



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

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

SPECIAL EXCEPTION APPLICATION (ZBA)

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

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

1. SPECIAL EXCEPTION INFORMATION

a. ADDRESS OF REQUEST 546 Amherst Street

Zoning District Sheet Map H Lot 178

b. SPECIAL EXCEPTION(S) REQUESTED:

To work in a wetland buffer with a 714 square foot impact.

c. LAND USE CODE SECTION(S) REQUESTING SPECIAL EXCEPTION(S) FROM: 196-1.5 B

2. GENERAL INFORMATION

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

(Print Name): Weston Associates, Inc.

Applicant's signature [Signature] Date August, 2019

Applicant's address By its attorney, Gerald Prunier, 20 Trafalgar Square, Nashua, NH 03063

Telephone number H: 603-883-8900 C: E-mail: gprunier@prunierlaw.com

b. **PROPERTY OWNER** (Print Name): Weston Associates, Inc.

*Owner's signature [Signature] Date August, 2019

Owner's address By its attorney, Gerald Prunier, 20 Trafalgar Square, Nashua, NH 03063

Telephone number H: 603-883-8900 C: E-mail:

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

OFFICE USE ONLY Date Received 8/13/19 Date of hearing _____ Application checked for completeness:

PLR# 2019-00147 Board Action _____

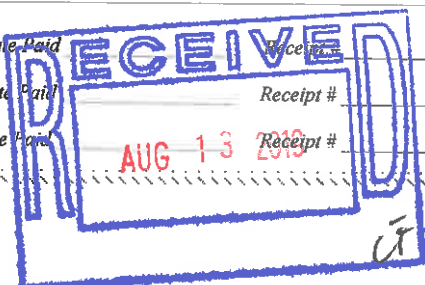
\$ _____ application fee

\$ 15. signage fee

\$ _____ certified mailing fee

Date Paid _____ Receipt # _____

Date Paid _____ Receipt # AUG 13 2019



3. PURPOSE OF REQUEST

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

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

The proposed project is to raise the present building and construct two new buildings totalling 21,140+ square feet with parking. The wetland buffer associated with Round Pond is to be impacted.

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

The present building is 17,15 square feet and the two new buildings will be 21,140+ Square feet. Most of the surrounding buildings are larger than the new buildings.

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

[]

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

None.

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

The uses in the area are varied from industrial, retail, and residential. There will be no change in the character of the neighborhood.

4. SPECIAL EXCEPTION - ADDITIONAL QUESTIONS

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

a. Total number of employees 30 Number of employees per shift 15 to 20

b. Hours and days of operation 8:00 a.m. to 1:00 p.m. 7 Days per week.

c. Number of daily and weekly visits to the premises by customers, clients, vendors, and solicitors 550

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

e. Number of parking spaces available

f. Describe your general business operations:

The operation will be retail in nature.

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

The site is completely changing; there will be new buildings, signs, pavement, and landscaping.

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.

[Handwritten Signature]

Signature of Applicant

8/9/19

Date

[Blank Box]

Print Name

[Blank Box]

Date

Special Exception Criteria

The following statements must be completed to assist the Conservation Commission in reviewing the application relative to the special exception criteria which will be reviewed by the Zoning Board of Adjustment (per 190-115B items (1-9)).

- 1) The use or activity proposed and its attendant impacts cannot reasonably be avoided.

The proposed impervious area within the buffer cannot reasonably be avoided because it provides the best means of entering and exiting the site to and from Amherst Street. The buffer impacts have been minimized to the extent possible. Minor work within the buffer is required to gain access to the existing signal. There is an overall decrease of impervious surface within the buffer given existing impervious areas to be removed.

- 2) The least damaging route and methodology have been selected, and that which is being proposed is the best practicable alternative available.

The least damaging alternative has been selected because there is a reduction of impervious area within the buffer. This option is the best practicable alternative because it allows vehicles to exit the site safely due to the utilization of an existing traffic signal.

- 3) That reasonable and acceptable impact mitigation measures have been incorporated where necessary and appropriate to minimize wetland loss or degradation.

There are no mitigation measures proposed for the development. There are no proposed impacts to wetlands as a result of the project. There is to be a net reduction of impervious surface within the Wetland Buffer.

- 4) That the overall impact of encroaching into wetland or buffer areas is necessary for the productive use of adjoining buildable land and, as such, non-encroachment is outweighed by the benefits thereby derived.

Encroachment of the wetland buffer does not adjoin buildable land. The proposed encroachment allows the site to access an existing signalized intersection, and provides safe ingress and egress to the proposed retail area and the existing office building to the South. The minor impact to the buffer would result in North bound traffic to now take a left at a signal as opposed to a u-turn somewhere on Amherst Road.



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

August 7, 2019

Weston Associates, Inc.
170 Newbury Street #2
Boston MA 02116

Re: Proposal to impact 40-foot round pound wetland buffer at 546 Amherst Street Nashua, New Hampshire

Dear Weston Associates:

Your application for the above referenced project received a favorable recommendation from the Nashua Conservation Commission (NCC) at their meeting on August 6, 2019 with the following stipulations:

1. A Conservation Mix applied between the driveway and Round Pond to Stabilize and revegetate disturbed areas.
2. When the National Heritage letter is completed it will be part of the approval process and provided to the Conservation Commission.
3. Recommend underground infiltration chambers to improve water quality.
4. Replant any trees where possible to replenish buffer disturbances.

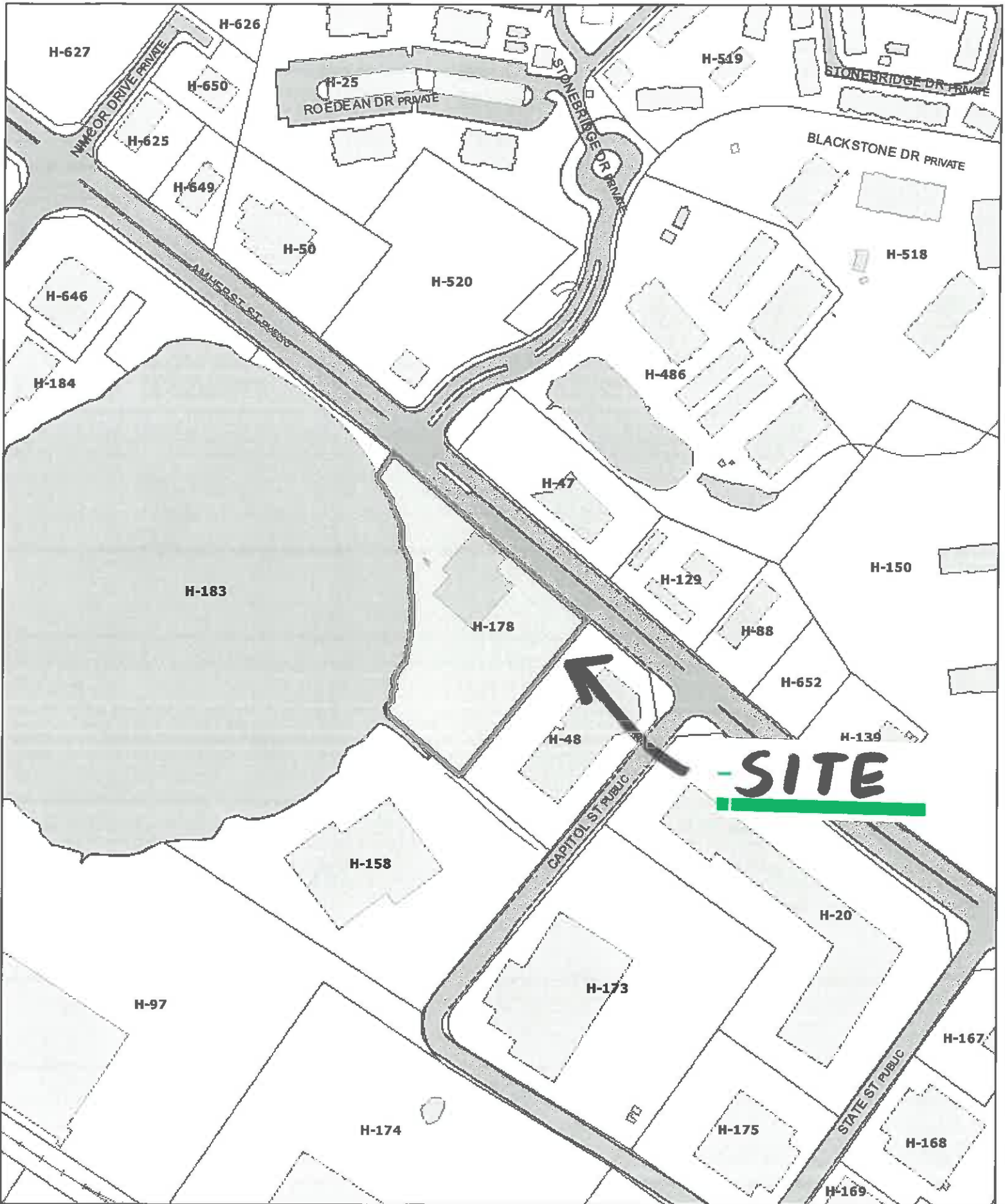
Additional action is necessary to meet the city's requirements, including submitting an application to the Zoning Board of Adjustment, per NRO Section 190-114 Wetland application (E). Please contact Carter Falk, Deputy Planning Manager at (603) 589-3116 regarding that application process. It is also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

Respectfully,

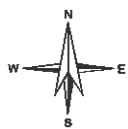
A handwritten signature in cursive script, appearing to read "Linda McGhee".

Nashua Conservation Commission

cc: Carter Falk, Deputy Zoning Manager
Christopher Rice, P.E. TFM
File



546 Amherst Street



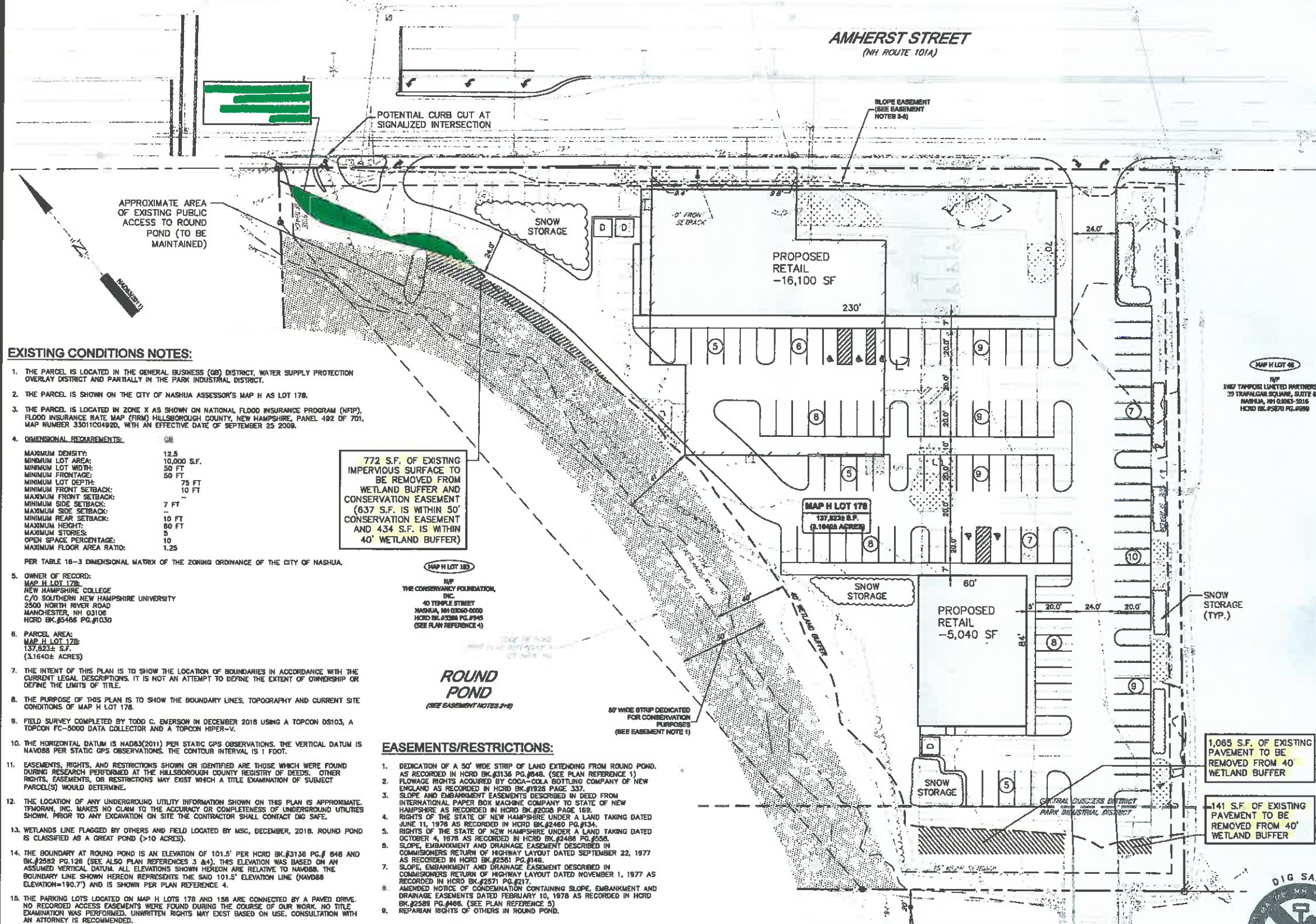
MAP H LOT 530
WLF
221 OSWOOD ROAD
MILFORD, NH 03055
HCRO BK. #9959 PG.#1373

MAP H LOT 488
WLF
BLACKSTONE 21 REALTY, LLC
40 NAUSETT AVENUE
NASHUA, NH 03083
HCRO BK.#8952 PG.#0528

MAP H LOT 47
WLF
547 AMHERST STREET, LLC
PO BOX 128
WINCHESTER, NH 03090
HCRO BK.#8861 PG.#1451

MAP H LOT 128
WLF
TRAK ENERGY, LLC
14 E MAIN STREET
WESTBOROUGH, MA 01581
HCRO BK.#9082 PG.#1038

AMHERST STREET (NH ROUTE 101A)



- #### PLAN REFERENCES:
- "CONSOLIDATION PLAN LOTS 12A & 12B AMHERST STREET NASHUA, N.H. FOR GERALD Q. NASH & SAMUEL A. TAMPOSI BY A.E. MAYNARD CIVIL ENGINEER, DATED AUGUST 1977. HCRO PLAN# 10401.
 - "PLAN OF LAND AMHERST ST. INDUSTRIAL PARK AMHERST ST. (ROUTE 101A) NASHUA, N.H." BY A.E. MAYNARD CIVIL ENGINEER, DATED FEBRUARY 2, 1971. HCRO PLAN# 5160.
 - "PLAN OF LAND AMHERST ST. INDUSTRIAL PARK AMHERST ST. (ROUTE 101A) NASHUA, N.H." BY A.E. MAYNARD CIVIL ENGINEER, DATED JULY, 1971, WITH REVISION DATED JULY 23, 1971. HCRO PLAN# 5174.
 - "PLAN OF LAND AMHERST ST. INDUSTRIAL PARK AMHERST ST. (ROUTE 101A) NASHUA, N.H." BY A.E. MAYNARD CIVIL ENGINEER, DATED JULY, 1971 WITH REVISION DATED AUGUST 18, 1972. HCRO PLAN# 5110.
 - "STATE OF NEW HAMPSHIRE DEPARTMENT OF PUBLIC WORKS AND HIGHWAYS RIGHT OF WAY PLANS OF PROPOSED FEDERAL AID PROJECT NO. U-010-1 (10) N.H. PROJECT NO. P-1330-B RELOCATION OF N.H. ROUTE 101A" SHEET 10 BY WRIGHT, PERCE, BARNES & WYMAN ENGINEERS DATED SEPTEMBER 1975. HCRO PLAN# 9887.
 - "PLAN OF LAND OF AMHERST STREET INDUSTRIAL PARK IN NASHUA, N.H." DATED JUNE 11, 1978 WITH REVISION DATED NOVEMBER 4, 1977. HCRO PLAN#10949.
 - "CORRECTIVE BOUNDARY PLAN OF LAND LOT 7 PREPARED FOR AMHERST STREET INDUSTRIAL PARK NASHUA, N.H." BY THOMAS F. MORAN INC. DATED AUGUST 19, 1981. HCRO PLAN# 14302.
 - "PLAN OF LAND LOT 10 AMHERST ST. INDUSTRIAL PARK, AMHERST ST. NASHUA N.H." BY A.E. MAYNARD CIVIL ENGINEER, DATED AUGUST, 1971. HCRO PLAN# 14800.
 - "CONSOLIDATION / SUBDIVISION PLAN (LOTS 181 & 184 MAP 'H') AMHERST ST. & CELLU DR. NASHUA, NEW HAMPSHIRE PREPARED FOR REGENCY CENTERS BY HAYNER/SWANSON, INC. DATED JANUARY 6, 2003 WITH REVISION 4 DATED APRIL 27, 2005. HCRO PLAN# 34023.
 - "STREET DEDICATION PLAN (LOT 848 MAP 'H') 550 AMHERST STREET NASHUA, NEW HAMPSHIRE PREPARED FOR REGENCY CENTERS BY HAYNER/SWANSON, INC. DATED SEPTEMBER 7, 2005. HCRO PLAN# 34497.
 - "SUBDIVISION PLAN LOTS 14-D-1, 14-D-2 & 14-D-3 AMHERST STREET INDUSTRIAL PARK NASHUA, N.H. FOR SAMUEL A. TAMPOSI & GERALD Q. NASH BY A.E. MAYNARD CIVIL ENGINEER, DATED NOVEMBER 1975 HCRO PLAN# 8777.

NOTES

1. CURRENT ZONING IS GENERAL BUSINESS (GB) ZONING DISTRICT.

| | REQUIRED |
|---------------------------|-------------|
| MAXIMUM DENSITY: | 12.5 |
| MINIMUM LOT AREA: | 10,000 S.F. |
| MINIMUM LOT WIDTH: | 50 FT |
| MINIMUM FRONTAGE: | 50 FT |
| MINIMUM LOT DEPTH: | 75 FT |
| MINIMUM FRONT SETBACK: | 10 FT |
| MAXIMUM FRONT SETBACK: | - |
| MINIMUM SIDE SETBACK: | 7 FT |
| MAXIMUM SIDE SETBACK: | - |
| MINIMUM REAR SETBACK: | 10 FT |
| MAXIMUM HEIGHT: | 80 FT |
| MAXIMUM STOREYS: | 5 |
| OPEN SPACE PERCENTAGE: | 10 |
| MAXIMUM FLOOR AREA RATIO: | 1.25 |

PER TABLE 18-3 DIMENSIONAL MATRIX OF THE ZONING ORDINANCE OF THE CITY OF NASHUA.

2. PARKING CALCULATIONS:
REQUIRED RETAIL:
1 PER 250 SF MIN. (21,140 SF) = 85 SPACES
1 PER 150 SF MIN. (21,140 SF) = 141 SPACES
PROPOSED: 107 SPACES (1 PER 197.5 SF)

4. EXAMINATION OF THE FLOOD INSURANCE RATE MAP FOR THE CITY OF NASHUA, NEW HAMPSHIRE, PANEL NUMBER 33011004920, EFFECTIVE DATE: 09-25-2009, INDICATES THAT THE SUBJECT PARCEL IS NOT LOCATED WITHIN A FLOOD HAZARD AREA.

A TRAFFIC ANALYSIS WILL NEED TO BE DONE TO THE SATISFACTION OF THE MHDOT; THE STUDY WILL NEED TO MITIGATE TRAFFIC IMPACTS FROM THE DEVELOPMENT.

WETLAND IMPACTS WILL REQUIRE AN APPLICATION TO INDEKS WETLANDS BUREAU AND A VARIANCE FROM THE TOWN ZONING BOARD OF ADJUSTMENTS. OBTAINING THESE PERMITS WILL DEPEND ON THE WETLAND FUNCTION AND VALUES, AND SENSITIVITY OF THE PROJECT.

TESTING FOR SUITABLE AREAS FOR SEPTIC SYSTEMS AND WELLS WILL BE REQUIRED TO CONFIRM THAT SERVICES CAN BE PROVIDED ON SITE AND/OR AVAILABLE MUNICIPAL SEWER AND WATER CAPACITY WILL NEED TO BE VERIFIED DURING THE DESIGN PROCESS.

EASEMENTS, RIGHTS, AND RESTRICTIONS SHOWN ARE THOSE WHICH IDENTIFIED BASED ON DATA USED IN CONCEPTUAL DESIGN. OTHER RIGHTS, EASEMENTS, OR RESTRICTIONS MAY EXIST WHICH DEED RESEARCH & A TITLE EXAMINATION OF SUBJECT PARCEL(S) WOULD DETERMINE.

THIS PLAN IS SOLELY FOR CONCEPTUAL PURPOSES.

EXISTING CONDITIONS NOTES:

- THE PARCEL IS LOCATED IN THE GENERAL BUSINESS (GB) DISTRICT, WATER SUPPLY PROTECTION OVERLAY DISTRICT AND PARTIALLY IN THE PARK INDUSTRIAL DISTRICT.
- THE PARCEL IS SHOWN ON THE CITY OF NASHUA ASSESSOR'S MAP H AS LOT 178.
- THE PARCEL IS LOCATED IN ZONE X AS SHOWN ON NATIONAL FLOOD INSURANCE PROGRAM (NFIP), FLOOD INSURANCE RATE MAP (FIRM) HILLSBOROUGH COUNTY, NEW HAMPSHIRE, PANEL 492 OF 701, MAP NUMBER 33011004920, WITH AN EFFECTIVE DATE OF SEPTEMBER 25 2009.
- DIMENSIONAL REQUIREMENTS:**

| | GB |
|---------------------------|-------------|
| MAXIMUM DENSITY: | 12.5 |
| MINIMUM LOT AREA: | 10,000 S.F. |
| MINIMUM LOT WIDTH: | 50 FT |
| MINIMUM FRONTAGE: | 50 FT |
| MINIMUM LOT DEPTH: | 75 FT |
| MINIMUM FRONT SETBACK: | 10 FT |
| MAXIMUM FRONT SETBACK: | - |
| MINIMUM SIDE SETBACK: | 7 FT |
| MAXIMUM SIDE SETBACK: | - |
| MINIMUM REAR SETBACK: | 10 FT |
| MAXIMUM HEIGHT: | 80 FT |
| MAXIMUM STOREYS: | 5 |
| OPEN SPACE PERCENTAGE: | 10 |
| MAXIMUM FLOOR AREA RATIO: | 1.25 |
- OWNER OF RECORD:
MAP H LOT 178:
NEW HAMPSHIRE COLLEGE
C/O SOUTHERN NEW HAMPSHIRE UNIVERSITY
2500 NORTH RIVER ROAD
MANCHESTER, NH 03106
HCRO BK.#5486 PG.#1030
- PARCEL AREA:
MAP H LOT 178:
137,823 S.F.
(3.1642 ACRES)
- THE INTENT OF THIS PLAN IS TO SHOW THE LOCATION OF BOUNDARIES IN ACCORDANCE WITH THE CURRENT LEGAL DESCRIPTIONS. IT IS NOT AN ATTEMPT TO DEFINE THE EXTENT OF OWNERSHIP OR DEFINE THE LIMITS OF TITLE.
- THE PURPOSE OF THIS PLAN IS TO SHOW THE BOUNDARY LINES, TOPOGRAPHY AND CURRENT SITE CONDITIONS OF MAP H LOT 178.
- FIELD SURVEY COMPLETED BY TODD C. EMERSON IN DECEMBER 2018 USING A TOPCON DS103, A TOPCON FC-3000 DATA COLLECTOR AND A TOPCON HIPER-V.
- THE HORIZONTAL DATUM IS NAD83(2011) PER STATIC GPS OBSERVATIONS. THE VERTICAL DATUM IS NAVD88 PER STATIC GPS OBSERVATIONS. THE CONTOUR INTERVAL IS 1 FOOT.
- EASEMENTS, RIGHTS, AND RESTRICTIONS SHOWN OR IDENTIFIED ARE THOSE WHICH WERE FOUND DURING RESEARCH PERFORMED AT THE HILLSBOROUGH COUNTY REGISTRY OF DEEDS. OTHER RIGHTS, EASEMENTS, OR RESTRICTIONS MAY EXIST WHICH A TITLE EXAMINATION OF SUBJECT PARCEL(S) WOULD DETERMINE.
- THE LOCATION OF ANY UNDERGROUND UTILITY INFORMATION SHOWN ON THIS PLAN IS APPROXIMATE. TFMORAN, INC. MAKES NO CLAIM TO THE ACCURACY OR COMPLETENESS OF UNDERGROUND UTILITIES SHOWN. PRIOR TO ANY EXCAVATION ON SITE THE CONTRACTOR SHALL CONTACT DIG SAFE.
- WETLANDS LINE FLAGGED BY OTHERS AND FIELD LOCATED BY MSC, DECEMBER, 2018. ROUND POND IS CLASSIFIED AS A GREAT POND (>10 ACRES).
- THE BOUNDARY AT ROUND POND IS AN ELEVATION OF 101.5' PER HCRO BK.#3136 PG.# 848 AND BK.#2582 PG.128 (SEE ALSO PLAN REFERENCES 3 & 4). THIS ELEVATION WAS BASED ON AN ASSUMED VERTICAL DATUM. ALL ELEVATIONS SHOWN HEREON ARE RELATIVE TO NAVD88. THE BOUNDARY LINE SHOWN HEREON REPRESENTS THE SAID 101.5' ELEVATION LINE (NAVD88 ELEVATION=190.7') AND IS SHOWN PER PLAN REFERENCE 4.
- THE PARKING LOTS LOCATED ON MAP H LOTS 178 AND 158 ARE CONNECTED BY A PAVED DRIVE. NO RECORDED ACCESS EASEMENTS WERE FOUND DURING THE COURSE OF OUR WORK. NO TITLE EXAMINATION WAS PERFORMED. UNWRITTEN RIGHTS MAY EXIST BASED ON USE. CONSULTATION WITH AN ATTORNEY IS RECOMMENDED.

772 S.F. OF EXISTING IMPERVIOUS SURFACE TO BE REMOVED FROM WETLAND BUFFER AND CONSERVATION EASEMENT (637 S.F. IS WITHIN 50' CONSERVATION EASEMENT AND 434 S.F. IS WITHIN 40' WETLAND BUFFER)

MAP H LOT 180
WLF
THE CONSERVATION FOUNDATION, INC.
40 TEMPLE STREET
NASHUA, NH 03000-0000
HCRO BK.#3388 PG.#945
(SEE PLAN REFERENCE 4)

ROUND POND
(SEE EASEMENT NOTES 2-4)

EASEMENTS/RESTRICTIONS:

- DEDICATION OF A 50' WIDE STRIP OF LAND EXTENDING FROM ROUND POND, AS RECORDED IN HCRO BK.#3136 PG.#848. (SEE PLAN REFERENCE 1)
- FLOWAGE RIGHTS ACQUIRED BY COCA-COLA BOTTLING COMPANY OF NEW ENGLAND AS RECORDED IN HCRO BK.#1928 PAGE 337.
- SLOPE, EMBANKMENT AND DRAINAGE EASEMENTS DESCRIBED IN DEED FROM INTERNATIONAL PAPER BOX MACHINE COMPANY TO STATE OF NEW HAMPSHIRE AS RECORDED IN HCRO BK.#2008 PAGE 169.
- RIGHTS OF THE STATE OF NEW HAMPSHIRE UNDER A LAND TAKING DATED JUNE 11, 1978 AS RECORDED IN HCRO BK.#2480 PG.#134.
- RIGHTS OF THE STATE OF NEW HAMPSHIRE UNDER A LAND TAKING DATED OCTOBER 4, 1978 AS RECORDED IN HCRO BK.#2486 PG.#508.
- SLOPE, EMBANKMENT AND DRAINAGE EASEMENT DESCRIBED IN COMMISSIONERS RETURN OF HIGHWAY LAYOUT DATED SEPTEMBER 22, 1977 AS RECORDED IN HCRO BK.#2561 PG.#148.
- SLOPE, EMBANKMENT AND DRAINAGE EASEMENT DESCRIBED IN COMMISSIONERS RETURN OF HIGHWAY LAYOUT DATED NOVEMBER 1, 1977 AS RECORDED IN HCRO BK.#2571 PG.#217.
- AMENDED NOTICE OF CONDEMNATION CONTAINING SLOPE, EMBANKMENT AND DRAINAGE EASEMENTS DATED FEBRUARY 10, 1978 AS RECORDED IN HCRO BK.#2588 PG.#486. (SEE PLAN REFERENCE 5)
- REPAIRMAN RIGHTS OF OTHERS IN ROUND POND.

- TOTAL IMPERVIOUS TO BE REMOVED BUFFER + CONSERVATION EASEMENT = 1,970 SF
- TOTAL PROPOSED IMPERVIOUS WITHIN BUFFER = 815 SF
- NET CHANGE = 1,155 SF IMPERVIOUS REMOVED FROM BUFFER

TAX MAP H LOT 178
CONCEPT WITH ACCESS TO SIGNAL
SOUTHERN NEW HAMPSHIRE UNIVERSITY
546 AMHERST STREET
NASHUA, NEW HAMPSHIRE
COUNTY OF HILLSBOROUGH
OWNED BY
NEW HAMPSHIRE COLLEGE

SCALE: 1" = 30' (22x34)
1" = 60' (11x17)
JULY 22, 2019

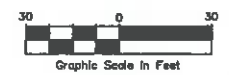
170 Commerce Way, Suite 102
Portsmouth, NH 03801
Phone (603) 431-2222
Fax (603) 431-0910
www.tfmoran.com

TFM **MSC**
A division of TFMoran, Inc.

| | | | |
|----------|--------|---------|-----|
| 17983.00 | OR MSK | PD | 351 |
| | OK JCC | CADFILE | |

SHEET 1 OF 1

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This plan is not effective unless signed by a duly authorized officer of Thomas F. Moran, Inc.



STORM DRAIN EASEMENT
(SEE HCRO BK.#2915 PG.#56 AND PLAN REFERENCE 6)

MAP H LOT 158
WLF
ROUND POND REAL ESTATE, LLC
278 COURT STREET
PORTSMOUTH, NH 03801
HCRO BK.#7281 PG.#1929

(SEE NOTE EXISTING CONDITIONS 15)

Aug 06, 2019 - 10:44am
F:\MSDC\Projects\17983-00 - Western Assoc - 546 Amherst Street\Design\Production Drawing\17983-00 - Con Comm Plan.dwg