

NASHUA CITY PLANNING BOARD
January 8, 2009

The regularly scheduled meeting of the Nashua City Planning Board was held on Thursday, January 8, 2009 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

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

Approval of Minutes

August 21, 2008 (Corrected)

Mr. Dufour asked what was corrected about this?

Mrs. St. John said there was a small glitch and part of the discussion regarding the stipulation regarding that right turn lane and all of that and that wasn't included in the minutes and basically what happened I reviewed what was there because it was brought to my attention as they were preparing their final plans to bring in for signature and things of that nature so we went back, reviewed the minutes, I redrafted these and included much more of the discussion that occurred on that subject and some other elements regarding handicapped parking and just made them a little bit more detailed then was previously submitted to you back in August or September.

MOTION by Mr. Canaway to approve the corrected minutes of August 21, 2008, waive the reading and place on file.

SECONDED by Mr. Latham

MOTION CARRIED 4-0-1 (Mr. Dookran abstained)

COMMUNICATIONS

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

e-mail that was sent to Chris Sullivan in our office concerning a concern from an abutter, Sandy Belknap, at 40 Fairmount Street and she has concern in oppositions to the subdivision on Fairmount Street before you tonight. That is in your file to review when you take that item up.

REPORT OF CHAIR, COMMITTEE & LIASON

Mrs. Canaway said NRPC is having the legislative forum next Thursday at the Anheuser Busch at 6:30 if anybody is interested.

Mr. Houston said it is 6:30 and can e-mail you the notice. He said he just received one today in the mail.

PROCEDURES OF THE MEETING

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

After the legal notice of each conditional, special use permit, site plan or subdivision plan is read by the Chair, the Board will determine if that the application is complete and ready for the Board to take jurisdiction. The public hearing will begin at which time 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 or 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. Please 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 public testimony will come from anyone wishing to speak in favor of the plan. The applicant will then be allowed a rebuttal period at which time they shall speak to any issues or concerns raised by prior public testimony.

One public member will then be granted an opportunity to speak to those issues brought by the applicant during their rebuttal period. The Board will then ask any relevant follow-up questions of the applicant if need be.

After this is completed the public hearing will end and the Board will resume the public meeting at which time the Board will deliberate and vote on the application before us. The Board asks that both sides keep their remarks to the subject at hand and try not to repeat what has already been said.

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 conditional, special use permits, site plans and subdivisions. Thank you for your interest and courteous attention. Please turn off your cell phones and pagers at this time.

OLD BUSINESS - CONDITIONAL/SPECIAL USE PERMITS

None

OLD BUSINESS - SUBDIVISION PLANS

None

OLD BUSINESS - SITE PLANS

None

NEW BUSINESS - CONDITIONAL/SPECIAL USE PERMITS

None

NEW BUSINESS - SUBDIVISION PLANS

1. **The Estate of Eileen M. Tamposi (Owner) - Application and acceptance of proposed subdivision plan to create a three (3) lot subdivision including one lot with the existing single-family home. Property located at 55 Baldwin Street, Sheet 62 - Lot 196, Zoned "RB" - Urban Residence. Ward 4**

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

Carl Foley, Meridian Land Services

Mr. Foley said he is here representing the estate of Eileen Tamposi. As mentioned we are here tonight for a three lot subdivision at the corner of Fairmount and Baldwin Streets. The current acreage of the parcel is 1.641 acres. What we are proposing are two new lots, here, which are 10,200 square feet, 10237 square feet. We do have an existing drive here. Utilities are shown and I can go to what we are going to be proposing here. What we are proposing again two lots. We are going to use the curb cut here, the existing curb cut as access to this lot as it is facing Baldwin Street. We have a curb cut here off Fairmount Street accessing a home here. We have spoken to or had conversations with the traffic department. We have no problems with the stipulations and conditions that have been brought forth through all staff. We have no problems with that. I did have a meeting with Mr. LeBrun this morning with regards to some clean up items. I direct your attention to the sidewalks here. That was the main concern. The plans that you have currently show the sidewalks cut off before the driveways. They have now been extended the driveways with the proper handicap access ramps to them. This was extended out here. Curb line is to be added along the pavement as shown. Before it was in this area here. We do not anticipate any road realignments or reconstruction in this area what's so ever. The lots will be serviced by sewer and water as shown here off of Baldwin and here off of Fairmount Street. The area shaded in green the existing drive is to be paved, seeded and loamed as shown. I think that basically covers the proposed lots and I can answer any questions the Board may have at this time.

Mr. Dufour asked if those lots, the new lots, are they are going to be single-family homes?

Mr. Foley said that is correct.

Mr. Dookran said you had a discussion with Mr. LeBrun. Instead of having the rounding like you had before, now you just follow the existing edge?

Mr. Foley said you follow the existing edge of pavement. That is correct.

Mr. Dookran asked if Mr. Foley if they were putting curb along that edge.

Mr. Foley said they are putting curb along that that edge, yes.

Mr. Dookran said that didn't look to clean to him.

Mr. Foley said it is just following the existing pavement. We certainly can show it the revised plan that it is a clean rounding in that area. He did mention to show he would like an 18-inch saw cut at the pavement. I showed that in the detail that is not on that plan, it is on this plan. This is another request from Mr. LeBrun. He wanted a detail of the sidewalk curb cut. In addition to that I don't believe your plan shows access to the street. I think they were just truncated in the dirt so we brought them out to the street on either end of the project.

Mr. Dookran said around this corner here, that northwest corner, there are some trees. All those trees will be gone? Roadside?

Mr. Foley said what he has done is showed this area in here for site distance to make sure he can maintain site distance. The same thing in this area here. A little bit here clean up is shown on the plans as just an (unintelligible) area to clean back the brush and any trees that are obstructing the safe site distance.

Mr. Dookran said he didn't have a lot of discussion with Mr. LeBrun but something that we want to look a little bit further as the plan gets finalized to be built is to make sure it is coordinated with the Broad Street Parkway. The Broad Street Parkway intends to replaced the bridge on Baldwin Street and the alignment may not change as it approaches these homes, even the existing home, but we just need to double check to make sure. I don't expect a lot of changes as it comes.

Mr. Foley asked Mr. Dookran if he was referring to the bridge that is on Baldwin Street.

Mr. Dookran said yes. The bridge, according to the conceptual plan that exists today is that it is going to be widened. There will be a two-lane bridge. It will also be raised so it provides the right amount of vertical clearance over the railroad. That realignment may come close to where you are but it may not impact any of the work you are doing.

Mr. Dufour asked if there were any more questions for the engineer. Does staff have anything to add?

Mrs. St. John said she does not have any additional questions or comments.

SPEAKING IN OPPOSITION OR WITH CONCERNS

David Gleneck, 34 Tampa Street

Mr. Gleneck said he doesn't have any opposition but does have a couple of questions. Relative to the trees on the corner, what is happening to them?

Mr. Foley said the trees at the immediate corner, which we just discussed? They will be trimmed back to maintain safe site distance for the new driveway off of Fairmount Street.

Mr. Gleneck said that new driveway is going to be a problem. There has been quite a few accidents at that intersection and it is because there is a blind spot because of the trees. So I am trying to find out in that driveway location is that a spot where it is pretty much blind to people coming around?

Mr. Foley asked if it the proposed driveway?

Mr. Gleneck said the proposed driveway, on the one on the corner.

Mr. Dufour said Mr. Gleneck is asking the questions, we don't have a lot speakers, so I am allowing this back and forth so he can get his answers right away. Mr. Gleneck is asking the questions, Mr. Foley from Meridian is answering them just so the stenographer gets this correct.

Mr. Gleneck said he is concerned about the blind spot that is going to occur that is there now and whether that is still going to be there.

Mr. Foley said whatever blind spot is there for this driveway, the proposed driveway, will be taken care of.

Mr. Gleneck said you are not answering my question. There are trees there on the corner, which creates a blind spot.

Mr. Foley said these plans have gone to the traffic department, the traffic engineer, which they have approved these plans.

Mr. Gleneck said but they don't live there. I live there.

Mr. Foley said he is just answering the question, sir. These trees and that brush need to be removed to maintain safe site distance.

Mr. Gleneck asked if they are removing the trees from that corner?

Mr. Foley said they need to be removed, yes.

Mr. Gleneck said that is what he is trying to find out. Mr. Gleneck said that Mr. Dookran mentioned about the realignment. The realignment is coming off the opposite side of the street. They are going to take 16 feet wide from his property to make the road wider and line up with Intervale Street. That's what their plans were.

SPEAKING IN FAVOR OF THE PLAN

None

Mr. Houston asked Mr. Dufour if he wanted to read that communication.

Mr. Dufour said he has a letter here, as Roger alluded to, from Sandy Belknap, 40 Fairmount Street in Nashua. This was in our packets. Mr. Dufour said she opposes this proposal. She states, I am not going to read it verbatim, but she has several reasons, but the three key ones are she notes other subdivisions that have taken place over the past several years at the corners of Fairmount and Intervale and she feels that those have negatively impacted the aesthetics as well as topography of the area. Neighborhood infrastructure, she is concerned about this. She states the only entrances and exits from our neighborhood are over the Baldwin Street and Fairmount Street Bridge. She talks about the traffic on the narrow streets and the third reason she eludes to the Mohawk Tannery and Broad Street Parkway. She views those as being unsettled issues and feels and we should not move forward until these issues have been resolved. We all have a copy of this letter and the time to review it. Does staff have anything else to add?

Mrs. St. John said no Mr. Chairman.

Mr. Canaway asked Mr. Foley on these proposed driveways, potential driveways is what you put on the plan, the turnarounds, will those remain?

Mr. Foley said yes.

Chair Dufour said this concludes the public hearing on this application. We will now carry the deliberations into our public

meeting. The Board reserves the right to recall any party to this case for clarification.

Mr. Dufour said before us is this subdivision of one lot into three. There are five staff recommendations. We discussed at the direction of the city engineer the fact that the applicant should review prior to the subdivision moving forward that the applicant should review with the city engineering department any impact of this development caused by the currently designed Broad Street Parkway. Did I word that properly?

Mr. Canaway asked if there was also a concern from the city engineer about making sure that corner is rounded?

Mr. Dookran said any contractor will probably try to make it nice, smooth, rounding (unintelligible) not the jagged way it is today. I believe it is all stop control in all directions? No? Maybe rounding might surface better if they rounded properly.

Mr. Dufour said the plan shows it rounded, correct? That is how I interpret?

Mr. Dookran said no, they are keeping the existing edge the same.

Mr. Canaway said that the plan that we have here shows it rounded. As it is displayed up there, it looks like the existing condition.

Mr. Dookran said he understands Mr. LeBrun asked for that but I can talk to Mr. LeBrun. We can come to a compromise with that.

Mr. Torosian said before us right now is strictly a subdivision. So when the applicant talks about a potential driveway, it is merely that, potential.

Mr. Dufour said the plan shows a driveway.

Mr. Torosian said this is just a subdivision. This is not a site plan. So will this come back when the homes are being built?

Mrs. St. John said no.

Mr. Torosian said potentially the driveways could be moved. Correct?

Mr. Houston said when we look at these I mean there are only so many ways you can, the one lot can only access out. We would hold them pretty much to this layout to try to keep the driveways away from the intersection. The driveways also have turnarounds, which is another thing that we ask the developers provide because that way especially near an intersection people can drive out. They aren't backing out into a street. Someone is turning to go to a corner or something like that. If you want to stipulate that the driveways will be shown that is certainly something you can do as a clarification just like the landscaping on the corner. If you want to have that prior to issuance of the CO then make sure the traffic department reviews the visibility at the intersection.

MOTION by Mr. Canaway to approve New Business #1 Subdivision Plans, The Estate of Eileen M. Tamposi application acceptance proposed subdivision plan to create three lot subdivision including one lot with the existing single-family home located at 55 Baldwin Street, Sheet 62, Lot 196, zoned "RB" - Urban Residence, Ward 4. It conforms to NRO 190-138(G) with the following stipulations and waivers:

1. Prior to recording the plan, the stipulations of approval shall be duly included on the final plan.
2. Prior to recording the plan the applicant shall add a note to the plans stating the date the bounds were set.
3. Prior to recording the plan, final approval from the Division of Public Works and the Traffic Department shall be obtained.
4. Prior to the building permit, bonding for all public improvements, shall be submitted to and approved by the Engineering Department and Corporation Counsel.
5. Prior to the issuance of a building permit, a preconstruction conference shall be held with the Planning Department staff. It is the owner (applicant's) responsibility to contact the planning staff.
6. Prior to recording of the subdivision have a review with city engineering department any impact caused by the currently designed Broad Street Parkway.
7. Prior to the recording of the subdivision plan, driveways locations to be shown on the site plan with turnarounds.
8. Prior to the issuance of CO the applicant shall have the trees on the corner inspected by the traffic department to insure no blind spot.

SECONDED by Mr. Torosian

MOTION CARRIED UNANIMOUSLY

NEW BUSINESS - SUBDIVISION PLANS

2. **Gerald & Madeline Bergeron (Owner) - Application and acceptance of proposed one-year (1) extension, proposed one-year (1) extension, per 190-141 Conditional approval (c) for subdivision of one lot into 2. 23 Gosselin Road Sheet C - Lot 68, Zoned "R9" - Suburban Residence. Ward 5**

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

Mr. Dufour asked if you are simply requesting a one-year extension. Are you the applicant?

Gerard R. Bergeron

Mr. Bergeron said he is the owner and there was a misunderstanding on the period. He said he thought the engineer was going to get the permit to start. Also, the delays and everything it came out to a point where it a little bit too late to get the permit (unintelligible).

Mr. Dufour asked if once you get the extension you are going to start moving forward?

Mr. Bergeron said he was going to start the work today. I was supposed to get the plan for the house. I was planning (unintelligible) to come today. My daughter has not made the plan because she is doing another plan for the state. There was a big delay because of Christmas time and because of moving.

SPEAKING IN OPPOSITION OR WITH CONCERNS

No one

SPEAKING IN FAVOR OF THE PLAN

No one.

Mr. Dufour asked if staff had anything to add.

Mrs. St. John said that she would just like to add that basically all I have included in the staff recommendation is referencing the previous approval and staff recommendations from Mike and then I have added a few others which are housekeeping type of things and I did one that to keep plans from sitting in the draw that maybe if you granted this extension that we not grant further ones so we don't have plans sitting in the draw for years and then just a couple little things so we understand because we keep hearing this issue that the owners understand that it their responsibility to work cooperatively with the engineering firms they have to make sure that the conditions are met in a timely fashion. So those are the four conditions that I would recommend.

Mr. Dufour said that just as a word of caution when we grant these extensions we have to make sure they are aware of these add-ons. I always make the assumption that nothing has changed. In effect how you change it, however minor, there are some house cleaning issues I see. Has Mr. Bergeron seen this?

Mrs. St. John said he received a copy of this.

Mr. Dufour asked if he had a problem with that.

Mr. Bergeron said no.

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 Plans, Subdivision approval request for one year extension, Gerard & Madeline Bergeron (Owners), 23 Gosselin Road, "R9" - Suburban Residence. It conforms to NRO 190-138(G), Approval Criteria and Section 190-141 (c) with the following stipulations and waivers:

1. The stipulations of approval per the letter dated January 23, 2008 shall remain and are incorporated herein and made a part of this plan.
2. That the owner shall submit the final plans for recording within one year of this Planning Board meeting date. No further time extensions shall be granted.

3. It shall be the owners' responsibility to insure all stipulations and other elements of the subdivision review process are completed in a timely manner.
4. That all stipulations of approval shall be duly included on the final plans submitted for recording.

SECONDED by Mr. Canaway

MOTION CARRIED UNANIMOUSLY

NEW BUSINESS - SITE PLANS

None

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. Consolidation and Subdivision Plan for Evelyn Circle, 368 Main Dunstable Road, per plan recorded as HCRD #34755. Review and acceptance of sidewalk easement and drainage and sidewalk easement as noted on the plan. (Tabled from December 11, 2008 Meeting)

Mr. Dufour said this was an issue at 368 Main Dunstable Road. It was his understanding that this was tabled from December 11th and it continues to be tabled.

3. Referral from the Board of Alderman on proposed R-08-149, authorizing the exchange of a portion of a parcel on Riverside Street (Lot E-1359), approximately 1.25 acres, for a portion of a parcel at 583 West Hollis Street (Lot E-1358), approximately .58 acres, owned by Belmar/PAG Limited Partnership, otherwise known as Pratt Homes; and authorizing the Mayor to negotiate a lease agreement with the YMCA for a portion of the parcel on Riverside Street (Lot E-1359).

Alderman Brian McCarthy, 65 Musket Drive

What is in front of you is a referral of a resolution from the Board to a property transfer in anticipation of citing a facility on Riverside Drive. Where we are at with this is the city has spoken with the YMCA who has, as you are probably aware, recently sold their down town site to Southern New Hampshire Medical Center and is looking to site a new facility. This site is attractive in that it is centrally located through the city and takes use of some city lands and basically is at a site that we have sort of identified for centralizing recreational uses as well. What's actually proposed is the transfer of a triangle of land that belongs to Pratt Homes for a piece that belongs to the city. The pieces in question, the triangle that we would be receiving is this one right here. What we would be trading is this piece right here. Those of you that are familiar with the site plan for Stellos know that is where the emergency access is located. We would retain an easement for the emergency access road. It is possible that a site plan from Pratt Homes at some point might relocate that easement within that corridor which is why we chose to do it that way. What we basically have is this area over here is one that the city would not be interested in doing any further development on because it is a fairly long narrow strip of land that is not connected to anything else we own. Pratt, on the other hand, is interested in expanding their assisted living facilities at some point in the future so that land has much more value to them then it does to us. This piece here is adjacent to the city owned lands and would make a site that is adequate for citing the YMCA facility and therefore is more valuable to us then it is to them because it is separated by some terrain from the majority of their other holdings. So what we would do is simply swap those two pieces of land. The YMCA for its part has agreed to construct as part of the facility a pool that is at least 6 lanes wide which is what we would need to host academic competition events which are something the city is fairly interested in. Bare in mind that's what is in front of you tonight is simply the question of the land swap that we do not have a site plan yet for the Y's facility. If there are questions I would be happy to try and answer them. I also have some people here from the Y.

Mr. Dufour said he has comments. Like you noted, it probably is not specific why you are here this evening, all I know of this is what I have read in the paper and what is before us now. I found it strange having kids that utilize that Y, I found it strange that they would relocate in an area, they are in an existing facility and understand the reason that they are

selling, but they are in a facility where they can service a lot of kids by simply having them walk to the site and they are relocating it in an area that very few, if any people, can walk to the site. I found that strange. My only concern is as far as the swap and this arrangement with the city is, we had a lot of issues with Stellos Stadium if we recall and I would be concerned that as part of the deal, the arrangement, that it would increase the activity at Stellos Stadium. That concerns me.

Alderman McCarthy said one of the other things that will get done that we have discussed with the Y is that this entrance in here will actually enhanced to have a dedicated left turn lane in the middle which will make accessing the facility a lot easier. We have also reopened discussions with 505 West Hollis about the possibility of using some of their parking as overflow in peak times. I think there is sort of a general idea to look at the site and see what we can do to make it better. I think is actually working fairly well now particularly compared to how it was working when we first started operation there.

Mr. Dufour said his concern was everybody seems to have worked around that with the Turkey Bowl and everything. My concern is the neighborhood that was in here that felt threatened by the impact of Stellos Stadium, that is an ongoing concern but they have accepted what's happening there. It is a school facility and as long as it's used by school functions then there is not a whole lot they can do. If the arrangement with the Y increases the use of Stellos Stadium and further impacts the neighborhood that would concern me.

Alderman McCarthy said it won't, as he understands it, there would not be any outdoor use other than what is there today. This would be an indoor facility. There would probably be some increased traffic on the site at times when there isn't traffic now, but there wouldn't be any noticeable.

Mr. Dufour said his concern is having those dozens of people back in here and we find out the arrangement is that we get to use the six lanes of pool and they get to use Stellos Stadium further impacting that neighborhood above and beyond how it is impacted today.

Alderman McCarthy said there has been no discussion of using Stellos Stadium. I have had some exchanges with at least one of the abutters on Radcliffe who asked where on the site this was. Their concern was about any impact on the buffer area.

Mr. Dookran asked because the Pratt people are interested in the swap, I am presuming that they have no concerns about the buffer area between them and the stadium being reduced, removed?

Alderman McCarthy said no. Their buildings are primarily closed and what is back there now is just the edge of their back parking lot. They are going to be against the closed side of the building. They have raised no objection.

Mr. Dookran said the other thing you mentioned that there may be a potential relocation of the emergency access. Do you mean within that piece that has been swapped?

Alderman McCarthy said there are a couple of possibilities. We are looking at overall planning for this site area and clearly we have a responsibility to keep the emergency access generally in that corridor. It runs right down the center of it at the moment. It might get moved over against the Hitchcock Clinic lot. We have also had some discussion with Hitchcock Clinic about whether the emergency access could be done through their lot instead which would allow better use of this piece of the site. Pratt's interest in it is that they are interested in expanding assisted living facilities which would essentially be for residents that have been there and now require higher level of medical attention so that would be a fairly low impact addition.

Mr. Dufour asked if staff had anything to add.

Mr. Houston said no Mr. Chair. We did a staff report. We don't see any issues associated with this. This is on the city's trail system that goes through Mines Fall Park and getting access. There are some future plans in the future to try to do some on-street trails on West Hollis Street that could for residents to access the site more safely from West Hollis Street. But that would be some sort of longer term whenever funds become available for the striping and some sort of cross walk where the emergency access would come out. You can access this site all the way through Mines Fall Park to downtown now. In fact Public Works built a nice bridge on Seventh Street. I think Steve has mentioned that before which has a great access to that neighborhood to cross the canal to access the downtown as well so there are more connection points now through the park.

SPEAKING IN OPPOSITION OR WITH CONCERNS

No one

SPEAKING IN FAVOR OF THE RESOLUTION

No one.

MOTION by Mr. Torosian for a favorable recommendation from the Planning Board to the Board of Alderman on R-08-149.

SECONDED by Mr. Latham

MOTION CARRIED UNANIMOUSLY

DISCUSSION ITEMS

None

MOTION TO ADJOURN by Mr. Canaway at 7:50 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.

Prepared by: Linda Panny

Taped Meeting