

NASHUA CITY PLANNING BOARD
June 1, 2023

The regularly scheduled meeting of the Nashua City Planning Board was held on June 1, 2023 at 7:00PM in the 3rd floor auditorium in City Hall AND via Zoom virtual meeting.

Members Present: Scott LeClair, Chair
 Adam Varley, Vice Chair
 Mike Pedersen, Mayor's Rep.
 Dan Hudson, City Engineer
 Ald. Derek Thibeault, Alt.
 Bob Bollinger
 Larry Hirsch

Also Present: Sam Durfee, Planning Manager
 Scott McPhie, Planner I

APPROVAL OF MINUTES

May 4, 2023

MOTION by Mr. Bollinger to approve the minutes, as written

SECONDED by Mr. Varley

MOTION CARRIED 5-0-2 (Pedersen, LeClair abstained)

COMMUNICATIONS

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

- **A22-0254, 124 Ridge Road**
 - o Request from applicant to postpone to July 13, 2023
 - o Correspondence from BCM Environmental Land Law
 - o Engineering comments from consultant Hoyle Tanner
 - o Abutter correspondence
 - o Expanded lighting plan
 - o Memo from Senior Traffic Engineer Wayne Husband
 - o Zoning comments
- **A23-0074, 12 Murphy Drive**
 - o Engineering comments
- **A23-0066, A23-0067, A23-0068, Mohawk Tannery Redevelopment**
 - o Email from Priscilla Silva, 47 Intervale Street

- **Referral R-23-123**

- o Email from Atty. Prolman to postpone to the June 15, 2023 meeting

REPORT OF CHAIR, COMMITTEE, & LIAISON

Nashua Regional Planning Commission: Mr. Bollinger provided a summary of the ongoing Master Plan update.

PROCEDURES OF THE MEETING

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

NCPB

June 1, 2023

Page 3

subdivisions. Thank you for your interest and courteous attention. Please turn off your cell phones and pagers at this time. Be courteous to those who are speaking.

OLD BUSINESS - CONDITIONAL USE PERMITS

None

OLD BUSINESS - SUBDIVISION PLANS

A21-0299 145 Temple Street, LLC (Owner) - Greenridge LLC (Applicant) - Proposed three lot subdivision. Property is located at 145-149 Temple Street. Sheet 38 - Lot 93. Zoned "GI" General Industrial/"TOD" Transit Oriented Development. Ward 7. **[TABLED TO THE JUNE 15, 2023 MEETING]**

OLD BUSINESS - SITE PLANS

A21-0300 145 Temple Street, LLC (Owner) - Greenridge LLC (Applicant) - Proposed site plan to show a 4-bay garage, office and storage. Property is located at 145-149 Temple Street. Sheet 38 - Lot 93. Zoned "GI" General Industrial/"TOD" Transit Oriented Development. Ward 7. **[TABLED TO THE JUNE 15, 2023 MEETING]**

A21-0301 145 Temple Street, LLC (Owner) - Greenridge LLC (Applicant) - Proposed site plan to add asphalt manufacturing. Property is located at 145-149 Temple Street. Sheet 38 - Lot 93. Zoned "GI" General Industrial/"TOD"-Transit Oriented Development. Ward 7. **[TABLED TO THE JUNE 15, 2023 MEETING]**

NEW BUSINESS - CONDITIONAL USE PERMITS

A23-0074 Zhang Holdings, LLC (Owner) Carlos Xavier Torres (Applicant) - Application and acceptance of proposed Conditional Use Permit to allow for a barber shop. Property is located at 12 Murphy Drive, Unit 5. Sheet 140 - Lot 60. Zoned "PI" Park Industrial. Ward 6.

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

SECONDED by Mr. Hirsch

MOTION CARRIED 7-0

Carlos Torres, Applicant, Lock Street.

NCPB

June 1, 2023

Page 4

Mr. Torres said he is trying to open up a barber studio. It's not really a shop, it's just him by himself. He's going to do free haircuts for Harbor Homes and homeless men, and he is ready to branch out and do his own thing for his own clients.

Mr. LeClair asked staff to confirm that this is a conditional use.

Mr. McPhie said that is correct.

Mr. Hudson said usually with a change of use it's customary to update the sewer permit. They can check. It probably won't be an issue, it's a low volume.

SPEAKING IN FAVOR

None

SPEAKING IN OPPOSITION OR CONCERN

None

PUBLIC MEETING

Mr. LeClair closed the public hearing and opened the public meeting. He said this seems like a straightforward use of the property, no site plan changes.

Mr. Bollinger asked if the sewer permit would be a formality, given there is other commercial uses within the site.

Mr. Hudson said he expects it will be. When uses change they typically want to update those permits. Commercial stuff is based on the usage, number of fixtures. He's not sure if this is one permit for the whole building, or each unit. Whenever there is a change we like to document that.

MOTION by Mr. Bollinger to approve New Business - Conditional Use Permit A23-0074. It conforms to §190-133(F) with no stipulations or waivers

SECONDED by Mr. Varley

MOTION CARRIED 7-0

NEW BUSINESS - SUBDIVISION PLANS

A22-0254 Beoridge LLC (Owner). Proposed conservation subdivision creating 83 detached single family condominium units along with associated site improvements. Property is located at 124 Ridge Road. Sheet B. Lot 55. Zoned R18-Suburban Residence. Ward 9. **(Tabled to July 13, 2023)**

Mr. LeClair said they have received a request from the applicant to postpone this case.

Mr. Bollinger asked if they need to set a deadline for correspondence. They just received a fairly substantive document last night from an attorney representing some of the abutters, and he didn't have time to read all fifty pages of it. He doesn't know how much more will be required, but they have had at this point six full weeks to get their documentation in on time, both the applicant and abutters. He is hoping on July 12th they don't have a similar situation where everyone turns their homework in at the last minute.

Mr. Varley proposed that the applicant produce additional materials by June 30th, and the public have until July 7th to respond. The Board should be able to get those materials by early the following week and have a few days in advance of the meeting.

Mr. Bollinger said he is in no way trying to stifle public interaction with the process, but documentation specifically submitted by professionals, whether they be attorneys or scientists, the Board needs more time to digest those. 24-hours in advance of the meeting is not sufficient for that type of documentation.

Mr. Varley said that is fair, and they have done that recently with other cases.

MOTION by Mr. Varley to postpone to the July 13, 2023 meeting, and to establish material submittal deadlines of June 30, 2023 for the applicant, and July 7, 2023 for members of the public

SECONDED by Mr. Bollinger

Mr. Hudson said if there is a resubmittal he cannot commit to a one week turnaround for comments, especially given that there is a holiday weekend in there. We'll do the best we can.

Mr. LeClair said he is primarily focused on the outside.

MOTION CARRIED 7-0

Mr. LeClair said he will hear Other Business next

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. Hudson

MOTION CARRIED 7-0

2. Referral from the Board of Alderman on proposed Petition - L Deerwood Drive, Lot H - Sheet 103.

Mr. Durfee said he would expect Atty. Muller to present this item. Since he is not here, he can give a summary.

Mr. Durfee said this is relative to the issuance of building permits on Class VI road, as per RSA 674:41. This portion of Deerwood Drive is Class VI. The RSA requires the legislative body, the Board of Aldermen, to grant approval to allow the issuance of a building permit on a Class VI road, which is typically not up to city standards. In accordance with the RSA the applicant has petitioned the Board of Aldermen, who has referred it to this Board and Infrastructure Committee.

Mr. Durfee said there are a number of stipulations with the RSA, including indemnification by the city, no maintenance obligation, etc. Through this process, city staff have provided comments in regards to the standards of road design. He provided a memo to the Board detailing that. If the Board favorably recommends this item, those stipulations would be included. As far as they know, the applicant is amenable to those conditions.

Mr. LeClair said this has come up in the past with a solar farm.

Mr. Hudson said from a planning perspective, it would be a question of premature and scattered development. A solar array is one thing, but a residence is another. In regards to engineering comments,

NCPB

June 1, 2023

Page 7

they received a plan that was inadequate to properly depict all the work that would be required to construct a driveway that would meet Fire requirements. They sent comments to that regard January 10th. He asked if there is a hearing for the end of June.

Mr. Durfee said yes.

Mr. Hudson said he does not feel compelled to move on this without an applicant presentation. He doesn't think there is urgency, there is a process they have to go through.

Mr. Varley asked staff if this portion of Deerwood Drive is just a dirt road.

Mr. Durfee said the Class V section of Deerwood Drive, the pavement ends approximately 150-ft before and tees in to an intersection. The property is on a northern leg of that tee. The difference is the fact that it is unpaved, the width, and vertical clearance. The Fire Department wants a guarantee that their apparatus can safely navigate to the house unencumbered.

Mr. LeClair asked if the comments to include those requirements in the petition are part of the package.

Mr. Durfee said yes.

Mr. LeClair said based on that, he doesn't have any issues. Their role is a referral, they aren't approving this. He asked the Board if there is any reason not to provide a referral.

Mr. Varley said he doesn't think so. As long as the conditions proposed are sufficient for Engineering, he would be fine.

MOTION by Mr. Varley to favorable recommend Other Business #2 to the Board of Aldermen, inclusive of the conditions that would be imposed as laid out in the staff memo

SECONDED by Mr. Pedersen

Mr. Hudson said he will abstain. It hasn't had a public hearing yet, so they haven't heard any testimony. That's something that would be conducted by the Board of Aldermen. He doesn't know how they can make a referral on this when they have no presentation and no public hearing of any kind on it. It sets a precedent. He doesn't know where they draw the line. This is the first one he's

NCPB

June 1, 2023

Page 8

seen that has been residential. He is worried about the precedent this sets.

Ald. Thibeault said he would rather hear from the applicant, he would vote no on this case.

Mr. Hirsch said he would vote no as well.

MOTION FAILED 2-4-1 (Bollinger, Thibeault, Hirsch, Pedersen opposed, Hudson abstained)

Mr. Hudson said they should table until after the first public meeting, which is in July.

Mr. Durfee said July 13th.

Mr. Varley said they need to provide the recommendation in advance of the public hearing.

Mr. Hudson asked staff for the procedure.

Mr. Durfee said the Committee for Infrastructure would be holding the public hearing, he doesn't know if that meeting requires a recommendation from this Board.

Mr. Varley said his understanding is that they provide the recommendation that is to be considered at the hearing. If they don't need to, that's fine.

Mr. LeClair said they can just table to the next meeting and request a presentation.

Mr. Bollinger asked if the applicant could proceed at their own risk like any other applicant.

Mr. Durfee said this isn't regulated through site plan, it's a single family dwelling.

Mr. Bollinger said the Board of Aldermen could still take it up, this recommendation is nonbinding. He is trying not to delay someone, but there is not enough here to make a favorable recommendation. The Board of Aldermen could take this up on their own and grant this. He wouldn't be opposed to continuing this, but he doesn't want to put the cart before the horse.

NCPB

June 1, 2023

Page 9

Mr. Durfee said the RSA states that review and comment by the Planning Board is required for the local governing body to issue building permits. So by state statute the Board of Aldermen would not be able to grant a building permit without a recommendation from this Board.

Mr. LeClair said that could be positive or negative.

MOTION by Mr. Hudson to table Other Business #2 to the June 15, 2023 meeting to provide the applicant an opportunity to make a presentation

SECONDED by Alt. Thibeault

Mr. LeClair said that seems reasonable, it's not very long.

MOTION CARRIED 7-0

3. Referral from the Board of Aldermen on proposed amended Resolution R-23-123, authorizing the granting of an Easement to Pennichuck Water Works, Inc. for the construction and maintenance of a water line. **[POSTPONED TO THE JUNE 15, 2023 MEETING]**
4. Referral from the Board of Aldermen on proposed Ordinance O-23-055, amending the zoning map by rezoning land off along the Amherst Street Corridor from General Business (GB) to General Business with Mixed Use Overlay District (GBMU), from Park Industrial (PI) to Park Industrial with Mixed Use Overlay District (PI/MU), and from Highway Business (HB) to Highway Business with Mixed Use Overlay District (HB/MU).

Sam Durfee, Planning Manager

Mr. Durfee said a large portion of the Amherst Street corridor is under a mixed use overlay. This is zoning the rest of the corridor to ensure some consistency on both sides of Amherst Street. It's an opportunity to open up more land for residential development. While they haven't received a lot of interest for significant multifamily development in this area, it will be a consideration when we contemplate our comprehensive land use code update. This could give an indication of the level of interest

Mr. LeClair said this seems like a step towards the Master Plan.

Mr. Durfee said yes, this is consistent. The Master Plan did speak lengthily to conversion of the Amherst Street corridor to true mixed use, and this is consistent with that vision.

MOTION by Mr. Varley to favorably recommend Other Business #4, O-23-055 to the Board of Aldermen

SECONDED by Ald. Thibeault

MOTION CARRIED 7-0

NEW BUSINESS - SITE PLANS

A23-0066 City of Nashua (Owner) - Blaylock Holdings, LLC (Applicant) - Application and acceptance of proposed subdivision of a portion of the Veterans Memorial Parkway as part of the Mohawk Tannery Redevelopment project. Zoned "RC" Urban Residence, RB-Urban Residence, and VMPR-Veterans Memorial Parkway Redevelopment Overly District. Ward 4.

A23-0067 J.K.S. Realty, LLC (Owner). Blaylock Holdings, LLC (Applicant). Proposed two lot subdivision. Property is located at "L" Fairmount Street. Sheet 62 - Lot 100. Zoned "RC" Urban Residence, "RB" Urban Residence, and "VMPR" Veterans Memorial Parkway Redevelopment Overly District. Ward 4.

A23-0068 City of Nashua, Fimbel Door Corporation, Chester Realty Trust, J.K.S. Realty, LLC and L.J.J. Realty LLC (Owners). Blaylock Holdings, LLC (Applicant). Proposed consolidation of seven existing lots and subdivide into nine proposed lots along with a proposed public road. Property is located at "L" Fox Street, 66 Fairmount Street, 11 Warsaw Avenue, "L" Intervale Street, "L" Hughey Street and "L" Fairmount Street. Sheets/Lots 71-7, 70-14, 134-16, 70-13, 134-40, 134-41, 62-100 (portion of newly created lot 100-1). Zoned "RC" Urban Residence, "RB" Urban Residence, and "VMPR" Veterans Memorial Parkway Redevelopment Overly District. Ward 4.

A23-0069 City of Nashua, Fimbel Door Corporation, Chester Realty Trust, J.K.S. Realty, LLC and L.J.J. Realty LLC (Owners) Braylock Holdings, LLC (Applicant) - Application and acceptance of proposed Mohawk Tannery Redevelopment project involves the remediation and subsequent redevelopment of the former Fimbel Door/Mohawk Tannery sites and portions of adjacent properties into a total of 546 multi-family residential units along with

associated site improvements. Property is located at "L" Fox Street, 66 Fairmount Street, 11 Warsaw Avenue, "L" Intervale Street, "L" Hughey Street and "L" Fairmount Street. Sheets/Lots 71-7, 70-14, 134-16, 70-13, 134-40, 134-41, 62-100 (portion of newly created lot 100-1). Zoned "RC" Urban Residence, "RB" Urban Residence, and "VMPR" Veterans Memorial Parkway Redevelopment Overlay District. Ward 4.

Mr. Varley said he will recuse himself from this application.

Mr. LeClair said his understanding is that there is a Master Development agreement, which is not yet complete.

Mr. Durfee said correct.

Mr. LeClair said they expect that to be done in the near reasonable future. His strategy with this set of cases would be to take jurisdiction tonight, have a presentation from the applicant on these plans, and then take public comment. Then they would be making a motion to continue the application until the Master Development agreement is moved along.

Mr. Durfee said that is reasonable.

MOTION by Mr. Bollinger that A23-0066, A23-0067, A23-0068 and A23-0069 are complete and the Planning Board is ready to take jurisdiction

SECONDED by Mr. Pedersen

MOTION CARRIED 6-0

Atty. Brad Westgate, Winer & Bennett PLLC., 402 Amherst Street, Nashua NH

Atty. Westgate introduced himself as the representative for the applicant. With him is civil engineer Tom Zajac from Hayner Swanson Inc., Bernie Plant of Blaylock Holdings, Michael Devin of Thorndike Development Corporation, and Scott Thornton of Vanasse & Associates.

Atty. Westgate provided a brief overview of the history of this application. The underpinnings of this project are the recent Board of Aldermen ordinance and Master Concept Plan approvals for the Mohawk Tannery Redevelopment. The Board of Aldermen has adopted

NCPB

June 1, 2023

Page 12

these three ordinances and the Master Concept Plan, and will be presented with the Master Development Agreement. This would set the stage for action on this Board. This Board cannot approve the application without the Master Development Agreement being approved, hence the need for continuing the case after tonight.

Atty. Westgate said the three ordinances approved involved rezoning of a portion of the Parkway and nearby parcels, so that all parcels had the same zoning. The second ordinance created the Veterans Memorial Parkway Overlay district, which sets the terms of the district. The third is the actual district itself. With those three ordinances, they were able to make this filing of these plans.

Atty. Westgate thanked city staff for their assistance.

Tom Zajac, Civil Engineer, Hayner Swanson Inc, 3 Congress Street, Nashua NH

Mr. Zajac introduced himself as the project engineer. He said they are here tonight to further the conversation for the proposed Mohawk Tannery, first the remediation and then the subsequent redevelopment into 546 residential units. This is a large complex project, which relies on the partnership with the EPA, the NHDES, the City of Nashua, and our project team.

Mr. Zajac said Atty. Westgate laid the groundwork for what has been done to date. They felt it prudent to come before the Board tonight, present the application, and answer questions, hopefully to return later this summer for approval.

Mr. Zajac provided an overview of the current site. This site is approximately 41 acres, located generally in the central portion of the city and off of the Veterans Memorial Parkway. They have roughly 3,000 linear feet of frontage along the Nashua River. The site has been rezoned RC and the Veterans Memorial Parkway Overlay, which encompasses the entire site. To the north they have the railroad and Parkway, to the west and south they have the Nashua River. To the east, working north to south, they have undeveloped land owned by the Tamposi entities, a portion of which is subject to a subdivision plan tonight, then they have the Fairmount Heights and Little Florida neighborhoods. To the southeast they abut city owned open space. The 41 acre site is comprised of four elements; the 4-acre parkway right of way that the developer is seeking to purchase, the 5-acre Fimbel Door lot, a .6-acre parcel from the

Tamposi property adjacent, and finally the roughly 31-acre Mohawk Tannery site, which is made up of a few lots.

Mr. Zajac said the site contains different sections of topography, the best way to describe it is from west to east Warsaw Ave sits 70-ft above the Nashua River. It's really terraced as you work your way west. There are some wetlands interior to the site, and encumbered by various floodplains and floodways. The goal of remediation is to get the materials contained and up and out of the floodplains. Soils are coarse and sandy soils, deep depths to groundwater. Utilities are available onsite and in adjacent streets. Of note is the city public sewer interceptor which runs along the frontage of the Nashua River and adjacent to the containment cell.

Mr. Zajac said at this point he would like to turn it over to Bernie Plant to discuss the past uses of the site, the legacy of contamination, and the proposed remediation efforts.

Bernie Plant, Blaylock Holdings LLC

Mr. Plant introduced himself as the applicant. He is one of the principal holdings, along with Lloyd Geisinger. Blaylock Holdings was created prior to the construction of the Parkway, so that in the event of its construction these underutilized properties may benefit from that construction.

Mr. Plant said they first approached the EPA since 2013 and have worked diligently since then. The slide before them is a 1970s aerial photo of the site. It shows two main buildings, the Tannery factory building where most of the tanning of hides took places, and then to the left is the Fimbel Door factory. To the left of that is the Wilton railroad line, where the Parkway is today. They city through the state of NH condemned part of the Fimbel Door property to construct the parkway. Fimbel Door was torn down as part of the development. Also in this photo are three lagoons. The two closest to the Nashua River were created by the tannery to dispose of tannery waste. The third lagoon is on the Fimbel Door property.

Mr. Plant showed a 1984 photo of the Mohawk Tannery main production building. As you can see it's derelict, subject to some fires. In 1982 NHDES and EPA came in and effectively shut down the Mohawk Tannery operations because they failed to comply with the Clean Water Act regulations. The owner abandoned the property, and it was subject to numerous fires until 2012 when the city came in and

razed the buildings. The site is still used by homeless. The police have done a good job in the last 6 months to keep the site clear.

Mr. Plant said this slide shows the areas of tannery waste contamination. The next slide will be of asbestos waste contamination. To the east of the two large lagoons towards Warsaw Ave there are satellite areas that contain 8,000 cubic yards of tannery waste. The lagoons got full and they had to dump tannery waste someplace, so they dug holes everywhere to deposit it. We have done a substantial amount of testing, and between 2013 and now they have tested it continuously and are confident of the locations.

Mr. Plant said to the upper left is the lagoon on Fimbel Door. What happened is the tannery lagoons got full, the owner went to the Fimbels and they gave him permission to build a landfill for some of the tannery waste. Three major areas, then those minor areas.

Mr. Plant said outlined in red are they asbestos disposal areas. The city property on the center left has about 20,000 cubic yard of asbestos that was purposely put there during the construction of the parkway, it was legally place and is a NHDES licensed disposal area. To the right on the Fimbel Door property is an illegal disposal area, mixed in with solid waste. The serpentine area to the far right, he's not sure how asbestos got there but it will be removed.

Mr. Plant said in summary, there's about 91,000 cubic yard of tannery waste and 23,000 cubic yards of asbestos impacted soil.

Mr. Plant said there is an article the EPA put out in December 2020. After a couple of years of negotiations with the EPA and examining several different ways to remediate, the EPA agreed that a secant pile would be most suitable. They have agreed to contribute 6 million dollars to the remediation. This is the first public private partnership the EPA has done in their history, which they are proud of. This is between the EPA, the City, the NHDES, the Business Finance Authority, Nashua Housing, and Blaylock Holdings to implement.

Mr. Plant said the plan in terms of remediation is to consolidate all the tannery waste in on location on those two existing lagoons closest to the river, to take the tannery waste on the Fimbel Door site and move it there, and subject it to the construction of a secant pile system. In this case it's a series of 22-inch concrete

and bentonite piles drilled around the perimeter of the lagoon and auger drills down. A void is created and filled with either bentonite or concrete depending on which, and you end up encircling the whole tannery area. About 850 secant piles interlock the way they're constructed, and when they're done they have a single concrete wall surrounding the lagoons. When complete, a 6-12 foot retaining wall will be constructed to allow the additional waste from satellite sites and Fimbel Door waste. Then a cover material is put on, it's loamed and seeded, and vented. Then it can be used as open space. The cast in place concrete wall placed on top of the secant piles serves to accept the additional waste and raise the height of the lagoons out of the 500-year floodplain. Right now part of lagoon 2 is in the 100-year floodplain, and the fear is with the frequency of storms we're getting at some point that area will be flooded and the tannery waste will get in the river.

Mr. Plant said in regards to the asbestos waste, adjacent to the secant pile containment system, to the east, will be a similar containment system for the 25,000 cubic yards of asbestos. When we're all done, all that combined waste will be contained in an area 2-3 acres in size. He indicated the location on the plan. This will allow the remediated development area to be cleaned and redeveloped. The area to the south, where the serpentine asbestos area is, that will be cleaned up and the 14 acres conveyed to the city. That will remain as open space.

Mr. Plant said he will turn it over to Michael Devin to discuss the redevelopment piece.

Michael Devin, Thorndike Development

Mr. Devin introduced himself as a member of the development team. They have been in operation for 40 years. They worked with Mr. Plant on a site in Canton, MA, a contaminated site that has since been redeveloped into a thriving community. There's a litany of challenges on this site that present a public health risk. If we do what we intend to, the property presents an extraordinary opportunity.

Mr. Devin showed an aerial of the site. This site sits on the Nashua River, directly across from Mine Falls Park and next to the Fairmount Heights and Little Florida neighborhoods. If you were to leave the site and travel east on the parkway, you would be in downtown Nashua in a matter of minutes.

Mr. Devin said their plan contemplates 230 apartments, 316 condos, for a total of 546 units. They have a layer of parking at grade as well as 4-5 stories about the level of parking. Each apartment and condo has a pool and a clubhouse. We also contemplate green space to be donated to the city, as well as open recreation. There are a series of public amenities including a canoe and kayak launch, a river walk, and a pedestrian bridge to connect to Mine Falls Park. We believe the redevelopment should be a solution that all of Nashua shares. As such we contemplate a series of access points for the public to gain entry and utilize those public amenities. Two access points that are gated are next to the Fairmount Heights and Little Florida neighborhoods, primarily for emergency access and city utility access, but will serve a dual purpose of allowing pedestrians. Where we contemplate a signal on the parkway there will be an informal crossing over to the Broad Street neighborhoods.

Mr. Devin displayed a series of models showing the proposed amenities. He said these renderings are very accurate to what they intend to build. He outlined each in detail.

Mr. Devin said the architecture at its core is a smart growth driven design. They have a series of direct entry flats. Behind that is a level of parking at grade. The design is meant to connect the community in a smart streetscape with a grass strip, street trees, a wrought iron fence, and plantings. That way we don't have a series of monolithic buildings, but instead a vibrant community.

Tom Zajac, Civil Engineer

Mr. Zajac said he wants to provide the nuts and bolts of the applications. We have three land plans that set the table for this. The first is the Parkway parcel, a subdivision plan to create that 4.2 acre lot. The Board of Aldermen will take action to the discontinuance of that right of way. The second application is to carve off a 2/3 acre of the adjacent Tamposi property to the east. As part of discussions with the city there was a desire to ramp up the total lot acreage to meet the density requirements for RC zone, so they could say that this project meets the underlying density. The third and final subdivision plan is the most important, the consolidation of the various lots around the tannery into one lot, then the subsequent subdivision to create the lots needed for this development. That would be nine lots, plus the public road which runs generally north to south across the site. Lots 1-7 will contain the various elements of the redevelopment. Lot 8 will be

the containment areas. Lot 9 will be the roughly 14 acres at the south, intended to be conveyed to the city for conservation.

Mr. Zajac said the other thing the subdivision plan will do is depict and put on record the various public and private easements that will be needed for this project.

Mr. Zajac said then they have the full redevelopment of this site into the 546 unit multifamily residential project. The site plan that was submitted is very similar to the Master Concept Plan that was previously before you and approved by the Board of Aldermen.

Mr. Zajac said in the front of the site is four apartment buildings, totaling 230 units. Then there will be five condominium buildings toward the central portion of the site, totaling 316 units. Buildings 1-7 are five stories, Buildings 8-9 are 6-story structures. Each has ground level parking on the back side and direct entry flats along the public road to create a streetscape and break up the façade. Buildings 1-4 will also have underground basement level parking. They have a clubhouse, as well as two pool and patio amenities. It's about two-thirds of two bedroom units, and one-third of studio of one bedroom.

Mr. Zajac said site access will be provided via a new signalized intersection that connects onto the Parkway, which was originally contemplated during construction of the parkway. There will be dedicated turn lanes into and out of the site from both directions. The road is about 1300-ft long. The goal along that spine road is to create a vibrant streetscape, and is the entry feature of the project. Since the time of the initial application there has been discussion about the possibility of modifying the approach on having a public road and making it a private street. For him, it would be a messy plan change as it relates to the subdivision applications, but shouldn't be a major issue. The developer has already committed to maintaining the road and utilities regardless of whether it's a public or private road. The design will remain the same, public and private streets have the same requirements, it's just a matter of ownership and right of way.

Mr. Zajac said important to note is the access from Fairmount Heights and Little Florida neighborhoods. Primary access is from the parkway, but they have a secondary access point near Warsaw Ave. That was a specific request from the Fire Marshal to provide emergency access to the site. It will be gated and for emergency purposes only. They have an addition point at the end of Intervale, a gravel path to provide pedestrian access through the site. This

road will also serve to allow the city access to the existing sewer infrastructure. This will be gated and locked.

Mr. Zajac said there are 936 parking spaces throughout the site, a combination of surface parking space, garage, and carport spaces, for a total of 1.7 spaces per unit. The regulations call for 1.5 minimum and 1.9 maximum.

Mr. Zajac said it's a challenging site due to the grade changes east to west. The main body will be fairly level, but the main buildings will sit about 30-ft lower than Warsaw Ave. They will have a planted berm and screen fence at the street so that much of the buildings will be screened from view. They will try to maintain the existing wooded buffer and will supplementing the gaps in that buffer and the areas they are disturbing.

Mr. Zajac said utilities are straightforward. The sewer interceptor is onsite. Water is something they have worked extensively with Pennichuck on, and are currently contemplating running up the parkway to Blue Hills Ave. They will also need a booster station onsite to provide fire flows and pressure at the upper stories. This will all be underground. Overall the development disturbs 28 acres of the 41 acre site, mostly in the northerly and central portion of the site. 22 acres will be part of the remediation efforts. This project provides 65% open space where 35% is required. As part of the overlay there is also a green space requirement, which is defined as contiguous usable open space, as opposed to counting every little grass strip that may not be contiguous. They are providing 55% green space where a minimum of 50% is required.

Mr. Zajac said in regards to wetlands and wetland buffers, the project will impact 6,600-sqft of wetland, along with 25,000-sqft of buffer. These are located along the perimeters, and the majority is related to the remediation of the project. This is now located in the Nashua Shoreline Urban Exemption Area, so there are local and state buffers that don't apply. Last month they appeared before the Commission, held a site walk, and are scheduled to appear before them next week. They will be seeking a favorable recommendation.

Mr. Zajac said stormwater is important given the remediation and proximity to the river. It boils down to quantity and quality, as well as the overall project goals in improvements and the contaminants being removed and contained. There are no formal practices onsite right now, it mostly just flows downhill to the

river. There are existing parkway basins installed as part of the project, accommodating a six acre watershed. They proposed a robust onsite water drainage and management system for qualitative treatment and quantitative attenuation. There are six stormwater management practices, five of which are underground and one of which is a basin to the south of building seven. This will accommodate runoff from the site and the six acre watershed on the parkway. We are taking that water and accommodating it into our design and system, and those basins would be eliminated. They have two new drainage outlets to the river as part of this system. Many of these underground systems are designed to store and infiltrate large storm events. Post remediation they are looking to take advantage of the sandy soils onsite to convey runoff in a safe and controlled manner to the river, so as to not worsen downstream flooding conditions.

Mr. Zajac said their study and plans are underway in terms of review by city staff, the EPA, and NHDES. They will need an Alteration of Terrain permit for this, which has been submitted. He summarized the public benefits, namely the cleanup of the contamination onsite, donation of the conservation parcel, public parking and a trailhead, and pedestrian connections to Mine Falls and adjacent neighborhoods. This is a large complex project that relies upon a successful partnership. They are here tonight seeking the Board and public's input. Ultimately they hope to return late summer seeking approval of these applications. Remediation could possibly commence later this year, take 18 months to complete, with a period of monitoring by the NHDES, and redevelopment estimated to take 5 years and complete in 2030.

Mr. LeClair said with respect with to the east-west road set up for future connection to the Tamposi parcels, what is the design concept?

Mr. Zajac said there is only one access point provided to the parkway, and that is what they are proposing here. Part of the deal here is this project would provide access and utilities for the Tamposi entities from our site over to Baldwin Street. It is contemplated, there are grading and drainage easements as well as a formal easement and utilities for that location. They do anticipate that future development of that site would gain access through this project.

Mr. LeClair asked if the roadway design would accommodate that.

Mr. Zajac said correct.

Mr. LeClair asked if access to the Fairmount side is off of that east west roadway. Is that something the Fire Dept. wants?

Mr. Zajac said yes. He summarized their discussions with Fire Dept. and their preferred access to the site. There are recent siren induced gates being contemplated at the schools, which they would envision there. It is secondary access only, for emergency services.

Mr. LeClair asked if it made sense to come off of that connector instead of the parking lots.

Mr. Zajac said it is due to the grade change. It's 30-ft of elevation, so he needs some length of road to give a good slope.

Mr. LeClair said in regards to the parceling, is that meant to be consistent with the building areas? There's a lot of parcels. Why nine?

Mr. Zajac said it's to set it up for financing purposes. The first four buildings are apartments on two lots. Then as you work your way south there are owner occupied condos, each of which sits on its own lot. There will be master homeowners agreements that govern the whole lot. The containment cell will have its own lot, as will the parcel being conveyed to the city. There are seven buildable lots.

Mr. Bollinger asked if it is constructed as a private road, would the city be responsible for maintaining the signal? Veterans Memorial Parkway is public, but if the signal is added to benefit a private entity, is DPW going to maintain it?

Mr. Hudson said that's an excellent question. It's only as of recent that they contemplated a private road. It's cleaner if it's a private road. It's about who's doing what, short term and long term, and it may be resolved later in discussions.

Mr. Bollinger asked if they need to table this to a date certain or can they leave it open?

Mr. Durfee said they need to table it to a date certain.

Mr. LeClair asked if the Master Development Agreement is going to address phasing of this project.

NCPB

June 1, 2023

Page 21

Mr. Zajac said correct.

Mr. LeClair said they want some of the amenities early, not at the end. That's the vehicle for the agreement.

Mr. Zajac said correct.

Mr. Pedersen said they mentioned they will use a containment wall with interlocking pieces to contain the waste. What is there to prevent the waste from seeping under that wall and going into the river?

Mr. Zajac said his understanding is essentially those secant walls are going down to either till or bedrock. Anything seeping under would be minimal or negligible.

Mr. Pedersen asked if they hit bedrock, it won't be able to go under the wall.

Mr. Zajac said correct.

Mr. LeClair said we will have more discussions moving forward. He would like to get an opportunity for public comment now.

SPEAKING IN OPPOSITION OR CONCERN OR WITH QUESTIONS

Denise Muccioli 6 Midhurst Drive, Nashua NH

Ms. Muccioli thanked the applicant for an excellent presentation. It answered a lot of her questions. She asked who is paying for the bridge. She is curious about the dogpark, and whether that would be a public amenity. She asked if there would be a lot of fencing, as there is a lot of wildlife in the area and she is concerned about wildlife being trapped. She asked that they continue being responsible after the construction, as they are so close to the river and things like rock salt and pesticides are responsibly contained. She said it looks like a lot of thought was put into this and they are taking the right steps to get the project approved.

SPEAKING IN FAVOR

Sandy Belknap, 40 Fairmount Street, Nashua NH

Ms. Belknap said she is here because it's important for the Board to hear what the citizens have to say about plans like this. She

has been involved with this project for 25 years, she sent a note to the EPA in 1998, which sparked some activity. We've gone for years working on this with different mayors, so we've been making slow steady progress. Back in 2013 Mr. Plant came forth with a plan they could get behind, and here they are ten years later. She was excited when she saw signs onsite.

Ms. Belknap said from a citizen point of view, we've had so many meetings. We have the city onboard, economic development working with Mr. Plant. We have the EPA, NHDES, state senators, and state reps. She wanted to make it clear that the citizens are the one who could make or break this project. When it comes to the different subdivisions, an important aspect of this approval down the road is that a big stopgap would be any traffic coming down Fairmount to access the site besides emergency access. If something isn't approved with that right of way off the parkway and a plan comes up that has traffic going down Fairmount, you're going to have a lot of people standing here at this Board fighting against it. Mr. Plant and his team knows that.

Ms. Belknap said this is on the radar of everyone in the neighborhood, and Mr. Plant is keeping us in the loop. It's a nice collaboration, and continuing to ask for the public's input is going to be important. That's a beautiful parcel of land, we're excited to access the amenities. She looks forward to walking down to the boat launch and along the river walk. There's a lot of background and history that people have been angry about this project, and she thinks they finally have the community starting to turn around and that it's finally right to clean up the site and leave something better for those who come after us in this neighborhood.

APPLICANT REBUTTAL

Tom Zajac, Civil Engineer

Mr. Zajac said in terms of paying for the bridge, it's a component of the Master Development Agreement and ongoing discussions. His understanding is that it will be funded by the city but built by the developer, and there are specific milestones in the development agreement as to when that bridge will be constructed as it relates to the other buildings coming online. It will be spelled out in detail.

Mr. Zajac said there are a couple of passive recreation areas proposed on the green space on top of the containment area, one of

which is a dog park. The dog park will be private and will be used by the residents as opposed to the general public. Same thing goes for the playground. The public amenities will include public parking, access for canoe and kayak launch, the river walk, and direct access to the pedestrian bridge.

Mr. Zajac said the only area getting fence is in and around the containment area itself. It's less about keeping people out than the changes in grade. There's a 6-10 wall being built on top of the secant containment, so there will be a fence on top for fall protection. He doesn't think that will have an impact on wildlife and species movement in the area. We're certainly not installing a fence along the southerly side of the site to block critters from moving.

Mr. Zajac said the last question was grounds maintenance. He doesn't believe that's spelled out in the development agreement, that's commonly something addressed in the homeowners association documents.

Mr. Zajac said September 7, 2023 would be a preferred date to table this case to.

Mr. LeClair asked if the development agreement comes before the Board.

Atty. Brad Westgate, Winer & Bennett

Atty. Westgate said the goal is to get before the end of June a draft master development agreement. June 20 is what we hope for so it can be submitted to the Board of Aldermen and referred out. He suspects one of the referrals would be to this Board. It would certainly be before September 7th.

MOTION by Mr. Bollinger to table A23-0066, A23-0067, A23-0068 and A23-0069 to the September 7, 2023 meeting

SECONDED by Mr. Hirsch

MOTION CARRIED 6-0

DISCUSSION ITEMS

None

MOTION to adjourn by Mr. Bollinger at 9:08 PM

NCPB

June 1, 2023

Page 24

MOTION CARRIED 6-0

APPROVED:

Mr. LeClair, Chair, Nashua Planning Board

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Prepared by: Kate Poirier

Taped Meeting