

NASHUA CITY PLANNING BOARD
March 7, 2019

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

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

Also Present: Roger Houston, Planning Department Manager
 Scott McPhie, Planner I

Approval of Minutes

February 7, 2019 - regular minutes

MOTION by Mr. Dookran to approve the regular minutes of the February 7, 2019 meeting, as amended.

SECONDED by Mr. Pedersen

MOTION CARRIED 5-0-1 (LeClair abstained)

COMMUNICATIONS

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

- Minor corrections to grading plan re: Case #2
- Revision of staff recommended stipulations and email from Gene Porter re: Case #5
- Correspondence to postpone Case #6 to September 12, 2019
- Capital Improvements packets

REPORT OF CHAIR, COMMITTEE & LIAISON

None

PROCEDURES OF THE MEETING

Mr. LeClair went into the procedure of the meeting as follows: After the legal notice of each conditional, special use permit, site plan or subdivision plan is read by the Chair, the Board will determine if that the application is complete and ready for the Board to take jurisdiction. The public hearing will begin at which time the applicant or representative will be given time to present an overview and description of their project. The applicant shall speak to whether or not they agree with recommended staff stipulations. The Board will then have an opportunity to ask questions of the applicant or staff.

The Chair will then ask for testimony from the audience. First anyone wishing to speak in opposition or with concern to the plan may speak. Please come forward to the microphone, state their name and address for the record. This would be the time to ask questions they may have regarding the plan. Next public testimony will come from anyone wishing to speak in favor of the plan. The applicant will then be allowed a rebuttal period at which time they shall speak to any issues or concerns raised by prior public testimony.

One public member will then be granted an opportunity to speak to those issues brought by the applicant during their rebuttal period. The Board will then ask any relevant follow-up questions of the applicant if need be.

After this is completed the public hearing will end and the Board will resume the public meeting at which time the Board will deliberate and vote on the application before us. The Board asks that both sides keep their remarks to the subject at hand and try not to repeat what has already been said.

Above all, the Board wants to be fair to everyone and make the best possible decision based on the testimony presented and all applicable approval criteria established in the Nashua Revised Ordinances for conditional, special use permits, site plans and subdivisions. Thank you for your interest and courteous attention. Please turn off your cell phones and pagers at this time.

OLD BUSINESS - CONDITIONAL/SPECIAL USE PERMITS

None

OLD BUSINESS - SUBDIVISION PLANS

None

OLD BUSINESS - SITE PLANS

None

NEW BUSINESS - CONDITIONAL/SPECIAL USE PERMITS

None

Mr. LeClair said that Case #5 will be heard first, after which the Board will continue with the remainder of the Agenda.

NEW BUSINESS - SITE PLANS

5. City Of Nashua (Owner) - Application and acceptance of proposed site plan to reconstruct existing boat ramp, add gravel parking and build a new gravel access road. The property is located at L Concord Street. Sheet 48 - Lot 3. Zoned "RA" Urban Residence. Ward 3.

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

SECONDED by Mr. Reppucci

MOTION CARRIED 6-0

Sarah Marchant, Director of Community Development Division

Ms. Marchant introduced herself and Kevin Gagne to the Board. Ms. Marchant showed a brief presentation to the Board to outline the proposal.

This project is a city led effort to improve the boat launch located on the Merrimack River in Greeley Park. The boat launch is accessed by Hills Ferry Rd, instead of by what people traditionally think of as Greeley Park. In 2016 they successfully applied for a grant from the land and water conservation fund for a total of \$200,000.00, with a 50% match from the city. As part of the project they have reached out to the surrounding neighborhoods and Lower Merrimack River Local Advisory Committee (LMRLAC) and other organizations.

The goals are to resurface and regrade the boat ramp, relocate the stormwater outfall pipe, develop a parking area, provide emergency access to the Merrimack River for Police and Fire departments, improve accessibility for all users, improve and reroute the access road, improve safety, and maintain the natural aesthetic. The proposal includes all gravel surfaces, and there will be no lights or nighttime activity.

Kevin Gagne, Project Manager, Stantec

Mr. Gagne introduced himself to the Board. He presented a diagram of the proposed design. He said that the proposal fully utilizes the existing developed area, and creates a new direct access road. The current driveway will be blocked off from vehicle traffic, partially reseeded, and left as a walking trail. The parking area will include 12 "cartop" and 12 trailer spaces, including van accessible spots. The drainage will follow the existing pattern as close as possible, with some regrading for ADA accessibility. Traffic circulation will be clockwise and user-friendly, with angled spaces. The boat launch will feature an ADA accessible pre-loading platform. The only impact to the wetland buffer is for the construction of the ramp itself.

The applicant is requesting three waivers. The first waiver is from NRO § 190-282(B)(9) which requires the plan to depict physical features within 1,000 feet of the site. Mr. Gagne said that no abutters are within any reasonable footprint of the proposal. The second waiver is from NRO § 190-198, which establishes certain parking lot standards. Mr. Gagne said they are designing this boat launch to the same standard practices for boat launch sites all across the state. The third waiver would be from both NRO § 190-215(A) & (B), and NRO § 190-217 both of which establish certain stormwater standards. Mr. Gagne said rain falling right alongside the ramp and directly into the swales will be difficult to treat before it reaches the river. Also, runoff flows will not be affecting downstream parcels before flowing directly into the Merrimack River, so one section of the ordinance does not apply. Finally, they will be creating a Stormwater Operation and Maintenance plan as part of the state Alteration of Terrain permit, so they are requesting a waiver from submitting it as part of this application. The applicant agrees to all stipulations as outlined in the staff report.

Mr. Weber asked if the parking lot will handle a truck and a boat trailer.

Mr. Gagne said absolutely. The trailer parking spots will handle a fire truck, which is much larger. The turning radius and aisle widths were designed with this in mind.

Mr. Weber asked if trucks would be able to park easily.

Mr. Gagne said yes, they would. He has been designing boat launches for the state Fish and Game Department since 2002, and this will be using the same design standards as state boat launches.

Mr. Weber asked if there would be any subcontractors doing the work besides the city.

Mr. Gagne said yes, the project would put out a bid for construction.

Mr. Weber asked if there would be a clerk of the works.

Ms. Marchant said the city will do some of the work and bid out some of the work. They will monitor construction.

Mr. Weber said that there are a lot of engineered aspects of the project that need to be done correctly.

A brief discussion of the stipulations ensued.

Ms. Marchant said as part of requests from the neighborhood, there will be natural boulders placed in areas along the new access road to deter motorists from driving off the road and into the woods. In addition, they are proposing new signage to help direct boaters more effectively to the launch.

SPEAKING IN OPPOSITION OR CONCERN

None

SPEAKING IN FAVOR

Francis Murphy, 72 Berkeley St, Nashua NH

Mr. Murphy enthusiastically endorses the project. He is here speaking as a current user of the ramp, a member of the LMRLAC, a member of Friends of Greeley Park. He said that this boat launch is a forgotten jewel of the city. He praised Ms. Marchant's outreach efforts to the community. He hopes that the boulders will help curtail damages by off-road vehicles and decrease onsite dumping. He endorsed the letter in tonight's

Planning board packet from Gene Porter of 77 Concord Street of the Lower Merrimack River Local Advisory Committee (LMRLAC), Nashua NH

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

Mr. Weber thanked Ms. Marchant for her hard work on the project.

MOTION by Mr. Reppucci to approve New Business - Site Plan #5. It conforms to § 190-146(D) with the following stipulations or waivers:

1. The request for a waiver of § 282 (B) (9) which requires one to show all existing features within 1000-feet for new subdivisions, is granted, finding that the waiver will not be contrary to the spirit and intent of the regulation.
2. The request for a waiver of NRO § 190-198, which establishes certain parking lot standards, is granted, finding that the waiver will not be contrary to the spirit and intent of the regulation.
3. The request for a waiver of NRO § 190-215(A) & (B), & 190-217 which establish certain stormwater standards, is granted, finding that the waiver will not be contrary to the spirit and intent of the regulation.
4. All comments from an e-mail from the Nashua Fire Department, dated February 4, 2019 will be addressed to the satisfaction of the Fire Department.
5. Signage will be posted stating "No Parking" on the new street and along the road connecting the boat ramp area.
6. All Zoning Board of Adjustment conditions of approval are incorporated herein and made part of this approval.
7. Prior to the Chair signing the plan, minor drafting corrections will be made.

SECONDED by Mr. Weber

MOTION CARRIED 6-0

NEW BUSINESS - SUBDIVISION PLANS

1. GIMAK Properties, LLC (Owner) - Application and acceptance of proposed two lot subdivision. Property is located at "L"

Chautauqua Avenue. Sheet 62 - Lot 121. Zoned "RB" Urban Residence. Ward 4.

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

Michael Ploof, Project Engineer, Fieldstone Land Consultants,
206 Elm St, Milford NH

Mr. Ploof introduced himself to the Board as representative for GIMAK Properties. He gave an overview of the lot and proposed subdivision. He described the dimensions of the new lots, as depicted on the plan. The residential homes will be serviced by City sewer and water. He said there is a minor typographical error on sheet 2 of the plans; there should be 3-ft on either side of the trench for backfilling. They have no problems correcting that detail.

The applicant is requesting two waivers. The first waiver is from NRO § 190-282(B)(9) which requires the plan to depict physical features within 1,000 feet of the site. They have shown features 300-ft from the lot, and feel that showing 1,000-ft would not contribute much information to the plan. The second waiver is from NRO § 190-208 (E)(5) which requires a vehicle turnaround area be created if the dead end street exceeds 750-feet in length. Mr. Ploof said that this is a pre-existing dead end street. The applicant agrees to all stipulations as outlined in the staff report.

Mr. LeClair asked if he has reviewed comments from the City Engineer, in a letter dated January 30th, 2019.

Mr. Ploof said that they have no issues with the two requests.

Mr. Weber proposed a stipulation that the applicant shall enlist the services of a registered professional engineer or land surveyor to review the as-constructed condition of the engineering site plan aspects, including but not limited to, site grading, soil retention systems, and drainage systems (as applicable). Applicant shall submit, prior to issuance of a Certificate of Occupancy, a stamped engineer/surveyor construction control affidavit stating that as-constructed

conditions are in conformance with the approved site plan.

Mr. Ploof said that they agree to the stipulation.

Mr. Reppucci asked if that would apply only to site conditions not covered by building permits.

Mr. Weber said that is correct.

Mr. Dookran said that in the waiver request NRO § 190-208 (E)(5), the road is 34-ft longer than the 750-ft minimum. But their waiver form also mentions a financial hardship. Is the waiver because the length is not much more than the minimum, or because it is a financial hardship?

Mr. Ploof said he thinks it would be difficult to fit a turnaround in at the end of the road as well. It would be a financial hardship to rework the whole area in order to create space for one.

SPEAKING IN OPPOSITION OR CONCERN

None

SPEAKING IN FAVOR

None

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

Mr. LeClair asked if correcting the typographical error in regards to backfill had to be stipulated.

Mr. Dookran said it was required by city ordinance. He said that there was a plan approved previously with a lesser requirement. Fixing the issue is covered under Stipulation #4.

MOTION by Mr. Weber to approve New Business - Subdivision #1. It conforms to § 190-138(G) with the following stipulations or waivers:

1. The request for a waiver of § 282 (B)(9) which requires one to show all existing features within 1000-feet for new subdivisions, 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 (E)(5) which requires a

- vehicle turnaround area be created if the dead end street exceeds 750-feet in length but waived for existing dead end streets of record, 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 an electronic file of the subdivision plan shall be submitted to the City of Nashua.
 4. Prior to the chair signing the plan, all minor drafting corrections will be made.
 5. Prior to the issuance of a building permit, all comments in a letter from Peter Kohalmi dated January 30, 2019 will be addressed to the satisfaction of the Engineering Department.
 6. Prior to the issuance of a building permit a pre-construction meeting shall be held.
 7. Prior to the issuance of a certificate of occupancy, all site improvements shall be completed.
 8. Any work within the right-of-way shall require a financial guarantee.
 9. Applicant shall enlist the services of a registered professional engineer or land surveyor to review the as-constructed condition of the engineering site plan aspects, including but not limited to, site grading, soil retention systems, and drainage systems (as applicable). Applicant shall submit, prior to issuance of a Certificate of Occupancy, a stamped engineer/surveyor construction control affidavit stating that as-constructed conditions are in conformance with the approved plan.

SECONDED by Ms. Harper

MOTION CARRIED 6-0

2. Jeffrey E. Smith, Trustee of the Jeffrey E. Smith Revocable Trust (Owner) - Application and acceptance of proposed two lot subdivision. The property is located at 75 Hills Ferry Road. Sheet 56 - Lot 11. Zoned "RA" Urban Residence. Ward 3.

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

SECONDED by Mr. Pedersen

MOTION CARRIED 6-0

Richard Maynard, Project Engineer, Maynard & Paquette
Engineering Associates Inc, 31 Quincy St, Nashua NH

Mr. Maynard introduced himself to the Board as representative for owner and applicant Jeffrey Smith. He gave an overview of the lot and proposed subdivision. He described the dimensions of the new lots, as depicted on the plan. On November 27th, 2018, the Zoning Board of Adjustment granted variances from minimum lot area and width for one of the two proposed lots. The new lot will be addressed 77 Hills Ferry Rd. Drainage for the new lot will be served by one leaching catch basin. The soils in the area are Windsor sand and gravels, and considered to be excessively well drained.

The applicant is requesting three waivers. The first waiver is from NRO § 190-221(C), which requires underground utilities for new subdivisions. The second waiver is from NRO § 190-282(B)(9) which requires the plan to depict physical features within 1,000 feet of the site. The third waiver is from NRO § 190-212(A)(1), which requires that a sidewalk be located on at least one side of the street. The applicant agrees to make a contribution of \$3,150.00 in lieu of constructing a sidewalk on Smithfield Terrace, since a sidewalk already exists on Hills Ferry Rd.

Mr. LeClair asked if the utilities on surrounding lots are overhead, versus underground.

Mr. Maynard said yes. This is a well-established area of the city.

Mr. Weber asked if most of the trees will be removed.

Mr. Maynard said most likely. On the perimeter if there is something to save they will, but the house will be taking up a lot of the buildable area.

Mr. Weber asked about the rear of the property. He expressed the concern of trees falling on the house.

Mr. Maynard said there won't be many left. He doesn't see any danger of trees falling onto the house.

Mr. Weber asked how close the closest sidewalk is.

Mr. Maynard said across the street.

Mr. Weber asked why they are contributing towards the sidewalk fund then.

Mr. Maynard said the property is a corner lot, and the current interpretation of the sidewalk ordinance says they have to contribute because Smithfield Terrace has no sidewalk.

Mr. LeClair asked if he reviewed the comments by City Engineer.

Mr. Maynard said that he has, and has no issues with them.

Mr. Dookran asked if when he referred to the property being surrounded by overhead utilities, if he was excluding Smithfield Terrace. Doesn't Smithfield Terrace have underground utilities?

Mr. Maynard said it does, but Hills Ferry St is all overhead.

SPEAKING IN OPPOSITION OR CONCERN

None

SPEAKING IN FAVOR

None

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

Mr. Reppucci asked if they covered this unique scenario of sidewalk distribution in their last sidewalk workshop. The only part of the property that is changing is on the side with sidewalks. Does the applicant need to contribute?

Mr. Weber agrees with Mr. Reppucci, since the new lot already has sidewalk across the street. He is inclined to take that contribution off.

A brief discussion of the previous interpretation ensued.

Mr. McPhie clarified that the current interpretation removes the 18-ft for a driveway, but still includes the entire frontage. Since there are sidewalks already on Hills Ferry Rd, the applicant doesn't need to be concerned with that area. But the frontage on Smithfield Terrace still has no sidewalks, and the contribution goes into a fund towards other sidewalks in the vicinity.

Mr. Reppucci said he doesn't want to change the interpretation. He is asking if they considered this scenario when making those decisions.

Mr. McPhie gave an example of a property that had an exception to the rule that the Board had discussed, primarily due to onsite asbestos.

Mr. Reppucci said he would have to go back and review the meeting to see what they discussed.

Mr. Dookran suggested that the only changes they make should make it better for the applicant. If it makes things worse for them, they shouldn't do it.

Mr. Reppucci agreed.

Mr. McPhie said the ordinance directly states all frontage area should be considered.

Mr. Reppucci said he is aware, but when they made a plan of how they would handle this kind of situation, he thought this was a scenario they considered. The ordinance says they can decide.

Mr. Dookran asked Staff how Stipulation #3 would be addressed, if the Board finds later that the fee should be waived.

Mr. Houston said that if the Board adds language into the condition that authorizes Staff to modify it based on the policy, then we could so.

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

1. The request for a waiver of § 190-282(B) 9, which requires physical features on site and within 1,000 feet, is granted, finding that the waiver will not be contrary to the spirit and intent of the regulation.
2. The request for a waiver of § 190-221(C), which requires underground utilities for new subdivisions, is granted, finding that the waiver will not be contrary to the spirit and intent of the regulation.
3. The request for a waiver § 190-212(A) (1), which requires that

a sidewalk be located on at least one side of the street, is granted, finding that the waiver will not be contrary to the spirit and intent of the regulation. The applicant has agreed to make a contribution in the amount of \$3,150.00 in lieu of sidewalk construction pursuant to §190-212(D) (2), payment to be made prior to recording the plan. If the Board finds in further review within seven (7) days of approval that the fee should be waived based on the Board's previous agreement, the Board authorizes the Planning Department to waive the fee.

4. Prior to the Chair signing the plan, all minor drafting corrections will be made.
5. Prior to recording the plan the existing shed will be razed.
6. Prior to recording the plan, all comments in a letter from Peter Kohalmi, P.E. dated February 7, 2019 shall be addressed to the satisfaction of the Engineering Department.
7. Stormwater documents will be submitted to Planning staff for review and recorded with the plan at the applicant's expense.
8. Prior to the issuance of a building permit a pre-construction meeting shall be held.
9. Prior to the issuance of a building permit, an electronic copy of the plan shall be submitted to the City of Nashua.
10. Any work within the right-of-way shall require a financial guarantee.

SECONDED by Mr. Pedersen

MOTION CARRIED 6-0

NEW BUSINESS - SITE PLANS

3. Lofts 34, LLC (Owner) - Application and acceptance of proposed amendment to NR2193 to convert from a 3-family to a 5-family apartment building. Property is located at 12-14 Front Street. Sheet 78 - Lot 68. Zoned "GI/MU" General Industrial/Mixed Use. Ward 3.

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

SECONDED by Mr. Reppucci

MOTION CARRIED 6-0

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

Mr. Zajac introduced himself to the Board as representative for Lofts 34, LLC. He also introduced Chris Lewis, Director of Architecture for Brady Sullivan Properties.

Mr. Zajac gave an overview of the lot. The Greeley House, as it is also known, sits in the General Industrial zone, and the Mixed Use overlay zone allows the Planning Board flexibility in the downtown districts regarding density and dimensional requirements. Parts of the property are located within the Historic District, the 100-yr floodplain, and the 75-ft "prime" wetland buffer associated with the Nashua River. The Greeley House is a two-story structure, which currently houses three residential units. The total building area is approximately 5,000-sqft. On August 10th, 2017, the property gained site plan approval to construct 53 parking spaces to provide overflow parking for the adjacent Lofts 34 residential project. The site also contains approximately 600-ft of Nashua's Riverwalk and a small granite step launch for canoes and kayaks on the river. As part of the 2017 review, the applicant agreed to allocate two parking spots to be used publicly for the launch, and granted the city a pedestrian easement for the Riverwalk.

The current proposal is to add two additional units to the Greeley House, for a total of five residential units. The owner is seeking to renovate the interior to add these units, which would be a mix of 1-3 bedroom units. There will be no increase to the building footprint, and no site improvements are proposed. The majority of the parking spaces onsite will continue to be used as overflow for Lofts 34. The applicant has submitted a Site Plan Suitability Report. On December 17th, 2018 the applicant received positive feedback from the Nashua Historic Commission on the proposed plans. The applicant agrees to all stipulations as outlined in the staff report.

Mr. Dookran said the Staff report requires a minimum of 1.5 parking spaces per unit, and the site plan says one. Is that correct?

Mr. Zajac said that in the mixed use zone there is a minimum 1 parking space per unit requirement.

Mr. Dookran asked if there was an agreement between the two properties to allow for the overflow parking.

Mr. Zajac said the properties are held in common ownership.

Mr. Dookran asked if they sell this property, what instrument do they have that the parking would still be available to Lofts 34?

Mr. Zajac says he doesn't think there is anything in place right now. Lofts 34 can stand on its own for parking, but the owner has actively looked for extra parking space in the past.

Mr. Dookran said they might want to consider it.

Mr. Zajac said he wouldn't speak for Mr. Lewis and his team, but if they did consider selling the parcel they would reserve an easement or a formal right to use the majority of these spaces.

Mr. Weber asked if they had considered adopting a historical easement for future changes to the property.

Mr. Zajac said he doesn't think they considered that.

Chris Lewis, Director of Architecture, Brady Sullivan Properties, 670 North Commercial St, Manchester NH

Mr. Lewis said there has not been considerations for a historic easement. Their intention would be to maintain the property as part of the entire complex of Lofts 34. There is no thought of selling that parcel separately at this time. Putting any such stipulations on the property has not been explored.

Mr. Weber said he didn't want to add any stipulations. He is just considering what this house represents, and he appreciates the work they are doing to preserve the structure.

Mr. Lewis said they have already done work to the landscaping. They plan to repair any exterior issues, but outside of that all of the proposed work is interior.

Mr. Weber asked if they will have a fire suppression system.

Mr. Lewis said they are not required to, but they will have a fire alarm. There will not be a sprinkler system.

Mr. Weber asked if they are doing fire-proof construction instead.

Mr. Lewis said they will be following the requirements of the Building Code. The inside of the building has been altered and the inside is unfortunately not very historic.

Mr. Weber said the Historic District Commission has no jurisdiction over the interior. His only concern is that accidents can happen during construction, and he doesn't want to see the Greeley House burn.

Mr. Lewis agreed. The walls will be rebuilt to current Building Code. Every effort will be taken to meet those requirements.

Mr. Weber asked if they are rewiring the structure.

Mr. Lewis said most likely, because the building code requires each unit to have its own panel.

SPEAKING IN OPPOSITION OR CONCERN

None

SPEAKING IN FAVOR

None

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

MOTION by Mr. Weber to approve New Business - Site Plan #3. It conforms to § 190-146(D) with the following stipulations or waivers:

1. All previous conditions from the March 10, 2017 Planning Board approval letter will apply.
2. Correct the existing City Riverwalk easement by releasing the old easement and creating a new one that accurately defines the Riverwalk pathway and submit the documents to the Planning Department and Corporation Counsel for review and approval and to be recorded at the applicant's expense.
3. Prior to chair signing the plan, minor drafting corrections shall be made to the plan.
4. Any work within the right-of-way shall require a financial guarantee.

SECONDED by Mr. Pedersen

MOTION CARRIED 6-0

4. 49 Harbor Avenue, LLC (Owner) - Application and acceptance of proposed Site Plan to convert first floor from Commercial to 5-unit residential use and associated site improvements. Property is located at 49 Harbor Avenue. Sheet 18 - Lot 22. Zoned "D-3/MU" Downtown Mixed Use. Ward 7.

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

SECONDED by Mr. Reppucci

MOTION CARRIED 6-0

Kyle Worth, Applicant, 443 South Baboosic Lake Rd, Merrimack NH

Mr. Worth introduced himself to the Board. He passed out letters of support from property abutters.

Mr. Worth gave an overview of the property. It is currently owned by an LLC. He and his wife are currently in the process of purchasing the property, and the purchase is contingent on Board approval.

Currently there are ten units upstairs. The first floor of the building is a large vacant commercial space, which has been underutilized for at least the past 8-10 years. Their intention would be to turn that space into an additional 5 residential units. There will be no changes to the footprint of the structure. The applicant shared plans with the Fire Marshal and Building Inspector, and they reviewed the plans. The Fire Department and Building Department had some life safety code questions, but in general gave their support.

The applicant spent two weeks reaching out to neighbors, and several abutters have sent in letters of support.

Mr. LeClair asked about parking.

Mr. Worth said the back of the building has nine preexisting nonconforming parking spaces. Out of the 8 occupied units in the building currently, only 3 of them have vehicles. Since November, they have never seen more than 3 cars in the lot.

Their intention is to market the units to individuals that do not need vehicles despite the fact that there are multiple extra spots there currently. He added that the Downtown-3/Mixed Use zone also exempts them from parking requirements. The bus route is also one block away, and a lot of residents work in the neighborhood. Most of the tenants don't own cars, and it's a good place to live if you don't drive.

Joe Wichert, Land Surveyor, 802 Amherst St, Manchester NH

The applicant is requesting six waivers. The first waiver request is from NRO § 190-272, which requires construction plans. There will be no exterior work, only a renovation of the interior. There are no new construction plans as part of this application. The second waiver is from NRO § 190-274, which requires a landscape plan. The property is almost entirely impervious. Due to the lack of available land space they are not proposing any new landscaping. The third waiver is from NRO § 190-275, which requires a lighting plan. The building has pre-existing lighting, and they are not proposing any new changes. The fourth waiver is from NRO § 190-279(CC), which requires all existing utility lines shown on the plan. They are showing outside utility lines as per the city's GIS. The fifth waiver is from NRO § 190-279(OO), which requires a stormwater report. The site is almost 100% impervious, and they are not doing anything that would change the drainage patterns. The sixth waiver is from NRO § 190-89(A), which requires a traffic study. The applicant believes that the transition of the space from commercial to residential use will have effect of a net decrease on traffic.

Mr. Reppucci asked if they are adding sprinklers.

Mr. Worth said that the building currently has a wet sprinkler on the upstairs existing residential units, and a dry sprinkler in the attic, first floor, and the basement. There would be adjustments to make assure it meets today's life safety code, and the same goes for the fire panel as well.

Mr. Weber asked if they could consider upgrading the exterior at some time in the future.

Mr. Worth said absolutely. He agrees that this building really stands out in the neighborhood, and not in a good way. Their intention immediately would be repainting the exterior, redoing the trim, and replacing the windows on the first floor. They do

not plan any structural changes, but they intend to improve the aesthetics.

Mr. Weber said that would be a big plus for the area.
Mr. Dookran expressed some concern about a collapsing fence on the Bowery St side of the property.

Mr. Worth said that would be part of the project, in addition to cleaning up the trash on the Bowery St sidewalk.

Ms. Harper expressed her excitement of the applicant's plan to revitalize the building.

Mr. Pedersen asked about the location of the dumpster.

Mr. Wichert said that they discussed the location with Staff. The dumpster used to be placed on the Bowery St side, and was moved to East Otterson St for ease of pickup. They plan to screen the north and west side of the dumpster to keep it in that corner and still make pickup viable. Their hope is that if the dumpster can be screened, it will be less of an eyesore for the neighbors.

Mr. Weber asked if they are completely enclosing the dumpster.

Mr. Weichert said they were not looking to, simply because of the tight space. Typically a 4-sided enclosure is on a larger concrete pad, which makes it easier to access. They left the east side open because that is the travel aisle for parking, and they left the south side open because it abuts a parking stall. If necessary, they could look into a rolling or swing gate.

Mr. Weber said he understands the challenges, but if it is visible from the street it needs to be enclosed.

Mr. Wichert said they are trying to make it less visible from the street with the screening.

Mr. Dookran asked what they would do if they had a tenant with a car and no more parking spaces left.

Mr. Worth said street parking during the daytime is permitted. The intention would be to not have more than nine total vehicles for purposes of overnight parking. There's no way to control that except to market the units to people who don't have cars.

Mr. Dookran expressed doubt that nine cars would fit in the parking lot without difficulty.

Mr. Worth said nine is tough. They explored the possibility of making a pull-through onto Bowery St, but didn't want to include that in this application due to time constraints. They do have intentions of looking into it in the near future.

Mr. Dookran said it sounds like a good idea.

SPEAKING IN OPPOSITION OR CONCERN

Milton Maestre, 47 East Otterson Street, Nashua NH

Mr. Maestre approved of the suggestion to improve the building's aesthetic. He is happy to see a new owner. He has concerns about the dumpster and the current trash onsite, and would like to see it cleaned up.

Mr. Maestre said there are options for overnight parking in the area, so long as you move your car before it can be towed.

SPEAKING IN FAVOR

Letters of support from 43, 45, & 46 East Otterson St; and from
52 & 54 Harbor Ave

Mr. Houston said that he received a phone call from the Southern New Hampshire Medical Center, and they wanted to relay that due to their regulations the hospital cannot allow any overnight parking or parking in their lot across the street.

Mr. Dookran asked Staff if this was a site plan with no site changes, because all the requirements are being waived.

Mr. Houston said that most of the requirements that would impact the site have been waived. There's not much to the site. It's in a downtown mixed use district, and the lower level is generally not useful for commercial in that particular location. He can see that there is a demand for people who don't have cars and work in the area. It's close to jobs and a grocery store, so there isn't really a need to have a car.

Mr. Dookran clarified that if there weren't requirements that are being waived, would this plan simply go to the building department?

Mr. Houston said that is correct. But the applicant is making changes and does not comply with the D3/MU standards, so they are required by ordinance to have a site plan.

Mr. Pedersen asked if the interior renovation of the first floor counts as a construction plan.

Mr. Dookran said that a construction plan refers to exterior site construction.

Mr. Houston said that the interior is regulated by the building code.

Mr. LeClair said the waiver is from the specific type of construction under that section of the code.

Mr. Weber asked about a previous apartment project with not enough parking, and the project was stipulated that parking wasn't required. Is this a similar situation?

Mr. Reppucci said yes.

Mr. LeClair said that there is none actually required here.

Mr. Houston said that the ordinance does not require parking. He thinks in reality they need some parking for any project to make it work.

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

Mr. Reppucci said that parking has been a longtime concern in the middle part of the city, but the fact is that they do have resources. He thinks it's a problem that takes care of itself. He said this kind of project is exactly what the city needs, taking underutilized and dilapidated properties and turn them into something better. He expressed the difficulties of finding a one-bedroom apartment in this city, so he believes this is a great project.

Mr. Dookran agrees with Mr. Reppucci on parking. He referred to the parking at Lofts 34 and 12-14 Front St. He believes that as the inner city redevelops and increases its residential units, they will run into a parking problem. Nearby cities deal with the problem by allowing permanent overnight parking and

alternate parking during snow events. He thinks they will have to go there as well.

Mr. Pedersen said that during snow emergencies no one is allowed to park in city lots, and that makes it really tough for car owners. This property, with its limited parking, won't alleviate that problem at all. Parking is allowed in City Garages only during snow emergencies and they fill up quickly.

A brief discussion of parking during snow events ensued.

Mr. Dookran said he is happy to see that the dumpster will be enclosed.

MOTION by Mr. Reppucci to approve New Business - Site Plan #4. It conforms to § 190-146(D) with the following stipulations or waivers:

1. The request for a waiver of § 190-272, which requires construction 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 § 190-274, which requires a landscape plan, 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 § 190-275, which requires a lighting 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), which requires all existing utility lines shown on the plan, is granted, finding that the waiver will not be contrary to the spirit and intent of the regulation.
5. The request for a waiver of § 190-279(OO), which requires a stormwater report, is granted, finding that the waiver will not be contrary to the spirit and intent of the regulation.
6. The request for a waiver of § 190-89(A), which requires a traffic study, is granted, finding that the waiver will not be contrary to the spirit and intent of the regulation.
7. The applicant shall submit an electronic file of the site plan to the assessing department prior to the building permit.
8. Any work within the right-of-way shall require a financial guarantee.

9. Prior to the Chair signing the plan, minor drafting corrections will be made.

SECONDED by Mr. Weber

MOTION CARRIED 6-0

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

OTHER BUSINESS

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

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

SECONDED by Mr. Reppucci

MOTION CARRIED 5-0-1 (Mr. Pedersen left the room)

2. Referral from the Board of Aldermen on proposed O-19-038, amending the sign ordinances relative to address numbers on ground signs.

Roger Houston, Planning Director

Mr. Houston said that this amendment would require the addition of a property address number on identification ground signs. This would not count against the total area requirement of the sign. It would be there for people trying to find the property that have a building address number. Most buildings have numerals on the side or doors of the building, but this requirement will allow businesses to be found more easily driving by, either by the general public or emergency personnel. Any new ground sign would follow this requirement.

Mr. Reppucci asked if this would be for the property itself, or the individual businesses. If a property had five businesses on the ground sign, would each business need an address on the sign?

Mr. Houston said that if it's on a ground sign, there needs to be the address of the building or range of multiple buildings.

Mr. Pedersen asked if this is retroactive.

Mr. Houston said no. This only applies to any new sign.

MOTION by Mr. Reppucci to make a favorable referral for Other Business - #2.

SECONDED by Ms. Harper

MOTION CARRIED 6-0

DISCUSSION ITEMS

Mr. Weber led a discussion about stipulations and construction affidavits.

MOTION to adjourn by Mr. Reppucci at 9:00 PM.

SECONDED by Ms. Harper

MOTION CARRIED 6-0

APPROVED:

Mr. LeClair, Chair, Nashua Planning Board

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Prepared by: Kate Poirier

Taped Meeting