

EXPANDED DRAFT MEETING SUMMARY
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NASHUA CITY PLANNING BOARD
January 21, 2021

The special meeting of the Nashua City Planning Board was held on Thursday, January 21, 2021 at 7:00 PM via Zoom virtual meeting.

Members Present: Mike Pedersen, Mayor's Rep
Scott LeClair, Chair
Adam Varley, Vice Chair
Ed Weber, Secretary
Maggie Harper
Bob Bollinger
Larry Hirsch

Also Present: Matt Sullivan, Planning Director
Linda McGhee, Deputy Planning Manager
Scott McPhie, Planner I
Christine Webber, Department Coordinator

ALL VOTES ARE TAKEN BY ROLL CALL

APPROVAL OF MINUTES

None

COMMUNICATIONS

None

REPORT OF CHAIR, COMMITTEE & LIAISON

None

COVID-19 Address

Mr. LeClair addressed the COVID-19 pandemic as follows: Due to the State of Emergency declared by Governor Sununu as a result of COVID-19 pandemic and in accordance with the Governor's Emergency Order #12, pursuant to Executive Order 2020-04, this public body is authorized to meet electronically until further notice.

Please note that there is no physical location to observe and listen contemporaneously to the meeting, which was authorized to meet electronically pursuant to the Governor's order. However, in accordance with the Emergency Order, this is to confirm that we are:

1. Access

The Board is providing public access to the meeting by telephone, with additional access possibilities by video or other electronic access means.

The Board is video conferencing utilizing Zoom for this electronic meeting. Public access to this meeting is provided via Zoom. The link to this meeting is contained in the meeting agenda, available on the city website. The meeting can be streamed through the city's website on Nashua Community Link and also on Channel 16 on Comcast.

2. Public Notice and Access

If anybody has a problem accessing the meeting via phone, please call (603)589-3115, and they will help you connect.

3. Adjourning the Meeting

In the event that the public is unable to access the meeting via the methods above, the meeting will be adjourned and rescheduled.

4. Procedures

The Chair is in control of the meeting, and to the extent practicable and advisable the Board will follow the procedures outlined in the Bylaws. The applicant will present the applicant's case, followed by questions by the Board. The Chair will then allow for a rebuttal period for persons wishing to speak in favor, or with questions or opposition, before the Board deliberates and determines an outcome.

Applicants and their representatives, and individuals required to appear before the Board are appearing remotely, and are not required to be physically present. These individuals may contact the Planning Department to arrange an alternative means of real time participation if they are unable to use Zoom. Please note

that all votes taken during this meeting will be done by roll call.

Planning Board meetings will be held electronically until further notice, when it is deemed safe to conduct meetings at City Hall.

The Planning Department and Board thank you for your understanding and patience during this difficult time.

OLD BUSINESS - CONDITIONAL USE PERMITS

None

OLD BUSINESS - SUBDIVISION PLANS

None

OLD BUSINESS - SITE PLANS

None

NEW BUSINESS - CONDITIONAL USE PERMIT

None

NEW BUSINESS - SUBDIVISION PLANS

None

NEW BUSINESS - SITE PLANS

None

OTHER BUSINESS

1. Referral from the Board of Aldermen on proposed Resolution R-21-109 Authorizing Issuing of Building Permits on Old Harris Road, A Class VI Highway.

Matt Sullivan, Nashua Planning Dept. Manager

Mr. Sullivan provided background for the resolution. This is part of a condition of approval for the Pennichuck solar array approved on November 9th. The stipulation required the applicant to submit a letter to the City documenting the status of Old

Harris Rd. Their findings have concluded that Old Harris Rd is a Class 6 road. Under state statute, the Board of Aldermen is required to approve building permits.

Mr. Sullivan said the Planning Board has been request to weigh in on whether or not this development is scattered or premature, if it will impact services, and if suitable access can be maintained for the proposed activity. This is unique because the Board reviewed the site plan and access recently, and that both the Fire Dept. and Division of Public Works have already weighed in on the compatibility of this development.

Mr. Sullivan explained what kind of permits a solar array would need.

Mr. LeClair said there are historical subdivision plans in the packet. He asked if the subdivision as presented in November remains accurate.

Mr. Sullivan said correct. The historical documents in the packet pre-date the Board's authority to approve plats, and that's why they aren't exempt from this process. The applicant still intends to merge the lots and consolidate the paper streets. No other changes have been proposed.

Mr. Bollinger asked if the Fire Dept. wanted to maintain a 20-ft width. Would the current road satisfy that requirement?

Mr. Sullivan said the existing surface has been well maintained, and the Fire Dept. certified in their email that the existing conditions suit their expectations. In the agreement and release document the applicant will have to record, there is a specific requirement that they will be required to provide a 20-ft wide free and clear access into perpetuity.

Mr. Bollinger referred to gates and bars on Class 6 roads, and asked whether or not the existing gate towards Manchester St needs to be maintained. There are still several privately owned parcels. How will the public access this public way?

Mr. Sullivan said the existing gate is not locked, so it is compliant. There are no modifications proposed for gates and bars. Any gating will happen within the private property boundaries of the site.

Mr. Bollinger asked if there was a petition to convert the class 6 road to a private driveway, what process would they follow?

Mr. Sullivan said it would be a street discontinuance, and the property owner would have to maintain an access easement over the public land. Ultimately it would be an aldermanic process.

Mr. Bollinger said Pennichuck Middle School has an easement over Old Harris Rd at its connection to Manchester St, and he would want to make sure the school would maintain access.

Mr. Sullivan said any abutter with a vested interest would have to be included in that conversation.

A discussion of the language in the motion ensued.

MOTION by Mr. Varley to make a favorable recommendation on R-21-109, authorizing the issuance of a building permit for the construction of the Pennichuck Solar Array with a sole access via Old Harris Road, a Class VI road pursuant to RSA 674:41, as shown on the plans approved by the Planning Board on November 5, 2020, as amended to the date of that approval. The Board finds there is no anticipated impact to City services, that the proposal does not encourage scattered and premature development, AND conditions the recommendation upon the requirement that a release of municipal liability and responsibility, be signed by any owner(s) requesting a building permit on Old Harris Road, with such release(s) to be recorded at HCRD by the owner prior to the issuance of any building permit.

SECONDED by Mr. Pedersen

MOTION CARRIED 7-0

MOTION to adjourn by Mr. Weber at 7:24 PM

APPROVED:

Scott LeClair, Chair, Nashua Planning Board

Prepared by: Kate Poirier

Taped Meeting

DIGITAL RECORDING OF THIS MEETING IS AVAILABLE FOR LISTENING DURING REGULAR OFFICE HOURS OR CAN BE ACCESSED ON THE CITY'S WEBSITE.

NCPB

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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.