

NASHUA CITY PLANNING BOARD
July 26, 2007

The special meeting of the Nashua City Planning Board was held on Thursday, July 26, 2007 at 7:00PM in the auditorium at City Hall.

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

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

Approval of Minutes

None for this evening.

Communications

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

There are no communications this evening. Due to summer vacations, please make sure you let Chris Webber know if you will be attending the August 9th meeting so there will be a quorum.

Mr. Dufour had in his packet this evening a letter from Diane Erkhart regarding Ferson-Lake requesting corporate council attend the August 9th meeting. Mr. Dufour read the letter into the record. Mr. Dufour said it is not the intent of the Planning Board to have Attorney Connell present at the meeting as the Planning Board has already met with him.

REPORT OF CHAIR, COMMITTEE & LAISON

None.

OLD BUSINESS - CONDITIONAL/SPECIAL USE PERMITS

None

OLD BUSINESS - SUBDIVISION PLAN

None

OLD BUSINESS - SITE PLAN

None

NEW BUSINESS - CONDITIONAL/SPECIAL USE PERMITS

1. City of Nashua, Birch Hill School (Owner) - Application acceptance and proposed conditional use permit to show expansion of the existing parking lot to add 30 new spaces, and a new bus and fire lane, with drainage and landscaping improvements. 17 Birch Hill Drive, Sheet F - Lot 400, Zoned "R9" Suburban Residence C and "R18" Suburban Residence B.

Together with

NEW BUSINESS - SITE PLANS

2. City of Nashua, Birch Hill School (Owner) - Application acceptance and proposed amendment to NR 1695 to show expansion of the existing parking lot to add 30 new spaces, and a new bus and fire lane, with drainage and landscaping improvements. 17 Birch Hill Drive, Sheet F - Lot 400, Zoned "R9" Suburban Residence C and "R18" Suburban Residence B.

MOTION by Alderman LaRose that both applications are complete and the Planning Board takes jurisdiction of the applications.

SECONDED by Mr. Farkas

MOTION CARRIED UNANIMOUSLY

Tony Basso, Keach-Nordstrom Associates, Inc.

Mr. Basso is representing the School District. The applicant is proposing a parking and circulation improvement plan for the Birch Hill School including a fire access lane around the building. The school is located off Dublin Avenue, tucked into one corner of the large site. Currently, when you come up Birch Hill Drive there is a turnaround in front of the school and some parking off to the side, which gets jammed with buses and cars. The applicant is proposing to create a larger parking field, about 100 spaces with accommodations to queue the buses as well as make it ADA compliant with sidewalks and ramps. They want to

separate the bus queue area from where parents park. In addition, they want to bring a fire lane around the outside of the building. Currently there is a path around the building, but they are requesting to put in 20 foot wide fire lane and a dumpster enclosure area. In addition, they are putting in an underground storm water management area in the lower area of the parking lot. There is no school expansion with this project, just an increase of 30 additional parking spaces, and a circulation pattern for buses.

?? asked about the eight criteria for a Conditional Use Permit and Mr. Basso read the criteria for the record.

1. The building, structure or use is specifically authorized by the matrix, 16-26, Table 26-1, as a conditional use:

According to Table 26-1.250 the use is allowed in the zones by conditional use.

2. If completed, the development in its proposed location will comply with all requirements of this Article, and with specific conditions or standards established in this Chapter for the particular building, structure or use;

The parking and circulation improvements to the Birch Hill School meet all requirements of the Article.

3. The building, structure or use will not materially endanger the public health or safety;

The improvements to the Bus Circulation will improve the safety at the school for the children.

4. The building, structure or use will not substantially de-value abutting property;

The increase in parking and the changes in bus circulation will not de-value the surrounding properties. Adequate screening is still provided by the natural tree buffer remaining.

5. The building, structure or use will be compatible with the neighborhood and with adjoining or abutting uses in the area in which it is to be located;

The school and parking exist and the number of class rooms are not being increased, therefore the amount of traffic associated with the school will not be increased thus not adding additional burden to the neighborhood.

6. The building, structure or use will not have a substantial adverse impact on highway or pedestrian safety;

Traffic will not be increased by the safety and parking correction as part of this project.

7. The building, structure or use will not have a substantial adverse impact on the natural and environmental resources of the city;

The small quantity of trees being removed from the parking expansion will not adversely impact the natural resources of the city.

8. Adequate public facilities and community facilities are available to the property to ensure that the proposed use will not necessitate excessive public expenditures in providing public services;

Adequate public facilities are available and no additional expenditures are needed from the city other than the construction cost of the project.

Mr. Dufour asked if there would be increased lighting in the parking area and how would the lighting and trees effect the people to the right of the project. Mr. Basso replied that he believed there would be lighting. Mr. Basso replied that there is one area where there is a bare spot, but there is still a substantial amount of trees. The lighting is in the islands, and will be higher, but have directed down lights with shields.

?? asked Mr. Basso to show the traffic conditions on the plans and explain the current flow of the buses. He believed the buses stack up off the property as well as the parents dropping off and picking up children. The new parking lot is basically over the top of the new one and extends down a little further. Mr. Basso showed the new configuration for the buses and parents. The buses will be pulled into a separate queue for stacking. There is only one entrance to the school.

Mr. Slivinski asked about the lighting. Mr. Basso replied that they are not adding any lights, but moving one and he showed on the plan where it will be moved. It will be moved approximately 25-30 feet.

Mr. Dufour asked about the waivers. Mr. Basso replied that the stormwater report waiver has been eliminated. There would be a

stipulation that would be added for final Engineering approval but that would be eliminated.

Mr. Yeomans reported that they are going to have a suggested motion to replace that.

Mr. Basso went over the other waivers.

1. Lighting waiver request - moving one light pole.
2. Landscaping request - the islands are concrete, no planting. They do not want to have anything that can be thrown or destroyed.
3. Parking waiver request - the applicant is proposing to add 30 additional spaces.

Mrs. Overby asked about the tree line and the drop off, how are you going to repair that area and was there any wetlands? Mr. Basso replied that there were no wetlands and they are going to use the whole area for the clearing limit. He showed on the plan where the parking and travel access are and how they will slope down to the existing grade. The sloped area will be loamed and seeded and the other area will be paved.

Mrs. Overby asked if there were any drainage concerns for 15 Birch Hill and 6 Meredith?

Mr. Basso replied no. They are containing the runoff on site, infiltrating it into the soil, and overflow will go into the existing drain system. They will be collecting it and mitigating it.

Mr. Canaway had Mr. Basso point out on the plans the proposed drainage.

Mr. Slivinski was concerned that there was a lot of cutting and clearing to obtain 30 extra spaces and asked why do you need the extra parking? Mr. Basso explained the additional need is mainly for volunteers. They also have teacher aides.

Mr. Dookran asked about the turnaround in the front of the school, it is pretty wide, about 30 feet. Mr. Basso said they are not altering the turnaround, but reshaping and regarding. Mr. Dookran asked if they could use the loop for parking and reduce the size of the parking lot and additional work. Mr. Dufour replied that then you could have a problem with parents "doubling up" around the loop to pick up kids. Essentially

people are parking there to pick up kids and cars will need to pull out. Mr. Basso said they do not want not want to create permanent all day parking spaces around the loop.

Mr. Dookran expressed his concern about stormwater runoff and drainage issues. Mr. Basso stated that right now there is no detention or infiltration on the site. They will be putting in an underground stormwater infiltration system. Although there is an increase in pavement, they are mitigating that with underground system.

Mr. Dookran expressed his concerns about the slope and washouts and that the applicant should think of way of protecting that slope. Mr. Basso replied that the slope they are proposing is not a particularly steep slope. Until the grass grows and it is stabilized, there could be some issues.

SPEAKING IN OPPOSITION OR WITH CONCERNS

Margaret Brenner, 15 Birch Hill Drive

Mrs. Brenner was surprised to see the construction and brought pictures. She is concerned about the drainage issue. She disagrees with there not being wetlands. There has been a swamp in the area where the trees are thinned out. It does flood in there, but doesn't come to their basement because there is enough runoff from where the school is now and enough of a flat area. She is concerned that the water will back up with this project. There is a drainage issue currently. It is a river going down the street on a moderately rainy day. She had the City put in curbing this year because her yard was being washed away. The City put in asphalt curbing, which is now in need of repair. Currently the drains at the school do not work. Parents do not pick up in the circle. That is where the buses go and the parents are asked to park in the lot. Mrs. Brenner said that not many cars have to park on the street because the lot is full and does not think they need more parking spaces, but need a better traffic flow. It is very dangerous because you have cars and buses fighting to get into the circle and lot. The circle is not that big and only holds about 10 cars. The trees that were cut down had helped with sound. The school has announcements over the loud speaker and the playground.

SPEAKING IN FAVOR OF THE PLAN

Tony Basso, Keach-Nordstrom Associates, Inc.

Mr. Basso said in regards to the drainage issue, they are putting granite curbing into their parking lot and collecting the runoff and putting it into this underground system. They are not sending it off the hill into the low spot. Currently there are no facilities at this site. As far as the clearing goes, the clearing is mostly near the limits of the grading. There is one spot, which is near a house that is more open. Sean Smith from the School Department had spoken to the neighbors and agreed to do some evergreen planting as a buffer, which they will add to the plan.

A stormwater report was filed and reviewed, comments were given from the engineering report and it is in the process.

Sean Smith, School Department

Six to seven regular school buses, plus the small special education buses come to school each day. This project is similar to Charlotte Ave and Sunset Heights Schools where they are trying to do the same thing by separating bus and parent traffic. There are no changes to the old bus loop, just repaving it. There will be a granite curb to help prevent the runoff. Trees will be replaced. There will be additional parking. The current two spaces per classroom are insufficient. At the school you have teacher's aides, administrative staff, custodial staff, and food service staff all parking at the school. The final facility study suggested shutting down at a school in Nashua so another class may be added to Birch Hill School. At Mount Pleasant School they are currently trying to stabilize an area by putting down a mat on top of loam to reduce erosion and have hydro seed, which is something that could be done here.

Mr. Dufour asked about the curbing around the neighbor's property, which is asphalt that is not holding up. Will that be replaced with granite curbing? Mr. Smith replied not that he was aware of it. Where the tree line stops is where the street department would take over.

Mr. Dookran asked about the applicant's request not to landscape the islands. Mr. Basso explained that at the high schools they have concrete. They do a lot of salting there and if you plant anything, the salt kills them. They hesitate to use stones around schools because they become projectiles. Concrete won't go anywhere and they could put planters with flowers on top of them.

Mr. Dookran suggested that pavers could be an alternative to the concrete. Mr. Dookran asked if the fire lane is being paved. Mr. Smith replied yes.

Mrs. Overby asked about taking the steepness off the slope and putting in shrubs where the land was stripped. Mr. Smith said he would discuss it with the Engineer. Perhaps they could use junipers on steep slopes and on the eastern part of the parking lot.

Mrs. Brenner asked if the parking lot would be made level and will the water go into the drains or jump the curb. Mr. Basso replied that the parking lot pitches. Mr. Basso replied that the water would be pitching towards the low area where the drain basins are. They are grading a new parking lot to drain to the low areas to the catch basins.

Alderman Cookson, 18 Inca Drive

Alderman Cookson wasn't here at the beginning of the meeting and asked about the clearing. He asked how this was cleared before receiving necessary approvals. Mr. Dufour replied staff issued the Stop Work Order once it was made aware of the project.

Sean Smith, School Department

Mr. Smith explained it was in the contract for the contractor to seek and obtain all applications and paperwork and somewhere along the line that didn't happen. There have been some monetary issues that have come up as a result of the Stop Work Order. There is a plan in place to accelerate the work. There have been discussions with Mr. Keach of Keach-Nordstrom Associates, Inc. how that might be paid for.

Alderman Cookson asked from the City's standpoint what are the consequences for the work proceeding.

Mr. Dufour replied the Planning Board doesn't address those issues.

Mr. Houston stated that the City in these cases issue Stop Work Order. A Cease and Desist would have to go to Court and get a Judge to go along with it. A Stop Work Order was issued and the City tried to resolve the situation as quickly as possible. As soon as the City notified the school department, they apologized, they didn't know it happened and they wanted to

rectify the situation. Then the Planning Board offered to call a special meeting.

Alderman Cookson asked who cleared the land. Mr. Houston replied the School Department. Any work that would be done on a city project would be condoned with the City Department that is responsible for that and an oversight would be by that City Department or Division. Mr. Houston couldn't answer the question what consequences or penalties would be. Normally if this were a private developer, you would have to take them to court to collect damages and fines and those are limited under state law as to the amount you can charge.

Alderman Cookson asked if there is an opportunity to restrict that company from doing work for a certain period of time as a result of clearing and grubbing.

Mr. Dufour stated that is an excellent discussion, but its not a part of why they are here this evening. As an Alderman you would seek whatever you could recoup, but the Planning Board is reviewing this plan as it is presented. If there were some enforcement action it would be beyond the Planning Board.

MOTION by Mr. Farkas to approve New Business #1 Conditional Use Permit Parking and Access improvements for Birch Hill School. It conforms to NRO 16-432(f) with no stipulations.

SECONDED by Alderman LaRose

MOTION PASSES 6 TO 1 (Mr. Slivinski voted no)

MOTION by Mr. Farkas to approve New Business #2 Site Plan, Birch Hill Elementary School. It conforms to NRO 16-450 (d) with the following stipulations and waivers:

1. Prior to any further work being conducted the applicant and their contractors shall hold a construction conference with Planning staff to review erosion control and other site related work.
2. The waiver request for lighting plan, Sec. 16-1100 B34(n) is granted.
3. The waiver request for landscaping of surface parking lots, Sec. 16-574 is granted.
4. A waiver request to construct additional parking spaces per Sec. 16-588 is granted.

5. Prior to final plan submittal all drafting corrections/revisions shall be shown on the plan as may be required.
6. Applicant agrees to work with staff and the abutters to come up with an acceptable plan for re-establishing the buffer they cut out consisting of evergreen trees.
7. Applicant agrees to work with staff, Engineering Department, and Department of Public Works to come up with an acceptable means of stabilization of the hill and establishing additional planting on those end caps and paving surfaces.
8. The stormwater report is subject to final review and approval by the Department of Public Works.

SECONDED by Alderman LaRose

MOTION PASSES 6 to 1 (Mr. Slivinski voted no)

NEW BUSINESS - SUBDIVISION PLANS

None.

OTHER BUSINESS

1. 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.
Tabled from the July 12, 2007 Meeting)

MOTION by Alderman Larose to remove O-07-120 from the table.

SECONDED BY Mr. Slivisnski

MOTION CARRIED UNANIMOUSLY

MOTION by Alderman LaRose for a favorable recommendation of O-07-120.

Alderman LaRose addressed the ordinance, O-07-120. When they had the public hearing there were two groups in attendance. One was the group representing the charities and the other were people from the business community who were not against gaming, but those against having it downtown. Alderman LaRose stated it is not compatible with the Downtown District. He thought the Ground Round site would have been a more appropriate area. This

ordinance would change the code to give direction on where in the City it would be more appropriate to have gambling.

SECONDED by Mr. Canaway

MOTION PASSES 6 to 1 (Mrs. Overby)

2. Referral from the Board of Alderman on proposed O-07-122, amending the "Land Use Code" sign regulations.

MOTION by Alderman LaRose to table O-07-122

SECONDED by Mr. Farkas

MOTION CARRIED UNANIMOUSLY

DISCUSSION ITEMS

1. Alderman LaRose and the other alderman received a letter from the Department of Environmental Services regarding prime wetlands on Catherine Street. They were approved, subject to all the permitting, to build two single-family homes that are outside the 75-foot wetland buffer. Alderman LaRose wanted to know if they were in violation or is this a normal process. Mr. Yeomans replied that he thought they were under the impression they did not have to go through the permitting process. They do have to go through a permitting process for being adjacent to a prime wetland. They have worked with the Conservation Commission over a number of meetings and this is the continuation of that process.
2. In the magazine Town & City, there were cases of municipal significance regarding zoning and planning board. In the magazine, according to State Law, an alternate Planning Board or Zoning Board alternate has to sit in the audience and cannot participate unless they are sitting in for someone else. Staff will give a copy to Planning Board members and corporate counsel.

Mr. Houston brought up that it would be a good time to review the By-Laws with corporate counsel to see what areas may need to be updated.

3. Mr. Dufour asked if there was anyone here tonight that might not be able to participate and vote at the August 9th meeting in regards to the Fearson-Lake case that is being remanded.

Mr. Dookran wasn't present at previous discussion so he will not be participating.

4. Mr. Dufour brought up the issues of convenience/gas stations pumps. At the Cumberland Farms in south Nashua next to Zoots the pumps are parallel to the building. At the Cumberland Farms across from Costco they are perpendicular to the building. These become traffic hazards because of the flow. The next time someone comes in with the new configuration, of perpendicular pumps, that should warrant a discussion.

MOTION TO ADJOURN by Alderman LaRose at 8:50 p.m.

APPROVED: _____
Ken Dufour, Chair, Nashua Planning Board

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Taped Meeting