

**EXPANDED DRAFT MEETING SUMMARY**  
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NASHUA CITY PLANNING BOARD  
June 6, 2019

The regularly scheduled meeting of the Nashua City Planning Board was held on June 6, 2019 at 7:00 PM in the 3<sup>rd</sup> floor auditorium in City Hall.

Members Present:        Scott LeClair, Chair  
                             Mike Pedersen, Mayor's Rep.  
                             Edward Weber, Secretary  
                             Ald. David Tencza  
                             Ald. Mary Ann Melizzi-Golja, Alt.  
                             Steve Dookran, City Engineer  
                             David Robbins  
                             Maggie Harper

Also Present:            Roger Houston, Planning Director  
                             Linda McGhee, Deputy Planning Manager  
                             Scott McPhie, Planner I

As an alternate, Ald. Melizzi-Golja will not be voting.

**Approval of Minutes**

May 9, 2019 - Annual Training Workshop

**MOTION** by Ms. Harper to approve the minutes of the May 2, 2019 meeting, as amended.

**SECONDED** by Mr. Weber

**MOTION CARRIED 5-0-2 (Tencza, Robbins abstained)**

May 16, 2019

**MOTION** by Mr. Robbins to approve the minutes of the May 2, 2019 meeting.

**SECONDED** by Ms. Harper

**MOTION CARRIED 6-0-1 (Tencza abstained)**

**COMMUNICATIONS**

None

**REPORT OF CHAIR, COMMITTEE & LIAISON**

None

**PROCEDURES OF THE MEETING**

Mr. LeClair went into the procedure of the meeting as follows: After the legal notice of each conditional, special use permit, site plan or subdivision plan is read by the Chair, the Board will determine if that the application is complete and ready for the Board to take jurisdiction. The public hearing will begin at which time the applicant or representative will be given time to present an overview and description of their project. The applicant shall speak to whether or not they agree with recommended staff stipulations. The Board will then have an opportunity to ask questions of the applicant or staff.

The Chair will then ask for testimony from the audience. First anyone wishing to speak in opposition or with concern to the plan may speak. Please come forward to the microphone, state their name and address for the record. This would be the time to ask questions they may have regarding the plan. Next public testimony will come from anyone wishing to speak in favor of the plan. The applicant will then be allowed a rebuttal period at which time they shall speak to any issues or concerns raised by prior public testimony.

One public member will then be granted an opportunity to speak to those issues brought by the applicant during their rebuttal period. The Board will then ask any relevant follow-up questions of the applicant if need be.

After this is completed the public hearing will end and the Board will resume the public meeting at which time the Board will deliberate and vote on the application before us. The Board asks that both sides keep their remarks to the subject at hand and try not to repeat what has already been said.

Above all, the Board wants to be fair to everyone and make the best possible decision based on the testimony presented and all applicable approval criteria established in the Nashua Revised Ordinances for conditional, special use permits, site plans and subdivisions. Thank you for your interest and courteous attention. Please turn off your cell phones and pagers at this time.

**OLD BUSINESS - CONDITIONAL/SPECIAL USE PERMITS**

None

**OLD BUSINESS - SUBDIVISION PLANS**

None

**OLD BUSINESS - SITE PLANS**

None

**NEW BUSINESS - CONDITIONAL/SPECIAL USE PERMITS**

None

**NEW BUSINESS - SUBDIVISION PLANS**

1. City of Nashua (Owner) - Application and acceptance of proposed two lot subdivision. Property is located at 141-143 Burke Street. Sheet 11 - Lot 158. Zoned "GI" General Industrial and "RC" Urban Residence. Ward 7.

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

**SECONDED** by Ms. Harper

**MOTION CARRIED 7-0**

Sarah Marchant, Community Development Division Director

Ms. Marchant introduced herself to the Board as representative for the City of Nashua.

Ms. Marchant described the proposal. The property is currently 29-acres in size, and the plan is to subdivide off roughly 2.5-acres to create a new, smaller lot. The City will retain the smaller lot as part of future wastewater treatment expansion plans. The area has an Activity Use Restriction associated with the wastewater treatment plan already, so they are trying to keep these pieces together. There are no site improvements proposed at this time. The Fire Dept. has requested an access easement off of Sawmill Rd. The City will retain the land that includes the other side of that gate so there is no need to grant an easement, nor can the City grant an easement to itself.

Ms. Marchant said they are proposing a conservation easement over the pond in the northwest piece of land. The goal is to retain into perpetuity public access to Salmon Brook and the existing pathways into the northwest of the property. In the future they hope to connect some of that back to Salmon Brook.

Ms. Marchant is requesting one waiver from NRO §190-282(B)(9), which requires the plan to depict physical features within 1,000 feet of the site. She said this is a giant property, and heavily built-out. They have records of the area, and it would be a considerable expense to the city to show everything. Since they are not proposing any new site improvements or development, it would be a burden.

Mr. Weber asked if the Conservation Commission had any plans of what to do with the land.

Ms. Marchant said not at this time.

**SPEAKING IN OPPOSITION OR CONCERN**

None

**SPEAKING IN FAVOR**

Ald. Richard Dowd, Ward 2, 8 Ascot Park, Nashua NH

Ald. Dowd said that the City original purchased this property was to secure the land for a wastewater treatment plant expansion. He is in favor of the subdivision.

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

Mr. LeClair asked Staff about the Fire Dept. easement, and whether it was needed.

Mr. LeClair said there was a question of whether it was needed, because the City would be granting an easement to itself.

Mr. McPhie said that if they were ever to sell the property, an easement would need to be there.

Ms. McGhee said they can't do an easement at this time to ourselves. If the property was ever sold, an easement would be created at that time. But they are going to work on that internally as part of Stipulation #3. It is included in Mark

Rapaglia's email. There doesn't need to be another stipulation unless the Board wants one.

Mr. LeClair said the email doesn't indicate that the easement would be at the time of the City selling it.

Ms. McGhee said that right now the City owns both parcels. We can't do an easement to ourselves. If it's ever sold, at that time the easement would be created if conveyed to another party.

Mr. LeClair asked if the Fire Dept. is aware of this.

Ms. McGhee said yes.

**MOTION** by Ald. Tencza to approve New Business - Subdivision #1. It conforms to § 190-138(G) with the following stipulations or waivers:

1. The request for a waiver of § 190-282(B)9, which requires physical features on site and within 1,000 feet, is granted, finding that the waiver will not be contrary to the spirit and intent of the regulation.
2. Prior to the Chair signing the plan, all minor drafting corrections will be made.
3. Prior to recording the plan all comments in an e-mail from Mark Rapaglia, dated April 30, 2019 will be addressed to the satisfaction of the Fire Department.
4. Prior to the issuance of a building permit, an electronic copy of the plan shall be submitted to the City of Nashua.

**SECONDED** by Mr. Pedersen

**MOTION CARRIED 7-0**

2. Brian H. & Anneliesa B. Law (Owners) - Application and acceptance of proposed lot line relocation plan. Property is located at 27 Webster Street and 78 Concord Street. Sheet 65 - Lots 98 & 125. Zoned "RA" Urban Residence. Ward 3.

**MOTION** by Ms. Harper that the application is complete and the planning board is ready to take jurisdiction.

**SECONDED** by Mr. Robbins

**MOTION CARRIED 7-0**

Richard Maynard, Project Engineer, Maynard & Paquette Eng.

Mr. Maynard introduced himself to the Board as representative for the owners, Brian & Annaliesa Law.

Mr. Maynard described the proposed relocation of the rear lot line in between the two lots. The property located at 78 Congress St would increase in size from 31,698-sq.ft. to 48,848-sqft. The property located at 27 Webster St would decrease in size from 33,187-sqft to 15,037-sq.ft. No onsite improvements or new construction are proposed. Mr. Maynard is requesting one waiver from NRO §190-282(B(9)), which requires the plan to depict physical features within 1,000 feet of the site.

Mr. Weber asked the purpose of the plan.

Mr. Maynard said to acquire land and have a bigger backyard.

Ald. Melizzi-Golja asked if the proposed larger lot is large enough to be subdivided in the future.

Mr. Maynard said not easily. There is no easy access with frontage. In order to subdivide they would probably need a variance. It's unlikely that one would be supported because the property is within the Historic District overlay zone.

Ald. Melizzi-Golja asked if someone chose to apply for a variance, would the lot size be large enough?

Mr. Maynard said yes, that the minimum lot size in that zone is only 7,500-sq.ft. There are all kinds of variances that you could theoretically apply for, but it is speculative and highly unlikely.

Mr. Dookran asked about a square footage discrepancy between the notes on the plan.

Mr. Maynard confirmed that all minor drafting corrections would be made.

**SPEAKING IN OPPOSITION OR CONCERN**

None

**SPEAKING IN FAVOR**

None

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

Mr. Pedersen said the square footage area looks like a transcription error. They just have to figure out which way to correct it.

**MOTION** by Mr. Weber to approve New Business - Subdivision #1. 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. Prior to the chair signing the plan, all minor drafting corrections will be made, including the square footage of the lots.

**SECONDED** by Ald. Tencza

**MOTION CARRIED 7-0**

**NEW BUSINESS - SITE PLANS**

3. John J. Flatley Company (Owner) - Application and acceptance of proposed site plan to construct a 255,272 square foot Research & Development facility. Property is located at 100-300 Innovative Way. Sheet A - Lot 798. Zoned "PI" Park Industrial and "RC" Urban Residence. Ward 8. **(Postponed to the September 12, 2019 Meeting)**

**OTHER BUSINESS**

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

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

**SECONDED** by Mr. Robbins

**MOTION CARRIED 7-0**

2. Referral from the Board of Aldermen on proposed O-19-0146, authorizing the granting of easements to Pennichuck Water Works, Inc. for the construction, utilization, and maintenance of water lines.

Roger Houston, Planning Director

Mr. Houston said Staff has reviewed the easement, which stretches approximately from the southwest corner of Dumaine Ave to the northeast-most railroad frontage of L Northeast Blvd (Sheet H, Lot 577). The City owns these parcels. The easement would be for the purpose of extending the water line.

Ald. Tencza asked how the property obtains its water right now. Or, is there new development proposed there?

Mr. Houston said the site presently gets water off of Northwest Blvd. He said this might just be clearing up an easement issue, but he isn't sure.

**MOTION** by Ald. Tencza to make a favorable recommendation for Other Business - #2 to the Board of Aldermen.

**SECONDED** by Ms. Harper

**MOTION CARRIED 7-0**

3. Referral from the Board of Aldermen on proposed O-19-046, amending the Zoning Map by rezoning 610 Amherst Street from Park Industrial (PI) to General Business (GB).

Roger Houston, Planning Director

Mr. Houston said that the specific area is the former site of the Chili's restaurant. The rest of the properties in that neighborhood with the exception of the gas station at 620 Amherst St is zoned General Business.

Mr. Houston said in reviewing the legal description the City was given he noticed that it doesn't go to the centerline of the street. Typically the metes and bounds go to the centerline of the street as required by City Ordinance, and this one goes to the southerly side of Amherst St. He expressed support that the Board recommends favorably, and that the Board recommends the legal description be corrected.

Mr. LeClair asked Staff if they should recommend the wording be revised to indicate the legal description of the bounds is to the center of the street rather than what is shown today to the southern part of the street.

Mr. Houston confirmed the change in wording.

**MOTION** by Mr. Pedersen to make a favorable recommendation for Other Business - #3 to the Board of Aldermen, with the recommendation that the legal description of zoning be changed to the center of street.

**SECONDED** by Mr. Robbins

**MOTION CARRIED 7-0**

**DISCUSSION ITEMS**

Mr. Houston said the next Planning Board training session is set for Thursday, August 22<sup>nd</sup>, in Room 208. He said recommendations for topic items can be made to either himself or the Chair. The Board briefly discussed potential topics.

Ald. Melizzi-Golja said the Planning and Economic Development Committee is scheduling a meeting for Tuesday, July 16<sup>th</sup>, at 7:00PM for further discussion regarding sidewalks, to which the Board is invited.

This is Mr. Robbin's last meeting. The Board and Staff thanked him for his time and service.

**MOTION** to adjourn by Mr. Robbins at 7:39 PM.

**MOTION CARRIED 7-0**

APPROVED:

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Mr. LeClair, Chair, Nashua Planning Board

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DIGITAL COPY OF AUDIO OF THE MEETING MAY BE MADE AVAILABLE UPON 48 HOURS ADVANCED NOTICE AND PAYMENT OF THE FEE.

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Prepared by: Kate Poirier

Taped Meeting