

NASHUA CITY PLANNING BOARD
February 21, 2008

The regularly scheduled meeting of the Nashua City Planning Board was held on Thursday, February 7, 2008 at 7:00 PM in the auditorium at City Hall.

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

Due to one absent member, Cynthia Overby will be voting.

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

Approval of Minutes

None.

COMMUNICATIONS

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

- Preliminary Agenda dated February 19, 2008 used to determine regional impact.

REPORT OF CHAIR, COMMITTEE & LIASON

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. The applicant will then be allowed a rebuttal period. This will be the time for the applicant to respond to any issues or concerns raised by prior public testimony. After the applicant has addressed public testimony, one public member may be granted an opportunity to speak to those issues brought up by the applicant in their rebuttal period. The Board may then ask relevant follow-up questions of the applicant. We ask 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 considering all applicable approval criteria established in the Nashua Revised Ordinances for conditional use, special use permits, site plans or subdivisions.

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 pagers.

OLD BUSINESS - CONDITIONAL/SPECIAL USE PERMITS

None

OLD BUSINESS - SUBDIVISION PLAN

None

OLD BUSINESS - SITE PLAN

None

NEW BUSINESS - CONDITIONAL/SPECIAL USE PERMITS

None

NEW BUSINESS - SUBDIVISION PLANS

None

NEW BUSINESS - SITE PLANS

1. Spit Brook Shopping Center, LLC and Burger King Corporation (Owners) - Proposed site plan amendment to NR1684 for the demolition of the existing 240 seat 7,145 s.f. Restaurant building with drive-thru and the construction of a new 62 seat, 2,580 square feet restaurant building with drive-thru and associated parking and site improvements. 232 Daniel Webster Highway, Sheet A - Lot 700, Zoned "HB" - Highway Business.

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 Callahan, Esq.

Atty. Callahan is representing Burger King. With him tonight is Huseyin Sevincgil, Engineer from MHF Design Consultants, Russ Hunter and Rick Rollins from Burger King Operations, Kevin Liberte, Store Manager of the Daniel Webster Highway Store and Patrick Trigs, who is overseeing construction of these stores. They are proposing to take two existing stores, demolish them, and replace the buildings with smaller stores and create more green space.

Huseyin Sevincgil, MHF Design

Mr. Sevincgil said they are looking to replace the existing Burger King with a smaller one. They are looking to put in a newer, 2,580 s.f. Restaurant with 62 seats. The site has been designed in the existing area. There will be new parking, trash enclosure, and drive-thru lane. The drive-thru meets all the requirements of the Code. They are looking for a waiver on lighting.

Mr. Slivinski asked if there were any changes in the entrances and exits.

Mr. Sevincgil said there are no modifications to the driveways. During construction the parking lot to the right will remain open. The driveways will remain open and well and there will be construction fencing.

Mr. Dookran asked why the reduced size.

Mr. Sevincgil said it was an older building; this is a newer prototype and makes food handling more efficient.

Mr. Dookran asked if they were expecting more traffic.

Mr. Sevincgil said it is the same menu and do not anticipate additional traffic.

Mr. Dookran asked if they were getting more green space and if there is a need for storm water treatment.

Mr. Sevincgil said they were adding some green space. The current system can handle the stormwater. They could add catch basins if requested to do so.

Mrs. Overby asked if they are downsizing why the big parking lot and do other stores use it.

Mr. Sevincgil said it was additional parking for Old Navy.

Patrick Triggs, Project Manager Jones, Lang & LaSalle

Mr. Triggs is the construction supervisor. The overall concept for the smaller restaurant is because the larger building has too many seats that aren't utilized and it is a waste to keep it operational.

SPEAKING IN OPPOSITION OR CONCERN

No one.

SPEAKING IN FAVOR OF THE PLAN

No one.

MOTION by Mr. Canaway to approve New Business #1, Spit Brook Shopping Center, LLC and Burger King Corporation (Owners), propose 2,580 s.f. redevelopment at 232 Daniel Webster Highway, "HB" - Highway Business. 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. Prior to a Certificate of Occupancy being issued, the Stormwater Operation and Maintenance Plan shall be recorded.
3. The request for the waiver of Section 16-236(c) - Design Factors is granted.
4. Prior to the plan being recorded a contribution of \$8,350.00 shall be submitted to the Planning Department for the sidewalk improvement fund.
5. Add snouts to catch basis system.

SECONDED by Mr. Lowe

MOTION CARRIED UNANIMOUSLY

NEW BUSINESS - SITE PLANS

2. **RAI Restaurants, Inc. and Burger King Corporation (Owners) - Application acceptance and proposed site plan amendment to NR1291 for the demolition of the existing 220 seat, 6,400 square feet restaurant building with drive-thru and the construction of a new 62 seat, 2,580 square feet restaurant building with drive-thru and associated parking and site improvements. 283 Amherst Street, Sheet G - Lot 42, Zoned "GB" - General Business.**

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

SECONDED by Alderman LaRose

MOTION CARRIED UNANIMOUSLY

Jim Callahan, Esq.

Atty. Callahan is representing Burger King for this project as well with the same people.

Huseyin Sevincgil, MHF Design

About 90% of the site is paved. There are three existing driveways. Two off Profile Circle and one off Amherst Street. There is an existing sign they will be maintaining. The proposed site plan has more green space. It will be a smaller building, 2,580 square feet. The stacking lane meets the city

requirements. There will be a 10-foot buffer in the front and a landscape buffer between Burger King and the residential area. Drainage on the site flows to the catch basins on site with undersize piping leading to drainage in the street. The existing system is undersized and they will be providing underground storage for stormwater and redirecting some of it. They are requesting one waiver for lighting. The existing drive-thru is currently an awkward configuration. It will be drastically improved. Driveways will remain.

Mrs. Overby asked if there were sidewalks.

Mr. Sevincgil said there is a sidewalk in front of the building and on Profile Circle. They will be making a \$6,177.00 sidewalk contribution.

Mr. Houston said one of the things the Board needs to look at is the bypass lane. The Code requires nine feet if required, and 10 feet for the drive-thru lane. It's not mandatory.

Mr. Sevincgil said a bypass lane is provided beyond the menu board. They are providing approximately 187 feet of stacking. The City requires 160 feet. In speaking with Burger King before the meeting, Mr. Sevincgil said that Burger King would like to move the outdoor seating to another area that is more user friendly.

Mr. Slivinski said he thought this layout was a materially different traffic flow. The cars that are in the drive thru lane will block the access off Amherst Street, which could result in cars being backed up onto Amherst Street. The traffic pattern has been moved closer to Amherst Street. There are only 35 parking spaces with no overflow parking.

Mr. Sevincgil said they have 35 spaces on site and are required to have been 34 to 40 per the Code. On other projects they have done parking counts and there is not a lot of people that actually park and go inside the restaurant. They feel there is ample parking. The majority of the business will be the drive-thru. With the traffic circulation changing, there is enough room for stacking. The Fire Department and Police Department have reviewed this plan and have no major concerns with traffic. Mr. Canaway asked how many vehicle trips are going thru the drive thru during the peak hour.

Mr. Sevincgil said he thought 85 - 90 trips for the lunch hour.

Mr. Dookran asked if this arrangement is an improvement to the traffic flow.

Mr. Sevincgil said yes.

Mr. Dookran asked where to people who go to the drive thru typically eat the food they purchase. He thought some might park and eat.

Mr. Sevincgil said typically they eat in their car or their final destination.

Atty. Callahan said although it was not required as part of the submittal, they had a traffic engineering firm do an assessment of the site in conjunction with the design work. They came to the conclusion the overall traffic pattern of site traffic is part of the redevelopment is expected to be similar to the current condition.

Mr. Slivinski said he had concerns about cars backing up on Amherst Street. He asked if Amherst Street could just be an exit and not an entrance.

Mr. Houston said the comment was made that this site is for a Burger King, but if in the future they sell to Dunkin Donuts it would not have to come back before the Board. You are approving a restaurant with a drive thru. So any traffic studies should be based on ITE standards. If the Board is uncomfortable, perhaps they should table it and let the City Traffic Engineer review it with the City Engineer, and Planning Department.

Mr. Sevincgil said he had a conversation with the Traffic Engineer, Jean Kennamer, and they didn't have any concerns.

Chairman Dufour felt they would be putting a lot more cars out of the Amherst Street exit because the drive-thru is such as it is. Maybe the triangular in the center of the street should be removed. Would it work better? Perhaps the Traffic Engineer can address that too.

SPEAKING IN OPPOSITION OR WITH CONCERNS

Ron Companga, owner of Gentle Touch Carwash

He has a concern about the traffic exiting onto Amherst Street. He doesn't see how a bus could get on that site. The elevations on the property are high and he is concerned about the

visibility of his property. His driveway height and the drive thru height are about the same and there is a high wall. He tried to contact Burger King about tearing the wall out and have more visibility for people going into the car wash. Mr. Companga passed out pictures of the site to the Board.

SPEAKING IN FAVOR OF THE PLAN

No one.

MOTION by Mr. Lowe to table, with the following recommendations: they come in with a bypass lane, they remove the hill to the west, and a traffic study.

MOTION by Mr. Lowe to withdraw.

Atty. Callahan said he heard what the concerns are with the site and thought it should be a collaborative process between GPI - engineering firm, and staff to come up with a design to optimize the concerns as opposed to getting a study done before the next meeting.

Chairman Dufour said the Board expects to be looking at the end result of that effort.

MOTION by Mr. Lowe to table to next meeting.

SECONDED by Mr. Moran

MOTION CARRIED UNANIMOUSLY

NEW BUSINESS - SITE PLAN

3. Grace Fellowship of Nashua, Inc. (Owner) - Application acceptance and proposed 2 year extension of site plan NR2114 to show the development of a 148,907 square foot campus ministry building which includes a 1,673 seat church/auditorium, a 450 seat gymnasium and 24 classrooms with associated access, parking and site improvements. Simon Street, Sheet E- Lot 1424, Zoned "PI" - Park Industrial & "RB" - Urban Residence. (Approved on March 15, 2007)

Steve Auger, Hayner/Swanson, Inc.

This was previously approved in March, 2007 and they are seeking an extension on behalf of Grace Fellowship. There are no proposed physical changes. It's the same plan that was approved in March, 2007.

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Mrs. Overby asked if the extension is for Phase I or for Phase II as well.

Mr. Auger said the only approval is for Phase I. Phase II is the classrooms and there is reference on the plan that Phase II has to be approved on a separate site plan.

Mr. Canaway asked why a two year extension.

Mr. Auger said the reason for the extension is because of the economy and this is a substantial project and it will take substantial funds and time. Grace Fellowship is anxious to get going on this. but feels 2 years is a better time frame.

Mrs. Overby asked about the walkway and entrance through Mine Falls. She asked if Park & Rec have been notified and will there be a gate.

Mr. Auger said he did not know.

Mr. Dookran said when it came before the Board before, there was discussion between Mr. Petropoulos and DPW and they talked about it. Mr. Caggiano was also present. This is a small walkway path.

SPEAKING IN OPPOSITION OR WITH CONCERNS

No one.

SPEAKING IN FAVOR OF THE PLAN

No one

MOTION by Mr. Lowe to except New Business #3 Site Plan 2 year extension, Grace Fellowship of Nashua, Inc. (Owner) extend construction of Simon Street.

SECONDED by Alderman LaRose

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 of FY 2009 Capital Improvement Program from the Capital Improvements Committee to the Nashua City Planning Board.

MOTION by Alderman LaRose to accept the draft of the 2009 Capital Improvements Program.

SECONDED by Mr. Moran

MOTION by Mr. Lowe to amend Administrative Services for the Hunt Building Renovations from C1 to B3.

SECONDED by no one.

MOTION FAILS

MOTION is for final passage of Alderman LaRose's motion.

MOTION CARRIED UNANIMOUSLY

DISCUSSION ITEMS - OTHER BUSINESS

Mr. Dufour went over the following items:

The continuing education workshop will be March 13, 2008, 7 p.m. to 9 p.m., Room 208.

MOTION TO ADJOURN by Mr. Lowe at 9:30 p.m.

APPROVED:

Ken Dufour, Chair, Nashua Planning Board

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Taped Meeting