

EXPANDED DRAFT MEETING SUMMARY
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NASHUA CITY PLANNING BOARD
September 9, 2021

The regularly scheduled meeting of the Nashua City Planning Board was held on September 9, 2021 at 7:00PM in the 3rd floor auditorium 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
 Bob Bollinger
 Larry Hirsch
 Mark Meehan

Also Present: 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 3rd 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, 3rd 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.

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

August 19, 2021

MOTION by Mr. Bollinger to approve the minutes, as written

SECONDED by Mr. Hirsch

MOTION CARRIED 6-0-2 (Harper, Meehan abstained)

COMMUNICATIONS

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

- Master Plan correspondence from Matt Sullivan dated September 3, 2021
- Correspondence re: 2 East Spit Brook Road
 - E-mail from Lower Merrimack River Local Advisory Committee
 - E-mail from Sky Ventures
 - Memorandum from Matthew Sullivan
 - Summary sheet for Nashua Landing
 - Letter from Vanasse & Associates Peer Review Response
 - Letter from Hinkley Allen
 - Letter from Eastern Retail Properties
 - Memo from Fuss & O'Neil: response to comments from Hoyle Tanner & Revised Impact Traffic Study
- Email from Joe Mendola dated September 3, 2021 re: 1C & Pine St
- Correspondence re: 69 Cherrywood Drive
 - Letter from Sachin Patel, 69 Cherrywood Dr
 - Letter from Aravind Balakrishnan, 65 Cherrywood Dr,
 - Letter from Mary & Hans-Ludwig Heil, 4 Chokeberry Ln,
 - Letter from Bharat Rathi, 67 Cherrywood Dr
- Email from Crimson Properties removing waiver request re: 1086 West Hollis St
- Email from Riverfront Landing re: 9 Bancroft St

REPORT OF CHAIR, COMMITTEE & LIAISON

None

Mr. LeClair said he would hear A21-0187 first.

OLD BUSINESS - CONDITIONAL USE PERMITS

None

NEW BUSINESS - CONDITIONAL USE PERMIT

None

NEW BUSINESS - SUBDIVISION PLANS

A21-0187 Paul G. & Michael J. Gagnon (Owners) City of Nashua (Applicant) - Application and acceptance of proposed subdivision plan to subdivide existing Lot 25 into new lots and dedicate a portion of existing Lot 25 as public right-of-way. Property is located at 44 Buckmeadow Road. Sheet C - Lot 25. Zoned "R40" Suburban Residence & "FUOD" Flexible Use Overlay District. Ward 9.

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

SECONDED by Mr. Pedersen

MOTION CARRIED 8-0

Steve Auger, Project Engineer, Hayner/Swanson, 3 Congress St, Nashua NH

Mr. Auger introduced himself as the representative for the owner and applicant. With him is Dennis Pollock, Land Surveyor, and Ald. Rick Dowd, Ward 2.

Mr. Auger said this plan serves two purposes. The first is to create a Right of Way dedication, and to subdivide Lot 25 into two lots. He described the subject lot and surroundings. This is related to the pending middle school project. He indicated a color coded plan to show how the land will be subdivided into three lots. This will allow them to connect two city-owned lots and create space for an access road for the new middle school. One of the new lots will have frontage on the right-of-way parcel.

Mr. Auger said this plan does not propose any new development, so there is no impact to stormwater. Any stormwater issues would be taken care of by the pending site plan. They are asking for six waivers, as shown in the staff report. He described the waiver requests in detail.

Mr. LeClair indicated Lot 25, and asked if there is any way it can have a curb cut onto the new right of way. Are they setting up a situation where there could be access from there?

Mr. Auger said the reason for the lot width for the new right of way is for the road design and grading. He doesn't know if Lot 25 could access from the right-of-way.

[Unintelligible side conversation]

Mr. Hudson said it is his understanding that the owner wants to retain the rights of curb cut access on the new road. They would have to apply for a plan change.

Mr. LeClair asked if that would go through their department.

Mr. Hudson said it depends on the type of development, but yes.

Mr. Bollinger asked if the city will own the right of way parcel in fee.

Mr. Auger said it will be dedicated right of way.

Mr. Varley asked if it is an easement, or owning the parcel.

Mr. Bollinger said the ownership status needs to be answered.

Dennis Pollock, Surveyor, Hayner/Swanson

Mr. Pollock said there is currently a purchase and sale agreement between the owner and the City of Nashua. Once the plan is approved and recorded, the city will own the land in fee.

SPEAKING IN OPPOSITION OR CONCERN

None

SPEAKING IN FAVOR

None

Mr. Varley asked staff if the site plan addresses the connectivity of the sidewalk.

Ms. McGhee said they have just started to review the plans, but she believes the new road will have sidewalks. It's still being reviewed and being assessed as to what is needed for traffic improvements. It should be before the Board in October.

Mr. Varley said the waiver should be based on it being addressed by the site plan.

PUBLIC MEETING

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

MOTION by Mr. Varley to approve New Business - Subdivision Plan A21-0187. It conforms to §190-138(G) with the following stipulations or waivers:

1. The request for a waiver of Nashua Planning Board Bylaws Section 9.5, which requires a 30 day appeal period prior to recording the approved subdivision 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 § 190-165(B), which does not allow for double frontage and reverse lots, is granted, finding that the waiver will not be contrary to the spirit and intent of the regulation.
3. The request for a waiver § 190-212, which requires sidewalks to be constructed along the property's frontage on public streets, 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 § 190-282(B)(3), which requires bearing and distances of all property lines with existing proposed monuments, is not granted, finding that the waiver will not be contrary to the spirit and intent of the regulation.
5. The request for a waiver of § 190-282(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.
6. The request for a waiver § 190-282(B)(26), which requires an operation/maintenance plan and easement for recording, is granted, finding that the waiver will not be contrary to the spirit and intent of the regulation.
7. Prior to the Chair signing the plan, any minor drafting corrections will be made.

SECONDED by Mr. Meehan

MOTION CARRIED 8-0

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. **(Tabled from the August 19, 2021 meeting.)**

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 from the August 19, 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 from the August 19, 2021 meeting.)**

Mr. LeClair said these cases were tabled specifically for more information on traffic improvements and testimony from the applicant's traffic engineer, as well as addressing abutter and Board comments. They received a lot of information very recently, and the traffic engineer is present tonight.

MOTION by Mr. Bollinger to remove A-21-0028, A21-0029 and A21-0062 from the table.

SECONDED by Mr. Varley

Mr. Bollinger said he was in favor of tabling this for traffic testimony. He was shocked to find a 600-page document in his email this morning. That puts the Board at a disadvantage, and there is a better way to do business. They should have delayed this. He was not expecting a plethora of information today, since they had three weeks to do it.

MOTION CARRIED 8-0

Mr. LeClair said what they are looking for is a presentation on the summary memo, and then they will ask questions.

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Mr. Varley agreed with Mr. Bollinger's observation, and said it would be helpful to get an understanding of the large amount of information they received. He would like to know how much of that is a reiteration, and how much is changes in response to comments.

Brian Pratt, Project Manager, Fuss & O'Neil, 50 Commercial Center, Manchester NH

Mr. Pratt introduced himself as the project engineer. One of the requests of the last meeting was that they assemble the original traffic impact document, along with all the addendums and appendices produced responding to comments. The report they received has very little new information; they italicized the new stuff in green.

Mr. Pratt said they have prepared a powerpoint presentation for the traffic impacts. The three main outstanding comments are summarized in the separate memo.

Linda Greer, Traffic Engineer, Fuss & O'Neil

Ms. Greer apologized for the large amount of information, as they had to re-run all of their analyses. Everything new is italicized in green.

Ms. Greer gave the Board a detailed presentation on how the calculated trip generation, trip distribution, and intersection operations.

Ms. Greer said when they calculated trip generation they kept the existing Costco trips on the street network, used ITE trip generation rather than the local data, included the gas station trips, and chose hypothetical high trip generating uses for the Phase 2 development.

Ms. Greer showed a map of the existing Costco distribution. She said the reason that they used the ITE trip generation numbers because they are actually higher than the trip values for the current Costco site in 2013. To be conservative they used the ITE data, which resulted in additional trips.

Ms. Greer said their engineers performed a study on Costco sites with gas stations to find out how many new trips that sites with gas stations have, resulting in additional peak hour trips. As a result, they found there would be an additional 236 peak hour trips on the whole network, and 204 extra trips on Saturday.

Ms. Greer showed a list of potential Phase 2 uses, assuming high traffic uses were onsite. They did this to be conservative, and take into consideration anything possible in the future. They feel that this was a good approach.

Ms. Greer described the traffic distribution gravity model they used. They performed a study under the assumption that traffic would be a 1/3 to 2/3 split, depending on the direction.

Ms. Greer explained the variable nature of drivers, and that cars will take different turns depending on the day and current traffic conditions. She said the corridor changes depending on the time and day of week. Traffic is 30-40% higher on a Saturday.

Ms. Greer provided an overview of the traffic software they used to perform their calculations of how the intersections operate in coordination with the corridor. She said the comparison of pre development and post development are generally the same until 2030. She described queuing times for the intersections.

Ms. Greer said they used SimTraffic to calculate queue lengths, with both a corridor model and internal site model. She described the simulation in detail.

Mr. LeClair asked if someone was coming into the site from north Nashua, they are assuming that 2/3 of the traffic will use Adventure Way and 1/3 will use Spit Brook Rd?

Ms. Greer said correct.

Mr. LeClair asked what the assumption is when people are coming from the south.

Ms. Greer said 2/3 will use Spit Brook Road, and 1/3 will use Adventure Way. They assumed they will leave the same way.

Mr. Varley asked if they are assuming total distribution of traffic is going north and south, the same proportions.

Ms. Greer said there's a graph of the traffic distribution in the packet, showing what percentage of traffic comes from each direction. She doesn't believe it's half and half.

Mr. Varley asked if there was a possibility they were undercounting the trips onto Adventure Way. If they changed the assumption to 80% of the southbound traffic, they would have to adjust the traffic coming north.

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Ms. Greer said if they were going to change their assumption there, they would have to change it everywhere.

Mr. Varley asked if they were going to change those assumptions, are they largely just shifting the trips?

Ms. Greer said correct. They were extra conservative when they calculated those trips, so hopefully it makes up for distribution changes.

Mr. Varley said the way he reads it, the shift would not make a material difference. Some of the trips going to one entrance would go to the other.

Ms. Greer said correct.

Mr. LeClair referred to the extended pocket lane at Adventure Way, and asked if it is the maximum length they can go.

Ms. Greer said it's the maximum for the queuing lengths worst case scenario.

Mr. LeClair asked if they are moving the island.

Ms. Greer said they are narrowing it.

Mr. LeClair asked if the pocket length is limited by the physical roadway, or just the maximum length they need. Could it physically be longer if needed?

Mr. Pratt said it could physically be longer. If the Funworld entrance is developed into a four-way intersection they couldn't go much farther back.

Mr. LeClair asked if that would be an entrance to the site.

Mr. Pratt said yes, if the train station comes in.

Mr. LeClair asked if practically speaking there would be no value.

Mr. Pratt said yes. The turn pocket has been designed for the worst case scenario.

Mr. LeClair asked how much is left between Adventure Way turn pocket and the Funworld turn.

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Mr. Pratt said 5-6 cars.

Mr. LeClair asked what it would require.

Mr. Pratt said they are shifting the curb over. They could probably go 100-ft. The train station intersection showed a right in-right out intersection, not a full-way.

Mr. Pedersen referred to the 1/3-2/3 split, and asked if this is specifically for the Costco traffic.

Ms. Greer said correct. Any traffic turning there is still there. Any trips in the base condition that were in BJ's report are still making that left. They didn't change any of the existing turning movements.

Mr. Pedersen asked if the current traffic numbers are taken into account.

Ms. Greer said yes. They're already on the base network. Then there is the new trips for Costco, and the additional trips for growth.

Mr. LeClair asked if the Phase 2 traffic is in the simulations.

Ms. Greer said yes.

Mr. Meehan said the 2013 numbers didn't include a train station in the traffic calculations.

Ms. Greer said no.

Mr. Meehan asked why not.

Ms. Greer said because they don't know if the station will really be coming, and it's not up to this site to determine whether the train station will be developed.

Mr. Meehan said they don't know if a restaurant is going to come either.

Ms. Greer said they don't But they have a spot for something to go in. They don't know what that something is, but they had to come up with something. That's why they were conservative and assumed uses that were high trip generators.

Mr. Pratt said if the train station comes in they will most likely construct the Funworld entrance, which will give the site an additional outlet. There is also an easement through the Volvo dealership property, which is another connection. Their theory is that when the train station comes in they will do a traffic study and build on what this project has done.

Mr. Hudson clarified that the \$67,000 contribution that the applicant is making is not towards a corridor study. It will be for counting traffic, adjusting signal timings, and implementing timing coordination along the corridor.

Mr. LeClair asked if there are signs in this development or mechanisms that could help promote the desired traffic distribution.

Ms. Greer said not at this time. When this project goes in and everything is set up, they can figure out what distribution is actually happening, they can adjust timing to that. If there are issues, that would be the time to add additional signs.

Mr. LeClair said trying to change people's behavior is harder than training them from the start. This could establish a learning precedence. He's assuming some of that is not a showstopper to this project.

Ms. Greer said correct.

Mr. LeClair said there could be some improvement in the signage to start building those behaviors, especially for traffic heading south to Massachusetts. There's no reason for them to go to Adventure Way. The mall uses that concept and it's reasonably effective. For something new, where people haven't learned yet, it might be effective.

Mr. Meehan asked what the margin of error is on the 1/3-2/3 split. How much can it shift and have the numbers still be valid?

Ms. Greer said they can take those trips and lay them out on the network, but they are probably looking at a change of 10 cars over the hour. She doesn't think it will make much difference.

Mr. LeClair asked if she can envision a split that would cause a failure on Daniel Webster Highway.

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Ms. Greer said the approach that gets more traffic will have more delay, but they tried to optimize the signal to avoid favoritism on one approach. They are trying to look at the system as a whole. On Saturdays the intersections are already over capacity.

Ms. Greer said they put in their report that there is no meaningful improvement that can be made along Daniel Webster Highway. They can't widen the road because of the cemetery. They have development that already happened on the eastern approach. The western approach has a pretty short delay. Their report says the traffic loads will operate similar to how they operate today.

Dick Anagnost, Developer, 11 West Wind Dr, Bedford NH

Mr. Anagnost said one of the things he doesn't want to be lost tonight is that they have a conservative study in which Phase 1 is being built, but Phase 2 is baked in. Phase 2 will come back before the Board, and all the improvements are being built up front. By the time Phase 2 comes back, they will know if the traffic improvements aren't working. It's not like today the Board will make a decision and ruin this for 2032. They will be forced to take another study at this, and will know if there are additional issues. This isn't the end-all final. Realistically the Board gets another bite at the apple with the additional development they are projecting, and they chose the worst case scenario with the highest traffic generators in order to get the worst case scenario. The mitigation is more than sufficient for Phase 1. They will be able to tell the Board if it is sufficient for Phase 2.

Ms. Greer said everyone is worried about queues on the west-bound approach. She explained the model they used, the longest queue length, and said at the worst case scenario there would be 3 cars behind the BJ's gas station intersection.

Mr. LeClair asked if that is between the "no block" area and the entrance to Costco.

Ms. Greer said yes.

Mr. LeClair asked if that was with the "no right turn on red".

Ms. Greer said yes. The reason they have to do that is because the proposal wraps around the sidewalk, creates a crossing, and pushes the stop bar back. Cars sitting at the stop bar will not be able to see down Daniel Webster Hwy to make the right turn. They looked at double right turns, and it didn't help at all. There's so many

lefts that it didn't use both lanes. They also can't overlap because there's so many U-turns at the intersection. They tried to do as many improvements as they could, which will operate better than pre-development.

Mr. LeClair asked if the proposed Phase 2 as planned is viable for the Funworld entrance to be constructed. If they have issues and don't want to use Adventure Way for the rest of the development, is the Funworld access going to be viable?

Mr. Anagnost said if the Funworld entrance was in today they wouldn't be having this conversation, because there would be no traffic bust in 2032. Until they know what Phase 2 looks like, they can't figure out if the access would be necessary. He added that the Costco gas station is for customers only, but for the purpose of trip generation they took both as standalone uses and added them together. The majority of Costco customers will use both, so they double counted. They get another bite at the traffic apple in Phase 2, and if the uses they are projecting cause the failure to happen sooner, they will be forced to build the Funworld access.

Mr. LeClair said that is what he was getting at. Since this is a kind of planned development, understanding potential options going forward is important for the public and the Board. If they refused to build the access, that would be a factor.

Mr. Anagnost said they don't know if it will be necessary, as they were conservative in their impact generators. They already baked in the mitigation for Phase 2. They will get to see if it works, because by the time they come back for Phase 2 it will already be implemented. The traffic study will tell them if they were right or wrong.

Mr. LeClair said there is also an opportunity for the Lovering Volvo access.

Mr. Anagnost said correct. There is a significant amount of improvement that could be made.

Mr. Varley said there is a traffic failure by 2032, noontime on Saturday, on Adventure Way. He asked if this is accounting for Phase 2 traffic.

Ms. Greer said yes.

Mr. Varley asked if they only consider Phase 1 traffic, will they see this Level F service failure?

Ms. Greer said it's a Level F failure now, with no development. It's because there is so much extra traffic out there on a Saturday, 30-40% more.

Mr. Hirsch said the traffic coming down Spit Brook will be diverted from Exit 36 to Exit 1. How are they accounting for that?

Ms. Greer said they didn't take the existing Costco traffic off of the network. That was the base system. The way they did this report, that traffic is still there. All of the trips that would be coming from that direction are coming down Spit Brook Rd.

Mr. Hirsch asked how much of a backup they will see at the Spit Brook intersection, with all the competing uses.

Ms. Greer said it won't back up to the next intersection. She would have to review the table for that approach to tell you what the queue length would be.

Mr. LeClair said the improvements in the corridor should include the throughput off of Spit Brook Rd onto DW Hwy.

Ms. Greer said correct.

SPEAKING IN OPPOSITION OR CONCERN

Peter Maccini, 1080 West Hollis St

Mr. Maccini expressed concerns about light timing and queuing lengths on Spit Brook Rd with the current traffic load from the nearby TJ Maxx plaza. He asked if there are any mitigation strategies for opening up the corridor. He is concerned that this traffic study isn't comprehensive enough to include the bottleneck there right now. He asked how they will address the issues every day of the week, not just Saturday.

Mr. Maccini referred to the Adventure Way intersection and the left turn pocket, and if it can be extended.

Mr. LeClair said it is being extended significantly.

Mr. Maccini said there are only 17 handicap parking spaces provided on the plan. As the population is aging, he asked why they are

only providing the minimum. The 20-ft long parking spaces will not be able to accommodate large trucks. He would rather see fewer spaces of a more generous size, and more handicap parking. He said it would be good is the applicant could consider electric chargers at their locations, so shoppers can charge their vehicles. If they are planning for 2032, more of that type of vehicle will be in use.

Kelley Jordan-Price, Hinkley Allen & Snyder

Atty. Jordan-Price said she represents BJ's Wholesale Club, which recently received approval to construct a gas station on Adventure Way. She would like to make a few comments, and then Shaun Kelly from Vanasse and Associates will speak to the traffic issues.

Atty. Jordan-Price said at the previous meeting, the applicant's traffic engineer was requested to submit a revised traffic study. They expected that the traffic study would be produced well in advance of tonight's hearing, so that they would have an opportunity to meaningfully review everything and provide comments for tonight's hearing. Unfortunately, the 600-page report was submitted just before midnight yesterday, as well as the responses to the peer review. There wasn't sufficient time to review all of that.

Atty. Jordan-Price said it's been made clear to them that submittal items have to get to the Planning Dept. by 5pm the day before the meeting, or will not be considered. These materials came well after that deadline. She requested that the public hearing not be closed so that BJ's, Hinkley Allen, and other interested parties would have ample time to review the additional materials.

Mr. Varley clarified that what they requested at the last meeting was not a submission of a revised traffic report. Instead, they requested the applicant make the traffic engineer available so they could discuss the issues raised by the abutter and the city engineer. A revised traffic report is not what the Board requested at the last meeting.

Shaun Kelly, Traffic Analyst, Vanasse & Associates

Mr. Kelly said he received the traffic report this afternoon, and it's a lot of information to review. Based on what was presented tonight, it looks as though the findings are different than what was presented previously. They haven't had a chance to give it a

thorough technical review, and would like to request the opportunity to do so.

Mr. Kelly said that the Hinkley Allen third-party review echoed a number of the concerns they raised in previous letters. He performed a point-by-point commentary on the review letter. He said the applicant referred to conservative estimates and "double counting", when that certainly isn't the case. The actual Costco data provided from four other sites exceed the ITE rates for the fueling facility. He said the applicant used a very heavy credit for internal trips and predicted that half of the customers there for the gas station are also shopping, so they weren't counted. They also used a heavy pass-by percentage, saying that the trips were already on DW Hwy. He wants the Board to be aware that "double counting" doesn't happen to the extent that was relayed to the Board. They feel that the numbers are low with respect to the empirical data showed, and that there was a heavy reduction taken for pass-by and internal traffic.

Mr. Kelly said one of the big issues is the distribution. The applicant made a big point to sell the Spit Brook Rd entrance as the main access. But the Costco parking lot is on the other side. The primary drive aisle and parking lines up directly with Adventure Way. It's literally the most direct route to DW Hwy. He doesn't believe that people will go all the way around to use the Spit Brook Rd access, and neither does the third-party consultant. He said the consultant stated in their report that it is unreasonable to assume all southbound traffic would head towards the Spit Brook Rd intersection. He can't imagine why anyone would choose not to make the left turn onto Adventure Way, and instead seven times the distance through another traffic light to get there.

Mr. Kelly displayed the Phase 1 traffic diagram provided by the applicant. He said the applicant assumes that a large amount of customers will leave the site at the PM peak through the Spit Brook Rd exit, instead of directly out to Adventure Way. In the Phase 2 calculations the applicant assumes that a large amount of traffic will leave Adventure Way because it's the most convenient route. The problem is that if they make these assumptions with the promise to fix them later, BJ's doesn't have that ability to change their access. If this doesn't work, BJ's doesn't have access to their site. The driveway is continuously blocked, and it kills their business. He said this isn't a competitive thing. He recommends the Board follows the consultant's guidance and requests a change of distribution in the calculations.

Mr. Kelly said BJ's is really concerned about the impact to Adventure Way. That's their only means of access to get southbound. They don't have a full access onto Daniel Webster Hwy. They have to come out of Adventure Way. He referred to the peak hour times provided by the applicant shows a 65-second wait time currently. With an optimized Phase 1, it becomes a 135-second wait time. Phase 2 is 180-seconds. You go from waiting a minute to make a turn, to over two minutes, to waiting three minutes with Phase 2. That turn is going to back up and queue when you have traffic building up for three minutes. He hasn't been able to review their most recent submission, but the last one showed a queue length of 89-ft. This is three times what it is currently, and it's further exacerbated by Phase 2.

Mr. Kelly said he doesn't believe the distribution models are accurate. He doesn't believe that out of two-hundred vehicles leaving the site, only 10 of them are going out Adventure Way. He doesn't believe anyone will drive the great circle route when they can immediately access from Adventure Way, and the third-party consultant echoed that concern. There should be a sensitivity analysis to show what happens if the applicant's assumptions are wrong. They are raising the same concerns as the consultant.

SPEAKING IN FAVOR

Laurie Greer, Sky Venture, 100 Adventure Way

Ms. Greer said she spoke at the last meeting, and fully supports the Costco project. BJ's gas station and CVS has direct access to Daniel Webster Hwy, which she does not.

Ms. Greer said she drives that corridor every day. She suggested that if the U-turn was removed it would alleviate some of the issues at the intersection. She said Costco is a membership club, and the traffic would be moving from one location to another. She doesn't feel there is a problem there.

Ms. Greer said she was struck by Mr. Kelly's comment that this was not a competitive thing. One of the Board members spoke last meeting about how this was a clash of the titans, and she believes it is. Otherwise, Mr. Kelly wouldn't be here defending BJ's gas station. She said BJ's doesn't seem to care about traffic on Adventure Way because they are constantly blocking her driveway. She has had to speak with the city and the site manager several times. For a company that's talking about traffic so much, they should practice it themselves.

Ms. Greer said she looks forward to the Costco project, and hopes the Board will approve it. She thinks it will improve their business.

Rob Greer, Sky Venture, 100 Adventure Way

Mr. Greer said Mr. Kelly stated that there was no logical reason why someone would ever turn right off of Adventure Way to get to the highway to go southbound. In reality, that is actually the fastest way to get to the southbound highway. There are numerous times where he will drive that extra mile because it will save him twenty minutes to get where he wants to go.

REBUTTAL IN FAVOR

Brian Pratt, Project Engineer

Mr. Pratt said the handicap spaces are oversized, larger than required by ADA. The parking aisles will be 24-ft. Costco likes having oversized parking. The drive aisles are 10-ft where 8-ft is required. They are significantly oversized.

Mr. Pratt said the traffic impact study was asked for in the consultant letter, which was provided to them Wednesday. They just got that a week ago. The purpose of them coming back today was to have the traffic expert to discuss the specific concerns brought up at the last meetings.

Mr. Pratt referred to comments regarding traffic distribution, and said they addressed that in written comments and verbally today. Mr. Kelly's comment that he couldn't understand why people would bypass a long queue to go to the other access is illogical. They stand by their distribution.

Mr. Pratt said everyone is concerned about the Saturday noon peak, but at all other times the intersection functions in perfectly acceptable levels. All of these complaints are for fifteen minutes on a Saturday. To help mitigate that time, they provided a "Do Not Block" area across the gas station entrance to allow customers to enter and exit their site.

Mr. Pratt said they beat to death the three concerns expressed by the abutters.

Mr. LeClair asked if someone could address the U-turn comment made by Sky Ventures.

Linda Greer, Traffic Engineer

Ms. Greer said in the 2020 base there are 91 U-turns, which is a significant amount. If they don't allow U-turns at that intersection, they are removing 91 cars in that peak hour. When a car makes that U-turn, they use the whole road. If removed they could put in an overlap when the northbound and southbound turns so that the right turn could get out. That would help the function of the intersection.

Mr. LeClair asked if getting rid of the U-turn is a good idea, or if there would be unintended consequences.

Ms. Greer asked why the U-turn is there now. They would have to figure out why those 91 cars are making the U-turn. It would improve the operations of the intersection to not have it.

Mr. LeClair asked Engineering about cross access between the sites along the opposite side of Daniel Webster Hwy. Are some of the U-turns for the mall area?

Mr. Hudson said he thinks it's the housing development on the west side. There's a raised median for a good portion, and if residents want to go north on DW Hwy they need a place to reverse direction. They can't do that leaving their driveway.

Ms. Greer asked if there is a way to open up access to the driveway at Royal Ridge Mall, to get them to the signalized intersection.

Mr. Hudson said that is private property, so it would be up to the owners. It would be beneficial to the corridor.

Mr. Varley asked about distribution of trips exiting the site.

Ms. Greer said she would take the Spit Brook Rd exit, as it's a straight shot to the highway. She's not going to sit at the light cycle on Adventure Way to go down Daniel Webster Hwy and make a right turn onto Spit Brook Rd. That's what Mr. Kelly is saying people will do. She thinks people will go the straightest route. She asked where those cars at Adventure Way will go.

Mr. Pedersen said to Massachusetts.

Ms. Greer asked why they wouldn't just get on the highway at Exit 1.

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Mr. Pedersen said the cars would go the way that the current Costco customers head toward Massachusetts, Exit 36. They head south on Daniel Webster Hwy, or continue straight into Tyngsboro.

Mr. Varley asked if the northbound trips are presumed to take the right turn lane.

Ms. Greer said yes, on Adventure Way.

John Harter, Costco Traffic Engineer, Atlantic Traffic & Design,
30 Independence Blvd, Warren NJ

Mr. Harter said he has worked on Costco sites all across the seaboard for years. Many of the sites in New England are older site without gas stations. They have done research at four sites, which they provided to Linda for an understanding of the gas operations.

Mr. Harter said they are busy facilities. That is why they have 18 fueling stations. He outlined the four Costco gas station facilities selected, where they surveyed customers. They found approximately 290-trips generated during the peak hour, but 55% were internal capture. Of the fuel-only trips, they found that 30% was pass-by traffic and only 22 cars specifically travelling to the site for gas.

Dick Anagnost, Developer

Mr. Anagnost said 90% of the 600-page report was already submitted at earlier hearings. They were asked to compile it all in one place and summarize it, and that's what the 600-page represents.

Mr. Anagnost said whenever they have opposing forces, traffic engineers aren't any different than lawyers. They will have different opinions and will color it in the light most favorable to their client.

Mr. Anagnost said Phase 2 isn't being built yet, and the Board will get another bite at the apple. They will be able to determine whether the traffic improvements are working.

Mr. Anagnost said they have significant support from their abutters, especially Worthen Industries. The only abutter objecting is the competitor.

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Mr. Anagnost said traffic is good. The reason they have a vibrant corridor is because of the traffic counts. BJ's located here because the traffic counts are good. Costco has been here forever; BJ's is new to the party.

Mr. Anagnost said they have been in the weeds because of the drainage and traffic. He suggested they take a step back. Good projects are hard to find with a lot of public benefit. They are maintaining a good corporate citizen in Costco. Due to the size and magnitude it is a significant increase to the tax base. They are making significant traffic improvements in the first phase and still have the opportunity in the next phase to make additional improvements. They are absorbing the cost of the physical timing benefits to make the corridor flow more quickly. They are solving the drainage problem and upgrading the drainage in the area. They have the potential and have offered to make a significant donation to the city for a train station. They are taking a Brownfield contaminated site that has been vacant for 30-years and are making it usable again. There is a significant job creation component.

Mr. Anagnost asked if you take all of that coupled together, are they going to continue to debate what will happen ten years from now for fifteen minutes on a Saturday? The pros of this project far outweigh the potential cons.

Mr. LeClair asked if they would be willing to consider additional directional signage.

Mr. Anagnost said they can accommodate that condition.

Mr. Meehan referred to the LMRLAC memo, and asked if they had a response to the concerns raised.

Mr. Pratt said the LMRLAC has continued to ask them to infiltrate the full 100-year storm runoff, which is impractical. They are infiltrating the 2-year storm, which is more than enough to provide stormwater treatment. He said also that the BJ's gas station does provide underground infiltration for stormwater. Their drainage report met the city's ordinance.

Mr. Pratt said LMRLAC was under the impression that the development was close to the 100-year flood of the Merrimack, and requested that the building be raised. This is not correct; they are much higher. Spit Brook has a floodplain that travels to the river. He is confident that the 100-year flood will not enter the building, even with climate change.

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Mr. Meehan asked about pedestrian access to the river.

Mr. Pratt said they can't provide that. There is a railroad separating the property from the river. That would have to be taken up with the railroad.

Mr. Bollinger asked Mr. Hudson if there is a rationale behind the \$67,000 traffic contribution amount.

Wayne Husband, Nashua Senior Traffic Engineer

Mr. Husband described the improvements and assessments they have made along Daniel Webster Hwy and Spit Brook Rd. They have recently replaced many of the traffic signals and signal cabinets, improving communication across the system. They are working on fiber optic wiring and replacing vehicle detection cameras. A lot of the time of day programs are still in place with data from 20 years ago; they plan to update this.

Mr. Husband assured the Board that if they approve the project, they believe there is adequate and appropriate traffic mitigation for impacts generated by the proposed development. There has been a lot of discussion about the 2032 mid-day peak; the Board should realize that they use the AM and PM peak. The midday Saturday peak is a half an hour a week. When adjusted up for the peak month of the year, it is very conservative. They can't put too much emphasis on this peak.

Mr. Husband said the Board is concerned about the overall impacts on DW Hwy and Spit Brook Rd. The ship has sailed for opportunities to widen the road; they are using all the land they have short of eminent domain. They designed this to gain as much additional capacity as they possibly can during peak periods and streamline traffic as best they can. When they asked for the \$67,000, they felt it was the best opportunity to set themselves up to improve not only this project, but ones in the future.

Mr. Hudson said that number was recommended by a consultant to collect data, implement revised timings, and monitor the intersection for a 1-year period.

Mr. Pedersen asked if the traffic improvements take into account the two new supermarkets.

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Mr. Husband said they have a 360-degree camera at the intersection which count traffic in real time. They are getting real time data to adjust the intersection.

Mr. Hudson said similar those stores are occurring in previously existing sites. The traffic is being offset. The traffic studies also include growth rates and reasonable progression. There are mechanisms that account for the traffic.

Mr. Pedersen asked if the new traffic cameras and control modules will provide a more adaptive system.

Mr. Husband said they are still learning the system, but there are adaptive technologies they can tap into.

PUBLIC MEETING

Mr. LeClair closed the public hearing and moved into the public meeting. He thinks they have spent a significant time talking about traffic, and the due diligence is solid. He is comfortable with where they are at. Specific to the BJ's, there should be no surprise to BJ's that there was intended development down Adventure Way. At the time of the site plan they asked BJ's if they understood there would be more development down the road. It was part of their site plan consideration. He thinks the city would need to study removing the U-turn. Additional signage is valuable, and the applicant seems amendable to a pretty simple stipulation.

Mr. Hirsch asked if approving this Phase 1 creates any obligation down the road to permit anything elsewhere on the site for Phase 2.

Mr. LeClair said no. The fact that they have a master plan for the adjacent parcels that seems reasonable, viable, and relatively details is above what they get normally.

Mr. Hirsch asked if this approval would in any way sanction future proposed development in Phase 2. He is concerned about traffic for the train station.

Mr. LeClair said no. Each site would have to stand on its own. The subdivision sets up the boundaries of the lots, but there would have to be a site plan to develop them.

Mr. Varley said this project has been before them for nine months. The level of diligence and opportunity for interested parties has been sufficient.

Mr. Varley said in regards to traffic, it seems to him that questions from the both traffic engineers goes toward methodology. He hasn't seen anything specific that goes toward what they would suggest for different traffic mitigation measures. He hasn't seen the specific harm that would occur and what the mitigation should be. City staff believes that the mitigation measures being proposed are sufficient to address the impacts to the site.

Mr. Varley said there is a recurring issue of whether a Conditional Use Permit is required for a gas station. The position of planning staff is that the Mixed Use overlay permits the Board to alter the use requirements. Legal Counsel does not disagree with this view. In his view, even if someone could argue that a CUP should be required, the substance of the application is not going to change.

Mr. Hudson said there was a letter from Eastern Retail Properties addressing the property value, which suggests that the property values would be reduced 25% as a result of the traffic. But he doesn't see in the letter what their credentials are or any supporting basis for their claim. The letter just notes that it is an opinion. It's not compelling enough evidence for him.

Mr. Pedersen said the Costco development will affect Nashua for the rest of their foreseeable lives. He would like to take a hard look at the report before they vote on that site plan.

Mr. Varley said that is why he wanted to get an understanding from the applicant about what they received. The testimony said this is basically a consolidation of the information provided over the course of months. They also heard extensive testimony from the traffic engineer on the specific questions they had at the last meeting and the relevant updates. He does not see any benefit to extending this longer.

Mr. Pedersen said at the last meeting he looked at the front page of the report and saw extraordinarily large numbers, and the applicant didn't clarify why they were there. He was hoping the report would clarify those huge traffic numbers that were predicted.

Mr. Varley said he believes the testimony addressed that. The testimony they heard at the last meeting was that the large number represented the entire scope of the study. The information in the new memo estimates the specific trips for this development. It's not remotely close to the numbers he found in the appendix. Nobody is suggesting anywhere close to those numbers.

Mr. Pedersen said they were on the front page. He would like to see what the next report has to say. Otherwise he will vote against it out of caution.

Mr. LeClair said he agrees with Mr. Varley. He thinks they are in a repeating cycle on the traffic, and the numbers seem consistent. It comes down to whether they agree with the distribution and if changes in either direction are enough to say no to this entire development. They're not going to make the traffic go away. It is what it is. Every Board member needs to weigh whether this development fits in with the Master Plan or not. They're not going to get a development of any real value in that area with zero traffic.

Mr. Pedersen disagrees that the traffic is what it is. Most of that Costco traffic comes from Massachusetts, which will now come all the way up to the planned project. It's not the same; it's a whole new group of cars trying to get through that intersection.

Mr. LeClair said the option is no development on this site. It's a large parcel of land essentially doing nothing for the city of Nashua. The city is working on improvements to the corridor, and he thinks there are a lot of benefits.

Mr. Hudson reiterated Mr. Husband's arguments regarding traffic. He thinks every point has been addressed, if not to the satisfaction of the person raising the point. They have been provided a lot of information, and there is no additional study that he is looking for. It comes down to what each Board member's thought and consideration of everything that has been discussed.

Mr. Varley said Mr. Anagnost's closing comments spoke towards the cost benefit of this development. He feels that the benefit outweighs the costs significantly. It will change the traffic, and there is going to be an impact. There's a lot of traffic there, and that is the cost of having a commercial corridor. If they are going to have any meaningful development on this property that's just part of cost of utilizing those services.

Mr. Pedersen said he supports this with reservations.

Mr. Hirsch said he thinks this is a good project. It's well-thought out, of significant economic benefit, and develops a vacant piece of land. He can't think of a better use.

Mr. Meehan said having BJ's a part of this process was very helpful and creates a different perspective. He appreciates the city engineer and the city traffic engineer's input. There are inherent benefits to the applicant, as he is the one making this investment. The future development is too far outside of their purview. Considering that Mr. LeClair said this is the most detailed site they have seen in his ten years, he is happy to move forward.

Mr. Pedersen said this property has sat for the last thirty years. He suggested an alternative use as an office building and train station, with a business hub. But for that, they might be waiting another thirty years. They are not on the table, and not in the near future.

Mr. LeClair said getting development going there might improve the chances of an office building with a train station there. It's the coefficient of friction. Until something moves there, none of the other stuff will either.

Ms. Harper said there is still that opportunity to have multiple uses there that could be a good conglomerate of services and businesses.

Mr. Bollinger said this has been time well spent, and can't see the benefit of continuing this to another meeting. He is in favor of putting this to a vote.

MOTION by Mr. Varley to approve New Business - Subdivision Plan A21-0028. It conforms to §190-138(G) with the following stipulations or waivers:

1. The request for a waiver of § 190-282 (A) & (B)(9), which requires an existing conditions plan and a minimum scale, 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 required easement documents including but not limited to utility, access, and use and plans, shall be submitted to and approved by the Planning, Engineering Department and Corporation Council and recorded with the plan at the applicant's expense.
3. The proposed subdivision includes two lots with zero frontage A-1023 and A-1019 which requires relief from the Planning Board under Section 190-165. Relief is granted, pursuant to section 190-23 A & E, finding that relief will not be contrary to the spirit and intent of the regulation.

4. Prior to the Chair signing the plan, all standard city ordinance conditions will be added to the subdivision plan, final mylar, and paper copies submitted to the City which will be reviewed and approved by Corporation Counsel and Planning Staff.
5. Prior to the Chair signing the plan, the electronic file of the subdivision plan shall be submitted to the City of Nashua.
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, the proposed easement allowing the drainage from this project to enter New Hampshire Department of Transportation (NHDOT) drainage will be agreed to in writing and approved by Corporation Counsel, the Engineering Department, and Planning Staff and recorded at the applicants expense.
8. Prior to the Chair signing the plan, all outstanding issues identified in an e-mail from Joe Mendola, Street Construction Engineer, dated April 20, 2021 shall be resolved to the satisfaction of the Engineering Department.
9. The applicant shall provide a public and emergency cross access easement the full length of the property prior to any of the lots being conveyed to different owners. The applicant will work with Staff on the location, description and design of the easement, which will be reviewed and approved by Corporation Counsel and Planning Staff and recorded at the applicants expense.
10. At such time that public transportation is provided to Map A Lot 20, the owner of Map A Lot 218 shall allow for shared parking for uses related to the public transportation.
11. Prior to any site disturbance, the Alteration of Terrain Permit for the project shall be approved by NHDES.
12. Prior to the issuance of a building permit, all outstanding issues identified in an e-mail from Nashua Fire Marshalls Office, dated April 8, 2021 shall be resolved to the satisfaction of the Fire Department.
13. Prior to the issuance of a building permit, all outstanding issues identified in an e-mail from the Nashua Environmental Health office, dated July 27, 2021 shall be resolved to the satisfaction of the Environmental Health Department.
14. Prior to the Chair signing the plan all addresses shall be shown on the plan and approved by the Nashua Fire Department and shown on the approved site plan.

15. Prior to the issuance of a building permit, all fees will be paid under 190-266- 268.
16. Prior to the Chair signing the plan all addresses shall be shown on the plan and approved by the Nashua Fire Department and shown on the approved site plan.
17. All Zoning Board of Adjustment (ZBA) conditions of approval are incorporated herein.

SECONDED by Mr. Bollinger

MOTION CARRIED 8-0

MOTION by Mr. Varley to approve New Business - Site Plan A21-0029(Self storage). It conforms to §190-146(D) with the following stipulations or waivers:

1. The request for a waiver of § 190-282 (A) & (B)(9), which requires an existing conditions plan and a minimum scale, is granted, finding that the waiver will not be contrary to the spirit and intent of the regulation.
2. The request for a waiver of NRO § 190-198, which requires minimum parking standards for the site, 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 § 190-172, which requires certain architectural treatments and materials, 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 § 190-215 (B) 1 & 2, which deals with post-Development peak flows, is granted, finding that the waiver will not be contrary to the spirit and intent of the regulation.
5. The Self-storage facility is not a permitted use in the General Business District per. section 190-23(B)(2). Relief is granted, pursuant to section 190-23 A & E, finding that relief will not be contrary to the spirit and intent of the regulation.
6. A self-storage use is not permitted within the General Business District. However, per the Mixed Use Overlay District codified within Section 190-23(D)&(E) of the Nashua Land Use Code, and the accompanying Site Plan Suitability Report, the Planning Board finds that relief is not contrary to the spirit and intent of the regulation.

7. Prior to the Chair signing the plan, the cost associated with recording required easements, deeds, and plans shall be paid for by the applicant and documents shall be reviewed and approved by Corporation Counsel, Engineering, and Planning staff, and then recorded.
8. Prior to the Chair signing the plan, all conditions from the Planning Board approval letter will be added to the cover page of the final mylar and paper copies submitted to the City.
9. Prior to the Chair signing the Plan, stormwater documents will be submitted to the Planning Department for review and will be recorded at the Registry of Deeds at the applicant's expense.
10. Prior to the Chair signing the plan all addresses shall be shown on the approved site plan.
11. Prior to the Chair signing the plan, minor drafting corrections will be made.
12. Prior to the Chair signing the plan, all comments in the April 30, and May 19, 2021 memorandum and later correspondences by Hoyle, Tanner & Associates, Inc. shall be addressed to the satisfaction of the Public Works, Planning, and other applicable City Departments.
13. The applicant shall provide a public and emergency cross access easement the full length of the property prior to any of the lots being sold or conveyed to different owners, which shall be reviewed and approved by Corporation Counsel and planning staff, and then recorded.
14. Prior to the issuance of building permit all comments in an e-mail from Mark Rapaglia, dated April 8, 2021 shall be addressed to the satisfaction of the Fire Marshal.
15. Prior to the issuance of a building permit, all comments found in two e-mails from Joe Mendola, PE dated August 17, 2021 will be resolved to the satisfaction of the Engineering Department.
16. Prior to the issuance of a building permit, a payment of \$12,322 (Storage site portion of \$67,000 contribution) for work on upgrading the Daniel Webster Highway corridor and concurrence with a the letter dated July 28, 2021 from Wayne Husband, City Traffic Engineer.
17. Prior to the issuance of a building permit, all federal, state, and local permits will be obtained.
18. Prior to the issuance of a building permit, all fees will be paid per. ordinance 190-266- 268.
19. Prior to any site disturbance, approval of the New Hampshire Alteration of Terrain Permit (AOT) shall be obtained.

20. Prior to any work and a preconstruction meeting and financial guarantee shall be approved for any work in the public right of way.
21. Prior to the issuance of a certificate of occupancy, all on-site and off-site improvements shall be completed or bonded to the satisfaction of the Division of Public Works, Nashua Fire and the Planning Department to include the Fuss & O'Neil letter from Amy Sanders dated July 22, 2021.
22. Prior to the issuance of the Certificate of Occupancy, an as-built plan locating all structures, 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.
23. Provide a traffic & construction control plan to the City traffic engineer.
24. All proposed easements shall be submitted and approved by Corporation Counsel.
25. All Zoning Board of Adjustment (ZBA) conditions of approval are incorporated herein.

SECONDED by Mr. Hirsch

MOTION CARRIED 8-0

MOTION by Mr. Varley to approve New Business - Site Plan A21-0062 (Costco & Gas). It conforms to §190-146(D) with the following stipulations or waivers:

1. The request for a waiver of NRO § 190-279 (EE), which requires existing conditions to be shown on adjacent parcels, is granted, finding that the waiver will not be contrary to the spirit and intent of the regulation.
2. The request for a waiver of NRO § 190-184(D) (1) & (2) (A), which requires interior landscape medians every tenth space and every four rows of parking, 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 § 190-215.B (1) & (2) which requires stormwater discharges to decrease in post conditions 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 § 190-172, which requires various standard materials, designs, and a customer entrances on all sides abutting a road , 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 § 190-209 (A) (1), for the Gas station which sets a minimum & maximum width for driveways, is granted, finding that the waiver will not be contrary to the spirit and intent of the regulation.
6. The request for a waiver of NRO § 190-198, for the Gas station minimum parking required, is granted, finding that the waiver will not be contrary to the spirit and intent of the regulation.
7. A gas station use is not permitted within the General Business District. However, per the Mixed Use Overlay District codified within Section 190-23(D), (E) of the Nashua Land Use Code, and the accompanying Site Plan Suitability Report, the Planning Board finds that relief is/is not contrary to the spirit and intent of the regulation.
8. Prior to the Chair signing the plan, approval of the New Hampshire Alteration of Terrain permit (AOT) shall be obtained.
9. Prior to the Chair signing the plan, all conditions from the Planning Board approval letter will be added to the cover page of the final Mylar and paper copies submitted to the City.
10. Prior to the Chair signing the Plan, stormwater documents will be submitted to the Planning Department for review and will be recorded at the Registry of Deeds at the applicant's expense.
11. Prior to the Chair signing the plan all addresses shall be shown on the approved site plan.
12. Prior to the Chair signing the plan, all comments in the April 30 and May 19, 2021 memorandum and later correspondences by Hoyle, Tanner & Associates, Inc. shall be addressed to the satisfaction of the Public Works, Planning, and other applicable City Departments.
13. Prior to the Chair signing the plan, minor drafting corrections will be made and any missing general ordinance language will be added to the plan where applicable.
14. Prior to the Chair signing the plan, the cost associated with recording required easements, deeds, and plans shall be submitted to the Planning Department.

15. Prior to the Chair signing the plan, the proposed easement allowing Pan Am Railways to access their equipment will be agreed to by both parties which will be reviewed and approved by Corporation Counsel, the Engineering Department, and Planning Staff. and recorded at the applicants expense.
16. Prior to the Chair signing the plan, all comments found in an e-mail from Joe Mendola, PE dated August 17, 2021 will be resolved to the satisfaction of the Engineering Department.
17. Prior to the issuance of a building permit all comments in an e-mail from Mark Rapaglia, dated April 8, 2021 shall be addressed to the satisfaction of the Fire Marshal.
18. Prior to the issuance of a building permit, a payment of \$54,678 (Costco & Gas portion of the \$67,000 contribution) for work on retiming of the Daniel Webster Highway corridor & all other conditions as indicated in the July 22, 2021 letter from Amy Sanders of Fuss & O'Neil.
19. Prior to the issuance of a building permit, all fees will be paid under ordinance 190-266- 268.
20. Prior to the issuance of a building permit, all Local, State, & Federal Permits will be obtained.
21. The applicant shall provide a public and emergency cross access easement the full length of the property prior to any of the lots being sold or conveyed to different owners, which shall be reviewed and approved by Corporation Counsel and planning staff, and then recorded.
22. Prior to the issuance of a certificate of occupancy all temporarily disturbed wetland buffers will be restored and wetland markers installed to delineate the buffer area as required under Section 190-116(B).
23. Prior to the issuance of the Certificate of Occupancy, all on-site and off-site improvements shall be completed or bonded to the satisfaction of the Division of Public Works, Nashua Fire Department and the Planning Department
24. Prior to the issuance of the Certificate of Occupancy, an as-built plan locating all structures, 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.

25. Prior to the issuance of a certificate of occupancy, all on-site and off-site improvements shall be completed or bonded to the satisfaction of the Division of Public Works, Nashua Fire and the Planning Department to include the Fuss & O'Neil letter from Amy Sanders dated July 22, 2021.
26. All required easements shall be submitted and approved by Corporation Counsel.
27. All retaining walls over four feet high will require a separate inspection by the City of Nashua's building Department and/or third party engineering sign off.
28. No diesel truck dispensing pumps will be built on-site.
29. All Zoning Board of Adjustment (ZBA) conditions of approval are incorporated herein.
30. Prior to any work and a pre-construction meeting and financial guarantee shall be approved for any work in the public Right of Way.
31. Provide a traffic & construction control plan to the City traffic engineer.
32. Applicant shall work with City staff to create directional signage to inform those traveling to Nashua Landing that the East Spit Brook Road entrance is the main access point to the site with the goal of alleviating excess traffic flows to Adventure Way.

SECONDED by Ms. Harper

MOTION CARRIED 8-0

The Board held a five minute recess.

NEW BUSINESS - SUBDIVISION PLAN

A21-0188 Nashua Millyard Associates, Inc. and Riverside Properties of Nashua, Inc. (Owners) - Application and acceptance of proposed lot line relocation plan. Property is located at 1C & Pine Street. Sheet 77 - Lots 5 & 11. Zoned "GI/MU"-General Industrial/Mixed Use and "RB"-Urban Residence. Ward 4.

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

SECONDED by Ms. Harper

MOTION CARRIED 7-0-1 (Hirsch abstained)

Mike Hammar, Project Engineer, TF Moran

Mr. Hammar introduced himself as representative for the applicants.

Mr. Hammar described the subject lots. Lot 5 is a vacant parcel with a radio tower, and lot 11 is a mixed commercial building. This transfer will increase the size of lot 11 by approximately half an acre. No development is proposed at this time, but may be contemplated in the next 35 years. This is a straightforward request. They are requesting eight waivers, as outlined in the staff report.

SPEAKING IN OPPOSITION OR CONCERN

None

SPEAKING IN FAVOR

None

Mr. Hudson asked for confirmation that any easements would transfer to the new property owner.

Mr. Hammar said yes. The only one is a drainage easement which exists into perpetuity, and that will be in the deed.

PUBLIC MEETING

Mr. LeClair closed the public hearing and moved into the public meeting. He said this is a straightforward adjustment.

MOTION by Mr. Bollinger to approve New Business - Subdivision Plan A21-0188. 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 § 190-282(B) 10, which requires floor elevations, 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 § 190-282(B)(13), which requires applicant to note mixed uses and square footage of each, 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 § 190-282(B)(18), which requires wetlands to be delineated by a wetland scientist, 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 § 190-282(B)(25) & (26), which requires a drainage report and maintenance plan and easement for recording, is granted, finding that the waiver will not be contrary to the spirit and intent of the regulation.
6. The request for a waiver of § 190-282(B)(52), which requires a breakdown of parking, is granted, finding that the waiver will not be contrary to the spirit and intent of the regulation.
7. The request for a waiver of § 190-282(B)(58), which requires a traffic report, is granted, finding that the waiver will not be contrary to the spirit and intent of the regulation.
8. The request for a waiver of § 190-282(B)(59), which requires dimensions and square footage of all buildings and structures, is granted, finding that the waiver will not be contrary to the spirit and intent of the regulation.
9. 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.
10. Prior to the Chair signing the plan, minor drafting corrections will be made.
11. Prior to the Chair signing the plan, all comments in an e-mail from Joe Mendola, Street Construction Engineer, dated September 3, 2021 shall be addressed to the satisfaction of the Engineering Department.

SECONDED by Ms. Harper

MOTION CARRIED 7-0-1 (Hirsch abstained)

A21-0177 Jigna & Sachin Patel (Owners) - Application and acceptance of proposed subdivision amendment to move an existing utility easement. Property is located at 69 Cherrywood Drive. Sheet C - Lot 2755. Zoned "R-40" Rural Residence & "FUOD" Flexible Use Overlay District. Ward 9. **(Postponed to the October 7, 2021 meeting.)**

Case A21-0193 & A21-0182 were heard together

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A21-0193 Crimson Properties, LLC (Owner) - Application and acceptance of proposed subdivision plan amendment to consolidate a lot via voluntary merger. Properties are located at 1086 & L West Hollis Street. Sheet D - Lot 223 & 500. Zoned "R-30" Rural Residence. Ward 5.

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

SECONDED by Mr. Meehan

MOTION CARRIED 8-0

NEW BUSINESS - SITE PLANS

A21-0182 Crimson Properties, LLC (Owner) - Application and acceptance of proposed subdivision plan amendment to consolidate a lot via voluntary merger. Properties are located at 1086 & L West Hollis Street. Sheet D - Lot 223 & 500. Zoned "R-30" Rural Residence. Ward 5.

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

SECONDED by Mr. Bollinger

MOTION CARRIED 8-0

Tom Zajac, Project Engineer, Hayner/Swanson Inc, 3 Congress St, Nashua NH

Mr. Zajac introduced himself as the representative for the owner and applicant. With him is Randy Turmel of Crimson Properties LLC and Atty. Brad Westgate from Winer & Bennett PLLC.

Mr. Zajac said he will be brief, due to the hour. They are seeking an amended site plan approval to incorporate an abutting lot and add a single family home.

Mr. Zajac described previously approved development of Applewood Estates, a single family detached conservation development. The new eighth unit will be located in what is currently lot D-223, which was recently purchased with the intent of merging with the development. New landscaping and stormwater improvements will be provided in keeping with the original design.

Mr. Zajac said that the original condominium documents were set up in contemplation this lot being incorporated into the development.

All unit owners are aware of this, and they have worked with residents to minimize impacts.

Mr. Zajac said the subdivision portion of their request is related to the condominium. During a meeting with staff they were informed of this requirement, which is not something that was required in the original 2019 approval. The city has been taking a harder look at this matter, and has determined that all condominium related projects will require subdivision approval going forward under the current Land Use Code. Per staff guidance they have submitted a subdivision application but no formal plan. The requested condominium information was included in the amended site plan.

Mr. Zajac said he believes the applications are complete and conform with all applicable regulations. No waivers are being requested. He suggested the removal to of some of the stipulations in the staff report. Mr. McPhie replied the stipulations will stay in place to assure the applicant will follow through and finalize those requests. He briefly addressed the previously discussed extent paper streets, and said with the incorporation of this lot all outstanding issues are resolved.

A brief discussion of the stipulations ensued.

SPEAKING IN OPPOSITION OR CONCERN

None

SPEAKING IN FAVOR

Peter Maccini, 1080 West Hollis St

Mr. Maccini said he is an abutter. He is quite pleased with the new neighbors, and the developer has done an outstanding job. He is in favor of this proposal. He thinks the developer will do a wonderful job. He asked if the lots are merged, will paper street Wollen Drive be defunct? Will the paper street then be divided? He reiterated his support for the development.

APPLICANT REBUTTAL

Atty. Brad Westgate, Winer & Bennett PLLC, 111 Concord St, Nashua NH

Atty. Westgate said paper streets are ones that are shown on the plan but never accepted by the town. Many years ago the laws

changed with respect to the paper streets on this development, particularly Wollen Drive. The 20-year timeframe has expired, so the city's ability to accept the street has been extinguished. What remains are private rights of access. Lot 223 would still have that private right of access over the paper street. For practical purposes, if this is approved and lot 223 is incorporated into the condominium, its access will come from Braeburn Drive and won't practically be necessary. The two property owners will theoretically still have their rights of access over that paper street as well.

Mr. LeClair asked if the street doesn't really go away, but the practical usage of it isn't there.

Atty. Westgate said correct. It doesn't go away until all the theoretical users of those private rights release those rights. Otherwise it's there until perpetuity.

Mr. LeClair asked if everyone would have to come together formally to request that.

Atty. Westgate said any one of the private owners can decide he wants to utilize it for access. For practical terms it hardly ever happens. Paper streets often remain so because they were topographically weren't easy to build in the first place.

PUBLIC MEETING

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

Mr. Hudson thanked the residents of 9 Braeburn Ave, who were willing to change their address to 11 Braeburn Ave.

Mr. McPhie reminded Mr. Varley the waiver for existing conditions was removed from the latest staff report.

MOTION by Mr. Varley to approve New Business - Subdivision Plan A21-0193. It conforms to §190-138(G) with the following stipulations or waivers:

1. Prior to the issuance of a building permit, the applicant shall update documents establishing a homeowners association which will be responsible for maintaining all property in common ownership. The homeowner's association documents shall be submitted to the Planning Department and Corporation Counsel for review and approval.

2. Prior to the issuance of a building permit, all easements shall be updated and submitted to the Planning Department and Corporation Counsel for review and approval and recorded with the plan at the applicant's expense.

SECONDED by Mr. Bollinger

MOTION CARRIED 8-0

MOTION by Mr. Varley to approve New Business - Site Plan Plan A21-0182. 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.
2. Prior to the Chair signing the plan minor drafting corrections will be made.
3. Prior to the chair signing the plan, all conditions from the Planning Board approval letter will be added to the cover page of the final Mylar and paper copies submitted to the City.
4. Prior to issuance of a building permit, all comments in an e-mail from Joe Mendola, PE dated September 1, 2021 shall be addressed to the satisfaction of the Engineering Department.
5. Prior to issuance of a building permit, all comments in an e-mail from Mark Rapaglia, Nashua Fire Department dated August 16, 2021 shall be addressed to the satisfaction of the Fire Department.
6. Prior to issuance of a building permit, all comments in an e-mail from the Nashua Environmental Health Department dated August 31, 2021 shall be addressed to the satisfaction of that department.
7. Prior to the issuance of a building permit, the applicant shall update documents establishing a homeowners association which will be responsible for maintaining all property in common ownership. The homeowner's association documents shall be submitted to the Planning Department and Corporation Counsel for review and approval.
8. Prior to the issuance of a building permit, all easements shall be updated sent to the Planning Department and Corporation Counsel for review and approval and recorded with the plan at the applicant's expense.

9. Prior to issuance of the eighth and final certificate of occupancy for the development, an as-built plan locating all driveways, units, other buildings, utilities and site landscaping shall be completed or by a professional engineer and submitted to the Planning Department. The as-built plan shall include a statement "all construction was generally completed in accordance with the approved site plan and applicable local regulations". (note added to clarify stipulation 9 of the enclosed October 7, 2019 approval letter).
10. Prior to any work, a pre-construction meeting shall be held and if required, a financial guarantee shall be approved.

SECONDED by Mr. Bollinger

MOTION CARRIED 8-0

A21-0189 Riverfront Landing, LLC (Owner) - Application and acceptance of proposed site plan amendment to NR1975 to construct an in-ground pool, pool house and patio. Property is located at 9 Bancroft Street. Sheet 50 - Lot 40. Zoned "GI/MU" General Industrial/Mixed Use. Ward 7.

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

SECONDED by Mr. Bollinger

MOTION CARRIED 8-0

Tom Burns, Project Engineer, TF Moran

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

Mr. Burns showed a color presentation of the proposal. They are requesting to amend the site plan to modify an existing landscaped island in the internal parking area to include an in-ground swimming, patio, and pool house. This would be an additional amenity for the residents.

Mr. Burns said the pool house would house the bathroom facility and mechanicals for the pool. The existing patio will be modified, but will still include the gas grills and fire pit. He described modifications to existing drainage. There are no anticipated traffic impacts. Access will be provided to the residents through

a key fob, only during allowable hours. It will be a nice feature for the residents, and they are asking for the Board's approval.

SPEAKING IN OPPOSITION OR CONCERN

None

SPEAKING IN FAVOR

None

Ms. Harper asked what is currently in this area. Is it parking?

Mr. Burns said no, it's currently a partially grassed area, with a fire pit and patio.

PUBLIC MEETING

Mr. LeClair closed the public hearing and moved into the public meeting. He said this is a straightforward, low impact request.

Ms. McGhee provided clarification on the stipulations provided in the staff report.

MOTION by Mr. Varley to approve New Business - Site Plan Plan A21-0189. It conforms to §190-146(D) with the following stipulations or waivers:

1. The request for a waiver of NRO § 190-279 (EE), which requires existing conditions be shown on adjacent lots, 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, any minor drafting corrections will be made.
3. Prior to the chair signing the plan, all comments in an e-mail from Joe Mendola, Street Construction Engineer, dated September 2, 2021 shall be addressed to the satisfaction of the Division of Public Works.
4. Prior to the issuance of a building permit, the electronic copy of the plan shall be submitted to the Planning Department.
5. Prior to any work on site, a pre-construction meeting shall be held and a financial guarantee shall be approved (if required).
6. Prior to the issuance of a certificate of occupancy, all on-site improvements will be completed.

7. 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. Hirsch

MOTION CARRIED 8-0

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. Hirsch

MOTION CARRIED 8-0

2. Nomination of Planning Board Member for liaison to Historic District Commission.

Mr. LeClair asked staff to provide a description of the responsibilities required to fulfill the role of liaison to the Nashua Historic District Commission.

DISCUSSION ITEMS

Mr. LeClair reminded the Board of the special meeting for the Master Plan, September 23rd.

MOTION to adjourn by Mr. Hirsch at 11:20 PM

MOTION CARRIED 8-0

APPROVED:

Mr. LeClair, Chair, Nashua Planning Board

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Prepared by: Kate Poirier

Taped Meeting