

NASHUA CITY PLANNING BOARD
May 21, 2020

The regularly scheduled meeting of the Nashua City Planning Board was held on May 21, 2020 at 7:00 PM via WebEx.

Members Present: Mayor Jim Donchess
Scott LeClair, Chair
Adam Varley, Vice Chair
Mike Pedersen, Mayor's Rep. (not voting)
Edward Weber, Secretary
Dan Hudson, City Engineer
Maggie Harper
Bob Bollinger
Larry Hirsch

Also Present: Linda McGhee, Deputy Planning Manager
Scott McPhie, Planner I
Christine Webber, Department Coordinator

COVID-19 Address

Mr. LeClair addressed the COVID-19 pandemic as follows: Due to the State of Emergency declared by Governor Sununu as a result of COVID-19 pandemic and in accordance with the Governor's Emergency Order #12, pursuant to Executive Order 2020-04, this public body is authorized to meet electronically until further notice.

Please note that there is no physical location to observe and listen contemporaneously to the meeting, which was authorized to meet electronically pursuant to the Governor's order. However, in accordance with the Emergency Order, this is to confirm that we are:

1. Access

Public access to this meeting is provided via WebEx. The link to this meeting is contained in the meeting agenda, available on the city website. The meeting can be streamed thru the city's website on Nashua Community Link and also on Channel 16 on Comcast.

2. Public Notice

The Board previously gave public notice to the meeting and the necessary information for accessing the meeting through public postings, and where applicable notice to abutters. Instructions have also been posted to the city website, and publicly noticed at City Hall.

3. Public Alert

The Board is providing a mechanism for the public to alert the Board during the meeting if there are problems with access. If for some reason you can't connect to WebEx, please contact us at (603) 589-3115.

4. Adjourning the Meeting

In the event that the public is unable to access the meeting via the methods above, the meeting will be adjourned and rescheduled.

5. Procedures

The Chair is in control of the meeting, and to the extent practicable and advisable the Board will follow the procedures identified in the Bylaws. The applicant will present the applicant's case, followed by questions by the Board. The Chair will then allow testimony from persons wishing to speak in favor, or with questions or opposition, before the Board deliberates and determines an outcome.

Applicants and their representatives, and individuals required to appear before the Board are appearing remotely, and are not required to be physically present. These individuals may contact the Planning Department to arrange an alternative means of real time participation if they are unable to use Webex. Documentary exhibits and/or visual presentations must be submitted in advance of the meeting so that they may be displayed for remote public access viewing.

Real-time public comment can be addressed to the Board utilizing Webex virtual meeting software for remote access. Real-time public comments via audio will be addressed at the conclusion of the public hearing. This application will allow users to view the meeting, and submit questions or comments to the Board utilizing the Webex software.

The public is also encouraged to submit their comments via email to the Department email at planningdepartment@nashuanh.gov or by mail. Please be sure to include your name, address, and comments. Letters should be addressed to Planning Department, P.O. Box 2019, Nashua, NH 03061.

Please note that all votes taken during this meeting will be done by roll call. Planning Board meetings will be held electronically until further notice, when it is deemed safe to conduct meetings at City Hall.

The Planning Department and Board thank you for your understanding and patience during this difficult time.

Approval of Minutes

May 7, 2020

MOTION by Mr. Weber to approve the minutes of the May 7, 2020 meeting, as written.

SECONDED by Ms. Hirsch

MOTION CARRIED 8-0

COMMUNICATIONS

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

- Memo from Economic Dev. Dir. Tim Cummings re: Other Business Case #2
- Memo from Atty. Brad Westgate re: Other Business #2
- Memo re: Bronstein Apartments
- Letter from Samuel Forgue re: Case #3
- Updated comments from Environmental Health Officer Heidi Peek-Kukulka re: Case #3
- Updated comments and waiver letter re: Case #1
- Email from Mary-Ann Whittaker re: Other Business #2

REPORT OF CHAIR, COMMITTEE & LIAISON

Historic District Commission: Mr. Weber said at the May 18th meeting, a bulkhead at 34 Orange St was approved.

Mr. LeClair said that Case #2 & Case #3 will be heard first, after which time the Board will continue with the remainder of the Agenda.

NEW BUSINESS - CONDITIONAL / SPECIAL USE PERMITS

2. City of Nashua (Owner) - Application and acceptance of proposed Conditional Use Permit to construct a small addition to the main entrance of Fairgrounds Middle School and associated site improvements including a curb cut for new access for parent drop-off. Property is located at 27 Cleveland Street. Sheet 106 - Lot 3. "R9" Suburban Residence. Ward 6.

NEW BUSINESS - SITE PLANS

3. City of Nashua (Owner) - Application and acceptance of proposed site plan amendment to NR1828 to construct a small addition to the main entrance of Fairgrounds Middle School and associated site improvements including a curb cut for new access for parent drop-off. Property is located at 27 Cleveland Street. Sheet 106 - Lot 3. "R9" Suburban Residence. Ward 6.

MOTION by Mr. Varley that Case #2 is complete and the Planning Board is ready to take jurisdiction.

SECONDED by Ms. Harper

MOTION CARRIED 8-0

MOTION by Mr. Weber that Case #3 is complete and the Planning Board is ready to take jurisdiction.

SECONDED by Ms. Varley

MOTION CARRIED 8-0

Jamie Ouellette, Project Architect, Harriman Architects & Engineers, [address not stated]

Mr. Ouellette introduced himself to the Board as representative for the applicant. He also introduced Civil Engineer Frank Crabtree.

Mr. Ouellette presented a slideshow of the site and proposed changes. He described the current parent drop-off, parking lot, and bus drop-off site. He said the current fire lane is in traversable by fire trucks, and they propose to make improvements to increase access to the building.

Mr. Ouellette outlined the proposed changes to traffic flow in detail. He described changes to parking, parent drop-off flow, and landscaping. He said there will be portable classrooms used during interior renovations, and indicated their location on the plan. He presented proposed architectural elevations of the new addition and other building improvements.

Mr. LeClair asked Mr. Ouellette to address the need for a conditional use permit and the site plan waiver requests.

Mr. Ouellette said that he does not have the waiver requests in front of him. The engineer who has been working on this application is not present to explain.

Ms. McGhee said the reason for the Conditional Use Permit is that schools are allowed in this zone by this use category. They see this with every school in the R-9 zone.

Mr. LeClair said the first waiver is from NRO §190-279, which requires site plans to be reproduced on 22" x 34" format.

Mr. Ouellette said the plan size is 36" x 48" so that the entire school grounds can be shown.

Mr. LeClair said the second waiver is from NRO §190-209 A(1), which requires curb cuts for two way traffic to be a minimum width of 24 feet.

Mr. Ouellette said they are trying to preserve the playground and trees in the area.

Ms. McGhee said the waiver letter states they are trying to reduce potential conflict with parked cars.

Mr. LeClair said the third waiver is from NRO §190-198, which requires maximum parking standards for the site.

Mr. Ouellette said they are proposed approximately 34 more parking spaces than allowed. He said that during events there is not enough parking, so they are proposing a few more spaces.

Mr. LeClair said the fourth waiver is from NRO § 190-184 D(1) which requires parking aisles not contain more than 10 spaces in a row without a planted median or island.

Mr. Ouellette said that was to help increase some of the cueing lanes for parent drop-off and to increase parking.

Mr. LeClair said the fifth waiver is from NRO § 190-279 EE, which requires showing existing conditions on and off site.

Mr. Ouellette said the survey focused on the specific area they propose to change. This is a large site, and they do not propose to change anything outside of the zone shown on the plan.

Mr. Weber said they are showing two new dumpster locations and a clothing donation box up front. Will they be enclosed?

Mr. Crabtree said he will speak with the principal and ask the organization that placed the donation box there to either screen it or move it to the back of the school where it cannot be seen.

Mr. Weber said if it is visible to the public, it needs to be screened. It would be better in the back, but it needs to be fenced in.

Mr. Crabtree said he would talk to the principal about it.

Mr. Weber asked if he could talk to the school board as well. They are all over the place.

Ald. Richard Dowd, Ward 2

Ald. Dowd said whatever the city wants them to do relative to that box, they will comply on this school. He said the road is being completely rebuilt down to the foundation, because it is in bad shape.

Mr. Bollinger asked if the Fire Department had given any comment on the 20-ft proposed driveway. That is smaller than a lot of residential driveways. He asked if there would be supplemental signage to facilitate drop-off traffic flow. He also asked how

long they foresee the portable classrooms being necessary, and have administrative staff signed off on the fact that they are placing students in temporary classrooms.

Ald. Dowd said he is the chairman of the Joint Special School Committee, which has authority over the portable classrooms. He said they have been interfacing with the Fire Department, and they asked for a 16-ft curb cut in the back for their ladder truck. He said the portable classrooms will be there no longer than one year, and will only be there during construction.

Mr. Ouellette said they have discussed the rear fire road with the Fire Marshall, and came to a compromise of 16-ft width. The portable classrooms are intended to stay for one year. He asked if the signage request was for the drop-off loop.

Mr. Bollinger said yes. He clarified that the driveway he was referencing was for the front driveway. He understands the emergency access width, he was asking if they had confirmation that the 20-ft front driveway was sufficient.

Mr. Ouellette said that did not specifically come up with the Fire Marshalls. Their only comment was on the rear driveway. They needed at least 16-ft for their truck to access the rear, and the front driveway is 20-ft. They have not received any comments that it is unacceptable.

Mr. Bollinger asked if there were any Engineering comments.

Mr. Ouellette said he does not recall any.

Mr. Crabtree said he doesn't believe there were any. He said they will add signage and paint on the ground for the drop-off lane to direct traffic.

Mr. Weber asked if painted ground signage will be thermoplastic due to the high traffic loads.

Mr. Crabtree said that could be done if desired.

Mr. Weber said it is a cost factor. It is more expensive up front, but it will last so much longer. They don't have to do it, but that is something to consider.

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 hearing and addressed the recommended stipulations.

Mr. Weber asked Staff if the dates in the recommended stipulation of approval were up to date.

Ms. McGhee said stipulation 13 would be changed to May 16th.

Mr. Hudson said Engineering had a number of comments, and they have been addressed as best as the site allows.

MOTION by Mr. Weber to approve New Business - Conditional Use Permit #2. It conforms to §190-133(F) with no stipulations or waivers.

SECONDED by Mr. Bollinger

MOTION CARRIED 7-0 (*Due to technical difficulties, Mayor Donchess could not vote*)

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

1. The request for a waiver of § 190-279, which requires site plans to be reproduced on 22" x 34" format, is granted, finding that the waiver will not be contrary to the spirit and intent of the regulation.
2. The request for a waiver of § 190-209 A(1), which requires curb cuts for two way traffic to be a minimum width of 24 feet is granted, finding that the waiver will not be contrary to the spirit and intent of the regulation.
3. The request for a waiver of § 190- 198, which requires maximum parking standards for the site, is granted, finding that the waiver will not be contrary to the spirit and intent of the regulation.
4. The request for a waiver of § 190-184 D (1) which requires parking aisles not contain more than 10 spaces in a row without a planted median and/or island, is granted, finding that the waiver will not be contrary to the spirit and intent of the regulation.

5. The request for a waiver of § 190-279 EE, which requires showing existing conditions on and off site, is granted, finding that the waiver will not be contrary to the spirit and intent of the regulation.
6. Prior to the Chair signing the plan, minor drafting corrections and standard notes will be added to the plan.
7. 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.
8. Prior to the Chair signing the plan, all comments in e-mail from Wayne Husband, PE dated May 13, 2020 shall be addressed to the satisfaction of Division of Public Works.
9. Prior to the issuance of a building permit, the electronic copy of the plan will be submitted to the City of Nashua.
10. Prior to the issuance of a building permit, stormwater documents will be submitted to City staff for review and recorded.
11. Prior to the issuance of a building permit, all comments in an e-mail from Joe Mendola, Street Construction Engineer, dated May 11, 2020 shall be addressed to the satisfaction of the Engineering Department.
12. Prior to the issuance of a building permit, all comments in an e-mail from Adam Pouliot dated May 6, 2020 shall be addressed to the satisfaction of the Fire Marshal.
13. Prior to the issuance of a building permit, all comments in an e-mail from Heidi Peek-Kukulka dated May 16, 2020 shall be addressed to the satisfaction of the Health Department.
14. Prior to any work and a pre-construction meeting, a financial guarantee shall be approved.
15. Prior to the issuance of a certificate of occupancy, all off-site and on-site improvements will be completed.

SECONDED by Mr. Bollinger

MOTION CARRIED 8-0

OLD BUSINESS - CONDITIONAL/SPECIAL USE PERMITS

None

OLD BUSINESS - SUBDIVISION PLANS

None

OLD BUSINESS - SITE PLANS

1. WS Development (Owner) JP Morgan Chase Bank (Applicant) - Application and acceptance to proposed site plan amendment to tear down the existing building and construct a Chase Bank along with associated site improvements. Property is located at 275 Amherst Street. Sheet G - Lot 456. Zoned "GB" General Business. Ward 2.

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

SECONDED by Mr. Varley

Mr. Bollinger said they have received a lot of late documentation for this proposal, and that one of the waiver requests was submitted today. He feels that the applicant had enough time to not dump documents the day before the meeting. It puts him at a disadvantage to receive documents this late in the game.

MOTION CARRIED 8-0

Allen Roscoe, Project Engineer, Core States Group, 9 Galen Street Suite 117, Watertown, MA 02472

Mr. Roscoe introduced himself to the Board as representative for the applicant. He also introduced Project Architect Kaitlyn Flynn. He apologized to Mr. Bollinger for the late submission, as they were addressing received comments.

Mr. Roscoe gave a presentation of the proposed site changes. He said this is the site of the former Ruby Tuesdays. They propose to tear down the current building and redevelop the site into a bank with remote banking.

Mr. Roscoe said that due to a lease agreement with the owner they must provide extra parking spaces. They have tried to dedicate a drive-thru lane and a certain number of parking spaces for walk-up customers. Because the front door is not facing the street, they are asking for a waiver.

Mr. Roscoe said they recently widened the drive aisles to conform to the Fire Marshall's comment received Monday. This will be a lower generator of wastewater and traffic. He said they are also providing stormwater treatment units to treat drainage before it is discharged. He said there are many benefits to redeveloping the site.

Mr. LeClair asked how many parking spaces they are providing.

Mr. Roscoe said 65.

Mr. LeClair asked if this was the amount required by the owner.

Mr. Roscoe said yes. They have requested a waiver to exceed the maximum.

Mr. LeClair said they are also asking a waiver for the pervious parking island. He asked if they made an attempt to get those onto the site plan.

Mr. Roscoe said their initial design had narrower drive aisles to accommodate that landscaping. When the Fire Marshall stated that they need a 24-ft aisle, they had to widen the parking spaces. They are asking for 18-ft spaces instead of 20-ft in order to accommodate the islands. They are trying to meet the intent of the regulation.

Mr. Varley asked him to go into detail about the driveway flow and signage.

Mr. Roscoe described how the building and separate drive-thru would be accessed.

Mr. Varley asked if there will be signage entering the site.

Mr. Roscoe said yes, there will be dedicated signage. They will add that to one of the islands.

Mr. Weber referred to one of the pavement arrow markings, and recommended a new location onsite. He recommended thermoplastic paint. He asked how they will be handling onsite trash.

Mr. Roscoe said that banking is a light generator of trash. Trash is moved every day by the cleaning crew.

Mr. Weber asked if there would be no need for an onsite dumpster.

Mr. Roscoe said no.

Mr. Weber asked if they would be using the dumpster by Whole Foods.

Mr. Roscoe said that is not the intent.

Mr. Weber asked if the curbing for the walkway would be dropdowns for ADA compliance.

Mr. Roscoe said yes, it will be accessible.

Mr. Bollinger asked if the drive-thru is ATM only, with no staff service and pneumatic tube.

Mr. Roscoe said correct. These are entirely remote.

Mr. Bollinger said it looks like there are two drive-thru lanes. Is one of them a bypass lane? It is very wide.

Mr. Roscoe said it is a bypass lane. The extra width is because of the zig-zag maneuver and hard left exit to the drive-thru lane. They need the extra width to keep vehicles from hitting the curb.

Ms. Harper asked if there is going to be any green space left onsite.

Mr. Roscoe indicated the location of proposed landscaping.

Mr. Weber said they really look for landscaping when there is a lot of pavement to reduce heat island effect. He thanked them for providing landscaping.

Mr. LeClair asked Mr. Roscoe to address the requested waivers.

Mr. Roscoe gave an overview of each waiver request outlined in the recommended stipulations of approval.

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 hearing and addressed the recommended stipulations.

Mr. Weber asked if any dates changed in the recommended stipulations.

Mr. McPhie said an additional waiver would be added, and indicated which dates changed.

MOTION by Mr. Varley to approve Old Business - Site Plan #1. It conforms to § 190-146(D) with the following stipulations or waivers:

1. The request for a waiver of § 190-279 EE, which requires showing existing conditions on and off site, is granted, finding that the waiver will not be contrary to the spirit and intent of the regulation.
2. The request for a waiver of § 190-183-D1 which requires a pervious parking island after every 10 spaces in a row, is granted, finding that the waiver will not be contrary to the spirit and intent of the regulation.
3. The request for a waiver of § 190-198, to exceed the maximum number of parking spaces, is granted, finding that the waiver will not be contrary to the spirit and intent of the regulation.
4. The request for a waiver of § 190-215-D, which requires certain stormwater loading totals, is granted, finding that the waiver will not be contrary to the spirit and intent of the regulation.
5. The request for a waiver of § 190-172 D, which requires certain façade materials to be used on the new building, is granted, finding that the waiver will not be contrary to the spirit and intent of the regulation.
6. The request for a waiver of § 190-172 E, which requires an entrance to be located on each street side of the property, is granted, finding that the waiver will not be contrary to the spirit and intent of the regulation.
7. Any additional traffic control recommendations from Wayne Husband, PE to increase safety and control traffic flows encountered during and after construction are incorporated herein.
8. Prior to the Chair signing the plan, all conditions on an e-mail from Carter Falk, Deputy Zoning Manager, dated

4/29/2020 will be added to the plan to meet City ordinance requirements.

9. Prior to the Chair signing the plan, all conditions on the Planning Board approval letter will be added to the cover page of the final Mylar and paper copies submitted to the City.
10. Prior to the Chair signing the plan, an electronic copy of the plan will be submitted in proper CAD format to the City Assessing Department.
11. Prior to the Chair signing the plan, all minor drafting corrections will be made.
12. Prior to the Chair signing the plan, all easements and stormwater documents will be submitted to City staff for review and recorded at the applicant's expense.
13. Prior to the issuance of a building permit, all outstanding issues identified in an e-mail from Joe Mendola, Street Construction Engineer, dated May 20, 2020 shall be resolved to the satisfaction of the Engineering Department.
14. Prior to the issuance of a building permit, all outstanding issues identified in an e-mail from Mark Rapaglia, dated 5/20/2020 will be resolved to the satisfaction of the Fire Department
15. Prior to any work and a pre-construction meeting, a financial guarantee shall be approved.
16. Prior to the issuance of a certificate of occupancy, all off-site and on-site improvements will be completed.
17. The request for a waiver of § 190-193(A), which requires parking spaces to be 20' in length, is granted, finding the waiver will not be contrary to the spirit and intent of the regulation.

SECONDED by Mayor Donchess

MOTION CARRIED 7-0 (Bollinger abstained)

NEW BUSINESS - SUBDIVISIONS

None

OTHER BUSINESS

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

Mr. Weber asked staff to investigate Hudson's proposal to convert Green Meadows Golf Club to an Amazon distribution center.

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

SECONDED by Mr. Varley

MOTION CARRIED 8-0

2. Referral from the Board of Alderman on proposed R-20-028, authorizing the City of Nashua to enter a Master Development Agreement with Lansing Melbourne Group, LLC.

MOTION by Mr. Varley to remove Other Business #2 from the table.

SECONDED by Mr. Weber

MOTION CARRIED 8-0

Economic Dev. Dir. Tim Cummings

Mr. Cummings requested that the Board favorably recommend this item without any conditions. He referred to the submitted memo which described the process taken to date and the project in detail. He gave an overview of the project history.

Mr. LeClair said his own understanding is that they have had the development of that lot in front of the Board several times. He asked if main difference between what is proposed now and what they have seen before is the parking.

Mr. Cummings said it was always understood that there would be some offsite parking needed. That complies with the Zoning Regulations in the downtown. The main difference is the development was originally thought to be a hotel. The economics of that didn't work out too well in the city's favor. There is more than ample demand for apartment housing. This is one effort to address that concern. The development size and footprint is essentially the same.

Mr. Cummings said he understands that parking is a concern. He said they have more than enough parking in the downtown in various different ways.

Mr. Cummings said they need more affordable housing in this city. He would argue that every additional housing unit is an increase in supply and will help keep rent from increasing as quickly. He said the city prioritizes affordable housing through various strategies. He cited the Marshall St project and the potential redevelopment of the Housing Authority site nearby. He said not every project will be an affordable housing project, and this happens to be one of those. He said this is good for the community overall.

Mr. Cummings said there is a need for economic advancement in the downtown. He said they need to continue to enhance the main street, and introducing housing is one of the best things they can do. A true mixed use environment is something that they are lacking in the downtown. This is a use that is needed to help improve the downtown, and that is why they have been focusing on introducing housing to the downtown over the years. He said it is working, and this positive economic investment will help.

Mr. Cummings said that due to COVID-19 independent service-based small businesses on Main St are being challenged. If they can bring any type of positive economic impact to the market in such a way it will help. This is one of the first private sector ground-up constructions in decades, and he is pleased to be recommending it to the Board.

Mr. Cummings said they don't want to build on green fields; they want to concentrate development activity where there is already infrastructure and a footprint that can handle it. This piece of land is the exact type of footprint they are looking for in smart growth principles. From environmental to capital investment reasons to tax base enhancement they should be looking to develop in the inner core outwards.

Mr. Weber said he is 100% for this. The city could really use this, and it's going to be a big boost. He thinks the kind of people coming into this kind of apartment development will not have cars. They are looking for the city's entertainment, and he hopes their entertainment project coming through, do go through, because they need them. He asked if the developer could put something on the roof for people to walk around on.

Mr. Varley asked what the current utilization of the parking lot is, and to what degree he expects this to displace other parking resources. Does he have any concerns about there totally being sufficient spots?

Mr. Cummings said the simple answer is that he is not concerned about displacement or loss of parking. They have more than enough parking in and around this general area. There won't be any level of concern for any of the abutters for being able to find parking. Everyone will just have to change their mindset about where they will find parking. He said they will need to manage parking differently. He said he can't give them an occupancy amount off the top of his head, but it only contributes about \$25,000 in revenue to the city each year, which is not a lot for 84 spaces. He said it is close to other walkable parking assets, it will just be laid out differently. He said in New England we have a strong affection for line-of-sight parking; when you're in a downtown you aren't able to provide that. He said there will be closer parking than would be found in the Pheasant Lane Mall.

Mr. Varley asked if he has a sense of what will be available in the High St Parking Garage.

Mr. Cummings said one of the reasons this project makes a lot of sense is that this is a complementary use. The daytime use of the parking garage is very high. At night the parking garage is almost empty, which is when the apartments would need it. Those types of complementary uses are the exact reasons why they were trying to backfill this development, because they knew it wouldn't exacerbate daytime parking. He said the evening occupancy of the High St garage over the month of January was about 1/4th occupancy.

Mr. Varley asked if they would be exclusive spots.

Mr. Cummings said if the residents wanted to pay for a leased spot during the day or night, they would be entitled to that. That is no different from any of the other abutters.

Mr. Bollinger said it is difficult to process such large information drops on the day of the meeting. This was continued from a previous meeting, so folks knew about this ahead of time. He feels he is being put at a disadvantage. He said based on the memorandum they received prior to this meeting, it looks like the lot intends to be sold for \$900,000, and the city is going to be giving back \$100,000 in engineering fees. He asked why they are not selling the property for \$800,000 and working out the engineering fees on their own.

Mr. Bollinger referred to page 6 of the Memorandum, saying that the development is still subject to the Land Use review process.

Even if they favorably recommend this, he asked if it will still have to go through site plan review. He thinks this would be premature since there are outstanding concerns about parking.

Mr. LeClair said correct, the site will have to go through the site plan review process.

Mike Pedersen, 11 Delaware Rd, Nashua NH

Mr. Pedersen said he is speaking as a resident of Nashua. The Board received a letter from Atty. Brad Westgate regarding concerns from Harbor Homes. Is anyone going to address these issues in front of the Board tonight?

Community Dev. Dir. Sarah Marchant

Ms. Marchant said this is a recommendation that the Board of Aldermen send this to the Planning Board for review, as per the NROs, which requires the Board give some kind of recommendation before the Board of Aldermen can enter any sale agreement. She said Mr. Bollinger is correct that a full site plan application will need to come before the Board for full review, and at that time parking and other items will be addressed.

Mr. Hudson said he received the packet today, and this is the first he has seen it. He feels unprepared to make any kind of recommendation. He is not in opposition to the project, but he will abstain and look forward to a detailed plan review when it comes forward.

Mr. Cummings said that he understands the packet came in more recently. He thinks that might be a concern for the newer members of the Board, but this isn't a new proposal coming forward. His office has been working on this for the last 3-4 years.

Ms. McGhee said the plans were sent out yesterday by mail.

Mr. Hudson clarified that he did receive it yesterday, but did not have a chance to review it properly.

Ms. Harper said when they are looking at projects to further develop the downtown, are they looking for more multi-use housing projects where housing and more local services are provided so that people may not need a vehicle?

Mr. Cummings said that is always the goal, to attract vertical mixed use development as much as possible. It can't always be accomplished based on where the site is. This is based on many factors, such as the street scape. They want to encourage mixed use in the downtown as a rule of thumb.

Mr. Bollinger said he appreciated the efforts of staff if this has been ongoing for several years. They literally got this information yesterday. He said it is a disadvantage for the Board, and agreed with Mr. Hudson that he hasn't had a chance to properly review the submitted correspondence. He said he is not opposed to the project, but he will abstain.

Mayor Donchess agreed with Mr. Bollinger. Ideally they would have had more time to review this. He said Mr. Cummings has been working on this 100% of the time on trying to reconstitute the Main Street during this time, all remotely, and didn't get to write this memo as early as he usually would have. He said they will make sure it happens better in the future, but there were a lot of mitigating circumstances.

MOTION by Mr. Weber to favorably recommend Other Business #2 to the Board of Aldermen, as written

SECONDED by Mr. Hirsch

MOTION CARRIED 6-0-2 (Bollinger & Hudson abstained)

3. Referral from the Board of Aldermen on proposed R-20-033, authorizing the Mayor to execute a confirmatory deed to Pennichuck Water Works.

Mr. Varley recused himself from this discussion.

Atty. Nick Frasca, Frasca & Frasca PA, 2 Auburn St, Nashua NH

Atty. Frasca introduced himself as representative for Pennichuck Water Works. He said they are looking to resolve an issue regarding land behind Pennichuck Junior High School. This land was taken for back taxes in 1961 by the city. Pennichuck Water Works has owned the property for years in the eyes of the city, and has been paying taxes for years. The lot in question was consolidated in 2001 with other lots into parcel 52-39.

Atty. Frasca said the issue is the missing deed. No one can find the deed to convey the property from the City of Nashua to

Pennichuck. They have scoured the Registry of Deeds, and it is nowhere to be found. They are requesting that the city to execute a confirmatory deed to replace the missing deed so they can convey the property the Pennichuck Water Works and clean up the title.

Mr. Bollinger thanked Atty. Frasca for clarifying the parcel in question. He asked if the specific sheet and lot description would be a part of the new deed.

Atty. Frasca said he worked with Corporate Counsel Atty. Bolton in drafting the deed. It references a plan from 1897, but that is the lot in question that has to be conveyed in order to clear up the title. He tried to make it clearer by referencing the consolidation.

Mr. Bollinger said he appreciates the explanation. He just doesn't see a reference to the existing lot number based on the packet they received.

MOTION by Mr. Weber to favorably recommend Other Business #3 to the Board of Aldermen, as written.

SECONDED by Mr. Bollinger

MOTION CARRIED 7-0

4. Referral from the Board of Aldermen on proposed O-20-014, allowing the temporary adjustment of site plans by the Community Development Director or Designee to allow for greater outdoor seating at restaurants. **(Postponed to a Special Meeting being held on May 28, 2020)**

DISCUSSION ITEMS

Mr. Weber asked if staff could investigate the Green Meadows golf course conversion for regional impact on Nashua.

MOTION to adjourn by Mr. Varley at 9:51 PM.

MOTION CARRIED 8-0

APPROVED:

Mr. LeClair, Chair, Nashua Planning Board

NCPB

May 21, 2020

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DIGITAL RECORDING OF THIS MEETING IS AVAILABLE FOR LISTENING DURING REGULAR OFFICE HOURS OR CAN BE ACCESSED ON THE CITY'S WEBSITE. DIGITAL COPY OF AUDIO OF THE MEETING MAY BE MADE AVAILABLE UPON 48 HOURS ADVANCED NOTICE AND PAYMENT OF THE FEE.

Prepared by: Kate Poirier

Taped Meeting