

NASHUA CITY PLANNING BOARD
May 2, 2019

The regularly scheduled meeting of the Nashua City Planning Board was held on May 2, 2019 at 7:00 PM in the 3rd floor auditorium in City Hall.

Members Present: Scott LeClair, Chair
 Adam Varley, Vice Chair
 Edward Weber, Secretary
 Gerry Reppucci
 David Robbins
 Maggie Harper

Also Present: Roger Houston, Planning Director
 Scott McPhie, Planner I

Approval of Minutes

April 11, 2019

MOTION by Mr. Reppucci to approve the minutes of the April 11, 2019 meeting.

SECONDED by Mr. Weber

MOTION CARRIED 4-0-2 (LeClair, Harper abstained)

COMMUNICATIONS

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

- Preliminary agenda to determine regional impact
- Correspondence re: Other Business #2, Case Withdrawn
- Planning Workshop on May 9th

REPORT OF CHAIR, COMMITTEE & LIAISON

Mr. Weber attended the Historic District Commission meeting on April 22nd, and they approved an application at 59 Concord St.

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

NEW BUSINESS - SUBDIVISION PLANS

None

NEW BUSINESS - SITE PLANS

2. Lefavor Folio LLC (Owner) - Application and acceptance of proposed site plan for the construction of two multi-family buildings (for a total of 5 units) along with associated site improvements. Property is located at 93 Lock Street. Sheet 41 - Lot 63. Zoned "GI" General Industrial and "TOD" Transit Oriented Development. Ward 3.

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

SECONDED by Mr. Varley

MOTION CARRIED 6-0

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

Mr. Zajac introduced himself and Atty. Gerry Prunier to the Board as representatives for Lefavor Folio LLC.

Mr. Zajac gave an overview of the lot. The property is zoned General Industrial. To the north and east is a mix of residential uses, and the property abuts parking lots for BAE to the south and east. Until a few years ago the property was used as a single family home, when the house burned in a fire and was considered a total loss. The property has a driveway off of Lock St and another off of the shared driveway in the BAE parking lot. He described the topography of the site. The site is

serviced by municipal water and sewer, gas, and overhead electric lines. On August 28, 2018, the Zoning Board of Adjustment granted a use variance to allow a six unit residential building.

Mr. Zajac said they are proposing a five unit residential development. The units will be split into two buildings, with three units in the front building and two in the rear. They propose three-story, compact townhouse style units, with each unit having a garage. The multiple structure design accommodates the unique lot geometry and topography. The property will be accessed via a private shared driveway off of Lock St, to be known by the Fire Department as Opal Way. The existing connection to the BAE parking lot will be eliminated. Each unit is provided with two parking spaces, for a total of ten spaces onsite. This is slightly more than the maximum allowed, but they felt it would minimize the potential for on street parking along Lock St. Associated site improvements include curbing and sidewalks along Lock St, lighting and landscaping, a retaining wall and guard rail along the southern portion of the site, a privacy fence along the BAE driveway, new utility services, new drainage, and a subsurface stormwater management area.

Mr. Zajac said this project would be serviced by gravity sewer. He gave an overview of the design and onsite conditions. As part of this approval, the applicant agrees to create a 20-ft wide public sewer easement to maintain onsite city sewer lines. Mr. Zajac also gave an overview of onsite stormwater. The proposed infrastructure shown on the plan will result in a post-development runoff rate of less than or equal to current rates. They are also leaving 55% of the property as open space, compared to the 10% minimum required in the zoning district.

The applicant is requesting one waiver from NRO §190-198, which establishes maximum parking standards. The proposal provides two parking spaces per unit for a total of ten, with one in the driveway and one in the garage. The maximum required by code allows for 9.5 spaces, or 1.9 spaces per unit. Parking along the BAE side is not allowed, and they will be installing signage for "No Parking". Parking is only allowed on the north side of Lock St, so they wanted to avoid that if possible. These are two bedroom units, so they felt it was important to allow for two cars. The applicant agrees to all conditions of the staff report.

Mr. LeClair asked if he had reviewed the proposed stipulations.

Mr. Zajac said that they have no problem addressing all engineering comments as per Stipulation #2. In regards to Stipulation #4 and the homeowner's association, he would like to add that he believes they will be rentals to start, without an association. He requested that the stipulation be amended to say that if the property becomes a condo, that homeowner's association documents would need to be submitted.

Mr. Varley asked if the intent right now is single ownership.

Mr. Zajac said correct.

Mr. Reppucci said this is a good plan, and more desirable than a six-unit building. He asked if it was permissible to have two separate structures without zoning relief, since what the Zoning Board approved was a single six-unit building. He asked Staff if having two separate structures violates any zoning restrictions.

Mr. Houston said that Deputy Zoning Manager Carter Falk reviewed the plan, and did approve it.

Mr. McPhie said that they have the letter of approval from the Zoning Board as well.

Mr. Reppucci said that the letter from the Zoning Board approves a single six-unit building, not two buildings. He thinks this is better, but he wants to know if it conforms to the General Industrial zone. If it doesn't, does the Zoning Board have to address it, or are we able to go forward.

Mr. Houston said that in the General Industrial zone you are allowed multiple structures.

Mr. Reppucci said then he doesn't think it's an issue.

Mr. Weber referred to the subsurface stormwater system, and asked what the pipe behind units 1-3 is for.

Mr. Zajac said it's a roof leader to pick up runoff from the back half of the roof.

Mr. Weber asked where it goes.

Mr. Zajac said that it drains into a leaching catch basin, and indicated the location on the plan.

Mr. Weber asked if they will have erosion blankets on the northwest slope, to prevent erosion when trees are removed.

Mr. Zajac said some of the trees will be removed. Their property line sort of straddles the slope.

Mr. Weber asked if there was any way to protect the abutting neighbor for that purpose.

Mr. Zajac said they can certainly add some. It's not called for on their erosion control plan.

Mr. Weber asked him to look into it.

Mr. Zajac said they will see how it looks in the field, and they will be doing inspections throughout the project for erosion.

Mr. Weber referred to engineering comments, regarding inspection and certification for stormwater systems.

Mr. Zajac said they are not aware of any regulation that requires them to observe and inspect these systems. He said State Alteration of Terrain projects now require the permit holder submit pictures and a letter after construction. But they are not aware of any regulations for this type of project.

Mr. Weber said while the applicant engineers the infrastructure, someone else puts it together. There's no permit for that, so he asks applicants for a construction affidavit on all engineered site aspects not covered by permits. If an engineered system is installed, it needs to have someone inspect that it has been completed as per the engineer's drawings.

Mr. Zajac said that seems fine.

Mr. Reppucci asked about the sewer easement drain, and how the pipe would be relocated if necessary.

Mr. Zajac said it is a deep pipe. They discussed their options with the City Engineer, but because of the nature of the site it would be cost prohibitive to relocate the pipe.

Mr. Reppucci asked if they considered replacing the pipe.

Mr. Zajac said that his understanding is that it's in good condition for its age. It's well monitored by the city.

Mr. Houston said he believes that they video camera some of the pipes from time to time to look at their condition as well.

Mr. LeClair asked about the transformer pad location, which seems to be right on the outside of a curve on a downhill grade. Some of their experience has been that occasionally a car ends up on the front of the transformer. He said some developments have a taller pad, above bumper height. Can they elevate it or move it farther away from the road?

Mr. Zajac said yes. He doesn't see any reason why they couldn't elevate it or install some bollards there.

Mr. LeClair asked if they would be installing sidewalks, and if all utilities would be underground.

Mr. Zajac said correct.

SPEAKING IN OPPOSITION OR CONCERN

None

SPEAKING IN FAVOR

None

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

Mr. LeClair agreed with Mr. Reppucci, and said that he likes the new layout better. It is a good use of the space and lot.

MOTION by Mr. Varley to approve New Business - Site Plan #1. It conforms to § 190-146(D) with the following stipulations or waivers:

1. The request for a waiver of NRO § 190-198, which establishes maximum parking 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, all comments in an e-mail from Joseph Mendola, PE, and dated April 18, 2019 shall be addressed to the satisfaction of the Engineering Department.

3. Prior to the Chair signing the plan, minor drafting corrections will be made.
4. If and when the property is converted to a condominium form of ownership, the applicant shall provide documents establishing the condominium and homeowners association which will be responsible for maintaining all property in common ownership. The homeowner's association documents shall be submitted to the Planning Department and Corporation Counsel for review.
5. Prior to the issuance of the last Certificate of Occupancy, NO PARKING signs shall be posted on both sides of Opal Way.
6. Prior to issuance of the final certificate of occupancy for the development, an as-built plan locating all driveways, units, other buildings, utilities and site landscaping shall be completed by a professional engineer and submitted to the Planning Department. The as-built plan shall include a statement that all construction was generally completed in accordance with the approved site plan and applicable local regulations. Sidewalk construction shall be to base course, with final course pavement remaining bonded until completion.
7. Prior to the issuance of the last Certificate of Occupancy, all site improvements will be completed.

SECONDED by Mr. Reppucci

MOTION CARRIED 6-0

2. 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 September 12, 2019 Meeting)**

OTHER BUSINESS

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

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

SECONDED by Mr. Weber

MOTION CARRIED 6-0

2. Referral from the Board of Aldermen on proposed Petition for Street Discontinuance - Portion of Lakeside Avenue. [**CASE WITHDRAWN BY APPLICANT**]

DISCUSSION ITEMS

Mr. Weber and Mr. Reppucci led a discussion about the training workshop.

Mr. Robbins said that he and his wife plan to move south, and will be submitting his resignation within the next few months. He thanked the Board and Staff for their excellent staff reports.

MOTION to adjourn by Mr. Reppucci at 7:39 PM.

MOTION CARRIED 6-0

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