

NASHUA CITY PLANNING BOARD  
June 21, 2007

The regularly scheduled meeting of the Nashua City Planning Board was held on Thursday, June 21, 2007 at 7:00PM in the auditorium at City Hall.

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

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

**Approval of Minutes**

June 7, 2007

**MOTION** by Mr. Torosian to approve the minutes of June 7, 2007, waive the reading and place on file with the correction that Mr. Canaway made the motion regarding the regional impact, not Mr. Slivinski

**SECONDED** by Mr. Canaway

**MOTION CARRIED** 4-0-4 (Mr. Dookran, Mr. Lowe, Alderman LaRose, and Mr. Slivinski abstained.)

**Communications**

Mr. Houston went over the following items that were received after the mailing went out.

- Copy of state law on Regional Impact
- Amended Planning Board Agenda. What is new is under New Business - Item #4. A referral from the Board of Alderman on O-07-108 Amending the "Land Use Code" Permit and Fee Schedules. A copy of that ordinance that was referred to the Board.

**REPORT OF CHAIR, COMMITTEE & LAISON**

Mr. Lowe reported that O-07-108 is being held for the public hearing.

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 PLANS**

None.

**NEW BUSINESS - SITE PLANS**

1. Bradford Hill and Richard Bellanger (Owners) Sequel Management, Inc. (Applicant) Application acceptance and proposed site plan to construct 6 single family residential buildings on one lot with site, drainage and access improvements, 4-6 Fox Street, Sheet 61 - Lot 67 & 68, Zoned "GI" - General 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**

**Stefan Toth, Toth Engineering**

Also representing the applicant is Paul Delaney from Delaney Group and representatives from Sequel Property Management. The parcel is located off Fox Street. Broad Street and Broadview Avenue are at either end of the street. Currently, there is an existing house, driveway and a few structures on the site. It

is serviced by city water, sewer, and gas. As part of the project they are consolidating these two parcels into one and razing the existing structures and a few trees as part of the development. The parcel is in the GI district. The applicant appeared before the Zoning Board and obtained relief to allow for a residential use in this district. They are proposing a six unit detached residential development. Each unit will have a garage, 2-story unit varying of different architectural designs to try and match the neighborhood. Also, with the Zoning Board decision, along the boundary lines there are existing fences and the applicant agreed to put in a 20-foot buffer on the side. This was agreed upon by the applicant and the abutters. They will be adding in some additional trees and landscaping and leave as many trees that are existing there today. Each unit will have individual infiltration chambers so the runoff from the roof will go into the chambers and percolate into the ground. There is a portion where the pavement breaks into the back and there are a few systems there to take care of the runoff from the driveway. A sidewalk will also be constructed as part of this project. They would like to install a bituminous sidewalk instead of poured concrete due to the cost, and would like the Planning Board's opinion.

Mr. Toth was asked by the Board to explain the 20-foot buffer and why it appears that some of the decks off the houses will be in the buffer. Mr. Toth explained that was correct. As part of the agreement they are allowed to put decks and the infiltration systems in the buffer, but no other structures.

Mr. Toth was also asked by the Board about the sidewalks. The other streets have mostly concrete sidewalks.

Alderman LaRose stated that across the street there is a house with concrete sidewalks and on Broad Street there is a concrete sidewalk.

The Board asked if these are condo units or rental units. Mr. Toth replied that they will be condo units and there will be a condo association.

Mr. Toth was asked by the Board if there was no parking on either side of the private drive. Mr. Toth replied that they wanted no parking in the "hammerhead" area. Mr. Toth replied that it was his understanding that the Nashua Fire Department wanted no parking in the hammerhead area because they wouldn't be able to turn around, but parking is allowed on the street.

Mr. Toth was asked by the Board if there is any designated parking area since this is a condo association. Mr. Toth replied that there was none that he was aware of.

Mr. Slivinski asked if this project were approved tonight and given today's real estate market, when will the current home be vacated and demolished. Mr. Toth replied he thought within the next 30-60 days.

Mr. Toth was asked what size are the lots. He replied that the area and size was .97 for the whole project. There are no individual lots, but the entire parcel sits on almost an acre.

Mr. Lowe asked if parking will be allowed on the street. Mr. Toth said that everyone will have their own designated spot in front of their unit in their driveway. The garage will be one spot and the space in front of it one spot.

Mr. Yeomans reported that the Staff Report is in error. There should be no parking in the turnaround or hammerhead and will allow parking on one side of the street. That follows past historical practices that the Nashua Fire Department allows on a 22-foot wide road.

Mr. Torosian asked what the condo association will be doing for rubbish removal. Mr. Toth replied that on other projects, the people brought it to the streets in trash barrels and the condo association will handle it. There will be no dumpsters.

Mr. Dookran asked about if the sidewalk should be brought all the way to Broad Street for it to make sense. Mr. Toth replied that they couldn't do that because he doesn't own the parcel of land between them and Broad Street. The road may need to be widened. Mr. Toth had spoke to Mr. LeBrun and Mr. Toth said that was Mr. LeBrun's call. Mr. Dookran replied that he spoke with Mr. LeBrun. Mr. Dookran said he agrees with Mr. Lebrun that the sidewalk should be brought to Broad Street.

Mr. Dookran asked about drainage systems in the hammerhead. He said it is a larger structure; where does the overflow go? Mr. Toth replied that the storage that is proposed is far greater than what is needed.

Mrs. Overby asked if there was one way in. Mr. Toth replied that there is only one way in.

**SPEAKING IN OPPOSITION OR WITH CONCERNS**

No one.

**SPEAKING IN FAVOR OF THE PLAN**

Peter Doloff, President of Sequel Management spoke about demolition. They had promised the neighbors that once they started the project they would keep a clean and neat construction site. They would wait the 30-day appeal period and then file for the permits. They are hoping by late summer to tear down the two existing buildings. As you enter the property, the first house on the left will be the first one to be erected. They will put up at least two houses closest to Fox Street once they start and then the four back houses. If there are no sales they will drag their feet on the back houses but will contain the site appropriately and move backwards from there. The first two houses should be done by winter.

(??) stated that they would like to have a time certain for demolition. Mr. Doloff said that as soon as the demo permits can be obtained they will do so, after the 30-day appeal period. Mr. Doloff was asked to give a date and he said assuming he was able to obtain the permits in a timely matter.

Mr. Doloff stated that if the project was a condo, they would not be able to get city containers. It is their intention to have a private hauler for this project.

Mr. Doloff explained that houses #1 through #8 on Fox Street have an average lot size of 7,368 square feet. The average lot size for this project will be about 7,000 square feet. The houses on Broadview Avenue have an average lot size of 7,386 square feet. The average size of homes on both streets is between 1,100 and 1,150 square feet and they are planning on building homes that are 1,200 square feet.

Mr. Doloff is agreeable to bringing the sidewalk to Broad Street and will use whatever material the City wants.

Mr. Doloff was asked by (??) to explain what a Cape Cod berm is as opposed to granite curbing. Mr. Dookran explained that there are two types, there is vertical granite and sloped granite. Mr. Doloff explained that they were hoping to use Cape Cod berm in the hammerhead, and on Fox Street to Broad Street it will be vertical granite curbing and concrete sidewalk.

Mr. Dookran explains that concrete sidewalks last longer than asphalt sidewalks. They are made thicker, a minimum of 4 inches thick. (Asphalt sidewalks are typically 2 inches of asphalt on top of gravel.) The price of concrete is much higher, 30% higher.

Mr. Houston stated he believed there may be a City Charter requirement about inner city sidewalks and if this project fell within the inner city, but wasn't sure.

Mr. Dookran stated that perhaps sloped granite curbs can be used in the hammerhead for some savings and fits better in this neighborhood.

**MOTION** by Mr. Slivinski to approve New Business #1 Site Plans, Project name Fox Meadow, applicant Sequel Property Management, owners Bradford Hill and Richard Bellanger, located at 4-6 Fox Street, proposal to put in six unit residential condominium development. It conforms to NRO 16-450(d) with the following stipulations and waivers:

1. Prior to ANY work being conducted, a pre-construction conference shall be set up with the Planning Department.
2. Prior to the plan being recorded, the storm water operation and maintenance plan shall be recorded.
3. All prior and current Zoning Board of Adjustment and Planning Board conditions of approval are incorporated herein and made a part of this approval.
4. Prior to a building permit being issued, any final corrections shall be made on the plan.
5. Prior the plan recorded, final approval from the Division of Public Works of the engineering documents shall be obtained.
6. Prior to a demolition permit being issued, a pre-construction conference shall be set up by the applicant with the contractors, sub contractors and the Planning Department to review scheduling, circulation and tree protection.
7. No parking or storage shall be allowed and be enforced by posted signs in the turnaround.
8. Parking will only be allowed on the southern side of the driveway on Fox Court and no parking signs shall be issued on the northern side.

9. A concrete sidewalk be built from the edge of the property line on the southern property line and extending all the way to Broad Street as approved by the City Engineer.
10. Sloped granite curbing be put in the hammerhead area designated on the plot plan.
11. Demolition of the all structures shall be completed and cleaned up within 120 days of the approval of this plan by the Planning Board.

**SECONDED** by Mr. Lowe

**MOTION CARRIED UNANIMOUSLY**

**NEW BUSINESS - SITE PLAN**

2. **Talaria Realty, LLC (Owner) Application acceptance and proposed amendment to NR936 for the removal of an existing building (19 East Otterson Street) and the construction of 9 new parking spaces for a total of 15 parking spaces, with associated site improvements. 19 & 21 East Otterson Street, Sheet 17 - Lots 15 & 71 and Sheet 18 - Lot 9, Zoned "D3/MU" - Downtown 3/Mixed Use.**

**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**

**Stephan Toth, Toth Engineering**

Mr. Toth is representing the applicant Talaria Realty for this project off East Otterson Street. Mr. Toth presented two renderings to the Board, the existing and proposed. Currently the applicant occupies one of the buildings and operates in the downstairs area. Right now there are two separate parcels, Map 17, Lot 15 and which .2 acres and the other parcel is Map 18, Lot 9 and is .398 acres. The lots will be consolidated as part of this project. This is an internet business only, with no customers coming to this site, employees and deliveries only. The second building is vacant and unused. He pointed out the parking area on the map. The applicant is concerned about a few things, people cutting through his property, no place for his employees to go outside for lunch, and limited parking. He has safety concerns and wants to enhance the overall appearance of the site. What the applicant is proposing is to have one

building razed and in its place will be put in 90-degree angle parking spaces and an access aisle in lieu of the parallel parking spaces. They will clean up one area and fix the grade and landscaping. There will be a nice green area with patio and trees. They would like to add in three-foot overhang to avoid rain runoff into the basement. Mr. Toth met with Jon LeBrun and Mr. LeBrun would prefer the applicant put in vertical granite curb, but due to basement windows they can't build a sidewalk to the City's standards. They are trying to get some give and take with the City in order to improve the appearance of the site. Right now there is zero green space, but this project will add about 15% green space. As they went forward with this project, the Land Use Code had some changes for this district.

Mrs. Overby asked Mr. Toth to show her on the plan the loading dock. He explained the parking near the loading dock. The trucks do not back up to the loading dock. They park and use trolleys. Mrs. Overby asked if there any type of curbing where the top of the retaining wall is. Mr. Toth explained that there is a post and beam guardrail.

Alderman LaRose asked about the loading dock near the dumpster. Mr. Toth replied that they don't use that dock and doesn't anticipate using it. Alderman LaRose asked about fencing on the eastern side that goes in and out between the property lines. Mr. Toth replied that they are going to put in new fencing just inside the property line that abuts the existing fence.

Mr. Slivinski asked how many employees are employed. Mr. Toth replied that he thought there were eight, but are hoping to expand and grow.

Mrs. Overby asked about the cosmetics and appearance of the building. Mr. Toth explained that it is red brick/masonry brick but now planning on making changes.

Mr. Lowe asked about demolition. Mr. Toth replied that they will be removing one building as stated in Stipulation #1.

**SPEAKING IN OPPOSITION OR WITH CONCERNS**

No one.

**SPEAKING IN FAVOR OF THE PLAN**

Alderman Daniel Richardson, 70 Berkley Street.

Thought the plan was fine.

**OTHER BUSINESS** - Alderman Richardson requested that the Planning Board take up case #3.

**MOTION** by Alderman LaRose to approve New Business - Site Plan #2 Building Demolition and parking improvements, Talaria Realty, LLC (owner) 19 & 21 East Otterson Street. Zoned "D3/MU" Downtown 3/Mixed Use. It conforms to NRO 16-450(d) and 16-36 Mixed Use Overlay District with the following stipulations and waivers:

1. Prior to any work being started, the applicant and their contractors shall hold a preconstruction conference with Planning staff.
2. Prior to the issuance of a building permit documents pertaining to the stormwater operation and maintenance plan shall be recorded.
3. The Planning Board has determined that the application meets the requirements of Sec. 16-36, Mixed Use Overlay District.
4. The waiver request for building design, Section 16-31(b)(2) is granted.
5. The waiver request for landscaping, Sec. 16-570(b) is granted.
6. The waiver request to allow off street parking to be located along the site frontage, Sec. 16-31(b)(8)B is granted.
7. The waiver request for circulation, Sec. 16-31(c)(3)A is granted.
8. The waiver request for building design related to facades and roofing, Sec. 16-542b(2) and c(2) is granted.
9. The waiver request for landscaping related to the requirements for perimeters, Sec. 16-574(c)(2) is granted.
10. The waiver request for landscaping related to the requirements for street trees to be placed along a public street, Sec. 16-575(b)(3) is granted.
11. The applicant shall work with the City Engineer to determine the best resolve of the sidewalk issue on East Otterson Street.

The Board would also like the applicant to work with the owner of the adjacent property and/or Attorney Prunier to connect the sidewalk, but it is not a stipulation.

**SECONDED** by Mr. Lowe

**MOTION CARRIED UNANIMOUSLY**

**OTHER BUSINESS**

At Alderman Richardson's request they will now hear Case #3 out of sequence.

- 3. Referral from the Board of Alderman on proposed O-07-83, amending the "Land Use Code" by changing minimum front setback in the "A" Urban Residence (R-A) District.**

**MOTION** by Alderman LaRose to removed from table.

**SECONDED** by Mr. Lowe

**MOTION CARRIED UNANIMOUSLY**

Alderman Daniel Richardson, 70 Berkley Street

He said he put together this ordinance change because back in late 2005 the Land Use Code changed. The zoning setback for the front yard was changed from 25 feet to 10 feet. In all prior versions of the Land Use Code it had been 25 feet. Alderman Richardson requests that the Planning Board recommend rejection of the amended version. The amended version sets an average as the front yard setback. Alderman Richardson has requested that the Planning Board approve and recommend the front yard setback be returned to the original 25 feet, which it was always previously been in an RA Zone.

Mr. Houston pointed out an error in the Ordinance, it has Column (O) as Maximum Front Area Ratio and it should be Maximum Floor Area Ratio. This is usually used in commercial buildings and multiple stories. This is just a typographical error.

**MOTION** by Mr. Canaway that O-07-83 is returned to the Planning and Economic Development committee with an unfavorable recommendation and acknowledged that there is a misprint and Column O should read Maximum Floor Area Ratio.

**SECONDED** by Mr. Torosian

**MOTION CARRIED** 7 TO 1, Alderman LaRose voted no

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

Mr. Chair, I have reviewed the tentative agenda and have determined that there are no cases on that tentative agenda that

have regional impact. I make this determination after careful consideration from a letter from the Board of Selectmen of the Town of Hudson where they asked us to pay special attention to NH RSA 36:54 which lays out the criteria for regional impact. I would like to read those criteria into the record.

1. "Relative size or number of dwelling units as compared with existing stock certainly," that does not apply.
2. "Proximity to the borders of a neighboring community." This particular parcel, the one in question and that is the Nashua Landing, is separated from Hudson by a river. I don't think it's any closer than any other development that we have looked at before.
3. "Transportation networks." I don't see any regional impact towards Hudson with regards to the shopping center this is really nothing more than a shopping center, much like the Royal Ridge Mall.
4. Do not expect that this particular site is going to have any undue light, noise, smoke odors that are going to affect the Town of Hudson.
5. We do not believe that the proximity to the river will transcend into any municipal boundaries.
6. And there are no shared facilities such as schools, solid waste disposal, and such.

So in my opinion it does not have any impact and that is the motion that I make.

The motion is before us of Mr. Slivinski's determination that there are no issues of regional impact. Is there a second.

**SECONDED** by Mr. Canaway

**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)

**MOTION** by Alderman LaRose to remove from the table O-06-57.

**SECONDED** by Mr. Lowe

**MOTION CARRIED UNANIMOUSLY**

MOTION by Alderman Larose for a favorable recommendation on O-06-57, as amended.

SECONDED by Mr. Slivinski

**MOTION CARRIED UNANIMOUSLY**

**4. Referral from the Board of Alderman on proposed O-07-108, amending the "Land Use Code" permit and fee schedule**

MOTION by Alderman LaRose to table O-07-108 until such time as a public hearing is held.

SECONDED by Mr. Torosian

**MOTION CARRIED UNANIMOUSLY**

**Discussion Items**

None

**Other**

Mr. Houston asked the Board for an idea on who would be available for the August 9<sup>th</sup> meeting to see if there is a quorum. Also, there may be a special meeting in July (July 11<sup>th</sup>), but had not heard from Mr. Dookran, Mr. Slivinski, and Mr. Canaway whether they would attend such a meeting. There is a regularly scheduled meeting on July 12<sup>th</sup> and perhaps having a meeting on July 11<sup>th</sup> for the Dow Chemical Site. If not, only one meeting is scheduled for August. Please let the Planning Department know.

MOTION TO ADJOURN by Mr. Lowe at 9:14 p.m.

**APPROVED:** \_\_\_\_\_  
Ken Dufour, Chair, Nashua Planning Board

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