

NASHUA CITY PLANNING BOARD  
July 15, 2004

A meeting of the Nashua City Planning Board was held on Thursday, July 15, 2004 at 6:30 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  
                                  Hugh Moran  
                                  George Torosian

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

**APPROVAL OF MINUTES**

**June 3, 2004**

**MOTION** by Mr. Lowe to waive the reading of the 6/3/04 meeting, waive the reading and place on file.

**SECONDED** by Mr. Torosian.

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

**June 17, 2004**

**MOTION** by Mr. Lowe to waive the reading of the 6/17/04 meeting , waive the reading and place them on file.

Mrs. Lasky said that there are some glaring gaps in the minutes and she thought it might be due to some fault at the podium, but the Staff seems to think it's the recorder. She asked if there is anything that can be done to be more careful of the wire.

Mr. Yeomans said short of having a new PA system the best they can do is to keep taping the wires up and keeping them out of the way. Whoever is operating the machine should check to see that the connections are nice and tight and check the machine every so often.

Mrs. Lasky asked that everyone speak into the microphones and those testifying at the podium to also speak into the microphone.

**SECONDED** by Ald. Larose.

**MOTION CARRIED 6-0-1, Mr. Dookran abstaining.  
COMMUNICATIONS**

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

Letter dated 7/13/2004 from Atty. Gerald R. Prunier requesting that the item on Costco be continued to 8/12/2004.

Memorandum dated 7/12/2004 from Susan Klasson, Traffic Engineer to Mike Yeomans concerning the Nashua Mall, the second site plan on the Board's agenda tonight. They have no comments on this item.

Technical Review Meeting Agenda for the next meeting in August.

**REPORT OF CHAIRMAN, COMMITTEE & LAISON**

Mr. Lowe said the Planning & Economic Development Committee met and had a public hearing on the Land Use Code. They have set the next hearing for the 20th and they have set five more dates. He suggested that the Board not address this tonight until the Planning & Economic Development Committee has sent the Board their changes.

Mrs. Lasky said she was present at that meeting. She said everyone should have the comments from the Chamber. She said the question was asked as to who would be taking another look at the ordinances. While there is another meeting scheduled for the 20th she is not really sure who is going to be involved other than the Alderman and the Aldermanic Committee. She will be contacting Ald. Rootivich if there can be a joint committee with the Planning Board and maybe people that were on the subcommittee to begin with and the Board of Alderman so they can all be on the same page and come out with a final product that everyone is happy with.

Mr. Houston said after the meeting if any of the Board members want a hard copy of the draft that the Land Use Advisory Committee produced dated June 24th, there is a copy available.

Mrs. Lasky said that if there were anyone in the audience who is present for "Other Business" Item #2 on the ordinances, the Board would not be taking it up any further this evening.

**OLD BUSINESS - SITE PLANS**

1. **Costco Wholesale Corporation (Owner) - Proposed construction of an automobile fueling station with 12 fueling locations and**

**associated access, parking and site improvements, Costco Drive, Sheet A - Lot 793, Zoned "HB" Highway Business. (Postponed to the August 12, 2004 Meeting)**

No motion to remove from table. At request of attorney this is continued to August 12, 2004.

- 2. Nashua Mall, Vickerry Realty Company Trust (Owner) - Proposed amendment of NR1266 for the development of a 1-story, 1,650 square foot, 45 seat restaurant with drive-thru, and associated access, parking and site improvements, 5 Gusabel Avenue, Sheet E - Lot 2186, Zoned "GB" General Business. (Tabled from June 17, 2004 Meeting)**

**MOTION** by Ald. Larose to remove from the table.

**SECONDED** by Mr. Dufour.

**MOTION CARRIED UNANIMOUSLY**

Jim Petropulos, Hayner/Swanson, Inc., 3 Congress St., Nashua, NH.  
Mr. Petropulos said this item was tabled on June 17 to allow them to provide additional traffic information that was requested at that meeting as well as to see if there could be any changes or modifications made to the site plan based on the comments that were presented from the Board.

He said specifically requested that evening were City traffic input, evaluation of Saturday mid day conditions at the mall with regard to the proposed Starbucks Restaurant, percentage of drive-thru business at Starbucks, general improvement of parking in the area, vehicular movement and circulation in and around Starbucks, and a better understanding of traffic patterns.

Mr. Petropulos said their Traffic Consultant for the project, Vanesse & Associates, Inc., prepared a report dated July 2, 2004. It addresses both the Saturday traffic issue and the percentage of drive-thru business. The busiest day at the Nashua Mall is Saturday. Starbucks busiest period on a Saturday is 8:00AM to Noon. The mall generally peaks between Noon to 2:00PM. Starbucks also has an increase in business between 2:00PM to 4:00PM.

He said the percentage of drive-thru business was anywhere from 40%-60% depending upon the location. For discussion purposes he thought they could assume 50%.

He said the report indicates that the inclusion of a Starbucks drive-thru on this portion of the site will cause parking or traffic disruption to the mall.

He said they asked the Traffic Department for their comments. He said Mr. Houston alluded to a memo from Susan Klassan with reference to this item.

Mr. Petropulos said the second part of their re-evaluation of the site included some plan changes. The plan that was before the Board at the last meeting included an adjacent 6,200 square foot retail space that would be split for two tenants, one of them being 2,000 square feet. This 2,000 square foot space has been eliminated from the proposal. This means less parking is needed in that general locale of the mall. The other thing it did by taking away the 2,000 square foot space, they were able to move the building further to the west to provide some additional room in and around Starbucks.

He said the Mall has entered into an agreement with Strawberry Records for the retail space. He said this retailer has been a tenant for many years. When the "D" Mall occurred, both Strawberry's and his client were committed to keeping them in the Mall.

He said they have taken the Starbucks building and rotated it ninety degrees. The most important benefit of doing is this that the door, which is in the southeast corner facing Kohl's, will now face the main bulk of the parking.

**At this point Tape 1 Side A Backup Tape fades and testimony can't be heard. The main tape appears to be blank.**

Mr. Petropulos said they were able to pick up two additional cars for stacking. The previous plan represented 9 spaces for stacking and the current plan represents 11 spaces for stacking.

He said the changes create more parking and better parking. The current plan has 46 spaces and the previous plan had 43 spaces. This plan only requires 28 spaces in that general location. The other plan had 36. By taking away the 2,000 square feet retail it eases that up. There is better proximity to the front door.

**Tape fades away again.**

Mrs. Lasky asked a question, but it was **unintelligible**.

Mr. Petropulos said the drive-thru area isn't designed to accept a truck or truck movement. They would have to make an arrangement for off-hours to pull up along the driveway.

**Tape fades again.**

Mr. Lowe asked how Coliseum Avenue is coming along.

Mr. Petropulos said they are there. He said they are driving sheets next week to begin the retaining wall construction.

Mr. Lowe said they really don't have a circulation pattern set and now they are adding something that wasn't in the original plan. He said he was hoping that they would have the original circular pattern set before they started adding anything.

**Tape fades again.**

**MOTION** by Mr. Dufour to approve the site plan for Vickerry Realty Company, Trust, 5 Gusabel Avenue with the finding that the plan meets NRO 16-123 with the following stipulations:

1. Prior to any work being conducted the applicant and his contractor(s) shall hold a pre-construction conference with Planning staff to review construction related activity and traffic control.
2. Prior to the certificate of occupancy being issued all site work including landscaping shall be completed.

**SECONDED** by Mr. Torosian.

**MOTION CARRIED UNANIMOUSLY**

**NEW BUSINESS - SUBDIVISION PLANS**

3. **Fisher Family Trust, W. Burns & Ellen Fisher, Trustees (Owners)**  
**- Proposed lot line relocation and lot consolidation, 86 Manchester Street, Sheet 59 - Lots 134, 150, & 151 Zoned "RA" Urban Residence.**

Richard Maynard, Professional Engineer, Maynard & Paquette, Nashua.  
Mr. Maynard said this is a lot line relocation and consolidation plan. The Zoning Board of Adjustment granted a variance for lot frontage and lot width in March 2004.

Most of Mr. Maynard's testimony as well as anyone else who might have spoken, including members of the Board **could not be heard or was unintelligible.**

**MOTION** by Mr. Dufour to grant the request for lot line relocation and lot consolidation at 86 Manchester Street.

**SECONDED** by Ald. LaRose.

**MOTION CARRIED - 6-1, Mr. Lowe opposed.**

4. **Stephen M. Mobilia (Owner) - Proposed lot line relocation, 59 Tennyson Ave. Kipling Street & Scott Ave., Sheet B - Lots 232 & 233, Zoned "R18" Suburban Residence.**

**None of what was said during the course of this case could be transcribed as it was all unintelligible.**

**MOTION** by Mr. Dufour to grant the lot line relocation at 59 Tennyson Avenue, Kipling Street & Scott Avenue with the following stipulation:

1. With the recording of the plan the address of the existing house will change from 59 to 61 Tennyson Avenue.

**SECONDED** by Mr. Lowe.

**MOTION CARRIED UNANIMOUSLY**

5. **Allan M. Fuller, Jr. (Owner) - Proposed subdivision of one lot into two single-family lots, 93 Taylor Street, Montgomery Avenue & Wentworth Street, Sheet 3 - Lot 3, Zoned "R9" Suburban Residence.**

The testimony on this case isn't picked up until Tape 1 is switched over to the other side.

Mr. Dookran spoke about the sidewalk on Montgomery Avenue and that the applicant should make the normal contribution.

Mr. Larose said his recollection is that if this were not on a priority list they would ask for a contribution towards the sidewalk that would be used to construct sidewalk where one was needed. In this case the City is building a sidewalk on the sidewalk list. It's a little bit much to say the applicant has to

build a sidewalk on the frontage on Taylor Street and you also have to make a contribution for the other side.

**MOTION** by Ald. Larose to grant the subdivision of one lot into two single-family lots, 93 Taylor Street, Montgomery Avenue & Wentworth Street with the finding that the request meets NRO 16-108, to grant the waiver of the sidewalk contribution on Montgomery Avenue and with the following stipulations:

1. Prior to recording the subdivision plan final drafting corrections and drainage report shall be approved by the Division of Public Works.
2. Prior to the issuance of a building permit the storm water operation and maintenance plan shall be reviewed by the Planning Department and recorded.
3. 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.
4. Prior to the issuance of the certificate of occupancy all work within the public right-of-way shall be completed to the satisfaction of the Division of Public Works.
5. This plan is subject to approval by the Zoning Board of Adjustment of a variance to maintain the pool as a principal use, and any conditions of approval.

**SECONDED** by Mr. Lowe.

**MOTION CARRIED UNANIMOUSLY**

6. **Valmond R. & Berthe G. Dube & Robert W., Claire M. & Jonathan W. Allen (Owners) - Proposed lot line relocation, 121 & 123 Pine Street & Gilman Street, Sheet 96 - Lots 88 & 127, Zoned "RB" Urban Residence.**

Valmond Dube, 123 Pine Street & Gilman Street. Mr. Dube said he is proposing to increase his small lot by 945 square feet so that he will be able to have parking for four vehicles and to lessen the traffic from the other driveway that he has on Pine Street.

Mrs. Lasky asked Mr. Dube if he would be going before the Zoning Board to obtain a variance of the open space requirement.

NCPB  
July 15, 2004  
Page 8

Mr. Dube said he would be.  
**SPEAKING IN OPPOSITION**

No One.

**SPEAKING IN FAVOR**

No One.

**MOTION** by Mr. Dufour to grant the lot line relocation 121 & 123 Pine Street & Gilman Street with the finding that it meets Section 16-108 and with the following stipulation:

1. This plan is subject to approval by the Zoning Board of Adjustment of a variance for open space, and any conditions attached thereto. Failure to obtain a variance shall render this lot line relocation approval null and void.

**SECONDED** by Mr. Lowe.

**MOTION CARRIED UNANIMOUSLY**

7. **Project Partner, Inc. & Oscar Moreau (Owners) - Proposed lot line relocation, 21 Saint Lazare Street & 25 Ingalls Street, Sheet 6 -Lots 6, 38, 46 & 39 & Sheet 11 - Lot 7, Zoned "RB" Urban Residence.**

John Chagnon, Ambit Engineering. Mr. Chagnon said the existing lot that Project Partner owns is in two pieces connected by one point. He said there is a section on the lot on the right (or east side), which is a piece of pie that is in front of Mr. Moreau's house. That is part of Project Partner's lot.

He said with the consolidation plan, Project Partner will be deeding that piece of pie along St. Lazare Street and in front of Mr. Moreau's house. He said when they laid out St. Lazare Street, Ingalls Street was already there and Mr. Moreau's lot was there and the new street touched his lot at one point and left that little "pie".

He said the second part of the plan is a lot line relocation on the left side of Mr. Moreau's lot and the east side of the Project Partner lot. The purpose of this is to relocate the line so that an existing shed on the Moreau property will be entirely on the Moreau property. He said this is labeled as "Area B" on the plan.

He said the staff stipulation is not a problem. He said Mr. Moreau has signed the documents and they are ready to record once the Planning Board approves the plan.

**Tape fails at this point - Rest of anything said on this case is Unintelligible**

**MOTION** by Mr. Lowe to grant the lot line relocation, 21 St. Lazare Street & 25 Ingalls Street with the following stipulation:

1. Prior to recording the final subdivision plan, Lots 38 & 46 shall be merged into new Lot 6, and recorded.

**SECONDED** by Mr. Moran.

**MOTION CARRIED UNANIMOUSLY**

**NEW BUSINESS - SUBDIVISION PLAN**

8. WE/SC I LLC, (Owner) - Proposed subdivision of one lot into two, 1800 Southwood Drive, Sheet G - Lot 684, Zoned "PI" Park Industrial.

**NEW BUSINESS - SITE PLANS**

9. Viega (Applicant) WE/SC I LLC (Owner) - Proposed construction of a 1-story, 12,000 square foot office building and a 2-story, 23,400 square foot office building with associated access, parking and site improvements, 1800 Southwood Drive, Sheet G - Lot 684, Zoned "PI" Park Industrial.

James Petropoulos, Hayner/Swanson presented the case. His beginning remarks were **unintelligible**. He said Exit 8 was designed and built in the late 80s. Testimony fades away and becomes **unintelligible through the rest of the case**.

**MOTION** by Mr. Dufour to grant the subdivision of one lot into two, 1800 Southwood Drive with the finding that it meets the requirements of NRO 16-108 and with the following stipulation:

1. Prior to this plan being recorded an existing private access easement, and 20 foot wide public utility easement shall be discontinued.

**SECONDED** by Mr. Lowe.

**MOTION CARRIED UNANIMOUSLY**

**MOTION** by Mr. Dufour to grant the site plan for the construction of a 1-story, 12,000 square foot office building and a 2-story, 23,400 square foot office building with associated access, parking and site improvements, 1800 Southwood Drive with the finding that it meets NRO 16-123 and with the following stipulations:

1. Prior to any work being conducted the applicant and his contractor(s) shall hold a pre-construction conference with Planning staff to review erosion control and tree protection. Trees to remain shall be suitably protected during construction.
2. Prior to any work being conducted in the public right-of-way bonding shall be approved by the Division of Public Works and Corporation Counsel.
3. Prior to the issuance of a certificate of occupancy all work in the public right-of-way shall be completed to the satisfaction of the Division of Public Works.
4. Prior to the issuance of a certificate of occupancy the storm water operation and maintenance plan shall be recorded.
5. Prior to the issuance of a certificate of occupancy all site work including final paving and landscaping shall be completed.
6. Prior to the issuance of a certificate of occupancy for the change of use from a training building to office, located at 1800 Southwood Drive, Lot 684, a Traffic Impact Report shall be provided the Traffic Department for review and comment.
7. This site plan is subject to compliance with all Nashua Fire Department requirements concerning fire safety and radio communications.
8. Sidewalk shall be extended to the two adjacent driveways.
9. Handicap spaces shall be relocated as close as possible to the front door.

**SECONDED** by Mr. Lowe.

**MOTION CARRIED UNANIMOUSLY**

**10. Southern New Hampshire Medical Center (Owner) - Proposed demolition of two houses and the construction of a 74 space parking lot, 16 & 18 Prospect Street, Sheet 10 - Lots 19 & 39, Zoned "RC" Urban Residence.**

None of the testimony could be transcribed - **All unintelligible or could not be heard at all.**

**MOTION** by Mr. Lowe to grant the site plan for the demolition of two houses and the construction of a 74 space parking lot, 16 & 18 Prospect Street with the finding that the request meets NRO Section 16-123 and with the following stipulations:

1. Prior to any work being conducted, a pre-construction conference shall be set up with the Planning Department.
2. Prior to any work being conducted, bonding for all public improvements, shall be submitted to and approved by the Engineering Department and Corporation Counsel.
3. Prior to any work being conducted, documents pertaining to the storm water operation and maintenance plan shall be recorded.
4. Catch basin hoods shall be added.

**SECONDED** by Mr. Dufour.

**MOTION CARRIED UNANIMOUSLY**

**11. Alpha Financial Services LLC (Owner) - Proposed 1-year extension for an amendment of NR820 for the demolition of the existing building and the construction of a 3-story, 15,088 square foot mixed use (retail, restaurant & office) building with associated access, parking and site improvements, 16 West Hollis Street & Elm Street, Sheet 82 - Lot 24, Zoned "CB/MU" Central Business/Mixed Use Overlay Previously approved on August 7, 2003**

Continued problem with not being able to hear any testimony, or testimony being unintelligible.

**MOTION** by Ald. Larose to grant the 1-year extension for an amendment of NR820 for the demolition of the existing building &

the construction of a 3-story, 15,088 square foot mixed-use (retail, restaurant, & office) building with associated access, parking & site improvements, 16 West Hollis Street & Elm Street with the following stipulations:

1. Prior to ANY work being conducted a pre-construction conference shall be set up with the Planning Department to review the overall details of the plan.
2. Prior to a building permit being issued, the applicant shall coordinate the municipal parking lot and any necessary ordinance changes with Division of Public Works staff and the Board of Aldermen.
3. Prior to a building permit being issued, final approval of the necessary covenants and easements for the storm water management system shall be obtained from the Planning Department and Corporation Counsel. The cost associated with recording the document shall be submitted to the Planning Department and the document shall be recorded.
4. Prior to a building permit being issued, bonding for all public improvements, shall be submitted to and approved by the Engineering Department and Corporation Counsel.
5. Prior to a building permit being issued, final approval of the building elevation plans and materials shall be approved by the Community Development Division.
6. Prior to a certificate of occupancy being issued, all site and public improvements shall be completed.

**SECONDED** by Mr. Lowe.

**MOTION CARRIED UNANIMOUSLY**

12. **The Red Barn Store, 523 Broad Street, LLC (Owner) - Proposed demolition of the existing barn and the construction of a new barn building, 523 Broad Street, Sheet F - Lot 21, Zoned "R9" Suburban Residence.**

**No testimony can be picked up off of tape because it cannot be heard or is unintelligible.**

**MOTION** by Mr. Lowe to approve the site plan for the proposed

demolition of the existing barn and construction of a new barn building, 523 & 525 Broad Street with the finding that it meets NRO Section 16-123 and with the following stipulations:

1. All conditions of approval shall remain as approved by the Planning Board on December 11, 2003, unless otherwise determined by this Board.

**SECONDED** by Mr. Dufour.

**MOTION CARRIED UNANIMOUSLY**

**OTHER BUSINESS**

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

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

**SECONDED** by Ald. Larose.

**MOTION CARRIED 6-0, Mr. Dookran left room**

2. **Referral from the Board of Alderman on proposed O-04-19, amending the Planning and Zoning Ordinances of the City of Nashua in their entirety. (Tabled from June 3, 2004 Meeting)**

No Motion was made to remove from the table.

**Tape 2 - Both main and backup are unintelligible to begin with.**

3. **Referral from the Board of Alderman of proposed Petition for Street Discontinuance: A portion of Hudson Street.**

No testimony could be heard or was unintelligible.

**MOTION** by Mr. Lowe for favorable recommendation to Board of Alderman on the discontinuance of a portion of Hudson Street.

**SECONDED** by Ald. Larose.

**MOTION CARRIED UNANIMOUSLY**

**Discussion Item**

**1. Replace portable classrooms with parking lots.**

**At first nothing could be heard.**

**Very faintly:**

Ald. Larose said he was concerned about Charlotte Avenue. He said he assumes that if they or other schools want to put in parking that they may not have to come in and ask for a site change.

Mr. Houston said this is correct. Fades away - becomes **unintelligible.**

Ald. Larose speaks, but his **comments cannot be made out.**

Any other comments or testimony cannot be heard or is **unintelligible.**

**Main Tape picks up:**

Mr. Lowe said that he thinks they (the Board) should allow the public's input. If they see a green and black sign on a property they know that there is something going on with the site.

Mr. Houston said whenever they run into these situations they normally ask the immediate neighbors if they have any concerns. Some schools don't even have any abutters that would be impacted if the portables were removed.

Ald. Larose said he doesn't know what the School Department is going to do. He said he spoke with Mr. Conrad that he didn't have any money in the budget to do resurfacing, but they can fix it so that it's a safe parking environment and that it's not just mud.

**ADJOURN**

Mrs. Lasky declared the meeting closed at 9:00PM

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

**TAPES OF THIS MEETING ARE AVAILABLE FOR LISTENING DURING REGULAR OFFICE HOURS.**

**COPIES OF TAPES MAYBE MADE AVAILABLE UPON 48 HOURS ADVANCED NOTICE AND PAYMENT OF THE FEE.**

NCPB  
July 15, 2004  
Page 15

LT  
Taped Meeting