

NASHUA CITY PLANNING BOARD  
April 8, 2021

The regularly scheduled meeting of the Nashua City Planning Board was held on March 18, 2021 at 7:00 PM via Zoom virtual meeting.

Members Present: Adam Varley, Acting Chair  
Maggie Harper, Secretary  
Dan Hudson, City Engineer  
Ed Weber  
Bob Bollinger

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

**ALL VOTES ARE TAKEN BY ROLL CALL**

**Approval of Minutes**

March 4, 2021

**MOTION** by Ms. Harper to approve the minutes of the March 4, 2021 meeting

**SECONDED** by Mr. Bollinger

**MOTION CARRIED 5-0**

March 18, 2021

**MOTION** by Ms. Harper to approve the minutes of the March 18, 2021 meeting

**SECONDED** by Mr. Bollinger

**MOTION CARRIED 5-0**

**COMMUNICATIONS**

Ms. McGhee went over the following items that were received after the case packets were mailed:

- 537 Amherst St & 115 Concord St: request to postpone both cases to the May 6<sup>th</sup> meeting

- 21 Palisade Dr.: abutter correspondence
- 36 Fifield St: Emails and revised plans
- 4&6 Mount Laurels Dr.: additional correspondence

## **REPORT OF CHAIR, COMMITTEE & LIAISON**

Historic District Commission: Mr. Weber provided a recap of the March 22<sup>nd</sup> meeting

### **COVID-19 Address**

Mr. Varley 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**

A21-0042 David J. & Sharon Cote - Application and acceptance of proposed two lot subdivision. Property is located at 21 Palisade Drive. Sheet B - Lot 324. Zoned "R9" Suburban Residence. Ward 9.

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**MOTION** by Ms. Harper that the application is complete and the Planning Board is ready to take jurisdiction

**SECONDED** by Mr. Bollinger

**MOTION CARRIED 5-0**

Pete Madsen, Project Engineer, Keach Nordstrom Associates

Mr. Madsen introduced himself to the Board as representative for the applicant. He introduced Tony Basso of Keach Nordstrom as well.

Mr. Madsen provided an overview of existing conditions on and around the parcel. They propose to subdivide the lot into two, and relocate the existing home to the new lot. There is an existing 20-ft drainage easement for the city parallel to the southeast lot line, which they do not propose to disturb. They are also proposing a 10-ft utility easement to provide water service to the new lot due to the lack of utility access in Palisade Drive.

Mr. Madsen said that they are requesting three waivers as part of this application, as outlined in the staff report. He described each of these waivers in detail. They propose to contribute \$7,760.00 to the city wide sidewalk fund in lieu of constructing sidewalks. Both streets are part of the NHDOT Safe Route to School program, which encourages children to safely walk and ride to school. A section of the road has been painted as a walking lane, so no sidewalk is required. They will be applying for a Shoreland Permit from the state due to the site's proximity to the river.

Mr. Madsen displayed a potential development plan for the two lots. They have received Engineering comments and have addressed them. He clarified a few points on the staff report, and said they have no issue with the recommended stipulations.

Mr. Varley said they have received correspondence from the abutters regarding potential impacts to drainage. He asked them to talk more in detail about stormwater management improvements.

Mr. Madsen said they have proposing a small infiltration basin and drip-edges around the two homes to deal with infiltration. He showed a flow pattern plan, and said they either reduce or do not increase offsite flows.

Mr. Weber asked if they are going to submit as-built drawings of the drainage system to the Engineering Dept.

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Mr. Varley said that is addressed in stipulation #14 of the staff report.

Mr. Bollinger asked if this complies with the dimensional requirements of the zone, and no variance was required.

Mr. Madsen said correct.

Mr. Hudson said they are offering a contribution in lieu of sidewalk construction.

Mr. Madsen said correct.

#### **SPEAKING IN OPPOSITION OR CONCERN**

Abigail Byrd, 4 Shady Ln

Ms. Byrd said they have a water problem right now where the city is dropping stormwater on them. She asked if the driveway will be higher. There is one drain on the corner, and nothing seems to drain down there. She asked if the city could put a drain in the street, because during bad snow storms they end up with huge puddles.

Mr. Varley said that goes beyond the scope of this application and is not something the applicant would address. There are city officials here tonight however, and they have heard her request.

Ms. Byrd said the applicant would be impacted also unless their driveway is higher than the street. If they are constructing sidewalks, she doesn't know how that would change. She asked if they would be impacting the tree line when they relocate the house.

Mr. Varley clarified that the applicant is asking for a waiver to not construct sidewalks.

Ms. Byrd said if they are going to change anything out there and remove more of the forest, she is concerned. When she first moved here you couldn't see the other side of the river because of all the trees, now you can see all the houses. People are taking down tree after tree, and she wonders if that will continue.

Donald Dillaby, 27 Palisade Dr.

Mr. Dillaby said most of his questions and concerns are contained in the letter he submitted and pertain to the city's emergency

spillway shown on the plan. He is concerned how it would affect his property, because the topography indicated it is higher than his backyard.

**SPEAKING IN FAVOR - REBUTTAL**

Mr. Madsen showed the existing tree line on the plan, and the proposed tree line. They are not impacting it very much, especially not towards Ms. Byrd's property. There should be very little change.

Ms. Byrd said she is on the phone and cannot see the plan. She asked if they are straightening out the tree line, or digging in.

Mr. Madsen said there will be a small amount of clearing by Mr. Dillaby to accommodate the new house. There is a 30-ft buffer on both properties that will remain wooded.

Ms. Byrd asked if a drain could be installed. The applicant will have drainage issues if the driveway is not high up.

Mr. Madsen said the driveway will not be high, and that is more a question for the city. They have done what they can to mitigate stormwater on their property, but that is out of their scope.

Mr. Madsen addressed the emergency outlet. It is designed to infiltrate run-off in the 25-year storm, which then drains into a wooded area. There shouldn't be any impacts.

**PUBLIC MEETING**

Mr. Varley closed the public hearing and moved into the public meeting. He said it seems like a straightforward two lot subdivision, which they have seen frequently in the past few years. Drainage seems to be adequately addressed onsite.

Ms. Harper asked staff for clarification on the Shoreland permit.

Mr. McPhie said that would be a state permit, which they would receive.

Mr. Varley said they have a sidewalk waiver, calculated based on the frontage of Shady Ln. In more recent times they have generally used the main frontage as a metric for corner lots. He thinks this is consistent with how they have addressed it in the past.

Mr. Bollinger said he doesn't expect one applicant to address drainage in the area. It's not entirely clear why there is a crosswalk there. But with an elementary school down the road, he is surprised the state allowed it to be a walking route without sidewalks. This is a relatively minor subdivision, but at some point the city may want to look at sidewalk connectivity for walking students. He doesn't expect the applicant to address that necessarily, but it may be something city staff should look at in the future.

**MOTION** by Ms. Harper to approve New Business - Subdivision Plan A21-0042. It conforms to §190-138(G) with the following stipulations or waivers:

1. The request for a waiver of § 190-282(B)(9), which requires physical features on site and within 1,000 feet, is granted, finding that the waiver will not be contrary to the spirit and intent of the regulation.
2. 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 granted, finding that the waiver will not be contrary to the spirit and intent of the regulation. The applicant has agreed to make a contribution in the amount of \$7,760 in lieu of sidewalk construction pursuant to §190-212(D)(2), payment to be made prior to recording the plan.
3. The request for a waiver of § 190-221(A), which requires utilities on site to be underground, is granted, finding that the waiver will not be contrary to the spirit and intent of the regulation.
4. Prior to the Chair signing the plan, the existing home will be moved before the final subdivision plan set is recorded at the registry of deeds.
5. Prior to the Chair signing the plan, all minor drafting corrections will be made.
6. All easements shall be submitted to City Staff for review and approval and recorded with the plan.
7. Prior to recording the plan, stormwater documents will be submitted to planning staff for review and recorded with the plan at the applicant's expense.
8. Prior to recording the plan, all comments in an e-mail from Joe Mendola, Street Construction Engineer dated March 31, 2021 shall be addressed to the satisfaction of the Engineering Department.

9. Prior to recording of the plan, all conditions from the Planning Board approval letter will be added to the cover page of the final Mylar and paper copies submitted to the City.
10. Prior to recording of the plan, the 75-foot prime wetland buffer will be added to the plans
11. Prior to recording of the plan, addresses shall be shown on the plan as assigned by the Fire Marshal.
12. Prior to the issuance of the building permit, the electronic plan file of the subdivision shall be submitted to the City of Nashua.
13. Prior to any work a pre-construction meeting and a financial guarantee will be submitted.
14. Prior to the issuance of the final Certificate of occupancy a construction affidavit should be signed by the engineer indicating the drainage systems for both lots were built to specifications and are functioning normally.

**SECONDED** by Mr. Weber

**MOTION CARRIED 5-0**

A21-0048 Margaret R. Whitney Estate (Owner) David Russell (Applicant) - Application and acceptance of proposed 11 lot subdivision. Application and acceptance of property is located at 36 Fifield Street. Sheet 3 - Lot 19. Zoned "R9" Suburban Residence. Ward 7.

**MOTION** by Mr. Bollinger that the application is complete and the Planning Board is ready to take jurisdiction

**SECONDED** by Ms. Harper

**MOTION CARRIED 5-0**

Jim Petropulos, Project Engineer, Hayner Swanson Inc, 3 Congress St, Nashua NH

Mr. Petropulos introduced himself to the Board as representative for the applicant. He introduced Atty. Gerald Prunier and Bob Pace of Legacy Builders.

Mr. Petropulos presented the existing conditions. He described the target lot and surrounding properties. The lot has frontage onto Fifield St and the end of Summit St. There is a small wetland area



on the southeast corner of the site, which is part of a larger complex offsite. The soil is mostly gravel and sand, and ledge was found at depths of 5-8 feet. He described the topography onsite. The necessary utilities are located in the adjacent streets.

Mr. Petropulos showed the proposed subdivision plan. The project will include fee simple lots and a public road, with lots ranging from approximately 9,000-sqft to 24,400-sqft. The houses will be approximately 2,000-sqft, in traditional colonial architecture. The existing home will be picked up and relocated to one of the lots. They are also proposing a future street stub with the southern abutter, with the strong likelihood it will be developed in the future. This property has frontage to Summit St, but no access is proposed. He outlined utilities, lighting, and sidewalks.

Mr. Petropulos described the stormwater mitigation throughout the development. They are providing qualitative treatment of runoff, and peak rates are the same or below pre-development conditions. The stormwater basin will not be maintained by the city, either a homeowner's association or two owners.

Mr. Petropulos outlined the traffic report. Traffic Engineer Wayne Husband has requested a contribution for traffic improvements of \$2,200.00, and they have agreed to that.

Mr. Petropulos said they are requesting one waiver, as described in the staff report. He explained their request in detail. They believe their application is complete and in conformance with the regulations. They are amenable to all conditions of the staff report except condition 5, as they are relocating the house instead of razing it.

Mr. Varley asked if it would be appropriate to modify the stipulation to say that it would be relocated instead of removed.

Mr. Petropulos said the condition requires this prior to signing of the plan, which is a bit early. He recommended alternative wording.

Mr. Varley said they are anticipating either no increase or a net decrease in stormwater runoff. Will this materially change the drainage on Summit St, or a relatively modest impact?

Mr. Petropulos said they are collecting the stormwater to release at a lower rate through an undersized pipe. This causes the flow

rate to be the same as it was pre-development. By controlling it in a pipe network rather than discharging directly onto the neighbor, they think this is a more responsible method. There will not be an increase in flow. With regular maintenance it should function adequately for years.

Mr. Bollinger asked about the paper street configurations in the area, and if they are recorded as public right of ways.

Mr. Petropulos said this is an older part of Nashua. There were a number of paper streets located throughout, which were never accepted or constructed. No public rights exist. However, private rights do exist on a number of the paper streets. The current property owner has secured releases to those rights, so they are presenting a clean property. They have not all been recorded yet, but it is a condition of approval that those documents be recorded prior to recording of the plan.

Ms. Harper said there could possibly be a homeowner association. Would the landscaped area by the cul-de-sac be the responsibility of the HOA?

Mr. Petropulos said correct. Cul-de-sacs will be maintained by the lots along the interior of the cul-de-sac, which would be in the deeds of those two lots.

**SPEAKING IN OPPOSITION OR CONCERN**

Karen Gleason, 1 Crestview Terrace

Ms. Gleason said she would abut proposed lot 41. They have a large tree line behind them, and asked how close the new house would be.

Michael Marien, 37 Fifield St

Mr. Marien asked when the traffic assessment was taken. He is also seeing within the plans that there is a proposed future road which would egress to the Whitney property. He asked if that would egress to Fifield as well. He asked how far the sidewalks would be extended on Fifield St. He asked if Saddleback Drive would be private or public property. He reiterated that he is concerned with the accuracy of the traffic assessment.

Cecile Carlton, 3 Wentworth St

Ms. Carlton said her property abuts the stormwater management area. She would like more detail on its construction, and how close that will be to their property. What happens if they have issues, or the management system malfunctions? How would they get things addressed if that happens?

Ms. Carlton said they did receive a letter that gave them back rights to the paper street once abutting their property, which has been recorded on their deed. If she had more information on the stormwater system, she would feel more comfortable.

Patricia Whitney, 9 Wentworth St

Ms. Whitney said her entire lot going into proposed lot 141 is all ledge. She had lived in developments in the past that have had ledge, and the process of construction cracked their basement foundation. She asked if there is anything that would be done to address that.

Ms. Whitney said if they look at the two lots on the cul-de-sac, it's unclear where the boundary lines are for frontage. The back of their lot comes to Wentworth St. Would they have side yard or rear yard setbacks?

Celeste Guidice, 1 Summit St

Ms. Guidice asked how many trees were going to be cleared, and what efforts will go into landscaping. She would like more information on the drainage and any effects that might take place to accommodate more runoff.

Scott Larocque, 3 Crestview Terrace

Mr. Larocque said he would abut lot 140. He also has questions about tree clearing, and how close the foundations will be to his property line.

Mr. Varley summarized the questions asked.

#### **SPEAKING IN FAVOR**

Mr. Petropulos addressed property line distances and tree buffers. There is a 30-ft principal building rear yard setback, and cited proposed distances from property line for the cul-de-sac lots. The plan shows some of the trees to remain towards the rear of the lot. It is not a requirement, but they have suggested it to the

builder. Most of the abutters have cleared and built right to their property lines, and they enjoy rights to do the same.

Mr. Petropulos provided an overview of what the city requires applicants to submit for a traffic report. They are well beneath the threshold of further study. He cited the trip generations proposed.

Mr. Petropulos said the abutter to the south is an underdeveloped lot which will likely be developed in the future. They have asked for a street stub, and most likely they would have access to Fifield St as well to service their developable land. He indicated the sidewalk locations on the plan. Saddleback Way is intended to be a public road.

Mr. Petropulos addressed stormwater. Currently the wooded part of the site directly drains towards Wentworth St. The developed property decreases the amount of stormwater permeating through soil, and they do not want to add more water to their downstream neighbors. They propose to collect it into a surface detention basin. They intend to maintain some trees along the property line, and there could be some additional buffering. Rather than just dump the water back towards Wentworth, they think it's better to take it in a pipe down into Summit St. This design took into consideration the abutting properties to make sure there wasn't any added stormwater in that direction.

Mr. Petropulos said in the event of any issues, the abutters would want to contact the homeowner association.

Mr. Petropulos said the lot line adjacent to 9 Wentworth would be a side setback. He outlined the proposed setbacks for the house, and that it is a surveyed line. He also addressed tree clearing along 1 Summit St, and said the building would most likely look to reestablish growth.

Mr. Petropulos addressed Mr. Larocque's comments, and said they are respecting the 30-ft rear yard setback. They are showing 10-20 feet of trees in that location as a buffer. The intent was to create a small buffer.

Mr. Varley asked about ledge and blasting.

Mr. Petropulos said there is evidence of rock in the neighborhood. If blasting were to occur, that is controlled by the Fire Dept. and a fully insured, licensed contractor. Given the proximity of

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the homes, a pre-blast survey would be warranted to serve as a baseline record.

**SPEAKING IN OPPOSITION OR CONCERN - REBUTTAL**

Michael Marien, 37 Fifield St

Mr. Marien said he is concerned about the amount of traffic in regards to pre-Covid timeframe with regards to folks leaving Rivier University. He has concerns with regards to safety of children in the area.

Mr. Varley said there is a threshold impact review, and that is based on the traffic which would be generated by the development. If the traffic amount is above a certain threshold, further study is warranted. The anticipated traffic is well below that threshold. That is the baseline for how the traffic impact is determined at that level.

Alan Whitney, 9 Wentworth St

Mr. Whitney asked for further clarification on side and rear yard lots for the proposed abutting lot.

Mr. Varley asked if they have a visual.

Mr. Whitney said yes.

Mr. Petropulos indicated the setbacks of the lot. It is a side line.

Ms. Whitney said it is a rear line.

Mr. Petropulos said they believe they have property identified the lot lines.

Ms. Whitney said she doesn't know how to respectfully say that she disagrees based on what she was told for her property.

Mr. Varley asked staff to clarify.

Ms. McGhee said the plan gets reviewed by the Zoning Manager, and he didn't have any issues with the layout. When the builder submits for a building permit, it will be reviewed for zoning compliance at that time. She recommended the abutter call the office for clarification on their property lines as well.

**PUBLIC MEETING**

Mr. Varley closed the public hearing and moved into the public meeting. They have heard from a number of abutters with questions and concerns, and the applicant did a good job responding to them. He doesn't have any additional questions or concerns.

Mr. Bollinger said he is still not clear on staff recommendation #5. Will they be striking it, or amending it? He said he is also unsure whether there be a stipulation to require clear title on the paper street.

Mr. Varley said the applicant was fine with a modified stipulation. The applicant would be happy to have a stipulation that prior to recording the plan, releases of private rights to the paper street would be recorded.

Mr. Bollinger said when paper streets come up, to the best of their ability they should resolve them.

Mr. Sullivan disagreed with Mr. Petropulos on stipulation #5. In the event that the house is not relocated until after the plan is recorded, the house will become a nonconforming structure in the sense that it crosses multiple lot lines on the proposed subdivision. Their feeling is that the lot lines could not be created until the house is moved. They respectfully request it to be a pre-recording condition.

Mr. Sullivan recommended a stipulation #8, regarding release of paper streets and all other interests.

Mr. Hudson said they have been working with the applicant to address comments, and most of them have been resolved. He asked they include a stipulation of contribution to the corridor fund prior to issuance of building permits.

Mr. Varley said given Mr. Sullivan's comments about the timing of stipulation #5, he recommended they reopen the hearing for the specific purpose of discussing it with the applicant.

**MOTION** by Mr. Bollinger to reopen the public hearing, for the purpose of discussing staff stipulation #5 with the applicant.

**SECONDED** by Ms. Harper

**MOTION CARRIED 5-0**

Mr. Petropulos said he hadn't thought about a non-conforming house straddling new lot lines. He thought that it if were conditioned on a plan to be relocated, then that might carry.

Atty. Prunier recommended there be a note on the plan recommending that the house be relocated prior to the second building permit being issued. If a developer doesn't get his building permits he can't put up the house, and will certainly move whatever he has to before then.

Mr. Sullivan said he is amenable to that, provided that it can be upon the first building permit for a new structure on one of the proposed lots.

Atty. Prunier said he recommended the second building permit only because they might need one to move the house.

Mr. Sullivan said yes, that is why he said the first new structure.

Mr. Petropulos said it would most likely be the first house on the right.

Atty. Prunier said usually you don't move those houses far.

Mr. Bollinger concurred with Mr. Sullivan's recommendation as stipulated.

Mr. Hudson asked if they should bond for that house relocation. They should have some assurance that the house would be moved.

Mr. Petropulos said the impetus to move it is because the house straddles the proposed road. They can't build the road with the house in the way, and would probably be the first thing done.

Mr. Hudson said he expects that, but if there is an unforeseen condition that prevents the project from moving forward, they have a bunch of lots with a house where it shouldn't be.

Mr. Sullivan said they could stipulate that the applicant post a financial security adequate to cover the relocation of the existing dwelling unit, to be reviewed by Corporation Counsel in advance of the recording of the plan. They have seen stranger things.

**PUBLIC MEETING PART II**

Mr. Varley closed the public hearing and moved into the public meeting. He summarized the discussion and revised stipulations.

Mr. Sullivan clarified that the traffic corridor they would contribute to be the Main St corridor.

**MOTION** by Mr. Bollinger to approve New Business - Subdivision Plan A21-0048. It conforms to §190-138(G) with the following stipulations or waivers:

1. The request for a waiver of § 190-282(B)(9), which requires physical features on site and within 1,000 feet, is granted, finding that the waiver will not be contrary to the spirit and intent of the regulation.
2. Prior to the Chair signing the plan, all comments in an e-mail dated March 24, 2021 from Mark Rapaglia, Inspector/Investigator shall be addressed to the satisfaction of the Fire Marshal's Office.
3. Prior to the Chair signing the plan, all comments in a letter from Pete Kohalmi, P.E. dated April 1, 2021 shall be addressed to the satisfaction of the Division of Public Works.
4. Prior to the Chair signing the plan, all minor drafting corrections will be made.
5. Prior to the issuance of the first building permit for a new structure, the house will be relocated.
6. Prior to any site disturbance, the Alteration of Terrain Permit for the project shall be approved by NHDES.
7. Prior to any work, a pre-construction meeting shall be held and a financial guarantee shall be approved.
8. Prior to recording the plan the release of public and private rights to the paper streets shall be submitted to the City.
9. Prior to the issuance of a building permit, a contribution of \$2,200 shall be given to the City for the Main Street Corridor.
10. Prior to recording the plan, a financial guarantee shall be given for the cost of relocating the existing structure.

**SECONDED** by Mr. Weber

**MOTION CARRIED 5-0**



**NEW BUSINESS - SITE PLANS**

A21-0044 Sky Meadow Country Club, Inc. and Meadowbrook Links, Inc. (Owners). New Meadow Holdings, LLC (Applicant) - Application and acceptance of proposed site plan amendment to construct a new accessory cart barn building and renovate the cart storage space in the existing clubhouse. Property is located at 4 & 6 Mountain Laurels Drive. Sheet B - Lots 2423 & 2422. Zoned "PRD" Planned Residential Development and "R-40" Rural Residence. Ward 9.

**MOTION** by Ms. Harper that the application is complete and the Planning Board is ready to take jurisdiction

**SECONDED** by Mr. Weber

**MOTION CARRIED 5-0**

Paul Chisholm, Project Engineer, Keach Nordstrom Associates, 10  
Commerce Park North Ste 3, Bedford NH

Mr. Chisholm introduced himself as representative for the applicant.

Mr. Chisholm outlined their proposal. This course is situated in a large Planned Residential Development which spans many acres. This is focused on the clubhouse, and a proposed cart barn. By moving the carts to a new structure, it would free up space in the clubhouse for new recreational activities. He showed a rendering of the proposed clubhouse.

Mr. Chisholm said they are requesting two waivers, as noted in the staff report. He explained each request. They have reviewed the staff report, and take no exception to it. They have reviewed comments from Fire and Engineering, and would be happy to continue working with them to resolve any outstanding issues.

**SPEAKING IN OPPOSITION OR CONCERN**

None

**SPEAKING IN FAVOR**

None

A brief discussion of stipulations regarding engineering comments ensued.

**PUBLIC MEETING**

Mr. Varley closed the public hearing and moved into the public meeting. He said this seems straightforward.

**MOTION** by Ms. Harper to approve New Business - Site Plan A21-0044. It conforms to §190-146(D) with the following stipulations or waivers:

1. The request for a waiver of § 190-279 (EE) which requires showing existing conditions adjacent to the site, 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 § 190-88 which requires a lighting plan, is granted, finding that the waiver will not be contrary to the spirit and intent of the regulation.
3. Prior to the Chair signing the plan, minor drafting corrections will be made.
4. Prior to the Chair signing the plan, all conditions from the Planning Board approval letter will be added to the cover page of the final mylar and paper copies submitted to the City.
5. Prior to the Chair signing the plan, all comments in an e-mail from Joe Mendola, Street Construction Engineer, dated March 28, 2021 shall be addressed to the satisfaction of the Engineering Department.
6. Prior to the Chair signing the plan, all comments in an e-mail from Mark Rapaglia, Nashua Fire Department, dated March 24, 2021 shall be addressed to the satisfaction of the Fire Marshalls Office.
7. Prior to the Chair signing the plan, work with staff to provide actual scale elevations on the Northpoint Building Elevation plan.

8. Prior to the issuance of a building permit, stormwater documents will be submitted to City staff for review and recorded at the applicant's expense.
9. Prior to the issuance of a building permit, the electronic file of the plan will be submitted to the City of Nashua.
10. Prior to any work on site, a pre-construction meeting shall be held and a financial guarantee shall be approved.
11. Prior to the issuance of the Certificate of Occupancy, all off-site and on-site improvements will be completed.

**SECONDED** by Mr. Weber

**MOTION CARRIED 5-0**

A21-0045 Lefavor Folio, LLC (Owner) - Application and acceptance of proposed amendment to NR2232 to make minor utility service and landscape revisions. Property is located at 93 Lock Street. Sheet 41 - Lot 63. Zoned "GI" General Industrial. Ward 3.

**MOTION** by Ms. Harper that the application is complete and the Planning Board is ready to take jurisdiction

**SECONDED** by Mr. Weber

**MOTION CARRIED 5-0**

Tom Zajac, Project Engineer, Hayner/Swanson Inc, 3 Congress Ave, Nashua NH

Mr. Zajac introduced himself as representative for the applicant. He introduced Jess Lefavor as well.

Mr. Zajac gave an overview of the request. In May 2019 they received site plan approval for a 5-unit multifamily development, which is under construction.

*\*Mr. Zajac lost internet connection\**

Mr. Sullivan suggested they close the hearing and table the case to later in the agenda, when Mr. Zajac has reconnected.

**MOTION** by Mr. Bollinger to close the public hearing due to the applicant losing internet access

**SECONDED** by Ms. Harper

**MOTION CARRIED 5-0**

A21-0046 Prabhakar Properties, LLC (Owner) - Application and acceptance of proposed 4,800 sf commercial building (dental and retail) along with associated site improvements. Property is located at 537 Amherst Street. Sheet H - Lot 652. Zoned "HB" Highway Business. Ward 2.

**MOTION** by Mr. Bollinger to postpone the case to the May 6, 2021 meeting

**SECONDED** by Mr. Weber

**MOTION CARRIED 5-0**

A21-0047 First Church of Christ, Scientist of Nashua (Owner) Crimson Properties, LLC (Applicant) - Application and acceptance of proposed site plan to show a 12 unit senior residential development and associated site improvements. Property is located at 115 Concord Street. Sheet 49 - Lot 48. Zoned "RA" Urban Residence. Ward 3.

**MOTION** by Mr. Bollinger to postpone the case to the May 6, 2021 meeting

**SECONDED** by Mr. Weber

**MOTION CARRIED 5-0**

*\*Mr. Zajac regained internet connection\**

A21-0045 Lefavor Folio, LLC (Owner) - Application and acceptance of proposed amendment to NR2232 to make minor utility service and landscape revisions. Property is located at 93 Lock Street. Sheet 41 - Lot 63. Zoned "GI" General Industrial. Ward 3.

**MOTION** by Mr. Bollinger to reopen the hearing

**SECONDED** by Mr. Weber

**MOTION CARRIED 5-0**

Tom Zajac, Project Engineer, Hayner/Swanson Inc.

Mr. Zajac continued his presentation. During construction they encountered asbestos containing materials onsite. This is not uncommon for this portion of the city, as there is a lot of asbestos fill, and wasn't unexpected. The materials are being relocated and capped onsite in accordance with the NHDES.

As a result, they are seeking three changes to the plan in order to minimize trenching and disturbance of existing soils. They are requesting a waiver for overhead electric lines. The two other revisions are in regards to the landscaping and stormwater plans, which is related to the asbestos containing materials. They have substituted a number of planting with shallow roots, and shifted one of the stormwater basins. They have reviewed the staff report, and all conditions are acceptable. They are working to resolve outstanding comments with Engineering.

Mr. Varley asked if they are moving a utility pole.

Mr. Zajac said they are adding one in the Lock St right of way, with overhead service to the two buildings.

Mr. Hudson asked if the pole will solely be for service to the development.

Mr. Zajac said they are seeking clarification with Eversource on that. If it is, they can move the pole onsite.

**SPEAKING IN OPPOSITION OR CONCERN**

None

**SPEAKING IN FAVOR**

None

**PUBLIC MEETING**

Mr. Varley closed the public hearing and moved into the public meeting. He summarized the discussion. It sounds like there is a reasonable basis to ask for the waiver, and it is consistent with the surrounding uses.

Mr. Hudson said the Engineering comment is minor in nature and they have no issues with this.

**MOTION** by Ms. Harper to approve New Business - Site Plan A21-0045. 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.
2. The request for a waiver of § 190-221, which requires underground utilities for new subdivisions, is granted, finding that the waiver will not be contrary to the spirit and intent of the regulation.
3. Work with staff to meet all landscaping requirements.
4. Prior to recording the plan, all comments in an e-mail from Joe Mendola, Street Construction Engineer dated March 31, 2021 shall be addressed to the satisfaction of the Engineering Department.

**SECONDED** by Mr. Weber

**MOTION CARRIED 5-0**

A20-0189 Palm's Edge, LLC (Owner) - Application and acceptance of proposed site plan and consolidation plan to construct 18 units in 2 buildings along with associated site improvements. Property is located at 137 & "L" Palm and "L" Pine Street. Sheet 99 - Lots 31, 35 & 69. Zoned "RC" Urban Residence. Ward 6

**MOTION** by Mr. Bollinger that the application is complete and the Planning Board is ready to take jurisdiction

**SECONDED** by Mr. Weber

**MOTION CARRIED 5-0**

Richard Maynard, Project Engineer, Maynard & Paquette Engineering Associates, 31 Quincy St, Nashua NH

Mr. Maynard introduced himself as representative for the applicant.

Mr. Maynard outlined the proposal. This is a multifamily development at the end of Palm St, where there are several existing issues. Palm St is a dead end street with no place for large city vehicles to turn around, which requires them to turn around on private property. There is no place to plow snow, and emergency vehicles have trouble getting in and out.

Mr. Maynard said their solution is multi-faceted. They plan to continue the southern end of Palm St and create a public access way along the old railroad bed to Ash St. The railroad discontinuance was approved recently by the Board of Aldermen. They were also granted a minor density variance by the Zoning Board for two multifamily access buildings. This also provides areas for snow storage and 20 additional parking spaces to serve this portion of the Palm St neighborhood.

Mr. Maynard addressed topography, stormwater, and utilities. Green space is limited, but they will be providing several new trees. They are requesting several waivers as part of this plan, as detailed in the staff report. He explained each waiver request in detail. There will be a recorded access easement to allow a 24-ft aisle for public passage, which is waiting on Legal Counsel to approve. All Engineering comments have been satisfied. He addressed all stipulations in the staff report, and said they have no issue with them.

Mr. Varley asked for clarification on the access easements.

Mr. Maynard described the extent of the access easement. The alleviate a lot of problems with Palm St they agreed to assist with access to emergency vehicles and other traffic. This will be recorded with the site plan.

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Mr. Varley asked if there is no access proposed with the abutting commercial lot.

Mr. Maynard said correct. The adjacent lot has more than adequate access to public streets.

Mr. Hudson said the public easement was a request made at the time of discontinuance. They have issues turning around trucks, and this will make life easier for everyone.

Mr. Maynard said it makes things easier for the applicant as well, so that trucks aren't turning around on private property.

Ms. Harper asked how snow removal is going to be handled on the site.

Mr. Maynard said the current condition is miserable. There is no place to put snow, and the city is appreciable for the two proposed snow storage locations. It will not cure everything, but it will be substantially better than it is now.

Ms. Harper said there may be some traffic cutting through here, which may cause a danger to residents. Are there any speed bumps proposed?

Mr. Maynard said speed bumps aren't particularly legal on public roads because they are a hazard. You can only do those on private property. He can't see people speeding through here. This cut-through is mainly there for large vehicles.

Ms. Harper asked if there was any signage proposed.

Mr. Maynard said they haven't put any up.

**SPEAKING IN OPPOSITION OR CONCERN**

None

**SPEAKING IN FAVOR**

None



**PUBLIC MEETING**

Mr. Varley closed the public hearing and moved into the public meeting. He summarized the discussion. The parking access improvements will be valuable to the developer and the city, both for creating additional storage and access for vehicles.

**MOTION** by Mr. Bollinger to approve New Business - Site Plan A20-0189. It conforms to §190-146(D) with the following stipulations or waivers:

1. The request for a waiver of § 190-198-1(15), which sets maximum parking requirements for multi-family, 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 § 190-221(C), which requires underground utilities, 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(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.
4. The request for a waiver of § 190-193(A), which requires parking space dimensions have a depth of 20', 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 § 190-275, which requires a lighting plan, is granted, finding that the waiver will not be contrary to the spirit and intent of the regulation.
6. The request for a waiver of § 190-274, which requires a landscaping plan, is granted, finding that the waiver will not be contrary to the spirit and intent of the regulation.
7. The request for a waiver of § 190-193, which requires a 20' wide aisle width, is granted, finding that the waiver will not be contrary to the spirit and intent of the regulation.
8. Prior to the Chair signing the plan, the consolidation plan shall be recorded.
9. Prior to the Chair signing the plan, all addresses will be shown on the plan.

10. Prior to the Chair signing the plan, all comments in an e-mail from Tom Lacroix, Staff Engineer dated January 27, 2021 shall be addressed to the satisfaction of the Division of Public Works.
11. Prior to the Chair signing the plan, minor drafting corrections will be made.
12. Prior to the Chair signing the plan, all conditions from the Planning Board approval letter will be added to the cover page of the final mylar and paper copies submitted to the City.
13. Prior to any work and a pre-construction meeting, a financial guarantee shall be approved.
14. Prior to the issuance of a building permit, the electronic copy of the plan will be submitted to the City of Nashua.
15. Prior to the issuance of the first building permit, the Public and Emergency Access Easement and stormwater documents will be submitted to City for review and approval and recorded at the Registry of Deeds at the applicant's expense.
16. Prior to the issuance of the first Certificate of Occupancy, 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.
17. Prior to the issuance of the final Certificate of Occupancy, 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.
18. Prior to the issuance of the final Certificate of Occupancy, all off-site and on-site shall be completed.

**SECONDED** by Mr. Weber

**MOTION CARRIED 5-0**

**OTHER BUSINESS**

1. Review of tentative agenda to determine proposals of regional impact.

**MOTION** by Mr. Bollinger that there are no items of regional impact

**SECONDED** by Mr. Weber

Mr. Bollinger led a brief discussion regarding the Nashua Landing.

**MOTION CARRIED 5-0**

Mr. Sullivan provided an update regarding the special April 22<sup>nd</sup> special meeting. The Board tentatively scheduled a site walk of the Nashua Landing for May 4<sup>th</sup>, at 5:30PM.

Mr. Sullivan said they are contracting a third-party service to assist in the review of the Nashua Landing application. He gave an overview of the consultant's roles and participation in the process. They are in the process of setting up that contract.

Mr. Weber asked if the Army Corp of Engineers is involved.

Mr. Sullivan said there is no direct riverfront impact.

Mr. Hudson said there is no direct connection.

Mr. Sullivan said there is a substantial DES permitting, and they are heavily involved in how this process is proceeding.

Mr. Bollinger thanked staff for their efforts. He asked if the applicant has submitted all of their materials.

Mr. Sullivan said yes. It's been a process to make sure they have everything they would require. The only outstanding point is modifications of elevations to structures, and whether waivers are needed for certain items. This will be a complete application by the time of the meeting.

2. Referral from the Board of Aldermen on proposed R-21-124, approving a Fifth Amendment to Purchase and Sale of City land at 21 Pine Street (Map 77, Lot 17) and land of Public Service Company of New Hampshire d/b/a Eversource Energy at 3 Pine Street Extension (Map 77, Lot 2A)

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Mr. Sullivan provided an introduction to the resolution. Functionally this extends the amount of time of the agreement, provides specific fee concessions for site cleanup, and makes some changes to the easements.

Sarah Hoodlet, Siting and construction services specialist, Eversource

Ms. Hoodlet showed the Board a brief powerpoint presentation of the proposal.

A brief discussion ensued.

**MOTION** by Ms. Harper to make a favorable recommendation of R-21-124 to the Board of Alderman as written

**SECONDED** by Mr. Weber

**MOTION CARRIED 5-0**

**DISCUSSION ITEMS**

None

**MOTION** to adjourn by Mr. Weber at 10:13PM

**MOTION CARRIED 5-0**

**APPROVED:**

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Mr. Varley, Acting Chair, Nashua Planning Board

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Prepared by: Kate Poirier

Taped Meeting