

NASHUA CITY PLANNING BOARD
February 3, 2005

A meeting of the Nashua City Planning Board was held on Thursday, February 3, 2005 at 7:00 PM in the Auditorium at City Hall.

Bette Lasky, Chair conducted the meeting.

Members present were: Bette Lasky, Chair
 Ken Dufour, Vice Chair
 Mike Lowe, Mayor's Representative
 Ald. Richard Larose
 Steve Dookran (City Engineer)
 William Slivinski
 Steve Farkas
 Hugh Moran
 George Torosian
 Kelly Dowling

Also present: Mike Yeomans, Deputy Planning Manager
 Howard Coppari, Planner I

APPROVAL OF MINUTES

December 16, 2004

MOTION by Mr. Lowe to remove the approval of the minutes of December 16, 2004 from the table.

SECONDED by Mr. Dufour.

MOTION CARRIED UNANIMOUSLY

MOTION by Mr. Lowe to approve the minutes of December 16, 2004.

SECONDED by Mr. Dufour.

MOTION CARRIED - Mr. Moran & Mr. Slivinski abstaining

COMMUNICATIONS

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

Letter dated January 28, 2005 from Wayne Husband to Atty. Prunier concerning Case #1.

Preliminary Agenda for 2/17 Meeting.

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REPORT OF CHAIRMAN, COMMITTEE & LAISON

Mr. Dufour said CIC is going to be doing a wrap up a week from next Wednesday. They are looking at getting everything to the Mayor as soon as possible. He said they are hoping that they will have it in everybody's packet soon.

Mr. Slivinski said the Historic District Commission didn't have a meeting, but he attended a Passenger Rail Advisory Committee Meeting. It was their first meeting. He said as they are aware plans slowed down for a couple of years while the Supreme Court was making a ruling on the Truckers Association blockage of State funds for anything other than highways. The ruling was made in April and the ruling was unfavorable to the City of Nashua so if they want to do this the City has to come up with their own funds. Right now the estimated cost for the project is 70 million dollars. That includes the station, the rail line and the equipment.

He said if all goes well the hope is that this is up and operational in the year 2008. The estimate is 950 customers that will use the round trip fares between Nashua and Lowell on the first day. Nashua itself has to come up with about 14 million dollars of the money and the rest of it will be matching funds, primarily from the Federal Government.

He said that the proposal is to raise the funds by setting up a separate Economic Zone, much as was done with the Riverwalk. This is a program that has been done successfully for many other communities.

He said they hope to get communities involved all the way up to Nashua and Manchester. It is the hope that this will connect to Manchester eventually.

He said the rail line that they have up at the east coast of New Hampshire that runs from Maine has evidently been much more successful than had been predicted.

Mr. Slivinski said their next meeting is in March. There are about fifteen members to this committee.

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.

She reminded everyone that there was no smoking allowed in City Hall and asked that everyone turn their cell phones off or set them to vibrate.

OLD BUSINESS - SUBDIVISION PLANS

None

NEW BUSINESS - SITE PLANS

1. **Dunstable Road, LLC (Owner) Petroleum Wholesalers, Inc. (Applicant) - Proposed amendment to NR307 for the conversion of the existing 1,575 square foot service station into a convenience store with drive-thru and associated access, parking and site improvements, 163 Main Dunstable Road, Sheet E - Lot 27, Zoned "HB" - Highway Business. (Tabled from December 15, 2004 Meeting)**

MOTION by Mr. Lowe to remove Case #1, New Business - Site Plans, 163 Main Dunstable Road from the table.

SECONDED by Ald. Larose.

MOTION CARRIED UNANIMOUSLY

Atty. Gerald Prunier. Atty. Prunier said this was a gasoline station that was closed many years ago and has been closed for a long period. He said it is opposite the Porsche/Audi dealership.

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The proposal involves the addition of a convenience store and a drive-thru to the rear. He said when the plan was presented to the City of Nashua Traffic Engineer, he requested that there be three changes.

He said one of the changes was that an additional by pass lane be added for the drive-thru, which they have done.

He said there were concerns about site distance, so the applicant moved the entrance. He referred the Board to the plan. He said there is also some shrubbery that will be removed.

He said the third issue was a little more difficult. He said the Traffic Engineer wanted three lanes, one going in a westerly direction. He referred the Board to the plan again. He said they expected the width of the road to be 50', which would accommodate what the City's Traffic Engineer wanted. He said there are four utility poles along the side of Main Dunstable Road and they are in the right-of-way. They only have 30' to 30.5' to work with between their property line to the location of the poles. He said they will be moving into their property in order to create two 11' lanes going east and one 11' lane going in a westerly direction. They have just come up with this plan today and the Traffic Engineer hasn't had enough time to make a final determination that this would be acceptable.

He said he would like to get the Board's comments regarding the plan on all issues. He suggested that it be tabled until the next meeting so it can be ready for discussion at that time.

Ald. Larose asked if the 12' lane is going to be just in front of their property.

Atty. Prunier said "yes." He said there are four poles in the right-of-way and Public Service charges a fortune to move them.

Ald. Larose asked if there was a sidewalk on the side where the poles are located.

Mr. Dookran said it is set back from the edge of the road.

Mr. Moran said he read that there is supposed to be a 390' line of sight at the exit. He asked if this is going to be met.

Atty. Prunier said "yes." He said the site distance is no longer a problem because they agreed to move the entrance.

Mr. Lowe asked how far the State land goes.

Atty. Prunier showed where he assumes it is. He pointed out the location of Value Homes and the Porsche/Audi dealership.

Mr. Torosian asked how many cars will fit in the drive-thru to the street.

Atty. Prunier said in the vicinity of 13 - 15 vehicles.

Mr. Lowe asked how many people will be manning the station.

Atty. Prunier said probably three.

SPEAKING IN OPPOSITION OR WITH CONCERN

No one.

SPEAKING IN FAVOR

No One.

MOTION by Ald. Larose to table Case #1, Dunstable Road, LLC, 163 Main Dunstable Road until February 17 meeting.

SECONDED by Mr. Dufour.

MOTION CARRIED UNANIMOUSLY

NEW BUSINESS - SUBDIVISION PLANS

None

NEW BUSINESS - SITE PLAN

2. **Amherst Plaza, LLC (Owner) - Proposed amendment to NR1999 for a change of use to allow a 1,800 square foot restaurant, 449 Amherst Street, Sheet H - Lot 35, Zoned "GB" - General Business.**

Richard Maynard, Professional Engineer, Maynard & Paquette. Mr. Maynard said this is the site formerly known as the Covered Bridge at 449 Amherst Street. The site plan was approved a couple of years ago for a 17,000 square foot retail building.

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He said they are asking for a conversion of 1800 square feet of retail space to be used as a small restaurant with 24 seats. The rest of the square footage would remain retail. The 24 spaces would require two less parking spaces so the plan will have six extra parking spaces than the minimum requirement. Everything else is as previously approved. All the stipulations are the same as the previous approval.

Mr. Lowe asked where the restaurant is located within the building.

Mr. Maynard said it will be anywhere within the building. The building is still being constructed.

Mr. Slivinski asked if the blasting is all done.

Mr. Maynard said he doesn't think there is any more blasting to be done. He said the site work is 100% done. It is paved and the wall is done. Now they are doing the building, the landscaping, and the signage.

Mr. Lowe asked if they would mind putting in a handicap spot next to the entrance to the restaurant.

Mr. Maynard said this can be done.

Ms. Dowling asked if there would be adequate lighting for the patrons of the restaurant since it is open late.

Mr. Maynard said there is minimal lighting. It is no different than any late night restaurant. He said it's probably going to be a Quiznos Sub Shop.

Ald. Larose asked if the hours are 7:00AM - 2:00PM.

Mr. Maynard said it is open until 2:00AM, not PM. There is a typo error in the plan.

Ald. Larose said if it is open at 7:00AM, does it mean that breakfast is being served.

Mr. Maynard said what he has done is outline the hours of operation for any restaurant. He said they could serve breakfast if they chose to.

Ald. Larose asked if there are going to be waitresses since there are going to be 24 seats.

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Mr. Maynard said he didn't think it matters whether people are picking up their own food or if a waitress serves people.

Mr. Farkas said this could be any restaurant at this time, if he understands correctly.

Mr. Maynard said this is correct. It can be for any small, 24 seat restaurant. It meets the requirement for any restaurant.

Mr. Dookran said there is a retaining wall at the back of the building. He asked why it was changed from a block wall to poured concrete.

Mr. Maynard said the structural integrity is better on a poured concrete wall than a block wall. There was a block wall, and as many people know, it didn't last. This is a reinforced poured concrete wall, which is first class.

Mr. Dookran said he visited the site and he noticed a lot of erosion getting to the catch basins with no erosion protection. He asked if they can do something about this.

Mr. Maynard said they can agree to a stipulation, that as a condition of the c/o that the drainage system be protected. He said the site is all exposed at this time. It does not been landscaped, etc. The site is designed to take care of the erosion.

Mr. Farkas said a stipulation on the plan is that erosion control had to be in place prior to the site work.

Mr. Dookran said with the ongoing construction and with the retaining wall, they have exposed earth surface. During stormy weather, erosion had made its way into the existing catch basins. He said these basins should be protected during construction.

Mr. Farkas said they should probably build up Stipulation #4 since the applicant has indicated a willingness to accept an expansion of that stipulation.

Mr. Maynard said he had not visited the site for a couple of months so he really doesn't know what is going on there. He said he will be taking a look at it.

Ms. Dowling asked where the dumpsters are going to be located.

Mr. Maynard showed the location of the dumpsters.

Mr. Dufour said he's got to believe that a restaurant will generate it's own unique trash.

Mr. Maynard said the restaurant will have their own dedicated dumpster.

SPEAKING IN OPPOSITION OR WITH CONCERNS

No One.

SPEAKING IN FAVOR

No One.

MOTION by Mr. Lowe to approve the site plan for Amherst Plaza, LLC, 449 Amherst Street to convert 1800 square feet to restaurant use with the finding that it meets Section 16-123 and with the following stipulations:

1. Prior to a building permit being issued documents pertaining to the storm water operation and maintenance plan shall be recorded.
2. Prior to a building permit being issued a landscape plan shall be submitted to the Planning Department for review and approval and incorporated into the plan.
3. Prior to a building permit being issued a site lighting plan shall be submitted to the Planning Department for review and approval and incorporated into the plan.
4. Prior to the start of site work for excavation erosion control shall be installed.
5. No blasting before 9:00AM or later than 5:00PM. A pre and post blast survey shall be conducted which shall include the 3 closest residential units.
6. No trash pickup, or deliveries, before 8:00AM.
7. A sign shall be posted on the west driveway that states there is no access to the retail site from this driveway.
8. Shift handicap parking space to the restaurant entrance.
9. Drainage system must be cleaned prior to c/o.

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10. Note #17 on the plan must be corrected to reflect the hours of operation from 7:00AM - 2:00AM.

SECONDED by Mr. Farkas.

MOTION CARRIED UNANIMOUSLY

3. Heritage Baptist Church, BAE Systems Information & Electric Systems Integration, Inc. (Owners) - Proposed site plan to show a change of use from a place of assembly to a church with associated access, parking and site improvements, 103 & 105 Lock Street, Sheet 41 - Lots 49 & 74, Zoned "GI" - General Industrial.

Steve Auger, Project Manager, Hayner/Swanson, 3 Congress St., Nashua. Mr. Auger said they are seeking a change of use site plan. The site is located at 105 Lock Street, Lot #49. It is also known throughout Nashua as the ??? Archambeault building. The site is 65 acres in size and is bordered by residential homes to the north and east, the Nashua River to the south, and the BAE parking lot to the west.

He said on January 25, 2005 the Zoning Board of Adjustment granted a special exception to allow 75 off-site parking spaces to be located within 300' of the site. These spaces will be on Lot 74 & 78, both owned by BAE.

He said the church requires 76 parking spaces. The lot will contain 29 parking spaces, including four handicapped spaces. BAE is granting an easement to the church for 75 spaces. The spaces aren't designated. BAE employees use the site to park during the day. Therefore, the church will have access to 104 parking spaces, where 76 is required.

He said there is an existing fence that separates their lot and the smaller BAE lot. That fence will be removed in order to facilitate traffic flow throughout the lots.

He said the whole site is gated. He pointed out the location of the main gate on the plan. He said it is near a walkway. It slides open. It will be locked and the pastor of the church will have the key during non-use times.

He said the general hours of operation for the church will be Sunday through Saturday, 7:00AM - 10:00PM. The service times for

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the church will be on Thursday nights from 7:00PM - 8:30PM and on Sundays from 10:00AM - 12:15PM and again at 6:00PM - 7:30PM.

Mr. Auger said he has talked with Susan Klasson of the City of Nashua Traffic Department and the majority of the church's traffic will be during the service times on Thursday evenings and on Sundays. There will be no BAE conflict when BAE employees park their vehicles.

Ms. Dowling said the parking is somewhat removed from the church. She asked what the plan is for lighting.

Mr. Auger said there is existing lighting on the building. There is a note on the plan that if, in the future, the church deems they need additional lighting, it will have to follow the Nashua guidelines and work with the Planning Department.

Ms. Dowling said the parking site belongs to BAE. She asked if they wouldn't be responsible for the lights.

Mr. Auger said "no."

Mr. Moran asked if the normal working hours are for staff only.

Mr. Auger said the pastor is going to have his office here and the pastor will be in and out throughout the day. There will be various board members he meets with throughout the day.

Mr. Dookran asked if handicap access is required for the building.

Mr. Auger said the church will be making renovations inside the building and he believes they will be putting in a handicap access ramp. He showed the location on the plan where the ramp will be located.

Ms. Dowling asked if the sidewalks were on the other side of the street.

Mr. Auger said they are.

Ms. Dowling asked how people were going to get to the parking lot without a sidewalk in front.

Mr. Auger said they will come right out of the building and they will be right in the parking lot.

SPEAKING IN OPPOSITION OR WITH CONCERN

No One.

SPEAKING IN FAVOR

Atty. Gerald Prunier. Atty. Prunier said the church is anxiously awaiting the Board's approval.

Mr. Farkas asked if the church is sure that they are going to get the easement from BAE.

Atty. Prunier said "yes."

Mr. Farkas asked if the Board could put this as a stipulation that prior to c/o this will be recorded.

Atty. Prunier agreed.

Mr. Farkas asked if the applicant is going to do a lighting plan.

Atty. Prunier said they are going to keep the existing lighting. He said if there are any changes in the lighting, they will have to come back for a site plan revision.

MOTION by Ald. Larose to grant the site plan for Heritage Baptist Church, BAE Systems, 103 & 105 Lock Street for a church with associated access, parking and site improvements with the finding that it meets Section 16-123 and with the following stipulations:

1. Prior to the issuance of a certificate of occupancy a stormwater operation and maintenance plan shall be recorded.
2. Easement from BAE to be recorded prior to c/o.

SECONDED by Mr. Dufour.

Mr. Dufour said this is a great use. The building has been under-utilized for years.

MOTION CARRIED UNANIMOUSLY

4. **Fletcher's Appliance, David Pastor (Owner) - Proposed 1-year extension for the demolition of the existing structure and the development of a 1-story, 8,200 square foot retail building**

with associated access, parking and site improvements, 531 Amherst Street, Sheet H - Lot 139, Zoned "HB" Highway Business. Previously approved by the Planning Board on February 20, 2003 and February 5, 2004.

Steve Auger, Project Manager, Hayner/Swanson, 3 Congress Street, Nashua. Mr. Auger said he is representing Fletcher's Appliance. Mr. Pastor could not be present tonight. Originally they were slated to go on the meeting of February 17, but because of the light agenda tonight, Mr. Sawyer asked if they could come tonight and it worked out that Mr. Pastor couldn't be here tonight.

He said they first appeared before the Board on February 20, 2003 and received initial Planning Board approval for demolition of the existing building and construction of a new one. On February 5, 2004 they came back to the Board seeking the first extension. They are present tonight seeking a second extension.

He said the reason they have come back tonight is the same as it was a year ago. It is for financial reasons. A year ago they felt Mr. Pastor was close to his financing. When he got some of the construction costs back, the numbers were higher than he originally thought. This had sidetracked him a little bit.

He said there are no proposed changes to the site. It is the same plan as it was approved two years ago.

SPEAKING IN OPPOSITION OR WITH CONCERNS

No One.

SPEAKING IN FAVOR

No One.

Mr. Dookran said there is a light pole in front of the building that's leaning and threatening to fall. He said he doesn't know if the owner is aware of it.

Mr. Auger said he will leave a voice mail for the owner tomorrow morning.

MOTION by Mr. Lowe to approve extension of the site plan for a period of one year for Fletcher's Appliance, 531 Amherst Street with the finding that it meets 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 to review the overall details of the plan, phasing and site circulation & safety during construction.
2. 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.
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, a cross access easement shall be submitted to and approved by the Planning Department and recorded.
5. Retail space "B" shall not be occupied until all site work is completed and a final certificate of occupancy is issued.
6. All construction vehicles and employees will park within the fenced area.

SECONDED by Mr. Torosian.

Ald. Larose said when the approval letter is sent, the staff should advise the applicant that he can only have one more extension.

MOTION CARRIED UNANIMOUSLY

OTHER BUSINESS

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

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

SECONDED by Mr. Farkas.

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)

No motion to remove from the table.

Discussion Items

1. 472 Amherst Street - Expand School for Nursing

Mr. Yeomans said the Board should have the memo he had prepared on this topic. He said the Planning Board approved a change of use on August 12, 2004 for an approximate 6,000 square foot school of nursing. He said they have come to the staff recently wishing to expand by another 3,000 square feet (approximate). He said at the time the original review was done, there were no issues that came to the Board regarding traffic, circulation or abutter concerns. He said they are seeking the Board's concurrence that the Staff will be able to amend the plan administratively. This will involve changing the plan notes. There are no changes to the site.

Mr. Lowe said he has been to the site and he thinks the parking lot needs to be re-stripped because they are fading.

Atty. Prunier said they will advise the landlord.

Ald. Larose said he was at the site yesterday afternoon and it looked like there was plenty of available parking. He asked if the expansion because they are adding more students or equipment.

Atty. Prunier said they are adding some students. They have different programs that they are offering. He said they have had a good response and because of that they find that they have to expand.

The Board indicated there are no objections for the Staff to review this case.

Other

Mr. Slivinski said something has to be done about the Dunkin Donuts on West Hollis Street. The traffic backs up 3-5 cars out into West Hollis Street. He said if nothing else, he would like the staff to look at it so that a site like this never gets approved again. He

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said right now Dunkin Donuts can help. The problem is that everybody goes through the drive-thru. If you want to go in to park and run in, you can't back out to get out of the site because the drive-thru lane blocks them in. The design is poor. He said he didn't know if that design can be changed at this point, but it should be looked at.

He said the second thing is that they have two windows. They could help the situation during rush hour times if they take money in one window and deliver the goods at the far window.

Mr. Lowe said they have the same problem with the Dunkin Donuts on East Hollis Street. He said on that one the Board placed a stipulation saying that they were supposed to put somebody out there to control the traffic if they had a problem.

Mr. Slivinski asked if they are allowed to go back and look at locations.

Mr. Dufour said they have to function properly. If the Board approves the plan, they are assuming that it functions properly.

Mr. Yeomans said this plan is a typical plan they will find all over the United States. He said he has spoken to the Traffic Department about this particular site. He said this is clearly a management issue. It's a function of having the right people being able to get the orders and get them out fast. He said he thinks they are seeing a failure of management being able to make the facility operate in an efficient manner. The representation to the Board was that they could turn around these cars in about thirty seconds. They are probably approaching 1 - 2 minutes plus per order.

He said another way to be able to handle this is to have the Police start to knock on windows and tell them they are blocking the street and to move on.

Ald. Larose said maybe what the Planning Board needs to do is to send a letter telling them about the problem and that they may have to take appropriate action and have the Police Department move the traffic that is backing out into the street - or something to that effect.

Mr. Yeomans said it's a traffic issue. It's in the public right-of-way. It really should be an enforcement issue, not necessarily a site plan issue. He said if you really wanted to get someone's

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attention you could threaten a revocation of the site plan.

Mr. Farkas suggested that they might want to start with a phone call or a visit from Staff and if there is no response then they can send written correspondence and then if there is no response they can pursue the possible revocation.

Further discussion ensued.

ADJOURN

Mrs. Lasky declared the meeting closed at 8:05PM

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.**

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Taped Hearing