1. 20200324 ZBA Case Packets

Documents:

20200324 4 KANATA DR.PDF
20200324 76 NORTHEASTERN BLVD.PDF
20200324 130 SPIT BROOK RD.PDF
20200324 L PUTNAM ST.PDF

City of Nashua

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

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

RECEIVED
FEB 25 2020
KP

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.

1. SPECIAL EXCEPTION INFORMATION

a. ADDRESS OF REQUEST 4 Kanata Drive

Zoning District R-9 Sheet E Lot 972

b. SPECIAL EXCEPTION(S) REQUESTED:

Construct shed and modify fences within 40-foot buffer to Lincoln Brook, a critical wetland.

2. GENERAL INFORMATION

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

(Print Name): Juan Taveras

Applicant's signature Juan Taveras Date 2.24.20

Applicant's address 4 Kanata Drive Nashua, New Hampshire 03063

Telephone number H: 603.943.7470 C: 201.390.9417 E-mail: juantaveras71@gmail.com

b. **PROPERTY OWNER (Print Name):** Juan Taveras

***Owner's signature** Juan Taveras Date 2.24.20

Owner's address 4 Kanata Drive Nashua, New Hampshire 03063

Telephone number H: 603 943 7470 C: 201 390 9417 E-mail: juantaveras71@gmail.com

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

OFFICE USE ONLY *Date Received* 2/25/20 *Date of hearing* 3/24/20 **Application checked for completeness:** CF

PLR# 2020-00021 *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: 190-112

3. **PURPOSE OF REQUEST**

Answer all questions below. Provide as much information as available to give the ZBA the necessary facts to review your case. Attach additional sheets if necessary. Please see "Procedures for Filing a Special Exception" for further information.

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

Propose to construct a 10' x 20' shed in the 40 foot critical wetland buffer, in an existing lawn adjacent to Lincoln Brook. Also, will re-align fences.

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

Comparable

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

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

It would have no effects on either

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

Several mitigation elements approved by Conservation Commission: rooftop infiltration trenches, removal of invasive plant species, removal of existing shed and chain-link fence along Lincoln Brook, and more.

4. **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.

a. Total number of employees N/A Number of employees per shift N/A

b. Hours and days of operation N/A

c. Number of daily and weekly visits to the premises by customers, clients, vendors, and solicitors N/A

d. Number of daily and weekly commercial deliveries to the premises N/A

e. Number of parking spaces available N/A

f. Describe your general business operations:

N/A

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

N/A

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.

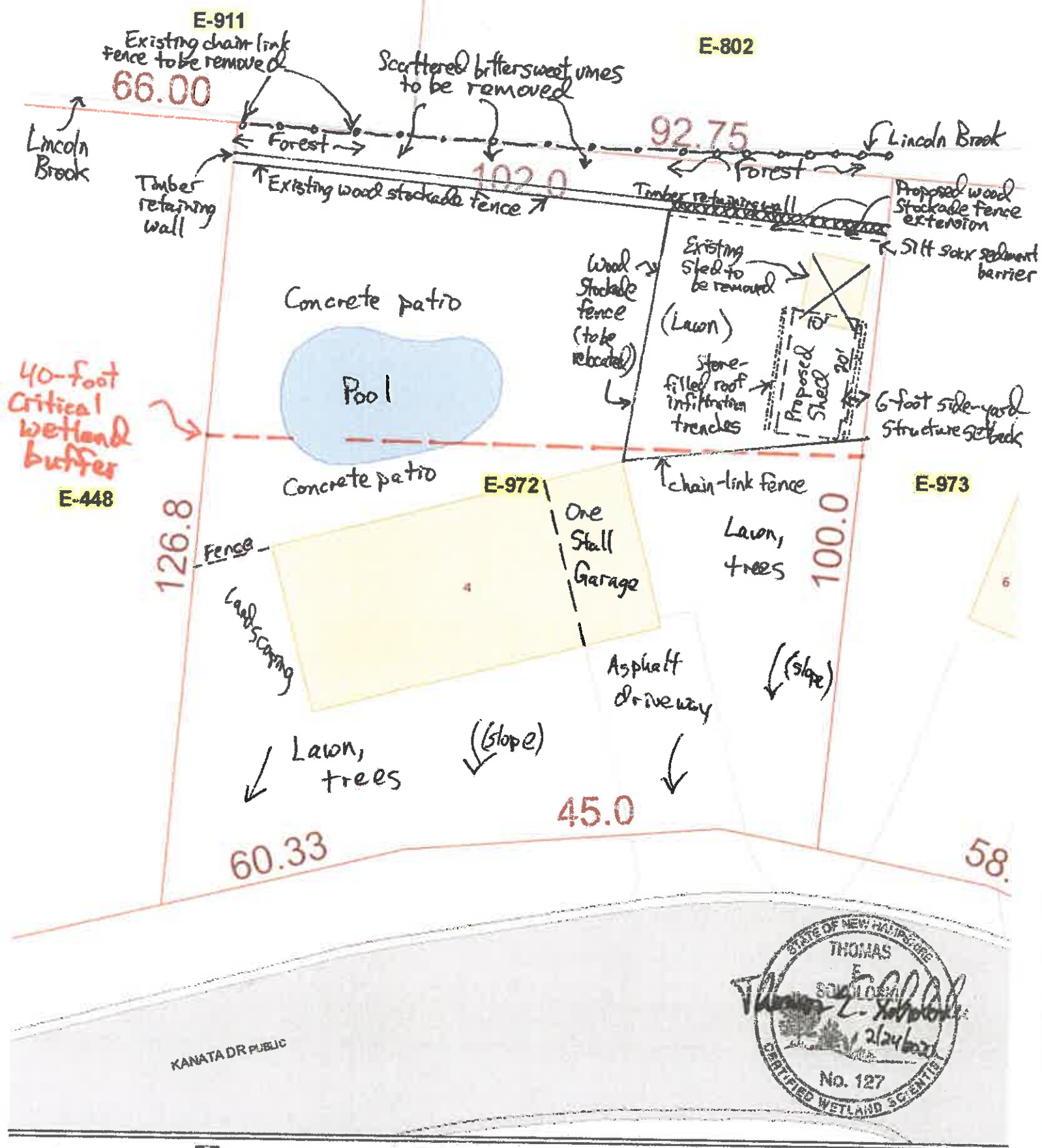
Juan Taveras
Signature of Applicant

2/25/20
Date

Juan Taveras
Print Name

2/25/20
Date

Prepared by: Tom Sokoloski, 1494 Rt. 3A, Unit 1, Bow, NH 03304 (603) 856-8594



Taveras - 4 Kanata Drive, Nashua

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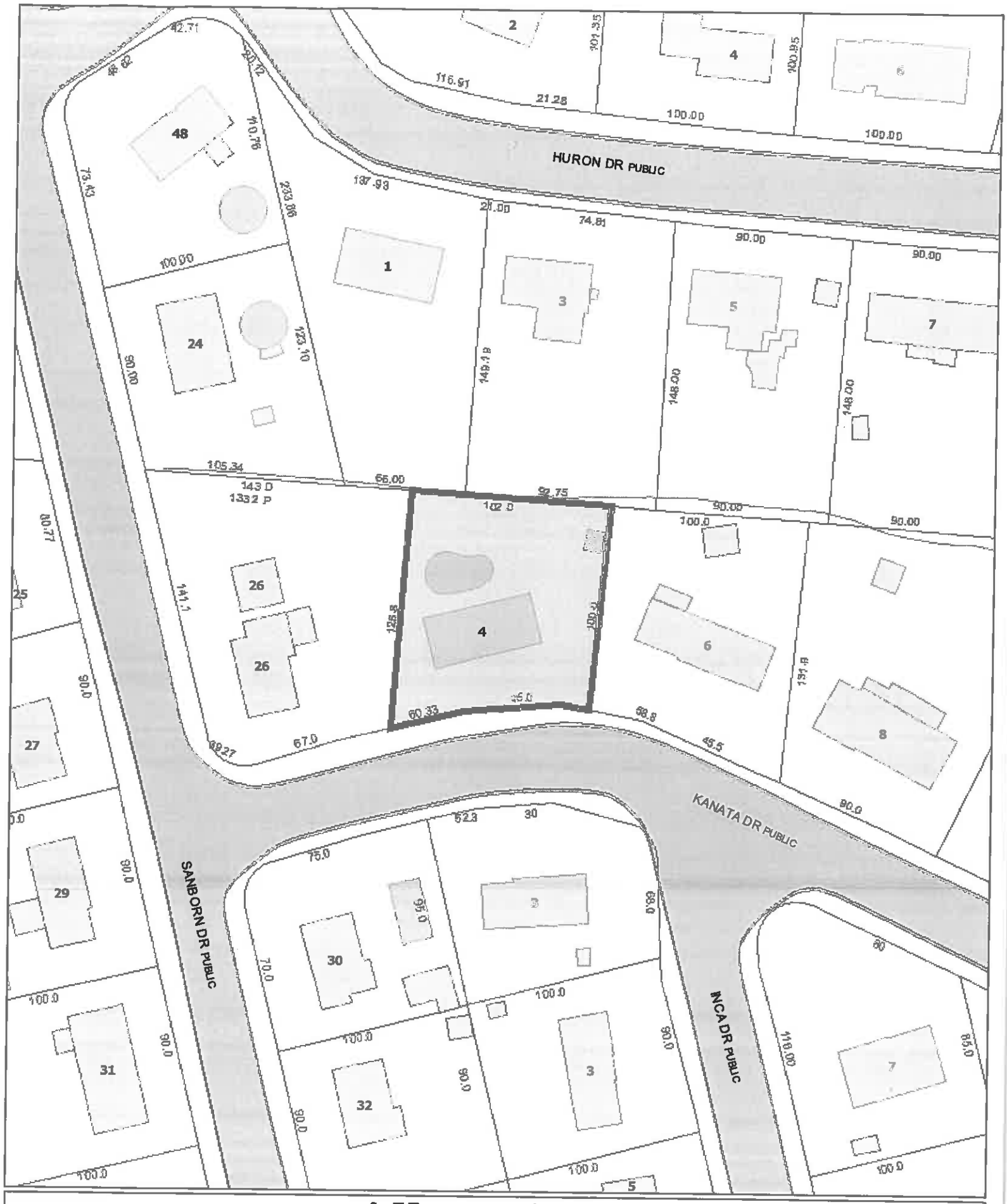

4 Kanata Drive

N
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NASHUA NEW HAMPSHIRE GIS

City of Nashua
Conservation Commission
City Hall, 229 Main Street, PO Box 2019, Nashua NH 03061-2019
(603) 589-3090 www.nashuanh.gov

February 11, 2020

Juan Taveras
4 Kanata Drive
Nashua, NH 03060

Re: Proposal for placement of a 280-square foot shed in the 40-foot Lincoln Brook critical wetland buffer.

Your application for the above referenced project received a favorable recommendation from the Nashua Conservation Commission (NCC) at their meeting on February 4, 2020 with the following stipulations:

1. The location of the shed shall be moved along the eastern border of the property line, as indicated on the revised plan.
2. Wetland buffer signage shall be installed on the southeast corner of the fenced portion of the property.
3. Landscaping shall be as natural as possible and promote the habitation of birds and pollinators.
4. The chain link fence along the property's abutting section of Lincoln Brook shall be removed.
5. The wooden stockade fence shall be relocated above the retaining wall.
6. The existing shed shall be removed.
7. All invasive species found onsite shall be removed.

Additional action is necessary to meet the city's requirements, including submitting an application to the Zoning Board of Adjustment, per NRO Section 190-114 Wetland application (E). Please contact Carter Falk, Deputy Planning Manager at (603) 589-3116 regarding that application process. It is also the owner's responsibility to submit any required applications to states agencies as may be needed for your particular project. Adherence to the dates and requirements identified in this letter and any included on the plans is important. If you have any questions about this letter or your responsibilities, please contact Linda McGhee, Deputy Planning Manager at (603) 589-3110.

Respectfully,

Linda McGhee

for Nashua Conservation Commission

cc: Carter Falk, Deputy Zoning Manager
Thomas Sokolowski, TES Environmental Consultants, LLC

To: Zoning Board of Adjustment

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

Date: March 17, 2020

Subj: **SAT Jr. Limited Partnership (Owner) J & K Dolan, LLC (Applicant) 76 Northeastern Boulevard, Unit 28 (Sheet C Lot 2025) requesting use variance from Land Use Code Section 190-15, Table 15-1 (#102) to allow an esthetician office in Unit #28. PI Zone, Ward 9.**

PROPOSAL:

The applicants, Joel & Kelly Dolan, are proposing to occupy Unit #28 at the above-mentioned location to use this suite for an esthetician's office. The site is located in the Park Industrial (AI) zone, and totals 196,020 square feet (4.5 acres).

PRIOR HISTORY:

Aug 1994: **Use Variance** - *granted* - to allow a personal service business in an existing business office – with stipulation that no unrelated retail products are allowed to be sold on premises.

Meeting minutes of the above-mentioned case are included in the package.

SITE ANALYSIS:

The subject site is located on the southerly side of Northeastern Boulevard, located west of Stafford Road (see attached map). To the north, across Northeastern Boulevard, is a bank building recently constructed, along with Boston Billiards and Best Fitness, zoned PI. To the east is a business condo development similar to the subject property, zoned PI. To the south are single-family homes along Pollard Avenue, zoned C-Suburban Residence (R9). To the west are identical business condos, and Belletete's Lumber, zoned PI.

The applicant has recently purchased Unit #28 at 76 Northeastern Boulevard. The property contains two buildings oriented in an "L" shape, and will use the entire 1,200 square foot suite for an esthetician's office. Estheticians are trained in skin wellness, skin care, nails and a variety of beauty treatments.

According to the Land Use Code Section 190-15, Table 15-1, Use Matrix (#102), *personal services, generally*, are permitted in the General Business (GB), Downtown-1/Mixed Use (D-1/MU), Downtown-3/Mixed Use (D-3/MU) and Highway Business (HB) zones. Further, the proposed use is permitted subject to Conditional Use approval by the Planning Board in the Park Industrial (PI) and Airport Industrial (AI) zones, as long as at least 75% of the gross floor area is reserved for uses listed

in the "industrial and manufacturing" category. Since 100% of the building would be used for the esthetician's business, it cannot meet the conditions to apply for a Conditional Use; therefore, the Use Variance is submitted.

The applicant states that there will be one employee, and a total of 25-30 visits per week from customers, clients and deliveries. Hours of operations will be Monday through Friday, 11:00 am – 8:00 pm.

Required minimum parking for the proposed use is 1 space per 500 square feet, therefore, two parking spaces will be required. The property has approximately 126 parking spaces for the 18 suites in this lot, so parking requirements will be satisfied.

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

Hardship: The applicant must establish that because, because of the special conditions of the property in question, the restriction applied to the property by the ordinance does not serve the purpose of the restriction in a "fair and reasonable" way. Also, 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 applicant indicates that the esthetician will not be able to practice in this space without the variance, and that the New Hampshire Licensing Board requires proper City Zoning approvals, and therefore the business would fail. The applicant indicates that the business will not impact others around her in a negative way.

Spirit and Intent: the applicant must describe how the variance request does not violate the spirit and intent of the ordinance, i.e. the proposed use must not conflict with the explicit or implicit purpose of the ordinance, and must not alter the essential character of the neighborhood, threaten public health, safety or welfare, or otherwise injure "public rights".

The applicant states that the proposed use will be a personal use variance, so the tenant can use the office to do skin and nail care, and it will not conflict with any other business or residence in the area.

Property values – the applicant must demonstrate that the requested variance will not result in a diminution of value to the surrounding property, i.e. the Board will consider expert testimony, but also may consider other evidence of the effect on property values, including personal knowledge of the members themselves.

The applicant has stated that by having an esthetician in the unit will in no way impact or diminish values of the surrounding properties, there is ample parking, and the clientele will not be a burden to the existing parking available.

Public interest – the application must not be contrary to the public interest, the proposed use most 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 application states that the property is zoned Park Industrial, and the office requires a variance, as an esthetician will be utilizing the space, and it will not impact any of the surrounding units, and will not impact or injure the public rights.

Substantial justice – granting the variance must result in substantial justice to the applicant, as the benefits to the applicant must not be outweighed by harm to the general public or to other individuals.

The applicant states that the renter who is doing the work as an esthetician will be able to stay in the space and utilize it for her business, which benefits the owner.

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

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

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FEB 24 2020
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VARIANCE APPLICATION (ZBA)

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

This application must be completed and submitted to the Planning Department no later than the dates listed on the Zoning Board of Adjustment (ZBA) schedule sheet. Please print clearly or type.

I. VARIANCE INFORMATION

1. ADDRESS OF REQUEST 76 Northeastern Blvd, Unit 28, Nashua, NH 03062

   Zoning District ~~park~~ PI Sheet C Lot 2025 PA#44023

2. VARIANCE(S) REQUESTED:

   Currently zoned park industrial, need zoning for a personal services variance for an esthetician renting one of the offices within unit 28.

II. GENERAL INFORMATION

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

   (Print Name): Joel Dolan

   Applicant's signature [signature] Date 2/21/2020

   Applicant's address 63 Hooker Farm Rd, Salem, NH 03079

   Telephone number H: C: 6032356831 E-mail: jpdolan113@gmail.com

2. **PROPERTY OWNER (Print Name):** J & K Dolan, LLC (Joel and Kelly Dolan)

   ***Owner's signature** Joel + Kelly Dolan Date 02/21/2020

   Owner's address 63 Hooker Farm Rd, Salem, NH 03079

   Telephone number H: C: 6032356831 E-mail: jpdolan113@gmail.com

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

OFFICE USE ONLY *Date Received* 2/24/20 *Date of hearing* 3/24/20 **Application checked for completeness:** CF

PLR# 2020-00020 *Board Action* _____

$ 900 *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: 190-15, Table 15-1 (#102)

Address 76 Northeastern Blvd, Unit 28

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 land is currently zoned industrial, the office in unit 28 requires a variance as an esthetitian will be utilizing the space. This will not impact any surrounding units. It will not impact or injure "public rights"

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 proposed use will be a personal use variance so the tenant can use an office to do skin and nail care. This will in no way conflict with any other business or residance in the area

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 renter who is doing work as an esthetitian will be ableo to stay in the space and utilize it for her business, which then benefits the owner.

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.)

Having an esthetitian in the unit will in no way impact or diminish values of the surrounding properties. There is ample parking and the small amount of clientele will not fill the parking spaces.

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 esthetician will not be able to practice in this space without the variance. Her licensing board requires the proper zoning. Her business will fail without it. Allowing the variance will allow for her to practice and start her business, and will in no way impact others around her in a negative way.

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 1 Number of employees per shift 1
b. Hours and days of operation Mon-Fri 11-8
c. Number of daily and weekly visits to the premises by customers, clients, vendors and solicitors 25-30
d. Number of daily and weekly commercial deliveries to the premises 0
e. Number of parking spaces available 35
f. Describe your general business operations:

Esthetician, practicing skin care and nails with no harmful chemicals. Uses all natural products.

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

none

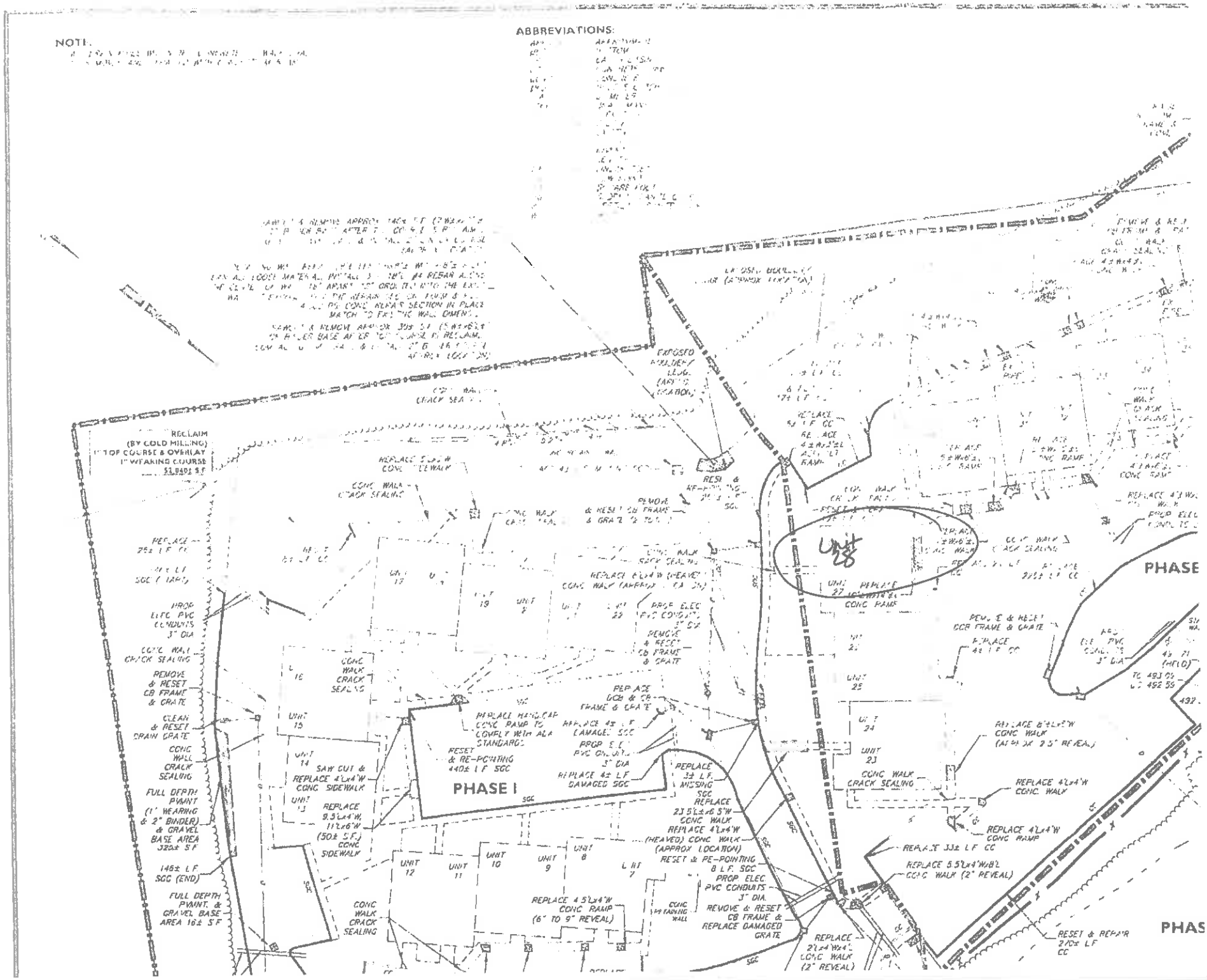
I hereby acknowledge that I have read this application and state that the above is correct and agree to comply with all the city ordinances and state laws regulating construction. I understand that only those point specifically mentioned are affected by action taken on this appeal.

Joel + Kelly Dolan — Signature of Applicant — Date 2/21/2020

Joel + Kelly Dolan — Print Name — Date 2/21/2020

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 jpdolan113@gmail.com
☐ Please mail it to me at


NOTE:
ABBREVIATIONS:
RECLAIM (BY COLD MILLING) 1" TOP COURSE & OVERLAY 1" WEARING COURSE
PHASE I
PHASE
PHAS
Unit 28
REPLACE HANDICAP CONC RAMP TO COMPLY WITH ADA STANDARDS
RESET & RE-POINTING 440± L.F. SGC
REPLACE 4± L.F. DAMAGED SGC
REPLACE 3± L.F. MISSING SGC
REPLACE 23.5'L±x6.5'W CONC WALK
REPLACE 4'Lx4'W (HEAVED) CONC WALK (APPROX LOCATION)
RESET & RE-POINTING 8 L.F. SGC
PROP. ELEC. PVC CONDUITS 3" DIA.
REMOVE & RESET CB FRAME & REPLACE DAMAGED GRATE
REPLACE 4.5'Lx4'W CONC RAMP (6" TO 9" REVEAL)
REPLACE 33± L.F. CC
REPLACE 5.5'Lx4'Wx8'L CONC WALK (2" REVEAL)
REPLACE 4'Lx4'W CONC. WALK
REPLACE 4'Lx4'W CONC RAMP
REPLACE 8'±Lx5'W CONC WALK (APPROX 2.5" REVEAL)
CONC WALK CRACK SEALING
SAW CUT & REPLACE 4'Lx4'W CONC SIDEWALK
REPLACE 9.5'Lx4'W, 11'Lx6'W (50± S.F.) CONC SIDEWALK
REPLACE 4'Lx4'W CONC RAMP
REPLACE 2'Lx4'Wx4'L CONC WALK (2" REVEAL)
RESET & REPAIR 270± L.F. CC
REMOVE & RESET CB FRAME & GRATE
CLEAN & RESET DRAIN GRATE
CONC WALL CRACK SEALING
FULL DEPTH PVMNT (1" WEARING & 2" BINDER) & GRAVEL BASE AREA 320± S.F.
146± L.F. SGC (END)
FULL DEPTH PVMNT. & GRAVEL BASE AREA 16± S.F.
PROP. ELEC. PVC CONDUITS 3" DIA.
CONC WALK CRACK SEALING
UNIT 15
UNIT 14
UNIT 13
UNIT 12
UNIT 11
UNIT 10
UNIT 9
UNIT 8
UNIT 7
UNIT 19
UNIT 22
UNIT 27
UNIT 25
UNIT 24
UNIT 23
CONC RAMP
CONC WALK CRACK SEALING
REPLACE 4'Lx4'W CONC WALK
REPLACE 4'Lx4'W CONC RAMP
REPLACE 33± L.F. CC
REPLACE 5.5'Lx4'Wx8'L CONC WALK (2" REVEAL)
REPLACE 4'Lx4'W CONC RAMP
REPLACE 4.5'Lx4'W CONC RAMP (6" TO 9" REVEAL)
CONC WALK CRACK SEALING
CONC WALK CRACK SEALING
REPLACE 25± L.F. CC
PROP. ELEC. PVC CONDUITS 3" DIA.
CONC WALL CRACK SEALING
REMOVE & RESET CB FRAME & GRATE
CLEAN & RESET DRAIN GRATE
CONC WALL CRACK SEALING
FULL DEPTH PVMNT (1" WEARING & 2" BINDER) & GRAVEL BASE AREA 320± S.F.
146± L.F. SGC (END)
FULL DEPTH PVMNT. & GRAVEL BASE AREA 16± S.F.
EXPOSED BOULDER/LEDGE (APPROX LOCATION)
RESET & RE-POINTING
REMOVE & RESET CB FRAME & GRATE
REPLACE 4± L.F. DAMAGED SGC
PROP. ELEC. PVC CONDUITS 3" DIA.
REMOVE & RESET CB FRAME & GRATE
REPLACE 4± L.F. CC
REPLACE 4'Lx4'W CONC WALK
REPLACE 4'Lx4'W CONC RAMP
REPLACE 4'Lx4'W CONC RAMP
REPLACE 4'Lx4'W CONC RAMP
PROP. ELEC. PVC CONDUITS 3" DIA.
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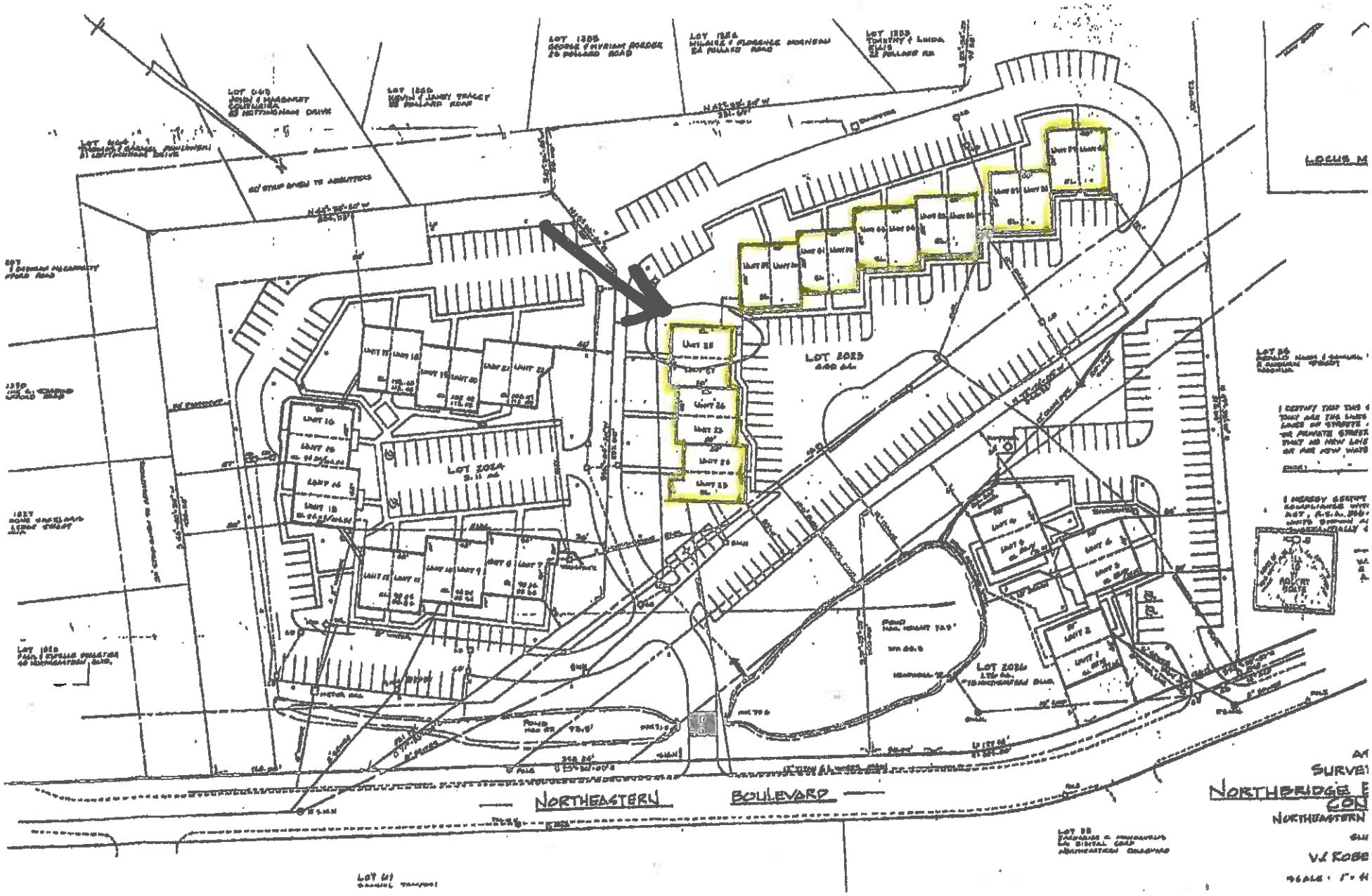
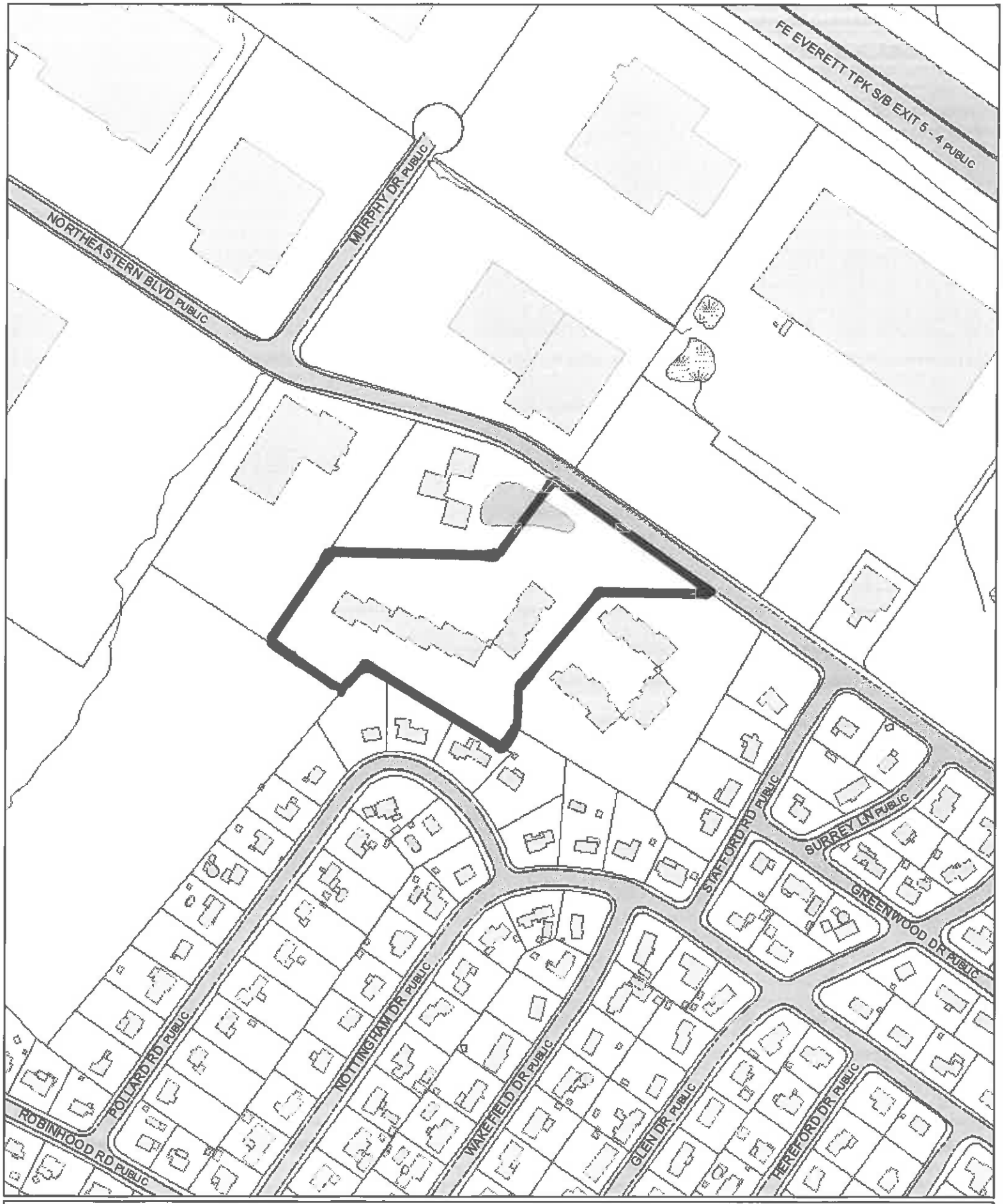
TC 492.55



NORTHBRIDGE BUSINESS CENTER



76 Northeastern Blvd Unit #28

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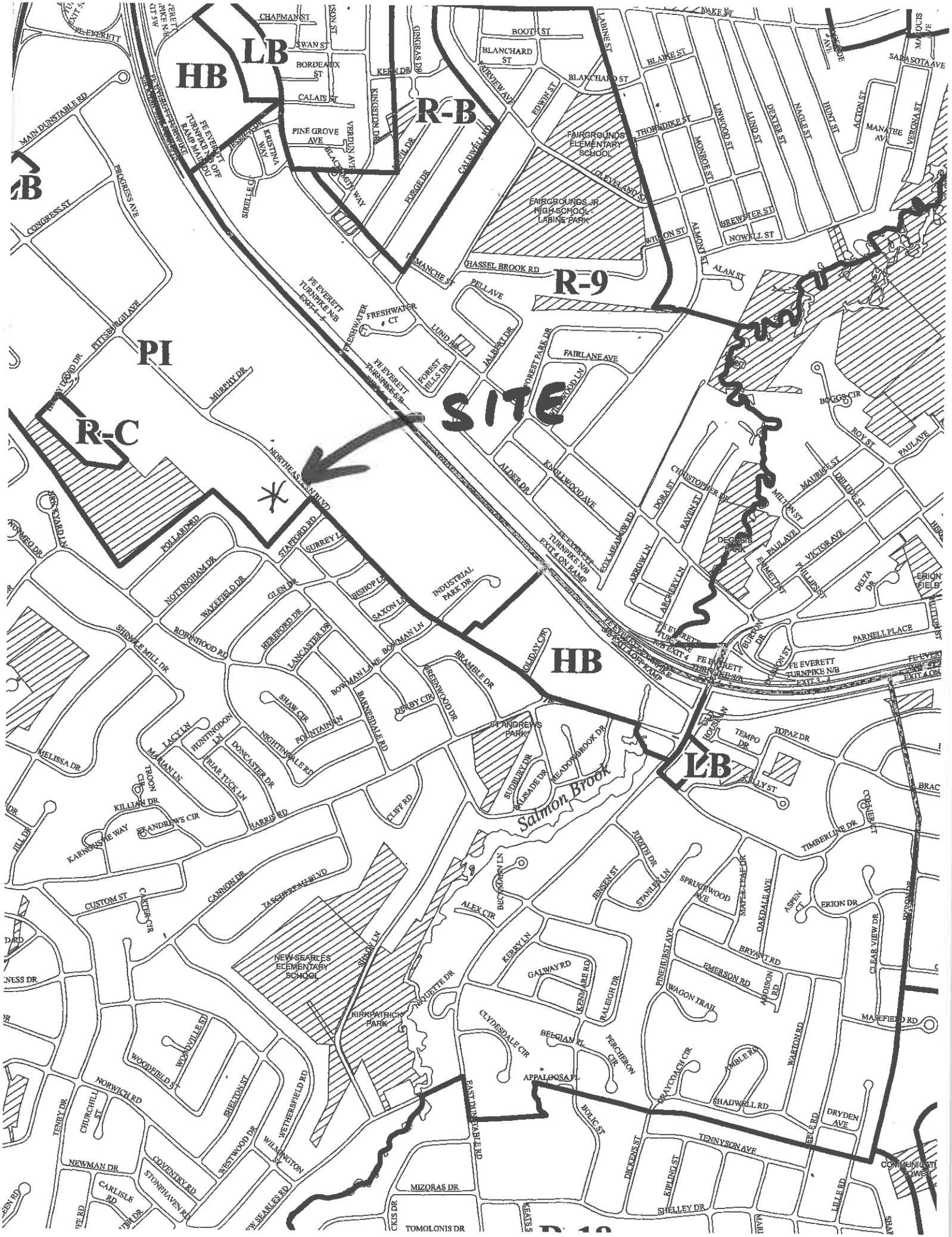
NASHUA GIS


HB
LB
R-B
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PI
R-C
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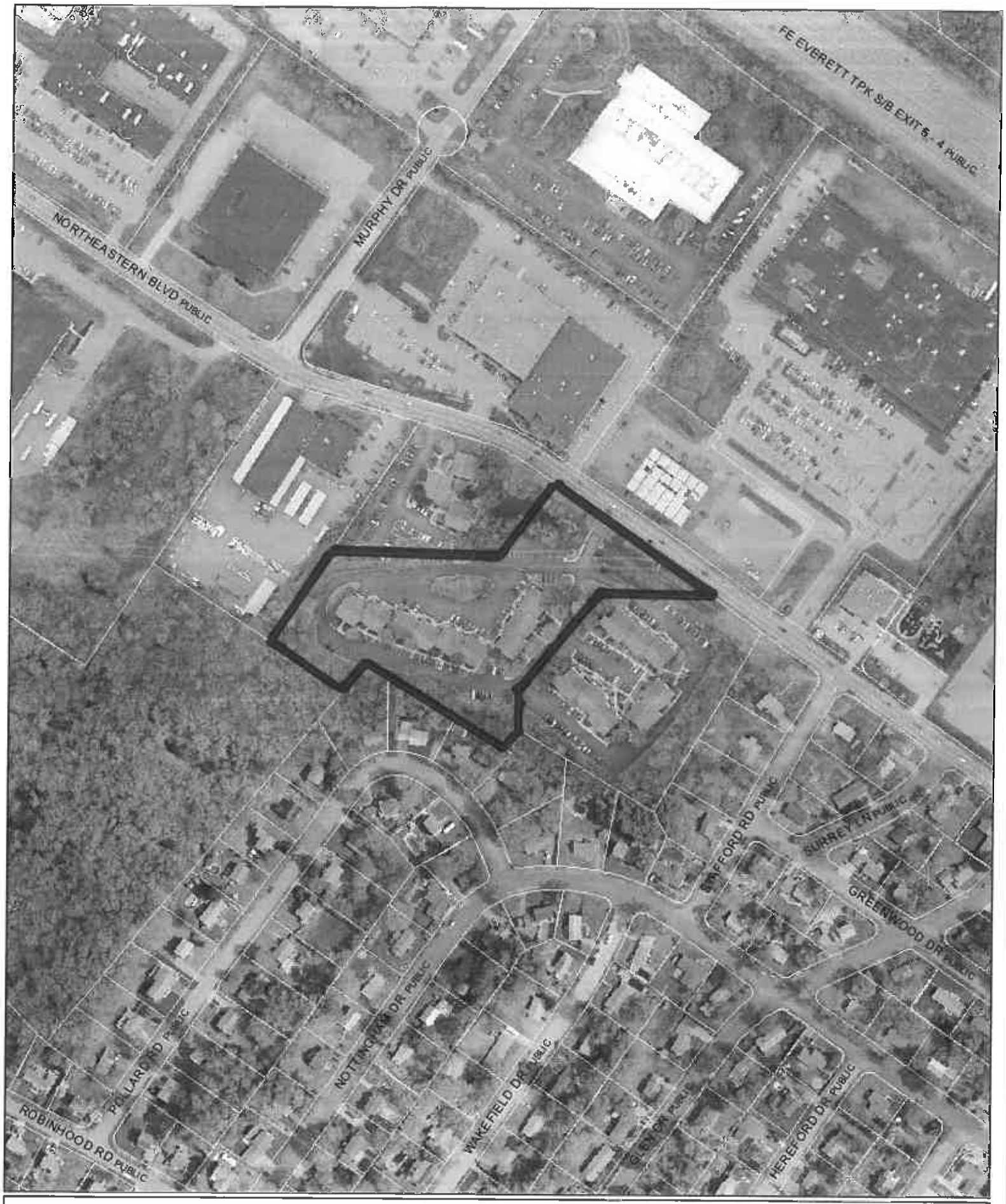
HB
LB
Salmon Brook
CHAPMAN ST
SWAN ST
BORDEAUX ST
CALAIS ST
PINE GROVE AVE
BOOTH ST
BLANCHARD ST
BLAINE ST
THORNDIKE ST
FAIRGROUNDS ELEMENTARY SCHOOL
FAIRGROUNDS JR. HIGH SCHOOL-LABINE PARK
CLEVELAND ST
WILTON ST
BREWSTER ST
NOWELL ST
ALAN ST
HASSEL BROOK RD
PELL AVE
FRESHWATER CT
LUND RD
FOREST HILLS DR
FAIRLANE AVE
FOREST PARK DR
KNOLLWOOD AVE
ALDER DR
BOGGS CIR
ROY ST
PAUL AVE
MAURICE ST
DELADE ST
MILTON ST
CHRISTOPHER DR
DORA ST
RAVIN ST
DEGRASSE PARK
VICTOR AVE
DELTA DR
PARNELL PLACE
ARROW LN
ARCHERY LN
FOXLAIR AVE
MAIN DUNSTABLE RD
PROGRESS AVE
CONGRESS ST
PITTSBURGH AVE
MURPHY DR
NORTHEASTERN BLVD
POLLARD RD
STAFFORD RD
SURREY LN
NOTTINGHAM DR
WAKEFIELD DR
GLEN DR
BISHOP LN
SAXON LN
INDUSTRIAL PARK DR
HEREFORD DR
LANCASTER DR
ROBINWOOD RD
SHINGLE MILL DR
BOWMAN LN
BOWMAN LANE
BRAMBLE DR
OLDAY CIR
DERBY CIR
BARNESDALE RD
FRESHWOOD DR
SHAW CIR
FOUNTAIN LN
NIGHTINGALE RD
DONCASTER DR
BRIAR TUCK LN
HUNTINGDON LN
LACY LN
MARIAN LN
MELISSA DR
TROON CIR
KILLIAN DR
ST ANDREWS CIR
KARNOSHE WAY
HARRIS RD
CLIFF RD
ST ANDREWS PARK
SUDBURY DR
PALISADE DR
MEADOWBROOK DR
TEMPO DR
TOPAZ DR
KELLY ST
TIMBERLINE DR
JUDITH DR
JENSEN ST
STANLEY LN
SPRUCEWOOD AVE
OAKDALE AVE
ASPEN CT
ERION DR
CLEAR VIEW DR
BRYANT RD
EMERSON RD
ADDISON RD
WAGON TRAIL
MANSFIELD RD
PINEHURST AVE
RALEIGH DR
KENMARE RD
GALWAY RD
KERRY LN
ALEX CIR
BUCKTOWN LN
CUSTOM ST
CARTER CIR
CANNON DR
TASCHERESHUB BLVD
NEW SEARLES ELEMENTARY SCHOOL
STROUD LN
KIRKPATRICK PARK
MOUETTE DR
CLYDESDALE CIR
BELGIAN PL
PERCHERON CIR
APPALOOSA PL
GRAYCOACH CIR
SHADWELL RD
WARTON RD
DRYDEN AVE
TENNYSON AVE
BOLIC ST
DICKENS ST
KIPLING ST
SHELLEY DR
LILLE RD
EAST DUNSTABLE RD
MIZORAS DR
TOMOLONIS DR
WOODFIELD ST
WOODVILLE ST
SHELTON ST
WETHERSFIELD RD
WILMINGTON ST
WESTWOOD DR
NORWICH RD
CHURCHILL ST
TENBY DR
NEWMAN DR
COVENTRY RD
STONEHAVEN RD
CARLISLE RD
NEW SEARLES RD
COMMUNICATI TOWER



76 Northeastern Boulevard - Unit 28

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W E
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Feet

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Nashua New Hampshire GIS

Uma Subramony (Owner) 76 Northeastern Blvd., Unit 31 - Northbridge Business Center (Sheet C Lot 2024 requesting use variance to locate a personal service business in an existing business office park. PI Zone.

Attorney James Kaklamanos stated that he was representing the applicant. The petitioner was requesting a use variance for the property at 76 Northeastern Boulevard. The proposal is to use 600 square feet of the condominium unit as a beauty salon, a personal service business as defined by the ordinance. The facility would have four chairs, with two full time employees and two part time employees.

Mr. Kaklamanos gave the Board a brief historical review of the area, stating that the Board has on several occasions recognized the oddity of this park industrial zone.

Mr. Kaklamanos stated that it was the ordinance itself that evokes the hardship. He stated that the condominium units have several types of professional usages, i.e., accountants, dentist, health care provider, realtor, appraisals, consultants.

Mr. Kaklamanos stated that property owners within the condominium project submitted a petition expressing their support for this request.

Mr. Kaklamanos stated that the planning staff does not have any reservations with the proposed use and the City Engineer stated that the proposed use would not adversely affect city utilities in the area. He stated that the use is not out of character with the neighborhood and there would be no appreciable increase in traffic with this appointment only facility. Mr. Kaklamanos said that substantial justice and fairness is promoted with the granting of this request and it is in the public best interest to have these types of services available.

Mr. Kaklamanos stated that after analysis, a review of the past record of the Board, and a drive through of the neighborhood, it is unworkable and unreasonable to exclusively maintain park industrial activities in what has become a rather stagnant zone for its intended purpose.

Mrs. Douglas asked if anything else would be sold in this shop other than beauty related items, ie., jewelry, clothing.

Ms. Subramony stated that it would only be beauty related items.

Discussion ensued regarding the greater traffic flow and adequate parking. Mr. Kaklamanos stated that it is an appointment only facility, servicing approximately one customer per hour. The business hours will be from 7:30 a.m. to 8:00 p.m., five days a week. There are approximately six parking spaces allocated to each unit and there are three tenants in this unit.

Mark Fougere stated that the site plan required 257 parking spaces but a total of 289 were provided on the site.

SPEAKING IN FAVOR -- NO ONE.

SPEAKING IN OPPOSITION

Mrs. Sakelaris, 7 Stafford Road.

Mr. Sakelaris asked if the business was allowed to stay open until 8:00 p.m. if other places of business would also move this Board to stay open late.

Mr. McAfee stated that that park can stay open.

NO REBUTTAL NECESSARY

Theresa G. Trottier (Owner) Catherine Street (Sheet 126 Lots 148-151, 155-163, & 205 and Richard D. & Lisa M. Trottier (Owners) Catherine Street (Sheet 126 Lots 152-154) Appealing Decision of Administrative Officer pursuant to RSA 674:41 II Denying Issuance of a Building Permit to Construct a Single Family Dwelling with a Private Drive on Multiple Lots on an Unaccepted Street. RA Zone.

Attorney Brad Westgate from the law firm of Winer & Bennett, 111 Concord Street, represented the applicants, Theresa Trottier, Richard Trottier and Lisa Trottier. He submitted a receipt showing that the real estate taxes due on the property had been paid and also some plans and other materials relating to the case.

Mr. Westgate stated that this was an appeal under RSA 674:41. The Trottiers own the property depicted on the Maynard & Paquette plan which consists of 16 lots on the original plan recorded back in 1923 in the Registry of Deeds as Plan 517. The property also consists of a portion of what's now known as a paper street called Catherine Street.

Back in July, the Trottiers applied for a building permit for a single family dwelling on the property. Attorney Westgate said

ZONING BOARD OF ADJUSTMENT PUBLIC MEETING
AUGUST 23, 1994

A public meeting of the Zoning Board of Adjustment was held on Tuesday, August 23, in the Auditorium at City Hall.

Kevin McAfee, Vice Chair, conducted the hearing.

Members present were: Kevin McAfee
Susan Douglas
Hilary Keating
Robert Blaisdell
Dennis Drake

Also present: Mark Fougere, Deputy Planning Director

Forecast Nashua Limited Partnership (Owner) Tandy Corporation (Applicant) 252 Daniel Webster Highway (Sheet A Lot 212 & 524) Requesting Two Wall Sign Variances as Follows: 1) West Evaluation: 52.5 square feet permitted, WHICH WAS AMENDED TO 96.8 SQUARE FEET 2) North Evaluation: 36 Square Feet Requested, 0 Square Feet Permitted. HB Zone

127 sq. ft requested (p. 3 public hearing)

MOTION By Mr. Blaisdell to grant the variances.
SECONDED By Douglas.
MOTION CARRIED UNANIMOUSLY.

Osgood Company (Owner) Fred Hayden/Nashua Outdoor Power Equipment Repair (Applicant) 25 R. East Hollis Street (Sheet 30, Lot 47) Requesting Special Exception for an Automotive Service and Repair Facility. CB Zone.

Not heard because no one was present to represent applicant and taxes have not been paid.

Samuel Tamposi 1987 Trust/Gerald Nashua 1987 Trust (Owners) R.G. Locke D/B/A Triumph Auto Glass (Applicant) 522 Amherst Street (Sheet H Lot 20) Requesting Special Exception for Automotive Service Repair Facility for Glass Installation. GB Zone.

Not heard because taxes have not been paid.

Uma Subramony (Owner) 76 Northeastern Blvd., Unit 31 - Northbridge Business Center (Sheet C Lot 2024 requesting use variance to locate a personal service business in an existing business office park. PI Zone.

MOTION By Mr. Drake to approve use variance with stipulation.

SECONDED By Douglas with stipulation that no unrelated retail products allowed to be sold on the premises.
MOTION CARRIED UNANIMOUSLY.

Theresa G. Trottier (Owner) Catherine Street (Sheet 126 Lots 148-151, 155-163, & 205 and Richard D. & Lisa M. Trottier (Owners) Catherine Street (Sheet 126 Lots 152-154) Appealing Decision of Administrative Officer pursuant to RSA 674:41 II Denying Issuance of a Building Permit to Construct a Single Family Dwelling with a Private Drive on Multiple Lots on an Unaccepted Street. RA Zone.

Mr. McAfee read into record Attorney Westgate's findings of meeting the criteria of RSA 674:41,II

Lengthy discussion ensued regarding each of the criteria outlined in the memorandum.

Mr. Fougere added an outline of the flood plain, which is also in that area and should be delineated when looking at the wetlands issue, as often times the flood line goes higher beyond the wetlands boundary.

MOTION By Drake to grant the appeal with the following conditions that must be met before a building permit will be issued.

1. Consolidate all lots into one non-subdividable lot.

2. Owner will provide the Engineering Department with information and sewer tie-in is approved by city.

3. Owner will provide a plan that meets the wetland buffer without further variances; that it meets the wetlands ordinance; that it is not in the flood plain.

4. Building will not negatively impact drainage on Lawndale and Catherine Street during construction and permanently.

5. Owner will grant an easement for existing drainage pipe from Lawndale to Salmon Brook.

6. Fire Department will review and approve plan of driveway for accessibility.

SECONDED By Blaisdell
MOTION CARRIED UNANIMOUSLY.

Falk, Carter

From: Sam Tamposi <sam@tamposicompany.com>
Sent: Thursday, March 05, 2020 9:37 AM
To: 'Joel Dolan'
Cc: Falk, Carter; 'Kelly Khachadourian'
Subject: RE: Permission for City of Nashua

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

Hi Joel,

I am the Manager of Ballinger Properties, LLC which is the General Partner of SAT-SR Limited Partnership. Please allow this e-mail note to serve as permission for J&K Dolan, LLC to seek a use variance for the property at 76 Northeastern Boulevard, Nashua, NH for rental of Unit 28 to an Esthetician. SAT-SR Limited Partnership hereby authorizes you to seek a variance for the property for commercial, business or medical uses.

Best, Sam

Samuel A. Tamposi, Jr., President
The Tamposi Company, Inc.
20 Trafalgar Square, Suite 602
Nashua, NH 03063
(603) 883-2000 (w)
(603) 512-9054 (c)

From: Joel Dolan [mailto:jpdolan113@gmail.com]
Sent: Wednesday, March 4, 2020 11:13 AM
To: sam@tamposicompany.com
Cc: falkc@nashuanh.gov; Kelly Khachadourian (kellykhach@mac.com) <kellykhach@mac.com>
Subject: Permission for City of Nashua

Mr. Tamposi,

My name is Joel Dolan, my wife and I represent J & K Dolan, LLC and own the building on 76 Northeastern Blvd, Unit 28 in Nashua. While we own the structure, SAT SR Limited Partnership is the land owner. I have filed an application with the City seeking a use variance as I am attempting to rent some of the space to an Esthetician. The land is currently zoned as Park/Industrial therefore, I will require a variance in order to lease the space for this purpose.

As the land owner, or representative of the landowner, the City requires your permission to allow me to present this application to the Zoning Board.

I have CC'd the City on this email. I will only need a quick response with the owner's approval.

Please let me know if you have any questions or concerns.

Joel Dolan
603.952.0850

Virus-free. www.avast.com

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

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

RECEIVED
FEB 20 2020

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.

1. VARIANCE INFORMATION

a. ADDRESS OF REQUEST 130 Spit Brook Road

Zoning District PI Sheet B Lot 2428

b. VARIANCE(S) REQUESTED:

To locate a ground sign at 0' setback, where 10' is required. ($200); To locate a larger than 25 sq ft ground sign in the R18 zone where 12 square feet is the maximum size ($200); To allow an Electronic Message Center in an R18 zone where none is permitted ($330.00)

c. LAND USE CODE SECTION(S) REQUESTING VARIANCE(S) FROM ~190

2. GENERAL INFORMATION

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

(Print Name): Signs Now NH C/O Charles Raz

Applicant's signature [signature] Date 2/14/20

Applicant's address 71 Bridge Street, PO Box 184 Pelham, NH 03076-0184

Telephone number H: 603.635.2292 C: E-mail: info@SignsNowNH.com

b. **PROPERTY OWNER (Print Name):** Grace Lutheran Church

***Owner's signature** Kent L. Hubner Date 2/14/20

Owner's address 130 Spit Brook Road

Telephone number H: (603) 888-7579 C: 603-305-6982 E-mail: treasurer@gracelutherannashua.org

***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:** _____

PLR# _____ *Board Action* _____

$_____ *application fee* ☐ *Date Paid* _____ *Receipt #* _____

$_____ *signage fee* ☐ *Date Paid* _____ *Receipt #* _____

$_____ *certified mailing fee* ☐ *Date Paid* _____ *Receipt #* _____

3. PURPOSE OF REQUEST

Answer all questions below. Provide as much information as available to give the ZBA the necessary facts to review your case. Attach additional sheets if necessary. 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.")

Allowing the requested sign variances for sign placement a similar distance from the pavement as neighboring signs will improve the safety of the drivers and pedestrians in the area because the location improves sign visible for traffic and individuals approaching from in both directions, allowing drivers to see the sign early enough to safely slow for the turn into the parking area. New visitors to the church such as those seeking to obtain donations from the church's Food Pantry often state they failed to see the sign placed on the property line 80 feet from the roadway. Allowing the EMC sign variance will allow timely notification of Food Pantry donations, block parties, and other free events.

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.")

Allowing the requested sign variances is in the public interest, because the proposed sign location on the state highway right of way is the same as neighboring signs like World Academy and Public Storage as this location improves the safety of the drivers and pedestrians in the area. The improved visibility that the proposed sign location nearer to the roadway would allow drivers to see a smaller 32 sq ft sign located at the ROW line than the current 50 sq ft sign located 80 feet from the roadway. The proposed EMC will display three rows of text, not graphics, large enough for reading the text in vehicles passing on the roadway. Although the proposed sign location is a R18 zone, the neighboring properties on the north side of Spit Brook Road are commercial businesses and not residential or park industrial. The 2 ft 1 3/16 in by 6 ft 6 1/2 in EMC is less than the 50% of sign area allowed for the EMC portion of the sign, but allows viewing of text by passing vehicles.

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.)

Requiring placement of the sign 80 ft or more from the road way makes the sign unreadable by passing vehicles, while allowing a readable 32 sq ft sign with a EMC area placed at the ROW does not harm the public. Vehicles using the Access Easement to enter Spit Brook Road have 40 of unrestricted view for cross traffic and pedestrians. The 80 ft set back at property line restricts the property owner's building identifications. Restricting the EMC area restricts the publics ability to view of public posting food pantry and other notices of free public event dates and times. The proposed sign location at the ROW line provides a viewable location consistent with other signs on the north side of the roadway. Allowing the proposed sign location will help avoid confusion for vehicles entering Access Easement shared by the two properties as drivers to see the sign in time to safely slow for the turn into the parking area.

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 proposed sign will not diminish the values of the surrounding properties because other property owners on Spit Brook Road have illuminated signs similar distance from the roadway. A permanent sign placed at the ROW line will allow the property owner to discontinue the use of temporary 4 ft by 8 ft banners to announce food pantry and other notices of free public event dates and times. A permanently mounted well constructed sign will improve aesthetics when viewed from the roadway.

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 relocation of Spit Brook Road 80 ft from the existing property line established a Special Condition for this property that literal enforcement would cause unnecessary hardships for the property owner by make a sign unreasonably hard to read for vehicles passing on the roadway. Thus, allowing placement of the proposed 32 sq ft sign with EMC at the state highway ROW line 40 ft from roadway would remove the unfair and unreasonable restriction without increased public safety risk compared to other similar properties on Spit Brook Road. Allowing an proposed 32 sq ft sign with EMC allows adequate viewing from the roadway improved safety and public awareness, without diminishing property values.

4. USE VARIANCE ADDITIONAL INFORMATION

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

a. Total number of employees 6 Number of employees per shift 6
b. Hours and days of operation Sunday through Saturday; 7 am to 9 pm
c. Number of daily and weekly visits to the premises by customers, clients, vendors and solicitors ~100-200/day
d. Number of daily and weekly commercial deliveries to the premises 3 per day
e. Number of parking spaces available 120
f. Describe your general business operations:

Religious organization providing church services, Christian education and charitable services such as food pantry, and nonprofit meeting space.

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

Relocation of sign closer to roadway for improved viewing

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 2/14/20

Charles Raz for Signs Now NH
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 chuck@SignsNowNH.com
- ☐ Please mail it to me at

130 Spit Brook Road

N
W E
S

0 245 490 980 Feet

NASHUA
GIS

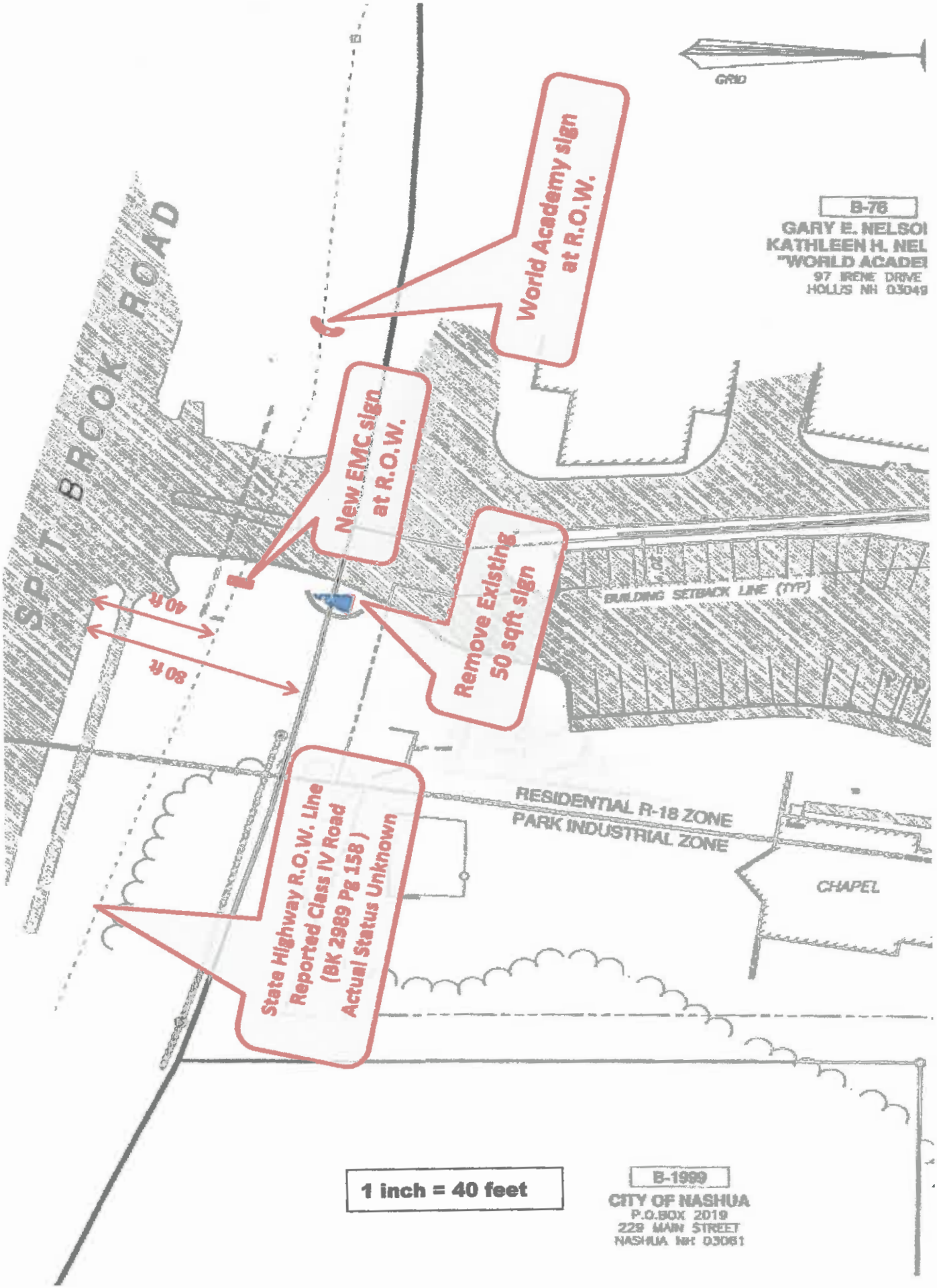
130 Spit Brook Rd

N
W E
S

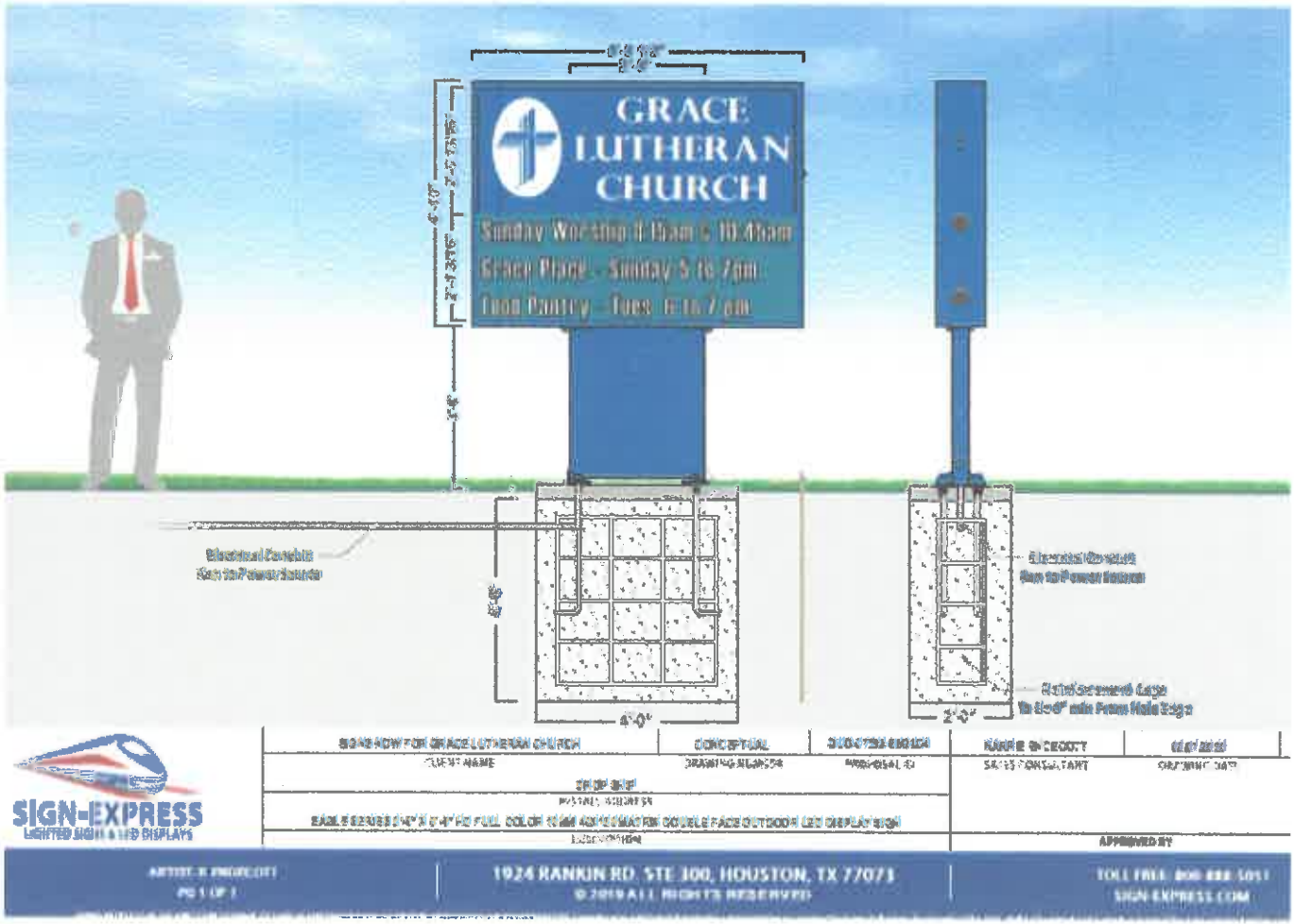
Feet

0 120 240 480

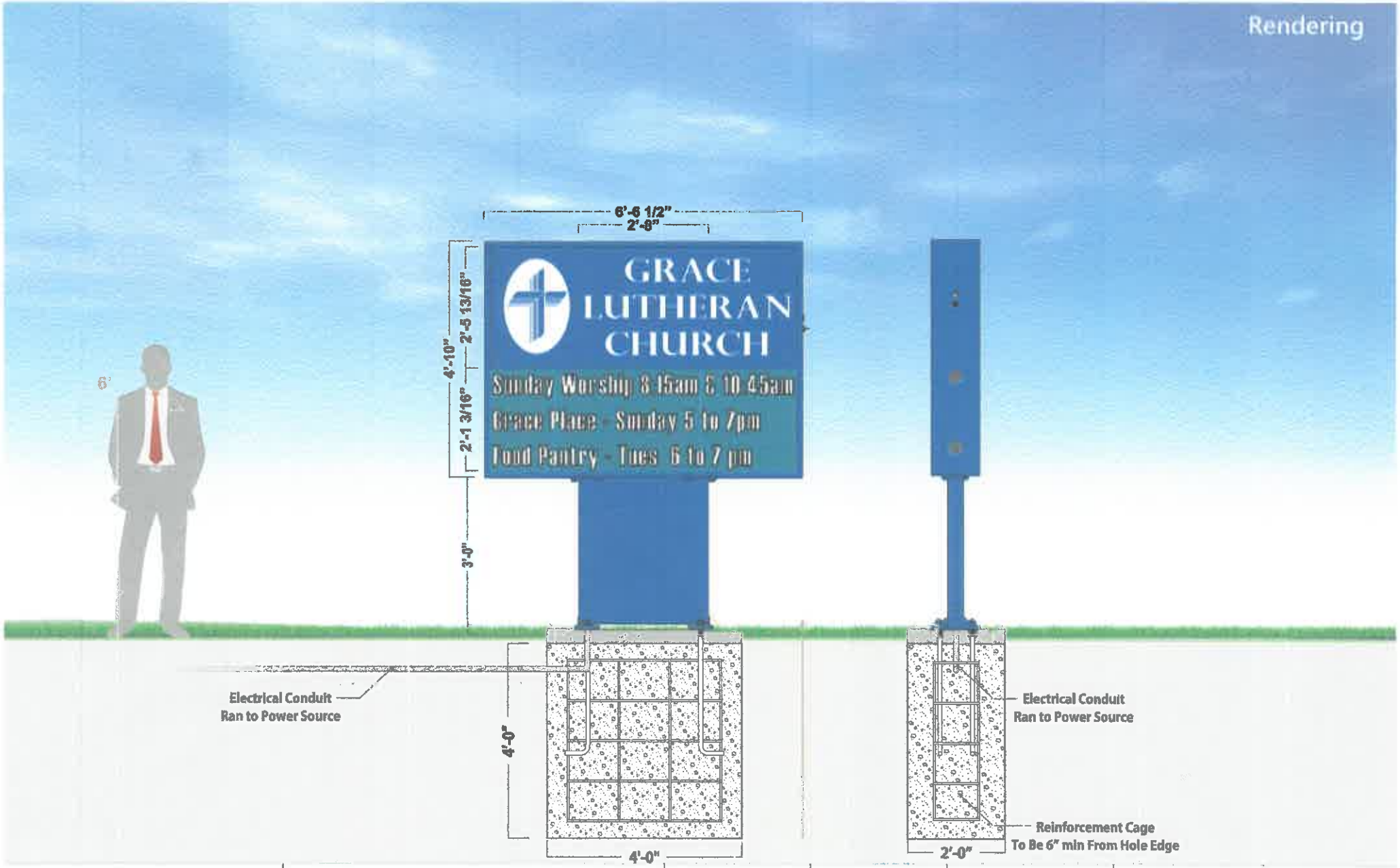
NASHUA
New Hampshire
GIS


GRID
B-76
GARY E. NELSOI
KATHLEEN H. NEL
"WORLD ACADEI
97 IRENE DRIVE
HOLLIS NH 03049
World Academy sign at R.O.W.
New EMC sign at R.O.W.
Remove Existing 50 sqft sign
SPIT BROOK ROAD
40 ft
80 ft
BUILDING SETBACK LINE (TYP)
RESIDENTIAL R-18 ZONE
PARK INDUSTRIAL ZONE
CHAPEL
State Highway R.O.W. Line
Reported Class IV Road
(BK 2989 Pg 158)
Actual Status Unknown
1 inch = 40 feet
B-1999
CITY OF NASHUA
P.O.BOX 2019
229 MAIN STREET
NASHUA NH 03061

Replace 50 sq ft (10Ft by 10Ft)
2 Faced Sign at Property line



Relocate and replace 50 sq ft (10Ft by 10Ft) 2 Faced Sign with new 32 sq ft sign within Access Easement and at the State Highway R.O.W. line
4' 10" x 6' 6-6 ½" Sign Cabinet - each face contains 2' 1-3/16" x 6' 6-1/2" LED in order to comply with Nashua requirement for LED portion no larger than 50% of sign



SIGN-EXPRESS
LIGHTED SIGNS & LED DISPLAYS

CLIENT NAME	DRAWING NUMBER	PROPOSAL ID	SALES CONSULTANT	DRAWING DATE	REVISION DATE
SIGNS NOW FOR GRACE LUTHERAN CHURCH	CONCEPTUAL	QUO-07293-S5G8D4	KARRIE ENDECOTT	02/07/2020	

DROP SHIP

INSTALL ADDRESS

EAGLE SERIES 2'-6" X 6'-9" HD FULL COLOR 16MM 40X120 MATRIX DOUBLE FACE OUTDOOR LED DISPLAY SIGN

DESCRIPTION

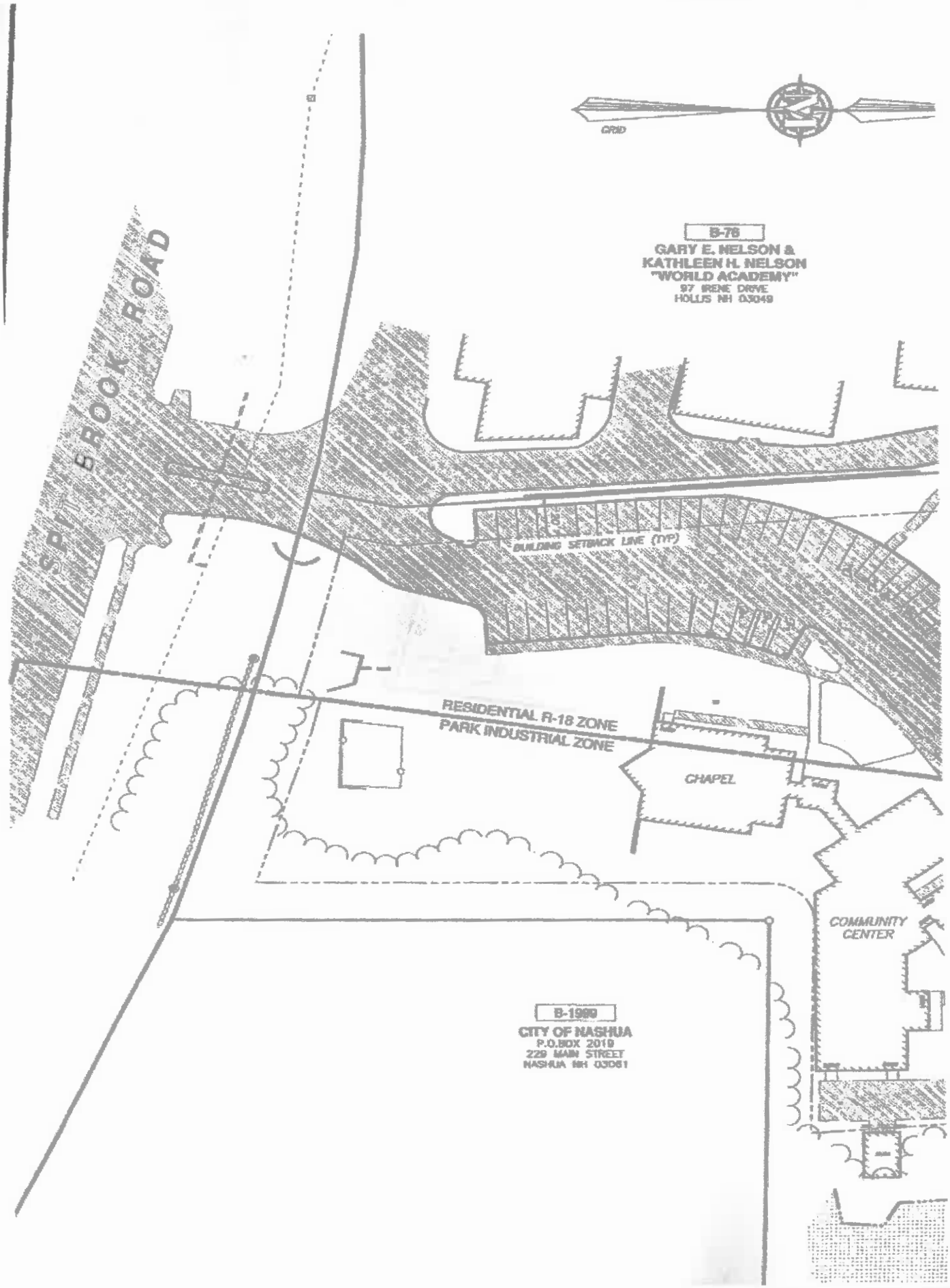
APPROVED BY

ARTIST: K ENDECOTT
PG 1 OF 1

1924 RANKIN RD. STE 300, HOUSTON, TX 77073

© 2019 ALL RIGHTS RESERVED

TOLL FREE: 800 888 5051
SIGN-EXPRESS.COM


GRID
B-76
GARY E. NELSON &
KATHLEEN H. NELSON
"WORLD ACADEMY"
97 IRENE DRIVE
HOLLIS NH 03049
SPIT BROOK ROAD
BUILDING SETBACK LINE (TYP)
RESIDENTIAL R-18 ZONE
PARK INDUSTRIAL ZONE
CHAPEL
COMMUNITY CENTER
B-1999
CITY OF NASHUA
P.O.BOX 2019
229 MAIN STREET
NASHUA NH 03061

Mrs. Krailo said she didn't feel the hardship has been proven. This is a land use board, not an economics board and financial considerations are out of their purview. This property has not been on the market as a residential use per testimony.

She also stated she had trouble with the fact that the immediate surrounding properties are all residential and this would probably adversely affect those residential properties by introducing some commercial property there.

MOTION by Mrs. Krailo to deny the variance for the reasons stated above.

SECONDED by Mrs. Meckel. She doesn't see the hardship. There is plenty of commercial property that a lawyer's office can be put into. She said this is clearly a residential area. She is a realtor and she has customers who like these old homes who like to live within walking distance of the city. She said if you take one property and allow them to put a parking lot in a back yard you're destroying the properties around it. It will lower the values of the other properties in a residential area.

Mr. Dowd agrees with what's been said, although he doesn't think a family with young children would want to live there because of the proximity of Main Street.

MOTION CARRIED UNANIMOUSLY

At this point, Mrs. Krailo excused herself from the Board due to illness. Mr. McAfee said if anyone wished to postpone due to having only four members, they should advise the Board so the case may be heard at the next meeting.

2. **Grace Lutheran Church, Inc. (Owner) 130 Spit Brook Road (Sheet B Lot 2428) requesting variances as follows: A) To erect a ground sign which has 1) Setback: 20 feet required, 0 feet proposed;;; 2) Area: 20 square feet maximum, 33.25 square feet proposed; and 3) Height: 8 foot maximum, 12 feet proposed and B) Erect additional 8 square foot ground sign with changeable copy. R18/PI Zones.**

Tim Desclos, P.O. Box 1137, Hollis, NH. He is an agent for Grace Lutheran Church.

He said he remembers when he was growing up in Nashua Spit Brook Road was a very curvy little side street. When Spit Brook Road was

upgraded the property line is about eighty feet from the edge of Spit Brook Road. They are asking that they not be required to meet the 20 foot setback from the property line because that would put them at 100 feet from the road. Mr. Desclos said if the sign were 100 feet from the road, a 20 square foot sign would be ineffectual.

He said with that in mind they are asking for a variance to put the sign at the property line and not 20 feet to the rear of it and also to increase the sign surface area by 20 square feet, which would give them 32 square feet for the main ground sign and an extra 8 square feet for an additional sign for the church which would indicate the activities going on at the church. He provided copies of what they were talking about and pictures to the Board to illustrate the problem they have with the site. These pictures were taken from different locations to show visibility.

Mrs. Meckel referred to Page 7 of the materials. She asked where they wanted to put the sign.

Mr. Desclos said they would be further to the north. It doesn't show in that photo. He referred the Board to the aerial photo on Page 1. There is a temporary sign. He said there is a median strip - go directly to the east of the median strip where there is a bare spot of ground. That is the proposed location of the sign. It shows up on the plot plan on Page 2.

Mrs. Meckel asked if both signs would be using the same pole.

Mr. Desclos said they would be on separate poles located in the same spot.

Discussion ensued.

Mr. Desclos said even if they had the sign at the property line, they are still 80 feet away from the road.

Mrs. Meckel said it's wide and open out there. She said the church is very visible coming down Spit Brook Road.

Mr. Desclos said it is, but in order to give it some kind of identity you have to be able to read the sign. At 80 feet off the road it will be difficult to read a 20 square foot sign. If you're going east to west on Spit Brook Road, it's a PI Zone until you get to this property.

He pointed out the other materials in the package which point out signs that are in proximity to or abutting their property.

Mrs. Meckel asked if they wanted to go bigger than the Roby Park sign.

Mr. Desclos said no - they want to go bigger than what they are allowed. They are allowed 20 square feet and they want a total of 40 square feet of signage. The larger sign they want is shaped like a pyramid.

Mrs. Meckel asked what size the pyramid shaped sign was.

Mr. Desclos said the sign surface area was 32 square feet.

She asked how tall it was.

Mr. Desclos said it would be 12 feet above grade.

Mrs. Meckel asked how wide it was.

Mr. Desclos said it was 7 feet wide at the base. It would have 5" letters. He continued to say the eastern part of the property is in the Park Industrial Zone and if it were not wooded, it would be allowed a 50 square foot sign. Trees would have to be cut down in order to put a sign there. He believes the mini storage has a 50 square foot sign. This is the next lot to the east.

Mrs. Meckel asked if part of the land they are on is zoned PI.

Mr. Desclos said the very eastern boundary is. The majority of the land is in the R18 Zone.

He said if they had an overview of the whole area, they would see that the setback is not indicative of the other properties on Spit Brook Road. When they straightened the road out, they never moved the property lines, which accidentally produces a severe setback, especially for this particular property, not indicative of the other properties.

Mr. McAfee asked why it was so important for a church to have such signage. He said there are parishioners who worship there on Sundays and they find out about the different functions when they attend.

Mr. Desclos said for identity. At 80 feet there is hardly any legibility. They didn't want to do a rectangle with great big letters on it. They wanted to do something that's in keeping with the architecture.

Discussion ensued.

Mr. Dowd asked about the other sign.

Mr. Desclos said it is a small ground sign parallel to Spit Brook Road. It would be single faced and similar to that shown on Page 14. That is in planning stage as it is a sign which would have changeable copy. At this time they are trying to go for location with the requested amount of signage.

Mr. Dowd said this would be next to the other sign.

Mr. Desclos said it would be.

SPEAKING IN FAVOR

Dave Everbeck, 17 Westbrook Drive. He said the adjacent property is Small World. The Lutheran Church is down the road. There is no signage for either of these properties. He doesn't know if the reason is due to the setback or if it's for other reasons, but they should have signage.

The area is posted at 30 - 35 miles per hour and people are going 50 - 60 miles per hour coming up the hill and others are trying to get into the church area or to Small World. He said visibility at the corner is not very good.

Mr. McAfee said Small World does have a sign.

Mr. Everbrook said it's a small sign - about 5' X 6'.

Mr. McAfee said he thought they came to the Board for a variance for that sign.

Woody Taylor, the individual who signed the application and a representative of the Grace Lutheran Church. Mr. Taylor said they want signage and want to conform to whatever the zoning ordinances are.

He said they feel there is some hardship with the property. They are trying to perform a service to the community. When people drive by they need to have some way of determining what is going on at that church, ie, what's the name of the church, what are the hours of services, etc. The congregants know, but other people in the community don't.

There is a large ravine and when someone is coming from the east, you don't see the church until you're right even with it and they can't put a sign in front because it's down in a deep ravine so it needs to be put where it can be seen. Because of the bend in the road they want to bring it up a little closer. They are trying to come up with a nice decorative sign that matches the architecture of the building. They will abide by the Board's decision, but they do believe there is a hardship.

SPEAKING IN OPPOSITION OR WITH CONCERN

Mr. Dowd said despite people knowing that this is a church, people don't know what denomination the church is. The topography of the land and the fact that the city owns quite a bit of the land before their property line begins lends itself to a hardship. He doesn't see the city using that property. He doesn't have a problem with the sign going on the boundary line of the church's property. He says the only thing to consider is the size of the sign and the fact that they want two ground signs.

Mrs. Meckel asked if the Board allowed them to put signage at the boundary line today and the city decides to widen the street, what happens to the sign.

Mr. McAfee said it stays. The variance runs with the land.

Mr. Dowd asked Mr. Yeomans for his clarification.

Mr. Yeomans said that if the road is widened right up to the property line, the sign could stay as it would be on the church's property. If they were to take some of the church's property, the church would have to move the sign.

Discussion ensued regarding the possibility of placing a stipulation if they were to grant the request.

Mr. McAfee said he can see the hardship for the sign(s) as well.

MOTION by Mr. Dowd to grant to request due to the setback of the property line and the topography of the land. There is a hardship because of these factors. It is in keeping with the character of the neighborhood in that the sign is going to reflect the same type of general construction of the church. Because this is an artistic quality sign versus a billboard with letters, it will go to increasing the property values. It is a public benefit to the public so they can find the church. Allowing them to have a sign

that will be readable adds to substantial justice.

SECONDED by Mr. Maffee.

Mrs. Meckel asked about a stipulation concerning the possibility of the city widening Spit Brook Road.

MOTION by Mr. Dowd amending his motion to state that if the parkway comes through requiring the widening of the road up to the property line and if the city felt the sign should be moved back for public safety or public benefit, the church must move the sign back to conform to the regulations.

SECONDED by Mrs. Meckel.

MOTION CARRIED UNANIMOUSLY

4. **Maria Andromidas D/B/A Nashua Buffet Lunch Restaurant (Owner) 25 Canal Street (Sheet 41 Lot 56) requesting variance to expand non conforming structure with less than required front yard setback to construct new entry and ramp. GI Zone.**

Maria Andromidas. Mrs. Andromidas passed out pictures to the Board as to what she wants to do at the site.

She said she has been at this location for 2 ½ years. At the back side of the building there is an indentation near the entrance. It's big enough for a person to hide in. Every morning she finds bottles, coffee cups, bags, vomit, condoms, etc. She even has people urinating there and in the summertime the odor is unbelievable. She wants to close it in.

She said the building looks so ugly from the outside, although the inside is very nice. People don't know this if they're just driving by. They want to make the property look nicer which will also reflect nicely to the others around them. They want to do some painting and some landscaping as well.

She has eight employees and has been working 20 hours a day to get the business going. Business is improving and she would like it to stay that way.

Mrs. Meckel asked if the sidewalk would be taken away.

Mrs. Andromidas said no.

City of Nashua

Community Development Division

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

Community Development	589-3095
Planning and Zoning	589-3090
Building Safety	589-3080
Code Enforcement	589-3100
Urban Programs	589-3085
Economic Development	589-3070
Conservation Commission	589-3105
FAX	589-3119

www.nashuanh.gov

VARIANCE APPLICATION

RECEIVED FEB 28 2020 KP 4

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

1. VARIANCE INFORMATION

a. ADDRESS OF REQUEST 78 Amherst Street and "L" Putnam Street

Zoning District RB Sheet 62 Lot (s) 83 & 85

b. VARIANCE(S) REQUESTED

A variance is requested from Article 3 Section 190-16(B) to permit the construction of six residential units on proposed parcel 62-83 which consists of 24,782 SF. The ordinance allows for 7 units per acre in the R-B zone. We are also request a variance from Section 190-209(C) to permit construction of a driveway within 50 feet of an intersection

2. GENERAL INFORMATION

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

Larry Kittle

Applicant's signature [signature] Date 2/28/2020

Applicant's address 169 Daniel Webster Highway, Nashua, NH 03060

Telephone number (home) (603) 305-3873 (work) (603) 589-2336

b. PROPERTY OWNER Same as Applicant

Owner's signature _____ Date _____

Owner's address _____

Telephone number (home) _____ (work) _____

Case number 2020-00022 *~~Application Deadline~~* 2/28/20 *Date Received* 3/24/20 *Date of hearing* CR

Notices: Newspaper ☐ *Abutters* ☐ *Board Action* _____

$_____ _____ *fee* ☐ *Date Paid* _____ *Receipt #* _____

$_____ *application fee* ☐ *Date Paid* _____ *Receipt #* _____

$15 signage fee ☐ *$100 recovery fee* ☐ *Date Paid* _____ *Receipt #* _____

3. **PURPOSE OF REQUEST**

Answer all questions below. Provide as much information as available to give the ZBA the necessary facts to review your case. Attached additional sheets if necessary. See "Procedures for Filing a Variance" for further information.

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

   In general the area surrounding the subject property consists of a mix of uses with schools, commercial and residential properties. The proposed use and density for this property will be consistent with the surroundings which is supported with the Density Exhibit Plan which depicts the surrounding densities and uses. This new design provides for one curb cut to the 6 proposed residential homes off from Putnam Street which will be safe and will be consistent with current conditions. This proposal will therefore not have a negative impact on the neighborhood, the public health, safety, welfare or otherwise injure public rights.

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.")

   This proposal will rejuvenate the neighborhood and will create a development that will be consistent with the surroundings and will thereby observe the spirit of the ordinance. The proposed development will be in harmony with the neighborhood and will not threaten the public health, safety, welfare or otherwise injure the public rights. The improvements to Parcel 62-85 will actually improve the safety of the area as the existing driveway will be relocated off from Amherst Street to Putnam and will be located further from the existing intersection.

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.)

   This property has been subject to a number of variances over the last few years in an attempt to find the best development for the property. The presence of asbestos on-site that was not disclosed by the City in the sale has resulted in required design modifications to reduce asbestos impacts and mitigation and address increasing costs related to the asbestos. Substantial justice would thereby be done to the property owner by granting this variance as it woudl allow a reasonable development of the property without any harm to the general public as this proposal would be in harmony with the surrounding properties.

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 proposed use is consistent and compatible with the surrounding uses and will therefore not diminish the surrounding property values. New construction typically has positive impacts to adjacent land values. Given this we believe this proposal should actually have positive impacts on the surrounding property values.

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 Zoning Exhibit Plan attached to this application shows the surrounding densities in proximity to the proposed parcels. When you review this plan you will see that this proposal is consistent with the surroundings and will therefore not alter the essential character of the neighborhood. Literal enforcement of the ordinance would restrict my clients ability to develop the property in harmony with its surroundings resulting in unnecessary hardship. When we evaluated the surrounding uses and density we found this proposal to be fair and reasonable. It is also worth noting that this property does have special conditions with the findings of asbestos that require special attention to the layout and design on the property.

4. USE VARIANCE ADDITIONAL INFORMATION

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

a. Total number of employees _____ Number of employees per shift _____
b. Hours and days of operation _____
c. Number of daily and weekly visits to the premises by customers, clients, vendors and solicitors _____
d. Number of daily and weekly commercial deliveries to the premises _____
e. Number of parking spaces available _____
f. Describe your general business operations
_____
_____
_____

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

I hereby acknowledge that I have read this application and state that the above is correct and agree to comply with all the city ordinances and state laws regulating construction.

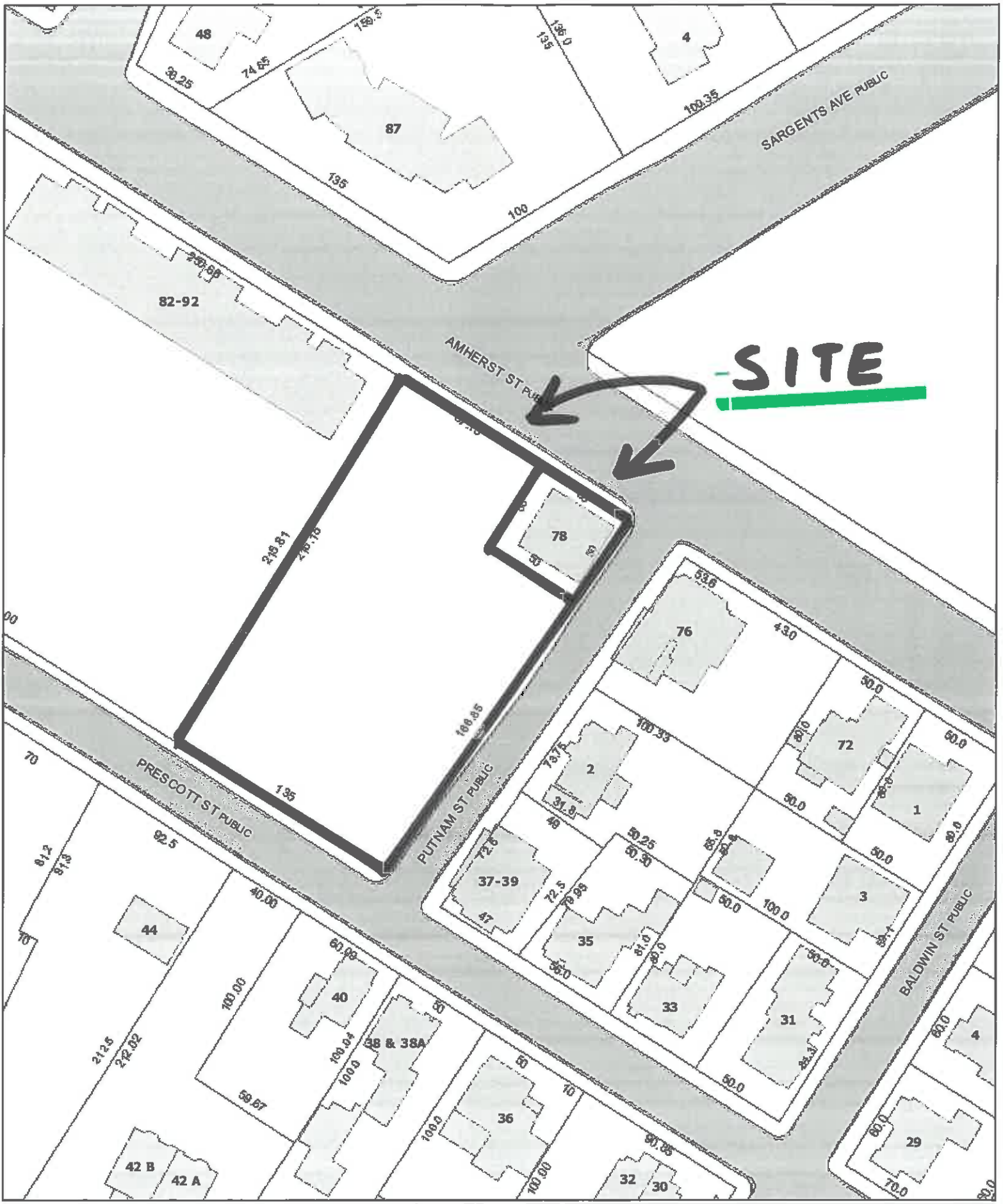
I understand that only those point specifically mentioned are affected by action taken on this appeal.

Signature of applicant

Date 2/28/2020

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 CEBranon@FieldstoneLandConsultants.com
- ○ Please mail it to me at _____

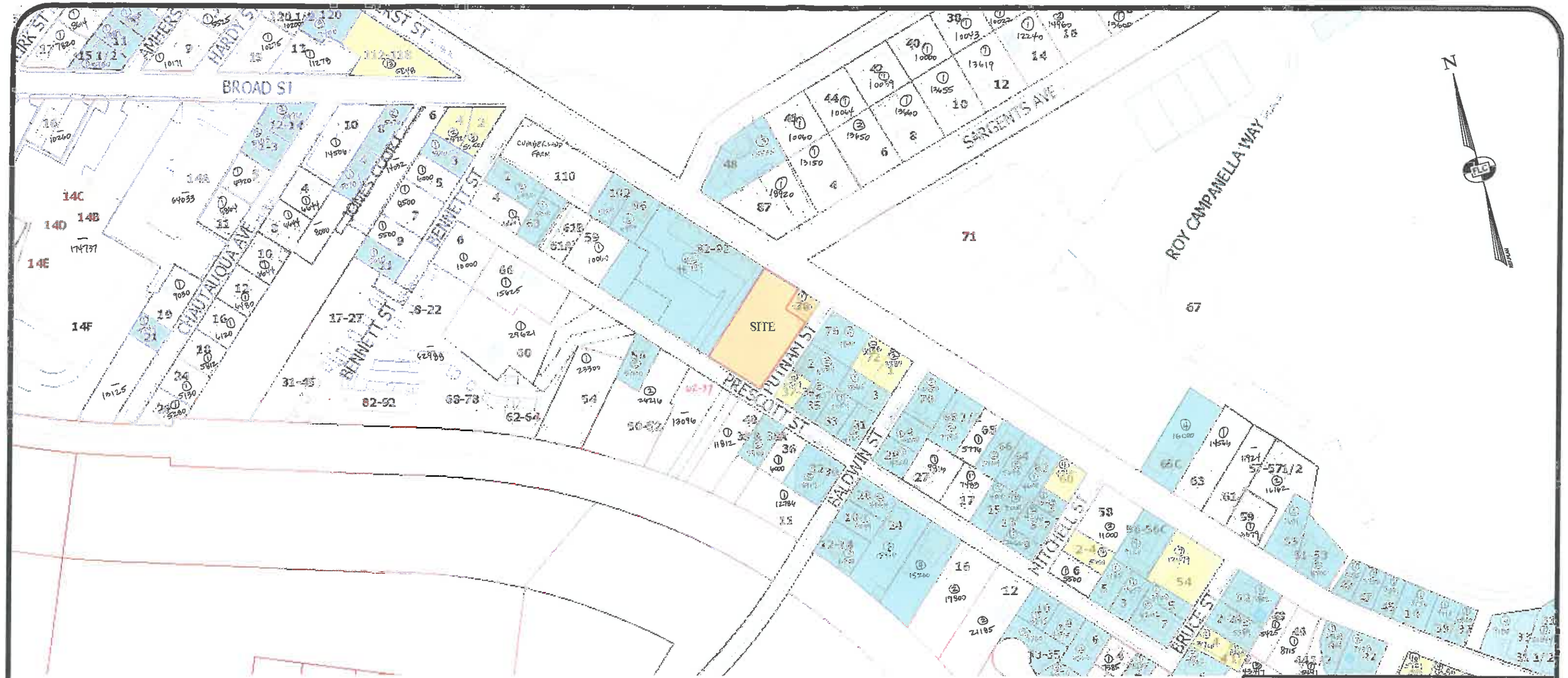


"L" Putnam St & 78 Amherst St

N
W E
S

Feet

0 60 120 240



SIMILAR DENSITY TO THAT PROPOSED ON PARCEL 62-83 (3 LOT SUBDIVISON WITH TWO-FAMILY RESIDENCES)

SIMILAR DENSITY TO THAT PROPOSED ON PARCEL 62-85 (CONVERSION OF EXISTING SINGLE FAMILY TO TWO-FAMILY)

SITE

GRAPHIC SCALES

100' 50' 0 100' 200' 300'

IMPERIAL: 1"=100'

REV.	DATE	DESCRIPTION	C/O	DR	CK

DENSITY EXHIBIT PLAN

LARRY KITTLE

62-83 - L PUTNAM STREET

NASHUA, NEW HAMPSHIRE

PREPARED FOR AND LAND OF:

LARRY KITTLE

166 AMHERST STREET, MERRIMACK, NH 03054

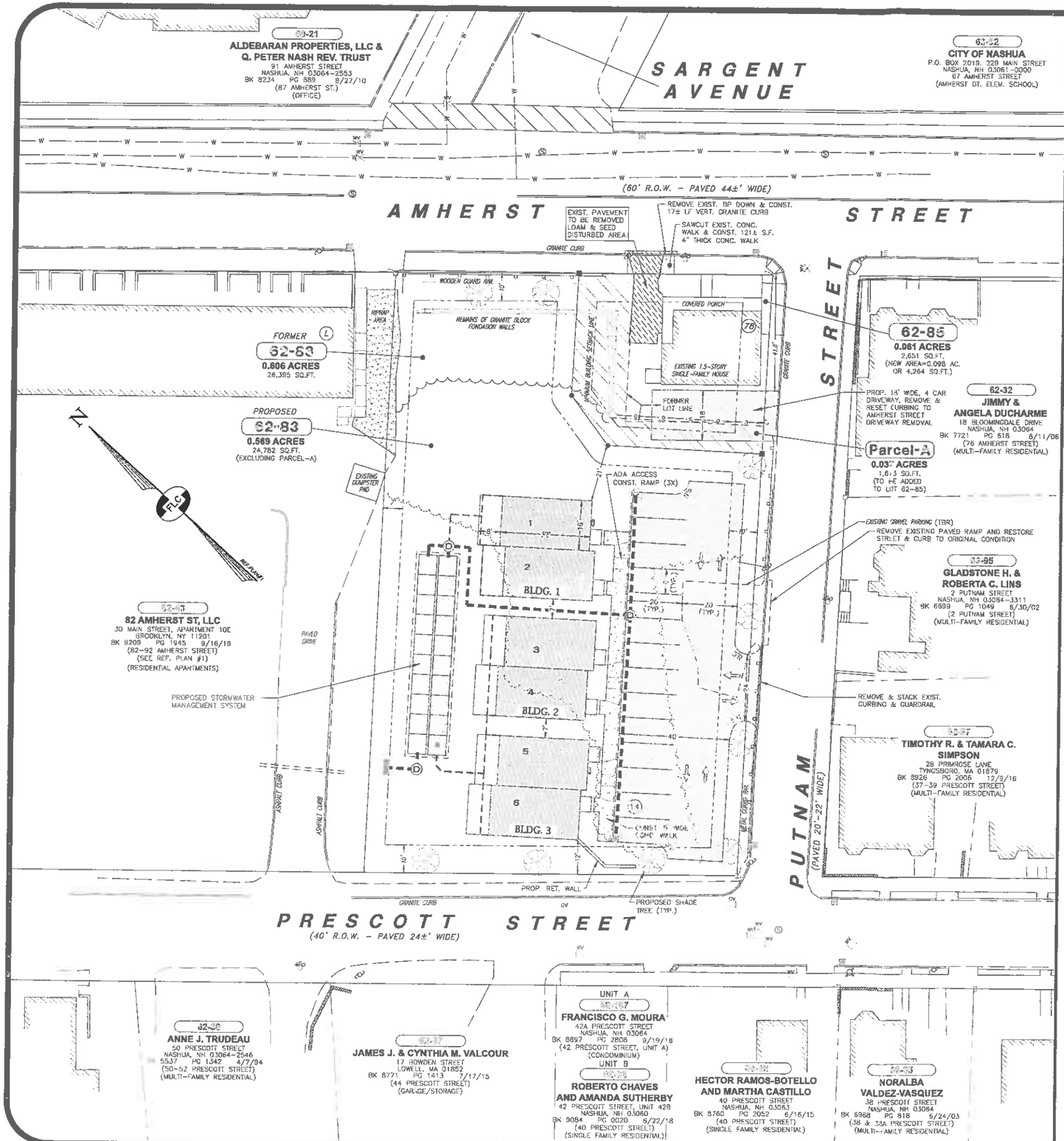
SCALE: 1" = 100' JUNE 22, 2015

Surveying ◆ Engineering ◆ Land Planning ◆ Permitting ◆ Septic Designs

FIELDSTONE LAND CONSULTANTS, PLLC

206 Elm Street, Milford, NH 03055
Phone: (603) 672-5456 Fax: (603) 413-5456
www.FieldstoneLandConsultants.com

FILE: 902EH00.dwg	PROJ. NO. 902.00	SHEET: EH-1	PAGE NO. 1 OF 1



NOTES:

1. OWNER OF RECORD FOR TAX MAP LOT 62 LOTS 83 AND 85 IS LARRY KITTLE, 169 DANIEL WEBSTER HIGHWAY, NASHUA, NH 03060. THE DEED REFERENCE FOR THE PARCELS IS VOL. 8721 PG.2511 DATED JANUARY 14, 2015 IN THE H.C.R.D.
2. THE PURPOSE OF THIS PLAN IS TO DEPICT A PROPOSED 6 UNIT HOUSING DEVELOPMENT ALONG WITH ASSOCIATED SITE IMPROVEMENTS.
3. THE TOTAL AREA OF TAX MAP PARCEL 62-83 IS 0.606 ACRES OR 26,395 SQ.FT. AND THE TOTAL AREA OF EXISTING TAX MAP PARCEL 62-85 IS 0.061 ACRES OR 2,651 SQ.FT.
4. LOT NUMBERS REFER TO THE CITY OF NASHUA ASSESSORS MAP 62.
5. ZONING FOR BOTH PARCELS IS THE "B" URBAN RESIDENCE DISTRICT (R-B).

R-B ZONE: CONVENTIONAL	REQUIRED	PROPOSED LOT 62-83	PROPOSED LOT 62-85
MIN LOT AREA	6,000 SF	24,782 SF	4,264 SF
MIN LOT WIDTH	60 FT	152.39 FT	68.77 FT
MIN LOT FRONTAGE	50 FT	351.19 FT	134.20 FT
MIN LOT DEPTH	80 FT	134.21 FT	54.08 FT
MIN FRONT SETBACK	10 FT	10 FT	10 FT
MIN SIDE SETBACK	7 FT	7 FT	7 FT
MIN REAR SETBACK	20 FT	20 FT	20 FT
MAX. BUILDING HEIGHT	45 FT	<45 FT	<45 FT
MAX. STORIES	3 ST	2 ST	1.5 ST
CONSERVATION AREA	NA	NA	NA
OPEN SPACE FOR EACH LOT	35	52.7%	47.0%

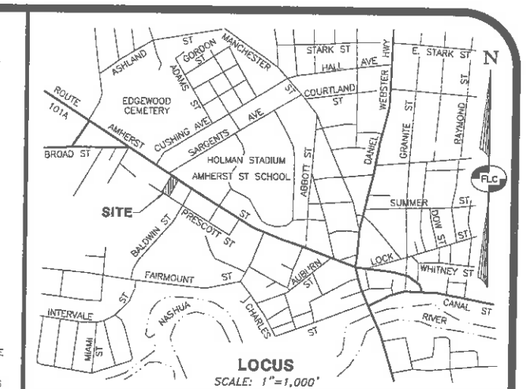
6. THE SURFACE FEATURES AND BOUNDARY INFORMATION SHOWN WERE DEVELOPED FROM THE REFERENCE PLANS CITED AND A PRECISE FIELD SURVEY BY THIS OFFICE DURING THE MONTH OF MARCH 2015. THE NASHUA CITY DATUM HAS BEEN USED ON THIS PROJECT. NASHUA CITY DATUM TO NGVD 1929 DATUM = + 90.47). HORIZONTAL ORIENTATION IS BASED ON REFERENCE PLAN #1. INVERT ELEVATIONS ARE PER REFERENCE PLAN #8.
7. JURISDICTIONAL WETLANDS WERE NOT FOUND ON THE SUBJECT PARCEL PER AN ON SITE FIELD INVESTIGATION BY CHRISTOPHER A. GUIDA, C.W.S. IN MARCH 2015 IN ACCORDANCE WITH THE "CORPS OF ENGINEERS WETLAND DELINEATION MANUAL, TECHNICAL REPORT Y-87-1, DATED JANUARY 1987".
8. THE SITE IS NOT LOCATED WITHIN THE WATER SUPPLY PROTECTION DISTRICT.
9. THE SITE IS CURRENTLY SERVICED BY OVERHEAD UTILITIES.
10. PERMANENT MARKERS ARE TO BE SET AT ALL LOT CORNERS AND STONE BOUNDS AT ALL POINTS OF CURVATURE AND TANGENCY ALONG THE RIGHT-OF-WAY BY A LICENSED LAND SURVEYOR.
11. THE SUBJECT PARCEL IS NOT LOCATED IN A FLOOD HAZARD AREA AS DETERMINED FROM THE FLOOD INSURANCE STUDY (FIRM), HILLSBOROUGH COUNTY, CITY OF NASHUA, NEW HAMPSHIRE, COMMUNITY NO. 330097, PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, MAP NUMBER: 33011C0513D, DATED: SEPTEMBER 25, 2009.
12. SOIL TYPE FOR THE ENTIRE SITE IS WnC - WINDSOR-URBAN LAND COMPLEX WITH SLOPES FROM 3%-15%.
13. TO THE BEST OF MY KNOWLEDGE AND BELIEF, THERE ARE NO KNOWN EASEMENTS, RESTRICTIONS OR ENCUMBRANCES ON THE PROPERTIES.
14. THE ZONING BOARD OF ADJUSTMENT GRANTED VARIANCES ON MAY 22, 2018 FOR A REDUCTION IN THE MINIMUM LOT AREA FOR 6 UNITS ON THE SUBJECT PROPERTY AND THE CONSTRUCTION OF A DRIVEWAY WITHIN 50 FEET OF AN INTERSECTION FOR PARCEL 62-85 AS SHOWN.
15. A DRIVEWAY PLAN SHALL BE APPROVED BY THE ENGINEERING DEPARTMENT PRIOR TO THE ISSUANCE OF A BUILDING PERMIT.
16. THE PROPOSED BUILDINGS WILL BE 3 STORY WITH BASEMENTS.
17. PROPOSED BUILDING CONSTRUCTION SHALL INCORPORATE FOUNDATION DRAINAGE SYSTEMS, EXCEPT WHERE AN INVESTIGATION ESTABLISHES THAT SPECIFIC BUILDING SITES ARE LOCATED IN WELL DRAINED SOILS AND THAT SUCH SYSTEMS ARE NOT REQUIRED.
18. PRIOR TO A BUILDING PERMIT BEING ISSUED, DOCUMENTS PERTAINING TO THE STORM WATER OPERATION AND MAINTENANCE AND ANY EASEMENTS SHALL BE RECORDED.
19. THE PROPOSED BUILDINGS SHALL BE SERVICED BY OVERHEAD TELEPHONE, ELECTRIC AND CABLE AND BY UNDERGROUND NATURAL GAS UTILITIES. THEY SHALL ALSO BE SERVICED BY MUNICIPAL SEWER AND WATER BY PENNICHUCK WATER WORKS.
20. THERE ARE NO LANDSCAPE AND BUFFER REQUIREMENTS FOR AN URBAN RESIDENCE DISTRICT (R-B) ADJOINING ANOTHER URBAN RESIDENCE DISTRICT. THEREFORE, THE REQUIREMENTS HAVE BEEN MET.
21. PARKING CALCULATION FOR TWO-FAMILY DWELLING:

    MINIMUM REQUIRED:
    2 SPACES PER UNIT (2 X 6 UNITS = 12 SPACES)
    TOTAL REQUIRED: 12 SPACES
    TOTAL PROVIDED: 14 SPACES

22. THERE ARE NO PROPOSED DUMPSTERS ON-SITE. TRASH REMOVAL BY THE CITY OF NASHUA.

CONTACT DIG SAFE 72 HOURS PRIOR TO CONSTRUCTION
DIGSAFE.COM
OR DIAL 811
IT'S SMART, IT'S FREE, IT'S THE LAW
811 Dig Safe

GRAPHIC SCALE
20' 10' 0 20' 40' 60'
IMPERIAL: 1"=20'



LOCUS
SCALE: 1"=1,000'

LEGEND:

EXISTING FEATURES

- RIGHT-OF-WAY LINE
- BOUNDARY LINE
- ABUTTING LOT LINE
- BUILDING SETBACK LINE
- EDGE OF PAVED ROAD
- CURBING
- EDGE OF GRAVEL PARKING
- CHAIN-LINK FENCE
- 70 — 10' CONTOUR INTERVAL
- 72 — 2 CONTOUR INTERVAL
- OH — OVERHEAD UTILITIES
- S — SEWER LINE
- W — WATER LINE
- G — GAS LINE
- DRAIN LINE
- I.P.F. — IRON PIPE FOUND
- C.G.B.(F) — GRANITE BOUND FOUND
- I.P.F.(TBS) — IRON PIN TO BE SET
- C.G.B.(TBS) — GRANITE BOUND TO BE SET
- SEWER MAN-HOLE
- CATCH BASIN
- UTILITY POLE AND GUY WIRE
- TREE LINE
- METAL GUARD RAIL
- EXISTING BUILDING
- 62-85 — EXISTING TAX MAP AND LOT NUMBER
- 11 — STREET ADDRESS

PROPOSED FEATURES

- EDGE OF PAVEMENT
- VERTICAL GRANITE CURB
- INTEGRAL CONC. CURB
- CAPE COD BERM
- LIMIT OF CLEARING
- STORM WATER DRAINAGE
- WATER SERVICE SHUT-OFF
- SHADE TREE 2-2 1/2" CAL RED MAPLE OR EQUAL
- BUILDING MOUNTED LIGHT
- D — DRAIN MANHOLE
- PAVED AREA
- CONCRETE WALK
- PAVEMENT TO BE REMOVED
- IRON PIN (TBS)
- GRANITE BOUND (TBS)
- PROPOSED BUILDING
- (TBR) — TO BE REMOVED

REV.	DATE	DESCRIPTION	C/O	DR	CK

ZONING EXHIBIT PLAN

TAX MAP PARCELS 62-83 & 62-85

L PUTNAM STREET & 78 AMHERST STREET
NASHUA, NEW HAMPSHIRE

PREPARED FOR AND LAND OF:

LARRY KITTLE

169 DANIEL WEBSTER HIGHWAY, NASHUA, NH 03060 (603) 305-3873

SCALE: 1" = 20' FEBRUARY 26, 2020

Surveying ◆ Engineering ◆ Land Planning ◆ Permitting ◆ Septic Designs

FIELDSTONE LAND CONSULTANTS, PLLC

206 Elm Street, Milford NH 03055
Phone: (603)-672-5456 Fax: (603)-413-5456
www.FieldstoneLandConsultants.com

FILE: 902CN01B.dwg	PROJ. NO. 902.01	SHEET: CN-1	PAGE NO. 1 OF 1

there are occasional issues with the sewer here, it's not enough to deny the request.

Mr. Boucher said he is in support of the request, and reiterated other Board members comments.

MOTION by Mr. Shaw to approve the request on behalf of the applicant as advertised. He said that the variance is needed to enable the applicant's proposed use of the property, the special conditions being that despite this being in the GI Zone, every other use on the street, along with Broadview Avenue, are all single-family homes in this small cluster of GI zoned land, and by putting in a single-family home on this property is actually a more reasonable use than the allowed uses in the GI Zone, which could be a much heavier usage and activity, which would not be in keeping with the rest of Fox Street and Broadview Avenue.

Mr. Shaw stated that the request is within the spirit and intent of the ordinance. He said that it will not adversely affect the property values of surrounding parcels, and in all likelihood a new home on a vacant lot should help to improve property values.

Mr. Shaw said it is not contrary to the public interest and stated that substantial justice is served to the applicant.

Mr. Shaw said that there was a little bit of discussion that there isn't a specific lot size for residential use in the GI zone, but this property exceeds the 5,000 square foot minimum size in the zone, and the proposed house will be more in keeping with a lot size of the R9 zone, and the proposed lot sizes will also be consistent with other properties in this area.

SECONDED by Ms. Vitale.

MOTION CARRIED UNANIMOUSLY 4-0.

3. **Larry Kittle (Owner) 78 Amherst Street and "L" Putnam Street (Sheet 62 Lots 83 & 85) requesting the following variances from Land Use Code Section 190-16, Table 16-3: 1) minimum lot area, proposed lot 62-83: 18,668 sq.ft required – 13,868 sq.ft proposed; 2) minimum lot area, proposed lot 62-83-1: 18,868 sq.ft required – 11,666 sq.ft proposed – to subdivide one lot into two lots and construct a 3-unit multi-family building on each lot (ZBA approved similar**

density on 7-28-15 with two units each on three proposed lots - request has expired); and, 3) variance from Land Use Code Section 190-209 (C) to construct new driveway at 78 Amherst Street (facing Putnam Street) within 50 feet of the intersection of Amherst Street and Putnam Street, 41.8 feet proposed [approved by ZBA on 7-28-15, permit never applied for]. RB Zone, Ward 4.

Voting on this case:

JP Boucher, Chair
Jack Currier, Vice Chair and Acting Clerk
Rob Shaw
Kathy Vitale

Attorney Jeff Zall, 221 Main Street, Nashua, NH. Atty. Zall handed out some materials to the Board members. He described the property location and the advertised request. He said that if this request is supported, the applicant will be submitted a site plan and Conditional Use for the City of Nashua Planning Board.

Atty. Zall said that the proposal is to create two lots, Lot 62-83 with 13,868 sq.ft of land, and 62-83-1 with 11,666 sq.ft of land. He said that the density that is required is 6,222 square feet of land per unit. He said that the applicant also owns 78 Amherst Street, and this proposed subdivision will relocate the lot line to expand that lot to allow for a driveway. He said that the existing driveway on Amherst Street will be removed, and there is an associated driveway variance being requested to allow it to be 41.8 feet from the intersection of Amherst Street and Putnam Street. He said that this will provide a much safer traffic situation.

Atty. Zall said that after the initial approval was given, the owner determined that there was asbestos beneath the surface, and the proposed plan will be better environmentally because the NH DES recommends that the asbestos be capped/covered, and the proposed plan will have asphalt paving over the majority of the asbestos, so it will be better for the environment. He said that the density is the same as the previous approval, and compared the density of nearby multi-family properties and the proposal before the Board is substantially less than many of the nearby lots that have multi-family use. He covered all the pertinent points of law for the variances.

SPEAKING IN FAVOR:

Larry Kittle, 2 Pollard Road, Merrimack, NH. Mr. Kittle said that this development will enhance the values of the neighborhood, as right now it is an overgrown lot where people throw items in there as a dumping site, so with a new residential development, it will enhance the values.

Nathan Chirman, P.E., Fieldstone Land Consultants, Milford, NH. Mr. Chirman said that they could not have used the original approval because it would disturb the asbestos. He said that the best way to handle this is to keep the asbestos on site and to cap it. He said that they've filed for a permit with DES, to keep the asbestos from being airborne, and to keep it buried and capped. He said it is not friable, it's still intact, and getting this site cleaned and developed will be a benefit for the City.

Mr. Kittle said that Putnam Street is a one-way street, so no cars come onto Amherst Street from Putnam Street, so it should be far less of an issue with traffic for the proposed driveway.

SPEAKING IN OPPOSITION OR WITH QUESTIONS OR CONCERNS:

No one.

Board members all expressed support for the application.

MOTION by Mr. Shaw to approve the request on behalf of the owner as advertised, with all requests considered collectively. He said that the variance is needed to enable the applicant's proposed use of the property, given the special conditions of the property, there has been additional information that has been discovered regarding the presence of asbestos on this property that caused a re-work from the original proposal, which was a three lot plan with two units each to this new proposal that will have two lots with three units in a townhome style property, and the density of this usage is very consistent with the surrounding neighborhood of multi-family units and is less than many of the units nearby.

Mr. Shaw stated that the request is within the spirit and intent of the ordinance, and said that there is no evidence of it adversely affecting the property values of surrounding parcels.

Mr. Shaw said it is not contrary to the public interest, and substantial justice is served.

SECONDED by Ms. Vitale.

MOTION CARRIED UNANIMOUSLY 4-0.

4. **Roman Catholic Bishop of Manchester (Owner) St. Joseph the Worker Parish (Applicant) 777 West Hollis Street (Sheet D Lot 76) requesting the following variances: 1) from Land Use Code Section 190-101, Table 101-7 to permit an electronic message center sign in an R9 zone; 2) from Land Use Code Section 190-97 (B), to allow graphics on proposed electronic message center sign, where only three lines of text are permitted; 3) from Land Use Code Section 190-102 - to exceed maximum ground identification sign area, 12 sq.ft permitted, 45.5 sq.ft proposed; and, 4) to exceed maximum height of ground identification sign, 8 feet permitted, 13.5 feet proposed. R9 Zone, Ward 5.**

Voting on this case:

JP Boucher, Chair
Jack Currier, Vice Chair and Acting Clerk
Rob Shaw
Kathy Vitale

Robert Cormier, P.E. 164 Rideout Road, Hollis, NH. Mr. Cormier said that the Church's Pastor and sign committee has asked him to represent the church. Mr. Cormier said that the intent and purpose of the sign ordinance is to regulate signs in residential zones, and to keep those areas from becoming extensions of commercial districts. He said that lots in the R9 zone are typically 9,000 square feet in size, 75-90 feet of frontage, and if there is a small business in one of these homes, their sign would be about 50 or so feet from a neighboring home.

Mr. Cormier said that when the sign ordinance was drafted for the residential zones, it was not done with the church being considered as a possible occupant of the zone as well. He said

the property, he said it is a large lot with an existing house that needs to be torn down, and the benefit sought by the applicant cannot be achieved by some other method reasonably feasible for the applicant to pursue, other than the variance.

Mr. Lionel said that the Board feels that it is within the spirit and intent of the ordinance.

Mr. Lionel said that there is no indication that it would negatively impact surrounding property values, there was testimony from one neighbor in support.

Mr. Lionel said that the request is within the public interest, and substantial justice is served.

Mr. Lionel said that for a special condition, that this variance expires on September 30, 2020.

Mr. Falk said that the existing house has to have an approved demolition permit.

Mr. Lionel said that the existing house will be demolished by September 30, 2020.

Mr. Falk said that there would never be any need for two principal structures on the one lot, as a new house will be built in its place.

SECONDED by Mr. Kanakis.

MOTION CARRIED UNANIMOUSLY 5-0.

5. **Larry Kittle (Owner) 78 Amherst Street and "L" Putnam Street (Sheet 62 Lots 83 & 85) requesting the following variances: 1) from Land Use Code Section 190-16, Table 16-3, for land area, 24,782 sq.ft existing after proposed lot line relocation, 43,560 sq.ft required, to construct seven multi-family dwelling units (two duplexes and one triplex) on one lot; and, 2) variance from Land Use Code Section 190-209 (C) to allow a driveway within 50 feet of an intersection, 16 feet proposed to Prescott Street. RB Zone, Ward 4.**

Voting on this case:

JP Boucher, Chair

Mariellen MacKay, Clerk
Steve Lionel, Vice Chair
Jack Currier
Jay Minkarah

Attorney Jeff Zall, 221 Main Street, Nashua, NH. Atty. Zall handed out some material to the Board members. Atty. Zall described the property location. He said that the property has been before the Board twice before for variances. He said in 2015, he was approved for six units, with a two-family building on three proposed lots. He said that they never developed it, as it was discovered that asbestos was discovered. He said in 2018 they received approval for a two lot subdivision with a triplex on each lot, which was better for capping the asbestos on the right side of the property with parking and driveway areas.

Atty. Zall said that they didn't build the development that was approved from the 2018 approval, as the asbestos cost is far greater than originally anticipated. He said that the second reason is that by having two lots, each lot had to have water and sewer accessed separately from Putnam Street, which would cause digging up of asbestos in two spots, which is not recommended. He said that by having one lot, with seven units on that lot, they'd only have to cross the asbestos in one area for water and sewer. He said that by cutting the asbestos crossing disturbance in half, it is a significant consideration.

Atty. Zall said that the applicant has revised their plan, and this time it's to keep it as a single lot, with seven units. He said that they have reduced the size of the units from 22'x34' to 18'x 36 feet deep.

Atty. Zall said that the neighborhood is predominantly multi-family properties, of the 43 properties in the neighborhood, the submitted document shows the lot sizes and density. He said that 26 of the 43 properties have multiple units, with density as low as 1,176 square feet per unit. He said that adjacent to the subject lot, 82-92 Amherst Street, is a 22-unit building, on a lot of 1.12 acres, a density of 2,217 square feet per unit. He said that across the street, at 76 Amherst Street, is a four-unit building with a density of 1,919 square feet per unit. He said that 23 of the 26 multifamily buildings are all undersized and do not meet the density requirements. He said that the average density of all the multi-unit properties in the

neighborhood was 3,428 square feet. He said that the variance granted in 2018 had 4,623 square feet on one lot, and the other lot was 3,888 square feet per unit. He said that the proposed density for the seven units on one lot is 3,540 square feet per unit.

Atty. Zall said that the request would not be contrary to the public interest, it will observe the spirit and intent of the ordinance because the essential character of the neighborhood will not change. He said that substantial justice would be done, since the proposal will allow the development of the property in a manner that will allow the applicant to best deal with the asbestos. He said that there will be no deviation of property values, since the proposal is to create multiple units that are in character of the neighborhood, and will result in cleaning up a property that is overgrown with bushes and debris, and make it safer by capping the asbestos. He said that the special condition of the property is that it is located in a neighborhood with a majority of the properties that do not comply with the density required in the ordinance. He said that it does not serve the purpose of the restriction in a fair and reasonable way, because there are so many properties with densities per unit less or far less than what the ordinance requires. He stated that the proposed density is reasonable for the neighborhood. He said that another condition is the presence of the asbestos, and it can best be dealt with from the applicant's proposal.

Atty. Zall said that the applicant is also requesting a variance to allow a driveway within 50 feet of an intersection. He said that Putnam Street is a one-way street with little traffic, and the proposal for three separate driveways as shown allows for each building to have its own parking area and driveway, and improves the safety of the area by relocating the driveway from Amherst Street to Putnam Street. He said that the case will not be contrary to the public interest, and will observe the spirit of the ordinance, as it will allow the driveway to be in a safer location. He said that substantial justice would be done because it will not cause an unsafe condition, and will have no impact on property values. He said that literal enforcement of the 50 foot distance would not serve the purpose of the ordinance because Putnam Street is a one-way street with little traffic.

Mr. Minkarah said that the average density of the neighborhood is 4,101 square feet. He said the previous approval was closer to that from 2018.

Atty. Zall said that the average density for the neighborhood takes into account all the single-family owners as well, and one of them is on a very large lot, so it skews it.

Mr. Minkarah asked why they want seven units.

Atty. Zall said that at the 2018 variance, it was proposed for two lots. He said that they only could fit six units in, because the lot line in the middle has setbacks, and due to the asbestos, they couldn't fit more. He said that with the current proposal, it's on one lot, and there are no setbacks to work around through the middle of the property, and the buildings can be closer together so the seven units can fit, and the units are narrower.

Mr. Minkarah said that the previous two approvals were for six units, and asked what the justification is for seven.

Atty. Zall said that the average density in the neighborhood of the multi-family properties, 23 of the 26 multi-unit properties, are below the density requirements of the ordinance, and significantly below. He said that there are numerous ones below 2,000 square feet per unit.

Mr. Minkarah said in the 2018 request, even though it was two lots, it utilized a single curb-cut, and asked why they need three driveway curb-cuts as opposed to one.

Atty. Zall said that they thought it was a better design and it gives more of a smaller residential feeling as opposed to one driveway and one big parking lot.

Mr. Minkarah asked what will happen to the asbestos.

Atty. Zall said it will be capped, and that was the proposal by GZA in 2003, to cap it.

Mr. Currier said that this proposal is 3,540 square feet per unit, and asked what the density was in 2018.

Atty. Zall said the larger lot had a density of 4,623 square feet per unit, and the smaller lot had a density of 3,888 square feet.

Mr. Boucher asked what the alternatives would be regarding the driveways.

Atty. Zall said that they could have it be like the 2018 approval, but they prefer the three driveways.

Mr. Lionel asked what the difference is between the 2018 plan, he said that plan has a stormwater management system in back of the buildings, and didn't see it in the proposed plan.

Atty. Zall said that is best addressed by the contractor.

Gary Francouer, Developer. Mr. Francouer said it hasn't changed, it's going to be the same type of system, it just wasn't shown on the drawing. He said that the sewer has to come off of Putnam Street, so they have to go through the asbestos to get to the sewer, as there is no sewer on Prescott Street.

Mr. Currier asked if the stormwater basin is exposed, or underground.

Mr. Francouer said it is underground, there will be grass on top of it, over stone. He said it will look like a lawn area.

Mr. Lionel asked why the 2018 plan couldn't be implemented by using it as one lot instead of two lots.

Larry Kittle, "L" Putnam Street, Owner. Mr. Kittle said at that time, it was suggested that they go with the two lots, with a building on each lot.

Mr. Lionel asked why they couldn't take the 2018 plan and just erase the lot line.

Mr. Kittle said it was a cost issue, as it would require sprinklers in all the units.

Atty. Zall said that the rationale for doing the seven units is that because of the character of the neighborhood and the density in the area, six units was realistic, but also, seven units is realistic. He said that six units can be done, but due

to the density in the area, as well as dealing with the asbestos, seven units is a reasonable project.

SPEAKING IN FAVOR:

No one.

SPEAKING IN OPPOSITION OR WITH QUESTIONS OR CONCERNS:

No one.

Mr. Lionel said that for variances, finances are not part of the Board's deliberation. He said that it bothers him that the two duplex buildings would be built without fire suppression. He said he sees no reason that the plan as passed in 2018 couldn't be implemented as is. He said he isn't in favor of the three driveways, and is not in support of either of the variances.

Mr. Minkarah said he doesn't have a problem with the variance that was granted in 2018, the densities proposed are consistent with the neighborhood. He said that he cannot support the proposal for seven units, and is not in favor of the driveway variance. He said it's clear from the 2018 request that one driveway works.

Mr. Currier said that the 2018 variance was more in line with what is in the neighborhood, and there is a goal set out in zoning for current standards, and this is still way below that. He said that the 2018 plan had a single driveway situated in a location where it wasn't facing a house to minimize headlights going across the street to the abutting properties. He said he's not in favor of the three driveways.

Mr. Boucher said he's on the fence with the additional dwelling unit, and the attorney made a compelling call for it. He said that there is a large apartment complex nearby, and really isn't opposed to it. He said he doesn't care for the driveways, and likes the single driveway better. He said he would be in favor of the seven units.

Mrs. MacKay said that she's struggling with the extra unit, six is fine, seven not so much. She said she prefers the one driveway over the three. She didn't think that cars can park on Putnam Street, and you can't park on either side of a driveway within two feet, so to put in three driveways would cause a

serious issue if a car was parked on the street. She said that there could be a safety concern if a fire truck needed access. She said that with the duplex units not having a sprinkler system is bothersome.

MOTION by Mr. Lionel to deny the variance application on behalf of the owner as advertised for the density, the first variance listed. He said that the Board believes that the variance is not needed to enable the applicant's proposed use of the property, given the special conditions of the property, there was a 2018 variance granted that the Board felt was adequate to enable the applicant's proposed use of the property, and the benefit sought by the applicant can be achieved by some other method reasonably feasible other than the requested variance.

Mr. Lionel said that the Board feels that it is not within the spirit and intent of the ordinance, given the current ordinance density limits.

Mr. Lionel said that the Board doesn't have an opinion about adversely affecting property values of surrounding parcels, but has concerns about the effect on the neighborhood.

Mr. Lionel said that the request is contrary to the public interest, and substantial justice is served by not granting.

SECONDED by Mr. Minkarah.

MOTION CARRIED 4-1 (Mr. Boucher).

MOTION by Mr. Lionel to deny the variance application on behalf of the owner as advertised for the driveway within 50 feet of an intersection, the second variance listed. He said that the Board believes that the variance is not needed to enable the applicant's proposed use of the property, there was a plan approved in 2018 with a single entrance that did not require a variance, and the Board believes that is reasonably feasible for the applicant to pursue.

Mr. Lionel said that the Board feels that it is not within the spirit and intent of the ordinance.

Mr. Lionel said that the Board believes that this will adversely affect property values of surrounding parcels, particularly with congestion.

Mr. Lionel said that the request is contrary to the public interest, and substantial justice is served by not granting.

SECONDED by Mr. Minkarah.

MOTION CARRIED UNANIMOUSLY 5-0.

MISCELLANEOUS:

REHEARING REQUESTS:

None.

MINUTES:

None.

REGIONAL IMPACT:

The Board did not see any cases of Regional Impact for the 12-10-19 Agenda.

ADJOURNMENT:

Mr. Boucher called the meeting closed at 8:32 p.m.

Submitted by: Mrs. MacKay, Clerk.

CF - Taped Hearing

10. Larry Kittle (Owner) 78 Amherst Street and "L" Putnam Street (Sheet 62 Lots 83 & 85) requesting the following variances: 1) Proposed Lot 1 - minimum lot area, 12,445 sq.ft required, 7,229 sq.ft proposed, 2) Proposed Lot 2 - minimum lot area, 12,445 sq.ft required, 8,007 sq.ft proposed, 3) Proposed Lot 3 - minimum lot area, 12,445 sq.ft required, 10,729 sq.ft proposed - all requests to subdivide one lot into three lots to construct a two-family building on each lot; 4) for 78 Amherst Street, minimum lot area, 12,445 sq.ft required, 2,651 sq.ft existing, 3,083 sq.ft proposed, to convert a single-family into a two-family building; and, 5) to permit the construction of a driveway within 50 feet of an intersection, 41.8 feet proposed. RB Zone, Ward 4.

Voting on this case:

Gerry Reppucci
Rob Shaw
Kathy Vitale
Jack Currier
J.P. Boucher

Chad Branon, Fieldstone Land Associates, Milford, NH. Mr. Branon said that Parcel 62-85 is situated at the corner of Amherst Street and Putnam Street, and is 0.06 acres, and is currently occupied by a single-family residence. He said that Parcel 62-83 surrounds the other parcel, and it has frontage on Amherst Street, Putnam Street and Prescott Street. He said it is .606 acres, and is undeveloped. He said that both parcels are zoned RB, which has a minimum of 6,000 square feet of land and 50 feet of frontage for a single family home.

Mr. Branon said that the desire is to subdivide Parcel 62-83, the larger parcel, into three residential lots, which will be served by a common driveway off of Prescott Street. He said the lots would be between 7,229 - 10,729 sq.ft in size. He said this area of the City is primarily developed with multi-family housing. He said that there is a duplex proposed for each of the three lots, each lot would require 6,222 sq.ft per unit, so each lot would require 12,446 sq.ft for each lot, therefore, a variance is proposed for lot area for each of the three lots. He said that the proposed density is in harmony with the surroundings, and in many lots, the surrounding density is

larger. He pointed out an exhibit that was submitted showing the neighborhood density.

Mr. Branon said that there is a proposal to relocate the driveway for Parcel 62-85 from Amherst Street to Putnam Street, along with an associated driveway within 50 feet of an intersection, which is also one of tonight's variance requests, as it would be approximately 41.85 feet from the intersection, but it will be a much safer condition.

He said that the spirit and intent of the ordinance will be met, it provides substantial justice to the property owner, and will not diminish the values of surrounding properties. He said that all the criteria for a variance have been outlined, and they believe they meet the criteria, he said that per testimony and the completed application, everything has been addressed.

Mr. Reppucci said it would be a total of 8 units on 29,000 sq.ft of land, or 3,621 sq.ft per unit. He said that each unit would require 6,222 sq.ft of land.

Mr. Branon said that the safety would be improved by relocating the driveway, and the lot on the corner would gain a little bit of land, and there is evidence at one point that that lot was a duplex some time ago.

Mr. Currier said that the signs on the property said that they're City owned property, he asked who owns the land.

Mr. Branon said that Mr. Kittle owns all the property.

Mr. Currier said that with the topography, the land is steep, dropping off. He said if the plan were built as shown, there wouldn't be much yard space, and asked if the topography would remain as is between the duplex's.

Mr. Branon said it does slope down to the west, from Putnam Street, but when the excavation is done for the basements, that land can be used for fill on site to help with yard space, it will be more leveled out. He said the building envelopes shown are large, it is possible they would be built a little smaller, it's not the final size of the buildings, so there may be more room between buildings.

Mr. Branon said that a majority of the nearby lots are also multi-family units, there really isn't much interest in single-family homes in the area, and multi-family fits more in the character and land values in the area.

Mr. Reppucci asked if the investment would work with 6 units, or 4 units.

Mr. Larry Kittle, 166 Amherst Road, Merrimack, NH. Mr. Kittle said that the single-family home that is here is a 4-bedroom, on a busy road, but would be ok with keeping it a single-family home. He said he is more interested in being able to develop the vacant lot to its full potential, there is a tenant in there now, he said it did used to be a two-family at one time, but is ok with it staying as a single.

Mr. Reppucci asked about 4 units on the other lot.

Mr. Kittle said he could do 4 single family homes there, without any variances, but single family homes wouldn't make sense.

Mr. Branon said it's not always what you can or can't do, a lot of times its' what the market is and what makes sense in the area. He said that the 3 duplex's make more sense with the character of the neighborhood. He said it would only make one curb cut onto the City streets. He said it is a low impact to the street system. He said they want to proceed with the 6 units.

Mr. Reppucci said that there are certain aspects of the finances of the project could affect the hardship, there are circumstances where hardship is found because of the land, and really asked about the hardship here.

Mr. Currier said the driveway relocation makes a lot of sense, it is very positive, its way better than being on Amherst Street, but is struggling with the overall density of the project. He said the application is clear, but said it's hard to grasp the need for the 6 units without seeing an alternative of a lesser density.

Mr. Branon said that when this was marketed for a single family home, there wasn't a market for that in this area. He said if it were four single family lots, they wouldn't be the best looking lots, due to the land geometry and topography, there are

some slopes to contend with. He said what makes the best sense is the proposed duplex units, it's just not a single family housing area. He said it is a very large area, of mostly all multi-family.

Ms. Vitale said that moving the driveway is a big benefit, and found support for changing the single family home on the corner to a two-family unit, an upper and lower unit, and possibly have two duplex's on the other lot.

Mr. Reppucci said a lot of the houses in this area are two-family, with an upper and lower unit, with little yards. He said that there is a lot of pavement here, and the houses are side by side, so the living spaces are next to one another, taking up more ground, there is an inordinate amount of pavement and driveways. He said it's not similar to other homes in the area.

Mr. Currier said the topography is challenging, that's why it's not developed, it drops off and is steep. He said it appears as if the development would be dense.

Mr. Shaw said that there was some testimony about the building boxes may not be as large, so we're seeing the worst case scenario. He said that each lot has a "U" around them in terms of a yard, so there is a small yard associated with each unit. He said that sure, there is a lot of asphalt, but from a marketing perspective, people would rather be in their own up and down unit, instead of someone below or above them. He said the driveway relocation is wonderful for the corner lot. He said that initially, the density seemed like a lot, but the development of three duplexes is so consistent with the neighborhood, that the proposed density is in character, and perhaps that the zoning district requirement for density is inconsistent with the area, and that this small pocket of land isn't out of character.

Mr. Falk said that the RB zone is a two-family zone.

Mr. Reppucci asked about fire truck access.

Mr. Falk said that they'd still have to go to the Planning Board, and it would be reviewed. He said that the property would have three road frontages to work with. He said each lot does meet all building setbacks, and open space requirements.

Ms. Vitale said that she believed that this property was set aside for the Broad Street Parkway, and wasn't used, and that's why the City owned it.

Mr. Falk said that the site is near City services such as an elementary school, a park, shopping, bus lines, and it's very conducive to duplex units, instead of a more broader single family use.

Mr. Reppucci said he's finding support for this, and if approved tonight, he'd like to have it come back to the Board if there are any changes to the plan.

Mr. Boucher said for Lot 62-83, he's comfortable with that. He said the 62-85 lot, it seems like a lot, but sees the benefit with what the applicant wants to do with the property. He said he's not looking at it from a financial view, but it provides more affordable housing, and gets a driveway off of Amherst Street, which is good. He said that the totality of the request is fine, it's not like it's out of character at all with the neighborhood, every house nearby looks different, and built at different times, and it's zoned for two-family buildings. He said he'd be in favor of it.

Mr. Shaw said he wouldn't be in favor of the conversion of the single family home to a two family, but is willing to support the driveway relocation.

Mr. Currier said he's in favor of the driveway relocation, it's a much safer traffic pattern.

Further discussion ensued about variance number 4, whether to table it to have the applicant further review it, or they can withdraw it.

MOTION by Mr. Currier to suspend the rules to discuss variance number 4 with the applicant.

SECONDED by Mr. Reppucci.

MOTION CARRIED UNANIMOUSLY 5-0.

Mr. Branon said that they'd like to formally withdraw the variance request for variance number 4. He said they'd still

move forward with the lot line relocation and driveway relocation.

MOTION by Mr. Reppucci to approve the variance requests, all taken together, on behalf of the owner as advertised, except for variance number 4, which was withdrawn by the applicant. Mr. Reppucci said that the variances are needed to enable the applicant's proposed use of the property, and given the special conditions of the property, and the benefit sought by the applicant cannot be achieved by some other method reasonably feasible for the applicant to pursue, other than an area variance.

Mr. Reppucci said that it is within the spirit and intent of the ordinance, there shouldn't be any negative effects on surrounding property values. He said that it is not contrary to the public interest, and substantial justice will be served.

SECONDED by Mr. Shaw.

Mr. Currier said that 78 Amherst Street would include the lot line adjustment. He said that the applicant agreed to move forward with that.

Mr. Reppucci agreed to the amendment to the motion.

MOTION CARRIED UNANIMOUSLY 5-0.

Maxine & Peter Derby (Owners) 5 Warton Road (Sheet B Lot 1196) requesting variance for maximum driveway width, 24 feet allowed, 15 feet existing, 33 feet proposed. R9 Zone, Ward 8. [TABLED FROM 6-9-15 MEETING]

Voting on this case:

Gerry Reppucci
Rob Shaw
Kathy Vitale
Jack Currier
J.P. Boucher

NOTE: The owners are not present.

Mr. Falk said that both he and Lori Barrett from DPW went out to the site, and it appears as if their proposed plan was really