



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

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

VARIANCE APPLICATION (ZBA)

PLEASE NOTE: INCOMPLETE OR ILLEGIBLE APPLICATIONS WILL NOT BE ACCEPTED

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 37 LOVELL STREET
 Zoning District RB Sheet 96 Lot 107

2. VARIANCE(S) REQUESTED:

VARIANCE FOR EACH LOT TO ALLOW A MINIMUM FRONTAGE OF 49 1/2 FEET WHEN 50 FEET IS REQUIRED AND A VARIANCE FOR EACH LOT TO ALLOW A MINIMUM WIDTH OF 49 1/2 FEET WHEN 60 FEET IS REQUIRED

II. GENERAL INFORMATION

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

(Print Name): RICHARD A MAYNARD, AUTHORIZED REP
 Applicant's signature [Signature] Date 4/13/21
 Applicant's address 31 DUNCAN ST, NASHUA, NH 03060
 Telephone number H: --- C: 603 883 8324 E-mail: MPEA LLL @ AOL.COM

2. PROPERTY OWNER (Print Name): JOHN GERGOS

*Owner's signature SEE LETTER OF AUTHORIZATION Date ---
 Owner's address 37 LOVELL ST. NASHUA, NH
 Telephone number H: --- C: 978-930-6451 E-mail: ---

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

.....
OFFICE USE ONLY Date Received 4/13/21 Date of hearing 5/11/21 Application checked for completeness: ✓
 A# 21-0094 Board Action _____
 \$ _____ application fee Date Paid _____ Receipt # _____
 \$ _____ signage fee Date Paid _____ Receipt # _____
 \$ _____ certified mailing fee Date Paid _____ Receipt # _____
 Land Use Code Section(s) Requesting Variances From: _____

III. PURPOSE OF REQUEST

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

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

WE ARE SEEKING TO RE ESTABLISH THE ORIGINAL LOTS AS CREATED IN 1880 BY HCRD PLAN 131-1

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 GRANTING OF THE VARIANCE WILL ALLOW THE APPLICANT TO USE THE LOTS IN THEIR ORIGINAL SIZE WITHIN THE SPIRIT OF THE ORDINANCE, NAMELY SINGLE FAMILY HOMES. SAME MOST OF NEIGHBORHOOD

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 ORIGINAL LOTS AS CREATED IN 1880 WOULD BE RE ESTABLISHED ENABLING TWO SINGLE FAMILY HOMES TO EXIST. ALLOW USE OF PROPERTY AS THE NEIGHBORS ARE ALLOWED

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 EXISTING SINGLE FAMILY HOME IS BEING RENOVATED AND A NEW SINGLE FAMILY HOME ON THE SECOND LOT WILL ENHANCE THE NEIGHBORHOOD AND ADD VALUE. PROPOSED LOTS / HOUSES VERY SIMILAR TO NEIGHBORHOOD

5. Special conditions exist such that literal enforcement of the ordinance results in unnecessary hardship, because: (The applicant must establish that 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 REESTABLISHED LOTS AS ORIGINALLY CREATED IN 1880 WILL COMPLY WITH THE INTENT OF THE ORIGINAL SUBDIVISION WHICH PRECEDED CURRENT ZONING. MANY OF THE LOTS IN THE NEIGHBORHOOD ARE SUB STANDARD TO TODAY'S ZONING REGULATIONS, AND VERY SIMILAR TO WHAT IS PROPOSED

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.

N/A

- 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:

NEW HOUSE CONSTRUCTION

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 points specifically mentioned are affected by action taken on this appeal.

Signature of Applicant

Date

[]

[]

Print Name

Date

The staff report for a Use Variance request will be available no later than Friday of the week before the ZBA meeting. If you would like a copy, please indicate below:
[] I will pick it up at City Hall
[] Please email it to me at []
[] Please mail it to me at []

PLAN REFERENCES:

1. LAND OF MICHAEL REYNOLDS; SURVEYED SEPT. 1880 AND 1890 BY: KIMBALL WEBSTER; H.C.R.D. NO. 131-1
2. BOUNDARY PLAN, 37 LOVEWELL STREET, NASHUA, NH FOR: JOHN GERGOS; BY: MAYNARD & PAQUETTE ENG. ASSOC., LLC SCALE: 1"=20'; DATED: JANUARY 21, 2021

NOTES:

1. THE PURPOSE OF THIS PLAN IS TO APPLY FOR THE FOLLOWING VARIANCES:
 LOT FRONTAGE: 49 1/2' EXISTS, 50 FEET REQUIRED
 LOT WIDTH: 49 1/2' EXISTS, 60 FEET REQUIRED
2. ZONE: "RB"
 MINIMUM AREA - 6,000 SF
 MINIMUM WIDTH - 60 FEET
 MINIMUM FRONTAGE - 50 FEET
 MINIMUM DEPTH - 80 FEET
 SETBACKS: FRONT - 10 FEET, SIDE - 7 FEET, REAR - 20 FEET

ZONING PLAN

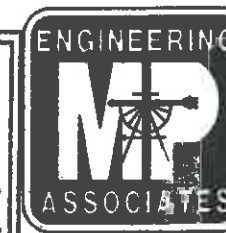
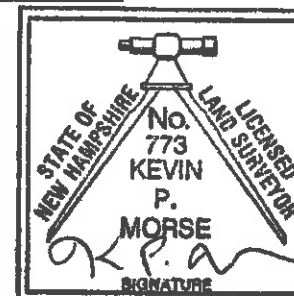
LOTS 107 & 108/SHEET 96

**37 LOVEWELL STREET
NASHUA, N.H.**

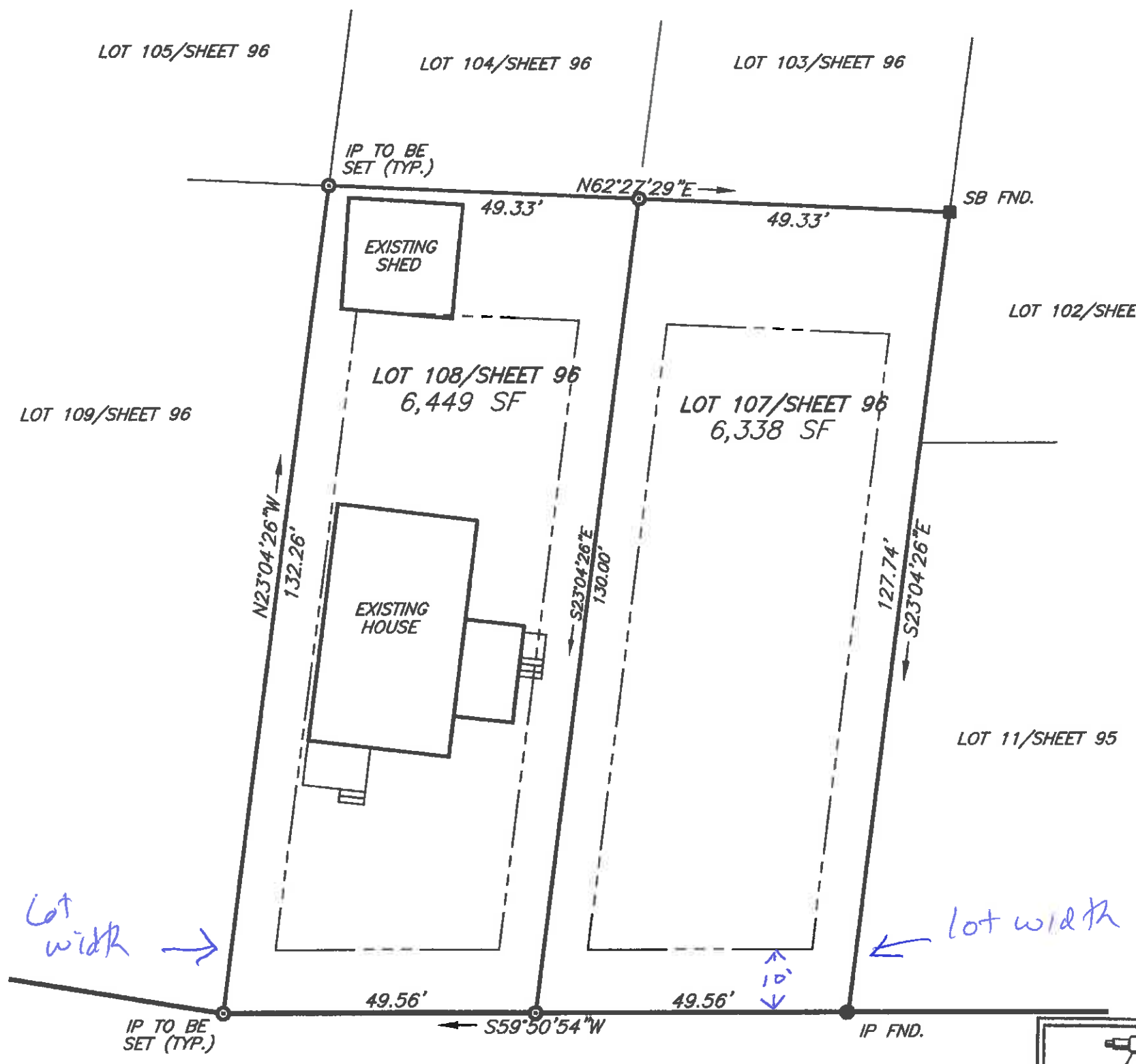
SCALE: 1" = 20'

DATE: APRIL 12, 2021

**Maynard & Paquette
Engineering Associates, LLC**
 Consulting Engineers and Land Surveyors
 31 Quincy Street, Nashua, N.H. 03060
 Phone: (603)883-8433 Fax: (603)883-7227



APB	KPM				12687
DRAFTED	CHECKED	BOOK / PAGE	TYPE	SIZE	JOB NUMBER



LOVEWELL STREET

84

86

84

87

89

96

85

345

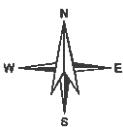
CHART OF
1888



THESE FIVE LOTS ARE ON SHEET 85

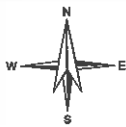


37 Lovewell St





37 Lovewell St





**Maynard & Paquette
Engineering Associates, LLC**

Consulting Engineers and Land Surveyors
31 Quincy Street, Nashua, NH 03060
Phone (603)883-8433 Fax (603)883-7227
mpeallc@aol.com

February 09, 2021

Carter Falk
Nashua Zoning Department
229 Main Street
Nashua, NH 03060

Gergos – Lot 107/M 96 (J-11,687)
37 Lovewell Street, Nashua

Dear Carter:

We are looking to get a ruling on two parcels of land known as Map 96 Lots 107 and 108. The current city tax maps show it as Map 96 Lot 107. The lots were originally created as part of a subdivision on a plan dated 1890 and recorded in the HCRD as plan 131. It appears that the two lots were possibly merged by the city's assessors department as an involuntary merger. Older tax maps show them as two separate parcels. The deeds have always described them as two separate parcels.

RSA 674:39 aa prevents the city from considering these two lots as having been merged and accordingly these lots should be treated as two legal non-conforming building lots of record. What we are looking to do is seek a Zoning Ruling that a variance is not needed since the vacant lot is a legal non-conforming lot of record in order to get a building permit to construct a single family house.

Enclosed are copies of tax maps, deeds and said original old plan.

Very Truly Yours,

Maynard & Paquette
Engineering Associates, LLC

Kevin P. Morse, LLS

Encl.
Cc: w/encl
John Gergos
R. A. Maynard

THIS FORM MUST BE TYPED

THIS FORM MUST BE SIGNED BY THE NASHUA PLANNING DEPARTMENT BEFORE RECORDING AT THE HILLSBOROUGH COUNTY REGISTRY OF DEEDS

10.37
12.37

577
Nashua
Plan

VOLUNTARY MERGER OF PARCELS

(Index the City of Nashua as "Grantee")

Owner Name William & Lorraine Garneau (Index as "Grantor")

Street Mailing Address 37 Lovewell Street

City Nashua State N.H. Zip Code 03060

Is known as the owner of the following parcels:

Sheet 96 Lot 107 Acct. Num. 13,252 Recorded on 6/26/63 Book 1736 Page 155

Sheet 96 Lot 108 Acct. Num. 50,602 Recorded on 6/26/63 Book 1736 Page 155

Sheet _____ Lot _____ Acct. Num. _____ Recorded on _____ Book _____ Page _____

Sheet _____ Lot _____ Acct. Num. _____ Recorded on _____ Book _____ Page _____

Sheet _____ Lot _____ Acct. Num. _____ Recorded on _____ Book _____ Page _____

Sheet _____ Lot _____ Acct. Num. _____ Recorded on _____ Book _____ Page _____

Sheet _____ Lot _____ Acct. Num. _____ Recorded on _____ Book _____ Page _____

Sheet _____ Lot _____ Acct. Num. _____ Recorded on _____ Book _____ Page _____

The parcels above shall for all purposes be considered a single lot, known as Sheet 96 Lot 107 and shall not be sold separately or any other divided interest be conveyed except with the prior approval of the Nashua Planning Board in accordance with its duly adopted subdivision regulations.

Signed the 10 day of December, 2004.

William Garneau
Type Name

William Garneau
Sign Name

Lorraine Garneau
Type Name

Lorraine Garneau
Sign Name

Ruth Raswyck
Nashua Tax Collector's Office - Type Name

Ruth Raswyck
Sign Name

Michael Yeomans
Nashua Planning Department - Type Name

Michael Yeomans
Sign Name

No one should rely solely on the tax maps for information on this form. The City of Nashua is not responsible for errors or omissions resulting from reliance on its tax maps.

4116203

2004 DEC 15 PM 12:44

BK 7376PG2351

E- Doc # 200043802
Book 9334 Page 1874

08/14/2020 11:59:39 AM
Page 1 of 2

Edward Sapienza
Register of Deeds, Hillsborough County
LCHIP HIA554590 25.00
TRANS TAX HI127436 3,150.00

WARRANTY DEED

I, **DEBRA A. TONG**, surviving Trustee of the William and Lorraine Garneau Family Trust, u/d/t dated June 11, 2007, 1262 Daisy Street, Loris, South Carolina 29569, for consideration paid, grant to **JOHN GERGOS**, 22 Wildes Road, Chelmsford, Middlesex County, Massachusetts 01824 with **WARRANTY COVENANTS**

Two certain lots or parcels of land with the buildings thereon situated on the northerly side of Lovewell Street, so-called, in Nashua, Hillsborough County, New Hampshire, having an address of 37 Lovewell Street, Nashua, New Hampshire, 03060 and being bounded and described as follows:

PARCEL I:

Being Lot No. 26 as shown on a Plan of Land of M. Reynolds, said plan being numbered 131 in the Hillsborough County Registry of Deeds, and bounded thus:

Beginning at a stone bound at the southwest corner of the premises; thence

1. Northerly along Lot No. 25 on said plan one hundred twenty-four (124) feet four (4) inches to a stone bound; thence
2. Easterly along Lot No. 16 forty-nine (49) feet four (4) inches to a stone bound; thence
3. Southerly one hundred thirty-one (131) feet to a stone bound at a contemplated street (now Lovewell Street); thence
4. Westerly along said contemplated street (now Lovewell Street) forty-nine (49) feet four (4) inches.

Reserving right of 20 feet from said lot westerly to West Pond Street, as set forth in the above-mentioned plan.

Parcel II:

A certain lot of land numbered 25 on Plan of Land of M. Reynolds, said plan being numbered 131 in the Hillsborough County Registry of Deeds, located in said Nashua and bounded thus:

Beginning at the southwest corner on the north side of a contemplated street (now Lovewell Street), which bound is ninety-eight (98) feet eighty (8) inches east from West Pond Street; thence

- 1. Northerly one hundred seventeen (117) feet and five (5) inches online of Lot No. 24 to the southwest bound of Lot No. 17; thence
- 2. Easterly forty-nine (49) feet four (4) inches by said Lot No. 17 to the southeast bound of Lot No. 17; thence
- 3. Southerly one hundred twenty-four (124) feet three (3) inches by said Lot No. 26 to the contemplated street (now Lovewell Street); thence
- 4. Westerly by the north line of this contemplated street (now Lovewell Street) forty-nine (49) feet four (4) inches to the southeast corner of Lot No. 24.

This is not homestead property of the grantor.

Meaning and intending to convey the same premises as conveyed by deed dated May 22, 2018 and recorded with Hillsborough County Registry of Deeds, Book 9075, Page 2031.

Witness my hand and seal this 13th day of August, 2020.

The William and Lorraine Garneau Family Trust

Debra A. Tong, Trustee
 By: Debra A. Tong, Surviving Trustee

State of South Carolina

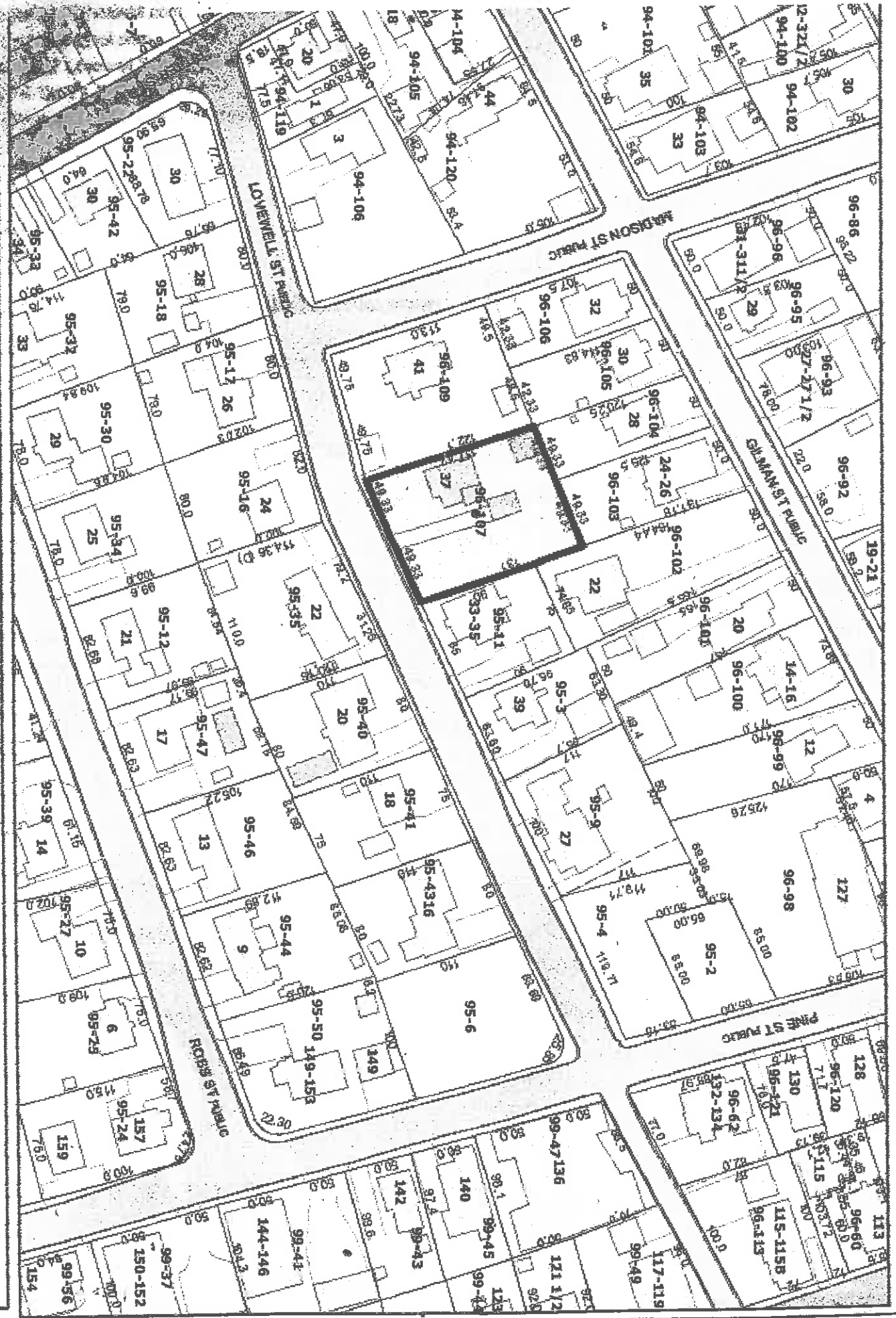
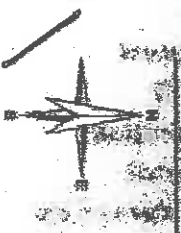
County of Horry

August 13, 2020

On this 13th day of August, 2020, before me the undersigned notary public, personally appeared Debra A. Tong, Surviving Trustee of The William and Lorraine Garneau Family Trust, u/d/t dated June 11, 2007, proved to me through satisfactory evidence of identification, SCDL, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose

Jennifer L. Jordan
 Notary Public
 My Commission Expires:

JENNIFER L. JORDAN
 Notary Public - State of South Carolina
 My Commission Expires October 18, 2028



37 Lovewell

