

NASHUA CITY PLANNING BOARD  
March 18, 2004

A meeting of the Nashua City Planning Board was held on Thursday, March 18, 2004 at 7:00 PM in the Auditorium at City Hall.

Bette Lasky, Chair conducted the meeting.

Members present were:       Bette Lasky, Chair  
                                  Mike Lowe, Mayor's Representative  
                                  Ken Dufour, Vice Chair  
                                  Ald. Richard Larose  
                                  Steve Dookran, Interim City Engineer  
                                  William Slivinski  
                                  George Torosian

Also present:                   Roger Houston, Planning Director  
                                  Mike Yeomans, Deputy Planning Manager

**APPROVAL OF MINUTES**

**February 19, 2004**

**MOTION** by Mr. Lowe to accept the minutes of February 19, 2004, waive the reading, and place them on file.

**SECONDED** by Ald. Larose.

**MOTION CARRIED 6-0-1, Mr. Torosian abstaining**

**March 4, 2004**

**MOTION** by Mr. Lowe to accept the minutes of March 4, 2004, waive the reading, and place them on file.

**SECONDED** by Ald. Larose.

**MOTION CARRIED - 5-0-2, Mr. Slivinski & Mr. Dufour abstaining**

**COMMUNICATIONS**

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

The only thing the Board has is the technical review agenda to determine regional impact for the next meeting which is scheduled for April 15, 2004.

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There was some discussion about how long the meeting of April 15 might run because of the number of listed items and whether they should schedule some of the items for another night. Mr. Yeomans said the Board had seen a lot of the items previously and he didn't believe it would be necessary. All but one of the items will proceed.

**REPORT OF CHAIRMAN, COMMITTEE & LAISON**

Mr. Dufour thanked the Board for sending a favorable recommendation on Capital Improvements to the Board of Alderman.

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**

None

**NEW BUSINESS - SITE PLANS**

- 1. Mary Ann Picard (Owner) - Proposed amendment to NR 1101 for a change of use from an assisted living facility to professional office and to show 1,500 square foot, second story addition to the existing building with associated access, parking and site improvements, 381 Main Street, Sheet 109- Lots 7-9, Zoned "RA" Urban Residence.**

Tim Watson, Cuoco & Cormier Engineering, Nashua. Mr. Watson said the proposal is to add a 1,500 square foot addition to the second floor of the existing building which was a former nursing home. Expanded parking will be provided. The use will be changed to a professional office building. The existing garage would be removed. A gated emergency access aisle will replace it.

He said the Zoning Board of Adjustment granted a variance to allow the professional office use as well as a variance to reduce the open space.

He said they have mitigated the drainage from the new proposed pavement with an underground detention system. He said there is no new proposed lighting.

Mrs. Lasky asked Mr. Watson to go through the traffic pattern.

Mr. Watson referred to the plan and said the main entrance is off of Main Street. He pointed out the location of the gated access. Off of Stevens Street there is a 10' easement that will provide access to the three spaces in the rear of the site.

Mrs. Lasky asked if that easement would be paved.

Mr. Watson said it is already paved. He said Lot 16 also used this to access their garage.

Mrs. Lasky said it appears that the entrance to the building would be through the rear.

Mr. Watson said this is an employee entrance. The main entrance will remain where it is now. Part of the stipulation from the Zoning Board is that there be a right turn only out of the parking lot.

Mrs. Lasky commented that the site has been difficult to get out of

for a very long time. There is a telephone pole that is right there and there is a curve in the road. She asked if there was anything else they could do.

Mr. Watson said they are planning to get rid of two pine trees. He showed the location of these trees. He said they are hoping that will alleviate some of the problem. He said the best thing they can do is to leave it as a right turn only. It is an existing site so there isn't much else they can do.

Mr. Lowe asked if there might be a chance they could remove about 3' of the hedge at the exit to help with the view from the site.

Atty. Gerald Prunier. Atty. Prunier said they do not have a problem removing this.

Mr. Slivinski said the memo from staff indicates that site parking appears to have been expanded. He asked if that means the site plan was not followed.

Mr. Yeomans said it was hard for him to tell because he saw it in the snow, but it looked like the graveled area had been expanded back beyond the existing site plan. He said this plan would correct any site deficiencies.

Mr. Slivinski said the site requires twenty-one parking spaces and there are twenty-one provided. He asked about the first parking space on the left side off of Main Street. He said it looks like it cuts right into the driveway. Getting in and out of Main Street is not a good situation and he wondered if this should be there.

Mr. Watson said as you are coming in, it is the rounding of the curb. He said this would probably be the last space that would be used. There is still a 20' aisle. There is plenty of room for cars to pass.

Mr. Slivinski asked the distance between the multi-family house on the right and this building.

Mr. Watson said five or six feet.

Mr. Slivinski asked if the proposed addition is going to be offices that would be used during the daytime.

Mr. Watson said "yes."

Ald. Larose said he noticed the stipulation from the Zoning Board concerning a right turn only. He asked how he would go north if that were what he wanted to do. He believes people will take a left turn out of the site or go across to Dickerman Street.

Atty. Prunier said they are trying the best they can to stop this from happening. He said they are hoping most people will see that it might take a long time and just go ahead and take the right hand turn, go down to the round-about and come back to travel north.

Ald. Larose said there isn't an ordinance that states you can't take a left turn from the site. Even though there might be a sign posted to take a right turn only he isn't sure that there is anything to back it up as far as the Police are concerned.

He said on the site plan in between this building and the one on Stevens Street it shows a potential stockade fence. He asked if that is going to happen or not.

Mr. Watson said it is.

Ald. Larose asked if the abutter wants this. He asked if this would hamper the Fire Department in the event of an emergency or if there needs to be work on either building if it would cause a hardship.

Mrs. Lasky said it would help to delineate what belongs to what.

#### **SPEAKING IN OPPOSITION**

No One.

#### **SPEAKING IN FAVOR**

John Picard, 381 Main Street. Mr. Picard said this building was bought when it had been empty for about two years. It was in disrepair and a lot of money has been put into it. Now they are at this point where an additional amount of money is going to be spent.

He said the reason for the fence is that the neighborhood is in a little bit of disrepair and the people have been cutting through and taking a short cut through the site. They want to stop this from happening.

He said as far as the right turn is concerned, the new roundabout is approximately 1/4 of a mile from the site. He said he didn't

think it would be that much of a problem. He said they are taking some of the trees out and the lot will be professionally landscaped. This site will be a real plus for the neighborhood.

Mr. Watson said they are requesting a landscape waiver because a corner of the dumpster pad encroaches into the 5' landscape buffer. He said they could have slid it over to meet the requirements, but they are trying to provide the best emergency access they can. They are also removing the existing garage which is encroaching into the buffer already. They are improving the situation.

**MOTION** by Mr. Lowe to approve the site plan for 381 Main Street with the following stipulations:

1. Prior to the issuance of a building permit a storm water operation and maintenance plan shall be recorded.
2. Prior to the issuance of a building permit a voluntary contribution in the amount of \$1,000 shall be submitted to the Planning Department as outlined in the letter from John Picard dated February 24, 2004 and forwarded to the Division of Public Works for deposit into an approved account.
3. With approval of the plan the landscaping waivers of Section 16,123(f) (2 & 4) are granted.
4. Trash pickup shall only occur during regular office hours and not prior to 7:00AM.
5. This plan is subject to compliance with all conditions of approval by the Zoning Board of Adjustment and Planning Board.
6. Remove 3' of hedge at the entrance on the right with staff's discretion.

**SECONDED** by Ald. Larose.

**MOTION CARRIED 5-1, Mr. Slivinski opposed**

2. **Nashua Assoc. For the Elderly, Inc., City of Nashua & Peter W. Tamulonis (Owners) - Proposed site plan amendment to NR 977 for the demolition of the existing Senior Center building and a single-family residence, and to construct a 2-4 story building containing a 22,800 square foot Senior Center & 43 units of**

**elderly housing and associated access, parking and site improvements, 70, 76, 84 & L Temple Street, Sheet 34- Lots 21, 30, 76, & 77, Zoned "RC" Urban Residence.**

Earl Blatchford, Hayner/Swanson, Project Surveyors & Site Engineers. Mr. Blatchford said this project is a cooperative project between Southern New Hampshire Services, the Nashua Senior Center, and the City of Nashua.

He said the project site consists of the four lots that were mentioned. The City currently owns two of the lots and one is under agreement with the City. That one is a single-family residential lot. The fourth lot is the lot containing the existing senior center.

He said the total site area is just over three acres. It fronts on Temple Street. He showed the intersection of East Pearl Street. He said it also has frontage on the corner of Temple Place & Cottage Avenue. Directly to the north is the Nashua River. He said all four parcels are zoned "RC."

Mr. Blatchford said currently there is a single-family residence on one lot. He pointed out its location on the plan as well as the location of the existing senior center. He showed the area where there is an existing playground. He said there is a substantial paved parking lot which wraps around the senior center with well over 100 parking spaces.

He said the proposed redevelopment of the site consists of a single building which will have two functions. It will house a two-story senior center which will consist of 23,750 square feet and the remainder of the building is a proposed four-story, 43 single bedroom elderly apartments.

He said they are proposing two entrance drives off of Temple Street and also a gated emergency access off of Cottage Avenue. This has been reviewed by the Fire Department and they have signed off on it.

Mr. Blatchford said they have two proposed parking areas. The one on the right side of the building will service the elderly apartments. The larger lot on the other side of the building will serve any additional parking needs for the elderly apartments, but primarily the senior center. There is some parking accommodation for the playground area. There are existing municipal lots. They are proposing a total of 148 parking spaces.

He pointed out a loading area and a delivery area on the plan. He

said the building has seven entrances and separate utility services from the street. They have separate sewer and separate gas, power, and communications.

He said the present parking area has a closed drainage system. The drainage is collected by catch basins. It is presently untreated. It discharges to the river. There is also a large drainage pipe that goes through the site which collects storm water from a large portion of the City street system around the property. They are proposing to completely reconstruct the drainage. He said they have a small system (he showed the location) which has a series of catch basins which collect the water. It connects to a Vortech storm water sedimentation pre-treatment chamber. They are taking advantage of the existing drainage system and connecting to it. It already has the established outfalls at the river. He said on the other side there is a series of catch basins to a larger Vortech pre-treatment system. They are tying into the other system at the top of the bank and taking advantage of the existing outfall.

He said along the rear of the site, along the top of the riverbank there is a proposed river walk. This has been incorporated into this project. This is one segment of a Master Plan.

Mr. Lowe said there is an existing walk from the location of the sharpening store further down Temple Street all the way up to the Library.

Mr. Blatchford said there is a sewer interceptor that runs along that bank. When they constructed that they created a "bench" so there is an existing path. There will be connections to it in the future.

Discussion ensued.

Mr. Dookran said the Zoning Board had asked that they look into making a connection between the senior center and the lower trail. They asked that it also be handicap accessible. He said they studied it and it turned out to be very costly.

Mr. Blatchford said he thinks the proposal is a segment of the river walk, but that there are other segments that are in the works and beyond the purview of the Planning Board.

He said a corner of the river walk encroaches into the 75' wetland buffer of the Nashua River. They appeared before the Conservation Commission on February 17 and requested permission to have up to 1,000' of permanent disturbance in that corner. The Board voted in favor of that request.

He said they went to the Zoning Board on February 24 for three special exceptions. One of the requests was for that same buffer encroachment. The second request was for an expansion of a membership club (senior center) and the third request was for the senior apartments. The Zoning Board approved all these.

He displayed a rendering of the building to the Board. It is a single building, but has two separate functions. In the foreground is the two-story senior center. It has a flat roof with a parapet wall that runs around the perimeter of the roof. It has a gabled portico shared entrance feature at the main entrance. Along the left side in the background there is the four-story building. It has a gabled roof, dormers, and multi-pane windows. There is basically clapboard siding on the main portion of the senior apartments with shakes up in the dormers. There is predominately shake siding on the senior center. There are some stone columns and some accents along the lower portion of the senior center. Both buildings are fully sprinkle red.

Mr. Dookran referred to the storm water report and the table that reflected the values - .23 and .60. He asked if these were correct.

Mr. Blatchford said they are. He said this is 24-hour storm.

Mr. Dookran said there seems to be something wrong with the numbers.

Mr. Dookran said this is for a 24-hour storm, not a five-minute storm.

Mr. Dookran asked where the treatment for the storm water is located.

Mr. Blatchford showed the area where there is an existing diversion chamber with an aluminum hatch and a manhole. He said there is a large 54" pipe that runs through from the street system. He said they are tying into the manhole.

Mr. Dookran asked if they had looked into any innovative measures for treating the storm water within the site.

Mr. Blatchford said they are doing basically what the City has done in using similar type technology. It is a Vortech unit. He

said as far as detention goes in their mind it doesn't make sense to detain because they are right at the river and there's a large watershed. If they were to provide detention they would basically be holding their site water back waiting for a larger slug to come downstream. They are looking at their peak rates at the river and they are going to be lower if they let their site runoff through the head of the peak from the larger system.

Mr. Dookran said if the numbers in the report are correct Mr. Blatchford is correct. He has been under the impression that if you are next to a water body that is when you should try to retain it so that it goes into the ground.

Mr. Blatchford said there hasn't been an in-depth geo-hydrological study on the site. The assumed movement of the water is to the river and that is where the water table in this area is moving.

Mr. Dookran asked about asbestos.

Mr. Blatchford said it has been recommended that they don't infiltrate water on this site because there is asbestos buried out here in some locations close to the riverbank. He said it's not their recommendation that they do storm water infiltration.

Mr. Lowe said that anything in the area of Johns Manville should be checked for asbestos. They really don't want to put water into the asbestos and then into the river.

Mr. Dookran said there is no doubt that there is asbestos. It is a DES site. He said he didn't think groundwater would carry asbestos where the asbestos is a solid and groundwater moves slowly.

Mr. Blatchford said it depends. You can get asbestos in all different forms - solid, friable, and finer. Anything that's finer is potentially going to be carried by the groundwater. He said they are not increasing impervious by much on this site. There is already significant impervious here. He said they looked at this and they aren't creating much of an increase. They are adjacent to the river so based on common practice it doesn't make sense to try to first try to detain the storm water and hold it back waiting for a larger peak where they would likely have higher rates of discharge at the river than if they let it go immediately. Their primary concern was pre-treatment. What they are achieving is much better than what they have on the existing site. Their primary concern was groundwater quality and then there is the infiltration component of the regulations for which they have asked for a

waiver.

He said usually they do storm water infiltration to help recharge that water table in the watershed and to mitigate downstream impacts. It is their opinion that in that case they would not get either benefit. Basically the ground water is moving to the river so its going right to the river and there won't be any benefit of recharge to the watershed. Their other concern is the buried asbestos. Their concern is whether there is a potential for infiltrated storm water to cause loose friable asbestos to migrate toward the river. They don't think there are any major benefits to infiltrating storm water.

Mr. Dookran said one benefit of infiltration is to recharge the ground water. He said during the dry months they see two low levels in the area. Groundwater isn't really traveling fast unless it's going through sand. He said infiltration will reassure them of better river conditions in the dry months.

Mrs. Lasky said the stipulation that the Conservation Commission refers to no salt being used on the river walk. She asked if this is shown on the plan.

Mr. Blatchford said this is something that they have agreed to.

Mr. Lowe said one of the staff stipulations (#4) indicates that it is subject to compliance with all conditions of approval, including Nashua Conservation Commission, Zoning Board of Adjustment, etc.

Mr. Yeomans said nothing is ever hurt by clarifying the stipulations.

Mr. Dookran said there was testimony that they were going to be adding a connection between the walkway and the emergency access.

Mr. Blatchford pointed out the location of an existing sidewalk in front of the playground. He showed the area where the connection would be made. There is some play equipment that would have to be relocated.

Mr. Dookran said one of the things about play equipment is that when they are positioned you have to give adequate fall zones. He said they will have to work with the Parks Department to work this out.

Mr. Blatchford said these have to be looked at.

Mr. Dookran said during construction they will have to make provisions for the closure of the park because they won't want kids there due to the asbestos. This should also be a matter for the Parks Department to be involved in.

Mr. Blatchford agreed.

Mr. Dookran said there is a significant retaining wall 6' in height. He said it looks like the walkway goes right over the wall.

Mr. Blatchford said that wall is going to be demolished as part of this proposal. There is another new proposed wall shown on the plan. He showed its location on the plan.

Mr. Dufour asked if there are standards that are followed when it comes to the asbestos when they are doing work in and around it.

Donna Lee Lozeau, Shore Drive, Representing Southern New Hampshire Services. Mrs. Lozeau said they have yet to have a project in Nashua that hasn't had asbestos. He said HUD has actually altered its rules for their housing based on the Ledge Street Davidson Landing site. Prior to their grant going into HUD they had to demonstrate what the plan would be as it related to the asbestos on the site. It had to meet with their approvals, which are at a minimum, what the local approvals are and then some.

She said they currently have three different contractors involved with the site. The part of the retaining wall located behind the "Tamulonis" property - (tape change).

She said there is asbestos approximately 60' down on the site. They will be doing construction remediation instead of cleaning out the site. They will only do what is necessary in order to be able to build the building. There will be pylons that will go down into the ground in order to do that. They have taken the playground as well as the river area into consideration. She said based on this plan the site will be much safer than it is now.

She said the parking lot was in a larger document presented for upgrading of all downtown parking areas. The City will still own the site. She said what they are doing is equal to or greater than what was going to be done to the parking lot.

**SPEAKING IN OPPOSITION OR WITH CONCERN**

No One.

**SPEAKING IN FAVOR**

Ms. Lozeau said this is a unique public/private partnership that is going on. The City will maintain ownership of the entire site. They will maintain ownership of the senior activity center and they will have a condominium agreement with the housing side of the building. This is in compliance with the Downtown Master Plan. She is hopeful that everybody thinks this is a good project and is something that the whole community will benefit from.

**MOTION** by Mr. Lowe to approve the site plan for Nashua Assoc. For the Elderly, Inc., City of Nashua, & Peter W. Tamulonis at 70, 76, 84 & L Temple Street, Sheet 34 Lots 21, 30, 76 & 77 with the finding that the site complies with Section 16-123, approval of waiver Section 16-123(8) for waiver of ground water discharge and with the following stipulations:

1. Prior to any work being conducted a pre-construction conference shall be held with City staff to review erosion control measures, demolition, and other construction requirements. Erosion control shall be put in place prior to the start of construction.
2. Prior to the issuance of the building permit the storm water operation and maintenance plan shall be recorded.
3. Prior to the issuance of the building permit all lots shall be merged or consolidated by plan and be recorded.
4. This plan is subject to compliance with all conditions of approval including the Nashua Conservation Commission, Zoning Board of Adjustment, Planning Board, and Fire Department and the New Hampshire Department of Environmental Services.
5. Per the memorandum dated March 3, 2004 from Susan Klasen, the applicant shall submit a final sign package to the Division of Public Works for review and approval prior to construction.
6. No salt to be used on the river walk.

**SECONDED** by Mr. Dufour.

**MOTION CARRIED UNANIMOUSLY**

**OTHER BUSINESS**

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

**MOTION** by Mr. Dufour with a finding that there are no proposals of regional impact on the tentative agenda.

**SECONDED** by Mr. Lowe.

**MOTION CARRIED UNANIMOUSLY**

**Discussion Item**

Mr. Yeomans said the Planning Staff will probably see a request from the Board of Education on their April 15 agenda for a waiver from the stipulation for the use of Stellos Stadium so that the Drum & Bugle Corp (Spartans) can use it as part of the July 4 ceremonies. They will probably follow the same format as they did previously.

Mrs. Lasky asked if the abutters have been or will be notified.

Mr. Yeomans said they will be.

Mr. Lowe asked that Mr. Dookran review the water flow on the site for the proposed Wal-Mart site. He said he sat through three hours of discussion and there was only one person in favor.

Mr. Dufour said the Board is supposed to discuss the next phase of the East Hollis Street Master Plan.

Mrs. Lasky said they did. She said they had a workshop after their last meeting.

Mr. Dufour asked if there is going to be another public meeting. He said he has had some of the local merchants call him and ask about it.

Mrs. Lasky said they had their workshop and Mrs. Berchtold took all the information and compiled the comments. It is available.

Mr. Houston said at the workshop there was a general agreement that

another public hearing would be conducted once the changes were made to the plans. He said the biggest change that the board agreed to do was to take the longer term vision section and put it into the appendix. Most of the individuals who spoke were concerned with the longer range vision.

Mr. Dufour said he will contact the individuals who spoke to him. He said if they don't hold a meeting with the neighborhood before they come to the Board, they are simply going to re-hash what they heard the last time.

Mr. Houston said if they are contacted by members of the public they might want to refer them to Karen Berchtold. He said she is making some of the changes to the plan. They will get a copy to any member needing one. He said they have had three public meetings and several other public meetings open to the public at City Hall. He said they have probably had more public meetings on this plan than they have had on any other in this City.

**ADJOURN**

Mrs. Lasky declared the meeting closed at 8:20PM.

**APPROVED:** \_\_\_\_\_  
Bette Lasky, Chair Nashua City Planning Board

**TAPES OF THIS MEETING ARE AVAILABLE FOR LISTENING DURING REGULAR OFFICE HOURS.  
COPIES OF TAPES MAYBE MADE AVAILABLE UPON 48 HOURS ADVANCED NOTICE AND PAYMENT OF THE FEE.**