

NASHUA CITY PLANNING BOARD
May 18, 2006

A regular meeting of the Nashua City Planning Board was held on Thursday, May 18, 2006 at 7:00PM in the auditorium at City Hall.

Bette Lasky, Chair, conducted the Meeting.

Members Present: Bette Lasky, Chair
 Mike Lowe, Mayor's Representative
 Ald. Richard Larose
 Hugh Moran
 George Torosian

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

Approval of Minutes

May 4, 2006

MOTION by Mr. Lowe to approve the minutes of May 4, 2006 (as corrected).

Mrs. Lasky said on Page 9 there is a question mark next to the last paragraph concerning a word Mr. Dookran used - "batter". She said Mr. Dookran isn't present to ask if this is the correct word. Mr. Yeomans said they would check and have it clarified.

SECONDED by Mr. Torosian.

MOTION CARRIED 4-0-1, Mr. Moran abstaining.

Communications

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

Revised Planning Board agenda, which has a discussion item described as Ferson-Lake, LLC - Conceptual Plan. He understands the main request, Case #2 and Case #3 - Ferson-Lake have been requested to be tabled, but there will be a discussion as they have a concept plan they would like to present to the Board.

He said there are a series of workshops that Nashua Regional Planning Commission is going to conduct. He said if anyone has an interest they should sign up.

Letter dated 5/12/06 addressed to Sean Duffy, Chair - Zoning Board of Adjustment, but it was copied to the Planning Board. It's from Atty. Alfano and refers to 22 Edson Street, Vigilant Properties, LLC.

Letter from Cuoco & Cormier dated May 15th. This is the withdrawal request for the application for consolidation/lot line relocation, 17 Gregg Road, which is on the Planning Board's agenda for tonight.

Memo from Atty. Prolman to Michael Yeomans dated May 17th requesting that Ferson-Lake - Items #2 & 3 - be tabled.

Preliminary Planning Board agenda to determine regional impact.

REPORT OF CHAIR, COMMITTEE & LAISON

Mr. Lowe said there was a meeting of the Planning & Economic Committee and they were shown how to access the GIS system so they would be able to see what surrounding parcels look like.

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. The Chair and the Board will not entertain anyone who is not courteous and respectful to all

concerned. They will be asked to leave if they cannot abide by this rule.

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 - CONDITIONAL/SPECIAL USE PERMITS

None

OLD BUSINESS - SUBDIVISION PLAN

Withdrawn:

1. Catherine W. Gregg Revocable Trust (Owner) - Proposed consolidation of two lots and lot line relocation, 17 Gregg Road, Sheet D - Lot 3, 4, & 65, Zoned "R40" - Rural Residence.

Mrs. Lasky said they have a request from Brian D. Pauley of Cuoco & Cormier Engineering Associates that this be formally withdrawn.

MOTION by Ald. Larose to accept the communication as stated and place on file.

SECONDED by Mr. Lowe.

MOTION CARRIED UNANIMOUSLY

To be heard as discussion item:

OLD BUSINESS - SUBDIVISION PLAN

2. Ferson-Lake, LLC (Applicant) Thomas L. Jenkins, Jr. & Andrea J. Harding (Owners) - Proposed lot line relocation, 333 Lake Street & 3 Ferson Drive, Sheet 88 - Lots 7 & 27, Zoned "RA" - Urban Residence. (Tabled from the March 16, 2006 Meeting)

No motion to remove from the table.

OLD BUSINESS - SITE PLAN

To be heard as discussion item:

3. **Ferson-Lake, LLC (Applicant) Thomas L. Jenkins, Jr. & Andrea J. Harding (Owners) - Proposed site plan for a 4-unit elderly housing development with associated access, parking and site improvements, 333 Lake Street & 3 Ferson Drive, Sheet 88 - Lots & 27, Zoned "RA" - Urban Residence. (Tabled from the March 16, 2006 Meeting)**

No Motion to remove from table.

NEW BUSINESS - CONDITIONAL/SPECIAL USE PERMITS

None

NEW BUSINESS - SUBDIVISION PLAN

4. **City of Nashua (Applicant) Green Ridge Ventures, Inc. (Owner) - Application acceptance and proposed right-of-way dedication and lot line relocation, Spit Brook Road & 235 Daniel Webster Highway, Sheet A - Lot 211, Zoned "HB" - Highway Business.**

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

SECONDED by Mr. Lowe.

MOTION CARRIED UNANIMOUSLY

Ted Setas, Deputy Manager, Engineering, City of Nashua. Mr. Setas said this taking is part of a project they are looking to begin construction on either the fall of this year or the spring of next year. It is part of the DW Highway widening project. It's one of eleven acquisitions. He said they have permission from the property owner to come to the Board with this application. The purpose of the taking is for the widening and traffic signal improvements along Daniel Webster Highway.

Mr. Lowe questioned if the sign on the site is going to stay right where it is and the road would be moving closer toward it.

Mr. Setas said this is correct.

Ald. Larose said it looks like they are rounding the corner. He asked if this was correct.

Mr. Setas said this is correct. He said this is being done in order for vehicles to make the turn properly.

SPEAKING IN OPPOSITION OR WITH CONCERN

No One.

SPEAKING IN FAVOR

No One.

MOTION by Mr. Lowe to approve the proposed right-of-way dedication and lot line relocation, Spit Brook Road & 235 Daniel Webster Highway with the finding that it meets the requirements of NRO 16-440(g) and with the following stipulation:

1. Prior to the plan being recorded, all necessary variances shall be received and a note reflecting the action of the Zoning Board of Adjustment shall be added to the plan.

SECONDED by Mr. Torosian.

MOTION CARRIED UNANIMOUSLY

5. **Joan F. & Raymond E. Lorden, Jr. (Owners) - Application acceptance and proposed subdivision of one lot into two, 49 Coburn Ave., Sheet F - Lot 120, Zoned "R18" - Suburban Residence.**

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

SECONDED by Mr. Torosian.

MOTION CARRIED UNANIMOUSLY

Peter Weeks, Surveyor, Cuoco & Cormier Engineering Associates, Nashua. Mr. Weeks said this is a two-lot subdivision located on the easterly side of Coburn Avenue. He referred the Board to the existing condition plan. He said a variance was granted by the Zoning Board of Adjustment meeting on February 14, 2006 because they had insufficient frontage. One of the stipulations by the Zoning Board was that the proposed dwellings be moved back at least 60' from the front.

He said the lots will be serviced by City sewer and water will be supplied by Pennichuck Water Works.

He said they have provided a landscape plan and the proper water management. It has been designed to keep the water on-site. Foundation drains will be installed and those will go into so-called cisterns.

Mr. Weeks said the applicant has requested a waiver for sidewalks and pedestrians rights-of-way. They have also requested the so-called sidewalk donation fee. There are no sidewalks within 200' - 300' of this site.

He said when they submitted the plans to the City Engineer they suggested that the applicant dedicate 25' from the centerline to improve the curve. He pointed out the yellow section on the plan that represented the actual dedication. The area involved is 1713 square feet. He said the landowner has done the dedication and they thought this was an even swap with the sidewalk.

Ald. Larose said his recollection is that in the mid 80s Cuoco & Cormier did a survey of Coburn Avenue because the City was anticipating at some future time to straighten some of the road out. He asked if the 1713 square feet was involved with the survey that was done at that time.

Mr. Weeks said he didn't think it did. He said if he remembers correctly they pulled out the plans and the lot was laid out the same.

Ald. Larose asked if the dedication is kind of like a half moon.

Mr. Weeks said they have put a radius in. He showed the area on the plan and said they have also put in a curb.

Ald. Larose asked what the owner is planning on doing with the land that is dedicated to the City - i.e., if he was going to leave it in a state of disrepair.

Mr. Weeks said he didn't know.

Ald. Larose said when he visited the site; he went into the furthest driveway on the north and parked on the land. He walked the perimeter of the land. He said when you get to the south, the site looking left is obstructed by trees and bushes, but it's not on the applicant's land, but in the right-of-way. He said he doesn't know if they can require that this site impairment be alleviated.

Mr. Moran asked where the driveways are.

Mr. Weeks referred the Board to Sheet 3. He said they are going to use the existing curb cuts as they are.

Mr. Lowe said he thought they should stipulate that the applicant grade the area that is being dedicated to the City.

Mr. Sawyer said there is grading shown on Sheet 3 along the frontage of the road. It looks like they are adding a little swale to deal with the runoff. He said with the house being removed from that area, a lawn will be established. There will be an additional right of way if the City ever comes back to construct the road. In talking with the City Engineer's Office they would likely not be pulling the road that much further into the site, but likely continuing the curve further up toward the apple orchard. The right-of-way that's been requested is what the City Engineer's Office requested. The applicant has complied with it.

SPEAKING IN OPPOSITION OR WITH CONCERNS

No One.

SPEAKING IN FAVOR

No One.

Mr. Sawyer said the staff supports the waiver request. They are making a dedication free of charge and it's an important dedication for the City Engineer's Office.

There was some discussion about sidewalks with Ald. Larose indicating where there are sidewalks in the area. He said he understands that this is the halfway point, but sometimes when you start filling in sidewalks they end up getting a lot more sidewalks. He said he suspected that there would be other projects in this area so if they waive the sidewalk or sidewalk fees the City would probably end up having to do the whole length.

Mrs. Lasky asked where this is on the sidewalk priority list.

Mr. Sawyer said under the old zoning ordinance, the sidewalk regulations did refer to a priority list. The newest land use code does not require it. He said Coburn Avenue was on the priority list. He said he doesn't know where it stands with Capital Improvements.

Ald. Larose said this is a direct road to the High School. He suspects those High School students are not bussed. They either have a car or they walk.

MOTION by Mr. Lowe to approve the subdivision of one lot into two, 49 Coburn Avenue with the waiver of Section 16-617(d)(2)A-B and with the finding that it meets NRO Section 16-440(g) and with the following stipulations:

1. Prior to the plan being recorded, the storm water operation and maintenance plan shall be recorded.
2. Prior to the plan being recorded, the deed for the right-of-way dedication shall be submitted to and approved by the Planning Department and Corporation Counsel.
3. Staff will work with applicant on site grading and the final appearance along the street frontage.

SECONDED by Mr. Torosian.

Ald. Larose said he is opposed to the waiver of the sidewalk. He said he understands that they are dedicating some land, but the amount of land that they are dedicating will not adversely affect any of their project. They are dedicating a portion of the front so the roadway will be a lot better than what it is now and it is to their advantage.

Mrs. Lasky asked if with the motion they will not receive a contribution toward the sidewalk fee as well as the applicant not being required to build a sidewalk.

Some discussion ensued.

Mr. Weeks said they are dedicating 1713 square feet of land to the City in lieu of \$10,250 - a \$50 per foot contribution for a total of 205 feet.

There was further discussion about the sidewalk contribution and/or construction with Mr. Lowe indicating his intention with his motion was not to waive both.

MOTION WITHDRAWN by Mr. Lowe.

SECOND WITHDRAWN by Mr. Torosian.

Mr. Weeks said he just talked to the applicant and if the Board is going to make another motion, the applicant may be willing to go half way on the sidewalk contribution.

Discussion ensued with Ald. Larose stating that they should give the applicant a choice of either making the contribution or constructing the sidewalk. He said they shouldn't be in the position where every time there is an application they are negotiating on how much the fee is. The fee is established and has been going on for a number of years. It has worked well and he didn't think they should change what their procedures have been.

Mr. Torosian said every time there's a little twist like this they need to take the impact into account. He said they are going to dedicate a certain amount of square footage of land to the City, which is going to make the road a little safer. He said he didn't have a problem waiving the sidewalk altogether and taking the land. If the applicant is willing to pay half, then they can take the half.

Ald. Larose said they need sidewalks on Coburn Avenue. It is not a road conducive to walk on, but you're not going to stop people from walking on it. There are a lot of residents there and a lot of high school kids who live in that area and he thinks they need to stick with what they've done in the past - either ask for a contribution or ask for the construction of the sidewalk.

Mr. Moran agreed that the City needs sidewalk out here. People drive more than the speed limit out here.

MOTION by Ald. Larose to grant the subdivision of one lot into two, 49 Coburn Avenue with the finding that it meets NRO 16-440(g) and with the following stipulations:

1. Prior to the plan being recorded, the storm water operation and maintenance plan shall be recorded.
2. Prior to the plan being recorded, the deed for the right-of-way dedication shall be submitted to and approved by the Planning Department and Corporation Counsel.
3. Staff will work with applicant on site grading and the final appearance along the street frontage and final driveway location.

4. Applicant has choice of sidewalk construction or of making the \$10,250 contribution.

SECONDED by Mr. Moran.

MOTION CARRIED - 4-1, Mr. Torosian opposed.

6. **Charles D. Lewis, Jr. & Boston & Maine Corporation (Owners) - Application acceptance and proposed subdivision of railroad right-of-way, Lot 137, and consolidation of westerly portion with Lot 46, 12 Middle Street, West Otterson Street & Elm Street, Sheet 97 - Lots 46 & 137, Zoned "RC" - Urban Residence.**

MOTION by Ald. Larose that the subdivision application is complete and that the Planning Board takes jurisdiction of the application.

SECONDED by Mr. Torosian.

MOTION CARRIED UNANIMOUSLY

Peter Weeks, Cuoco & Cormier Engineering, Nashua, NH. Mr. Weeks said he is representing Charles Lewis, the owner of Lot 46. Lot 137 is owned by the Boston & Maine Corporation.

He referred the Board to the plan. He said there is an existing lattice fence. It was always assumed by Mr. Lewis that was the right-of-way, but it was on railroad property. He said Mr. Lewis wanted to purchase the property from Boston & Maine Corporation.

He said in order to subdivide the land, they had to get a variance for the remaining area of Lot 137 for lot width, depth, and area. They received approval for the variances on May 9th.

He said they are proposing to take the remaining land of Lot 137, which is 5,881 square feet and consolidating it with Lot 146. There was 6,293 square feet on the lot and now there will be 12,174 square feet.

Mr. Weeks said they have requested three separate waivers. One is for storm water management, landscaped yard area requirements, and subdivision plan design review. This is a simple procedure and Mr. Lewis just wanted to buy this land to take care of his problem with the driveway.

Ald. Larose asked if the driveway was actually on B&M land and Mr. Weeks said it is and has been for many years.

Ald. Larose asked what the square footage requirement and the frontage requirement for a house is in the RC District.

Mr. Weeks said it's 5,000 square feet. Mr. Houston said it requires 50' of frontage.

SPEAKING IN OPPOSITION OR WITH CONCERN

Susan Vale, 2 Rockland Street. Mrs. Vale said this is a corner lot and wondered if it falls under the same requirements as a lot that is not a corner lot.

Mr. Yeomans said this is a subdivision and consolidation to make one lot bigger and one lot smaller. This is all that it does. The applicant received the necessary variances to further create a non-conforming lot, which is the remainder of the piece, which will be is owned by B&M.

Ald. Larose said they are creating a corner lot now where it was not a corner lot before because the railroad owned the land.

Mr. Yeomans said it does have frontage on two streets, but it's only a plan to make the lot bigger.

Susan Vale, 2 Rockland Street. Mrs. Vale asked if there is a depth of 75' in either direction with the lots combined.

Mr. Yeomans said this is uncalled for. He said this is not Wellington Street. He did point out the lot and the front yards, side yard, and what's left.

SPEAKING IN FAVOR

No One.

MOTION by Mr. Lowe to approve the subdivision of railroad right-of-way, Lot 137, and consolidation of westerly portion with Lot 46, 12 Middle Street, West Otterson Street & Elm Street with the approval of the waivers for storm water management (16-620(b), landscaping (16-570(b), and subdivision standards (16-452(b).

Mr. Lowe commented that in the plan shows the minimum lot requirements in the RC Zone are listed on the plan. They are

5,000 square feet, 50' frontage, 50' width, and 75' depth. It meets all the requirements in the ordinance.

SECONDED by Mr. Torosian.

MOTION CARRIED UNANIMOUSLY

7. Victoria M. Holden (Owner) - Application acceptance and proposed lot line relocation, 135 & 137 Coburn Avenue, Sheet F - Lots 162 & 973, Zoned "R9" & "R18" - Suburban Residence.

MOTION by Ald. Larose that the subdivision application is complete and the Planning Board takes jurisdiction of the application.

SECONDED by Mr. Lowe.

MOTION CARRIED UNANIMOUSLY

Peter Weeks, Cuoco & Cormier Engineering, Nashua, NH. Mr. Weeks said the proposal is for a lot line relocation. The said the area is outlined in green on the plan and comprises an area of 824 square feet. An addition is planned for the house on Lot 162. Both lots will meet all the dimensional requirements after the subdivision. The majority of Lot 973 is in the R18 Zone and they have used the R18 regulations. The lots are serviced by gas, City sewer, and Pennichuck Water Works. He pointed out the area where there are sewer stubs.

He pointed out an orange area on the plan. He said they are going to maintain both curb cuts. He referred the Board to Sheet 3C, which shows the driveway, which has to be changed due to the subdivision. Lot 973 is going to have to provide driveway access for Lot 162. The area in blue is the existing water line.

He said the plans have been reviewed by the City Engineer and there were no comments from that office. He said they will take erosion control measures prior to any construction. There is a swale in front.

SPEAKING IN OPPOSITION OR WITH CONCERN

No One.

SPEAKING IN FAVOR

No One.

MOTION by Mr. Lowe to approve the lot line relocation, 135 & 137 Coburn Avenue with the finding that it meets the requirements of NRO 16-440(g) and with the following stipulation:

1. Prior to recording the plan the driveway and utility easements, and storm water operation and maintenance plan for Lot 973 shall be prepared and recorded with the plan.

SECONDED BY Mr. Moran.

MOTION CARRIED UNANIMOUSLY

NEW BUSINESS - SITE PLAN

None

OTHER BUSINESS

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

MOTION by Ald. Larose that there are no issues of regional impact on the tentative agenda.

SECONDED by Mr. Moran.

MOTION CARRIED UNANIMOUSLY

Discussion Items

Ferson-Lake, LLC 0 Conceptual Plan

Atty. Andy Prolman, Prunier & Prolman, Nashua. Atty. Prolman put a plan on display. He said when they came to the Board in March they proposed a subdivision of one lot on Ferson Street and four units coming in off of Lake Street that had elderly housing plus an exclusionary unit. The consensus was that they didn't like the shape of the lot. He said they have now removed the lot line altogether and are proposing the two lots be consolidated and there would be no inclusionary unit included. It's an all-elderly housing project. He said the conceptual proposal is intended to meet all the zoning ordinances. They are not going to be asking for any waivers, variances or special exceptions.

He said the houses that exist on Ferson Street and Lake Street today are proposed to remain and be renovated. One of the main concerns that they heard from the Board and from neighbors was the character of the neighborhood. They had previously proposed razing the existing houses, but they are now proposing to keep them.

He said another concern that was raised was the trees to be removed. He said they don't have the drive going toward the back, which enables them to keep as many trees and vegetation as possible.

He said the booklet that was handed out to the Board previously has been supplemented and has additional tabs - # 13 & #14. Tab #13 shows the present plans that he is talking to the Board about plus shows an example of the type of unit. Under Tab #14 is a letter from Ferson-Lake LLC addressing what they believe to be the concerns of the Board and the neighborhood.

Mr. Moran said he was absent at the meeting when this was presented so he went over the minutes from that meeting and listened to the tapes. He said one of the things he noticed is that the applicant had not gone over any of the changes or any of the planning with the abutters. He asked if they had discussed the new plan with the abutters.

Atty. Prolman said they have not met or discussed the new plan with any of the abutters. It's at the conceptual level.

Mrs. Lasky asked if anyone in the audience had any comments to make regarding the conceptual plan that has been presented tonight.

Jim Donchess, 4 Rockland Street. Mr. Donchess said Atty. Prolman made the comment that this conforms with zoning, which he believes is true only if it is actually elderly housing. If it is not elderly housing than it does not conform to the zoning ordinance. The zoning ordinance defines elderly housing as that as defined in the statute governing age discrimination and in the regulations issued by the Human Rights Commission regarding Age 55 and older housing. He said when looking to the City regulations, to qualify as elderly housing many services have to be provided for the residents. They are listed in the ordinance as follows:

- Continuing education programs of interest to residents
- Information and counseling services

- Recreational programs
- Homemaker services
- Services designed to assist residents with the maintenance and upkeep of building and grounds
- Accessible physical environment
- Emergency and preventative health care programs
- Congregate dining facilities
- Transportation to facilitate access to social services
- Referral services
- Services designed to encourage and assist residents to use the services and facilities available to them

Mrs. Lasky asked if this is mandated.

Mr. Donchess said in the zoning code it refers to this and says this is what elderly housing is. The regulations go on to say that the housing facility shall qualify for the exemption as housing for older persons age 55 and older if it provides significant services and facilities, but does not provide all of the features.

He said from the testimony that he's heard and the testimony that he's reviewed, there's been no testimony and no evidence that even one of these services is going to be provided. Unless these services are going to be provided and evidence is going to be presented, this is an attempt to avoid the density requirements of the zoning ordinance. It doesn't come close to elderly housing as it is defined in the regulations that are specifically referred to in Nashua's zoning ordinance. He presented a copy of the zoning ordinance that refers to elderly housing, a copy of the statute and a copy of the regulations that are referred to. He indicated that he had highlighted the sections that apply in yellow.

Mrs. Lasky asked if the regulation states that they these services shall be provided.

Mr. Donchess said it does say a significant amount of the services he went over have to be provided. He said the way the elderly housing exemption comes up is that there is a State law prohibiting age discrimination. An exception to that law is carved out in the State statute for 55 and older housing. In that context 55 and older housing is defined, but it is clear not only in the regulations, but in talking with the Human Rights Commission staff, these facilities have to provide significant services - or they are not elderly housing.

Kerry Roy, 330 Lake Street, Nashua. Mr. Roy said he lives across the street from the proposed project. He said Atty. Prolman indicated that the two existing houses are going to stay. He asked how they are going to have access them without the houses being removed.

Atty. Prolman said the lots will be consolidated into one lot. There will be separate entrances from each street to allow access. The existing homes are intended to stay with a drive aisle past each of them to the new units. He said the picture of what this will look like is displayed.

Mr. Roy said he still has concerns. He is well aware that this isn't Wellington Avenue, but he didn't think the proposal is going to be in character with the neighborhood.

Susan Vale, 2 Rockland Street. Mrs. Vale said that Mrs. Lasky had asked if the listed services could be requested at a later time and Mr. Donchess explained how the regulations are written. She said often it is the children that have to seek the services for the elderly adults as the adults themselves don't always know when they need what they need and how to get it first of all. She said it really needs to be on-site. It has to be available to them and there have to be people there to evaluate the situation in order to do that. A lot of time that falls on the shoulders of the children.

She said many of the properties surrounding the site are not shown on the plans, even though the drawing is conceptual. She said some belong to homeowners that are in their eighties and nineties and they already live in the neighborhood. Their children and grandchildren will be needing to seek services for them at some point in time. This may or may not impact their ability to be able to stay there and get the kind of services that they need privately just due to the access issues. She said there's a great need in that neighborhood as it already is.

Charlene Coneys. Ms. Coneys said she is speaking on behalf of her mother, Eleanor Coneys. She said her mother lives at 331 Lake Street. She lives right in the "L" so this will be behind her and beside her.

She said the consolidation of these two lots appears to be **unintelligible** the density requirements because she doesn't believe either lot meets density requirements if they were left in the current state. The consolidation of the lots creates an

"L" shaped lot with an island of three existing homes in the middle of it.

She said this concept creates "a house behind a house". There's a house on the street and then you're putting a house behind it, which creates the shoehorning and cramming of houses and not in keeping with the character of the neighborhood.

She said the way the parking is proposed, the one on Lake Street will shine right into her mother's bedroom and the parking on Ferson Street will shine right into the back of her house. She said she didn't believe this is good for the neighborhood.

Diane Urquhart, 2 Ferson Street. Mrs. Urquhart said she lives across the street from 3 Ferson Street. She has owned and lived in her home for forty-two years. She said she's been involved in trying to keep the neighborhood safe and free from back yard developments.

She said she is strongly opposed to what she calls the "flagpole design". She said to her this means a house behind a house. She said the proposal would ruin not one, but two neighborhoods because they are on two separate streets. She said they have said before that they are opposed to the expansion, other than two-family homes, which now exist in the surrounding neighborhoods.

She said the map indicates 75' frontage, but Ferson Street doesn't have 75' of frontage. On the lot line relocation it states the minimum lot width is 75', however, it is actually 70'.

Mrs. Urquhart said at the last meeting Atty. Prolman said the Fire Department was contacted. He also said the only time the Department has mandated a sprinkler system are for homes that aren't on public water. She said this isn't true. When they put in 192 Kinsley Street they had to have sprinkler systems.

Ald. Larose commented that it may be because it was more than 10,000 square feet.

Mrs. Lasky said the Fire Department would have to sign off on this.

Mr. Yeomans said under the tech review portion of the process the Fire Department is fine with the fire access piece of the proposal. The fire protection component comes at the time of

the building permit. They would have to comply with all the regulations for building safety in order to obtain a building permit.

Mrs. Urquhart said at this time there are thirty-five single-family homes and seven duplexes in the neighborhood. There are no multi-family homes or elderly housing. She said two principal structures back to back will visually be out of character with the surrounding property and essentially detrimental to the neighborhood. It's cramming or forcing a development that might meet minimum density and open space requirements, but is not in keeping with the character and complexion of the existing neighborhood.

She said cutting down the trees would cause a much higher level of noise pollution from Route 3, which is not far away from here. She said it makes a huge difference. She said she is aware that Atty. Prolman said they aren't going to take down that many, but when they get onto the site they do. She said there are twenty or so pine trees that are part of a cluster and they all work together so if one or two are taken out, Mrs. Coneys could have a problem because she has some there and if they are disrupted she could end up with trees on her house. It could be a serious situation.

Marilyn Bixby, 346 Lake Street. Mrs. Bixby said her property abuts on the other side of this site. She said the existing house on Lake Street is going to stay and the garage is going to be removed to make the driveway to go in back. She asked if there are two units in the back. (Someone indicated this is correct). She said the existing house on Ferson Street is going to stay and there will be two units back there. (Someone said one unit).

Mrs. Bixby asked if the homes that are directly on Ferson Street and Lake Street are also elderly housing.

Someone indicated they are.

Mrs. Bixby asked if any fences are going to be erected.

A comment was made, but was unintelligible.

Jane Vincent, 67 Wellington Street. Mrs. Vincent said character of a neighborhood is something that has been difficult to pinpoint. The Planning Committee of the Board of Alderman is discussing this at their next meeting and they are going to try

to come up with a definition. When Ald. Cookson was serving on the Board at one of the meetings he said that it may be difficult to define what the character of the neighborhood is, but maybe you can go at it from the other direction and define what is not in the character of the neighborhood. She said she doesn't see how something like this can possibly be in the character of the neighborhood

She said they always need to protect the people who are in a neighborhood and make sure that something isn't being done that will hurt their property values. She said where it hurts them the most is marketability of their homes. If something of this scale is done in a neighborhood she couldn't see how it would help but hurt the marketability of all the homes in that area. When you hurt the marketability, then the value of the homes go down.

She said the services that Mr. Donchess talked about is a necessary component of anything having to do with elderly housing.

John Koutsas, 3 East Dunstable Road. Mr. Koutsas said he thought that the regulations that Mr. Donchess spoke to were new to all of them. He said at the last meeting they all got up and argued that this didn't meet the criteria. All of the reasons they gave for that turned out to be in the laws, but they didn't know it at the last meeting. He asked the members to read the regulations and familiarize themselves with them. It will be easy for the Board to make a decision based on the law. He said the whole request comes down to this part of the law.

Terry Roy, 330 Lake Street. Mr. Roy said Atty. Prolman indicated that the home on Ferson Street and the home on Lake Street will also be elderly housing. He asked if they will have to revamped for elderly housing.

Someone answered, but not understood.

Mr. Moran asked if there are going to be renovations to the two existing houses. He said he didn't understand the shadow on the plan.

Atty. Prolman said "yes". They will be updating the whole interior of the unit. The footprints of the houses stay the same.

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He said they appreciate the concerns about the elderly housing ordinance, statute, and regulations. The intent is to meet the elderly housing requirements. Not all elderly housing is the same - size, number, etc. He said in order to receive approval, the applicant has to meet the elderly housing regulations.

The Planning Board made no comments to make concerning this concept plan.

ADJOURNMENT at 8:55PM.

APPROVED: _____
Bette Lasky, Chair, Nashua Planning Board

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