

NASHUA CITY PLANNING BOARD  
August 19, 2021

The regularly scheduled meeting of the Nashua City Planning Board was held on August 19, 2021 at 7:00PM in the 3<sup>rd</sup> floor auditorium in City Hall AND via Zoom virtual meeting.

Members Present:     Scott LeClair, Chair  
                          Adam Varley, Vice Chair  
                          Mike Pedersen, Mayor's Rep  
                          Dan Hudson, City Engineer  
                          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**

**1. ACCESS**

This meeting is accessible in person in the 3<sup>rd</sup> floor auditorium in 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, 3<sup>rd</sup> floor auditorium.

**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.

NCPB

August 19, 2021

Page 2

## **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.

## **APPROVAL OF MINUTES**

July 15, 2021

**MOTION** by Mr. Hirsch to approve the minutes, as written

**SECONDED** by Mr. Bollinger

**MOTION CARRIED 6-0**

**COMMUNICATIONS**

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

- E-mail from Carol Boule dated August 17, 2021 re: 5 Daniels St
- E-mail from Street Engineer Joe Mendola dated July 30, 2021 re: 413 South Main St
- Correspondence re: 2 East Spit Brook Road
  - E-mail from Joe Mendola dated August 17, 2021 Subdivision
  - E-mail from Joe Mendola dated August 17, 2021 Self Storage Facility Site Plan
  - E-mail from Joe Mendola dated August 17, 2021 Costco
  - Letter from Kelley Jordan-Price dated August 17, 2021
  - Waiver Request dated August 19, 2021 from Matthew Bruton Costco
  - Letter from Kelley Jordan-Price dated August 18, 2021
  - Letter from Vanasse & Associates dated August 18, 2021 Traffic Impact Study Peer Review Response
- Memo from Matt Sullivan dated August 16, 2021 re: Capital Improvement Committee

**REPORT OF CHAIR, COMMITTEE & LIAISON**

None

**NEW BUSINESS - CONDITIONAL USE PERMIT**

None

**NEW BUSINESS - SUBDIVISION PLANS**

**A21-0162** John Gergos (Owner) - Application and acceptance of proposed two lot subdivision. Property is located at 37 Lovewell Street. Sheet 96 - Lot 106. Zoned "RB" Urban Residence. Ward 6.

NCPB

August 19, 2021

Page 4

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

**SECONDED** by Mr. Pedersen

**MOTION CARRIED 6-0**

Richard Maynard, Maynard & Paquette Engineering Associates, 31 Quincy St

Mr. Maynard introduced himself as the representative for the owner and applicant.

Mr. Maynard described the subject lot. The proposal is resubdivide the previously merged two parcels. The Zoning Board granted frontage and width variances for both proposed lots on May 11, 2021. A sidewalk is proposed along the frontage of both lots.

Mr. Maynard said they are requesting two waivers, as outlined in the staff report. He briefly described proposed stormwater mitigation. All proposed stipulations are acceptable.

Mr. Bollinger asked about the waiver request for underground utilities.

Mr. Maynard said the whole street has above ground electric and telephone. All other utilities are underground. It's an established street; there's no reason to cut into it when everyone else is overhead.

Mr. Bollinger said if it was strictly a cost factor, that would be something worth noting.

Mr. Hudson asked about the existing garage and driveway.

Mr. Maynard said the garage is gone. The driveway will be removed, and the strip of land will be loamed and seeded. There will be two new driveways.

**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, and said it seems pretty straightforward.

Mr. Varley referred to overhead utilities, and said they have pretty consistently granted the waiver in infill development like this. This is a reasonable request.

Mr. Hudson said this street is under a paving moratorium. Cutting into the street will require Board of Public Works approval.

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

**MOTION** by Mr. Varley to approve New Business - Subdivision Plan A21-0162. 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. The request for a waiver of § 190-221(C) , which requires underground utilities for new subdivision plans, is granted, finding that the waiver will not be contrary to the spirit and intent of the regulation.
3. Prior to the Chair signing the plan, all minor drafting corrections will be made.
4. Prior to the Chair signing the plan, all comments in an e-mail from Joe Mendola, Street Construction Engineer, dated August 12, 2021 shall be addressed to the satisfaction of the Division of Public Works.
5. Prior to the Chair signing the plan, addresses shall be shown on the plan as assigned by the Fire Marshal.
6. 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.
7. Stormwater documents will be submitted to Planning staff for review and recorded with the plan at the applicant's expense.

8. Prior to the issuance of a building permit, the plan electronic file of the subdivision plan shall be submitted to the City of Nashua.
9. Prior to any work, a pre-construction meeting shall be held and a financial guarantee shall be approved.

**SECONDED** by Mr. Pedersen

**MOTION CARRIED 6-0**

**NEW BUSINESS - SITE PLANS**

**A21-0163** 5 Daniel Street LLC (Owner) - Application and acceptance of proposed site plan to construct a 2,475 sf warehouse and office. Property is located at 5 Daniels Street. Sheet 122 - Lot 501. Zoned "GB" General Business. Ward 4.

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

**SECONDED** by Mr. Pedersen

**MOTION CARRIED 6-0**

Richard Maynard, Maynard & Paquette Engineering Associates, 31 Quincy St

Mr. Maynard introduced himself as the representative for the owner and applicant.

Mr. Maynard described the subject lot, which currently contains a residential home, sheds, and a pool. All structures will be razed to make way for a proposed prefabricated flex space and two parking spaces. A stockade fence will be constructed along the property line to screen. He briefly described drainage.

Mr. Maynard said they are requesting five waivers as part of this plan, which are detailed in the staff report. All proposed stipulations except for #9, #12, and #14 are acceptable. He says those are not relevant.

Mr. McPhie said stipulations #8, #9, and #12 could be eliminated. Stipulation #14 is in regards to stormwater documents, and should stay.

NCPB

August 19, 2021

Page 7

Mr. Maynard said there are no stormwater documents to review. A new facility is being proposed.

Mr. McPhie said it is a standard stipulation.

Mr. LeClair asked for a description of the business.

Mr. Maynard said they install overhead doors. This is for storage, minor repair, and there is a small office inside. All work is performed onsite. It's the same business as across the street. There's nothing particularly active here.

Mr. LeClair asked about the parking.

Mr. Maynard said two spaces are required for the ordinance. The business needs this more for storage than anything else. It's not additional traffic. There might be an additional employee, but not right now.

Mr. LeClair referred to the abutter correspondence received from Ms. Boule.

Mr. Maynard said the abutter was concerned about privacy. She is in the rear, and the whole back half will have no windows. She'll have more privacy now.

Mr. LeClair asked for the height.

Mr. Maynard said 40-ft. There will be nothing back there.

[Unknown] asked how that compares to the current structure onsite.

Mr. Maynard said it is a house, with a pool. He described the site. She will have better privacy.

Mr. LeClair asked what the operating hours will be.

Mr. Maynard said 7AM-7PM, six days a week. It's presently 7AM-5PM, but there's always lingering.

Mr. LeClair asked if there would be no customer traffic.

Mr. Maynard said correct. There's nothing to see for a customer. They have to meet onsite.

Mr. Hirsch asked about the building.

NCPB

August 19, 2021

Page 8

Mr. Maynard said it is a standard steel grey prefabricated building. This is a General Business zone.

Mr. Hirsch asked if all of the abutters are residential.

Mr. Maynard said the properties to the left and rear are residential, the rest are businesses.

**SPEAKING IN OPPOSITION OR CONCERN**

Carol Boule, 4 George St

Ms. Boule said her concern is privacy. A fence is proposed for the side property line, but they didn't mention anything about the rear. She is also concerned about her view. The current fence is old. She asked if they could install a taller fence or arborvitae.

Gerald Hoag, 56 Temple St

Mr. Hoag said he is a friend of Ms. Boule. The applicant said there would be occasional repair work done in the building. What type of work will be done in the building? One man with an angle grinder can make a lot of noise. He is concerned about the noise and a fence. He asked which days they would be working, and whether they will be Sundays.

**SPEAKING IN FAVOR**

Mr. Maynard, Project Engineer

Mr. Maynard said whatever fence is in the back will remain that way, no changes. The fence he is referring to is on the left property line. The noise will be occasional. These doors come prefabricated, which is 99% of the activity. No repair work is being done on a regular basis. They will be working Monday-Saturday. This is a General Business zone.

Mr. Varley asked if he can speak to the condition of the rear fence.

Mr. Maynard said it looked in good condition to him. The building itself screens the abutters.

Mr. Bollinger said with most other commercial applications, they ask that the hours be stipulated on the plan.

Mr. LeClair said it is on there.

**PUBLIC MEETING**

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

Mr. Varley said there are some residences abutting, but this seems like a low impact use. It's not introducing noise or traffic, and the size of the building seems consistent with the existing house. It is reasonable for this lot.

Mr. McPhie provided clarification on the proposed stipulations.

**MOTION** by Mr. Varley to approve New Business - Site Plan A21-0163. It conforms to §190-146(D) with the following stipulations or waivers:

1. The request for a waiver of § 190-279(EF), which requires existing conditions to be shown on adjacent properties is granted, finding that the waiver will not be contrary to the spirit and intent of the regulation.
2. The request for a waiver of NRO § 190-221(C) which requires underground utilities, 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 NRO § 190-190-275 which requires a complete lighting 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 NRO § 190-181 which requires a complete landscaping plan, 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 NRO § 190-172(A-C) which requires certain building materials and configurations, is granted, finding that the waiver will not be contrary to the spirit and intent of the regulation.
6. Prior to the Chair signing the plan, all minor drafting corrections will be made.
7. Prior to the Chair signing the plan, all comments in an e-mail from Joe Mendola, Street Construction Engineer dated August 5, 2021 shall be addressed to the satisfaction of the Engineering Department.

8. Prior to the Chair signing the plan, all conditions from the Planning Board approval letter will be added to the final Mylar and paper copies submitted to the City.
9. Prior to the Chair signing the plan, the electronic file of the plan shall be submitted to the City of Nashua.
10. Prior to any work, a pre-construction meeting shall be held and a financial guarantee shall be approved.
11. Prior to the issuance of a building permit, stormwater documents will be submitted to City staff for review and approval and recorded at the Registry of Deeds at the applicant's expense.
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 the Certificate of Occupancy, all on-site improvements shall be substantially completed, provided that paving may be completed to base course and landscaping may be completed as seasonally permitted; and further provided that a financial guarantee will be required for any work remaining.

**SECONDED** by Mr. Hirsch

**MOTION CARRIED 6-0**

**A21-0006** Bisono 413 S Main St LLC (Owner) - Application and acceptance of proposed site plan to convert an existing residential use into an administrative office. Property is located at 413 South Main Street. Sheet 110. Lot 28. Zoned "RA" Urban Residence. Ward 6.

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

**SECONDED** by Mr. Bollinger

**MOTION CARRIED 6-0**

Jeffrey Brem, Project Engineer, 142 Littleton Rd, Westford, MA

Mr. Brem introduced himself as the representative for the owner and applicant.

Mr. Brem briefly described the subject lot and surrounding properties. He read a letter from Miguel Bisoño, the owner of the State Farm office. He described their purpose and intent of the request, which is to swap properties with River University.

Mr. Brem said they have constructed a staircase from the lower, rear parking lot to the front entrance. They are proposing several parking spaces, including handicap, on the Main Street side for those who cannot use stairs to access the building. Staff parking will be accessed from Eastman Street, with a continued residential use below in the basement. They are asking for a waiver in excess of the parking maximum, specifically because of the combination of uses.

Mr. Brem said they obtained a variance from the Zoning Board on July 13, 2021 to allow parking within the front yard setback. The whole front area was previously paved, some of which was in the right-of-way. They are removing almost all of the pavement except for a turn-around. This request was unanimously supported by the ZBA.

Mr. Brem described stormwater improvements proposed onsite, which has been reviewed by city staff. They have received comments from Engineering, and have no problem addressing them.

Mr. Brem said they are requesting five waivers in this proposal, as detailed in the staff report. They are amenable to the stipulations proposed.

Mr. LeClair asked if he has seen the Fire Marshall comments regarding a fire alarm.

Mr. Brem said no, but they can address it in the permit process.

Mr. LeClair asked if hours are listed on the plan.

Mr. Brem said no. They are normal insurance hours, Monday-Friday, occasionally Saturday.

**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 doesn't have any issues with the waivers being requested.

Mr. Hudson said Engineering comments were issued July 30<sup>th</sup>.

**MOTION** by Mr. Varley to approve New Business - Site Plan A21-0163. It conforms to §190-146(D) with the following stipulations or waivers:

1. The request for a waiver of § 190- 279(EF), which requires an existing conditions plan, is granted, finding that the waiver will not be contrary to the spirit and intent of the regulation.
2. The request for a waiver of § 190-275, which requires a lighting 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 § 190-274, which requires a landscaping 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 § 190-193(D) and Table 193-1 for width, 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 § 190-202 to exceed maximum parking is granted, finding that the waiver will not be contrary to the spirit and intent of the regulation.
6. Prior to the Chair signing the plan, minor drafting corrections will be made to the plan.
7. Prior to the Chair signing the plan, all comments in an e-mail from Joe Mendola, Street Construction Engineer dated July 30, 2021 will be addressed to the satisfaction of the Division of Public Works.
8. Prior to any work and a pre-construction meeting, a financial guarantee shall be approved.
9. Prior to the issuance of a certificate of occupancy, all off-site and on-site improvements will be completed.

**SECONDED** by Mr. Hirsch

**MOTION CARRIED 6-0**

*\*\*The Board held a five minute recess\*\**

**OLD BUSINESS - CONDITIONAL USE PERMITS**

None

**OLD BUSINESS - SUBDIVISION PLANS**

**A21-0028** The Landing at Nashua, LLC, C/o. Dick Anagnost (Owner)  
- Proposal to subdivide a 41.31 acre lot, the product of the merger of three (3) existing lots of record, Sheet A - Lots 218, 1019, and 1020, into (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.

**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.

**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.

Mr. Sullivan provided an update on the Nashua Landing project status as a whole. Although the Board did not achieve quorum at the August 5<sup>th</sup> meeting, Planning staff did renotify the case as a result. There is no need for the Board to retake jurisdiction.

Mr. Sullivan said they have been working with the applicant to address concerns of the Board, abutters, and city staff. The applications presented this evening go a long way towards the regulatory deficiencies that existed before. The Board has a lot of documentation before them tonight, so the applicant will try to provide a brief summarized presentation.

NCPB

August 19, 2021

Page 14

Mr. Sullivan thanked the Engineering Dept. for their diligent work to address deficiencies in the application.

**MOTION** by Mr. Bollinger to remove A-21-28, A21-0029, and A21-0062 from the table

**SECONDED** by Mr. Hirsch

**MOTION CARRIED 6-0**

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

Mr. Pratt introduced himself as representative for the owner.

Mr. Pratt summarized the proposal. This is for a proposed Costco, a Costco gas station, and a True Storage self-storage facility, as well as a 7-lot subdivision. They have already been to several Planning Board meetings to discuss architecture, drainage, and traffic.

Mr. Pratt said they have been coordinating with NHDOT on the 42-in outlet pipe, which they have received a conditional approval for a joint use agreement. The conditions are to repair the outlet headwall, replace 100-ft of pipe, provide an access easement, and review of the draft encroachment agreement. They are amenable to these requirements.

Mr. Pratt said they have met with the Wetlands Bureau and the ZBA regarding the wetland improvements to the maintenance ditch. As part of this application, they are restoring it to its original functionality. They have coordinated with the abutting property owners and have received their approval, so that permit is imminent.

Atty. John Weaver, McLane Middleton, 300 TradeCenter, Woburn MA

Atty. Weaver introduced himself as legal counsel for Costco. He said there are two issues they would like to address, specifically the legal addressing for the 7-lot subdivision and the Planning Board's authority to permit the uses here.

Atty. Weaver said the question surrounding the subdivision is whether it should be permitted. By subdividing the property as proposed, it will allow the Costco gas station to maintain the 750-ft lot line distance between gas stations. Legally,

subdivision is a valid, popular tool for land owners to satisfy zoning requirements while also maximizing their properties. The property is being subdivided in such a way to permit the gas station where it is. If the property remained unsubdivided, that would not be possible. The ordinance is functioning the way it's supposed to.

Atty. Weaver said section §190-23(D) addresses the Planning Board's authority in the Mixed Use Overlay District. This gives the Board authority to modify density and other regulations governing the underlying district. There has been some confusion whether that language is broad enough to allow the Board to permit the uses here. That authority vested with the Planning Board is consistent with the ordinance, with the Board's historic behavior, and with the statutes that govern innovative land use controls in New Hampshire. The language is a clear, broad grant of authority to the Planning Board to modify any of the regulations of the underlying district, use included. That is consistent with RSA 674:21, which assumes the Board has the authority to administer innovative land use controls.

Mr. Varley said one of the issues the abutter has raised is that the subdivision would create lots with zero frontage on a public road. Does he believe that would be within the scope of the Planning Board under the Mixed Use overlay, to allow the creation of those lots?

Atty. Weaver said yes.

Brian Pratt, Project Engineer

Mr. Pratt said the other reason they have continued this project for as many meetings is to address abutter concerns. A lot of them have been for traffic impacts on Adventure Way.

Mr. Pratt said they are proposing a considerable amount of offsite traffic improvements. He provided a detailed overview of the improvements for the intersections of Spit Brook Rd and Adventure Way. They have been working closely with city staff and the third-party engineer, and the city asked this project to contribute \$67,000 to a corridor wide study. He asked staff if that study would go from the state line to the Exit 1 interchange.

Mr. Sullivan said he doesn't believe it includes the Exit 1 interchange.

Mr. Hudson said it would encompass the entire corridor, and he is not sure if it was included. Traffic Engineer Wayne Husband would be able to confirm.

Mr. Pratt said they previously worked with staff to locate the critical intersections impacted by this. It was determined that a lot of these signals haven't been retimed in over a decade, and a lot of the equipment isn't functioning at its full capacity. The purpose of this study would be a full refresh of the corridor and group it into coordinated signals. It should significantly help traffic in the corridor, and the applicant has agreed to pay \$67,000 towards this study. The nearby BJ's gas station has contributed \$34,000, which was originally supposed to be used for a left turn lane study, and used to replace equipment. This project is now responsible for that cost. This is on top of the significant offsite improvements.

Mr. Pratt said the primary concern from abutters is queuing and delays on Adventure Way. They stand behind the work they have done and the data used. He showed the Board a simulation model of peak traffic flows. He said this is a good visual representation of how the Adventure Way intersection will function.

Mr. Pedersen asked if he could indicate where on the simulation the vehicles are entering and exiting the CVS, BJ's gas station, and Best Buy.

Mr. Pratt described them on the plan. He addressed questions raised by abutters, such as queue length and the potential for blocking.

Mr. Varley said one of the comments made by BJ's is that there was a change made to the software program in the analysis because there were unfavorable results the first time.

Mr. Pratt said they use SimTraffic because it has the ability to act dynamically and function interact with other intersections. The previous analysis was under the premise that all Costco traffic was making it to the Adventure Way intersection. This didn't take into account the four way intersection at the Costco site, and the "do not block" sign. This is a more accurate representation, and partially created by one of Mr. Bollinger's comments about making sure that the onsite intersection didn't back up into the site. This simulation is telling, and is also the worst case scenario.

Mr. Pratt said that one of the abutter complaints is that this will increase queue times. He said it would, but that it would not

negatively impact their businesses. He said the abutters claim the increased queue delays will be the delays of their businesses, but there will be "do not block" signs. They will have an opportunity to get out.

Mr. Varley said it sounds like this is a more advanced software and reflects some of the improvements over the initial analysis.

Mr. Pratt said correct. The initial analysis also included pedestrian crossings every time as a worst-case scenario, but that will not occur every time. There will most likely be 1-2 per hour.

Mr. Varley asked if this model accurately represents where the tapering is coming out of the Costco site.

Mr. Pratt said the measurements are correct in the model.

Mr. Varley said they are focusing on this intersection because it is the focus of the comments from BJ's, but have they done similar simulations at Spit Brook Rd?

Mr. Pratt said it's a lot of work to do this simulation, so they have not done that analysis in such detail. There were no engineering comments for that intersection.

Mr. Varley said the applicant is making a contribution, and asked if they anticipated the study would result in recoordination of the intersection.

Mr. Pratt said he anticipates a full corridor wide study, with new counts and signal timings, with equipment upgrades and an analysis of what needs to be replaced. They will also most likely have coordinated sections.

Mr. Sullivan agreed. That is the premise of their discussion. There are infrastructure and timing related issues along the corridor. This study will lay the foundation for future upgrades.

Mr. Hudson said the timing data used for this corridor is over ten years old at this point. They have some failing equipment, which they are trying to address. The corridor is congested and will continue to be, but it can run much more efficiently if they improve the hardware and update the timing to reflect current conditions. There is no contribution agreement in place, this is the Engineering Dept.'s recommendation to the applicant for

NCPB

August 19, 2021

Page 18

mitigation. This study would include tweaking and upgrading over the course of a year, which is long overdue.

Mr. Pedersen asked if light coordination means an algorithm where the lights communicate with each other.

Mr. Hudson described how the light coordination system works. This will allow them to upgrade, refine, and continuously update the corridor. It would be beneficial during peak and off-peak times.

A brief discussion of traffic light coordination ensued.

Mr. Pedersen said in their staff report they received a traffic queue length memo with queuing statistics. On Adventure Way 6,400 cars will be entering the site at the peak hour. That's a lot of cars all going onto Daniel Webster Highway, which is already crowded. Are these correct?

Mr. Pratt asked the date of the memo.

Mr. Pedersen said July 27<sup>th</sup>, 2021.

*Mr. Pratt came onto the stage to look at the packet memo.*

Mr. Pratt said those are the "through" traffic numbers on Daniel Webster Highway, not the cars coming onsite.

Mr. Bollinger said he believes those numbers are not representative of the proposed site. He thinks those are total numbers of cars entering and exiting on a network level. He doesn't think in any of the correspondences he has seen throughout this entire process that they have proposed anywhere near 6,000 vehicles per hour at their site. That would be monumental.

Mr. Brian agreed.

Mr. LeClair asked if that number represents all of the cars in all directions.

Mr. Bollinger said it looks like that is the case. It's not strictly representative of traffic entering the site.

Mr. Pratt said that would be the traffic north and south on DW Hwy.

Mr. Pedersen said it would be good if the report clarified which traffic they are talking about.

Mr. Varley asked if the traffic engineer was present.

Mr. Pratt said there have been a number of requests to fill in this certain data. He hopes the results of the memo, rather than picking out numbers in the appendices, is more telling. The traffic engineer is currently on a plane and cannot attend.

Mr. Pedersen said he thought the numbers were in there for a reason, and were valid.

Mr. Pratt said they are valid. The appendix has raw data, which can be tough to interpret. The memo is the piece of information they need.

Mr. Pedersen said when they talk about a traffic study on the DW corridor, do they take into account that there are two new supermarkets nearby? They need to take that into account. The other thing is the proposed train station, which would be more cars. It would be nice if the traffic report took those into account.

Mr. Pratt said they had a scope meeting with city staff about upcoming approved projects, which they take into account.

Mr. Sullivan said at that time of their meeting, neither grocery store had been approved.

Mr. Pedersen said this report is from July 27<sup>th</sup>, and those stores were approved in the springtime.

Mr. Sullivan said correct. The applicant is referring to the initial scoping meeting, which was pre-approval for both. The most recent reports were subsequent to the approvals.

Mr. Pedersen said they will have to live with the end result.

Mr. Sullivan said if the train station was constructed, additional access would have to be provided for the development. If any further development occurs, additional analysis will be necessary.

Mr. Pratt said the NHDOT put out a powerpoint recently with conceptual plans for access to a train station. He showed the Board a proposed access and layout plan, using a new road by Funworld.

NCPB

August 19, 2021

Page 20

That would benefit the project as a whole to create more connectivity.

Mr. Pedersen asked if the proposed train station would share parking with Costco, or have its own parking lot.

Mr. Pratt said it would have its own parking lot. Costco and the train station will not share parking, but future development lots 6 and 7 would share with the station. One of the conditions in the staff report mentioned sharing spaces with Costco, but it doesn't make sense. Building 6 and 7 is a more logical approach, which they would be willing to give easements for.

Dick Anagnost, Developer, 11 Westman Drive, Bedford NH

Mr. Anagnost said there is a staff recommendation that they would provide cross parking easements between the Costco and train station. Geographically it doesn't really abut Costco parking lot except for a small boot area. It's too far away and they would have to cross another development. The future development lots 6 & 7 abut the future train station parking lot. What they are proposing is cross easements for lots 6 & 7 with the train station. It is more conducive to a better flow. Geographically it works better on the directly adjacent property.

Mr. Pedersen asked if there would be a lot between the Costco property and the train station.

Mr. Anagnost said yes. Instead of being on the Costco property for parking, lots 6 & 7 are directly adjacent to the trains station.

Mr. Pedersen said since they are advised that the numbers in this report don't represent reality of what they will see in the end product, will they see a final summary of the final traffic conditions on Spit Brook Rd, Adventure Way, and DW Hwy with the two new supermarkets? We need to know what's down the road for ten years.

Mr. Pratt said that was a raw data appendix. Those aren't producing the results. That is input from existing traffic counts. It isn't incorrect data. It's the raw print out. Anyone who isn't a traffic engineer wouldn't have any idea of what it is.

Mr. Pedersen asked if they will receive a report of what the realistic traffic details would be on those roads?

Mr. Pratt said the initial report was created based on the original scoping meeting. At that time, they didn't have the additional grocery stores. They are not going to go back and spend another 200 hours redoing a whole report to add traffic on the network. Those are existing buildings that were reused. A grocery store probably has more traffic than retail, but they don't go back and change the report every time another user comes in. The memos they produce supplemented based on the questions brought up by the Board and abutters. He doesn't think the general intent would be to create a brand new report. He is confident that the data they provided is accurate.

Mr. Varley said the applicant has submitted a comprehensive report with the materials. The train station is not part of the applications before the Board, which would require a review and consideration of traffic impacts at that time. They would certainly be looking at additional mitigation measures, but they are not being asked to approve that use at this time.

Mr. Pedersen said correct, that is outside of the scope of consideration.

Mr. Hudson said traffic studies by nature include a background traffic growth rate analysis with future projections of 1% increase annually to account for new developments over time. There are mechanisms.

Mr. Pratt said this project is also willing to contribute \$67,000 to a corridor wide study, which will take into accounts any approved or pending projects, so that the entire corridor can function as a whole.

Mr. Pedersen asked where he could find the summary for the traffic estimations in the report. He has piles of paper here, and it's in there somewhere maybe.

Mr. Varley said he is going through the same exercise now.

Mr. Pratt clarified that the 6,400 number count is the total number of cars entering the roadway network as a whole during the peak hour, not just their site.

Mr. Pedersen asked if this included the traffic on DW Hwy. An aggregate number of all streets.

Mr. Pratt said correct.

NCPB

August 19, 2021

Page 22

Mr. Hirsch asked about the queuing on southbound DW Hwy turning into Adventure Way. The simulation was cut off there. How many cars, and how long will it take to take a left turn?

Mr. Pratt said he doesn't have that information handy, but they sized the lane so the entire queue fits.

Mr. Hirsch asked if the entire queue would be handled by that lane.

Mr. Pratt said correct. This is the worst case queue, and they extended it beyond that so that cars don't back up into the main drive lanes.

Mr. Hirsch said right now it can back up all the way to the Volvo dealership.

Mr. Pratt described the adjustments they would make to the road. It would be 700-ft of lane for that left turn, about 35 cars. It would take a few cycles to clear that, but they will be off the main road.

Mr. LeClair said the NHDOT is requiring them to perform work on the 42-inch outfall pipe. Does any of that work have to take place under the railroad?

Mr. Pratt said no. It's in good condition. The headwall is in good condition too, but the water has been undermining underneath. They are going to stabilize it and install riprap.

Mr. LeClair if none of that work would require review by the Army Corp.

Mr. Pratt said no, because they are just repairing. It's not a new outlet. That is being submitted as a Wetland permit through the DES, which is reviewed by the Army Corp. He doesn't expect it will need an individual permit.

Mr. LeClair asked if they would need additional coordination with the railroad.

Mr. Pratt said yes, they have to coordinate the crossing. They have received approval for that, and introduced the contractor. The railroad is one of the parties that signed the wetland permit. They will supervise crossing of the tracks.

NCPB

August 19, 2021

Page 23

Mr. LeClair asked if they are amenable to a shared parking easement with lots 6 & 7, and if they are amenable to a stipulation requiring this.

Mr. Pratt said yes.

Mr. LeClair asked if they have a ballpark on the numbers of parking that will be required in the future.

Mr. Pratt said they have a rough concept of a restaurant and a gym. There would be 454 spaces on the train station lot, and approximately 75 spaces on lots 6 & 7.

Mr. Varley asked said the applicant feels the Costco will need all the spaces on its lot, and because of the physical proximity it's not ideally suited for parking for the railroad station. Would the applicant be amenable to a stipulation that parking is not prohibited by users of the railroad station? There wouldn't be an easement requiring them to provide parking, but it would be an agreement that they won't tow people who parked in the Costco lot.

Mr. Anagnost said the Costco contract prohibits any kind of cross easement or access by any other parties for liability purposes. Costco is a very large company which would assuming liability for non-customers, and they can't affirmatively assume that liability. They have to be able to put a defense on that says "You are on our property, you didn't use our services, you fell down. Yes, if there was an issue we're in charge of it, but we didn't invite you here to fall down on our property." It's difficult to craft an affirmative statement to that nature short of an easement. It's the only way it is enforceable. The parking lot is not geographically suited to it anyway. He doesn't know how they could enforce no parking unless there was a designated traffic policeman checking everyone going into the store. There's going to be cross parking at some point or another.

Mr. Varley said he understands. That would be a challenge, and Costco wants to limit the parking to customers. He thought that may be an intermediate option, where it wouldn't be an affirmative prohibition. Maybe that is simply not an issue to begin with.

Mr. Anagnost said it's not within his purview to give anything on behalf of Costco, because at the end of this Costco will own its own lot. The purchase agreement prohibits that kind of agreement.

Mr. Varley said he thinks counsel for Costco is here.

Atty. Weaver said he is the land use counsel for Costco, so he can't affirmatively say. If he was counsel for Costco in another function, he would have a similar reluctance as Mr. Anagnost to what Mr. Varley is proposing. Functionally there will be all sorts of cross parking, which can't be effectively enforced due to the size and nature of the development. He would not feel comfortable advocating for it.

Mr. Anagnost said JP Andrews from Costco is here tonight, so he can give them an explanation of the operational reasons. Short of a police officer checking everyone entering the development, he doesn't know how they could identify who is parking in the Costco lot for the train station.

JP Andrews, Director of Real Estate Development, Costco

Mr. Andrews said there are two things. When they build a Costco there is a prototypical plan and specifically designed for their history with the project. The 850 parking spaces are specific to what they anticipate for this site. It starts to create a potential for a problem.

Mr. Andrews said this could also cause potential operational complications. An example is shopping carts; with shared parking their carts would make it onto other properties. Then they have a liability of employees going onto other properties to collect the carts, and it blurs lines. If they are trying to plow their parking lots and someone left their car there, they can't plow the lot. It can complicate things, and they try to keep it clean. They are trying to forecast as best they can so their operations remain clean, safe, and functional. Shared parking leads to issues in most cases.

Mr. Sullivan said the city has an interest in ensuring the proposed train station, when and if constructed, has adequate parking capacity to allow effective use of the facility. That was the intent of the proposed stipulation. After further conversation, staff feels an amended condition requiring an access easement and parking easement over Building 6 & 7 is an adequate remedy. This only happens if the train station is built. It makes sense to tie that to another contemplated development.

**SPEAKING IN OPPOSITION OR CONCERN**

Ken Dufour, 50 Conant Rd, Nashua NH

Mr. Dufour said he has tried following this plan since January. He has been a Costco member for years, and what the Board has to understand is that every day at Costco is Saturday. They have outgrown their current site and a benefit to the community.

Mr. Dufour said his concern is traffic. He estimates approximately 50% of the members are from Massachusetts. It is much easier for Massachusetts customers to access this site than from New Hampshire. He said most of the traffic will access it from Spit Brook Rd, which is not an easy road to begin with. Costco today does not impact traffic on DW Hwy to a major degree. This new plan pushes everyone to Exit 36 or down Spit Brook Rd. Having sat on the Nashua Planning Board for 18 years, he identifies the concern.

Mr. Dufour said during his time on the Planning Board, they approved a much greater intensity Nashua Landing in its original configuration. He described previous site access. He asked how they are going to get Massachusetts customers to the site.

Mr. Dufour said the plan almost won him over by extending the stacking distance. He referred to the left lane at the Post Office, which has stacking, and said it never works. It bleeds out into the other lanes, and nobody can get through.

Mr. Dufour said the traffic issues would have given him some hesitation in accepting jurisdiction on the plan. He goes to Costco 3-4 times a week, and has never seen a traffic counter. He doesn't think the applicant can tell the Board how many cars turn into Costco.

Mr. Dufour said this is not a good plan. It does not make sense to make this area more congested. At the very least he would ask for more information. The applicant does not want to perform a new study, or retool their simulation. They got their traffic counts from a manual, not direct observation. He said they are guessing on traffic, or don't have a good enough grasp that they can convey it to the Board. He asked the Board to hold off for more information. He thinks the Costco would be a benefit to the community, but he is not convinced that they have given enough information tonight.

Kelley Jordan-Price, Hinkley Allen & Snyder

Atty. Jordan-Price said she represents BJ's Wholesale Club, which recently received approval for a gas station on Adventure Way. She requested a continuance of the case in order to have ample time to

review, consider, and comment on the voluminous new submissions made with respect to the project, most notably with respect to traffic. They have done their best to review and comment the materials and do not want to delay this process, but they have had insufficient time to review everything. She said she understands the third-party engineer, Hoyle Tanner, will be doing an additional peer review of the recent submissions, and she hasn't seen anything. As a result, she requests this case to be forwarded to the September meeting.

Atty. Jordan-Price referred to the letters BJ's previously submitted to the Planning Board on May 6<sup>th</sup>, June 3<sup>rd</sup>, July 14<sup>th</sup>, and August 18<sup>th</sup>, regarding BJ's ongoing objections over the project as proposed.

Atty. Jordan-Price said the project being located in the Mixed Use Overlay District is subject to §190-23 of the Nashua Land use Code. A gas station use is not allowed in a General Business district, and is not among the alternative uses specifically allowed in the Mixed Use Overlay. She said the Planning Board's authority pertains to allowed uses, and does not have authority to approve a use that is not an allowed use. While it allows the Board to render decisions otherwise rendered by the Zoning Board, she says that provision is not applicable here because the proposed gas station is permitted by Conditional Use Permit. There has been no request to the Planning Board for a Conditional Use Permit for the gas station use.

Atty. Jordan-Price said the proposed self-storage is not allowed at all, and no variance has been applied for. Even if this use were permitted, the project would need to satisfy the conditions in §190-23, subsections (E) and (F), which allows the Board to vary dimensional requirements. This would not allow the Board to vary the 750-ft lot line distance imposed by section §190-45, which would be an improper use of the Planning Board's authority to approve a subdivision designed to avoid a city-wide provision of the Land Use Code.

Atty. Jordan-Price said with respect to the subdivision consideration, the Board has to consider whether or not the proposal would generate excessive traffic. The proposal will generate excessive traffic, and should not be approved. To do so would not be an appropriate exercise of the Board's authority given the extreme excess of traffic that will be generated.

Atty. Jordan-Price said another consideration is whether this proposal is consistent with the city's Master Plan. She believes that the proposal would offend various provisions of the Master Plan.

Shaun Kelly, Traffic Analyst, Vanasse & Associates

Mr. Kelly said he has been hired by BJ's Wholesale Club to review materials submitted by the applicant with respect to traffic. They have a number of concerns regarding how the analyses were conducted and the findings.

Mr. Kelly provided a detailed presentation of his three major points of concern; trip generation, trip distribution, and intersection operations. He thinks their proposal is an unrealistic routing of traffic, has understated volumes, and that the traffic distribution downplays impacts. He expressed concerns over access to the BJ's gas station, CVS, and Best Buy. BJ's did what they could to make the Adventure Way intersection work for them, and this proposal would make those improvements moot.

Mr. Kelly requested that the applicant provide the updated traffic volume network, so they can see what is being done now. They would like a summary table of the movements in the intersection showing the current, Phase I, and Phase II. A lot of the information they are seeing is piecemeal and focuses on one particular turning. He said it is important that they get a complete picture. Even with the information they have provided, the applicant's data says they will increase delays and that queues will on average block driveways.

**SPEAKING IN FAVOR**

Laurie Greer, Sky Venture, 100 Adventure Way

Ms. Greer said people are speaking on behalf of Adventure Way when they don't actually work there. Sky Venture has been there for fifteen years, and they see nothing but weeds and woodchucks. She supports the development, and thinks it is a great addition. She supports the train station as well, but doesn't see that happening for a long time.

Ms. Greer she owns two of the three properties on Adventure Way, and regularly shops at Costco. She doesn't believe every day is Saturday at Costco. She travels the corridor all the time and doesn't have any issues. A lot of the traffic on Adventure Way

usually turns into CVS and Best Buy, and boot out the front side onto DW Hwy. There is little to no traffic at the end. Their place has been robbed twice by people coming through the woods. This will be a benefit to her business. Any business owner would love traffic by their place.

Ms. Greer said she doesn't know why BJ's built a gas station on the corner, instead of next to their business. If she knew that they were going to throw up a stink, she would have gone to their meeting and opposed their development. BJ's doesn't really deal with the traffic. In the winter Adventure Way is so dead they have their plow guy clear the street. She applauds the proposed lane change and extension.

Ms. Greer said this project is a great use of a property that has been sitting vacant, and she believes this will help businesses. When BJ's talks about impact to Adventure Way, they mean impact to their corner. She hopes the Board approves this project, because it will help her business in a major way. DW Hwy is a busy place at times, but not always. She doesn't believe these people drive DW Hwy every day or understand what happens on Adventure Way. She thinks it's a great project and fantastic use.

*\*\*The Board held a five minute recess\*\**

#### **APPLICANT REBUTTAL**

Atty. John Weaver, Legal Counsel

Atty. Weaver addressed comments made specifically about the zero frontage lots. Their position is that this is not a zero frontage situation; rather that this is a situation from §190-165(C) of the Land Use Code, which addresses private roads and frontages along private roads. The creation of the private road from Spit Brook Road across the development provides the subdivided parcels frontage along a private road. This is satisfactory under §190-165(C). Therefore, the authority that the Board has in the Mixed Use Overlay is not necessary here. If for whatever reason the Board decides that the frontage of the private road is not satisfactory, the Board would have the authority to permit the subdivision.

Mr. Varley asked about the Board's authority to permit the use of a gas station under the Mixed Use Overlay, given that it would normally require a Conditional Use Permit. He asked why they believe this would not require a CUP.

Atty. Weaver said if this were simply a General Business district, it would require additional approvals. The Mixed Use Overlay is a prime example of innovative zoning permitted by RSA 674:21. As the city has enacted that innovative land use statute, it has granted the Board broad authority to adjust the dimensional, density, and other regulations governing the underlying district. That isn't subject to exceptions in the text. It's a broad grant of authority to the Board, which is completely consistent with how innovative zoning was originally designed, what the legislature had in mind, and when the ordinance was drafted.

Mr. Varley said that section §190-23(D)(1) refers to subsection §190-23(F) which does seem to be a bit narrower and goes on to define specific aspects of the site plan. Do they have a different read of that?

Atty. Weaver said yes and no. Subsection §190-23(F) refers back to Article XIII, which refers back to the Master Plan.

Mr. Sullivan said the critical section here is §190-23(D)(2), which speaks to the authority granted to the Board by this section shall apply to all uses contained within or approved as part of a development submitted in accordance with the provisions of this section. So our interpretation is that this is broad and gives the Board authority to grant additional use permissions in accordance with the site plan, and addresses the site plan through a site plan suitability report.

Mr. Varley asked if subsection §190-23(D)(2) allows the Board to grant this use without a Conditional Use Report.

Mr. Sullivan agreed. He said there is a relationship between (D)(1) and (2). Subsection 1 provides the bounds of authority, and subsection 2 says the bounds of that authority not only apply to the dimensional standards but the use as well. Both sections allow the Board to be more flexible than the use permission allows.

Dick Anagnost, Developer

Mr. Anagnost said he is not a traffic engineer, but Costco traffic la already on DW Hwy. He said they are totally unprepared to go point to point with BJ's engineer because their traffic engineer is on an airplane. They have had the benefit of the letters BJ's have outlined, and have addressed with their new submission. The information was submitted in a timely fashion and has been available for a long time.

Mr. Anagnost said because they couldn't answer Mr. Pedersen's question and because their traffic engineer is not present, and because they are dealing with a projections going out to 2032, he thinks DW Hwy will have more adaptive reuse type of operations than the current traffic flow as a result of additional retail being added. Should the Board feel they need a continuance, they would support that. At the next hearing, their traffic engineer would be there. It's clear they have a clash of the titans. If they didn't have a gas station, he wasn't sure that BJ's would object. He respectfully requests they discuss a continuance so as to not delay the Board further.

Mr. Sullivan recommended the Board close the hearing and consider a continuance. The next hearing is September 9<sup>th</sup>.

#### **PUBLIC MEETING**

Mr. LeClair closed the public hearing and moved into the public meeting. It seems that the Board has some lingering questions regarding traffic and the rebuttal from BJ's.

Mr. Anagnost said they also do not have Hoyle Tanner's summary.

Mr. LeClair said they are aware of that fact. There are lingering comments from Hoyle Tanner. He asked if the Board has lingering questions regarding their authority under the Mixed Use Overlay, and whether they should request clarification from Corporation Counsel.

Mr. Varley said he is satisfied on those points. If they decide to continue this, they could ask Corporation Counsel comment on it. That may be helpful for the record. He agrees that the continuance would need to be narrow and limit the discussion at the next meeting to specifically allowing the applicant's traffic engineer to the points raised by the abutter tonight, instead of an entire rehearing. Hopefully that will create a relatively efficient discussion.

Mr. Bollinger said he is still unsure if they have addressed all comments by Hoyle Tanner and the city. There are memorandums dating back to April that appear to not have been addressed.

Mr. Sullivan said the applicant has responded to the most recent drainage comments to date. The outstanding piece of review is the traffic review and coordination with city staff. The drainage comments are updated. They did feel comfortable that potentially

outstanding items could be addressed by a condition that Hoyle Tanner could sign off. He thinks that additional time could assist in the Board making an educated decision based on the facts raised this evening.

Mr. Pedersen said there is the other gas station on the corner of Spit Brook Rd. Is that out of the 750-ft range? It looks about the same distance from BJ's.

Mr. Pedersen said he went through all these documents, looked at this big report, and all these traffic summaries, and the applicant tells him that he's looking at the wrong numbers. He asked if someone could tell him where the numbers are that he's supposed to be looking at somewhere in his pile of papers. He would appreciate being pointed in the right direction in order to make an informed decision. This project is going to affect that section of Nashua and they need to make wise decision. He would like the best traffic estimates possible.

Mr. Hudson said they have documents dating back to February. It would be helpful to have a complete summary of documents with the dates, and have it available to the Board for review. Providing additional time for BJ's to review and respond is fine. He doesn't believe that Costco's proposal can be amended to BJ's satisfaction, so at the end of the day it will come down to decisions the Board needs to make about conditions. It would be helpful to have the traffic engineer present, and he supports a continuation. Engineering Dept. has done their best to come up with mitigation to improve the condition out there, but he can't envision additional things they would recommend. It's important that they have all the information they need to make a decision.

Mr. LeClair said in the motion they should specify what they would like to see for documents, and the latest Hoyle Tanner comments regarding the traffic.

Mr. Bollinger said it is not up to the Board to adjudicate between BJ's and Costco. He feels it is important for the applicant to be able to present their full side of the traffic evidence. He would be willing to make the motion.

**MOTION** by Mr. Bollinger to table A-21-0028, A21-0029, and A21-0062, to the September 9<sup>th</sup>, 2021 meeting, for the purpose of addressing traffic comments and obtaining a summary of outstanding documents

**SECONDED** by Mr. Varley

Mr. Sullivan said they would be happy to produce a summary.

**MOTION CARRIED 6-0**

**OTHER BUSINESS (cont)**

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

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

**SECONDED** by Mr. Pedersen

**MOTION CARRIED 6-0**

2. Nomination of new Historic District Commission member

Postponed to the September 9<sup>th</sup> meeting

3. Planning Board reappointment to the Capital Improvement Committee for a 2 year term to expire, August 1, 2023.

**MOTION** by Mr. Varley to reappoint Charles Budris and Scott LeClair to the Capital Improvements Committee

**SECONDED** by Mr. Hirsch

**MOTION CARRIED 6-0**

4. Capital Improvement amendment

Mr. LeClair summarized the amendment, which is to rate two more projects, specifically police body cameras and a Master Plan consultant to update the Land Use Code.

Mr. Sullivan clarified that there was an error in the report, that the police body cams would cost \$1.82 million over the course of 6 years. Both projects received A1 rating.

Mr. Bollinger asked if this is something that would traditionally come out of CIP funds.

Mr. LeClair said yes, equipment over \$50,000 does.

**MOTION** by Mr. Varley to accept and favorably recommend the proposal

**SECONDED** by Mr. Hirsch

**MOTION CARRIED 6-0**

**DISCUSSION ITEMS**

Mr. Sullivan provided a status update on the Master Plan.

**MOTION** to adjourn by Mr. Hirsch at 10:35 PM

**MOTION CARRIED 8-0**

**APPROVED:**

---

Mr. LeClair, Chair, Nashua Planning Board

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

---

Prepared by: Kate Poirier

Taped Meeting