

NASHUA CITY PLANNING BOARD
January 10, 2019

The regularly scheduled meeting of the Nashua City Planning Board was held on January 10, 2019 at 7:00 PM in the 3rd floor auditorium in City Hall.

Members Present: Scott LeClair, Chair
 Adam Varley, Vice Chair
 Mike Pedersen, Mayor's Rep.
 Edward Weber, Secretary
 Ald. David Tencza
 Steve Dookran, City Engineer
 Gerry Reppucci
 Maggie Harper

Also Present: Roger Houston, Planning Department Manager
 Linda McGhee, Deputy Planning Manager

Approval of Minutes

December 6, 2018

MOTION by Mr. Reppucci to approve the minutes of the November 15, 2018 meeting.

SECONDED by Mr. Pedersen

MOTION CARRIED 6-0-2 (Tencza and Harper abstained)

COMMUNICATIONS

Mr. Houston went over the following items that were received after the mailing went out:

- Communication from abutter re: Case #2
- Amended memo re: O-18-033
- Card from Mr. Pedersen re: Resilient Nashua Initiative

REPORT OF CHAIR, COMMITTEE & LIAISON

Mr. Weber said that on Wednesday, December 19, 2018, the Nashua Regional Planning Commission had their quarterly meeting. They heard the Metropolitan Transportation Plan, 10-year Plan process, and UPWP Fiscal Year 2019, which was approved. The NRPC

had a round table discussion regarding the upcoming 2020 census, and efforts to recruit census takers. They also discussed bio-digesters, and its uses in wastewater treatment.

PROCEDURES OF THE MEETING

Mr. LeClair went into the procedure of the meeting as follows: 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.

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.

OLD BUSINESS - CONDITIONAL/SPECIAL USE PERMITS

None

OLD BUSINESS - SUBDIVISION PLANS

None

OLD BUSINESS - SITE PLANS

1. Diane E. Gimber and Bishop Real Estate Management, Inc. (Owners) Granite Green Investment Partners (Applicant) - Proposed 18-Unit Age Restricted Housing Condominium Site Plan development. Property is located at 122 Manchester Street. Sheet 59 - Lot 135. Zoned "RA" Urban Residence. Ward 2. **(Withdrawn)**

NEW BUSINESS - CONDITIONAL/SPECIAL USE PERMITS

None

NEW BUSINESS - SUBDIVISION PLANS

2. GIMAK Properties LLC (Owner) - Application and acceptance of proposed two lot subdivision. Property is located at 41 Caldwell Road. Sheet 105 - Lot 23. Zoned "RB" Urban Residence. Ward 6.

MOTION by Mr. Pedersen that the application is complete and the planning board is ready to take jurisdiction.

SECONDED by Mr. Varley

MOTION CARRIED 8-0

Chris Guida, Wetland & Soil Scientist, Fieldstone Land Consultants, 206 Elm St, Milford, NH

Mr. Guida introduced himself to the Board. He gave an overview of the lot, surrounding characteristics and proposed changes. The existing neighborhood is serviced by municipal sewer and water, and the proposed lot will have a utility easement to allow the continued use of sewer and water to the existing home. The proposed lot meets all criteria for the zone's dimensional requirements. The applicant is requesting three waivers. The first is from § 190-221(C), which requires underground utilities for new subdivisions. There are existing overhead utilities

that they would like to use to maintain continuity. The second request for relief is from § 190-282(B)(9), which requires depicting physical features on site and within 1,000 feet on the plan. The third waiver request is from § 190-212(A)(1), which requires that a sidewalk be located on at least one side of the street. The applicant agrees to contribute a sum of \$5,900.00 pursuant to §190-212(D)(2) in lieu of sidewalk construction.

Mr. Weber asked what the proposed utility easement is for.

Mr. Guida said that the utilities for the existing home run through a portion of the proposed new lot. The easement is to allow the utilities to travel over that portion.

Mr. Weber asked the applicant to explain the reason for the leaching catch basin onsite.

Mr. Guida said that their engineers designed them to take any runoff from new impervious areas and allow it to infiltrate onsite, so as to avoid offsite stormwater discharge.

Mr. Weber asked what type of soil is it.

Mr. Guida said it is a Windsor loamy-sand. It is an excessively drained soil, basically sands and gravels.

Mr. Weber asked if the water doesn't sit there now.

Mr. Guida said that is correct. It's a relatively flat site. Because they are increasing impervious area, they are channeling stormwater from gutters into these infiltration basins.

Mr. Weber asked if the downspouts from the will go into the basins.

Mr. Guida said that is correct.

Mr. Weber asked how it will be inspected.

Mr. Guida said he is not sure if they will do the certifications on the inspections. It may be building code enforcement. He can certainly look into making sure that someone certifies it.

Mr. Weber said that what he usually asks for is that a certified engineer submits a construction affidavit so that the surrounding homeowners can be protected.

Mr. Guida said they have no issue with that.

Mr. Varley asked the applicant to explain the bump-out shape at the front of the lot, and whether it is simply to meet the minimum lot width requirement.

Mr. Guida said that it is to meet the minimum width requirements, which then creates the need for a utility easement. There will be no structures.

Ald. Tencza asked if there would be any issues with house numbers.

Mr. Guida said that it has been reviewed by the fire department, but he is not sure what the exact numbering would be.

Mr. Varley said that the new lot would be number 43.

Ald. Tencza asked if there would be a driveway for the new home.

Mr. Guida said yes.

Mr. Reppucci asked, if you don't take that utility easement into account, there are 57-feet of frontage?

Mr. Guida said he believes so.

Mr. Reppucci asked if there was a lot width problem as well as frontage.

Mr. Guida said no. It has the width as measured at the minimum front yard setback of 10-feet.

Mr. Reppucci asked why the easement goes that far over.

Mr. Guida replied that it was to keep the area uniform and meet the required frontage.

Mr. Reppucci asked, if the property line went straight to the road, they would be 3-feet shy of lot width?

Mr. Guida said that is correct.

Mr. Reppucci asked why the property line jog is so large.

Mr. Guida said he cannot answer that question. There must be some reason why the engineer went the full length.

Mr. Dookran said that he thinks it is to meet minimum lot area.

A brief discussion of the proposed lot area ensued.

Mr. Dookran asked Staff about minimum lot requirements.

Ms. McGhee described lot requirements, and said that one of the conditions of approval is minor drafting corrections to the plan to reflect the requirements. A brief discussion of requirements ensued.

Mr. Dookran said that the concrete walkway belonging to the current home is right on the property line. Is there a plan to redo the walkway, or will it be part of the easement?

Mr. Guida said it is part of the utility easement. He doesn't have the details of redoing the walkway, but if it is a condition of approval it can certainly be done.

Mr. Dookran said that stormwater from the current lot will flow towards the new lot, which will capture it in leaching catch basins. He asked why the new lot had to manage runoff from the neighboring lot.

Mr. Guida said that because of the lot line location and proximity, the calculations are from that lot line for the new proposed lot. The catch basins will infiltrate the stormwater whether it comes from that lot or the new one.

Mr. Dookran asked if the current house has gutters to take roof water away.

Mr. Guida said he is not sure.

Mr. Dookran said that they would have to file an Original Operation and Equipment Maintenance plan with the city. He asked why they didn't propose one larger basin which would probably function better.

Mr. Guida said that he is not the professional engineer, but typically if you separate your infiltration you will get more surface area on two smaller ones than one larger one. The structures fit better and are less expensive than one large one. He is sure that there will be a maintenance plan.

Mr. Dookran asked how they decided on the soil type.

Mr. Guida said there is a soil map that shows the type. He also inspected the site himself to perform a soil test. A brief discussion of original soil type ensued

Mr. Dookran said that there is a tributary to Hassell Brook nearby, and they have received complaints about flooding issues in the area. He is concerned if whether what they propose will mitigate any runoff.

SPEAKING IN OPPOSITION OR CONCERN

Maura Parnin, 66 Timberline Dr, Nashua NH

Ms. Parnin owns 47A-47B Caldwell Rd, an abutting property. She said that she received notice on January 7th. Her first concern is how close the new house would be to their property, conforming to setback requirements of the zone. She is concerned with the lot size, and that without the property line jog for the easement the property would not meet minimum size requirements. She is concerned about drainage.

Ms. Parnin said that the entire area was once a wetland for Salmon Brook and Hassell Brook. 41 Caldwell is 2-4 feet higher in elevation than hers, and anything that flows onto the proposed lot will flow towards hers. They currently have a sump pump in the duplex unit closest to 41 Caldwell. They are concerned, and object to the waiver request for § 190-282(B)(9), which requires physical features on site and within 1,000 feet to be depicted on the plan. She says that their property is within that 1,000 feet, and they don't want water from their roofs on her property.

Mr. LeClair clarified that the waiver is for relief from drawing the features.

Ms. Parnin said that the house footprint will take up approximately 1/3 of the total lot size, and that they already have problems with water. She is concerned with adequate drainage on the southern side, and she doesn't see any.

Ms. Parnin presented to the Board a colored-in topographic map of the properties.

Mr. Weber said he asked the applicant what direction the gutter downspouts would be facing, and that the applicant stated they would be directed towards the catch basins.

Ms. Parnin said that then the water disperses underground. On her property at 66 Timberline Dr they experience basement wall cracking from subterranean water.

Mr. Dookran made a minor correction to Ms. Parnin's map elevations.

Jessica Crosby, 46 Caldwell Rd, Nashua NH

Ms. Crosby lives on the opposite site of the road in the "R-A" zone. She is concerned with the change in appearance of the neighborhood. She believes that the easement area is simply to avoid asking for a variance.

Mr. Pedersen asked her to explain what she meant about the easement.

Ms. Crosby said that it sounded to her that if they did not have the lot proposed with that utility space, that it would then not meet requirements for lot space and need a variance.

SPEAKING IN FAVOR

None

Mr. Guida said that the new home will meet the city's required setbacks for the area. He said that there are a lot of other homes in the area that are a similar distance apart.

Mr. Guida said that a stormwater management plan was required for this subdivision. A professional engineer designed it, the city reviewed it, and it is designed to capture water onsite. They are not creating any new water flow; water that once fell on the ground now falls on the roof and gets channeled underground. The whole point of a stormwater management plan is to not discharge more water offsite than is currently discharged. He said it will probably infiltrate more now with the leaching catch basins, which can still infiltrate water when the surface soil is frozen.

Mr. Weber said that the concern was that the plan does not show how the gutters would be oriented towards the catch basins. On the back of the house, the plan doesn't show any means for the water to be directed to the catch basin. He said that he has visited the lot, and that runoff would go directly to the abutter's land. He says that this is a real concern, and is

looking for assurances that the water will go to the infiltration system and away from the abutter's foundation.

Mr. Guida said he didn't think that there was any problem with doing that, and could certainly make that assurance as far as a condition.

Ms. Harper asked for clarification on downspouts.

Mr. Guida directed the Board's attention to a note on the plan that which includes a gutter system on the southeast corner.

Mr. Weber said that the property needs one for the west side, and the plan shows that something would go down towards the infiltration basin, which would make the water go away from her property.

Mr. Guida said that was correct.

Mr. Weber said this can be a part of the stipulation for minor revisions. He advised the applicant that they bring the revised plan to the abutters to reassure them.

Mr. Dookran said that they don't know if the stormwater calculations were done with taking in all of the roof water of the new building. He requested that the applicant show the revised calculations to address the other side of the roof.

Mr. Guida said that they can certainly address that, and make sure that the system can accommodate the stormwater.

Mr. LeClair asked if the applicant looked into any other solutions that would result in a compliant site that does not have that property line jog.

Mr. Guida said that he is not certain of the concepts proposed prior to this one. They are somewhat restricted with the existing home.

Mr. LeClair said, so essentially the location of the current home is driving that jog?

Mr. Guida said yes, if the existing home was removed and a new home constructed that they could have a straight line.

Mr. Dookran asked if the utility easement area would prohibit the new owner from planting trees or doing things that would impact the current house.

Mr. Guida said yes, in the sense that you wouldn't want to plan a tree right over your sewer or water lines for fear of root damage, no more so than the existing homeowner.

Mr. Dookran asked about fences.

Mr. Guida said he didn't think fences would be an issue. The easement is mostly for maintenance, so that if the sewer line gets plugged or needs repair it can be accessed. If the homeowner placed a fence there, it would have to be removed or be removable.

Mr. Dookran brought up the aesthetics of the current house.

Mr. Guida said that right now it's lawn. He can't imagine that anyone would change it for any particular reason. He doesn't have the specific plan verbiage, but he is sure that the easement would prohibit large plantings that inhibit maintenance of the lines.

Mr. Dookran referred to Mr. LeClair's question of other options, and suggested a smaller jog in the front and another jog in the back to meet property requirements.

Mr. Guida said they also try to keep lines a little more uniform. If you're jogging in the front and rear, you're introducing questions to the property owners of where their lines are. He knows that there are probably other configurations that could be done, but this is compliant.

SPEAKING IN OPPOSITION OR CONCERN - REBUTTAL

Maura Parnin, 66 Timberline Dr, Nashua NH

Ms. Parnin restated her concern regarding the amount of stormwater that would be directed towards her property. She said that one of the solutions might be gutters directed towards the infiltration basin in the back. There seems to be no connection at the moment, and half of the roof water will be going in that direction. They wish that the house wasn't so close to the property line.

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Mr. Reppucci asked Staff if the abutter notifications were sent in a timely manner.

Ms. McGhee said that abutter notices were mailed out on December 27th, and Ms. Parnin's notice was sent to her primary address at 66 Timberline Dr at that time.

Ald. Tencza asked what the minimum building setback is.

Ms. McGhee said in the "R-B" zone it is 10-feet from the front, 7-feet from the side, and 20-feet from the rear.

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

Mr. Reppucci said that for all intents and purposes the jogged line is on paper. Aesthetically, these two lots will appear divided straight down the middle. Considered without the jog, it would be 2-3% shy of 6,000 square feet, and an incredibly small incursion. He can't foresee the applicant not receiving relief for that, if they were forced to go to the Zoning Board. The lot would only be a few feet shy on width as well. On the other hand, the city is not in the business of deciding that a lot is "close enough" to not be required to get relief. He said he is not questioning whether the Zoning Board would grant that relief, but that is the place for concerned neighbors to get those concerns addressed, more than it is here. So on one hand he doesn't like the jog, doesn't think it serves any purpose other than to cram the lot into conformity so they don't need zoning relief, and that it would be a foregone conclusion that the applicant would get relief. However, it would give the neighbors the opportunity to address their concerns. There are duplexes and multifamily properties in that neighborhood, so he doesn't think that this will affect the character. It's practically conforming. He will leave it to the engineers to solve the drainage issues. He thinks that it will be fairer to the neighborhood to not allow the utility easement and require the applicant to request relief for area and width, so that the neighbors have a chance to address them.

Mr. Varley agrees with Mr. Reppucci on his concerns about neighbor feedback. He would like to note that there seems to be a lot of buildings close to lot lines, so he is not concerned so much about changing the character. It seems like there is an opportunity to provide stipulations to solve the drainage issues. He said he was a little torn on the property jog, but agreed with Mr. Dookran's concerns about the current walkway. He

is glad that the applicant seemed willing to move the walkway if necessary. Mr. Varley asked Mr. Reppucci, given that he said that going to the Zoning Board would present a foregone conclusion and the fact that the neighbors have had the opportunity to provide feedback, even if this is probably not the best place to address these issues, is there something different that the neighbors could address at the Zoning Board?

Mr. Reppucci said that he doesn't think so. He believes that the burden of proof would then be on the applicant to prove a hardship. That is a higher burden to the applicant. He doesn't think that the Planning Board will put too much consideration into zoning issues, whereas that is what the Zoning Board is there for. He doesn't think that the outcome would be different, but he is not sure if the process would have been respected as well if they don't call this what it is. Granting that easement doesn't make this property more conforming, and he feels that they are circumventing the process.

Mr. Varley agrees that it would be easier if the applicant had simply gone to the Zoning Board and gained relief. He asked the members if there was a basis under which they couldn't approve this plan and require that the applicant has to go to Zoning Board when the lot is conforming, if oddly shaped.

Mr. LeClair said that they would need to look closely at the requirements.

Mr. Weber said he thinks there is going to be a problem down the road when the existing homeowner goes to sell the property because there is an easement almost down the middle of the property. Another issue is if they ever put up a fence, who will maintain the easement area? Because of the easement, he may be impacting the original homeowner's fair market value.

Mr. LeClair said that it not in the subdivision approval criteria.

Mr. Reppucci said that if he was to make the argument that this case should go to the Zoning Board, he would do so under the requirement that the subdivision plan is consistent with the goals, objectives and strategies adopted as part of the City's Master Plan. He doesn't think that the zoning laws intend for property owners to make jagged cuts on their property lines to make mathematically conforming lots. He thinks that the intention is that the aesthetics of the lots are consistent.

Ms. Harper asked Staff if there was a maximum easement size.

Ms. McGhee said she was not aware of a limit. One of the proposed conditions of the approval is that the easement is sent to the city's legal department for review, and will be recorded with the plan. If another homeowner purchases the land, the easement will show up on the title search. She said that when the plan was submitted to the city, the Deputy Zoning Manager reviewed the proposal and found no issues with it.

Mr. Reppucci clarified that his issue is not with the easement, but with the size of the line jog itself.

Mr. LeClair said that the only reason there is an easement at all is because of the sewer line. If the sewer line didn't happen to be there, the property could still have the jogged property line.

Mr. Pedersen asked Staff if they discussed the line jog with the Deputy Zoning Manager.

Ms. McGhee said yes. It wasn't felt that the application had to go to the Zoning Board first with the plan that was shown.

Mr. Dookran said that the jogged line is grossly irregular compared to all the adjacent parcels. No one may know the difference until the two neighbors don't get along, put up a fence, and then there are issues. Moving to stormwater, he would like to see a leaching catch basin on the original property capturing their roof water. He supports collecting and infiltrating stormwater on the bigger property instead of sending all the stormwater close to the new home.

Mr. Pedersen referred to Ms. Parnin's topographic map and said that the natural drainage through the soil will go through the abutter at 47A-47B Caldwell Rd, and they already have problems with water. He said it is important that the applicant doesn't make that problem worse, and that the water goes away from or around the abutters.

Ald. Tencza asked Staff if the responsibility to maintain the stormwater system would fall to the homeowner.

Ms. McGhee said yes. With the new MS4 permit in effect, there is a new procedure. Stipulation #7 requires stormwater documents to be recorded, and outlines who is responsible for maintenance. The Planning Department will be sending out follow up letters to

homeowners that have come before the Board to make sure that stormwater systems are being maintained.

Ald. Tencza asked Staff if a homeowner can't afford to do it or doesn't do it, what is the recourse?

Ms. McGhee said that part of the recorded documents gives the city the right to maintain systems.

Ald. Tencza asked Mr. Dookran how they city knows when one of these systems fails.

Mr. Dookran said that if water is coming offsite, something isn't working.

Mr. Reppucci asked what would keep the applicant from moving the leaching catch basins onto the parent lot. If the concern is that there will be too much water close to 47A-47B Caldwell, why can't they move one of the catch basins behind the existing house?

Mr. Dookran said that the water to the north of the house probably wouldn't make it to 47A-47B Caldwell.

Mr. Reppucci asked if they could require that one of the catch basins be moved slightly to the north.

Mr. LeClair said that in the instance where the Board felt the plan was un-approvable, they can talk to the applicant, table the case, explain their concerns, and give them the opportunity to try again. They could table the case until they know more about the stormwater.

Mr. Dookran said that we are not talking about very large amounts of water, and doesn't think they could get to the point of tabling the case because of it. They can stipulate that the applicant resubmit a plan to Staff for review.

Mr. LeClair said, with additional stormwater measures to deal with the existing house runoff on that property.

Mr. Weber asked if that would be reviewed by the Engineering Department as well.

Mr. LeClair said correct. He asked Mr. Dookran if that would be reasonable to stipulate.

Mr. Dookran said yes.

Mr. Weber would like to add the stipulation that prior to certificate of occupancy the applicant should submit a construction affidavit that all civil engineered items onsite not covered by a building permit would be inspected by a licensed engineer.

Mr. Dookran asked Staff if it is required on a subdivision plan to show abutting owner names.

Ms. McGhee said the names and address of the abutters are on one of the sheets.

MOTION by Mr. Varley to approve New Business - Subdivision #2. It conforms to § 190-138(G) with the following stipulations or waivers:

1. The request for a waiver of § 190-282(B)(9), which requires physical features on site and within 1,000 feet, is granted, finding that the waiver will not be contrary to the spirit and intent of the regulation.
2. The request for a waiver of § 190-221(C), which requires underground utilities for new subdivisions, is granted, finding that the waiver will not be contrary to the spirit and intent of the regulation.
3. The request for a waiver § 190-212(A)(1), which requires that a sidewalk be located on at least one side of the street, is granted, finding that the waiver will not be contrary to the spirit and intent of the regulation. The applicant has agreed to make a contribution in the amount of \$5,900.00 in lieu of sidewalk construction pursuant to §190-212(D)(2), payment to be made prior to recording the plan.
4. Prior to the chair signing the plan, all minor drafting corrections will be made.
5. Prior to recording of the plan, all conditions from the Planning Board approval letter will be added to the cover page of the final Mylar and paper copies submitted to the City.
6. Prior to recording of the plan, addresses shall be shown on the plan as assigned by the Fire Marshal.
7. Stormwater documents and the utility and maintenance easement will be submitted to Planning staff for review and recorded with the plan at the applicant's expense.

8. Prior to the issuance of a building permit, the plan electronic file of the subdivision plan shall be submitted to the City of Nashua.
9. Prior to the issuance of a building permit a pre-construction meeting shall be held.
10. Any work within the right-of-way shall require a financial guarantee.
11. The applicant will perform revised stormwater calculations of both lots and will provide revised stormwater management features including stormwater runoff from the south side to the north.
12. Prior to Certificate of Occupancy the applicant will provide a construction affidavit from a licensed engineer regarding items not covered by a building permit.

SECONDED by Mr. Reppucci

MOTION CARRIED 8-0

The Board took a five minute recess.

NEW BUSINESS - SITE PLANS

3. John J. Flatley Company (Owner) - Application and acceptance of proposed site plan to construct a 255,272 square foot Research & Development facility. Property is located at 100-300 Innovative Way. Sheet A - Lot 798. Zoned "PI" Park Industrial and "RC" Urban Residence. Ward 8. **(Postponed to the March 21, 2019 Meeting)**

OTHER BUSINESS

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

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

SECONDED by Mr. Reppucci

MOTION CARRIED 8-0

2. Referral from the Board of Alderman on proposed O-18-033, amending the Land Use Code Use Matrix regarding self-storage facilities and sanitary landfills.

Roger Houston, Nashua Planning Director

Mr. Houston gave a brief introduction of the ordinance. The ordinance was proposed by Ald. Dowd and Atty. Gerry Prunier who are both present tonight. The ordinance proposes to allow self-storage within the General Business "GB" zone, given certain criteria. Staff felt that there needed to be additional criteria and a way to make the proposal compatible with the current ordinances. They felt the best way of doing this would be the "superscript" process under the Conditional Use Permit, as they feel this is a process that should come before the Planning Board. Primarily when the Planning Board is considering a site plan and a conditional use permit, they can make sure that the self-storage facilities meet the requirements and setbacks, and are sensitive to the neighboring properties. Not all self-storage facilities are the same, aesthetically speaking. This ordinance allows self-storage in a limited way in the GB zone with restrictions recommended in Staff's memorandum to the Board. Currently they are permitted by right in the Highway Business "HB" zone. Self-storage will also be allowed in the GB zone if this ordinance passes, but there will then also be new restrictions on self-storage facilities in the HB zone. The restrictions in the attached memorandum recommend a 200-foot buffer from the city right-of-way, a 40-foot landscape buffer, and a waiver for the 200-foot setback on non-arterial right-of-ways. Waivers are permitted by the Planning Board.

Mr. Varley recommended an amendment to the memorandum, that a semi-colon be changed into a comma.

Alderman Richard Dowd, Ward 2

Ald. Dowd introduced himself to the Board. He outlined the history behind the two part proposal. He said that under the current zoning laws, the GB zone allows for solid waste disposal area, added to the ordinance years ago for one particular site. It was never changed, and he would like to change it now.

Secondly, some of the GB areas have been expanded for larger general business use. Rather than arbitrarily rezoning every piece of property, he proposes to make an allowance for the use of self-storage so that it could be controlled by the Planning Board.

Mr. Weber said that the Four Hills Sanitary Landfill area are proposing to purchase or use other pieces of land for the use of a landfill. Would this proposal affect that?

Ald. Dowd said no. No one wants to see a landfill right up against the other general businesses. They want to prohibit that going forward, and the city government fully supports this. He hopes that they will support the self-storage aspect of the proposal as well. Some of the general business lots were converted by zoning from Park Industrial "PI" zoning.

Mr. Varley asked if he is supportive of the amendments proposed by Staff.

Ald. Dowd said yes. It allows some flexibility for the Board.

Mr. Reppucci asked how the height may be impacted.

Ald. Dowd said that it depends on where you are in the city, zoning wise. Typically along Amherst St there is a 5 story limit. The height restrictions are already a part of zoning.

Atty. Gerald Prunier, Prunier & Prolman, P.A., 20 Trafalgar Sq, Nashua NH

Atty. Prunier introduced himself to the Board. He said Nashua is in a unique position, with very little land for development and a lot of potential for growth. There are about a thousand apartment units being built this year, and they'll need storage. This ordinance gives the Board the flexibility to make some changes in particular areas. He wishes that the city do a whole new ordinance that gave more flexibility to the Planning Department and Board to be able to handle their responsibilities to the city and to landowners. Changes are happening, and that's the way it is.

Mr. Dookran said he believes that the Planning Board should be part of what is dictating the changes, not simply responding to change.

MOTION by Ald. Tencza to make a favorable recommendation for Other Business - #2 to the Board of Aldermen, as amended by the memorandum from Roger Houston on January 9, 2019, with one change (semi-colon to become a comma).

SECONDED by Mr. Weber

MOTION CARRIED 8-0

2. Nomination Committee for NCPB Officers for the 2019 Calendar Year.

DISCUSSION ITEMS

Mr. Weber led a discussion regarding construction affidavits, and asked for input from Atty. Prunier. Atty. Prunier agrees that it is a good idea to have a professional inspect to make sure construction was performed according to the plans and regulations. He agrees that it should be a stipulation. That way the engineers and contractors know what to expect, the homeowner is protected, and the city isn't left with other engineering problems.

Staff said that they have been sending the draft language out to engineers they regularly see applications from and some developers in order to get feedback. Staff will be holding a meeting to compile feedback and present it to the Board.

Mr. Reppucci led a discussion on considering this as a condition of approval or proposing this as an ordinance.

MOTION to adjourn by Mr. Varley at 9:08 PM.

APPROVED:

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.

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Prepared by: Kate Poirier

Taped Meeting