

NASHUA CITY PLANNING BOARD
May 5, 2022

The regularly scheduled meeting of the Nashua City Planning Board was held on May 5, 2022 at 7:00PM in the 3rd floor auditorium in City Hall AND via Zoom virtual meeting.

Members Present: Scott LeClair, Chair
 Adam Varley, Vice Chair
 Maggie Harper, Secretary
 Dan Hudson, City Engineer
 Bob Bollinger
 Larry Hirsch
 Mark Meehan

Also Present: Matt Sullivan, Community Dev. Director
 Scott McPhie, Planner I

APPROVAL OF MINUTES

April 7, 2022

MOTION by Mr. Meehan to approve the minutes, as amended

SECONDED by Mr. Hirsch

MOTION CARRIED 7-0

COMMUNICATIONS

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

- A22-0037, 11 Tara Blvd
 - Letter from Ald. Derek Thibeault, Ward 8
 - Updated stormwater report letter from Ald. Dowd, Ward 2
 - Traffic Report
- A22-0054, 25 Hunt Street
 - Email from Street Construction Engineer Joe Mendola
 - Updated Engineering comments
 - Updated staff report
 - Updated subdivision plan
- A22-0082, 4, 5, & 6 Sanders Street
 - Email from Fred Fraser re: open space

NCPB

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REPORT OF CHAIR, COMMITTEE, & LIAISON

None

PROCEDURES OF THE MEETING

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 USE PERMITS

None

OLD BUSINESS - SUBDIVISION PLANS

A21-0177 Jigna & Sachin Patel (Owners). Proposed subdivision amendment to move an existing utility easement. Property is located at 69 Cherrywood Drive. Sheet C. Lot 2755. Zoned R-40-Rural Residence (FUOD overlay). Ward 9. **(Tabled to the May 19, 2022 Meeting)**

OLD BUSINESS - SITE PLANS

None

NEW BUSINESS - CONDITIONAL USE PERMITS

A22-0037 AFP 105 Corp. (Owner) ARBI Farms, LLC (Applicant) - Application and acceptance of proposed Conditional Use Permit to convert 13,000 sf of function and ballroom space to be used for charitable gaming. Property is located at 11 Tara Boulevard. Sheet A - Lot 333. Zoned "PI" Park Industrial. Ward 8.

Mr. Varley recused himself from this case.

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

SECONDED by Ms. Harper

MOTION CARRIED 6-0

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

Atty. Prolman introduced himself as representative for the applicant. With him are the owners of Boston Billiards, and traffic engineer Scott Thompson. He said that the client is really Kurt and Susan Mathias, owners of Boston Billiards. They intend to move the charitable gaming portion of their business to this location.

Atty. Prolman said the hotel is about to reopen after renovation. They want to keep the exterior the same, and to convert approximately 13,000-sqft of ballroom to charitable gaming. The layout is included in the application. Boston Billiards has been in operation for 23 years, and charitable gaming started 6 years ago. This supports fifty charities in the area and they expect that to grow. They operate 7 days a week, 11:30AM-1AM, and the hours will stay the same. They have about

200 employees, and 11,500-sqft of gaming space. They have 17 roulette/black jack tables and 20 poker tables. This will grow a little bit. Historic horse racing is coming to New Hampshire, which will be added as a feature.

Atty. Prolman said the billiards portion will remain open for the foreseeable future at Northeastern Blvd. Boston Billiards does not have experience in operating a hotel, so they will be bringing in a hotel operator. This operator would run the 330 rooms, restaurant, and the remaining function space.

Atty. Prolman said they are requesting one waiver, as detailed in the staff report. They have gone over the staff report, and have no issues with the comments. They will be installing GridSmart cameras at Spit Brook Road and Innovative Way, as requested by Traffic Engineer Wayne Husband. They plan to address Street Construction Engineer Joe Mendola's comments to his satisfaction as well.

Atty. Prolman they are here requesting a conditional use permit, and believe that they meet all nine criteria for approval. He summarized each of them. He said they received a letter from an abutting raising concerns about property values, compatibility, and traffic. They met with Engineering and submitted a traffic impact report, and Mr. Husband had no issues with it. In regards to compatibility, on Northeastern Blvd they are currently surrounded by a mix of businesses, including childcare and a residential neighborhood. They don't have any issues, and they think that Tara Blvd is a better location. It is right next to the highway, and has dedicated parking. They feel it is compatible with the surrounding neighborhood.

Scott Thornton, Traffic Engineer, Vanasse & Associates

Mr. Thornton said he prepared a brief slideshow of the traffic impact report. He described the time periods studied, locations studied, and applicable factors. They found that on an overall basis, the project would be expected to add delays to existing intersections. To improve this, they are willing to install some traffic cameras at two locations to improve traffic conditions.

Mr. Bollinger asked if there was a pre-scoping session to determine factors of analysis.

Mr. Thornton said yes, they had an initial meeting with Mr. Hudson and Mr. Husband in March.

Mr. Meehan asked if they received the VHB letter and have a response to that letter.

Mr. Thornton said they received it today, and he has read it. This was not a NHDOT study, it was a city study. NHDOT has a different set of criteria and analysis conditions than the city. They met with the city traffic engineer and determined the scope and time periods that the city was looking for, and provided that in the traffic study.

Mr. Hirsch asked how they will handle signage.

Atty. Prolman said they have no exterior changes, and will be using the same signs. They are refacing what is there today.

Mr. LeClair asked for hours of operation.

Atty. Prolman said it is the same as Boston Billiards. Seven days a week, 11:30AM-1AM.

Ms. Harper asked if they consulted with any hotel chains that specialize in managing a gaming and hotel situation.

Atty. Prolman said yes. They are talking to hotel operators that have gaming, and that will be a component of whatever agreement is reached between the Mathias' and the operator.

SPEAKING IN FAVOR

Mike Apfelburg, United Way, 20 Broad St, Nashua NH

Mr. Apfelburg said he is the president of Nashua United Way. He is in favor of this proposal. Over the past six years Boston Billiards has brought in fifteen million dollars to the community which has gone straight into the nonprofit sector. Those are unrestricted dollars, no strings attached, and can be used by charities for anything associated with their mission. They have seen the hotel go through multiple ownerships with tremendous instability, and he thinks the Mathias' will bring stability. He thinks having an anchor hotel at Exit 1 is remarkably important. There is a new gaming location at Exit 6, and he thinks it's beneficial to both institutions to separate these a little more. This will attract a lot of Massachusetts dollars, and both of these will be more competitive. He said nothing is more beautiful than people driving over the state border to spend charitable gaming dollars in the community. This project is a no-brainer and hopes they approve it.

Jon Eriquezzo, Meals on Wheels, 70 Temple St, Nashua NH

Mr. Eriquezzo introduced himself as President and CEO of the Hillsborough County Meals on Wheels. They have reaped the benefits of charitable gaming, and last year were able to supplement 20,000 meals because of it. It's so important to maximize the opportunities of charitable gaming, because they can use it to their discretion to support the people they serve.

Maryse Wirbal, Front Door Agency, 7 Concord St, Nashua NH

Ms. Wirbal introduced herself as the CEO of the Front Door Agency. She asked the Board for their support. The Front Door Agency provides a holistic approach to breaking the cycle of poverty and achieve self-sufficiency. Prior to Boston Billiards offering charitable gaming, the Front Door Agency had to hold 3-4 fundraising events per year to meet the needs of the most vulnerable in the community. Since 2017, the Front Door Agency has received \$248,740.00, which was critical in allocating scarce resources. These unrestricted funds have allowed them to expand their housing stability program. The ownership and management of Boston Billiards is top-notch, professional, and transparent. She is excited about the prospect of moving charitable gaming to this location.

SPEAKING IN OPPOSITION OR CONCERN

Katherine Sheehan, 17 Indian Fern Drive, Nashua NH

Ms. Sheehan said she has been a resident for 35 years, and lives about a mile away. She doesn't think that the hotel has changed all that much over the years. She doesn't think that a city with 88,000 people needs another 13,000-sqft of casino. It pulls on the heart strings to see the money that the charities would get, but it comes down to what Nashua needs and what the residents need. She listed the square footages of the proposed location, the current location of Boston Billiards, and the Lucky Moose at Exit 6, and said that is a lot for the town of Nashua. She asked if Nashua wants to be known as the place with casinos. Less than half a mile away is the World Academy and a church. This is a family city. This is a place that loves to do good and help our charities, but we don't need 13,000-sqftmore for a casino.

John Flatley, Gateway Hills, 7 Arrowhead Ln, Milton MA

Mr. Flatley said he wanted to give the Board some background on his involvement with the property. He has been coming to Nashua

since he was ten years old, and the Flatley company owned the hotel and office parks since the 90s. They have been here for fifty years. If they allow this gaming industry in this location, it will become the casino hotel. He thinks they will be altering the character of this part of Nashua. Exit 1 is well known for people who work on I-495 for what they have done. It's very much a family location. He thinks they will be bringing in more crime. Exit 1 will become known as the gaming hotel, and he is worried that they will be changing the character of the area. There are 400 acres there, and he thinks it is shortsighted to grant this request.

Jason Plourde, VHB, 2 Bedford Farms Drive, Bedford NH

Mr. Plourde said he is a licensed professional engineer in the state of NH. As a reviewer or local official, we have to put our feelings aside and review the information that is presented to us. Mr. Kevin Walker requested a copy of the traffic study from the Deputy Planning Manager, and the only version that she had was the body of the report without the appendix. They couldn't review any of the calculations, analyses, or factors in the study. Based on what was presented, the majority of the traffic is going to the Everett Turnpike. That interchange was not evaluated. The two signalized intersections on Tara Blvd, the Brook Village intersection, and the two turnpike on-ramps are all tied into a coordinated traffic signal system, yet only two of the five were evaluated for impacts. A gridsmart camera system is amazing, but changes at one of those two intersections would impact the other three. That was not evaluated. He said traffic counts between 3-7PM should be included. He referred to the NHDOT parameters because the turnpike interchange is under state jurisdiction. The state of New Hampshire looks at peak month conditions, which was not evaluated. This is important to establish the existing baseline conditions that you build traffic volumes on. The methodology used is not consistent with NHDOT preferences on determining pandemic adjustments and different times of the day. Another factor is that the traffic volumes along Innovative Way are over 300 vehicles per hour less than his firm collected in 2015. That means that all the businesses along Innovative Way are not fully occupied right now. If they add 350 more cars per hour along Innovative Way through those intersections, they will have a worse condition than what was established as a baseline. Just off the bat the existing conditions are not correct.

Mr. Plourde said that Mr. Thornton was right, the city has certain design criteria. It doesn't seem that the NHDOT was even involved in this project, even though the interchange is right there. As far as time periods, casinos aren't open in the morning. Mr. Thompson performed a study at an existing casino, and the peak hour was between 11AM-12PM. Spit Brook Road peaks between 11AM-12PM, but it wasn't evaluated. The casino peaked between 7PM-8PM which wasn't looked at. The city guidelines say that you should be counting between 3PM-7PM, and they did 4PM-6PM. He doesn't have a problem with the casino and it is a difficult decision for the Board, but he is solely looking at this from a traffic perspective. He thinks that the traffic study needs to be evaluated and that there are a lot of holes.

Alice Gibson, 20 Shady Lane, Nashua NH

Ms. Gibson said she has lived in this area for fifty. She doesn't think this is necessary. This is a neighborhood with parks and schools, not gaming. They already have it on Northeastern Blvd and should expand over there. Once place is enough. This shouldn't be zoned for casinos. A lot of the residents didn't even know about this meeting.

APPLICANT REBUTTAL

Atty. Andrew Prolman, Prunier & Prolman PA

Atty. Prolman said with respect to Ms. Shaheen's comments, they are not adding 13,000-sqft of gaming space to the city. They are moving charitable gaming space from Northeastern Blvd to Tara Blvd.

Atty. Prolman said they have to understand that in the six years of charitable gaming at Boston Billiards, they haven't had any traffic issues on Northeastern Blvd where there is no signalized intersection, or the site. They see no reason why there would be issues here, where there are controlled signals.

Atty. Prolman said they started the traffic process with a meeting with Engineering to scope out exactly what they wanted, and then Vanasse and Associates came back with their report. Mr. Husband did not find any issues with it. The installation of the proposed cameras should mitigate the proposed traffic impacts expected from the development. If the city had wanted more, they would have what they had to do to satisfy concerns.

Mr. Meehan said the interchange off of the turnpike is state jurisdiction. Why weren't they included in the study?

Mr. Hudson said the city looked at this area and recognized that a lot of things have changed due to Covid. He doesn't think they may ever return to pre-covid numbers, now that some are working remotely and will not go back. He doesn't think it's appropriate to use pre-covid numbers and throw everything on top to the point that you have something so conservative that it is perhaps absurd. There is so much volume at the interchanges that as you move further away from the site impacts diminish. They didn't anticipate it would have much of an impact on the interchanges given the volumes of traffic that are there. just received VHB's memo tonight and haven't had an opportunity for review.

Mr. Hudson said it seems like this was an existing use with some level of traffic generation previously. It is a facility relocating, so a lot of the traffic is already in the city. Given covid, they don't have great information. They have traffic counts from 2015. Engineering have had a continuing discussion with Flatley about traffic volumes and what the conditions actually are. His view is that Gridsmart cameras would allow for continuous counting at these locations, which would give them a much better idea of what's going on. He thinks it would be appropriate for the applicant to reach out to NHDOT to get their assessment about the interchanges. It would also behoove them to have more time to review the rebuttal from VHB.

Mr. Meehan said a few months ago they looked at another project going on in the same space. Traffic wasn't an issue with the additional units being built. How do you add this all up? You're stacking projects into this same space.

Mr. Hudson said that's been a continuing frustration. It's been hard to analyze traffic at this location, that's why they feel the Gridsmart cameras would be helpful. Previously they heard testimony that the previous projects would not impact traffic to the point that they have to do more studies. They are trying to get to the point where they have good data to rely on.

Mr. Bollinger asked if the signal at Tara Blvd and Innovative Way is under city jurisdiction.

Mr. Hudson said his understanding is yes. They have a cooperative agreement with NHDOT at the interchanges.

Mr. Bollinger asked about the logistics of the cameras. At a previous project there was a financial contribution, but the Board of Public Works had to approve the purchase of the cameras. Is this a similar process?

Mr. Hudson said it is preferable to have the applicant install the cameras, one less step for city staff. This location is so specific, they have agreed to fully fund the cameras and perform the installation.

PUBLIC MEETING

Mr. LeClair closed the public hearing and moved into the public meeting. In his opinion this is a relocation of charitable gaming, and they have seen a lot of interest from local nonprofits. They have seen some success with it. They have some traffic things to talk about here. This particular site they have discussed traffic dozens of times in the last couple of years. It's a little bit odd to see the Flatley Company talking about traffic issues at this site, because the last ten or so proposals they have brought to the Board don't seem to be that concerned about it. He thinks the location is good, and seems like a reasonable coexistence with the hotel and the restaurant. It's close to the highway. He drives on Spit Brook Road every single day, multiple times a day, and he hasn't waited at that light more than one turn ever, over the past 20 years. It's definitely flowing right now.

Mr. Meehan said they do have a letter from the alderman of Ward 8 strongly in support of this, saying there is no downside. That is in front of them.

Mr. Hirsch said this is a good project. He thinks it will anchor the hotel and help it become successful. It's been a distressed property over the years.

Mr. Meehan said he is stuck on the traffic, and doesn't know how much he should be. They have heard some very conflicting testimony about that over the last couple of months. He asked about the issue of state jurisdiction over the very close interchanges. Should they table this, or move forward?

Mr. LeClair said they have had a lot of traffic discussions about this area, and has not stopped our projects decisions on the other ones in the area at this point. He has a lot of faith in the city's traffic engineering. In very many instances they will have opposing experts that say two different things. You

need to evaluate what you're hearing and your own personal experience of the area, and decide that is necessary. Personally, he doesn't feel that is necessary.

Mr. Bollinger agreed with Mr. LeClair. They have encountered a situation recently where they had conflicting testimony from experts, and he would defer to city staff. He trusts their judgment given the size and scope of this project. There is enough testimony in front of the Board to make a decision without continuing this.

Ms. Harper said every time they talk about development in this area they are always asking ourselves that question. What level are they going to say there need to be additional road improvements? With the installation of this new camera, that might help the Board going forward.

Mr. Hudson said looking through the items that are mentioned in the report, the city's request was to capture peak conditions on the road and evaluate how this would impact during those periods. He is not compelled to count traffic in the morning because this doesn't open until 11AM. The midday peak is probably less than the PM peak. Although you could do a lot more data collection and analysis, at the end of the day he doesn't feel they would end up in a different place than what is presented in the study. It's unfortunate that the appendices were not available for review by VHB, but that is just backup to the calculations in the report. It would have been nice to have the traffic rebuttal earlier so they would have more time to review it, but he is not left feeling that what isn't presented isn't adequate or leaves questions in his mind of a highly concerning nature. He thinks there is adequate information to make a decision.

MOTION by Mr. Bollinger to approve New Business - Conditional Use Permit A22-0037. It conforms to §190-133(F) with the following stipulations or waivers:

1. The request for a waiver of NRO § 190-279 (EE), which shows existing conditions, particularly off site utilities, under Article XXXII, is granted, finding that the waiver will not be contrary to the spirit and intent of the regulation.
2. Prior to the building permit, the purchase and installation of traffic camera equipment as indicated in an e-mail from Wayne Husband, Senior Traffic Engineer, and dated, April 19, 2022 shall be completed to the satisfaction of the Engineering Department.

3. Prior to the Chair signing the plan, all comments in an e-mail from Joe Mendola, Street Construction Engineer, and dated, April 22, 2022 shall be addressed to the satisfaction of the Engineering Department.

SECONDED by Mr. Meehan

MOTION CARRIED 6-0

Mr. LeClair said the Board would take a short break.

NEW BUSINESS - SUBDIVISION PLANS

A22-0054 William J. Jr., Katherine Vasal (Owner) - Application and acceptance of proposed two lot subdivision. Property is located at 25 Hunt Street. Sheet 102 - Lot 30. Zoned "RB" Urban 11Residence. Ward 6.

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

SECONDED by Mr. Varley

MOTION CARRIED 7-0

Ethan Beals, Civil Engineer, Hayner Swanson Inc., 3 Congress St, Nashua NH

Mr. Beals introduced himself as representative for the owner. With him is Atty. Andrew Prolman, from Prunier & Prolman PA.

Mr. Beals said they are requesting subdivision approval for one lot into two lots. He described the existing site and surrounding neighborhood. He described topography, soils, and existing utilities.

Mr. Beals said described the two proposed lots. One will contain the current house, and the new lot would contain a new 2-story residential dwelling addressed as 27 Granite St. This property received variance approval from the Zoning Board on January 11, 2022 for lot width and lot area requirements. They are showing a 2-car garage, new utilities, and general site improvements. This plan is intended to show the location of the proposed dwelling and that the lot can support it given that topography, setbacks, and available utilities. The developer can make small changes based on the size, type, location, elevation, garage

configuration, and utility layouts. These details are finalized at the time of permit application.

Mr. Beals said they are improving the existing drainage condition by creating a low point at the rear of the property with two leaching catch basins. The proposed stormwater management provides qualitative and quantitative treatment for up to and including the 100 year storm.

Mr. Beals said they are requesting three waivers, as detailed in the staff report. He summarized each request. They believe this application is complete and conforms with the regulations. They believe it is being developed in a responsible manner, and the conditions in the staff report are acceptable. They did receive Engineering comments, and have made the required revisions. He is here seeking their approval.

Mr. LeClair asked if they talked with the utility companies about overhead electric.

Mr. Beals said this was a comment from Mr. Mendola. The intent is conceptual, and the coordination would happen with utility companies at the time of construction.

Mr. LeClair asked if he is confident they can get a pole that isn't crossing over the other lot. They are not a fan of running a line across an adjacent lot.

Mr. Beals said it is not an ideal situation. That coordination would happen with the developer of the proposed lot and Eversource. Eversource has pretty strict standards, so it will be whatever they dictate to service the proposed lot.

Mr. LeClair asked if it is all overhead electric in that area right now.

Mr. Beals said correct.

Mr. Bollinger said there is an existing shed that would need to be relocated. There is some timber edging that would also encroach, and he sees no note of modification for removal. They would want to take care of all obstructions.

Mr. Beals said that is something he can bring up with the client.

SPEAKING IN OPPOSITION OR CONCERN

None

SPEAKING IN FAVOR

None

Mr. Bollinger asked if they need to add a stipulation that all encroachments shall be addressed.

Mr. McPhie said they would need an easement.

Mr. Sullivan said they could add a stipulation that prior to the Chair signing the plan any encroachments will be removed.

Mr. Varley asked if it is not within the scope of minor drafting errors because there is some level of substance.

Mr. Sullivan said yes.

Mr. Hudson asked if they would also address it through an easement.

Mr. Sullivan said yes.

PUBLIC MEETING

Mr. LeClair closed the public hearing and moved into the public meeting. He said this is a straightforward subdivision, and they can stipulate removal of encroachments.

Mr. Varley asked for clarification on the current engineering dates.

MOTION by Mr. Bollinger to approve New Business - Subdivision Plan A22-0054. 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 subdivision plans, 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 \$3,200.00 in lieu of sidewalk construction pursuant to §190-212(D) (2), payment to be made prior to recording the plan.
4. Prior to the Chair signing the plan, all comments in an e-mail dated April 11, 2022 from Mark Rapaglia, Inspector/Investigator shall be addressed to the satisfaction of the Fire Marshal's Office.
5. Prior to the Chair signing the plan, all comments in a letter dated April 29, 2022 and an e-mail dated May 4, 2022 from Joe Mendola, Street Construction Engineer shall be addressed to the satisfaction of the Division of Public Works.
6. Prior to the Chair signing the plan, all minor drafting corrections will be made.
7. Prior to any work, a pre-construction meeting shall be held and a financial guarantee shall be approved.
8. All physical encroachments onto proposed lot 242 shall be removed or addressed via an easement.

SECONDED by Mr. Hirsch

MOTION CARRIED 7-0

NEW BUSINESS - SITE PLANS

A22-0082 SMC Residences at Riverfront Landing (Owner) - Application and acceptance of proposed one year extension to site plan to construct 3 buildings consisting of 177 residential units, café, fitness center, and associated site improvements. Property is located at 4, 5 & 6 Sanders Street (formerly 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. Meehan

Mr. Bollinger said for every one-year extension he has seen on the Board, there have been no changes to the plan. There have

been modifications to this plan set. Are they substantive enough that they should be considering them with the extension?

Mr. Sullivan said they have the ability to consider non-substantive modifications, and that was their opinion. Staff considers these minor. If the Board is uncomfortable, they can choose not to grant the extension. He feels these are minor enough for the Board to consider them as one item.

MOTION CARRIED 7-0

Brian Patinskas, Civil Engineer, McFarland Johnson, 53 Regional Drive, Concord, NH

Mr. Patinskas introduced himself as representative of the owner.

Mr. Patinskas said since the plan was approved last year, all of the building footprints have increased slightly. This resulted in about 860-sqft of increased size. They ended up losing the sidewalk, and going to 45-degree parking to maintain Fire Dept. access. They lost about 4-5 spots, which they had to add back across the site. They added spaces underneath as well. They added awnings over the entrances to the building. SMC wants to enter into an agreement with the city, as these will extend over the Right of Way. Utilities and drainage have not changed.

Mr. Hudson said there was a number of agreements that needed to be entered into. He asked for a refresher on the status.

Bob Simons, SMC Management

Mr. Simons said when the purchase went through, there was an easement for the bus turn-around for future bus stop. Since then they also had a maintenance agreement and snow storage agreement. All of these agreements have been recorded and sent to the Engineering Dept.

SPEAKING IN OPPOSITION OR CONCERN

None

SPEAKING IN FAVOR

None

Mr. Varley asked if there is an agreement in place for the awnings, or if this condition is sufficient to satisfy whether an agreement would be required.

Mr. Sullivan said yes for two reasons. It is accurately addressed in Mr. Mendola's comments, and they will have to seek an encumbrance permit. He doesn't think it is necessary to separate it as a condition, and is backed up in Mr. Mendola's letter.

PUBLIC MEETING

Mr. LeClair closed the public hearing and moved into the public meeting. He summarized the discussion, and said this seems very straightforward.

MOTION by Mr. Varley to approve New Business - Site Plan A22-0082. It conforms to §190-146(D) and §190-23(F) 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.
2. Prior to the Chair signing the plan, all comments in a letter dated April 22, 2022 from Joe Mendola, Street construction Engineer shall be addressed to the satisfaction of the Division of Public Works.

SECONDED by Mr. Hirsch

MOTION CARRIED 7-0

OTHER BUSINESS

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

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

SECONDED by Ms. Harper

MOTION CARRIED 7-0

Mr. LeClair said he would hear Other Business #3 first.

3. Referral from the Board of Aldermen on proposed O-22-011 - Amending the Zoning Map by Rezoning Land Situated North and South of Lake Street and West of Pine Street From Local Business (LB) To Local Business with Mixed Use Overlay District (LB/MU).

Atty. Morgan Hollis, Gottesman & Hollis, 39 East Pearl St, Nashua NH

Atty. Morgan said he is here representing the applicant, CPC Investments, and this is in relation to the Lake Street Garage. It is an unusual corner, and the garage has been there for a long time. The proposal is to remove the building, add the railroad tracks, and make it one single development. It is currently zoned LB, from that being a local business. Surrounding it is RC zoning and multifamily use. Across Pine Street is the mill building with commercial uses. Westerly there is the Courville Nursing Home. They would like to get residential uses on this site, and the garage no longer operates there. They approached the city, and the city thought it would be a good site for residential. There is currently poor visibility on the corner, which would take care of it. This would require multiple variances from height, setback, use, and density to achieve, so city staff recommended they pursue a rezoning. This is similar to what happened on Amherst Street. They are proposing to put whatever happens on this site in front of the Planning Board without going to the Zoning Board. This is a recommendation which would then go to the Planning and Economic Development Committee, and Board of Aldermen. The final details of site design are up to the Planning Board. If approved, they would return with a plan.

MOTION by Mr. Meehan to favorably recommend proposed O-22-011 to the Board of Aldermen, as presented

SECONDED by Mr. Varley

MOTION CARRIED 7-0

2. Referral from the Board of Aldermen on proposed R-22-023 - Relative to the Adoption of the Nashua Arts and Cultural Plan

Ald. Klee, Ward 3, 9 Maywood Drive, Nashua NH

Ald. Klee said she is the liaison to the Nashua Arts Commission, and they have created an incredible plan that works with the

Master Plan. It is an extension of the arts. She sat in towards the meeting, and they painstakingly went through the plan. They got surveys, they spoke to the public, and focused on improving negative feedback in their review. They even looked at the readability of the plan.

Lindsey Rinaldi, 37 June St, Lowell MA

Ms. Rinaldo said she is the director of the Nashua Community Music School and the chair of the Nashua Arts Commission. She is excited to share this plan. Nashua is her hometown, and she feels privileged to be a leader in the planning process for arts and culture of the next five years. The Commission is mayoral appointed, and the committee led the charge for this arts and culture plan. This was in collaboration with surveys and public feedback for a working partnership with the Imagine Nashua plan. This plan has a lot of high level arts details in this, but they look at this as what will be put in motion in the next five years. It's a direct continuation of the plan already approved, and has been cultivated over a two year strategic planning period.

Ald. Klee said she wants the Board to focus on the goals and the time length given. This plan gives an idea of how those goal would come to life over the next five years. That is a really important element of the plan.

Mr. Meehan said this is a great plan and very exciting. Now they are getting something post-covid, and hopefully this can invigorate Nashua. He asked about improvements for Greeley Park and Court Street. How is that carried out?

Ms. Rinaldi said the first part is a study on how the Commission is going to execute that. Their goal is to collaborate with other organizations in order to create a more detailed plan to execute the recommendations. It's their job to study that and put together the steps to get where they want to be.

Mr. Varley asked if there is an element of connecting affirmative actions to capital improvements.

Mr. LeClair said there is some coordination. Some things have come up in the capital improvements. The plan needs to be distributed through the city departments to make sure they are putting in the prioritization in the department budget requests.

Ms. Rinaldi said the purpose of the document at this time is not to request funding. The purpose is to deliver the vision and direction they want for the arts. It would behoove them to not ask for money before they study what that money might be needed for. There is a great amount of potential for raising money in creative ways. It's important that they look at all angles before attaching dollar figures to the plan.

Mr. Sullivan said the exciting piece of this is that several recommendations in the plan are already in motion. It's great to see implementation already happening before the plan is formally adopted.

Ms. Rinaldi said the arts can unify, and that is what they are aiming to do.

Ald. Klee said Imagine Nashua was built by the community, and this is similar. It didn't mean that every element was going to be funded, but it's a goal. It's a place they want to go. That's how this is going to work. It's the plan for the future, the implementation. The Master Plan is a goal, something they are hoping to get done. They have already started some of those projects. This was community input. There's not dollars attached, but as things come up there may be.

MOTION by Mr. Varley to favorably recommend proposed R-22-023 to the Board of Aldermen

SECONDED by Mr. Meehan

MOTION CARRIED 7-0

DISCUSSION ITEMS

Mr. Sullivan provided a brief update on the status of the Nashua Landing proposal.

MOTION to adjourn by Ms. Harper at 9:08 PM

MOTION CARRIED 7-0

APPROVED:

Mr. LeClair, Chair, Nashua Planning Board

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Prepared by: Kate Poirier

Taped Meeting