

NASHUA CITY PLANNING BOARD
August 4, 2022

The regularly scheduled meeting of the Nashua City Planning Board was held on June 16, 2022 at 7:00PM in the 3rd floor auditorium in City Hall AND via Zoom virtual meeting.

Members Present: Mike Pedersen, Mayor's Rep
Scott LeClair, Chair
Adam Varley, Vice Chair
Dan Hudson, City Engineer
Ald. June Caron
Larry Hirsch

Also Present: Matt Sullivan, Community Dev. Director
Linda McGhee, Deputy Planning Manager
Scott McPhie, Planner I
Chris Webber, Department Coordinator

APPROVAL OF MINUTES

June 16, 2022

MOTION by Mr. Hirsch to approve the minutes, as amended

SECONDED by Mr. Pedersen

MOTION CARRIED 5-0-1 (Caron abstained)

COMMUNICATIONS

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

- A22-0064, 7 Westbrook Drive
 - Letter from Street Construction Engineer Joe Mendola re: Engineering comments
 - Waiver letter from applicant engineer
- A21-0106, 300, 301, 302, & 147-149 Temple St
 - Updated engineering comments
- A22-0106, 15 Bartlett Ave
 - Updated staff report
 - Updated Fire Marshall comments
 - Updated engineering comments

- A22-0137
 - o Updated staff report
 - o Updated Fire Marshall comments
 - o Safety access plan from applicant engineer
 - o Updated Engineering comments

REPORT OF CHAIR, COMMITTEE, & LIAISON

None

PROCEDURES OF THE MEETING

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.

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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.

Ald. Caron said because she is new she will recuse herself from voting at the meeting.

OLD BUSINESS - CONDITIONAL USE PERMITS

None

OLD BUSINESS - SUBDIVISION PLANS

A22-0064 ColinBrooke Investment (Owner) - Application and acceptance on proposed lot line relocation. Property is located at 5 & 7 Westbrook Drive. Sheet A - Lot 355 & 356. Zoned "R9" Suburban Residence. Ward 7. **[TABLED FROM THE MAY 19, 2022 MEETING]**

MOTION by Mr. Varley to remove this application from the table

SECONDED by Mr. Hirsch

MOTION CARRIED 5-0

MOTION by Mr. Varley to reopen the hearing

SECONDED by Mr. Pedersen

MOTION CARRIED 5-0

Trevor Yandow, Civil Engineer, Meridian Land Services, 31 Old Nashua Rd, Amherst NH

Mr. Yandow introduced himself as representative for the applicant. Since the May 19th meeting they have provided Engineering Dept. with a drainage analysis and site plan for the lot line adjustment. Mr. Mendola's letter states that Engineering is in favor of the proposed changes. If there are any questions he would be happy to answer them in more detail.

Mr. LeClair asked Engineering about the drainage information.

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Mr. Hudson said Mr. Mendola did issue a letter stating that they have satisfied all questions related to the plan.

Mr. LeClair asked if the waiver requests are still the same.

Mr. Yandow said they are asking for one waiver from offsite features, and one in regards the pre and post run-off rates.

Mr. LeClair asked staff if they were the appropriate code sections.

Ms. McGhee said correct.

Mr. Varley said based on the new information his questions and concerns were satisfied.

SPEAKING IN OPPOSITION OR CONCERN

Thomas Royal, 3 Westbrook Drive, Nashua NH

****Audio faint, mechanical interference****

Mr. Royal said the issue is drainage onto his property. That is a pretty steep hill. He is an engineer himself, and he looked at the water study and found there were a lot of assumptions about the soil type. That trail is compacted and is impervious. The report shows 0.1 cubic feet per second, which for an hour will fill a large swimming pool. The trail follows the contours and splits the property in half. The water goes into his front yard because of the contours, not the street. He has most concerned about the runoff to his backyard.

Mr. Royal showed a picture of the trail, and said it slopes to his yard. He showed a picture of the trees along the trail, and said they would have to disturb the trees and the trail in order to put the foundation in. If they mess with that trail, that water is going straight into his backyard. The trail is compacted soil, and is regularly used. He doesn't know what the plans are for it. There is a 3-ft diameter tree there, and in order to put the foundation in they will have to cut it down. The roots go probably 20-ft onto his property. Are they going to dig it all up?

Mr. Royal showed a picture of his backyard and the slope to the trail. Stormwater doesn't go around his house, it goes straight to his basement. In the summer during a massive downpour the water comes rushing down there. The assumption during the study

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was .01 cubic feet. The real critical thing is what happens in a five minute storm, not the 24 hour storm assumed by the applicant. That's a much higher number. Just from the driveway alone it would be .12 cubic feet per second, not to mention the roof or other structures. It doesn't pass the smell test.

Mr. Royal showed some of the imagery used in the study for where the water flow is projected. That isn't what happens. It's patently wrong. The real condition he's worried is in the spring when the ground is frozen and the water just runs off. That's the real condition they need to study. He requested that they don't approve this waiver because they haven't addressed the issues or effect it would have on his property.

Paula Lockhead, 4 Westbrook Drive, Nashua NH

Ms. Lockhead said she lives across the street. There are already three drainage culverts in this little area. That path tends to be the drainage sluiceway for all of the ball fields at Sunset Heights Elementary. The drainage comes running right down that pathway, and if it misses the homes on either side it comes across the street and into her yard. Her basement has been flooded on many occasions from sudden storms. Those drainage culverts cannot accommodate the amount of rainfall.

Ms. Lockhead said if there is a driveway proposed in that area they will be taking up some of the absorption ability. More drainage will also ensue.

Erin O'Malley, 8 Westbrook Drive, Nashua NH

Ms. O'Malley said she agrees with what her fellow abutters have said. She believes this will cause issues in the neighborhood. The sticking point is the setback of the home.

Glen Daly, 10 Westbrook Drive, Nashua NH

Mr. Daly said he has a comment about the frontage. The back lot line is 84-ft and the minimum frontage is 90-ft. In order to get that 90-ft they had to ride the setback line to get to 93-ft. This is going to be the smallest frontage on the entire street; most of them are about 130-ft.

SPEAKING IN FAVOR

None

APPLICANT REBUTTAL

Trevor Yandow, Civil Engineer

Mr. Yandow asked if the Board was supposed to be muted, because the participants on Zoom can't hear them.

Mr. LeClair said no.

****Applicant audio cutting in and out****

Mr. Yandow said his understanding is that the applicant is not proposing to alter the trail in any way. They will abide by the setbacks on the plan. There shouldn't be any appreciable impact to the surface configuration of the trail.

**** Intermittent audio. Board members attempt to notify Mr. Yandow. Zoom participants are unable to hear Board.****

Mr. LeClair said the Board will take a recess to rectify audio.

Mr. Yandow said Mr. O'Malley identified a large drainage area that directs stormwater down to the common lot line. The development of this parcel is not going to affect that drainage area. It's where the contours of the land direct water, and this development isn't changing that. Even if they were to capture everything from this lot, there would still be issues. It's outside of the scope of their proposal.

****Applicant audio cutting in and out****

Mr. Yandow said the applicant does not intend to alter the surface configuration of the trail with the dwelling to be put on this lot. The trail will remain as currently constituted.

Mr. Yandow said in regards to the intense storm events, while he agrees with the concern about short intense storm events, the city ordinance specifies the 24-hr ten year storm event. This is more of a prolonged consistent rate. They are not designing to the five minute intense storm.

Mr. Yandow said that the frozen conditions described are not something they are designing to. He understands that the trail would become an icy conduit for water during winter, but the development of this parcel is not going to impact the trail. It's out of scope for what they are proposing.

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Mr. Yandow said in regards to the inability of the storm drains to convey water, that is out of the purview of this project. They are not proposing any changes. Water is going to continue to flow how it does both before and after the development.

Mr. LeClair asked about the setback and the frontage.

Mr. Yandow said there is no frontage on the rear of the parcel. They are meeting the frontage requirement along the road side of the parcel. The parcel complies with the rest of the zoning requirements. While the rear of the lot is not as wide as the frontage dictates, it doesn't have to be.

****Audio cuts out****

Mr. Yandow said they are meeting the frontage and area requirements. The rear of the lot is not required to be the same or greater.

Mr. Varley said since they have had such a hard time hearing his testimony, he will state what he understands and ask if it is accurate. What he heard is that the engineer acknowledged there may be some drainage issues based on the existing condition, but his position is that this project will not alter that in a material way, or make it worse.

Mr. Yandow said correct.

Mr. Pedersen said an abutter mentioned that a 3-ft diameter pine tree on the property may be removed and that would affect the terrain. Are there any plans for that tree?

Mr. Yandow said not specifically that he is aware of. Based on the photograph it looked to be within 10-ft of the trail. He's not sure exactly where it is on the site and how deep into the-
**Audio cuts out*.*

Mr. Pedersen said he doesn't understand the response.

Mr. Varley said Mr. Yandow referred to the applicant.

Jason Langianese, Colinbrook Investments, 11 MacIntosh Ln,
Bedford NH

Mr. Langianese said the tree will probably have to go. It's in the middle of the lot, not in the setbacks.

Mr. Pedersen asked if in his opinion the removal of the tree will affect the flow of water onto the abutter's property.

Mr. Langianese said he went out there in a torrential rainstorm and videoed it on his phone. There's no water coming down that path. You could see water running down the street like it's designed to. He walked down the path and videoed it, and no water comes down the path. He has a retaining wall all along the back of the property that keeps any water coming from the school down. Anything coming from the school probably comes into their property.

Mr. Langianese said the Royals said his property is 10-ft higher, the plan says it's 4-ft higher. And the Lockheads across the street say the water is running down the path, across the street, and into their basement. Usually he just sits here and lets the engineers do the talking, but the abutters are just trying to say anything they can to get this to not pass. His partner sat here last time and the neighbors told him that they already got this tabled once, they're just trying to jam a house in where it doesn't belong. That's not what they are doing. These are conforming lots to the city's specifications, and that's it. There's nothing else to it. There's no water running down. He did a drainage study, and all the abutters are trying to do is delay the process and cost him thousands of dollars and not be able to build. He doesn't think it's right.

PUBLIC MEETING

Mr. LeClair closed the public hearing and moved into the public meeting.

Mr. Pedersen said someone in the audience has their hand raised.

Mr. LeClair said they are beyond the public comment session. He can't keep opening up public comment. They are at the closed hearing now. They would need a motion to reopen the hearing.

Mr. LeClair said they have heard this application a couple of times. They received a drainage report, and the city engineer has reviewed it. It seems there are a few different opinions here on what's going on, but it's the Board's job to weigh those opinions and make a decision.

Mr. Hudson said the drainage is one of the reasons why they tabled this case previously. The report they received previously

indicated very little flow but public testimony was very different. Assumptions were made in the report and you could perhaps have some slightly different ones, but he believes the applicant is correct. This is designed for the heaviest storm required. As described there is area outside of their property that drains onto the site. He views it as an existing drainage issue. This proposal doesn't remedy or resolve that issue, but it doesn't exacerbate it.

Mr. Varley said that is how he understands it. Engineering staff has reviewed this. He doesn't doubt the abutters that there is an existing drainage issue, but it is not impacted by the project. It is not appropriate to put the burden on the applicant to address the existing issue when they have testimony from their engineer and city staff that this is not going to worsen the existing condition.

Mr. Hudson said if there issues with the city culverts just reach out to public works. They have a lot on their plate but they will do the best they can to remedy that. Just file a complaint and they will work to address it the best they can. He added that since it is a .01 cubic feet increase in the post calculation for stormwater, they asked the engineer to submit a waiver request.

Mr. Varley asked if it is a waiver to allow the increase.

Mr. Hudson said it is a waiver from the requirement that there be no increase.

Ms. McGhee provided clarification on the conditions in the staff report.

MOTION by Mr. Varley to approve New Business - Subdivision Plan A22-0064. It conforms to §190-138(G) with the following stipulations or waivers:

1. The request for a waiver of 190-282(8)(9), which requires physical features on site and within 1,000 feet be shown, 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 190-215(B)(1), which requires certain stormwater flow limits, 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, any 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 issuance of a building permit, the electronic file of the lot line relocation plan shall be submitted to the City of Nashua.
6. Prior to any work, a pre-construction meeting shall be held and a financial guarantee shall be approved.

SECONDED by Mr. Pedersen

MOTION CARRIED 5-0

A22-0299 145 Temple Street, LLC (Owner) - Greenridge LLC (Applicant) - Proposed three lot subdivision. Property is located at 145-149 Temple Street. Sheet 38 - Lot 93. Zoned "GI" General Industrial/"TOD" Transit Oriented Development. Ward 7. **[TABLED TO THE JULY 14, 2022 MEETING]**

OLD BUSINESS - SITE PLANS

A22-0300 145 Temple Street, LLC (Owner) - Greenridge LLC (Applicant) - Proposed site plan to show a 4-bay garage, office and storage. Property is located at 145-149 Temple Street. Sheet 38 - Lot 93. Zoned "GI" General Industrial/"TOD" Transit Oriented Development. Ward 7. **[TABLED FROM THE JUNE 2, 2022 MEETING]**

A22-0301 145 Temple Street, LLC (Owner) - Greenridge LLC (Applicant) - Proposed site plan to add asphalt manufacturing. Property is located at 145-149 Temple Street. Sheet 38 - Lot 93. Zoned "GI" General Industrial/"TOD"-Transit Oriented Development. Ward 7. **[TABLED FROM THE JUNE 2, 2022 MEETING]**

A21-0302 145 Temple Street, LLC (Owner) - Greenridge LLC (Applicant) - Proposed site plan to add proposed office use. Property is located at 145-149 Temple Street. Sheet 38 - Lot 93. Zoned "GI" General Industrial/"TOD" Transit Oriented Development. Ward 7. **[TABLED FROM THE JUNE 2, 2022 MEETING]**

Mr. LeClair said the Board members have performed site visits on their own. He would like to have some discussion about these particular plans before they reopen the hearing for the applicant. He asked the Board if they feel they have the right information for environmental impacts. He has done some research with Planning Dept., and there hasn't been an environmental assessment for impacts to air, water, and noise provided to them. The Board has the jurisdiction to request that and require that from the city's environmental consultants. His opinion is that it should be specific to air, water, and noise.

Mr. Hirsch said he is concerned that they have no objective information about the impact of the project. Odor is a big concern for him. He's been around asphalt operations before and they can be pretty smelly.

Mr. Pedersen said when he read the summary from the Environmental Health Dept. head Heidi Peek-Kukulka it was very short. He questioned where her information came from. It basically said that if the project was okay with the DES it's okay with her. Did Ms. Peek-Kukulka do any independent research on potential noxious gases coming from trucks departing the facility? How much research did the Health Dept. do?

Mr. Pedersen said he went down to the Westford MA asphalt plant, stayed for an hour, and watched everything. He wrote some notes which he would like to share.

Mr. LeClair said before we get into that, the Board is not yet in the public meeting.

Mr. Pedersen said the Health Dept. gave a very cursory summary and he would like to know what they did to come to this decision.

Mr. LeClair asked staff on the process for third party environmental studies.

Ms. McGhee said it's something they can request.

Mr. Sullivan said the Board has the authority particularly in the Transit Oriented Development overlay and associated mixed use overlay site suitability standards to ask for information that helps clarify the impact of any project in the TOD. There are several ways they can go about it. They can ask the applicant for an independent study. They can also ask the city

for an additional report on their behalf. They can extend that option to the applicant to prepare a report. They can ask staff to prepare a third party review on the components of the mixed use overlay standards that might be of interest to the Board in deciding whether this application is appropriate.

Mr. Varley asked if they were to request it, they can ask the applicant for their feedback. Would the availability of the report through the city be at the cost to the city?

Mr. Sullivan said that is correct. They can request a report at the cost of the applicant, but based on the criteria being discussed he thinks that it may be of interest to have city resources dedicated to this effort. They are welcome to request either.

Mr. LeClair asked the Board if this was desirable. He thinks it might be appropriate to reopen the hearing for the specific use of hearing from the applicant whether this is acceptable. There is some delays that would be produced. He would also like to hear from the applicant if they would like to perform a study. He believes that they city should do their own study, but if the applicant wants to do their own, it is perfectly appropriate to have something to compare to.

Mr. LeClair said he wants to open the hearing for specifically this information. It would be premature to open the hearing for public comment until that analysis is actually performed. If the city performs a study it would be open to the public to read and understand.

Mr. Varley said there is value in having this assessment done prior to the Board making a final decision. From some of the comments there are a number of abutters expressing concern about precisely these types of issues. They have testimony from the applicant about how the site would be operated and representations about the nature of the impact being minimal. He understands the applicant has to get a permit from the DES. But it would helpful for the Board to have something a bit more concrete, and it would be to the benefit of the applicant and abutters to have a little bit more. He thinks they should hear from the applicant for this purpose. They may make a motion to further table the case to have the work performed.

MOTION by Mr. Pedersen to remove A22-0299, A22-0300, A22-0301, and A22-0302 from the table

SECONDED by Mr. Varley

MOTION CARRIED 5-0

MOTION by Mr. Pedersen to reopen the hearing for A21-0299, A21-0300, A21-0301, and A21-0302, specifically in regards to an environmental impact analysis

SECONDED by Mr. Varley

MOTION CARRIED 5-0

Atty. Gerald Prunier, Prunier & Prolman, 24 Trafalgar Square, Nashua NH

Atty. Prunier said with him is engineer Richard Maynard, applicant Richard Defelice, and traffic consultant Jason Flourde.

Atty. Prunier said he will reiterate for the Board that they are properly zoned for this use. Mr. Sullivan said they are properly zoned, and they have certain rights. They made the reports required by the city. Mr. Pedersen doesn't like the Health Dept. report, but that is something they could have taken care of on January 2nd. The Fire Dept. is okay with it, and they have gone through all the plans. The traffic is satisfied with their plans, and they have answered all Engineering questions. They feel that they are entitled to get these plans approved.

Atty. Prunier said they supplied how this plant works, how it is being taken care of, and how odor and noise are taken care of. This Board has the right to ask them to provide a report regarding their concerns. But if that is the case, they would like to know what specifically they are being required to look at. There is nothing in the City of Nashua regarding a noise or odor ordinance. If there is, they will get them from the city of Nashua and get an expert to explain them to the Board.

Atty. Prunier said if this Board approves the plans, the state of NH takes over. The NH Dept. of Environmental Services permits the plan, and it continues until the plant either closes or goes out of business. They have standards that have to be met. The questions of noise or odor don't ever go away. The DES is detailed regarding these plans. If the Board wants something, tell them specifically what they want. He believes they have already answered those questions, and they have to answer to the DES. They are not afraid to answer.

Mr. LeClair said they don't have to commit to it. The Board will make a decision whether they want something from the city. If the Board decides to do an environmental impact analysis using the city resources, is it their intention or desire to conduct their own study, and would they need time?

Atty. Prunier said no. If the city wants to go ahead and do it, they will cooperate. Time has gone a long ways. Throughout this process they have not tried to hide anything. Mr. Pedersen has been to Westford, and they didn't kick him out. Multiple members have visited the city site. They have nothing to hide. They want the Board to have all the information to make a decision. If the Board needs a further report than what they have provided, than what the DES does, that's the decision the Board has to make.

Mr. Varley said he appreciates what they indicated in terms of the DES permitting. At the stage the Board is at in the process, they don't have the benefit of the DES analysis or any materials they are submitting in that process. What they are aiming for is a little more insight before they make a substantive decision as opposed to simply making a decision and hope or rely on DES to go through that process. He's not suggesting it isn't a thorough process, but they just don't have that information. The only question he has is, to the extent that the applicant would say they have already completed an environmental assessment for NHDES, it would be helpful to know that. If there is something they needed to perform to satisfy the DES requirements, that would be helpful to understand.

Atty. Prunier said they don't kick in until this Board is asked. Then DES stays with them forever.

Mr. LeClair asked if they would be amenable to the tabling and continuing of this case for the Board to get this additional information.

Atty. Pruner said he is not amenable, but he isn't kicking and screaming. He recognizes the Board's ability to do that.

Mr. Hudson said Engineering comments have not been addressed to their satisfaction. There was a statement made about engineering questions or comments being answered, and they are one-liners about being 'not applicable'. They are certainly not satisfied from an Engineering standpoint.

PUBLIC MEETING

Mr. LeClair closed the public hearing and moved into the public meeting. He said with these complex cases, the more information they have at the front, the more equipped the Board is. It's better for the applicant, staff, and abutters to have this ahead of time. He thinks using the city's resources to conduct the analysis is a right approach. It should be specific to noise, air, and water. Traffic they have a reasonably significant assessment from the applicant and city, so he's not sure they need to go further with that.

Mr. Hudson said they would benefit from how traffic affects noise, air, and water. In terms of traffic volumes, he agrees.

Mr. Pedersen said along with the noise and air, the wear and tear on infrastructure, and character of the city.

Mr. Varley said while that is a relevant consideration it may go beyond the scope of what they would be asking for the city to do. Even the environmental impact of the traffic is ancillary to what they are trying to get, which seems to be the operation of the asphalt plant on the site to the surrounding area. For an environmental engineer to make an assessment on the character of the city goes beyond the scope of what they are able to do.

Mr. LeClair said it would be important for the Board to make an assessment of that.

Mr. Varley agreed. He thinks it's beyond the scope of what they could reasonably ask from a consultant.

Mr. Pedersen said those factors shouldn't be swept under the rug. They're thinking about environmental, air, and noise.

Mr. LeClair said they should be looking at environmental emissions to the air, on the ground and water, and noise to the surrounding area. That's a straightforward analysis. They have had these types of analyses in the past.

Mr. Varley asked staff how much time would they need to engage the city's consultant.

Ms. McGhee said the next meeting is September 1st, they can table it until then.

Mr. LeClair said doing this quickly is to the benefit of the Board, applicant, and abutters. Let's try to make it happen.

MOTION by Mr. Varley to table cases A21-0299, A21-0300, A21-0301, and A21-0302 to the September 1, 2022 meeting in order to perform a noise, air, and water environmental impact assessment with respect to the operation of an asphalt plant.

SECONDED by Mr. Pedersen

MOTION CARRIED 5-0

NEW BUSINESS - CONDITIONAL USE PERMITS

None

NEW BUSINESS - SUBDIVISION PLANS

A22-0106 Raisanen Homes Elite, LLC (Owner) - Application and acceptance on proposed three lot subdivision. Property is located at 15 Bartlett Avenue. Sheet 57. Lot 3. Zoned RA-Urban Residence. Ward 3.

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

SECONDED by Mr. Pedersen

MOTION CARRIED 5-0

Chad Branon - Civil Engineer, Fieldstone Land Consultants, 206 Elm St, Milford NH

Mr. Branon introduced himself as representative for Raisanen Homes. With him tonight is Dick Raisanen.

Mr. Branon said they are seeking a three lot subdivision of the subject lot, which is 12.13 acres in size. It is currently occupied by a single family home and associated site improvements. He described the zoning and site topography.

Mr. Branon said they are proposing a three lot subdivision which positions the home on a 10.9 acre parcel and adds two lots along Bartlett Ave. The two new lots will range from .49 acres to .73 acres, and both will take access from Bartlett Ave. All three lots will meet all dimensional standards and zoning

requirements. This project has been designed to meet city standards. Each lot will have an infiltration basin in the backyard to mitigate improvements. All lots will be connected to municipal services.

Mr. Branon said they are requesting one waiver in regards to the location of physical features within 1,000-ft of the site. They have detailed the areas in close proximity to the site and believe they have captured enough information to appropriately demonstrate that they meet all the regulations.

Mr. Branon said they have worked through staff reviews. They have made a number of revisions to the plan for Fire Dept. access. They have reviewed the Engineering comments in detail and they have no issues with them. They have no issues with staff recommendations for approval.

Mr. LeClair asked for clarification on the sidewalk.

Mr. Branon said the sidewalk has been a topic of great discussion. There has been a modification to the staff report relative to the sidewalk. When they initially started this development they asked staff for the most appropriate way to handle it. That was based on where the existing sidewalks are in proximity to the property. The closest sidewalk is at Webster Rd, on the south side. The other one is to the south, Columbia Ave. To meet the technical requirements of the regulation they proposed a sidewalk along the northern side of Bartlett Ave. In working with city staff, they came to an agreement to construct a sidewalk along the south side of Bartlett Ave to allow eventual connectivity to Webster Rd. That would be bonded as part of this project.

Mr. LeClair referred to lot 40 and asked if access was through a curb cut from the original driveway.

Mr. Branon said there is an existing driveway that parallels the front yard to the north side of the home. Rather than construct another curb cut, they propose to share the existing driveway. The lots they are proposing are much larger than the minimum standards, and they have worked with the abutting property owner to position the homes so that they are the greatest separation. There has been a lot of thought put into that design.

Mr. LeClair asked if there is an easement.

Mr. Branon said there is a driveway and utility easement proposed. That is addressed in the staff report.

SPEAKING IN OPPOSITION OR CONCERN

Ald. Patricia Klee, Ward 3, 9 Maywood Drive, Nashua NH

Ald. Klee said she doesn't have as many concerns about the subdivision, her concerns are in regards to added stress on the current infrastructure. The sidewalk on the opposite side will impact the property owners there. Many of the residents there have water pressure issues. At least one of the properties in that area was one of the last to get city water, and they had to sign a document stating they would never complain about the water pressure because they were at the end of the line. This will be two extra properties, and there has been talk of others coming as well.

Ald. Klee said the other thing she hears about a lot in this area is cell service. They are already having issues. Every time something new goes in there is an impact to the residents. Two more homes will not create excess traffic, but they have issues because of the school. When students are picked up and dropped off it's all at one location. She appreciates their time and due diligence to this issue.

Kathleen Lodi, 12 Bartlett Ave, Nashua NH

Ms. Lodi thanked the Board for their previous favorable recommendation to the Board of Aldermen for the city to purchase this parcel. It would have saved a 13-acre forest that absorbs tens of thousands of pounds of carbon dioxide per acre. Those who supported the legislation were devastated when it was killed by the Board of Aldermen. And now on a 100+ degree day while thousands of acres of forest burn across the country from climate change, it saddens her that they are here to approve the cutting down of these trees.

Ms. Lodi said once Mr. Raisanen became owner of the property, he met with them and listened to their concerns. While they disagree on the number of units and the ordinance that allows it, they are respectful of his right to do so.

Ms. Lodi said she lives in the house across the street. She said the staff report references a traffic impact report, which she would like to see. She would also like to talk about the

sidewalk. The curb cut for two of the lots will empty directly into the 90-degree where the two streets meet. The sidewalk at Bartlett will go down to the school. That will cover all 200-ft of her property, and also take down nine large mature shade trees. This sidewalk will take down a lot of the shade on her side of the street. They will go from a shady tree lined street to a hot street full of asphalt. This sidewalk will destroy the character of her property and Bartlett Ave. She doesn't think this is going to add any kind of safety feature. The safety issues will come at the curb cut on the corner.

Ms. Lodi said the school is another issue they have tried to address on their own. The school allows parents to line up for drop off and pick up, and they are there for 40 minutes at each time and during the night. They park along that street, there's standing and stopping, they curve around that angle. When those cars are parking there and traffic is trying to get in and out of the development, that's creating a safety concern. Her suggestion is to talk to the school to reroute the traffic. That would eliminate some of the traffic safety issues this could create.

Ms. Lodi said they have water pressure issues. Two people can't shower in her house at the same time. Once a lot of units are added above them, she is concerned what that would do. Can they measure the pressure beforehand, and find some way to mitigate that?

Ms. Lodi said she is a member of the friends of Greeley Park, and the newly created lot does have siltation control fences against the border of Greeley Park. She asked to make sure that will not affect the trees on the border of Greeley Park. It borders the park on three sides. She is concerned about impact to what is called a city gem.

Ms. Lodi said she works out of her home. She would like to ask the applicant that when the construction starts, that the vehicles aren't parked in front of their home. She asked for communication prior to blasting. She is not here to stop this development and appreciates what the Board does for citizens.

Robert Lodi, 12 Bartlett Ave, Nashua NH

Mr. Lodi thanked the Board for their service to the city. He is concerned about maintaining the character and integrity of the

neighborhood, as well as protect the safety and security of the residents.

Mr. Lodi said every home on Bartlett Ave is unique and there is a lot of large and mature trees. Are they starting to see a change in the character of the neighborhood that would lose the appeal of the north end?

Mr. Lodi said he works from home and requires internet access to make a living. The bandwidth is already constrained, especially when school is in session, and he is concerned about the addition of three homes to the bandwidth. As additional properties get added in, they will see water pressure and internet decline. He asked the Board to take steps to protect that.

Mr. Lodi said in regards to safety, they did not see a copy of the traffic impact report. He asked that it be made public. Depending on the time of day the traffic can vary wildly and he asked that the report take this into consideration. The traffic in the area is heavy and people are speeding and making u-turns. It's an ongoing issue and concern. If you put a sidewalk right in front of his property you have to cross it at that junction of Wellington and Bartlett. You will have people at peak traffic needing to cross the street to use the sidewalk. He would argue that the sidewalk makes things less safe. There is a significant grade, and his property is 5-6ft below grade. If someone stepped off the sidewalk they would tumble down 5-ft. He is concerned about his liability as a homeowner.

Mr. Lodi said he is concerned regarding the waiver request. He asked if it was in the public's best interest to grant the waiver for features within 1,000-ft. It doesn't seem reasonable in light of this proposal and future ones. It would behoove the public interest to have a clear understanding of the things within 1,000-ft of the development.

Mr. Lodi asked if the applicant is required to maintain toe property prior to the development. There have been a series of break-ins in the neighborhood. The property has not been maintained and has become overgrown. It looks abandoned. He is concerned that this will continue and encourage criminal activity in the neighborhood.

APPLICANT REBUTTAL

Chad Branon, Civil Engineer

Mr. Branon said in regards to water pressure, with every submission they send plans and details to Pennichuck Waterworks. They have not heard any concerns from Pennichuck Water. Because of the concerns they have done some research, and it's his understanding that the volume of water is fine. If people are having pressure issues in their home they may need a booster pump to increase the pressure inside. They are talking about two additional homes. They haven't heard any issues from Pennichuck.

Mr. Branon said there has been some inference about future homes and he would be careful about speaking about that. Future development leads to different scope of review. For water, they are working with Pennichuck to do float tests for future development. The Fire Dept. wants confirmation that there are appropriate flows beyond the future development they have here. It's his understanding that the two homes will not create an issue and there is adequate water supply.

Mr. Branon said in regards to traffic, the city has a traffic impact worksheet to fill out to determine whether further studies are required. They filled it out and submitted it by standard data, and this falls well below the thresholds for additional traffic requirements. It's not a study for this project, it's simply an evaluation whether additional studies are required.

Mr. Branon said in regards to safety, some of the conditions being talked about are for people crossing the road from a development they are not yet talking about and a sidewalk that is not yet built. He cautions discussion of safety as it relates to future usage. There are other things that may come into play, like reviewing the details with city traffic and engineering. What they are talking about tonight is two lots. He believes they have addressed safety for these two lots. There is adequate site distance.

Mr. Branon said there are no sidewalks along this section, and the city has regulations that promote sidewalk construction as part of subdivisions. They are trying to meet those requirements. If there is a more appropriate location they will work with staff. In talking with city staff, they felt good planning was to put the sidewalk to the south side for future connection. It is up to the Board to decide whether to require the sidewalk. This sidewalk would be bonded and they would be

willing to work with the city on a design. This sidewalk would be entirely on city owned land, so if there is a tree there it is owned by the city. They are doing the best they can to prepare a plan that meets the city standards.

Mr. Branon said all of the work closest to the Greeley park boundary is associated with ensuring there is no impact. There is a diversion swale to catch all sheet flow rain that would otherwise runoff into Greeley Park. This allows them to capture and mitigate the stormwater, which is a requirement for any development. They are not proposing any impacts to the park. The fence shown is temporary for construction activities and would be removed after the site is stabilized. Those measures are to ensure there will not be a negative impact.

Mr. Branon said in relation to character of the neighborhood, these are oversized lots. They meet and exceed all city requirements. His client will provide nice adequate housing that will be in harmony with the neighborhood. They worked with the closest abutter and have tried to create something reasonable.

Mr. Branon said in relation to maintenance, they are looking for subdivision approval so that improvements can be made to the site. They have worked with Raisanen Homes for a long time, and they are a high quality developer. They take great care of their properties. This is just the stage of the process they are in, and it will look a lot better as they move on to the next stage.

Mr. LeClair asked about internet bandwidth.

Mr. Branon said it's such a tough thing. Personally he's paid thousands of dollars for a dedicated fiber line. There are options for improving internet that are not the onus of the applicant.

Mr. LeClair said there is no city requirement.

Mr. Branon said he is not aware of one.

Mr. LeClair asked staff if construction parking is part of a building permit. They have talked about stipulations about onstreet parking by construction vehicles in the past.

Mr. Hudson said for Public Works if they are going to encumber a lane they will need a permit. But if they are off the roadway

they wouldn't. If that is something the Board wants to do they should stipulate it.

Mr. Hudson said the staff report references that it is not possible to do a sidewalk waiver. He asked for clarification.

Mr. LeClair said there is no need for the waiver because the sidewalk is being proposed.

Mr. McPhie said it's because the other lot can be subdivided further.

Mr. LeClair asked if the Board has the ability to say yes or no.

Mr. McPhie said correct.

Mr. Varley said that provision is in regards to contribution in lieu of construction. That is not available because one of the lots would remain eligible for subdivision. There is a broader provision where the Board could decide they don't want a sidewalk. Does the applicant have to request that waiver?

Mr. Sullivan said they reviewed the project in detail with the applicant and do not believe that it is eligible for a waiver of the sidewalk requirement as a subdivision is proposed. The Board does not have the ability to waive the sidewalk provisions in full. That is why they came up with a creative solution to bond the sidewalk. They do not believe a waiver is available.

Mr. LeClair asked if the way the ordinance is currently written it requires the sidewalk.

Mr. Sullivan said there are provisions that allow for waivers, but staff does not feel the application meets those conditions.

Mr. LeClair asked about a Board condition saying they don't want it on the site plan.

Mr. Sullivan said there are only specific provisions that the Board has the ability to waive. They do not believe the Board has the authority to waive this.

Mr. Varley said there are the provisions they typically rely on, but there is the broader version that says generally the Board has the authority to waive provisions of the requirements. Is he saying that regardless this is not one of them?

Mr. Sullivan said correct. If the Board is uncomfortable staff would be willing to provide a detailed written opinion. They did have substantial analysis of these provisions.

Mr. LeClair asked if as far as the side of the street they have authority.

Mr. Sullivan said that is correct. That would be in cooperation with the city's engineering department to determine the best location. They feel it's the best planning practice to have the sidewalk located on the south side of the street. They also recognize that through the design of the future contemplated development that this could change, so they have written the condition flexibly that the city could ultimately choose to locate the sidewalk on the north side of the street. They asked that the plan include it on the south side because that is the best planning location.

Mr. LeClair asked if it is theoretically not getting built right away.

Mr. Sullivan said correct.

Mr. LeClair asked what triggers the build or not.

Mr. Sullivan said the offsite improvement is triggered by the subdivision requirement that sidewalks be uilt as part of a subdivision.

Mr. LeClair asked if it would have to be built before these two lots are occupied.

Mr. Sullivan said yes. It's prior to final certificate of occupancy.

Mr. Hudson said if they are going to design the sidewalk he wants all individual trees located. He said in regards to the trees, there is often a misconception that all trees located within the right of way are owned by the city. If the city doesn't own the right of way in fee, the trees are owned by the property owners and they own to the middle of the street. It's often not the city's trees. They have a right to put a sidewalk in and cut the tree as long as it relates to use of the right of way. The owner of the tree has the right of the wood.

Mr. LeClair asked if the sidewalk was on the other side, what is the negative impact?

Mr. Sullivan said the primary consideration was the location of the sidewalk on the eastern side of Bartlett Ave, and the potential need to create two crosswalks. With the location on the south side, only one crosswalk connection would be required. It was to reduce the number of crossings required.

Mr. Pedersen said he is still thinking about the comment to remove nine trees to create a sidewalk that creates more traffic problems. Is it imperative to put a sidewalk there? Putting in the sidewalk satisfies the rules but eliminates nine trees and increases traffic at the curb.

Mr. LeClair said it's the regulation. The Planning Board doesn't have the authority to change the Land Use Code. That's an aldermanic vote.

Mr. Pedersen said they don't really know who owns those trees.

Mr. Sullivan said there is a very good reason for this regulation, and a good reason why the Board doesn't have the authority to waive it. They are trying to encourage pedestrian use of the right of way. When the Board has the requirement to require a protected pedestrian right of way or move it into the paved shoulder, he believes there is an inherent public purpose to having a separate pedestrian walkway. He fundamentally disagrees with the idea that a sidewalk creates additional vehicular congestion. He does not believe that to be the case. He does understand the extended drop off and vehicular queuing down the right of way, so there may be a relationship there. He weighs a safe and separated pedestrian connection higher than any potential congestion.

Mr. Pedersen said they live on a planet that's burning up and they are going to remove nine trees for questionable reasons.

Mr. LeClair said they can discuss that in the meeting.

PUBLIC MEETING

Mr. LeClair closed the public hearing and moved into the public meeting. He said he has been on this Board for ten years and this is the first time he has ever considered not putting in a sidewalk. If designed properly they are safe. And it is near a

school. It seems unreasonable that they would not put in a sidewalk next to a school. It has impact on people's properties, but that is more important. They can't talk about any future developments, and have to focus on what they are looking at for this two lot subdivision.

Mr. Varley agreed. If there was another option for the sidewalk he would favor that, but he can see where city staff is coming from. With that said, the condition allows the applicant and staff to discuss it further. If they rethink it, the Board is giving them the authority to do that. He would suggest a condition about construction vehicles being on property. Given the size of the lot and circumstances that is not unreasonable.

Mr. Pedersen said instinctively, putting sidewalks near a school makes sense. He knows this neighborhood. It's shady and pleasant. If all those trees are gone it just becomes another hot spot.

Mr. LeClair said you could make the argument that without a sidewalk people would want to take a car instead of walking, which generates carbon as well. Making it more walkable means people use cars less.

Mr. Pedersen said it's so kids can get from mom's car to the school instead of walking in the street. That's why they put the sidewalk in.

Mr. LeClair said correct.

Mr. Hudson said he doesn't know yet which side of the road is better for the sidewalk. They can see later what the implications are in more detail. The case could be made for either side. He doesn't know if he wants to see it built on the other side without a future development. Would it come back to the Board? If there is no future development, what happens?

Mr. McPhie said the idea is if they build a sidewalk and there is no future development, you would be building a sidewalk on the south side that would connect with the existing sidewalk. You would be accomplishing something rather than just throwing a sidewalk to nowhere across the street.

Mr. Varley asked if the idea behind the stipulation is that staff would have time to review and consider it so they aren't fixing the design in this plan.

Mr. McPhie said correct. If they determine the other side is better, that's fine. They will use the city's experts.

MOTION by Mr. Varley to approve New Business - Subdivision Plan A22-0106. 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 May 23 & August 1, 2022 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 dated August 2, 2022 from Joe Mendola, Senior Staff Engineer shall be addressed to the satisfaction of the Division of Public Works.
4. All construction vehicles associated with this project shall be parked onsite, not on the public roads.
5. Prior to the Chair signing the plan the applicant shall provide a revised off-site improvement plan showing the proposed sidewalk on the southern portion of the Bartlett Avenue right-of-way and also provide a financial security in the amount of the total off-site improvements related to sidewalk construction.
6. The applicant shall also provide appropriate easements between 13 & 17 Bartlett Avenue prior to any of the lots being sold or conveyed to different owners, which shall be reviewed and approved by Corporation Counsel and planning staff, and recorded.
7. 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.
8. Prior to the Chair signing the plan, all minor drafting corrections will be made.
9. All easements will be submitted to City Staff for review and recorded with the plan.

10. All other areas to remain wooded and undisturbed shall be flagged with a no cut tape prior to any site work or tree cutting.
11. Prior to the Chair signing the plan all addresses shall be shown on the approved site plan.
12. Prior to any work, a pre-construction meeting shall be held and a financial guarantee shall be approved.
13. The final Certificate of Occupancy shall not be granted until sidewalks are completed to City standards in accordance with the approved plan or an approved alternative by the City of Nashua.

SECONDED by Mr. Pedersen

MOTION CARRIED 5-0

A22-0102 JNT Investments, LLC (Owner) - Application and acceptance on proposed site improvements including a minor building demolition, pavement expansion for improved access, parking and loading, stormwater management, and site lighting and landscaping improvements. Property is located at 1 Redmond Street. Sheet E - Lot 141. Zoned "PI" Park Industrial. Ward 5.

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

SECONDED by Mr. Pedersen

MOTION CARRIED 5-0

Eathan Beals, Civil Engineer, Hayner Swanson Inc, 3 Congress St, Nashua NH

Mr. Beals introduced himself as the representative for the applicant. With him is construction manager Jamie Anderson and site manager Jose Franqui.

Mr. Beals provided an overview of the subject lot and surrounding neighborhood. He described existing conditions, site history, and usage of the site. Onsite uses include sale of plumbing parts, a showroom, self-storage, office space, and warehouse. He described site operations, parking, access, topography, stormwater, and utilities.

Mr. Beals said this proposal is an effort to update the building and site, primarily on the west side of the site. A retaining wall and fence will be constructed, and some of the trees will be cleared to expand parking, install stormwater infrastructure, and improve sight distance along Redmond Street. The eastern entrance will be reconstructed to improve drainage. Two private sewage areas will be constructed, and have been approved by the Board of Health and the state. Other side improvements include curbing, drainage, and stormwater infrastructure. He described the stormwater improvements in detail. They are requesting three waivers as detailed in the staff report.

Mr. LeClair asked for clarification on the parking waiver.

Mr. Beals said based on the parking matrix, a minimum of 178 spaces would be required. They propose no changes in the existing spaces onsite. They have operated onsite over 25 years and feel there is sufficient amount of parking the extra 58 spaces adds no benefit and would be unnecessary pavement. If the property changes hands someday, there is room for the extra spaces. The other two waivers were for an existing conditions survey and a traffic impact analysis. He said they are not seeking an NHDES AoT permit as this is under the 100,000-sqft, and they are not demolishing any part of the building. They believe this is a responsibly developed project and will further the goals of the Land Use Code. The conditions in the staff report are agreeable to their client.

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 summarized the discussion. He said it seems straightforward and a positive impact.

Mr. Hudson provided clarification on the stipulations in the staff report.

MOTION by Mr. Varley to approve New Business - Site Plan A22-0102. It conforms to §190-146(D) with the following stipulations or waivers:

1. The request for a waiver of NRO § 190-279 (EE), which shows existing conditions, particularly offsite utilities, under Article XXXII, 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 NRO § 190-198 for total parking spaces required, 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 NRO § 190-279 (OO), requires a traffic impact report or letter, 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, minor drafting corrections will be made.
5. 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 five paper copies submitted to the City.
6. Prior to the Chair signing the plan, all comments in an e-mail from Joe Mendola, Senior Staff Engineering, dated July 12, 2022 shall be addressed to the satisfaction of the Division of Public Works.
7. Prior to the issuance of the Certificate of Occupancy, an as-built plan of the impacted area locating all driveways, 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.
8. Prior to the issuance of the final site permit, 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.
9. All dumpsters /utilities within the impacted area shown on the plan and visible from any public way shall be properly screened under Ordinance 190-181 E.

SECONDED by Mr. Pedersen

MOTION CARRIED 5-0

A22-0152 ZJBV Properties LLC (Owner) - Application and acceptance on proposed one year extension of two 84-unit apartment buildings with associated site improvements. Property is located at 152 Temple Street & L Bridge. Sheet 39 - Lot 31 & 38. (Formerly 152 & 169-161 Temple Street & "L" Bridge Street). Zoned "GI/TOD" General Industrial/Transit Oriented Development. Ward 7.

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

SECONDED by Mr. Hirsch

MOTION CARRIED 5-0

Michael Malynowski, Civil Engineer, Allen & Major Associates

Mr. Malynowski introduced himself as the representative for the applicant.

Mr. Malynowski said they are here to seek a one year extension for this site plan approval. He briefly described the proposal. Since its approval they have requested two extensions, in light of the ongoing pandemic and supply chain issues.

Mr. LeClair asked if no changes have been made.

Mr. Malynowski said correct.

Mr. LeClair asked if this is the third extension.

Ms. McGhee said yes.

Mr. LeClair said historically three extensions is about the limit. He doesn't believe they have approved extensions beyond that.

Mr. Varley said if the applicant were to return in another year for an extension, at a bare minimum they would have to consider it at a lot more substantive detail. The reason that three is the limit is because of potential changes in circumstances and

the Land Use Code create concerns about whether they need an updated plan. The applicant should be prepared to engage in a more substantive review.

SPEAKING IN OPPOSITION OR CONCERN

None

SPEAKING IN FAVOR

None

PUBLIC MEETING

Mr. LeClair closed the public hearing and moved into the public meeting. It seems reasonable in light of what happened in the last few years, but things change. Beyond this extension, they will have to look at the plan very closely.

Ms. McGhee provided clarification on the stipulations.

MOTION by Mr. Pedersen to approve New Business - Site Plan A22-0152. 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. Hirsch

MOTION CARRIED 5-0

NEW BUSINESS - SUBDIVISION PLANS

A22-0137 John J. Flatley Company (Owner) - Application and acceptance on proposed amendment to previously approved conservation subdivision plan to decrease the amount of units from 58 units to 49 units and remove the clubhouse. Property is located at "L" Dozer Road. Sheet A - Lots 58, 67, 68, 768, 990 & 994, Sheet 132 - Lots 1 & 85, and Sheet 114 - Lot 231. Zoned "R18" Suburban Residence & "R-40" Rural Residence. Ward 8.

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

SECONDED by Mr. Hirsch

MOTION CARRIED 5-0

Chad Branon, Civil Engineer, Fieldstone Land Consultants, 206 Elm St, Milford NH

Mr. Branon introduced himself as representative for the applicant. With him is Kevin Walker from the John Flatley Company and traffic consultant Jason Plourde.

Mr. Branon said they are seeking an amendment to the previously approved plan for a conservation subdivision on the north side of Gateway Hills. They received approval in May for a 58-lot development. During that hearing they heard a lot of testimony from abutters, and there was additional discussion afterward. There were some decisions made to consider a reduced development. Some of the main comments received pertained to concerns relative to reducing units closest to Spindlewick Drive. They propose to remove five units from that location. They also took a look at the clubhouse because of concerns about compatibility. As a result, they removed the clubhouse. They removed one of the homes closest to the highway and a smaller lot that the Conservation Commission had concerns about. They consolidated two lots at one of the intersections due to setback and topographic constraints. The goal was to address some of the comments and modify the density to 49-units.

Mr. Branon said they made no changes to the roadway design, stormwater management, or infrastructure design. He described the changes they have made to resolve all outstanding Fire Marshall comments. They are asking for the same waivers granted with the prior application, regarding drafting standards and features within 1,000-ft of the site. This is a density reduction, so now the infrastructure is slightly overdesigned. They have no issues with resolving Engineering comments, or any of the recommended stipulations of approval in the staff report.

Mr. Hudson asked if the roads are still proposed to be private, along with the other infrastructure.

Mr. Branon said yes.

SPEAKING IN OPPOSITION OR CONCERN

Ald. Derek Thibeault, Ward 8, 9 Emerson Rd, Nashua NH

Ald. Thibeault said they had quite a big turnout last time, and the residents are 80/20 against anything being built over there. If they put two houses over there they probably wouldn't be happy with it. It changes the landscape as the road goes between two houses. He thinks overall this plan is better. Getting rid of the clubhouse and some houses will spread it out more. People won't be happy, but it's more palatable in some ways.

Ald. Thibeault said the only concern he has is the application going from 58-units to 49-units, and going before 7/1 keeps it from being part of the Inclusionary Zoning ordinance. Affordable housing would not have to be put into this subdivision of all. He finds that suspicious. These are going to be big money houses. Not to have any one who can come in and afford these as a young couple is disappointing. Overall, the ward 8 residents will be happy that the reduced the number of houses. He assumes that because the road is private, garbage pickup and snow removal will be private.

Mr. LeClair said correct.

Ald. Thibeault asked to be given updates on this project so he can inform his constituents. He requested that the street names be more historic with Nashua and not so common. Overall, he thinks it's a better plan.

SPEAKING IN FAVOR

None

APPLICANT REBUTTAL

None

Mr. LeClair said street naming would have to be between the developer and Fire Dept.

Mr. Hudson said he understands that they are below the threshold for what is currently required for the Inclusionary Zoning ordinance. If this subdivision were to come back for an amendment to add back those lots at a later date, would it fall under inclusionary zoning?

Mr. McPhie suggested a stipulation that if this plan was approved, the previously approved plan would be revoked.

PUBLIC MEETING

Mr. LeClair closed the public hearing and moved into the public meeting. He summarized the discussion. It seems like it is going in the direction of favorability with the abutters. This subdivision is consistent with the Master Plan, specifically for single family housing. He doesn't see any of the changes here being negative, with the exception of less housing.

Mr. Varley said on the one hand it would be nice to see it within inclusionary housing. He thought it was a well balanced plan before, but this reduces the impact on abutters.

MOTION by Mr. Pedersen to approve New Business - Site Plan A22-0137. It conforms to §190-146(D) with the following stipulations or waivers:

1. The request for a waiver of § 190-282(B)(9), which requires an existing conditions plan, 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 § 190-279-B, which requires certain drafting standards, is granted, finding that the waiver will not be contrary to the spirit and intent of the regulation.
3. Conservation Marker placement and regulations listed under Article XXV section 190-173-175 apply.
4. Prior to the Chair signing the plan, all comments in two e-mails dated May 18, 2022 & July 20, 2022 from Wayne Husband, Senior Traffic Engineer, to include a \$9,800.00 contribution to the appropriate corridor fund shall be addressed to the satisfaction of the Public Works Department.
5. Prior to the Chair signing the plan, all comments in a letter from Joe Mendola, Senior Staff Engineer dated May 12, 2022 shall be addressed to the satisfaction of the Division of Public Works.
6. Prior to the Chair signing the plan, all minor drafting corrections will be made.
7. 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.

8. Prior to the Chair signing the plan, a lot merger form will be completed and placed on file.
9. Prior to the Chair signing the plan, necessary portions of Dozer Road and other necessary road rights-of-way shall be discontinued through the Board of Aldermen process. Subsequent to the discontinuance, the final signed plan will add a note and show the Dozer Road as discontinued.
10. Prior to recording of the plan, all addresses and street names shall be shown on the plan as assigned by the Fire Marshal. Documentation shall be provided pursuant to 190-205-D-H indicating how the open space shall be managed and placed in permanent protection.
11. All easements, open space restrictions, and Association documents shall be submitted to City Staff for review and recorded with the plan.
12. Prior to the commencement of any site work, the State Alteration of Terrain (AOT) permit will be updated and approved.
13. Prior to any work, a pre-construction meeting shall be held and a financial guarantee shall be approved.
14. Prior to issuance of the first certificate of occupancy, the applicant shall complete the road improvements to the base course of pavement.
15. Prior to 75% occupancy, all site plan improvements shall be substantially completed; as seasonally permitted.
16. An As-built plan, prepared by a certified professional, shall be provided for all infrastructure prior to the final Certificate of Occupancy issuance.
17. If the current proposal to create a reduced 49-unit Conservation subdivision is approved by the Planning Board the previously approved 58-unit conservation subdivision approved on May 19, 2022 will in turn be revoked.

SECONDED by Mr. Hirsch

MOTION CARRIED 5-0

OTHER BUSINESS

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

NCPB

August 4, 2022

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

SECONDED by Mr. Pedersen

MOTION CARRIED 5-0

2. Planning Board reappointment to the Capital Improvement Committee

MOTION by Mr. Varley to reappoint Laurence Szetela and Robert Canaway for a two-year term to the Capital Improvements Committee, expiring August 1, 2024.

SECONDED by Mr. Pedersen

MOTION CARRIED 5-0

DISCUSSION ITEMS

None

MOTION to adjourn by Mr. Hirsch at 10:15 PM

MOTION CARRIED 5-0

APPROVED:

Mr. LeClair, Chair, Nashua Planning Board

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Prepared by: Kate Poirier

Taped Meeting