



We respectfully submit this Appeal of the Administrative Decision relative to 16 Archery Lane. The reasons for our appeal are as follows:

- The intended use of the property is not permissible under Nashua's Land Use Code, NRO § 190, in the suburban residence zoning district in which it is located (R9), therefore a building permit could not be issued;
- The intended use of the property does not constitute a single-family detached dwelling, as defined under NRO § 190-264;
- The property will not be occupied by a household, as defined under NRO § 190-264, as it will be occupied by multiple individuals and not a group;
- The intended use of the property is consistent with room renting and room renting land uses are not permitted by right or conditionally in our suburban residential zone (R9) under NRO § 190-15;
- The intended use is a commercial operation whereby the owner will be utilizing an agent or operator to run the property and rent rooms to individuals for short periods of time; commercial operations such as this are not permitted in our suburban residential zone (R9) under NRO § 190-15;
- Following the official determination that the intended land use constituted a boardinghouse/room renting the Planning Department and property owner failed to comply with the Administrative appeals process as required by NRO § 190-136. The intended use never changed. However, the city later allowed the owner to avoid appearing before the Planning Board, avoid applying for a Zoning Variance, and instead move forward with his plan without even filing an Administrative Appeal of the Planning Department's official determination of the land use.
- Finally, we must address the impact that this unpermitted land use will have on our well established, suburban residential neighborhood. The Planning Department and the various boards of the city of Nashua have not yet considered the material impact on the property values in this neighborhood and the perilous situation that will befall this neighborhood. The property owner has demonstrated a pattern of unlawful behavior and flouting the law. This has occurred not only here in Nashua, but also at other properties that he has owned in other cities, as evidenced by the situation that occurred in Worcester, MA in 2022. Please see attached article dated November 17, 2022 from MassLive.com.

We are appealing this decision for the above reasons, but reserve the right to supplement this appeal with additional reasons why this decision was erroneous at the time of the hearing.

**WORCESTER**

**Lodging house in Worcester's Main South, site of 47 police incidents since July, shut down by city**

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In Google photos of 20 King St., overgrown trees screen a lodging house from street view, which a Worcester police officer said creates an "enclave" where criminal activity can occur. (Google)



A lodging house in Worcester's Main South neighborhood, which has seen 47 police incidents since July 1, was denied a license by the city's License Commission on Thursday.

New Life LLC, a Burlington-based company, purchased the lodging house at 20 King St. over the summer. While neighbors said the site had been a problem for a long time, they had hope that new owners would make a positive change; instead, things began to get worse.

"This company is trying to come in and dismantle what the neighborhood has been trying to do on King Street," said Jacqueline Harris, a neighbor who lives on King Street, at the meeting. "We've been trying for years to clean up King Street... I want to keep moving forward to build up the community and not bring it down as this company is trying to do."

There are currently six occupants in the building out of its 14 bedrooms, all of whom are under eviction notices from New Life, according to Inspectional Services Division of Housing and Health Inspections Director Amanda Wilson. The property owner offered to pay tenants' first and last months' rent and security deposit if they moved out. Wilson told the commission that in addition to operating the lodging house without a license since it was purchased and not having the required resident manager, there have been repeated code violations at the property, including unregistered vehicles and trash on the exterior. There has also been unpermitted demolition work on the interior of the building, she said.

According to the permit history for 20 King St. on the Inspectional Services website, the last construction permit taken out at the property was for plumbing work in December 2020.

In addition, Inspectional Services had been attempting to reach the new owners since July, only receiving an email back in October, but still did "not have good communication back and forth at all," Wilson said. They were again

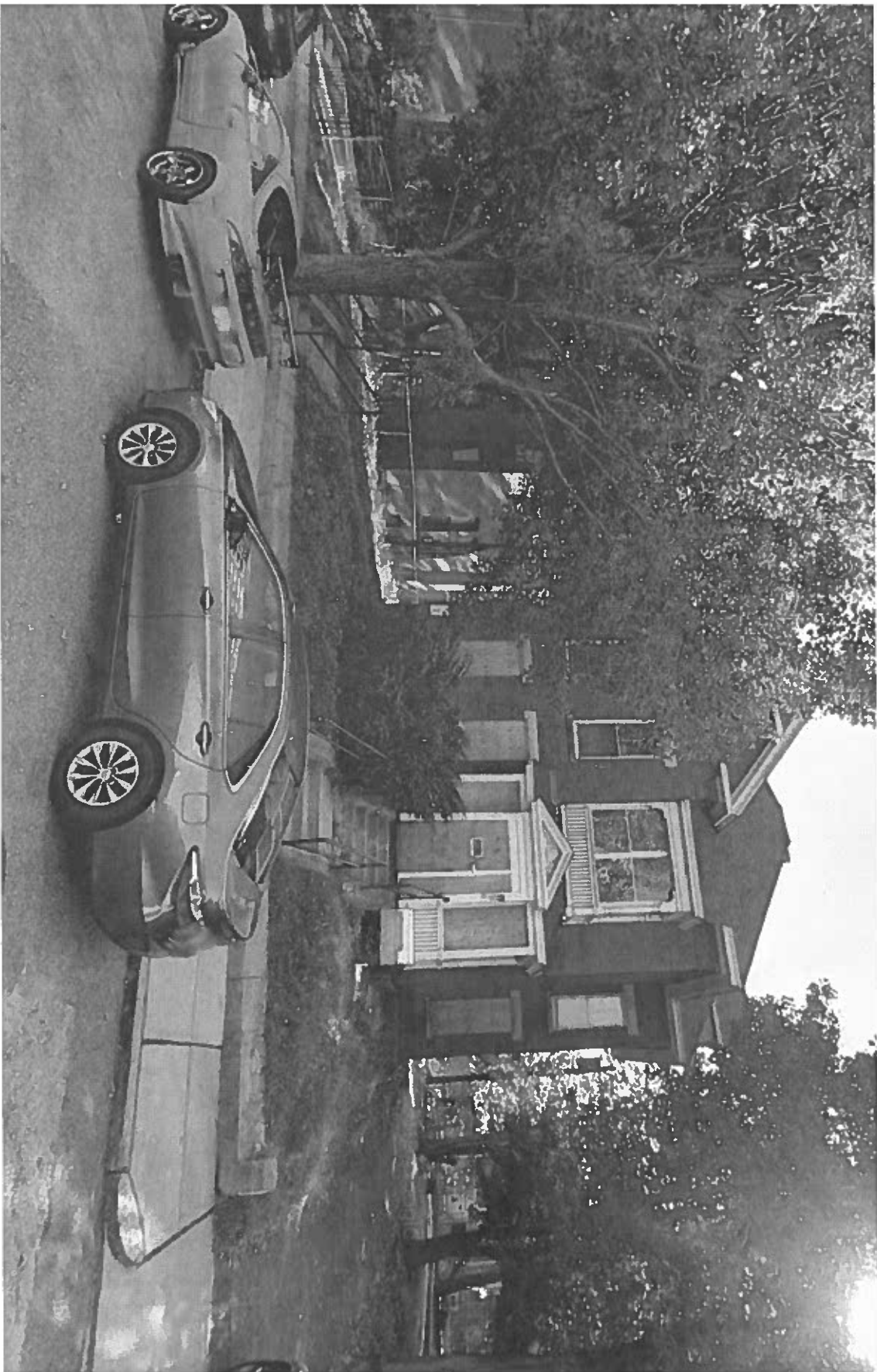
able to make contact Wednesday when an inspector visited the site and spoke with a worker who was helping to remove two of the three bathrooms in the building.

New Life also did not respond to invitations to community meetings in the area.

A sergeant with the Worcester Police Department's Neighborhood Response Team said there had been 47 incidents at the property since July 1. He said there was often drug activity on the concrete steps which lead from the sidewalk to the house's yard or on the porch. He called the property's yard a secluded "enclave" where illicit activity could occur outside of the eyes of neighbors due to a screen of trees and bushes, and had requested through Inspectional Services that the "overgrowth" be removed on two occasions, Sept. 20 and Oct. 20., with no response.

According to documents filed with the Registry of Deeds, New Life purchased the 21,562-square-foot property from Worcester-based RM Realty Corporation for \$550,000 on July 5. The managers of the company are Dan Murphy, who spoke at Thursday's License Commission meeting, and Peter Fondini

New Life also purchased another former lodging house at 41 Wellington St. last month. The property, which has been vacant for six to seven years, was purchased by New Life for \$275,000 from Fellowship Health Resources on Oct. 7.



41 Wellington St., a former lodging house purchased by New Life LLC last month. (Google)

Murphy said Thursday that he was unaware of code violations or unpermitted construction occurring at the King Street property and had not received communications from Inspectional Services or the Police Department. He said he had communicated and cooperated with the Fire Department, which had notified him about an issue with an electrical panel.

“Someone’s getting fired,” he said, referring to the unpermitted work.

He also said he believed the license for the lodging house transferred when the property was purchased, based on his experience in other municipalities. New Life has purchased multiple properties in Worcester County since 2020 for use as lodging houses, including four in Athol, according to the Registry of Deeds.

Murphy said New Life had planned to work with Obtainable Sobriety, which operates a sober living home on Frederick Street, to provide a new program at 20 King St.

Casey Starr, director of community initiatives at Main South Community Development Corporation, said that her organization has long been concerned about the large number of rooming houses in the neighborhood, but that they had been afraid to act on those concerns if it meant taking away the homes of the people who lived in them. Because the residents of 20 King St. are already being evicted and the city is helping them to access resources, the CDC, like neighbors, felt that it was an opportunity to close down one lodging house which was especially problematic.

“We’ve had ongoing crime on the property, ongoing social disorder, and we are working really hard on that block to take that block back for the neighbors, because that block is filled with families and wonderful people who deserve to have a safe and comfortable place to live,” Starr said. “Our community deserves to have conversations before additional placement of services on a residential block.”

Earlier this week, Worcester City Council discussed the over-saturation of rooming houses, shelters and similar programs in neighborhoods of the city like Main South. Councilor Sarai Rivera, who also attended Thursday's License Commission meeting to speak in opposition to New Life's license, and Councilor Candy Mero-Carlson requested that City Manager Eric Batista provide the council with a report on the subject to help create a more equitable zoning process.

Rivera said at Tuesday's City Council meeting that wanting to more evenly distribute rooming houses was not a "NIMBY" or "not in my backyard," issue, but one of equity.

"It's really hard to work on rebuilding or working in a community or certain neighborhoods and making sure we're increasing quality of life if we have an over-saturation," she said. "We continue to have a form of segregation because of race and class and we feel we can continue to do this in certain neighborhoods. Guess what? There's people there. They're paying property taxes too. ... They've been living there for generations and they're having to deal with situations in their community that are not being paid attention to.

As an example of the problem, Mero-Carlson pointed out that a half-mile stretch of Lincoln Street in her district has 27 rooming houses, shelters and service organizations.

"It's unfair to the people that we're trying to help, because at the end of the day, there's some areas, like in the Lincoln Street area, that some of those agencies are not providing services," she said. "The police are there all the time, and yet next door, you have people who are really trying to do the right thing and trying to get their lives back on track."