

EXPANDED DRAFT MEETING SUMMARY
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NASHUA CITY PLANNING BOARD
October 4, 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
 Bob Canaway, Secretary
 Richard LaRose, Alderman
 Steve Dookran, City Engineer
 William Slivinski, Vice Chair
 Hugh Moran
 Mike Lowe
 Cynthia Overby (Alt)
 Peggy Trivilino (Alt)

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

Approval of Minutes

September 13, 2007

MOTION by Mr. Lowe to approve the minutes of September 13, 2007, waive the reading and place on file.

SECONDED by Mr. Moran

MOTION CARRIED (Mr. Dookran abstained)

Communications

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

- Preliminary Planning Board Agenda for next meeting to determine regional impact.
- Letter dated October 2, 2007 to Jon LeBrun on Sunset Restaurant site plan from Richard Maynard.

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. Robert Winkler (Owner) - Proposed subdivision of one lot into two. 88 Bowers Street, Sheet 27 - Lot 55, Zoned "RB" - Urban Residence. (Tabled from the September 13, 2007 Meeting)

MOTION by Mr. Lowe to remove from table

SECONDED BY Alderman LaRose

MOTION CARRIED UNANIMOUSLY

MOTION by Alderman LaRose that the application is complete and the Planning Board takes jurisdiction of the application.

SECONDED by Mr. Lowe

MOTION CARRIED UNANIMOUSLY

Steve Auger, Hayner Swanson, Inc.

Mr. Auger is representing Mr. Winkler and providing legal counsel is Attorney Dave Pinsonneault. The applicant is seeking subdivision approval of one lot into two lots, located at 88 Bowers Street. It is 0.631 acres in size and zoned "RB" - Urban Residence. The entire site is surrounded by multi-family homes on all sides. After the subdivision one of the parcels, Lot 55, will total 12,470 square feet and new Lot 98 will total 14,997 square feet. On Lot 98 there will be a 2-family home.

SPEAKING IN OPPOSITION OR WITH CONCERNS

Romeo Couture, 77 Bowers Street

He has lived there for over 70 years. He is opposed to the subdivision. The site is located between Allds and Newburry Street. This section was changed many years ago to a one-way street because of a heavy vehicle load. This section is 23 feet wide and 525 feet long. Located on each side of the street are six properties. He is opposing this because it will not improve the neighborhood and it will take away more parking spaces

Phil Lambert, 19 Williams Street

The neighborhood is going downhill because of these types of subdivisions. You are cramming houses in and not leaving any green spaces. The traffic has more than doubled in the past few years and cars go flying through the streets. The streets are very narrow. The developers are ruining the neighborhood and it has to be stopped.

Alderman Richard Flynn, 12 Charlton Flynn

He has visited the location several times and you can tell this end of Bowers Street is still charming. Across the street from the site are three beautiful homes. This particular house fits in to the location. A lot of the natural charm of the area has been lost. The house was built in 1867 and wondered if there was historical significance in the building. Mr. Flynn wondered if there were any drainage issues. Alderman Flynn asked the Board to please give consideration to the neighbors concerns.

Mr. Dufour explained that the only time the historical consideration is looked at is when it is in the historic district.

Mr. Slivinski explained he is on the Historic District Commission. Generally if there is a demo of a building he takes a look at the history. But this is not being demolished.

SPEAKING IN FAVOR OF THE PLAN

Steve Auger, Hayner Swanson, Inc.

In regards to the parking spaces on the street, the requirement for a 2-family home is 4 spaces. They are providing parking on

the site. There is a garage for each unit and the driveway is wide enough to have one car for each unit on the driveway.

There will not be an impact in traffic as they are just dividing one lot into two. In regards to the green space, this parcel has been in Mr. Winkler's family for over 50 years and they are not taking away anyone else's green space and they are following the rules of the City of Nashua Land Use Code. Mr. Auger said they will be providing drainage of a leeching catch basins on the property and infiltrating the roof run-off. The fire department has reviewed this.

Dave Pinsonneault, Esq., Winer & Bennett

At a prior meeting an abutter had filed a letter in regards to the rear boundary and the boundary issue has been resolved. Attorney Pinsonneault gave the Board a copy.

Discussion ensued between the Board members in regards to the broken sidewalk in front on the site. The applicant agreed to make necessary repairs to the sidewalk.

MOTION by Mr. Slivinski to approve Old Business #1 Two Lot Subdivision, applicant Robert Winkler, 88 Bowers Street, Zoned "RB" - Urban Residence. It conforms to NRO 16-452 and 16-440(g) with the following stipulations and waivers.

1. The request for waiver of Section 16-624, erosion control plan, (check list - #64) is granted.
2. Prior to the plan being recorded, the stormwater operation and maintenance plan shall be recorded.
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. Applicant agrees to repair sidewalk in front of both properties.

SECONDED by Mr. Lowe

MOTION CARRIED 7 TO 1 (Mr. Canaway voted no).

OLD BUSINESS - SITE PLAN

None

NEW BUSINESS - CONDITIONAL/SPECIAL USE PERMITS

2. ZS Acquisition, Inc. & 96 Alderwoods Tax Dept, Zis Sweeny Funeral Home (Owners) - Proposed conditional use permits to show a 610 square foot garage addition to an existing building with associated site and access improvements. 26 Kinsley Street, Sheet 97 - Lot 135, Zoned "RC" - Urban Residence.

MOTION by Alderman LaRose that the application is complete and the Planning Board takes jurisdiction of the application.

SECONDED by Mr. Lowe

MOTION CARRIED UNANIMOUSLY

Together with

NEW BUSINESS - SITE PLANS

5. ZS Acquisition, Inc. & 96 Alderwoods Tax Dept, Zis Sweeney Funeral Home (Owners) - Proposed amendment to NR1841 to show a 610 square foot garage addition to an existing building with associated site and access improvements. 26 Kinsley Street, Sheet 97 - Lot 135, Zoned "RC" - Urban Residence.

MOTION by Alderman LaRose that the application is complete and the Planning Board takes jurisdiction of the application.

SECONDED by Mr. Lowe

MOTION CARRIED UNANIMOUSLY

Richard Maynard, Maynard & Paquette

The purpose of this plan is to add a 2-car garage of 610 square feet to the Zis-Sweeney Funeral Home at 26-30 Kinsley Street. With the garage parking remain at 23 spaces. Remainder of site will remain unchanged. The proposed garage requires the Board review and approve an amended site plan and conditional use permit. The Planning Board has eight criteria for a Conditional Use Permit and the applicant has addressed the eight criteria

Traffic and Engineering have seen this proposal had no concerns with it.

SPEAKING IN OPPOSITION OR WITH CONCERNS

No one.

SPEAKING IN FAVOR OF THE PLAN

No one.

MOTION by Mr. Lowe to approve New Business #2 - Conditional Use Permit, Owners ZS Acquisition, Inc. & 96 Alderwoods Tax Dept, Zis Sweeny Funeral Home (Owners). Proposed construction of a 610 square foot addition, 26-30 Kinsley Street, Zoned "RC" - Urban Residence. It conforms to NRO 16-432(f) and there are no stipulations and waivers:

SECONDED by Alderman LaRose

MOTION CARRIED UNANIMOUSLY

MOTION by Mr. Lowe to approve New Business - #5 Site Plan, Owners Zis Sweeney Funeral Home and ZS Acquisition, Inc. & 96 Alderwoods Tax Dept, proposed to construct a 610 square foot and site improvements, 26-30 Kinsley Street, Zoned "RC" - Urban Residence. 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. The request for the waiver of Section 16-1100, B-34(p) - Landscape Plan is granted.
3. The request for the waiver of Section 16-1100, B-34(n) - Lighting is granted.
4. The request for the waiver of Section 16-1100, B-34(bb) - Grading Plan Topography is granted.
5. The request for the waiver of Section 16-1100, B-34(ee) - existing utilities is granted.
6. The request for the waiver of Section 16-540 Building Design "Applicability" is granted.

SECONDED by Mr. Moran

MOTION CARRIED UNANIMOUSLY

NEW BUSINESS - SUBDIVISION PLANS

3. Erickson Construction Co. and Matthew & Jeanette Erickson (Owners) - Proposed lot line relocation. 68 & 74 Nagle Street, Sheet 102 - Lot 164 and 168, Zoned "RB" - Urban Residence.

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

SECONDED by Alderman LaRose

MOTION CARRIED UNANIMOUSLY

Mike Grainger, Grainger Engineering

Mr. Grainger is representing the Ericksons. They purchased the property about a year ago. Mr. Grainger passed out new plans because they are different than the ones in the packet. There is an existing 3-unit building on 68 Nagle Street. The Ericksons want to adjust the lot line and give that parcel 30 feet more to the north so they can take the parking near unit one and put it in back of the property. The Engineering Staff had a couple comments and so they made changes. The Ericksons received a variance to add the 30 feet to the existing unit. The remaining lot, 72 Nagle Street is going to be 7,000 square feet.

SPEAKING IN OPPOSITION OR WITH CONCERNS

No one.

SPEAKING IN FAVOR OF THE PLAN

Matthew Erickson

This was built in the late 30's and added on over the years. The Ericksons bought the property last year. It was pretty run down and they have done substantial work. The parking on Nagle Street is not a good situation and the only way to elevate it would be to move it to the back of the property, but there was no land. The proposal is to take land off the other lot to create more parking. Mr. Erickson proposed to the City and they agreed to allow him to build sidewalks starting at the corner of Pine Street and come around the lot on Nagle Street. The Planning Department asked him to put sidewalks in front of the single-family lot as well and he agreed. Right now there are no

sidewalks but they will be adding sidewalks. Snow banks do create a problem on the corner of Pine and Nagle Street but this will create a safer situation for the tenants and anyone traveling on Nagle Street.

MOTION by Mr. Slivinski to approve New Business #3 Lot Line Relocation, Owners Matthew & Jeanette Erickson, 68 & 74 Nagle Street, Zoned "RB" - Urban Residence. It conforms to NRO 16-450 (d) with the following stipulations and waivers:

1. Prior to the plan being recorded, any final drafting corrections shall be made on the plans.
2. Staff is to review parking lot configuration before approval.

SECONDED by Mr. Lowe

MOTION CARRIED UNANIMOUSLY

NEW BUSINESS - SUBDIVISION PLANS

4. Rachel & James Tebbetts, Joyce & Richard St. Pierre and Cynthia & Roger Landry (Owners) - Proposed right-of-way dedication and acceptance, and subdivision of one lot into two. 54 Buck Meadow Road, Sheet C - Lot 19, Zoned "R40" - Rural Residence.

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

SECONDED by Mr. Lowe

MOTION CARRIED UNANIMOUSLY

Jim Petropulos, Hayner/Swanson, Inc.

Mr. Petropulos is representing the applicants. They are seeking Planning Board approval for subdivision of the parcel into two lots and dedicating a portion to a right-of-way for future road enhancement. The location is at the corner of Ridge Road and Buckmeadow Road. It is a 5 acre parcel. The property has a unique shape, its quite narrow at one end and widens out as you go to the north. It is a former poultry farm. There are two residential homes located on the property. The owners of the property seek to sell the front home with 41,000 square feet of land. The proposed subdivision creates Lot 19 in the front, .953

acres. Variances were granted in July for frontage, lot width, and lot depth. The second lot will contain 4 acres and the second home. They are seeking three waivers. Mr. Petropulos read into the record the Waiver for Sidewalk Construction and Contribution letter dated September 19, 2007.

SPEAKING IN OPPOSITION OR WITH CONCERNS

No one.

SPEAKING IN FAVOR OF THE PLAN

No one.

MOTION by Alderman LaRose to approve New Business #4 - Rachel & James Tebbetts, Joyce & Richard St. Pierre, and Cynthia & Roger Landry (owners) to subdivide one lot into, 54 Buck Meadow Road and Ridge Road, Zoned "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 and the Nashua Health Department. [All ready taken care of.]
2. The waiver request for sidewalk construction and contribution is granted.
3. Per Ordinance O-06-57, amended, the right-of-way dedication shown in this subdivision plan is accepted for future road improvements.

SECONDED by Mr. Lowe

MOTION CARRIED 7 to 1

NEW BUSINESS - SITE PLANS

6. State of NHDOT, National Guard Armory (Owner) Pennichuck Water Works, Inc. (Applicant) - Proposed construction of a unoccupied, 1 story, 500 square foot water booster station and access improvements. 154 Daniel Webster Highway, Sheet A - Lots 115 & 117, Zoned "RA" - Urban Residence.

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

SECONDED by Mr. Canaway

MOTION CARRIED UNANIMOUSLY

Jim Petropulos, Hayner/Swanson, Inc.

Mr. Petropulos learned at 4:00 that there was a discrepancy in the advertisement of this case tonight and request a postponement to October 18, 2007 Planning Board.

Staff stated that this case was advertised correctly and the application was submitted correctly. After being reviewed one of the adjacent lots should have been added and was not. One of the abutters wants time to review the plans. It will be readvertised.

MOTION to table until the October 18, 2007 Planning Board Meeting

SECONDED by Mr. Lowe

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. 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 Alderman LaRose to remove from the table O-07-122, amending the "Land Use Code" sign regulations.

SECONDED by Mr. Lowe

MOTION CARRIED UNANIMOUSLY

Alderman Brian McCarthy, 65 Musket Drive

The ordinance was introduced at the request of the Zoning Enforcement Officer. Currently we allow no off-site real estate signs and that section of the ordinance is violated substantially. The amendment that is proposed allows one sign to be posted per property. There are still some issues to be addressed.

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

SECONDED by Mr. Canaway

MOTION CARRIED 7 to 0

3. Referral from the Board of Alderman on proposed O-07-129, amending the "Land Use Code" sign regulations. (Tabled from the September 13, 2007 Meeting)

MOTION to remove from the table. None.

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 as defined in RSA 278-D in certain zoning districts and amending the criteria for approval of Conditional Use Permits.

Alderman Brian McCarthy, 65 Musket Drive

An amended form was sent to the Planning Board. The original ordinance made games of chance uses unpermitted in certain downtown districts. After substantial discussion about the impact, the important issue was the parking issue in the downtown area. The amended version reflects allowing those uses in those zones by Conditional Use Permit and amends the Conditional Use Permit requirements in general. All the public hearings have been held on this legislation and feels it is ready.

SPEAKING IN OPPOSITION OR WITH CONCERNS

Ruth Lyons, 6 Catherine Street

Opposed to this type of activity in Nashua. She is concerned about the hours of operation. She would like to hear more specifics before this type of establishment moves into Nashua.

When they have this type of activity at the Elks the cars are parked along the highway because there is not enough parking in their lot.

Mr. Dufour asked is there was a chart for the standards of parking in games of chance.

Staff looked through the parking standards and the minimum standards are 1 per 125 square feet and the maximum parking space is 1 for 80 square feet.

MOTION by Mr. Lowe for a favorable recommendation on O-07-120

SECONDED by Mr. Slivinski

MOTION CARRIED UNANIMOUSLY

5. Referral from the Board of Alderman on proposed petition for Street Discontinuance for a portion of Evelyn Street. (Waiting on recommendation from the City Engineers)

MOTION by Alderman LaRose to table

SECONDED by Mr. Lowe

MOTION CARRIED UNANIMOUSLY

DISCUSSION ITEMS

Mr. Slivinski said at the last Historic District Commission meeting his term has expired and needs to be reappointed by the Planning Board and will be put on the next meeting's agenda.

OTHER

None

MOTION TO ADJOURN by Mr. Canaway at 9:48 p.m.

APPROVED: _____
Ken Dufour, Chair, Nashua Planning Board

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Taped Meeting