

NASHUA CITY PLANNING BOARD
August 10, 2006

The regularly scheduled meeting of the Nashua City Planning Board was held on Thursday, August 10, 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
 Alderman Richard LaRose
 Hugh Moran
 Steve Farkas
 Robert Canaway

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

Approval of Minutes

July 13, 2006

MOTION by Mr. Canaway to approve the minutes of July 13, 2006, waive the reading and place on file.

SECONDED by Mr. Farkas.

MOTION CARRIED 4-0-3, Mr. Moran, Mr. Lowe & Alderman LaRose abstaining.

Communications

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

1. A letter dated August 3, 2006 from Attorney Andrew Prolman regarding Item #6, Ferson-Lake, LLC.
2. A staff report from Mr. Yeomans regarding Discussion Item #1, 7 Acton Street.
3. Agenda for the August 23, 2006 Special Planning Board Meeting.
4. The Technical Review list.

REPORT OF CHAIR, COMMITTEE & LAISON

None

Chairman Lasky indicated that the Board would be taking up Other Business #2 first and then continuing with the agenda as scheduled.

OTHER BUSINESS:

2. Referral from the Board of Alderman on proposed R-06-94, Designation of Census Tracts 105, 106, 107 and 108 as a "Community Reinvestment and Opportunity Zone".

Mr. Jay Minkarah, Director of Economic Development, introduced the proposal and answered question from the Board.

Nelson Leese, Community Development Division presented an explanation of the proposed legislation and answered questions from the Board.

MOTION by Mr. Lowe to send a favorable recommendation to the Board of Aldermen on R-06-94.

SECONDED by Mr. Dufour.

MOTION CARRIED UNANIMOUSLY

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

None

OLD BUSINESS - SITE PLAN

None

NEW BUSINESS - CONDITION/SPECIAL USE PERMITS

1. **White Family Ventures, LLC (Owner) - Application acceptance and proposed Conditional Use Permit for the establishment of a 17,100 square foot retail furniture showroom and distribution facility within an existing mixed use building. 12 Murphy Drive, Sheet 140 - Lot 60, Zoned "PI" - Park Industrial.**

MOTION by Alderman LaRose that the conditional use permit application is complete and the Planning Board takes jurisdiction of the application.

SECONDED by Mr. Lowe.

MOTION CARRIED UNANIMOUSLY

Richard Maynard, Maynard & Paquette. Mr. Maynard presented the project and answered questions of the Board.

Attorney Jeffrey Zall, 221 Main Street Nashua reviewed how the project met the conditional use permit criteria and answered questions of the Board.

SPEAKING IN OPPOSITION OR WITH CONCERNS

No One.

SPEAKING IN FAVOR

No One

MOTION by Alderman LaRose to approve the conditional use permit for the White Family Ventures, LLC, 12 Murphy Drive, with the finding that it meets the requirements of NRO Section 16-432(f) and with the following stipulation:

1. All stipulations of prior site plan approvals for this site are incorporated into this approval and shall remain in full force and effect, unless otherwise determined by the Planning Board.

SECONDED by Mr. Dufour.

MOTION CARRIED UNANIMOUSLY

NEW BUSINESS - SUBDIVISION PLAN

2. Saint Stanislaus Hall, Roman Catholic Bishop of Manchester (Owner) - Application acceptance and proposed lot line relocation. 45 Pine Hill Road, Sheet E - Lots 44 & 45, Zoned "R9" - Suburban Residence and "AI" - Airport Industrial.

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

SECONDED by Mr. Moran.

MOTION CARRIED UNANIMOUSLY

Peter Weeks, Cuoco & Cormier Engineering. Mr. Weeks presented the project and answered questions of the Board.

SPEAKING IN OPPOSITION OR WITH CONCERNS

John Wollem, 67 Pine Hill Road

SPEAKING IN FAVOR

No One

MOTION by Mr. Dufour to grant the Lot Line Relocation, Saint Stanislaus Church, 45 Pine Hill Road with the finding that it meets NRO 16-440(g) and with the following stipulation:

1. The request for the waiver of Section 16-1100, B-37(b)(9) that requires existing topography and utilities to be shown is granted.

SECONDED by Alderman LaRose.

MOTION CARRIED - UNANIMOUSLY.

3. Paul and Kimberlee Taschereau (Owners) - Application acceptance and proposed subdivision of one lot into two. 97 King Street, Sheet 125 - Lots 76-79, Zoned "RB" - Urban Residence and "GI" - General Industrial.

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

SECONDED by Alderman LaRose.

MOTION CARRIED UNANIMOUSLY

Richard Maynard, Maynard & Paquette. Mr. Maynard presented the project and answered questions of the Board.

SPEAKING IN OPPOSITION OR WITH CONCERNS

No One.

SPEAKING IN FAVOR

No One.

MOTION by Mr. Dufour to grant the subdivision of one lot into two, Paul and Kimberlee Tashchereau, Owners with the finding that it meets NRO 16-440(g) and with the following stipulations:

1. Prior to ANY work being conducted, a pre-construction conference shall be set up with the Planning Department to review erosion control measures and tree removal.
2. Prior to the plan being recorded, the storm water operation and maintenance plan shall be recorded.
3. Prior to the plan being recorded, bonding for all public improvements, shall be submitted to and approved by the Engineering Department and Corporation Counsel.
4. Prior to the plan being recorded, the existing shed shall be relocated or razed to comply with to meet the accessory structure setback requirements.

5. Prior to a certificate of occupancy being issued, all public improvements shall be completed to the satisfaction of the Division of Public Works.
6. The request for the waiver of Section 16-571(a)(1) that requires a 40 foot buffer is granted.

SECONDED by Mr. Lowe.

MOTION CARRIED - UNANIMOUSLY.

NEW BUSINESS - SITE PLAN

4. Lowther Place, Henry Lowther (Applicant) Carl G. Stancik (Owner) - Application acceptance and proposed re-approval of site plan for the construction of six single family houses with associated access and site improvements. 705 West Hollis Street, Sheet F - Lot 1613, Zone "R9" - Suburban Residence. Approved July 20, 2005.

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

SECONDED by Mr. Canaway.

MOTION CARRIED UNANIMOUSLY

Attorney Andrew Prolman, Prunier & Prolman, 20 Trafalgar Square, Nashua, NH. Attorney Prolman presented the project and answered questions of the Board.

SPEAKING IN OPPOSITION OR WITH CONCERNS

Judith Walker, 701 West Hollis Street requested that a privacy fence be constructed along her property line.

SPEAKING IN FAVOR

Attorney Prolman, 20 Trafalgar Square.

MOTION by Mr. Lowe to approve Lowther Place, Henry Lowther, applicant, Carl G. Stancik, Owner with the finding that it meets NRO Section 16-450(d) and with the following stipulation:

1. This plan is subject to all conditions of approval as stipulated by the Zoning Board of Adjustment and Planning Board, and shall remain in full force and effect unless otherwise determined by the Planning Board.

SECONDED by Mr. Moran.

MOTION to amend the motion by Alderman LaRose to add second stipulation:

2. A privacy fence for 701 West Hollis Street shall be erected by the applicant prior to construction.

SECONDED by Mr. Moran.

MOTION ON THE AMENDMENT CARRIED UNANIMOUSLY

ORIGINAL MOTION CARRIED UNANIMOUSLY

5. **Bronstein Apartments, Nashua Housing Authority (Owner) - Application acceptance and proposed amendment to NR1212 to show minor changes concerning lighting, additional handicap parking spaces and larger dumpster pads. 41 Central Street, Sheet 80 - Lot 89, Zoned "RC" - Urban Residence.**

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

SECONDED by Mr. Moran.

MOTION CARRIED UNANIMOUSLY

Jeffrey Merritt, Keach-Nordstrom Associates, Inc.. Mr. Merritt presented the project and answered questions of the Board.

SPEAKING IN OPPOSITION OR WITH CONCERNS

No One.

SPEAKING IN FAVOR

No One.

MOTION by Mr. Lowe to approve site plan NR1212 Bronstein Apartments, Nashua Housing Authority, Owner with the finding that it meets NRO Section 16-450(d) and with the following stipulations:

1. Prior to any work being conducted the applicant and his contractor(s) shall hold a pre-construction conference with Planning staff to review erosion control and tree protection. Trees to remain shall be suitably protected during construction.
2. Prior to any work being conducted in the public right-of-way bonding shall be approved by the Division of Public Works and Corporation Counsel.
3. This plan is subject to approval by the Board of Alderman of the Myrtle Street discontinuance.
4. This site plan is subject to compliance with the condition of approval as stipulated by the Zoning Board of Adjustment.

SECONDED by Mr. Canaway.

MOTION CARRIED UNANIMOUSLY

6. **Ferson-Lake, LLC (Applicant) Thomas L. Jenkins. Jr. and Andrea J. Hardings (Owners) - Application acceptance and proposed site plan for a 5-unit elderly housing development with associated access, parking and site improvements. 333 Lake Street & 3 Ferson Drive, Sheet 88 - Lots 7 & 27, Zoned "RA" - Urban Residence.**

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

SECONDED by Mr. Lowe.

MOTION CARRIED 6-0-1, Mr. Farkas abstained.

Mrs. Diane Urquhart, 2 Ferson Street, requested that Mr. Farkas recuse himself from the case which he did.

Cory Johnston, Northpoint Engineering. Mr. Johnston presented the project and answered questions of the Board.

Attorney Andrew Prolman, 20 Trafalgar Square. Attorney Prolman presented additional aspects of the project and answered questions of the Board.

SPEAKING IN OPPOSITION OR WITH CONCERNS

Mr. Jim Donchess, 4 Rockland Street.

Mrs. Diane, Urquhart, 2 Ferson Street.

Mrs. Charlene Coneys reading a letter from her mother Eleanor Coneys, 331 Lake Street.

Mrs. Suzanne Vail, 2 Rockland Street.

Mr. John Koutsos, 3 East Dunstable Road.

Mrs. Jane Vincent, 67 Wellington Street.

Mrs. Frances Michaud, 70 Cox Street.

Alderman Robert Dion, Ward 6, 266 Pine Street.

SPEAKING IN FAVOR

Attorney Prolman, 20 Trafalgar Square.

MOTION by Alderman LaRose to disapprove New Business number 6, site plan for Ferson-Lake, LLC, Applicant, Thomas L. Jenkins. Jr. and Andrea J. Hardings Owners with the findings that:

1. It does not meet NRO Section 16-81 Elderly Housing Purpose bullet (number two) which states: It is a community goal to promote development of housing for older persons that provides facilities and service offerings typically demanded by this group and it is also a goal to promote proximity of such development to support services (shopping, medical services, transportation, etc.) necessary to meet the needs of these residents.
2. It does not meet NRO Section 16-81 Elderly Housing Purpose bullet (number five) which states: The intent is to foster development of housing for older persons while detailing local planning standards and promoting consistency with land use policies in the mater plan and the land use laws and regulations.
3. It does not meet NRO Section 16-81 Elderly Housing Purpose bullet (number six) which states: The intent is to regulate the intensity and mix of the different types of dwelling units required to meet the needs of these citizens so as to provide ample outdoor and livable space and to retain a sense of personal identity, intimacy, and human scale within the development.

4. The proposal is not appropriate and it does not meet NRO Section 16-81 Elderly Housing Purpose bullet (number nine) which states: There is a recognized need within the City for suitable and appropriate housing for older persons.
5. The proposal does not meet NRO Section 16-450(d)(3) Site Plan Approval Criteria as it does not meet the aesthetics of the City.

SECONDED by Mr. Canaway.

MOTION to amend the motion by Mr. Moran to add sixth reason for disapproval:

6. The proposal does not meet NRO Section 16-450(d)(1) Site Plan Approval Criteria as it is not consistent with the Master Plan.

SECONDED by Mr. Dufour.

MOTION ON THE AMENDMENT CARRIED UNANIMOUSLY

ORIGINAL MOTION CARRIED 4-2 Mr. Lowe & Mr. Dufour voting in opposition.

7. Jon and Pamela O'Donnell (Owners) - Application acceptance and proposed amendment to NR1827 to show the demolition of the existing beauty salon and the construction of a new first floor 1,560 square foot beauty salon with a second floor residential unit with associated access, parking and site improvements. 45 Broad Street, Sheet 61 - Lot 169, Zoned "RA" - Urban Residence.

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

SECONDED by Mr. Canaway.

MOTION CARRIED UNANIMOUSLY

Richard Maynard, Maynard & Paquette. Mr. Maynard presented the project and answered questions of the Board.

SPEAKING IN OPPOSITION OR WITH CONCERNS

No One.

SPEAKING IN FAVOR

No One.

MOTION by Mr. Lowe to approve site plan NR1827, Jon and Pamela O'Donnell owners, with the finding that it meets NRO Section 16-450(d) and with the following stipulations:

1. Prior to any work being conducted, a pre-construction conference shall be set up with the Planning Department.
2. Prior a building permit being issued documents pertaining to the storm water operation and maintenance plan shall be recorded.
3. Prior to a certificate of occupancy being issued, all on site improvements shall be completed.
4. With approval of the plan the Planning Board has authorized the use of vinyl siding.
5. The request for the waiver of Section 16-588(a) - maximum number of off-street parking spaces is granted.

SECONDED by Alderman LaRose.

MOTION CARRIED UNANIMOUSLY

8. Parke Place, One Parke Place, LLC (Owner) Application acceptance and proposed amendment to NR1353 to show the construction of 21 elderly housing units within a 4-story building with associated access, parking and site improvements. 120 Coliseum Ave, Sheet E - Lot 1548, Zoned "RC" - Urban Residence.

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

SECONDED by Mr. Lowe.

MOTION CARRIED UNANIMOUSLY

Richard Maynard, Maynard & Paquette. Mr. Maynard presented the project and answered questions of the Board.

SPEAKING IN OPPOSITION OR WITH CONCERNS

No One.

SPEAKING IN FAVOR

No One

MOTION by Mr. Lowe to approve site plan NR1353 One Parke Place, LLC owner, with the finding that it meets NRO Section 16-450(d) and with the following stipulations:

1. Prior 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.
2. 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.
3. Prior to a building permit being issued, a State of NH Wetlands Permit shall be obtained, if required.
4. Prior to a certificate of occupancy being issued, all on site and all public improvements shall be completed.
5. With approval of this plan the Planning Board has determined that the requirements for development within a Special Flood Hazard Area have been met.
6. Approval of this application is conditioned upon the applicant being in compliance with all state and federal agencies regarding compliance with the Fair Housing Act, The NH Human Rights Commission Rules and RSA 354-A:15.
7. The applicant and Planning Staff to determine a place to stripe a crosswalk across Coliseum Ave to connect with the sidewalk.

SECONDED by Mr. Moran.

MOTION CARRIED UNANIMOUSLY

9. **Crossway Christian Church (Owner) - Application acceptance and proposed site plan to show the construction of 10,300 square foot, 300 seat church with associated access, parking and site improvements. 503 Main Dunstable Road, Sheet C - Lot 184, "R40" - Rural Residence.**

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

SECONDED by Alderman LaRose.

MOTION CARRIED UNANIMOUSLY

Jim Petropulos, Hayner Swanson, Inc. Mr. Petropulos presented the project and answered questions of the Board.

Ron Kastens, Crossway Christian Church answered questions of the Board.

Lance Whitehead, Lavallee/Brensinger Architects answered questions of the Board

SPEAKING IN OPPOSITION OR WITH CONCERNS

Keith Reeder, 3 Pepperell Circle.

Ralph Fountain, 1 Pepperell Circle.

SPEAKING IN FAVOR

Attorney Jeffrey Zall, 221 Main Street Nashua

MOTION by Alderman LaRose to approve the site plan for Crossway Christian Church, with the finding that it meets NRO Section 16-450(d) and with the following stipulations:

1. Prior to a building permit being issued, final approval from the Division of Public Works of the sewer extension plans shall be obtained.
2. With approval of the plan the Planning Board has approved the use of a gravel parking lot.
3. The applicant agrees to a future dedication of land along Main Dunstable Road for possible roadway improvements. It is anticipated that this dedication would not exceed twenty five (25) feet from the centerline of the existing pavement and would be dedicated at no cost to the City. The final area of land dedication will be determined by the final design of the roadway improvements.
4. Request for a waiver of NRO Section 16-574(d)(1) is granted.

SECONDED by Mr. Dufour.

MOTION CARRIED UNANIMOUSLY

OTHER BUSINESS

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

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

SECONDED by Mr. Moran.

MOTION CARRIED UNANIMOUSLY

Discussion Items

1. 7 Acton Street

Attorney Andrew Prolman, Prunier & Prolman, 20 Trafalgar Square, Nashua, NH. Attorney Prolman requested clarification of the record and guidance on how to proceed with the construction of a duplex.

Richard Maynard, Maynard & Paquette. Mr. Maynard informed the Board of a misstatement made at the prior meeting and answered questions of the Board.

The Board suggested that the proper course of action would be for re-notification and review by the Board.

Other

None

ADJOURNMENT at 11:55 PM

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.

Taped Meeting