

NASHUA CITY PLANNING BOARD  
October 15, 2009

The regularly scheduled meeting of the Nashua City Planning Board was held on Thursday, October 1, 2009 at 7:00 PM in the auditorium at City Hall.

Members Present: Ken Dufour, Chair  
Alderman Richard LaRose (arrived at 7:25 pm)  
Bob Canaway, Vice Chair  
Daniel Latham, Secretary  
Steve Dookran, City Engineer  
William Slivinski  
Muriel Corcoran  
Cynthia Overby  
Sandra Belknap, Alternate

Mr. Latham said everyone is present. We have a vacant position being filled by Sandra Belknap

Also Present: Roger L. Houston, Planning Director  
Matt Taylor, Deputy Planning Manager

**Approval of Minutes**

October 1, 2009

**MOTION** by Mr. Canaway to approve the minutes of October 1, 2009, waive the reading and place on file with a correction on page 8 that Mr. Slivinski did not vote in favor of tabling the Catholic Church.

**SECONDED** by Mrs. Corcoran

**MOTION CARRIED UNANIMOUSLY**

**COMMUNICATIONS**

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

- Old Business Subdivision Plan #1 - we have given the planning board a copy of the New Hampshire Department of Environmental Services Asbestos Disposal Site Report and History Sheet
- Floor Plan pertaining to case 2, Baptist Church and memorandum from Nashua Fire Rescue
- Technical Review Meeting Sheet

**REPORT OF CHAIR, COMMITTEE & LIASON**

None

**PROCEDURES OF THE MEETING**

Mr. 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**

1. **Roman Catholic Bishop of Manchester and Finance & Real Estate Office (Owners) - Proposed one year extension for approved subdivision of 1 lot into 2. 61 Pine Hill Road, Sheet E - Lot 45, Zoned "AI" - Airport Industrial and "R9" Suburban Residence, Ward 1 (Tabled from the October 1, 2009 Meeting)**

**MOTION** by Mr. Canaway to remove from the table.

**SECONDED** by Mr. Latham

**MOTION CARRIED UNANIMOUSLY**

Mrs. Belknap said I want to make it clear for the record that while I was not sitting up here at the last meeting I was present as an alternate and feel comfortable sitting through this after reading the minutes and being present at the last meeting.

Karen McGinley, Esq., Devine, Millimet, & Branch

Atty McGinley said she is representing the applicant. Today with us is the Engineer, Cynthia BaBear from Nashua and Paul Harrington from the Roman Catholic Bishop of Manchester and Father St. Laurent to answer questions. It is my understanding that the only issue with regard to this extension is the reflection of the asbestos area on the plan and the applicant is willing to do that and to show it to the satisfaction of the Staff.

Mr. Dookran said we would like to see the plan delineating the limits of the asbestos of the cap and to discuss the impact to any future construction.

Atty McGinley said the impact to construction would not be known with the subdivision because a building has not yet been proposed either in use or site or impact on that area. We don't know what will be done. This Board will hear a site plan approval application when construction is proposed or a site plan is proposed. At that time the impact of whatever is being applied for could be reflected. We wouldn't have the ability to show that on just the subdivision plan.

Mr. Dookran asked if you have a plan that shows this.

Atty McGinley said yes.

Cynthia BaBear showed the original plan showing the asbestos cap. It is not our plan. This was done in 1993 for the State DES permit. The existing buildings are still here and here is where the asbestos cap is. It was approved and it is completely overgrown. There are tall trees along the slope. It is not tied down to the boundary line per this plan so we will have to determine based on our boundary plan and subdivision plan specifically where it sits on the ground. This is what was approved at that time.

Mr. Dookran asked if the subdivision line crosses the cap.

Ms. BaBear said no it doesn't because the existing boundary line is over here and the subdivision line comes in like this and goes off. It is in the middle of the new smaller lot on the backside of the slope. We will put it on our plan if that is a condition. We just got this plan.

Mr. Dookran said that is my main concern. I wanted to see if we were splitting an asbestos cap because that would have consequences with future development with permitting from the State and so on. We didn't have that information last time.

Mr. Dufour asked if you are satisfied with the answers.

Mr. Dookran said sure.

Ms. BaBear said they are going to put up a copy of the subdivision plan.

Atty McGinley said Cynthia could you draw approximately the location on the subdivision plan?

Ms. BaBear said the cap is completely with this parcel right here. This is the fence line. Here are the 2 existing buildings and this is the proposed property line so it is all within 1 lot. It is not being split.

Mr. Dookran asked if you have examined this site physically to see if there are any problems with the cap. Is it holding?

Ms. BaBear said when we did the subdivision survey, one of our waivers was a TOPO and that is when they would have been specifically on that slope. In speaking to the crew they said it is a very stable slope. It seems to be very stable.

Mr. Dookran said the reason why we didn't see this before is because?

Ms. BaBear said we asked for a waiver for the TOPO and it wasn't part of the deed. It is not of legal record. It is not something you would investigate for a subdivision land plan. The attorney said it is something we would be investigating for development purposes.

Mr. Dookran said he gathered there is no evidence of exposed asbestos.

Ms. BaBear said no evidence at all. I believe from the report from the State they approved the cap when it was completed and it does not look like anything has been done out there since then in that vicinity.

Atty McGinley said sometimes from the Department of Environmental Services there is an activity and use restriction put on properties that have environmental issues. That is recorded in the Registry of Deeds and if it had been recorded the surveyors would have shown it on the plan but there is no activity and use restriction and there is no plan reflecting this on the record.

Mr. Dookran said I think we reserve that decision for when it appears before us as a site plan.

Atty McGinley said as showing this on the subdivision plan which will be recorded it will not appear for the record.

**SPEAKING OPPOSITION OR WITH CONCERN**

No one

**SPEAKING IN FAVOR OF THE PLAN**

No one

Mr. 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. Canaway to approve Old Business Subdivision Plans #1, Roman Catholic Bishop of Manchester, 61 Pine Hill Road. It conforms to 190-138(G) with the following stipulations and waivers:

1. With approval of this site plan all prior conditions of approval are incorporated herein and made a part of this plan, unless otherwise determined by the Planning Board.
2. Prior to recording the applicant shall locate the existing asbestos cap on the subdivision plan.

**SECONDED** by Mrs. Belknap

**MOTION CARRIED UNANIMOUSLY**

**OLD BUSINESS - SITE PLANS**

None

**NEW BUSINESS - CONDITIONAL/SPECIAL USE PERMITS**

None

**NEW BUSINESS - SUBDIVISION PLANS**

None

**NEW BUSINESS - SITE PLANS**

2. Nashua Baptist Church (Owner) - Application and acceptance of proposed amendment to Site Plan #NR1428 to allow construction of a 3,137 square foot addition to existing church. Property is located at 555 Broad Street. Sheet F, Lot 859, "Zoned "R-9" Suburban Residence. Ward 1.

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

**SECONDED** by Mrs. Corcoran

Mr. Dookran said he would like to ask Staff if we are voting that the application is complete. Is that a fact?

Mr. Taylor said the criteria for accepting an application is complete is basically do you have sufficient information to review the plan. As noted in the staff report there are quite a few waiver requests so there is information that is missing. Staff would basically say that there is sufficient information for you to review it but there is a disagreement on some of the waiver requests.

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Mr. Dookran asked if it a level that is worth considering tonight in your opinion?

Mr. Taylor said Staff has worked with the applicant since August trying to work out some of these issues and there was a recommendation not to go to the Planning Board until these issues were worked out but the request was that this be put on for a public hearing. That is why it is before you tonight.

Mr. Dookran asked if because of such a request we have to conduct a public hearing.

Mr. Taylor said the Board can decide if you feel it is not complete, if you think there is more information that you don't have, you certainly don't have to take jurisdiction tonight. The applicant did request to be scheduled for a public hearing.

Mr. Dufour said I know that this whole package is kind of short on many issues but like Matt indicated it reached a threshold that it is here this evening. I think that if we don't get beyond this evening so the applicant can hear what those issues are. Apparently just from Staff it doesn't seem to satisfy them then this is their opportunity to hear it from us.

Mr. Dookran said if we allow applications to come to us without going through the due process, Staff level, it is not the right process.

Mr. Maynard said first of all the standard for application acceptance is that there is sufficient information for the Board to deliberate. That is all that application acceptance is by law and Staff has told you that. The next item is there are several items in here that require decisions by the Planning Board, not Staff. There are several things to talk about at the discretion of the Planning Board. It would have to be brought to the Planning Board. The Planning Board is the ultimate decision maker when Staff and an applicant and their client cannot agree on some of the things. There are discretionary items about building architecture, sidewalks, vested grandfathered sites with minor additions. This is a redevelopment site. There are all kinds of issues that need to be brought before the Planning Board to be deliberated and made decisions. From there you can table, deny, or approve, or approve with changes. There are all kinds of issues but it has to be brought before the Board. We have our right for a hearing. This so called due process that is in a court system. This went through all the possible reviews. Everybody has had a comment so it has met that standard of a process.

Mr. Dookran said all I am asking is I am trying to get from Staff there are different levels of completion; there is 25%, 50%, 100%. Are we at a level that we are comfortable with that this is ready for Planning Board consideration? Are we there? The answer could be simply yes or no. If no, I am going to vote no.

Mr. Dufour asked who are you asking?

Mr. Dookran said he is asking the people who have the expertise in this area.

Mr. Taylor said with the waiver requests, which the waiver requests cover quite a bit of ground I would say Staff recommends that you do have sufficient information to review it. I believe there are 6 waiver requests.

**MR. DUFOUR SAID LET THE RECORD SHOW THAT ALDERMAN LAROSE HAS REJOINED US.**

**MOTION CARRIED UNANIMOUSLY**

Richard Maynard, Maynard & Paquette

Mr. Maynard said with him are several members of the church that will speak. I believe everybody got an 8 ½ x 11 rendering of the church. Those of you that have been out to look at the site will notice this is the existing church as it stands now, this is the addition and this is the left hand side where the enhanced entrance and things like that. The existing Baptist Church was first built in 1982 per an approved site plan. From time to time they have done additions and have gotten subsequent approvals. This is a 6 acre lot and we only occupying the front part of the lot. The only change to the site essentially proposed is this addition and a new sewer connection and a new 6 inch supplemental water connection. The sewer connection is so we can eliminate the septic system that has been servicing this church since 1982. That in itself is a positive environmental benefit in doing away with the septic system and connecting to the city's sanitary sewer. The second element, the water line, is a 6 inch water line so that we can fire sprinkle the entire building. It has no sprinklers now. Not only the addition but other parts of the building will be able to get sprinkler system. The dumpster will now have a screening fence around it. The entire existing parking lot has been there since the mid 80s. They have been trying to raise funds for a small addition for some time. Part of this proposal is right now the stripes are worn out or nonexistent. The other element of this plan will be to stripe the parking lot. The whole presentation

will be in the discussion of the waivers. What doesn't exist now is a proposed shallow basin to provide stormwater treatment and recharge all the recharge that comes off here. If we didn't have that that recharge would wind up going into the parking lot and into the pipe drainage system. The entire addition and some of the others will go into this treatment facility. That meets the requirements of the ordinance for a redevelopment site. It is not a brand new site. This is a redevelopment site. Much of this site is pre-existing approved; therefore it is vested or grandfathered. There is an issue about buffering. Along side this entire length is a fence and residential area starts over here. There is a question about whether there is enough buffering. Along this side this entire wooded area remains. The neighbor, the Constants Family, have no problems with this. We have spoken to them. They have a long residential driveway that extends all the way to the back. They don't have any particular problems. In regards to buffering, in my opinion, we already meet that criteria. The other issue that will come up for those of you that were on the Board when the convenience store was approved, the Red Barn Convenience Store, some of you might remember we had a sidewalk plan worked out for this area. It was controversial whether we were going to have crosswalks, traffic lights, all kinds of things. The final plan resulted in a sidewalk extending all the way up here, through here, where we will put some handicapped ramps here, a crosswalk here and a cross and continue on. That was the sidewalk plan worked out with Staff and approved by this Board for this area. That was the decision there was no question that we were going to extend the sidewalk beyond that.

Mr. Dufour said you are talking about a plan we approved for another site.

Mr. Maynard said no a plan you approved for this area that happened to be for the convenience store. This went intersection to intersection. It went from this street and down to the other street. Oh yes, that was a street improvement plan with regards to sidewalks. The convenience store spent a quarter million bucks on that improvement. The next thing is landscaping. The landscaping plan details the landscaping proposed in this particular area which is to service the addition.

Mr. Dufour said as you addressing these...

Mr. Maynard said no I haven't yet. I am giving you an overview. This is the landscaping that is associated with the addition. The existing landscaping is there already and we are also going to propose 3 large trees now that we can eliminate the septic system.

That is an overview of what is being proposed on this particular site. With regards to the waivers, there are 6 waivers requested. First waiver is for entryway. The ordinance requires entryways to face the front street. Anytime you have a building with a primary entrance other than that you have to get a waiver. Our entrance is already there and our floor plan is all set up for there. This is the only practical place we can put the entrance. It fits the building. It fits the interior layout already. Especially since this is a building addition, not a brand new building.

Mr. Dufour asked what number is that?

Mr. Canaway said number 3 in the staff report.

Mr. Maynard said the next waiver is for landscaping. This existing church and existing landscaping was approved and installed in the late 1980's is vested and grandfathered. Additional and new landscaping as I pointed out to you for the 31 foot addition exceeds the current regs for required landscaping. We are providing 3 new trees for 31 feet of the width of the building, which is 2 more than required and some 27 particular shrubs surrounding that particular addition. To attempt to go back and retro fit a vested approved site with landscaping through out is not legal, it is not fair. You have an approved site and you are just adding an addition. You can't revisit everything from square one. 674:39 vests you from any changes to your existing site. This is just an addition. No matter what size it is, it is just an addition and the new regs apply to the addition, not the original vested existing site plan. That is the landscaping we proposed. When Staff first raised this we did increase the amount of landscaping beyond what was required. That is why I say for the addition it exceeds the current requirements. The third item I take up on your waiver list is building material. We now have a very restrictive ordinance on building materials. It essentially requires every building to be masonry of some sort or get a waiver. It also prohibits metal siding in anything but the industrial areas. Unfortunately this is a metal siding building and the addition is proposed to essentially match what exists there already with a new enhancements, etc. as shown on the particular rendering. This is the existing siding and this is the proposed addition. We will have a very much enhanced entrance area. We will have a church steeple with a cross which adds character and better than the existing building is today but the waiver is to allow us to continue with the same architecture that has existed there since 1982. There is another waiver for a lighting plan. The only new lighting proposed on this site are the safety lights by the doors. They are going to be 70 watts or less.

They are 180 feet away from any property line or any street or anything like that. The request for the waiver is for a lighting plan addressing 70 watt bulbs. The next things we have is regards to stormwater which is a little complicated. The parking lots are designed to drain to the middle. They are set to drain to a set of catch basins and into a pipe system and then into the city system. It goes this way to some catch basins down here and into the city system. Similarly over here the drainage is to the middle of the parking lot and then down. Our current regs require parking lot runoff to be treated. But I represent to you this is a pre-existing parking lot not a new one. It definitely applies to new parking lots and new construction. What we have proposed in this particular thing is the new construction. Where before all of this area would drain off into the parking lot untreated and down to the system. Now it will drain to this stormwater treatment area. It will be infiltrated into the ground. It will not runoff and all of that runoff will be therefore contained. It will do a little better job than what is done today. Next thing to consider with regard to this, this is what is known as a low impact site. This has very minimal traffic so therefore what ever pollutant load it might generate, salt, silks, and sands, is very minimal. It is used maybe 2 or 3 times a day. This is not like a commercial lot or a retail lot or industrial lot where there is heavy vehicular traffic and substantial pollutant load. In that regard the existing condition has minimal to no impact on the thing and the proposed addition will have zero impact. In fact it will improve the situation slightly. That is the situation with regard to stormwater. One of the suggestions is why don't you put a detention pond in the front yard. The folks that have had a chance to look at this site and if they looked at some of the elevations of this thing the pipe right here at this corner is already 8 feet down. In order to drain that out into here we would end up with a hole 10 feet deep in the front yard to provide some minimal type treatment for runoff that has minimal impact. I would suggest that expense and unsightly thing is very much unnecessary in this pre-existing situation. I also want everybody to recognize this is a small church. They don't have a lot of money for these things. They are willing to spend some to make some major improvements that people have suggested we are required to do they aren't going to be able to make it. They just don't have the money to do these things. These aren't inexpensive items doing the detention pond of that nature. That is something on the order of \$20,000 to construct something like that. That is one of the criteria for approving waivers. I would suggest to you that we meet the spirit and intent of the ordinance and that we fully treated our addition. There is a significant hardship issue for this small congregation. The last waiver item deals with parking. Here we

have 2 competing issues here. Our ordinance requires parking on the order of 1 space per 8 seats which would require a parking lot of only 20 spaces for our seating of 160 where the services are held all the way to the max of 1 space per 1 ½ seats which would end up requiring 106 spaces. Because we are providing 114 spaces we have to get a waiver from you because we exceed what the ordinance allows us to have for parking. On the other hand we have a fire marshal who is reviewing the building square footage and has his sets of rules and regulations that he views as his guidelines. He suggests by that criteria this building might have an occupancy peak of some day some time maybe as many as 500 people by that criteria. They take so many people per square foot. That assumption is that this entire building or most of this entire building and all the spaces activities would be conducted at one time. We have a congregation here a max of 200 people of which maybe 100 go to church on a fairly regular basis. Our peak periods, the holidays, we maybe get 150 people, 160 people. How many people go one person per car to church? It is usually a family group or a couple. If you have 160 seats and an average of 2 people per car you only need 80 parking spaces. We have 114. We exceed any reasonable requirement. The reason why you have the floor plans is so you can see the various activity areas in this particular church. The church has 2 floors. The top floor is the main floor and what is the first floor or lower floor is the activity area. After service the entire congregation from children through seniors goes through religion classes or bible classes and they have various classrooms for that particular activity after the service is completed. They also want to provide for some nursery area which they don't have today. The congregation here over the 27 years that this church has existed has been reasonably constant. This is not a growing church. There is no need to add additional parking. If any of you observed this site on Sunday when masses ended will see that the parking lot is never full. Regardless of that the fire marshal is concerned about people blocking access to the site. One of the primary things you do with that is you identify fire lanes with striping and signage to keep access ways open. These aren't narrow roads here. We have a full 24 foot drive aisle not the 20 you get quite often. We a little bit bigger than normal drive aisles and parking areas. We have 2 accesses to the church. We have paved access all around the church. From that standpoint this is one of the better sites you will have. It is rare or not normal that you would get paved access 360° around a site. Normally you would get 3 sides which is the typical requirement. If people are concerned that there is not enough parking spaces, I can't see it, but if you are, one of the stipulations you can easily put in there is to create fire lanes and no parking that are enforceable in a place like this by the

police. Designated fire lanes with proper signage that is enforceable. I have no indication how many more parking spaces might be satisfactory but I would think to double the amount of parking in this particular site because of some maximum possible potential capacity is not reasonable what so every. This is not the first church my office has ever done. I have done numerous churches. I am not saying the occupancy loads aren't possible by the guidelines, but in this particular situation there is no way you are going to have 300 to 500 people on this particular site necessitating something on the order of 200 parking spaces. There is no way. Be it as it may, if you want to designate it with signage and maybe with some timber over flow parking areas on grass that is very possible too. If you think is such a drastic situation for this site. I suggest to you, all of you that have been here and seen this site that has been here since 82, you have never, ever seen overflow parking on this particular site, never. I am sure several of you go by this from time to time on Sundays and see that. With regard to the sidewalk issue, there are 2 issues on sidewalks. One, a sidewalk to the street up to the church. That just came up recently. I didn't realize that was part of Planning Staff's requirements because I didn't necessarily put in a waiver for that because I didn't know that ahead of time. But there is minimal to negligible pedestrian activity on this end of Broad Street. I don't care if it is a collector road or high volume traffic road there is no pedestrian activity and if in fact anybody is walking to the site which they don't they are not going to go to a sidewalk. They are going to walk up the driveway like we all do. There is no reason why walking up the driveway to the site if you are a pedestrian looking for access isn't perfectly adequate. A sidewalk across this front yard to the buildings serves absolutely no purpose other then create more concrete and impervious surface and just cost money. The other side walk is on Broad Street. The ordinance says the Planning Board may require sidewalks on both sides of the street on collector roads such as this. That requires the Planning Board determination of may. As I made my point before and the Chairman didn't quite like what I said the sidewalk issues were worked out up to this intersection back when the store was done with engineering, with traffic department, etc. and they were purposely tipped down so handicapped ramps placed here, crosswalks supposedly placed there and a system worked out here. Furthermore there are 3 magnificent trees right on the frontage if the sidewalk were to continue would have to be taken down because that would be a shame for a sidewalk that will get little to no use. Staff report says we could grant an easement and run the sidewalk up here and run it out back like that, well sure you can do that but again nobody is going to use that sidewalk. There is no pedestrian activity up here. There is

none. There is very little development here. There is no reason for people to be walking this way and there is very little development here before you get to the town line and etc. There is negligible pedestrian activity. People from the church will come up and tell you that who are there are the time. In this particular situation to require sidewalks on both sides, by the way that is a \$20,000 expense or more for the church. That is a hardship. The ordinance talks about hardships Mr. Chairman. I know you don't like me saying that. This is not Zoning Board. That is a true hardship and that is part of the ordinance.

Mr. Dufour said what I don't like Mr. Maynard is you telling us how we have to vote.

Mr. Maynard said I am not telling you. I am lobbying for my side.

Mr. Dufour said present your case and we will ask you questions.

Mr. Maynard said I understand. I am lobbying for my side and that is what I am supposed to do. If you don't agree with me then you don't vote for me. That is my job to point out what the ordinance says, what I think it says, etc. and what the circumstances are in this particular site. I already went through the buffer issues. We have a fence on this side. Several mature trees, etc. We meet that particular criteria although the Staff didn't think we did. As far as the landscaping part of the buffer that is met already.

Mr. Slivinski asked in the sanctuary area did you say there are 160 seats?

Mr. Maynard said it is proposed to have 160 seats. Currently there are 120.

Mr. Slivinski asked if they are going to increase that by 40 seats?

Mr. Maynard said yes.

**SPEAKING OPPOSITION OR WITH CONCERN**

Richard Wood, Nashua Fire Marshal

Mr. Wood said he is here tonight representing Nashua Fire Rescue. As you have read in our memorandum we have several concerns with this particular project related to access to the site. When we look at a plan we look at it based where will we be in the future not based on how it is going to be used today. So the concerns

stem from the base assumption that is made and the engineer analysis and according to the plan that was submitted specifically in note 5, it says the capacity church will remain at 160. It doesn't say it is 120 now. It says it is going to remain at 160. The question is if we are going to make some analysis based on what will be the capacity of the building, then we would expect from an engineering perspective there would be some basis for that. When we look at buildings we look at them from several standards. When our building official looks at buildings they look at them from the building code perspective and we look at them from the fire code perspective and the design capacity of the building is determined based on those adopted codes. When we look at this building and make some assumptions and if just look at the sanctuary or the church service area as I indicate on page 2, if we assume that only 25% of the proposed square footage of this building will be used for the assembly purpose, meaning the church services purpose, and as we know most church services are configured in such a way so that people sit in chairs and we follow the adopted codes, the 2006 edition of the International Building Code, which has an occupant load table, as well as the 2003 edition of the Life Safety Code, which is adopted in the State Fire Code, if look at 25% and make the assumption that only 25% of the building square footage is the assembly, that would give us an occupant load of 550. I don't have the floor plan that is being proposed, but in order to review this plan the basis of the plan is what is the maximum occupant use of the building. We have to make some assumptions just as Mr. Maynard made some assumptions. From our perspective if we looked at the plan and said the maximum occupancy is going to be in the neighborhood of 500 or more on the conservative side then we look at the site infrastructure. Looking at the site infrastructure frankly there is a concern that the infrastructure can't support that capacity in the way of proper parking. Signage and fire lanes is not the answer to building proper infrastructure as part of a development. Building the infrastructure is the answer. All signage does is keep the honest people honest and create a workload for the police and other folks to insure that particular law gets followed. It doesn't ensure that it happens 24/7 365 because we don't have a police officer stationed at the church. It keeps the honest people honest, keeps the lane reliable for a percentage of the time but if we have a building that has a capacity for over 500 we just ask that we make sure we design the site to that same level to ensure that we have proper access and can provide proper service to protect the lives of the folks that are in there.

Mr. Mpon said he wants to know how far from the building they are added, how far are they going to go, how many acre are they going to use to do the new building and if they need the parking how far are they are going to go. Looking at the position of the church it looks like the church is on the road and if they need parking they are going to have to go behind and that is my concern. Can they just give us some clarification on how far they are going to go to provide the parking that is needed.

**SPEAKING IN FAVOR OF THE PLAN**

Sam Taylor, 12 Cabot Drive

Pastor Taylor said he is the pastor at Nashua Baptist Church. We have worked hard on this proposal. We certainly do appreciate our fire marshal comments and concerns about safety. However I do want to address that particular issue about parking. I passed out to you a paper. I asked our church secretary to review the records for the past 5 years. These are accurate trustworthy records. You see there the high attendance, the average attendance for the past 5 years and the very highest attendance that we have had in the past 5 years was 185 people. Theory is important and helpful but when we have hard facts they should also be considered. The hard facts are we don't come anywhere near the potential occupancy. In the remote possibility that would happen, the fire lanes would be painted, would be sufficient for that. We do have 6 acres of land and temporary overflow parking could be provided for that remote possibility. To build additional parking at that expense for something that has never happened in the history of this church and the possibility of it happening is very remote. To go to that expense seems to be a little overkill. These are church people but we do endeavor to be honest and trustworthy as our fire marshal said the lines will only keep honest people honest. I submit to you that you can trust in general the people of Nashua Baptist Church to honor those fire lanes and we would not come to worship God on Sunday morning and blatantly disobey the laws in park right in the fire lanes. I submit to you that they would be honored and I think you can certainly trust us to do that.

Mr. Slivinski said you have given us attendance figures for your Sunday service. Are there any other functions you are holding at the church? Bingo? Something where the attendance might go beyond what we are looking at here?

Pastor Taylor said we have different community groups that meet in the church through out the week. All of those are much smaller groups. Sunday morning is by far the largest meeting. We have TOPS

NCPB

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group, overeaters anonymous, and we are considering a request from the Cub Scouts.

Mr. Canaway asked how are the chairs situated in the sanctuary? Are they fixed?

Pastor Taylor said they are portable chairs. They are upholstered chairs similar to what people are sitting in here.

Mr. Canaway said we understand the fire marshal's concerns since it is moveable the space could be utilized in a different manner. Is that sanctuary used for other functions other than service?

Pastor Taylor said it is a worship sanctuary and used primarily used for that. It could be used for other things. We have had a meal there one time but with tables there fewer people could use it rather than more people.

Charlie Carlin, 27 Seminole Drive

Mr. Carlin said he is team leader of the building committee that has been planning this for over a year now. We worked closely with Maynard & Paquette to try to get this site plan to the point where you could consider it. I recommend that you approve the plan. We are willing to do whatever is reasonable but we don't have a lot of money to put towards expensive things that don't provide much of any benefit.

Roger Francis, 14 Pimento Drive, Brookline, NH

Mr. Francis said he is part of the committee that has been working to develop this plan. One of the things that should be understood is we are not expanding the sanctuary. One hundred sixty will be its maximum capacity. We are putting more classrooms because we are out of balance with classroom space. We are trying to service small groups and we need small group meeting space. The expansion will include some of those classrooms and provide open space for coffee area, that sort of thing. There is a prelude to going into the service and coming out of the service. The parking we have is adequate. I have been going to the church with a couple years absence for over 20 years now and as stated I have never seen the parking lot that we currently have anywhere near capacity. The sidewalk issue down in front we would have to kill those trees or remove them to put in a sidewalk even with an easement to go up on the hill. It would have to be fairly close to the existing road way and it would be a shame to have to do that. I believe another

part of the City of Nashua would like to preserve those trees. There is no foot traffic along that sidewalk area. The traffic from the condominiums down the street is on the south side. Anybody using that will be walking on the south side of the street. We see an occasion jogger and maybe 1 or 2 people on that sidewalk. There is not any heavy foot traffic, it is very light foot traffic. I am a layman on the runoff issue but what is there has been in place servicing the area not causing any problems with water running into the streets. The catch system that was approved by the Planning Board in the past captures that water very well. The building addition which is a 30 foot extension to the east, 30 foot wide, 101 feet across the total width of the building which is consistent with the current building both in profile and structure is a minimal impact. It is an improvement when you look at the proposed entrance way on the east side from the upper parking lot which is where the sanctuary is. It provides an aesthetically pleasing appearance. If you have looked at the building blends in well with the character of the land and other buildings with the Red Barn and there is a commercial building right next door. I know this is a residential area but its use has been modified by the approval of the church location and Red Barn. As you can see even though all the neighbors and abutters were notified of this meeting we have one gentlemen speaking and his concern is about added parking north of the building. We are minimizing the impact if we stay with the parking as it is. On a square footage basis I am sure the fire marshal is correct but that is not how the building is used.

Morris Garrity, 9 Roberta Drive, Merrimack

Mr. Garrity said he is a member of the church and planning committee. I don't want repeat what Roger has said, but I want to make it clear the worship is at one hour and the Sunday school is at a different hour. You don't have 320 people, you have 160 for this hour, and 160 for the other hour. The majority of the building is empty. You might be using one room, but not the others. To address the abutters concern in the unlikely event some day in the future additional parking would be needed there is several hundred feet between the existing parking behind the building. Additional parking could be added with minimal impact. This would be far in the future before this is ever needed.

Andy Mandville, 2 Hyannis Street

Mr. Mandville pointed out where his house is located. His house is directly across from the church and am quite familiar with its layout. I wanted to rise in support of my neighbor. As I was

listening to what Mr. Maynard said I just wanted to confirm a couple of things. If you were to put sidewalks on both sides of Broad Street it would be a waste. There is no foot traffic. Putting one on the other side and killing those trees would be a travesty and be a waste of time and money. The church is a good neighbor. I am sure there won't be any problems with the lighting. Building materials, it is what it is. Everyone here is correct in saying those lots are never full. It has never been an issue.

Tom Bulluck, 20 Nottingham Drive

Mr. Bulluck said he is the chairman of the deacons for Nashua Baptist Church. I respect what the fire marshal is saying if the formulas are saying it is going to be a 500 capacity number, in reality if we were planning for 500 people in this building the floor plan you see there would be drastically changed. The space is for classroom space. The way we run our church is classrooms done at one hour and the services done at another hour.

Pastor Taylor said they have photographs of the sidewalks and the trees that would be in the path.

Mr. Dufour said they have been out there.

Mr. Dookran said just to understand the objective of what you are trying to do, you are adding 41% more of your building in square footage. Based on what I am hearing the services and functions are purely enhancements to what you are doing today. It is not that you are going to draw more people because of what you are proposing, are you?

Pastor Taylor said I could not say that we don't intend to draw more people. That would be in violation of the great commission of the Lord who has told us to go into the world and preach the gospel. Certainly we intend, and every church in Nashua, intends to draw more people, but the floor plans you see the majority of the upper level is simply a foyer. We have an entry foyer right now about the size of a walk in closet. We need to have an entry foyer. The vast majority of the upper level is an entry foyer, which is not an eating space, it is a gathering area. That enhances our ministry. The vast majority of this is to simply add more small group space because of the way we structure our program. We have a 3 prong ministry statement to Know God, to love one another, and to serve in the world. There in the heart of our mission statement is to love one another. We break our congregation into small groups were they can encourage and support each other. They mobilize for service here in the community. We

are planning to grow as a church, but even if we were to double we would fall short of the potential number of 550.

Mr. Dookran said you must have looked at other churches. Based on size, square foot alone, how would this compare with other churches in terms of the congregation you want to serve. Right now you are at 160 and you are going to have 14,000 square feet or so. How does that compare with other churches.

Pastor Taylor said our church is a member of the New Hampshire Baptist Association. We have about 27 churches associated with our association. We are part of the Baptist Convention of New England which is also affiliated with the Southern Baptist Convention. Here in New Hampshire we have about 27 churches and ours is one of the larger of those 27 churches. There are 2 or 3 that are larger but not by much. Most of our churches are quite small and many don't own a building. They meet in rented space. In comparison to other churches in our association in the state we are already a large church. New England is considered one of the least churched areas in America. That is by official polls. New Hampshire is considered the second least religious state in the country. In terms of the need there is a great deal to be done.

Mr. Dookran said you wouldn't say when your church is all said and done and built is going to be oversized.

Pastor Taylor said no.

Ms. Corcoran said you talk about classrooms and the increasing size of your classrooms. Are there any future plans to actually putting a school there.

Pastor Taylor said we don't have don't have any plans for that. We would not rule anything out. That is not on our radar screen at this point.

Mr. Canaway said a school would require a conditional use permit.

Mr. Taylor said it would definitely require coming back to the Board.

Alderman LaRose asked what is the breakdown of the population?

Pastor Taylor said approximately we have a diversified well balanced congregation of senior adults all the way down to infants. The one group that seems to be growing more than any others is the youth group. The entirety of the lower level being proposed is to provide a room for the youth.

Alderman LaRose asked how many students are that?

Pastor Taylor said now they meet up to 20 now where as a couple of years it was half a dozen or so. It still is not a large group, but it is growing dramatically.

Mr. Mpon said hearing the pastor and member of the church talking my question is not in opposition but just a concern. I believe my concern is already answered and I don't see any problem.

Mr. Dufour said he has questions for the fire marshal. Just for clarification I understand your concern. I see how you crunch the numbers and that is the formula you follow. When you arrive at that final number there could be a potential load of 550 people. Your concern is access to the building, is that it? It is not that interior of the building doesn't support that quantity. Is it just the exterior access?

Mr. Wood said that is correct. The interior count and the issue surrounding the interior will be addressed during the building permitting process. The question and concern we have is the methodology and where do we come up with a number of 160. We heard folks say tonight it is 120, then it is going to be 160. The plan reflects that it is 160 currently and that it is going to stay at 160. The real question is when we look at maximum use potential for the building we heard folks talk about the growth and certainly we have no angst with the proposed use of the building. Our concern is when we look at a building and we look at development we have to look at it from what is the maximum use potential. That is why the codes look at these structures and they look at them based on what is their maximum use potential. For instance fixture count for plumbing is based on a square footage calculation. It is based on how many people are going to use the facility to make sure that you have toilets and water closets and other items. The concern is if we don't look at the building side of it to come up with our maximum occupancy potential then we are going to under design the site and that will create in our opinion a significant issue as far as on-going access and reliable access to the building.

Alderman LaRose asked if there is a difference between a church and a commercial type business. If that were a restaurant you would have a lot more people there then a church. I am hearing they have 150 people and 120 show up although they have the different rooms the sanctuary has 120 people and then after the services they break up into small groups. You still have 120 people at any given time and not more then that.

Mr. Wood said if we have an office building and we build an office building and we assume that we are going to occupy that for our use. All of a sudden our business picks up. What ends up happening is we end up putting people in a greater density inside the office building. When we look at buildings from an engineering and architect perspective we look at designing buildings for maximum occupant use. We have seen in this city alone churches over the last 10 years that have been sold, changed, are now used for other purposes. We are looking at if you have the square footage you are going to use it. You may use it in one fashion today but as you gain square footage and as you gain space you start to think of other ways to use the building which will enhance whatever services you are trying to provide. We are suggesting is that we want to make sure that what ever we do from a site perspective we are able to maintain the level that can service the occupant load for the building.

Alderman LaRose said I understand what you are saying but if a church is sold and it is going to be for a different use, don't they have to come back here?

Mr. Dufour said they have to come back. Let me see if I can clarify your question. When you made your calculations did you not use the calculations for a building that has the occupancy of assembly versus business, industrial, or retail?

Mr. Wood said absolutely. If you look on page 2 of the memo we looked at this and said what if this was a retail building and typically in retail buildings about 75% of the square footage is retail space because that is how they make their money. What if the building was an office building or industrial building, how many people would it support? Obviously when we look at office and industrial buildings we look at them as less dense. When we look at an assembly, which is what a church is, a restaurant, a night club, all of those things, we look at density of people in a given space. So when you look at the calculations here there are 2 different calculations provided so as the Pastor said there may be from time to time an opportunity to use the space for a meal. We have tables and chairs. I didn't get a chance to look at the actual floor plan. That came in a little bit late. I don't know what the proposed floor plan is. This information is based on trying to validate the assumptions made by the engineer as far as what is the maximum occupant load of the building.

Mr. Slivinski asked what would make you happy that they do to the inter structure that would satisfy you. It is a large site. They have plenty of room for additional parking in the back.

Mr. Wood said it really isn't about what makes me happy. The issue is when we look at the ordinances and you look at the numbers are, what your density calculations are for parking space purposes, what I am suggesting is in order to calculate out the proper parking spaces you need to first agree on the assumptions for the occupant load for the building. So if we can agree on the occupant load for the building, then that will drive what other improvements may or may not be necessary as far as parking.

Mr. Dufour said the applicant clearly is giving us an occupant load based on their present membership. You on the other hand have to make your calculations on the information that you have, the square footage of the building and its use.

Mr. Wood said that is correct. The applicant also offered up comments tonight that there is a desire to expand. That is exactly why we look at what is the maximum use potential of the building. Today they may have 200 parishioners. A year from now they may have 300 and 3 years from now it may be 400. None of us know that. When we look at these properties we are looking at the maximum use potential so we can plan accordingly. Once the building is built and the site is complete, there is no going back.

Mr. Dookran asked if because you haven't seen the floor plan that you may not have all the information you need to form your opinion.

Mr. Wood said I think we could certainly look at the floor plan if we had that data and try to look at this more in depth. It is not something we typically do at the site planning process. But we are willing to do that and try to come to some number. Maybe it is appropriate to table this to give that opportunity.

Pat Certese, Merrimack

Ms. Certese said a question I have for the fire marshal is he said we were planning on expanding and stuff like that but the sanctuary is not getting bigger, we are just improving the space where small groups are. When we get bigger we will probably have a phase to expand the sanctuary. We are not really expanding the sanctuary. I don't think it is going to grow that way for the sanctuary part of it. I don't understand what he was saying.

Mr. Wood said we are really not saying that the sanctuary is going to expand. What we are trying to do is look at the building holistically with the data we currently have. We haven't reviewed the floor plan. Certainly we would be willing to do that and that

may be work through what is the accurate occupant load for the building and then we can go from there.

Mr. Dufour asked what would you get from them that would satisfy the requirement?

Mr. Wood said typically with site plans we end up looking at the infrastructure outside the building so we have to rely on someone giving us an occupant load for the building for your parking. When we looked at the plan it said we currently have 160 and we are going to add 41% and we are going to stay at 160 it turned the light on to say how do we do that. In this case certainly we would be happy to look at the floor plan that has been provided if the square footage attached to that and try to work through what is actual occupant load based on the infrastructure in the building and we can work from there.

#### **SPEAKING IN FAVOR OF THE PLAN - REBUTTAL**

Richard Maynard, Maynard & Paquette

Mr. Maynard said for the fire marshal does have the floor plan, they just haven't had a chance to look at them. They have been provided. There is a little misrepresentation here. The sanctuary has 160 seats. The typical attendance is 100 - 120. Easter or Christmas they approach 160, 170, once or twice a year. When the pastor says he would like to grow, every pastor is going to tell you that, minister, whatever he is going to tell you that they would like to grown their population. I think this church would accept a stipulation that the sanctuary would remain at 160 seats unless we came back to the board. You have heard and we have given you the last 5 years of the membership of this particular church and this church has been here since 82. This is not a brand new facility. This is not a new congregation, it is a relative stable congregation. You have heard from a couple of people that live in the neighborhood and have told you they have never seen the parking lot full. Some of you might live in the neighborhood too and can probably state the same thing. One of the problems in the fire marshal's calculations he keeps thinking about what this building would use for a change of use. Any change of use has to come before this Board. And yes some of those other uses he lists in his table and the way he calculates for retail, restaurants, and other types of assembly, yeah sure they probably need more parking. But this is a church. It has multiple uses and functions on any particular Sunday. Any of us that still go to church will understand you go to a mass, you go a service and then you go to a bible class or religious class or a get together, they don't occur

all at the same time. Now in the unusual thing that the congregation might double, which is highly unlikely in the enforceable future, we can not plan a facility out for 50 years. We plan out for the next 10 to 20. It is highly unlikely that this congregation is going to double in the next 10 years. Unfortunately in this country, and as the pastor said in our state, people don't go to church much anymore and it doesn't matter what religion you are. The point being if they were to double, they would have a 2<sup>nd</sup> service at a different time of the day just like other churches have multiple services at different parts of the day. As I have also explained to you he is concerned about egress and ingress to the site. That is what fire lanes are and things like that. There is no reason to think that people are going to congregate such that they block this particular site. Those of you who think about all the churches in the community. Most of them are older churches, older designs, older layouts and yes they tend to be overwhelmed because they are not designed properly because they grew from the early 1900's. This is relatively modern site designed in 82 with all kinds of access and parking. We already exceed, we need a waiver, for the parking we have because it exceeds what the ordinance says, the maximum of what the ordinance says, not the minimum. We also suggested to you we could designate some of the grass area for overflow parking. Highly, highly unlikely that would ever happen but we can do it. The church can afford to do things like that. This is an overblown issue. Sorry to say you have 27 years of history, you had 5 years of census reports, you see stability in this particular church. I don't care if the pastor wants to grow, it is a reasonably stable congregation here and it can't double. Even if it grows by a few percentages, that doesn't double. If you grow by 7% a year for 10 years, you double. There is no way this congregation is going to grow at 7% a year. No church grows any where near that. Those assumptions are so highly theoretical they lack common sense in this particular instance with regard to the church. I didn't see one specific reference to occupancy loads of a church. All our churches just about have a large function area in the basement that is equal to the service area where the mass is held or the religious service is heard. There are no churches around here that have double sessions. If somebody is having a function while there is a service running on another floor, that doesn't happen. That is not realistic. Common sense tells you we have more parking then we will ever need.

Mr. Slivinski asked if in the future is there any reason why the land in the back of the church could not be developed for additional parking?

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Mr. Maynard said there is no reason. That is why they want it some day.

Mr. Slivinski said if they need additional parking in the future there is plenty of land.

Mr. Maynard said we are only using about a third of it.

Mr. Slivinski asked if the work going to be done by a licensed contractor?

Mr. Maynard said Hackler Construction who is a reasonably well known out of the New Ipswich contractor group. He has 40 years experience in the business. We have an architect that is also doing the design work on the building, David Hyatt Professionals. They are just an advisory group or a lay group but we have a group of professionals guiding this program.

Mr. Dufour said you say Mr. Maynard this was blown out of proportion. I have been here 14 years and I know you were here before I was. How many times have you seen the fire marshal come to a meeting on his own to address an issue that concerns him. How many times have you seen that? Because I haven't seen it in 14 years.

Mr. Maynard said I will represent to you that it hasn't been the same fire marshal all those 14 years. There has probably been 5 in the period I would guess.

Mr. Dufour said my point is that they are responsible for the safety of a public building and it is important enough for him to come over this evening to make sure we understand that and I tend to treat that with respect. I don't want to look at him and say you are blowing this out of proportion like the comment you made.

Mr. Maynard said from my perspective who has worked with this and been insulted by telling that I used made up numbers I am a little annoyed.

Mr. Dufour said they were made up numbers.

Mr. Maynard said they are not made up numbers. They are based on actual population. You heard testimony to that effect. They are not made up numbers. There are a number of seats and there is a congregation. Those aren't made up. Those are real.

Mr. Canaway said in the staff report Deputy City Engineer has indicated that the proposal to manage runoff is flawed and will not function properly. Can you walk me through that? I know you touched on it in your presentation so I understand why it is not flawed and how it is going to function.

Mr. Maynard said he comes from the wrong perspective to start from. What he is asking for if we never put an addition on here he would still insist that we treat the existing parking lot runoff that has been there for 27 years. He is asking us to retrofit our building, our existing building, our existing parking lot to meet current standards. He is not respecting we are a vested approved site that has existed for 27 years and in no violation with anything. So to go back and ask us to rebuild our site because we are doing an addition is not allowed by law or by the regulations. The regulations clearly say under Section G under that section that this is a redevelopment site. You do what is reasonably possible. That is what we are doing here with regard to our addition, to our site, and the constraints that are presented there.

Mr. Canaway said in his letter Deputy City Engineer LeBrun states that there is no way for the roof drainage to get to the low area created. There are no details indicating that the low area is a rain garden, that is no soils, plants, attempting to thrive on moisture. We can separate these issues, the parking lot and then the roof. So does your plan adequately deal with the extra runoff the new square footage of that roof, the 30' x 100' is going to create and how.

Mr. Maynard said I expect you folks have drawing number 3 in your packet. The first part of the thing is about roof drainage. Talking about the roof drainage of the existing structure and yes that roof drainage will continue to go where it does now. The back one third down onto the grass area into the pavement and around whatever and the front through the stone mulch area and whatever doesn't infiltrate there will continue over to the parking lot. That is the existing building and that is the roof drain system. The proposed addition and all the grades you see, if you see the grading here and the contouring all point this to this low area in this particular corner. Currently without this here whatever in now in this area is going to drain across and into the parking lot currently. When you put this in and you grade it such as this and you put this catch area in here you are now catching all of that runoff, holding it, treating it, infiltrating it and therefore not only are you treating for your new improvements you are also treating what use to run across the parking lot and into the drain

system. You are making a slight improvement to what exists today but you are totally treating what the addition is doing.

Mr. Canaway asked if the front of the building, the front being the Broad Street side of the building, doesn't that pitch down towards Broad Street.

Mr. Maynard said yes it pitches that way but it is going to end of coming this way by the grades. The pitch is this way but his grades are coming this way. Not for the rest, but for the addition.

Mr. Canaway asked if there is any way to channel some of that extra water from the other sides from the old existing building?

Mr. Maynard asked if you want a (inaudible) system.

Mr. Canaway said no.

Mr. Maynard said there is always a way. Nothing is necessary impossible to us engineers if given enough money.

Mr. Canaway said there are no easy fixes. You couldn't bring up the grade a little bit.

Mr. Maynard said if there were simple ones we would have done it. We can afford simple things.

Mr. Canaway asked now does that on the building, its flat across the front so the roof line is uninterrupted when you add the new addition on.

Mr. Maynard said yes, correct. There is a little bit of a bump out right there but that is already there and it is a continuation.

Mr. Canaway said it is your contention than that the Deputy City Engineer when he says there is no way for the roof drainage to get to the low area he is indicating the whole roof or the addition?

Mr. Maynard said my impression he wants the entire building to run to a low area otherwise he would have said it different. That is based on what we talked to him about anyway. He is saying the whole site drainage wise being retrofitted to meet today's regs. The entire site, whether it is the parking lot or building, existing building or existing parking lot and you can see it further in his comments. When he tells you the parking lot has to be treated, that is the existing parking lot that he wants treated

not any new parking lot because there is no new parking lot. That is contrary to law and contrary to the regs. This is a redevelopment site, not a new site.

Mr. Canaway said my concern is that the addition, even if I just took the addition, most of the roof is in the front and there really isn't a lot of space for the water.

Mr. Maynard said it doesn't need a lot of space and all it has to do is drain this way. It is easy to grade this little section to drain this way. If you want to stipulate it more so than what the plan shows, then you can stipulate it that the front side of the Broad Street addition shall be graded to drain to the low area. You can make that as a stip if that is what is bothering you.

Mr. Dufour asked if the applicant has any objection to tabling this to our next meeting for the purpose of meeting with the fire marshal to try and resolve his concerns.

Mr. Maynard said we don't really have an objection to tabling it if that is what the Board really wants to see. I am not sure what the fire marshal will come up with.

Mr. Dufour said I think he is offering that olive branch to try and work something out.

Mr. Maynard said he has to look at the plans that he has already been supplied with and to come here and to say he didn't have the time... For him to come here and say he didn't have time to look at the plans, but he had time to write a letter, sorry I don't like that. We provided the plans, read them please. We do our job and others come and say I don't have time to look at what you do. I don't like that at all.

Mr. Taylor said something that was pointed out in the staff report, there has been talk of what is required for redevelopment of sites and Engineer Maynard gave a little variation on what actually in the regulations. Under 190-215(G) it reads:

Redevelopment. Redevelopment of previously developed sites must meet the stormwater management standards to the maximum extent possible as determined by the Planning Board. The application shall include a certification by a registered professional engineer as to compliance with this standard.

Mr. Taylor said the question really is the engineer said this is an existing parking lot, but in reality there is a 41% increase to

the building space. If it was a tear down and rebuild would we have the same question, the parking lot drainage is fine going out to the street or if they were doubling the size of the building. I just wanted to point that out that it does say to the maximum extent possible and that is why Staff and City Engineer was looking for something a little more with regard to this.

Mr. Maynard said there is no question this is a redevelopment site. I don't care what percent expansion he wants to put on it. A redevelopment site is a redevelopment site. It is not a brand new site. Number 2, as I stated before, giving us enough money we can do anything. Just because I inserted the word reasonably possible instead of possible, that is the intent of any particular regulation. You can't be unreasonable in your imposition of a requirement. You have to be reasonable. Therefore the word reasonably possible is really the intent, the spirit and intent of that section of the ordinance with regard to redesign sites.

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.

Ms. Corcoran said I think the fire marshal has a good point. We all want safety and I would like to thank him for coming and spending the time tonight to explain why he wrote what he wrote and even if he didn't have time or he didn't see the plan he is still willing to look at it. I think that is exactly what you need here in the City of Nashua so that everyone is protected and he may change his findings.

Mr. Canaway said I agree and if the Board is inclined to table this I would like to see clarification from the city engineer's office as to what they specifically meant with regard to storm drainage.

Mr. Slivinski said he doesn't have a problem with the parking. There is plenty room should parking need to be made in the future out in back. To call it a safety issue now with the type of parking request I don't think it is a safety issue now. Could it become a safety issue in the future? Very possibly but they have a great way to address that in the future should they do very well. My biggest problem is in the stormwater. At least they could catch the drainage off the complete roof. I am not sure in my own mind they have done everything feasible to improve the current conditions. I don't have a concern over some of the architectural things. It will certainly be a nicer looking property then what it

is now. I am certainly convinced in the arguments they made that the space they are putting in is for a foyer and additional classrooms. It is a small church.

Mr. Dookran said I think tabling is in order especially when we have questions about life safety issues and we certainly want the fire marshal to endorse whatever we approve. With regards on comments on stormwater and other waivers, we heard what a Land Use Ordinance says. Apparently there are different interpretations to what it means. I heard Matt say maximum extent possible. Mr. Maynard talks about reasonable extent. To me those are 2 different things all together. Certainly we need some correct interpretation as we start to apply the law. Sometimes I feel like I am the only one here carrying the torch for some of these redevelopment sites. I have asked before and I have heard you yourself Mr. Chair say something like well it all depends on the amount of improvements they are making on a redevelopment site. Well have we crossed that threshold now with this application? We need to know that. Interpretation of the law if it is law because I like to go sometimes not strictly by the law. That is what they all do. The law provides for this. The law provides for that. I don't think even though Mr. Maynard says we will do what is reasonably expected while to me that is a redevelopment site its zero. I will only address the new piece of the redevelopment. I will guarantee you 100 percent of the time that is what we have seen. Zero. That is what is reasonable for the applicants so let us get the right interpretation of that ordinance before we start talking about it next time. Especially when we are faced with 5 or 6 waivers.

Mr. Dufour said when we sit up here and make these exceptions or waivers they are almost always different even the sidewalk situation in a residential development. As much as we try to set a standard there is always that slight difference. That is why we are here and they just don't look it up on a chart and rubber stamp it. I have to say 100% of the time I have always been on the side of life and safety. I am never going to vote for an application where fire or police have concerns with it. We are approving a public building. I think it would be to there best interest to have us table that, meet with the fire marshal to see if they can come to some term. They may not then ultimately we will be here and we will take that vote.

**MOTION** by Alderman LaRose to table to the next meeting for the purpose to the applicant can meet with the fire marshal to resolve the capacity issues and to get further clarification from Staff and Engineering on the stormwater management.

**SECONDED** by Mr. Canaway

**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. Public Hearing in accordance with RSA 674:54, to review plans for a proposed addition to the Nashua Community College, located at 505 Amherst Street, Sheet H, Lot 146. The purpose of this nonbinding hearing is to provide information and take public comments on the proposal; as a governmental use, the college expansion is exempt from local land use regulations. The Planning board will not be voting or making any decision on this State project only providing an opportunity for the public and the Planning Board to give comments to the State.

Steven Peach, Denis Meyers Office, Manchester

Mr. Peach said he is happy to go through a synopsis of what has happened out at the college over the last few years and what we are proposing. Since the last 2 weeks we have pulled together our full construction documents for the project and they will be going out to bid in the next few days. We have added on the Wellness Center, a 24,000 square foot addition in the rear. In that is the dining hall, wellness rooms above and a large gymnasium. A Health, Science and Humanities is now the proposed building. That is a total of 46,000 square feet on 3 floors, 9 classrooms, 3 science labs, a nurse training lab on the upper floor and a 300 seat auditorium. We will be beginning this building very soon. It is a fast track project and it is within the master plan we have been developing with the college. Over this past summer we have added an irrigation system in the front and the newly seeded front yard with some landscape. We added a walkway out to the city installed bus stop. In that front area are new parking spaces. Under this project proposed we will add some additional parking spaces and

will be using the spaces that currently exist on the west end of the campus. With me tonight is Patrick Colburn from Keach Nordstrom to also answer any questions.

Mr. Canaway asked if any of the abutters contact the college or Planning Staff with comments.

Lucille Jordan, Nashua Community College

Ms. Jordan said no, we have not had any responses.

Mr. Taylor said Planning Staff didn't get any responses.

Alderman LaRose asked if there will be a groundbreaking on October 30<sup>th</sup> at 11:00.

Ms. Jordan said yes.

Mr. Slivinski asked about the materials on the building.

Mr. Peach said the materials and the theme of the building matched what was developed with the Wellness Center. The majority of the building is brick. The higher element is a painted aluminum. Over this past summer the old white precast that was the period piece of the college has now been painted green.

**DISCUSSION ITEM**

None

**MOTION** to adjourn by Alderman LaRose

**APPROVED:**

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Ken Dufour, Chair, Nashua Planning Board

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Prepared by: Linda Panny

Taped Meeting