

NASHUA CITY PLANNING BOARD
September 9, 2004

A meeting of the Nashua City Planning Board was held on Thursday, September 9, 2004 at 7:00 PM in the Auditorium at City Hall.

Ken Dufour, Vice Chair conducted the meeting.

Members present were: Ken Dufour, Vice Chair
Mike Lowe, Mayor's Representative
Ald. Richard Larose
Steve Dookran, City Engineer
William Slivinski
Hugh Moran

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

It should be noted that this transcription was done to the best of the transcriber's ability. The Main Tape is virtually inaudible and the Backup Tape has a loud hum throughout, making it difficult to understand what people are saying.

APPROVAL OF MINUTES

August 12, 2004

MOTION by Mr. Lowe to waive the reading of the 8/12/04 meeting, waive the reading and place on file.

SECONDED by Mr. Moran.

MOTION CARRIED UNANIMOUSLY

COMMUNICATIONS

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

Letter from George Pitarys dated 9/7/04 relating to the cluster subdivision on West Hollis Street (Vathche Manoukian's project).

A site plan for 36 Tolles Street related to the discussion item at the end of tonight's agenda.

Notice about the 2004 Municipal Law Lecture Series.

REPORT OF CHAIRMAN, COMMITTEE & LAISON

None

Mrs. Dufour 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

1. **JOTE Realty, LLC (Owner) - Proposed subdivision of one lot into two single-family lots, Indian Rock Road, Sheet F - Lot 1575, Zoned "R30" Suburban Residence. (Tabled from August 12, 2004 Meeting)**

MOTION TO REMOVE FROM THE TABLE by Mr. Lowe.

SECONDED by Ald. LaRose.

MOTION CARRIED UNANIMOUSLY

Richard Maynard, Professional Engineer, Maynard & Paquette. Mr. Maynard said this involves two lots on Indian Rock Road that they would like to start ahead of the 54 Northfield Estates project. He

NCPB

September 9, 2004

Page 3

said the outstanding item was a request for an emergency access. It has been decided that a connection to Deerwood Drive/Perimeter Road area is the best for everyone involved, not for just this particular subdivision. It's the most direct route to Amherst Street, it doesn't require anyone to go through the Airport property and it requires the least response time.

He said there is a section of Deerwood Drive that's an old wood's road that still exists today. It needs to be improved for about 500' to make it more passable. He said there needs to be a way to pay for the work that needs to be done. Fire safety is paramount in this area and provides for protection for more than just their lots, but the entire area. He referred the Board to the staff's memo that talks about switching the money from sidewalks to fire improvements would help to get this accomplished.

Mr. Lowe asked how they would go about doing this since the Board has already approved the "Gelazauskas" subdivision.

Atty. Gerald Prunier. Atty. Prunier said that the Board has already approved the subdivision; it would be the stipulations that would change, not the subdivision. It would be a change so that the use of sidewalk money be switched.

Mr. Dufour said he doesn't understand how they can change a stipulation on a plan that is not under discussion tonight.

Atty. Prunier said he believes the Board can do this as long as they have agreement from the owner of the approved lots. He said they do agree that the money should go for fire safety.

Ald. LaRose asked if the Planning Department has passed this by Corporation Counsel.

Mr. Yeomans said they have not met specifically with Corporation Counsel.

Ald. LaRose said he asked this because they have been setting up trust funds for road improvements, etc. He said he thought they had one set up for sidewalks. If that is the case, he doesn't believe they will be able to do this.

Mr. Yeomans said at the time of approval of the "Gelazauskas" subdivision there was the option by the applicant to either build

NCPB

September 9, 2004

Page 4

the sidewalk or make a contribution. He said they still see this as the construction of a pedestrian improvement. If you are fulfilling the obligation of the plan all you have to do is relocate from the front of the lots to the connection. They will get more pedestrian access because they are going to build a small parking lot to gain access to the conservation land and in addition to that they are also going to get improved fire access.

Mr. Sawyer said that the money hasn't made it into any account. In fact, the "Gelazauskas" project was going to construct sidewalks. Instead of building the sidewalks they would be building the access road.

Mr. Slivinski asked if they would be able to do this in the future for others who come to the Board. He said that to him you either build the sidewalk or make a contribution to the sidewalk fund.

Mr. Lowe said that he believes the Board can do this because it was at their last meeting. They can change #13. It would have to be brought back to the table for reconsideration.

MOTION by Mr. Lowe to table Old Business - Case #1.

SECONDED by Ald. Larose.

MOTION CARRIED UNANIMOUSLY

MOTION by Mr. Lowe to reconsider New Business #6 subdivision and dedication plan from 8/12/2004

SECONDED by Ald. Larose.

Mr. Moran asked who would be responsible to maintain the access and Mr. Dufour said they can discuss this after they have voted.

MOTION CARRIED UNANIMOUSLY

Richard Maynard. Mr. Maynard said to answer Mr. Moran's question, an arrangement will be worked out with the Street Department to maintain this along with the cooperation with the Airport.

MOTION by Mr. Lowe to change Stipulation #13 to read - Applicant shall grade and improve 550' of Deerwood Drive to the end of Massasoit Road.

SECONDED by Ald. Larose.

MOTION CARRIED UNANIMOUSLY

MOTION by Mr. Lowe to remove Old Business - Subdivision Plan #1 from the table.

SECONDED by Ald. Larose.

MOTION CARRIED UNANIMOUSLY

Richard Maynard. Mr. Maynard said that what appears to be next in order is an approval of the request with all the stipulations, except the request for the fire access through their property.

SPEAKING IN OPPOSITION OR WITH CONCERN

No One.

MOTION by Mr. Lowe to approve the subdivision plan of one lot into two single-family lots, Indian Rock Road, Sheet F - Lot 1575 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.
2. Prior to the plan being recorded, bonding for all public improvements, shall be submitted to and approved by the Engineering Department and Corporation Counsel.
3. Prior to the plan being recorded, the Planning Department and Corporation Counsel shall review and approve all required easement documents. Said documents shall be recorded with the plan.
4. Prior to a certificate of occupancy being issued a voluntary contribution in the amount of \$200 shall be paid per residential unit. Said contribution shall be paid to the Planning Department and applied to Pine Hill Road improvements through the Division of Public Works.

NCPB

September 9, 2004

Page 6

5. 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.
6. Prior to the first certificate of occupancy being issued the storm water management area including the outlet control structure, overflow drain line, pipe work to the headwall, outlet at Indian Rock Road, and the proposed culvert improvements at University Drive shall be completed to the satisfaction of the Division of Public Works.
7. Prior to the first certificate of occupancy being issued all improvements to the Pine Hill Road, Coburn Avenue, Indian Road intersection shall be completed to the satisfaction of the Division of Public Works.

SECONDED by Ald. Larose.

MOTION CARRIED UNANIMOUSLY

NEW BUSINESS - SUBDIVISION PLANS

2. **Second Generation Properties, LLC (Applicant) JOTE Realty, LLC (Owner), - Proposed subdivision of one lot into five single-family lots and one non-buildable lot, Indian Rock Road, Sheet F, Lot 40, Zoned "R30" Suburban Residence.**

Richard Maynard, Professional Engineer, Maynard & Paquette. Mr. Maynard said this is similar to the previous case, although it is five lots and is across the street on Indian Rock Road. He said it involves four buildable lots along the front that were previously approved with the Northfield subdivision and a lot to the rear which will eventually include the booster station and the detention basin. This is a follow up to allow the rest of the things on Indian Rock Road to be completed in one season and to allow this to go forward in advance of the other part of the project. The stipulations by staff are acceptable.

SPEAKING IN OPPOSITION OR WITH CONCERN

No One.

SPEAKING IN FAVOR

MOTION by Mr. Lowe to approve the subdivision plan for subdivision of one lot into five single family lots and one non-buildable lot, Indian Rock Road, Sheet F Lot 40 with the finding that the plan meets NRO 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.
2. Prior to the plan being recorded, bonding for all public improvements shall be submitted to and approved by the Engineering Department and Corporation Counsel.
3. Prior to the plan being recorded, the Planning Department and Corporation Counsel shall review and approve all required easement documents. Said documents shall be recorded with the plan.
4. Prior to a certificate of occupancy being issued a voluntary contribution in the amount of \$200 shall be paid per residential unit. Said contribution shall be paid to the Planning Department and applied to Pine Hill Road improvements through the Division of Public Works.
5. 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.
6. Prior to the first certificate of occupancy being issued the storm water management area including the outlet control structure, overflow drain line, pipe work to the headwall, outlet at Indian Rock Road, and the proposed culvert improvements at University Drive shall be completed to the satisfaction of the Division of Public Works.
7. Prior to the first certificate of occupancy being issued all improvements to the Pine Hill Road, Coburn Avenue, Indian Rock Road intersection shall be completed to the satisfaction of the Division of Public Works.

SECONDED by Mr. Moran.

MOTION CARRIED UNANIMOUSLY

NEW BUSINESS - SITE PLAN

3. **547 Amherst Street Company, LLC (Owner) - Proposed amendment to NR1732 for a change of use from office to higher education (Franklin Pierce College) and office, 547 Amherst Street, Sheet H - Lot 47, Zoned "HB" Highway Business and "PI" Park Industrial.**

Atty. Gerald Prunier, 20 Trafalgar Square, Nashua. Atty. Prunier said there are no exterior changes to the building. He said the reason this plan is coming to the Board is due to a change of use. He said Franklin Pierce College is looking into using about less than 10% of the space in the building. There is more than adequate parking. The traffic is not a problem.

Ald. Larose said he is guessing that they don't foresee a problem with the parking because the office building hours are from 8:00AM - 6:00PM and the school starts from 5:30PM on. He asked if that the 30 - 45 minute overlap would cause any problems.

Atty. Prunier said that nobody, including the staff feels that there is going to be a problem.

SPEAKING IN OPPOSITION OR WITH CONCERN

No One.

SPEAKING IN FAVOR

No One.

MOTION by Ald. Larose to grant the request for amendment to NR1732 for a change of use from office to higher education (Franklin Pierce College and office, 547 Amherst Street with the finding that it meets NRO Section 16-123 and with the following stipulation:

1. This plan is subject to approval by the Zoning Board of Adjustment for a special exception to allow the higher education use, and any conditions of approval.

SECONDED by Mr. Lowe.

MOTION CARRIED UNANIMOUSLY

4. **Main Street Market Place, 300 Main Street Realty, LLC & 28 Pond Street Realty, LLC (Owners) - Proposed amendment to NR1067 for the addition of a 113-space parking lot with associated access and site improvements, 300 Main Street, Pond Street & Harbor Avenue, Sheet 16 - Lots 30, 7-9, 13 & 24, Sheet 17 - Lots 9, 13, 29, 21 & 24, Zoned "GB/MU" General Business/Mixed Use & "RB" Urban Residence.**

Atty. Gerald Prunier. Atty. Prunier said to the rear of this plaza is Pond Street. Quite some time ago there were variances granted for housing next to the wetlands. With the redevelopment of the site, parking is more important to help tenants located in the corner as well as to handle employee parking. He said the proposal is for a parking lot in the rear.

A board member asked about lighting and Atty. Prunier responded that lighting would be downcast and turned off at the appropriate time. He said there would be a safety light on.

Ald. Larose said there is a sidewalk going from Harbor Avenue to Pond Street. He said he couldn't understand if that goes to an entrance.

Atty. Prunier said there is an entrance to the shopping center.

Ald. Larose asked if the area where the parking lot will be located is going to be leveled.

Atty. Prunier said "yes." He said they have gone to the Zoning Board of Adjustment and also to the Conservation Commission to get approvals because they will be working in the floodplain as well as the wetland buffer.

Mr. Dufour asked if the parking lot was basically to service the new tenants that would be moving in.

Atty. Prunier said it will, but they also are expecting employees to use this parking as well. He said they are still developing the old Bradlees store.

NCPB

September 9, 2004

Page 10

Mr. Dookran asked if there would be a guardrail at the retaining wall with Mr. Dufour asking how big a drop it is.

Tim Watson, Cuoco & Cormier Engineering, Nashua. Mr. Watson said they may be talking about the retaining wall along the back of the parking area. He said it ranges just under 4' to about 7 1/2'. He said they'd be willing to put up a fence along there if the Board wanted to make that a condition.

Mr. Dufour said as he sees the plan the parking spaces are right up to the retaining wall.

Atty. Prunier said when they designed the parking lot they made the assumption that people will stay within the drive lanes.

Further discussion.

Mr. Watson said they have a retaining wall and it will be raised up a little higher than the pavement. The Board may want to have a stipulation to make it higher, for example 18".

SPEAKING IN OPPOSITION OR WITH CONCERN

No One.

SPEAKING IN FAVOR

No One.

MOTION by Mr. Lowe to approve the site plan amendment to NR10067 for the addition of a 113-space parking with associated access and site improvements, 300 Main 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 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.

NCPB

September 9, 2004

Page 11

4. Prior to any work being conducted, approval of the NH DES Wetland Dredge and Fill Permit shall be obtained.
5. Prior to any work being conducted final engineering/drafting corrections shall be made to the plan and approved by the Engineering Department.
6. Retaining wall to be a minimum of 18" above the parking lot surface.
7. On Pond Street sidewalk to concrete and curbing to be vertical.

SECONDED by Ald. Larose.

MOTION CARRIED UNANIMOUSLY

5. **Wild Rose Estates, Orchid Development, LLC (Applicant) Wild Rose Investments LLC (Owner) - Proposed amendment of NR2053, conditions of approval, regarding the timing for completion of the water booster station related to a 26-unit, single family cluster development with associated access and site improvements, approved on February 19, 2004, Pine Hill Road, Sheet F - Lot 33, Zoned "R18" & "RS30" Suburban Residence.**

Jim Petropulos, Hayner/Swanson, Inc., 3 Congress Street, Nashua, NH. Mr. Petropulos said they are seeking an amendment to stipulation #7 on the previously approved plan. The stipulation reads **that prior to the first c/o being issued, the proposed booster station shall be connected to the existing line and Indian Rock Road shall be constructed and on line with Pennichuck.** He said they would like to amend the language to read, "Prior to certificate of occupancy being issued for units 1 - 8 & 13 - 19, the proposed booster station shall be constructed."

He went into the reason for this request. He said several months ago when they came to the Board they represented three projects adjacent to each other. They had overlapping issues - traffic, storm water, and water pressure being the three key issues.

He said with regard to water pressure, it was determined through both the Nashua Fire Rescue and Pennichuck Water Works that the land the proposed homes above elevation 204 did not have sufficient

NCPB

September 9, 2004

Page 12

fire protection or domestic pressure. He referred the Board to the map he had on display. He said it shows the three projects - Orchid Estates, Wild Rose Estates, and Northfield Estates. He said the heavy red line represents the contour line 204. Everything to the west of that does not have adequate fire protection.

He said the developers of the projects chose to build a water booster station at the northeast corner. That booster station is really going to energize all three projects. The booster pump station is under contract and construction is expected to begin next week. Completion is expected in spring 2005.

Mr. Petropulos said it is likely that several of the units in this subdivision will be requiring or requesting a certificate of occupancy prior to the booster station being completed. He said they asked Pennichuck if the 11 units he has highlighted on the plan would have adequate pressure and they were told that they would. He said they then asked Nashua Fire Rescue and provided the data to Asst Chief Morrissey and he agreed that there would be adequate fire protection for these same units.

He said all the other conditions for Wild Rose Estates will remain in effect, including the public road improvements.

Some testimony took place, unintelligible. Somebody must have asked a question about water pressure because Mr. Petropulos said he thought that minimum water pressure is 40 PSI. Anything west of the red line has water pressure less than 40 PSI.

SPEAKING IN OPPOSITION OR WITH CONCERNS

No One.

SPEAKING IN FAVOR

No One.

MOTION by Mr. Lowe to grant the amendment to NR2053, conditions of approval, regarding the timing for completion of the water booster station related to a 26-unit, single-family cluster development at Pine Hill Road, Sheet F Lot 33 (Wild Rose Estates) with the following stipulations:

NCPB

September 9, 2004

Page 13

1. Amend Stipulation #7 to apply to the following units: 1-8 & 13-10. All other stipulations of approval shall remain as approved by the Planning Board on February 19, 2004.

SECONDED by Ald. Larose.

MOTION CARRIED UNANIMOUSLY

6. **729 West Hollis Street, LLC (Applicant) Vatche Manoukian & Bayridge Building & Remodeling (Owners) - Proposed construction of a 13-unit (2 existing & 11 new), single-family cluster development with associated access and site improvements, 727 & 729 West Hollis Street, Sheet F - Lots 48, 49 & 86, Zoned "R9" Suburban Residence.**

Richard Maynard, Professional Engineer, Maynard & Paquette. Mr. Maynard said this site is located on the north side of West Hollis Street. It is a 5-½ acre lot. He pointed out the surrounding properties on the map he had on display. He said this is a long narrow lot that runs from West Hollis Street all the way down to the river.

He said over the last several months they have received a series of variances for this residential cluster project. The first was for the size of the lot, ten acres required, 5 ½ acres existing. The second was to permit an 8' high fence along the property line of the westerly abutter - Reno's Auto Body. They also had a clarification with regard to the internal buffers to the project. There is a 10' "no disturb" buffer all along the periphery of the project on each side. Inside of that there is a 5' "transitional" buffer for minor grading and some tree cutting.

He said there are two existing homes up on West Hollis Street that will become part of the project. Eleven new homes are being proposed. They will all be on City sewer and water. The first two new homes will be on gravity sewer connection. The remaining homes will have individual ejector stations.

He said this will be a private road that will be 22' wide. There will be a 5' sidewalk on one side and will also have an assigned "no parking" fire lane so there won't be parking on both sides of the street, making access difficult. There will be a turn-around at the bottom that will also have signs that state "no parking." He

NCPB

September 9, 2004

Page 14

said their road is 575' long. The ordinance states that a cul-de-sac waiver is needed if the road is longer than 500'. They have requested that waiver and that letter should be in the file. In addition, this is an ell shaped turn-around, not the typical round shaped cul-de-sac.

Mr. Maynard said the drainage will be piped down to the end. It will end up in a grass treatment swale and discharged into a low area that accumulates water. There is a retention pond to retain the water, infiltrate it and treat it. He said the area that is crosshatched is set aside for a conservation easement. There will be no cutting, no disturbance, and no development in this area.

He said they agree with the staff stipulations as shown in the memo.

One of the members apparently asked a question concerning ownership and Mr. Maynard said this is a detached single-family condominium association. He said if it were a cluster it would have individual lot lines.

Mr. Dufour read a letter from George Pitarys, 719 West Hollis Street. The letter states he is firmly opposed to the plans for the detached units into such a limited space. It does not conform to the arrangement of single-family homes that characterize the pre-existing neighborhood. It states that he is the major abutter to the proposed development and that he was requesting a condition to future development of this land to include the installation of a permanent fence from West Hollis Street to within 100' of the pond. He indicated his back yard is still used for farming, raising poultry and gardening.

Mr. Maynard said this condition is agreeable.

Mr. Dookran asked a question apparently having to do with ejector systems and why they chose to have these individual systems.

Mr. Maynard said it is more efficient. He said it is more efficient. It makes each individual responsible for his own pump instead of one massive pump station. He said these types of systems have been in place in the northeast for 20 - 40 years and are very well proven.

Mr. Dufour asked where the ejector is located.

NCPB

September 9, 2004

Page 15

Mr. Maynard said it's usually in the basement.

There was more discussion about ejector systems, but the buzzing on the tape makes it unintelligible.

Mr. Maynard said there have to dozens of homes around the City that have ejector stations. He said any home lots that are below the street have ejector stations. Anyone that is on a septic system where the leach field is higher than the house has an ejector system.

Mr. Slivinski apparently asked about the hardship for the requested waiver.

Mr. Maynard said they are trying to reduce the amount of asphalt. A circle is not needed for a turn-around. Only a few people will be using it that don't realize that it's a dead end street.

Mr. Slivinski asked something about the last house.

Mr. Maynard said the slope is about halfway between the flood plain and the house. He referred the Board to the third sheet in their packet.

A question was asked by one of the Board members - unintelligible.

Asst. Chief Brian Morrissey, Nashua Fire Department. Asst. Chief Morrissey said they have looked at this plan several times. He said it came in one time before and it didn't address the idea of a turn-around at the end of the street. He said it came back and they reviewed it again. It is a simple turn-around at the end of the street and the street is slightly over 500' long. It gives the Fire Department the ability to back out in most situations. In some situations they may have to turn around with the apparatus to head out. He said they have asked the developer to provide a fire lane with no parking on one side of the street to provide access for fire apparatus.

Testimony unintelligible.

Atty. Gerald Prunier said they can put a limited common area surrounding each of the single-family houses. This is done with single detached family housing to give them control over that part of the property.

NCPB

September 9, 2004

Page 16

He said this is a residential area that has grown, but there are businesses on each side of this particular lot. Pitarys is on one side and Reno's Auto Body is on the other side. He said Reno's Auto Body was somewhat concerned because these houses will be looking into his auto body shop. He came to the meetings and requested that they try to do something with the buffering. At the Zoning Board of Adjustment they requested an 8' high fence because they felt it would be better for both the abutter as well as the project.

He said they appeared before the Zoning Board four times and Mrs. Pitarys came to one of the meetings. At that meeting she indicated she was opposed to the request and nothing more. He said they have agreed to a 10' "no disturb/no cut" buffer on that side. He said if they were really concerned about a fence they wouldn't have waited till the last minute. They would have said something at the Zoning Board and they could have discussed it then. They will continue with the stipulations as they are on the plan.

SPEAKING IN OPPOSITION OR WITH CONCERNS

No One.

SPEAKING IN FAVOR

No One.

MOTION by Ald. Larose to approve the site plan for 727 & 729 West Hollis Street for the proposed construction of a 13-unit (2 existing & 11 new) single-family cluster development with associated access and site improvements with the finding that it meets NRO Section 16-123 and with the following stipulations:

1. Prior to this plan being signed final drafting corrections shall be made and revised plans submitted. Drafting corrections requiring approval by the Division of Public Works shall be obtained prior to submitted.
2. Prior to any work being conducted a pre-construction conference shall be held with the Planning Department to review erosion control measures, tree removal, and protection. Trees to be saved shall be marked by flagging and protected from cutting or other disturbance, with suitable temporary fencing.

NCPB

September 9, 2004

Page 17

3. Prior to the issuance of the first building permit the Planning Department and Corporation Counsel shall review and approve all required easement; dedication, and storm water operation and maintenance documents. Said documents shall be recorded.
4. Prior to a building permit being issued for each unit access shall be provided to the satisfaction of the Department of Building Safety, Fire Department, and Division of Public Works.
5. Prior to the first certificate of occupancy being issued on Courtney Lane the applicant shall install a permanent street name sign at the intersection of Courtney Lane and West Hollis Street.
6. 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 West Hollis Street right-of-way completed to the satisfaction of the Division of Public Works.
7. This plan is subject to all conditions of approval as stipulated by the Zoning Board of Adjustment.
8. The waiver request for street length and ell turnaround is granted.

SECONDED by Mr. Slivinski.

MOTION CARRIED 5-1, Mr. Lowe opposed.

7. **Allen C. & Avis J. Mello (Owners) - Proposed amendment to NR1199 & NR614 to show the demolition of two existing buildings, construction of a new 2-story 14,370 square foot sales and service building, with associated access, parking, and drainage improvements, 9-11 Graham Drive, Sheet A-Lot 687 & 709, Zoned "HB" - Highway Business & "RA" - Urban Residence.**

Richard Maynard, Professional Engineer, Maynard & Paquette. Mr. Maynard identified the location of the site on a map he displayed. He said the back corner of the property, approximately 100' X 100' is zoned "RA." He said it recently went to the Zoning Board for a

NCPB

September 9, 2004

Page 18

use variance. It has been used informally for years and they are now formally incorporating it into their site plan.

He said the car wash, the canopy, and the little building inside will be demolished and replaced with a modern building. The sales people will have service areas for used cars. This is for in-house service and repairs before vehicles are put out for sale. There will be a second story that will have some office space and storage for the facility.

He said right now there are three curb cuts servicing the lot. These will be consolidated into one. He showed the areas that will be landscaped.

He said there will be two leaching catch basins to the rear of the property that will improve storm water management and slightly reduce downstream impacts to drainage. It provides treatment from runoff and provides filtration to the groundwater.

Mr. Maynard said within the last couple of weeks, as part of a previous agreement with the neighborhood, his client has installed a brand new fence along West Hobart Street. He presented pictures to the Board that show how it used to look like and pictures that show the improvements that have been made to the grading, removal of poison ivy, etc. He said because of the topography the top of the fence is about 12' above West Hobart Street so it provides better screening. He said they will be loaming and seeding the slope and there will be some plantings.

He said there is a neighbor that has talked to him about the drainage patterns. He said the concern is that the drainage patterns have been slightly altered. He referred to the pictures and said there used to be a small dip along the slope and the neighbor is concerned that there might be runoff to his lot. He said there are a couple of things that they might consider doing. The easiest thing is to put an asphalt curb along their parking area to make sure that none of that water runs down. The only place the runoff could come to is the grassed area and most of that will tend to infiltrate into the ground. The other idea is to put the dip back in, but he doesn't believe that accomplishes anything.

Some testimony took place in here, but it could not be understood, but Mr. Sawyer was heard to say that if it's on their land they are

NCPB

September 9, 2004

Page 19

required to maintain it and if it's in the City right-of-way the City is supposed to maintain it. He said he's unsure of exactly where the fence is exactly located, but he believes it is pretty much right on the property line.

SPEAKING IN OPPOSITION OR WITH CONCERN

Joe Tibando, 21 W. Hobart Street. Mr. Tibando said their concern is with the water problem. He said he thinks he is Lot 49. He said they were told by the dealership that the fence would come down and replaced in the same identical place. If you go to the site you can see that the fence has been moved out towards the street and the grade has been elevated and pitched so that there is additional water that comes onto West Hobart Street. He said West Hobart Street is the only street in the south end without a "crown", any additional water they have on this street is a nightmare. He said he wants to make sure that if there is anything that can be done other than catch basins to try to alleviate it or at least cut back on it somewhat would be great.

Mr. Dufour said that it has been suggested that they put curb on the inside on the applicant's property.

Mr. Tibando said that will help somewhat.

Discussion ensued.

Mr. Maynard said it guarantees that they will not get any extra water and it guarantees that whatever might have gone today is not going there tomorrow.

Maurice Cote, 10 West Hobart Street, Nashua. Mr. Cote said he was confused when looking at the maps.

Mr. Sawyer said that the staff doesn't typically supply the public with the detail sheet.

Mr. Dufour provided Mr. Cote with the map that he seemed to be missing.

SPEAKING IN FAVOR

No One.

NCPB

September 9, 2004

Page 20

MOTION by Mr. Lowe to approve the site plan amendment of NR1199 & NR614 to show the demolition of two existing buildings, construction of a new 2-story 14,370 square foot sales and service building with associated access, parking and drainage improvements, 9-11 Graham Drive with the finding that it meets NRO Section 16-123 and with the following stipulations:

1. Prior to ANY work being conducted, a pre-conference shall be set up with the Planning Department.
2. Prior to a building permit being issued documents pertaining to the storm water operation and maintenance plan shall be recorded.
3. Should the applicant agree to a voluntary contribution for the Daniel Webster Highway Traffic Mitigation Fund as requested by the Traffic Department, the agreed amount shall be submitted prior to a certificate of occupancy being issued.
4. Rear of parking lot facing West Hobart Street will be curbed (northerly edge.)

SECONDED by Ald. Larose.

MOTION CARRIED UNANIMOUSLY

8. Skyventure New Hampshire (Applicant) John D. & Robert L. Meckel, Trustees & Hector L. & Nancy M. Perez (Owners) - Proposed demolition of a single-family residence and the construction of a 10,000 square foot building for indoor recreation (skydiving simulator) with associated access, parking, and site improvements, 1 - 3 Poisson Avenue, Sheet A Lot 191 & 193, Zoned "HB" Highway Business & "GI" General Industrial.

Jeff Lewis, Keach-Nordstrom Associates, Project Manager - Skyventure New Hampshire. Mr. Lewis said Robert Greer from Skyventure was also present and was more familiar with the project than he was and will probably be able to answer questions the Board may have that are specific to the use.

He presented some photographs to the Board. He said they were taken from the intersection. He said the site is on Poisson

NCPB

September 9, 2004

Page 21

Avenue, which is a short dead end street that comes down to the east from Daniel Webster Highway. He pointed out the existing CVS Drugstore, Best Buy, and the Dow Chemical Plant to orientate the Board.

He said the proposal is to remove the existing house from Lot 193, keep the existing house on Lot 191 and build the new building, which is an indoor skydiving simulator. Essentially in the middle of the building there is a 12' diameter wind tunnel that goes through the first and second floor.

He said the parking layout is pretty basic. The driveway will essentially be the same as the one servicing the house right now. The parking lot will be located in the rear. There are thirty-two parking spaces provided for the site where eight are required by the zoning ordinance.

Mr. Lewis said they have appeared before the Zoning Board of Adjustment last month and obtained the necessary variances. These variances included a use variance for the use in a General Industrial Zone, to have a commercial parking lot on the lot that will still have a residential single-family house on it, and a variance for the height of the building.

He said Lot 191 is encumbered by an existing sewer easement. There's an 18" interceptor that runs through the property. He showed it's location. He said water is available to Poisson Avenue. They will have to extend it.

He said the site slopes away to the east, pretty much the rear yards of the two houses. It drains down to the southeast corner where there is a catch basin that appears to collect all the water. They are proposing to collect all the site runoff from the parking lot in a couple of catch basins. That runoff will be discharged to a subsurface infiltration basin -- becomes unintelligible.

Atty. Prunier said that there are children living in the existing houses. The one house will be for a caretaker because it is an isolated location.

Discussion ensued.

Atty. Prunier is heard to say this is like a ride where you line up

NCPB

September 9, 2004

Page 22

like you were at Disney World, however, you do have to call up and make an appointment. It is something done by the hour. People can come to observe if they want. He said this will probably be used 50% of the time for training - people who will be practicing their sky dives. He indicated that this use is not a traffic generator. Most of the activity that will take place here will be after 5:00PM or 6:00PM during the week.

Mr. Slivinski asked what they would do if there was a power outage.

Lauri Wask ??? Skyventure New Hampshire. Ms. Wask said that if there is a power outage there are four big fans on top of the wind tunnel that sucks the air through. They don't just shut off. The fans slowly wind down. The bottom is kind of like a trampoline and you are really not that high from the bottom. She said Orlando has been operating for five years with no injuries.

Mr. Slivinski asked how many customers they would have.

Ms. Wask said there can be four people in the tunnel, but they have to be certified. There is an International Body Flight Association and they have to pass certain criteria. She said they can book an hour, two hours, but typically a team will book one hour.

Discussion ensued.

Ms. Wask said it takes an hour for the total process. They have certified flight instructors. Somebody that has never been in the tunnel before has to always go into the tunnel with a flight instructor. Even when the teams are in there, the instructor is there. What happens is they come to the facility, sign in and pay their fee. They then have a ½ hour-long class and watch a video. Then they go in for their flight time.

Atty. Prunier said there are two residences there on a commercial site. They are not adding an intense use to the site. There won't be many people or vehicles. This could have left the line the way it is and they could use one lot with just the required eight spaces and left the other one the way it is. They did it this way so they would have more than enough if there were more people than expected. He said as Mr. Lowe pointed out they are backed up against a place that is going out of business and they want to make sure that the investment is protected (by keeping the second

NCPB

September 9, 2004

Page 23

residence for a caretaker.)

More comments or questions from the Board, but unintelligible.

Laurie Wask. Ms. Wask said they added the extra parking spaces so that if, down the road, they got busy or if they wanted to add something they didn't want to have to come back to the Board and ask for more parking.

More comments/questions from the Board - unintelligible.

Atty. Prunier said he thought the Board was aware of the fact that Grace Chemical is closing down. He said he is surprised about the questions concerning the traffic for this proposed site, which is a low generator of traffic. When he came to the Board for CVS, Circuit City, and Best Buy there weren't as many questions concerning traffic as on this site. He said this is a low generator of traffic. He said there are four people using the tunnel at a time and that is during a one-hour period.

Again more comments/questions from Mr. Dookran ??? sounded like he was referring to a traffic report - unintelligible.

Robert Greer, Skyventure. Mr. Greer said the issue with the traffic (he evidently pointed to a location on the map) is very much unknown. He said the only thing they have to go by is the prototype in Orlando. The high number was generated from a very unique situation in Orlando where there was a body flight competition and they had about 20-25 spaces used at that particular point in time. He said to generate information for a traffic report he was asked for a worst-case scenario. A body flight competition would be the worst-case scenario. He said typically Fridays through the weekend are busier than during the first part of the week. It is guesswork at this point. Further comments are unintelligible.

SPEAKING IN OPPOSITION OR WITH CONCERN

No One.

SPEAKING IN FAVOR

Tape Change - Both tapes, main and backup are again either

NCPB

September 9, 2004

Page 24

inaudible or because of an over-riding noise can't be made out without great difficulty. These tapes are actually worse than the previous two.

Paula Philbrook, V.P. Sky Dive - Pepperell, Pepperell, MA. Ms. Philbrook said she has worked with Lauri and Rob somewhat from the beginning of this project. She said Rob talked about using the prototype of the Orlando tunnel with reference to the parking. The Orlando tunnel is located on International Drive, a very high traffic volume area. Rest of her comments are unintelligible.

MOTION by Mr. Lowe to approve the site plan for demolition of a single-family residence and the construction of a 10,000 square foot building for indoor recreation (skydiving simulator) with associated parking and site improvements at 1-3 Poisson Avenue with the finding that it meets with NRO Section 16-123 and with the following stipulations.

1. Prior to any work being started, the applicant and their contractor shall hold a pre-construction conference with Planning Staff to review erosion control. Erosion control shall be installed prior to the start of construction.
2. Prior to the issuance of a certificate of occupancy a storm water operation and maintenance plan shall be recorded.
3. Prior to the issuance of a certificate of occupancy a cross access easement and parking easement shall be recorded.
4. Back of residence to be fenced with a 6' high fence that is a minimum of 12'X12' as approved by staff.

SECONDED by Ald. Larose.

Mr. Dufour said there was concern about security stated by a couple of different members because of the residence on the site. The Board is concerned that there be a secured area behind the house so that if it is residential and the caretaker has children, security should be provided. There is going to be commercial site with a parking lot right there. He said he would like to see a 6' chain link fence.

There was further discussion relating to fence/security, but it was

unintelligible, except for a word or two here and there.

Mr. Dufour said a suggestion was made by the engineer that a fence be placed along the edge of the parking all the way down.

Comments/discussion/testimony follows, but can catch only a few words here and there.

MOTION FAILS 3-3, Mr. Slivinski, Mr. Lowe & Mr. Dookran opposed.

Further discussion ensued - can't be understood, except it sounded like Mr. Slivinski would still be opposed to the request because he doesn't think there should be a residence there.

MOTION by Ald. Larose to approve the site plan for 1-3 Poisson Avenue with the finding that it meets NRO Section 16-123 and with the following stipulations:

1. Prior to any work being started, the applicant and their contractor shall hold a pre-construction conference with Planning Staff to review erosion control. Erosion control shall be installed prior to the start of construction.
2. Prior to the issuance of a certificate of occupancy a storm water operation and maintenance plan shall be recorded.
3. Prior to the issuance of a certificate of occupancy a cross access easement and parking easement shall be recorded.
4. A 6' chain link fence separating the residential and commercial property shall be erected from the front side of the house along the side to the rear parking area, then going west to CVS retaining wall.

(Note: There was discussion about the fourth stipulation, but it was unintelligible.)

Ald. Larose was heard to say that whoever buys the property (presumably the house) will have to erect their own stockade fence if they don't like car lights aimed at their windows. He said they are looking at a plan now that this is what they want to do. He said they shouldn't be looking at ten years from now that they decide to sell the house and it becomes a single-family house.

NCPB

September 9, 2004

Page 26

Mr. Dufour said when the caretaker moves in now the issue of the lights into the house is still something the applicant will have to address. They could put slats in the chain link fence, they could put up some trees or other vegetation or they could put up a stockade fence.

SECONDED by Mr. Moran.

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

OTHER BUSINESS

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

MOTION by Ald. Larose with a finding that there are no issues of regional impact on the tentative agenda.

SECONDED by Mr. Moran.

MOTION CARRIED UNANIMOUSLY

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.

3. **Referral from the Board of Alderman on proposed Street Discontinuance: A portion of Colonial Avenue.**

Some discussion occurred - unintelligible.

MOTION by Mr. Lowe for a favorable recommendation for discontinuance of a portion of Colonial Avenue.

SECONDED by Ald. Larose.

MOTION CARRIED UNANIMOUSLY

Discussion Item

1. **Upper Room Compassionate Ministries, Inc. concerning change of**

NCPB

September 9, 2004

Page 27

use to business and professional offices/offices for social service agency in the former Foster Graphics building located at 36 Tolles Street, Sheet 42 - Lot 105, Zoned "RC" Urban Residence.

Some testimony took place, but it was unintelligible.

Mr. Slivinski was heard to ask for information concerning how many people are there, how long they stay, and what happens so that they can have a feel for the traffic.

Someone could be heard on the tape, but the testimony was unintelligible.

Mr. Slivinski said "I take it there is no day care center." No response was heard.

Mr. Slivinski asked if in the wintertime they are thinking of having a facility where the homeless can stay at certain times. No response was heard.

Mr. Slivinski asked if the City came to them and asked for their help in sheltering some people by putting in some cots if it would make a difference. He said there are times, especially if there is a bad winter, where it is difficult for these people to find places to stay.

A reply was made, but was unintelligible.

Mr. Slivinski asked if there was any opposition when they went in front of the Zoning Board.

The reply was unintelligible.

Richard Maynard, Professional Engineer. Mr. Maynard said the majority of the people this agency helps are walk-ins. He indicated that there was more than enough parking.

Mr. Slivinski said since there was no objection at the Zoning Board, he feels that the staff can handle this. The rest of the Board concurred.

Other Business

NCPB

September 9, 2004

Page 28

Mr. Dufour said the day after the Board talked about how they were going to handle the improvement upgrade at Spit Brook Road he drove over there and saw that a bunch of the asphalt had been removed and they were in the process of re-paving. He said he assumed from that they can probably look at another five to ten years before it gets ripped up again.

Mr. Dookran testified, but his remarks were unintelligible.

Mr. Dufour took time to acknowledge Mr. Parent's passing, stating that many people would miss him.

Mr. Dookran questioned if the Board was being consistent in their application of sidewalks.

Mr. Slivinski was heard to say that if you're a developer and you want to save money, you build the sidewalks.

ADJOURN

Mr. Dufour declared the meeting closed at 9:51PM

APPROVED: _____
Ken Dufour, Acting Chair, Nashua City Planning Board

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Taped Meeting