

NASHUA CITY PLANNING BOARD
July 20, 2005

A meeting of the Nashua City Planning Board was held on Wednesday, July 20, 2005 at 7:00 PM in the Auditorium at City Hall.

Bette Lasky, Chair conducted the meeting.

Members present were: Bette Lasky, Chair (Arrived 7:12PM)
Mike Lowe, Mayor's Representative
Steve Dookran (City Engineer)
Steve Farkas
Hugh Moran
George Torosian

Also present: Roger Houston, Planning Director
Mike Yeomans
Rick Sawyer

APPROVAL OF MINUTES

June 2, 2005

MOTION by Mr. Lowe to approve the minutes of June 2, 2005 with correction - On the last page change Ald. Larose to Mr. Lowe.

SECONDED by Mr. Moran.

MOTION CARRIED UNANIMOUSLY

June 16, 2005

MOTION by Mr. Lowe to approve the minutes of June 16, 2005 and place on file.

SECONDED by Mr. Moran.

MOTION CARRIED UNANIMOUSLY

COMMUNICATIONS

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

Mr. Houston said there is a communication dated 7/19/05 from Paul & Janet Walker from 699 W. Hollis Street regarding Case #5, Lowther & Company. They were not able to be at the meeting so the letter was sent. There is also a letter from Judith Walter dated 7/15/05 on the same case.

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Memo dated 7/20/05 to Rick Sawyer from Scott Geno, Parking Manager, relative to the site plan on Elm Street & Pearl Street

Map concerning "other business" item, Ordinance 0-05-104 relative to amending the official map

Memo dated today's date from him concerning Ordinance 0-05-92 amending the ordinance to require a special use permit for development of lots whose sole access is by right-of-way released from dedication to public use

REPORT OF CHAIRMAN, COMMITTEE & LAISON

Mr. Lowe said they are finally starting to move a little bit with the land use codes. They are going to try to get it done by the end of the year.

Mrs. Lasky said the consultant is on Board again to go over all the corrections and the input from the business community, etc.

Mrs. Lasky asked Mr. Houston if anything has been said about a meeting with the Planning & Economic Committee concerning the issue of impact fees on housing for 55+.

Mr. Houston said he believes they had a meeting a few weeks back, unless there is going to be another one.

Mrs. Lasky said they talked about a joint meeting. She will wait for Ald. Larose to come back and will ask him the question.

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.

Mrs. Lasky explained that the Board had many items on the agenda that they scheduled a meeting for tonight and any applications not heard tonight will be heard tomorrow night. She said the Board would assess where they are on the list at 10:00PM and make a decision as to whether they will continue some of the cases to tomorrow night.

OLD BUSINESS - SUBDIVISION PLANS

None

OLD BUSINESS - SITE PLANS

None

NEW BUSINESS - SUBDIVISION PLANS

1. **West Merrill Properties, LLC (Applicant) Michelle Henderson (Owner) - Proposed subdivision of one lot into two single-family lots, 3 Merrill Street, Sheet 10 - Lot 11, Zoned "RB" - Urban Residence.**

Richard Maynard, Professional Engineer, Maynard & Paquette. Mr. Maynard said this is a subdivision of two lots of record created back in the late 1800s. A few years back they were merged for tax purposes by caveat. They would like to subdivide them back out.

He said they went to the Zoning Board of Adjustment in May because they are 5,000 square foot lots and 6,000 square feet is the minimum required and also for the lot width, 60' required and 50' is proposed. There were stipulations imposed on the granting of the variances. One is that the existing house be converted from a two-family to a single-family. The outside staircase on the right hand side has to be removed if there are no objections from the Fire Department. He noted a portion of the porch that is going to be removed.

He said they will construct a 32'X28' single-family house on the other lot.

He said they have been told that the City has scheduled Merrill Street for pavement in early August. There is a bylaw that indicates plans not be recorded for thirty days. He asked that this be waived so they can get the utilities done, get the crane in and out so they not disturb the road when the City is doing their work. This would be at their own risk.

Mrs. Lasky asked if they had heard anything from the Fire Department concerning the stairs on the existing house.

Mr. Maynard said not at this time. He said the reason the stairs were there is due to the fact that it is a two-family. He said he doesn't expect that there's any requirement for a single-family home to have stairs to the second story.

Mr. Lowe asked about sidewalks.

Mr. Maynard said a sidewalk pretty much exists, but whatever they have to repair, they will repair. They are also adjusting some of the curb cuts.

SPEAKING IN OPPOSITION OR WITH CONCERN

Diane Urquhart, 2 Ferson Street. Mrs. Urquhart said she owns the property next door that is a four family unit. She said the whole is dug for the foundation. She asked how they are allowed to dig a whole without a permit. She showed pictures to the Board and said it's about three feet from the house they own. She said she is concerned with their foundation.

Mrs. Lasky said normally they would come for approval before they would go ahead and dig. They are asking for a waiver from one of the by-laws to correspond with work that the City is doing with the State. She said if the request were not approved, they would have to fill in the hole. She said there are setbacks that have to be met and they will have Mr. Maynard or Atty. Prunier address this.

John Koutsos, 3 East Dunstable Rd., Nashua. Mr. Koutsos asked if the subdivision is from Section 16-302 of the zoning ordinances. He said he understands one of the lots is non-conforming to begin with.

Mr. Sawyer said the section Mr. Koutsos referred to does apply, however, the applicant received all necessary variances from the Zoning Board of Adjustment.

Mrs. Lasky said it meets all the requirements in order to be before the Planning Board.

Stanley Saminowich (Known as Simi), 4 Allstead Avenue??? Mr. Saminowich said the hole was dug two weeks ago with no permits. They erected a fence around the lot on Saturday. He asked how they could do that.

Mrs. Lasky said they would have someone address this.

SPEAKING IN FAVOR

Atty. Gerald Prunier. Atty. Prunier said they are here for approval of a subdivision. When they went to the Zoning Board they did not have to ask for any variances for setbacks. No permit was needed to erect the stockade fence because it's within the size that is permitted under the ordinance. Also, no permit is needed to dig a hole in their yard. They do need a permit to put in a foundation.

He said they are trying to cooperate with the City so they don't dig the street up again. The Board of Public Works and the City Engineer have a schedule that they have to meet and they are trying to accommodate that schedule.

Mrs. Lasky asked about the concern expressed about the house next door.

Atty. Prunier said that is a four-unit building on a lot with 4,000 square feet. He believes the setback requirement is 7' in this zone. Some of the dirt may be on the side, but the foundation cannot be closer than whatever the requirement is and it will not be.

Mrs. Lasky asked if there would be any blasting that the owner would have to be concerned with.

Atty. Prunier said "no". He said the hole is there.

Mr. Maynard said they also have to reset the curb. They have to get the utilities past the sidewalk into the property. He said the abutter's unit is 4' from the property line. The setback in this zone is 7'. The excavation and dirt pile and fence are totally on their own property. He said they are only doing this because they are on a tight schedule. You don't need a permit to dig a

hole. This is prefab construction so a crane will be coming in to set the house in. They have been asked to get this done before the City comes in to re-surface the street.

Mr. Farkas said the pictures make it look a lot closer than the distances Mr. Maynard has been talking about.

Mr. Maynard said the house is 4' from the property line. The bounds are in so he knows where the lot line is. The fencing and dirt are on the applicant's property. He said it's got to be at least 6' or 7' between the hole and the existing house.

Mr. Dookran asked if Mr. Maynard could certify that the foundation of the abutter's house has been compromised.

Mr. Maynard said he doesn't see that it's been compromised. He said there's no requirement that he go into the abutter's house and inspect it.

MOTION by Mr. Lowe to approve the subdivision at 3 Merrill Street with the finding that it meets the requirements of NRO 16-108 and with the following stipulations:

1. Prior to the plan being recorded, the garage/porch demolition and the conversion of the two-family house to a single-family shall be completed.
2. Prior to the plan being recorded, the storm water operation and maintenance plan shall be recorded.
3. Prior to the plan being recorded, bonding for all public improvements, shall be submitted to and approved by the Engineering Department and Corporation Counsel.
4. Waiver to bylaw granted waiving the 30-day time frame to record the plan.

SECONDED by Mr. Moran.

Mr. Dookran said Merrill Street is scheduled for overlay to be done in early August. In order to come into the road after the work was done they would have to demonstrate some kind of hardship. He said he isn't voting for this because this is close to another building and he had not received an answer to satisfy him that there would not be any damage to that building.

Mr. Torosian asked if the City has any liability if they approve this request and something happens to the abutting building.

Mr. Sawyer said in his opinion it would be purely a civil matter between the two parties and the City wouldn't be involved. He said once the building permit is obtained for the project, the inspectors would do their inspections for the hole and the foundation, footing, etc. He said he's sure the inspector would address it with the builder if there were issues with it at that time.

Mr. Farkas asked the question that if this meets the regulations as far as the setbacks are concerned, is there a problem with the regulations.

Mr. Dookran said it might be so. He said he would have felt more comfortable if they had spoken to the Building Department. He said it's been made clear by both Atty. Prunier and Mr. Maynard that they are digging a hole in their yard.

Discussion ensued.

Mr. Maynard said if Mrs. Urquhart is concerned, the standard procedure is that she would hire her own structural engineer to make an inspection and report. He said she is well informed. She was at the Zoning Board meeting and has been well aware that this project is going forward. It's the same plan that was at the Zoning Board. It's not the burden of the adjacent landowner who is following the rules and regulations to go in and inspect somebody else's property, especially since there's a conflict of interest in that. It is a civil matter. He said they are not undermining the foundation of the neighbor's building in any way.

He said he doesn't know if the foundation is structurally unsound as it stands today, but it's none of his business or his client's business. They are not doing anything to undermine the foundation. If it's going to fall by it's own accord, that's the owner's business and for them to assess.

There was talk from the audience. Mrs. Lasky ruled that Mrs. Urquhart could come up and speak for two minutes if it was new testimony.

SPEAKING IN OPPOSITION OR WITH CONCERN

Diane Urquhart, 2 Ferson Street, Nashua. Mrs. Urquhart said she doesn't feel that she should bear the cost. She said to begin with the lot was too small. She said that the applicant is saying that

you can dig a hole right up to the lot line. She continued on in the same line.

Mrs. Lasky advised Mrs. Urquhart that none of what she was saying had anything to do with whether the Board approved or denied the subdivision plan.

Mrs. Urquhart continued to explain that she called City Hall today and she was told that they needed a permit to dig the hole.

Mrs. Lasky said that the Planning Board doesn't decide that. It's out of their purview.

MOTION CARRIED 5 - 1, Mr. Dookran opposed.

2. Toys R Us, Inc. (Owner) - Proposed subdivision of one lot into two, 270 & 272 Daniel Webster Highway, Sheet A - Lot 127, Zoned "HB" - Highway Business & "GI" - General Industrial.

Tony Basso, Hayner/Swanson. Mr. Basso said the front lot in this case, Lot 127, is a three-acre lot with frontage on Daniel Webster Highway. Lot 1000 (rear) is a 2.2-acre lot with frontage down the driveway on Daniel Webster Highway.

He said two variances were granted on July 12, 2005. One of them was for open space, 20% required, 9% provided and the other was for lot width, 100 required, 98.84 provided. As far as the open space is concerned, nothing is actually changing on the lots. It's just the way the configuration changes the calculation. There are no proposed improvements connected to the request. Toys R Us wants to spin off one of their buildings - what was the Kids R Us facility.

He said Toys R Us has agreed to cooperate with the City on reviewing the plan for the improvements on Daniel Webster Highway.

Mrs. Lasky asked staff if the Board could stipulate something to that effect.

Mr. Sawyer said in his opinion this is purely voluntary on the applicant's part. If they want to agree to such a stipulation it would be up to them.

He said the City needs an easement to rework the intersection and make improvements and they've asked for that easement.

Mr. Basso said the applicant is willing to work with the City on this. They need to see copies of the plan so that they can review them.

Mr. Lowe asked if the requirements for parking are met.
Mr. Basso said the entire site has cross access and parking easements.

SPEAKING IN OPPOSITION OR WITH CONCERN

No One.

SPEAKING IN FAVOR

No One.

MOTION by Mr. Lowe to approve the subdivision of one lot into two at 270 & 272 Daniel Webster Highway with the finding that it meets the requirements of NRO 16-108 and with the following stipulation:

1. Toys R Us will grant an easement to the City for improvements to Daniel Webster Highway.

SECONDED by Mr. Moran.

MOTION CARRIED UNANIMOUSLY

3. Riverhurst Realty Trust (Owner) - Proposed lot line relocation - 116 West Pearl Street & 3 - 5 Elm Street, Sheet 79 - Lots 62 & 64, Zoned "CB/MU" - Central Business/Mixed Use.

NEW BUSINESS - SITE PLANS

8. Riverhurst Realty Trust (Owner) - Proposed amendment to NR 1227 for the demolition of an existing building and the construction of a 4-story, 31,113 square foot mixed use building (15 apartments & 3,681 square feet of retail with associated access, parking and site improvements, 116 West Pearl Street, 3-5 Elm Street & Cedar Street, Sheet 79 - Lots 62 & 64, Zoned "CB/MU" - Central Business/Mixed Use.

Steve Auger, Project Manager, Hayner/Swanson, 3 Congress Street, Nashua. Mr. Auger said Atty. Gerald Prunier is in the audience tonight and will speak to the Board on this request as well. Also, Mr. Cliff Stockman representing PMR Architects is in the audience. They have both a lot line relocation plan and a site plan are before the Board tonight.

He said the plan involves two sites, Map 79 - Lots 62 & Lot 64. He

pointed out existing Lot 64 and the large building located on it. Lot 62 has a small building on it.

He said both sites are served by municipal sewer and Pennichuck Water. Both sites are zoned Central Business with Mixed Use Overlay. He showed where the lot line would be going.

He said as part of the plan they will be requesting the following waivers:

1. Zero percent open space on new Lot 64, where 10% is required.
2. 79.2% building coverage on new Lot 64, where a maximum of 70% is allowed.
3. Reduction of rear yard setback from 10' to 6' on new Lot 64.

He said Section 16-555 of the zoning ordinance allows the Planning Board the authority to grant these waivers.

Mr. Lowe said that they are taking the parking off of Lot 64 and there won't be any parking at all.

Mr. Auger said this is addressed in the site plan.

Mr. Lowe said that if there's a change of use, it wouldn't have any parking whatsoever.

Mr. Auger said if they were going to do that, they would have to come back to the Board for a change of use site plan.

He said the site plan proposes to amend the plan, NR1227 to show the construction of a proposed 4-story, 33,366 square foot residential and retail building with partial basement and partial drive-under parking.

He said in 2002 the Board approved a site plan that renovated new Lot 64 - the former Modern Restaurant. Those renovations included a restaurant, a retail unit, and thirteen apartments. The site plan being proposed will be for basically the same type of building. The first floor of the building will contain two retail totaling 3,681 square feet. At this time specific uses for the retail units have not been established. The second, third, and fourth floors of the building will contain five, one bedroom apartments, for a total of fifteen apartments. The entire site will be serviced by municipal sewer and Pennichuck Water.

He said there are concrete sidewalks all along both frontages of

both Cedar & Elm Streets. They will be putting in brick sidewalks that will match the existing sidewalk located on West Pearl Street. Mr. Auger said at the request of the Traffic Department they will be installing a crosswalk at the intersection of Elm & Cedar Streets. It will go across Elm Street to the Elm Street parking garage. Many of their patrons and tenants will be using this garage. They feel it is an excellent safety measure and have no problem honoring the Traffic Department's request.

He said they will have a ten-space drive-under parking garage on the site. He said it is shown in yellow on the plan. He said it will be accessed from Cedar Street. Counting the previously constructed thirteen apartments, they require a total of twenty-eight spaces for the twenty-eight residential units. There are ten on-site. Riverhurst Realty Trust will be leasing the remainder of the spaces from the Elm Street garage. He said they have talked with Scott Geno, Director of Parking. The letter in the Board's packet details how much parking is available for the site. He indicated leasing those spaces would not be a problem.

He said they need a total of 97 spaces for the existing building. It's only an increase of ten spaces from the plan that was approved by the Board in 2002. They will be providing ten on-site so they will be relying on the Elm Street garage and the existing on street parking for the remainder of the spaces.

Mr. Auger said behind the proposed building there will be a concrete pad with two enclosed dumpsters. He showed their location on the plan. Both dumpsters will be on wheels so they can get it out through the garage to facilitate trash removal. One of the dumpsters will be for this new building and the other one will be for the existing building on Lot 64.

He said a landscape plan has been submitted to Mr. Sawyer and it has been approved by the Planning Department.

He said as a part of the site plan they will be requesting the following waivers:

1. The building area on new Lot 62 will go from 13.6% to 71%, where 70% is allowed.
2. To allow the rear yard setback on Lot 62 to go from 10' to 2'.

Mrs. Lasky said the site plan shows a restaurant listed.

Mr. Auger said that is the existing restaurant. The parking

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calculations take into account the existing uses for the existing building and the proposed use.

Mr. Lowe asked if there wasn't a second restaurant and Mrs. Lasky said that is on the corner.

Mr. Lowe said that there was approval for another building on West Hollis Street that the Board approved about 16 months ago that has not been started. They were going to use spaces in the garage as well. He said they keep saying that there is room in the Elm Street parking garage. He said it's a finite source and they are acting as if it's an infinite source.

Mrs. Lasky said they have a letter dated 7/20/05 from the Parking Manager at the Elm Street garage and it states that there should be more than enough spaces to accommodate the parking.

Mr. Auger said the Parking Manager keeps track of the number of spaces that people lease. He said he was given specific numbers. He said he believes there are 78 spaces available to be leased. The whole garage contains 417 parking spaces. Any overnight parking for the residents and any nighttime activity of people going to the existing restaurants is not going to conflict with the daytime parking of people that use the garage. He said he met with Mr. Geno a couple of times, anticipating that this would be an issue. He specifically asked him for the letter to deal with this as he is the Parking Manager and that's the best assurance they can get.

Mr. Farkas asked if the applicant would agree to a stipulation that prior to building permit being issued the spaces will be put under lease and be maintained.

Mr. Auger said they would.

Mr. Moran said he read somewhere that the Traffic Department is requesting \$600.00.

Mr. Auger said they are.

SPEAKING IN OPPOSITION OR WITH CONCERNS

Betsy Abrahams, Executive Director, Youth Council - Owner of building at the corner of 112 West Pearl Street. Ms. Abrahams said they house a restaurant on the first floor and their offices take up the second and third floor.

She said they are very excited about the project overall. Right now there are all kinds of people loitering in the parking lot

behind them. The white building is in rough shape. They are looking forward to a neighbor that would compliment the area. She said there are a couple of things they would like to work out with the owners. She said their agency doesn't own any land other than where their building sits. They have four rolling trash cans along the side of their building on Elm Street. It's not aesthetic and it will be close to their main entrance. She said they are hoping to negotiate something with the owners to be able to have their trashcans hidden under their building or somewhere on their space.

She said they are also concerned about some of the parking. It is an issue downtown. They were hoping that there may be some aesthetically pleasing signs that could direct people to some of the ancillary parking lots on High Street, Maple Street in other parts of the community. She said they have clients who come for an hour at a time kind of services at their agency. The additional signage could be useful.

She said one of their greatest concerns is the speed of the traffic on West Pearl Street. She said she has talked to Mr. Sawyer about it. She said there are several different suggestions that may help to mitigate that. She said she did see something about the Traffic Department asking for a contribution. She asked that this be considered since it will help place crosswalks, speed bumps or something at the Elm Street/West Pearl Street corner. She said they see people take a right on West Pearl Street at least once a day. They are fortunate that there haven't been any serious accidents. She said they are imagining that this will bring more pedestrian traffic down to this corner so they would like these options to be considered.

Ms. Abrahams said because they are the closest neighbor they are concerned about the time frame in terms of construction debris. They do use their 1 Elm Street door, which is probably about 10' from where the construction site will start. She said she wants to make sure their clients - the families and children who come to be served by them - are safe.

SPEAKING IN FAVOR

Atty. Gerald Prunier, 20 Trafalgar Square, Nashua. Atty. Prunier said during the last year or so they have started to see some re-development of the downtown. Peddler's Daughter is an example. This facility has no traffic, except for a couple of spaces on the street. A lot of sites in the downtown area don't have parking. He said this particular applicant has already made arrangements with

the City to have parking. It also have its own parking on the site.

He said the applicant is known to the City. He renovated what was the Modern Restaurant. The Planning Staff has toured the building, which has been enhanced. The proposed building will match the architecture of what is existing.

He said the Youth Council is a very important agency to the City. They provide a valuable service. There is no way his client wants to do anything that would adversely affect them. They have stated that they want to make arrangement to use part of their land for their dumpsters. This is not within the purview of the Board, but the applicant will talk to the agency about this to try to work something out.

He said this is a new building downtown that will bring people downtown. It's a revitalization for that particular corner and he is hopeful that it stimulates further redevelopment of the area.

Atty. Prunier said he could not make a commitment to the \$8600 being requested by the City, but he could commit for \$5000.

Mrs. Lasky asked Atty. Prunier had talked with the Traffic Department about what kind of traffic mitigation they are talking about.

Atty. Prunier said "no". He said the City Traffic Engineer along with the Department of Public Works and the Planning Department have to agree on what goes in here because sometimes one may agree with the mitigation, but it's in conflict with the other one.

Mr. Torosian asked what was going to stop people from coming in and parking in one of the spaces in the garage and how it was going to be enforced.

Atty. Prunier said the spaces are going to be reserved. They will have a sticker on their vehicle that allows them to park in the garage. Anyone who parks in one of these spaces that doesn't belong there can have his car towed.

Mr. Lowe said he likes the building, but they are actually eliminating twenty-eight parking spaces that now exist.

Atty. Prunier said they have provided parking in the parking garage and have provided parking in their own area. There are a total of eleven spaces being eliminated.

Mr. Lowe said the spaces are being used right now by people living in the building on Lot 64.

Atty. Prunier said they are providing additional parking spaces for them in the parking garage.

Mrs. Lasky said Mr. Geno's letter indicates the average occupancy of the garage is less than 30%. There are other figures that substantiate these eighteen and a lot more as she understands it.

Mrs. Lasky said there is a concern that Ms. Abrahams addressed concerning the disruption of the site and the building timetable.

Atty. Prunier said they will try to work with the abutter. They don't want anyone to get hurt. He'll make sure that the agency is contacted before the start of construction.

John Koutsos, 3 East Dunstable Road. Mr. Koutsos said he is the owner of Alex Shoe Store in Downtown Nashua. He said he used to rent the building right across the street on the corner of Elm Street & West Pearl Street. He said he also worked on a parking study that was done a couple of years ago that made recommendations to the Committee with Michael Diane Winginter.

He said there is plenty of parking downtown. He said he's a retailer that needs a lot of parking spaces and he doesn't find that there is any problem with parking. He said he thinks that a lot of the new development downtown is restaurants and very successful - Michael Timothy's, Surf, etc. He said the majority of their business is during the evening. He said he leases twelve spaces in the parking garage and has since the garage was built. He used to lease spaces in the High Street garage before Elm Street was completed. There's never been a problem with getting spaces. The only time there's been a slight problem is during a major snowstorm because everybody off the adjacent side streets try to get their cars inside so they don't have to clean the snow off it.

He said they all have placards and they put them on their windows. There seems to be plenty of spaces. On the first floor of the parking garage adjacent to Elm Street has metered parking. He said he didn't think there were going to be enough meters, but it turns out that there are plenty of them.

Mr. Koutsos said that this is a beautiful plan. Somebody is willing to come to Nashua and make this type of investment. If they use a few parking spaces because of it, that trade off is well worth it for that substantial investment. He doesn't know the people who own it or developed it (the current building), but they

did a first class job. It has really enhanced West Pearl Street. If they do this for the new building and it's the same style, it's a huge bonus for the City of Nashua.

Mr. Farkas asked Mr. Koutsos if he has noticed that the parking is getting tighter and tighter. One of the concerns they have is that as more is developed there are more parking spaces are needed and there is no real way for the Board to gauge how much is already being used.

Mr. Koutsos said he thinks people use it as a crutch. When things aren't going well they blame it on the parking. When it's going fine you don't hear anything about it. When the economy goes up and things are booming the parking may get a little tighter. He said he knows it's a vacation week in July, but was a ghost town back in this area today.

He said the City could go out and build two more parking garages and the merchants will still complain. The people who complain the most are the ones who will say there's no parking and their vehicle will be parked right in front of their establishment.

He said he was in favor of raising the parking rates because the other people who park downtown would go to the garage. That was what the whole study was about that he was involved in. He said he thinks that the study found that were over 2,000 parking spaces in Downtown Nashua. Everybody wants to park next to the Bank of New Hampshire at the corner of Main & Pearl Streets; they don't want to walk.

MOTION by Mr. Lowe to approve the lot line relocation for 116 West Pearl Street & 3-5 Elm Street with the finding that it meets Section 16-108 and with the following stipulation:

1. With approval of the plan the open space on Lot 64 is reduced to 0%, the building area is expanded to 79.2% and the rear yard setback is reduced to approximately 6'.

SECONDED by Mr. Torosian.

MOTION CARRIED UNANIMOUSLY

MOTION by Mr. Lowe to approve the site plan to amend NR 1227 for the demolition of an existing building and the construction of a 4-story, 31,113 square foot mixed use building (15 apartments & 3,681 square feet of retail) with associated access, parking and site

improvements at 116 West Pearl Street, 3-5 Elm Street & Cedar Street with the finding that it meets NRO 16-123 and with the following stipulations:

1. With the approval of the plan the building area on Lot 62 is expanded to 71% and the rear yard setback is reduced to approximately 2'.
2. Eighteen parking spaces shall be leased and maintained at the Elm Street garage by the applicant.
3. Applicant shall contribute \$5,000 to traffic mitigation on Elm Street/West Pearl Street.

SECONDED by Mr. Farkas.

Mr. Dookran said he wanted to reinforce Mr. Geno's assessment of the downtown parking.

MOTION CARRIED UNANIMOUSLY

NEW BUSINESS - SUBDIVISION PLAN

4. **Green Fall, LLC (Applicant) Paul C.L. Hiu & Stephan Rose, Inc. (Owners) - Proposed lot line relocation, 341 & 345 Amherst Street & Trafalgar Square, Sheet G - Lots 28 & 30, Zoned "GB" - General Business.**

NEW BUSINESS - SITE PLAN

9. **Green Fall, LLC (Applicant) Paul C.L. Hui & Stephan Rose, Inc. (Owners) - Proposed amendment to NR1273 & NR1699 to: 1)show the change of use of the existing 6,485 square foot restaurant to retail, 2)the demolition of the existing 2,660 square foot locksmith building and 3)the construction of a 25,721 square foot retail building with associated access, parking and site improvements, 341 & 345 Amherst Street & Trafalgar Square, Sheet G - Lots 28 & 30, Zoned "GB" - General Business.**

Richard Maynard, Professional Engineer, Maynard & Paquette, Nashua. Mr. Maynard said this site is on Amherst Street at the second jug handle. He pointed out Trafalgar Square, Airport Road and the driveway to Cannongate on the plan.

He said the proposal is to relocate the lot line from around the

old Bud Tate's Building to around the restaurant so they can have one building on one lot per the regulations. He said the entire parcel taken together has 2.7 acres of land.

He said with regard to the site plan, they will be demolishing the little house that had been converted to retail use. They will be renovating the restaurant building into a stand-alone retail building out front. This is an existing building with 6,485 square feet in size. They are proposing a one-story retail building to the rear that will have 25,721 square feet.

Mr. Maynard said they will be making some improvements with regard to access to the site. There are two existing driveways. He indicated their location on the plan. He said they are both going to be closed off. The entrance will be one way in only at the most extreme location that they possibly can and get out of the way of some of the people who line up into the jug handle. They also will have a one-way traffic pattern to the rear of the building for truck deliveries. He showed the location of the exit on the site.

He said the entire site has shared parking and there will be cross access and cross parking agreements.

He said there's a series of leaching catch-basins on the site that are all connected together that go to an underground detention and recharge basin. He showed the area involved. Any larger storms beyond the capacity of that system will exit into the City's drainage system in Amherst Street.

Mr. Maynard said 5% open space is required on the site. Overall, the site has 12%. He said they are asking for a waiver of the green space along the lot line. They exceed the requirements for total area of green space on the site.

He said there was a traffic study done on this particular site. There will be 154 additional trips during the PM peak hour - approximately 85% would be on Amherst Street and about 15% could be attributed to Trafalgar Square and traffic coming from Exit 8. He said they have been requested to make a donation. His client has agreed to make a \$10,000 voluntary contribution prior to the issuance of the certificate of occupancy.

He said they do not have a problem with the stipulations on either the subdivision or the site plan.

Mrs. Lasky asked if the retail space at the old TGIF is going to be

one retailer or several retailers.

Mr. Maynard said they didn't know for sure, but more than likely it would be for one.

Mr. Lowe asked or said something about not being able to see cars because of trees.

Mr. Maynard said they can work with staff to put in more appropriate landscaping, for example, higher-limbed trees.

Mr. Lowe asked if the widening of Amherst Street is going to go this far.

No response was heard.

Mr. Torosian asked the proposed hours of operation.

Mr. Maynard said it will be the typical retail hours. They might be open later during the holiday season.

SPEAKING IN OPPOSITION OR WITH CONCERN

Rhonda Della Sala, 96 Cannongate Rd, Cannongate III. Mrs. Della Sala said this condominium complex has been in existence for over twenty years. She said there are 231 unit owners. She said they have carefully taken care of this property during this time. She said this proposal concerns them a great deal. She referred the Board to the plan and she said the people from Cannongate will be able to see the loading of trucks from their private driveway from 7:00AM - 10:00PM whenever they load or unload.

She said the dumpster is going to be in direct view of the A-3 Building.

She said they don't know what the roof could be a tremendous eyesore since they don't know what it's going to be made of.

She said they are very concerned about the traffic that takes place. People on Amherst Street might consider that the other Amherst Street entrance, which is by the Mortgage Specialist's and the cemetery, might be considered a shortcut to travel through the Cannongate condominium. She said this is a concern to her. They already have enough cars entering Cannongate besides the unit owners.

Paul Okonak, 229 Cannongate. Mr. Okonak said he is speaking on

behalf of Cannongate as he has done many times in the past. He said Cannongate has 231 units. They represent about a \$50 million dollar asset to the City. They pay about a half million dollars to the City in taxes.

He said Cannongate has been there for almost thirty years and 10% of their residents will directly overlook this new site. These units owners have been here a long time and they are going to see a roof, see and hear air conditioners, see and hear a dumpster, and see and hear delivery trucks come and go.

Mr. Okonak said the population of Cannongate is almost 500 people and there are between 400-500 automobiles that go in and out of Cannongate. Their main access is through Trafalgar Square. Essentially they have about 500 residents that come in and out of that entrance at Trafalgar Square. With that, all 500 of them are going to see the back of the building.

He approached the Board and showed them the backside of the building - which is what Cannongate will see. They will be seeing the loading areas, the trash, the dumpsters, the lighting, the noise and an egress for the loading area that is directly right at their corner.

He said Mr. Lowe is correct about the sight problem. He said it's not only the trees. It's the width of the road and the traffic coming in and out.

He said they have worked very hard to keep Cannongate protected from the abutment of the nasty part of business, which is usually the back end. Some of the retail buildings which have gone in lately, such as where the Covered Bridge used to be, encroached onto the Waterford property and now there's a big cement wall and there are dumpsters on the tiny little space behind it.

He said the residents will be overlooking the property. They don't know about the placement of the air conditioning, but they will be running all hours of the day and night.

He said a lot of the dumpsters in Trafalgar Square get "tipped" at 3:00AM or 4:00AM. He made a comparison about the distance from where the dumpster is positioned to where the units are being from a board at the meeting to the windows in the auditorium where the meeting was being held. He said they will be overlooking that.

He asked about snow removal. He said there's an easement and an

access road that Cannongate plows. He said he sees a maximum of 20+' and then 16' between the back road of the building and Cannongate's. That's 16' to take the cubic yards of snow from two roads and pile them into one, plus you're going to try to landscape it. He said it won't work.

Mr. Okonak said they would prefer to have lighting from the point that it would light the road and light the intersection and light the bad visibility areas. Since Cannongate looks down on top of this, the light won't penetrate up to the condominiums.

He pointed out the location of the loading dock on the plan. He said it is right at where the Cannongate entrance is - literally feet away. There will be trucks coming in and out of where the 500 residents come in and out.

He said he doesn't really see the buffer zone. He said the plan mentions existing trees. There is only one dumpster shown for the entire building, and he doesn't believe that is realistic.

He said the hours of operation are shown as 7:00AM-10:00PM, seven days a week. He said this isn't too much of a problem. When they testified for the vacuum building, which is across Cannongate Road, one of the stipulations they asked for and got were required hours of operation in perpetuity. It can't have a second or third shift operating because of deliveries, garage doors opening/closing, the noise, etc. He asked the hours for deliveries to the proposed site. In other words, would there be deliveries on Sundays, on holidays, or in the middle of the night.

He asked if there were any plans for a restaurant in this retail space.

Mrs. Lasky said the applicant has said there isn't any.

He said the concern with any restaurant would be the grease dumpster, the paper dumpster, the food dumpster and the other things.

Mrs. Lasky indicated there isn't going to be a restaurant.

Mr. Okonak said they are concerned with the curb cuts and the visibility. There are up to 500 cars coming in and out for Cannongate alone. They are very concerned with the visibility and the traffic that this is going to present.

He said there could be anywhere from six to eleven tenants. The traffic is going to conflict with a residential condominium that has been here for thirty years.

He said besides paying taxes to the City of Nashua, they put about close to \$1 million into their own property every year for maintenance and improvements.

Mr. Dookran asked the elevation difference between Cannongate and the site.

Mr. Okonak said from the first floor of the garden building that overlooks the site there are about 2+ stories.

Mr. Dookran asked how many buildings there are at Cannongate.

Mr. Okonak said 20+ buildings.

Mr. Dookran asked how many buildings can see the site.

Mr. Okonak said definitely two of the buildings. The number of condominium units that would directly overlook it would be around fifteen to eighteen.

Mr. Dookran asked what they see when they look down from the units.

Mr. Okonak said at one time they saw a nice brick building. They had worked out the lighting, the landscaping, and the parking. Now they see a rundown, trash ridden, weed grown, and non-functional site. The lights are broken. Paving trucks are being parked in the parking lot. Cars go into the site and do donuts. He said it's an eyesore.

Mr. Dookran asked if he didn't think the lighting was going to bother the condominium units.

Mr. Okonak said they found that it did not. He said the Board made sure that their road was lit along with the corner being lit, which was to everybody's benefit. The lighting is on 15' or 18' poles. It did not radiate up into the units.

Eileen Vandenburg, 98 Cannongate. Ms. Vandenburg said that many of the neighbors are concerned about this proposal. She said both previous speakers did a good job, so anything she may say would be redundant. She just wanted the Board to know of their concern.

SPEAKING IN FAVOR

Richard Maynard, Professional Engineer, Maynard & Paquette, Nashua. Mr. Maynard pointed out the site. He pointed out the driveway into Cannongate. He said there is one building in close proximity - roughly 100' away. He said it looks like there is about 20' of elevation difference in that area.

He said the lighting meets the current standard, which is new as of a couple of years ago. It means that they can't shine light over and beyond their property lines. Lighting should not be a concern.

Mr. Maynard pointed out Cannongate's driveway and the site's driveway. He said there's a 10' separation - 5' of green space on either side, which is the regulation. The back of the building will be essentially a blank wall with personnel doors. The roof will be flat and will have a short parapet wall on the roof. He expects that some of the owners in the condominiums will be able to see their roof as they are able to see everyone else's roofs because they overlook everybody. If they are on the second floor they are 30'-40' above Amherst Street.

Mrs. Lasky asked if the air conditioning units are on the top of the building.

Mr. Maynard said they are. He said all modern buildings have their equipment on the roof. He said you can put some screening-fence type things around the units (slatted) to break up the profile.

He pointed out that one of the buildings has its own dumpster. There is sufficient space for three dumpsters, if necessary. It's a requirement that they be on concrete pads and that they be screened.

He said there's no way that they will have as many as eleven tenants. They could have six to eight. It will depend on whom they attract to the site.

He said the parking calculations are figured on retail use. They would have to come back for a change of use and the parking calculation is different if there is to be a restaurant. At this time a restaurant is not allowed on the site plan.

He said they are going to put their plantings and trees along their 5' of green space. The condominium has space vegetation on their

strip. He said they are in the General Business zone and they are 100' away building to building. There isn't much else they can or should be doing.

Mrs. Lasky said one of the concerns is that this not be viewed as a through area to Cannongate. She asked about signage to show that this wasn't a through area.

Mr. Maynard said he wasn't sure what that meant and wasn't sure what they (Cannongate) was asking for.

Mrs. Lasky said the Board will ask for clarification.

Mrs. Lasky said one of the concerns is the hours of delivery.

Mr. Maynard said he didn't know how to answer this. He said there aren't too many people that are delivering when the stores are closed. There aren't too many people that hang around after 10:00PM. These stores aren't going to be open 24 hours a day.

Mr. Lowe asked about a stipulation that there be no deliveries becomes **unintelligible**.

Mr. Maynard didn't agree. He suggested there be no deliveries from midnight to 6:00AM.

There was some talk about changing the midnight time to 11:00PM.

Mr. Farkas asked about the time for trash pickup.

Mr. Maynard said the trash pickup people are out at 4:00AM. He said these people have to get on and off the road during off-peak hours because these trucks don't mix well with commuter traffic.

Mrs. Lasky asked if it would be one pickup at one time.

Mr. Maynard said there is likely to be one to two pickups a week. They would definitely have to come at least once a week. He said that Cannongate must have multiple dumpsters and multiple pickups if there are 200 units.

Mrs. Lasky asked if there is any other location for the dumpsters so they would be less intrusive.

Mr. Maynard said it's the most obscure place for everybody. The only other location is in the front of the building and they don't

want this in front of the building. He said it is probably visible from the condos, but it's not blatant. The site is 30' below the condos.

Mrs. Lasky asked about snow removal.

Mr. Maynard said it's going to get stacked up in a corner and will be trucked off if it gets to be too much.

Mrs. Lasky asked Mr. Okonak to explain the question he had about the through way.

Paul Okonak. Mr. Okonak said Cannongate has eighteen acres of land. He said they have a Trafalgar Square entrance and exit and they have the entrance and exit at Cannongate where Mortgage Specialists is located. He said they probably have a few dozen cars and delivery trucks every day that come through the Trafalgar entrance up through Cannongate, go out the Mortgage Specialists and hit the retail places between the jug handle and Cannongate condos.

Mrs. Lasky asked if it isn't signage that they would need on the Cannongate property to say that it's not a through way.

He said he would hope the condominium board will work on that.

He said they are concerned with the flip side of this where people will be coming in to take a short cut, avoiding the retail spaces down the road and cutting through Cannongate from Mortgage Specialists back down to Trafalgar. He said it's amazing the number of people right now that cut through Cannongate to go to the Trafalgar Square Office Park to avoid the jug handle. He said the condominiums have done speed bumps, etc.

Mr. Maynard said it's a problem in general, but he didn't think the proposed site was going to affect the problem either way.

Mr. Okonak said it may. He said it's one of those things that he was asked to address.

He said there has been some talk about the green space. He said the plan shows existing trees. He asked what was going to be planted to protect the residents from seeing the back of the building.

Mr. Maynard said the Nashua Ordinance requires that there be a tree every forty feet and shrubs every five feet.

Mr. Okonak said they already have trees in place by the grace of Cannongate. He asked what additional landscaping would be put in. There are five hundred residents coming down that road that don't want to see the back of this building.

Mr. Yeomans said his observation is that most of the landscaping out here is on the opposite side - not the applicant side.

Mr. Okonak asked what is going to be done with it.

Mr. Maynard said there will be a tree every forty feet and a shrub every five feet on the property (not Cannongate's property). He said if Cannongate wants to compliment that on their side, they should do what they feel is appropriate.

Mr. Okonak said Cannongate has Cannongate has 231 units and they have twelve dumpsters ranging from four yards to twelve yards in size. They get emptied three times a week - Monday, Wednesday and Friday anywhere between 9:00AM - 4:00PM. If it can be arranged for the dumpster on the site to be picked up during these times it would be greatly appreciated, especially by the three-story building of the 24 units that overlook the property.

Mr. Maynard said a commercial site such as this is active during the day. The pickups have to be done during off hours. On a residential site, the off hours are during the day.

Mr. Okonak said the dumpster placement is in an area where it's not actively commercialized during the day with parking spaces.

Mr. Moran asked if there would be a problem if the dumpster was picked up around 6:00AM.

Mr. Okonak said that would be fine. People are up getting ready for work. The earlier times are difficult for the residents. He said the condominium itself has rules about noise as the City itself has rules and regulations about noise.

Mr. Maynard said that whatever services are all along Amherst Street, they want to be the same. He said this site can't be different from the others. He said more than likely the pickup times are between 4:00AM - 5:00AM. He said they will do the best they can, but he can't make a promise for a later time.

MOTION by Mr. Lowe to approve the lot line relocation for 341 & 345

Amherst Street & Trafalgar Square with the finding that it meets NRO 16-108 and with the following stipulation:

1. Prior to the subdivision plan being recorded the applicant shall submit an easement document for cross access and parking to the Planning Department and shall be recorded with the plan.

SECONDED by Mr. Moran.

MOTION CARRIED UNANIMOUSLY

MOTION by Mr. Lowe to approve the site plan amendment to NR1273 & NR1699 to show the change of use of the existing 6,485 square foot restaurant to retail, the demolition of the existing 2,660 square foot locksmith building, and the construction of a 25,721 square foot retail building with associated access, parking and site improvements, 341 & 345 Amherst Street & Trafalgar Square with the finding that it meets NRO 16-123 and with the following stipulations:

1. Prior to this plan being signed any final drafting corrections shall be made and revised plans submitted. Drafting corrections requiring approval by the Division of Public Works, including pavement markings and signage, shall be obtained prior to submittal.
2. Prior to any work being started, the applicant and their contractors shall hold a pre-construction conference with Planning staff to review demolition, erosion control, and related construction activity.
3. Prior to the issuance of a building permit a storm water operation and maintenance plan shall be recorded.
4. Prior to a certificate of occupancy being issued all site work including final paving and landscaping shall be completed.
5. Prior to a certificate of occupancy being issued an easement for cross access and parking shall be recorded.
6. Prior to a certificate of occupancy being issued a \$10,000 contribution shall be paid to the Traffic Department for Amherst Street traffic mitigation.
7. The request for landscape waiver is granted.
8. Hours of delivery 6:00AM - 11:00PM. Trash pickup no earlier

than 6:00AM.

9. Landscaping will be modified to allow better site visibility along Trafalgar Square.
10. Roof air conditioners will be screened.

SECONDED by Mr. Torosian.

MOTION CARRIED UNANIMOUSLY

NEW BUSINESS - SUBDIVISION PLAN

5. **Lother & Company (Applicant) Carl G. Stancik (Owner) - Proposed subdivision of one lot into two single-family lots, 705 West Hollis Street, Sheet F - Lot 58, Zoned "R9" - Suburban Residence.**

NEW BUSINESS - SITE PLAN

10. **Lowther Place, Henry Lowther (Applicant) Carl G. Stancik (Owner) - Proposed site plan for the construction of six single family homes with associated access and site improvements, 705 West Hollis Street, Sheet F - Lot 58, Zoned "R9" - Suburban Residence.**

Tim Watson, Cuoco & Cormier Engineering. Mr. Watson said the location of this two-lot subdivision is a little beyond the mobile home park and just before a small cluster development off of Norma Drive. Across the street is Westgate Crossing.

He said there is an existing house near the front of the existing lot. There is also an existing barn and an existing shed. He said they plan to subdivide the house lot out and the existing barn and shed will be taken down. There is more than enough area for the existing dwelling and it meets the setback requirements.

Mrs. Lasky read the two letters the Board received on this case. One dated 7/19/05 from Paul & Janet Walker and the other dated 7/15/05 from Judith M. Walker. She said these letters are with reference to the fence that is stipulated by the Zoning Board.

Mr. Watson said this goes back to about a year ago. They originally tried to go for a seven-lot subdivision and there would have been a smaller right-of-way than what the City usually allows. The Zoning Board granted the request, but there were conflicts

between the zoning regulations and the subdivision regulations so they went back to the Zoning Board again and received a variance to allow six structures on one lot. He said this isn't a typical cluster development because that would require ten acres or more land area and they have less than 1.7 acres. There would be a shared driveway. He said they have received Fire Department approval for the width of the driveway and the "T" turnaround at the end.

He said one of the stipulations from the Zoning Board is that there be no parking in the hammerhead area. There is to be no parking along one side of the street per the Fire Department. He said they don't have a problem putting up the proper signage. They have already proposed the "Dead End" "No Parking" signs for the turn around.

He said the plan shows that they are going to erect a 6' vinyl fence as requested by the abutter all along their side.

Mrs. Lasky asked about the driveway for the existing house.

Mr. Watson said at the present time it's a loop driveway. He explained what they are proposing. It will still maintain the loop.

Mrs. Lasky asked if it will still have a curb cut on West Hollis Street.

Mr. Watson said there are two curb cuts there now and they are proposing there would be two curb cuts after the work is done.

Mrs. Lasky said she would like to see one of the curb cuts closed up. The owner will have a driveway that can connect to the main driveway that is going to the new homes.

Mr. Watson said it is only one house and the way the driveway is set up it is more convenient for them to be able to access it.

Mrs. Lasky said the applicant wants to put six homes on a lot with that much more traffic going out into West Hollis Street.

Mr. Farkas asked if the Fire Department had any issues with the one way in and one way out.

Mr. Watson said they have had discussions with them and they said they were satisfied.

Mrs. Lasky asked if there is going to be signage for the side of the street where no parking will be allowed.

Mr. Watson said "yes". He said it's one of the stipulations of the site plan.

Mr. Moran asked Mr. Watson to go over the conditions that the Zoning Board placed on the granting of their request.

Mr. Watson said the Board wanted the hammerhead driveway to be landscaped. They have shown the landscaping for that on the plan. He said one of the other conditions was to provide a 6' vinyl fence along the abutter. They have shown that on the plan. They also were asked to provide "no parking" signs in the hammerhead driveway. They have done that as well.

Mr. Lowe asked what the little squares are that are shown on the six units.

Mr. Watson said there is roof infiltration chambers as well as water management. This ties into a groundwater recharge area. Those chambers will help to mitigate the runoff.

Mrs. Lasky asked Mr. Watson to address the retaining wall.

Mr. Watson said there's a 4' high retaining wall at the most. That's why they are providing some landscaping behind there. There is a guardrail on the top. It's 2 ½' to the top of the post. It's the equivalent of a 6 1/2' wall.

Mr. Moran said the Traffic Department has requested a voluntary contribution. He asked if the applicant is prepared to do this.

Mr. Watson said Atty. Prunier may be able to answer that question.

Mrs. Lasky said the communication says a voluntary contribution for traffic mitigation has been requested.

SPEAKING IN OPPOSITION OR WITH CONCERN

No One.

SPEAKING IN FAVOR

Atty. Gerald Prunier, 20 Trafalgar Square. Atty. Prunier said a voluntary contribution of \$1200 to the Traffic Department is fine with his client.

MOTION by Mr. Lowe to approve the subdivision of one lot into two lots at 705 West Hollis Street with the finding that it meets NRO 16-108 and with the following stipulations:

1. Prior to recording the subdivision plan bonding for work in the public right-of-way shall be approved by the Division of Public Works and Corporation Counsel.
2. Prior to recording the subdivision plan the garage and shed shall be removed.
3. Prior to recording the subdivision plan a cross access easement shall be prepared and recorded with the plan.

SECONDED by Mr. Moran.

MOTION CARRIED UNANIMOUSLY

MOTION by Mr. Lowe to approve the site plan for the construction of six single-family houses with associated access and site improvements at 705 West Hollis Street with the finding that it meets NRO 16-123 and with the following stipulations:

1. Prior to this plan being signed any final drafting corrections shall be made and revised plans submitted. Drafting corrections requiring approval by the Division of Public Works and Nashua Fire Department, including pavement markings and signage, shall be obtained prior to submittal.
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.
3. Prior to the issuance of the first building permit the Planning Department and Corporation Counsel shall review and approve the storm water operation and maintenance plan.
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 the applicant shall install a permanent street name sign at the intersection of Lowther Place 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 and Planning Board.
8. Voluntary contribution of \$1,200 shall be paid to the Traffic Department.
9. The driveway for Lot 58 shall connect to Lowther Place and eliminate the access to West Hollis Street.

SECONDED by Mr. Moran.

MOTION CARRIED UNANIMOUSLY

NEW BUSINESS - SUBDIVISION PLAN

6. Aviation Realty, LLC (Applicant) Nashua Airport Authority (Owner) - Proposed lot line relocation, 93 Perimeter Road, Sheet E - Lots 60 & 1460, Zoned "AI" - Airport Industrial.

NEW BUSINESS - SITE PLAN

11. Aviation Realty, LLC (Applicant) Nashua Airport Authority (Owner) - Proposed amendment to NR 1115 for the construction of 15 parking spaces, 102 Perimeter Road, Sheet E Lots 60 & 1466, Zoned "AI" - Airport Industrial.

Jeff Riley, Dubois & King. Mr. Riley said this property is located at the Airport. It is kind of across from the terminal building.

He said staffing projections for Aviation Realty are such that they are going to exceed their current parking capacity in the next couple of years so they want to expand their parking lot. In doing so it will be going across their current lease boundary of the

property. They want to add fifteen spaces to bring their parking count up to 56 spaces.

He said all the storm drainage from the property is going to be gathered in a leaching catch basin so none of the storm drainage from the additional pavement will leave the site.

Mr. Riley said this plan was presented to the Nashua Airport Authority on June 21 and they approved the plan.

He said the old lease area is 37,893 square feet and it's going to 42,675 square feet.

SPEAKING IN OPPOSITION OR WITH CONCERN

No One.

SPEAKING IN FAVOR

No One.

MOTION by Mr. Lowe to approve the lot line relocation for Aviation Realty, LLC (Applicant) Nashua Airport Authority (Owner) at 93 Perimeter Road with the finding that it meets NRO 16-108.

SECONDED by Mr. Torosian.

MOTION CARRIED UNANIMOUSLY

MOTION by Mr. Lowe to approve the amendment to NR1113 for the construction of 15 parking spaces, Aviation Realty, LLC, 102 Perimeter Road with the finding that it meets NRO 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. All erosion control shall be installed prior to the start of construction.
2. Within 30 days after site plan approval the storm water operation and maintenance plan shall be recorded.

SECONDED by Mr. Torosian.

Mr. Lowe said he forgot to ask if the lot meets the open space requirement with the new pavement.

Mr. Riley said it does. It is at about 21 1/2%.

MOTION CARRIED UNANIMOUSLY

NEW BUSINESS - SUBDIVISION PLAN

7. Land-Air Design, LLC (Applicant) Nashua Airport Authority (Owner) - Proposed subdivision to create a lease lot, 93 Perimeter Road, Sheet E - Lot 60, Zoned "AI" - Airport Industrial.

NEW BUSINESS - SITE PLAN

12. Land-Air Design, LLC (Applicant) Nashua Airport Authority (Owner) - Proposed site plan for the construction of a 13,500 square foot hanger building with associated access, parking and site improvements, Perimeter Road, Sheet E - Lot 60, Zoned "AI" - Airport Industrial.

Jim Bolduc, Granite State Engineering. He said Gloria Andrews, a co-worker, is also present as well as a representative of Land Air Design, Mr. Archie Frangoudis.

He said the site is located in a corner of the Airport and is bordered on three sides by an existing hangar facility and taxiway, Perimeter Road, and a wetlands area. It's the last remaining vacant site in this portion of the Airport.

He said the applicant is proposing to construct a single-story hangar building to house about five small aircraft. The site is accessed from a series of existing hangars and a taxiway. He said they are building an access driveway and adjacent to the proposed hangar facility.

Mr. Bolduc said the site is served by utilities. Water, sewer, and overhead utilities are off of Perimeter Road.

He said the site was surveyed by a licensed land surveyor, giving topography and other details. They had a State certified wetland scientist outline and delineate the wetlands along the area. The site plan was prepared by a licensed professional engineer.

He said the site itself is the basis for the proposed subdivision lease lot. The lease lot outlines the site and is going to form the basis for a lease arrangement between Land Air Design and the Nashua Airport Authority.

Mr. Bolduc said the project received a favorable recommendation from the Conservation Commission with stipulations. They also had a request approved by the Zoning Board of Adjustment for an 800 square foot impact to the wetlands buffer along the edge of the site.

Gloria Andrews, Engineer, Granite State Engineering. Ms. Andrews said the Nashua Conservation Commission approved this project and Mr. Frangoudis has agreed to the mitigation measures developed by the Conservation Commission. These include the development of a planting plan. She pointed out the plan to the Board. It also includes providing annual reports for the next three years of the planting progress and loosestrife control.

She said one of the mitigation measures is that Mr. Frangoudis will eliminate the loosestrife somewhere else on the Airport property and will report to the Conservation Commission every three years on the loosestrife.

She said he will also remove the debris and pavement residue from the buffer area, which will be done before occupancy. He will be responsible for site maintenance. Mowing of the treatment swales will be in accordance with stipulations of the Conservation Commission.

She said the proposed building area is 13,500 square feet and the paved area between the hangar and the wetlands is not a parking area. It's an access area for the planes. The occupants will put their cars in their hangar space when they are using their airplanes.

Ms. Andrews said this is a condominium unit. She said there will be five separate bays with five separate owners.

She said access will be from the paved areas adjacent from the other leased lots.

She said the Zoning Board of Adjustment granted a special exception to work within a wetland buffer to construct an airport hangar on May 11, 2005. There are no permits required from NHDES for wetland impacts or site specific. There's no NPDES permit required for the EPA. The New Hampshire Division of Historical Resources has been contacted. Natural Heritage Inventory was contacted. There is a possibility for endangered Wild Lupine in the vicinity. They hired a biologist who went out to the site and checked the area out and

found there was no Wild Lupine. She said there was also a concern about spotted turtle. Fish & Game was contacted and as long as there is no impact to the wetland itself they said there would be no impact on the turtle.

Ms. Andrews said right now all the storm water from the site goes into the existing swale. She pointed the location out on the plan. Then it goes into an unnamed wetland. She said basically the storm water will be doing the same thing. There will be a slight increase - less than one CFS up to the 100-year storm, but there will be lower velocities of flow.

Mr. Lowe asked about the loosestrife that is going to be removed.

Ms. Andrews said Mr. Frangoudis is going to be in charge of an area. There is loosestrife in this area and he will be eliminating it. She said the loosestrife is in among other plantings. She said the Conservation Commission gave Mr. Frangoudis some criteria to follow.

Mr. Lowe asked what kind of planes will be in the hangar.

Ms. Andrews said they will be small planes because of the turning radius and other things.

Mr. Farkas asked if there was any discussion with the Fire Department.

Ms. Andrews said Mr. Frangoudis had a meeting with the Fire Department today.

Archie Frangoudis. Mr. Frangoudis said he had a meeting today with the Fire Marshall because he wanted to go over a few things with him. The building requires sprinkling because it is over 10,000 square feet. He said they went over a number of requirements such as the placement of sprinkler units, etc. He said that the Fire Marshall is comfortable with what they are doing.

Mr. Farkas asked if Mr. Frangoudis would be opposed to connecting Perimeter Road to Blackfoot Drive, even as an emergency access road.

Mr. Frangoudis said he didn't believe it would affect him in any way. He said he didn't have a problem with it.

Mr. Farkas said this is something the Fire Department had expressed

an interest in before.

Mr. Yeomans said this proposed development is occurring within the Airport fenced perimeter. There's nothing going on outside of that. He asked if Mr. Farkas was asking the applicant to build a section of road outside of the Airport perimeter.

Jim Bolduc, Granite State Engineering. Mr. Bolduc said the question he heard was whether Mr. Frangoudis was in favor of some future connection at that point and he expressed that he would be in favor. He didn't express that he was going to build or construct it.

Mr. Yeomans there is a subdivision at the opposite end of Deerwood. They are going to rebuild that section of the road for a fire access down to basically to Indian Rock/Massasoit. (Tape is hard to understand).

SPEAKING IN OPPOSITION OR WITH CONCERN

No One.

SPEAKING IN FAVOR

No One.

MOTION by Mr. Lowe to approve the proposed subdivision to create a lease lot, 93 Perimeter Road with the finding that it meets NRO 16-108 and with the following stipulations:

1. This plan approval is subject to compliance with the conditions of approval as stipulated by the Conservation Commission, Zoning Board of Adjustment, Nashua Airport Authority and Planning Board.

SECONDED by Mr. Moran.

MOTION CARRIED UNANIMOUSLY

MOTION by Mr. Lowe to grant the site plan for the construction of a 13,500 square foot hangar building for Land-Air Design with associated access, parking and site improvements, Perimeter Road with the finding that it meets NRO 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. All erosion control shall be installed prior to the start of construction.

2. Prior to a certificate of occupancy being issued all site work including final paving and landscaping shall be completed.
3. This plan approval is subject to compliance with the conditions of approval as stipulated by the Conservation Commission, Zoning Board of Adjustment, Nashua Airport Authority and Planning Board.

SECONDED by Mr. Moran.

MOTION CARRIED UNANIMOUSLY

NEW BUSINESS - SITE PLAN

13. **Harvey Industries (Owner) - Proposed amendment to NR93 for a change of use from manufacturing to wholesale distribution/warehousing and to show the demolition of 14,700 square feet with associated access, parking and site improvements, 90 Northeastern Boulevard, Sheet 140 - Lot 22, Zoned "PI" - Park Industrial.**

Rick Latini, Daylor Consulting Group, Civil Engineers. Mr. Latini said the site is an approximate 16-acre site off the intersection of Northeastern Boulevard & Pittsburgh Avenue. Harris Brook traverses the southeast portion of the site. There is also a utility easement with power poles at the rear of the site. This used to occupied by International Paper Box Machine Company. It is about a 126,000 square foot building and has about 200 parking spaces.

He said they are planning to demolish about 14,500 square feet of the building and will be renovating the rest of the building. It will be used as a wholesale distributing facility/warehousing. Harvey Industries primarily sells windows and roofing materials to contractors.

He said there are existing loading docks and drive-in doors in the back of the site. These are going to be renovated and re-use them. They are also putting in two full-sized docks for tractor-trailers in the front with two, 30" docks next to it for contractor pick-

ups. There is also going to be a new drive-in door on the southeasterly side of the building.

He said typically they can expect about two tractor-trailer deliveries a day to this type of facility and usually about twenty contractors show up. They believe initially they will have about fourteen employees at the site. Similar facilities only require about fifty parking spaces so they will be eliminating some of the two hundred spaces. The zoning ordinance states they need to provide 112 spaces, probably more than they actually need for this facility.

Mr. Latini said that the utilities are fed off of Northeastern Boulevard, with the exception of the electrical service, which is fed off the utility pole in the back.

He said at this point they are planning to re-use all the facilities. They do not believe they will have to upgrades to the electrical or gas. The sewer flow is going to be less than 6,000 gallons per day. This will be further evaluated in the future to see if this changes.

He said they were originally going to use the existing storm water management system because they were decreasing impervious area with this project. The Engineering Department sent them a letter stating that Northeastern Boulevard has existing flooding problems and they were asked if they could further increase the peak runoff flow. He showed where they are going to put an underground detention system, which will basically consist of 24" plastic pipe. He explained the system further. He also said they will be constructing a headwall to keep debris from going down the stream.

Mr. Lowe said the site is sloped and there's a lot of landscaping that has to be done over.

Mr. Latini said at this point they are loaming and seeding along the front where they will be disturbing the site. The landscaping will be maintained, mowed, etc.

Mr. Dookran said the flooding problem on Murphy Drive is bad. (Most of this testimony is unintelligible) He asked something about underground storage.

Mr. Latini said that he spoke to Jon LeBrun about the possibility of collecting water. They have to meet again. He said he believes there is a stipulation that this has to occur before a certificate of occupancy is issued.

Mr. Dookran said (again this is barely understandable) a driveway is too close to the intersection.

Mr. Latini said this is the existing driveway.

Additional discussion ensued about this issue.

Mrs. Lasky asked if this issue could be settled and agreed to tonight or if this is something that they should table.

Mr. Latini said that he hasn't had a chance to look at what moving the drive would do with reference to the truck movements. If the Board decides that they want it moved to be 50' away, he's sure that it will be moved. They are basically taking an existing site and trying to re-use what they can.

Mr. Sawyer said this issue was on the review comments from Mr. LeBrun in the Engineering Department. He said he spoke to the Traffic Department when this was brought up and their memo in file shows there are no issues with this project because the amount of traffic on the site as well as on the street is being reduced significantly.

He said as far as the drainage is concerned, they already more than exceed what the code requires. As a redevelopment site, all they have to do is improve the situation. They are improving it by almost 20% and to require them to do more is fairly extreme.

Mr. Dookran said he is making a request of the applicant to help improve the situation. **Becomes unintelligible.** He said as recently as yesterday he had a discussion with Mr. Husband, Traffic Superintendent, and if there are problems that can be fixed at this point in time, they should be fixed.

Mr. Latini said he is willing to talk with his client later. They have already put in a \$75,000 - \$100,000 system to control the **unintelligible.** The owner is "chomping at the bit" to get moving on the site and they would hate to have it tabled tonight.

Mr. Dookran said the driveway entrance should be at least 50' from the intersection.

SPEAKING IN OPPOSITION OR WITH CONCERN

No One.

SPEAKING IN FAVOR

No One.

Mrs. Lasky said there is still a question about storm water.

Mr. Lowe said he thought the applicant should work it out with staff, if possible.

Mr. Farkas said they really don't have to do much of anything except to improve what exists. He said they have a 20% improvement. The site is an eyesore and he wants to see that the site gets used.

Mr. Sawyer said the Engineering Department has been asking **(unintelligible)**. He said the applicant originally didn't have any improvement on storm water and they came back with the \$75,000 - \$100,000 improvement to try to relieve some of the requests of the Engineering Department. He said they are dealing with an existing City problem and they are asking this applicant to design a solution to an existing City problem, which hasn't really been studied. They just know there's a problem.

Discussion ensued.

MOTION by Mr. Lowe to approve the proposed amendment to NR93 for a change of use from manufacturing to wholesale distribution/warehousing and to show the demolition of 14,700 square feet with associated access, parking and site improvements at 90 Northeastern Boulevard with the finding that it meets NRO 15-123 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 a building permit being issued, documents pertaining to the storm water operation and maintenance plan shall be recorded.
3. Move Pittsburgh Drive entrance so that it is 50' or more from the intersection with Northeastern Boulevard.

SECONDED by Mr. Farkas.

MOTION CARRIED UNANIMOUSLY

14. **James N. & Shirley C. Tamposi Revocable Trust (Owner) - Proposed amendment to NR502 for a change of use to allow a convenience/grocery store in the existing 7,420 square foot building with associated parking and site improvements, 33 Pine Street, Sheet 80 Lot 91, Zoned "GI/MU" - General Business/Mixed Use.**

Richard Maynard, Professional Engineer, Maynard & Paquette, Nashua. Mr. Maynard said this is the location of the former unemployment office. The building has been vacant for a couple of years. It is located on Pine Street at the intersection of Ledge & Central Streets across from the Bronstein Apartments. The building is 7,420 square feet. They are proposing a change of use to a local grocery/convenience store retail use under the Mixed Use Ordinance.

He said they do not have to provide any parking because it is in the Mixed Use zone, but there are thirty parking spaces on site.

(Some testimony lost as tape was changed)

He said something about a loading area to an overhead door. He pointed out where they are adding an entrance. He said there is an existing sidewalk and there is a stipulation to make improvements, if necessary and also to put a sidewalk across the front and increase the landscape area. He said the drainage remains essentially the same.

Mr. Maynard said the ITE figures are more for suburban areas. This is going to be predominantly a local destination. It's a grocery/convenience type use. There will be substantial pedestrian traffic to the site. The amount of traffic here, compared to typical retail will be substantially less. They don't expect people from outlying areas of the City to be visiting this particular grocery store.

He said the Traffic Department asked them to justify their conclusions with regard to pedestrian traffic in a local urban area. If this were on Main Street they wouldn't have asked for that because who knows where people would park and how do they do a traffic count where people park all over. He said this is a similar situation. He asked how you count pedestrians in a similar, particular type use. He said they don't have one. The last one that was even close was Soucy's Market.

Mr. Maynard said regardless, the amount of traffic is significantly less than the peak periods when the unemployment office was at its peak. There have never been any problems expressed with regard to traffic in this area of the City. The streets are wide and there is plenty of capacity.

Mrs. Lasky asked if the size of the grocery store is 2,440 square feet.

Mr. Maynard said it is 7,420 square feet - the entire building. He said the figure Mrs. Lasky is looking at is the number of trips over a period of 24 hours.

Mr. Moran asked if they could unequivocally state that this is going to be used for retail grocery store and that there will be no other uses for that building.

Mr. Maynard said they are allowed to have an office and they are allowed to have retail. He said they are not allowed medical.

Mr. Dookran asked Mr. Maynard to address exactly what he meant when he spoke about the traffic information.

Mr. Maynard said the ITE figures assume vehicular traffic. It doesn't talk about inner-city neighborhoods and downtown neighborhoods. If you take the typical numbers in the ITE they have a minimum, an average, and a maximum.

He said the unemployment office was primarily a vehicle site because people came from all over. This was the Greater Nashua Unemployment Office. The vast majority of visitors drove to the site. If you take a local convenience grocery store, the majority is going to be walk-in, and not the typical convenience store. Nobody is driving to the site of any magnitude. There are many people residing right in the neighborhood and they will walk.

Mr. Dookran asked what the applicant is doing to ensure the safety of the pedestrians walking to the site.

Mr. Maynard said there's an excellent sidewalk system throughout this whole area on of both sides of the street that is plenty wide. He said he asked the Traffic Department if there was anything they wanted the applicant to do and nothing was identified.

Mr. Dookran asked about handicap ramps.

Mr. Maynard said those are pretty standard. He pointed out their location.

Mr. Dookran asked if the applicant would take care of them at the intersection as well since they will drawing pedestrians from across the street. Mr. Dookran pointed out the area.

Mr. Maynard said they could put in one more in the proximity of Ledge & Pine Streets.

SPEAKING IN OPPOSITION OR WITH CONCERN

No One.

SPEAKING IN FAVOR

Atty. Gerald Prunier. Atty. Prunier said what Mr. Maynard hasn't said that this convenience store will have an ethnic type flavor to help serve the area, one of the reasons it will have walk-in traffic.

MOTION by Mr. Lowe to approve the proposed amendment to NR502 for a change of use to allow a convenience/grocery store in the existing 7,420 square foot building with associated parking and site improvements, 33 Pine Street with the finding that it meets NRO 16-123 and with the following stipulations:

1. Prior to the issuance of a certificate of occupancy a storm water operation and maintenance plan shall be recorded.
2. Prior to the issuance of a certificate of occupancy all work in the public right-of-way shall be completed to the satisfaction of the Division of Public Works.
3. Prior to the issuance of a certificate of occupancy all on site work shall be completed.
4. One additional drop curb will be added on the west side of Ledge Street at Pine Street intersection.

SECONDED by Mr. Moran.

MOTION CARRIED UNANIMOUSLY

15. Linda Argenti (Applicant) Christopher Hipp & Joanne E. Kitchel

(Owners) - Proposed site plan for a change of use from residential to professional office, 29 East Pearl Street, Sheet 34 - Lot 8, Zoned "RC" - Urban Residence.

Richard Maynard, Professional Engineer, Maynard & Paquette, Nashua. Mr. Maynard pointed out the location of his office. He said across the street is the VFW and down the street is Gottesman & Hollis. He said this is an existing single-family residence and in May they received a variance from the Zoning Board of Adjustment to convert the building into a law office with six spaces to be provided in a municipal parking lot. Also, during the day there are between 6-10 parking places on East Pearl Street that are usually available during the day. He said the offices on East Pearl Street, including his office, still have plenty of parking.

He said this is a two-story building. There is 1,200 square feet on the first floor and 600 on the second floor.

Mr. Lowe asked if the driveway was going to be used for parking.

Mr. Maynard said it's available for parking, but it's not in the count.

SPEAKING IN OPPOSITION OR WITH CONCERN

No One.

SPEAKING IN FAVOR

No One.

MOTION by Mr. Lowe to approve the site plan for a change of use from residential to professional office, 29 East Pearl Street with the finding that it meets NRO 16-123.

SECONDED by Mr. Farkas.

MOTION CARRIED UNANIMOUSLY

16. Steven Jr. & Regis M. Donohue (Owners) - Proposed site plan to show a change of use of the first floor apartment (1,052 square feet) to professional office, 375 Main Street, Sheet 109 - Lot 82, Zoned "RA" - Urban Residence.

Atty. Gerald Prunier. Atty. Prunier said the proposal is to change the use of the first floor of this two-story building to office

space.

He said he just saw this plan tonight and he noticed that although it shows parking, it doesn't have any handicap spaces. He suggested that one be placed as close to the door as they could. He said that it can be stipulated that it be placed wherever the staff deems it belongs.

He said he also noticed that there is a 45' easement to get to the garage. He said he didn't know why they needed that much of an easement. He said he would like to see that it be reduced to 14' and then flare it out to where the spaces are. He said he will leave this up to the staff as well. He said he wanted to keep as much open space as possible on the site.

Mrs. Lasky asked what kind of a professional office this is going to be.

Atty. Prunier said it's an employee benefits type of operation. He said there will be four employees. Most business is done at the employer's place of business.

Mr. Lowe said he went to the site on a Sunday afternoon. There were nine cars parked in the driveways. There were three garages full of boxes and three garages with the doors closed so he couldn't tell whether there were nine cars or twelve cars. He said he thought they were putting too much on the site.

Atty. Prunier said if there were boxes there it sounds like somebody was moving in and friends were showing up to help move. He said he doesn't know what else it could be. The first floor is vacant. He said that most of his client's business is conducted off site and there wouldn't be anyone there on the weekend.

He said this site has an access from Morton Street. He pointed it out on the site because Atty. Prunier was not familiar with it. He acknowledged the 10' easement shown on the plan.

Mr. Lowe said the site needs eleven spaces for the uses.

Atty. Prunier said they need eight spaces and they are providing eleven.

SPEAKING IN OPPOSITION OR WITH CONCERN

No One.

SPEAKING IN FAVOR

Steve Donohue (Owner). Mr. Donohue said there are six garages on site - three at the upper level and three at the lower level. He said there was some storage in those garages. Five of those garages are now vacant and accessible for a car. On July 1st there was somebody who recently moved to the second floor apartment and that tenant was allowed to place some of their stuff in one of the garages temporarily.

He said there is access to both Morton Street and Stevens Street through the driveway - a deeded access to Stevens Street and a verbal agreement access to Morton Street through the abutting neighbors.

He said he thinks five of the six abutters wrote letters in support of the use variance request when this went to the Zoning Board of Adjustment.

MOTION by Mr. Lowe to approve the site plan to show a change of use of the first floor apartment (1,052 square feet) to professional office, 375 Main Street with the finding that it meets NRO 16-123 and with the following stipulations:

1. Prior to the issuance of a certificate of occupancy an easement for cross access and parking shall be recorded.
2. Add one handicap parking space to be coordinated with staff.
3. Reduce the easement from Park Avenue to be coordinated with the staff.

SECONDED by Mr. Moran.

MOTION CARRIED UNANIMOUSLY

OTHER BUSINESS

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

MOTION by Mr. Lowe finding that there are no issues of regional impact on the technical review agenda for the meeting of 8/11/05.

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.

3. Referral from the Board of Alderman on proposed O-05-92, amending the zoning ordinance to require a special use permit for development of lots whose sole access is by a right-of-way released from dedication to public use ("paper street")

Mr. Lowe said he didn't have a problem giving a favorable recommendation to the Board of Alderman.

Mr. Houston said the staff included a brief analysis of the ordinance in the Board's packets. No fees were included in the application process and some minor requirements that need to be submitted. He said the staff has suggested an amendment to their paragraph, Section 16-171(b) to read as follows:

"Application for a special use permit shall be on a form provided by the Planning Department, and applicant is to pay minimum application fee of \$250.00, abutter notification costs, sign posting requirements in the same dollar amount established for site plan and subdivision applications. The applicant shall submit an abutter's list, information and plans detailing how the applicant satisfies the six conditions of approval listed in 16-171(d) to the applicable City Department or other public utility. The Planning Department, Division of Public Works, Fire Rescue Department, Environmental Health Department, applicable Public Utilities shall review and make a recommendation on the application and forward to Planning Department for consideration by Planning Board."

Mrs. Lasky said this makes it like any other application that comes to the Board.

Mr. Houston agreed.

SPEAKING IN FAVOR

Ruth Lyons, 6 Catherine Street. Mrs. Lyons said she thinks this

ordinance is very important.

MOTION by Mr. Lowe to submit a favorable recommendation with the proposed amendment on O-05-92 to the Board of Alderman.

SECONDED by Mr. Moran.

MOTION CARRIED UNANIMOUSLY

4. Referral from the Board of Alderman on proposed O-05-104, modifying the restriction on use of a certain way between Cathedral Circle and property identified as Sheet F - Lot 21.

Mr. Lowe suggested that this be held until after the public hearing.

Mr. Yeomans said the staff provided a map in the Board's packet so they would know the site that was being addressed by this ordinance.

Mrs. Lasky said the public hearing is 8/2/05 and the Planning Board's next meeting is 8/11/05. The Board can act on it at that time.

Further discussion ensued.

MOTION by Mr. Lowe to table O-05-104 until 8/11/05.

SECONDED by Mr. Moran.

MOTION CARRIED UNANIMOUSLY

5. Planning Board reappointments to the Capital Improvements Committee for a 2-year term to expire August 1, 2007.
 - Kenneth Dufour
 - Charles Budris

Mr. Houston has spoken to both Mr. Dufour and Mr. Budris and both are willing and able to serve.

MOTION by Mr. Lowe to approve the reappointment of Kenneth Dufour and Charles Budris to the Capital Improvement Committee for terms to expire August 1, 2007.

SECONDED by Mr. Moran.

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Mrs. Lasky said she knows both of these gentlemen and they have done an excellent job.

MOTION CARRIED UNANIMOUSLY

ADJOURN

Mrs. Lasky declared the meeting closed at 10:40PM

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