

NASHUA CITY PLANNING BOARD
May 20, 2021

The regularly scheduled meeting of the Nashua City Planning Board was held on May 20, 2021 at 7:00PM via Zoom virtual meeting.

Members Present: Scott LeClair, Chair
Mike Pedersen, Mayor's Rep
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

May 4, 2021 - Site Walk

MOTION by Mr. Bollinger to approve the minutes of the May 4, 2021 site walk

SECONDED by Mr. Hirsch

MOTION CARRIED 5-0-1 (LeClair abstained)

May 6, 2021

MOTION by Mr. Hirsch to approve the minutes of the May 6, 2021 meeting

SECONDED by Mr. Bollinger

MOTION CARRIED 6-0

COMMUNICATIONS

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

- L West Glenwood St: amended staff report

- L West Glenwood St: updated stormwater report and plans
- 452 Amherst St: building elevations
- 5, 7, 9, 11 Dumaine Ave: response letter from applicant
- 4 Blackstone Dr.: updated engineering letter
- Other Business #6: Memo from Planning Manager Matt Sullivan
- R-21-035 added as Other Business #7

REPORT OF CHAIR, COMMITTEE & LIAISON

Historic District Commission: Mr. Weber provided a recap of the May 17th 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.

Mr. LeClair asked staff for the intent of hearing cases A21-0028, A21-0029, A21-0062 tonight.

Mr. Sullivan said they have been in the process of reviewing the stormwater and traffic reports for the Nashua Landing project. They have worked with the applicant to discuss the architectural waivers involved in this project tonight. He recommends that they open the hearing tonight for architectural discussion only, and continue the application to the June 3rd meeting.

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

OTHER BUSINESS

3. Referral from the Board of Aldermen on proposed, R-21-133 - Authorizing the City of Nashua to enter into a Joint Powers Agreement of Community Power Coalition of New Hampshire.

Doria Brown, Energy Manager

Ms. Brown said this joint power agreement is before the Board so that the city can partner with other communities to create a aggregation plan for how they are going to purchase electricity on the behalf of Nashua residents. The city will be able to negotiate a lower rate and a more sustainable portfolio. This has no cost, and will make it easier to negotiate deals.

Mr. Bollinger asked about the general geography of the communities involved.

Ms. Brown said there is no rationale behind the distribution. These are the communities that are interested in joining a coalition.

Mr. Weber referred to Center Harbor, and asked if she reviewed the problems they had.

Ms. Brown said yes. This coalition would help them avoid situations like a third-party going belly up.

Mr. Weber said a few years back they had an October snowstorm, and part of the community took weeks to get their power back.

Ms. Brown said that won't be an issue because Eversource is still in charge of delivery, and the city would have no liability for delivery being interrupted in a snowstorm. Whatever is happening now would continue.

Mr. Bollinger asked if the public utility commission will still set and adjust rates. Would this coalition be exempt?

Ms. Brown said that rate delivery step wouldn't be touched. They would be involved in setting the rate for kilowatt hours. The city would be purchasing the power rate on behalf of the community, not transmission fees. It's important that they join this coalition to steer the program in the making.

MOTION by Mr. Bollinger to favorably recommend Other Business #3 to the Board of Aldermen

SECONDED by Mr. Weber

MOTION CARRIED 6-0

Mr. LeClair said he would hear Other Business #2 next.

2. Referral from the Board of Aldermen on proposed, R-21-136 - Authorizing Developer Agreement with payment in lieu of taxes (PILOT) for Bronstein Redevelopment.

Matt Sullivan, Planning Manager

Mr. Sullivan provided a brief introduction. The Board has previously heard and approved this site plan.

Tim Cummings, Economic Development Director

Mr. Cummings gave a presentation of the proposal. They are proposing to not charge taxes to the property during the time that the site is under construction, since there will be no rent payments coming in. He outlined the PILOT procedure, as detailed in the case material.

Mr. Weber asked if there would be no school impact fees. How will this impact the schools?

Mr. Cummings said he could get that to the Department. They don't typically see many children in this kind of development. It was reviewed as part of this.

Mr. Weber asked if there are any HUD grants.

Mr. Cummings said yes. He cited several funds. This evening he is hoping they will continue to support this project, as it is a continuation of the vision Nashua has for the downtown area. This is an endorsement that the proposal is true to this vision.

Mr. Bollinger asked for an estimate of the total loss of revenue for exempting the property.

Mr. Cummings said over the life of the agreement, a 50% tax reduction. He provided an in depth explanation of total savings the developer would receive, just under \$2.4 million.

Mr. Bollinger said the level of subsidy is not insignificant, and thanked Mr. Cummings.

MOTION by Mr. Weber to favorably recommend Other Business #2 to the Board of Aldermen

SECONDED by Mr. Pedersen

MOTION CARRIED 5-1 (Bollinger opposed)

Mr. LeClair said he would hear Other Business #7 next.

7. Referral from the Board of Aldermen on proposed, R-21-135, Resolution authorizing a first amendment to Purchase and Sales agreement for property located at 141-143 Burke St.

Tim Cummings, Economic Development Director

Mr. Cummings said they are looking to amend the purchase and sale of 143 Burke St. They are having issues with truck turning, and have requested an easement for their truck route. In return, they have agreed to build a parking lot for the city, which was the original plan for the future expansion of the wastewater treatment site. This also gives them an access easement for the wastewater treatment site, which would keep vehicular traffic off of Sawmill Rd. This has been reviewed by Engineering, and is a time sensitive matter. They have a closing set for May 26th, so their favorable recommendation would be appreciated.

Mr. Weber asked if there would be any protection for the cars parked in the lot from the trucks.

Mr. Cummings said yes, there will be some sort of buffer delineating the parking spaces from the trucking lane

MOTION by Mr. Bollinger to favorably recommend Other Business #7 to the Board of Aldermen

SECONDED by Mr. Hirsch

MOTION CARRIED 6-0

Mr. LeClair said he would hear Other Business #5 next.

5. Referral from the Board of Aldermen on proposed, R-21-144 - Authorizing the purchase of property located at "L" Pine Street (Map 77, Lot 5).

Tim Cummings, Economic Development Director

Mr. Cummings said the city is looking to purchase this property from the Millyard. He cited the reasons they are purchasing the land, which include developing a dog park, preserving environmentally sensitive floodways, preserving open space, and

maintaining the trailhead for Mine Falls Park. He briefly outlined the purchase agreement and details of the radio tower onsite. The funds will come from the Broad Street Parkway project and have already been bonded, so there will be no tax increase.

Mr. Bollinger recused himself.

MOTION by Mr. Weber to favorably recommend Other Business #5 to the Board of Aldermen

SECONDED by Mr. Hirsch

MOTION CARRIED 5-0

Mr. LeClair said he would hear Other Business #5 next.

4. Referral from the Board of Aldermen on proposed, R-21-139 - Authorizing the Bus Pull Off and Shelter Easement on Bridge Street and Temporary Construction Easement and Use Easement Agreement on Sanders Street.

Atty. Andrew Prolman, Prunier & Prolman PA

Atty. Prolman said this is part of Phase II of the Renaissance Project, which was approved by the Board in April. One of the stipulations of approval was that any legal documents must be approved by Legal Counsel. They have two easements that need Board of Alderman approval. The first is an access easement on Sanders St, which is identical in nature to the current one in place at Bancroft St. The second is that they are offering a bus stop easement, for the city's future use.

Mr. Weber asked if the pull-out would be accessible for ride-sharing services.

Atty. Prolman said it's a public easement, so people will be able to use it so long as they are not interfering with the bus movement.

MOTION by Mr. Weber to favorably recommend Other Business #4 to the Board of Aldermen

SECONDED by Mr. Pedersen

MOTION CARRIED 5-0-1 (Bollinger abstained)

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. Weber to remove the case from the table, specifically to discuss architectural waivers

SECONDED by Mr. Bollinger

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. Weber to remove the case from the table, specifically to discuss architectural waivers

SECONDED by Mr. Bollinger

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. Weber to remove the case from the table, specifically to discuss architectural waivers

SECONDED by Mr. Bollinger

Brian Pratt, Project Manager, Fuss & O'Neill

Mr. Pratt agreed to discuss architectural waivers only.

John Alvarado, Project Architect, MG2, 8444 Westpark Dr #120,
McLean, VA

Mr. Alvarado presented the architectural elevations for the Costco building, and gas station. He provided an in depth explanation of the efforts they made to meet the city's architectural requirements, and reasons for requesting the waivers.

Mr. Weber asked if the roofing material will be white.

Mr. Alvarado said it will be a metal coated roof.

Mr. Weber asked if they had thought about solar panels on the roof.

Mr. Alvarado said no, they haven't looked into it.

Mr. Bollinger said the site walk gave him some perspective of how much lower the site sits under DW Highway. Do they have any perspectives from DW Highway to see what is visible?

Mr. Alvarado said they can provide that for the next meeting.

Mr. Bollinger said part of the rationale is that large retail sites often have large signs, and wanted to know what it will look like from a public right of way.

Mr. Alvarado said he believes they will not be able to see it, but will provide something.

Mr. Bollinger asked if there will be any marquis or attraction signs directing people to the site.

Mr. Alvarado said yes, they applied to the Zoning Board.

Mr. Bollinger asked what is under the purview of the Board.

Mr. Sullivan said the Zoning Board approved multiple signs for customer capture along the DW Hwy corridor. The sign height has been approved, but the signage location comes under the Board's purview. He thinks the next meeting should include signage and how that fits into the context of the site and viewshed.

Chris Lewis, Project Architect, CDM Smith, 670 North Commercial St, Manchester NH

Mr. Lewis presented the architectural elevations for the self-storage facility. He provided a brief explanation of the architectural design elements they have proposed and the waivers they are requesting.

MOTION by Mr. Weber to table A21-0028 to the June 3, 2021 meeting

SECONDED by Mr. Bollinger

MOTION CARRIED 6-0

MOTION by Mr. Weber to table A21-0029 to the June 3, 2021 meeting

SECONDED by Mr. Bollinger

MOTION CARRIED 6-0

MOTION by Mr. Weber to table A21-0062 to the June 3, 2021 meeting

SECONDED by Mr. Bollinger

MOTION CARRIED 6-0

NEW BUSINESS - SITE PLANS

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. **(Postponed from the May 6, 2021 Meeting)**

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

SECONDED by Mr. Weber

MOTION CARRIED 6-0

Paul Chisholm, Project Engineer, Keach Nordstrom Associates

Mr. Chisholm introduced himself to the Board as representative for the applicant.

Mr. Chisholm presented the site plan for the proposed automobile storage. This site was previously approved for an autobody shop, which has since been relocated to the Daniel Webster Hwy location. The property consists of 5 parcels under common ownership, which will be merged. There will be a total storage of 406 vehicles, with a perimeter fence. The site will also have lighting, landscaping, and stormwater management improvements. They are required to receive a NHDES Alteration of Terrain permit, which they are working on.

Mr. Chisholm outlined the stormwater flow and treatment infrastructure. They have revised their plans to show how the system will mitigate a 100-year storm level. They are confident this will address Engineering's concerns.

Mr. Chisholm said there will be a 80-ft landscaping buffer between this property and the residential properties on West Glenwood, which gets wider towards the north.

Mr. Chisholm said they are requesting two waivers, as outlined in the staff report. These are the same two waivers requested in the site plan approved last year. They have reviewed the staff report, and he requested the Board reconsider stipulation #7. This property originally went to the Zoning Board for a use variance to have storage lot in a residential zone, and this was a stipulation which has been carried forward to this project. This site has plenty of room, and there is a healthy buffer between the residential uses on West Glenwood and this site. They don't plan to load and unload here often, but they would like to have the flexibility to do that in the future. This site is mostly intended employee use and delivery personnel.

Mr. LeClair asked if the site is secured at night.

Mr. Chisholm said correct. There will be a security fence, electronic gate, and security lighting.

Mr. Pedersen asked if they are asking Stipulation #7 be removed.

Mr. Chisholm said what they are asking is that the first part be removed, that they can't load or unload onsite. They are amenable to keeping the part that prohibits loading and unloading on West Glenwood St and DW Hwy.

Mr. Weber asked if people living nearby would be able to see the security lights.

NCPB

May 20, 2021

Page 12

Mr. Chisholm said there could be some clearing through the trees where people could possibly see light, but this is an 80-ft buffer. It's within the regulations for light trespass.

Mr. Weber said they are going to be on all night long. Would they be amenable to installing shields on the lights closest to the residences?

Mr. Chisholm said yes, they would be willing to install shields on light posts most likely to impact the homes.

Mr. Weber asked if they appealed the stipulation for loading vehicles to the Zoning Board. It would be cleaner.

Mr. Chisholm said they didn't have to go to the Zoning Board. It was a stipulation placed on an approval for an adjacent project, which has been added here. This site is far enough away from residences that it wouldn't be an issue.

Mr. Bollinger asked about the sizeable drainage report, and whether Engineering is satisfied with the changes.

Mr. Hudson said yes, they are comfortable with a conditional approval.

Mr. Bollinger asked for clarification on the staff report.

Mr. McPhie provided a brief explanation of the staff report and stipulation #7.

Mr. Hudson suggested they add drainage to the list of items in stipulation #15.

Mr. Chisholm said the state requires the engineer to be onsite when they install the stormwater infrastructure, so they have no issue with that change.

Mr. Hudson suggested a minor change to the wording for Stipulation #4.

Mr. Chisholm said the lights will be on timers or sensors, so they will not be on all night.

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 said they have seen this site a few times, and everything looks to be in order. He summarized the discussion and stipulations.

MOTION by Mr. Bollinger to approve New Business - Site Plan A21-0072. 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 NRO § 190-184 D which requires a parking island every 10 spaces, is granted, finding that the waiver will not be contrary to the spirit and intent of the regulation.
3. Prior to the Chair signing the plan, all minor drafting corrections will be made.
4. Prior to the Chair signing the plan, the October 22, 2020 planning approval for an Auto Body Shop will be revoked in favor of the proposal for a vehicle storage yard.
5. Prior to the Chair signing the plan, all comments in an e-mail from Peter Kohalmi, Deputy City Engineer dated April 28, 2021 shall be addressed to the satisfaction of the Engineering Department.
6. Prior to the Chair signing the plan, all comments in an e-mail from Mark Rapaglia, Nashua Fire dated April 14, 2021 shall be addressed to the satisfaction of the Fire Department.
7. Cars cannot be unloaded on West Glenwood Street, or from the Daniel Webster Highway.
8. Prior to recording of the plan, all conditions from the Planning Board approval letter will be added to the final Mylar and paper copies submitted to the City.
9. Prior to recording the plan, the electronic file of the plan shall be submitted to the City of Nashua.

10. Any easements will be submitted to Planning staff for review and recorded with the plan at the applicant's expense.
11. Prior to any further site disturbance, the Alteration of Terrain Permit for the project shall be approved by NHDES.
12. Prior to any work, a pre-construction meeting shall be held and a financial guarantee shall be approved.
13. Prior to the issuance of a building permit the lots will be merged.
14. Prior to the issuance of a building permit, stormwater documents will be submitted to City staff for review and approval and recorded at the Registry of Deeds at the applicant's expense.
15. Prior to the issuance of the Certificate of Occupancy, an as-built plan locating all driveways, utilities, landscaping and drainage 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 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.

SECONDED by Mr. Weber

MOTION CARRIED 6-0

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.
(Postponed from the May 6, 2021 Meeting)

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

SECONDED by Mr. Hirsch

MOTION CARRIED 6-0

Atty. John Smolak, Smolak & Vaughan LLP, 21 High Street, Suite 208B North Andover, MA

Atty. Smolak introduced himself to the Board as representative for the applicant. With him is project engineer Chris Tymula, traffic engineer Heather Monticup, and senior project manager Don Johnson.

Atty. Smolak said the applicant is requesting new site plan approval for a gas station and convenience store. This project was before the Board was September. The reason they have returned is after the Board granted the approval of the project, the NHDOT denied their request to relocate the existing Townsend West curb cut. As a result, they have moved the curb outside of the controlled access right of way. The relocation of the driveway improves the approach, but as a result they need to reconfigure the site for the new access point.

Atty. Smolak detailed the existing conditions of the site and surrounding properties. He showed the previously approved project from September.

Atty. Smolak presented the new plan, which has rotated the site 90 degrees. This resulted in a reduction of the convenience store footprint, reduction of parking spaces, and reduction of the number of gas stations and fuelling positions. The driveway access has been located to the rear of the site. The proposed operations are 24/7, 7 days a week. They met with abutters onsite to discuss the changes, and they seemed satisfied that they have addressed their concerns.

Atty. Smolak said they are requesting two waivers, as detailed in the staff report, which were approved last September.

Chris Tymula, Project Engineer, Greenman-Pedersen, 44 Stiles Rd, Salem NH

Mr. Tymula outlined the proposed changes from the previously approved plan. He indicated site access, parking, and loading zones. He described the changes to stormwater management, utilities, landscaping, and lighting. He presented the architectural elements of the convenience store. They have reviewed comments from Engineering, and are in the process of responding to them. They believe these comments are minor and can be addressed.

Mr. Bollinger asked for clarification on the NHDOT involvement. Is this something they should be looking for in other projects along the Amherst St corridor?

Heather Monticup, Traffic Engineer, Greenman-Pedersen, 44 Stiles Rd, Salem NH

Ms. Monticup said they do not need an NHDOT permit for the roadway. Federal funds were used at one point to improve Amherst St, and so to protect the investment NHDOT does get to comment on projects. What happened here is there is a controlled access right of way along Amherst St that actually wraps down to Townsend West. They were previously proposing to move the driveway 30-ft towards the signal, which put it in the controlled access right of way and required applying to the surplus land process. They made the submission to NHDOT in March 2020, got approved by the Planning Board in September 2020, and their request was denied by the NHDOT in January 2021. NHDOT provided comments to the City through the Bureau of Planning and Community Assistance, but the change came through the Bureau of Right of Way.

Mr. Weber asked if the painted arrows on the street could be thermoplastic paint. It would be advantageous due to the large amount of traffic on Amherst St.

Mr. Tymula said yes.

Mr. Weber asked if this would provide diesel, and if a landscaping truck could navigate the site.

Mr. Tymula said they have provided a truck turning plan for fire trucks and fuelling trucks, which can easily navigate the site.

SPEAKING IN OPPOSITION OR CONCERN

None

SPEAKING IN FAVOR

None

Ms. McGhee provided clarification on the dates contained in the staff report.

PUBLIC MEETING

Mr. LeClair closed the public hearing and moved into the public meeting. This seems well laid out and consistent with the previous plan.

Mr. Hudson asked if the applicant still intends to make a \$14,000.00 contribution to the Amherst St corridor fund, as previously stipulated.

MOTION by Mr. Weber to approve New Business - Site Plan A21-0074. It conforms to §190-146(D) with the following stipulations or waivers:

1. The request for a waiver of § 190-172(E)(1), which requires all sides of a principal building that directly face an abutting public street shall feature at least one customer entrance, 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- 89, which requires light levels not to exceed 0.2 foot candles at certain property lines depicted on the site plan, is granted, finding that the waiver will not be contrary to the spirit and intent of the regulation.
3. Prior to the Chair signing the plan, minor drafting corrections and standard notes will be added to the plan.
4. Prior to the Chair signing the plan, all conditions from the Planning Board approval letter will be added to the cover page of the final mylar and paper copies submitted to the City.
5. Prior to the Chair signing the plan, all comments in an e-mail from Joe Mendola, Street Construction Engineer, May 4, 2021 shall be addressed to the satisfaction of the Engineering Department.
6. Prior to the issuance of a building permit, the electronic copy of the plan will be submitted to the City of Nashua.
7. Prior to the issuance of a building permit, stormwater documents will be submitted to City staff for review and recorded.
8. Prior to any work and a pre-construction meeting, a financial guarantee shall be approved.
9. Prior to the issuance of a certificate of occupancy, all off-site and on-site improvements will be completed.

10. Prior to the Chair signing the plan, the applicant shall provide a revised plan set including vegetative or alternative screening for the proposed transformer and pad.
11. All conditions of the previous conditional Site Plan Review approval of September 24th, 2020 are hereby incorporated as part of this approval.
12. Prior to the Chair signing the plan, the applicant shall contribute \$14,000 to the Amherst Street Corridor Fund.

SECONDED by Mr. Bollinger

MOTION CARRIED 6-0

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. **(Postponed from the May 6, 2021 Meeting)**

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

SECONDED by Mr. Hirsch

Mr. Bollinger asked if NHDOT has involvement in this project. Moving forward it would be nice to know the parameters and who the external players might be.

MOTION CARRIED 6-0

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

Mr. Branon introduced himself to the Board as representative for the applicant. With him is Marcelo Borges of GIMAK Properties, and Derek Roach of Vanasse & Associates.

Mr. Branon said Dumaine Ave is unique as it consists of a single group of single family homes abutted by industrial uses to the north, condo complexes to the south, and retail uses along Amherst St to the east. He described the existing conditions on all four subject lots.

Mr. Branon said the proposal is to consolidate all four lots into one, which would allow the redevelopment of the site into a 30-unit multifamily residential development. Each unit would have three bedrooms and be approximately 1,600-sqft, including the garage area. The two buildings have been situated to face each other, which allows for all parking access and activities to be buffered from the street. The site has been designed to provide for safe pedestrian and vehicle traffic. Each unit will have two dedicated parking spots with six guest spots, and meets all parking standards. They are providing an enclosed dumpster onsite. The site will be serviced by municipal sewer, Pennichuck water, natural gas, and underground electric.

Mr. Branon said they proposing a number of improvements along Dumaine Ave, which include constructing a sidewalk, redirecting stormwater onsite for treatment, planting trees, and installing a vinyl fence. He addressed lighting and stormwater management.

Mr. Branon said he believes they have addressed all comments, which includes making a \$6,000 contribution to the Amherst St corridor fund. They have reviewed the staff report, and have no issues with the recommended stipulations. They are requesting one waiver, as detailed in the staff report.

Mr. LeClair asked to see the architectural elevations.

Mr. Branon presented the architectural design for the units and a concept rendering of how the development will look from a street view.

Derek Roach, Traffic Engineer, Vanasse & Associates, 35 New England Bus Center Dr, Andover, MA

Mr. Roach provided an overview of the traffic memo he prepared for the development. He described the traffic volume on Amherst St and the trip generation proposed for the units. The site doesn't produce 75 vehicle trips in the peak hour, so they are not required to provide a full traffic study.

SPEAKING IN OPPOSITION OR CONCERN

None

SPEAKING IN FAVOR

None

Mr. McPhie provided clarification on the stipulation dates.

Mr. Bollinger asked if the applicant is amenable to the \$6,000 contribution.

Mr. Branon said yes. They are not in the controlled access right of way, so they don't have the same concerns that were mentioned in the previous case.

PUBLIC MEETING

Mr. LeClair closed the public hearing and moved into the public meeting. He said it's well laid out and covered by the applicant, and has most of the items they were looking for. He is in favor of it.

Mr. Weber said he likes the construction they have done on other housing they have done in the area.

MOTION by Mr. Weber to approve New Business - Site Plan A20-0205. It conforms to §190-146(D) with the following stipulations or waivers:

1. The request for a waiver of § 190- 279(EE), which requires an existing conditions 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, minor drafting corrections will be made.
3. Prior to the Chair signing the plan, all comments in an e-mail from Joe Mendola, Street Construction Engineer, and dated, May 4, 2021 shall be addressed to the satisfaction of the Engineering Department.
4. Prior to the Chair signing the plan, a contribution of \$6,000 shall be paid to the Amherst Street Corridor account per Joe Mendola e-mail dated March 5, 2021.
5. Prior to any work, a pre-construction meeting shall be held and a financial guarantee shall be approved.
6. Prior to the issuance of a building permit, all comments in an e-mail from Mark Rapaglia dated, February 1, 2021 shall be addressed to the satisfaction of the Fire Marshal.
7. Prior to the issuance of a building permit, all comments in an e-mail from Heidi Peek dated, January 6, 2021 shall be addressed to the satisfaction of the Environmental Health Department.

8. 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.
9. Prior to the issuance of a building permit, the applicant shall provide documents establishing a homeowners or condominium association, which will be responsible for maintaining all property in common ownership. The documents shall be submitted to the Planning Department and Corporation Counsel for review.
10. Prior to the issuance of a building permit, all lots will be merged.
11. Road and driveway construction shall be to base course, with final course pavement remaining bonded until completion. Upon completion of construction, the applicant shall provide the City Engineer with written certification signed by a licensed professional engineer certifying the driveways were designed and installed as required by a third party engineer selected by City Engineering at the applicant's expense. Inspection reports shall be filed with the City Engineer's Office and the Planning Department.
12. Prior to the issuance of the first Certificate of Occupancy, "No Parking" signs shall be posted as per the Fire Marshals.
13. Prior to issuance of the final certificate of occupancy for the development, an as-built plan locating all driveways, units, other buildings, utilities and site landscaping shall be completed by a professional engineer and submitted to the Planning Department. The as-built plan shall include a statement that all construction was generally completed in accordance with the approved site plan and applicable local regulations.
14. Prior to the issuance of the last Certificate of Occupancy, all site improvements will be completed.

SECONDED by Mr. Bollinger

MOTION CARRIED 6-0

A21-0071 E. Hollis Street Acquisitions, LLC (Owner) Michael LeFavor Property Possible, Inc. (Applicant) - Application and acceptance of proposed site plan amendment to NR2241 add eight additional living units and added parking. Property is located at 110 East Hollis Street. Sheet 39 - Lots 1 & 35 & Sheet 38 - Lots 64. Zoned "GB" General Business. Ward 7.

NCPB

May 20, 2021

Page 22

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

SECONDED by Mr. Pedersen

MOTION CARRIED 6-0

Michael Malynowski, Project Engineer, Allen & Major Associates,
400 Harvey Rd, Manchester NH

Mr. Malynowski introduced himself to the Board as representative for the applicant. With him is Michael Lefavor, Bill Mandel, architect Chris Lizotte, and traffic engineer Steve Pernaw.

Mr. Malynowski said they had been before the Board August 8, 2019, and received approval to convert the existing Henry Hanger building to 80 residential units with decreased parking. They received a one year extension in 2020. They are asking for a slight amendment to increase the unit count to a total of 88. They are proposing additional parking spaces throughout the nearby lots, including a new lease lot at 94 East Hollis St. They have also added a loading zone near the new entrance. The entrance along East Hollis St will be reconstructed, as well as the sidewalks. They still intend to install a brick patio to the west side of the property to create some green space. The western abutter previously expressed concern regarding the fence, and they are still providing a solid picket fence and landscaping to create a buffer.

Mr. Malynowski said they have also provided an impact statement, which has remained the same as originally approved. The intent of the project remains the same.

Mr. LeClair asked if the building footprint configuration remains the same.

Mr. Malynowski said correct. They have also added some additional lighting for the parking areas. One of the waiver requests is for an increase of light levels across the property line. Part of this is to provide some light for the sidewalk, which will help light a new walkway the city is working on.

Mr. Weber asked if it would be advantageous for the city or applicant to improve the crosswalk on East Hollis St.

Mr. Hudson said East Hollis St was paved last year, and they do try to keep up with the painting.

NCPB

May 20, 2021

Page 23

Mr. Weber said it would dress the place up.

Mr. Hudson asked if they had reviewed Mr. Mendola's review comments, which are fairly minor.

Mr. Malynowski said yes. He agrees that the comments are fairly minor, and does not see any concern with addressing them. The roadway was paved last year, so they need to update their utility plan to deal with the moratorium.

Mr. Pedersen asked if the loading area would be used for tenants who are moving in or out.

Mr. Malynowski said it could be used for that. He's not sure if they have designated freight elevators.

Chris Lizotte, Project Architect, Procon, 1359 Hooksett Rd, Hudson NH

Mr. Lizotte said there is a freight elevator close to the main entrance. That area would be more advantageous.

Mr. Pedersen asked what the plan is for trash removal from this site.

Mr. Lizotte said they have an internal trash chute and compactor. On a regular basis it will be removed.

Mr. Bollinger asked for an explanation of the options regarding the street moratorium.

Mr. Hudson said cutting the pavement within five years of paving requires Board of Public Works approval and restoration. The other option would be to delay the project until it expires.

Mr. Bollinger asked if there would be any further action required from the Planning Board after Board of Public Works review.

Mr. Hudson said no. Conditional approval would be satisfactory. He explained how the waiver process would work.

Mr. Weber asked for the date of Mr. Mendola's latest comments.

Mr. Hudson said today.

Mr. LeClair asked if stipulation 1 should be amended to incorporate all stipulations of the previous approval.

Ms. McGhee said stipulation 1 states that all prior conditions of approval are incorporated herein unless superseded by a new condition.

SPEAKING IN OPPOSITION OR CONCERN

Bob Dion, 447 Main Dunstable Rd, Nashua NH

Mr. Dion said he is the property owner of the abutting western lot, 102 East Hollis St. He said in 2019 he was in support of this plan. He had some concerns about the abutting fence, and the Board helped him work it through to make sure the fence was not brought any closer to his property.

Mr. Dion said he is in opposition of the additional parking spaces to the rear of his building. His building was built in the 1900s, and there is only 3-ft between the building and the rental car site, where the 20-ft right of way will be. There will be 13 cars coming within 3-ft of his building. The closest apartment in his building also has a rear access door 3-ft from that right of way. The people would be right in that right of way where there are 13 cars going up and down the access way. He is concerned for the safety of the residents. He asks the Board to not approve the additional 8 units for the sake of not having an accident in this area.

SPEAKING IN FAVOR

Michael Malynowski, Project Engineer

Mr. Malynowski displayed the parking space area, and Mr. Dion's property. He said the access area is already paved along the side of his property. He suggested they install bollards along the property line within the Budget Cars lot to give a protected area up against the building.

Mr. LeClair asked how the cars would get into the back lot.

Mr. Malynowski indicated the curb cuts where the site could be accessed. Any vehicles Mr. Dion has will still be able to access the back of his lot.

Mr. LeClair asked if the Budget Cars is sitting in a sea of asphalt.

Mr. Malynowski said correct.

Mr. LeClair asked if there is any striping.

Mr. Malynowski said no. They could strip the area to give a more definite demarcation.

Mr. LeClair asked if they considered a guard rail.

Mr. Malynowski said that would inhibit pedestrian traffic that might be coming through. With bollards, people can walk through.

Mr. Weber asked if there could be striping beyond where that door opens, so that people can visually see where the car lane would be. It will give people a safer path.

Mr. LeClair asked where the property line is.

Mr. Malynowski indicated Mr. Dion's western property line on the plan.

Mr. LeClair asked if the building is at nonconforming setbacks.

Ms. McGhee said it's pretty close to the property line. It's probably been there a while.

Mr. Malynowski said it's about 5.5-ft from the property line. That building has been there for quite some time.

Mr. LeClair asked if they don't own the lot where the parking is proposed.

Mr. Malynowski said no. It's a permanent exclusive easement.

Mr. LeClair asked if they had any other suggestions beyond bollards.

Mr. Malynowski said there is a curb near the entrance. They could run something up in line with the curb to protect the doorway Mr. Dion mentioned. They would have to verify its location, and make sure they aren't obstructing his access to his own back area.

Mr. LeClair said they can also delineate a better drive aisle.

Mr. Hudson agreed that striping a line offset from the property line would make sense, perhaps 3-ft. He wouldn't be opposed to a bollard, but doesn't know if it would be necessary, as there are items near the building that create a natural buffer.

Mr. Sullivan said a bollard is likely not necessary. Striping and distance from the property line would be adequate. There are several elements along the building that create a natural buffer for the door exit. The speeds will be low based on the turn and destination of the cars. Striping will be enough.

SPEAKING IN OPPOSITION OR CONCERN - REBUTTAL

Bob Dion, 447 Main Dunstable Rd, Nashua NH

Mr. Dion said they have on the deeds dating back to the 1920s of a right of way where there need to be no object obstructing the 14-ft so they have full and complete access. They are talking about a 20-ft right of way, of which 14-ft is also his to get to the back of his property. He is concerned about a child coming out the door and encountering a car a few feet out. It's a safety hazard. He thinks 13 spaces for an additional 8 apartments doesn't make sense.

Mr. Bollinger said the applicant mentioned an easement for the parking area. Would this be recorded and established with metes and bounds? There seems to be some muddying the waters on where it is. Has there been any deed research done to verify rights of way and points of access? This is a secondary lot, but he wants to be clear who has ownership and access.

SPEAKING IN FAVOR - REBUTTAL

Mr. Malynowski said exclusive parking easements have been drafted, with metes and bounds, and recorded at the Registry of Deeds. He outlined the ownership and easements of all parking. They are still providing unobstructed access out to East Hollis St, and Mr. Dion would still have access.

Mr. LeClair asked if the spaces are required because of the additional 8 units.

Mr. Malynowski said they are not required. They are trying to maintain the same ratio of what was approved. Because this is in the Transportation Oriented District, they have a maximum number of spaces allowed. This is a convenience for the residents, rather than a requirement, as well as marketability.

Mr. LeClair asked if there are other options for locations.

Mr. Malynowski said he isn't aware of it. There is a lot of traffic on this street and the area. 13 cars are not going to create a lot of traffic trips.

Mr. LeClair said it doesn't appear to be an optimal drive path to get to this site. The three parking spots Mr. Dion has could end up running into a child just as much as the 13 cars would. He isn't happy with the whole arrangement, including Mr. Dion's spaces.

Michael LeFavor, Applicant

Mr. LeFavor said they also intend to make some improvements to the Budget parking lot. The empty pavement pad where the former gas station was will be demolished to widen that section of the parking lot, which will allow for a wider angle into the parking lot. The Budget parking business is busy, so the ingress and egress is of a concern. They don't think this will be an impact regarding what is currently going on. They have a right of way along the section of the building and permanent easement in the rear. They are simply using that right of way to access their permanent easement, without obstructing access to Mr. Dion.

Mr. Weber asked as far as the striping, can they leave that to Engineering for the best suitable design?

Mr. LeClair said it is an option. The other option is that they can make the applicant go back and review it.

Richard Laliberte, [Address unknown]

Mr. Laliberte said he owns 90 East Hollis St, Ripano Stoneworks. He is concerned that cars will be driving through his lot to access the parking lot, and wants to know how that will be prevented.

Mr. Malynowski said the parking area will be raised. It is completely inaccessible from his property. It is closed off with guard rails and curbing.

Mr. Laliberte said that is great, because people used to drive through his property to reach the rental car place.

Mr. Malynowski said there used to be a gravel shoulder people would use. They are taking that out so there will be no access.

Mr. Laliberte said that Budget Cars rents some of his property to store their cars.

Mr. Hudson said one of the comments by Engineering was relative to the connection between that lot and East Hollis St, and the competing issues of building entrance and access. He thinks they would probably be looking for pavement striping at most.

PUBLIC MEETING

Mr. LeClair closed the public hearing and moved into the public meeting. The original part of the application is fairly straightforward. He asked for Board feedback on the additional parking.

Mr. Weber said the gas station area is going to be razed, so there will be plenty of area to be away from the building, and the striping can safely impact the drive aisle so residents can leave the building safely. Cars from Mr. Dion's lot could still impact resident safety now. The safe thing to do is stripe the area.

Mr. Bollinger said he would hate to predicate this on the demolition of the gas station, as that is not before him right now. It sounds like Mr. Dion has ownership of the right of way. For 13 parking spaces it seems like a heck of a mess over ownership. He's not sure if the spaces are worth it if they are not required.

Mr. Hirsch said he is concerned moving forward until they know what the driveway will look like. It seems like a wide open situation. He suggested they table the application until there is a definitive plan.

Mr. Pedersen said Mr. Dion said he has a 14-ft right of way, and asked if that was taken into account. They need a better understanding of who has the rights to this piece of real estate in terms of ownership and access so they don't create issues for the future.

Mr. LeClair said it sounds like there is an access right of way, which two people can share. It sounds like there is a potential to improve the situation, and there may be a better lot design. As it stands, the 13 parking spots seem problematic. He would like to give the applicant a chance to clear things up.

Mr. Weber agreed with Mr. Hirsch and Mr. LeClair.

Mr. Bollinger agreed. He said if there were some clarity with regards to ownership and existing rights of way, some more research may be worthwhile.

NCPB

May 20, 2021

Page 29

Mr. Hudson agreed with Mr. Bollinger. He thinks it would be beneficial to show that on the plan.

Mr. Sullivan asked if they would be considering to table the case to the June 3rd meeting.

Mr. LeClair said yes, two weeks.

Mr. Malynowski said they have done the deed research, it would just be a matter of clarifying the access rights and adjusting the plan. They would be agreeable to get on the June 3rd meeting.

MOTION by Mr. Weber to table the case to the June 3rd, 2021 meeting, for the intent of clarifying the parking access and easements

SECONDED by Mr. Bollinger

MOTION CARRIED 6-0

A21-0091 Colbea Enterprises, LLC (Owner) - Application and acceptance of proposed amendment to NR1943 to allow for overhead utilities along a portion of the property. Property is located at 4 Blackstone Drive. Sheet H - Lot 520. Zoned "GB" General Business. Ward 2.

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

SECONDED by Mr. Weber

MOTION CARRIED 6-0

Chris Rice, Project Engineer, TF Moran, 48 Constitution Dr, Bedford, NH

Mr. Rice introduced himself to the Board as representative for the applicant.

Mr. Rice presented an aerial of the existing conditions and surrounding neighborhood. The Board recently approved a gas station at 4 Blackstone Drive, which included underground electric service. This is still doable. However, they are now starting to develop the multifamily development at 8 Blackstone Drive, and their options for connection are limited. The only other way they would be able to provide service to 8 Blackstone Drive is by installing several service poles and multiple wires, which would

involve tree limbing and possible tree removal. Blackstone Drive is a residential access way at this point, and has some nice vegetation.

Mr. Rice said the other option would be if they were to install overhead electric across part of 4 Blackstone Drive. The overhead wire would lead to one pole. After that it would continue the rest of the way underground. This would not require any tree cutting. They discussed this with staff, and feel it is more appropriate to have an overhead line in this location rather than take down vegetation on Blackstone Drive.

Mr. Rice said they have addressed the one comment from Engineering.

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 said this seems like a reasonable request.

MOTION by Mr. Weber to approve New Business - Site Plan A21-0091. It conforms to §190-146(D) with the following stipulations or waivers:

1. The request for a waiver of § 190-221, which requires underground utilities for new site plans, is granted, finding that the waiver will not be contrary to the spirit and intent of the regulation.
2. 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 6-0

NEW BUSINESS - SUBDIVISION PLANS

A21-0089 City of Nashua (Owner) - Application and acceptance of proposed lot line relocation plan. Property is located at "L" Cherrywood Drive and "L" Chokeberry Lane. Sheet C - Lots 2851 & 2859. Zoned "R40" Suburban Residence and "FUOD" Flexible Use Overlay District. Ward 9.

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

SECONDED by Mr. Hirsch

Mr. Bollinger asked if it was necessary for the city to perform a lot line relocation between two city downed parcels. It would be helpful to hear how this came into being.

Mr. Sullivan said it is necessary in this case because of the restrictions placed on one of the two parcels as an open space parcel approved as part of the Maplewood Development. This modification is to extinguish those open space restrictions to use the land as part of future school development site.

MOTION CARRIED 6-0

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

Mr. Auger introduced himself to the Board as representative for the Joint Special School Building Committee.

Mr. Auger presented the two subject lots, and described the surrounding neighborhood. This is in relation to the pending middle school project. What they are proposing is to transfer land from the open space parcel to the proposed middle school parcel. This is to allow for a track and field facility onsite.

Mr. Auger said the land transfer results in a reduction of open space in the Maplewood development from 54% open space to 52% open space. 30% was required, so they easily conform to what was originally approved.

Mr. Auger said they are requesting one waiver, as detailed in the staff report.

Mr. LeClair asked the school building is going on this land.

Mr. Auger said from what he has been told, it's to accommodate the track and field.

Mr. Bollinger said as far as density calculations for the development, is there any impact?

Mr. Auger said he doesn't believe that is the case.

SPEAKING IN OPPOSITION OR CONCERN

Prasad Tiruveedi, 6 Medallion Court, Nashua NH

Mr. Tiruveedi asked how this will impact his property.

SPEAKING IN FAVOR

Mr. Auger showed an aerial of the property in relation to 6 Medallion Court. He said this is a land transfer, so he can't imagine that it will have any sort of financial impact in terms of devaluation on the house.

Mr. LeClair said the city would still own all that land, and the transfer area is not abutting the property owner.

PUBLIC MEETING

Mr. LeClair closed the public hearing and moved into the public meeting. He doesn't see any issues with this.

MOTION by Mr. Weber to approve New Business - Site Plan A21-0089. 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 an existing conditions plan, is granted, finding that the waiver will not be contrary to the spirit and intent of the regulation.

SECONDED by Mr. Hirsch

MOTION CARRIED 6-0

A21-0090 Dacey Family Trust (Owner) Dan Bergeron Building & Development, Inc. (Applicant) - Application and acceptance of proposed lot line relocation/consolidation plan. Property is located at 29 Dane Street. Sheet 110. Lots 175, 176 & 177. Zoned RA-Urban Residence. Ward 6.

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

SECONDED by Mr. Hirsch

MOTION CARRIED 6-0

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

Mr. Maynard introduced himself to the Board as representative for the applicant.

Mr. Maynard said the purpose is to subdivide the target lot, which was once three lots, into two separate lots. This received lot width variances from the Zoning Board on March 23rd. He described the dimensions of the proposed lots. The current home will be razed.

Mr. Maynard said they are requesting two waivers as outlined in the staff report. The stipulations in the staff report are acceptable to the applicant.

Mr. LeClair asked if the three lots were two in the front and one across the back.

Mr. Maynard said correct. The back lot had no legal frontage.

Mr. LeClair said this would be more conforming, then.

SPEAKING IN OPPOSITION OR CONCERN

None

SPEAKING IN FAVOR

None

Ms. McGhee provided clarification on the dates contained in the recommended stipulations of approval.

PUBLIC MEETING

Mr. LeClair closed the public hearing and moved into the public meeting. He said this seems straightforward and a good use of the lot.

MOTION by Mr. Weber to approve New Business - Site Plan A21-0090. 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 an existing conditions plan, 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. Prior to the Chair signing the plan, all minor drafting corrections will be made.
4. Prior to the Chair signing the plan, all conditions from the Planning Board approval letter will be added to the cover page of the final mylar and paper copies submitted to the City.
5. Prior to the Chair signing the plan, all comments in an e-mail from Joe Mendola, Street Construction Engineer dated May 20, 2021 shall be addressed to the satisfaction of the Division of Public Works.
6. Prior to recording the plan, the existing house shall be removed.
7. Stormwater documents will be submitted to Planning staff for review and recorded with the plan at the applicant's expense.
8. Prior to recording of the plan, addresses shall be shown on the plan as assigned by the Fire Marshal.
9. Prior to the issuance of a building permit, the electronic file of the subdivision plan shall be submitted to the City of Nashua.
10. Prior to any work, a pre-construction meeting shall be held and a financial guarantee shall be approved.

SECONDED by Mr. Hirsch

MOTION CARRIED 6-0

OTHER BUSINESS (cont)

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 Mr. Pedersen

MOTION CARRIED 6-0

6. Amendment to the FY 2022 Capital Improvement Program, proposed new item(s).

Mr. Sullivan provided an overview of the proposed amendment. The two projects were the Spruce St multi-use trail connection, and the Mine Falls Gateway Project. Both of these received a unanimous favorable referral to the Board.

Mr. LeClair said he sits on the Capital Improvements Committee, and these were favorably reviewed.

MOTION by Mr. LeClair to favorably recommend the proposed amendment to the FY 2022 Capital Improvement Program.

SECONDED by Mr. Weber

Mr. Weber asked if this rail trail would be noticed to the NRPC so they can add it to the map.

Mr. Sullivan said they are aware of the proposed project, and can follow up with them to see if it will be integrated.

MOTION CARRIED 5-0-1 (Bollinger abstained)

DISCUSSION ITEMS

Mr. Bollinger thanked staff for their efforts.

MOTION to adjourn by Mr. Weber at 11:26 PM

MOTION CARRIED 8-0

APPROVED:

Mr. LeClair, Chair, Nashua Planning Board

DIGITAL RECORDING OF THIS MEETING IS AVAILABLE FOR LISTENING DURING REGULAR OFFICE HOURS OR CAN BE ACCESSED ON THE CITY'S WEBSITE. DIGITAL COPY OF AUDIO OF THE MEETING MAY BE MADE AVAILABLE UPON 48 HOURS ADVANCED NOTICE AND PAYMENT OF THE FEE.

Prepared by: Kate Poirier

Taped Meeting