

NASHUA CITY PLANNING BOARD  
May 16, 2019

The regularly scheduled meeting of the Nashua City Planning Board was held on May 16, 2019 at 7:00 PM in the 3<sup>rd</sup> floor auditorium in City Hall.

Members Present:     Scott LeClair, Chair  
                          Adam Varley, Vice Chair  
                          Mike Pedersen, Mayor's Rep.  
                          Edward Weber, Secretary  
                          Steve Dookran, City Engineer  
                          Gerry Reppucci  
                          David Robbins  
                          Maggie Harper

Also Present:         Roger Houston, Planning Director  
                          Linda McGhee, Deputy Planning Manager

**Approval of Minutes**

May 2, 2019

**MOTION** by Ms. Harper to approve the minutes of the May 2, 2019 meeting.

**SECONDED** by Mr. Varley

**MOTION CARRIED 6-0-2 (Dookran, Pedersen abstained)**

**COMMUNICATIONS**

Mr. Houston went over the following items that were received after the case packets were mailed:

- Email from Economic Dev. Dir. Tim Cummings re: Case #2
- Email from Engineering Dept. re: Case #2
- Revised stormwater management report & plan re: Case #2

**REPORT OF CHAIR, COMMITTEE & LIAISON**

Mr. Weber said that the Nashua Regional Planning Commission has moved to 30 Temple St, Nashua.

**PROCEDURES OF THE MEETING**

Mr. LeClair went into the procedure of the meeting as follows: After the legal notice of each conditional, special use permit, site plan or subdivision plan is read by the Chair, the Board will determine if that the application is complete and ready for the Board to take jurisdiction. The public hearing will begin at which time the applicant or representative will be given time to present an overview and description of their project. The applicant shall speak to whether or not they agree with recommended staff stipulations. The Board will then have an opportunity to ask questions of the applicant or staff.

The Chair will then ask for testimony from the audience. First anyone wishing to speak in opposition or with concern to the plan may speak. Please come forward to the microphone, state their name and address for the record. This would be the time to ask questions they may have regarding the plan. Next public testimony will come from anyone wishing to speak in favor of the plan. The applicant will then be allowed a rebuttal period at which time they shall speak to any issues or concerns raised by prior public testimony.

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

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

Above all, the Board wants to be fair to everyone and make the best possible decision based on the testimony presented and all applicable approval criteria established in the Nashua Revised Ordinances for conditional, special use permits, site plans and subdivisions. Thank you for your interest and courteous attention. Please turn off your cell phones and pagers at this time.

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

None

**OLD BUSINESS - SUBDIVISION PLANS**

None

**OLD BUSINESS - SITE PLANS**

None

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

None

**NEW BUSINESS - SUBDIVISION PLANS**

1. Nashua Millyard Associates, Inc. (Owner) - Application and acceptance of proposed subdivision of two lots into five lots. The property is located at L Pine Street. Sheet 77 - Lots 36 & 37, Zoned "GI" General Industrial & "MU" Mixed Use. Ward 4.

**MOTION** by Mr. Reppucci that the application is complete and the planning board is ready to take jurisdiction.

**SECONDED** by Mr. Pedersen

**MOTION CARRIED 8-0**

Steve Auger, Project Manager, Hayner Swanson, 3 Congress St, Nashua NH

Mr. Auger introduced himself to the Board as representative for the owner, Nashua Millyard Associates Inc.

Mr. Auger described the proposal. The two roughly triangular lots are a combined total of .262 acres. During the design and construction of the Broad Street Parkway, there were some land takings from the Millyard Associates. These two small, non-buildable lots were created as a result of those takings. They are proposing to subdivide these lots into a total of five lots, and transfer by deed the new lots to the abutting property owners. Afterwards, the abutting property owners will voluntarily merge the lots.

The applicant is requesting one waiver from NRO §190-282(B)(9), which requires the plan to depict physical features within 1,000 feet of the site. They would like to request not to show existing conditions and topography onsite. The new parcels will be conveyed and subsequently merged, and no new structures are planned. A strict enforcement of this requirement would be a hardship on the owner.

Mr. LeClair asked who would get what property.

Mr. Auger showed the Board which lots would merge with the neighboring abutter properties. It would give each of the properties frontage onto Pine St.

Mr. LeClair said essentially they can all go somewhere.

Mr. Auger said correct. The lots were divvied up to somewhat make sense.

**SPEAKING IN OPPOSITION OR CONCERN**

None

**SPEAKING IN FAVOR**

None

Mr. Reppucci asked Staff if they had a positive recommendation for this proposal.

Ms. McGhee said yes. They recommend this for approval.

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

Mr. LeClair said the request seems straightforward and the intent is clear.

Mr. Reppucci said that the right portion of the drawing looks like it has no sidewalks. If it doesn't, would they need a waiver for that?

Mr. LeClair said it looks like there are sidewalks except where the curb cuts are.

**MOTION** by Mr. Varley to approve New Business - Subdivision #1. It conforms to § 190-138(G) with the following stipulations or waivers:

1. The request for a waiver of § 190-282(B)(9), which requires physical features on site and within 1,000 feet, is granted, finding that the waiver will not be contrary to the spirit and intent of the regulation.

**SECONDED** by Mr. Weber

**MOTION CARRIED 8-0**

**NEW BUSINESS - SITE PLANS**

2. 267 Main Street Realty, LLC (Owner) - Application and acceptance of proposed amendment to NR1625 to construct a 1,827 sf coffee shop with a drive through and associated site improvements. Property is located at 267 Main Street. Sheet 97 - Lot 13. Zoned "D1/MU" Downtown 1/Mixed Use. Ward 4.

**MOTION** by Mr. Pedersen that the application is complete and the planning board is ready to take jurisdiction.

**SECONDED** by Mr. Reppucci

**MOTION CARRIED 8-0**

Atty. Andy Prolman, Prunier & Prolman, P.A., 20 Trafalgar Sq,  
Nashua NH

Atty. Prolman introduced himself to the Board as representative for the owner, 267 Main St Realty LLC. He also introduced owners Joe & Rick Carvahlo, Project Engineer Chad Branon, Traffic Analyst Giles Ham, and architect Jackie Brusso.

He said that Joe and Rick Carvahlo also own Dunkin Donuts locations on Canal St, East Hollis St, and in Simoneau Plaza on Main St. The owners are not corporate franchisees, and are onsite every day. Rick Carvahlo specializes in queue management with Dunkin Donuts.

Atty. Prolman described the environmental piece of the proposal. The property was once an old gas station, and in years past there have been spills. They have been working with prior owner Exxon Mobil and their environmental engineer Kleinfelder. Exxon Mobil previously bought the property from the Gibbs Tire and Gas Station. Over the past few years Kleinfelder has been injecting certain chemicals into the ground to address the petroleum molecules in the ground and come into compliance with NH Dept. of Environmental Services (DES) thresholds. Kleinfelder prepared the April 18<sup>th</sup>, 2019 report in their packet, and they are confident that the current round of treatment was successful and that they are close to completing their remediation efforts. If any more remediation is required, they can do it concurrent with any development of the site.

Atty. Prolman said they have provided a site plan suitability report for development in the mixed use zone. They meet many of the criteria with respect to the master plan and design of the site. They have met with Staff as well to meet the character of

downtown architecture. He described the highlights of the site plan. The applicant agrees with all points in the Staff Report and all comments from Engineering Dept.

Chad Branon, Fieldstone Land Consultants, 206 Elm St, Milford NH

Mr. Branon introduced himself to the Board. He said that the plan before them has gone through an extensive review process, consisting of numerous meetings with city Staff, Engineering Dept., Traffic Dept., and the Fire Dept. This process has created the best development plan for this project. The property has been vacant for some time, and this proposed development will rejuvenate the area.

Mr. Branon gave an overview of the lot. The property sits at the intersection of Main St and Prospect Ave. It is .43 acres in size, and is in the Downtown-1/Mixed Use zone. The site contains the remnants of the former gas station that occupied the property. This includes a steel building and 8 fueling stations, a canopy, parking, and two curb cuts onto Main St. The development of the site will include razing of all existing structures, and the construction of a new 1,830-sqft Dunkin Donuts restaurant, drive-thru, and associated site improvements. This will be a 2-story building, and the final layout will allow for safe pedestrian access. He described the other site improvements.

Mr. Branon described access to the site and parking. He described access to the building, and pedestrian traffic. The proposed sidewalk across Main St will close the two existing curb cuts. He described the drive-thru, which provides stacking for 13 vehicles and a partial bypass lane onto Main St. The site will be serviced by municipal sewer, Pennichuck water, natural gas, and underground utilities. He described the lighting design and landscaping. They have agreed to install a 6-ft high white vinyl stockade fence along the west and south borders, and a brick/wrought iron fence along the Main St frontage. Stormwater will be managed by a closed underground drainage system, which ties into the combined sewer system.

The project includes proposed offsite improvements to Prospect Ave, including an additional turning lane, realignment with Prospect St, relocating the signal, installing sidewalks, and reworking crosswalks. There will be traffic signal modifications as well. They are depicting a Right of Way dedication on the plan to dedicate the portion of the property with those improvements to the city.

Mr. Branon said that they have worked diligently with Staff, and he believes they have a favorable review from Engineering Dept. They are in agreement with all points of the Staff report, with one recommendation: the original application included a waiver from stormwater management, and they would like to withdraw that request. In working with the Engineering Dept. they were able to create a design that meets city standards.

Mr. Reppucci asked if Fire Dept. has reviewed it.

Mr. Branon said yes, Fire Dept. was happy with the design.

Ms. McGhee said there was a letter dated April 2<sup>nd</sup>, 2019 in their packets from the Fire Marshal, that they had no concerns.

Mr. LeClair asked how far the cars will stack in the drive-thru.

Mr. Branon said he believes that is up to the order delivery window.

Mr. Robbins commented that this is a tightly packed site.

Mr. Branon agreed, and said they have tried to accommodate a lot of feedback from Staff. The site improvements on Prospect Ave make the site tighter. It meets all engineering and traffic standards, and drainage complies.

Mr. Robbins said that the drive-thru stacking queue looks like it will block the lane onto south Main St.

Mr. Branon said yes. It is a partial bypass lane, and not really intended as a primary exit to the project. They didn't curb the section so that there could be access to the dumpster.

Mr. Robbins said he appreciates an escape lane. He asked if mostly all traffic will be out onto Prospect Ave.  
Mr. Branon said correct.

Mr. Robbins said Dunkin Donuts places are very popular, and he has seen sites in the area with 15 cars in the drive-thru. He said it is a good location, but he is concerned with the access from Prospect Ave. There is not much space on Prospect Ave to stack. At high traffic times of the day, do they expect issues?

Mr. Branon said that their traffic engineer did an analysis for the stacking onsite. His understanding is that they don't anticipate any issues. The new right turn lane will help.

Mr. Weber asked if there would be a handicap push button at the entrance.

Mr. Branon said he thinks that is required.

Mr. Weber said there is a lot of foot and bike traffic in the area. He recommended that they consider installing a bicycle stand on the north sidewalk area.

Mr. Branon said that the traffic engineer recommended they put one onsite, so they will be installing one.

Mr. Weber recommended they use high temperature paint on the pavement turning arrows to make it last longer.

Mr. Dookran said it is required under the Engineering Dept. comments.

Mr. Weber referenced the bypass lane, and asked if "Don't Block This Area" paint could be added.

Mr. Branon said it will be striped through that area, and defined as a separate lane. Sometimes "Don't Block This Area" paint makes people think they can't drive through it, so they will paint it as a lane.

Mr. Reppucci asked if they can clarify the intention of the bypass lane. Is that opening an intricate part of the design, or optional? He referenced the layout of a nearby Dunkin Donuts, where that lane is chained off.

Mr. Branon said that when they laid out the site, the primary purpose was access to the dumpster. They chose to open the access as a secondary option for exiting the lot. It's not a requirement to be open, but he thinks it offers flexibility and improves the site.

Ms. Harper asked about the petroleum remediation timeline.

Atty. Andy Prolman, Prunier & Prolman, P.A., 20 Trafalgar Sq, Nashua NH

Atty. Prolman said there were a series of injection events April 15<sup>th</sup>-18<sup>th</sup> and May 6<sup>th</sup>-9<sup>th</sup>. Kleinfelder will be back onsite to test samples on May 27<sup>th</sup>. Once the samples yield results, they will be sent to the DES. If the samples show that they are below thresholds for organic compounds, the DES will request another



sample. If it all goes well, they may get a "no further action" letter with groundwater monitoring later in the year.

Ms. Harper asked if they anticipate keeping the monitoring wells.

Atty. Prolman said yes. The wells will be onsite for some time with the groundwater management permit from the DES. The responsibility will transfer to the Carvahlos to test and submit results to the DES every spring.

Chad Branon, Fieldstone Land Consultants, 206 Elm St, Milford NH

Mr. Branon clarified that they will be removing one or two of the test wells onsite, in collaboration with Kleinfelder. If another one needs to be installed, they will add them. This was addressed through the Engineer Dept. review process.

Mr. LeClair said he is concerned about the access design between the main entrance and the Prospect Ave crosswalk. Is there anything to stop people from walking across the turning lane to reach it?

Mr. Branon said that the plan was revised, and showed the new location. He described the interplay between cars and pedestrians.

Mr. Reppucci asked how many drive-thru windows there are.

Mr. Branon said one.

Mr. Reppucci asked if something isn't ready at the window in a timely manner, where to they go to wait?

Mr. Branon said they would wait in the parking lot.

Giles Ham, Traffic Engineer, Vanasse & Associates, Inc., 35 New England Bus Center Dr, Andover MA

Mr. Ham said that their traffic report has been reviewed by City Traffic Engineer Wayne Husband. He said that the main concerns at a Dunkin Donuts site are drive-thru stacking and ingress/egress to the site. They studied other sites in the area, and feel confident that 13-cars are enough. The typical stacking amount is 6-cars, with a maximum of 13-cars. The main access is through the signalized intersection with Main St. It is a controlled access, which helps exit. The bypass onto Main St is a slip-exit from the drive-thru. It isn't a main function

of the site for egress, but allows for access to the dumpster. The second lane on Prospect Ave will double storage capacity exiting the site.

Mr. LeClair asked if they are widening Prospect Ave.

Mr. Ham said yes. There will be two full lanes. They are also closing a curb cut onto Main St to take turning points off of Main St. They are upgrading sidewalks and pedestrian access. They concur with the recommendation that Staff inspect their work before a Certificate of Occupancy is issued. There will be bike racks onsite. Traffic offsite is metered as well.

Mr. Reppucci asked about the bypass, and whether there would be two lanes exiting onto Main St.

Mr. Ham described the changes to the intersection.

Mr. Reppucci asked what will happen if the drive-thru stacking backs up onto the incoming lane into Prospect Ave.

Mr. Ham said that they feel that the 13 vehicle stacking length is adequate.

Mr. Varley asked how the capacity here compares to other drive-thru locations.

Mr. Ham said that the Broad St one was maybe a little longer in terms of queue storage, but he's seen sites with less.

Mr. Robbins asked if there would be room for three cars outgoing in either lane on Prospect Ave.

Mr. Ham said correct, six cars total. He said keep in mind that most Dunkin Donuts exit onto busy streets at unsignalized locations. They have the benefit of the light and 25 seconds "green time" to keep the queue from building up.

Mr. Robbins asked about the size of modern vehicles, and whether they can make the drive-thru turn. He is concerned about congestion.

Mr. Ham said they have run calculations for all vehicular circulation, and it will be fine.

Mr. LeClair asked about improvements at the intersection, and new signaling.

Mr. Ham said that they are widening the street to two lanes. That will require them to relocate a signal post. There will be new sidewalks and crosswalk. The crosswalk across Main St will be relocated. They will look into signal timing.

Mr. LeClair asked if the audio/visual signal would be replaced.

Mr. Ham said no, they will be using the current signal operations. They will be using a signal designer look at the intersections, and submit plans to city Staff for review.

Mr. LeClair asked if the pedestrian signal is a four-way stop, with all four streets stopped during the crossing.

Mr. Ham said yes. They will make sure there is adequate crossing time.

A brief discussion of pedestrian traffic ensued.

Mr. LeClair asked if this signal would be coordinated with other intersections.

Mr. Ham said yes.

Mr. LeClair asked if the timing needs to be changed after occupancy, who would change it?

Mr. Ham said there are provisions that if something needed to be changed, they would come back and make revisions. They're not walking away from the project.

Mr. Dookran said that is part of City Engineer Mendola's comments. There is a note on the plan regarding revisions.

Chad Branon, Fieldstone Land Consultants, 206 Elm St, Milford NH

Mr. Branon said they received three comments this afternoon from Mr. Mendola. He read aloud the initial note, to be reworded.

Mr. LeClair asked about the nighttime lighting at the crosswalk.

Mr. Branon said they haven't done any offsite lighting evaluation. Their intention was to avoid light pollution. He said that the crosswalk currently exists, and they're improving the alignment, which is safer. He thinks there is a pole light there, but they didn't evaluate the lumen level.

Mr. LeClair asked what the operating hours would be.

Mr. Branon said it will be open from 4:30am-11:30pm.

Ms. Harper asked how many vehicles would fit on the incoming lane on Prospect Ave, should traffic overflow.

Mr. Branon said that the 260-ft doesn't get you even to the main entrance of the site, because if they counted that area it would affect people's ability to access the parking lot. There is at least another vehicle or two that could stack onsite before you technically get to Prospect Ave, and then another 4 on the street.

Ms. Harper expressed concerns about backing up onto the street.

Mr. Branon said he is familiar with the Dunkin Donuts sites in the area. There will be other opportunities to go nearby, and maybe share some of the traffic at other sites.

Mr. Reppucci asked if the owners also own the site at Simoneau Plaza. Will they be closing it?

Atty. Andy Prolman, Prunier & Prolman, P.A., 20 Trafalgar Sq, Nashua NH

Atty. Prolman said he asked the owners, and they said maybe, maybe not. There are four years to go on the lease. If it goes well they will keep it, and if not they will shut it down after the lease is up. The answer is "to be determined".

Rick Carvahlo, 267 Main St Realty LLC

Mr. Carvahlo said that over the past few years they have been recognized as the best operators of drive-thru areas in the state and possibly in New England for Dunkin Donuts franchises. They use timers in their stores, and their average time for serving a customer is 151 seconds from menu board to receiving window. In the busiest part of the day 6-8am, they average 85 seconds. They do that by overstaffing their stores, creating a workflow between staff, and monitoring locations by cameras. They have also been awarded among the top-ten franchises in the Dunkin Donuts brand. They make their stores a priority.

Mr. Carvahlo said that having another site will alleviate some of the congestion at the other sites nearby.

Mr. Reppucci expressed praise for the speed of their East Hollis location, but said that he still sometimes sees cars backing up onto East Hollis sometimes. There is a short stacking line

there, so no matter how fast they are cars still stack on the road. He referenced the West Hollis St location, which has a different owner. He said they have great engineers and know what they're doing, but isn't it possible that this is just too much for this location and lot size?

Mr. Carvahlo said he doesn't believe the size of the lot will determine the issue. They have the stacking distance, so he doesn't see a problem with the drive-thru. In regards to traffic count numbers, West Hollis St has a substantially higher number of cars than either this location or East Hollis St. East Hollis St has only 11-12 cars stacking distance, and this location provides a substantial amount before you get to the road.

Mr. Reppucci asked if he measured the stacking from the service window.

Mr. Carvahlo said yes.

Mr. Reppucci said that from the ordering location, the stack is probably 5 cars less.

Mr. Carvahlo said there should be four cars between the ordering and service window, five if you include the one that is ordering.

Mr. Reppucci said he has no doubt that they are closing the site on Simoneau Plaza. They have every right to do that, but it will enhance the use on this site. He asked if the drive-thru is an absolute requirement.

Mr. Carvahlo said absolutely. It wouldn't make any sense not to have it. The other thing to think about in Simoneau Plaza is that the location inside Shaws would take a lot of traffic. The Simoneau Plaza location may seem busy, but from a business perspective it's not as busy as it seems. The Shaws location will stay.

Mr. Reppucci said that cars have to drive around the building and cross the entrance in order to wait in the parking lot for food. Are there any locations like that?

Mr. Carvahlo said they have only one drive-thru location, and he can't speak to others. He said that if he makes too many people do that they'll stop coming, so he will figure that one out ahead of time to make sure they don't wait long enough to have to park.

Mr. LeClair asked how often that happens.

Mr. Carvahlo said that their longest wait time ever was 169 seconds. It doesn't happen very often, and didn't happen all week.

Mr. LeClair asked if it is not a multiple time per day occurrence.

Mr. Carvahlo said it is not.

Mr. Weber asked if they own the location at 111-A.

Mr. Carvahlo said no. They own the Main St and East Hollis St locations.

Jackie Brusso, Architect, Aharonian & Associates Inc., 310  
George Washington Hwy, Smithfield, RI

Ms. Brusso presented the building elevations. They feel they have come to a design solution that fits in with the neighborhood. The second floor is a true second floor, and will mostly be used for storage.

Ms. Brusso described the architectural elements and the materials used.

Mr. LeClair asked if screening for rooftop equipment was proposed.

Ms. Brusso said that the building is flat, with a 2.5-ft parapet around the top. The rooftop units are placed in the center of the second floor, so you would have to be 300-ft away to even see the tip of them.

Mr. LeClair asked if there was any façade lighting.

Ms. Brusso said there was some accent lighting by the entrance, and some signage. They have wall-pack lighting on the front, and accent lights in the canopies

Mr. LeClair asked if they have ground lighting.

Ms. Brusso said that is not currently planned.

Mr. LeClair asked her about the ADA accessibility push-button.

Ms. Brusso said they will have it. It's has been a requirement since 2009. She showed the Board site elevations with fencing and floor plans, and samples of building material.

Mr. Reppucci asked where delivery trucks go.

Joe Carvahlo, 267 Main St Realty LLC

Mr. Carvahlo said they have deliveries every night around 2am. They come in on straight box trucks. The trucks would come off Prospect Ave, and back up to the door. They have one bigger delivery once per week, probably Wednesday or Saturday, and they have the ability here to receive off-hours delivery.

Mr. Reppucci asked if they receive all deliveries off-hours.

Mr. Carvahlo said not on all sites. They will be for this site. Daily product deliveries are done off-hours, and he is preparing to receive the large shipments off-hours as well.

Mr. Weber asked if the neighbors will be impacted off-hours.

Mr. Carvahlo said that the noise is minimal beyond the lift gate, and the delivery usually takes 5 minutes. The only trailer truck is weekly, and he would probably schedule it for Saturday, when it is quietest.

Mr. Carvahlo addressed his locations throughout Nashua and how they manage their sites. He described his involvement in the community, and said he very committed to the area. If this isn't perfect, they will work with the Board.

Mr. Carvahlo said that currently there is very little walking traffic near the site. He said walking traffic ends at the CVS to the north, and he can think of nothing else that would draw people into the area than this proposal. He thinks this will help extend Main St.

Mr. Weber thanked the owner for taking on this project. He thinks this proposal will be great for the site and city.

Mr. Dookran said that foot traffic picks up farther south.

Mr. Carvahlo said that right in front of the location there is very little. He thinks that this will create that traffic.

**SPEAKING IN OPPOSITION OR CONCERN**

Todd Whitney, 32 Gordon St, Nashua NH

Mr. Whitney says he has a law office at 1 Prospect St, directly across the street from the site. He has operated there since 1988. He handed out notes to the Board members.

Mr. Whitney spoke in opposition at the November 27, 2018 Zoning Board of Adjustment meeting. He said at that meeting the primary concern was the location of the drive-thru, which is parallel to Main St.

Mr. Whitney's concern is the aesthetics of a drive-thru. He has no doubts that it would function, but he is not convinced that this is the only configuration onsite that would work. He thinks this project lacks imagination and effort, and said they didn't spend a lot of time on this plan. He said that the Master Plan requires buildings up by the sidewalk and parking in back in this zone. This use needs a drive-thru, and according to the applicant the only place they can have it is on full display in a nice section of downtown. He thinks if they could shrink the building and reduce the parking to relocate the drive-thru.

Mr. Whitney criticized the transparency of the fence, lack of vegetation, and lack of waste receptacles in his opinion. He would oppose an audio aspect to the crosswalk as well. He said that just because the Zoning Board gave a favorable recommendation doesn't they have to approve this as proposed.

Mr. Robbins said that the site has been derelict for 20 years. If he had to choose this proposal or the site the way it is, which would he decide?

Mr. Whitney said he would choose the derelict site, because another suitor will come along sooner or later. Sometimes you have to wait for love.

Mr. Robbins said, another 20 years?

Mr. Whitney said it won't be that long.

**SPEAKING IN FAVOR**

None



**SPEAKING IN FAVOR - REBUTTAL**

Chad Branon, Fieldstone Land Consultants, 206 Elm St, Milford NH

Mr. Branon challenged the inference that they hadn't spent time on this proposal. They have been working on this concept for the better part of a year, with many meetings with town Staff members to achieve the best layout for the site. This is the best layout for the site and community, because they are able to accomplish many offsite improvements. They looked at many different alternatives, and ultimately came back to this plan. This meets a lot of the Master Plan requirements and aesthetics of surrounding buildings. He thinks the key is that this is a clean aesthetic look and design. One of the conditions of approval is to continue to work with city Staff on the elements.

Mr. Branon said that access to the site had to come off of Prospect Ave, and that sets them up for a certain layout. They couldn't come off of Main St that close to a signalized intersection. Corporate requires a drive-thru and partial bypass lane, so those site elements have to be incorporated. He said that they meet and exceed the stacking regulations.

Mr. Branon said they are confident that this is the best plan for the site. A similar layout to this was approved onsite in 2001 through the Zoning Board, but never went through. For two different companies to come up with a similar layout speaks to the engineering logic that this is the best layout for this site when you're contemplating a drive-thru element.

Mr. Dookran asked about the façade.

Mr. Branon said that when they went to the Zoning Board they presented five options for aesthetics. This was the design detail that they felt fit in best. This has been a result of feedback from the Zoning Board and Staff.

Mr. Dookran asked if there were any other opportunities to come closer to what Mr. Whitney desired.

Jackie Brusso, Architect, Aharonian & Associates Inc., 310 George Washington Hwy, Smithfield, RI

Ms. Brusso said as far as the building goes, they presented five different plans for aesthetics, height, materials. This design pulls the materials together and looks really nice. It's the nicest of the five options they presented, and she thinks it's the nice choice.

Ms. Brusso said that cars will be visible through the fence, but the eye will be drawn to the wall and fence.

Mr. Dookran asked if she was familiar with the Master Plan, and its decree that buildings be close to the sidewalk.

Ms. Brusso said yes.

Mr. Dookran asked what the real purpose of this design was.

Ms. Brusso said access to the site. She knows that this design fits into the Master Plan, but isn't sure if it would fit in a quarter mile down the road where buildings are right up against the sidewalk. It's not the same feeling in the area. They did explore other options. This is designed to suit the area.

Mr. Dookran said that having buildings up against the sidewalk is designed like a storefront situation. Dunkin Donuts predominantly services drive-thru traffic, so it doesn't serve that purpose.

Ms. Brusso said that the crosswalk draws people into the building, and that side of the building speaks to that storefront style.

#### **SPEAKING IN OPPOSITION - REBUTTAL**

Todd Whitney, 32 Gordon St, Nashua NH

Mr. Whitney said he doesn't doubt a substantial amount of work was done. He said he didn't mean that they didn't put forth any effort, but that they didn't put forth effort into trying something else. This is the "best design" from the applicant's point of view, but it's not the only one. He said that the citizens of Nashua are stuck with the design of this once the Board approves it. Otherwise, they have a slow moving drive-thru on a nice part of Main St, for everyone to see.

Mr. Whitney said that if they absolutely had to have the drive-thru in front, he would have been happier with more concealment. Tight sites aren't uncommon for these uses in the city, and they can work with a smaller building and smaller parking lot. This isn't the only plan they could have done.

Mr. Houston said that the Board had communications from Economic Dev. Dir. Tim Cummings regarding the case.

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

Mr. Varley addressed aesthetics, and said that while this design is not what some people would choose, it is a substantial improvement over what is currently there. He thinks the combination of brick and wrought iron is nice, but beyond that he doesn't know if moving the parking to the front would necessarily improve the aesthetics. He thinks they've done a pretty good job. He does not see another site design that could work better.

Mr. Pedersen said someone mentioned that parking lots couldn't be in the front; they had to be to the side or rear. Isn't there also a wrought iron fence across the street at the hospital? The two fences would fit together.

Mr. LeClair agreed.

Mr. Reppucci said he is having a hard time with this. He's not sure what exactly the reference to the Master Plan is, forcing buildings to be on the street. He thinks it's awful. He referred to the nearby CVS and his issues with the design, which he said were caused by forcing the building forward to the street. He thinks this design would be better off with the building to the back.

Mr. Reppucci reiterated his concerns with traffic. It's good for the city to develop this land, but he thinks this will be dangerous and cause problems with traffic. He said that the traffic engineer is going to tell the Board that it is a good plan because they were hired by the applicant. He said that people will take left turns out of the partial bypass lane. He thinks this is too much for the site.

Mr. Pedersen agreed with Mr. Reppucci's concerns about traffic. He said it is a complex intersection of cars.

Mr. Varley said he understands Mr. Reppucci's point that the applicant hired the traffic engineer, but that's true of every expert hired by applicants. He said they have to consider whether they have anything that contradicts the testimony from the civil engineer, traffic engineer, and applicants. If they are providing stacking for 13 cars, exceeding the number required by the ordinance, do they have evidence to suggest that the provided drive-thru stacking amount as proposed is insufficient? Everyone has their own intuition, but he thinks they should be objective and see some evidence.

Mr. Reppucci said they get expert testimony, and land use boards are not supposed to disregard that. But the members can use their own personal experience. He said that their ordinance on drive-thru stacking is old and didn't contemplate the kind of stacking that Dunkin Donuts does. He is concerned about cars backing up onto the roadway, and said they should use past experience with other locations in their decision.

Mr. Varley agreed with Mr. Reppucci, it is reasonable to use common sense and your own experience. But he would add that there is a difference between a site not functioning perfectly all the time and a site being non-functional. He said there is a chance that traffic will rarely back up and may inconvenience someone, but from what they heard or talked about he's not seeing a material concern about traffic or safety.

Mr. LeClair said this site is a little bit different than some of the sites they've visited or looked at. He thinks having the entrance on Prospect Ave is a good idea, and would not be in favor of a direct entrance off of Main St. He thinks there is some benefit to the design, but that there is benefit to parking. His experience with long stacking lines is to park and go inside. This design maximizes parking, and he thinks that is a good thing.

Mr. LeClair said that with regards to the Master Plan he thinks it's important for the project to foster that. The Master Plan is old, but the concept of street-scaping is still contemporary. He liked the fence design, which is less susceptible to graffiti than a typical solid wall. He likes the aesthetic, and thinks it will fit in well with the area.

Mr. Robbins agreed with Mr. LeClair in regard to a wall. He said it would be an invitation to graffiti, and a very poor face to the road. He said that the presenters have done their homework and jumped through a lot of hoops to follow the rules. His role as a Board member is to review and evaluate the plan according to what their rules say the Board needs to use to make a decision. He has concerns about the space, but he doesn't see any better way to do it. If there was a better way, it would have come up at some point during the process. He can't see a reason not to approve this. He thanked everyone who had concerns, and all the effort towards making this the best plan possible.

Mr. Dookran said that as this plan went through the Engineering Dept., it was thoroughly reviewed. The applicant did address all concerns adequately, but they are still nervous about the

traffic. The traffic analysis is based on assumptions. That is why they came up with the proposed stipulation to have the traffic revisited 6-months after approval.

Mr. Reppucci asked what happens if they review the site in 6-months and traffic is far more than they expected?

Mr. Dookran said that they would have to come up with mitigation measures.

A brief discussion of mitigation measures at the West Hollis St location ensued.

Mr. Dookran said that until they have information contesting what the applicant presented, they have no choice but to go along with some kind of measure in place. He doesn't know what a redesign would be, if needed 6-months later. They have shown that they will maintain a good level of service in traffic operations.

Mr. Varley said that's true of every traffic report. It's always based on assumptions.

Mr. Dookran said that is true. That is why they want the applicant to test their assumptions 6-months later.

Mr. Pedersen said at the 6-month review they could take a closer look at the traffic light timing all along Main St and optimize them all so that cars move at the right time. That can go a long way towards relieving traffic jams if the lights are done right.

Ms. Harper said that Dunkin Donuts provides an option to place your order ahead of time, and the way the entrance and parking are set up is more conducive to that.

Mr. LeClair said that since he's been on this Board this is the third application to redevelop the site. It has been a problem child for the city. The Board needs to think about what that site can really support. One of their criteria is the potential impact to the surrounding neighborhood, and he thinks this will improve it.

Mr. Weber agreed. He said that this can add flavor to the area. He thinks this is a beautiful setup, and will add to the neighborhood in a positive way. He is in favor of it.

**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, minor drafting corrections will be made to the plan.
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 applicant will work with staff to improve the building elevations.
4. Prior to the issuance of a building permit, the applicant will convey an easement or dedicate to the City for the right-of-way for the widening of Prospect Avenue to allow for two turn lanes.
5. Prior to the issuance of a building permit, all comments in an e-mail from Joe Mendola, Street Construction Engineer, dated May 16, 2019 will be addressed to the satisfaction of the Engineering Department.
6. Prior to the issuance of a Certificate of Occupancy, all comments in an e-mail from Wayne Husband, P.E. dated April 17, 2019 shall be addressed to the satisfaction of the Division of Public Works.
7. Prior to the issuance of a certificate of occupancy, all off-site and on-site improvements will be completed.
8. Any work within the right-of-way shall require a financial guarantee.

**SECONDED** by Mr. Weber

**MOTION CARRIED 7-1 (Reppucci opposed)**

3. 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 September 12, 2019 Meeting)**

**OTHER BUSINESS**

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

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

**SECONDED** by Ms. Harper

**MOTION CARRIED 8-0**

**DISCUSSION ITEMS**

Mr. Robbins said that he will be moving to Florida, and his last meeting will be June 6<sup>th</sup>. He thanked everyone for his time served on the Board, and thanked Staff for their support.

**MOTION** to adjourn by Mr. Weber at 9:40 PM.

**MOTION CARRIED 8-0**

APPROVED:

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Mr. LeClair, Chair, Nashua Planning Board

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Prepared by: Kate Poirier

Taped Meeting