

NASHUA CITY PLANNING BOARD
April 15, 2004

A meeting of the Nashua City Planning Board was held on Thursday, April 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
 Steve Dookran, City Engineer
 William Slivinski
 Hugh Moran
 George Torosian

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

APPROVAL OF MINUTES

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Mr. Slivinski said there is a mistake in the minutes on Page 6 right after Ald. LaRose seconded the motion. He said it was he (Mr. Slivinski) that voted against the motion.

MOTION by Mr. Lowe to accept the minutes of March 18, 2004 as amended and place them on file.

SECONDED by Ald. Larose.

MOTION CARRIED - Mr. Moran abstaining

COMMUNICATIONS

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

Memorandum from Chris Webber, Administrative Assistant with an attachment listing the Planning Board Members. He asked the Board to look at it to make sure the information on it is correct.

Revised Agenda - Item #5, Meridian Place, is being postponed to the Board's next meeting on 5/6/04.

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Technical Review Meeting Agenda for determination of regional impact (5/6/04 Meeting)

Letter from Alice Sang & Kenneth Mack expressing concerns about Case #1, Lojko Phase IV

Five letters generally in support of the last item on the Board's agenda, Stellos Stadium

REPORT OF CHAIRMAN, COMMITTEE & LAISON

Ald. Larose said at the last Planning & Economic meeting there was a presentation by Steven Williamson who is the new chairman of the Nashua Regional Planning Commission on an update to the circumferential. He said the circumferential was taken off the 10 Year Highway Plan. One of the things they are looking at is making the project smaller, similar to what they've done with the Broad Street Parkway.

He said there are three things that are being looked at. One is to keep it the same way and petitioning the State to put it back on the 10 Year Highway Plan. The second would be to eliminate the project completely and the third is revising the project and instead of having overpasses it would be ground level so there would be traffic lights at the major intersections.

He said Hudson voted in favor of changing the plan to ground level. Merrimack and Litchfield voted to continue the project "as is", with reservations. The reservation in Merrimack is that the toll going southerly would be removed. He said Nashua went along with the revised plan of a surface road throughout the whole project.

He said there was also an update on the 101A corridor. The State will be spending 18 million dollars (no City money) for widening of 101A from the Somerset Parkway west to where it has been widened already.

Ald. Larose said there was some talk about the railroad access to Boston. Exit 36 is the exit right on the border. You can access Exit 36 to go north and south, but you cannot access Exit 36 to go south if you are traveling in that direction. The City of Nashua and the State are trying to change this so that you can access Exit 36 so that you can get down into the Mall without going down Spit Brook Road.

Mrs. Lasky said before they proceed any further she wanted to advise the people who were there for the issue of Stellos Stadium that the Board was going to be dealing with a request for a one-time occurrence on July 5 by the Spartans. She said it will not be a change of use of the stadium.

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. Lojko Phase IV, Jenna Lee Homes, Inc. (Owner - Proposed final subdivision of one lot into four single-family lots, Lojko Drive, Sheet B - Lot 3059, Zoned "R18" Suburban Residence.

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Amy Sanders, CLD Consulting Engineers. Ms. Sanders said there is one remainder lot at the end of Lojko Drive, which is off of Middle Dunstable Road. It is at the intersection of Anthony Drive & Lojko Drive.

She said her client, Mr. Francoeur, would like to continue with the preliminary approval of the final phase of this project and subdivide the land into four lots. She said he is going to extend Lojko Drive about 160 feet. Closed drainage will be provided. Municipal water and sewer will be provided as well as underground utilities.

She said all of the drainage structures have been in place when Phase III was done. There is an existing treatment swale along the back which will treat water before it enters the wetlands. It is generally located along the property line of Lot 3 and Lot 4. There is also going to be a pedestrian access easement which was previously required by the Planning Board. It is about 10' wide and it travels along the northwest property line.

She said there has been some discussion with the abutting owners of Pinebrook Estates. There is a gap between the two easements along the north property line. There is a large swale that runs along the west property line. There's a headwall that crosses an existing sewer easement. She showed the location of these features on a plan she displayed for the Board.

Ms. Sanders said the question has come up as to how the gap is going to be completed and how it's going to be constructed. She said she gave information to Mr. Yeomans to express their concerns, but there is no real solution yet as to how that can be accomplished without the City getting involved.

Mr. Lowe asked who owns the little piece of property that is marked on a map as A2.

Ms. Sanders looked at Mr. Lowe's map. She said that this is actually a part of Pinebrook's property. She pointed out the sewer easement and the pedestrian easement.

There was some discussion about the connection, with Mr. Lowe asking that staff figure this one out.

Mr. Yeomans said it can be done, but it's not practical. He said the City's position is the best way to proceed is to contact the adjacent landowner. There is an existing sewer easement that crosses that corner of the property. It's a very simple and very safe connection and connects right to the trail.

Ald. Larose made reference to a letter the Board has received. He asked what is being done about the mound of vegetation and trash.

Ms. Sanders said as part of the construction a lot of that debris will be taken care of. That was stockpiled loam from when the previous development was occurring. She showed the area the letter is addressing. She said this will be removed as the road is constructed.

Mr. Moran said the abutter also mentions tree trunks being removed.

Ms. Sanders said she believes that is also within the mound itself.

Gary Francoeur, President, Jenna-Lee Homes. Mr. Francoeur said they are in the final phase, Phase IV, of a four-phase project. They have stockpiled the loam which they need to complete the project, the gravel for the road, and the sand for the utilities. He said they haven't finished stumping the last area. As they complete this last phase everything will be taken care of.

Mr. Torosian asked how long the final phase would take to be completed.

Mr. Francoeur said they are hoping that they can install the road in approximately 60 - 90 days. They have about 6' of fill to put in the area.

SPEAKING IN OPPOSITION OR WITH CONCERN

No One

SPEAKING IN FAVOR

No One

MOTION by Mr. Dufour to approve a four-lot subdivision for Phase IV for Lojko Drive, Sheet B Lot 3049 with a determination that it

meets the requirements outlined in NRO 16-108 and with the following stipulations:

1. Prior to recording the plan bonding for work in the public right-of-way shall be approved by the Division of Public Works and Corporation Counsel.
2. Prior to any work being started, the applicant and their contractors shall hold a pre-construction conference with Planning staff to review scheduling, erosion, and traffic control. All erosion control shall be installed prior to the start of construction.
3. The landscaped island within the Lojko Drive cul-de-sac shall be maintained by the owners of Lot 3104, Lot 3105, and Lot 3106, and shall be stated in their deeds.
4. The private drainage easement on Lot 3104 and 3105 shall be recorded with the subdivision plan.

SECONDED by Mr. Lowe.

MOTION CARRIED UNANIMOUSLY

2. **WE/SCI, LLC, WE/SC II, LLC (Owners) - Proposed consolidation of three lots and resubdivision creating two lots, 2300, 2315 & 2400 Southwood Drive, Sheet G - Lots 554, 498 & 599, Zoned "PI" Park Industrial.**

Steve Auger, Project Manager - Hayner/Swanson, 3 Congress Street, Nashua. Mr. Auger said they are requesting to consolidate three lots and then re-subdivide them into two lots.

He said the lots they are dealing with are existing lots, 554, 598, and 599 on Map G. After the subdivision they will be new lots, Lot 554 and Lot 599. The zoning is "PI" Park Industrial. The site is bordered by the turnpike to the east, Trafalgar Square to the west, Cannongate III and some other apartments to the south, and Public Storage & Extended Stay & the Marriott to the north.

He said they have requested a waiver from Section 16-110 to allow the scale of their plan to deviate from the minimum of 1" = 50' to 1" = 100'.

SPEAKING IN OPPOSITION OR WITH CONCERN

No One

SPEAKING IN FAVOR

No One

MOTION by Mr. Lowe to approve the subdivision and consolidation plan for WE/SC I, LLC & WE/SC II, LLC at 2300, 2315, & 2400 Southwood Drive with the finding that it meets Section 16-108 and granting the waiver of Section 15-110 for the scale of the plans from 1"=50' to 1"=100'.

SECONDED by Ald. Larose.

MOTION CARRIED UNANIMOUSLY

3. **Eileen & Arthur Gormley III & Armelle Gormley (Owners) - Proposed lot line relocation, 13 & 15 Westbrook Drive, Sheet A - Lots 161 & 357, Zoned "R9" Suburban Residence.**

Richard Maynard, Professional Engineer, Maynard & Paquette, Nashua. Mr. Maynard said this request is for a simple lot line relocation. The existing lot line is skewed. It will be relocated so it is squared off and makes a better lot. The area of exchange is 3,742 square feet.

Mr. Lowe asked what happens to the 10' wide school right-of-way.

Mr. Maynard said it remains where it has always been.

SPEAKING IN OPPOSITION OR WITH CONCERNS

No One

SPEAKING IN FAVOR

No One

MOTION by Mr. Lowe to approve the lot line relocation between 13 & 15 Westbrook Drive with a finding that it meets NRO Section 16-108.

SECONDED by Mr. Dufour.

MOTION CARRIED UNANIMOUSLY

NEW BUSINESS - SITE PLANS

4. **Pilgrim Church of Nashua (Owner) - Proposed 5,170 square foot addition to the existing 19,900 square foot building with associated access, parking, and site improvements, 4 Watson Street & Cox Street, Sheet 58 - Lot 36, Zoned "RA" Urban Residence & "HB" Highway Business.**

Jeff Lewis, Keach-Nordstrom Associates, Civil Engineers. Mr. Lewis said his firm has been working with the Pilgrim Church in developing their site plan for their proposed expansion.

He said this is a 3.9-acre site located on Watson Street just off of the Henry Bourque Highway at the intersection with Amherst Street. He pointed out two commercial buildings on Amherst Street. It is a residential neighborhood on Watson Street and Cox Street.

He said the church has a paved parking lot in the front as well as on the south side and has a paved drive all the way around. The remainder of the site is an open area. There is an enclosed playground area in the back. There is an open lawn area with a volleyball net. There is a nice lawn area with some trees out in the front that provide a buffer between the existing pavement on Watson Street. There is a lot of open space on the lot.

He said the proposal is for a 5,170 square foot single-story building addition. This will provide additional space to allow more area for their existing pre-school program. It will also provide for additional office space.

He pointed out a long section of the building and said this was the sanctuary. He said it has a capacity of 250 seats. There is also a fellowship or function hall. He said there is an area in the middle for office use. He said there is also a basement.

Mr. Lewis said they have fifty-five children in their pre-school program right now. They have a license for sixty. He said he noted in the staff report they apparently had an old record that identified seventy-eight students. He said members of the church

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have told him that was some number of years ago when they also had a kindergarten at this facility and since then they have dropped the kindergarten and operate only a pre-school program.

He said they are proposing to upgrade the parking lot, especially in the front of the church. The paved area shown on the existing conditions plan doesn't have any striping. They are estimating that there is room for 55 spaces in this area, however, the width of the parking in the front does not allow for a standard regular size parking space and drive aisle. They are proposing to widen this by eight or ten feet in the front so it can be striped and will conform with the regulations. The requirement is 82 spaces, which is based on the size of the sanctuary. There are no plans to increase the seating capacity. At this time they believe they have adequate parking on site. They have identified some areas of future parking where they could put in some spaces to meet the ordinance requirement if they needed to do that in the future. They are requesting a waiver so they do not have to construct these spaces at this time.

He said there is a wide driveway entrance. They want to make this narrower. It will provide better access and there won't be a tendency to park in the right-of-way and on the street.

Mr. Lewis said they will be upgrading the landscaping in front of the building, upgrading the lighting; the things that really affect the front half of the building where the addition is going. There is some site lighting around the perimeter of the building. They are proposing six new lights. They are standard cut-off light fixtures that meet the ordinance requirements.

He said they are also going to upgrade the drainage. Right now there is no drainage treatment of the site. It sheet flows to the street or to the back at the present time. There is a storm drain system in Watson Street. They are proposing a couple of catch basins in the new parking lot with water separators that will collect runoff from the front half of the site. Those will discharge into the underground infiltration system. They are not proposing any improvements to the back half of the site at this time.

Mr. Lowe said they are removing the handicap entrance in the back. He asked if the new entrance in the front will be handicap accessible.

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Mr. Lewis said "yes." He said there will be a new handicap accessible ramp on the side as well.

Mr. Lowe said if the Board grants the waiver for the parking spaces and it is found that a later date they will have to add the spaces, would they have to come back to the Board due to the water treatment.

Mr. Lewis said in the calculations they have included in the plan, they have included the area as impervious area so the drainage calculations account for at least the pavement that's in the front. Right now the drives just sheet drain into the open lawn area and that's what they will continue to do. He said the small areas of pavement won't need any other treatment other than being discharged to the lawn.

He said if they were to come back and ultimately more parking would be needed and the proposal was for something else other than what they are proposing, they would have to come back and address the requirements.

Mr. Dookran said Mr. Lewis indicated there was no increase in the church seating and also said there is no proposed increase in the enrollment of the school. The traffic analysis shows 72 additional trips in the PM peak and 410 trips in a 24-hour period. He asked where that traffic is from.

Mr. Lewis said the City Traffic Department has a Traffic Impact Report they require that the applicant fill out as part of their submittal. It is based solely on the square footage of the building and the proposed use. That is taking the 5,170 square feet and applying that to the proposed use of a pre-school and office area. That develops that number - 72 peak hour trips. In reality this is proposed as accessory space to existing programs. There is no proposal for increased programs. There is no reason to think that there would be any increase at all.

Mr. Slivinski said the applicant is asking for a waiver of parking spaces because they are stating that the number of spaces they currently have is adequate. He asked why they can't put the parking spaces in right now since they are going to have equipment out there for other work they will be doing. He said there have got to be times when the fifty-five spaces aren't enough.

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Mr. Lewis said that he may have to ask one of the members from the church to help answer this question. He said they rely on what their experience is. Their experience is that they do not need any more parking spaces. The pre-school requirement is much less than the fifty-five spaces. Certainly during the weekday there is not a need for more than fifty-five spaces. He is told by members of the congregation that there is never a time when they exceed the capacity of the parking.

Dan Pare, 38 Abbott Street. Mr. Pare said part of the misconception is that the space they are asking for is replacement space rather than additional space. It's not that they are expanding the size of the school. They are moving it from the basement of the facility up to the main floor.

He said he has been a member of the church for twelve years and he's never seen the parking lot filled to the capacity where they have to park out in the street.

He said as far as why not put the parking spaces in now, part of the answer is cost. They are also concerned with maintaining the green areas as much as they can for the kids.

SPEAKING IN OPPOSITION OR WITH CONCERN

No One

SPEAKING IN FAVOR

Pastor Ed Koonz, 29 Hampton Drive, Nashua. Mr. Koonz said he has been pastor of the church for the past fifteen years. He said the maximum use they have experienced over the past years would either be with attendance on an Easter Sunday or a Christmas worship or a large wedding where they might fill the sanctuary to capacity. He said he doesn't recall that on any of those occasions that he has seen parking spill over to the streets. The number of parking spots seems to have been adequate for the largest of events that he has experienced in his tenure as pastor.

Mr. Slivinski said right now the parking spots are not striped and people just pile in and park. He asked if they can get in more parking without the spaces being marked.

Pastor Koonz said not having counted the cars he couldn't say for sure. His guess is that it would be a wash because some people park closer to others and other people park further away from other vehicles.

MOTION by Ald. Larose to grant the site plan for Pilgrim Church of Nashua, 4 Watson Street & Cox Street for a 5,170 square foot addition to the existing building with the finding that it meets the requirements of NRO Section 16-123 with the following stipulations:

1. Prior to any work being started, the applicant and their contractors shall hold a pre-construction conference with Planning staff.
2. Prior to the issuance of a building permit bonding for utility work shall be submitted to and approved by the Engineering Department and Corporation Counsel.
3. Prior to the issuance of a final certificate of occupancy documents pertaining to the storm water operation and maintenance plan shall be recorded.
4. The request for grant of waiver for the construction of 28 parking spaces IS approved.

SECONDED by Mr. Lowe.

MOTION CARRIED UNANIMOUSLY

Postponed to May 6, 2004 Meeting:

5. Meridian Place, LLC (Owners) - Proposed amendment to NR 1910 for the demolition of the existing structures and the development of a 4-story, 45 unit multi-family building with associated access, parking and site improvements, 12 & 14-18 Harbor Avenue, Sheet 29 - Lots 8 & 9, Zoned "GI" General Industrial.
6. Stellos Stadium, City of Nashua (Owner), Nashua Board of Education & the Spartans Drum & Bugle Corps (Applicant) - Proposed amendment to NR 1992 to allow a one day waiver to site plan stipulation #17 regarding the use of the stadium for

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playing youth athletics only, for Drum & Bugle Corp competition to be held on July 5, 2004, 2 Riverside Street, Sheet E - Lot 1359, Zoned "PI" Park Industrial & "R9" Suburban Residence.

Peter LaFlamme, Executive Director, Spartans. Mr. LaFlamme said he would be happy to answer any of the Board's questions. He said he was under the impression that Mark Conrad was going to be making the presentation tonight.

He said Spartans run a show every year for Nashua. He said Holman Stadium is not available to them on July 5 and this stadium is the only venue available and the only date available to them. He said last year they forfeited their regular show to run a larger show for the Sesquicentennial celebration at the request of the Executive Committee of the Sesquicentennial for which they had a one-day granted last year.

He said Spartans is a competitive youth program. Unlike other sports they don't hit, chase, or throw a ball. They compete with music and dance. It is a sport. It is athletic, more so than most sports. He said he feels they fit the criteria of being a competitive sport, although a lot of people disagree.

Mr. LaFlamme said they are requesting the use of the stadium on July 5. The show would be in the evening. He said last year they had absolutely no problems. Parking was not an issue. They had the use of the High School parking. They did not use the Conway Ice Arena parking facilities. They had the use of the 505 West Hollis Street facility for bus parking. They had multiple companies on Riverside Drive for overflow parking, if needed. They also had shuttle buses which provided transportation to and from the field for those who parked off-site.

Mr. Slivinski asked how many people they expected for this event.

Mr. LaFlamme said they probably will sell it out. He said they printed tickets to fit every seat in the stadium last year and they sold them all. He expects the same attendance for this event (2800).

Mr. Slivinski asked for a description of what they expect, for example, when they expect the people to start coming, the time the competition starts, the ending time, etc.

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Mr. LaFlamme said the first units that are on will start at 7:00PM. He said they will arrive around 4:30PM. Each unit is scheduled every fifteen minutes. There are so many minutes to prepare the group on the field and get off the field, with their performance being between 9 - 12 minutes. It is run by a clock. He said people usually start showing up two hours before hand. They go to the concession stands and get their seats. It flows right up until show time. Some people come late if they pre-bought their tickets. Some people come for the whole night and some come to just see a specific group. They will be done at 9:45PM or 10:00PM.

Mr. Moran asked the age levels of the people who are competing.

Mr. LaFlamme said ages 14 to 20. These are kids who are either in High School or College. The groups that come, including the Spartans, travel throughout the U.S. during the summer to do competitions.

Mr. Moran asked if any effort had been made to contact the abutters to the stadium about this event.

Mr. LaFlamme said "no." Based on last year's event and the feedback they got with people (some of them abutters who saw the show) telling them they would love to see this again, he took it as favorable.

Mrs. Lasky asked how many groups there were last year and how many they were going to have this time.

Mr. LaFlamme said there were ten. There were six Division I corps and four Division II corps. He said this time they have four Division I corps, three Division II corps, and one Division III corp.

Mrs. Lasky asked who runs the concessions.

Mr. LaFlamme he does not know who runs the concessions.

Mrs. Lasky said last years event was run in conjunction with the Sesquicentennial. She asked if the City had some involvement in the running of it.

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Mr. LaFlamme said Spartans ran it to celebrate the Sesquicentennial. In order to make the parade happen, they had to run the show to get the groups in Nashua.

Mr. Slivinski asked what type of security is at the stadium and who pays for it.

Mr. LaFlamme said they hire the Police Department as well as REACT to show up. They police the area inside and outside. We need to have parking attendants as well. He said they also have volunteers who patrol the parking lots. They park the buses as well as the cars along with REACT.

Mr. Slivinski asked if they would be running any shuttle buses between lots.

Mr. LaFlamme said "yes." He said where the loop is at Stellos is the drop off. Once the lot is full they will send people to the High School and bring those people back to the stadium, drop them off and then bring them back to the High School after the show.

Mr. Slivinski asked if the School Department or the Parks Department looks over their plan to approve it.

Mr. LaFlamme said the Parks Recreation Department does this.

Mrs. Lasky asked if the Park Recreation Department has always done this for them and Mr. LaFlamme said they have. He said they've been doing this for 45 years.

Mrs. Lasky asked if this has always been at Holman Stadium and Mr. LaFlamme said this is correct.

Rick Dowd, 74 Lochmere Lane, Nashua, NH. Mr. Dowd said he is present on behalf of the Board of Education to ask for the special exemption for July 5 to allow the Spartans to hold a Drum & Bugle Corps event. He said last year's event went off like clockwork. It was well organized. He was there for the entire event and there wasn't a flaw. He said they would like to allow them to do it again this year.

Ald. Larose said he knows that Mr. Dowd has been involved with the Nashua High Marching Band. High Schools do put on shows. He asked

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if the Music Department is contemplating doing something like this in the future.

Mr. Dowd said he believes they are. He said he doesn't think they are planning on doing something this year. It usually takes at least a year's planning to put something like that together for a band show. He believes they are looking at Dover and a couple of other spots outside of New Hampshire for band shows.

He said when this was originally being debated by the Planning Board for an occupancy permit and the different events that would be allowed there were being contemplated he remembers the discussion Mrs. Hersh brought up relative to sporting events, High School youth. The question of bands came up and at the discussion that night it was said that bands were part of the Athletic Department and the bands would be allowed to compete there. At that point it time that was the High School bands. In this instance it is an outside event.

Mr. Slivinski said that the Board has been told that Holman Stadium is not available.

Mr. Dowd said Holman Stadium is not a good location for them because it is a baseball field. Band events are done on a football field. They use the markings on the yard lines to choreograph their different marching routines. It also brings the bands closer to the crowd. In addition, Holman Stadium at that point of time in the year, is pretty well occupied with the baseball team here in Nashua. He doesn't think it would be conducive to have lines put on the field for that activity, plus as far as the audience is concerned it wouldn't be the best venue to view the competing bands.

Mark Conrad, School Business Administrator, 12 Ayer Street. Mr. Conrad said he believes July 5 is also the rain date for fireworks at Holman Stadium. Spartans doesn't have the option of moving the date once it is set.

Mrs. Lasky asked if both events couldn't be done in conjunction with each other.

Mr. Conrad said you have two different groups of people who would want to attend those events. The competitions are held in the evening. At the same time you would be having the fireworks.

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Mrs. Lasky said Mr. LaFlamme has indicated they don't have any jurisdiction over the concessions.

Mr. Conrad said the School District hires a commercial vendor to run the concession stands for all the events. They typically use, especially for High School events, the non-profit groups such as the Athletic Boosters, the Music Boosters, etc. to man that type of concession. A percentage of the profit goes to that non-profit group.

Mrs. Lasky asked if the City received any funds from this operation.

Mark Conrad said the contract is through the Parks & Recreation Department. He said he believes there is a lump sum that the City receives each year from the vendor.

Mr. Slivinski asked if this event has ever been held at Holman Stadium.

Mr. Dowd said not Division I. He said they've had some competitions there with smaller groups before or with Expositions, but not a formal competition. To do that you need a venue like Stellos Stadium. Division I groups are large bands and they are amazingly precise operating units.

He said when Mr. LaFlamme was relating the events of that day, the Board of Education will also have to review the plans as was decided at a meeting between the Mayor and Mrs. Lasky and several other members. Stellos Stadium falls under the purview of the Board of Education.

Mrs. Lasky asked Mr. Dowd what other groups might possibly want to use Stellos Stadium and coming to the Board asking for future exemptions.

Mr. Dowd said during the majority of the year and particularly after September 2004 the stadium is going to be occupied the Nashua School System athletic teams. For any one particular sport there would be nine teams, just from the Nashua schools. If you have lacrosse, field hockey and soccer they can see a lot of the time is occupied that might be available on the field. The Board of Education does not envision much, if any, adult use of Stellos

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Stadium. If somebody wanted to use it they would have to come before the Board of Education and ask just as the Spartans did for this event.

Mrs. Lasky asked if any policy had been made that the Board of Education could, in fact, turn down an applicant prior to coming to the Planning Board or is it the policy to bring everything to the Planning Board.

Mr. Dowd said right now the way things stand the policy would be to come to the Planning Board first because it wouldn't make any sense for the Board of Education to make a decision on it without having an exemption. Whatever goes on at Stellos Stadium also would have to meet the approval of the Board of Education.

Mark Conrad said the Board of Education has scheduled a public informational meeting for Tuesday night. Knowing all the debate that's going on in the community about adult use of Stellos Stadium for athletics and the potential for band competitions, they don't have the desire to have to come back to the Planning Board every time there is an individual event. He said he thinks what the Board would rather do is to evaluate input from the Community, including the abutters, determine if they want to come back before the Planning Board for any long term modifications to the stipulation so they don't have to come back to the Planning Board every year for individual events.

He said they have sent a mailer to about 250 residents, including all of the residents of the Shore Drive neighborhood behind the stadium, as well as the first leg of Cheyenne Drive about the meeting on Tuesday night which will be held at Nashua high School South auditorium. They also have alerted some of the athletic communities in the area about this meeting. It is the hope that from that process the School Board will be able to determine whether they do want to request a revision in the stipulations of the Planning Board so they don't have to keep coming to the Board for individual events.

Mr. Lowe asked how many games are played for each sport. He also asked if they had some type of chart that shows when the school athletics teams are using Stellos Stadium.

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Mr. Dowd said that if they have a lacrosse team, there is going to be a varsity lacrosse team at each High School, a Junior Varsity lacrosse team (boys & girls) at each High School, a Freshman Team at each high school and an elementary team at all three middle schools. Just in this example there are a number of teams using the stadium and there are other sports, as previously mentioned, that are played on this field.

Mr. Lowe said in July and August schools are out. He asked if the stadium is utilized during that time.

Mr. Dowd said there are a number of youth activities that go on at Stellos during the summer months. He said if they come back to the Board in the future for a modification of the stipulations they will bring a schedule of the youth activities with them. He said the stadium is used quite extensively.

SPEAKING IN OPPOSITION OR WITH CONCERN

George Andosca, 109 Shore Drive. Mr. Andosca said they were promised youth sports only. He said they could probably argue whether this is a sport. He said he loves to listen and watch the bands on TV, especially college, but when he doesn't want to listen to it he can turn it off and the noise stops. He can't do that with the noise that comes from Stellos Stadium. He can see the stadium from his property.

He said that this not only was a promise, but it is also one of the conditions the Planning Board set for approval. That was done in January 2001. The only reason the Planning Board approved this with the stipulation was because the Mayor and the Alderman insisted on having this. He said they were told by Ald. Dinsberger, the President of the Stadium Committee at the time, that there would be 12-15 games, with four being major events. Now they have lacrosse, hockey, etc. He is talking about noise.

He said last year was horrendous, but they put up for it for the one night. The noise blows you right out of the house. He was one of the people who were in agreement for this one time event for the Sesequentennial. He said many people were for it because they were told that it was for a one-time event. Now they are back again for a one-time event. He said they're probably going to come back again and say they want it every year. He said he heard tonight that potentially the bands for the schools will be using the field.

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Mr. Androsca said when the meeting was held last year in February for the one time event, the Mayor stood up at the end of the meeting and said he wouldn't do anything more to change it. In June there was an ordinance introduced to by-pass the Planning Board on City approvals. He said this ordinance failed to get passed. He said the Mayor lied to the public. In effect, Ald. Dinsberger also lied because he said 12 - 15 games.

He asked why the Planning Board can't require the City to fix the noise problems if they want to change the stipulation. He asked why they couldn't put up a noise wall like they did out on Route 3. He was told by George Crombie that it doesn't work. They have done something so that the speaker system isn't too loud, but the bleachers carry a lot of noise.

Ald. Paula Johnson. Ald. Johnson said she received a telephone call today asking her to speak to this issue. She said the people asking her are not direct abutters because they live on Gendron Street. She said the noise travels to this area. She said she remembers last year during the Mayoral campaign there was a meeting with Ald. McCarthy and the people from Gendron Street area came and spoke about the noise.

She said the sad part about this is that nobody was informed. She said they have received noticed regarding Tuesday night's meeting. She doesn't believe anyone in the neighborhood, except direct abutters, received anything concerning tonight's meeting.

She said she is not a direct abutter to the stadium. She said she lives about three streets down from being right into the woods. She does not live on the river. She has heard from people who live on the back of Cheyenne going all the way up the river to Parish Hill. You can hear all the noise coming from Stellos Stadium. The sound travels up the open water.

She said the problem is that people feel that when they let this in again and again, it will be opened up for adults to come into the stadium. The competition is scheduled for a Monday evening. Whether it is a Sunday or a Monday, people need to get up the next day to go to work. The competition is going to be going on until about 10:00PM before they break everything down. Windows are open in the summertime and noise travels.

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James Pullen, 17 Radcliffe. Mr. Pullen said he has lived in this neighborhood 1-½ years. He said he is very concerned. He said the minutes of the meeting from the Board of Education in May 2003 talk about an ordinance that they were trying to put forth to the Board of Alderman that would allow the Board of Education to take control over Stellos. He said it is clear as day what they are trying to do - trying to circumvent the original agreement.

He said by their coming forth with an age group of 14 - 20, in his mind they are trying to circumvent again, what it is that the agreement was. A 20 year old is not a youth, nor is a 19 year old.

He said Ald. Johnson made a comment about the timing at which this is going to be held. He said he isn't necessarily opposed to a competition for a student. He said he doesn't question that this is a sport to an extent, but it's not what one would consider to be athletics. He said the timing is poor. He asked why it had to begin at 7:00PM and why it couldn't start at 4:00PM and finish up at 8:00PM.

Mr. Pullen said he understands why the stadium was put there. He knows why they are trying to do, but it was specifically set forth for the youth and nothing more. This is going to be a recurring issue and it's an area of concern that they all have. He considers this a nuisance. He has a right to sit in his house on a Monday evening and have quiet.

Ald. Larose said the Planning Board is not the one that oversees Stellos Stadium. He said the School Board is here this evening because there is a question about whether they would be in violation of the site plan. That's why they are asking the Board permission to allow this event.

Mr. Pullen said if the site plan specifically states for youth sports, he believes they can all agree that anyone over the age of 18 is no longer a youth. This becomes a marching band competition.

He said the hours of operation that he sees on the map are for seven days a week from 8:00AM - 10:00PM. He said that he can say that the stadium is being used before 8:00AM. There have also been times that it goes later than 10:00PM. He said he gets up between 4:00AM-4:14AM to go to work in Downtown Boston every day. A neighbor gets up at roughly the same time. He has a six-hour

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window of opportunity from the time they are supposed to be done to get his sleep.

Ann Kline, 19 Radcliffe Drive. Mrs. Kline said the event that they want to have for July 5 is another holiday that the residents can't have that is noise free. The abutters need to be respected for their rights as well.

Patricia Allan, 107 Shore Drive. Mrs. Allen said she abuts along the river. They did not receive a specific notice about this evening. In looking at the paper at the back of the room there are eight abutters listed. She said two of those people moved because of the stadium being placed in this location. One of them was at meetings of the Board of Alderman constantly to see that it wasn't placed into the neighborhood. The other one rented her home and is living quietly in Merrimack. Although she does not officially abut the stadium, she still gets the noise.

She said last year when they had the meeting about the Sesequentennial the Mayor was very specific. She said that he said he would not ask for this. He didn't say that the rest of the world wouldn't. She said he isn't here asking.

She said they have attended numerous Alderman meetings and they were told that this stadium, if built, would be for youth sports and only youth sports. They were told it would only be very few games. At that point it was the Board of Alderman that was doing this. The last night when a vote was taken they brought in the soccer team, probably the lacrosse team, and all of a sudden everybody is for it. The neighbors who attended meeting after meeting were drowned out on a one-night basis.

She said she understands that they are talking about one night this summer, but they also know that this will go on. There are a lot of adult groups that argued with them before about using the stadium and she is sure they are ready to argue again.

Mr. Allen, 107 Shore Drive. Mr. Allen said the background information given in the briefing was a little light on the fact that the one time stipulation was really guaranteed one time. The City of Nashua said it was going to be one time. When the Mayor speaks he is speaking for the administration.

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He said he believes the Planning Board is one of the best sources for protecting the rights of the abutters. Although he doesn't fit the classic definition of "abutter", he lives on the river and he has a direct line of sight view of the stadium and is a direct recipient of all the noise. He hopes the Board continues to have a dominant role in determining the expansion of the use of the stadium. He said youth sport does not include 20 year olds.

John Bieren, 15 Radcliffe Drive. Mr. Bieren said this stadium is costing him money. His taxes are going to pay for it and his property value is going down.

Mary Andosca, 109 Shore Drive. Mrs. Andosca said anything she says will probably be redundant because its all been said before. She is pleading with everyone here to take into consideration that the people in the neighborhood have been faithful coming to all the meetings they could attend. She said they have tried to bend and they have bent a lot. She said the noise does carry.

She said they live next door to the Allens'. She also represents two abutters who can't be present tonight and have asked her to speak. One of them has been away for a week and didn't know of the meeting and the other is not well.

She said they are not unreasonable. She said the people in the neighborhood have gone through a lot. They have tried to be understanding and tried to bend with everything. They would like to have some reasonableness in this situation.

SPEAKING IN FAVOR

Cindy George, 8 Cliff Road. Mrs. George said she was a Sesquicentennial Events Coordinator last year for the City of Nashua. She said they sent out over 78 letters to the neighborhood regarding last year's request for an exemption. They had a good turnout at the meeting. Those letters were followed up with phone calls.

She said she believes there are a lot of 18 - 20 year olds who play sports for Nashua High as well as other schools in the area.

She said last year with both the parade and the Drum Corps show, they are talking about an organization that deals with precision

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all of the time. Everything was beautifully run with all the departments working together. There were meetings that were hours long and there were plans. Nothing went wrong. In regard to the July 5 request she believes they can put their trust in the "LaFlamme's."

Ald. David Lozeau. Ald. Lozeau said he comes to the Board as a neighbor and a resident of Shore Drive. He said he has lived in Nashua all of his life and when he was a child he played for the Spartans Drum & Bugle Corps in the Trojans Division. He can see that is an unbelievable feeling to host an event of this magnitude. He also played football at Holman Stadium, but what Drum & Bugle Corps did for him is more than football ever thought of doing for him.

He said he does live on the river and he does hear pretty much everything that is going on at the stadium. There is a lot of noise. There is the banging of the bleachers. There is the blowing of air horns. There is the screaming of people.

He said when the Drum & Bugle Corps is there, there is no noise. There's no banging and no air horns. There's music. To him music is not noise.

He said as an Alderman he has received numerous phone calls regarding any adult activities at the stadium as are being proposed. He is opposed to any adult activities at the stadium.

Jim McAleese, 18 Foxmoor Circle. Mr. McAleese said he is asking the Board to allow the Spartans to host their show at Stellos Stadium this year in conjunction with the spirit of the July 4th festivities that Nashua puts on every year.

He said he has been involved in Drum & Bugle activity for most of his life, both as a fan and as a reporter for Drum Corps World, an international publication covering this activity.

He said over the years he has seen drum corps shows from Montreal to Orlando, from Boston to Santa Clara and many towns and cities in between. All the communities he has visited have been pleased and proud to host a show. The citizens and neighbors have been gracious hosts as the student musicians gather to showcase their talent in front of enthusiastic crowds. Many cities contact the

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governing body of Drum Corps International asking to arrange for a show in their town. Cities currently hosting shows strongly protect their yearly tradition. Part of that tradition is that each marching unit host a show in its home town and invites corps from all over the country to come and participate. Last year they did see such a show at Stellos Stadium. To call it a success would be an understatement. The stadium was filled to capacity.

He said the Spartans are Nashua's own marching ambassadors. They criss-cross the country every year. They are always introduced as hailing from Nashua, New Hampshire. They represent this City very well. They have a dedicated membership of student musician athletes who train for hundreds of hours over the months before their competition season. They have an amazing volunteer organization that provides them with equipment, transportation and food as they tour the country. They do it without any financial help from the City. They are asking for the opportunity to host a show in their hometown.

Kathy Vitale, 8 Massasoit Road. Mrs. Vitale said she is an alternate member of the Planning Board. She said the Spartans represent something the City should be proud of. She believes the youth involved in this program meet the definition of the plan. She said when she was in college the insurance company paid for his insurance because she was a student until the day she graduated. She said they considered her a youth past the age of 21 clear up until she was 24 years old.

She said she understands the neighbor's concerns and the noise involved. It probably isn't just this activity. There are other activities and maybe they should address the noise problem in some fashion, but should they hinder something that is so good for the City.

Mr. Dufour said Spartans represent the City very well. He said he brings relatives to Nashua on July 4 to see the Spartans. The issue is not about the Spartans. It's about a site plan that the Planning Board has approved three or four years ago. The City came to the Board and asked them to approve a site plan to build a stadium. The neighborhood had opposition. The City made representation that it was going to be used for school activities. The Board made the stipulation that the stadium was for that use. That was the compromise with the neighborhood. He said they have

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to consider the promises that were made. He said there are still on-going meetings to compromise with the neighborhood. The compromise with the neighborhood was made when the Board approved the plan.

He said these special neighborhood meetings are for the people who want to abolish the stipulations, not for the neighbors. The neighbors spoke tonight - the people who are directly affected by this.

He said the Board listened to the neighbors as well as the City. He said in his mind he was thinking that the City needed a facility for the youth and this was it and here is the compromise. Ever since that has been approved there have been forces in this City to change that. He said he went to the meeting where they wanted to change the legislation. One of the supporters said when this was approved and the Alderman came before the Board they said what they had to say to get it passed. That's how things work. You get it passed and then you come back in and you change the stipulation. He said the Board has already told these people that Stellos Stadium is a school facility for youth sports and they have to live with it. Now they want to change it some more.

He said one of the abutters came up and said that the Planning Board is the best protection the neighborhood could have. He said if he were a politician, it's a "no brainer." The forces that want this will overcome any political opposition. The Board is not political and they have a responsibility to the plans that they approve and to the neighborhoods. He is not ready to back away from that. If they open the floodgates, there will be 20, 30, 40 nights in the middle of the summertime where the neighbor who has to get up early to go to work can't fall asleep because of the noise. This is music to some and it's noise to others. He said the Board loses its credibility if they go back on what they did.

Mr. Lowe said he made the original stipulation at the behest of the Stadium Committee, which was composed mostly of Alderman. He said he isn't going to change it. He agreed with Mr. Dufour.

Mr. Dookran said Mr. Dufour is right. This is not about the event on July 5 for the Spartans. It's a bigger concern. He said the neighbors who spoke with their concerns tonight don't really care about the one night. He said he thinks they care more about the

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on-going noise problem. He doesn't think it has anything to do with youth. As a City they need to find a solution to the problem.

He asked Ald. LaRose if he and his colleagues are considering trying to solve the problem so it can go away and everyone can enjoy activities beyond youth sports.

Ald. LaRose said to his knowledge there's nothing in front of them to solve the noise problem. He knows there were some attempts to find a solution, but he isn't sure that they can find a solution to some of the noise problem.

He said he lives in the Holman Stadium area and he can hear some of what goes on there. He said at Thanksgiving he heard the band sound travel to Charlotte Avenue. This is environmental and pretty near impossible to solve. He said when you are talking about a sound system, something can be done about that, but when you're talking about people cheering a touchdown, a home run, or a double play, that noise is going to filter out.

He said in the summertime he hears kids playing Little League ball at the Charlotte Avenue fields. Every once in a while you can hear the crowds cheer. He said it doesn't bother him because he would rather hear children having a good time and adults cheering their children than hearing gunfire.

Mr. Moran said his concern is for the abutters. He said he would be voting "no" on the proposal.

Mr. Slivinski said Mr. Dufour stated a lot of his feelings. They have to look at the site plan and what the stipulation is on the plan. He said the Spartans are an asset to the community, but it is a group that is not associated with the City of Nashua nor is it associated with the school system in any way.

He said the use of the stadium just for the youth is much higher than what the neighborhood was led to believe when it was put there in the first place. Now that there are two high schools it gets that much more busy for football games and on Friday and Saturday nights. He said it's going to get a lot more use. He said he is not ready to open it up to another group, as good as the Spartans are.

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Mrs. Lasky said the Board went through a difficult time in approving the stadium. She said she has been on the Board a long time and she is proud of those who have served because they take their work seriously. She said they try always to be fair. She said she is pleased from what she has heard tonight. She said she feels they have to honor what has been put on the plan in order to be fair to their own work, the work they have done in the past, and the work they will continue to do.

She said that she looks at the stipulation the same as she would an ordinance or a statute. It is law and she is there to uphold the laws of the City. She said it isn't about the Spartans or the work that they perform. She has heard that it is probably one of the best organizations in this City or elsewhere.

Ald. Larose said from time to time the Zoning Board and the Planning Board make exceptions. He said tonight they waived numerous planning regulations. He said he still feels that this is a youth sport. He agrees it is not affiliated with the schools, but it's a city organization and he thinks it's wrong if they tell them that they can't use Stellos Stadium. He believes they have earned the right and the respect of the citizens of Nashua to use the facility. This facility is for the youth of Nashua. It is more of a school function stadium because they receive State funding for this stadium, but he still thinks it is a facility that can be used by the Spartans. He said he didn't think they were opening the door for everything. They are not opening the door for adult use. What they are doing is telling the Spartans that they deserve to use the facility, that they think they put on a good show, that they are a good organization, and that they have earned the respect of the citizens of Nashua to use the facility.

He said he understands that the abutters have a problem, but every facility the City has there are abutters that have some type of a problem. When there is a ballgame at Holman Stadium when Pride is playing and it brings a lot of people in there are traffic problems and there are some noise problems. Those are the things that are annoying and people have to live with those things. You can have a neighbor that plays their stereo very loud, sometimes there is a car that is next to them and their music is so loud that your car is vibrating. That bothers most people as it bothers him. It's an annoyance they have to live with.

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Ald. LaRose said he hates to see a group the caliber of the Spartans not able to perform in their City in the type of venue that they want to put on.

MOTION by Mr. Dufour to deny the request for Stellos Stadium, City of Nashua (Owner), Nashua Board of Education & the Spartans Drum & Bugle Corps for the proposed amendment to NR 1992 to allow a one day waiver to site plan stipulation #17 regarding the use of the stadium for playing youth athletics only, for Drum & Bugle Corps competition to be held on July 5, 2004, 2 Riverside Street.

SECONDED by Mr. Moran.

MOTION CARRIED - 6-2, Ald. LaRose & Mr. Dookran opposed

George Andosca, 109 Shore Drive. Mr. Andoska said he went over to the old High School the other day. He said they just re-did the football field there with a track. They have some nice center bleachers, but they need four or five more. He said they could have the competition at the high school and the noise wouldn't bother anybody.

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 Mr. Lowe.

MOTION CARRIED UNANIMOUSLY

Discussion Item

Mr. Dufour congratulated Mr. Dookran on his appointment to the position of City Engineer. He said there is an issue they had on Spit Brook Road at Bernie & Phyl's. He said they had an opportunity to mitigate some traffic concerns at that intersection and they were asked by the City Engineer at the time to hold off based on some pending improvements. He asked Mr. Dookran to look

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into this matter and at the next meeting give the Board an update of where this is at.

Mr. Dookran said he would do this.

Mr. Houston said it might be better to give Mr. Dookran a little more time because he has just taken over the reins so he has a lot of issues that he has to deal with. The Board agreed.

Mr. Larose said on Amherst Street where the Texaco Station is, they have barrels in the turning lane. He understands why they are there. He can't remember if it is the State or the City who extended the island.

Mr. Dookran said someone looked into this recently. He said there is a problem there. He said the State did the construction when they were doing the Exit 7 improvements. However, the highway belongs to the City so any further modification will have to be done by the City. He said they are looking at probably extending the median to prevent illegal turning. They have to give consideration to the entrance to a store.

Ald. LaRose said when they designed the whole thing they probably should have left a left turn lane to get into the Texaco station.

Mr. Yeomans said when they did Texaco at the time, the owner of Hammar Hardware requested that the median not be extended to allow their patrons to continue to turn left into their site. Hammar Hardware has relocated; the Social Security Office is there as well as some smaller stores. That also raised the issue of left turns into Texaco, which is why the barrels are out there to discourage people from doing that.

Mr. Dufour said they tried hard and long to get a cross access easement between the Shell Station and the Nashua Mall. He said that cross access easement is now a defined one-way and its angled so that unless you come in a certain way you can't use it. He asked if that is something he missed on the plan or if they just did it on their own.

Mr. Yeomans said he thinks early on it was envisioned that it would be two-way, but after the numerous number of iterations of the mall plan that came to the Board over the years, it was determined that

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was the best way. From a traffic flow perspective it works quite well because you come down from the station and into the mall. He said he isn't sure it's used hardly at all, but the one at the Exit 6 office building is used continuously.

Mr. Slivinski asked if the staff could visit the Home Depot site at the Nashua Mall. He said it's starting to look like an outdoor flea market.

Mr. Yeomans said the Board did allow the Home Depot site to do a certain amount of outdoor display. He said they can go out to see if it is in compliance with what the Board approved.

Mr. Slivinski mentioned the Longhorn/McDonald site. He said before they approve anything else in that area, they should take a look at it on a Friday or Saturday evening so they can see the consequences.

Ald. Vitale asked the Board if there is a site plan for the Home Depot site that makes them clean up their site. She said she called Code Enforcement regarding the whole bank of the river. She said it is full of debris. She wondered if it coming off of the Home Depot site.

Mr. Yeomans said he couldn't tell Ald. Vitale the origin of the material. He said prior to their opening they scoured the embankment and pulled out old shopping carts, tires, bicycles, and all sorts of trash along the embankment and in the river. Whatever is there has blown there probably from a lot of different origins.

He said he didn't know what their individual lease agreements are with Vickerry Realty, but it is part of Vickerry Realty's holdings.

Mr. Dufour said a week ago when he looked at the Nashua River it was level with the bags of fertilizer in the garden department. He said he thinks that the City had such rain that all the trash came up to the surface and stayed on the top of the bank.

Mrs. Lasky said she wanted to make sure that everybody got the flyer about the 2004 spring conference in Waterville Valley. She will provide a copy to anyone who does not have one.

She said their next meeting is May 6.

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ADJOURN

Mrs. Lasky declared the meeting closed at 9:35PM

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

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