

NASHUA CITY PLANNING BOARD
May 6, 2021

The regularly scheduled meeting of the Nashua City Planning Board was held on May 6, 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

April 22, 2021

MOTION by Mr. Varley to approve the minutes of the April 22, 2021 meeting

SECONDED by Mr. Hirsch

MOTION CARRIED 8-0

COMMUNICATIONS

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

- 16 Gusabel Ave letter from Steve Auger dated April 30th to Joe Mendola, addressing engineering comments
- 537 Amherst St e-mail from Mark Rapaglia, Fire Dept.
- 452 Amherst St revised plan
- 115 Concord St e-mail from Mark Rapaglia, Fire Dept.

- 115 Concord St communications from the following abutters:
 - o Margaret Wehner
 - o Kathy & Jean Tellier
 - o Andrea Rebeck
 - o Lorna DeLuca
- 147 Daniel Webster Hwy e-mail from Joe Mendola, Engineering
- L West Glenwood & 117 West Hobart St, amended staff report
- 5,7,9,11 Dumaine Ave letter from Fieldstone Land Consultants, addressing engineering comments
- 5,7,9,11 Dumaine Ave e-mail from Joe Mendola, engineering
- Minutes of the April 22nd, 2021 meeting

REPORT OF CHAIR, COMMITTEE & LIAISON

Historic District Commission: Mr. Weber provided a recap of the April 26th meeting

COVID-19 Address

Mr. Varley 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 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.

OLD BUSINESS - CONDITIONAL USE PERMITS

None

OLD BUSINESS - SUBDIVISION PLANS

A21-0028 The Landing at Nashua, LLC, C/o. Dick Anagnost (Owner)
- Proposal to subdivide a 41.31 acre lot, the product of the merger of three (3) existing lots of record, Sheet A - Lots 218, 1019, and 1020, into (4) four lots. Property is located at 2 East Spit Brook Road. Sheet A - Lots 218, 1019, and 1020. Zoned "GB" General Business & "MU" - Mixed Use Overlay. Ward 7. **(Tabled to the May 20, 2021 Meeting)**

MOTION by Mr. Varley to table to the May 20th, 2021 meeting

SECONDED by Mr. Bollinger

MOTION CARRIED 8-0

OLD BUSINESS - SITE PLANS

A21-0029 The Landing at Nashua, LLC, C/o. Dick Anagnost (Owner)
- Proposal to construct a Self- Storage facility. Property is located at 2 East Spit Brook Road. Sheet A - Lot 218. Zoned "GB" General Business & "MU" Mixed Use Overlay. Ward 7. **(Tabled to the May 20, 2021 Meeting)**

MOTION by Mr. Varley to table to the May 20th, 2021 meeting

SECONDED by Mr. Bollinger

MOTION CARRIED 8-0

A21-0062 The Landing at Nashua, LLC, C/o. Dick Anagnost (Owner)
- Proposal to construct a Costco Retail Store with Fuel Station. Property is located at 2 East Spit Brook Road. Sheet A - Lot 218 & 1019. Zoned "GB" General Business & "MU" Mixed Use Overlay. Ward 7. **(Tabled to the May 20, 2021 Meeting)**

MOTION by Mr. Varley to table to the May 20th, 2021 meeting

SECONDED by Mr. Bollinger

MOTION CARRIED 8-0

Mr. LeClair said he would hear case A21-0073 next.

NEW BUSINESS - SITE PLANS

A21-0073 Benchmark Senior Living (Owner) - Nashua Crossing one-year extension to NR1924. Application and acceptance of property is located at 672 & 674 West Hollis Street. Sheet E - Lot 2150 & 2151. Zoned "R9" Suburban residential. Ward 5.

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

Earl Blatchford, Project Engineer, Haynar Swanson Inc

Mr. Blatchford introduced himself to the Board as representative for the applicant. With him is Steve Auger of Hayner Swanson.

Mr. Blatchford provided an overview of the request. This is a one-year extension of the previous approval on April 23, 2020. The pandemic has heavily affected Benchmark Living, and it is only now they feel that they can pick up where they left off a year ago.

Mr. LeClair asked if there are any changes to the previously approved plan.

Mr. Blatchford said no.

Mr. Bollinger asked if there are any other restrictions due to the West Hollis St paving moratorium.

Mr. Blatchford said they don't encroach into the road at all. They have everything they need onsite. It does not affect them.

SPEAKING IN OPPOSITION OR CONCERN

None

SPEAKING IN FAVOR

None

PUBLIC MEETING

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

MOTION by Mr. Weber to approve New Business - Site Plan A21-0073. 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. Bollinger

MOTION CARRIED 8-0

NEW BUSINESS - CONDITIONAL USE PERMIT

A21-0070 Vickerry Realty Trust c/o The Meg Companies (Owner).
NHCG, LLC c/o James Rafferty, President/GM (Applicant)
- Application and acceptance of proposed conditional use
permit to convert a restaurant to a game of chance
establishment. Property is located at 14 Gusabel Avenue.
Sheet E - Lot 2185. Zoned "GB" General Business. Ward 1.

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

SECONDED by Mr. Pedersen

Mr. Bollinger asked if there are any architectural renderings.

Mr. Sullivan said to their knowledge there are no exterior
modifications planned.

Atty. Gerald Prunier, Prunier & Prolman PA

Atty. Prunier said there are no exterior changes proposed.

Mr. Bollinger asked if there will be no changes to the sign at the
entrance to the plaza.

Atty. Prunier said if there is no sign now, there will not be. The
only thing they are allowed to do under the lease is have access
to the previously existing signs.

MOTION CARRIED 8-0

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

Mr. Auger introduced himself as representative for the applicant.
With him is Jim Rafferty, President/General Manager and Atty.
Prunier.

Mr. Auger said they are proposing to occupy the former Bugaboo
Creek restaurant space. He described the subject lot and
surrounding area. The proposed development is all internal
renovations. The facility will operate 7 days/week, 11AM-1AM.

NCPB

May 6, 2021

Page 7

Mr. Auger said they hired Steve Pernaw to analyze traffic, and this will be a significant reduction in traffic during the peak hours. As this is an internal change, there will be no impact to stormwater. The applicant is agreeable to restriping the crosswalks and adding ADA access ramp panels.

Mr. Auger said they are asking for one waiver, as outlined in the staff report. He summarized the nine points of a Conditional Use Permit. The recommended conditions are satisfactory to the applicant.

Mr. Weber asked if the crosswalk will be thermoplastic or painted.

Mr. Auger said they were asked to repaint.

Mr. Weber said the thermoplastic high temperature striping will last longer. He asked if their current location has had any extra police duty onsite.

Atty. Prunier said there have not been any additional requests for police presence.

Mr. Weber asked if the date for Engineering comments in the staff report is correct.

Mr. Auger said to the best of his knowledge.

Mr. Hudson said thermoplastic marking does hold up better. This is private property, so the material is up to them.

Mr. Bollinger asked if the approval provision covers all nine criteria for the Conditional Use Permit.

Mr. McPhie said yes.

SPEAKING IN OPPOSITION OR CONCERN

None

SPEAKING IN FAVOR

Bob Hesselstine, Corpus Cristi Food Pantry, Crown St, Nashua NH

Mr. Hesselstine said they provide food and assistance to 250 families in Nashua. They have received financial help from the River Casino since 2008, and they have been a prime contributor. They look forward to receiving increased benefits from the new location, and thank the casino for their support.

Rocky Morelli, Executive Director, Opportunity Networks, 116
Perimeter Rd, Nashua NH

Mr. Morelli said they have provided support services to Nashua residents with disabilities for the past 40 years, and have partnered with the River Casino since charitable gaming was approved in New Hampshire. He has very positive things to say about this program, and is in favor of the plan.

Mr. Weber asked if there will be an enclosed dumpster included in the plan.

Mr. Auger said he is not sure if there is a dumpster onsite.

Jim Rafferty, 52 Main St, Nashua NH

Mr. Rafferty said they have an enclosed dumpster behind the facility. They will continue to use it as such.

Mr. Weber asked if the site would be cleaned up on the outside.

Mr. Rafferty said yes. In the past four years the landscaping has been beat up, so they have a plan to improve it.

PUBLIC MEETING

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

Mr. Weber thanked the applicant for their plan and their contribution to the residents of Nashua.

MOTION by Mr. Weber to approve New Business - Conditional Use Permit A21-0070. It conforms to §190-133(F) with the following stipulations or waivers:

1. The request for a waiver of § 190-279(B), which requires bearings and distances of all property lines etc. on the plan, 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 Joe Mendola, Street Construction Engineer, and dated, April 17, 2021 shall be addressed to the satisfaction of the Engineering Department.

SECONDED by Mr. Pedersen

MOTION CARRIED 8-0

NEW BUSINESS - SUBDIVISION PLANS

None

NEW BUSINESS - SITE PLANS (cont)

A21-0046 Prabhakar Properties, LLC (Owner) - Application and acceptance of proposed 4,800 sf commercial building (dental and retail) along with associated site improvements. Property is located at 537 Amherst Street. Sheet H - Lot 652. Zoned "HB" Highway Business. Ward 2.

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

SECONDED by Mr. Varley

MOTION CARRIED 8-0

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

Mr. Zajac introduced himself as representative for the applicant. With him is owner Dr. Praveena Bhat, Atty. Brad Westgate, Gary Thomas and Scott Cornett from North Point Construction Management.

Mr. Zajac presented the project proposal. He described the subject lot and surrounding properties.

Mr. Zajac provided backstory on the history of the site. Previously, this site was used as a restaurant and tire shop, after which the building was demolished and the site subdivided. One of the lots was developed into the abutting NTB tires, with future plans to develop the target lot.

Mr. Zajac showed the proposed site plan. They propose to develop it into a 1-story dental/commercial site, with additional site improvements. He outlined the architectural design, parking, and cross access. They are proposing a rear connection to the Baron's appliance parking lot next door for secondary and emergency access. He outlined lighting, landscaping, and traffic. During the NTB approval the Board expressed the desire to see a low traffic use on this site to minimize traffic using the shared driveway, so they believe this is a good use for the underutilized site.

NCPB

May 6, 2021

Page 10

Mr. Zajac outlined the proposed stormwater management system in detail. This project will result in a significant improvement in regards to the previous use of the site.

Mr. Zajac said they are requesting three waivers, as outlined in the staff report. He described each waiver in depth.

Mr. Zajac said they believe this site is being redeveloped in a responsible manner and is a good use for a site that has sat vacant for several years. They have reviewed the staff report and are amenable to the recommended conditions of approval. They requested that Stipulation #6 be stricken, as the Fire Dept. has indicated they are comfortable with the proposal.

Mr. LeClair asked if the request for a \$3,800 contribution to the Amherst St corridor account is acceptable.

Mr. Zajac said yes.

Mr. Varley asked if they gave any thought to bringing the building forward and putting the parking behind them. There has been Master Planning discussion about how they might rethink the Amherst St corridor, and one of the ideas was bringing buildings up to the street.

Mr. Zajac said the layout of the building and parking was fairly locked in once the NTB site was developed. They are doing the master planning of the two sites. It was always contemplated that they would have a shared driveway, and they feel it would be inefficient to circulate traffic to the rear of the site.

Mr. Varley said it was wondering if there were other restrictions preventing that kind of layout.

Mr. Zajac said they went to the Zoning Board for parking in the front yard setback. The previous use of the site paved right up to the street, so even though both new developments pulled back considerably they are still within the setback. Because the rear lot line is angled, they found this layout to be most efficient.

Mr. Weber said there is a number of trees to the back and side. Will they be removed or preserved?

Mr. Zajac indicated the trees which will be removed and saved.

NCPB

May 6, 2021

Page 11

Mr. Weber said whenever they have a lot of black top, it creates heat. They want to keep this from being a heat island. He said the front sidewalk is in disrepair, and asked if they could fix what is there currently while improving the site.

Mr. Zajac said that probably isn't in the project's budget, so he doesn't want to commit to it. This section of Amherst St is slated in the DOT 10-year plan.

Mr. Weber said if it's going to be done by someone else, don't do it.

Mr. Zajac said he can't speak to the timing.

Mr. Weber said the rear lighting splashes onto the adjacent property. Would it be possible to put a plate so that it doesn't spill into their property?

Mr. Zajac said they install a shield.

Mr. Hudson said there are future plans to widen Amherst St and repair the sidewalk in the 10-year plan.

Mr. Bollinger asked if there are any proposed signs for the business.

Mr. Zajac said correct. He described the proposed signage.

Mr. Bollinger asked if that would be an administrative item.

Mr. Zajac said his understanding is that there is a separate review process.

Mr. Sullivan said the sign permit application is a separate administrative review. If it is noncompliant, it would be handled by the Zoning Board. The location would fall under Planning Board jurisdiction, but any other dimensional and design requirements would be administrative.

Mr. Bollinger asked why the emergency access to the adjacent parcel wouldn't be formalized under an easement. Would they install a barricade?

Mr. Zajac said they proposed a gate, and the Fire Dept. didn't want that. They are posting signage.

Mr. Bollinger asked if the abutter was amenable to an easement, and whether it would have been worthwhile to pursue.

Mr. Zajac said the shared access regulations act as if the parcels are all developed at the same time. The abutter was developed first, and provided the driveway stub. There is an easement, but it's conditioned on providing a reciprocal easement by the site. There is an existing shared access between NTB, it just doesn't allow a third party to hop on. In requiring that, they would have to go back to NTB to amend the easement. They feel they are meeting the spirit and intent of the ordinance with this proposal.

Atty. Brad Westgate, Winer & Bennett, 111 Concord St, Nashua NH

Atty. Westgate said in 2016, the goal for the site was a low impact use, which this fits the bill. The setting for those two properties was established at that time. Both this property and Baron's has adequate access. It's difficult to meet the spirit of shared access with redeveloping small sites. The easement with NTB was created with the purpose of shared access between the two lots to meet the 2016 approval.

SPEAKING IN OPPOSITION OR CONCERN

None

SPEAKING IN FAVOR

None

PUBLIC MEETING

Mr. LeClair closed the public hearing and moved into the public meeting. He summarized the discussion. He asked staff if stipulation #6 could be removed.

Ms. McGhee said correct.

Mr. Hudson provided updated dates for the engineering comments.

MOTION by Mr. Varley to approve New Business - Site Plan A21-0046. It conforms to §190-146(D) with the following stipulations or waivers:

1. The request for a waiver of § 190-209(F), which requires cross access easements between adjacent commercial properties, 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 § 190-172(D)), which requires certain architectural design standards for non-residential buildings, 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 § 190-89(A), which requires lighting levels not exceed 0.2 footcandles along the property line, 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, minor drafting corrections will be made to the plan.
5. Prior to the Chair signing the plan, all comments in an e-mail from Joe Mendola, Street Construction Engineer dated April 9, 2021 will be addressed to the satisfaction of the Division of Public Works.
6. Prior to the issuance of a building permit the applicant shall give a contribution of \$3,800 to the Amherst Street Traffic Corridor Account as outlined in an e-mail dated April 1, 2021 from Wayne Husband, P.E.
7. Prior to any work and a pre-construction meeting, a financial guarantee shall be approved.
8. Prior to the issuance of a certificate of occupancy, all off-site and on-site improvements will be completed.

SECONDED by Mr. Bollinger

MOTION CARRIED 8-0

A21-0047 First Church of Christ, Scientist of Nashua (Owner) Crimson Properties, LLC (Applicant) - Application and acceptance of proposed site plan to show a 12 unit senior residential development and associated site improvements. Property is located at 115 Concord Street. Sheet 49 - Lot 48. 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. Pedersen

MOTION CARRIED 8-0

Tom Zajac, Project Engineer, Hayner/Swanson Inc

NCPB

May 6, 2021

Page 14

Mr. Zajac introduced himself as representative for the applicant. With him is applicant Randy Turmel, and Atty. Morgan Hollis.

Mr. Zajac said this application has received multiple letters of support, which should be in their packets. They have also received letters of opposition, which they will address in their presentation.

Mr. Zajac described the site and surrounding properties. He said this area contains a mix of uses including churches, single family residences, multifamily, convenience store, flower shop, and a law office.

Mr. Zajac presented the existing conditions plan. He described the current site, access, topography, soils, and utilities. This section of Concord St was paved in 2018, and under a moratorium until 2023.

Mr. Zajac showed the proposed site layout. They propose to demolish the church and construct a 12-unit elderly housing development, to be known as Covington Place. This use is allowed by right in this zone. The design of this project is based on site constraints, topography, avoiding impacts to Concord St, and minimizing impacts to the tree buffer at the rear of the site. He described the buildings, units, and clubhouse. He showed site access and the drive aisle, which will be known as Sutton Way.

Mr. Zajac said they have taken care to preserve the view from Concord St and Bates St. He presented the architectural concepts of the proposal from various viewpoints.

Mr. Zajac addressed traffic and site distancing for the site. Their traffic engineer prepared a traffic memo and trip generation analysis. They submitted this to the traffic dept. and have not received any concerns.

Mr. Zajac provided an in-depth explanation of proposed stormwater management and drainage improvements. All stormwater leaving the site is either equal to or improved from the current condition. They believe they are compliant with the stormwater requirements for redevelopment of the site.

Mr. Zajac said the applicant reached out to Nashua Transit to look into constructing a bus stop as part of the project. This is not a site plan requirement, but would be a benefit to the residents and general public.

Mr. Zajac said they are proposing shared parking with the law office to the south. There are seven common shared spaces, which is an agreement that has been in place since the 1980s. The applicant is working closely with the law office to revise the shared parking agreement to provide those spaces for this project. A formal site plan amendment will be required to update the abutting lot's parking calculations, which has been submitted.

Atty. Morgan Hollis, Gottesman & Hollis PA

Atty. Hollis provided an in-depth explanation of how the development qualifies and meets the standards of the Housing for Older Persons ordinance. This was also outlined in a narrative submitted to the Board.

Atty. Hollis addressed abutter concerns. He said this development is not within the Historic District, and is not subject to the requirements of the District. There are single family homes to the north and on Bates, but there is a mix of other uses in the area. They consulted with independent appraiser Chet Rogers, who found that the development will not be detrimental to surrounding property values.

Atty. Hollis said there are concerns that this would set precedence. Any development of this type would have to meet the Housing for Older Persons ordinance. The team believes this layout and location cannot be more ideal for the elderly.

Atty. Hollis said the abutters raised concerns over affordability. This is not within the criteria the Board addresses, but these are smaller units. Because of the size of the project, there will be smaller management costs. He thinks this will be an excellent investment and a good buffer between nonresidential and residential uses in the neighborhood.

Mr. Zajac said they are requesting one waiver for maximum parking, as outlined in the staff report. He described their request in depth. They believe this application is complete and conforms to the site plan regulations. They think the site is being developed in a responsible manner. They have reviewed the staff report, and are amenable to the recommended conditions of approval.

Mr. Weber said the back of the building will have people coming out onto their decks. He thinks a simple 3-ft fence may be in order to consider because of the slope. Not something that will obscure,

NCPB

May 6, 2021

Page 16

just something to keep people from falling down the slope. Other than that, he thinks this is a good thing.

Mr. Zajac said he can speak to their client about that. There is a 20-ft bench in the rear of the site.

Mr. Varley said he agrees with Atty. Hollis's read of the ordinance and distinction between 55+ and 62+ and the applicability of the services requirement. He asked if they believe they have practically met the standard.

Atty. Hollis said yes. They meet more than half, and can do so by including them in the condo declaration documents.

Mr. Bollinger said the color rendering differs slightly from what is in their packet. He asked them to indicate the shared spaces and whether or not there will be a divided grass strip.

Mr. Zajac indicated the spaces on the plan. There will be a 5-ft grass strip between the shared spaces and the development.

Mr. Bollinger asked if there is a formal agreement in place to share the spaces.

Mr. Zajac said there will be.

Atty. Hollis said they have reached agreement with the abutter on a new agreement. The site plan amendment for the change to that site has been submitted.

Ms. Harper asked if they have done any ledge testing, and whether there will be blasting.

Mr. Zajac said they did some test pits, and all indicated sandy soil. They went down 6-8 ft and did not see any ledge.

Ms. Harper asked if there will be a patio area for the walk-out.

Mr. Zajac said they are proposing a small patio area or landing on the back of the building.

Ms. Harper asked if it would be lit in the back.

Mr. Zajac said no.

Ms. Harper asked where snow would be stored.

NCPB

May 6, 2021

Page 17

Mr. Zajac said this is a compact urban lot with little room for storage. Once onsite storage is exceeded, they will truck it off the lot.

Ms. Harper asked how trash removal will work.

Mr. Zajac said each unit will have their own receptacle, which will be picked up curbside.

SPEAKING IN FAVOR

Ald. Dowd, Ward 2

Ald. Dowd said he is in favor of the proposal. He thinks it provides an enhancement to the neighborhood, and there is very little 62+ development in Nashua. The developer has built high quality in the past. For someone 62+, this is a great opportunity, and has easy access to the highway system and downtown. This is well designed.

Laue Toupin, First Church of Christ Scientist

Ms. Toupin introduced herself as a Board member representing the owner. They decided to sell the building because there were many repairs needed, and they were thrilled with what Mr. Turmel proposed for the site. They think this will enhance the area and bless the neighbors. The attention to detail that has been paid is impressive, and they support this project.

Atty. Brad Westgate, 17 Preserve Dr., Nashua NH

Atty. Westgate said he works at the law firm who operates at 111 Concord St. However, he is appearing in the capacity of an abutter, not a lawyer. He is not functioning as counsel.

Atty. Westgate provided a brief history of the building and its uses. It was converted to a law firm in 1976, and he has worked there since 1978. The applicant accurately expressed the agreements they have reached regarding the parking easement. He described the current parking arrangement and proposed.

Atty. Westgate said there is a categorically different character of Concord St north and south of Greeley Park. They think this is a compatible use for the immediate area, and a good transition from office to the north. The condominium form of ownership lends itself to centralized management, and consistent management and upkeep.

Atty. Westgate said the traffic is something residents have become accustomed to. The circumstance of having many cars parked along Concord St is something residents know they have to deal with. They think this works well and is a quality idea. They are in support.

SPEAKING IN OPPOSITION OR CONCERN

Jean Tellier, 112 Concord St, Nashua NH

Mr. Tellier said he purchased his home in 1987, and is heavily invested in the area. He is concerned where the area is going, and what they are committing to. This is a mostly single family area. This proposal started as a 10-unit condominium, and when that fell through they proposed a 12-unit elderly housing. But what he heard was condominium contract, bylaws, and associations. They are establishing a condominium precedent. Any one of the properties could support another 10-12 unit condo. Before you know it there will be nothing but condominiums in the most picturesque area of Nashua.

Mr. Tellier described the improvements he has made to his property, and said it will be worth more than what these units are selling for. They're not going to be selling for 400-500,000 dollars. His value will be lessened because of it.

Mr. Tellier is concerned about traffic. When the traffic analyst talks about how this is a 30mph zone but designed for 40mph; that is not the case. Now they are going to have a condo across the street with 37 cars. The applicant has said that traffic trips are going to be once in, once out, but elderly are very mobile. There is going to be a significant traffic increase that he thinks is being understated. In the summer he can't get out of his own driveway.

Mr. Tellier said Concord St was just paved. If they rip it up, it would be a travesty. He has no faith that this isn't doing to chew up the street.

Margaret Wainer, 119 Concord St, Nashua NH

Ms. Wainer said she is concerned with traffic. The slight incline of the road is such that you can't see oncoming traffic coming north. Any additional traffic is more dangerous. The use of Greeley Park, people parking on both sides, and drivers not observing the speed limit is going to be a real problem.

[Unknown], 109 Concord St

[Unknown] said they are set back behind the law office of 11 Concord St. Their concern is the loss of trees and traffic. The traffic is really bad, especially around graduation. Sometimes her driveway is blocked and she can't get out. People speed a lot here, and the traffic is a huge problem. She said she is more concerned about the trees and the hawks back here. This is very secluded, and they are concerned about losing privacy.

Joe Deluca, 114 Concord St

Mr. Deluca said he is concerned about traffic. There is an incline just north of this property, and it's very difficult to judge their speed. A lot of people don't follow the speed limits, and it's an inherent danger. People parking on both sides of the street makes it difficult to see.

Mr. Deluca also has concerns about the 2 unit in the front, and how far back from the front lot line it is. That building could be a hazard to seeing down the road. Originally the project was going to be built in the existing footprint.

Mr. Deluca is concerned about property values. When people see a multiunit building down the street, that does affect the property values.

Mr. Deluca said a bus stop would be good for the condo development, but would be a problem for the street. Where will it be placed?

Albert Mueller, 11 Bates Dr, Nashua NH

Mr. Mueller said he lives directly behind the church. He appreciates this area of Nashua because it is mostly single family housing. He would hate to see a big long building, which looks like a penthouse. There's going to be a lot of noise. It ruins his property values, and will be an ugly site. He doesn't think there should be a condominium property in this neighborhood, as it does not fit into this area.

SPEAKING IN FAVOR - REBUTTAL

Tom Zajac, Project Engineer

Mr. Zajac addressed traffic speed, sight distance, and street parking. They looked at sight distances from their own driveway and you can see 500-ft in either direction. This well exceeds the

sight distance requirements for 30-mph, 40-mph, and 50+mph. Unfortunately, the slight rise in the road past their site is slightly less, but they can see very well in each direction. This is an existing condition within Concord St. There is not much they can do as the applicant to slow drivers on this road. The current church use happens on Sundays, which would add to the parking issues on the road. Compared to the existing church use, they would be assisting that. They meet and exceed all sight distancing requirements.

Mr. Zajac said the street is under moratorium until 2023. They do not propose to cut into the street, but if they did they would have to go before the Board of Public Works for permission.

Mr. Zajac said they would not be able to post No Parking signs on public streets, which would be the city's jurisdiction. The duplex and clubhouse are set back 36-ft from the Right of Way. There is a 35-ft deed restriction on this site, and the RA zone requires at least 25-ft. They are 11-ft past that. 111 Concord St is nearly at that same distance, and nothing they are proposing would impact site lines.

Mr. Zajac said the proposed bus stop would be just north of the driveway, between the clubhouse and 2-unit. It would be fully within the right of way, which they would need to coordinate with city staff.

Mr. Zajac said they acknowledge there is a majority of single family uses, but they have also documented the mixed uses north of Greeley Park. This is an allowed use by right in this zone, and they are trying to protect the view shed from Bates Dr as much as possible. The plan shows protection of 90-ft of the existing buffer, which is 1/3 of the site. A large portion of the existing buffer will remain.

Atty. Morgan Hollis said the assessor evaluated the neighborhood and found there would be no impact. Just up the street there was a lot of objection and argument over the Hayden Green elderly living development, that the project would devalue property. It clearly has not. This is not a large multi-story, multifamily project.

Mr. Bollinger thanked the applicant for the explanation between 55+ and 62+ developments. Did this require any zoning relief?

Atty. Hollis said no, it did not. This is in accordance with the regulations. This property could be subdivided with no protective

buffer. It could be cleared all the way to the bottom of the slope. They tried to be careful with the neighbors.

Mr. Varley asked if there would be any disturbance of the pavement.

Mr. Zajac said they are not proposing to impact the pavement. They are keeping the driveway where it is, and all utilities can be provided without disturbing it.

PUBLIC MEETING

Mr. LeClair closed the public hearing and moved into the public meeting. He summarized the discussion. He said there has been a reasonably significant amount of effort from the applicant to mitigate the look and feel of the neighborhood, more so than many of their applications. He is sensitive to the traffic issues, but speeding is not a Planning Board issue. Parking along the streets isn't something the Board has jurisdiction over either.

Mr. Varley said the two big issues seemed to be traffic, and fitting into the neighborhood. The resident concerns on traffic are understandable, but not in control of the applicant and out of the jurisdiction of the Board. He thinks the applicant has made significant efforts to conform as best as possible to a variety of uses and residential building types in this area. This is a different type of use, but this type of development has to meet the criteria for Housing for Older Persons. He doesn't believe this sets the broad precedent for Concord St. While these units are smaller and will most likely sell for less than a large Victorian on this street, he doesn't think that fact alone will reduce property values. They have expert testimony from an appraiser that it will not harm values. He understands abutter concerns, but doesn't feel this would justify not approving this.

Mr. Weber said that being older than 62, most people don't get up and leave the site right during rush hour. It's a different mindset. He thinks this is a plus for the neighborhood, and will improve it tremendously. It's quality built and quality looking.

Mr. Pedersen said another important point is that conceivably this site could've been subdivided, all the trees cleared, and multiple driveways. That would be more objectionable than what is proposed. This looks good.

Mr. LeClair asked if this was a 12-unit condo complex that was not 62+, would this type of construction qualify? Is the density allowed because this is a senior development?

Mr. Sullivan said partially. This could be achievable under a comparable density through other types of development.

Mr. LeClair said the fact that they do have this in front of them is a positive then, because it has less impact.

Ms. McGhee provided clarification on the proposed stipulations.

MOTION by Mr. Varley to approve New Business - Site Plan A21-0047. It conforms to §190-146(D) with the following stipulations or waivers:

1. The request for a waiver of §190-198, which requires a maximum number of parking spaces for this project, 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 Joe Mendola, Street Construction Engineer dated April 6, 2021 shall be addressed to the satisfaction of the Division of Public Works.
3. Prior to the Chair signing the plan, all comments from an e-mail from Mark Rapaglia, Inspector/Investigator dated May 5, 2021, and subsequent comments by Fire Marshal Adam Pouliot shall be addressed to the satisfaction of Fire Marshal's Office.
4. Prior to the issuance of a building permit the applicant shall provide a contribution of \$1,000 to the Main Street Corridor Account as outlined in an e-mail dated April 7, 2021 from Wayne Husband, P.E.
5. Prior to the Chair signing the plan minor drafting corrections will be made.
6. Prior to any work, a pre-construction meeting shall be held and a financial guarantee shall be approved.
7. Prior to the issuance of a building permit, the electronic copy of the plan will be submitted to the City of Nashua.
8. Prior to the issuance of the Certificate of Occupancy, all on-site improvements shall be substantially completed, provided that paving may be completed to base course and landscaping may be completed as seasonally permitted; and further provided that a financial guarantee will be required for any work remaining.

9. Prior to the issuance of the Certificate of Occupancy, an as-built plan locating all driveways, units, buildings, utilities, and landscaping shall be completed by a professional New Hampshire licensed engineer or surveyor and submitted to Planning and Engineering Departments. The as-built plan shall include a certification by a NH licensed professional engineer that all construction was generally completed in accordance with the approved site plan and applicable regulations.
10. Prior to the issuance of the Certificate of Occupancy, all off-site and on-site shall be completed.
11. The applicant shall work cooperatively with the Nashua Transit System and Planning Department to evaluate the feasibility of transportation shelter installation on the property or adjacent public right-of-way, subject to all necessary approvals.
12. Prior to the issuance of any Certificate of Occupancy, a site plan amendment application shall be submitted and approved for 111 Concord Street to address the modification to the parking agreement with 115 Concord Street and parking requirements.

SECONDED by Mr. Weber

MOTION CARRIED 8-0

The Board held a brief discussion on whether to continue with their agenda, due to the lateness of the hour. Mr. LeClair said they would hear cases until 11pm.

A21-0069 Tulley Automotive Group (Owner) - Application and acceptance of proposed site plan amendment to NR1876 construct a 17,600 square foot auto body shop. Property is located at 147 Daniel Webster Hwy Sheet A - Lot 745. Zoned "GB" General Business. Ward 7.

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

Paul Chisholm, Project Engineer, Keach Nordstrom Associates

Mr. Chisholm introduced himself as representative for this case and the following case A21-0072. He said what happened is the auto

body was approved last fall. They have withdrawn that application and are now proposing the auto body shop on the Daniel Webster Hwy site, and a storage lot only on the West Glenwood. He is happy to get through this one and postpone the next site to the next hearing.

Mr. Chisholm showed the proposed site and surroundings. They are focused on the second tier of the property, where they want to relocate the body shop. He addressed stormwater management, lighting, landscaping, and other site improvements. He addressed several comments received from Engineering and Fire Dept., including stormwater runoff and the DW Hwy street moratorium.

Mr. Chisholm said they are requesting three waivers, as detailed in the staff report. They have no issue with any of the listed conditions, and intend to resubmit a response to Engineering's letter early next week to address their concerns.

Mr. LeClair asked if Everett Turnpike is above this building, and drivers would mostly be looking at the roof.

Mr. Chisholm said correct. The highway is very vegetated, and he doesn't think they will see it too well at all.

Mr. Weber said there is minimal landscaping and a great deal of pavement. He asked them to consider adding trees to offset the heat this would provide for the area.

SPEAKING IN OPPOSITION OR CONCERN

None

SPEAKING IN FAVOR

None

PUBLIC MEETING

Mr. LeClair closed the public hearing and moved into the public meeting. He summarized the discussion. This seems to be a straightforward application, and fairly hidden.

Mr. Pedersen led a brief discussion regarding the recommended stipulations of approval.

MOTION by Mr. Weber to approve New Business - Site Plan A21-0062. It conforms to §190-146(D) with the following stipulations or waivers:

1. The request for a waiver of § 190-279(EE) which requires existing conditions to be shown on adjacent properties, 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 § 190-184 D (1) which requires parking aisles not contain more than 10 spaces in a row without a planted median and/or island, 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 § 190-172 which requires certain architectural features and materials be used, is granted, finding that the waiver will not be contrary to the spirit and intent of the regulation.
4. Since this is an automobile body shop provide documentation a spill prevention plan for paints and other liquids is in place.
5. Prior to the Chair signing the plan, a contribution of \$12,400 shall be paid to the Daniel Webster Highway Corridor account per Wayne Husband, City Traffic Engineer e-mail dated April 29, 2021.
6. Prior to the Chair signing the plan, minor drafting corrections will be made.
7. 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.
8. Prior to the Chair signing the plan, all comments in an e-mail from Joe Mendola, Street Construction Engineer, and dated April 30, 2021 shall be addressed to the satisfaction of the Engineering Department.
9. Prior to the issuance of a building permit, all comments in an e-mail from Mark Rapaglia, Inspector/Investigator, dated April 14, 2021 shall be addressed to the satisfaction of the Fire Marshal's Office.
10. Work with staff to provide building elevations plan sheet.
11. Prior to the issuance of a building permit, stormwater documents will be submitted to City staff for review and recorded at the applicant's expense.

12. Prior to the issuance of a building permit, the electronic file of the plan will be submitted to the City of Nashua.
13. Prior to any work on site, a pre-construction meeting shall be held and a financial guarantee shall be approved.
14. Prior to the issuance of the final Certificate of Occupancy, all new parking spaces will be painted along with repainting any existing spaces in the impacted area.
15. Prior to the issuance of the Certificate of Occupancy, an as-built plan locating all new driveways, utilities, and landscaping shall be completed by a professional New Hampshire licensed engineer or surveyor and submitted to Planning and Engineering Departments. The as-built plan shall include a certification by a NH licensed professional engineer that all construction was generally completed in accordance with the approved site plan and applicable regulations.
16. Prior to the issuance of the Certificate of Occupancy, all off-site and on-site improvements will be completed.

SECONDED by Ms. Harper

MOTION CARRIED 8-0

A21-0072 Roscommon Investments, LLC (Owner) - Application and acceptance of proposed site plan to construct a paved vehicle storage lot. Property is located at L West Glenwood Street. Sheet 128 - Lots 31, 32 & 84 & Sheet 132 - Lots 38 & 84. Zoned HB-Highway Business & "RA" Urban residential. Ward 7.

MOTION by Mr. Varley to table the application to the May 20, 2021 meeting

SECONDED by Mr. Pedersen

MOTION CARRIED 8-0

Mr. LeClair said they will hear the next case, and continue cases A21-0074 and A20-0205 to the May 20, 2021 meeting

A21-0041 62 Lake, LLC (Owner) - Application and acceptance of proposed site plan amendment to NR2210 to convert the garages in Units 4-8 into halfway house units and a waiver for parking spaces. Property is located at 62 Lake Street. Sheet 101 - Lot 60. Zoned "RC" Urban Residence. Ward 6.

NCPB

May 6, 2021

Page 27

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

SECONDED by Ms. Harper

MOTION CARRIED 8-0

Richard Maynard, Project Engineer, Maynard & Paquette Engineering Associates,

Mr. Maynard introduced himself as representative for the applicant.

Mr. Maynard said this site was last before the Board in October 2017, who approved the additional 5-units on a 3-unit property, for a total of 8-units. They would like to convert the garages of the new 5-units into bedrooms. This would give the site 8 parking spaces. The occupants of these bedrooms will not be allowed to bring cars onsite, and would be transported by van. Otherwise, the site stays as it was originally approved. This is strictly a waiver for parking to convert the bedrooms.

Mr. LeClair asked if the five new bedroom occupants would not be able to have cars.

Mr. Maynard said correct, it is forbidden.

Mr. LeClair asked how it would be managed.

Mr. Maynard said it's managed by the person who rents these apartments.

Mr. Bollinger asked if the tenants are allowed to have visitors with vehicles.

Mr. Maynard said that is allowed. But the tenants in the five units are not allowed to have cars.

Mr. Bollinger asked if that is written into a covenant or written agreement. How is it enforced?

NCPB

May 6, 2021

Page 28

Mr. Maynard said these are rentals. The enforcement is that there is not enough room, and the landlord will enforce this.

Mr. LeClair asked if they would be leased.

Mr. Maynard said correct.

Mr. Varley said that restriction can be included in the lease.

Mr. Maynard said they can do that.

Mr. Hirsch asked if they are market rate, or used by a social agency.

Mr. Maynard said they are market rate units, and a social agency has rented them. They are for transition. The units would go from 3-bedroom apartments to 5-bedroom apartments. The garage gets incorporated in the rest of the unit.

Mr. Hirsch asked if there is street parking.

Mr. Maynard said no.

Mr. Hirsch said anyone traveling to the site would have to park quite a distance away.

Mr. Maynard said that would be in violation of the agreement that the tenants not have cars. There is no overnight parking on Lake St either.

Mr. LeClair asked if they are leased by bedroom, or the whole apartment.

Mr. Maynard said by bedroom. There will be five unrelated tenants in five bedrooms.

Mr. LeClair asked if this is transitional housing.

Mr. Maynard said correct.

NCPB

May 6, 2021

Page 29

Mr. Pedersen said staff received an email from the Fire Dept. saying sprinklers and smoke alarms will need to be installed.

Mr. Maynard said they intend to do that.

Mr. Varley asked if this is currently being used as transitional housing.

Mr. Maynard said yes, they are expanding the number of occupants.

Mr. LeClair said the big question here is the parking waiver for the number of occupants.

Mr. Maynard said correct.

Mr. Pedersen asked where the tenant facilities will be.

Mr. Maynard said these are five bedroom apartments. They will have fully included facilities, kitchen and bathrooms. There is no offsite showering.

Mr. Pedersen asked if this is more than just bedrooms, and full facilities are being added.

Mr. Maynard reiterated that they are adding two bedrooms each to the three-bedroom apartments.

Mr. Weber asked if this is supervised housing.

Mr. Maynard said not onsite, but the residents are part of a program.

Mr. Sullivan said this proposal walks a fine line between a true congregate halfway house living facility. What is being proposed is a residential use for occupants who happen to be participating in programs and services offered offsite. This is an odd use of the property, but in their opinion this is strictly a residential use. The Land Use Code allows for unrelated individuals to live in a residential setting in a non-congregate setting. They are simply expanding that capacity. They view this as a residential use because there are no onsite services and no onsite supervision.

Mr. LeClair asked if it is already that program.

Mr. Sullivan said correct.

Mr. Weber asked if there is any way that this should have a certain statement as far as the type of housing, so it doesn't become a precedence.

Mr. Sullivan said no, and he would caution the Board to the contrary. They need to look beyond the current tenant, because this approval runs with the land. They would constrain the future owners of this property to have vehicles. He would not recommend that they insert language specific to this tenant, as that would indicate a different use of the property. He would not recommend any specific conditions that the residents could not own cars, as that would cause issues down the road.

Mr. LeClair said they are not increasing the number of units.

Mr. Sullivan said correct. The number of units is the basis for the parking calculations, not bedroom count.

Mr. Weber asked if this owner sells the property, they would have to convert back into garages.

Mr. Sullivan said no. They will likely do what makes the property most marketable, but unless they are exceeding the maximum permissible parking spaces, they would be able to reestablish the garages without having to go to the Board.

Mr. Bollinger asked if there are any space requirements that limit the number of occupants per square foot of the dwelling, and whether they are approaching that.

Mr. Sullivan said the Land Use Code has a 1 occupant/300-sqft requirement for unrelated individuals. The square footage does comply with the minimum requirements. Fire and Building Code does not have strict occupancy standards to his understanding.

Mr. Hudson said staff is indicating this isn't pertinent to the current use, and they shouldn't consider any restricting of parking. But the waiver request directly cites those things as justification.

Mr. Maynard said if the situation changed to being noncompliant, they would have to come back to the city. This is planned to be a long term development spanning years. These kinds of uses are all over the city.

Mr. Sullivan apologized, and said in the event that these are reconverted back to garages the applicant would have to come back to the Board.

Mr. Weber said the request is for minimum parking standards. There is no stipulation that states no onsite parking. He thinks it is required.

Mr. Varley said this is a waiver from the minimum standards. There will still be parking onsite, just not a sufficient number under the ordinance.

Mr. Maynard directed the Board's attention to Note #5 on the plan.

SPEAKING IN OPPOSITION OR CONCERN

None

SPEAKING IN FAVOR

None

PUBLIC MEETING

Mr. LeClair closed the public hearing and moved into the public meeting. He summarized the discussion. They are simply increasing the capacity of the units. These programs are beneficial, and he is in favor.

Mr. Pedersen asked if the new dwellers will have no parking privileges.

Mr. LeClair said correct.

Mr. Bollinger said he doesn't understand how it is being enforced.

Mr. LeClair said the way they enforce it is there is no space.

Mr. Bollinger said if they get there first. He thinks there is a density issue.

Mr. LeClair said they have other developments in the city with reduced or no parking. There are plenty of apartments in downtown.

Mr. Varley said the enforcement would be in the lease. It's no different than an easement or condo documents in that there is a legally enforceable option.

Ms. Harper expressed concern over the parking. It's one thing to have a building with no parking, but it has a drive lane that people could park in overnight without the landlord knowing.

Mr. Pedersen said that could happen anywhere in the city. They get caught eventually. They are also becoming less of an automobile centered society, and this is close to the downtown.

Mr. Weber said there is a van to bring people where they need to go. He visited the site, and there were no cars anywhere. He understands the purpose, so he not disinclined to approve this. This is needed.

Mr. LeClair said the bus service on Lake St is a pretty frequent route.

MOTION by Mr. Varley to approve New Business - Site Plan A21-0062. It conforms to §190-146(D) with the following stipulations or waivers:

1. The request for a waiver of NRO § 190-198, 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.

2. Prior to the chair signing the plan, minor drafting corrections will be made.
3. Prior to the issuance of a building permit, the electronic file of the site plan shall be submitted to the City of Nashua.
4. Prior to the issuance of a building permit, all comments in an e-mail dated March 31, 2021 from Tom Lacroix, Staff Engineer shall be addressed to the satisfaction of the Division of Public Works.
5. Prior to the issuance of a building permit, all comments in an e-mail dated March 30, 2021 from Mark Rapaglia, Inspector/Investigator shall be addressed to the satisfaction of the Fire Marshal's Office.

SECONDED by Mr. Weber

MOTION CARRIED 6-2 (Bollinger, Hirsch opposed)

A21-0074 Alla-Maak Properties, LLC (Owner) - Application and acceptance of proposed site plan to construct a 4,650 square foot convenience store with gas station. Property is located at 452 Amherst Sheet H- Lot 143. Zoned "PI" Park Industrial / "MU" Mixed Use Overlay. Ward 2.

MOTION by Mr. Weber to continue this application to the May 20, 2021 meeting

SECONDED by Mr. Varley

MOTION CARRIED 8-0

A20-0205 GIMAK Properties, LLC (Owner) - Application and acceptance of proposed 30 unit multi-family townhouses along with associated site improvements. Property is located at 5, 7, 9, & 11 Dumaine Avenue. Sheet H - Lots 82, 83, 128 & 141. Zoned GB-General Business & "PI" Park Industrial / "MU" Mixed Use. Ward 2.

MOTION by Mr. Weber to continue this application to the May 20, 2021 meeting

SECONDED by Mr. Varley

MOTION CARRIED 8-0

OTHER BUSINESS

None

DISCUSSION ITEMS

None

MOTION to adjourn by Mr. Weber at 10:32 PM

MOTION CARRIED 8-0

APPROVED:

Mr. LeClair, Chair, Nashua Planning Board

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Prepared by: Kate Poirier

Taped Meeting