

NASHUA CITY PLANNING BOARD
February 16, 2006

A meeting of the Nashua City Planning Board was held on Thursday, February 16, 2006 at 7:00PM in the auditorium at City Hall.

Bette Lasky, Chair conducted the meeting.

Members Present: Bette Lasky, Chair
 Ken Dufour, Vice Chair
 Mike Lowe, Mayor's Representative
 Ald. Mark Cookson
 Steve Dookran, City Engineer
 Steve Farkas

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

Communications

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

Letter dated 2/9/06 from Gary Stearn, Senior Pastor on Case #1 on tonight's agenda. The letter states there are no objections to the request.

Notice from Office of Energy & Planning regarding conference on 4/1/06 (Saturday) if any of the members are interested

Preliminary Agenda

New laminated sheets with the new criteria under the new ordinance - the yellow one having the special use permit criteria as well as the conditional use approval criteria

Report of Chairman, Committee & Liaison

Mr. Dufour said the Capital Improvements Committee is done hearing all the presentations.

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 Board will decide that the application is complete and ready for the Board to take jurisdiction of the application. If so, the applicant or representative will be given time to present an overview and description of their project. The applicant shall speak to whether or not they agree with recommended staff stipulations. The Board will then have an opportunity to ask questions of the applicant and staff.

The Chair will then 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, state their name and address for the record. This would be the time to ask questions they may have regarding the plan. Next testimony will come from anyone wishing to speak in favor of the plan.

The Board asks that both sides keep their remarks to the subject at hand and try not to repeat what has already been said and to be courteous at all times.

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

She asked that everyone turn off his or her cell phones.

OLD BUSINESS - SUBDIVISION PLAN

None

OLD BUSINESS - SITE PLAN

None

NEW BUSINESS - SUBDIVISION PLAN

1. Irene West & Marcia Poulin, Trustee of the West Revocable Trust (Owner) - Application acceptance and proposed lot line relocation and subdivision of 1 lot into 2, 32 Farley Road, Sheet I - Lot 13 (Nashua) and Sheet 38 - Lot 36 (Hollis), Zoned "R30" - Suburban Residence (Nashua) and "RA" Residential & Agricultural (Hollis).

MOTION by Mr. Lowe that subdivision application is complete and that the Planning Board takes jurisdiction of the application.

SECONDED by Mr. Dufour.

Mr. Lowe said he could not find the sign. He couldn't tell which side of the road it was on. He said the numbers are all mixed up out there.

Mr. Sawyer said they have photographs of the sign being out at the site.

MOTION CARRIED UNANIMOUSLY

Carl Foley, Meridian Land Services. Mr. Foley said he is representing Ms. Poulin. He showed the Board the location of the town line on the plan. He said it is shown as a pink line. He said the house sits on the other side of the town line. He said the sign is located right at the town line boundary. He said the lot being discussed tonight is vacant.

He said Ms. Poulin owns both Lots I-13 & 38-36. The existing house straddles the town line. The proposal is to take a 47,976 square foot parcel out of I-13 to satisfy the acreage for the Town of Hollis. The existing lot is non-conforming. It has 31.57' of frontage. The remainder piece will still have the same frontage. The overall lot size will be 2.42 acres. The new lot, which has been designated as I-61 will be 1.01 acres (taken out of I-13).

Mr. Lowe asked if this parcel has any other access.

Mr. Foley pointed out the area north of Bloods Road Crossing. He said they understand that it is wet through the area (he showed where on the plan). He said the only access to the lot itself upland would be off of Farley Road. He showed the Board where this was on the plan.

He said as it stands right now the remainder lot will remain a single-family residential lot.

Mr. Farley said they are asking for a few waivers on Lot I-13 - topographic features due to the size of the parcel, wetlands located on the remainder parcel itself, any impact studies that might be applicable, and soil boundaries.

He said they went to the Zoning Board of Adjustment on Tuesday evening to obtain a variance due to the width of Lot I-13. The frontage is 31.57' and it is his understanding from the Planning Staff that the lot width is to be taken into consideration at the 35' front setback. The request was granted by the Zoning Board.

He said they have received State subdivision approval.

Mr. Lowe asked where the 5,000 square feet of land area to be dedicated to Hollis is located.

Mr. Foley showed the Board where this was located on the plan. He said this is for a future cistern.

Mr. Sawyer said the Zoning Board of Adjustment did approve the request for variance with a condition that the remaining large lot only is for a single-family lot. He said they aren't concerned with development on this parcel at this time.

He said Hollis had had preliminary meetings on this. He said he didn't believe Hollis has put anything on the plans that was extraordinary.

SPEAKING IN OPPOSITION OR WITH CONCERN

No One.

SPEAKING IN FAVOR

No One.

MOTION by Mr. Lowe to approve the subdivision of one lot into two - 32 Farley Road with the finding that it meets NRO Section 16-440G and with the following stipulations:

1. With approval of the plan the waivers of Section 16-1100, B-37(a) for the plan scale from one (1) inch to fifty (50) feet to one (1) inch to one hundred (100) feet and of Section 16-1100, B-37(b)(9) that requires existing topography and site features to be shown has been granted.
2. Prior to recording the plan the applicant shall provide to Planning staff certification from the Town of Hollis that this plan has received all required approvals necessary to record the plan. Failure to obtain said approval(s) from the Town of Hollis shall cause this plan approval to be null and void.

SECONDED by Mr. Farkas.

MOTION CARRIED UNANIMOUSLY

2. **Richard M. Nault (Owner) - Application acceptance and proposed subdivision of one lot into two, 113 West Pearl Street, Sheet 79 - Lot 35, Zoned "D1/MU" - Downtown 1/Mixed Use.**

MOTION by Mr. Lowe that the subdivision application is complete and that the Planning Board takes jurisdiction of the application.

SECONDED by Mr. Dufour.

MOTION CARRIED UNANIMOUSLY

Atty. Jeffrey Zall, 221 Main Street, Nashua. Atty. Zall this is a simple subdivision plan. The parcel is located at 109-113 West Pearl Street. There are three retail stores located here - a bicycle shop, a hair dressing salon, and a new clothing store.

He said the purpose of the plan is to subdivide the parcel into two parcels. The parcel on the west side will be the bicycle shop and parcel on the east side will contain the hair dressing salon and the clothing store. This is being requested in order to facilitate the sale of the parcel on the right to the owner/operator of the hair dressing salon.

He said there are no dimensional requirements in the D1 Zone.

He said there is a waiver request and that is the requirement for a topographic plan. He said there is no topography to show as the buildings cover the whole lot.

SPEAKING IN OPPOSITION OR WITH CONCERNS

No One.

SPEAKING IN FAVOR

No One.

MOTION by Mr. Lowe to approve the proposed subdivision of one lot into two, 113 West Pearl Street with the finding that it meets NRO Section 16-440G and with the following stipulation:

1. With approval of the plan the waiver of Section 16-1100, B-37 (b)(9) that requires existing topography to be shown has been granted.

SECONDED by Ald. Cookson.

MOTION CARRIED UNANIMOUSLY

NEW BUSINESS - SITE PLANS

None

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. Lowe.

MOTION CARRIED UNANIMOUSLY

- 2. Referral of the FY2007 Capital Improvements Program from the Capital Improvements Committee to the Nashua City Planning Board.**

Mr. Dufour said the Board has the FY2007 Capital Improvements Program as rated by the Capital Improvements Committee. He said it's being presented for the Board's review over the next couple of weeks. He said at the next meeting he will answer any questions the Board may have.

He asked the Staff if Page #10 was supposed to be the way it appeared. He said it didn't have a lot of data on it.

Mr. Houston said this was double sided and he suspects that when they print it they will make sure that all the pages line up.

Mrs. Lasky asked Mr. Dookran how far the money that's been requested for the thought the Street Paving Program is going to go.

Mr. Dookran said the request is for 2.15 million dollars for the next fiscal year. He said this is what they would like to receive annually in order to catch up with deteriorating road conditions. He said it would take this kind of funding over the next 10-15 years to get back to a good conditions. He said unfortunately, they don't receive that amount. He said last year they received something like \$800,000.

He spoke about how long, on average, it takes for a road to start deteriorating.

There was a discussion about how they look at the pavement condition and how the road is used to determine if it receives first priority for improvements. Mr. Dookran said they use a software program to generate the list and they apply the funding toward that list. They find that the more highly traveled roads will get the first priority. They find a lot of residential roads that have very little traffic numbers and they are at the bottom.

Mr. Dufour said DPW has become very sophisticated over the last few years when it comes to identifying street quality. The CIC Committee rates the presentation on its face value. He said it was sufficient enough this year that he felt the street paving and the sidewalks are two very crucial areas. He said with the added cost of materials due to the high cost of petroleum, they can do less with the money than they did last year. He said for them not to fund the level that they are asking means they will only fall behind.

Mrs. Lasky asked how long they've been playing catch up.

Mr. Dufour said they have always been contributing to street paving - it's ongoing. The sidewalks are the same way.

Mr. Dufour said if there was ever a year that you really wanted to know what absolutely had to be done in the City, you had to have participated in the Capital Improvements requests because it was really a no nonsense type of year. He said last year the funding was around 32 million and this year they were down to 14-16 million, but it was all stuff that was noteworthy. He said another big chunk that was a long-term request was the School Department's request for the replacement of boilers at Fairgrounds, Ledge Street, and Charlotte Avenue. He said those systems are older than he is. If they neglect them much further, they will die and there will be an emergency situation and they'll pay for one system what they can probably get two out of.

Mrs. Lasky said that she has always thought that the City has been foolish being pennies wise and pound foolish in terms of maintenance. Maintenance wasn't something that was even in a Capital Improvements Program until she was doing it.

There was more discussion about the boiler systems and their age.

More discussion ensued about the street paving. Mr. Dufour said they waited for years to get Buckmeadow Road to get paved. It is now paved and it's cracking. There are fissures throughout the road. There is a small section of Conant Road that was part of Maplewood has got fissures in it. He asks himself how long it would be before the fissures would turn into potholes and they would have to repave the road again. He said he doesn't know if it's the elements that do this or if it's a bad contractor.

Mr. Dookran said the City has standards that have to be followed by contractors who are building new roads. These have to be inspected. He said they hope that the contractors are doing their best and that the inspectors are really catching any problems as the work is performed.

He said in terms of the overlay program, which is just going out and laying down 1"-2" of asphalt, there may be a bad base to start with. He said they hope to have 7-10 years on major roads and on residential roads 10-15 years. He said they are seeing major cracking in three years. Because of the funding level they are only allowed to do so much and the approach to paving is somewhat of a band aid approach because you want to cover mileage. If they want to dig up the road and reconstruct it they probably wouldn't get very far.

He said the requests from DPW have diminished as compared to the last few years. If you go around the City you can identify a lot of needs and they could bring in more requests, but they want to be practical and do the most important and most critical, especially given the fiscal constraints.

Mr. Dufour said he thinks all the requests are noteworthy and valid. The Committee goes through and ranks what they consider to be priorities.

He pointed out that Administrative Services requested funding for the replacement of floor covering for the City Hall building. He said they've been hearing this request for five or six years. He said at that time they weren't quite sure what they were going to do with the building, for example redesign it or put on an addition so they kept putting it on the back burner. He said the flooring in some of the main entryways of the building is in dire need of replacement, not only for its appearance, but also due to the odor. He said it's hard to

clean from having been cleaned for years. There have been a lot of complaints about that.

He said there is a request from DPW which sounds like a minor thing. It's for the repair of the City's pools. He asked where do the kids go in the summertime if there are no pools to go to. He said it was short money and they felt that the City gets a lot of mileage from that money.

He said the third item they thought was important was the New World Economy Park across from the old Simoneau Plaza. They are starting to building this park and the Rotary is getting involved. He said they gave this a high rating also. They felt there is so much that could be done with this park. It will take much beyond the request or what the Rotary is contributing, but it's another project that's long overdue. The area has been an eyesore for a long time.

Ald. Cookson asked Mr. Dookran about the indexing system he spoke of earlier when they determine streets that will be paved. He asked if the higher the number is, the better and when the numbers are lower its worse.

Mr. Dookran said this is correct.

Ald. Cookson asked if there is an annual evaluation of the streets within the City.

Mr. Dookran said they try to do it annually, but on average it's about every two years.

Ald. Cookson said if this is what is happening this may be how they may come across a street that will be paved a second time before they reach a street that hasn't been paved.

Mr. Dookran indicated that this is correct.

Mrs. Lasky asked if they separate the residential streets from the arterial.

Mr. Dookran said they do not. He said they all come in together. He said there are factors in the formula - the traffic, the size, dimensions, etc. that they use before they prioritize.

Ald. Cookson asked Mr. Dufour if it is typical that long range projects do not receive a "D" ranking. He said he noticed that none of them received a "D" ranking.

Mr. Dufour said after the committee is done hearing all the departments over a three week period they have a wrap up meeting. They count up the number of A's, B's, etc. These have a point value. They put them into numerical order. Something that would have a "D" would have had to have been out of the clump of that last segment. They do have D's from time to time and sometimes they have O's - requests that they don't think are Capital Improvement items.

Mrs. Lasky said in the days when she was on the Committee and prior to that it would be much more of a "wish list". There would be things on there that the Departments knew weren't going to be funded and those would be the kinds of things that would get D's and O's. She said it's getting to the point now where they are getting much more careful about what is being submitted and realistic about what's being submitted.

Mr. Dookran said that the items that have been given the highest rating by the Capital Improvements Committee are the ones that are most needed. He asked how much consideration is given with respect to the Master Plan and the long term goals of the City.

Mr. Dufour said he wasn't sure that he could address this specifically. He said what they were getting this year were deferred maintenance issues. The strategy this year was to try to put out the fire as opposed to installing fire alarms.

Mr. Houston said there is a place on the forms for Master Plan input - what section in the Master Plan does it conform to. He said as a member he looks at this in the decision making process so it is addressed. Each Department is required to indicate the section in the Board's Mater Plan. That's why the Capital Improvements Committee is a sub committee of the Planning Board. Part of the Capital Improvements Plan is supposed to be linked to the City's goals and objectives in the Master Plan, which is also adopted by the Planning Board.

Mr. Dufour said on the request sheet that every Department submits for their project(s) they refer to those sections. He said the reality of the situation this year was probably as he described it.

Mr. Dookran said even though they are in a crisis mode and they are looking at putting out fires, he still thinks that project requests have to be evaluated as to whether they are the right solution or not. He said if it's determined that there is a

need for a new floor in City Hall it has to be considered what type of material is going to be used.

Mr. Dufour agreed.

Discussion Item

1. Watershed Audit for the Lower Merrimack River

Mr. Houston said the Board has a handout in their packets. He said it's called "Conducting the Watershed Audit."

Danielle Fillis, Planner - Nashua Regional Planning Commission.
Ms. Fillis said she was going to briefly go over the river's management and protection program and the Lower Merrimack River Local Advisory Committee.

She said the New Hampshire Rivers Management Protection Program became law in 1988. The purpose is to protect the unique New Hampshire rivers for the benefit of present and future generations. There are fourteen designated rivers under this program, making up 781 total miles and 137 riverfront towns. She pointed out the lower Merrimack River on a display she presented. She said each designated river has a local advisory committee and at least one person from each of the communities sits on this committee. These groups are diverse. They are concerned citizens and they care about the river and how it's managed. These people are nominated by DES.

Ms. Fillis said the Lower Merrimack River Advisory Committee was designated in 1990. One of their missions is to develop a corridor management plan. One of their monthly duties is to review projects in each community for opportunities and potential impacts to the river.

She said the concept of an audit was created by the Center for Watershed Protection. This is a non-profit organization. Their goal is to understand how development affects water bodies. Part of their mission is to inform the communities about the tools that are used to protect the watershed.

She said the purpose of a watershed audit is to establish a base line of the current strategies and practices in each of the communities in the watershed and to identify which tools can be used to maximize protection of the watershed.

She said there are five steps in the process of conducting a watershed audit. These are gathering existing information, modifying the audit, completing it, compiling the results, and then making the recommendations. They have to determine which communities are in the watershed. For the Lower Merrimack River they are Hudson, Merrimack, Litchfield, and Nashua. They establish contacts in each of the communities and generally for most of the communities the audit is sent out to the Planning Boards or the Planning Department.

She said the second step is to modify the audit. The Center for Watershed Protection developed a sample audit and then whoever is conducting the audit, for example - NRPC, modified the audit so it made sense to the communities they are auditing. If the watershed were more rural they would take out a lot of the urban questions. She said it wouldn't make sense to be asking those.

She said the third step is to complete the audit. Each community Planning Board or City planner will complete the audit based on existing land use regulations and the other protection measures in place. She referred the Board to a diagram on display. She said it basically explains what a watershed is.

Ms. Fillis said the fourth item it to compile the results. A matrix will be developed and all the results from the different communities will be entered then they will be able to see how the different communities match up to each other.

She said the fifth step would be to make recommendations, which would be based on the results of the audit. The recommendations can be used to update the land use regulations and provide directions for the protection of open space.

Ms. Fillis said the audit is broken into eight sections representing eight different tools. They are watershed planning, land conservation, aquatic buffers, better site design, erosion and sediment control, storm water management, non-storm water discharges, and watershed stewardship programs.

She said the questions asked under Watershed Planning relate to whether the Master Plan takes into account the impact future land use would have on water resources and which kind of techniques are used (conservation easements, land acquisition programs, etc.).

She said the second section of questions is about land conservation. She said the questions in this section refer to

whether the preservation of agricultural land is encouraged, whether the preservation of critical habitat areas for plant or animal species is required or encouraged, if the community has local regulations governing the preservation of wetlands during development, etc.

She said the third section concerns aquatic buffers. The questions here ask whether stream buffers are required and if they are how big they are, whether wetland buffers are required under the local regulations, whether there are restoration requirements, etc.

She said the fourth tool refers to better site design. She said in this section the questions are about open space or whether cluster development designs are permitted in the community, the minimum percentage of parking lot requirements, whether sidewalks are required, how wide they have to be, etc.

She said the fifth tool is erosion and sediment control. The questions in this section are about erosion and sediment control during construction and whether it is only required for certain size sites or for all sites, whether an erosion and sediment control plan required during the site review process, whether an inspection is required for compliance, etc.

She said the sixth section is about storm water management. The questions asked in this section relate to whether the community provides guidance or set forth requirements for storm water practices, whether the storm water practices are inspected at construction sites, how frequently, by whom, etc.

Ms. Fillis said the seventh tool is non-storm water discharges. These questions relate to septic system maintenance, whether the community conducts inspections, who does the inspections, what kind of de-icing compounds are used on public roadways, etc.

She said the final section is about watershed stewardship programs. These questions are items such as whether the community sweeps the public streets and if so when and how often, whether fertilizers or pesticides are used on public lands, and whether there are education programs in the community.

She said the audit will be completed by Angie ???? and after that is done, it will be about thirty days before the results will be presented.

Mr. Lowe said when this is done they should take a look at "Beezer's" property on the Merrimack River to make sure that anybody ends up building on it. He said it is completely contaminated. He said New Hampshire Chemical seems to be doing a good job at their site, but he'd still like someone from NRPC to look at it.

Mr. Sawyer pointed out that this isn't a site specific audit of individual sites along the river. It's more an audit of how the City regulates certain things. They won't be pointing to a certain property and saying that's the one they need to buy. They can take the information from the audit and develop that portion of the Master Plan or that portion of the Land Use Regulations to build bigger buffers.

Mr. Lowe said these are two sites that are major to the Merrimack. Without those two sites, the Merrimack would probably be 10%-20% better than it is right now.

Mr. Dookran said the Merrimack has some tributaries. He asked how far they are going to go with the audit.

Ms. Fillis said the audit is just for the corridor. The management plan isn't going to concentrate on the entire watershed, just $\frac{1}{4}$ mile on each side of that segment of the river.

Mr. Lowe asked if they are going to be able to compare Nashua with the other communities. He said they will be able to see how Nashua can improve their regulations as well as the other communities doing the same.

Ms. Fillis said they will be able to do this. She said she just completed this process with the Souhegan River Watershed and this came up. Certain communities had tighter regulations and were doing more than an adjacent town where the regulations were very weak.

She said hopefully the plan will be adopted by the four different communities, or least incorporate some of it into their Master Plan. She said that's the main goal.

Mr. Dookran said in the $\frac{1}{4}$ miles Ms. Fillis mentioned there may be State corridors managed and maintained by the NHDOT. He asked if they would be audited as well.

Ms. Fillis said just the communities.

Other

Mrs. Lasky said she doesn't know if the Board members are aware of a bill that was brought up in Concord about tie votes at Planning Board meetings. She said it was brought up by a representative in the north country. She said the Aldermen have sent a resolution urging that it be inexpedient to legislate. She said she spoke to it because it turned out she had known about it and was asked about it, but she wasn't sure of the particulars. It says that when there is a tie it would be decided automatically in favor of the applicant. She said when they are dealing with in-fill projects and not a lot of space, they just can't do that. She said she spoke against it. The resolution was presented and there was nobody else to speak in favor, except the one sponsor. She said she didn't believe it's going to go anywhere.

Mr. Lowe said the Planning & Economic Development Committee is going to have a site walk of the Downtown area and the Planning Board members are invited. He said they haven't picked a date yet. They said it would be in the spring or early summer.

ADJOURNMENT at 8:15PM.

APPROVED: _____
Bette Lasky, Chair Nashua Planning Board

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Taped Meeting