

EXPANDED DRAFT MEETING SUMMARY
THIS IS NOT AN OFFICIAL TRANSCRIPT OF TAPE RECORDED PROCEEDINGS
THE INFORMATION CONTAINED HEREIN HAS NOT BEEN REVIEWED OR APPROVED BY THE NCPB

NASHUA CITY PLANNING BOARD
March 4, 2021

The regularly scheduled meeting of the Nashua City Planning Board was held on March 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 Manager
 Linda McGhee, Deputy Planning Manager
 Scott McPhie, Planner I
 Christine Webber, Department Coordinator

ALL VOTES ARE TAKEN BY ROLL CALL

Approval of Minutes

February 18, 2021

MOTION by Mr. Bollinger to approve the minutes of the February 18 2021 meeting

SECONDED by Mr. Pedersen

MOTION CARRIED 7-0-1 (Hirsch abstained)

COMMUNICATIONS

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

- E-mail regarding engineering comments for 2 John St & 21 East Hollis St
- E-mail regarding engineering comments for 15 Progress Ave
- Architectural renderings for Renaissance

REPORT OF CHAIR, COMMITTEE & LIAISON

Master Plan: Mr. LeClair provided a recap of the March 2nd meeting. The next meeting is April 6th.

TTAC & NRPC: Mr. Weber gave a recap of the two meetings held.

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

NCPB

March 4, 2021

Page 3

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.

Mr. LeClair said the Board would first hear Other Business - Case #2 & Case #3

OTHER BUSINESS

2. Referral from the Board of Aldermen on proposed O-21-048, amending the Residential District ordinance with respect to residential driveways.

Mr. Sullivan gave a brief presentation regarding the proposed changes. He would also like to introduce an amendment, and showed the Board the amended language. These modifications are clarifying in nature and have been proposed on collaboration with multiple departments within the city.

Mr. Weber asked if this impacts sidewalk contributions.

Mr. Sullivan said no, he doesn't believe there is a direct impact to contribution.

Mr. Bollinger asked for further clarification on the language. A brief discussion ensued.

Mr. LeClair asked if Engineering has reviewed this.

Mr. Hudson said yes. There has been a lot of confusion on how the driveway regulations have been interpreted in the past, and this provides clarification. He thinks this is an improvement.

NCPB

March 4, 2021

Page 4

Mr. LeClair asked if as a matter of practice, driveway permits are reviewed during the Building permit process.

Mr. Hudson said the driveway permits are issued through Engineering, but they work together with Building.

Mr. Sullivan said this should be treated as a public hearing to public comment if there is any.

SPEAKING IN OPPOSITION OR CONCERN

None

SPEAKING IN FAVOR

None

MOTION by Mr. Varley to favorably recommend Other Business - Case #2 to the Board of Aldermen, as amended

SECONDED by Mr. Weber

MOTION CARRIED 8-0

3. Referral from the Board of Aldermen on proposed O-21-049, amending the Conservation Subdivision Supplemental Use Regulations.

Mr. Sullivan provided an overview of the proposed amendment. He said there is a varied history of interpretation of this matter, and this is simply a clarification. They are seeing an increased interest in this type of development of a condo style large common lot with detached single family homes, and as a result they see the need to provide an additional option. He said the Housing for Older Persons ordinance of the Land Use Code includes this permissive language.

Mr. Sullivan said the proposed amendment has no impact on the design, character, or natural resource impact of the conservation subdivision. Ultimately the ordinance is based on the net development density of the parent parcel, and therefore does not consider the minimum lot size requirement. Allowing multiple units on one lot will still be held to the same threshold of density. They believe this modification is consistent with the purpose statement of the ordinance, doesn't undermine the intent of any other provisions, and provides an additional option for housing flexibility.

NCPB

March 4, 2021

Page 5

Mr. Pedersen asked if multiple structures would include tiny houses.

Mr. Sullivan said tiny houses on wheels would not be permitted today by right anyway. Certainly someone could build very small homes, however that is unlikely because they would be held to the same net development density. From a development perspective it is more advantageous to develop a larger home which could be sold for more money.

Mr. Pedersen said he was thinking more about someone building a small in-law apartment in their backyard.

Mr. Sullivan said in the event that a detached structure is built with dwelling space would be counted as a unit in the context of development density. It would be subject to all the provisions of the ordinance.

Mr. Varley said they have seen this before.

Mr. Sullivan said correct. It doesn't impact the character of the development. This gets to that shift in housing preference happening right now, which is why they are seeing a push in this direction.

Mr. Bollinger said with respect to net development density, does this ordinance allow them to build up instead of out? Does it allow multi-floor, multi-tenant buildings in the R9 zone?

Mr. Sullivan said it will ultimately be controlled by the uses permitted in the underlying zoning district. Internally the department is still having ongoing conversations on whether additional types of development beyond single family homes would be permitted under this ordinance.

Mr. Bollinger said he would be concerned whether the spirit and intent of the ordinance was being met. This could be an end-run around traditional zoning. Would it be more prudent to ask the Board of Alderman to eliminate less dense zones than backtrack into a more robust development scenario? This may open the door to something it wasn't intended for.

Mr. Sullivan said the conservation subdivision ordinance is intended in some ways to be a run-around to traditional zoning, clustering development with the intent to provide additional natural resource protections. It provides an alternative to the traditional style subdivision development.

SPEAKING IN OPPOSITION OR CONCERN

None

SPEAKING IN FAVOR

None

MOTION by Mr. Varley to favorably recommend Other Business - Case #3 to the Board of Alderman, as written

SECONDED by Mr. Weber

MOTION CARRIED 7-1 (Bollinger opposed)

OLD BUSINESS - CONDITIONAL USE PERMITS

None

OLD BUSINESS - SUBDIVISION PLANS

None

OLD BUSINESS - SITE PLANS

None

NEW BUSINESS - CONDITIONAL USE PERMIT

None

NEW BUSINESS - SUBDIVISION PLANS

None

NEW BUSINESS - SITE PLANS

A21-0016 JC Land & Equipment Enterprises, LLC (Owner) Sweeney Metal Fabricators, Inc. (Applicant) - Application and acceptance of proposed 7,716 sf building addition and accompanying site improvements. Property is located at 15 Progress Avenue. Sheet 140 - Lot 9. Zoned "PI" Park Industrial. Ward 6.

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

NCPB

March 4, 2021

Page 7

SECONDED by Mr. Hirsch

MOTION CARRIED 8-0

Tom Zajac, Civil Engineer, Hayner Swanson Inc, 3 Congress St, Nashua NH

Mr. Zajac introduced himself to the Board as representative for the applicant. He introduced Chris Sweeney and John Sweeney, owners and applicants.

Mr. Zajac described the site and surrounding conditions. They are proposing a 7,716-sqft single story addition on the southern side of the existing building. He said back in 1975 a similarly sized proposal was approved, but never constructed. This will provide additional machine shop space for the business. There will be one additional loading bay, additional parking, widened drive aisles, and other site improvements. They propose to eliminate the existing leach field and tie into the existing public sewer line.

Mr. Zajac said a Traffic Impact Report was prepared, and the project will result in minimum impacts. He said the existing site has little to no stormwater best management practices, and this project presents a significant opportunity to improve drainage. He described the proposed stormwater management areas. This project includes one waiver request, as outlined in the staff report. They have reviewed the staff report and find no issues with the recommended stipulations. They received the Engineering comments, and feel confident in their ability to address any outstanding issues.

Mr. Weber said there are open dumpsters onsite. Where will they be?

[Unknown] said one of them is a scrap metal dumpster, and he would like it to remain outside. The rest of them will be relocated inside.

Mr. Weber said the one on the northeast side of the site is within public view, and requested that it be enclosed.

[Unknown] said those would be enclosed by a fence per this plan.

Mr. Zajac said the scrap metal dumpster is located in the back corner.

NCPB

March 4, 2021

Page 8

A brief discussion of dumpsters onsite ensued.

Mr. Pedersen asked the applicant to describe the modifications to site sewer.

Mr. Zajac said the existing site is served by a septic tank. They propose to remove the tank and leach field, and tie into the existing sewer line in Progress Ave.

Mr. Hudson asked if that portion will become public sewer.

Mr. Zajac said correct.

Mr. Bollinger asked for clarification on the driveway geometry.

Mr. Zajac gave an in depth explanation of the proposed driveway configuration.

Mr. Bollinger asked if any sort of relief was required for the driveway passing beyond setback limits.

Ms. McGhee said driveways can go into setbacks, and this is at the request of the Fire Marshal.

Mr. Zajac provided further clarification on the setbacks.

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, and said this is a reasonably straightforward application.

A brief discussion of the dates contained in the recommended stipulations ensued.

MOTION by Mr. Weber to approve New Business - Site Plan A21-0016. It conforms to §190-146(D) with the following stipulations or waivers:

1. The request for a waiver of NRO § 190-172 (B), (C), & (E), which establishes building design 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, minor drafting corrections will be made to the plan.
3. Prior to the Chair signing the plan, all comments in an e-mail from Engineering, dated March 2, 2021 will be addressed to the satisfaction of the Division of Public Works.
4. Prior to the Chair signing the plan, all comments in an e-mail from Mark Rapaglia, Inspector/Investigator dated February 10, 2021 shall be addressed to the satisfaction of the Fire Marshal's Office.
5. Prior to any work and a pre-construction meeting, a financial guarantee shall be approved.
6. Prior to the issuance of a certificate of occupancy, all off-site and on-site improvements will be completed.

SECONDED by Mr. Hirsch

MOTION CARRIED 8-0

A21-0015 Southern New Hampshire Medical Center (Owner) - Application and acceptance of proposed amendment to NR1423 to show the construction of 30 parking spaces and associated site improvements. Property is located at 2 John Street and 21 East Hollis Street. Sheet 30 - Lots 7 & 62. Zoned "D1/MU" Downtown 1/Mixed Use. Ward 4.

Mr. Varley recused himself from this case

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

SECONDED by Mr. Pedersen

MOTION CARRIED 6-0 (Hirsch's screen froze)

Steve Auger, Civil Engineer, Hayner Swanson Inc, 3 Congress St, Nashua NH

Mr. Auger introduced himself to the Board as representative for the applicant. He introduced Scott Cody from SNHMC.

Mr. Auger presented the proposed site plan. He described the existing conditions of both properties and the surrounding lots. They are proposing to raze the residence at 2 John St, combine it with the landscaping area at 21 East Hollis St, and construct a 30-space parking lot. He indicated other site improvements as a result of the plan. He outlined stormwater management and additional ADA parking spaces. This project was previously approved in 2016, but never implemented.

Mr. Auger said this site is in the Mixed Use overlay district, which requires a site plan suitability report. He provided a detailed explanation of the report for the Board.

Mr. August said there are three stipulations, which they have no issue with. They believe this land is being developed in a responsible manner.

Mr. LeClair asked about the lighting.

Mr. Auger indicated the lighting locations and design.

Mr. Weber said they are putting a lot more trees in, and that is a great thing. He asked how many electric car chargers the hospital incorporates.

Mr. Auger said he doesn't know.

Mr. Weber said this isn't a stipulation. The hospital has a lot of parking lots and a large parking garage. There are more and more electric vehicles coming out, and he thinks it would be a good idea to look into that to help their customers out. The parking garage would probably be the best location.

Scott Cody, Southern NH Medical Center

Mr. Cody said they do not have any at this time, but it is currently under discussion.

Mr. Bollinger asked if this was dead end parking. If there were no parking spaces, would he have to back all the way out? Is there any potential for connection to the north side?

Mr. Auger said the end of the lot has a 30-ft drive aisle width, which gives more room to turn around.

Mr. Bollinger asked if it would have been worth losing a few spaces to connect to the drive aisle to the north?

NCPB

March 4, 2021

Page 11

Mr. Auger said that gives them a snow storage area, and helps them maintain the one-way traffic flow.

Mr. Bollinger said having to back up for 150-ft would make for a more consternated visitor.

SPEAKING IN OPPOSITION OR CONCERN

None

SPEAKING IN FAVOR

None

Mr. Sullivan proposed a change to the recommended stipulations of approval, and described the new wording.

PUBLIC MEETING

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

MOTION by Mr. Weber to approve New Business - Site Plan A21-0016. It conforms to §190-146(D) with the following stipulations or waivers:

1. Prior to the Chair signing the plan, all comments in an e-mail from Engineering, dated March 2, 2021 will be addressed to the satisfaction of the Division of Public Works, including the applicant agrees to work with the DPW to evaluate possible alternatives in providing ADA pedestrian crossings at the John and Dearborn Street intersection.
2. Prior to the issuance of a building permit, the lots shall be merged.
3. Prior to any work and a pre-construction meeting, a financial guarantee shall be approved.

SECONDED by Mr. Pedersen

MOTION CARRIED 7-0

A21-0007 Residence at Riverfront Landing Limited Partnership (Owner) Renaissance at Nashua, LLC (Applicant) - Application and acceptance of proposed site plan amendment to NR1975 to amend a condition of approval. Property is located at 9 Bancroft Street. Sheet 40 - Lot 50. Zoned "GI/MU" General Industrial/Mixed Use. Ward 7.

NCPB

March 4, 2021

Page 12

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

SECONDED by Mr. Varley

MOTION CARRIED 8-0

Atty. Andy Prolman, Prunier & Prolman PA, 20 Trafalgar Sq, Nashua NH

Atty. Prolman introduced himself as representative for the applicant. He introduced Ryan Porter as well. They are seeking to amend a condition of approval from the previous Board approval of Phase I in 2016. As they were going through the design process, they found that D Street intersection needed a traffic signal. They agreed to wait three years to see if the temporary traffic signal at D Street would need to become permanent.

Atty. Prolman said that the deadline is August 2021, and they still don't know how the NHDOT design of the Taylor Falls "X" intersection nearby will affect the D Street intersection. They understand that work is anticipated to start in 2022-2023, but they don't know if the D Street intersection will come into play. They are asking for the Board to further push out that condition for another 4 years.

Mr. Weber asked Engineering how much of the \$150,000 escrowed would go towards the intersection completion, or if it has been addressed.

Mr. Hudson said he is not sure. The amount of money they are holding is probably suitable at this point.

Mr. Weber asked if they are amenable to work with Engineering on the cost factor if there is an increase in construction costs.

Ryan Porter, Renaissance Downtown at Nashua

Mr. Porter said when they did the original condition they did an escalation of the costs until August 2021. In his experience he doesn't believe there will be a material escalation between that date and the date they are looking to push it to. He would be happy to have a conversation.

Mr. Weber said he has been on the Board since Phase I, and that they have done a good job with it. He thanked Mr. Porter.

NCPB

March 4, 2021

Page 13

Ms. Harper asked the difference between the temporary and permanent equipment.

Mr. Hudson explained the capabilities of permanent signals.

Mr. Weber asked if the intersection would have a camera.

Mr. Hudson said that is a newer technology they move to as they upgrade signals. He explained the benefits, and said they would be looking for that in a new installation.

Mr. Pedersen said they are looking at another application related to this which would dramatically change the traffic in the area. Whatever information they gather regarding this particular light would change after Phase II is completed.

Mr. Bollinger asked why they are extending this. Are they waiting for the state to improve the nearby X intersection and pay for this signal? Or are they waiting for the state to say a signal is not necessary? Furthermore, if the state intends to break ground in 2022, he doesn't know why there isn't a more definitive answer at this point.

Atty. Prolman said they don't know what the NHDOT design is going to be. They have been in touch with the lead engineer, and they were advised that this piece of the design has not come into play yet. Economic Director Tim Cummings said he expects construction will not start until late 2022, or even 2023. Because the design has not yet been worked out, they saw it as a waste of time and money to install a permanent signal if the NHDOT says it's not necessary. The money is there if they need it down the road.

Mr. Porter said they are not trying to insinuate that NHDOT is going to pay for it. They just don't know whether the final design will necessitate a signalization. The recommendation of 4 years came from conversations with city staff.

Mr. Bollinger said as much as the lead engineer wants to be proactive, that project is driven by NHDOT. He recommends they reach out to NHDOT directly.

Mr. Porter said a lot of the reason that intersection is being reworked is because of Renaissance. He agreed to reach out.

NCPB

March 4, 2021

Page 14

Ms. Harper asked where the closest signalized crosswalk is. She is concerned about the number of pedestrians that could be coming to and from the project, and their safety.

Mr. Porter said they have the same concerns, especially since this project was developed with the hope of rail service in the area for the future. Because of where the railroad tracks are and how close that is going to be to the new designed intersection, there isn't enough space to locate a crosswalk. What they have been told is that the current designs for the Taylor Falls intersection is there will be crosswalks included.

SPEAKING IN OPPOSITION OR CONCERN

None

SPEAKING IN FAVOR

None

Ms. McGhee provided clarification on the proposed stipulation.

PUBLIC MEETING

Mr. LeClair closed the public hearing and moved into the public meeting. He summarized the discussion. He agreed that anything they try to put in right now would have to be changed at a later date, so he doesn't want to attempt any permanent solution right now. The applicant is going to have to hold onto the \$150,000 for this project right now. If they want to request more they will need to request a specific number.

Mr. Weber said he isn't asking for more.

Mr. Bollinger asked if there is a legally defined time period where the funds could be held in escrow.

Mr. Sullivan said the funds are being held outside of the city, but he is not aware of any restrictions on city accounts. He said there is a six year limit on the impact fee expenditures, but he isn't aware of any specific restriction in this case that would cause an issue.

MOTION by Mr. Varley to approve New Business - Site Plan A21-0007. It conforms to §190-146(D) with the following stipulations or waivers:

1. Developer shall maintain an escrow account of no less than \$150,000 to convert the temporary traffic signal at Bridge and D Streets to a permanent signal. If it is determined by the City that a full turning movement intersection solution at Bancroft Street and Bridge Street cannot be constructed four years from the date of approval for this modification, the developer shall turn the temporary signal at "D" Street and Bridge Street intersection into a permanent signalized intersection at their cost.

SECONDED by Mr. Hirsch

MOTION CARRIED 7-0-1 (Bollinger abstained)

A20-0157 City of Nashua (Owner) Renaissance at Nashua, LLC (Applicant) - Application and acceptance of proposed site plan to construct 3 buildings consisting of 170 residential units, café, fitness center, and associated site improvements. Property is located at 40 Bridge Street and 10 Sanders Street. Sheet 39 & 40. Lots 32 & 37. Zoned "GI/MU" General Industrial/Mixed Use. Ward 7.

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

SECONDED by Mr. Weber

MOTION CARRIED 8-0

Ryan Porter, Renaissance Downtown at Nashua, 1044 New York Ave, Huntington Station, NY

Mr. Porter introduced himself as partner and principle for this application. He provided a brief background of the Renaissance project.

Mr. Porter indicated the full scope of the project and surrounding properties. He provided history on Phase I and the original master plan. The occupancy rate of the Phase I development has been 98%.

Mr. Porter outlined the proposal for Phase II, which is the former Johns Manville site. They are proposing a mix of three 5-story buildings, with a club house, fitness area, and cyber café. This design helps make Sanders St a more walkable area, with parking to the rear. There will be a 500-sqft commercial space at the intersection of Bridge St, which they hope to attract a convenience based retailer to. They also propose to build a new bus stop for transit in this area.

Mr. Porter said they are proposing 177 units, with a mix of 1-bedroom, 2-bedroom, and studio apartments. They are providing the requisite amount of parking. They are requesting waivers materially consistent with Phase I, as detailed in the staff report.

Brian Petinskis, Project Engineer, McFarland Johnson

Mr. Petinskis addressed specific site elements. He described stormwater management, which will provide full treatment onsite. He outlined utilities. They have provided a traffic plan to the Traffic Dept., which was approved. They requested dedicated turning lanes to alleviate backups on Sanders St, and Bridge St. He addressed lighting and landscaping, which will match Phase I to remain consistent.

Mr. Petinskis described all of the waivers requested in detail.

Mr. Porter presented a plan showing the open space provided by this proposal, which will include an art walk and a dog park. He detailed both private and public amenities in detail. He showed the Board a series of renderings showing what the development would look like.

Mr. LeClair asked about the parking along Sanders Street, and if it would be overnight parking.

Mr. Porter said they had a lot of back and forth during Phase I about the right of way, and they still have to go through the right of way process.

Bob Simons, SMC Management, 100 Gayland St, Watertown MA

Mr. Simons said the spaces on Bancroft St are part of the count for the whole project.

Mr. Porter said they are overnight.

Mr. LeClair asked if it's a public street.

Mr. Porter said yes.

Mr. LeClair asked staff how they would handle overnight parking on a public street.

Mr. Sullivan asked the applicant if a lease of these spaces was contemplated. That would be the mechanism for that.

NCPB

March 4, 2021

Page 17

Mr. Porter they have done a lot of easements for Phase I, which may happen here. They will have to do several easements with the city for this project, including for the bus stop.

Mr. Sullivan said the reason this might not be an easement is that they are relying on these spaces to meet the parking requirements. It's going to have to be dedicated to this use. A lease and potentially a public easement may need to be worked out.

Mr. LeClair said he has no issue with it, but it is an oddity. It will have to be consistent.

Atty. Andy Prolman, Prunier & Prolman PA, 20 Trafalgar Sq, Nashua NH

Atty. Prolman said his recollection with Phase I was a Bancroft St maintenance agreement between the applicant and the city. He suggests they do the same here.

Mr. LeClair said it would need to be worked out together. He asked if arrangements will be made now for the utilities in Phase III and IV so they don't have to cut into Bridge St again.

Mr. Petinskis said they will extend the gas and electric main to the end of the street, and the water main is already there. They don't see any issues.

Mr. LeClair asked the status of Phase III.

[Unknown] said they had a cooperation agreement in place with the abutter, but he has yet to agree to anything. They continue to work with the owner. The ultimate goal was to keep a lot of his commercial operations. Unfortunately he can't make any promises.

Mr. LeClair asked if there is no moving forward on the Army Corp area right now.

[Unknown] said yes, unfortunately.

Mr. Pedersen asked if the Bancroft St agreement included winter snow removal.

Atty. Prolman said he believed it did.

Mr. Pedersen asked about Phase I and the asbestos berm they mentioned.

NCPB

March 4, 2021

Page 18

Mr. Porter said yes. The berm was originally built out of asbestos. From an environmental perspective they have done extensive investigations on both sites, and to their surprise they found only one spot of contamination near Sanders St that will have to be remediated. The city did a very good job of cleaning the site up after it took over.

Mr. Varley referred to an email from the Traffic Engineer, which also requested the construction of a signalized crosswalk. Is that something they are working out with the city?

Mr. Porter said they have gone through two or three rounds of comments with staff, and this came in a week ago. They would love to put a crosswalk in, but they can't find the place. The proximity to the railroad track and fire entrance, as well as turning lanes makes no safe place for pedestrian crossings. Once the Taylor's Fall Bridge is constructed, the NHDOT will have pedestrian crossings.

Mr. Varley asked what the stacking volume is for the left turning lane on Bridge St.

Mr. Petinskis said the peak hour is going to have 22 cars per hour, and the turning lane has capacity for 4-5 cars.

Mr. Weber asked if the painted arrows will be thermo-plastic paint.

Mr. Porter said yes.

Mr. Weber asked if they would be enclosing the "A" amenity area would be enclosed, due to its proximity to the street.

Mr. Porter said they were not planning on that because they want direct connectivity to the sidewalks. They can look into it.

Mr. Weber asked if they have any dedicated spaces for ride-sharing services.

[Unknown] said they don't, but they do have electric charging stations. They are overnight stations, but they don't charge for them.

A brief discussion of electric cars ensued.

Mr. Pedersen asked if the Nashua Fire Department gave a definitive approval on the site layout.

NCPB

March 4, 2021

Page 19

Ms. McGhee said there is a letter in the packet containing their conditions of approval. They were ok with this project going forward.

Mr. Bollinger asked if there was any potential for street widening along Bridge St, or if this is a universal left turning center lane.

Mr. Porter said this is a left turning center lane. It would be minimal.

Mr. Bollinger asked if any of the offsite improvements are tied into the NHDOT project. Is the two way left turning lane a function of whether or not the project happens.

Mr. Porter said it will function as its own entity. They did take that traffic model into account, so they are using the correct volumes.

Mr. Bollinger said even though it's a separate entity, they are within the area of influence. He doesn't want them to construct them and then have to tear it up in a year.

Mr. Porter said they will reach out to NHDOT.

Mr. LeClair asked who owns the land for Phase IV.

Mr. Porter said some of it is owned by the abutter, Steve Bonnette, and some of it is owned by the railroad. This was always planned to be more of a "for sale" townhome project. This is hopefully the direction they will move in.

Mr. LeClair asked if the railroad land is not super developable by itself.

Mr. Porter said no. They were trying to not be reliant on the railroad as much as possible.

Mr. Weber provided a suggestion of how a blinking light would help a crosswalk, and referred to Rivier College. A brief discussion ensued.

SPEAKING IN OPPOSITION OR CONCERN

None

NCPB

March 4, 2021

Page 20

SPEAKING IN FAVOR

Letters of Support from: Economic Development Director Tim Cummings, and the Business & Industrial Development Authority

Mr. Sullivan said he is concerned about the lack of framework for an agreement on Sanders Street. He wants to make sure they have the right mechanism in place for a condition of approval. He thinks they need something to dedicate these spaces to the development.

Mr. LeClair asked how close they are for parking.

Mr. Porter said one space.

Mr. Weber asked if this is something NHDOT would handle, or the city.

Mr. Sullivan said the city.

Mr. LeClair said there's no overnight parking on the street. There has to be some kind of mechanism for them to be counted.

Mr. Varley asked if there are any other situations like this in city to compare to this.

Mr. LeClair said School St would be similar, as well as the parking garage.

Ms. Harper said some sort of maintenance agreement would be a good idea for this street.

Mr. Varley said it puts obligation on the applicant to maintain it, but it doesn't address the issue of who has the rights to the parking spaces. They may need something to affirmatively dedicate the spaces to this development

Ms. Harper said perhaps both.

Mr. Sullivan said this isn't a barrier to approval. He thinks they need to figure out what the right mechanism is. It is a public street and the public would have the right to park there

Mr. Varley said they could condition that the applicant and city would agree to work together towards an end result

NCPB

March 4, 2021

Page 21

Atty. Prolman suggested that they replicate the agreement from Phase I and Bancroft St, and that whatever they draft up would be reviewed by Legal Counsel

Ms. Harper asked if these are public parking spots, how can they be included in the parking plan.

Mr. LeClair said they would have to be dedicated. They have done this in the past with projects next to city garages.

Mr. Pedersen asked where they would put the cars during a snow storm, and whether the Fire Dept. is ok with the street being lined with cars.

Mr. LeClair said the Fire Dept. has reviewed the plan.

Mr. Simons said there is a Bancroft St use and access agreement, which lays out the roles and responsibilities. He expects they would execute something like this here.

Mr. LeClair said they could stipulate that process gets done here.

Mr. Weber said the roadwork would be porous, and asked if that would be maintained by the applicant.

Mr. LeClair said the applicant would have to take care of it.

Mr. Bollinger asked if they considered discontinuing the public right of way, considering that this is everything but doing that. This is effectively turning Sanders St into a private driveway.

Mr. Porter said unfortunately when you discontinue a right of way legally, the road is split in half between the abutters. Half of the street would be owned by abutter Steve Bonnette, which might mean they couldn't do the project.

Mr. Pedersen asked if Phase IV can't be done until the Bonnette property is acquired.

Mr. Porter said it wouldn't be an acquisition condition, because they have approached this as a partnership. It's up to Mr. Bonnette to move forward.

Ms. McGhee provided clarification on the dates contained in the recommended stipulations.

PUBLIC MEETING

Mr. LeClair closed the public hearing and moved into the public meeting. He summarized the discussion. He said it is good to see the next phase of this project, and looks forward to seeing it continue.

Mr. Varley agreed. Phase I turned out very well, and he is interested in seeing Phase II.

Mr. Pedersen said he likes the concept. Phase I turned out well and Phase II looks nice. He is concerned that they are trying to become a multi-modal society, and this isn't pedestrian friendly. They can't even cross the street. However, they need housing and this looks like a nice place to live.

Mr. Bollinger agreed with Mr. Pedersen. He said the NHDOT project will have an opportunity for public comment, so that may be an opportunity to bring up those concerns. He has no particular issues with this proposal, but because of possible funding situations involving this application he will abstain from voting.

Mr. Weber said one of the things the Nashua Regional Planning Commission encourages is complete streets. He thinks that is what they will be doing in the next project. He thinks this is really clean, and looks forward to seeing the rest of this.

Mr. Pedersen asked if the city has a bus stop in this area.

Mr. LeClair said one has been built, but he doesn't know if the city has included it in the route.

Mr. Sullivan said a bus stop is included in this proposal. The applicant has worked with Transit closely throughout this process, so they hope to include this in their network.

MOTION by Mr. Varley to approve New Business - Site Plan A20-0157. It conforms to §190-146(D) with the following stipulations or waivers:

1. The request for a waiver of § 190-193(A), which sets minimum dimensional requirements for parking spaces, 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 § 190-208(B)(2) which requires granite slope curbs on each side of the street and (C) which requires roadway width of 28' 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(EF), which requires an existing conditions plan, is granted, finding that the waiver will not be contrary to the spirit and intent of the regulation.
4. The request for a waiver of § 190-279(CC) for an Alteration of Terrain permit from New Hampshire Department of Environmental Services in lieu of a stormwater management report, is granted, finding that the waiver will not be contrary to the spirit and intent of the regulation. This is to include both the private road and Bancroft Street.
5. Prior to the Chair signing the plan, the lots shall be merged.
6. Prior to the Chair signing the plans, all comments in an e-mail from Mark Rapaglia, Inspector/Investigator dated February 3, 2021 shall be addressed to the satisfaction of the Fire Marshal's Office
7. Prior to the Chair signing the plan, all addresses will be shown on the plan.
8. Prior to the Chair signing the plan, all comments in an e-mail from Joe Mendola, Street Construction Engineer dated November 24, 2020 shall be addressed to the satisfaction of the Division of Public Works.
9. Prior to the Chair signing the plan, all comments in an e-mail from Wayne Husband, P.E., Senior Traffic Engineer dated February 25, 2021 shall be addressed to the satisfaction of the Division of Public Works.
10. Prior to the Chair signing the plan, minor drafting corrections will be made.
11. 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.
12. Prior to any site disturbance, the Alteration of Terrain and Shoreland Permit for the project shall be approved.
13. Prior to any work and a pre-construction meeting, a financial guarantee shall be approved.
14. Prior to the issuance of a building permit, the electronic copy of the plan will be submitted to the City of Nashua.

15. Prior to the issuance of the first building permit, all easements and stormwater documents will be submitted to City for review and approval and recorded at the Registry of Deeds at the applicant's expense.
16. Prior to the issuance of a Certificate of Occupancy, an easement will be given to the City for the bus stop and sidewalk for review and approval and recorded at the Registry of Deeds at the applicant's expense.
17. Prior to the issuance of the first 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.
18. Prior to the issuance of the final Certificate of Occupancy, an as-built plan locating all roads, driveways, units, buildings, 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.
19. Prior to the issuance of the final Certificate of Occupancy, all off-site and on-site improvements will be completed.
20. Prior to the issuance of the first Certificate of Occupancy, the applicant and City shall reach an agreement on the Use and Access Easement for Sanders Street and shall be approved by Corporation Counsel.

SECONDED by Mr. Weber

MOTION CARRIED 7-0-1 (Bollinger abstained)

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

SECONDED by Mr. Pedersen

MOTION CARRIED 8-0

DISCUSSION ITEMS

NRPC Workshops: Mr. Weber said there are a number of Nashua Regional Planning Commission workshops coming up. He explained the benefits behind electric buses.

Transportation Planning: Mr. Sullivan led a discussion regarding upcoming transportation projects and recommended they invite Transportation and Long Term Planner Julie Chizmas to speak.

Nashua Landing: Mr. LeClair told Board members to expect a site walk for this upcoming project. The Board discussed potential traffic impact.

MOTION to adjourn by Mr. Weber at 10:24 PM

MOTION CARRIED 8-0

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