

NASHUA CITY PLANNING BOARD
April 7, 2016

The regularly scheduled meeting of the Nashua City Planning Board was held on Thursday, April 7, 2016 at 7:00 PM in Room 208, 2nd floor at City Hall.

Members Present: Adam Varley, Chair
Ald. Sean McGuinness
Steve Dookran, City Eng.
David Robbins
Ed Weber
Steven Zedeck, alt.

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

Mr. Varley said Mr. Zedeck will be participating and voting.

Approval of Minutes

March 17, 2016

MOTION by Ald. McGuinness to approve the minutes of March 17, 2016.

SECONDED by Mr. Zedeck

MOTION CARRIED 6-0

COMMUNICATIONS

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

- Communication from Jeanne Walker dated April 6, 2016 re: Case #4

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

None

NEW BUSINESS - SITE PLANS

1. Scupp Realty, LLC & Jordan's Furniture, Inc. (Owners) - Application and acceptance of proposed site plan amendment to NR1592 to add a 1,104 sf addition to the overhead walkway. Property is located at 323 & 327 Daniel Webster Highway. Sheet A - Lots 384 & 729. Zoned "HB" Highway Business. Ward 7.

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

SECONDED by Mr. Ald. McGuinness

MOTION CARRIED 6-0

5. Costco Wholesale Corp (Owner) Andrea James Realty, LLC (Applicant) - Application and acceptance of proposed site plan amendment to NR 1659 to show previously approved lot line relocation. Property is located at 311 Daniel Webster Highway and "L" Costco Drive, Sheet A - Lots 793 & 989. Zoned "HB" Highway Business. Ward 7.

MOTION by Ald. McGuinness that the application is complete and the planning board is ready to take jurisdiction.

SECONDED by Mr. Zedeck

MOTION CARRIED 6-0

Richard Maynard, Maynard & Paquette

Mr. Maynard introduced himself as representing the applicant. He gave an overview of the proposed addition and lot line relocation.

Mr. Robbins asked about parking.

Mr. Maynard said in the original approval, they neglected to include the walkway as part of the retail square footage use to calculate parking requirements. There are 88 spaces required and 72 spaces proposed.

SPEAKING IN OPPOSITION OR CONCERN

None

SPEAKING IN FAVOR

None

Ms. Panny said Mr. Maynard asked that Jeanne Walker's conditions of approval be deleted. Staff did not receive a letter from Ms. Walker stating she was satisfied, so it will be up to the Board what to do about that.

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

1. The request for a waiver of NRO § 190-198, which establishes the minimum number of required parking spaces, 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 § 190-172, which establishes building design 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 found in a letter from Jeanne Walker, PE dated March 14, 2016 will be resolved to the satisfaction of the Engineering Department.
4. All prior conditions of approval are incorporated herein and made a part of this plan, unless otherwise determined by the Planning Board.

SECONDED by Mr. Zedeck

MOTION CARRIED 6-0

MOTION by Ald. McGuinness to approve New Business - Site Plan #5. It conforms to § 190-146(D) with the following stipulations or waivers:

1. The request for a waiver of NRO § 190-279 (I)(J)(O)(U), which requires submittal of proposed and existing utilities, 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 § 190-279(B), which establishes plan scale, 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 NRO § 190-172(W), which requires wetlands to be flagged, is granted, finding that the waiver will not be contrary to the spirit and intent of the regulation.
4. Prior to the issuance of a building permit, all comments found in a letter from Jeanne Walker, PE dated March 17, 2016 will be resolved to the satisfaction of the Engineering Department.
5. All prior conditions of approval are incorporated herein and made a part of this plan, unless otherwise determined by the Planning Board.

SECONDED by Mr. Zedeck

MOTION CARRIED 6-0

2. Linear Retail Nashua #1 LLC (Owner) - Application and acceptance of proposed site plan amendment to NR1459 to reconstruct intersections and minor site improvements. Property is located at 221 & 225 Daniel Webster Highway. Sheet A - Lot 190 & 761. Zoned "GB" General Business and "HB" Highway Business. Ward 8.

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

SECONDED by Mr. Weber

MOTION CARRIED 6-0

Attorney Thomas J. Leonard, Welts, White & Fontaine

Mr. Leonard introduced himself as representing the applicant. He gave an overview of the project. He said they are requesting a waiver regarding the existing conditions plan.

Mr. Weber said there are a number of dumpsters on the property that are not fenced in. Is it possible to work with staff to bring these violations up to code?

Mr. Leonard said absolutely. Linear Retail has been working hard to upgrade the area.

Mr. Dookran asked if it was necessary to have an exit near the new parking spaces. Could they create a one-way entrance?

Greg Droc, Asset Manager, Linear Retail Properties

Mr. Droc asked for clarification on Mr. Dookran's comment.

Mr. Houston asked if a "Right Turn Only" sign would suffice.

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 § 190-279(J)), which requires an existing conditions plan, is granted, finding that the waiver will not be contrary to the spirit and intent of the regulation.
2. Prior to the chair signing the plan, the lot line relocation plan approved on November 5, 2015 will be recorded.
3. Any work within the right-of-way shall require a financial guarantee.
4. Applicant to install a "No Exit" sign at intersection with Connector Road.

SECONDED by Mr. Robbins

MOTION CARRIED 6-0

3. On In Two Management, Inc. (Owner) - Application and acceptance of proposed site plan amendment to NR 1449 to remove a condition of approval. Property is located at 482 Amherst Street. Sheet H - Lot 75. Zoned "AI" Airport Industrial and "HB" Highway Business. Ward 2.

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

SECONDED by Ald. McGuinness

MOTION CARRIED 6-0

Attorney Jeffrey Zall, 221 Main St, Nashua

Mr. Zall introduced himself as representing the applicant. He gave an overview of the proposal.

Mr. Varley asked if the consent of the neighboring property was required for the emergency access easement.

Mr. Zall said no, because the City would not need permission to gain emergency access to the property.

Mr. Varley asked if the extent of the easement is to provide access to the City onto the Acura property to access the other site.

Mr. Zall said that is correct.

Mr. Weber asked if they are going to pave or do anything to the school property.

Mr. Zall said no.

Ald. McGuinness asked if they wanted to dispose of the cross-access easement.

Mr. Zall said the easement that was recorded with the deed is not necessary.

Mr. Dookran asked why the easement was recorded when the owners originally wanted to remove it.

Mr. Zall said he is unsure; he was not part of the planning process for the site back in 2002.

Mr. Dookran asked if the applicant would be willing to provide a cross-access easement to the neighboring property, should there ever be a change of use on the property that would require the easement.

Mr. Zall said he cannot speak for his client, but to him that would not make sense. There are a lot of cars on site as well as pedestrian traffic throughout the dealership, and an easement could be a safety hazard.

SPEAKING IN OPPOSITION OR CONCERN

None

SPEAKING IN FAVOR

None

Mr. Houston said Mr. Dookran is correct in that the City generally tries to maintain cross-access between retail properties, where the public wants to go back and forth between properties to shop. If the neighboring lot were to ever re-develop, there would be an opportunity to re-establish a cross-access easement.

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

1. Prior to the Chair signing the plan, easement documents will be submitted to Planning staff for review and recorded at the Registry of Deeds at the applicant's expense.

SECONDED by Mr. Robbins

MOTION CARRIED 6-0

4. Southland Corporation (Owner) Core States Group (Applicant) - Application and acceptance of proposed amendment to NR 1057 to remove existing fueling dispensers, concrete pad, and gas canopy and install new dispensers, islands, canopy and pad. Property is located at 367 Amherst Street. Sheet G - Lot 652. Zoned "GB" General Business. Ward 2.

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

SECONDED by Ald. McGuinness

MOTION CARRIED 6-0

David Kelly, Core States Group

Mr. Kelly introduced himself as representing the owner. He gave an overview of the proposal.

Ald. McGuinness asked if they are leaving the existing tanks in the ground and if they were still in good condition.

Mr. Kelly said yes.

Mr. Weber said the handicap entrances and exits at the front of the property are not to code. He asked if the applicant would work with staff to bring everything up to code.

Mr. Kelly said this would be up to DOT. The sidewalk Mr. Weber is referring to is not on the 7/11 property.

Mr. Dookran asked if delivery trucks use the Trafalgar Square private road.

Mr. Kelly said generally, yes.

Mr. Dookran asked how deliveries would be made if they were no longer granted access to the Trafalgar Square private road.

Mr. Kelly said they would have to look at that issue if it came about.

Mr. Weber asked how long they have been doing deliveries this way.

Mr. Kelly said he did not know. He suggested that bollards could be placed so that the trucks cannot drive over the sidewalks.

Mr. Weber says the sidewalks need to be repaired.

Mr. Houston asked if it would make sense to widen the curb cut, or is it already at the 36ft. maximum.

SPEAKING IN OPPOSITION OR CONCERN

None

SPEAKING IN FAVOR

None

Ms. Panny said Board members received a letter in their packet from Jeanne Walker dated April 6, 2016 stating that she had no issues with this project. Thus, they will want to delete stipulation #2.

MOTION by Mr. Weber to approve New Business - Site Plan #4. It conforms to § 190-146(D) with the following stipulations or waivers:

1. The request for a waiver of § 190-279(J)), which requires an existing conditions plan, is granted, finding that the waiver will not be contrary to the spirit and intent of the regulation.
2. The applicant will work with Engineering Staff to repair damage to sidewalk and add bollards to prevent damage in the future.
3. Prior to the chair signing the plan, minor drafting corrections will be made.
4. Prior to the issuance of a certificate of occupancy, all site improvements will be completed.

SECONDED by Ald. McGuinness

MOTION CARRIED 6-0

6. James A. & Marilyn H. Forest (Owners) Friendly's Ice Cream, LLC (Applicant) - Application and acceptance of proposed site plan amendment to NR 1816 to add a drive thru window with associated site improvements. Property is located at 149 Daniel Webster Highway. Sheet A - Lot 746. Zoned "GB" General Business. Ward 7.

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

SECONDED by Ald. McGuinness

MOTION CARRIED 5-0, 1 ABSTENTION

Mr. Robbins recused himself. He said he has an immediate relative that is employed by an abutter.

Michael Petrin, VHB, Bedford, NH

Mr. Petrin introduced himself as representing the applicant. He said David Hauser, Project Manager in the Construction Division,

was also present. He gave an overview of the proposal. He said the applicant is requesting two waivers regarding an existing conditions plan and off-street parking.

Mr. Varley asked if the drive-through would be exclusively for ice cream.

Mr. Petrin said there would be a limited menu; ice cream, burgers, etc.

Mr. Varley asked if this is common in other Friendly's restaurants.

Mr. Petrin said there has been one installed in Westfield, MA, that opened in October.

Mr. Weber asked where staff parked.

Mr. Petrin said they currently park in the back of the site.

Mr. Weber asked if they could instead park down below where the drive-through window is. It would be difficult for patrons of the restaurant to back out of these spots, as they would need to back into the drive-through lane.

David Hauser, Project Manager, Friendly's

Mr. Hauser said they do not have an issue with that condition. Adjacent to those spots is handicapped parking, which will need to remain there. He said they would not want to post signage designating the area as employee parking, but rather, direct the manager to encourage staff to park in those spots.

Mr. Dookran asked how many trips they anticipate generating during peak hours.

Mr. Petrin said they have determined that on weekday peak hours; there will be 10-15 additional trips per hour.

Mr. Dookran asked if they see an issue with pedestrians crossing the path of the drive-through.

Mr. Petrin said no, this drive-through is setup just as any other drive-through facility.

Mr. Weber said, at the entrance of the drive-through, the curbing is pointed. Is it possible to make it a better radius?

Mr. Petrin said they are not proposing to change the curb; also, there are two lanes there.

SPEAKING IN OPPOSITION OR CONCERN

None

SPEAKING IN FAVOR

None

MOTION by Mr. Weber to approve New Business - Site Plan #6. It conforms to § 190-146(D) with the following stipulations or waivers:

1. 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.
2. The request for a waiver of § 190-279(J)), which requires an existing conditions plan, 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, stormwater documents will be submitted to City staff for review and approval and recorded at the Registry of Deeds at the applicant's expense.
4. Prior to the issuance of a certificate of occupancy, all site improvements will be completed.

SECONDED by Ald. McGuinness

MOTION CARRIED 5-0

OTHER BUSINESS

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

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

SECONDED by Mr. Weber

MOTION CARRIED 6-0

DISCUSSION ITEMS

- Plan4Health

Mr. Weber said he attended the Plan4Health meeting. He found it very important and it may be beneficial to discuss and potentially adopt some of the regulations.

Mr. Houston said there was also a presentation made before the Planning Board.

Mr. Varley asked, if the Board wanted to propose a new ordinance or amendment to an existing ordinance, would they make a recommendation to the Board of Aldermen.

Mr. Houston said yes, though they might want to form a committee first to do further research.

Mr. Dookran explained issues with safety and practicality that could be presented by creating wider streets.

- Annual Training

Mr. Houston asked if May 11th would be a viable day for training. Other dates that may be possible are May 10th or May 25th.

Board members agreed on May 11th.

MOTION to adjourn by Mr. Weber. Meeting adjourned at 8:57pm.

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