

**EXPANDED DRAFT MEETING SUMMARY**  
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NASHUA CITY PLANNING BOARD  
June 16, 2022

The regularly scheduled meeting of the Nashua City Planning Board was held on June 16, 2022 at 7:00PM in the 3<sup>rd</sup> floor auditorium in City Hall AND via Zoom virtual meeting.

Members Present:     Mike Pedersen, Mayor's Rep  
                          Scott LeClair, Chair  
                          Maggie Harper, Secretary (*Left at 7:05*)  
                          Dan Hudson, City Engineer  
                          Bob Bollinger  
                          Larry Hirsch  
                          Mark Meehan

Also Present:         Matt Sullivan, Community Dev. Director  
                          Linda McGhee, Deputy Planning Manager  
                          Scott McPhie, Planner I  
                          Chris Webber, Department Coordinator

*\*\*Note: audio was choppy and intermittent\*\**

**APPROVAL OF MINUTES**

June 2, 2022

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

**SECONDED** by Mr. Hirsch

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

**COMMUNICATIONS**

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

- A22-0088 & A22-0089, Rivier University
  - o Traffic report from consultant Stephen Pernaw
  - o Traffic memo from Traffic Engineer Wayne Husband
  - o Letter from Street Construction Engineer Joe Mendola re: Engineering comments
  - o Derck & Edson re: response to Engineering comments
  - o Letter from abutter, James K. Stellos Revocable Trust

- A21-0105, 130 & 138 Spit Brook Road
  - Updated engineering comments
  
- A22-0087, 607 Amherst St
  - Waiver request letter from applicant
  - Updated engineering comments
  - Email from Wayne Husband re: traffic
  
- A22-0103, 195 Daniel Webster Hwy
  - Waiver letter request
  - Updated Engineering comments
  
- A22-0107, 6 Northwest Blvd
  - Updated engineering comments

**REPORT OF CHAIR, COMMITTEE, & LIAISON**

Historic District Commission: Ms. Harper provided an overview of the June 13, 2022 meeting.

**PROCEDURES OF THE MEETING**

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

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

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

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

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

*Ms. Harper left the meeting*

Mr. LeClair said he would hear A22-0090 first, as it is an old plan that has lapsed.

**NEW BUSINESS - SITE PLANS**

**A22-0090** Southland Corporation (Owner) 7-Eleven (Applicant) - Application and acceptance on proposed amendment to NR1057 to remove existing fueling dispensers, concrete pad, and gas canopy and install new dispensers, islands, canopy and pad. Property is located at 367 Amherst Street. Sheet G - Lot 652. Zoned "GB" General Business. Ward 2.

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

**SECONDED** by Mr. Bollinger

**MOTION CARRIED 6-0**

Jim McFarland, Architect

Mr. McFarland said this application has been before the Board before and was approved with 32 conditions. All but one have been finalized, regarding a sidewalk easement. They are asking

for approval of those same conditions so they can finalize the sidewalk agreement. There have been no changes to the plan, and they are ready to move forward.

Mr. LeClair asked staff if the stipulations from the previous applications are included. Usually it's a blanket statement.

Ms. McGhee said on this staff report they listed the stipulations again because it's not a one-year extension. It's a reapproval. The previous approval lapsed and expired.

Mr. LeClair asked if they are new ones. He doesn't have that in his packet.

Mr. Meehan said yes. He asked staff if the sidewalk issue was resolved.

Ms. McGhee said they have a draft of the agreement, not the final version. They will look for the final draft prior to Certificate of Occupancy.

Mr. Bollinger said the applicant stated that there are 32 conditions. Does this encapsulate that approval?

Ms. McGhee said yes.

**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 is a straightforward application.

**MOTION** by Mr. Bollinger to approve New Business - Site Plan A22-0090. It conforms to §190-146(D) with the following stipulations or waivers:

1. The request for a waiver of § 190-279(N), which requires a lighting 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 § 190-279(P), which requires a landscape plan, 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 § 190-279(I) (V), (W), (CC), (KK), which requires sewer, one-hundred-year floodplain boundary, wetland boundaries, stormwater report and stormwater management plan, is granted, finding that the waiver will not be contrary to the spirit and intent of the regulation.
4. The request for a waiver of § 190-279(J), which requires location of water, sewer and electric lines, is granted, finding that the waiver will not be contrary to the spirit and intent of the regulation.
5. The request for a waiver of § 190-279(O) and (OO), which requires showing existing utility poles and a traffic analysis, is granted, finding that the waiver will not be contrary to the spirit and intent of the regulation.
6. The request for a waiver of § 190-279(AA), (BB), (EE) and (LL), which requires hours of operation, grading plan, existing conditions and a certificate from the Fire Department, is granted, finding that the waiver will not be contrary to the spirit and intent of the regulation.
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, the electronic file of the plan will be submitted to the City of Nashua.
9. Prior to the chair signing the plan, minor drafting corrections will be made.
10. Prior to the final inspection, the sidewalk easement shall be submitted to City staff for review and recorded at the applicant's expense.
11. Prior to the final inspection, all site improvements will be completed.
12. The applicant will include a parapet around the canopy to hide from view any mechanical equipment.
13. Prior to any work on site, a pre-construction meeting shall be held.

**SECONDED** by Mr. Hirsch

**MOTION CARRIED 6-0**

**OLD BUSINESS - CONDITIONAL USE PERMITS**

None

**OLD BUSINESS - SUBDIVISION PLANS**

**A22-0064** ColinBrooke Investment (Owner) - Application and acceptance on proposed lot line relocation. Property is located at 5 & 7 Westbrook Drive. Sheet A - Lot 355 & 356. Zoned "R9" Suburban Residence. Ward 7. **[TABLED FROM THE MAY 19, 2022 MEETING]**

Mr. LeClair said there were two primary items they tabled this for, a drainage report and investigation into an easement. Has a report been received and has Engineering had time to review it?

Mr. Hudson said it was received on June 13<sup>th</sup>, and they have not had time to review it due to the lateness of the submittal. It is not a substantial report, but given the public testimony it warrants full review.

Mr. LeClair asked if there was any feedback on an easement.

Ms. McGhee said she hasn't heard anything.

Mr. LeClair said he would like to table this case to the next meeting.

**MOTION** by Mr. Bollinger to table A22-0064 to the July 14, 2022 meeting.

**SECONDED** by Mr. Meehan

**MOTION CARRIED 6-0**

**A22-0299** 145 Temple Street, LLC (Owner) - Greenridge LLC (Applicant) - Proposed three lot subdivision. Property is located at 145-149 Temple Street. Sheet 38 - Lot 93. Zoned "GI" General Industrial/"TOD" Transit Oriented Development. Ward 7. **[TABLED TO THE JULY 14, 2022 MEETING]**

**OLD BUSINESS - SITE PLANS**

**A22-0300** 145 Temple Street, LLC (Owner) - Greenridge LLC (Applicant) - Proposed site plan to show a 4-bay garage, office and storage. Property is located at 145-149 Temple Street. Sheet 38 - Lot 93. Zoned "GI" General Industrial/"TOD" Transit Oriented Development. Ward 7. **[TABLED TO THE JULY 14, 2022 MEETING]**

**A22-0301** 145 Temple Street, LLC (Owner) - Greenridge LLC (Applicant) - Proposed site plan to add asphalt manufacturing. Property is located at 145-149 Temple Street. Sheet 38 - Lot 93. Zoned "GI" General Industrial/"TOD"-Transit Oriented Development. Ward 7. **[TABLED TO THE JULY 14, 2022 MEETING]**

**A21-0302** 145 Temple Street, LLC (Owner) - Greenridge LLC (Applicant) - Proposed site plan to add proposed office use. Property is located at 145-149 Temple Street. Sheet 38 - Lot 93. Zoned "GI" General Industrial/"TOD" Transit Oriented Development. Ward 7. **[TABLED TO THE JULY 14, 2022 MEETING]**

**NEW BUSINESS - CONDITIONAL USE PERMITS**

**A22-0089** Rivier University (Owner) - Application and acceptance on proposed Conditional Use Permit for Rivier Village Student Housing. Property is located at "L" & 439 South Main Street, 1 Clement Street, 11, 15 & 17 Oldfield Road and 1 Weld Street. Sheet 112 - Lots 4, 5, 16, 18, 19, 21 & 22. Zoned "RA" Urban Residence. Ward 7.

**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**

*Mr. LeClair said he would hear this case with A22-0088*

**NEW BUSINESS - SITE PLANS**

**A22-0088** Rivier University (Owner) - Application and acceptance on proposed site plan for Rivier Village Student

Housing/Phase 1 to include two buildings, 10 apartment units, 37 beds per building for a total of 74 beds along with associated site improvements. Property is located at "L" & 439 South Main Street, 1 Clement Street, 11, 15 & 17 Oldfield Road and 1 Weld Street Sheet 112 - Lots 4, 5, 16, 18, 19, 21 & 22. Zoned "RA" Urban Residence. Ward 7.

**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**

Sister Paula Marie Buley, Rivier University President

Sister Buley said tonight they wish to present Rivier Village, a two-structure residential project. This is important as they look towards increasing student housing. Through this presentation they would like to highlight the care they have taken towards site design and landscaping.

Tim Manus, Project Engineer, Derck & Edson, 33 South Broad St, Lititz PA

Mr. Manus gave a short presentation on the project proposal, including the design background, phasing, and building details. This is intended to be apartment style, upperclassmen housing with in-unit kitchens, rather than a large traditional dorm building. They want to provide increase greenspace and organized walkways. He said the parking that is proposed is residential parking, where they are moving 34 existing parking spaces with additional spaces for the residents. They want the buildings to be in a walkable position.

Mr. Manus said this is an L shaped plan, with the two buildings closest to Clement St and the parking parallel with Oldfield Road. The residential properties on the north side would remain.

Mr. Manus showed a series of virtual concept photos comparing how the site would change from existing conditions. They have included a vegetative screening barrier along Oldfield Road, as per the Zoning Board requirement, plus a sidewalk and curb. They received a variance for a three-story building height, and the third story residences will be in the eaves of the roof. In



between the buildings there will be a small courtyard for gatherings. He showed the floorplan with a layout of the units.

Mr. Manus said the biggest issue with Rivier is that they always need a Conditional Use Permit to do anything. Rivier has been here a long time and the residential neighborhood has been there for a long time. They believe they are proposing improvements to the look of the area, organizing the campus and walkways, improving landscaping and lighting. They believe the Conditional Use is fitting for the project.

Mr. LeClair asked for an explanation of the topography and buffering between the parking lot and residences on South Main St. Is the parking lot lower?

Mr. Manus said this project is not next to South Main. The project touches Weld Street down towards the intersection. This is probably 3-4 feet lower in elevation. You won't see an obvious change.

Mr. LeClair asked about the change from the backyards of the residences on South Main. Are they higher than the parking lot?

Mr. Manus said probably a little bit. The topography drop is a little more distinct on Clement Street. He reviewed the site plan, and said it would be 5.5-ft down to the intersection of Weld and South Main.

Mr. LeClair asked if there is any proposed buffering.

Mr. Manus said there are some existing trees that will remain, but mostly open greenspace. They would be glad to add some additional buffering.

Mr. LeClair said they have had instances in the past where abutters were impacted by headlights. Some buffering could block that.

Mr. Bollinger said one of the properties front South Main St is owned by Rivier. The ones on Oldfield are privately owned. What buffering will there be?

Mr. Manus said the lot at the corner of South Main and Weld on the west side is not owned by Rivier, as well as the one at the middle of the bend. The buffer will be a solid vinyl fence with

arborvitae bushes. That will be a solid barrier all the way down through.

Mr. LeClair asked about the future phases. Will they be here?

Mr. Manus said maybe. At the Zoning Board hearing they asked for approval of the first four buildings, which would go along South Main St. This project is two buildings.

Mr. LeClair asked if the phase 2 that is desirable would front along South Main.

Mr. Manus said correct, with a central greenspace.

Mr. LeClair asked if these would require another 30-40 parking spaces each.

Mr. Manus said correct. They understand that the parking ordinances allow some range. Rivier is trying to provide one parking space per bed and keep it on campus. Residential parking is easier to control, and will be permitted.

Mr. Hudson asked if it would be issued for residence halls, not commuters.

Mr. Manus said it is a residential lot, not a commuter lot. The lot that they are taking away, Lot B, is where residents of on-campus dorms park. This would be the same thing. If Rivier Village doesn't fill it, it would be assigned to other residents.

#### **SPEAKING IN OPPOSITION OR CONCERN**

Steve Steward, 7 Oldfield Road, Nashua NH

Mr. Steward said he grew up on Indiana Drive and knows Rivier well. The college has a lot of great attributes for Nashua. This plan proposes 74 new parking spots plus the 34 spots being moved. He said that the plans presented to the Zoning Board included four more buildings, not two. The game plan was three more on South Main Street and one behind it. How many spots are they really going to need if they build those?

Mr. Steward said one of the comments made at the ZBA meeting is that it's a cute little hamlet. He would agree. That's one of the reasons why they bought the house they did. It's a beautiful

neighborhood with single family homes. He likes the design they came up with. They obviously need parking. His concern is traveling in and out of those parking spots. He assumes that the reason students have a car is to go to work. That entrance entering and exiting Weld Street, which will have ambient light. Those headlights will be flashing the lights there as they turn. Can they move the entrance and exit to Clement Street?

Mr. Steward asked what will stop the commuters from parking in these spots. They probably won't be policing it 24 hours a day. There are two houses that abut that parking lot, and he wants to make sure they are protected from headlights and lighting.

Cassandra Stellos-Malvers, James K Stellos Rev. Trust, 455 South Main St, Nashua NH

Ms. Stellos-Malvers said she is from the James K Stellos Revocable Trust, as well as Stellos Investment Properties LLC, which owns 1 & 2 Oldfield Road, as well as 455 South Main St and 5 Oldfield Road. She grew up at 2 Oldfield Road, her mother still lives there, and it has been their home for more than 60 years. They are in the process of building their new home at 455 South Main St.

Ms. Stellos-Malvers said this proposal completely eliminates more than half of their neighborhood. They have enjoyed minimal traffic, as this was a dead end road. The University's plan will destroy multiple single family homes and replace them with multi-residential dormitories and a large parking lot.

Ms. Stellos-Malvers said her greatest concern is the parking lot. It has 108 spaces, and is in excess of the maximum allowed per the city's parking requirements. The maximum allowed would be 74. The university believes that it should be allowed to go beyond the maximum because it is losing a 34 space parking lot. These parking spaces exist today and are for residents of current dorms which will still exist after the dorms are completed. The application is for "associated site improvements", and should provide parking only for the dorms on the plan.

Ms. Stellos-Malvers said this large parking lot would stretch the entire block from Clement St to Weld St, and would have a negative impact on the character of their neighborhood. It has the exit on Weld St, which is a small street. The emptying of more than 100 cars onto this street daily will impact the

character of the quiet neighborhood. The light pollution that would be introduced from parking lot lights and headlights is a detriment and will harm property values and the culture of this residential neighborhood. She requested that the Board members visit Weld Street and imagine the impact this will have. Cars entering and leaving this lot will block the road and impact the use of their driveways and peaceful use of their properties. She is concerned about her property value.

Ms. Stellos-Malvers said this proposal does not meet the criteria for Conditional Use Permit standards. She asked that Rivier revise their plan to respect the neighbors. Any approval should be for a smaller parking lot that is associated with these Phase 1 dorms and at the campus end, exiting on Clement St. Their legal counsel, Atty. Andrew Prolman, has submitted an alternate plan that moves the access to the Clement Street end. The Weld Street side is residential. She asked that Rivier revise their proposal.

Chantanu Sen, 9 Oldfield Road, Nashua NH

Mr. Sen said he just bought this house, and it's a beautiful neighborhood. He is concerned about the access off of Weld Street. Those headlights will be pointing directly at his home. He is concerned about the traffic load. He would appreciate if that entrance was revisited.

Barry Codlin, 451 South Main St, Nashua NH

Mr. Codlin said he agrees with what the previous people said. The parking lot should enter and exit on the campus. To dump out in that residential area is dangerous. They have to think of the long range safety of people living there. There's plenty of room down on the other side for the entrance and exit.

Elizabeth Houde, 12 Oldfield Road, Nashua NH

Ms. Houde said she lives at the bend in the road. She appreciates the fencing and shrubbery Rivier is proposing for screening. What concerns her is that the folks at the end of Weld Street don't benefit from any fencing or screening because people who would be exiting onto Weld St need visibility. An exit could be made anywhere before the bend on the Oldfield side. She would appreciate a right-turn only to make this a win for everyone involved.

Dennis Malvers, 455 South Main St, Nashua NH

Mr. Malvers said in addition to what has been said, during a neighborhood meeting with Rivier he was told that there are no plans for fencing or screening on the parking lot side facing Weld Street. Rivier representatives said they would not because it will interfere with drivers exiting the parking lot. That wouldn't be an issue if exiting was restricted to the campus side on Clement Street. If cars can enter and exit the parking street on Weld, he asked how far those sight restrictions would carry. How much clearance must there be? He asked that they provide fencing and landscaping beyond the minimum clearance. He is concerned about the traffic, lighting, and noise as a result of the expansion. He is frustrated to know that he will be looking at cars. He asked that the fencing and landscaping be similar to what is proposed on the Oldfield side. He recognizes that Rivier owns the property, but there is a real purpose to these hearings that includes taking into consideration of the impact that one's development has. He asked that the Board members ask themselves what the neighborhood vision should be, not the vision for the college campus.

**SPEAKING IN FAVOR**

None

**APPLICANT REBUTTAL**

Tim Manus, Derck & Edson

Mr. Manus said in regards to parking that they are doing the same thing as when they built the science center. They replaced the number of parking spots that they were removing. It's not realistic to say that they cannot replace the 34 that are there. Those people have to have a place to park. They plan to replace what they have to and build what they have to. The range of parking is allowed and their number is allowed.

Mr. Manus said Weld St is public. They are proposing to connect at both ends for ease of access and so there is not a long dead end parking lot. There is a letter from the city traffic engineer asking for evidence that a traffic impact report was not necessary. Their traffic engineer sent in a memorandum showing that they don't even meet the threshold for a traffic impact report due to the fact that it is a residential parking lot. Rivier has a security team for parking enforcement.

Mr. Manus said there is no reason they can't wrap the screening around the corner and pinch the parking down. The right of way for Weld Street is pretty far from the edge of pavement. They still have 12-ft. You can pull out beyond the edge of screening and still see the road. They are willing to take it around the edge so that the only gap is the driveway aisle.

Mr. LeClair asked how the parking lot would function if that was not an exit. Fire might need an emergency exit regardless.

Mr. Manus said having a dead end parking lot is difficult in terms of functioning through the parking lot. This is residential parking for people who live there, not a commuter lot where cars would be entering and exiting regularly. This is also a seasonal institution, which is a factor to consider.

Mr. LeClair asked if they explored an option of that side being an inlet or outlet only.

Mr. Manus said that doesn't seem to address any of the comments because they ranged from traffic to lights. None of the houses actually face Weld Street.

Mr. LeClair said they have seen it on many plans where people change it to 1-way only. It reduces the traffic counts because they only have one way of access.

Mr. Manus said functionally 1-ways are not the best idea in a lot of situations. There may be a remedy in the future if it becomes an issue.

Mr. LeClair said he typically doesn't look at Phase 2's that don't exist at this point, but he is trying to clarify for the future. Is there any potential for Phase 2 to have ingress from South Main?

Mr. Manus said they can't build any more parking blocks, they have to find somewhere else to park. For the next two buildings they would have to find a place to park those residents.

Mr. Pedersen asked if they can exit onto Clement Street or just Weld St.

Mr. Manus said they can on both streets, entering and exiting. It's fully functional.

Mr. Pedersen if cars exit on Clement, there are less cars with headlights pointing toward Weld St.

Mr. Manus said correct.

**PUBLIC MEETING**

Mr. LeClair closed the public hearing and moved into the public meeting. He summarized the discussion, and said most of the concerns have to do with parking. He didn't hear anything super about the dorms or design of the buildings. He heard from the applicant that they would be willing to wrap screening around the Weld Street entrance. He asked if 24-ft driveway is the minimum driveway width.

Mr. Hudson said it could be a little less, but Fire would need to weigh in on that.

Mr. LeClair said it would be within their purview to ask them to minimize the entrance.

Mr. Meehan said he will not be voting. He said that the Rivier has a robust parking enforcement system. Students will tell you that security is very eager to enforce all parking on campus.

Mr. Bollinger said he realizes that the nearby on the east side of Oldfield were recently built, but he seems to recall there being some vegetation that could have remained. It's not up to this applicant to replant what was clear-cut for the construction of some new lots. The applicant is willing to discuss some screening. Beyond the standard screening, he is not sure what else could be accommodated.

Mr. LeClair asked staff about what is allowed for parking.

Ms. McGhee said they have the 34 existing spaces and are adding 74 spaces. That is why they didn't look at it as exceeding parking. Those spaces are for the other two dorms. She also recommended that they include comments made by Engineering and Traffic.

Mr. Meehan said there are concerns, but Rivier has a history of working with the community. They have gone above and beyond to hold neighborhood meetings, and that is commendable.

Mr. LeClair said they should stipulate additional screening on Weld St, if they want it. It should be consistent with the design of buffering on Oldfield Rd.

Mr. Meehan asked if it would be consistent with Fire access.

Mr. LeClair said that would have to be consistent with sight-line requirements. It would be reviewed at time of permit.

Mr. Hudson said that would be reviewed. He asked if there is anything that could be done about a gate that is closed at night, so they can use it during the day and still provide emergency access. That driveway does come out right at 2 Weld St. A long dead end parking lot can be problematic, but maybe a hybrid approach would work.

Mr. LeClair said he can reopen the hearing if the Board feels that is something to ask of the applicant.

Mr. Hirsch asked if it is practical to have a gate that opens and closes at different times.

A brief discussion of timing for gate locking ensued.

Mr. LeClair said most of the gates he is familiar with worked on time, not daylight hours.

**MOTION** by Mr. Bollinger to reopen the public hearing for the purpose of asking the applicant about limited access to Weld St

**SECONDED** by Mr. Hudson

**MOTION CARRIED 6-0**

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

Atty. Hollis said they have listened to the conversation and talked internally. He represented Rivier before the Zoning Board. The University has no issue with landscaping around the Weld Street entrance so that it is consistent with the Oldfield Road side. In terms of the access on Oldfield, this was originally suggested by the Houdes. Not only is it impractical because it introduces traffic onto Oldfield, people will exit onto Weld. They looked into right-turn only, which would be an enforcement issue. They can't restrict people from driving on Weld St or Oldfield Rd. They aren't solving anything by putting it all on Clement.



Atty. Hollis said in regards to a gate, it is not a practical solution. He has been involved in gated entrances and exits. People who enter during the day and try to leave during the night will drive down, realize there is a gate, and try to turn around. You will still have headlights shining, and now they have to back up. You will also have people come in on Weld, find the gate, and go through Oldfield, which will increase the traffic at the intersection. Immediately opposite this driveway is a new house that was built with a garage facing Weld Street, while the home faces Oldfield Road. Where the cars come out does not face into the window of a home. While it is an interesting a concept, a gate is a no-go for the college.

Mr. Hudson asked if they do not oppose additional screening.

Atty. Hollis said correct.

## **PUBLIC MEETING II**

Mr. LeClair closed the public hearing and moved into the public meeting. He thinks they would have to reconfigure the end of the parking lot so that people could turn around. They could also use an opaque gate to block headlights. But he understands that it introduce complexity at the end of the parking lot.

Mr. Pedersen said the headlights would not be hitting the front of the home, they would be hitting the garage and side of the house. That is a little bit of a relief for that homeowner.

**MOTION** by Mr. Bollinger to approve New Business - Conditional Use Permit A22-0089. It conforms to §190-133(F) with no stipulations or waivers.

**SECONDED** by Mr. Hirsch

**MOTION CARRIED 5-0-1 (Meehan abstained)**

**MOTION** by Mr. Bollinger to approve New Business - Site Plan A22-0088. It conforms to §190-146(D) with the following stipulations or waivers:

1. The request for a waiver of NRO § 190-279 (B), (F), and (S), which requires scale, dimension and square footage of all buildings and structures, and building and structures and driveways on abutting parcels 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, the lots shall be merged.
4. Prior to the Chair signing the plan, all comments in an e-mail dated May 23, 2022 from Mark Rapaglia, Inspector/Investigator shall be addressed to the satisfaction of the Fire Marshal's Office.
5. Prior to the Chair signing the plan, all comments in a letter dated 6/14/2022 from Joe Mendola, Street Construction Engineer shall be addressed to the satisfaction of the Division of Public Works.
6. Prior to the issuance of a building permit the electronic copy of the plan shall be submitted to the Planning Department.
7. Prior to the issuance of a building permit, the existing structures shall be razed.
8. Prior to the issuance of a building permit, stormwater documents shall be submitted to City for review and approval and recorded at the Registry of Deeds at the applicant's expense.
9. Prior to any site disturbance, the Alteration of Terrain Permit for the project shall be approved by NHDES.
10. Prior to any work and a pre-construction meeting, a financial guarantee shall be approved.
11. Prior to the issuance of a certificate of occupancy, all on and off site improvements will be completed.
12. Prior to the issuance of a 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.
13. All stipulations of the Zoning Board of Adjustment dated March 22, 2022 are incorporated herein.
14. The applicant shall make a contribution of \$3,600.00 to the Main Street traffic corridor account.

15. The applicant shall provide buffering to the greatest extent possible on the Weld Street driveway consistent with other buffering along the site frontage on Oldfield Road.

**SECONDED** by Mr. Pedersen

**MOTION CARRIED 5-0-1 (Meehan abstained)**

**NEW BUSINESS - SUBDIVISION PLANS**

**A22-0105** 138 Spit Brook Realty, LLC and Grace Lutheran Church Missouri Synod (Owners) - Application and acceptance on proposed lot line relocation plan. Property is located at 130 & 138 Spit Brook Road. Sheet B - Lots 76 & 2428. Zoned "R18" Suburban Residence and "PI" Park Industrial. Ward 8.

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

**SECONDED** by Mr. Bollinger

**MOTION CARRIED 6-0**

Jim Petropulos, Civil Engineer, Hayner Swanson, 3 Congress St, Nashua NH

Mr. Petropulos introduced himself as representative of the applicant.

Mr. Petropulos said they have a simple lot line relocation between two parcels in south Nashua. One parcel is the home of World Academy, and the other parcel is Grace Lutheran church. Both have been here since the early 80's, and share a common driveway. What is being proposed is to transfer 1.25 acres from Grace Lutheran to World Academy so that the school can expand. They have no definite plans, but to have land to grow to was important for the school.

Mr. Petropulos said they have one waiver request, as detailed in the staff report. They believe they have a complete application in accordance with the staff recommendations. They are in agreement with staff recommendations, although they believe that item #2 no longer applies.

Mr. McPhie said correct.

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Mr. Petropulos asked them to delete #2 as there were no traffic comments.

Mr. Pedersen requested clarification on the numbers contained in the staff report.

Mr. McPhie provided clarification on staff report.

Mr. Petropulos said let the record show that the plan is correct. The intent of the report was to break out the areas of each zone, as they are split zoned parcels. 1.25 acres will move from Grace Lutheran to World Academy.

Mr. LeClair asked where the zone line is.

Mr. Petropulos said he thinks the line runs through the Grace Lutheran building. World Academy is primarily R18 and Grace Lutheran is split zoned down the middle.

Mr. LeClair asked if the new parcel will take on R18.

Mr. Petropulos said the majority zone is what they would elect to use. However, the zone doesn't apply to the movement of the lot line.

**SPEAKING IN OPPOSITION OR CONCERN**

None

**SPEAKING IN FAVOR**

None

**APPLICANT REBUTTAL**

None

**PUBLIC MEETING**

Mr. LeClair closed the public hearing and moved into the public meeting. He said this seems pretty straightforward.

**MOTION** by Mr. Bollinger to approve New Business - Subdivision Plan A22-0105. 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 be shown, 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, Site Plan NR 1756 (130 Spit Brook Road) and Site plan NR 1749 (138 Spit Brook Road) will be amended to show the new lot line configurations and any other updated needed on the plan.

**SECONDED** by Mr. Pedersen

**MOTION CARRIED 6-0**

**NEW BUSINESS - SITE PLANS**

**A22-0087** GR Nashua Land, LLC (Owner) - Application and acceptance on proposed remodel of existing car wash along with associated site improvements. Property is located at 607 Amherst Street. Sheet H - Lot 105. Zoned "GB" General Business. Ward 2.

*Mr. Bollinger recused himself from this case.*

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

**SECONDED** by Mr. Meehan

**MOTION CARRIED 5-0**

Garrett Piccirillo, Civil Engineer, GPI

Mr. Piccirillo introduced himself as representative for the applicant. With him is Jim Waterman from GR Nashua Land LLC.

Mr. Piccirillo described the existing site, which contains a car wash. They propose to renovate the building and provide various site improvements. Amherst Street has limited access in this area, which allows for only a right-turn in and right-turn out. The current building has four car wash bays, with two touchless bays, one tunnel, and one detail bay. He showed the traffic flow pattern throughout the site. There is a cross access connection between the abutters on either side, which they own and maintain individually.

Mr. Piccirillo said they propose to demolish the touchless bays and tunnel, so this is not a total raze. They are proposing to extend the tunnel to be 110-ft long and remodel the interior equipment. The one-way traffic flow will remain in place, as they work well for site circulation. Cars can enter the car wash queue lane. They are proposing a separate bypass lane for circulation and a section of parking with 17 vacuums. They will be relocating the trash enclosure as well.

Mr. Piccirillo showed the grading and drainage plan, which proposes minimal changes. They are maintaining onsite grades as much as possible. Onsite catch basins and piping will remain. The only improvements they are proposing is one additional catch basin. They provided a drainage memo, and they are decreasing the impervious area by 2%. They are also decreasing the building by 1,600-sqft.

Mr. Piccirillo showed the landscape and lighting plan. They are in compliance with those requirements. He showed a concept of the vacuum appearance, floor plan of the building, and a proposed architectural elevation. They are asking for two waivers, as noted in the staff report. They have received Engineering and traffic comments, and he has no issue with addressing them.

Mr. Meehan thanked the applicant for the detailed presentation. The Master Plan has very specific language about what they are hoping to see in this corridor, and he appreciates the move to the back of the property. He thinks it's consistent with the Master Plan. He asked what the siding material would be.

Jim Waterman, GR Nashua Holdings

Mr. Waterman said they are doing a fieldstone or natural stone veneer up to 4-ft, then a board and batten above to replace the EIFS present today.

Mr. Hudson asked if a lighting waiver would be required.

Mr. Piccirillo said he was in contact with his lighting vendor and they plan to meet the requirement.

Mr. Pedersen said the memo from the Fire Dept. had three points that needed to be addressed. Have they been addressed?

Mr. Piccirillo said he hasn't finalized his coordination with the Fire Dept. Widening the driveway makes it so they are doing work in the Right of Way, and there is a moratorium for the next two years. He was trying to coordinate it with Mr. Mendola, who said he would look into it.

Mr. Hudson said he discussed it with Mr. Mendola and they are doing a pilot program where people can cut into the right of way 1-ft and not trigger the full moratorium restoration. He thinks they can suitably match the driveway and sidewalk without meeting moratorium.

Mr. Pedersen asked if they are raising the pay station canopy so fire trucks can get under it.

Mr. Piccirillo said they are proposing to remove the canopies entirely. It makes things too congested. He showed the proposed changes to allow the 20-ft wide lane with no obstructions.

Mr. Pedersen said asked if the travel path will be shown.

Mr. Piccirillo said that is already done. They have run the model and it works.

Mr. Meehan said there is a large sign perpendicular to Amherst Street, and it doesn't appear in the plans. Will it remain or be removed?

Mr. Piccirillo said it will remain. It will be refaced.

**SPEAKING IN OPPOSITION OR CONCERN**

None

**SPEAKING IN FAVOR**

None

**APPLICANT REBUTTAL**

None

**PUBLIC MEETING**

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

Mr. McPhie provided clarification of the dates contained in the staff report.

Mr. Meehan said this seems to take a really good step forward.

**MOTION** by Mr. Meehan to approve New Business - Site Plan A22-0087. It conforms to §190-146(D) with the following stipulations or waivers:

1. The request for a waiver of § 190-279 EE, which requires showing existing conditions on site and adjacent lots, 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 § 190-209 A which requires maximum one way driveway width is granted, finding that the waiver will not be contrary to the spirit and intent of the regulation.
3. Due to the properties location in the Water Supply Protection District and the 250-foot Shoreland Protection District only slow release fertilizers to be applied by a professional applicator shall be allowed onsite.
4. Prior to the Chair signing the plan, all comments in an e-mail from Joe Mendola, Street Construction Engineering, dated 6/15/2022 will be resolved to the satisfaction of the Division of Public Works.
5. Prior to the Chair signing the plan, all conditions on the Planning Board approval letter will be added to the cover page of the final Mylar and paper copies submitted to the City.
6. Prior to the Chair signing the plan, an electronic copy of the plan will be submitted to the City Assessing Department.
7. Prior to the Chair signing the plan, all minor drafting corrections will be made.
8. Prior to the Chair Signing the plan, all easements and 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, all comments and requests in an e-mail from Wayne Husband, Senior Traffic Engineer, dated 6/15/2022 will be resolved to the satisfaction of the Public Works Department.
10. Prior to the issuance of a building permit, all outstanding issues identified in an e-mail from Mark Rapaglia, Fire Inspector dated 5/23/2022 will be resolved to the satisfaction of the Fire Department.



11. Prior to the commencement of any work, a pre-construction meeting will be held and a financial guarantee will be in place.
12. Prior to the issuance of the Certificate of Occupancy, an as-built plan locating all 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.
13. Prior to the issuance of a certificate of occupancy, all off-site and on-site improvements will be completed.

**SECONDED** by Mr. Hirsch

**MOTION CARRIED 6-0**

**A22-0103** Proctor Square, LLC (Owner) - Application and acceptance on proposed two-story 2,154 sf building addition. Property is located at 195 Daniel Webster Highway. Sheet A - Lot 997. Zoned "HB Highway Business. Ward 8.

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

**SECONDED** by Mr. Bollinger

**MOTION CARRIED 6-0**

Jim Petropulos, Civil Engineer, Hayner Swanson, 3 Congress St, Nashua NH

Mr. Petropulos introduced himself as representative of the applicant. With him tonight is owner Jeff Proctor and construction manager Gary Thomas.

Mr. Petropulos provided a brief overview of the site and surrounding properties. Many years ago this was the Dexter Shoe factory. Proctor Ski has been there about ten years. He described site structures, access, and open space. The site is well buffered from the residential properties to the west, and it is somewhat blocked from the southbound view of Daniel Webster Hwy.

Mr. Petropulos said they are proposing to add a small 2-story 2,100-sqft addition to the southwest side of the building. It is needed to accommodate the ski and snowboard rental program. There will be minimal site work. He showed architectural elevations of the addition. They are requesting two waivers, as detailed in the staff report. They believe the applications conforms, and the conditions outlined in the staff report are acceptable to them.

Mr. Bollinger asked if they are aware of the requested traffic contribution.

Mr. Petropulos said yes.

**SPEAKING IN OPPOSITION OR CONCERN**

None

**SPEAKING IN FAVOR**

None

**APPLICANT REBUTTAL**

Mr. Hudson asked about a requested easement in the staff report.

Mr. Petropulos said they are requesting a 10-ft easement for road frontage and to update the pedestrian easement. It's a busy street and there is the notion that improvements along Daniel Webster Hwy could be made. It's a fairly wide right of way, but he thinks the request for future widening and construction makes sense. His client is willing to do this. The current access easement for Louisburg Square is out of date and doesn't define pedestrian access. Staff wanted to ask if they would amend the language to include pedestrian access in case they wanted to build a sidewalk, and they are amenable to this.

Mr. Hudson said the consideration is that there is no sidewalk along this section of Daniel Webster Hwy, and it would currently be very difficult because of the slope. They are requesting the easement so that if in the future they want to put sidewalks in, they can.

Mr. Bollinger asked if there is a mechanism for that. Is it recorded?

Mr. Petropulos said it would be recorded on the deed.

**PUBLIC MEETING**

Mr. LeClair closed the public hearing and moved into the public meeting. He summarized the discussion. He sees no issues with this.

**MOTION** by Mr. Meehan to approve New Business - Site Plan A22-0103. 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 and easements 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 § 190-172 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.
3. Prior to the Chair signing the plan, a contribution of \$ 2,800.00 shall be paid to the Daniel Webster Highway Corridor account per Wayne Husband, City Traffic Engineer e-mail dated June, 9, 2022.
4. Prior to the Chair signing the plan, minor drafting corrections will be made.
5. 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.
6. Prior to the Chair signing the plan, all comments in an e-mail from Joe Mendola, Street Construction Engineer, and dated 6/15/2022 shall be addressed to the satisfaction of the Engineering Department.
7. Work with staff to provide building elevations that meet City standards.
8. Prior to any work on site, a pre-construction meeting shall be held and a financial guarantee shall be approved.
9. Grant an easement 10-feet back from the sites road frontage as shown in note 22 of the plan and update the pedestrian access easement listed under Book 2037 Page 90 of the Hillsborough County Registry of Deeds as indicated in an e-mail dated April 18, 2022 from Mathew Sullivan, Community Development Director.

10. 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.
11. Prior to the issuance of the Certificate of Occupancy, all off-site and on-site improvements will be completed.

**SECONDED** by Mr. Meehan

**MOTION CARRIED 6-0**

**A22-0107** Valley Properties Inc. (Owner) - Application and acceptance on proposed one-story, 3,368 sf building addition along with associated site improvements. Property is located at 6 Northwest Boulevard. Sheet I - Lot 570. Zoned "GB" General Business. Ward 1.

**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**

Jim Petropulos, Civil Engineer, Hayner Swanson, 3 Congress St, Nashua NH

Mr. Petropulos introduced himself as representative of the applicant and the owner. They are requesting a small addition to the building and a change of use.

Mr. Petropulos described the subject lot and surrounding uses. This is within the Westside Plaza and contains a 9,000-sqft building. They are proposing a 1-story, 3,456-sqft addition on the south side of the building. They are converting the site from a Pier 1 to a NH Liquor Store, as the Liquor store is relocating from adjacent to Market Basket to a standalone facility.

Mr. Petropulos said the minor site improvements include a loading dock, improved paved parking, new lighting, and landscaping. They are maintaining the drive aisles, and will restripe and add walkways. He showed architectural elevations of the building appearance. They are requesting two waivers as detailed in the staff report. They believe the site plan complies with the regulations, and they are amenable to the conditions in the staff report and Engineering comments.

Mr. Meehan said there is a pavement saw cut for the landscaped islands.

Mr. Petropulos said Pier 1 had no real loading, but the liquor store will. They will have tractor trailers come in at the off-hours early in the morning. They found that the two islands interfered with turning movements for the trucks, so they softened them.

Mr. Hudson said he has some concerns with the proposed crosswalk location. It's a busy driveway entrance. He questioned whether it would provide a false sense of security. As it is on private property, he isn't going to micromanage it. The site has seven crosswalks on the abutting properties, so he will leave it to the property owner's judgement. If this was a public street, he would not like a crosswalk there.

**SPEAKING IN OPPOSITION OR CONCERN**

None

**SPEAKING IN FAVOR**

None

**APPLICANT REBUTTAL**

None

**PUBLIC MEETING**

Mr. LeClair closed the public hearing and moved into the public meeting. It seems pretty straightforward and is a good use of the building. It's good to get these vacant ones up and running. Liquor stores always seem to do well.

Mr. Hudson said if they want to remove the sidewalk, that could be done administratively and he would support it. It's up to them.

**MOTION** by Mr. Meehan to approve New Business - Site Plan A22-0107. It conforms to §190-146(D) with the following stipulations or waivers:

1. The request for a waiver of § 190-279 EE, which requires showing existing conditions on site and adjacent lots, 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 § 190-198 which requires minimum parking space standards, 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 comments in an e-mail from Joe Mendola, Street Construction Engineering, dated 6/15/2022 will be resolved to the satisfaction of the Division of Public Works.
4. Prior to the Chair signing the plan, all conditions on 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 minor drafting corrections will be made.
6. Prior to the Chair Signing the plan, all easements and stormwater documents will be submitted to City staff for review and recorded at the applicant's expense.
7. Prior to the Chair signing the plan, a contribution of \$11,400.00 shall be paid to the Amherst Street Highway Corridor account per Wayne Husband, City Traffic Engineer in an e-mail dated June, 9, 2022.
8. Prior to the commencement of any work, a pre-construction meeting will be held and a financial guarantee will be in place.
9. Prior to the issuance of the certificate of occupancy, an as-built plan locating all 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.

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10. 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 6-0**

**OTHER BUSINESS**

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

None

**DISCUSSION ITEMS**

Site Walk: June 23, 2022, 5:30PM, at City Hall. First to the Westford asphalt plant, then to the proposed site at 145 Temple Street. Each visit should be no longer than 30 minutes.

**MOTION** to adjourn by Mr. Meehan at 9:32 PM

**MOTION CARRIED 6-0**

**APPROVED:**

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Mr. LeClair, Chair, Nashua Planning Board

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Prepared by: Kate Poirier

Taped Meeting