

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 130 Pine Street

Zoning District RC Sheet 96 Lot 121

2. VARIANCE(S) REQUESTED:

I am applying for a density variance to allow this property to be converted back to a 2-unit property.

II. GENERAL INFORMATION

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

(Print Name): Steve Richard / Rockport Properties LLC

Applicant's signature [Signature] Date 4-3-22

Applicant's address 11 Farwood Drive Hooksett, NH 03106

Telephone number H: _____ C: 603-315-6797 E-mail: steve.rockporthomes@gmail.com

2. **PROPERTY OWNER (Print Name):** Kenneth J. Jelley

*Owner's signature [Signature] Date 4/4/2022

Owner's address 130 Pine St Nashua NH / 102 Salt Grass Trace, St Marys GA

Telephone number H: _____ C: 443-623-1584 E-mail: garth@26@verizon.net

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

OFFICE USE ONLY Date Received 4/4/22 Date of hearing 5/10/22 Application checked for completeness: CP

A# 22-0071 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, tab 16-3

VARIANCE APPLICATION

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.")

130 Pine Street ~~is~~ is already a rental community. With the shortage of a available units for rent, this would actually be in the public's best interest to convert this single family home back into 2 large apartment units for rent.

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.")

130 Pine Street was a 2-family unit many years ago. The neighboring properties (126, 128, 132 Pine St, 111, 113, 115 Palm St & 111 Lovewell St) are all currently multi-familied. In evaluating the spirit and intent of the ordinance, I looked at promoting the health, safety, & well being community and believe our proposal supports all of those and is consistent with the character of the 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.)

As one can see, 130 Pine & 128 Pine properties are the same exact property. They were originally built with the same floor plan & design. They both have front and side separate entrances to the 2nd floor units. The Kenney family were 2nd floor tenants when they bought it from the Salzman family. We are not making any changes to the outside, just asking for it to be converted back to its original design and intent.

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.)

This is a multi-family, rental neighborhood and will have no hardship or financial impact on the surrounding properties.

VARIANCE APPLICATION

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 was built in 1880 as a 2-family property and functioned as such for decades, to restrict it to be a single-family home only due to newer variance requirements does not seem to promote fairness & reasonable use. This property was not built to be a SFH & would be difficult due to the key-out & design to use it as such. The basement has 2 separate electrical panels that are "daisy-chained" to act as one, validating this was always designed to be a 2-family.

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 0 Number of employees per shift 2 Contractors
b. Hours and days of operation 8-4pm
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 2
f. Describe your general business operations: * Estimate 45-60 days of renovations

Backport Properties renovates homes to provide good, clean, safe affordable housing.

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

New roof, furnaces, some drywall, paint

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

DocuSigned by: Kenneth I. Jolley

4/4/2022

Date

Print Name Steve Richard

Print Name Kenneth I. Jolley

Date

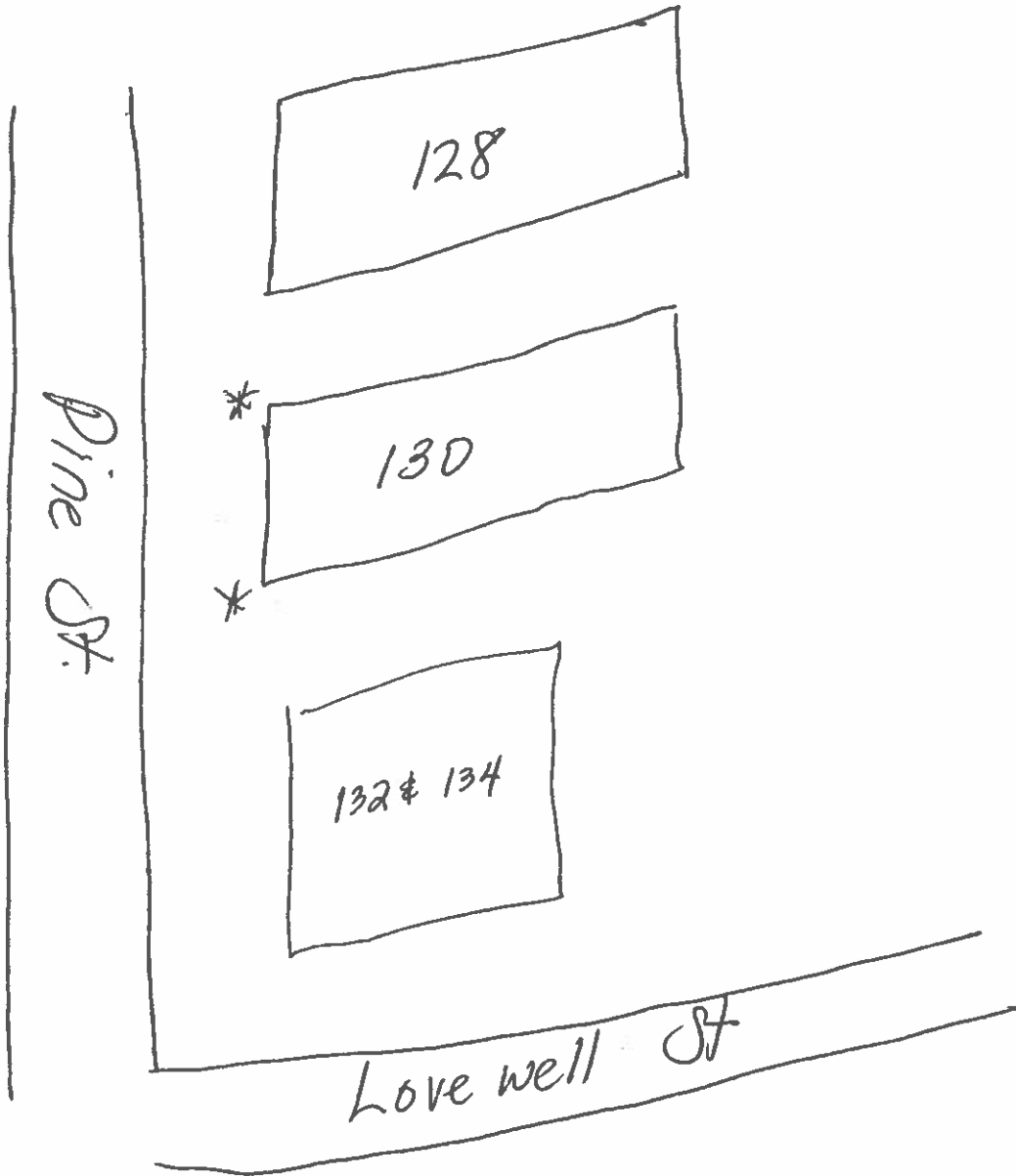
The staff report for a Use Variance request will be available no later than Friday of the week before the ZBA meeting. If you would like a copy, please indicate below:

I will pick it up at City Hall

Please email it to me at

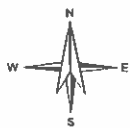
Please mail it to me at

130 Pine St.





130 Pine St



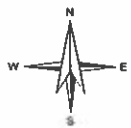


130 Pine St





130 Pine St



**Nashua Zoning Board
Case #7 - 130 Pine Street
May 10th, 2022 meeting
Request to convert property back to a 2-family**

At one point in time, 130 Pine Street was originally a 2-family. There are 3 entrances with 2 common areas and locked doors per floor, 2 distinct apartments, 2 electrical meters outside the house and 2 separate electrical panels in the basement.

130 Pine Street - 3 Separate entrances



Front (both - common area) Middle (1st floor only)



Back (both units - common area)



Front Entrance with 1st & 2nd locked doors- Common area



Back Entrance with 1st & 2nd locked doors- Common area



Outside Electrical Meters - (2)



Inside Electrical Panels - (2) Downstairs & Upstairs



130 Pine Street & 128 Pine Street are the same original buildings





[Edit](#) [Save](#) [Share](#) [More](#)

5 bd 1 ba 2,831 sqft

130 Pine St, Nashua, NH 03060

● **Off market** Zestimate[®]: **\$338,700** Rent Zestimate[®]: **\$2,317**

Est. refi payment: \$2,181/mo [Refinance your loan](#)





[Edit](#) [Save](#) [Share](#)

10 bd 2 ba 2,494 sqft

128 Pine St, Nashua, NH 03060

● **Off market** Zestimate[®]: **\$428,100** Rent Zestimate[®]: **\$2,024**

Est. refi payment: \$2,757/mo [Refinance your loan](#)

[Home value](#) [Owner tools](#) [Home details](#) [Neighborhood details](#)

Purpose of Request:

1. Not contrary to the Public Interest / Aligns to the interest of the public

The neighborhood is an existing rental community. Currently, this is a single-family property in the middle of a multi-family neighborhood. The requested change provides additional lower-income housing for the City of Nashua.

2. Observe the spirit of the ordinance

As seen by the pictures, the property is already constructed as a multi-family. It has 3 distinct entrances with common areas for 2 entrances with locked doors per apartment. The building also has separate electrical meters and panels.

3. Substantial justice would be done to property-owner

The City of Nashua would benefit greatly by allowing this property to be approved for a 2 rental unit building. First, this would provide additional housing for renters in a "high occupancy" time (not many available rentals) and the property would appraise as a 2 family, providing additional tax income to the City.

4. Will not diminish value of surrounding properties

As a multi-family neighborhood, this change does not diminish the value of the surrounding properties and is consistent with the surrounding properties.

5. Enforcement equals unnecessary hardship

This property was built in 1880 as a 2-unit multi-family property and functioned as such for decades. I purchased the property from Ken Jelley. Ken was a 1st floor tenant as a child and when the property became available, his parents purchased the property from the previous owners who were living on the 2nd floor at the time.

I purchased the property with the hopes to gain approval from the City to make it a legal 2 unit property again. If we gain approval, our plan is to renovate a property that has been vacant for 13 years, and then rent both units to Section 8 tenants. There are no structural renovations to do as it's already laid out and designed as a 2 family, we will make both units nice, clean and provide affordable living for the Nashua residents. This will create 2 additional rental units into the City inventory by summer time.

At this time, we have done no work in the building as we await the direction of the City. We have completely cleaned out all the trash from inside the building.

As a company, we follow the EPA regulations to test and remove any asbestos from the properties we purchase and renovate. See attached, samples have already been taken and are at the lab. If we are given permission by the City to have this classified as a 2-family, all asbestos will be safely removed by the attached licensed abatement company.

<https://www.des.nh.gov/waste/asbestos>

Thank you, it is our objective to work with the City of Nashua and provide safe, economical living for the residents of Nashua.

Rockport Properties, LLC
Steve Richard, owner

From: Steve Richard kogos4life@gmail.com
Subject: print
Date: May 7, 2022 at 8:31:47 AM
To: Steve Richard steve.rockporthomes@gmail.com

Rental Agreement

This Rental Agreement (this "Agreement") is dated May 7th, 2022, and is between Bertrand & Julie Dube ("Landlord/Landlord Representative"), and Rockport Properties, LLC (Steve Richard owner) ("Tenant"). Subject to the terms and conditions stated below the parties agree as follows:

Rented parking spots are for tenants at 130 Pine Street, Nashua that may need off-street parking. When needed, Landlord agrees to rent up to 2 parking spots per month located at 128 Pine St, Nashua NH

Rent will be \$50 a month per parking spot, for a total of \$100 when both are rented.

Rent is due on the first of each month and will begin when an additional tenant is in need of a parking spot. If 1 spot is currently rented and a 2nd spot is needed, Tenant will notify Landlord in writing prior to the next month. Agreement is month-to-month.

Landlord:

Julie Dube
Julie Dube

Bertrand Dube
Bertrand Dube

Tenant:

SR Date 5-7-22

Return to:
Rockport Properties LLC
9 Farrwood Drive
Hooksett, NH 03106

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS: That **Kenneth I. Jelley**, married, of 102 Salt Grass Trace, Saint Marys, GA 31558, for consideration paid, grants to **Rockport Properties LLC**, a New Hampshire Limited Liability Company, with a mailing address of 9 Farrwood Drive, Hooksett, NH 03106, with WARRANTY COVENANTS:

Property Reference: 130 Pine Street, Nashua, NH 03060

A certain tract or parcel of land with the buildings thereon, situate on the East side of Pine Street, in the City of Nashua, State of New Hampshire and bounded and described as follows:

Beginning at a stone bound at the Northwest corner of the premises, being the southwest corner of land now of Coonerty; thence running

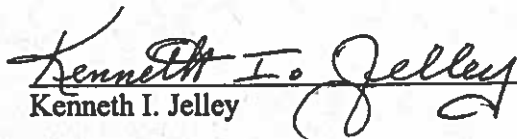
1. In an Easterly direction by said Coonerty land and on a line parallel with the house on the premises hereby conveyed and two (2) feet to the North thereof, seventy-two (72) feet, more or less, to land now of Sullivan, formerly of Taylor; thence
2. In a Southerly direction by said Sullivan land thirty-nine (39) feet, more or less, to a stone bound at land now or formerly of Ladd; thence
3. In a Westerly direction by said Ladd land seventy-four (74) feet, more or less, to said Pine Street; thence
4. In a Northerly direction by said Pine Street forty-seven (47) feet more or less, to the point of beginning.

Subject to any and all easements and restrictions of record.

Meaning and intending to describe and convey the same premises conveyed to Sylvia A. Jelley and Kenneth I. Jelley by Quitclaim Deed from Sylvia A. Jelley, as recorded on April 1, 1991 in the Hillsborough County Registry of Deeds at Book 5246, Page 611. Sylvia A. Jelley died on November ⁵ ~~8~~, 2006, leaving the within Grantor as the surviving joint tenant. See death certificate, to be recorded herewith on near or even date.

This is not homestead property of the within Grantor or his spouse.


Executed this 25th day of April, 2022.


Kenneth I. Jelley

State of New Hampshire
County of Hillsborough

April 25, 2022

Then personally appeared before me on this 25th day of April, 2022, the said Kenneth I. Jelley, proved to me through satisfactory evidence of identification, which was his GA Driver's license, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it as his free and voluntary act for the purposes stated herein.


Notary Public / Justice of the Peace
Commission expiration:

PROPOSAL

ALPHA ASBESTOS ABATEMENT, INC.
P.O. BOX 10625
BEDFORD, NH 03110
(603) 626 - 5757

Page No. 1 of 1
Proposal No. 33049-S
Location: SAMPLES 130 PINE ST NASHUA, NH

EMAIL: ROCKPORTHOUSES@GMAIL.COM

Proposal Submitted to:
STEVE RICHARD
PO BOX 16344
HOOKSETT, NH 03106

Phone No. 603-815-6797
Date 5/03/2022

We hereby submit specifications and estimates for:
NOT TO EXCEED 45 PLM BULK SAMPLES OF 15 TYPES OF HOMOGENEOUS MATERIALS (3 OF EACH TYPE) LOCATED ON THE ROOF AND INSIDE OF THE BUILDING ONLY. THE TESTING IS SPECIFIC TO THE HOUSE FOR RENOVATION TO FULFILL THE REQUIREMENT OF SAMPLING PRIOR TO RENOVATION ACCORDING TO REGULATIONS, OSHA AND THE NESHAP REQUIREMENTS FOR RENOVATION. PRICE DOES NOT INCLUDE ANY ABATEMENT OF ANY KIND. THIS PROPOSAL IS FOR SAMPLING ONLY OF THE MATERIALS OUTLINED VISIBLE AT THE TIME OF INSPECTION AND ARE ACCESSIBLE AS OUTLINED ABOVE ALL MATERIALS ARE ASSUMED POSITIVE UNTIL TESTED AND PROVEN NEGATIVE. THIS PRICE IS BASED ON A 72 HOUR TURN AROUND TIME TO TEST FOR THE ABSENCE OF ASBESTOS. ALL SAMPLES WILL BE TAKEN UTILIZING THE ASBESTOS HAZARD EMERGENCY RESPONSE ACT (AHERA) PROTOCOL FOR SAMPLING TO DETERMINE THE NUMBER OF SAMPLES TO BE TAKEN. THE SAMPLES ARE TO BE SENT TO A THIRD PARTY INDEPENDENT LAB FOR ANALYSIS. THE AREA (MATERIAL) TO BE SAMPLED IS TO BE CONSIDERED ONE (1) HOMOGENEOUS AREA FOR EACH PRODUCT TESTED. IN THE EVENT THAT ONE (1) SAMPLE IS POSITIVE FOR THAT HOMOGENEOUS TYPE THEY ARE TO BE CONSIDERED POSITIVE. \$30.00 EACH SAMPLE X 45 = \$1,350.00, 2 HOUR ADMIN TIME @ \$65.00 EACH = \$130.00, 2 HOUR SAMPLE COLLECTION TIME @ \$65.00 = \$130.00 = SUBTOTAL \$1,610.00 + OVERHEAD PROFIT 10% \$161.00 = \$1,771.00
WE PROPOSE hereby to furnish material and labor - complete in accordance with these specifications for the sum of:

ONE THOUSAND SEVEN HUNDRED SEVENTY-ONE DOLLARS.....\$1,771.00
Payable as follows:
IN FULL UPON ACCEPTANCE

All payments are due when services are rendered and or as specified in the payment terms. Balances past due are subject to an interest charge of 2% per month, calculated daily from the service date, 24% per annum. In the event that collection is required all reasonable attorney fees and costs are to be added to this contract and made a part of this proposal. This Proposal is based on a cash discounted price in the event that a non-cash payment is made ie; a credit card an additional 4% charge is to be added to the Proposal total amount due. All material is guaranteed to be as specified, all work to be completed in a workmanlike manner according to standard practices. Any alterations or deviations from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance upon above work. Worker's Compensation and General Liability Insurance on above work to be taken out by ALPHA ASBESTOS ABATEMENT, Inc.

Authorized Signature 
Per: ALPHA ASBESTOS, Inc. Representative

ACCEPTANCE OF PROPOSAL - The prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Signature _____ Date ___/___/___
Signature _____ Date ___/___/___