

NASHUA CITY PLANNING BOARD  
April 10, 2008

The regularly scheduled meeting of the Nashua City Planning Board was held on Thursday, April 10, 2008 at 7:00 PM in the auditorium at City Hall.

Members Present: Ken Dufour, Chair  
William Slivinski, Vice Chair  
Bob Canaway, Secretary  
Steve Dookran, City Engineer  
George Torosian  
Mike Lowe  
Cynthia Overby (Alt)

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

Chairman Dufour acknowledged Mr. Hugh Moran's role on the Board over the past couple of terms. He will no longer be on the Board and thanked him for his service.

**Approval of Minutes**

March 20, 2008

**MOTION** by Mr. Lowe to approve the minutes of March 20, 2008, with revised Page 8; waive the reading and place on file.

**SECONDED** by Mr. Canaway

**MOTION CARRIED 4-0 (2 abstained)**

**COMMUNICATIONS**

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

- Memo from Jean Kennamer on Groton Road dated April 7, 2008 regarding Southline Woods.
- Letter dated April 10, 2008 from Andrew Prolman regarding Southline Woods.
- Memo from Wayne Husband to Andrew Prolman concerning bypass lane for Southline Woods.

- Correction sheet for minutes.
- Letter from Maynard & Paquette dated April 4, 2008 on Southline Woods.
- Technical Review Meeting to determine regional impact.
- The Nashua River Rail Trail map and proposed future trails.
- Mr. Houston introduced Lucy St. John as the new Deputy Planning Manager.

#### **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. 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.

**OLD BUSINESS - CONDITIONAL/SPECIAL USE PERMITS**

None

**OLD BUSINESS - SUBDIVISION PLAN**

1. **Southline Woods, Groton Road Development, LLC (Owner) - Application acceptance and proposed conservation development of 34 single family condominium units with road, drainage and site improvements. 40 Groton Road, Sheet D - Lot 7, Zoned "R40" - Rural Residence. (Tabled from the March 20,2008)**

**MOTION** by Mr. Lowe to remove from table.

**SECONDED** by Mr. Canaway

**MOTION CARRIED UNANIMOUSLY**

Richard Maynard, Maynard & Paquette

At the last meeting there was an issue of a bypass lane. The discussion was whether there should be one. There are several pieces of correspondence on this outlining several issues. The primary issue is in order to get a bypass lane in, it would take up the entire remainder of the right-of-way. There are wetlands right next to it. They have a traffic report from the police. In the last 12 years there has been two accidents. Wayne Husband, Traffic Superintendent said that the bypass lane is not warranted and appropriate for this site. The entire trail should be done all at once as they proposed before being completed prior to the 20<sup>th</sup> certificate of occupancy. It will be expensive to develop the trail and would be a financial burden to have the applicant do this upfront. Mr. Maynard said the stipulations will come about as part of the design and approval of the trail. There are no stipulations now on the subdivision. The signs for the trails are under the jurisdiction of Parks & Rec, not the applicant. Once the trail is built, Parks & Rec will maintain the trail.

Chairman Dufour asked how far back are they clearing to put the trail in along Groton Road.

Mr. Maynard said they have allowed an easement of 20 feet. It will vary in areas because they have to go around utility poles. At a minimum they are 5 feet off the travel way with an 8-foot wide trail. Sometimes they will be clearing back 15 feet, some up to 20 feet. The clearing won't happen until they put in the path.

Chairman Dufour said he was concerned that prior to the 20<sup>th</sup> sale there will be a lot of activity in the subdivision and part of the reason for the trail is to improve visibility so if the clearing won't be happening until the 20<sup>th</sup> sale that could be a concern.

Mr. Maynard said there is good visibility here on this straight section but if the Board wants it cleared it wouldn't be a big deal.

Chairman Dufour said he would like to see it cleared but doesn't want to create an eyesore.

Mr. Canaway asked to show on the plan where the cross walk will be located.

Mr. Maynard said they suggest the cross walk be where the public parking be.

Mr. Slivinski said that you don't want to build that until the 20<sup>th</sup> unit and Staff said they want it built right away.

Mr. Maynard said they will build a section of it for lot number 7.

Andy Prolman, Esq.

Atty Prolman said Staff has suggestion that the Groton Road Trail be constructed to the eastern border of lot 7. Lot 7 is the big lot that has the whole project.

Mr. Slivinski said you are asking for economic reasons not to do this because of the cost. It would be about \$400,000 to do it. Staff wants you not to do the whole 4,000 feet, but how much?

Mr. Maynard said about a third.

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Mr. Slivinski said he was trying to get a feel for how much of an economic thing it is. What percent of the total cost is this?

Mr. Maynard said this represents about a fifth of the road system. The upfront cost of any subdivision is very burdensome. You have bonding, the building cost.

Mr. Dookran asked if the two accidents brought up in the traffic report were at Hadley Woods intersection.

Mr. Maynard said yes.

Mr. Dookran said that was misleading. He read a report that was presented to the Board in 2006 with regards to an abutting project, The Nature of Things. They talk about six accidents in 2001-2003, 4 of them being at the Gregg Road intersection. The area does see more than two accidents.

Mr. Maynard disagreed. He showed on the plan where Hadley Woods is located. It is 35 homes, same as what they are proposing. Down on Gregg Road, where the school is, it is a different situation. A bypass lane doesn't meet any safety warrants.

Mr. Dookran said that you look at the area. It gives you a sense of what is happening in the area.

Mr. Lowe said he is worried about the accumulative effect of these homes and schools.

Andy Prolman, Esq.

Atty Prolman asked to referred to Page 3 of the Staff Memo with respect to Stipulation number 8. The last line suggests the condominium documents be recorded with the recording of this plan. He suggested that the condominium documents be submitted to the Planning Staff and Corporation Counsel for approval as to form but not necessarily recording. The recording of condominium documents should not occur under state law until the New Hampshire Attorney General has approved the condominium and that takes time to do. He spoke to Staff and they agree. They all met last week on site and took a look at the bypass lane and they addressed what the Board asked them to do.

Chairman Dufour asked if they have any objections if they make it a stipulation to work with the Dunstable Land Trust to establish guidelines as it pertains to the conservation land.

Atty Prolman said they do not have any objections and it would be a great idea.

**SPEAKING IN OPPOSITION OR WITH CONCERNS**

John Kennedy, 8 Mystic Court

At the last meeting his neighbor asked some questions about changes in drainage due to this new development. He said he was looking at the drawing provided by the applicant and had some questions. The large pond is shown on the plan. Why isn't the smaller pond in the southwest corner shown. Why isn't the damn that created that pond shown. Does that damn have a permit, and if doesn't, what is the legal liability and how will it be conveyed to the new owners.

Patricia Terrell-Holt

Her uncle has a concern. He is right across the street. When there was previous blasting in the 1970's he lost one of his wells. He is concerned about his hand-dug well which is located on his property at 35 Groton Road if there will be blasting.

Chairman Dufour asked staff if because he is across the street would the pre-blast survey would he qualify.

Mr. Maynard said yes.

Chairman Dufour asked how the process would work.

Mr. Houston explained the permit process and how the pre-blast survey works.

Mr. Maynard said on the blasting, all adjacent properties and across Groton Road will receive a notice and if they choose to have a survey, the blaster is required to provide the survey. It's at the property owner's option. It is also advised they hire their own inspector pre-blast to document things.

Mr. Maynard said there is a brook or stream that runs out of the large pond. If there is a localized pond it is included as part of the wetlands. It is not a separate and distinct pond, as the major one is. He wasn't aware of the nature of the damn and if there is a permit. They are suppose to be registered if they are permitted. They aren't doing anything to effect the pond or stream.

Chairman Dufour asked if there is a damn and it is not permitted, that would be a concern.

Mr. Maynard said it should be a concern. The nature of the damn and the necessity for a permit should be investigated and could be a stipulation.

Mr. Houston referred to the revised Staff Report. On page 2 the traffic data showed 6,972 vehicles. It should be 4,601. On stipulation number 22, it was intended that the maintenance of the signs in the future will be done by Parks Department on the public trails. They are also asking for a waiver of road width. On a normal subdivision you would have 24 foot wide street, 5 foot sidewalk on at least one side and a sidewalk along the frontage of an existing road. These would be the costs associated with the subdivision. That was one of the reasons why staff suggests the trail along the frontage of the property. It is a question as to when the Board feels its appropriate to build, the 10<sup>th</sup> unit, etc. and the long-range trail to Yudiccky Farm at the 20<sup>th</sup> unit would be acceptable to Staff. Mr. Houston put up a plan showing Hadley Woods and a subdivision called Emerald Green and the Nashua River Trail over to Gilson Road. There is a 8-foot trail that comes into Emerald Green and runs into the Nashua River Trail. The trail ends at Hadley Woods. There is land that could be the subject of future development. It is about 162 acres. The long-range projections for this road for maximum build out would be approximately 7,000 vehicle trips per day.

Atty. Prolman said it is the hope and goal of the applicant to build out this trail at one time. It's a significant project that it can be separately contracted. If the Board is going to consider something other then completing this trail along Groton Road by the 20<sup>th</sup> unit, he suggested that the Board look at Abraham Lane which will probably be built out first and there are 15 units on Abraham Lane that may tie together well with building out this portion of the trail.

Mr. Canaway asked if they would build the parking areas as the roads are being built.

Mr. Maynard said yes they would be.

Mr. Slivinski asked if there was a stipulation for the location of the pedestrian crosswalk.

Mr. Maynard said yes, it is stipulation (number 6) about the design subject to the review of all the departments. The trail is not 100% designed. They have roughly were the location is. The exact location of the crosswalk is still up in the air.

Mr. Canaway asked if they are proposing to build all the roads and not the sidewalks, everything is done up to the 20<sup>th</sup> unit.

Mr. Maynard said it isn't unusual to build in sections. The building of roads to city specs as opposed to an 8-foot wide sidewalk to city specs are different. The Groton Road trail on Groton Road would be a project in itself. There is no particular advantages to having the same contractor do both or doing it all at once. He would like to do the whole Groton Road sidewalk before the 20<sup>th</sup> unit so they have 20 units worth of cash flow and the developer can afford it.

Mr. Canaway asked what was typical in subdivision regarding when to build the sidewalk, by the end or during the development, or before it starts.

Mr. Houston said it usually is done in phases. It depends on the construction of the project. If a house is occupied we like to see the sidewalk put in.

Mr. Maynard said on the majority of subdivisions, the sidewalks are usually one of the last things done. On Abraham, the sidewalk will be done upfront, as the road gets paved the sidewalk will be done at the same time.

Mr. Slivinski asked Mr. Maynard if he knew there was a damn.

Mr. Maynard said it was so inconspicuous. Atty Prolman told him a damn has be greater than 4 feet in height to be legally classified as a damn in New Hampshire requiring registration. He didn't know the size of this damn but suspected it isn't that big, but will take a look at that.

Chairman Dufour said they would add that as a stipulation.

Mr. Houston said that sidewalks are normally in place before a certificate of occupancy is issued.

Chairman Dufour it is mild stretch of trail and is inclined to change the requirement for completing the trail from after the 20<sup>th</sup> unit to the 15<sup>th</sup> unit.

Mr. Canaway asked Atty Prolman how they would feel about changing the stipulation 21 which would change the issuance of the building permit to the 15<sup>th</sup> unit.

Atty. Prolman said it would be fine.

Pat Holt

Mrs. Holt asked if the City could put in a trash bin in the parking lot that public service picks up. Since they put in the softball fields at Yudiccky Farms she has gone from 10 trash bags a year to 40. This is a concern she has.

Chairman Dufour asked Engineer Dookran if they can put a trash bin on private property and maintain it.

Mr. Dookran believed the City would be owning and maintaining the parking lot. It will be up to the Parks Superintendent if he wants to have trash removal.

Chairman Dufour said the City's obligation to blasting is to make sure it is done by professional standards. But if in the end there is a problem that arises and cannot be resolved it becomes a civil issue.

**MOTION** by Mr. Canaway to approve Old Business #1 - Southline Woods Conservation Subdivision, Groton Road Development, LLC (Owner), to construct a 34 single-family condominium conservation subdivision at 40 Groton Road, zoned "R-40" Rural Residence. It conforms to Conservation Subdivision Plan NRO 16-72 with the following stipulations and waivers:

1. Waiver of Roadway Design Factors, Section 16 - 616 (b) - is granted.
2. Waiver of Utility Standard, Section 16 - 632 (a) - is granted.
3. Prior to recording of the plan the following condition shall be stated on the subdivision plan as a note and the condition met as followed, no additional condominium units or lots may be created, nor any open space allocated for further subdivision without review and approval by the Planning Board.
4. Prior to recording of the plan the following condition shall be stated on the subdivision plan as a note and the condition met as followed, a copy of the state permit for the community

septic system and approval number shall be included on the plan. A copy of the permit shall be filed with the Nashua Health Department and Planning Department.

5. Prior to recording of the plan the following condition shall be stated on the subdivision plan as a note and the condition met as followed, a copy of the Stormwater Operation and Maintenance Plan shall be referenced on the plan and a copy provided to the Planning Department.
6. Prior to recording of the plan the following condition shall be stated on the subdivision plan as a note and the condition met as followed, all construction and design documents related to road design, trail construction, signage and other elements requiring engineering approval shall be referenced on the plan and a copy provided to the Planning Department and Division of Public Works.
7. Prior to recording of the plan the following condition shall be stated on the subdivision plan as a note and the conditions met as followed, all easement documents shall be submitted for review and approval by the Planning Department and Corporation Counsel and recorded concurrently with the subdivision plan.
8. Prior to recording of the plan the following condition shall be stated on the subdivision plan as a note and the condition met as followed, all Condominium and or Homeowner Association documents shall be submitted to and recorded concurrently with the subdivision plan.
9. Prior to recording of the plan the following condition shall be stated on the subdivision plan as a note and the condition met as followed, all elements of the projects which will be conducted in the public right-of-way require a bond or other surety requirements per the city regulations. The applicant shall submit the bond language and bond estimate for review and approval by the Division of Public Works and Corporation Counsel, as required.
10. Prior to recording of the plan the following condition shall be stated on the subdivision plan as a note and the condition met as followed, no fertilizers are to be used in the buffer areas and only slow-release fertilizers be used on the remaining property. These stipulations shall also be included in the Condominium and Homeowner's Association recorded documents.
11. Prior to recording of the plan the following condition shall be stated on the subdivision plan as a note and the condition

met as followed, no tree cutting or construction will take place within the buffer without approval for the Conservation Commission and the Zoning Board of Adjustment.

12. Prior to recording of the plan the following condition shall be stated on the subdivision plan as a note and the condition met as followed, any conditions granted by the Conservation Commission, Zoning Board or other approving board relative to this specific subdivision plan shall be duly noted by date of their approval on the subdivision plan.
13. Prior to recording of the plan the following condition shall be stated on the subdivision plan as a note and the condition met as followed, no blasting shall occur before 9:00 AM or later than 5:00 PM. A pre-blast survey shall be conducted which includes the closest, adjacent and across the street residences on Hadley Drive, Mystic Ct, Groton Road and Woodbury Drive, a copy shall be provided to the Planning Department and Fire Department prior to any blasting. A pre-blast survey shall also be conducted including property adjacent across Groton Road. No blasting agents shall be used that causes or contributes to chemical pollution of ground or surface water. All blasting activities shall be coordinated with the Nashua Fire Department and appropriate permits acquired.
14. Prior to recording of the plan the following condition shall be stated on the subdivision plan as a note and the condition met as followed, the condominium and homeowners documents shall state that the roads in the subdivision are private roads and are not maintained by the city. It is the responsibility of the association to maintain the roads to acceptable standards.
15. Prior to a building permit being issued the following condition shall be stated on the subdivision plan as a note and the condition met as followed, prior to any work being started, a pre-construction conference shall be set up by the applicant with the contractors, sub contractors and the Planning Department to review scheduling, traffic circulation and tree protection. Erosion control shall be installed prior to any site work being conducted.
16. Prior to a building permit being issued the following condition shall be stated on the subdivision plan as a note and the condition met as followed, prior to a building permit being issued for units 622, 628 and 629 the adjacent walking trail and paved walkway shall be constructed.

17. Prior to a building permit being issued the following condition shall be stated on the subdivision plan as a note and the condition met as followed, access shall be provided to the satisfaction of the Planning Department, Department of Building Safety, Fire Department and Division of Public Works. The site shall be maintained to insure compliance with safety requirements so as to provide access should an emergency arise or there is a need to enter the property.
18. Prior to recording the subdivision plan the applicant shall submit the final design and all easement documents for the plan titled, "Groton Road -Southline Woods Trail Plan" for a Class (B) trails (RSA 231-A: 1, II) to the Planning Department, Conservation Commission and Public Works for review and approval. Said trail includes sections within the subdivision, along Groton Road from Hadley Woods to the driveway entrance into Yudicky Farm Park and ball fields. The details showing the location of the trail and associated features (signage, crosswalk location and public parking facilities) shall be clearly shown on the plan. These features and drainage issues shall be constructed according to the plan approved by the Planning Department, Conservation Commission and Division of Public Works in conjunction with the road improvements and other site improvements of the subdivision plan.
19. Prior to the issuance of a certificate of occupancy for the 15<sup>th</sup> unit, the entire trail network and features of the trail plan are completed and inspected to the City's satisfaction for the section from Hadley Road to the entrance into Yudiccky Farm across from Gregg Road.
20. The crosswalk design shall be similar to the one constructed west of the project on Route 111A, including the placement of stop signs for the trail users to observe when using the trail with the addition of a pedestrian activated flashing light unless deemed unnecessary by the traffic department.
21. The applicant will work with the Dunstable Road Land Trust for rules as they pertain to the Class B trails.
22. Prior to recording of the plan the following condition shall be stated on the subdivision plan as a note and the condition met as followed, the trail and associated trail features of this subdivision are Class (B) trails and shall be used as a public trail system. No hunting or motorized vehicles are allowed. Signs shall be posted by the applicant at locations approved by the Park and Recreation Department. The cost of the trail signs shall be the responsibility of the applicant

and the maintenance of the trail signs shall be the responsibility of the Parks and Rec Department. One of the signs shall be posted at the state line where the trail can be accessed. These signs shall be installed by the applicant when trails and parking areas are completed.

23. The dam shall be research and determined if a dam permit is required.
24. The parking lots and Class B trails will be completed at the same time as each adjacent roadway.
25. The applicant will incorporate public parking and trails information in marketing materials.

**SECONDED** by Mr. Lowe

**MOTION CARRIED UNANIMOUSLY**

**OLD BUSINESS - SITE PLAN**

None

**NEW BUSINESS - CONDITIONAL/SPECIAL USE PERMITS**

2. **Woody & Michael Realty Investments, %M Alosa (Owners) - Application acceptance and proposed conditional use permits for a change of use from school bus parking, repair and service facility to; retail outlet of products manufactured on the premises; vehicle service and repair; and sales and repair of boat/marine, RV's, travel trailers and campers (NR263). 233 Main Dunstable Road, Sheet E - Lot 111A, 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. Torosian

**MOTION CARRIED UNANIMOUSLY**

Together with

**NEW BUSINESS - SITE PLANS**

5. **Woody & Michael Realty Investments, %M Alosa (Owners) - Application acceptance and proposed amendment to NR263 for a change of use fro school bus parking, repair and service facility to: transportation equipment manufacturing related**

to RV's, campers, travel trailers and similar; retail outlet of products manufactured on the premises; vehicle service and repair; and sales and repair of boat/marine, RV's, travel trailers and campers. 233 Main Dunstable Road, Sheet E - Lot 111A, 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. Torosian

**MOTION CARRIED UNANIMOUSLY**

Deb Brewster, TF Moran

Ms. Brewster is representing Woody & Michael Realty. Also with her is Joe Alosa, Atty Paul DeCarolis with Gottesman & Hollis. The site is located on the southwest corner of Exit 5. It abuts 111A and the F.E. Everett Turnpike. This is a flag shaped lot. In front of this parcel are three abutters. Since 1972 this property has been used as a bus service and storage facility. This was a bus park and maintenance area and they have since moved out. The one asset this site has is the existing building has three service bays and are adequately sized. They are proposing to take travel trailers and refurbishes them and retro fits them for handicapped accessible use and special customization. There are trucks or SUVs that pull these travel trailers. They may also need to be serviced and repair the travel trailers as well as boats. As an accessory use they want to repair and service those vehicles that pull travel trailers and also they pull boats. Woody & Michael sell recreational boats, 18-21 feet. They would also have sales. They are proposing to replace the four-foot fence with a six-foot fence. In discussion with the abutters they have asked they put in a leeching catch basin to catch the water. There is no municipal storm drain. They took samples of the soil and they are adequate it. They have extended the storm drain line that will infiltrate along the property. There is a small encroachment of pavement and clean it up, loam and seed it. There is no handicap entrance into the building so they will modify that and make it accessible. They are enclosing the dumpster and provide a pad. Adding some boulders to highlight the property line. They are looking at adding some signage adjacent to Main Dunstable Road. They are requesting a waiver for the lighting as no new lighting is being proposed. Current lighting is adequate. Also requesting a waiver from the landscaping. There is vegetation surrounding the property.

Chairman Dufour asked they are limited as to how many they can have there. Do you show the sales space on the plan?

Ms. Brewster said they are limited to the size of the display and storage area on the site and showed on the plan the areas and parking.

Chairman Dufour asked if the gate would remain.

Ms. Brewster said they are proposing to keep the gate and it will be gated at night when the last employee leaves and open the gate in the morning.

Mr. Lowe asked about handicapped parking.

Ms. Brewster said there are 2 handicapped parking spaces.

Mr. Lowe asked that since they are doing vehicles for handicapped people, should there be more handicapped parking.

Chairman Dufour asked if they had enough handicapped parking spaces and if there is a need is the applicant amenable to doing that and is there enough room to add them.

Ms. Brewster said the applicant was willing to do that and there are plenty of spaces. Many of these requests for customizing these vehicles are coming in from other facilities. Not all the people who are having these vehicles customized will be coming to the site. They are putting in a lift. The ramp didn't meet the ADA requirements.

Mr. Slivinski said he has concerns about how many RVs will be on that space and would like to see a stipulation that they don't go above what is on the space and it would be a violation if they go over that amount. He would also like to know what you will be doing with the trash from the RVs when reconditioning them doesn't go anywhere but the dumpster and they won't be stored outside. He would also like to see more boulders put in so they can't put excess RVs or boats stored over there.

Ms. Brewster said the applicant has agreed to the site plan conditions and this is what they are proposing. Don't want to start with thinking there will be a problem. It wouldn't be fair to the applicant. They can stipulate that if you want. The applicant doesn't know how many campers or trailers will be on site at one time. If necessary they can talk to Roadway Express, one of the abutters, about leasing land from them and then the

applicant would come back before the Board requesting an amendment. Regarding the trash, they have included two dumpsters and they are enclosed. They can also add more boulders if the Board wishes.

Chairman Dufour said he would like to see the boulders vertically installed into the ground.

Mr. Dookran asked why they are asking for a lighting waiver. Do you have excessive lighting?

Ms. Brewster said she didn't know. The lighting that has been out there has been adequate. They don't feel there is any "bright" spots. There has been any indication from the neighbors that there has been any problems.

Mr. Dookran asked why the landscape waiver. Does the existing vegetation meet the requirement? Is there a hardship?

Ms. Brewster said the site has existing vegetation. They didn't see anything out there that they would do differently. The majority of the landscaping is adjacent to the site, not on the site itself. The Board could put stipulation for them to put in landscaping around the entryway.

Mr. Dookran asked if where they are putting boulders in, could they put trees in.

Ms. Brewster said they did take a look at doing that and talked about that. The area is a hard packed gravel in that area. Their concern was if they did a tree would it survive. The other question was where is the business plan going to be in two years. Would they be coming back to the Board in two years, and would they be removing those trees. They thought that given the site and it is an industrial site, the boulders would be more appropriate.

Mr. Dookran asked about the drainage.

Ms. Brewster said they will put in the catch basins. They will have the infiltration lines and they have appropriate aggregate soil.

Mr. Dookran asked if the site was contaminated.

Ms. Brewster said no and they haven't found anything at the Registry of Deeds.

Mr. Canaway asked what the plan is for snow storage.

Ms. Brewster said it will probably be consistent with what they do now. They push the snow to the perimeter of the site. If it gets to be too much they will have it hauled off site.

Joe Alosa

There is no contamination on the site. Relative to the trash disposal, there isn't much involved. Their biggest install is a wheel lift, where they put a "bodi" door where the wheel chair lift goes. There is very little waste in that process. Any metals are valued for scraped and saved and taken off for recycling. There was probably more trash when the buses were located there.

Chairman Dufour asked where to the cabinets you replace go. The wheel chair lifts must come crated or on pallets. Will it be piled up in the back?

Mr. Alosa said the wheel chair lifts are banned, not crated. Most of the cabinetry is just relocated. Trash will be minimal.

Chairman Dufour asked about the boulders. They are trying to come up with a clean way to delineate one lot from the other.

Mr. Alosa said he doesn't want to create something that isn't there today. He doesn't want the snowplow drivers hitting them. Mr. Alosa asked if it would be better to have a fence or jersey barrier.

Chairman Dufour said perhaps they can have a stipulation so they can work it out with Staff.

Mr. Alosa said that would be fine.

Paul DeCarolis, Esq., Gottesman & Hollis

Atty DeCarolis said in regards to the size, under the ordinances they are limited to 25% for the accessory uses. The primary use is the manufacturing. Since that has been in existence for 30 year as a bus storage facility, there has been upwards of 200 buses stored on this property. The traffic of those buses coming in and out everyday, this particular proposal is a significant improvement to the use that was in there in the past. This proposal would be a significant improvement.

Mr. Slivinski asked if they have 23 display spaces for boats, RVs, trucks, etc.

**SPEAKING IN OPPOSITION OR WITH CONCERNS**

Ray Duran, 66 Haines Street

He is a partner that owns the building to the south of the applicant. In speaking with the attorney for the applicant the replacement fence that they are putting between the north and south boundary is replacing a fence that was their property. It is his understanding that fence will become their property at the end of that. The applicant will be removing the tar and doing landscaping that was encroached into their land from the previous use and put it back to vegetation.

Chairman Dufour said the applicant said it would become the abutter's property.

**SPEAKING IN FAVOR OF THE PLAN**

Roy Janoskiwhich, 19 Heron Drive

Last summer they bought a travel trailer from the applicant's Maine facility and were very impressed with the site. It was clean and could not see any trash.

Mr. Slivinski asked if they are expecting any 18-wheelers.

Mr. Alosa said no.

**MOTION** by Mr. Lowe to approve New Business #2 Conditional Use Permit, change of use from school bus parking and repair to manufacturing and retail sales, service of recreational vehicles, marine and travel trailers. It conforms to NRO 16-432 with the following stipulations and waivers:

1. Conditional Use Permit, accessory commercial use #115 is granted.
2. Conditional Use Permit, accessory commercial use #119 is granted.
3. Conditional Use Permit, accessory commercial use #140 is granted.

**SECONDED** by Mr. Torosian

**MOTION CARRIED UNANIMOUSLY**

**MOTION** by Mr. Lowe to approve New Business #5 Site Plan change of use from school bus parking and repair to manufacturing retail sales, and service repair for recreational vehicles, marine, and travel travelers, Woody & Michael Realty Investments (applicant). It conforms to NRO 16-450(d) with the following stipulations and waivers:

1. Prior to the issuance of a building permit the stormwater operation maintenance plan shall be recorded.
2. The waiver request for lighting plan, Sec. 16-1100 B34(n) is granted.
3. The waiver request for landscape plan, Sec. 16-1100, B22 is granted.
4. No new use shall be added to the site, or an approved use expanded unless reviewed and approved by the Planning Board.
5. Applicant to work with Staff to determine proper barrier system to delineate their site from the site to the east.
6. Applicant will work with Staff to improve entryway and landscaping prior to issuance of a certificate of occupancy.

**SECONDED** by Mr. Torosian

**MOTION CARRIED UNANIMOUSLY**

**NEW BUSINESS - CONDITIONAL/SPECIAL USE PERMITS**

3. Taco Bell Corporation (Applicant), 300 Main Street LLC (Owner) - Application acceptance and proposed conditional use permit for the construction of a new 63 seat, 2,800 square foot restaurant building with drive-thru and associated parking and site improvements. 300 Main Street, Sheet 17 - Lot 21, Zoned "D3/MU" - Downtown 3/Mixed Use and "RB" - Urban Residence.

**MOTION** by Mr. Torosian 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**

6. Taco Bell Corporation (Applicant), 300 Main Street LLC (Owner) - Application acceptance and proposed site plan amendment to NR1067 for the construction of a new 63 seat, 2,800 square foot restaurant building with drive-thru and associated parking and site improvements. 300 Main Street, Sheet 17 - Lot 21, Zoned "D3/MU" - Downtown 3/Mixed Use and "RB" - Urban Residence.

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

**SECONDED** by Mr. Lowe

**MOTION CARRIED UNANIMOUSLY**

Husseyin Sevincgil, MHF Design Consultants

Previously there was a Kentucky Fried Chicken approved at this location. Prior to that there was a Burger King. Today they are coming to the Board for a 2800 square foot Taco Bell Restaurant with 63 seats, standard drive-thru to accommodate 8 vehicles. It meets the requirements for the drive-thru. There will be a full bypass lane around the drive-thru. There are employee parking spaces near the drive-thru and new parking on the southerly side. There will be two handicapped parking spaces. There will be landscaping along the perimeter. They are asking for a waiver for the side yard building setback. Mr. Sevincgil went over the 8 conditional use permit criteria. The façade of the building will be brick. They are proposing some catch basins to catch the runoff and tying into the existing drainage system in the plaza.

**SPEAKING IN FAVOR OF THE PLAN**

No one.

**SPEAKING IN OPPOSITION OR WITH CONCERNS**

No one.

**MOTION** by Mr. Slivinski to approve New Business #3 Conditional Use Permit, fast food restaurant, Applicant Taco Bell Corporation, 300 Main Street LLC (owner) construct restaurant and drive thru with site improvements on 300 Main Street, Zoned "D3/MU" - Downtown 3/Mixed Use and "RB" - Urban Residence. It conforms to NRO Section 16-432 with no stipulations and waivers.

**SECONDED** by Mr. Lowe

**MOTION CARRIED UNANIMOUSLY**

**MOTION** by Mr. Slivinski to approve New Business #6 site plan fast food restaurant Applicant Taco Bell Corporation (Owner) 300 Main Street LLC to construct a restaurant and drive-thru with site improvements at 300 Main Street existing zoning "D3/MU" - Downtown 3/Mixed Use and "RB" - Urban Residence. It conforms to NRO 16-450(d) and Section 16-36 Mixed Use Overlay District with the following stipulations and waivers:

1. Prior to any work being started, the applicant and their contractors shall hold a pre-construction conference with Planning staff.
2. Prior to the issuance of a building permit documents pertaining to the stormwater operation and maintenance plan shall be recorded.
3. The Planning Board has determined that the application meets the requirements of Sec. 16-36, Mixed Use Overlay District.
4. The waiver request for building side yard setback per Section 16-31 (3) B is granted.

**SECONDED** by Mr. Torosian

**MOTION CARRIED UNANIMOUSLY**

**NEW BUSINESS - SUBDIVISION PLANS**

4. **Kempton Heights, Tinker Road Development, LLC (applicant), QFE Development, LLC (Owner) - Application acceptance and proposed reapproval of subdivision of one lot into twenty single family lots and two non buildable lots. Approved on March 15, 2007. 144 Tinker Road Sheet G - Lot 21, Zoned "R40" - Rural Residence.**

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

**SECONDED** by Mr. Torosian

**MOTION CARRIED UNANIMOUSLY**

Andy Prolman, Esq.

They have the same plan approved about a year ago. There are no changes, same 9 stipulations as before.

**SPEAKING IN OPPOSITION OR WITH CONCERNS**

No one.

**SPEAKING IN FAVOR OF THE PLAN**

No one.

**MOTION** by Mr. Lowe to approve New Business #4 Reapproval of 22 lot subdivision, Tinker Road Development, LLC (applicant), QFE Development, LLC (owner), 144 Tinker Road Zoned "R40" - Rural Residence. It conforms to NRO Section 16-440(g) with the following stipulation and waivers:

1. With approval of this plan all prior conditions of approval including waivers are incorporated herein and made a part of this plan, unless otherwise determined by the Planning Board.

**SECONDED** by Mr. Torosian

**MOTION CARRIED UNANIMOUSLY**

**OTHER BUSINESS**

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. Canaway

**MOTION CARRIED UNANIMOUSLY**

**DISCUSSION ITEMS**

Hampton Inn changes in architect details. Mr. Houston said they were told about the meeting but are not here tonight. Per their memo, they are requesting Staff to approve the changes administratively. They are not changing square footage or height, just details listed in memo on type of architecture.

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Chairman Dufour said to leave it with Staff to approve administratively.

Chairman Dufour said on April 26<sup>th</sup> the Department of Energy and Planning has their regional conference in Manchester.

**MOTION TO ADJOURN** by Mr. Lowe at 10:55 p.m.

**APPROVED:**

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Ken Dufour, Chair, Nashua Planning Board

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Taped Meeting