

NASHUA CITY PLANNING BOARD
STAFF REPORT

TO: Nashua City Planning Board
FROM: Scott McPhie, Planner 1
FOR: May 6, 2021
RE: **New Business – A20-0205-Site Plan**

I. Project Statistics:

Owner: Gimak Properties, LLC
Proposal: Site plan to construct a 30- unit condominium development
Location: 5,7,9, & 11 Dumaine Avenue
Total Site Area: 77,953 Square feet
Existing Zoning: Park Industrial (PI) ,General Business (GB), Mixed Use Overlay(MU)
Surrounding Uses: Residential, Industrial, and Commercial

II. Background Information:

Gimak properties, LLC currently own seven single family home lots on the northwest and southwest side of Dumaine Avenue. Dumaine Avenue is unique as it is a group of single family homes abutting industrial uses to the Northwest, Condominium complexes to the southeast, and retail to the east. All residential uses are located in a split zone where the lower part of the street toward the airport is zoned Park Industrial (PI) and the upper part of the street closer to Amherst street is zoned General Business (GB).

The Zoning map was amended on September 13, 2018 changing part of the property from Airport Industrial (AI) to Park Industrial (PI) within a mixed use overlay (MU) District.

On August 14, 2019 the zoning board did not approve a variance request under 190-15, Table 15-1 (#15) to construct eighteen multi-family units. The three single family lots 7, 9, & 11 Dumaine Avenue were to be merged to accommodate the 18- new units. The Zoning Boards rejection at the time was based on the character of the neighborhood being composed of single family homes.

III. Project Description:

Lots 9 & 11 Dumaine Avenue are located in the Park Industrial (PI) and Mixed Use Overlay zone and combined are larger in size then lots 5 & 7 Dumaine Avenue which are located in the General Business Zone (GB) and not in the mixed use overlay district. If the project moves forward a four lot consolidation/merger will be required.

The developer is proposing to utilize section 190-13 B which reads: “When a lot is transected by a zoning district boundary, The regulations of this zoning ordinance applicable to the larger part by area of such lot may, at the option of the owner, be deemed to govern the smaller part of the lot beyond. Hence the mixed use overlay is allowed to extend into the two lots 5 & 7 Dumaine located in the General Business District.

The proposal tonight is to consolidate/merge four lots into one to build 30- residential condominium apartments units.

According to the drainage report submitted by the applicant, the stormwater management system for the proposed project has been designed to meet the City regulations and talks to the 100- year storm event.

One waiver is being requested to show existing conditions. A Traffic Impact Report (TIR) worksheet has also been provided. Public Works has requested a contribution to the Amherst Street traffic Corridor Fund. The contribution is based on 30 units, 1 trip per. unit during peak hour, \$200.00 per. trip = \$6,000.

Planning Board members should review Section 190-23 beginning with the bullet points of the Master Plan and review the remainder of the ordinance paying particular attention to section 190-23 (D) 1 “ the Planning Board shall have the authority to modify the dimensional, density, and other regulations of the underlying districts in accordance with subsection F of this section. 2 City staff reviewed the plans; comments are attached.

IV. Staff Recommendations and Findings:

The Planning Board should make a determination that the plan meets, or does not meet, the requirements outlined in the Site Plan NRO § 190-146(D). The Board should review these prior to making a motion. If the Planning Board chooses to disapprove the plan, specific reasons should be given. If the Planning Board chooses to approve this plan, staff recommends the following stipulations be made part of that approval:

1. The request for a waiver of § 190- 279(EE), which requires an existing conditions plan, **is/is not** granted, finding that the waiver **will/will not** be contrary to the spirit and intent of the regulation.
2. Prior to the Chair signing the plan, minor drafting corrections will be made.
3. Prior to the Chair signing the plan, all comments in an e-mail from Joe Mendola, Street Construction Engineer, and dated, April 18, 2021 shall be addressed to the satisfaction of the Engineering Department.
4. Prior to the Chair signing the plan, a contribution of \$6,000 shall be paid to the Amherst Street Corridor account per Joe Mendola e-mail dated March 5, 2021.
5. Prior to any work, a pre-construction meeting shall be held and a financial guarantee shall be approved.
6. Prior to the issuance of a building permit, all comments in an e-mail from Mark Rapaglia dated, February 1, 2021 shall be addressed to the satisfaction of the Fire Marshal.
7. Prior to the issuance of a building permit, all comments in an e-mail from Heidi Peek dated, January 6, 2021 shall be addressed to the satisfaction of the Environmental Health Department.

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 applicant shall provide documents establishing a homeowners or condominium association, which will be responsible for maintaining all property in common ownership. The documents shall be submitted to the Planning Department and Corporation Counsel for review.
10. Prior to the issuance of a building permit, all lots will be merged.
11. Road and driveway construction shall be to base course, with final course pavement remaining bonded until completion. Upon completion of construction, the applicant shall provide the City Engineer with written certification signed by a licensed professional engineer certifying the driveways were designed and installed as required by a third party engineer selected by City Engineering at the applicant's expense. Inspection reports shall be filed with the City Engineer's Office and the Planning Department.
12. Prior to the issuance of the first Certificate of Occupancy, "No Parking" signs shall be posted as per the Fire Marshals.
13. Prior to issuance of the final certificate of occupancy for the development, an as-built plan locating all driveways, units, other buildings, utilities and site landscaping shall be completed by a professional engineer and submitted to the Planning Department. The as-built plan shall include a statement that all construction was generally completed in accordance with the approved site plan and applicable local regulations.
14. Prior to the issuance of the last Certificate of Occupancy, all site improvements will be completed.