

NASHUA CITY PLANNING BOARD
May 3, 2007

The regularly scheduled meeting of the Nashua City Planning Board was held on Thursday, May 3, 2007 at 7:00PM in the auditorium at City Hall.

Members Present: Ken Dufour, Chair
Mike Lowe, Mayor's Rep
William Slivinski, Vice Chair
Steve Dookran, City Engineer
Alderman Richard LaRose
Bob Canaway
Cynthia Overby (Alt)

Also Present: Roger Houston, Planning Director
Chris Sullivan, Planner II

Approval of Minutes

April 12, 2007

MOTION by Alderman LaRose to approve the minutes of April 12, 2007, waive the reading and place on file.

SECONDED by Mr. Slivinski

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

Communications

1. Memorandum dated May 3, 2007 in packet with suggested new condition #10 for New Business Site Plan Case #3, Grace Fellowship Church of Nashua.
2. Extra copies of the agenda are also in packet.
3. New Hampshire Land Use Law session to be held Tuesday, May 22, 2007 at 6:30 p.m. in Milford. There is no charge all would have to do is register by contacting Karen Baker.

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. Dalton Village, Etchstone Properties, Inc. (Owner) - Application and acceptance and proposed consolidation of six lots and re-subdivision of the resulting lot into seven lots and one-non-buildable lot. 28-32 Donna Street, Sheet E - Lots 2200-2205, Zoned "RAA" - 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

Richard Maynard, Maynard & Paquette

Mr. Maynard is representing the applicant, Kevin Slattery, who is in the audience. The lot was previously subdivided into six lots and they are requesting to reconfigure and re-subdivide it. The tract is 78,905 square feet. All lots will access the Donna Street cul-de-sac. Stormwater will drain into a small recharged basin. Mr. Slattery has met with neighbors and has letters of support.

Mr. Lowe asked if Lot 2216 was going to be built on. Mr. Maynard replied that this is the non-buildable lot.

Alderman LaRose asked if the detention pond was the same one that is there now. Mr. Maynard replied that there really isn't one now, it's just the low spot on property.

Mr. Maynard was asked if there was any intention of putting in fencing and he replied that it was going to be put in.

Mr. Dookran asked if the drainage calculations has changed from the 2005 application. Mr. Maynard replied that it is basically the same.

Mr. Slivinski asked what the frontage is on Lot 2215. Mr. Maynard replied almost 60 feet with the curb cut of 24 feet.

Staff recommends a condition that there be a driveway turn around for the back lot and there will be on this lot.

SPEAKING IN OPPOSITION OR WITH CONCERNS

No one.

SPEAKING IN FAVOR

Susan Russo, 8 Donna Street, Nashua spoke about how the neighbors feel about the property being developed. The applicant has worked with the neighbors to address their concerns.

MOTION by Alderman LaRose to grant the lot consolidation and resubdivision of New Business #1, applicant Etchstone Properties, to consolidate six lots and resubdivide into seven residential lots and one drainage lot at the end of Donna Street and West Hollis Street. It conforms to NRO 16-440 (g) with the following stipulations and waivers:

1. Prior to this plan being signed any final drafting corrections shall be made and revised plans submitted. Drafting corrections requiring approval by the Division of Public Works shall be obtained prior to submittal.
2. 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.
3. Prior to recording the subdivision plan required easements shall be approved by the Division of Public Works and Corporation Counsel and recorded with the plan along with the storm water operation and maintenance plans.
4. Prior to any work being conducted a pre-construction conference shall be held with the Planning Department to review erosion control measures, tree removal, and protection. Trees to be saved shall be marked by flagging and protected from cutting, or other disturbance, with suitable temporary fencing.

5. Prior to the final certificate of occupancy being issued all required site improvements shall be completed according to the approved plan, and all work conducted in the Donna Street right-of-way completed to the satisfaction of the Division of Public Works.
6. Access to Lot 2216 from West Hollis Street is prohibited unless approved by the Planning Board.
7. Deed will stipulate that Lot 2216 will prohibit access West Hollis Street.

SECONDED by Mr. Lowe.

MOTION CARRIED UNANIMOUSLY

NEW BUSINESS - SITE PLANS

2. Charles H. Farwell Jr. c/o Farwell Funeral Home (Owner) Application acceptance and proposed site plan to show the relocation of 4 existing parking spaces and the construction of 6 new parking spaces for a total of 13 spaces with site and drainage improvements. 18 Lock Street, Sheet 44 - Lot 14, Zoned "RC" - Urban Residence [POSTPONED]

It will be re-advertised and the Board is not ready to take jurisdiction. It is in need of a conditional use permit.

NEW BUSINESS - SITE PLANS

3. Grace Fellowship of Nashua, Inc. (Owner) - Application acceptance and proposed site plan to show the construction of 14 space parking lot adjacent to the Greeley House with associated "GI/MU" - General Industrial and Mixed Use Overlay.

Mrs. Overby recused herself.

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

Bob Cormier, Cuoco & Cormier

NCPB

April 12, 2007

Page 6

Mr. Cormier, representing Grace Fellowship of Nashua presented the project to the Board. The parking lot would be located on Front Street. Currently it is a vacant lot. They have met with Conservation and City Staff and have been encouraged not to violate the 75 foot wetland setback. They are asking for waivers on the front yard setback, aisle, landscaping, parking location on a separate lot within 300 feet, and vehicles backing into the street. A new drainage system to keep water into their system will be created. They are asking that no curbing be put in so they don't have to do any filing. The whole area is in the 100 year flood plain and they don't want to change the characteristics of the elevation.

Discussion ensued about what would happen if there was a change of use. If the property were sold and there was a change of use, it would have to go before the board for a change of use

Mr. Slivinski asked how many parking spaces could you get on the site. Mr. Cormier replied maybe 4 or 5.

Mr. Lowe spoke about his concern over the traffic in the area. The traffic will exit through Front or Charles Street.

SPEAKING IN OPPOSITION OR WITH CONCERNS

No one.

SPEAKING IN FAVOR

Kathy Hersh, Community Development Director, spoke in favor of the project. This plan combines the proposal before you tonight with the Stabile project. This proposal is similar to the next site. Throughout the Stabile project the parking backs out. People will be using both ingress and egresses interchangeably. Both projects are accessible to the public. All the roads have through parking on them. This is no different than the other approved project. Most of the people that drive through here are people who live here. There is some commercial business and there is discussion about having retail. At the present there are no plans for selling the building or change of use. Parking for Greeley House is necessary.

Mr. Dookran asked if access through Charles Street is limited. Mrs. Hersh replied that it is not

Mr. Dookran stated that this is currently a residential area, but it may change and grow.

Mr. Cormier explained that the initial plan was to design off street parking and impact the buffer. However, they were encouraged by the Conservation Commission, Planning Staff and State of New Hampshire to stay out of the buffer to the river after extensive discussion.

Mrs. Hersh explained that the different agencies worked diligently together to have a unified position. On this one issue they have different goals and priorities. There was a proposal to have 18 spaces and go into the buffer. The applicant tried to make accommodations and lost 4 spaces. Given all the rest of the driveways and circulation already approved, this parking situation is all throughout areas with parking that backs out into the drive aisles and don't feel this is any different or more dangerous than the other projects.

Mr. Dookran asked what is the liability for the city if the plan is approved. Mrs. Hersh has taken this issue very seriously and spoke with legal if we have increased liability and no, we don't.

Mr. Houston explained many areas have this situation, but this is a slow area and can be regulated with speed limits and traffic controls. Drivers will tend to drive slower due to traffic and pedestrians.

Mr. Lowe asked if a speed bump could be put in. The City is not in favor of them and they are costly.

MOTION by Mr. Slivinski to deny New Business # 3 Site Plan Parking Lot Grace Fellowship Church applicant, Grace Fellowship Church owner, 14 space parking lot on Front Street based upon NRO Section 16-450 c & d number 11 the site plan does not provide adequate means of handling onsite vehicular ingress and egress movement in relationship to traffic movements along abutting streets. Number 13 also the site plan does not provide adequate means of handling parking loading in the number of off-street and loading spaces.

SECONDED by Mr. Lowe.

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 Alderman LaRose

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)

OTHER BUSINESS (continued)

1. Election of Officer - Secretary

MOTION by Mr. Lowe to accept verbal resignation by Mr. Moran.

SECONDED by Alderman LaRose

MOTION CARRIES UNANIMOUSLY

MOTION by Mr. Lowe to nominate Mr. Canaway as Secretary

SECONDED by Alderman LaRose

MOTION CARRIES UNANIMOUSLY

MOTION by Mr. Lowe to close nominations

SECONDED by Alderman LaRose

MOTION CARRIES UNANIMOUSLY

DISCUSSION ITEMS

NCPB
April 12, 2007
Page 9

Memorandum from Roger Houston regarding request from David Bangs. If you have any records please forward to Roger Houston who will forward to Counsel. If you do not have any records, please send an e-mail stating so. Dates of the Planning Meeting were November 20, 2003 and May 5, 2005.

Other

None

MOTION TO ADJOURN by Alderman LaRose at 8:50 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