



**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**

**I. VARIANCE INFORMATION**

1. ADDRESS OF REQUEST 1 Clement Rd., 17 Oldfield Rd., 15 Oldfield Rd., 11 Oldfield Rd., 1 Weld St.

Zoning District RA Sheet 112 Lot 16, 18, 19, 20

2. VARIANCE(S) REQUESTED:

To allow parking in front yard setback (10' where 25' is required pursuant to Section 190-194G)

**II. GENERAL INFORMATION**

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

(Print Name): Rivier University

Applicant's signature [Signature], Att Date 2/23/2022

Applicant's address 420 South Main Street, Nashua, NH

Telephone number H: 603-318-0455 C: 603-454-4546 E-mail: mholli@s@nh-lawyers.com

2. **PROPERTY OWNER (Print Name):** Rivier University

\*Owner's signature [Signature], Att Date 2/23/2022

Owner's address 420 South Main Street, Nashua, NH

Telephone number H: 603-318-0455 C: 603-454-4546 E-mail: mholli@s@nh-lawyers.com

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

**OFFICE USE ONLY**

Date Received 2/22/22 Date of hearing 3/22/22

Application checked for completeness: \_\_\_\_\_

A# 22-0034 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: 190-194 G

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.")

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| This property is going to be redeveloped into one lot with parking and up to six dormitories for the University's students. Permitting parking in the front yard area, will be consistent with the redevelopment of the lots into campus housing and will not alter the essential character of the neighborhood. |
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- 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.")

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| The zoning allows for dormitories with a conditional use permit and parking is a reasonable accessory use to the dormitories. The redevelopment of the lots will allow for the front yard of the lot to be along South Main Street, and the parking area will be in the back of the dormitories essentially the backyard area. The location is away from view from South Main Street. There will be no threat to public health safety or welfare as the design is to allow reasonable traffic control on site and the dormitories will not generate consistent traffic flow. |
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- 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.)

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| Allowing parking away from the University Campus on what will be the back of the redeveloped lot is a reasonable accessory use with the residential dormitories. There will be no harm to the public if granted. |
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- 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.)

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| Similar parking areas are located nearby on the University's campus. The University owns most of the abutting properties. The area between the parking lot and the street will be properly landscaped and the encroachment will not affect values of surrounding properties. |
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- 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.

This property is unique in that it is in the RA zone but part of the University campus and the entire block (less two houses) is owned by the University. Once the property has been redesigned, the parking spaces will be in the rear of the lot and not the traditional front yard of a single-family home as envisioned by the ordinance. So, enforcement of the Ordinance against this property does not bear a fair and substantial relationship to the purpose of the Ordinance. The proposed use is reasonable given the University setting and redevelopment of the property.

**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:

Student dormitories

- 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.*

*Morgan A. Hollis, Atty. for Rivier University*  
 Signature of Applicant

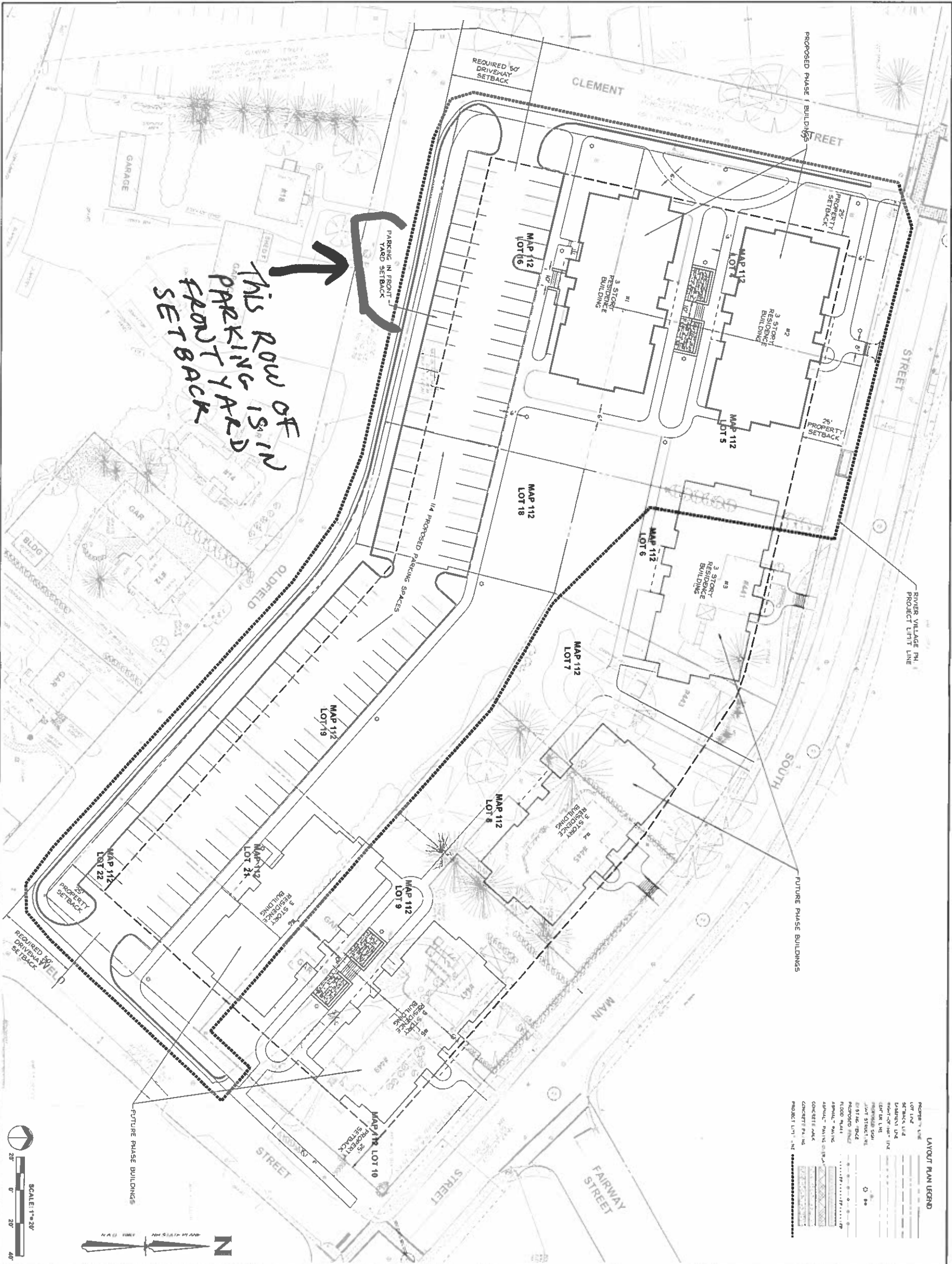
2/23/2022  
 Date

Morgan A. Hollis  
 Print Name

2/23/2022  
 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



THIS ROW OF IN  
PARKING IS IN  
FRONT YARD  
SETBACK

LAYOUT PLAN LEGEND

- PROPERTY LINE
- LOT LINE
- SETBACK LINE
- LANDMARK LINE
- RIGHT-OF-WAY LINE
- DRIVEWAY
- EXISTING DRIVE
- PROPOSED DRIVE
- EXISTING BUILDING
- PROPOSED BUILDING
- FLOOR SLAB
- APRINT "RAVINE" WALLING
- CONCRETE WALK
- PROJECT LOT 1 LINE



ZONING EXHIBIT - LAYOUT PLAN

SCHEMATIC SITE PLANS

RIVER VILLAGE- PHASE 1

RIVER UNIVERSITY  
420 SOUTH MAIN STREET  
CITY OF NASHUA, HILLSBOROUGH COUNTY, NEW HAMPSHIRE

**DERCK & EDSON**

ARCHITECTS

100 SOUTH BROAD STREET, SUITE 1000, NASHUA, NH 03041  
603-888-8888



C-103

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|------------|-----------------------|
| DATE       | 2/22/2022             |
| PROJECT    | RIVER VILLAGE PHASE 1 |
| SCALE      | 1" = 20'              |
| BY         | HTM                   |
| CHECKED BY |                       |
| DATE       |                       |