

EXPANDED DRAFT MEETING SUMMARY
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NASHUA CITY PLANNING BOARD
July 12, 2007

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

Members Present: Ken Dufour, Chair
 Steve Farkas, Mayor's Rep
 Alderman Richard LaRose
 Bob Canaway, Secretary
 Steve Dookran, City Engineer
 Hugh Moran
 Cynthia Overby (Alt)

Also Present: Kathy Hersh, Community Development Director
 Roger Houston, Planning Director
 Mike Yeomans, Deputy Planning Manager
 Chris Sullivan, Planner II

Approval of Minutes

June 21, 2007

MOTION by Mr. Canaway to approve the minutes of June 21, 2007, waive the reading and place on file.

SECONDED by Alderman LaRose

MOTION CARRIED 4-0-2 (Mr. Moran and Mr. Farkas abstained)

Communications

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

- Case #2 - Southern NH Regional Medical Center. A letter from Vanasse & Associates, Inc., dated July 5, 2007 to James Petropulos, Hayner/Swanson, Inc. regarding the sight line visibility triangle information as requested.
- Letter from Robert & Maria Cernuda dated July 11, 2007 to the Planning Board regarding Case #4 - Riverhurst Realty Trust for a site plan extension.
- Revised Technical Review Meeting Sheet dated July 9, 2007

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 PLANS

1. Mile High Real Estate, LLC (Owner) - Application acceptance and proposed subdivision of one lot into two. 23 Ridge Road, Sheet C-Lot 171, Zoned "R40" - Rural Residence.

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

SECONDED by Mr. Farkas

MOTION CARRIED UNANIMOUSLY

Richard Maynard, Maynard & Paquette

Mr. Maynard is representing the applicant, Mile High Real Estate, LLC. The property is located on Ridge Road. To the rear of the parcel and to the left is owned by the City of Nashua. To the north and right are single-family homes. They are proposing to subdivide the parcel into two lots. One lot will be 40,000 square and the other lot will be 37,539. Both lots would be served by private well and septic. This parcel is zoned R40. In January, 2007 the applicant received Zoning Approval for the 37,539 lot. Both homes will share the existing driveway. A cross access easement will be recorded. Drainage will be managed with a leaching system.

Mrs. Overby asked about the wells. Mr. Maynard replied that the wells would be drilled down into ledge from approximately 300 to 500 feet.

SPEAKING IN OPPOSITION OR WITH CONCERNS

Norm Pelletier, 30 Ridge Road

Mr. Pelletier lives across the road and has concerns with the size of the septic system and runoff. He is concerned if the lot is opened up, will there be more runoff? Also, there is a tight curve on the road that can be dangerous. Mr. Pelletier has a well and is concerned if the applicant does blasting, he could have some damages.

Ellen Johnston, 22 Parker Drive

Ms. Johnson lives at the corner of Parker Drive and Ridge Road and has concerns about the curve and with the runoff. In the winter the road becomes a sheet of ice. The road has never been taken care of properly. She has no problems with the homes, but is concerned with her well and the effects the blasting could have.

Tom Rioux, 18 Ridge Road

Mr. Rioux has the same concerns as previous speakers, especially the blasting.

Jerilyn Bredbury, 40 Ridge Road

Mr. Bredbury has the same concerns as the other speakers. She is particularly worried about salt. She has had different answers from City Departments whether this is a salt area or a no salt area. She has a well and the salt is a polluter of wells. The City puts a lot of salt down due to heavy traffic. The road is in bad shape. She is concerned if two houses, with two septic system, and two wells are built, will the applicant be changing the hill and will there be more runoff.

SPEAKING IN FAVOR OF THE PLAN

Richard Maynard, Maynard & Paquette

Ridge Road is an older road with no drainage to speak of. What they are proposing is to go from one home to two homes. They are not building roads. The driveway remains essentially the same.

The footprint of one of the houses will remain in place. Today there is no drainage system. Both homes will have a recharge system.

?? asked if these were raised septic systems. Mr. Maynard replied yes. They will be drilling wells into the ledge. They don't blast with these wells. Mr. Maynard said there will be blasting for the foundation. Mr. Maynard stated that he can't guarantee there won't be any blasting for this project, but it will be minimal. There are only three homes, which are direct abutters to this site so the impact should be minimal.

?? asked Mr. Maynard to explain what a recharge systems is. Mr. Maynard explained that you take the roof leader and the gutters and run the water in the ground through a basin or leaching system. There is a chamber down about 5 feet that runs into the ground.

Mrs. Overby stated that she would like to see a sidewalk. Mr. Maynard explained it would be a sidewalk to nowhere. There is none for miles in that area. The sidewalk would have to go in the City's right-of-way and would aggravate the drainage problems.

Mr. Dookran asked if they had any concerns about the septic systems and if it will function as it should be. Mr. Maynard explained that it is ledge in the back and soil in the front and the septic system will be in the front. They will be following all regulations.

Mr. Dookran asked about the sharp drop off on Ridge Road. Would it be possible to cut into this site to make the road wider and put in guardrail? Mr. Maynard replied they could give an easement for 30 feet and go back 150 feet for the safety of the roadway. Mr. Moran suggested tabling this item until it can be resolved.

?? asked about doing speed bumps. Mr. Dufour explained they couldn't put speed bumps on city streets.

Norm Pelletier, 30 Ridge Road

In regards to the easement, there is a drop in the road and trees are hanging over the road. There would have to be some sort of wall put in there. At one time the road had been widened and some of the curve was waken away and dug into the hill and was just left as it. There is a large embankment or "cliff".

Mr. Dookran asked if because of the high volume of traffic and because of safety concerns, this needs to be addressed. Mr. Maynard stated the two houses are not causing the traffic.

MOTION by Alderman LaRose to table New Business - Subdivision Plans for the purpose of the City Engineering Department and the applicant's Engineers to go out and look at the situation and see if they can come to terms on what is to be done.

SECONDED by Mr. Moran

MOTION CARRIED UNANIMOUSLY

The case is table until the next meeting. At that time no testimony will be heard at that time. The results of the determination between the City Engineers and the applicant will be heard at that time and a vote will be taken.

NEW BUSINESS - SITE PLANS

2. Southern New Hampshire Regional Medical Center (Owner) - Application acceptance and proposed amendment to NR1707 for a 3-story, 37,785 square foot accessory addition to the existing hospital building and a 1 story, 2,578 square foot generator building with associated access, parking and site improvements. 8 Prospect Street, Medical Center Driveway, Main Street & Dearborn Street, Sheet 31 - Lot 22, Zoned "D1/MU" - Downtown 1/Mixed Use.

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 is representing the applicant, Southern New Hampshire Medical Center. Scott Kelley and Rick Duguay from Southern New Hampshire Medical Center, and Joe Britton from Lavallee/Brensinger Architects are also present. Tonight they are seeking site plan approval for two additions to the main hospital campus. Phase I of the project has been completed and tonight they are requesting to complete Phase II. The expansion in 2004 has crept into other areas of the hospital and they need to expand. The purpose of this expansion is to keep the

hospital current with federal guidelines. The specific areas for the expansion are the northeast corner and the southeast corner of the site. The site lies within the Mixed Use/Downtown 1 Zone. The northeast corner addition will be for a 2,578 square foot one story building for an accessory generator building. Approximately 25 parking spaces will be disrupted. They are proposing 4 foot fencing to run from the cross walk of Deerborn Street along Medical Center Drive to the crosswalk that currently exists from the hospital to the lot across the street. The northern addition will actually have more green space, but the southern addition will be adding about 12,000 of permeable area. The roof would normally drain off to Deerborn Street. They will now take that runoff from the roof and pipe it across the street into a recharge basin located in a grass area that the hospital owns. They had double-checked and confirmed the site distance was safe at the four way stop with the building so close to the corner. The consultant looked at it and the standards were met. The applicant and the City have been trying to work on connecting the sidewalk between the parking garage located on Prospect Street and the main entrance on Prospect Street. Currently pedestrians have to step out 10 feet to get by vehicles and both Southern New Hampshire Medical Center and the City are trying to provide the safest crosswalk possible. Mr. Petropulos handed out a sketch of a possible solution.

Lavallee/Brensinger is the project architect and they will be matching the existing architect of the building. The generator building is one story and will be brick exterior.

Three waivers are being requested. First is a buffer between commercial and residential zone, the second is a dimensional waiver, and the third is waiver for architect.

Mr. Canaway asked if there were any other phases planned beyond this. Mr. Petropulos replied this was Phase II and there is a master plan and there are other areas to expand.

SPEAKING IN OPPOSITION OR WITH CONCERNS

No one.

SPEAKING IN FAVOR OF THE PLAN

?? asked about the loss of 25 parking spaces, is there anyway to mitigate the loss? Mr. Petropulos explained that they have added over 200 parking spaces in the past three years and future improvements will add over 300 spaces.

?? asked about testing the generator and the noise. Mr. Petropulos explained they add a silencer and run the exhaust through the roof to reduce noise.

MOTION Alderman LaRose to approve New Business Site Plan Southern New Hampshire Regional Medical Center, 8 Prospect Street, Medical Center Drive, Main Street & Dearborn Street. It conforms to NRO 16-450(d) and Section 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 pre-construction 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 materials, Sec. 16-31(a)(2)(c) is granted.
5. The waiver request for building height, Sec. 16-31 (b)(1) which requires 2 stories where 1 is proposed is granted.
6. The waiver request for architectural features, Sec. 16-31(b)(3)(b) and (c) is granted.
7. The waiver request per Sec. 16-36(d) for an accessory building setback of 10 feet where 20 feet is required, is granted.
8. The waiver request for landscape buffers, Sec. 16-571(b) is granted.
9. Applicant will work with Staff on final design for the crosswalk on Prospect Street.

SECONDED by Mr. Farkas

MOTION CARRIED UNANIMOUSLY

NEW BUSINESS - SITE PLANS

3. Leda Lanes, Inc. (Owner) - Application and proposed amendment to NR1549 to maintain nonconforming wall lights and to show site revisions associated with the construction of a 1 story, 12,250 square foot, 12 lane bowling facility approved by the

**Planning Board on April 20, 2005. 338 & 340 Amherst Street,
Sheet G - Lots 97 & 98, 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

Richard Maynard, Maynard & Paquette

Mr. Maynard is representing the applicant, Leda Lanes, Inc. They are here for a site plan amendment to maintain non-conforming wall lights and addition of landscape beds along the back of the building. Trees were added to an island but during the construction phase they realized that during snow removal the island would most likely be destroyed. Also the access lighting on building doesn't meet code. The lights do not shine more than three feet away. These fixtures are used as an architectural element.

Mr. Yeomans stated that the staff asked the contractor to cleaned up some debris that was not placed there by the contractor and did a great job cleaning up the site.

SPEAKING IN OPPOSITION OR WITH CONCERNS

Peter Johnson, 19 Rindge Drive

Mr. Johnson is concerned with the lighting plan. He hasn't seen the fixtures. He is worried that this will set a precedent for lighting that is used for architectural elements. Mr. Johnson would like to consider a stipulation that the lights are only on during the hours the bowling alley is open and not all night long.

Mr. Maynard replied it was a reasonable request to have the lights on only during hours of operation.

Sean Howe, Leda Lanes

Mr. Howe explained the lights come on automatically at dark and they shut off at midnight, which is the closing time of Leda Lanes.

SPEAKING IN FAVOR OF THE PLAN

No one.

MOTION Alderman LaRose to approve New Business - Site Plans #3 - Leda Lanes, Inc. (Owner) maintains nonconforming lighting at 338 & 340 Amherst Street. It conforms to NRO 16-450(d) with the following waiver:

1. The waiver request for Lighting, Section 16-236, Luminaire Design Factors, is granted.

SECONDED by Mr. Moran

MOTION CARRIED UNANIMOUSLY

NEW BUSINESS - SITE PLANS

4. Riverhurst Realty Trust (Owner) - Application acceptance and proposed second, 1-year extension for an amendment to NR1227 for the demolition of an existing building and the construction of a 4-story, 33,366 square foot mixed use building (15 apartments & 3,681 square feet of retail) with associated access, parking and site improvements. 116 West Pearl Street, 3-5 Elm Street & Cedar Street, Sheet 79 - Lots 62 & 64, Zoned "D-1/MU" - Downtown-1/Mixed Use. Previously approved on July 20, 2005.

MOTION by Mr. Canaway 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 is representing the applicant Riverhurst Realty Trust. In July, 2005 this project was initially for 15 residential units and retail. A year ago they asked for a one-year extension because of financial matters and are here again for the same reason. This project is a priority on their list and they want to build it and anticipate developing it in the future. Due to sagging economic factors, the housing market has made the financing difficult to obtain.

?? asked if this would be the last extension? Mr. Auger replied this was their 2nd extension. Mr. Auger read into the record the letter from Robert & Maria Cernuda dated July 11, 2007. Mr. Auger replied to the parking issue and knew he knew it would be an issue. They met with the Manager of the Elm Street Garage and received a letter from him guaranteeing there was more than ample parking space that the retail area would generate. Mr. Auger read the letter into the record. In regards to the spaces for residential units, the building on Elm Street that the developer rehabbed, they park in the parking lot that exists now. When they put up this building these spots will go away. As part of the new building, there will be 10 spots. There are 13 apartments in the existing building on West Pearl Street and this building will have 15 apartments. Per the parking code, they need 28 spaces. They are proposing to have 10 parking spaces and the developer is going to pay to lease 18 spaces in the Elm Street Garage. With the dumpsters on site, there are currently two in the parking lot. Once this building is built, those will go away. There is a spot on the plan for the dumpsters.

SPEAKING IN OPPOSITION OR WITH CONCERNS

No one.

SPEAKING IN FAVOR OF THE PLAN

No one.

MOTION by Alderman LaRose to approve a one-year extension to Riverhurst Realty Trust, second one-year extension, for a 4-story building, 116 West Pearl Street, 3-5 Elm Street. It meets NRO Section 16-123 and Division 20 Mixed Use District, Section 16-557. All stipulations imposed by the Planning Board on July 20, 2005 shall continue to be in effect.

SECONDED by Mr. Canaway

MOTION CARRIED UNANIMOUSLY

NEW BUSINESS - SITE PLANS

5. State of New Hampshire (Owner) City of Nashua (Applicant) - Application acceptance and proposed site plan to show a new public park - "Rotary Common" - with pedestrian, drainage and related site improvements. 15 Main Street and land on Bridle

Path, Sheet 100 - Lot 4 & 66, Zoned "D-3/MU" - Downtown-3/Mixed Use.

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

SECONDED by Alderman LaRose

MOTION CARRIED UNANIMOUSLY

Joseph Lowry, The Louis Berger Group

Mr. Lowry has been working with the applicant, Kathy Hersh, Director, Community Development, for several months now. The Rotary Common site is a two-acre parcel located on Main Street. It has an industrial history and has been since 1973. This project would provide an urban park for the downtown area. There are still some remnants of the industrial site. The land is divided by Salmon Brook. The site will be cleaned up as part of this project. The first step would be the clean up. There is asphalt, buildings, and debris to be removed. There will be a number of pedestrian walk ways connecting Main Street to the park and also to Bridle Path. The existing sidewalk on Main Street is now five feet wide and they are proposing to widen it to 10 feet. There will be a pedestrian bridge over Salmon Brook which will provide visual enhancement. There will be historic markers that will document the industrial history of the site. A landscape plan has been submitted. Along Main Street will be a low retaining fieldstone wall to provide some separation from the roadway. There will be improvements to the dam on Salmon Brook to provide long-terms durability and walkways. The dam is owned by Pennichuck Water Works, but will allow the applicant to do work as it improves the dam structure. There will be pedestrian lighting and the lawn will be irrigated. They are proposing to do this in phases. Phase I consists of work on the north side of the site consisting of the sidewalk up to the dam from Main Street to Bridle Path, and the lawn area.

Alderman LaRose asked if the trees in the back will stay. Mr. Lowry stated that some trees will stay and new ones will be planted.

Alderman LaRose asked if there is any toxic waste on the site to be removed. Mr. Lowry replied that a Phase I and Phase II environment studies have been done and they are still going through them with the state and some material on the site will

have to be dealt with. The plan has not been approved by the State yet.

Alderman Larose asked who would be removing any toxic waste on the site.

Kathy Hersh, Director, Community Development

Mrs. Hersh replied that at this time there have been soil samples of elevated levels, but not something of great concern, but should be removed. As they finalize construction they will determine how best to do that. There is one area of the site where there is arsenic and that area is on the southern side along Salmon Brook and that will be fenced off and away from the public.

Alderman LaRose asked who the owner of the site is and Mrs. Hersh replied the State of New Hampshire. She said there is a municipal agreement with the State and the State is still the owner of the site and is contributing \$200,000 to the City for the construction of the park. The State is also taking responsibility for structural reports for the archeological work that has been done on the site and some of the environmental work. The City will not take ownership of the site until they are ready as a City to take ownership and they are comfortable that the site is clean.

?? asked about the arsenic and if it is dangerous. Mrs. Hersh replied it will not be removed.

?? asked if there will be lighting during Phase I. Mrs. Hersh replied no.

?? asked about a dialog with Pennichuck Water Works in regards to the dam. Mrs. Hersh replied that Pennichuck has looked at this dam for possible removal. If the dam were removed the brook would become a narrow instead of a wide basin which is a feature of the park. They would prefer to keep the dam and repair the dam.

Mr. Dookran asked about the fencing. Mr. Lowry said Phase I would have a small, low level retaining wall with railing from the north end of site up to the dam. The rest of the frontage would be a wooden stockade fence around the old industrial site.

Mrs. Overby asked if any vegetation would be removed in the buffer. Mr. Lowry replied that some will be removed and they

have already been through the Conservation Commission and Zoning Board of Adjustment to work in the prime wetland buffer. The intention is not to clear-cut, but to remove any invasive species and leave natural vegetation.

Mrs. Overby asked where someone who drove to the park could park their car. Mr. Lowry stated that when he visited he parked in the Elm Street School area, or commercial property across the street. There is no parking on Main Street.

SPEAKING WITH OPPOSITION OR WITH CONCERNS

Andy Laliberte, 5-7 Bridle Path

He said he was very pleased with concept, but has concerns as to what will happen to Bridle Path. Will it be paved? There is a drain hole in front of his property. It is sinking every year. He has reported it to the City, but it has not been corrected. Mr. Dookran will look into this for Mr. Laliberte.

Mr. Lowry explained that included in the plan is to replace the catch basin at the extreme end of Bridle Path. They would have to discuss replacing the basin in front of Mr. Laliberte's property with Public Works Department.

SPEAKING IN FAVOR OF THE PLAN

No one.

MOTION by Alderman LaRose to grant Site Plan #5 - City of Nashua (Applicant) State of New Hampshire (Owner), for the construction of Rotary Park, 315 Main Street. It conforms to NRO 16-450(d) and Section 16-36 Mixed Use Overlay District with the following stipulations and waivers:

1. Prior to ANY work on the site, a DES Standard Dredge and Fill Permit shall be obtained.
2. Prior to ANY work being conducted, a pre-construction conference shall be set up with the Planning Department to review erosion control measures, tree removal and tree protection.
3. Prior to a building permit being issued, the storm water operation and maintenance plan shall be recorded.
4. The Planning Board finds this project is consistent with Section 16-36 Mixed Use Overlay District.

5. All conditions of approval stipulated by the Conservation Commission and Zoning Board of Adjustment are incorporated into, and made a part of this site plan approval.
6. Prior to a building permit being issued, any final drafting corrections shall be made on the plan.
7. The applicant may make changes to layout subject to review and approval by Planning staff, provided the overall intent of the approved site plan is maintained. Significant modification to the site plan shall be resubmitted to the Planning Board for review and approval.

SECONDED by Mr. Farkas

MOTION CARRIED UNANIMOUSLY

OTHER BUSINESS

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

None

MOTION by Mr. Farkas that there are no issues of regional impact.

SECONDED by Mr. Moran

MOTION CARRIED UNANIMOUSLY

2. **Referral from the Board of Alderman on proposed O-07-108, amending the "Land Use Code" permit and fee schedule. (Tabled from the June 21, 2007 Meeting)**

MOTION by Alderman LaRose to remove from table.

SECONDED by Mr. Canaway

MOTION CARRIED UNANIMOUSLY

MOTION by Alderman LaRose for favorable recommendation of O-07-108.

SECONDED by Mr. Farkas

MOTION CARRIED UNANIMOUSLY

3. Referral from the Board of Alderman on proposed R-07-222, designation of Westwood Industrial Park, Tax Lots H-575, H-576, H-633, H-634 and H-645 as a "Community Reinvestment and Opportunity Zone"

Kathy Hersh, Director, Community Development

Mrs. Hersh is speaking on behalf of Mr. Dalianis from the Mayor's Office who is now responsible for the Economic Development functions of the City. The legislation is to designate these lots to enable community reinvestment opportunities. Four tracts were designated last year in the downtown area as crop zones. If you are a business in this zone and meet certain criteria, then you qualify for business tax credits as the State level. There is no impact to the City and there are business opportunities to get business tax credits if they qualify. This legislation would allow these businesses to get tax credits.

MOTION by Alderman LaRose to make a favorable recommendation to proposed R-07-222.

SECONDED by Mr. Farkas

MOTION CARRIED UNANIMOUSLY

4. Referral from the Board of Alderman on proposed O-07-120, amending the "Land Use Code" by amending the provisions permitting games of chance in certain zoning districts.

MOTION by Alderman LaRose to table O-07-120

SECONDED by Mr. Canaway

MOTION CARRIED UNANIMOUSLY

5. Planning Board reappointments to the Capital Improvement Committee for a 2-year term to expire, August 1, 2009.

- Kenneth Dufour
- Charles Budris

MOTION by Alderman LaRose to approve reappointments to the Capital Improvement Committee for a 2-year term.

SECONDED by Mr. Farkas

MOTION CARRIED UNANIMOUSLY

Discussion Items

1. The tabled case #1 take your folders and notes for the next meeting.
2. Birch Hill Elementary School is in the process of expanding their parking area without getting proper permits. A stop work order was issued.

MOTION by Alderman LaRose to listen to the School Department situation, even though it was not on the agenda.

SECONDED by Mr. Farkas

MOTION CARRIED UNANIMOUSLY

Stephen Keach, Project Engineer

He said also present are Shawn Smith and Jim Mealey from the School Department. The project mainly involves the circulation around the school and improvements to the fire lane that goes around the perimeter of the school as well as some other minor improvements such as ADA access and the addition of some parking spaces. This past week they were issued a stop work order. It was through an oversight that an application for an site plan review was not tendered. They are not sure at this point if this project is eligible for an administrative review. Under normal circumstance, if this were in March, they wouldn't be here. He said they have such a narrow window to conclude this work before the school year begins. They estimate that construction will last approximately 4-5 weeks. Mr. Keach presented the Board with diagrams of the work to be done.

?? had taken pictures of the site and they were passed around. The school was built a number of decades ago when there was just bus and pedestrian traffic. Now there is more car traffic with parents dropping off students. There is a small loop and there is a tremendous amount of conflict during the day. The proposal involves creating a perimeter lane around the parking lot for the benefit of allowing school buses to come in and use the area to queue and come down through an area and exit through the loop. The fire lane is inadequate and needs to be redone and paved. With the work that is being done the parking lot will be reworked. The dumpsters that are on the pavement will be on a concrete pad and enclosure adjacent to the playground. Currently

the site does not meet ADA requirements for parking. The work being done will have a drainage system that has been designed to comply with the City code. The balance of the site will remain untouched. There will be a line of trees between the school and the abutters' property. There will be 30 extra parking spaces.

Mr. Houston replied that the extra parking spaces will be in excess of what is allowed under the maximum Code and would require a waiver by the Planning Board. The size of this project exceed the 10% ability for the Staff to approve this project administratively. At this time it is unknown if there are any issues with abutters or parents that might have a concern. This project did not appear formerly on the agenda and would normally require a public hearing.

Mr. Dufour explained that due to recent concerns in the City regarding the Planning Board, to just allow Birch Hill School to have an administrative review and wipe this oversight under the rug is not an option. If there is a public meeting more than likely no one will complain, but since they didn't comply and an abutter has come forward and complained, this project will need to have a public hearing.

Mr. Dookran asked to hear from the School Department on how critical the schedule is.

Sean Smith, School Department

Mr. Smith stated it would normally take 4-5 weeks for construction to be completed. If they wait until the next Planning Board Meeting which is August 9th, it would give them only 3 weeks before school starts. Mr. Smith stated that perhaps they could complete some of the work in phases, at night, weekends and vacations but the expense could be more.

Mr. Farkas asked Staff since they had done a preliminary review what some of the issues are.

Mr. Houston replied that they have not yet done a full preliminary review. Not sure the review agencies have seen this.

Mr. Yeomans, said he has finished his review and submitted comments to the Engineer. Plans still need to be submitted. He said he is not anticipating a lot of issues. Fire access will be improved. There is no work in the street. Overall, there should be positive comments and technical issues should be minor.

?? asked is there could be a special meeting and when could it be done.

Staff replied they would need an abutter list to go out and a Public Hearing could be held 10 days after the abutters are notified.

MOTION by Mr. Dookran to allow Staff to review this project administratively

SECONDED by Alderman LaRose

MOTION FAILS

MOTION by Mr. Farkas for special meeting for the purposes of hearing this at the earliest practical date the Staff can get the abutter notices out.

SECONDED by Mr. Canaway

MOTION CARRIED UNANIMOUSLY

Other

None.

MOTION TO ADJOURN by Alderman LaRose at 10:55 p.m.

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