

NASHUA CITY PLANNING BOARD
October 6, 2005

A meeting of the Nashua City Planning Board was held on Thursday, October 6, 2005 at 7:00PM in the auditorium at City Hall.

Bette Lasky, Chair, conducted the meeting.

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

Also Present: Roger Houston, Planning Director
 Mike Yeomans, Deputy Planning Mgr.
 Rick Sawyer, Deputy Planning Mgr.

Approval of Minutes

August 11, 2005

MOTION by Ald. Larose to approve the minutes of August 11, 2005, waive the reading and place on file.

SECONDED by Mr. Farkas.

MOTION CARRIED 6-0-2, Mr. Lowe & Mr. Dookran abstaining

September 8, 2005

Mrs. Lasky said on Page 19 there is a correction to be made in the second paragraph from the bottom. She said Mr. Duffy should read Mr. Dufour.

MOTION by Ald. Larose to approve the minutes of September 8, 2005 as corrected and place on file.

SECONDED by Mr. Moran.

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MOTION CARRIED - 5-0-3, Mr. Lowe, Mr. Dookran, & Mr. Slivinski abstaining

September 22, 2005

MOTION by Ald. Larose to approve the minutes of September 22, 2005, waive the reading, and place on file.

Mrs. Lasky said it was noted that the main tape was blank and the backup tape was poor quality. She asked if the transcription was gotten from the backup tape.

Mr. Houston said as far as they know it came from the backup tape. He said they must have had a problem with the wiring or the microphones that evening. They checked everything out tonight before the meeting so they hopefully wouldn't have the same problem tonight.

SECONDED by Mr. Farkas.

MOTION CARRIED - 6-0-2, Mr. Lowe & Mr. Moran abstaining

Communications

Mr. Houston said the following items were in the Board's folder tonight:

Draft 2006 Meeting & Deadline Dates for the Planning Board. He said they might want to look over the dates to see if there are any conflicts with their schedules and they need to change some dates. They will discuss this at their next meeting.

Preliminary agenda for the next Planning Board meeting - 10/20/05 for a determination of regional impact

Technical Review Meeting Sheet

He said the Nashua Riverfront Promenade Charette by Plan New Hampshire and assisted by the Planning Department, most notably Mr. Yeomans, Mr. Sawyer, Mrs. Vincent, and Mr. Falk. He said at one point they had twenty different architects, engineers, designers, landscape architects and other specialists from

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across the State that attended the meeting and participated and formulated a design.

He said Plan New Hampshire indicated they would have a report put together for distribution to the Board which should be out before Thanksgiving. They'll have a presentation and further discussion at that point.

Report of Chairman, Committee & Liaison

Mr. Dufour said that Capital Improvements Committee is getting their letters ready to department heads and they may already have gone out.

Ald. Larose said the Planning & Economic Committee has finally finished the land use code.

Mr. Houston said it went to the printers at lunchtime today and should be ready the middle part of next week.

Mr. Larose said copies of the land use code will be in the Aldermans' packet a week from this Friday and then it will go to the Planning & Economic Committee on October 18 and will come to the Planning Board on October 20. Once it goes through the process it will be presented to the Board of Alderman for their final approval or disapproval.

He said on Tuesday evening Mt. Auburn gave their report on the Economic Development Plan. It was accepted and final passage was recommended to the full Board. He believes that will be taken up on Tuesday.

Mr. Dufour said the re-write of the land use code is at the printers now and the Planning Board is going to get it on the 20th. He asked when they can get a copy.

Mr. Houston said they can log onto their computer to the gonashua.com web site. He said Mr. Sawyer was able to get it on line today. He said the Table of Contents is linked to the chapters. He said it's a full strike out version. Everything that was in the June 24, 2003 version that was introduced in May 2004 as an ordinance is shown there with amendments with the cross outs. The additions are underlined.

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He said the Planning & Economic Committee conducted a hearing in July 2004 and subsequently they conducted, over the following six months, a series of public forums for discussion and an opportunity for people to come and present comments and viewpoints on a page-by-page basis. After that the City received funding. Nashua Regional Planning Commission and another consultant pulled together all the comments and those are the comments that the subcommittee looked at. At each meeting they took those issues back to the Planning Committee. He said it's been a long process, but a very thorough process.

Mr. Dufour said on the 20th people will expect the Planning Board to send this on.

Mrs. Lasky said that it needs to get to the Board of Alderman before it disbands and then there's a new Board in January. She said the Planning & Economic Committee has been apprised of the changes that have been made as the subcommittee has gone along.

Mrs. Lasky asked when hard copies will be available to the Planning Board.

Mr. Houston said he doesn't has a specific date. He knows the print shop at City Hall will do them as quickly as possible. The soonest he would expect them would be Tuesday or Wednesday of next week.

Mr. Dufour said he went through the first two years with this code and somebody else carried it the second two years and now all of a sudden he's going to be seeing this for the first time on October 20th and the Board has to make a decision. He said this is too important a document to be treated this way.

He said he realizes that there have been meetings. The interested parties on those segments were there to make sure they got what they wanted. He feels there isn't going to be someone with an objective eye reviewing that document before it gets sent out.

Ald. Larose said he thought Mr. Dufour had a valid point. If he is uncomfortable on the 20th, it can be held because there is time for the process to go through before the end of the year.

Mrs. Lasky said this is coming to the Planning Board as quickly as possible. She said the major framework of this land use code did not change significantly. She said where they started was taking the comments that given at the public hearing and dealing with those one by one. She said there were representatives from the public, Ald. Larose, a representative from the Chamber of Commerce, consultants, and members from the Board of Aldermen. She said she is happy with the finished product. She said at this point they are trying to get it through before it lingers another couple of years. She thanked those who have been involved in this process.

Mr. Dufour said they supposedly hired the best in this country to work on this document. He did the first half and the second half has been done pretty much in-house and now he doesn't get to review it. He said he knows other people have looked at it that have experience, but what happened to the best guy who was supposed to put this together for the City. When this was brought to review he asked that this person review it. He knows attempts were made, but he is frustrated.

Mrs. Lasky said they have had some competent people involved in the review and in the review process. She thinks it's more of a Nashua product now than it was before.

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

OLD BUSINESS - SUBDIVISION PLAN

None

OLD BUSINESS - SITE PLAN

None

NEW BUSINESS - SUBDIVISION PLAN

1. **Memory Avenue, Rosalie Gendron, LLC (Applicant) The Guilmain Irrevocable Trust, Daniel E. Guilmain, Trustee & Pamela Guilmain (Owners) - Proposed consolidation and resubdivision of three lots into 13 single-family lots and 1 other lot, 315-323 Main Dunstable Road, Sheet C - Lots 93, 755 & 2199, Zoned "R9" - Suburban Residence.**

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Brian Polley, Engineer, Cuoco & Cormier Engineering Associates.
Mr. Polley is representing Rosalie Gendron, LLC. He said presently the site consists of about 6.6 acres and consists of three lots. There are a total of six houses, a garage and a barn. Two of the houses will remain on the site and the rest will be razed.

He said there are two wetland areas on the site. To the north there is an unnamed wetland and to the east there is Hales Brook, a critical wetland with a 40' buffer associated with it.

He said there is drainage east of Blueberry Lane that flows into the wetlands and through a pipe beneath Main Dunstable Road. South of the high point storm water drainage flows through the woods and is picked up by Hales Brook. It's conveyed through a 36" existing RCP across Main Dunstable Road.

Mr. Polley said the proposal is to consolidate the three lots and create a 13-lot subdivision with a cul-de-sac road of about 733'. The road will contain utilities, drainage, and some gravity sewer.

He said the back of these lots will flow towards the wetlands. He pointed out a high section of the road on the plan. Referring to the plan he said there will be drainage from east of Blueberry Hill Lane to be picked up on the road and collected by the catch basins and conveyed to a detention basin. South of the high point it will pick up most of the flow from off-site into catch basins and conveyed cross-country to a detention basin.

He said the storm water retrieved by deep sump hooded catch basins and a detention basin (he showed where this was on the plan) acts as an infiltration basin and extended detention basin. This meets all the criteria of the City of Nashua peak runoff rates and peak volume control for two year and ten year.

He pointed out an outlet structure on the plan. He said it acts mostly as an infiltration basin, but there is some of the two and ten year storm that is conveyed to this outlet structure and through a few orifices and overflow where a new proposed 36" pipe to a manhole to tie into an existing 36" pipe to cross Main Dunstable Road.

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He said there are proposed conservation easements along the buffer of the wetland area.

Mr. Dufour asked if there is a stream or something go through the property. He said he knows to the left of the proposed subdivision there are a couple of homes there that always floods in the spring.

Mr. Polley said that is Hale's Brook. He said it flows behind an existing house (he pointed it out on the plan) and through a 36" pipe across Main Dunstable Road.

Mr. Moran asked if there were variances granted by the Zoning Board on this project.

Mr. Polley said they are going to remove the existing driveway, but there is a portion of it that falls into the critical wetland buffer so they have to do some work in the buffer. They will be replacing the driveway with loam and seed. He said the Zoning Board approved the request to remove the pavement from the buffer area.

Mrs. Lasky asked if there was going to be a driveway next to the road that's coming out.

Mr. Polley said that is the existing driveway and that is being removed.

Mr. Dookran mentioned the detention pond and asked a question that sounded like how long the water would sit.

Mr. Polley said it required a four-hour plug flow time by NH DES standards. He's not exactly sure. He said he thought the two-year is four hours and a ten-year storm might be roughly six hours.

Mr. Sawyer said this project requires a waiver of the cul-de-sac length beyond 500'. He said the Fire Department did not indicate they had any concerns. He said there is a new hydrant halfway up the new road. He said he didn't believe there are any issues to granting the waiver from staff's perspective.

He said the existing driveway required a special exception. It was granted simply to restore the buffer to Hale's Brook. There is no new impact to the Brook. They are taking the driveway out of the buffer. No variances were required on this project.

SPEAKING IN OPPOSITION OR WITH CONCERN

No One.

SPEAKING IN FAVOR

No One.

Mr. Sawyer said that the waiver is included in the staff's recommended stipulations.

MOTION by Mr. Lowe to approve the subdivision plan for Memory Avenue (315-323 Main Dunstable Road, Sheet C - Lots 93, 755 & 2199) with the finding that it meets NRO Section 16-108 and with the following stipulations:

1. With approval of the plan the waiver of Section 16-112(h) cul-de-sac length for Memory Avenue has been granted.
2. Prior to any work being conducted, a pre-construction conference shall be set up with the Planning Department.
3. Prior to any construction on the site, a NHDES Site Specific permit shall be obtained.
4. Prior to a final subdivision plan being recorded, all required easement and dedication documents shall be submitted to and approved by the Conservation Commission, Board of Aldermen, Planning Department and Corporation Counsel and recorded with the plan, the cost associated with recording the easements, deeds shall be submitted to the Planning Department.
5. Prior to a final subdivision plan being recorded, bonding for all public improvements shall be submitted to and approved by the Engineering Department and Corporation Counsel.

6. Prior to a building permit being issued for each lot, 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.
7. Prior to a certificate of occupancy being issued for each lot the conservation easement area and wetland buffers will be clearly and permanently delineated.
8. Prior to the final certificate of occupancy being issued, all on site and off site improvements shall be completed.

SECONDED by Ald. Larose.

MOTION CARRIED 7-1 Mr. Farkas opposed

2. **Theresa J. Buckley Revocable Trust (Owner) - Debbie Buxton & Nancy Ergmann (Applicants) - Proposed subdivision of one lot into four, 25 West Adelaide Avenue & Boylston Avenue, Sheet 54 - Lot 51, Zoned "RA" - Urban Residence.**

Richard Maynard, Professional Engineer, Maynard & Paquette, Nashua. Mr. Maynard said this parcel is located at the intersection of West Adelaide Street and Boylston Avenue. It contains 43,084 square feet - almost an acre of land. There is an existing home in the corner. The proposal is to subdivide the one large lot into four lots.

He said this parcel is located in the "RA" Zoning District and a buildable lot requires 7,500 square feet of land area. The lots range in size from 8,429 square feet to 9,955 square feet to 10,539 square feet and the lot with the house on it would be 14,000 square feet.

He said in talking with the City Engineer's office they would prefer that this particular property be served by gravity sewer as opposed to individual ejector pumps so sewer service will be by gravity as opposed to individual ejector stations through a sewer easement along the right hand side of the particular home.

He said storm water will be handled by leaching cisterns tied into the roof system.

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He said the individual driveways for each of the lots will have a turn around internal to the property so people won't have to back out onto the public way.

Mr. Maynard said there is a considerable amount of frontage on this corner lot. He said they have submitted a letter requesting in lieu of constructing the sidewalks that they be allowed to make the standard donation of \$50 a foot. He said there are no sidewalks in the area, which amounts to \$20,800. Because of this amount they are not volunteering the other contribution for traffic.

Ald. Larose said when he was there he noticed a telephone line at the corner. He said there's a pipe and it says something about contacting the telephone company if you are going to dig. He said it was right next to the lot line of Map 54 Lot 17.

Mr. Maynard said that may be for underground telephone that is in the street itself, but it's not on the property.

Mr. Dookran said this may be cable.

Mrs. Lasky asked if there will be underground utilities.

Mr. Maynard said they haven't addressed this yet, but they will probably be overhead.

SPEAKING IN OPPOSITION OR WITH CONCERNS

Terry Kaiser, 19 Boylston Avenue. Mr. Kaiser said this abuts the property under discussion. He asked about the odd-shaped nature of the lots. Some of the lots have eight to ten angles to them, when normally in the City they look at square or rectangular or trapezoidal shaped lots.

Mrs. Lasky said depending upon one's outlook someone might say they are creative and someone else might say something else, but they do meet the City's requirements for frontage, etc.

Mr. Maynard said the nature of the regulations is multi-fold. He said they have a frontage requirement and then they have a width requirement that is measured at the front setback. This tells you what the first 25' of the lot have to be. These are not

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flag lots like some people are used to in other communities. The shape is to get the frontage and the lot width. His office is trying to do the best they can for their client to get a reasonable yield out of his property.

Mr. Kaiser said the code states that the minimum should be 75', but there are areas where it's clearly not 75' on each of these lots.

Mrs. Lasky said the width is measured at the front setback.

Mr. Kaiser said there's a road frontage requirement of 60' and then the minimum width of the lot has to be 75'. He said he didn't understand how this plan meets that requirement.

He said the testimony is that this is to maximize the yield, not necessarily to keep it within the harmonious development within the neighborhood. This will be more densely populated than the rest of the neighborhood. The houses are going to have to be smaller because of the setback requirement. It will diminish the value of the current house as well as the value of his house. In addition, everybody is concerned about the drainage for this property.

He said the proposal has a driveway that is adjacent to his driveway. There's nothing else in that neighborhood where there are two driveways that are adjacent to each other. Driveways have a reasonable lawn between them and the appearance is not at all like having driveways abutting each other.

He said he had concerns about snow removal during the winter months. He said when you look at the narrow area between where the lot that's adjacent to his lot narrows down to about 20', where are they going to put snow. They can't push it out into the street and if they push it back to the house, the house would be in the way or it would create a drainage concern.

Mr. Kaiser asked the Board to consider what would happen if one or all of these properties were to put up a stockade fence up along their lot line. He asked what it would look like when it got done. They have the right to do this.

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Right now the Buckley's have a stockade fence right down to Boylston Avenue.

Charles Popilas, 17 Boylston Ave. (Lot 58). Mr. Popilas said right now as you go further down Boylston Avenue from #5 (Lot 70) down to his house and over to Lot 31, Mr. Kaiser's lot, the water pressure decreases. He asked how this is going to be addressed. He said there is a new house going in on West Adelaide Avenue so technically there are four new homes being added to the neighborhood.

Mr. Popilas said aesthetics is a concern. Lot #123 looks like a telephone receiver. The front of that is going to cut off the front of the Buckley's home. Their bedroom will be looking out at somebody else's property. Their nice circular driveway will be cut in half. This is changing the aesthetics of the neighborhood.

He asked how many of the Planning Board and Planning staff members have actually come up to see the neighborhood and seen the aesthetics of the neighborhood.

Mrs. Lasky said she won't take a poll, but it's their duty to do this. She said she had been there. Other members chimed in to say that they had been there.

Starr Popilas, 17 Boylston Avenue. Mrs. Popilas said many of the people on this street are Nashua natives. There are some small business owners here, two of them are public school teachers in Nashua, and two of them were original owners. She said they moved from 7 Boylston to 17 Boylston Avenue and her mother and father bought 7 Boylston Avenue. She said the first gentleman who spoke went from 15 Boylston to 19 Boylston Avenue. She said she and her husband take care of the cul-de-sac. She said when you look at other cul-de-sacs in the City you would see not everyone keeps their cul-de-sac as nicely as they do theirs.

She said she has never been to a Planning Board meeting. She wanted to thank the Board for giving so much time to the City for protecting it and keeping the character of the City. She said she has confidence that when they look at these lot lines and they look at the north end and look at the City they will

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make the right decision. She asked if it's really in the best interest of the City of Nashua to put up these three houses on this lot.

Sherri McCarty, 8 Birchwood Drive. Mrs. McCarty said this is Sheet 54 Lot 19.

Mrs. Lasky asked if this is the street that leads into this area.

Mrs. McCarty said this is correct. She said her property will directly abut the drainage swale that is shown on the plan. She said she has several concerns regarding this.

She said when she and her husband purchased this property they felt it was in a well-established neighborhood and didn't have any clue that there would be further development in the neighborhood. In the almost nine years that they have lived here they've made significant improvements to their own property with the intention of staying there permanently. Now she has to question what quality of life they are going to have with these two homes facing her with a drainage swale collecting rainwater breeding mosquitoes and wondering where all the water from these houses is going to drain into.

She said at this time she doesn't have a problem with water or mold in her basement, but she doesn't see any other way where the water is going to go, especially where the drainage swale is basically right on her lot line.

She said she also questions the reason for the creative outlay of the lots and wonder if all of the neighbors that have greater than ½ acre of property chose to become creative and cut off part of their garages could also subdivide and gain a profit. She said she didn't discount the fact that they have every right to profit off of their property, but she thought that it was going to the extreme to fit these three additional lots within what has been for many years a lot with one home on it. She said when she looks at the drawing for the proposed homes, they could fit three of those houses into the current house. She said she feels that her property value will be significantly decreased because she will be looking out into her back yard and looking into somebody else's back yard or octagon shaped fence.

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Mrs. McCarty said she sees several families that are being impacted by this significantly and one family who will benefit and one developer who will benefit.

Rocco Ritchie, 10 Birchwood Drive. Mr. Ritchie said he is Lot #15. He said his property is diagonal to the Buckley's property. He said he believes the proposed subdivision will dramatically alter the character and integrity of their neighborhood in a detrimental way. It will have a negative impact on the quality of life that they now enjoy as follows:

1. The proximity of having three homes sit where one home sits
2. The noise that comes out of normal family dwellings
3. A drainage swale, which is not going to contribute in any way to the value of their homes or property

He said he and his wife moved to Nashua twenty-seven years ago from New York City and have paid their taxes and have been good citizens. He said he has sat before the Planning Board three times in these twenty-seven years and it confuses him as to what mission and the purpose of a Planning Board is. He asked if it exists to balance the growth and integrity of neighborhoods against the needs and actions of developers and entrepreneurs who are only looking out for their own interests - entrepreneurs who would seek to take from a neighborhood and profit from its resources versus homeowners who give to the neighborhood by virtue of their property taxes and their efforts at sustaining and improving their homes, which contribute to the collective good of all of them. He asked the Board what they would decide they stands for - if the citizens can have confidence in the Board as stewards of the character and integrity of their neighborhoods, that they can be counted upon by them as homeowners to have the courage to say "no" to entrepreneurs who would otherwise rape the neighborhood and who demonstrate nothing more than care about their own profits and their own gain.

Robert Kluger, 11 Boylston Avenue, Nashua. Mr. Kluger said he is on Map 55 Lot 64, which is across Boylston Avenue from the proposed subdivision.

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He said the drawing they are looking at is an example of solving a geometric problem. He said just because it can be drawn doesn't mean that it makes sense. He said it's not likely that the people that are profiting from this unusual subdivision will remain here to suffer the consequences. He said there's no way to predict the severity of the impact to the ecology. The destruction of the century old trees on the lot will affect absorbs ion and disrupt the preservation of the features of the natural character.

He said there will be drainage issues. There are legitimate safety concerns with excessive storm water runoff to all areas downhill from these new lots. After any rain or snowmelt, there's a pond that always forms at the intersection of Birchwood & Cabot. This pond could very easily become a lake with the lack of foliage.

He said there will definitely be snow removal issues. The proposal shows a lack of open space on the properties.

He said the size of the proposed lots will make it impossible to build homes that would be consistent with the character of the existing neighborhood. The footprint of the foundation of the three homes on the proposed lots will not allow the aesthetic, architectural and visual character of the nearby cluster of buildings to be maintained. He said this subdivision is not in harmony with this neighborhood. This neighborhood has homes valued in excess of \$375,000. They are not small starter homes on tiny lots of an indescribable shape with little or no yard.

Mr. Kluger said water pressure is already very poor. Three additional homes will make it unacceptable.

He said many school age children live or travel through this neighborhood. There are also many young and newly licensed drivers. As it becomes more densely populated traffic, parking and lighting become serious safety concerns. There are no sidewalks so kids are forced to walk, bike or skateboard on the streets.

He said he tried to contact Ald. Kevin Gage but he knows he's been away. He wanted him to make comments to the Board when he

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returns since he does live close to this project. He has grown up and has a family here as well.

Mr. Slivinski asked Mr. Kluger the size of his lot. He said it looks like it's around 8,000 - 10,000 square feet, close to the size of the lots that are being proposed. He also asked the age of his home.

Mr. Kluger said he doesn't have the lot size exactly. (No other comments were heard).

John Roquet, 23 West Adelaide Avenue. Mr. Roquet said this is down the hill from the Buckley's large house. He said any time there is heavy rain the water comes down the hill. Some of it stays in the street. Some of it has to split at his foundation because it's got to go either right or left. Many times they have water that comes down and goes left, which is into his back yard.

He said if they take an appreciable portion of what is now mulch or leaves and put a heavy rainfall there with a long driveway, he feels that the water will really be into his yard.

He said the turn-around spot backs up right to his property line and he thinks that's somewhat of an invitation to have a problem there.

He asked if the City of Nashua has a Fire Engine or other equipment that has to go up the hill the length of the driveway that is parallel to his property line on a snowy day that's very slippery.

He said he felt that some of the layouts of the plan are relatively unrealistic.

Mr. Roquet said he has lived in his house for thirty-three years this month. He said they have underground everything on West Adelaide Avenue.

Sheila Charles, 15 Boylston Avenue. Mrs. Charles said her lot has 14,000 square feet. She said she would like to reiterate the safety issues that have been brought up. She said they have very poor visibility at the corner of Boylston & West Adelaide.

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She said they are very concerned about adding more individuals on the street coming in and out every day.

Kyung Smith, 9 Boylston Avenue. Mrs. Smith said she is the proud owner of the home at 9 Boylston Avenue. She asked if any of the members had gone to Boylston Avenue.

Mrs. Lasky said they had.

Mrs. Smith asked if any of the members saw the garden that is across the street from her home. She said that she has a sprinkler system at her house and every week she waters that garden. She organizes the neighborhood to buy the mulch every year to beautify that land.

She said that she wanted to emphasize that they have real bad water pressure. She also had concerns about safety from fires.

George Smith (Husband of Kyung). Mr. Smith said there is a serious problem right now with snow removal. In many instances the normal plow cannot get up the street. He said one time they had to call the big truck that does the highways and he had to back up and sand and he barely made it up the hill. He said it's tough to get rid of excess snow.

He said he understands what's going on over by the circle in front of Charlie's house. If you're coming out you're probably going to be pushing snow out to the street, which will effectively create a problem for the people trying to get around that cul-de-sac.

He said there are some serious problems with the water pressure. He said he understands that the pipeline that's going up West Adelaide to feed Boylston Avenue is in tough shape.

He said in Section 16-100, Item 11 it says "to ensure that new development and redevelopment within the City preserves the character of the existing neighborhoods". He said the houses that most likely will be built, based upon the shape of the lots, would not seem to be conducive to the rest of the houses on the street. He agrees with others that have said this will reduce their property values.

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He said this is a very heavily treed lot. He said he would guess that the first thing the builder is going to do is knock down half of the trees, which is probably going to create some drainage problems. It also affects the environment.

Sherri McCarty, 8 Birchwood Drive. Mrs. McCarty said she knows there has been speculation about what they feel is a creative lot. She said if you look at an aerial map of the neighborhood, there are no other lots in the neighborhood or within a mile radius that look anything like this.

She said the Board asked Mr. Kluger as to what lot size he had. She said she didn't think anyone was disputing the lot limits. She said that's not the question - it's a question of maintaining the integrity of the neighborhood. In her opinion this subdivision is very creative and will not maintain the integrity of the neighborhood. The homes in this neighborhood are not starter homes and she can't see how, in lots like this, that they are going to put a home that looks anything similar to what is currently in the neighborhood.

She said if the lots were not divided as they are, would there be driveways that long. She also asked if there is a City ordinance that requires that a lot be 33% green. She asked why they have to go to this extreme. Right now they have deer that run through the neighborhood. They have turkeys that take up residence in their yards. They have fox. The more that they've developed along the Pennichuck, the more these animals are coming towards their neighborhood.

She said she works in the school district. The eighteen extra classrooms, which were mentioned earlier, aren't in her building. She said her office used to be the boy's bathroom.

SPEAKING IN FAVOR

Debbie Buxton, Daughter to George & Terry Buckley. She said these are the entrepreneurs that are raping the land. Her father is 79 years old and her mother is 75 years old. She said they aren't entrepreneurs. She said they are subdividing the lot as part of their retirement plan. She said her father is just finishing a bout of illness and they are trying to get them into a home with a little less stress.

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She said she could appreciate the concern of the neighbors. Nobody likes change. She said if her parents had opposed Boylston when Boylston was being subdivided and added onto at the end of the street, those neighbors wouldn't be there today. She said when her parents built their house thirty-three years ago it was a dead end street and the street dropped off. When Boylston was created, it was created with fill and now it's a hammerhead.

She said her parents are also Nashua natives - three generations. She said they were very nervous and concerned about what the neighbors would feel because they do care about the neighborhood. She said they had to encourage her parents to do this as she has concerns for them.

She said she appreciates that the neighbors enjoy their privacy that her parents' land affords them, but it is her parents' land and they have the advantage of her parent's acre that they bought in three different parcels. It didn't start out as one parcel.

Mrs. Buxton said she has confidence in Mr. Maynard and the City Engineers and confidence that when this is approved the engineering will be up to par. It's going to meet all the regulations. Nobody is going to cut corners. She said it feels contradictory to her when people are saying they are appealing to the Board for good judgment and yet they doubt the laws.

She said they've had neighbors who have spoken against this proposal. She said she's had relatives of these neighbors call her because they are interested in buying one of the lots, which she finds ironic.

She said her parents have just about the nicest house in this neighborhood. When neighbors are worried about the integrity and the quality and the value of the new houses coming in, her guess would be that in the north end of Nashua if an individual or a builder pays a certain amount for a piece of land that the house going up is not going to be something that's going to devalue - that's its going to be something that's in keeping with the neighborhood.

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Mrs. Buxton said she's really surprised that not one neighbor approached her parents about this subdivision. She talked about neighborhood cohesion, which some neighbors talked about, but she said they don't seem to "walk the talk".

George Buckley, 25 West Adelaide Avenue. Nashua. Mr. Buckley said he and wife built this house thirty-three years ago and have lived in it since that time. In all that time he believes they've had a good relationship with their neighbors, but obviously they haven't. He recalled that when a neighbor moved into his home he had asked if it was all right to drive over part of the land to get his trucks moved in and he gave him permission. He said as far as the woman who mentioned the corner area that was hard to see, when he put the fence up someone told him that the end of the fence had to be lower than the rest of it so he built it that way. He doesn't know if it was the right height or not.

He said as far as John's problem with the water and the ice, he didn't know anything about that. He said if he had come to him and talked to him he doesn't know if there was anything he could have done anyway. Water is water and it's going to drip no matter who owns the property.

SPEAKING IN FAVOR - REBUTTAL

Mr. Maynard said this exceeds all the regulations with regard to lot creation and lot sizes. He said the buildable areas are significant. These homes can be 2,500 - 3,000 square feet in size and at current home prices for new construction that's approaching \$400,000 - \$500,000.

He said when he spoke to Pennichuck and received information from them there was no indication that anybody had complained about water problems in this area. He said a 4" line serves it. Part of the concern is that sometimes people have older or undersized services into their homes which adds to the pressure loss. He said his clients don't have a pressure problem.

He said everybody keeps talking about storage of snow. He said there's plenty of room for snow. The lots are larger than most of the rest of the neighborhood. Substantially all of the neighborhood lots are between 8,000 and 10,000 square feet in

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size. They are creating four lots from a one-acre lot, one existing house and three additional lots. They will still be in character with the existing neighborhood.

He said some people have mentioned a drainage swale. He said it's not a drainage swale. It's a place for water to drain to and infiltrate into the ground.

Mrs. Lasky said the plan is marked that this is a drainage swale.

Mr. Maynard said what's been passed out may be an earlier version. The final version is all leaching cisterns and roof leaders. He said this isn't the correct plan. Leaching cisterns discharge all of the roof drainage and some of the driveway drainage into the ground. He pointed out the detail for these. This is what's been utilized in numerous neighborhoods since the ordinance was passed several years ago.

He said he believes there was a neighbor who complained about the water to the rear. He said he's down grade from all of this property. He said this project won't have any particular impact on this neighbor. He said the initial section of every driveway, by ordinance and by requirement of the City Engineer's Office, is required to slope towards the street.

He said there was a comment about the throat width. He pointed out that the dimension was 30' and that's the narrowest section. He said this is more than enough room to put in a driveway and to plow snow. Driveways are typically 10' - 12' wide and they have a 30' wide section at the least.

Mr. Maynard said these are not going to be starter homes. He said it's very hard to do starter homes any more in Nashua because the value of properties are too high. These homes will be in keeping with the existing values in the neighborhood.

He said Mr. Buckley acquired other land leading to this point when he knew he would retire and would be able to fund his retirement. This has been his long-range plan and he wants to realize his investment.

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Mr. Dookran said Mr. Maynard has stated all the driveway drainage would be kept on site.

Mr. Maynard said he didn't quite say all the driveway drainage. Some will go to the cistern and some will go to the street. He said in balance they can handle the drainage so that it is no more than what it is today.

Mr. Dookran pointed out a driveway on the corner and said the drainage would be concentrated in the key turn around and toward the abutting property. He said he saw this as a problem and suggested that it be re-designed.

Mr. Maynard said the easy answer to this is to put in a curb and direct it to a leaching basin. He said he would accept a stipulation to that.

Mr. Dufour said it's obvious to him that there are some water pressure issues in this neighborhood. He said he would like some assurance that there is none or that this subdivision isn't going to make a bad situation worse. Mr. Maynard said the service from the street to the house is not acceptable.

Mr. Maynard said the service on the lot from the street to the house may not be adequate.

Mr. Dufour asked if they require the whole street to change their service size because a subdivision will make a bad situation worse. He said he needs some type of assurance that the water pressure isn't an issue before they go on.

Mrs. Lasky said she knows many years ago when there were larger subdivisions being done that water pressure was an issue, particularly off West Hollis Street in hilly areas and remedies were taken to address them. She asked if anything can be done here.

Mr. Yeomans said Mr. Maynard has given testimony that he has communicated with Pennichuck on the availability of water and adequate pressure and he has stated that Pennichuck has told him that it is adequate.

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Mr. Maynard said Pennichuck is aware of what they are trying to do with these three additional lots. He said this is three homes on a line that serves 50 - 60 homes.

It's a very small percentage. He said every little bit may affect it some little bit.

Mr. Dufour said the last ten might have impacted the pressure adversely so they are just going to add another three.

Mr. Maynard said he's not sure what Mr. Dufour meant that it was impacted adversely. He said every time you add one you impact. He said there are minimum standards that Pennichuck is required to maintain. If people feel those standards are not being maintained, Pennichuck is obligated to address those concerns. He said he is unaware of any complaints to Pennichuck. He said he didn't ask that question, but they would have told him because he deals with them every week. He said if there's a whole neighborhood with pressure problems why aren't they calling Pennichuck to remedy the situation. The easy answer for Pennichuck is to upgrade a section of pipe in the street.

Mr. Moran asked if they could have testimony from some of the individuals that spoke on whether they have called Pennichuck and what the response was to their concerns.

Mrs. Lasky said there are a couple of people standing up in the audience who have said that they have contacted Pennichuck. She asked one of them to come forward to tell the Board what the response from Pennichuck was.

Kyung Smith, 9 Boylston Avenue. Mrs. Smith said they have 30-40 pounds of water pressure. She said they contacted Pennichuck and they had to have a pump in her basement and it still wasn't good enough. She said the Buckley's are on a hill and their water line comes from down the hill. The proposes houses will be at the top of the cul-de-sac. That water comes from a different line.

Mr. Moran asked Mrs. Smith what Pennichuck told her when she called them.

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She said that because of the hill everybody was in the same boat. She said the lady behind here is 50' or so below and her water seems to be fine and all around the neighborhood below them, other than five or six houses, don't have a problem.

Mr. Maynard said Mrs. Smith has a pressure booster in her basement, which is not unusual. He said Pennichuck is delivering the minimum pressure required by statute, but most people don't like that because it is low. If you want more pressure you put a booster in.

Mr. Slivinski said that it seems to him that if there was ever a question about pressure that Pennichuck would come out and do a test.

Mrs. Lasky said she wasn't sure.

23 West Adelaide. This gentleman (didn't give his name) said he lives down the hill from Boylston. He said he has very nice water pressure. The width of the Buckley's lot and the incline make the difference. He said Pennichuck took down the large storage tank they had in the Reservoir Street area. He asked if anybody had investigated the effects of that removal.

Mrs. Lasky said evidently Mr. Maynard has contacted Pennichuck and he has been assured that the pressure is fine.

She said the Fire Department has signed off on this because it wouldn't be here otherwise.

Mr. Yeomans said this was a verbal okay. He said they attend the technical review meetings to get a copy of the plans and make their comments on it. They are slow in their written response, but if there had been any issues they would have been notified at the tech review process. He said they hadn't received any negative comments from Assistant Chief Morrissey on this proposal.

Mr. Farkas said the Fire Department addresses the water issue with Pennichuck as well to make sure that they're adequate before they would sign off on the subdivision.

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Robert Kluger, 11 Boylston. Mr. Kluger said this is a chance for the Board to see what the water pressure is on the street. He was showing the Board a video of water pressure in the kitchen of the home at the top of the hill. He remarked that it was full force as high as it could go. He shot it two nights ago. He said this is it and its not going to get any better.

Mr. Dookran asked what the aesthetics of the property would look like if a homeowner should decide to put up a fence.

Mr. Maynard said it wouldn't be any different than a fence in anybody else's neighborhood. He said people are allowed to put up a fence and some of them are quite ugly.

Mr. Dookran asked if Mr. Maynard looked at other configurations in order to get four homes on the lot.

Mr. Maynard said he did. He said they try to come with the best option for the landowner. He said this is the best four-lot subdivision that gives the best buildable areas and the best separation.

Mr. Dufour said there is no doubt in his mind that no matter what happens tonight no one is going to be happy. He said the gentleman from New York questioned the Planning Board's function. He said the Planning Board is here to "get it done" within the law. He said whatever the law has set for them is their mandate. He said many an ugly thing has passed through these doors, but it was within the law. Sometimes the Board has said "no" and the developer has taken it to the next level and the Courts have ruled against the Board.

He said he is in the real estate business and when he looks at this layout it's as ugly a configuration as he has ever seen. He said owners have all the right to their investment, but as presented this evening he is not voting for the proposal. He said he thinks three lots would probably would have been more palatable and he really questions the water pressure issue. He said even without the video that they saw tonight he still has the concern with the water pressure issue. He said he does not feel that these lots are within the character of the neighborhood. He said if you look at the general neighborhood

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within the snapshot that they have, the configuration of these lots makes it real ugly.

Mr. Slivinski said these are creative lots. He said he thought once the houses are built, he's not so sure you would know where one piece of land ends and the ownership of the next lot begins just by looking at it. Looking at this on paper it does look screwed up. Unless people put stockade fences up all they will see are the homes.

He said it would have been better to split the property in half and have only one additional lot. It would have been more in tune with the neighborhood, but legally they can do this. The problem today is what's legal is not necessarily what's right. He said he would vote in favor as it stands now.

Mrs. Lasky said they are dealing with a neighborhood that is established and they can see what the addition of these extra homes is going to look like and the configuration of where these homes are going to be sited. She said this is a problem for her. She does not believe that the way the lots are, regardless of the irregular shape, fits within the character of the neighborhood. She said she would vote against this.

She said she's also not quite sure with the testimony they have received that adequate municipal services exist (water) to give the people the quality of life that they deserve.

Mr. Lowe said he isn't going to vote for this either. He said he thought Section 16-103(c) that they have to get somebody who will tell them about the water pressure. He said he wants to see something in writing that says the water pressure is all right. Also under Section 16-103(d) the Board is supposed to evaluate the subdivision to determine if it's compatible with the existing character of the neighborhood. He said he didn't think it is. Every single lot around there is rectangular or square, except one, which is at the cul-de-sac. He remarked that other lots in the neighborhood will also want to do the same thing if the Board allows this to happen.

Mr. Farkas said the Board is here to apply the law. This meets the minimum requirements. He said it's not really out of character with the neighborhood. The lot sizes are going to be

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the same, even if they are of an irregular shape. If there were mandatory fences you would know that, but once the houses are built, you're not going to know that.

He said relative to whether there is adequate water pressure, both the Fire Department has looked at this and Pennichuck has signed off on it. He said he didn't feel the Board has a legal basis to say "no".

Mr. Dookran said he doesn't necessarily agree with the statement that once the houses are built you won't be able to tell the difference. You don't necessarily need fences to define property lines. Depending on the lawn, shrubbery, etc. they will be able to tell where one property ends and another begins.

Mrs. Lasky said the staff report says that the Traffic Department requested a voluntary contribution of \$600.00.

Mr. Maynard said the sidewalk contribution is \$20,000+ and this is a substantial sum. He said his client doesn't feel that any additional sum was fair.

Mr. Maynard said if some people feel that the water pressure is a concern they can table the decision tonight and get written data if they would like. He doesn't agree with anybody that says water pressure is a reason for denial. It might be a reason for deferral, but not a reason for denial.

He said there is a requirement in the ordinance that says for odd shaped lots if there is 10% or more in area you meet all the requirements. As much as they may not like these, it exceeds the requirement.

Mrs. Lasky said the Board is trying to balance what they believe are the rights of the owner with the rights of abutters.

Mr. Maynard said it's not a question of rights. It's a question of what the rules and regulations say. They are very objective criteria. If you oversize the lots by 10% and they are odd shaped, then you meet the criteria.

Mr. Moran said he is concerned about the water pressure. He said he would like to see a full report which would include how this will affect the neighborhood.

MOTION by Mr. Moran to table to the Board's next meeting (October 20th) to obtain a detailed report on the water service to include the affect on all the abutters on Boylston Street.

SECONDED by Mr. Lowe.

Mr. Maynard objected. He said they just have to demonstrate to the Board through Pennichuck that there's adequate pressure in the street.

Mr. Moran said he wants to hear what problem is going to be created and he wants a determination by Pennichuck as to what the problems are with the residents on Boylston Street, if there are problems.

Mr. Maynard said that nobody has the authority to make Pennichuck do this. All he can request from Pennichuck is a pressure test and it may take them longer than two weeks to do this. He said they can't require Pennichuck to analyze everybody's problems. It's unreasonable and not within anyone's purview.

Mr. Lowe said Section 16-108(c) states that a subdivider may be required to have studies made under the direction of the Planning Board to determine the affects of the proposed subdivision may have. It states that the study shall be performed by a qualified individual or firm.

Mrs. Lasky said she does believe it's within the Planning Board's purview and she thinks that Mr. Maynard is asking that they make it a little clearer. If this can't be done during the time frame of their next meeting than the motion has to reflect that.

Mr. Maynard said if they don't have it by the next meeting they will ask for a continuance.

Mr. Farkas said if Pennichuck says what they've already said - that they meet the minimum requirements, which is what they are going to get from them, will the Board be satisfied.

Mr. Moran said that he would settle for a statement from Pennichuck that it would not adversely affect the abutters on Boylston Street.

Mr. Farkas said they won't get something like this. They'll get something that says it meets the minimum and they've already said that.

Mr. Dufour said there seems to be a disconnect between what everybody thinks is acceptable and existing. What the Board has heard this evening is that there could very well be a problem and it just might impact three more homes. If there's a problem out there they also have to contact Pennichuck. The next time they are getting a report from Pennichuck they'll base it on what they know.

Mr. Lowe said the section in the ordinance he read says "by a qualified individual or firm". He wondered if Pennichuck would go into the homes that already have a problem and check it.

Mr. Slivinski asked what the motion is so they can be clear on what they want Pennichuck to assert.

AMENDED MOTION by Mr. Moran to table as above, but requesting only a statement from Pennichuck regarding the affect of the subdivision on the existing water pressure.

SECONDED by Mr. Lowe.

MOTION CARRIED UNANIMOUSLY

Mr. Dufour advised that the abutters will not be notified again about the meeting. He said they're going to have to check back with the staff when this is going to come back in.

Mrs. Lasky said it will be on the agenda as tabled and if they continue it, it will not be reflected on the agenda so the best thing to do would be to call City Hall.

3. **Southern New Hampshire Medical Center & Alfons S. Grygiel (Owners) - Proposed lot line relocation, 14 & 16 Prospect Street, Sheet 30 - Lots 19 & 20, Zoned "RC" - Urban Residence.**

NEW BUSINESS - SITE PLAN

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5. **Southern New Hampshire Medical Center & Alfons S. Grygiel (Owners) - Proposed amendment to NR 1921 & NR 2060 for the demolition of an existing house, the construction of an 86-space parking lot and changes in open space, 8, 14 & 16 Prospect Street, Sheet 30 - Lots 19, 20 & 65, Zoned "RC" - Urban Residence.**

Steve Auger, Project Manager, Hayner/Swanson, 3 Congress Street, Nashua. Mr. Auger said he is representing Southern New Hampshire Medical Center. He said Mr. Scott Cote from the Southern New Hampshire Medical Center is in the audience as well as Atty. Gerald Prunier.

He said there are two plans before the Board - a lot line relocation plan and a site plan. He would present both at the same time.

He said Scott Cote of the Medical Center and Jim Petropulos from Hayner/Swanson appeared before the Board on 2/5/04 and at that meeting they presented an overall Master Plan of what the hospital's future goals are. One of them was in acquiring the 14 Prospect Street lot and making it into a parking lot, which will be joined to the existing medical building located at 10 Prospect Street. He said they are here tonight following through on that aspect of the hospital's Master Plan.

He said the lot line relocation plan involves the subject parcel, Lot #20, with an address of 14 Prospect Street and the adjacent parcel, Lot #19 which is currently an employee parking lot for the hospital.

He said this plan takes 4,794 square feet from existing Lot #19 and transfers it to existing Lot #20. The reason they are doing this has to do with open space calculations, which they will see on the site plan.

Mr. Auger said existing Lot #20 is just under $\frac{3}{4}$ of an acre in size. There is a residential house on the lot. It's surrounded by Southern New Hampshire Medical Center owned lots to the east, west, and south and residential lots to the north. He said they are creating an 86-space parking lot on the site, which will serve as patient parking and will serve the 10 Prospect Street medical building. In order to access it you will have to drive

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onto the 10 Prospect Street site and access the lot through three openings. He showed the location of these to the Board.

He said they will be consolidating the lot with the existing 10 Prospect Street lot via the merger of parcels form. The hospital will be the owner of both lots. He said the current lot has two access points onto Prospect Street. They will be eliminated.

He said this plan will totally reconstruct the existing concrete sidewalk. Lot #20 is about 195' in length. A sidewalk will connect the proposed parking lot with the existing employee parking lot, which keep pedestrian traffic off the Prospect Street sidewalk and keep it on their site.

He said they put up a stockade fence along the northern lot line when they received approval last year for the employee parking lot. This was to accommodate neighbors and provide a buffer. He said they will be continuing that fence along the northerly property line in consideration of the neighbors.

Ald. Larose asked if the fence will be brought all the way to the corner where there's a section of chain link fence that's in tough shape.

Mr. Auger said as part of the construction that fence will be torn down and they will continue the stockade fence with the existing fence.

Mr. Slivinski asked if the existing house will be taken down and if it had any historical significance to the City of Nashua.

Mr. Auger said the house will be torn down.

Scott Cote, Property Management Director, Southern New Hampshire Medical Center. Mr. Cote said he's had three Email discussions with the Community Development Director, Mrs. Hersh, about this house. He said at one point there were discussions about the possibility of relocating it someplace else, but that was simply for the economic benefit - not for historical benefit. It has no historical significance.

Mr. Lowe asked if there was going to be a cross access easement.

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Mr. Auger said not for driving. He pointed out the sidewalk location for any employees that wish to get to the building can walk right over. He pointed out the employee parking lot and the lot that is intended for patients.

Mr. Cote said the employee lot that Mr. Auger referred to is actually a gated lot. It is restricted to employees with ID badges that can get in and out of the lot. He said they did this on purpose so that they could control the flow.

He said with the completion of the Emergency Department project their goal is to free up the medical center **unintelligible** - the former Spring Street lot for more patient parking. The goal is to bring more of their employees down to the center of the campus on Prospect Street. He said there's a lot that's immediately across the street now from 10 Prospect Street that is used for overflow patient parking associated with 10 Prospect Street.

He said the proposed lot adds an immediate adjacency of 86 spots to that building for patient purposes so that they can bring employees down to that center Prospect Street lot. It's important to keep that lot as well as the other lots separate and avoid the cross access easement so he can control the employee parking.

SPEAKING IN OPPOSITION OR WITH CONCERNS

Jeff Curelop, 64 Farmington Road, Nashua. Mr. Curelop said he's been speaking with the people who currently own the home at 14 Prospect Street. He said this is a brother and sister who, he believes, have since moved into Assisted Living and a nursing home.

He said he has drawn up a letter of intent to purchase the property for a price that was actually a tad more than what the hospital was offering based on his conversations with the family.

He said there are a lot of things to balance here. One is aesthetics. One is need and then there is financial.

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He said it's obvious that the citizens of the City are concerned with aesthetics. Anybody who has lived in the City for a number of years can see that Prospect Street has been radically altered in the last twenty years by the medical center.

He said to counter what Mr. Cote has said, the building absolutely has significant historical and architectural value. It was built in the beginning of the 1900s. It has a combination of Greek Revival and Italianate features to it. It has a beautiful granite foundation. With some work it could be upgraded. He said he's expressed an interest in putting whatever money is necessary to do that into it.

He said people have to look after the center of the City of Nashua more. There have been a lot of changes downtown and he doesn't think going forward is going to be in the best interest of the City.

He said he is prepared to make the investment in the property. He has a case management business located at 266A Main Street. He said they work with elderly and adult disabled individuals. He said they have thought about possibly making this building into their office. It will preserve the building and make it into something that would fit nicely into the downtown. It will maintain both the historical and architectural integrity of this property and would be in the best interest of the City - more so than a parking lot.

He said the hospital has built several parking lots in this area and if you go through those parking lots you'll see that those parking lots are never full. They've taken the building adjacent to 266A Main Street and created a four-story parking lot. They took down another building next to Community Council and put in another parking lot there. They tore down the property adjacent to 14 Prospect Street. They've made a mess out of Prospect Street.

He said his point is that he's prepared to pay the money to preserve the property. It's more interesting financially to the family than what the hospital offered. He said he has spoken to Mrs. Grygiel and also to her nephew, Al, who is in North Carolina. He said Al had told him nothing about the plan that had been done in February 2004 so this is all news to him.

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He said he is opposed to this request. If they want to have any sort of urban renewal, which he hears the City is interested in doing, tearing down buildings bit by bit in Downtown Nashua is not in the best interest of the City.

It's not going to maintain the vitality of the City either by putting in another parking lot.

SPEAKING IN FAVOR

Atty. Gerald Prunier. Atty. Prunier said he is representing Southern New Hampshire Medical Center. He said they have an agreement with the owners of this parcel and have spent a lot of money on engineering. He said if this gentleman is concerned about the house and he would like to move it, Mr. Cote can give him his telephone number so he can make arrangements to move it. It has been sold and belongs to the hospital.

Mr. Dufour asked staff if this building falls into the Historic District.

Mr. Sawyer said it does not and he didn't believe it was on the historic register either. He said they did contact a local builder to see if there was a possibility of them taking the building and moving it and finding another site for it. He said they investigated the properties in the immediate area to see if there was a lot that they could move the house to. He said the response they got from the builders that the house was probably too big and too far-gone for them to put in that kind of investment.

He said the property owners did sign the plans in September and they also signed the application so they are fully aware of this project.

MOTION by Mr. Dufour to grant the lot line relocation at 14 & 16 Prospect Street with the finding that it meets NRO 16-108.

SECONDED by Mr. Lowe.

MOTION CARRIED UNANIMOUSLY

MOTION by Mr. Dufour to approve the site plan for the demolition of an existing house, the construction of an 86-space parking lot and changes in open space at 8, 14, & 16 Prospect Street with the finding that it meets Section 16-123 and with the following stipulation:

1. Prior to any work being conducted, a pre-construction conference shall be set up with the Planning Department.

SECONDED by Mr. Lowe.

MOTION CARRIED UNANIMOUSLY

NEW BUSINESS - SUBDIVISION PLAN

4. Shirley & Normand Wrenn (Owners) - Proposed consolidation and lot line relocation, 138 Concord Street & Adelaide Avenue, Sheet 55 - Lots 94-97, Zoned "RA" - Urban Residence.

NEW BUSINESS - SITE PLAN

6. Shirley's Flowers & Gifts, Shirley & Normand Wrenn (Owners) - Proposed demolition of the existing florist shop and greenhouse and the construction of a new first floor 1,320 square foot florist shop with a second floor residential unit with associated access, parking and site improvements, 138 Concord Street & Adelaide Avenue, Sheet 55 - Lots 94-97, Zoned "RA" - Urban Residence.

Richard Maynard, Professional Engineer, Maynard & Paquette, Nashua. Mr. Maynard said the property in question is located at the intersection of Adelaide Avenue & Concord Street. It consists of four lots of record. He said the proposal is to consolidate the lots and reconfigure them so that they have a 12,500 square foot lot in the front for the florist business and a 7,500 square foot "RA" Zoned lot to the rear on Adelaide Avenue.

He said for the site plan they propose to rebuild the existing business - Shirley's Flowers & Sweets. This is a flower and gift shop. Right now the main shop occupies the front of the property and then there is a long section of greenhouses to the

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rear. All of this is proposed to be removed and rebuild a smaller footprint, two-story building with 1,320 square feet on the first floor and a residential unit on the second floor.

He said they went to the Zoning Board for several variances. One was for the two uses. He said this is a residential zone. The reconfiguration of the flower shop had to have a variance, even though it was pre-existing. The second item was the rear yard setback where they were proposing 15' and 25' was required. These requests were approved. He said they also have a variance to put in a parking area in the front.

He said at the present time the parking is right off of Concord Street and that there is a wide-open curb cut. He said they are going to set the parking lot back and have a one-way entrance off of Concord Street and a two-way exit off of Adelaide Avenue.

He said this has been reviewed by the Traffic Department and the City Engineer's office. There was a question about reducing the curb cut width to supposedly restrict exiting. That causes a problem for any cube trucks and UPS trucks, etc. who need to make this movement. If it's narrowed down they won't be able to make it. There will be appropriate markings on the pavement and appropriate signage, which is part of this proposal.

He said there is an open display area on the side. The Zoning Board made two stipulations with regard to this area. It has to remain open and not covered and that there be no bulk sales of loam, mulch, etc. This site is not that type of operation. It is a florist and gift shop. A substantial majority of his client's business is deliveries, whether it's their own driver or a delivery service such as UPS.

Mr. Maynard said there are eight spaces proposed for the site, five attributable to the business and two attributable to the dwelling unit. He indicated the proposed area for the screened dumpster.

He said by reducing the square footage of the buildings, they are somewhat reducing runoff, but they will also supplement some of that by a leaching catch basin. He showed the location towards the entrance. He said they will be building sidewalk

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across Concord Street. He showed the location. He said they will also be relocating an existing sign.

Mr. Sawyer said the Planning staff has concerns with the 24' wide, one-way entrance. He said he's willing to guess that this is the widest one-way driveway that they have in the City. He said he isn't saying that it ought to be reduced all the way down to the 12' standard, but he thinks reducing the driveway even down to 20' might be more appropriate for a one-way entrance. He said he's not sure how they could enforce this in the future if people are going out the wrong way. It is one way because the Traffic Department looked at it and felt that it would be the best thing for the area. He is surprised to hear that the engineer feels that it can't be reduced at all.

Mr. Maynard said the Engineering Department and the Traffic Department have both reviewed this plan and neither found this to be a concern. They understood why it's the width it is.

Mr. Slivinski asked if there is going to be a sign there that says "No Exit".

Mr. Maynard said "yes". He said he believes it's listed on the second sheet of the plan. He suggested the Board reinforce it with a stipulation.

Mr. Slivinski asked how many vans this business operates and where will they be parked.

Mr. Maynard said the business has two business vehicles. He showed the location of where they would be parked most of the time if they weren't out making deliveries. Employees are allowed to take the vehicles home.

Mr. Slivinski said when they went to the Zoning Board the neighbors complained about a tractor-trailer rig that was parked there.

Mr. Maynard said it has nothing to do with them. It doesn't belong to them. It belongs to somebody else in the neighborhood who is parking on the street.

Atty. Prunier spoke at this time to say that this problem has been taken care of.

SPEAKING IN OPPOSITION OR WITH CONCERNS

Bob Burgess, 32 Bates Drive. Mr. Burgess said he was one of the people who attended the Zoning Board meeting and not one of the members would take what he said into consideration so he wanted to list some of his concerns again.

Mrs. Lasky asked if they refer to zoning ordinances.

Mr. Burgess said they are all 16 - something.

He said under Section 16-123 the Planning Board may review and approve the modification or disapprove site plans within the City for the development or tract of land for non-residential uses.

He said Section 16-164 states that any existing conforming use, structure, or lot shall not change to a non-conforming use, structure or lot and any existing non-conforming use, structure or lot should not be changed to become further non-conforming. He said by changing some of these lot lines they are going into a non-conforming use.

He said the flower shop has existed with about 40' of greenhouse on the site. The greenhouses hadn't been used in several years. In 1994 there was an effort to put in a full-fledged garden center on the site and the battle lines were drawn back then. He said according to the ordinance any portion of a building that hadn't been used in over a year, the use is non-conforming.

He said that there was testimony that the flower shop has two vehicles. He said there are three.

Mr. Burgess said they want to go 10' into the rear setback and only 15' from the neighbor's lot in the rear. He said they're going to look out their side window and within 15' they will be looking at a two-story building.

He said the same thing applies to the side lot. He said they are going to put in eight parking spaces. According to the

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ordinances a new structure requires 9'X20' parking spaces and a foot separation. He said they're going to be within a couple of feet of the side yard.

He said there's no doubt that this is a beautiful place. He said it's well kept and clean. He said he has been in the building a couple of times and he appreciates what she has here, but he wants to preserve the residential area and the ordinances say that they should try to get away from all the non-conforming uses in a residential area.

He said that if the flower shop is just going to bring in annuals or perennials into the outdoor display area he doesn't have a problem with this, but once you start bringing in the bagged stuff you are opening the door to other materials. He said the Planning Department has indicated that as long as they are not storing mulch or loam that they are in favor of the proposal.

He said he received an Email from Community Development Director, Mrs. Hersh that stated the City Departments were well aware that the majority of the building hadn't been used in years. Once a year goes by the building is no longer non-conforming. He said he wondered if anything is really legal.

He said if the building were going to be reconstructed where it presently is he didn't have a problem and omit the little center where she wants to put the outside display. He said other florists don't have this. There is no need for it and the owner would have plenty of room for parking on the side of the building.

He said the Planning Board has no jurisdiction over what the Zoning Board has already done in terms of granting variances. She said they have stipulated that there will be no sale of any loam, mulch, or rocks.

Mr. Burgess said in other words they might as well throw the ordinances in a trash can.

SPEAKING IN FAVOR

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Atty. Prunier said they are joining the lots together and will be less non-conforming. The greenhouses have always been used for storage. He said they are not moving any house.

He said there were three people who spoke at the Zoning Board meeting, Mr. Burgess being one of them. One of the people who spoke was in favor of the request because he wanted it cleaned up and another person spoke about his concern with the traffic coming out in one point, but this was what had been worked out with the Traffic Engineer so that is what they had to go with.

He said the plan speaks for itself. It's simple. It cleans it up. They are not operating a nursery - it's a flower shop. They are asking for the outside display area because a couple of times a year they want to put a display outside, for example, Mother's Day or in the fall they will display mums.

Mr. Slivinski asked if this would have to go back to the Boards if they wanted to change this flower shop to a convenience store.

Mrs. Laksy said "yes".

Mr. Dookran asked Mr. Maynard about Mr. Sawyer's concern about the 24' wide driveway. He asked if he had demonstrated to the Traffic Engineer or to Jon Lebrun that less than 24' wouldn't work.

Mr. Maynard said they have talked about it and put a template on it for cube trucks. There's a "S" turn that can't be made if they restrict the throat of the driveway. The inside radius is something like 30 and an outside radius of something like 42.

Mr. Dookran asked if they were to increase the radius on the inside ..becomes unintelligible.

Mr. Maynard showed the Board what Mr. Dookran was suggesting. He said no matter how they configure this they still have to rely on signage. He doesn't understand why 24' is a big deal.

Mr. Dookran asked if they could paint the entryway so it looks like it's just one entrance - maintain the 12' that's normal and stripe the rest.

Mr. Maynard said 12' is not normal for a one-way entrance. Fifteen feet is the absolute minimum.

Mr. Dufour said the trucks can go over the striping. It's just a visual deterrent.

Mr. Maynard said he didn't think it would work, but they will do it.

Mr. Dookran said he thought cobblestones or pavers might work.

MOTION by Mr. Lowe to approve the proposed consolidation and lot line relocation, 138 Concord Street & Adelaide Avenue with the finding that it meets NRO 16-108 and the following stipulation:

1. Prior to the plan being recorded, the right-of-way easement document shall be submitted to and approved by the Planning Department and Corporation Counsel and recorded with the plan. The cost associated with recording the document shall be submitted to the Planning Department.

SECONDED by Mr. Moran.

MOTION CARRIED UNANIMOUSLY

MOTION by Mr. Lowe to approve the proposed demolition of the existing florist shop and greenhouse and the construction of a new first floor 1,320 square foot florist shop with a second floor residential unit with associated access, parking and site improvements, 138 Concord Street & Adelaide Avenue with the finding that it meets NRO 16-123 and with the following stipulations:

1. Prior to any work being conducted, a pre-construction conference shall be set up with the Planning Department.
2. If any exterior lighting fixtures are to exceed 60 watts then a lighting plan must be submitted to and approved by the Planning Department.
3. Prior to a building permit being issued documents pertaining to the storm water operation and maintenance

- plan shall be recorded. The cost associated with recording the document shall be submitted to the Planning Department.
4. 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.
 5. Prior to a certificate of occupancy being issued, all on site and all public improvements shall be completed.
 6. Entrance off Concord Street to be cobblestoned imprint to 16' which shall be maintained and reinforce the signage at the entrance.

SECONDED by Mr. Moran.

MOTION CARRIED UNANIMOUSLY

NEW BUSINESS - SITE PLAN

7. **Mobil Oil (Owner) - Proposed amendment to NR 1641 for an addition to 320 square feet to the existing convenience store building, 102 Broad Street, Sheet E - Lot 245, Zoned "HB" Highway Business.**

Anthony Guba, Professional Engineer, Ayoub Engineering. Mr. Guba said he is representing the property at 96-106 Broad Street for Exxon-Mobil. They know this as the Mobil Station located right off the exit ramp on Broad Street.

He referred the Board to a blown up colored version of the plan to show what they are proposing. He showed the location of the Interstate, the Exxon Station across the street, another gas station, the information center, and the Mobil Station.

He said this station was built in about 1991 and has been in its present configuration about fifteen years. During that time there was a taking in the street and the right-of-way widening caused a little constriction along the front, but everything still works pretty good.

He pointed out the existing building colored in brown. He said they are looking to bump out the front of the building 10' towards the street so that the front of the building will be

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even with the front of the existing canopy. This adds about 320 square feet. The purpose of doing this is to remodel the interior of the store and make it a little bit roomier. Right now it's a little tight and little bit cluttered.

Mr. Guba referred to the floor plan. He said more than half of what they are adding will be the counter for the attendant. They are going to be opening up the aisles. They are not looking to add any new services. It's to enhance what is already there.

He said the building itself will be getting a re-façade on the outside. It will get new siding and a new sign across the front. It will all be glass like it is now. There is a door which is presently in the front of the building. They will be putting a door on either side. They will put in handicapped ramps, one on either side.

Mr. Guba said there are existing catch basins on the site. Basically everything drains around the site, down the hill and into an area in the back. He said they are proposing to put a hood on the outlet of the last catch basin to improve the storm water. They're really not changing the storm water at all. They aren't adding any impervious area. All the new building is underneath the canopy so it's not even exposed to precipitation.

He said there isn't going to be any increase in water, electric, gas or any other utilities. He said they aren't going to change the driveway, the parking, the grading, landscaping or anything else.

Mr. Guba said they had a disagreement with Wayne Husband, the Traffic Engineer, about the impact to the traffic in the area. He felt that based on ITE that they would be looking at thirty-two increased vehicle trips to the site. He said if you look at the formula and you look at the book that is what it says is going to happen, but from a realistic standpoint they are not adding any new services or anything new. The primary customers coming to the site are coming there for gasoline. They are trying to make it more inviting for the customer that's already there to buy something else while he's there. They don't expect to have more customers coming into the site.

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He said in conversations with the staff and with Mr. Husband they felt it would be fair to make a voluntary contribution in the amount of \$2,500 for future roadway improvements. He said they felt that this would be a very fair amount based on the fact that this is a very small project and that they won't be doing anything that will impact the streets.

Mr. Dufour asked if the voluntary contribution of \$2,500 was a direct result of Mr. Husband's concerns with traffic impact.

Mr. Guba said "yes". He said they feel there really aren't going to be any traffic impacts.

Mr. Dufour asked what Mr. Husband's position is concerning this. He asked if he was looking for a greater contribution.

Mr. Guba said he was looking for a larger contribution based on the ITE formula. He said if you take a look at the book its going to tell you that if you have a gas station you're going to add another fifty cars come to the site for every pump that you add at that gas station. He said there's no limit to that. In theory if he was to have 100 pumps he'd have one hundred times the number of customers than if he had one pump. This is not realistic. If you apply the strict formula from the book, Mr. Husband is correct. They disagree that this is the way the impacts are actually going to be found at this location.

Mr. Dufour said they probably don't have enough parking spaces because now they have enticed their customers to stay on the site longer and the traffic flow is going to be restrained.

Mr. Guba said the 320 square feet would require one more parking space. He said they the room on the lot for it, but they don't really use the parking that's there now. Out of practical experience, particularly the way this station is set up with the store being underneath the canopy and in between the dispensers, the majority of the customers are parked at the pumps while they are in the store.

Discussion ensued.

Mr. Moran said the City is looking for \$6,400 as a contribution.

Mr. Guba said their position is that they would like not to make any contribution.

Mr. Dookran said that Mr. Husband predicts that they will be inviting 32 new cars a day to the site.

Mr. Guba said 32 vehicle trips is actually 16 cars.

Mr. Dookran asked Mr. Guba what his opinion is.

Mr. Guba said that they don't believe it's going to increase any. He said their feeling is that what they are trying to do is to make every sale that's already taking place larger so that instead of just coming in and getting gas or just gas and a pack of cigarettes maybe they'll also buy a Coke or a bag of potato chips. He said they don't see this expansion as creating a situation where someone says they're going to go here now even though they never went there before.

Ald. Larose said there's a large island between this station and the location of the Exxon Station across the street so depending upon which direction you're going will probably determine which station you're going to go to. The Exxon Station has a Dunkin Donuts and this station does not. On the other side of the turnpike there is a Shell Station that also has a convenience store. A 324 square foot addition isn't going to create the mayhem some people may think it's going to create.

SPEAKING IN OPPOSITION OR WITH CONCERN

No One.

SPEAKING IN FAVOR

No One.

Mr. Dufour said he has been in this store. He said he thinks this will enhance the site.

MOTION by Mr. Dufour to approve proposed amendment to NR 1641 for an addition of 320 square feet to the existing convenience store building at 102 Broad Street 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 scheduling, erosion, and traffic control. All erosion control shall be installed prior to the start of construction.
2. Prior to the issuance of a certificate of occupancy documents pertaining to the storm water operation and maintenance plan shall be recorded.
3. Prior to the issuance of a certificate of occupancy the applicant shall submit to the Planning Department a voluntary contribution of \$2,500 for Broad Street traffic improvements as set forth in the letter from Anthony Guba, P.E. dated September 26, 2005.

SECONDED by Mr. Farkas.

MOTION CARRIED UNANIMOUSLY

Other Business

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

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

SECONDED by Mr. Moran.

MOTION CARRIED UNANIMOUSLY

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

Remains Tabled.

At this point Mr. Houston just wanted to answer Mr. Dufour's question regarding the previous consultant. He said the firm they contracted with originally dissolved, so they could not contract with them. He said that although Mr. White went to

work elsewhere, the issue became whether the City wanted to pay him \$180 an hour to do secretarial or administrative work.

3. **Referral from the Board of Alderman on proposed R-05-299, accepting and adopting the recommendations of the report by Mt. Auburn Associates entitled "Beyond the Crossroad: Positioning Nashua to Compete in the Global Economy" dated July 2005.**

Some of the members commented that they haven't seen this.

Mrs. Lasky asked Ald. Larose if this is time sensitive and he indicated not that he knows of.

Mr. Houston said he believes the Planning Committee invited the Planning Board to attend their last meeting. They are looking for a favorable or unfavorable recommendation on it.

Mrs. Lasky said she wasn't able to attend that meeting. She said she knows a lot of work went into it and she would very much like to see it.

She asked if the Board would like to have a meeting so they could get an overview from Mr. Minkarah. There seemed to be a consensus that the Board would like that.

Mr. Houston said he would convey this to Mr. Minkarah.

MOTION by Ald. Larose to table R-05-299.

SECONDED by Mr. Farkas.

MOTION CARRIED UNANIMOUSLY

Discussion Items

Mr. Dufour said he would like the Planning Board to request that a representative from the School Department and a member of the Board of Education to come to the Board's next meeting to discuss the space concerns, if any, in this community. He said they have been approving all types of development/redevelopment and he reads in the newspaper that there is a need for additional space even though Mr. Lowe indicates there isn't.

He said the Planning Board is supposed to be making intelligent or informed decisions on a lot of projects that impact their schools and he doesn't take it lightly in view of rising tax rates and the fact that they just finished building new schools. He would like to hear from the School Department as to what the issues are, if any.

He said if they don't have the time to get the information together for the Board's next meeting he would like them to let the Board know when they will be able to come. He thinks they should be first on the agenda.

Mr. Lowe said he agreed with Mr. Dufour. He said the problem is two-fold. They haven't redistricted in years so there are some schools that have ten kids per classroom and there are others that have 24 kids per classroom. He said they also have not come up with a good scheduling plan.

Mrs. Lasky asked for the consensus of the Board and they seemed to agree that they should have somebody come and talk to them from the School Department.

Mrs. Lasky said she is going to urge Ald. Larose to talk to the Board of Alderman to look at the impact fees again. She said she'd like to think that this is something that hasn't escaped them.

ADJOURNMENT at 10:20PM.

APPROVED: _____
Bette Lasky, Chair, Nashua City Planning Board

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