

NASHUA CITY PLANNING BOARD
STAFF REPORT

TO: Nashua City Planning Board
FROM: Scott McPhie, Planner I
FOR: May 19, 2022
RE: **New Business --Subdivision**

I. Project Statistics:

Owner/Applicant: John J. Flatley Company
Proposal: Conservation Subdivision to create 58- lots from multiple lots.
Location: 100-326 Innovative Way
Total Site Area: 51.08 acres (City GIS estimate includes Dozer Road ROW)
Existing Zoning: R-18 & R-40 Suburban & Rural Residence
Surrounding Uses: Residential and Commercial

II. Background Information:

This site is home to Gateway-Hills development, formerly known Nashua Technology Park. The Flatley Company has assembled a number of parcels over the years, which now encompass approximately 400-acres of contiguous land. An office park has been developed on the subject property over the last several decades, which currently contains over one million square feet of research and development office floor space, multiple family housing, and commercial uses. The office park includes two private roads, Innovative Way and Research Drive, as well as one public road, Tara Boulevard, and road right-of-way Dozer Road, acting as a fire road today.

III. Project Description:

A group of parcels will be consolidated within the R-18 zone totaling 23.297 acres. A second group of parcels will be consolidated within the R-40 zone totaling 26.824 acres. The total size of the resultant parcel will be consist of 50.121 acres (2,183,271 square feet). Utilizing the lot synopsis chart on page 4 of the subdivision plan; 21.633 acres is proposed open space composing 43 % of the lot where only 40 % required. A note shall be added to the plan showing total acreage of the power line ROW so it can be documented that it was excluded from the open space calculations as required under 190-40 F(2). The R-40 section of the split zoning district is larger than the R-18 section as Note #4 indicates on page 2 of the Conservation subdivision submittal allowing the density provisions of the larger area to be applied across the entire area under section 190-13(B). See note on the top of page 3 of 36 showing that no more than 50% of the wetlands onsite were used in the open space calculations fulfilling 190-40 F 6. The applicant will explain if the Powerline Right of Way was left out of open space calculations under ordinance 190-40 F 3. In the event the open space drops below 40% a zoning variance shall be required.

It should be noted there are differing acreages shown within the subdivision plan. Density calculations shown on page 3 of the subdivision show a smaller 46.374 acre final parcel size.

Under this scenario, the larger segment of land now is in the R-18 zone at 23.297 acres allowing 2.5 units per acre and the smaller portion of land is 23.077 acres in the R-40 zone. The applicant should clarify which area calculations are correct.

The applicant has chosen not to apply the Conservation Subdivision density bonuses requiring additional criteria be met as shown in table 40-1.

The Nashua Board of Alderman passed an amendment to the inclusionary zoning supplemental use regulations whereby new subdivisions/site plans must provide affordable housing units in exchange for a density bonus of units. This project requires that 15% of the proposed units meet affordability standards. Within the development 5% of units must meet affordability for 100% of the HUD Area Median Family Income and 10% must meet affordability for 80% of the HUD Area Median Family Income. In exchange for meeting those affordability thresholds, the applicant is permitted to create 2 additional bonus units for every 1 affordable unit. These units will be income qualified upon sale and will be deed restricted for a period of 99 years pursuant to recently adopted O-21-073, the Inclusionary Supplemental Use Regulations.

Access to the new developments will be by Shadowbrook Drive a Public Street. Currently the new roads on the plan are classified as A, B, C & D. The Nashua Fire Department will require proper road names be issued and shown on the plan, prior to signature. The proposed roads will be private shall be built to City Standards as indicated under Ordinance 190-211-B.

Three waivers are being requested:

1. To show all existing conditions within 1000-feet of the property.
2. The provision of a lighting plan for the proposed development.
3. Show certain drafting standards.

Staff does not support the lighting waiver for any street lights proposed for the subdivision.

The applicant shall confirm that the proposed cul-de-sac widths comply with the requirements of section 190-208(E).

The plan set was reviewed by City Staff and the following stipulations are listed below.

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 Subdivision NRO § 190-138(G). 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 § 190-282(B)(9), 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. The request for a waiver of § 190-275, which requires a lighting plan, **is/is** not granted, finding that the waiver **will/will** not be contrary to the spirit and intent of the regulation.
3. The request for a waiver of § 190-279-B, which requires certain drafting standards, **is/is** not granted, finding that the waiver **will/will** not be contrary to the spirit and intent of the regulation.
4. Conservation Marker placement and regulations listed under Article XXV section 190-173-175 shall apply.
5. Prior to the Chair signing the plan, all comments in an e-mail dated May _____, 2022 from Mark Rapaglia, Inspector/Investigator shall be addressed to the satisfaction of the Fire Marshal's Office.
6. Prior to the Chair signing the plan, all comments in a letter from Joe Mendola, Street Construction Engineer dated May 12, 2022 shall be addressed to the satisfaction of the Division of Public Works.
7. Note #9 shall be correct on page three of the site plan to indicate under Ordinance 190-40-G that "A conservation subdivision is subject to the maximum parking requirements of the parking standards of this chapter."
8. Prior to the Chair signing the plan, the applicant/owner will be in the process of seeking a variance from the Nashua Zoning Board of Adjustment only if less than 40% of the open space is designated as open space under section 190-40-F-2.
9. Prior to the Chair signing the plan, all minor drafting corrections will be made.
10. 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.
11. Prior to the Chair signing the plan, a lot merger form will be completed and placed on file.
12. 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. Subsequent to the discontinuance, all final subdivision plans shall show the ROW as discontinued.
13. Prior to recording of the plan add zoning variance approval language from the December 14, 2021 meeting will be added to the plan.
14. Prior to recording of the plan, 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.
15. All easements, open space restrictions, and Association documents shall be submitted to City Staff for review and recorded with the plan.

16. Prior to the commencement of any site work, the State Alteration of Terrain (AOT) permit will be approved.
17. Prior to any work, a pre-construction meeting shall be held and a financial guarantee shall be approved.
18. An As-built prepared by a Certified professional shall be provided for all infrastructure prior to the final Certificate of Occupancy issuance.
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