

NASHUA CITY PLANNING BOARD
June 2, 2016

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

Members Present: Adam Varley, Chair
Scott LeClair, Vice Chair
Michael Pedersen, Mayor's Rep.
Dan Kelly, Secretary
Steve Dookran, City Eng.
David Robbins
Megan Giokas, alt.

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

Mr. Varley said Mrs. Giokas will be participating and voting.

Approval of Minutes

May 19, 2016

Mr. Kelly said on page 10, the minutes should reflect that Mr. Kelly suggested an 8am start on Saturday specifically.

MOTION by Mr. Kelly to approve the minutes of May 19, 2016, as amended.

SECONDED by Mr. Robbins

MOTION CARRIED 5-0, 2 ABSTENTIONS

COMMUNICATIONS

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

) Amended staff report 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

None

NEW BUSINESS - CONDITIONAL/SPECIAL USE PERMITS

None

NEW BUSINESS - SUBDIVISION PLANS

None

NEW BUSINESS - SITE PLANS

1. LINRICH, LLC (Owner) - Application and acceptance of proposed site plan amendment to NR1615 to demolish one building and construct an addition to the remaining building. Property is located at 172-174 (180) Daniel Webster Highway. Sheet A - Lot 983. Zoned "HB" Highway Business and GI-General Industrial. Ward 7. **(Postponed from the May 5, 2016)**

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

SECONDED by Mrs. Giokas

MOTION CARRIED 7-0

Kevin Anderson, Meridian Land Services

Mr. Anderson introduced himself and said owner Rich Lovering and project architect Jonathan Smith, of Warren Street Architects, were also present. He gave an overview of the project. He said they are requesting waivers of the architectural design standards and for providing an existing conditions plan. He said Engineering's request for a sidewalk along Daniel Webster Highway is unwarranted because a sidewalk already exists.

Mr. Varley asked if the applicant confirmed with staff that the sidewalk will not be required.

Mr. Anderson said no.

Mr. Dookran said Ms. Walker should have sent an updated letter to staff confirming that the sidewalk already exists and will not be required.

Mr. Kelly asked, regarding the expansion of the wash bay, what precautions will be taken to make sure the water is clean.

Jonathan Smith, Warren Street Architects

Mr. Smith said the wash bay expansion is for two new lift locations. The wash bay will not be moving.

Mr. Kelly asked if there is an existing system where water is recycled.

Rich Lovering, Lovering Volvo

Mr. Lovering said the water currently goes into the sewer system. The wash bay area will remain the same as it is today. The expansion is to accommodate two new lifts.

Mr. Robbins asked for clarification on the terms of the cross-access easement.

Mr. Anderson said they are proposing a 50' wide space abutting the railroad, along the old Dow Chemical site. When the abutting land becomes developed, the cross-access easement will be finalized.

Mr. LeClair asked if the building façade will be internally lit.

Mr. Smith said the front elevation and 24ft. back on either side is an aluminum and glass storefront system. The glass is translucent with glazing, and will glow from inside when the building is occupied.

Mr. Lovering said the business closes at 8pm, and that is when the lights go off.

Mr. Dookran asked if the existing lights, closest to Daniel Webster Highway, meet current standards.

Mr. Anderson said he does not know. It is his understanding that there have not been any complaints regarding the existing lighting.

Mr. Dookran asked what will be done to ensure traffic circulation on site will not be impeded.

Mr. Anderson said it would depend on how the cars are displayed or lined up. It was less important to delineate car display parking spots on the plan than to confirm traffic/pedestrian circulation and emergency access. Traffic should not be flowing through any parked display area.

Mrs. Giokas asked if the 50' easement that does fall within the subject parcel will be recorded.

Mr. Anderson said it is not a recorded easement; rather, it is an opportunity for the City of Nashua to negotiate the means of the easement with Lovering Volvo.

Mr. LeClair asked for clarification on the termination points for gas and water services.

Mr. Anderson said there are specific requirements on how each of those services is terminated; each company has their standard. Note #14 on the plan says the contractor will coordinate with the respective utility company to properly abandon the service.

Mr. LeClair asked if there will be any utility work along Daniel Webster Highway, or will all the work be on site.

Mr. Anderson said water and gas are on the extreme edge of Daniel Webster Highway. If required by the utility company, we will have to abandon the service at that point. If the utility company will allow us to cut and cap the service at the property line, and not disturb Daniel Webster Highway, that will be the best option. He added that there are no new services involved in this project; this is simply to demolish the existing building.

Mr. Dookran said the City has plans to repave Daniel Webster Highway. The applicant should complete utility demolition prior to this, as there is a 5-year moratorium.

Mr. Robbins asked if the applicant could provide more information regarding elevation lines. He suspects this may have an impact on a future cross-access easement.

Mr. Anderson said what is being proposed on site is occurring at the front of the existing building; nothing at the rear of the site. They are providing a space for a future easement, but the construction of that easement is not for them to determine.

Mr. Houston said, when Nashua Landing was looking at the Dow site in 2005 and 2007, this was determined to be an area where an easement could occur. It has no relation to the Lovering Volvo buildings in the front. Staff has previous Lovering Volvo site plans with the elevation information. It is more a question of what and when will happen at the Dow site; there is nothing definitive at this point in time. Shared access is common up and down the Daniel Webster corridor.

Mr. Varley asked if the easement location shown on the subject plan is the same area that staff had previously agreed upon.

Mr. Houston said yes, it is the same location that the City and Board looked at previously.

SPEAKING IN OPPOSITION OR CONCERN

None

SPEAKING IN FAVOR

None

MOTION by Mr. LeClair 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 § 190-172(B)(2), (C)(2), (D)(2-4), and E(2), which sets building design 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(EE), 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 applicant shall provide in the future when the City requests and for no monetary consideration a public and emergency cross access easement not to exceed 50' (width) to the City for future cross-access easement connection to the north and south (Sheet A Lots 786 and 218) at the time of development of one or more of the abutting properties. The applicant will work with Staff on the location, description and design of the easement, which will be reviewed and approved by Corporation Counsel and Planning Staff. If possible, the easement will be placed as close to the railroad

tracks and as shown on the Proposed Parking Layout Concept 2 dated February 15, 2007 (see attached) reserving at least a 10 foot width for existing pedestrian easement along the railroad property line.

4. Prior to the issuance of a building permit, all comments in letter from Jeanne Walker, PE dated May 6, 2016 shall be addressed to the satisfaction of the Engineering Department. With exception of number 3 regarding sidewalks shall be removed.
5. 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.
6. Any work within the right-of-way shall require a financial guarantee.
7. Prior to the issuance of a certificate of occupancy, all site improvements will be completed.

SECONDED by Mr. Kelly

MOTION CARRIED 7-0

2. Oanh Nguyen (Owner) Crossway Christian Church (Applicant) - Application and acceptance of proposed site plan amendment to NR502 for a change of use from a grocery store to a church. Property is located at 33 Pine Street. Sheet 80 - Lot 91. Zoned G"I/MU" General Industrial/Mixed Use. Ward 4.
(Withdrawn)

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. Kelly

MOTION CARRIED 7-0

2. Amendment to the FY 2017 Capital Improvement Program, adding new two projects.

MOTION by Mr. LeClair for a favorable recommendation of the addition of two new projects to the FY 2017 Capital Improvement Program.

SECONDED by Mrs. Giokas

MOTION CARRIED 7-0

DISCUSSION ITEMS

Mr. LeClair asked the status of the Master Plan.

Mr. Houston said it is currently going through the budget process. If approved, it wouldn't be available until July.

MOTION by Mr. LeClair to cancel the next meeting scheduled for June 16, 2016.

SECONDED by Mr. Kelly

MOTION CARRIED 7-0

MOTION to adjourn by Mr. Kelly. Meeting adjourned at 7:58pm.

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