

NASHUA CITY PLANNING BOARD  
March 5, 2009

The regularly scheduled meeting of the Nashua City Planning Board was held on Thursday, March 5, 2009 at 7:00 PM in the auditorium at City Hall.

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

Chair Dufour said in the absence of George Torosian, Mrs. Overby will contribute and vote.

Also Present: Roger L. Houston, Planning Director  
Chris Sullivan, Planner II

**Approval of Minutes**

February 19, 2009

**MOTION** by Mr. Lowe to approve the minutes of February 19, 2009, waive the reading and place on file.

**SECONDED** by Mrs. Wilbert

**MOTION CARRIED 8-0 (Alderman LaRose abstained)**

**COMMUNICATIONS**

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

- Notice of 2009 Planning Board mandatory training session which will be held April 16<sup>th</sup> at 7:00 pm here in the third floor auditorium at City Hall. This year, as last year, we will have Attorney David Connell with the Local Government Center of New Hampshire provide the training. The annual list of the mandatory and training opportunities for all Planning and Zoning Board of Adjustment members including alternate members is also attached. The ordinance that requires this is attached as well.

- Preliminary agenda for the next meeting on March 19<sup>th</sup> is included to determine regional impact.

#### **REPORT OF CHAIR, COMMITTEE & LIASON**

Alderman LaRose said they passed the ordinance that puts back hospitals and dental offices into the airport and park industrial zones that was omitted when they printed the new Land Use Code.

#### **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. Groton Road Development, LLC (Owner) - Application and acceptance of proposed request for one (1) year extension per Section 190-141 Conditional Approval for the lot line relocation plan approved on March 20, 2008 with stipulations. Located at 40 Groton Road, Sheet D - Lots 6, 7 and 355, Zoned "R40" Rural Residence. Ward 5.

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

**SECONDED** by Alderman LaRose

**MOTION CARRIED UNANIMOUSLY**

**Together with**

**NEW BUSINESS - SUBDIVISION PLAN**

2. Southline Woods, Groton Road Development, LLC (Owner) - Application and acceptance of proposed request for one (1) year extension per Section 190-141 Conditional Approval for

**the subdivision plan of 34 single family condominium units approved on April 10, 2008 with stipulations. Located at 40 Groton Road, Sheet D - Lot 7, Zoned "R40" Rural Residence. Ward 5.**

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

**SECONDED** by Alderman LaRose

**MOTION CARRIED UNANIMOUSLY**

Andrew Prolman, Prunier & Prolman

Atty Prolman said they are seeking a one-year extension for the lot line relocation and the conservation subdivision that were done a year ago. The plans are up on the board and you can see the lot line relocation is the smaller plan to the left and we had three big lots for this total area, lots 6, 7, and 355. The lot line relocation was such that we created one large lot and 2 small single-family stand alone lots to the west of the site. The conservation subdivision was the first to go thru the new ordinance. It is a 34 lot subdivision. It includes various trail amenities and parking and has a trail along Groton Road where the trail ends now out to Yudicky Fields. We are seeking the one year extension because the economy is making it very difficult to find financing. I would have liked to been working on the various easements and condominium documents and getting the project going in the past year but have been working on financing issues and it has been tough to come by. We are hopeful that over the next year we can turn that corner. That is what is driving this request. All the conditions remain the same. The plan remains the same.

Mr. Canaway asked if they did some surveying out there on the trail that runs out to Yudicky Farm.

Atty. Prolman said they did some very preliminary work has been done by Maynard & Paquette. Their surveying teams have been out there. Not a lot of detail. Nothing came up. That will require us to go to Con Com, to the Zoning Board because there will be some buffer impacts but we haven't gotten that far yet.

**SPEAKING IN OPPOSITION OR IN CONCERN**

No one

**SPEAKING IN FAVOR OF THE PLAN**

No one

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.

**MOTION** by Mr. Lowe to approve New Business #1 Subdivision Plans lot line relocation one year extension, 40 Groton Road.

**SECONDED** by Mr. Latham

**MOTION CARRIED UNANIMOUSLY**

**MOTION** by Mr. Lowe to approve New Business #2 Subdivision Plans, Southline Conservation subdivision one year extension at 40 Groton road.

**SECONDED** by Mrs. Wilbert

Mr. Slivinski said Mr. Lowe needs to make an observation that he believes it does meet the NRO Section and we are approving this with the stipulation by Staff.

Mr. Lowe said that it is in conformance with NRO 190-40, Conservation Subdivision and NRO Section 190-141(c) pertaining to extensions.

Chair Dufour said we have a revised motion for granting the one year extension for case #2, Southline Woods Groton Road Development, LLC with the finding that it complies with 190-40 and 190-141.

**SECONDED** by Mrs. Wilbert as amended

Mr. Canaway asked if there are any stipulations.

Chair Dufour said the stipulations would still be in place.

**MOTION CARRIED UNANIMOUSLY**

**NEW BUSINESS - SITE PLANS**

- 3. The Huntington at Nashua (Owner) - Application and acceptance of proposed request for two (2) year extension per Section**

**190-141 Conditional Approval for the site plan (amend NR 1977) approved on March 6, 2008 with stipulations. Located at 55 Kent Lane, Sheet B - Lot 26, Zoned "R18" Suburban Residence. Ward 8.**

**Mrs. Wilber recused herself from this case and stepped down from the stage.**

**MOTION** by Alderman LaRose that the application is complete and the Planning Board takes jurisdiction of the application.

**SECONDED** by Mr. Lowe

**MOTION CARRIED UNANIMOUSLY**

Jim Petropulos, Hayner/Swanson, Inc.

Mr. Petropulos is representing the Huntington at Nashua. They are seeking a two year extension to a conditionally approved site plan per Section 190-141 of the Nashua Land Use Code. The Board may recall a year ago they were here and received approval at the Huntington for two building additions. The Huntington is a very successful continuing care retirement community located off Spit Brook Road, actually located on Kent Lane, which is a private way. The first addition was a 5,754 square foot assisted living unit expansion of about 12 units. You can see it in brown on the top of the plan. The second addition was to the front entry of the facility, two and three story addition about 11,000 square feet with some additional parking. Both those additions were represented on the original 2000 site plan approval for the Huntington. The reason for the request is like many businesses in Nashua, due to the sluggish economy, it has prevented the Huntington from proceeding with these projects. If you have been out to the site you see some construction. Those are the cottages that were permitted. There are six cottage units that are under construction in the northwest corner of the property. They are moving forward to completion but we are seeking this additional time due to the economy to keep this permit in tact. There were three conditions to this approval. They are still valid and we are in agreement.

Chair Dufour asked if it is unusual to be in for a two-year extension.

Alderman LaRose said we had it once before.

Mr. Petropulos said the new Land Use Code puts some language in about the Board may extend more than one year if it deems it appropriate. We thought it would be in this case. It seems to be more of a 2010 project to us.

**SPEAKING IN OPPOSITION OR IN CONCERN**

No one

**SPEAKING IN FAVOR OF THE PLAN**

No one

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.

**MOTION** by Mr. Slivinski to approve New Business #3 Site Plan retirement facility expansion for a two-year extension. It conforms to NRO 190-146(E)(1) and all prior conditions that we put on the plan remain in effect.

**SECONDED** by Alderman LaRose

Mr. Lowe asked if these units are just units and they are not amenities for the overall construction. These are just housing units.

Chair Dufour said they are housing units.

Mr. Petropulos said the first addition is for assisted living units. The addition to the front of the building has support services for the inside of the building. There are some common areas, there is some admin expansion. That hasn't changed.

Mr. Lowe said he wanted to make sure that the people that are already in there aren't losing some of their amenities.

Mr. Petropulos said they are gaining amenities.

**MOTION CARRIED UNANIMOUSLY**

**OTHER BUSINESS**

1. 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**

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. Houston said it remains tabled. Mrs. St. John feels that we will have something for the next meeting.)
3. Referral of the FY 2010 Capital Improvements Program from the Capital Improvements Committee to the Nashua City Planning Board.

**MOTION** by Mr. Canaway to refer the FY 2010 Capital Improvements Program to the Mayor and Board of Alderman.

**SECONDED** by Mrs. Wilbert

Mr. Dookran said he was pleased to see that the committee rated the stormwater application as an A5. This does set us up to get funds to fund the stormwater problems we have through the city that are not funded today through any means. If this gets passed what we do is the city can perform is study to implement a way of raising the required dollars so we can address these big issues.

Chair Dufour said he knows how difficult it is to get funding so he can appreciate it.

**MOTION CARRIED UNANIMOUSLY**

**DISCUSSION ITEM**

Chair Dufour said awhile back we talked about strengthening our tree protection as it pertains to plans that come before us. He is still working with Lucy St. John on that. We are finding out there is a lot of language within our existing code. We have to figure out a way to extract that language and make it part of a requirement. How we present that to the applicant, we are still working on that. We are also working on a back lot ordinance. As

that gets developed it will be presented to you, we will address any concerns you may have. That is really my first attempt at crafting an ordinance with her direction. It is challenging. There has been a lot of public concern over the years over flag lots. It has subsided because there is not a lot of development but when the economy gets more robust I am sure we will be experiencing them again. The more affordable lots will be flag lots. Now is the time while things are neutral to address this. In the end the Alderman will have to decide an avenue of concern to them or not.

Chair Dufour said he is sad to report that this is Mr. Slivinski's last meeting. Mr. Slivinski has been a vital asset to this Board in all the years that he has sat here and have always appreciated his input and thank him for his service.

Mr. Slivinski said it has been nine years and it has gone by very quickly. He said he has gotten a lot of satisfaction and it has been an honor to serve the citizens of Nashua, New Hampshire.

**MOTION TO ADJOURN** by Mr. Slivinski at 7:32 pm.

**APPROVED:**

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Ken Dufour, Chair, Nashua Planning Board

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Prepared by: Linda Panny

Taped Meeting