

NASHUA CITY PLANNING BOARD
January 20, 2022

The regularly scheduled meeting of the Nashua City Planning Board was held on January 20, 2022 at 7:00PM in the 3rd floor auditorium in City Hall AND via Zoom virtual meeting.

Members Present: Scott LeClair, Chair
 Adam Varley, Vice Chair
 Mike Pedersen, Mayor's Rep
 Dan Hudson, City Engineer
 Bob Bollinger
 Larry Hirsch
 Mark Meehan

Also Present: Linda McGhee, Deputy Planning Manager
 Scott McPhie, Planner I
 Christine Webber

ALL VOTES ARE TAKEN BY ROLL CALL

APPROVAL OF MINUTES

January 6, 2022

MOTION by Mr. Meehan to approve the minutes, as written

SECONDED by Mr. Bollinger

MOTION CARRIED 5-0-3 (Pedersen, Hudson abstained)

COMMUNICATIONS

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

- A21-290, L Roby St:
 - Email from Mark Rapaglia, Fire Dept.
 - Email from Joe Mendola, Street Construction Engineer re: Engineering comments
 - Hayner Swanson, project engineer, Case postponement

until February 17, 2022

- A21-291, 76 & 80 Ridge Rd
 - Email from Mark Rapaglia, Fire Dept.
 - Email from Joe Mendola, Street Construction Engineer re: Engineering comments
- A21-292, 546 Amherst St
 - Email from Mark Rapaglia, Fire Dept.
 - Email from Joe Mendola, Street Construction Engineer re: Engineering comments
 - Amended staff report

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.

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 USE PERMITS

None

OLD BUSINESS - SUBDIVISION PLANS

A21-0177 Jigna & Sachin Patel (Owners). Proposed subdivision amendment to move an existing utility easement. Property is located at 69 Cherrywood Drive. Sheet C. Lot 2755. Zoned R-40-Rural Residence (FUOD overlay). Ward 9.
[TABLED TO THE MARCH 10, 2022 MEETING]

Mr. LeClair said that the Board will rehear the three cases heard at the previous meeting due to a noticing error.

OLD BUSINESS - SITE PLANS

A21-0267 Roscommon Investments, LLC (Owner) - Proposed site plan amendment to previous auto storage lot by adding a 4,980 sf auto auction building with a 1,615 mezzanine storage area and a vehicle storage lot. Property is located at 131 West Glenwood Street. Sheet 132 - Lot 38. Zoned "RA" Urban Residence and "HB" Highway Business. Ward 7.

MOTION by Mr. Bollinger to retake jurisdiction of the case

SECONDED by Mr. Meehan

MOTION CARRIED 7-0

Mr. LeClair said what he is looking for here is a reminder from the applicant of the case content.

Paul Chisholm, Project Engineer, Keach Nordstrom Associates

Mr. Chisholm introduced himself as the surveyor for the project. The Board has seen this site a couple of times in the past year, more recently for an auto storage lot.

Mr. Chisholm said this proposal will amend the previous auto storage lot by adding a proposed 5,000-sf auction building on the south end of the site. Access will be from West Glenwood St. There were a couple of waiver requests associated with this request, as detailed in the staff report. Previously, they heard testimony from the team architect. The total number of car storage spaces are reduced. Other changes to the site are bringing utilities up. The stormwater will not change onsite, and there is a slight reduction in impervious surface.

SPEAKING IN FAVOR

None

SPEAKING IN OPPOSITION

None

PUBLIC MEETING

Mr. LeClair closed the public hearing and moved into the public meeting. This is a case they heard before, and most people are aware of it. There is an updated memo in their packet.

Mr. Hudson said that stipulation #5 has been satisfied and can be removed.

MOTION by Mr. Varley to approve Old Business - Site Plan A21-0267. It conforms to §190-146(D) with the following stipulations or waivers:

1. All prior conditions of approval are incorporated herein and made part of this plan, unless otherwise determined by the Planning Board.
2. The request for a waiver of § 190-279(EE), which requires existing conditions to be shown on adjacent properties 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 § 190-172(D)(4)(c), which requires better quality façade materials as stated in the ordinance 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, all minor drafting corrections will be made.
 5. Prior to the Chair signing the plan, all comments in an e-mail from Mark Rapaglia, Nashua Fire dated November 3, 2021 shall be addressed to the satisfaction of the Fire Department.
 6. Cars cannot be unloaded to the lot from Daniel Webster Highway and West Glenwood Drive.
 7. Prior to recording of the plan, all conditions from the Planning Board approval letter will be added to the final Mylar and paper copies submitted to the City.
 8. Prior to recording the plan, the electronic file of the plan shall be submitted to the City of Nashua.
 9. Any new easements will be submitted to Planning staff ahead of the Nashua Planning Board meeting for review by City Staff.
 10. Update Alteration of Terrain Permit -1889 so the project reflects an auto auction site not Auto Body Shop.
 11. Prior to any work, a pre-construction meeting shall be held and a financial guarantee shall be approved.
 12. Prior to the issuance of the Certificate of Occupancy, an updated as-built plan locating any new 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.
 13. Prior to the issuance of the Certificate of Occupancy, 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.
 14. Prior to the Chair signing the plan a contribution of \$4,200 will be made to the Daniel Webster Highway corridor account

NCPB

January 20, 2022

Page 6

as indicated in an e-mail from Wayne Husband, Senior traffic engineer, dated January 6, 2022.

SECONDED by Mr. Hirsch

Mr. Pedersen said he was not present at the January 6th meeting, should he abstain?

Mr. LeClair said that is reasonable.

MOTION CARRIED 6-0-1 (Pedersen abstained)

A21-0286 Amerco Real Estate Company (Owner) - U-Haul Company of Eastern Massachusetts (Applicant) - Application and acceptance of proposed site plan amendment to expand existing U-Haul facility by adding 6,000 square feet of storage units. Property is located at 11 Northwest Boulevard. Sheet 1 - Lot 38. Zoned "PI" Park Industrial. Ward 2.

MOTION by Mr. Hirsch to retake jurisdiction of the case

SECONDED by Mr. Bollinger

MOTION CARRIED 7-0

Earl Blatchford, Project Manager, Hayner Swanson Inc.

Mr. Blatchford introduced himself as the representative for the project.

Mr. Blatchford said they are here for a change of use from the previous truck and trailer leasing, which has relocated to 476 Amherst St. The proposed use is primarily self-storage, with the ability to lease a few vans to the lessees. They are adding 2,100-sqft of pavement. The units will be prefabricated. They are improving stormwater management, landscaping, and lighting. They are using the current driveway. Stormwater improvements include dredging the old grassed swale and installing a rain garden. They have addressed Planning comments. The only thing that has changed since January 6th is that they have addressed Engineering comments.

SPEAKING IN FAVOR

None

SPEAKING IN OPPOSITION

None

PUBLIC MEETING

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

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

MOTION by Mr. Varley to approve Old Business - Site Plan A21-0286. It conforms to §190-146(D) with the following stipulations or waivers:

1. The request for a waiver of § 190-172, which requires certain building elevations for slightly sloped shed roofs and specific color scheme, 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 § 190-198, which requires a minimum, number of parking spaces, 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 § 190-279 EE, which requires showing existing conditions off site, 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, any minor drafting corrections will be made to the plan.
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 paper copies submitted to the City.
6. Prior to the Chair signing the plan, all comments in a letter from Joe Mendola, Street Construction Engineer dated January 3, 2022 shall be addressed to the satisfaction of the Division of Public Works.
7. Prior to the pre-construction meeting, the applicant shall make a \$2,600 contribution to the Amherst Street Traffic corridor account.
8. Prior to the issuance of a building permit, the electronic copy of the plan will be submitted to the City of Nashua.
9. 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.

NCPB

January 20, 2022

Page 8

10. Prior to the issuance of a certificate of occupancy, all site improvements shall be completed.

11. Prior to any work and a pre-construction meeting, a financial guarantee shall be approved.

SECONDED by Mr. Bollinger

MOTION CARRIED 6-0-1 (Pedersen abstained)

A21-0287 Cash Max Properties, LLC (Owner) - Application and acceptance of proposed site plan amendment to change the use from 358 square foot of residential to retail convenience store use and to formally classify the 1,518 SF existing residential unit as legally non-conforming. Property is located at 136 East Hollis Street. Sheet 40 - Lot 15. Zoned "GI" General Industrial & "TOD" Transit Oriented Development Overlay District. Ward 7.

MOTION by Mr. Bollinger to retake jurisdiction of the case

SECONDED by Mr. Hirsch

MOTION CARRIED 7-0

Steve Auger, Project Manager, Hayner Swanson Inc.

Mr. Auger introduced himself as the representative for the owner. He said this is a change of use plan to change 358-sqft of residential space to convenience store and classify an existing 1,518-sqft residential space as legal. He described the floorplan of the building. They are planning to add a small amount of pavement to make all three parking spaces the standard size. They are requesting a waiver request, as outlined in the staff report. Because this site is within the TOD overlay, a site suitability report has been included.

SPEAKING IN FAVOR

None

SPEAKING IN OPPOSITION

None

PUBLIC MEETING

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

Mr. Hudson said that stipulation #4 can be removed.

MOTION by Mr. Varley to approve Old Business - Site Plan A21-0287. It conforms to §190-146(D) with the following stipulations or waivers:

1. The request for a waiver of NRO § 190-279 (EE) which requires existing conditions to be shown on adjacent parcels, 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 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.
3. Prior to the Chair signing the plan all minor drafting corrections will be made.
4. Prior to the Chair signing the plan a contribution of \$5,600 will be made to the East Hollis Street Corridor Account as indicated in an e-mail from Wayne Husband, Senior traffic engineer, dated January 4, 2022.
5. Prior to the Chair signing the plan Stormwater documents will be submitted to Planning staff for review and recorded with the plan at the applicant's expense.
6. Prior to any work, a pre-construction meeting shall be held and a financial guarantee shall be approved.
7. Prior to the issuance of a certificate of occupancy, all off-site and on-site improvements will be completed.

SECONDED by Mr. Bollinger

MOTION CARRIED 7-0

NEW BUSINESS - CONDITIONAL USE PERMIT

A21-0290 Elizabeth Lu (Owner) Matthew Plante (Applicant) - Application and acceptance of proposed Special Use Permit to allow the construction of a single family home with access from a paper street. Property is located at "L" Roby Street. Sheet 126 - Lot 103. Zoned "RA" Urban Residence. Ward 6. **[POSTPONED TO THE FEBRUARY 17, 2022 MEETING]**

NEW BUSINESS - SUBDIVISION PLANS

A21-0291 Robert and Lorraine Pelletier (Owner) Jon and Lois Bell (Applicant) - Application and acceptance of proposed lot line relocation plan. Property is located at 76 & 80 Ridge Road. Sheet C - Lots 204 & 205. Zoned "R40" Suburban Residence. Ward 5.

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

SECONDED by Mr. Bollinger

MOTION CARRIED 7-0

Atty. Brittney White, Smith-Weiss Shepard & Spony, PC

Atty. White introduced herself as representative for Bob and Lorraine Pelletier. With her is Samuel Ingram, surveyor for Meridian Land Services.

Atty. White said this is a simple lot line relocation. The owners of 76 Ridge Road are looking to sell their home, and would like to give their neighbor some land before they do so. She briefly outlined the proposed land transfer.

SPEAKING IN FAVOR

None

SPEAKING IN OPPOSITION

None

PUBLIC MEETING

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

Ms. McGhee recommended the addition of a stipulation regarding Engineering comments.

MOTION by Mr. Bollinger to approve New Business - Subdivision Plan A21-0291. 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 an existing conditions plan, 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, any drafting corrections will be made.
3. 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.
4. Prior to the Chair signing the plan, the electronic file of the subdivision plan shall be submitted to the City of Nashua.
5. Prior to the Chair signing the plan, all comments in an e-mail from Joe Mendola, Street Construction Engineering, dated 1/18/2022 shall be addressed to the satisfaction of the Division of Public Works.

SECONDED by Mr. Hirsch

Mr. Meehan led a brief discussion regarding stipulation #2.

MOTION CARRIED 7-0

NEW BUSINESS - SITE PLANS

A21-0292 Weston Associates Development Co., Inc. (Owner) Buckley-Amherst, LLC (Applicant) - Application and acceptance of proposed amendment to NR1763 to show a restaurant and lounge with up to 275 seats, an outdoor patio and retail space. Property is located at 546 Amherst Street. Sheet H - Lot 546. Zoned "GB" General Business and "PI" Park Industrial. Ward 2.

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

SECONDED by Mr. Hirsch

MOTION CARRIED 7-0

Tom Zajac, Civil Engineer, Hayner Swanson Inc

Mr. Zajac introduced himself as the representative for the applicant. With him is Atty. Brad Westgate of Winer & Bennett, and applicants Michael and Ian Buckley.

Mr. Zajac said they are seeking a change of use to convert the existing vacant building from educational office to restaurant retail use with associated site improvements.

Mr. Zajac provided an overview of the subject lot and surrounding properties. The site is bordered by industrial uses to the south and east, Round Pond to the west, and multifamily residential to the north. The site is developed, with the previous use being educational offices associated with Southern NH University. The building has been vacant for five years. The majority of the site is developed except for a wooded buffer along Round Pond. There is an existing driveway connection to the rear abutting property, but they are not aware of any formally existing easement or right of way. The applicant has made contact with that property owner, and no changes are being made to that besides the historical use. He described utilities.

Mr. Zajac said there are some wetland and shoreland protection buffers associated with Round Pond, as well as a 50-ft conservation area. There is no formal drainage or stormwater infrastructure associated with the site. Amherst Street was paved in 2019 and is under moratorium under July 2024.

Mr. Zajac said there were some recent approvals for this site, and there is a valid site plan approval granted in 2019 for a retail restaurant proposal. That approval would be withdrawn if this application is approved.

Mr. Zajac said this proposal is to convert the existing vacant building to a restaurant retail use. They would use 14,000-sqft of the building for restaurant, and 3,000-sqft for retail. They are proposing a new outdoor patio facing Round Pond, with 275 seats total. The exact restaurant type is yet to be determined, but will be locally owned and operated by the Buckley team. The hours of operation for the restaurant will be Monday-Sunday, 11AM-11PM. The retail use will operate Monday-Sunday, 10AM-7PM.

Mr. Zajac said the existing curb cuts will remain. The northern parking lot will be used for deliveries, employee parking, and the retail use. The southern parking lot will be reconstructed, with a section of porous pavement by Round Pond. They are proposing

some ADA improvements at the main entrances. Existing utilities will remain in place, with no new landscaping or lighting. Because they are redeveloping within the protection shoreland, they have filed a NHDES Shoreland Protection Permit.

Mr. Zajac outlined the proposed stormwater improvements. They are installing 20 porous pavement parking spaces and removing pavement around the building, as well as a catch basin. The improvements will result in a slight decrease in stormwater, as well as more pretreatment of runoff.

Mr. Zajac said they prepared a traffic memo and trip generation analysis. They are well under the thresholds required for a full traffic study. The city traffic engineer requested that the applicant pay an Amherst Street Corridor fund contribution of \$19,400.00, which the applicant has agreed to.

Mr. Zajac said they are requesting three waivers, as per the staff report. They believe they have addressed all Planning comments. They believe all outstanding Engineering comments can be addressed to staff's satisfaction. They believe this site is being redeveloped in a responsible manner, and is an opportunity to bring to life a vacant building along one of Nashua's main corridors.

Mr. Bollinger said they have seen an application in the past that connected to the Blackstone Drive intersection. Is it possible that the site could utilize that signalized intersection? Right now they would be limited to right in, right out access.

Mr. Zajac said their plan is different than what was previously approved. They are not proposing any access at that location.

Mr. Bollinger asked if someone else improved the intersection, would they use it?

Mr. Zajac said he believes this property is locked into two curb cuts.

Mr. Bollinger said he's not trying to make it more complicated, but he knows that others have discussed improvements and didn't know if this was a possibility.

Atty. Brad Westgate, Winer & Bennett

Atty. Westgate said the research they did for title and NHDOT curb cut and takings locks them into those two curb cuts. That's all

they have the rights for. There is an informal back access to the rear, but no written easement to that fact.

Mr. Hudson said they worked with the applicant extensively to try and make a fourth leg at that intersection, and it was not ideal. It was a skewed approach, and there was limited room between the intersection and the pond. The other thing is it required an easement to place a mast arm on the opposite side of the street. This configuration is suitable, and they have no plans of adding a fourth leg at the intersection.

Mr. Zajac said with this project they are keeping the existing building due to the buffers and deed restrictions. That leg would be a dead end at the northerly parking lot. They would need to raze the building and build a new one to make the connection work.

Mr. Varley asked for clarification of the waivers.

Mr. Zajac explained the architectural changes they are proposing. They are hoping to get relief for the section to get some flexibility on how to dress up the existing building when they start working with an architect.

Mr. Varley said he doesn't have any concerns. He asked about the landscaping waiver, and asked if they are maintaining the status quo.

Mr. Zajac said correct. They are maintaining the existing layout and losing five spaces to pull back on impervious surface.

Mr. LeClair asked if the architectural waiver would be for the entire 190-172.

Mr. McPhie said yes.

A brief discussion of recommended stipulations ensued.

Mr. Meehan said it looks like there is a southern access to Capital Street, and asked if it is gated.

Mr. Zajac said that is the connection he previously referred to. It's historically been used as an open shared driveway, but there is no formal agreement between the two parties.

Mr. Meehan said Capitol Street allows left turns.

Mr. Zajac said correct.

SPEAKING IN FAVOR

None

SPEAKING IN OPPOSITION

None

PUBLIC MEETING

Mr. LeClair closed the public hearing and moved into the public meeting. He thinks this is a great use for the site, and would like to see the site developed into something of value.

Mr. Meehan said he was looking at the Master Plan and the section on retrofitting the corridor, and this seems like a slam dunk. This is great.

Mr. Varley said he is excited to see this development here. He would like to see more local restaurants in Nashua.

MOTION by Mr. Bollinger to approve New Business - Site Plan A21-0292. 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 § 190-172 for general architectural standards including entryways on all street frontage, 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 § 190-184 (D) (1), which requires a grassed median after 10 contiguous parking spaces, is granted, finding that the waiver will not be contrary to the spirit and intent of the regulation.
4. Any new easements will be submitted to Planning staff ahead of the Nashua Planning Board meeting for review by City Staff.
5. Prior to the Chair signing the plan, minor drafting corrections will be made.

6. 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.
7. Prior to the Chair signing the plan, all comments in an e-mail from Joe Mendola, Street Construction Engineering, dated 1/14/2022 shall be addressed to the satisfaction of the Division of Public Works.
8. Prior to the Chair signing the plan, all comments and requests in an e-mail from Wayne Husband, Senior Traffic Engineer, dated 12/28/2021 shall be addressed to the satisfaction of the Division of Public Works. The applicant agrees to a \$19,400.00 Amherst Street Corridor fund contribution.
9. The applicant will work with planning staff to create an attractive exterior.
10. Prior to any work, a pre-construction meeting shall be held and a financial guarantee shall be approved.
11. Prior to the issuance of the Certificate of Occupancy, an as-built plan 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.
12. Prior to the issuance of the Certificate of Occupancy, 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.

SECONDED by Mr. Meehan

MOTION CARRIED 7-0

OTHER BUSINESS

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

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

NCPB

January 20, 2022

Page 17

SECONDED by Mr. Varley

MOTION CARRIED 7-0

DISCUSSION ITEMS

Ms. McGhee said there will be an annual training meeting February 3rd on the Flexible Use Overlay District.

MOTION to adjourn by Mr. Varley at 8:09 PM

MOTION CARRIED 7-0

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. DIGITAL COPY OF AUDIO OF THE MEETING MAY BE MADE AVAILABLE UPON 48 HOURS ADVANCED NOTICE AND PAYMENT OF THE FEE.

Prepared by: Kate Poirier

Taped Meeting