

EXPANDED DRAFT MEETING SUMMARY
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NASHUA CITY PLANNING BOARD
September 11, 2008

The regularly scheduled meeting of the Nashua City Planning Board was held on Thursday, September 11, 2008 at 7:00 PM in the auditorium at City Hall.

Members Present: Jody Wilbert, Mayor's Rep
 Ken Dufour, Chair
 Bob Canaway, Secretary
 Steve Dookran, City Engineer
 George Torosian
 Mike Lowe
 Cynthia Overby (arrived late)

Due to the absence of regular Board Members, Mrs. Overby will be voting.

Also Present: Roger Houston, Planning Director
 Mike Yeomans, Deputy Planning Manager
 Lucy St. John, Deputy Planning Manager

Approval of Minutes

August 7, 2008

MOTION by Mrs. Wilbert to approve the minutes of August 7, 2008, waive the reading and place on file.

SECONDED by Mr. Lowe

MOTION CARRIED 5-0-1 (Mr. Torosian abstained)

August 21, 2008

MOTION by Mrs. Wilbert to approve the minutes of August 21, 2008, waive the reading and place on file.

SECONDED by Mr. Lowe

MOTION CARRIED 4-0-2 (Mr. Torosian and Mr. Dookran abstained)

REPORT OF CHAIR, COMMITTEE & LIASON

Change of date for the NRPC was moved from September 17, 2008 to October 15, 2008 due to their moving.

NCPB

September 11, 2008

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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 PLANS

None

OLD BUSINESS - SITE PLANS

None

NEW BUSINESS - CONDITIONAL/SPECIAL USE PERMITS

None

Mrs. Overby has joined the meeting and will be voting.

NEW BUSINESS - SUBDIVISION PLANS

- 1. The Stabile Companies (Applicant) Virginia D. Stabile Revocable Trustee (Owner) - Application acceptance and proposed subdivision of one lot into three. 52 Indian Rock Road, Sheet F - Lot 100, Zoned "R30" - Suburban Residence. (Tabled/Postponed from the August 7, 2008 Meeting)**

Jim Petropoulos, Hayner/Swanson, Inc.

Mr. Petropoulos is representing the applicant. The purpose of this plan is for subdivision approval of a 4.6 acre property. The lot currently contains a single family home with a driveway. There is a driveway that runs through the site in an existing easement that services another 5 acre single family home to the south. There are no sewers or municipal water. It is being proposed to subdivide this lot into 3 lots. The middle lot will contain the existing home. It is unclear at this time if the house will remain or be torn down and a new one will be built. Each home will have to have its own sprinkler system. Back in 2004 the Board approved a 9 lot subdivision on Indian Rock Road. A public road was to be built from the end of Indian Rock Road into Deerwood Drive and Massasoit Road. In 2006 the Kreicks purchased the property and it was their goal to build less than the 9 lots. In 2008 Mr. Kreick revoked the 6 lot subdivision and public road improvements in the Nashua portion of the property. The portion in Hollis has not yet been revoked but is planned to be. There is about 700 feet of Indian Rock Road that was originally built, however lack of maintenance for 40 years has made it impassable. When Mr. Kreick came in for his single family house lot, the City requested he upgraded the road. In June an agreement was reached between Mr. Kreick, Mr. Stabile and the City that those two parties would construct 700 feet of

Indian Rock Road to a t-turnaround. That gives life safety vehicles a turning movement and for snow plow vehicles. The applicant is seeking three waivers. They wish to waive the sidewalk contribution and construction because there are no sidewalks in any of the streets out in that area. Putting a 700 foot sidewalk out there doesn't make sense. In 2004, the 9 lot subdivision, the Planning Board approved a waiver of sidewalk and contribution for that project. Since the Planning Board waived this before, they should waive it now for a less intense development. The applicant's contribution is his involvement of Indian Rock Road and the t-turnaround. It is about \$120,000 venture in which Mr. Kreick is paying half and Mr. Stabile is paying half.

Mr. Canaway what would the applicant have to do to make the road accessible in their current state.

Mr. Petropoulos showed on the map where it is paved and where the driveways are on the lots.

Mrs. Wilbert asked Mr. Petropoulos if because this project will incur so much expense for the sidewalk, and because there are no sidewalks out there anyway, the Board should waive the sidewalk requirement or donation.

Mr. Petropoulos said yes. Also because when this came before the board as a 9-lot subdivision, the sidewalks requirement was waived.

Mr. Lowe asked what would happen to Deerwood Drive.

Mr. Petropoulos said it stops at the Hollis line and runs to the airport. A chunk of it was discontinued and on the other side of the airport fence is Deerwood Drive that goes to Amherst Street. It would take research to determine the legal status.

SPEAKING IN OPPOSITION OR WITH CONCERNS

Peter LaBombard, 66 Meadowcrest Drive, Bedford, NH

Mr. LaBombard is the trustee of the abutting property to the south. They have no objection to this plan. The one issue that needs to be looked at is the shared driveway easement and that it not be harmed in any way. They would like to be able to continue from the t-crossing going down Deerwood so they could subdivide his lot.

SPEAKING IN FAVOR OF THE PLAN

Mr. Petropoulos said nothing they are planning on doing would impair the easement.

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 go back into the Public Hearing.

SECONDED by Mr. Lowe

MOTION CARRIED UNANIMOUSLY

Mr. Petropoulos said that the staff report identifies their frontage as being Indian Rock Road and a portion of South Deerwood Drive. There is about 100 feet of frontage on the paper street and that has been included in the contribution. Mr. Petropoulos said he would like the Board to consider not having to pay that portion. At \$50 a foot, it is \$35,000 plus his client's contribution of Indian Rock Road in order to get two additional lots; it would be \$100,000 to his client. They are in the R-30 zone and the minimum lot width is 130 feet, two times a 130 feet is 260 feet. If you times 260 feet by the \$50 a foot sidewalk contribution is \$13,000. That would be reasonable amount to ask for.

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 #1 Subdivision Plan It conforms to NRO 190-138(g) with the following stipulations and waivers:

1. Prior to the plan being recorded, road improvements to Indian Rock Road and South Deerwood Drive shall be bonded as determined by the Division of Public Works. Bonding for work in the public right-of-way shall be approved by the Division of Public Works and Corporation Counsel, if required
2. Prior to the plan being recorded the stormwater operation and maintenance plan shall be reviewed and recorded with the plan.

3. Prior to the plan being recorded the applicant shall resolve any outstanding issues with the Division of Public Works.
4. Prior to the issuance of a certificate of occupancy for new residences on Lot 100, 1635 or 1636, Map F, all work within the public right-of-way shall be completed to the satisfaction of the Division of Public Works.
5. That a waiver of the street lights be granted, and to exceed the maximum street length is granted.
6. The request for waiver of sidewalk construction is denied but that a contribution in lieu of construction is granted based on the frontage on Indian Rock Road.
7. The construction of the T-turnaround is granted.
8. A revised grading plan shall be submitted for each house should the location change as shown on this plan.

SECONDED by Mr. Lowe

MOTION CARRIED UNANIMOUSLY

NEW BUSINESS - SITE PLANS

2. **Talaria Realty, LLC (Owner) - Application acceptance and re-approval of amendment to NR936 for the removal of an existing building (19 Otterson Street) and the construction of 15 parking spaces, with associated site improvements. 19 & 21 East Otterson Street, Sheet 17 - Lot 15 and Sheet 18 - Lot 9, Zoned "D3/MU" - Downtown 3/Mixed Use. (Approved on June 21, 2007) (Tabled/Postponed from the August 7, 2008 Meeting)**

MOTION by Mrs. Wilbert to remove from the table.

SECONDED BY Mr. Lowe

MOTION CARRIED UNANIMOUSLY

Stephan Toth, Toth Engineering

With Mr. Toth tonight is Keith Kennelly from Talaria Realty. They were in front on the Board last year when this plan was approved. Due to economic conditions, the applicant was unable to start this project until June of this year. They have to come back to the Board for approval. The plans are the same as the plans that were approved last year. They had requested the meeting be tabled last month because they met with John Roberts of 300 Main Street Shopping Center because he had some concerns

about the project and had asked for some minor changes. Some of it is administrative. They had proposed to build a sidewalk along Fletcher Way. It turns out Mr. Roberts owns Fletcher Way and it is a private way, not a public street. They are getting a temporary construction easement from Mr. Roberts to allow them during construction to restore the area where a catch basin is located. The drainage goes down Fletcher Way to the catch basins and they want to add a bituminous lip to direct the drainage.

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. Lowe to approve New Business #2 Talaria Realty, LLC (Owner), 19 East Otterson Street, "D3/MU" - Downtown 3/Mixed Use. It conforms to NRO 190-146D and 190-23 with the following stipulations and waivers:

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

SECONDED by Mr. Canaway

MOTION CARRIED UNANIMOUSLY

OTHER BUSINESS

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

None

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

SECONDED by Mr. Torosian

MOTION CARRIED UNANIMOUSLY

2. Referral from the Board of Alderman of proposed request for Full Waiver of School Impact Fee - 681 West Hollis Street.

Mr. Torosian recused himself from voting

MOTION by Mr. Lowe for a favorable recommendation.

SECONDED by Mrs. Wilbert

MOTION CARRIED UNANIMOUSLY

3. Lower Merrimack River Local Advisory Committee of the May 2008 Lower Merrimack River Corridor Management Plan.

Bob Robbins, Chairman of the Lower Merrimack River Local Advisory Committee gave a laptop presentation.

DISCUSSION ITEMS

Letter from Great Nashua Workforce Housing Coalition

MOTION TO ADJOURN by Mr. Lowe at 9:10 p.m.

APPROVED:

Ken Dufour, Chair, Nashua Planning Board

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Taped Meeting