

NASHUA CITY PLANNING BOARD
July 15, 2021

The regularly scheduled meeting of the Nashua City Planning Board was held on July 15, 2021 at 7:00PM in Room 208 in City Hall AND via Zoom virtual meeting.

Members Present: Scott LeClair, Chair
 Adam Varley, Vice Chair
 Mike Pedersen, Mayor's Rep
 Maggie Harper, Secretary
 Dan Hudson, City Engineer
 Ed Weber
 Bob Bollinger
 Larry Hirsch

Also Present: Matt Sullivan, Planning Manager
 Linda McGhee, Deputy Planning Manager
 Scott McPhie, Planner I
 Christine Webber, Department Coordinator

ALL VOTES ARE TAKEN BY ROLL CALL

Approval of Minutes

June 17, 2021

MOTION by Mr. Weber to approve the minutes of the June 3, 2021 meeting

SECONDED by Mr. Hirsch

MOTION CARRIED 6-0-2 (Hudson, Varley abstained)

COMMUNICATIONS

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

- Email from Traffic Engineer Wayne Husband re: 306 Innovative Way
- VHB Memo re: 306 Innovative Way
- Abutter correspondence re: 6 Kinsley St

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- Engineer Tom Lacroix comments re: 54 Chandler St
- Brian Pratt re: Nashua Landing, request to postpone
- Hinkley Allen, third-party engineer re: Nashua Landing
- Vanasse & Associates Inc. re: Nashua Landing

REPORT OF CHAIR, COMMITTEE & LIAISON

Historic District Commission Mr. Weber provided an overview of the June 28th meeting.

MEETING PROCEDURES

Mr. LeClair said this evening's meeting will be conducted in a hybrid format.

1. Access

This meeting is accessible in person in Room 208 in Nashua City Hall and via Zoom. Members of the public and representatives of the applicants have been urged to attend the meeting via Zoom, but they may attend in person at City Hall. Real time public comment can be addressed to the Board utilizing Zoom or in City Hall, Room 208.

2. Public Notice and Access

If anybody has a problem accessing the meeting, 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. Please note that the board will continue to take vote via roll call.

The Planning Department and Board thank you for your understanding and patience during this difficult time.

OLD BUSINESS - CONDITIONAL USE PERMITS

None

NEW BUSINESS - CONDITIONAL USE PERMIT

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A21-0142 John J. Flatley Company (Owner) - Application and acceptance of proposed Conditional Use Permit to allow for a 198 seat (including 70 patio seat) restaurant use within a portion of an approved 10,500 square foot flexible use space building. Property is located at 306 Innovative Way. Sheet A - Lot 1022 (formerly Lot 798). Zoned "PI" Park Industrial. Ward 8.

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

SECONDED by Ms. Harper

MOTION CARRIED 8-0

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

Mr. Branon introduced himself as the representative for Greeley Park Associates. With him is Kevin Walker of John J Flatley Company.

Mr. Branon said this request would allow for a brewery and restaurant in Building 3 of the flex buildings, which was originally approved by the Board on February 2nd, 2017. This site also came before the Board on February 4th, 2020, for subdivision approval, to separate the flex buildings from the parent lot.

Mr. Branon described the newly subdivided parcel, and the surrounding properties of Gateway Hills. The proposal is to develop Building 3 into a brewery and restaurant, with 128 indoor seats and 70 outdoor seats, patio, and parking reconfiguration. Spyglass Brewing Company is the prospective tenant.

Mr. Branon outlined parking, and said it is consistent with the originally approved layout. The site could also share parking with 200 & 300 Innovative Way. The internal traffic patterns have been designed to accommodate daily traffic and emergency services. There is no change to the lighting plan.

Mr. Branon said their application has addressed the nine criteria for a Conditional Use Permit. They have reviewed the staff report, and they have no issue with the recommended stipulations.

Mr. LeClair asked what the operating hours would be.

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Kevin Walker, John J Flatley Company

Mr. Walker said the brewery's current hours are 11AM-9PM. They may tighten up the hours during the week, but this is what they are operating at.

Mr. Weber asked Engineering if there is a tipping point on traffic contributions to the corridor.

Mr. Hudson said he has talked in the past with Traffic Engineer Wayne Husband about what would trigger improvements to traffic conditions along Spit Brook Rd. This is a change in use, and there some of the traffic proposed by the previous use will offset the traffic of the proposed use. This will be a net increase of 60 trips per peak hour, but the incremental increase doesn't rise to the level where they would need improvements. They have asked for a contribution to the corridor fund, which is in line with what other developments have contributed.

Mr. Weber asked if there would be any point in time that Spit Brook Rd would need a third lane.

Mr. Hudson said there is a plan for another eastbound lane contemplated, but they don't believe this is the thing that would trigger such a change.

Mr. Varley said some time ago they approved a restaurant in Gateway Hills, which was never completed. Do they anticipate another restaurant in this area in the future?

Mr. Branon indicated the restaurant site and the flex building. The restaurant facility is now occupied by a medical facility. In order to have another restaurant they would want to go to the Community Development office to discuss an amendment to the site plan and possible traffic impacts.

Mr. Weber asked if the restaurant wanted to change their hours, do they have to come back to the Board?

Ms. McGhee said if the Board approved certain hours and it gets noted on the plan, they would need to come back to the Board to have the hours amended.

Mr. Pedersen said in the past they have discussed a possible exit or entrance ramp along Everett Turnpike. Did anything come of that?

Mr. Walker said with the uses they have onsite right now, it doesn't require a highway ramp. There will be a certain point where they have to entertain a second access, but right now they have a lot of room.

SPEAKING IN OPPOSITION OR CONCERN

None

SPEAKING IN FAVOR

None

PUBLIC MEETING

Mr. LeClair closed the public hearing and moved into the public meeting. He summarized the discussion. He thinks it will fit in with the surrounding uses. He recommended that whoever makes the motion should stipulate the traffic contribution.

Ms. McGhee clarified the dates contained in the staff report.

MOTION by Mr. Varley to approve New Business - Conditional Use Permit A21-0142. It conforms to §190-133(F) with the following stipulations or waivers:

1. Prior to the issuance of a building permit, an Industrial Wastewater User Application shall be approved.
2. Prior to the issuance of a building permit, all comments in an e-mail from Wayne Husband, P.E. dated July 15, 2021 shall be addressed to the satisfaction of the Division of Public Works.

SECONDED by Mr. Weber

MOTION CARRIED 8-0

NEW BUSINESS - SITE PLANS

A21-0129 ZJBV Properties LLC (Owner) - Application and acceptance of proposed one year extension of two 84-unit apartment buildings with associated site improvements. Property is located at 152 Temple Street & L Bridge. Sheet 39 - Lot 31 & 38. (Formerly 152 & 169-161 Temple Street & "L" Bridge Street). Zoned "GI/TOD" General Industrial/Transit Oriented Development. Ward 7.

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

SECONDED by Mr. Bollinger

MOTION CARRIED 8-0

Applicant was not present, case was moved later on the agenda.

A21-0166 Nashua Housing and Redevelopment Authority (Owner) Boston Capital Corporation and Nashua Housing and Redevelopment Authority (Applicant) - Application and acceptance of proposed one year extension to NR1212. Property is located at 41 Central Street. Sheet 80 -Lot 89. Zoned "RC" Urban Residence. Ward 4.

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

SECONDED by Ms. Harper

MOTION CARRIED 8-0

Mr. LeClair said this case would be heard with A21-0151

NEW BUSINESS - SUBDIVISION PLANS

A21-0151 Nashua Housing and Redevelopment Authority (Owner) Boston Capital Corporation and Nashua Housing and Redevelopment Authority (Applicant) - Application and acceptance of proposed condominium subdivision of NR1212 for the redevelopment of the Bronstein Apartment Complex and documents. Property is located at 41 Central Street. Sheet 80 - Lot 89. Zoned "RC" Urban Residence. Ward 4.

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

SECONDED by Ms. Harper

MOTION CARRIED 8-0

Jim Petropulos, Project Manager, Hayner Swanson Inc, 3 Congress St, Nashua NH

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Mr. Petropulos introduced himself as the representative for the owner and applicant. With him is Richard Mazzochi of Boston Capital Corporation, and Atty. Jay Leonard.

Mr. Petropulos provided an overview of the proposal. The project was originally approved on August 6th, 2020, which included the demolition of the current development, site improvements, and the construction of 4 buildings containing a total of 216 units. They are requesting a 1-year extension partly due to delays caused by the COVID-19 pandemic and financing. The project is anticipated to start in fall 2021. There have been no changes to the plan or site, and their client understands all previous conditions still apply.

Mr. Petropulos said they are also asking for a condominium subdivision of the site. There are two lenders for this project, and each will use a portion for collateral. The condominium is being created solely for financing purposes. The units are not for sale, and will continue to be apartments for rent. Common land will be all the land outside of the buildings.

Mr. Petropulos said staff has recommended some conditions of approval, which are acceptable to his clients.

Mr. Varley asked if the financing change prompted this change, or if this was contemplated at the onset.

Mr. Petropulos said both. Typically they will communicate in a project at the beginning that it will be a condominium, but it hadn't gotten to that point.

Mr. Varley asked if it would be two parcels.

Mr. Petropulos said no parcels. There's no lines, just portions within the building that will be identified as one partnership or the other.

Mr. Varley asked if it's not a land subdivision, but one within the buildings.

Mr. Petropulos said correct.

Ms. Harper asked if this affects the unit affordability.

Mr. Petropulos said no.

Mr. Bollinger asked if the two lenders have different partners. Is it the same people?

Rich Mazzochi, Boston Capital Corporation, 11 Beacon St, Boston MA

Mr. Mazzochi said the partners are the same.

Mr. Hudson asked them to describe how the condominium ownership affects responsibility for the commons and shared utilities.

Mr. Mazzochi said everything in terms of utility costs and common costs will be shared based on the number of units and square footage.

Mr. Bollinger asked if this will also apply to property taxes. This property received a large property tax break, will this be split between the two partnerships?

Mr. Mazzochi said it is, which will be covered in the agreement they are finalizing.

Mr. Hirsch asked how this would impact their exit strategy after the property is redeveloped.

Mr. Mazzochi said Nashua Housing and Redevelopment Authority will be the long term and sole general partner after the site is stabilized. It's an industry standard in these types of projects that the project will be held by the partners for fifteen years. After that period, Nashua Housing Authority will have right of first refusal for both projects. Ideally, Nashua Housing Authority will own it into perpetuity.

Mr. Hirsch asked if they are in a control position.

Mr. Mazzochi said yes. Each of the limited partners are the same end investor for the partnership. Each one has different lenders, so the lenders do have collateral rights.

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 the project is a positive thing for the city, so he is in favor of allowing them to move forward.

MOTION by Mr. Weber to approve New Business - Site Plan A21-0166. It conforms to §190-146(D) with the following stipulations or waivers:

1. All prior conditions of approval are incorporated herein and made a part of this plan, unless otherwise determined by the Planning Board.

SECONDED by Mr. Varley

MOTION CARRIED 8-0

MOTION by Mr. Weber to approve New Business - Site Plan A21-0151. It conforms to §190-138(G) with the following stipulations or waivers:

1. Prior to the Chair signing the plan, all Condominium documents shall be favorably reviewed by Corporation Counsel.
2. Prior to recording of 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.
3. Prior to the issuance of a building permit, all condominium documents shall be recorded at the Hillsborough County Registry of Deeds with a recorded copy to be provided to the City.
4. Prior to the issuance of a building permit, the plan electronic file of the subdivision plan shall be submitted to the City of Nashua.
5. All prior conditions of approval related to NR1212 are incorporated herein and made a part of this plan, unless otherwise determined by the Planning Board.

SECONDED by Ms. Harper

MOTION CARRIED 8-0

A21-0129 ZJBV Properties LLC (Owner) - Application and acceptance of proposed one-year extension of two 84-unit apartment buildings with associated site improvements. Property is located at 152 Temple Street & L Bridge. Sheet 39 - Lot 31 & 38. (Formerly 152 & 169-161 Temple Street & "L" Bridge Street). Zoned "GI/TOD" General Industrial/Transit Oriented Development. Ward 7.

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

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SECONDED by Mr. Bollinger

MOTION CARRIED 8-0

Michael Malynowski, Project Engineer, Allen & Major Associates

Mr. Malynowski introduced himself as the representative for the project. They are requesting a 1-year extension for the previously approved project. Due to the COVID-19 pandemic, the developer has been unable to start construction.

Mr. LeClair asked if this is the first extension.

Mr. Malynowski said it is the second.

Mr. Varley asked if they were to approve the extension, what is the likelihood that the project will start within the next year.

Mr. Malynowski said he doesn't have that information. The client asked for an additional year presumably to get things in order. A lot of the COVID-19 restrictions plaguing our community seem to be on the downturn, so he anticipates that come early next year the owner would be able to proceed.

Mr. Hirsch asked how many extensions are permitted.

Ms. McGhee said there is no defined limit in the Land Use Code. However, the Board has granted up to three in the past, depending on certain projects. After that, they have asked people to come back for full Planning Board review.

Mr. LeClair said they have done two on several occasions. What tends to happen is that the Board changes a lot and the people on the Board tend not to be familiar with the plan, which is problematic. This plan has a solid group of members that have been around for some time.

Mr. Bollinger asked if anything else would preclude them and necessitate coming back, such as a zoning change.

Mr. Sullivan said a zoning change would not force that unless the Board felt the change was significant enough to be in consideration of the plan. If the Board grants the extension it would be under protection of the original zoning it was granted under. It would be a consideration for whether or not the proposal is a good fit for the zone.

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Mr. Varley said that has been a consideration before, whether the proposal still fits in the area or surrounding circumstances. He doesn't know that they have denied a plan, but it has come up in discussion before.

SPEAKING IN OPPOSITION OR CONCERN

None

SPEAKING IN FAVOR

None

Mr. Weber said construction is coming back, so this should not have a problem.

PUBLIC MEETING

Mr. LeClair closed the public hearing and moved into the public meeting. He is in favor of extending it, as there has been some extenuating circumstances.

MOTION by Mr. Varley to approve New Business - Site Plan A21-0129. It conforms to §190-146(D) with the following stipulations or waivers:

1. All prior conditions of approval are incorporated herein and made a part of this plan, unless otherwise determined by the Planning Board.

SECONDED by Mr. Pedersen

MOTION CARRIED 8-0

The Board held a five minute recess

A21-0043 Jane & Josemar Lorentz (Owners) - Application and acceptance of proposed site plan to show a convenience store and residential use. Property is located at 6 Kinsley Street. Sheet 97 - Lot 4. Zoned "RC" Urban Residence. Ward 4

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

SECONDED by Mr. Hirsch

MOTION CARRIED 8-0

Chad Branon, Project Engineer, Fieldstone Land Consultants

Mr. Branon introduced himself as the representative for the applicant. He said they are here to convert a previous bridal shop to Tropical Side, a Brazilian specialty convenience store, who has been operating at 1 Spring St for the past 10 years.

Mr. Branon said the entire first floor would be converted into an approximately 1,200-sqft convenience store, with one residential unit on the second floor.

Mr. Branon said all of the improvements they are proposing will exist within the current paved area, so there will be no additional impervious surfaces. There will be no food prepared onsite, and there are no tables proposed. The hours of operation will be Monday-Friday, 9AM-7PM, and 9AM-5PM on Saturday. Access to the site will be through the existing curb cut on Kinsley St. There are three parking spaces currently at the front of the building, which they proposed to convert into one handicap accessible parking spot. They are providing for an addition 8 parking spaces in the rear. The site is serviced by overhead utilities and Pennichuck Water; they are not proposing any changes to these connections. They will maintain building mounted site lighting. They are proposing some landscaping along Kinsley St.

Mr. Branon said they have been working with Engineering on providing a sidewalk easement along the front of the property to maintain the existing landscaping and improve the sidewalk connection. They are amenable to a \$1,600 traffic corridor contribution. They are requesting one waiver, as detailed in the staff report. He believes this project meets the requirements outlined within the Land Use Code, and have no issues with the recommended stipulations of approval.

Mr. Varley asked if any landscaping is proposed around the rear parking area.

Mr. Branon said they are not currently proposing any additional landscaping in back. They are proposing a stockade fence along the eastern boundary, which is a condition from the Zoning Board approval.

Mr. Varley asked if there was fencing to the rear and west side.

Mr. Branon said correct. There is also a tree and some bushes.

Mr. Varley said they received correspondence from an abutter, which refers to hours of operation. Are the hours of operation listed on the plan?

Mr. Branon said it is Note 7. He has reviewed the abutter letter and said a number of the concerns are related to his client trying to obtain site plan approval so she can occupy and invest in the property. They are not opposed to the hours suggested in the letter, because that is what they are proposing.

Mr. Varley asked if the abutter owns both western abutting lots.

Mr. Branon said SDA Global Partners owns an L-shape property, and Ms. Marquis owns the property within, at 6 ½ Kinsley St.

Mr. LeClair asked if there are any stormwater improvements.

Mr. Branon said they are not proposing any improvements, because they are not proposing any additional impervious area. There is no change in stormwater runoff. They are reworking the layout so that it works for the change of use, but it is within the existing footprint.

Mr. LeClair asked if there were any changes to the building.

Mr. Branon said no. They submitted a letter to the city which was reviewed by Engineering, and received no issues.

Ms. Harper asked if there is pedestrian access.

Mr. Branon said there is currently a sidewalk, but there is a maple tree within the sidewalk. The City would like to maintain the maple, and requested an easement so that when they decide to do improvements they can adjust to accommodate the tree.

SPEAKING IN OPPOSITION OR CONCERN

Tessa Marquis, 6 ½ Kinsley St, Nashua NH

Ms. Marquis said she wrote the letter. She said someone currently lives on the second floor, and asked if there would be parking in the back for that tenant. She said there is no rear access proposed to the first floor. When a truck comes to deliver goods, are they going to just park on Kinsley Street with their hazard lights on and potentially block my driveway? Or will there be a door in the back so the truck can park in the driveway?

Ms. Marquis reiterated that no landscaping or lawn maintenance has been performed since the building has been taken over by the new owners. She asked if this will be maintained. She asked if this is approved, that the store would be held to the hours of operation stated on the plan.

SPEAKING IN FAVOR

Chad Branon, Project Engineer

Mr. Branon indicated the parking calculations on the site plan. The convenience store requires a minimum of six spaces, and the residence requires two spaces, so the site requires eight spaces total. They are providing nine.

Mr. Branon said that smaller truck deliveries would be able to access the site and turn around internally. The owner has three parking spots at her current location, so this is more than what she believes is necessary for her store. He thinks there is ample space onsite. If there is a large delivery truck, they would have to park in a street parking spot along Kinsley St. They have agreed with Planning staff that no parking would be permitted in front of the site, and that has been noted on the plan.

Mr. LeClair asked if no parking would be permitted in front of the abutter at 6 ½ Kinsley St.

Mr. Branon said correct.

Mr. LeClair asked for details on landscaping.

Mr. Branon said unfortunately the reality so far is that his client needs to get site plan approval before she can occupy the site. Currently she is paying rent in two locations, which has been cumbersome. She is looking forward to occupying the site, and once she is there he is sure she will maintain the property. Her intention is to get the site improved and up to standards as soon as possible.

PUBLIC MEETING

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

Mr. Varley said there is a note on the plan of the hours of operation. The applicant would have to come back to the Board if she wanted to change those hours.

MOTION by Mr. Varley to approve New Business - Site Plan A21-0043. 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 to the plan.
3. Prior to the Chair signing the plan, all comments in an e-mail from Joe Mendola, Street Construction Engineer dated June 25, 2021 will be addressed to the satisfaction of the Division of Public Works.
4. Prior to the issuance of a building permit the applicant shall give a contribution of \$1,600 to the Main Street Traffic Corridor Account as outlined in an e-mail dated June 25, 2021 from Joe Mendola, Street Construction Engineer.
5. Prior to the issuance of a building permit, a sidewalk easement shall be submitted to the City for review and approval and recorded at the Registry of Deeds at the applicant's expense.
6. Prior to the issuance of a certificate of occupancy, all on-site improvements will be completed.
7. All stipulations of the Zoning Board of Adjustment dated October 13, 2020 are incorporated herein.

SECONDED by Mr. Weber

MOTION CARRIED 8-0

NEW BUSINESS - SUBDIVISION PLANS

A21-0131 R. da Silva Parppinelle & Bruno Alex Ricci (Owners) - Application and acceptance of proposed two lot subdivision. Property is located at 54 Chandler Street. Sheet 42. Lot 221. Zoned RC-Urban Residence. Ward 3.

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

SECONDED by Mr. Hirsch

MOTION CARRIED 8-0

Chad Branon, Project Engineer, Fieldstone Land Consultants

Mr. Branon introduced himself as representative for the applicant.

Mr. Branon provided an overview of the subject lot and surrounding parcels. This property received a variance from the Zoning Board on June 22nd, 2020 for lot width. The site has an existing building and driveway, which takes up a lot of width. If the existing building wasn't placed there, the lots could meet the dimensional requirements. The new lot will have a width of 43-ft, with a proposed single family home.

Mr. Branon said they have provided a stormwater management report, which includes a collection swale along the northern property line and a leaching catch basin. The site as designed will mitigate through the 100-year storm event and exceed city standards. They have had an opportunity to review Engineering comments, and have no issues with addressing all concerns raised.

Mr. Branon said they are requesting one waiver, as detailed in the staff report. They have received the staff memo, and have no objections to the recommended stipulations of approval.

Mr. LeClair asked for an explanation of the line geometry.

Mr. Branon said what they are trying to do is go around the existing building and meet setback requirements. The rear property line is laid out like that because they didn't know if they would need additional room for stormwater mitigation when they originally laid out the lines. The minimum lot size is 5,000-sqft, and this is 5,520-sqft in size. They could certainly adjust the lot line, if the Board feels it is necessary.

Mr. LeClair asked about the property line kick at the front.

Mr. Branon said it is so the lot will meet the frontage and width requirements.

Mr. Weber asked if they will be notifying the homeowner of the swale and how it has to be maintained.

Mr. Branon said the stormwater management report will have a management agreement which is recorded and referenced on the deeds.

SPEAKING IN OPPOSITION OR CONCERN

Nancy Dutil, 7 Jeremy Ln

Ms. Dutil said that she owns the abutting property of 64-70 Chandler St. She showed the Board photos of the overgrown vegetation onsite, which she has had issues with. She is hoping this will get cleaned up.

Ms. Dutil said she is concerned about the proposed drainage, and what would happen if the swale and catch basin can't keep up. She is concerned about overflow, which would flood her parking.

Ms. Dutil said she is not against the project, but she worries if asphalt on the side will increase runoff issues.

SPEAKING IN FAVOR

Chad Branon, Project Engineer

Mr. Branon said currently there is no stormwater mitigation onsite, and all runoff travels offsite. All of the improvements will be directed to the back corner, where the topography slopes, which will be captured in the stormwater swale and directed to the catch basin. The way the site is designed, it is self-contained and will run through the 100-year storm. Engineering had some minor comments regarding the stormwater design, which they can easily address. This will be an improvement to the existing drainage conditions.

Mr. Branon said there will be substantial improvements onsite, and suspects the overgrown vegetation will be removed. It would be a benefit for the neighbor to talk with the current owner. He thinks an arrangement can be made.

Mr. LeClair asked if the intent of that area would be a grassed swale, no asphalt.

Mr. Branon said correct, no asphalt. He indicated the location of the driveway on the plan.

Mr. Weber asked staff if a construction affidavit should be in place for the stormwater infrastructure.

Ms. McGhee said the stormwater documents would be recorded with the plan and the new owner would be required to keep the area clear. The Board could add an affidavit if desired.

Mr. Weber said the abutter has many concerns regarding drainage. Requiring an affidavit to certify that it was constructed as presented is the only way to make sure it's done right.

Mr. Branon said they are not opposed to providing a letter certifying that the stormwater infrastructure has been built per the approved plans. He would prefer that over an as-built plan.

Mr. Pedersen asked if there will be a new curb cut for the driveway.

Mr. Branon said yes.

Mr. Pedersen asked what the plan is for utilities.

Mr. Branon indicated the location of the proposed utility connections on the plan. This has been reviewed by the Division of Public Works.

Mr. Pedersen asked if DPW has approved this.

Mr. Branon said they haven't formally signed off on the entire design, but he is hoping that will be considered as a condition of approval. He doesn't see any issues or reasons why it won't be signed off.

PUBLIC MEETING

Mr. LeClair closed the public hearing and moved into the public meeting. He summarized the discussion. He asked Mr. Hudson if the stormwater infrastructure is complicated enough to require an affidavit stipulation.

Mr. Hudson said it is just a leaching catch basin. He doesn't believe it rises to the level of some of the more complicated systems where they could want a stipulation.

MOTION by Mr. Varley to approve New Business - Conditional Use Permit A21-0131. 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 the Chair signing the plan, all comments in an e-mail from Tom Lacroix, Staff Engineer, dated July 12, 2021 shall be addressed to the satisfaction of the Division of Public Works.

4. Prior to the Chair signing the plan, the new address (58 Chandler Street) and lot number (42-254) shall be shown on the plan.
5. Prior to recording of 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. Stormwater documents will be submitted to Planning staff for review and recorded with the plan at the applicant's expense.
7. Prior to the issuance of a building permit, the plan electronic file of the subdivision plan shall be submitted to the City of Nashua.
8. Prior to any work, a pre-construction meeting shall be held and a financial guarantee shall be approved.

SECONDED by Mr. Hirsch

MOTION CARRIED 8-0

Mr. Sullivan provided an update on the two Nashua Landing site plans, which are currently under review and working towards a finalized proposal. The applicants have agreed to continue the applications to the August 5th meeting, when they believe further information will be available.

Mr. Sullivan said the subdivision application previously before the Board was a 4-lot subdivision. After discussions the applicants have withdrawn this plan in favor of a 7-lot subdivision. There are no substantive changes to the plan, this is more of a technical change. Staff recommends that they hear the case and then continue it to the August 5th meeting with the two site plans. He recommends that the Board accept public comment on the subdivision plan.

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. **(Withdrawn)**

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 July 15, 2021 meeting)**

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 July 15, 2021 meeting)**

MOTION by Mr. Varley to continue A21-0029 and A21-0062 to the August 5, 2021 meeting

SECONDED by Ms. Harper

MOTION CARRIED 8-0

NEW BUSINESS - SUBDIVISION PLANS

A21-0028 The Landing at Nashua, LLC, C/o. Dick Anagnost (Owner)
- Application and acceptance of 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 (7) seven 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.

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

SECONDED by Mr. Pedersen

Mr. LeClair recommended they limit discussion to what the subdivision will look like, and why they are requesting it.

MOTION CARRIED 8-0

Brian Pratt, Project Engineer, Fuss & O'Neil, 50 Commercial St, Manchester NH

Mr. Pratt introduced himself as the representative for the owner. He presented a plan of the previously proposed subdivision, which would have included a donation lot for a future train station, the Costco lot, the self-storage lot, and gas station lot.

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Mr. Pratt said the reason for the changes is so the self-storage can be on its own parcel. The bulk of the development remains the same except for the self-storage lot, which has been divided into three additional lots. He presented a concept plan showing the proposed future development. There are no physical changes to drainage, pavement, or utilities.

Mr. Bollinger asked if Alexander Blvd is the name of the proposed private road in the development.

Mr. Pratt said yes.

SPEAKING IN OPPOSITION OR CONCERN

[Unintelligible], Savers District Manager

[Unknown] asked where their building is in relation to the proposal.

Mr. Pratt indicated Savers on the plan.

[Unknown] said that is right behind them. Doing business as they have, they collect a lot of trash from the other plaza and other properties. Will there be a fence line to prevent that? Is there a fence or something to prevent debris from going into the river?

Mr. LeClair said those are mostly site plan questions, which are not open for discussion. They will open the discussion for that at the next meeting, but in the interest of time they are fairly benign to answer.

Mr. Pratt said there is a railroad that separates their property from the river. There is an existing fence, which will either be saved or replaced. If Savers wants a fence, most of the land is on their property.

Matthew Bruton, BL Companies

Mr. Bruton said there is a retaining wall along the new ring road, and a fence on top of that. It will be at the bottom of the embankment, but there will be a fence between Costco and Savers.

SPEAKING IN FAVOR

None

MOTION by Mr. Varley to continue A21-0028 to the August 5, 2021 meeting

SECONDED by Ms. Harper

MOTION CARRIED 8-0

OTHER BUSINESS (cont)

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. Pedersen

MOTION CARRIED 8-0

DISCUSSION ITEMS

Mr. Bollinger led a discussion of case packet materials and submission deadlines.

Mr. Weber led a brief discussion regarding his retirement from the Board, and the need for a new representative on the Nashua Regional Planning Commission and Historic District Commission.

Mr. Pedersen led a brief conversation regarding dumpsters.

The Board thanked Mr. Weber for years of service.

MOTION to adjourn by Mr. Weber at 9:10 PM

MOTION CARRIED 8-0

APPROVED:

Mr. LeClair, Chair, Nashua Planning Board

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Prepared by: Kate Poirier

Taped Meeting