

NASHUA CITY PLANNING BOARD  
September 15, 2022

The regularly scheduled meeting of the Nashua City Planning Board was held on September 15, 2022 at 7:00PM in the 3<sup>rd</sup> floor auditorium in City Hall AND via Zoom virtual meeting.

Members Present: Mike Pedersen, Mayor's Rep  
Scott LeClair, Chair  
Adam Varley, Vice Chair  
Maggie Harper, Secretary  
Ald. Patricia Klee  
Dan Hudson, City Engineer  
Bob Bollinger  
Mark Meehan

Also Present: Sam Durfee, Planning Manager  
Linda McGhee, Deputy Planning Manager  
Scott McPhie, Planner I  
Chris Webber, Department Coordinator

**APPROVAL OF MINUTES**

September 1, 2022

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

**SECONDED** by Mr. Bollinger

**MOTION CARRIED 4-0-4 (Klee, Hudson, Harper, LeClair abstained)**

**COMMUNICATIONS**

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

- Amended agenda
- A22-0174, 7 Coliseum Ave
  - Updated engineering comments
- A22-0168, 72 Lake St
  - Amended staff report
  - Updated engineering comments
  - Applicant request to table to the October 6, 2022 meeting

- A22-0175, 40 Groton Rd
  - Waiver letter requests from applicant
  - Updated engineering comments
  - Multiple correspondences from nearby residents
  - Lighting plan from applicant
  - Landscape plan from applicant
- A22-0182, 8 Merrit Pkwy
  - Applicant request to postpone to the October 6, 2022 meeting.

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

None

**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.

**OLD BUSINESS - CONDITIONAL USE PERMITS**

None

**OLD BUSINESS - SUBDIVISION PLANS**

**A21-0299** 145 Temple Street, LLC (Owner) - Greenridge LLC (Applicant) - Proposed three lot subdivision. Property is located at 145-149 Temple Street. Sheet 38 - Lot 93. Zoned "GI" General Industrial/"TOD" Transit Oriented Development. Ward 7. **[TABLED TO THE OCTOBER 6, 2022 MEETING]**

**OLD BUSINESS - SITE PLANS**

**A21-0300** 145 Temple Street, LLC (Owner) - Greenridge LLC (Applicant) - Proposed site plan to show a 4-bay garage, office and storage. Property is located at 145-149 Temple Street. Sheet 38 - Lot 93. Zoned "GI" General Industrial/"TOD" Transit Oriented Development. Ward 7. **[TABLED TO THE OCTOBER 6, 2022 MEETING]**

**A21-0301** 145 Temple Street, LLC (Owner) - Greenridge LLC (Applicant) - Proposed site plan to add asphalt manufacturing. Property is located at 145-149 Temple Street. Sheet 38 - Lot 93. Zoned "GI" General Industrial/"TOD"-Transit Oriented Development. Ward 7. **[TABLED TO THE OCTOBER 6, 2022 MEETING]**

**A21-0302** 145 Temple Street, LLC (Owner) - Greenridge LLC (Applicant) - Proposed site plan to add proposed office use. Property is located at 145-149 Temple Street. Sheet 38 - Lot 93. Zoned "GI" General Industrial/"TOD" Transit Oriented Development. Ward 7. **[TABLED TO THE OCTOBER 6, 2022 MEETING]**

**NEW BUSINESS - CONDITIONAL USE PERMITS**

None

**NEW BUSINESS - SUBDIVISION PLANS**

None

**NEW BUSINESS - SITE PLANS**

**A22-0168** David R. & Daniel M. Thibault (Owner) CPC Investments, LLC (Applicant) - Application and acceptance of proposed 20-unit apartment building. Property is located at 75, L Lake & L Pine Street. Sheet 99 - Lot 34 and Sheet 101-Lots 1 & 3. Zoned LB-Local Business & MU-Mixed Use Overlay. Ward 6.

**MOTION** by Ald. Klee to table A22-0168 to the October 6, 2022 meeting, by applicant request

**SECONDED** by Mr. Varley

**MOTION CARRIED 8-0**

**A22-0182** Merritt Place LLC (Owner) - Application and acceptance to requesting the following: 1) use variance to change the proposed use from elderly housing to non-age restricted residential; and, 2) variance to exceed maximum number of stories, 2.5 permitted - 3 stories proposed. Property is located at 8 Merritt Parkway. Sheet C - Lot 2544. Zoned "R30" Rural Residence and Flexible Use Overlay District (FUOD). Ward 5.

**A22-0039** Merritt Place LLC (Owner) - Proposed 44 unit townhouse development containing 11 buildings with 4 units each along with associated site improvements. Property is located at 8 Merritt Parkway. Sheet C - Lot 2544. Zoned R30-Rural Residence and Flexible Use Overlay District (FUOD). Ward 5.

**MOTION** by Mr. Varley to postpone A22-0182 and A22-0039 to the October 6, 2022 meeting, by applicant request.

**SECONDED** by Mr. Meehan

**MOTION CARRIED 8-0**

**A22-0174** Senior Housing Coliseum-Unit 1, LLC (Owner) - Application and acceptance of proposed site plan amendment to NR0726 to show a five-story addition for 32 additional senior housing units including associated site improvements. Property is located at 7 Coliseum Avenue. Sheet E - Lot 760. Zoned "GB" General Business. Ward 1.

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

**SECONDED** by Mr. Bollinger

**MOTION CARRIED 8-0**

Robert Duval, Civil Engineer, TF Moran, 48 Constitution Drive, Bedford NH 03110

Mr. Duval introduced himself as the representative for the applicant. With him is Housing Initiatives Vice President Bill Walker.

Mr. Duval briefly described the subject lot, zoning, and surrounding uses. This project received a variance on July 26, 2022 for density to allow for a total of 173-units. He provided a brief history of the site history and development.

Mr. Duval showed a colorized version of the site plan and indicated the proposed addition. They are proposing a total of 133 parking spaces for 173-units, where 50% of the residents do not have a car. The units will be affordable, and the residents can walk to surrounding services. The development meets all other dimensional requirements.

Mr. Duval said they are requesting four waivers, as shown in the staff report. He described each request in detail, and showed lighting plans, parking plans, and architectural elevations. He described utilities. They are expanding the bio retention area to accommodate the additional impervious surfaces, and no stormwater will be leaving the site.

Mr. Duval said they have received comments from Planning and Engineering, which are largely addressed by the proposal. They have no issue addressing the remaining comments.

Mr. LeClair asked staff if the plan is not adding any nonconformity, is the waiver necessary?

Ms. McGhee said the applicant submitted the waiver, which they decided to include. The waiver for building elevations is to allow a flat roof.

**SPEAKING IN OPPOSITION OR CONCERN**

Phyllis Murray, 7 Coliseum Ave, Nashua NH

Ms. Murray asked how high the retaining wall proposed on the plan would be.

**SPEAKING IN FAVOR**

None

**APPLICANT REBUTTAL**

Mr. Duval said the maximum height is 4-5 feet and tapers down to 0-ft. The purpose was to allow for the expansion of the bio retention area.

Mr. Hudson said there is a big distinction in the regulations between 4-ft and 5-ft retaining walls. If it is more than 4-ft in height it needs to be an engineered wall and a permit approved by the Building Department.

**PUBLIC MEETING**

Mr. LeClair closed the public hearing and moved into the public meeting. He summarized the discussion. The waivers presented are reasonably typical and he doesn't have any issues with them.

**MOTION** by Mr. Varley to approve New Business - Site Plan A22-0169. It conforms to §190-146(D) with the following stipulations or waivers:

1. The request for a waiver of § 190-279 (EE), which requires showing existing conditions on and off site, is granted, finding that the waiver will not be contrary to the spirit and intent of the regulation.
2. The request for a waiver from NRO §190-89, which sets specific standards for site lighting, is granted, finding that the waiver will not be contrary to the spirit and intent of the regulation.

3. The request for a waiver from NRO §190-184(D)(1), which requires parking aisles not contain more than 10 spaces in a row unless a planted median and/or island is provided, is granted, finding that the waiver will not be contrary to the spirit and intent of the regulation.
4. The request for a waiver from NRO §190-172, which specifies standards for building design, is granted, finding that the waiver will not be contrary to the spirit and intent of the regulation.
5. Prior to the Chair signing the plan, minor drafting corrections shall be made.
6. Prior to the Chair signing the plan, all comments in a letter from Joe Mendola, Senior Staff Engineer, dated 9/12/22 shall be addressed to the satisfaction of the Division of Public Works.
7. Prior to the Chair signing the plan, all conditions from the Planning Board approval letter will be added to the cover page of the final mylar and paper copies submitted to the City.
8. Prior to the issuance of a building permit, the stormwater management documents shall be recorded by the City at the applicant's expense.
9. Prior to any work on site, a pre-construction meeting shall be held and a financial guarantee shall be approved.
10. Prior to the issuance of a certificate of occupancy, all site improvements shall be completed.

**SECONDED** by Ms. Harper

**MOTION CARRIED 8-0**

**A22-0175** CMI Leasing Corp. (Owner). Brothers of the Sacred Heart of Bishop Guertin High School (Applicant). Proposed site plan to show an athletic field complex along with associated site improvements. Property is located at 40 Groton Road. Sheet D - Lot 7. Zoned "R40" 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**

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

Mr. Zajac introduced himself as the representative for the applicant. With him from is Bishop Guertin President Linda Brodeur, Principal Jason Strniste, Atty. Gerald Prunier, engineer Megan Buczynski from Activitas, and traffic engineer Scott Thorton from Vanasse & Associates. They are seeking site plan approval for the proposed athletic field.

Mr. Zajac gave a brief presentation on the proposal. He described the site and surrounding neighborhood. The main body of the site is used as a gravel pit and material stockpile, with gated access along Groton Rd. The westerly and northerly portions of the site contain wetlands and the easterly side is mostly wooded with evidence of soil removal. There is also a paved gravel driveway that serves as an unofficial cut-through to the Dunstable Conservation Land. He describes topography and soils.

Mr. Zajac said wetlands were flagged onsite in the spring by Wetland & Soil Scientist Brendan Quigley from Gove Environmental, and subsequently surveyed by Hayner/Swanson. They identified three vernal pools, as seen on the plan.

Mr. Zajac said Groton Road was laid out by the city in 1799, and like most rural roads it had curves and bends. In 1937 the state came through and straightened it out to what you see today. The right of way associated with that 1799 layout was never formally discontinued or disposed of, which is common. In addition, there is a triangle shaped remnant parcel that appears to be owned by the state. These areas were not represented on previous survey plans and were unknown to the owner. There are two separate conditions on the plan they have worked out with city staff to deal with these two areas. The first would be to petition a formal street discontinuance. The second would be obtaining easements or approval from the state of NH to allow for the public and private uses through that area. They hope that is a reasonable approach given the time it takes to work through with the state.

Mr. Zajac said Bishop Guertin has an agreement in place to purchase the property and then construct an athletic complex. This would include three fields, a running track, areas for track and field, six tennis courts, a maintenance building, and associated parking. Access will be from a new driveway on the easterly side of the property. They feel this is a better location given the site distancing and wetland locations. The existing gravel drive will remain as emergency gated access.

Mr. Zajac said the site will contain 210 parking spaces, and will include bus and parent drop-off areas. Water and telecommunications will be extended onsite, and a small septic system will be constructed for the maintenance and locker building. He described stormwater management improvements. The facility will be fenced and locked when not in use. It is intended to be a private satellite campus for Bishop Guertin. The school is currently sending their students offsite for athletic field.

Mr. Zajac said this use is not explicitly listed in the use code, so they were granted a variance by the Zoning Board. The purpose of this site is to provide one central location for the majority of spring and fall sport teams. The intent is to be used for practice and sub-varsity games. The school will continue to partner with the city for large scale games at Stellos Stadium. They would use portable bleachers for spectators, and there are no plans for concessions.

Mr. Zajac said in order to provide BG flexibility, they listed hours of operation as Monday through Sunday, 8AM-10PM. However, during the typical weekdays schools end at around 2:30. They can envision the first wave of practice as 3-5, the second as 5-7. There are locker room and bathroom facilities, and students would either be picked up by parents or drive themselves home. The facility would be staffed by a supervisor. It will mainly be used during the spring and fall, so it's more of a seasonal use.

Mr. Zajac addressed lighting. All of the fields and tracks will be lit when in use and turned off half an hour after the last use. All lighting is designed to minimize spill, trespass, and glare. He showed an image of a similar field from Lexington MA which uses the same system and eliminates spillover. He described the design and light levels in detail.

Mr. Zajac displayed a colorized plan of wetlands. He said careful consideration was given to minimize wetland impacts in the design. This plan completely avoids any direct wetland impacts and minimizes buffer impacts as much as possible. They are impacting just shy of 1-acre of buffer area, the majority of which is related to restoration or revegetation of already disturbed buffers around the gravel pit or in relation to the shoulder widening for pedestrian improvements along Groton Rd. They worked extensively with the Conservation Commission and were granted a favorable recommendation as well as a Special Exception from the Zoning Board.

Mr. Zajac said the existing site does not contain any stormwater treatment. They have a detailed onsite stormwater management system proposed that will improve qualitative treatment and quantitative attenuation of stormwater where currently none exists. This proposal will result in a slight decrease in impervious area and increase in open space due to the large amount of pavement and hard pack gravel currently onsite today. He believes this is a significant improvement to conditions.

Mr. Zajac said a traffic memo was prepared by the traffic consultant, which provides a sight distance analysis and trip generation based on the most conservative situation of all fields being in use at the same time. In terms of the traffic numbers, they feel that all fields are unlikely to be fully in use at the same time. The results indicate that the facility will be below the AM peak, slightly above the PM peak, and above the Saturday peak. Further study is required to determine whether offsite improvements would be necessary. They have met with Engineering staff to determine what analysis would need to take place. This study would be submitted prior to final signing of the plan, and anything needed would be submitted to the city for review. It would allow BG to move forward if granted a conditional approval tonight.

Mr. Zajac said the most important project element is the pedestrian improvements, which has the greatest benefit to the public. This site is located in close proximity to three public resources: Southwest Park, the Dunstable Conservation Area, and the Nashua River Rail Trail. This has the unique ability to provide a vital connection between the three. They propose to widen the shoulder along Groton Road to create a pathway. This is a challenging proposal, and they have worked with staff to connect to an existing sidewalk to Hadley Drive. The second connection is a public parking lot and trail onsite to provide a permanent public access to the Dunstable Conservation Area, which the Dunstable Land Trust is supportive of.

Mr. Zajac said they are requesting four waivers, as detailed in the staff report.

Mr. Zajac said believes the application is complete and conforms with the applicable standards of the site plan regulations. Careful consideration was made in the design of the site to minimize impacts. They think this is a great use for the community and will fit well into the neighborhood. They have reviewed the staff report and are amenable to the comments.

Mr. LeClair asked if there will be any audio systems.

Mr. Zajac said he thinks so, but it has yet to be fully vetted out in the final design. They are not holding large spectator events here.

Mr. Varley asked if the fields would not be accessible to the public. Would that access point leave open the public parking?

Mr. Zajac said correct. The public parking would be open and the fields would be gated.

Mr. Varley asked about the increase to green space. What is the dynamic in terms of impervious surface added vs what is onsite?

Mr. Zajac said minimum requirement is 75%, and the existing 84%. The proposed is 88%, which is 4% more. The stockpile area is either pavement or hard packed gravel down almost to ledge. When you see that aerial map and that scar onsite, that acts as a paved surface.

Mr. Varley asked if it is impervious.

Mr. Zajac said that would be considered impervious. They have impervious surface for the track and drive, but even with that increases the open space by 4%.

Mr. Meehan asked if the Conservation Commission reviewed this.

Mr. Zajac said correct.

Mr. Meehan said the fencing comes in just south of the public parking lot. It looks like the fence loops around and connects to the track.

Mr. Zajac said it's a bit wonky in that area where the perimeter fence is one and the same with the track fence. There would be a strip of land outside of the fence to allow pedestrian travel from north to south.

Mr. Meehan said he didn't see any diagrams of how the fencing would look.

Mr. Zajac said they have a combination of fencing from 4-ft to 6-ft, plus fencing and netting near the playing areas. It would be chain link fencing, generally 6-ft tall.

Mr. Meehan asked if there would be no public access to the track.

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Mr. Zajac said correct. The public access would be the entrance drive, 20 space parking lot, and the trail that runs parallel to the easterly property line.

Mr. Meehan asked if this would be done in phases or at once.

Mr. Zajac said BG closes on the property in the near future. It will take a year for the stockpile lease to vacate, and BG will be going out on a campaign to fund the project and take a step forward. The earliest they plan to start is Spring 2024. It would not surprise him to be back before them to ask for an extension of the project. The construction phasing is planned to be done all at once, but depends on the financing and timing.

Ms. Harper asked if this will be used during the school year or the summer.

Mr. Zajac said mainly during the spring and fall, but will be in operation during the summer.

Ms. Harper asked how early they would be there.

Mr. Zajac said they left it flexible, 8AM. He doesn't expect many people to be there before 3PM, but there is no set schedule. They did some research on city parks to see when it is in use, and generally the 8-10PM range is common.

Ms. Harper said she is concerned about a PA system being used at 8AM, right in someone's backyard. Is there a grandstand?

Mr. Zajac said just portable bleachers.

Ms. Harper asked how many people would be able to sit there.

Mr. Zajac said that depends on the size. They have 210 parking spaces onsite, and the intent of the site is for practice and sub-varsity. Large spectator sports will be held at Stellos.

Ms. Harper asked if parking would be allowed along the drive aisle.

Mr. Zajac said that hasn't come up. Typically the Fire Department would make that request. At this point he would say no.

Mr. Pedersen asked if there is provisions for the public to have access to the Dunstable Land Trust.

Mr. Zajac said correct. That entrance drive, parking lot, and trail will have an easement conveyed to the city.

Mr. Pedersen asked if they will be able to get to the Land Trust.

Mr. Zajac said yes.

Ald. Klee asked if the plan shows 210 parking spaces, or 230?

Mr. Zajac said there are 210 spaces proposed for the BG area and 20 spaces proposed for the public lot, for a total of 230.

Ald. Klee said she is concerned about a PA system being used until 10PM. Is that within their jurisdiction to limit?

Mr. LeClair said they have the option of hours, but there are noise ordinances within the city.

Mr. McPhie said it's usually after a certain hour.

Ald. Klee asked how many evening events they expect.

Mr. Zajac said he can confer with the BG team, but can't predict the exact amount.

Mr. Bollinger asked if it was logical to assume city staff believes that traffic obstacles can be managed. Is Engineering staff comfortable moving forward without a full traffic analysis in hand?

Mr. Hudson said the short answer is yes. The long answer is that they had a scoping meeting. This is a fairly unique facility where the traffic will vary quite a bit year-round. They don't have all the answers but don't anticipate major impacts. There is good sight distancing at the driveway. Even if a turn lane was warranted by the peak condition they might not require it because the peak traffic is sporadic. They have outlined a process and don't expect any hurdles they can't overcome through further study and review.

Mr. Varley asked if there is a trigger point where the plan would require additional review. If they were to move varsity football games here, that would have a significantly different traffic impact. Is there a traffic count that would cause them to need to review further?

Mr. Hudson said he doesn't have any magic numbers. He believes the traffic counts submitted by the applicant are very conservative and represents activities on one of the peak weekday PMs or a Saturday. It's hard to predict exactly how much traffic they will have, but they have also suggested it wouldn't be rented out. Given

that it is ancillary to the school, it all sounds fairly reasonable. There may be additional conditions for monitoring post-construction.

Mr. Zajac said the field component with the most conservative numbers was the soccer field. If you can imagine Fort Devons with 20 soccer fields and game after game, that's the numbers they used for this facility. He said games except for varsity football are baked into these numbers. They are also in their first year of a ten-year lease of Stellos.

Mr. Bollinger said he wasn't inquiring about a trigger, mostly just the order of operations. Given the unique use of the site and that it's not a Monday-Friday year-long operation, he would expect the opinion of staff.

Mr. Pedersen asked if the abutters along Airley Ave have been made aware.

Mr. McPhie said that they have notified the association. There may be only one or two houses occupied.

Mr. Pedersen asked if it was still a dead neighborhood.

Mr. McPhie said yes. As part of the abutter notification the owner of the property was made aware.

Mr. LeClair said the site is still under construction.

Mr. McPhie said [unintelligible]

Mr. Varley said the state has rights to a parcel and it would be necessary to get an easement. Is stipulation 9 intended to cover that?

Mr. McPhie said yes.

Mr. Meehan asked if they would be grass fields or artificial turf.

Mr. Zajac said they are proposed to be turf.

Mr. Hudson said one of the waiver requests requires existing conditions to be shown within 1,000-ft. He asked if they have shown everything on the plan, and if so, make a modification on the plan in regards to adjacent parcels. He doesn't want to grant a waiver from existing features onsite.

Mr. Zajac said correct, it is adjacent parcels.

Mr. Pedersen asked if it is natural turf or artificial.

Mr. Zajac said synthetic.

Mr. Pedersen said there is a lot of talk about PFAS chemicals being embedded and high school kids are being exposed to it and getting cancer. It wouldn't hurt to take a look at which type is being proposed.

Mr. Zajac said correct.

Mr. Meehan said it's such a tight plan. Is snow removal an issue here?

Mr. Zajac said it is BG's intent not to use the facilities in the winter. This isn't a commercial operation, so if they were using a portion of the fields they have plenty of room onsite. They can designate snow storage areas, but they probably wouldn't plow the entire area.

**SPEAKING IN OPPOSITION OR CONCERN**

Amanda Dion, 417 Main Dunstable Road, Nashua NH

Ms. Dion said she appreciates the applicant for seeking to continue to meet the needs of trespassers to access the Dunstable Land Trust. Her concern is primarily traffic. There are lots of little roads through the area that can be impacted. This project does not exist in a vacuum. There is new housing and a new middle school, which creates more traffic. The waves of traffic coincide with public school getting out and crossing the road. She is concerned with the greater impact to the area.

Ms. Dion said she has seen animals using this area as a corridor. How much of the fencing is going to include the wetland areas? She would like animals to have the means to cross.

Paula Johnson, 15 Westborn Drive, Nashua NH

Ms. Johnson said she is concerned with the traffic going down Main Dunstable Road. Was there a traffic study done for this? They're going to have more cars coming here from all over. They're going to have a big school project happening here and more traffic coming down here. They're going to be redistricting. How many more vehicles are going to be put here?

Ms. Johnson asked if there is a development around this area. She has Stellos in her backyard and they had stipulations for times and PA systems. She thinks the noise and lights have to be looked at. There is always a reflection somewhere. They need to look at the abutters and how the noise will travel. You have to consider who lives in the neighborhood when you add something. She asked them to be cautious and do a traffic study, and hopes they notified the abutters. Homes aren't selling as fast as they were. She asked to preserve Nashua and consider who is living in the neighborhoods.

*\*\*\*Audio Feedback\*\*\**

Denise Muccioli, 6 Midhurst Road, Nashua NH

Ms. Muccioli said she is on the fence. She was at the Conservation Commission meeting, and there were some stipulations. There are animals of concern that will be scared away from the area. She is concerned about the fencing and whether animals will be able to get out. If you decide to use natural turf, you have to be careful with the lawn chemicals or ice melt. She is confused about the biggest wetland area and whether the public would have access to it.

Ms. Muccioli said she is adverse to the idea of trespassing. She said at any point in time they could not allow them to use the spaces. What happens when the 20 parking spaces are full? On a summer day there are cars all along Groton Road. Will they be allowed to use the other parking for Bishop Guertin? If people come to the games, will they take up the public spots? What are they using the state of NH land for? Why are they taking that land? If they're going to give us a right of way just give it to us, leave that land alone.

Ms. Muccioli asked what they are going to do with the gravel pit. She doesn't see anything on the plans that will be there the pit is. If someone gets hurt in the 20 parking spots, who is liable? They say they are giving back to the community with sidewalks, but a sidewalk will make it more dangerous for bicyclists.

Ms. Muccioli asked what would be used for trash storage. There are bears in the area and they don't want bears to get used to humans. There are animals in the area. She is concerned about the wetlands and whether people will still be able to use the wetlands.

Mr. Muccioli reiterated that she is concerned about the traffic. These are rural roads that can't handle that amount of traffic.

Jackie Callahan, 1086 Main St, Dunstable MA

Ms. Callahan said her biggest question is how they are gaining 4% green space. Is that 4% more permeable land? Are they losing trees? She feels it will increase flooding. She is trying to understand why the gravel pit wasn't repurposed for a field. She asked for an explanation of the design and green space.

Letter from Bill Cobb, 7 Jolori Ln, Nashua NH

Letter from Laura Witts, 107 Groton Rd, Nashua NH

Letter from Travey Coyle, 3 Larkspur Ct, Nashua NH

Letter from Stephanie Aubert, 22 Saturn Ln, Nashua NH

#### **SPEAKING IN FAVOR**

Don Whalen, 12 Lincoln Ave, Nashua NH

Mr. Whalen said most of the kids that are part of the sub-varsity sports are too young to drive and will need parental drop-off and pick-up or busing. He regularly goes to Bishop Guertin freshman and junior varsity games, and there is not a lot of people watching. He can't imagine there would be a ton of traffic.

Aaron Fitzgibbons, 22 High Pine St, Nashua NH

Mr. Fitzgibbons said it would help relieve the pressure on a lot of other fields around the city. There's a lot of scheduling and practicing at weird hours, and it can conflict with the city schools as well. If Bishop Guertin can use their own fields that frees up a lot fields for public schools as well

Letter from Beth Barba, 38 Tanglewood Drive, Nashua NH

Letter from Jaclyn Leonardi, 1 Butternut Dr, Nashua NH

Letter from Leslie & Lawrence Moo Young, 8 Governors Ln, Nashua NH

Letter from Warren Chen, Bishop Guertin student

Letter from Caitlin Pazzano, 72 Groton Rd, Nashua NH

#### **APPLICANT REBUTTAL**

Tom Zajac, Civil Engineer

Mr. Zajac said there were some questions about what has been prepared for traffic information to date. The initial study has been prepared, the Traffic Impact Report worksheet, which is the city's tool to evaluate whether further study is needed. He believes they have submitted a conservative analysis that shows a peak condition which may happen at most once or twice a year. They have worked with the city engineer and traffic engineer to identify a scope of further study that will look at the average or typical traffic and impact for this facility. They expect the majority of the traffic to come from Main Dunstable Rd to the highway. They see that as the main route for most of the traffic. They will evaluate key intersection as they work east, especially the intersection by Captain's Corner.

Mr. Zajac said the team at Vanasse & Associates were the traffic consultant for the middle school and are very familiar with the area and its impacts to the area. They are well equipped to provide that further study to the city for review and they are committed to solving any issues to their satisfaction. They do not anticipate any offsite improvements required, but they are committed to working with the city to satisfy their concerns.

Mr. Zajac said this is a seasonal use of the facility, and there will be little impact to the AM peak hour. Saturdays are the worst case scenario, and they are confident to solve any issues with the city engineer.

Mr. Zajac said in regards to light, they really like the location of the facility. Their lighting consultant is the one everyone goes to. They have good buffering for the site, and are tucked back away from Groton Rd. They have good buffers to the north and west. They are doing their best to maintain the large trees on the eastern side, and they have the Dunstable Land Trust to the south. It's a great location for this use in terms of potential impact to abutters.

Mr. Zajac said in regards to sound, he does not have a good answer on the PA system. Bishop Guertin anticipates minimal events after 8PM in terms of their normal operation. They want the lights and fields to be able to be used as the days get shorter. It's going to be a limited use of PA system. There are no grandstands, so the PA system is closer to the ground and can be directed toward the fields. It's not like Stellos stadium, where it's way on top and being projected from that height. There's no play by play or

varsity football. He said it will be fairly limited and benign due to the type of facility this is.

Mr. Zajac said there were a few questions about animal control and fencing. As they go through the NH Dept. of Environmental Services and Alteration of Terrain permits they coordinate with the NH Fish and Game. Almost any site in the southwest quadrant of the city has some kind of hit for types of snakes or turtles, so they're always coordinating with them and follow their lead.

Mr. Zajac said the fencing question came up with the Conservation Commission, and whether the perimeter fencing would go all the way to the ground or allow for passage underneath. Their wetland scientist answered the question by saying that they would defer to NH Fish and Game. Based on the critters that are out there, Fish and Game would make that determination. In the past he has been involved with a solar project in Nashua where they did raise the fence for wildlife in certain locations. Given the use onsite and that they are fencing in only the facility, not the wetlands, Fish and Game may prefer to keep the wildlife out so they don't get entrapped. They will coordinate heavily with the NHDES and Fish and Game.

Mr. Zajac said in regards to the lake trespassing wetlands question, as part of the project Bishop Guertin is committed to public access for parking and a trail connection. That will be a protected public easement granted to the city. He asked if the lake onsite or offsite. There is a lake in the Dunstable land. He said there will be no general access allowed to this site. It would be limited as a cut-through trail and parking.

Mr. Zajac said the gravel pit will be removed, and one of the fields will be within it. They have some cleanup efforts to restore some wetland buffers.

Mr. Zajac said that the state DoT piece of land is a remnant piece, an ugly survey matter that they are going to solve. The state was not aware that they owned this small sliver of land. The intent is to obtain an easement over it to allow them to use it as a driveway connection.

Mr. Zajac said that in regards to sidewalks, it is a high speed and highly traveled road. It's a state road, NH 111A. Folks will use it whether there is a sidewalk or not. By widening the road and providing a shoulder, they will enhance safety. People will use it either way.

Mr. Zajac said he doesn't know if they have coordinated with the city fully in regards to trash pickup in the public parking area. They will have to cross the T's on some of the maintenance discussions on who is doing what. Anything is better than what is currently there. Cars park along the streets and there are no trash receptacles. There is trash all over the place. Anything they do will help that.

Mr. Zajac said in regards to green space, there will be trees cut for this project. In terms of calculating the open space and from an impervious cover and runoff perspective, much of that gravel operation is considered impervious. They feel they are slightly increasing the open space. Either way, the proposal is well within the minimum requirements for the zone. Some of those gravel operations are right on top of wetlands right now, and they would be pulling back from that and improving that situation.

Mr. Varley said the question came up why they weren't repurposing the existing gravel area. He asked if they are utilizing the existing gravel hardpack for the fields and parking lot.

Mr. Zajac said correct. They are fully reutilizing that area and repurposing it. They are improving the area in relation to buffers and open space.

Ald. Klee said she is sensitive to traffic issues. She is concerned about a fully traffic study not being completed. They probably wouldn't be building until 2024, after the middle school is completed. If they did a traffic study now, would it change in impact by the time they start construction?

Mr. LeClair said generally they project those changes into the study.

Mr. Hudson said that is correct. They would be asking the applicant to build on the study done for the middle school, which is the latest information.

Ald. Klee said she believes that freshman and JV sports would have a low impact on traffic, and BG just signed a 10-year contract with Stellos. At this point she would like to know if there will ever be a plan to put a varsity game here. That could change the dynamic of everything. This does impact the lives of the nearby residents.

Ald. Klee asked about tree clearing.

Mr. Zajac said this facility as proposed does not contain the spectator seating necessary to support a varsity football event. If BG wanted to do so in the future, they would likely need to come back to the Board for modifications to the site plan. They are planning on having some varsity events like tennis or track, but football is the big spectator event and they would not be able to hold it here.

Mr. LeClair said any of those hard-scaped construction would require the applicant to come back. It would be outside of the plan.

Mr. Zajac said in the easterly portion of the site there would be trees cleared as part of the project. They went on a site walk with the Conservation Commission, which was great to see the site. There would be some tree clearing, but they are trying to protect some of the mature trees on the easterly side. To the north and west there is no tree clearing proposed.

Ms. Harper asked if the starting signal for the track would be a gun sound.

Mr. Zajac said he is told it is an electronic sound. It's been a while since he has done track.

#### **PUBLIC MEETING**

Mr. LeClair closed the public hearing and moved into the public meeting. He thinks this is an interesting development, and a good development for the site. They have seen a lot of other types of development out along there which are probably more impactful to traffic. He can envision a housing development here with hundreds of homes, which would have a much higher impact than proposed. It looks low impact based on the development they are seeing in other areas.

Mr. LeClair said that the cross connect between Main Dunstable and the conservation area is a pretty good thing, and they don't see many applicants make that kind of effort. They are building a parking area, and he doesn't remember the last time an applicant has done that. These are pretty big give-backs on the plan that they don't typically see. He has some concern about the lights and sound, but he is confident that if it is an issue within the ordinance, that is an aldermanic level. It's not out of the nature of a residential area for these types of sounds.

Mr. Varley said there are some really positive aspects of this plan. He can recall a conceptual plan a few years ago for a significant number of houses here. You could have a significantly more impactful development here. He thinks with the type of use here, that impact will be even less. He initially had concerns about the traffic, but given the practicalities of the site and comments from Engineering on the work that has been done around a traffic study scope and the conservative estimates, he is comfortable with the traffic analysis as a condition of approval. Based on testimony and what they have discussed he is comfortable.

Mr. Meehan said he agrees. They can't miss the central role that athletics plays in the mission of an institution like this. Their current facility has fields overlapping each other, and he can imagine that it is challenging to run their programs. This is an absolute need for the school. He was surprised there weren't more people speaking in support for it, as this is the lowest impact kind of use you could have in the neighborhood. He is grateful for the way that BG has set aside a parking area and is willing to create a trail easement. There are some traffic potentials, and anyone who has looked at the agendas can see it is a city issue. Relative to other developments in this space it is low impact.

Mr. Meehan said the future use element is interesting, and there are some issues that exist, but BG has made the best case that they can for being part of the community. He thinks BG will be open to future dialogue about how this facility is being used in the future. He feels very comfortable about it.

Ald. Klee said she appreciates the comments relative to the low impact, the parking lot, and maintaining access to the area. It is a great concession from BG and she appreciates it. She appreciates the speaker who brought up that it would free up city fields and the overlapping fields of BG. Being able to free up anything the city has would be a great thing. She understands that this is more low-impact than if a housing development were to go in here. While the city does need housing, she thinks this is a good positive for the neighborhood to have a field. It's a good selling point and bolsters real estate values more than housing. She has concern about the traffic, and as a city they have to keep this in mind. During these traffic windows traffic will have a larger impact on the residents nearby.

Ald. Klee said she understands that trash is in negotiation, but she has gotten phone calls from residents in Ward 5 about the trash at fields near Captain's Corner. It may sound not important, but

for residents it does need to be addressed. This will impact the neighbors and make the fields not look as good.

Ald. Klee said in regards to sound, she lives a mile away from the Pennichuck school and still hears practice sounds. The more trees there are, the less impact there is. They need to keep sound in mind.

Mr. LeClair asked in terms of traffic offsite improvements, what are they contemplating? This doesn't seem to be traffic signal levels. This seems to be maybe a turn signal at best.

Mr. Hudson said that is correct. They have discussed radar speed feedback signs to encourage lower speeds in the area. He envisions signage and maybe enhanced treatments for street crossing areas. They reserve the right to define what will be used based on the findings of the study.

Mr. LeClair said the applicant going forward in this manner puts the applicant at risk, not the city. They are agreeing to do whatever the study says needs to be done. It's not like the city is going out on a limb, the applicant is taking the risk. He is comfortable with it, and the level of impact doesn't seem to be major like adding lanes and signals.

**MOTION** by Mr. Meehan to approve New Business - Site Plan A22-0175. It conforms to §190-146(D) with the following stipulations or waivers:

1. The request for a waiver of § 190-279 (EE), which requires existing conditions to be shown onsite and 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), which establishes minimum parking standards including parking islands, 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 building architectural standards, 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- 89(A), which requires proposed lighting not to exceed 0.2 foot candles along all property lines, is granted, finding that the waiver will not be contrary to the spirit and intent of the regulation.

5. Prior to the Chair signing the plan, all comments in a letter from Joe Mendola, Senior Staff Engineer dated September 12, 2022 shall be addressed to the satisfaction of the Division of Public Works.
6. Prior to the Chair signing the plan, all comments in an e-mail from Mark Rapaglia, Fire Inspector dated August 30, 2022 shall be addressed to the satisfaction of the Nashua Fire Department.
7. Prior to the Chair signing the plan, the applicant shall perform a Phase 1 traffic impact study as discussed with City Planning, Engineering and Traffic staff. If any off-site improvements are identified as part of the study, the applicant shall prepare and submit design plans for staff review and approval.
8. Prior to the Chair signing the plan, the applicant shall prepare and submit easement documents and recordable plans showing a metes and bounds description and the location of the proposed public pedestrian easement to City staff for review. Upon approval, the easement document and plan shall be recorded at the Hillsborough County Registry of Deeds at the applicant's expense.
9. Prior to the Chair signing the plan, the applicant shall obtain all necessary approvals and/or easements to allow the proposed public and private access, utilities, signage, etc. upon the State-owned land along Groton Road.
10. Prior to the Chair signing the plan, necessary portions of Old Groton Road (1799 City layout) shall be discontinued through the Board of Aldermen process. Subsequent to the discontinuance, all final subdivision plans shall show the ROW as discontinued.
11. Prior to the Chair signing the plan, minor drafting corrections will be made.
12. Prior to the issuance of a building permit, building elevations for the proposed maintenance/locker room building shall be reviewed and approved by City staff.
13. Prior to the commencement of any site work, the State Alteration of Terrain (AOT) permit will be updated and approved.

**SECONDED** by Mr. Bollinger

**MOTION CARRIED 8-0**

**OTHER BUSINESS**

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

**MOTION** by Mr. Varley that there are no items of regional impact, with the understanding that staff would review case A22-0203 to determine whether it would be appropriate to notify the abutting municipality of Massachusetts

**SECONDED** by Mr. Meehan

**MOTION CARRIED 7-0-1 (Bollinger abstained)**

**DISCUSSION ITEMS**

Staff provided an update regarding a pending environmental assessment of the proposed Temple Street asphalt plant. The city is in the process of hiring an environmental firm, and has established a scope of work. Timing is approximately one month.

Mr. Durfee provided the Board with an update on the court remand of the Nashua Landing case.

Mr. Meehan led a discussion regarding citywide traffic.

**MOTION** to adjourn by Mr. Varley at 9:31 PM

**MOTION CARRIED 8-0**

**APPROVED:**

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Mr. LeClair, Chair, Nashua Planning Board

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Prepared by: Kate Poirier

Taped Meeting