

NASHUA CITY PLANNING BOARD
March 1, 2007

The regularly scheduled meeting of the Nashua City Planning Board was held on Thursday, March 1, 2007 at 7:00PM in the auditorium at City Hall.

Ken Dufour, Chair, conducted the Meeting.
Bob Canaway acted as recording Secretary.

Members Present: Ken Dufour, Chair
Steve Dookran, City Engineer
Mike Lowe, Mayors Representative
Alderman Mark Cookson
Bob Canaway
William Slivinski

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

Approval of Minutes

February 15, 2007

Mr. Canaway noted that the date of the minutes approved needed to be changed to reflect February 1, 2007 and not February 15, 2007.

MOTION by Mr. Lowe to approve the minutes of February 15, 2007, with the one correction, waive the reading and place on file.

SECONDED by Mr. Dookran.

MOTION CARRIED 3-2-1, Mr. Lowe and Mr. Dufour opposed and Mr. Slivinski abstained.

Communications

Mr. Houston said the preliminary agenda for the March 15, 2007 is in the Board's folder tonight.

REPORT OF CHAIR, COMMITTEE & LAISON

None.

Chairman Dufour 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 as well as write your name and address on the sign in sheet provided. 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. This will also be the time for the applicant to address any issues or concerns raised by prior testimony.

The Board will then ask any relevant follow-up questions of the applicant if need be.

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.

Above all, the Board wants to be fair to everyone and make the best possible decision based on the testimony presented and all applicable approval criteria established in the Nashua Revised Ordinances for site plans or subdivisions. Chairman Dufour noted that the Planning Board does not make zoning decisions. Zoning determinations are made by the Administrative Officer prior to the Board's legal public notice being sent to abutters.

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

Chairman Dufour thanked everyone for their interest and courteous attention and asked that everyone turn off his or her cell phones and pages.

OLD BUSINESS - CONDITIONAL/SPECIAL USE PERMITS

None

OLD BUSINESS - SUBDIVISION PLAN

None

OLD BUSINESS - SITE PLAN

None

NEW BUSINESS - CONDITIONAL/SPECIAL USE PERMITS

1. Commerce Center at Maplewood, SSJ, LLC (Owner) - Application acceptance and proposed Conditional Use Permit to increase the amount of allowable medical office use from 10,000 to 20,000 square feet. Conant Road, Main Dunstable Road & Buckmeadow Road, Sheet C - Lot 2544, Zoned "FUOD" - Flexible Use Overlay District

NEW BUSINESS - SITE PLAN

3. Commerce Center at Maplewood, SSJ, LLC (Owner) - Application acceptance and proposed amendment to NR1955 to show a change of use of Unit #3 from office to medical office. 20 Merrit Parkway, Conant Road, Main Dunstable Road & Buckmeadow Road, Sheet C - Lot 2544, Zoned "FUOD" - Flexible Use Overlay District.

MOTION by Mr. Lowe that the applications are complete and the Planning Board takes jurisdiction of the applications.

SECONDED by Mr. Canaway.

MOTION CARRIED UNANIMOUSLY

Attorney Gerald Prunier, Prunier & Prolman, 20 Trafalgar Square.
Attorney Prunier 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. Slivinski to approve New Business #1, Conditional Use Permit, Commerce Center at Maplewood with the finding that it meets NRO Section 16-432(f) with no stipulations.
SECONDED by Mr. Lowe.

MOTION CARRIED - UNANIMOUSLY.

MOTION by Mr. Slivinski to approve New Business #3, Change of use Site Plan, Commerce Center at Maplewood with the finding that it meets NRO Section 16-450(d) and with no stipulations.

SECONDED by Mr. Lowe.

MOTION CARRIED - UNANIMOUSLY.

NEW BUSINESS - SUBDIVISION PLAN

2 Suzanne Santerre (Owner) - Application acceptance and proposed subdivision of one lot into two. 32 Pennichuck Street & Caron Ave, Sheet 49 - Lot 64, Zoned "RA" - Urban Residence

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

SECONDED by Mr. Slivinski.

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

Monique Maynard, daughter of the applicant.

MOTION by Mr. Lowe to grant New Business number #2, Subdivision, Suzanne Santerre owner with the finding that it meets NRO 16-440(g) and with the following stipulations:

1. Prior to recording the subdivision plan bonding for work in the public right-of-way shall be approved by the Division of Public Works and Corporation Counsel, if required.

2. Prior to recording the subdivision plan the stormwater operation and maintenance plan shall be submitted and recorded with the plan.
3. Prior to any work being started the applicant and their contractors shall hold a pre-construction conference with Planning staff to review construction related work and schedules.
4. The request for waiver of sidewalk construction and acceptance of a contribution is granted. If granted, the contribution in the amount of \$15,400 shall be paid to the Planning Department as set forth in the letter from Alan Beauchemin dated December 27, 2006, prior to the issuance of a building permit.
5. Prior to the issuance of the certificate of occupancy for Lot 298 all work within the public right-of-way shall be completed to the satisfaction of the Division of Public Works.

SECONDED by Mr. Canaway.

MOTION by Alderman Cookson to amend stipulation #4 to read that the contribution shall be paid to the Planning Department within five years from the approval of the subdivision.

MOTION WITHDRAWN by Alderman Cookson after discussion.

MOTION by Alderman Cookson to amend Stipulation #4 to read that the contribution shall be paid upon recording of the plan.

SECONDED by Mr. Dookran.

MOTION ON THE AMENDMENT FAILED 2-4

MOTION by Mr. Lowe to amend Stipulation #5 to include all stipulations to be completed prior to a certificate of occupancy.

SECONDED by Mr. Slivinski.

MOTION ON THE AMENDMENT FAILED UNANIMOUSLY

MOTION ON NEW BUSINESS #2 FAILED 3-3 with Alderman Cookson, Mr. Dookran and Mr. Slivinski apposed.

MOTION by Mr. Slivinski to grant New Business number #2, Subdivision, Suzanne Santerre owner with the finding that it meets NRO 16-440(g) and with the following stipulations:

1. Prior to recording the subdivision plan bonding for work in the public right-of-way shall be approved by the Division of Public Works and Corporation Counsel, if required.
2. Prior to recording the subdivision plan the stormwater operation and maintenance plan shall be submitted and recorded with the plan.
3. Prior to any work being started the applicant and their contractors shall hold a pre-construction conference with Planning staff to review construction related work and schedules.
4. The request for waiver of sidewalk construction and acceptance of a contribution is granted. The contribution in the amount of \$15,400 shall be paid to the Planning Department within a ten (10) years of recording the plan or pay the amount of the going rate of the formula at that time.
5. Prior to the issuance of the certificate of occupancy for Lot 298 all work within the public right-of-way shall be completed to the satisfaction of the Division of Public Works.

SECONDED by Mr. Slivinski.

MOTION CARRIED - UNANIMOUSLY.

OTHER BUSINESS

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

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

SECONDED by Mr. Slivinski.

MOTION CARRIED UNANIMOUSLY

2. **Referral from the Board of Alderman on proposed O-06-57, amending the land use code to authorize acceptance of land or interests in land when deemed appropriate by the Planning Board or Zoning Board of adjustment as a condition of approval. (Tabled from the December 14, 2006 Meeting)**

No action taken

3. Referral from the Board of Alderman for proposed O-07-82, amending the Zoning Ordinance and map from General Industrial (GI) to General Industrial-Mixed Use Overlay (GI-MU) for land on the northerly side of Bridge Street near the confluence of the Nashua and Merrimack Rivers.

MOTION by Alderman Cookson to table.

SECONDED by Mr. Canaway.

MOTION CARRIED UNANIMOUSLY

4. Referral from the Board of Alderman on proposed O-2007-83, amending the "Land Use Code" by restoring minimum front setback of 25 feet in the "A Urban Residence (R-A)" District.

MOTION by Mr. Slivinski to table.

SECONDED by Mr. Lowe.

MOTION CARRIED UNANIMOUSLY

Discussion Items

None

Other

None

ADJOURNMENT at 8:10 PM

APPROVED: _____
Ken Dufour, 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