

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

Documents:

[20200922 ZBA AGENDA - AMENDED.PDF](#)

2. 20200922 ZBA Case Packets

Documents:

[20200922 4 BATES DR.PDF](#)
[20200922 37 LAWNSDALE AVE.PDF](#)
[20200922 17 OLD COACH RD.PDF](#)
[20200922 35 HOUDE ST.PDF](#)
[20200922 26 WASON AVE.PDF](#)
[20200922 4 KENMARE RD.PDF](#)
[20200922 83 DUBLIN AVE.PDF](#)

3. 20200922 ZBA Decision Sheets

Documents:

[20200922 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

ZONING BOARD OF ADJUSTMENT

6:30PM, September 22, 2020

AMENDED AGENDA

The Zoning Board of Adjustment will meet on Tuesday, September 22, 2020, at 6:30 PM via **Zoom**. Real-time public comment can be addressed to the Board utilizing Zoom virtual meeting software for remote access. This will allow users to view the meeting and ask questions to the Board via the chat function. The public is also encouraged to submit their comments via email (planningdepartment@nashuanh.gov) to the Department email or by mail (please make sure to include your name/address and comments) before 5:00 p.m. on September 22, 2020 and read into the record at the appropriate time. Letters should be addressed to City of Nashua, Planning Department, P.O. Box 2019, Nashua, NH 03061. Plans can be viewed online starting September 17, 2020, at www.nashuanh.gov in the Calendar or Agendas and Minutes.

To access Zoom:

<https://us02web.zoom.us/j/82869444775?pwd=a3hMTlhMbG9UckRkZzQybCtNNmdIZz09>

Meeting ID: **828 6944 4775**

Passcode: **498517**

To join by phone: 1 (929) 436-2866

If you are not able to connect to **Zoom**, please contact the Planning Department at (603) 589-3056.

1. Jeanette Dupont (Owner) Catherine E. Laliberte (Applicant) 4 Bates Drive (Sheet 48 Lot 216) requesting variance from Land Use Code Section 190-192 (C) to exceed maximum driveway width, 24 feet permitted, 32 feet existing - 32 feet requested, to replace existing driveway. RA Zone, Ward 3.
[TABLED FROM THE SEPTEMBER 9, 2020 MEETING]
2. Russell A. Prevost (Owner) 37 Lawndale Avenue (Sheet 124 Lot 163) requesting variance from Land Use Code Section 190-16, Table 16-3 to encroach 9'-6" into the 25 foot required front

yard setback to construct an attached 15'x20' garage. RA Zone, Ward 6.

3. Matthews Family Irr RE Tr, Nathaniel C. Matthews, Trustee (Owner) Joshua Matthews (Applicant) 17 Old Coach Road (Sheet C Lot 990) requesting special exception from Land Use Code Section 190-15, Table 15-1 (#3) to allow an accessory dwelling unit (in-law) in finished basement. R9 Zone, Ward 5.
4. Mark E. Lesieur (Owner) 26 Watson Street (Sheet 58 Lot 39) requesting variance from Land Use Code Section 190-192 (C) to exceed maximum driveway width, 24 feet permitted, 24 feet existing - an extra 4 feet proposed on right side for a 28 foot wide curbcut, and an extra 6 foot triangular turnaround area not used for parking on left side proposed for a total width of 34 feet. RA Zone, Ward 2.
5. Richard W. & Melissa Zibell (Owners) 4 Kenmare Road (Sheet B Lot 688) requesting variance from Land Use Code Section 190-31 to encroach 4 feet into the 6 foot required right side yard setback to construct a 10'x12' shed. R9 Zone, Ward 8.
6. Alberto Hernandez-Gutierrez (Owner) 35 Houde Street (Sheet 87 Lot 296) requesting variance from Land Use Code Section 190-192 (C) to exceed maximum driveway width, 24 feet permitted, 24 feet existing - 30 feet requested. RB Zone, Ward 4.
7. Kyle S. & Brittney M. Cavagnaro (Owners) 83 Dublin Avenue (Sheet 53B Lot 4) requesting variance from Land Use Code Section 190-44 to exceed maximum fence height, 6 feet permitted, 8 feet requested within wooded area in rear of the house. R9 Zone, Ward 1.

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
 Nashua, New Hampshire 03061-2019

Planning & Zoning 589-3090
 WEB www.nashuanh.gov

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 4 Bates Drive

Zoning District RA Sheet 48 Lot 216

2. VARIANCE(S) REQUESTED:

allow paving of my 32' driveway where 24' allowed

II. GENERAL INFORMATION

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

(Print Name): Catherine E Laliberte

Applicant's signature Catherine E Laliberte Date 8-11-20

Applicant's address 4 Bates Drive, Nashua, NH 03064-1701

Telephone number H: 880-3856 C: E-mail: claliberte@comcast.net

2. **PROPERTY OWNER** (Print Name): willed to me by my father - currently in probate

*Owner's signature Date

Owner's address

Telephone number H: C: E-mail:

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

9/9/2020

OFFICE USE ONLY Date Received 8/14 Date of hearing 9/16/20 Application checked for completeness: ep

PLR# A20-0112 Board Action

\$ 330 application fee Date Paid Receipt #

\$ 15 signage fee Date Paid Receipt #

\$ certified mailing fee Date Paid Receipt #

Land Use Code Section(s) Requesting Variances From: 190-19j (c)

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.")

My driveway was originally paved to its current 32' width over 30 years ago. Repaving to its 32' width will keep it at its current dimensions. It allows increased parking in my driveway and keeps cars off the street.

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.")

Each year I am able to complete one home improvement project. I have to prioritize and this year replacing the dry, cracked, sinking driveway rose to the top of the list. A new, improved driveway makes the neighborhood look better and my home well kept.

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.)

I have double gates leading into my back yard. My wider driveway allows access for the landscaper to mow the back yard without obstacles. The wider driveway makes a smooth transition through the double gates to the back yard.

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.)

My new driveway is now more in line with my neighbors' driveways. They have been resurfaced more recently and are in better shape than mine was. There is more uniformity with my neighbors' driveways. It improves the appearance of our homes as soon as you turn the corner.

- 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 32' width of the driveway allows room for the snow when it is plowed to be pushed toward my fence without digging up the lawn. When snow is plowed to the extra room in the driveway it allows ready access into and out of my garage.

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.

Signature of Applicant _____

Date _____

Print Name _____

Date _____

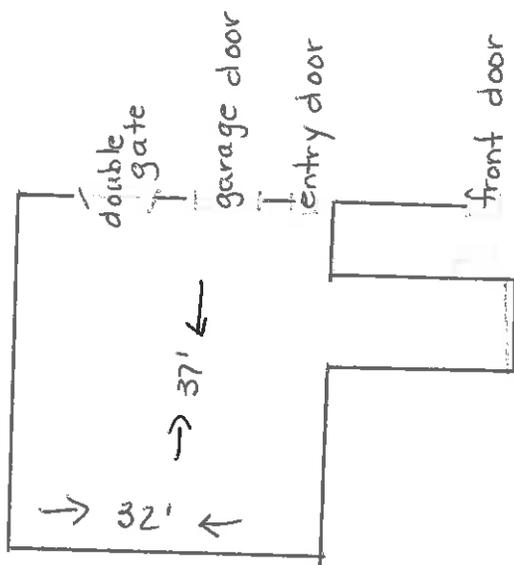
The staff report for a Use Variance request will be available no later than Friday of the week before the ZBA meeting. If you would like a copy, please indicate below:

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



4 Bates Drive





Falk, Carter

From: Jennings, Mark
Sent: Monday, June 15, 2020 4:07 PM
To: Catherine Laliberte
Cc: Falk, Carter
Subject: RE: Variance request
Attachments: Variance Application.pdf; Variance Procedures.pdf

Hi Catherine,
Here are the variance application.
Mark Jennings

-----Original Message-----

From: Catherine Laliberte [<mailto:claliberte@comcast.net>]
Sent: Monday, June 15, 2020 12:04 PM
To: Jennings, Mark
Subject: Variance request

CAUTION: This email came from outside of the organization. Do not click links/open attachments if source is unknown.

Mark,

I would like to apply for a variance to have my existing 33' driveway repaved to its same current configuration. Please send me the required form.

Thank you.

Catherine Laliberte
4 Bates Drive
603-880-3856
603-875-5276
claliberte@comcast.net

Sent from my iPad

Falk, Carter

From: Jennings, Mark
Sent: Tuesday, June 16, 2020 4:50 PM
To: Falk, Carter
Subject: FW: driveway repaving

Hi Carter,
I got back from the woman after I sent her the variance application.
Mark

From: CATHERIN LALIBERTE [<mailto:claliberte@comcast.net>]
Sent: Tuesday, June 16, 2020 4:34 PM
To: Klee, Patricia; Jennings, Mark; EngROWPermits
Subject: driveway repaving

CAUTION: This email came from outside of the organization. Do not click links/open attachments if source is unknown.

Good afternoon,

Monday morning, as I was waiting for American Asphalt Paving to arrive to repave my driveway, Mr. Jennings stopped by to inform me American Asphalt had requested a permit the previous Friday evening, after business hours, and he was not able to grant the request. My dealings with American aside, he also told me I would have to apply for a variance for my 32' driveway to be repaved as it exceeds city regulations of driveways being no more than 24' wide.

You can imagine my shock at this turn of events. Not only was I not getting my new driveway, but now I am being told I must spend hundreds of dollars applying for a variance to repave a driveway I have had for over 30 years to its current dimensions. Think of all the adjectives you can, stunned, speechless, etc., and they all describe my emotions at the time.

I am very upset by this. Would it be possible for my driveway to be grandfathered and American be allowed to repave it to its current dimensions? Mr. Jennings was kind enough to send me the application, but I have been thinking about this all day and getting even more upset as the day has gone on. If the city has determined new driveways cannot exceed a width of 24', I learned something through this experience. I believe, however, that I should be allowed to repair and repave my existing driveway to its current width without a variance. It will improve the aesthetics of the neighborhood and the value of my home. The gentleman who came to do the outside reassessment of my home never said my driveway is too wide. I have been waiting several years for this project to reach the top of my to-do list, and now that it is within reach I am being blocked from completing it.

Any help, direction, and/or advice you can offer would be very much appreciated. My anxiety about this situation has nowhere to go but down whenever I can see a clear path toward a resolution. And a new driveway!

Thank you very much for your time, interest, and concern.



City of Nashua

Engineering Department
9 Riverside Street
Nashua NH, 03060
Tel: (603) 589-3120
Fax: (603) 589-3169

EngROWPermits@NashuaNH.gov

Driveway Permit Application

Minimum of Three (3) Days Requires for Approval,
Insurance Certificate must be submitted with application.
No fee for this permit.

20-335

Date: 6.12.20
 Company: _____
 Contact Name: PAT
 Phone: 603.232.0458
 Address: 28 ZEPHORA DR
 City: HOOKSETT State: N.H. Zip: 03106
 Email: AA.Powe@gmail.com
 24 Hr Emergency phone: 603716320

Insurance Certificate #: Hanes insurance
 Expiration Date: _____
 Insurance Agency: _____

City Use Only

Start Date: 6.15.20
 Expiration Date: _____
 Working Hours: 7:30 AM
 Additional Stipulations: _____

Location of driveway: 4 Bates Dr
Nashua
 Schedule Start Date: _____
 Appx. End Date: _____
 Give a brief description of any alteration to City ROW

 Give a brief description of any alteration on private property:

 Purpose of Work:
 New Driveway (With Approved Plans)
 Existing Driveway: Overlay Only
 Existing Driveway: Remove and Regrade Driveway
 Existing Driveway with alterations to City ROW
 Other replace old driveway
 Proposed width of driveway at ROW _____
 (Max 24' Width)

Inspector: Bob Meunier
 Inspector's Phone: 966-7537
 Received Call: Yes No
 Date of Inspection: _____
 Condition Previous to Inspection: _____

 Condition After Inspection: _____

 Close Date: _____
 Comments: _____

MUST CALL INSPECTOR 48 HOURS PRIOR TO PERFORMING WORK, INCOMPLETE APPLICATION WILL BE RETURNED

By signing this application, the Applicant acknowledges that he/she has read and hereby agrees to comply with City of Nashua's Code Ordinance 285: Streets and Sidewalks Article II: Construction and Repair Section 285-13 Ordinance # 0-03-219 and to any other ordinances, special conditions, restrictions, and regulations that may be imposed by the Engineering Department.

Applicant's Signature: _____ Date: 6.12.20

Approved By: Mark Jennings Date: 6-12-2020

Permit is not valid without approved signature, and a City-assigned permit number.

Driveway Permit Rules and Regulations

1. The Engineering Department may revoke the permit at anytime.
2. The Engineering Department may include additional conditions and requirements to this permit.
3. **Curbing**
If curb is removed from public right-of-way, it shall be stockpiled at the Four Hills Landfill during regular operating hours.
If driveway is widened, the curb shall be removed and reset to properly account for driveway tip downs.
4. To obtain this permit, it is the applicant's responsibility to notify the City of Nashua's Engineering Department.
5. **Applicant must furnish evidence of general liability insurance in the amount of \$1mil/\$2mil aggregate naming City of Nashua as additionally insured and Certificate Holder before permit is issued.**
6. Construction shall not be permitted on any street paved within the past five years.
7. Prior approval from the Division of Public Works will be mandatory when closing a lane on any street or setting up a road closure anywhere in the City. A minimum of 48 Hours notice will be needed for lane closures. Road closures will be required at least one week notice and local residents must be notified in advance.
8. The contractor shall notify the Engineering Department or Inspector 48 hours prior to performing any work in the City Right-of-way.
9. Approval of this application allows only the specified location described in the application. Any changes will require the review and approval of the Engineering Department before the construction.
10. Driveway permit is not valid without authorized diagram, signature and a City-assigned permit number.
11. The driveway shall be built in accordance with current City of Nashua Construction Standards, and all applicable Nashua Ordinances.
12. An analysis of driveway distance sight shall be required at City Engineer's discretion. The analysis shall be set forth in the NH Department of Transportation (NHDOT) Rules for the permitting of drives and entrances to Highway and the AASHTO Policy for the Geometric Design of Highways and Streets. A minimum sight distance of 200 shall be provided for all driveways. No driveways are permitted to be within 50 ft of an intersection.
13. A detailed and dimensioned scale drawing depicting the work shall be attached to this permit in the space provided below. The sketch shall include the distance along the right of way, frontage of all property lines, to all adjacent driveways, and to any street intersections. It shall also include the driveway width (**24 ft max width at ROW for residential driveways**), and the grading as it relates to the City Street (2% minimum to 8% maximum slope)

Diagram for Permit Application

Show diagram of work to be done including location, dimensions details of driveway and name of nearby cross streets

Rip out old driveway
Gravel
Base
Top

Poirier, Kate

From: Poirier, Kate
Sent: Thursday, July 16, 2020 11:53 AM
To: Marchant, Sarah
Cc: Falk, Carter
Subject: RE: driveway repaving

Good Morning Sarah,

I do not recall speaking with anyone from 4 Bates Dr in recent memory.

Based on a brief aerial measurement, it looks like her driveway is about 32-ft at the property line, which is far greater than the 24-ft maximum. In the past we have interpreted repaving an oversized driveway as reaffirming that nonconforming state, especially since they would be tearing out the old driveway completely and starting fresh. That driveway is only grandfathered until changes are made to it (for example, ripping it up and putting down a new one). This is something that we have discussed with Mark Jennings at great length in the past.

Cases just like Ms. Laliberte's go before the Zoning Board fairly often. Recent examples that come to mind are:

460 Broad St (5/12/20)
39 Scott Ave (5/12/20)
20 Luke St (5/26; this one was denied)
9 Pinehurst Ave (5/26)
17 Orlando Ave (scheduled for 7/28)
1 Long Ave (scheduled for 7/28)
105 Hills Ferry Rd (scheduled for 7/28)

As I tell all of my applicants, the Zoning Board is an independent quasi-judicial board, and I cannot guarantee any specific ruling for their request. However, it is my priority to make the process run as smoothly as possible for everyone. If Ms. Laliberte would like to apply for a variance, she has plenty of time to meet the July 28th deadline in time for the August 25th meeting. I would be happy to help her take the next step.

Sincerely,
Kate

From: Marchant, Sarah
Sent: Thursday, July 16, 2020 11:24 AM
To: Falk, Carter; Poirier, Kate
Subject: FW: driveway repaving

Hi Carter and Kate,

Did either of you talk to this woman? I need some background before I call Ald. Klee back.

Thank you,

Sarah

Sarah Marchant, AICP
Community Development Division Director
603.589.3075

From: Klee, Patricia
Sent: Thursday, July 16, 2020 11:15 AM
To: Marchant, Sarah
Subject: FW: driveway repaving

Sarah this is the case that I left you a message about...

Ms Laliberte is trying to get her already existing driveway repaved. It is beyond the acceptable width however, from what I have gathered this has been in existence at it's current width for over 30 years. Ms Laliberty is happy to request whatever needs to be requested. I will admit that there is a little anxiety that someone will say no and then where does that leave her? When She contacted me I suggested that she contact your office to see exactly what needed to be done to formerly request a variance and after a couple of phone calls she contacted me back in tears that she was probably going to have to dig up her driveway. I have not gone to the property (4 Bates) but I have looked at it via GIS. It appears that the curb cut is not beyond the 24 feet however the paved area along the streets edge is definitely beyond the 24 feet. Is there any provision that would allow for a grandfathering in of this driveway? I left a voice message but now I have to run out for a quick trip to the grocery store and won't be back until after 1pm.

Trish
Patricia Klee
Ward 3 Alderman
H 603-883-1942
C 603-966-0979

From: CATHERIN LALIBERTE [claliberte@comcast.net]
Sent: Tuesday, June 16, 2020 4:33 PM
To: Klee, Patricia; Jennings, Mark; EngROWPermits
Subject: driveway repaving

CAUTION: This email came from outside of the organization. Do not click links/open attachments if source is unknown.

Good afternoon,

Monday morning, as I was waiting for American Asphalt Paving to arrive to repave my driveway, Mr. Jennings stopped by to inform me American Asphalt had requested a permit the previous Friday evening, after business hours, and he was not able to grant the request. My dealings with American aside, he also told me I would have to apply for a variance for my 32' driveway to be repaved as it exceeds city regulations of driveways being no more than 24' wide.

You can imagine my shock at this turn of events. Not only was I not getting my new driveway, but now I am being told I must spend hundreds of dollars applying for a variance to repave a driveway I have had for over 30 years to its current dimensions. Think of all the adjectives you can, stunned, speechless, etc., and they all describe my emotions at the time.

I am very upset by this. Would it be possible for my driveway to be grandfathered and American be allowed to repave it to its current dimensions? Mr. Jennings was kind enough to send me the application, but I have been thinking about this all day and getting even more upset as the day has gone on. If the city has determined new driveways cannot exceed a width of 24', I learned something through this experience. I believe, however, that I should be allowed to repair and repave my existing driveway to its current width without a variance. It will improve the aesthetics of the neighborhood and the value of my home. The gentleman who came to do the outside reassessment of my home never said my driveway is too wide. I have been waiting several years for this project to reach the top of my to-do list, and now that it is within reach I am being blocked from completing it.

Poirier, Kate

From: Klee, Patricia
Sent: Monday, August 03, 2020 10:37 AM
To: Poirier, Kate
Subject: Re: Variance Application

Categories: Applications

Truthfully what she did was wrong and I am not sure why she did it but I think it was a slight misunderstanding. I explained to her that I had a conversation with Director Marchant & that I learned that we DO NOT grandfather anyone in. I also told her that she had a reputable paving company because they went for a permit which I have learned is not always the case. She asked how was that possible and I said because the city doesn't have the time to drive around and look at every driveway but that neighbors turn in neighbors. She made a side comment that her neighbors would never have done that and I said well she was lucky. I think she misunderstood me in saying that is what she should do.

She knows that she needs to go through the full process and accept whatever happens.

Thank you.

Trish

Sent from my iPhone

> On Aug 3, 2020, at 8:44 AM, Poirier, Kate <PoirierK@nashuanh.gov> wrote:

>

> Good Morning,

>

> Please find attached a variance application. If she has any questions, she is more than welcome to reach out to me. I can't tell her what specifically to write on the form, but I can help her understand what the questions are asking for and provide examples of how they have been filled out in the past.

>

> In my experience the Board is not very sympathetic towards applicants who knew that they shouldn't, and did it anyways. That being said, the Board is independent and I can't predict their decisions. Like anyone who applies, I would do my best to see that the process ran as smoothly and painlessly as possible.

>

> Our next submission deadline is August 11th, for the September 8th meeting. I can be reached at 589-3056, or by email.

>

> Sincerely,

> Kate

>

>

> From: Klee, Patricia

> Sent: Friday, July 31, 2020 8:30 PM

> To: Poirier, Kate

> Subject: Variance Application

>

> Kate - I have a constituent who needs to fill out an application for a variance for a driveway in excess of 24'. She was told that she needed to get a permit and a variance before replacing her existing driveway. I spoke to Director Marchant asking if we (the city) does a grandfathering of existing driveways. She explained that we don't. I explained that to my constituent but somehow she misunderstood what I said and with the possibility of an increase in price she had it paved without the variance. Like I said, the bottom line is that she went ahead and got it paved.

>

> I have spoken to her and she now understands what she did was wrong and I have convinced her to do the right thing and request the variance even after the fact. She knows that she may be forced to tear it up but realizes that she needs to do the right thing.

>

> One of the reasons that she had abandoned the application is that she was quite confused by the whole thing. Sarah has suggested that my constituent could seek your help in filling out the application. Before I give her your name I wanted to make sure that you are the correct person. If so, what number should she call? Also could you send me the application that she needs to file.

>

>

> Trish

> Ward 3 Alderman Patricia Klee

> 603-883-1942

>

> Sent from my iPhone

> <Variance Application for Web.pdf>

Any help, direction, and/or advice you can offer would be very much appreciated. My anxiety about this situation has nowhere to go but down whenever I can see a clear path toward a resolution. And a new driveway!

Thank you very much for your time, interest, and concern.

Catherine Laliberte
4 Bates Drive
880-3856
875-5276

Falk, Carter

From: Jennings, Mark
Sent: Wednesday, August 05, 2020 5:03 PM
To: Byers, Lauren
Cc: Hudson, Daniel; Falk, Carter
Subject: FW: 4 Bates
Attachments: Variance Application.pdf; Variance Procedures.pdf; 20-335 - 4 Bates Rd.pdf

Hi Lauren,

I talked to Dan and asked me to send this to you, so you could send her a letter.

I went out to talk to her because the driveway was 33' wide and she said she would get a variance which I sent her. The next day she said she did not need a variance. Last week I went by the street and saw the driveway was paved and talked to the paver and said the homeowner got the permit thru the City of Nashua. Which she never did, the permit was filled out but never sent as far as I know, I would have to talk to Mary who is on vacation. The paver cannot produce a permit for me. We need to send a letter that she is in violation of the ordinance (190-192) for the width of her driveway. Because no variance was given to her.

mark jennings

-----Original Message-----

From: Jennings, Mark
Sent: Tuesday, August 04, 2020 3:32 PM
To: Falk, Carter
Cc: Hudson, Daniel; Gill, Amy
Subject: FW: 4 Bates

Hi Carter,

This woman went and had her driveway paved anyway without a permit. Told the Paving company she got a permit thru the City of Nashua which is not the case.. The paving company was American Asphalt.

Mark Jennings

-----Original Message-----

From: Jennings, Mark
Sent: Monday, June 15, 2020 6:05 PM
To: Falk, Carter
Subject: 4 Bates

Hi Carter,

This driveway is 32 feet wide.

Mark

-----Original Message-----

From: Jennings, Mark
Sent: Monday, June 15, 2020 4:07 PM
To: 'Catherine Laliberte'
Cc: Falk, Carter
Subject: RE: Variance request

Hi Catherine,

Here are the variance application.

Falk, Carter

From: Jennings, Mark
Sent: Wednesday, August 05, 2020 5:07 PM
To: Byers, Lauren
Cc: Hudson, Daniel; Falk, Carter
Subject: 4 Bates
Attachments: driveway repaving

Hi Lauren,
This was her reply. All the correspondence in in the search by name Bates #(4)
Mark

MARK JENNINGS
CITY SURVEYOR
9 RIVERSIDE STREET
NASHUA, N.H. 03062
603-589-3144

Falk, Carter

From: Rebecca Brown <rkb6651@gmail.com>
Sent: Thursday, August 27, 2020 6:10 PM
To: CD- Planning Dept
Subject: case #4 (4 Bates Dr)
Attachments: IMG-2472.jpg; IMG-2473.jpg

CAUTION: This email came from outside of the organization. Do not click links/open attachments if source is unknown.

Hello,

I received the notice of public hearing today regarding Sheet 48 Lot 216 variance from land use code section 190-192 (C). I am unsure about the nature of this request as it reads to me that the driveway next door would be widened by 8 feet, which would put it 8 feet into our yard past her current fence line and as thus impact our ability to add on a future 2nd garage stall. The notice reads "to exceed maximum driveway width 24 feet permitted, 32 feet existing-32 feet requested, to replace existing driveway". I have attached 2 images showing what 8 additional feet from the edge of the driveway in question means, and the adverse impact it has on our usable space. The blue case of the tape measure is at the 8' mark, and is actually not set at the property line, but the edge of the existing pavement top edge. A 32' wide driveway seems excessive for such a tight space.

As I work on the evening in question and am unsure I can get the evening off to be at the zoom meeting, I would greatly appreciate having clarification of the exact reason and nature of this request. I would ask the applicant, but I haven't seen my neighbor in weeks.

Thank you for your time and attention on this matter.

Rebecca and Joseph Brown
2 Bates Dr.

Falk, Carter

From: Poirier, Kate
Sent: Friday, August 28, 2020 8:28 AM
To: Rebecca Brown
Cc: CD- Planning Dept
Subject: RE: case #4 (4 Bates Dr)

Good Morning,

Thank you for reaching out! This is a request to maintain the driveway seen on the photo. Your neighbor at 4 Bates Rd had 32-ft, which is 8-ft wider than allowed. She wanted to maintain this width. Normally people are supposed to apply for a variance before they do the work, but she didn't. Therefore, she has to apply for an after the fact application. I can't guarantee her chances; if they deny her request, she will have to cut it down to 24-ft.

As a point of reference, it appears on aerials that her driveway currently abuts your property, so the photos you sent of an 8-ft measurement are on your property. This isn't a request to pave over your property. This is a request to maintain what she repaved.

If you are unable to attend the meeting, you can send us a letter, which will read aloud at the meeting.

Let me know if you have any questions!

Sincerely,
Kate

Kate Poirier
Zoning Coordinator
Planning Department
603-589-3056
PoirierK@nashuanh.gov

The Right-To-Know Law (RSA 91-A) provides that most e-mail communications, to or from City employees and City volunteers regarding the business of the City of Nashua, are government records available to the public upon request. Therefore, this email communication may be subject to public disclosure.

From: Rebecca Brown [rkb6651@gmail.com]
Sent: Thursday, August 27, 2020 6:10 PM
To: CD- Planning Dept
Subject: case #4 (4 Bates Dr)

CAUTION: This email came from outside of the organization. Do not click links/open attachments if source is unknown.

Hello,

I received the notice of public hearing today regarding Sheet 48 Lot 216 variance from land use code section 190-192 (C). I am unsure about the nature of this request as it reads to me that the driveway next door would be widened by 8 feet, which would put it 8 feet into our yard past her current fence line and as thus impact our ability to add on a future 2nd garage stall. The notice reads "to exceed maximum driveway width 24 feet permitted, 32 feet existing-32 feet requested, to replace existing driveway". I have attached 2 images showing what 8 additional feet from the edge of the driveway in question means, and the adverse impact it has on our

usable space. The blue case of the tape measure is at the 8' mark, and is actually not set at the property line, but the edge of the existing pavement top edge. A 32' wide driveway seems excessive for such a tight space.

As I work on the evening in question and am unsure I can get the evening off to be at the zoom meeting, I would greatly appreciate having clarification of the exact reason and nature of this request. I would ask the applicant, but I haven't seen my neighbor in weeks.

Thank you for your time and attention on this matter.

Rebecca and Joseph Brown
2 Bates Dr.

Poirier, Kate

From: Rebecca Brown <rkb6651@gmail.com>
Sent: Monday, August 31, 2020 2:32 PM
To: Poirier, Kate
Subject: Re: case #4 (4 Bates Dr)

Categories: Correspondence

CAUTION: This email came from outside of the organization. Do not click links/open attachments if source is unknown.

Good afternoon Kate,

Thank you for clarifying, I was quite perplexed as to what was proposed. She just repaved it last month, so thinking she wanted it wider seems counterintuitive. I appreciate your taking the time to explain this, being new to Nashua means not knowing stuff like this.

Rebecca

On Fri, Aug 28, 2020 at 8:28 AM Poirier, Kate <PoirierK@nashuanh.gov> wrote:

Good Morning,

Thank you for reaching out! This is a request to maintain the driveway seen on the photo. Your neighbor at 4 Bates Rd had 32-ft, which is 8-ft wider than allowed. She wanted to maintain this width. Normally people are supposed to apply for a variance before they do the work, but she didn't. Therefore, she has to apply for an after the fact application. I can't guarantee her chances; if they deny her request, she will have to cut it down to 24-ft.

As a point of reference, it appear on aerials that her driveway currently abuts your property, so the photos you sent of an 8-ft measurement are on your property. This isn't a request to pave over your property. This is a request to maintain what she repaved.

If you are unable to attend the meeting, you can send us a letter, which will read aloud at the meeting.

Let me know if have any questions!

Sincerely,
Kate

Kate Poirier
Zoning Coordinator
Planning Department
603-589-3056
PoirierK@nashuanh.gov<<mailto:PoirierK@nashuanh.gov>>

The Right-To-Know Law (RSA 91-A) provides that most e-mail communications, to or from City employees and City volunteers regarding the business of the City of Nashua, are government records available to the public upon request. Therefore, this email communication may be subject to public disclosure.

From: Rebecca Brown [rkb6651@gmail.com]
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To: CD- Planning Dept
Subject: case #4 (4 Bates Dr)

CAUTION: This email came from outside of the organization. Do not click links/open attachments if source is unknown.

Hello,

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As I work on the evening in question and am unsure I can get the evening off to be at the zoom meeting, I would greatly appreciate having clarification of the exact reason and nature of this request. I would ask the applicant, but I haven't seen my neighbor in weeks.

Thank you for your time and attention on this matter.

Rebecca and Joseph Brown
2 Bates Dr.

Poirier, Kate

From: Klee, Patricia
Sent: Sunday, September 06, 2020 9:34 PM
To: CD- Planning Dept
Cc: Falk, Carter; Poirier, Kate; Catherine Laliberte
Subject: 4 Bates Public Cemment

Categories: Correspondence

To the members of the ZBA - I would like to make comment on behalf of the resident of 4 Bates Drive. A couple of months ago I spoke with Ms Laliberte relative to paving her driveway located at 4 Bates Drive. Ms Laliberte contacted me asking why she needed to get permission (variance) to repave an existing driveway. At that time she asked if it was possible for her existing 32' driveway to be grandfathered as it had been paved up to the street and exceeded the 24' allowable for many decades. I spoke to Director Marchant and learned that was not possible. I contacted Ms Laliberte to give her the news. Ms Laliberte explained that the variance application process was quite confusing. I suggested that she contact Ms Poirier for some assistance in completing the application process. As our conversation continued, we spoke about possible alternatives that she might do to allow her to repave her driveway immediately while her estimate was still good and yet still remain within the 24' allowable. I made a number of suggestions and I believe as a result confused the situation more than helped it. One of my comments to Ms Laliberte was that in my opinion that I felt she would have good luck with the ZBA approving her request and that she would be able to move forward with her paving. As a result, it appears that Ms Laliberte misunderstood me in that she could complete her driveway and follow through after the fact of the paving. I can't tell you how horrible I feel that I may have confused Ms Laliberte with my suggestions. This by no means, means that I would ever expect the ZBA to change your normal process but I want to explain that Ms Laliberte did not blatantly ignore the rules of requesting a variance. It was truly an honest misunderstanding and I hope that you will take that into consideration in granting the variance.

Thank you for your time in this matter.

Trish
Patricia Klee
Ward 3 Alderman
9 Maywood Dr, Nashua 03064
H 603-883-1942
C 603-966-0979

Falk, Carter

From: Poirier, Kate
Sent: Tuesday, September 08, 2020 8:04 AM
To: Klee, Patricia
Cc: Falk, Carter
Subject: RE: 4 Bates Drive

Good Morning,

Thank you for reaching out! I will forward your request onto the Chair. Please find below the login details:

Sincerely,
Kate

Hi everyone – the meeting will be on **Wednesday 9-9-2020** instead of Tuesday the 8th, due to the NH Primary. Please disregard the previous zoom invite, and use this one.

Planning Department is inviting you to a scheduled Zoom meeting.

Topic: Zoning Board of Adjustment 9-9-2020
Time: Sep 9, 2020 06:30 PM Eastern Time (US and Canada)

Join Zoom Meeting
<https://us02web.zoom.us/j/82538285375?pwd=TC9QZDRxMnQ2SkEyU1ZHQkNQMWZlQT09>

Meeting ID: 825 3828 5375
Passcode: 498853
One tap mobile
+13126266799,,82538285375# US (Chicago)
+19294362866,,82538285375# US (New York)

Dial by your location
+1 312 626 6799 US (Chicago)
+1 929 436 2866 US (New York)
+1 301 715 8592 US (Germantown)
+1 346 248 7799 US (Houston)
+1 669 900 6833 US (San Jose)
+1 253 215 8782 US (Tacoma)

Meeting ID: 825 3828 5375
Find your local number: <https://us02web.zoom.us/u/k00xyrBus>

From: Klee, Patricia
Sent: Sunday, September 06, 2020 9:03 PM
To: Falk, Carter; Poirier, Kate
Subject: 4 Bates Drive

Carter and Kate - I plan on attending the ZBA on Wednesday to speak to the 4 Bates paving however, I also have a BoA meeting at 7:30. So I wanted to ask a favor to be allowed to speak on behalf of Ms Laliberte (4 Bates Drive) early on in

the meeting. I am also going to send an email to the "public comment" email address to speak on behalf of Ms Laliberte, just in case I am unable to attend as I also have a meeting at 5:30pm that I am hoping will be completed by 6:30pm.

Is it possible for you send me the Zoom link that I need to use to gain access to the meeting. Thank you so very much.

Trish
Patricia Klee
Ward 3 Alderman
H 603-883-1942
C 603-966-0979

Falk, Carter

From: Poirier, Kate
Sent: Tuesday, September 08, 2020 8:07 AM
To: Klee, Patricia
Cc: Falk, Carter
Subject: RE: 4 Bates Public Cemment

Good Morning,

Please consider this confirmation that your correspondence has been received and sent on to the Zoning Board. Let me know if you have any questions.

Sincerely,
Kate

From: Klee, Patricia
Sent: Sunday, September 06, 2020 9:34 PM
To: CD- Planning Dept
Cc: Falk, Carter; Poirier, Kate; Catherine Laliberte
Subject: 4 Bates Public Cemment

To the members of the ZBA - I would like to make comment on behalf of the resident of 4 Bates Drive. A couple of months ago I spoke with Ms Laliberte relative to paving her driveway located at 4 Bates Drive. Ms Laliberte contacted me asking why she needed to get permission (variance) to repave an existing driveway. At that time she asked if it was possible for her existing 32' driveway to be grandfathered as it had been paved up to the street and exceeded the 24' allowable for many decades. I spoke to Director Marchant and learned that was not possible. I contacted Ms Laliberte to give her the news. Ms Laliberte explained that the variance application process was quite confusing. I suggested that she contact Ms Poirier for some assistance in completing the application process. As our conversation continued, we spoke about possible alternatives that she might do to allow her to repave her driveway immediately while her estimate was still good and yet still remain within the 24' allowable. I made a number of suggestions and I believe as a result confused the situation more than helped it. One of my comments to Ms Laliberte was that in my opinion that I felt she would have good luck with the ZBA approving her request and that she would be able to move forward with her paving. As a result, it appears that Ms Laliberte misunderstood me in that she could complete her driveway and follow through after the fact of the paving. I can't tell you how horrible I feel that I may have confused Ms Laliberte with my suggestions. This by no means, means that I would ever expect the ZBA to change your normal process but I want to explain that Ms Laliberte did not blatantly ignore the rules of requesting a variance. It was truly an honest misunderstanding and I hope that you will take that into consideration in granting the variance.

Thank you for your time in this matter.

Trish
Patricia Klee
Ward 3 Alderman
9 Maywood Dr, Nashua 03064
H 603-883-1942
C 603-966-0979



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

Planning & Zoning 589-3090
 WEB www.nashuanh.gov

6

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
 Zoning District Sheet Lot

2. VARIANCE(S) REQUESTED:

II. GENERAL INFORMATION

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

(Print Name):
 Applicant's signature Date
 Applicant's address
 Telephone number H: C: E-mail:

2. **PROPERTY OWNER (Print Name):**
 *Owner's signature Date
 Owner's address
 Telephone number H: C: E-mail:

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

| | | | |
|---|---------------------|----------------------------------|---|
| OFFICE USE ONLY | Date Received _____ | Date of hearing <u>9-22-2020</u> | Application checked for completeness: <u>CF</u> |
| PLR# <u>A20-0122</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 # _____ | |
| 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.")

Because granting of this variance would still leave a 15 foot front setback common to this neighborhood.

- 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.")

Because we asking for a 10 foot setback reduction from the street, we are still allowing a 15 foot setback from the street of this private residence.

- 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 it is necessary for the senior citizen occupants to have a second enclosed attached, garage for the cold weather months.

- 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 an additional garage to a private residence in this neighborhood would increase its property value and does not diminish, but would enhance the value of surrounding properties. Proposed new garage would be in keeping with the visual context of the neighborhood.

- 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.

Senior citizen occupants need a second enclosed attached garage to be able to continue to safely live in the residence as they age.

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.

Russell Prevost
Signature of Applicant

8/16/20
Date

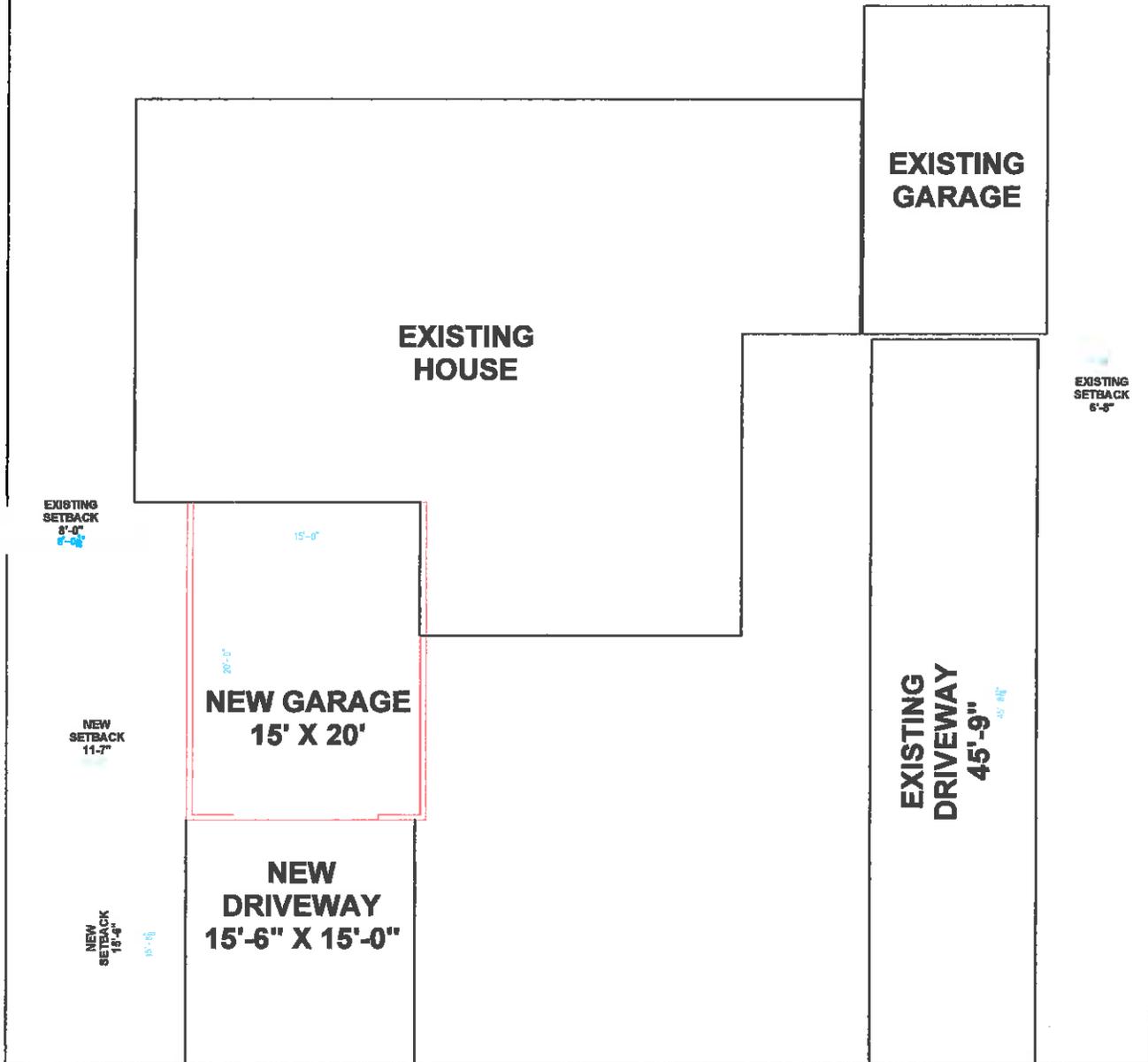
RUSSELL PREVOST
Print Name

8/16/20
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

PROPERTY LINE OVERALL LENGTH 180



PROPERTY OVERALL 72' X 180'

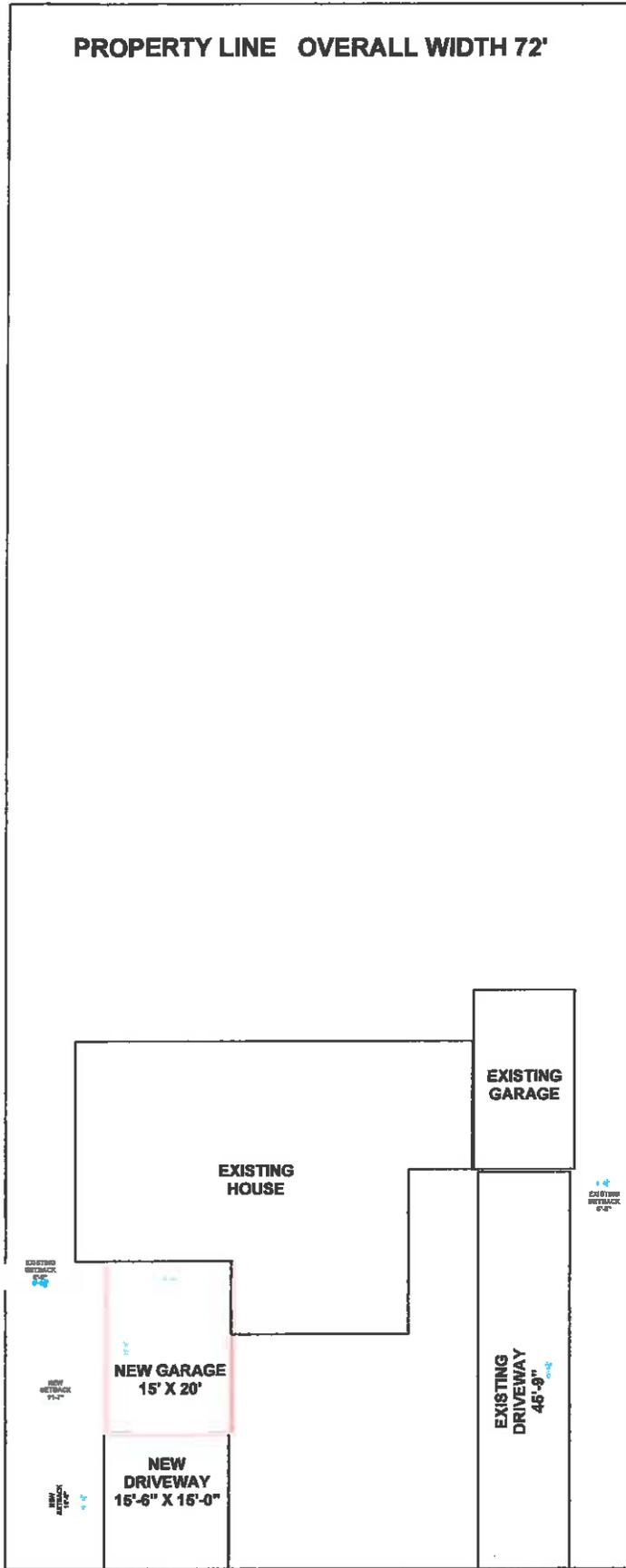
37 LAWNDALE AVE

DATE: 8/16/2020

SCALE: 1'-0" = $\frac{3}{32}$ "

PROPERTY LINE OVERALL WIDTH 72'

PROPERTY LINE OVERALL LENGTH 180'



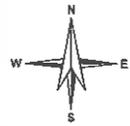
PROPERTY OVERALL 72' X 180'

37 LAWNDALE AVE

DATE: 8/16/2020
SCALE: 1'-0" = 3/32"

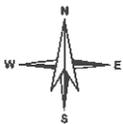


37 Lawndale Ave





37 Lawndale Ave





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

Planning & Zoning 589-3090
 WEB www.nashuanh.gov

SPECIAL EXCEPTION 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. SPECIAL EXCEPTION INFORMATION

1. ADDRESS OF REQUEST

Zoning District Sheet Lot

2. SPECIAL EXCEPTION(S) REQUESTED:

II. GENERAL INFORMATION

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

(Print Name):

Applicant's signature Date

Applicant's address

Telephone number H: C: E-mail:

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

*Owner's signature Date

Owner's address

Telephone number H: C: E-mail:

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

A20-0121

9/22/20 Mtg

190-15, Table 15-1 (#3)

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. Please see "Procedures for Filing a Special Exception" for further information.

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

The current permit 20-2579 will be modified to add a kitchen. A refrigerator, sink, dishwasher, and stove. Also a small counter-top will be added with kitchen cabinets.

2. 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.

No additional space is required for this project. The footprint of the house will remain the same.

3. 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?

No additional on site parking will need to be constructed. The driveway is large enough now.

4. What effects would the requested use have upon surrounding traffic congestion and pedestrian safety?

None.

5. 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 house will look the same as it currently does. The work being done will utilize the existing footprint and not change the integrity of the neighborhood.

IV. SPECIAL EXCEPTION – ADDITIONAL QUESTIONS

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

1. Total number of employees Number of employees per shift
2. Hours and days of operation
3. Number of daily and weekly visits to the premises by customers, clients, vendors, and solicitors

4. Number of daily and weekly commercial deliveries to the premises

5. Number of parking spaces available

6. Describe your general business operations:

7. 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

Print Name

Date

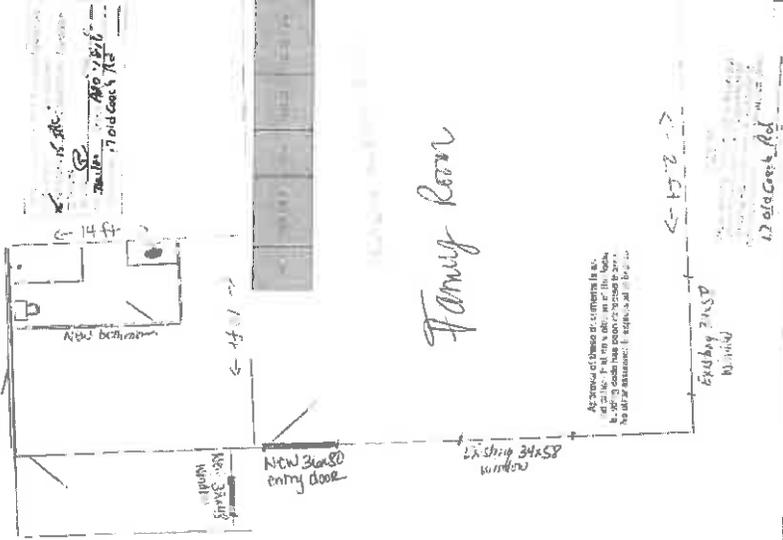
Date

Site Plan

Existing Permit Picture:

Location: 17 Old Coach Road
Existing Permit – 20-2579 to Finish the basement for a
Family room with a bathroom

See diagram:



Using the existing space
The kitchen will be added
A sink, dishwasher,
Oven and refrigerator
Along with a counter
And cabinet space will
Be added.

17 Old Coach Road

100.00

C-990



Here is the existing house

No change in footprint.

Shaded Section is being finished under Permit #20-2579

Next page shows the dimensions

A small kitchenette will be added (sink, dishwasher, oven and Refrigerator

Section 1 in the picture is the family room And kitchenette

Section 2 is the bathroom, hallway and laundry Area.

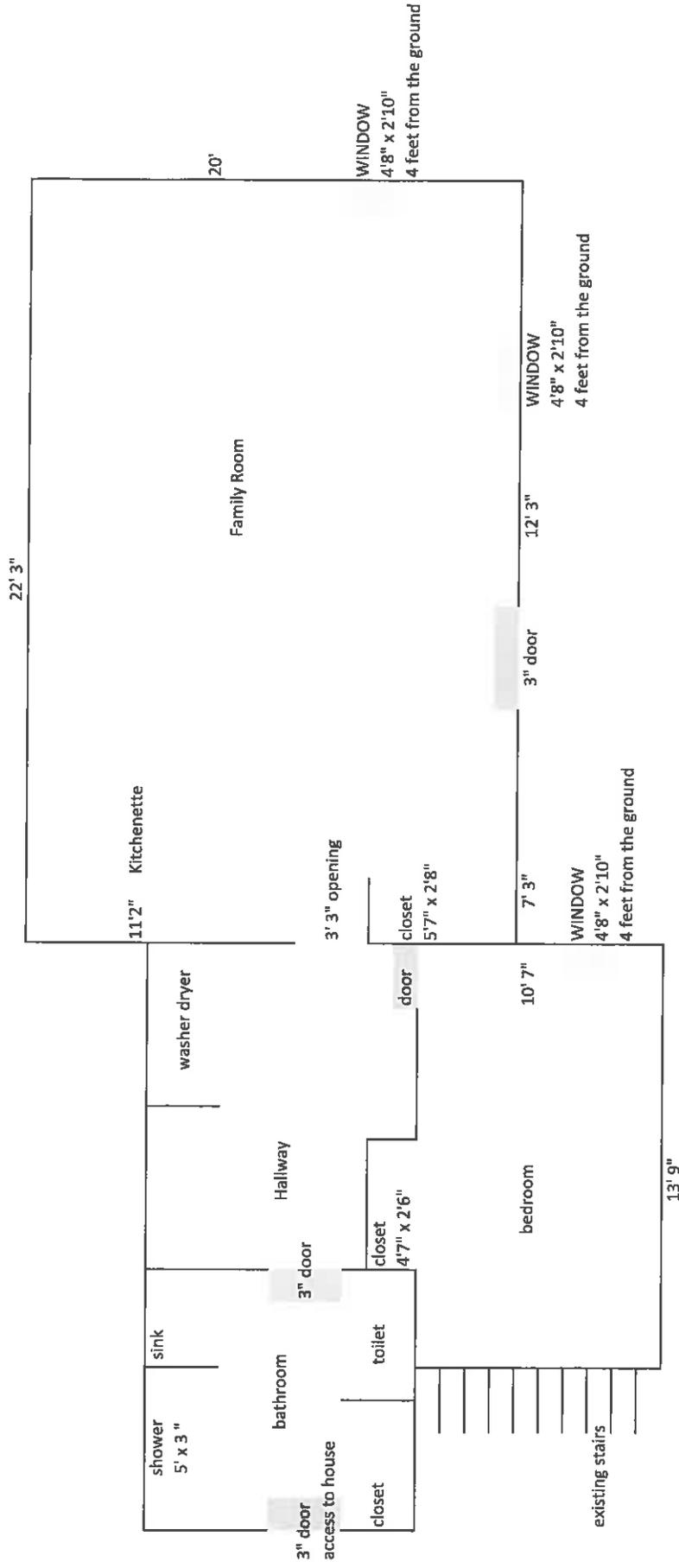
Section 3 is the bedroom

Total Space including the bathroom, Kitchenette, family room, and bedroom is: 740

There is an existing door in box 1 to outside
There is a 36 door from the bathroom to the Existing house. That leads to the basement Stairs.



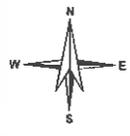
17 OLD
PARCELS
OWNER
PROPER
CO-OWN
OWNER
CSE
ACCOU



There is no change to the footprint of the house. Section #1 from the previous page is the family room / living room and the kitchenette. Section #2 is the bathroom and hallway. Then section #3 is the bedroom. To access the main portion of the house there is a 36 inch door. There is also 3 windows and 1 door. Permit 20-2579 was issued for all the work except the kitchenette. The kitchenette will have a sink, dishwasher, oven and refrigerator (it will be along the wall marked Kitchenette).



17 Old Coach Rd





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

Planning & Zoning 589-3090
 WEB www.nashuanh.gov

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 35 Houde Street
 Zoning District R-B Sheet 87 Lot 296

2. VARIANCE(S) REQUESTED:
To increase 24' allowance to 30'

II. GENERAL INFORMATION

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

(Print Name): Al Hernandez
 Applicant's signature *Alberto Hernandez* Date 08-24-2020
 Applicant's address 35 Houde Street
 Telephone number H: _____ C: 603-459-9984 E-mail: alberto.2@icloud.com 2018ctc@gmail.com

2. **PROPERTY OWNER (Print Name):** Al Hernandez

*Owner's signature *Alberto Hernandez* Date 8/24/20
 Owner's address 35 Houde Street Nashua, NH
 Telephone number H: _____ C: 603-459-9984 E-mail: alberto.2@icloud.com 2018ctc@gmail.com

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

| | | | |
|--|---------------------|-----------------------|---|
| OFFICE USE ONLY | Date Received _____ | Date of hearing _____ | Application checked for completeness: <u>CF</u> |
| PLR# _____ | 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 # _____ | |
| Land Use Code Section(s) Requesting Variances From: <u>190-192 (c)</u> | | | |

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.

Street has several houses with two car dr its more appropriat I will be granting hardship to them
because they cant use the property as they wish
not request out of charachter other houses have similiar,
existing condition and proposed condition
above and beyond what code states whats aloud vs what they want

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.

1. Total number of employees _____ Number of employees per shift _____
2. Hours and days of operation _____
3. Number of daily and weekly visits to the premises by customers, clients, vendors and solicitors _____
4. Number of daily and weekly commercial deliveries to the premises _____
5. Number of parking spaces available _____
6. Describe your general business operations:

7. Describe any proposed site renovations, including, but not limited to – landscaping, lighting, pavement, structural changes, signage, access and circulation:
Overlaying current driveway with asphalt,

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.

Alberto Hernandez
 Signature of Applicant

8/24/20
 Date

Al Hernandez
 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 2018ctc@gmail.com

Please mail it to me at alberto.2@icloud.com

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.")

The public interest is adequate for owner and will
 not impede on the ingress, egress or the safety for public vehicles.

- 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 spirit of ordinance is a single family house and the driveway is necessary to have.
 The house is closer to the street and In order for adequate ingress and egress to the property this is needed.
 There are other houses on this street that portray the same characteristics as what I am asking for.

- 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.)

Currently, My wife and I each have a personal vehicle, I also have a work vehicle and we have children. There is not enough driveway width and the need for extra space is necessary.

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

The driveway is being done by a highly recommended professional company. It will not affect the property values of the homes around me and will add much needed curb appeal.



24'

Houde



30'

Houde



35 Houde St





25 F
10 S
25 R

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

Planning & Zoning 589-3090
WEB www.nashuanh.gov

VARIANCE APPLICATION (ZBA)

PLEASE NOTE: INCOMPLETE OR ILLEGIBLE APPLICATIONS WILL BE RETURNED TO APPLICANT. 2

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 26 Watson St.
Zoning District RA Sheet 58 Lot 39

2. VARIANCE(S) REQUESTED:
Widening of driveway 4' to right from 24' to 28' and upper left a turn around to load & unload not for parking

II. GENERAL INFORMATION

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

(Print Name): Mark E. Lesieur
Applicant's signature Mark Lesieur Date 8/24/20
Applicant's address 26 Watson St
Telephone number H: _____ C: 6033961749 E-mail: markl@retire.com

2. **PROPERTY OWNER (Print Name):** Mark Lesieur

*Owner's signature Mark Lesieur Date 8/24/20
Owner's address 26 Watson St
Telephone number H: _____ C: 6033961749 E-mail: _____

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

| | | | | |
|--|--------------------|---------------------|-----------------------|---|
| OFFICE USE ONLY | | Date Received _____ | Date of hearing _____ | Application checked for completeness: <u>CF</u> |
| PLR# <u>A20-125</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 # _____ | | |
| Land Use Code Section(s) Requesting Variances From: <u>190-192 (C)</u> | | | | |

396 1749

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.")

No will not change the essence of the neighborhood was same width in past before it was dug up

- 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.")

none of the above

- 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.)

No harm to the general public

- 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.)

Would most likely increase property values of my house and those adjacent

- 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 driveway was the same width before this would like it to be as before on the right side on left side is for a turn around before was overgrown trees & shrubs which would have to be excavated

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.

- 1. Total number of employees _____ Number of employees per shift _____
- 2. Hours and days of operation _____
- 3. Number of daily and weekly visits to the premises by customers, clients, vendors and solicitors _____
- 4. Number of daily and weekly commercial deliveries to the premises _____
- 5. Number of parking spaces available _____
- 6. Describe your general business operations: _____

- 7. 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.

Mark Lesieur
Signature of Applicant

8/24/20
Date

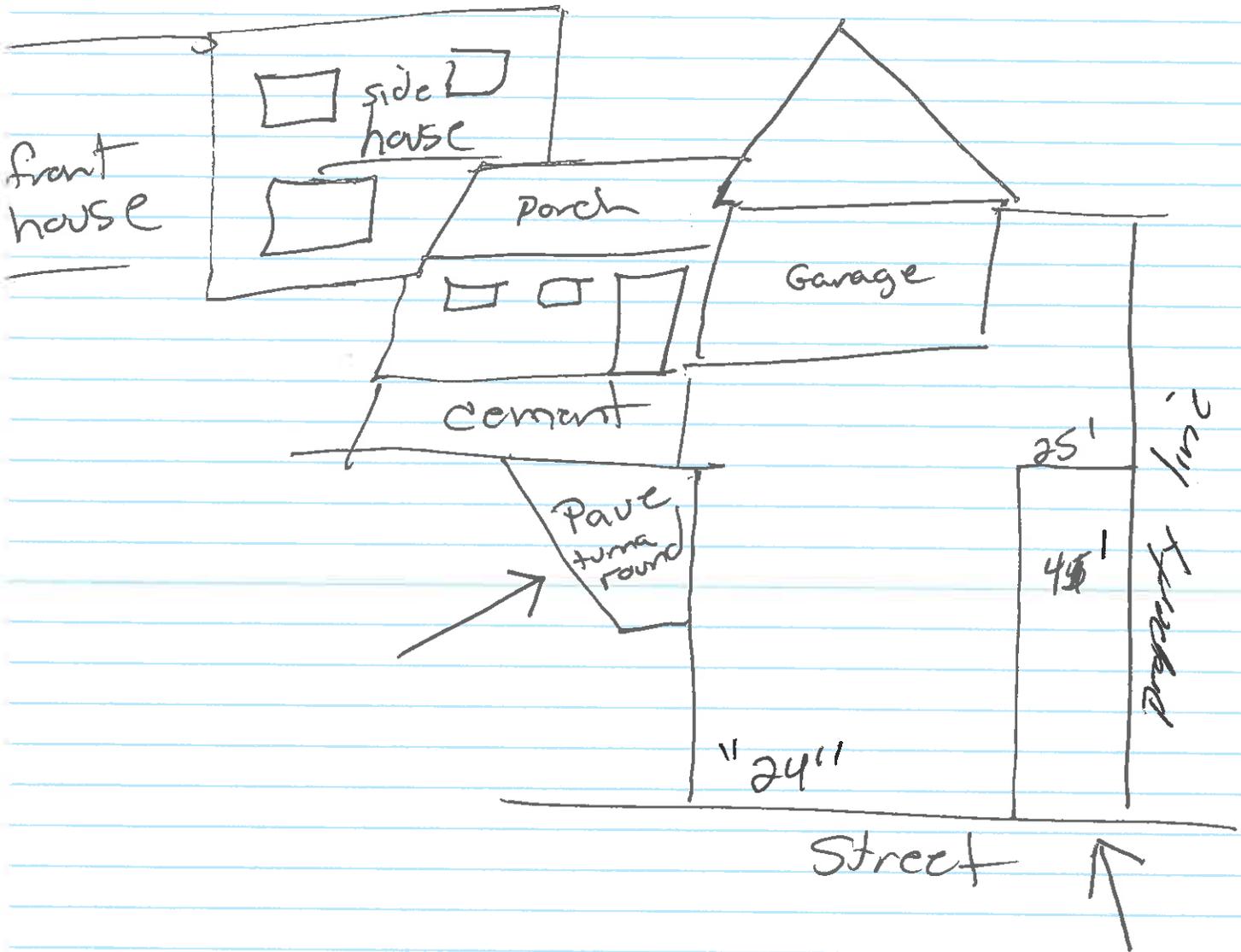
Mark Lesieur
Print Name

8/24/20
Date

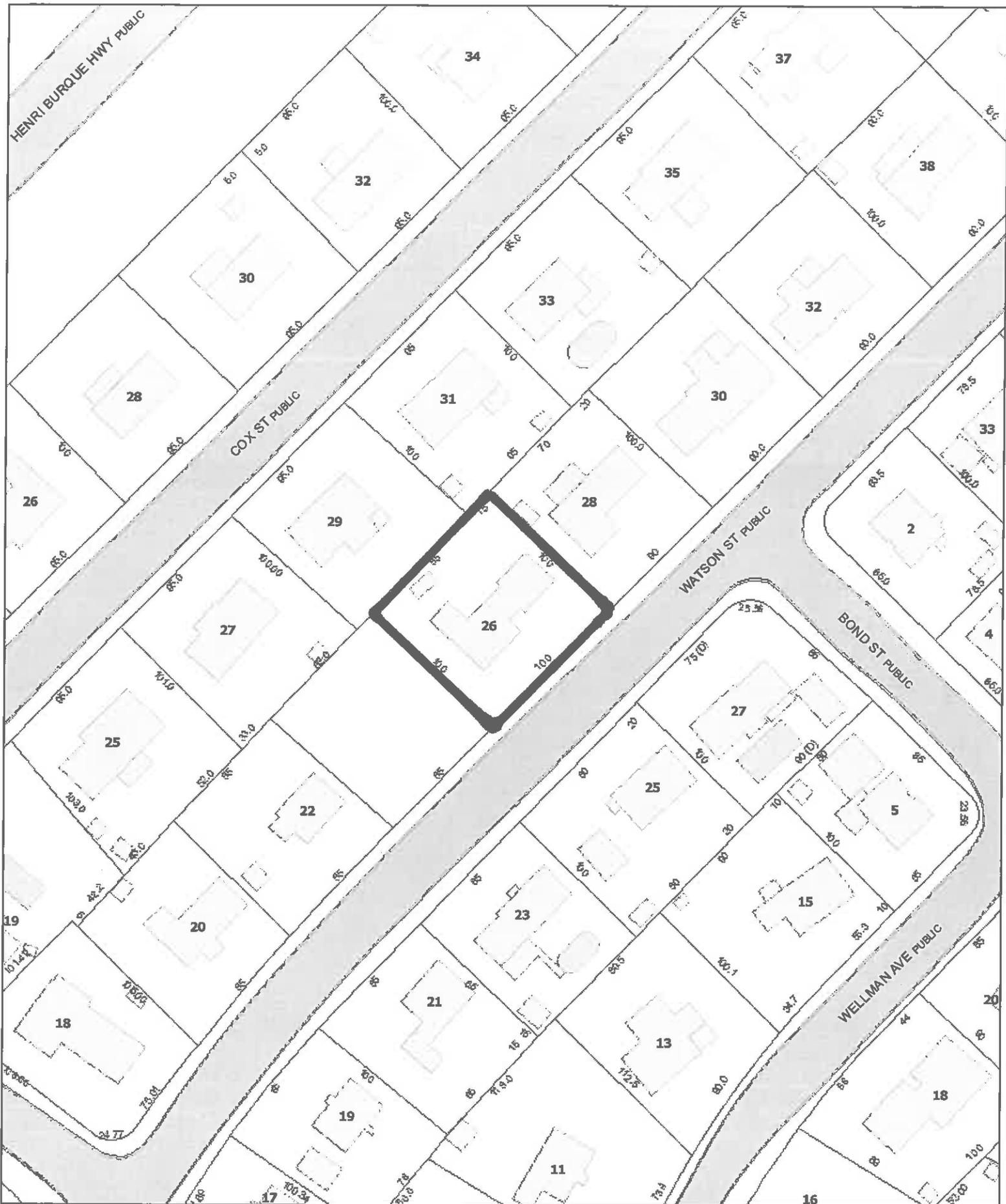
The staff report for a Use Variance request will be available no later than Friday of the week before the ZBA meeting. If you would like a copy, please indicate below

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

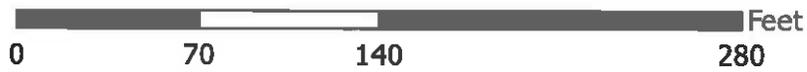
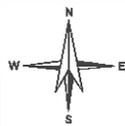
26 Watson St



would like to pave
turnaround on Left and
4' on right as was same as
before paver dug it up - Leave a
foot from property line -
Mark Lesieur 26 Watson St -

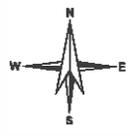


26 Watson St





26 Watson St





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

Planning & Zoning 589-3090
 WEB www.nashuanh.gov

8

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 4 Kenmare Road Nashua, NH 03062
 Zoning District R-9 Sheet B Lot 688

2. VARIANCE(S) REQUESTED:

To install a new shed next to the property line within the 6 foot Buffer.(close to my fence.)
10' x 12' shed - 2' from prop-line

II. GENERAL INFORMATION

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

(Print Name): Richard Zibell
 Applicant's signature Richard Zibell Date 8-27-2020
 Applicant's address 4 Kenmare Road Nashua, Ma 03062
 Telephone number H: _____ C: 978-815-3301 E-mail: richardzibell@comcast.net

2. PROPERTY OWNER (Print Name): Richard Zibell

*Owner's signature Richard Zibell Date 8-27-2020
 Owner's address 4 Kenmare Road Nashua, Nh 03062
 Telephone number H: _____ C: 978-815-3301 E-mail: richardzibell@comcast.net

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

| | | | |
|---|---------------------|--------------------------------|---|
| OFFICE USE ONLY | Date Received _____ | Date of hearing <u>9/22/20</u> | Application checked for completeness: <u>CK</u> |
| PLR# <u>A20-0124</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 # _____ | |
| Land Use Code Section(s) Requesting Variances From: <u>190-31</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.")

The new shed will have no impact on the neighborhood. It is proposed to be installed with the fenced in section of my back yard.

- 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 new shed will have no impact on the neighborhood. It is proposed to be installed with the fenced in section of my back yard. Only one side of the shed will encroach the property line.

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

The new shed will have no impact on the neighborhood. It is proposed to be installed with the fenced in section of my back yard.

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

The shed we are proposing to install will be a new Reeds Ferry Shed with the same siding and shutters as my house.

- 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.

If the shed is installed after the 6' Buffer it will block the fence section that is used to access the back yard and is the will be too close to my gate. Also will make the area behind the shed useless.

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:

just want to install a new shed.

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 Zibell
Signature of Applicant

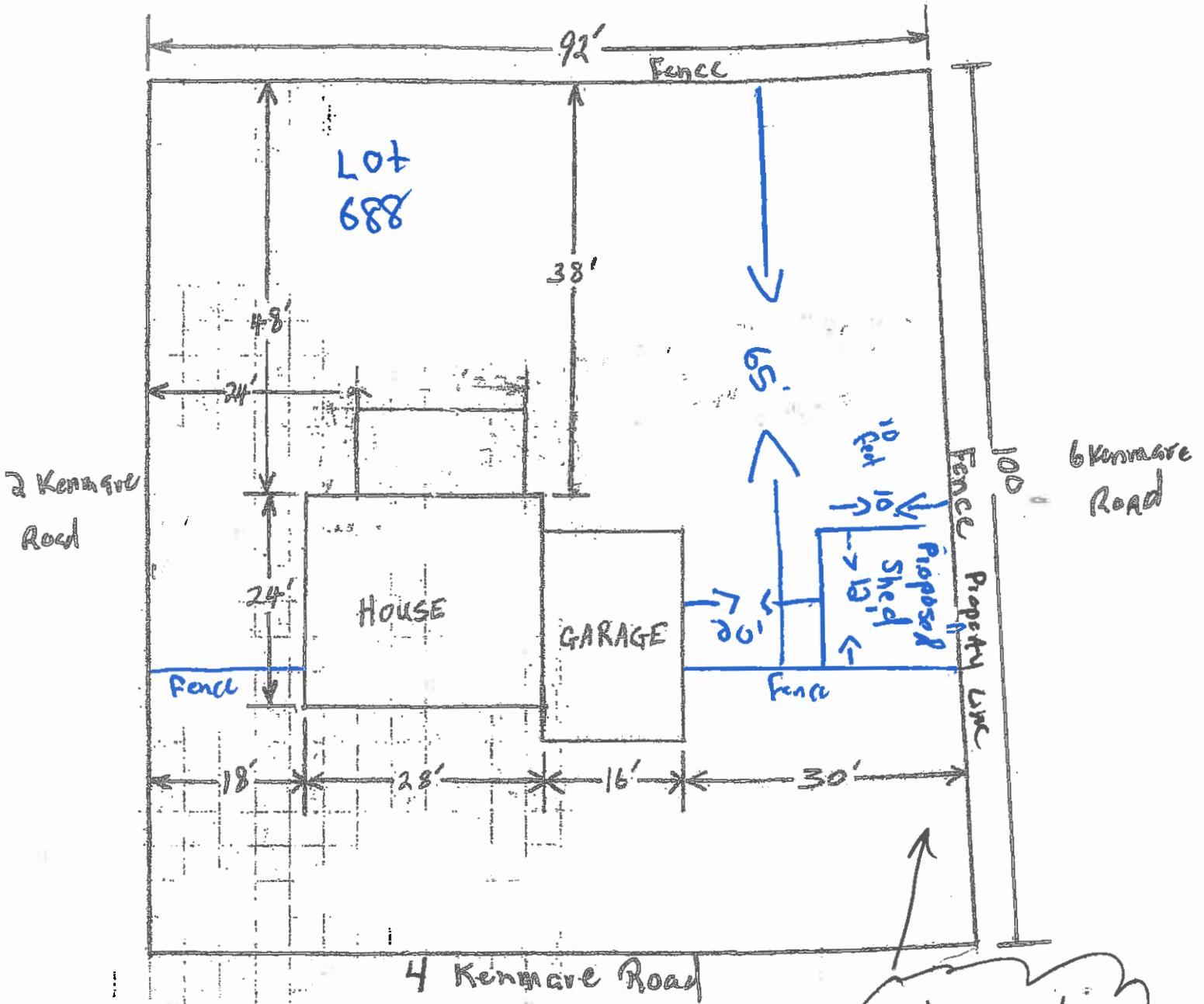
8-27-2020
Date

Richard Zibell
Print Name

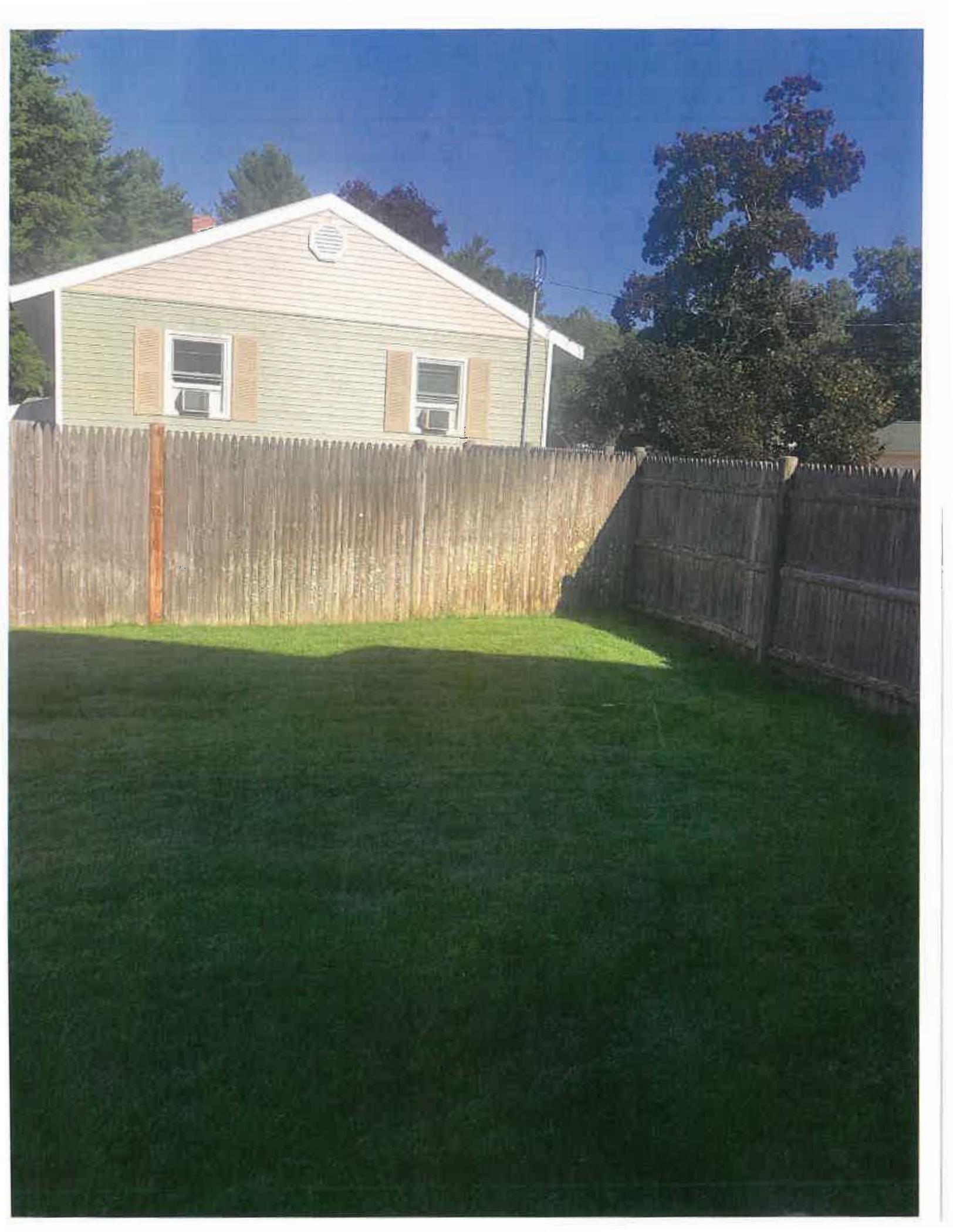
8-27-2020
Date

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 richardzibell@comcast.net
- Please mail it to me at []

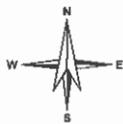


2' setback from property line





4 Kenmare Rd





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

Planning & Zoning 589-3090
 WEB www.nashuanh.gov

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 83 Dublin Ave
 Zoning District R9 Sheet 53B Lot 4

2. VARIANCE(S) REQUESTED:

Variance from Land Use Code Section 190-44 (A) to exceed maximum fence height and to install an 8' fence within the wooded area of the property (rear of house).

II. GENERAL INFORMATION

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

(Print Name): Brittney and Kyle Cavagnaro
 Applicant's signature _____ Date _____
 Applicant's address 83 Dublin Ave. Nashua NH
 Telephone number H: _____ C: 603-897-9553 E-mail: bkcavagnaro@gmail.com

2. **PROPERTY OWNER (Print Name):** Brittney and Kyle Cavagnaro

*Owner's signature *[Signature]* Date 8/24/2020
 Owner's address 83 Dublin Ave
 Telephone number H: _____ C: 603-897-9553 E-mail: bkcavagnaro@gmail.com

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

| | | | |
|---|---------------------------|--------------------------------|---|
| OFFICE USE ONLY | Date Received <u>8/25</u> | Date of hearing <u>9/22/20</u> | Application checked for completeness: <u>LF</u> |
| PLR# <u>A20-0123</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 # _____ | |
| Land Use Code Section(s) Requesting Variances From: <u>190-44 (A)</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.")

Due to the unusual shape of the property, the fence will be set back into the woods and not noticeable to the general public.

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 fence will not be directly on any property lines and due to the distance from neighboring properties, the height of the fence would be negligible and unnoticeable.

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

The property abuts a wooded area where wildlife is seen regularly. This area is also sloped in places due to a hill. The taller fence will provide an adequate enclosure for our two dogs (Huskies) during all months of the year (including when snow is packed down in the woods).

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.)

This fence will be situated in the woods and not directly in the eyesight of the surrounding properties. There are a variety of fences in the area including a tennis court which is at least 10' in height across the street which is visible from the road.

- 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 existing property is unique in shape and situated in a heavily wooded /sloped area away from nearby neighbors and the general public. The closest road will be over 175' away from the fence.

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.


 Signature of Applicant

8/24/2020

Date

Brittney Cavagnaro and Kyle Cavagnaro

8/24/2020

Print Name

Date

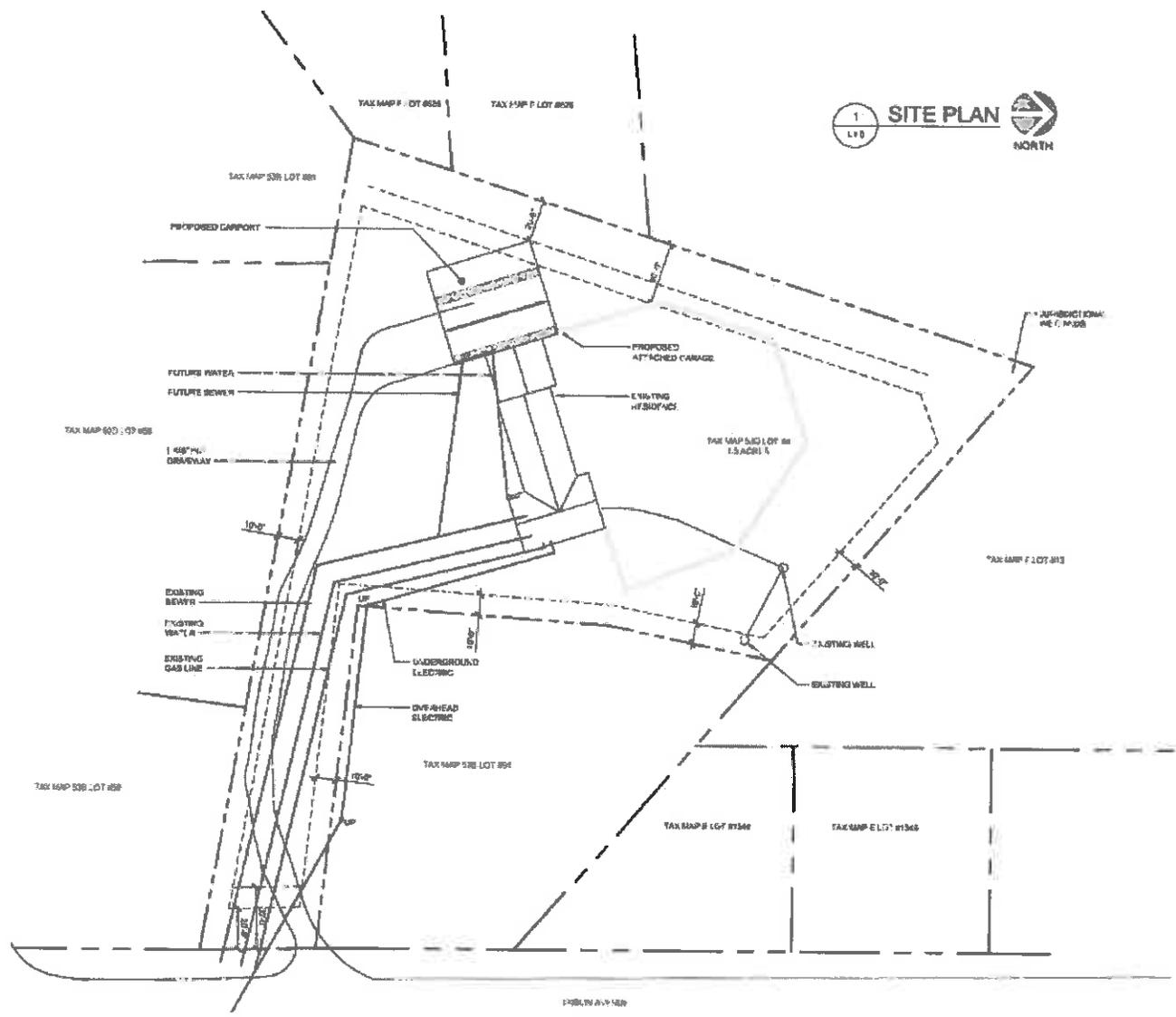
The staff report for a Use Variance request will be available no later than Friday of the week before the ZBA meeting. If you would like a copy, please indicate below:

I will pick it up at City Hall

Please email it to me at

Please mail it to me at

1 SITE PLAN NORTH



Aerial View of House



Approximate Location of Backyard Fence with Aerial View

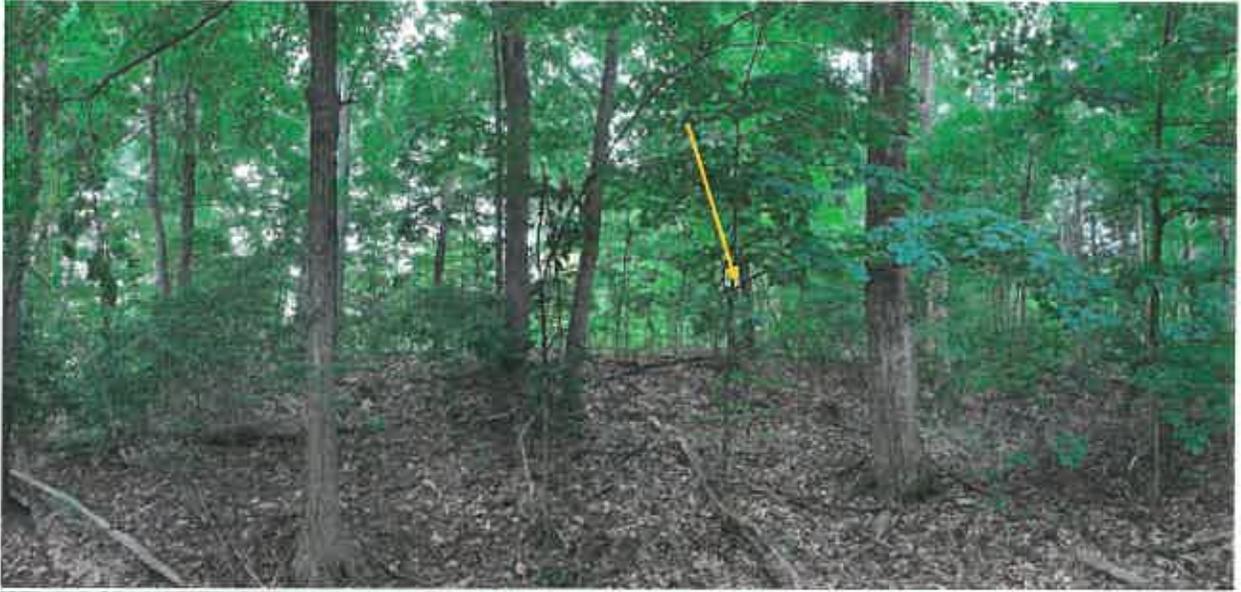
- Numbers depict location where pictures are taken to show the location of fence which has been marked out in pink ribbon on the property.



View from Spot 1



View from Spot 2





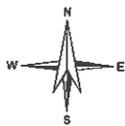
View from Spot 3







83 Dublin Ave





83 Dublin Ave



ZBA MEETING ATTENDANCE

MEETING OF:

Robert Shaw
Jack Currier
J.P. Boucher
Mariellen MacKay

Jay Minkarah
Steve Lionel
Efstathia Booras
Nick Kanakis

APPROVAL OF MINUTES

Minutes of

MOTION BY: SECONDED BY:

Corrections:

APPROVED DENIED TABLED

Minutes of

MOTION BY: SECONDED BY:

Corrections:

APPROVED DENIED TABLED

STAFF ATTENDANCE

Carter Falk Kate Poirier Marcia Wilkins

REGIONAL IMPACT

Yes

No

1. **Jeanette Dupont (Owner) Catherine E. Laliberte (Applicant) 4 Bates Drive (Sheet 48 Lot 216) requesting variance from Land Use Code Section 190-192 (C) to exceed maximum driveway width, 24 feet permitted, 32 feet existing – 32 feet requested, to replace existing driveway. RA Zone, Ward 3. [TABLED FROM THE SEPTEMBER 9, 2020 MEETING]**

VOTING MEMBERS: MacKay, Booras, Kanakis, Boucher, Currier

REQUEST #1

MOTION TO: **Approve**

MOTION BY: Boucher

SECONDED BY: Booras

1. The Board found that the variance **is** needed to enable the applicant's proposed use of the property, and given there **are** special conditions associated with the property, the benefit sought by the applicant **cannot** be achieved by some other method reasonably feasible for the applicant to pursue.
2. The Board found that the spirit and intent of the ordinance being kept in good faith to **Approve** this request.
3. The Board found that property values **will not** be negatively impacted by this request.
4. The Board found that the request **is not** contrary to the public interest.
5. Substantial justice **will** be served to the applicant by granting this request.

Special Conditions: The Board finds that since this driveway has existed since the 1980's, it is reasonable to permit the continued use of the 32' wide driveway.

Stipulations of Approval: None

VOTE: Unanimous

Clerk: Jack Currier

2. **Russell A. Prevost (Owner) 37 Lawndale Avenue (Sheet 124 Lot 163) requesting variance from Land Use Code Section 190-16, Table 16-3 to encroach 9'-6" into the 25 foot required front yard setback to construct an attached 15'x20' garage. RA Zone, Ward 6.**

VOTING MEMBERS: MacKay, Lionel, Kanakis, Boucher, Currier

REQUEST #1

MOTION TO: **Deny**

MOTION BY: Lionel

SECONDED BY: Currier

1. The Board found that the variance **is not** needed to enable the applicant's proposed use of the property, and given there **are not** special conditions associated with the property, the benefit sought by the applicant **can** be achieved by some other method reasonably feasible for the applicant to pursue.
2. The Board found that the spirit and intent of the ordinance being kept in good faith to **Deny** this request.
3. The Board found that property values **will** be negatively impacted by this request.
4. The Board found that the request **is** contrary to the public interest.
5. Substantial justice **will not** be served to the applicant by granting this request.

Stipulations of Approval: None

VOTE: Unanimous in favor of the denial.

Clerk: Jack Currier

3. **Matthews Family Irr RE Tr, Nathaniel C. Matthews, Trustee (Owner) Joshua Matthews (Applicant) 17 Old Coach Road (Sheet C Lot 990) requesting special exception from Land Use Code Section 190-15, Table 15-1 (#3) to allow an accessory dwelling unit (in-law) in finished basement. R9 Zone, Ward 5.**

VOTING MEMBERS: MacKay, Booras, Currier, Lionel, Boucher

REQUEST #1

MOTION TO: **Approve**

MOTION BY: Boucher

SECONDED BY: Booras

- 1) This use **is** listed in the Table of Uses, City of Nashua Land Use Code Section **190-15 Table 15-1 #3**
- 2) This use **will not** create undue traffic congestion or unduly impair pedestrian safety.
- 3) This use **will not** overload public water, drainage or sewer or have negative impacts on municipal systems.
- 4) Special use regulations **are** fulfilled.
- 5) This use **will not** impair the integrity, **will not** be out of character with the neighborhood, and **will not** be detrimental to the health, morals or welfare of residents.

Stipulations of Approval: None

VOTE: Unanimous

4. **Mark E. Lesieur (Owner) 26 Watson Street (Sheet 58 Lot 39) requesting variance from Land Use Code Section 190-192 (C) to exceed maximum driveway width, 24 feet permitted, 24 feet existing – an extra 4 feet proposed on right side for a 28 foot wide curbcut, and an extra 6 foot triangular turnaround area not used for parking on left side proposed for a total width of 34 feet. RA Zone, Ward 2.**

VOTING MEMBERS: MacKay, Currier, Boucher, Lionel, Kanakis

REQUEST #1

MOTION TO: **Approve**

MOTION BY: Boucher

SECONDED BY: Lionel

1. The Board found that the variance **is** needed to enable the applicant's proposed use of the property, and given there **are** special conditions associated with the property, the benefit sought by the applicant **cannot** be achieved by some other method reasonably feasible for the applicant to pursue.
2. The Board found that the spirit and intent of the ordinance being kept in good faith to **Approve** this request.
3. The Board found that property values **will not** be negatively impacted by this request.
4. The Board found that the request **is not** contrary to the public interest.
5. Substantial justice **will** be served to the applicant by granting this request.

Special Conditions: The proposed 4' driveway additional width on the right side has existed for many years, and appears to fit within the neighborhood.

Stipulations of Approval: None

VOTE: Unanimous

5. **Richard W. & Melissa Zibell (Owners) 4 Kenmare Road (Sheet B Lot 688) requesting variance from Land Use Code Section 190-31 to encroach 4 feet into the 6 foot required right side yard setback to construct a 10'x12' shed. R9 Zone, Ward 8.**

VOTING MEMBERS: MacKay, Boucher, Currier, Lionel, Booras

REQUEST #1

MOTION TO: **Approve**

MOTION BY: Boucher

SECONDED BY: Currier

1. The Board found that the variance **is** needed to enable the applicant's proposed use of the property, and given there **are** special conditions associated with the property, the benefit sought by the applicant **cannot** be achieved by some other method reasonably feasible for the applicant to pursue.
2. The Board found that the spirit and intent of the ordinance being kept in good faith to **Approve** this request.
3. The Board found that property values **will not** be negatively impacted by this request.
4. The Board found that the request **is not** contrary to the public interest.
5. Substantial justice **will** be served to the applicant by granting this request.

Stipulations of Approval: None

VOTE: Unanimous

Clerk: Jack Currier

6. **Alberto Hernandez-Gutierrez (Owner) 35 Houde Street (Sheet 87 Lot 296) requesting variance from Land Use Code Section 190-192 (C) to exceed maximum driveway width, 24 feet permitted, 24 feet existing – 30 feet requested. RB Zone, Ward 4.**

VOTING MEMBERS: MacKay, Boucher, Lionel, Currier, Kanakis

REQUEST #1

MOTION TO: **Approve**

MOTION BY: Lionel

SECONDED BY: Boucher

1. The Board found that the variance **is** needed to enable the applicant's proposed use of the property, and given there **are** special conditions associated with the property, the benefit sought by the applicant **cannot** be achieved by some other method reasonably feasible for the applicant to pursue.
2. The Board found that the spirit and intent of the ordinance being kept in good faith to **Approve** this request.
3. The Board found that property values **will not** be negatively impacted by this request.
4. The Board found that the request **is not** contrary to the public interest.
5. Substantial justice **will not** be served to the applicant by granting this request.

Special Conditions: The previous owner also used the proposed driveway for parking – so the 30' width effective driveway has been present for many years.

Stipulations of Approval: None

VOTE: Unanimous

7. Kyle S. & Brittney M. Cavagnaro (Owners) 83 Dublin Avenue (Sheet 53B Lot 4) requesting variance from Land Use Code Section 190-44 to exceed maximum fence height, 6 feet permitted, 8 feet requested within wooded area in rear of the house. R9 Zone, Ward 1.

VOTING MEMBERS: Booras, Currier, MacKay, Lionel, Boucher

REQUEST #1

MOTION TO: **Approve**

MOTION BY: Boucher

SECONDED BY: Booras

1. The Board found that the variance **is not** needed to enable the applicant's proposed use of the property, and given there **are** special conditions associated with the property, the benefit sought by the applicant **cannot** be achieved by some other method reasonably feasible for the applicant to pursue.
2. The Board found that the spirit and intent of the ordinance being kept in good faith to **Approve** this request.
3. The Board found that property values **will not** be negatively impacted by this request.
4. The Board found that the request **is not** contrary to the public interest.
5. Substantial justice **will** be served to the applicant by granting this request.

Special Conditions: Board finds that this large wooded property is unique is it's large size, and that an 8' fence is reasonable in that the fence is inboard of the property line.

Stipulations of Approval: None

VOTE: Unanimous