

NASHUA CITY PLANNING BOARD  
October 6, 2016

The regularly scheduled meeting of the Nashua City Planning Board was held on Thursday, October 6, 2016 at 7:00 PM in the 3<sup>rd</sup> floor auditorium in City Hall.

Members Present: Adam Varley, Chair  
Scott LeClair, Vice Chair  
Mike Pedersen, Mayor's Rep.  
Dan Kelly, Secretary  
Dave Robbins  
Ed Weber

Also Present: Roger Houston, Planning Director  
Linda Panny, Deputy Planning Manager  
Scott McPhie, Planner I

**Approval of Minutes**

September 8, 2016

**MOTION** by Mr. LeClair to approve the minutes of September 8, 2016.

**SECONDED** by Mr. Kelly

**MOTION CARRIED** 4-0-2

**COMMUNICATIONS**

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

- ) Communication from Jeanne Walker re: Case #7
- ) Communication from Steve Bolton re: Right-to-Know Law

**REPORT OF CHAIR, COMMITTEE & LIASON**

HDC: Mr. Weber said the HDC approved a project at 20 Manchester St. The proposal was to demolish an existing shed.

**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**

1. Nashua Housing Authority (Owner) Girls Inc. (Applicant) - Application and acceptance of proposed Conditional Use Permit to construct building additions with associated site improvements. Property is located at 27 Burke Street. Sheet 10 - Lot 45. Zoned "RB" Urban Residence. Ward 7.

**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**

**NEW BUSINESS - SITE PLANS**

3. Nashua Housing Authority (Owner). Girls Inc. (Applicant) - Application and acceptance of proposed site plan amendment to NR 395 to construct building additions with associated site improvements. Property is located at 27 Burke Street. Sheet 10 Lot 45. Zoned RB-Urban Residence. Ward 7.

**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**

*The applicant was not present.*

**MOTION** by Mr. Robbins to table Cases #1 and #3 to later in the meeting.

**SECONDED** by Mr. LeClair

**MOTION CARRIED 6-0**

**NEW BUSINESS - SUBDIVISION PLANS**

2. 1987 Tamposi Limited Partnership (Owner) - Application and acceptance of proposed one year extension for a lot line relocation plan. Property is located at 100 Northeastern Boulevard and L Pittsburgh Avenue. Sheet 140 - Lots 38 & 41. Zoned "PI" Park Industrial. Ward 9.

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

**SECONDED** by Mr. LeClair

**MOTION CARRIED 6-0**

**NEW BUSINESS - SITE PLANS**

4. 1987 Tamposi Limited Partnership (Owner) - Application and acceptance of proposed one year extension for construction of two multi-tenant buildings with associated site improvements. Property is located at 100 Northeastern Boulevard and L Pittsburgh Avenue. Sheet 140 - Lots 38 & 41. Zoned "PI" Park Industrial. Ward 9.

**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 Gerald Prunier, Prunier & Prolman

Attorney Prunier gave a brief overview of the request. The applicant agrees with the staff report and all prior stipulations.

Mr. Kelly asked why the applicant needs another extension.

Attorney Prunier said the applicant is still focused on lining up financing and finding tenants.

**SPEAKING IN OPPOSITION OR CONCERN**

None

**SPEAKING IN FAVOR**

None

**MOTION** by Mr. LeClair to approve New Business - Subdivision Plan #2. It conforms to § 190-138(G) with no stipulations or waivers.

**SECONDED** by Mr. Kelly

**MOTION CARRIED 6-0**

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

1. 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. Kelly

**MOTION CARRIED 6-0**

**NEW BUSINESS - SITE PLANS**

5. Fleetboston, c/o Bank of America (Owner) - Application and acceptance of proposed site plan amendment to NR 523 for changes to exterior lighting requiring a planning board waiver. Property is located at 500 Amherst Street. Sheet H - Lot 124. 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. Weber

**MOTION CARRIED 6-0**

Zach Miller, Holland Construction

Mr. Miller requested that the case be pushed back to allow time for the project engineer to arrive at the meeting.

**MOTION** by Mr. LeClair to table the case until later in the meeting.

**SECONDED** by Mr. Robbins

**MOTION CARRIED 6-0**

Mr. Varley said Case #6 was postponed to the October 20, 2016 meeting.

7. City of Nashua (Owner) Renaissance Downtowns at Nashua, LLC (Applicant) - Application and acceptance of proposed site plan amendment to NR1975 to show minor changes 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. Robbins that the application is complete and the planning board is ready to take jurisdiction.

**SECONDED** by Mr. Weber

**MOTION CARRIED 6-0**

Attorney Andrew Prolman, Prunier & Prolman

Attorney Prolman introduced himself as representing the applicant. He said Tim Cummings of the City of Nashua, Bob Simons of the SMC Management Company and Jack McTigue of TFMoran were also present. He explained that the shaded Building C as shown on the plan will be part of Phase II of the project. The area where Building C will be built is currently a detention basin owned by the City. In order to construct the building, the detention basin will need to be removed, a process that could take years. Many of the conditions of approval, as stated at the meeting back in February, were based on the construction of Building C. They have worked with staff over the last few months to tie conditions of approval to only Buildings A, B, D and E, not Building C. This is the heart of why they are here tonight. The applicant agrees to all conditions of approval as presented in the staff report. They have had an opportunity to refine the details regarding the access road from D Street as well as the D Street intersection. The applicant has provided engineering for the temporary traffic signal. They have also worked with corporation counsel and staff regarding the skate park temporary easement as well as the Bancroft Street agreement through the Board of Public Works. They have two additional waivers for the board to consider. Regarding the access road from D Street, they are proposing two 12ft. travel lanes, shoulders and landscaping on the side of the shoulders. This proposal does not meet the design standards of the City but they believe those standards are not appropriate for this site. Attorney Prunier referenced a letter from TF Moran dated September 29, 2016. The other waiver request is for parking requirements. In working with the City, an agreement was made that the parking on Bancroft Street could be included in the site parking calculation. Technically they need a waiver from the regulations but staff is supportive of this waiver. Attorney Prunier said he had one additional statement to make for the benefit of the Title Company. Buildings D and E as shown on the plan do not meet the setback requirements of the General Industrial district; there is a 2ft buffer where 10ft. is required. However, the board is considering this application as not only being in the GI district but also within the Mixed Use overlay district, which

allows the board the flexibility to reduce dimensional standards.

Mr. Varley asked if Building C will be part of a separate site plan.

Attorney Prolman said yes, that has to come back to the Board. They will need to come back for a lot line subdivision to obtain a portion of land that is currently owned by the City for Building C. There would also be a site plan for Building C.

Mr. Robbins asked Attorney Prolman to review the two waiver requests.

Attorney Prunier explained the waiver requests.

Jack McTigue, TFMoran

Mr. McTigue said without the 41 spaces on Bancroft Street, where 1.5 parking spaces per unit are required, they would be asking for 1.3 parking spaces per unit.

Mr. Kelly asked if the changes to the plan will affect the bridge and intersections coming from Hudson.

Attorney Prolman said no. There was a traffic study conducted which said the level of services will remain the same before and after the addition of the light.

Mr. LeClair asked if the permitting through the Army Corps had been squared away.

Attorney Prolman said yes. They still need to go back to the Army Corps for Building C.

**SPEAKING IN OPPOSITION OR CONCERN**

None

**SPEAKING IN FAVOR**

None

Ms. Panny said in regards to stipulation #21, the Board should substitute Jeanne Walker's September 9<sup>th</sup> letter with her October 5<sup>th</sup> letter.

**MOTION** by Mr. LeClair to approve New Business - Site Plan #7. It conforms to § 190-146(D) with the following stipulations or waivers:

1. The request for a waiver of § 190-193, which sets minimum dimensional requirements for 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 § 190-199, which sets minimum dimensional requirements for loading spaces, 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 § 190-208, which sets minimum geometric design standards for streets, is granted, finding that the waiver will not be contrary to the spirit and intent of the regulation. This is to include both the private road and Bancroft Street.
4. The request for a waiver of § 190-23F(1), which sets dimensional and density requirements, is granted, finding that the waiver will not be contrary to the spirit and intent of the regulation.
5. 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.
6. Signage will be posted stating "No Parking" on the private street.
7. Prior to the issuance of the first building permit, all easements will be submitted to City staff by the developer, Renaissance at Nashua, LLC, and its successors and assigns (herein referred to collectively as the "developer") for review and approval and recorded at the Registry of Deeds.
8. Stormwater documents will be submitted to City staff for review and approval and recorded prior to the issuance of first building permit.
9. Prior to the issuance of a building permit for Building C, (Phase II) the developer shall receive subdivision approval, purchase the land from the City and obtain all necessary City approvals.
10. 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.

11. Prior to the issuance of a building permit, the developer will contribute \$30,000 to the City for the "East Hollis Street corridor improvements.
12. Prior to issuance of the building permit for Building "A", the final plan for the temporary traffic signal at "D" Street must be submitted and approved by Corporation Counsel, the City Engineer and the Traffic Engineer. Prior to issuance of a certificate of occupancy for any building, the left pocket will be installed at the developer's cost.
13. Prior to the issuance of a certificate of occupancy for Building A or D, the temporary traffic signal on Bridge Street must be installed at the developer's cost.
14. Within 90 days from the issuance of a building permit for Building A or D, a plan for the final design of a permanent traffic signal at "D" Street, a financial guarantee for the work to be performed and the required right-of-way or easements for its construction must be submitted and approved by Corporation Counsel, the City Engineer and the Traffic Engineer.
15. Prior to the issuance of a certificate of occupancy for Building "D", the developer shall provide financial security with inflation for this permanent signalized intersection for approval by the City Engineer and Traffic Engineer. If it is determined by the City that a full turning movement intersection solution at Bancroft Street and Bridge Street cannot be constructed within three years of the final certificate of occupancy for Building "D", the developer shall turn the temporary signal at "D" Street and Bridge Street intersection into a permanent signalized intersection at their cost.
16. Prior to issuance of building permit for Building "A", the developer shall provide legal evidence that they have the right to construct and maintain a temporary and, if needed, a permanent private roadway from the "D" street intersection at Bridge St. to the roundabout/circle on Bancroft Street; and the private roadway is to be named, posted with a street sign and built to city street standards, unless waived by the planning board, to the satisfaction by Fire Department, City Engineer, Planning Department and Corporation Counsel.
17. Prior to the issuance of a building permit for Building A, an easement plan for the current unnamed private way shall be recorded and attached to the prior site plan for Sheet 40, Lot 38 to show the private roadway from "D" Street

intersection at Bridge Street to the roundabout/circle on Bancroft Street.

18. Bancroft Street future maintenance agreement shall be approved by the City prior to issuance of building permit for Building E.
19. Prior to the issuance of the first building permit all comments in an e-mail from Adam Pouliot, Fire Marshal dated September 19, 2016 shall be addressed to the satisfaction of the Fire Marshal, and all addresses shall be shown on the approved site plan.
20. Prior to the Chair signing the plan, all addresses will be shown on the plan.
21. Prior to the issuance of first building permit, all comments in a letter from Jeanne Walker, P.E., Deputy City Engineer dated October 5, 2016 shall be addressed to the satisfaction of the Engineering Department.
22. Prior to the issuance of the first building permit, all comments in an e-mail from Wayne Husband, P.E., Senior Traffic Engineer dated September 1, 2016 shall be addressed to the satisfaction of the Traffic Engineer.
23. 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 A.
24. All off-site improvements identified on plan will be completed prior to the issuance of a certificate of occupancy for Building D.
25. Prior to the issuance of the certificate of occupancy for Building D, 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; and further provided that a financial guarantee will be required for any work remaining.
26. Prior to the issuance of the certificate of occupancy for Building B an as-built plan locating all roads, driveways, units, buildings, utilities, and landscaping shall be completed by a professional New Hampshire licensed engineer or surveyor and submitted to Planning and Engineering Departments. The as-built plan shall include a certification by a NH licensed professional engineer that all construction was generally completed in accordance with the approved site plan and applicable regulations.

27. Bancroft Street shall remain City right-of-way/property and be constructed by the developer. The developer at their sole cost shall petition the City for acceptance with the new layout within six months of Certificate of Occupancy for Building D.
28. Prior to the Chair signing the plan, minor drafting corrections will be made.
29. Any work within the right-of-way shall require a financial guarantee.
30. The site plan and US ACOE 408 permit plan submittal shall contain materially similar infrastructure improvements.

**SECONDED** by Mr. Kelly

**MOTION CARRIED 6-0**

**MOTION** by Mr. Robbins to remove Case #5 from the table.

**SECONDED** by Mr. Weber

**MOTION CARRIED 6-0**

Neil Sander, Dynamic Engineering

Mr. Sander introduced himself and thanked the Board for their accommodation. He gave an overview of the proposal. Bank of America has been undergoing a nationwide upgrade program to convert all exterior lighting to LED's and improve security around ATM and nighttime drop boxes. He said they are requesting several waivers of site plan design requirements.

Mr. Varley asked what the impact is on surrounding properties as a result of non-compliance with lighting standards.

Mr. Sander said the only impact would be on Deerwood Drive. The illumination at the driveway existing onto Deerwood would be at 2.5 footcandles, approximately halfway across the ROW. It would match the other side of the street, as there is a 20ft LED pole at the 7-11 driveway. There are apartments to the south and east of the property but the illumination would not affect them.

Mr. LeClair asked what temperature lighting would be used.

Mr. Sander said 4,000 Kelvin.

Mr. LeClair said a lot of the lighting in Nashua is typically around 3,000-3,500K. He asked if the current street lights had been updated.

Mr. Weber said the street lights are being updated to 3,500K.

Mr. LeClair asked if the applicant would have an issue installing 3,500K instead of 4,000K.

Mr. Houston said he is not sure whether the City is using a different lighting standard for major highway corridors in the City such as Amherst Street. Deerwood Drive is a commercial street.

Mr. Weber asked if a resident living close to the site would be able to see the light.

Mr. Sander said the lights are fully shielded. If you are more than 25ft. away, you shouldn't be able to see it.

Mr. Weber asked if the applicant would work with staff to ensure that the dumpster on site is enclosed.

Mr. Sander said yes, they can discuss this with staff.

**SPEAKING IN OPPOSITION OR CONCERN**

None

**SPEAKING IN FAVOR**

None

**MOTION** by Mr. LeClair 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 § 190-89(A) , which requires Light levels shown at property lines, 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 § 190-89 (C), which requires Pole heights shown, 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 § 190-279 (G-K),(P-S),(U),(BB), (CC), and (EE) which are listed in the letter dated September 2, 2016, is granted, finding that the waiver will not be contrary to the spirit and intent of the regulation.

4. Any work within the right-of-way shall require a financial guarantee.
5. Prior to the Chair signing the plan, minor drafting corrections will be made.
6. All prior conditions of approval are incorporated here in.
7. The dumpster shall be enclosed per City of Nashua Ordinance.

**SECONDED** by Mr. Kelly

**MOTION CARRIED 6-0**

**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 6-0**

2. Adoption of the "2017 Meeting and Deadline Dates" for the Nashua City Planning Board.

Mr. LeClair said the March meeting dates and first April date should be changed to March 9, March 23 and April 13.

Mr. Varley said they can hold off on approving the meeting dates until next meeting.

**MOTION** by Mr. LeClair to further table Case #1 to the October 20, 2016 meeting.

**SECONDED** by Mr. Pedersen

**MOTION CARRIED 6-0**

**MOTION** by Mr. LeClair to further table Case #3 to the October 20, 2016 meeting.

**SECONDED** by Mr. Pedersen

**MOTION CARRIED 6-0**

**DISCUSSION ITEMS**

Mr. Weber asked the status of the Master Plan.

Mr. Houston said they are in the process of hiring a Transportation/Long-Range Planner. They have set aside \$50,000 in the budget to start the process. The Board can start thinking about forming a subcommittee.

**MOTION** to adjourn by Mr. Kelly. Meeting adjourned at 8:09pm.

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