

NASHUA CITY PLANNING BOARD  
October 20, 2016

The regularly scheduled meeting of the Nashua City Planning Board was held on Thursday, October 20, 2016 at 7:00 PM in the 3<sup>rd</sup> floor auditorium in City Hall.

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

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

**Approval of Minutes**

October 6, 2016

**MOTION** by Mr. Kelly to approve the minutes of October 6, 2016.

**SECONDED** by Mr. Robbins

**MOTION CARRIED** 5-0-1

**COMMUNICATIONS**

Ms. Panny went over the following items that were received after the mailing went out:

- Letter from Attorney Prunier re: postponement of Case #4, 122 Manchester St, to the November 17, 2016 meeting
- Preliminary agenda

**REPORT OF CHAIR, COMMITTEE & LIASON**

CIC: Mr. Kelly said the CIC Committee had its kickoff meeting last week. There are revisions being made to how the process will be implemented this time. They also held elections and he will remain as Chairman.

**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 - SUBDIVISION PLANS**

None

**OLD 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. **(Tabled from the October 6, 2016 Meeting)**

**MOTION** by Mr. Robbins to remove the application from the table.

**SECONDED** by Mr. Kelly

**MOTION CARRIED 6-0**

**OLD BUSINESS - SITE PLANS**

2. 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. **(Tabled from the October 6, 2016 Meeting)**

**MOTION** by Mr. Robbins to remove the application from the table.

**SECONDED** by Mr. Kelly

**MOTION CARRIED 6-0**

Chairman Varley asked the applicant to explain why they were not present at the last meeting to present their cases.

John Heavisides, Meridian Land Services, Inc.

Mr. Heavisides introduced himself. He said he did not see the date of the meeting on the notice of public hearing, and mistakenly thought the cases would be heard at tonight's meeting. He apologized for his oversight. He gave an overview of the proposed additions. He said there will be an additional parking lot and basketball court, and the existing playground will be expanded. The additions will not require any additional service connections. They are in agreement with staff comments. The Fire Department has requested an exit onto Ingalls St, which they would prefer not to install. They would like to discuss the necessity of this additional access point.

John Halle, Warrenstreet Architects

Mr. Halle said the footprint of the building is expanding less than 1,000 SF. There is an addition at the front of the building that is 633 SF. The second floor addition will be constructed within the existing building footprint. Regarding the curb cut requested by the Fire Department, the applicant does not want to create a shortcut here. The existing drop-off area is adequate. Girl's Inc. is in the process of purchasing the property from HUD. One issue they have dealt with is the easement to the public pool. He believes the language of the easement has been worked out between the applicant and City Counsel. As part of this arrangement, there will be designated parking spots exclusively for the pool. The proposed parking lot at the back of the building will be exclusively for staff. Installing the new parking lot will require them to push the playground area to the side.

Mr. Kelly asked for clarification on Mr. Halle's concerns with the easement.

Mr. Halle said he is concerned with who would be responsible for maintenance of the area, as the utilities run along the easement.

Mr. Robbins said the staff report indicates that a fire suppression system and access from Ingalls St will be required for this project.

Mr. Halle said they are installing a sprinkler system in the building but they are questioning the need for another curb cut on Ingalls St.

Mr. Varley asked if the additional curb cut is for Fire Department access purposes.

Mr. Halle said the only communication they have had with the Fire Department regarding this issue is an email.

Mr. Weber asked which type of light fixture is going to be added onsite.

Mr. Halle said it is an LED light, 20ft. tall, with no splash over the property line.

Mr. Weber asked who owns the book donation structure on site.  
Jen Indeglia, COO, Girl's Inc.

Ms. Indeglia said the structure is for paper and recycling.

Mr. Weber said the structure needs to be enclosed if they want it to remain on site.

Mr. Dookran asked if staff had further information regarding the Fire Department's request.

Mr. McPhie said not at this time.

Mr. Heavisides said they would be amenable to working things out with the Fire Department, as a condition of approval.

Mr. Dookran said he doesn't see there being an issue with people using the additional curb cut as a cut-through. The additional access might be beneficial if vehicles are currently driving over the curb to access the parking lot.

Cathy Duffy, CEO, Girl's Inc.

Ms. Duffy explained that vehicles do not drive over the curb on a regular basis; it has only happened recently due to road construction adjacent to the site.

Mr. Dookran asked if the 3-inch waterline is used for the public pool.

Mr. Heavisides said the 3-inch water line is for the fire service that will be installed in the building.

Mr. Dookran said the application indicates that the additions will meet the current level of use and therefore will not generate more traffic. The better approach is to provide a TIR which indicates that 0 traffic will be generated, as opposed to asking for a waiver.

Mr. Heavisides said the use doesn't change and the number of vehicles doesn't change; either way, you end up with the same result.

Mr. Dookran said the stormwater management that will be used on site is infiltration trenches. He asked if they were 2ft. deep.

Mr. Heavisides said yes.

Mr. Dookran asked if they still function when the ground is frozen.

Mr. Heavisides said yes and usually the ground is not that frozen when there is snow cover. The system works through the 50-year storm and probably above that.

Mr. Kelly asked if the 3-inch pipe was needed due to the fire suppression system. He said the report indicates that only a 3/4-inch pipe.

Mr. Heavisides said yes, a 3-inch pipe is necessary. He asked which report Mr. Kelly was referring to.

Mr. Kelly said the report dated July 29, 2016, Barry & Honorow, PLLC.

Mr. Heavisides said that report is speaking to the water meter issue that exists today. Because the water service comes into the building and then feeds the pool, we are charged on the 3-inch water meter. From a domestic standpoint, they only need a 3/4-inch line. Separate from that, the 3-inch line is required for the suppression service. The Fire suppression does not have a meter, so there isn't a charge for that. The letter is speaking only to the domestic use of water.

Mr. Varley asked Ms. Duffy to describe why Girls Inc. is expanding at this time.

Ms. Duffy said they have been in the facility for 30 years and the repairs on it are desperately needed. When the housing authority owned it, they didn't have the funding to do that. Now that Girls Inc. is purchasing the building, they've gone out on a 1.8 million dollar campaign for which they've already raised 1.4 million. The purpose is to give the girls a facility they can enjoy and be proud of. The facility now is crowded and unattractive, and the girls deserve a better environment.

**SPEAKING IN OPPOSITION OR CONCERN**

Tim Adams, 19 Ingalls St

Mr. Adams said he is not opposed to what Girls Inc. is doing; he just has some questions about the plans themselves. He asked what use for the additional parking and have there been issues with the existing parking at the front of the site. He has concerns about the location of the dumpsters in proximity to his house, as the plan shows they have moved 60-70ft. closer to his

property. He asked if the proposed lighting will be brighter than what it is currently. He has concerns about light flooding onto his property. He also asked the construction timeline for the project, and what will the impact be on abutters. He asked if there will be mitigation for dust control. He asked for clarification on the use of the basketball court; will there be hops installed or is it going to be a paved surface for the kids to play and ride bikes.

Ed & Doreen Beliveau, 60 Spalding St

Mr. Beliveau said his property abuts the playground and noise is an issue, especially in the summer months. He said he would like to see a sound barrier or noise-deadening fence or wall installed. The natural barrier of trees behind his house is inadequate. He said this is still a residential neighborhood. He said Girls Inc. did not show up at the meeting two weeks ago for which the abutters were notified.

Richard Boucher, 56 Spalding St

Mr. Boucher said he doesn't have an issue with the proposed construction. His concern is that there needs to be a buffer. If you cut down the entire tree line, shrubs should be installed. He is also concerned with noise coming from the basketball court. He asked if the court will be fenced in or locked when it is not being used by Girls Inc.

**SPEAKING IN FAVOR**

None

**SPEAKING IN OPPOSITION OR CONCERN - REBUTTAL**

Mr. Halle said proposed parking area at the back of the building is mainly for the 3 months when the pool is open and the front parking lot is full. The new parking lot will be dedicated to staff use. Regarding the dumpster, they looked at a number of locations that would allow access to the dump truck. He respects the fact that it will be closer to the property line. He said it will be enclosed by a vinyl fence. He said he's not sure where else on the property it could be located, without encroaching into a setback boundary. The proposed lighting at the rear of the site is similar to what is there today. The proposed light is an LED on a 20ft. pole with a full cutoff, so it would not spillover. He said he is unsure of what is there today so he

cannot speak to whether it will be similar. Regarding the construction timeline, most of the funding for the project has been raised. If they receive approval tonight, they hope to begin work in early February, with the majority of the work being inside the building. The site work won't be completed until next summer. Nash Construction has been hired as the construction manager. They will need to work out a schedule with Girls Inc. to accommodate safety of the kids. Construction will occur in accordance with the City's construction noise ordinance. They will put a policy together with regards to dust control. The proposed basketball area will be paved but will not have basketball hoops. It will be entirely enclosed by a fence with a gate that can be locked. It is not intended for public use. In terms of noise, the use is not going to be changing. A natural buffer or fence will not mitigate the noise.

Ms. Duffy apologized to the abutters for not being at the last meeting. She said they were not aware they were on the agenda, and they would have been at the meeting if they had been aware. Girls Inc. wants to be a good neighbor. They will take every step they can to help the neighborhood and keep it as quiet as they can. They close of 6pm but unfortunately, they don't have any control about what happens after hours.

Mr. Weber asked if the new light being installed will have less light splash because of the fixture itself.

Mr. Heavisides referred to the plan. He explained that the 0.2 footcandle line is 20ft. away from the property line.

Ms. Duffy said the current light was recently fixed. They have not heard any complaints.

Mr. Heavisides said the new light fixture will be further away from the property line than the current fixture.

Mr. Varley asked for the applicant to speak in regards to the natural buffer.

Mr. Heavisides said referred to the demolition plan to show where part of the existing tree line would be cut back and which trees would remain.

An unidentified speaker said there are large trees on site that they have no intention of taken down. It is not going to be clear cut.

Mr. Dookran asked if a 6ft. fence would better prevent vandalism during after-hours than the proposed 4ft. fence.

Mr. Heavisides said it has been a 4ft. fence for 30 years. The entire Girls Inc. playground will be enclosed for safety of the kids. The fence around the pool is an 8ft. chain link fence.

Mr. Dookran said, in consideration of the abutter's concerns, the applicant should find a new location for the dumpster.

Ms. Indeglia said there is one dumpster at the back of the building that is picked up weekly. There is also a small receptacle for cardboard.

Mr. Heavisides said there is a small island between the drive and the basketball court. They could fit one of the dumpsters in this area.

Mr. Weber said he walked the site and there is not another suitable location for the dumpster.

Mr. Heavisides another option is to relocate the handicap parking spaces and move the dumpster to this location.

Ms. Panny said if the Board would like to approve this plan, they could put a condition on the approval that the applicant will work with staff to relocate the dumpster, so that they wouldn't have to come back to the Board.

Mr. Adams thanked the applicant for any effort they could make to move the dumpsters. He said he would be more than happy to help move the dumpsters if needed.

Ms. Beliveau said there is not a fence at the back of their property even though they were supposed to.

Mr. Varley said the applicant is proposing to install a 4ft. fence

(Ms. Beliveau spoke but there was interference on the tape.)

Mr. Varley said he is not sure there is anything they can ask the applicant to do that will make a meaningful difference. Even if they were to put up a 6ft. solid fence, there is not any indication that that would reduce the noise.

Ms. Beliveau said she is not so much concerned with noise as she is with the fact that Girls Inc. never installed a fence behind their yard as they were supposed to.

Mr. Varley said there is no question that the applicant will be entirely fencing in the play area. This would be a condition of approval of the plan.

Ms. Beliveau said she would want to see something sturdier than a chain link fence installed.

Mr. Robbins asked if there is any way that Ms. Beliveau could work with Girls Inc. regarding her concerns.

Ms. Beliveau said she has tried.

Mr. Varley said given the nature of this project, this could create an opportunity for Ms. Beliveau to reopen this dialogue with Girls Inc.

Mr. Beliveau said there is not much of a natural buffer at the beginning of the property, as indicated in the plan.

Mr. Varley said the applicant indicated they will not be clear cutting. The Board can confirm the nature of the visual barrier with the applicant.

Ms. Boucher said she is in favor of a natural barrier. She is also concerned with kids using the basketball court at night.

Mr. Heavisides said the applicant intends to build a fence on the Girls Inc. property to address these concerns. He also pointed out that Girls Inc. has been a tenant of this building, not the property owner. It is his understanding that the fences that abut along the south edge of the playground are not on the Girl's Inc. property, but on private property, or they were installed by the City. Regardless, Girls Inc. is going to install a fence on their property to enclose the playground.

Mr. Varley asked what type of natural visual buffer will be left.

Mr. Heavisides said he walked the property about a month ago and there is no visual landscaped buffer; the area is overgrown. The large Birchwood trees on the playground will remain.

Mr. Pedersen asked if it would be possible to install a taller chain link fence between the Girls Inc. property and the Spalding St yards; such as a chain link with vinyl slats to provide visual blocking.

Mr. Heavisides said if that is the will of the Board, than that is what they will do.

Mr. Weber asked if the 6ft. fence, as recommended by Mr. Pedersen, would be cost prohibitive to the applicant.

Mr. Varley said the applicant did not express that this would be cost prohibitive. The applicant could come back to the Board if the cost of the fence was extraordinary. He asked Mr. Dookran what this type of fencing would cost.

Mr. Dookran said he did not think this would be a cost prohibitive item.

Mr. Robbins said the sight lines and noise will not be changing. He is reluctant to suggestion this type of fencing over what is being proposed.

Mr. Varley said the applicant is pushing back the existing playground and removing some trees. This changes the interaction between the back of the site and the two abutting properties.

**MOTION** by Mr. Weber to approve Old Business - Conditional/Special Use Permits #1. It conforms to § 190-133(F) with no stipulations or waivers.

**SECONDED** by Mr. Pedersen

**MOTION CARRIED 6-0**

**MOTION** by Mr. Weber to approve Old 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(00), which requires a traffic impact analysis, is granted, finding that the will not be contrary to the spirit and intent of the regulation.
2. The request for a waiver of § 190-279(N), which requires a lighting plan 190-275, 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 § 190-172(F), which requires all mechanical appurtenances shall be screened, is granted, finding that the waiver will not be contrary to the spirit and intent of the regulation.
4. All proposed parking and utilities easements granted to the City and included with the Barry & Honorow, P.L.L.C. letter (enclosed), are currently under review by the City Attorney and will need to be finalized before the Certificate of Occupancy is signed.
5. Stormwater documents will be submitted to the planning staff for review and recording at the applicant's expense.
6. Prior to the Building Permit all Comments in an e-mail from Dan Teague dated 9/19/16 shall be addressed to the satisfaction of the Fire Marshal.
7. Prior to the building permit, all comments in a letter from Jeanne Walker, P.E. dated September 27, 2016 will be addressed to the satisfaction of the Engineering Department.
8. Any work within the right-of-way shall require a financial guarantee.
9. Prior to the Chair signing the plan, minor drafting corrections will be made.
10. Prior to issuance of building permit applicant will work with staff to relocate dumpster.
11. Applicant will install a 4 foot fence with slats along abutters on Spaulding Street.

**SECONDED** by Mr. Robbins

Mr. Kelly said a 4ft. fence will not be sufficient.

Mr. Weber amended stipulation #11 to read as follows: "Applicant will install a 6 foot fence with slats along abutters on Spaulding Street."

**SECONDED** by Mr. Kelly

**MOTION CARRIED 6-0**

**NEW BUSINESS - SITE PLANS**

None

**NEW BUSINESS - CONDITIONAL/SPECIAL USE PERMITS**

None

**NEW BUSINESS - SITE PLANS**

3. Raisanen Homes, Elite, LLC (Applicant) Henry P. and Mary E. Castonguay Rev Trust (Owner) - Application and acceptance of proposed 10 lot condominium site plan. Property is located at 738 West Hollis Street. Sheet D - Lot 75. Zoned "R9" Suburban Residence. Ward 5. **(Postponed to the November 3, 2016 Meeting)**
4. Diane E. Gimber and Bishop Real Estate Management, Inc. (Owners) Granite Green Investment Partners (Applicant) Application and acceptance of proposed 18-Unit Age Restricted Housing Condominium Site Plan development. Property is located at 122 Manchester Street. Sheet 59 - Lot 135. Zoned "RA" Urban Residence. Ward 2. **(Postponed to the November 17, 2016 Meeting)**

**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**

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

**MOTION** by Mr. Kelly to adopt the "2017 Meeting and Deadline Dates" for the Nashua City Planning Board.

**SECONDED** by Mr. Weber

**DISCUSSION ITEMS**

None

**MOTION** to adjourn by Mr. Kelly. Meeting adjourned at 8:51pm.

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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