

ZONING BOARD OF ADJUSTMENT PUBLIC HEARING AND MEETING
January 25, 2005

A public hearing of the Zoning Board of Adjustment was held on Tuesday, January 25, 2005 at 6:30 p.m. in the Auditorium at City Hall.

Tom Jenkins conducted the hearing.

Members present were: Tom Jenkins, Chair
Sean Duffy, Vice Chair
Susan Douglas, Clerk
Jay Coffey
Jack Currier
Don Berthiaume
Richard Rondeau
Jeff Anderson

Also present: Carter Falk, Deputy Planning Manager/Zoning

Mr. Jenkins said in hearing tonight's cases the Board would be looking for evidence on the following points of law as established under the City of Nashua Zoning Ordinance and empowered to it under the State of New Hampshire enabling legislation.

For variances in the ordinance the following conditions must be met:

(1) A zoning restriction as applied to your property interferes with reasonable use of the property, considering the unique setting of the property in its environment; (2) no fair and substantial relationship exists between the general purposes of the zoning ordinance and the specific restriction on the property; and (3) the variance would not injure the public or private rights of others.

(2) The spirit and intent of the ordinance must not be

broken by granting the variance.

(3) Granting the variance will not adversely affect other property in the district.

(4) Granting the variance must be of benefit to the general public and not solely the individual.

(5) Not to grant the variance would result in an injustice.

For special exceptions designated by the ordinance, the following must be met:

(1) The use requested must be listed in the Table of Use Regulations as a special exception in the district for which the application is made or is an existing non-conforming use for which a request to expand is being in accordance with Subchapter 13 of the Nashua Revised Ordinances.

(2) The requested use will not create undue traffic congestion or unduly impair pedestrian safety.

(3) The requested use will not overload any public water, drainage or sewer system or any other municipal system to such an extent that the requested use or any developed use in the immediate area or in any other area of the City will be unduly subjected to hazards affecting health, safety, or the general welfare.

(4) Any special regulations for the use set forth in other sections of the zoning ordinance are fulfilled.

(5) The requested use will not impair the integrity or character of the district or adjoining zones nor be detrimental to the health, morals or welfare of the residents of Nashua.

He said the order of receiving testimony will be in the following manner: Testimony will be heard from the applicant seeking the adjustment. The applicant will have fifteen minutes to address the five points of law just described. The Board will not consider in their decision any information which does not address those points.

The timing light on display will shine green until there is one minute remaining at which time the amber light will come on. When the light turns red, the speaker must stop testifying. The Board may then ask questions of the applicant.

After the presentation the Board will then take testimony from those in favor of the application and then from those in opposition.

He said each speaker will be allowed five minutes to address the Board. The timing light will show a green light until one minute is remaining. The amber light will be on during the last minute and the speaker must stop when the light turns red.

He said speakers are asked to confine their comments only to the new points of information or may simply state that they agree with the previous speaker. Speakers will come forward to the microphone and state their name and address for the record. All testimony given this evening is understood to be given under oath as in a court of law.

At the end of all testimony in opposition, the applicant will have five minutes to address any points raised in opposition. After this testimony one (only one) person from those in opposition will be given five minutes to address the applicant's rebuttal. No new testimony may be given and only someone who spoke in opposition may provide rebuttal testimony.

He said should the applicant or any of the public in opposition feel an unjust or unlawful decision was made may request a rehearing of the Board within 30 days of the decision. Contact the Office of Zoning for further details about the process. If any person or party is not granted a rehearing or still feels that an unjust or unlawful decision has been rendered by the Board you may appeal the case to the New Hampshire Superior Court.

Withdrawn

1. James N. & Shirley C. Tamposi Revocable Trust (Owner) 33 Pine Street (Sheet 80 Lot 91) requesting use variance to allow a medical facility in an existing building. GI/MU Zone.

2. Robert N. Rodrigue (Owner) 6 Concord Street (Sheet 67 Lot 59) requesting special exception to expand an existing dental office. RC Zone.

Voting On This Case:

Tom Jenkins
Sean Duffy
Susan Douglas
Donald Berthiaume
Jay Coffey

Atty. Bob Shepard, Smith, White, Shepard, & Durmer, Nashua.

Atty. Shepard said he is represented Robert Rodrigue, the property owner.

He said the property in question is in the Urban Residence zone (RC) and is also in the Historic Overlay District. He said it is his understanding that the Historic District has no involvement with this particular application for a special

exception.

He said there is no change to the exterior of the building. Mr. Rodrigue is proposing to expand an existing dental office for Dr. Todd Pollock. He said Dr. Pollock currently occupies 1175 square feet. They will be adding another 650 square feet to his space, for a total of 1825 square feet. A hairdresser had formerly occupied the 650 square feet. He said the new space would consist of a reception area, a waiting area, two conference rooms and a reception area/office. No dental work will be performed in the expanded area.

Atty. Shepard said the building itself is the red brick building at the top of Concord Street. He said Mr. Rodrigue bought the building in 1991 from the Concord Street Professional Group, which was a group of dentists that owned the building. The building has had dentists in it since at least 1952. He said Mr. Rodrigue told him that Dr. Andrew Weston and his brother, Dr. Boyd Weston practiced dentistry in this building for 54 and 56 years respectively.

Atty. Shepard referred the Board to Mr. Rodrigue's application. He said the first question it asks is if the proposal involves the physical construction or expansion of a structure. Mr. Rodrigue answered "yes", but he believes it should be "no", because there isn't going to be any additional construction - just interior renovation.

He said the second question asks if it is anticipated that additional on-site parking spaces as a result of the proposal. He said there may be some additional parking required for the dental practice, but it is their position that there won't be any additional space required for the site, because the parking that was used by the hair salon will now be occupied by the dental practice. He said he has been told that there are 22 parking spaces on site and that it's more than adequate.

He said the next question pertains to what affect the use would have upon surrounding traffic congestion. He said there should be no impact. It should be a wash because they are replacing a

busy hair dressing business with an existing dental practice.

He said the last question asks what measures will be taken, if any, to ensure that the proposal will not impair the integrity or be out of character with the zoning district or with the neighborhood. He said there is no exterior work being done at the site. He said there has been a dental practice in the building for over fifty years.

SPEAKING IN FAVOR

No One.

SPEAKING IN OPPOSITION

No One.

MOTION by Mr. Coffey to grant the request for a special exception to expand an existing dental office at 6 Concord Street. He said this use is listed in the Table of Uses, Section 16-227 #11. It will not create undue traffic congestion or unduly impair pedestrian safety. It will not overload public water, drainage, sewerage, or other municipal systems. There are no special regulations that need to be fulfilled. It will not impair the integrity or be out of character with the neighborhood. All the work will be done on the interior. The use is consistent with the past use of the building.

SECONDED by Mr. Duffy.

MOTION CARRIED UNANIMOUSLY

3. Adnik Real Estate Associates, LLC (Owner) Grow in Tune LLC (Applicant) 69-75 Main Street (Sheet 78 Lot 70) requesting special exception to locate three required parking spaces in municipal lots. CB/MU Zone.

Voting on This Case:

Tom Jenkins
Sean Duffy
Susan Douglas
Donald Berthiaume
Jay Coffey

Katherine Vogel, 38 Whitford Road, Nashua. Ms. Vogel said she is going to occupy 69 Main Street, which is right beside Darrell's Music Hall. She said this is really four storefronts and Darrell's occupies three of them. The fourth one has always been rented out. She was recently asked if she would like to locate in that space.

She said the purpose of renting this space would be for piano instruction for children. She said they would operate from about 9:15AM until 8:15PM. The students have one studio time per week. They have group and private lessons and parent and child attend together. They have a maximum class size on the pre-school children of twelve. In the private and group instruction for piano, they have a maximum class size of four students.

She said she doesn't expect any impact because of this business. On the one side there is the river and on the other side of her is Darrell's Music Hall. She said it's sort of like her students feed into Darrell's Music Hall. She said the area is already zoned for business use.

Ms. Vogel said she is not planning any renovations. She is only putting in new carpeting.

Mr. Jenkins asked the hours of operation.

Ms. Vogel said 9:00AM - 8:15PM. She said they are closed on Friday and Sunday.

Mr. Duffy asked if this business has a separate entrance.

Ms. Vogel said it does. She said it's always been there.

SPEAKING IN FAVOR

No One.

SPEAKING IN OPPOSITION

No One.

MOTION by Mr. Berthiaume to grant the special exception to locate three required parking spaces within municipal lots. It is listed within the Table of Uses, Section 16-275. It will not create undue traffic congestion or unduly impair pedestrian safety. It will not overload public water, drainage or sewer system. It will not impair the integrity or be out of character with the neighborhood.

SECONDED by Mr. Coffey.

MOTION CARRIED UNANIMOUSLY

4. BAE Systems Information & Electric Systems Integration, Inc. (Owner) Heritage Baptist Church (Applicant) 103 & 105 Lock Street (Sheet 41 Lots 49 & 74) requesting special exception to allow a portion of required parking on a lot within 300 feet of subject lot. GI Zone.

Voting on This Case:

Tom Jenkins

Sean Duffy

Susan Douglas

Donald Berthiaume

Jay Coffey

Atty. Gerald Prunier, 20 Trafalgar Sq. Atty. Prunier said the building under discussion was a big social club in the 60s and early 70s, when the City didn't have places like the Crown

Plaza, the Sheraton, etc to have wedding receptions, etc.

He said the building was purchased by a predecessor of BAE Systems. They used it for office space for a while and then put it up for sale. The Heritage Baptist Church would like to purchase it.

He said this is a 1-½ story building. They used to have parties both upstairs and downstairs. It has twenty-nine parking spaces surrounding the building. BAE has a parking lot that abuts it and is being used for parking. He said BAE is selling the building to the Heritage Baptist Church and is going to give them the right to use some of their parking. He said most of the church's parking needs are on a Sunday morning, when BAE is not using that area. Because it is not on the same lot, they have to come to the Board and seek the special exception.

Atty. Prunier said this is within the Table of Uses. The building is serviced by public water, public sewer, and public drainage. No exterior changes are being proposed at this time. He said there would be no significant increase in traffic, except for Sundays because right now BAE doesn't have traffic in that area on Sundays. Most people will be coming in a vehicle, but there are sidewalks for pedestrians. It will not be out of character with the neighborhood because there are no proposed changes. The building has been there as long as most of the houses in the area have been. There are no special conditions to be met.

Mr. Jenkins said the plan that the Board has doesn't really show the parking spaces.

Atty. Prunier presented a plan to the Board that showed the parking spaces.

Mr. Duffy asked if there is going to be a daycare operation or any other activities taking place here.

Atty. Prunier said not at this time. He said this is a growing congregation. He said they probably will have funerals and

weddings.

Mr. Jenkins asked if BAE currently utilizes their lot all the way to the rear.

Atty. Prunier said during the week they do.

Mr. Jenkins asked if there was a funeral during the week how it would work.

Atty. Prunier pointed out the parking lot. He said BAE Systems employees are similar to any other employee and would like to park as close as they can to the entrance. He said he didn't think that it would have that many cars parked in it.

Mr. Jenkins asked if the fence between the two properties would be removed and if the proposed lot would be striped.

Atty. Prunier said the fence would be removed and the lot would be striped.

Mr. Jenkins asked if the fence along Lock Street would also be removed.

Atty. Prunier said the fence along Lock Street will remain.

Mr. Duffy questioned whether BAE more than meets their parking requirements and Atty. Prunier agreed that they do.

Mr. Currier said the survey plan is dated 1/6/05 and on that plan it states on 1/25/05 the Nashua Zoning Board of Adjustment granted a special exception.

Atty. Prunier said that at times they are running things through the Planning Board at around the same time they are going to the Zoning Board so the engineers have made the plan up and then put in the required date the Zoning Board granted their approval. If approval is not granted they just don't go to the Planning Board.

SPEAKING IN FAVOR

No One.

SPEAKING IN OPPOSITION

No One.

MOTION by Mr. Duffy to grant the special exception to allow a portion of required parking on a lot within 300' of the subject lot at 103 & 105 Lock Street. It is listed in the Table of Uses, Section 16-272(a). Off-site parking is allowed in the GI Zone with a special exception. It should not create undue traffic congestion or unduly impair pedestrian safety. This is a long-existing established site. It should not overload public water, drainage, sewer or other municipal systems. There are no special regulations to be fulfilled. It should not impair the integrity or be out of character with the neighborhood or be detrimental to the health, morals or welfare of the residents.

SECONDED by Mr. Coffey.

MOTION CARRIED UNANIMOUSLY

5. Robert G. & Priscilla A. St.Laurent (Owners) L Edson Street (Sheet 47 Lot 349) requesting the following variances: 1) minimum lot frontage, 60 feet required, 0 feet proposed, and 2) minimum lot width, 75 feet required, 0 feet proposed - to construct a single-family home. RA Zone.

Voting on This Case:

Tom Jenkins

Sean Duffy

Susan Douglas

Donald Berthiaume

Jay Coffey

Atty. Gerald Prunier. Atty. Prunier said this is an existing lot of record. The lot is 249' long along Edson Street and 120' deep. It is a large lot for being in the "RA" zoning district. They are usually 7500 square feet in land area.

He said for whatever reason Edson Street was not finished. The proposal is to bring sewer, water and public utilities into this lot off of Edson Street. The driveway will be placed on the 25' side on the ½ of the street to service that particular lot. The lot will be used for a single-family home. The lot itself has some restrictions in the deed that have requirements larger than the "RA" dimensional requirements. There will be no problem meeting those restrictions because of the size of the lot.

Atty. Prunier said there is a hardship because to try to finish the street to City standards it would cost probably more than what the lot is worth. Putting in the utilities and the driveway makes the lot useable and would put it on the City's tax rolls.

He said this is within the spirit and intent of the ordinance because the street ends just above where the lot is. It's going to be a single-family home. It's going to be served by public water and sewer.

He said it is not going to be out of character with the neighborhood as most of the homes in this area are single-family homes.

He said there will be no diminution to the surrounding property values. The owners of the lot live on the other side so they will make sure that it will be a substantial home and not devalue the other homes.

He said the Supreme Court has indicated that one of the things that the Board can now consider in making its decision is the financial end of things (Bocchia test). Under the "Simplex" text, they are not trying to have a change of use. They are asking for something that is within the spirit and intent of the

ordinance - a single-family home. They are showing there will be no diminution to property values.

Mr. Jenkins asked where Mr. & Mrs. St. Laurent are in relationship to this lot.

Atty. Prunier said they are on Lot 280 on Wood Street. He pointed out their location.

Mr. Currier said he had a difficult time figuring out where the asphalt ends. He asked how that compared to the lot line.

Mr. Jenkins referred Mr. Currier to the plan. He said it's at the end of Lot 20. He said that is why there is no frontage - the street ends there.

SPEAKING IN FAVOR

No One.

SPEAKING IN OPPOSITION

No One.

MOTION by Mr. Duffy to grant the variances: 1) minimum lot frontage 60' required, 0' proposed 2) minimum lot width, 75' required, 0' proposed to construct a single-family home at L Edson Street, Sheet 47 Lot 349. A single-family home is an approved use in the RA zoning district. The lot is an existing lot of record. It complies with the zoning regulations if a public street had been extended to the end of the property line. Therefore, hardship is found. It is within the spirit and intent of the ordinance that the applicant have reasonable use of their property, given the unique situation of the district and the property. It should not adversely affect the property values of surrounding parcels. The applicant will be constructing a single-family home. It is not contrary to the public interest. Substantial justice is served as the applicant will have reasonable use of their property given the existing environment.

SECONDED by Mr. Berthiaume.

MOTION CARRIED UNANIMOUSLY

6. Southern New Hampshire Medical Center, City of Nashua & Nashua Retail, LLC (Owners) 5, 8, 10-12, 11½ & 16 Prospect Street; 280, 282, 252-254, 286-288 Main Street; 24 East Otterson Street; 24 Dearborn Street; L East Hollis Street and 18-20 & 38 Tyler Street (Sheet 17 Lot 1; Sheet 18 Lots 1, 2 & 75; Sheet 30 Lots 19, 34, 64 & 65; and Sheet 31 Lots 5, 7, 22, 30, 45 & 49) requesting to exceed maximum size of directional signs, 6 square feet allowed, 15 square feet proposed - for directional signs identifying parking areas for the hospital. CB/MU, RC & GB/MU Zones.

Voting on This Case:

Tom Jenkins

Sean Duffy

Susan Douglas

Donald Berthiaume

Jay Coffey

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Tim Sullivan, Barlo Signs, Hudson, NH. Mr. Sullivan said Scott Cote, a representative of Southern New Hampshire Medical Center is present tonight.

He said they are seeking a variance for 15 square foot directional signs where 6 square feet is presently allowed. The signs will be located at the entrance to various Southern New Hampshire Medical Center parking properties. He said the increased size is required based on the fact that these signs must be easily and quickly read by motorists seeking parking for the hospital. A copy height of 18" lot designation and 4" description will aid motorists and eliminate confusion with the parking lots. The signs will be non-illuminated, aluminum construction, finished dark green with contrasting white

reflective copy to aid in the nighttime traffic flow, while not being overly invasive on the surrounding environments.

He said the proposed signs meet the spirit of the ordinance by providing information and direction while maintaining an attractive uniform appearance. The primary concern is to eliminate the parking confusion that currently exists within the hospital campus.

Mr. Sullivan said the signs will not be contrary to the public interest. The various parking properties are unique to the City's numerous facilities overseen by Southern New Hampshire Southern Medical Center. The hospital desires uniformity and readability for their patients and staff to quickly and safely identify the parking entrances.

He said the signs will not serve as any form of advertising. There will be no hospital logos or anything like that on the signs. These will be signs purely to direct the public. The signs will get traffic quickly and safely to the hospital parking areas, while reducing lost and confused motorists cruising the neighborhood streets trying to find out where the parking spaces are.

He said unnecessary hardship is due to the inherent nature of parking lot entrances. It is necessary to quickly identify these parking lots and safely maneuver into the parking areas without disrupting the traffic flow around them.

Mr. Sullivan said the allowed 6 square foot sign would greatly reduce the copy height that is allowed on this type of sign. The variance would not injure the public or private rights of others. To the contrary, the intent is to inform the public and allow them to have the time to make a safe entrance into the parking facilities.

Scott Cote, Property Management Director, Southern New Hampshire Medical Center, 8 Prospect Street. Mr. Cote said this is an opportunity for them to try to bring their campus structure together.

He said when he first started working for the hospital a number of years ago he asked where he should park and he was told to park in the CVS lot. What they meant was the "Spring Street" lot, where the old Public Works barn used to be. He said many of them who have worked at the medical center over a period of time have provided instructions to employees based on "history" as to what's occurred in the area, for example, "park down by the old grainery building." He said what this will do for them is to bring consistency.

He said by growing their parking space availability they are providing more structure to their staff so they park in designated parking lots.

He referred the Board to a map that was handed out to them earlier. He said on the back it provides a designation of what they are trying to do and simply labeling the lots by a letter designation to allow proper flow of traffic. He said they manage a total of roughly 1,300 parking spaces and that doesn't include the off-street parking that is available around the facility.

Mr. Jenkins said the size that they are asking for seems rather large. He asked if there is a smaller size that they can go with.

Mr. Sullivan said their concern is that when you are traveling down the street there are vehicles and there are people walking. A six square foot sign isn't real big, not to mention the fact that they're not only doing a parking lot designation, but all the signs have some copy on them such as "Patient Parking", "Physician Parking", or whatever the designation is. If you reduce the size of the sign, they are going to be reducing the size of the copy down to probably 2 1/2", maybe 3" at the most. It is going to be hard to read that as you are traveling down the road to see, for example, Parking Lot A - but that Parking Lot A is physician parking and the patient can't park there. It's their intent to have the signs so that with everything going on you will be able to read the signs when you are behind

the wheel.

Mr. Jenkins asked the size of the letters.

Mr. Sullivan said the letters are 4" to 5" in height.

Mr. Jenkins said basically there is a 9" band at the top and bottom of the sign.

Mr. Sullivan said that is correct.

Mr. Jenkins asked if there was any way to condense the size of the band.

Mr. Sullivan said a lot of the visual impact of a sign is to have some negative space around it. If you cram the signs right in tight it is an uncomfortable sign to look at. He said they are trying to maintain an attractive look to the sign as well without restricting the copy.

Mr. Jenkins asked how far the signs will be away from the entrance in order for people to see it.

Mr. Cote said it is going to vary. He said they are looking at the visibility, but they have to be sure that they aren't obstructing the views when exiting so they aren't restricting traffic. Several of these signs are going to be set back. They also have a fair amount of landscaping that they don't intend to disturb either. For example, on the new lot that has been constructed off of Spring Street where the former Texaco Station used to be, there is a clear designated entrance into that lot that is off of Spring Street. Immediately adjacent to that lot there is a fairly large landscaped island. He is guessing that in this particular location the sign will be as far back as 20', but angled so that when you are coming around Spring Street you will be able to see it.

Mr. Jenkins asked if Mr. Cote was comfortable with the size of the signs that are being requested.

Mr. Cote said he is. He said if you think about it in terms of it being a fifteen square foot sign, this is 3'X5' or thereabouts. He said although it is fairly large, it is really necessary, particularly if you look at the relationship of, for example, Lot E, which is designated as the emergency parking lot. He said they clearly want those issues to be very visible, as they do the outpatient services, etc. They have spent quite a bit of time studying it to make sure they do it right. The signs will be very attractive, particularly in comparison to what they have right now.

Mr. Duffy said he needs a little more convincing as to why the signs have to be this big and on pylons. He said some of the businesses don't have signs that are this big.

Mr. Cote said the issue they faced over the weekend with the recent storm is a classic example of about why they need to be concerned about where they position the signs and the height. He said the medical center is very concerned about how it's facilities look. He said they are in the process of making a comprehensive 25 million dollar investment in their facility now and they are very concerned about the aesthetics and appearance. This project for this signage is costing approximately \$50,000.

He said many of these lots are large. When you put a sign of this size on a large open landscape area, it tends to somewhat disappear simply because of the size of the lot that surrounds it. This is another reason that they have to see that it's positioned properly and large enough to have the impact they are looking for.

Mr. Duffy asked if having the letters such as A, B, C, etc. is significant for the patients or visitors.

Mr. Cote said the purpose for the large letter designation is that when an appointment is made for a patient to come on an outpatient basis, you want to make it clear with them and make it simple so they know where to park. He said when you aren't feeling well and you are on your way to see your physician or on the way to the Emergency Department you want to make certain

things are very clear and easy to understand. If somebody calls and they are coming in for an urgent care visit, they will be asked to park in Lot E. He said it is a campus and the letters actually flow and have a particular pattern to it.

Mr. Carrier asked how many signs they would have.

Mr. Sullivan pointed out the back of the map that shows the signs. He said he believes there are a total of twenty-three.

Mr. Cote said there are fourteen designated lots and some of the larger lots have multiple sign locations.

Mr. Carrier asked if they would be coming to the Board if the signs met the requirement of six square feet.

Mr. Falk said these types of signs do not require a permit if the sign is not visible from a right-of-way or they are more than 15' back.

Mr. Duffy asked if any of the proposed signs would be inside the setback areas.

Mr. Cote said "No."

Mr. Berthiaume said that they just approved a new lot and one of the stipulations was that there be head in parking only. He said he hasn't seen a sign yet.

Mr. Cote said the signs are on order. He said there are a whole series of signs. There was an RSA that was passed some time ago in the State of New Hampshire about posting your lots if it's reserved parking for your business or your use. It has the label that shows the RSA. In addition to that, they are dealing with the same issue for Lot D. They actually finished that lot about 5 - 6 weeks ago and it's been opened. They do need to post those signs along the back fence.

Someone asked a question - **unintelligible.**

Mr. Cote said the largest sign they have is the one on the corner of Main Street & Spring Street. It is somewhat of a kiosk in terms of providing directions for the emergency room. They have another one that's up on the top marquee of the medical center itself. All the other way-finding signs you will see are the 2'X3' signs. The text letters that are on these signs are about 1 1/2" - 2" and are difficult to read.

Mr. Currier asked if they felt that the hospital has adequate parking now or if they are still looking for additional lots to add parking in the future.

Mr. Cote said a growing major medical facility in an urban environment is a significant challenge. They are always keeping their options open and looking at what's best for the institution. They have an obligation to the hospital's Board of Trustees to make sure they work in terms of market share or what's fair market value in terms of purchasing lots. They are constantly looking at making sure that they grow properly. He said they have a good neighbor policy with the neighbors that are around them. They have several residential abutters around them. He said the additional lot they added off of Prospect Street, parking lot D, has made a significant impact. It's roughly 70 parking spaces that have been added to their inventory. They added an additional 60 spaces at the former site of the Texaco Station. These additional 130 parking spaces have made a significant difference for them. He said they have actually had, at certain times, a number of empty spaces around the campus. This is the first time he's seen that in the six years he has been with the hospital.

Mr. Cote said they think they have made some significant progress. They shared a Master Plan with the Planning Board that shows the construction of another garage that will be coming within the next 3 - 5 years. That garage is actually planned for the large Spring Street lot, where Lot F shown on the map is located. He said they are likely to build a 500-600 car parking garage in its place. Their plan would include another catwalk that would go across Spring Street and connect from that parking garage directly to the medical center. He said the addition

that is being installed right now has the ability to be able to receive that catwalk as it would come across Spring Street.

He said the long term goal, once the garage is constructed, would be to move the helipad from its current location on top of the existing garage to the new garage facility so that you could land the helicopter and be able to come directly across the catwalk right into the Emergency Department and Cardiology wing as well as surgical services.

SPEAKING IN FAVOR

No One.

SPEAKING IN OPPOSITION

No One.

Mr. Duffy said it's hard not to support this given the great organization that is in here. He just wishes the signage would be less.

Mr. Jenkins said he assumes that they will be installed tastefully. He said he would rather see a variety of different sizes depending upon the need for the particular lot.

Mr. Duffy said they are amenable to having the signs be non-illuminated.

More discussion ensued regarding the signs.

MOTION by Mr. Duffy to grant the variance requesting up to 23 multiple non-illuminated post and panel signs on 14 parking lots, 6 square feet allowed, 15 square feet proposed for the following addresses: 5, 8, 10-12, 11 ½ & 16 Prospect St, 280, 282, 252-254, 286-288 Main Street, 24 East Otterson Street, 24 Dearborn Street, L East Hollis Street (Sheet 31 Lot 7, & 18-20 & 38 Tyler Street. The hospital use is in the CB/MU Zone and is an approved use. It pre-dates zoning. The hospital has continued to expand. The ordinance allows reasonable use and development

given the special conditions of the property for the benefit sought by the applicant. The reasonable use of signage for the site to allow flow of traffic to be efficient. This is within the spirit and intent of the ordinance. It will not adversely affect the property values of surrounding parcels. The applicant has testified that they work with the residents and abutters in the area that may have concerns. It is not contrary to the public interest. Substantial justice will be served in that the hospital has use of identifying significant parking in the area. No special conditions.

SECONDED by Mr. Berthiaume.

MOTION CARRIED UNANIMOUSLY

Request for Rehearing

Mile High Real Estate, LLC (Owner) 35-37 Courtland Street (Sheet 66 Lot 30) requesting the following: 1) special exception to add two additional multi-family dwelling units to an existing 4-unit multi-family dwelling; and 2) variance for minimum lot area, 16,552 square feet existing - 21,000 square feet required. RB Zone.

Request made by David Ryan, 56 Concord Street

Voting on This Case:

Tom Jenkins
Sean Duffy
Jay Coffey
Jack Currier
Donald Berthiaume

Mr. Jenkins asked if anyone thought there were any procedural

errors, including improper notice denying someone the right to be heard.

None of the Board members felt that this was the case.

Mr. Jenkins asked if there was an illegal decision. In other words, did the Board fail to completely address each point of law required for a special exception and/or variance.

None of the Board members felt that this was the case.

Mr. Jenkins asked if the request for rehearing contained any new information not presented or available to the Board at the original hearing.

The Board didn't feel that this was the case.

Mr. Jenkins asked if there was anything in the request that would cause the Board to make a different decision.

The Board didn't feel that there was anything different.

MOTION by Mr. Carrier to deny the request for rehearing for 35-37 Courtland Street for both a special exception and a variance. There was no procedural error. The Board does not believe there was an illegal decision. The Board concurs that there is no new information and there is nothing in the request that would cause the Board to make a different decision.

SECONDED by Mr. Coffey.

MOTION CARRIED UNANIMOUSLY

Minutes

1/11/05

MOTION by Mr. Duffy to approve the minutes of 1/11/05 and place them on file. He said there are a few corrections that need to be made and they will be submitted to staff. reading and place

on file.

SECONDED by Mr. Berthiaume.

There was discussion about what could be done about the tapes. The Board asked if they could maybe announce who on the Board was speaking - if their voices are that similar. There was also discussion about the quality of the tapes.

MOTION CARRIED UNANIMOUSLY

Regional Impact

The Board did not find any items of regional impact, although Mr. Jenkins said he would be recusing on Case #6.

ADJOURNMENT

Mr. Jenkins called the meeting closed at 7:40PM.

Susan Douglas
Clerk

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Taped