

NASHUA CITY PLANNING BOARD
September 8, 2005

A meeting of the Nashua City Planning Board was held on Thursday, September 8, 2005 at 7:00 PM in the Auditorium at City Hall.

Bette Lasky, Chair conducted the meeting.

Members present were: Bette Lasky, Chair
 Ken Dufour, Vice Chair (7:40PM)
 Ald. Richard Larose
 Steve Farkas
 Hugh Moran
 George Torosian

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

Mrs. Lasky said if anyone is present for New Business - Site Plan #5 - Neighborhood Housing Services - it has been withdrawn.

Approval of Minutes

None

Communications

Mr. Houston said the following items are in the Board's packets.

Agenda with the notation concerning Site Plan #5

A couple of discussion items

Communication regarding a conference on November 5

Maps relating to Other Business #4 & Discussion Item #2

He said the Board received a notice of a press release regarding the Riverfront Promenade Design Charette that the City will be hosting.

He introduced Michael Castagna, President of Plan New Hampshire. He said he is going to talk about the event.

Mr. Castagna said he is familiar with Nashua, even though his home and his office are in Manchester. He is the immediate past President of the Exchange Club in Nashua. He said the Freedom Shrine is very well displayed here in Nashua.

Mr. Castagna said Plan New Hampshire is a statewide organization made up of engineers, architects, contractors, the legal profession, and real estate professionals - basically all the pieces that touch the built environment. He said they promote good, solid planning and design, whether it be Master Planning, project specific issues, etc. in the whole State. He said the objective is to enhance the lives of the citizens of the State of New Hampshire through good design and good planning.

He said other than the charette process that they do every year, they also administer the Granger Fellowship fund that is administered through the New Hampshire Charitable Foundation where they give graduates and undergraduates scholarships to architectural students, interior designers, and engineering students.

He said they go all over the State about four or five times a year and put on programs that are of interest to different citizens/different areas of the State involving planning, development, etc.

He went over briefly some of what they are involved in. He said one of the biggest and most well known in the State is their Charette program. He said in simple terms a charette is a very intense short term planning session where they get up and around 10-15 planners, architects, designers, and civil engineers and put together different scenarios based on the challenges or the scope of what they are looking at and come up with a broad scope of the project or projects at hand to allow a town or City to take the next step in developing their downtown and destination points.

He said there were fifteen entries this year and Nashua is one of three charettes that they will be doing this year. He said his role in the charette is the team facilitator. He said approximately twelve of his colleagues will be coming and they are going to focus on the Nashua Riverfront Promenade.

He said they are going to look at the entire area of the promenade. They are going to look at the properties, whether they are owned by the City, whether they are privately owned and what some of the uses could be in order to enhance the riverfront.

He said in his research and in talking with Mr. Houston there are a fair amount of historical buildings/historical districts, which is very important to them as it should be with the City as far as

preserving these areas. He said they would be looking at all kinds of different possibilities as to what can be done.

He said as in all the charettes that they do, it is very important that they get as much citizen input as possible. He said they come in from different areas of the State, but without the citizens' input they can't do their job. The citizens of Nashua live here and are going to use it and they should have a say as to what could possibly be done with this. During the two days that they are here there will be three public hearings. On Friday there will be a public hearing in the afternoon. There will be another public hearing at night. It's a gathering of as much information as they can cram into two days in order to come out on Saturday afternoon to present their proposals and perspective and something that the City can use as a guide as they move forward in developing these areas for the well being of the citizens of Nashua.

Mr. Castagna said that they try to put tangible solutions to problems/issues that they know that in some capacity will happen. He said maybe half of what they have suggested in charettes over the last seven years have been done. Issues change over the years or the Town or City has gone in a different direction.

Mrs. Lasky said that people have the opportunity for some input into the charrette and she hopes that people are interested in attending. She said the first session is on Friday, September 23 from 3:00PM - 4:30PM and then again at 7:00PM - 9:00PM. She said these would be at the Hunt Memorial Building at the top of Library Hill.

Mr. Houston stated Nashua made the cover of Town & City with the Heritage River Trail. He said that Karen Berchtold, formerly with the City, was involved with the Livable Walkable Communities Project and she helped to pull it together.

REPORT OF CHAIRMAN, COMMITTEE AND LAISON

Ald. Larose said at the last Planning & Economic Development Committee meeting they voted 4-1 to indefinitely postpone the Majestic Road access.

He said the Planning & Economic Committee has a subcommittee working diligently on the new zoning ordinances. He said hopefully they could have the language cleared up by October 4 so that it can be sent to the Board of Alderman and get voted on by the end of the year. If they don't do this by the end of the year they will have

to start all over again.

Mrs. Lasky said that some meetings have been added so that they can meet that deadline.

Ald. Larose said at the Board of Alderman meeting last night they had two different meetings. One was the Pennichuck Water Committee and they made a recommendation to the full Board on whom to hire for operation and management companies. After that meeting the full Board convened and they voted to hire R.W. Beck as the Manager and Viola Waterworks as the operator of the water system. This will give them companies that will operate the water system for the City of Nashua so that when they go to PUC they can show that they have the capability of running the water system.

He said Viola Waterworks is a subsidiary of Tyco Labs & he believes R.W. Beck comes from Concord, Mass. He said the people that are going to be working in Nashua live within 40 - 50 miles of Nashua.

He said now the City and both companies have to sign some kind of a contract and it has to go to the Finance Committee.

Mrs. Lasky went into the procedure of the meeting as follows:

After the legal notice of each site plan or subdivision is read by the Chair, the applicant or his representative will be given time to present an overview and description of their project. The applicant shall speak as to whether or not they agree with the staff stipulations.

The Board will then have the opportunity to ask questions of the applicant or staff. The Chair will ask for testimony from the audience, first anyone wishing to speak in opposition or with concern to the plan may speak. Come forward to the microphone and state their name and address for the record. This would also be the time to ask questions they have regarding the plan.

Next follows testimony coming from anyone wishing to speak in favor of the plan before the Board. The Board asks that both sides keep their remarks to the subject at hand and try not to repeat what someone else may have said.

After the public testimony is given the Board will discuss the issue and render their decision.

OLD BUSINESS - SUBDIVISION PLAN

None

OLD BUSINESS - SITE PLAN

None

NEW BUSINESS - SUBDIVISION PLAN

1. **Esther M. Cutter Revocable Trust (Owner) - Proposed lot line relocation, 98 Wellington Avenue & Columbia Avenue, Sheet 65 - Lots 198 & 199, Zoned "RA" Urban Residence.**

Richard M. Cutter, 4 Ridgewood Terrace, Exeter, NH. Mr. Cutter said he is representing his mother's trust as power of attorney and trustee of her trust.

He said the property in question has a house on it and was built 66 years ago. He said mother is now 101 and living at Amesbury Place. There is a purchase and sales agreement for both the house and the property behind it.

He said when they had the property looked at they found that the property line went through about 1' of the porch. In order to make it more palatable to the buyers, they are moving the property line back about 30'.

SPEAKING IN OPPOSITION OR WITH CONCERN

No One

SPEAKING IN FAVOR

No One

MOTION by Ald. Larose to grant the lot line relocation for 98 Wellington Avenue & Columbia Avenue with the finding that it meets NRO 16-108.

SECONDED by Mr. Moran.

MOTION CARRIED UNANIMOUSLY

2. **Pennichuck Water Works, Inc. (Owner) - Proposed subdivision of one lot into three, 27 Columbia Avenue, Sheet 65 - Lot 215, Zones "RA" Urban Residence.**

Steve Auger, Project Manager, Hayner/Swanson, 3 Congress Street, Nashua. Mr. Auger said he is appearing of behalf of Pennichuck

Water Works.

He said the property they are dealing with is at 27 Columbia Avenue. He pointed out the plan to the Board. He said the existing lot is outlined in blue and the red lines represent the proposed three lots. He said the parcel is .997 acres in size and is zoned "RA". It is surrounded on all four sides by residential homes.

He said a cell tower sits on the site at this time. There is a lease with Pennichuck for this cell tower until 2023. There will be no residence on that lot until at least 2023. There was also a water tower on this lot, but it was taken down earlier this spring in anticipation of this subdivision.

Mr. Auger said new Lot 215 will house the existing cell tower and the remaining lots will be proposed Lot 240 & 241.

SPEAKING IN OPPOSITION OR WITH CONCERN

Steve Dixon, 31 Columbia Avenue. Mr. Dixon asked about the size of the lots. He said they seemed fairly small. He said he's concerned about the type of housing that will be built on them. He asked if the new lots are comparable in size to the rest of the lots that are adjoining the neighborhood or are they smaller.

Mr. Auger said he doesn't know about the rest of the lots in the neighborhood. He said they sized the lots based on the zoning classification. The minimum lot size in the RA Zone is 7500 square feet. Their three lot sizes are 10,500, 17,800, and 15,000. They easily exceed the minimum requirements for lot size in this neighborhood.

Mr. Dixon said just looking at it, it didn't look like there was enough land to chop it up into three lots.

Mrs. Lasky said that it behooves any developer or builder to make a house that is comparable to the others in the neighborhood so it pleases everyone.

Mr. Dixon said there was some talk about the cell tower having a distance to fall without hitting a house. He asked if there is something in the City ordinances that talks about fall distances. He asked if this has been taken into account for these lots.

Ald. Larose said that his understanding is that the tower won't fall over, but will collapse.

Mr. Dixon asked if these will be single-family houses.

Mrs. Lasky said as far as they know they will be single-family homes, although a two-family is permitted in this zone. She said they would need 10,500 square feet of land in order to have the land for a two-family home.

Mr. Auger said theoretically you can put in a two-family dwelling on the lots, He said Pennichuck Water Works is going to sell these lots so at this point in time it would be unfair of him to say what size house or what type of house was going to be on the lot.

Mr. Dixon asked if whoever buys the lot(s) would be free to put in a two-family without have to get any type of approval.

Mr. Sawyer said that a two-family home in this zoning district requires a special exception. This means there would be another public hearing of the Zoning Board.

SPEAKING IN FAVOR

No One

Mr. Yeomans said the ordinance concerning the cell towers was created for a few towers to be constructed. The ordinance covers distances, height, etc.

Mrs. Lasky asked if there are plans to dismantle the tower in 2023.

Mr. Auger said he doesn't believe there is anyone from Pennichuck is present to answer this question.

Mr. Yeomans said his understanding about these towers is also that they don't fall like trees. They implode in on themselves.

MOTION by Ald. Larose to grant the subdivision of one lot into three for 27 Columbia Avenue with the finding that it meets NRO 16-108.

SECONDED by Mr. Moran.

MOTION CARRIED UNANIMOUSLY

3. **Bonnie L. Gravel & UR Home Building & Development, LLC (Owners) - Proposed consolidation of lots 52 through 55, lot line relocation between lots 11 & 55 and a subdivision of Lot**

**55 into two lots, 233 Pine Street & Acton Street, Sheet 101 -
Lots 11 & 52-55, Zoned "RB" - Urban Residence.**

Richard Maynard, Professional Engineer, Maynard & Paquette, Nashua. Mr. Maynard said existing Lot 11 has a duplex on it and there are three lots to the rear that used to have a garage and a pool, but have been removed.

He said the proposal is to add 160 square feet to Lot 11 to bring it into conformity with "RB" zoning for a duplex. The remaining area of the other three lots will be consolidated and subdivided into two single-family lots - one with 7,000 +/- square feet and the other with 9,000 square feet. The minimum lot size for a single-family home in the RB Zone is 6,000 square feet.

He said there is a request to waive sidewalks in lieu of a donation of \$7,300.00. He pointed out the area of frontage on the plan that this is for.

SPEAKING IN OPPOSITION OR WITH CONCERN

Lee Farrar, 223A Pine Street. Mr. Farrar said he knows this area because he's lived here for eight years. He said water builds up in the existing driveway now.

He said he is concerned with his basement. He said when it rains it gets wet. He said he's afraid that he will receive the runoff in his basement once the new home(s) are constructed.

He said there is an easement for the driveway that comes in on Pine Street and exits on Acton Street. If you are coming in from Pine Street into his driveway and you want to get out, you have to back out the same way. The two houses are close together. If the driveway is eliminated, it wouldn't give anyone a place to turn around, which would require someone to have to back out about a 60' driveway onto a busy street, especially during work hours.

He said he also has a question on density. The total square footage of these parcels is about 25,000 square feet, which is just over a half acre. According to a document he just read the density for the City of Nashua is supposed to be 3.8 units per acre. This does not meet that requirement.

Mr. Farrar said one of the more important issues that he has is the fact that he just found out about this proposal and he owns the property abutting this land. He never received any notification of the meeting and he hasn't had the time to address the issues that

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he may have and time to look at everything. Two or three hours aren't sufficient. He said his residence is 6 Summer Street. He owns the property on Pine Street, but rents it out.

Carol Prince, 219 Pine Street. Mrs. Prince said she and her husband have been on Pine Street for forty-four years. She said they are very concerned with the density that's already been mentioned. She said they share the concern that their neighbor has with his tenants having to back out into a very dangerous street.

She said she is concerned about where all the cars are going to park on these minimal sized lots, especially on the residence that faces Pine Street. As she understands it, the parking is behind the house where the garages were. The garages have been torn down. She asked if the plan is to remove the green yard in the front of the house to put in parking.

She said another major concern she and her husband have has to do with water. She said their stretch of street has an antiquated sewer system where the storm water is with the sewerage. Periodically it backs up, especially in rainstorms. She said they are concerned that as more and more people hook into the sewer lines that the problems in their basement will become more magnified.

Eve Lynch, 222 Pine Street. Ms. Lynch said she has the same concerns as others who are present. She said although the parking appears to be taken care of on Acton Street for the existing lots, their main concern is the look of the lot in the front (Pine Street). She said there could be as many as ten cars. She said with the proposed lot realignment there is no allowance for approximately four or five cars to park. The house will sit at the very rear of the lot and all the green area in the front will be turned into a used car lot.

She said she also has concerns with the sewerage. She said she has lived in her home a long time. Everything in her cellar is up. It can't be down on the floor unless you want to lose it. She is on the corner lot and thought she was the only one that had this problem. She said she has a sewer in the front of her house and the next closest one is 200' away. She said she ends up with a backup in her driveway and in the wintertime if she doesn't remove it she ends up with 4" of ice.

She said if this is allowed to proceed she hopes that someone would come out to do some sort of assessment and not add to the issue

that they already have.

SPEAKING IN FAVOR

Richard Maynard. Mr. Maynard pointed out the asphalt in the pool/patio area. He said the net effect is that the impervious area will be similar or possibly even less than it is now. Therefore, there is less runoff.

He said with regard to storm water, with the new storm water management ordinances they are going to be recharging the ground water through leaching catch basins tied into the roof system so the net affect will be less storm water runoff, which will benefit the residents on this combined sewer. He said the problem with combined sewers is during rainstorms, which grossly overwhelm the pipe system. He said it's not because of individual houses. This is only a very minor proportion of the flow. He said the lines are more than adequate to handle sanitary sewer. This project has no impact either way to the pre-existing problem.

Mr. Maynard said there is a driveway with an easement. He showed where it ended. He said the back property is not subject to that easement. The easement remains unchanged.

He said somebody said there was no place to turn around. He said there will be parking on the lot. He said they hadn't decided where it will be located yet. He pointed out the possible locations - either to the rear or the front. The other lots will have single-family homes and will have the standard parking and driveways.

Mrs. Lasky asked how many parking spaces there will be.

Mr. Maynard said this is an existing duplex. There has to be parking for at least four vehicles. He said he didn't anticipate any more than that number.

Mr. Yeomans said with respect to the notification of the meeting, they take the abutter's list that is sent to them with a certain amount of reservation and the staff checks the GIS system to make sure no one has been missed. He said they notified the abutters and the one for Mr. Farrar was returned by the Post Office as being non-deliverable. The address for Mr. Farrar was shown as 223A Pine Street, which is shown in the GIS system as his mailing address. If he is the owner and doesn't reside there and there is no way that it gets to his residence, the notification is not defective. This

is the address that the City has for him.

Mrs. Lasky advised Mr. Farrar that the requirements of the law were met (with reference to the certified notice) by the City. She said she would entertain a few questions from Mr. Farrar as he indicated he had not had enough time to look over the plan before the beginning of the meeting. She said she hoped that they would be on new issues that have not been brought up.

Lee Farrar, 6 Summit Street, Nashua. Mr. Farrar said he has been living here since November and his mail has been forwarded to this address since that time.

Mrs. Lasky said she doesn't have any control over the mail. She said the City has met the letter of the law.

Mr. Farrar said there was a mention of leach fields coming from the water runoff from the houses. He asked where the leach fields are going to be in relation to his property. He said a leach field isn't going to do his property any good if its too close to his property and the water seeps into the basement anyway.

He asked where the parking would be in relation to the buildings.

Mrs. Lasky said that Mr. Maynard indicated they are not quite sure and they don't have to tell them exactly. She said he did indicate the possible locations. They do have to provide a certain number of spaces.

Mr. Farrar said he would expect to see a site plan to show where the houses are going to be.

Mrs. Lasky said at this stage this is a consolidation and subdivision and lot line relocation plan.

Mr. Yeomans said the concept plan (Sheet 2) shows where the houses could go.

Carol Prince, 219 Pine Street. Mrs. Prince asked if it is within the power of the Planning Board to grant more time for the hearing so that the gentleman who did not receive his notice has ample time to look over the plans.

Mrs. Lasky said if the Board feels that they do not have enough information to go forward they can table a plan.

Anthony Nuttersly, 223A Pine Street. Mr. Nuttersly said he lives at this address with his mother. He said they have a lot of grandchildren coming to the house and he is worried about the site of the parking. He said they are trying to teach the kids to stay in the yard, but if they don't there could be a chance of their being hit.

He said the cut line ends right at their driveway. He said he has a friend who is handicapped. He said he has to pass the cut line in order to back his friend's van up in order to let him out because of the doors and ramp.

Mrs. Lasky said if she is understanding this correctly he is using someone else's property in order to do this. She said it is up to the owner of his house to provide a safe environment and a safe driveway for his tenants.

Mr. Nuttersly said he thought that this part of the driveway was shared by both properties. He said when he moved to this property the person who owned the property did all the shoveling and he was told that they owned that part of the driveway.

He said they do get some mail for Mr. Farrar and they call him to tell him that they have mail for him. He said the person who bought the house could have come and knocked on their door and told them about what was being planned and asked their feelings about it. This is going to be disturbing to them, especially on weekends when nobody is working.

Mrs. Lasky said it's not the law that a developer/builder go to the neighbors. The owner/abutter of property is notified by mail. When there is a large subdivision that affects many homes sometimes (it's up to them) will have a neighborhood meeting.

Cheryl Everett-Mosca, 6 Summitt Street, Nashua. Mrs. Mosca said one of the questions they have pertaining to the deed was the rights given to Mr. Farrar in the deed to using the driveway that exits out onto Acton Street. It's one of the questions he wasn't able to research because of the lack of time.

Mrs. Lasky said she believes the developer should know.

Ms. Mosca asked if there was some recourse if it is in the deed and the developer didn't know.

Mr. Farkas said this is a private action between the two parties.

Ms. Mosca said hearing the term turnaround and seeing the space that is there are two different things. She said when you back out of the turnaround you are very close to hitting the other house. It's a tricky area and she would like the Board to take this into consideration.

Mr. Torosian said the proposal is for a relatively simple subdivision and lot line relocation.

Mr. Farkas asked if this project was noticed in the paper in addition to the certified mailing going out.

Mr. Yeomans said as far as he knows all the legal requirements have been met. He said they had numerous calls on the project since the plan was submitted six weeks ago as well as people coming to the office to look at the plans. The neighborhood has been aware of it for some time.

Ald. Larose said there was a question about parking. He said he knows the existing house is going to use some of the area that is now all lawn. He said there is an ordinance that states how much they can encumber.

Mr. Yeomans said no parking is allowed in the front yard setback. Other than that they would be dealing with open space. He said in this case there is a substantial amount of frontage and a substantial amount of area for open space. He said he didn't think there would be any impact to that. He said they are only required to provide two parking spaces per dwelling unit. He said that should be fairly easy to accommodate.

He said the neighbors have been sharing the easement for a long time. He said he has every confidence that the new owners and the existing residents will work something out to make it work for everybody.

Ald. Larose said he thinks that some of the people think that everything is going to get paved over for a lot of parking. He just wanted them to know that there are rules and regulations that cover that situation.

Mr. Dufour said if you look at the envelope for the two-family there is a lot of paving that they can legally do. He said he doesn't want to have anyone walking out of the meeting thinking that they can't pave.

Mr. Yeomans said they can put in a driveway. They could come off of Acton Street and continue on Pine Street. He said he didn't think it would have any material affect to safety.

Carole Prince. Ms. Prince Mr. Yeomans talked about neighbors working out an arrangement on the easement. She said it's her understanding that the present owner would not necessarily be keeping all three properties and that he would have the right to sell them individually. She said she believes the chances of working this out would be slim to none.

Mr. Dufour said this easement does not affect the two other lots. He said they are talking about the existing driveway easement.

Ms. Prince said she thought that Mr. Yeomans was talking about the one that went over to Acton Street that has been used all these years.

Mr. Dufour said the bottom line is that they have been using it all these years, but it's someone else's lot. He said the Board sees it all the time. People get accustomed to someone else's trees, someone else's back yard, and someone else's driveway and when the people who own it want to do something with it there's a lot of resentment. The bottom line is that the owner has the legal right to do it.

Mrs. Prince said all the arrangements were made when the "Perrault's" owned the property at 223A Pine Street.

Mrs. Lasky said the Board can't tell the owner or developer what to do in that regard any more than the neighbors can. She said they will do the best they can over the things they have control over.

Mr. Dufour asked that the question concerning the leaching system be addressed.

Mr. Maynard said the proper term is leaching catch basin. This is a 5' diameter structure/barrel in the ground within proximity of the corners of the house where the roof drain would come down - usually about 10' away from the corner of the house. The roof leader would lead into this drain or barrel. It would leach into the ground and not run off. He said Drawing #2 has an illustration of this leaching cistern/catch basin. The net affect will be less storm runoff than exists today so there will be a slight improvement in the combined sewer problem.

Mrs. Lasky said the issue with the sewers is out of the Planning Board's control. She said the Board of Alderman have to be contacted about that issue.

Ald. Larose said that there is an ongoing project within the inner city, but it's going on at different times.

Mr. Dufour said the presentation is that there are going to be two single-family homes and an existing two-family home. He asked if Lot 189 didn't have enough land for a two-family home.

Mr. Maynard said the dimensional requirements are shown on Sheet #1. He said the lot frontage and width requirement for a two-family is 90'. They have 88' so as it is presently proposed, the two-family would not be allowed.

Mr. Dufour asked if the Planning Board can stipulate that it only be a single-family.

Mr. Yeomans said they cannot. The issue would have to go to the Zoning Board for approval/denial. He said unless the applicant was willing to stipulate that this only be a single-family he would say the Planning Board can't stipulate it.

Mrs. Lasky said that there is a waiver request asking that a contribution be made in lieu of constructing sidewalks.

Mr. Dufour said if the Board decided that they wanted sidewalks to be constructed, where would they want them.

Mrs. Lasky said they are on Pine Street so it would be Acton.

Further discussion ensued.

MOTION by Ald. Larose to grant the consolidation of lots, 52 through 55, lot line relocation between lots 11 & 55 and a subdivision of lot 55 into two lots, 233 Pine Street & Acton Street with the finding that it meets NRO 16-108 and with the following stipulations:

1. Prior to recording the subdivision plan any final drafting corrections shall be made.
2. Prior to the issuance of a building permit the storm water operation and maintenance plan shall be reviewed by the Planning Department and recorded.
3. Prior to the issuance of a building permit bonding for work in the public right-of-way shall be approved by the Division of Public Works and Corporation Counsel if required.

4. Prior to the issuance of the final certificate of occupancy all work within the public right-of-way shall be completed to the satisfaction of the Division of Public Works.
5. Prior to the issuance of the final certificate of occupancy the sidewalk contribution shall be paid to the Planning Department, unless the sidewalk is to be constructed.

Also, the waiver for construction of sidewalks is waived per Section 16-176(c) and accepting a \$7300 contribution to the sidewalk fund in lieu of that construction.

SECONDED by Mr. Moran.

Ald. Larose said this plan and building these houses will beautify and help this neighborhood. Housing is always needed. This area is a nice area to raise a young family. It won't be \$400,000 housing, but housing that is affordable to people who are trying to bring up a young family.

Mrs. Lasky urged the owners of the respective properties to try to work with one another so the safety concerns and other concerns can be met.

MOTION CARRIED UNANIMOUSLY

NEW BUSINESS - SITE PLAN

4. **Mine Falls Estates, Bonnette-Picard LLC (Owners) - Proposed 1-year extension for an amendment to NR 317 for the demolition of the 1590 Broadcasting building and the construction of a 40-unit, single family cluster development with associated access and site improvements, 502 West Hollis Street, Sheet E - Lot 83, Zoned "R9" Suburban Residence. (Previously approved on May 20, 2004).**

Mr. Sawyer said he can try to present this case if the Board wants to consider it tonight. He said otherwise they may want to table it to one of their representatives is here to represent the case. The reason for the date being over one year is because the original decision was appealed to court and the judge released it on October 13, 2004 so that became the new start date for the project.

He said nothing else changes. The project hasn't started. They have not done any site work.

Mrs. Lasky asked what the Court case involved.

Mr. Sawyer said it was an appeal of the approval the Board made on this project. He said both parties agreed to withdraw their case so the court issued a statement of no decision required.

SPEAKING IN OPPOSITION OR WITH CONCERN

No One.

SPEAKING IN FAVOR

No One.

MOTION by Ald. Larose to grant the extension for amendment to NR 317 for the demolition of the 1590 Broadcasting building and the construction of a 40-unit single family cluster development with associated access and site improvements, 502 West Hollis Street with the following stipulations:

1. Prior to ANY work being conducted a pre-construction conference shall be set up with the Planning Department.
2. Prior to any work being conducted approval of the NH Site Specific permit shall be obtained.
3. Prior to a building permit being issued, bonding for all public improvements shall be submitted to and approved by the Engineering Department and Corporation Counsel.
4. Prior to a building permit being issued, the Planning Department and Corporation Counsel shall review and approve all required easement, dedication, and storm water operation and maintenance documents. Said documents shall be recorded.
5. Prior to a building permit being issued access shall be provided to the satisfaction of the Planning Department, the Department of Building Safety, the Fire Department and the Division of Public Works.
6. Prior to a building permit being issued the April 27, 2004 ZBA approval and the emergency access easement will be added to the plan.
7. Prior to a building permit being issued a street name will be submitted to and approved by the Planning and Fire Departments and added to the plan.
8. Prior to the final certificate of occupancy being issued all required site improvements shall be completed according to the approved plan, and all work conducted in the public right-of-

way completed to the satisfaction of the Division of Public Works.

9. With approval of the plan the waiver of Section 26-223(h) dead-end road length has been granted.
10. Prior to a building permit being issued, the outstanding drainage and traffic issues will be resolved to the satisfaction of the Planning Department and the Division of Public Works.
11. A 6' chain link fence along the perimeter of the development and the Greek Orthodox Church to be worked out between the developer and the Planning Staff for exact placement.
12. A 6' chain link fence, placement and length along Pitarys Drive, to be worked out between the developer and Planning Staff.
13. Buffer zone cutting to be reviewed by Planning Staff and developer for replanting at pre-construction meeting.
14. Seismograph equipment to be utilized in conjunction with the blasting operations and co-coordinated with the Planning Staff.
6. **Neighborhood Housing Services of Greater Nashua, Inc. (Owner) - Proposed site plan to convert an existing child care center to four multi-family housing units and a 2,400 square foot office, 2 Shattuck Street, Norton Street & Laton Street, Sheet 44 - Lot 86, Zoned "RB" Urban Residence.**

Withdrawn

OTHER BUSINESS

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

Mrs. Lasky asked how many of the items shown on the Technical Review Meeting schedule for October 6 will possibly be heard that night.

Mr. Sawyer said one of them has dropped off, but the others are likely going to go. They could have about ten cases.

MOTION by Mr. Dufour said he has reviewed the technical review agenda and did not see any items of regional impact.

SECONDED by Mr. Moran.

MOTION CARRIED UNANIMOUSLY

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

No motion to remove from the table.

3. Referral from the Board of Alderman of proposed R-05-270 authorizing clarification and conveyance of a conservation easement upon certain lands owned by the City of Nashua to an appropriate agency, and authorizing the sale or long-term lease of an approximately four-acre parcel of said land to the Nature of Things, LLC d/b/a Second Nature Academy, subject to the conservation easement, in keeping with the provision of an educational use within the conservation easement, for use as a private elementary school, pre-school, daycare and summer camp, all with an emphasis on the environment.

Ald. Larose said they received another resolution before that was withdrawn. He asked if it would make sense for the Board to make a site visit so they could see exactly what this is.

He said his understanding is that part of the land was bought and some of it was donated. He said he understood that part of the land at one point was being purchased for a new Fire Station and the Fire Department decided that they weren't going to put up a fire station there and it became conservation land.

Discussion ensued.

Mr. Dufour said that he isn't sure that he needs to see exactly where this is sited in order to vote on the referral.

Mrs. Lasky asked if there was anyone here who is going to speak on this issue. Nobody replied.

She said whether there is a site walk or not all she knows is what she's heard this evening. She said she didn't feel comfortable in

making a decision.

Mr. Dufour said this has surfaced a few times. It's been in the newspaper and it's been on the Board's agenda at some point in the past. He said he is ready to vote, but if the consensus of the Board is that they would prefer to make a site walk, he is agreeable to doing that.

Mr. Houston said the area involved is just north of the old Gilson Road cemetery - generally on the easterly side of Gilson Road. He said it's a wooded area and was part of the original "Tamposi" land gift and acquisition by the City of remaining properties. He said it was not part of the original fire station site.

He said his recollection of that is that there was a site that was given or going to be given to the Fire Department as part of the Hall's Corner development in 1988/1989. They were given a piece of land that was somewhat wet northerly of Lovewell's Pond along Main Dunstable Road. It wasn't suitable for a fire station and there was some discussion about some other land being given by Tamposi at that time to the Fire Department along Gilson Road. He said he did not recall whether this ever occurred. If it did, it was over on Musket Drive and might have been assimilated into the school site.

Mrs. Lasky asked if there was a caveat with this property that it be used for educational purposes.

Mr. Houston said he doesn't have the details to explain this to the Board. He said they can try to get the information for the Board if they want to hold off on voting. He said he believes the Aldermanic Planning Committee discussed this at their last meeting.

Ald. Larose said it was on the agenda and it was held because they were waiting for the Planning Board's recommendation.

MOTION by Mr. Dufour to send an unfavorable recommendation to the Board of Alderman on R-05-270.

He said when he first read about this in the newspaper he envisioned some wildlife center that was about to be constructed on conservation land that was owned by the City. In reality he found out that it was simply to house, probably to expand, an existing daycare center that is already in Maplewood.

He said this would be giving conservation land away so somebody can create a business - as precious as the land is, as precious as they

have worked hard to establish conservation land in that part of the City. He finds this whole thing to be offensive. This is the reason he is putting forth an unfavorable recommendation.

SECONDED by Mr. Farkas.

Mrs. Lasky said she doesn't understand why there isn't anyone here from the Board of Alderman to address this resolution.

Ald. Larose said he represents the Board of Alderman on the Planning Board. He said there are many unanswered questions on this. He said he feels the same as Mr. Dufour does about this resolution.

He said originally they were going to buy a portion of the land and have it appraised. The City and the person who wants to buy it would each pay half of the appraisal cost. Somehow it was decided that maybe they shouldn't do it that way and wait for confirmation that they could purchase it. This resolution eventually came out of the whole situation. He said if the Board recalls, the original resolution talked about \$100,000. That was just to throw a figure out there. People looked at that and said it didn't make any sense to sell that piece of land for \$100,000. That wasn't the intent of the maker of the resolution and he believes it was not the intent of the people who wanted to buy it. Now they have this resolution in front of them that changes the whole philosophy.

Further discussion ensued.

MOTION CARRIED UNANIMOUSLY

- 4. Referral from the Board of Alderman of proposed petition to release and discharge from all Public Servitude a Dedicated Way - a portion of Wollen Street.**

Robert Belanger, 1096 West Hollis Street. Mr. Belanger said there is a piece of Wollen Street, a paper street, which is not used. It is 100'X50'. It was originally going to go out to Gilson Road, but that area has all been developed now and this little portion was left.

Mr. Yeomans said the Board should have a map in their packet that shows the location of the parcel.

Ald. Larose asked if he is correct in stating that the abutters are going to get .. interrupted.

Mr. Yeomans said that there is no plat requirement that accompanied the plan. He said that up to this time they have had always had a plat to record and now there is no plat to record. He said each party would get 50% of the right-of-way, but there's nothing to memorialize that conveyance. The City won't issue any kind of a deed.

He said this piece of property still exists and is subject to rights of ingress and egress. He referred the Board to the map. He said there is a parcel that is identified with hash marks and is landlocked. He said when the Deputy Attorney and he met with the petitioners about a year ago they were alerted to the fact that once the City removed public servitude it still may be subject to rights of ingress and egress to the landowner of the landlocked piece of property.

Mrs. Lasky said as she understands this it doesn't bind anyone to anything.

Mr. Yeomans said all it does is removes public servitude. In other words, it removes the ability to go in there and build roads, sewer lines, etc. There still may be private rights that this is subject to.

Mrs. Lasky asked who owns the property [to be released].

Mr. Yeomans said theoretically the adjacent abutters would own it, but it would be subject to the rights of passage.

Mr. Dufour said nothing is shown on the larger parcel.

Mr. Yeomans said it's vacant.

Mr. Dufour said it's conceivable that someone could develop the large vacant lot, purchase the landlocked area and come in from West Hollis Street.

Mr. Yeomans said that there was a plat that was prepared which did exactly that. There's a number of lots laid out, and the road laid out. He said there was litigation on the lot because of platting issues that occurred some time ago.

Mr. Dufour said if this is released the petitioners really can't do anything with it. They would know that there would be no street going in, however, it would be conceivable at some point it could be a private driveway. He said it discourages a mass subdivision

from using this as a street.

Mr. Yeomans said the staff is considering this as a housekeeping measure. He said this was laid out in 1965 and they've passed the twenty-year limitation so the City's interest really has expired.

Ald. Larose said if they do this the abutters each get half.

Mr. Yeomans said that's the way it's supposed to work.

Mrs. Lasky said the only guarantee that they have is that there won't be a City road going through.

Mr. Slivinski asked if this is the width of a normal City street.

Mr. Yeomans said this right-of-way is either 40' or 50' wide.

Ruth Lyons, 6 Catherine Street. Mrs. Lyons said it's been six months since they discussed Oakland Avenue. Not only do the abutters get to the center of the paper street, but they also get to pay taxes on the extra 20' or 25'. She asked if this is going to happen.

Mrs. Lasky said if it's not deeded to them they don't pay taxes on it.

Mrs. Lyons said the people on Catherine Street (the flamingos) pay taxes on the 20'.

Mrs. Lasky said she is only stating her opinion. She said that it seems like it would be something she would take up with legal counsel.

Mr. Yeomans said it's really an assessing question. He said he guessed that once this action occurs the Assessing Department will probably change the map and move the lot lines. He said the problem is that in order to change lot lines you need some kind of a plan.

Mrs. Lasky said she didn't know whether Mrs. Lyons had received a letter from the Assessing Department concerning her situation.

Mrs. Lyons said they did receive a letter from the City of Nashua dated January 6th and it said each of the abutters would be getting 20'. There are six. She said at the end of the letter it states that they will the change in the July 2005 tax bills for the additional property.

Mrs. Lasky said this is an issue over which the Planning Board has no control. She said it has no reflection on what they might do on this particular request.

Mrs. Lyons said she sees the similarities and no one seems to know the answer to the question.

MOTION by Mr. Dufour for a favorable recommendation to the proposed petition to release and discharge a portion of Wollen Street from public servitude.

SECONDED by Mr. Moran.

MOTION CARRIED 5 - 1, Mr. Farkas opposed.

5. Nominations to the Nashua Regional Planning Commission for a Citizen Representative and an Alternate position (Memo dated 8/31/05).

Mrs. Lasky said she would accept nominations.

MOTION by Ald. Larose nominating Katherine Hersh as a citizen representative to the Nashua Regional Planning Commission.

Mrs. Lasky asked Mr. Houston what Mrs. Hersh's term would be.

Mr. Houston said that the way this was done in the past, they were appointing positions, not individuals so they would be appointing the Community Development Director position, just like they do with the Board of Alderman. When the Board first did this process they nominated the Chair of the Aldermanic Planning & Economic Committee as a citizen representative and the Infrastructure Chair as a citizen representative. They nominate one of their own membership as a representative. Historically the Chair has served as an alternate to the Planning Board representative. This is Steve Farkas. He said the terms co-inside with the terms of the position. The only caveat of the position is that the person has to be a resident of the City to be a citizen representative. The Aldermanic positions have a potential of shifting every two years when there are elections and assignments change.

SECONDED by Mr. Moran.

MOTION CARRIED UNANIMOUSLY

MOTION by Mr. Moran that nominations be closed.

SECONDED by Mr. Dufour.

MOTION CARRIED UNANIMOUSLY

Mr. Dufour asked if they don't also nominate an alternate.

Mr. Houston said they've never had an alternate before. They have three alternates. One of the alternates is Bette Lasky, the Planning Board alternate. The Vice Chair of the Aldermanic Planning & Economic Development Committee serves as well as the Vice Chair of the Infrastructure Committee. He said someone asked if he wanted to be an alternate in the event the city need representation at a meeting and he said he would be willing to do it in the interest of the City.

MOTION by Mr. Farkas to nominate Roger Houston as an alternate representative to the Nashua Regional Planning Commission.

SECONDED by Mr. Moran.

MOTION by Ald. Larose to close the nominations.

MOTION CARRIED UNANIMOUSLY

Mr. Houston said the Board didn't nominate positions. They have nominated individuals. He said they can reconsider, but there should be a term since they are nominating individuals.

AMENDED MOTION by Ald. Larose that they nominate the Community Development Division Director a position as representative and the Planning Director position as alternate representative for the term of their offices while they remain citizens/residents of the City of Nashua.

SECONDED by Mr. Moran.

MOTION CARRIED UNANIMOUSLY

DISCUSSION ITEMS

1. Sidewalk construction 100 Middle Dunstable Road. Subdivision plan approved on June 30, 2005.
2. Sidewalk construction 32 Dublin Avenue. Subdivision plan approved on December 16, 2004.

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Mr. Yeomans said both of these discussion items have been withdrawn.

ADJOURN

Mrs. Lasky declared the meeting closed at 9:50PM

APPROVED: _____
Bette Lasky, Chair Nashua City Planning Board

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Taped Hearing