

NASHUA CITY PLANNING BOARD
May 5, 2016

The regularly scheduled meeting of the Nashua City Planning Board was held on Thursday, May 5, 2016 at 7:00 PM in Room 208, 2nd floor at City Hall.

Members Present: Scott LeClair, Vice Chair
 Michael Pedersen, Mayor's Rep.
 Dan Kelly, Secretary
 Steve Dookran, City Eng.
 David Robbins
 Ed Weber
 Steven Zedeck, alt.
 Megan Prieto Giokas, alt.

Also Present: Roger Houston, Planning Director
 Linda Panny, Deputy Planning Manager

Mr. LeClair said Ms. Prieto will be participating and voting.
Mr. Zedeck will be participating but not voting.

Approval of Minutes

April 7, 2016

MOTION by Mr. Weber to approve the minutes of April 7, 2016.

SECONDED by Mr. Pedersen

MOTION CARRIED 3-0, 4 ABSTENTIONS

COMMUNICATIONS

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

-) Planning Board Training Session Reminder
-) Warranty Deed re: Case #2
-) Communication from Prabhakar Nanavati re: Case #3
-) Request for postponement re: Case #4
-) Communication from Gottesman & Hollis, PA re: Case #4
-) Preliminary Planning Board Agenda

REPORT OF CHAIR, COMMITTEE & LIASON

HDC: Mr. Weber said there were two items passed at the last Historic District Commission meeting. The Commission is continuing to expand the Historic District.

PROCEDURES OF THE MEETING

Mr. LeClair 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. City of Nashua, John A. Bieren Sr., Pullen Family Rev Trust, Kimberly Roberts, and George A. & Catherine J. Norton (Owners) - Application and acceptance of proposed lot line relocation plan. Property is located at 9 Stadium Drive, 15, 17, & 19 Radcliffe Drive, and 104 Shore Drive. Sheet E - Lots 531, 532, 533, 534, & 1359. Zoned "PI" Park Industrial & "R9" Suburban Residence. Ward 5.

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

SECONDED by Ms. Prieto Giokas

MOTION CARRIED 7-0

NEW BUSINESS - SITE PLANS

5. City of Nashua (Owner) - Application and acceptance of proposed site plan amendment to NR1992 to show lot line relocation. Property is located at 9 Stadium Drive. Sheet E - Lot 1359. Zoned "PI" Park Industrial and "R9" Suburban Residence. Ward 5.

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

SECONDED by Mr. Kelly

MOTION CARRIED 7-0

Jim Pullen, 17 Radcliffe Drive, Nashua, NH

Mr. Pullen introduced himself and said he would be speaking on behalf of the owners of 15 and 19 Radcliffe Dr. and 104 Shore Dr. He said there have been issues with snow farming behind their homes for many years. The intent is to purchase some of the land from the City and increase the buffer between the residences and City property. Also, there is a stipulation with the property that only allows sheds that are under 200SF to be constructed; he would like the Planning Board to discuss this.

Mr. LeClair asked Mr. Pullen to clarify which waivers he is requesting.

Mr. Pullen said they are requesting a waiver of the existing conditions plan.

Mr. Weber asked staff for clarification on Mr. Pullen's comments about sheds.

Ms. Panny said the owner would apply for a shed with the building department. If the proposed shed exceeded the allowable size, it would have to be reviewed and approved by the Zoning Board.

Mr. Houston said if the City places deed restrictions on the land they sell, that is a separate issue.

Mr. LeClair said he understands Mr. Pullen's question about sheds, but it is not under the authority of the Planning Board.

SPEAKING IN OPPOSITION OR CONCERN

None

SPEAKING IN FAVOR

None

MOTION by Mr. Weber to approve New Business - Subdivision Plan #1. It conforms to § 190-138(G) with the following stipulations and waivers:

1. The request for a waiver of § 190-282(B)(9), which requires an existing conditions plan, is granted, finding that the waiver will not be contrary to the spirit and intent of the regulation.

SECONDED by Mr. Robbins

MOTION CARRIED 7-0

MOTION by Mr. Weber 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 § 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. 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. Robbins

MOTION CARRIED 7-0

NEW BUSINESS - SUBDIVISION PLANS

2. Lofts 34, LLC, Grace Fellowship of Nashua, Inc., and Boston & Maine Corp (Owners) - Application and acceptance of proposed lot line relocation/dedication/consolidation plan. Property is located at 34 Franklin St, 21 Front St, and "L" Front Street. Sheet 78 - Lots 86, 90, & 91 and Sheet 69 - Lot 20. Zoned "GI/MU" General Industrial/Mixed Use. Ward 3.

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

SECONDED by Ms. Prieto Giokas

MOTION CARRIED 7-0

Shawn Smith, Brady Sullivan Properties

Mr. Smith introduced himself and Steve Auger of HSI, Inc. He gave a brief overview of the proposal. He said this application is a follow-up to the site plan approval that was received last November.

Steve Auger, HSI, Inc.

Mr. Auger said the plan deals with four (4) lots. He explained the proposed configuration of the lots, should the plan be

approved. There are not stormwater issues with this plan. The applicant is requesting a waiver of the exiting conditions plan.

Mr. LeClair asked about cleanup of the railroad spur.

Mr. Smith said there will be some clean-up but the intent is to maintain the spur in the sense of a walkway, as it is important to the historic nature of the building.

Mr. Kelly asked if the B&M Railroad will still run through.

Mr. Smith said yes, there will still be active rail, which runs once a week. They intend to put up a firm barrier to prevent any crossing. There will be a retaining wall with fencing along the northern portion of the lot.

Mr. Kelly expressed concerns with safety in maintain the spurs.

Mr. Smith said they will work with Pan-Am as the project moves forward.

Mr. Kelly said Triangle Credit Union had concerns with the narrowness of the ROW, and it was thought that removing the parking meters could be a good solution. Has this been resolved?

Mr. Houston said not that he is aware of. If the applicant wants to request a reduction of parking spaces in the ROW, would they need to speak with the Board of Public Works?

Mr. Dookran said this is the likely procedure.

SPEAKING IN OPPOSITION OR CONCERN

None

SPEAKING IN FAVOR

None

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

1. The request for a waiver of § 190-282(B)(9), which requires an existing conditions plan, is granted, finding that the waiver will not be contrary to the spirit and intent of the regulation.

SECONDED by Mr. Robbins

MOTION CARRIED 7-0

3. G. Hurd & Son Construction, LLC (Owner) - Application and acceptance of proposed consolidation and 2 lot subdivision. Property is located at 257 and "L" Pine Street. Sheet 101 - Lots 26 & 29. Zoned "RB" Urban Residence. Ward 6.

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

SECONDED by Ms. Prieto Giokas

MOTION CARRIED 7-0

Attorney Colin Jean, Nashua, NH

Attorney Jean introduced himself as representing the applicant. He gave an overview of the proposal. He said the applicant is requesting a waiver of underground utilities; a waiver of the sidewalk requirement with the intention of making a contribution to the sidewalk fund; and a waiver of the existing conditions plan. Mr. Hurd has also agreed to take care of a tree which abuts the lot of 48 Hunt St. This will be removed when demolition and site work occurs. He will also trim back some of the pine trees that have branches overhanging on the property.

Mr. LeClair asked if the conditions of Jeanne Walker's letter have been resolved.

Attorney Jean said yes, the plan has been corrected and resubmitted to Ms. Walker.

Mr. LeClair asked if the applicant will be working with the owner at 251 Hunt St to place a buffer, as stipulated by the Zoning Board.

Attorney Jean said yes, the applicant is working with this owner to come to an agreement on an appropriate fence.

Mr. Weber asked the amount of the sidewalk contribution.

Ms. Panny said it would be \$5,000, at \$50/linear foot with 100 feet of frontage on the property.

SPEAKING IN OPPOSITION OR CONCERN

Susan Paul, 40 Acton St

Ms. Klein asked what height the proposed houses will be, and if the back of the lot will be cleaned up. She said also had concerns with people cutting through the back of the property, as well safety concerns with traffic backing out of the property.

SPEAKING IN FAVOR

None

Mr. LeClair read into the record the letter from Prabhakar Nanavati, 48 Hunt St.

Attorney Jean said the height of the houses will be consistent with what is currently seen in the neighborhood. With respect to the easement, that property is owned by the City, not Mr. Hurd. He reiterated how the applicant will address the issue of the trees with the owner of 48 Hunt St. As far as concerns with people cutting through the back of the property, Mr. Hurd would discuss this further with Ms. Paul. Regarding traffic backing out of the site, the City did not express any issues.

Mr. Dookran asked if the owner would consider speaking to a professional arborist regarding the safety of the trees on site.

Attorney Jean said the applicant is more than willing to do that.

MOTION by Mr. Weber to approve New Business - Subdivision Plan #3. It conforms to § 190-138(G) with the following stipulations and waivers:

1. The request for a waiver of § 190-221, which requires underground utilities to be installed, 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 § 190-282(B)(9), 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. The request for a waiver § 190-212(A)(1), which requires that a sidewalk be located on at least one side of the street,

- is/is not granted, finding that the waiver will/will not be contrary to the spirit and intent of the regulation. The applicant has agreed to make a contribution in the amount of \$5,000.00 in lieu of sidewalk construction pursuant to §190-212(D)(2), payment to be made prior to recording the plan.
4. Prior to recording the plan, all comments in a letter from Jeanne Walker dated April 20, 2016 will be addressed to the satisfaction of the Engineering Department.
 5. Stormwater management documents shall be submitted to Planning Staff and Corporation Counsel for review and recorded with the plan at the owner's expense.
 6. All ZBA conditions of approval from the March 9, 2016 hearing are incorporated herein.
 7. Any work within the right-of-way shall require a financial guarantee.
 8. Prior to the Chair signing the plan, minor drafting corrections will be made.

SECONDED by Mr. Robbins

MOTION CARRIED 7-0

4. Andrea James Realty, LLC and Bedek Realty, LLC (Owners) - Application and acceptance of proposed subdivision and lot line relocation plan. Property is located at 93 & 97 Daniel Webster Hwy and "L" West Hobart St. Sheet 128 - Lots 23, 33, & 81. Zoned "HB" Highway Business and "RA" Urban Residence. Ward 7.

MOTION by Mr. Robbins to postpone New Business #4 to the May 19, 2016 meeting.

SECONDED by Mr. Kelly

MOTION CARRIED 7-0

NEW BUSINESS - SITE PLANS

6. Croteau Land Enterprise, LLC (Owner) - Application and acceptance of proposed site plan amendment to NR2002 to add outdoor seating on the patio. Property is located at 621 Amherst Street. Sheet I - Lot 25. Zoned "GB" General Business, Ward 2.

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

SECONDED by Mr. Kelly

MOTION CARRIED 7-0

Paul Chisholm, Keach-Nordstrom Associates

Mr. Chisholm introduced himself as representing the applicant. He gave an overview of the proposal. He said the applicant is requesting a waiver of the parking requirements.

Mr. Dookran discussed the reduction of parking spaces and issues of traffic on site and pedestrian safety.

Mr. Chisholm provided a handout showing four parking spaces in the loading area along the building. He said this area can double as an employee parking overflow area, as deliveries mostly come in during off-hours.

Mr. Dookran asked, should the ROW be widened, will this be an issue.

Mr. Chisholm said they do not have a plan at this time to address that.

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. All prior conditions of approval are incorporated herein and made a part of this plan, unless otherwise determined by the planning board.

SECONDED by Ms. Prieto Giokas

MOTION CARRIED 7-0

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. Robbins

MOTION CARRIED 7-0

DISCUSSION ITEMS

Mr. Dookran further discussed the elimination of parking spaces on Franklin St.

Mr. Robbins thanked Steve Zedeck for his contributions to the Board.

Mr. LeClair reminded everyone of the training on May 11th.

Mr. Robbins said there is also a workshop in Concord in June.

MOTION to adjourn by Mr. Kelly. Meeting adjourned at 9:03pm.

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