

NASHUA CITY PLANNING BOARD

March 17, 2016

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

Members Present: Adam Varley, Chair
Scott LeClair, Vice Chair
Dan Kelly, Secretary
Ald. Sean McGuinness
Steve Dookran, City Eng.
David Robbins
Ed Weber
Steven Zedeck, alt.
Kristen McQuaide, alt.

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

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

Approval of Minutes

March 3, 2016

MOTION by Mr. LeClair to approve the minutes of March 3, 2016.

SECONDED by Mr. Kelly

MOTION CARRIED 6-0, 1 ABSTENTION

COMMUNICATIONS

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

- Revised traffic report re: Case #1
- Correspondence from Wayne Husband re: Case #1

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

1. David & Charlotte Dion (Owners) Scrivanos Group (Applicant) - 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. **(Tabled from the March 3, 2016 Meeting)**

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

SECONDED by Mr. Weber

MOTION CARRIED 7-0

Attorney Gerald Prunier, Prunier & Prolman PA

Mr. Prunier introduced himself as representing the applicant. He said the applicant met with the City's traffic engineer, who has no issue with the revised report. Staff recommended a left-turn pocket going west on Broad St to be added to the plan, and the applicant agreed this could be a stipulation of approval.

Robert Duval, Chief Engineer, TF Moran

Mr. Duval said he provided the traffic report and supplemental report. The new report considers the impact of the elimination of the Dunkin Donuts store down the street. They determined that if the other store were to close, there would be a greater proportion of left turns in and out of the site. In the original report, it was determined that 90% of the traffic would flow into the site from the eastbound stream; that figure in the new report is estimated at about 55%.

Mr. Kelly asked how they will accommodate for the light coming off of the Everett Turnpike.

Mr. Duval said they checked the queuing associated with that light, and the queuing does not block the driveway.

Mr. Kelly said the report's conclusions do not make sense to him intuitively. He asked if they considered the timing of the traffic light in their calculations.

Mr. Duval said the calculations are based on averages and probabilities, in the 95th percentile.

Mr. Kelly asked Mr. Duval to show on the plan where the new left-hand turn widening will occur.

Mr. Weber asked how many cars will be able to be in the left-hand turn queue into the site.

Mr. Duval said the turn is designed for the 95% percentile queue. It is one car-length.

Mr. Weber said this does not seem long enough, especially considering the morning commute.

Ms. McQuaide asked if by putting in the turn pocket, they are eliminating the potential for future sidewalks.

Mr. Duval said no, because they will be maintaining the existing curb lines as they are.

Mr. Dookran asked if there will still be room for a bike shoulder.

Mr. Duval said yes.

Mr. Dookran said the issue of curbing insulation is still outstanding.

Chris Rice, Sr. Project Manager, TF Moran

Mr. Rice said the applicant spoke to Jeanne Walker about adding a note to the plan indicating that they will try to work with City council regarding the alternative they have proposed, or, meet the requirements of the ordinance.

Mr. Dookran asked if there will be consideration for a contribution.

Mr. Prunier said the applicant's contribution is the addition of the left-hand turn pocket.

SPEAKING IN OPPOSITION OR CONCERN

None

SPEAKING IN FAVOR

None

Ms. Panny said the applicant offered to provide a left-hand turn lane. This should be included as a stipulation of approval, should the Board choose to approve the project.

MOTION by Mr. LeClair to approve Old Business - Site Plan #1. It conforms to § 190-146(D) with the following stipulations or waivers:

1. The request for a waiver of NRO § 190-184 E(1) and (2), which sets minimum requirements for landscaped islands, 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 NRO § 190-198, which establishes minimum parking standards, is granted, finding that the waiver will not be contrary to the spirit and intent of the regulation.
3. Prior to the issuance of a building permit, all comments in letter from Jeanne Walker, PE dated February 10, 2016 shall be addressed to the satisfaction of the Engineering Department.
4. Prior to the issuance of a building permit, all comments in an e-mail from Wayne Husband, PE dated January 21, 2016 shall be addressed to the satisfaction of the Engineering Department. The applicant declined to offer the voluntary contribution.
5. Prior to the issuance of a building permit, all comments in an email from Cynthia Bautista dated January 19, 2016 shall be addressed to the satisfaction of the Fire Department.
6. Prior to the issuance of a building permit, the applicant shall provide the Planning Department copies of NHDES approval of Shoreland permit.
7. Prior to the issuance of a building permit, a Voluntary Merger Form will be recorded.
8. Prior to the chair signing the plan, minor drafting corrections will be made.
9. Prior to the issuance of a certificate of occupancy, all site improvements will be completed.
10. Stormwater documents will be submitted to City staff for review and recorded at the applicant's expense prior to the issuance of a building permit.
11. The applicant shall submit an electronic file of the site plan prior to issuance of a building permit

12. All ZBA conditions of approval from the November 10, 2015 hearing are incorporated herein.
13. Any work within the right-of-way shall require a financial guarantee.
14. Applicant will work with staff to install left turn pocket.

SECONDED by Mr. Kelly

MOTION CARRIED 7-0

NEW BUSINESS - CONDITIONAL/SPECIAL USE PERMITS

None

NEW BUSINESS - SUBDIVISION PLANS

None

NEW BUSINESS - SITE PLANS

2. Southern New Hampshire Medical Center (Owner) - Application and acceptance of proposed amendment to NR 1423 to allow for outdoor landscaping materials storage area. Property is located at 21 East Hollis Street and 4 & 6 John Street. Sheet 30 - Lot 62. Zoned "D1/MU" Downtown 1/Mixed Use. Ward 4.

Mr. LeClair recused himself.

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

Steve Auger, Project Manager, Hayner/Swanson Inc.

Mr. Auger introduced himself as representing the applicant. He said Scott Cote, representing Southern NH Medical Center, was also present. He gave an overview of the project. He said they are requesting one waiver regarding outdoor storage.

Scott Cote, Southern NH Medical Center

Mr. Cote spoke regarding the intention of the outdoor storage.

Mr. Kelly asked if there will be any salt stored on the property.

Mr. Cote said no.

Mr. Kelly asked Mr. Cote to describe the proposed fencing.

Mr. Cote said the fence will be solid, white vinyl contemporary-style fence.

Mr. Kelly said he is concerned about graffiti on the fence.

Mr. Cote said it has happened in the past. They have installed a number of exterior cameras over the years to monitor and record this type of activity.

Mr. Weber asked if the applicant is planning on removing the broken portion of the existing fencing.

Mr. Cote said the fencing associated with the John St property is going to be removed. He said he believes the fencing on the northeast corner of the property belongs to Headline's. He will look into this.

Mr. Dookran asked for further explanation of the infiltration design and the use of RAP on the site.

SPEAKING IN OPPOSITION OR CONCERN

None

SPEAKING IN FAVOR

None

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

1. The request for a waiver of NRO § 190-53(A) (2), which requires outdoor storage not to be located closer than 50 feet to any street, is granted, finding that the waiver will not be contrary to the spirit and intent of the regulation.
2. The applicant will work with the abutters at 2 John Street and 8 John Street to coordinate the location of the fence as to not cause sight issues.

SECONDED by Ald. McGuinness

MOTION CARRIED 6-0

OTHER BUSINESS

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

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

SECONDED by Mr. Weber

MOTION CARRIED 6-0

DISCUSSION ITEMS

None

MOTION to adjourn by Mr. Kelly. Meeting adjourned at 8:33pm.

APPROVED:

Adam Varley, Chair, Nashua Planning Board

DIGITAL RECORDING OF THIS MEETING IS AVAILABLE FOR LISTENING DURING REGULAR OFFICE HOURS OR CAN BE ACCESSED ON THE CITY'S WEBSITE.

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

Prepared by: Mindy Lloyd

Taped Meeting