NASHUA CITY PLANNING BOARD
February 18, 2016

The regularly scheduled meeting of the Nashua City Planning Board was held on Thursday, February 18, 2016 at 7:00 PM in the auditorium at City Hall.

Members Present: Adam Varley, Chair
Scott LeClair, Vice Chair
Dan Kelly, Secretary
Steve Dookran, City Eng.
Ed Weber
Steven Zedeck, alt.
Kristen McQuaide, alt.
Megan Prieto, alt.

Also Present: Roger Houston, Planning Director
Linda Panny, Planner I

Mr. Varley said Mr. Zedeck will be participating and voting. Mrs. McQuaide and Ms. Prieto will be participating but not voting.

Approval of Minutes

February 4, 2016 – Annual Meeting

MOTION by Mr. Weber to approve the minutes of February 4, 2016 – Annual Meeting.

SECONDED by Mr. Kelly

MOTION CARRIED 5-0, 1 ABSTENTION

February 4, 2016 – Regular Meeting

MOTION by Mr. Weber to approve the minutes of February 4, 2016 – Regular Meeting.

SECONDED by Mr. Kelly

MOTION CARRIED 5-0, 1 ABSTENTION

COMMUNICATIONS

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

- Complete Streets in Nashua presentation
- NCPB member list
- Communication from Madeleine Mineau dated February 16, 2016 re: Case # 2
- Preliminary agenda

REPORT OF CHAIR, COMMITTEE & LIASON

CIC: Mr. Kelly said the Capital Improvements Program can be found in tonight's packet. He said they broke with tradition and put in money to initiate the RFP process and develop a master plan. An item that got a lot of attention is the parcel of land on Burke Street that the City purchased, and a request for $8,000,000 to refurbish the building there. He said the Health building and Spit Brook fire station were also discussed. They approved money to help offset some of the funding necessary to create the jug handle on Amherst Street.

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

None

NEW BUSINESS – SITE PLANS

1. David & Charlotte Dion (Owners) Scrivanos Group (Applicant) - Application and acceptance of proposed site plan to demolish the existing building and construct a one-story restaurant with a drive-thru and associated site improvements. Property is located at 36 & 38 Broad Street. Sheet 61 - Lots 60 & 172. Zoned "GI" General Industrial. Ward 4.

Mr. Weber asked if the case needed to go back before the Zoning Board, in reference to condition of approval #12 from the November 10, 2015 ZBA meeting.

Ms. Panny said the condition is relative to the stacking lane. They do not need to go back before the Zoning Board at the time.

Mr. Kelly asked if the applicant has supplied all of the necessary paperwork.

Ms. Panny said she spoke to the applicant's engineer prior to the meeting. The engineer has spoken with Jeanne Walker today and he will discuss some of these items tonight. It is typical that we move projects forward with standard conditions of approval.

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

SECONDED by Mr. LeClair

MOTION CARRIED 4-2

Chris Rice, TF Moran

Mr. Rice introduced himself. He said Jim Clifford and George Delegas of the Scrivanos Group and project attorney, Gerry Prunier, were also present. He gave a brief overview of the proposed project. He said they are requesting two waivers pertaining to parking and landscape standards.

Mr. Varley asked the applicant to comment on the two recent letters from the Fire Marshall and Traffic Engineer.

Mr. Rice said he has not received a copy of the Fire Marshall's memo, but he has spoken to Syndi Bautista regarding access issues and he is sure he can address any outstanding comments.

Mr. Varley said the comments were specific to safety concerns with the crosswalk and gate swings.

Mr. Rice said that issue has been addressed; they have already reversed the gate swings. He will follow up with her regarding the crosswalk

Mr. Varley asked, in regards to the Traffic Engineer's request, if the applicant has given any thought to the voluntary contribution.

Attorney Gerry Prunier, Prunier & Prolman, P.A.

Attorney Prunier said contributions are typically made when there are traffic issues that need to be taken care of. The applicant will not be making a contribution as there are no outstanding traffic issues.

Mr. Kelly said he has a number of concerns. In Jeanne Walker's February 10th, 2016 memo, she states that the plan does not accurately represent that recent completion of the Broad Street Parkway.

Mr. Rice said he has spoken to Ms. Walker about this. An existing conditions survey was done prior to the completion of the Broad Street Parkway. However, the improvements are shown on all of our other plans. Ms. Walker had concerns about utilities that were moved, but the applicant has offered to have a survey crew add these to the plan.

Mr. Kelly asked when this will happen.

Mr. Rice said it would be a condition of approval. He addressed Ms. Walker's comments #4 and #5.

Mr. Kelly said the traffic report is predicated on traffic diverting to the Dunkin Donuts facility down the road. If that business dissolves, this will impact the traffic analysis. He said this concerns him, considering this is a problematic intersection to begin with.

Mr. Varley asked if that is Wayne Husband's interpretation of the traffic report or if it is the applicant's position. He asked the applicant to discuss this.

Mr. Rice said the elimination of the other Dunkin Donuts store could bring more traffic turning into our site. They would need to run an analysis to see what the queue would be.

Mr. Weber asked if the emergency entrance gate swings in our or out.

Mr. Rice said the Fire Department would like it to swing in.

Mr. Weber asked if they are considering installing a Baskin Robbins in the new Dunkin Donuts.

<u>George Delegas, Project Architect</u>

Mr. Delegas said no.

Mr. Weber asked if the emergency entrance had a handicap ramp.

Mr. Delegas said they have handicap ramps in the front and the outside patio is also on the same level as the inside floor, so a ramp is not needed.

Mr. Weber asked if they have done a preliminary walk-through with the Health Department to determine if there is asbestos in the existing building.

Mr. Delegas said no as they have not purchased the site yet, but they will need to do this before demolition. It is standard procedure.

Mr. LeClair asked if the applicant has looked at alternative concepts that would give them two extra parking spaces, so they would not need to make the waiver request.

Mr. Rice said the parking already exceeds the needs of the site, based on the other sites that they have.

Mr. LeClair said it seems that if they move the crosswalk to the west, there would be more view-time for vehicles exiting the drive-though. Is there a reason why the cross-walk is being proposed where it is?

Mr. Rice said they want to maximize the patio area. They can look into moving it; they would lose a portion of the landscaped island.

Mr. Zedeck asked why they want to located a new Dunkin Donuts so close to an existing facility.

Jim Clifford, Scrivanos Group

Mr. Clifford said the other store does very well and there is enough traffic in the neighborhood to support the new proposed store.

Mr. Dookran asked why the second driveway is an emergency driveway, and where trucks will make deliveries on the site.

Mr. Clifford said it allows for the City’s fire trucks to enter and exit the site in one movement. It is not intended for delivery trucks; deliveries are made in off-peak hours and make more than one movement to exit the site.

Mr. Houston asked if the delivery trucks will need to back into the site, as they do on West Hollis St.

Mr. Clifford said no.

Mr. Dookran asked for clarification about trip distribution. He said he felt there was some miscommunication between Wayne Husband's comments and the traffic report.

Mr. LeClair asked if they had an understanding of the traffic quantity coming from Sullivan Street during the peak time. The new curb cut is not aligned with Sullivan Street.

Mr. Rice said they offered to align the curb cut with Sullivan Street but at the time, engineering staff felt it would be better to leave it offset.

Mr. Houston asked if there is any proposed parking along Broad Street.

Mr. Rice said no, no spaces are proposed on the street.

Mr. Houston asked if there are "No Parking" signs there. There have been issues with tractor trailers stopping on the side of the road.

Mr. Rice said he does not recall there being any signage.

SPEAKING IN OPPOSITION OR CONCERN

None

SPEAKING IN FAVOR

None

Attorney Prunier spoke in regards to Mr. Kelly's comments about the traffic report. He said his client has worked with the City numerous times to resolve traffic issues, even when it was not required of him.

The Board continued their discussion. Mr. Kelly reiterated his concerns with traffic.

MOTION by Mr. LeClair to reopen the public hearing so that the applicant can provide further testimony regarding traffic.

SECONDED by Mr. Kelly

MOTION CARRIED 6-0

Attorney Prunier suggested that the case be continued to the next meeting so that the applicant can bring in their traffic engineer to discuss the issues with Engineer Wayne Husband.

MOTION by Mr. LeClair to table New Business – Site Plan #1 to the March 3rd meeting so traffic concerns can be addressed.

SECONDED by Mr. Kelly

MOTION CARRIED 6-0

2. City of Nashua (Owner) Renaissance Downtowns at Nashua, LLC (Applicant) - Application and acceptance of proposed site plan amendment to NR1975 to show phasing of an approved mixed use development for 228 residential units, a restaurant, and a community center. Property is located at 62 & 70 Bridge Street, Sheet 40 - Lots 34 & 48. Zoned "GI/MU" General Industrial/Mixed Use. Ward 7.

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

SECONDED by Mr. Weber

MOTION CARRIED 6-0

James Vayo, Renaissance Downtown

Mr. Vayo introduced himself and Jack McTigue of T.F. Moran, who is filling in for John Lorden. He gave a brief overview of the project.

Mr. LeClair asked if there is any concern with regard to removal of the basin. Would there need to be changes to Phase I?

Mr. Vayo said there wouldn’t need to change Phase I, and he doesn’t anticipate any changes to the full build-out.

Mr. LeClair asked if any work has been done to determine the two of the levee.

Jack McTigue, TF Moran

Mr. McTigue said they have determined the toe of the levee but they are submitting Section 408 plans concurrently with this plan.

Mr. Varley asked for the applicant to address Madeleine Mineau's comments regarding a pedestrian walkway.

Mr. Vayo said, as the prepared the Section 408 document, they had to make a decision regarding the desire to have an accessible path on top of the levee. While the path would be good for the development of this area, there is no funding or organizational structure in place to commence the work. They will address this again during the full build-out phase.

Mr. LeClair asked if this was a site plan for Phase I or both phases.

Ms. Panny said this is an amendment to the last site plan, which is for Phase I. Once the issues are worked out with the Army Corps of Engineers, the applicant will need to come back to the Board again.

Mr. Houston said Phase I works independently from Phase II.

Mr. Vayo said he believes they have provided enough information to approve the full build-out, not just Phase I.

Mr. Houston said they will still need to come in for a lot line relocation, and there may be minor changes that need to be made once Phase I commences.

Mr. Varley clarified that all they are considering here is phasing, not independent plans.

Mr. Dookran asked the applicant to discuss the roadway design for Bancroft St. He also discussed the City's perspective on the basin.

Mr. Vayo said in his discussions with staff, it was his understanding that the basis was obsolete, and the pumps needed to be upgraded to maintain the integrity of the levee system. He added that he received a communication from Gene Porter of the LMRLAC, an advisory committee the applicant has met with during the course of the project. There were requests at the latest meeting that were not attainable.

SPEAKING IN OPPOSITION OR CONCERN

None

SPEAKING IN FAVOR

Gene Porter, LMRLAC Chair, 77 Concord St

Mr. Vayo said they proposing to plant new trees in accordance with DES requirements.

MOTION by Mr. LeClair to approve New Business – Site Plan #2. It conforms to § 190-146(D) with the following stipulations or waivers:

1. All previously approved waiver requests are incorporated herein and made a part of this plan, unless otherwise determined by the planning board.
2. Prior to the issuance of the first building permit, all easements will be submitted to City staff for review and approval and recorded at the Registry of Deeds.
3. Prior to the issuance of a building permit, minor drafting corrections will be made to the plan.
4. Stormwater documents will be submitted to City staff for review and recorded prior to the issuance of a building permit.
5. Prior to the issuance of a building permit for Building C, a plan for the removal or relocation of the emergency overflow basin must be approved by the U.S. Army Corp of Engineers or other appropriate authority and an agreement between the City and the developer will be in place regarding responsibility for the work. The developer will submit a draft agreement to the City with sufficient time for review and approval.
6. Prior to the issuance of a building permit for Building D, a plan shall be recorded at the Registry of Deeds that separates the cell tower and levee from the residential development.
7. Prior to the issuance of a building permit for Buildings A, B, or C, plans for the removal/relocation of the skate park will be finalized by the City.
8. Prior to the issuance of a building permit, the applicant will contribute $30,000 to the City for the “East Hollis Street Gateway Improvement Project.”
9. Prior to commencement of any site work, an Alteration of Terrain permit must be approved by the New Hampshire Department of Environmental Services (NHDES).
10. Prior to commencement of any site work within the protected shoreland, a Shoreland permit must be approved by the New Hampshire Department of Environmental Services (NHDES).

11. Prior to the issuance of a certificate of occupancy, the left turn pocket on Bridge Street will be installed.
12. Prior to issuance of a certificate of occupancy for Building A, B, or C, the temporary traffic signal will be installed.
13. The existing sidewalk along the property's frontage on Bridge Street will be reconstructed to the Division of Public Works' specifications prior to the issuance of a certificate of occupancy for Building C.
14. All other off-site improvements will be completed prior to the issuance of a certificate of occupancy for Building C.
15. Prior to the issuance of the certificate of occupancy for Building C, all on-site improvements shall be substantially completed, provided that paving may be completed to base course and landscaping may be completed as seasonally permitted; a financial guarantee will be required for any remaining work.
16. Prior to the issuance of the certificate of occupancy for Building C, an as-built plan locating all roads, driveways, units, buildings, utilities, and landscaping shall be completed by a professional engineer or surveyor and submitted to the Planning Department. The as-built plan shall include a statement that all construction was generally completed in accordance with the approved plan and applicable regulations.
17. Prior to the issuance of a building permit all comments in an e-mail from Cynthia Bautista dated January 19, 2016 shall be addressed to the satisfaction of the Fire Marshal.
18. Prior to the Chair signing the plan, all comments in a letter from Jeanne Walker, P.E. dated February 5, 2016 shall be addressed to the satisfaction of the Engineering Department.
19. Temporary traffic signals are not to become permanent traffic signals.
20. Bancroft Street shall remain City right-of-way/property unless otherwise determined.

SECONDED by Mr. Kelly

MOTION CARRIED 6-0

<u>OTHER BUSINESS</u>

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. Kelly

MOTION CARRIED 6-0

2. Referral of the FY 2017 Capital Improvements Program from the Capital Improvements Committee to the Nashua City Planning Board.

Mr. LeClair asked for clarification on the Planning Board's role in the Master Plan.

Mr. Houston said the funding request would cover the cost of hiring outside consultants, which is favorable considering current staffing issues. The Planning Board would be actively involved in the Master Plan process.

MOTION by Mr. LeClair for a favorable recommendation of the FY 2017 CIP.

SECONDED by Mr. Zedeck

MOTION CARRIED 6-0

DISCUSSION ITEMS

None

MOTION to adjourn by Mr. Kelly. Meeting adjourned at 9:24pm.

APPROVED:

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Adam Varley, Chair, Nashua Planning Board

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DIGITAL COPY OF AUDIO OF THE MEETING MAY BE MADE AVAILABLE UPON 48 HOURS ADVANCED NOTICE AND PAYMENT OF THE FEE.

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Prepared by: Mindy Lloyd

Taped Meeting