

NASHUA CITY PLANNING BOARD
October 2, 2008

The regularly scheduled meeting of the Nashua City Planning Board was held on Thursday, October 2, 2008 at 7:00 PM in the auditorium at City Hall.

Members Present: Ken Dufour, Chair
Bob Canaway, Secretary
Steve Dookran, City Engineer
George Torosian
Daniel Latham
Cynthia Overby

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

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

Approval of Minutes

September 11, 2008

MOTION by Mr. Canaway to approve the minutes of September 11, 2008, waive the reading and place on file.

SECONDED by Mr. Torosian

MOTION CARRIED UNANIMOUSLY

COMMUNICATIONS

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

- Preliminary Agenda to determine items of 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. 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. Mark and Wilfrid Piekarski (Owners) - Application and acceptance of proposed conditional use permit to expand parking for automotive repair facility. 561 Amherst Street, Sheet H - Lot 50, Zoned "PI" - Park Industrial. Ward 2.

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

SECONDED by Mr. Latham

MOTION CARRIED UNANIMOUSLY

Together with

NEW BUSINESS - SUBDIVISION PLANS

3. Mark and Wilfrid Piekarski and Piekarski Realty Holdings, LLC (Owners) - Application and acceptance of proposed lot line relocation. 559 and 561 Amherst Street, Sheet H - Lot 49 and 50, Zoned "PI" - Park Industrial. Ward 2.

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

SECONDED by Mr. Latham

MOTION CARRIED UNANIMOUSLY

Together with

NEW BUSINESS - SITE PLANS

4. Mark and Wilfrid Piekarski (Owners) - Application and acceptance of proposed amendment to NR1776 to show the construction of 28 new parking spaces with drainage improvements. 561 Amherst Street, Sheet H - Lot 50, Zoned "PI" - Park Industrial. Ward 2.

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

SECONDED by Mr. Latham

MOTION CARRIED UNANIMOUSLY

Richard Maynard, Maynard & Paquette

The purpose of the three planning board items is a conditional use permit, lot line relocation, and a site plan amendment. The applicant wishes to raze the existing residence on Lot 49 and add 40 feet of land to the Gate City Collision, located on Lot 50. The rear vehicle storage parking lot will be consolidated with the remaining house lot. The conditional use permit is to expand the Gate City Collision site and expand parking to add 28 parking spaces for a total of 67 spaces. The ordinance allows a maximum of 31 spaces so the applicant is requesting a waiver. The stormwater management will be increased by adding 5 leaching catch basins and interconnecting with perforated pipes with overflow to the City drain system. Ground water infiltration and sediment control will also be accomplished with this system.

Mr. Dookran asked if the groundwater is high.

Mr. Maynard said it is very low. There is very sandy, well draining soils on this site. They have had test pits.

Mr. Dookran said since they are adding 10,000 square feet of impervious surface, he wasn't convinced that what is being proposed manages the peak generated.

Mr. Maynard said he didn't have the drainage calculations with him, but there is more than enough leaching to accomplish what is needed. The calculations were submitted to Engineering and Pennichuck and were reviewed.

Mr. Dookran said that a right-of-way would be required when the road is widened. Can the applicant make a better commitment that the right-of-way would be given to the City.

Mr. Maynard said there is no commitment to give the City anything. They will work with the City to minimize any impacts.

Mr. Dookran asked if the improvements are falling outside of the highway expansion.

Mr. Maynard said there are no improvements being made in the setback.

Mr. Dookran asked Staff if the lighting plan has to address existing lighting.

Mr. Yeomans said they typically don't, whatever is there is a pre-existing condition.

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.

Mrs. Overby asked about sidewalks

Mr. Yeomans said there is an existing sidewalk already there.

MOTION by Mr. Canaway to approve New Business #1 - Conditional/Special Use Permit, Mark and Wilfrid Piekarski, 561 Amherst Street. It conforms to NRO 190-133(F) with no stipulations or waivers.

SECONDED by Mr. Latham

MOTION CARRIED UNANIMOUSLY

MOTION by Canaway to approve New Business #3 - Lot Line Relocation, Mark and Wilfrid Piekarski and Piekarski Realty Holdings, LLC, 559 & 561 Amherst Street. It conforms to NRO 190-138(g) with the following stipulations and waivers:

1. Prior to this plan being recorded all structures shall be demolished as shown and debris properly disposed.

SECONDED by Mr. Latham

MOTION CARRIED UNANIMOUSLY

MOTION by Mr. Canaway to approve New Business #4 - Site Plan, Mark and Wilfrid Piekarski, 561 Amherst Street. It conforms to NRO 190-146(d) with the following stipulations and waivers:

1. Prior to any work being conducted a pre-construction conference shall be held with City staff to review erosion control measures and other construction requirements. Erosion control shall be put in place prior to the start of construction.
2. Prior to a building permit being issued documents pertaining to the storm water operation and maintenance plan shall be recorded.
3. The waiver request for additional off-street parking spaces, Sec. 190-189 is granted.

SECONDED by Mr. Latham

MOTION CARRIED (4 to 2)

NEW BUSINESS - SUBDIVISION PLANS

2. Roman Catholic Bishop of Manchester and Finance & Real Estate Office (Owners) - Application and acceptance of proposed subdivision of 1 lot into 2. 61 Pine Hill Road, Sheet E - Lot 45, Zoned "AI" - Airport Industrial and "R9" Suburban Residence, Ward 1.

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

SECONDED by Mr. Canaway

MOTION CARRIED UNANIMOUSLY

Peter Weeks, Cuoco & Cormier

Lot 45 presently has 525,641 square feet and consists of existing cemetery, function hall and assorted buildings known as Pulaski Park. They are looking to subdivide the lot in order to make the cemetery and park separate entities. Lot 45 is divided into two zones. The cemetery is mainly in the R9 zone and the majority of the park is in the AI zone. They are proposing a 6-foot stockade fence. Both lots meet zoning requirements. They are requesting 9 waivers.

Mr. Dookran asked what the reason was for the subdivision.

Mr. Weeks said it was just to separate the cemetery from the park.

SPEAKING IN OPPOSITION OR WITH CONCERNS

Mark Cookson, 18 Inca Drive

Alderman Cookson read a letter from Mr. Richard Kobe, II, 54 Pine Hill Road into the record. Mr. Kobe is an abutter to this property and is against the subdivision.

Alderman Cookson had concerns regarding the waivers and split zone properties and if this property would be grandfathered.

Mr. Yeomans said these waivers are part of the checklist that Planning has to address. These are reasonable and logical requests to ask for. This is a simple subdivision plan. Mr. Yeomans said all stipulations are part of a plan approval. Whoever buys the property would be subject to the conditions of the site plan or subdivision plan. There are some proposed ordinance amendments to eliminate that provision of the code which deals with split zoned properties. If there is a change of ordinance and you have existing conditions they would have to comply with the new laws.

Mr. Houston suggested to Chair Dufour he seek a legal opinion on that.

SPEAKING IN FAVOR OF THE PLAN

Peter Weeks, Cuoco & Cormier

If the waiver for sidewalks is not granted, could there be a stipulation on the plan that future development occurs that the donation could be made. Just for the donation it would be \$47,000 and it is a lot of money.

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. Torosian to approve New Business #2 - Subdivision Plan, Roman Catholic Bishop of Manchester, subdivide 1 lot into 2, 61 Pine Hill Road. It meets NRO 190-138(G) with the following stipulations and waivers:

1. Prior to any new development, change of use or expansion of use to other than a place of religious worship, (i.e. church) on Lot 2223, the applicant shall submit a site plan to the

Planning Board for review and approval and maybe subject to the Zoning Board of Adjustment approvals and other zoning provisions.

2. Prior to any new development on Lot 2223, the existing wetlands shall be delineated by a wetland scientist.
3. Prior to recording the plan all stipulations shall be noted on the plan.
4. Prior to recording the plan the applicant shall add a note to the plans stating the date the bounds were set.
5. The request for the waiver from building sidewalks and the contribution to the sidewalk fund to be shown is not granted. Payment in the amount of \$47,100 will be due upon the recording of the subdivision plan.
6. The request for the waiver of Section (NRO Section 190-111) Wetlands, to be shown is granted.
7. The request for the waiver of Section (NRO Section 190-180) Landscape, Applicability to be shown is granted.
8. The request for the waiver of Section (NRO Section 190-214) Stormwater Management, Design Standards to be shown is granted.
9. The request for the waiver of Section (NRO Section 190-281-D(10), (14), (19), (53), (54) Subdivision Plans, Design Review to be shown is granted.

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 on proposed R-08-114 - Requesting Planning Board amend the Downtown Master Plan by removing the discussion of the extension of the Henri A. Burque Highway through a residential neighborhood and across the Merrimack River

David Deane, 56 Manchester Street

Alderman Deane said he thought this portion of the master plan should be amended. He would like the Planning Board's support on this and send a positive recommendation to the Board of Alderman to remove certain language relative to the extension of Henri Burque Highway.

Chair Dufour asked what the motivation is for this legislation. How can the Board of Alderman can change the master plan because the Planning Board submitted the master plan for the Board of Alderman approval. Can they change it without the Planning Board approval. The master plan is used as a guide. Some words can be removed out of the master plan, but if the forces are strong enough to dictate a highway through any neighborhood in Nashua, the fact that these words are taken out, is insignificant.

Alderman Deane said taking the language out of the master plan takes out the opportunity.

Mr. Canaway asked if this resolution was a request. If the Board of Alderman pass this resolution would the Planning Board get a letter asking the Planning Department to update the master plan.

Alderman Deane said yes it was a request and then the Planning Board would begin the process of updating the master plan.

Mr. Canaway said that the Board needs to open the process up because there is a contradiction within the guides.

Mr. Dufour asked what that conflict is and the Board can review it.

Mr. Dookran asked what the motivation for this.

Alderman Deane said it was time to adjust the master plan to remove this so the bridge won't be built and there won't be a need to disrupt a neighborhood.

SPEAKING IN FAVOR OF THIS LEGISLATION

Dan Richardson, 70 Berkeley Street

Mr. Richardson is concerned with the issue of traffic being dispersed onto Concord Street. There was no mention in the 2000 City Master Plan of extending Henri Burque Highway through this residential neighborhood. In 2003 the Downtown Master Plan was updated for the downtown area and the only element that is not downtown is the Henri Burque Highway. Last year there was a plan to take 18 houses and put 4 lanes of traffic by Pennichuck Junior High School and dump traffic onto Concord Street. Mr. Richardson requested that the Planning Board take their responsibility with the request and remove from the downtown master plan this provision for an alternative for what has been in the city's 2000 master plan.

Gene Porter, 77 Concord Street

Mr. Porter is not asking the Planning Board to decide the next route of the next bridge, rather being he asked that the Planning Board make a small administrative correction to the downtown master plan to bring it in conformance with the city master plan and the state transportation plan.

Roy Lockwood, 39 Syracuse Road

Mr. Lockwood said if this is removed from the master plan doesn't mean it will never happen. If there is a chance to do some good for the city and state they will take that opportunity. He supports Alderman Deane's recommendation to remove this portion of the master plan.

Carmilla Lockwood, 39 Syracuse Road

Mrs. Lockwood said they she believed there is a need for another bridge, but not through this neighborhood.

SPEAKING IN OPPOSITION OR WITH CONCERNS

No one.

MOTION by Mr. Canaway for a favorable recommendation to R-08-114 to the Board of Alderman

SECONDED by Mr. Torosian

MOTION CARRIED UNANIMOUSLY

DISCUSSION ITEMS

91 Gilson Road - Proposed Subdivision

Bob Cormier, Cuoco & Cormier

Mr. Cormier is representing Mr. Peter Lehoullier that has an existing home on Gilson Road and is looking for some guidance to subdivide property. There is no public sewer but there is public water. They have 3 potential lots for this land. It is their understanding they would have to construct dry sewer for future use. Jon Lebrun is looking for an easement for the interceptor that would come through. The sidewalk contribution would be \$37,000. They received an estimate from Jennings Excavation for the dry sewer, manholes, asphalt and asphalt sidewalk of \$184,000. The total value of the improvements are above the real estate value, which seems unfair. Mr. Cormier asked if they could have a waiver for dry sewers given the circumstances.

Chair Dufour asked if the two issues are sidewalks and dry sewer.

Mr. Cormier said yes and the manner in which they divide the subdivision. The way the ordinance reads today they can if they subdivide into just two lots and wait 2 years, they won't have to put in the dry sewer. But the applicant wishes to get the whole planning board process done at the present.

Chair Dufour said at the last meeting they had the same sidewalk situation where the frontage was even greater and the Board required the sidewalk contribution.

Mr. Cormier asked if the Board would consider waiving the dry sewer in lieu of easement for a future interceptor.

Ed Lehoullier, Hollis

Mr. Lehoullier's son, Peter, owns the property. He said they are looking at constructing the sidewalk and looking for a waiver of the dry sewer in exchange of an easement for future construction.

Mr. Canaway said he thought it comes down to what is fair and equitable and in the long-term interest of the city.

Mr. Dookran said he hasn't looked at this in any detail. He would have to look at it more closely.

Chair Dufour said it would be up to Mr. Dookran and his department to look at this and decide to just to the easement, waive the dry sewer and eventually when those people want to get hooked up to sewer, then charge them.

Mr. Cormier said they have met with Jon Lebrun twice. Mr. Lebrun has said the rules are the rules and that's why they are here to see if the Planning Board will waive this.

Chair Dufour said his thought was to get the easement, forgo the dry sewer and have them put in septic.

Mr. Canaway said this is discussion and without all the information this sounds reasonable and is leaning towards Chair Dufour's opinion. But if Mr. Lebrun comes back with material that would sway his opinion, it could change his opinion.

Chair Dufour asked when they would they be back to the Planning Board.

Mr. Cormier said in a couple of months.

Mr. Dookran said if there were a vote he might have a different opinion then tonight.

MOTION TO ADJOURN by Mr. Canaway at 10:35 p.m.

APPROVED:

Ken Dufour, Chair, Nashua Planning Board

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