

ZONING BOARD OF ADJUSTMENT PUBLIC HEARING AND MEETING
June 23, 2009

A public hearing of the Zoning Board of Adjustment was held on Tuesday, June 23, 2009 at 6:30 PM in the Auditorium at City Hall.

Jack Currier, Chair, conducted the meeting.

Members present were:

Jack Currier, Chair
Sean Duffy, Vice Chair
Kathy Vitale
Robert Shaw
Gerry Reppucci
Carter Falk, Deputy Planning Manager/Zoning

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

- 1. City of Nashua, Lake Street Fire Station (Owner) Christopher J. Hoffman (Applicant) 177 Lake Street (Sheet 92 Lot 122) requesting variance to exceed maximum fence height, 6 feet allowed, 8 feet requested, between 177 Lake Street and 6 Lake Avenue. RB Zone, Ward 6.**

Voting on this Case:

Jack Currier
Sean Duffy
Kathy Vitale
Robert Shaw
Gerry Reppucci

Christopher Hoffman, 6 Lake Avenue, Nashua, NH. Mr. Hoffman stated he is also representing the City of Nashua Fire Station, as advertised. He said the Fire Station has been there for about eleven years, and the fence is about 10-12 years old, and the reason this case is before the Board is due to this past spring, there was an insect infestation along the fence line,

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and it was due to the rotting wood fence. He said when they looked into getting a vinyl fence, it was determined that it was on the Fire Station's property. He said that Assistant Chief Anderson was willing to work with them on the issue, and said they'd contribute towards a chain link fence.

Mr. Hoffman said he and the neighbors were talking about this, and ultimately determined that anything but a chainlink fence would be better for privacy, and the higher, the better, as there is parking in the back of the Fire Station, and it would help to block the view, and to allow for greater privacy. He said the proposed fence is vinyl, with a lifetime warranty, and will have gravel under it, so there will be no maintenance involved, and the footings will be cemented in the ground. He said that all the neighbors are in favor of this request, as shown on the petition. He stated that the fence will be approximately 152 feet from the end of the road to the back of the fence.

Mr. Reppucci asked if the 8 foot section abuts solely the Fire Station property.

Mr. Hoffman said no, it will be across the back by his other neighbor's lot, which is 32 Linwood Avenue. He said 8 feet will be for the entire fence project, except for the post risers, which extend up a couple inches.

Mr. Currier asked if the 8 feet height is to the top of the fence, or to the posts.

Mr. Hoffman said it is to the top of the fence. The posts are 12 feet long, but they are sunk below the grade four feet. He said the caps are about 2 inches taller. He said this will help shield the residences from the Fire Station parking lot, as well as the lights, trucks and activity. He said that the Fire Station is giving an allowance to allow for the fence to be erected.

SPEAKING IN FAVOR:

No One.

SPEAKING IN OPPOSITION OR WITH QUESTIONS OR CONCERNS:

No One.

MOTION by Mr. Duffy to grant the variance on behalf of the applicant. He stated that it is granted for up to a length of 152 linear feet. He stated that the special conditions of this request is the proposed use of the property, given the special conditions is that the abutter is not a commercial or industrial use, but is a municipal Fire Department, it is a very limited use in its scope, and makes those properties a little bit different, there is round-the-clock 24-hour light and activity in the use of that property, which is not usual in an abutting situation, it is a very reasonable use in that the applicant is requesting to seek relief of a shield for privacy or visual buffer up to 8 feet, they are not requesting ten or twelve feet, it is a very aesthetically in scale building, therefore, it is within the spirit and intent of the ordinance, a reasonable use of eight feet to shield and buffer.

Mr. Duffy said the request should not adversely affect property values of surrounding parcels, although there was no expert testimony, this is a very low maintenance and to scale request, and will shield the parking of vehicles on the property, so therefore is not contrary to the public interest, and substantial justice is served.

SECONDED by Ms. Vitale.

Mr. Currier said there was testimony that the posts may be two inches higher than 8 feet, and should an objection come to us, it would be outside of the approval, and recommends clarifying the motion to say that the mean height is eight feet, with the posts a few inches higher.

Mr. Duffy agreed, and said the approval is tied to the drawings in the package and testimony, and the topography changes a little bit, too.

Mr. Reppucci asked if the City put a 6-ft high fence when the Fire Station was built, and finds it disturbing that the applicant, the abutter, if paying for this. He thought that the City should be replacing the six-foot high fence with another six-foot high fence, but these abutters have to pay a lot of money for something that will belong to the City. He thought the abutter should be possibly paying for the difference between the six and eight foot fence, if any.

Ms. Vitale said it was her understanding that the fence was there before the Fire Station.

Mr. Currier said he commends Asst. Chief Anderson for working with the abutter on this.

Mr. Reppucci said he thought this was a burden on the neighbor; the City should be replacing this.

Further discussion ensued.

MOTION by Mr. Duffy to waive the rules to allow a statement from Mr. Hoffman.

Christopher Hoffman, 6 Lake Avenue, Nashua, NH. Mr. Hoffman stated that the City did originally replace the fence that had deteriorated, and paid for it, and said that they are trying to alleviate and remove the insect infestation issue, so with the vinyl fence, this will do it. He said this request will solve everyone's problem.

MOTION CARRIED UNANIMOUSLY 5-0.

2. **State of New Hampshire - Department of R.O.W. (Owner) Pennichuck Water Works, Inc. (Applicant) 154 Daniel Webster Highway (Sheet A Lot 117) requesting the following special exceptions: 1) to allow a water booster pumping station, and 2) to work within an intermittent stream and its 20-foot buffer to construct a culverted driveway to access proposed water booster pumping station (ZBA approved on 9-25-07 - approval has lapsed). RA Zone, Ward 7.**

Voting on this Case:

Jack Currier
Sean Duffy
Kathy Vitale
Robert Shaw
Gerry Reppucci

James Petropulos, Civil Engineer, Hayner Swanson, Inc., 3 Progress Street, Nashua, NH. Mr. Petropulos stated that this is a lapsed approval, in September 2007 the ZBA approved this request and ultimately, the project never got started. He said

this is on the National Armory site, and described the physical location. He said the area is largely commercial in nature.

Mr. Petropulos stated that there is a drainage swale that bisects the site, which handles the stormwater from the then Shaws and Tulley sites across the street, ultimately going to the Merrimack River.

Mr. Petropulos said the request is to construct a 20'x25' booster pump station; it will be a utility type hut. He said that Pennichuck has an easement in place with the State. He said the improvement will add pressure to the area of South Nashua, as it is a heavily commercialized area, and will reduce energy costs. He said that originally, Pennichuck contacted DOT about a curb-cut, but DOT denied the request, which is why the access is being made off of South Main Street.

Mr. Petropulos said the driveway will be gravel, and will go over a small man-made intermittent watercourse, and the overall square footage of the wetland buffer is about 1600 square feet. He said they have already received a positive recommendation from the Conservation Commission, both in 2007 and last week.

Mr. Petropulos said it is a fully encapsulated building. He went over all the points of law for the special exceptions as if they are one case taken concurrently.

Mr. Duffy asked if there are any other conditions that have changed in the general neighborhood, such as infrastructure.

Mr. Petropulos said it is essentially the same.

Mr. Duffy asked what will be improved with the water.

Mr. Petropulos said that during certain periods of time, like in the summertime, the booster pump station will allow for better pressure in the area.

Mr. Duffy asked about the maintenance.

Mr. Petropulos said it would be periodic maintenance, probably not more than an hour visit.

Mr. Duffy asked if the Conservation Commission stips are still relevant.

Mr. Petropulos said they are.

Mr. Shaw asked if the Conservation Commission recently met.

Mr. Petropulos said they are fine with the project, it was more like a discussion, and they are ok with the previous steps of approval.

Mr. Duffy asked about the earlier postponement.

Mr. Petropulos said it was about funding for the pump station.

SPEAKING IN FAVOR:

No One.

SPEAKING IN OPPOSITION OR WITH QUESTIONS OR CONCERNS:

Vincent Tulley, Tulley BMW Buick Pontiac. Mr. Tulley said he met with staff, and others involved with the project when it was originally introduced. He said it looked fine, and it was passed. He stated that he then met with representatives from Public Service, and Pennichuck about the power to the station, and the power poles would end up in front of our property. He said they have the right to put them there, via an easement for the guy wires.

Mr. Tulley said there is a 3-phase pole on the Friendly's site, with a guy pole already attached to it, so they could cross over the DW Highway. He said they would have to put up two poles in front of his property. He said that they discussed this with Pennichuck last year, and hasn't heard back from them. He said originally, they didn't know where the power would be coming from. He said he didn't have a problem with their project, but feels that the power should come from their side of the street. He stated that it would impair the integrity and character of the neighborhood on their side of the street, and the power should come from their side of the road. He stated that it could impair the value of their property as well.

Mr. Reppucci asked if they can put a pole there without an easement.

Mr. Tulley said they could, however, they would need a guy pole to hold it up, and it would be on our property.

Mr. Currier asked about the 3-phase pole.

Mr. Tulley said it is the same size pole, with three transformers on top of it.

SPEAKING IN FAVOR - REBUTTAL:

Jim Petropulos, Hayner Swanson, Inc., Nashua, NH. Mr. Petropulos stated that they just became aware of this issue today. He stated that Pennichuck is certainly willing to work with the Tulley's, what is needed is to get out to the site with Public Service and Pennichuck to work it out. He said he didn't feel that it is out of character with the neighborhood, and this is a land use issue, it's between the Tulley's and Pennichuck to work it out.

Mr. Duffy said the access road would be over 240 feet long, a dirt/gravel road, that would go through a buffer zone and thought that is an aesthetic adjustment to that neighborhood, and asked if they would be amenable to a special condition to be able to site the utility access along the side of the road.

Mr. Petropulos said they are not ready to make that agreement before the Zoning Board. He thought it may be best worked out with Tulley, Public Service, and Pennichuck. He said that 3-phase power is not on South Main Street, it is only single-phase.

SPEAKING IN OPPOSITION OR WITH QUESTIONS OR CONCERNS - REBUTTAL:

Vincent Tulley, Tulley BMW Buick Pontiac, Nashua, NH. Mr. Tulley reiterated that there is 3-phase, with a guy wire on the corner, and it could bring power down there.

Mr. Reppucci said that Public Service decides how they are going to provide power, he said it is not part of the zoning process, Public Service decides how they will bring power to the site. He said he believed that Public Service has the right to determine how power is going to be brought to a site.

Ms. Vitale agreed, she would like to see them work together.

Mr. Duffy said he believed that this is clearly within the purview of the Board, as a special condition of the project to continue.

Mr. Shaw said he's fine with the application, and stated that a new pole in front of the Tulley's site would not be out of character with the neighborhood, they may not prefer to have the pole there, but there is another pole on the adjacent property. He stated that the applicant is willing to work with PSNH and the Tulley's, to try to find an appropriate solution for the placement of the service, and didn't feel that this issue is something we should take up as a stipulation for this motion.

Mr. Currier said it's an RA Zone, and it needs 3-phase power. He said the business on DW Highway draw a lot of power, and feels that this issue does fall within the purview of the Board, because if the Board is going to grant a special exception to allow a high power pump in the RA Zone, which leads to the question of how it will be powered, it does become our purview because it would be in an RA Zone.

Mr. Reppucci said there are established rules and policies that PSNH follows on providing power to locations. He said their engineers make those determinations based upon that, and even for locations on where they tap into power, he said it's not in our purview to determine this.

Mr. Duffy stated that the power is an integral component of this request, and feels that they should be amenable to a stipulation relative to the power.

MOTION by Mr. Duffy to grant the special exception on behalf of the applicant. Mr. Duffy said both requests for the special exceptions were listed in the table of uses, Section 190-15, Table 15-1, #278. He said the construction and the duration of the project will not impair vehicular and pedestrian safety, the request will not cause significant or dramatic changes to any commercial, residential or infrastructure systems in that area, it should not overload the water, drainage, sewer or other municipal systems, all the special regulations are fulfilled, and per testimony, all of the nine wetland special conditions are met, and the applicant is amenable to the Conservation Commission findings of August 15, 2007, with four stipulations. Mr. Duffy stated that 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, therefore, the special exceptions will allow the applicant reasonable use of a project that is needed for the infrastructure of the City, that is amenable and allows for a crossing of a minor intermittent stream, which will have no detrimental effect to the area where the culverted driveway is crossing.

SECONDED by Ms. Vitale.

AMENDMENT TO THE MOTION by Mr. Duffy that it is a reasonable request that the special condition is to allow for the power utility access, 3-phase, be brought down from the opposite side of the street from the abutter to the Tulley Automotive property, or that they come up with a final solution that is both amenable to the abutter and the applicant for access of that power to allow a water booster pumping station in an area that does not have access to 3-phase power.

SECOND TO THE AMENDMENT by Mr. Currier.

Ms. Vitale said both parties should be happy, as they will be required to work together to come up with a solution.

Mr. Reppucci said by including language that requires the abutters to agree, so they are satisfied with the solution, we are attempting to legislate how power is brought into that area, which goes way beyond our scope. He said it could be tens of thousands of dollars.

Ms. Vitale said there could be a variety of costs involved, both the abutter and the applicant are reasonable, and if the abutter would see that the cost of what is being proposed, she said she can't imagine that a business owner that is an abutter, knowing that the pumping station is going to supply additional water pressure within an area of Nashua, is going to be so steadfast that they will insist on things their way, she said there will be some give and take, and is happy with the language.

Mr. Duffy said the Tulley's work very conscientiously with their neighbors, as evidenced by the large retaining wall near their property.

Further discussion ensued.

MOTION TO THE AMENDMENT FAILS 2-3 (Mr. Duffy and Ms. Vitale for; Mr. Currier, Mr. Shaw and Mr. Reppucci against).

MOTION WITHOUT THE AMENDMENT APPROVED 3-2 (Mr. Currier, Mr. Shaw and Mr. Reppucci for; Ms. Vitale and Mr. Duffy against).

3. Deborah M. Aucoin (Owner) 8 Canter Court (Sheet F Lot 1029) requesting special exception to allow an accessory (in-law) dwelling unit. R9 Zone, Ward 1.

Voting on this Case:

Jack Currier
Sean Duffy
Kathy Vitale
Robert Shaw
Gerry Reppucci

Deborah Aucoin, 8 Canter Court, Nashua, NH. Ms. Aucoin said that her mother is living with her, and she is in the process of converting her existing garage into a common area, and they are adding a detached garage as well, so it will enhance the neighborhood. She said when they add the stove in, they'd need a special exception for the use.

Ms. Aucoin said she meets the special exception criteria points of law, and went over her application, she said it is a dead-end, with little traffic, and would enhance the neighborhood.

Mr. Currier asked if the existing garage would be converted to the accessory dwelling unit.

Ms. Aucoin said that by adding a stove in the unit, it would be classified as an in-law apartment.

Mr. Currier asked how large the in-law apartment is.

Ms. Aucoin said it is 20'x20', which is 400 square feet.

Mr. Reppucci said that according to the drawing, it is 20'x28', and the back part would be included.

Ms. Aucoin said part of that is a bath, which was expanded.

Mr. Reppucci said they are still under the requirement.

Mr. Currier went over the in-law special criteria.

Ms. Aucoin agreed to the in-law criteria.

Mr. Currier asked about the detached garage.

Ms. Aucoin said it is almost completed, and it didn't require any variances or anything, it was a standard building permit.

SPEAKING IN FAVOR:

No One.

SPEAKING IN OPPOSITION OR WITH QUESTIONS OR CONCERNS:

No One.

MOTION by Mr. Currier to grant the special exception on behalf of the owner. He stated that the use is listed in the table of uses, Section 190-32. Mr. Currier said that per testimony, the request will not unduly impair pedestrian safety or create traffic congestion, it is located at the end of a small cul-de-sac. He said the request will not overload public water, drainage or sewer or other municipal systems. Mr. Currier said the six special regulations for an accessory dwelling unit have been satisfied per testimony of the applicant, and the outside look of the structure will not change, and will therefore not be out of character with the neighborhood, or be detrimental to the health, morals or welfare of the residents.

SECONDED by Mr. Reppucci.

MOTION CARRIED UNANIMOUSLY 5-0.

4. Laura McGowan (Owner) 11 Fernwood Drive (Sheet 108 Lot 62) requesting variance to expand a nonconforming structure, 25 foot required front yard setback, 14 feet existing, to remove an existing 6'x5.5' stoop and construct an 8'x32' farmers porch. RA Zone, Ward 6.

Voting on this Case:

Jack Currier

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Sean Duffy
Kathy Vitale
Robert Shaw
Gerry Reppucci

Jeff Paradise, 261 Fish Road, Temple, NH. Mr. Paradise stated that he is the contractor, and they are requesting an area variance to construct a farmers porch, to encroach a total of 20 feet into the setback. He stated that there used to be a portico with a roof over it, but it was deteriorated and was removed, so now the owner is looking for some shelter over the front door. He said the porch will improve the property, and the front of the house will be re-sided. He said that other places in the area have the same type of thing.

Ms. Vitale asked if the steps will come off the front or the side of the porch.

Mr. Paradise said that hasn't been decided yet, the design is flexible.

Mr. Duffy asked if it will be a one-story shed, with a roof over it.

Mr. Paradise said it will be one-story.

Mr. Duffy said he is uncomfortable making a nonconforming use more nonconforming. He stated that the 32 foot length is pretty long.

Mr. Paradise said it will extend the length of the front of the house.

Mr. Currier said he is struggling with the level of nonconformity, 8'x32' is a big farmers porch, and the house is close to the road, and the front yard is small to begin with. He said possibly a 6 foot wide porch may be more amenable, the 8 foot width is pretty wide. He said it's served as a nice home for all these years, and wonders why they need such a large farmers porch at this time, he said he is struggling with the 8 foot width.

Mr. Paradise said the owner has put a lot of work in the inside of the house, and is flexible, and a 6 foot wide porch is possible.

Mr. Currier said the stairs coming out to the front makes sense to him, to go out to the street. He said that the new stairs may go out several feet past the 8 foot wide porch.

Mr. Currier said in looking at the ordinance, unenclosed stairs not extending above the first floor level, which applies here, may extend up to 3 feet from a side property line, or up to a front property line, so they could go out to the front.

Mr. Shaw asked if the owner is willing to go up to a width of 6 feet.

Mr. Paradise said yes, if it comes down to not having one at all, the 6 foot width is ok.

Mr. Shaw asked if the owner would like the whole width of the front façade for the porch.

Mr. Paradise said yes.

Ms. Vitale said front porches provide a very inviting front entryway for homes.

SPEAKING IN FAVOR:

Mr. Currier read a letter from the neighbors that was signed by Eric & Julie Esp, Lillian Papapoulos, Brian Reynoldo, and Miyan Shea, and Annette Dilea, all in favor of the 8'x32' porch.

SPEAKING IN OBJECTION OR WITH QUESTIONS OR CONCERNS:

No One.

Mr. Currier said he is uncomfortable with the 8 foot porch being so close, but is okay with a 6 foot wide porch.

Mr. Reppucci said either way, it would be an improvement, but said that a 6 foot porch is narrow, it may not fit a table.

Mr. Currier said the 8 foot wide porch does allow more activity closer to the street, it does add to the use of it.

Ms. Vitale said she's comfortable with the 8 foot wide porch, but agrees that the 6 foot porch is limiting for furniture on

it. She said the location closer to the roadway wasn't going to bother her, and the stairs will meet the setback.

Mr. Shaw said he'd feel more comfortable with the 6 foot wide porch, because it would be limiting a nonconforming use becoming more nonconforming.

Mr. Currier said this road can be somewhat heavily traveled, especially with the park right there. He said he'd prefer the 6 foot porch due to the moderate traffic going by here.

MOTION by Mr. Currier to grant the variance on behalf of the owner, he stated that the motion is approve a 6'x32' farmers porch, because with that width, it is a reasonable use of the property, given the special conditions of the property, which is that the house is close to the road. He stated that a 6'x32' porch is very large enough structure, that it can be accommodated and enjoyed by the homeowner, and that a 6'x32' porch is an 11 foot encroachment into the front yard setback, which is huge, and that amount is within the spirit and intent of the ordinance.

Mr. Currier said it will not adversely affect property values, it will improve the way the house looks, and is not contrary to the public interest, and substantial justice is served.

SECONDED by Mr. Shaw.

MOTION CARRIED 4-1 (Mr. Duffy).

5. Boys Club of Nashua, Inc. (Owner) 47 Grand Avenue (Sheet 87 Lot 280) requesting the following variances: 1) to erect a 23 square foot roof sign, where roof signs are not allowed in this zone; 2) to exceed maximum number of wall signs, 1 permitted, six requested; and 3) to exceed maximum wall sign area, 6 square feet permitted, 183 square feet requested. RB Zone, Ward 4.

Voting on this Case:

Jack Currier
Sean Duffy
Kathy Vitale
Robert Shaw
Gerry Reppucci

Norm Bouthilette, CEO, Boys & Girls Club of Nashua, 47 Grand Avenue, Nashua, NH. Mr. Bouthilette stated that Mr. Jay Leonard is with him for the presentation. He said a couple years ago, they had plans to modernize the facility, and the club has a great need in the community. He said they needed to identify how the building functions for younger children, and for teenagers. He said the teens and smaller children need to be somewhat separated, with different entryways.

Mr. Jay Leonard, 96 Pepperell Road, Hollis, NH, Board Member, Boys & Girls Club of Nashua. Mr. Leonard stated that the building is 50,000 square feet, and the request here is for signage. He said there used to be a 125 square foot sign, it was a wall sign. He said for the present request, there are three types of signs being requested, one is a wall sign that will identify the entrance to the teen center, it will say "The Club". He pointed out on a drawing where this sign will be located. He said the first picture is the side where the teen center enters, the second picture is where the sign is, and its 23 square feet.

Mr. Leonard passed around a picture of the sign that they are replacing. He said the existing sign is being replaced, and it was 125 square feet. He said that the second sign is the one that will go over the main entrance, which is newly designed. The sign is above the doorway, and is only one face, and is 23 square feet.

Mr. Leonard said the third item they are requesting are the silhouettes, which are more of a decoration, and will enhance the look of the building, they have no commercial message, no wording, no logos, but it's arguable either way if they would even be considered as wall signs, but we see them as decorations. He passed out pictures of the proposed silhouettes. He said that the signs are consistent with what is out there already, it's just to focus on the building.

Mr. Duffy asked if the signs are illuminated.

Mr. Leonard said there are external lights that are lit, but the signs themselves are not lit.

Mr. Bouthilette said there is a spotlight that will shine on the signs, and "The Club" sign is non-illuminated.

Mr. Shaw asked where the spotlights will be on the building.

Mr. Bouthilette said they will be at roof level, about 5 or 6 feet away from the sign.

Mr. Leonard said the lighting is consistent with all the other lighting in the neighborhood, it won't be excessive.

Mr. Currier asked where the silhouettes will be located on the building.

Mr. Bouthilette said that three silhouettes will be on the gym side, which is the east side, and two will be on the opposite side, where the pool is located. He said the silhouettes are decorative, like artwork.

Mr. Leonard stated that the area is not nice to look at, the wall is steel and undecorated stucco. This will help to decorate the building, they are not designed to draw people in.

Ms. Vitale asked what they are made of.

Mr. Bouthilette said the material is ¼ inch aluminum, and will be painted to match the building, they will be maintenance free. It will help the building look less like a warehouse.

Mr. Leonard said because the building is large, the signage and the silhouettes are important.

SPEAKING IN FAVOR:

Mr. Sean Neary, 29 Grand Avenue, Nashua, NH. Mr. Neary said he is an abutter, and looks directly at the building. He said he was initially concerned with the amount of signs, and the area of them. He said after taking a tour of the building, he is happy, and the signage that is proposed is tasteful, and does not detract from the neighborhood, and they've done a tremendous job in the building. He said the signage is an outward expression of a great use and benefit for the children of the City.

SPEAKING IN OPPOSITION OR WITH QUESTIONS OR CONCERNS:

No One.

MOTION by Mr. Currier to grant the variances, all taken together, on behalf of the owner. Mr. Currier stated that the variance is needed to enable the applicant's proposed use of the property, as has been described in the application and orally, and given the location, and the non-profit use with the clientele at the building, these signs are within the spirit and intent of the ordinance.

Mr. Currier said there is no professional testimony one way or another, but these signs will not affect property values of surrounding parcels, therefore, approval of this variance is not contrary to the public interest, and substantial justice is served.

Mr. Currier said that the special conditions are that the six silhouette wall signs are approved to be of silhouettes of the athletic activities that occur in the Boys & Girls Club of the City of Nashua, and if the activities or ownership change hands, those six silhouette signs will not be permitted.

SECONDED by Mr. Duffy, as the signs are directional, informational, and locational in purpose and in scope.

MOTION CARRIED UNANIMOUSLY 5-0.

OTHER BUSINESS:

REHEARING REQUESTS:

5 Pine Street Extension, Riverside Properties.

Mr. Currier asked if there was any procedural error.

Board members said "no".

Mr. Currier asked if it was an illegal decision, in other words, did the Board fail to completely address each of the points of law.

Board members said "no".

Mr. Currier went to question #4, and asked if there is anything which would/could cause the Board to make a different decision.

Mr. Currier said the applicant admitted fault, and missed the meeting.

Mr. Currier asked if the request for rehearing contains any new information not presented or available to the Board at the original Public Hearing.

Mr. Reppucci said yes.

Ms. Vitale said it doesn't apply, but we do have an explanation as to why they didn't appear.

Mr. Duffy said in the past, the Board has allowed applicants to come back and have an opportunity to present their case.

Mr. Shaw said the new information is why they weren't here to present their case.

Mr. Currier said they were blunt and honest, it's been through the DES and Conservation Commission, and it warrants being granted a rehearing.

MOTION by Mr. Currier to grant a rehearing for Riverside Properties, based upon the discussion we just had, based upon criteria #3.

SECONDED by Ms. Vitale.

MOTION CARRIED UNANIMOUSLY 5-0.

REGIONAL IMPACT:

The Board did not see any items of Regional Impact on the next agenda.

MINUTES:

June 9, 2009:

MOTION by Mr. Currier to approve the minutes, waive the reading, and place the minutes, as presented, in the file.

SECONDED by Mr. Reppucci.

MOTION CARRIED UNANIMOUSLY 4-0 (Mr. Duffy not voting).

ADJOURNMENT:

Mr. Currier called the meeting closed at 9:15 p.m.

Robert Shaw
Clerk

CF
Taped Hearing