



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

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

2

**VARIANCE APPLICATION (ZBA)**

**PLEASE NOTE: INCOMPLETE OR ILLEGIBLE APPLICATIONS WILL 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 9 Ryan Way  
 Zoning District R18 Sheet 9 Lot 7

2. VARIANCE(S) REQUESTED:  
install 8' vinyl fence 40 feet long in between 8 Ryan Way and my house, 9 Ryan Way  
190-44

**II. GENERAL INFORMATION**

1. **APPLICANT / OPTIONEE** (List both individual name and corporate name if applicable)  
 (Print Name): Lorna A. Saunders  
 Applicant's signature Lorna A. Saunders Date 4/4/2021  
 Applicant's address 9 Ryan Way, Nashua, NH  
 Telephone number H: n/a C: 603-426-4607 E-mail: lsaunders1207@yahoo.com

2. **PROPERTY OWNER (Print Name):** same as above  
 \*Owner's signature Lorna A. Saunders Date \_\_\_\_\_  
 Owner's address \_\_\_\_\_  
 Telephone number H: \_\_\_\_\_ C: \_\_\_\_\_ E-mail: \_\_\_\_\_

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

OFFICE USE ONLY Date Received 4/4/21 Date of hearing 5/11/21 Application checked for completeness: CF

A# 21-0096 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: 190-44

9 Ryan Way

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.")

This fence will not be contrary to public interest. 9 Ryan Way is part of Heathwood Meadows condominiums and I have prior approval from the condo association board and I have the okay from my abutting neighbor on 8 Ryan Way. The fence will be 48 feet from the paved road. The proposed fence does not extend to the full length of my house.

- 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.")

There is an existing fence on the other side of my house and this proposed fence would be characteristically identical to it, just longer, due to the nature of how the houses are situated, making sure of to maintain continuity.

- 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 proposed fence would not only beautify the property but also act as safety for my neighbor's small child and his dog while providing me privacy while on my deck.

- 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.)

As I stated in prior questions, the style of this fence will replicate exactly what already exists in between my house, 9 Ryan Way and 8 Ryan Way. It is a high quality vinyl fence purchased and will be installed by Gate City Fence in Nashua.

9 Ryan Way

- 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.

My house, 9 Ryan Way is part of Heathwood Meadows condominium and I have received permission from the condo association board to erect the fence. I have attached an email with approvals from each member.

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:

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

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

Lorna A Saunders  
Signature of Applicant

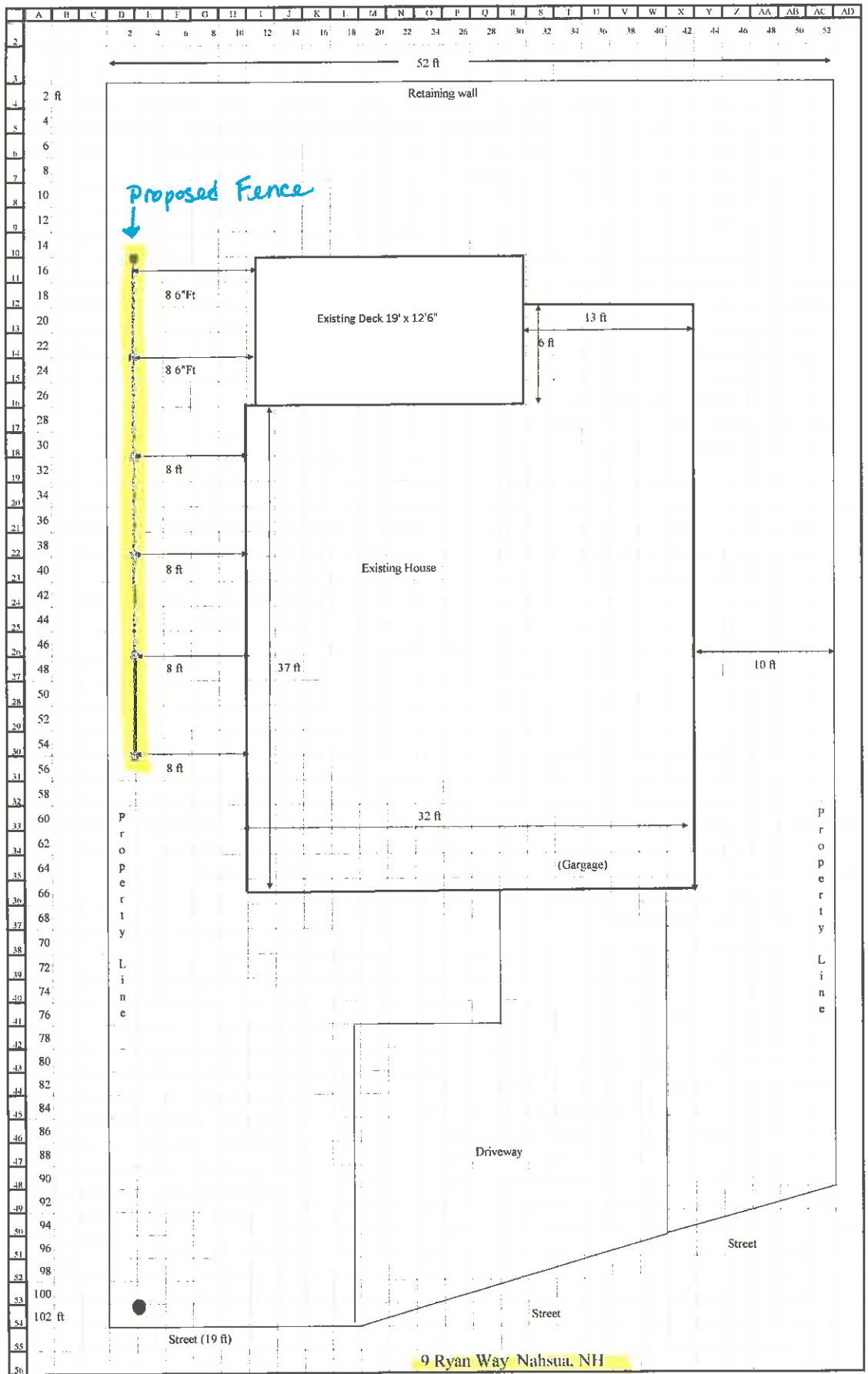
4/4/2021  
Date

LORNA A SAUNDERS  
Print Name

4/4/2021  
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:

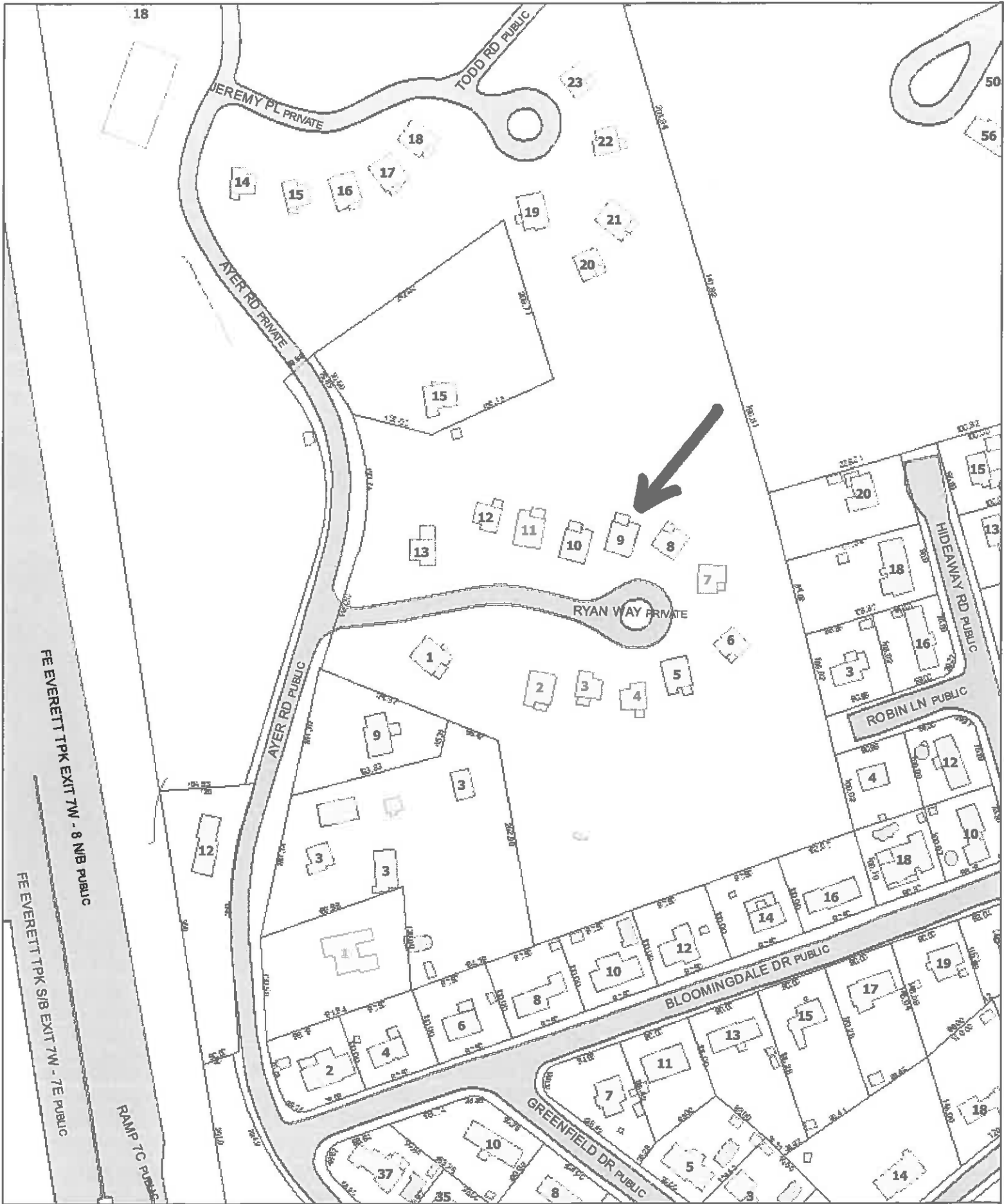
- I will pick it up at City Hall
- Please email it to me at
- Please mail it to me at





# 9 Ryan Way





# 9 Ryan Way







Fence to be installed -  
equal distance between  
two houses - 10 feet from  
back corner of house

Back corner of house

Fence





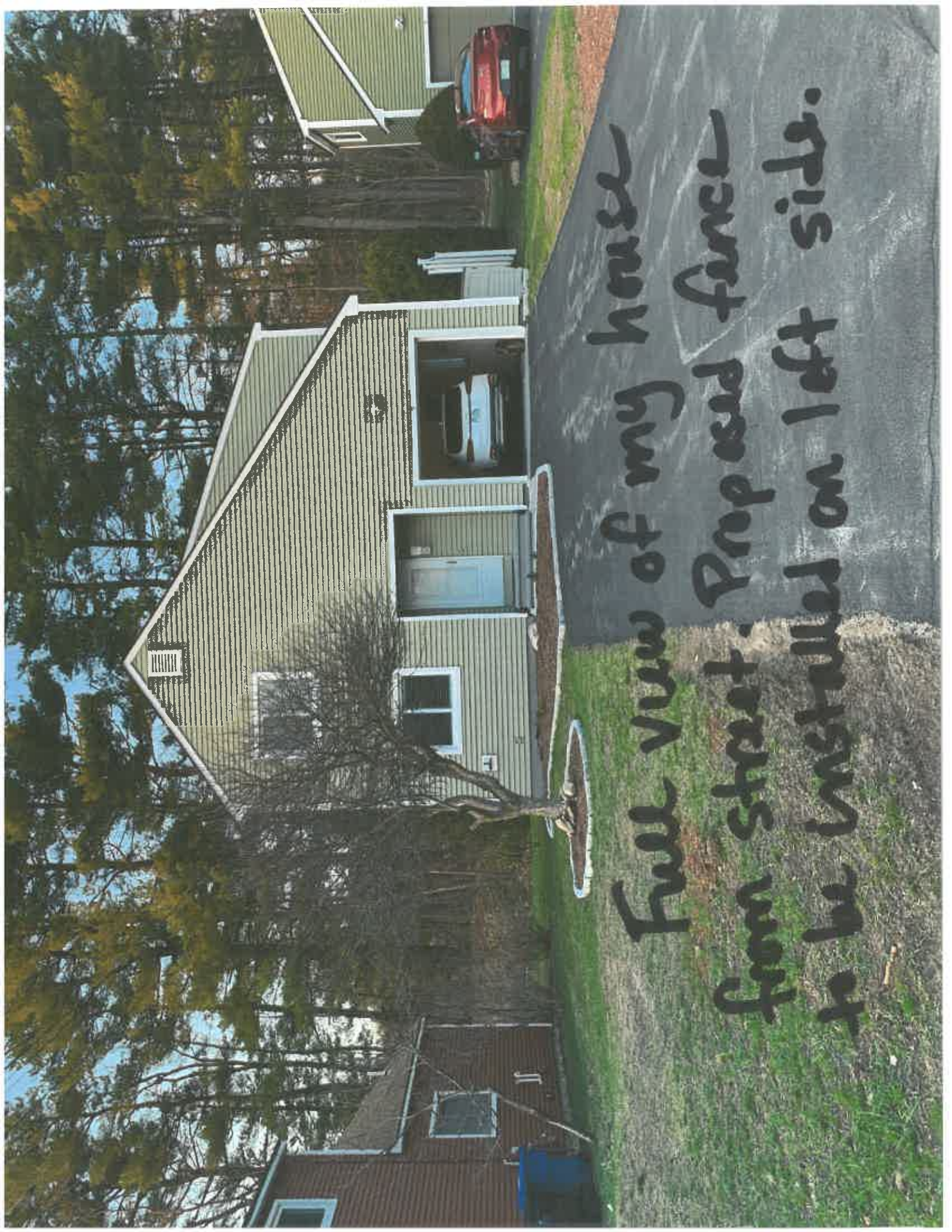
Right side view of  
my house from street.  
with existing fence.





Front view of my house  
Proposed fence on left side  
will be back 10 feet front front.





Full view of my house  
from street. Proposed fence  
to be installed on left side.



I HEREBY CERTIFY THAT THE UNITS DEPICTED ON THIS PLAN ARE ACCURATE AND IN COMPLIANCE WITH THE PROVISIONS OF THE PLANNING AND ZONING ACTS OF THE STATE OF NEW HAMPSHIRE AS AMENDED AND THE REGULATIONS OF THE BOARD OF PLANNING AND ZONING OF SHERBORNE COUNTY, NEW HAMPSHIRE, AS APPLICABLE TO THIS PLAN.

Paul F. Hayward, Jr.  
REGISTERED PLANNING ENGINEER, NO. 3817  
DATE: 3/21/83

HENRY CERTIFY THAT THE UNITS DEPICTED ON THIS PLAN ARE ACCURATE AND IN COMPLIANCE WITH THE PROVISIONS OF THE PLANNING AND ZONING ACTS OF THE STATE OF NEW HAMPSHIRE AS AMENDED AND THE REGULATIONS OF THE BOARD OF PLANNING AND ZONING OF SHERBORNE COUNTY, NEW HAMPSHIRE, AS APPLICABLE TO THIS PLAN.

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VICINITY PLAN

PLAN REFERENCES

- 1. BOUNDARY MAP LOT 7 SHEET "C" AYER ROAD, NASHUA, PREPARED BY H.J. STABLE & SONS, INC., SCALE: 1" = 100' DATED 4 NOVEMBER 1982 AND PREPARED BY THIS OFFICE.
- 2. SITE PLAN - HEATHWOOD MEADOWS, AYER ROAD, NASHUA NH, PREPARED FOR H.J. STABLE & SONS, INC., SCALE: 1" = 50', DATED 10 DEPT. 1982 AND PREPARED BY THIS OFFICE.

NOTES

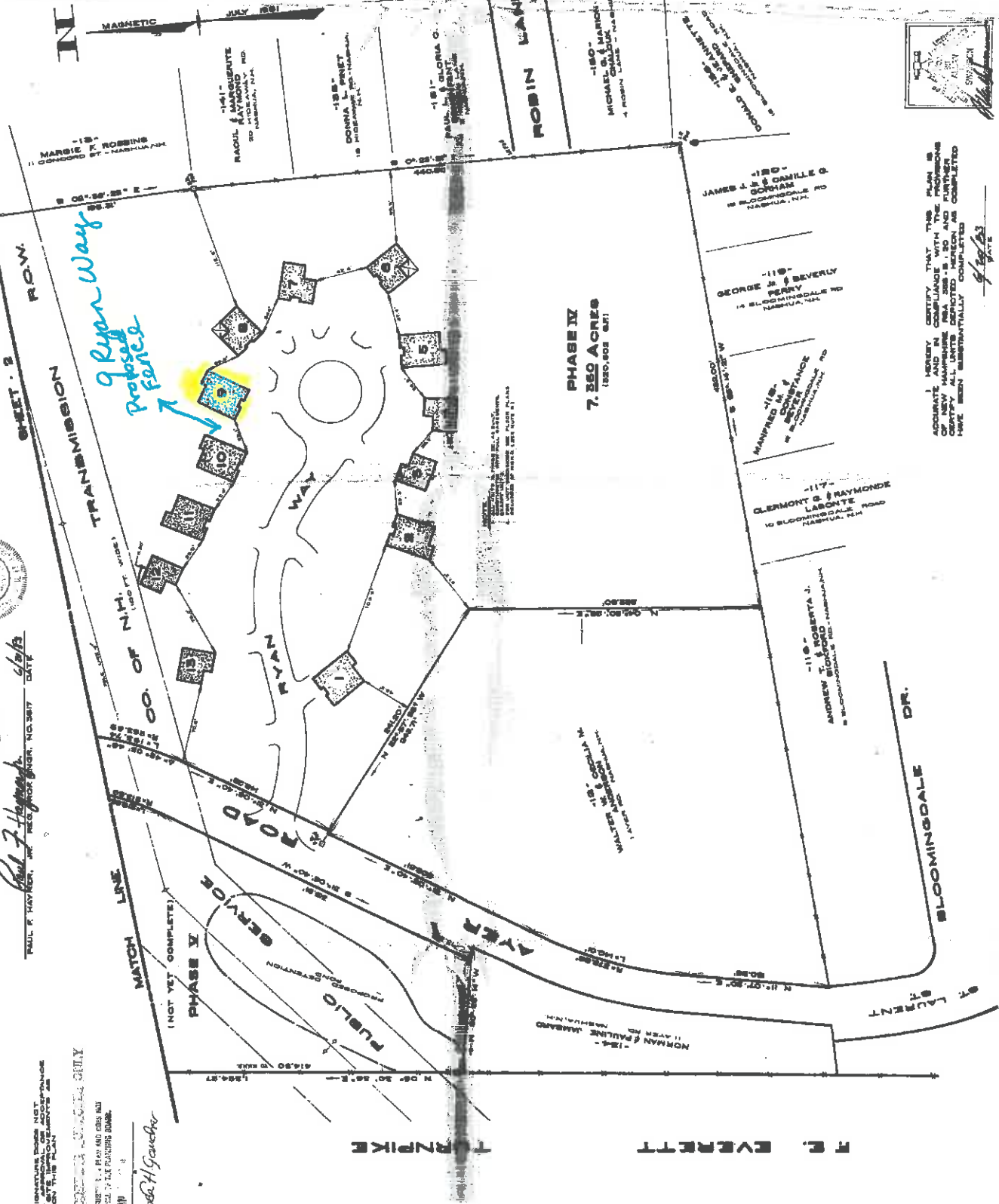
- 1. TOTAL SITE AREA: 27.639 ACRES.
- 2. PRESENT ZONING: R-16 B-SUBURBAN RESIDENCE. PERMITTED ON 27 JUNE 1982. (SEE PLAN FOR ALTERNATE SINGLE FAMILY DETACHED CLUSTER RESIDENT DEVELOPMENT.)
- 3. LOT NUMBERS REFER TO CITY OF NASHUA ASSESSORS MAP WITH FORCE MAIN CONNECTION TO CITY SEWER.
- 4. SITE IS TO BE SERVICED BY PRIVATE SEWER AND PUMP WITH FORCE MAIN CONNECTION TO CITY SEWER.
- 5. ALL STRUCTURES TO BE SUBSERVED BY A MINIMUM OF 20 FT. CLEARANCE TO THE CENTERLINE OF THE SEWER LINE.
- 6. LIGHTED COMMON AREA IS SHOWN AS L.C.A.
- 7. CONVEYANCE TO BE RECORDED IN ACCORD WITH THE PLANNING AND ZONING ACTS OF THE STATE OF NEW HAMPSHIRE AS AMENDED AND THE REGULATIONS OF THE BOARD OF PLANNING AND ZONING OF SHERBORNE COUNTY, NEW HAMPSHIRE, AS APPLICABLE TO THIS UNIT NUMBER.

NO.	DATE	REVISION
1	1/27/83	UNIT NO. 18 ADDED, PHASE III NOT COMPLETE
2	1/27/83	UNIT NO. 19 ADDED, PHASE III NOT COMPLETE
3	1/27/83	UNIT NO. 20 ADDED, PHASE III NOT COMPLETE
4	1/27/83	UNIT NO. 21 ADDED, PHASE III NOT COMPLETE
5	1/27/83	UNIT NO. 22 ADDED, PHASE III NOT COMPLETE
6	1/27/83	UNIT NO. 23 ADDED, PHASE III NOT COMPLETE
7	1/27/83	UNIT NO. 24 ADDED, PHASE III NOT COMPLETE
8	1/27/83	UNIT NO. 25 ADDED, PHASE III NOT COMPLETE
9	1/27/83	UNIT NO. 26 ADDED, PHASE III NOT COMPLETE
10	1/27/83	UNIT NO. 27 ADDED, PHASE III NOT COMPLETE
11	1/27/83	UNIT NO. 28 ADDED, PHASE III NOT COMPLETE
12	1/27/83	UNIT NO. 29 ADDED, PHASE III NOT COMPLETE
13	1/27/83	UNIT NO. 30 ADDED, PHASE III NOT COMPLETE
14	1/27/83	UNIT NO. 31 ADDED, PHASE III NOT COMPLETE
15	1/27/83	UNIT NO. 32 ADDED, PHASE III NOT COMPLETE
16	1/27/83	UNIT NO. 33 ADDED, PHASE III NOT COMPLETE
17	1/27/83	UNIT NO. 34 ADDED, PHASE III NOT COMPLETE
18	1/27/83	UNIT NO. 35 ADDED, PHASE III NOT COMPLETE
19	1/27/83	UNIT NO. 36 ADDED, PHASE III NOT COMPLETE
20	1/27/83	UNIT NO. 37 ADDED, PHASE III NOT COMPLETE
21	1/27/83	UNIT NO. 38 ADDED, PHASE III NOT COMPLETE
22	1/27/83	UNIT NO. 39 ADDED, PHASE III NOT COMPLETE
23	1/27/83	UNIT NO. 40 ADDED, PHASE III NOT COMPLETE
24	1/27/83	UNIT NO. 41 ADDED, PHASE III NOT COMPLETE
25	1/27/83	UNIT NO. 42 ADDED, PHASE III NOT COMPLETE
26	1/27/83	UNIT NO. 43 ADDED, PHASE III NOT COMPLETE
27	1/27/83	UNIT NO. 44 ADDED, PHASE III NOT COMPLETE
28	1/27/83	UNIT NO. 45 ADDED, PHASE III NOT COMPLETE
29	1/27/83	UNIT NO. 46 ADDED, PHASE III NOT COMPLETE
30	1/27/83	UNIT NO. 47 ADDED, PHASE III NOT COMPLETE
31	1/27/83	UNIT NO. 48 ADDED, PHASE III NOT COMPLETE
32	1/27/83	UNIT NO. 49 ADDED, PHASE III NOT COMPLETE
33	1/27/83	UNIT NO. 50 ADDED, PHASE III NOT COMPLETE
34	1/27/83	UNIT NO. 51 ADDED, PHASE III NOT COMPLETE
35	1/27/83	UNIT NO. 52 ADDED, PHASE III NOT COMPLETE
36	1/27/83	UNIT NO. 53 ADDED, PHASE III NOT COMPLETE
37	1/27/83	UNIT NO. 54 ADDED, PHASE III NOT COMPLETE
38	1/27/83	UNIT NO. 55 ADDED, PHASE III NOT COMPLETE
39	1/27/83	UNIT NO. 56 ADDED, PHASE III NOT COMPLETE
40	1/27/83	UNIT NO. 57 ADDED, PHASE III NOT COMPLETE
41	1/27/83	UNIT NO. 58 ADDED, PHASE III NOT COMPLETE
42	1/27/83	UNIT NO. 59 ADDED, PHASE III NOT COMPLETE
43	1/27/83	UNIT NO. 60 ADDED, PHASE III NOT COMPLETE
44	1/27/83	UNIT NO. 61 ADDED, PHASE III NOT COMPLETE
45	1/27/83	UNIT NO. 62 ADDED, PHASE III NOT COMPLETE
46	1/27/83	UNIT NO. 63 ADDED, PHASE III NOT COMPLETE
47	1/27/83	UNIT NO. 64 ADDED, PHASE III NOT COMPLETE
48	1/27/83	UNIT NO. 65 ADDED, PHASE III NOT COMPLETE
49	1/27/83	UNIT NO. 66 ADDED, PHASE III NOT COMPLETE
50	1/27/83	UNIT NO. 67 ADDED, PHASE III NOT COMPLETE
51	1/27/83	UNIT NO. 68 ADDED, PHASE III NOT COMPLETE
52	1/27/83	UNIT NO. 69 ADDED, PHASE III NOT COMPLETE
53	1/27/83	UNIT NO. 70 ADDED, PHASE III NOT COMPLETE
54	1/27/83	UNIT NO. 71 ADDED, PHASE III NOT COMPLETE
55	1/27/83	UNIT NO. 72 ADDED, PHASE III NOT COMPLETE
56	1/27/83	UNIT NO. 73 ADDED, PHASE III NOT COMPLETE
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58	1/27/83	UNIT NO. 75 ADDED, PHASE III NOT COMPLETE
59	1/27/83	UNIT NO. 76 ADDED, PHASE III NOT COMPLETE
60	1/27/83	UNIT NO. 77 ADDED, PHASE III NOT COMPLETE
61	1/27/83	UNIT NO. 78 ADDED, PHASE III NOT COMPLETE
62	1/27/83	UNIT NO. 79 ADDED, PHASE III NOT COMPLETE
63	1/27/83	UNIT NO. 80 ADDED, PHASE III NOT COMPLETE
64	1/27/83	UNIT NO. 81 ADDED, PHASE III NOT COMPLETE
65	1/27/83	UNIT NO. 82 ADDED, PHASE III NOT COMPLETE
66	1/27/83	UNIT NO. 83 ADDED, PHASE III NOT COMPLETE
67	1/27/83	UNIT NO. 84 ADDED, PHASE III NOT COMPLETE
68	1/27/83	UNIT NO. 85 ADDED, PHASE III NOT COMPLETE
69	1/27/83	UNIT NO. 86 ADDED, PHASE III NOT COMPLETE
70	1/27/83	UNIT NO. 87 ADDED, PHASE III NOT COMPLETE
71	1/27/83	UNIT NO. 88 ADDED, PHASE III NOT COMPLETE
72	1/27/83	UNIT NO. 89 ADDED, PHASE III NOT COMPLETE
73	1/27/83	UNIT NO. 90 ADDED, PHASE III NOT COMPLETE
74	1/27/83	UNIT NO. 91 ADDED, PHASE III NOT COMPLETE
75	1/27/83	UNIT NO. 92 ADDED, PHASE III NOT COMPLETE
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78	1/27/83	UNIT NO. 95 ADDED, PHASE III NOT COMPLETE
79	1/27/83	UNIT NO. 96 ADDED, PHASE III NOT COMPLETE
80	1/27/83	UNIT NO. 97 ADDED, PHASE III NOT COMPLETE
81	1/27/83	UNIT NO. 98 ADDED, PHASE III NOT COMPLETE
82	1/27/83	UNIT NO. 99 ADDED, PHASE III NOT COMPLETE
83	1/27/83	UNIT NO. 100 ADDED, PHASE III NOT COMPLETE

SITE PLAN  
**HEATHWOOD MEADOWS**  
CONDOMINIUMS  
AYER ROAD  
NASHUA, NEW HAMPSHIRE  
PREPARED FOR:  
**H. J. STABLE & SONS, INC.**  
5 WELLMAN AVE., NASHUA, N.H. (603) 881-1234

21 MARCH 1983  
ALLAN H. SWANSON, INC.  
LAND SURVEYORS - PLANNERS - ENGINEERS  
5 CONDOR STREET, NASHUA, NEW HAMPSHIRE 03082

SHEET 1 OF 5  
595 D F



*Proposed Ryan Way*  
*Proposed Fence*

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Re: fence

From: Shelley Gullett (heathwoodcanh@gmail.com)

isaunders1207@yahoo.com

Date: Monday, April 5, 2021, 07:28 AM EDT

Terrific!

Thank you,  
Shelley

On Mon, Apr 5, 2021 at 7:15 AM Lorna <isaunders1207@yahoo.com> wrote:

This is perfect. I just wanted documentation to include with my permit application.

Thank you

Sent from my iPad

On Apr 5, 2021, at 6:51 AM, Shelley Gullett <heathwoodcanh@gmail.com> wrote:

Good morning,

Absolutely, yes, it was approved for you to install a fence at your home. I just checked the Jan and Feb board meeting minutes and I thought it was approved at a board meeting, but I could only find where the topic of fences was approved in February. It could be in the March minutes, which I believe Michelle would have.

In any event, yes, the fence you want to install was approved.

Please let me know if you require anything more formal.

Thank you,  
Shelley

On Sat, Apr 3, 2021 at 9:21 AM Lorna Saunders <isaunders1207@yahoo.com> wrote:

Good morning Shelley,

Can you please just respond to this email stating that I have permission from the condo association board, to go forward on installing a fence if approved by the zoning board of Nashua. I would like to add it as a document to my application.

Thank you  
Lorna