

ZONING BOARD OF ADJUSTMENT PUBLIC HEARING AND MEETING
October 24, 2006

A public hearing of the Zoning Board of Adjustment was held on Tuesday, October 24, 2006 at 6:30 PM in the Auditorium at City Hall.

Sean Duffy, Chair, conducted the meeting.

Members present were: Sean Duffy, Chair
Jack Currier, Vice Chair
Normand Tremblay
Jeff Anderson
Carter Falk, Deputy Planning Manager/Zoning

Mr. Duffy explained the Board's procedures, including the points of law required for applicants to address relative to variances and special exceptions. Mr. Duffy 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. Mr. Duffy also explained procedures involving the timing light.

- 1. Palm View Crossing, LLC (Owner) MDP Management (Applicant) 57 Palm Street (Sheet 83 Lot 67) requesting variance to exceed maximum elderly housing density, 92 units allowed on 2.312 acres - 140 units proposed. RC & GB Zones.**

Voting on this Case:

Sean Duffy
Jack Currier
Normand Tremblay
Jeff Anderson

Attorney Morgan Hollis, 39 East Pearl Street, Nashua, NH. Atty. Hollis explained that MDP Management is proposing to redevelop the former Batesville Casket building into 140 units of elderly housing, along with some commercial use. Atty. Hollis indicated that the property is split-zoned, and described where the existing and proposed parking areas will be located. Atty. Hollis described the interior space of the building, and how it will be converted into the elderly dwelling units, which will be between 450 and 880 square feet in size.

Atty. Hollis went over what the effects would be to traffic, and passed out a traffic report. In addition, Atty. Hollis went over all the variance points of law. Further discussion ensued between Atty. Hollis and the Board.

Alan Yeaton, Architect, Manchester NH. Mr. Yeaton indicated the overall exterior appearance of the building will remain the same. They will re-use what's there as best as they can, and repairs will be done to bring the building back to its proper historical context.

Additional discussion ensued between Atty. Hollis and the Board.

SPEAKING IN FAVOR:

No one.

SPEAKING IN OPPOSITION OR WITH CONCERNS:

Bill Gagnon, 48 Pine Street.

Del Langille, 98 Linwood Street, and owner of 75 West Hollis Street.

SPEAKING IN FAVOR - REBUTTAL:

No one.

SPEAKING IN OPPOSITION OR WITH CONCERNS - REBUTTAL:

No one.

MOTION by Mr. Duffy to grant the variance to exceed maximum elderly housing density, 92 units allowed on 2.312 acres, 140 units proposed. Mr. Duffy stated that the applicants proposed use of the property by testimony, given this density and open space of significant square footage inside the building and reasonable open space outside the building and maintaining the condition of the façade and the integrity of the redevelopment and the retrofit of the building that has been in Nashua for over 100 years, are special conditions of the property, and that the applicant has sought the least intensive use of the development of this site, and the benefit sought by the applicant cannot be achieved by some other method reasonably feasible for the applicant to pursue, in fact, more intensive uses could have been pursued. Mr. Duffy stated that the request is within the spirit and intent of the ordinance that in a split zone, given the retrofitting and redevelopment of a unique piece of property, that may be of historical classification structure.

Mr. Duffy stated that the request should not adversely affect the property values of surrounding parcels; it is not contrary to the public interest, in fact, it has ties to the Master Plan for potential use as a core incubator area and site, and this proposal is somewhat conducive to that Master Plan presentation, and therefore, substantial justice is served. Special Conditions are that a 6 foot tall fence on the Pine Street area be re-established and maintained to protect a 15 foot open space or treed buffer area to be worked out by the applicant and abutter (48 Pine Street), and the applicant is very clear that this request is for elderly housing up to 140 units within the existing structure.

Discussion ensued between the Board members relative to the special condition.

Mr. Duffy amended the Special Condition to state that the applicant shall work with the Planning Board to re-establish and maintain the fence on the property line between the subject lot and 48 Pine Street and to accommodate snow removal.

AMENDED MOTION SECONDED by Mr. Anderson.

AMENDED MOTION CARRIED UNANIMOUSLY 4-0.

MOTION SECONDED by Mr. Tremblay.

MOTION CARRIED UNANIMOUSLY 4-0.

2. Bonnette & Picard LLC (Owner) 502 West Hollis Street (Sheet E Lot 83) requesting the following: 1) to amend a previously approved special exception for a single-family cluster development by reducing the number of units from 40 to 37, and the acreage from 12.07 to 10.75 acres; and the following variances: 2) use variance to allow a two-story bank with a drive-through, 3) to exceed maximum ground sign area, 10 sq.ft permitted, 75 sq.ft. proposed, 4) to exceed maximum ground sign height, 6 ft. permitted - 10 feet proposed, and 5) to allow three wall signs, where wall signs are not permitted. R9 Zone.

CASE POSTPONED BY THE APPLICANT TO THE NOVEMBER 21, 2006 MEETING.

3. 111 Coburn Association (Owner) Omnipoint Communications, Inc. (Applicant) 111 Coburn Avenue (Sheet F Lot 79) requesting special exception to construct a 150-foot high monopole communications tower with related support equipment. R18 Zone.

PER APPLICANTS LETTER - POSTPONED TO THE NOVEMBER 8, 2006 MEETING.

REQUEST FOR REHEARING:

"L" West Hollis Street [AHEPA].

The Board stated that the rehearing request will not be heard, as there are not five voting members present, and is still on the Table. It will go to the November 8, 2006 meeting.

REGIONAL IMPACT:

The Board did not find any cases of regional impact.

MINUTES:

October 10, 2006:

MOTION by Mr. Duffy to accept the minutes, waive the reading, and place them in the file.

SECONDED by Mr. Tremblay

MOTION CARRIED UNANIMOUSLY 4-0.

ADJOURNMENT:

Mr. Duffy called the meeting closed at 8:02 p.m.

Jack Currier
Acting Clerk