13 Hideaway Rd"*



*"Hideaway Road - Dead end"*

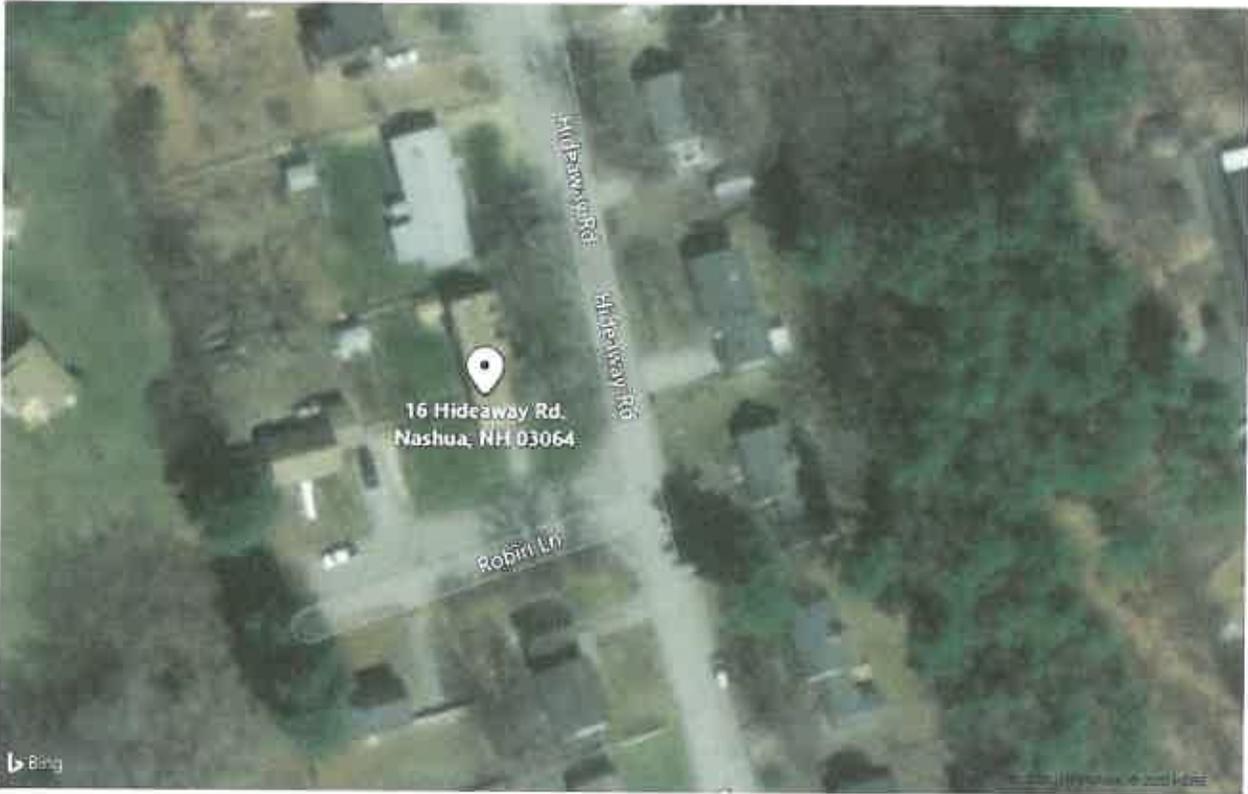
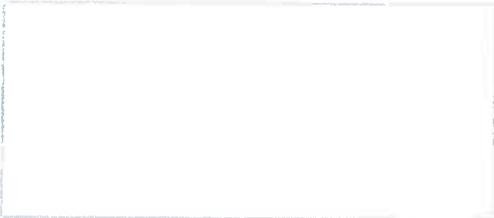


*"Alvethers - 9411 Hideaway Road"*



*"Side view of one car garage"*

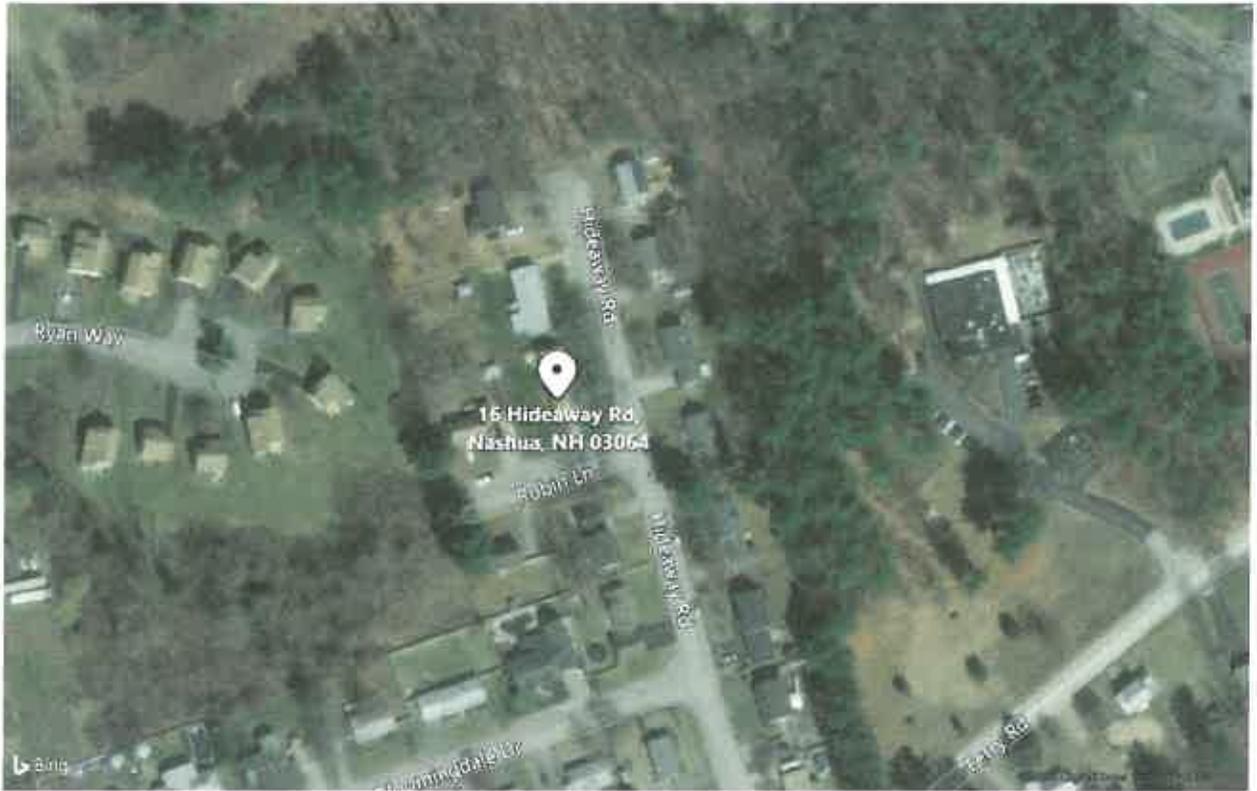
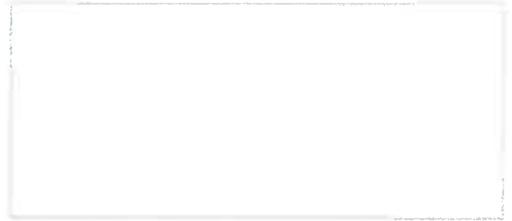
16 Hideaway Rd, Nashua, NH 03064



bing maps

**16 Hideaway Rd, Nashua, NH 03064**

**Location:** 42.78108, -71.489684



February 9, 2020

City of Nashua

Planning Department

229 Main Street

Nashua, New Hampshire 03061-2019

To the members of the Zoning Board,

As an abutting neighbor of 16 Hideaway Road, I support the variance for the expansion of the garage

Requested by the owner, Debra Milne.



Julie Blackwell

9 Hideaway Road

Nashua, NH 03064

February 9, 2020

City of Nashua

Planning Department

229 Main Street

Nashua, New Hampshire 03061-2019

To the members of the Zoning Board,

As an abutting neighbor of 16 Hideaway Road, I support the variance for the expansion of the garage  
Requested by the owner, Debra Milne.



John Woelflein

11 Hideaway Road

Nashua, NH 03064

February 9, 2020

City of Nashua

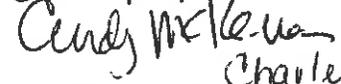
Planning Department

229 Main Street

Nashua, New Hampshire 03061-2019

To the members of the Zoning Board,

As an abutting neighbor of 16 Hideaway Road, I support the variance for the expansion of the garage  
Requested by the owner, Debra Milne.

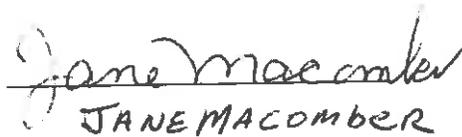
  
  
Charles & Cynthia McKenna  
12 Hideaway Road  
Nashua, NH 03064

February 9, 2020

City of Nashua  
Planning Department  
229 Main Street  
Nashua, New Hampshire 03061-2019

To the members of the Zoning Board,

As an abutting neighbor of 16 Hideaway Road, I support the  
variance for the expansion of the garage  
Requested by the owner, Debra Milne.

  
JANEMACOMBER

13 Hideaway Road  
Nashua, NH 03064

February 9, 2020

City of Nashua

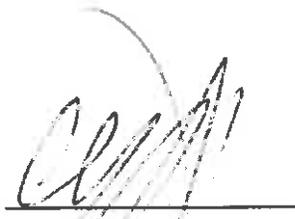
Planning Department

229 Main Street

Nashua, New Hampshire 03061-2019

To the members of the Zoning Board,

As an abutting neighbor of 16 Hideaway Road, I support the variance for the expansion of the garage  
Requested by the owner, Debra Milne.

A handwritten signature in black ink, appearing to read 'Carl Bonenfant', written over a horizontal line.

Carl Bonenfant  
3 Robin Lane

Nashua, NH 03064

February 9, 2020

City of Nashua

Planning Department

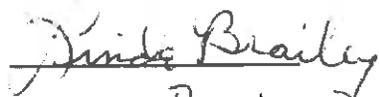
229 Main Street

Nashua, New Hampshire 03061-2019

To the members of the Zoning Board,

As an abutting neighbor of 16 Hideaway Road, I support the variance for the expansion of the garage

Requested by the owner, Debra Milne.

  
Linda Brailey

4 Robin Lane

Nashua, NH 03064

ZBA MEETING ATTENDANCE

MEETING OF: March 10, 2020

Robert Shaw	<u>present</u>	Jay Minkarah	<u>Not-present</u>
Jack Currier	<u>present</u>	Steve Lionel	<u>present</u>
J.P. Boucher	<u>present</u>	Efstathia Booras	<u>Not-present</u>
Mariellen MacKay	<u>Not-present</u>	Nick Kanakis	<u>present</u>

\*\*\*\*\*

APPROVAL OF MINUTES

Minutes of Feb 25, 2020

MOTION BY: Shaw SECONDED BY: Kanakis

Corrections: unanimous

Discussion: Carter to add /clarify the closing of the Public Meeting and opening of the Public Meeting

APPROVED DENIED TABLED

\*\*\*\*\*

Minutes of N/A

MOTION BY: SECONDED BY:

Corrections:

APPROVED DENIED TABLED

\*\*\*\*\*

STAFF ATTENDANCE

Carter Falk present Marcia Wilkins Not present

\*\*\*\*\*

REGIONAL IMPACT

Yes \_\_\_\_\_

No NO Unanimous

**ZONING BOARD OF ADJUSTMENT**

MEETING OF: 3/10/2020

PAGE 1 of 1

ADDRESS OF ZBA REQUEST: 16 Hideaway Rd

CLERK OF ZBA: CARRIER

APPLICANT: \_\_\_\_\_

OWNER: Milne, Delma Revocable Trust

VOTING: SHAW, KANAKIS, BOUCHER CARRIER, LIONEL

VARIANCE: REQUEST #1	MOTION	1 <sup>ST</sup>	2 <sup>ND</sup>	IN FAVOR	OPPOSED	WHO OPPOSED:
	<u>Grant</u>	<u>Shaw</u>	<u>Kanakis</u>	<u>UNANIMOUS</u>		

Reason for granting/denial: The 5 criteria are met by the application -  
The Board finds that the corner lot with 2 front yard setbacks,  
and the existing location of the garage results in this proposed location

VARIANCE: REQUEST #2	MOTION	1 <sup>ST</sup>	2 <sup>ND</sup>	IN FAVOR	OPPOSED	WHO OPPOSED:

Reason for granting/denial: being re of the expansion to be within the  
spirit and intent of the ordinance,

USE VARIANCE: EXCEPTION #1	MOTION	1 <sup>ST</sup>	2 <sup>ND</sup>	IN FAVOR	OPPOSED	WHO OPPOSED:

Reason for granting/denial: \_\_\_\_\_

SPECIAL EXCEPTION REQUEST #1	MOTION	1 <sup>ST</sup>	2 <sup>ND</sup>	IN FAVOR	OPPOSED	WHO OPPOSED:

Reason for granting/denial: \_\_\_\_\_

SPECIAL EXCEPTION REQUEST #2	MOTION	1 <sup>ST</sup>	2 <sup>ND</sup>	IN FAVOR	OPPOSED	WHO OPPOSED:

Reason for granting/denial: \_\_\_\_\_

PETITION FOR REHEARING/APPEAL FO ZONING ADMIN	MOTION	1 <sup>ST</sup>	2 <sup>ND</sup>	IN FAVOR	OPPOSED	WHO OPPOSED:

Reason for granting/denial: \_\_\_\_\_