

To: Zoning Board of Adjustment

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

Date: May 21, 2019

Subj: **USE VARIANCE: Raymond W. Ennis, Sr. Revocable Trust (Owner) Lefavor Folio, LLC (Applicant) 111-113 Lock Street (Sheet 41 Lot 14) requesting use variance from Land Use Code Section 190-15, Table 15-1 (#15) to remove existing building and construct two multi-family buildings with a total of 18 units, with associated site improvements. GI Zone, Ward 3.**

PROPOSAL:

The applicant, Lefavor Folio LLC, is requesting a use variance to remove an existing building, and construct two multi-family buildings, along with associated site improvements for a total of 18 units in the General Industrial (GI) zone. The property is 41,250 square feet in area (0.95 acres) in size.

PRIOR HISTORY:

- Feb 1981 **Use Variance** – *granted* – to permit retail sales in an industrial zone.
- Apr 1982 **Use Variance** – *granted* – to allow a family counseling center.
- Apr 1999 **Use Variance** – *granted* – to use portion of existing building for a nonprofit professional office.

Meeting minutes for the above-mentioned cases are included in the package.

SITE ANALYSIS:

The subject site is located on the south side of Lock Street, directly across from Atherton Avenue (see attached map). To the east is a single-family home, zoned GI. To the south is the Nashua River, and then property owned by PSNH. To the west is a church, zoned GI. To the north, across Lock Street, are two duplex units on either side of Atherton Avenue, zoned C-Urban Residence (RC).

According to the City of Nashua, Land Use Code, Section 190-15, Table 15-1 (#15), *multi-family dwelling, 3 or more units (including but not limited to garden apartments, quadraplexes, triplexes, row houses or townhouse)* are not a permitted use in the GI Zone. The GI zone allows uses such as manufacturing, contractor's shops, laundry/dry cleaning plants, machine shops, recycling centers, R & D Offices, transportation equipment, and warehouses. The proposed use is permitted in the C-Urban Residence (RC) zone, the Downtown-1/Mixed Use (D-1/MU) and Downtown-3/Mixed Use (D-3/MU) zones.

The applicant is proposing to remove the existing building, and construct two three-story buildings, one would have ten (10) units, and the other one eight (8). The lot is rectangular, and the buildings would be perpendicular to Lock Street, with the main drive aisle and parking located in the middle, between the buildings. The lot is generally flat, but slopes down quite a bit to the south, going down to the Nashua River. The applicant is not proposing any site work in the wetland buffer.

A total of thirty-nine (39) parking spaces are proposed. According to the proposed plan, one garage parking space and one driveway parking space are proposed for each unit. Also, at the terminus of the drive aisle, a turnaround is proposed that has a dumpster and three visitor parking spaces. Further, the two buildings meet all setbacks, open space and other dimensional criteria.

Although there is not a minimum land area per dwelling unit for the GI zone, the density would equate to 2,292 square feet per unit. The maximum density for the RC zone, the closest residential zone across Lock Street, is 3,484 square foot per unit.

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

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

The applicant states that the neighborhood has changed greatly over the past 30 years, and the current zoning of GI doesn't apply because of the residential changes in the area, and the need for multi-family residential housing is greatly needed in the City, and the proposed 18 units fits in nicely on the lot due to its configuration.

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

The applicant states that in this area, the existing building is the only industrial use, the area north of the Nashua River is mainly residential, which the proposed request complies with, and the new uses on the southerly side of Lock Street are proposed residential uses.

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

The applicant states that the new buildings will help with the values in the area.

Granting of the requested variance will not be contrary to the public interest: 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 applicant states that the area is zoned GI on the easterly side of Lock Street and RC on the northerly side of Lock Street, and in the past 30+ years, the development along Lock Street has been mostly multi-family residential, and that the proposed use is in keeping with the multi-residential uses and the new construction would help revitalize the area and rid the neighborhood of an old building, and that the proposed use will not be out of character with the neighborhood.

Substantial justice would be done to the property owner by granting the variance: the benefits to the applicant must not be outweighed by harm to the general public or to other individuals.

The applicant states that the owners property will be developed with a residential use, and will replace the area of a business use, and that the use will be more in compliance with the character of the neighborhood, which has changed over the years.



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

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

2

VARIANCE APPLICATION (ZBA)

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

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

1. VARIANCE INFORMATION

a. ADDRESS OF REQUEST
 Zoning District Sheet Lot ✓

b. VARIANCE(S) REQUESTED:

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

2. GENERAL INFORMATION

a. **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:

b. **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 <u>4/29/19</u>	Date of hearing <u>5/28/19</u>	Application checked for completeness: <u>CR</u>
PLR# <u>2019-00085</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 # _____	

3. PURPOSE OF REQUEST

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

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

The area is zoned General Industrial (GI) on the easterly side of Locke Street and Urban Residence (RC) on the northerly side of Lock Street; in the past 30+ years, the development along Lock Street has been mostly multi-residential. The proposed use is in keeping with the multi-residential uses; new construction would help revitalize the area and rid the neighborhood of an "old building." The public rights will not be adversely affected. The density of the units in the area is different with the newer units, and 18 units will not be out of character with the neighborhood.

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

In this area, the existing building is the only industrial use; the area north of the Nashua River is mainly residential, which the proposed request complies with; the new uses on the southerly side of Lock Street are proposed residential uses.

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

The property owner's property will be developed with a residential use, and will replace the area of a business use; the use will be more in compliance with the character of the neighborhood, which has changed over the years.

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

The new buildings will help the values in the area.

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

The neighborhood has changed greatly over the past 30 years; the industrial zoning does not now apply because of the residential changes in the area. The need for multi-family residential housing is greatly needed in Nashua. The 18 units fits in perfectly on this lot because of its configuration.

4. USE VARIANCE ADDITIONAL INFORMATION

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

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

[]

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

[]

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

[Signature]

Signature of Applicant

4-26-2019

Date

Gerald R. Prunier

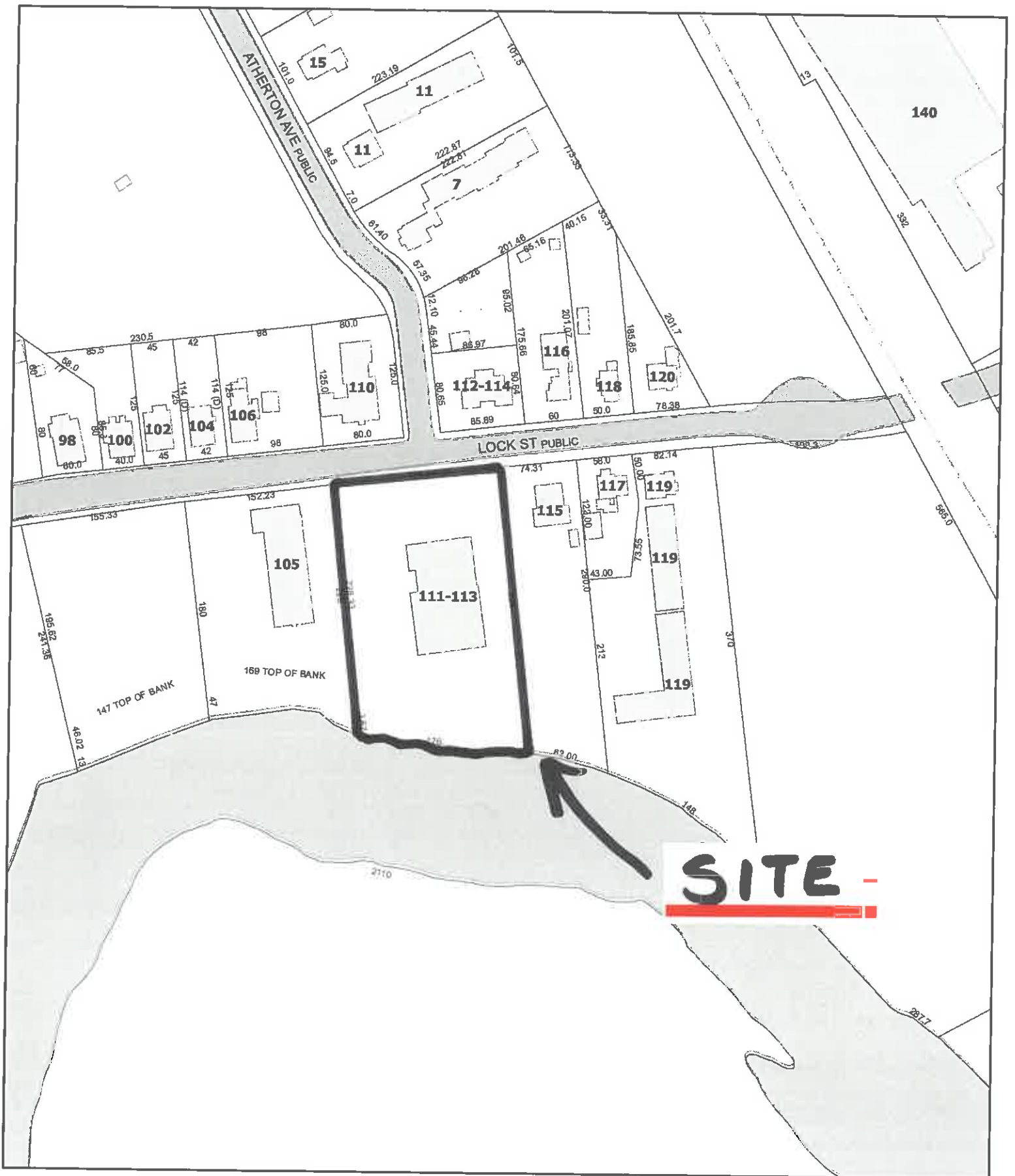
Print Name

4-26-2019

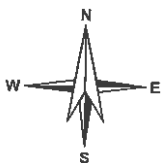
Date

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 []

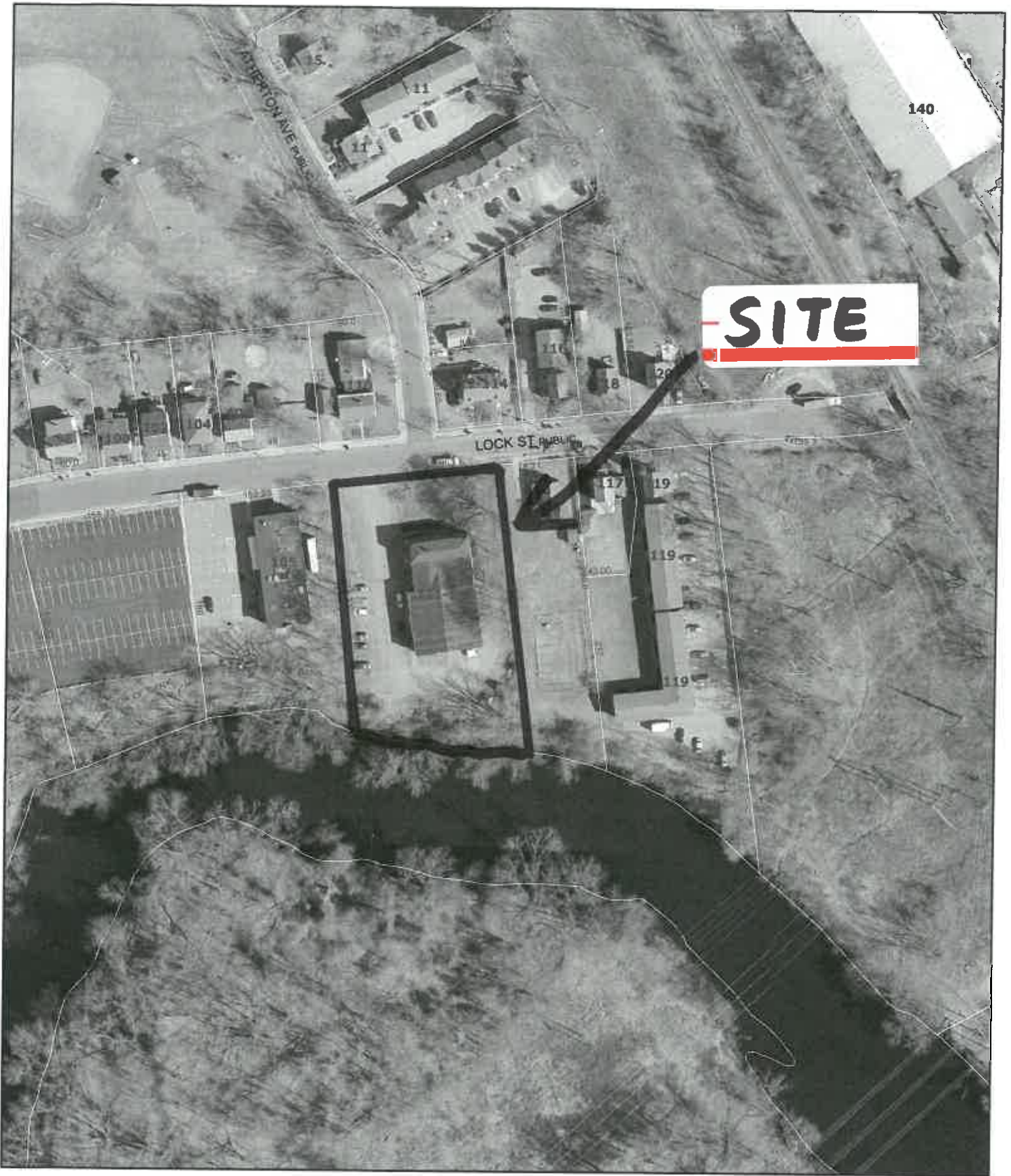


111-113 Lock Street



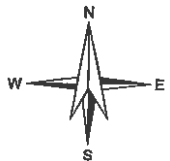
SITE





SITE

111-113 Lock Street



Mr. Billings asked Mr. McGray to address the hardship issue again.

Mr. McGray reiterated that there is a one-way drive-thru entrance now. There is a large central chimney in the building which delineates the area that can only be used as a front lobby so they have to use the existing entrance as part of their entrance-way somehow. There is a problem with traffic flow with the existing entrance.

Mr. Billings asked if the addition would be to accommodate new entrances rather than expand the facility.

Mr. McGray said part of the addition is to accommodate a new entrance and in providing the new entrance and comply with building regulations, they have to provide additional rest rooms for the facility.

Mr. McGray explained that he was the general contractor for this project, and he noted that they have permits now to do the interior remodeling for this building, and they are looking for approval to remodel the front of the building also.

Mr. Kudzma asked if the applicant would accept as a stipulation to the granting of this variance that all non-conforming signs be removed from the property.

Mr. DeNauw replied that he doesn't own this land; he is merely leasing the land. Some of the signs indicating the location of the parking lot do not belong to him. The parking will be common to both restaurants.

Mr. McGray said they planned to remove the canopy in the front of the building to help the situation by increasing the setback and providing a landscaped open area.

THERE WAS NO OPPOSITION TO THIS REQUEST.

Raymond Ennis, 111 Lock Street; requesting a use variance to permit retail sales in an industrial zone. GI zone.

Raymond Ennis, 47 Conant Road, said he was representing 111 Lock Street Realty. The hardship he faces is a lack of tenants. They have been advertising in Nashua, Boston and various other surrounding towns and cities for the past six months, and they have used just about every media available including direct mail and several real estate agents.

Mr. Ennis explained that this was an old building which is not as solid as it used to be, and it was never built to handle the modern machinery of today. The building is located on the fringe of an industrial zone area but there is nothing within a mile of this building that is industrial. Probably the area should be commercially zoned. Under the present zoning they would be allowed to have a laundry, bakery, commercial parking lot, printing and publishing and retail sales, but not retail sales for clothing.

This area has changed, and Mr. Ennis explained that they presently sell retail printing. Six years ago a light manufacturing company leased the same area which has been empty for six months and used twenty-five parking spaces. Using this space for the sale of clothing with possibly three employees can no way compare to the usage the parking lot and area has had in the past.

Mr. Ennis said they would be allowed to have this company as a tenant if/were a wholesale firm. The fact that there are low ceilings and a lack of elevators makes it difficult for the space to be rented.

The company that would like to locate in this space is 40% wholesale and 60% retail, and Mr. Ennis was asking that they be allowed to do so.

Mr. Ennis said that the biggest problem, in the view of the Planning Board, is traffic and after studying the situation he didn't agree that this was a problem. Therefore, he applied for the variance. Mr. Ennis said there is more than enough parking with an extremely wide entrance. On the left of this building is the Garde Rochambeau Hall which generates more traffic than this facility ever would. On the right is the Nashua Tennis Center which produces constant traffic.

If by present standards a commercial parking lot could be located in this area, Mr. Ennis couldn't understand why traffic would be a legitimate problem.

Mr. Ennis said they are the victims of an old general industrial zone; anything general industrial would tend to hurt this residential area. Mr. Ennis said he has taken great pride in the building and blended it in with the neighborhood. It takes a lot of oil to heat an old building, and he needs tenants to survive.

Mr. Billings asked the size of the area being discussed, and the parking space required.

Mr. Ennis said the area is 3,000 s.f. where the clothing store would be located.

There was some discussion as to the number of parking spaces needed for this establishment. Mr. Ennis said he had 50 parking spaces available around this building.

Mr. Billings asked the hours of operation, and Mr. Ennis said it will be a 9:00 A.M. to 5:00 P.M. operation. It will be a designer jean operation. The company interested in this space has two other locations; one is mostly wholesale and one is mostly retail. There will be some work such as applying the decals to the t-shirts done at this facility. The name of the store is the Clothing and Sneaker Outlet, and the other two locations are Revere, MA and Haverhill, MA.

NO ONE SPOKE IN OPPOSITION TO THIS REQUEST FOR A VARIANCE.

Mr. Hawk, Planning Director, read the report from the Planning Staff in which they recommended against the issuance of a variance as this street does not seem to be an appropriate location for a commercial use as it is an out of the way location and is not amenable to high volumes of traffic. It was felt that there was no inherent hardship on the property. Copy of report attached to minutes.

REBUTTAL - IN FAVOR

Mr. Ennis said he tried to address the traffic problem in his remarks. This street presently accommodates 40' tractor-trailer trucks.

Mr. Ennis said they are faced with the prospect of putting some tenants into this building, who they really don't want, under the guidelines for general industrial zones, but he didn't think the neighborhood would appreciate them, and he doesn't want them.

Mr. Ennis thought this was a good compromise, and he thought the street could handle the traffic generated by this facility as it would be minimal. The street is currently handling Nashua Swim & Tennis Center traffic, Accurate Printing Co. that has trailer trucks delivering to them; the street is handling the traffic from Garde Rochambeau Hall. Atherton Avenue is a residential street.

in retailing

Mr. Ennis thought the trend/was to go to outside places, and Nashua doesn't have any which is why this company is interested in Nashua. Mr. Ennis said he didn't think there was any question about providing adequate parking; they have a large enough parking lot.

111 Lock Street is the only industrial building left in the area, and they are faced with the alternative of having a firm in there that will make a lot of noise, etc., and they would prefer not to do that.

Mr. Ennis said they are faced with taxes and oil bills which are running rampant especially in old buildings, and they have to do something to meet these bills. Mr. Ennis thought it would be a benefit to both the City and himself to get this type of industry into the building.

Nashua Pre-Cast Corporation, Tanguay Avenue; requesting 1) Variance of the minimum lot frontage on new lot from 50' required to 25', 2) Variance of the minimum lot width on new lot from 160' required to 135', 3) Variance of minimum side yard (a) lot 6-89 from 30' required to 27', (b) new lot from 30' required to 18' and 4) Variance of minimum open space on new lot from 20% required to 13.66%. AI zone.

POSTPONED TO MARCH.

Digital Equipment Corporation, Cotton Road, requesting a dredge and fill permit. AI zone.

Renwick Chapman, engineer for this project, explained that they are applying for a dredge and fill permit on Cotton Road, and he showed plans for the area. He explained that there has been a request from the fire underwriters to enlarge the pond on the site to provide fire protection for the building. This building is used for warehousing purposes.

It was noted that the pond is man-made. Mr. Chapman said they've received site plan approval from the Planning Board; they received approval from the Conservation Commission, and the Special Board of Dredge and Fill on the State level has given them a permit for this dredge and fill operation. All that remains in order to start the operation in the spring is the permit from the Zoning Board of Adjustment.

Mr. Chapman explained that they plan to enlarge the pond and provide some additional depth to it. He said the volume of earth being talked about is 5,600 cubic yards which will be dredged from the pond and used on site for the expansion of the parking facility.

NO ONE SPOKE IN OPPOSITION TO THIS REQUEST.

Raymond Ennis, 111 Lock Street; requesting a use variance to permit retail sales in an industrial zone. GI zone.

MOTION By Mrs. Adams that the request for a variance be granted with the stipulation that the sign conform to the existing design

SECONDED By Ms. Schofield

MOTION CARRIED UNANIMOUSLY.

Nashua Pre-Cast Corporation, Tanguay Avenue; requesting 1) Variance of the minimum lot frontage on new lot from 50' required to 25', 2) Variance of the minimum lot width on new lot from 160' required to 135', 3) Variance of minimum side yard (a) lot 6-89 from 30' required to 27', (b) new lot from 30' required to 18' and 4) Variance of minimum open space on new lot from 20% required to 13.66%. AI zone.

POSTPONED TO MARCH.

Digital Equipment Corporation, Cotton Road, requesting a dredge and fill permit. AI zone.

MOTION By Mr. Booth that the request for a dredge and fill permit be granted

SECONDED By Ms. Schofield

MOTION CARRIED UNANIMOUSLY.

Patricia Sturtevant, 52 Thornton Road; requesting a special exception to allow a one operator beauty salon. R-18 zone.

MOTION By Mr. Kudzma that the request for a special exception be granted with the stipulation that the sign be located on the building and that the parking configuration be as per the plan submitted at the meeting

SECONDED By Mr. Booth

MOTION CARRIED UNANIMOUSLY.

The public meeting was adjourned at 11:00 P.M.

Barry Billings
Clerk

/nam

ZONING BOARD OF ADJUSTMENT PUBLIC HEARING

April 27, 1982

A public hearing of the Zoning Board of Adjustment was held on Tuesday, April twenty-seventh, at 7:05 P.M. in the Nashua Public Library.

Barry Billings, Vice Chairman, conducted the meeting in the absence of Chairman Kudzma.

Members present were: June Adams, Alternate
Dennis Drake, Alternate
Patricia Goodman
Charles Stata, Alternate

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

Patricia Rock & Raymond Ennis (owners), Robert Maloney (optionee), 111 Lock Street; requesting a use variance to allow a Family Counseling Center. GI zone.

John Dwyer, member of the Board of Directors of Nashua Youth Counsel, explained that this group is a non-profit organization with a Board of Directors made up of members of the local community.

They would like permission to locate their family counseling center in the Accurate Printing building on 111 Lock Street. They engage in family counseling services with referrals from the courts, city welfare department, school departments, and other private referrals. They have seven full-time employees with only four working at a particular time. They conduct individual counseling sessions with the youth and generally his family on an average of one hour per week per client. They have in the past and intend to continue a "drop-in" center which attracted 6-10 youths when the facility was located on Main Street. This is not a full-time operation; it only operates about 20 hours a week and one of their full-time employees devotes his full attention to the drop-in center when it is open. For the better part of the last five years they were located above Seniors Place on Main Street, and they were burned out in the fire. In the interim they have been sharing space with the Division of Welfare on Chestnut Street in their building.

Mr. Dwyer noted that two or three months ago they were before the Board with a proposal for use of some property on Ash Street. However, subsequent to the Board's approval of their use of that property the optionee decided he wanted full use of the property for church purposes.

The building in question is currently occupied by Accurate Printing on Lock Street on a deep lot with its own parking. Accurate Printing is on the first floor with some printing on the second floor. There is an area to the rear of the second floor where the sneaker outlet was formerly located, and this is the area they propose to rent. Mr. Dwyer said it was his understanding that the sneaker outlet was granted a variance to operate on this property as the Board found that there was a sufficient hardship on the property.

Mr. Dwyer said essentially Lock Street is the dividing line between the GI zone and the residential "C" zone. The property in question is bordered by the river, Sanders parking lot, an area where a condominium project will be located as well as apartment complexes located in the area. This area has tended to be more residential and yet this large building with printing presses is not acceptable to that use. Also, for the types of industrial purposes that might be permitted in this zone, it is not acceptable to those uses either primarily because of the ingress and egress of Lock Street which is a fairly heavily travelled road which is reasonably narrow. There are a lot of children in the area and this road is not conducive to a lot of truck traffic that might be connected with an industrial or manufacturing facility in that building. Mr. Dwyer noted that the building is an old one without an elevator so its ability to be used for manufacturing purposes at this time is very limited.

They don't think that their occupying this building would be in violation of the spirit of the ordinance because their use is people-oriented which isn't a residential use but is closer to one than a general industrial use of that property.

In terms of adversely affecting other properties in the area, there would be no change in the exterior of the building whatsoever. They will have four full-time employees present at any one time, and generally only two of those are counselors so the traffic to be created at any one time would only be about six cars, and there is plenty of parking at the facility on site.

Mr. Dwyer felt that not to grant the variance would result in an injustice because the Board has recognized in the past the problems that this building has; it recognized these problems when it allowed the sneaker outlet to locate in the building. Currently the upstairs of the building is vacant, and it has been for quite some time. There are limited uses to which the building can be put, and with the printing establishment on the first floor the uses are further restricted.

Mr. Dwyer noted that Nashua Youth Counsel was not a wealthy organization, and they can't afford to rent prime office space downtown. They are willing to work with and accept space which they can afford, and he thought it would be an injustice not to allow them to use that space.

Mr. Billings read the report from Planning Director Roger Hawk--Attachment I-- in which he recommended that the request for a variance be granted.

OPPOSED -- None

Joseph & Lorraine Roy, 68 McKean Street; requesting a special exception to allow a third apartment in an existing residence. RB zone.

George Pappademas, 365 Main Street, representing the Roys, explained that this requested use will not create undue traffic congestion or unduly impair pedestrian traffic; this proposal would in fact improve the situation by providing off-street parking for the tenants which he showed on a plan presented to the Board. This use won't overload any public water, drainage or sewer system or any other municipal systems to such an extent that the requested use or any developed use in the immediate area or any other area of the City would be adversely affected. This proposal will not unduly create hazards affecting the health, safety, or general welfare because this third apartment has been here for 16-18 years without any problems whatsoever.

ZONING BOARD OF ADJUSTMENT PUBLIC MEETING
April 27, 1982

A meeting of the Zoning Board of Adjustment was held on Tuesday, April twenty-seventh, at 10:30 P.M. at the Nashua Public Library.

Barry Billings, Vice Chairman, conducted the public meeting.

Members present were: June Adams, Alternate
Dennis Drake, Alternate
Patricia Goodman
Charles Stata, Alternate

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

Patricia Rock & Raymond Ennis (owners), Robert Maloney (optionee), 111 Lock Street; requesting a use variance to allow a Family Counseling Center. GI zone.

MOTION By Mr. Billings that the request for a use variance be granted
SECONDED By Mrs. Goodman
MOTION CARRIED UNANIMOUSLY.

Joseph & Lorraine Roy, 68 McKean Street; requesting a special exception to allow a third apartment in an existing residence. RB zone.

MOTION By Mrs. Adams that the request for a special exception be granted with the stipulation that there only be five paved 9' x 20' parking spaces to the rear of the building and that they be paved prior to occupancy
SECONDED By Mr. Drake
MOTION CARRIED - Mr. Stata opposed.

Robert Trevor & Wayne Fluke (owners), Thomas Monahan (optionee), 16 Broad Street requesting a use variance to allow miscellaneous professional business offices. GI zone.

MOTION By Mr. Billings that the request for a variance be granted
SECONDED By Mr. Stata
MOTION CARRIED UNANIMOUSLY.

Glen Aborn (owner), Robert McDuffie (optionee), 444 Amherst Street; requesting a use variance to allow approximately 1,000 s.f. for retail use. AI zone.

MOTION By Mr. Billings that the request for a use variance be denied as it would be contrary to the spirit of the ordinance and the hardship was not adequately demonstrated
SECONDED By Mr. Stata
MOTION CARRIED UNANIMOUSLY.

John Gureckis, 200 Knollwood Avenue. Mr. Gureckis said he was representing his parents who live at 54 Harbor Avenue. He said they are in agreement with what the owners are proposing.


SPEAKING IN OPPOSITION

No One.

MOTION by Ms. Nessel to grant the request for special exception. Elderly housing is listed in the Table of Uses. It will not create undue traffic congestion. It should not overload the public water, drainage, or other municipal systems. Special regulations will be fulfilled. **Tape became unintelligible.**

SECONDED by Mrs. Douglas.

MOTION CARRIED UNANIMOUSLY

- 
7. **Raymond W. Ennis (Owner) Southern New Hampshire HIV/AIDS Task Force (Applicant) 111-113 Lock Street (Sheet 41 Lot 14) requesting use variance to use portion of existing building for a nonprofit professional office. GI Zone.**

Atty. Paul Bennett, 130 Middle Street, Manchester. Atty. Bennett said the task force is a non profit health related organization that was founded in 1989. The task force is presently located on Amherst Street, but has outgrown its location. A suitable office space has been located on Lock Street, but it is within a "GI" Zone, which requires they seek a variance.

He said the portion of the building they wish to rent is primarily office space located within the building. There are three large rooms, two of them carpeted, and one with a hardwood floor.

He said if the Board grants the variance, a building permit will be applied for to put up some walls to break it up into

smaller office space to accommodate the employees of the task force.

Atty. Bennett said by granting the variance, there will be a lesser impact on the general community than if a general industrial company moved into the facility. The last renter of the facility was a printing company that used the three rooms to manufacture their product.

He said there are some convenience stores and dry cleaners within the general vicinity of the building. The office use within the building is essentially the same use that it had been used previously. He said there is more than adequate parking on site. There are about 25 spaces beside the building. There are eight full time employees and at no time are there more than fifteen people within the building. There would be no street congestion to the community. The task force does not operate in anything that would cause any fire, safety or public concerns to the general area. As a non profit health related organization it promotes the health and general welfare in the community. There would be no impact on overcrowding in the area and no diminution in property values. He said the public would benefit from the services of the task force. Substantial justice would occur by the granting of the variance in that the property would essentially be used as a general office type space.

Mrs. Douglas asked if there were sufficient parking dedicated to the proposed use.

Atty. Bennett said "yes." He said he thought there was some storage in the back and there is some other office space which may be rented.

Ray Ennis, Owner 111 - 113 Lock Street. Mr. Ennis said there is a computer salvage type operation located within the building. It has one employee and one truck. The parking area will handle at least thirty cars on the hot top and the other side of the building can handle at least another ten or twelve, if needed.

Mr. Ennis said it is the last building in the "GI" Zone. On one side is part of "Lockheed" and on the other side is a residential home. The uses in general industrial type businesses are usually of a manufacturing or "dirty type" nature. He said this would not improve the neighborhood at all and the use of office space will.

SPEAKING IN FAVOR

No One.

SPEAKING IN OPPOSITION

No One.

MOTION by Mrs. Douglas to grant the request for variance. Although the building is located within a "GI" Zone, it is not conducive to industrial uses, especially the portion of the building the applicant wishes to use. She covered the other points necessary for the variance to be granted.

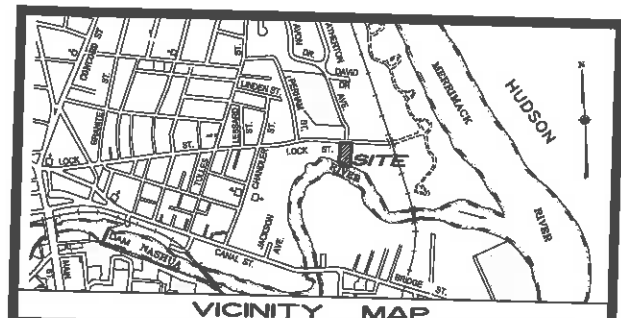
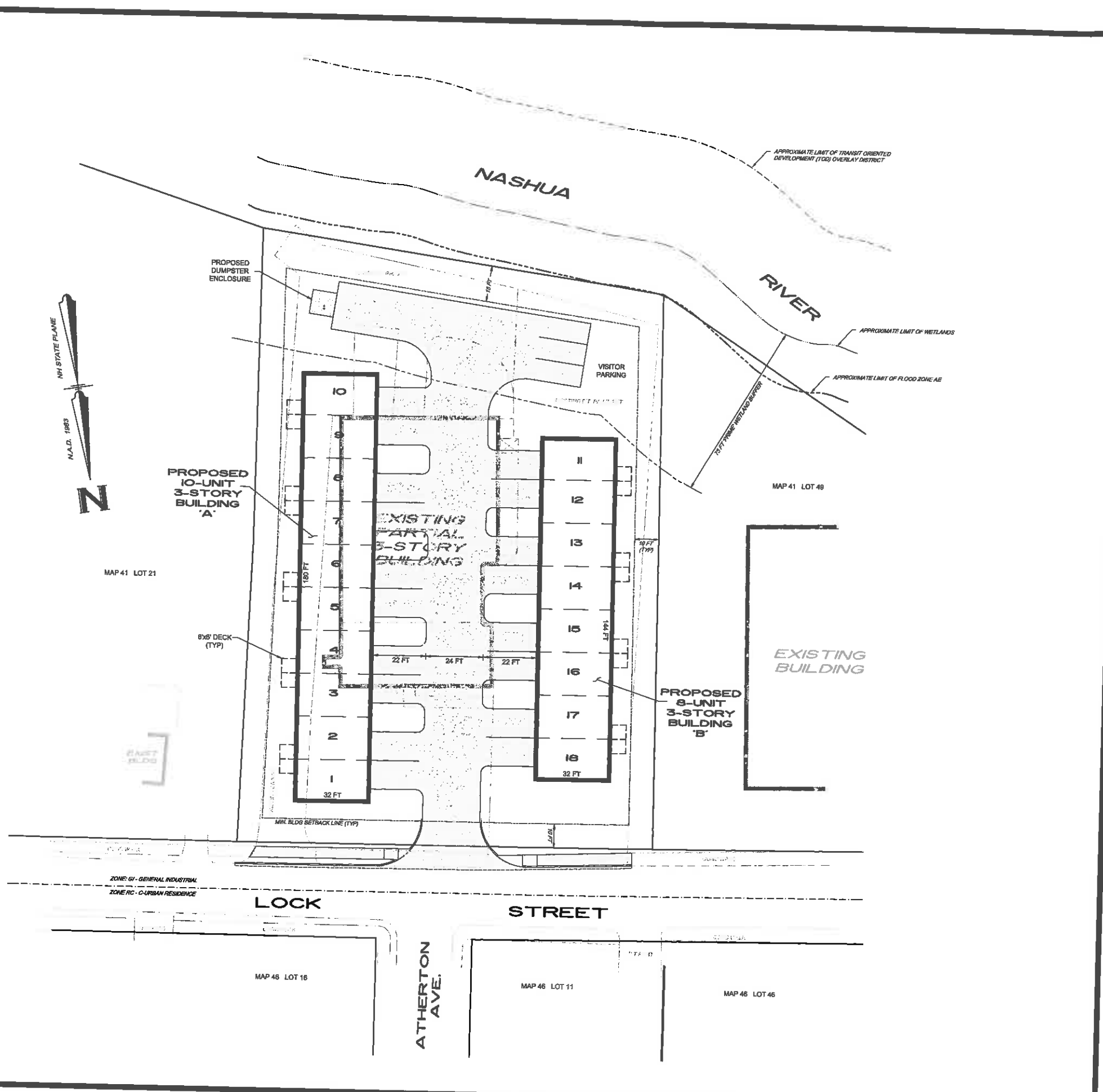
SECONDED by Ms. Nessel.

MOTION CARRIED UNANIMOUSLY

8. **Nashua Youth Council Inc. (Owner) 110-114 West Pearl Street (Sheet 79 Lot 61) requesting variance to erect 1 additional projecting sign per city right-of-way frontage, for a total of 2 projecting signs, where 1 is permitted per premises. CB/MU Zone.**

Elizabeth Stevens, Executive Director, Nashua Youth Council.
Ms. Stevens said they are a private non-profit agency located at 112 West Pearl Street. They have been in Nashua since 1974. They are primarily funded through the City of Nashua, United Way and others. She said they moved to this building in 1993 and they are located right next to Modern Restaurant.

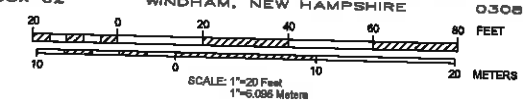
Ms. Stevens said that each month Nashua Youth Council serves approximately 60-75 new clients in this building. Many of the families coming to them are anxious and stressed about



- NOTES:**
- LOT AREA: 0.947 ACRES (41,250 SF)
 - PRESENT ZONING: **GI - GENERAL INDUSTRIAL**
 DIMENSIONAL REQUIREMENTS:
 MIN. LOT AREA: 5,000 SF
 MIN. LOT WIDTH: 50 FT
 MIN. FRONTAGE: 50 FT
 MIN. LOT DEPTH: 70 FT
 MIN. FRONT SETBACK: 10 FT
 MIN. SIDE SETBACK: 10 FT
 MIN. REAR SETBACK: 15 FT
 MAX. BUILDING HEIGHT: 60 FT
 MAX. STORIES: 5
 MAX. F.A.R.: 2.0
 - LOT NUMBERS REFER TO THE CITY OF NASHUA ASSESSORS MAP 41 & 46.
 - PURPOSE OF PLAN:
 TO SHOW A PROPOSED REDEVELOPMENT OF THE SUBJECT SITE INTO 18-UNIT MULTI-FAMILY RESIDENTIAL UNITS ALONG WITH ASSOCIATED SITE IMPROVEMENTS.
 - PARKING:
 REQUIRED (MULTI-FAMILY):
 MINIMUM: 1.5 SPACES/UNIT x 18 UNITS = 27 SPACES
 MAXIMUM: 1.9 SPACES/UNIT x 18 UNITS = 34 SPACES
 PROVIDED (INCL. 1 DRIVEWAY SPACE & 1 GARAGE SPACE PER UNIT): = 38 SPACES
 - OPEN SPACE:
 REQUIRED (MINIMUM): = 10.8 %
 PROVIDED: = 44.5 %
 - PRESENT OWNER OF RECORD:
 MAP 41, LOT 16
 RAYMOND W. ENNIS, SR., REVOCABLE TRUST
 RAYMOND W. ENNIS, SR., TRUSTEE
 PO BOX 62
 WINDHAM, NH 03087
 BK 6688, PG 2859

No.	DATE	REVISION	BY

CONCEPT PLAN
 (LOT 14, MAP 41)
111-113 LOCK STREET
 NASHUA, NEW HAMPSHIRE
 PREPARED FOR:
LEFAVOR FOLIO, LLC
 18 ECHO AVENUE NASHUA, NEW HAMPSHIRE 03062
 RECORD OWNER:
RAYMOND W. ENNIS, SR. REVOCABLE TRUST
 RAYMOND W. ENNIS, SR., TRUSTEE
 PO BOX 62 WINDHAM, NEW HAMPSHIRE 03087



28 MARCH 2019

HSI Hayner/Swanson, Inc.
 Civil Engineers/Lead Surveyors
 3 Congress Street
 Nashua, NH 03062
 (603) 883-2057
 131 Middlesex Turnpike
 Burlington, MA 01803
 (781) 203-1501
 www.hayner-swanson.com

© Hayner/Swanson, Inc.