

EXPANDED DRAFT MEETING SUMMARY
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NASHUA CITY PLANNING BOARD
February 2, 2023

The regularly scheduled meeting of the Nashua City Planning Board was held on February 2, 2023 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.
 Ald. Patricia Klee
 Dan Hudson, City Engineer
 Bob Bollinger

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

APPROVAL OF MINUTES

January 5, 2023 - Regular Meeting

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

SECONDED by Ald. Klee

MOTION CARRIED 6-0

January 5, 2023 - Annual Meeting

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

SECONDED by Ald. Klee

MOTION CARRIED 6-0

COMMUNICATIONS

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

- A22-0159, 15 Bartlett Ave
 - o Email from Senior Traffic Engineer Wayne Husband
 - o Applicant's traffic memo

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- Letter from Community Development Director Matt Sullivan re: Establishment of inclusionary zoning ordinance ownership implementation standards

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

A21-0299 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 FEBRUARY 16, 2023 MEETING]**

OLD BUSINESS - SITE PLANS

A21-0300 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 TO THE FEBRUARY 16, 2023 MEETING]**

A21-0301 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 TO THE FEBRUARY 16, 2023 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 TO THE FEBRUARY 16, 2023 MEETING]**

NEW BUSINESS - CONDITIONAL USE PERMITS

A23-0002 David Moraros (Owner) Christian Davolio (Applicant) - Application and acceptance of proposed Conditional Use Permit to allow a Food Truck to maintain a space and operate on an existing parking lot. Property is located at 80 Canal Street. Sheet 42 - Lot 241. Zoned "LB" Local Business. Ward 3.

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

SECONDED by Ald. Klee

MOTION CARRIED 6-0

Christian Davolio, Applicant, 3 Tamarack St, Hudson NH

Mr. Davolio said he is the owner of the food truck "The Rolling Grill". He would like to set up at 80 Canal Street. Most of his business is walk-up from the surrounding neighborhoods. There is a vacant lot next to Dave's Quality Dry Cleaning. There will be no changes to the lot, he will be setting up on the side of the lot that is currently unused. They will have offsite dumpsters to get removed at the end of the day, and nothing will be disposed onsite. They are fully licensed with the state and city. They are looking to use the space as is.

Mr. LeClair asked what the hours are.

Mr. Davolio said 11AM-7PM. It will vary a little bit depending on who is available to work certain hours. Those hours would be the ideal situation.

Mr. Bollinger asked what type of food will he be serving.

Mr. Davolio said specialty burgers and sandwiches, loaded fries, things like that. It will be a fairly small menu.

Mr. Bollinger asked if there would be alcohol sales.

Mr. Davolio said no.

Mr. Hudson asked if they have the permission of the owner to operate onsite.

Mr. Davolio said yes.

Ald. Klee asked if it was strictly walk-up and take-away, there will be no tables?

Mr. Davolio said correct.

Ald. Klee asked if someone drives up, would they be able to park?

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Mr. Davolio said yes. There is available parking, the majority of that lot is unused.

Mr. Bollinger asked if the city would require a letter from the landowner giving permission.

Mr. McPhie said that the plan would require an authorization signature from the owner.

Mr. Bollinger asked if that is an administrative matter or would it require an additional stipulation.

Ms. McGhee said the owner signed the application and received a certified abutter notice.

SPEAKING IN OPPOSITION OR CONCERN

None

SPEAKING IN FAVOR

None

Mr. Pedersen asked when they expect to be in operation.

Mr. Davolio said 2-3 weeks.

Ald. Klee asked if the food truck has gone through Board of Health and Fire requirements.

Mr. Davolio said yes.

PUBLIC MEETING

Mr. LeClair closed the public hearing and moved into the public meeting. He said this sounds like a straightforward use of the property, no real changes to the site.

MOTION by Mr. Bollinger to approve New Business - Conditional Use Permit A23-0002. It conforms to §190-133(F) with no stipulations

SECONDED by Ald. Klee

MOTION CARRIED 6-0

NEW BUSINESS - SUBDIVISION PLANS

A22-0159 Raisanen Homes Elite, LLC (Owner) - Application and acceptance of proposed 21- lot subdivision. Property is located at 15 Bartlett Avenue. Sheet 57 - Lot 3. Zoned "RA" Urban Residence. Ward 3. **(Postponed to the February 2, 2023 Meeting)**

Alderman Klee stated that although this is in her ward, she felt she could be objective in making a decision on this project. The Planning Board did not object to her voting on this case.

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

SECONDED by Ald. Klee

MOTION CARRIED 6-0

Chad Branon, Project Manager, Fieldstone Land Consultants, 206 Elm Street, Milford NH

Mr. Branon introduced himself as the representative for this project. With him is Atty. Andy Prolman and owner Dick Raisanen.

Mr. Branon said they are seeking approval for a 20-lot subdivision. He described the physical characteristics of the site, existing conditions, and dimensional requirements of the zone. He described topography of the site. They are proposing to place the existing residence on 2.05 acres of land, and subdivide the remainder to create 19 additional lots to the west. This lot was previously subdivided into three lots to create two lots along Bartlett Ave, shown on the plans as lots 57-39 and 57-40. Both lots far exceed the minimum requirements for this zone.

Mr. Branon said the applicant has spent a lot of time evaluating this site and trying to come up with a plan that fits in with the neighborhood. That's part of why they created large lots along Barlett Ave, transitioning into the 19 lot development nestled to the rear of the property. There has been a lot of working with the neighborhood and city staff and it was done to create a plan that fits in well and creates a reasonable development for the property.

Mr. Branon said when you look at the three frontage lots on Bartlett Ave, those lots alone could support 19 homes. When you

contemplate the entire parcel, this project could support up to 70 units under a straight density calculation. A previous developer proposed 45-50 units on this site. This should give perspective to the proposal and speak volumes to the time and effort their client has put into the plan. It's a reasonable development proposal.

Mr. Branon said this subdivision meets all dimensional standards. The lots will range from 8,358-sqft to 89,3030-sqft. This will be serviced by a single road, which is a loop 28-ft in width and has been designed to meet all city standards. It is intended to be a public road and will have all drainage and curbing necessary. The development will be serviced by public sewer, Pennichuck Water, natural gas, and electric services. They have agreed with the Engineering Dept. that the municipal connection onsite will be private, as will the stormwater infrastructure. There will be a homeowner association to maintain those features. Other site improvements include landscaping, lighting, drainage, and utility infrastructure. He described each briefly. Stormwater will be directed to two detention basins, located in the north and west at the lower points of the site. The stormwater system exceeds city and state standards. They will be applying for a NHDES Alteration of Terrain permit and a Sewer Discharge permit through the state.

Mr. Branon said they originally submitted this application in June 2022, and have been working with city departments, abutters, and neighbors to come up with a plan that balances goals and objectives. They have some outstanding items to clean up, but they are relatively minor.

Mr. Branon said in regards to traffic, they prepared a traffic impact report, which is a requirement for submission. This plan does not trigger a full traffic study because it does not meet the threshold requirement. However, they recommended to their client that they should hire a traffic consultant, and their client hired VHB. VHB evaluated the site and adjacent roads, and found that this would have minimal impacts on the infrastructure. This report was submitted to the traffic Dept. and Senior Traffic Engineer Wayne Husband has agreed with the results. They have also agreed to a voluntary contribution to the Main Street Traffic Corridor Account, which they hope the Board will consider that as a condition of approval.

Mr. Branon said they are requesting two waivers for this project, as listed in the staff report. The first is for

existing conditions within 1,000-ft of the site, and the second is for sidewalks. Sidewalks was a hotly contested topic during the 3-lot subdivision, at which time they could not successfully address all the criteria to request the waiver. Now that they are before the Board with a complete development package, they do meet the waiver criteria. Staff supports that within the memo. There is an in-lieu fee calculation, which they have no objection to. This waiver is in part due to feedback from residents along Bartlett and Wellington, who have expressed great concern as to what impacts might result from the construction of sidewalks. The closest sidewalk is Webster Street, which is quite a distance away, and there doesn't appear to be a lot of pedestrian traffic. The next request before the Board is to amend the previous approval to include a sidewalk waiver. He would be happy to do into specifics as the Board sees fit. They have had a chance to review the staff memo, engineering comments, and have no objections to any of them. They hope the Board will consider approval this evening.

Mr. LeClair asked if there are upgrades to the water utilities.

Mr. Branon said they have been working with them closely to determine the best plan. They are running a lot of hydraulic analyses on this area for holistic solutions for the whole neighborhood. Pennichuck has asked them to hold off so they can go through their analysis so they can serve a larger population of people. They received a letter to this extent from Pennichuck today, which he would be happy to share with the Board. What they have agreed to do with Pennichuck and the Fire Department is to connect to the water main at the west portion of the site. Pennichuck may decide to run a high pressure line into the neighborhood, which may eliminate the old line cutting through the project. There's a lot of good studies going on, and they look forward to seeing if there is something that can be done that's even better for the area.

Mr. LeClair asked if they connect to the main on the west side, would that serve the development and be decoupled from the neighborhood?

Mr. Branon said that line goes across the neighborhood on the south side. They would connect to it from the Bartlett Ave side. It would be an improvement to the system, there would be some increase in pressures and some positive redundancy, but it's not what Pennichuck thinks is the best solution for everyone. They are looking at this as a more holistic solution.

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Mr. Hudson asked if there was a misprint on the plan, if the "W8" line is actually the 16-inch line.

Mr. Branon said he believes so.

Mr. Varley asked what the status of the bike path is today and whether it would be rerouted.

Mr. Branon said there are no paths through the project. This property is entirely gated, and has chain link fencing along the entire perimeter. There are gates to access trails that exist on the city owned land, Greeley Park. They are proposing a maintenance access that would also connect to an existing gate so that people could access Greeley Park through this project. They are not eliminating or impacting any existing trails. There is an old woods road that meanders through the project, which may be what he is referring to.

Mr. Varley said the plan notes an 8-ft bike path.

Mr. Branon said it's a woods path.

Mr. Varley asked if there was no existing easement for one of the city maintained trails.

Mr. Branon said correct.

Mr. Varley referred to the separate lot containing the stormwater management area, and asked if that lot is effectively not subdividable because of wetlands.

Mr. Branon said the latest plan they submitted does not have that on a separate lot. They initially did because they thought the city would be interested in taking it as a utility lot. After working with Engineering, they prefer to not take on any more maintenance for drainage. They ended up absorbing the area into lot 10. That stormwater area will exist as an easement so the HOA can go in there and maintain it. They are agreeing to no further development on any of these lots to successfully secure a sidewalk waiver. Even the existing home on 2.05 acres would have no further subdivision of its lot. This is it.

Mr. Varley asked if the street is to city standards.

Mr. Branon said correct.

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Mr. Pedersen said lots 1-19 are on the new street. Where is the 20th lot?

Mr. Branon said that would be the existing home.

Mr. Pedersen asked if 15 & 17 Bartlett Ave are a part of this.

Mr. Branon said those were already approved. In total this property was 22 lots.

Ald. Klee asked if Juliana Road would be a public road, plowable and with trash pickup?

Mr. Branon said correct. They are hoping that the Fire Dept. will allow them to call this Bartlett Ave because it aligns well. It would be a public road, city trash pickup.

Ald. Klee said she walks through this property all the time. Will the public be able to pass through the gate without walking onto people's yards?

Mr. Branon said there would be an easement through that particular lot. That lot would be burdened with the access easement and stormwater management. His client feels it will be an amenity for the community and neighborhood as a whole.

Ald. Klee asked if the lighting would be part of the city, not the HOA.

Mr. Branon said yes.

Ald. Klee said there is a water easement for Columbia Ave. During construction, will this impact those residents?

Mr. Branon said no. They are not impacting that water line with any of the construction.

Ald. Klee asked if the connection would affect them.

Mr. Branon said the connection might. He doesn't know exactly where the valves are. If they're tapping into a line, Pennichuck would notify the residents of a potential disruption.

Ald. Klee said she is glad Pennichuck is looking into the water lines, she has heard from residents in the area with low water

pressure. Pennichuck assured her that this will not affect the residents on Bartlett. Can he confirm that?

Mr. Branon said they would have to rely on Pennichuck's analysis. He would have to rely on the same information as she received, and they have been told the same thing.

Ald. Klee said she is glad Pennichuck is trying to do more of an analysis to stop any impacts.

Mr. Branon said what he is hearing from Pennichuck is that there is likely to be improvements to the neighborhood that might come as a result of the evaluations they have been working on. Certainly people have said there are water pressure issues in the area, which is not caused by the project. It's an infrastructure issue, and they're hoping to work collaboratively with them on doing something.

Ald. Klee asked about traffic during construction. Access from Greeley Park or Columbia Ave wouldn't be a good idea.

Mr. Branon said the topography wouldn't support it. Their plan is to access it where they have frontage along a city road.

Ald. Klee said the neighbors are concerned about traffic from the nearby school. Parents block driveways and the street by Wellington. Students have to be dropped off by 7:55AM. Would it be possible to not have larger construction vehicles not start before 8:00AM?

Mr. Branon said that would be problematic for the construction timeframe of getting materials in to the site. A lot of construction sites like to start as early as they can and end at 3-4PM. The preference would be to not have a limitation that could have an impact on the length of time the project goes.

Mr. LeClair said one of the things they have done in the past is not allow offsite parking of any construction vehicles. Seems like there is plenty of site, so the construction vehicles can't wait on Bartlett or Wellington. No stopping on those streets to be called onsite.

Mr. Branon said they would not have objections to that.

Ald. Klee said if they started an hour later and continued that to the other end, such as 8-5, would that have an impact?

Mr. Hudson said some of these things are taken up in the permitting effort after approval. Engineering Dept. reviews encumbrance permits and sometimes in school areas restrictions are imposed. If people have issues, they can reach out to city staff to make sure everything is done in a safe manner.

Mr. Bollinger said the school is closed three months during the summer. Restrictions may not be as applicable.

Ald. Klee requested a stipulation that construction occur only during school hours.

SPEAKING IN OPPOSITION OR CONCERN

Kathy Lodi, 12 Bartlett Ave, Nashua NH

Ms. Lodi asked the Board to approve the waiver for sidewalk construction, to reduce tree cutting. She expressed concern about the impact of traffic. She requested that construction vehicles or employee vehicles not park on the street. She asked if there is going to be public access to Greeley Park, will people be allowed to park on Juliana Ave or Bartlett Ave to access the park? She asked for clarification on the stormwater drainage. She said the school parks on Wellington and Bartlett and takes up the whole right lane on the corner where this development has a single egress. Is there going to be a stop sign? She said there are a lot of early morning dog walkers in addition to the school traffic, the neighbors were hoping a lot of that activity would be out of the way before the big trucks roll in. It's 13-acres of forest coming down, that's not going to be quiet. She thanked Mr. Raisanen for keeping the existing house and putting something in the deed where it will not be further subdivided. She appreciates the effort taken to make sure the two new houses fit in with the rest of the street.

Robert Lodi, 12 Bartlett Ave, Nashua NH

Mr. Lodi said he is not opposed to the development, more to the overall impact on the neighborhood. The issue with the school has become untenable. He asked that they get support to get the nearby school to come up with a better traffic management plan. There's a long established precedent with other schools to prohibit stopping or standing, that would alleviate the problems and wouldn't put the impetus on the applicant. He commended Mr. Raisanen for his efforts to reach out to the community and address their concerns. He would encourage the owner to design

all the homes to be unique, as the homes within this neighborhood are not cookie cutter vinyl-clad McMansions. The traffic with the school is something they need support to address, it's unsafe. Buses perform illegal three-point turns onto Wellington, and with the snow storm last week they backed up traffic all the way from Wellington to Concord St. There's frequently double parking during events, blocking two full lanes down Bartlett. They could use some help.

SPEAKING IN FAVOR

None

APPLICANT REBUTTAL

Chad Branon, Civil Engineer

Mr. Branon said they have no objection to requiring construction vehicles to park onsite. In relation to the intersection, they are proposing a stopping condition for the traffic exiting the subdivision road. The traffic consultant recommended stopping conditions for both Wellesley and Barlett, and as part of the project they have offered to contribute to the striping and signage for that. These are city roads, so that needs to be agreed upon by the city, but they happy to address that.

Mr. LeClair asked if that would be a three-way stop.

Mr. Branon said correct. He doesn't believe Mr. Husband addressed that in his memo today, but they are happy to work together on it.

Mr. Branon said in regards to stormwater, they are not impacting any of the wetlands or buffer onsite. One of the stormwater management basins is located on the back of that jurisdictional wetland area, and is proposed to be a wet pond for stormwater treatment. It'll be metered so there is no increase in the rate of flow. The second stormwater basin is an infiltration basin. Both have been designed to meet city standards as well as the NHDES Alteration of Terrain standards, which is where water quality and treatment are addressed. They are not impacting the one wetland located onsite; it will remain. The whole area will provide some nice buffering to the adjacent Greeley Park.

Mr. LeClair asked about parking for park access.

Mr. Branon said in theory there is room on the street, but the intent was really not to provide parking. This is really just access for the neighborhood to walk their dog. They're not providing formal parking. There probably will be a No Parking sign by the stormwater management access area so inspections can be made.

Mr. Varley asked if they are not suggesting there will be no impact to traffic, it's the distinction between the level of impact the project will have and what is required.

Mr. Branon said generally speaking, with traffic there is always an impact. The question is, what can the streets handle, or is that impact significant? There is going to be additional traffic with any development. The question is what the implications are. Their traffic consultant, Jason Plourde, articulated in his traffic memo what the PM and AM traffic was. There is clearly an increase, but he came to the conclusion that there is no significant measurable impact on the traffic operations in that area. His intent is not to imply that there is no impact on traffic, just no significant impact.

Mr. Hudson said that the letter prepared by the traffic engineer observes all things noted, including the queuing and parking at certain times of the day, and notes that people adjust. The public works facility on 9 Riverside Street has the same issue with Nashua High School South. There's about fifteen minutes a day where they can't get out of their driveway because it's queued at the lights. They've become accustomed to the fact that they can't leave at certain times of the day and adjust accordingly. It sounds like most of the traffic issues are school related. There are ordinances, you're not allowed to block a driveway, so there are things they could work with the school to make better.

Ald. Klee said to these residents it will be a significant impact. She doesn't want to punish this developer for the sins of the school and them not conforming. The school sends out letters to not block driveways, but as everyone knows parents still do. It's constant. The principal has no control over what is happening. She asked Mr. Hudson if residents can contact them after construction starts, if there are any issues.

Mr. Hudson said they can come at any time. Their permits allow them to modify conditions at any time if they see fit to do so. They have a preconstruction meeting, and the contractor is

required to submit an access plan. Then DPW determines if the plan is reasonable or needs to be modified. There will be an engineering inspector assigned to the project, at any time they can speak to that person onsite or reach out to the Engineering Dept. It's not a static thing. It's very typical that within school hours they don't allow much construction activity during peak hours, which usually are a half an hour twice a day.

Mr. LeClair said this is not the public works board. As much as he likes talking about this stuff, this Board's vanue is land use. It is not traffic control, it's not adherence to parking standards. It has nothing to do with operations of roads or rules or construction times. Those are things that are governed by other city organizations. He cautioned the board on how much time they spend on this. He doesn't want to give the perception that this Board has any control over that kind of stuff. This is a land use board. He asked the Board to stay within its purview.

Ald. Klee thanked Mr. LeClair for the correction. She said she doesn't feel that the developer should be punished for the sins of another organization, but every time they put another level it is having an impact.

PUBLIC MEETING

Mr. LeClair closed the public hearing and moved into the public meeting. He summarized the discussion. There is a lot of interest in the property, and they have seen a few incarnations of this property over time. This is the lowest impact he has seen in a long time from a development of this size in the city. It's neat to see this, and a pretty good arrangement. He is sensitive to the construction side and worthy of making sure there is no offsite parking. He's not a huge fan of setting different construction hours, because that sets the precedent that every abutter for every project would be asking for that, and they would be in an endless loop of adjusting hours for whoever speaks the loudest in the meetings. It's a good public works thing to work through.

Mr. Varley said the applicant has been pretty thoughtful in terms of design. The subdivision is relatively low impact relative to what in theory they could have developed here. They have taken a lot of time to talk to abutters and get input. He agrees with the chair on the construction hours and that DPW can address it as part of the permitting process.

Ald. Klee said she is strongly in favor of the sidewalk waiver. It would be a small piece of sidewalk that doesn't connect to much of anything.

Mr. Hudson said he is fine supporting the waiver request with the understanding that if the residents request a sidewalk in the future they will not support it. They have an opportunity to create a sidewalk now and are choosing not to. He is fine with that, but he wants it noted that DPW would not be in favor of a sidewalk request later because the waiver was requested now.

Mr. Hudson led a brief discussion in regards to the recommended conditions of approval.

Mr. LeClair asked staff at what time contributions are required.

Ms. McGhee said the sidewalk fee is prior to the chair signing the plan and recording it at the registry.

Mr. Hudson said he takes the street contribution usually before issuance of building permit or signing of the plan.

Mr. Pedersen asked if the existing home will be part of the homeowner association.

Mr. Durfee said he doesn't believe so.

Mr. Pedersen asked if the whole neighborhood gets to use the swimming pool and hot tub.

Ms. McGhee said no.

Mr. Hudson said the sewer system is a low pressure system, each home has a pump that pumps into a combined system which then pumps into the city sewer main. They have asked that this be privately owned and maintained, as the city isn't equipped to manage it. This will be privately maintained by the association.

MOTION by Mr. Varley to approve New Business - Site Plan A22-0159. 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 adjacent parcels 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 § 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 \$64,700.00 or higher confirm with meeting minutes in lieu of sidewalk construction pursuant to §190-212(D)(2), payment to be made prior to recording the plan.
3. Prior to the Chair signing the plan, all addresses shall be show on the plan.
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 dated December 7, 2022 from Adam Pouliot shall be addressed to the satisfaction of the Fire Marshal.
6. Prior to the Chair signing the plan, all comments in a letter dated October 31, 2022 from Joe Mendola, Senior Staff Engineer, shall be addressed to the satisfaction of the Division of Public Works.
7. Prior to the Chair signing the plan, stormwater documents and easements will be submitted to City Staff for review and recorded at the applicant's expense.
8. Prior to recording this subdivision plan, the 3-lot subdivision plan for 15 Bartlett Avenue, approved by the board on August 4, 2022 shall be recorded.
9. Prior to any site disturbance, the Alteration of Terrain Permit for the project shall be approved by NHDES.
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 a building permit, the applicant shall provide documents establishing a homeowners association. The documents shall be submitted to the Planning Department and Corporation Counsel for review.
12. Prior to the issuance of the final Certificate of Occupancy, an as-built plan locating all driveways, units, buildings, utilities and landscaping shall be completed by a professional engineer or licensed land surveyor and submitted to the Division of Public Works and the Planning Department.

13. Prior to the Chair signing the plan, all comments in an e-mail dated February 2, 2023 from Wayne Husband, City Traffic Engineer, including a payment of \$5,750 toward the Main Street traffic corridor account, shall be addressed to the satisfaction of the Division of Public Works.
14. No construction vehicles can be parked on any public streets.

SECONDED by Mr. Bollinger

MOTION CARRIED 6-0

A22-0252 Raisanen Homes Elite, LLC (Owner) - Application and acceptance of proposed amendment to previously approved subdivision plan to amend condition #5, to allow a contribution in lieu of installing a sidewalk along Bartlett Avenue. Property is located at 15 Bartlett Avenue. Sheet 57 - Lot 3. Zoned "RA" Urban Residence. Ward 3. **(Postponed to the February 2, 2023 Meeting)**

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

SECONDED by Ald. Klee

MOTION CARRIED 6-0

Atty. Andy Prolman, Prunier & Prolman PA, 24 Trafalgar Sq, Nashua NH

Atty. Prolman introduced himself as representative for the owner. They are requesting a sidewalk waiver for the previously approved three-lot subdivision along Bartlett Ave. At the time they had made the determination that they could not consider a waiver because the remainder of the tract was still subdividable and the ordinance wouldn't allow it. Now the remainder of the tract is no longer subdividable, there is a deed restriction for the subdivision, and they meet the requirements for a contribution in-lieu of construction. They would like to amend condition #5 so they don't have to construct a sidewalk.

Mr. Hudson asked what the contribution amount is.

Mr. McPhie said that would be \$9,400.00.

Mr. Hudson said stipulation #13 also spoke to sidewalks, which is addressed by the change to #5. They can strike the reference to sidewalks, or tie it to the contribution.

SPEAKING IN OPPOSITION OR CONCERN

None

SPEAKING IN FAVOR

None

PUBLIC MEETING

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

Ald. Klee said she is glad to see that both sidewalk waivers are being put through there. It would put more hardship on the residents and be unnecessary for a sidewalk that would technically go nowhere. Once this waiver is granted, the residents will not be able to come back later and request a sidewalk.

Mr. Hudson said they can ask.

Ald. Klee said it would be harder to ask for it.

Mr. Hudson said he would strenuously object if they did.

Ald. Klee said she thinks this is a good idea and appreciates the developer coming forward with this.

A brief discussion of reordering the stipulations ensued.

MOTION by Mr. Varley to approve New Business - Site Plan A22-0252. It conforms to §190-138(G) with the following stipulations or waivers:

1. 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 \$ 9,400.00 in lieu of sidewalk construction pursuant to §190-212(D)(2), payment to be made prior to recording the plan.

2. A deed restriction shall be placed on Lot 57-3, now known as 19 Bartlett Avenue, to prevent any further subdivision of the lot therefore meeting the intent of Ordinance 190-212 D-2 (a).
3. Stipulation #5 & #13 as indicated in the original August 5, 2022 three-lot Bartlett Street subdivision approval letter are superseded by stipulation one shown above.

SECONDED by Ald. Klee

Ald. Klee thanked the developer for the deed restriction, so that there will not be any more construction.

MOTION CARRIED 6-0

The Board held a five minute recess

OTHER BUSINESS

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

AGENDA NOT AVAILABLE

2. Referral from Board of Aldermen on proposed Petition for Street discontinuance - Dozer Road, Lot - A-712. **[WITHDRAWN]**
3. Referral from Board of Aldermen on proposed Petition for Street Discontinuance - Dozer Road, Lots -A-990, 132-85, A-994, A-768, A-68, 132-1, A-67, and A-58. **[TABLED FROM THE JANUARY 5, 2023 MEETING]**

Atty. Prolman, Prunier & Prolman PA

Atty. Prolman said he is seeking a favorable recommendation to the Infrastructure Committee and Board of Aldermen for the discontinuance of a portion of Dozer Rd. Previously there was a Dozer Road subdivision before them, and one of the conditions of that approval was the discontinuance of Dozer Road because a portion of the lots and roadway were impacted by the Dozer Road right of way. This is pretty straightforward because Flatley Company owns both sides of the right of way, so it will simply be a conveyance. Dozer Road was acquired by the state beginning in 1964 up to 1993 in bits and pieces, and the state conveyed it to the city in 2010 by quitclaim deed. A portion close to the

Tara Hotel was previously discontinued in 2013. They are asking for that same recommendation to the Board of Aldermen and Infrastructure Committee.

Atty. Prolman said there is a condition of approval, which there are agreeable to. There is a small triangle 2,000-sqft that will lose right of way access. Flatley Company has agreed to provide an access easement to this parcel and are willing to talk about purchasing it as well.

Mr. Hudson asked if the streets in the subdivision would be private streets. Is a connection to the cul-de-sac sufficient for the parcel, or would they need an extension to the public street of Spindlewick Drive? It makes the most sense for the city to sell the parcel to the developer.

Mr. Durfee said that is an accurate representation. They can work it out as they go forward.

MOTION by Mr. Hudson to favorably recommend Other Business #3 to the Board of Aldermen, with the condition that prior to the issuance of any building permits associated with the 49-lot subdivision, the petitioner must either purchase Lot 114-233 from the city for fair market value or grant an easement to the city.

SECONDED by Ald. Klee

MOTION CARRIED 6-0

4. Referral from Board of Aldermen on proposed 0-23-040, amending the Land Use Code - regarding parking space requirements for the middle and high schools.

Linda McGhee, Deputy Planning Manager

Ms. McGhee said right now the parking requirements for middle and high schools are one per classroom as a minimum, and two parking spaces per classroom at maximum. They are asking to change it to 2.5 per classroom. Typically whenever they get a school project in, such as the new middle school, they always have to ask for a waiver to exceed the maximum. This would let schools not have to ask for that waiver all the time. Staff would support this change in the ordinance.

NCPB

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Mr. LeClair asked if this is just for the middle and high schools.

Ms. McGhee said correct.

Mr. LeClair asked if this is public or private.

Ms. McGhee said it's for any, public or private.

Mr. Varley said this is largely reflecting existing realities.

Ms. McGhee said correct.

MOTION by Mr. Varley to favorably recommend O-23-040 to the Board of Aldermen, with no stipulations

SECONDED by Ald. Klee

MOTION CARRIED 6-0

DISCUSSION ITEMS

None

MOTION to adjourn by Ald. Klee at 8:51 PM

MOTION CARRIED 6-0

APPROVED:

Mr. LeClair, Chair, Nashua Planning Board

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Prepared by: Kate Poirier

Taped Meeting