

NASHUA CITY PLANNING BOARD
November 17, 2005

A meeting of the Nashua City Planning Board was held on Thursday, November 17, 2005 at 7:00PM in the auditorium at City Hall.

Bette Lasky, Chair, conducted the Meeting.

Members Present: Mike Lowe, Mayor's Representative
Bette Lasky, Chair
Ken Dufour, Vice Chair
Steve Dookran, City Engineer
William Slivinski
Steve Farkas
Hugh Moran
George Torosian

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

Approval of Minutes

10/20/05

MOTION by Mr. Lowe to approve the minutes of 10/20/05, waive the reading and place on file.

SECONDED by Mr. Moran.

MOTION CARRIED - 7-0-1, Mr. Dookran abstaining.

Communications

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

Notice of Municipal Sustainability 101 Workshop to be held on Tuesday, November 29th at 7:00PM - 9:00PM in the City Hall Auditorium.

Letter dated November 15, 2005 from Atty. Gerald Prunier to Mr. Sawyer concerning the site plan application for Wal-Mart that is scheduled for tonight. The letter is requesting that this be postponed until after the Zoning Board hears their request for a special exception.

NCPB

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Memorandum to Rick Sawyer from Atty. Jed Callen regarding the Wal-Mart staff report and requesting the staff to correct the staff report, which is something the staff normally doesn't do.

Mrs. Lasky asked if this is a formal request from the attorney.

Mr. Houston said he wants them to change the staff report that they give to the Board. He said they don't entertain requests to change the facts that they put into their staff reports. If there is some concern with what is in the staff report or with any application, an abutter or group has the right to come before the Board, or in writing before the public hearing process takes place, to give their concerns and information.

Mrs. Lasky said this is something that they should save for when they take up the Wal-Mart case.

Letter dated November 15th addressed to both the Zoning Board and the Planning Board regarding an appeal of the administrative officer on the question of Wal-Mart and a use variance.

He said that he believes that the Board has heard that the land use code, which quite a number of the Board has participated in over the last three years, was adopted on November 9th by the Board of Aldermen. He thanked the members who spent a lot of time on getting this new code together. He said this will be effective January 2, 2006. He said they are in the process of getting it printed.

Report of Chairman, Committee & Liaison

Mr. Dufour said the CIC met last night for their kickoff meeting. They will be starting in January.

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

3. AS-VR Realty LLC (Owner) - Proposed 15,524 square foot right-of-way dedication, 420 Amherst Street, Sheet H - Lot 485, Zoned "AI" - Airport Industrial.

NEW BUSINESS - SITE PLAN

5. Wal-Mart Stores, Inc. (Applicant), AS-VR Realty LLC (Owner) - Proposed amendment to NR1482 for the demolition of the existing Building 19 store and the development of a 147,080 square foot Wal-Mart store, with associated access, parking and site improvements, 420 Amherst Street, Sheet H - Lot 485, Zoned "AI" - Airport Industrial.

Some discussion ensued about what the best date would be to hold the meeting for these items.

MOTION by Mr. Lowe to table the subdivision and site plans for the Wal-Mart cases until December 8th at 6:30PM.

SECONDED by Mr. Torosian.

MOTION CARRIED 6-1, Mr. Slivinski recused himself.

Mrs. Lasky asked what the pleasure of the Board is with reference to a site walk at the Wal-Mart site.

Some discussion ensued and it was determined that the Board would not complete a site walk as a group. Mr. Sawyer said he would make himself available to any member who wished to go to the site.

NEW BUSINESS - SITE PLAN

7. **Armand Sancartier (Applicant), Exxon Mobil Oil Corporation (Owners) - Proposed amendment to NR 1623 to demolish the existing fueling station and to show the construction of a two bay, 1,764 square foot car wash facility with associated access, parking and site improvements, 267 Main Street & Prospect Avenue, Sheet 97 - Lot 13, Zoned "GB/MU" - General Business/Mixed Use.**

MOTION by Mr. Dufour to table this case to the Board's meeting on December 15, 2005.

SECONDED by Mr. Farkas.

MOTION CARRIED UNANIMOUSLY

NEW BUSINESS - SUBDIVISION PLAN

1. **Marie D. Dobens & Pauline M. Gravelle (Owners) - Proposed lot line relocation, 5 Ninth Street, Sheet 87 - Lot 186 & 187, Zoned "RB" - Urban Residence.**

David Romero, Civil Engineer, Delaney Group. Mr. Romero said he is representing Sequel Property Management. He said the application is for a lot line relocation. He said Ninth Street is right off of Ledge Street. He said the proposal is move the lot line to the north about 11 feet. The purpose of the relocation of the lot line is that Lot 187 would then have over 9,000 square feet. They are proposing a two-family dwelling at this location and in order to meet the zoning requirements they need a 9,000 square foot lot. All the dimensional requirements for setbacks will be met. There is an existing single-family home on Lot 186. This will remain. They will be removing the deck in order to meet the side yard setback requirement. He said they will also be removing the existing driveway and relocating it farther over into Lot 186.

He said the new proposed two-family dwelling will be served with two driveways - one for each unit.

He said they are also proposing an infiltration system for runoff. He said they have looked at the soils on site. They are "Windsor" soils. They are excellent soils and great for infiltration.

SPEAKING IN OPPOSITION OR WITH CONCERN

No One.

SPEAKING IN FAVOR

No One.

MOTION by Mr. Dufour to approve the lot line relocation at 5 Ninth Street with the finding that it meets NRO 16-108 and with the following stipulations:

1. Prior to recording the subdivision plan the deck shall be removed.
2. Prior to the issuance of the certificate of occupancy for Lot 187 the storm water and maintenance plan shall be recorded.
3. Prior to the issuance of the certificate of occupancy for Lot 187 all work within the public right-of-way shall be completed to the satisfaction of the Division of Public Works.

SECONDED by Mr. Farkas.

Mr. Dufour said there is a note concerning a voluntary contribution of \$200.00. He asked if they know the status.

Mr. Yeomans said he did not know the status. The applicant said he had no knowledge of this and he does not agree with it.

MOTION CARRIED UNANIMOUSLY

NEW BUSINESS - SUBDIVISION PLANS

2. Celina Avenue Realty, LLC, Boston & Maine Corporation & YMCA of Greater Nashua (Owners) - Proposed subdivision, lot

consolidation and lot line relocation, 40 East Otterson Street, Harbor Avenue & Bowers Street, Sheet 18 - Lots 6, 11-17 & 78, Zoned "RC" - Urban Residence & "GB/MU" - General Business/Mixed Use.

NEW BUSINESS - SITE PLANS

4. Harbor Heights, Celina Avenue Realty, LLC & Boston & Maine Corporation (Owners) - Proposed site plan for the demolition of the existing building and the construction of a 4-story, 20,280 square foot 45-unit multi-family building with associated access, parking and site improvements, 40 East Otterson Street & Harbor Avenue, Sheet 18 - Lots 11-17 & 78, Zoned "RC" - Urban Residence & "GB/MU" - General Business/Mixed Use.

Atty. Gerald Prunier, 20 Trafalgar Square, Nashua. Atty. Prunier said this area has quite a few mixed use type tenants. It's an old brick building. Hudson Bus Lines had used it in the past. It had some problems with hazardous waste, which were cleared up when the present applicant purchased the property. He said the proposal is to demolish the building and erect a new building with forty-five units in its place.

He said the applicant has purchased the railroad bed from the railroad. This track also goes off onto the property of the YMCA. If this plan is approved, the proposal is that a tract of land, which he showed on the plan, will be given to the YMCA, which is the reason they need the subdivision plan. The City will have an easement to keep their bike trails.

Mr. Lowe asked a question concerning how they would handle the wall.

Joe Coronati, Jones & Beach Engineers, Stratham, NH. Mr. Coronati said the existing concrete wall in back of the site will be demolished. The new building will be put basically where the wall is now. The grade will be brought right into the new building. Basically the wall of the new structure will become the new retaining wall.

Mr. Lowe said there would be no access from the back.

Mr. Coronati said this is correct. He said there is access on the end of the building and there is full access around the building, but no doors to the parking garage on the rear.

Mr. Lowe asked the height of the building.

Mr. Coronati said the building is three stories of living space above a parking garage (four stories). It will have a sloped roof.

Mr. Dookran said there is a new sidewalk on East Otterson Street. He asked if the building would be encroaching on the existing roadway.

Mr. Coronati said that they are dedicating some land to the City to widen the right-of-way. Formerly the right-of-way used to go right up against the building. He said they will be giving some land to the City and the sidewalk will be on City property after the building is constructed. He confirmed that in terms of the existing pavement, they are not going to reduce the width of the roadway.

Mrs. Lasky asked if the street is a regular width. She said it seems narrow to her.

Mr. Dookran said he's not sure about the width.

Mr. Coronati said the roadway is about 24' wide.

SPEAKING IN OPPOSITION OR WITH CONCERNS

No One.

SPEAKING IN FAVOR

Adam Gureckas. Mr. Gureckas said he is in support of this project.

Michael Shamp, CEO, YMCA Greater Nashua. Mr. Shamp said he is in support of the project. It will allow the YMCA to keep twelve parking spaces, which are a valuable commodity in this section of town.

MOTION by Mr. Lowe to approve proposed subdivision, lot consolidation, and lot line relocation at 40 East Otterson Street, Harbor Ave. & Bowers Street with the finding that it meets Section 16-108 and with the following stipulations:

1. Prior to recording this plan any final drafting corrections shall be made.

2. Prior to recording this plan bonding for work in the public right-of-way shall be approved by the Division of Public Works and Corporation Counsel, if required.
3. The plan is subject to approval by the Zoning Board of a variance as described herein. This plan shall be null and void should the applicant fail to secure necessary Zoning Board approval, or as otherwise determined by Court.

SECONDED by Mr. Farkas.

MOTION CARRIED UNANIMOUSLY

MOTION by Mr. Lowe to approve the site plan for the demolition of the existing building and the construction of a r story, 20,280 square foot, 45-unit multi-family building with associated access, parking and site improvements at 40 East Otterson Street & Harbor Avenue with the finding that it meets Section NRO 16-123, that it satisfies the requirements of the mixed use overlay zone, and with the following stipulations:

1. Prior to recording this plan bonding for work in the public right-of-way shall be approved by the Division of Public Works and Corporation Counsel.
2. This plan is subject to approval by the Zoning Board of a variance as described herein. This plan shall be null and void should the applicant fail to secure necessary Zoning Board approval, or as otherwise determined by court.
3. Prior to this plan being signed a revised lighting plan shall be submitted consistent with Sec. 16-232.

SECONDED by Mr. Farkas.

Mrs. Lasky asked if they have the lighting plan.

Mr. Yeomans said they have a lighting plan. He said there are a couple of things that they need to adjust on it. He said it's in substantial compliance.

MOTION CARRIED UNANIMOUSLY

NEW BUSINESS - SITE PLANS

6. Neighborhood Housing Services of Greater Nashua, Inc. (Owner) - Proposed site plan to convert an existing child care center to six multi-family housing units with site improvements, 2 Shattuck Street, Norton Street & Laton Street, Sheet 44 - Lot 86, Zoned "RB" - Urban Residence.

Richard Maynard, Professional Engineer, Maynard & Paquette. Mr. Maynard said the site is on Shattuck Street, Norton Street, and Laton Street. It is a 20,000 square foot existing property. There is an existing city playground to the east. At times this has been a church school and most recently it was a childcare center. He said Neighborhood Housing Services wants to convert the building to residential housing.

He said they have been to the Zoning Board on two occasions. Essentially, the first time they went to ask for four residential units plus a business office and one classroom space. The Board granted the request, but because of stipulations it was too restrictive for Neighborhood Services. They also received variances for parking size dimensions. He said they went back to the Zoning Board and asked for six residential units and eliminated the request for a business office and classroom. That request was granted.

He said the project that is before the Planning Board is for a six unit multi-family dwelling. He pointed out the existing parking on the plan. He said there is a playground in the back that will be converted to additional parking spaces. There will be a total of eleven parking spaces to service the six units.

He said previously the fences were such that people thought that the playground belonged to the school and that's not the case. He said they will be relocating the fence to their property line. The playground is a City playground for the neighborhood.

Mr. Maynard said they are not really increasing any impervious area. Drainage will be handled with a leaching catch basin in the corner of the new parking lot to provide some treatment of the paving area. The entire site will get a substantial amount of new landscaping trees and shrubbery because the present site is unkempt and run down right now.

He said the building itself will essentially remain as it is, but it will be redone. They will be doing some painting and the bricks will be pointed. There will be some little enhancements

to the windows and the entryway. The majority of the work will be inside the building.

Mr. Slivinski asked if the building is currently vacant.

Mr. Maynard said it is.

Mr. Slivinski asked why the parking lot is filled.

Mr. Maynard said he isn't sure. He said that the Director of Neighborhood Housing Services, Bridget Belton-Jette, may be able to answer this question.

Bridget Belton-Jette, Executive Director, Neighborhood Housing Services. Mrs. Belton-Jette said the cars that are parked on the site belong to the people in the neighborhood. She said they are parked there illegally. She said she thought they used it for extra parking for guests and things like that. She said that at different times they have asked the Police to have the vehicles moved.

Mr. Maynard said he expects whoever is parking there knows the building is empty and that's why they are parking here.

Mr. Torosian asked the size of the units.

Mrs. Belton-Jette said there will be six apartments in the building. Four of them are two bedrooms and two of them are three bedrooms.

Mr. Torosian asked if there was sufficient parking for the units. He said they already have illegal parking going on.

Mr. Maynard said it meets the requirements of the ordinance - 1.75 parking spaces per unit. He said these apartment buildings are controlled by Neighborhood Housing Services and they do control the amount of cars you can have as a tenant in their buildings.

Mr. Dookran said there was testimony about some new landscaping. He asked if this includes driveways and entrances. He said he noticed that the main approach to the building is pretty broken up.

Mr. Maynard said everything will be upgraded and re-paved and cleaned up. The site is run down.

SPEAKING IN OPPOSITION OR WITH CONCERN

Deborah Olszta, 19 Shattuck Street. Mrs. Olszta said she is speaking on behalf of one abutter and she has had mail communication with other abutters and what she is saying generally reflects the abutter's opinions and the other residents in the surrounding area.

She said the neighbors have gone through quite an ordeal with this plan. She said they disagree with the number of units that have been allowed by the Zoning Board. She said the site has a huge monstrous building. The little space that they did have (a play area) is going to be used for parking. The neighbors felt that if there were only five units they would only have had to have nine parking spaces and they would have been able to fit them in on the existing pavement and not have to take the whole play area and overcrowd and congest the lot. The only place the tenants will have outdoors is the parking lot, the fire escapes to sit on, and the front sidewalk to put their gas grills. There will be no place for the tenants to enjoy the property. The parking is overtaking the entire lot.

She presented pictures to the Board to demonstrate the erosion. She said the neighbors don't feel that what is being proposed for the drainage is adequate. She said adding a little sewer on the corner of the lot isn't going to cut it, especially on the far corner of Norton & Laton.

She said the water does run off on the corner of Shattuck & Norton. When there is a heavy rain all the water comes down off the pavement. They are extending the impervious surface so there's going to be more runoff. There's no way to catch the water. All the dirt comes down into the street.

She said if the Board cannot overturn the decision the Zoning Board's decision to allow the six units, they would like to have it be mandatory that the applicant builds a retaining wall. She presented an example of what the situations looks like with the retaining wall at the Mt. Pleasant School. They had the same sloping situation as the property they are discussing.

Mrs. Olszta said if they can have a retaining wall there with a white privacy fence, it would be more consistent with the character of the neighborhood. She said she believes that this will help contain the erosion and the drainage. She said they don't feel a chain link fence would be adequate. The applicant

does not propose any fence for the sides of Norton & Laton Street at all.

She said she didn't believe there has been a lighting study. She said this is a unique situation with a two-corner lot. There are abutters in the back, on the sides and in the front. The lighting is going to be very important. She said the Temple uses the sodium lighting. She said they are asking that the lighting used for the site be non-polluting. Right now there are a couple of mercury lights that are not adequate for the applicant's needs and not adequate for the situation they are going to be dealing with.

She said she doesn't believe there is any plan designated for where the trash is going to go. In the past it was a commercial use and they had a dumpster. It's converting to a residential use and she understands they are allowed to have the City's trash receptacles. These back barrels have to go someplace. She said the neighbors would like to see that the receptacles be in the back of the building with something that would hide the barrels, otherwise they are in plain view of an abutter in the back of the building.

She said there are several mature trees on the lot. They have covered the side of the building and it makes it look more like a residential neighborhood and not a commercial building. She said the neighbors would like to see that these mature trees be left on the property. She said there are trees that surround the play area right now that they are going to be turning into asphalt. She said if they can't keep them where they are, they should try to re-root them a few feet away, but keep them on the property because they do help to hide the building.

She said if the retaining wall is done, the sidewalk could be extended around the corner. It would make the whole corner presentable. Right now it is deplorable.

Mrs. Olszta said she thinks the whole plan should be scrapped because of the parking taking up the whole lot. Unless the things she talked about can be put into the plan, the site is not conducive to six families - maybe to five and preferably to four.

Mrs. Lasky said the Zoning Board of Adjustment has granted a special exception for the six units. She said the Planning Board has no jurisdiction over this.

Mrs. Olszta said the stipulations are important so that the lot will be safe for the residents who will be living there and also for the water/erosion to be contained. She said she didn't believe the storm drain is going to be adequate.

SPEAKING IN FAVOR

Atty. Gerald Prunier, 20 Trafalgar Square, Nashua. Atty. Prunier said this building is already in the neighborhood. They are trying to take a run down school and turn it into something useful. It was used before as a kindergarten school. There were sixty kids or more at that time. There were parents dropping off and picking up their kids and there was traffic all over the place. He said they are trying to improve the area, improve the building, and make it useful.

He said he thought the members are familiar with the various properties that Neighborhood Housing Services has around the City. He said they take good care of their properties. The parking places that are being provided for the site is what the City requires. He said they are trying to take the parking off the street for the future tenants.

He said part of Neighborhood Housing's philosophy is that a tenant coming into the building is the first step in eventually owning his or her own place. He said they teach them how to care for their property and work with their tenants toward the goal of owning their own property.

Richard Maynard. Mr. Maynard said the site slopes from right to left. He pointed out the series of catch basins on the plan so on-street drainage is handled. It is a pretty typical drainage situation for a City street.

He said as best he can tell the erosion is probably due to bare earth. The lawns weren't well kept and they were allowed to deteriorate and bare earth will erode. The key to this is to plant the area and get the lawns to be well maintained and grow.

He said the new parking lot is pretty close to the same footprint as the existing playground. He said he couldn't guarantee anything, but he said it's unlikely that they are going to have to cut any trees to implement the parking lot. They aren't changing anything with the existing parking lot. He

said as he recalls most of the mature trees are down slope, not immediately adjacent to the playground.

He said he didn't understand about the fence. He said it does slope down. It is reasonably stable if it's vegetated. There's no reason for a retaining wall.

He said there is no new lighting being proposed. There should be more than adequate lighting as it exists today.

Mrs. Lasky said that the lighting that the neighbor talked about is the same lighting that is at the Temple. She said there is lighting on the plan so she is asking about the type of lighting.

Mr. Maynard said he doesn't have an answer on whether they would convert the type of lighting that it on the site right at this moment. He's only been at the site during the day. He said up until now he didn't know that anyone had a concern about the lighting. He said there's no new parking lot lighting proposed on the plan. The existing lighting is considered adequate.

Mr. Dufour said they aren't sure whether the existing lighting is outdated and not normally acceptable to the Board.

Mr. Maynard agreed that they could convert it to something that would be acceptable subject to a review by the staff.

Mr. Dufour asked about the trash.

Mr. Maynard said he hadn't thought that out. He indicated the place he thought might be appropriate. He said they can also be stored inside.

Mr. Dufour said that although they can probably designate an area for trash, they mostly do it for compactors. These type of trash barrels will probably end up where they want to put them.

Mr. Maynard said he would let Mrs. Belton-Jette speak to this because Neighborhood Housing Services pays attention to their properties.

Mrs. Bridget Belton-Jette. Mrs. Belton-Jette said they have an architect for this project. The plans have not been finished because they are waiting for the outcome of the Board. She said they deal very directly with issues of lighting and trash on

their sites. They look to see how the trash is stored and where it is sited. She said they are very conscious that this is in a neighborhood setting. They would make sure that whether they go to a dumpster or the blue barrels they would have some sort of containment for them so that they would not be a visual eyesore. She said the previous occupant for ten years used a dumpster in the back of the building on the Laton Street side and she knows that upset the people on the Laton Street side. Whatever they do they will have fencing around it.

Mrs. Lasky asked about sidewalk.

Mr. Maynard said there is an existing sidewalk across the front of the site. Because of the steep slope right to the curb lines it isn't very easy to put sidewalks around the other sides. The site has been this way for decades.

Mr. Dufour asked if it is his understanding that the applicant is going to repair whatever is in disrepair.

Mr. Maynard said "yes."

Mr. Lowe asked if the existing handicap ramps are going to stay. Mr. Maynard said they will stay. They don't know whom they are going to have for tenants and taking them away and putting in steps doesn't serve any purpose.

Mr. Dufour said as he looked at the photos he noticed that there is a small retaining wall closer to the street.

Mr. Maynard said he believes this is on the Norton Street side. There is a slope. There probably is 5' - 7', depending upon where you are. This is a place that needs to be re-vegetated. There's a car parked there that doesn't belong there. The photo shows all the bare spots. This is probably where the erosion problems are occurring.

Mr. Dookran asked what Mr. Maynard is proposing for the leaching basin that he spoke of in his testimony.

Mr. Maynard said a leaching basin is essentially a 4' diameter chamber located 5' down and surrounded by 12" of stone. He said they aren't really increasing any impervious area - or very minor around the perimeter. He said the playground is already impervious. Any additional runoff, if there is any, can't be calculated. He said it's insignificant. He said it's to

satisfy the requirements of the ordinance to provide some groundwater recharge and some treatment.

Mr. Dookran said based on the calculations for the storm water it will be topping the curb coming down the hill.

Mr. Maynard said he didn't look at the figures before he came to the meeting tonight. In fact, he hasn't looked at them in a couple of months. He said he didn't think that it said "capture" - he thinks it's the runoff tributary to that area. He said they aren't required to capture it all. They are only required to capture some, because they aren't increasing the runoff at all. Whatever they capture is a plus.

Mr. Dookran said he believes that there will be over-topping and this is what will cause erosion problems. He said he thought it would be in the interest of the applicant to propose a bigger system.

Mr. Maynard said it wouldn't be a problem to increase it by 50%. The infiltration rate is based on the perimeter. He said if the Board wishes to say something about increasing or doubling that, it is fine.

Mr. Slivinski said it sounds like there are going to be a lot of families in these units.

Mr. Maynard said there will be families, but not huge ones.

Bridget Belton-Jette. Mrs. Belton-Jette said this is family housing.

Mr. Slivinski asked where the kids have to walk to go to school or if a bus comes to pick them up.

Mrs. Belton-Jette said she doesn't live in this neighborhood, but from the people she knows who do, many of the children attend Mt. Pleasant School, which they would walk to. She said the children from further down Shattuck Street, from Norton Street, and from Laton Street also go to Mt. Pleasant School.

Mr. Maynard pointed out the location of sidewalk. It exists today. He said Shattuck Street is at grade, which means it's the same elevation as the building and their entrances. He said the other two streets are 5' - 8' lower than they are and are

not conducive for walking from the building. They'd be walking down a slope.

Mr. Slivinski asked if there is a sidewalk on the other side of Norton Street.

Mr. Maynard said he didn't think so.

Mr. Slivinski said there is a sidewalk on Laton Street after you get past the intersection.

Mr. Maynard said he hasn't gone that far. He doesn't know if this is so.

He said some of the streets in this area are older and are substandard. He said the Board has a picture of the area in their packet and it shows the sidewalks.

MOTION by Mr. Slivinski to approve the site plan to convert an existing child care center to six multi-family housing units with site improvements at 2 Shattuck Street with the finding that it meets NRO 16-123 and with the following stipulations:

1. Prior to the issuance of a certificate of occupancy a storm water operation and maintenance plan shall be recorded.
2. This site plan is subject to compliance with Zoning Board and Planning Board conditions of approval.
3. Should the Court overturn Zoning Board approval, for residential use of the premises and any related variances, this site plan shall be null and void.
4. Final lighting and trash program to be approved by staff.

SECONDED by Mr. Farkas.

MOTION CARRIED 7-1, Mr. Torosian opposed.

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 upcoming agenda.

SECONDED by Mr. Moran.

MOTION CARRIED UNANIMOUSLY

Discussion Items

Mr. Slivinski said he is still waiting to get a call concerning Dunkin Donuts. He said the traffic is still backing up.

Mr. Dufour said at the first of the year he thinks the Board should sit down with whatever segment of Mr. Dookran's Department is requesting these \$200 voluntary contributions. If it's something that can be mandated and it benefits the City, then so be it.

Mrs. Lasky said she thought it was a good idea because they do seem to be indiscriminate and random. They need something to help them understand.

Mr. Dookran said there has been some discussion in regard to these voluntary contributions. He said William Husband, Traffic Superintendent, has been having discussions with Atty. Connell about these contributions. They are voluntary and it's up to the applicant to give them or not.

He said in the meantime, in the interest of the City, they should continue to ask for the contribution, but it should strictly be a discussion between the Traffic Superintendent and the applicant. If the applicant is willing to make the contribution, that's fine. It shouldn't enter the discussion at the Planning Board level.

Mr. Husband needs to exclude it from his recommendation on the case - that doesn't mean that if it's a major retailer or commercial project where there might be mitigation, whether it's on DW Highway or Amherst Street or other things where there may need to be improvements to make the traffic work. State law allows the Board to look at those situations to get a proportional share of any improvements that need to be done that, in effect, are caused by the project.

Mr. Dufour said he believes he has a better understanding. Traffic reviews it and says they are going to ask for a \$200 voluntary contribution, which he puts in the report. The person who does this doesn't have any face time with the applicant. The

staff makes it part of the packet and it comes to the Board and when the applicant is asked about it, they are told they don't know anything about it. He agrees with Mr. Dookran's comment that their Department should continue asking for the contribution, but the Board has to realize that what his Department is providing the Board is a suggestion to staff to ask whether they want to give that voluntary contribution because Mr. Husband doesn't have face time with that applicant in those instances. It's a memo to the staff requesting a voluntary contribution so they are caught in the middle.

Mr. Houston said the applicant's engineer often times gets these comments directly to pass it on to the owner. He said the staff has no control over that. He said when asking for a voluntary contribution as part of the development review process, it has a poor professional appearance in his professional view.

Mr. Dookran said it's probably the only opportunity they have to ask. It's an appropriate time to evaluate what impacts there may be.

Mr. Dufour said if people are generous enough to make a voluntary contribution to the City of Nashua that will enhance the quality of the City, who is he to say "no." As long as it's done at that level it works for him.

Mr. Slivinski said the project they saw tonight was a single-family home and they are subdividing and putting in a two-family on the lot. The Board doesn't know if there are going to be school-age children or not, but it's his understanding they will have to pay an impact fee.

Mr. Houston said this is true on new construction - based on square footage and the type of unit.

Mr. Slivinski said for a two-family there will be four cars and that directly or indirectly is going to impact the wear and tear on the streets and the traffic.

Mr. Houston said the difference is that the school impact fee is an ordinance.

Mr. Slivinski said he sort of agrees with the contribution and it should be made an ordinance so that it's a certain fee per unit or whatever.

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Mr. Dookran said Mr. Husband has been talking to Atty. Connell about the collection of fees and it might lead in that direction in the future.

Mr. Houston said at the time the school impact fees were looked at the City hired a firm to look at roads, traffic, libraries, schools and in the ultimate analysis it was decided that the school impact fee was the best choice. He said it's something that can be looked at again. He said Atty. Connell would have to work with Public Works Division to try to do some sort of study to assess what that proportional impact fee would be per unit or however they would decide it would work.

ADJOURNMENT at 8:35PM.

APPROVED:

 Bette Lasky, Chair, Nashua City Planning Board

TAPES OF THIS MEETING ARE AVAILABLE FOR LISTENING DURING REGULAR OFFICE HOURS.

COPIES OF TAPES MAYBE MADE AVAILABLE UPON 48 HOURS ADVANCED NOTICE AND PAYMENT OF THE FEE.

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Taped Meeting