

1. Zoning Board Of Adjustment Regular Webex Agenda

Documents:

[20200609 ZBA AGENDA.PDF](#)

2. 20200609 ZBA Case Packets

Documents:

[20200609 26 CANAL ST.PDF](#)

[20200609 4 BLACKSTONE DR.PDF](#)

[20200609 452 AMHERST ST.PDF](#)

[20200609 32 GROTON RD.PDF](#)

[20200609 367 AMHERST ST.PDF](#)

[20200609 70 BERKELEY ST REHEARING REQUEST.PDF](#)



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

Planning & Zoning 589-3090
Fax 589-3119
Web www.nashuanh.gov

May 26, 2020

The following is to be published on ROP May 31, 2020, under the Seal of the City of Nashua, Public Notice Format 65 MP 51.

The Zoning Board of Adjustment will meet on Tuesday, June 9, 2020 via WebEx. Real-time public comment can be addressed to the Board utilizing WebEx virtual meeting software for remote access. This will allow users to view the meeting and ask questions to the Board via the chat function. The public is also encouraged to submit their comments via email (planning@nashuanh.gov) to the Department email or by mail (please make sure to include your name/address and comments) by 5:00 p.m. on June 9, 2020 and read into the record at the appropriate time. Letters should be addressed to City of Nashua, Planning Department, P.O. Box 2019, Nashua, NH 03061. Plans can be viewed online starting June 4, 2020, at www.nashuanh.gov in the Calendar or Agendas and Minutes.

To access WebEx:

<https://nashuanh.webex.com/nashuanh/j.php?MTID=m686503c55530dfc8c6734012e0cbbf74>

Meeting number/access code: **710 470 705** - Password: **NUsvsKyS548**

To join by phone: 1 (408) 418-9388 - Meeting number/access code: **710 470 705**

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

1. Paul D. & Dusuba Koroma (Owners) 26 Canal Street (Sheet 42 Lot 74) requesting use variance from Land Use Code Section 190-15, Table 15-1 (#15) to maintain an existing dwelling unit on first floor - one commercial unit and three residential units already existing. LB Zone, Ward 3.
2. Wilmar, LLC (Owner) Colbea Enterprises, LLC (Applicant) 4 Blackstone Drive (Sheet H Lot 520) requesting the following variances: 1) from Land Use Code Section 190-108 (C)(1) to exceed maximum wall sign area, 150 sq.ft permitted - 155 sq.ft proposed; and, 2) from Land Use Code Section 190-108 (E)(2) to exceed maximum number of wall signs, 3 permitted -

5 proposed - for proposed gas station/convenience store. GB Zone, Ward 2.

3. Alla Mark Properties, LLC c/o John L. Randall, Mgr. (Owner) TMC CF New England, LLC c/o Shannon Netherton, Deal Management Director (Applicant) 452 Amherst Street (Sheet H Lot 143) requesting use variance from Land Use Code Section 190-15, Table 15-1 (#93) to allow a convenience store/gas station where 75% of the building gross floor area is otherwise required to be reserved for uses in the "industrial and manufacturing" category. PI/MU Zone, Ward 2.
4. B & A Construction, LLC, (Owner) Joshua & Caleb Becker (Applicants) 32 Groton Road (Sheet D Lot 265) requesting use variance from Land Use Code Section 190-15, Table 15-1 (#90) to remove three non-conforming structures and construct a new barn/workshop/office for a carpentry shop with an accessory residential unit on second floor. R40 Zone, Ward 5.
5. Southland Corporation (Owner) 7-Eleven Inc. (Applicant) 367 Amherst Street (Sheet G Lot 652) requesting the following variances: 1) from Land Use Code Section 190-108 (C)(1) to exceed maximum wall sign area, 90 sq.ft permitted - 122.3 sq.ft proposed; and, 2) from Land Use Code Section 190-108 (E)(2) to exceed maximum number of wall signs, 3 permitted - 4 proposed - to remove and replace signage at existing convenience store/gas station, GB Zone, Ward 2.

OTHER BUSINESS:

1. Review of Motion for Rehearing:

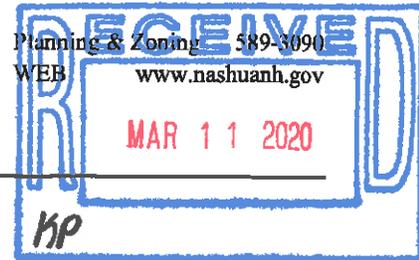
70 Berkeley Street

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

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



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



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 Canal Street, Nashua, NH 03064
 Zoning District LB Sheet 42 Lot 74

2. VARIANCE(S) REQUESTED:
To legalize an existing one bedroom apartment on the first floor which I'm currently occupying as my residence as property owner

II. GENERAL INFORMATION

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

(Print Name): PAUL KOROMA
 Applicant's signature Paul Koroma Date _____
 Applicant's address 26 Canal Street, Nashua NH 03064
 Telephone number H: _____ C: 557-3839 E-mail: pkoroma@gmail.com

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

*Owner's signature Paul Koroma Date 3/9/20
 Owner's address 26 Canal Street Nashua NH 03064
 Telephone number H: _____ C: 557-3839 E-mail: pkoroma@gmail.com

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

OFFICE USE ONLY	Date Received <u>3/11/2020</u>	Date of hearing <u>4/28/2020</u>	Application checked for completeness: <u>CP</u>
PLR# <u>20-0009</u>	Board Action _____		
\$ <u>1100</u> application fee <input type="checkbox"/>	Date Paid _____	Receipt # _____	
\$ <u>15</u> signage fee <input type="checkbox"/>	Date Paid _____	Receipt # _____	
\$ _____ certified mailing fee <input type="checkbox"/>	Date Paid _____	Receipt # _____	
Land Use Code Section(s) Requesting Variances From: <u>146-15, table 15-1 (#15)</u>			

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

There is currently an existing legal residential apartment on the first floor of the building. Contrary to standing zoning restriction that commercial unit must exclusively be on the first floor on a multi-use property. This variance will therefore be consistent with the current structure of the property and does not alter the essential character of 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 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 N/A
- e. Number of parking spaces available 6 rented parking spaces with a lease
- f. Describe your general business operations: Church Pastor (unpaid) work in a residential group home in Massachusetts and manage my multi-use property.
- g. Describe any proposed site renovations, including, but not limited to - landscaping, lighting, pavement, structural changes, signage, access and circulation: Looking forward to obtain a permit and pave a two-car parking space at the back of my property.

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.

Paul Koroma

Signature of Applicant

PAUL KOROMA

Print Name

3/10/20

Date

3/10/20

Date

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

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

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 variance in request will be consistent with the original intended purpose of the building because it is zoned multi-use commercial and residential property. There is a legal one residential apartment on the first floor as well as a business unit on the same floor.

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.")

No additional structure will be built that will encroach on neighboring property lots and/or public passage ways. The apartment in question is in existence before the owner acquired the building. The owner is presently living in the illegal apartment.

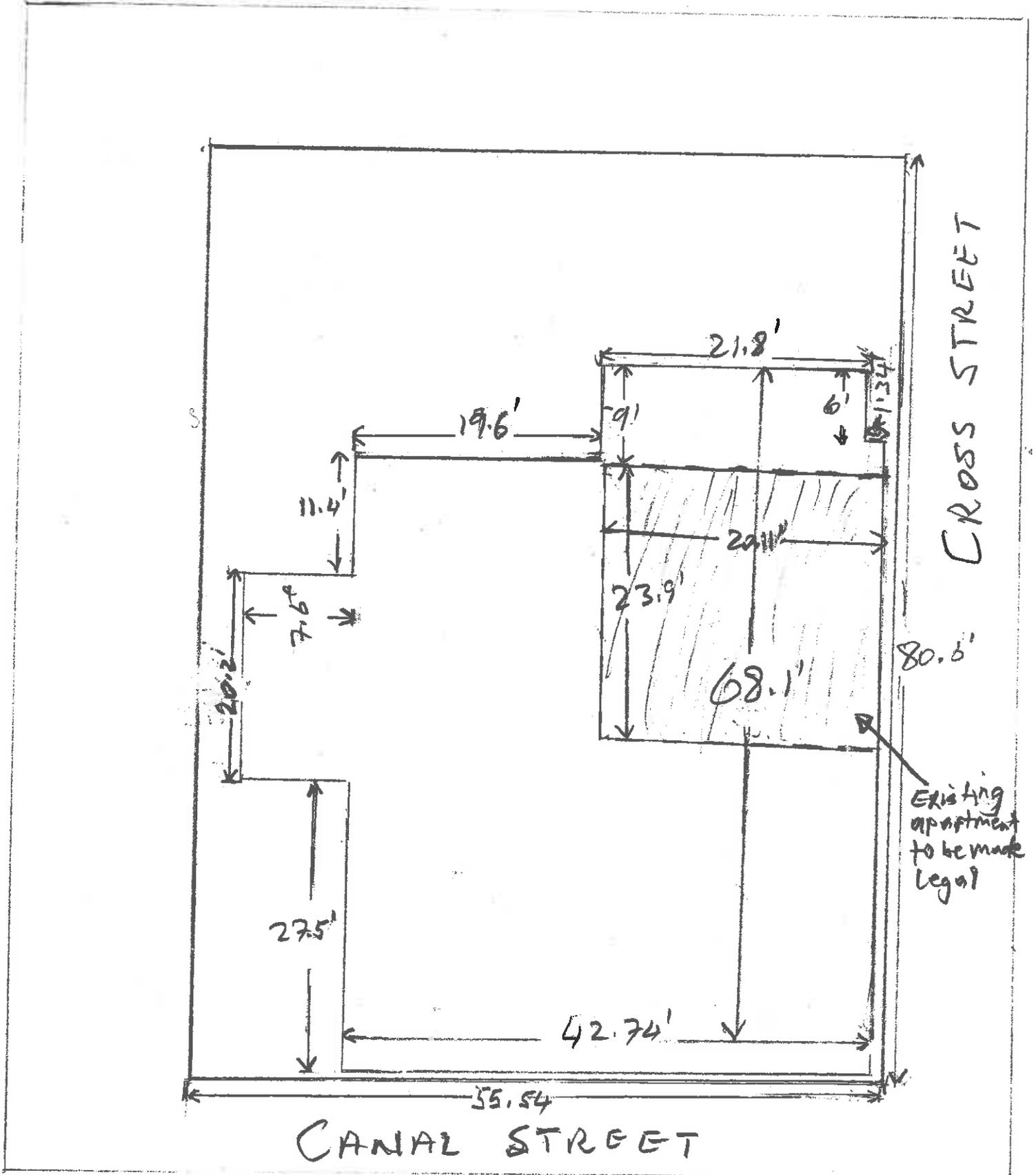
3. **Substantial justice would be done to the property-owner by granting the variance, because:** (The benefits to the applicant must not be outweighed by harm to the general public or to other individuals.)

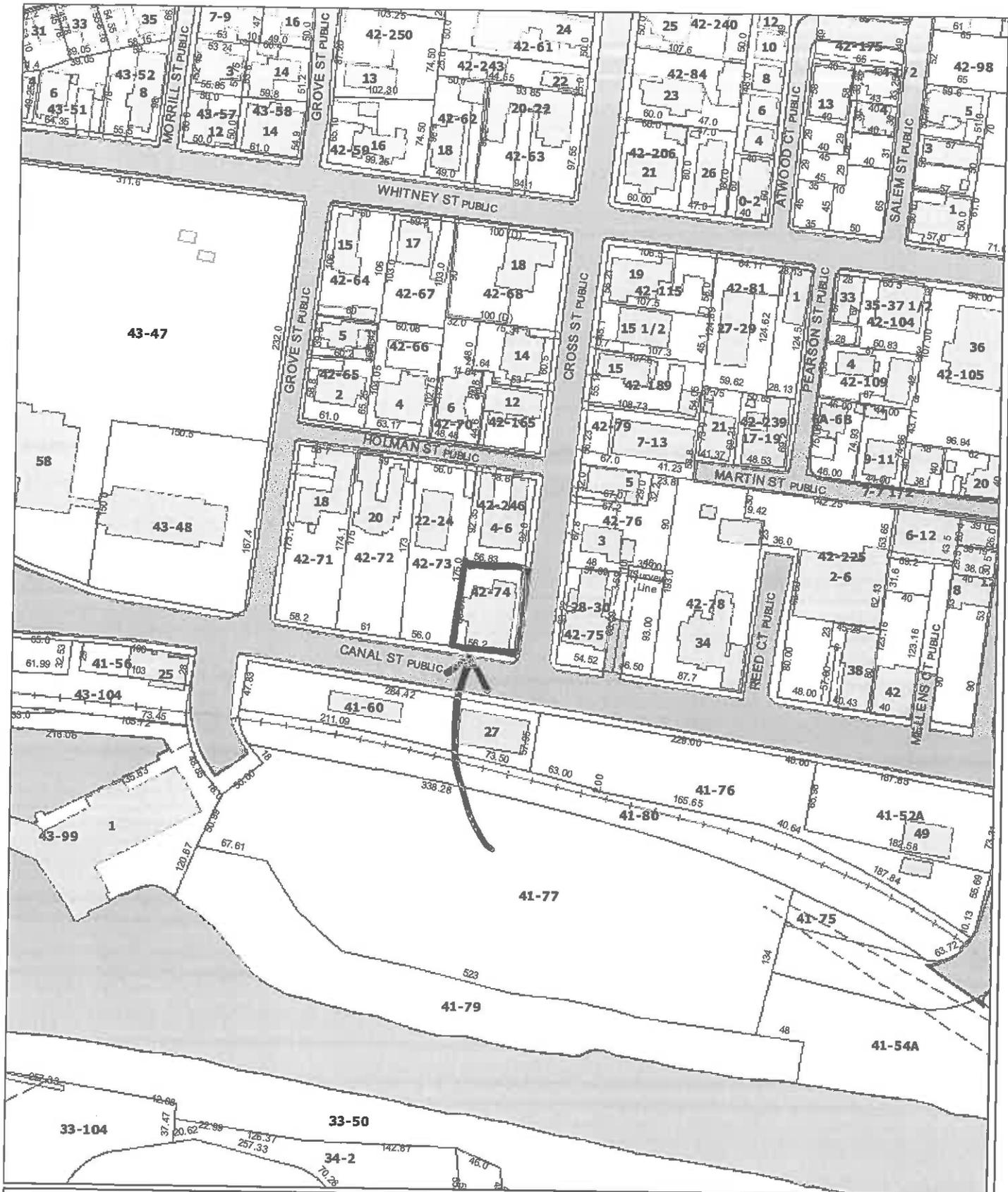
I am presently going through an ordeal of a financially devastating divorce. Marital problems had forced me out of my primary residence in Menimack several years ago and move into the illegal unit in question. Property Management costs will not be sustained if I'm forced out of the apartment. Child support expenses are an additional burden.

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.)

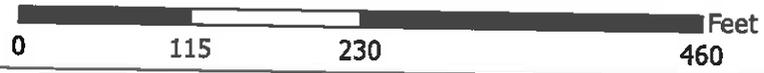
Where the proposed use is the same as existing use - a residence of the owner, there will be no effect on neighboring property values. No leasehold burden will ensue on surrounding property lots if variance is granted.

26 CANAL STREET PLOT PLAN





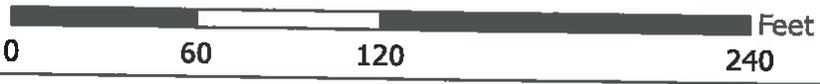
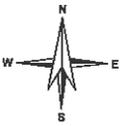
26 Canal St





SITE

26 Canal St



Poirier, Kate

From: Poirier, Kate
Sent: Tuesday, February 18, 2020 4:41 PM
To: 'pkoroma@gmail.com'
Cc: Falk, Carter; Wilkins, Marcia; CD- Code Enforcement Dept
Subject: 26 Canal St
Attachments: 26 Canal St.pdf

Good Afternoon,

This is in regards to your recent request for information regarding 26 Canal St. Please also see attached a summary of your previous conversations with staff regarding this property.

Your first request was for the process to make this site into a legal 4-family with a commercial unit. Currently there are 3 legal residential units, 1 illegal first-floor unit, and a barber shop. In order to legitimize the fourth unit, you will need to request a use variance, as the use of multifamily residential is not permitted in the Local Business zone. You will also need to request a dimensional variance for exceeding housing density. Each residential unit in the Local Business zone needs 8,712-sqft of land; you would need 34,848-sqft of land, where you have 4,728-sqft.

If you are granted the use and dimensional variances from the Zoning Board, you will then need to apply to the Planning Board for site plan approval. Requests for 4 or more units must be reviewed by the Planning Board, and at that time you would need to address the amount of parking you provide for your tenants. If this course of action is something you wish to pursue, we will do our best to guide you through the process.

Your second request was similar to the first, with the addition of another residential unit in the basement, for a total of 5 units and the barber shop. Much like the first request, you would need to apply for a use variance. You would also need to apply for a dimensional variance- 43,560-sqft needed, where there is 4,728-sqft onsite. If you were approved by the Zoning Board, you would need to apply to the Planning Board for site design and site plan review.

If you have any questions, please let me know.

Sincerely,
Kate

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

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



City of Nashua
Community Development Division
City Hall – 229 Main Street
P.O. BOX 2019
Nashua, New Hampshire 03061-2019

Community Development 589-3095
Planning Department 589-3090
Building Department 589-3080
Code Enforcement 589-3100
Urban Programs 589-3085
Fax 589-3119
WEB www.gonashua.com

To: PROPERTY ACCOUNT FILE 8316 26 CANAL STREET

From: MARCIA WILKINS, PLANNER I

Re: ILLEGAL UNIT

Date: 10/27/2010

Property Account File Data: 1962 a variance to convert two apartments into four apartments was granted, but only 3 were converted. 3 units are allowed.

10/19/2010 : Paul Konoma, owner of 26 Canal Street, applies for a permit to replace windows lead abatement on two porches

Building Department requires permit, because of illegal unit. 3 approved, owner has indicated there are 4 on building permit application.

I talked to Code Enforcement regarding recent (past year) complaints of illegal units. At the time of the complaint, they referred to a basement unit, and it was removed. Code was unaware that the first floor (4th) unit is also not allowed.

Code Enforcement calls to verify that the unit is still removed, and talks with Paul to come to office and talk to Zoning.

10/25/2010, Paul indicated that he is under a time table with the Lead Program and that he has until November 15th to finish the job to get funding for it. We discussed removal of the unit on the first floor, but Paul indicated that this was not possible. We then discussed what the City would require to make the property a legal 4 family with a commercial unit. I explained to him that in an LB zone he would initially need a use variance for the expansion of a non permitted use. We also briefly discussed the lot size, parking, and Planning Board Approval, and that he would need to hire an engineer to draw up a site plan to go to the Planning Board.

10/26/2010, Paul called left a message, regarding the building permit; he wants to reduce the scope of work to replacement of same size windows. I forwarded the message to Mark Collins. He indicated that the scope of work that he has requested does not require a permit, a permit was required because of the illegal units that was indicated on the application.

10/27/2010, Paul came into the office and I talked to him at the counter regarding the likelihood of his request getting pasted through Zoning. We discussed parking issue,

that if there is no parking, then he needs to have an alternative plan (legally and recorded on deeds) in place or upon approval as a stipulation ready to put in place to guarantee parking for 4 units. (between 6-8 spaces). I mentioned, this MAY persuade the board to approve it. It would certainly be better than going there with NO parking. He indicated that he has a verbal agreement now with another property owner in the neighborhood.

He was going to get the Lead abatement and window issues done first, and would be in before the meeting deadline of November 16th for a December 14th meeting.



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

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

VARIANCE APPLICATION (ZBA)

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

I. VARIANCE INFORMATION

1. ADDRESS OF REQUEST

Zoning District Sheet Lot

2. VARIANCE(S) REQUESTED:

140-108 (C)(1) and (E)(2)

II. GENERAL INFORMATION

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

(Print Name):

Applicant's signature Date

Applicant's address

Telephone number H: C: E-mail:

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

*Owner's signature Date

Owner's address

Telephone number H: C: E-mail:

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

OFFICE USE ONLY Date Received 5-18-2020 Date of hearing 6-9-20 Application checked for completeness: ✓

PLR# A20-0038 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 two signs with a total of 5 square feet; the signs are for informational purposes and the area of 5 square feet is small when you compare it to the 150 square feet that are allowed; the signs provide the general public with the information it needs to properly use the gasoline station.

- 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 property is in a general business district which has many businesses with signs; the ordinance allows signs but limits the size and number of wall signs; the size of the signs are small.

- 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.)

Allowing the signs would allow the applicant to advise its customers of the product it is selling and the general public to be aware of the products it can purchase.

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

This is new construction and is a use allowed in the district; it is next to an abutter that is an automotive repair business.

- 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.

Because of the size of the business and the products being sold, it is important to advise the general public of the type of products being sold.

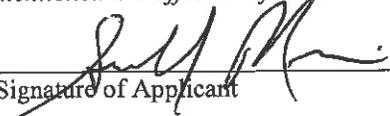
IV. USE VARIANCE ADDITIONAL INFORMATION

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

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

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

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


 Signature of Applicant

5/13/20
 Date

GERALD R. PRUNIER
 Print Name

5/13/20
 Date

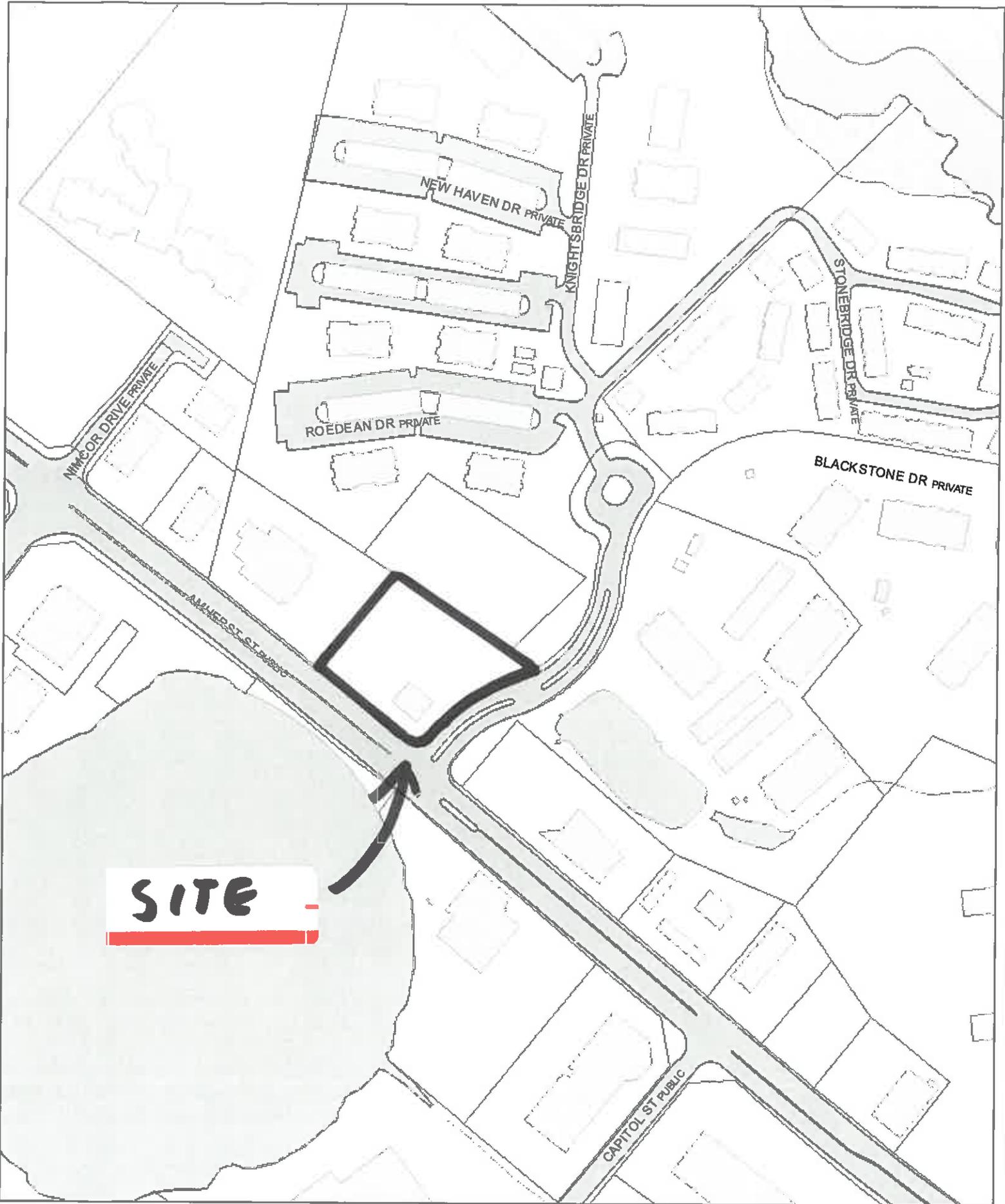
The staff report for a Use Variance request will be available no later than Friday of the week before the ZBA meeting. If you would like a copy, please indicate below:

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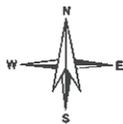








4 Blackstone Drive





SITE DATA

OWNER OF RECORD OF MAP H LOT 520: WILMAR, LLC., 221 OSGOOD ROAD, MILFORD, NH 03055
 DEED REFERENCE TO PARCEL IS BK 8958 PG 1373
 AREA OF PARCEL = 137,057± SF OR 3.14± ACRES

ZONED: GENERAL BUSINESS (GB)
 EXISTING USE: VACANT RETAIL BUILDING
 PROPOSED USE: CONVENIENCE STORE/GAS SALES

THE PURPOSE OF THIS PLAN IS TO CONSTRUCT A CONVENIENCE STORE WITH SELF SERVICE GAS PUMPS.
 TYPICAL HOURS OF OPERATION: OPEN 24 HOURS.

DIMENSIONAL REQUIREMENTS (CURRENT ZONING)

	REQUIRED:	PROVIDED:
MINIMUM LOT DIMENSIONS:		
LOT AREA	10,000 SF (0.22± AC)	137,057 SF (3.14± AC)
LOT FRONTAGE	50 FT	235 FT
DEPTH	75 FT	436 FT
MAXIMUM STRUCTURE DIMENSIONS:		
STRUCTURE HEIGHT	60 FT	XXX FT
STRUCTURE STORIES	5 STORIES	1 STORY
ROOF APPURTENANCE HEIGHT	15% ROOF HEIGHT	XXX FT
MINIMUM SETBACKS/BUFFER:		
BUILDING FRONT	10 FT	151.4 FT
BUILDING SIDE	7 FT	58.8 FT
BUILDING REAR	10 FT	239.7 FT
MINIMUM OPEN SPACE	10%	30.8%

PARKING REQUIREMENTS

PARKING SPACES (SEE CALCULATION)	25 SPACES	43 SPACES (INCLUDING 12 SPACES AT PUMPS)
ACCESSIBLE SPACES (REQ'D BY ADA)	2 SPACES	2 SPACES
PARKING SPACE SIZE	9 FT X 20 FT	9 FT X 20 FT
aisle width	20 FT	≥ 20 FT

PARKING CALCULATIONS

REQUIRED PARKING RATIO:
 MINIMUM: 1 SPACE PER 200 S.F. GROSS FLOOR AREA
 MAXIMUM: 1 SPACE PER 100 S.F. GROSS FLOOR AREA

1/200 X 5,005 SF = 25 SPACES
 1/100 X 5,005 SF = 50 SPACES

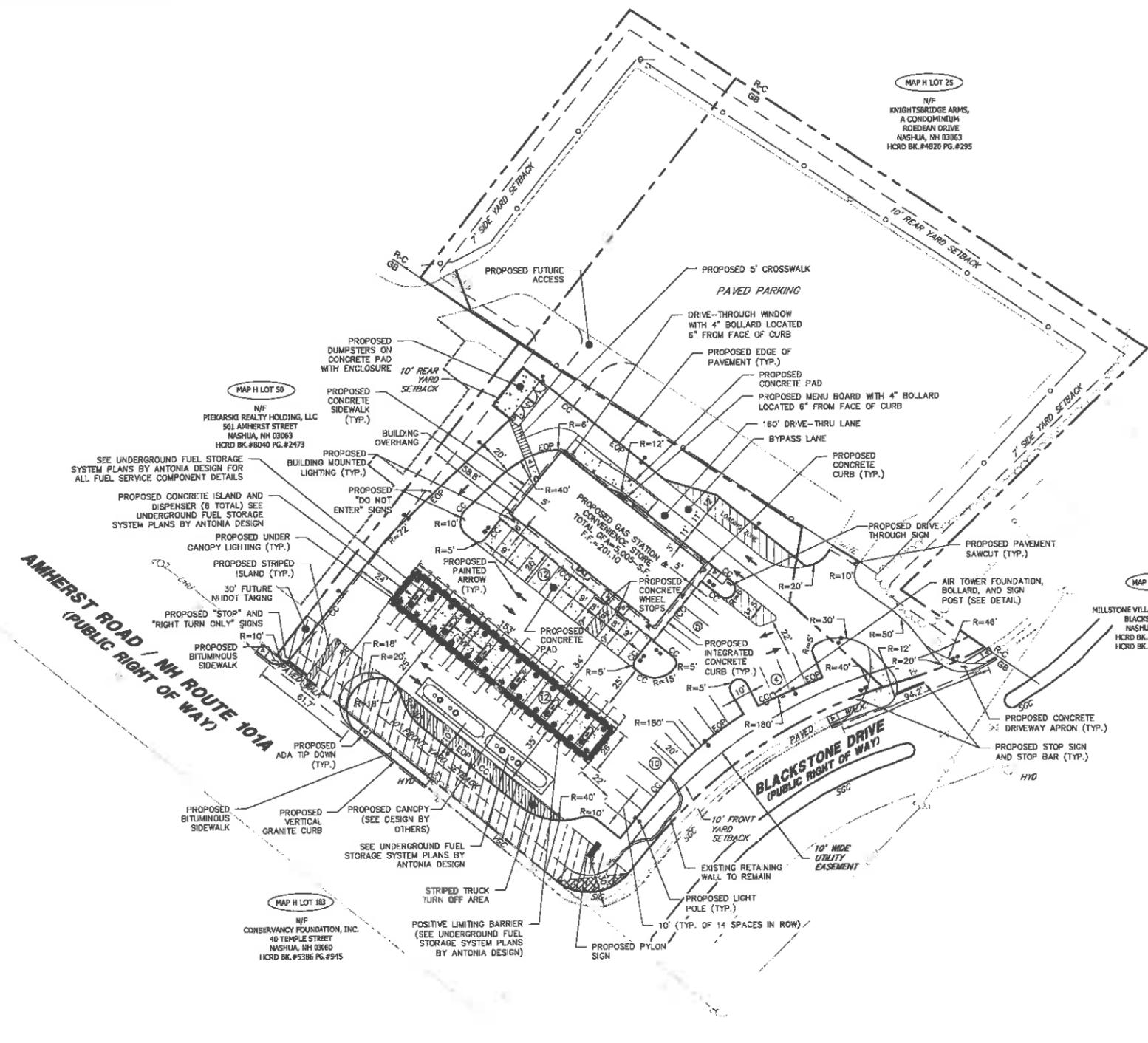
NOTES

- ALL DIMENSIONS ARE TO THE FACE OF CURB UNLESS NOTED OTHERWISE.
- LIGHTING, SIGNAGE, LANDSCAPING, AND SCREENING SHALL MEET THE REQUIREMENTS OF THE CITY ZONING ORDINANCE AND SITE PLAN REGULATIONS.
- SNOW SHALL NOT BE STOCKPILED IN STORMWATER BMP'S, WETLAND BUFFERS, OR WETLANDS. SEE SNOW STORAGE LOCATIONS. IN THE EVENT THAT THE SNOW STORAGE AREAS PROVIDED ON THE SITE ARE COMPLETELY UTILIZED, EXCESS SNOW SHALL BE TRANSPORTED OFF SITE FOR DISPOSAL IN ACCORDANCE WITH NHDES REGULATION. IF SNOW IS STORED WITHIN PARKING AREA, KEEP CATCH BASINS CLEAR.

SIGN LEGEND

ID	SIGN	SIZE (INCHES)		DESIGN (COLORING, TEXT SIZE, SPACING, SHAPE, RETROREFLECTIVITY, ETC.)	NO. OF SIGNS
		WIDTH	HEIGHT		
R1-1		30	30		2
R7-8 ¹		12	18	REFER TO THE 2009 MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (MUTCD) FOR STREETS AND HIGHWAYS	1
R7-8P ²		18	9		1

- NOTE:
 1. HANDICAP PARKING SIGNS SHALL BE IN ACCORDANCE WITH CITY OF NASHUA STANDARDS AND ADA REGULATIONS.
 2. PER ADA STANDARDS, A "VAN ACCESSIBLE" PLAQUE DOES NOT RESTRICT USE OF ACCESSIBLE SPACES TO VAN USERS ONLY.



SITE DEVELOPMENT PLANS

TAX MAP H LOT 520
SITE LAYOUT PLAN
4 BLACKSTONE DRIVE
NASHUA, NEW HAMPSHIRE
 OWNED BY
WILMAR, LLC
 PREPARED FOR
COLBEA ENTERPRISES, LLC

1"=80' (11"X17")
SCALE: 1"=40' (22"X34") **MAY 7, 2020**

FILE	16713.11	DR	RCK	FB					
		CK	CR	CADFILE		16713-11_SITE			C-04
REV.	DATE	DESCRIPTION			DR	CK			

May 21, 2020 - 9:52am F:\MISC Projects\16713-11 - Blackstone Drive - Nashua\16713-11 - COLBEA Enterprise\Drawings\16713-11_Site.dwg

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 48 Constitution Drive, Bedford, N.H. 03110
 All rights reserved. These plans and materials may not be copied, duplicated, replicated or otherwise reproduced in any form whatsoever without the prior written permission of Thomas F. Moran, Inc.
 This plan is not effective unless signed by a duly authorized officer of Thomas F. Moran, Inc.



MAP H LOT 178
 NH
 NEW HAMPSHIRE COLLEGE
 C/O SOUTHERN NH UNIVERSITY
 2500 N RIVER ROAD
 MANCHESTER, NH 03105
 HCRD BK.#5486 PG.#1090

MAP H LOT 50
 N/F
 PEKARSKI REALTY HOLDING, LLC
 561 AMHERST STREET
 NASHUA, NH 03063
 HCRD BK.#9040 PG.#2473

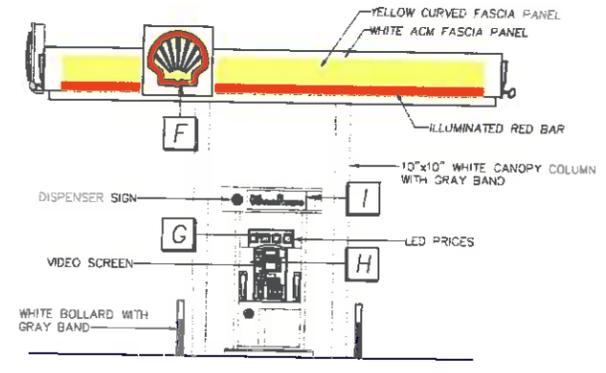
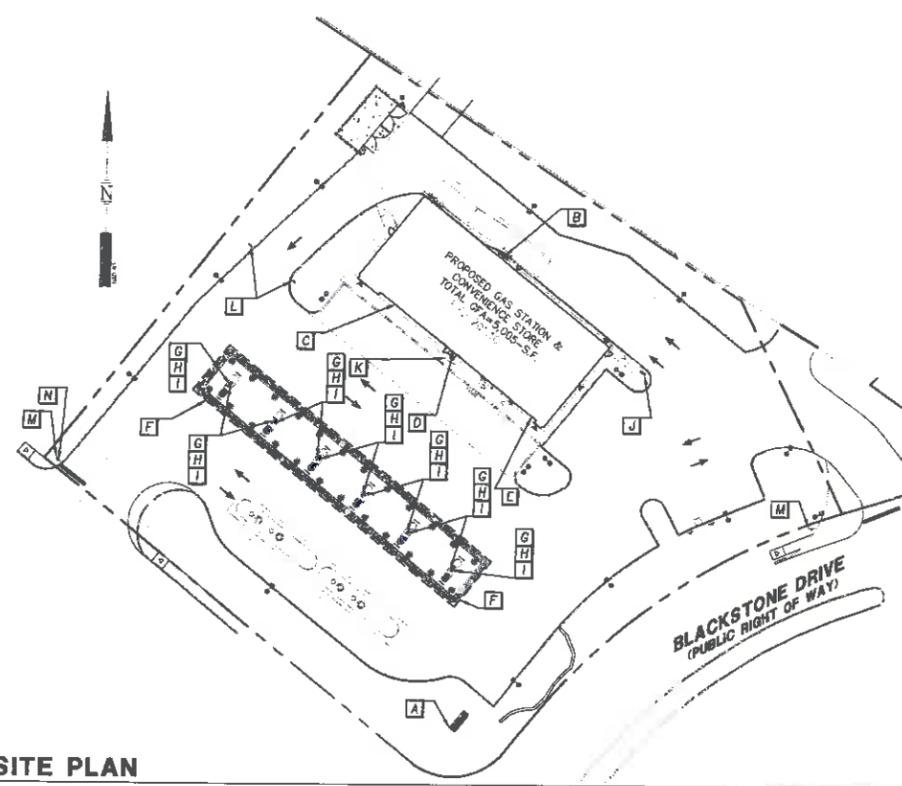
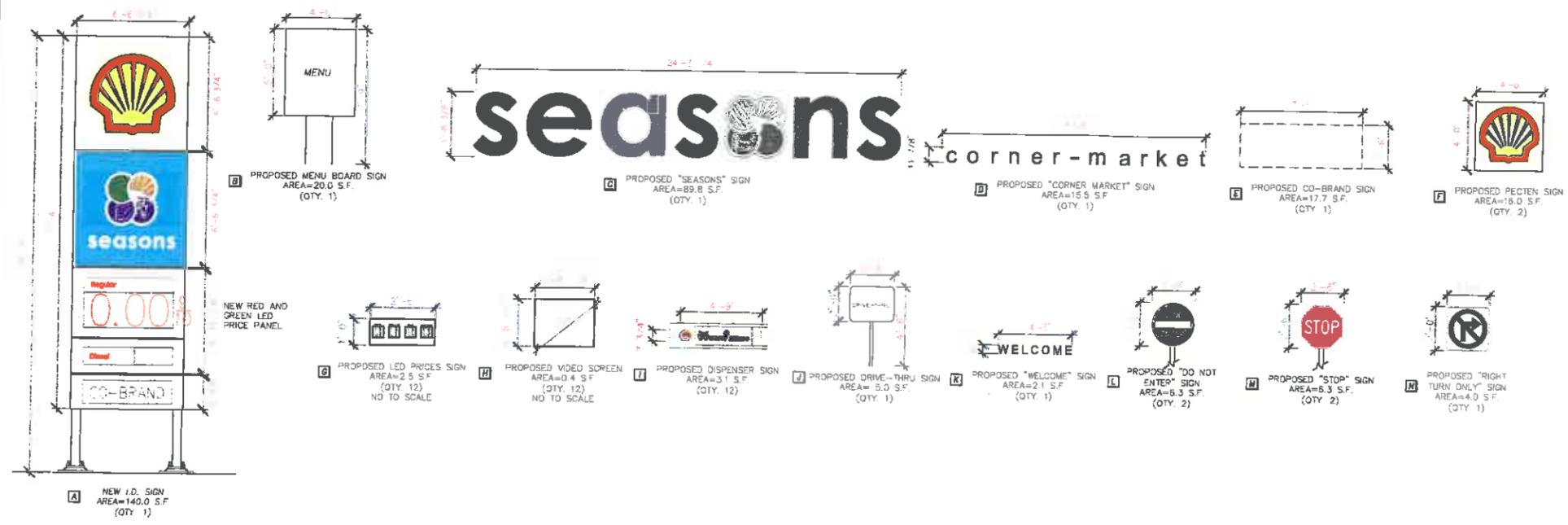
MAP H LOT 25
 N/F
 KNIGHTSBRIDGE ARMS,
 A CONDOMINIUM
 ROEBEAN DRIVE
 NASHUA, NH 03063
 HCRD BK.#4820 PG.#295

MAP H LOT 485
 N/F
 MILLSTONE VILLAGE, A CONDOMINIUM
 BLACKSTONE DRIVE
 NASHUA, NH 03063
 HCRD BK.#3315 PG.#318
 HCRD BK.#3344 PG.#141

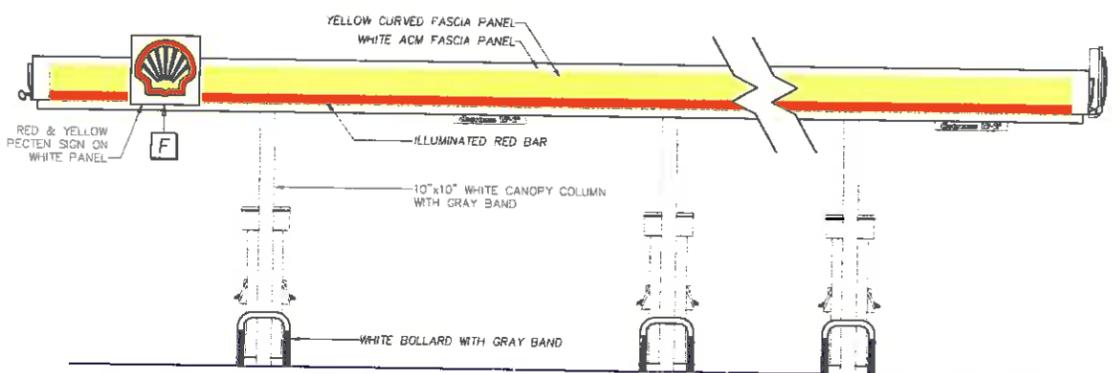
MAP H LOT 183
 N/F
 CONSERVANCY FOUNDATION, INC.
 40 TEMPLE STREET
 NASHUA, NH 03060
 HCRD BK.#5386 PG.#945

PROPOSED SIGN SCHEDULE

MAP#	DESCRIPTION	SIZE	AREA (SF)	QTY/AN	SIZE (SF)	ILLUMINATION	REMARKS	TYPE
FREESTANDING SIGNS								
A	I.D. SIGN	6'-8" X 21'-4"	140.0	1	140.0	INT	NEW	GROUND
B	MENU BOARD SIGN	4'-0" X 5'-0"	20.0	1	20.0	INT	NEW	GROUND
TOTAL FREESTANDING SIGNAGE 160 S.F.								
WALL SIGNS								
C	"SEASONS" SIGN	24'-3 1/2" X 3'-6"	89.8	1	89.8	INT	NEW	WALL
D	"CORNER MARKET" SIGN	15'-8" X 0'-11 1/2"	15.5	1	15.5	NON	NEW	WALL
E	CO-BRAND SIGN	7'-1" X 2'-6"	17.7	1	17.7	INT	NEW	WALL
F	CANOPY SIGN	4'-0" X 4'-0"	16.0	2	32.0	INT	NEW	WALL
G	LED PRICES	2'-6" X 1'-0"	2.5	12	30.0	INT	NEW	WALL
H	VIDEO SCREEN	6'-8" X 0'-6"	0.4	12	4.8	INT	NEW	WALL
I	DISPENSER SIGN	4'-9" X 0'-7 1/2"	3.1	12	37.2	NON	NEW	WALL
TOTAL WALL SIGNAGE 107.0 S.F.								
DIRECTIONAL SIGNS								
J	DRIVE-THRU SIGN	2'-6" X 2'-0"	5.0	1	5.0	INT	NEW	DIRECTIONAL
K	"WELCOME" SIGN	4'-3" X 0'-6"	2.1	1	2.1	INT	NEW	DIRECTIONAL
L	"DO NOT ENTER" SIGN	2'-6" X 2'-6"	6.3	2	12.6	NON	NEW	DIRECTIONAL
M	"STOP" SIGN	2'-6" X 2'-6"	6.3	2	12.6	NON	NEW	DIRECTIONAL
N	RIGHT TURN ONLY SIGN	2'-0" X 2'-0"	4	1	4.0	NON	NEW	DIRECTIONAL
TOTAL DIRECTIONAL SIGNAGE 36.3 S.F.								



SCALE: 3/16"=1'-0"



SCALE: 3/16"=1'-0"

SITE PLAN

SITE DEVELOPMENT PLANS

TAX MAP NO. 107-520
SIGNAGE PLAN & ELEVATIONS
4 BLACKSTONE DRIVE
NASHUA, NEW HAMPSHIRE
 OWNED BY
WILMAR, LLC
 PREPARED BY
COLBEA ENTERPRISES, LLC
 1"=80' (11"X17")
 SCALE: 1"=40' (22"X34")

MAY 7, 2020

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Site Engineer: 48 Vengeance Drive, Bedford, NH 03110
 Phone: (603) 470-4488
 Fax: (603) 470-9747
 www.thefirm.com

16713.11

C-12

May 05, 2020 5:39pm
 P:\MSO Projects\16713.11 - COLBEA Enterprise Embraeze - 4 Blackstone Drive\Design\Production\Drawings\16713.11_Sign.dwg



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 452 Amherst Street
 Zoning District PI/MU Sheet H Lot 00143

2. VARIANCE(S) REQUESTED:

Applicant is requesting a variance to allow for use of the entire property as a commercial convenience store with gas station (Use Code 93) where 75% of the building gross floor area is otherwise required to be reserved for uses in the "industrial and manufacturing" category pursuant to § 100-15.C, D.4 and Table 15-1, Use Matrix.

II. GENERAL INFORMATION

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

(Print Name): TMC CF New England, LLC c/o Shannon Netherton, Deal Management Director
 Applicant's signature [Signature] Date May 11, 2020
 Applicant's address 501 Pennsylvania Parkway, Suite 100, Indianapolis, IN 46280
 Telephone number H: 317-819-0110 C: E-mail: snetherton@tmcrowley.com

2. PROPERTY OWNER (Print Name): ALLA MAAK PROPERTIES, LLC c/o John L. Randall, Manager

*Owner's signature See attached authorization Date May 11, 2020
 Owner's address 452 Amherst Street, Nashua, NH 03064-1228
 Telephone number H: 603 401-7103 C: E-mail: jlrm@hotmail.com

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

OFFICE USE ONLY		Date Received _____	Date of hearing _____	Application checked for completeness: <u>✓</u>
PL# <u>A20-0041</u>	Board Action _____			
\$ _____ application fee <input type="checkbox"/>	Date Paid _____	Receipt # _____		
\$ _____ signage fee <input type="checkbox"/>	Date Paid _____	Receipt # _____		
\$ _____ certified mailing fee <input type="checkbox"/>	Date Paid _____	Receipt # _____		
Land Use Code Section(s) Requesting Variances From: _____				

III. PURPOSE OF REQUEST

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

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

See attached Memorandum.

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

See attached Memorandum.

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

See attached Memorandum.

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

See attached Memorandum.

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

See attached Memorandum.

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:

Operations include a proposed commercial multi-use convenience store with the sale of gasoline, to be owned and operated by Cumberland Farms, Inc., as further described in the attached Memorandum

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

Site development includes razing existing structures, and the construction of a New England style retail convenience store, gas dispensers, with landscaping, lighting and other improvements shown on site plans.

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

5/11/2020
 Date

SHANNON A NETHERJOW
 Print Name

5/11/2020
 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

Please mail it to me at

**MEMORANDUM IN SUPPORT OF APPLICATION FOR USE VARIANCE TO
REDEVELOP PROPERTY INTO
A RETAIL FUEL STATION WITH CONVENIENCE STORE**

PROPERTY: 452 Amherst Street (Map H, Lot 143)

APPLICANT: TMC CF NEW ENGLAND, LLC

PROPERTY OWNER: ALLA MAAK PROPERTIES LLC

A. Introduction

TMC CF New England, LLC (the "Applicant") is requesting a variance to allow for the development of the entire Property for use as a commercial convenience store with gas station (Use Code 93) where commercial uses designated with the superscript '1' (1) are permitted only as part of a site plan on which at least 75% of the gross floor area is reserved for uses listed in the "industrial and manufacturing" category pursuant to § 190-15.C, D.4 and Table 15-1, Use Matrix. The proposed commercial convenience store with gas station project, if approved, would be owned and operated by Cumberland Farms, Inc.

B. Background

The subject Property, known and numbered at 452 Amherst Street, is approximately 1.156 acres (50,345 s.f.) in size, and is located on the north side of Amherst Street (Route 101A), and Townsend West. The Property, currently owned by Alla Maak Properties, LLC, is the site of the Country Tavern Restaurant, which just recently announced its permanent closure.

As background, the Property is currently improved with an approximate 4,138 s.f. structure which had most recently served as the Country Tavern Restaurant as noted above. The building, portions of which are reported to date back to the 18th century, were initially reported to be two separate dwellings which were subsequently joined together many years ago. In 1981, the Zoning Board of Adjustment granted the applicant at the time, Kenwood Jones, a use variance to convert the existing house and barn to a restaurant use with special exception to increase parking.¹ Since 1982, the Country Tavern Restaurant has operated at the Property until just recently, when it announced its permanent closure as noted above.

¹ See Minutes from January 26, 1982 meeting of Zoning Board of Adjustment, which reported the grant of the use variance with a stipulation that a façade easement be granted, which façade easement was recorded with the Hillsborough County Registry of Deeds at Book 2940, Page 478. We also note that a petition to release façade easement was filed on behalf of the property owner with the Board of Alderman of the City of Nashua on June 4, 2019, and the Board of Alderman voted to approve the release of the façade easement on October 8, 2019. The Release of Façade Easement, dated November 1, 2019, was executed by the Mayor. The 1982 Minutes, the Façade Easement, and Release of Façade Easement are attached as **Exhibit B**.

C. The Property

The Property is located entirely within the Park Industrial (PI) Zoning District, as well as the Mixed Use (MU) Overlay Zoning District. We note that in 2018, the Property, along with other adjacent properties, were rezoned from Airport Industrial (AI) to Park Industrial (PI) and Mixed Use (MU).² As noted in the October 16, 2018 minutes from the rezoning hearing before the Planning and Economic Development Committee, Sarah Marchant, Director of Community Development, stated that "...by adding the park industrial and the mixed use overlay, ...it allows for the flexibility to actually reflect what is going on these lots. These lots are oriented to Amherst Street, not the Airport.....So this area has changed significantly from being a very industrial area to be very much reflective of Amherst Street."³ Accordingly, due to emerging development patterns along Amherst Street which are different from the airport, the Property, along with other properties, were rezoned to reflect these different development patterns.

The Property is bounded by:

- Amherst Street to the north, beyond which is Great Harvest Bread Company/ Peet's Coffee, a medical office building (451 Amherst Street), and T-Mobile, all within either the General Business (GB) or Highway Business (HB) Zoning District;
- buildings to the south behind the Property, including a real estate company, a glassblowing company, a brewery, and a distillery;
- Portland Glass and Mark Lawrence Photographers to the east; and,
- Townsend West to the west beyond which is St. Joseph Hospital Primary & Specialty Care, Computer Learning Center, and White Birch Brewing.

The Property location in relation to the surrounding roadways is shown on the map on Figure 1 attached to the Traffic Executive Summary Memorandum, dated May 9, 2020, prepared by Greenman-Pederson, Inc. (the "Traffic Memorandum"), attached **Exhibit D**.

D. The Proposed Project

As a part of the proposed Project, the Applicant proposes to the undertake a redevelopment of the Property which will include the following:

- (a) Construction of a new 4,996 s.f. colonial style retail convenience store which will replace the Country Tavern Restaurant (4,138 s.f.), along with other existing improvements;
- (b) Installation of a single row of fuel dispensers, offering self-service/pay-at-the pump features to move customers quickly and efficiently through the site. The new dispensers will be aligned to be parallel with Amherst Street in order to enhance on-site circulation and all improvements will be located further south (or further back) from Amherst Street than existing conditions;

² See Zoning Map Amendment (2018) attached as **Exhibit C**.

³ See Minutes from the Planning and Economic Development Committee, dated October 16, 2018, attached as **Exhibit C**.

- (c) construction of a new overhead canopy with a state-of-the-art fire suppression system above the gas dispensers;
- (d) replacement of existing signs with new Cumberland Farms signs conforming to the Land Use Code;
- (e) the construction of a total of 25 parking spaces where 25 parking spaces are required, which does not include additional spaces available at the gas dispensers; and,
- (f) the upgrade and enhancement of landscaping throughout the Property, particularly along Amherst Street and Townsend West as well as to the rear of the Property.

The Project will not include a car wash and will not include drive up facilities. The Project site existing conditions aerial overlay plan, as well as proposed site layout, building elevations, parking, landscaping areas, and other improvements are as depicted on the Site Plans which are attached as **Exhibit F**.

Consistent with the intent to improve and upgrade the Property as described above, the following describes the basis for the requested variance relief.

E. REQUESTED RELIEF

As noted above, the Applicant is requesting a use variance to allow for the redevelopment of the Property for use as a commercial convenience store with gas station (Use Code 93 –multi-use gas stations/convenience stores). Although such use is allowed within the PI Zone subject to issuance of a conditional use permit by the Planning Board, § 190-15.C, D.4 and Table 15-1, Use Matrix, provide that “commercial uses designated with the superscript ‘1’ (1) are permitted only as part of a site plan in which at least 75% of the gross floor area is reserved for uses listed in the ‘industrial and manufacturing’ category.” Since the proposed convenience store with gas sales (Use Code 93 –multi-use gas stations/convenience stores) is a listed commercial use, a use variance is required to enable the proposed commercial use for the entire Property.

Pursuant to Article 3, § 190-137.F of the Land Use Code, and RSA 674:33, to obtain a variance in New Hampshire, an applicant must show that: (1) the variance will not be contrary to the public interest; (2) the spirit of the ordinance is observed; (3) substantial justice is done; (4) the values of surrounding properties are not diminished; and (5) literal enforcement of the provisions of the ordinance would result in an unnecessary hardship, where said term means that, owing to special conditions of the Property that distinguish it from other properties in the area: no fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property; and the proposed use is a reasonable one; or if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the Property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it. See RSA 674:33, I.

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

The New Hampshire Supreme Court has indicated that the requirement that a variance not be "contrary to the public interest" is coextensive and related to the requirement that a variance be consistent with the spirit of the ordinance. See Chester Rod & Gun Club v. Town of Chester, 152 N.H. 577, 580 (2005); Malachy Glen Associates, Inc. v. Town of Chichester, 155 N.H. 102, 105-06 (2007); and Farrar v. City of Keene, 158 N.H. 684, 691 (2009). A variance is contrary to the public interest only if it "unduly, and in a marked degree conflicts with the ordinance such that it violates the ordinance's basic zoning objectives." Chester Rod & Gun Club, 152 N.H. at 581; Farrar, 158 N.H. at 691. See also Harborside Associates, L.P. v. Parade Residence Hotel, LLC, 162 N.H. 508, 514 (2011) ("[m]ere conflict with the terms of the ordinance is insufficient.") Moreover, these cases instruct boards of adjustment to make the determination as to whether a variance application "unduly" conflicts with the zoning objectives of the ordinance "to a marked degree" by analyzing whether granting the variance would "alter the essential character of the neighborhood" or "threaten the public health, safety or welfare" and to make that determination by examining, where possible, the language of the Zoning Ordinance.

While the purpose of the Park Industrial (PI) District (§ 190-14 – Purpose) is: (i) "...to provide locations for light industry and industrial parks; (ii) to implement the Master Plan recommendation to provide adequate zoning for industrial park-type development; and, (iii) to provide for adequate zoning for industrial park-type development," the goals and objectives of the Mixed Use Overlay District (§ 190-23) include, but are not limited to: (i) "assisting conventional underlying zoning and land use regulations where the modification of use, dimensional, density and other requirements is appropriate through site plan review;"... (ii) "to guide the orderly and timely transition from one land use to another within areas subject to building obsolescence, changes in technology, environmental conditions and adjoining development patterns and influences;" and, (iii) "to establish a complimentary and integrated working, shopping and living environment." The Master Plan recognizes that with respect to the Park Industrial District, "...it is interesting to note that Retail has the same employment multiplier as Light Industrial, so a minor amount of retail development would not unduly impact the above projections [on industrial buildout]." (*Master Plan, Section IX.I.C.5 – General Characteristics and Trends – 5. Industrial Build-Out and Possible Implications*).

As noted above, and 18 years after the 2000 Master Plan was created, the Property, along with other adjacent properties, were rezoned from Airport Industrial (AI) to Park Industrial (PI) and Mixed Use (MU). As noted in the October 16, 2018 minutes from the rezoning hearing before the Planning and Economic Development Committee, Sarah Marchant, Director of Community Development, stated that "...by adding the park industrial and the mixed use overlay, ...it allows for the flexibility to actually reflect what is going on these lots. These lots are oriented to Amherst Street, not the Airport.....So this area has changed significantly from being a very industrial area to be very much reflective of Amherst Street." This change in the

expansion of commercial retail and other complimentary uses described as surrounding the Property evidences a changing development pattern along Amherst Street which is different from the airport area. As a result, the Property, along with other certain properties, were rezoned in 2018 to reflect these different development patterns.

Accordingly, the proposed commercial Project which is the subject of this Application will not conflict with the explicit or implicit purpose of the Land Use Code as the recent amendments in 2018 anticipated the need to amend the zoning to reflect the changing development patterns along Amherst Street. Moreover, because the Project is generally surrounded by commercial uses, the Project will not alter the essential character of the neighborhood. Rather, the proposal will be consistent with the general area and will advance, as discussed above, the express goals and intentions for the Park Industrial District articulated within the Master Plan and as modified by the recent 2018 zoning map amendments to rezone this Property within the PI/MU Zoning Districts.

The proposed commercial Project will not threaten the public health, safety, or welfare. On the contrary, this proposal will provide a convenient service option to adjacent properties for both refueling as well as for the purchase of convenience items, will not have an adverse environmental impact on the surrounding property, and will advance the goals of the Master Plan which contemplates retail use within an industrial zone, and by definition, will further the public interest.

As the proposed commercial Project meets the general purposes and intent of the Land Use Code, as well as New Hampshire jurisprudence, because the proposed Project use will not alter the essential character of the neighborhood nor threaten the public health, safety or welfare, it would be reasonable and appropriate for the Board of Adjustment to conclude that granting the variance 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.")*

Based upon the evidence and supporting materials filed with the Board, the proposed use of the Project will observe the spirit of the ordinance for the reasons as described both above and below. As an initial matter, we note that since the provisions of any zoning ordinance represent a declaration of public interest, any variance would in some measure be contrary thereto. See Harborside Associates, L.P. v. Parade Residence Hotel, LLC, 162 N.H. 508 (2011). As held in Farrar v. Keene, 158 N.H. 68 (2009), the requirement that the variance not be contrary to the public interest is related to the requirement that it be consistent with the spirit of the ordinance. The court in Chester Rod & Gun Club v. Town of Chester, 154 N.H. 577 (2005) also stated that whether the variance is "contrary to the public interest" or would "injure the public rights of others" should be construed together with whether the variance "is consistent with the spirit of the ordinance." The court held in the Chester Rod & Gun Club case that to be contrary to the public interest or injurious to public rights, the variance "must unduly, and in a marked degree"

conflict, with the basic zoning objectives of the ordinance. *Id.*, at 514. Mere conflict with the terms of the ordinance is insufficient.

Another way to ascertain whether granting the variance would violate basic zoning objectives is to examine whether it would alter the essential character of the neighborhood. Since the proposed Project as a convenience store with retail gasoline sales is an otherwise allowed Conditional Use within the PI District, and surrounded by other commercial, office, retail and service uses as described above, the grant of the requested use variance would not alter the essential character of the neighborhood. Moreover, According to the Traffic Memorandum, the proposed Cumberland Farms development is expected to have minimal impact along the existing roadway network. A copy of the Traffic Memorandum is attached as **Exhibit D**, and a full copy of the “Traffic Impact Report,” dated May 2020, prepared by Greenman-Pederson, Inc., has been filed with the Board. The requested variance is consistent with the general purpose and intent of the Land Use Code for the reasons stated above. Moreover, if the proposed Project use is allowed in the zone and a variance from the maximum percentage of non-industrial and manufacturing use requirements of the Land Use Code will not be contrary to the public interest, it is both reasonable and logical to conclude that granting this variance will observe the spirit of the ordinance. Accordingly, the Board of Adjustment should determine that the requested variance will observe the spirit of the Zoning 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.)*

As noted in Malachy Glen, *supra*, “perhaps the only guiding rule [on this factor] is that any loss to the individual that is not outweighed by a gain to the general public is an injustice.” Malachy Glen, *supra*, citing 15 P. Loughlin, *New Hampshire Practice, Land Use Planning and Zoning* § 24.11, at 308 (2000) (quoting New Hampshire Office of State Planning, *The Board of Adjustment in New Hampshire, A Handbook for Local Officials* (1997)). In short, there must be some gain to the general public from denying the variance that outweighs the loss to the Applicant from its denial. Also, the court will examine whether the proposed development is consistent with the area’s present use. Malachy Glen Associates v. Town of Chichester, 155 N.H. 102 (2007).

In this case, the public does not stand to gain anything from denying the Applicant’s variance request. On the contrary, the public will benefit greatly from the proposed Project by providing an additional convenience option for both users of the adjacent industrial properties, as well as for those persons passing by the Property along Amherst Street and beyond going to and from work and other activities. Moreover, the proposed use is an allowed use by Conditional Use Permit, and consistent with the character of the area where the Property is located. Since the limitation of non-industrial and manufacturing use as applied to the Property is unnecessary to accomplish a legitimate public purpose under zoning, the harm the Owner would be much greater than any public gain if the variance was not granted since not only has the present restaurant been permanently closed, but it is also reasonably believed the proposed Project use is the highest and best use for the Property and best enables the Owner to obtain full value upon sale of the Property, and thereby best enhances tax value to generate tax revenue for the City of

Nashua. Accordingly, as there is no gain to the general public from denying the variance that outweighs the loss to the Applicant from its denial. Granting the requested variance will accomplish substantial justice.

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.)*

As noted above, the Property is surrounded by mostly retail, commercial and offices uses and serves as a transitional use between the industrial uses to the south, and other commercial office and retail uses to the north, west and east. Moreover, as noted in the May 12, 2020 letter from William J. Luers, President, Tamposi-Nash Real Estate Group, Inc. (the “Broker’s Letter”), “the subject Property is a single parcel of land on which is located the Country Inn & Tavern which is now closed, and recently announced it has permanently closed. The Property is located within the PI/MU Zoning District, and is in various degrees of disrepair and functional obsolescence, and as a result, is in need of upgrading.” The Broker’s Letter adds that “the Project will represent a major commercial investment in the City of Nashua, with the new owner investing nearly \$4,000,000.00 into the acquisition and redevelopment of this Property. This investment will build upon and strengthen Nashua's existing Amherst Road commercial corridor as it helps to attract new businesses and offers a convenient service. Commercial enterprises such as the proposed Cumberland Farms, will offer complimentary goods and services to the City of Nashua.” The Broker’s Letter concludes that “ this proposed Project will be a great benefit to the City and residents of Nashua, and will be a substantial improvement over the existing conditions of the site. The current uses and state of the site serve to impact the values of abutting and surrounding properties, especially since the current restaurant use has been permanently closed. However, the proposed project will not, in any way, dilute or diminish the property value of abutting landowners, and in fact, will likely improve upon surrounding property values as the new project serves to attract more commercial interest in the area.” A copy of the Broker’s Letter is attached as **Exhibit E**.

Accordingly, the Applicant respectfully requests that the Board of Adjustment find that the requested variance will not diminish 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.*

As set forth in the provisions of Article 3, § 190-137.F of the Land Use Code, and RSA 674:33, I, there are two options by which the Board of Adjustment can find that an unnecessary hardship exists:

- (A) For purposes of this subparagraph, “unnecessary hardship” means that, owing to special conditions of the property that distinguish it from other properties in the area:
 - (i) No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property; and
 - (ii) The Proposed use is a reasonable one.

or,

(B) If the criteria in subparagraph (A) are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it.

Due to the special conditions of the Property in question, the use restriction applied to the Property pursuant to the Land Use Code does not serve the purpose of the restriction in a “fair and reasonable” way and the special conditions of the Property cause the proposed use to be reasonable for the reasons as described below.

Specifically, the fact that the Property is located within the Park Industrial (PI) Zone means that if § 190-15. D.4 is applied to the Project commercial uses such that at least 75% of the gross floor area of the building is reserved for uses listed in the ‘industrial and manufacturing’ category, this use requirement would effectively prohibit a commercial convenience store with retail gas station use at the Property (which is a reasonable and allowed conditional use for this zone and consistent with the character of the neighborhood). No such restriction on such use exists for property zoned Highway Business (BH) across Amherst Street at the corner of Amherst and Sunapee Streets where a convenience store with retail gas station use is allowed by right, or for the property zoned General Business (GB) across Amherst Street where a convenience store with retail gas station use is allowed by the grant of a conditional use permit. These special conditions and such use prohibition on the Property unreasonably harms the Owner with no meaningful gain to the public. This hardship is intrinsic to the Property as the Property cannot change its location.

Accordingly, we note as follows. First, since a gas station, in conjunction with a convenience store with prepared food sales, including coffee, is an allowed conditional use within the PI Zone, the proposed use for the Property is a reasonable use. Second, as noted above, there is no fair and substantial relationship between specific application of § 190-15. D.4 to the Property and the general public purpose of the Land Use Code or the specific objectives of the Industrial Zone, given that a convenience store with retail gas station use is allowed without such restriction across Amherst Street. In fact, the Master Plan contemplates, and the PI Zone allows, retail/commercial use as a conditional use within the PI District, which is a use which transitions from the industrial uses to the south of the Property, to the commercial and office uses

across Amherst Street to the north. Third, since the City will gain increased tax revenue by granting the variance, there is no meaningful gain to the public by denying the variance, but rather, denying the variance will cause injury to the private right of the Owner to realize the full value of his Property. Fourth, to deny the variance would deprive the Owner of the right to make valuable use of the land based upon an arbitrary regulation as applied to the Property, and thereby cause an impermissible, unnecessary hardship to the Owner. The restaurant use was originally allowed by use variance in 1981, but over time, the restaurant use in a functionally obsolete structure is no longer viable, as evidenced by the permanent closure of the restaurant. Fifth, and other than the Property, there does not appear to be another similarly situated lot large enough to accommodate the proposed use that would not be cost-prohibitive to use as an alternative to the Property. Lastly, the proposed use serves in a support function to properties in the district and surrounding neighborhood for employees and other persons who need a place to refuel or to pick up convenience items going to and from their place of employment.

Accordingly, owing to the special condition of the Property in that it otherwise meets all other zoning criteria except for the maximum permissible square footage criterion described above, but is otherwise an ideal location for a reasonable use, and no other lot in the immediate area is so located with adequate size or conditions that would allow such a reasonable use, the grant of the requested variance is necessary to enable the Owner to make a reasonable use of the Property.

F. REQUEST FOR APPROVAL

For the reasons above, and contained in the attached Application materials, as well as further information to be discussed at the Board's hearing, the Owner/Applicant respectfully requests the Board to make the required findings and grant the requested variance.

Respectfully submitted,

TMC CF NEW ENGLAND, LLC

By its attorneys,



John T. Smolak, Esq.
Smolak & Vaughan LLP
East Mill, 21 High Street, Suite 301
North Andover, Massachusetts 01845
Tel. (978) 327-5215
Fax (978) 327-5219
jsmolak@smolakvaughan.com

List of Exhibits

- A -- Authorization Letters
- B -- ZBA Minutes; Façade Easement; Release of Façade Easement
- C -- 2018 Zoning Amendment; Minutes
- D -- Traffic Memorandum
- E -- Broker's Letter
- F -- Existing Conditions Plan Aerial Overlay; Proposed Project Site Plans and Elevations

EXHIBIT A

Authorization Letters



APPLICANT AUTHORIZATION

452 Amherst Street, Nashua, New Hampshire
(Parcel ID # H-143)

I, Robert C. Schuler, as the Manager of Engineering and Planning, and duly authorized agent of Cumberland Farms, Inc., located at 165 Flanders Road, Westborough, Massachusetts 01581, the prospective purchaser of the real property referenced above (the "Parcel"), hereby authorize its agents, T.M. Crowley Associates, Inc., TMC CF New England LLC, Greenman-Pedersen, Inc. (GPI), and Smolak & Vaughan LLP, or their agents to file with, and apply to, the Planning Board, Building Department, Zoning Board of Adjustment, and Building Safety Department of the City of Nashua, as well as to any other local, state or federal boards or agencies, for all approvals necessary to obtain approval of the use and development of such Parcel.

Dated: May 8, 2020

OWNER:

Cumberland Farms, Inc.

By: _____

Robert C. Schuler

Its: Manager of Engineering and Planning,
duly Authorized

EXHIBIT B

To Whom It May Concern:

ALLA MAAK PROPERTIES, LLC (the "Owner") is the owner of the property located at 452 Amherst Street, Nashua, NH (the "Property"). The Owner hereby authorizes Cumberland Farms, Inc., and/or their agents, including, but not limited to, any engineering or architecture firm that the above may designate, to execute, submit and prosecute applications and any applicable materials to the City of Nashua, NH boards, commissions, agencies and the like (including, without limitation, zoning boards, planning boards and the City Council) on behalf of the Owner, for the purpose of obtaining municipal permits and approvals and property rezonings for the development of the Property.

ALLA MAAK PROPERTIES, LLC
a New Hampshire limited liability company

1-14-19
Date

By: [Signature]
Jon L. Randall, its Manager
Duly authorized

State of New Hampshire
County of Hillsborough

Personally appeared the above-named **Jon L. Randall** before me this 14th day of January, 2019, known to be the person whose name is subscribed to the foregoing instrument and acknowledged that he/she executed the same or his/her capacity as Manager of ALLA MAAK Properties, LLC for the purposes therein contained.

[Signature]
Notary Public/Justice of the Peace
My Commission Expires: _____


EXHIBIT B

ZBA Minutes; Façade Easement; Release of Façade Easement

ZONING BOARD OF ADJUSTMENT PUBLIC MEETING

January 26, 1982

A public meeting of the Zoning Board of Adjustment was held on Tuesday, January twenty-sixth, at 10:42 P.M. at the Nashua Public Library.

Thomas G. Kudzma, Chairman, conducted the meeting.

Members present were: Norma Schofield, Vice-Chairman
Barry Billings, Clerk
Patricia Goodman
Howard Richards

Also present was Alfred Turner, Jr., Zoning Administrator.

Dennis & Patricia Hanson, 4 Daniel Street; requesting a special exception in a GB zone to use existing building for automotive repair.

MOTION By Mr. Kudzma that the request for a special exception be granted with the stipulations that there be no gasoline pumps, no lift, no painting, no torches, no more than four cars in the parking area, only one mechanic working at this location, and that the sign be 2 s.f.

SECONDED By Ms. Schofield

MOTION CARRIED UNANIMOUSLY.

Samuel Tamposi Jr. (owner) Bob Maloney (lessee), 50 & 52 Ash Street requesting special exception to have a youth counseling center (maximum of 50 children) with associated recreational activities. RC zone.

MOTION By Ms. Schofield that the special exception be granted with the stipulation that fencing be provided to protect the privacy of the abutters

SECONDED By Mrs. Goodman

MOTION CARRIED UNANIMOUSLY.

* Kenwood Jones (owner), Donald Reid (optionee), 452 Amberst Street; requesting
1) Variance to allow the expansion of a non-conforming use (828 s.f. restaurant addition), 2) Special exception to park 36 cars within 300' of property. AI zone.

MOTION By Mr. Kudzma that the variance be granted with the stipulations that a facade easement be granted, sprinkling be installed, the kitchen be restricted to the new addition, and that there be no parking in the front yard

SECONDED By Ms. Schofield

MOTION CARRIED UNANIMOUSLY.

The request for a special exception was withdrawn.

BK-2940 PGE-478

004654

Aug 18 11 00 AM '82

FACADE EASEMENT

We, kenwood C. Jones and Jeanette D. Jones, husband and wife as joint tenants with rights of survivorship, of 180 Wheeler Road in Hollis, New Hampshire, for valuable consideration, grants to the City of Nashua, a municipal corporation (Grantee), without covenants, a facade easement with respect to the building presently situated on the following described premises:

A certain tract of land with the buildings thereon situate off Amherst Street in Nashua, Hillsborough County, New Hampshire, bounded and described as follows:

Beginning at an iron pipe set in the ground on the southwesterly line of Amherst Street at land of P & A Construction Co., Inc., said pipe being

1) North $43^{\circ} 15'$ west and a distance of one hundred eighty and no tenths (180.0) feet from an iron pipe set on the southwest line of Amherst Street at land of P & A Construction Co., Inc. and land of Lebel; thence running

2) South $51^{\circ} 24'$ west a distance of one hundred thirty-four and seventy hundredths (134.70) feet to an iron pin; thence running

3) North $51^{\circ} 29'$ west a distance of two hundred thirty-one and no tenths (231.0) feet to an iron pipe; thence running

4) North $42^{\circ} 41'$ east a distance of one hundred seventy and no tenths (170.0) feet to an iron pipe set on the southwesterly line of Amherst Street; thence running

5) South $42^{\circ} 51'$ east a distance of two hundred fifty-one and no tenths (251.0) feet to the iron pipe at point of beginning.

Containing 36,716 square feet, more or less.

Excepting premises conveyed in deed of Carl D. Fox and Jeannine P. Fox, dated October 25, 1976, and recorded at the Hillsborough County Registry of Deeds in Volume 2491, Page 506.

Also excepting said portion of the above-described premises as may have been acquired by the State of New Hampshire under a

Petition to widen Route 101-A as recorded at the Hillsborough County Registry of Deeds in Volume 2561, Page 149.

Subject to the non-access rights and slope and embankment rights of the State of New Hampshire as recorded at the said Registry of Deeds in Volume 2467, Page 222.

Meaning and intending to describe and convey a part of the premises conveyed to the within Grantors by deed of Carl D. Fox and Jeannine P. Fox, dated January 16, 1979, and recorded at the Hillsborough County Registry of Deeds in Volume Page

Said facade easement is limited and defined as follows:

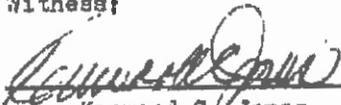
A. The architectural integrity of said building shall be preserved without modification and no substantial change to the facade of the Building shall be made unless and until the City of Nashua, by its Zoning Board, has reviewed and approved plans and specifications of such change, routine repairs and maintenance excepted.

B. This grant shall not restrict the right of the Grantor, his heirs, successors and assigns, to decorate and or remodel the interior as he may deem appropriate.

C. In the event the building is destroyed, or damaged to the extent that cost of repairs will exceed fifty percent of the market value or replacement cost of the building, whichever is less, by fire, collapse or other calamity, this facade easement shall terminate and be extinguished

IN WITNESS WHEREOF I have hereunto set my hand this day of February, 1982.

Witness:


Kenwood C. Jones


Jeanette D. Jones

STATE OF NEW HAMPSHIRE - COUNTY OF HILLSBOROUGH, SS

The foregoing instrument was acknowledged before me this day of February, 1982 by

BK-2940 PGE-479

**PETITION
TO
RELEASE FAÇADE EASEMENT**

TO THE HONORABLE BOARD OF ALDERMEN OF THE CITY OF NASHUA:

Alia Maak Properties, LLC, owner of 452 Amherst Street since 1995, respectfully petitions the Board to release the Façade Easement which burdens the property.

In 1981, the owners of 452 Amherst Street converted the existing house into the Country Tavern Restaurant. A condition of approval imposed by the Zoning Board of Adjustment for the use variance to allow a restaurant, was to maintain the aesthetic of the building. The attached Façade Easement was recorded at the Hillsborough County Registry of Deeds in August 1982. Over the years, the successive owners of the property and the operators of the Country Tavern Restaurant have honored the Façade Easement.

Today, Alia Maak Properties, LLC intends to sell the property. Given (1) the age, size, and layout of the property; (2) the development of Amherst Street since the early 1980's; (3) the Amherst Street traffic counts; and (4) the Park Industrial/Mixed Use Zoning, we expect the building to be demolished and replaced with a retail or commercial business.

The Easement worked well for 36 years. The Façade Easement now burdens the property to the detriment of the owners. In 2019, the Façade Easement acts as an impediment to any potential sale and re-development of the site. We therefore respectfully request the City release the Easement.

PETITION TO RELEASE FAÇADE EASEMENT

The Façade Easement Release is being petitioned by: Ala Maak Properties, LLC

603-883-8900
Telephone Number

Andrew A. Proiman, Esq:
Prunier & Proiman, P.A.



Petitioner

June 4, 2019
Date

20 Trafalgar Square, Nashua, NH 03063
Address

Petition received



City Clerk

JUNE 4, 2019

Date

Petition introduced at Board of Aldermen Meeting _____

DATE

The foregoing Petition was granted, conditional on the petitioner's recording the Release of Façade Easement in the Hillsborough County Registry of Deeds, by the Board of Aldermen on _____

DATE

Attest: _____

DATE

CITY CLERK

Return to:

**RELEASE OF
FAÇADE EASEMENT**

452 Amherst Street, Nashua, Hillsborough County, New Hampshire

The City of Nashua, a municipal corporation with an address of 229 Main Street, Nashua, New Hampshire, 03060, hereby releases the Façade Easement as granted by Kenwood C. Jones and Jeanette D. Jones and recorded at the Hillsborough County Registry of Deeds on August 10, 1982 at Book 2940, Page 478.

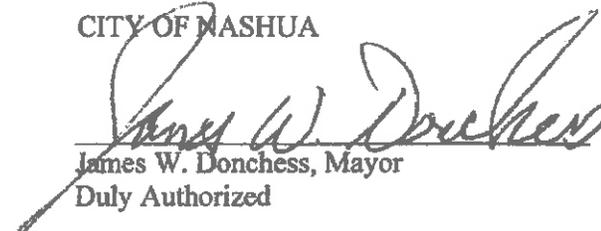
This Release of Façade Easement is authorized by the Petition to Release Façade Easement, filed by the property owner **Alla Maak Properties, LLC**, which Petition was duly passed by the City of Nashua Board of Aldermen on October 8, 2019.

Executed this 1st day of November, 2019



STATE OF NEW HAMPSHIRE
COUNTY OF HILLSBOROUGH

CITY OF NASHUA


James W. Donchess, Mayor
Duly Authorized

On this the 1st day of November, 2019, before me, the undersigned officer, personally appeared the above named James W. Donchess, Mayor of the City of Nashua, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the same on behalf of the City of Nashua for the purpose herein contained.

Before me:


Justice of the Peace / Notary Public
My Commission Expires: 1/24/23



City of Nashua
Department of Building Safety
Community Development Division
City Hall, 229 Main Street, PO Box 2019
Nashua, New Hampshire 03061-2019
Tel: 603.589.3080 • Fax: 603.589.3119



December 16, 2019

Andrew A. Prolman
Prunier & Prolman, P.A.
20 Trafalgar Square, Suite 100
Nashua, NH 03063

Attorney Prolman,

In response to your questions regarding permitting for #452 Amherst Street presented during our meeting on Tuesday, December 10, 2019 and in your subsequent email correspondence on December 12, 2019 I submit the following:

The Department of Building has in file a copy of the executed release of a façade easement. With this document in file I foresee no barriers preventing or delaying the existing property owners or future property owners from obtaining permits to renovate, alter or demolish the existing building(s) located at #452 Amherst Street, property account #12546 in Nashua, provided all process steps required of the application are completed and any required supporting documents submitted to our office.

With regards to your questions regarding the demolition permitting process I have attached copies of our permit application and permit approval form which describes the steps necessary, including needed city agency and utility company approvals. Provided all submittal documentation accompanies the permit application a demolition permit is typically issued within seven (7) days.

Permits issued by the Department of Building Safety are valid for 180 days from date of issuance and are automatically renewed provided work commences within 180 days and periodic inspections are scheduled to verify work progression.

I believe this correspondence should address each of your questions or concerns with regards to permitting at #452 Amherst Street. Should you need further information, please do not hesitate to contact me directly.

Respectfully,

A handwritten signature in black ink, appearing to read 'William A. McKinney'.

William A. McKinney
Building Official / Manager
Department of Building Safety

EXHIBIT C

2018 Zoning Amendment; Minutes

PUBLIC HEARINGS

A Public Hearing was conducted by the Planning & Economic Development Committee on Tuesday, October 16, 2018, at 7:00 p.m. in the Aldermanic Chamber.

Alderwoman Mary Ann Melizzi-Golja, Chair, presided.

Members of Committee present: Alderman Ernest A. Jette, Vice Chair
 Alderman-at-Large David C. Tencza
 Alderman-at-Large Brandon Michael Laws
 Alderman Jan Schmidt

Also in Attendance: Alderman-at-Large Brian S. McCarthy
 Alderwoman-at-Large Shoshanna Kelly
 Alderman Richard A. Dowd
 Alderman Patricia Klee
 Alderman Tom Lopez
 Mayor James Donchess
 Sarah Marchant, Director Community Development
 Lisa Fauteux, Director Public Works
 Kimberly Kleiner, Chief of Staff

O-18-026

**AMENDING THE ZONING MAP BY REZONING TWO AREAS OF LAND ON
AMHERST STREET FROM AIRPORT INDUSTRIAL (AI) TO PARK INDUSTRIAL
WITH MIXED USE OVERLAY DISTRICT (PI/MU)**

As provided for in NRO 5-28, Director Sarah Marchant gave a brief explanation on Ordinance O-18-026.

Sarah Marchant, Director Community Development

Good evening, yes, thank you. This will be very brief, looking at your agenda tonight. I am happy to give a quick overview of these and if you have questions, I guess those are later, but please let me know.

So the purpose of this first Ordinance is to rezone a section of land that is currently the Airport Industrial and it directly abuts Amherst Street and is cut off from the airport by the railroad tracks. So it is north of the airport, south of Amherst Street; this area we are proposing to go from AI, Airport Industrial, to PI, Park Industrial mixed use. So what does that mean? The underlying zoning will remain industrial so the uses that are industrial and the uses there would not become non-conforming.

What it does though, by adding the park industrial and the mixed use overlay, is that it allows for the flexibility to actually reflect what is going on these lots. These lots are oriented to Amherst Street, not to the airport. We did an analysis of all the variances that have been granted over the years and that is kind of what the impetus is behind this.

So this area has changed significantly from being a very industrial area to be very much reflective of Amherst Street. When you look at the zoning map, of course, the areas on the other side of Amherst Street are GB and HB and so it is kind of mish-mosh of zoning right now. This allows it to have the flexibility so that many of the uses that are there that would have to come back and get a

variance for changes, it opens it up to allow those to be allowed through the Planning Board process; mostly through conditional use permit or by the submission of a suitability report to the Planning Board. A suitability report includes these items and it allows the Planning Board to understand that if the use is compatible with its neighbors, with its surroundings, traffic impacts and so they go through all of that as part of an analysis with a mixed use property overlay. Again here is the map on that one and I can move on to the next one if you would like.

The second change proposed that goes hand-in-hand is the Airport Approach Zone. These updates are proposed to reflect the new runway length, new as in four years, five years. So with the extended length of the runway, there were areas of this airport approach zone that needed to be updated, lengthened specifically. These are updates to those regulations; we have done these updates in conversation with the airport and with their consults, The Gale Associates.

The Airport Approach Zone, and I'm sorry it is hard to read on this map, it is a three dimensional thing, it is an X, Y and Z so it is very hard for me to show you a map on the traditional zoning map. But it is basically from the east and west of the airport there is a triangular shape that goes out and up for the Z dimension. The further away you get the higher in the air it is and what this does is it makes sure that really tall buildings cannot be built in the Airport Approach Zone and that there isn't anything that would interfere with our airport. They really want to be good neighbors and they are there first and they can be good neighbors if the uses that are built around them are compatible with airport uses.

The other major update besides the length and distance, dimensions of that are updating, removing a reference to a noise exposure map which is no longer valid and updating the Land Use Compatibility Table to work with sound and noise. As we are opening up some of the uses allowed in the vicinity of this, what it does is it goes through the table and it requires, if you are going to build specific type of uses within a certain distance of the airport, that you would have to build to a little bit higher noise reduction standard in the building.

This table comes from some Federal Standards, these are pretty normal and the idea is to make sure that if you are going to allow for some uses within the airport zone that again, they want to be good neighbors, they are going to be as loud as they are today, tomorrow. So adding new uses in making sure that the buildings that are there to reduce the noise that somebody might be hearing next door and to hopefully keep everybody in the neighborhood happy. That's the full presentation.

Chairwoman Melizzi-Golja

There are two ordinances that Director Marchant spoke to. I am just going to take testimony now regarding O-18-026, "Amending The Zoning Map By Re-Zoning The Two Areas From Airport Industrial To Park Industrial With Mixed Use Overlay District". Is there anyone who wishes to speak in favor? And when you come to the mic, please state your name and address.

TESTIMONY IN FAVOR

Gerard Prunier, Thank you Madam Chairman and members of the Board. For the record, my name is Gerald Prunier, I'm an Attorney with offices at 20 Trafalgar Square in Nashua, New Hampshire. The area that Ms. Marchant talked about on Amherst Street has been very good to me. I've been able to make a substantial living getting variances for clients in there. But the Ordinance is very important I think for the opening of some of the areas in the City of Nashua. I think there are other areas that have to get opened as well, but this area the development of it as I've seen it, is not what it was designed for. Originally, when it was put in Airport Industrial, it was the hope that there would be many warehouses and cargo planes would land and they would cross over and be able to put in the warehouses and it would be that type of a center.

With the railroad there and not being discontinued and with a second airstrip being proposed on that side, that will not happen. So I think it is important that we open up that area and the proposed Ordinance does that to a great degree. So I am in favor of that happening, reluctantly.

David Rasnick Good evening Madam Chairman, members, Mr. Mayor. My name is David Rasnick, I'm an attorney in Boston and I represent a corporation called Fab-Braze and their sister corporation is Microwave Development Labs. Fab-Braze has owned the property at 476 Amherst for almost 70 years. They also own property on Progress Avenue. Recently they had consolidated some of their business from the 476 Amherst Street property to the Progress Avenue property and they are in the process of conveying that property out. The use will be different than their current use, currently they make very small parts for antenna for airplanes, basically a military application.

They are very much in favor of the change for those of you who are familiar with that part of Amherst Street. The property immediately continuous to 476 as you look at it from Amherst Street is a car dealership and immediately to the left is a mixed use, I would call it a mixed commercial retail use. The front parcel, the Fab-Braze parcel which is the one that is improved, is immediately continuous to the rear parcel owned by Microwave Development Labs as I said is a sister corporation. That is an unimproved parcel which is still heavily wooded and it runs from the rear of the Fab-Braze parcel back to the railroad tracks.

My understanding is that the prospective purchaser would be doing some improvement there not any plan building, but to clear that back lot. The front use would be a more commercial use and as I've spoken with Ms. Marchant earlier, the intention was prior to receiving this very glad news that they would be going through the variance process. If they do not need to do that and need a conditional use permit, that certainly would be in everyone's best interest as far as 476 is concerned. And again, looking at the length of the street or the immediate area, the owner of the corporation are the same folks from 70 years ago and they will tell you that obviously the development of Amherst Street has been quite dramatic over the years and the change from AI to PI at this stage would be a further step in the progress of the street as prior counsel mentioned.

So we are 100% in support and if there is anything that we can provide to any of the members or to you Madam or Mr. Mayor, we would be glad to do that. Thank you.

TESTIMONY IN OPPOSITION - None

TESTIMONY IN FAVOR - None

TESTIMONY IN OPPOSITION - None

O-18-027

AMENDING THE AIRPORT APPROACH ZONE OVERLAY DISTRICT

As provided for in NRO 5-28, Director Sarah Marchant gave a brief explanation on Ordinance O-18-027.

TESTIMONY IN FAVOR

Gerard Prunier. For the record again Madam Chairman and Members of the Board, my name is Gerard Prunier, I am an Attorney with offices at 20 Trafalgar Square here in Nashua. I am in favor of the airport ordinance as far as changing the heights in the area.



ORDINANCE

**AMENDING THE ZONING MAP BY REZONING TWO AREAS OF LAND ON
AMHERST STREET FROM AIRPORT INDUSTRIAL (AI) TO PARK INDUSTRIAL
WITH MIXED USE OVERLAY DISTRICT (PI/MU)**

CITY OF NASHUA

In the Year Two Thousand and Eighteen

The City of Nashua ordains that Chapter 190 "Land Use", Part 2 "Zoning Districts and Supplemental Use Regulations", Article 2 "Generally", Section 190-12 "Zoning map", is hereby amended by changing the zoning designation of the following described parcels on Amherst Street from airport industrial (AI) to park industrial with mixed use overlay district (PI/MU):

"Southeastern portion":

Beginning on Charron Avenue, in the center of the street right-of-way at the easternmost portion of the AI Zone, traverse northwesterly to follow the existing AI zone boundary to the northwestern most property line of 410 Amherst Street, then, traverse southwesterly to the centerline of the B&M Railroad tracks, then, traverse southeasterly to the centerline of Charron Avenue, then northerly to the point of beginning.

"Northwestern portion":

Beginning at the centerline of the B&M railroad tracks at the southwestern corner of 420 Amherst Street, follow western property line of 420 Amherst Street to the centerline of Amherst Street, then traverse northwesterly to follow the AI zone line until reaching centerline of Deerwood Drive, then traverse southwesterly along centerline of Deerwood Drive to centerline of B&M railroad tracks, then traverse southeasterly to point of beginning.

All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

This legislation shall take effect upon passage.

LEGISLATIVE YEAR 2018

ORDINANCE: O-18-026

PURPOSE: Amending the Zoning Map by rezoning two areas of land on Amherst Street from Airport Industrial (AI) to Park Industrial with Mixed Use Overlay District (PI/MU)

ENDORSERS: Alderman Richard A. Dowd

**COMMITTEE
ASSIGNMENT:**

FISCAL NOTE: None.

ANALYSIS

This ordinance changes the zoning from airport industrial (AI) to park industrial with mixed use overlay district (PI/MU) for two areas of land located on the southwest side of Amherst Street. A map showing the location of these parcels is attached.

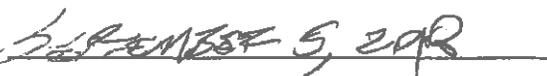
State statute (RSA 675:2) and NRO Section 190-132 require a public hearing and referral to the city planning board. The public hearing is conducted by the aldermanic planning and economic development committee with notice published in a newspaper of general circulation and posted in two public places at least ten calendar days prior to the date of the hearing. (Notice period does not include the day notice is posted or the day of the public hearing. RSA 675:7, I.) A favorable vote of two-thirds of all the members of the board of aldermen present and voting would be required if a protest petition is filed pursuant to RSA 675:5.

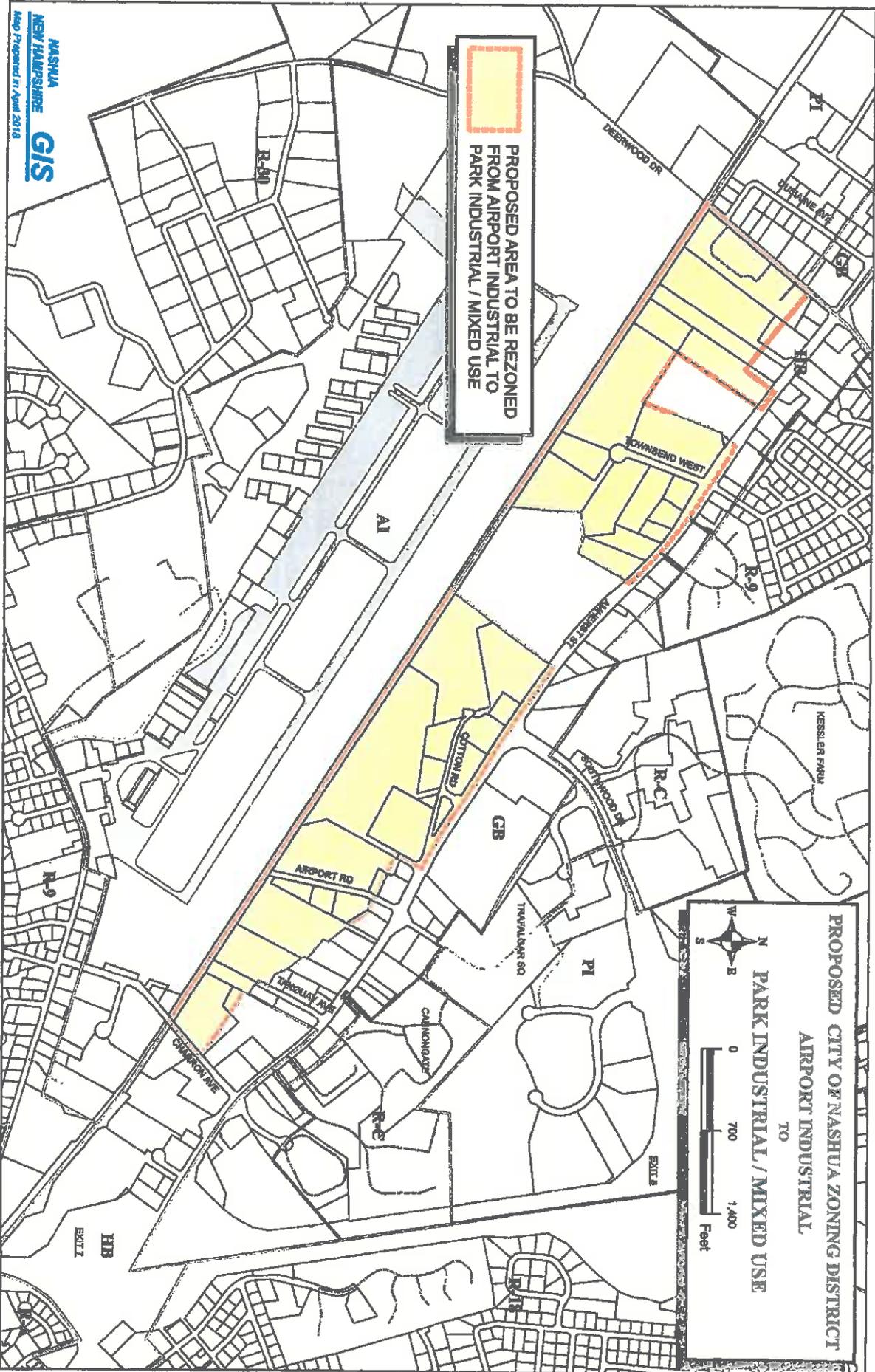
Approved as to form: Office of Corporation Counsel

By:



Date:





PROPOSED AREA TO BE REZONED
FROM AIRPORT INDUSTRIAL TO
PARK INDUSTRIAL / MIXED USE

PROPOSED CITY OF NASHUA ZONING DISTRICT
AIRPORT INDUSTRIAL
TO
PARK INDUSTRIAL / MIXED USE

0 700 1,400
Feet

N
W
E
S

EXHIBIT D

Traffic Memorandum

EXECUTIVE SUMMARY

REF: MAX-2018135

DATE: April 9, 2020

TO: Cumberland Farms, Inc.
c/o TMC CF New England LLC
165 Flanders Road
Westborough, Massachusetts 01581

FROM: Ms. Heather L. Monticup, P.E., Director of Land Development Traffic
Ms. Susannah E. Theriault, P.E., Project Engineer

RE: Traffic Impact Report
Cumberland Farms
452 Amherst Street (NH Route 101A) – Nashua, New Hampshire

EXECUTIVE SUMMARY

Greenman-Pedersen, Inc. (GPI) has prepared this *Traffic Impact Report* (TIR) for a proposed Cumberland Farms development to be located at 452 Amherst Street (NH Route 101A) in Nashua, New Hampshire. The site is currently occupied by the Country Tavern Restaurant. The project consists of razing the existing structures and constructing a 5,021 square foot (SF) convenience store and a gasoline facility with 5 Multi-Product Dispensers (MPDs) having 10 vehicle-fueling positions (vfps). Amherst Street within the vicinity of the site is median divided. Currently access to the site is provided via one right-in/right-out driveway on Amherst Street and one full access/egress driveway on Townsend West. Access and egress are proposed to remain the same with shifts to the locations of the driveways along each roadway.

The site is bounded by Amherst Street to the north, retail buildings to the south, Portland Glass to the east, and Townsend West to the west.

Existing Conditions

Base traffic conditions within the study area were developed by conducting manual turning movement counts (TMCs), vehicle classification counts, and automatic traffic recorders (ATRs) counts in January 2019. The TMCs and vehicle classification counts were performed during the weekday AM peak period (7:00 to 9:00 AM), weekday PM peak period (4:00 to 6:00 PM), and the Saturday midday peak period (11:00 AM to 2:00 PM). The ATRs were used to obtain weekday and Saturday daily traffic volumes on Amherst Street and Townsend West adjacent to the site.

Traffic on a given roadway typically fluctuates throughout the year depending on the area and the type of roadway. Based on New Hampshire Department of Transportation (NHDOT) guidelines for the preparation of a traffic study, existing traffic volumes must represent the peak of the monthly average peak-hour conditions. To determine if the peak-hour data needed to be adjusted to account for this fluctuation, seasonal adjustment and historical count data provided by NHDOT were reviewed.¹ Based on this information, traffic volumes during the month of January are 22.3 percent lower than peak-month conditions. Therefore, the January traffic volumes were upwardly adjusted to reflect peak-month conditions.

Collision data for the study area intersections were reviewed from the NHDOT crash portal for the latest complete three years available (2014-2016) as well as obtained from the City of Nashua Police Department. Based on the collision data, the signalized intersection of Amherst Street at Townsend West / Sunapee Street experienced an average of 4.3 collisions per year over the three-year study period. Based on records from the NHDOT as well as the City of Nashua, there were no reported collisions at either of the site driveways within the three-year study period.

Vehicle speed measurements were conducted along Amherst Street and Townsend West. The speeds on Amherst Street adjacent to the site were found to be generally consistent with the posted speed limit of 40 mph. The 85th percentile speeds on Townsend West were consistent with the enforced speed of 30 mph.

To identify potential safety concerns associated with site access and egress, sight distances have been evaluated at the proposed site driveway locations to determine if the available sight distances for vehicles exiting the site meet or exceed the minimum distances required for approaching vehicles to safely stop. Available sight distances at the right-in/right-out site driveway on Amherst Street as well as the full access/egress driveway on Townsend West exceed the minimum and desirable SSD and ISD requirements for safe operation, as well as the City of Nashua requirement of a *minimum sight distance of 200 shall be provided for all driveways* per the Driveway Permit Rules and Regulations listed on the Driveway Permit Application.

Future Conditions

To estimate the impact of site-generated traffic within the study area, existing traffic volumes were projected to the expected opening year (2021) of the development and to the expected opening year plus five years (2026). These design horizons were chosen based on the Nashua Guidelines for the Preparation of Traffic Impact Reports. The 2021 No-Build peak-hour traffic volumes were accordingly developed by applying a 2.0 percent compounded annual traffic-growth rate (1.0 percent compounded over two years) to the 2019 Existing traffic volumes and adding the traffic to be generated by the identified specific developments in the area. The 2026 No-Build peak-hour traffic volumes were developed by applying a total growth of 7.2 percent (1.0 percent compounded over seven years) to the 2019 Existing traffic volumes and adding the traffic to be generated by the identified specific developments in the area.

Two NHDOT projects (10136A and 10136B) are being combined into one project in the New Hampshire's Draft Ten Year Transportation Improvement Plan. Based on discussions with NHDOT, the project will add a third through lane, bicycle shoulders, and sidewalks in each direction between Somerset Parkway and Celina Avenue. The project also includes intersection improvements, median treatments and bus pullouts in some locations. Due to roadway widening, NHDOT will be acquiring new right-of-way along the length of the project.

¹ *New Hampshire Department of Transportation Traffic Volume Report*; 2016 through 2018, Station 02303001 – NH 101A at Amherst TL (west of Overlook Drive – Milford, NH [Group 4]).

To estimate the volume of traffic to be generated by the proposed redevelopment, trip-generation rates published by the Institute of Transportation Engineers ITE *Trip Generation Manual*² were researched. LUC 960 (Super Convenience Market/Gas Station) was used to determine the additional increase in traffic expected by the redevelopment.

Not all of the vehicle trips expected to be generated by the proposed redevelopment represent *new* trips on the study area roadway system. Studies have shown that for developments such as the one proposed, a substantial portion of the site-generated vehicle trips are already present in the adjacent passing stream of traffic or are diverted from another route to the proposed site. For example, some vehicles which are already on the roadways may decide to visit the site on their way to another destination. Based on information published in the ITE *Trip Generation Handbook*,³ the average *pass-by* trip percentage is 63 percent during the weekday AM peak hour and 66 percent during the weekday PM peak hour for a Gasoline/Service Station with Convenience Market (LUC 853).

The proposed redevelopment is expected to generate 102 *additional new* vehicle trips (51 entering and 51 exiting) during the weekday AM peak hour, 69 *additional new* vehicle trips (27 entering and 42 exiting) during the weekday PM peak hour, and 79 *additional new* trips (34 entering and 45 exiting) during the Saturday midday peak hour. Traffic-volume increases beyond the study area along Amherst Street (NH Route 101A) during the peak hours are expected to be in the range of 31 to 52 vehicles. These increases represent, on average, one additional vehicle approximately every 1 to 2 minutes during the peak hours.

Capacity and Queue Analysis

Capacity and queue analyses were conducted at all study area locations under 2019 Existing, 2021 No-Build, 2021 Build, 2026 No-Build, and 2026 Build traffic-volume conditions. The impact of site-generated traffic can be measured by comparing No-Build conditions to Build conditions. The capacity analysis methodology is based on the concepts and procedures in the *Highway Capacity Manual* (HCM)⁴. The concept of level of service (LOS) is defined as a qualitative measure describing operational conditions within a traffic stream and their perception by motorists and/or passengers.

Amherst Street (NH Route 101A) at Townsend West / Sunapee Street

Under future conditions with or without the redevelopment, the signalized intersection of Amherst Street at Townsend West and Sunapee Street is expected to operate with a volume-to-capacity (v/c) ratio greater than 1.00 and long delays (LOS E/F) during the peak hours. In 2026, specifically the Amherst Street through lanes are expected to operate over capacity with or without the proposed redevelopment project. As noted in the *Planned Roadway Improvements* section of the TIS, NHDOT Projects 10136A and 10136B include the widening of Amherst Street (Route 101A) from Somerset Parkway to Celina Avenue in an effort to alleviate the existing issues. Accordingly, along the site frontage and at the signalized intersection of Amherst Street at Townsend West and Sunapee Street, there will be an additional eastbound and westbound through lane once these improvements are constructed.

As a result of the redevelopment, increases in overall delay at the signalized intersection are approximately 20 seconds. However, with the future widening project in place, the overall intersection delay in 2026 is expected to improve over No-Build conditions by 58, 108, and 38 seconds during the weekday AM, weekday PM, and Saturday midday peak hours, respectively. In addition, all of the

² *Trip Generation Manual*, 10th Edition; Institute of Transportation Engineers; Washington, DC; 2017.

³ *Trip Generation Handbook*; 3rd Edition; Institute of Transportation Engineers; Washington, DC; September 2017.

⁴ *Highway Capacity Manual* 6th Edition, Transportation Research Board; Washington, D.C.; 2016.

movements at the intersection are expected to have v/c ratios less than 1.00. It is recommended that the signal timings along the corridor be re-evaluated once the widening is in place.

Amherst Street (NH Route 101A) at Site Driveway

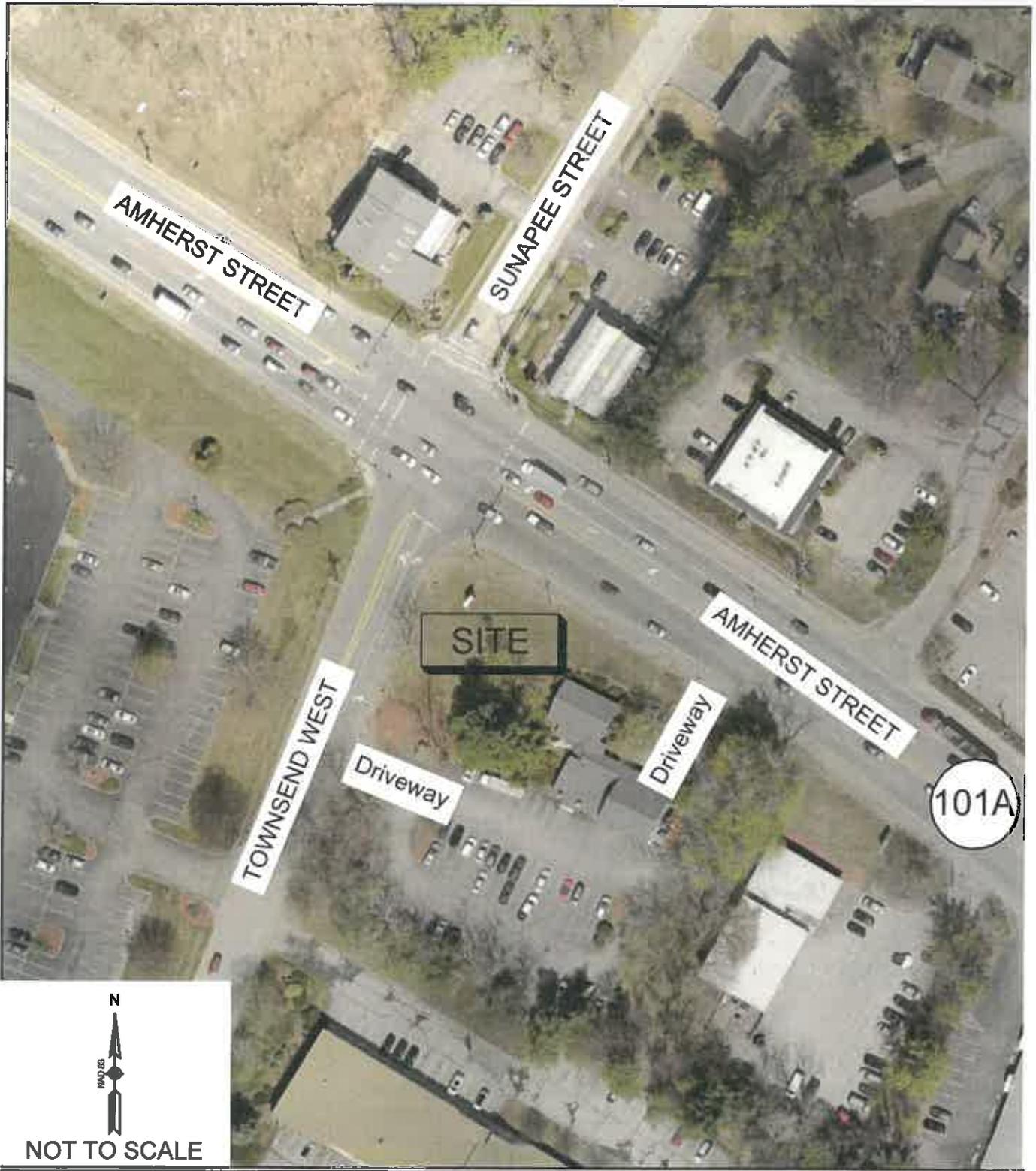
Under existing and future traffic-volume conditions, operations on the right-in/right-out site driveway on Amherst Street are expected to be at LOS E or better during all peak hours with queue lengths of three vehicles or less. In addition, to help facilitate movements into and out of the proposed right-in/right-out driveway, a deceleration lane and acceleration lane will be constructed as shown on the Site Plan.

Townsend West at Site Driveway

Under existing and future traffic-volume conditions, operations at the intersection of Townsend West at the full access/egress site driveway are expected to be optimal (LOS A) with queue lengths of one vehicle or less.

Conclusion

Based on the findings above, the proposed Cumberland Farms development is expected to have minimal impact along the existing roadway network. With the construction of the Amherst Street improvements (NHDOT projects 10136A and 10136B), additional capacity will be added to the signalized intersection of Amherst Street (NH Route 101A) at Townsend West / Sunapee Street improving operations at this location. In addition, a deceleration lane and acceleration lane will be constructed at the proposed Amherst Street site driveway to help facilitate movements into and out of the right-in/right-out driveway.



NOT TO SCALE



Engineering
Design
Planning
Construction Management

978.570.2999

GPINET.COM

Greenman-Pedersen, Inc.
181 Ballardvale Street
Suite 202
Wilmington, MA 01887

Figure 1
SITE LOCATION MAP

EXHIBIT E

Broker's Letter



Tamposi-Nash R E Group Inc.
William Luers
400 Amherst Street
Nashua, NH, 03063

Phone: (603) 889-0009
Fax: (603) 889-0259
Email: bill@tamposi-nash.com

May 12, 2020

John T. Smolak, Esq.
Smolak & Vaughan LLP
East Mill
21 High Street, Suite 301
North Andover, MA 01845

RE: Broker Opinion - 452 Amherst Street, Nashua, New Hampshire
Redevelopment for Cumberland Farms Convenience Store & Gas Station

Dear John:

Pursuant to your request, this letter consists of my opinion in support of the proposed redevelopment of the property above (the "Property") into a retail convenience store with gas service station to be owned and operated by Cumberland Farms, Inc. For the reasons more fully described below, this proposed project will be a great benefit to the City and residents of Nashua, and will be a substantial improvement over the existing conditions of the site. The current uses and state of the site serve to impact the values of abutting and surrounding properties, especially since the current restaurant use has been permanently closed. However, the proposed project will not, in any way, dilute or diminish the property value of abutting landowners, and in fact, will likely improve upon surrounding property values as the new project serves to attract more commercial interest in the area.

The subject Property is a single parcel of land on which is located the Country Inn & Tavern which is now closed, and recently announced it has permanently closed. The Property is located within the PI/MU Zoning District, and is in various degrees of disrepair and functional obsolescence, and as a result, is in need of upgrading. The Property is significantly underutilized in its current configuration; and the building on site has suffered from deferred maintenance and functional obsolescence. As a result, the Property may not attract the types of higher end uses to the City of Nashua. This lack of investment in the structures on site is apparent and may have a deleterious impact on the surrounding properties. The Property is bounded by Amherst Street to the north, retail buildings to the south, Portland Glass to the east, and Townsend West to the west.

The proposed project would include the razing the existing structures and the redevelopment of the property with a 4,996 square foot (SF) New- England-style retail convenience store convenience store; the installation of new fuel dispensers offering self-service/pay-at-the pump features to move customers quickly and efficiently through the site; the construction of a new overhead canopy which will include a state-of-the-art

All information furnished regarding property for sale or lease is from sources deemed reliable, but no warranty or representation is made as to the accuracy thereof and is submitted subject to errors, omissions, change of price, rental or other conditions, prior to sale or lease, or withdrawal without notice.



Tamposi-Nash R E Group Inc.
William Luers
400 Amherst Street
Nashua, NH, 03063

Phone: (603) 889-0009
Fax: (603) 889-0259
Email: bill@tamposi-nash.com

fire suppression system above the gas dispensers; the removal of the existing signage, and replacement with new Cumberland Farms signs; removing existing parking and impervious surfaces, and replace the same with new parking on the Property; and the upgrade and enhancement of new landscaping and screening throughout the Property in order to significantly enhance aesthetics for this gateway property.

As a result, the project will represent a major commercial investment in the City of Nashua, with the new owner investing nearly \$4,000,000.00 into the acquisition and redevelopment of this Property. This investment will build upon and strengthen Nashua's existing Amherst Street commercial corridor as it helps to attract new businesses and offers a convenient service. Commercial enterprises such as the proposed Cumberland Farms, will offer complimentary goods and services to the City of Nashua.

For the reasons stated above, this project will be a significant benefit to the City and residents of Nashua, and will be a substantial improvement over the existing conditions of the site. The current uses and state of the site serve to impact the values of abutting and surrounding properties. However, the proposed project will not, in any way, dilute or diminish the property value of surrounding properties and in fact, will likely improve upon abutting property values as the new project serves to attract more commercial interest in the area. Should you have any further questions, or wish to discuss this in more detail, please do not hesitate to contact me.

Sincerely,

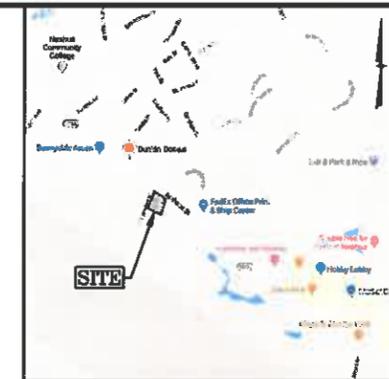
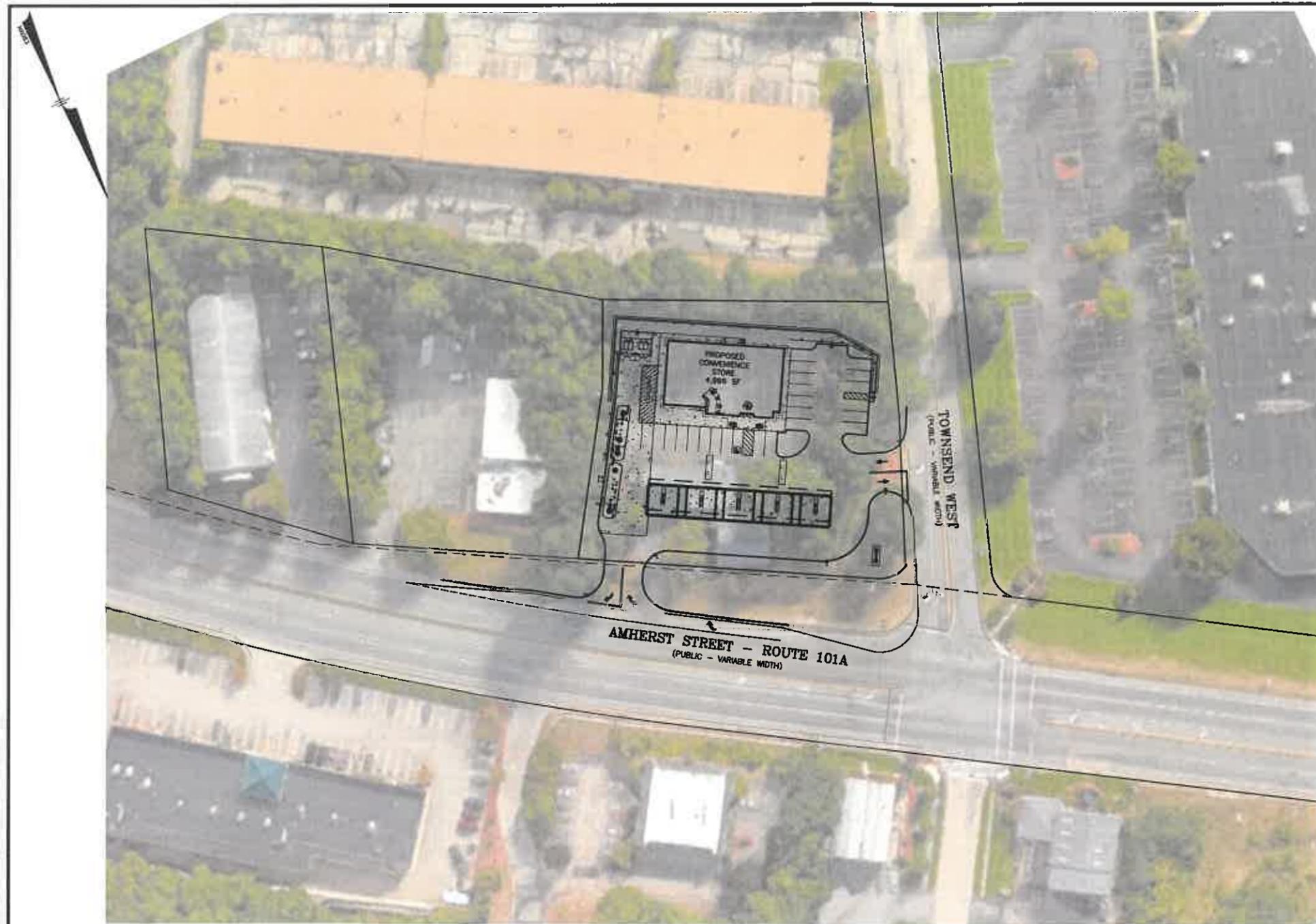
Tamposi-Nash Real Estate Group, Inc.

Bill Luers

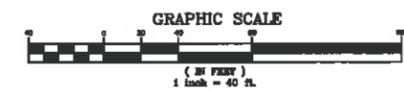
William J. Luers
President

EXHIBIT F

Existing Conditions and Site Plans and Elevations



LOCATION MAP
(NOT TO SCALE)



OWNER OF RECORD:
PARCEL ID: H-143
ALLA MAK PROPERTIES, LLC
452 AMHERST STREET
NASHUA, NEW HAMPSHIRE 03064-1228
BOOK 5671 PAGE 652

REVISIONS			
NO.	DATE	REV. BY	DESCRIPTION

50,345 SQUARE FEET
1.156 ACRES
V#
Store#
Gas Station#

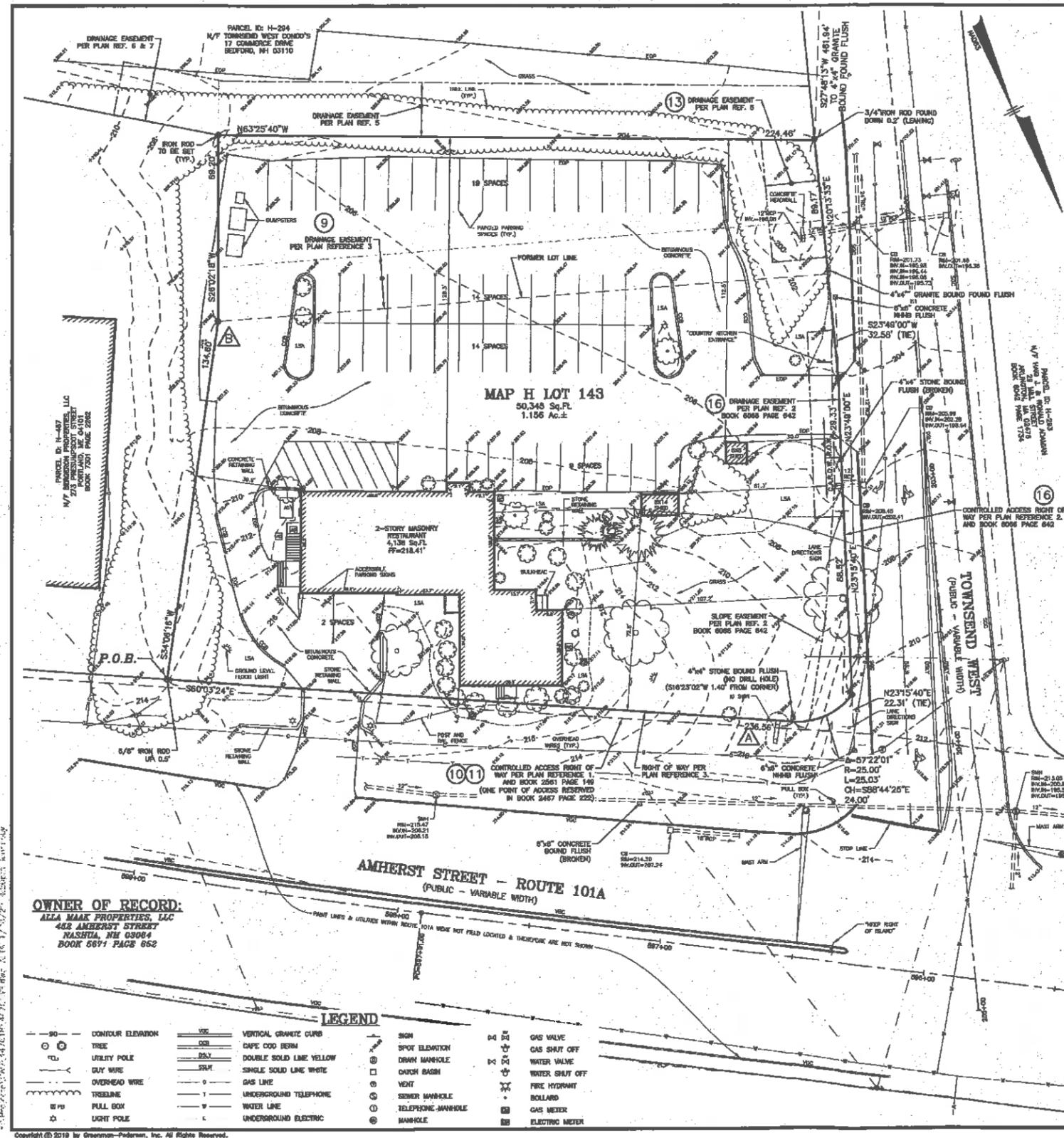
GPI Engineering, Design, Planning, Construction Management
Greensman-Pedersen, Inc.
44 Silles Road
Suite One
Salem, NH 03078

452 AMHERST STREET
NASHUA, NEW HAMPSHIRE 03064

Cumberland Farms
CUMBERLAND FARMS INC.
185 FLANDERS ROAD
WESTBOROUGH, MA 01581

SCALE: 1"=40'
DATE: 1/30/20
FILE: 44768P-Render
DRAWN BY: CPS
CHECKED BY: CMT

AERIAL OVERLAY CFG04.0



RECORD DESCRIPTION:

A certain tract or parcel of land, with the building thereon, in Nashua, County of Hillsborough and State of New Hampshire situated on the southerly side of New Hampshire Route 101A (Amherst Street) being shown as Lot #143 on a plan of land entitled "Lot Line Relocation Plan (Lots 143 & 204) 204' Amherst St. (Rte. 101A & Townsend West) Nashua, New Hampshire" prepared for Donald Reid, 54 Gao Drive, Hudson, N.H. Scale 1" = 40'. Dated April 26, 1982, by Alan H. Swanson, Inc., and recorded in the Hillsborough County Registry of Deeds or Plan #14882, bounded and described as follows:

- 1) South 34° 04' 34" West, along said Lot 204 a distance of one hundred thirty-four and 80/100 (134.60) feet to an iron pin thence
- 2) South 28° 10' 00" West, along said Lot 204 a distance of sixty-nine and 20/100 (69.20) feet to a point; thence turning and running
- 3) North 63° 26' 58" West, along said Lot 204 and a proposed 20 foot drainage easement as shown on said plan a distance of two hundred twenty-four and 30/100 (224.30) feet to a point on the southerly side of Townsend West; thence turning and running
- 4) North 20° 12' 16" East, along said Townsend West a distance of one hundred ninety and no/100 (190.00) feet to a point; thence
- 5) By a curve to the right having a radius of twenty-five and no/100 (25.00) feet a distance of forty-three and 51/100 (43.51) feet to a point on the southerly side of Amherst Street (Route 101A); thence
- 6) South 80° 04' 39" East, along said Amherst Street, a distance of two hundred thirty-six and 58/100 (236.58) feet to the point of beginning.

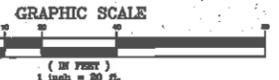
SCHEDULE B-2:

REFER TO FIRST AMERICAN TITLE INSURANCE COMPANY COMMITMENT NO. MCS-841581-H001 WITH AN EFFECTIVE DATE OF JANUARY 15, 2018 AT 8:00 A.M.

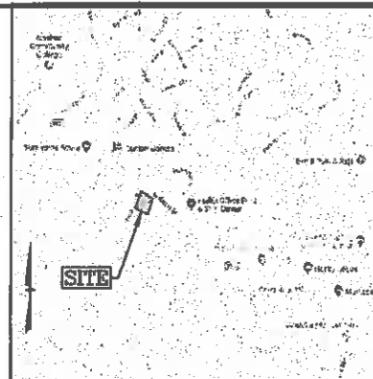
- 1 Any facts, rights, interests, or claims that are not shown by the Public Records but that could be ascertained by an inspection of the Land or that may be asserted by persons in possession of the Land, NON SURVEY MATTER.
- 2 Any encroachment, obstruction, violation, variation, or adverse circumstance affecting the title that would be disclosed by an accurate and complete land survey of the Land and not shown by the Public Records, NON SURVEY MATTER.
- 3 Any lien or right to a lien, for services, labor, or material (unfurnished or otherwise) furnished, imposed by law and not shown in the public records, NON SURVEY MATTER.
- 4 Real estate taxes and municipal charges as follows: NON SURVEY MATTER.
- 5 Title to and rights of the public and other entities therein in, and to those portions of the Land lying within the bounds of adjacent streets, roads, and ways, CURRENT RIGHT OF WAY LINES DEPICTED HEREON.
- 6 The exact coverage or square footage being either than as stated in Schedule A or the plan(s) therein referred to, SURVEYED AREA DEPICTED HEREON.
- 7 Mortgage by All Mark Properties, LLC to Enterprise Bank in the original principal amount of \$800,000.00, dated July 25, 2014, recorded with said Registry at Book 6876, Page 1348, NON SURVEY MATTER.
- 8 Assignment of Receipts by All Mark Properties, LLC to Elderton Bank, dated July 29, 2014, recorded with said Registry at Book 6876, Page 1361, NON SURVEY MATTER.
- 9 Such state of facts as are disclosed on plan entitled "Plan of Land Northwest Industrial Park Townsend West Nashua, N.H., Surveyed for Ford Associates, Inc., 1974" prepared by W. Robert Nolle & Associates, recorded with said Registry on Plan No. 11117 (2 sheets), FORMER DRAINAGE EASEMENT DEPICTED ON SAID PLAN IS SHOWN HEREON.
- 10 Control Access Deed granted by Carl D. Fox and Jeanne P. Fox to the State of New Hampshire, dated July 1, 1976, recorded with said Registry at Book 2487, Page 222, AFFECTS THE SURVEY TRACT AND THE CONTROLLED ACCESS RIGHT OF WAY IS SHOWN HEREON.
- 11 Taking by Petition and Commissioners' Return of Highway Layout Nashua U-016-1(10) - P-13330-B-1977, including rights and easements pertaining to access, light, air, view, slope, embankment and drainage, dated September 22, 1977, recorded with said Registry at Book 2351, Page 149, AFFECTS THE SURVEY TRACT AND THE CONTROLLED ACCESS RIGHT OF WAY IS SHOWN HEREON.
- 12 Easement granted by Kenneth C. Jones and Jeannette D. Jones to the City of Nashua, dated February 1982, recorded with said Registry at Book 2940, Page 478, AFFECTS THE SURVEY TRACT BUT IS NOW PLATABLE.
- 13 Such state of facts as are disclosed on plan entitled "Lot Line Relocation Plan (Lots 143 & 204) 204' Amherst St. (Rte. 101A) Nashua, New Hampshire, Prepared for Donald Reid, 26 April 1982" prepared by Alan H. Swanson, Inc., recorded with said Registry as Plan No. 14882, DRAINAGE EASEMENT DEPICTED ON SAID PLAN IS SHOWN HEREON.
- 14 Such state of facts as are disclosed on plan entitled "Subdivision Plan (Lot 204 Map 11) Amherst St., Nashua, New Hampshire, Prepared for Samuel A. Tarpoe Jr., 20 January 1987" prepared by Alan H. Swanson, Inc., recorded with said Registry as Plan No. 15430, DO NOT AFFECT THE SURVEY TRACT.
- 15 Such state of facts as are disclosed on plan entitled "Subdivision Plan (Lot 204 Map 11) Amherst St., Nashua, New Hampshire, Prepared for Samuel A. Tarpoe Jr., 20 January 1987" prepared by Alan H. Swanson, Inc., recorded with said Registry as Plan No. 15440, DO NOT AFFECT THE SURVEY TRACT.
- 16 Deed, rights and easements granted by All Mark Properties, L.L.C. to State of New Hampshire, dated February 18, 1999, recorded with said Registry at Book 6066, Page 842, DOES AFFECT THE SURVEY TRACT AND THE CARLOW LINE, DRAINAGE EASEMENT, & EASEMENT ARE SHOWN HEREON.

POTENTIAL ENCROACHMENTS:

THE DASH ENCLOSEMENTS INTO THE NH ROUTE 101A RIGHT OF WAY. THE PAVED PARKING AREA AND THE GRASSY/CLEARING ASSOCIATED WITH SAID PARKING ENCROACH INTO THE ADJUTING PROPERTY.



REVISIONS				50,345 SQUARE FEET
NO.	DATE	REV. BY	DESCRIPTION	1.156 ACRES
				V#
				Gas Station#



NOTES:

- 1) THIS PLAN IS THE RESULT OF AN ON-THE-GROUND FIELD SURVEY PERFORMED BY THIS OFFICE BETWEEN JANUARY 10 AND JANUARY 11, 2018.
- 2) BASED ON A SITE VISIT BY GOME ENVIRONMENTAL SERVICES, INC. THERE ARE NO WETLANDS ON THE SURVEY TRACT.
- 3) BEARINGS SHOWN HEREON ARE BASED ON ANGLES PER GPS OBSERVATIONS PERFORMED BY THIS OFFICE ON JANUARY 11, 2018.
- 4) ELEVATIONS SHOWN HEREON ARE BASED ON ANGLES PER GPS OBSERVATIONS PERFORMED BY THIS OFFICE ON JANUARY 11, 2018.
- 5) LOCATION OF UNDERGROUND UTILITIES IS APPROXIMATE ONLY. ADDITIONAL UNDERGROUND UTILITIES OTHER THAN THOSE SHOWN MAY BE ENCOUNTERED. INVERTS ARE LISTED IN A CLOCKWISE DIRECTION ENDING WITH THE INVERT OUT (UNLESS OTHERWISE NOTED).
- 6) THE SURVEY TRACT IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA (100 YEAR FLOOD) PER FLOOD INSURANCE RATE MAP NUMBER 33011C0462D, WITH AN EFFECTIVE DATE OF SEPTEMBER 25, 2009.
- 7) A TOTAL OF 88 (OR REGULAR 2 ACCESSIBLE) CLEARLY IDENTIFIABLE PARKING SPACES OBSERVED IN CONDUCTING THIS SURVEY.
- 8) NO EVIDENCE OF RECENT EARTH MOVING WORK, BUILDING CONSTRUCTION, OR BUILDING ADDITIONS WAS OBSERVED IN THE PROCESS OF CONDUCTING THE SURVEY.

PLAN REFERENCES:

- 1) NHDOT PLANS FED. PROJECT NO. U-010-1(10), NH PROJECT NO. P-1330-B.
- 2) NHDOT PLANS FED. PROJECT NO. CA-X-5315(30), NH PROJECT NO. 12244.
- 3) HILLSBOROUGH COUNTY REGISTRY OF DEEDS H.C.R.D. PLAN 111716.
- 4) H.C.R.D. PLAN 11716.
- 5) H.C.R.D. PLAN 14882.
- 6) H.C.R.D. PLAN 15430.
- 7) H.C.R.D. PLAN 10540.
- 8) SITE PLAN, AMHERST ST.(RTE 101-1), NASHUA, NEW HAMPSHIRE, PREPARED FOR DONALD REID; DATED MAY 28, 1982 (REV. FEB 18, 1982) PREPARED BY ALAN H. SWANSON, INC.; ON FILE AT THE CITY OF NASHUA PLANNING DEPARTMENT (DR448).

CERTIFICATION:

TO CUMBERLAND FARMS INC. AND FIRST AMERICAN TITLE INSURANCE COMPANY: THIS IS TO CERTIFY THAT THIS MAP OR PLAN AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2018 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 3, 4, 5, 7(c), 7(d), 8, 9, 10(c), 11, 13, 16, & 18 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED FEBRUARY 4, 2018.



JOEL A. CONNOLLY, NH REG #897
DATE OF PLAN OR MAP: 1/28/2018

GPI Engineering Design Construction Management
Greenman-Pedersen, Inc. 44 Siles Road Suite One Salem, NH 03079

452 AMHERST STREET
NASHUA, NEW HAMPSHIRE 03064
CUMBERLAND FARMS INC. 165 FLANDERS ROAD WESTBOROUGH, MA 01581
SCALE: 1"=20'
DATE: 01/22/2018
FILE: 4478TWS.DWG
DRAWN BY: NIG
CHECKED BY: JAC

OWNER OF RECORD:
ALLA MARK PROPERTIES, LLC
452 AMHERST STREET
NASHUA, NH 03064
BOOK 6871 PAGE 652

LEGEND

---	CONTOUR ELEVATION	---	VERTICAL GRANITE CURB	---	SEWER MANHOLE
○	TREE	---	CAPE COD BERM	○	SPOT ELEVATION
○	UTILITY POLE	---	DOUBLE SOLID LINE YELLOW	○	DRAIN MANHOLE
---	DUY WIRE	---	SINGLE SOLID LINE WHITE	○	ATCH BASH
---	OVERHEAD WIRE	---	GAS LINE	○	VENT
---	TREELINE	---	UNDERGROUND TELEPHONE	○	SEWER MANHOLE
---	PULL BOX	---	WATER LINE	○	TELEPHONE MANHOLE
---	LIGHT POLE	---	UNDERGROUND ELECTRIC	○	MANHOLE
---		---		○	GAS VALVE
---		---		○	GAS SHUT OFF
---		---		○	WATER VALVE
---		---		○	WATER SHUT OFF
---		---		○	FIRE HYDRANT
---		---		○	BOLLARD
---		---		○	GAS METER
---		---		○	ELECTRIC METER

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TABLE OF ZONING REGULATIONS - NASHUA, NH

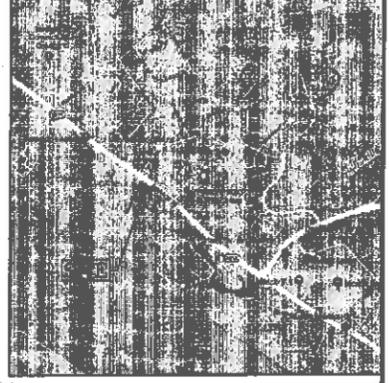
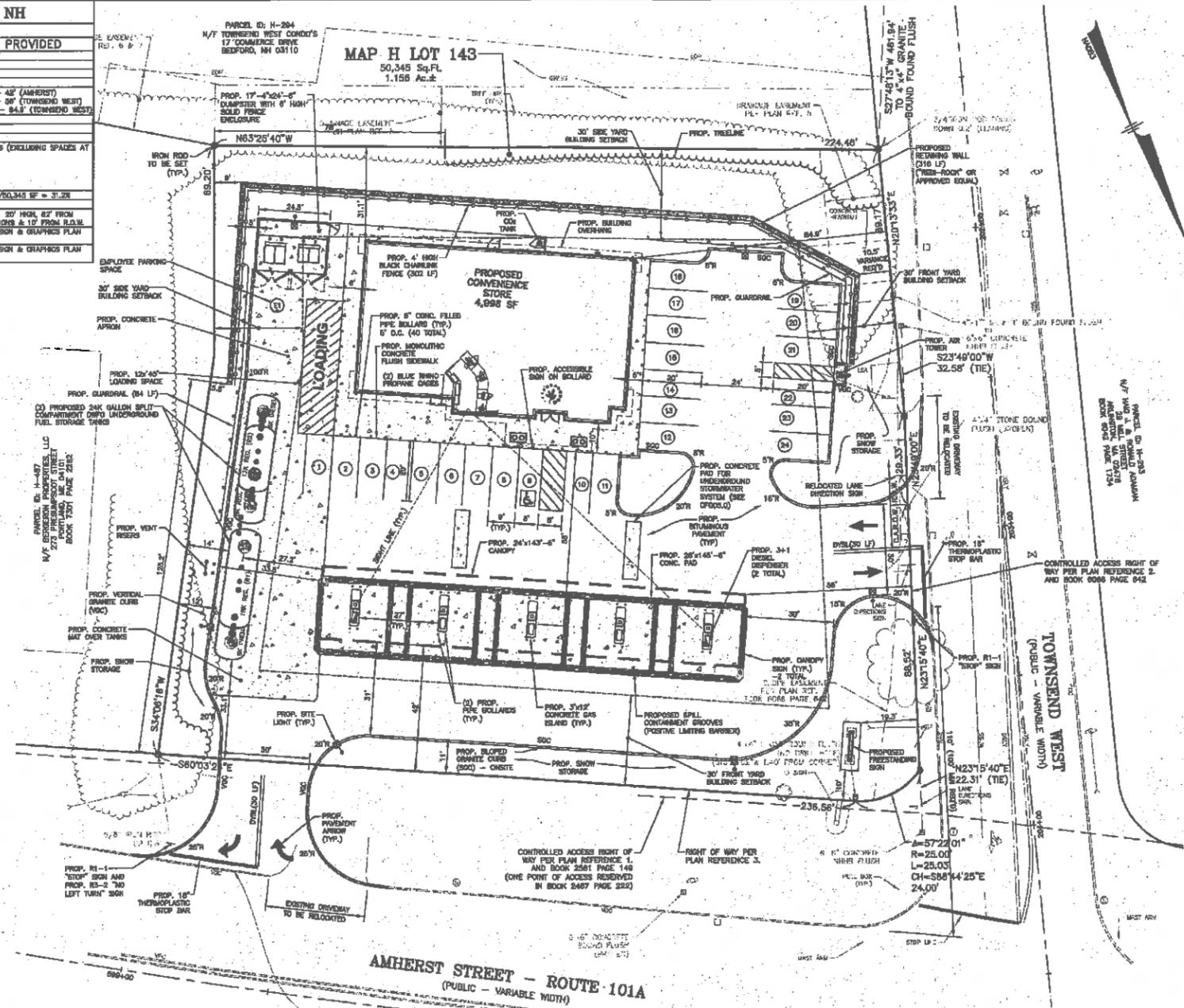
ZONE: AIRPORT INDUSTRIAL (AI)		
DESCRIPTION	REQUIRED	PROVIDED
MINIMUM LOT AREA SQ. FT.	25,000 SF	50,345 SF
MINIMUM LOT FRONTAGE	80'	238.89'
MINIMUM LOT DEPTH	300'	203.27'
MINIMUM LOT WIDTH	150'	224.48'
MINIMUM FRONT YARD BUILDING SETBACK	30'	CANOPY - 48' (AMHERST) CANOPY - 30' (TOWNSHIP WEST) C-STONE - 84.8' (TOWNSHIP WEST)
MINIMUM REAR YARD BUILDING SETBACK	30'	N/A
MINIMUM REAR YARD BUILDING SETBACK	80'	N/A
PARKING SPACE DIMENSIONS	8' x 20'	8' x 20'
MINIMUM NUMBER PARKING SPACES	1 SPACE/200 SF OF A 1,190 SF/200 SF = 29 SPACES	29 SPACES (EXCLUDING SPACES AT PARKING)
MINIMUM OPEN SPACE	20%	15,091 SF/50,345 SF = 30.2%
MAXIMUM BUILDING HEIGHT	45' (2 STORIES)	45'
FREESTANDING SIGN AREA/HEIGHT/SETBACK	AREA=100 SF MAX., 20' MAX. HEIGHT, 25' FROM INTERSECTIONS & 10' FROM R.O.W.	88.84 SF, 20' HIGH, 82' FROM INTERSECTIONS & 10' FROM R.O.W.
WALL SIGN AREA	1.5 SF/LINEAR FT. OF BUILDING, ONE SIGN PER BUSINESS	SEE SITE SIGN & GRAPHICS PLAN
CANOPY SIGNS	AREA ALLOWED IS COMPUTED AS A PORTION OF ALLOWED WALL SIGNAGE	SEE SITE SIGN & GRAPHICS PLAN

SIGN KEY

SIGN I.D. NUMBER	TEXT/COLOR	SIZE/REMARKS
R1-1	STOP R/W	30" x 30" NEW SIGN WITH POST
R7-8	0/B/W	12" x 18" NEW SIGN WITH POST
R3-2	0/W/R	24" x 24" NEW SIGN WITH POST

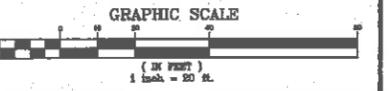
LEGEND

SYMBOL	DESCRIPTION
--- VCC ---	VERTICAL GRANITE CURB
--- CDB ---	CAPE COD BERM
--- DSY ---	DOUBLE SOLID LINE YELLOW
--- SSW ---	SINGLE SOLID LINE WHITE
---	GAS LINE
---	UNDERGROUND TELEPHONE
---	WATER LINE
---	UNDERGROUND ELECTRIC
---	POST & RAIL FENCE
---	CONTOUR ELEVATION
---	TREE
---	UTILITY POLE
---	GUY WIRE
---	OVERHEAD WIRE
---	TREELINE
---	PULL BOX
---	NUMBER OF PARKING SPACES
---	SIGN
---	SPOT ELEVATION
---	DRAIN MANHOLE
---	CATCH BASIN
---	VENT
---	SEWER MANHOLE
---	TELEPHONE MANHOLE
---	MANHOLE
---	GAS VALVE
---	GAS SHUT OFF
---	WATER VALVE
---	WATER SHUT OFF
---	FIRE HYDRANT
---	BOLLARD
---	GAS METER
---	ELECTRIC METER
---	LIGHT POLE



LOCATION MAP
(NOT TO SCALE)

- NOTES:**
- EXISTING BOUNDARY AND PLANNING INFORMATION AS SHOWN WAS TAKEN FROM AN ACTUAL FIELD SURVEY BY THIS OFFICE.
 - TAX MAP H LOT 143
 - ZONING DISTRICT AIRPORT INDUSTRIAL (AI)
 - LOT AREA = 50,345 Sq.Ft. = 1.156 Ac.
 - EXISTING USE: COUNTRY TRADER & GREENHOUSE CATERING
PROPOSED USE: RETAIL MOTOR FUEL OUTLET WHICH INCLUDES A 4,998 SF CONVENIENCE STORE AND A FUEL DISPENSING AREA WITH 6 DISPENSERS (10 FUELING POSITIONS) AND AN OVERHEAD CANOPY.
 - ALL BUILDINGS AND SITE CONSTRUCTION SHALL COMPLY WITH THE RULES AND REGULATIONS OF THE AMERICANS WITH DISABILITIES ACT (ADA) AS REVISED IN 2010, OR LATEST EDITION.
 - WRITTEN DIMENSIONS ON THIS PLAN TAKE PRECEDENCE OVER SCALED DIMENSIONS. THE CONTRACTOR SHALL USE CAUTION WHEN SCALING REPRODUCED PLANS. IN THE EVENT OF A CONFLICT BETWEEN THIS PLAN SET AND ANY OTHER DRAWINGS AND/OR SPECIFICATIONS, THE ENGINEER SHALL BE NOTIFIED BY THE CONTRACTOR.
 - THE CONTRACTOR SHALL CALL AND COORDINATE WITH D05FAE 811 PRIOR TO ANY EXCAVATION.
 - ALL CONSTRUCTION SHALL CONFORM TO THE APPLICABLE REGULATIONS AND STANDARDS OF THE CITY OF NASHUA AND THE STATE OF NEW HAMPSHIRE.
 - ALL CONSTRUCTION SHALL CONFORM TO THESE PLANS AND THE STANDARD CONSTRUCTION DRAWINGS AS SUPPLIED BY CUMBERLAND FARMS.
 - A SIGN PERMIT SHALL BE OBTAINED PRIOR TO INSTALLATION.
 - THE CONTRACTOR IS SOLELY RESPONSIBLE FOR THE MEANS AND METHODS OF CONSTRUCTION AND FOR CONDITIONS AT THE SITE. THESE PLANS, PREPARED BY GREENMAN-PEDERSEN, INC., DO NOT EXTEND TO OR INCLUDE SYSTEMS PERTAINING TO THE SAFETY OF THE CONSTRUCTION CONTRACTOR OR THEIR EMPLOYEES, AGENTS OR REPRESENTATIVES IN THE PERFORMANCE OF THE WORK. THE SEAL OF THE SURVEYOR AND/OR ENGINEER AS INCLUDED IN THE PLAN SET DOES NOT EXTEND TO ANY SUCH SAFETY SYSTEMS THAT MAY NOW OR HEREAFTER BE INCORPORATED INTO THESE PLANS. THE CONSTRUCTION CONTRACTOR SHALL PREPARE AND/OR OBTAIN THE APPROPRIATE SAFETY SYSTEMS WHICH MAY BE REQUIRED BY THE U.S. OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION (OSHA) AND/OR LOCAL REGULATIONS.
 - ALL SNOW SHALL BE STORED IN THE AREAS DEPICTED ON THIS PLAN AS SNOW STORAGE AREAS. IN THE EVENT THAT THE AREAS APPROVED FOR SNOW STORAGE BECOME FULL, THE OWNER SHALL REASONABLY REMOVE EXCESS SNOW FROM THE SITE, AND SHALL NOT ALLOW SNOW TO BE STORED WITHIN PARKING LOTS OR TRAVEL AREAS.
 - ALL WASTE MATERIALS AND RECYCLABLES SHALL BE CONTAINED WITHIN THE BUILDINGS OR APPROVED STORAGE FACILITIES AND SHALL NOT BE OTHERWISE STORED ON PROPERTY.
 - REFER TO DETAIL SHEETS FOR ALL SITE DEVELOPMENT DETAILS AND INFORMATION.
 - EXISTING IMPERVIOUS COVERAGE = 30,860 SF (61.3%)
PROPOSED IMPERVIOUS COVERAGE = 34,884 SF (69.3%)
 - THE PROPOSED STORE SHALL BE OPEN 24 HOURS.



GPI Engineering, Design, Planning, Construction Management
Greenman-Pedersen, Inc.
44 Stiles Road
Sault Ste. Marie
Salem, NH 03079

OWNER OF RECORD:
PARCEL ID: H-143
ALLA MARK PROPERTIES, LLC
453 AMHERST STREET
NASHUA, NEW HAMPSHIRE 03064-1228
BOOK 6671 PAGE 668

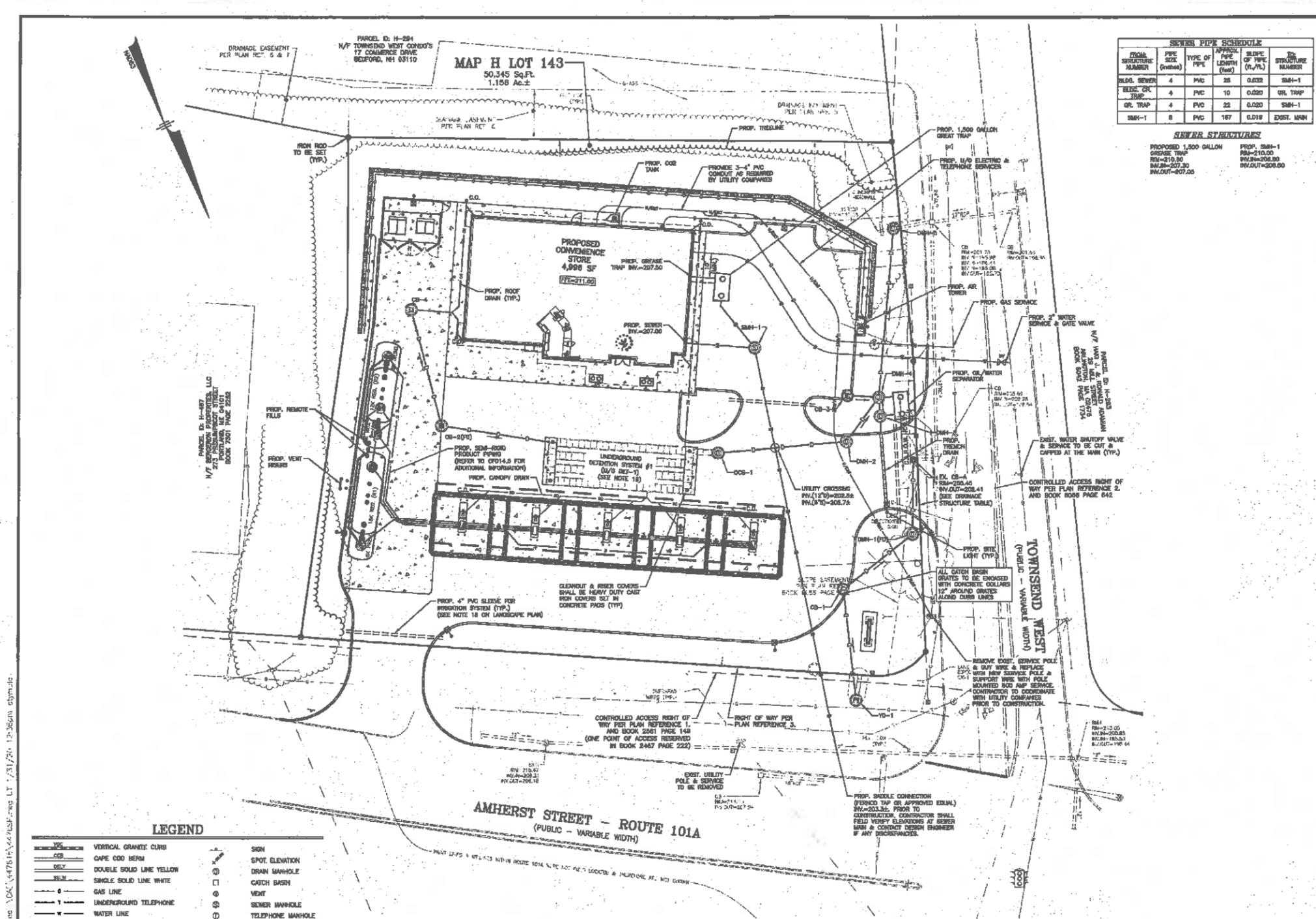


REVISIONS

NO.	DATE	REV. BY.	DESCRIPTION

50,345 SQUARE FEET
1.156 ACRES
V#
Store#
Gas Station#

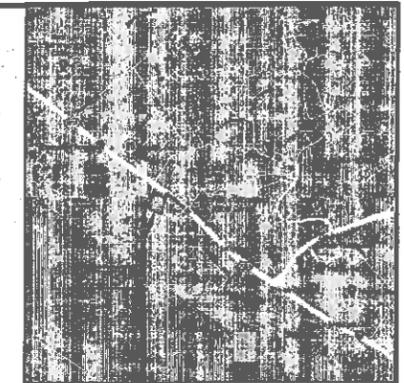
452 AMHERST STREET
NASHUA, NEW HAMPSHIRE 03064
CUMBERLAND FARMS INC.
188 FLANDERS ROAD
WESTBOROUGH, MA 01581
DRAWN BY: CFS
CHECKED BY: CMT



FROM STRUCTURE NUMBER	PIPE SIZE (Inches)	TYPE OF PIPE	APPROX. PIPE LENGTH (feet)	SLOPE OF PIPE (ft./ft.)	TO STRUCTURE NUMBER
BLDG. SEWER	4	PVC	25	0.020	SMH-1
BLDG. CR. TRAP	4	PVC	10	0.020	GR. TRAP
GR. TRAP	4	PVC	22	0.020	SMH-1
SMH-1	8	PVC	167	0.018	EXIST. MHN

SEWER STRUCTURES

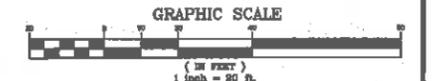
STRUCTURE	DESCRIPTION	INVERT ELEVATION	OUTLET ELEVATION
PROPOSED 1,500 GALLON GREASE TRAP		RM=210.00	RM=207.00
PROPOSED 1,500 GALLON GREASE TRAP		RM=210.00	RM=207.00
PROPOSED 1,500 GALLON GREASE TRAP		RM=210.00	RM=207.00



- NOTES:**
- 1) ALL SANITARY SEWER PIPE SHALL BE PVC (SDR-35), UNLESS OTHERWISE NOTED.
 - 2) ALL WATER PIPE SHALL BE COPPER (TYPE K), UNLESS OTHERWISE NOTED.
 - 3) ELEVATIONS ARE BASED ON NAD83 DATUM.
 - 4) ANY UTILITY FIELD ADJUSTMENTS SHALL BE APPROVED BY THE ENGINEER OF RECORD AND COORDINATED WITH THE APPROPRIATE LOCAL UTILITY COMPANY.
 - 5) THE LOCATIONS OF UNDERGROUND UTILITIES ARE APPROXIMATE ONLY. THE CONTRACTOR IS TO VERIFY EXACT LOCATION PRIOR TO CONSTRUCTION. THE CONTRACTOR IS TO NOTIFY THE DESIGN ENGINEER OF ANY DISCREPANCIES.
 - 6) ALL CONSTRUCTION SHALL CONFORM TO MUNICIPAL DPW AND ALL APPLICABLE STATE AND FEDERAL STANDARDS.
 - 7) THE CONTRACTOR SHALL CALL AND COORDINATE WITH GID-SAVE (1-800-344-7233) PRIOR TO COMMENCING ANY EXCAVATION.
 - 8) ALL WATER AND SEWER CONSTRUCTION SHALL CONFORM TO DEPARTMENT OF PUBLIC WORKS SPECIFICATIONS.
 - 9) ALL ELECTRIC, TELEPHONE AND CABLE TV LINES ARE TO BE UNDERGROUND AND INSTALLED IN CONFORMANCE WITH APPLICABLE UTILITY CO. SPECIFICATIONS.
 - 10) ANY UTILITIES TO BE TAKEN OUT OF SERVICE SHALL BE DISCONNECTED AS DIRECTED BY UTILITY COMPANY AND LOCAL DPW.
 - 11) ALL TRAFFIC CONTROL AND TEMPORARY CONSTRUCTION SIGNAGE ARRANGEMENTS, ACCESSIBLE TO HIGHWAY AND CITY OF NASHUA DEPARTMENT OF PUBLIC WORKS, SHALL BE EMPLOYED DURING OPERATIONS WITHIN THE PUBLIC RIGHT-OF-WAY.
 - 12) SEE GRADING & DRAINAGE PLAN FOR DETAILED DRAINAGE INFORMATION.
 - 13) ELECTRICAL CONDUIT WITHIN 2' OF TANKS OR DISPOSERS MAY NEED TO BE RIGID METAL CONDUIT WITH CONCRETE ENCASMENT. CONTRACTOR TO COORDINATE WITH UTILITY COMPANY AND/OR TOWN ELECTRICAL INSPECTOR AS REQUIRED.
 - 14) REFER TO DETAIL SHEETS FOR ALL UTILITY AND DRAINAGE STRUCTURE DETAILS AND ADDITIONAL INFORMATION.

PUBLIC UTILITIES

UTILITIES	AVAILABLE
(SEWER) DIVISION OF PUBLIC WORKS WASTEWATER DEPARTMENT (603-889-3660)	YES
(WATER) PENNSACUCK WATER WORKS (603-885-8100)	YES
(GAS) LIGHTLY UTILITIES (603-833-6000)	YES
(ELECTRIC) EMERSONSOURCE (603-544-5229)	YES
(TELEPHONE) CONSOLIDATED COMMUNICATIONS (1-844-982-7295)	YES



LEGEND

— V —	VERTICAL GRANITE CURB	○	SPOT ELEVATION
— C —	CAPE COD BERM	□	DRAIN MANHOLE
— D —	DOUBLE SOLID LINE YELLOW	○	CATCH BASIN
— S —	SINGLE SOLID LINE WHITE	○	VENT
— G —	GAS LINE	○	SEWER MANHOLE
— T —	UNDERGROUND TELEPHONE	○	TELEPHONE MANHOLE
— W —	WATER LINE	○	MANHOLE
— E —	UNDERGROUND ELECTRIC	○	GAS VALVE
— P —	POST & RAIL FENCE	○	GAS SHUT OFF
— Q —	QUARRYL	○	WATER VALVE
— 40 —	CONTOUR ELEVATION	○	WATER SHUT OFF
— T —	TREE	○	FIRE HYDRANT
— U —	UTILITY POLE	○	BOLLARD
— W —	GUY WIRE	○	GAS METER
— O —	OVERHEAD WIRE	○	ELECTRIC METER
— T —	TREELINE	○	LIGHT POLE
— P —	PULL BOX		



OWNER OF RECORD:
 PARCEL ID: H-148
 ALLA MAAR PROPERTIES, LLC
 452 AMHERST STREET
 NASHUA, NEW HAMPSHIRE 03084-1220
 BOOK 5871 PAGE 652



REVISIONS

NO.	DATE	REV. BY.	DESCRIPTION

GPI Engineering, Design, Planning, Construction Management
 Greenman-Pedersen, Inc.
 44 Stiles Road
 Suite One
 Salem, NH 03079

452 AMHERST STREET
NASHUA, NEW HAMPSHIRE 03064

Cumberland FARMS
 CUMBERLAND FARMS INC.
 165 FLANDERS ROAD
 WESTBOROUGH, MA 01581

UTILITY PLAN CFG07.0

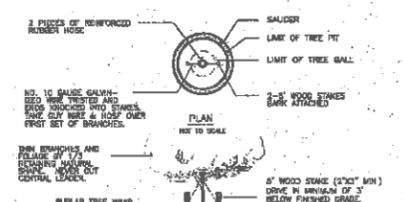
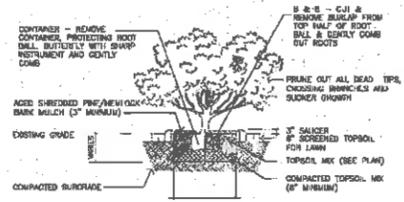
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 CHECKED BY: GWT

LANDSCAPE REQUIREMENTS

MINIMUM CODE	REQUIRED	PROVIDED
190-185-B-1 LANDSCAPED YARD REQUIREMENTS	(1) SHRUB TREE PER 40 LINEAL FEET OF FRONTAGE AMHERST ST. 233.84/40 = 7 TOWNSHIP WEST 207/40 = 6	7 TREES 6 TREES
190-185-C LANDSCAPED YARD REQUIREMENTS	(1) SHRUB PER 5 LINEAL FEET OF FRONTAGE AMHERST ST. 233.84/5 = 48 TOWNSHIP WEST 207/40 = 42	48 SHRUBS 48 SHRUBS
190-184-E-1 ISLANDS	MIN. (2) SHRUB TREES PLUS ONE SHRUB PER 5' ISLAND LENGTH = 19/5 = 4 SHRUBS (MIN. REQ.)	2 TREES 5 SHRUBS

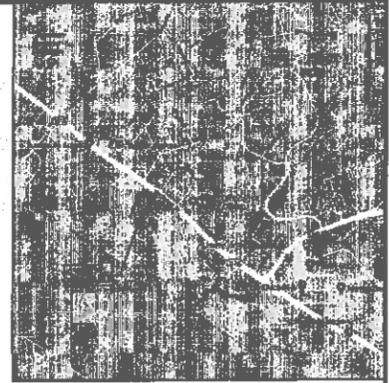
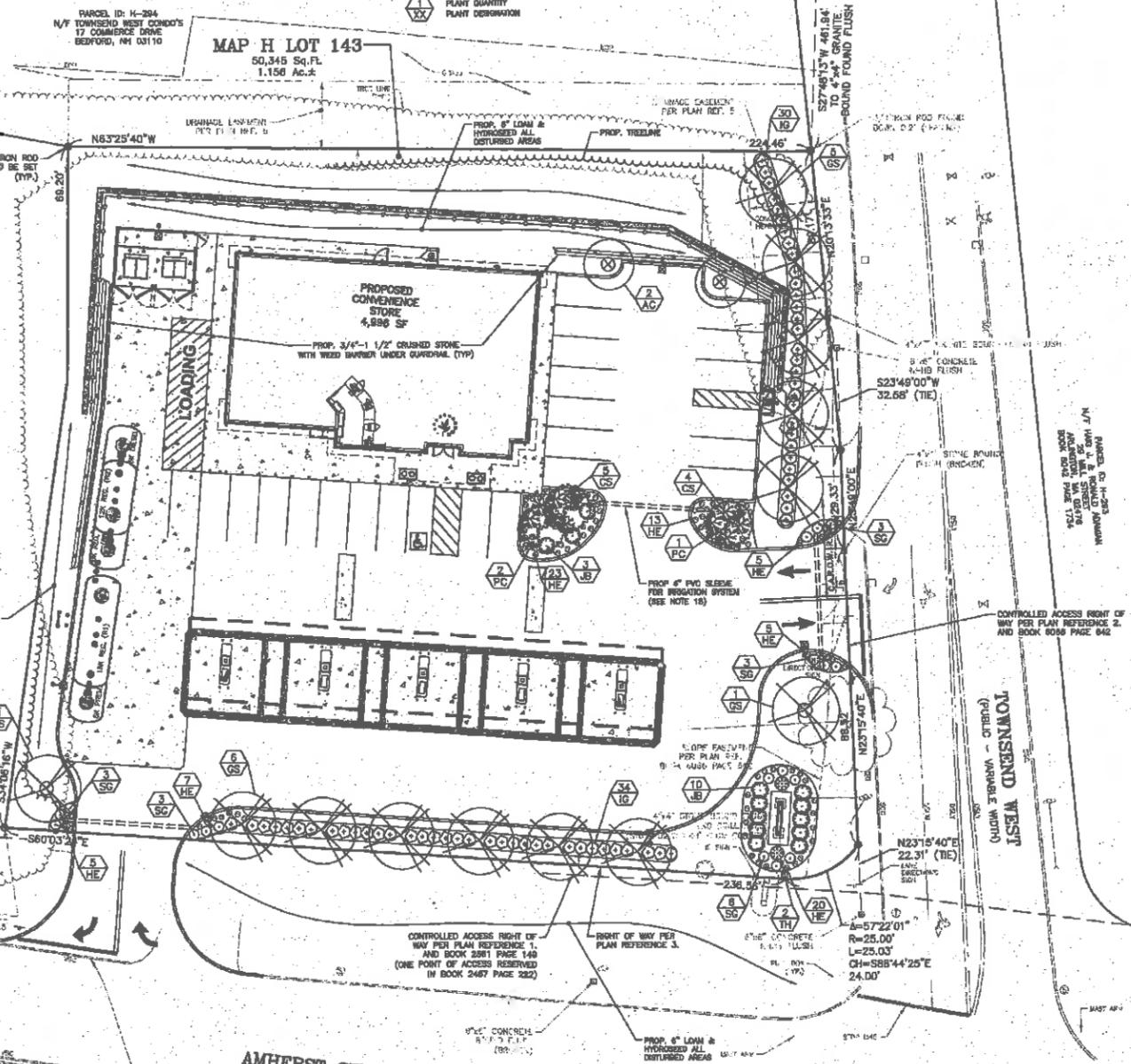
PLANTING SCHEDULE

PLANT	QTY	BOTANICAL NAME	COMMON NAME	MIN. INSTAL. HGT	MATURE HGT/REMARKS
TREES					
01	1	ABUTILON CROCEUS	ROSE SHREUBERRY	6'-7' Ht.	ORNAMENTAL BUILT-IN-TREE WHITE FLOWERS
02	13	EUFRASIA THYMIFOLIA 'SOLINE'	SKYLINE HONEY LOCUST	2'-3' 1/2" Ht.	STREET-TREELESS
03	3	FRAXINUS GEMMIFERA 'HUNGARICA'	HUNGARIAN HAWTHORN	2'-3' 1/2" Ht.	TOWNSCAPE-PLANTING
SHRUBS					
04	3	COMARSA BUNYIA 'ZONIC FINE'	ARCTIC BIRCH DOGWOOD	3' Ht. 1/2" 2" Ht.	4' Ht. MAX. ARCH. TWO-COMPACT FORM
05	04	LIVY G. BUSH 'SUNSHINE'	SHAMPOOK BIRCHERRY	2'-3' 1/2" Ht.	4' Ht. MAX. BERRYES FOR BERRY
06	13	2-SPINOSA 'SUNSHINE' VAN HANDEL'	RED BERRY DOGWOOD	18" 2" Ht.	4' Ht. MAX. BERRYES FOR BERRY
07	10	SPIREA JAPONICA 'GOLDMOUND'	GOLDMOUND SPIREA	18" 2" Ht.	4' Ht. MAX. GOLDEN FOLIAGE
08	2	TRIALIA OCCIDENTALE 'HOLMSTRIIP'	HOLMSTRIIP AGROSTIS	4'-5' Ht.	18" Ht. MAX. UPRIGHT SCREEN
PERENNIALS					
09	70	HEMIPHYSALLA 'HAPPY RETURNS'	HAPPY RETURNS BAYLY	1' Ht.	BRIGHT YELLOW FLOWERS/CONTINUOUS BLOOMING



LEGEND

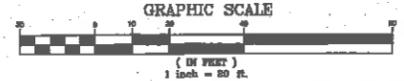
VERTICAL GRANITE CURB	SIGN
CAPE COD BERM	SPOT ELEVATION
DRY	DRAIN MANHOLE
DOUBLE SOLID LINE YELLOW	CATCH BASIN
S&V	VENT
GAS LINE	SEWER MANHOLE
UNDERGROUND TELEPHONE	TELEPHONE MANHOLE
WATER LINE	MANHOLE
UNDERGROUND ELECTRIC	GAS VALVE
POST & RAIL FENCE	GAS SHUT OFF
GLYPHOL	WATER VALVE
CONTOUR ELEVATION	WATER SHUT OFF
TREE	FIRE HYDRANT
UTILITY POLE	BOLLARD
OVERHEAD WIRE	GAS METER
TREELINE	ELECTRIC METER
PULL BOX	LIGHT POLE



- NOTES:**
- ALL PLANT STOCK SHALL CONFORM TO ANSI Z60.1 - NURSERY STOCK, LATEST EDITION (AMERICAN ASSOCIATION OF NURSERYMEN, INC.).
 - 6" ADD PINEBARK MULCH AND A WEED BARRIER (TY-FAB FABRIC OR APPROVED EQUAL) SHALL BE APPLIED TO ALL SHRUB AND GROUNDCOVER BEDS. INSTALL WEED BARRIER AS PER MANUFACTURERS RECOMMENDATIONS.
 - PLANT PIT BACKFILL SHALL BE MIXED AT A RATIO OF 7 PARTS OF TOPSOIL TO 2 PARTS OF DEHYDRATED COW MANURE. SLOW RELEASE FERTILIZER SHALL BE APPLIED AS PER MANUFACTURERS RECOMMENDATIONS. USE EXISTING ON-SITE TOPSOIL AS PART OF BACKFILL WHEN AVAILABLE.
 - ALL LANDSCAPED AREAS NOT PLANTED WITH TREES, SHRUBS OR GROUNDCOVER SHALL BE RESTORED WITH SEED OR SOG AS INDICATED ON PLANS.
 - ALL SOG, SEED, SHRUB AND TREE BEDS SHALL RECEIVE 6" PH CORRECTED TOPSOIL. AFTER TOPSOIL IS SPREAD CHECKLY OVER ENTIRE AREA. ALL CLUMPS, LUMPS, STONES AND OTHER DELETERIOUS MATERIAL SHALL BE RAKED UP AND REMOVED.
 - APPLICATION OF GRASS SEED, FERTILIZERS AND MULCH SHALL BE ACCOMPLISHED BY BROADCAST SEEDING OR HYDROSEEDING AT THE RATES OUTLINED BELOW:
LIMESTONE: 100 LBS./1,000 SQUARE FEET.
FERTILIZERS: 500 LBS./ACRE OF 10-20-20 OR 1000 LBS./ACRE OF 5-10-10.
MULCH: HAY MULCH APPROXIMATELY 3 TONS/ACRE.

SLOPE MAX. (SLOPES LESS THAN 4:1)	LBS./ACRE
CREeping REED FESCUE	20
TALL FESCUE	15
PERENNIAL RYEGRASS	5
REDTOP	42

SLOPE MAX. (SLOPES GREATER THAN 4:1)	LBS./ACRE
CREeping REED FESCUE	20
TALL FESCUE	20
PROSOPY TREESOL	48
 - FOR TEMPORARY EROSION CONTROL NOTES, SEE DETAIL SHEET.
 - NEWLY GRADED AREAS REQUIRING SLOPE PROTECTION OUTSIDE OF NORMAL SEEDING SEASON SHALL RECEIVE STRAW MULCH AT THE APPROXIMATE RATE OF NO MORE THAN 3 TONS PER ACRE.
 - ANY CHANGES IN PLANT LOCATIONS OR TYPES SHALL BE APPROVED BY THE DEVELOPER, LANDOWNER AND CITY PRIOR TO INSTALLATION.
 - CLEAR AND GRUB (TO LIMITS REQUIRED ON GRADING PLAN) TO REMOVE VEGETATION, TREES, ROCKS, DEBRIS, ROOTS, ETC. STUMPS SHALL BE REACHED AND DISPOSED OF OFF SITE IN ACCORDANCE WITH STATE REGULATIONS. AFTER CLEARING, ROOTLIFT, STRIP AND STOCKPILE ALL ON-SITE TOPSOIL FOR REUSE TO THE MAXIMUM EXTENT POSSIBLE.
 - FOR SEED (± 300) AREAS USE EXISTING TOPSOIL, IF AVAILABLE, FOR A 4" DEPTH (3/4" SCREEN OR LESS) AND TOP LINES WITH 2" OF SCREENED TOPSOIL. UNLESS OTHERWISE NOTED ON PLAN, ALL LOAM OR TOPSOIL MAY MULCH APPROXIMATELY 3 TONS/ACRE.
 - PLANTINGS SHALL BE GUARANTEED BY THE CONTRACTOR FOR ONE YEAR AFTER WRITTEN ACCEPTANCE OF THE DEVELOPER.
 - SLOPES GREATER THAN 3:1 SHALL RECEIVE JUTE MESH OR WOOD EXCELSON MATING NO MORE THAN 24 HOURS AFTER SEEDING. MATING SHALL BE INSTALLED AS PER MANUFACTURERS RECOMMENDATIONS.
 - THE CONTRACTOR SHALL DIG ROOT BILLS FOR TRANSPLANTED ITEMS TO THE DIMENSIONS OUTLINED IN THE NURSERY STOCK SPECIFICATIONS MANUAL (SEE NOTE #1).
 - THE CONTRACTOR SHALL TAKE EXTREME CAUTION TO MINIMIZE DAMAGE TO ROOT SYSTEMS DURING DIGGING AND TRANSPORTING. ROOT BILLS OF TRANSPLANTS SHALL BE WRAPPED IN BURLAP (WHICH SHALL BE REMOVED UPON RE-PLANTING) AND KEPT MOIST.
 - EXPOSED SOILS SHALL BE SEEDED OR HAY MULCHED WITHIN 72 HOURS OF FINAL GRADING.
 - ALL WORK SHALL BE COORDINATED WITH APPLICABLE EPA NPDES/SPPPP PERMIT WORK AS REQUIRED.
 - THE CONTRACTOR SHALL INSTALL AN IRRIGATION SYSTEM TO PROMOTE COMPLETE COVERAGE OF ALL GRASS AREAS AND SHRUB BEDS WITHIN THE PROPERTY. THE SYSTEM SHALL INCLUDE A TIMER AND SHALL BE INSTALLED IN ACCORDANCE WITH LOCAL CODES. IRRIGATION SYSTEM SHALL BE ROUTED TO PREEXISTING SOG PLANTER BED AND ANY PLANTER BEDS ADJACENT BUILDING OR WITHIN PARKING LOT.



REVISIONS

NO.	DATE	REV. BY	DESCRIPTION

50,345 SQUARE FEET
1.156 ACRES
V/L
Store#
Gas Station#

GPI Engineering Design Planning Construction Management
Greenman-Pedersen, Inc.
44 Stiles Road
Suite One
Salem, NH 03078

482 AMHERST STREET
NASHUA, NEW HAMPSHIRE 03064

CUMBERLAND FARMS INC.
185 FLANDERS ROAD
WESTBOROUGH, MA 01581
SCALE: 1"=20'
DATE: 1/30/20
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CHECKED BY: CMT

LANDSCAPE PLAN
CFG08.0
GPI PROJECT NO. 447618 SHEET 9 OF 13

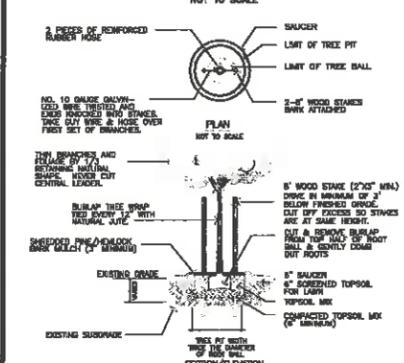
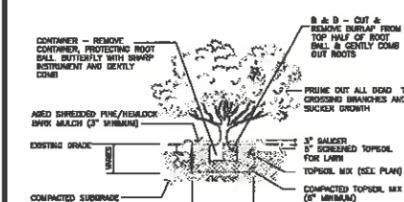
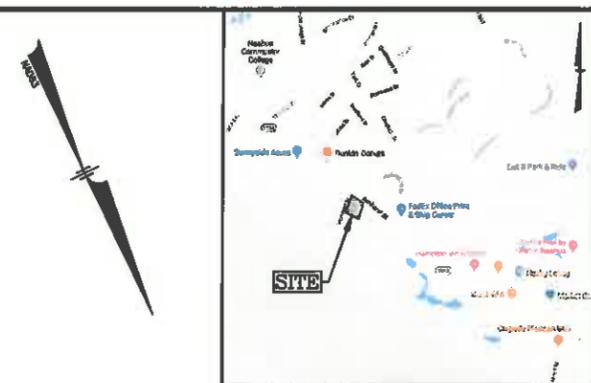
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LANDSCAPE REQUIREMENTS

ANSI CODE	REQUIRED	PROVIDED
190-185-B-1 LANDSCAPED VNO REQUIREMENTS	(1) SHADE TREE PER 40 LINEAR FEET OF FRONTAGE AMHERST ST. 283.04/40 = 7 TOWNSEND WEST 207/40 = 5	7 TREES 8 TREES
190-185-C LANDSCAPED VNO REQUIREMENTS	(1) SHRUB PER 5 LINEAL FEET OF FRONTAGE AMHERST ST. 283.04/5 = 48 TOWNSEND WEST 207/40 = 42	48 SHRUBS 48 SHRUBS
190-184-E-1 ISLANDS	MIN. (2) SHADE TREES PLUS ONE SHRUB PER 5' OF ISLAND LENGTH ISLAND LENGTH = 18'/5 = 4 SHRUBS (MIN. REL.)	2 TREES 5 SHRUBS

PLANTING SCHEDULE

PLANT QTY	BOTANICAL NAME	COMMON NAME	MIN. INSTALL SIZE	MATURE SIZE/REMARKS
2	AMALANCHIER QUINQUEFLORE	SHRUBBLY ANEMONE	8" - 7' HT.	-/ORNAMENTAL - MULTI-STEM - BERRY FLOWERS
13	GLYSTERIA THYMIFLORE	ROSEMARY	8" - 1 1/2' GAL.	-/PERENNIAL - BUSHY
3	HELIOPSIS SCOPULORUBRA	HELIOPSIS	1 1/2' GAL.	-/PERENNIAL - BUSHY
8	LEUCOPHYLLON FRAXINIFOLIUM	LEUCOPHYLLON	3 GAL. 18" - 24" HT.	4' HT. MAX. / PRO. PRO. / COMPACT FORM
13	LEUCOPHYLLON FRAXINIFOLIUM	LEUCOPHYLLON	3 GAL. 18" - 24" HT.	4' HT. MAX. / PRO. PRO. / COMPACT FORM
13	LEUCOPHYLLON FRAXINIFOLIUM	LEUCOPHYLLON	3 GAL. 18" - 24" HT.	4' HT. MAX. / PRO. PRO. / COMPACT FORM
18	SPERDIA GIBBERNA	SPERDIA	18" - 24" SHR.	3' HT. MAX. / GROUND COVER
7	WALLA GLOBOSA	WALLA	2" - 3" HT.	10' HT. MAX. / PRO. PRO. / SCREEN
78	MEMORIALIS YAPPY RETURUS	HAPPY RETURNS DAYLILY	1 GAL.	BRIGHT YELLOW FLOWERS/CONTINUOUS BLOOMS

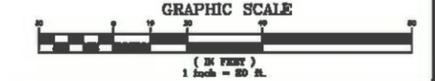


LEGEND

	VERTICAL GRANITE CURB		SPOT ELEVATION
	CAPE COD BERM		DRAIN MANHOLE
	DOUBLE SOLID LINE YELLOW		CATCH BASIN
	SINGLE SOLID LINE WHITE		VENT
	GAS LINE		SEWER MANHOLE
	UNDERGROUND TELEPHONE		TELEPHONE MANHOLE
	WATER LINE		MANHOLE
	UNDERGROUND ELECTRIC		GAS VALVE
	POST & RAIL FENCE		GAS SHUT OFF
	GUARDRAIL		WATER VALVE
	CONTOUR ELEVATION		WATER SHUT OFF
	TREE		FIRE HYDRANT
	UTILITY POLE		BOLLARD
	GUY WIRE		GAS METER
	OVERHEAD WIRE		ELECTRIC METER
	TRESELINE		LIGHT POLE
	PULL BOX		



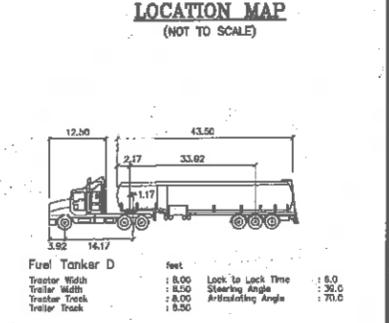
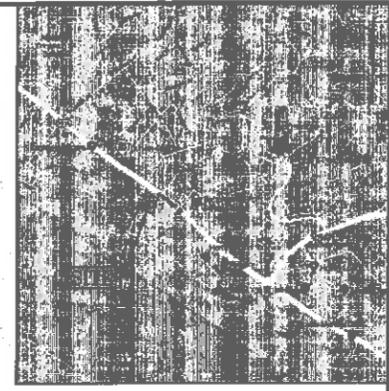
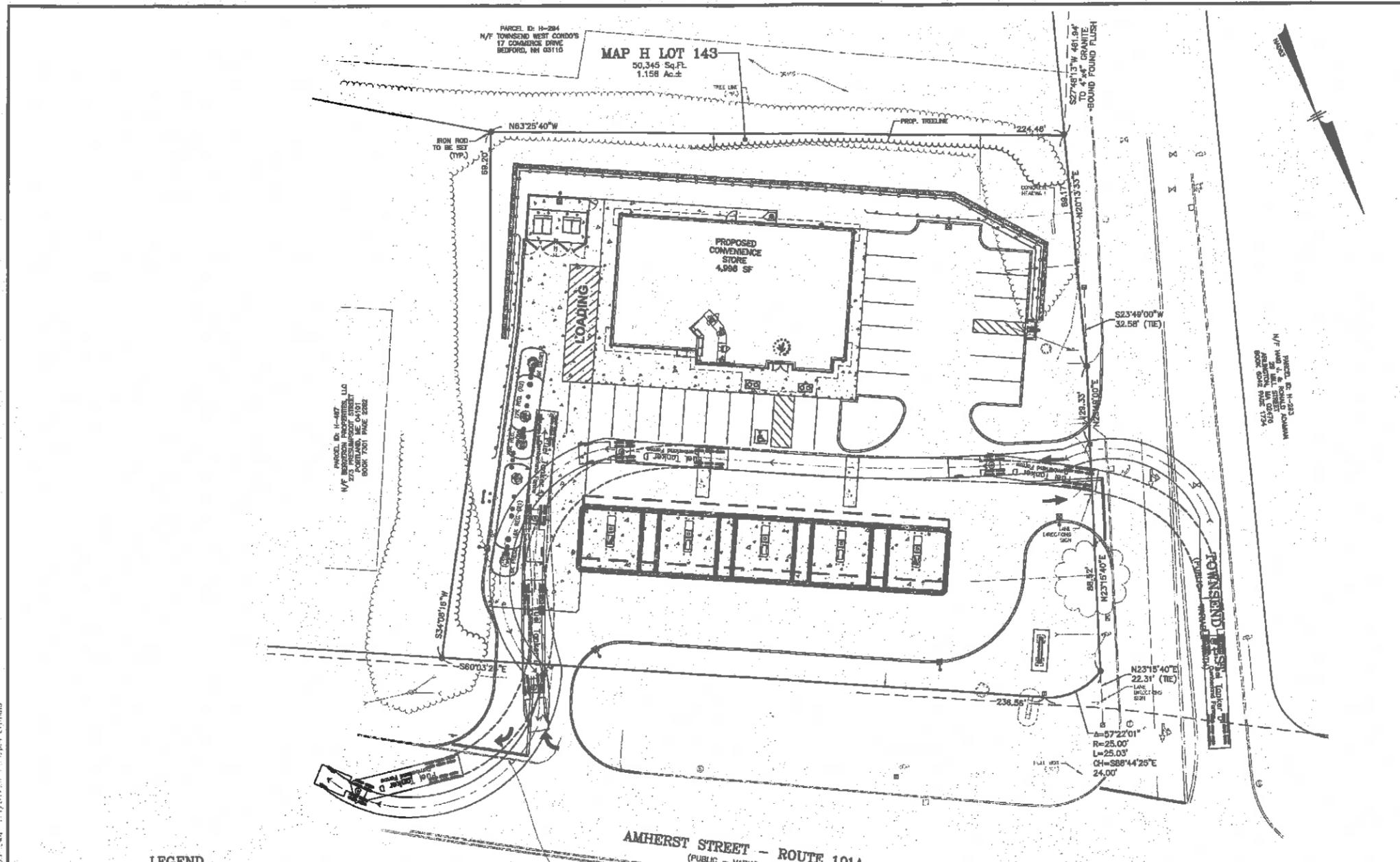
- NOTES:**
- ALL PLANT STOCK SHALL CONFORM TO ANSI Z603.1 - NURSERY STOCK, LATEST EDITION (AMERICAN ASSOCIATION OF NURSERYMEN, INC.).
 - 4" AGED PINEBARK MULCH AND A WEED BARRIER (TY-PEL FIBRIC OR APPROVED EQUAL) SHALL BE APPLIED TO ALL SHRUB AND GROUNDCOVER BEDS. INSTALL WEED BARRIER AS PER MANUFACTURERS RECOMMENDATIONS.
 - PLANT PIT BACKFILL SHALL BE MIXED AT A RATIO OF 7 PARTS OF TOPSOIL TO 2 PARTS OF DECOMPOSED COW MANURE. SLOW RELEASE FERTILIZER SHALL BE APPLIED AS PER MANUFACTURERS RECOMMENDATIONS. USE EXISTING ON-SITE TOPSOIL AS PART OF BACKFILL WHEN AVAILABLE.
 - ALL LANDSCAPED AREAS NOT PLANTED WITH TREES, SHRUBS OR GROUNDCOVER SHALL BE RESTORED WITH SEED OR SOO AS INDICATED ON PLANS.
 - ALL SOO, SEED, SHRUB AND TREE AREAS SHALL RECEIVE 6" PH CORRECTED TOPSOIL. AFTER TOPSOIL IS SPREAD EVENLY OVER ENTIRE AREA, ALL CLODS, LUMPS, STONES AND OTHER DELETERIOUS MATERIAL SHALL BE BRAKED UP AND REMOVED.
 - APPLICATION OF GRASS SEED, FERTILIZERS AND MULCH SHALL BE ACCOMPLISHED BY BROADCAST SEEDING OR HYDROSEEDING AT THE RATES OUTLINED BELOW.
LIMESTONE: 100 LBS./1,000 SQUARE FEET.
FERTILIZER: 500 LBS./ACRE OF 10-20-20 OR 1000 LBS./ACRE OF 5-10-10.
MULCH: HAY MULCH APPROXIMATELY 3 TONS/ACRE
- | SEED MIX (SLOPES LESS THAN 6:1) | LBS./ACRE |
|---------------------------------|-----------|
| CREEPING RED PESCUE | 20 |
| TALL FESCUE | 15 |
| PERENNIAL HYDRANIS | 5 |
| REDTOP | 40 |
- | SLOPE MIX (SLOPES GREATER THAN 6:1) | LBS./ACRE |
|-------------------------------------|-----------|
| CREEPING RED PESCUE | 20 |
| TALL FESCUE | 20 |
| BROADFOOT TREFOIL | 40 |
- FOR TEMPORARY EROSION CONTROL NOTES, SEE DETAIL SHEET.
 - NEARLY GRADED AREAS REQUIRING SLOPE PROTECTION OUTSIDE OF NORMAL SEEDING SEASON SHALL RECEIVE STRIP MULCH AT THE APPROXIMATE RATE OF 100 BUCKS PER 3 TONS PER ACRE.
 - ANY CHANGES IN PLANT LOCATIONS OR TYPES SHALL BE APPROVED BY THE DEVELOPER, LANDOWNER AND CITY PRIOR TO INSTALLATION.
 - CLEAR AND DRUG TO LIMITS REQUIRED ON GRADING PLAN TO REMOVE VEGETATION, TREES, ROCKS, DEBRIS, ROOTS, ETC. STUMPS SHALL BE REMOVED AND DISPOSED OF OFF SITE IN ACCORDANCE WITH STATE REGULATIONS. AFTER CLEARING, ROOTBALL, STRIP AND STOCKPILE ALL ON-SITE TOPSOIL FOR REUSE TO THE MAXIMUM EXTENT POSSIBLE.
 - FOR SEED (6 SOO) AREAS USE EXISTING TOPSOIL, IF AVAILABLE, FOR A 4" DEPTH (3/4" SCREEN OR LESS) AND TOP DRESS WITH 2" OF SCREENED TOPSOIL UNLESS OTHERWISE NOTED ON PLAN. ALL LOAM OR TOPSOIL IMPORTED OR BROADCASTED FROM ON SITE SHALL BE TESTED AND AMENDED AS DIRECTED BY DEVELOPER TO MEET MINIMUM REQUIREMENTS.
 - PLANTINGS SHALL BE GUARANTEED BY THE CONTRACTOR FOR ONE YEAR AFTER WRITTEN ACCEPTANCE OF THE DEVELOPER.
 - SLOPES GREATER THAN 3:1 SHALL RECEIVE JUTE MESH OR WOOD EXCELOR MATTING NO MORE THAN 24 HOURS AFTER SEEDING. MATTING SHALL BE INSTALLED AS PER MANUFACTURERS RECOMMENDATIONS.
 - THE CONTRACTOR SHALL DO ROOT BALLS FOR TRANSPLANTED ITEMS TO THE DIMENSIONS OUTLINED IN THE NURSERY STOCK SPECIFICATIONS MANUAL (SEE NOTE #1).
 - THE CONTRACTOR SHALL TAKE EXTREME CAUTION TO MINIMIZE DAMAGE TO ROOT SYSTEMS DURING DOING AND TRANSPLANTING. ROOT BALLS OF TRANSPLANTS SHALL BE WRAPPED IN BURLAP (WHICH SHALL BE REMOVED UPON RE-PLANTING) AND KEPT MOIST.
 - EXPOSED SOILS SHALL BE SEEDED OR HAY MULCHED WITHIN 72 HOURS OF FINAL GRADING.
 - ALL WORK SHALL BE COORDINATED WITH APPLICABLE EPA NPDES/SWPPP PERMIT WORK AS REQUIRED.
 - THE CONTRACTOR SHALL INSTALL AN IRRIGATION SYSTEM TO PROVIDE COMPLETE COVERAGE OF ALL SEED AREAS AND SHRUB BEDS WITHIN THE PROPERTY. THE SYSTEM SHALL INCLUDE A TRICKLE AND SHALL BE INSTALLED IN ACCORDANCE WITH LOCAL CODES. IRRIGATION SYSTEM SHALL BE INSTALLED TO FREESTANDING SIGN PLANTER BED AND ANY PLANTER BEDS ALONG BUILDING OR WITHIN PARKING LOT.



REVISIONS				50,345 SQUARE FEET	NASHUA, NEW HAMPSHIRE 03064
NO.	DATE	REV. BY.	DESCRIPTION	1.156 ACRES	
				V#	452 AMHERST STREET NASHUA, NH 03079
				Store#	44782P-Banner
				Gas Station#	CUMBERLAND FARMS INC. 165 FLANDERS ROAD WESTBOROUGH, MA 01581
					SCALE: 1"=20' DATE: 1/30/20 FILE: 44782P-Banner DRAWN BY: DPS CHECKED BY: CMT
					LANDSCAPE PLAN CFG08.0

OWNER OF RECORD:
PARCEL ID: H-143
ALLA MAAK PROPERTIES, LLC
462 AMHERST STREET
NASHUA, NEW HAMPSHIRE 03064-1228
BOOK 6671 PAGE 652





LEGEND

	VERTICAL GRANITE CURB		SIGN
	CAPE COD BERM		SPOT ELEVATION
	DOUBLE SOLID LINE YELLOW		DRAIN MANHOLE
	SINGLE SOLID LINE WHITE		CATCH BASIN
	GAS LINE		VENT
	UNDERGROUND TELEPHONE		SEWER MANHOLE
	WATER LINE		TELEPHONE MANHOLE
	UNDERGROUND ELECTRIC		MANHOLE
	POST & RAIL FENCE		GAS VALVE
	GUARDRAIL		GAS SHUT OFF
	CONTOUR ELEVATION		WATER VALVE
	TREE		WATER SHUT OFF
	UTILITY POLE		FIRE HYDRANT
	GUY WIRE		BOLLARD
	OVERHEAD WIRE		GAS METER
	TREELINE		ELECTRIC METER
	PULL BOX		LIGHT POLE



OWNER OF RECORD:
 PARCEL ID: H-148
 ALMA MAAX PROPERTIES, LLC
 458 AMHERST STREET
 NASHUA, NEW HAMPSHIRE 03064-1228
 BOOK 5871 PAGE 662



REVISIONS			
NO.	DATE	REV. BY	DESCRIPTION

50,345 SQUARE FEET
1.156 ACRES
V#
Store#
Gas Station#

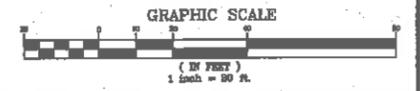
GPI Engineering, Design, Planning, Construction Management
 44 Siles Road, Suite One, Salem, NH 03079

452 AMHERST STREET
NASHUA, NEW HAMPSHIRE 03064

Cumberland FARM
 165 FLANDERS ROAD, WESTBOROUGH, MA 01581

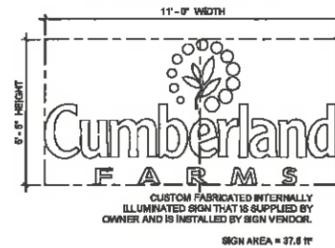
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 CHECKED BY: CMT

TRUCK TURN PLAN CFG16.0



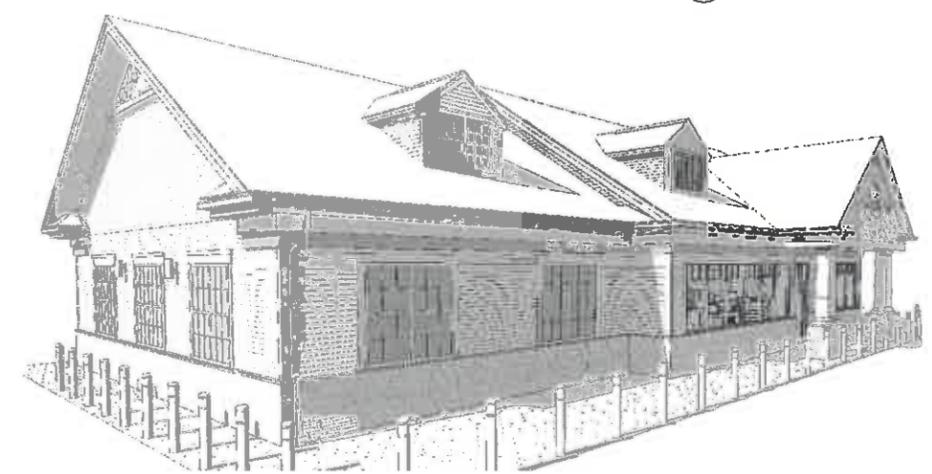
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 1/31/20

WALL SIGNAGE SPECIFICATION

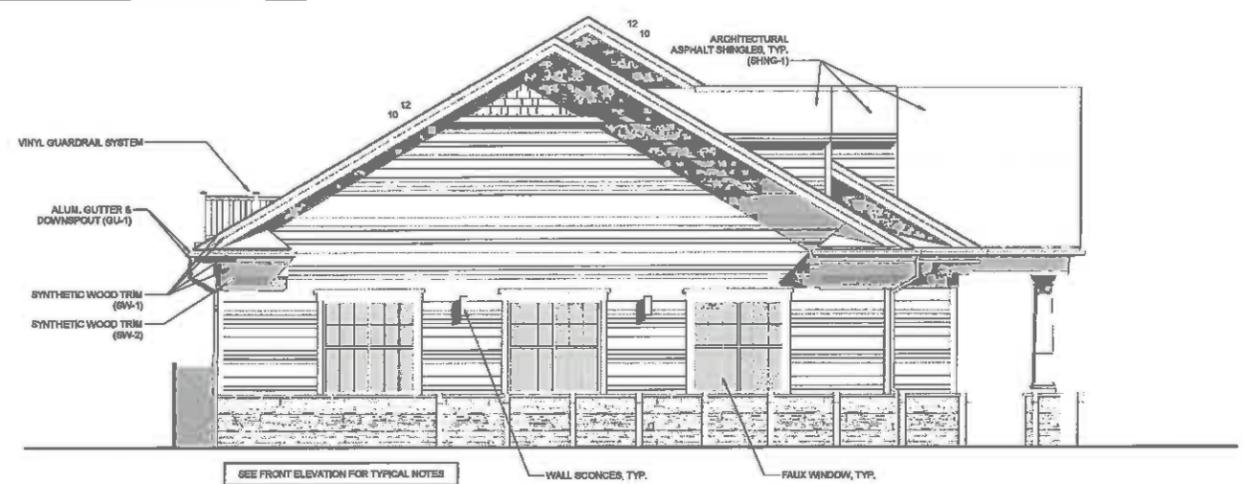


EXTERIOR FINISH SCHEDULE					
MARK	DESCRIP.	MANUF.	MODEL	COLOR	NOTES
CS-1	CULTURED STONE	BORAL	COUNTRY LEDGESTONE	ECHO RIDGE	INSTALL DRYSTACK ONLY
FB-1	FIBERGLASS COLUMN SHROUD	PACIFIC COLUMBIS		WHITE	18"X FIBERGLASS STONE PLAIN COLUMN ROUND SHAFT WITH TRUE ENTASS TAPERED SMOOTH FINISH.
SHNG-1	ARCHITECTURAL ASPHALT SHINGLES	CERTAINTED	LANDMARK	COBBLESTONE GRAY	30 YEAR WARRANTY
GU-1	ALUMINUM GUTTER SYSTEM	ATAS	832	WHITE	PROVIDE ALL ACCESSORIES REQ'D FOR A COMPLETE CONTINUOUS INSTALLATION. INSTALL PER MANUF. INSTRUCTIONS. ENSURE SEALED, WATER TIGHT CORNER CONNECTIONS. FLASHS SEAL TO DOWNSPOUTS AS REQ'D. PROVIDE SUPPORT STIFFENERS AT 12" MIN. O.C. GUTTER SHALL BE SEAMLESS & 6" MIN.
SW-1	SYNTHETIC WOOD TRIM	CERTAINTED		WHITE	PROVIDE SCARF JOINTS ON ALL EXTERIOR SYNTHETIC WOOD TRIM. G.C. TO PUTTY ALL NAIL HOLES & PAINT ALL SYNTHETIC WOOD TRIM & PANELS.
SW-2	SYNTHETIC WOOD TRIM	CERTAINTED		GREEN	PROVIDE SCARF JOINTS ON ALL EXTERIOR SYNTHETIC WOOD TRIM. G.C. TO PUTTY ALL NAIL HOLES & PAINT ALL SYNTHETIC WOOD TRIM & PANELS.
VS-1	VINYL SIDING	CERTAINTED	MONOGRAM 48L DOUBLE 4"	HERRINGBONE	ROUGH CEDAR FINISH. PROVIDE ALL REQ'D ACCESSORIES & TRIM FOR A COMPLETE INSTALLATION.
VS-2	VINYL SHAKES	CERTAINTED	NORTHWOODS	SAVANNAH WICKER	ROUGH CEDAR FINISH. PROVIDE ALL REQ'D ACCESSORIES & TRIM FOR A COMPLETE INSTALLATION.

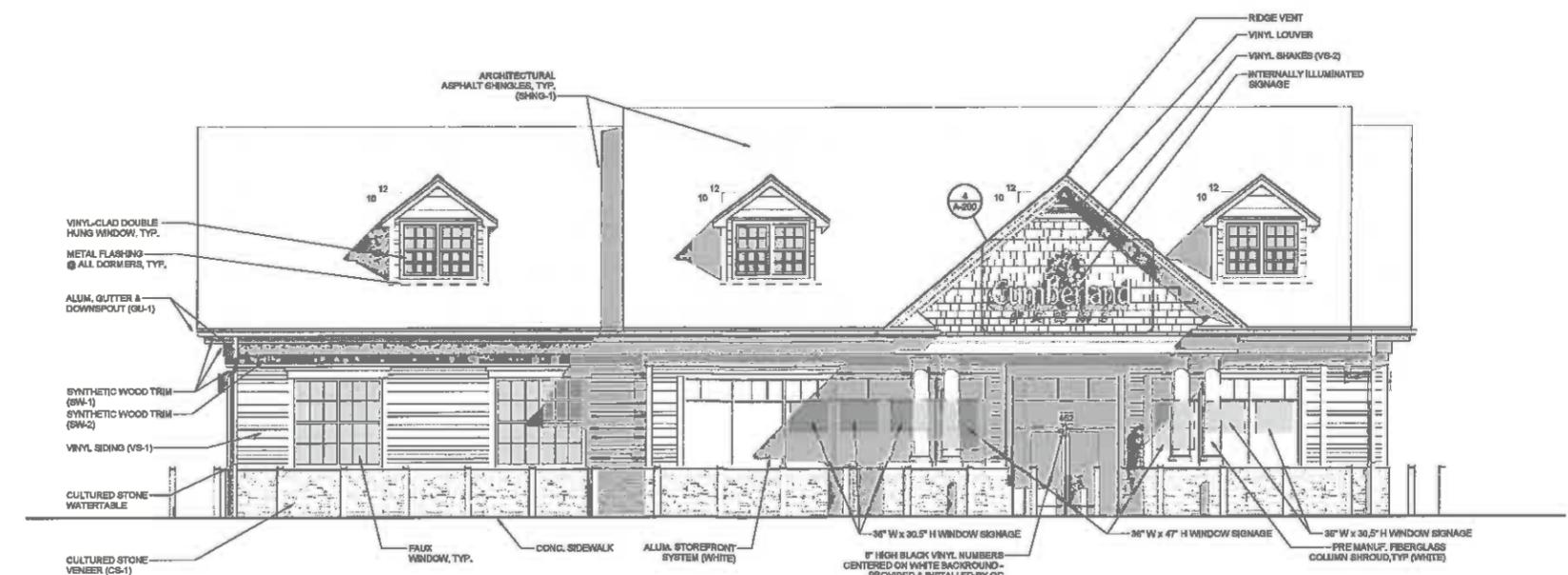
4 FRONT AND SIDE WALL SIGNAGE DETAIL - SD
3/16" = 1'-0"



3 FRONT PERSPECTIVE - SD



2 LEFT ELEVATION - SD
3/16" = 1'-0"



1 FRONT ELEVATION - SD
3/16" = 1'-0"

HFA
HARRISON FRENCH & ASSOCIATES, LTD.
1568 S24 0770
31 Hayward Street
Faulkner, Massachusetts 02138
www.hfa-pe.com

STIPULATION FOR REUSE
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Cumberland FARMS
Store Number: TBD
452 AMHERST ST
NASHUA, NH 03063
JOB NUMBER: 1-15-2020

ISSUE BLOCK	
SD SET	12/10/19
SD REV	01/20/20

CHECKED BY: MV
DRAWN BY: ZC
DOCUMENT DATE: 01/20/20

NOT FOR CONSTRUCTION

EXTERIOR ELEVATIONS

SHEET: A-200



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 32 Groton Rd Nashua NH

Zoning District R-40 Sheet D Lot 265

2. VARIANCE(S) REQUESTED:

We are seeking permission to continue to use this existing property for our small family business. Remove the 3 existing non-conforming structures and construct a new barn/workshop/office on our property and continue to use the property in like manor.

II. GENERAL INFORMATION

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

(Print Name): Joshua & Caleb Becker

Applicant's signature Date 5-12-20

Applicant's address _____

Telephone number H: 603-765-7737 C: 603-765-7737 E-mail: bapropertypreservationllc@gmail.com

2. **PROPERTY OWNER (Print Name):** B&A Construction LLC (Joshua & Caleb Becker)

*Owner's signature Date 5-12-20

Owner's address _____

Telephone number H: 603-765-7737 C: 603-765-7737 E-mail: bapropertypreservationllc@gmail.com

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

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

PLR# 20-0042 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.")

See attached

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

See attached

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

See attached

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

See attached

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

See attached

IV. USE VARIANCE ADDITIONAL INFORMATION

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

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

We operate a small cabinet co, where we build built ins, bathroom vanities, and kitchen cabinets, and furniture. We specilaize in custom smaller peices, we do not mass manufacture.

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

Remove 3 buildings, and build 1 barn like building, pave the driveway, and install landscaping around the exterior. instll a new leach field, well and elc service.

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

Joshua Becker Caleb Becker

Print Name

5-12-20

Date

5-12-20

Date

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

I will pick it up at City Hall

Please email it to me at

Please mail it to me at

Answers To Questions Sections #3

- 1) This variance will not harm the general public, we will be reducing the amount of traffic entering and exiting the property. And we will be greatly reducing the amount of people working at this location every day. There will no longer be daily deliveries by tractor trailer trucks full of building materials for sale by the current construction Co.
- 2) We will be removing 3 non-conforming structures and building a barn style building to be used as a carpentry shop that was designed to accent the neighbor's property and the conservation land. Our business is a very low-key family owned and operated Co. in the community where we work inside the building in a safe environment so as not to disrupt the neighbors. Currently there is a construction Co. that has leased this land for the past 6 years, and previously there was a fully operational saw mill on the site. We will not be extending the lease for the current construction Co. where he will be removing an existing landscaping & earth product sales, where there is a steady stream of activity such as heavy equipment running, landscaping material deliveries, and tractor trailer trucks entering and exiting.
- 3) We will be removing 3 dilapidated existing buildings that are not suitable for use. And we will be constructing a new building with ample space for us to work safely, and closer to home eliminating the longer commute for my brother and I. This will also allow us to build our cabinets in a larger controlled environment so we will be able to increase the quality of our work. Currently we are in a 2500 sq' shop that we have frankly outgrown and where our landlord is looking to rent our space to one of the other tenants that is looking to expand. Any of our clients that would like to come visit the shop would be able to walk into a clean, comfortable, organized, safe, beautiful building.
- 4) We will be removing 3 damaged, dilapidated, structures, cleaning up the site, moving out the existing construction Co. that is renting the property. We will be reducing the amount of traffic on the road i.e. truck deliveries. Furthermore, we will be building a beautiful new barn/building that fits the agricultural area and blends in with the natural New England landscape. It is our hope and expectation that this will be a welcome change to the neighborhood, resulting in an increase to their property values.
- 5) This property has been used in an agricultural, manufacturing, commerce, building supply for the past 50 years or so. We are requesting to continue to use this property in a like manner. However, the existing buildings are not suitable for carpentry, and they are in great need of maintenance, furthermore they are borderline dangerous. The electric pole coming on to the property is undersized and in poor condition, this will be changed to an underground elec service. There is also a dug well out back that will be removed and changed out to a standard artisan well, thus eliminating the risk of someone falling into it.
Because our lease is running out at our current shop and, and that we do not foresee them renewing for us, coupled with the extreme cost of moving a shop, and the high cost of rent. We are in need of a stable area for our business to thrive, and where it can be fitted out for our family's needs.
We have looked for other property in the area and we decided to purchase this property about a year ago with the intent to allow the current construction Co, occupants to finish off their lease and allow them time to establish a new location for them to settle in, then move shop here. Through our investigation we found out that for the past 50 years this property has been in noncompliance, resulting in a need for us to seek a variance.

REFERENCE PLANS:

1. "PLAN OF LOT LINE RELOCATION - GROTON ROAD - NASHUA, N.H. - SURVEYED FOR - L. EDWARD BAKER", SCALE 1"=50', DATED DECEMBER 1978, BY W. ROBERT NOLTE & ASSOCIATES, RECORDED IN THE H.C.R.D. AS PLAN #11894.
2. "FINAL LOT LINE RELOCATION PLAN - MAP D, LOTS 5 & 265 - 32 GROTON ROAD - NASHUA, NEW HAMPSHIRE - PREPARED FOR - THOMAS C. HOLT", SCALE 1"=50', DATED JULY 10, 1998 AND LAST REVISED SEPTEMBER 5, 1998, BY CUDCO & CORMIER, INC. RECORDED IN THE H.C.R.D. AS PLAN #28521.
3. "SUBDIVISION - PLAN OF LAND - GROTON ROAD - NASHUA, N.H. - SURVEYED FOR - L. EDWARD BAKER", SCALE 1"=50', DATED JULY 1971, BY W. ROBERT NOLTE & ASSOCIATES, RECORDED IN THE H.C.R.D. AS PLAN #5210.
4. "PLAN OF LAND - GROTON ROAD - NASHUA, N.H. & DUNSTABLE, MASS. - SURVEYED FOR - JOHN KENNY", SCALE 1"=100', DATED JUNE 1972, BY W. ROBERT NOLTE & ASSOCIATES, RECORDED IN THE H.C.R.D. AS PLAN #5573.

ABUTTERS:

- | | |
|---|--|
| <p>MAP D LOT 5
B & A CONSTRUCTION LLC
13 COLUMBIA DRIVE, UNIT 2
AMHERST, NH 03031
BK.9239 PG.1631 10/28/19
(26 GROTON ROAD)</p> <p>MAP D LOT 265
TERRELL-HOLT FAMILY REV. TRUST
TERRELL-HOLT, PATRICIA TRUSTEE
18 GROTON RD
NASHUA NH 03082
BK.9161 PG.1728 4/22/19
(32 GROTON ROAD)</p> <p>MAP D LOT 7
CMI LEASING CORP
1471 METHUEN ST
DRACUT, MA 01826-5439
BK.8258 PG.2021 10/28/10
(40 GROTON ROAD)</p> <p>MAP D LOT 801
TERRELL-HOLT FAMILY REV. TRUST
TERRELL-HOLT, PATRICIA TRUSTEE
18 GROTON RD
NASHUA, NH 03082
BK.8938 PG.152 1/25/14
(18 GROTON ROAD)</p> <p>MAP D LOT 519
TRACY A. KERRIGAN
15 GROTON ROAD
NASHUA, NH 03062
BK.9230 PG.1018 11/4/19
(15 GROTON ROAD)</p> | <p>MAP D LOT 815
JENNIFER N. & JOSEPH C. RIPLEY
17 GROTON ROAD
NASHUA, NH 03082
BK.9245 PG.2271 12/20/19
(17 GROTON ROAD)</p> <p>MAP D LOT 379
CATHERINE E. & ROBERT E. HARTT
19 GROTON ROAD
NASHUA, NH 03082
BK.7742 PG.1217 9/25/08
(19 GROTON ROAD)</p> <p>MAP D LOT 518
CITY OF NASHUA
229 MAIN STREET
NASHUA NH 03060
BK.8287 PG.1675 11/29/10
(GROTON ROAD)</p> <p>MAP D LOT 23
ETCHSTONE PROPERTIES, INC
178 ANHEIMST STREET
NASHUA, NH 03064
BK.9133 PG.205 12/12/18
(35 GROTON ROAD)</p> <p>DUNSTABLE, MA
MAP 5 LOT 3
DUNSTABLE RURAL LAND TRUST
C/O GEORGE TULLY
401 HOLLIS STREET
DUNSTABLE, MA 01827
BK.8962 PG.282 11/13/97
(MAIN STREET)</p> |
|---|--|

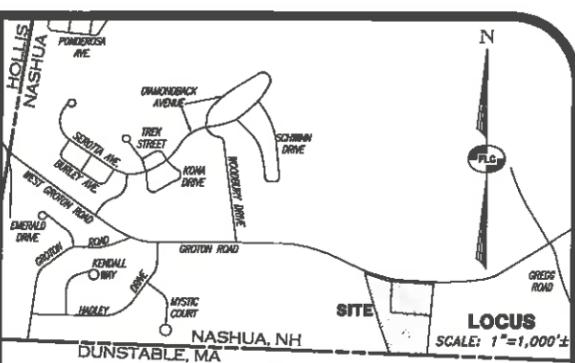
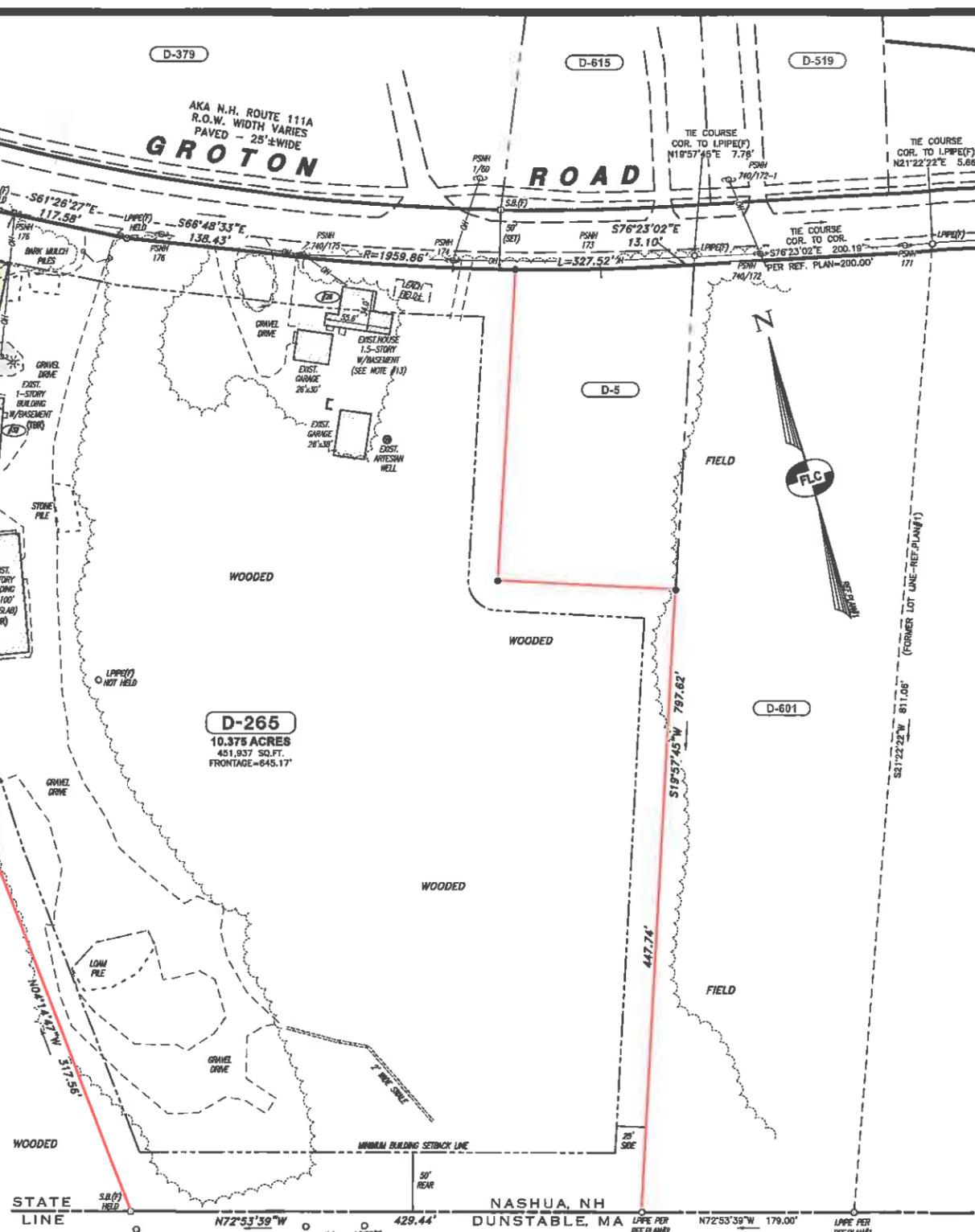
LEGEND:

- | | |
|--|--|
| <p>— RIGHT-OF-WAY LINE</p> <p>— BOUNDARY LINE</p> <p>— ABUTTING LOT LINE</p> <p>— BUILDING SETBACK LINE</p> <p>— EDGE OF PAVED ROAD</p> <p>— EDGE OF GRAVEL ROAD</p> <p>— EDGE OF TREE LINE</p> <p>— EXISTING EASEMENT LINE</p> <p>— 140' 10' CONTOUR INTERNAL</p> <p>— 142' 2' CONTOUR INTERNAL</p> <p>— FORMER TRACT LINE</p> <p>— CULVERT</p> <p>— OVERHEAD UTILITY LINE</p> <p>— PROPOSED FEATURES</p> <p>— EDGE OF PAVEMENT</p> <p>— TO BE REMOVED</p> <p>— PROPOSED BUILDING</p> | <p>□ GR. BOUND FOUND</p> <p>○ IRON PIPE FOUND</p> <p>● IRON PIN SET 03/18/2020</p> <p>⊙ UTILITY POLE, GUY & LIGHT</p> <p>⊙ WELL</p> <p>⊙ SINGLE SIGN POST</p> <p>○ TAX MAP & LOT NUMBER</p> <p>○ STREET ADDRESS</p> <p>○ PROPOSED DRIVE LOCATION</p> <p>○ D-5</p> <p>○ 70'</p> <p>□ EXIST. EMERGENCY ACCESS EASEMENT</p> |
|--|--|

CERTIFICATION:

"I HEREBY CERTIFY THAT THIS PLAN IS THE RESULT OF AN ACTUAL FIELD SURVEY MADE ON THE GROUND PER THE PRECISION AND ACCURACY STANDARDS FOR AN URBAN CLASSIFICATION SURVEY AS SPECIFIED IN THE NEW HAMPSHIRE LAND SURVEYOR'S ADMINISTRATIVE RULES (LAN 503.04) AND HAS A MAXIMUM ERROR OF CLOSURE OF ONE PART IN TEN THOUSAND (1:10,000) ON ALL PROPERTY LINES WITHIN AND BORDERING THE SUBJECT PROPERTY."

DATE: _____



NOTES:

1. THE OWNER OF RECORD FOR TAX MAP LOT D-265 IS THE TERRELL-HOLT FAMILY REVOCABLE TRUST-2005, PATRICIA E. TERRELL-HOLT, TRUSTEE, 18 GROTON ROAD, NASHUA, NH, 03082. THE DEED REFERENCE FOR THE PARCEL IS VOL.9161 PG.1729 DATED APRIL 22, 2019 IN THE HILLSBOROUGH COUNTY REGISTRY OF DEEDS.
- THE APPLICANT IS B & A PROPERTY PRESERVATION LLC, 13 COLUMBIA DRIVE, UNIT 2, AMHERST, NH 03031.
2. THE TOTAL AREA OF TAX MAP PARCEL D-265 IS 10.375 ACRES OR 451,934 SQ.FT.
3. THE PURPOSE OF THIS PLAN IS TO DEPICT THE PROPOSED WORKSHOP ALONG WITH EXISTING CONDITIONS ON TAX MAP PARCEL D-265.
4. LOT NUMBERS REFER TO THE CITY OF NASHUA ASSESSORS MAP "D".
5. ZONING FOR THE PARCEL IS THE RURAL RESIDENCE DISTRICT (R-40).

R-40 ZONE, CONVENTIONAL	REQUIRED	D-265
MIN LOT AREA	40,000 SF	451,937
MIN LOT WIDTH	150 FT	626.96 FT
MIN LOT FRONTAGE	120 FT	645.17 FT
MIN LOT DEPTH	125 FT	802.3 FT±
MIN FRONT SETBACK	40 FT	21.1 FT
MIN SIDE SETBACK	25 FT	8.3 FT
MIN REAR SETBACK	50 FT	478.3 FT
MAX. BUILDING HEIGHT	35 FT	22'±
MAX. STORES	2.5 ST	1.5
CONSERVATION AREA	NA	NA
OPEN SPACE FOR EACH LOT	70%	85.2%

6. THE SURFACE FEATURES AND BOUNDARY INFORMATION SHOWN WAS DEVELOPED FROM THE REFERENCE PLANS CITED AND A PRECISE FIELD SURVEY BY THIS OFFICE DURING THE MONTH OF JUNE 2019. HORIZONTAL ORIENTATION IS BASED ON REFERENCE PLAN #1. VERTICAL DATUM IS NASHUA CITY DATUM. REFERENCE BENCHMARK IS STANDARD USGS SURVEY DISK B 200 1922, LOCATED ON THE SOUTH SIDE OF NH RT.111-A, 265 FT. SOUTHEAST OF THE HOLLIS/NASHUA TOWN LINE. THE NASHUA CITY DATUM ELEV.=109.83 CONVERTED FROM NAVD88 (199.60 (NAVD88)-89.77=109.83(NASHUA CITY)).
7. JURISDICTIONAL WETLANDS WERE NOT FOUND ON THE SUBJECT PARCEL PER AN ON SITE FIELD INVESTIGATION BY CHRISTOPHER A. GUIDA, C.W.S. IN OCTOBER 2019 IN ACCORDANCE WITH THE "CORPUS 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 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: 33011C08340, DATED: SEPTEMBER 25, 2009.
10. SOIL TYPE FOR THE ENTIRE SITE IS H8b - HINCKLEY LOAMY SAND WITH SLOPES FROM 3%-8%.
11. THE SITE IS CURRENTLY SERVICED BY OVERHEAD UTILITIES AND BY AN INDIVIDUAL SEPTIC SYSTEM AND PRIVATE WELLS.
12. TO THE BEST OF MY KNOWLEDGE AND BELIEF, THERE ARE NO KNOWN EASEMENTS, RESTRICTIONS OR ENCUMBRANCES ON THE PROPERTIES OTHER THAN THOSE SHOWN.
13. A VARIANCE FROM THE LAND USE CODE, SECTION 190-17 (B), WAS GRANTED AT THE NOVEMBER 27, 2019 ZONING BOARD OF ADJUSTMENT MEETING, ALLOWING TO EXCEED THE MAXIMUM NUMBER OF PRINCIPAL STRUCTURES ON ONE LOT - ONE PERMITTED, ONE EXISTING AND ONE ADDITIONAL SINGLE-FAMILY HOUSE PROPOSED. THE EXISTING HOUSE ON PARCEL 'A' SHALL BE REMOVED BY SEPTEMBER 30, 2020.

ZONING EXHIBIT PLAN
TAX MAP D LOT 265
(32 GROTON ROAD)
NASHUA, NEW HAMPSHIRE
PREPARED FOR:
B & A CONSTRUCTION LLC
13 COLUMBIA DRIVE, UNIT 2, AMHERST, NH 03031 (603-765-7737)
AND LAND OF:
THE TERRELL-HOLT
FAMILY REVOCABLE TRUST-2005
PATRICIA E. TERRELL-HOLT, TRUSTEE
18 GROTON ROAD, NASHUA, NH 03062-1088

SCALE: 1"=60' JANUARY 9, 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

REV.	DATE	DESCRIPTION	C/O	DR	CK

REFERENCE PLANS:

- "PLAN OF LOT LINE RELOCATION - GROTON ROAD - NASHUA, N.H. - SURVEYED FOR - L. EDMUND BAKER, SCALE 1"=50', DATED DECEMBER 1978, BY W. ROBERT NOLTE & ASSOCIATES RECORDED IN THE H.C.R.D. AS PLAN #11894.
 - "FINAL LOT LINE RELOCATION PLAN - MAP D, LOTS 5 & 265 - 32 GROTON ROAD - NASHUA, NEW HAMPSHIRE - PREPARED FOR: - THOMAS C. HOLT, SCALE 1"=50', DATED JULY 10, 1996 AND LAST REVISED SEPTEMBER 5, 1998, BY CUOCO & CORNER, INC. RECORDED IN THE H.C.R.D. AS PLAN #28521.
 - "SUBDIVISION - PLAN OF LAND - GROTON ROAD - NASHUA, N.H. - SURVEYED FOR - L. EDMUND BAKER, SCALE 1"=50', DATED JULY 1971, BY W. ROBERT NOLTE & ASSOCIATES, RECORDED IN THE H.C.R.D. AS PLAN #5210.
 - "PLAN OF LAND - GROTON ROAD - NASHUA, N.H. & DUNSTABLE, MASS. - SURVEYED FOR - JOHN KENNY, SCALE 1"=100', DATED JUNE 1972, BY W. ROBERT NOLTE & ASSOCIATES, RECORDED IN THE H.C.R.D. AS PLAN #9373.
- NOTES CONTINUED:**
- TO THE BEST OF MY KNOWLEDGE AND BELIEF, THERE ARE NO KNOWN EASEMENTS, RESTRICTIONS OR ENCUMBRANCES ON THE PROPERTIES OTHER THAN THOSE SHOWN.
 - A VARIANCE FROM THE LAND USE CODE, SECTION 190-17 (9), WAS GRANTED AT THE NOVEMBER 27, 2019 ZONING BOARD OF ADJUSTMENT MEETING, ALLOWING TO EXCEED THE MAXIMUM NUMBER OF PRINCIPAL STRUCTURES ON ONE LOT - ONE PERMITTED, ONE EXISTING AND ONE ADDITIONAL SINGLE-FAMILY HOUSE PROPOSED. THE EXISTING HOUSE ON PARCEL 'A' SHALL BE REMOVED BY SEPTEMBER 30, 2020.
 - 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.
 - A DRIVEWAY PLAN SHALL BE APPROVED BY THE ENGINEERING DEPARTMENT PRIOR TO THE ISSUANCE OF A BUILDING PERMIT.
 - THE SITE IMPROVEMENTS DEPICTED ON THE PLAN SHALL CONFORM WITH TITLE III OF AMERICANS WITH DISABILITIES ACT WITH REGARD TO DIMENSION, GRADE AND PARKING.
 - PROPOSED BUILDING CONSTRUCTION SHALL INCORPORATE A FOUNDATION DRAINAGE SYSTEM, EXCEPT WHERE AN INVESTIGATION ESTABLISHES THAT THE SPECIFIC BUILDING SITE IS LOCATED IN WELL DRAINED SOILS AND THAT SUCH A SYSTEM IS NOT REQUIRED.
 - PRIOR TO A BUILDING PERMIT BEING ISSUED, DOCUMENTS PERTAINING TO THE STORM WATER OPERATION AND MAINTENANCE AND ANY EASEMENTS, IF NECESSARY, SHALL BE REDCORDED.
 - THE PROPOSED BUILDING SHALL BE SERVICED BY UNDERGROUND TELEPHONE, ELECTRIC, CABLE AND ON-SITE PROPANE. IT SHALL ALSO BE SERVICED BY INDIVIDUAL SEPTIC SYSTEMS AND PRIVATE WELLS. UTILITIES SHALL BE INSTALLED IN ACCORDANCE WITH THE BOARD OF PUBLIC WORKS SPECIFICATIONS.
 - STREET AND UTILITY IMPROVEMENTS SHALL COMPLY WITH ALL APPLICABLE SECTIONS OF THE CITY OF NASHUA REVISED ORDINANCES (N.R.O.).
 - PUBLIC STREET RESTORATION WORK, IF ANY, SHALL BE IN ACCORDANCE WITH N.R.O. SECTION 285-13.
 - A SEPTIC SYSTEM DESIGN FOR PROPOSED LOT D-5 WILL BE SUBMITTED TO THE NASHUA HEALTH DEPT. AND NH-DES SUBSURFACE BUREAU FOR APPROVAL PRIOR TO APPLYING FOR A BUILDING PERMIT. PROPOSED NEW LOT D-5 WILL HAVE A STREET ADDRESS OF #24.

ABUTTERS:

- | | |
|---|---|
| MAP D LOT 5
B & A CONSTRUCTION LLC
13 COLUMBIA DRIVE, UNIT 2
AMHERST, NH 03031
BK.9239 PG.1631 10/29/19
(26 GROTON ROAD) | MAP D LOT 615
JENNIFER N. & JOSEPH C. RIPLEY
17 GROTON ROAD
NASHUA, NH 03062
BK.9245 PG.2271 12/20/19
(17 GROTON ROAD) |
| MAP D LOT 265
TERRELL-HOLT FAMILY REV. TRUST
TERRELL-HOLT, PATRICIA TRUSTEE
18 GROTON RD
NASHUA NH 03062
BK.9161 PG.1729 4/22/19
(32 GROTON ROAD) | MAP D LOT 379
CATHERINE E. &
ROBERT E. HARTT
18 GROTON ROAD
NASHUA, NH 03062
BK.7742 PG.1217 9/25/06
(19 GROTON ROAD) |
| MAP D LOT 7
CMI LEASING CORP
1471 METHUEN ST
DRACUT, MA 01826-5439
BK.8256 PG.2021 10/28/10
(40 GROTON ROAD) | MAP D LOT 516
CITY OF NASHUA
229 MAIN STREET
NASHUA, NH 03060
BK.8287 PG.1875 11/29/10
(GROTON ROAD) |
| MAP D LOT 801
TERRELL-HOLT FAMILY REV. TRUST
TERRELL-HOLT, PATRICIA TRUSTEE
18 GROTON RD
NASHUA, NH 03062
BK.8638 PG.152 1/25/14
(18 GROTON ROAD) | MAP D LOT 23
EICHSTONE PROPERTIES, INC
179 AMHERST STREET
NASHUA, NH 03064
BK.9133 PG.205 12/12/18
(35 GROTON ROAD) |
| MAP D LOT 519
TRACY A. KERRIGAN
15 GROTON ROAD
NASHUA, NH 03062
BK.8230 PG.1018 11/4/19
(15 GROTON ROAD) | DUNSTABLE, MA
MAP 5 LOT 3
DUNSTABLE RURAL LAND TRUST
C/O GEORGE TULLY
401 HOLLIUS STREET
DUNSTABLE, MA 01827
BK.8982 PG.282 11/13/97
(MAIN STREET) |

LEGEND:

- | | | |
|-------------------------------|---------------|----------------------------------|
| — RIGHT-OF-WAY LINE | □ R.B.(f) | GRANITE BOUND FOUND |
| — BOUNDARY LINE | ○ L.P.P.E.(f) | IRON PIPE FOUND |
| — ABUTTING LOT LINE | ● | IRON PIN SET 03/18/2020 |
| — BUILDING SETBACK LINE | ⊙ | UTILITY POLE, GUY & LIGHT |
| — EDGE OF PAVED ROAD | ⊙ | WELL |
| — EDGE OF GRAVEL ROAD | ⊙ | SINGLE SIGN POST |
| — EDGE OF TREE LINE | ⊙ | TAX MAP & LOT NUMBER |
| — EXISTING EASEMENT LINE | ⊙ | STREET ADDRESS |
| — 140' - 10' CONTOUR INTERVAL | ⊙ | PROPOSED DRIVE LOCATION |
| — 142' - 2' CONTOUR INTERVAL | ⊙ | |
| — FORMER TRACT LINE | ⊙ | EXIST. EMERGENCY ACCESS EASEMENT |
| — CULVERT | ⊙ | |
| — OVERHEAD UTILITY LINE | ⊙ | |

CERTIFICATION:

I HEREBY CERTIFY THAT THIS PLAN IS THE RESULT OF AN ACTUAL FIELD SURVEY MADE ON THE GROUND PER THE PRECISION AND ACCURACY STANDARDS FOR AN URBAN CLASSIFICATION SURVEY AS SPECIFIED IN THE NEW HAMPSHIRE LAND SURVEYOR'S ADMINISTRATIVE RULES (LAN 503.04) AND HAS A MAXIMUM ERROR OF CLOSURE OF ONE PART IN TEN THOUSAND (1:10,000) ON ALL PROPERTY LINES WITHIN AND BORDERING THE SUBJECT PROPERTY.

DATE: _____

OWNERS SIGNATURE (LOT D-5) _____ DATE _____

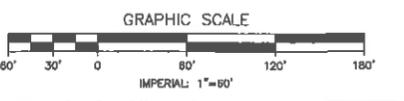
OWNERS SIGNATURE (LOT D-265) _____ DATE _____

APPROVED BY NASHUA PLANNING BOARD

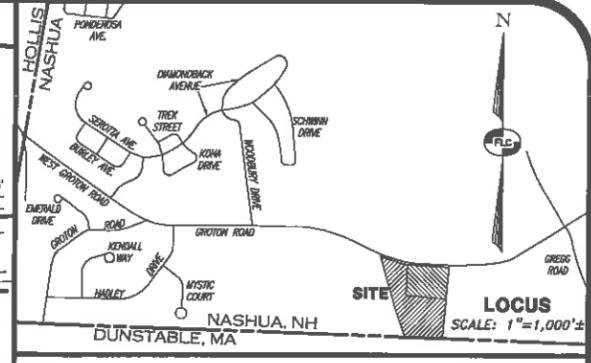
CHAIRMAN: _____ DATE: _____

SECRETARY: _____ DATE: _____

LOT LINE ADJUSTMENT AREA CHART			
LOT NO.	FORMER AREA	PROPOSED CHANGE	AREA AFTER ADJ.
D-5	3,658 AC. (159,359 SF)	- PARCEL A (-119,359 SF)	0.918 AC. (40,000 SF)
D-265	7,635 AC. (332,578 SF)	+ PARCEL A (+119,359 SF)	10.375 AC. (451,937 SF)



REV.	DATE	DESCRIPTION	NPB C/O	TJB DR	MDP CK
A	02/05/20	REVISE PER NASHUA PLANNING REVIEW			



NOTES:

- THE OWNER OF RECORD FOR TAX MAP D LOT 5 IS B & A CONSTRUCTION LLC, 13 COLUMBIA DRIVE, UNIT 2, AMHERST, NH 03031. THE DEED REFERENCE FOR THE PARCEL IS VOL.9239 PG.1631 DATED OCTOBER 29, 2019 IN THE HILLSBOROUGH COUNTY REGISTRY OF DEEDS.
 - THE OWNER OF RECORD FOR TAX MAP LOT D-265 IS THE TERRELL-HOLT FAMILY REVOCABLE TRUST-2005, PATRICIA E. TERRELL-HOLT, TRUSTEE, 18 GROTON ROAD, NASHUA, NH 03062. THE DEED REFERENCE FOR THE PARCEL IS VOL.9161 PG.1729 DATED APRIL 22, 2019 IN THE HILLSBOROUGH COUNTY REGISTRY OF DEEDS.
 - THE APPLICANT IS B & A PROPERTY PRESERVATION LLC, 13 COLUMBIA DRIVE, UNIT 2, AMHERST, NH 03031.
 - THE TOTAL AREA OF EXISTING TAX MAP LOT D-5 IS 3.658 ACRES OR 159,359 SQ.FT. THE AREA OF EXISTING TAX MAP LOT D-265 IS 7.635 ACRES OR 332,578 SQ.FT.
 - THE PURPOSE OF THIS PLAN IS TO REVISE THE COMMON LOT LINES BETWEEN EXISTING TAX MAP LOTS D-5 AND D-265 BY SUBTRACTION PARCEL 'A' FROM LOT D-5 AND ADDING IT TO LOT D-265. THE AREA OF PARCEL 'A' IS 2.740 ACRES OR 119,359 SQ.FT.
 - LOT NUMBERS REFER TO THE CITY OF NASHUA ASSESSORS MAP 'D'.
 - ZONING FOR THE PARCEL IS THE RURAL RESIDENCE DISTRICT (R-40).
- | R-40 ZONE CONVENTIONAL | REQUIRED | OLD D-5 | OLD D-265 | NEW D-5 | NEW D-265 |
|-------------------------|-----------|------------|------------|-----------|-----------|
| MIN LOT AREA | 40,000 SF | 159,359 SF | 332,578 SF | 40,000 | 451,837 |
| MIN LOT WIDTH | 150 FT | 451.41 FT | 300.96 FT | 150.48 FT | 628.96 FT |
| MIN LOT FRONTAGE | 120 FT | 479.04 FT | 316.63 FT | 150.50 FT | 645.17 FT |
| MIN LOT DEPTH | 125 FT | 347.7 FT± | 802.3 FT± | 287.6 FT± | 802.3 FT± |
| MIN FRONT SETBACK | 40 FT | 21.1 FT | 133.8 FT | >40 FT | 21.1 FT |
| MIN SIDE SETBACK | 25 FT | 155.7 FT | 8.5 FT | >25 FT | 8.5 FT |
| MIN REAR SETBACK | 50 FT | 278.0 FT± | 478.3 FT. | >50 FT | 478.3 FT |
| MAX. BUILDING HEIGHT | 35 FT | 19 FT± | 22 FT± | NONE | 22'± |
| MAX. STOREYS | 2.5 ST | 1.5 | 1.0 | NONE | 1.5 |
| CONSERVATION AREA | NA | NA | NA | NA | NA |
| OPEN SPACE FOR EACH LOT | 75% | 95.4% | 82.2% | 82.4% | 85.2% |
- THE SURFACE FEATURES AND BOUNDARY INFORMATION SHOWN WAS DEVELOPED FROM THE REFERENCE PLANS CITED AND A PRECISE FIELD SURVEY BY THIS OFFICE DURING THE MONTH OF JUNE 2019. HORIZONTAL ORIENTATION IS BASED ON REFERENCE PLAN #1. VERTICAL DATUM IS NASHUA CITY DATUM. REFERENCE BENCHMARK IS STANDARD USGS SURVEY DISK B 200 1922, LOCATED ON THE SOUTH SIDE OF NH RT.111-A, 285 FT. SOUTHEAST OF THE HOLLIUS/NASHUA TOWN LINE. THE NASHUA CITY DATUM ELEV=109.83 CONVERTED FROM NAVD83 (199.60 (NAVD83)-89.77-109.83(NASHUA CITY).
 - JURISDICTIONAL WETLANDS WERE NOT FOUND ON THE SUBJECT PARCEL PER AN ON SITE FIELD INVESTIGATION BY CHRISTOPHER A. BUJA, C.W.S. IN OCTOBER 2018 IN ACCORDANCE WITH THE "TOOLS OF ENGINEERS WETLAND DELINEATION MANUAL, TECHNICAL REPORT Y-87-1, DATED JANUARY 1987".
 - THE SITE IS NOT LOCATED WITHIN THE WATER SUPPLY PROTECTION DISTRICT.
 - 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: 33011C06340, DATED: SEPTEMBER 25, 2008.
 - SOIL TYPE FOR THE ENTIRE SITE IS H&B - HINCKLEY LOAMY SAND WITH SLOPES FROM 3%-8%.
 - THE SITE IS CURRENTLY SERVICED BY OVERHEAD UTILITIES AND BY AN INDIVIDUAL SEPTIC SYSTEM AND PRIVATE WELLS.

LOT LINE ADJUSTMENT PLAN
TAX MAP D LOTS 5 & 265
(26 & 32 GROTON ROAD)
NASHUA, NEW HAMPSHIRE
 PREPARED FOR AND LAND OF (LOT D-5)
B & A CONSTRUCTION LLC
 13 COLUMBIA DRIVE, UNIT 2, AMHERST, NH 03031 (603-766-7737)
 AND LAND OF (LOT D-265)
THE TERRELL-HOLT
FAMILY REVOCABLE TRUST-2005
 PATRICIA E. TERRELL-HOLT, TRUSTEE
 18 GROTON ROAD, NASHUA, NH 03062-1033

SCALE: 1"=60' JANUARY 9, 2020

Surveying ♦ Engineering ♦ Land Planning ♦ Permitting ♦ Septic Designs

FIELDSTONE
LAND CONSULTANTS, PLLC

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 www.FieldstoneLandConsultants.com

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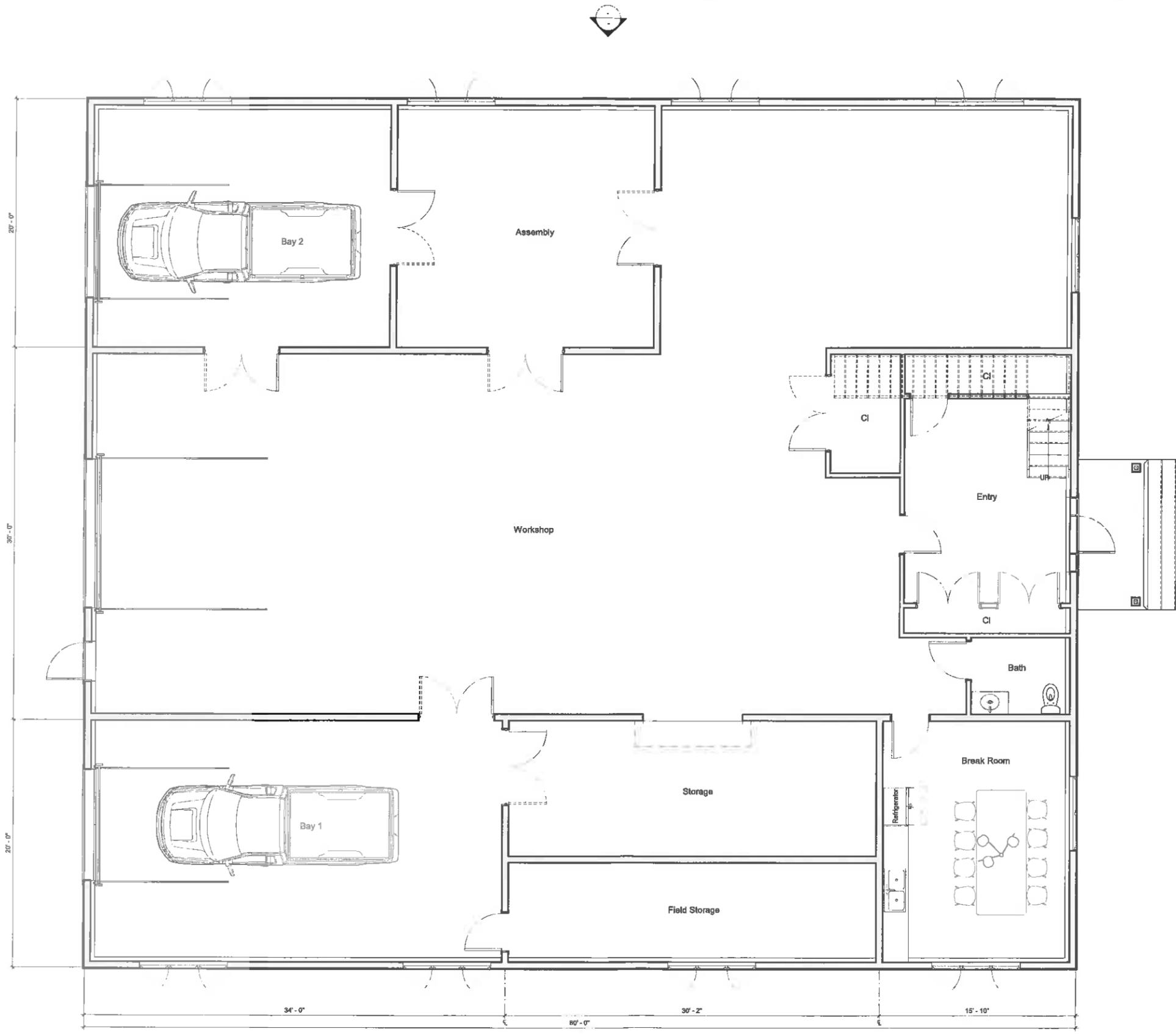
Project:
Groton Road Workshop
Nashua NH

No.	Date	Revision/Issue

Date
5.12.2020
Scale
1/4" = 1'-0"
aF+S Job No.
2004a-GRTN

Proposed First Floor Plan

A1.00

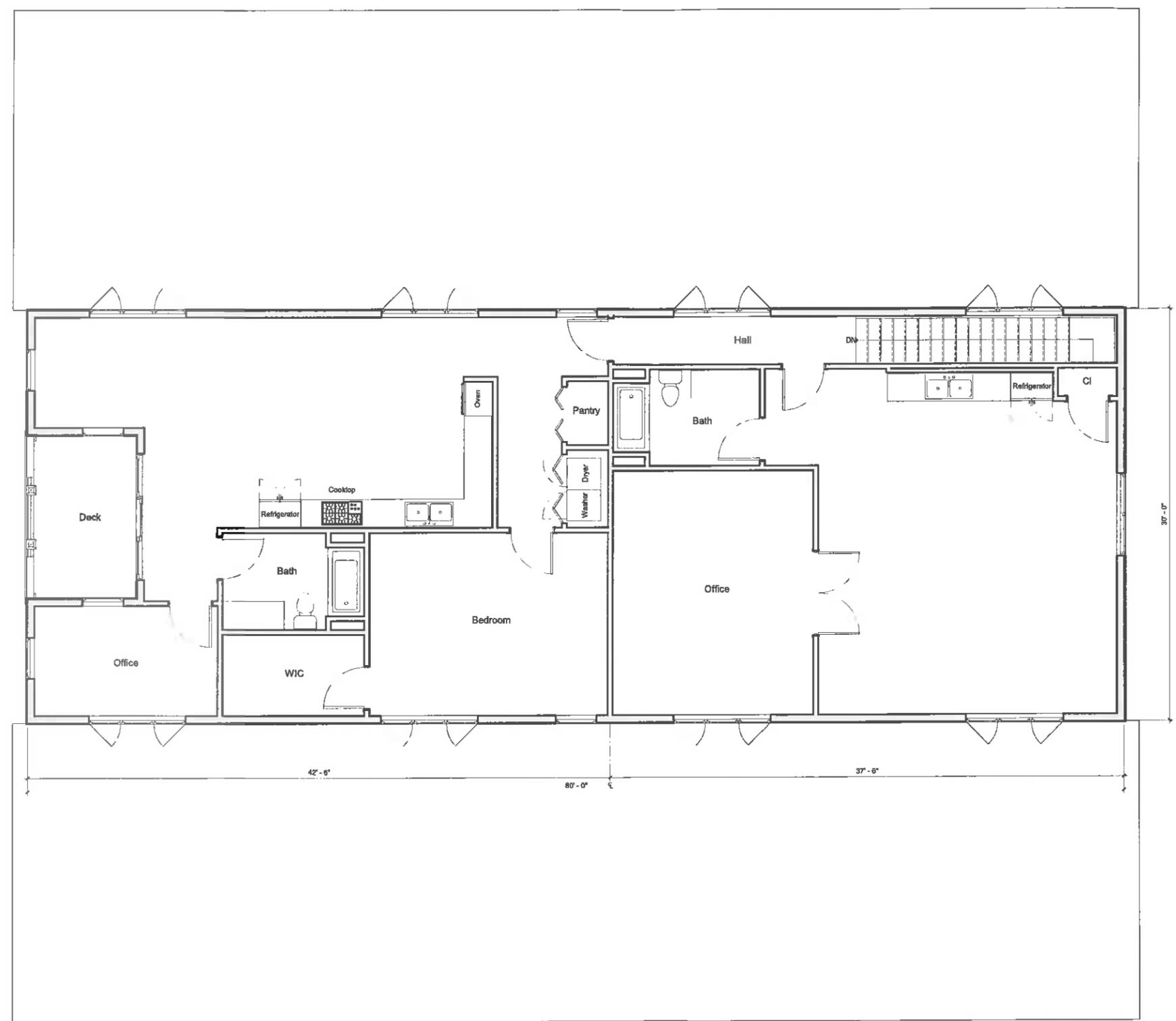


1 Proposed First Floor Plan
1/4" = 1'-0"



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Project
Groton Road Workshop
 Nashua NH



1 Proposed Second Floor Plan
 1/4" = 1'-0"

No.	Date	Revision/Issue

Date
 6.12.2020
 Scale
 1/4" = 1'-0"
 aF+S Job No.
 2004a-GRTN

Proposed Second Floor Plan

A1.01

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Project

**Groton Road
Workshop**

Nashua NH

No.	Date	Revision/Issue

Date
5.12.2020
Scale
3/16" = 1'-0"
aF+S Job No.
2004a-GRTN

Proposed Elevations
Views of Proposed

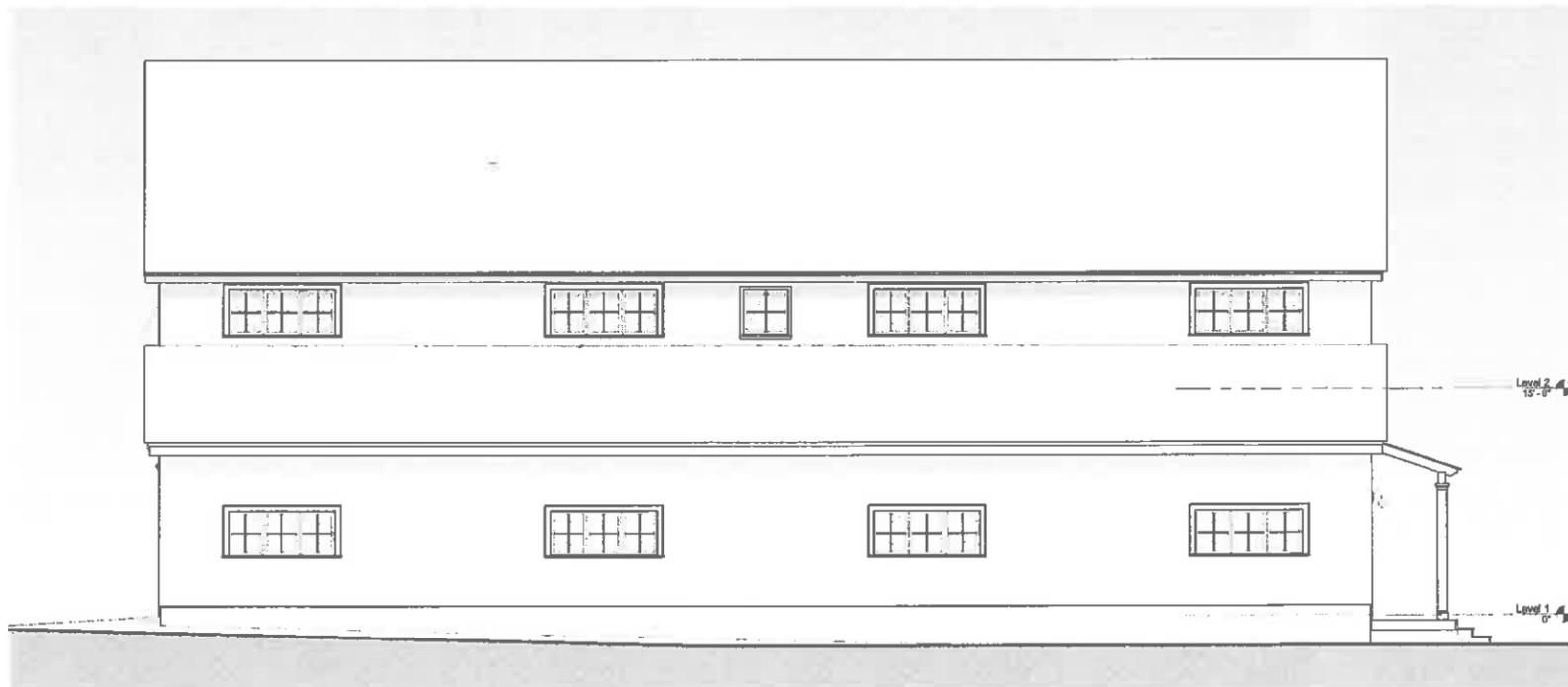
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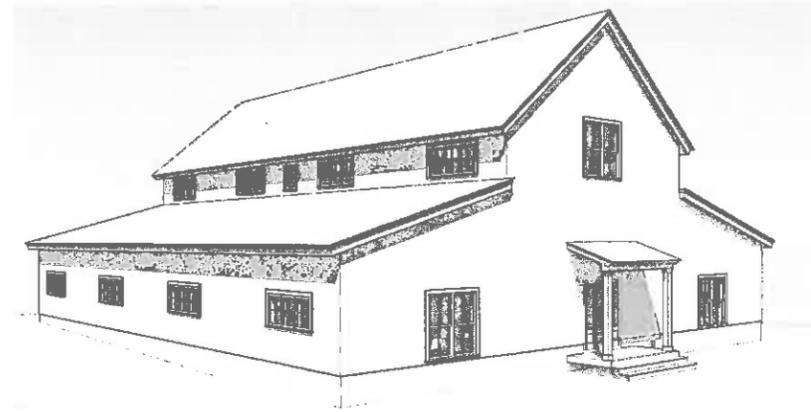
1 Proposed Front Elevation
3/16" = 1'-0"



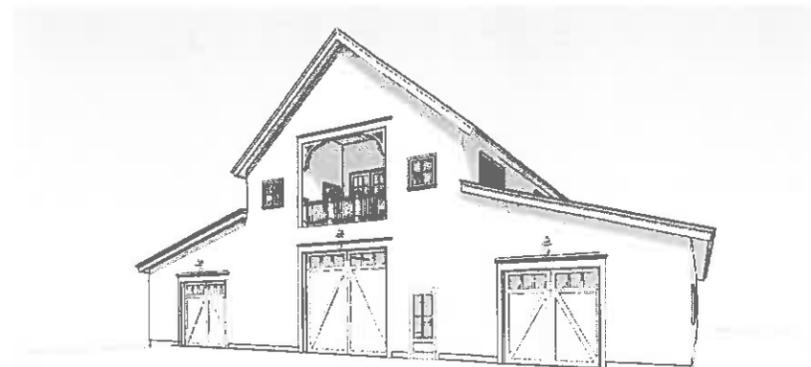
3 Proposed Rear Elevation
3/16" = 1'-0"



2 Proposed Side Elevation
3/16" = 1'-0"



4 View of Proposed - Front



5 View of Proposed - Rear



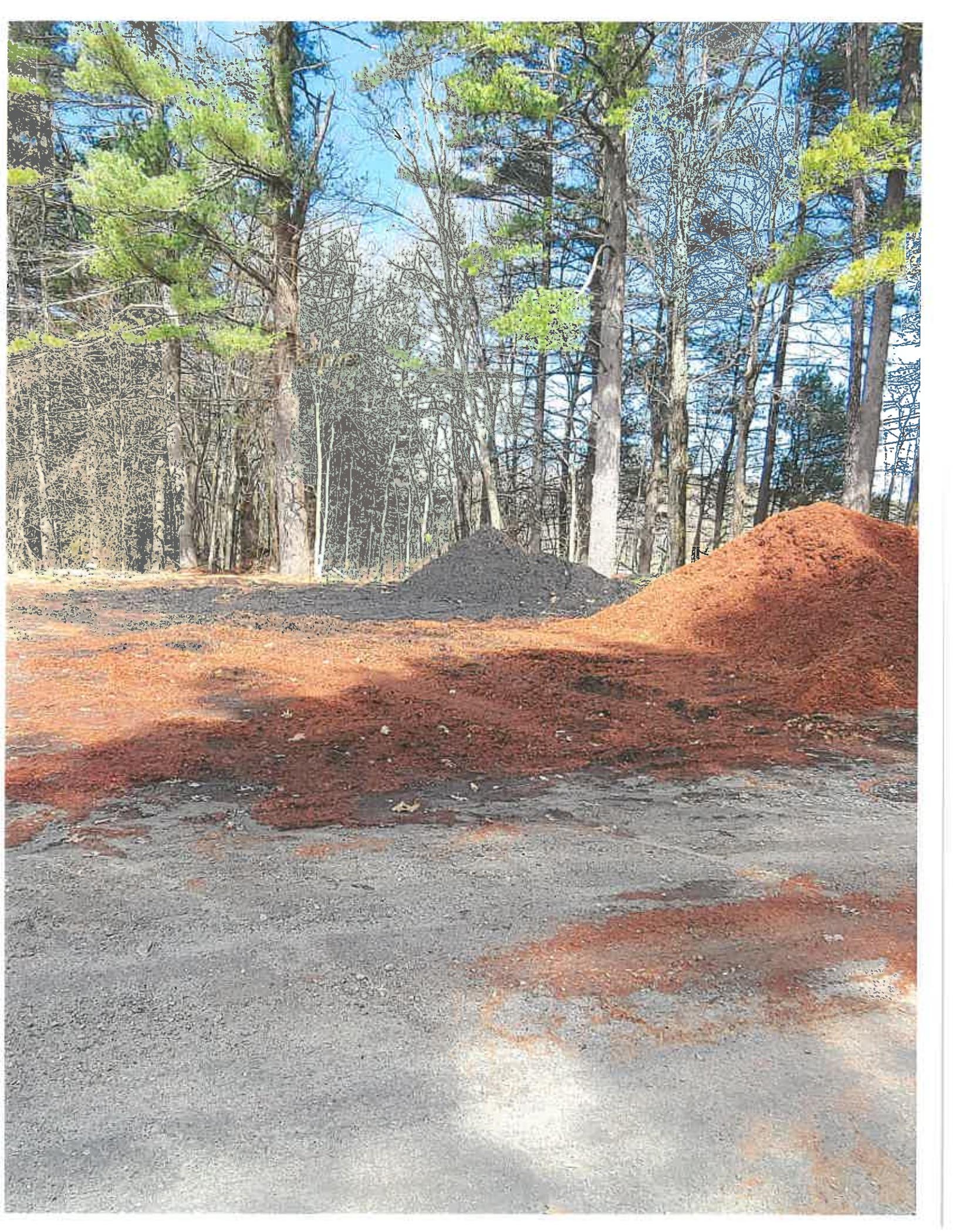
32 Groton Road



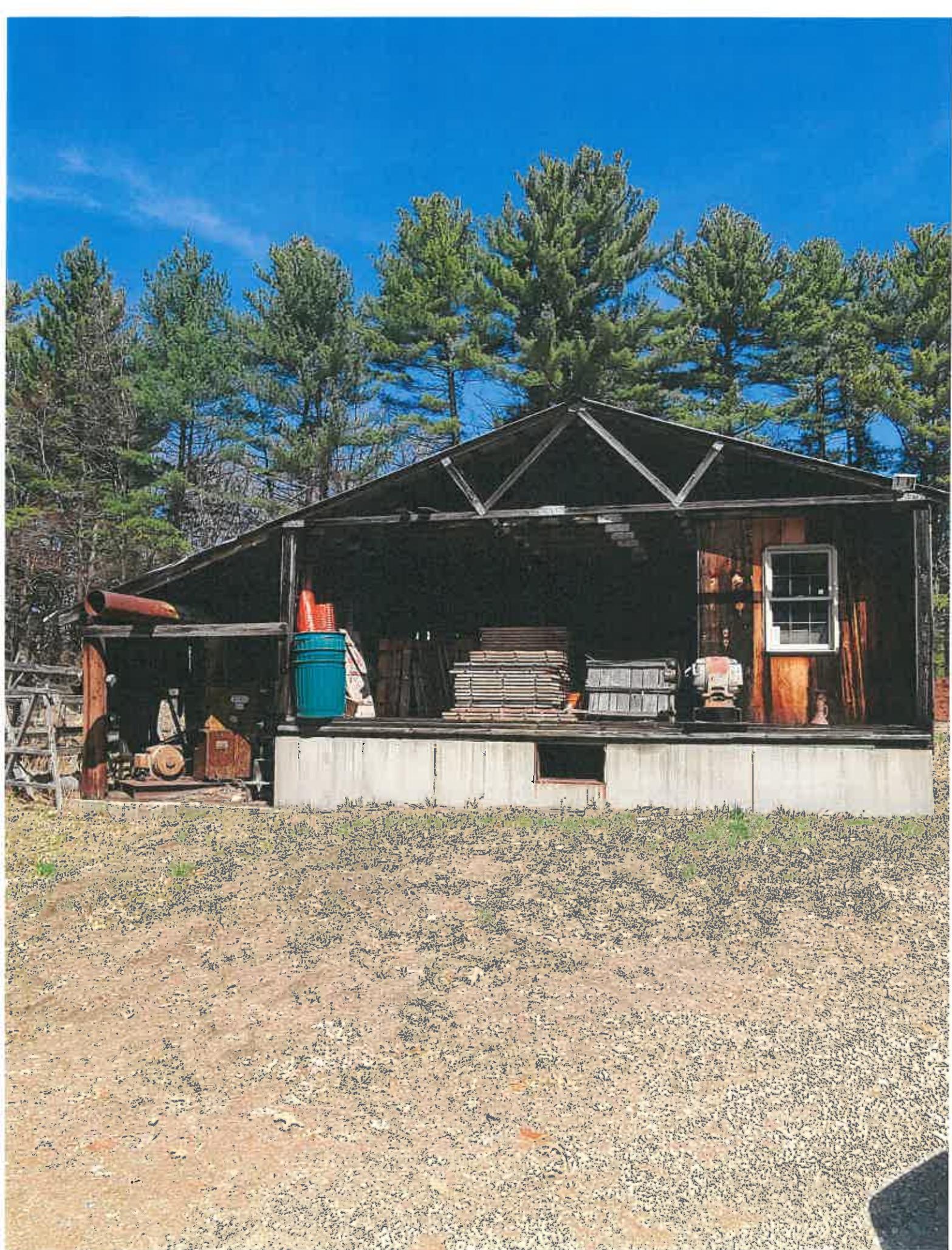


32 Groton Road



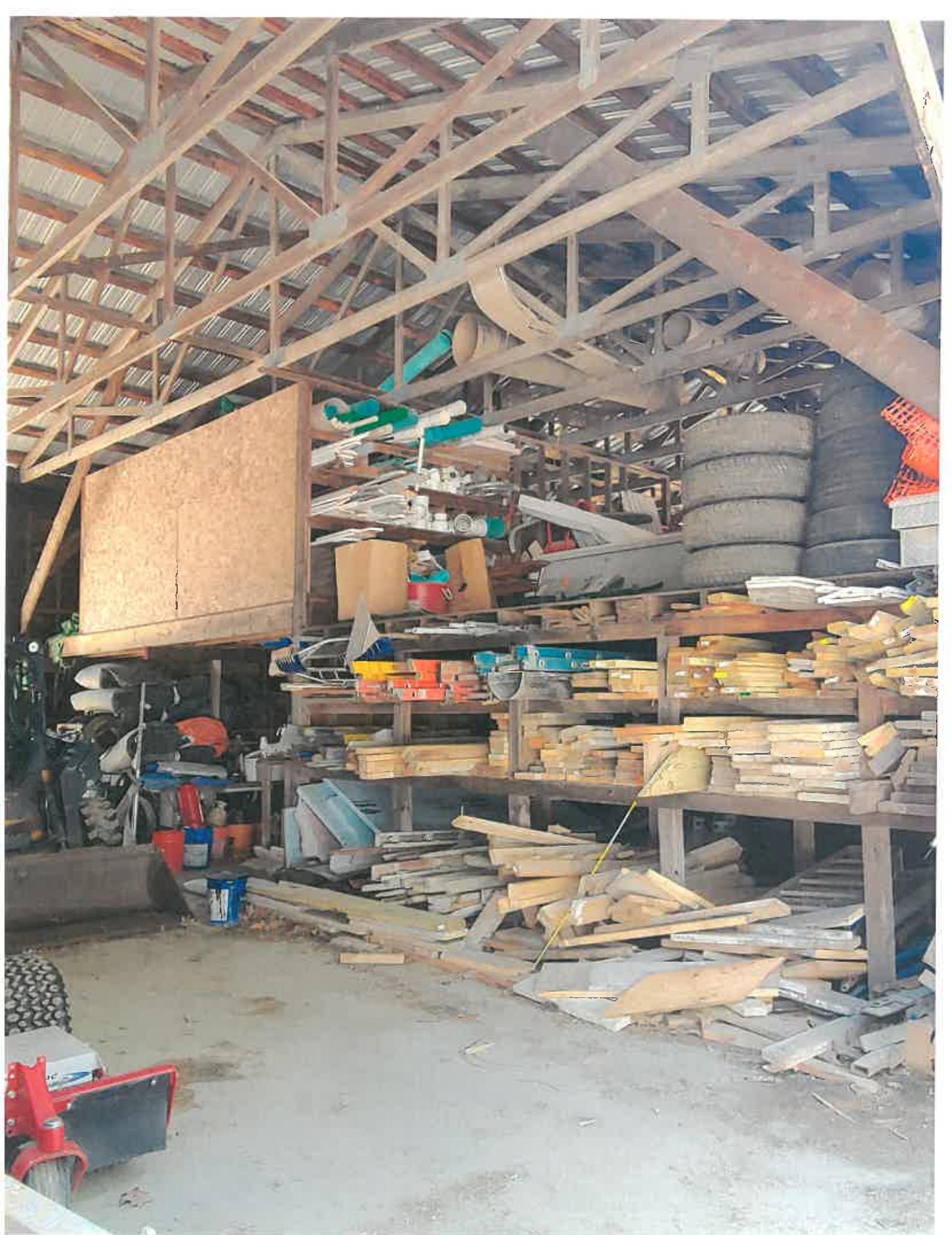






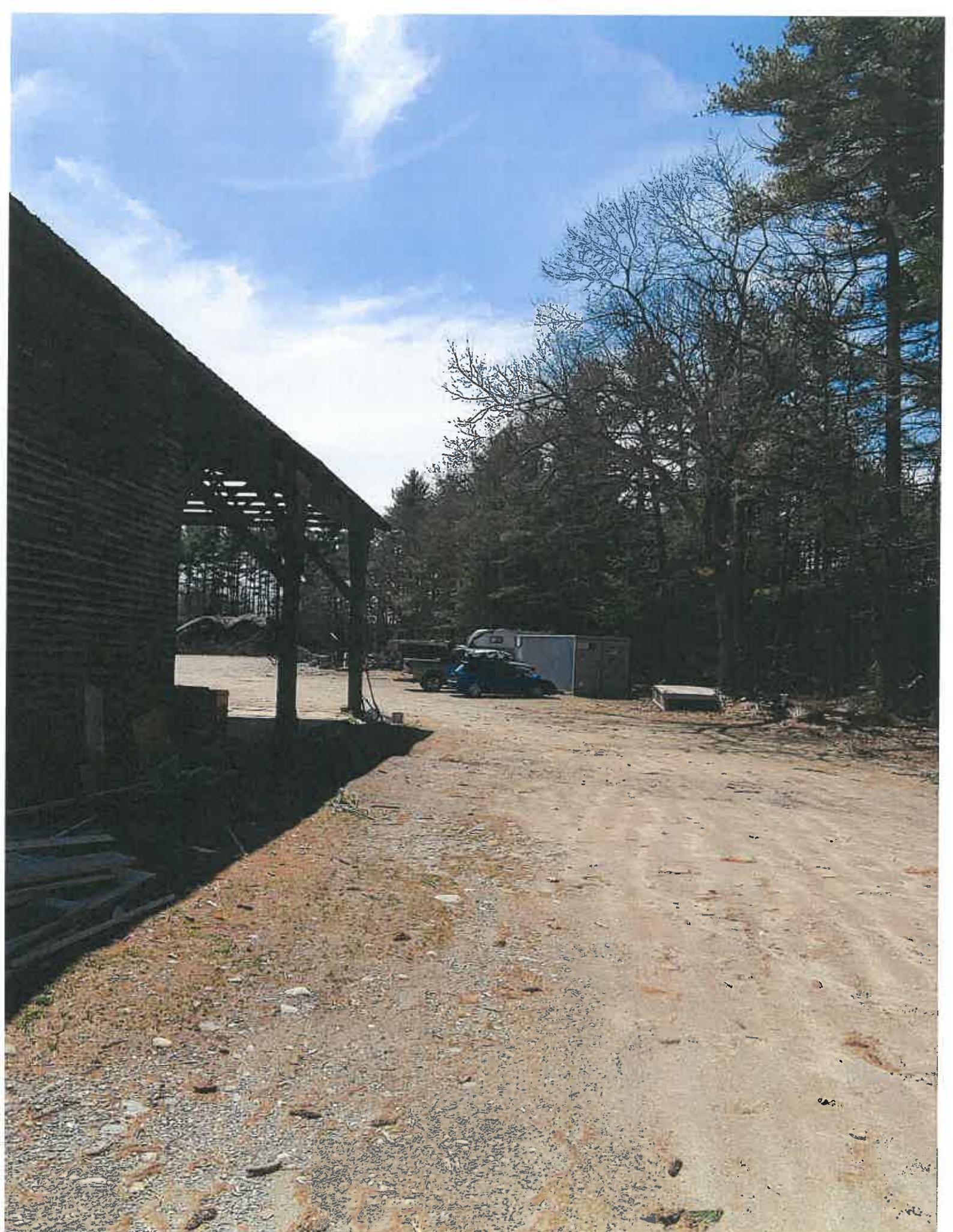


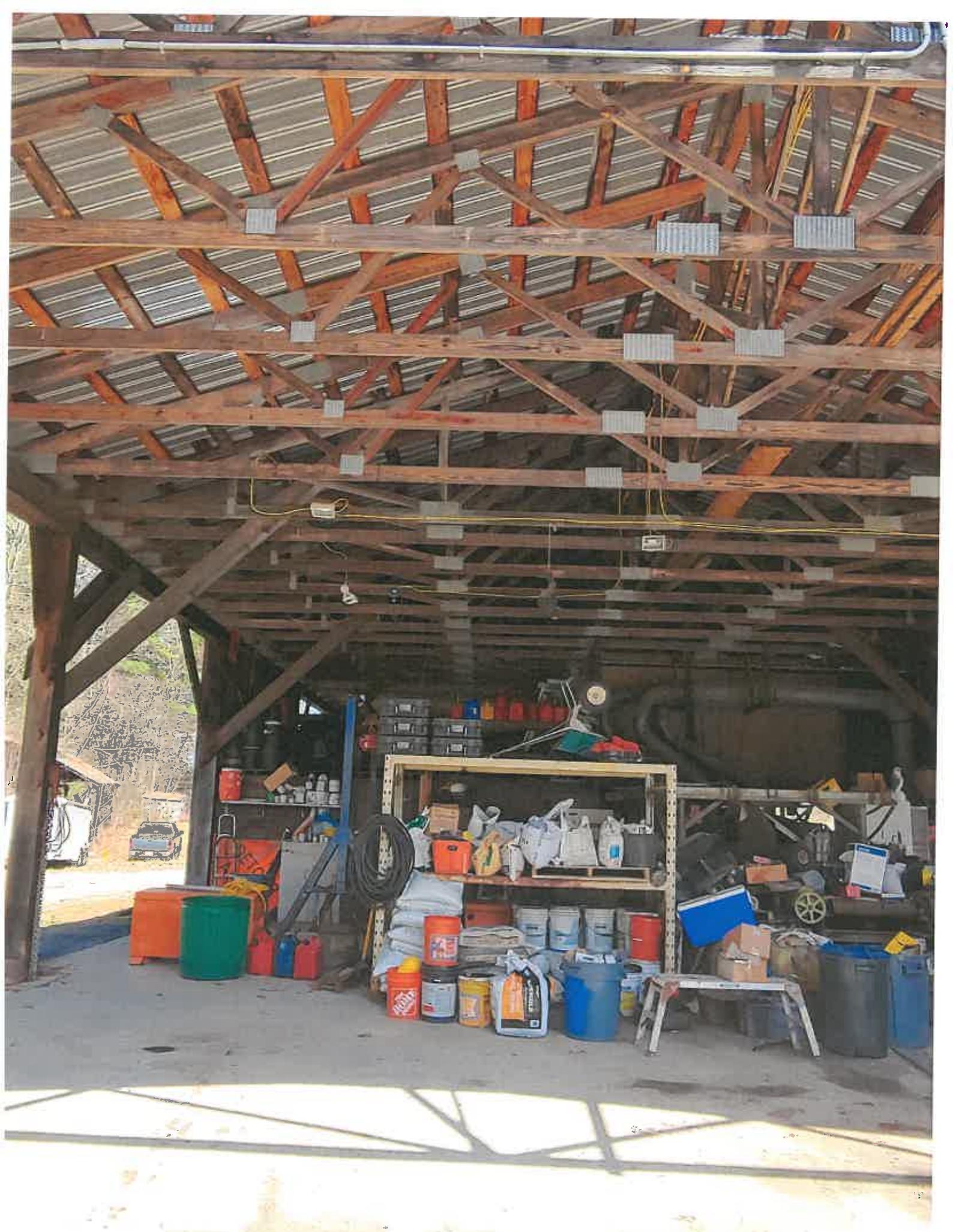


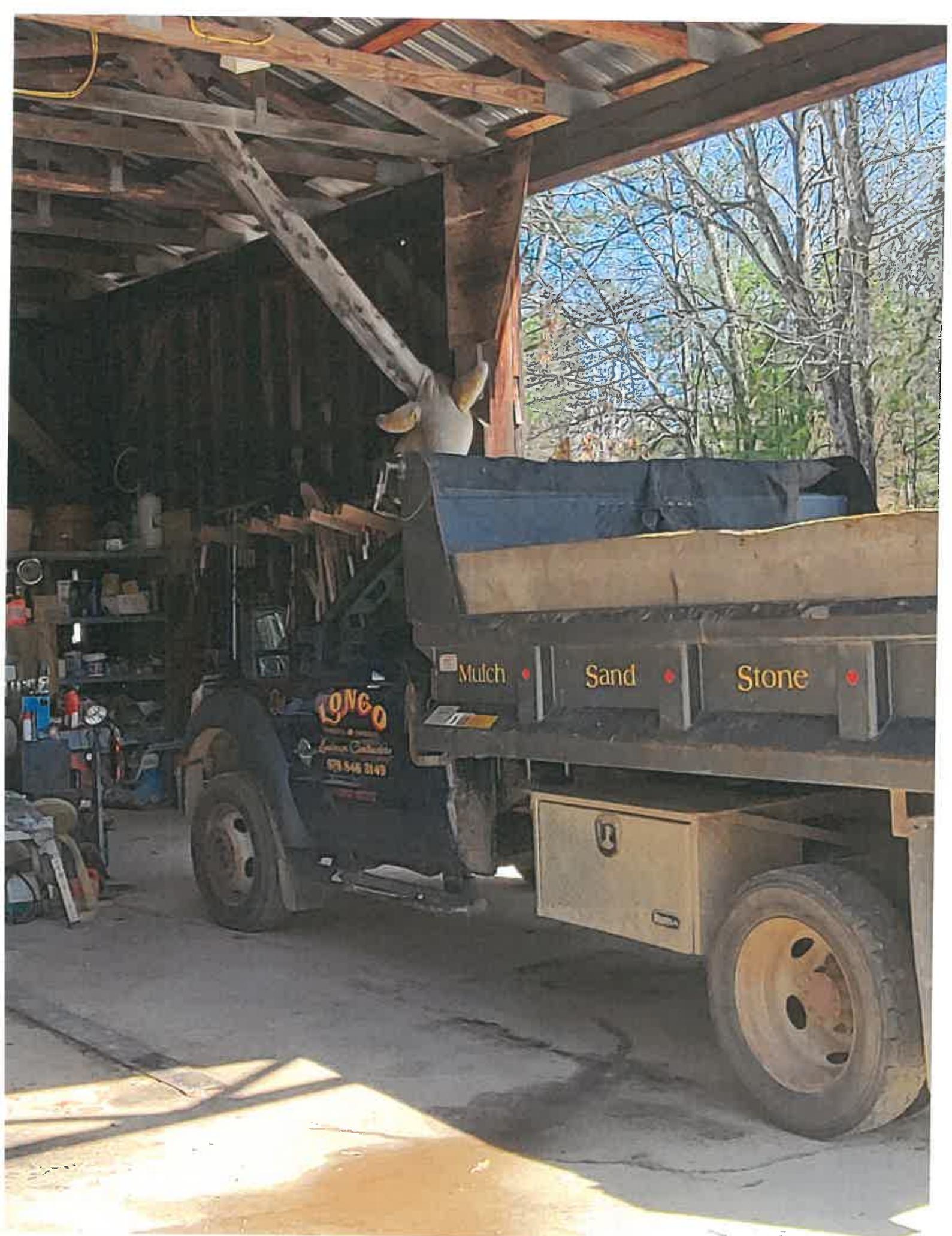


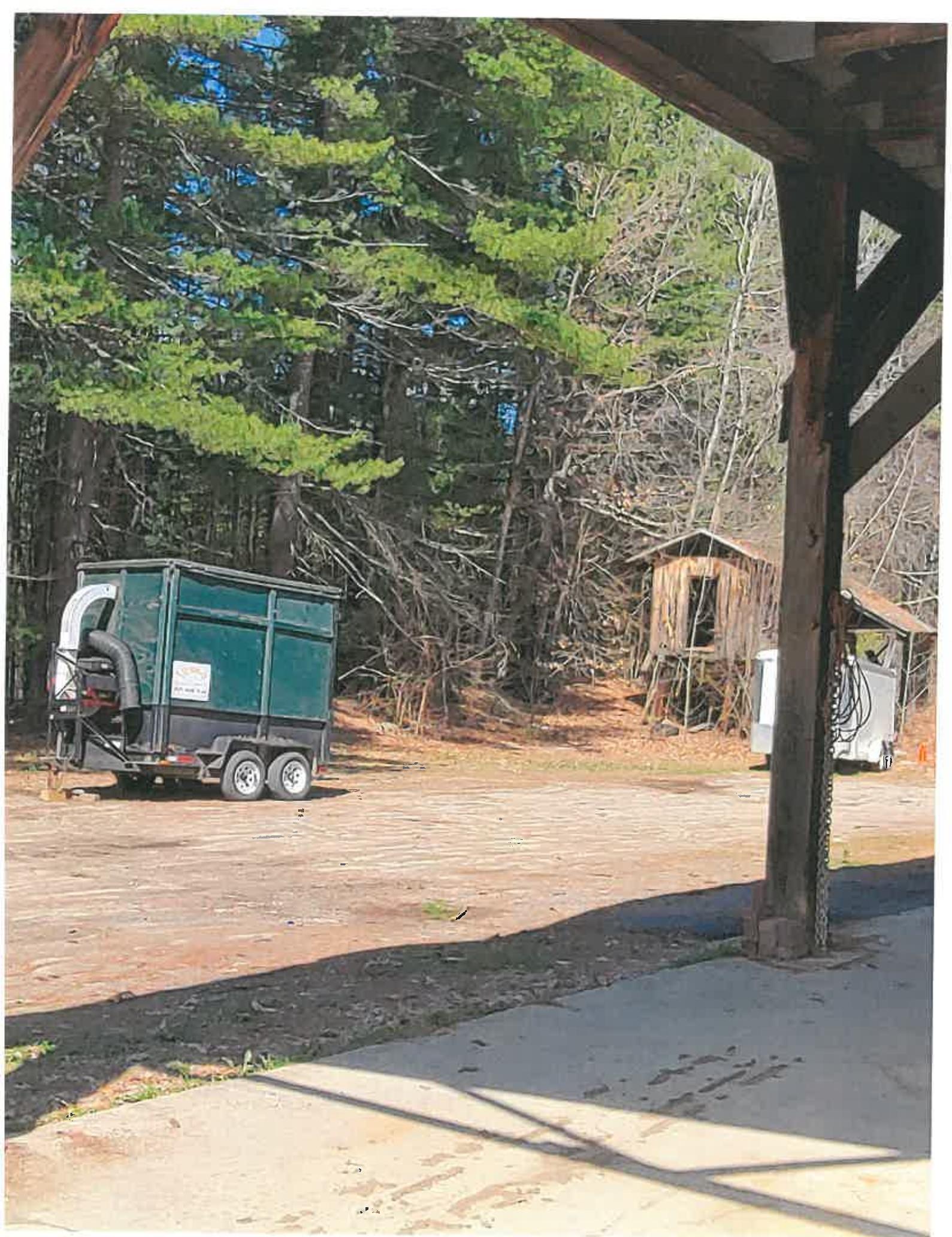








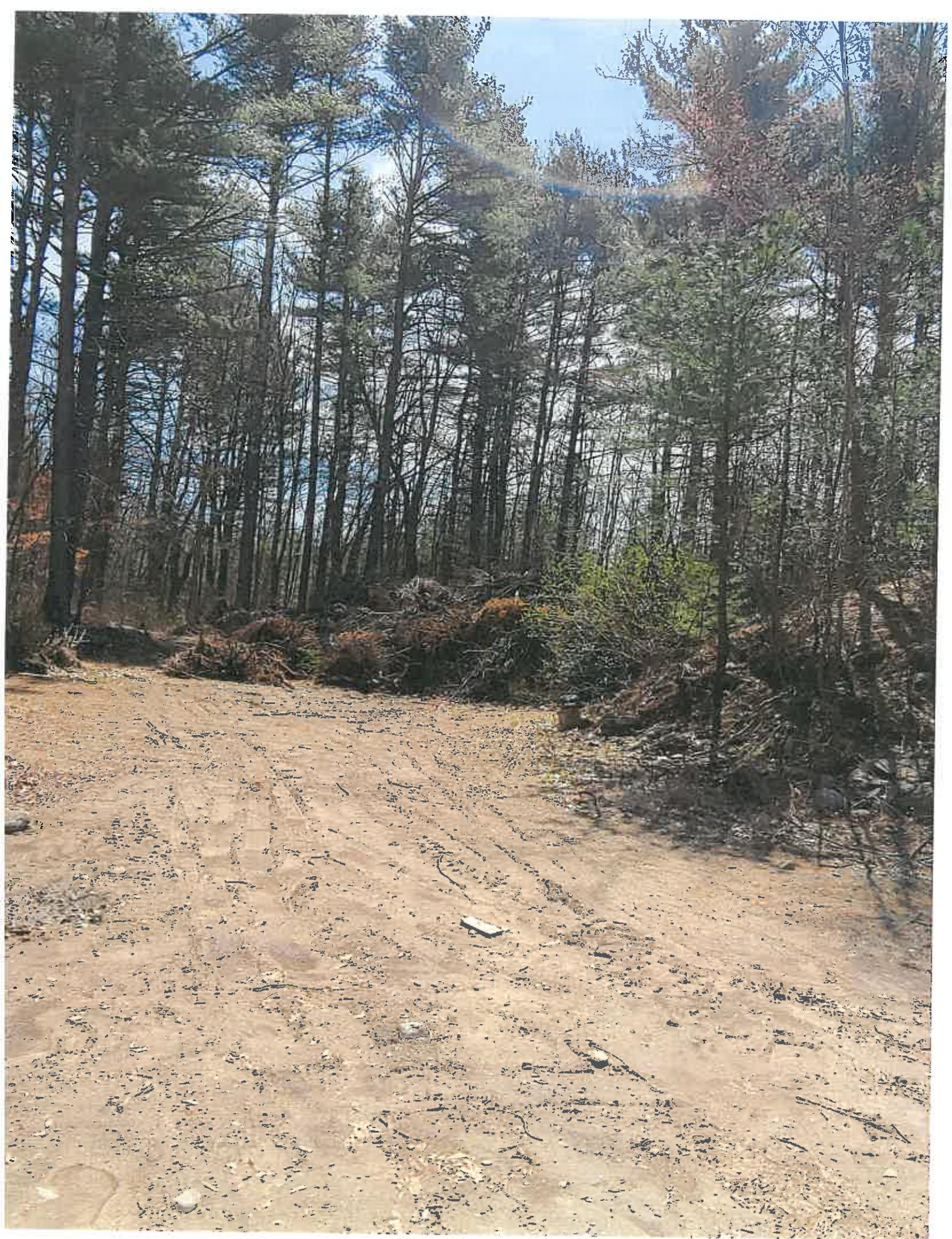






























City of Nashua
Planning Department
 229 Main Street
 Nashua, New Hampshire 03061-2019

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 367 AMHERST ST. NASHUA, NH
 Zoning District GB Sheet G Lot 052

2. VARIANCE(S) REQUESTED:
(1) ADDITIONAL WALL SIGN; 22.3 SF OF ADDITIONAL WALL SIGN AREA

II. GENERAL INFORMATION

1. **APPLICANT / OPTIONEE** (List both individual name and corporate name if applicable)
 (Print Name): 7 ELEVEN
 Applicant's signature Letter attached Date _____
 Applicant's address 367 AMHERST ST. NASHUA, NH
 Telephone number H: 484-883-3640 C: _____ E-mail: permexpress@outlook.com

2. **PROPERTY OWNER (Print Name):** 7 ELEVEN
 *Owner's signature Letter attached Date _____
 Owner's address 367 AMHERST ST. NASHUA, NH
 Telephone number H: _____ C: _____ E-mail: _____

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

OFFICE USE ONLY	Date Received _____	Date of hearing _____	Application checked for completeness: <u>CP</u>
PLR# <u>A20-0040</u>	Board Action _____		
\$ _____ application fee <input type="checkbox"/>	Date Paid _____	Receipt # _____	
\$ _____ signage fee <input type="checkbox"/>	Date Paid _____	Receipt # _____	
\$ _____ certified mailing fee <input type="checkbox"/>	Date Paid _____	Receipt # _____	
Land Use Code Section(s) Requesting Variances From: <u>190-108 (C)(1) & (E)(2)</u>			

rec'd 5/15/12

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 will not be contrary to the public interest because nothing will be changing to the public
eye other than a cleaner look. After multiple years the existing signs are faded and run down
from enduring the weather conditions. The new signs will be more appealing to the
community.

- 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.")

These existing signs were previously approved by the City of Nashua and we are
proposing to replace like for like.

- 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.)

7 Eleven will like to continue business in the City of Nashua and take part in
making the appearance of the City appealing to the public eye.

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

This proposal will not diminish the values of the surrounding properties because this
business use and appearance is staying the same and has been in business at this location
for many 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.

7 Eleven is proposing to replace the existing signs like for like for a cleaner, nicer appearance to the community. The existing signs were once approved by the City and it is imperative for the signs to stay consistent to ensure customer identification of the business. The (4) wall signs and 112.3 square feet in sign area are necessary for consumers visibility at the busy intersection.

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.

Stephanie Nuccio
Signature of Applicant

5/12/2020
Date

Stephanie Nuccio
Print Name

5/12/2020
Date

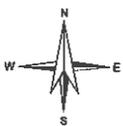
The staff report for a Use Variance request will be available no later than Friday of the week before the ZBA meeting. If you would like a copy, please indicate below:

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

-SITE



367 Amherst St





Letter of Authorization

April 10, 2020

To Whom it May Concern –

As an agent of 7-Eleven, Inc., I authorize Pro-Signs, Inc. to apply for and obtain permits and variances for work related to the proposed upgrades at 7-Eleven store number 24433 located in Nashua, NH.

If there are questions or concerns related to this authorization or the proposed work, please do not hesitate to reach out.

A handwritten signature in black ink, appearing to read 'Rob. Blake'.

Thank you,

Robert Blake

7-Eleven, Inc.

Construction Manager, LEED AP

Cell # 610-213-9565

Robert.Blake@7-11.com



TANK AND LINE UPGRADE PROGRAM

EXISTING BRAND IS 7-ELEVEN BUILDING AND GASOLINE

SCOPE: BUILDING AND GASOLINE TO REMAIN 7-ELEVEN BRAND AND WILL BE BROUGHT UP TO CURRENT IMAGE STANDARDS AS PART OF THE TANK AND LINE UPGRADE PROGRAM

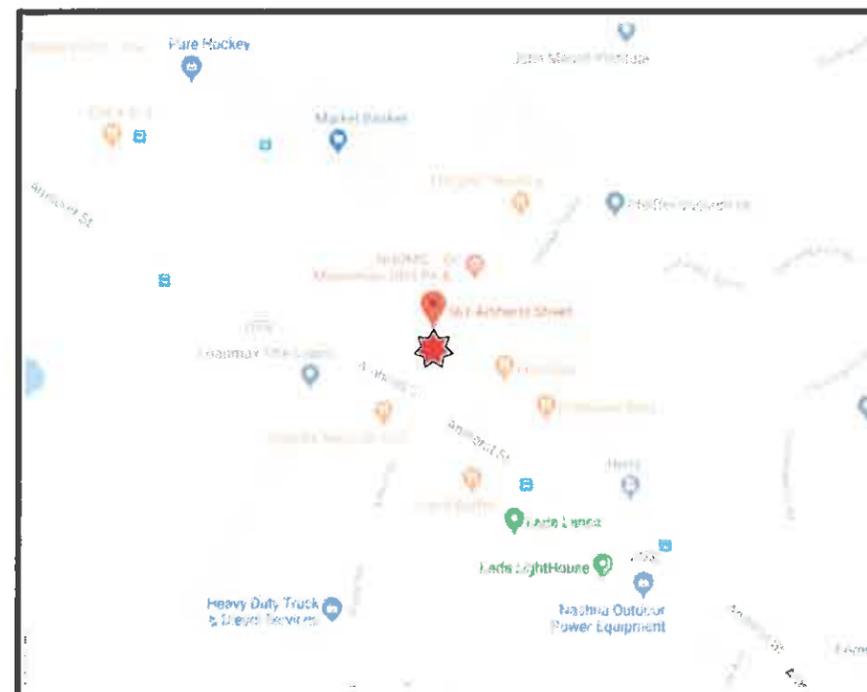
PROJECT LOCATION

7 ELEVEN #24433
361 AMHERST ST
NASHUA NH 03063

SITE SCOPE SUMMARY

BUILDING – INSTALL NEW SIGN
MID – REFACE ADDING DIESEL
CANOPY – INSTALL NEW
DISPENSERS – INSTALL NEW
DIESEL CONVERSION

Vicinity Map



BRAND CONVERSION SCOPE OVERVIEW

1. MAIN ID SIGNAGE
2. CANOPY IMAGE AND SIGNS
3. DISPENSER BRANDING

DRAWING LIST

- COVER
- B-1 (BUILDING SIGN)
- B-2 (BUILDING SIGN DETAILS)
- CW-1 (CAR WASH)
- CW-2 (CAR WASH DETAILS)
- S-1 (FREESTANDING SIGN)
- S-2 (SIGN DETAILS)
- GC-1 (GAS CANOPY IMAGE)
- GC-2 (CANOPY SIGNS/DETAILS)
- D-1 (DISPENSER DETAIL)
- MAT-1 (MATERIALS)
- P-1 (PAINT SPECS)

FACILITY INFORMATION

7 ELEVEN #24433
361 AMHERST ST
NASHUA NH 03063

PERMITTING INFORMATION

Jurisdiction:
City of Nashua
Zoning Classification:
GB
Parcel ID:
G-652

Sheet:
COVER
Drawing Set Revision:
R1



LSI Graphic Solutions
9260 Pleasantwood Ave. NW
North Canton, OH 44720
(330) 494-8515

Project: IMAGE CONVERSION

Drawn By: Kevin Sommer

Date: 05/08/19

Approved By Robert Blake
9/11/19

**BRAND CONVERSION
DETAILS**

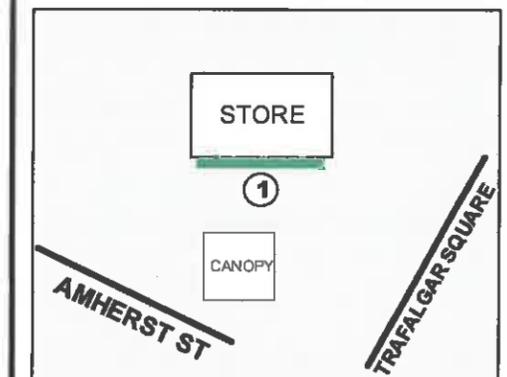
BUILDING FASCIA TO BE
COVERED WITH ACM THAT IS
PAINTED SW 7675 SEAL SKIN

INSTALL NEW BUILDING TATEYAMA

① **EXISTING BUILDING SIGN – FRONT**
33" X 369" =85.3 SF



SIGN LOCATION MAP



FACILITY INFORMATION

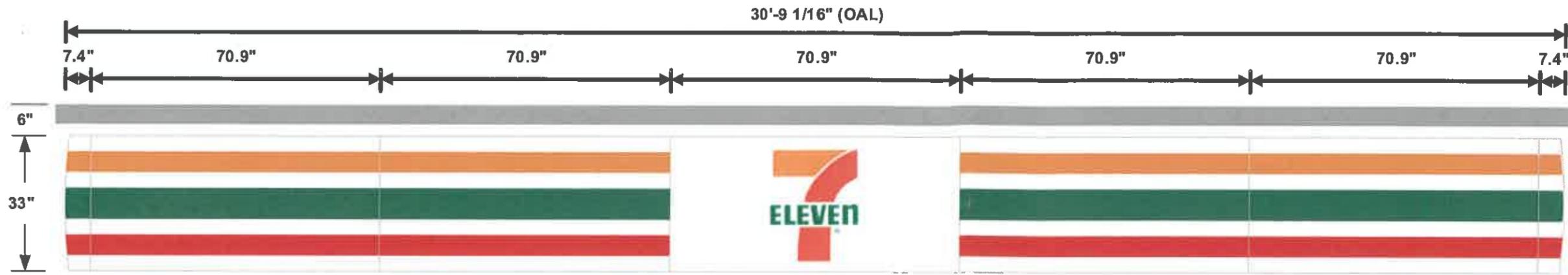
7 ELEVEN #24433
361 AMHERST ST
NASHUA NH 03063

Sheet:
B-1 (BUILDING SIGN)
Sheet Revision:
R0



LSI Graphic Solutions
9260 Pleasantwood Ave. NW
North Canton, OH 44720
(330) 494-8515

**BRAND CONVERSION
DETAILS**



Sign Area (Cabinet) = 85.3 SF

FACILITY INFORMATION

7 ELEVEN #24433
361 AMHERST ST
NASHUA NH 03063

Sheet:
B-2 (BUILDING SIGN DETAILS)
Sheet Revision:
R0



LSI Graphic Solutions
9260 Pleasantwood Ave. NW
North Canton, OH 44720
(330) 494-8515

THIS IS A REFACE OF THE EXISTING SIGN. DO NOT MOVE CABINETS OR ALTER STRUCTURE.

② **EXISTING MAIN ID SIGN (119 SF)**

7-Eleven Logo Face = 88" x 84" = 52 SF
 Price Face = 88" x 84" = 52 SF
 Entrance Face = 88" x 24" = 15 SF



② **PROPOSED MAIN ID SIGN (115 SF)**

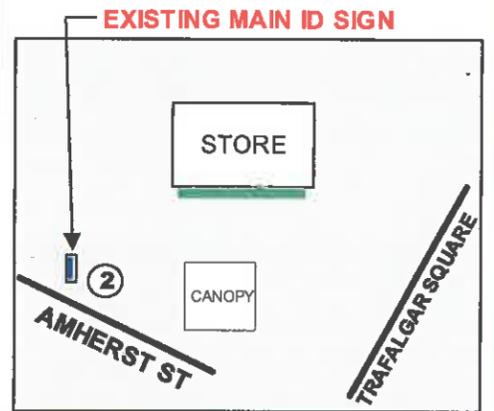
7-Eleven Logo Face = 85.375" x 84" = 50 SF
 Price Face = 85.375" x 84" = 50 SF
 Entrance Face = 85.375" x 24" = 15 SF
 Digital Copy Area LEDs = 44.9375" x 22.0625" x 2 = 13.8 SF



SIGN SCOPE

1. INSTALL ALL FACES AS SHOWN
2. PAINT POLES PER 7-ELEVEN SPECIFICATIONS

SIGN LOCATION MAP



FACILITY INFORMATION

7 ELEVEN #24433
 361 AMHERST ST
 NASHUA NH 03063

Sheet:
 S-1 (Freestanding Sign))
 Sheet Revision:
 R0



LSI Graphic Solutions
 9260 Pleasantwood Ave. NW
 North Canton, OH 44720
 (330) 494-8515

NOTE: REPLACE EXISTING FLUORESCENT LAMPS WITH LED RETROFIT IF NEEDED

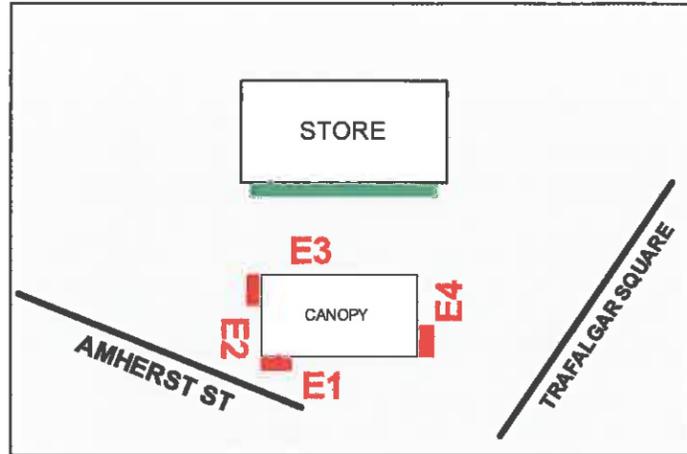
NOTE: GASOLINE PRICES MUST BE RED LED FONT DIESEL PRICES MUST BE GREEN LED FONT

NOTE: INSTALLER MUST COMPLETE INSTALLATION CHECKLIST PER MANUFACTURERS REQUIREMENTS. INSTALLER MUST FOLLOW MANUFACTURER'S INSTALLATION INSTRUCTIONS INCLUDING VENTING DETAILS TO MAINTAIN PROPER AIR GAP.

OPEN 24 HOURS
 SIDE B

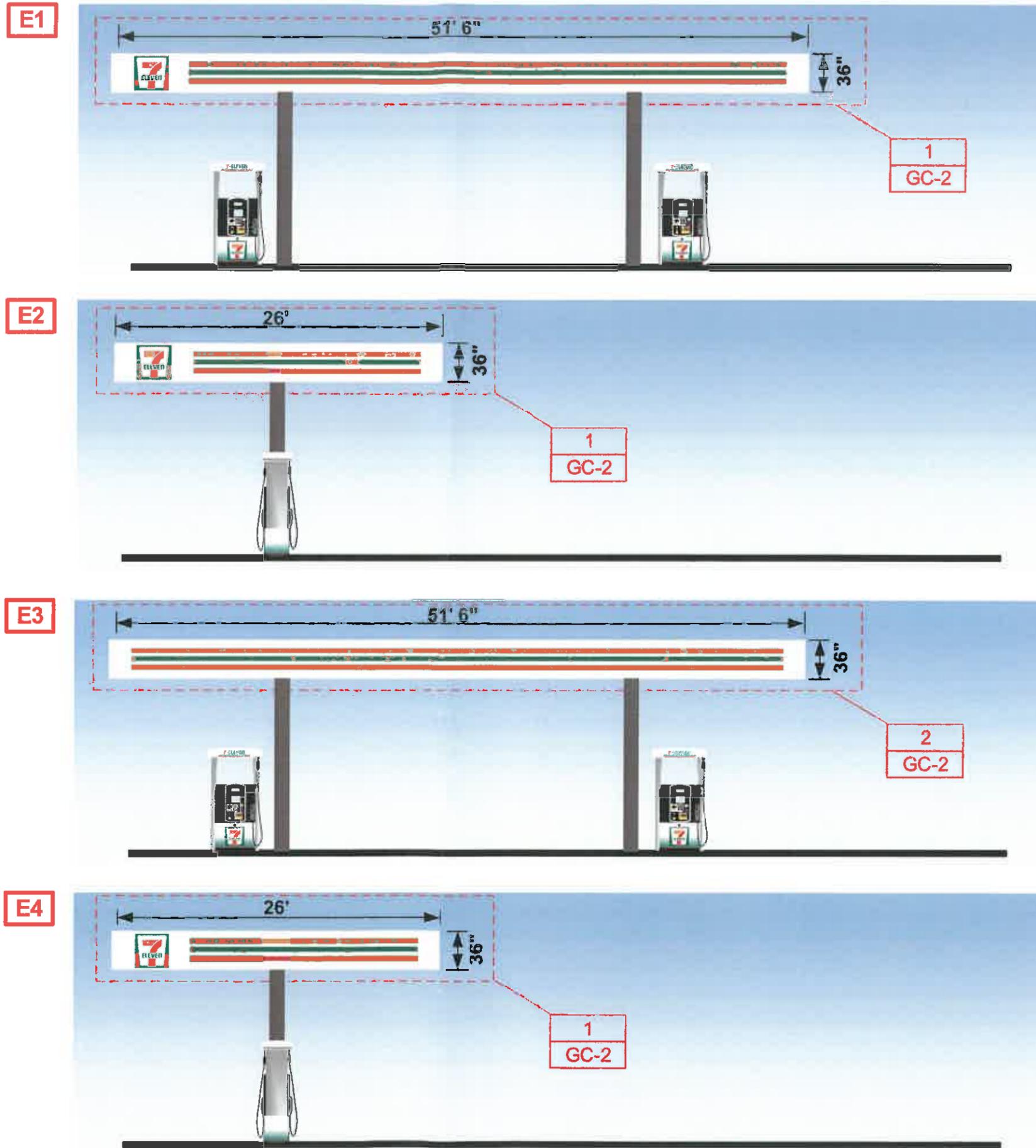
ORIENTATION MAP

ELEVATIONS 1 through 4



EXISTING ELEVATIONS

Existing signs are 36" x 36" = 9 SF EA.
(3) 9 SF SIGNS = 27 SF Total Signage



CANOPY SIGN DETAILS

CANOPY SIGNS
QUANTITY (3) 36" LOGO
SIGNS 9 SF EA =
36 SF Total Signage

RE-IMAGE SCOPE

1. INSTALL NEW CANOPY IMAGE AS SHOWN.
2. INSTALL NEW SIGNS AS SHOWN
3. PAINT CANOPY COLUMNS PER 7-ELEVEN SPECIFICATIONS (SEE SHEET P-1)
4. INSTALL NEW FIRE EXTINGUISHERS AND CABINETS PER SITE SPECIFIC SCOPE
5. INSTALL NEW TRASH AMENITY UNITS PER SITE SPECIFIC SCOPE

FACILITY INFORMATION

7 ELEVEN #24433
 361 AMHERST ST
 NASHUA NH 03063

Sheet:
 GC-1 (GAS CANOPY IMAGE)

Sheet Revision:
 R1



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 North Canton, OH 44720
 (330) 494-8515

CANOPY DETAILS

GENERAL DETAILS

FACILITY INFORMATION

7 ELEVEN #24433
361 AMHERST ST
NASHUA NH 03063

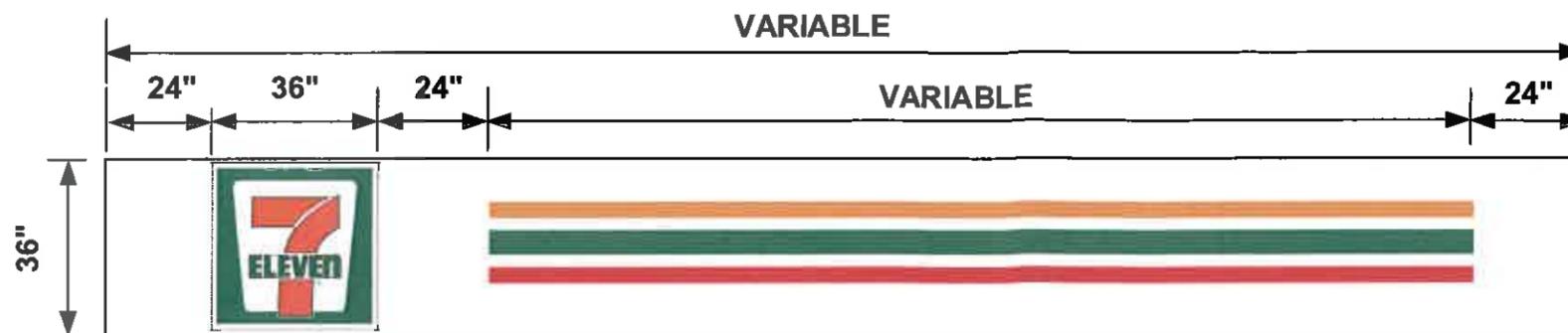
Sheet:
GC-2 (GAS CANOPY DETAILS)

Sheet Revision:
R0

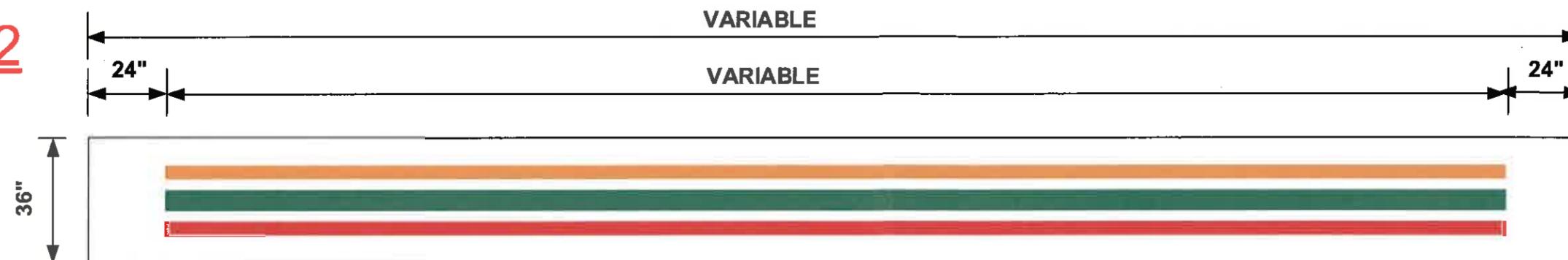


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North Canton, OH 44720
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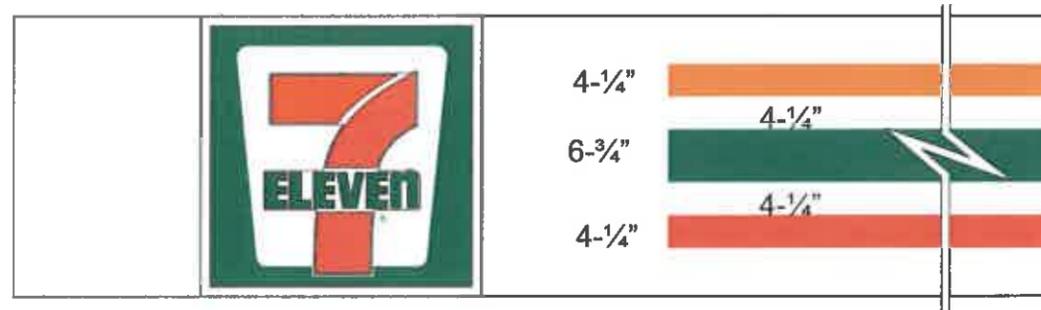
DETAIL 1



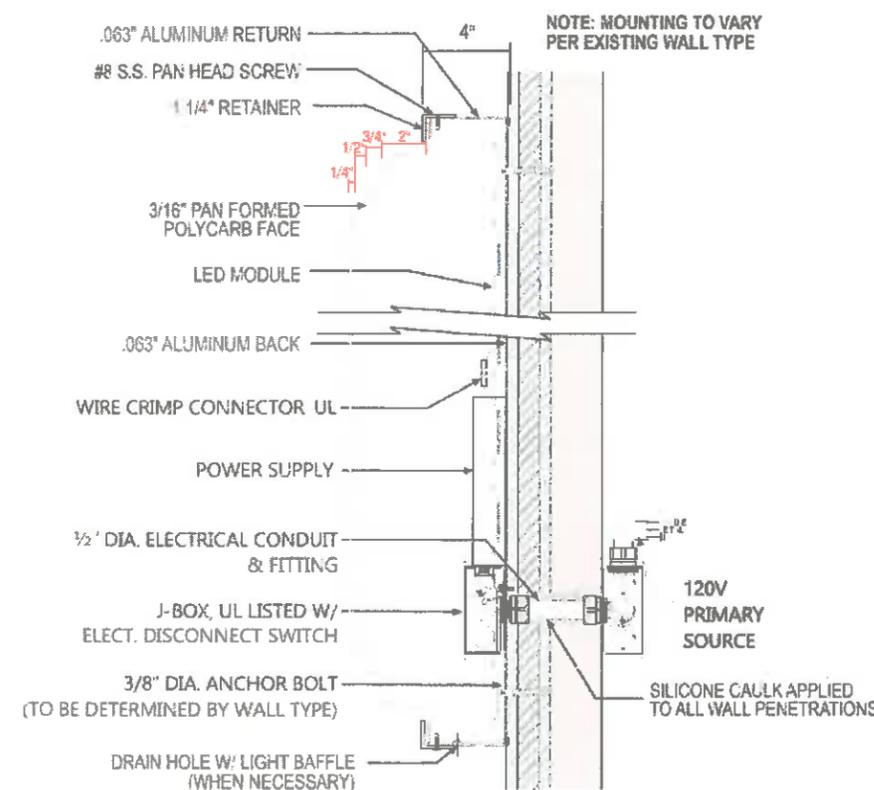
DETAIL 2



DETAIL 3



DETAIL 5



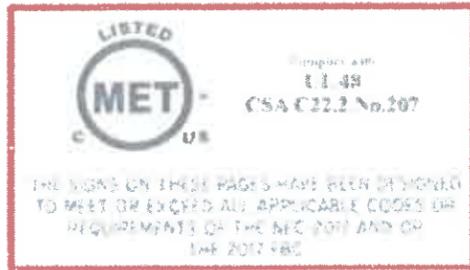
DETAIL 4

General Requirements

1. Wall Sign require a UL label
2. Letters are designed to meet 2012 International Building Code ASCE 7-10 (115 mph Exposure C)
3. Wall Sign to be installed according to NEC and/or applicable local codes
4. The disconnect must be placed in direct view of the sign
5. Placement of UL stickers and mfg labels (to be visible from the ground)

WALL TYPE	CMU, BRICK	PRE-CAST CONCRETE, CONCRETE	WOOD BLOCKING, PLYWOOD	EIFS WALL W/ FOAM INSULATION	GLASS MATTE SHEATHING, PLYWOOD
SECTION					
ANCHOR TYPE	ø1.2\"/>				

ELECTRICAL DETAILS



DEDICATED CIRCUIT : FOR CANOPY SIGN	
7-ELEVEN SINGLE FACED CANOPY CABINET: (3 SIGNS) QTY: 1 100W GE LED POWER SUPPLIES (1 1 AMP EACH)	CABINET TOTAL: 1.1 AMP EACH (QTY: 1)
20 AMP WEATHER PROOF DISCONNECT REQUIRED	
20 AMP CIRCUIT BREAKER RECOMMENDED, TBD BY LICENSED ELECTRICIAN	
TOTAL AMPS: 1.1	

NOTE: SECONDARY WIRE LOCATED IN CABINET RANGES FROM 18-14 GAUGE CONTINGENT ON PROXIMITY TO POWER SUPPLY.

All electrical components will be UL listed and approved as per NEC 600.3 and marked as per NEC 600.4 the installation of the wiring will be done as per FBC 4505.4 and designed to UL 48. All signs are to be grounded and bonded per 600.7 and 250.122. All wiring inside letters will be high tension GTO per US sign accessories manual (SAM) E242084. Primary electrical source to be supplied by customer to within six (6) feet of sign. All primary wiring will be #12 THWN. This sign will be built and installed in compliance with NEC article 600, UL 48 and FBC.

All electrical components are UL listed and approved as per NEC.5 2014.

All transformers ground fault protected & comply with NEC 600-23.

All secondary wiring inside letter is to be high tension GTO as per NEC-600-31.

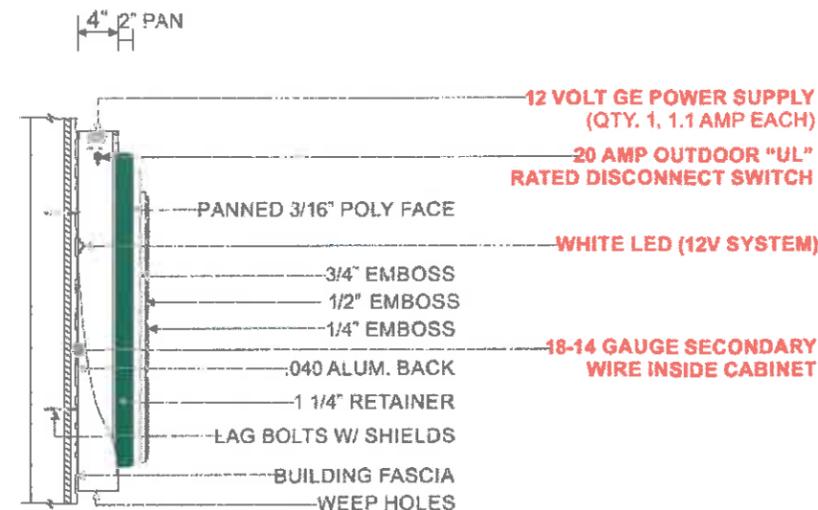
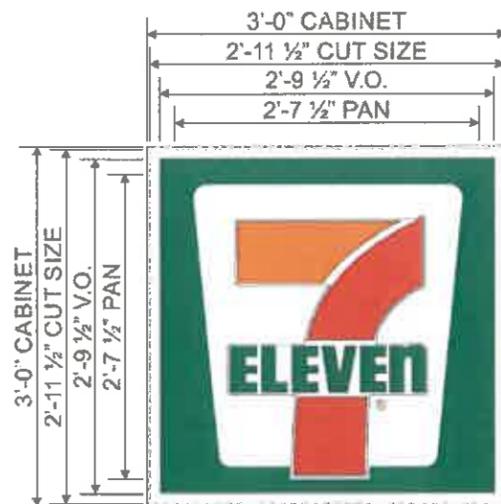
All primary wiring to be #12 THWN as per NEC-60-5.

Grounding and bonding as per NEC 250.

Installation will comply with all of the requirements of NEC 600 & FBC .505.2.4

Signs will be controlled by a photocell or astronomical time clock

CANOPY SIGN DETAILS



THREE (3) W9 S/F INTERNALLY ILLUMINATED WALL SIGN CABINETS.
3/16" THICK PAN FORMED & EMBOSSED WHITE ACRYLIC FACE W/ TRANSLUCENT VINYL GRAPHICS APPLIED FIRST SURFACE. 4" DEEP EXTRUDED ALUM. CABINET W/ 1 1/4" RETAINERS TO BE PAINTED WHITE. CABINET TO BE INTERNALLY ILLUMINATED W/ WHITE LEDS.
7-ELEVEN VINYL SPECS: 3M 3630-44 ORANGE, 3M 3630-33 RED, 3M 3630-26 GREEN

SIGN SCOPE

FACILITY INFORMATION

7 ELEVEN #24433
361 AMHERST ST
NASHUA NH 03063

Sheet:
GC-3 (CANOPY SIGN DETAIL)
Sheet Revision:
R0



LSI Graphic Solutions
9260 Pleasantwood Ave. NW
North Canton, OH 44720
(330) 494-8515



SMITH-WEISS SHEPARD & SPONY, P.C.

Attorneys

May 19, 2020



VIA EMAIL AND REGULAR MAIL
falkc@nashuanh.gov

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

RE: Daniel L. and Jane S. Richardson, Trustees
70 Berkeley Street (Sheet 48, Lot 61)

MOTION FOR REHEARING REQUEST

Dear Mr. Falk:

Please be advised that this office represents Daniel L. and Jane S. Richardson, Trustees, in connection with the above-referenced matter. Enclosed with this letter please find a Motion for Rehearing Request. Would you please submit said Motion to the Zoning Board for its review and consideration.

Thank you for your assistance in connection with this matter.

Very truly yours,

Robert M. Shepard

RMS:jrw
Enclosure

cc: Daniel L. Richardson

Robert Vorbach
Vorbach Architecture

Brenda C. Smith-Weiss = Robert M. Shepard = Tanya L. Spomy = Valerie A. Weber



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

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

REHEARING REQUEST APPLICATION

Motion for Rehearing Request

The Zoning Board of Adjustment may only grant a rehearing if there was a procedural error pertaining to the original Public Hearing, or if the Board did not completely address each of the points of law for the variance/special exception, or if the request for rehearing contains new information not presented or available to the Board at the original Public Hearing that may cause them to render a different decision. This application form, and ALL supplemental information, must be submitted within 30 days of the Public Hearing. Any information submitted after the 30-day time period will remain in the file. The 30-day time period shall be counted in calendar days beginning with the date upon which the Board made their decision.

Date this request is submitted (must be date stamped by City Staff): _____

Date of Zoning Board of Adjustment (ZBA) decision: April 28, 2020

ZBA decision was to: _____ Grant XX Deny

Owner/Applicant Name of case decided by ZBA: Daniel L. and Jane S. Richardson, Trustees

Owner/Applicant Address of case decided by ZBA: 70 Berkeley Street (Sheet 48, Lot 61)

Appealing Party Name (Print): Daniel L. and Jane S. Richardson, Trustees

Appealing Party Name (Signature): _____

Appealing Party Address: 70 Berkeley Street

Appealing Party Phone: (H) (603) 594-9303 (W) _____ (C) _____

I/we respectfully request that the ZBA grant a rehearing on this matter for the following reasons (you may attach an additional sheet if necessary):

The Applicants applied for two (2) area variances to allow the construction of a 24' x 24' detached two-car garage, with an encroachment up to five (5) feet into the six (6) foot required side yard setback (westerly property line) and to encroach up to five (5) feet into the six (6) foot required side yard setback (northerly property line). With regard to the first variance (westerly property line) a majority of the Board found that the five (5) variance criteria for the area variance had been met. A Motion was then made and seconded to support Variance #1. The vote was two (2) votes in favor and three (3) votes against. No motion was made to deny the variance. No written explanation was provided for the negative votes. The primary reason for the negative votes for the first variance appears to be the impact on the view of the abutting property owned by Nancy G. Tropea and Daniel Tropea at 2 Swart Street, identified as Sheet 48, Lot 57 and 58. The Tropea home is located on Lot 57 and Lot 58 is a vacant and separate

lot. In an email to the Zoning Board Nancy and Daniel Tropea explained that they were opposed to the variance because the construction of the 24' x 24' detached garage would decrease their right to an enjoyable view. The Board members who voted against Variance Request #1 appeared to be concerned about the interference with the view for Nancy and Daniel Tropea. It should be noted that the second variance request, which involved the northerly property line, was granted by the Zoning Board by a vote of 4 to 1, after a motion to approve was made and duly seconded.

The proposed location of the 24' x 24' detached garage is the most reasonable location for this structure. There is currently a small, one (1) story, dilapidated structure in this location that encroaches upon the westerly and northerly boundary lines. The proposed 24' x 24' has been designed by a qualified and licensed architect.

The view that is enjoyed by Nancy and Daniel Tropea from their home is not a view of the ocean, a lake, a river or the White Mountains. Rather, it is a view of the home that is owned by the Applicants and the abutting home owned by their neighbor. Please note that the Applicants' neighbor, Fran Murphy, did not object to the variance requests. First, there really is no view here that needs to be protected. Secondly, there is no law that supports the right to a view in this situation. The home that is owned by the objecting neighbors, Nancy and Daniel Tropea, is located approximately 42.5 feet from the westerly property line of the Applicants' property. The location of the proposed 24' x 24' detached garage has a much lower topography than the elevation of the property owned by Nancy and Daniel Tropea.

The Applicants respectfully request that the Zoning Board of Adjustment reconsider its vote on Variance #1. The Applicants assert that the Zoning Board of Adjustment was incorrect in voting against this variance request. Further, the Applicants submit that they are willing to construct a six (6) foot fence on the westerly property line that would be visually appealing and would appease the objecting neighbors. Granting Variance Request #1 will allow the Applicants to reasonably and completely use their corner lot property. The Applicants would agree to erect a fence on the westerly boundary as a condition to granting the first variance.

The Applicants' lot is unique because it is the smallest lot in the vicinity. The Applicants' lot is unique because the driveway runs very close the northerly property line. The Applicants' property is an older property that was constructed in 1928 and the present side yard boundary encroachment has existed for many, many years.

The proposed 24' x 24' detached garage meets the statutory test for unnecessary hardship. The proposed garage cannot be functional without the setback relief. A car cannot be backed out of the southerly stall; the car will impact the house. No fair and substantial relationship exists between the general public purposes of the Ordinance and the specific application of that provision to the Applicants' property.

The construction of the 24' x 24' detached garage will significantly increase the value of the Applicants' property, resulting in an increase in the tax assessment. Further, the construction of this detached garage will enhance all surrounding property values.

The spirit and intent of the Zoning Ordinance will be served because the proposed use by the Applicants is a permitted use and this is an area variance, as opposed to a use variance.

The Applicants hereby incorporate by reference into this Motion for Rehearing the Variance Application and supporting documents.

In this case, a majority of the Board found that the five (5) criteria for an area variance were met by the Applicants for Variance #1. A motion was made and seconded, to approve Variance #1. The body of the motion included the reasoning for the approval. The motion did not carry as two (2) members voted to approve the motion and three (3) members voted to not approve. No written explanation was provided by the Board for the non-approval of Variance #1. (See RSA 676:3, I) Thereafter, the Board moved onto Variance Request #2 and granted that variance. The Board never entertained a motion to deny Variance #1.

The statutory criteria for an area variance were found to exist by a majority of the Board for Variance #1. Despite this finding, the Board did not vote to approve Variance #1. The same statutory criteria were found to exist for Variance #2 and the Board voted to approve Variance #2. The two (2) votes of the Board were logically inconsistent.

OFFICE USE ONLY
 Date Received _____ PLR# _____ Application checked for completeness: *JK*



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

Zoning District Sheet Lot

2. VARIANCE(S) REQUESTED:

II. GENERAL INFORMATION

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

(Print Name):

Applicant's signature Date

Applicant's address

Telephone number H: C: E-mail:

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

*Owner's signature Date

Owner's address

Telephone number H: C: E-mail:

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

OFFICE USE ONLY	Date Received _____	Date of hearing _____	Application checked for completeness: _____
PLR# _____	Board Action _____		
\$ _____ application fee <input type="checkbox"/>	Date Paid _____	Receipt # _____	
\$ _____ signage fee <input type="checkbox"/>	Date Paid _____	Receipt # _____	
\$ _____ certified mailing fee <input type="checkbox"/>	Date Paid _____	Receipt # _____	
Land Use Code Section(s) Requesting Variances From: _____			

III. PURPOSE OF REQUEST

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

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

See Attachment A which answers this question.

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

See Attachment A which answers this question.

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

See Attachment A which answers this question.

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

See Attachment A which answers this question.

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

See Attachment A which answers this question.

IV. USE VARIANCE ADDITIONAL INFORMATION

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

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

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

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

Signature of Applicant _____

Date _____

Print Name _____

Date _____

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

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

Attachment A – Answers to Questions for 70 Berkeley St Setback Variance Application

I.2 Variance Requested:

Requesting variance to encroach 5 feet into 6 foot required side yard setbacks to replace an existing nonconforming 12x20 detached garage with a 24x24 detached garage. Maintains existing side/rear setback penetration lines of existing single-car garage foundation for two-car replacement garage on corner lot property. (Ref: §190-31 A.1 Dimensional standards.) Existing single-car garage site pre-dates zoning.

III.1. Granting of the requested variance will not be contrary to the public interest because:

The public's interest is served by the maintenance and/or upgrade of existing auxiliary structures to housing stock with increased market value. The structure design will be completely in character with existing house and function as all detached garages throughout Berkeley and Swart streets. With site being remote from public right-of-way, there is no injury to public rights. The site is remote from any other structure, making safety of other structures non-issue. The existing garage is in need of substantial repair and the public's interest and health/safety is served by granting variance in concert with applicable §190-120 E. Unsafe structure.

III.2. The proposed use will observe the spirit of the ordinance because:

Structure design is constrained to be a two-car garage. Ground level will have small volume available for lawn care equipment. Upper area design is for reasonable storage volume for sport equipment and woodworking hobby. The upper area may be seasonally space heated. The desired 24'X24' two-car garage size is smaller than others in the neighborhood. It will accept two cars, but with minimal storage of family items such as children's bikes and toys, in addition to house maintenance equipment. This is an older small house that doesn't have a lot of storage space. Structure will have electrical service from house but will have no tap water service and no fuel service. The structure design will not compromise abutters' property use rights and will comply with all other ordinance requirements.

III.3. Substantial justice would be done to the property-owner by granting the variance because:

Present site of existing garage is characteristic of the housing construction era throughout Berkeley and Swart streets. Review of the property boundaries map clarifies the predominance of detached garages are non-conforming. Nearby, there are 14 detached garages which do not conform to setback on Berkeley Street and Swart Street (from Greeley Park to East Stark Street).

Attachment B holds multitude of city's GIS map images of housing and garages not in conformance with setback on Berkeley St and parallel streets..

Nearby detached two-car garages do not appear to be original to the houses, but built after the houses. The Building Dept has kindly provided permit date information for these. Since my existing 1953 garage permit is on file, permits for garages earlier than 1960 or lack of permits, establishes their construction to pre-date zoning and the non-conforming site setback of nearby garages as characteristic of the neighborhood era and accepted. The property owner deserves enjoyment of his property on par with latitude given neighbors.

Of the 14 non-conforming detached garages, all are two-car with the exception property-owner and 36 Berkeley have the only single-car garages in neighborhood. Having two-car garage is now a characteristic of the neighborhood. It is equitable to allow replacement with two-car garage.

Attachment A – Answers to Questions for 70 Berkeley St Setback Variance Application

Nearby Non-Conforming Detached Garages				Two-Car Garage Permit Search (from Building Dept)
Two-Car	Parcel	Single Car	Parcel	
12 Swart Terrace	48-70			New with a variance 2004
18 Swart Terrace	48-73			Built with the house 1966
20 Swart Terrace	48-74			No Permit Record
		36 Berkeley	47-27	
72 Berkeley	48-62			No Permit Record
47 Berkeley	47-50			No Permit Record
46 Berkeley	47-98			No Permit Record
45 Berkeley	47-52			No Permit Record
43 Berkeley	47-54			A permit was issued but the date was not noted best guess prior to 1960
42 Berkeley	47-97			A permit was issued but the date was not noted best guess prior to 1960
41 Berkeley	47-56			No Permit Record
39 Berkeley	47-58			No Permit Record
38 Berkeley	47-39			A permit was issued but the date was not noted best guess prior to 1960

III.4. The proposed use will not diminish the values of surrounding properties because:

An architect has been retained to ensure design is functional, compliant with architectural building standards and fully complements the existing house. The siting has been and will remain unobtrusive to view of abutters and does not diminish their use of their own property. Condition of abutters' property will remain unchanged. Abutters are particularly well-served by view of new garage.



III.5. Special conditions exist such that literal enforcement of the ordinance results in unnecessary hardship because:

Existing driveway is designed for one car width and consumes available space between house and property line. Given incline of Swart St., granite wall and abutting property ground height difference, Berkeley St side was the safe and logical location for a driveway to access this property. It would be an unreasonable hardship to place a new garage in any other location.



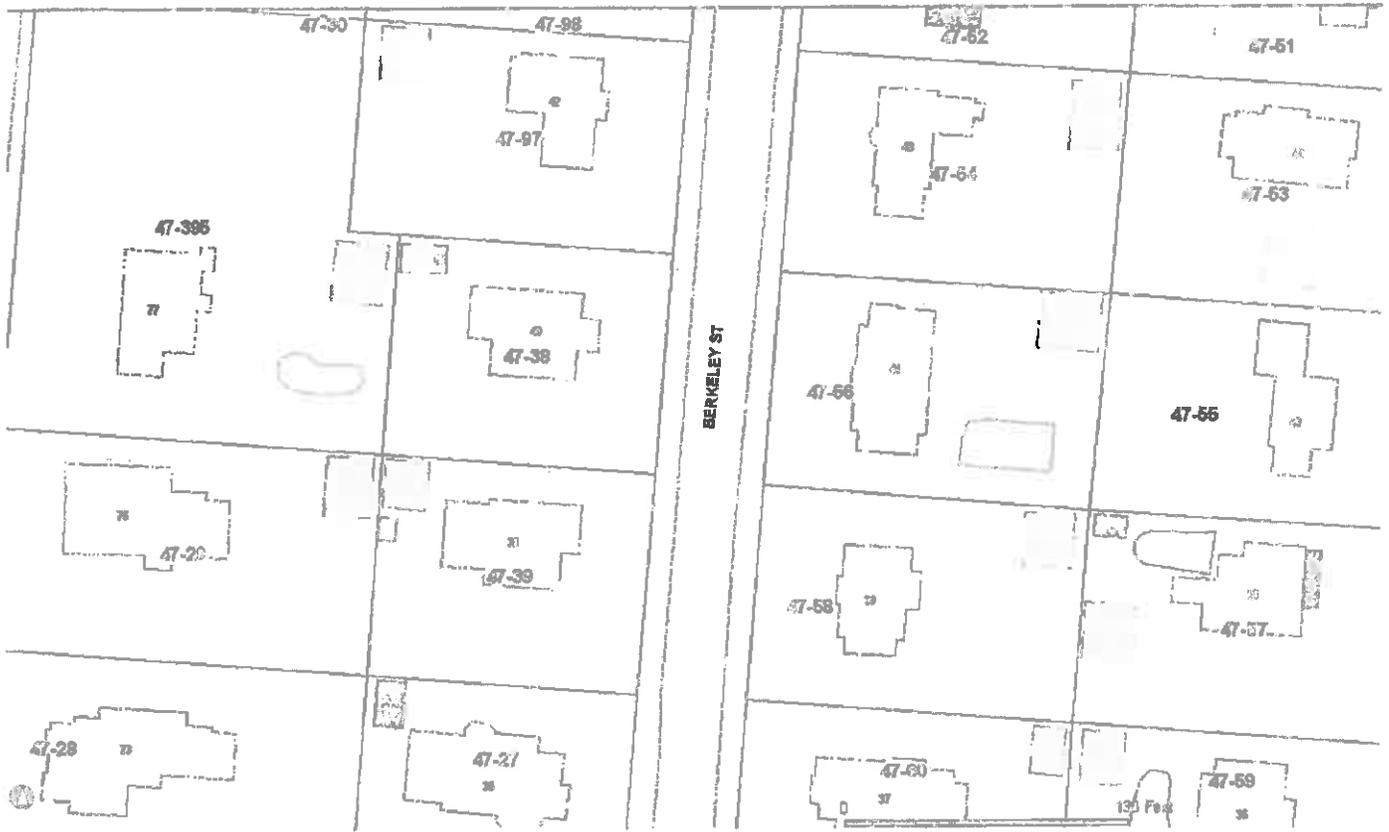
Rear yard near garage within 14 feet from property line already has no utility at present due to roll-off transition from abutters' property height. Abutters' property is 4 to 5 feet greater height than existing garage ground level. Half of backyard nearest the garage suffers from very limited flat ground. The other half of rear yard has existing diminished utility as it maintains abutters' ground height and suffers yard consumption with another height transition footprint.



The new two-car garage, along with the two-car drive cape, will expand toward the house. However the 12 feet additional garage width parallel to property line of the previously unusable 14 foot projection into yard would be converted to the enjoyment of the property owner.

**Attachment B—Detached Garages on Berkeley St. Not in Conformance to Setback
Relative to 70 Berkeley St. Setback Variance Application**

North Berkeley Street



Attachment B – Detached Garages on Berkeley St. Not in Conformance to Setback
Relative to 70 Berkeley St. Setback Variance Application

Mid Berkeley Street



Attachment B – Detached Garages on Berkeley St. Not in Conformance to Setback
Relative to 70 Berkeley St. Setback Variance Application

South Berkeley Street



112.51

111.85

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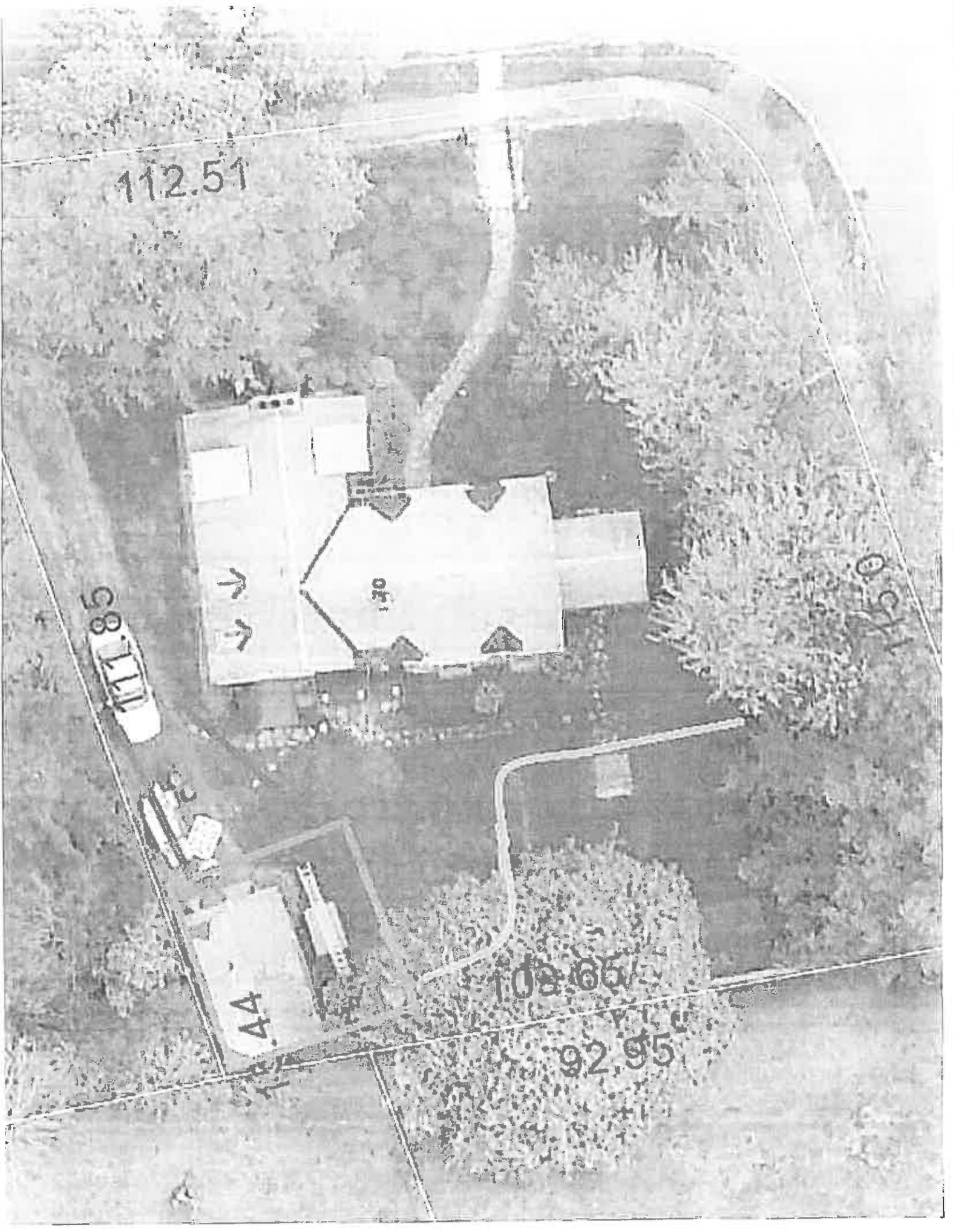
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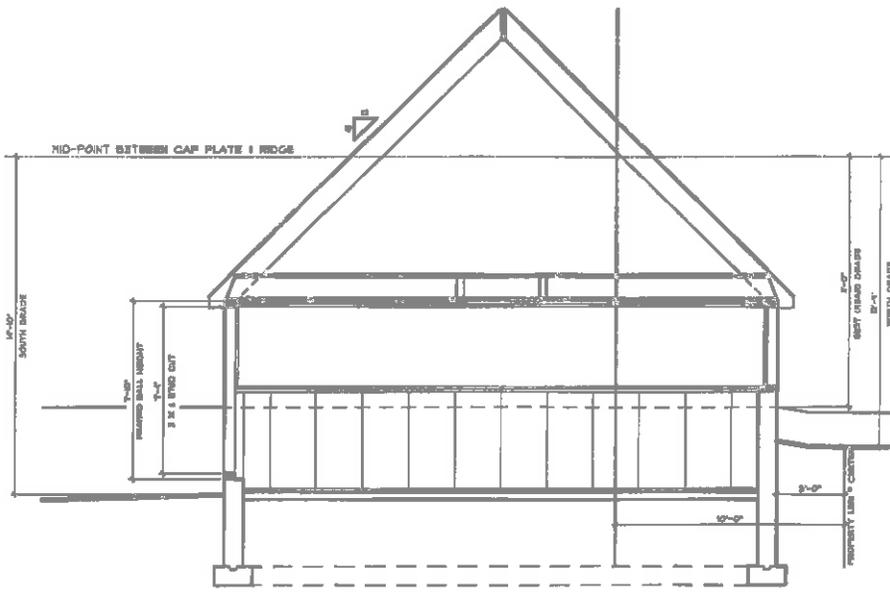
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44

103.65

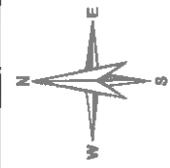
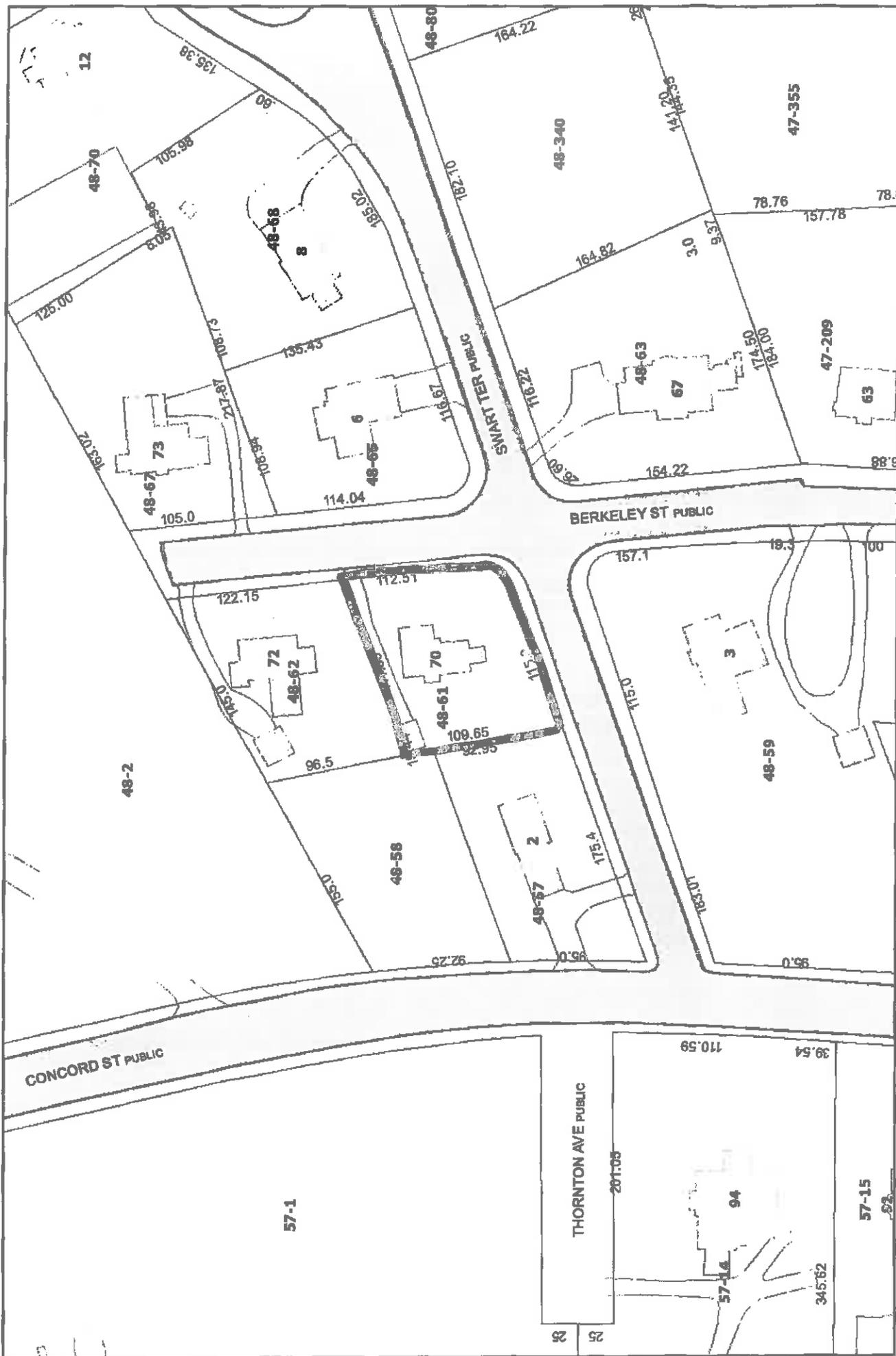
92.95





PROPOSED GARAGE FRAMING SECTION
 516 SQUARE FOOT TWO CAR GARAGE SCALE: 1/4" = 1'-0"

PROPERTY: 10 BERKELEY STREET - BASHUA, NEW HAMPSHIRE
 OWNERS: DANIEL L. RICHARDSON, JAKE S. RICHARDSON
 PROJECT: 516 SQUARE FOOT TWO CAR GARAGE & ATTIC STORAGE
 CONSTRUCTION GOOD FRAME
 ARCHITECT: VORBACH ARCHITECTURE - 80 YANKESTER STREET
 BASHUA, NEW HAMPSHIRE 03024-2914 (603) 888-1180
 ROBERT A. VORBACH - LICENSED ARCHITECT



MOTION CARRIED 4-1 (Mr. Boucher) - PER VERBAL ROLL CALL

MOTION by Mr. Lionel to approve variances #2 and 3 on behalf of the owner and applicant as advertised, both requests considered collectively. Mr. Lionel stated that the variance is needed to enable the applicant's proposed use of the property, given the location of the church and the driveway, it is hard to see and is shared by another property, and the church is set way back from the roadway, and the Board doesn't believe that there is another reasonably feasible method to pursue other than a variance.

Mr. Lionel stated that the request is within the spirit and intent of the ordinance.

Mr. Lionel said that the Board believes it will not adversely affect the property values of surrounding parcels. Mr. Lionel stated that the request is not contrary to the public interest, and substantial justice is served.

SECONDED by Mr. Shaw.

MOTION APPROVED UNANIMOUSLY 5-0 PER VERBAL ROLL CALL.

***** 5-MINUTE BREAK *****

5. Daniel L. & Jane S. Richardson, Rev. Tr. (Owners) 70 Berkeley Street (Sheet 48 Lot 61) requesting the following variances from Land Use Code Section 190-31; 1) to encroach up to 5 feet into the 6 foot required side yard setback (western property line); and, 2) to encroach up to 5 feet into the 6 foot required side yard setback (northern property line) - both requests to replace a nonconforming 12'x20' detached garage on a corner lot with a 24'x24' detached two-car garage with storage above. RA Zone, Ward 3.

Voting on this case:

Mariellen MacKay, Chair
Steve Lionel, Vice Chair
Jack Currier, Clerk
Rob Shaw
JP Boucher

Dan Richardson, 70 Berkeley Street, Nashua, NH. Mr. Richardson said that architect Robert Vorbach is with him in the room.

Mr. Richardson said that the garage is from about 1953, a 20'x12' garage in the corner of the lot, and the house was built about 1929, before zoning laws came into the City.

Mr. Richardson said that the intent is to replace the garage with a new garage, no change in use. He said that it is a one-car garage, and wants to make it a two-car garage, which is typical in the neighborhood, and there is only one other one-car garage at 36 Berkeley Street, all the others are two-car garages. He said that the garage will not be against the public interest, it will be completely in character with the existing house, and with all other garages in the area. He said that the site, in the corner of the lot, is remote from public view, and it is not adjacent to any other buildings. He said that there are no safety issues where it is proposed. He said that the garage is in bad condition, and is getting worse, the roof is falling apart, and the foundation is starting to push in, and it's becoming a problem. He said it is within the public interest to rebuild the garage with a safer structure.

Mr. Richardson said that the request will observe the spirit of the ordinance; it is enough room for vehicles and lawn equipment, and storage of household items. He said it will have no water or fuel service going to it. He said it will not be heated.

Mr. Richardson said that substantial justice would be done to the property owner by granting the variance, because the site of the existing garage is characteristic of the neighborhood, most all other detached garages in the area are fundamentally two-car. He said that many of the existing neighborhood garages are also non-conforming as this one is.

Mr. Richardson said that the proposed use will not diminish the property values of surrounding parcels. He said that he submitted a photo in the package of the existing garage, it is a mess, and a brand new garage would certainly enhance the view to the abutter's property.

Mr. Richardson said that the lot is four feet lower than the abutter to the west, the topography rolls off, about 15 feet, just to come off of that elevation. He said that most of the

yard is consumed by a rolling hill, so it's almost unusable. He said that there really isn't any other place to put the garage. He said that the driveway will stay as is, and there really isn't any other place to put the garage.

Robert Vorbach, Architect, 58 Manchester Street, Nashua, NH. Mr. Vorbach said that the aesthetics of the garage will belong to the existing house, it is a stucco home with a slate roof, and it will be within the details and context of the existing house.

Mr. Minkarah said that seeing as though the existing garage would be demolished, can the garage just be shifted over four feet in other directions to meet the setbacks.

Mr. Richardson said the issue with that is that the garage would come so much closer to the house, you wouldn't be able to get the second car into left bay.

Mr. Currier asked if the topography challenge is due to a septic, or is it just the way the land is graded.

Mr. Richardson said that the entire back yard was a hill, and it helped cause the problems with the garage. He said that he even had an excavator come in and haul away soil so the kids would have a place to play.

Mr. Currier asked if the foundation of the existing garage could be used for the new one, or if the new garage would have a new foundation.

Mr. Vorbach said that the existing foundation is cracked and the blocks are shifting, it is problematic from a structural soundness, so it will all be new. He said that the northwest corner will be the datum for the new foundation, which will be 10 inches of poured concrete with a frost wall and footer, all new. He said that the excavation will be done with minimal, if any, damage to abutting properties.

Mr. Currier asked about the roof, he said that the drawing makes it look more like a two-story garage with a much shallower pitch.

Mr. Vorbach said that it' designed as a story and one-half, the pitch is in harmony with the house. He said that if the pitch is

lowered, it makes the usable space on the loft much less. He said that the 12-pitch at 45 degrees is the best match for the house.

SPEAKING IN FAVOR:

Mr. Falk said that he has an email from Francis Murphy of 72 Berkeley Street, who is in support. He read it into the record.

SPEAKING IN OPPOSITION OR WITH QUESTIONS OR CONCERNS:

E-mail submitted in opposition from Nancy Tropea, 2 Swart Terrace. Mrs. MacKay read the email into the record, and stated that they also own the vacant lot north of their house as well.

SPEAKING IN FAVOR - REBUTTAL:

Mr. Richardson said that the basis for the opposition on both the west and north side makes two assertions. He said that they believe the property values will decrease, and hasn't found any data that new construction will decrease someone's property values. He said that the neighbor on the north has no issue. He said he cannot conceive how the new garage would impact the abutter's property values. He said that that the neighbor states that the size of the garage impacts their enjoyable view. He said he's never heard of something like this, as there is a huge maple tree that blocks the view, and it does with the old and the proposed new garage, as the tree is enormous. He said that he is surprised that the abutter would prefer the view of the existing garage, as it is falling apart, rotting, peeling paint, and the roof is collapsing, and cannot see how the abutter would be an enjoyable view. He said that the revised height of the garage would meet the ordinance. He said that the abutters view wouldn't change; it would be exactly the same.

SPEAKING IN OPPOSITION OR WITH QUESTIONS OR CONCERNS- REBUTTAL:

No one, as Mrs. Tropea sent an email and was not present.

Mr. Shaw asked what the height is to the peak of the elevation.

Mr. Vorbach said the new height would be 10 feet more than the existing garage, so it would be 17'-7".

END OF PUBLIC HEARING, BEGINNING OF PUBLIC MEETING.

Mr. Lionel said that he is in favor.

Mr. Minkarah said that he is in favor, a two car garage is consistent with the neighborhood, as are the setbacks, and a 24'x24' garage is certainly a very standard size.

Mr. Boucher said he supports the application as it stands.

Mr. Kanakis said he is in support of the application.

Mr. Currier said that the view from the western abutter is drastically different with the new two-story garage. He said that the direct abutter owns two lots, and is not in favor.

Mr. Shaw said he concurs with Mr. Currier, he said he has similar concerns, and this garage would be so close to the abutter. He said that the structure would be about ten or so feet width-wise closer, and it would be ten feet higher, it almost amounts to it being right on the property line, or one foot off. He said that the size of the garage is still pretty significant.

Mr. Lionel asked about Land Use Code Section 190-31, for accessory structures.

Mr. Falk said that the building height is measured at the midpoint between the eave and ridge. He said that staff has brought this issue up with the applicant and the architect, and believe that this code has been met. He said that a drawing was submitted that shows the midpoint between the eave and ridge, and how it meets the 10 foot setback.

Mrs. MacKay said that it looks as if they placed the garage in the location chosen because a car could not navigate and come into the garage, especially the bay on the left.

Mr. Minkarah said he recalled that testimony.

Mrs. MacKay said that utilization of the garage cannot be accommodated in the altered position. She said she understands the abutter's position, but the property owner has rights to utilize their property for both sides of the garage. She said she is in support.

MOTION by Mr. Boucher on behalf of the applicant to grant the variances as advertised.

Mr. Boucher said that the approvers of this variance find that the variance is needed to enable the applicants proposed use of the property, given the special conditions of the property, the Board discussed the topography issue, and some of the pre-existing issues, the condition of the current garage, and that this garage pre-dated zoning.

Mr. Boucher stated that the benefit sought by the applicant cannot be achieved by some other method reasonably feasible, the applicant did describe the fact that if the garage was shifted over, it would be a challenge with cars coming in, and the applicant did look at other options coming in off of Swart Street but there were many other obstacles.

Mr. Boucher said that the request is within the spirit and intent of the ordinance.

Mr. Boucher said that it will not affect property values; there was no testimony or evidence one way or another.

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

SECONDED by Mr. Lionel.

Mr. Shaw said he is in support of one of the two variances, the second one, to the north property line. He said it is already a 20-foot run that is existing with the same kind of encroachment, and the abutter at 72 Berkeley is in support. He suggested taking each request separately.

Mr. Falk said that the Board should vote on each variance separately.

MOTION RETRACTED by Mr. Boucher.

MOTION by Mr. Boucher to grant variance #1 as advertised on behalf of the owner. Mr. Boucher said that the Board spoke about the topography and the garage pre-dating zoning and the location of the garage and the condition of the garage, and the Board finds that the benefit sought by the applicant cannot be achieved by some other method reasonably feasible for the

applicant to pursue, the Board spoke about the other options that the applicant looked at off of Swart Terrace, and find that the method reasonably feasible to pursue, other than an area variance.

Mr. Boucher said that the Board finds that it is within the spirit and intent of the ordinance.

Mr. Boucher said that it will not adversely affect the property values of surrounding parcels, it is not contrary to the public interest, and substantial justice would be served.

SECONDED by Mr. Lionel.

Roll Call for vote:

Mr. Shaw against.
Mr. Currier against.
Mr. Boucher in support.
Mr. Lionel against.
Mrs. MacKay in support.

MOTION FAILS 2-3.

MOTION by Mr. Boucher to grant variance #2 on behalf of the owner as advertised. Mr. Boucher stated that the variance is needed to enable the applicant's proposed use of the property, given the special conditions of the property, the Board discussed the topography, the garage pre-dating zoning, 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, the applicant spoke about other options that there were on the property and challenges that exist on the property.

Mr. Boucher said that the request is within the spirit and intent of the ordinance.

Mr. Boucher stated that the request will not adversely affect the property values of surrounding parcels, it will not be contrary to the public interest, and substantial justice is served.

SECONDED by Mr. Lionel.

ROLL CALL:

Mr. Shaw in support.
Mr. Currier in opposition.
Mr. Boucher in support.
Mr. Lionel in support.
Mrs. MacKay in support.

MOTION APPROVED 4-1.

*** 5-Minute Break ***

6. Brijesh Suhag (Owner) 60 Tennyson Avenue (Sheet B Lot 363) requesting special exception from Land Use Code Section 190-15, Table 15-1 (#3) to maintain an after-the-fact accessory (in-law) dwelling unit. R18 Zone, Ward 8.

Voting on this case:

Mariellen MacKay, Chair
Steve Lionel, Vice Chair
Jack Currier, Clerk
Rob Shaw
JP Boucher

Brijesh Suhag, 60 Tennyson Avenue, Nashua, NH. Mr. Suhag said that they are proposing an after-the-fact accessory dwelling unit. He said that the unit was there and designed. He said that the unit would be used for his parents when they visit, and they come for several months at a time. He said that when he went into City Hall to get the unit authorized, he learned that it was never fully permitted, and then applied for the special exception. He said that the parking is fine, it has a garage and enough room.

Mr. Boucher asked about the special conditions.

Mrs. MacKay went over the special conditions, and Mr. Suhag said he will be in compliance with all of them.

SPEAKING IN FAVOR:

No one.

SPEAKING IN OPPOSITION OR WITH QUESTIONS OR CONCERNS: