



**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

Zoning District  Sheet  Lot

2. VARIANCE(S) REQUESTED:

**II. GENERAL INFORMATION**

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

(Print Name):

Applicant's signature  Date

Applicant's address

Telephone number H:  C:  E-mail:

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

\*Owner's signature  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 4/8/22 Date of hearing 5/11/22 Application checked for completeness:

A# 22-0068 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  
190-198



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.")

The home property will remain safe same unit as two units, you still looking at the property how it was approved, it will be occupied the same way. The only different that the new owner will not be living in the unit.

- 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.")

It will be the same way safe units, it will not have conflict with the neighborhood or any threaten to the public health safety. Also requesting relief for one parking space, where 2 spaces are required per unit, 3 are there now, and 4 are needed to meet the Ordinance.

- 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.)

Even though I am not going to live in the units, I live in town only 5 minutes from the property. If call in Emergency I can come right away to the property.

- 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 will not effect any ones property values around our home.

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 hardship will be met, the property is still well maintain, safe. It will not devalue any other property around us. Traffic will be the same as before nothing will change.

**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:

N/A

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

N/A

*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

April 4, 2022  
 Date

Martin A. Santos Lantigua  
 Print Name

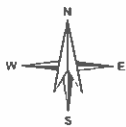
April 4, 2022  
 Date

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



# 33 Lock St





LOCK ST PUBLIC

DOWN ST PUBLIC

38:10

33

45.78

54.55

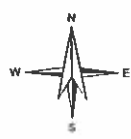
54.55

39.05

78

49.25

# 33 Lock St



ZONING BOARD OF ADJUSTMENT PUBLIC HEARING AND MEETING  
October 13, 2020

A public hearing of the Zoning Board of Adjustment was held on Tuesday, October 13, 2020 at 6:30 PM, via Zoom.


Mrs. MacKay asked Mr. Falk for a Roll Call. All members stated that they are alone:

Mariellen MacKay, Chair  
Jack Currier, Clerk  
JP Boucher  
Rob Shaw  
Nick Kanakis  
Jay Minkarah

Matt Sullivan, Planning Manager  
Carter Falk, Deputy Planning Manager/Zoning  
Kate Poirier, Zoning Coordinator

Mrs. MacKay explained the Board's procedures, stating that the Board is operating under the Governor's Executive Order via Zoom. Mrs. MacKay explained how public access is available by telephone, and additional access means by video or other electronic access, as well as the meeting being streamed through the City's website on Nashua's Community Link and also on Channel 16 on Comcast. Mrs. MacKay including the points of law required for applicants to address relative to variances and special exceptions. Mrs. MacKay explained how testimony will be given by applicants, those speaking in favor or in opposition to each request, as stated in the Zoning Board of Adjustment (ZBA) By-laws.

Note: Case #1 on the advertised Agenda went as the 3<sup>rd</sup> case.

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- 1. Duane R. Pealo (Owner) 33 Lock Street (Sheet 43 Lot 88) requesting special exception from Land Use Code Section 190-15, Table 15-1 (#3) to allow an accessory (in-law) dwelling unit within existing house. RC Zone, Ward 3.**

Voting on this case:

Mariellen MacKay, Chair  
Jack Currier, Clerk  
JP Boucher  
Rob Shaw

Jay Minkarah

Duane Pealo, 33 Lock Street, Nashua, NH. Mr. Pealo stated that he is requesting a special exception to allow an accessory dwelling unit in the basement of his home. He said that it would be used for his caretaker, as medical issues do not allow him much in the way of mobility and doing the normal daily activities.

Mr. Pealo said that the size of the unit meets the ordinance, just over 400 square feet, and there will not be another door added, and there is sufficient parking on the property. He said that by looking at the house, no one will even know that it is there.

Mrs. MacKay read over the special regulations for an accessory dwelling unit, in which Mr. Pealo said that they will all be met.

**SPEAKING IN FAVOR:**

Cindy Goodman, 31 Lock Street, Nashua, NH. Ms. Goodman stated that she is in support of the application.

**SPEAKING IN OPPOSITION OR WITH QUESTIONS OR CONCERNS:**

No one.

**END OF PUBLIC HEARING, BEGINNING OF PUBLIC MEETING:**

Board members all expressed support for the application.

**MOTION** by Mr. Boucher to approve the application on behalf of the applicant as advertised. Mr. Boucher stated that the use is listed in the Table of Uses, Section 190-15, Table 15-1 (#3).

Mr. Boucher stated that the use will not create undue traffic congestion or unduly impair pedestrian safety.

Mr. Boucher stated that the request will not overload public water, drainage or sewer or other municipal systems.

Mr. Boucher stated that all special regulations are fulfilled, as all nine special regulations are met per testimony.

Mr. Boucher said that the use will not impair the integrity or be out of character with the neighborhood, or be detrimental to the health, morals or welfare of residents.

**SECONDED** by Mr. Shaw.

**MOTION CARRIED UNANIMOUSLY 5-0 BY VERBAL ROLL CALL OF THE VOTING MEMBERS.**

2. Elizabeth J. Lu & Matthew E. Plante (Owners) "L" Roby Street (Sheet 126 Lot 103) requesting the following: 1) special exception from Land Use Code Section 190-115 to work within the 75-foot prime wetland buffer of Salmon Brook; and the following variances from Land Use Code Section 190-16, Table 16-3: 2) for minimum lot frontage, 60 feet required - 0 feet proposed, and, 3) for minimum lot width, 75 feet required - 0 feet proposed - all requests to construct a single-family house on vacant lot without paved frontage. RA Zone, Ward 6.

Voting on this case:

Mariellen MacKay, Chair  
Jack Currier, Clerk  
JP Boucher  
Rob Shaw  
Nick Kanakis

Matt Plante, 17 Roby Street, Nashua, NH. Mr. Plante said that they live at 17 Roby Street, and also own the adjacent lot, which would have an address of 19 Roby, but it is referred to as "L" Roby Street. He said that this January, they appeared before the Conservation Commission, and received a positive recommendation to construct a single-family home on the lot, which is in the 75-foot prime wetland buffer of Salmon Brook. He said that they had four stipulations of approval, which will all be met.

Mr. Plante said that the lot is about 10,000 square feet in area, which meets the minimum lot size in the RA Zone. He said that the paved portion of Roby Street ends near the end of his property at 17 Roby Street. He said that there is already a paved way that could lead to the vacant lot for a driveway. He said that the proposed house would meet all yard setbacks, and would be situated the farthest away from the wetland buffer.