

NASHUA CITY PLANNING BOARD  
February 4, 2021

The regularly scheduled meeting of the Nashua City Planning Board was held on February 4, 2021 at 7:00 PM via Zoom virtual meeting.

Members Present:        Scott LeClair, Chair  
                             Adam Varley, Vice Chair  
                             Mike Pedersen, Mayor's Rep  
                             Maggie Harper, Secretary  
                             Dan Hudson, City Engineer  
                             Ed Weber  
                             Bob Bollinger  
                             Larry Hirsch

Also Present:            Matt Sullivan, Planning Director  
                             Linda McGhee, Deputy Planning Manager  
                             Scott McPhie, Planner I  
                             Christine Webber, Department Coordinator

**ALL VOTES ARE TAKEN BY ROLL CALL**

**Approval of Minutes**

January 7, 2021 - Regular Meeting

**MOTION** by Mr. Hudson to approve the minutes of the January 7, 2021 meeting, as amended.

**SECONDED** by Ms. Harper

**MOTION CARRIED 8-0**

January 7, 2021 - Annual Meeting

**MOTION** by Mr. Bollinger to approve the minutes of the January 7, 2021 annual meeting, as written.

**SECONDED** by Mr. Hirsch

**MOTION CARRIED 8-0**

January 21, 2021 - Regular Meeting

**MOTION** by Mr. Bollinger to approve the minutes of the January 21, 2021 meeting, as amended.

**SECONDED** by Mr. Pedersen

**MOTION CARRIED 7-0-1 (Hudson abstained)**

**COMMUNICATIONS**

Ms. McGhee went over the following items that were received after the case packets were mailed:

- 272 Daniel Webster Hwy: amended plan

**REPORT OF CHAIR, COMMITTEE & LIAISON**

Historic District Commission: Mr. Weber described the two cases heard at the January 25, 2021 meeting.

Capital Improvements Committee: Mr. LeClair said the Committee completed the voting, and they can expect to see the plan come through at the next meeting.

**COVID-19 Address**

Mr. LeClair addressed the COVID-19 pandemic as follows: Due to the State of Emergency declared by Governor Sununu as a result of COVID-19 pandemic and in accordance with the Governor's Emergency Order #12, pursuant to Executive Order 2020-04, this public body is authorized to meet electronically until further notice.

Please note that there is no physical location to observe and listen contemporaneously to the meeting, which was authorized to meet electronically pursuant to the Governor's order. However, in accordance with the Emergency Order, this is to confirm that we are:

**1. Access**

The Board is providing public access to the meeting by telephone, with additional access possibilities by video or other electronic access means.

The Board is video conferencing utilizing Zoom for this electronic meeting. Public access to this meeting is provided via Zoom. The link to this meeting is contained in the meeting agenda, available on the city website. The meeting can be

streamed through the city's website on Nashua Community Link and also on Channel 16 on Comcast.

## **2. Public Notice and Access**

If anybody has a problem accessing the meeting via phone, please call (603)589-3115, and they will help you connect.

## **3. Adjourning the Meeting**

In the event that the public is unable to access the meeting via the methods above, the meeting will be adjourned and rescheduled.

## **4. Procedures**

The Chair is in control of the meeting, and to the extent practicable and advisable the Board will follow the procedures outlined in the Bylaws. The applicant will present the applicant's case, followed by questions by the Board. The Chair will then allow for a rebuttal period for persons wishing to speak in favor, or with questions or opposition, before the Board deliberates and determines an outcome.

Applicants and their representatives, and individuals required to appear before the Board are appearing remotely, and are not required to be physically present. These individuals may contact the Planning Department to arrange an alternative means of real time participation if they are unable to use Zoom. Please note that all votes taken during this meeting will be done by roll call.

Planning Board meetings will be held electronically until further notice, when it is deemed safe to conduct meetings at City Hall.

The Planning Department and Board thank you for your understanding and patience during this difficult time.

### **OLD BUSINESS - CONDITIONAL USE PERMITS**

None

### **OLD BUSINESS - SUBDIVISION PLANS**

None

**OLD BUSINESS - SITE PLANS**

A20-0195 - Nashua 272 Realty Ventures, LLC (Owner) - Proposed waiver request for parking space dimensions for a grocery store. Property is located at 272 Daniel Webster Highway. Sheet A - Lot 127. Zoned "HB" Highway Business & "GI" General Industrial. Ward 7.

**MOTION** by Mr. Varley to remove from the table

**SECONDED** by Mr. Pedersen

**MOTION CARRIED 8-0**

**MOTION** by Mr. Varley to reopen the hearing

**SECONDED** by Mr. Pedersen

**MOTION CARRIED 8-0**

Tom Burns, Project Manager, TF Moran

Mr. Burns introduced himself to the Board as representative for the applicant.

Mr. Burns provided an update on this case. This proposal is to renovate the Toys R Us retail space to a grocer. At the previous meeting this case was tabled to review traffic information and potential impact to the Daniel Webster Highway corridor. They have met with city staff to analyze traffic information, and he summarized their discussion. They are amenable to contributing \$22,180 towards the purchase and installation of a GRIDSMART camera at the intersection. They feel this is an effective means of mitigating traffic concerns in this area to allow this project to move forward.

Mr. LeClair asked if the amended plan showed cart corrals.

Mr. Burns said yes. He said there would be one corral per drive aisle, which led to a reduction of six parking spaces.

Mr. LeClair asked if this had been reviewed by city staff.

Mr. Burns said it was submitted to them.

Mr. Sullivan said they have had a chance to review the plan and are comfortable with the proposal. He thanked the applicant for their partnership in identifying the contribution for the DW Hwy corridor, which will hopefully make a demonstrable impact on the traffic situation in the area. This does need Board of Public Works approval for the funding, but they do want to make the commitment to the applicant to help shepherd this through that process.

Mr. Hudson agreed with Mr. Sullivan. In speaking with Traffic Engineer Wayne Husband, this was what they identified as the best thing to make a substantive improvement in the area. The Board of Public Works would be the agent to approve the expenditure, but they will go to the Board with a recommendation that the contribution should be spent for this purpose. He thinks it is a fair and equitable contribution.

Mr. Weber asked what this new feature will do.

Mr. Hudson gave an explanation of how a GRIDSMART camera works.

Mr. Pedersen asked if the applicant was requested to submit a traffic impact report.

Mr. Sullivan said the applicant had, but the report had not been reviewed in detail by city staff. That took place after the previous meeting in coordination with the applicant.

Mr. Hudson said this is a worst case assumption and does not take into account any internal capture traffic. It gives them confidence that this will make an improvement. He doesn't think additional information would have led them to a different conclusion, which is why they didn't perform an additional study.

Mr. Bollinger asked for clarification on which intersection this will be installed at.

Mr. Hudson said Silver Drive.

Mr. Bollinger said while this is presented as a grocery store, it is not clear to him whether this is a traditional brick and mortar store or if there is a delivery component. He doesn't know if this was accounted for in the site plan. How would they accommodate that onsite?

NCPB

February 4, 2021

Page 6

Mr. Burns said this is a brick and mortar grocery store, and there will not be a delivery fleet.

Mr. Bollinger asked if there was to be, he would like it stipulated that this plan be revisited by the Board.

Mr. LeClair asked if stipulation #6 could be stricken from the staff report.

Ms. McGhee said yes.

**SPEAKING IN OPPOSITION OR CONCERN**

None

**SPEAKING IN FAVOR**

None

Mr. Bollinger asked if there is a cross easement allowing them to park on the adjacent owner's parcel.

Mr. Burns said it is a shared access parking lot for all of the tenants in the plaza.

**PUBLIC MEETING**

Mr. LeClair closed the public hearing and moved into the public meeting. He summarized the discussion.

A detailed discussion of delivery services ensued.

**MOTION** by Mr. Bollinger to reopen the hearing

**SECONDED** by Mr. Pedersen

**MOTION CARRIED 8-0**

**PUBLIC HEARING PART II**

Mr. Burns said this is a brick and mortar grocery store. It will have an online ordering component that allows for curbside pickup grocery services. It wouldn't be a fleet of vehicles onsite constantly bringing groceries in and out. This is not a site where you would have the parking lot taken up by a fleet of vehicles. They would not be parked in the fire lane, only in

parking spaces. This is consistent with what a lot of grocery stores do, especially during the pandemic.

Mr. LeClair recommended a stipulation that delivery services use the parking spaces.

Mr. Burns said they would be fine with that.

Mr. Weber said recently a large grocery chain wanted to put in a different type of delivery system, and had to come before the Planning Board to change the site. He said if this store wanted to change the site to a drive-thru delivery model, they would have to amend the site plan.

Mr. Burns said yes. They are not proposing that for this site.

Ms. Harper asked if they have a number of grocery delivery trips expected.

Mr. Burns said it depends on the location and customer proximity.

Ms. Harper asked if they could specify whether the service would do multiple orders at one time.

Mr. Burns said in his experience delivery services take multiple orders per trip. That would cut down on customer trips to the site.

Mr. Hudson said at some point it goes from a grocery store to a grocery distribution warehouse, and he doesn't think that is what they are trying to prove here.

Mr. Varley said these are third-party services. He asked if there is no direct arrangement between the store and the service, that the delivery service is hired by the customer.

Mr. Burns said he doesn't know how their contracts work. He understands their concerns about a fleet of vehicles coming to the site, and said this is not a grocery distribution center. That is why they are not proposing site changes to accommodate that.

Mr. Sullivan asked if the applicant is willing to commit to not having an owner operated fleet onsite.

Mr. Burns said they are not proposing a delivery fleet, or altering parking to accommodate that. This is a brick and mortar grocery store, with online ordering for curbside and delivery. They are not anticipating a fleet of vehicles here. He doesn't want to go down the slippery slope of not allowing delivery.

A discussion of potential stipulation language ensued.

## **PUBLIC MEETING PART II**

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

Ms. Harper said this store is a little small for some of the larger chains. She assumed they are expecting to provide a lot of delivery services, which concerns her.

Mr. Bollinger said his main concerns are traffic at Silver Drive and Danforth Drive, and thinks the applicant has made some progress towards trying to address that. These issues are larger than this applicant, but at some point they may need to analyze how improvements could be allocated towards the larger problem.

A discussion of corridor improvement plans ensued.

Mr. Sullivan provided guidance on delivery stipulations. A detailed discussion ensued.

**MOTION** by Mr. Bollinger to approve Old Business - Site Plan A20-0195. It conforms to §190-146(D) with the following stipulations or waivers:

1. The request for a waiver of NRO § 190-193-(A) which establishes parking space size standards, 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 § 190-172(D)(4), which requires certain building materials be used as the predominant façade material, is granted, finding that the waiver will not be contrary to the spirit and intent of the regulation.
3. Prior to the Chair signing the plan, the applicant shall provide a \$22,180 contribution to the Daniel Webster Highway Corridor Account for the purposes of installation of a GRIDSMAART camera at the intersection of Daniel Webster Highway and Silver Drive.

4. Prior to the issuance of a building permit the electronic copy of the plan shall be submitted to the Planning Department.
5. Prior to the issuance of a Certificate of Occupancy, all site improvements will be completed.
6. Delivery vehicles shall use existing parking spaces.
7. Modifications to existing site plan in the parking and drive aisles shall be approved by the Board.

**SECONDED** by Mr. Varley

**MOTION CARRIED 8-0**

**NEW BUSINESS - CONDITIONAL USE PERMIT**

None

**NEW BUSINESS - SUBDIVISION PLANS**

A20-0194 - John J. Flatley (Owner) - Application and acceptance of proposed three lot subdivision. Property is located at 200 Innovative Way. Sheet A - Lot 798. Zoned "PI" Park Industrial. Ward 9.

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

**SECONDED** by Ms. Harper

**MOTION CARRIED 8-0**

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

Mr. Branon introduced himself as the representative for the applicant. With him is the applicant, Kevin Walker of the John J Flatley Company.

Mr. Branon gave an overview of the property. The subject property is home to Gateway Hills, a development which is comprised of a mixture of uses including offices, research and development, retail, hotel, and multifamily residential housing.

Mr. Branon said the purpose of this proposal is to create two new lots for previously approved site plans. The two new lots

would separate the residential townhouse and flex building developments from the main parcel. He described the lot dimensions. To their knowledge, all subject parcels comply with zoning requirements. They have no objections to the recommended stipulations in the staff report.

Mr. Branon said this proposal includes two waiver requests, as outlined in the staff report. He described each waiver request.

Mr. Bollinger asked for clarification on the flex building.

Mr. Branon said that was a site plan approval from 2018. He displayed the site plan, and described the general function as light industrial. They are essentially taking the three buildings and subdividing them off of the parent parcel.

Ms. Harper said she was aware that at one time they were working with NHDOT to improve Spit Brook Rd and the turnpike. Have they progressed with that?

Mr. Branon said there are ongoing discussions related to traffic, especially with Master Planning of the rest of the land, but he doesn't have an update for them.

Mr. Weber said there is a cut-off point where the amount of traffic being produced by this site where they would need to split the road.

Mr. LeClair said these sites have come before the Board, and have been approved. This is just moving them onto new lots?

Mr. Branon said correct. Both sites are currently under construction.

Mr. Weber said there will come a point in time where there will need to be improvements to streets and utilities in this area.

**SPEAKING IN OPPOSITION OR CONCERN**

None

**SPEAKING IN FAVOR**

None

**PUBLIC MEETING**

Mr. LeClair closed the public hearing and moved into the public meeting. He summarized the discussion.

Mr. McPhie provided clarification on the proposed stipulations.

**MOTION** by Mr. Varley to approve New Business - Subdivision A20-0194. It conforms to §190-138(G) with the following stipulations or waivers:

1. The request for a waiver of § 190-282(A), which sets the minimum scale for subdivision plans, 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 § 190-282(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.
3. Prior to the chair signing the plan, all minor drafting corrections will be made.
4. 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.
5. Prior to the chair signing the plan, the electronic file of the subdivision plan shall be submitted to the City of Nashua.
6. Prior to recording of the plan, addresses shall be shown on the plan as assigned by the Fire Marshal.
7. All prior conditions of approval are incorporated herein and made a part of this plan, unless otherwise determined by the Planning Board.
8. All easements will be submitted to City Staff for review and recorded with the plan.
9. The applicant shall provide cross access and utility easements if the lots are sold off and subject to review by Corporation Counsel and recorded at the registry.

**SECONDED** by Mr. Weber

**MOTION CARRIED 8-0**

NCPB

February 4, 2021

Page 12

Mr. Weber asked when the buildings would be completed. Who would they talk to?

Mr. Branon said the John J. Flatley Company.

**NEW BUSINESS - SITE PLANS**

A20-0196 - Centro GA Willow Springs Plaza (Owner) Patel Brothers (Applicant) - Application and acceptance of proposed waiver request for parking space dimensions for a grocery store. Property is located at 290-294 Daniel Webster Highway. Sheet A - Lot 787. Zoned "GB" General Business. Ward 7.

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

**SECONDED** by Mr. Pedersen

**MOTION CARRIED 8-0**

Atty. Tom Hildreth, McLane Middleton PA, 900 Elm St, Manchester NH

Atty. Hildreth introduced himself as representative for the applicant. He compared and contrasted their application with the previous request at 272 Daniel Webster Hwy. This is a disclosed regional brand, a specialty middle-eastern grocery store, and the store is 10,000-sqft smaller. This store will have hours of operation from 10am-9pm, and there are no proposed changes to the building exterior. They have submitted a Traffic Impact Report as well as traffic data from other Patel locations. They have agreed to make a similar contribution of \$18,980 for improvements to the Danforth Drive intersection.

Atty. Hildreth said the applicant does not own a fleet of delivery vehicles, and have the same kind of experience with third party grocery delivery services as other grocery stores. The same kind of stipulations placed on 272 Daniel Webster Hwy would be appropriate here. They will only be taking up two spaces for cart corrals, which have been reviewed by city staff.

NCPB

February 4, 2021

Page 13

Mr. Bollinger thanked the applicant for clarification. This would be more appropriately classified as a specialty store, and he appreciates their contribution.

Mr. Varley referred to third-party services, and asked if there is no specific relationship between the store and the service.

Deep Patel, 30 Mayfield Ave, Edison NJ

Mr. Patel said they don't have any relationships with third-party grocery delivery services, and don't anticipate doing that.

Mr. Varley asked if they are utilized by the customer.

Mr. Patel said yes, but those services can't fulfill orders if the grocery store isn't on boarded. They're not even available on those delivery apps.

**SPEAKING IN OPPOSITION OR CONCERN**

None

**SPEAKING IN FAVOR**

None

Mr. Hudson thanked the applicant for their willingness to contribute to the highway corridor improvements. They will need to take this to the Board of Public Works to approve the expenditure, which they support. This hopefully will address some known issues at the intersection.

Mr. Bollinger led a brief discussion regarding stipulations.

Mr. LeClair asked if a plan had been submitted showing the cart corral locations.

Mr. McPhie indicated the description in the plan attachments, and said they can remove that stipulation.

**PUBLIC MEETING**

Mr. LeClair closed the public hearing and moved into the public meeting. He summarized the discussion. He thanked the applicant, and has no concerns.

Mr. Bollinger said he thinks this is a completely different model from the previous request, and does not believe they need additional stipulations. He is comfortable with staff recommendations.

Mr. Pedersen said they received a letter saying a third specialty store in this area of Nashua is unnecessary. He sees no problem with it.

**MOTION** by Mr. Varley to approve New Business - Site Plan A20-0196. It conforms to §190-146(D) with the following stipulations or waivers:

1. The request for a waiver of NRO § 190-193-(A) which establishes parking space size standards, 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, the applicant shall provide an \$18,980 contribution to the Daniel Webster Highway Corridor Account for the purposes of installation of a GRIDSMART camera at the intersection of Daniel Webster Highway and Danforth Road.
3. Prior to the issuance of a building permit the electronic copy of the cart coral plan shall be submitted to the Planning Department.
4. Prior to the issuance of a Certificate of Occupancy, all site improvements will be completed.

**SECONDED** by Mr. Bollinger

**MOTION CARRIED 8-0**

**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

February 4, 2021

Page 15

**SECONDED** by Ms. Harper

**MOTION CARRIED 8-0**

**DISCUSSION ITEMS**

**Master Planning:** Mr. Sullivan provided an update on the upcoming meeting, March 2<sup>nd</sup>.

**MOTION** to adjourn by Mr. Weber at 8:56 PM

**MOTION CARRIED 8-0**

**APPROVED:**

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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.

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Prepared by: Kate Poirier

Taped Meeting