

NASHUA CITY PLANNING BOARD
August 9, 2007

The regularly meeting of the Nashua City Planning Board was held on Thursday, August 9, 2007 at 7:00PM in the auditorium at City Hall.

Members Present: Ken Dufour, Chair
Steve Farkas, Mayor's Rep
Bob Canaway, Secretary
Steve Dookran, City Engineer
William Slivinski, Vice Chair
Hugh Moran
George Torosian
Cynthia Overby (Alt)

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

Approval of Minutes

July 11, 2007

MOTION by Mr. Canaway to approve the minutes of July 11, 2007, waive the reading and place on file.

SECONDED by Mr. Farkas

MOTION CARRIED 6-0-1 (Mr. Slivinski abstained)

July 12, 2007

MOTION BY Mr. Canaway to approve the minutes of July 12, 2007, waive the reading and place on file.

SECONDED by Mr. Farkas

MOTION CARRIED 5-0-2 (Mr. Slivinski and Mr. Torosian abstained)

Communications

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

August 13, 2007 Technical Review
Assundry items
Town & City article
NRPC transportation
Law Lecture Series

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.

Chairman Dufour explained that one of the cases that will be heard this evening is Ferson-Lake, LLC. That one on prior agenda was under Old Business will be heard under Other Business. This was remanded from the Court. We will not be taking testimony but simply address the issues of the Court as sent back and render the decision.

OLD BUSINESS - CONDITIONAL/SPECIAL USE PERMITS

None

OLD BUSINESS - SUBDIVISION PLAN

1. Mile High Real Estate, LLC (Owner) - Proposed subdivision of one lot into two. 23 Ridge Road, Sheet C - Lot 171, Zoned "R40" - Rural Residence. (Tabled from the July 12, 2007 Meeting)

MOTION by Mr. Torosian to remove from table

SECONDED BY Mr. Farkas

MOTION CARRIED UNANIMOUSLY

Richard Maynard, Maynard & Paquette

The project had been tabled at the last meeting so the City Engineer's Office could have a chance to examine the site and decide the appropriate amount of grading and widening of the road.

Mr. Maynard said that if there will be blasting at the site it will be handled through the Fire Department and there is a permit process, which includes a pre-blast survey of the direct abutters. It includes insurance and monitoring.

Mr. Dookran had an engineer examine the site and they are comfortable with the plan.

SPEAKING IN OPPOSITION OR WITH CONCERNS

No one.

SPEAKING IN FAVOR OF THE PLAN

No one.

MOTION by Mr. Farkas to approve New Business #1 Mile High Real Estate, LLC subdivision of 23 Ridge Road, "R40" - Rural Residence. It conforms to NRO 16-440 (g) with the following stipulations and waivers.

1. Prior to recording this plan, subdivision approval shall be received from the NH Department of Environmental Services.
2. Prior to recording this subdivision plan the stormwater operation and maintenance plan shall be submitted and recorded with the plan.
3. Prior to any work being started, the applicant and their contractor shall hold a pre-construction conference with Planning staff to review scheduling and erosion control.
4. The request for waiver of sidewalk construction and acceptance of a contribution is granted.
5. Applicant agrees to prove the City with grading and construction easement in accordance with the plans from the City Engineer plan dated August 2007.

SECONDED by Mr. Moran

MOTION CARRIED 7 to 1 (Ms. Overby opposed)

OLD BUSINESS - SITE PLAN

None

NEW BUSINESS - CONDITIONAL/SPECIAL USE PERMITS

2. NH Safe & Lock Co., Inc (Applicant) SAT SR Limited Partnership, Northbridge Business Condominium Association and Digital Voice Systems, Inc. (Owners) Application acceptance and proposed conditional use permit to show the change of use from business office to locksmith. Unit 3 & 4 Northbridge Business Park, 78 Northeastern Blvd, Sheet C - Lot 2026, Zoned "PI" - Park Industrial.

Together with

NEW BUSINESS - SITE PLANS

4. NH Safe & Lock Co., Inc. (Applicant) SAT SR Limited Partnership, Northbridge Business Condominium Association and Digital Voice Systems, Inc. (Owners) Application acceptance and proposed amendment to NR996 to show the change of use from business office to locksmith. Unit 3 & 4 Northbridge Business Park, 78 Northeastern Blvd, Sheet C - Lot 2026, Zoned "PI" - Park Industrial.

MOTION by Mr. Canaway that Case #2 Conditional Use Permit that the application is complete and the Planning Board takes jurisdiction of the application.

SECONDED by Mr. Torosian

MOTION CARRIED UNANIMOUSLY

MOTION by Mr. Canaway that New Business - Site Plan Case #4 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

The proposal is for NH Safe & Lock Company, currently located on Amherst Street, to relocate their business to Northbridge Business, Units 3 & 4. Overall there are 40 units located there. NH Safe & Lock is a locksmith with most of their business off-site. There will be little or no visits to site.

There are nine employees, five in the office and four on the road in service vehicles. Sixteen parking spaces are required and 18 are available. Overall there are 290 spaces and 256 are required. There are eight conditional uses:

1. Locksmiths are listed under LUC 85 within the Use Matrix
2. The locksmith company proposes to occupy two units (#3 & 4) in the existing Northbridge Business Center. This use will comply with all conditions and requirement of this chapter as well as the conditions of the approved site plan NR996.

3. The proposed locksmith company will not endanger public health and safety. It is not any different in operation than several other permitted uses on the site.
4. There will be no change to the exterior of the building, thus no impact on property values.
5. The locksmith operation will be similar in character to numerous others of the tenants within Northbridge Business Center.
6. Traffic from the locksmith will be minimal and less than that of a typical or medical use. There should be no adverse impact on traffic or pedestrian safety.
7. The site and building already exists in a well-developed neighborhood thus impact on natural and environmental resources of the city are not a consideration.
8. Existing public and community facilities are more than adequate to ensure there will not be any excessive public expenditure.

The hours of operation are 7:00 a.m. through 7:00 p.m. Monday through Friday and 7:00 a.m. to 1:00 p.m. on Saturday.

Traffic will be minimal because they are more of an installation service. Because of the pre-existing site plan there are some routine waivers; utilities, landscape, stormwater plan, no lighting is proposed, grading and topographic plan and building plan.

Mr. Canaway asked what are the similar delivery services located in those units? Mr. Maynard replied it was a mixed bag. The previous tenant was an optical business. There is also an engineering firm in the park.

Mr. Dookran asked about stormwater management. The Staff is okay with the waivers if you are maintaining the existing plan. Mr. Maynard replied that it is in pretty good shape.

Mr. Dookran stated that there is a flooding situation down the street and the applicant will be contributing because of the excess parking. There are some problems at the entrance. There are two catch basins at the entrance and they sit rather high. The runoff bypasses and causes erosion on Northeastern Boulevard. Mr. Dookran would like to see the catch basins taken care of.

Mr. Maynard replied that is not good business to have minimal parking. The site has existed since 1984 and the parking lot is usually full. He doesn't feel there is excessive parking. This is a condominium project. To have one person 23 years later responsible for drainage problems in catch basin isn't reasonable. The applicant shouldn't be responsible for what is happening.

Mr. Dookran thought that the catch basins were on private property. Mr. Maynard replied that is was in the right-of-way. The road has settled around the catch basin and not catching the water.

SPEAKING IN OPPOSITION OR WITH CONCERNS

No one.

SPEAKING IN FAVOR OF THE PLAN

Gerald Prunier, Esq.

The catch basins are within the public right-of-way. There is a problem and he suggests that the Department of Public Works gets together with the condominium association to take care of the drainage issue. It shouldn't be up to one condominium owner to take care of this problem. Mr. Dufour stated that Northbridge Business Condominium Association is one of the applicants to this plan. Attorney Prunier replied that they are only an applicant to the extent that you have two units joining the other units. Mr. Maynard stated that the applicant is not the site, but occupying of the units. They are not doing any site work and this is only to occupy a unit. It's a change in tenant, no change in the site plan. Only the use is changing. Attorney Prunier will send a letter to the condominium association and the Department of Public Works with the concerns about the end of the driveway and drainage issue.

Mr. Farkas asked if Attorney Prunier is representing the condominium association. Attorney Prunier said no.

MOTION by Mr. Slivinski to approve New Business #2 Conditional Use Permit Change of Use to a locksmith, SAT SR Limited Partnership, Northbridge Business Condominium Association and Digital Voice Systems, Inc. (Owners), NH Safe & Lock Co., Inc. (Applicant). 78 Northeastern Blvd, Unit 3 & 4. It conforms to NRO 16-432 and there are no stipulations and waivers:

SECONDED by Mr. Torosian

MOTION CARRIED UNANIMOUSLY

MOTION by Mr. Slivinski to approve New Business #4 Site Plan Change of Use Locksmith SAT Sr Limited Partnership, Northbridge Business Condominium Association and Digital Voice Systems, Inc. (Owners), NH Safe & Lock Co., Inc. (Applicant) Change of Use from business office to locksmith, 78 Northeastern Blvd, Units 3 & 4. It conforms to NRO 16-450(d) with the following stipulations and waivers:

1. Prior to final plan submittal any required drafting corrections shall be made.
2. Prior to the issuance of a building permit documents pertaining to the stormwater operation and maintenance plan shall be recorded, if required.
3. The waiver request for utilities plan, Sec. 16-1100 B34(j) is granted.
4. The waiver request for landscaping plan, Sec. 16-1100 B34(p) is granted.
5. The waiver request for stormwater report, Sec. 16-1100 B34(cc) is granted.
6. The waiver request for lighting plan, Sec. 16-1100 B34(n) is granted.
7. The waiver request for grading and topography plan, Sec. 16-1100 B34(bb) is granted.
8. The waiver request concerning architectural plans, Sec. 16-542 is granted.

SECONDED by Mr. Torosian

MOTION CARRIED UNANIMOUSLY

NEW BUSINESS - SUBDIVISION PLANS

3. **Sam Katz (Owner) - Application acceptance and proposed subdivision of one lot into two. 7-7C Paige Ave, Sheet 45 - Lot 257, Zoned "RC" - Urban Residence.**

Together with

NEW BUSINESS - SITE PLANS

5. Sam Katz (Owner) - Application acceptance and proposed site plan to show the reconfiguration and expansion of an existing multifamily parking lot to provide parking for 7 vehicles with site and drainage improvements. 7-7C Paige Ave, Sheet 45 - Lot 257, Zoned "RC" - Urban Residence

MOTION by Mr. Torosian that the application for New Business - Subdivision Plan is complete and the Planning Board takes jurisdiction of the application.

SECONDED by Mr. Moran

MOTION CARRIED UNANIMOUSLY

MOTION by Mr. Moran that the application for New Business - Site Plan is complete and the Planning Board takes jurisdiction of the application.

SECONDED by Mr. Torosian

MOTION CARRIED UNANIMOUSLY

Richard Maynard, Maynard & Paquette

The project is located on Paige Avenue and Mr. Maynard showed on the board the existing plan for Paige Avenue. Paige Avenue is approximately 350 feet long dead-end street with a 4-unit apartment building. The lot contains 20,102 square feet. It is located in the RC - Urban Residence Zone. The first part of the proposal is to subdivide the parcel into 2 lots, one for the 4-unit apartment building and one for a 5,100 square foot residential lot. The second part of the proposal is to create a T-turn around so emergency vehicles and plow trucks have a place to turn around where there is none now. The T-turn around is a waiver condition when the traditional cul-de-sac is not possible. The regulations specify a 40-foot right-of-way. The applicant is proposing a 30-foot right-of-way because of the area and lot size. The regulations ask for 15 feet of pavement but they will provide 24 feet of pavement. This design has been reviewed by Jon LeBrun, Deputy City Engineer and Assistant Chief Anderson and they are comfortable with this design. Mr. Maynard said they are proposing a full standard parking area with seven spaces for the 4-unit building. They are upgrading landscaping and no lighting is being proposed so there is a waiver request.

Staff has asked them to have a stipulation to increase the amount of landscaping, which they are agreeable to. Roof drainage will be handled by leeching catch basins, where there are none now.

Mr. Dookran asked at the end of the T-turnaround how steep is the drop-off. Mr. Maynard replied it was level. The drop-off occurs 30-40 feet away. Mr. Maynard said on the old half of the right-of-way it drops off 6 feet. The applicant is putting on a guardrail voluntarily. Mr. Maynard said that the fire department asked them to increase the length of pavement.

Mr. Canaway asked Mr. Maynard to shown on the plan where the house will go. Mr. Maynard explained that the house is at the front setback. There will be a little bit of fill in the front, but not in the back.

Mr. Dufour asked about runoff going to abutting properties. Mr. Maynard replied that the house will have leeching catch basins.

Mr. Dufour asked if there will be anything else in place because of all the clearing. Mr. Maynard replied that the clearing won't necessary increase the runoff.

Mr. Canaway asked if there is curbing. Mr. Maynard replied that there is no curbing now, but they will be putting it in.

SPEAKING IN OPPOSITION OR WITH CONCERNS

Tammy Ciampa, 18 Linden Street

Ms. Ciampa's property abuts the backside of the applicant. There is quite a steep runoff. The turn that may help the fire department but she is concerned it may become a parking area. She said the accessibility is difficult on that road. Parking is allowed on both sides on that street. Snow removal is a major issue and runoff becomes a problem in the winter. There were some fires in the neighborhood and it was difficult for the fire trucks to maneuver. The trash trucks have to back down the road currently and having to remove snow is difficult. Squeezing another property in the area will be difficult. Accessibility is an issue.

Jim Gonsalves, 16 Linden Street

Mr. Gonsalves has the same concerns as Ms. Ciampa and would add that he has been there for 20 years and that area is a haven for

NCPB

August 9, 2007

Page 11

abandoned cars and cars in disrepair. He is concerned that the turnaround area will become a snow bank. The excessive size of the parking lot expansion will go right up to the fence of the people who live on Linden Street, his property included. Will that snow be plowed right back to their fences? How will that work for drainage.

Susan Vail, 11 Courtland Street

This project sounds like a major expense in regards to snow removal and inefficient drainage. She felt that overtime it will be a major cost. She agrees with what the first speaker said.

SPEAKING IN FAVOR OF THE PLAN

Richard Maynard

The applicant meets all zoning criteria. There are no variances being requested. The T-turn around is a minor waiver. This is an existing building. The other lot will be a single-family home. The parking lot meets all the criteria for multi-family uses. The parking lot is an improvement over what is there today. It goes to within 5 feet of the property line, which is allowed. The turnaround will be a dedicated right-of-way. If someone were to park in the turnaround they would be blocking the driveway for the single-family home. There is no overnight parking on city streets. This project meets all the requirements, all the zoning, its an allowed use and has the recommendations of the fire and engineering departments. It is an improvement over what is there currently.

Mr. Moran asked about the parking lot snow removal. Mr. Maynard replied it would be removed by private hauler. The plan is to move the snow to where there is open space or have it trucked out.

Mrs. Overby asked if there was a drop off by the driveway. Mr. Maynard replied it was four feet.

Mr. Slivinski asked about the house to be built, what size is it? Mr. Maynard replied what is shown is about 1,200 square feet.

Mr. Canaway asked if the Board of Alderman need to accept a T-turnaround improvements? Mr. Yeomans replied it was going to be part of the right-of-way and once the plat is recorded, it would

have to be accepted, but is usually done during the planning process.

Mr. Canaway asked if they could put up a no parking sign in the turnaround.

Mr. Maynard stated that a T-turnaround is no different then creating a subdivision road. It's creating additional public right-of-way. It gets built and goes through the street acceptance process like any road.

Mr. Dookran asked about the distance between the new house and Ms. Ciampa's home. Mr. Maynard replied that generally between the proposed home and the homes on Linden Street there is 70 to 100 feet of separation.

MOTION by Mr. Slivinski to approve New Business - Subdivision Plan #3, 2-lot subdivision, Sam Katz (Owner), subdivide one lot into 2, 7-7C Paige Ave, RC - Urban Residence, single duplex and multi-family residential. 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 certificate of occupancy all work within the public right-of-way shall be completed to the satisfaction of the Division of Public Works.
4. The waiver request for an Ell (L) turnaround in lieu of a radial shape with less than the required right-of-way width of 40 feet, Sec. 16-612(e)(4)&(5), is granted.
5. Applicant will install guardrail across the end of Paige Street.

SECONDED by Mr. Torosian

MOTION CARRIED UNANIMOUSLY

MOTION by Mr. Slivinski to approve New Business - Site Plan #5 parking lot, Sam Katz (owner) reconstruct and reconfigure

existing parking lot at 7-7C Paige Avenue. RC_ Urban Residence, surrounding use is single, duplex, and multi-family residential. It conforms to NRO 16-450(d)) with the following stipulations and waivers:

1. Prior to final plan submittal a revised landscape plan shall be provided, emphasizing screening for lots 212, 141, and 207.
2. Prior to any work being started the applicant and their contractors shall hold a pre-construction conference with Planning staff.
3. Prior to any work being started the applicant shall obtain all necessary permits from the Division of Public Works for work in the public right-of-way.
4. Prior to any work being started the stormwater operation and maintenance plan shall be reviewed and recorded.
5. The waiver request for lighting plan, Sec. 16-1100 B34(n) is granted.

SECONDED by Mr. Farkas

MOTION CARRIED UNANIMOUSLY

NEW BUSINESS #6 - SITE PLAN

6. Mark and Barbara Carroll (Owners) Lori Stecchi (Applicant) Application acceptance and proposed amendment to NR1804 to show a 480 square foot addition to the second floor of an existing residential building also used as a hair and nail salon. 10 Broad Street, Sheet 62 - Lot 105, Zoned "RB" - Urban Residence.

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

SECONDED by Mr. Slivinski

MOTION CARRIED UNANIMOUSLY

Richard Maynard, Maynard & Paquette

The site of this project is 10 Broad Street. In 1995 a variance was granted to allow a nail salon in an existing residential structure. Also in 1995 a site plan was approved. They would

like to add a small addition of 480 square feet to the second story to increase residential space. There are no changes to the remainder of the site. The waivers are because there are no lighting, architectural or landscaping.

Mr. Slivinski asked if someone is living in there now and is this adding an additional living unit. Mr. Maynard replied that is one living area and they are just expanding it.

SPEAKING IN OPPOSITION OR WITH CONCERNS

No one.

SPEAKING IN FAVOR OF THE PLAN

No one.

MOTION by Mr. Torosian to approve New Business - Site Plan #6 building addition, Mark and Barbara Carroll (Owners), Lori Stecchi (Applicant) construct building addition, 10 Broad Street, RB - Urban Residence. It conforms to NRO 16-450(d) with the following stipulations and waivers:

1. Prior to the issuance of a building permit documents pertaining to the stormwater operation and maintenance plan shall be recorded.
2. The waiver request for lighting plan, Sec. 16-1100 B34(n) is granted.
3. The waiver request concerning architectural plans, Sec. 16-542 is granted.
4. The waiver request for landscaping plan, Sec. 16-1100 B34(p) is granted.

SECONDED by Mr. Moran

MOTION CARRIED UNANIMOUSLY

NEW BUSINESS - SITE PLANS

7. **Cindy and Ronald Lanzara (Applicant) Second Generation Properties, Ltd and Gagnon Family Trust Trustees (Owners) - Application acceptance and proposed change of use from 7-11 retail store to medical office for chiropractic services. 88 ½ Broad Street, Sheet 133 - Lot 25, Zoned "HB" Highway Business.**

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

SECONDED by Mr. Torosian

MOTION CARRIED UNANIMOUSLY

Gerald Prunier, Esq.

Attorney Prunier is here with the engineer, Mr. Chadwick. The building is boarded up and vacant. It was used as a 7-11 type store. What is being proposed is that the building not be expanded no changes on the site plan. The building will stay the same at the present time and turn into chiropractic office. Under the ordinance, when you have a change of use you need to come before the Planning Board. The store will be cleaned and landscaping will be done. Attorney Prunier is requesting a stipulation that has not been put in by Staff that the architectural be passed before them so they can see it complies with the ordinance.

Mr. Dookran asked if a U-turn were to be constructed would the applicant be willing to grant a right-of-way? Attorney Prunier said they would as long it wouldn't interfere with the parking.

SPEAKING IN OPPOSITION OR WITH CONCERNS

No one.

SPEAKING IN FAVOR OF THE PLAN

No one.

MOTION by Mr. Canaway to approve New Business - Site Plans Cindy and Ronald Lanzara (Applicant) Second Generation Properties, Ltd and Gagnon Family Trust Trustees (Owners) application acceptance and proposed change of use from 7-11 retail store to medical office for chiropractic services, 88 ½ Broad Street, Sheet 133-Lot 25, Zoned "HB" Highway Business. It conforms to NRO 16-450(d) with the following stipulations and waivers:

1. If required by the Division of Public Works, prior to the issuance of a building permit bonding for work in Broad Street shall be submitted to and approved by them, and Corporation Counsel.

2. Prior to the issuance of a building permit documents pertaining to the stormwater operation and maintenance plan shall be recorded.
3. The waiver request for lighting plan, Sec. 16-1100 B34(n) is granted.
4. The waiver request for landscape plan, Sec. 16-1100 B34(p) is granted.
5. The waiver request for building architecture details per Sec. 16-542 is granted.
6. The waiver request for stormwater report, Sec. 16-1100 B34(cc) is granted.
7. Staff will review the architectural design for compliance with the ordinance.
8. The roof drainage will be property maintained with rip rap.

SECONDED by Mr. Farkas

MOTION CARRIED UNANIMOUSLY

NEW BUSINESS - SITE PLANS

8. Cotton Mill Square, The Stabile Companies (Applicant) Nashua Corporation (Owner) Application acceptance and proposed 1 year extension to NR2102 for the demolition of two buildings and the construction of 162 residential units in three - 5-story buildings and a 3-story, 9,000 square foot mixed use building with associated access, parking and site improvements approved by the Planning Board on September 14, 2006. 30 & 36 Front Street, Sheet 78 - Lot 87, Zoned "GI/MU" - General Industrial / Mixed Use.

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

SECONDED by Mr. Slivinski

MOTION CARRIED UNANIMOUSLY

Jim Petropulos, Hayner/Swanson, Inc.

Mr. Petropulos is representing the Stabile Companies and they are seeking a one-year extension to the site plan approval. Last

August they appeared before the Planning Board for approval of 162-unit condominium project off of Front Street. They received approval on September 14, 2006. Since that approval they have been busy obtaining state and federal permits. Nothing has changed in the site plans. Due to a slow down in the residential economy, the applicant has requested a one-year extension.

Mr. Slivinski asked if there were any problems with vandalism at the site. Mr. Petropulos replied that they have refenced the area and have kept the sprinkler system active and there have been no problems.

Mr. Dookran asked about the process. Mr. Petropulos stated they hired a consultant to design that grade crossing and have been negotiating and they have an understanding that the design has been agreed to.

SPEAKING IN OPPOSITION OR WITH CONCERNS

No one.

SPEAKING IN FAVOR OF THE PLAN

No one.

MOTION by Mr. Farkas to approve a one-year extension for New Business - Site Plan #8 Cotton Mill Square, The Stabile Companies (Applicant). It conforms to NRO 16-450(d), Section 16-36, Mixed Use Overlay District, and Article III, Div 6 Floodplain Management. All stipulations previously approved remain in effect.

SECONDED by Mr. Canaway

MOTION CARRIED UNANIMOUSLY

NEW BUSINESS - SITE PLANS

9. Land-Air Design, LLC (Applicant) Nashua Airport Authority (Owner) - Application acceptance and proposed reapproval of NR2113 for the construction of a 13,500 square foot hanger building with associated access, parking and site improvements, approved by the Board on July 20, 2005. 131 Perimeter Road, Sheet E - Lot 60, Zoned "AI" - Airport Industrial.

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

Archie Frangoudis

Mr. Frangoudis is representing the applicant for reapproval of NR2113.

Staff explained that the applicant has made a lot of effort. The construction has occurred, the drainage has been done. The conservation commission has been approved. The work in the street and utilities have been extended. The applicant has been working consistently with the Building Department on the building plans. It didn't get to the Board in time and the applicant was denied a foundation permit, but otherwise they are ready to go. This is a continuation, not an abandoned project that hasn't started. This is a work that is underway.

SPEAKING IN OPPOSITION OR WITH CONCERNS

Pauline Lones, 1 Lear Drive

Ms. Lones lives across the street from the airport hanger. Ms. Lones asked the Board to reject this request to build another hanger. When she moved into her home 16 years ago, the noise and smell from the airport were not as bad as they are now. For a long time the noise and smell was tolerable. She has no enjoyment from her home when the windows were open. Her property values are decreasing because of the airport and because Pine Hill Road has changed a lot. Traffic has increased dramatically in the last several years. Traffic has made it impossible to walk down Pine Hill Road. Littering is an issue. Ms. Lones is afraid that another hanger will result in more and bigger planes.

SPEAKING IN FAVOR OF THE PLAN

Archie Frangoudis

Mr. Frangoudis is approximately one mile away from the entrance to the airport. This hanger is similar to a 5 car garage. It's for small aircraft. It's not for any additional aircraft. It is in a quiet area. Traffic for general aircraft is down.

Susan Vail, 11 Courtland Street

The airport is supported on both sides by wetlands and the impact of jet fuel is immense on the environment. The environmental impact is more than just light pollution.

MOTION by Mr. Slivinski to approve New Business #9- Site Plans Aircraft hanger, Land-Air Design, LLC (applicant) Nashua Airport Authority (Owner) reapproval of site plan for aircraft hanger at 131 Perimeter Road, Zoned "AI" - Airport Industrial. Surrounding use is airport office, residential, and education. It conforms to all the original stipulations that were established for the site. It continues to meet the requirements as outlined in site plan NRO 16-123

1. Prior to any work being started, the applicant and their contractors shall hold a pre-construction conference with Planning staff to review erosion control and related construction activity. All erosion control shall be installed prior to the start of construction. **[COMPLETED]**
2. Prior to a certificate of occupancy being issued all site work including final paving and landscaping shall be completed.
3. This plan approval is subject to compliance with the conditions of approval as stipulated by the Conservation Commission, Zoning Board of Adjustment, Nashua Airport Authority, and Planning Board.

SECONDED by Mr. Torosian

MOTION CARRIED UNANIMOUSLY

OTHER BUSINESS

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

None

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

SECONDED by Mr. Moran

MOTION CARRIED UNANIMOUSLY

2. **Ferson-Lake, LLC (Applicant) Thomas L. Jenkins, Jr. and Andrea J. Hardings (Owners) - On remand from Hillsborough County Superior Court that the Planning Board make specific findings in accordance with the requirements set forth in the Elderly Housing Use Code provision Sec. 16-81(c)(2) through (6) concerning a proposed site plan for a 5-unit elderly housing development with associated access, parking and site improvements; disapproved by the Board on August 10, 2006. 333 Lake Street & 3 Ferson Drive, Sheet 88 - Lots 7 & 27, Zoned "RA" - Urban Residence.**

Mr. Dufour explained that this was originally disapproved and legal action took place and it has been remanded back to the Planning Board and they are to look at specific criteria standards within the Elderly Housing provisions. Specifically, to discuss Section 16-81 (c)(2) through (6) as it pertains to this site.

Mr. Dookran stated he would remove himself from this discussion.

Mr. Dufour explained that per counsel, anybody can participate as long as they have read the record and are familiar with the case. Mrs. Overby also had not read the case thoroughly.

The original motion was for disapproval, the Judge is saying if that is still your feeling you have to speak one way or the other to Section 16-81(c)(2) through (6). They can vote with who is here this evening. The original maker of the motion is not here. There were other people that voted for denial. They can address this issue tonight or wait until everyone is up to speed on it and take it up at the next meeting. In addition to the written record also available are the tapes.

Mr. Dookran said at the last meeting when they were told this was coming up he stated that he would not be able to participate so he did not review the material. Mr. Dufour has had ongoing discussion with staff and counsel as how this should be approached. The Board should take their time and get it right. The judge wants the Board to rule on it.

MOTION by Mr. Torosian to table Ferson-Lake to the September 13, 2007. It will be the first issue on the agenda.

SECONDED by Mr. Moran

MOTION CARRIED UNANIMOUSLY

Mr. Farkas explained at the original vote he rescued himself for only one reason and that reason has been resolved. It was due to a complaint by the neighbors. That has been resolved in the affirmative.

3. Referral from the Board of Alderman on proposed O-07-122, amending the "Land Use Code" sign regulations. (Tabled from the July 26, 2007 Meeting)

Mr. Dufour recused himself and turned it over to Mr. Slivinski

MOTION by Mr. Torosian to remove from the table O-07-122, amending the "Land Use Code" sign regulations.

SECONDED by Mr. Canaway

MOTION CARRIED UNANIMOUSLY

Mr. Slivinski stated that he hoped someone would be here to speak to the issue, both from a point from what this is all about and they held a public hearing on August 7, 2007 and to find out the results from that hearing. Unless anyone has any objection or anything to offer, perhaps it should be tabled.

MOTION by Mr. Moran to table O-07-122

SECONDED by Mr. Torosian

MOTION CARRIED 7 to 0 (Chairman Dufour rescued himself)

4. Edgewood Cemetery - Garage Addition

Jeffrey Snow, 107 Amherst

They would like to add a little over 1,200 square foot garage. There is no change in use. It would be a wood frame structure. It would be over 400 feet away from the closest neighbor. They don't have a stamped site plan and they would like to have the requirement for that waived.

Staff replied that they came to them for an accessory structure and they are in excess of the 10% requirement for the need to approve a minor site plan amendment. The statute now under the new code allows Mr. Houston to refer this to the Board and the Board can waive it. It is so remote from anyone that they recommend that they waive the 10% rule in this particular case.

MOTION by Mr. Farkas to waive the 10% rule under Section 16-423 (2)(a) and allow the Planning Director to approve this request from Edgewood Cemetery administratively.

SECONDED by Mr. Slivinski

MOTION CARRIED UNANIMOUSLY

Discussion Items

None

Other

None

MOTION TO ADJOURN by Mr. Torosian at 9:50 p.m.

APPROVED: _____
Ken Dufour, Chair, Nashua Planning Board

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Taped Meeting