

EXPANDED DRAFT MEETING SUMMARY

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NASHUA CITY PLANNING BOARD
March 18, 2021

The regularly scheduled meeting of the Nashua City Planning Board was held on March 18, 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

None

COMMUNICATIONS

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

- 5 Berkshire St: updated engineering comments

REPORT OF CHAIR, COMMITTEE & LIAISON

None

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

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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 hear the cases in the following order: A21-0025, A21-0032, and then all other cases.

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

A21-0025 Forcier Contracting & Building Services, Inc. c/o. John Forcier (Owner) - Application and acceptance of proposal to subdivide 12,211 sf single lot into two lots. Property is located at 5 Berkshire Street. Sheet 61B - Lot 29. Zoned "RA" Urban Residence. Ward 4.

Mr. Weber recused himself

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

SECONDED by Mr. Hirsch

MOTION CARRIED 7-0

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

Mr. Auger introduced himself to the Board as representative for the applicant. He introduced Jessica Forcier, one of the owners.

Mr. Auger outlined the subject lot, which they are requesting to subdivide into 2 lots. October 13th, 2020, this property went to the Zoning Board for lot width and frontage variances, which were approved.

Mr. Auger said the lot currently contains a large storage building, which encroaches into the abutting lot and connects to the garage at 7 Berkshire St. The owner has reached out to the abutter to structurally secure the garage once the storage building is removed.

Mr. Auger addressed grading and drainage. After removing the storage shed and driveway, and constructing the two residences, they will be reducing the amount of impervious surface onsite. He outlined the proposed stormwater management design, and believes they comply with the redevelopment requirements.

Mr. Auger said the abutting properties are 3 and 7 Berkshire St, so there is no address left for the second lot. The Fire Marshal does not have the authority to assign an address, so they will have to go before the Board of Alderman to resolve what the new address will be. That process is underway.

Mr. Auger said they are requesting two waivers, as detailed in the staff report. The owners are offering a contribution of \$4,200 in lieu of constructing sidewalks for this subdivision. They believe that both waiver requests meet the spirit and intent of the ordinance. The recommended conditions of approval are acceptable, and they are requesting approval.

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Mr. LeClair said the comments they received today had a question about whether there is any easement required for the shed that protrudes into the abutting lot.

Mr. Auger said they couldn't find any existing easement. That is something the Forciers could discuss with the abutter.

Mr. LeClair asked the lot size of Lot 27 is, in comparison to the new lots.

Mr. Auger said he is not sure. They didn't have that lot completely surveyed.

Mr. LeClair said on the GIS it looks like 60-ft by 100-ft.

Mr. Sullivan said correct.

Mr. LeClair asked if it is roughly the same size as the two proposed.

Mr. Sullivan said correct.

Mr. Auger said the two lots fit into the neighborhood fairly well.

Mr. Varley said there is a note on the plan that refers to a restriction recorded. What is that restriction, and does it apply?

Mr. Auger said those don't relate to the shed. They are oddball restrictions from 80-90 years ago that have no bearing on modern day development.

Mr. Bollinger said this is labeled as a garage and not a shed, so he asked for clarification. He asked how they can take action from a legal standpoint when the storage building is partly on an abutting lot.

Mr. Auger said the encroaching shed is owned by 3 Berkshire St. He provided clarification on the garage owned by Lot 27.

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Mr. Bollinger asked if the garage connects to the storage building, but is not their property.

Mr. Auger said correct.

Mr. Bollinger asked the legal ramifications of a structure that is physically adjoined.

Mr. LeClair said they are going to demolish the storage structure and leave the garage intact. The issue will be cleared up.

Mr. Auger said correct. He indicated on the plan where the two buildings would be split. After that, the owners would structurally shore up the garage. They would not leave it in any type of ill repair after the storage building is removed.

Mr. Varley asked if the owners have reached an agreement with the abutters.

Mr. Auger said that is his understanding.

SPEAKING IN OPPOSITION OR CONCERN

Rick & Susan Knapp, 7 Berkshire St, Nashua NH

Mr. Knapp said at the Zoning Board meeting on October, Forcier Contracting said they were going to contact them. They have received nothing, and they have had no correspondence with the owner. They spoke with the owner on three occasions, who promised them that this would cost them no money, that it would be done properly, and done according to the neighborhood situation.

Mr. Knapp said he wanted a meeting between the builder and the owner to iron out what exactly was going to happen to his property. He said he was promised that they would redo the garage roof to make it aesthetically pleasing and finish the side once the storage building was removed.

Mr. Knapp said he is concerned that the 2.5-ft of storage building on his property has a foundation 1.5-ft deep. Is that

going to be removed or are they going to bury it? How will they be assured that the garage is structurally sound and the repairs are completed?

Mr. Knapp said he thinks what they are trying to do is nice and will blend in with the neighborhood, but he would like his property protected.

Mrs. Knapp said they would like some kind of assurance in writing.

Mr. Knapp said they would like to be assured that they are getting what they are promised. Mr. Dennison promised them that this would cost no money.

Ed Weber, 4 Cabernet Ct, Nashua NH

Mr. Weber said he is speaking on behalf of his sister in-law, who owns the abutting property at 3 Berkshire St. She attended the Zoning Board meeting. He said the shed is partially on the property because she didn't see the stake and estimated the property line. He is sure the applicant can work with her on the fence and the shed.

He recommended a stipulation that the city Building Inspector inspect the garage to make sure it is structurally sound after the storage building is removed.

SPEAKING IN FAVOR - REBUTTAL

Mr. Auger said Mr. Dennison is one of the co-owners with Forcier Contracting. In regards to the foundation, Forcier Contracting would determine what was best. He would defer to Jessica Forcier for any agreement between the owner and abutter.

Jessica Forcier, 3 Chaucer Rd, Nashua NH

Ms. Forcier said she attended the ZBA meeting. She came by the house two times, and they were not home. She knows that Mr. Dennison has spoken to them several times. They agreed at the ZBA meeting that they will maintain the garage wall, match the siding and roofing, and that it would be structurally sound. She assumes that when they apply for the demolition permit, the Building Dept. would make sure the garage is safe. The siding and roofing may not match perfectly if the other sides have weathered and faded with age, but they do not think it would be

fair to require them to reside and roof the entire garage as a result. They will match materials as best as possible.

Ms. Forcier said as long as the Building Inspector is amenable to them removing the storage building foundation, they would remove it entirely and replace it with grass. They wouldn't leave it. They have no intention of leaving the abutter upset in the end, and want it to come out as best as possible.

SPEAKING IN OPPOSITION OR CONCERN - REBUTTAL

Rick & Susan Knapp, 7 Berkshire St, Nashua NH

Ms. Knapp said she is not sure why Ms. Forcier didn't leave a note if she visited twice while they were not there.

Mr. Knapp said Mr. Dennison should have gotten ahold of them, if Ms. Forcier was having issues contacting them. As far as the building is concerned, the owners should get together and have Mr. Dennison tell Forcier Contracting what they discussed. He would like to have a meeting to resolve those issues.

Mr. Varley said asked if conceptually the proposal is consistent with what was previously discussed.

Mr. Knapp said somewhat. The previous owner used to treat the storage space for ants, but after it fell to the son that stopped. He asked if they would be repairing the damage. He said the siding is not an issue, but he wants the roof to be cosmetically pleasing.

Mr. Varley asked Ms. Forcier if she is amenable the Board approving this plan on the condition that they provide an agreement in writing with the abutter.

Ms. Forcier said yes.

Mr. Bollinger said he doesn't know how enforceable that condition would be.

Ms. McGhee said they are going to have to get a demolition permit to remove the structure, as well as other building permits. They will have to submit plans of how it will be put back together, which would be inspected by the Building Inspector. Planning Dept. does sign off on demo permits.

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Mr. Hirsch asked what happens if the garage collapses during demolition.

Mr. LeClair said that would be no different than if a dump truck collided with someone's house.

Mr. Varley said there are two issues. They can stipulate that the owner and abutter can come to an agreement. But if something goes wrong or the applicant doesn't fulfill the terms of the agreement, it's the same as if you had any contract or damage to an abutting property during construction.

Mr. Hudson asked if they have any indication which structure was built first. He would hate to hold them hostage if the storage building was built second.

Mr. Auger said he doesn't know which was constructed first.

Ms. Knapp said when they bought the house, it was already like that. She doesn't know what was built first.

Mr. Knapp said there is \$15,000 of stuff in his garage, and he wants to make sure it would not be damaged. He does not want to move the stuff.

Mr. LeClair asked staff if they have seen situations like this in the past.

Ms. McGhee said not that she is aware.

Mr. Sullivan said he is concerned that putting a condition on this to require the demolition not damage personal property and be done in an aesthetic manner goes beyond the jurisdiction of the application in front of the Board. Technically they are removing a nonconforming structure and bringing the two properties closer to conformance with the zoning ordinance. He is not certain that anything beyond that should be included as part of an approval.

Mr. Sullivan said anything related to structural integrity will be covered as part of the building permit process. Going beyond that does concern him because it puts the Board and city staff into the position of enforcing what is ultimately a civil matter between two parties in nature.

Mr. LeClair said this is comparable to a Lot Line Adjustment where the two parties don't have an agreement to move the line. In that situation, they don't take the case.

Mr. Varley said this is unprecedented. Ideally this would have been worked out in advance. Given that they have accepted jurisdiction and heard the case, he thought they could make that as a condition. His thoughts were similar to developments having to submit condo documents or stormwater management documents. He doesn't want to put city staff in the position of having to enforce an agreement or determine whether something was aesthetically appropriate.

Mr. Hudson said there is a shared issue because the building interfaces. In order to remove the building the applicant will have to go onto the abutter's property, so the Knapps are in a position to decide what is allowed on their property. The Building Dept. won't issue a permit unless they have permission to enter the property. If they can't come to an agreement, then it becomes a civil matter. He doesn't think they need to dig too deep into the details of the agreement.

PUBLIC MEETING

Mr. LeClair closed the public hearing and moved into the public meeting. He summarized the discussion, and said this is an odd situation. Both the applicant and abutter seem to want this, so he is not a fan of the Board standing in the way. He thinks it makes sense to have some sort of condition. If they have a signed agreement submitted before he signs the plan, he would be in favor of that.

Mr. Bollinger said he is disappointed. They have heard a tiny bit about an overhanging shed to the east, but this appears to be the elephant in the room. He is surprised it got this far without being addressed and no agreement in place. He feels the Board is being put in a position where they will have to accept a handshake agreement that everything will work out in the end, when he thinks there could have been a lot more due diligence ahead of time.

Mr. Hirsch asked to table the case until they had a signed agreement.

Mr. LeClair said it is within their purview.

Mr. Varley said it would be preferable to have an agreement in place beforehand. He thinks they are unlikely to get into the details of what that agreement would be beyond the basic considerations. There is probably not a whole lot of benefit to table this if they're not going to get into the details of it. He thinks they should move forward with that condition.

Mr. LeClair said there is definitely agreement that the end result would better both properties. He agrees that it would simply delay. He feels confident they could approve this and require an agreement before he signs off on the plan.

MOTION by Mr. Varley to approve New Business - Subdivision Plan A21-0025. It conforms to §190-138(G) with the following stipulations or waivers:

1. The request for a waiver of NRO § 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 NRO § 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/will not be contrary to the spirit and intent of the regulation. The applicant has agreed to make a contribution in the amount of \$4,200.00 in lieu of sidewalk construction pursuant to §190-212(D) (2), payment to be made prior to recording the plan.
3. Prior to the Chair signing the plan, all minor drafting corrections will be made.
4. Prior to recording of 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 recording of the plan, addresses shall be shown on the plan as assigned by the Fire Marshal.
6. Prior to the Chair signing the plan, the applicant shall submit a written agreement with the abutter at 7 Berkshire Street with respect to the existing storage unit and garage.

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SECONDED by Mr. Pedersen

MOTION CARRIED 4-3-1 (Harper, Bollinger, & Hirsch opposed, Weber abstained)

NEW BUSINESS - SITE PLANS

A21-0032 Michelle Rodriguez (Owner) - Application and acceptance of proposed one year extension for previously approved site plan NR-2231 for the construction of four single family homes along with one existing one. Property is located at 711 West Hollis Street. Sheet F - Lot 54. Zoned "R9" Suburban Residence. Ward 5.

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

SECONDED by Mr. Hirsch

MOTION CARRIED 8-0

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

Mr. Maynard introduced himself as representative for the applicant. This is an extension request because they are caught up in the street paving moratorium on West Hollis St.

Mr. Maynard said this is a request to add 4 single family homes to a lot with one residence, resulting in 5 residences with a private road. He provided a brief approval history, and they are asking for a second extension. The moratorium expires in September and they have a potential buyer for the development, so this should be the last time they are requesting an extension. They are asking for what was approved previously.

SPEAKING IN OPPOSITION OR CONCERN

None

SPEAKING IN FAVOR

None

PUBLIC MEETING

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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 A21-0032. It conforms to §190-146(D) with the following stipulations or waivers:

1. All prior conditions of approval are incorporated herein and made a part of this plan, unless otherwise determined by the Planning Board.

SECONDED by Mr. Pedersen

MOTION CARRIED 8-0

The applicant thanked Ms. McGhee for her help during this process.

Mr. LeClair said that cases A21-0022, A21-0052, A21-0053, and A21-0023 will be heard together.

NEW BUSINESS - SUBDIVISION PLANS (cont.)

A21-0022 John J. Flatley Company (Owner) - Application and acceptance of proposed lot line relocation and subdivision. Property is located at 200 Innovative Way and 10 Tara Boulevard. Sheet A - Lots 798 & 713. Zoned "PI" Park Industrial. Ward 8.

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

NEW BUSINESS - SITE PLANS (cont.)

A21-0052 John J. Flatley Company (Owner) - Application and acceptance of proposed site plan amendment to NR 2165 to show a lot line relocation. Property is located at 100-326 Innovative Way Sheet A - Lot 798. Zoned "PI" Park Industrial and "RC" Urban Residence. Ward 8.

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

SECONDED by Mr. Varley

MOTION CARRIED 8-0

A21-0053 John J. Flatley Company (Owner) - Application and acceptance of proposed site plan amendment to NR1256 to show a lot line relocation. Property is located at 10 Tara Boulevard. Sheet A - Lot 713. Zoned "PI" Park Industrial. Ward 8.

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

SECONDED by Mr. Varley

MOTION CARRIED 8-0

A21-0023 John J. Flatley Company (Owner) - Application and acceptance of proposed 20,546 sf climate controlled self-storage facility. Property is located at 200 Innovative Way and 10 Tara Boulevard. Sheet A - Lots 798 & 713. Zoned "PI" Park Industrial. Ward 8.

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

SECONDED by Mr. Pedersen

MOTION CARRIED 8-0

Chad Branon, Civil Engineer, Fieldstone Land Consultants, 206 Elm St, Milford NH

Mr. Branon introduced himself and Kevin Walker of the John J Flatley Company. All four applications before the Board are related to the development of a climate-controlled self-storage facility within Gateway Hills. These plans were approved by the Board in 2019, and unfortunately lapsed. No regulations have changed, and none of the plan aspects have changed.

Mr. Branon started with the Innovative Way site plan, known as the Nashua Technology Park. He said this site has grown to over 400 contiguous acres, and Gateway Hills is a mixed use development. Uses onsite include professional offices, research and development, retail, a hotel, townhouses, flex space, and multifamily residential. The site is serviced by one public road, Tara Blvd, and three private roads, Innovative Way, Research Dr, and Digital Dr. This site plan amendment proposes to reduce the size of the subject parcel. The new area will partially accommodate the new self-storage parcel, and the application is a lot line relocation, with subdivision and site plan to follow.

Mr. Branon said there are no other changes proposed to the subject property besides the lot line adjustment. They are requesting one waiver as part of this application, as detailed in the staff report. They are in receipt of the recommended stipulations, and have no objections.

Mr. Branon moved on to the second site plan, for 10 Tara Blvd.

Mr. Branon said this site is currently occupied by an office building and associated site improvements. This site plan amendment proposes to reduce the size of the subject parcel, to partially accommodate the new self-storage facility. There are no other changes proposed, and to their knowledge the parcel complies with all zoning requirements.

Mr. Branon said they are requesting one waiver as part of this application, as detailed in the staff report. They are in receipt of the recommended stipulations, and have no objections.

Mr. Branon introduced the subdivision plan for the new lot. The purpose is to combine the pieces taken from both parcels A-798 & A-713 to create parcel A-1018, 75 Innovative Way. This will accommodate the proposed self-storage facility. To their knowledge the parcel complies with all zoning requirements.

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Mr. Branon said they are requesting two waivers as part of this application, as detailed in the staff report. They are in receipt of the recommended stipulations, and have no objections.

Mr. Branon presented the proposed self-storage site plan. This would be a 73,440-sqft facility. Site improvements will include revised parking, traffic flow, and 47 parking spaces. They have reviewed this with the Fire Dept. and Engineering, and have amended their plan to meet their requirements.

Mr. Branon addressed stormwater management, site lighting, landscaping, and utility connections. There are wetland buffer impacts associated with this application, mostly due to utility and stormwater mitigation. They received a favorable recommendation from the Conservation Commission, and a special exception from the Zoning Board. This plan does comply with all conditions imposed by both Boards.

Mr. Branon said they are in receipt of the recommended stipulations, and have no objections. They are requesting three waivers with this proposal, as outlined in the staff report. These waivers were approved with the original Board approval back in 2019.

Mr. Bollinger asked if the approvals have lapsed, so they have to fully reapply.

Mr. Branon said correct.

SPEAKING IN OPPOSITION OR CONCERN

None

SPEAKING IN FAVOR

None

Mr. Sullivan & Mr. McPhie provided a recommended order of review for the Board.

PUBLIC MEETING

Mr. LeClair closed the public hearing and moved into the public meeting. He summarized the discussion. He said this is a pretty straightforward request, and in the same arrangement as previously approved. It seems to support the residential uses nearby.

MOTION by Mr. Weber to approve New Business - Site Plan A21-0052. It conforms to §190-146(D) with the following stipulations or waivers:

1. The request for a waiver of NRO §190-279(EE) which requires one to show all existing features on site and on adjacent parcels, is granted, finding that the waiver will not be contrary to the spirit and intent of the regulation
2. Prior to the issuance of a building permit, all comments in an e-mail from Joe Mendola dated June 4, 2019 will be addressed to the satisfaction of the Engineering Department.
3. Prior to the Chair signing the plan, minor drafting corrections will be made.

SECONDED by Mr. Pedersen

MOTION CARRIED 8-0

MOTION by Mr. Pedersen to approve New Business - Site Plan A21-0053. It conforms to §190-146(D) with the following stipulations or waivers:

1. The request for a waiver of NRO §190-279(EE) which requires one to show all existing features on site and on adjacent parcels, is granted, finding that the waiver will not be contrary to the spirit and intent of the regulation.
2. Prior to the issuance of a building permit, all comments in an e-mail from Joe Mendola dated June 4, 2019 will be addressed to the satisfaction of the Engineering Department.

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

SECONDED by Mr. Hirsch

MOTION CARRIED 8-0

MOTION by Mr. Weber to approve New Business - Subdivision Plan A21-0022. 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 the Chair signing the plan all addresses shall be shown on the approved site plan.
7. If blasting will occur as part of any construction activities, the applicant will submit a pre-blast and post blast survey.

8. The applicant shall provide a public and emergency cross access easement the full length of the property prior to any of the lots being sold or conveyed to different owners, which shall be reviewed and approved by Corporation Counsel and planning staff, and recorded.
9. All easements will be submitted to City Staff for review and recorded with the plan.

SECONDED by Mr. Pedersen

MOTION CARRIED 8-0

MOTION by Mr. Pedersen to approve New Business - Site Plan A21-0023. It conforms to §190-146(D) with the following stipulations or waivers:

1. The request for a waiver of NRO § 190-279 (EE), which requires existing conditions to be shown, 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 § 190-191, which requires minimum parking standards for the site, 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 § 190-172(C) , which requires varied rooflines, is granted, finding that the waiver will not be contrary to the spirit and intent of the regulation.
4. Prior to the chair signing the plan, all 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, stormwater documents will be submitted to the Planning Department for review and will be recorded at the Registry of Deeds at the applicant's expense.

6. Prior to the Chair signing the plan all addresses shall be shown on the approved site plan.
7. Prior to the Chair signing the plan, minor drafting corrections will be made.
1. 8. All other areas to remain wooded and undisturbed shall be flagged with a no cut tape prior to any site work or tree cutting.
8. Prior to the issuance of the first building permit all comments in an e-mail from Mark Rapaglia, dated April 30, 2019 shall be addressed to the satisfaction of the Fire Marshal.
9. Prior to the issuance of a building permit, all comments found in an e-mail from Joe Mendola, PE dated May 17, 2019 will be resolved to the satisfaction of the Engineering Department.
10. Prior to the issuance of a certificate of occupancy all temporarily disturbed wetland buffers will be restored and wetland markers installed to delineate the buffer area as required under Section 190-116(B).
11. All Zoning Board of Adjustment (ZBA) conditions of approval are incorporated herein as indicated in the enclosed March 27, 2019 letter.
12. Prior to any work and a preconstruction meeting and financial guarantee shall be approved for any work in the public Right of Way.
13. The applicant shall provide a public and emergency cross access easement the full length of the property prior to any of the lots being sold or conveyed to different owners, which shall be reviewed and approved by Corporation Counsel and planning staff, and then recorded.

SECONDED by Mr. Pedersen

MOTION CARRIED 8-0

OTHER BUSINESS

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

A discussion of the upcoming Nashua Landing application ensued.

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

SECONDED by Mr. Varley

MOTION CARRIED 8-0

DISCUSSION ITEMS

Master Plan: Mr. Sullivan reminded the Board that there will be a meeting April 6th at 6PM.

Mr. Weber announced that he will be resigning from the Board in July

MOTION to adjourn by Mr. Weber at 9:00 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