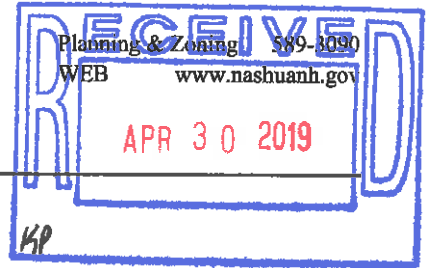




City of Nashua
Planning Department
 229 Main Street
 Nashua, New Hampshire 03061-2019



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.

1. VARIANCE INFORMATION 87

a. ADDRESS OF REQUEST 87 AMHERST STREET, NASHUA, NH
 Zoning District: RA Sheet 60 Lot 21

b. VARIANCE(S) REQUESTED:

INSTALL "STATE FARM" SIGN
2' x 4' = 8 SF
3RD SIGN FOR PROPERTY

c. LAND USE CODE SECTION(S) REQUESTING VARIANCE(S) FROM ARTICLE X-190-101
TABLE 101-7

2. GENERAL INFORMATION

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

(Print Name): STATE FARM c/o CAROLYN A. PARKER

Applicant's signature Carolyn Parker Date 4/26/19

Applicant's address 3 LORTON AVENUE, WORC, MA 01606

Telephone number H: _____ C: 774-239-2288 E-mail: capconsulting@verizon.net

b. **PROPERTY OWNER (Print Name):** CITY REALTY

*Owner's signature SEE ATTACHED LTR Date 4/12/19

Owner's address 91 AMHERST STREET

Telephone number H: 603-884-3300 E-mail: -

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

OFFICE USE ONLY	Date Received <u>4/30/19</u>	Date of hearing <u>5/28/19</u>	Application checked for completeness: <u>LF</u>
PLR# <u>2019-00086</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.")

SEE ATTACHED LTR

- 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 LTR

- 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 LTR

- 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 LTR

VARIANCE APPLICATION

Address

89 AMHERST ST

Page 3

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 LTR

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 2 Number of employees per shift 2
b. Hours and days of operation M-F 9 am to 5 pm
c. Number of daily and weekly visits to the premises by customers, clients, vendors and solicitors VARIES
d. Number of daily and weekly commercial deliveries to the premises 0
e. Number of parking spaces available ETR

f. Describe your general business operations: SELLING STATE FARM INSURANCE

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

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 Carolyn A. Parker

Date 4/26/19

Print Name CAROLYN A. PARKER

Date 4/26/19

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
X Please email it to me at cap.con.sulting@verizon.net
Please mail it to me at

Variance Criteria for 89 Amherst Street, Nashua, NH

1. **Granting the variance would not be contrary to the public interest:**
The variance request for an additional ground sign will not be contrary to the public interest because the additional sign will benefit the public by letting them know the location of the new "State Farms" office. The proposed sign will not be detrimental to the public health, safety or welfare of the neighborhood.
2. **The proposed use will observe the spirit of the ordinance because:**
The proposed variance would be in the spirit of the ordinance since the proposed use as a retail office space with (6) six office's for rent, located within a RA Residential zone is only allowed 10 square feet for signage. This would be fine if there was (1) one office located at this property not (6) six. The site currently has (1) one 2'-6" x 4'-0" (10 sf) for the Lenny Dobens Agency allowed by variance in 2015. The ordinance speaks about safety for the neighborhood, this sign will allow clients to safely locate the "State Farm's" office.
3. **Substantial justice would be done to the property-owner by granting the variance because:**
There will be no harm to the general public as a result of issuing the variance. The proposed sign 2'-0" x 4'-0" will allow the State Farm representative proper exposure to help increase his business.
4. **Granting the variance will not diminish the value of the surrounding properties because:**
The site as a retail space located in a residential zone has been in existence for many years and Peter Nash as the owner has a great reputation within the City of Nashua. The values of the surrounding properties will not be affected by this change.
5. **Special Conditions exist such that literal enforcement of the ordinance results in unnecessary hardship because:** The special conditions that exist are that we are only allowed 10 square feet of site signage for an office building with (6) available rental spaces. If this building were located in a General Business zone and not a Residential zone, located on a corner lot, we would be allowed (2) ground signs and up to 150 square feet. Our hardship is the zone we are located in. The proposed sign will be set back the 10'-0" as required in the Land Use ordinance.

April 26, 2019

City of Nashua
229 Main Street
Nashua, NH 03061

Attn: Ms. Marcia Wilkins
City Planner

State Farms
89 Amherst Street
Nashua, NH 03061
Delivery: Email/Overnight

Dear Ms. Wilkins,

The existing retail office space located at 89 Amherst Street has (6) six offices for rent. A new State Farm office will open in one of the spaces. The lease, Briana Dos Santos, wishes to have installed a new 2'-0" x 4'-0" at the property. The site is located in a Residential zone and we are requesting a variance per **Article X - Section 190-101 – Table 101-7** for an additional ground sign where (1) one is allowed. The proposed variance would be in the spirit of the ordinance since the property is only allowed 10 square feet for signage which would be fine if there was only one office located at this property but as mentioned there are six. The site currently has (1) one 2'-6" x 4'-0" (10 sf) for the Lenny Dobens Agency allowed by variance in 2015. The ordinance speaks about safety for the neighborhood, this sign will allow clients to safely locate the "State Farm's" office. Enclosed please find the following information in support of our application for a Variance for the above referenced location:

- One (1) copy of the Variance Application for Zoning Board of Adjustment
- One (1) copy of Site Plan with sign location
- One (1) copy of photo of the Proposed Ground Sign
- One (1) copy of Owner Authorization Letter
- Check # 3206 in the amount of \$330.00 for ZBA Filing Fees

Please review the enclosed information and schedule us to be heard at the May 28, 2019 Zoning Board of Adjustment meeting. It is my understanding that you will do the abutter list and hearing notifications and bill me for the cost. If you have any questions or need additional information please do not hesitate to call me at (774) 239-2781. Thank you in advance for your time in helping to expedite this matter.

Sincerely,


Carolyn A. Parker

Cc: NE Signs & Awnings



City of Nashua
Planning Department

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

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

www.gonashua.com

September 23, 2015

Aldebaran Properties
91 Amherst Street
Nashua, NH 03064

RE: Aldebaran Properties, LLC & Peter Q. Nash Rev. Trust (Owners) The Lenny Dobens Agency, LLC (Applicant) 87 Amherst Street (Sheet 60 Lot 21) requesting the following variances: 1) to exceed maximum number of ground signs, 1 allowed, 1 existing, 1 additional ground sign proposed; and, 2) to exceed maximum ground sign area for the premises, 10 sq.ft permitted, a total of 17 sq.ft proposed. RA Zone, Ward 3.

To whom it may concern;

Your recent application for the above referenced variance request was GRANTED by the Zoning Board of Adjustment on September 22, 2015, with the following stipulations and/or reasons for granting, with both requests considered collectively:

- 1) The Board found that the variance is needed to enable the applicant's proposed use of the property, and given the special conditions of the property, and the benefit sought by the applicant cannot be achieved by some other method reasonably feasible for the applicant to pursue, other than the area variance, the Board found that the sign is needed to identify the business location.
- 2) The Board found that the spirit and intent of the ordinance is being kept in good faith.
- 3) The Board found that property values should not be negatively impacted, there was some neighborhood concern, but the Board believed that the overall view is that the sign will benefit the community by identifying the business location.
- 4) The Board found that the request is not contrary to the public interest.
- 5) Substantial justice is served to the applicant.

Special Conditions:

1. The sign is to be non-illuminated.

IMPORTANT INFORMATION:

Per RSA 677:2, any party to the action or proceedings, or any person directly affected by any order or decision of the Zoning Board of Adjustment may apply for a rehearing within 30 calendar days following the date of decision. Building permits issued during this appeal period are at the sole risk of the owner/applicant.

A variance or special exception shall be null and void two (2) years from the date of its approval if, within this period a building permit or sign permit has not been secured or, in the case of a variance or special exception relating to lot area, preliminary or final subdivision/site plan approval, is not obtained. Proper permits are required before the erection of any sign, construction, or subdivision/site plans are commenced.

Granting of the variance or special exception does not relieve the owner/applicant of the requirement to obtain Planning Board approval for site plan, preliminary or final subdivision of land. Please contact the Planning Department to determine whether Planning Board approval will be necessary.

The Zoning Board of Adjustment appreciates your cooperation in this matter. Should you have any questions regarding this notice, please contact Carter Falk at 589-3090.

Respectfully,



ZONING BOARD OF ADJUSTMENT
City of Nashua, New Hampshire

CF/cf

Cc: Lenny Dobens Agency
Roger L. Houston, Planning Director
Bill McKinney, Building Department Manager
Mark Collins, Plans Examiner
Louise Brown, Assessing Department


ZONING BOARD OF ADJUSTMENT PUBLIC HEARING AND MEETING
September 22, 2015

A public hearing of the Zoning Board of Adjustment was held on Tuesday, September 8, 2015 at 6:30 PM in Room 208, City Hall.

Gerry Reppucci, Chair
Jack Currier, Vice Chair
J.P. Boucher, Clerk
Rob Shaw

Carter Falk, AICP, Deputy Planning Manager/Zoning

Mr. Reppucci explained the Board's procedures, including the points of law required for applicants to address relative to variances and special exceptions. Mr. Reppucci explained how testimony will be given by applicants, those speaking in favor or in opposition to each request, as stated in the Zoning Board of Adjustment (ZBA) By-laws. Mr. Reppucci also explained procedures involving the timing light.

- 
1. Aldebaran Properties, LLC & Peter Q. Nash Rev. Trust (Owners) The Lenny Dobens Agency, LLC (Applicant) 87 Amherst Street (Sheet 60 Lot 21) requesting the following variances: 1) to exceed maximum number of ground signs, 1 allowed, 1 existing, 1 additional ground sign proposed; and, 2) to exceed maximum ground sign area for the premises, 10 sq.ft permitted, a total of 17 sq.ft proposed. RA Zone, Ward 3.

Voting on this case:

Gerry Reppucci
Jack Currier
J.P. Boucher
Rob Shaw

Attorney Charles Dobens, son of the late Lenny Dobens. Atty. Dobens said that the last ten to fifteen years of his father's life, his focus was on Medicare supplements and Medicare policies. He said that his clientele was strictly 65 years of age and over. He said that the office is on one floor, and seniors can pull right up and walk right in. He said that one of the problems with the site is that some of the clients cannot find the location, as the only sign available is inside the building.

Atty. Dobens said that what they are requesting is a variance to

add another ground sign on the premises, on the Sargent Avenue side.

Mr. Reppucci asked if the sign would be on the Amherst Street frontage.

Atty. Dobens said it's actually on the Sargent Avenue side. He said that with the way the building is built and arranged, it has a feel that there are two separate buildings and properties. He said that their sign will be in front of their unit, and Century 21 Cardinal will have their sign in front of their unit.

Mr. Currier asked if the sign will be parallel to Sargent Avenue or perpendicular.

Atty. Dobens said it will be at a slight angle, its focus will be out towards the edge of Amherst Street and Sargent Avenue, at an angle.

Mr. Currier asked if there will be any obstruction from the sign for drivers coming down Sargent Avenue.

Atty. Dobens said that as you're approaching from Sargent Avenue, all you'll see is the edge of the sign.

SPEAKING IN FAVOR:

Jim Tamposi, Aldebaran Properties, Nashua, NH. Mr. Tamposi said that he believes that the test for the variance meets the five criteria. He said that the request is certainly reasonable, it will help people find Lenny Dobens Agency, and it will alleviate people who are slowing down because they can't find the location. He said that people will see the sign and know where to go, he said that the sign is tastefully done, and it will not diminish the property values in the neighborhood, and the sign will complement the building it serves.

SPEAKING IN OPPOSITION OR WITH QUESTIONS OR CONCERNS:

Stanley Stoncius, 4 Sargent Avenue, Nashua, NH. Mr. Stoncius passed out a handout to the Board members. Mr. Stoncius said that he's an abutter to the subject property. He said that he's canvassed the neighborhood, and has found out that everyone is not in favor of the sign. He said in 1982, Mr. Forest asked for a variance to build the building with only one business, one

entity, with one entrance, not two. He said that there were limitations put on the property, and one of them specifically addressed the signage, it could only have the number and the street. He said that this is not a commercial area. He said that the one sign should identify it, it's not two buildings. He said that the proposed sign is not meeting the essential character of the neighborhood. He said that he didn't believe the sign met any of the criteria for the points of law. He said that this is a residential neighborhood and is against the sign.

Mr. Reppucci said that his take on the area is that over the past thirty years, the traffic has gotten substantially different. He said that the safety concern is there, if people are trying to identify a location, and driving on Amherst Street and Sargent Avenue, and going through the intersections there, he said that proper signage there actually helps people, and it's safer for vehicles.

Mr. Stoncius said he has no problems finding any location, and if people have difficulty, they'll bring a family member with them to assist them.

SPEAKING IN FAVOR - REBUTTAL:

Atty. Dobens said that he understands Mr. Stoncius's concerns. He said that they want to be a good neighbor, and do everything correctly. He said that they frequently hear from their clients that they have a hard time finding the business coming down Amherst Street, because there is no signage.

SPEAKING IN OPPOSITION OR WITH QUESTIONS OR CONCERNS - REBUTTAL:

Mr. Stoncius left the building.

Mr. Reppucci said that the only thing that Mr. Stoncius could speak to, according to the By-Laws, is what Atty. Dobens just said, not in the totality of the application, and said that Mr. Stoncius and Atty. Dobens have already gone over the request in detail, plus, his concerns were addressed in writing. A copy of it was given to Atty. Dobens.

Mr. Currier said that both sides had testimony that had merit, and there is certainly more traffic than in 1982. He said that the 1982 case had a stipulation about the sign, and said that he's struggling to find support for the request. He said that

the Board didn't get any written evidence from Mr. Stoncius, but takes his word that all the abutters have similar thoughts about the sign.

Mr. Reppucci said it's a terrible crossroads there, and knows the intersection well, and doesn't consider it safe, it's not unsafe, but it's certainly has the potential when you're going through there. He said that the testimony was that a lot of the clients are elderly, and many of them may not be as connected as others may be with the technology available. He said that the sign is a beautifully designed sign, very low-key, and it's really not much bigger than a directional sign, it's tastefully done, it's not lit, and it can only do what the applicant presented that it will do, which is to identify the building for people looking for it.

Mr. Boucher said that the sign will identify the location of the business, he said he can see the merit for a sign to identify the location. He said that the proposed sign is not intrusive, and it fits in and looks good. He said it's not a big sign, it won't be lit, and it won't be such a visually large sign.

Mr. Shaw said that there were a lot of good points raised by both sides, he said it's an RA Zone, and they're right against a traffic corridor that has a lot of businesses on it. He said that the sign is very understated, it fits really well, and they've done a good job of having the sign blend in. He said that the identification of the property is important, and because of the nature of the parking at this property, in the rear side of the businesses from Amherst Street, even if you plug in 87 Amherst Street on your GPS, it's not readily apparent if the phone app will tell you that the parking is in the rear of the building, it may just tell you that you've arrived at your destination, so a driver could still be driving along Amherst Street looking for a place to park, without a sign identifying the business. He said that what is being proposed is very reasonable and tasteful, and is a relatively small scale, ideally, there would be one sign with both businesses on it, but it's not certain if the applicant could consider it.

Mr. Reppucci said he's reviewed the 1982 approval, and line number one says no medical or retail uses, but the proposed sign is a NH Medicare Specialist, perhaps the applicant can clarify if the purpose of the business is medical-related, is it a conflict with the variance approval.

Mr. Shaw said that the business is insurance-related, it's not a pediatrician office or a medical practice business.

Mr. Falk said it's an insurance business, a medical use would have patients coming in all day long; the insurance use is a more low-impact use.

MOTION by Mr. Reppucci to approve the variance application as advertised, on behalf of the applicant, with both requests considered collectively. Mr. Reppucci said that the variance is needed to enable the applicant's proposed use of the property, given the special conditions of the property, and the benefit sought by the applicant cannot be achieved by some other method reasonably feasible for the applicant to pursue, other than an area variance, it was the testimony of the applicant that the sign is needed to identify the business location.

Mr. Reppucci stated that the use will be within the spirit and intent of the ordinance, it will not adversely affect the property values of surrounding parcels, he said that the Board did hear testimony of concern, but the Board feels that overall view of the sign, to add it, will be a benefit to the community as it will identify the building for people driving by, and will make it safer, traffic-wise. He said that the request is not be contrary to the public interest for the reasons just stated, and substantial justice is served.

Mr. Reppucci said for a special condition, the sign will be non-lit.

SECONDED by Mr. Boucher.

Mr. Shaw said that the sign on Amherst Street is much less impact than the one on Sargent Avenue, but the net effect is almost what was originally envisioned in a way. He said the ability to identify and direct drivers is important.

MOTION CARRIED 4-1 (Mr. Carrier).

2. Timothy & Carmen J. Latham (Owners) 59 Wethersfield Road (Sheet B Lot 704) requesting variance to encroach up to 2 feet into the 10 foot required left side yard setback to construct an attached 5'x11' roof overhang. R9 Zone, Ward 9.



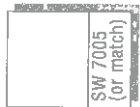
Before



After

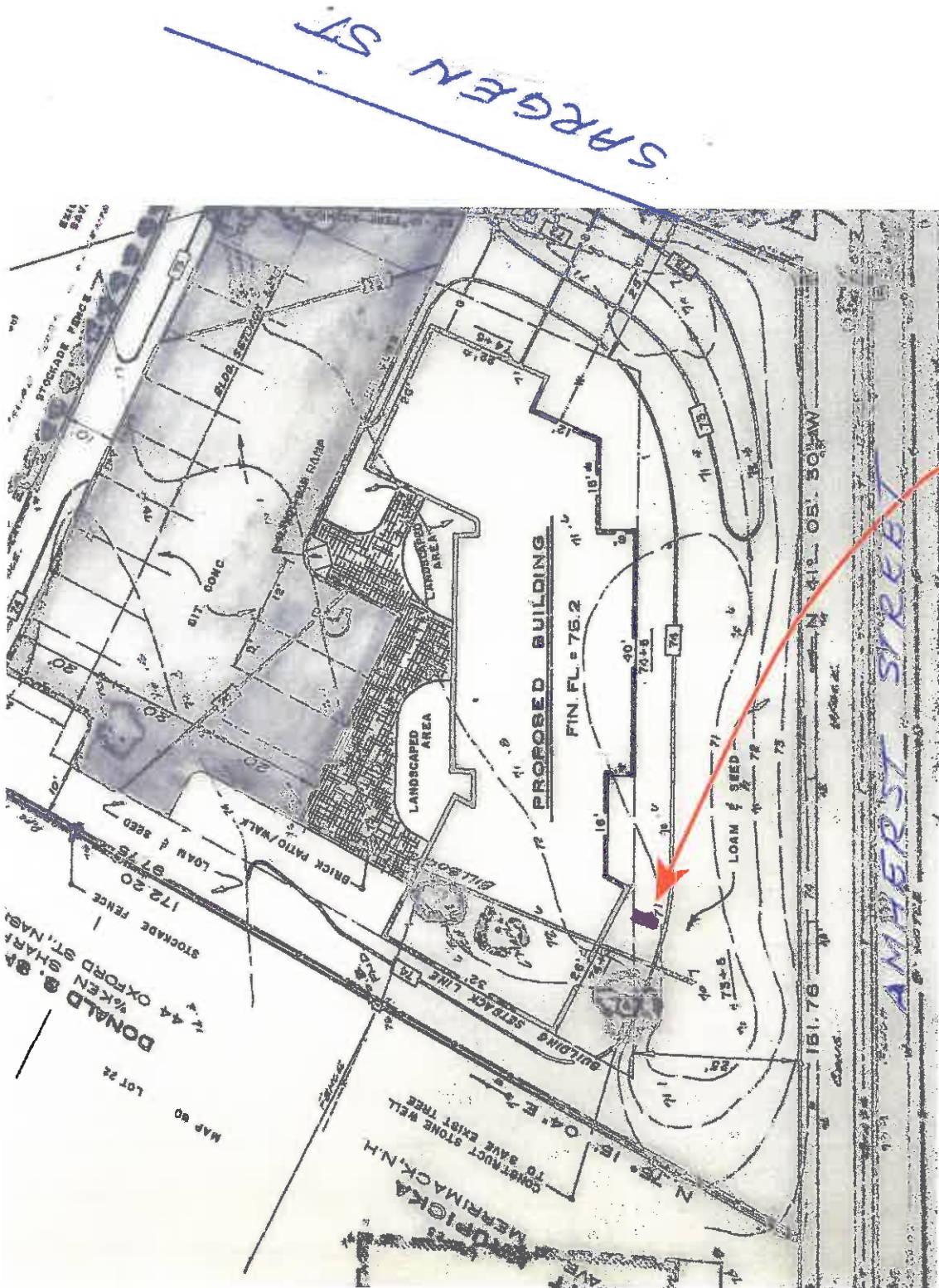
Post and Panel Sign
2' x 4' (8 sq. ft.) Overall height from grade 6'; Non-Illuminated; Double Faced
 See Site Plan Attached for Property Placement and Property Set Back

This sign is a permitted "Real Estate" sign - in which a permit is not required. IT would go to a permanent tenant sign.

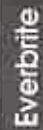


Everbrite DISCLAIMER: Renderings are for informational purposes only and not intended to be actual construction dimensions. For accurate requirements, actual dimensions and mounting details, please refer to the permit specifications and final drawings. These drawings and designs are the exclusive property of Everbrite LLC. Use of, or duplication in any manner, without express written permission of Everbrite LLC, is prohibited.

Customer: STATE FARM	Description: Post and Panel Sign -
Project No: 403874 A	2' x 4'
Date: 03/24/19	Revised: 04/06/19
Location & Site No: 89 Amherst St. Nashua, NH 03064	Revised: 04/08/19
Drawn By: TAJ	CUSTOMER SIGNATURE _____
SF93478	LANDLORD SIGNATURE _____
	DATE _____
	DATE _____



Post and Panel Sign Placement



Customer: STATE FARM
 Project No: 403874 A2
 Date: 03/24/19

Scale:
 Drawn By: TAJ
 Location & Site No: 89 Amherst St.
 Nashua, NH 03064 SF93478

Description: Site Plan with Sign Placement

Revised: 04/06/19
 Revised:

Customer Approval: Graphics and colors on file will be used unless otherwise specified by customer. Please review drawing carefully. By signing below, you agree to graphics as shown above, and to location of sign as shown. Please return signed copy back to Everbrite.

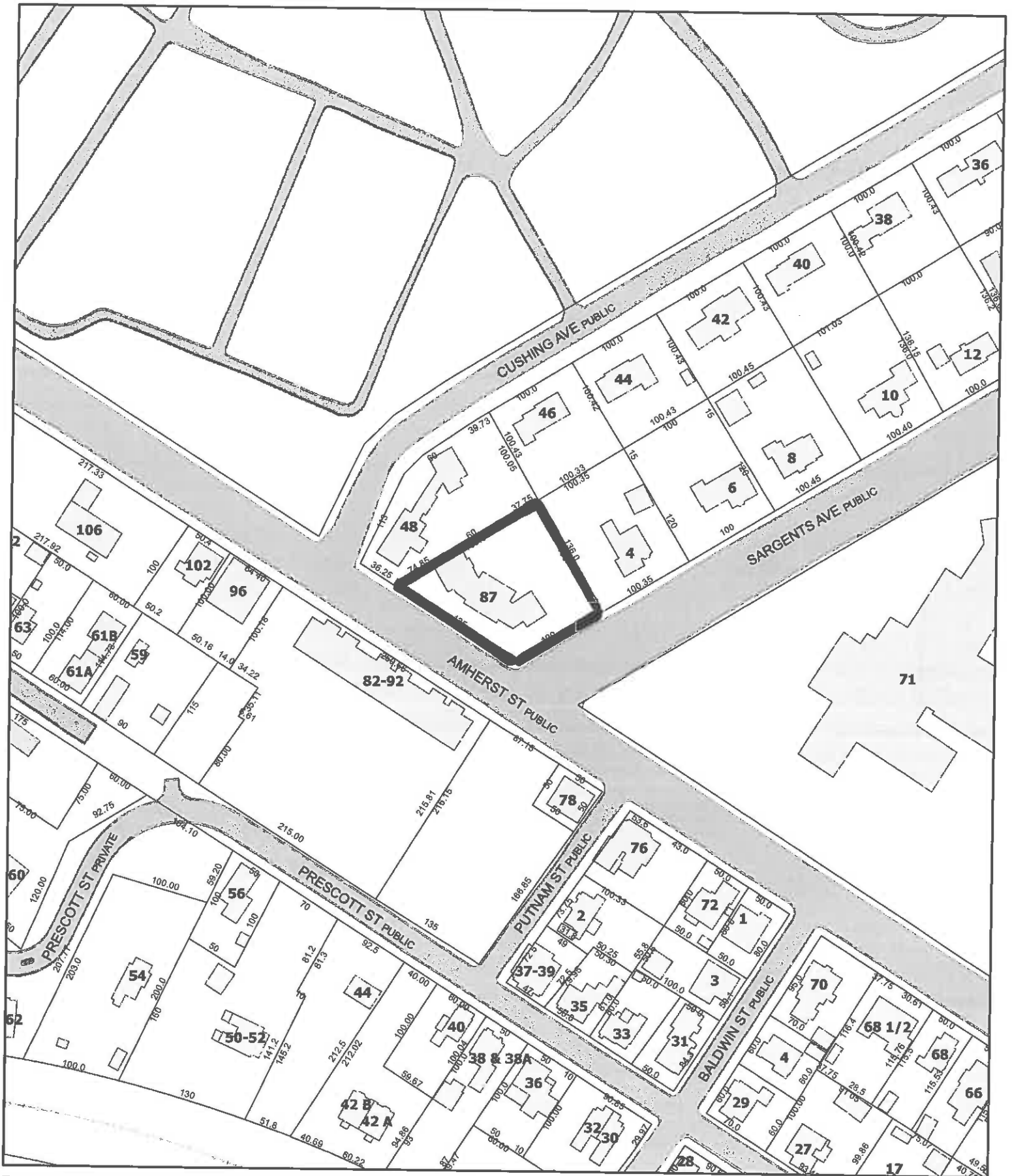
CUSTOMER SIGNATURE _____ DATE _____
 LANDLORD SIGNATURE _____ DATE _____

DISCLAIMER: Everbrite is for general purposes only and not intended for actual construction dimensions. For detailed requirements, consult your architect and retaining detail. Please refer to engineering, setbacks, and other applicable codes. Use of or publication in any manner without express written permission of Everbrite LLC is prohibited.

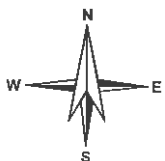


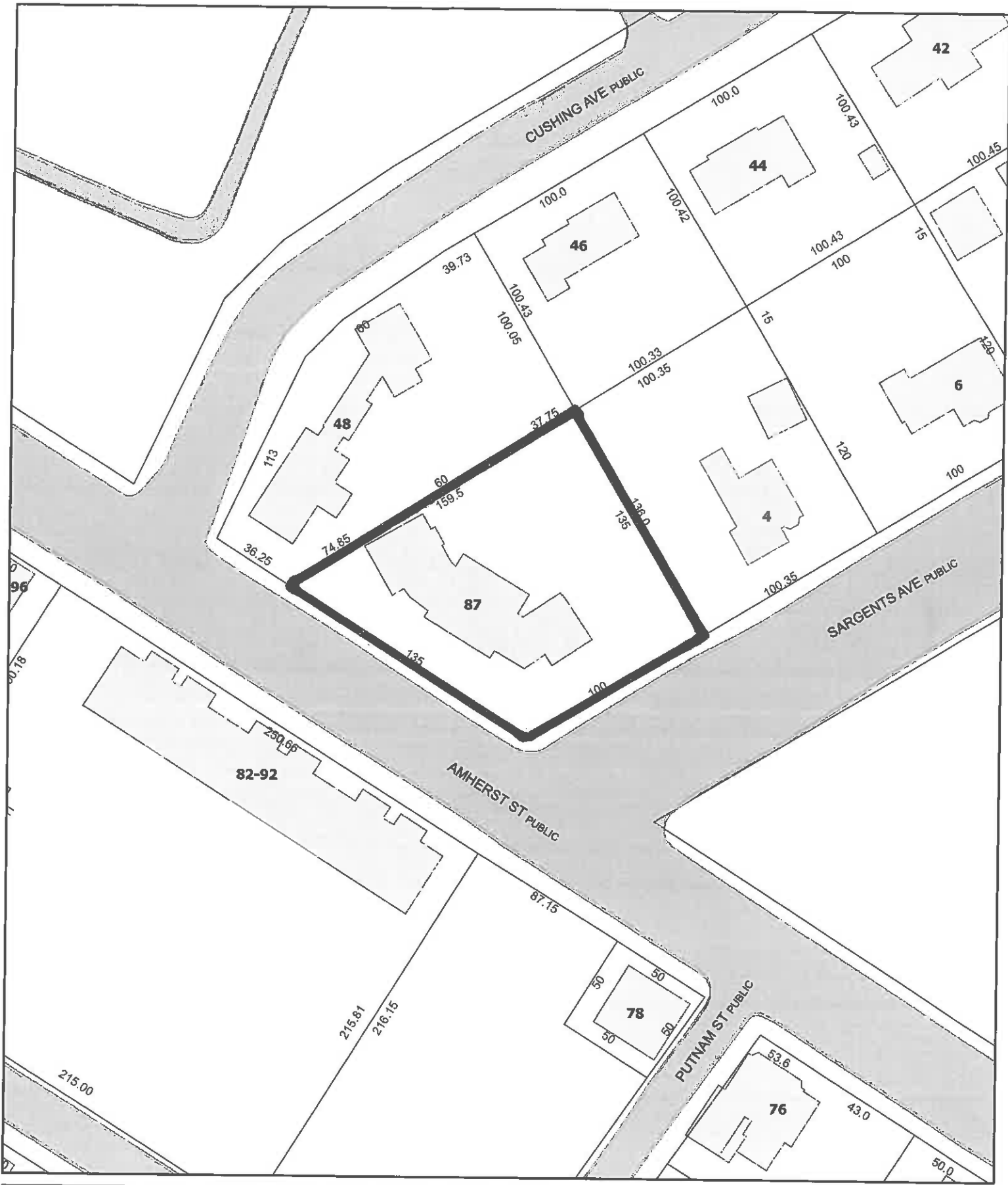
Post and Panel Sign
Non-Illuminated, Double Faced, 2' x 4', Overall height 6' (8 sq. ft.)

		DISCLAIMER: Renderings are for graphic purposes only and not intended for actual construction purposes. For wireless equipment, scale dimensions and mounting detail, please refer to engineering specifications and final drawings. These drawings and designs are the exclusive property of Everbrite LLC. Use or duplication in any manner without express written permission of Everbrite LLC is prohibited.	
Customer: STATE FARM		Description: Post and Panel Sign	
Project No: 403874 D	Scale:	Non-Illuminated, Double Faced	
Date: 03/24/19	Drawn By: TAJ	Revised: 04/06/19	CUSTOMER SIGNATURE _____ DATE _____
Location & Site No: 89 Amherst St. Nashua, NH 03064	SF93478	Revised:	LANDLORD SIGNATURE _____ DATE _____

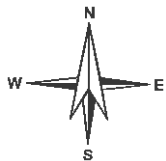


87 Amherst Street





87 Amherst Street



Owner consent for sign Installation and permits

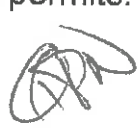
Q. Peter Nash, Trustee,
Edward P. Moran Jr., and
Aldebaran Properties, LLC

being the ~~owner and/or~~ Landlord of
the business known as State Farm Insurance Briana Dos Santos and
located at 89 Amherst Street Nashua, NH 03064 hereby certify that I am
allowing EVERBRITE, INC. and New England Sign & Awning to obtain
permits and install signage at the below mentioned address. * see below

Everbrite, LLC further agrees that all work will be done in compliance with
all applicable laws, codes and ordinance, and any stipulations or
restrictions listed on the permits.

Site address:

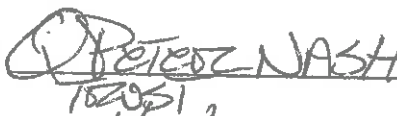
STATE FARM BRIANA DOS SANTOS
89 AMHERST STREET
NASHUA, NH 03064

 * With respect to such application
and permits, the signage may not
exceed state Fann's 19.65%
proportionate share of allowable
signage at 89 Amherst Street.

Signature

 Trustee

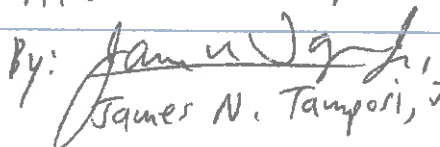
Name

 PETER NASH 2024 RELOCATED
102051

Date

4/12/19

Aldebaran Properties, LLC

By:  Manager
James N. Tampori, Jr., Manager