1. 20200512 ZBA Case Packets

Documents:

20200512 26 LOVELL ST.PDF
20200512 21 COUNTRYSIDE DR.PDF
20200512 460 BROAD ST.PDF
20200512 3 BIRCHWOOD DR - POSTPONED.PDF
20200512 413 SOUTH MAIN ST.PDF
20200512 133 AMHERST ST.PDF
20200512 39 SCOTT AVE.PDF

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

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

RECEIVED
MAR 16 2020
KP

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: 26 LOVELL STREET

   Zoning District: RC Sheet: 100 Lot: 63

2. VARIANCE(S) REQUESTED:

   20' SET BACK REDUCED TO 16½'
   Single Floor ADDITION w/ sun room, mudroom, laundry
   1 bedroom + 1 bathroom

II. GENERAL INFORMATION

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

   (Print Name): KASP Builders LLC

   Applicant's signature Kathleen Allen Phillips Date 3/16/20

   Applicant's address 27 SHATTUCK LANE HOLLIS NH 03049

   Telephone number H: C: 603-345-2947 E-mail: KATHY@ALLEEPHILLIPS.COM

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

   ***Owner's signature** Marylee Allison Date 3/16/20

   Owner's address 26 LOVELL ST. NASHUA NH 03060

   Telephone number H: 603 821-7576 C: 603 930-8786 E-mail: LEEORCHIDCAT@yahoo.com

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

OFFICE USE ONLY *Date Received* 3/16/20 *Date of hearing* 4/28/20 **Application checked for completeness:** CK

PLR# 20-003 *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: 190-16, table 16-3

Address 26 LOVELL ST.

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.")

We are requesting INSTEAD OF 20' SET BACK AT the back of property 16½ A DIFFERENCE OF 3½' we feel will not be contrary to the public interest.

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.")

We feel this 3½' variance will not alter the character OF the neighborhood + will observe the spirit OF THE ORDINANCE.

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.)

3½' variance will not harm the general neighborhood

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.)

It will not diminish the values of the surrounding properties because if you look at the Plot PLAN all 3 abutters have have buildings closer or equal to our rear set backs.

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 HOMEOWNER IS RETIRED AND HAS DECIDED TO HAVE A 1ST FLOOR Bed + BATHROOM AS WELL AS closer contact to her detached garage because OF WINTER CONDITIONS. We also Feel 3½' will not alter the neighborhood.

IV. USE VARIANCE ADDITIONAL INFORMATION

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

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

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

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

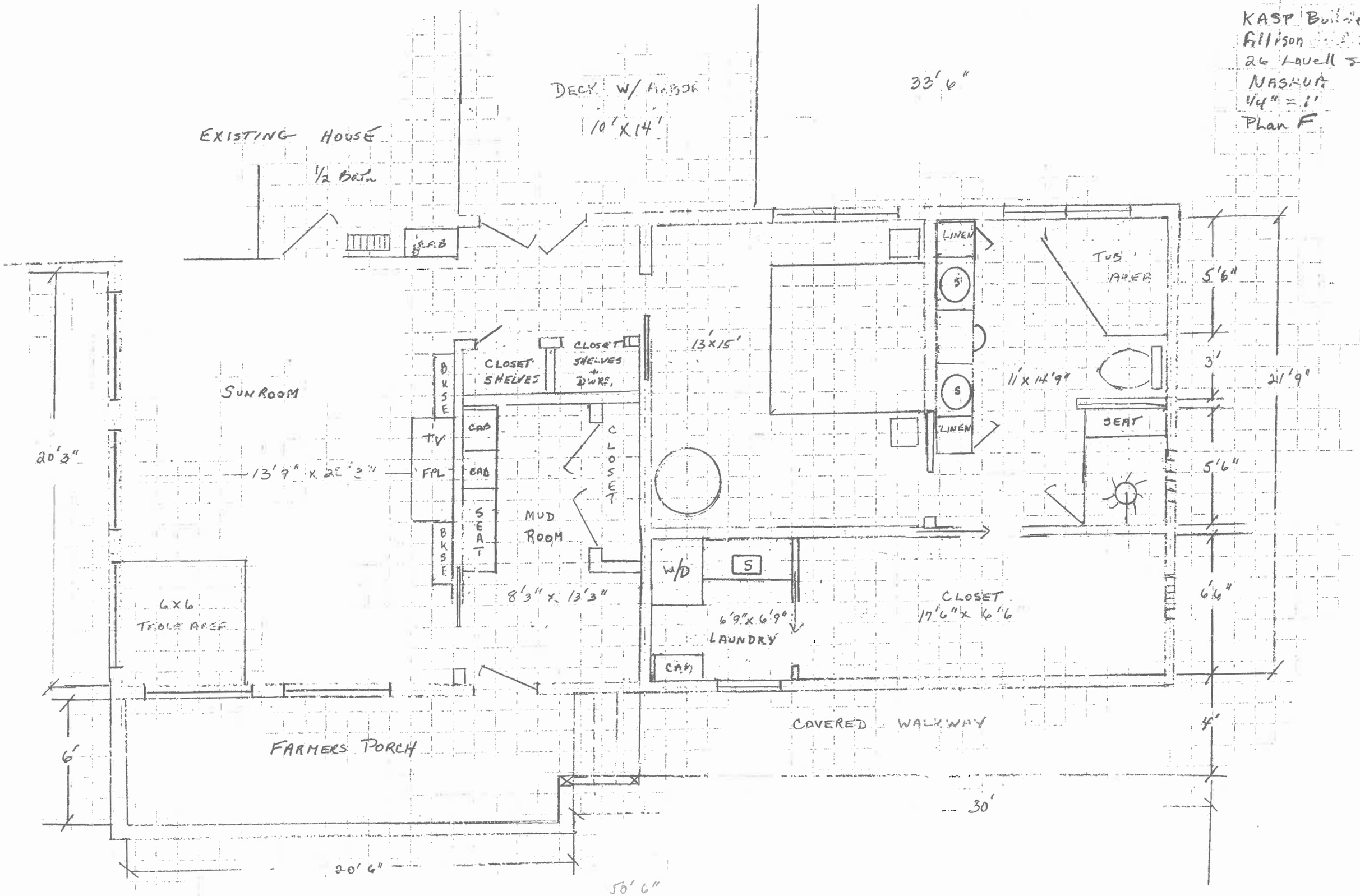
Kathleen Albee Phillips — Signature of Applicant — Date 3/16/20

KATHLEEN ALBEE PHILLIPS — Print Name — Date 3/16/20

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 KATHY@ALBEEPHILLIPS.COM
☐ Please mail it to me at ____

KASP Builders LLC
Allison [illegible]
26 Lovell St
NASHUA
1/4" = 1'
Plan F

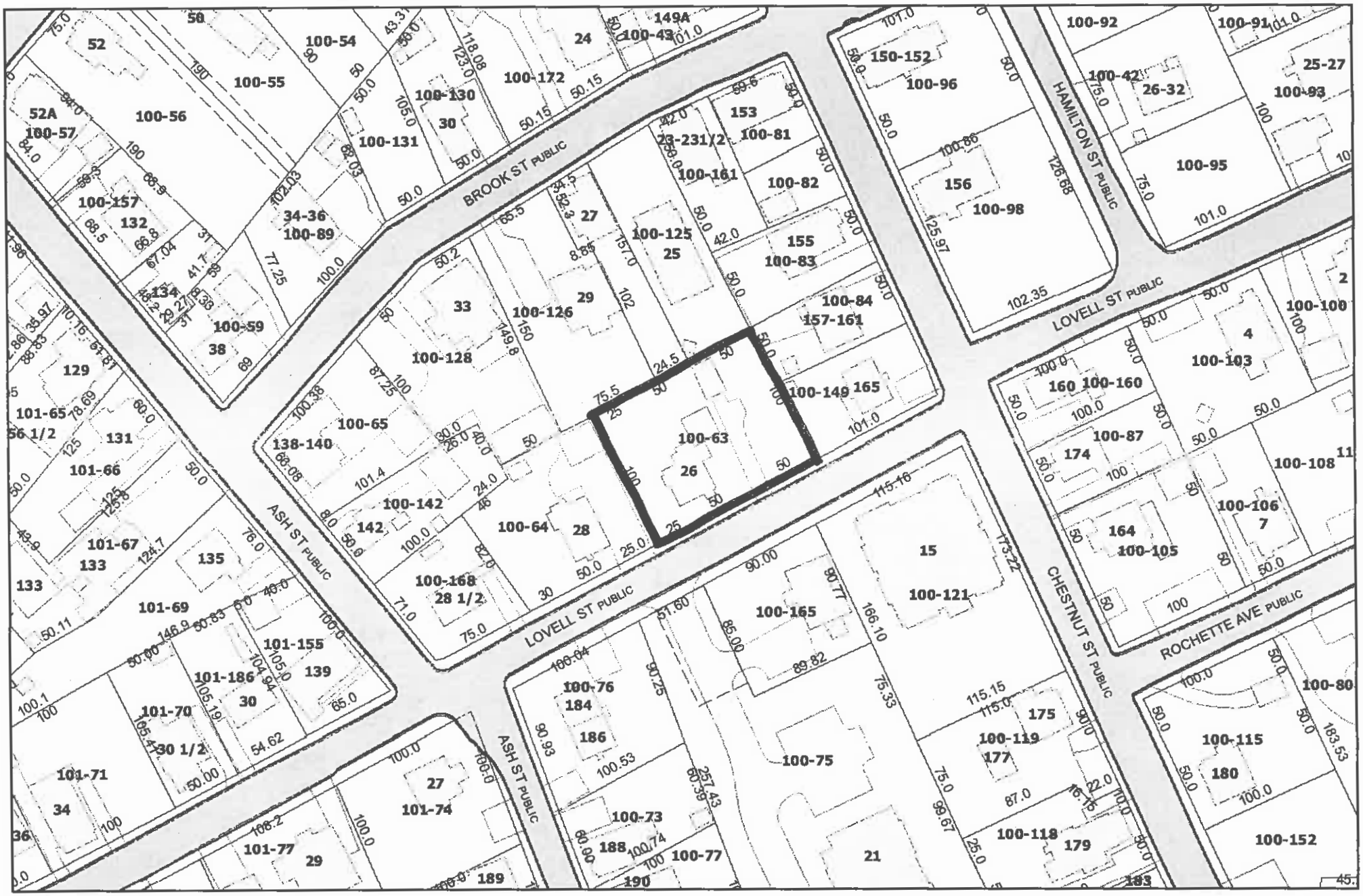


26

100-166
100-84
157-161
100-126
50
50.0
24.5
16½'
EXISTING GARAGE
50
75.5
100
100-149
165
25
EXISTING DECK
50½' ADDITION
100-63
DRIVEWAY
101.0
26
EXISTING HOUSE
100
33'
50
50
100-64
28
25
LOVELL ST PUBLIC
25.0
90.00
100-1

26 Lovell St

0 60 120 240 Feet



26 Lovell St

N
W
E
S

0 60 120 240 Feet

NASHUA New Hampshire GIS

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

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

VARIANCE APPLICATION (ZBA)

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

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

I. VARIANCE INFORMATION

1. ADDRESS OF REQUEST 21 Countryside Drive

   Zoning District R30 Sheet D Lot 171

2. VARIANCE(S) REQUESTED:

   The proposed addition to the north side of our existing home will have minor encroachment on Colonial Avenue by 3.4 ft.. The proposed additioni will also have a minor encroachment on Countryside Drive by 4.1 ft.. We have also assured that we exceed the requirements for the 20' signt triangle required for corner lots.

II. GENERAL INFORMATION

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

   (Print Name): Neil Schmidt

   Applicant's signature Neil S. Schmidt Date 04/13/2020

   Applicant's address 21 Countryside Drive; Nashua, NH 03062

   Telephone number H: (603) 886-1418 C: (603) 557-6345 E-mail: oneneil@earthlink.net

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

   ***Owner's signature** Neil S. Schmidt Date 04/13/2020

   Owner's address 21 Countryside Drive; Nashua, NH 03062

   Telephone number H: (603) 886-1418 C: (603) 557-6345 E-mail: oneneil@earthlink.net

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

OFFICE USE ONLY *Date Received* _____ *Date of hearing* _____ **Application checked for completeness:** CF

PLR# _____ *Board Action* _____

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

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

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

Land Use Code Section(s) Requesting Variances From: _____

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.")

   We are seeking to build onto our existing home in a way which will maintain the character of the current home and neighborhood. There will be no effect on the surrounding traffic or pedestrian safety.

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 plan for the new addition will maintain the character of the existing home and neighborhood. On the Countryside Drive frontage, the proposed addition will extend naturally from the existing structure with only a 4.1 feet of encroachment into the R30 setback. On the Colonial Avenue side, the minor encroachment proposed is 3.4 feet. Both frontages are from the existing property line which is 10 feet from the current pavement. These encroachments do not impact the property lines of other neighbors. A sight triangle of greater than 20 feet on both frontages is maintained.

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 existing structure is among the smallest in the neighborhood and the additions will bring this home in line with other homes in the neighborhood while maintaining the current character of the home and neighborhood.

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 existing structure is among the smallest in the neighborhood and the additions will bring this home in line with other homes in the neighborhood, while maintaining the current character of the home and neighborhood. We would expect that in addition to the value of our property increasing, the values of those properties in the neighborhood will be enhanced.

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.

We consider our request for a variance to be reasonable. The proposed addition to the house will NOT extend further beyond the current structure on the Countryside Drive frontage. On the Colonial Avenue frontage, the encroachment is only 3.4 feet, a distance that neighbors and passers by should not notice, especially as the property line is set back an additional 10 feet from the street/pavement. The proposed addition contains a double-car garage which is sized to fit common family vehicles in production at this time. The size of the proposed garage is in line with other homes in our neighborhood and will allow us and future owners of this property adequate space for family vehicles. There is no other place on our property that we can put this garage that will be both asthetically pleasing and functional without impinging on other property lines and changing the character of the home.

IV. USE VARIANCE ADDITIONAL INFORMATION

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

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

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

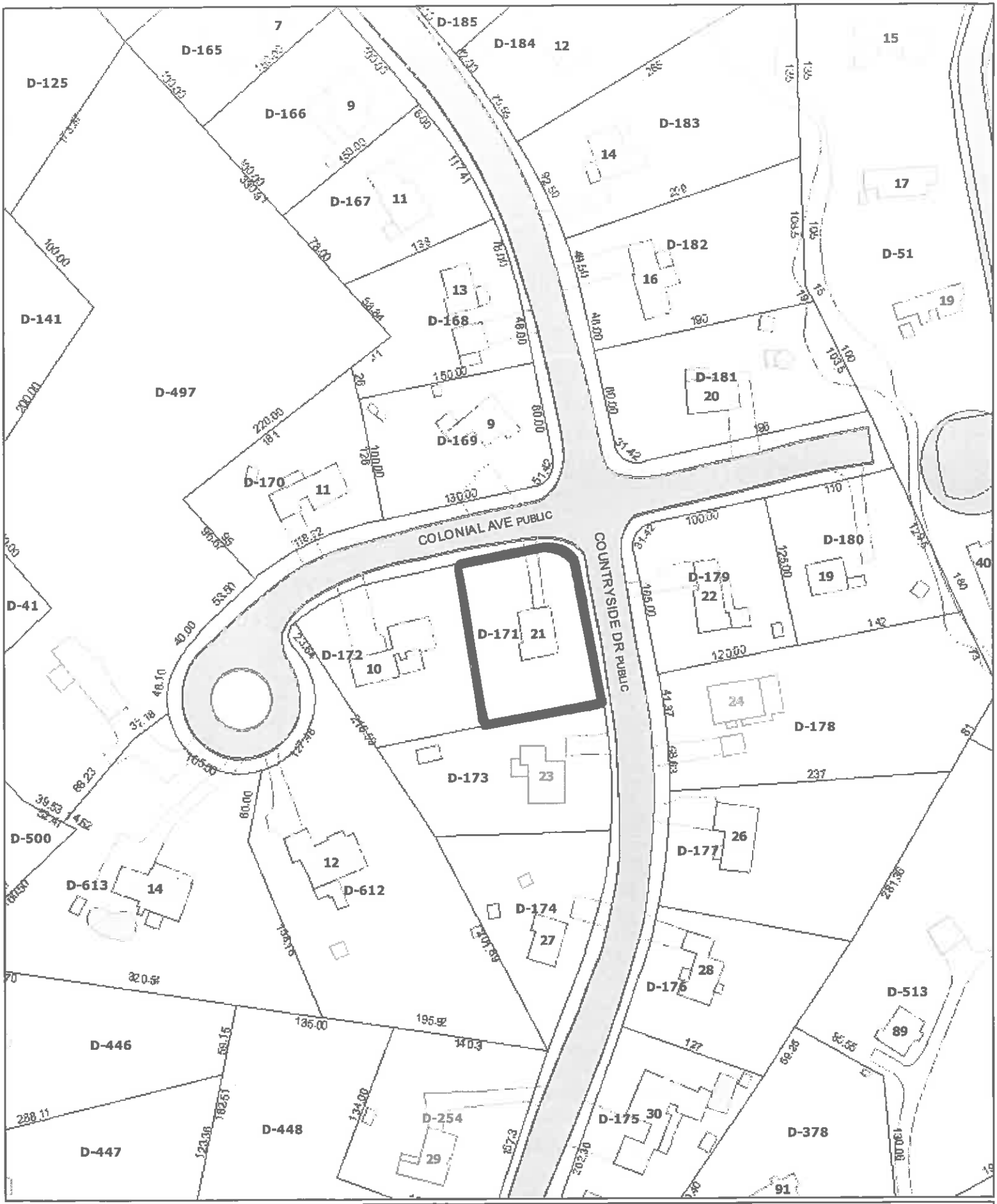
I hereby acknowledge that I have read this application and state that the above is correct and agree to comply with all the city ordinances and state laws regulating construction. I understand that only those point specifically mentioned are affected by action taken on this appeal.

Neil Schmidt — April 13 2020
Signature of Applicant — Date

Neil Schmidt — April 13, 2020
Print Name — Date

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

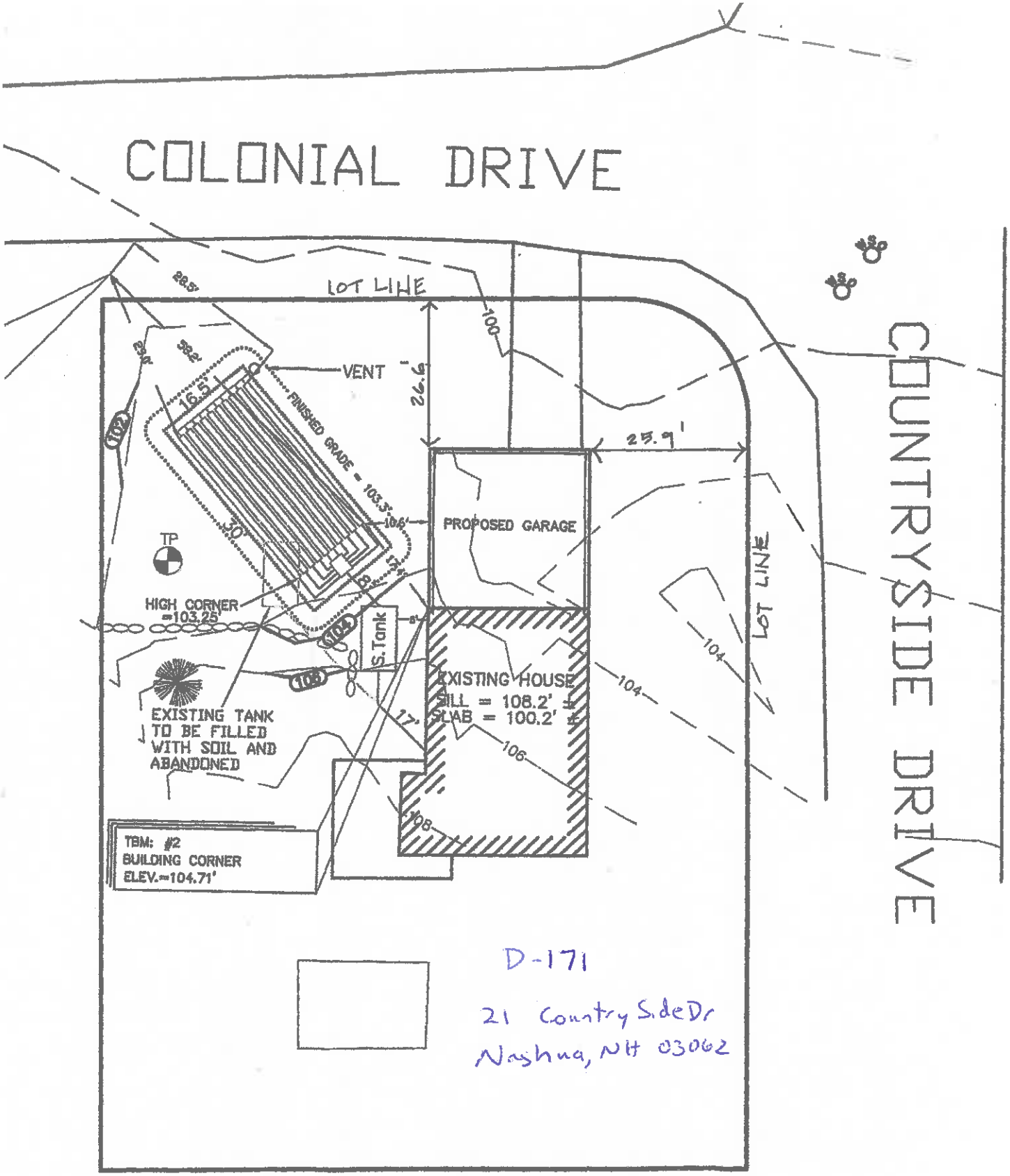
☐ I will pick it up at City Hall
☑ Please email it to me at oneneil@eathlink.net
☐ Please mail it to me at _____



21 Countryside Drive

Feet

0 100 200 400



PLOT PLAN

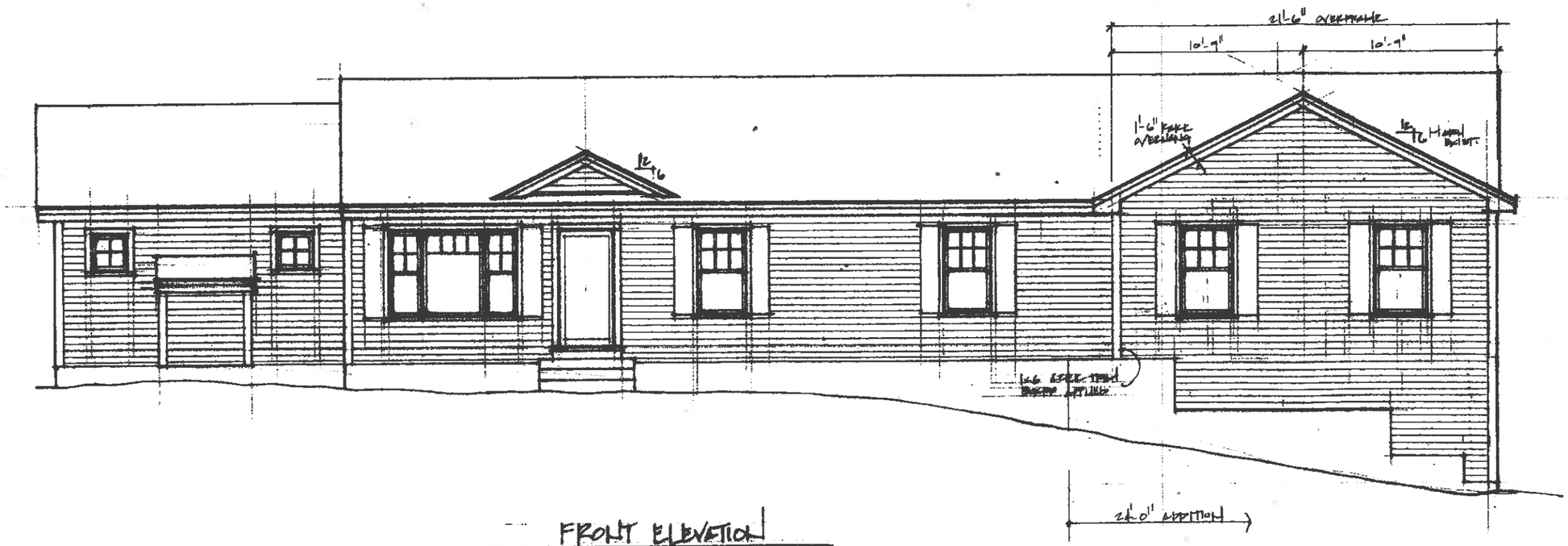
SCALE: 1" = 20'-0"

DOOR SCHEDULE

MARK	QTY	SIZE	STYLE	NOTES
1		3'-0" x 6'-8"	SOLID CORE	9-LIGHT DOOR
2		3'-0" x 6'-8"	SOLID CORE	
3		2'-8" x 6'-8"	PRO-COR	6-PANEL DOOR
4		2'-6" x 6'-8"	PRO-COR	6-PANEL DOOR
5		3'-0" x 6'-8"	"BARN STYLE" DOOR	
6		6'-0" x 6'-8"	EXTERIOR INSULATED	GLASS SLIDER
7		9'-0" x 7'-0"	EXTERIOR INSULATED	OVERHEAD GARAGE DOOR
8				
9				
10				
11				
12				

WINDOW SCHEDULE - HARVEY WINDOWS

MARK	QTY	NUMBER	ROUGH OPENING	NOTES
A		29410	2'-11-1/2" x 5'-1-1/2"	CLASSIC DOUBLE-HUNG
B		FIXED	2'-0-1/2" x 2'-0-1/2"	SEE ELEVATION
C		2946	2'-11-1/2" x 4'-9-1/2"	CLASSIC DOUBLE-HUNG
D		20310	2'-2" x 4'-1-1/2"	CLASSIC DOUBLE-HUNG
E		REPLACEMENT	2'-8" x 4'-6"	CLASSIC DOUBLE-HUNG
F		REPLACEMENT	2'-8" x 3'-0"	CLASSIC DOUBLE-HUNG
G		30410	3'-2" x 5'-1-1/2"	CLASSIC DOUBLE-HUNG - EGRESS
H				
J				
K				
L				
M				



FRONT ELEVATION
SCALE: 1/4" = 1'-0"

Counryside Drive View (East)

ENVISIONARYLINES, LLC
RESIDENTIAL DESIGN SOLUTIONS
614 Nashua Street, #203
Milford, New Hampshire 03055
matt@envisionarylines.com
Cell (603)759-0125

PROPOSED RENOVATIONS
21 COUNTRYSIDE DRIVE
NASHUA, NH

DATE:
DEC 5, 2019

REVISIONS:
FEB 7, 2020
MARCH 6, 2020

PAGE:
3

GENERAL SPECIFICATIONS FOR WOOD CONSTRUCTION

GENERAL REQUIREMENTS

A. Owner/Contractor is responsible for insuring that all construction is in compliance with all State and Local Building Codes. All Drawings must be reviewed and verified by Owner/Contractor prior to starting any construction. All dimensions and structural members noted on plans and sections must be reviewed by Owner/Contractor and all construction materials and methods approved by the Local Building Official prior to construction.

B. It is understood that if there are any discrepencies found on the drawings, the Designer shall be notified and given ample time to revise the drawings as necessary prior to starting any construction.

C. All Contractors, Sub-Contractors, suppliers and fabricators shall be responsible for the supply and design of appropriate materials and workmanship as shown on the drawings.

D. All manufactured articles, materials and equipment shall be applied, installed, erected, used, cleaned, and conditioned in strict accordance with manufacturers' recommendations.

E. Design Loads:

1.	Main Floor	Live Load	40 psf
		Dead Load	10 psf
2.	Upper Floor	Live Load	40 psf
		Dead Load	10 psf
3.	Roof Load	Live Load	60 psf
		Dead load	10 psf

Ground snow load 70 psf

SITEWORK

A. Perform excavation according to good construction practices to the lines, grades and elevations indicated on the drawings (finished grade brought to approximately 8" below sill and slope away from structure). All unsuitable materials and organic material under footings shall be removed and replaced with clean fill.

B. Provide continuous foundation drainage at perimeter of excavated areas using 6" diameter pipe and appropriate fittings. Cover with a minimum of 8" course gravel and slope ¼" per foot to point of drainage.

C. All retaining type walls and slopes are the responsibility of the site contractor to provide a properly drained finished site.

D. All landscaping per owner/contractor.

CONCRETE

A. Provide concrete complying with ASTM C94. Unless otherwise noted, concrete shall have the following 28 day minimum compressive strengths;

Concrete footings and piers	3000 psi
Concrete walls	3000 psi
Concrete slabs on grade	3000 psi

B. Unless otherwise noted, all slab on grade shall be 4" thick minimum and placed over 6" minimum sand or gravel compacted in one (1) foot lifts.

C. Footing sizes shown are typical only for stated soil pressure and consistent compaction. Contractor shall be responsible for footings complying with governing codes and frost requirements, and meeting the design requirements of specific soil requirements.

D. Anchor pressure treated (2) 2x6 sill plates on foundation sealer with metal anchor straps at 3'-6" o.c. maximum or ½" x 12" bolts. If additional plates are used, insure that extended bolts are used.

WOOD AND PLASTICS

A. Provide all lumber and materials meeting or exceeding the following standards of quality;

1. Allowable stresses for framing members;
   - a. Modulus of elasticity 1,400,000 psi (spf#2 or better)
   - b. Flexural stress allowable 875 min
   - c. Horizontal shear stress 135 psi
   - d. Bearing allowable 425 psi
   - e. Compression 725 psi
2. All headers and beams shall be free from splits, checks, and knots.
3. Sheathing;
   - a. Roof; APA rated sheathing EXP 1, 24" o.c. span rating
   - b. Floors; T&G rated "Sturdi-Floor" EXP 1, 16" o.c. span rating (glue and ring nail to floor framing members as noted)
   - c. Walls; APA rated sheathing EXP 1, 16" o.c. span rating
4. Rough Hardware
   - a. Steel items
     1. Comply with ASTM 17 or ASTM A36
     2. Use galvanized metal at all exterior locations
   - b. Install joist and beam hangers capable of supporting the maximum allowable load of joist or beam being supported.
   - c. Hurricane anchors shall be used when required by Local codes.
     1. Anchor truss/rafter to wall plate below at all truss/rafter locations.
     2. Anchor upper floor to wall below at 4'-0" o.c.
     3. Anchor main floor wall to foundation wall wood treated sill plate at 3'-6" o.c.
     4. At cantilevered floor, anchor each floor joist to wall above and the wall or foundation wall sill plate.

B. Provide "Gang-Lam" glue laminated veneer beams or equal, of the dimensions and number indicated on drawings. Fasten multiples together in strict accordance with manufacturers' recommendations.

1. Allowable stresses;
   - a. modulus of elasticity 2,000,000 psi
   - b. flexural stress allowable 3,100 min
   - c. horizontal shear stress 285 psi
   - d. bearing allowable 750 psi

C. Unless otherwise noted, provide double header joists and trimmers at all floor openings. In addition, provide one row of 1x3 wood cross bridging or metal cross bridging per joist span.

D. Stair construction to consist of 4-2x12 stringers, 5/4" hardwood or 3/4" plywood treads, and ¾" thick pine risers, unless entire staircase fabricated by component manufacturer.

E. All wood plates bearing on concrete or masonry shall be pressure treated and installed over 6 mil stabilized polyethylene.

F. Unless otherwise noted, provide 3-2x10 headers at all exterior openings.

THERMAL AND MOISTURE PROTECTION

A. Damp-proof foundation walls at all excavated areas (from footing to finished grade) with one coat of polymer modified asphalt liquid or by code approved method.

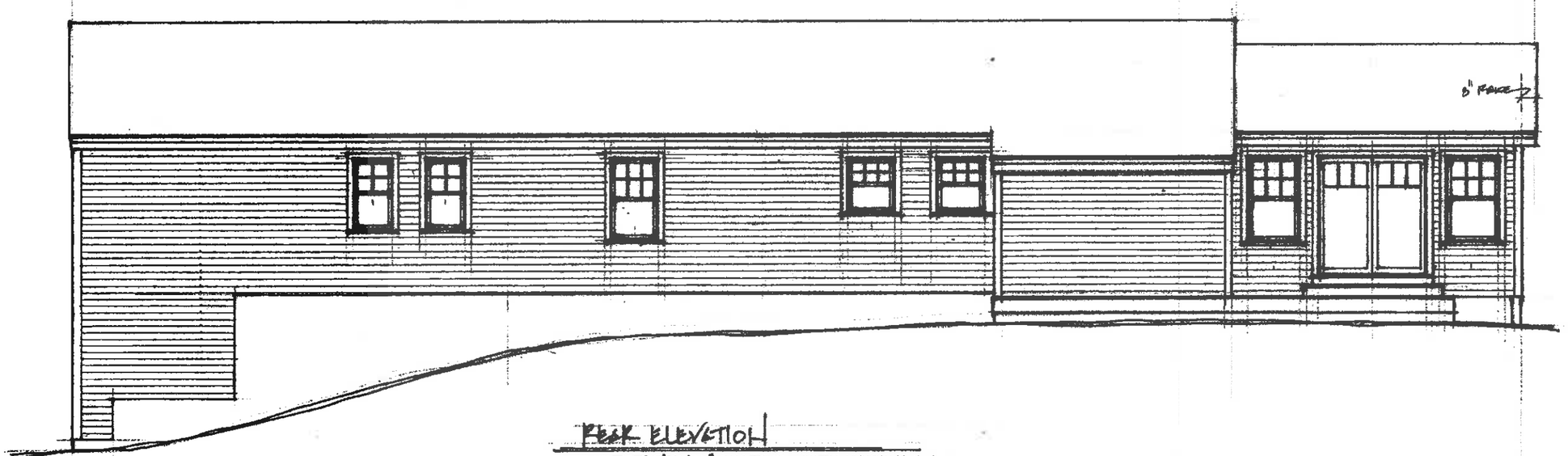
B. Provide thermal building insulation at all assemblies adjacent to exterior or unheated spaces meeting the requirements of governing codes and, unless otherwise noted, meeting the following minimum requirements;
   1. Walls; glass fiber batts, R-21 in 2x6 stud wall cavity
   2. Ceilings; glass fiber batts or blown-in, R-38 minimum
   3. Floors; glass fiber batts, R-30 minimum over unheated space

C. Roofing shall be minimum 235# composition shingles over 15# fiberglass impregnated building paper. Provide 36" wide starter course of "Ice & water shield" (bitulhane) at all soffits and in valleys and on entire roof area if pitch is 4" per foot or less.

D. Siding shall be as shown on drawings.

E. Provide approved corrosion-resistant flashing shall be applied shingle-fashion in a manner to prevent the entry of water into the wall cavity or penetration of water to the building structural framing components.

F. Provide attic and roof ventilation as required by governing codes and as shown on drawings. Provide appropriate soffit and roof venting to insure 1" minimum clear channel from soffit to ridge.



PEAK ELEVATION
SCALE: 1/4"=1'-0"

West Side View

	PROPOSED RENOVATIONS 21 COUNTRYSIDE DRIVE NASHUA, NH,	DATE: FEB 1, 2020 REVISED: FEB 7, 2020 MARCH 6, 2020	PAGE: 4

DOORS AND WINDOWS

A. Exterior doors (including house to garage) unless otherwise noted, shall be 1-3/4" thick metal or fiberglass clad insulated units as specified by owner/contractor.
   1. Provide doors and sidelights of the size, type and design as shown on drawings.
   2. Glazing in doors and sidelights shall be double-pane insulated glass.
   3. Provide tempered glass as required by governing codes.

B. Sliding glass doors and exterior French style or Patio doors shall be double-pane insulating tempered glass.

C. Interior doors, unless otherwise noted, shall be specified by builder.

D. Windows shall be specified by builder. All window glazing, unless otherwise noted, and glazing in exterior doors shall be double-pane insulating glass R-1.82 or better minimum, and provide tempered glass as required by governing codes.

PLUMBING, MECHNICAL, AND ELECTRICAL

A. All plumbing, mechanical, and electrical equipment and fixtures shall be specified by owner/contractor.

B. Design and installation of plumbing, mechanical, and electrical equipment shall be the responsibility of the appropriate licensed contractors.

C. Electrical service panels shall be minimum 20 circuit, 200 amp. Verify with all sub-contractors and Local Building code.

D. All HVAC equipment shall be individually switched.

E. Provide and install ground-fault circuit-interrupters (GFI) as required by the National Electrical Code (NEC) and meeting the requirements of all governing codes. All outdoor receptacles, bath, and garage receptacles shall be provided with ground-fault circuit protection.

F. Provide and install locally certified smoke detectors as required by the National Fire Protection Association (NFPA) and meeting the requirements of all governing codes.

G. Dryer vent to be extended to the exterior.

FINISHES

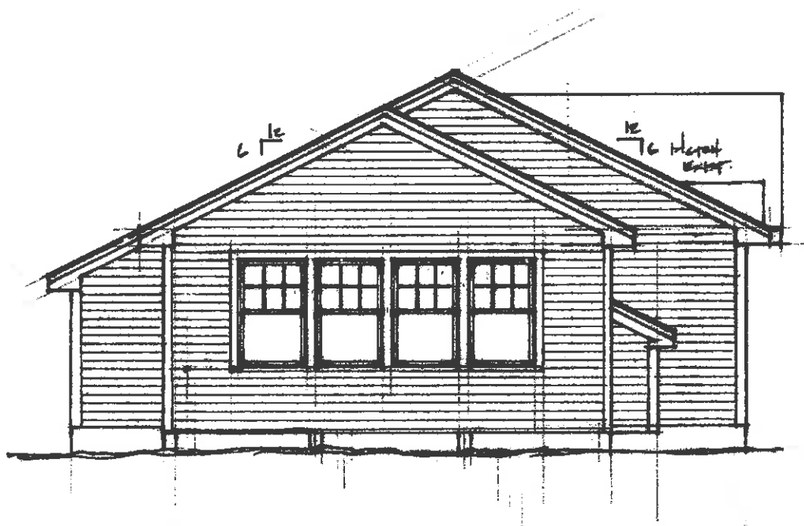
A. Gypsum wallboard to be screwed to supporting members and, unless otherwise noted, shall be provided as follows;

Exterior walls;	1-layer ½" regular wallboard to interior face
Interior partitions;	1-layer ½" regular wallboard each side
Ceiling;	1-layer ½" regular wallboard, finish per builder
Garage;	1-layer 5/8" type "x" fire-rated wallboard all walls and ceiling
Bathrooms;	1-layer ½" water-resistant wallboard all walls and ceiling surrounding tube and showers and as required by governing codes.

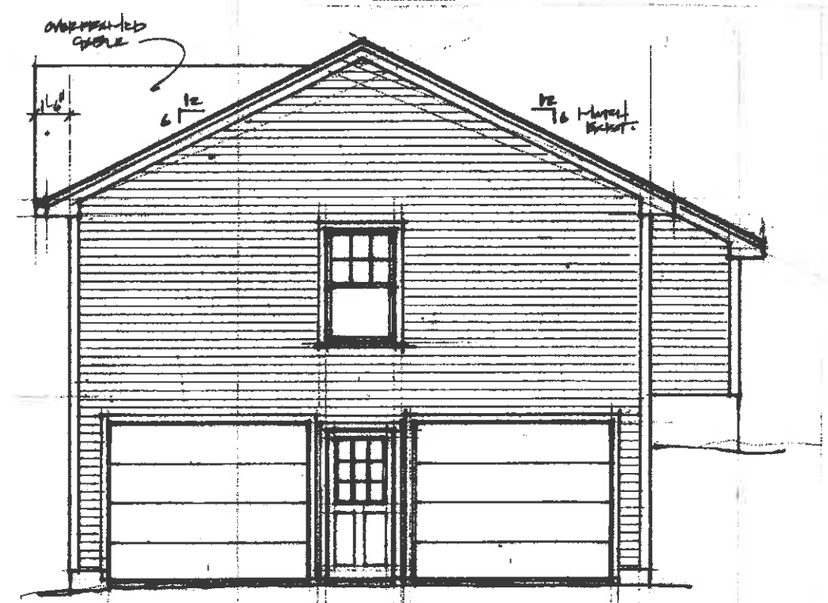
B. Provide metal corner bead and trim as recommended by gypsum wallboard manufacturers.

C. Tape, float and sand joints and fasteners with three coats of joint compound as required to obtain a uniformly smooth surface.

D. All interior detail finishes, unless shown on specific details, are selected per owner/contactor.



LEFT SIDE ELEVATION
SCALE: 1/4"=1'-0"
South Side View



RIGHT SIDE ELEVATION
SCALE: 1/4"=1'-0"
Colonial Avenue View (North)

ENVISIONARYLINES, LLC
RESIDENTIAL DESIGN SOLUTIONS
614 Nashua Street, #203
Milford, New Hampshire 03055
matt@envisionarylines.com
Cell (603)759-0125

PROPOSED RENOVATIONS
21 COUNTRYSIDE DRIVE
NASHUA, NH

DATE: FEB 1, 2020
REVISIONS: FEB 7, 2020
MARCH 6, 2020

Falk, Carter

From: Neil Schmidt <oneneil@earthlink.net>
Sent: Tuesday, April 21, 2020 4:21 PM
To: Falk, Carter
Cc: Poirier, Kate
Subject: RE: 21 Countryside Dr Land Use Permit application
Attachments: 21 Countryside Drive Elevation Drawings.pdf

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

Carter,
Attached are the elevations. We are adding to the other side of the house, a much smaller sized room too.

Please let me know if you need any other information.

Thanks, Neil

From: "Falk, Carter"
Sent: Apr 21, 2020 10:15 AM
To: Neil Schmidt
Cc: "Poirier, Kate"
Subject: RE: 21 Countryside Dr Land Use Permit application

Hi Neil,

Thanks for the measurements. Would you happen to have an elevation drawing to send over? That would greatly help the Board. Should the Board approve the request, they would tell you right when the case is voted on. I would write out approval letters the next day, and if you give me a contact name/address and email address –I would be happy to email a letter to your bank.

Thanks!!
Carter

Carter W. Falk, AICP
Deputy Planning Manager/Zoning
Community Development Dept.
229 Main Street
P.O. Box 2019
Nashua, NH 03061-2019

falkc@nashuanh.gov
603 589-3116 p
603 589-3119 f

From: Neil Schmidt [mailto:oneneil@earthlink.net]
Sent: Monday, April 20, 2020 7:53 PM

Subject: RE: 21 Countryside Dr Land Use Permit application

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

The proposed footprint of the new structure is 26' x 24'. The 26' runs the full width of the house and the 24' measurement is what extends into our current driveway space. It is a two-story structure, the bottom floor being a double car garage and the top floor being a master bedroom with closet and bathroom.

Our bank has moved our loan closing date to May 13th. Assuming we receive an affirmative response to our variance application from the zoning board on May 12th, will we receive official approval of our permit in time for our closing the next day? Our bank said they will accept an official email approval from the City of Nashua.

Thanks,

Neil

-----Original Message-----
From: "Falk, Carter"
Sent: Apr 20, 2020 5:53 PM

Neil,

Can you confirm the size of the proposed garage? And, is it one-story or two? Thanks – appreciate it!

Carter

Carter W. Falk, AICP
Deputy Planning Manager/Zoning
Community Development Dept.
229 Main Street
P.O. Box 2019
Nashua, NH 03061-2019

falkc@nashuanh.gov
603 589-3116 p
603 589-3119 f

From: Neil Schmidt [mailto:oneneil@earthlink.net]
Sent: Thursday, April 16, 2020 9:10 AM
To: Falk, Carter
Cc: Poirier, Kate; kristen@felter.com
Subject: RE: 21 Countryside Dr Land Use Permit application

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

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

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

VARIANCE APPLICATION (ZBA)

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

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

I. VARIANCE INFORMATION

1. ADDRESS OF REQUEST 460 Broad Street, Nashua, NH 03063

   Zoning District _____ Sheet 0000F Lot 00968

2. VARIANCE(S) REQUESTED:

   Paved driveway that is 30 feet wide in front setback.

II. GENERAL INFORMATION

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

   (Print Name): Patricia C Whitman

   Applicant's signature PCWhitman Date 04/15/2020

   Applicant's address 460 Broad Street, Nashua, NH 03063

   Telephone number H: _____ C: 603 345-2253 E-mail: casa525@comcast.net

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

   ***Owner's signature** PCWhitman Date 04/15/2020

   Owner's address 460 Broad Street, Nashua, NH 03063

   Telephone number H: _____ C: 603 345-2253 E-mail: casa525@comcast.net

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

OFFICE USE ONLY *Date Received* _____ *Date of hearing* _____ **Application checked for completeness:** CP

PLR# _____ *Board Action* _____

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

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

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

Land Use Code Section(s) Requesting Variances From: _____

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 request is for a variance to pave a driveway that existed on the property prior to the construction of the addition to our home.

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 request is for a driveway to our home replacing the one that existed prior to our home addition.

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 driveway would enable to park our vehicles on the property in a fashion suitable to our neighborhood. Our home is on a town road that experiences a large volume of traffic and parking on the street is not an option. Furthermore, to enhance the beauty of our home and neighborhood, a paved driveway is aesthetically more appealing than a patch of dirt in our front yard.

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

   The paved driveway would add value not only to our home but to the neighborhood. Our home has high visibility due to its location on a main road and the fact that it sits across the street from our church driveway. Allowing us to pave our driveway as desired would enable us to park our vehicles on our property in such a manner as to not to detract from the beauty of the neighborhood.

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

Due to the 30 foot wide in our front setback, the current ordinance does not permit us to pave our driveway in a manner enabling us to make full use of our property. We own a camper and the request for variance would allow us to park it on the side of the house in a way that would not detract from the beauty of the neighborhood. Our goal is make use of what little property we have in a manner that does not detract from the value of our neighbors homes. We feel it will also add value to our home and it would enable us to finish the upgrade to our home that we started over a year ago this summer. Please consider our request and grant us the variance we request. Thank you.

IV. USE VARIANCE ADDITIONAL INFORMATION

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

1. Total number of employees N/A Number of employees per shift N/A
2. Hours and days of operation N/A
3. Number of daily and weekly visits to the premises by customers, clients, vendors and solicitors N/A
4. Number of daily and weekly commercial deliveries to the premises N/A
5. Number of parking spaces available N/A
6. Describe your general business operations:
This is a residence property and not a business location.

7. Describe any proposed site renovations, including, but not limited to – landscaping, lighting, pavement, structural changes, signage, access and circulation:
Once the driveway is paved, we will finish the front/side planting on our home to complete our home renovation project.

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.

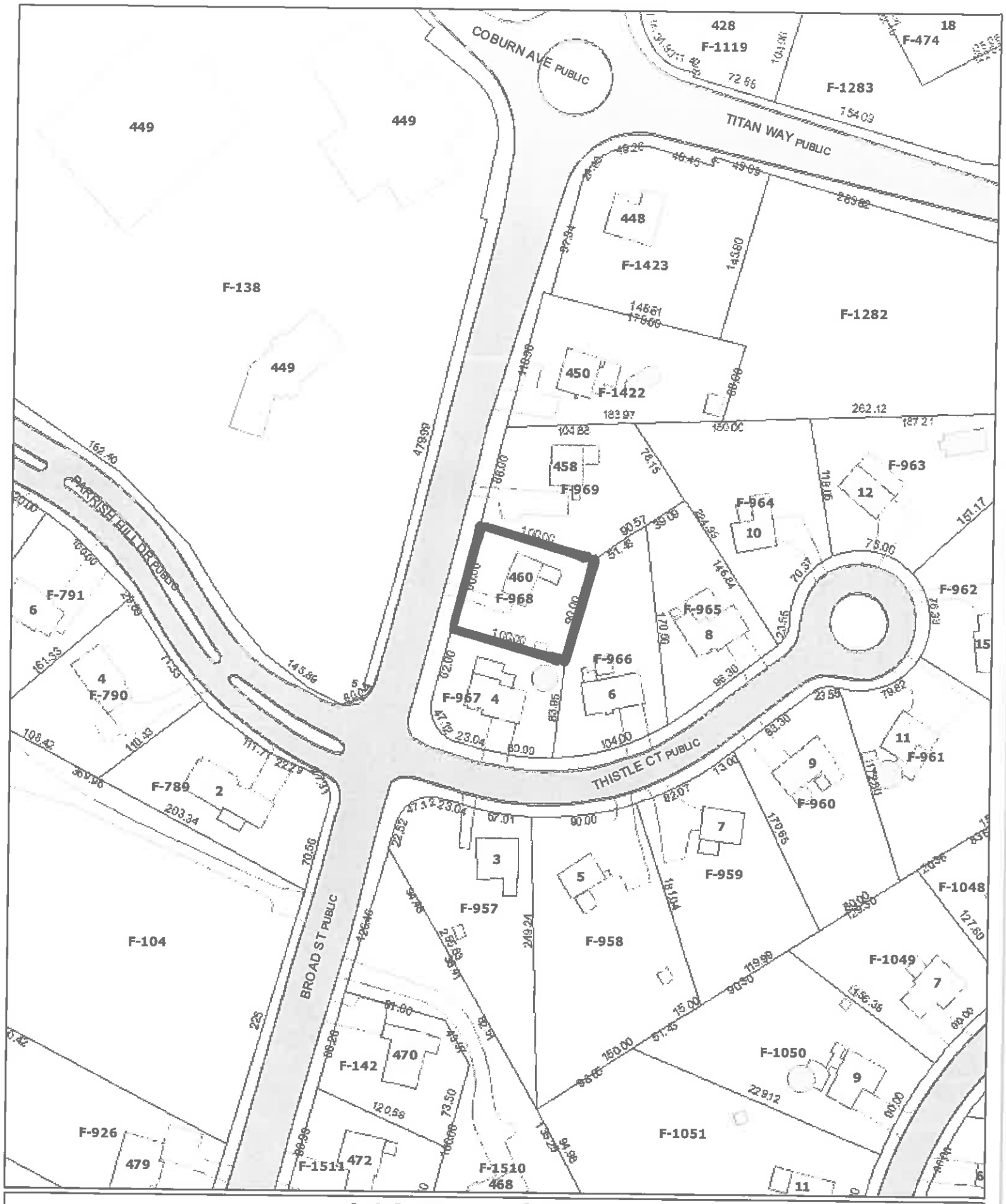
PCWhitman — 04/15/2020
Signature of Applicant — Date

Patricia C Whitman — 04/15/2020
Print Name — Date

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

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

BEE-LITTFUL FABRIC
"BEE" INCLINED GIFTS
COME BEE INSPIRED!



460 Broad Street

0 100 200 400 Feet

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

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

SPECIAL EXCEPTION APPLICATION (ZBA)

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

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

1. SPECIAL EXCEPTION INFORMATION

a. ADDRESS OF REQUEST 3 BIRCHWOOD DRIVE

Zoning District RA Sheet 54 Lot 20

b. SPECIAL EXCEPTION(S) REQUESTED:

24' x 28' ADU ADDITION FOR IN LAW (WIFE'S MOM)

2. GENERAL INFORMATION

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

(Print Name): JOHN & PENNY FERREIRA

Applicant's signature Date 3/31/20

Applicant's address 3 BIRCHWOOD DRIVE

Telephone number H: 603-880-5117 C: 617-799-9680 E-mail: johnf@chap-con.com

b. **PROPERTY OWNER (Print Name):** JOHN & PENNY FERREIRA

***Owner's signature** Date 3/31/20

Owner's address 3 BIRCHWOOD DRIVE

Telephone number H: 603-880-5117 C: 617-799-9680 E-mail: johnf@chap-con.com

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

OFFICE USE ONLY *Date Received* _____ *Date of hearing* _____ **Application checked for completeness:** _____

PLR# _____ *Board Action* _____

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

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

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

Land Use Code Section(s) Requesting Variances From: _____

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.

WE BOTH HAVING AGING PARENTS THAT HAVE VARIOUS NEEDS. ONE WITH ALZHEIMER / DIMENTIA AND ONE WITH PARKINSONS DISEASE. WE WANT TO BE ABLE TO PROVIDE CARE FOR THEM

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.

ADDITION TO BE 24' x 28' SINGLE STORY. EXISTING HOUSE IS 26' x 50' WITH A TWO CAR GARAGE. SINGLE STORY RANCH SEE PHOTOS ATTACHED.

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?

WOULD LIKE TO ADD ONE SPOT FOR PARKING CLOSE TO ADDITION TO MINIMIZE WALKING DISTANCE FOR ELDERLY PARENT. CURRENT DRIVE HOLDS 4 CARS

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

SHOULD HAVE MINIMAL EFFECT. THERE ARE NO SIDEWALKS ON BIRCHWOOD TO INTERRUPT. CAREGIVER WOULD PARK IN PROPOSED SPOT. ELDERLY PARENT DOES NOT DRIVE

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?

SEE ATTACHED PHOTOS. ALL ABUTTERS ARE SIMILAR STYLE, SINGLE LEVEL RANCH HOMES. TWO OF THEM HAVE DOUBLE DRIVEWAYS.

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 _____

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 _____

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: 3/31/20

JOHN FERREIRA
Print Name — Date: 3/31/20

City of Nashua
Planning Department

229 Main Street
Nashua, New Hampshire 03061-2019

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

VARIANCE APPLICATION (ZBA)

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

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

I. VARIANCE INFORMATION

1. ADDRESS OF REQUEST: 3 BIRCHWOOD DRIVE

Zoning District: RA Sheet: 54 Lot: 20

2. VARIANCE(S) REQUESTED:

TO ADD 2ND CURB CUT TO MINIMIZE DISTANCE FOR ELDERLY TO HAVE TO WALK TO ADU ADDITION, APPROXIMATELY 12' WIDE BY 24' LONG

II. GENERAL INFORMATION

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

(Print Name): JOHN + PENNY FERREIRA

Applicant's signature [signature] Date 3/31/20

Applicant's address 3 BIRCHWOOD DRIVE, NASHUA, NH 03064

Telephone number H: 603-880-5117 C: 617-799-9680 E-mail: johnf@chap-con.com

2. **PROPERTY OWNER (Print Name):** JOHN + PENNY FERREIRA

***Owner's signature** [signature] Date 3/31/20

Owner's address 3 BIRCHWOOD DRIVE, NASHUA, NH 03064

Telephone number H: 603-880-5117 C: 617-799-9680 E-mail: johnf@chap-con.com

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

OFFICE USE ONLY *Date Received* _____ *Date of hearing* _____ **Application checked for completeness:** _____

PLR# _____ *Board Action* _____

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

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

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

Land Use Code Section(s) Requesting Variances From: _____

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.")

SEVERAL NEIGHBORS HAVE TWO DRIVEWAYS ALREADY SO IT WILL NOT BE CONTRARY TO PUBLIC INTEREST. SEE ATTACHED PHOTOS OF #1 & #4 BIRCHWOOD DRIVE.
WE FILL THIS WOULD FIT RIGHT IN. WE DO NOT WANT TO IMITATE THE PARKING SITUATION THAT IS HAPPENING AT #6 BIRCHWOOD. SEE ATTACHED PHOTO.

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.")

PROPOSED USE DOES NOT THREATEN OR CHANGE THE CHARACTER OF THE NEIGHBORHOOD. IT ALSO DOES NOT THREATEN PUBLIC HEALTH, SAFETY, WELFARE OR PUBLIC RIGHTS
THE PROPOSED ADDITION + DRIVE FITS INTO THE CHARACTER OF THE NEIGHBORHOOD.

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 BENEFIT OF ALLOWING SECOND DRIVEWAY WOULD ALLOW ELDERLY PARENT TO BE ABLE TO ACCESS ADU LIVING UNIT WITHOUT HAVING TO TRAVEL 60'+/- FROM MAIN DRIVEWAY LOCATED AT OPPOSITE SIDE OF LOT.

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.)

ADDITION WILL BE CONSTRUCTED OF SAME MATERIALS AND SAME STYLE OF EXISTING RESIDENCE. ROOF, SIDING + WINDOWS WILL MATCH EXISTING.
ONCE COMPLETED IT WILL APPEAR AS IT WAS ALWAYS PART OF THE EXISTING HOUSE AND NEIGHBORHOOD

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

LOCATION OF PROPOSED ADU ADDITION IS AT OPPOSITE END OF THE PROPERTY, AS FAR AWAY FROM EXISTING DRIVEWAY AS POSSIBLE. THE ADDITIONAL DRIVEWAY IS REQUIRED TO EASE THE ACCESS FOR ELDERLY PARENT. EXISTING DRIVE WOULD REQUIRE ELDERLY PARENT TO WALK 60' +/- TO GAIN ACCESS TO ADU ENTRANCE

IV. USE VARIANCE ADDITIONAL INFORMATION

N/A

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
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, signature, 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 3/31/20

Print Name JOHN FERMENTA — Date 3/31/20

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

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

#1

1 BIRCHWOOD
(NOTE TWO DRIVEWAYS)

Google Maps 4 Birchwood Dr

Image capture: Sep 2019 © 2020 Google

Nashua, New Hampshire

Google

Street View

#4 BIRCHWOOD

(NOTE TWO DRIVEWAYS)

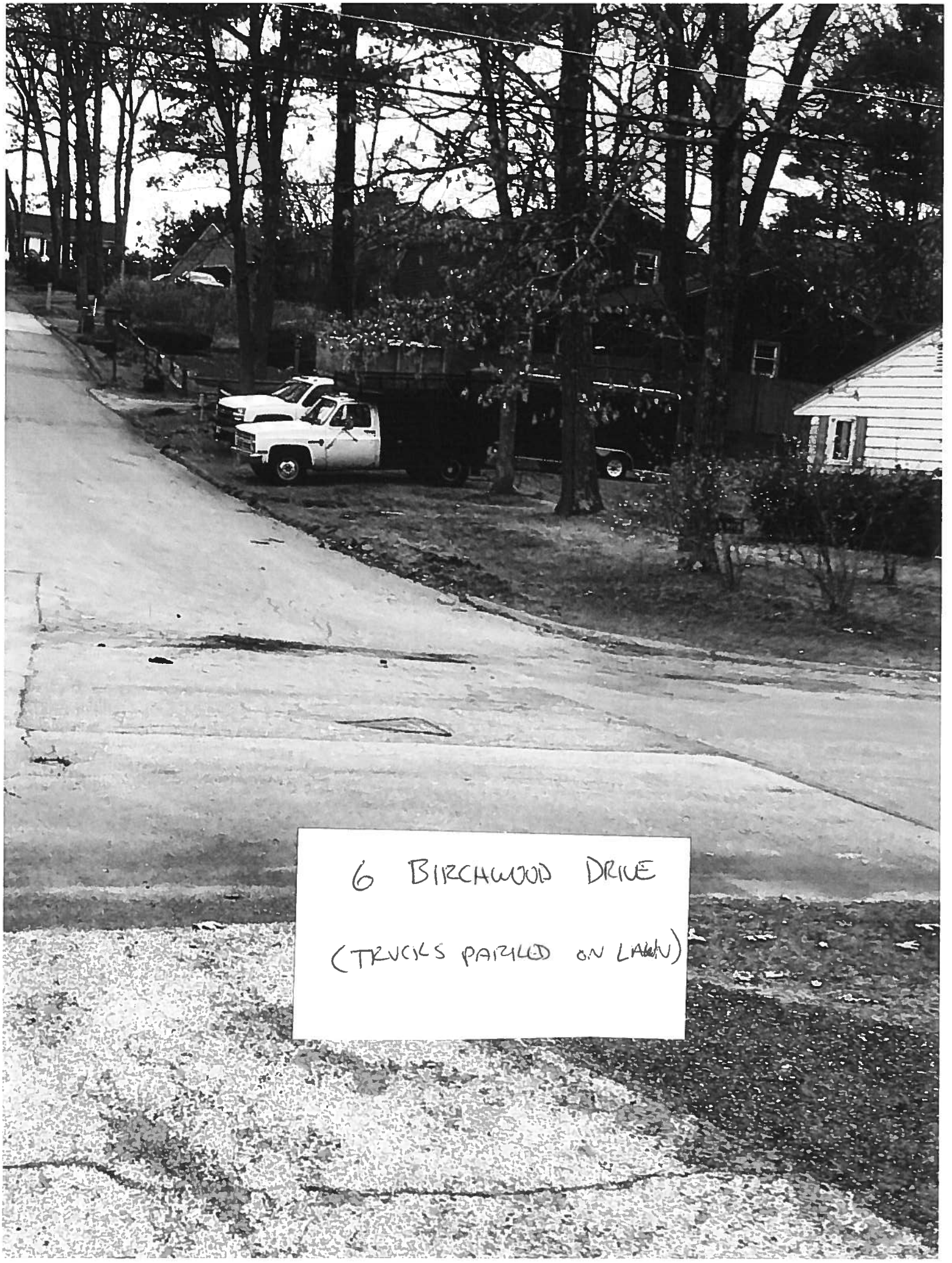
Google Maps 3 Birchwood Dr

Image capture: Sep 2019 © 2020 Google

Nashua, New Hampshire

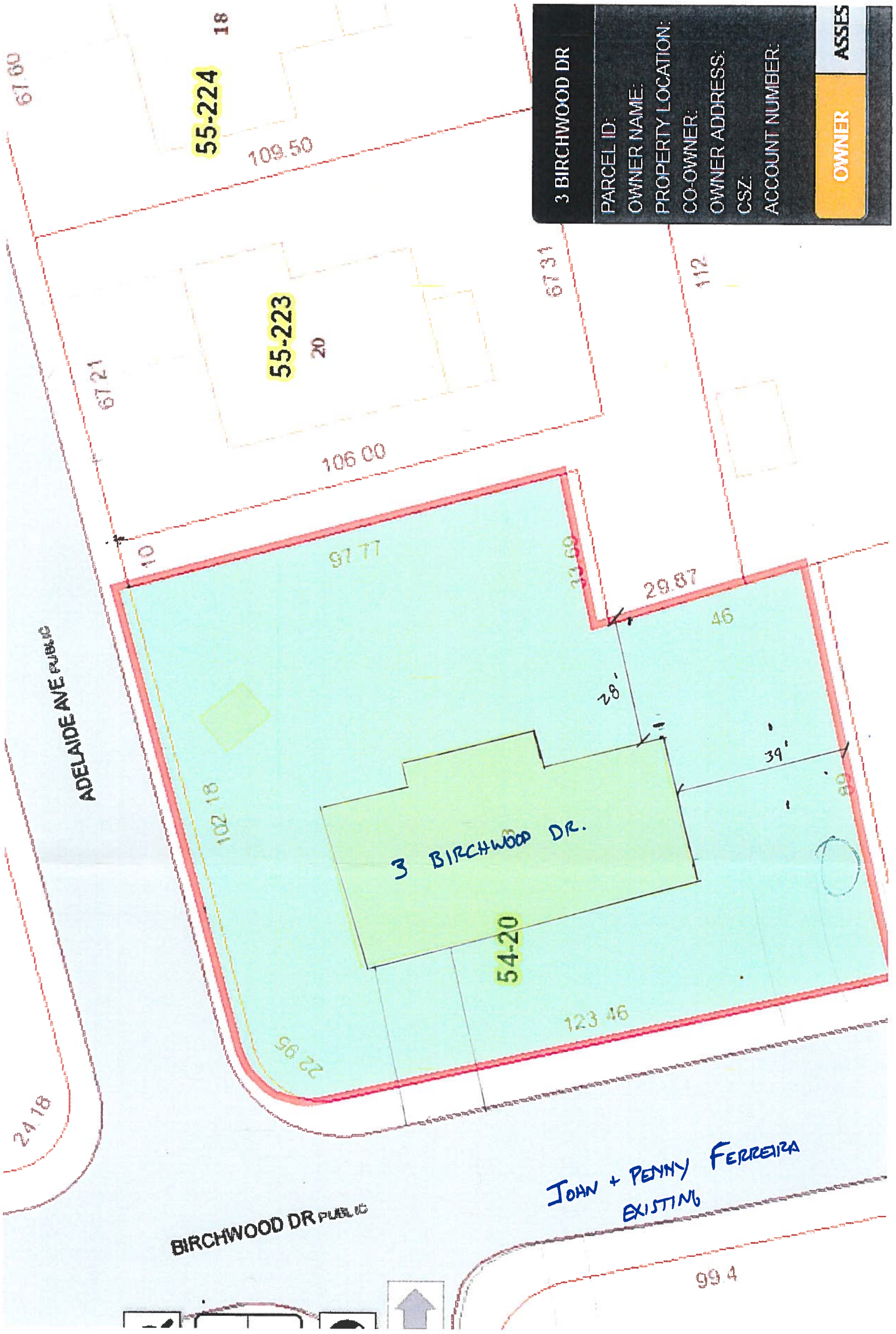
Google

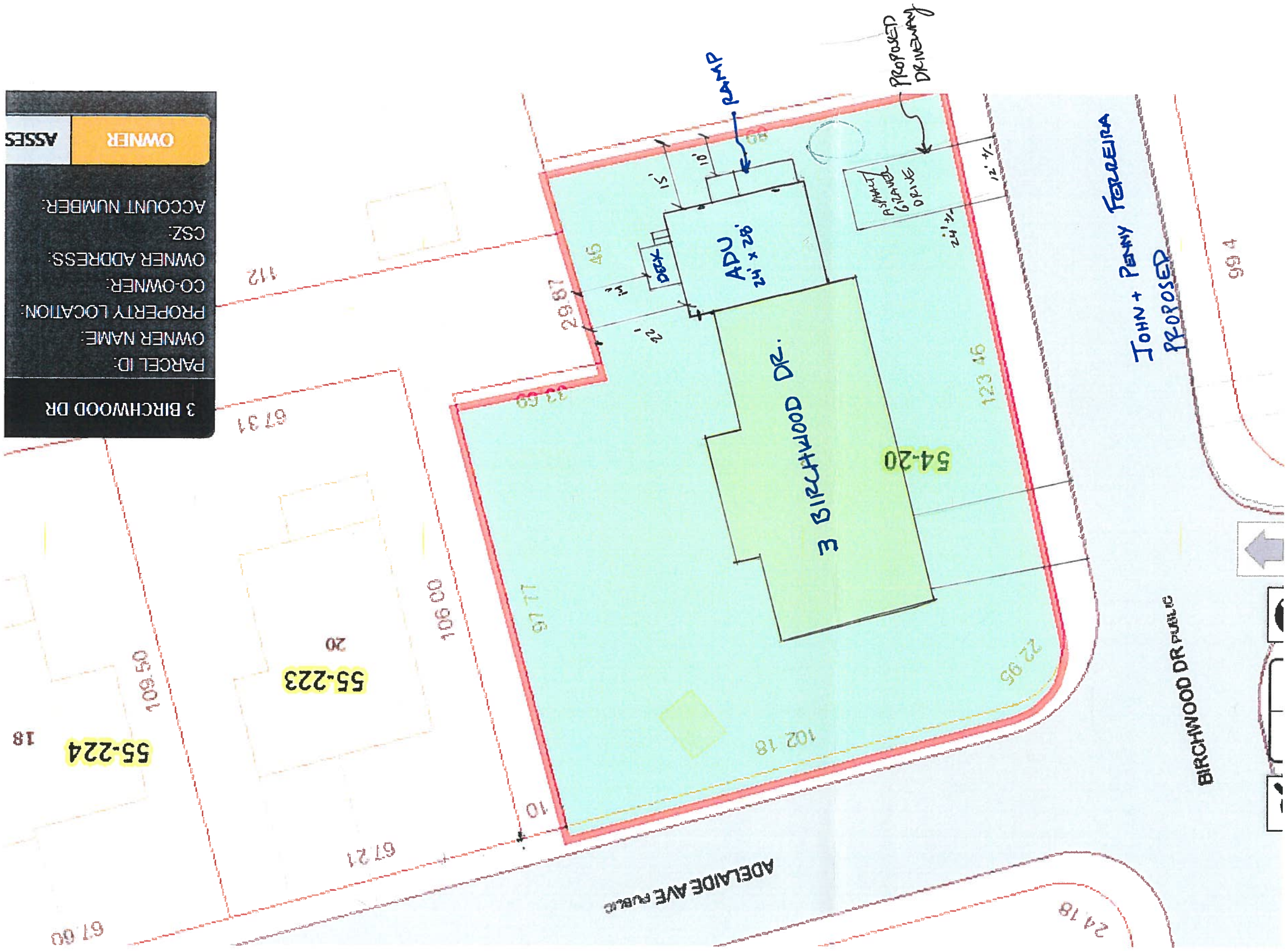
Street View


6 BIRCHWOOD DRIVE
(TRUCKS PARKED ON LAWN)

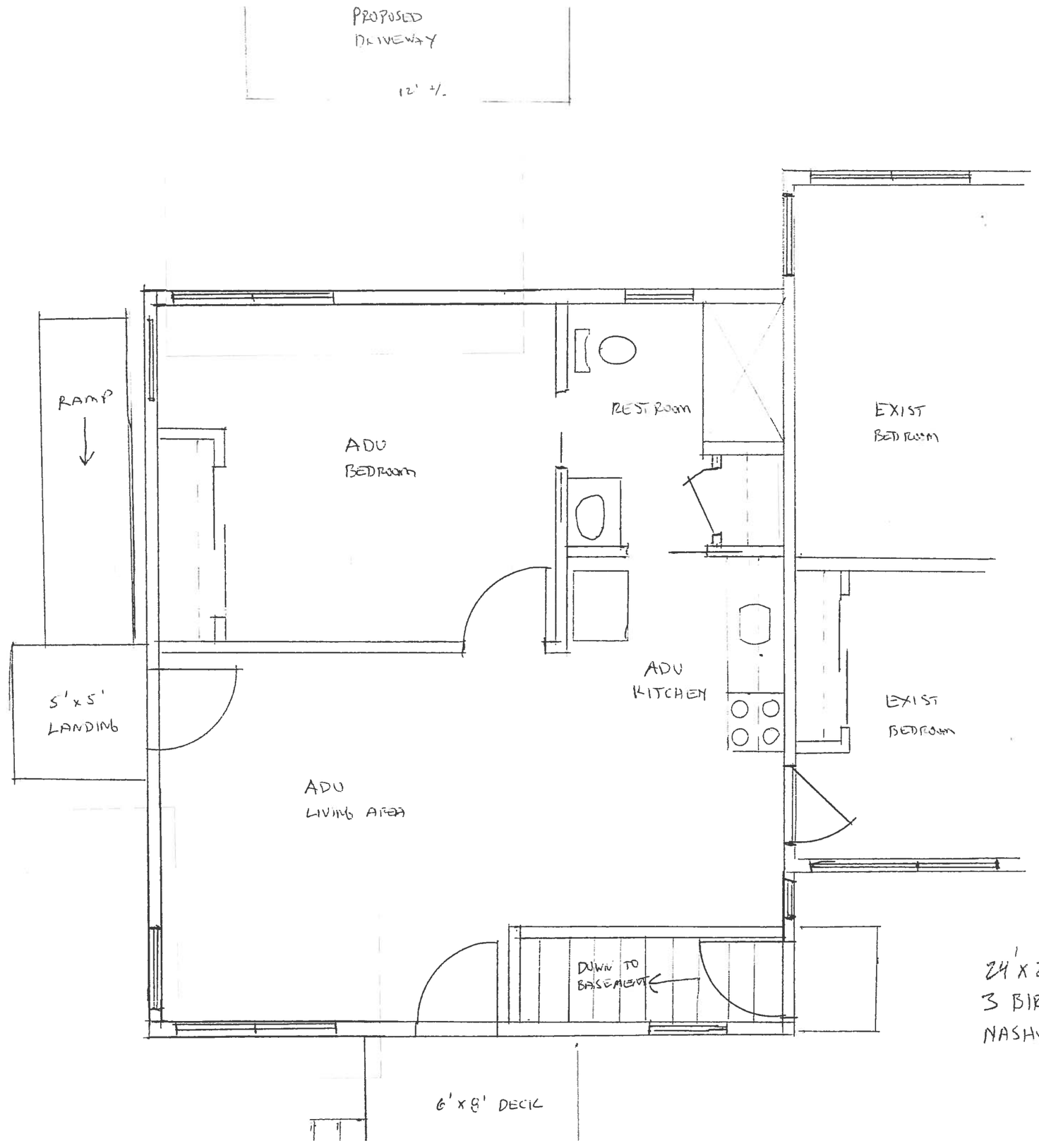
Google Maps 3 4 Birchwood Dr

Image capture: Sep 2019 © 2020 Google


3 BIRCHWOOD DR
PARCEL ID:
OWNER NAME:
PROPERTY LOCATION:
CO-OWNER:
OWNER ADDRESS:
CSZ:
ACCOUNT NUMBER:
OWNER
ASSES
55-224
18
67.60
109.50
55-223
20
67.21
67.31
112
106.00
10
97.77
33.69
29.87
46
28'
39'
ADELAIDE AVE PUBLIC
102.18
3 BIRCHWOOD DR.
54-20
123.46
22.95
24.18
JOHN + PENNY FERREIRA
EXISTING
BIRCHWOOD DR PUBLIC
99.4



3 BIRCHWOOD DR
PARCEL ID:
OWNER NAME:
PROPERTY LOCATION:
CO-OWNER:
OWNER ADDRESS:
CSZ:
ACCOUNT NUMBER:
OWNER
ASSES
RAMP
PROPOSED DRIVEWAY
ADU 24' x 28'
DECK
3 BIRCHWOOD DR.
54-20
55-223
55-224
JOHN + PENNY FERREIRA PROPOSED
BIRCHWOOD DR PUBLIC
ADELAIDE AVE PUBLIC



24'x28' ADU ADDITION
3 BIRCHWOOD DRIVE
NASHUA, NH 03064

City of Nashua
Planning Department

229 Main Street
Nashua, New Hampshire 03061-2019

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

VARIANCE APPLICATION (ZBA)

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

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

I. VARIANCE INFORMATION

1. ADDRESS OF REQUEST 413 South Main Street

   Zoning District RA Sheet 110 Lot 28

2. VARIANCE(S) REQUESTED:

   A use variance is being requested to rezone the property from residential to non-residential. The University intends to sell the property this year to State Farm just across the rotary at 6 Daniel Webster Highway. In turn, the University will purchase the State Farm property for administrative. State Farm will convert this house into a small business administrative agency.

II. GENERAL INFORMATION

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

   (Print Name): John Parker, Rivier University

   Applicant's signature _____ Date March 10, 2020

   Applicant's address 420 South Main Street, Nashua, NH 03060

   Telephone number H: 603-897-8501 C: _____ E-mail: jhparker@rivier.edu

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

   ***Owner's signature** _____ Date March 10, 2020

   Owner's address 420 South main Street, Nashua, NH 03060

   Telephone number H: 603-897-8501 C: _____ E-mail: jhparker10@rivier.edu

***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:** LF

PLR# _____ *Board Action* _____

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

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

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

Land Use Code Section(s) Requesting Variances From: _____

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.")

   This proposal is not contrary to the public interest as it is next to Hayward's, adjacent to State Farm and across from the University's main campus.

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 observe the spirit of the ordinance as the exterior structure will not be changed; exterior enhancements will include painting and landscaping.

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.)

   Substantial justice will be done to the property owner by granting the variance as State Farm has serviced the community at its current location for 40+ years and wishes to remain embedded in this community.

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 will not diminish the values of the surrounding properties as the property will undergo cosmetic enhancements. This location previously served as a kindergarten center for several years. State Farm has serviced the community at it's current location just across the street for 40+ years.

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.

Literal enforcement of the ordinance results in unnecessary hardship as the agency may be forced to move from the community that it has served for over 40 years..

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 3 Number of employees per shift 3
b. Hours and days of operation M-S 9 am - 6 pm
c. Number of daily and weekly visits to the premises by customers, clients, vendors and solicitors 10 weekly
d. Number of daily and weekly commercial deliveries to the premises 5 weekly
e. Number of parking spaces available 8
f. Describe your general business operations:

Currently used as residence for University employees. Will be converted to local administrative office for State Farm Insurance Agency

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

~~Landscape enhancements, painting, and signage.~~

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.

Jon H. Parker
Signature of Applicant — April 10, 2020 Date

John parker
Print Name — April 10, 2020 Date

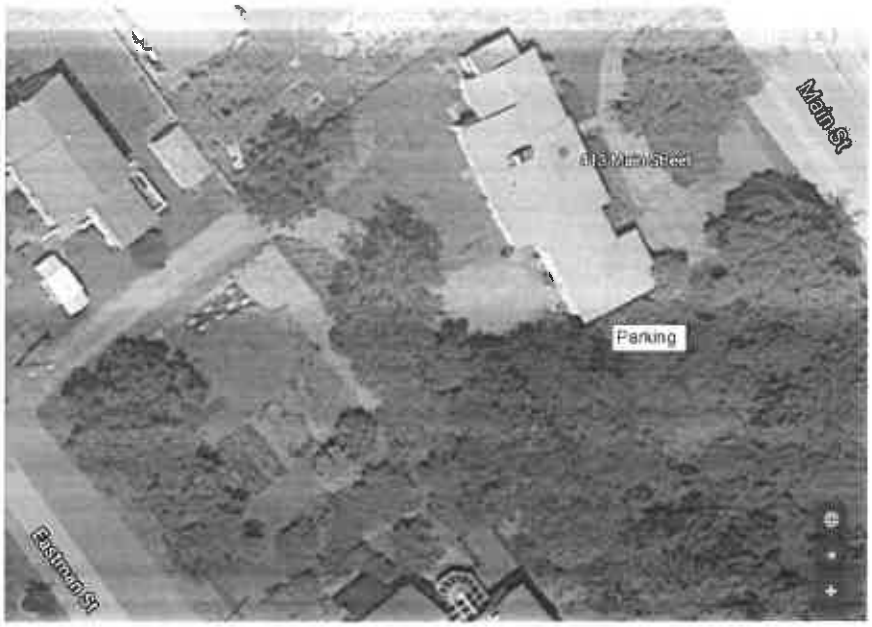
The staff report for a Use Variance request will be available no later than Friday of the week before the ZBA meeting. If you would like a copy, please indicate below:

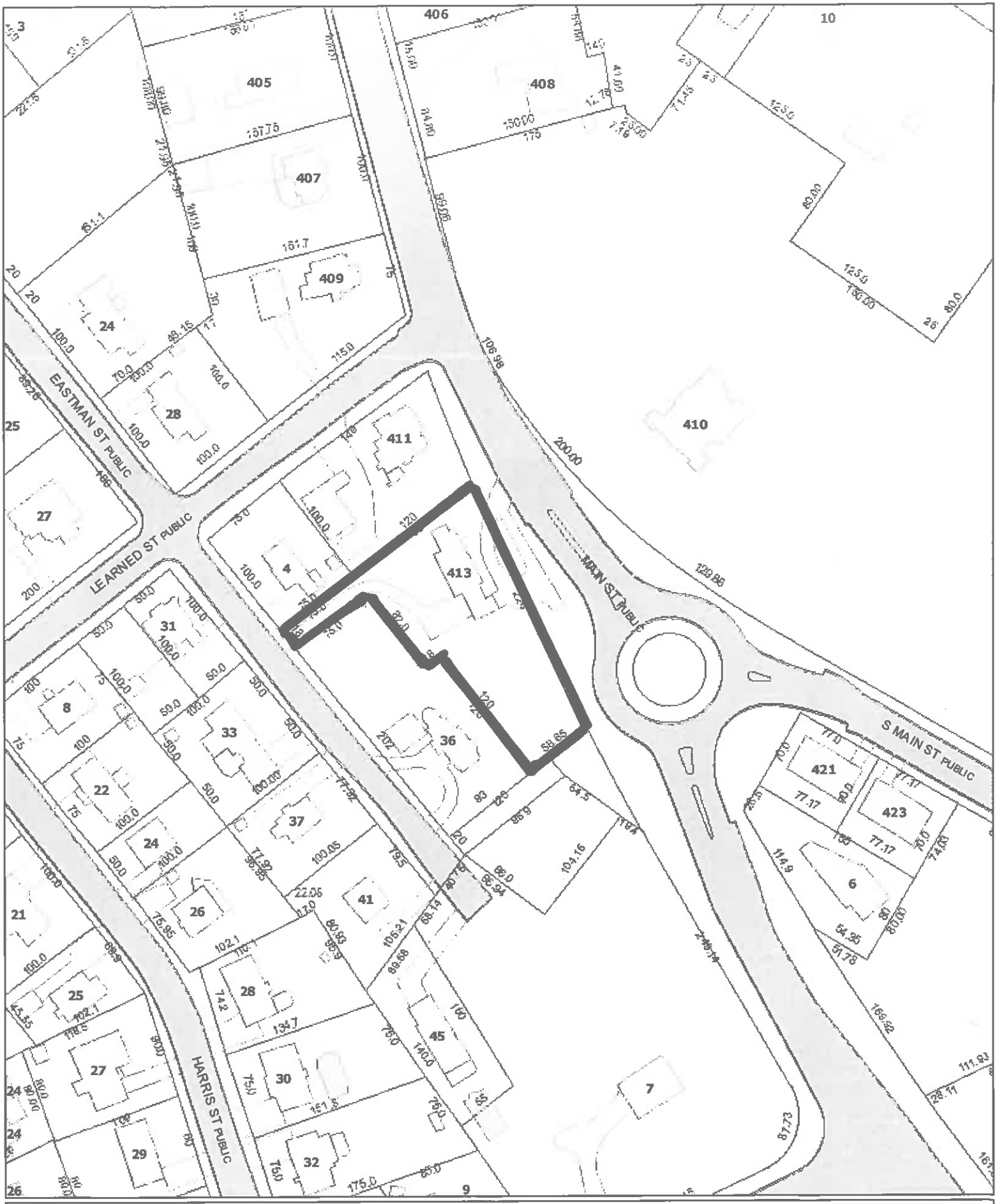
☐ I will pick it up at City Hall

☑ Please email it to me at jhparker@rivier.edu

☐ Please mail it to me at _____

113 Main Street
Sandy Dodd - State
Farm Insurance Agent


Main St
Parking
Eastman St



413 South Main St

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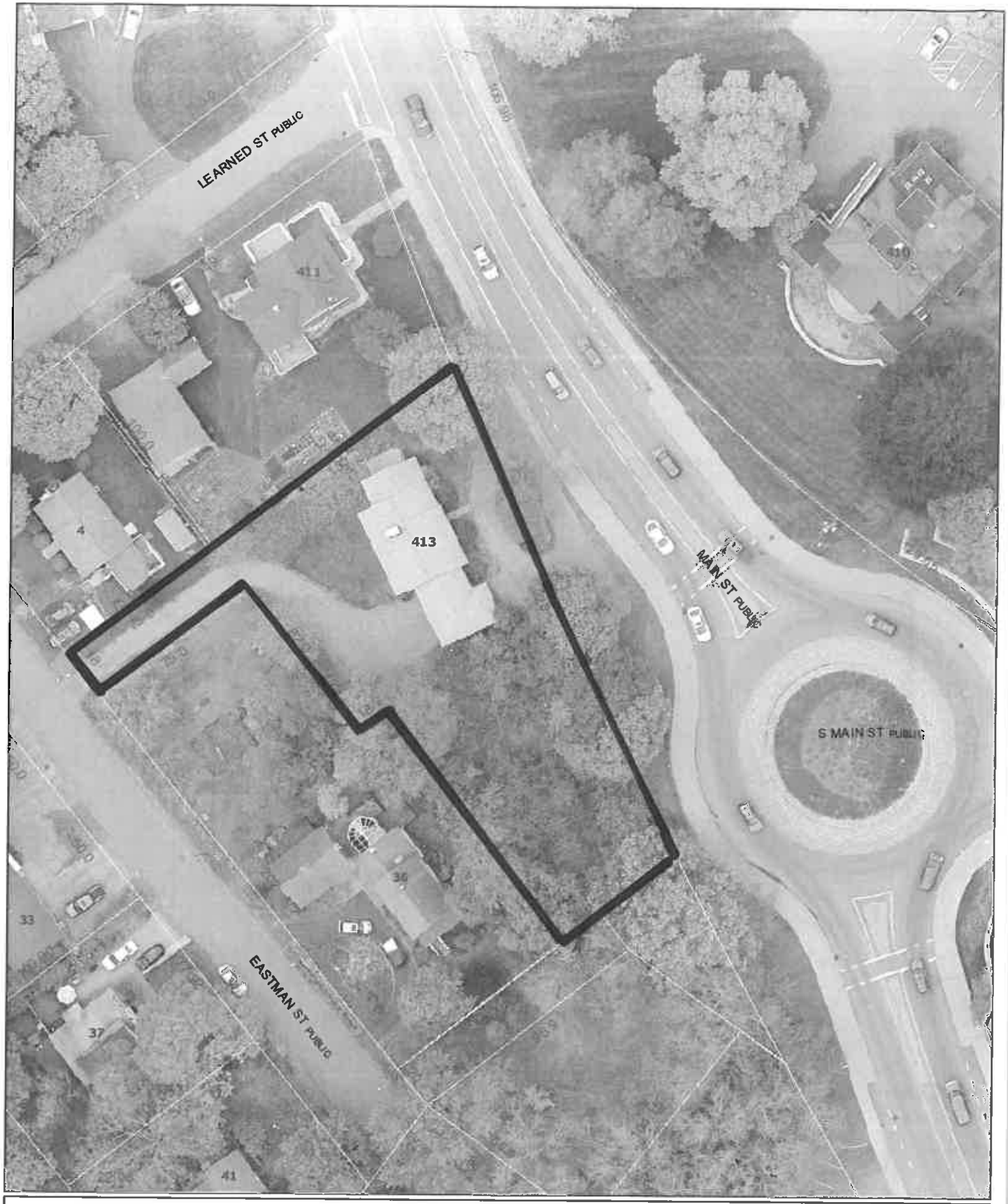
NASHUA GIS



413 South Main St

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NASHUA
NEW HAMPSHIRE
GIS

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

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 133 Amherst Street

Zoning District RA Sheet 60 Lot 65

b. VARIANCE(S) REQUESTED

This Variance Application seeks relief from Section 190-17(B) of the Land Use Code to permit more than one principal structure on a lot to facilitate a residential condominium community of 4 single-family detached units.

2. GENERAL INFORMATION

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

Colinbrooke Homes, LLC - c/o Jay Langianese

Applicant's signature _____ Date _____

Applicant's address 11 McIntosh Lane, Bedford, NH 03110

Telephone number (home) _____ (work) (603) 321-5635

b. PROPERTY OWNER Same as Applicant

Owner's signature _____ Date _____

Owner's address _____

Telephone number (home) _____ (work) _____

Case number _____ *Application Deadline* _____ *Date Received* _____ *Date of hearing* 5-12-20

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

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

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

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

190 - 17 B

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 residential properties. The proposed use and density for this 4-unit single family condominium project will be consistent with the surroundings and meets the RA zoning requirements as outlined in the Land Use Code. The layout of the development has been situated to provide a nice residential setting with buffering to the surroundings. 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 subject property and will create a development that will be consistent with the surroundings, meet the RA zoning requirements and will thereby observe the spirit of the ordinance. The properties "L" shape does not allow for a reasonable conventional style development as it would yield significant land alteration and impacts and would not provide the same level of buffering to the surrounding properties. The proposed layout will be in harmony with the neighborhood and will not threaten the public health, safety, welfare or otherwise injure the public rights.

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.)

   Substantial justice will be granted, in recognising the nature of this property, its shape and location in the RA district, its compatibility with the surroundings and its reasonable manor with regards to the proposed density and layout that is sensitive to the surrounding properties. Substantial justice would thereby be done to the property owner by granting this variance as it would 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 proposed use is reasonable due to the special conditions of the property. The subject property is a 0.7+ acre lot with an irregular "L" shape with frontage along Jewell Lane and Amherst Street. The existing dwelling and features along Amherst Street limit development options to the northeast half of the parcel. The most practical proposal for this site is a single family development with a private road, privately maintained in a condominium form of ownership. The proposed use is compatible and in harmony with the surroundings and literal enforcement of the regulations would result in an unnecessary hardship due to the special conditions of 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 NA Number of employees per shift NA
b. Hours and days of operation NA
c. Number of daily and weekly visits to the premises by customers, clients, vendors and solicitors NA
d. Number of daily and weekly commercial deliveries to the premises NA
e. Number of parking spaces available 2+ per unit
f. Describe your general business operations
NA - there is not business operations proposed.

g. Describe any proposed site renovations, including, but not limited to – landscaping, lighting, pavement, structural changes, signage, access and circulation
This project will include the construction of a private roadway with associated drainage, utility, lighting and landscaping improvements which will be completed and reviewed through the Planning Board approval process.

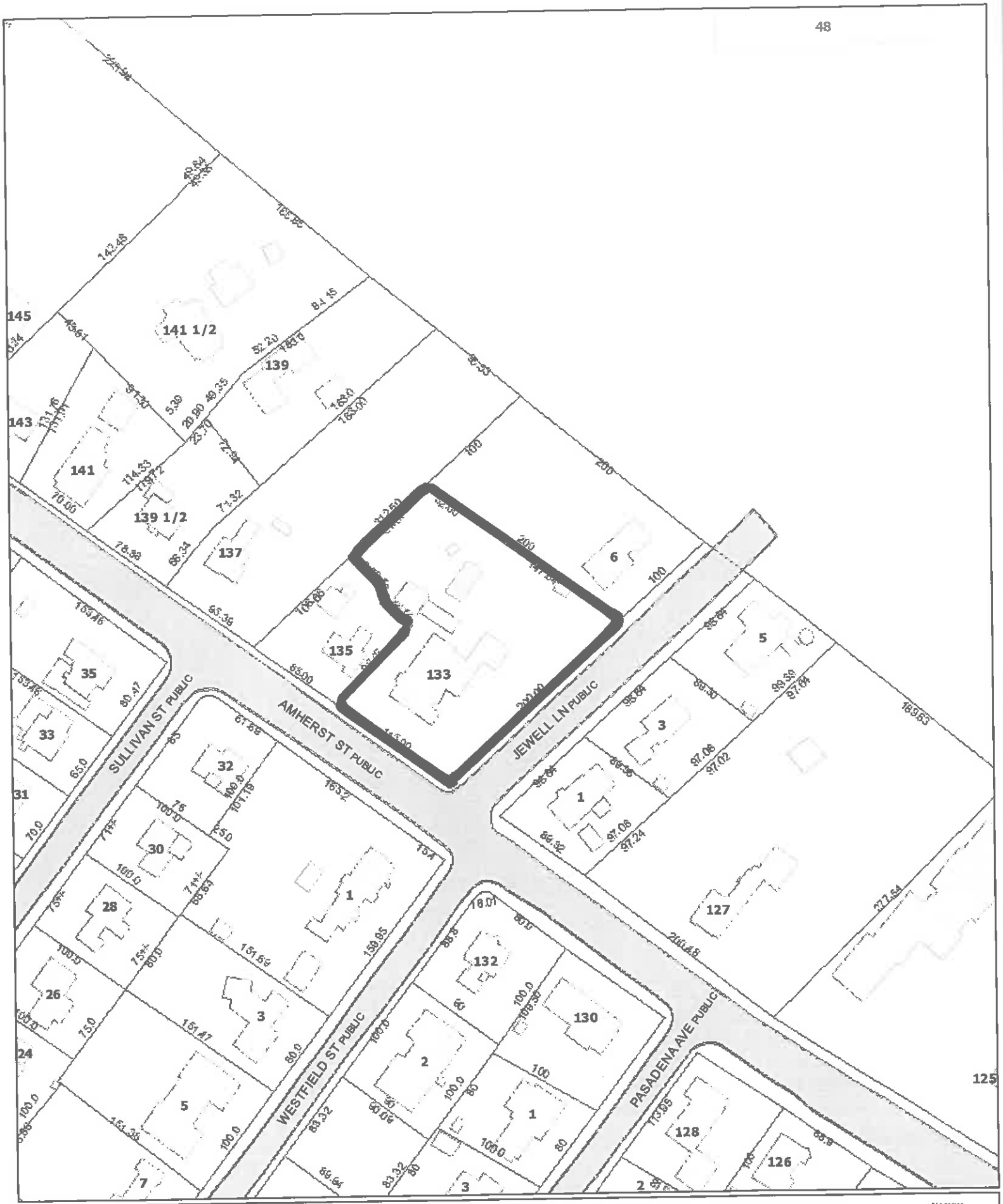
I hereby acknowledge that I have read this application and state that the above is correct and agree to comply with all the city ordinances and state laws regulating construction.

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

Signature of applicant Date

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



133 Amherst St

Feet

0 100 200 400

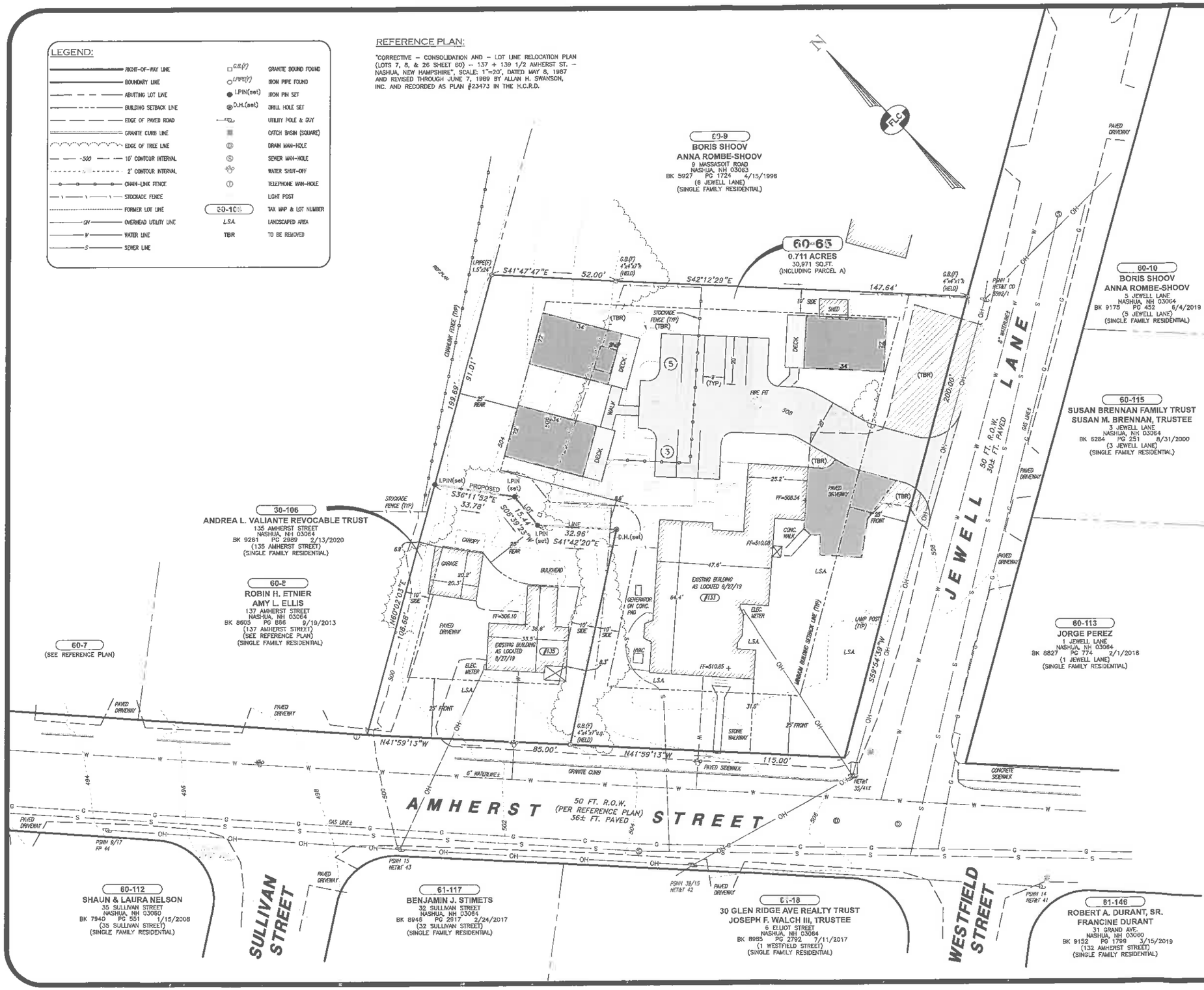
NASHUA GIS

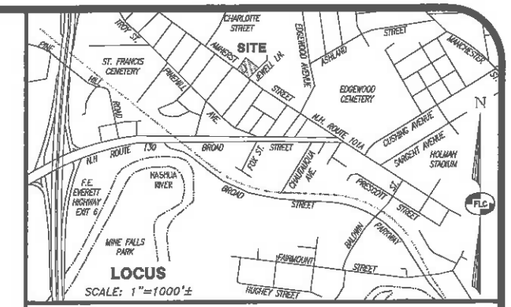
LEGEND:

	RIGHT-OF-WAY LINE	C.B.(F)	GRANITE BOUND FOUND
	BOUNDARY LINE	I.PIPE(F)	IRON PIPE FOUND
	ABUTTING LOT LINE	I.PIN(set)	IRON PIN SET
	BUILDING SETBACK LINE	D.H.(set)	DRILL HOLE SET
	EDGE OF PAVED ROAD		UTILITY POLE & GUY
	GRANITE CURB LINE		CATCH BASIN (SQUARE)
	EDGE OF TREE LINE		DRAIN MAN-HOLE
500	10' CONTOUR INTERVAL		SEWER MAN-HOLE
	2' CONTOUR INTERVAL		WATER SHUT-OFF
	CHAIN-LINK FENCE		TELEPHONE MAN-HOLE
	STOCKADE FENCE		LIGHT POST
	FORMER LOT LINE	60-10	TAX MAP & LOT NUMBER
OH	OVERHEAD UTILITY LINE	L.S.A.	LANDSCAPED AREA
W	WATER LINE	TBR	TO BE REMOVED
S	SEWER LINE		

REFERENCE PLAN:

"CORRECTIVE – CONSOLIDATION AND – LOT LINE RELOCATION PLAN (LOTS 7, 8, & 26 SHEET 60) – 137 + 139 1/2 AMHERST ST. – NASHUA, NEW HAMPSHIRE", SCALE: 1"=20', DATED MAY 8, 1987 AND REVISED THROUGH JUNE 7, 1989 BY ALLAN H. SWANSON, INC. AND RECORDED AS PLAN #23473 IN THE H.C.R.D.





NOTES:

1. THE APPLICANT AND OWNER OF RECORD FOR TAX MAP 60 LOT 65 IS COLINBROOKE HOMES, LLC, 11 MCINTOSH LANE, BEDFORD, NH 03110. THE DEED REFERENCE FOR THE PARCEL IS VOL.9223 PG.1844 DATED OCTOBER 22, 2019 IN THE H.C.R.D.
2. THE PURPOSE OF THIS PLAN IS TO DEPICT THE PROPOSED DETACHED CONDOMINIUM DEVELOPMENT ALONG WITH ASSOCIATED SITE IMPROVEMENTS.
3. THE TOTAL EXISTING AREA OF LOT 60-65 IS 0.711 ACRES OR 30,971 SQ.FT.
4. LOT NUMBERS REFER TO THE CITY OF NASHUA ASSESSORS MAP 60.
5. ZONING FOR THE PARCEL IS DISTRICT (R-A).

R-A ZONE: CONVENTIONAL	REQUIRED	60-65
MIN LOT AREA	7,500 SF	30,971 SF
MIN LOT WIDTH	75 FT	199.90 FT
MIN LOT FRONTAGE	60 FT	315.00 FT
MIN LOT DEPTH	90 FT	199.64 FT
MIN FRONT SETBACK	25 FT	31.05 FT
MIN SIDE SETBACK	10 FT	8.58 FT
MIN REAR SETBACK	25 FT	47.60 FT
MAX. BUILDING HEIGHT	35 FT	30± FT
MAX. STORIES	2.5 ST	2.0 ST
OPEN SPACE FOR EACH LOT	50%	69%

6. THE SURFACE FEATURES AND BOUNDARY INFORMATION SHOWN WERE DEVELOPED FROM THE REFERENCE PLANS CTIED AND A PRECISE FIELD SURVEY BY THIS OFFICE DURING THE MONTH OF AUGUST, 2019. HORIZONTAL ORIENTATION IS BASED ON REFERENCE PLAN #1. VERTICAL DATUM IS ASSUMED.
7. JURISDICTIONAL WETLANDS WERE NOT FOUND ON THE SUBJECT PARCEL PER AN ON SITE FIELD INVESTIGATION BY CHRISTOPHER A. GUIDA, C.W.S. IN AUGUST, 2019 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 AND BY MUNICIPAL SEWER AND WATER BY PENNICHUCK WATER WORKS.
10. 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.
11. SOIL TYPE FOR THE ENTIRE SITE IS HsB (HINCKLEY LOAMY SAND WITH SLOPES FROM 0%–3%).
12. TO THE BEST OF MY KNOWLEDGE AND BELIEF, THERE ARE NO KNOWN EASEMENTS OR ENCUMBRANCES ON THE SUBJECT PARCEL.
13. THE PROPOSED MONUMENTS WERE SET ON 11/01/2019 AS SHOWN HEREON.

GRAPHIC SCALES

20' 10' 0 20' 40' 60'

IMPERIAL: 1"=20'

REV.	DATE	DESCRIPTION	C/O	DR	CK

DETACHED CONDOMINIUM CONCEPT PLAN

TAX MAP 60 LOT 65

(133 AMHERST STREET)

NASHUA, NEW HAMPSHIRE

PREPARED FOR & LAND OF:

COLINBROOKE HOMES, LLC

11 MCINTOSH LANE BEDFORD, NH 03110

SCALE: 1" = 20' SEPTEMBER 5, 2019

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: 2288EH01.dwg	PROJ. NO. 2288.01	SHEET: CN-1	PAGE NO. 1 OF 1

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

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

VARIANCE APPLICATION (ZBA)

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

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

I. VARIANCE INFORMATION

1. ADDRESS OF REQUEST 39 Scott AVE 03062

Zoning District R18 Sheet B Lot 1515

2. VARIANCE(S) REQUESTED:
REPAVING of Driveway Across from Marlowe St. Driveway Footage NOT Changing, EXISTING Pattern WILL Stay

II. GENERAL INFORMATION

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

(Print Name): Maureen Heffern

Applicant's signature [signature] Date 4-17-2020

Applicant's address 39 Scott Ave Nashua NH 03062

Telephone number H: NA C: 603-943-0708 E-mail: mfheffern@Comcast.net

2. **PROPERTY OWNER (Print Name):** Kathy Cye & Maureen Heffern

*Owner's signature [signature] Date 4-17-2020

Owner's address 39 Scott Ave Nashua NH 03062

Telephone number H: NA C: 603-943-0708 E-mail: mheffern@Comcast.net

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

OFFICE USE ONLY *Date Received* _____ *Date of hearing* _____ **Application checked for completeness:** LF

PLR# _____ *Board Action* _____

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

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

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

Land Use Code Section(s) Requesting Variances From: 190-192 C

Address 39 Scott AVE 43062

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.")

   Driveway is Existing today and will NOT Change Pattern of said Driveway
   Repaving Existing Driveway

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 Drive way is Currently Used for 2 Car parking Inside Garage & Outside Garage Today.

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.)

   Owners would Be Able to Continue to use Drive way and 2 Car Garage on property.

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.)

   Newly Repaved Drive will only Enhance to look and Appeal of the Property and ~~[illegible]~~ Property next Door. This will Be a newly Paved Straight smooth Surface

Address 39 Scott Ave, Nashua 03062

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.

THIS DRIVEWAY LEADS TO THE TWO CAR GARAGE USED DAILY FOR TWO VEHICLES.

IV. USE VARIANCE ADDITIONAL INFORMATION

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

1. Total number of employees 0 Number of employees per shift 0
2. Hours and days of operation N/A
3. Number of daily and weekly visits to the premises by customers, clients, vendors and solicitors NA
4. Number of daily and weekly commercial deliveries to the premises NA
5. Number of parking spaces available NA
6. Describe your general business operations:
   Private Property / Home Owners
7. Describe any proposed site renovations, including, but not limited to – landscaping, lighting, pavement, structural changes, signage, access and circulation:
   Going to Existing Layout of Driveway and Just Repave It.

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 4.20.2020

Maureen Heffern — Date 4.20.2020
Print Name

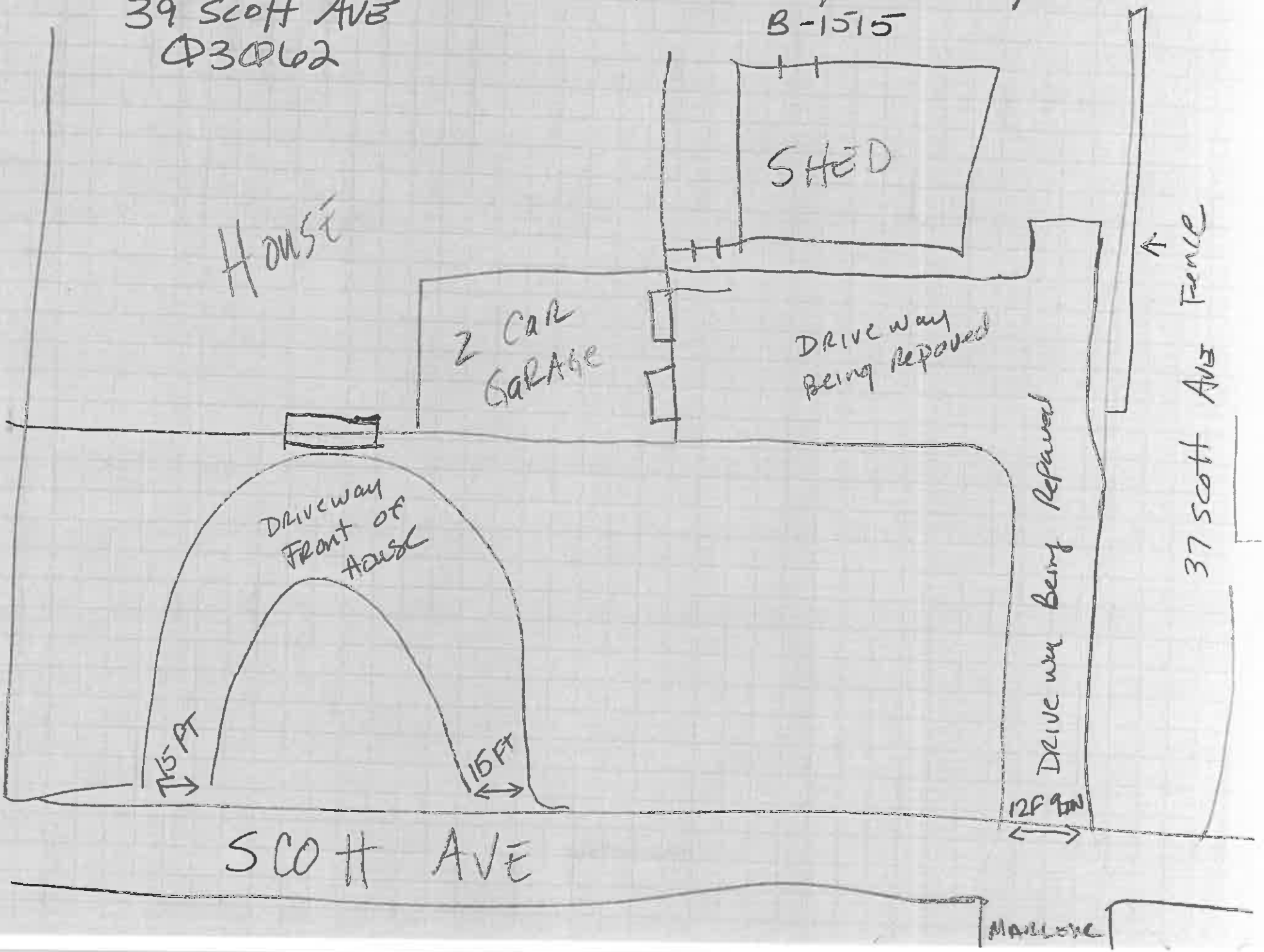
The staff report for a Use Variance request will be available no later than Friday of the week before the ZBA meeting. If you would like a copy, please indicate below.

- ☐ I will pick it up at City Hall
- ☒ Please email it to me at mfheffern@comcast.net
- ☐ Please mail it to me at _____

39 Scott Ave B-1515

MAUREEN HEFFERN
39 SCOTT AVE
Φ3Φ62

BOOK/PAGE [redacted] 9165/2220
B-1515



39 Scott Ave

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NASHUA New Hampshire GIS