

NASHUA CITY PLANNING BOARD
May 6, 2004

A meeting of the Nashua City Planning Board was held on Thursday, May 6, 2004 at 7:00 PM in the Auditorium at City Hall.

Bette Lasky, Chair conducted the meeting.

Members present were: Bette Lasky, Chair
 Mayor Streeter
 Ald. Richard Larose
 Steve Dookran, City Engineer
 William Slivinski
 Steve Farkas
 Hugh Moran
 George Torosian

Also present: Mike Yeomans, Deputy Planning Manager
 Rick Sawyer, Planner

APPROVAL OF MINUTES

April 15, 2004

MOTION by Ald. Larose to accept the minutes of April 15, 2004 and place them on file.

SECONDED by Mr. Moran

MOTION CARRIED 6-0-2, Mayor Streeter & Mr. Farkas abstained.

COMMUNICATIONS

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

Revised Agenda - There is one discussion item - Nashua Mall. The other item which had been on the agenda has been removed.

Staff Report from Roger Houston, Planning Director regarding City Ordinance O-04-12 regarding medical facilities/clinics in certain zoning districts.

Preliminary Agenda for May 20. This begins at 6:00PM with the East Hollis Area Plan Public Hearing. He said he just handed out a copy of the latest addition to the East Hollis Street Plan.

REPORT OF CHAIRMAN, COMMITTEE & LAISON

Ald. Larose said a couple of meetings ago he talked about the presentation from the Nashua Regional Planning Commission concerning the Circumferential Highway. He said this past Tuesday they were asked to give some type of vote to NRPC pertaining to the Circumferential. He said NRPC was looking at three things. One was whether there was support for the Circumferential to be built. They also were looking at whether the project should be discontinued and the last was whether they should be investigating alternative routes. He said Litchfield voted for the full build. Merrimack voted "yes" provided that there be no tolls. Hudson voted to study alternative routes because they felt a full build would never happen due to the cost. The members of the Planning & Economic Committee felt the same way as Hudson. It is going to cost between \$300,000 and \$325,000 for the study. DOT is going to pay for the whole thing so nobody has to kick in any money.

Discussion ensued.

Mr. Farkas said there was another item under NRPC. There is a Land Use Training Series offered by NRPC on May 19. It is free of charge and it would be nice if an alternate member could attend.

It was mentioned that these seem to occur when the Planning Board has one of their regular meetings. Mr. Farkas said he would bring this to their attention.

Mr. Farkas said there is a Watershed Souhegan River exposition on May 26 in Milford Town Hall that is open to anybody.

Further discussion ensued concerning the Circumferential and the funding for the study.

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

- 1. 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.**

Jim Petropulos, Hayner/Swanson Inc., 3 Congress Street, Nashua, NH.
Mr. Petropulos said Ed Huminick, the developer for Meridian Place, is also present tonight.

He said they are seeking to amend the previously approved project - approved on February 6, 2003. The property consists of 1.25 acres. This is the former Johnson's Electric site located at 18 Harbor Avenue. It is bordered by a mixture of commercial and residential uses.

He said this is essentially the same site as approved in February 2003. At that time both the Planning Board and Zoning Board approved a 4-story, 47 elderly housing unit and 3,000 square feet of medical offices with 74 parking spaces. The building was situated along Harbor Avenue with parking in the rear with a single curb cut off of Harbor Avenue.

NCPB

May 6, 2004

Page 4

Mr. Petropulos referred the Board to the amended plan which was on display. He said the location is pushed back about 6' from Harbor Avenue and the building is about 4,000 square feet larger. It is intended to be a 45-unit multi-family dwelling with 72 parking spaces. The building and parking are essentially the same use.

He said the other site elements that they covered in February such as lighting, landscaping, etc. remain - as previously approved. He said they were sensitive to the south property line where there are some residences. The Board had looked favorably about their proposal to put in a 6' stockade fence along that property line.

He said the real change to the project is the use. He said the staff report indicates the Zoning Board of Adjustment just recently approved multi-family units at this site. He said Mr. Huminick is proposing a project that consists of work force housing. Work force housing is basically to provide affordable housing to the working citizens of the City of Nashua. It enables middle-income people to attain ownership. It provides limited equity - a condominium form of ownership. There will be units that will be priced similar to rental apartments. They will also be capped so that as value increases they can't skyrocket. It's a formula that Mr. Huminick is working out with the City of Nashua.

Mr. Farkas said the parking is reduced and the size of the building is increasing. There's going to be more people and less parking. He asked Mr. Petropulos to explain why.

Mr. Petropulos said the size of the building has increased, but there are going to be less units. He said they would like to have more parking, but he believes what they will find is that there will be many single owners and hopefully they will have only one car. In addition, on street parking is provided on the local streets.

Mr. Farkas asked if there was any room for additional parking.

Mr. Petropulos said they have explored all the avenues for achieving on-site parking.

Ald. Larose said it is true that there is on-street parking. However, there is no parking on the street overnight. He said there is a problem if they are over capacity. He said there are a

NCPB

May 6, 2004

Page 5

number of other areas here where the same type of project could happen and he said he would hate to see that they have cars all over the place because there is inadequate parking.

He said when the project went to the Zoning Board the request was for a reduction of 80% of the required parking and the Board brought it up to 90%. He said the East Hollis Street Master Plan, the consultants are talking about reducing the parking requirements to one car. He said he didn't agree with that because this is not pre-1950 and many people have two cars in the family - even people who are retired.

Mr. Moran asked what happened between February 2003 and this year when it changed from elderly housing to multi-family housing. He also asked if the facility would have an elevator.

Atty. Gerald Prunier, 20 Trafalgar Square, Nashua. Atty. Prunier said when anything is done to redevelop the downtown area they are not going to get the parking ratios that people are used to seeing on the outside of the inner city. An example of this is the "Modern." There are a limited number of parking spaces for the number of dwelling units. They are dealing with a downtown where public transportation is available.

He said this is not the first - it's the second or third project of this type that is being developed in the State of New Hampshire. The City of Nashua is a partner in this development and after approval of both the Zoning Board and Planning Board they have to sit down with the City officials to discuss the sales prices of the units and what kind of equity the owner(s) can take on a sale, etc. The New Hampshire Housing Authority, the banks, and realtors are also involved. The realtor's commission on the sale of these units is going to be less than what they normally receive.

When people saw this development they thought it would be a great location for this type of housing because it is close to the downtown, has public transportation, and it is within walking distance of downtown. One of the items that is going to be under discussion in the condominium documents is the number of parking spaces allocated to each one of the units and that will be all they can use.

He said this is something they will be encountering throughout the redevelopment of the downtown area. They may end up having to have underground parking, although with affordable housing underground parking is too expensive and wouldn't happen.

Mr. Slivinski said since he has been on the Board there have been more and more projects happening like this in the downtown area. He said eventually they are going to get to the point where the parking situation is going to "break" them and either the City is going to have to allow parking on the streets at night or they are going to have to allow some sort of parking for vehicles. In the real world, as it is today, nobody has just one car. There's no reason that the people who will be living in this facility will have at least two vehicles for each unit.

Mr. Slivinski said Atty. Prunier must have an idea of what the price of the units would be since they know how much money they paid for the land and they have the plans for the building. If this could be 35 units, they would have enough parking. He asked what affordable is going to be.

Atty. Prunier said they don't have any control over setting the price on the units. It's going to be a combination of New Hampshire Housing Authority and the City of Nashua. It can't be set by the developer.

Mrs. Lasky said it would seem that there would be certain guidelines that would have to be met in terms of pricing to call it "affordable" housing. She said their decision could not be made on the basis of what the units are going to cost.

Mr. Slivinski said he couldn't understand why there is no idea what the price of these units would be with the information they already know, i.e., cost of land, number of units, etc.

Atty. Prunier said he had a number, but it's not his number. He said they would cost around \$140,000 - \$160,000.

Mrs. Lasky said her understanding is that these units are geared more toward families so that there is not a concern about having all adults in a three-bedroom apartment.

Atty. Prunier said this is correct.

Mr. Farkas said that his issue is with the parking. He said the numbers are low to begin with as far as ratios of cars to units. He said they did make a concession where the "Modern" is concerned. They took into consideration the proximity to a parking garage and a parking lot right on the other side. That is not the case with this project.

SPEAKING IN OPPOSITION OR WITH CONCERN

John Earl, 1 Howard Street. Mr. Earl said this argument was brought up during the last meeting. He said from what he saw of the drawings presented to him there is ample room for more parking. He said it appears there is three quarters of an acre or a half-acre off in the corner of the lot where there are trees.

He said he lives in the neighborhood and he can tell the Board that parking is already an issue. Directly in front of his house there is a "No Parking" zone which is regularly occupied by vehicles. The parking situation is already unacceptable.

SPEAKING IN FAVOR

Mark Maynard. Mr. Maynard said he is one of the developers of the project. He said Atty. Prunier is correct in stating that they can't do affordable housing in the City with underground parking. He said their goal is to sell the big units in the \$150,000 - \$160,000 range. The owner of that condo's payment will be about \$1200 a month, which is what they would be paying if they were renting a new apartment someplace else in the City. The people buying these units will know the parking situation before they purchase a unit. If they have a problem with the parking situation they are not going to purchase a unit.

Ald. Larose said that the Board has some of the literature that was given to them and it states that this project is intended to be a vehicle in which a middle income apartment renting or first-time home buying citizen can enter the housing market. He asked if some of the units would be rented.

Mr. Maynard said "no." He said he wasn't sure where Ald. Larose was getting this. He said these units will be sold and there will be no rentals. These will require a 5% down payment under the agreement with HUD and the banks.

NCPB

May 6, 2004

Page 8

Mr. Moran said he would still like to know what happened between the last proposal for elderly housing to this proposal for multi-family condominiums.

Mr. Maynard said he was on the Mayor's Task Force for Affordable Housing. He said they are never going to have affordable housing in the City if they don't have the density. It's virtually impossible. He said Donnalee Lozeau had difficulty on Temple Street and the land was given to her. He said they have a problem in the city because the average person can't afford to live in Nashua any more. There has to be quality housing for these people. You can't expect them all to live on the tree streets. He said 67% of City employees live outside of Nashua because they can't afford to live in Nashua.

He said this is a pilot project and hopefully there is going to be more of them. People will make concessions on the parking if they have a good quality condo to live in. He said this is a wealthy community. There are no condominiums for under \$200,000 in Nashua. He said there is more of a need for affordable housing right now than there is for elderly housing.

Mrs. Lasky asked if the landscape waiver wasn't part of the prior plan.

Mr. Petropulos said at the southeastern corner of the site there is some head-in parking behind the Nashua Lumber building. The previous plan had that as parallel parking spaces. In an attempt to find as many parking spaces as possible, they rotated them ninety degrees. In doing so they fell within two to three feet of the property line. The code requires a 5' green strip. There is 2' on their property and 3' on the Nashua Lumber property so in essence there is a 5' green strip. By doing this it enables them to get about six more parking spaces.

Mr. Dookran asked if they had considered moving some islands to get more parking, or if it can be done.

Mr. Petropulos said removing the end caps would not allow any additional parking spaces. They also house the light poles and provide some definition in the parking lot and some landscape.

Mr. Dookran asked what the argument was that convinced the Zoning Board to agree to the reduction in the required parking.

Atty. Prunier said he believes it was the combination of things. One was the fact that there is public transportation. Another is the fact of its location being downtown. In addition, the condominium documents are going to limit the number of vehicles per unit.

Mr. Dookran said they are asking for a specific number of 45 units. He asked why they aren't asking for 40 or even more - 50.

Atty. Prunier said they tried to stay pretty much within the boundaries of the previously approved building. In discussions with New Hampshire Housing Authority and the City, it was felt there was a need for three bedroom apartments. Two bedroom apartments were also taken into consideration. The whole idea was not to enlarge the building.

MOTION by Ald. Larose to approve the site plan for Meridian Place, LLC, 12 & 14-18 Harbor Avenue for multi-family housing with the finding that it meets the criteria of NRO Section 16-123 and 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 all public improvements shall be submitted to and approved by the Engineering Department and Corporation Counsel.
3. Prior to the issuance of a building permit documents pertaining to the storm water operation and maintenance plan shall be recorded.
4. Prior to the issuance of a building permit a determination shall be made by the Nashua Fire Department whether additional turnaround area is required per their memorandum dated March 26, 2004.
5. Prior to the issuance of a building permit any past due property taxes shall be paid, or agreement reached with the City Treasurer for payment.
6. The request for approval of landscape waiver per Section 16-123(f)(4) is granted.

SECONDED by Mr. Slivinski.

Ald. Larose said he is happy to see something that is addressing family housing. In the past they have been addressing elderly housing and they must continue to address that, but family housing is very needed in this City. He just wanted to bring out the fact that parking is going to be an issue.

Mr. Farkas said that family housing is a great idea, but the parking is really an issue. He said he's been there when you move into a place you could afford and you have one or two cars and he's seen what's happened to people when the families get older and it becomes very congested and is a problem. In the inner City it's still a problem. Without more parking he can't support this request.

MOTION CARRIED - 7-1, Mr. Farkas opposed.

Mayor Streeter said Mr. Maynard and others who recognize the City does have a problem with work force housing. He said this is a good project and they will see many more of them. He said the City does need to address the downtown parking problem.

NEW BUSINESS - SUBDIVISION PLANS

2. Eugene & Della Doherty & Rodney A. Adams (Owners) - Proposed lot line relocation, 28 & 30 Catalina Lane, Sheet G - Lots 375 & 376, Zoned "RB" Urban Residence.

Cynthia Bouvier, Cuoco & Cormier Engineering, Nashua, NH. Ms. Bouvier said this is a lot line relocation between Lots 375 belonging to Mr. Adams and Lot 376 belonging to Mr. & Mrs. Doherty.

She said the Doherty's home is at the base of a hill and tucked into the southerly side of the lot. Thirty years ago iron pipes had been put in the wrong spot and that is always what the two neighbors had assumed was the location of the property line. She said when they did the survey, they discovered that it was 6' off. The problem for the Doherty's on Lot 376 is that because of the hillside and the topography they could not get access to the back of their lot. Both property owners agreed they would like to have the property line where they always assumed it was. They went to the Zoning Board for Lot 375 for reduced lot area, width, and side

NCPB
May 6, 2004
Page 11

yard setback. Both are non-conforming lots in this Zoning District. That variance was granted on October 28.

SPEAKING IN OPPOSITION OR WITH CONCERN

No One

SPEAKING IN FAVOR

No One

MOTION by Mr. Slivinski to approve the lot line relocation between 28 & 30 Catalina Lane. The request meets Section 16-108.

SECONDED by Ald. Larose.

MOTION CARRIED UNANIMOUSLY

3. RJ Investments (Owner) - Proposed subdivision of one lot into three single-family lots, Middle Dunstable Road & Searles Road, Sheet B - Lot 32, Zoned "R18" Suburban Residence.

Corey Johnson, Keach-Nordstrom Associates. Mr. Johnson said the parcel known as Sheet B lot 32 is located at the corner of Middle Dunstable Road & Searles Road. It consists of about 1 ½ acres, mostly of an open field. He referred the Board to the plan which was displayed. He said there are trees to the east and the north. There are three wetland areas on the site that total about 6900 square feet. The site slopes from east to west across the property.

He said the wetlands were delineated by Justin Zimba, Certified Wetland Scientist with Promise Land Survey. The survey work was done by Granite State Surveying. Both were conducted in 2003.

Mr. Johnson said that as he mentioned earlier the runoff from the property goes east to west. There's a small pocket around a drainage swale to the northeast that flows off site. That drainage swale is from the City's drainage system that comes under Middle Dunstable Road. He said Searles Road to the south currently has no curbing and the runoff hits the edge of pavement. The City has put in a rip rap swale. The edge of the road is eroding because the road is fairly steep.

He said the proposal is to subdivide one lot into three. He referred the Board to the plan. He said they have had several meetings with the Conservation Commission and a site walk. He said they were asking for a wetland crossing and looking for a positive recommendation from the Conservation Commission. They gave a recommendation for the three lots and the crossing to get access to one of the lots. He said DES has given them a Dredge & Fill permit. He said they went to the Zoning Board of Adjustment in January and they were granted a special exception for the driveway crossing.

He said the Nashua Conservation Commission had asked that while they were in front of the Zoning Board of Adjustment to ask for a variance to encroach 5' into the rear setback of Lot 3118, which is the lot right at the corner of Middle Dunstable Road & Searles Road. That is to get the house a little further away from the wetland. The Zoning Board granted that request.

He said there was also an issue with granting relief from an ordinance that states you can't get a building permit for a building within an official street map. That issue has been resolved.

Mr. Johnson said the lots will connect to the municipal sewer and water system in Middle Dunstable Road. The access from Lot 32 is off of Searles Road where the wetland crossing is. This lot is approximately 23,900 square feet. In taking out the wetlands, it leaves about 19,800 square feet. Lot 3119, which is in the northeast corner, has access off of Middle Dunstable Road and has 21,340 square feet. With the wetland taken out its about 20,500 square feet. Lot 3118 has access off of Middle Dunstable Road also. It nets out at 18,287 square feet after taking the wetlands out. All three lots meet the R18 zoning requirements.

He said they have added sidewalks and curbing along all frontages with Middle Dunstable & Searles Road. He has had meetings with the abutter downstream and to the west because the drainage from her lot drains onto the subject property and his client has spent a lot of money on drainage trying to pick up the water near the property line.

He said another issue is the runoff coming off of Searles Road. The rip rap and the edge of pavement is all eaten up and is kind of an

NCPB

May 6, 2004

Page 13

eyesore. He said they have come up with a way to try to help everybody.

He said they put a swale into the middle of the property that runs north to south. This picks up about half the runoff from the site. It hits the swale and brings it up front to a wetland along Searles Road. It will keep a lot of the sheet flow from continuing onto his client's property. If they extend the curbing all the way down to the bottom of the slope in Searles Road where the water hits the rip rap and headwall and then outlet it, they can get rid of the rip rap and the road erosion and make it more presentable to the abutter.

Ald. Larose asked where the water is going when they extend the curbing and take care of the abutter's problem.

Mr. Johnson said right now there is a rip rap swale that runs along Searles Road heading northwest. Where it flattens out at the bottom there is a headwall with a culvert that goes underneath Chinook Road. He is putting the curbing in the exact same place, but just going a different route.

Mr. Moran said he understands that the Fire Department had some issues on driveways.

Mr. Johnson said the Fire Department had an issue with Lot 3119, which is the northeast corner. He didn't have a bump-out so they couldn't turn an ambulance around. Once he provided the bump-out they were okay with it.

Mrs. Lasky said she didn't know the lot number, but asked if it was possible to switch the location of the garage that comes out on Searles Road to the other side. She said the further away the driveway is from Middle Dunstable Road, the better off it will be.

Mr. Johnson said that the issue is that he would impact more wetland. He said the visibility from Searles Road is better. You can see from quite a ways away from Middle Dunstable Road.

Mr. Dookran said the sidewalk they plan to install will end abruptly at the property line. He asked where the sidewalk picks up again.

Mr. Yeomans said he thought it picked up between Indian Fern and Salmon Brook Drive. It's several hundred feet, at least.

Mr. Dookran said he is looking at the plan and it appears that the grading looks like its going way into the pocket of trees that they are going to save is located. In addition there is a sewer line that goes right into the middle of them.

Mr. Johnson said the sewer line was the last thing that was changed. It may not be completely accurate for the location of the new sewer line. He said he believes the grading is pretty close to that area. He said they can't have the sewer line and leave the trees above it. He isn't sure how many trees that would mean he would lose in that area. He will address that in his final plan.

SPEAKING IN OPPOSITION OR WITH CONCERN

No One

SPEAKING IN FAVOR

No One

MOTION by Ald. Larose to approve the subdivision plan for RJ Investments (Owner) at Middle Dunstable Road & Searles Road, Sheet B - Lot 32 with the finding that it meets Section 16-108 and with the following stipulations:

1. Prior to any work being conducted a pre-construction conference shall be held with the Planning Department to review erosion control, tree and material removal, and tree protection. Wetlands, and trees shown on the plan to be saved shall be marked by flagging and protected from cutting or other disturbance with suitable temporary fencing.
2. Prior to recording of the approved subdivision plan bonding for the required street and utility improvements shall be approved by the Department of Public Works and Corporation Counsel.
3. Prior to recording of the approved subdivision plan the Planning Department and Corporation Counsel shall review and approve required utility easements and storm water operation and maintenance documents. Said documents shall be recorded with the plan.

4. Prior to the final certificate of occupancy being issued all required site improvements shall be completed according to the approved plan, and all work conducted in the public right-of-way completed to the satisfaction of the Division of Public Works.
5. This plan is subject to compliance with all conditions of approval including the Nashua Conservation Commission, Zoning Board of Adjustment and the New Hampshire Department of Environmental Services.

SECONDED by Mr. Farkas.

MOTION CARRIED UNANIMOUSLY

NEW BUSINESS - SITE PLANS

4. **Nashua Country Club, Nashua Development Corporation (Owner) City of Nashua (Applicant) - Proposed amendment to NR 1913 for the construction of a storm water treatment and control system and associated site improvements, 25 Fairway Street, Sheet 116 - Lot 1, Zoned R9" Suburban Residence.**

Joseph Lowry, Louis Berger Group, Manchester, NH. Mr. Lowry said he is representing the City of Nashua tonight and seeking to amend site plan NR 1913 for the Nashua Country Club. There are 161 acres of land on the site. The project involves the southernmost portion of the property between the 16th and 17th fairways. This is a joint project between the City of Nashua and the Nashua Country Club.

He said the primary purpose of the plan is to convey and treat storm water flow from South Main Street to the Merrimack River. Historically this area of Nashua, as in other areas of Nashua, have had storm water and sanitary sewerage flow carried by one set of pipes. He pointed out an area where there is a 36" combined sewer and storm drainage pipe. This is known as a Farmington interceptor. That flows from South Main Street to near the Merrimack River and then is carried northerly to the treatment plant in the South Merrimack interceptor.

He said the City of Nashua has an ongoing program to try to reduce combined sewer overflows into the Merrimack River. In this area, during low flow conditions both the storm water and the sanitary flow is picked up by the Farmington interceptor and the South

NCPB

May 6, 2004

Page 16

Merrimack interceptors and go to the treatment plant. During storm events there are combined sewer overflows which take a portion of that flow and discharge it to the Merrimack River. In this area the City has been able to construct some new storm drainage in the area to the north and west of South Main Street to provide a separate storm drainage system. That storm drainage system currently terminates on South Main Street. He pointed out the location of that termination. The problem now is to get that storm drainage, which has now been separated, from South Main Street to the Merrimack River. They are proposing to construct a 36" drain from South Main Street to the Merrimack River and also to provide some storm water treatment facilities to provide enhanced water quality before it's discharged to the Merrimack.

He said they are working with the County Club to provide to provide a wet detention pond and a wetland treatment area to further enhance the treatment of the water. It also provides an opportunity to enhance the 16th hole of the Country Club's facility. Right now there is what has been classified as a wetland on the southern portion. It has been maintained by the Country Club as a mowed fairway, however, jurisdictionally it is considered a wetland because of the seasonal high ground water table and the presence of high water conditions during the growing season. He said they plan to take the excavated material from the site and move it to the north to provide an elevated fairway to enhance the playability of that hole.

Mr. Lowry said the wetland facility itself is approximately one acre in size. Beyond that the wetland treatment area is about .55 acres. The storm water treatment has a multi-level process. The newly constructed storm drainage system in South Main Street in the residential area to the north has catch basins with sumps and oil hoods. Just off South Main Street they will be providing a storm water treatment unit that will be below grade. It is designed to handle most of the settleable solids and also some floatable materials to provide enhanced water quality before it's discharged into the pond.

He said the wet pond provides further settlement of any of the remaining solids. The wetland provides enhanced treatment of some of the potential nitrogen and phosphates and other nutrients in the storm water. As a result of this treatment process they are able to provide a very high level of water quality before it gets

discharged to the Merrimack.

He said this process has taken them through several permits. They have received approval from the Nashua Conservation Commission, subject to several conditions, which they will be able to comply with. They have also been to the Zoning Board and just recently received the NH DES Dredge & Fill Permit. They are in the process of seeking the NH DES Site Specific Permit.

SPEAKING IN OPPOSITION OR WITH CONCERN

Joel St. Laurent, 40 Farmington Road. Mr. St. Laurent said he is a direct abutter to this plan. He said he has a number of concerns. This is the third or fourth meeting that he has been to and he has received inconsistent information.

He said he is concerned with the appearance as 3/4 of their rear property line would abut the wetland vegetation area. Currently this area is well maintained. As they understand it, it will act as a filtration system before the water is piped out to the river. Created wetlands like those near Daniel Webster Highway South are an eyesore and he is hoping that that is not what this is going to look like.

He said if the water is allowed to become murky they are concerned because there may be unwanted bugs and possibly for unwanted Canadian Geese. He said he happened to work at a golf course years ago and the geese overtook the golf course and contaminated all the ponds, streams, and wetlands.

He said last month at the Zoning Board of Adjustment hearing there was testimony that the depth of the pond would be three feet. Then they heard it was going to be six to eight feet so they aren't sure what it's going to be. He said yesterday he had a conversation with Mr. Cincotta from the Nashua County Club and he was told that they would begin by using their irrigation system to fill the pond. It makes him wonder if they are going to have to continue to this over the years to maintain the proper level.

Mr. St. Laurent said if the chamber area is not maintained properly or often enough his understanding is that it will not work. He asked how they can monitor the maintenance.

NCPB

May 6, 2004

Page 18

He said they were at a meeting at Sunset Heights where it was said that the peat is three to four feet deep. He said that they were told by one of their neighbors who is in that business that it's thirty plus feet. He said Sky Meadow tried building a pond in a peat area and the walls continued to cave in. They had a difficult time and he doesn't know what the end result was.

He said he is a little surprised at the compliance of the membership of the Country Club. He said he doesn't understand how they gain by having this done. He asked if they get extra water for irrigation down the line.

He asked if a wetland scientist been consulted to advise them on what type of vegetation is going to be planted and if the vegetation is planted he would imagine the idea is for it to thrive. He asked if that would be maintained in any way.

He asked if there had been any studies on what this will do to the water table in this area.

He said he has been told that this project is necessary. He said they have to be sure that all the research has been done thoroughly and the project is properly done. He asked if it failed if there are any provisions to either move the wetland pond filtration system or if there is any way that it would be undone if it isn't accomplishing what it is supposed to do.

SPEAKING IN FAVOR

Amy Prouty-Gill, CSO Storm Water Engineer, Division of Public Works, City of Nashua. Mrs. Prouty-Gill said this project, when completed, will be part of the Nashua drainage collection system. They will be obtaining an easement from the Nashua Country Club in order to maintain the storm drain as well as the wet pond and the wetland in that area.

She said the City is under an EPA consent order to reduce their CSOs. This project addresses that problem. It will complete a prior sewer separation project in South Main Street and provide an outfall for the storm water. Last year the City came under another requirement from the EPA. They are under an NPDES Phase II Storm water Permit which makes the City treat storm water in order to reduce non-point source pollution to water bodies. What this means

is that they cannot discharge polluted storm water into the waterways. She said this project is a highly effective proven storm water treatment system to reduce not only solids, but floatables, oils, and nutrients from storm water prior to its discharging.

She said as far as the recreated wetlands is concerned, the area they are working in is currently a jurisdictional wetlands. It was identified as such by a wetlands scientist that was hired with Louis Berger Group to lay out where the wetland area is. He was also responsible for doing the planting in the wetland area.

She said right at the bend of the abutter's property there is a large parcel which is also currently a natural wetland. That natural wetland abruptly ends at the property line due to the fact that through the years the golf course has maintained that property.

She said the City is not only recreating wetlands on what is jurisdictional wetlands, but they are also treating the storm water by passing it through that created wetland.

Mrs. Prouty-Gill said this is a City project and they are working with the Nashua Country Club. She said they have had a golf course architect working for the City and consulting with the golf course architect for the Country Club so they are satisfied with the appearance when the project is completed.

She said the City has experience with the storm water separator that is going to be used on this project. It will be the fourth swirl separator of its kind that the City will be installing. The City is familiar with maintaining them. They need to be maintained twice a year and they are confident that they will be.

She said the detention wet basin requires maintenance about once every ten years. The City will be responsible for that maintenance.

Mrs. Lasky asked somebody to address some of the issues that were raised by the abutter.

Joe Lowry, Louis Berger Group. Mr. Lowry said the depth of the water does vary. In the wetland treatment area, the depth is two to four feet. It is given different depths so that you will have

different types of plant growth. It has different functions and provides different nutrient uptake. He said in the wet pond area it is between four and six feet deep. Around the outside of that there is a shell barrier that is one foot deep.

He said before they did this design they took some groundwater monitoring wells that are still in the ground. They are basically excavating into the groundwater so what they are seeing out here is going to be a manifestation of the groundwater table. It's going to allow a stable groundwater condition. It's going to maintain the level of the water.

He said in terms of the flow coming into it, there was some mention of the potential for water to be used. They feel that the flow of water coming from the 35 acre site upstream that they will have ample flow coming in for a great majority of the time. He said they are working with the golf course on the possibility of providing some supplemental flow during extreme drought conditions if the water table in that area drops down.

Mr. Lowry said the key to maintaining and controlling bugs is to have as much flow through the area as possible. Bugs tend to come around if you have a stagnant water situation. They feel there will be enough flow due to the 35 acres upstream coming through to maintain a moving water situation. During low flow times it may be supplemented with water from the irrigation system which is pumped from the river.

He said as far as the Canadian Geese are concerned, he said it might be a possibility. He said they have not seen any studies or conducted any studies about whether this one pond will have a significant attraction to Canadian Geese.

Amy Prouty-Gill. Mrs. Prouty Gill said that there is an existing pond on the property north of the clubhouse. She said they don't seem to have a problem with Canadian Geese.

Mr. Slivinski asked if the property is wetland in name only.

Mrs. Prouty-Gill said it's very wet in the springtime. It's standing water above grade because you are basically at the top of the water table.

Mr. Dookran said there are created wetlands off of Daniel Webster Highway, which is supposedly an eyesore to most people. He asked if the one they will be creating at this site will have any resemblance to those wetlands.

Mrs. Prouty-Gill said this would be done on a much smaller scale. Also the planting is done in a well-thought out manner as far as height and elevation. She said she had a resident come in to ask about the project and she described the wetlands that abutted her property and the resident thought they were pretty. She said the appearance of wetlands are in the eye of the beholder - some people like them and some don't. The wetlands to be created will look very much like the wetland that exists today on the property.

Mr. Dookran asked about the peat. He asked if they had a measure and if they do how it would affect the longevity of the pond.

Mrs. Prouty-Gill said they had borings taken on the site. There was one boring very close to where the wet pond meets the wetland area. She said she isn't sure how deep it went.

Mr. Lowry said they had several holes taken in that area. He said the peat is deep there, however, there are flat slopes coming into this and the vegetation that they have on the sides will help to maintain and slow that down. If they excavated straight down into a peat area there would be a much greater potential for a problem to occur. Basically the whole area has some old peat deposits. He said it actually works to their advantage because it's probably maintaining the groundwater level at that point.

Mr. Slivinski asked when they expect to begin the work and how long it will take.

Mr. Lowry said the Country Club has requested that they not start any work until October 2004. This is a good winter construction project and they have made a commitment to get it back in place, for the most part, by next spring.

MOTION by Mr. Slivinski to approve the proposed amendment to site plan NR1913 for the construction of a storm water treatment and control system and improvements at 25 Fairway Street with a finding that it meets NRO Section 16-123 and with the following stipulations:

NCPB

May 6, 2004

Page 22

1. Prior to any work being conducted, the applicant shall set up a pre-construction conference with Planning Department.
2. Prior to any work being conducted, approval of the NH DES Site Specific permit shall be obtained.
3. Prior to any work being conducted, approval of the NH DES Wetland Dredge & Fill Permit shall be obtained.

SECONDED by Mr. Farkas.

MOTION CARRIED UNANIMOUSLY (Mayor Streeter not sitting)

5. **Conway Office Products (Applicant) Bellavance Beverage Company, Inc. (Owner) - Proposed amendment to NR1763 for a change of use from accessory parking lot to office and warehousing and to show the construction of a 1-story, 43,200 square foot building with associated access, parking and site improvements, 10 Capitol Street, Sheet H - Lot 158, Zoned "PI" Park Industrial.**

Jim Petropulos, Hayner/Swanson, Inc., 3 Congress Street, Nashua, NH. Mr. Petropulos said he is representing Conway Office Products. He said Peter Dynan ???, the President of Conway Office Products is also present. He said the proposal is for a one-story 43,000 square foot office/warehouse building to be located at 10 Capitol Street.

He said Capitol Street is located on the south side of 101A Amherst Street in the northwest corner of Nashua. The property is abutted by Round Pond to the north, several commercial buildings to the east and south and the Law Warehouses and Harcross Chemical buildings to the west.

He said Hayner/Swanson, Inc. surveyed the property in February 2004. He referred to the map displayed on the Board. It consists of 4.85 acres in size. There are wetlands associated with Round Pond. He said a manmade swale was constructed many years ago to carry storm water from this industrially developed area to Round Pond.

He said in 1994 Southern New Hampshire University approached the property owner of the site and asked if it would be possible to put some overflow parking. That parking was built and currently there

NCPB

May 6, 2004

Page 23

are about 200 existing parking spaces. There are two curb cuts to Capitol Street and a connection back to the Southern New Hampshire site. The lease has expired and Southern New Hampshire University has apparently re-programmed their curriculum in such a way that they don't need this parking any more.

Mr. Petropulos said the remainder of the site is wooded. There is a large knob located in the northwest corner that grades back down towards Round Pond. That knob contains ledge. The lower regions and the parking areas have sandier soils with shallow depth to groundwater.

He said all necessary utilities are available to the site. The site is located in the Water Supply Protection District.

He said the proposed building will have two pads to it. The eastern-most pad will have around 21,000 square feet and will serve as the offices. The back portion will be the warehouses for the facility. There will still be two curb cuts on Capital Street. The eastern-most access will primarily serve as vehicular entrance and exit from the site for the employees. The western-most access will serve as loading for the facility. They'll access in Capitol Street back into the loading dock. This site will see about one truck trip per day.

He said there are 98 parking spaces on site where 94 are required. He said Conway has about 60 employees. They do not have a large amount of visitors per day. The front door is located on the east side of the building with handicapped spaces located there. He said 20% open space is required in this zone and they are providing 55%.

He said they were limited with the property with the rock present in about half the site and high groundwater in the other half of the site. It was hard to create a subsurface storm water system. The site currently receives its treatment from the grass swale along the easterly property line. When they started contemplating storm water they thought that if its not broken don't fix it. They will maintain using this swale. There will be enhanced qualitative treatment with the vortex chamber similar to the one Mrs. Prouty-Gill spoke of in the previous case. He said they reviewed the plans with Pennichuck and there is a letter from Pennichuck that the goals of the Water Supply Protection District have been achieved.

He said the lighting is in accordance with the City's standards with downcast lighting, etc.

He said they are landscaping in accordance with the regulations. There is a high concentration of plantings around the building.

He said the majority of the building is going to be done in brick. It will have a single roof line between the warehouse and the office.

Mr. Petropulos said Conway is the regional headquarters for the copier service and distribution business. They have been in Nashua for many years. This is their fourth move in Nashua. They are currently located on Perimeter Road which they occupied in 1986. They are doing twenty times the business today and have outgrown Perimeter Road.

He said the stipulations outlined in the staff report are acceptable.

Mr. Farkas asked if they had received the April 7 letter from the Fire Department. He said under other requirements there is something that looks like it should be another stipulation.

Mr. Petropulos said they met with the Fire Department and they described their desire for bigger buildings to have certain pieces of equipment. The applicant has agreed to this. He understands this to be a system so that when life safety and firemen enter a building under duress they sometimes, in bigger buildings, lose the ability to talk to one another. With this piece of equipment inside the building they are either able to switch to a different channel or better communicate with each other.

Mr. Dookran said this site will generate approximately 40 cars per hour during the peak hour. The access to this site is a little tricky. He asked if they had looked at this.

Mr. Petropulos said they haven't studied the intersection. He said they are aware that Amherst Street is two lanes west bound. There is a designated left turn lane. He knows that the Conway people knew that during the AM peak and the PM peak that Amherst Street does carry a lot of traffic, but they still found the site acceptable.

Mr. Dookran said he used to attend night school at the university. He used to come in at Capitol Street. Most of the students used the same access for both regular parking as well as the overflow parking. He said now that is being cut off.

Mr. Petropulos said they are not being cut off. He said Conway has a relationship with Southern New Hampshire University. When the university became aware of this proposal they contacted the president of Conway and asked what their intentions were. He asked what the university needed and they responded that they would like it to be open and Conway has agreed to keep the access open.

Mr. Dookran asked Mr. Yeomans asked if the site plan for the university will have to be changed.

Mr. Yeomans said that he does not anticipate a change. The parking is on a separate lot of record. The parking requirements are met for the university. The extra parking was something that they took advantage of at the time.

Mr. Slivinski said that Mr. Petropulos indicated the school wasn't using the lot any more. He asked if they might in the future.

Mr. Petropulos said they are not using it to the extent that they used to when they executed the lease with the previous landowner. His recollection of driving by it years ago was that it was pretty full. They have apparently altered their program at the university and don't depend on this overflow parking. He said there is a connection between the two sites in the northeast corner of the property which they will leave in place. The Conway business ends at 5:00PM and the classes at the university don't start until 5:30PM so if the university wants to use the spaces, the president of Conway has told him that they will work something out.

SPEAKING IN OPPOSITION OR WITH CONCERN

No One.

SPEAKING IN FAVOR

No One.

MOTION by Ald. Larose to approve the site plan for 10 Capitol Street for a change of use to office and warehousing and the construction of a 1-story, 43,200 square foot building with the finding that it meets the criteria of NRO Section 16-123 and 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 to review erosion control and related construction activity.
2. Prior to the issuance of a building permit a sewer easement shall be reviewed and approved by Corporation Counsel and the Division of Public Works.
3. Prior to the issuance of a building permit a storm water operation and maintenance plan shall be recorded.
4. Prior to a certificate of occupancy being issued all site work including final paving and landscaping shall be completed.
5. Sprinklers/Master Box/800MHz radio system must be operational from within the structure with any necessary radio enhancing equipment required.

SECONDED by Mr. Moran.

MOTION CARRIED UNANIMOUSLY

6. **Neighborhood Housing Services of Greater Nashua (Applicant) Roman Catholic Bishop (Owner) - Proposed change of use from a religious institution to multi-family residential and to show the demolition of the rectory building and the construction of a 3-story, 31,530 square foot addition to the existing St. Casimir's Church with a total of 28-units and associated access and site improvements, 119 Temple Street, Sheet 37 - Lots 3 & 42, Zoned "GI" General Industrial.**

Atty. Gerald Prunier, 20 Trafalgar Square, Nashua, NH. Atty. Prunier said the Catholic Church is put up this property for sale and Neighborhood Housing has made an agreement with the diocese to purchase the property.

He said the proposal is to keep the church and putting on an addition. He referred to the rendering that was being passed around to the Board members. They will be putting apartments in the church as well as in the addition. There are 49 parking spaces on site, which meets the parking requirements. Since it is in the General Industrial zone, they had to go to the Zoning Board of Adjustment for a variance to allow for residential use of the property.

He said this project is beneficial for the City because it keeps a historic church alive even though the use will not be used for religious services.

Mr. Moran asked if the units would be purchased or rented and Atty. Prunier said they will be rentals.

Mrs. Lasky asked if any of the interior of the existing building would be kept, for example doors.

Bridget Belton-Jette, Executive Director, Neighborhood Housing Services. Mrs. Belton-Jette said the exterior of the church will remain as it is today. The entryway as you first walk into the church will remain as it presently exists. Beyond that there will be six, two-story townhouse units - three on the right and three on the left. The apartments won't have a vaulted ceiling. That will be capped on the interior. The new structure will connect to the church where 22 units are being constructed.

She said the building has a great deal of sentimental value to many people and they are working to preserve what they can and make it special.

Atty. Prunier said the rectory is being demolished, but the church will remain.

SPEAKING IN OPPOSITION OR WITH CONCERN

No One.

SPEAKING IN FAVOR

No One.

Mrs. Lasky asked about the traffic pattern.

Atty. Prunier was away from the microphone but he was heard to say there is only going to be one entrance and one exit.

Mr. Dookran asked the condition of the existing sidewalk in front of the site.

Atty. Prunier said they are in pretty good condition. On the other side of the church there is no sidewalk. Once you cross the little street going back towards the City down by the tire place there are problems with the sidewalks in that area.

Mrs. Lasky asked about the iron fence and whether it is worth salvaging.

Tim Watson, Cuoco & Cormier Engineering. Mr. Watson said they are planning on salvaging as much of the fence as possible. They will pull it back a little bit to provide better site distance off of Gorman Avenue.

MOTION by Ald. Larose to approve the site plan to convert a church into a 28 multi-family residential units at 119 Temple Street with the finding that it meets the requirements of NRO Section 16-123 and 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 to review erosion control and related construction activity.
2. Prior to the issuance of a building permit bonding for work in the public right-of-way shall be approved by the Division of Public Works and Corporation Counsel.
3. Prior to the issuance of a building permit all easement documents shall be recorded.
4. Prior to the issuance of a building permit Lot 3 & 42, Sheet 37 shall be combined.
5. Prior to the issuance of the first certificate of occupancy documents pertaining to the storm water operation and maintenance plan shall be recorded.

6. Prior to the issuance of the final certificate of occupancy all site work shall be completed.
7. Prior to the issuance of the final certificate of occupancy the Department of Public Works shall review the intersection at Temple Street and Gorman's Avenue for adequate sight distance.
8. Trash pick-up shall only occur during regular office hours and not prior to 7:00AM.

SECONDED by Mr. Torosian.

Mrs. Lasky asked if the apple tree in the back would remain. As you are facing the church it's on the right.

Mr. Watson said the tree will remain where it is.

Ald. Larose gave a little history on St. Casimir's Church.

Mr. Slivinski said that he noticed that there are 1.75 parking spaces per vehicles. There will be two and three bedroom units in the building. He believes there is every reason to believe that there will be an average of two vehicles per unit.

Mr. Farkas said they meet the requirements as they are written.

Mrs. Lasky said she is excited about the re-use of this beautiful building. This church means a lot to a lot of people.

MOTION CARRIED UNANIMOUSLY

OTHER BUSINESS

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

Mr. Yeomans indicated that there are no issues of regional impact.

MOTION by Mr. Slivinski finding that there are no proposals of regional impact on the tentative agenda.

SECONDED by Ald. Larose

MOTION CARRIED UNANIMOUSLY (Mayor Streeter not voting)

2. Referral from the Board of Alderman on proposed O-04-12, amending the Zoning Ordinance by adding "medical facilities/clinics" as a permitted principal use in the GB, CB, HB, PI & AI Districts.

Mr. Yeomans said there is a report in the Board member's packets from the Planning Director with reference to this proposed ordinance. He said they are viewing this primarily as a housekeeping measure. It clarifies the meaning of #27 in the Table of Uses under "Retail Service Commercial."

Ald. Larose said last Tuesday's Planning & Economic Development Committee voted 5-0 of amending the zoning ordinance by adding Medical Facilities/Clinics.

MOTION for favorable recommendation to the Board of Alderman made by Ald. Larose.

SECONDED by Mr. Torosian.

MOTION CARRIED UNANIMOUSLY (Mayor Streeter did not vote)

3. Referral from the Board of Alderman on proposed O-04-13, amending the building permit fee schedule of the city building regulations to include non-habitable residential space in the fee calculation formula.

Ald. Larose said at last Tuesday's meeting of the Planning & Economic Committee there was a favorable 5-1 vote on O-04-13 to amend the building permit fee schedule of the city building regulations to include non-habitable residential space in the fee calculation formula.

He said there is a good reason why this was done. The City is losing money from the way they were calculating permit fees. They had changed it years ago and found that it's not working and probably not in the best interest of the City as a whole.

MOTION by Mr. Larose for favorable recommendation to the Board of Alderman on O-04-13.

Mrs. Lasky asked if anyone had a knowledge on the history of this.

Mr. Yeomans said his understanding from speaking to Michael Santa is that this is a housekeeping measure to correct a deficiency when the original ordinance was done. The proposed ordinance crosses out the words "except residential where only habitable space shall be included." They were trying to simplify it. At the time they didn't realize that it had a fairly marked impact on the overall calculation of the fees. This ordinance corrects that error.

Mr. Dookran asked Ald. Larose if this is in keeping with the formulas used for assessing the value of property for tax purposes. Ald. Larose said it is. When they do an evaluation of your home they evaluate everything - top to bottom.

SECONDED by Mr. Moran.

MOTION CARRIED UNANIMOUSLY

- 4. Referral from the Board of Alderman on proposed O-04-14, amending the Zoning Ordinance and map from Park Industrial to General Business for land on the easterly side of Cellu Drive off Amherst Street.**

Mr. Yeomans said there is a report in the Board's packet concerning this ordinance. There is also a copy of an aerial photo which shows the site. It was most recently occupied by Campers Inn. He said they also have the comments from Corporation Counsel in their packets.

He said the staff looks at all re-zones from the perspective of the Comprehensive Plan. Between the actual policies set forth in the plan and the actual future land use map there are some inconsistencies. According to the future land use map, this is shown to be zoned commercial. Although the Comprehensive Plan has taken a lot of time to look at the issue from the perspective of the loss of industrial land, the staff report reflects what the policies were as set forth with the future land use map. Also, the 1985 Master Plan had all of Amherst Street zoned industrial land. After over twenty years of variances and special exceptions, it was finally rezoned to reflect the land use.

NCPB

May 6, 2004

Page 32

Atty. Prunier said it's his belief that this is the last piece of land on Amherst Street where the Board is going to see any type of proposed commercial land on Amherst Street. He said over the years they have re-zoned parcels of land (he showed the area) 400' back from Amherst Street, cutting some lots in half. Since that period of time they have re-zoned across the street for Ford Motor Company and PK Landscaping.

He pointed out the lot under discussion. He said it abuts Round Pond. It consists of less than two acres. It was formerly Camper's Inn. Right now it is in a split zone. Four hundred feet back it's General Business and the rest of it is Park Industrial. It happens that it matches up almost perfectly with "Target" as far as the zoning is concerned.

Atty. Prunier said in order to develop this property, it is reasonable that it be all one zone. It's not that it's going to be a big box on the property. It will probably be about 40,000 - 45,000 square feet in a few buildings - maybe a drugstore, some boutique shops, etc. The amount of square footage will depend upon the buffers that are imposed because of Round Pond. It makes sense to have the lot zoned "GB."

He said he presented this to the Planning & Economic Committee on Tuesday night. There was no opposition. However, one of the Alderman, addressed it after the public testimony was closed. He said he was not able to answer some of the things that the Alderman brought out and they lost the vote in that committee. He is before this Board fighting for it because he feels it makes sense and he thinks he can go back and get the Alderman to understand. He said this property has been used for retail for a long time - the sale of campers. It was anticipated that this parcel would be retail at the time they did the "Target" store. He said he can tell the Board that from his experience this land would not be used for Park Industrial uses because its too small.

Mr. Slivinski said this is a small piece of property that would never be significant for Park Industrial uses. He said he didn't think it was fair to run zoning lines through the middle of properties to begin with. It really restricts what owners can do.

Mr. Farkas said when NRPC looked at the Amherst Street corridor for planning purposes, this is one of the things that was brought out

by the consultant. It should be one or the other. He said they have re-zoned the area and for consistency it makes sense to re-zone this parcel.

Ald. Larose said in 1985 he was on the Master Plan Committee representing the Downtown. They did zone Amherst Street "Industrial", but as time went on and the economy started to go south some of the buildings that were here were vacant, especially along the frontage of Amherst Street. Little by little commercial entities started to move in. He said this ordinance makes a lot of sense.

He said the Planning & Economic Committee voted unfavorably on this ordinance with a vote of 3-2. They also voted **inexpedient to legislate** ??? 3-2. His question is how they get this back to the Board of Alderman and try to rectify what he believes is a mistake.

Atty. Prunier said he is fighting for it because any vote is taken under Parliamentary rules, at the next meeting they can change the vote. If the Planning Board gives a favorable recommendation, he only needs eight votes instead of ten votes if they go to the Board.

Ald. Larose said at the next Planning & Economic Development meeting a motion to reconsider has to be made by someone who was on the winning side.

Mr. Dookran said the site is adjacent to Round Pond, which is a valuable water body. On the other side of the pond is the university and as far as he can tell they don't add to the deterioration to the pond. His concern is that the use that might go on the site will adversely affect the pond.

Atty. Prunier said the Board will get a chance to look at it again if its approved because the site plan will come back to the Planning Board.

Mr. Dookran said there are impacts to the infrastructure, particularly to traffic. They also have to consider sewer capacity. As they look at re-zoning they have to keep up with what the changing industry is nationally.

MOTION by Mr. Slivinski to send a favorable recommendation to the Board of Alderman on O-04-14.

SECONDED by Mr. Farkas.

MOTION CARRIED UNANIMOUSLY

Discussion Item

1. Nashua Mall - Retail F - Reduced Footprint

Mr. Yeomans said the request from Vickerry Realty to move forward with a plan approved several years ago. It is identified in the Board's packet at Retail F. It's a 7,000 square foot retail building. The applicant is requesting to modify the footprint and reduce it by approximately 820 square feet in order to move forward with this development. The Zoning Board has recently approved a variance request to put another use on this lot with a drive through facility. That is not a part of the subject request. The only thing the staff is looking for is the Board's concurrence to allow them to do this administratively to reduce the footprint of the approved building by 800 square feet. The next plan will come to the Planning Board for their review and approval in the immediate future.

Mrs. Lasky said 860 square feet seems negligible to her.

Mr. Farkas said they are going lower so that is fine by him.

Mrs. Lasky said she imagines they are doing this so that the drive through can be accommodated.

Mr. Yeomans said that is his understanding.

Mrs. Lasky queried the members to see if there was any opposition to letting the staff handle this administratively and there was none. They will allow the staff to handle this administratively.

Mr. Petropulos said they want to do this building this year. He said there is a drive-through coffee shop that currently is not in Nashua, but wants to be in Nashua. They received approval from the Zoning Board and they will be coming back to the Planning Board to discuss the merits of that case.

He said overall the Bank of New Hampshire is complete. Wendy's is complete. Bugaboo Creek is a restaurant going next to Wendy's and is under construction. Babys R Us is going between Kohl's and

NCPB

May 6, 2004

Page 35

Christmas Tree Shops and LL Bean is occupying some space as well. This will complete the main body of the mall. Coliseum Avenue is still burdened with utility pole relocations. They spent two years to move it and then moved the pole in the wrong location. It has to be relocated again. They anticipate starting Coliseum Avenue in the next month. It's about a three month construction project. There will be two new signals on Coliseum Avenue. It will be much improved.

Ald. Larose said he hopes that they rectify the signal that goes into Elderly Housing because nobody may be coming out, but it trips the light when somebody is going in.

Mr. Petropulos said right now the signal is only accentuated by a desire to make a left out of the Senior Center onto Coliseum Avenue. When they sweep wide it trips the light. This will be a full intersection and is part of the improvement.

Other

Mr. Slivinski asked Mr. Yeomans about the sheds in the middle of their parking lot at Home Depot.

Mr. Yeomans said he spoke to Laura Games the day after their last meeting and she had been requested to visit the site. She is following this up for enforcement action.

Mrs. Lasky asked if they have a high degree of turn over for managers since they don't seem to understand what they are supposed to do.

Mr. Slivinski said these are storage sheds that are being sold.

Mr. Farkas said the parking lot has become a sales display area.

Discussion ensued.

Ald. Larose said they have a letter in their packet that comes from Christine A. Carrier, 18 Wason Avenue. He asked if the statements have any validity. He asked if St. Joseph's Hospital is in violation of what they said they were going to do.

Mr. Yeomans said St. Joseph's Hospital met with their neighbors to tell them what their project involved and what they intended to do.

NCPB

May 6, 2004

Page 36

He said what has happened is that there are some frustrated expectations. He doesn't know if it is a breakdown in communications or if there is not a clear understanding of what was being proposed. As far as he can tell the project is being executed according to the approved plan. He said he walked the cut line with the engineer prior to it being cut and he is comfortable with the fact that the line laid out on the plan was the line he viewed in the field. It was all flagged out. Management on the site is good. They have done their pre-blast survey necessary for the garage work. However, there are some people who felt that they did not receive either all of the information or received erroneous information. He said what he has told the people he has spoken to is that they have put St. Joseph's Hospital on notice that they will expect additional landscaping, if required and additional light screening, if required. He said he feels that the hospital will cooperate.

Mrs. Lasky asked if anyone has talked to Mrs. Carrier.

Mr. Yeomans said he spoke to her on the phone. He said he believes someone from St. Joseph's Hospital has also spoken to her.

Mrs. Lasky asked if he thinks they should write a letter to her to advise her that they are keeping an eye on the issue.

Mr. Yeomans said that he feels that he has tried to convey that to them with the communication he's had with the various individuals who live in the neighborhood. It doesn't make them feel better because they have lost what they felt was personal.

Mr. Slivinski asked if the minutes of the meeting were reviewed to find out where the fault really lies. He said this is a big misunderstanding.

Mr. Yeomans said he doesn't believe there is a problem with the plans, nor that that there was a problem at the meeting. There could have been a problem with the process prior to the meeting.

Mr. Farkas said he was left with the impression after the meeting that a lot more would be left than what he saw when he went out and looked at the site. He believes Mr. Moran and Mr. Torosian had the same feeling. Although it may meet the plan requirements, he believes there were representations made in response to residents concerns that the buffer was going to be left pretty much intact and they wouldn't be seeing a lot of construction.

Mr. Yeomans said he felt confident at the time that what was suggested to them worked and people were satisfied. He had very few calls or comments prior to the meeting. He was very disappointed to find out that something went wrong.

Mr. Dookran spoke about the emergency access for Tanglewood Estates. This was a stipulation in 1999 through City owned property, now known as Southwest Park. The plans for the park fell through. The access road will be over an existing trail. They have gone to the Conservation Commission and they are pleased with what they saw. Fay, Spoffard & Thorndike worked with the Fire Department to establish the right width to minimize the tree taking and the impacts to the wetlands. They are moving on to obtain approval of the Zoning Board.

He asked if the road would require a change in the site plan or if is only a stipulation that the road be built.

Mr. Yeomans said he is trying to think if they have a site plan on that portion of the park. He said he knows they have the park plan, but he's not sure they were ever submitted for approval. Technically that is considered a site and there is a driveway through the site so he thinks it would be an "as built" plan with the proposed modification. The question would be whether the Board would need to see it or if they felt comfortable with the staff doing it administratively. Basically, it's an emergency access drive.

The Board concurred that the staff should deal with this.

ADJOURN

Mrs. Lasky declared the meeting closed at 10:05PM.

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

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