

NASHUA CITY PLANNING BOARD
May 17, 2007

The regularly scheduled meeting of the Nashua City Planning Board was held on Thursday, May 17, 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
Hugh Moran
Cynthia Overby (Alt)

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

Approval of Minutes

May 3, 2007

MOTION by Alderman LaRose to approve the minutes of May 3, 2007, waive the reading and place on file.

SECONDED by Mr. Canaway

MOTION CARRIED 7-0-1, Mr. Moran abstained.

Communications

Mr. Houston stated that the Planning Board Agenda, Technical Review Meeting of May 21, 2007, and communication concerning New Business Site Plan Item #2, Dunkin' Donuts were in the folders. There is a letter with concerns from an abutting property owner to Dunkin' Donuts from Mines in Motion Child Care, Kenneth J. Lawrence, President and Susan C. Sullivan, Director dated May 15, 2007. Also included is a notice of an open house workshop on June 11th.

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. Joan F. & Raymond E. Lorden Jr. (Owners) - Application acceptance and proposed 1 year extension for the subdivision of one lot into two. 49 Coburn Ave, Sheet F - Lots 120, Zoned "R18" - Suburban Residence.

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

SECONDED by Alderman LaRose

MOTION CARRIED UNANIMOUSLY

ANYONE WISHING TO SPEAK TO THIS

No one. Staff is fine with this.

SPEAKING IN OPPOSITION OR WITH CONCERNS

No one.

MOTION by Mr. Slivinski to approve New Business #1 Subdivision one year extension, Joan F. & Raymond E. Lorden Jr. (Owners), 49 Coburn Avenue. The extension does meet NRO 16-440(g) with the stipulations as made by staff and all the original stipulations as having been recorded when it was initially approved on May 18, 2005.

SECONDED by Mr. Lowe.

MOTION CARRIED UNANIMOUSLY

2. Geoffrey Lynch (Owner) - Application acceptance and proposed subdivision of one lot into two. 131 Harris Road, Sheet B - Lot 226, Zoned "R9" - Suburban Residence.

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

SECONDED by Alderman LaRose

MOTION CARRIED UNANIMOUSLY

Steve Auger, Project Manager with Hayner/Swanson, Inc.

Mr. Auger is here on behalf of the owner Mr. Lynch. Also representing Mr. Lynch is Attorney Gerald R. Prunier. They are seeking approval of a one to two lot subdivision for the parcel located at 131 Harris Road. The tract is Lot 226. It is 0.643 acres in size. The parcel is zoned "R9" - Suburban Residence. The property is abutted on all four sides by residential homes. On April 24, 2007 the Nashua Zoning Board of Adjustment granted a variance for a lot depth of 56 feet where 90 feet is required. Both lots will be serviced by municipal sewer and water.

Mr. Moran asked Mr. Auger to point out the driveway and asked if there is a sufficient line of sight. Mr. Auger pointed out on the maps the driveways and had professional traffic engineers do the site distance and on both driveways, they more than meet the site distance that is required.

Mr. Auger explained the need for Zoning Board approval was for lot depth. The lot is over 17,000 feet and in an R9 zone only 9,000 feet per lot is needed. One lot could meet the lot depth, but they had to get the variance because the tract comes to a point.

Mr. Dookran asked if there are any locations on the lots that you could get a better sight distances on the driveway. The sight distance for the speed limit (25 mph) is adequate, however people travel faster.

Mr. Slivinski stated that the distance looks awfully short even though it meets the minimum. Are there turnarounds in the driveways so people do not have to back out? Mr. Auger stated that they don't reflect that, but can stipulate that they have a turnaround.

Alderman LaRose asked if there are going to be garages. Mr. Auger stated that there would be.

Discussion ensued about having a turnaround in the setback. They were unsure if this allowed and it will have to be determined.

Mr. Houston stated if you pushed the garage back so that it's not even with the house, there would be more depth for a turnaround. Mr. Auger stated that there is room for the garage to be pushed back.

SPEAKING IN OPPOSITION OR WITH CONCERNS

No one.

SPEAKING IN FAVOR

No One.

DISCUSSION

Chairman Dufour has regularly driven up and down Harris Road for the past 29 years. He wasn't sure if drivers exceed 35 mph, but the road can be tough because of the sun and feels the driveways should have turnarounds.

Mr. Canaway agrees with Chairman Dufour and supports turnarounds on both lots.

MOTION by Mr. Lowe to approve New Business #2, two lot subdivision, applicant Geoffrey Lynch (Owner), subdivision of one lot into two, 31 Harris Road, "R9" - Suburban Residence, it conforms to NRO 16-440 (g) with the following stipulations and waivers:

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, if required.
2. Prior to the plan being recorded the storm water operation and maintenance plan 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. Prior to the issuance of a certificate of occupancy for Lot 226 and 3134 a driveway turnaround shall be provided.
5. This subdivision plan is subject to the Zoning Board of Adjustment condition of approval that no structures or decks are built into the setbacks of either lot.

SECONDED by Mr. Canaway

MOTION CARRIED 7-1 (Mr. Moran voted no)

NEW BUSINESS - SITE PLAN

1. **SAT SR Ltd Partnership (Owner) - Application acceptance and proposed amendment to NR1973 for a 1-story, 8,000 square foot addition to an existing R&D office building with site improvements. 85 Northwest Blvd, Sheet H - Lot 633, Zoned "PI" - Park Industrial.**

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

SECONDED by Alderman LaRose

MOTION CARRIED UNANIMOUSLY

Jim Petropulos, Civil Engineer for Hayner/Swanson, Inc.

Mr. Petropulos is representing SAT SR Ltd Partnership, the owner. They are seeking site plan approval for an 8,000 square foot, one-story addition for property located 85 Northwest Boulevard. The tenant is IST. They are a high tech R&D company in the business of data storage and microwave technology. They are a government contractor and recently received a contract. In order to fulfill that contract they need the additional space. They hope to add possibly 30 jobs. The site is 12.5 acres and in the "PI" Zone. In June of 2000, Mr. Petropulos stated he appeared for the original site plan for this site. The original site plan represented a 8,000 square foot addition for future expansion. The parking lot was designed for a future simple tack-on to the existing building. Fifty six hundred square feet will be offices and 2400 square feet would be for storage. There are two loading docks in the southeast corner of the facility. There is no impact to the existing parking lot, no impact to any drive aisles, and no impact to any utilities. The stormwater system is a recharged system, currently designed behind the facility that was designed for the future expansion.

Architecturally the building is creative looking and the expansion will match. It should be a seamless expansion. Four waivers that are being requested.

SPEAKING IN OPPOSITION OR WITH CONCERNS

No one.

SPEAKING IN FAVOR

No one.

MOTION by Slivinski to approve New Business #1 Site Plan Building Expansion, Applicant SAT SR Ltd Partnership (Owner), 85

Northwest Boulevard, "PI" - Park Industrial. It conforms to NRO 16-440(g) with the following stipulations and waivers:

1. The waiver request for lighting plan, Section 16-236 (e) is granted.
2. The waiver request for building design, Section 16-542 (b) 1 and (c) 1-4 is granted.
3. The waiver request for utilities information, Section 16-1100, B34(j) is granted.
4. The waiver request for landscape plan, Section 16-1100, B34 (p) is granted.

SECONDED by Alderman LaRose

MOTION CARRIED UNANIMOUSLY

2. **Dunkin' Donuts, Konstantine Scrivanos (Applicant) - Wesnash Realty, LLC (Owner) - Application acceptance and proposed amendment to NR2029 to reconfigure paved areas to install a separate dedicated drive-thru lane. 315 West Hollis Street, Sheet 122 - Lots 515-524, Zoned "GB" - General Business.**

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

Gerald R. Prunier, Esq.

Atty. Prunier represented the applicant. He said is a Dunkin' Donuts that exists on West Hollis Street. They were here before the Board months ago with what is proposed and have come back regarding the circulation on the West Hollis site. They went before the Zoning Board to get a variance to allow a crossover from the walk because due the ordinance would not permit the crossover. Atty. Prunier explained on the map how traffic enters. In the new entrance, the traffic would come in a new way. This should resolve the back-up problem.

Mr. Slivinski asked Atty. Prunier if there were any way that this would get clogged up and back-up onto the street. He explained the new queue could accommodate 20 cars where the old way could only handle about 14 cars.

Mr. Lowe asked Atty. Prunier to point out where the Minds in Motion school is located. Atty. Prunier showed them on the map.

Mrs. Overby asked where the snow would be stored. Atty. Prunier explained that the snow would have to be removed for a major snow storm. There is no storage for snow.

Mr. Yeomans stated that they were pleased to present this plan tonight. It has been a long time coming. This is the same plan that was presented in December.

SPEAKING IN OPPOSITION OR WITH CONCERNS

No one.

SPEAKING IN FAVOR

No one.

Chairman Dufour wanted to make sure that everyone has seen the letter from the abutter with concerns, but no one from Minds in Motion has appeared at the meeting.

Mr. Slivinski stated that they have looked at Minds in Motions concerns and has found it has been his experience that they load and unload children in the front of the building and by moving this exit it will be closer to where they pull in. They are correct that when they leave that site people are trying to get over across a couple of lanes. Redoing the site may make it a safer area than the way it was before.

Mrs. Overby understands Minds in Motions concerns and they have been heard.

Mr. Dookran asked if Minds in Motion also have to cross over the lanes to get into the queue to get to the lights, so it wouldn't be different from what Dunkin Donuts has to do.

Mr. Slivinski said that the traffic department should look at the traffic light situation and perhaps with some changes that would help and make it easier.

MOTION by Mr. Slivinski to approve New Business #2 Site Plans Dunkin Donuts, Konstantine Scrivanos (Applicant) -Wesnash Realty, LLC (Owner) reconstruct drive-thru lane, 315 West Hollis Street. It conforms to NRO 16-440 (g) with the following stipulations and waivers:

1. The waiver request for landscaping, Sec. 16-570(b) is granted.
2. The waiver request to reduce parking by 3 spaces, Sec. 16-452(a) is granted.
3. The waiver request for grading and utilities information, Sec. 16-1100, B34(j) and (bb) is granted.
4. The waiver request for stormwater report, Sec. 16-1100, B34(cc) is granted.
5. The waiver request for lighting plan, Sec. 16-1100 B34(n) is granted.
6. The waiver request for curb cut opening, Sec. 16-613(a) is granted.
7. The waiver request for building design, Article V. Division 4 is granted.

SECONDED by Mr. Lowe

MOTION CARRIED UNANIMOUSLY

3. **Pheasant Lane Mall, Simon Property Group, Inc. (Owners) - Application acceptance and proposed amendment to NR1729 to show the demolition of the former Macy's Department Store and the construction of a 99,655 square foot lifestyle center addition with associated access, parking and site improvements. 310 Daniel Webster Highway, Sheet A - Lot 737, Zoned "GB" - General 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

Gerald R. Prunier, Esq.

Atty. Prunier represented the applicant. He presented the Board with an overview on the plan on what is proposed to be constructed. He said the area where the old Macy's store is located. Macy's was 120,000 square feet on two floors. What is being proposed is two wings that come out of the existing mall. A courtyard will be in the middle. He presented pictures of what it will look like at night. When this is finished there will be approximately 100,000 square feet in the wings with an additional 5,000 square feet that is being picked up as you

enter the mall because of the configuration. The downstairs will not be used. It will be filled with foam and put dirt and cement on top. He said there will only be one floor instead of two floors that currently exist. Atty. Prunier showed the plan of the landscaping.

Atty. Prunier was asked if they open at both ends. He replied yes. Stores will be opened at both ends and they will probably be restaurants.

Atty. Prunier was asked if every store, except the ones attached to the mall will have their own independent entrances. He replied that there are no common hallways. The two stores that are attached to the mall will be two stories. There will be no entrance from the 2nd floor of those stores into the mall. There will be about 100 less parking spaces when this project is finished, but the parking is over what is required from the City for the whole site. One concern that Atty. Prunier wanted to address was that there would be no conflict with traffic at Christmas time. Demolition will stop on November 15th.

Atty. Prunier was asked if the Pheasant Lane Mall was one site for parking purposes. He replied yes. Atty. Prunier stated that all of the parking spaces can be used by any shopper for any of the stores. There is no dedicated parking for this proposal, except for handicapped spaces. There are 10 handicapped spaces.

Mr. Moran asked if traffic department has concerns.

Mr. Yeomans stated that issue had been noted in the staff report and was unresolved at the time the packets had been sent out, but that issue has been resolved. The traffic department has signed off on the plan. They are ok with it and have worked out their issues.

Mr. Slivinski asked if there are any stores/restaurants that are going to generate a greatly increased traffic load then what we normally see at the mall. Atty. Prunier replied that they hope so because they are renovating the entire mall. The mall is 20 years old and needs a revamping. They need the type of tenants that people want. They really don't know if they are going to generate more traffic.

Mr. Dookran asked if the loss of 100 parking spaces even though you still meet the minimum required would impact the site. Atty. Prunier thought it didn't.

NCPB

May 17, 2007

Page 11

Mr. Dookran mentioned that the traffic superintendent signed off on the e-mail, but thought there was an error. He was copied on that e-mail. The superintendent was ok with this because the reduction in square footage is 70,000 square feet, but the traffic superintendent knew it was an error.

Mr. Yeomans pointed that out to the traffic superintendent and he was fine with that.

Alderman LaRose asked what the square footage of the outside plaza where people would congregate would be. Atty. Prunier responded it was 40,000 square feet.

Atty. Prunier was asked if the Target parking lot could be used by people for this plan. He replied that it would remain the same and people could use that lot.

Atty. Prunier was asked that with losing 100 parking spaces, by how many parking spaces do you still comply. How much do you exceed the minimum?

Mr. Yeomans replied that the minimum number of spaces required is 3,858. The maximum permitted is 6,430. They are providing 4,913 spaces.

Ken Dufour said there are some issues with Target and Sears using temporary storage where there should be parking. He has addressed this before and the temporary storage left and now it's back. How could this be addressed. Not only is it taking away from the parking, but also it's ugly.

Al Kucher, Director of Operations, Pheasant Lane Mall spoke about the storage trailers. He said they are owned by Target. It shouldn't be an issue to go to them and give them 15 days to remove them.

Ken Dufour also suggested that they look behind Sears because they also have trailers parked there but that can also be removed.

Mr. Slivinski asked about the foam that it will be used. Rick Tanzy is with Simon Development. He said the foam was discussed when they thought they were going to have to fill the lower level of Macys. There is a product where they put in foam blocks and fill the entire space and put sand on top. This will be a traditional gravel fill. It will not be foam.

Mr. Dookran asked Atty. Prunier about issues regarding sewers having not been resolved with Public Works. Atty. Prunier said

it was his understanding that they were going to get approval subject to that condition. Based upon their own engineer they are within the city requirements.

Mr. Yeomans stated that stipulation #2 was intended to address the sewer permit.

Mr. Slivinski asked Atty. Prunier if someone is in the audience who deals with the traffic flow. Vincent Costco, General Manager of the Pheasant Lane responded. He was asked about the traffic during Christmas times. Where do you see the bottlenecks? Mr. Costco said he didn't think that there would be any more than usual during the holidays. This configuration shouldn't change anymore than usual.

Mrs. Overby asked about the storage units in parking areas and where would the snow storage be. Last year she noticed it was stored near the Food Court.

Al Kucher, Director of Operations replied that what they have done in the past and what they will continue to do during the Christmas period, if they have substantial snow, they haul it away. Not only at the Food Court, but also at the whole site. They have a dumping area near Smokey Bones. Typically they do not haul snow away after the holidays due to the cost. But if that's a requirement, they will do more of it. After that period, the traffic goes down and they don't seem to have a problem. The area in front of the Food Court is a desirable area so any pile will impact it slightly. But they can haul it away from in front of the Food Court.

Mr. Dookran asked Atty. Prunier if he worked with the applicant to make improvements within the next year. Will some consideration be given to the entrances, widening them so traffic won't back up? Atty. Prunier said that they are willing to work with the City to improve the traffic flow situation.

Atty. Prunier stated that the stores being proposed have architecture that are somewhat different from each other. Staff put in a stipulation that they are allowed minor adjustments. Any significant modifications shall be resubmitted to the Planning Board for review and approval. The project should be built in one phase.

Mr. Lowe asked Atty. Prunier if this would be done by Christmas and he replied that they are planning on having it completed in 2009.

SPEAKING IN OPPOSITION OR WITH CONCERNS

No one.

SPEAKING IN FAVOR

No one.

MOTION by Alderman LaRose to approve New Business #3 Demolition and Construction of a new retail building, applicant, Pheasant Lane Mall, Simon Property Group, Inc. (Owners) 310 Daniel Webster Highway, "GB" - General Business. It conforms to NRO 16-450(g) with the following stipulations and waivers:

1. Prior to the issuance of the building permit for the demolition of the building shall the applicant shall meet with Planning staff to review scheduling, site and pedestrian access, erosion control and related construction activity.
2. Prior to the issuance of the building permit the applicant shall secure all necessary state, federal and local permits and approvals.
3. Prior to the issuance of a building permit final project plans shall be submitted with any required drafting corrections.
4. The applicant may make changes to building footprints, materials and architectural design subject to review and approval by Planning Staff, provided the overall intent of the approved site and architectural plan is maintained. Significant modification of the building footprint, design as determined by Planning Staff shall be resubmitted to the Planning Board for review and approval.
5. The applicant agrees to make revisions to the landscape plan submitted for the plaza to include water and art features, and other plant and material changes subject to approval by Planning Staff.
6. The waiver request to exceed maximum light levels and luminaire height, Section 16-236 is granted.
7. The waiver request for landscape elements, Section 16-574 is granted.
8. The waiver request for building materials Section 16-542 is granted.

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 Mr. Moran

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 motion to remove this from table.

Discussion Items

Mr. Houston stated that there is a site walk on Thursday, May 24, 2007 at Nashua Landing. There is no official submission to the Planning Board as of yet, but anticipate it at the end of the June. There are still some issues to be worked out. The walk will begin at 5:00 pm. They will meet at the end of East Spit Brook Road.

Other

None

MOTION TO ADJOURN by Mr. Lowe at 8:40 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.

Recorded Meeting