

NASHUA CITY PLANNING BOARD
April 20, 2005

A meeting of the Nashua City Planning Board was held on Wednesday, April 20, 2005 at 7:00 PM in the Auditorium at City Hall. This meeting is a continuation of the meeting of April 14, 2005.

Bette Lasky, Chair conducted the meeting.

Members present were: Bette Lasky (7:20PM)
 Ken Dufour, Vice Chair
 Mike Lowe, Mayor's Representative
 Ald. Katherine Vitale
 Steve Dookran (City Engineer)
 William Slivinski
 Hugh Moran

Also present: Roger Houston
 Mike Yeomans

MOTION by Mr. Lowe to reconvene.

SECONDED by Mr. Moran.

MOTION CARRIED UNANIMOUSLY

NEW BUSINESS - SITE PLANS

7. **Mile High Real Estate, LLC (Owner) - Proposed conversion of a 4-unit dwelling into a 6-unit dwelling with associated parking and site improvements, 35-37 Courtland Street, Sheet 66 - Lot 30, Zoned "RB" - Urban Residence.**

Richard Maynard, Maynard & Paquette, Nashua. Mr. Maynard said the location of this proposal is one block off of Concord Street. It is an existing 4-unit building on a 16,000+/- square foot lot. To the rear is a barn-type carriage house and an existing one-stall garage.

He said a couple of months ago they obtained a variance to convert the carriage house into two units of additional housing. They are also making some parking improvements. There will be sufficient parking for the six total units on the site. One of the stipulations of the Zoning Board is that the garage would be used as a parking space and not for storage. This is reflected on the plan. Granite posts will be placed over to the left where the sidewalk is to prevent parking by tenants.

There is a little extra pavement so there's some minor drainage increase. It will be handled by a leaching catch basin. He showed the area where this would be located. The existing sidewalk along Courtland Street is in very good condition.

Mr. Lowe asked where they are going to put the snow. He said the site seems tight.

Mr. Maynard said there is 53% green space on this lot. He showed the area that would be available for snow storage.

Mr. Lowe asked if the barn was going to come down.

Mr. Maynard said it will remain. They will be fixing it up on the inside.

Mr. Slivinski asked how many trees would be cut out where they will be putting in new parking.

Mr. Maynard said the small ones and two large ones. All the rest will remain. He said the property is surrounded by multi-families, except for one that is a single-family. He said there is a substantial arborvitae hedge line all along the line.

Mr. Slivinski asked if the property was located in the Historic District.

Mr. Maynard said it is not.

SPEAKING IN OPPOSITION OR WITH CONCERNS

No One.

SPEAKING IN FAVOR

No One.

MOTION by Mr. Lowe to approve the site plan to convert a 4-unit dwelling into a 6-unit dwelling at 35-37 Courtland Street with the finding that it meets NRO 16-123 and with the following stipulation:

1. Prior to any work being conducted, a pre-construction conference shall be held with the Planning Department to review site development and erosion control.

2. Prior to the issuance of a building permit the storm water operation and maintenance plan shall be recorded.
3. Prior to the issuance of the second certificate of occupancy all on site improvements shall be completed as shown on the plan.
4. This site is subject to all prior Zoning Board of Adjustment conditions of approval.

SECONDED by Mr. Moran.

Mr. Slivinski said he was going to vote in favor because there's nothing technically wrong with it, but he thinks it's a shame when they have to take an outbuilding to expand the multi-family use. He doesn't think the north end needs it.

MOTION CARRIED UNANIMOUSLY

8. **Dunkin Donuts/Shell Oil, Motiva Enterprises, LLC (Owner) Joe Carvalho (Applicant) - Proposed amendment of NR187 to show the removal of the existing automotive fueling facility (pumps, tanks & canopy) and the conversion of the existing fueling retail area to a 16 seat dining area with associated parking and site improvements, 119 East Hollis Street, Sheet 24 - Lot 25, Zoned "GI" - General Industrial.**

Richard Maynard, Professional Engineer, Maynard & Paquette. Mr. Maynard said this particular site came to the Planning Board about three or four years ago when they added the Dunkin Donuts to the existing Motiva Station.

He said the proposal tonight involves vacating the gas operation from the site. The pumps and the canopy will be removed and replaced with six parking spaces. He showed the location on the plan. He reminded the Board that they have a dedicated exclusive queue line for Dunkin Donuts operation. The gas station had a little convenience store of 420 square feet. Right now there is no seating. They will now have 16 seats. They will also make some improvements and widen the landscape island in the front and add a lot of landscaping. There's hardly any there now to speak of.

He said in the front of the site there is sidewalk. They will be over-laying it to improve its condition.

Mr. Maynard said there are five staff stipulations. He said they've been operating the site for 3+ years without any apparent problems. The fifth stipulation allows the queue line to be monitored. In removing the gas operation they are somewhat down-sizing the operation.

Mr. Lowe said it really doesn't improve the queuing. He said he's gone out a couple of times early in the morning and there is some back up.

Mr. Maynard said he hasn't seen that it comes out to the street.

Mr. Lowe said he thinks he saw one car in the street.

Mr. Moran said he read that the Traffic Department is requesting a prior stipulation and a contribution to the sidewalk fund.

Mr. Maynard said the stipulation is the one on the staff report regarding the queue management (#5). He said there has been a request for a voluntary contribution for sidewalks. They are required to upgrade in front of their site. He said the work they are going to be doing is minor and he thinks what they are doing is more than reasonable.

Mr. Moran said he thought he read that it was for the pedestrian improvements on East Hollis Street.

Mr. Maynard said it was unspecified, other than it was East Hollis Street. He suggested upgrading the existing City sidewalk meets the spirit of that request. The contribution is voluntary. It's a donation. The business is not really expanding.

Mr. Moran asked Mr. Dookran for an interpretation of what his Department wants.

Mr. Dookran said he spoke with the Traffic Engineers and in discussion with Mr. Maynard they wanted a contribution towards the "C" Street intersection, which is less than a block away. There are some issues there with accidents, especially pedestrians. He said he was given a copy of all the accidents going back to the year 2000. There were a total of 61 accidents that occurred at this location. Of the total of 61 accidents there were 6 involving pedestrians.

He said the City is putting a project together near the variety store and they have a shortfall in funding so they don't know if

they can get their project going. It involves putting up pedestrian crossing lights and some traffic calming. It would be good if the applicant could give a contribution towards that. He sees this as an expansion. They are adding seating and they will be drawing more pedestrians to the site.

Mr. Moran asked what exactly the Department is looking for - money or construction.

Mr. Dookran said money towards the construction. He said Mr. Maynard might know the number.

Mr. Maynard said that discussion never occurred between the Traffic Department and his office. The first time he ever saw it was when he saw the reports. He said he had no idea what it was all about in the first place. Now that he has mentioned it he understands.

Mr. Dookran asked Planning staff if a contribution was requested.

Mr. Yeomans said he doesn't know. The Planning staff doesn't get involved in that.

Atty. Gerald Prunier. Atty. Prunier suggested that his client contribute \$2500 to the sidewalk fund.

Mr. Dookran asked if the contribution could go towards the pedestrian/safety project and not the sidewalk fund.

Atty. Prunier said whatever fund he wants.

Mr. Maynard said it's the improvements associated with the convenience store, crosswalks, etc.

SPEAKING IN OPPOSITION OR WITH CONCERNS

No One.

SPEAKING IN FAVOR

No One.

MOTION by Mr. Lowe to approve the amendment to site plan NR187 for Dunkin Donuts to show the removal of the existing automotive fueling facility and the conversion of the existing fueling retail area to a 16-seat dining area with associated parking and site improvements at 119 East Hollis Street with the finding that it meets NRO 16-123 and with the following stipulations:

1. Prior to any work being conducted a pre-construction conference shall be held with City staff to review demolition procedures and related construction activity.
2. Prior to the issuance of a building permit, bonding for the sidewalk improvements shall be submitted to and approved by the Division of Public Works and Corporation Counsel, if required.
3. Prior to the issuance of a certificate of occupancy the storm water operation and maintenance plan shall be recorded.
4. All structures shall be razed and/or removed and materials disposed of according to local, state, and federal laws.
5. If the queue for the drive-up window extends into East Hollis Street the applicant shall return to the Planning Board for further consideration of the queue management plan.
6. A \$2500 contribution shall be made to pedestrian safety and crosswalks associated with the store near "C" Street.

SECONDED by Mrs. Lasky.

MOTION CARRIED UNANIMOUSLY

9. **James N. & Shirley C. Tamposi (Owners) - Proposed amendment to NR502 for a change of use to allow miscellaneous professional, medical and business office use with a medical office proposed (methadone clinic) in the existing 7,420 square foot building, 33 Pine Street, Sheet 80 - Lot 91, Zoned "GI/MU" - General Industrial/Mixed Use.**

Richard Maynard, Professional Engineer, Maynard & Paquette. Mr. Maynard said this building is located on Pine Street between Ledge Street and Central Street. He pointed out the location of Myrtle Street, Bronstein Apartments, Gate City Fence, Clocktower Place, Lockwood Mill building, and a church.

He said the building has 7420 square feet, which will remain essentially "as is". He said there is a parking lot with 30-33 spaces, depending on how you read it. They will stripe it for a full 33 spaces, including the appropriate handicapped spaces. The main entrance is at the front of the building. He pointed out the location of the secondary entrance. There is considerable

landscaping along the left hand side of the building. There's a heavy, tall hedge - almost a solid barrier along the parking lot. There's a one-way traffic pattern in and out of the parking lot with diagonal parking.

He said the location is in the mixed-use district, which allows office buildings for professional business and medical uses. He said this particular plan is to add the medical use to the existing potential uses for the building. This was formerly the Unemployment Office. It has been essentially vacant for the past two years.

He said the amount of traffic to the site when it was the unemployment office was significant on a hourly and a total daily basis. A medical office would potentially have a similar type of traffic pattern, maybe slightly less.

He said there's no change in the impervious surface. There's an existing drainage system, which includes catch basins, which works more than adequately the best he can tell.

Mr. Maynard said there is a site suitability report. The site is part of the downtown district, but unlike some of the sites the Board sees for the downtown area, the site meets the parking space requirements right on site. There is parking nearby. There is plenty of public transportation in the area.

Mr. Lowe said when Mr. Maynard said medical, he assumes that he meant methadone.

Mr. Maynard said he means medical. Methadone is one possible tenant that falls under medical use.

Mr. Dufour said the agenda for this evening contains the words methadone clinic in brackets.

Mr. Maynard said this isn't what was applied for. They applied for a medical use. Somebody stuck those words in without authorization.

Mrs. Lasky said if they are looking at a change of use, it's appropriate that the Board know what kind of use and what that use entails. She asked if somebody could speak to them with a little more detail.

Atty. Gerald Prunier, 20 Trafalgar Square, Nashua. Atty. Prunier said they are asking for office space - professional and medical.

That's the request. He said the Board doesn't have the authority to determine who their tenant is going to be. Whoever put the wording in is completely out of line. It is illegal. He said the Board can ask if it's going to be a methadone clinic and answer is "probably", but that is not what they are asking for. They are not debating a methadone clinic. They are here debating professional and medical offices.

Mr. Dufour asked staff what it is they are trying to satisfy this evening.

Mr. Yeomans said it's a site plan. The criteria they have to look at is Section 16-556 and Section 16-557 under the Mixed Use District.

The Board decided to hold off in asking questions at this time.

SPEAKING IN OPPOSITION OR WITH CONCERNS

Ald. Mark Plamondin (Ward 4 Alderman), 78 Elm Street. Ald. Plamondin said he has personally spoken with Lynn Costigan, the Director of Development for Colonial Management. The intent of the 7,420 square foot building is, in fact, a methadone clinic. They may not utilize the entire building for that purpose, however, that is the intent.

He said he is representing the residents of Ward 4, particularly the tree streets and the Bronstein Apartments. The proposed location for this use is horrendous.

He said they passed legislation less than a year ago doubling the fines and penalties to HUD funded housing. Bronstein Apartments is such housing. This shows an attempt of what they are trying to do to clean this area up. It is the highest crime area in the City. They have painted a mural on the back of Ferman's Fabrics on National Youth Service Day. They are trying hard to change the neighborhood and the character of it. Locating the Ash Street Community Center with the Police substation is another strong attempt to change and elevate the character of this neighborhood. He has been working on a project for over two years at 42 Pine Street. It's a piece of property the City took over for being in arrears. He could have easily turned this over to any of a list of landlords who wanted this building. He said he fought very hard for a social organization to come in and gut it and totally rehab it. That's the National Foundation for Mental Health. It's basically almost across the street from 33 Pine Street.

He questioned the need for this clinic. He said there is a full purpose clinic for this purpose in Hudson right on 102. He has spoken to the Hudson Police and with Mr. Potter, the director of that clinic. Mr. Potter indicated that if there is a need in Nashua that they are willing to help, but they haven't found it. He said they also have a clinic for this purpose at Southern New Hampshire Medical Center, which is pre-natal.

He said there have been recent articles on this subject, with several of interest. One was a letter to the editor by a well-known Nashua physical who is Board Certified in addition and psychiatry. He quoted "Methadone has had problems. Like heroin, it is strongly addictive. The Drug Enforcement Administration classifies methadone in the same category as cocaine and PCP. They're Schedule 2 drugs. Here in the U.S. research reveals methadone's 50% success record".

He said the Telegraph's editorial cites many points. He quoted: "Neither the neighborhood nor the abutters of 33 Pine Street were well served by the legal notices prepared". (He noted that they are still seeing that this evening). "As a matter of fact, the wording on these notices suggest they were written to benefit the applicants and keep the neighborhood in the dark." There was no clue that it was a methadone clinic proposed. "The owner of the property proposes to lease/sell the proposed medical facility for the use as a methadone clinic. The clinic would be in a General Industrial/Mixed Use District that is near a crowded downtown residential area. Siteing a clinic to treat people addicted to heroin or prescription drugs there won't hasten the area's needed revitalization. It may have the reverse affect".

He said the Hippo Press also did an article concerning this clinic. They also have spoken directly to Colonial Management Group. He said they quote Lt. Mark Buckley from the Lowell Police Crime Analysis Unit in Lowell. He said he has also had discussions with Lowell. They have done something similar in Lowell and they've had nothing but problems. He quoted Lt. Buckley - "Some people who are treated with methadone still use heroin. There is a lot of crime associated with people who go to the clinic. You get people who are addicted to heroin to go to the clinic, but some are not using the clinic. They still have a habit that needs to be fed. If you are bringing people who are trying to get straight into an area that is already full of drugs, than it is much easier to get the drugs. Somebody trying to stay sober may not want to go to a bar".

Ald. Plamondin said they are trying very hard to change this neighborhood. It is a transient neighborhood. At that time it was first developed, it was the first planned industrial neighborhood in the United States. In and of itself, it's historic. It was designed as a transient neighborhood and it will always be a transient neighborhood. It doesn't mean they can open the doors to invite more problems. The best analogy he come up with is - If you have a cat that is allergic to milk and you lock it in a dairy you know where all the feral and stray cats are going to be - they are going to be hanging out around this dairy. He said this clinic will only help those who are gainfully employed or have insurance. It won't help the homeless or the drug abusing individuals that the City has camping out in Mine Falls, along the canals, and along the Nashua and Merrimack Rivers. It's not going to help them, but it will draw them.

He asked the Board to reject the usage for this clinic for the sake of the neighborhood.

Timothy Heffernan, Chief of Police. Chief Heffernan said his comments are generally based on what he understands methadone clinics to be and how they operate. He says this because he in no way has been contacted by anyone from this particular corporation and has not been provided with any idea as to the operational plan that they intend to put forth at this site.

He said he is not opposed to rehabilitating drug addicts. He is opposed to the location that has been selected in this particular instance, owing largely to several key factors. Meth clinics in general draw drug addicts and pushers to the area. They'll not only come from Nashua, but they'll come from other parts of New Hampshire and they'll come from Massachusetts. Historically they congregate and they loiter. Many are thieves because that's how they support their habit. They're so sick from the dope that they can't work. As a consequence there will be more crime - crime that is already occurring in an area of the City that is most vulnerable to the highest crime rates that the City has. In addition, the City's narcotics detectives reported that in 2004, 65% - 70% of the City's drug trafficking arrests occurred within Chestnut to Pine, Kinsley to Central Street - the very location for the proposed clinic.

He said Methadone treatment is a long-term commitment and there are many stories of abuse. During 2004 their undercover detectives bought methadone. They have their reasons to believe that it came

from a methadone clinic. He said during 2004 a 23-year-old young man overdosed and died from methadone. Because of the investigation they conducted ensuing from that death, they determined that the methadone he was buying was coming from clients of methadone clinics. They were "cheeking it". They make believe they have taken the drug, they leave and then they sell it

He said he spoke to his counterpart in Lowell, Chief Edward Davis. They have a meth clinic and it's located in an area that he describes as very similar to what is being proposed in Nashua. He said Chief Davis described the entire crime and drug trafficking rate in that general area once that clinic opened. Large numbers of addicts arrive each day and loiter. They come from Massachusetts and New Hampshire. The crime stats for both property crime and motor vehicle theft rose dramatically. The City of Lowell also contracted with a company that specializes in crime prevention through environmental design. They are certified to come in and assess urban areas of the City and determine based on lighting, parking, building situations, etc. how best to situate those areas to reduce crime. One of the strategies they recommended to the City of Lowell was to relocate the methadone clinic currently housed in the restored Suffolk mill to a controlled environment. It would remove a major crime generator that draws both drug addicts as well as pushers into the area. They also indicated that the clinic should also be positioned far away from the most vulnerable area of the City.

Chief Heffernan said there are very few success stories with methadone. It's used to trick the body into believing it's getting its heroine. It's just another addictive drug.

He said methadone simply quells that particular urge for a period of time. Each person that visits that location is one bad choice from going back into the heroin they are trying to avoid.

He said on Sunday afternoon at about 3:30PM they had a drug related homicide on Everett Street - about 75 yards from this site. This is not the area they need to attract that element, an area that they are making great effort to try to rehabilitate.

Mary Gorman, 44 1/2 Amherst Street. Mrs. Gorman said she represents Ward 4 at the Statehouse. She said she is opposed to the methadone clinic being placed across the street from the Bronstein Apartments and in this particular neighborhood. She said this is a highly densely populated area filled with single-parent families, small

children, and senior citizens. It also represents the most vulnerable of the population in regard to economics. She said the Chief of Police noted that 65% - 75% of drug arrests are in this particular area.

She said the Merrimack River Clinic in Hudson is located on 102. She passed out some pictures to show how isolated it is. It is not in a residential area. Next to it is a carpet place and then next to that is a veterinary clinic and next to that is the gas station. Across the way is a medical facility and directly across the street it looks like a gravel business.

She said she thinks the mill yard is trying to attract small businesses to that particular area to boost up that area and make it attractive for small businesses to come and this clinic could be a barrier.

Mrs. Gorman said according to the January 27, 2005 article in the Telegraph, it was reported that Carter Falk indicated there are six other zones in which this methadone clinic could be allowed.

She said she spoke to Kim Johnson. She is the Director of Substance Abuse Office for the State of Maine. In Maine they have five methadone clinics. They are located in industrial and commercial areas, except for one that is in the hospital, which is a controlled environment.

She said in April 2004 Gov. Mark Warner of Virginia signed into law a half mile safe zone around schools and child care centers. She said in this particular area, the Ledge Street School and the Boys & Girls Club is a little bit more than a half-mile from the proposed site. She said she thinks everyone knows that families in that area are struggling. Sixty-six percent of the children at Ledge Street School are on free lunch or reduced lunch.

She said she has worked at the Public Health Department for nine years. There is evidence that there are other methods to treat methadone that involve a physician and getting the medication in the physician's office.

She asked the Board to consider not permitting this clinic in this particular area.

SPEAKING IN FAVOR

Atty. Gerald Prunier. Atty. Prunier said they are here requesting

professional offices and medical facilities. He said he would address the testimony that has been given to the Board without giving up any legal rights to challenge whatever may happen later on.

He said Ald. Plamondin is a hard-working Alderman. His ward is the center of the City. He is very concerned over his ward. He has opposed some projects that his (Atty. Prunier) clients have had in his ward and he respects that.

He said he doesn't think anyone has anything bad to say about Chief Heffernan. He is concerned about an area of the City and he is able to say that.

He said he has somebody to speak about the methadone clinic when he is finished. He is not waiving the fact that this is the issue before the Board.

Atty. Prunier said The Telegraph doesn't have any expertise in this area, but the editors have the right to state what they think.

He said there was a reference to a physician. There is a physician that did write an article in the paper. That physician doesn't have any more privileges to practice in any of the hospitals. He doesn't think his comments bear any weight before this Board.

He said there are a lot of things that are misunderstood about methadone clinics. He said he Lyn Costigan, who is much more of an expert than anyone else who has spoken tonight will answer questions the Board may have.

Lyn Costigan, Development Director, Colonial Management Group. Ms. Costigan is here to give the Board facts about how Colonial Management Group operates. She said they currently operate in Manchester, NH. The next closest is Providence, R.I. There are no other clinics here in New Hampshire or Massachusetts that operate like they do. She said they have strict policies. They are strictly regulated by the DEA, FDA, CSTAT, State and local entities. She said they have a pretty good success rate. They do some things a little bit differently than a lot of the other clinics that work around here. She said it is their goal to aid in helping with the area.

Mr. Slivinski said people have brought up what they believe to be the unsuitability of the site and he thinks they have made some strong arguments. He asked why this site is important when it

seems from a common sense point of view that you don't put the cookie jar with somebody who is trying to lose weight.

Ms. Costigan said she wants to be right in the cookie jar because she can turn these people around. She said along with this medication there is behavioral modification. If you're successful with your behavioral modification you will leave this area. She said they don't the people to stay in this area because they are going to be tempted. You will want to be gainfully employed. You will want to better yourself. Part of that treatment might be that you need to disassociate yourself from your friends and go to a different area.

She said they have had great success in getting people gainfully employed. Their treatment is very affordable. They don't use any third parties at all, such as insurance. These people self pay. The cost is between \$10 and \$12 a day. She said usually it takes a person a couple hundred dollars a week either to support their prescription habit or their heroin habit.

She said methadone has been around for 45 years. She said they employ the medical director, who is one of the four front researchers in methadone maintenance. That's Dr. Thomas Pate.

Ms. Costigan said what she liked about the site is that it's a stand-alone building. She doesn't have people in the building who may be scared of the people they will be dealing with. There's a parking lot. She can police her own parking lot, but if it were a commercial place like "Shaw's" it would be so large that she wouldn't be able to deal with every nook and cranny. For her this is a very controlled atmosphere.

Mr. Slivinski asked why they would need to police the facility that's so good for the community.

Ms. Costigan said the client can't loiter with the program. If you come in and you are on heroin you don't get dosed on their program. You are escorted off the property. She said they are not allowed to conduct a drug deal in the parking lot.

Mr. Slivinski asked if they have a full time security person outside the building.

Ms. Costigan said they do. She said their operation is a little bit different. They are there from 6:00AM - 2:00PM. They try to deal with people before they go to work or before they go to school.

Mrs. Lasky asked if it would operate seven days a week.
Ms. Costigan said at this point they are looking at six days a week. They would be closed on Sunday.

Mr. Lowe said there is a parking lot across the street where there are at least fifty low-income housing units and there's probably close to 100 kids there. She has stated they are going to police their parking lot so where are they going to go - they are going to go across the street to that parking lot. He has to worry about the health, the safety and the welfare of the people who live there. He said whatever their success rate is, it's the ones who aren't successful that they have to worry about.

Ms. Costigan said there are 100% out there that could use help. If she can successfully take care of 75% (proven outcomes for their clinic) you have 25% to deal with. It may be 25% that really won't be able to be dealt with in any form of rehabilitation.

Mr. Lowe said the Police Chief said there is already a drug problem in the area. They will be bringing in more addicts and 25% of them are going to add to the group that's already there.

Ms. Costigan said there is a clinic as close as Manchester and there are others planned. She is looking to deal with the people in Nashua.

Mrs. Lasky asked how often a client goes for treatment.

Ms. Costigan said it depends on where they are. She said if they're coming from other programs they'll honor their take-home situation. Sometimes they come to the program two days, three days, or six days. Usually when they first come into the program they are on a strict regimen of six days a week.

Mrs. Lasky asked how much this costs.

Ms. Costigan said between \$12 and \$13 a day.

Mrs. Lasky asked how long is the average treatment program.

Ms. Costigan said it depends on the person. If there is a person who's been addicted for a year generally its a lot shorter than for somebody who's been addicted for twenty years. Somebody who's been on a drug for twenty years is going to take a lot longer to rehabilitate.

Mrs. Lasky asked how many employees they have.
Ms. Costigan said ten staff members.

Mrs. Lasky asked how many clients they treat at one time. She asked if there is any kind of scheduling.

Ms. Costigan said the doctor comes in certain times of the week so they would schedule admissions during those times. The regular operation is that someone comes in and they would either take their dose for the day or for the week and then see their counselor and leave. On a whole there are about 250 people, but they probably would not see those people every day.

Mrs. Lasky asked what happens if there is an emergency that a person in treatment needs. She said they take a dose that's supposed to last a week. What happens if it doesn't.

Ms. Costigan said a dose lasts 24 hours. If somebody goes into some other health problem, for example, arrhythmia, - they would want them to go the emergency room. She said they don't do primary care.

Mrs. Lasky asked if there isn't a doctor or nurse on the premises at all times. She asked if there was anybody who took calls.

Ms. Costigan said they have people who take calls 24 hours a day, but if you're at home and you're getting into trouble - having a heart attack, for example, they would urge you to go to the emergency room.

Mr. Dookran asked if they had considered any other sites in Nashua.

Ms. Costigan said she has. The other places that they ruled out were either more commercial or near a school. It was industrial and she wasn't sure she would be able to get the zoning for it. She said they looked at an industrial area, but there were a lot of woods around it. On the other side of the woods there were homes and she didn't think it was appropriate.

Ms. Lasky said there are homes right across the street from the proposed site.

Ms. Lasky asked about overnight use.

Ms. Costigan said there was none.

Mr. Moran said he noticed that in the staff notes the hours of operation are shown as 7:00AM - 9:00PM and he wanted to know if that is correct.

Ms. Costigan said it's 6:00AM - 2:00PM.

Mr. Maynard (from the audience) 7:00AM - 9:00PM is for the medical usage - no specific category.

Mr. Moran asked how many clients they would expect to see in the course of a day if treatment only lasts 24 hours.

Ms. Costigan said it depends on where they are in their operations. On Day 1 it might be five. She is hoping that two years down the line she has a capacity of 250 clients, but two years down the line she isn't going to see 250 clients every day. They are going to be on various status of take-home.

Mr. Slivinski said Ms. Costigan indicated they have a facility in Manchester, NH. He asked how long they have been there.

Ms. Costigan said a year in October.

Mr. Slivinski asked if the Chief of Police from Nashua contacted the Police Chief in Manchester and what their reaction was to the facility.

Chief Hefferan said he did talk to the Chief of Police in Manchester, NH. The location of the clinic is on Willow Street and because of its location they don't have any issues. It is away from the developed area of the City.

Mr. Dookran asked what the connection is between this type of clinic and increased crime in the type of area that this site is proposed in.

Ms. Costigan said she could only tell them about her experience from the clinics that they operate. She said when she goes into an area before they open their operations they contact the Police Department, the Fire Department and make referrals with all the resources. She said they let them know that they are coming into town and that if there is any problem they would like to work with them. She said they own 51 clinics. Most police officers and most police chiefs don't even know that they are there.

Mr. Dookran said he thought he heard Chief Heffernan say that he wasn't contacted.

Ms. Costigan said he wouldn't have been yet. At this point it's too early. They haven't received approval from the City yet.

Mrs. Lasky asked if there has been an incident of increased crime around their facilities.

Ms. Costigan said "no". She said Manchester is one of them and they told the Police Chief if they had any problems to come and become a part of their Community Advisory Group. There's not enough interest. They were told if they had a problem that they would be seeing him.

Atty. Prunier said there is already crime in this area. All they can do is to help improve the situation. He said there was testimony that there is a problem in Lowell, but they also heard testimony that there's no problem in Manchester or Hudson. If the methadone clinic is operated professionally and with care it does its job. The one in Manchester is used by the Superior Court judges to help take care of some of the people who have problems.

He said just like any other site plan, they are here requesting professional and medical office use. They are not here for a specific tenant. He knows this is difficult and what makes it more difficult is that all of us know that there is a problem with abuse, not only in Nashua, but in the whole country.

Mr. Moran said Atty. Prunier said it was his opinion that methadone would be a part of the office building.

Atty. Prunier said that it could be. He doesn't know whether the lease will get signed or not.

Mr. Dufour said there is a need that exists out there and apparently this company has been very successful. Manchester has been cited as an example and he's sure that there are some very successful ones. The degree of success can best be gauged by its location. He said the Chief was quite honest in saying that there was no problem in Manchester. It's located on South Willow Street in a kind of industrial area, significantly removed from most residential in the area.

He said just the fact that these people exist to try to help

someone is great, but Ms. Costigan alluded to the fact that they have to police their area. They considered some other sites and did not pursue them because there were residential homes on the other side of trees. That's an indication that there could be issues.

He said allowing the use of this building for medical purposes is his focus, but one would have to be out of it not to have heard the conversation. He said Atty. Prunier alludes to the fact that one of the uses could be a methadone clinic. It's obvious that they have to consider all uses for this change in use and among that is a methadone clinic. The fact that Colonial Management is here to speak to it is an acknowledgement that there is a high likelihood that if this change is allowed that it will be used for that purpose.

He said Atty. Prunier alluded to the fact that in the agenda this evening there is a reference to a methadone clinic. Right or wrong, he felt that he should point out whether those words had been on the agenda or not someone from Colonial Management would have been here this evening to speak to that issue.

Mr. Lowe said there was testimony that the failure rate is 25%. If they have 250 people, that's 75 people a day that aren't being taken care of. They are being put in an area of high density when what you want is a place of low density for this type of clinic.

He said public health says it's not a good idea. Safety says it's not a good idea. The day he went to the site he counted fifteen kids. Its not a good place to put a methadone clinic. It's not in the best interest of the health and safety of the people who live across the street.

Mr. Dookran asked what is before them. He asked if it's a medical facility or if it's a methadone clinic.

Mr. Yeomans said what is before the Board is for business professional and medical facilities.

Mr. Lowe asked if the Board could stipulate that it not be a methadone clinic.

Mr. Dufour said "no".

Ald. Vitale said if they are considering that it's going to be a medical use and a medical use includes uses such as a medical

clinic she would deny it.

Mr. Dufour said he looked at the Nashua Revised Ordinances and he's looking specifically at Section 16-556. He said he considered number 1 and number 3, with number 3 having greater impact. He said he would move to deny it because that would be the one that would be upheld.

Mr. Houston said the Board may want to look at the Site Suitability Report that was submitted with the Staff report to see what it says in those areas that are a concern to the Board. He said any kind of medical facility has trash, etc. How are they addressing certain operations when they are allowing a use that would not normally be permitted in a General Industrial District.

Mr. Dufour asked if they get into the suitability report primarily when they address #1 in Section 16-556. He said he is going to use #3 in Section 16-556 and he thinks that speaks for itself.

Mr. Slivinski asked who wrote the suitability report.

Mr. Houston said the applicant did.

Mr. Dufour said before he made his motion he would address Section 16-556, #3 as it applies to health and safety impacts of the possible medical use, which could lead to such uses as a methadone clinic. He said in looking at the impact report and health and safety impacts are addressed. There is talk about sidewalks and vehicular traffic. That's not really the route he is taking.

MOTION by Mr. Dufour to deny the request for an amendment to NR502 for a change of use to allow miscellaneous professional, medical and business office use with a medical office at 33 Pine Street. The approval of this change could create a negative health and safety impact on customers, employees and the general downtown and inner city population (#3 in NRO Section 15-556). He said there are concerns from Nashua's Police Chief, Chief Heffernan that alludes to the negative impact that having that use would have on the health and safety of that population. They've had 65% of their drug arrests within that area. There's a lot of children. There's a housing development right across the street. He said it has significant adverse impact on the general downtown and city population.

SECONDED by Mr. Moran.

Mr. Lowe said he also thought it violated Section 16-123 (4) - that

the proposed use shall not have a significant health and safety impact on the surrounding properties and the general population. Mr. Dufour said he didn't want to include this in his motion. He heard testimony from the professionals and they have caused enough concern in his mind that approving a medical use in this area could lead to other uses within the medical field that could have detrimental impacts on the neighborhood.

MOTION CARRIED UNANIMOUSLY

- 10. Leda Lanes, Inc. (Owner) - Proposed amendment to NR 1549 for the construction of a 1-story, 12,250 square foot, 12-lane youth bowling facility with associated site improvements, 340 Amherst Street, Sheet G - Lots 97 & 98, Zoned "GB" - General Business.**

Richard Maynard, Professional Engineer, Maynard & Paquette. Mr. Maynard pointed out other sites nearby to this site on the plan. He said the existing building on the site has been there for a considerable amount of time. It houses 36 lanes of bowling and a 122-seat lounge. He said the proposal is to add a separate building with 12 lanes of bowling for youth or "glow" bowling. It features a little bit different atmosphere. Because it is for young people the request is to keep it separate from the main building.

He said they obtained a variance for two principal buildings on a lot and they also received variances for reduced parking. Probably half or less of the parking lot is presently occupied.

He said they are making other improvements to the site. They are rebuilding sidewalks along the front. They are improving the island along Amherst Street that controls their access. It will limit and direct the traffic in a better way. They are also adding some drainage improvements to the site. To the rear is Colerain Brook, which has a 40' wetland buffer area. Currently all the drainage sheet flows off the site directly to the brook. He said drainage will be directed to some leaching catch basins and allowed to flow into a grassed area before it goes into the brook. The building will also have its roof drains connected to leaching basins.

Ald. Vitale asked where snow storage would be located.

Mr. Maynard showed the areas where snow could be stored. He said if there is a major storm it will have to be trucked off the site. This is not unusual for the buildings in this area where there is

limited open space. He said some of the parking lot may be available because the times for the youth bowling versus the bowling in the main building tend to have a different peak period. Youth bowling is in the early evening and during the day on weekends. Primary bowling is later in the evenings on Thursday, Friday and Saturday. The only other peak period is the taping of the TV shows which occur during the week during mid morning.

SPEAKING IN OPPOSITION OR WITH CONCERN

No One.

SPEAKING IN FAVOR

Ray Simoneau. Mr. Simoneau has owned Leda Lanes for forty-five years. When he first built it, it was the first business on Amherst Street. At the time he told Mayor Vaggee that an access road should be build because there were going to be businesses on Amherst Street all the way to Milford. At the time he laughed at him saying that it would never happen.

He said everyplace that they have gone to glow bowling the youth have really enjoyed it. In Nashua there isn't much for the youth. It's probably the only city of its size in the country that doesn't have a movie theatre. It's because of the taxes and the fact that it won't generate enough income. He said it's the same thing with him. He pays \$1,000 a week property tax right now. This is a lot of \$3 games. He said he wants to do this because his son will take over when he retires.

Mrs. Lasky asked what glow bowling is.

Mr. Simeoneau said glow bowling is candlepin. It has black lighting. There's music. There's flashing lights. The black lighting makes everything glow. This is what the young people tend to enjoy.

Mr. Slivinski asked if the audience for this type of bowling is pre-teen.

Mr. Simoneau said there are teens and young adults that are going to go for it.

Mr. Slivinski asked if there are going to be a lot of video games as well.

Mr. Simoneau said "no". He does have video games in the main bowling lane.

Mrs. Lasky asked if there would be any improvements to the current facility.

Mr. Simoneau said just on the inside. He said they do every summer. The only way to keep the customer coming is to make some changes and keep it modern.

MOTION by Mr. Dufour to approve the amendment to NR1549 for the construction of a 1-story, 12,250 square foot, 12-lane youth bowling facility at 340 Amherst Street with the finding that it meets Section 16-123 and with the following stipulations:

1. Prior to any work being started, the applicant and their contractors shall hold a pre-construction conference with Planning staff to review erosion control and related construction activity.
2. Prior to the issuance of a building permit a storm water operation and maintenance plan shall be recorded.
3. Prior to a certificate of occupancy being issued all site work including final paving and landscaping shall be completed.

SECONDED by Mr. Lowe.

MOTION CARRIED UNANIMOUSLY

At this point Atty. Prunier wanted to advise the Board that the issue with the light on West Otterson & Main Street has been resolved. The plan was approved by the Board subject to this issue being taken care of.

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. 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)

No motion to remove from the table.

Discussion Items

Mr. Houston said he spoke to Steve Williams, Executive Director of Nashua Regional Planning Commission today. He said the next meeting (May 5) of the Planning Board only has two items on it and it might be a good meeting to fit the presentation on the Regional Housing Needs Report as well as the Regional Bicycle and Pedestrian Plan.

The Board concurred that this date would be fine for the presentation.

Other

Mr. Dufour said he's been on the Board for over ten years and would show up four times a month if he had to and he does it for nothing. He said they've received a minimal stipend over the years and it's his understanding that they no longer receive that. It's not a big issue with him, but what is an issue is that somebody should have had the courtesy to tell them.

Mrs. Lasky said she did receive a message from the Director saying that it was going to be cancelled - that they would not be getting it any longer. She said she hasn't had the chance to speak to her since.

Mr. Dufour asked if all stipends had been cancelled.

Mrs. Lasky said she read in the newspaper that it is this department.

Mr. Lowe said a lot of stipends are contractual.

Mrs. Lasky said as she understands it, Manchester pays their Zoning Board, but no one else.

Mrs. Lasky said it would have been nice if everyone had been notified. She said she didn't even know if it was definite. Mr. Lowe said it will be until the budget passes.

Mr. Moran said he has a minimal concern. Some of their travels to look at the sites require, at current gas prices, considerable cost to the individual Board members. He said he always felt that the minimum stipend over the period of a year or so or even a month or so helped to defray the cost of the gas going to the sites. He wonders if the City would provide the Board with a car to do this or some other mode of transportation or a mileage allowance where they could be reimbursed for gas.

The Board was in general agreement that they should have been told about this from whoever made the decision and not find out from someone else outside of City Hall.

Ald. Vitale said she is surprised that they weren't notified in advance that this was being considered. It should be noted that in many cases the people on the various Boards and Commissions take their personal vehicle to look at properties and it is out of their pocket. This should be considered when making budget cuts. It also involves time when the member(s) are going out to a site. It wouldn't hurt to notify the Board to remember that.

Mr. Houston said there are some communications in the Board's packets that the Board may want to look at.

Mrs. Lasky said there is a letter from Dunkin Donuts dated 4/11/05 indicating that the writer was going to monitor the situation for the next 60 days.

Mr. Slivinski said he stops there every day he is in town so he would be prepared to say whether their quick service is working. He said he is hopeful that what the writer does will take the problem away.

He said this taught him a lesson to really look carefully at the flow of traffic and what's happening. The worse thing with this site is that when you are coming out of the site when the traffic is backed up on West Hollis Street you are pulling out blind and the cars are flying there and there is a potential for a very bad accident.

Mrs. Lasky said she had a communication from a resident on the Groton Woods project for the minutes of the April 14 meeting and

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Chris Webber said she would send them.

Mr. Houston said the Board has a copy of the 2005 Land Use Law Update, which summarizes several of the Court cases that occurred last year.

He said the decision that was made by the Division Director concerning the stipend had to be made very quickly because of the immediate shortfall in the budget. It's a line item and not "fixed" yet. He said they can contact their Alderman to voice their concerns. He said they do expect the Board to go out and visit sites just like the Zoning Board and the Conservation Commission.

ADJOURN

Mrs. Lasky declared the meeting closed at 8:50PM

APPROVED: _____

Bette Lasky, Chair Nashua City Planning Board

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Taped Hearing