



**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 Road, L S. Main, 439 S. Main, 441 S. Main, 443 S. Main, 445 S. Main, 447 S. Main, 1 Weld St., 11 Oldfield Rd  
 Zoning District RA Sheet 112 Lot 4, 5, 6, 7, 8, 9, 21, 22 16

2. VARIANCE(S) REQUESTED:

To allow up to 6 residential dormitories with three stories were 2.5 stories are permitted pursuant to Section 190-16 Table 16-3

**II. GENERAL INFORMATION**

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

(Print Name): Rivier University

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

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

Telephone number H: 603-318-0455 C: 603-459-4546 E-mail: mholli@cnh-lawyers.com

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

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

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

Telephone number H: 603-318-0455 C: 603-459-4546 E-mail: mholli@cnh-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: CP

A# 22-0032 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: 190-16, Table 16-3

**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.")

See attached sheet

- 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.")

See attached sheet

- 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.)

See attached sheet

- 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.)

See attached sheet

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.

See attached sheet

**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.*

  
 Signature of Applicant
 

 2/23/2022  
 Date

Morgan A. Hollis  
 Print Name
 

 2/23/2022  
 Date

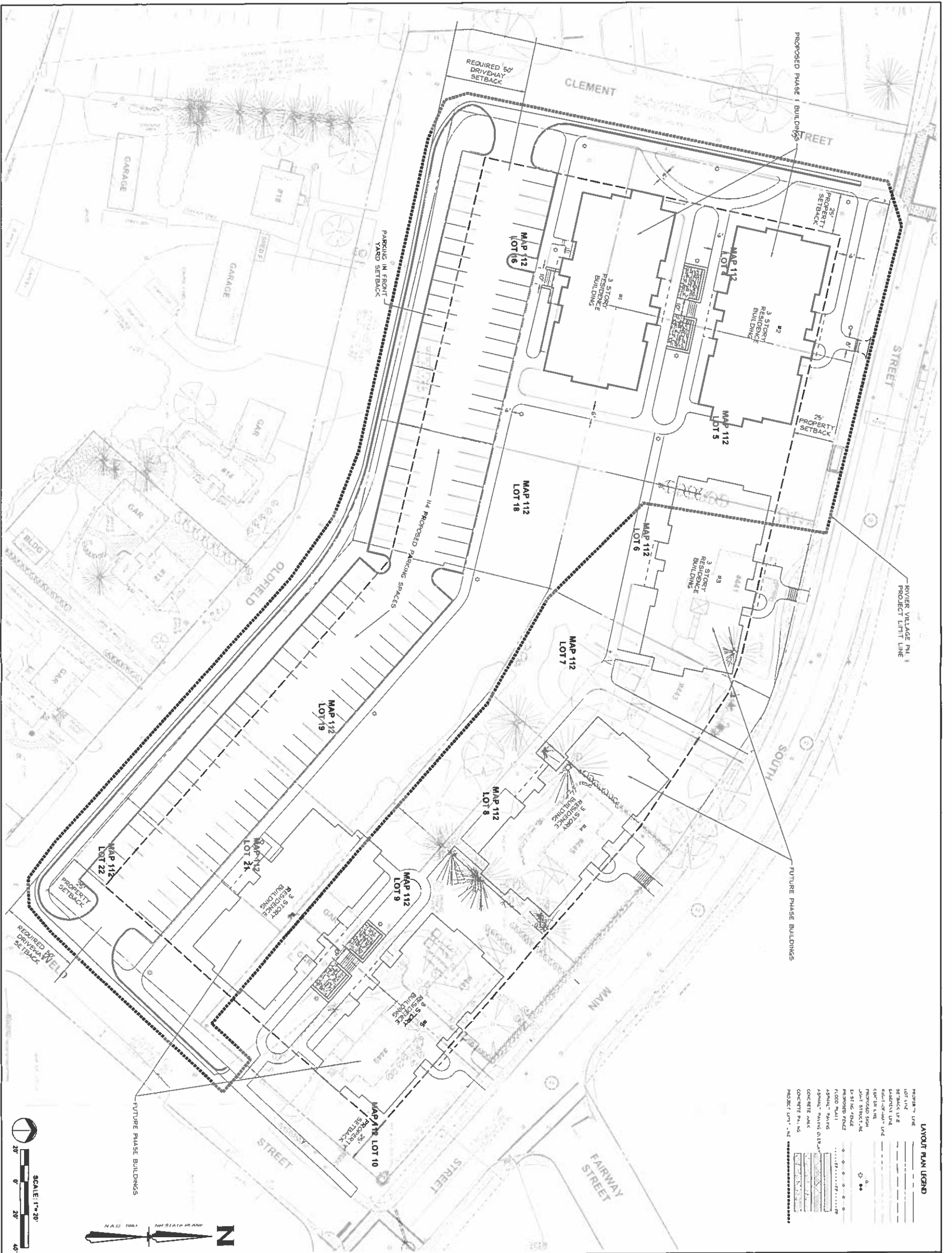
The staff report for a Use Variance request will be available no later than Friday of the week before the ZBA meeting. If you would like a copy, please indicate below:

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

1. **Granting of the requested variance will not be contrary to the public interest.**  
Granting the variance will not alter the character of the neighborhood. The neighborhood is largely Rivier University campus buildings, with the exception of a few residences. The proposed residential dorms are a permitted use subject to conditional use approved by the Planning Board. The buildings will be three stories, but will remain within the height requirements of less than 35 feet, with the majority of the building being 2.5 stories. Granting the variance will not threaten public health, safety or welfare as the third story will not have either additional dormers in the third floor nor a full third story with a roof above to create the appearance of an even larger building. Allowing buildings that are three stories for only a portion of the building, but within the height requirements and which are very similar to buildings which are 2.5 stories except for the center column for the third-floor dormitories, in the campus setting, is not contrary to the public interest.
2. **The proposed use will observe the spirit of the ordinance.**  
While three-story buildings are prohibited in the RA zone, the proposed dormitories, are designed similar to a 2.5 story building which is permitted and with the same maximum height allowed at 35 feet. However, to allow for full size ceilings in the rooms, the center of the building is three stories, but not with additional roof height of a three-story building. The general purpose and objective of the ordinance is to not allow three stories with large attics or dormers so that a three-story building looks more like a four or five story home within the residential A zone. In this case, the dormitories are designed to fit into the residential zone, but maximize the number of rooms within the buildings without increasing the height of the building over the permitted 35-foot requirement in the residential zone. Permitting 2.5 story dormitories with a three-story center column in this area of the University's campus will not alter the character of the neighborhood and there is no threat to public health, safety or welfare.
3. **Substantial justice would be done to the property owner by granting the variance.**  
The property is part of the University's campus, where the University owns the entire block excepting two homes. To allow the University to have dormitories, a permitted conditional use, where only the center column is larger than the permitted 2.5 stories will not cause harm to the public as the surrounding campus buildings have three stories and have higher roofs. If the variance is granted there will be no harm to the public as the building is designed to be very close to a 2.5 story building honoring the height restriction. Denial of the variance will create harm to the owner in its ability to provide dormitories with sufficient density which is not outweighed by any harm to the public.
4. **The proposed use will not diminish the values of surrounding properties.**  
Granting the variance will not cause any real change to the neighborhood, which contains many campus buildings already. Adjacent properties will not be adversely affected as the proposed dormitories will be similar in height to single-family residential 2.5 story buildings.

5. **Special conditions exist such that literal enforcement of the ordinance results in unnecessary hardship.**

This property is unique in that it is part of the residential zone but the entire block other than two houses are owned by the University. The University designed the dormitories to fit in the residential zone, as the height of the building does not exceed 35' and other buildings in the area are taller. Allowing the use of dormitories rather than single family homes will bring the area closely into conformance with the University campus which is largely the neighborhood. Enforcing the restriction prohibiting three stories against this property bears no fair and substantial relationship to the purpose of the ordinance of preventing oversized single-family homes since this is to be part of the abutting campus, not single-family homes and the height and design make the buildings appear as though they are 2.5 stories. By granting the variance, the dormitories will fit the intent of the ordinance to not exceed 35' and have typical 2.5 story roof lines, while permitting the University to construct dormitories with sufficient density and in similar fashion as other campus buildings. The proposed use is allowed in the RA district by conditional use permit. This reasonable use will allow an additional dormitory to be lawfully created in the City of Nashua.



C-103

DATE	2/22/2007
PROJECT	C-103
DRAWN BY	DR
NO.	1
DATE	
NO.	
DATE	
NO.	
DATE	
NO.	
DATE	
NO.	
DATE	
NO.	

ZONING EXHIBIT - LAYOUT PLAN

SCHEMATIC SITE PLANS

**RIVIER VILLAGE - PHASE 1**

RIVIER UNIVERSITY  
428 SOUTH MAIN STREET  
CITY OF NASHUA, HILLSBOROUGH COUNTY, NEW HAMPSHIRE

**DERCK & EDSON**

CAMPUS & DOWNTOWN ARCHITECTS

12 SOUTH SPRING STREET, SUITE 200, NASHUA, NH 03041  
201 NORTH SPRING STREET, SUITE 200, ROLLINGFORD, NH 03083  
WWW.DERCK-AND-EDSON.COM (603) 826-7054



1 VIEW 02 - ENTRY



AD-PP-10	DATE	11/03/21
	PROJECT #	210690
	DRAWN BY	Author
	PM	Checker
	APPROVED BY	Approver

RELATED RELEASE

VIEW TO ENTRY

**NEW STUDENT HOUSING**  
 RIVIER UNIVERSITY  
 439 SOUTH MAIN STREET, NASHUA, NH 03060  
 CITY OF NASHUA, HILLSBOROUGH COUNTY, NEW HAMPSHIRE

**DERCK & EDSON** EST. 1928  
 CAMPUSES DOWNTOWN ATHLETICS  
 33 SOUTH BROAD STREET, LITITZ, PA 17543  
 301 N SPRING STREET, SUITE 203, BELLEFONTE, PA 18823  
 WWW.DERCKANDEDSON.COM (717) 426-2004