

NASHUA CITY PLANNING BOARD
October 18, 2007

The regularly meeting of the Nashua City Planning Board was held on Thursday, October 18, 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
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

None

Communications

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

- Revised Planning Board Agenda, case #5 has been withdrawn, 22 Marshall Street
- Letter from Jones & Beach Engineers from Joseph Coronati dated October 17, 2007 requesting that be withdrawn
- Old Business, Item #1, Site Plan Pennichuck Water Works - Revised Staff Report
- Preliminary Agenda to determine regional impact dated October 18, 2007
- Communications from Local Government Center Legal Questions
- Update of cases of municipal significance from the Local Government Center
- Notice of 3rd Annual Municipal Law Lecture Series

REPORT OF CHAIR, COMMITTEE & LAISON

Mr. Lowe said they had a meeting and passed Ordinance 120 - Land Use Code Amending provision for Games of Chance in certain zoning districts. Ordinances 122 & 129 are being held. There are two New Ordinances 138 and 139 requiring training for the Planning Board Members and Zoning Board members.

Alderman LaRose clarified that Ordinance 120 has not passed the full Board yet.

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.

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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 PLANS

1. State of NHDOT, National Guard Armory (Owner) Pennichuck Water Works, Inc (Applicant) - Proposed construction of an unoccupied, 1 story 500 s.f. water booster station and access improvements. 154 Daniel Webster Highway, Sheet A - Lots 115 & 117, Zoned "RA" - Urban Residence. (Postponed from the October 4, 2007 Meeting)

MOTION by Alderman LaRose to remove from table

SECONDED BY Mr. Lowe

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

Jim Petropoulos, Hayner/Swanson, Inc.

Mr. Petropoulos is representing the applicant and also present is Don Ware, President of Pennichuck Water Works. The applicant is seeking site plan approval for a booster pump station located at 154 Daniel Webster Highway. They actually have two lots, 117 & 115 totaling about six acres. This is more commonly known as

the Armory property. There is parking, truck storage area, and an access way onto South Main Street. On the southwest corner of the site there is about an 1-½ acre wooded area. Within that wooded area is an interminant man-made watercourse as part of the drainage system. The stream was flagged by the wetland consultant and it carries with it a 20-foot buffer. They are proposing to construct a 20-foot by 25 foot building, which will contain booster pumps to support the local water system. Pennichuck will obtain an easement from the State of New Hampshire. The reason for the pump station is to provide better pressure to the commercial properties due to the development. This will save about \$40,000 a year in energy costs by installing the station. It will require periodic maintenance, which is why there is one parking space near the station. To gain access to the station there is a ten-foot gravel drive coming off South Main Street. Little or no trees are to be removed. The gravel drive will cross the watercourse with a 3' x 7' culvert. There is a 300 square foot impact to wetlands and a 1600 square foot impact to the buffer. They appeared before Conservation Commission and Zoning Board for special exception. It is a fully enclosed station so there would be no noise from the station for approximately 50 feet. It is a self-contained unit. The closest residential home is off South Main approximately 800 feet from this location.

Mr. Dookran asked why the pump station is so close to the corner.

Mr. Petropoulos explained that is where the intake and discharge to the station are in that corner.

SPEAKING IN OPPOSITION OR WITH CONCERNS

No one.

SPEAKING IN FAVOR OF THE PLAN

No one.

MOTION by Mr. Lowe to approve Old Business - Site Plan, #1 State of New Hampshire, Pennichuck Water Works, Inc. one story water booster station, 154 Daniel Webster Highway, "RA" - Urban Residence. It conforms to NRO 16-450(d) with the following stipulations and waivers.

1. Prior to ANY work on the site, a DES Standard Dredge and Fill Permit shall be obtained.

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2. The request for the waiver of Section 16-621 (b) -Post Development Peak Discharge Rates is granted.

SECONDED by Mr. Canaway

MOTION CARRIED UNANIMOUSLY

NEW BUSINESS - CONDITIONAL/SPECIAL USE PERMITS

None

NEW BUSINESS - SUBDIVISION PLANS

2. Palm View Crossing, LLC (Owner) - Application acceptance and proposed resubdivision of one lot into two. 57 Ash Street, Sheet 83 - Lot 48, Zoned "RC" - 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

together with

NEW BUSINESS - SITE PLANS

3. Estabrook Residence & Anderson Square, Palm View Crossing, LLC and City of Nashua (Owners) Application acceptance and proposed site plan amendment to NR2106 for change of use from public park to parking lot and to show revisions to parking, landscaping, building design and grading related to the development of 140 residential units and 15,000 square feet of commercial space within the former Batesville Casket building. 57 Palm Street, 57 Pine Street & 57 Ash Street, Sheet 83 - Lots 48, 67 & 112 and Sheet 85 - Lot 102, Zoned "RC" Urban Residence and "GB" General Business.

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

Tony Marcotte, Bedford Design Consultants

Mr. Marcotte is representing the applicant, Palm View Crossing. They appeared before the Planning Board in December for approval of the site plan. Since then the Nashua Police Athletic League (PAL) requested that they provide them additional land along Palm Street. Lot 102 on Pine Street is a public skate park and will become a parking lot for residents of Estabrook Residence. The skateboard park will be moved temporarily to Ash Street. There are some modifications to the park, very minimal. The applicant will widened one existing entrance and create another entrance along Pine Street. They were requested by the New Hampshire Department of Historic Resources to make some modifications to the exterior of the building. They were asked to remove some landscaping and 3 flagpoles and modifications to handicapped access ramp. They were asked by the Engineering Department to take the roof water that runs to the existing sewer and separate it and connect it into storm sewer that runs down West Hollis Street. They are basically here to approve the subdivision of the parcel between Ash Street and Pine Street and a site plan to turn the skate park into a parking area. The City of Nashua will move all the equipment when the Alderman approves the land swap. The park will be out of commission to physically move the equipment from one spot to another. The Parks Department will take care of the moving.

Mr. Dufour said that they can't approve a skate park in the new location until the land swap has taken place. The intent is to relocate the skate park but in two years it will be changed again to another location.

Staff explained that in this situation there is a provision under the Land Use Code for an administrative review for temporary structures no longer then two years. That would be an issue they would have to look at.

Alderman LaRose said that the alderman have already approved the land swap.

Staff explained that the purpose tonight is to facilitate the future land exchange for the benefit of PAL.

Mr. Marcotte explained there are some minor revisions to the rail trail that the developer is giving a rail trail easement through the property.

SPEAKING IN OPPOSITION OR WITH CONCERNS

Julio Geraldo, 5 Wellsley Road

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Mr. Geraldo is concerned about the commercial part of the site. His father owns a store on Pine Street. There has been numerous stores put in lately and would like to know what type of commercial stores are going to be put in on the first floor.

Mr. Dufour explained that wasn't what they are here for tonight. They are putting in a parking lot for the residents of the apartment building.

Faith Mandravis, Fulton Street

She feels the plan is illogical to move the skate park and to relocate it again seems vague. If the lot is adequate to fit the park, why relocate it. It seems a waste of time and money. It would make more sense to put the parking lot where the skate park would be relocated instead of relocating it and then wait on the PAL organization to maybe raise money for a gymnasium.

Matt Giguere

He was wondering how much bigger or smaller is the skate board park going to be. How will the equipment be moved?

Mr. Dufour explained the equipment was going to be relocated, but it will not have any more equipment.

Staff explained the new site of the skate park is a couple of thousand square feet smaller.

Tony Marcotte

The lot that the skate park is moving to is 14,000 square feet when you combine the two city lots.

Mr. Dookran explained that according to Mr. Caggiano, he wants to use part of the new space as a sitting space, so not all 14,000 square feet would be used as the new skate park, but it should be pretty much the same size it is today.

Reverend Bertha Perkins, Pastor New Fellowship Baptist Church,
50 Ash Street

They have been using the newly paved lot for parking for the church. She spoke with someone from PAL. This does effect them because it is a compact area. She has questions regarding the parking lot and doesn't know whom she should direct her

questions to, PAL or the developer and has that lot already been allotted to PAL or is it City-owned.

Mr. Dufour stated that the parking issue would be directed to the developer and it is city-owned. The parcel would be for the skate board park and the benches.

?? asked if this swap were approved how long will it take to move the park and will people still be allowed to use the park until it is moved.

Mr. Dufour said that until the Board of Alderman approves the swap, it is still city property.

?? asked if they could set up a meeting for the possible refurbishment of the equipment.

Mr. Dufour stated he would need to speak with Nick Caggiano, Director of Parks and Rec.

SPEAKING IN FAVOR OF THE PLAN

No one.

MOTION by Mr. Canaway to approve New Business - Subdivision Plans #2, Palm View Crossing, LLC (Owner), subdivision of one lot into two, 57 Ash Street, "RC" - Urban Residence. It conforms to NRO 16-440(g) with the following stipulations and waivers:

1. The waiver request for site information related to demolition, Sec. 16-1100, B37 (b)(12) is granted.
2. The waiver request for grading plan, Sec. 16-1100, B37 (b)(15) is granted.
3. The waiver request for typical landscape plan, Sec. 16-1100, B37(b)(16) is granted.
4. The waiver request for drainage report, Sec. 16-1100, B37(b)(27) is granted.
5. The waiver request for traffic report, Sec. 16-1100 B37(b)(60) is granted.

SECONDED by Alderman LaRose

MOTION CARRIED UNANIMOUSLY

MOTION by Alderman LaRose to approve New Business - Site Plans #3 Estabrook Residence & Anderson Square, Palm View Crossing, LLC for change of use from public parking for 140 units of elderly housing and 15,000 square feet of commercial space, 57 Pine Street and 57 Ash Street, existing zone is "RC" - Urban Residence and "GB" General Business. It conforms to NRO 16-450 (d) with the following stipulations and waivers:

1. All applicable conditions of approval from December 14, 2006 are in full force and effect.
2. Prior to a building permit being issued a revised stormwater operation and maintenance plan shall be recorded.
3. The request for waiver of Section 16-588(a) - minimum number of off-street parking spaces is granted.
4. The request for waiver of Section 16-582(a) - which requires parking to be on the same lot as the principal use is granted.
5. The request for waiver of Section 16-583(a) - which requires a parking stall length of 20 feet where 18 feet is proposed is granted.
6. The request for waiver of Section 16-613(d) - which requires a minimum throat length of 25 feet where 10 feet is proposed is granted.
7. The request for waiver of Section 16-574(c) and (d) C-F - which requires landscape perimeters and medians is granted.
8. The request for waiver of Section 16-1100, B-34 (n) - which requires a lighting plan is granted.
9. The request for waiver of Section 16-1100, B-34 (i) - which requires a drainage report is granted.
10. The request for waiver of Section 16-1100, B-34 (oo) - which requires a traffic impact report is granted.
11. A location for the skate park shall be established before the skate park is paved over.
12. Once the guide wire issue is resolved, the applicant will build the diagonal walk.

MOTION by Mr. Canaway to amend Alderman's LaRose to include stipulations 11 and 12.

SECONDED by Alderman LaRose

MOTION CARRIED UNANIMOUSLY on amendment

SECONDED, AS AMENDED by Mr. Lowe

MOTION CARRIED UNANIMOUSLY

NEW BUSINESS - SITE PLANS

4. Nash Family Investment Property and Stellos Family Investment Property (Owners) Barry Joslin (Applicant) Application acceptance and proposed change of use from office and warehouse to bingo establishment, 103 Temple Street, Sheet 37 - Lot 6, Zoned "GI" - General Industrial.

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

SECONDED by Mr. Canaway

MOTION CARRIED UNANIMOUSLY

James Danes, Keach-Nordstrom

Mr. Danes is representing the applicant. This is a six-acre parcel located on Temple Street, with fronts also on Howard, Spruce, Worcester, and Scripture Streets. The existing building is 118,000 square feet and has multiple uses. The applicant proposes to convert the vacant 13,600 square feet to Bingo facility. They obtained a Use Variance from the Zoning Board of Adjustment on April 27, 2007. Some of the conditions are for some landscaping between the parcel and the bank and the graffiti and parking area is cleaned. There are 212 required parking spaces, but due to off-peak uses, but for this project 145 spaces are required on weekday PM evening calculation. This project actually provides 146 spaces. All changes are within the building. The project will put a facelift on the building. Traffic will be primarily generated between 4:00 p.m. and 10 p.m.

Barry Joslin, Hudson NH

The pending Ordinance regarding games of chance do not apply to Bingo. Bingo is under a different RSA, 287:e. Games of chance refer to poker. Bingo itself has to be non-profit. They would have to have a license through the state.

Mr. Lowe asked if the four handicapped spaces are enough.

Applicant said no. They would like to add more handicapped spaces but then they would not have the required 145 spaces. They should not need any overflow parking because of the different times of use for the parking. The hours of the Bingo operation would be in the evening and wouldn't interfere with New Beginnings Church would be earlier in the day. Entrances would be staying the same, but doing some improvements.

The Board asked the applicant to provide them with a lighting plan. The waiver is not granted. The applicant agreed to develop a base lighting plan of some type.

SPEAKING IN OPPOSITION OR WITH CONCERNS

Robert Siciliao, 11 Amory Street

Mr. Siciliao has some concerns regarding the lighting and traffic. Amory Street is the overflow when there is traffic on Hollis Street. Amory is residential and leads to Hudson and Canal Street and he is concerned with the traffic.

SPEAKING IN FAVOR OF THE PLAN

No one.

MOTION by Mr. Canaway to approve New Business - Site Plans, #4, Barry Joslin (Applicant), Nash Family Investment Property (Owner) proposed change of use from non-profit social services to non-profit bingo establishment, 103 Temple Street, "GI" - General Industrial. It conforms to NRO 16-450 (d) with the following stipulations and waivers:

1. All prior and current Zoning Board of Adjustment and Planning Board conditions of approval are incorporated herein and made a part of this approval.
2. Prior to a building permit being issued, the storm water operation and maintenance plan shall be recorded.
3. Prior to building permit being issued, the applicant's attorney is to provide a letter to the ZBA and Planning Board as to whether the previous stipulations are in effect. As per the first ZBA special conditions.
4. The request for the waiver of Section 16-620 - Drainage report is granted.
5. The request for the waiver of Section 16-235 - Lighting Plan is not granted.

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6. The request for the waiver of Section 16-574 - Perimeter Landscaping is granted.
7. Applicant will work with Planning Staff & DPW to reconfigure parking on the site to add handicap parking if necessary.

SECONDED by Mr. Lowe

MOTION CARRIED UNANIMOUSLY

OTHER BUSINESS

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

None

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

SECONDED by Alderman LaRose

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)

MOTION to remove from table. None.

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 petition for Street Discontinuance for a portion of Evelyn Street. (Tabled from the October 4, 2007 Meeting)

Mr. Dookran stated that he saw a letter to Mr. Houston from Mr. LeBrun has reviewed the plan and has no issues with the proposed discontinuance.

Staff will put in on the next agenda.

Discussion Items

Mr. Dufour said that he has read the article regarding ex parte communications with land use boards and has asked that everyone take a look at it.

Other

None

MOTION TO ADJOURN by Mr. Canaway at 9:20 p.m.

APPROVED: _____
Ken Dufour, Chair, Nashua Planning Board

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COPIES OF TAPES MAYBE MADE AVAILABLE UPON 48 HOURS ADVANCED NOTICE AND PAYMENT OF THE FEE.**

Taped Meeting