

ZONING BOARD OF ADJUSTMENT PUBLIC HEARING AND MEETING
August 28, 2007

A public hearing of the Zoning Board of Adjustment was held on Tuesday, August 28, 2007 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 (arrived at 6:50 p.m.)
Claire McHugh
Bob Carlson
Robert Shaw
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.

[Case 4 taken first]

4. John & Catherine Fisher (Owners) Gary Flaherty (Applicant) 101 Shore Drive (Sheet E Lot 530) requesting special exception to work within the prime wetland buffer and prime wetland of the Nashua River to install a 4'x20' seasonal floating dock, connected to the shore with gangway and stairway, and to erect two decks attached to the house. R9 Zone.

Voting on this Case:

Sean Duffy
Claire McHugh
Bob Carlson
Robert Shaw

Gary Flaherty, Hollis, NH. Mr. Flaherty stated that they are requesting approval to install a floating deck. He stated that they already received their State of NH DES Permit for Notification. The stairway and dock system is an area with no trees or shrubs; it has been cleared many years ago. He said

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that the owner has gone before the Conservation Commission and has received approval. He said the owners are doing this because they are rowers. He said the dock is private, and will not be used by the general public, and will be removed for the winter months and stored. He said the dock is put together by sections, and is lightweight, held together with clips, and easily removed. The stairs will remain in place permanently.

Mr. Flaherty went over the special exception points of law, and went over the wetland points of law as well.

SPEAKING IN FAVOR:

Mr. Donald Dyer, 16 Radcliffe Drive. Mr. Dyer said he's been there for 37 years, and said there has always been docks there, but they have always been utilized.

Mrs. Catherine Fisher, 101 Shore Drive. Mrs. Fisher said they bought the house specifically to enjoy the river. The dock is for their personal use as skimmers.

SPEAKING IN OPPOSITION OR WITH CONCERNS:

No One.

MOTION by Mr. Duffy to grant the special exception on behalf of the owners, he said it is listed in the Table of Uses, Section 16-271, Table 271-1, it should not create any undue traffic congestion or unduly impair pedestrian safety, which actually is not applicable in this case, it should not overload public water, sewer or other municipal systems, in fact, the applicant has a well-prepared and thoroughly prepared application that has been before the Conservation Commission and review. Mr. Duffy stated that all the special regulations are fulfilled, as they have already gone over the wetland special conditions, the impact is minimal, and mitigation has been provided, and therefore, should not impair the integrity or be out of character with the neighborhood, or be detrimental to the health, morals, or welfare of residents that the applicant has reasonable use of their property.

Mr. Shaw said the 11 stipulations from the Conservation Commission should also be incorporated into the motion for approval, and they were added.

SECONDED by Mr. Shaw.

MOTION APPROVED UNANIMOUSLY 4-0.

[Case 6 taken second]

6. **Housing Initiatives of New England Corp. (Owners) 27 Will Street (Sheet 87 Lot 284) requesting special exception to expand a nonconforming use by adding a second floor dormer with windows to expand existing second floor community room. PI & RB Zones.**

Voting on this Case:

Sean Duffy

Robert Shaw

Claire McHugh

Bob Carlson

Cynthia Taylor, President. Ms. Taylor said the property is located in two zones. She said the elderly housing is allowed in the residential zone, but not in the industrial zone. She said the community room has no natural light up there, and the residents will benefit by having better light up there. She described the building's location and how it's laid out. The added dormer will add about 800 square feet, and will not add additional units.

Ms. Taylor went over the points of law for a special exception. Ms. Taylor said the use has been there for about 25 years, and will help make the façade of the building look much better.

SPEAKING IN FAVOR:

No One.

SPEAKING IN OPPOSITION OR WITH CONCERNS:

No One.

MOTION by Mr. Shaw to grant the special exception on behalf of the owner. Mr. Shaw stated that the special exception is listed in the Table of Uses, Section 16-302 (a). Mr. Shaw stated that this request will have no impact on traffic congestion, or will not unduly impair pedestrian safety, as there will not be any additional units.

Mr. Shaw stated that the use will not overload public water, drainage or sewer or other municipal systems, special

regulations are fulfilled, in that there will be a very limited change to the building in relation to the special exception, and it will not impair the integrity or be out of character with the neighborhood or be detrimental to health, morals or welfare of residents, in fact, it will improve the space and the use of this part of the elderly housing community, and will be a positive improvement overall.

SECONDED by Ms. McHugh.

MOTION CARRIED UNANIMOUSLY, 4-0.

1. **John F. & Susan A. Burnham (Owners) 3 Hutton Street (Sheet B Lot 2324) requesting variance to encroach 5 feet into the 25 foot required front yard setback (on Robinson Road) to construct a 24'x24' attached garage with a family room above. RA Zone. [POSTPONED FROM 8-14-07]**

Voting on this Case:

Sean Duffy

Jack Currier

Claire McHugh

Bob Carlson

Robert Shaw

Attorney Robert Welts, 11 Factory Street, Nashua, NH. Atty. Welts said the request is for a 24'x24' garage with a room above. It will be about 35 feet from Hutton Street. Atty. Welts said this garage will alleviate a parking problem for the owners, as the baseball games across the street can cause parking problems. It will also alleviate some cramped conditions within the house. This request will allow for a garage at basement level, and the garage floor will be on the same level as the existing basement. Atty. Welts described additional criteria with the proposed garage in relation to the house and the lot. Atty. Welts went over all the relevant area variance points of law.

Atty. Welts pointed out that there are several letters of support from the neighbors, and showed pictures of the property, along with proposed elevation drawings.

SPEAKING IN FAVOR:

No One.

SPEAKING IN OPPOSITION OR WITH CONCERNS:

No One.

MOTION by Mr. Shaw to grant the area variance on behalf of the owners. Mr. Shaw stated that the request is needed to enable the applicant's proposed use of the property, given the special conditions of the property, in this case it is a corner lot, so, the property is already restricted, and it is a small lot restricted by the 25-foot front yard setbacks on two sides of the property. Also, the position of the house on the lot is such that there isn't an opportunity to go to the left or southern side of the house, or to come out to the front, so the situation is limiting. Mr. Shaw said that by testimony, that other reasonable methods have been considered and were unable to meet the need of their request.

Mr. Shaw said the request is within the spirit and intent of the ordinance, in allowing the use of the property within the limitations of the footprint. Mr. Shaw said there is no indication of any adverse property values, and it should be comparable to other values in the neighborhood.

Mr. Shaw said the request is not contrary to the public interest, in fact, all the direct abutters are very favorable to the request, and substantial justice is served by allowing reasonable use of the property.

SECONDED by Mr. Carlson.

MOTION APPROVED UNANIMOUSLY 4-0.

2. Pennichuck Water Works, Inc. (Owner) 39 Orchard Avenue (Sheet 1 Lot 60) requesting special exception to demolish an existing water tank, and construct a new water tank upon an existing utility lot. R9 Zone.

[POSTPONED TO THE 9-25-07 MEETING]

3. Jamike Co., Inc. (Owner) 97-101 Main Street (Sheet 78 Lot 6) requesting variance from maximum front yard setback, 10 feet maximum allowed, 20 feet requested, to construct a 10'x26' one-story addition on the back of the building, facing Mechanic Street. D-1 Zone.

[Case Withdrawn]

5. **3 Bud Way, LLC (Owner) Christian Skinner (Applicant) 28 Charron Avenue (Sheet E Lot 1350) requesting use variance to allow a teen center/coffeehouse in a portion of an existing building. AI Zone.**

Voting on this Case:

Sean Duffy
Jack Currier
Rob Shaw
Claire McHugh
Bob Carlson

Christian Skinner, Hudson, NH. Mr. Skinner said for 6 ½ years they have been running the Drifters Club on Factory Street. It is a club for young teens, with no alcohol, and they have bands, poetry readings, and it's a place where kids interact with one another in a safe setting. It is generally open from 7 p.m. to 11 p.m. He said they do not serve food, it is mostly pre-packaged items. He said they were located in Concord before the Nashua site.

Mr. Skinner passed out a letter of support from a parent whose children go to Drifters, and a letter of support from a Nashua police officer. He said they do not necessarily want to move, but the building owner is selling the building and they must vacate. He said they have looked at numerous buildings throughout the region, and this one fits their needs very well.

Mr. Skinner said there is a door cover charge of \$10 to enter, and this venture makes them a living, but is more of a labor of love in this business for them, to help youth. The bands are checked out very carefully, and they do not promote drugs or anything violent. It is more of a Christian, faith-based use. They limit it to five bands, each plays for about 20 minutes. He said they have an average between 60-75 teens there at any given night. The proposed building will hold less people, as it is about half the size, and the smaller size should be a better fit, as the current building is probably too large for their needs.

He said that about 95% of the kids who go to their site get dropped off by their parents, so the parking need isn't there, and the kids, once inside, if they leave, must pay to get in again, so once the kids are in, they're in until their parents pick them up at 11 p.m. There hasn't been any crime generated from their patrons. Also, they take a walk around their parking

lot to make sure the kids are not just hanging around, and since they don't serve food, all the kids are hungry at 11 p.m., and they all leave as soon as the night is over.

Further discussion ensued between the Board and the applicant.

SPEAKING IN FAVOR:

Al Sewell, 5 Lincoln Avenue. Mr. Sewell said that Mr. Skinner is a community leader, and this is a great place for the youth, and offers his full support to this use.

SPEAKING IN OPPOSITION OR WITH CONCERNS:

Letter from PSNI, Unit 1, 28 Charron Avenue.

MOTION by Mr. Duffy to grant the use variance on behalf of the applicant. Mr. Duffy stated that the zoning restriction is a reasonable use of the property, considering the unique setting of the property in its environment, in fact, per application, a teen center/coffeehouse with music for an under age 21 age group, and precludes many of the potential differences that appear in the City of Nashua, it is therefore within the general purposes of the zoning ordinance to allow this type of a variance to be granted. Also, Mr. Duffy said the proposed use should not injure the public or private rights of others.

Mr. Duffy stated that the request is within the spirit and intent of the ordinance, considering it a use variance for a very specific use on this property.

Mr. Duffy said the request should not adversely impact the property values of surrounding parcels, even though there was no expert testimony. The owner of the building actually seems to be welcoming the proposed use. It should not be contrary to the public interest, and substantial justice is served to the applicant for reasonable development rights for a use of this nature.

Mr. Duffy said the special conditions are that this use be approved for only a building occupancy of no greater than 99 persons, for the purposes of performing and entertaining for teen center uses. The second is that the performers and deliveries all be to the rear of the building. The third is that the applicant will have posted inside and outside noting that the outside assembly should be minimized, and the applicant

has a right to refuse service to any patrons that they feel has not been in compliance with this. This is a non-alcoholic and non-smoking use of the building as requested and agreed to by the applicant.

SECONDED by Mr. Carlson.

Mr. Shaw stated that the proposed use is very much in the public interest, a very good use for the youth.

Also, additional persons could go into the building once it is sprinklered, as long as it meets the Fire and Building Codes.

MOTION CARRIED 4-1 (Mr. Currier).

7. 22 Marshall Street, LLC (Owner) 26 Marshall Street (Sheet 29 Lots 26 & 64) requesting use variance to allow an additional 24-unit multi-family building to a recently approved 80-unit multi-family development. GI Zone.

Voting on this Case:

Sean Duffy
Jack Currier
Rob Shaw
Claire McHugh
Bob Carlson

Attorney Gerald Prunier, 20 Trafalgar Square, Nashua, NH. Atty. Prunier said back in 2002, the Board approved 126 units of multi-family. Afterwards, the Beebe Rubber Company removed all the buildings on the site. Further, the applicant asked for 80 units, located in two buildings. The hazardous waste has been removed, per the Remedial Action Plan by the State of New Hampshire.

Atty. Prunier said the applicant was able to purchase some of the old abandoned railroad land, which added to the overall size of the property. This allows the applicant to add another building, which is the reason why they are here tonight. Another 4-story, 24-unit building is proposed.

Atty. Prunier stated that one of the older approved buildings is to be moved over 10 feet. Atty. Prunier said the site has 191 parking spaces, which meets the zoning ordinance. He said this area is an area in flux, and many new uses have recently been erected, much of them with use variances, no industrial uses

have been added. Atty. Prunier stated that the proposed use is a good buffer to the single-family units, and multi-family units have already been approved.

Mr. Currier asked Atty. Prunier if this is workforce housing.

Atty. Prunier said they are proposed to be rental units, but they may have some workforce units, but it will depend on the market. He showed the Board on a map where the newly acquired land is

Vincent Iacozzi, 603 Old Mammoth Road, Londonderry, NH. Mr. Iacozzi described the new land that was added. He said that when they acquired the old railroad property, they agreed to add in a walking trail, to work in conjunction with the City. There will be a 10-foot wide walkway.

Atty. Prunier said that major work will be done to improve the drainage problems in this area. He said his client has owned the property from January 2007. Atty. Prunier said that the existing units will be multi-family.

Vincent Iacozzi said there will be a mix of one and two bedroom units. There will be no vehicle access to New Street.

Atty. Prunier said they have replaced the basketball court with a swimming pool.

SPEAKING IN FAVOR:

No One.

SPEAKING IN OPPOSITION OR WITH CONCERNS:

No One.

Ms. McHugh referred to the minutes from the previous meeting, specifically about the workforce housing issues. Further discussion ensued among the Board. Ms. McHugh had concerns about the added traffic, and the additional units.

Mr. Currier said a couple years ago, there was a big initiative towards more affordable, workforce housing, which was what the applicant intended to do. It may not be as much on the radar screen today.

Ms. McHugh said they still have 80 units that are approved. She does not believe there is a rental unit problem in the City. She said this request is not for persons over age 55.

MOTION by Mr. Duffy on behalf of the owners to grant the use variances. Mr. Duffy stated that the variance is needed to enable the applicant's proposed reasonable use of the property, considering the applicant has added to the property in size and dimension, and has come forward with a less long-term overcrowding potential use of the property that is in conformance with parking and uses of the site, and has reduced the size and structure of this building, so it is in conformance with the additional land given to the property.

Mr. Duffy stated that the request is within the spirit and intent of the ordinance that the applicant has some reasonable development rights as this project continues in its redevelopment. The applicant has added mitigation and drainage improvements to the Marshall Street area.

Mr. Duffy said there was no expert testimony about the project adversely impacting property values, although the applicant did testify that this is a buffer zone between residential uses and mixed commercial/retail uses.

Mr. Duffy said this request should not be contrary to the public interest, and that the conditions applied by the granting of the last variance are still in effect, as there have been no other substantive development in this area of residential commercial/retail to this proportion, and substantial justice is served for reasonable use, which will not overload the density calculations required by the City of Nashua ordinances.

SECONDED by Mr. Carlson if some special conditions are added, one is that the pool must be built as shown on the plan, and the green areas be added to the corners, as shown on the wide open areas on Marshall Street, across from Keough Avenue. Also, all tree buffers must be planted and maintained.

Mr. Currier said there was a lot of opposition when this came to the Board before. He was surprised that none of the neighbors came out this time, as this site has not gotten any better looking in the meantime.

Mr. Shaw said even with this request, it is still not as dense as the previous approval.

Further discussion ensued among the Board members.

MOTION CARRIED 4-1 (Ms. McHugh).

- 8. Peter M. Bonnette (Owner) "L" Edgewood Avenue (Sheet 60 Lot 38) requesting authorization pursuant to RSA 674:41 II to erect a single family home where access thereto will be by a private drive. RA Zone.**

Voting on this Case:

Sean Duffy
Jack Currier
Rob Shaw
Claire McHugh
Bob Carlson

Richard Maynard, Maynard & Paquette LLC, 23 East Pearl Street.
Mr. Maynard stated that this is not a variance or a special exception, it is a request pursuant to RSA 674:41 II, which is to erect a single-family home on a lot without any street frontage. There have been a few similar cases in recent years such as this one, on Westchester Drive, Warsaw Avenue, and Carver/Brigham Streets, and all appeared before the ZBA under the same RSA. Prior minutes are attached.

Mr. Maynard stated that the lot in question contains 9,866 square feet, where only 7,500 square feet is required in the RA Zone, and is larger than many of the lots in the neighborhood. The lot would be accessed by a private 15-foot driveway, and the lot is an existing lot of record. It has been taxed as a lot of record for many years.

Mr. Maynard said that a hardship need not be proven, only to meet the RSA requirements. The approval of the permit must not distort the official map, it must not increase the difficulty of carrying out the Master Plan, and must not cause hardship to future purchasers or undue financial impact on the municipality.

Mr. Maynard said there will be no distortion to the official map, as no streets are proposed in this area. Also, the Master Plan identifies this area as residential, and the subject lot exceeds the minimum size required, which is 7,500 square feet. He also stated that there will be no hardship on future homeowners, as the lot will be accessed by a private driveway about 130 feet in length, which is not unusual. There will be no financial burden on the City, in fact, the City will receive

a significant tax revenue when the house is built. Therefore, all conditions of the RSA have been met.

Mr. Currier asked about the parcel's history.

Mr. Maynard said there were two back lots, which have been in existence since the 1950's. The current owner has owned it since 1986. They owned three lots, the one with a house on it, a lot in back of that with a pool, and the subject lot on the side next to the back lot. These were described from looking at a map.

Mr. Currier asked about a letter in the file, and they were concerned about property values.

Mr. Maynard stated that issue isn't in the RSA's, and is not to be considered. It is a lot of record, larger than the minimum size, and a single-family home will be built there. He said it will meet all the setbacks.

Mr. Carlson asked how the new home would add value to the neighborhood.

Mr. Maynard said that is not one of the tests, or points of law in this case. The only issue is access to the lot. The private driveway is deeded.

Mr. Currier asked about how this meets the Master Plan.

Mr. Maynard said the Master Plan calls for residential in this particular area, with density of development of 7,500 square feet minimum lot sizes. The Master Plan is not a zoning ordinance.

Further discussion ensued between the Board and the applicant.

SPEAKING IN FAVOR:

No One.

SPEAKING IN OPPOSITION OR WITH CONCERNS:

Duane Wood, 4 Edgewood Avenue. Mr. Wood said he's lived there since 1943. He said there is a ledge on the side of the lot, so there may be blasting. Also, the driveway is only 15 feet wide, and was concerned where the telephone poles and electric wires

would be located. He thought the 15-foot wide driveway is very narrow.

Dave Linatsas, 10 Edgewood Avenue. Mr. Linatsas said he's lived there since 1986. He is adjacent to the back lot. He is opposed, and showed the Board a plan showing the existing Bonnette property, with the lots in back. The neighbors bought a slice of land to protect themselves so that another house wouldn't be built in the back. He is also concerned about the traffic, as it is a one-way only certain times of the day. He showed the Board some pictures of the subject area, including the driveway. He is concerned about snow removal and property values, also.

Bill Neverett, 6 Edgewood Avenue. Mr. Neverett said his lot abuts the one in the back. He said putting a building in the rear of his lot is not conducive to the neighborhood. He said the values of the properties will not improve, as it would add congestion in the neighborhood. His deed says that water may be put in, but not electricity, sewer. He's been there for 10 years. He said the driveway is a blind right-of-way and can be dangerous, and there are many safety issues here.

Mr. Neverett said he owns the land, but the driveway is an easement that is in his deed.

Elizabeth Linatsas, 10 Edgewood Avenue. Mrs. Linatsas said the lot was always part of their back yard.

Kevin Milligan, 15 Reservoir Street. Mr. Milligan said that the Boards decisions are not based upon past practice, each case is considered individually. Also, RSA 674:41 II says that the request has to go to a governing body in the City, which the ZBA, who's judgment is essential in making a decision, it is not an administrative decision. He said the neighbors, and community opinion does matter, as well as the Master Plan, which can be used as an adjunct to zoning rules.

Mr. Milligan said this property is significantly higher than the houses on Edgewood Avenue, which will create a monolith, or castle, above these homes.

David Villiotti, 125 Amherst Street. Mr. Villiotti is the Executive Director of the Nashua Children's Home, which is an abutter to the subject lot. He stated that they wanted to buy Mr. Wood's house, and he can confirm that there's been

playground equipment on this lot for many years. Mr. Villiotti explained what the Children's Home does.

SPEAKING IN FAVOR - REBUTTAL:

Richard Maynard, 23 East Pearl Street. Mr. Maynard said the owner in the rear has rights to the driveway, and the RSA is quite clear for issuance of a building permit. The Boards criteria are the four items from the RSA. The variance issues are not to be considered here. He said they would install a turn-around in the lot so that drivers can pull out of the driveway, instead of backing out.

Mr. Duffy asked how this request conforms to the Master Plan.

Mr. Maynard said the Master Plan has broad ideas and broad development scenarios, not individual zoning criteria. The Master Plan lays out densities per acre in certain areas of the city, not by an individual lot by lot basis. It is a single-family neighborhood. The Master Plan may reference the Zoning Ordinance, but they have different criteria. Also, frontage and width issues are not to be considered in the RSA, and variances for those issues are not relevant, it is only the four tests in the RSA.

Mr. Maynard said the proposed house would have an 80 foot distance, they wouldn't be 20 feet apart.

Mr. Maynard also said he would not accept a stipulation that the house would be a ranch.

SPEAKING IN OPPOSITION OR WITH CONCERNS - REBUTTAL:

David Linatsas, 10 Edgewood Drive. Mr. Linatsas said he's confused about the setbacks. He passed out a plan showing the proposed building elevation.

Mr. Duffy asked if the Master Plan would connect the ordinances to this request.

Mr. Linatsas said he's not sure how it conforms to the Master Plan, and doesn't believe the RSA's clearly point out how this would work out.

Mr. Currier asked what the definition of the Master Plan is. He thought they might consult Corporation Counsel to seek

additional information relative to how this conforms to the Master Plan.

Mr. Shaw asked what aspects of the Master Plan fits into this request.

Ms. McHugh mentioned #3 of the RSA's. She thought they should defer to this.

Mr. Duffy said this should only be #2.

Ms. McHugh stated that she'd only be in agreement to a ranch style home, and is in favor of deferring the vote until the next meeting.

Mr. Carlson said they should be able to look at the issues raised by the neighbors and abutters, about what's good and bad for the area. He said all the neighbors are in direct opposition to this request. He stated that he'd like to vote based upon what he's heard.

Mr. Duffy said there is a general sense to table this request.

MOTION by Mr. Duffy to table this request to the next meeting, which is September 11, 2007, to be the last item on the agenda. It will be a continuation of the public meeting.

SECONDED by Mr. Currier

MOTION APPROVED 4-1 (Mr. Carlson).

9. Cabo Realty, LLC (Owner) Olympia Development, LLC (Applicant) 407 A&B Amherst Street (Sheet H Lot 469) requesting use variance to remove former Ground Round Restaurant and construct a 4-story, 110-room hotel. GB Zone.

Voting on this Case:

Sean Duffy
Jack Currier
Rob Shaw
Claire McHugh
Bob Carlson

Attorney Denis Robinson, Pierce, Atwood, LLP, Portsmouth, NH. Atty. Robinson said they want to open a Hampton Inn hotel. He said he has described the five points of law criteria in the package.

He said the first issue he wants to point out is aesthetics. The parent company has very strict aesthetics for landscaping. It has pitched roofs, clapboard siding, and they are stringent with how the building and site looks. Atty. Robinson said the parking between Somerset Parkway and the building will have a nice facade.

Atty. Robinson went over a corridor study of Rt. 101A. He mentioned some traffic points. He said this road in the early 1970's was a 2-lane country road. It has grown considerably in the past 30 years. Atty. Robinson said there is widening proposed, and synchronizing of signals to help traffic flow. He said that Exit 8 was created recently, as well.

Atty. Robinson said the proposed use will have less traffic than the previous restaurant, and has submitted a trips generation report indicating such. A full traffic report will be done for this project.

Mr. Duffy asked if the site will have a restaurant.

Atty. Robinson said it will not have a restaurant, only morning coffee.

Mr. Duffy asked about the traffic study.

Atty. Robinson said that one hasn't been done yet, but they will do one. He said he has provided a preliminary trip generation report, which he believes is not only accurate, but they probably over-estimated the numbers. He stated that he believes the hotel is a reasonable use as it relates to the GB zone. It will have a limited access, and less traffic than the previous restaurant. Also, there are three other hotels located right up the street.

Further discussion ensued between the Board and the applicant relative to the landscaping and the portico.

SPEAKING IN FAVOR:

Eric Hodgkins, 280 Fore Street, Portsmouth, NH, representing Olympia Development. He said they own, operate and maintain 13 hotels in the area. They will own, operate and manage this building. They are fully committed to getting this building up and running as soon as possible. It will not have a restaurant, but they cannot sell any of the breakfast items to outsiders,

only to guests. There is an exercise room and a pool. He said it is a limited service hotel, and the site is not conducive to a full service hotel.

Mr. Hodgkins said the building in the drawing will be "flip-flopped", so the porte-cochere will face Somerset Parkway. He said that the landscaping will meet some very stringent guidelines that the Hilton chain wants them to meet. Also, the parking lot will be re-striped, and the parking lot lights will be upgraded.

SPEAKING IN OPPOSITION OR WITH CONCERNS:

No One.

MOTION by Mr. Currier to grant the use variance. Mr. Currier stated that the GB zoning restriction as applied interferes with the landowners reasonable use of the property. Mr. Currier stated that he believes that the proposed hotel would result in less traffic to the surrounding area and the surrounding area would make a good situation for the hotel because of the nearby services, because of this, with the stipulation that the hotel does not build or provide a restaurant or lounge, or any other services to non-guests, is a key stipulation to keeping traffic below volume. Given that low traffic and high landscaped standards that have been testified to by the applicant tonight, the request is within the spirit and intent of the ordinance to grant this use variance, and it will not affect the property values of surrounding parcels.

Mr. Currier stated that it is not contrary to the public interest, and substantial justice is served. He wanted to add another stipulation that the hotel would have their advertising to utilize Exit 8 as opposed to Exit 7. He said another stipulation will be that the connection to Amherst Street will be ingress, not egress.

Board waived rules to allow the applicant to speak.

Atty. Robinson said up to 4 stories and up to 110 rooms, which was agreed to by the Board unanimously.

SECONDED by Mr. Carlson.

MOTION CARRIED UNANIMOUSLY 5-0.

REHEARING REQUESTS:

None.

MINUTES:

None.

REGIONAL IMPACT:

The Board determined that none of the upcoming cases have regional impact.

ADJOURNMENT:

Mr. Duffy called the meeting closed at 10:24 p.m.

Jack Currier
Acting Clerk

CF
Taped Hearing