



## ORDINANCE

AMENDING THE ZONING MAP BY CHANGING TWO TRACTS NORTHEAST OF  
AMHERST STREET FROM PARK INDUSTRIAL (PI) TO GENERAL BUSINESS (GB)

### *CITY OF NASHUA*

*In the Year Two Thousand and Thirteen*

*The City of Nashua ordains* that Chapter 190 “Land Use”, Part 2 “Zoning Districts and Supplemental Use Regulations”, Article 2 “Generally”, Section 190-12 “Zoning map”, is hereby amended by changing the zoning designation of the following described tracts from park industrial (PI) to general business (GB):

Lots 50 and 520 as shown on the attached plan entitled “Re-Zoning Plan Lots 50, 520 & 47/Sheet H, Amherst Street & Blackstone Drive, Nashua, New Hampshire” prepared for Wilmar Realty by Maynard & Paquette Engineering Associates, LLC, dated August 26, 2013 and attached legal description.

**LEGISLATIVE YEAR 2013**

**ORDINANCE:**                   **O-13-065**

**PURPOSE:**                   **Amending the zoning map by changing two tracts northeast of Amherst Street from park industrial (PI) to general business (GB)**

**ENDORSERS:**               **Alderman Richard A. Dowd**

**COMMITTEE  
ASSIGNMENT:**

**FISCAL NOTE:**               **None.**

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**ANALYSIS**

This ordinance changes the zoning from park industrial (PI) to general business (GB) for two tracts of land located on the northeast side of Amherst Street, which are shown on the attached plan. Applicant's statement setting forth the reasons for seeking the zoning change is attached hereto.

State statute (RSA 675:2) and NRO Section 190-132 require a public hearing and referral to the city planning board. The public hearing is conducted by the aldermanic planning and economic development committee with notice published in a newspaper of general circulation and posted in two public places at least ten (10) calendar days prior to the date of the hearing. (Notice period does not include the day notice is posted or the day of the public hearing. RSA 675:7, I.) A super majority vote (two-thirds (2/3) of all members present) of the board of aldermen would be required if a protest petition is filed pursuant to RSA 675:5.

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**Approved as to form:**           **Office of Corporation Counsel**

**By:**



**Date: November 21, 2013**

**PRUNIER & PROLMAN, P.A.**  
ATTORNEYS AT LAW  
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**ANDREW A. PROLMAN**  
aprolman@prunierlaw.com

October 29, 2013

City of Nashua  
Board of Aldermen  
229 Main Street  
Nashua, NH 03060

Re: Amherst Street

Dear Ladies and Gentlemen:

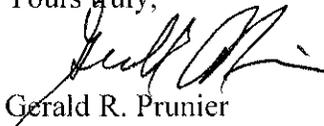
My clients, Wilfrid J. Piekarski and Mark Piekarski, are the owners of two tracts of real estate on Amherst Street that they are requesting be zoned to General Business ("GB"). The areas abutting my clients' real estate have been rezoned over the years, and individual properties have received variances for retail uses.

The Ford Motor Company real estate was rezoned to "GB", and part of the real estate owned by Wilfrid Piekarski is zoned "GB". The real estate requested to be rezoned has received variances for automotive repairs and automotive sales.

Rezoning the real estate owned by my clients would help them to orderly develop the real estate for uses that are or will be coming to the Amherst Street area.

Attached hereto as Schedule A are the names, addresses, and telephone numbers of the professionals working on the project.

Yours truly,

  
Gerald R. Prunier

GRP/jd  
Enclosures

AMHERST STREET  
SCHEDULE A

<p>Owner:</p>	<p>Wilfrid J. Piekarski 10 Marmon Drive Nashua, NH (603)888-0445</p> <p>Mark Piekarski 561 Amherst Street Nashua, NH (603)886-2867</p>
<p>Attorney:</p>	<p>Gerald R. Prunier, Esq. Prunier &amp; Prolman, P.A. 20 Trafalgar Square Nashua, NH 03063 (603)883-8900</p>
<p>Engineers:</p>	<p>Richard Maynard Maynard &amp; Paquette Engineering Associates, LLC 23 East Pearl Street Nashua, NH 03060 (603)883-8433</p>



**City of Nashua**  
**Planning Department**  
 229 Main Street  
 Nashua, New Hampshire 03061-2019

Planning & Zoning 589-3090  
 Fax 589-3119  
 WEB www.gonashua.com

**APPLICATION FOR REZONING**

I/We the undersigned, being owner/owners of real estate at Amherst Street  
 in the City of Nashua, listed as lot/lots No. 50 & 520 on the Assessor's sheet/sheets H  
 request that the Board of Alderman in accordance with the Nashua revised Ordinance, Section  
 190-276 A(4) Rezoning Application: Amend the requirements of the Zoning Ordinance follows:

From Park Industrial (PI) To General Business (GB)

For \_\_\_\_\_ Acres \_\_\_\_\_

For the following proposed uses:

Retail

I also hereby authorize the Nashua Board of Aldermen and the Planning Board, its staff and/or agents to enter on and inspect the property proposed for action by this application.

(Please Print or Type Below)

Owner's Name: Wilfrid J. Piekarski and

Applicant's Name: Wilfrid J. Piekarski

Mark Piekarski

Mark Piekarski

By Gerald R. Prunier, Their Attorney  
 Signature: \_\_\_\_\_

By Gerald R. Prunier, Their Attorney  
 Signature: \_\_\_\_\_

Address: 20 Trafalgar Square

Address: 20 Trafalgar Square

Nashua, NH 03063 603-883-8900

Nashua, NH 03063 603-883-8900

Phone No.: \_\_\_\_\_

Phone No.: \_\_\_\_\_

Date: October 29, 2013

Date: October 29, 2013

\*\*Agents and/or option holders, lessees must supply written authorization to petition on behalf of owner/owners.

Acceptance of this application and inclusion of the application on either the Planning Board or Board of Aldermen agenda does not infer that all requirements for rezoning have been satisfied.

I do hereby affirm that to the best of my knowledge and belief all information supplied with this application is true and accurate and that I am the owner of the property involved in the requested rezoning.

Date October 29, 2013

Signature Gerald R. Prunier  
 Gerald R. Prunier, Esq.

For Office Use Only:	Date Received <u>10/29/13</u>	Check # _____
	Fee Paid \$ <u>700</u>	Application Received by <u>[Signature]</u>
	Application Received by _____	

## “GB” ZONE DESCRIPTION

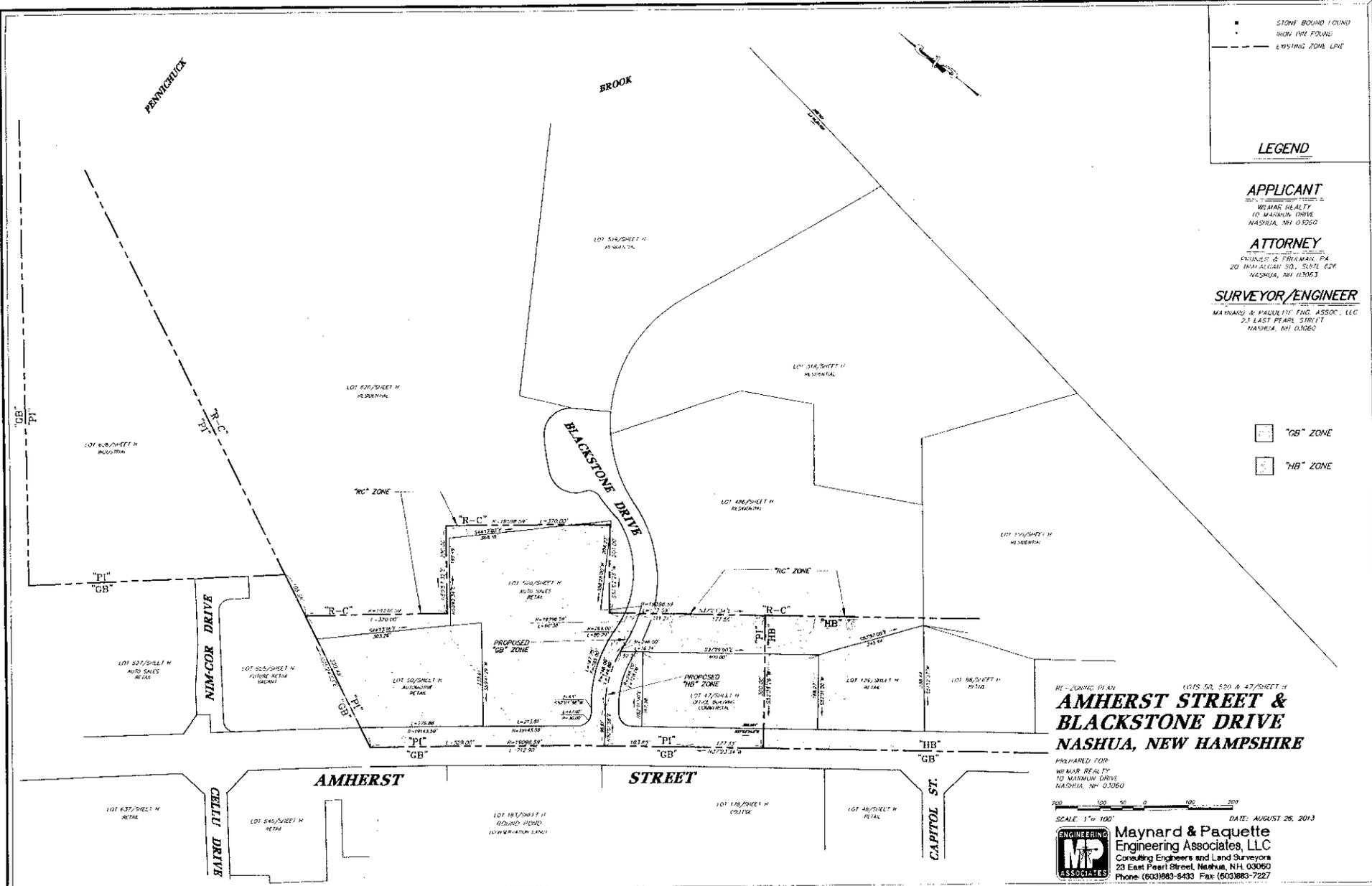
A certain tract or parcel of land situated on the northerly side of Amherst Street, Route 101A, in the City of Nashua, Hillsborough County, State of New Hampshire, and being more particularly described as follows:

Beginning at a point in the center line of Amherst Street (aka Route 101A) and the center line of Blackstone Drive, said point also being the southwest corner of the within described zone, thence;

1. By a curve to the left having a radius of 19098.59 feet a distance of five hundred twenty nine and 05/100 feet to a point, thence
2. N 25°-24'-53" E a distance of three hundred thirty and 49/100 feet (330.49') to a point of curvature, thence;
3. By a curve to the right having a radius of 19398.59 feet a distance of three hundred twenty and 00/100 feet to a point, thence
4. N 50°-57'-32" E a distance of two hundred and 00/100 feet (200.00') to a point of curvature, thence;
5. By a curve to the right having a radius of 19598.59 feet a distance of three hundred seventy and 00/100 feet to a point, thence
6. S 52°-02'-26" W a distance of two hundred and 00/100 feet (200.00') to a point of curvature, thence;
7. By a curve to the right having a radius of 19398.59 feet a distance of sixty six and 38/100 feet to a point, thence
8. By a curve to the right having a radius of 269.00 feet a distance of eighty and 29/100 feet to the point, thence
9. By a curve to the left having a radius of 246.00 feet a distance of one hundred forty four and 80/100 feet to a point of tangent, thence
10. S 52°-01'-58" W a distance of ninety and 91/100 feet (90.91') to the point of beginning.

Said Zone appears on a plan entitled “ *Re-Zoning Plan, Lots 50, 520 & 47/Sheet H, Amherst Street, & Blackstone Drive, Nashua, NH, Prepared For Wilmar Realty*”, prepared by Maynard & Paquette Engineering Associates.

Said parcel contains 260,782 s.f. (5.99 acres) more or less.



■ STONE BOUND FOUND  
 - - - - - WORK FROM FOUND  
 - - - - - EXISTING ZONE LINE  
  
**LEGEND**

**APPLICANT**  
 WIMBOR REALTY  
 10 MADRICK DRIVE  
 NASHUA, NH 03060  
  
**ATTORNEY**  
 ENGINEER & FIRM MAP, PA  
 20 TRIMMELMAN SQ., SUITE 620  
 NASHUA, NH 03063  
  
**SURVEYOR/ENGINEER**  
 MAYNARD & PAQUETTE ENG. ASSOC., LLC  
 23 EAST PEARL STREET  
 NASHUA, NH 03060

□ "GB" ZONE  
 □ "HB" ZONE

RE-ZONING FROM LOT 50, 520 & 47/SHEET H  
**AMHERST STREET & BLACKSTONE DRIVE**  
**NASHUA, NEW HAMPSHIRE**

PREPARED FOR:  
 WIMBOR REALTY  
 10 MADRICK DRIVE  
 NASHUA, NH 03060  
  
 SCALE: 1" = 100'  
 DATE: AUGUST 26, 2013

**ENGINEERING**  
**MP ASSOCIATES**  
**Maynard & Paquette**  
 Engineering Associates, LLC  
 Consulting Engineers and Land Surveyors  
 23 East Pearl Street, Nashua, NH 03060  
 Phone: (603)883-5433 Fax: (603)883-7227

KIM	APB	KPM	APPROV	BOOK & PAGE	D	12.5.17
12.5.17	08/27/13	08/26/13	APPROV	BOOK & PAGE	502	2/11/2014

THIS PLAN IS THE PROPERTY OF MAYNARD & PAQUETTE ENGINEERING ASSOCIATES, LLC. NO PART OF THIS PLAN IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM.