

NASHUA CITY PLANNING BOARD
August 21, 2008

A specially scheduled meeting of the Nashua City Planning Board was held on Thursday, August 21, 2008 at 7:00 PM in the auditorium at City Hall.

Members Present: Jody Wilbert, Mayor's Rep
Ken Dufour, Chair
William Slivinski, Vice Chair
Bob Canaway, Secretary
Alderman Richard LaRose
Mike Lowe
Daniel Latham
Cynthia Overby

Due to the absence of Mr. Torosian, Mrs. Overby will be voting.

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

COMMUNICATIONS

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

- Communication dated August 8, 2008 from the Nashua Regional Planning Commission
- Communication dated August 19, 2008 from Richard Wood, Deputy Fire Marshal concerning case 1 and 2 on the agenda.
- Lucy St. John, planner on case 1 and 2 has modified the staff report.
- Communication dated August 21, 2008 from John Adie regarding case 1 and 2 on the agenda.

REPORT OF CHAIR, COMMITTEE & LIASON

None

Chairman Dufour went into the procedure of the meeting as follows:

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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 PLANS

None

OLD BUSINESS - SITE PLANS

None

NEW BUSINESS - CONDITIONAL/SPECIAL USE PERMITS

1. Dispersion Services, LLC (Applicant) 25 Front Street, LLC (Owner) - Proposed conditional use permit for chemical manufacturing of bio-diesel. 25, 31, & 33 Front Street, Sheet 78, Lot 88, Zoned "GI/MU" - General Industrial - Mixed Use, Ward 3.

MOTION by Mr. Lowe to take out of order New Business - Conditional/Special Use Permit #1 and New Business - Site Plan #2, Dispersion Services, LLC.

SECONDED by Mrs. Wilbert

MOTION CARRIED UNANIMOUSLY

MOTION by Mr. Lowe to remove from the table

SECONDED by Mrs. Wilbert

MOTION CARRIED UNANIMOUSLY

Together with

NEW BUSINESS - SITE PLAN

2. Dispersion Services, LLC (Applicant) 25 Front Street, LLC (Owner) - Application acceptance and proposed site plan for chemical manufacturing of bio-diesel. 25, 31 & 33 Front Street, Sheet 78 - Lot 88, Zoned "GI/MU" - General Industrial - Mixed Use.

MOTION by Mr. Lowe to remove from the table

SECONDED by Mrs. Wilbert

MOTION CARRIED UNANIMOUSLY

Gerald Prunier, Esq.

This was tabled due to questions the Board had regarding various issues. The Staff provided a list of questions to the applicant and the applicant has responded to those in writing.

Mr. Slivinski asked if the system will have a methanol detection system.

Atty Prunier said if the fire department requires it, they will. At the last meeting they had requested that stipulation #6 not be a stipulation since that is a matter between the landlord and railroad, not the applicant, since he is a tenant.

William Lynch, Dispersion Services, LLC

Mr. Lynch explained various procedures on how to handle chemicals. Sodium hydroxide is handled and is a relatively routine thing. It is a fairly common chemical. It is often used for PH adjustment and people who have pools or boiler systems would use it. They anticipate handling 100 pounds of sodium hydroxide per week. It does have to be kept dry and once open put in a screw top plastic container to keep out moisture. Mr. Lynch said the fire department was not specific on methanol detection. They are required to have a vapor detection system, which has to be there for the methanol. Its purpose is to ensure that the ventilation system is running before anybody can be permitted to work in the area.

Dr. Melinda Treadwell, Dean of Professional and Graduate Studies, Keene State College

Dr. Treadwell explained the type of work being proposed in Nashua and in Keene. The process is very traditional. It is similar to a number of facilities in Philadelphia. There is a large-scale operation in Honolulu, Hawaii and a number of small college-based platforms being done across the northeast region. This process is standard. It uses small volume materials and is controlled stringently by fire code. The work being done in Keene has been received favorably. All fire standards have been adhered to.

SPEAKING IN OPPOSITION OR WITH CONCERNS

Mr. Houston said for the record that Staff called the two abutters that attended the last meeting to remind them of the meeting tonight and that this item would be on the agenda. They also contacted another person who did not speak to the Board that had an interest prior to the meeting.

SPEAKING IN FAVOR OF THE PLAN

No one

Chair Dufour said this concludes the public hearing on this application. They will now carry the deliberations into the public meeting. The Board reserves the right to recall any party to this case for clarification.

MOTION by Mrs. Wilbert to approve New Business - Conditional Use Permit #1, Dispersion Systems, LLC. It conforms to NRO 190-133F with the following stipulations and waivers:

1. That the requirements of the Nashua Fire Department are included as conditions of approval, and must be addressed to the satisfaction of the Fire Department, including but not limited to all amounts of chemicals on site, proper storage and transport of materials on the premises.
2. Should the production operations of the manufacturing process increase the applicant shall meet the Nashua Fire Department to insure that all fire safety elements are addressed and approved to the satisfaction of the Nashua Fire Department.
3. That the applicant complies with all requirements of the City of Nashua wastewater treatment facility and obtains all necessary local permits.

SECONDED by Mr. Canaway

MOTION CARRIED UNANIMOUSLY

MOTION by Mrs. Wilbert to approve New Business - Site Plans #2, Dispersion Services, LLC. It conforms to NRO 190-146D with the following stipulations and waivers:

1. The applicant complies with the requirements required for the site suitability report per NRO 190-23 (item E- (1) (a-g) and NRO 190-280 Site plan suitability report in D and MU District.
2. All notes and details included on the plan are incorporated by this reference as specific conditions of approval and compliance with these notes, details and other information is required. Non-compliance of the site plan may result in revoking of the site plan and or other penalties/fees that may apply.
3. That any stipulations of approval for the conditional use permit shall be noted on the site plan.

4. That the requirements of the Nashua Fire Department are included as conditions of approval, and must be addressed to the satisfaction of the Fire Department.
5. That the final plan include a note referencing the previously approved site plan for the Cotton Mill Square residential development, and other minor changes as determined by staff.
6. That a rendering of the venting and boiler pipe to be installed on the exterior of the building be provided for the Planning Department file.
7. Per 190-182 (Screening of service or storage areas) and 190-183 (Additional screening requirements for industrial and business uses) screening shall be installed along the southern side of the building on or near the existing granite wall should any outside storage or parking of tractor trailers/tankers occur. This will provide a visual barrier to the adjoining approved residential development. A plan showing the extent and type of screening shall be submitted for review and approval by the Planning Department staff

SECONDED by Mr. Canaway

MOTION CARRIED UNANIMOUSLY

NEW BUSINESS - SITE PLANS

3. Lizzie Garage Doors, LLC (Applicant) J. Alcide Lizzie, Jr. Trust, (Owner) - Application acceptance and proposed site plan for the addition of a second floor on an existing commercial building. 4 Daniels Street, Sheet 122 - Lot 504, Zoned "GB" - General Business

MOTION by Mr. Canaway to remove from all pending cases on the agenda this evening from the table.

SECONDED by Mrs. Wilbert

MOTION CARRIED UNANIMOUSLY

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

SECONDED by Mr. Canaway

MOTION CARRIED UNANIMOUSLY

Steve Auger, Hayner/Swanson, Inc.

With Mr. Auger this evening is Brad Lizzie and Gerald Prunier, Esq. The applicant is seeking site plan approval for a 1,000 square foot building addition. The existing building is one story and they will be adding a second story. On May 13, 2008 the Zoning Board of Adjustment granted a special exception to expand a nonconforming use. The addition is for storage only. They have submitted a waiver request for the construction of sidewalks. The applicant is willing to make a contribution however given the way the site functions they can't build a sidewalk in front of the site. There will be no new employees or vehicle traffic. No increase in sewer or water associated with this addition.

Mr. Canaway asked why curbing could not be put in and have the cars park at a different orientation.

Mr. Auger said there is no existing parking striping on the lot right now. There is a requirement of 3 spaces. He showed on the map where they will be and where the trucks show up they need to back in and go. They need the space to get the vehicles in and for loading.

Alderman LaRose said he felt that a sidewalk there wasn't necessary and it would be better to accept the contribution where it is needed.

Mrs. Overby asked if they were opposed to fencing off the site.

Mr. Auger said that would be fine.

Gerald Prunier, Esq.

Atty Prunier asked if that was a fence in front of the building or continuing the fence that goes along the residential property.

Mrs. Overby said she would like to see the stockade fence continue alongside the abutting property and a chain link to fence off the front when it is not in use.

Atty Prunier said the applicant has been there for 30 years and they haven't had a problem. All they are looking to do is have more storage room above, not bringing in more trailers, or retail space.

Mrs. Wilbert said this is zoned General Business. It is next to residential zone, but it has been there for a long time.

Mr. Auger spoke in regards to Staff Stipulation #3. Jean Kennamer of the Traffic Department wanted the applicant to show a site distance line because the business on the corner is close to the property line and their parking spaces are on West Hollis and it is difficult to see pulling off Daniels Street. Mr. Auger said this has nothing to do with this project. Whether Mr. Lizzie put the addition on or leaves the site as is, if that is a problem for the City, that is going to remain there and feel it is no way related to this project and should not have to take on the liability.

Mr. Slivinski asked how much traffic do they get during the day.

Mr. Auger said basically this is the center of operations for garage door installation. The crews come there in the morning and pick up their supplies and the rest of the day the site is pretty empty. Customers do not come here. Employees are here at the beginning and end of the day.

Atty. Prunier said maybe once or twice a month a customer may come to pick up a part.

SPEAKING IN OPPOSITION OR WITH CONCERNS

No one

SPEAKING IN FAVOR OF THE PLAN

No one

Chair Dufour said this concludes the public hearing on this application. They will now carry the deliberations into the public meeting. The Board reserves the right to recall any party to this case for clarification.

MOTION by Mr. Canaway to approve New Business #3, Lizzie's Garage, 4 Daniels Street. It conforms to NRO 190-146(D) with the following stipulations and waivers.

1. Prior to the issuance of a certificate of occupancy the existing encroaching on-site storage trailer shall be removed from the site,(see note #17)and that this area be restored with landscaping to the satisfaction of the Planning Department, so as to enhance the visual appearance of the

site and buffer area along the Heritage Rail Trail to the immediate north.

2. Prior to the building permit being issued, documents pertaining to the stormwater operation and maintenance plan shall be recorded and all appropriate recording fees be submitted with the documents, refer to note # 18.
3. The waiver request for sidewalks is granted in lieu of a contribution of \$2,915.00.
4. Prior to the issuance of a building permit the applicant shall resolve any outstanding issues with Division of Public Works concerning sidewalks, curbing and the rain garden per the memo of July 3, 2008. That the rain garden design and any other landscaping features which are incorporated into the site plan be reviewed and acceptable to the Planning Department staff.
5. That a painted line be drawn on the pavement showing the limits of the property along the Daniels Street right-of way prior to the issuance of the certificate of occupancy.
6. All conditions of approval as stipulated by the Zoning Board of Adjustment May 13, 2008 approval are incorporated herein and made part of this site plan approval, refer to note # 2.
7. The building design façade features and materials as shown on the one page rendering and conveyed at the meeting to the Planning Board are incorporated as part of this approval.
8. The Planning Board require a fence of at least six feet in height along the south side of the abutting residential property to protect the integrity of this property in its current residential use. The location of the fence shall be approved by the Street Department, so not to be in the public right-of-way or impede snow removal operations.
9. That the engineer sign and stamp the site plan.
10. All notes and details included on the plan are incorporated by this reference as specific conditions of approval and compliance with these notes, details and other information is required. Non-compliance of the site plan may result in revoking of the site plan and or other penalties/fees that may apply. Note # 19 on the plan states: "With the exception of the storage trailer (see note No. 17), the existing conditions on-site are to remain as its." The Planning Board may want to amend this plan note based on their discussion of this plan.

11. That the construction of the addition conforms to all local and state building and fire codes.
12. That any minor changes to the plan be incorporated on the final plan including but not limited to: the note regarding the storage trailer, should say note #17, instead of note #7 and note #1 the square footage area be corrected.

SECONDED by Mrs. Wilbert

MOTION CARRIED UNANIMOUSLY

NEW BUSINESS - SITE PLANS

4. **Riverside Realty, LLC c/o MEG Asset Management, Inc (Owner) - Application acceptance and proposed site plan for the construction of a 2 story, 40,000 square foot medical office building with associated access, parking and site improvements. 15 Riverside Street, Sheet 75 - Lot 49, Zoned "PI" - Park Industrial.**

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

SECONDED by Mrs. Wilbert

MOTION CARRIED UNANIMOUSLY

Jim Petropulos, Hayner/Swanson, Inc.

The applicant is seeking site plan approval for a medical office building and site improvements. Back in 1988 there was a subdivision of this parcel. In April 2008 a use variance was granted by the ZBA for a medical office building. The property is 2 ½ acres and zoned Park Industrial. The site is relatively flat with sandy soil. It is being proposed to construct a two-story 32,000 square foot building with a basement of 8,000 square feet. The basement will be used for storage of records and utility rooms. Primary access to the site is through the 17 Riverside Street site. There will be signature there. They are proposing 64 parking spaces in front of building. There is access to rear parking, which is currently paved which will be primarily for employees. The code requires 88 parking spaces, they are proposing 90 spaces with 6 handicapped spaces, 4 in the front and 2 in the back. There will be joint access and joint parking between 15 Riverside and 17 Riverside. They grant an easement because the same owner owns both lots. There is a note on the site plan (note 24) that reads if one or two of these

properties are sold, those proper easements will be enacted. There is a front and rear entrance to the site. Back in 1998 they designed the treatment system in the front of the property to accommodate both sites. The roof runoff will be sent to a recharge basin in the front parking field. The parking lot runoff will be piped to the northwest corner of the site. They will be increasing the rate of runoff leaving the site. They will be treating the stormwater and the discharge to Mill Pond doesn't create an issue. They will not be impacting anybody downstream. The Traffic Department in review of this project agreed that there wouldn't be an overall impact to the local road system. Landscaping and lighting all conform to regulations. Four waivers are being requested.

SPEAKING IN OPPOSITION OR WITH CONCERNS

No one

SPEAKING IN FAVOR OF THE PLAN

No one

Chair Dufour said this concludes the public hearing on this application. They will now carry the deliberations into the public meeting. The Board reserves the right to recall any party to this case for clarification.

MOTION by Mr. Slivinski to approve New Business - #4 Site Plans for 17 Riverside Realty, LLC (Owner), 15 Riverside Street. It conforms to NRO 190-146(D) with the following stipulations and waivers:

1. That the waiver is granted for the following waiver requests:
 - A. 190:215- Stormwater runoff - increase in peak rates of runoff. A drainage study dated May 2007 provides a brief narrative to the drainage issues. The summary paragraph 10.0 page 5 states, "Even though our calculations indicate that there is an increase in peak rates of runoff leaving the site, we believe this design is responsible since the treated stormwater is eventually outletted into a water body that is large enough to accept the increase without creating any adverse downstream impacts."
 - B. 190-184 (C) (2)- In all zoning districts landscaping shall be required along all sides of a parking lot or paved drive that abuts adjoining property or a public right-of-way. The waiver is being requested as the rear of the

proposed building is a parking area and drive aisle that straddles the common property line of Lot 61. Since both lots will utilize this parking area, it is impractical to require a landscape island that would disrupt this parking configuration.

- C. 190-184(D)(1)- Interior landscaping, regarding not more than 10 parking spaces in a row unless planted. The proposed front parking lot contains 14 parking spaces in a row, divided by a painted island that provides pedestrians an easier access route to the front door. In addition, the landscape end islands to the east are slightly larger so that equivalent landscaping is provided.
- D. 190-172 (See letter for specific section references) Building Design, Nonresidential building (A-F). The reason for this request, as explained in the letter of July 24, 2008 is that the proposed building will match the general architectural elevations and details of the adjacent building located on 17 Riverside Street, which is under the same ownership of this project.
2. Prior to a building permit being issued, the comments identified in memo from the Traffic Department Jean Marie dated June 9, 2008 are addressed to the satisfaction of the Traffic Department.
 3. Prior to the issuance of a building permit the applicant shall resolve any outstanding issues with Division of Public Works per memo dated June 11, 2008.
 4. Considering the applicant is requesting a waiver to the building design elements, a revised lighting plan shall be submitted to conform to the NRO Article IX- Lighting 190-88 to 190-90 and 190-275. Said plan shall be reviewed and approved by Planning Department staff prior to the certificate of occupancy.
 5. Considering the applicant is requesting a waiver to the building design elements, a revised landscaping plan shall be submitted to conform to NRO Article XXVII- Landscaping. Said plan shall be reviewed and approved by Planning Department staff prior to the certificate of occupancy.
 6. That a detail of the proposed retaining wall be included on the final plan. The retaining wall shall be design and constructed according to applicable regulations.
 7. Prior to a building permit being issues, documents pertaining to stormwater operation and maintenance plan shall be

- recorded. All fees associated with recording of the documents shall also be submitted for the time of recording.
8. That the owner of lots (61 and 49) shall contact the Planning Department within 30 calendar days in the event the property is sold so as to insure compliance with note # 24 regarding the execution of cross access and parking easements.
 9. The shared parking spaces at the on the SW corner of lot 61 (existing medical office building) should be clearly identified as shared spaces on the plan.
 10. The final building design shall comply with Section 190-172 (F) Mechanical appurtenances- relative the placement and noise limits for such structures which may be incorporated.
 11. The Riverside Medical II building façade sign shall conform to the current sign regulations of the city.
 12. All notes and details included on the plan are incorporated by this reference as specific conditions of approval and compliance with these notes, details and other information is required. Non-compliance of the site plan may result in revoking of the site plan and or other penalties/fees that may apply.
 13. That any minor changes to the plan be incorporated in the final plan and reviewed by Planning Department staff.
 14. That the owner that signed the application provides documentation that he/she is authorized to sign the Planning Board application on behalf of the LLC. The members name is illegible on the application.
 15. That a copy of any applicable state permits and approvals are submitted and included in the Planning Department file upon receipt from said State Agency.

SECONDED by Mr. Latham

MOTION CARRIED UNANIMOUSLY

NEW BUSINESS - SITE PLANS

6. **Fleetboston c/o Bank of America (Owner) - Application acceptance and proposed site plan amendment to NR523 to show revised parking layout with associated access, drainage and site improvements. 500 Amherst Street, Sheet H - Lot 124, Zoned "GB" - General Business.**

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

SECONDED by Mrs. Wilbert

MOTION CARRIED UNANIMOUSLY

Andy Truman, Samiotes Consultants

They are here representing Bank of America. There are 3 existing curb cuts to the site. The bank would like to reconfigure the existing parking lot. The current lot is inefficient and there have been a number of accidents. The current landscaping is worn and will be improved. The driveways will be kept. The site is in the watershed district. They are not increasing impervious surface. They are requesting one waiver for lighting. They will be utilizing the current drainage system and installing 3 new catch basins that will be connected to the drainage system. They are not adding any buildings and the use will stay the same. They were asked to install a sidewalk by DPW but there is a future-widening project on 101A so it doesn't make sense to install one.

SPEAKING IN OPPOSITION OR WITH CONCERNS

No one

SPEAKING IN FAVOR OF THE PLAN

No one

Chair Dufour said this concludes the public hearing on this application. They will now carry the deliberations into the public meeting. The Board reserves the right to recall any party to this case for clarification.

MOTION by Mrs. Slivinski to approve New Business Site Plan, Bank of America (Owner), 500 Amherst Street. It conforms to NRO 190-146(D) with the following stipulation and waivers:

1. Prior to the issuance of a building permit documents pertaining to the stormwater operation and maintenance plan shall be recorded. (Declaration of Covenants and Restrictions and the Easement Documents).
2. The request for the waiver of Section 190-279 is granted.
3. Sidewalks are to be installed along Amherst Street and Deerwood Drive and coordinated with Department of Public Works.

SECONDED by Mrs. Wilbert

MOTION CARRIED UNANIMOUSLY

NEW BUSINESS - SITE PLANS

6. Riverwalk-Hudson, LLC (Owner) - Proposed amendment to NR2044 for the change of use from delicatessen to restaurant and show its hours of operation, and to change 1 unit from professional office to retail. 14A Broad Street, Sheet 62 - Lot 68, Zoned "RB" - Urban Residence and "GI" - General Industrial.

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

SECONDED by Alderman LaRose

MOTION CARRIED UNANIMOUSLY

Gerald Prunier, Esq.

This is a change of use plan. It is located in the front of 14A Broad Street. It was a deli and now it will be a restaurant and the hours will be extended. On June 10, 2008 the Zoning Board of Adjustment granted a use variance.

Chair Dufour read into the record a letter from Richard P. Goodwin, III, 9 Hardy Street, Nashua.

SPEAKING IN OPPOSITION OR WITH CONCERNS

No one

SPEAKING IN FAVOR OF THE PLAN

No one

Chair Dufour said this concludes the public hearing on this application. They will now carry the deliberations into the public meeting. The Board reserves the right to recall any party to this case for clarification.

Mr. Slivinski asked if they would be serving alcohol.

Atty Prunier said he didn't remember discussing that with the ZBA or it being a question by the ZBA. He didn't know if the tenant planned on serving alcohol.

Mr. Latham read from the ZBA minutes that the applicant testified that no liquor, beer or wine will be served at this time.

Atty. Prunier said he drafted the application to the ZBA and he didn't put anything in about liquor being served. At the other end of 14A Broad Street the owner was going to have his office there and instead has retail there and it has been there for a long time.

MOTION by Mr. Slivinski to approve New Business #6 - Site Plans, Riverwalk-Hudson, LLC (Owner), 14A Broad Street. It conforms to NRO 190-146(D) with the following stipulations and waivers:

1. All prior stipulations of approval remain in place unless otherwise determined by the Planning Board.

SECONDED by Mr. Lowe

MOTION CARRIED UNANIMOUSLY

OTHER BUSINESS

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

There are none

MOTION CARRIED UNANIMOUSLY

DISCUSSION ITEMS

Flag Lots

MOTION TO ADJOURN by Mr. Lowe to adjourn at 9:40 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