

EXPANDED DRAFT MEETING SUMMARY
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NASHUA CITY PLANNING BOARD
June 3, 2021

The regularly scheduled meeting of the Nashua City Planning Board was held on June 3, 2021 at 7:00PM in Room 208 in City Hall AND via Zoom virtual meeting.

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

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

ALL VOTES ARE TAKEN BY ROLL CALL

Approval of Minutes

June 3, 2021

MOTION by Mr. Bollinger to approve the minutes of the June 3, 2021 meeting

SECONDED by Mr. Hirsch

MOTION CARRIED 6-0

COMMUNICATIONS

Mr. Sullivan went over the following items that were received after the case packets were mailed:

- Email from Celia Leonard, Deputy Corporation Counsel re: R-21-147, petition for street discontinuance for portions of Old Groton Road
- Email from Celia Leonard, Deputy Corporation Counsel re: R-21-147, revised deed
- Email from Engineer Brian Pratt, requesting to continue the three Nashua Landing cases, A21-0028, A21-0029, & A21-0062

REPORT OF CHAIR, COMMITTEE & LIAISON

Nashua Regional Planning Commission: Mr. Weber provided an overview of the recent meeting discussions.

MEETING PROCEDURES

Mr. LeClair said this evening's meeting will be conducted in a hybrid format.

1. Access

This meeting is accessible in person in Room 208 in Nashua City Hall and via Zoom. Members of the public and representatives of the applicants have been urged to attend the meeting via Zoom, but they may attend in person at City Hall. Real time public comment can be addressed to the Board utilizing Zoom or in City Hall, Room 208.

2. Public Notice and Access

If anybody has a problem accessing the meeting, 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. Please note that the board will continue to take vote via roll call.

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

A21-0028 The Landing at Nashua, LLC, C/o. Dick Anagnost (Owner) - Proposal to subdivide a 41.31 acre lot, the product of the merger of three (3) existing lots of record, Sheet A - Lots 218, 1019, and 1020, into (4) four lots. Property is located at 2 East Spit Brook Road. Sheet A - Lots 218, 1019, and 1020. Zoned "GB" General Business & "MU" - Mixed Use Overlay. Ward 7.
(Tabled from the June 3, 2021 Meeting)

MOTION by Mr. Bollinger to continue the case to the July 15, 2021 meeting

SECONDED by Mr. Weber

MOTION CARRIED 6-0

OLD BUSINESS - SITE PLANS

A21-0029 The Landing at Nashua, LLC, C/o. Dick Anagnost (Owner)
- Proposal to construct a Self- Storage facility.
Property is located at 2 East Spit Brook Road. Sheet A
- Lot 218. Zoned "GB" General Business & "MU" Mixed
Use Overlay. Ward 7. **(Tabled from the June 3, 2021
Meeting)**

MOTION by Mr. Bollinger to continue the case to the July 15,
2021 meeting

SECONDED by Mr. Weber

MOTION CARRIED 6-0

A21-0062 The Landing at Nashua, LLC, C/o. Dick Anagnost (Owner)
- Proposal to construct a Costco Retail Store with
Fuel Station. Property is located at 2 East Spit
Brook Road. Sheet A - Lot 218 & 1019. Zoned "GB"
General Business & "MU" Mixed Use Overlay. Ward 7.
(Tabled from the June 3, 2021 Meeting)

MOTION by Mr. Bollinger to continue the case to the July 15,
2021 meeting

SECONDED by Mr. Weber

MOTION CARRIED 6-0

Mr. LeClair said he would hear Other Business #2 & #3 next.

2. Referral from Board of Aldermen on proposed R-21-127,
Petition for Street Discontinuance - (Old) Groton Road.
(Postponed from the June 3, 2021 meeting)

3. Referral from Board of Aldermen on proposed R-21-147,
authoring the conveyance of discontinued portion of (Old
Groton Road). **(Postponed from the June 3, 2021 meeting)**

Atty. Brad Westgate, Winer & Bennett, 111 Concord St, Nashua NH

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Atty. Westgate introduced himself as representative for Etchstone Properties Inc, who is the petitioner for street discontinuance. With him is project engineer Tom Zajac and surveyor Lee Gagnon of Hayner Swanson, as well as Jaron Slattery of Etchstone Properties Inc.

Atty. Westgate said there are two matters before the Board. The first is to discontinue portions of Groton Rd, and the second is to allow the City to convey all rights of the discontinued portions to Etchstone Properties.

Atty. Westgate said this proposal is in relation to a previously approved development in 2019, for a 25-unit conservation condominium development at 35 Groton Rd. The project received a one-year extension in 2020, and is now underway. This proposal contemplates two areas of Old Groton Rd, as shown on the plan. Area A is two triangles of land. In 1937 the state realigned Groton Rd, but the 1799 layout included these two triangular areas which were not discontinued.

Atty. Westgate said Area B is not "plottable"; despite significant undertakings, they could not locate the area on the ground. The area is not usable, and there is no evidence of its use. However, it was laid out in an 1847 Board of Selectmen undertaking before Nashua was incorporated as a city.

Atty. Westgate said they are requesting to discontinue these areas, which are both on the subject property. They serve no function, and Deputy Legal Counsel Celia Leonard has come to the conclusion it is unnecessary to reserve easement rights for sidewalks or utilities. Etchstone Properties has already granted utility easements to Pennichuck and Eversource to service the site. Atty. Leonard recommended that the City require Etchstone to grant a sidewalk easements over two portions of the property, which they are willing to do. They are asking for a favorable recommendation from the Board.

Mr. Bollinger asked if any consultation was necessary with the NH Dept. of Transportation. Are there any other interested parties?

Atty. Westgate said none to his knowledge.

Tom Zajac, Project Engineer, Hayner Swanson, 3 Congress St, Nashua NH

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Mr. Zajac said there was no interaction with NHDOT in regards to this section of roadway.

SPEAKING IN OPPOSITION OR CONCERN

None

SPEAKING IN FAVOR

None

MOTION by Mr. Bollinger to favorably recommend Other Business #2 to the Board of Aldermen, to include comments by Deputy Legal Counsel Celia Leonard.

SECONDED by Mr. Weber

MOTION CARRIED 6-0

MOTION by Mr. Bollinger to favorably recommend Other Business #3 to the Board of Aldermen, to include comments by Deputy Legal Counsel Celia Leonard.

SECONDED by Mr. Hirsch

MOTION CARRIED 6-0

NEW BUSINESS - CONDITIONAL USE PERMIT

None

NEW BUSINESS - SITE PLANS

A21-0113 Park Place (Owner) - Application and acceptance of proposed amendment to NR1480 to terminate the existing parking easement agreement between First Church of Christ Scientist (115 Concord Street) and establish a new parking easement for 7 parking spaces with Greeley Park Associates (111 Concord Street). Property is located at 111 Concord Street. Sheet 48- Lot 47. Zoned "RA" Urban Residence. Ward 3.

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

SECONDED by Ms. Harper

MOTION CARRIED 6-0

Atty. Hollis, Gottesman & Hollis PA, 39 East Pearl St, Nashua NH

Atty. Hollis introduced himself as the representative for Greeley Park Associates. He thanked the Board for the opportunity to attend in person. Atty. Brad Westgate, who is one of the partners, principal owner of First Church of Christ Scientist and Randy Turmel from Crimson Properties joined the meeting on zoom.

Atty. Hollis said this is an unusual application. It is an amendment to site plan NR1480, for the law offices of Winer & Bennett. The original approval is from 1988, which noted that there were 14 offsite parking spaces on the adjacent church property. The parking agreement between the two properties was recorded as an easement deed at the Hillsborough Registry of Deeds, and cannot be released without the express written consent of the Zoning administrator. The City wanted to be clear that no one would dismiss the parking rights without having it reviewed.

Atty. Hollis said during the process of developing the church property, the church met with the law office and agreed they would release the easement. However, it requires written consent by the city. Because this is a site plan and is noted on the Board, staff felt it should be reviewed by the Board.

Atty. Hollis said at the time the parking requirements were calculated, office uses needed far more spaces. The current Land Use Code only requires 7 parking spaces, which means the site meets onsite parking requirements as is. However, the church site and the law office have reached an agreement that 7 additional spaces will be provided offsite. Nothing is being changed on the subject lot.

Atty. Hollis said they are proposing to amend the notes. He read aloud the amended notes in their entirety.

Mr. LeClair asked for clarification on the first waiver, and whether it is necessary.

Mr. Sullivan said he believes it is. This is a unique application, so it is appropriate.

Mr. Weber said the Historical District Commission is trying to claim Greeley Park as a Historical Site. He asked Mr. Sullivan to ask Deputy Zoning Manager Carter Falk to ask the Historic

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District Commission to review the law office as a historical site. If Greeley Park becomes historical, the parking lots could as well.

Mr. Sullivan said he would be happy to speak with Mr. Falk. However, the way that the Historic District is bound is by property lines. By having a property within the Historic District, it doesn't determine certain characteristics are historic. The parking would be within the district, but would not be historic in itself, nor does it mean the building is historic in character. It simply becomes part of that regulatory process.

Mr. McPhie provided a brief commentary on the site architecture.

Mr. Bollinger asked if any site plan modifications would be necessary for 115 Concord St beyond recording the easement.

Atty. Hollis said no, it would not.

Ms. Harper asked if the spaces will be designated for the other site.

Atty. Hollis said yes. They are designated on the site plan.

Mr. Sullivan said the plan shows one loading space in addition to the 14 spaces onsite, totaling 15. The plan references 14 spaces total. Is it because the loading space is identified as a non-parking space?

Atty. Hollis said correct.

SPEAKING IN OPPOSITION OR CONCERN

None

SPEAKING IN FAVOR

None

PUBLIC MEETING

Mr. LeClair closed the public hearing and moved into the public meeting. He said this seems straightforward to him.

MOTION by Mr. Varley to approve New Business - Site Plan A20-0113. It conforms to §190-146(D) with the following stipulations or waivers:

1. The request for a waiver of NRO § 190-279 which requires submission and review of a new a site plan, is granted, finding that the waiver will not be contrary to the spirit and intent of the regulation.
2. Terminate the exiting parking easement between First Church of Christ Scientist (115 Concord Street) and establish a new parking easement for 7 parking spaces with Greeley Park Associates (111 Concord Street). No other site changes are proposed, which shall be reviewed and approved by Corporation Counsel and planning staff, and then recorded at the applicant's expense.

SECONDED by Mr. Hirsch

MOTION CARRIED 6-0

OTHER BUSINESS (cont)

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. Varley

MOTION CARRIED 6-0

DISCUSSION ITEMS

Mr. Sullivan provided the Board with an update on the Nashua Landing. Mr. Bollinger led a discussion regarding the ongoing review process.

Mr. Weber asked for a list of standardized common stipulations. Discussion ensued.

Mr. Weber led a brief discussion regarding an NRPC discussion on elected Planning Board officials.

MOTION to adjourn by Mr. Weber at 7:54 PM

MOTION CARRIED 6-0

APPROVED:

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Mr. LeClair, Chair, Nashua Planning Board

DIGITAL RECORDING OF THIS MEETING IS AVAILABLE FOR LISTENING DURING REGULAR OFFICE HOURS OR CAN BE ACCESSED ON THE CITY'S WEBSITE. DIGITAL COPY OF AUDIO OF THE MEETING MAY BE MADE AVAILABLE UPON 48 HOURS ADVANCED NOTICE AND PAYMENT OF THE FEE.

Prepared by: Kate Poirier

Taped Meeting