

To: Zoning Board of Adjustment

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

Date: March 17, 2020

Subj: **SAT Jr. Limited Partnership (Owner) J & K Dolan, LLC (Applicant) 76 Northeastern Boulevard, Unit 28 (Sheet C Lot 2025) requesting use variance from Land Use Code Section 190-15, Table 15-1 (#102) to allow an esthetician office in Unit #28. PI Zone, Ward 9.**

PROPOSAL:

The applicants, Joel & Kelly Dolan, are proposing to occupy Unit #28 at the above-mentioned location to use this suite for an esthetician's office. The site is located in the Park Industrial (AI) zone, and totals 196,020 square feet (4.5 acres).

PRIOR HISTORY:

Aug 1994: **Use Variance - *granted*** - to allow a personal service business in an existing business office – with stipulation that no unrelated retail products are allowed to be sold on premises.

Meeting minutes of the above-mentioned case are included in the package.

SITE ANALYSIS:

The subject site is located on the southerly side of Northeastern Boulevard, located west of Stafford Road (see attached map). To the north, across Northeastern Boulevard, is a bank building recently constructed, along with Boston Billiards and Best Fitness, zoned PI. To the east is a business condo development similar to the subject property, zoned PI. To the south are single-family homes along Pollard Avenue, zoned C-Suburban Residence (R9). To the west are identical business condos, and Belletete's Lumber, zoned PI.

The applicant has recently purchased Unit #28 at 76 Northeastern Boulevard. The property contains two buildings oriented in an "L" shape, and will use the entire 1,200 square foot suite for an esthetician's office. Estheticians are trained in skin wellness, skin care, nails and a variety of beauty treatments.

According to the Land Use Code Section 190-15, Table 15-1, Use Matrix (#102), *personal services, generally*, are permitted in the General Business (GB), Downtown-1/Mixed Use (D-1/MU), Downtown-3/Mixed Use (D-3/MU) and Highway Business (HB) zones. Further, the proposed use is permitted subject to Conditional Use approval by the Planning Board in the Park Industrial (PI) and Airport Industrial (AI) zones, as long as at least 75% of the gross floor area is reserved for uses listed

in the “industrial and manufacturing” category. Since 100% of the building would be used for the esthetician’s business, it cannot meet the conditions to apply for a Conditional Use; therefore, the Use Variance is submitted.

The applicant states that there will be one employee, and a total of 25-30 visits per week from customers, clients and deliveries. Hours of operations will be Monday through Friday, 11:00 am – 8:00 pm.

Required minimum parking for the proposed use is 1 space per 500 square feet, therefore, two parking spaces will be required. The property has approximately 126 parking spaces for the 18 suites in this lot, so parking requirements will be satisfied.

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:

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, 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 applicant indicates that the esthetician will not be able to practice in this space without the variance, and that the New Hampshire Licensing Board requires proper City Zoning approvals, and therefore the business would fail. The applicant indicates that the business will not impact others around her in a negative way.

Spirit and Intent: the applicant must describe how the variance request does not violate the spirit and intent of the ordinance, i.e. 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 the proposed use will be a personal use variance, so the tenant can use the office to do skin and nail care, and it will not conflict with any other business or residence in the area.

Property values – the applicant must demonstrate that the requested variance will not result in a diminution of value to the surrounding property, i.e. 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 has stated that by having an esthetician in the unit will in no way impact or diminish values of the surrounding properties, there is ample parking, and the clientele will not be a burden to the existing parking available.

Public interest – the application must 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”.

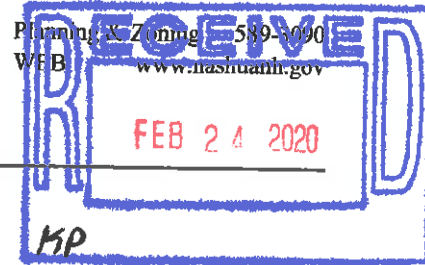
The application states that the property is zoned Park Industrial, and the office requires a variance, as an esthetician will be utilizing the space, and it will not impact any of the surrounding units, and will not impact or injure the public rights.

Substantial justice – granting the variance must result in substantial justice to the applicant, as the benefits to the applicant must not be outweighed by harm to the general public or to other individuals.

The applicant states that the renter who is doing the work as an esthetician will be able to stay in the space and utilize it for her business, which benefits the owner.



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 76 Northeastern Blvd, Unit 28, Nashua, NH 03062

Zoning District park PI Sheet C Lot 2025 PA#44023

2. VARIANCE(S) REQUESTED:

Currently zoned park industrial, need zoning for a personal services variance for an esthetician renting one of the offices within unit 28.

II. GENERAL INFORMATION

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

(Print Name): Joel Dolan

Applicant's signature [Signature] Date 2/21/2020

Applicant's address 63 Hooker Farm Rd, Salem, NH 03079

Telephone number H: C: 6032356831 E-mail: jpdolan113@gmail.com

2. **PROPERTY OWNER (Print Name):** J & K Dolan, LLC (Joel and Kelly Dolan)

*Owner's signature [Signature] Date 02/21/2020

Owner's address 63 Hooker Farm Rd, Salem, NH 03079

Telephone number H: C: 6032356831 E-mail: jpdolan113@gmail.com

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

OFFICE USE ONLY Date Received 2/24/20 Date of hearing 3/24/20 Application checked for completeness: CF

PLR# 2020-00020 Board Action _____

\$ 900 application fee Date Paid _____ Receipt # _____

\$ 15 signage fee Date Paid _____ Receipt # _____

\$ _____ certified mailing fee Date Paid _____ Receipt # _____

Land Use Code Section(s) Requesting Variances From: 140-15, Table 15-1 (#102)

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 land is currently zoned industrial, the office in unit 28 requires a variance as an esthetician will be utilizing the space. This will not impact any surrounding units. It will not impact or injure "public rights"

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

The proposed use will be a personal use variance so the tenant can use an office to do skin and nail care. This will in no way conflict with any other business or residence in the area

- 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 renter who is doing work as an esthetician will be able to stay in the space and utilize it for her business, which then benefits the owner.

- 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.)

Having an esthetician in the unit will in no way impact or diminish values of the surrounding properties. There is ample parking and the small amount of clientele will not fill the parking spaces.

Address 76 Northeastern Blvd, Unit 28

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 esthetician will not be able to practice in this space without the variance. Her licensing board requires the proper zoning. Her business will fail without it. Allowing the variance will allow for her to practice and start her business, and will in no way impact others around her in a negative way.

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:

Esthetician, practicing skin care and nails with no harmful chemicals. Uses all natural products.

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

none

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.

Joel + Kelly Dolan
Signature of Applicant

2/21/2020
Date

Joel + Kelly Dolan
Print Name

2/21/2020
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

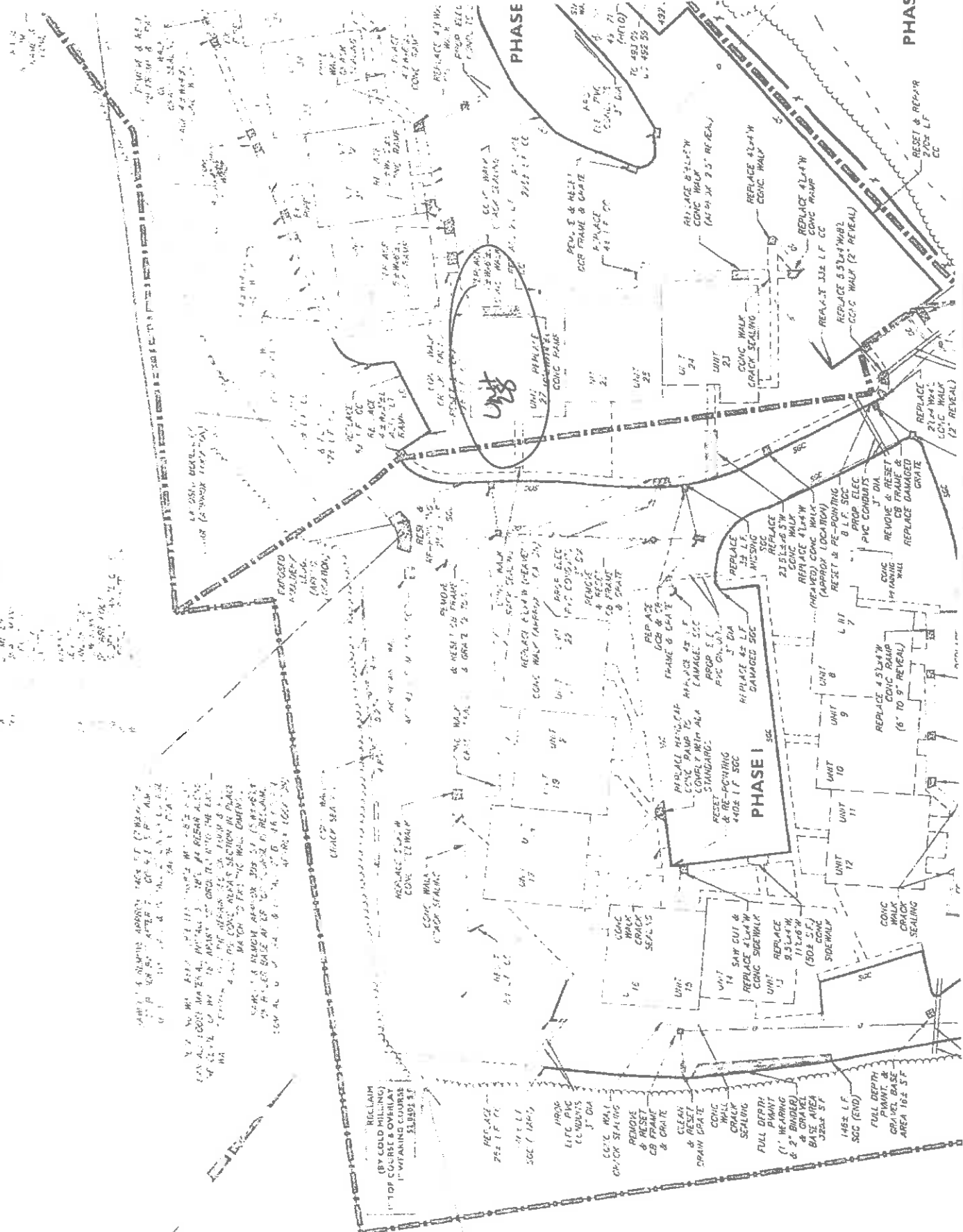
Please email it to me at

Please mail it to me at

ABBREVIATIONS:

- APR. 1974
- LA 1000
- LA 1001
- LA 1002
- LA 1003
- LA 1004
- LA 1005
- LA 1006
- LA 1007
- LA 1008
- LA 1009
- LA 1010
- LA 1011
- LA 1012
- LA 1013
- LA 1014
- LA 1015
- LA 1016
- LA 1017
- LA 1018
- LA 1019
- LA 1020
- LA 1021
- LA 1022
- LA 1023
- LA 1024
- LA 1025
- LA 1026
- LA 1027
- LA 1028
- LA 1029
- LA 1030
- LA 1031
- LA 1032
- LA 1033
- LA 1034
- LA 1035
- LA 1036
- LA 1037
- LA 1038
- LA 1039
- LA 1040
- LA 1041
- LA 1042
- LA 1043
- LA 1044
- LA 1045
- LA 1046
- LA 1047
- LA 1048
- LA 1049
- LA 1050
- LA 1051
- LA 1052
- LA 1053
- LA 1054
- LA 1055
- LA 1056
- LA 1057
- LA 1058
- LA 1059
- LA 1060
- LA 1061
- LA 1062
- LA 1063
- LA 1064
- LA 1065
- LA 1066
- LA 1067
- LA 1068
- LA 1069
- LA 1070
- LA 1071
- LA 1072
- LA 1073
- LA 1074
- LA 1075
- LA 1076
- LA 1077
- LA 1078
- LA 1079
- LA 1080
- LA 1081
- LA 1082
- LA 1083
- LA 1084
- LA 1085
- LA 1086
- LA 1087
- LA 1088
- LA 1089
- LA 1090
- LA 1091
- LA 1092
- LA 1093
- LA 1094
- LA 1095
- LA 1096
- LA 1097
- LA 1098
- LA 1099
- LA 1100

NOTI:
 1. TO A 1000 BY 30' LAMP...
 2. TO A 1000 BY 30' LAMP...
 3. TO A 1000 BY 30' LAMP...



RECLAIM
 (BY GOLD MILLING)
 1" TOP COURSE & OVERLAY
 1" VITRIFIED COURSE
 3" SLURRY ST

REPLACE
 4" L.F. CC
 4" L.F. CC
 4" L.F. CC

PROG
 L.F.C PVC
 CONDORIS
 3" DIA

REMOVE
 & RESET
 CB
 & GRATE
 CLEAN
 & RESET
 DRAIN GRATE

CONC
 WALK
 CRACK
 SEALING

FULL DEPTH
 (1" WEARING
 & 2" BINDER)
 & GRAVEL
 BASE AREA
 10± 5' F

145± L.F.
 SGC (END)
 FULL DEPTH
 PAVT &
 GRAVEL BASE
 AREA 10± 5' F

PHAS

PHASE

PHASE I

UNIT 23

RESET & REPAIR
 2'0x L.F
 CC

REPLACE 4" L.F. W
 CONC RAMP

REPLACE 4" L.F. W
 CONC WALK

REPLACE 4" L.F. W
 CONC WALK

REPLACE 4" L.F. W
 CONC WALK

REPLACE 4" L.F. W
 CONC WALK

REPLACE 4" L.F. W
 CONC WALK

REPLACE 4" L.F. W
 CONC WALK

REPLACE 4" L.F. W
 CONC WALK

REPLACE 4" L.F. W
 CONC WALK

REPLACE 4" L.F. W
 CONC WALK

REPLACE 4" L.F. W
 CONC WALK

REPLACE 4" L.F. W
 CONC WALK

REPLACE 4" L.F. W
 CONC WALK

REPLACE 4" L.F. W
 CONC WALK

REPLACE 4" L.F. W
 CONC WALK

REPLACE 4" L.F. W
 CONC WALK

REPLACE 4" L.F. W
 CONC WALK

REPLACE 4" L.F. W
 CONC WALK

REPLACE 4" L.F. W
 CONC WALK

REPLACE 4" L.F. W
 CONC WALK

REPLACE 4" L.F. W
 CONC WALK

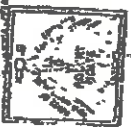
LOT 100
 PRIVATE PROPERTY
 OF THE CITY OF LOS ANGELES

LOT 101
 PRIVATE PROPERTY
 OF THE CITY OF LOS ANGELES

LOT 102
 PRIVATE PROPERTY
 OF THE CITY OF LOS ANGELES

LOT 103
 PRIVATE PROPERTY
 OF THE CITY OF LOS ANGELES

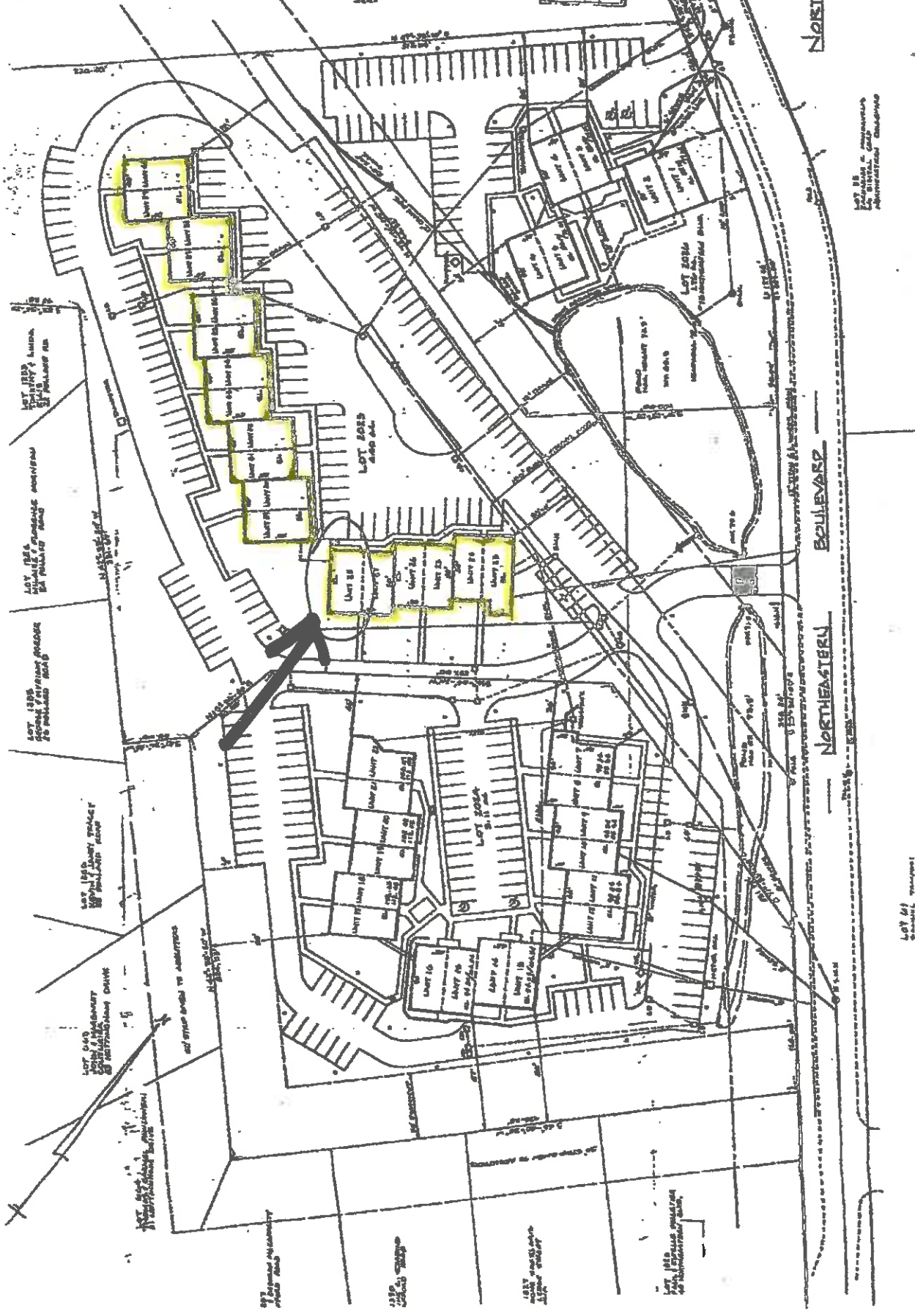
LOT 104
 PRIVATE PROPERTY
 OF THE CITY OF LOS ANGELES



AT
 SURVEY
 NORTHBRIDGE
 CON
 NORTHEASTERN

W. ROBE

96648 1-7-41
 W. ROBE
 LAND SURVEYOR



BOULEVARD

NORTHEASTERN

NORTHBRIDGE BUSINESS CENTER

LOT 101

LOT 102
 PRIVATE PROPERTY
 OF THE CITY OF LOS ANGELES

LOT 103
 PRIVATE PROPERTY
 OF THE CITY OF LOS ANGELES

LOT 104
 PRIVATE PROPERTY
 OF THE CITY OF LOS ANGELES

LOT 105
 PRIVATE PROPERTY
 OF THE CITY OF LOS ANGELES

LOT 106
 PRIVATE PROPERTY
 OF THE CITY OF LOS ANGELES

LOT 107
 PRIVATE PROPERTY
 OF THE CITY OF LOS ANGELES

LOT 108
 PRIVATE PROPERTY
 OF THE CITY OF LOS ANGELES

LOT 109
 PRIVATE PROPERTY
 OF THE CITY OF LOS ANGELES

LOT 110
 PRIVATE PROPERTY
 OF THE CITY OF LOS ANGELES

LOT 111
 PRIVATE PROPERTY
 OF THE CITY OF LOS ANGELES

LOT 112
 PRIVATE PROPERTY
 OF THE CITY OF LOS ANGELES

LOT 113
 PRIVATE PROPERTY
 OF THE CITY OF LOS ANGELES

LOT 114
 PRIVATE PROPERTY
 OF THE CITY OF LOS ANGELES

LOT 115
 PRIVATE PROPERTY
 OF THE CITY OF LOS ANGELES

LOT 116
 PRIVATE PROPERTY
 OF THE CITY OF LOS ANGELES

LOT 117
 PRIVATE PROPERTY
 OF THE CITY OF LOS ANGELES

LOT 118
 PRIVATE PROPERTY
 OF THE CITY OF LOS ANGELES

LOT 119
 PRIVATE PROPERTY
 OF THE CITY OF LOS ANGELES

LOT 120
 PRIVATE PROPERTY
 OF THE CITY OF LOS ANGELES

LOT 121
 PRIVATE PROPERTY
 OF THE CITY OF LOS ANGELES

LOT 122
 PRIVATE PROPERTY
 OF THE CITY OF LOS ANGELES

LOT 123
 PRIVATE PROPERTY
 OF THE CITY OF LOS ANGELES

LOT 124
 PRIVATE PROPERTY
 OF THE CITY OF LOS ANGELES

LOT 125
 PRIVATE PROPERTY
 OF THE CITY OF LOS ANGELES

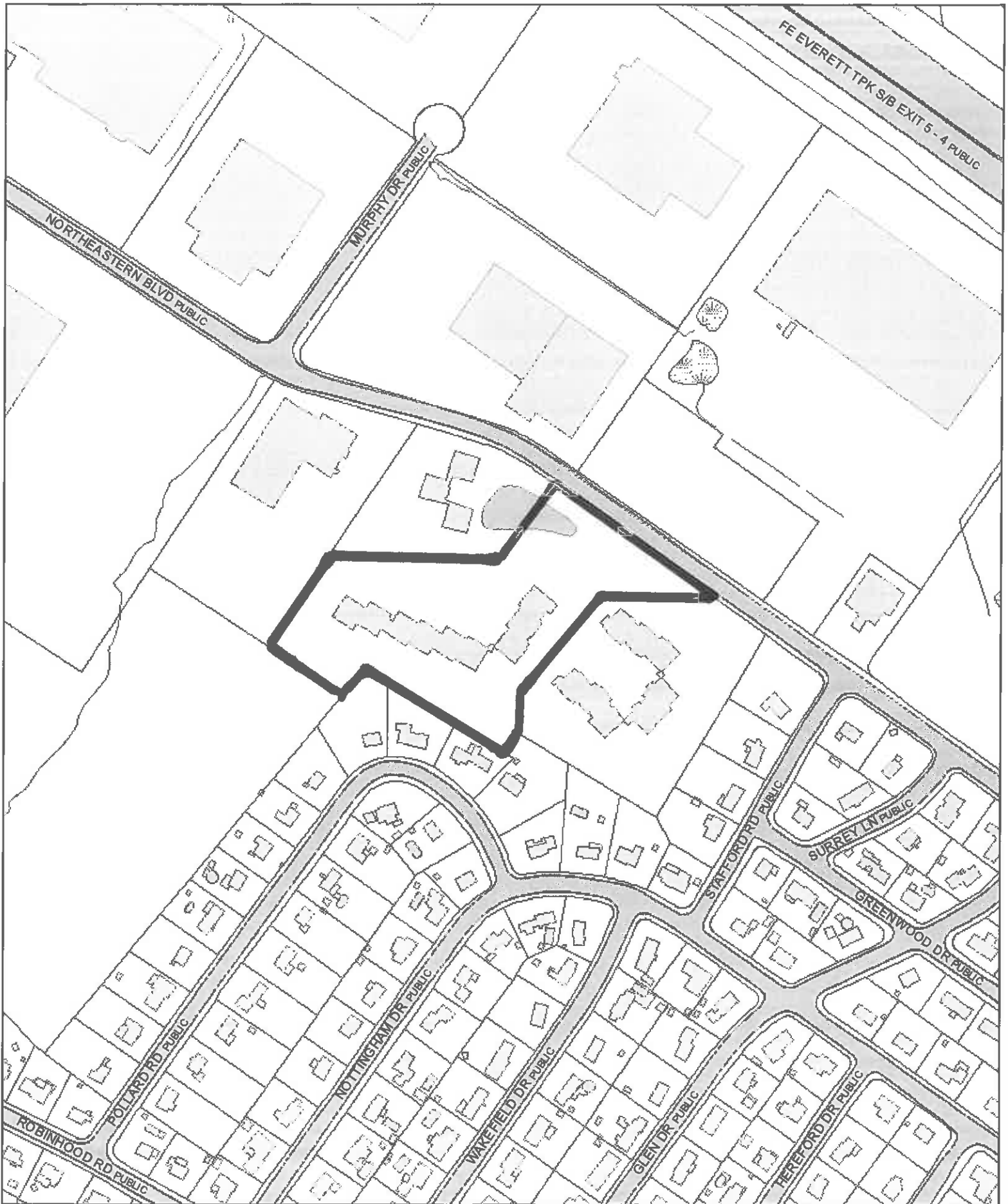
LOT 126
 PRIVATE PROPERTY
 OF THE CITY OF LOS ANGELES

LOT 127
 PRIVATE PROPERTY
 OF THE CITY OF LOS ANGELES

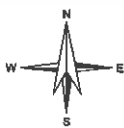
LOT 128
 PRIVATE PROPERTY
 OF THE CITY OF LOS ANGELES

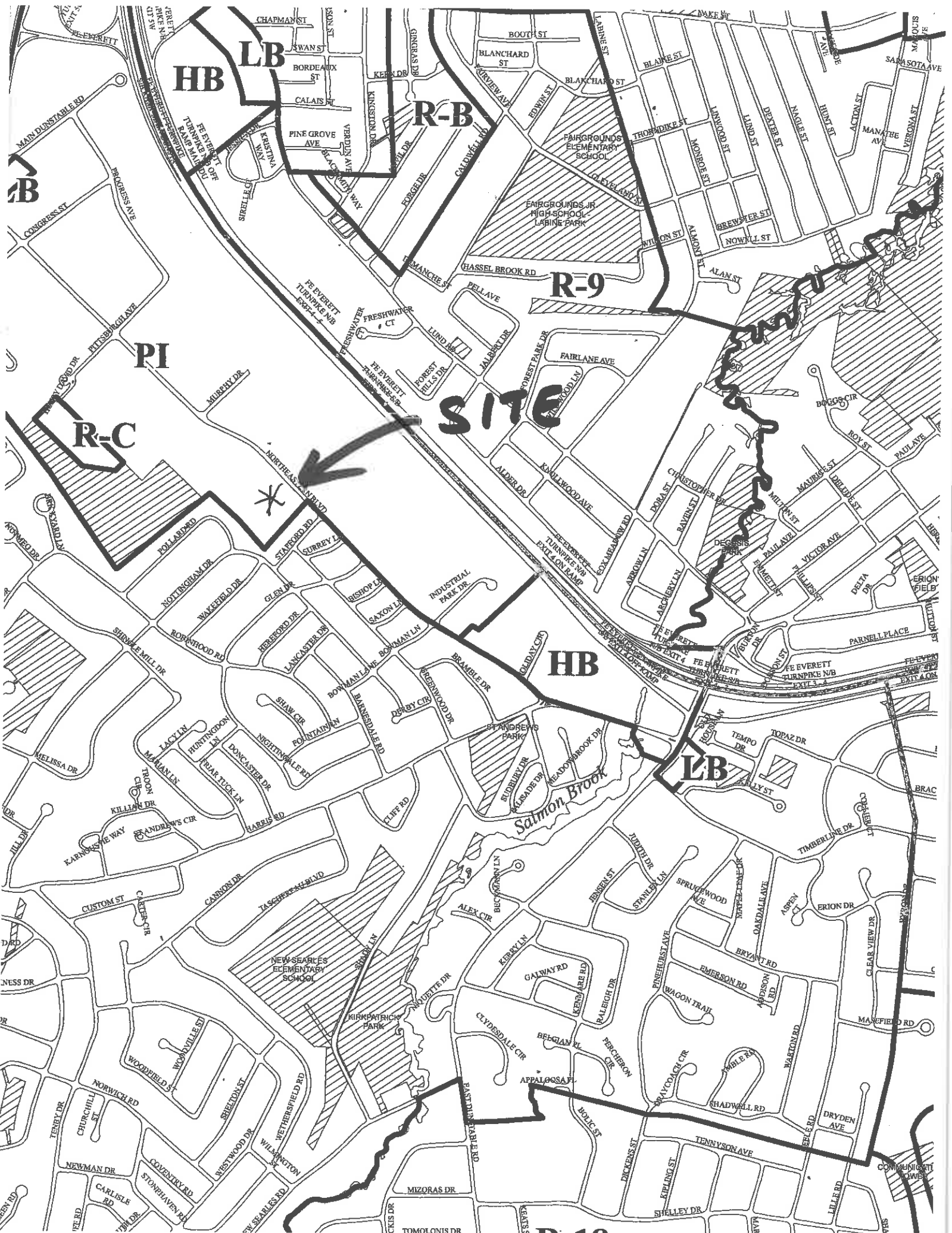
LOT 129
 PRIVATE PROPERTY
 OF THE CITY OF LOS ANGELES

LOT 130
 PRIVATE PROPERTY
 OF THE CITY OF LOS ANGELES



76 Northeastern Blvd Unit #28





HB

LB

R-B

R-9

PI

R-C

SITE

HB

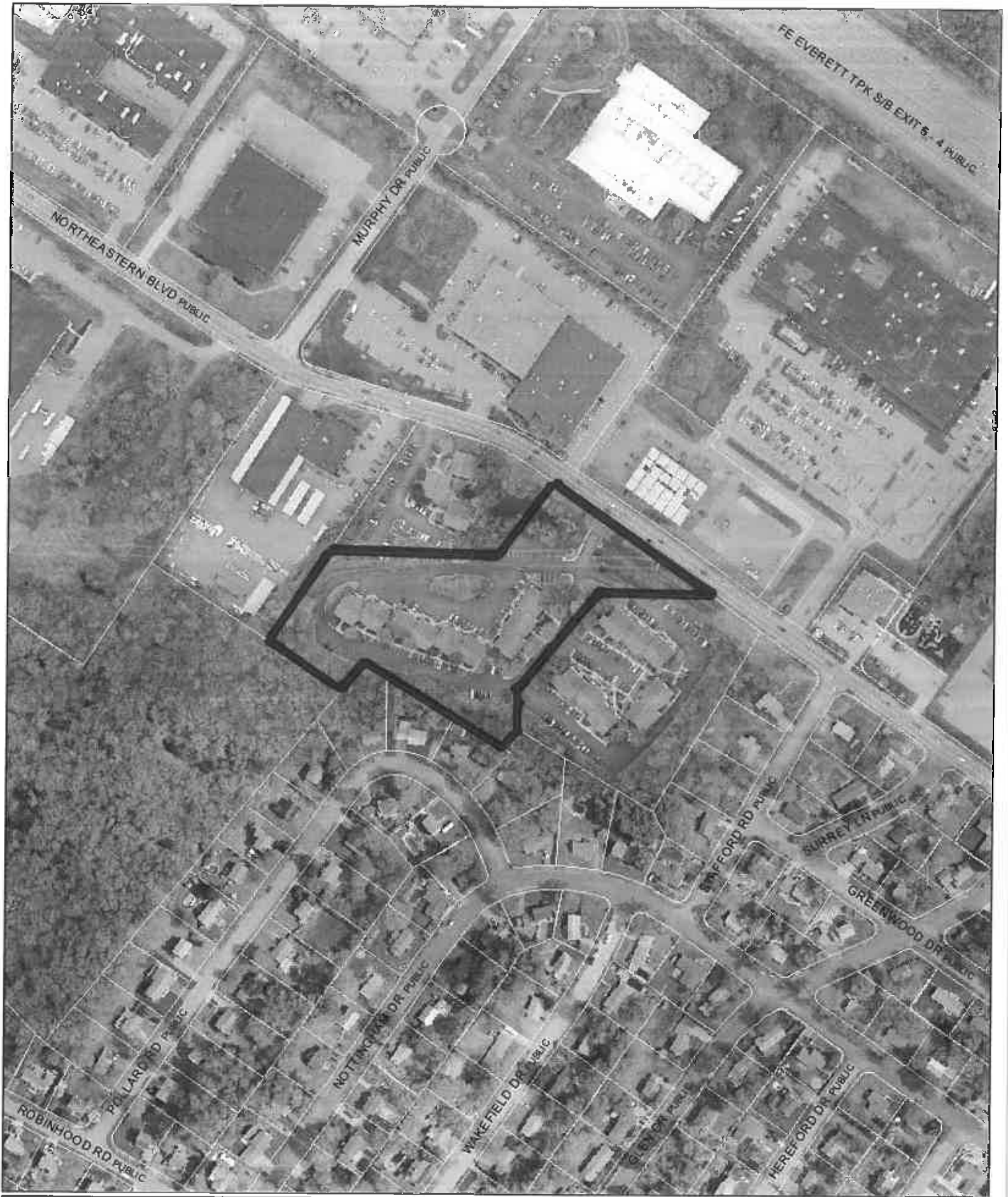
LB

Salmon Brook

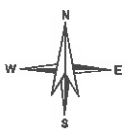
NEW SEARLES
ELEMENTARY
SCHOOL


APPALOOOSA

COMMUNICATIONS
TOWER



76 Northeastern Boulevard - Unit 28





Uma Subramony (Owner) 76 Northeastern Blvd., Unit 31 - Northbridge Business Center (Sheet C Lot 2024 requesting use variance to locate a personal service business in an existing business office park. PI Zone.

Attorney James Kaklamanos stated that he was representing the applicant. The petitioner was requesting a use variance for the property at 76 Northeastern Boulevard. The proposal is to use 600 square feet of the condominium unit as a beauty salon, a personal service business as defined by the ordinance. The facility would have four chairs, with two full time employees and two part time employees.

Mr. Kaklamanos gave the Board a brief historical review of the area, stating that the Board has on several occasions recognized the oddity of this park industrial zone.

Mr. Kaklamanos stated that it was the ordinance itself that evokes the hardship. He stated that the condominium units have several types of professional usages, i.e., accountants, dentist, health care provider, realtor, appraisals, consultants.

Mr. Kaklamanos stated that property owners within the condominium project submitted a petition expressing their support for this request.

Mr. Kaklamanos stated that the planning staff does not have any reservations with the proposed use and the City Engineer stated that the proposed use would not adversely affect city utilities in the area. He stated that the use is not out of character with the neighborhood and there would be no appreciable increase in traffic with this appointment only facility. Mr. Kaklamanos said that substantial justice and fairness is promoted with the granting of this request and it is in the public best interest to have these types of services available.

Mr. Kaklamanos stated that after analysis, a review of the past record of the Board, and a drive through of the neighborhood, it is unworkable and unreasonable to exclusively maintain park industrial activities in what has become a rather stagnant zone for its intended purpose.

Mrs. Douglas asked if anything else would be sold in this shop other than beauty related items, ie., jewelry, clothing.

Ms. Subramony stated that it would only be beauty related items.

Discussion ensued regarding the greater traffic flow and adequate parking. Mr. Kaklamanos stated that it is an appointment only facility, servicing approximately one customer per hour. The business hours will be from 7:30 a.m. to 8:00 p.m., five days a week. There are approximately six parking spaces allocated to each unit and there are three tenants in this unit.

Mark Fougere stated that the site plan required 257 parking spaces but a total of 289 were provided on the site.

SPEAKING IN FAVOR -- NO ONE.

SPEAKING IN OPPOSITION

Mrs. Sakelaris, 7 Stafford Road.

Mr. Sakelaris asked if the business was allowed to stay open until 8:00 p.m. if other places of business would also move this Board to stay open late.

Mr. McAfee stated that that park can stay open.

NO REBUTTAL NECESSARY

Theresa G. Trottier (Owner) Catherine Street (Sheet 126 Lots 148-151, 155-163, & 205 and Richard D. & Lisa M. Trottier (Owners) Catherine Street (Sheet 126 Lots 152-154) Appealing Decision of Administrative Officer pursuant to RSA 674:41 II Denying Issuance of a Building Permit to Construct a Single Family Dwelling with a Private Drive on Multiple Lots on an Unaccepted Street. RA Zone.

Attorney Brad Westgate from the law firm of Winer & Bennett, 111 Concord Street, represented the applicants, Theresa Trottier, Richard Trottier and Lisa Trottier. He submitted a receipt showing that the real estate taxes due on the property had been paid and also some plans and other materials relating to the case.

Mr. Westgate stated that this was an appeal under RSA 674:41. The Trottiers own the property depicted on the Maynard & Paquette plan which consists of 16 lots on the original plan recorded back in 1923 in the Registry of Deeds as Plan 517. The property also consists of a portion of what's now known as a paper street called Catherine Street.

Back in July, the Trottiers applied for a building permit for a single family dwelling on the property. Attorney Westgate said

ZONING BOARD OF ADJUSTMENT PUBLIC MEETING
AUGUST 23, 1994

A public meeting of the Zoning Board of Adjustment was held on Tuesday, August 23, in the Auditorium at City Hall.

Kevin McAfee, Vice Chair, conducted the hearing.

Members present were: Kevin McAfee
Susan Douglas
Hilary Keating
Robert Blaisdell
Dennis Drake

Also present: Mark Fougere, Deputy Planning Director

Forecast Nashua Limited Partnership (Owner) Tandy Corporation (Applicant) 252 Daniel Webster Highway (Sheet A Lot 212 & 524) Requesting Two Wall Sign Variances as Follows: 1) West Evaluation: 52.5 square feet permitted, WHICH WAS AMENDED TO 96.8 SQUARE FEET 2) North Evaluation: 36 Square Feet Requested, 0 Square Feet Permitted. HB Zone
127 sq. ft requested (p. 3 public hearing)

MOTION By Mr. Blaisdell to grant the variances.

SECONDED By Douglas.

MOTION CARRIED UNANIMOUSLY.

Osgood Company (Owner) Fred Hayden/Nashua Outdoor Power Equipment Repair (Applicant) 25 R. East Hollis Street (Sheet 30, Lot 47) Requesting Special Exception for an Automotive Service and Repair Facility. CB Zone.

Not heard because no one was present to represent applicant and taxes have not been paid.

Samuel Tamposi 1987 Trust/Gerald Nashua 1987 Trust (Owners) R.G. Locke D/B/A Triumph Auto Glass (Applicant) 522 Amherst Street (Sheet H Lot 20) Requesting Special Exception for Automotive Service Repair Facility for Glass Installation. GB Zone.

Not heard because taxes have not been paid.

Uma Subramony (Owner) 76 Northeastern Blvd., Unit 31 - Northbridge Business Center (Sheet C Lot 2024 requesting use variance to locate a personal service business in an existing business office park. PI Zone.

MOTION By Mr. Drake to approve use variance with stipulation.

SECONDED By Douglas with stipulation that no unrelated retail products allowed to be sold on the premises.
MOTION CARRIED UNANIMOUSLY.

Theresa G. Trottier (Owner) Catherine Street (Sheet 126 Lots 148-151, 155-163, & 205 and Richard D. & Lisa M. Trottier (Owners) Catherine Street (Sheet 126 Lots 152-154) Appealing Decision of Administrative Officer pursuant to RSA 674:41 II Denying Issuance of a Building Permit to Construct a Single Family Dwelling with a Private Drive on Multiple Lots on an Unaccepted Street. RA Zone.

Mr. McAfee read into record Attorney Westgate's findings of meeting the criteria of RSA 674:41,II

Lengthy discussion ensued regarding each of the criteria outlined in the memorandum.

Mr. Fougere added an outline of the flood plain, which is also in that area and should be delineated when looking at the wetlands issue, as often times the flood line goes higher beyond the wetlands boundary.

MOTION By Drake to grant the appeal with the following conditions that must be met before a building permit will be issued.

1. Consolidate all lots into one non-subdividable lot.
2. Owner will provide the Engineering Department with information and sewer tie-in is approved by city.
3. Owner will provide a plan that meets the wetland buffer without further variances; that it meets the wetlands ordinance; that it is not in the flood plain.
4. Building will not negatively impact drainage on Lawndale and Catherine Street during construction and permanently.
5. Owner will grant an easement for existing drainage pipe from Lawndale to Salmon Brook.
6. Fire Department will review and approve plan of driveway for accessibility.

SECONDED By Blaisdell
MOTION CARRIED UNANIMOUSLY.

Falk, Carter

From: Sam Tamposi <sam@tamposicompany.com>
Sent: Thursday, March 05, 2020 9:37 AM
To: 'Joel Dolan'
Cc: Falk, Carter; 'Kelly Khachadourian'
Subject: RE: Permission for City of Nashua

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

Hi Joel,

I am the Manager of Ballinger Properties, LLC which is the General Partner of SAT-SR Limited Partnership. Please allow this e-mail note to serve as permission for J&K Dolan, LLC to seek a use variance for the property at 76 Northeastern Boulevard, Nashua, NH for rental of Unit 28 to an Esthetician. SAT-SR Limited Partnership hereby authorizes you to seek a variance for the property for commercial, business or medical uses.

Best, Sam

Samuel A. Tamposi, Jr., President
The Tamposi Company, Inc.
20 Trafalgar Square, Suite 602
Nashua, NH 03063
(603) 883-2000 (w)
(603) 512-9054 (c)

From: Joel Dolan [<mailto:jpdolan113@gmail.com>]
Sent: Wednesday, March 4, 2020 11:13 AM
To: sam@tamposicompany.com
Cc: falkc@nashuanh.gov; Kelly Khachadourian (kellykhach@mac.com) <kellykhach@mac.com>
Subject: Permission for City of Nashua

Mr. Tamposi,

My name is Joel Dolan, my wife and I represent J & K Dolan, LLC and own the building on 76 Northeastern Blvd, Unit 28 in Nashua. While we own the structure, SAT SR Limited Partnership is the land owner. I have filed an application with the City seeking a use variance as I am attempting to rent some of the space to an Esthetician. The land is currently zoned as Park/Industrial therefore, I will require a variance in order to lease the space for this purpose.

As the land owner, or representative of the landowner, the City requires your permission to allow me to present this application to the Zoning Board.

I have CC'd the City on this email. I will only need a quick response with the owner's approval.

Please let me know if you have any questions or concerns.

Joel Dolan
603.952.0850



Virus-free. www.avast.com