

NASHUA CITY PLANNING BOARD
February 6, 2020

The regularly scheduled meeting of the Nashua City Planning Board was held on February 6, 2020 at 7:00 PM in the 3rd floor auditorium in City Hall.

Members Present: Scott LeClair, Chair
 Adam Varley, Vice Chair
 Mike Pedersen, Mayor's Rep.
 Maggie Harper, Acting Secretary
 Bob Bollinger
 Larry Hirsch

Also Present: Linda McGhee, Deputy Planning Manager
 Scott McPhie, Planner I

Approval of Minutes

January 9, 2020

MOTION by Mr. Bollinger to approve the minutes of the January 9, 2020 meeting, as written.

SECONDED by Mr. Pedersen

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

January 9, 2020 - Annual Meeting

MOTION by Mr. Bollinger to approve the minutes of the January 9, 2020 annual meeting, as written.

SECONDED by Mr. Hirsch

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

COMMUNICATIONS

Mr. LeClair gave an update on the Capital Improvements Committee. The Board will see the report at the next meeting.

REPORT OF CHAIR, COMMITTEE & LIAISON

None

PROCEDURES OF THE MEETING

As there were no members of the public in the audience, Mr. LeClair did not outline the procedures of the meeting.

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 - SUBDIVISIONS

None

NEW BUSINESS - SITE PLANS

1. John J. Flatley Company (Owner) - Application and acceptance of proposed one year extension for a site plan amendment to NR 2165 to develop a portion of the property into 28 townhouse units with associated site improvements. Property is located at 100-300 Innovative Way. Sheet A - Lot 798. Zoned "PI" Park Industrial and "RC" Urban Residence. Ward 8. **[Tabled to the February 20, 2020 meeting]**
2. The Unit Owners' Association of the Village at Kessler Farm Condominium (Owner) Pennichuck Water Works, Inc. (Applicant) - Application and acceptance of proposed site plan amendment to show the proposed water tank reconstruction along with accompanying site improvements. Property is located at 69 Kessler Farm Drive. Sheet G - Lot 592. Zoned "R9" Suburban Residence. Ward 3.

MOTION by Mr. Pedersen that the application is complete and the Planning Board is ready to take jurisdiction.

SECONDED by Mr. Varley

MOTION CARRIED 6-0

Jim Petropulos, Project Engineer, Hayner Swanson Inc., 3
Congress St, Nashua NH

Mr. Petropulos introduced himself to the Board as the representative for the owner. He also introduced John Boisvert and Pete Tedder of Pennichuck Water Works Inc.

Mr. Petropulos introduced the subject parcel and the surrounding planned residential development. He summarized the proposed changes to the site plan. They plan to replace the current steel water tank with a new concrete tank in the same location. This project received approval from the Zoning Board of Adjustment on January 14, 2020, due to the increased height of the new tank.

Mr. Petropulos gave an overview of other site improvements, including a new gravel access road, brush clearing, and new fencing. He gave a timeline detailed description of the tank replacement process. He said they have been performing a series of water main improvements so they can maintain service to northwest Nashua during this project.

Mr. LeClair asked for a description of the appearance.

Mr. Petropulos said it will have a greyish cement look to it.

John Boisvert, Chief Engineer, Pennichuck Water Works Inc., 25
Manchester St, Merrimack NH

Mr. Boisvert said they passed along a color palette to the condo association for review.

Mr. Pedersen asked what will happen to the existing water in the tank.

Mr. Boisvert said they try to use it up as much as they can, and then drain it out as slowly as possible. If the water is chlorinated, they will dechlorinate it first.

Mr. Pedersen asked if they release it into the environment, will it be dechlorinated first?

Mr. Boisvert said yes.

SPEAKING IN OPPOSITION OR CONCERN

None

SPEAKING IN FAVOR

None

Mr. LeClair closed the public hearing and moved into the public meeting. He summarized the public hearing.

MOTION by Mr. Varley to approve New Business - Site Plan #2. It conforms to § 190-146(D) with the following stipulations or waivers:

1. Prior to the Chair signing the plan, all comments in an e-mail from Joe Mendola, Construction Engineer, dated December 12, 2019 shall be addressed to the satisfaction of the Engineering Department.
2. Prior to recording of the plan, all conditions from the Planning Board approval letter will be added to the cover page of the final Mylar and paper copies submitted to the City.
3. Prior to the chair signing the plan an electronic file of the site plan shall be submitted to the City of Nashua.
4. All stipulations of the Zoning Board of Adjustment approval of January 14, 2020 are incorporated herein.
5. Prior to building permit, minor drafting corrections shall be made to the plan.

SECONDED by Mr. Pedersen

MOTION CARRIED 6-0

3. Christos P. & Denise B. Scumniotales (Owners) GC Pizza Hut (Applicant) - Application and acceptance of proposed Site Plan to convert existing restaurant into a carry out and delivery Pizza Hut Restaurant with associated site upgrades. Property is located at 303 Main Street. Sheet 100 - Lot 5. Zoned "D-3/MU" Downtown3/Mixed Use. Ward 6.

MOTION by Mr. Pedersen that the application is complete and the Planning Board is ready to take jurisdiction.

SECONDED by Mr. Bollinger

MOTION CARRIED 6-0

Bob Duvall, Project Engineer, TF Moran, 48 Constitution Dr, Bedford NH 03110

Mr. Duval introduced himself to the Board as the representative for the owner. With him is Jason Nieuweboer of Market Square Architects.

Mr. Duval gave a brief description of the site and surrounding properties. This is the former site of Poor Pierre's restaurant, which Pizza Hut plans to renovate.

Mr. Duval explained Pizza Hut's new business model. He said 80% or more of the transactions are performed online with pickup. He said this is the function of the drive-thru they are proposing. He said the drive-thru window will only be used for pickup; there will be no transactions. He said the amount of time spent at the window will be a matter of seconds, so there is no queueing. He said they performed a traffic study for the Zoning Board, and described the flow and volume of traffic generated.

Mr. Duval described drainage, landscaping, lighting, and other site improvements.

Jason Nieuweboer, Architect, Market Square Architects, 104 Congress Street #203, Portsmouth, NH

Mr. Nieuweboer introduced himself as the project architect. He gave an overview of the proposed design changes.

Mr. LeClair asked how the walk up process works.

Mr. Nieuweboer said the front elevation leads directly to a sidewalk, with ADA accessible ramp entry. He said the interior of the store is mainly for pizza production, and there is no dining area. If drive-up customers are too early for their pizza, they can park and walk in when the pizza is ready.

Mr. Varley asked if walk-up transactions have to be paid in advance as well.

Mr. Duval said no. The drive-thru window has to be paid in advance, but inside people can order and pay.

Mr. Hirsch asked how they would deal with people coming at inappropriate times. It seems like the site wouldn't be able to handle more than 2-3 cars. He asked how they would accommodate cars without forcing them back onto Main St.

Mr. Duval said if you arrive early, you would be asked to either park or come back when it's ready.

Mr. Hirsch asked if when they parked the pizzas would be brought out to them.

Mr. Duval said no, they would have to walk inside.

Mr. Hirsch asked if they had five people looking for pizza at the same time, wouldn't that be a mess?

Mr. Duval explained their expectations for trip generation.

Mr. Hirsch said the site would be getting a lot of volume over a few short hours of the week.

Mr. Duval said existing records show that it's relatively spread out throughout the evening. He said they would see 8-10 trips in their peak hour.

Mr. Varley asked about the exit onto Main St. The Engineering Dept. recommended potentially that the drive-thru lane be a left-turn only onto Main St, and that the bypass lane be a right-turn only.

Mr. Duval said if the Board feels that is better, they would have no issue with it.

Mr. Pedersen said the exit side is a very busy intersection. Wouldn't it make more sense to make both lanes right-turn only?

Mr. Duval said he has spent time observing that corner to see if it would be a problem, and gave a detailed explanation of his observations. He said he is comfortable that it is a safe movement of traffic.

Mr. Pedersen said there is a lot of traffic on the entrance side. He asked if they think traffic will be able to enter the site without blocking up cars behind them.

Mr. Duval said yes. They analyzed that in their impact study. He described traffic entering the site.

Mr. Pedersen asked if cars would be piling up behind the customer trying to get into the site.

Mr. Duval said there would be occasionally. He said it wouldn't happen very often.

Mr. Varley said the Traffic Engineer is requesting a voluntary contribution with respect to the additional traffic generation. Is that acceptable?

Mr. Duval said his client is very concerned about cost escalation on this project. His client is not volunteering to contribute anything, but does not want it to become an impediment to getting his project approved. He asked the Board to consider the low trip generation of this proposal. He asked that the voluntary contribution be waived.

Ms. Harper asked if he would be completely opposed to a right-turn only exit from the site. She is concerned about conflicts with right-turning traffic from Lake St.

Mr. Duval said he believes the intersection signals will be protecting from that, and there is not a safety issue. He said it will make the site a little less attractive to Pizza Hut. He asked that they allow left turns for the sake of convenience for the public.

Mr. LeClair asked if the lower lane could be striped as a right-turn only lane. He is concerned with two cars trying to take a right turn at the same time. The inner lane would have a good sightline of the intersection, but the outer lane wouldn't.

Mr. Duval said they are willing to agree to that.

Mr. LeClair asked how they would get pizza if they are in the outer lane.

Mr. Duval said the outer lane is really to allow exiting of the parking spaces. It is a bypass lane. The pickup lane is the inner lane, and there would be directional signs for each.

Mr. LeClair said you also sometimes see drive-thru lanes striped.

Mr. Duval said they could have a marking on the ground too. He said the parking spaces next to the building would be marked for employees only.

Mr. Hirsch said he was concerned about the timing. He said if someone arrives too early and is told to wait, they need to make a loop all the way around the building to get to the parking spaces. The whole situation there could be problematic during peak times.

Mr. LeClair asked about the Merrimack site.

Mr. Duval said the Merrimack site has window transactions and sit-down seating inside.

Mr. Hirsch said it's totally different. It's a bigger lot.

Mr. Duval said the closest example they probably have is in New York.

Mr. Hirsch asked if it was on this tight of a parcel of land.

Mr. Duval said there was just one approved in Manchester on an almost identical sized parcel of land. The concept is relatively new, but he hears that other pizza vendors are moving towards this business model.

Ms. Harper asked if his data on peak hours is coming from the Merrimack site.

Mr. Duval explained the source for his peak hour data.

Mr. Pedersen said that the traffic analysis supplement submitted said there will be 40 trips during the peak hour. That's someone leaving almost every minute. It takes a whole minute just for the light to change, how are they going to take a left turn? He thinks that will be a real traffic jam.

Mr. Duval said it would be about 12 left turns during the peak hour.

Mr. Pedersen asked about the voluntary contribution.

Mr. LeClair said the applicant indicated they desired not to do that.

Mr. Duval said they ask the Board to consider that unnecessary, considering that this is a rehab of an existing restaurant. They think that the actual impact on the Main St corridor is low. He would hate to see this be the matter that stalls their proposal, as his client wishes to move forward quickly.

SPEAKING IN OPPOSITION OR CONCERN

None

SPEAKING IN FAVOR

None

Ms. McGhee said that Traffic Engineer Wayne Husband is asking for a voluntary contribution, but he has left it up to the discretion of the Board whether or not to request it. She advised the Board on how to revise the recommended stipulations of approval.

Mr. Varley asked about the views of Engineering Dept. related to left and right turning lanes.

Ms. McGhee said in the latest email they received Mr. Husband said that while they felt a left turn restriction onto Main St was not necessary, he would like the applicant to address whether a restriction is appropriate. If the Board decided they felt it was appropriate, it should be a stipulation.

Mr. LeClair asked if they wanted the bottom lane to be right-turn only and the inner lane to be both ways, what kind of signage would they recommend.

Mr. Duval said the most effective thing would probably mark arrows on the pavement.

Mr. LeClair asked if there were any additional turn markings that could be made at the entrance.

Mr. Duval said there was some discussion about that, and they decided it probably would be confusing to convey that as someone enters the site. Differentiating between the two lanes would be done through signage.

Ms. Harper asked how many deliveries this site would perform.

Mr. Duval said he believes half of the transactions would be deliveries, but the driver would be carrying several pizzas.

Mr. Pedersen asked if the delivery vehicle would be with employee parking.

Mr. Duval said yes. There would be one driver and two kitchen employees.

Mr. LeClair closed the public hearing and moved into the public meeting.

Mr. LeClair summarized the public hearing. He said it is a congested site. He has an issue with both lanes turning in both directions. He doesn't think that left turning in the inner lane will be that much of a detriment.

Mr. Hirsch said he feels it is too much activity for a site of that size and location. He thinks that the very heavy traffic during peak times isn't appropriate there.

Mr. Varley agreed with Mr. LeClair that the bypass lane should be right-turn only. He led a discussion in what traffic circulation might look like at this site.

Ms. Harper said conceivably with this model people could be ordering and picking up on their way from school or work, so that estimation of later peak hour times might be inaccurate.

The Board held a discussion regarding pizza pickup.

Mr. Bollinger said if it's that poor of a site, people will choose not to patronize it and get stuck in there. He is in favor of a right-turn only on the bypass lane. He said it will be a busy site, but they are trying to minimize the safety impacts.

Mr. Bollinger said he doesn't know if there is precedent for the requested contribution for trip impacts.

Mr. LeClair said it has happened before, but he doesn't remember one for a proposal of this small size.

Mr. Bollinger said he would have understood more if it was for a physical mitigation that was needed.

Mr. Varley said you see it more for larger projects with substantially more traffic impact. Traffic impact is relatively marginal compared to what is already there. He asked staff if there is an ordinance that they have to comply with, or if this is simply a request.

Ms. McGhee said he is correct, this is a request. This is not like the sidewalk contribution, where there is an ordinance in place. Mr. Husband left this up to the Board. They do see this in bigger developments, but this is a very small proposal.

Mr. Pedersen said this is a business just trying to get started, and this contribution is a wall in front of them. There is a very small profit margin on pizzas. He thinks it is too steep.

Mr. LeClair led an extended discussion in regards to turn lanes exiting the site.

MOTION by Mr. Pedersen to approve New Business - Site Plan #3. It conforms to § 190-146(D) with the following stipulations or waivers:

1. Prior to the chair signing the plan, minor drafting corrections will be made.
2. Prior to the Chair signing the plan, all conditions from the Planning Board approval letter will be added to the cover page of the final mylar and paper copies submitted to the City.
3. Prior to the issuance of a building permit, the electronic copy of the plan will be submitted to the City of Nashua.
4. Prior to the issuance of a building permit, all stormwater documents will be submitted to City staff for review and approval and recorded at the Registry of Deeds at the applicant's expense.
5. Prior to the issuance of a building permit, all comments in an e-mail from Joe Mendola, Street Construction Engineer, dated January 28, 2020 shall be addressed to the satisfaction of the Engineering Department.
6. Prior to the issuance of a building permit, all comments in letter from Wayne Husband, P.E. dated January 27, 2020 shall be addressed to the satisfaction of the Engineering Department.
7. Any other use other than Pizza Hut will require the applicant to go back before the Zoning Board of Adjustment and/or the Planning Board.
8. All stipulations of the Zoning Board of Adjustment dated December 11, 2019 are incorporated herein.
9. Any work within the right-of-way shall require a financial guarantee.
10. Prior to the issuance of a certificate of occupancy, all site improvements will be completed.
11. All egress from the site shall be right turn only.

SECONDED by Mr. Hirsch

MOTION WITHDRAWN

MOTION by Mr. Pedersen to approve New Business - Site Plan #3. It conforms to § 190-146(D) with the following stipulations or waivers:

1. Prior to the chair signing the plan, minor drafting corrections will be made.
2. Prior to the Chair signing the plan, all conditions from the Planning Board approval letter will be added to the cover page of the final mylar and paper copies submitted to the City.
3. Prior to the issuance of a building permit, the electronic copy of the plan will be submitted to the City of Nashua.
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7. Any other use other than Pizza Hut will require the applicant to go back before the Zoning Board of Adjustment and/or the Planning Board.
8. All stipulations of the Zoning Board of Adjustment dated December 11, 2019 are incorporated herein.
9. Any work within the right-of-way shall require a financial guarantee.
10. Prior to the issuance of a certificate of occupancy, all site improvements will be completed.
11. The bypass lane shall be a right turn only.

SECONDED by Mr. Bollinger

MOTION CARRIED 5-1 (Ms. Harper opposed)

4. John J. Flatley Company (Owner) - Application and acceptance of proposed site plan to construct a 255,272 square foot Research & Development facility. Property is located at 100-300 Innovative Way. Sheet A - Lot 798. Zoned "PI" Park Industrial and "RC" Urban Residence. Ward 8. **[POSTPONED TO THE MAY 21, 2020 MEETING]**

OTHER BUSINESS

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

MOTION by Mr. Bollinger that there are no items of regional impact.

SECONDED by Mr. Varley

MOTION CARRIED 6-0

DISCUSSION ITEMS

None

MOTION to adjourn by Mr. Hirsch at 8:33 PM.

MOTION CARRIED 6-0

APPROVED:

Mr. LeClair, Chair, Nashua Planning Board

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Prepared by: Kate Poirier

Taped Meeting