

NASHUA CITY PLANNING BOARD
January 15, 2004

A meeting of the Nashua City Planning Board was held on Thursday, January 15, 2004 at 7:00 PM in the Auditorium at City Hall.

Bette Lasky, Chair conducted the meeting.

Members present were: Bette Lasky, Chair
 Ken Dufour, Vice Chair
 Mike Lowe, Mayor's Representative
 Ald. Richard LaRose, Ald. Rep.
 William Slivinski
 Hugh Moran

Also present: Roger Houston, Planning Director
 Mike Yeomans, Deputy Planning Manager
 Rick Sawyer, Planner III

APPROVAL OF MINUTES

December 11, 2003

MOTION by Mr. Lowe to accept the minutes of December 11, 2003, waive the reading, and place them on file.

SECONDED by Mr. Moran.

MOTION CARRIED 3-0, Mr. Dufour and Mrs. Lasky and Ald. LaRose abstained.

COMMUNICATIONS

Mr. Houston said the following items should be in the Board's folders:

Revised Agenda for tonight.

Memo to Mike Yeomans from Bill Keating on Town Fair Tire, asking that the request be postponed to the February 5, 2004 meeting.

Letter about the Christ of the King Lutheran site plan from an abutter at 9 Lutheran Drive in opposition.

Letter from abutter Lois & James Malone of 8 Jake Drive with concerns about the Christ of the King Lutheran site plan.

Letter to Mike Yeomans from Maynard & Paquette concerning the

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Stellos Industrial building at 248 Main Dunstable Road.
Letter from Richard Maynard to Mike Yeomans dated January 8, 2004 concerning the 12 Murphy Drive site plan, asking it to be deferred to the February 5, 2004 Planning Board meeting.

Memo and map, dated January 15, 2004 from Mike Yeomans to the Planning Board relative to the Riverside Properties on 5 Pine Street Extension.

Preliminary agenda for the February 5, 2004 meeting.

Latest version of Zoning and Subdivision Ordinances (blue cover).

A copy of the East Hollis Street Master Plan for Public Hearing on the February 5, 2004 meeting.

Mrs. Lasky suggested that the meeting for the East Hollis Street Master Plan start at 6:00 p.m., and that the regular meeting start at 7:30 p.m.

Mr. Houston stated that it is uncertain how much public testimony will be heard.

Mr. Dufour suggested that the meeting start at 6:00 p.m.

The consensus of the Board is that the next meeting will start at 6:00 p.m.

REPORT OF CHAIRMAN, COMMITTEE & LIAISON

Mr. Dufour said Capital Improvements had a meeting this week, and next Wednesday, and heard from DPW and the Fire Department.

Mr. Slivinski has been to two HDC meetings, of which both did not have a quorum. Members are needed for this Board.

Mr. Houston stated that three new members have been added.

Mrs. Lasky stated that you do not need to be a resident of the Historic District area to serve on that committee.

Ald. LaRose stated that the Personnel committee will be interviewing applicants for the HDC on February 5, 2004.

Mr. Lowe stated that the Planning & Economic Development Committee has not met yet, but will meet on January 29, 2004.

Mrs. Lasky went into the procedure of the meeting as follows:

After the legal notice of each site plan or subdivision is read by the Chair, the applicant or his representative will be given time to present an overview and description of their project. The applicant shall speak as to whether or not they agree with the staff stipulations.

The Board will then have the opportunity to ask questions of the applicant or staff. The Chair will ask for testimony from the audience, first anyone wishing to speak in opposition or with concern to the plan may speak. Come forward to the microphone and state their name and address for the record. This would also be the time to ask questions they have regarding the plan.

Next follows testimony coming from anyone wishing to speak in favor of the plan before the Board. The Board asks that both sides keep their remarks to the subject at hand and try not to repeat what someone else may have said.

After the public testimony is given the Board will discuss the issue and render their decision.

OLD BUSINESS - SUBDIVISION PLANS

None

OLD BUSINESS - SITE PLANS

None

NEW BUSINESS - SUBDIVISION PLANS

1. Alvin R. Bonnette Revocable Trust and Peter M. Bonnette Trustees, Marilyn A. Prolman Trust 1990, Marilyn A. Prolman, Trustee (Owners) - Proposed consolidation of 3 lots and resubdivision creating 3 lots, 291 Main Street, 10 West Otterson Street & 9 Belmont Street, Sheet 98 - Lots 2, 39 & 42, Zoned "GB/MU" General Business/Mixed Use.

Peter Bonnette, 39 Walden Pond Drive, Nashua, NH. Mr. Bonnette said he is co-owner of the property, and wishes to relocate some lot lines. For Lot number 2 on Belmont Street, there is a section of property that is owned by the Bonnettes, that goes through the

center of the garage on the Prolman property. There is a concrete retaining wall alongside the garage and the entire driveway. After purchasing the property, it was decided that this portion of the lot would be deeded over to the Prolmans.

He said that the other lot line relocation is the former Best Ford property, now used for adaptive reuse for four retail uses, with parking in the rear. There are six spaces in the rear of the building for 291 Main Street. There are 70 spaces utilized for the 10 West Otterson Street property. This lot line relocation request will allow additional parking for the front building, and better flexibility in the future for the back building.

Mr. Lowe asked Mr. Bonnette to point out the lots and buildings on the map.

Mr. Bonnette identified the Prolman house, Elm Street, Belmont Street, the garage, and retaining wall on the map. Also, he stated that he will put in a cross-access easement between the lots.

Mr. Lowe asked if the parking spaces would be marked.

Mr. Bonnette said they are already marked.

SPEAKING IN OPPOSITION OR WITH CONCERN:

No One.

SPEAKING IN FAVOR:

No One.

MOTION by Mr. Dufour to approve the plan for 291 Main Street, 10 West Otterson Street and 9 Belmont Street as presented, and that it complies with Section 16-108, with the following stipulation:

1. Prior to the subdivision plan being recorded the applicant shall submit an easement document for cross access and parking to the Planning Department and shall be recorded with the plan.

SECONDED by Mr. Lowe.

MOTION CARRIED 6-0.

2. WRS Realty, LLC, & Karen Y. & Paul E. Kerouac (Owners) - Proposed consolidation and lot line relocation, 593 & 605 Amherst Street, Sheet H - Lots 106, 107 & 123, Zoned "GB" General Business. POSTPONED TO FEBRUARY 5, 2004

NEW BUSINESS - SITE PLANS:

3. Town Fair Tire Center, Inc. (Applicant) WRS Realty, LLC, Paul E. Kerouac (Owner) - Proposed amendment to NR2007 for change of use from office and outdoor display to retail, and the demolition of the existing buildings and the construction of a 6-bay, 6,969 square foot retail tire building with associated access, parking and site improvements, 605 Amherst Street, Sheet H - Lots 106 & 123, Zoned "GB" General Business. POSTPONED TO FEBRUARY 5, 2004
4. Christ the King Lutheran Church (Owner) Proposed amendment to NR1505 for a 1,432 square foot addition to the existing church/school building, 3 Lutheran Drive, Sheet F - Lot 152, Zoned "R9" Suburban Residence.

Scott Harris, Christ the King Lutheran Church, Nashua, N.H. Mr. Harris said the proposal is to expand the fellowship in the back by approximately 1,400 square feet.

Mr. Dufour asked Mr. Harris to address the letters sent in, the first one about the commercial air conditioning unit.

Mr. Harris said that there will be no commercial air conditioning unit put in.

Mr. Dufour read the letter from Mr. and Mrs. Malone, 8 Jake Drive, dated January 9, 2004, which expressed concern of cutting trees, noise from the commercial air conditioning unit, and a tight working area, and asked that during construction that a fence be installed.

Mr. Dufour stated he was most concerned about the commercial air conditioner.

Mr. Dufour said that another letter, from Mr. Paul Lacorde, at 9 Lutheran Drive, who asked that this request not be approved. He stated that this addition is for additional business revenue, not religious reasons. The letter also states that there is concern

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about removing trees to expand the parking lot, and that this is in the middle of a residential neighborhood.

Mr. Dufour asked Mr. Harris if the parking lot is to be expanded.

Mr. Harris stated that they are not expanding the parking lot, and did have an arborist look at the trees, but only because of the age of the trees.

Mr. Dufour asked Mr. Harris about the claim that the addition is for additional revenue, and not for religious reasons.

Mr. Harris stated that the addition is for the congregation for meeting area, and to make the parishioners more comfortable.

Mr. Lowe asked about the fire pit, and if it is used.

Mr. Harris stated that it wasn't.

Mr. Lowe asked if there is access to the outside from this new area.

Mr. Harris stated that there is.

SPEAKING WITH OPPOSITION OR WITH CONCERN:

Sharon Sevigny, 8 Lutheran Drive. Mrs. Sevigny said she has no problem with the church, just the expansion. She said that the last time they came before the Planning Board when the church put the new addition on, that they were reassured that the only overflow would be on Christmas or Easter. Everything is an overflow, and they are parking on both sides of the street, block driveways, and they use my driveway as a turnaround. She does not understand why they would need to cut down trees. She does not want to be impinged upon, and believes the extra cars poses a hazard, and does not think the addition is necessary.

Robert Jungkman, 6 Lutheran Drive. Mr. Jungkman stated he has a couple issues with the request. Mr. Jungkman believed that from a site plan in 1988, facing the church, they had eight parking spaces on the left, eight parking spaces on the right, some in the middle, maybe thirty-six spaces, and then fifteen spaces in the front, and now they are changing the site plan to have sixteen spaces in the front and seven spaces on the right. Where are these extra spaces going to be placed, and will they be smaller? Mr. Jungkman also spoke to the people looking at the trees, and it was mentioned that they may be cutting them down to allow for another driveway. Since

he lives across the street from the church, he has a problem with the additional traffic.

Mr. Dufour stated that there is only one entrance to the site, and that is what is on the plan before them.

SPEAKING IN FAVOR:

Tim Kyle, 3 Chapel Hill Drive. Mr. Kyle stated that they have an active community, and the things that are provided in the evening both for young people in the congregation and community groups serve the community well. Mr. Kyle's observation that with the parking spaces that are available, that parking is necessary on the streets on Sunday. The extra room that is proposed will be welcomed for our gatherings and special events.

Mr. Dufour asked about the loop drive configuration.

Mr. Kyle said that that request is not being considered tonight.

Mr. Sawyer said that they have been exploring a future parking lot expansion in the front, or a loop drive, but that is not being considered tonight and will have to come back before the Board. Also, some trees for safety reasons may have to come down for safety reasons, sooner rather than later. They are not intending to clear cut the site, just to remove selected damaged or dying trees. Also, any future parking lot or driveway expansion or change in circulation will have to come back before the Board. Access to the back - there is a patio outside the back.

Mr. Lowe asked how they are going to access the addition.

Mr. Sawyer said there will be a pre-construction meeting, but is not aware how this will occur.

Mr. Lowe doesn't believe there will be a way to get in there.

Mr. Sawyer said the applicant should explain this.

Mrs. Lasky asked the applicant to explain these concerns relative to construction.

Mr. Harris said there will be minimal disturbance to the abutters.

Mr. Lowe asked which trees are going to be removed, the status of the chain-link fence, and asked about the topography.

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Mr. Harris said he will coordinate with the contractor, and will perform the work with minimal disturbance to the abutters.

Mr. Slivinski asked which trees will be cut down.

Mr. Harris said they are going to try to minimize the tree cutting.

Mr. William Kara, Merrimack, NH who is on the church building committee, showed the Board on the plan the area to be excavated, and how the trees will be hauled away. He has spoken to the abutters about leaving as large a buffer zone as possible. He said there is very little vegetation to be removed in the area.

Mr. Dufour said it's in the contractors best interest to make sure that they understand where the property lines are. Also, he asked the status of the curb cut on Broad Street, and whether it will be temporary or not.

Mr. Harris stated that the haul road will be temporary, and allowed to grow back.

Mr. Lowe asked about the chainlink fence, and whether it will be extended down to a farther corner or to the end of the schoolyard fence.

Mr. Harris stated that the schoolyard fence is about six to eight feet inside the property line, and it's not known whether it will be extended.

Mr. Moran asked about the trees on Lutheran Drive in the front.

Mr. Harris stated that there are no plans to remove these trees. This may be brought up in a future proposal, but is not to be considered with this request.

Mr. Slivinski said that they are sympathetic with churches and parking out on the street for Sunday morning services. He asked about other services during the week that may cause parking out on the street, and asked if the congregation is growing, which would further cause parking issues on the street.

Mr. Harris said that the worship space has not changed since 1966 or 1967. Also, the Sunday service attendance has risen slightly since then, but not much. The 1989 expansion was to accommodate additional classrooms, and they have since reorganized the Sunday school classrooms. During wintertime, they have some problems with snow storage, and occasionally have to rent a bobcat to push the

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snow further on the banks to have sufficient room for cars. During the evening during the week, he has not seen any cars parking on the street. The cars he sees parking on the street are Sunday morning, especially during Sunday school to the second service where there is an overflow.

Mr. Moran asked if they could inform the congregation about being more careful with the parking issues.

Mr. Harris said that would be an appropriate thing to do.

Mr. Dufour asked about the addition's elevation, and whether someone could walk out the back out onto a patio.

Mr. Harris stated that there is egress out the back.

Mr. Dufour asked if there is foot traffic to the rear of the building, you might be going out onto other people's property. He sees a three foot high chainlink fence on part of the Tessier's property, and Mr. Lowe's suggestion was that you place a fence on the whole back line, which may be required.

Mr. Harris stated that it would not be a problem to place a fence there.

Ald. LaRose does not recall cars being parked on the street, and does not see much of a problem during the week, but rather, on Sundays and holidays. He sees the expansion to make a better facility for what is there, but not to drum up additional business.

Mrs. Lasky asked if the parking spaces have been made smaller.

Mr. Kara stated that in 1989, the Board approved a plot plan which had 67 spaces. Since then, the parking lot has been recoated, and the stripes have worn away. Some of the parking stripes were left off, and their goal is to get it back to the original markings.

MOTION by Mr. Slivinski to approve the addition to the church, and that the plan does meet NRO Section 16-123, with the following stipulations:

1. Prior to any work being conducted, a pre-construction conference shall be set up with the Planning Department to review the overall details of the plan, also, with trees to be removed marked as such.

2. A fence be constructed along the northeastern property line.

SECONDED by Mr. Lowe.

MOTION CARRIED 6 - 0.

5. **17 Riverside Street, LLC (Applicant) Redmond Properties, LLC (Owner) - Proposed amendment to NR 1757 for a change of use to include medical office and site improvements, 17 Riverside Street, Sheet 75 - Lot 61, Zoned "PI" Park Industrial.**

Attorney Gerald Prunier. Attorney Prunier said the purpose of the plan is two-fold. One, to show that they are striping the front and putting in a ramp, for doctor's offices. The building is the former Brookstone building. The other purpose is to allow for medical offices in the building.

Mr. Lowe asked if they can double the amount of handicapped parking spaces.

Attorney Prunier agrees that it is a good idea, however, there are numerous buildings in the city with handicapped parking spaces that are never used. He said they will look into the situation and see if more can be put in.

Mr. Lowe said they should double the six handicapped spaces that are there, to twelve spaces.

Attorney Prunier believes that twelve handicapped parking spaces are far too much, but perhaps six or seven, and add couple more, is fine.

Mr. Lowe thinks that nine handicapped spaces should be there.

Attorney Prunier said eight spaces.

Mrs. Lasky said eight spaces.

Ald. LaRose believes the Board should be cognizant of handicapped spaces. There are different kinds of handicaps. People in wheelchairs need the extra space, however, others may have no noticeable disability, and may not need a regular type of handicapped parking space. He believes that a lot of the handicapped parking spaces are not built to the proper sizes, and are truly handicapped spaces.

Attorney Prunier agrees, and said that there is a ramp for people in wheelchairs. He said there is one of the wider handicapped parking aisles, and there should be another one. He said that the owner of the Christmas Tree Shop has inquired about additional handicapped parking spaces, and they have provided additional spaces.

Mr. Lowe asked about the second entrance to the building, where the brick walk and gas meter is. He asked whether this a regular access entrance to the building, because there are no handicapped parking spaces there.

Attorney Prunier said that it is not, it is a cafeteria.

Mr. Lowe said that when he went around the property to the back, he had to turn around, and it was difficult to do. He asked if there is any way that they can have a loop road around the building.

Attorney Prunier said that the present time, we are trying to get in the building. It is possible after purchase of the building, and when the interior renovations are underway, perhaps the new owners will like to have this.

Mr. Lowe said it is obvious that the back yard is a mess, and once you get there, you have a hard time getting out.

Attorney Prunier said there are about thirty doctors to make a decision. The loop road is the least of their concern at this time.

Mr. Moran asked if they are requesting a waiver of the recharge system.

Attorney Prunier said there is nothing being done at the present time, they are far away from everything.

Mrs. Lasky asked staff if there was anything to add.

Mr. Yeomans said staff has nothing additional to add.

SPEAKING IN OPPOSITION OR WITH CONCERN:

No one.

SPEAKING IN FAVOR:

No one.

MOTION by Mr. Lowe to approve change of use to include medical office and site improvements, 17 Riverside Street, Redmond Properties, and that it meets NRO Section 16-123 with the following stipulations:

1. Prior to the issuance of a building permit, a stormwater operation and maintenance plan shall be recorded.
2. Waiver of stormwater recharge.
3. Two additional handicap parking spaces shall be added, for a total of eight spaces.

SECONDED by Mr. Slivinski.

MOTION CARRIED 6-0.

6. **DGT Realty, LLC (Owner) - Proposed amendment to NR1531 for a 760 square foot second story addition to the existing 2,414 square foot building, 26 East Pearl Street, Sheet 35 - Lot 19, Zoned "RC" Urban Residence.**

Richard Maynard, Professional Engineer, Maynard & Paquette. Mr. Maynard said that this an existing office building on 26 East Pearl Street, where they propose to add a 760 square foot addition on the second story in the rear. It is a 7,800 square foot lot, and is in the RC zone, and was granted a special exception to enlarge the office use, and was granted a special exception to locate three required parking spaces in municipal lots. It is an existing CPA office, and they are attributing to enhancement of an older neighborhood.

Mr. Lowe said he is looking at a GIS map in which the plan shows eight spaces, and ten cars are parked there.

Mr. Maynard said the date of the map is "tax day", and there is on-street parking on East Pearl Street on both sides, some are metered and some have a two-hour limit, and there are between three and five spaces available at all times for short term parking. There is not a parking problem on the street.

Ald. LaRose asked if the addition is to make more office space or

to add more employees.

Mr. Maynard is said it is to add additional space.

Mr. Slivinski asked about the GIS photo, with all the parking spaces being taken.

Mr. Maynard stated that the photo was taken on "tax day", which is why the lot was full.

He also said there is parking on the street, and spaces are always available. He said a lot of their work is done "offsite".

Mrs. Lasky asked if staff had any comments.

Mr. Yeomans stated that there is nothing additional to add.

SPEAKING IN OPPOSITION OR WITH CONCERN:

No one.

SPEAKING IN FAVOR:

No one.

MOTION by Mr. Dufour to approve the site plan for a 760 square foot second story addition to the existing 2,414 square foot building, 26 East Pearl Street, and that it meets the requirements of NRO Section 16-123, with the following stipulation.

1. Prior to the issuance of a building permit a storm water operation and maintenance plan shall be recorded.

SECONDED by Mr. Moran.

MOTION CARRIED 6-0.

7. Athanasios C. Liakos Rev. Trust, Athanasios C. Liakos, Trustee (Owner) - Proposed demolition of the existing 3,136 square foot commercial/residential building and the construction of a 3,592 square foot office building with associated access, parking and site improvements, 21 East Pearl Street, Sheet 34 - Lot 14, Zoned "RC" Urban Residence.

Richard Maynard, Professional Engineer, Maynard & Paquette. Mr.

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Maynard said the building is an older structure, and the owner would like to remove the building and replace it with a similar sized building with parking in the front. They have already gone to the Zoning Board and received a special exception for office use in the RC zone, and also variances for parking - eight spaces provided, twelve spaces required, with one handicap parking space. The building will be a two-story building with an overhang in the front, either a two-foot or four-foot overhang. The building will be a garrison style. Currently, there is a wide open front area of pavement with parking. The proposed parking area will have a normal 24-foot wide entrance driveway, and will allow for landscaping on both sides. He said that part of the variances were for building setbacks on both sides and in the rear in order to get the building to fit.

He said they are also asking for landscaping waivers. According to the ordinance, the length of the frontage requires three trees, but only two can fit. This is one of the waivers. He said there really isn't space on the sides for the trees, but there is space for shrubbery, so we'd like to substitute that.

He said that the way that the front is configured, there is an ordinance that requires a planting area in front of every building. We'd like to get a waiver on that, too.

He said that with the new configuration, as it exists today, there is 15% green space. When we are finished with this project, it will have a 25% green space, which is a significant thing in our neighborhood. Right now this site has one tree, and all pavement and buildings, and this will substantially increase the green space for a much more attractive site. He said that slowly and surely sites are being improved in this neighborhood.

He said that with regard to the staff stipulations, he agrees with numbers 1 through 5, but number 6, the applicant declines on it, saying he is essentially building the same building, and spending a lot of money, with no increase in traffic flow.

He said that the rear of the building will be masonry, there won't be any windows due to Fire Code, and will be sprinklered. Fire-wise, the building will be an improvement to the neighborhood.

Mr. Moran asked about written communication with the Fire Department, and if they have agreed with their letter.

Mr. Maynard said that communications written by the Assistant Chief

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and that letter was the agreement reached with the Chief.

Ald. LaRose noticed that there was no trash receptacle, and asked how trash will be removed.

Mr. Maynard said it will be bagged and taken away by the cleaning crew.

Ald. LaRose said in a follow-up, with regard to Fire Department issues, the building will be a safer building. He asked about the parking spaces, whether they will be used for just employees, or for employees and clients.

Mr. Maynard said it is unknown how many employees will be at the building, but there will be spaces available for clients. He said that at this particular location, there are spaces available on both sides of the street, generally the farther you get away from Main Street, there are even more spaces available on both sides of the street. There are five to eight spaces available at most times.

Ald. LaRose asked what type of office use will be there.

Mr. Maynard said one will be a small real estate office, used by T.C. Liakos, and the others will be small business offices, perhaps with one or two or three people, maybe a sole practitioner lawyer or accountant, general business type office.

Mrs. Lasky asked if staff had any comments.

Mr. Sawyer said that stipulation number 6 can be left off.

Mrs. Lasky asked if the Traffic Department had any comments.

Mr. Dufour said that the Traffic Department has requested a voluntary contribution, which the applicant has declined.

Mr. Maynard said he thinks there are some inconsistencies here.

Ald. LaRose said the two trees make a lot of sense. He hopes that the property owner continues to take care of them. He said they should have pride in their property to maintain them.

Mr. Maynard said owner-occupied properties, when you have your own business there - it is great incentive to keep up with the maintenance.

Mrs. Lasky asked about landscaping along the building front.

Mr. Maynard said the building will have masonry and vinyl siding, and the garrison overhang with windows and shutters. He said John Rudolph is the architect designing the building.

Mrs. Lasky asked if staff had any comments with regard to the landscaping.

Mr. Sawyer said everything is being done as best as can with the site, given the ZBA approvals already achieved.

Mr. Slivinski asked if the parking spaces are under the overhang.

Mr. Maynard said that is correct, they will park right up next to the building.

SPEAKING IN OPPOSITION OR WITH CONCERN:

No one.

SPEAKING IN FAVOR:

No one.

MOTION by Mr. Lowe to approve demolition of the existing 3,136 square foot commercial/residential building and the construction of a 3,592 square foot office building with associated access, parking and site improvements, 21 East Pearl Street - and that the site plan agrees with NRO Section 16-123, with the following stipulations:

1. Prior to ANY work being conducted, a pre-construction conference shall be set up with the Planning Department to review the overall details of the plan.
2. Prior to a building permit being issued, final approval of the necessary covenants and easements for the storm water management system shall be obtained from the Planning Department and Corporation Counsel. The cost associated with the recording the document shall be submitted to the Planning Department and the document shall be recorded.
3. Prior to a building permit being issued, bonding for all public improvements, shall be submitted to and approved by the Engineering Department and Corporation counsel.
4. Prior to a building permit being issued, the plans shall

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reflect that the building shall have a sprinkler system, the rear wall shall be constructed to a three hour fire rating and have no windows.

5. With approval of the plan the landscaping waivers of Section 16-123 (f)(2, 3 & 4) are granted.

SECONDED by MR. Dufour.

MOTION CARRIED 6-0.

- 8. James K. Stellos (Owner) - Proposed amendment to NR 537 for a change of use of 8,000 square feet of the existing 17,600 square foot building from warehousing to retail, 248 Main Dunstable Road, Sheet 140 - Lot 5, Zoned "PI" Park Industrial.**

Richard Maynard, Professional Engineer, Maynard & Paquette. Mr. Maynard said that this proposal is a reuse of an existing industrial building along Main Dunstable Road, near Medicine World. The building is an existing 17,600 square foot building, erected in 1976 or so. It originally housed a section of Digital, known as DEC, with twenty R & D employees, and was there for approximately ten years. Most recently it was used for a warehouse and distribution center for JC Penney. The proposed use is for warehouse and distribution for a hockey equipment company.

He said that Attorney Prunier and himself went to the Zoning Board recently to get a variance to allow the front 8,000 square feet of the building for display and for occasional retail sales of hockey equipment only. He said it is a very specific use for this site.

He said the parking requirements for this will be forty-two spaces, and the Zoning Board granted a variance to use the existing twenty-five spaces. The owner expects four or five people per day come to look at the display of the equipment and/or to buy equipment. He said the retail is a very small part of the operation, it's just spread out over the 8,000 square feet.

He said as far as the stipulations it mentions a traffic contribution, but doesn't think that numbers 2 and 3 are applicable. The historical use of the building is an industrial building. He said that Digital occupied the building, and they are the higher traffic use. By taking that traffic use compared to the proposed use, you would be lucky to have one or two additional peak hour trips.

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He said that these specialty sporting goods retail uses are in a tough business to be in. They come and go, typically they last five to ten years until the craze goes down again, and then someone else will occupy the space, and the use will become temporary. He said that the Traffic Department suggested a \$5,000 traffic contribution for this building, which he objects to because we are not increasing the traffic use. Mr. Stellos has offered to donate \$1,000, but would like to know where it will be going towards. He prefers that it be earmarked to an improvement on Main Dunstable Road and any of its immediate intersections.

Mr. Dufour asked about the stipulations, and why there is an issue with number stipulation number 2.

Mr. Maynard said that stipulation states that warehousing is the base traffic number, which he disagrees with. He said that industrial R & D is. He said it in industrial building, and the proposed use is interim. If the economy was doing better industrially, Digital would still be in the building. He said that warehouse is not the historical use of the building, but rather, Digital and R & D is the historical use.

Ald. LaRose asked if the equipment is just for ice hockey, or street hockey or field hockey or other hockey equipment.

Mr. Maynard said it's just ice hockey.

Ald. LaRose said he just wanted to confirm that it's for ice hockey equipment.

Attorney Gerald Prunier said the use is just for hockey.

SPEAKING IN OPPOSITION OR WITH CONCERN:

Dave McCullough, 237 Main Dunstable Road. Mr. McCullough asked if the use is a temporary retail arrangement.

Mrs. Lasky said she didn't believe so.

Mr. McCullough said that this change will carry forward for years to come regardless of whether this tenant is here or not.

Mr. Maynard said it's only for the retail sale of hockey equipment.

Mr. McCullough asked if customers or kids would be coming to the

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store by their parents, or will it be other stores that will be their customers.

Mr. Maynard said it'll be some kids, some stores, some parents, but it's a limited market and a limited 150 day season. They'll be lucky to get three or four customers a day. It's an off-peak visitor time when the kids would be coming.

SPEAKING IN FAVOR:

No one.

Mr. Dufour asked about the contribution, and said that it was voluntary. He is inclined to drop stipulations number 2 and 3.

Mr. Slivinski said as this is a retail site, there could be some surprises. What is to keep the store from having Ray Bourque come there to sign autographs? Hockey is really on the upturn, and the action the store is going to get is unknown.

Mr. Dufour asked about the \$1,000 contribution, which was voluntary, and they wanted to earmark it for a certain location. We cannot earmark the money.

Mrs. Lasky asked how the amount came to be \$5,000.

Mr. Sawyer said it's in a memo from the Traffic Department. There was a figure on the last project as well, but the figures weren't put in the reports because they were still negotiating.

Mrs. Lasky asked if they were for any specific areas.

Mr. Sawyer said their memo said its towards the Main Dunstable traffic mitigation fund.

Mr. Lowe said that the junction of Main Dunstable and Northeastern Boulevard is supposed to be redone, and that would be the place where you would probably want to get as much as you can get, this is the chokepoint of the whole area. It was required of the Sunoco Station when they made improvements.

Mr. Dufour asked if such a fund exists.

Mr. Yeomans said that he spoke with the Acting City Engineer, Steve Dookran, who said the fund was set up.

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Mr. Maynard said traffic is looked at during peak hour impacts, and this use is nowhere near the commuter hour traffic impacts. He is not sure if they area going to have special events, but if they do, it is off-peak event, a midday event.

Mr. Dufour asked about the size of the retail area.

Mr. Maynard said 8,000 square feet of display and retail. He said the owner anticipates only four to five customer visits per day, that is all that is expected. He is a distributor/wholesaler.

Mrs. Lasky questioned the hours of operation, in which the application states Monday through Friday from 10:00 a.m. to 8:00 p.m. and Saturday from 9:00 a.m. to 5:00 p.m.

Mr. Maynard said those are typical retail hours.

Mrs. Lasky wanted confirmation on the use, whether its retail or wholesale/retail, and asked whether there are special hours just for retail customers.

Mr. Maynard said people are already there already, they won't have any special retail or wholesale hours. If someone is in the store, they will take care of them during their normal hours.

Attorney Gerald Prunier. Atty. Prunier said the applicant has four other stores, all in Massachusetts. This will be the fifth store. All of his distribution to the other stores will be from this location. So, not only will the store be a distribution center, but if a retail customer comes in, they can be taken care of, too.

Mr. Dufour said he finds it odd that there will be an 8,000 square foot store area, but only four to five customers are expected per day.

Mr. Maynard said the type of customers go to a place like this only once per season, they don't go once per week.

Attorney Prunier said this is getting blown out of proportion. He has a place right now off of Amherst Street, and was looking for figure skates, but they didn't have figure skates, and ended up buying the figure skates at Conway Arena.

Ald. LaRose finds it hard to believe they are only going to have between four to five customers per day. The other stores must have more that that per day.

Mr. Maynard said the other locations are purely retail stores, this location will be distribution with an occasional retail sale.

Mrs. Lasky asked if they will have large trucks or vans for deliveries.

Mr. Maynard said it will be the larger vans, not tractor trailer trucks. However, the site is set up for tractor trailer trucks if necessary.

Mr. Dufour said that they represented a proposal, and if issues come up that are different, it'll have to be brought up again.

Mr. Lowe said that a stipulation could be added that if there is insufficient parking, they can open up the back lot area, in which there is room for maybe twenty parking spaces.

Mr. Maynard said they could put twelve spaces there. If they need to, they could. If there's a problem, staff will notify them, and if we're not receptive, we'll have to take it back to the Board.

Mr. Slivinski said he agrees with Mr. Dufour, based upon what was represented at the meeting. He said about the traffic contribution, it is voluntary, and if they want to do it, we should accept it.

MOTION by Mr. Dufour to approve the amendment for a change of use of 8,000 square feet of the existing 17,600 square foot building from warehousing to retail, 248 Main Dunstable Road, and that it complies with NRO Section 16-123, with the following stipulations:

1. Prior to the issuance of the certificate of occupancy the storm water operation and maintenance plan shall be recorded.
2. The applicant shall contribute \$1,000 to the Northeastern Boulevard/Main Dunstable Improvement fund.

SECONDED by Ald. LaRose.

MOTION CARRIED 6-0.

9. **White Family Ventures, LLC (Owner) - Proposed amendment to NR1980 to show multi tenant, mixed use office and**

manufacturing, new 3,600 square foot loading/receiving area with overhead doors, increased open space and associated site improvements, 12 Murphy Drive, Sheet 140 - Lot 60, Zoned "PI" Park Industrial. POSTPONED TO FEBRUARY 5, 2004.

10. Custom Manufacturing Services, Inc. (Applicant) B.D. & P. Association, LLC (Owner) - Proposed amendment of NR1379 for a 2-story, 14,432 square foot addition with associated access, parking and site improvements, 235 Main Dunstable Road, Sheet E - Lot 111, Zoned "PI" Park Industrial. Previously approved by the Planning Board on February 20, 2003.

Mr. Steven Auger, Project Manager, Hayner Swanson, Inc. Mr. Auger said the owner, Susan Beem, is in the audience tonight. On February 20, 2003, Planning Board approval was received for a two-story, 14,432 square foot building addition for a manufacturing and warehouse use along with associated site improvements. We are requesting a one-year extension to the approval.

He said the current site is located at 235 Main Dunstable Road. The addition to the building will be on the back of the lot. The whole area is currently paved, and a portion of the pavement will be ripped up for the addition.

He said the plan before the Board is the same as what was presented at the February 20, 2003 meeting. There are no additional improvements proposed for this plan. Also, the one stipulation from the previous plan has been incorporated into the notes for the current plan.

Mrs. Lasky asked if staff had any comments.

Mr. Yeomans said that staff has nothing additional to add.

SPEAKING IN OPPOSITION OR WITH CONCERN:

Dave McCulloch, 237 Main Dunstable Road. Mr. McCulloch asked if there are any environmental issues as far as emissions from any of the work that is going on with the addition, and if so, how will it be dealt with. Also, how is parking going to be handled, and will there be an increase in employees.

Mr. Auger said for the parking, a total of 44 spaces are required, and 51 spaces are proposed, including three handicap parking spaces, so we are seven spaces over the minimum requirement.

He said that the owner, Susan Beem, should answer the environmental questions.

Ms. Susan Beem, Owner. Ms. Beem said that they don't anticipate more than another five or ten employees, tops. There are 34 employees now. The space is very crowded, every inch of space is being used now. The second floor is basically for storage and warehouse, we will put a stockroom up there.

She said they do assembly work on electronics. There are no emissions, or dumping, or chemicals.

SPEAKING IN FAVOR:

No one.

MOTION by Mr. Slivinski to approve the site plan for a building addition for B.D. & P. Association LLC (Owner) - 235 Main Dunstable Road - a one year extension to a plan that was approved by the Board on February 20, 2003, with the following stipulation:

1. Prior to a certificate of occupancy being issued all site work including final paving and landscaping shall be completed.

SECONDED by Mr. Lowe.

Ald. LaRose asked how many extensions a proposal may have.

Mr. Houston said that several years ago, the Board made a general policy that they could allow two or three extensions.

Ald. LaRose requested that staff research and confirm this issue and confirm it, and send the applicant a letter in the approval letter.

MOTION CARRIED 6-0.

OTHER BUSINESS

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

MOTION by Mr. Dufour finding that there are no proposals of

regional impact on the tentative agenda.

SECONDED by Ald. LaRose.

MOTION CARRIED 6-0.

DISCUSSION ITEM:

**1. Riverside Properties, Nashua - Personal Service establishment
- Pine Street Extension.**

Peter Bonnette, P.M. McKay Group. Mr. Bonnette said the property they occupy is 5 Pine Street Extension - #6 Mill Annex. He said it is a unique property, in that it will have frontage on the Broad Street Parkway. He said they have moved there well in advance of this happening, and they are in a back yard on a peninsula between the Nashua River and the canal.

He said the City, along with the State of New Hampshire, has demolished the Berdin Gould building, which was a significant structure, that had been there for over one hundred years, and came down about two weeks ago. They are still in the process of filling in the hole.

He said what they have is two buildings. One is 70,000 square feet, and the other is 44,000 square feet. He said that they occupy 22,000 square feet with one other tenant on the first floor in one building, and the other building with 70,000 square feet, one-third on the north side is fully occupied, and a small portion on the south side is occupied by the New Hampshire Department of Probation and Parole, leaving on the south side of the 70,000 square foot building a good sized area.

He said they have not tried to develop that side of the property because of the restrictions with the Berdin Gould building being in the way, but now that that building has been demolished and the subsequent area being filled, it opens up the ability for leasing the property and having the parking that will be required.

He said that a tenant was proposed about a month ago for "warm yoga" in a different building. It is a unique use, the only one that will be in Nashua. They heat the room up to 100 degrees, and it is concerned with the flexible side of yoga. This tenant has been pursuing a location in Nashua, and this location seems to fit their needs.

He said when they went through the approval process in 2002, to get

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NH Probation and Parole in the building, which is a mixed use overlay zone, they tried to anticipate the uses that could go into the building in the future, such as warehouse distribution, showroom retail, church, cabinet manufacturing, a laser repair business, including our own 5,000 square foot showroom. There is very little industrial use. There really was no personal service use, which is what the yoga studio would be. Therefore, the request is for the Board to allow staff to review this use administratively.

He said that P.M. McKay Group and Riverside Properties have decided to donate 3,500 square feet of space to the Nashua Area Artists Association for use as a gallery on the second floor of the facility. He said this use will be a great addition to the building. He also mentioned the type of artists that will be occupying this space.

Mr. Lowe asked where the Broad Street Parkway will be going in relation to this property.

Mr. Bonnette indicated on a map where the Broad Street Parkway will be going.

Mr. Lowe asked if the Broad Street Parkway will be taking away any parking spaces.

Mr. Bonnette said that the new Broad Street Parkway has been reduced to two lanes, and they are still doing some engineering studies on it. He pointed out an area where it is part of the 70,000 square foot building and it shows a preliminary scheme where an additional 44 parking spaces could go. The State had started negotiations to demolish this two-story section of building. He said if the State takes it, that becomes parking area. Part of the negotiations that we have had with the State in anticipation of them taking this part of the building is that they would also be transferring the ownership of this land to the State city as part of the eminent domain taking of our property.

Mr. Lowe asked if the Board is acting on just the yoga studio.

Mrs. Lasky said that they are asking if it [both uses] can be done administratively.

Mr. Bonnette said that he plans on getting together with staff for a tour of the facility.

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Mr. Lowe said if staff thinks it needs to come before the Board, then staff will see that it does.

The consensus of the Board is that this may be done administratively.

Mrs. Lasky said the next meeting is February 5, 2004.

Other

Mr. Dufour said he wants to go over the Stellos Stadium parking issues. He thinks they did an outstanding job this year with traffic and parking issues, as it is an overwhelming task, and believed they did an excellent job. He said the plan submitted by DPW was executed well.

ADJOURN

Mr. Lowe declared the meeting adjourned at 9:15 p.m.

APPROVED: _____
Bette Lasky, Chair, Nashua City Planning Board

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