

NASHUA CITY PLANNING BOARD
May 28, 2020

A special public meeting of the Nashua City Planning Board was held on May 28, 2020 at 5:00 PM via Webex.

Members Present: Scott LeClair, Chair
 Adam Varley, Vice Chair
 Mike Pedersen, Mayor's Rep.
 Edward Weber, Secretary
 Dan Hudson, City Engineer
 Maggie Harper
 Bob Bollinger
 Larry Hirsch

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

None

COMMUNICATIONS

None

REPORT OF CHAIR, COMMITTEE & LIAISON

None

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

None

OTHER BUSINESS

1. 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.

Community Dev. Dir. Sarah Marchant

Ms. Marchant said she has one edit to bring to their attention. The last line of the first paragraph should read "no fee shall be charged". The intention here was to do something quick and efficient to get our businesses up and running with the governor's modified orders, and to do so in a way that does not cause additional economic hardship. She said administrative review applications are traditionally \$300. As it is not going through that whole process, we thought it would be best to try and waive all fees.

Ms. Marchant said the goal of this ordinance is to be able to quickly modify and adapt site plans within safety parameters to allow for outdoor dining. This includes parking areas, landscaped areas, and different areas around restaurants that normally they wouldn't traditionally see. She said they have created an internal process working with Planning Dept., Building Dept., Public Health Dept., and Fire Dept., and Public Works as needed. The ordinance itself only waives Land Use Code related things, such as parking requirements and open space. It does not waive any public health safety codes.

Mr. Varley said he assumes that the changes already made on Main St are not a part of site plan review because they are in the right of way. Is that different than what they are proposing right here? He assumes this would be for all over the city.

Ms. Marchant said Mr. Varley is correct. The Downtown-1 district is not subject to site plan review, and is exempted from most things. She said this would apply to any properties normally subject to site plan review throughout the city. She said this is temporary, and ends at the end of the year. If they decide to do something like this again, this would no longer apply.

Mr. Bollinger asked if there is any form of redress for abutters or other concerned citizens if things.

Ms. Marchant said it would be handled the same way a potential site plan violation is dealt with right now. However the complaint comes in, they would have Code Enforcement inspect it, look at what was approved versus what is onsite, and work with the applicant to bring them back into compliance. They would also talk to Public Health and Fire; if there is a life safety issue they certainly have jurisdiction.

Mr. Bollinger said the proposed ordinance indicates there will be a brief plan review to demonstrate the changes. Is there a basic checklist or criteria for approval?

Ms. Marchant said you can go to the outdoor dining web page for a checklist of the requirements. The entire process is documented there. She gave an outline of the procedure and what they are requiring from applicants.

Mr. Bollinger asked if any barriers would be required between vehicular traffic and patrons.

Ms. Marchant said yes. There is a requirement under the Fire Dept. jurisdiction about what qualifies as a barrier. They are not requiring jersey barriers, but a simple rope is not sufficient. She said they are trying to accommodate people and not cause undue cost, but they need to keep people safe.

Ms. Marchant added that tents are not permitted. Canopies without sides are allowed with a building permit.

Mr. Bollinger asked if the land owner is required to give consent.

Ms. Marchant said yes. The land owner has to give a letter or email of consent that they are aware of the change. That is an important piece of the application.

Ms. McGhee said one of the things they are looking for in their review is that restaurants are not taking over any handicap parking, or if they are, that they are providing parking that is handicap accessible.

Mr. Weber asked if there would be designated areas for walking, and not just an overabundance of tables and chairs.

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Ms. Marchant said on a site by site basis, yes. There will not be a new designated sidewalk, but the flow of where traffic goes is something that is important on the plan. What governs a lot of this is Public Health and Fire rules. There are a lot of elements outside of site plan review that feed into this to create a plan that's going to work for everybody.

MOTION by Mr. Varley to favorably recommend Other Business - Case #1 to the Board of Aldermen, to include the change to the last sentence of the first paragraph that "No" fee shall be charged.

SECONDED by Mr. Weber

MOTION CARRIED 8-0

DISCUSSION ITEMS

Mr. Weber said they will be receiving the traffic report in regards to the proposed Amazon distribution facility in Hudson.

MOTION to adjourn by Mr. Weber at 5:20 PM.

MOTION CARRIED 8-0

APPROVED:

Mr. LeClair, Chair, Nashua Planning Board

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