

NASHUA CITY PLANNING BOARD
June 15, 2006

A special meeting of the Nashua City Planning Board was held on Thursday, June 15, 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
 William Slivinski
 Steve Farkas
 Hugh Moran
 George Torosian
 Robert Canaway

Also Present: Mike Yeomans, Deputy Planning Manager
 Rick Sawyer, Deputy Planning Manager

Approval of Minutes

May 18, 2006

MOTION by Mr. Lowe to approve the minutes of May 18, 2006, waive the reading and place on file.

SECONDED by Ald. Larose.

MOTION CARRIED 5-0-3, Mr. Farkas, Mr. Slivinski & Mr. Canaway abstaining.

MOTION by Mr. Lowe to approve the minutes of June 1, 2006, waive the reading and place on file.

SECONDED by Mr. Moran.

MOTION CARRIED 5-0-3, Mr. Canaway, Mr. Torosian & Mr. Farkas abstaining.

Communications

Mr. Yeomans said there are no communications separate from what is in the Board's folder tonight.

REPORT OF CHAIR, COMMITTEE & LAISON

Mr. Farkas said the NRPC will have their annual meeting on the 21st and they will be passing their budget.

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 - CONDITIONAL/SPECIAL USE PERMITS

None

OLD BUSINESS - SUBDIVISION PLAN

1. **Ferson-Lake, LLC (Applicant) Thomas L. Jenkins, Jr. & Andrea J. Hardings (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

2. **Ferson-Lake, LLC (Applicant) Thomas L. Jenkins, Jr. & Andrea J. Hardings (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

None

NEW BUSINESS - SITE PLAN

3. **Hollis East I, LLC (Applicant) Beebe Rubber Company, Inc. (Owner) - Application acceptance and proposed site plan to show the construction of a 3,200 square foot, 1-1/2 story, 4-bay contractors office/shop with associated access, parking and site improvements, 17 Marshall Street, Sheet 29 - Lot 48, Zoned "GI" - General Industrial.**

MOTION by Mr. Slivinski that the site plan application is complete and that the Planning Board takes jurisdiction of the application.

SECONDED by Mr. Farkas.

MOTION CARRIED UNANIMOUSLY

Joe Coronati, Jones & Beach Engineers. Mr. Coronati said the parcel of land in this case is located at Marshall Street. It is a vacant lot that is about 93% paved. It was basically used as a parking area for Beebe Rubber.

They are proposing a 4-bay contractor office/shop that will have about seven parking spaces. This use is conforming in this zone. They did receive a variance for a 10' encroachment into the rear yard setback so they could move the building further from the road and make a larger parking lot as well as green space in the front of the lot.

He said there will be some improvements made to Marshall Street. There are two curb cuts existing and they will be eliminating one of them. They will rebuild the sidewalk across the frontage and will provide curbing. They will also provide landscaping.

He said they are asking for two waivers, both from the architectural section of the new ordinance. The first one is for the building façade. The new ordinances state that metal fronts are not allowed. They are proposing an all metal building. The garage doors are at the front of the building so there's not a lot of façade in the front. They would also like to make it uniform in style and color all the way around the building. The second waiver is for overhangs on the roof. The ordinance calls for a 3' overhang. They are only 5' from the rear property line and they have some drainage items in the back of the lot. A 3' overhang would be almost to the edge of the lot itself. If required to have the 3' overhang they would have to have a smaller building or they would be further into the side setback. They only have 10' now. They are providing a slight overhang that will be sufficient for this type of building and the use.

Mr. Lowe asked about outside storage.

Mr. Coronati said there is no outside storage.

Mr. Slivinski asked Mr. Coronati to go through the waiver requests again and to give the reasons why they were needed.

Mr. Coronati read Article V, Division 4, Section 16-542(b)(2) (Non Residential Building) to the Board. He said this is for the waiver on the façade. He said the way it reads its looking for a breakup in the front of the building. This is a proposed industrial use and it is proposed to be a metal building. It is mostly garage doors in the front. It is intended to be used by a contractor who needs a little space to run an office. By complying with the ordinance it seems like it would be a more for a commercial downtown area, rather than an industrial type use. He doesn't even know if they redesigned by the building that it would help because people will still be looking at four garage doors and four access doors into it.

He then read Article V, Division 4, Section (c)(2) for roofing to the Board. He said the proposed building has minimal overhangs due to the design style being a metal building. The rear setback to the proposed building is only 5' and the sides are 10'. The overhangs would extend farther towards the abutters properties for only minor aesthetic gain. He said this

requirement is better suited for commercial and downtown uses where there is more room on the lot.

Mr. Moran asked if there are any environmental concerns on the lot.

Mrs. Lasky said this question will be addressed by Atty. Prunier.

Ald. Larose said there is a description that states there is no dumpster or outside storage. He asked how they proposed to get rid of their trash.

Mr. Coronati said there's adequate room inside the bays. If there's any trash generated they would have regular garbage cans that they would bring out to the curb for pickup.

Ald. Larose said it's his understanding that the City does not pick up trash from commercial buildings.

Mr. Sawyer said this is correct.

Mr. Coronati said in that case it would more than likely be a private collection company that would have to come in.

Ald. Larose said that they have stated there is going to be some office space. He asked if the office space is going to be upstairs or downstairs.

Mr. Coronati said it will be upstairs. He said there's a mezzanine level in the back of the units for a small office where one can do some paperwork.

Mr. Moran said there was a question that came up at the Zoning Board about fencing. He asked what it being done about this.

Mr. Coronati said they are proposing a 6' high solid fence along the northern side of the property to shield the apartment house on that side.

Mr. Lowe said that he is aware that they have a sewerage problem in this area. He asked if this has been taken into account.

Mr. Coronati said that it's his understanding is that the development across the street (80 condo units) had fairly massive improvements to Marshall Street to fix that situation.

Mr. Canaway said the staff report mentions a third waiver pertaining to metal siding.

Mr. Sawyer said that it might not so much be a waiver, but the code requires the Planning Board to look at other materials of similar appearance and durability as determined by them. The ones they can do by right are brick, wood, sandstone, concrete or split-faced block or other masonry units. Otherwise, the Board has to approve it.

Mr. Coronati said that what he pictures is the metal roofing that is on houses today is of different colors and has a little bit of a ridge to it. He said he believes they use that same type of material for the sides of the buildings. They can be any color and it's fairly weather resistant.

Mrs. Lasky asked Mr. Coronati to address the landscaping.

Mr. Coronati said they looking to line the front of the property and the green space separating the parking lot and the sidewalk with a couple of larger 6'-8' trees spaced appropriately so they can grow in size. This would create a buffer to the road into the development on the other side of the street. Around the building (on the East Hollis Street side and southern side) they are leaving the area grassed.

Mrs. Lasky asked if the trees they will be planting are going to be evergreens.

Mr. Coronati said there is a mix of white pine and red maple.

Mrs. Lasky asked if they would be amenable to more landscaping around the building.

Mr. Coronati said they would.

Mr. Sawyer said that one of the staff stipulations asks for a final landscape plan. He said he believes there is one piece of the landscape code that is missing from that plan and that is the lower shrub level along the street line. He said they can work with the applicant to address this concern.

Mr. Slivinski asked if these are going to be rental units to contractors or if they are going to be condominiums for contractors.

Mr. Coronati said they would be rentals.

SPEAKING IN OPPOSITION OR WITH CONCERNS

No One.

SPEAKING IN FAVOR

Atty. Gerald Prunier, 20 Trafalgar Square, Nashua. Atty. Prunier said in this area there is a painting contractor, a lumberyard, fast food restaurants, etc. He said no one is interested in purchasing this lot because it is small so the owner has decided to develop it himself. This is a unique part of zoning in the City. The area itself lends itself to this type of a building.

Mr. Slivinski said the key to this is to keep everything inside the building.

Atty. Prunier said there isn't any place to put anything on the outside.

Mr. Moran asked about any environmental issues.

Atty. Prunier said this lot has no environmental issues. The larger lot on the other side has issues and the State is about a week away from accepting a remedial action plan. If they hadn't run out of time with the site plan approval they wouldn't be back to present the next case (Case #4).

MOTION by Mr. Lowe to approve the site plan for the construction of a 3,200 square foot, 1 ½ story, 4-bay contractors office/shop with associated access, parking and site improvements, 17 Marshall Street with the following stipulations:

1. Prior to any work being conducted, a pre-construction conference shall be set up with the Planning Department.
2. If any exterior lighting fixtures are to exceed 900 lumens than a lighting plan must be submitted to and approved by the Planning Department.
3. Prior to a building permit being issued a final landscape plan shall be submitted to and approved by the Planning Department.
4. Prior to a building permit being issued documents pertaining to the storm water operation and maintenance plan shall be

recorded. The cost associated with recording the document shall be submitted to the Planning Department.

5. Prior to a building permit being issued, bonding for all public improvements shall be submitted to and approved by the Engineering Department and Corporation Counsel.
6. Prior to a certificate of occupancy being issued, all on site and all public improvements shall be completed.
7. The request for the three waivers of Section 16-542 - Building Design is granted.

SECONDED by Mr. Torosian.

MOTION CARRIED UNANIMOUSLY

4. Hollis East LLC (Applicant) Beebe Rubber Company, Inc. (Owner - Application acceptance and proposed 1-year extension of site plan NR610 for the construction of two, 4-story, 40-unit multi-family apartment buildings with associated access, parking and site improvements, 22 Marshall Street and East Hollis Street, Sheet 29 - Lots 26, 39 & 45, Zoned "GI" - General Industrial.

MOTION by Mr. Slivinski that the site plan application is complete and that the Planning Board takes jurisdiction of the application.

SECONDED by Ald. Larose.

MOTION CARRIED UNANIMOUSLY

Atty. Gerald Prunier. Atty. Prunier said they are looking for an extension of the approval received a year ago with all the conditions staying in place. In this case the State has had to approve a remedial action plan. The plan has been submitted and they are expecting an approval of the plan within less than a month and they hope to start construction sometime later this summer.

SPEAKING IN OPPOSITION OR WITH CONCERN

No One.

SPEAKING IN FAVOR

No One.

MOTION by Ald. Larose to grant the extension of site plan NR610 for the construction of two, 4-story, 40-unit multi-family apartment buildings with associated access, parking and site improvements, 22 Marshall Street & East Hollis Street, Sheet 29-Lots 26, 39 & 45 with the following stipulations:

1. Prior to the issuance of a building permit the subdivision plan shall be recorded.
2. Prior to the issuance of a building permit the storm water operation maintenance plan and access easements shall be recorded.
3. Prior to the issuance of a building permit the applicant shall resolve any outstanding traffic issues to the satisfaction of the Traffic Department.
4. Per Traffic Department comments dated May 15, 2005, should commercial development be proposed prior to full occupancy of both residential buildings and traffic report shall include all three lots in the analysis.
5. Prior to the issuance of the final certificate of occupancy all work within the public right-of-way shall be completed to the satisfaction of the Division of Public Works, unless otherwise provided.
6. Prior to the issuance of the final certificate of occupancy all site work shall be completed, unless otherwise provided.
7. Prior to the issuance of a certificate of occupancy, the fire flow data must be re-run and approved by the Fire Department.

SECONDED by Mr. Lowe.

MOTION CARRIED UNANIMOUSLY

5. **Nashua Pastoral Care Center, Inc. (Owner) - Application acceptance and proposed 1-year extension of a 727 square foot addition to the existing 4-unit multi-family building, with associated site improvements, 12-14 C Street, Sheet 40 - Lot 9, Zoned "GI" - General Industrial.**

Mr. Yeomans said this was incorrectly listed as a 1-year extension. It is actually a re-approval. They did advertise it as they would a new application.

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

SECONDED by Mr. Moran.

MOTION CARRIED UNANIMOUSLY

Gordon Leedy, Planner & Landscape Architect, Vanesse, Hagen & Breslin, Bedford. Mr. Leedy said this is a plan that was approved by the Board last March. It is for a 727 square foot expansion to an existing multi-family home. He said they were at the Zoning Board of Adjustment meeting on Tuesday night and received a re-approval of the special exception for the expansion of a non-conforming use.

Mr. Leedy pointed out the location of C Street and the existing building on the plan he presented to the Board. They are proposing a one story, 727 square foot expansion to the existing four-unit building. There are no additional dwelling units proposed. Currently there are two, one bedroom units, one, two bedroom unit and one, three bedroom unit. This will allow the expansion of two of the units so that there will be two, three bedroom units and two, two bedroom units.

He said there is an existing shed on the back of the property that will be moved away from the building, but will be kept on site. They will also construct a low retaining wall as the lot slopes off back toward D Street. He showed this on the plan. The shed would be moved back adjacent to the retaining wall.

He said in previous discussions they talked about parking for the property. Right now there is adequate space for the required number of vehicles in the driveways adjacent to the building. He said they have agreed to create a reserve area at the back of the site off of D Street in case there is a need for any additional parking. Because of the use of the building they don't anticipate that to be necessary.

He said they did a drainage study for the small area of additional impervious surface that would be created. They are creating a small low area in the back to keep the drainage on the site and allow infiltration.

He said there is a stipulation on the plan that calls for meeting all applicable landscaping requirements, etc. and he thinks this meets all the codes and requirements.

He said the architecture of the building will be very much in keeping with the existing look of the house - same siding; same kind of roof lines. It will be in the back of the building not visible from C Street, but will be visible from D Street.

Ald. Larose asked why the applicant needed a re-approval.

Mr. Leedy said the approval was only good for a year. The project is partially in cooperation with the Office of Community Development and there was some turnover in City staff that created some timing issues as well as some financing issues. The applicant didn't get it together to start construction until this spring and when they went to pull a permit they found that their approval had lapsed.

Mr. Yeomans said there was some asbestos remediation that had to be done first in order to deal with the financing. This also slowed the process down as well.

Mrs. Lasky asked if the asbestos issue has been taken care of and Mr. Leedy said as far as he knows it has been.

SPEAKING IN OPPOSITION OR WITH CONCERN

No One.

SPEAKING IN FAVOR

No One.

MOTION by Ald. Larose to approve the site plan for extension of a 727 square foot addition to the existing 4-unit multi-family building with associated site improvements at 12-14 C Street with the following stipulation:

1. All prior and current Zoning Board of Adjustment and Planning Board conditions of approval are incorporated herein and made part of this approval.

SECONDED BY Mr. Farkas.

MOTION CARRIED UNANIMOUSLY

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 Item

Ald. Larose asked what is happening with the Lake Street project. He asked if the Board is going to get a brand new plan or if it's a continuation of what the Board has seen before.

Mr. Yeomans said this communications with the applicant is that they are drafting a new plan, which will be the same plan that the Board has seen as a concept plan. It will be put into a formal plan presentation and will be re-advertised. He expects the first plan to be withdrawn.

Ald. Larose and Mr. Moran announced that they would not be at the next Planning Board meeting (June 13, 2006).

ADJOURNMENT at 7:50PM.

APPROVED: _____
Bette Lasky, Chair, Nashua 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