

NASHUA CITY PLANNING BOARD
November 1 2007

The regularly meeting of the Nashua City Planning Board was held on Thursday, November 1, 2007 at 7:00PM in the auditorium at City Hall.

Members Present: Ken Dufour, Chair
William Slivinski
Alderman Richard LaRose
Bob Canaway, Secretary
Steve Dookran, City Engineer
Hugh Moran
Mike Lowe
George Torosian
Cynthia Overby (Alt) non-participating
Peggy Trivilino (Alt) non-participating

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

Approval of Minutes

October 4, 2007

MOTION by Mr. Lowe to approve the minutes of October 4, 2007, waive the reading and place on file.

SECONDED by Alderman LaRose

MOTION CARRIED 7 to 0 (Mr. Torosian abstained)

October 18, 2007

MOTION by Mr. Lowe to approve the minutes of October 18, 2007, waive the reading and place on file.

SECONDED by Alderman LaRose

MOTION CARRIED 5 to 0 (Mr. Slivinski, Mr. Torosian, Mr. Moran abstained)

Communications

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

- Preliminary Agenda to determine regional impact
- Revised draft Nashua City Planning Board 2008 Meeting and Deadlines Dates

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.

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After the public testimony is given the Board will discuss the issue and render their decision.

Chairman Dufour thanked everyone for their interest and, courteous attention and asked that everyone turn off his or her cell phones and pages.

OLD BUSINESS - CONDITIONAL/SPECIAL USE PERMITS

None

OLD BUSINESS - SUBDIVISION PLAN

None

OLD BUSINESS - SITE PLAN

None

NEW BUSINESS - SUBDIVISION PLANS

None

NEW BUSINESS - SITE PLANS

1. Liberty Westwood Development, LLC (Owner) - Application acceptance and proposed amendment to NR1981 for a change of use to include manufacturing of print products in addition to warehousing, to show a new loading area, and revisions to landscaping, building entry and associated site improvements. 100 Northwest Blvd., Sheet H - Lot 634, Zoned "PI" - Park Industrial.

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

SECONDED by Mr. Moran

MOTION CARRIED UNANIMOUSLY

Jim Petropulos, Hayner/Swanson Inc.

Mr. Petropulos is representing the applicant, Two C Pack Systems. With him tonight is Gerald Prunier, Esq. and Amy Fracacini, Esq. and Bill Lores, the Development Coordinator. They are seeking a change of use for currently developed property located at 100 Northwest Boulevard. The property is a

35-acre parcel in the PI Zone in the northwest corner of Nashua. This property is abutted to the north by the B&M Railroad. To the west is an 8.5-acre property that they recently subdivided. To the south is Bellavance Beverage and to the east is undeveloped land owned by the City of Nashua. This property currently contains a partial 2-story building about 330,000 square feet. There is a paved access drive off Northwest Boulevard. There is a loading area in the northeast corner. There are two separate parking areas, one to the north near the main entrance and one to the southwest corner. This site does have municipal sewer and water. Westwood park is a commercial park that was created in 1998. The Corning Building was approved in 2000/2001 and originally intended to be a 600,000 square foot building. The building was partially built but Corning never occupied the building and sold it to Liberty Properties in 2002. Liberty Properties subdivided the 12 acres to the south in 2003 and received a change of use approval to utilize the building as a warehouse. In 2007 they appeared before the Board for a 2-lot subdivision of this property. Liberty will retain that property but the other parcel will go with the Corning Building and site. The Corning Building is being purchased by another company and being proposed to change the use from the 2003 designation of warehousing back to manufacturing of paper print products. There are some minor site improvements. The new building will be purchased by Two C Pack Systems, currently located at 23 Dumaine Street in Nashua. They design and manufacture print products. Currently they have 75 employees but with this purchase they hope to grow to 150 employees. Initially they will occupy half the building but intend to use the whole space and will not be subleasing space in the building. They want to finalize the things Corning did not finish, such as final coat of paving and restriping of the parking lot. All the utilities are in. There is a new five space loading dock in the southwest corner that will be installed and also an access road. The lighting will be finished. Landscaping will be installed. There are approximately 230 parking spaces for the employees. There are several waivers that they are requesting. Mr. Ware reviewed the drainage and found it to be acceptable.

Mr. Dufour asked about stipulation #4, stormwater management area C shall be completed by June 30, 2008.

Mr. Petropulos explained that when Two C Pack Systems wanted to occupy the property they walked the property to see if there are any areas that were not constructed per the original plan, for example the washout area. They looked at Stormwater Area C which is located in the eastern portion of the property. That area

serves as the mitigation of a 400 square foot wetland impact that Corning had as part of their site development. Corning was required to construct a stormwater wetland. The wetland consultant came to the conclusion that there were four things that needed to be completed. They needed to remove some invasive species, some supplemental planting, plant more trees and remove the fence. The applicant has agreed to these conditions.

Mr. Dookran asked what they are proposing for the infiltration system.

Mr. Petropulos said the drainage system is adequate.

Mr. Dufour asked what the provisions were for the chemicals for the printing.

Mr. Petropulos explained they were water-based materials, no industrial discharge into the sewer system.

SPEAKING IN OPPOSITION OR WITH CONCERNS

None

SPEAKING IN FAVOR OF THE PLAN

None

MOTION by Mr. Lowe to approve New Business 1 - Site Plan, change of use, Liberty Westwood Development, LLC, 100 Northwest Blvd, "PI" - Park Industrial. It conforms to NRO 16-450(d) and Section 16-36 Mixed Use Overlay District with the following stipulations and waivers:

1. All applicable conditions of site plan approval for the Corning building remain in full force and effect, unless otherwise determined by the Planning Board.
2. Prior to the issuance of a certificate of occupancy all work associated with installation of stone check dams as described in the letter from Donald Ware dated October 15, 2007 shall be completed.
3. Prior to the issuance of a certificate of occupancy the applicant shall apply to the Conservation Commission for review and/or modification of the Commission's requirement for monitoring wells.

4. All work associated with Stormwater Management Area C shall be completed by June, 30, 2008 as described in the letter from Robert Prokop dated September 20, 2007.
5. The waiver request for building architecture details per Sec. 16-542 is granted.
6. The waiver request for luminaire design, Sec. 16-236(a)(c) is granted and the lights on the east side of lot be shielded to prevent spillover in the wetland area.

SECONDED by Mr. Torosian

MOTION CARRIED UNANIMOUSLY

NEW BUSINESS - SITE PLANS

2. Linda Argenti Realty, LLC (Owner) Application acceptance and reapprove proposed site plan for a change of use from residential to professional office. 29 East Pearl Street, Sheet 34 - Lot 8, Zoned "RC" - Urban Residence. (Approved July 20, 2005)

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

Gerald Prunier, Esq.

Attorney Prunier is representing the applicant, Linda Argenti, Esq. Atty Argenti is using this building as an office. Atty Argenti did not pick up a certificate of occupancy within a year so that is why they are back before the Board. There have been no changes.

Chairman Dufour asked where the parking is located. Attorney Prunier stated he thought parking was on the street and didn't know if she made other parking arrangements.

Alderman LaRose said they were assigned six parking spaces in a municipal lot.

Alderman LaRose asked if the entire building was used for one law office.

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Atty Prunier said she may rent out a room or two.

Mr. Dookran asked why they failed to get a Certificate of Occupancy.

Atty Prunier said she was just was busy.

Mr. Dookran asked if there was plumbing in the basement.

Atty Prunier thought there was.

Mr. Dookran said it should be a condition to have basement plumbing. There is the potential for backup.

Atty Prunier said this has been approved by the Board once already and the only reason they are here is because the CO wasn't picked up. There have been no changes to the building.

Mr. Dookran said that in the last six months they have required that basement plumbing would not be installed or existing basement plumbing would be removed and it has been made a condition.

SPEAKING IN OPPOSITION OR WITH CONCERNS

No one.

SPEAKING IN FAVOR OF THE PLAN

No one.

MOTION to table New Business #2 Site Plan to investigate whether existing plumbing fixture meets code.

SECONDED by Mr. Lowe

MOTION FAILED (4 TO 4)

MOTION by Mr. Torosian to approve New Business #2 Site Plan - change of use, Linda Argenti Realty, LLC (Owner). It conforms to NRO 16-450(d) and there are no stipulations or waivers.

SECONDED by Mr. Lowe

MOTION CARRIED 6 TO 2 (Mr. Dookran and Mr. Moran voted no)

NEW BUSINESS - SITE PLANS

3. Steven Jr. & Regis M. Donohue (Owners) - Application acceptance and reapprove proposed site plan to show a change of use of the first floor apartment (1,052 square feet) to professional office. 375 Main Street, Sheet 109 - Lot 82, Zoned "RA" - Urban Residence. (Approved July 20, 2005)

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

Steve Donahue, 57 Spindlewick Drive, Nashua

Mr. Donahue and his wife are the owners of the property. They are seeking reapproval of a site plan that was issued in July 2005. There was no Certificate of Occupancy granted. They went through the Zoning Board approval again and now are seeking reapproval of the site plan. There have been no changes to the site plan or building since July 2005. They are located across from Parnell Chiropractic. Other businesses nearby are James Kakalamanos, Attorney at Law, and Joseph Annuto, Attorney at Law. They are seeking to have the first floor changed from apartment to insurance agency. It is a light office use. They have one handicapped parking space, 4 for the 2-family, and 3 for the office space and it meets what is required. This will not have a negative impact on the neighborhood. The driveway does have 2 exits, one through a neighbor's agreement that you can go straight through the back to Morton Street or head straight out onto Stevens Street. There is room for people to turn around and exit Main Street. There is an easement access on 2 Park Avenue to cross that property. It would be regular business hours for the office, 9 to 5, Monday through Friday, no weekend use.

Mr. Dookran asked if there is basement plumbing.

Mr. Donahue said yes, it is a multi-use building so there are washers in the basement. He has owned that building since 2001 and there have been no back-ups. The basement is higher than street grade.

SPEAKING IN OPPOSITION OR WITH CONCERNS

No one.

SPEAKING IN FAVOR OF THE PLAN

Mr. Donahue presented the Board with a letter written by a neighbor, Robert Cerento, 377 Main Street.

MOTION by Mr. Slivinski to approve New Business - Site Plans #3 - Change of Use, Steven & Regis Donohue (Owners) professional office and residential, 375 Main Street, "RA" - Urban Residence It conforms to NRO 16-450(d) with the following waiver:

1. The waiver request for stormwater report, Sec. 16-1100 B34(cc) is granted.
2. Prior to the issuance of a Certificate of Occupancy an easement for cross-access shall be recorded.

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)

MOTION to remove from table.

None

3. Referral from the Board of Alderman on proposed O-07-129, amending the "Land Use Code" by amending the provisions permitting games of chance as defined in RSA 287-D in certain zoning districts. (Tabled from the September 13, 2007 Meeting)

MOTION to remove from 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)

MOTION by Mr. Lowe to remove from table

SECONDED by Mr. Moran

MOTION CARRIED UNANIMOUSLY

MOTION by Mr. Slivinski for a favorable recommendation on the proposed discontinuance of a portion of Evelyn Street to the Board of Alderman

SECONDED by Mr. Canaway

MOTION CARRIED UNANIMOUSLY

5. Adoption of the "2008 Meeting and Deadlines Dates" for the Nashua City Planning Board.

MOTION by Alderman LaRose to adopt 2008 Meeting and Deadline Dates.

SECONDED by Mr. Lowe

MOTION CARRIED UNANIMOUSLY

Discussion Items

Other

None.

MOTION TO ADJOURN by Alderman LaRose at 8:30 p.m.

APPROVED: _____
Ken Dufour, Chair, Nashua Planning Board

TAPES OF THIS MEETING ARE AVAILABLE FOR LISTENING DURING REGULAR OFFICE HOURS.

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

Taped Meeting