

NASHUA CITY PLANNING BOARD  
March 15, 2007

The regularly scheduled meeting of the Nashua City Planning Board was held on Thursday, March 15, 2007 at 7:00PM in the auditorium at City Hall.

Members Present: Ken Dufour, Chair  
Steve Dookran, City Engineer  
Mike Lowe, Mayors Representative  
Alderman Richard LaRose  
Hugh Moran, Secretary

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

**Approval of Minutes**

March 1, 2007

**MOTION** by Mr. Lowe to approve the minutes of March 1, 2007, waive the reading and place on file.

**SECONDED** by Mr. Dookran.

**MOTION CARRIED 2-1-2, Mr. Lowe opposed and Mr. Moran and Alderman LaRose abstained.**

**Communications**

Mr. Yeomans said the following items are in the Board's folder tonight:

1. An invitation to the Dedication of Buckingham Place.
2. An email from Brenda Clark regarding Case #6, Grace Fellowship Church.
3. A packet regarding Other Business #3, O-07-82.

**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**

None

**NEW BUSINESS - SUBDIVISION PLAN**

1. **Geoffrey Lynch and Noyce & Evelyn Leonard (Owners) - Proposed lot line relocation. 131 Harris Road, Sheet B - Lots 226 & 303, Zoned "R9" - Suburban Residence.**

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

**SECONDED** by Mr. Moran.

**MOTION CARRIED UNANIMOUSLY**

Steve Auger, Hayner Swanson, Inc. Mr. Auger presented the project and answered questions of the Board.

**SPEAKING IN OPPOSITION OR WITH CONCERNS**

Eric Robinson, 16 Nightingale Lane.

**SPEAKING IN FAVOR**

No one.

**MOTION** by Mr. Lowe to grant New Business number #1, Lot Line Relocation, Geoffrey Lynch and Noyce & Evelyn Leonard owners with the finding that it meets NRO 16-440(g) and with the following stipulations:

1. Prior to the issuance of a certificate of occupancy for a new residential structure on Lot 226 and Lot 303, both shall be connected to public sewer and water.
2. Prior to the issuance of a certificate of occupancy for each new residential structure, a driveway turnaround shall be provided.

**SECONDED** by Alderman LaRose.

**MOTION CARRIED - UNANIMOUSLY.**

2. **Kempton Heights, Tinker Road Development, LLC (Applicant)  
Carl A. Quimby Trust & QFE Development, LLC (Owners) -  
Proposed subdivision of one lot into twenty single family  
lots and two non buildable lots. 144 Tinker Road, Sheet G -  
Lot 21, Zoned "R40" - Rural Residence.**

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

**SECONDED** by Mr. Moran.

**MOTION CARRIED UNANIMOUSLY**

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

**SPEAKING IN OPPOSITION OR WITH CONCERNS**

Peter Maccini, 156 Tinker Road.  
Jeanne O'Brian, 141 Tinker Road.  
Eric Wilson, 12 Adella Drive.  
Kevin Ferdette, 14 Adella Drive.  
Darell Adabam, 50 East Hollis Street.

**SPEAKING IN FAVOR**

Richard Maynard, Maynard & Paquette.

Jean Marie Kennamer, City Traffic Engineer answered questions of the Board.

**MOTION** by Alderman LaRose to grant New Business number #2, Subdivision, Kempton Heights owners with the finding that it meets NRO 16-440(g) and with the following stipulations:

1. Prior to the 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.
2. Prior to the plan being recorded the storm water operation and maintenance plan and Homeowners Association documents shall be reviewed and recorded with the plan.

3. 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
4. No blasting shall occur before 9:00 AM or later than 5:00 PM. A pre blast survey shall be conducted which includes the closest residences to the project boundaries.
5. Improved public facilities and services are proposed as a part of the application that are adequate to meet the adopted Level of Service for the entire proposed development.
6. The waiver request for sidewalks along Tinker Road, Sec. 16-617 is granted.
7. The waiver request for existing conditions Sec.16-1100, B36 is granted.
8. The waiver request for parking lot width and front yard area, Sec.16-582 is granted.
9. Any lot that requires a change of site grading, a revised grading plan shall be prepared by the same engineer for each lot and submitted with the building permit application.
10. There shall be a fifty foot setback on lot 21.
11. Material stock pile shall be kept on lot 710.
12. Keep right signage shall be added to the Adella Drive cul-de-sac.
13. Lot 712 shall be screened with the Planning Department's concurrence.

**SECONDED** by Mr. Moran.

**MOTION CARRIED - UNANIMOUSLY.**

4. 22 Marshall Street, LLC (Applicant) Beebe Rubber Company, Inc. and Spartan Junior Drum and Bugle Corps., Inc. (Owners) - Proposed lot line relocation. 73 East Hollis Street and 22 Marshall Street, Sheet 29 - Lot 26, Sheet 28 - Lot 53, Zoned "GB" - General Business & "GI" - General Industrial.

**MOTION** by Mr. Lowe that the 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**

Darell Adabam, 50 East Hollis Street.

**SPEAKING IN FAVOR**

No one.

**MOTION** by Mr. Lowe to grant New Business number #3, Subdivision 22 Marshall Street, LLC applicant with the finding that it meets NRO 16-440(g) and with the following stipulations:

1. The waiver request for existing conditions Sec.16-1100, B36 is granted.
2. The waiver request for stormwater standards Sec.16-621 is granted.
3. The waiver request for landscaping Sec.16- 571 and 575 is granted.
4. The applicant shall submit a revised site plan for Lot 53 to show changes to the side yard, perimeter landscape buffer.

**SECONDED** by Mr. Moran.

**MOTION CARRIED - UNANIMOUSLY.**

4. 22 Marshall Street, LLC (Applicant) Beebe Rubber Company, Inc. and Boston and Maine Corporation c/o Pan Am Railways, Inc. (Owners) - Proposed subdivision of former railroad right of way and consolidation of two lots into one. 22 Marshall Street & Allds Street, Sheet 29 - Lot 26, Sheet 28 - Lot 58, Zoned "GB" - General Business, "GI" - General Industrial & "RB" - Urban Residence.

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

**SECONDED** by Mr. Lowe.

**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**

No one.

**SPEAKING IN FAVOR**

No one.

**MOTION** by Mr. Lowe to grant New Business number #4, Subdivision 22 Marshall Street, LLC owners with the finding that it meets NRO 16-440(g) and with the following stipulations:

1. The waiver request for existing conditions Sec.16-1100, B36 is granted.
2. The waiver request for stormwater standards Sec.16-621 is granted.
3. The waiver request for landscaping Sec.16- 571 and 575 is granted.

**SECONDED** by Mr. Moran.

**MOTION CARRIED - UNANIMOUSLY.**

**NEW BUSINESS - SITE PLANS**

5. Walgreens, The Flatley Company (Owner) - Proposed amendment to NR629 for the demolition of the former Bickfords Restaurant and the development of a 15,617 square foot pharmacy with drive-thru and associated access, parking and site improvements. 217 Daniel Webster Highway, Sheet A - Lot 702, Zoned "HB" - Highway Business.

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

**SECONDED** by Mr. Moran.

**MOTION CARRIED UNANIMOUSLY**

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

**SPEAKING IN OPPOSITION OR WITH CONCERNS**

No one.

**SPEAKING IN FAVOR**

Richard Cane, The Flatley Company.

**MOTION** by Mr. Lowe to grant New Business number #5, Site Plan, Walgreens, The Flatley Company owner with the finding that it meets NRO 16-450(d) and with the following stipulations:

1. If required by the Division of Public Works, prior to the issuance of a building permit bonding for public improvements shall be submitted to and approved by them, and Corporation Counsel.
2. Prior to the issuance of a building permit final project plans shall be submitted with any required drafting corrections.
3. Prior to the issuance of a building permit documents pertaining to the storm water operation and maintenance plan shall be recorded.
4. Prior to the issuance of a building permit a voluntary contribution in the amount of \$13,900 shall be submitted to the Traffic Department to be applied to traffic improvements in the D.W. Highway corridor as set forth in the memorandum from Jim Petropulos, P.E, dated February 20, 2007.
5. The waiver request for landscape elements, Sec. 16-570 and 574 is granted.
6. The waiver request for Lighting, Section 16-236, pole height is granted.
7. The waiver request for Site Access, Section 16-613 is granted.
8. The waiver request for building architecture details, Sec. 16-542 is granted.
9. This site plan approval is conditioned upon the applicant being granted a variance by the Zoning Board of Adjustment for drive thru window stacking distance, and any conditions of approval.
10. Prior to a certificate of occupancy being issued all work in the public right-of-way shall be completed to the satisfaction of the Division of Public Works.
11. Prior to the plan being signed a 5' wide right of way easement shall be shown along the D.W. Highway frontage and an easement submitted for recording.
12. There shall be one additional handicap parking space added to the plan.

13. A sidewalk shall be added along Whitegate Drive.

**SECONDED** by Alderman LaRose.

**MOTION CARRIED - UNANIMOUSLY.**

6. **Grace Fellowship Church (Applicant) - Kevin T. Slattery, Bernard N. Plante, Samuel A. Tamposi, Jr. & Q. Peter Nash (Owners) - Proposed site plan to show the development of a 105,188 square foot campus ministry building in two phases which includes a 1,673 seat church/auditorium and a 450 seat gymnasium with associated access, parking and site improvements. Simon Street, Sheet E - Lot 1424, Zoned "PI" - Park Industrial & "RB" - Urban Residence.**

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

**SECONDED** by Mr. Lowe.

**MOTION CARRIED UNANIMOUSLY**

Jim Petropulos, Hayner Swanson, Inc. Mr. Petropulos presented the project and answered questions of the Board. Robin Bousa, Vanasse Hangen Brustlin, Inc. Ms Bousa answered traffic related questions of the Board.

**SPEAKING IN OPPOSITION OR WITH CONCERNS**

An email from Brenda Clark was read into the record by Chairman Dufour.

**SPEAKING IN FAVOR**

Pastor Paul Berube, Grace Fellowship Church.

**MOTION** by Mr. Lowe to grant New Business number #6, Site Plan, Grace Fellowship Church applicant with the finding that it meets NRO 16-450(d) and with the following stipulations:

1. Prior to any construction on the site, a NHDES Site Specific permit shall be obtained.
2. Prior to a building permit being issued, a NHDES Wetlands Permit shall be obtained.
- 3 With approval of this plan the Planning Board has approved the use of metal "Tuff Wall" insulated wall panels.

4. The request for the waiver of Section 16-574(d)(1) - for parking aisles exceeding 10 spaces without a median or island is granted.
5. The hours of operation shall be revised to reflect Monday thru Thursday 8:00 AM to 10:00 PM and Friday thru Sunday 8:00 AM to 11:00 PM.

**SECONDED** by Mr. Moran.

**MOTION CARRIED - UNANIMOUSLY.**

**OTHER BUSINESS**

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

No action taken

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 LaRose to remove from the Table.

**SECONDED** by Mr. Lowe.

**MOTION CARRIED UNANIMOUSLY**

Attorney Gerald Prunier, member of the Business and Industrial Development Authority. Attorney Prunier presented the request for rezoning and answered questions of the Board.

**MOTION** by Mr. Moran for a favorable recommendation.

**SECONDED** by Mr. Lowe.

**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 Alderman LaRose to remove from the Table.

SECONDED by Mr. Lowe.

MOTION CARRIED UNANIMOUSLY

MOTION by Mr. Lowe for a favorable recommendation.

SECONDED by Mr. Moran.

MOTION FAILED 2-2-1

MOTION by Mr. Lowe to forward no recommendation.

SECONDED by Mr. Moran.

MOTION CARRIED UNANIMOUSLY

#### Discussion Items

None

#### Other

None

ADJOURNMENT at 10:50 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