

NASHUA CITY PLANNING BOARD
April 12, 2007

The regularly scheduled meeting of the Nashua City Planning Board was held on Thursday, April 12, 2007 at 7:00PM in the auditorium at City Hall.

Members Present: Ken Dufour, Chair
William Slivinski, Vice Chair
Steve Dookran, City Engineer
Alderman Richard LaRose
George Torosian
Bob Canaway
Cynthia Overby (Alt)

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

Approval of Minutes

March 15, 2007

MOTION by Alderman LaRose to approve the minutes of March 15, 2007, waive the reading and place on file.

SECONDED by Mr. Dookran

MOTION CARRIED 4-0-3, Mr. Canaway, Mr. Torosian and Mr. Slivinski abstained.

Communications

1. April 2, 2007 Technical Review Meeting to determine regional impact.
2. Mr. Houston advised the board that this is the first night with the new sound system and how to work the new sound system.

REPORT OF CHAIR, COMMITTEE & LAISON

Alderman LaRose had none to report.

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. Regina Library, Rivier College (Owner) - Application and acceptance and proposed conditional use permit for the expansion of the college use (a 11,801 square foot addition to the existing library) within an R9 zone. 420 South Main Street and Clement Street, Sheet 1 - Lot 90, Zoned "R9" - Suburban Residence

Case #1 taken together with Case #4:

4. Regina Library, Rivier College (Owner) - Application acceptance and proposed amendment to NR1768 for a 11,801 square foot addition to the existing library with associated access, parking and site improvements. 420 South Main Street and Clement Street, Sheet 1 - Lot 90, Zoned "R9" - Suburban Residence.

For the record, Mr. Yeomans', Deputy Planning Manger, stated his spouse works at Rivier College, but he is still available to answer questions.

Case #1 - MOTION by Alderman LaRose that the application is complete and the Planning Board takes jurisdiction of the application.

SECONDED by Mr. Torosian

MOTION CARRIED UNANIMOUSLY

Case #4 - a MOTION by Mr. Torosian that the application is complete and the Planning Board takes jurisdiction of the application.

SECONDED by Mr. Slivinski

MOTION CARRIED UNANIMOUSLY

Jim Petropulos of Hayner Swanson, Inc.

Mr. Petropulos is representing Rivier College. They are seeking a Conditional Use Permit and Site Plan approval for expansion to existing library. There is a single family home used for offices for the college that's located next to the expansion and it is to be removed as part of the construction. There is little or no parking next to the library. They are proposing to construct a 2-story 11,604 square foot addition to the Regina Library. The entrance will be relocated from South Main Street and the new entrance will have a more central location to the campus. They are also proposing 9 parking spaces to the addition. A proposed landscaped area is also included. He said in regards to engineering challenges this is a pretty straight forward project. Currently there is a "puddling" problem that exists in front of Clement Street, which can be corrected with the proposed upgrade to the drainage Architecture will be matched to the current architecture of the building. The existing building is also getting some improvements as it is over 50 years old. The roof is being replaced and some windows. The existing building is getting a facelift.

SPEAKING IN OPPOSITION OR WITH CONCERNS

No one.

SPEAKING IN FAVOR

No one.

Board member George Torosian recused himself from voting because his spouse works at Rivier College.

MOTION by Alderman LaRose to grant the Conditional Use Permit to Rivier College for the expansion of library, 420 South Main Street. It conforms to NRO 16-432 and there are no stipulations.

SECONDED by Mr. Canaway.

MOTION CARRIED - UNANIMOUSLY.

New Business #4 Library Expansion - MOTION by Alderman LaRose to grant the applicant, Rivier College, library expansion, 420 South Main Street approval of their site plan. It meets NRO 16-450(d) with the following stipulation and waivers.

1. Prior to the issuance of a certificate of occupancy a stormwater operation and maintenance plan shall be recorded.
2. The waiver request for lighting design standards, Section 16-236 is granted.
3. The waiver request for building details, Sec. 16-542 is granted.
4. The waiver request for stormwater standards, Sec 16-621 is granted.

SECONDED by Mr. Canaway.

MOTION CARRIED - UNANIMOUSLY.

NEW BUSINESS - CONDITIONAL/SPECIAL USE PERMITS

2. Clayton Amorim & Jusceli Amorim DeCales (Owners) Application acceptance and proposed conditional use permit to show a change of use of the exiting residential parking area to commercial parking lot. 8 Tolles Street - 44 Canal, Sheet 42, Lot 121, Zoned "LB" - Local Business.

NEW BUSINESS - SUBDIVISION PLANS

3. Clayton Amorim & Jusceli Amorim DeCales (Owners) - Application acceptance and proposed subdivision of one lot into two. 8 Tolles Street - 44 Canal Street, Sheet 42 - Lot 121, Zoned "LB" - Local business.

NEW BUSINESS - SITE PLANS

5. Clayton Amorim & Jusceli Amorim DeCales (Owners) - Application acceptance and proposed site plan to show a change of use of the existing building from residential to retail and office and the construction of 17 parking spaces with associated access and site improvements. 8 Tolles Street - 44 Canal Street, Sheet 42 - Lot 121, Zoned "LB" - Local Business.

MOTION by Mr. Torosian that New Business - Conditional/Special Use Permit Case #2 that the application is complete and the Planning Board takes jurisdiction of the application.

SECONDED by Alderman LaRose.

MOTION CARRIED UNANIMOUSLY

MOTION by Mr. Torosian that New Business - Subdivision Plans Case #3 that the application is complete and the Planning Board takes jurisdiction of the application.

SECONDED by Alderman LaRose.

MOTION CARRIED UNANIMOUSLY

MOTION by Mr. Torosian that New Business - Site Plans Case #5 that the application is complete and the Planning Board takes jurisdiction of the application.

SECONDED by Alderman LaRose.

MOTION CARRIED UNANIMOUSLY

Richard Maynard of Maynard & Paquette

Richard Maynard of Maynard & Paquette presented the project to the Board. He explained the history of the property, the landscaping that will be done, and the parking situation. A variance was granted for lot depth by the Zoning Board of Adjustment on Tuesday, April 10, 2007. The stipulations and waivers were discussed.

SPEAKING IN OPPOSITION OR WITH CONCERNS

No one.

SPEAKING IN FAVOR

Gerald Prunier, Esq. spoke in regards to the history of the property and the plan that they have for the property.

MOTION by Mr. Slivinski to approve New Business number #2, Conditional Use Permit, Clayton Amorim & Jusceli Amorim DeCales (Owners) change of a residential parking lot to a commercial parking lot, 8 Tolles - 44 Canal Street with no stipulations and that it does meet NRO Section 16-432.

SECONDED by Mr. Torosian.

MOTION CARRIED UNANIMOUSLY.

MOTION by Mr. Slivinski to approve New Business Subdivision Plan Case #3 applicants Clayton Amorim & Jusceli Amorim Decales (Owners) subdivide 1 lot into 2 lots, 8 Tolles - 44 Canal

Street. In that it does meet NRO Section 16-440(g) with the following stipulation and waivers

1. Approval of the subdivision plan is conditioned on Zoning Board of Adjustment granting both variance requests and any conditions of approval which they may be subject to
2. The waiver request for landscape plan, Sec. 16-570 is granted.

SECONDED by Mr. Torosian

MOTION CARRIED UNANIMOUSLY

MOTION BY Mr. Slivinski to approve New Business - Site Plans, Case #5, Change of use residential to retail/office and commercial parking lot, applicants Clayton Amorim and Jusceli Amorim DeCales (Owners) 8 Tolles - 44 Canal Street in that it does meet NRO Section 16-450 (d) with the following stipulations and waivers:

1. Prior to the issuance of a building permit 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 the issuance of a building permit the storm water operation and maintenance plan for both parcels shall be recorded.
3. Prior to the issuance of the final certificate of occupancy all work with the public right-of-way shall be completed to the satisfaction of the Division of Public Works.

Waivers:

For 8 Tolles - 44 Canal Street

4. The waiver request for parking standards Sec. 16-584 is granted.
5. The waiver request for lighting plan, Sec. 16-1100 B34 is granted.
6. The waiver request for perimeter and landscape islands Sec. 16-574(b) (1), (c), and (e) (2) is granted.

For 8 Tolles Street

7. The waiver request for off-site parking Sec. 16-582 is granted.

For 44 Canal Street

8. The waiver request for curb cut length Sec. 16-613(a) is granted.

9. The waiver request for drive aisle and width Sec. 16-583(d) and (e) is granted.

SECONDED by Mr. Torosian

MOTION CARRIED UNANIMOUSLY

NEW BUSINESS - SITE PLANS

6. **Congress Supply, Inc, Clermont G. & Raymond E. Labonte (Owners) - Application acceptance and proposed amendment to NR1593 to show a change of use of 8,150 square feet of office and warehouse space to indoor recreation. 456 West Hollis Street, Sheet E - Lot 127, Zoned "PI" - Park Industrial.**

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

SECONDED by Mr. Torosian

MOTION CARRIED UNANIMOUSLY

Tim Watson, Cuoco & Cormier

Tim Watson presented the project to the board to amend NR1593 to convert 8,150 square feet of warehouse space to be used for an indoor recreational facility that people can rent out for parties. It will not be open to the public. No changes to the exterior of the building are proposed. Any further change of use or modifications to the hours of operation would have to go to the Planning Board. There are 24 parking spaces available. explained the operation of "Jump On In" and

the number of children that usually attend a party, usually 15-16 with 3-5 adults.

SPEAKING IN OPPOSITION OR WITH CONCERNS

Kathleen Rivard, 26 Briarcliff Drive, spoke with concerns with traffic and having more than one party at a time on the premises. There is only one entrance and one exit. Mrs. Rivard handed out to the board members a traffic study by Judith Pickering showing traffic counts.

SPEAKING IN FAVOR

Gerald R. Prunier, Esq., attorney for the applicant spoke in regards to the use of the property. The warehouse is utilized primarily in the morning and the parties will be in the evenings and weekends. Parking is adequate. The area is tranquil for this type of business.

MOTION by Alderman LaRose to grant New Business number #6, Site Plan: Warehouse change of use, Clermont G. & Raymond E. Labonte (Owners) proposed warehouse change of use 456 West Hollis Street with the finding that it meets NRO 16-450(d) and with the following stipulations:

1. One-way drive signed.
2. Directional parking as approved by staff.
3. Walkway from parking from east side of building
4. The waiver request for lighting plan, Section 16-1100, B23 is granted.
5. The waiver request for landscape plan, Section 16-1100, B22 is granted.
6. The waiver request for grading plan, Section 16-1100, B34 (bb) is granted.
7. The waiver request for building details, Section 16-542 is granted.
8. The waiver request for stormwater report, Section 16-1100 b34 (cc) is granted.

SECONDED by Mr. Slivinski

MOTION CARRIED UNANIMOUSLY.

NEW BUSINESS - SITE PLANS

7. Mile High Real Estate, LLC (Owner) - Application acceptance and proposed 1-year extension for site plan NR2086 for the demolition of two existing single-family homes and the development of two, 5 unit multi-family apartment buildings with associated access, parking and site improvements. 5 & 9 Lake Street 98 - Lots 10, 11, Zoned "D-3/MU" - Downtown-3/Mixed Use. (Previously approved on June 16, 2005.

Gerald R. Prunier, Esq.

Speaking for the applicant, Gerald R. Prunier, Esq. He said the site plan has already been extended one year. The applicant has started the process of applying for a demolition permit. Demolition will be starting soon. Right now the site is an eyesore. If the applicant does not go forward with the demolition they will at least clean the site up. They are asking for one-year extension. Understanding of the ordinance is to allow up to three extension, subject to the same stipulations and conditions.

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

SECONDED by Mr. Torosian.

MOTION CARRIED UNANIMOUSLY

SPEAKING IN OPPOSITION OR WITH CONCERNS

No one.

SPEAKING IN FAVOR

No one.

MOTION by Alderman LaRose to grant the extension of one year of New Business - Site Plan Mile High Real Estate, LLC (Owner) of Lake Street Terrace for 2 5 unit multi-family unit buildings, 5 & 9 Lake Street, with all the stipulations imposed by the Planning Board imposed June 16, 2005 shall continue to be in effect. This project complies with Site Plan NR0 16-123 and Division 20-Mixed Use District, Sec 16-557.

SECONDED by Mr. Torosian

MOTION CARRIED - UNANIMOUSLY.

OTHER BUSINESS

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

There are no projects that have regional impacts.

MOTION by Mr. Slivinski has reviewed the technical review notes and has made the determination that there are no issues of regional impact.

SECONDED BY Mr. Canaway

MOTION CARRIES 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. The alderman are still working on the language.

OTHER BUSINESS (continued)

1. Election of Officers - Vice Chair and Secretary

Tonight election for vice-chair

MOTION by Mr. Caraway to elect Mr. Slivinski as vice chair.

No other names submitted.

MOTION passes unanimously

Acting Secretary was not present so there will not be an election for secretary tonight.

Discussion Items

None

Other

None

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MOTION TO ADJOURN by Mr. Torosian at 9:42 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