EXPANDED DRAFT MEETING SUMMARY
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NASHUA CITY PLANNING BOARD
November 17, 2016

The regularly scheduled meeting of the Nashua City Planning Board was held on Thursday, November 17, 2016 at 7:00 PM in the 3rd floor auditorium in City Hall.

Members Present: Adam Varley, Chair
Mike Pedersen, Mayor's Rep.
Scott LeClair, Vice Chair
Steve Dookran
Dave Robbins
Ed Weber

Also Present: Roger Houston, Planning Director
Linda Panny, Deputy Planning Manager
Scott McPhie, Planner I

Approval of Minutes

November 3, 2016

MOTION by Mr. Robbins to approve the minutes of November 3, 2016.

SECONDED by Mr. Pedersen

MOTION CARRIED 6-0

COMMUNICATIONS

Mr. Houston went over the following items that were received after the mailing went out:

- Amended agenda
- Communication re: postponement of Case #1
- Revised staff report for Cases #2 and #3
- Communication re: postponement of Case #4
- Communication re: postponement of Case #5
- Preliminary agenda

REPORT OF CHAIR, COMMITTEE & LIASON

None

PROCEDURES OF THE MEETING

Mr. Varley went into the procedure of the meeting as follows: After the legal notice of each conditional, special use permit, site plan or subdivision plan is read by the Chair, the Board will determine if that the application is complete and ready for the Board to take jurisdiction. The public hearing will begin at which time the applicant or representative will be given time to present an overview and description of their project. The applicant shall speak to whether or not they agree with recommended staff stipulations. The Board will then have an opportunity to ask questions of the applicant or staff.

The Chair will then ask for testimony from the audience. First anyone wishing to speak in opposition or with concern to the plan may speak. Please come forward to the microphone, state their name and address for the record. This would be the time to ask questions they may have regarding the plan. Next public testimony will come from anyone wishing to speak in favor of the plan. The applicant will then be allowed a rebuttal period at which time they shall speak to any issues or concerns raised by prior public testimony.

One public member will then be granted an opportunity to speak to those issues brought by the applicant during their rebuttal period. The Board will then ask any relevant follow-up questions of the applicant if need be.

After this is completed the public hearing will end and the Board will resume the public meeting at which time the Board will deliberate and vote on the application before us. The Board asks that both sides keep their remarks to the subject at hand and try not to repeat what has already been said.

Above all, the Board wants to be fair to everyone and make the best possible decision based on the testimony presented and all applicable approval criteria established in the Nashua Revised Ordinances for conditional, special use permits, site plans and subdivisions. Thank you for your interest and courteous attention. Please turn off your cell phones and pagers at this time.

OLD BUSINESS – CONDITIONAL/SPECIAL USE PERMITS

None

OLD BUSINESS – SUBDIVISION PLANS

None

OLD BUSINESS – SITE PLANS

None

NEW BUSINESS – CONDITIONAL/SPECIAL USE PERMITS

None

NEW BUSINESS – SUBDIVISION PLANS

1. John J. Flatley Company (Owner) Proposed subdivision of the restaurant development and consolidation of two lots. Property is located at 200 & 275 Innovative Way. Sheet A, Lots 798 & 1012. Zoned PI-Park Industrial and RC-Urban Residence. Ward 8. **(Postponed to the December 1, 2016 Meeting)**
2. Walter W. Anderson (Owner) Holland Hampshire, LLC (Applicant) – Application and acceptance of proposed two lot subdivision. Property is located at 539 Amherst Street. Sheet H – Lot 88. Zoned "HB" Highway Business. Ward 2. **(Postponed from the November 3, 2016 Meeting.)**

MOTION by Mr. LeClair that the application is complete and the planning board is ready to take jurisdiction.

SECONDED by Mr. Robbins

MOTION CARRIED 6-0

NEW BUSINESS – SITE PLANS

3. Walter W. Anderson (Owner) Holland Hampshire, LLC (Applicant) - Application and acceptance of proposed site plan to demolish the existing building and construct a proposed 6,750 sf vehicle repair/service building along with associated site improvements. 4 Property is located at 539 Amherst Street. Sheet H - Lot 88. Zoned "HB" Highway Business. Ward 2. **(Postponed from the November 3, 2016 Meeting)**

MOTION by Mr. LeClair that the application is complete and the planning board is ready to take jurisdiction.

SECONDED by Mr. Robbins

MOTION CARRIED 6-0

Tom Zajac, Hayner/Swanson, Inc.

Mr. Zajac introduced himself as representing the applicant. He said Attorney Gerald Prunier was also with him tonight. He gave a brief overview of the proposed NBT vehicle repair/service building and site improvements. He said the applicant is requesting three waivers from the following code sections: 190-72 (C) regarding building design standards; 190-198 regarding minimum and maximum parking standards; 190-209 (F) regarding cross-access easements.

Mr. Varley asked the status of the second lot in the interim.

Mr. Zajac said the pavement on lot 88 will be extended to physically meet the existing pavement on lot 88-1.

Mr. LeClair asked if a left turn is allowed when exiting the site. He asked if the applicant has considered if this is an issue.

Mr. Zajac said yes, there is a non-signaled left turn in and out of the site. There is an existing curb cut and the proposed use will create less traffic than the restaurant and thrift shop that were previously on the site.

Mr. Weber asked if the drains will dump into the stormwater system onsite.

Mr. Zajac said yes, the stormwater system will capture the entire development area for lot 88 as well as the building rooftop.

Mr. Weber asked if there will be any light splashing onto other properties.

Mr. Zajac said no, all of the fixtures will cut off. They are also maintaining the majority of the existing tree buffer on the northeast property line. There are a few trees they will need to remove.

Mr. Weber asked if this property will be impacted by the Amherst Street expansion.

Mr. Zajac said he did not know.

Mr. Robbins asked what will be on lot 88-1.

Mr. Zajac said the goal is to have a new building and new user.

Mr. Robbins asked if NTB will have access to the lot prior to it being developed. Will they be able to use the lot for parking?

Mr. Zajac said NBT will not own the property; it will remain under the ownership of Holland Hampshire, LLC. They could potentially use the lot the park vehicles.

Mr. Varley asked if there will be an access easement between the lots.

Mr. Zajac said there will not be an access easement unless one of the parcels is sold.

Mr. Dookran commented that the widening of Amherst Street will encroach into the front yard setback. This will need to be dealt with when the time comes. The project has been taken on by the State. Regarding development of lot 88-1, when it comes back before the Board, will the Board be looking at the whole site? There is only one driveway.

Mr. Zajac said yes, it would be evaluated as one site because it operated as one site in the past.

Mr. Dookran said based on State plans, this location will be getting a traffic signal which may alleviate some of the issues regarding left turns out of the site.

Mr. LeClair said he doesn’t see an issue with prohibiting left turns out of the site.

Mr. Pedersen said there would be a higher risk of accidents with vehicles exciting both the Capitol St and this site. A sign preventing left turns could be kept on site until a traffic signal is installed.

Mr. Zajac reiterated that the site has an existing curb cut that the applicant is improving by slightly widening it. They are

also pulling back the pavement which will increase sight lines. Compared to the restaurant use, the proposed use will create significantly less traffic.

Mr. Pedersen said the previous restaurant use was not high volume. He said he expects NBT to be much busier.

Mr. Dookran said the traffic engineer indicated that the peak hour traffic is 41 trips in the AM and 45 trips in the PM. He said he estimates there will be 10 left turns per each peak.

Mr. Zajac said there is not a consistent flow of traffic in this area due to the signalized intersections. There are opportunities for vehicles to makes that left turn.

SPEAKING IN OPPOSITION OR CONCERN

None

SPEAKING IN FAVOR

None

Mr. Houston said the site has a deeded curb cut, as it is referred to by the State. He asked Mr. Dookran if he knew whether the deed gives access for full turning movement along the corridor.

Mr. Dookran said he does not know the specifics of how it is controlled.

Mr. Varley said given the circumstances, he would tend to agree with the applicant that this is a lower impact traffic use than a restaurant. Considering Mr. Houston’s point, the fact that his plan is going to come back before the Board when the second parcel is developed, and the fact that a traffic signal is going to be added to that intersection, he would be inclined to support granting the waiver regarding the cross-access easement.

Mr. LeClair said he agreed. He said there will probably be a lot more scrutiny on lot 88-1 and the potential traffic volume.

Mr. Robbins said he thinks preventing a left turn out of the site should be considered.

Mr. Weber said this could be an issue considering Mr. Houston’s comments about State-mandated curb cuts.

Mr. LeClair said if the Board believes the traffic engineer did not address this issue appropriately, they can request further analysis.

Mr. Varley said ultimately, the number of left turns is being reduced.

MOTION by Mr. LeClair to approve New Business – Subdivision Plan #2. It conforms to § 190-138(G) with the following stipulations and waivers:

1. Prior to the Chair signing the plan, minor drafting corrections will be made.

SECONDED by Mr. Weber

MOTION CARRIED 6-0

MOTION by Mr. LeClair to approve New Business – Site Plan #3. It conforms to § 190-146(D) with the following stipulations or waivers:

1. The request for a waiver of § 190-172 (C), which requires variations in rooflines is granted, finding that the waiver will not be contrary to the spirit and intent of the regulation.
2. The request for a waiver of § 190-198, which requires a minimum and maximum number of spaces allowed is granted, finding that the waiver will not be contrary to the spirit and intent of the regulation.
3. The request for a waiver of § 190-209 (F): which requires parking lots for single-tenant commercial developments to provide shared driveways and cross access easements between adjacent commercial properties is granted, finding that the waiver will not be contrary to the spirit and intent of the regulation.
4. Prior to recording the plan, all comments in a letter from Jeanne Walker dated November 1, 2016 will be addressed to the satisfaction of the Engineering Department.
5. Stormwater documents and easements will be submitted to City staff for review and recorded with the subdivision plan.
6. Any work within the right-of-way shall require a financial guarantee.

7. Prior to the Chair signing the plan, minor drafting corrections will be made.

SECONDED by Mr. Pedersen

MOTION CARRIED 6-0

4. Raisanen Homes, Elite, LLC (Applicant) Henry P. and Mary E. Castonguay Rev Trust (Owner) - Application and acceptance of proposed 10 lot condominium site plan. Property is located at 738 West Hollis Street. Sheet D - Lot 75. Zoned "R9" Suburban Residence. Ward 5. **(Postponed to the December 1, 2016 Meeting.)**
5. Diane E. Gimber and Bishop Real Estate Management, Inc. (Owners) Granite Green Investment Partners (Applicant) Application and acceptance of proposed 18-Unit Age Restricted Housing Condominium Site Plan development. Property is located at 122 Manchester Street. Sheet 59 - Lot 135. Zoned "RA" Urban Residence. Ward 2. **(Postponed to the December 1, 2016 Meeting.)**

OTHER BUSINESS

1. Review of tentative agenda to determine proposals of regional impact.

MOTION by Mr. LeClair that there are no items of regional impact.

SECONDED by Mr. Weber

MOTION CARRIED 6-0

2. Referral from the Board of Aldermen on proposed, O-16-020, clarifying and updating the elderly housing supplemental use regulations. **(Tabled from the November 3, 2016 Meeting)**

MOTION by Mr. LeClair to remove from the table Other Business #2.

SECONDED by Mr. Robbins

MOTION CARRIED 6-0

Mr. Varley asked if this is an authorizing ordinance such that this type of housing would not be permitted by the Zoning

Ordinance, or is it that this type of housing does not get the benefit conferred by the Zoning Ordinance.

Mr. Houston said that the proposed ordinance does not permit age-restricted housing to utilize the density benefit or bonus under the ordinance. It does not prohibit age-restricted housing which if proposed would need to conform to the underlying zoning district maximum density. He said his memo focused on what is being proposed by O-16-020. The use categories and definitions have not changed.

Mr. Varley said this means the proposed ordinance would not eliminate the option to have age-restricted housing; there would just not be a density bonus.

Mr. LeClair said it seems that the key changes are the density benefit as well as the 10-unit redevelopment concept. It seems this would make it more difficult for a non-institutional developer to create a small development.

Mr. Varley said Table 42-1 concerns only institutional facilities.

Mr. Dookran said the minutes of the PEDC meeting two nights ago are not yet available, but he would like to read them in order to understand how the community is receiving this proposal.

Mr. Houston said the PEDC tabled their business in order to hear the Planning Board’s comments.

Mr. Varley said it seems the best he could say is that the proposed Ordinance is not inconsistent with the Master Plan. However, the provision that says all ordinances that are inconsistent with the proposed ordinance are to be repealed is a provision that is ripe for questioning and misunderstanding. He would recommend removing this sentence and replacing it with the three recommendations Mr. Houston made in his memo.

Mr. Varley invited members of the audience to speak regarding the proposed ordinance.

<u>Attorney Brad Westgate, Winer & Bennett, LLP</u>

Attorney Westgate said he would recommend deleting the provision that states all inconsistent ordinances should be repealed. If it is not to be deleted, the sentence should read, “In the event

of a conflict between the provisions of this ordinance and other ordinances in the Land Use Code, this ordinance shall control." He said the big concern he has is that making the list of institutional options exclusive rather than examples eliminates the self-managed, 55+ or 62+ community. He worries that it also eliminates this type of community from a permissive use perspective, as elderly housing is still defined as referring to RSA 354:A.15. Staff's position presently is that even under the current ordinance a project must meet the 7 provisions that define elderly housing. For practical purposes, the proposed ordinance eliminates developers from undertaking the development on a self-managed, homeowner's association community.

Mr. Varley said it seems the Board could recommend to the BOA that the proposed ordinance does not limit the more general use provisions.

Attorney Westgate said he agreed.

Mr. Dookran asked if Attorney Westgate had any cost data for what an elderly person needs to pay in different housing scenarios.

Attorney Westgate said no. In the projects he has been involved in, the cost data provided to the Board includes cost of services that the community will impose upon the City.

Tom Prieto, 41 Raymond St

Mr. Prieto said this ordinance would severely restrict elderly housing for self-managed communities, especially in the RA zone. He provided excerpts from the Master Plan for the Board to review. He said in 2001 there were only 10 developable acres in the RA zone; today it is 5. The Master Plan says that Nashua has an overwhelming increase in senior citizens. Institutionalized facilities are often subsidized, which means there is a waiting list for residents. This ordinance would eliminate market-rate housing options for the elderly population.

Randy Turmel, Crimson Properties

Mr. Turmel said he recently completed the Stinson Park project. Stinson Park is a 17-unit, age-restricted community. Some residents chose to live there because of the small, intimate community setting. It is a fact that there is not a lot of land left in the City. As far as restricting the number of units

allowed in a community, the Board should shy away from this. The density bonus is not double, as was discussed at the BOA meeting. In the RA zone, the single family housing convention is 6 units per acre; for elderly, it is 8, which is only a 30% increase.

Mr. Dookran asked if the City has evidence that age-restricted homeowner's associations have been unable to meet their obligations.

Mr. Houston said no, they do not have this information. Many of these communities are fairly new.

Mr. Dookran said he has not seen enough data, regarding cost and number of units, to make a decision.

Mr. Varley said the Board retains the ability to review each project individually. As the Aldermen are waiting for the Board's thoughts, they should make a recommendation. An unfavorable recommendation would send the message that more research needs to be done.

MOTION by Mr. LeClair for an unfavorable recommendation of proposed O-16-020 for the following reasons:

1. There is not enough research and information presented to substantiate the requirement for this change.

2. The change potentially discourages 55+, independently-managed community development.

3. The Planning Board currently has the opportunity and authority to review individual projects under the current Board procedures to deal with these types of situations.

SECONDED by Mr. Weber

MOTION CARRIED 6-0

DISCUSSION ITEMS

Mr. Weber asked Mr. Dookran, regarding the new corridor along 101, whether the State is going to be incorporating Complete Streets.

Mr. Dookran said not completely, but under State management, there will be bicycle lanes, pedestrian amenities and crossing opportunities. He said he would like to see the speed limit reduced to 30mph in this area.

Mr. Houston said the Board may want to start thinking about appointing the nominating committee for election of planning board officers for your next meeting on De3cember 1st.

MOTION to adjourn by Mr. Weber. Meeting adjourned at 9:29pm.

APPROVED:

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Adam Varley, Chair, Nashua Planning Board

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Prepared by: Mindy Lloyd

Taped Meeting