

NASHUA CITY PLANNING BOARD
July 9, 2020

The regularly scheduled meeting of the Nashua City Planning Board was held on July 9, 2020 at 7:00 PM via WebEx virtual meeting.

Members Present: Scott LeClair, Chair
 Mike Pederson, Mayor's Rep.
 Ed Weber, Secretary
 Dan Hudson, City Engineer
 Ald. Jan Schmidt
 Maggie Harper
 Bob Bollinger
 Larry Hirsch

Also Present: Linda McGhee, Deputy Planning Manager
 Christine Webber, Department Coordinator

Approval of Minutes

June 18, 2020

MOTION by Mr. Bollinger to approve the minutes of the June 18, 2020 meeting, as written.

SECONDED by Mr. Hirsch

MOTION CARRIED 7-0-1 (Harper abstained)

COMMUNICATIONS

Ms. McGhee went over the following items that were received after the case packets were mailed:

- Email from abutter re: Case #4
- Email from Street Construction Engineer Joe Mendola re: Cases #1, #2, and #3
- Email from Street Construction Engineer Joe Mendola re: Case #4

REPORT OF CHAIR, COMMITTEE & LIAISON

Historic District Commission: Mr. Weber said a meeting was held on June 22nd, regarding a garage at 61 Concord St.

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

The Board is providing public access to the meeting by telephone, with additional access possibilities by video or other electronic access means.

The Board is video conferencing utilizing WebEx for this electronic meeting. All members of the Planning Board have the ability to communicate contemporaneously during this meeting through this platform, and the public has access to listen to this meeting by dialing (978)-990-5298, with password 273974.

Public access to this meeting is also 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 anybody has a problem accessing the meeting please call (603)-589-3115 will help you connect.

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.

OLD BUSINESS - CONDITIONAL/SPECIAL USE PERMITS

None

OLD BUSINESS - SUBDIVISION PLANS

None

OLD BUSINESS - SITE PLANS

None

NEW BUSINESS - CONDITIONAL/SPECIAL USE PERMITS

1. Wilmar, LLC (Owner) Colbea Enterprises, LLC (Applicant) - Application and acceptance of proposed Conditional Use Permit to allow a gas station in the General Business Zone. Property is located at 4 Blackstone Drive. Sheet H - Lot 520. Zoned "GB" General Business. Ward 2.

MOTION by Mr. Weber that Case #1 is complete and the Planning Board is ready to take jurisdiction.

SECONDED by Mr. Pedersen

MOTION CARRIED 8-0

NEW BUSINESS - SUBDIVISIONS

2. Wilmar, LLC (Owner) Colbea Enterprises, LLC (Applicant) - Application and acceptance of proposed two lot subdivision. Property is located at 4 Blackstone Drive. Sheet H - Lot 520. Zoned "GB" General Business. Ward 2.

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

SECONDED by Mr. Pedersen

MOTION CARRIED 8-0

NEW BUSINESS - SITE PLANS

3. Wilmar, LLC (Owner) Colbea Enterprises, LLC (Applicant) - Application and acceptance of proposed amendment to NR1943 to construct a 5,005 sf convenience store with drive-thru lane and self-service gas pumps. Property is located at 4 Blackstone Drive. Sheet H - Lot 520. Zoned "GB" General Business. Ward 2.

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

SECONDED by Mr. Pedersen

MOTION CARRIED 8-0

For the purposes of discussion, Cases #1, #2, & #3 were all considered together.

Atty. Gerald Prunier, Prunier & Prolman PA, 20 Trafalgar Sq, Nashua NH

Atty. Prunier introduced himself to the Board as representative for the applicant. He also introduced various members of his team and owners.

Chris Rice, Project Engineer, TF Moran, 48 Constitution Dr, Bedford, NH

Mr. Rice displayed the subject parcel and gave a brief description of the site and surrounding lots. He described the Board approvals this site has obtained over the past two years.

Mr. Rice presented the proposed subdivision plan. They are planning to split the property in half. He said both lots meet the minimum requirements for the zone. They are asking for a waiver from an existing conditions plan.

Mr. Rice outlined the Conditional Use Permit request. He said all criteria have been addressed, and their understanding is that staff has reviewed this and found no issues.

Mr. Rice presented the site plan. They are proposing to demolish the building onsite and construct a 5,005-sqft gas station and convenience store. There are 12 fuelling stations proposed. He described the drive-thru and parking. He said it is anticipated that the store would be open 24-hrs. He indicated loading zones onsite, and said there would be an air tower as well. He described stormwater management systems onsite.

Mr. Rice said they have provided a traffic impact analysis, and this report shows that the project has minimal effects on the Amherst St corridor, and can be safely accommodated without need for mitigation. They propose to modify the timing of the Blackstone Dr intersection light to keep it functioning optimally. He said the applicant has agreed to the approximate

contribution of \$14,000.00 for the installation of wireless communications for the Amherst St corridor. He gave an overview of the site landscaping.

Mr. Rice said they are requesting nine waivers as detailed by the recommended stipulations of approval in the Staff Report. He outlined each waiver request in detail.

Mr. Rice displayed the architectural concept plan for the building. He said they have received engineering comments this afternoon, but are committed to working with Staff to address those issues, as they are fairly minor. He thanked city Staff for their assistance through the process.

Mr. LeClair asked if there will be a parapet to shield fire suppression canisters on the canopy from view.

Andrew Delli Carpini, Seasons Corner Market CEO, 7 Josephine Dr, Smithfield RI

Mr. Delli Carpini described the proposed canopy. He said they have never had an issue with being able to see the fire suppression canisters, so they won't be visible from the street.

Mr. LeClair asked how the fire suppression nozzle below the canopy will look. They prefer to see them capped.

Mr. Delli Carpini said there is a minimum height the nozzles have to be from the ground, and they will comply with that. He described out the fire suppression pipes will be capped and painted to match the deck of the canopy.

Mr. LeClair asked for details about traffic circulation from Blackstone Dr.

Mr. Rice described curbing, pavement painting, and traffic circulation onsite.

A detailed discussion regarding site entrance and exit design ensued.

Mr. LeClair asked about the back exit into the other property. Can people just drive through?

Mr. Rice said there is an existing gate, and they intend to leave it in place. Whenever that property becomes developed, they will have to incorporate this site plan into theirs.

Mr. LeClair asked if there was no requirement for cross access easements, since they are the same owner.

Mr. Rice said correct, they are owned by the same entity.

Mr. Pedersen asked if a vehicle is travelling eastbound on Amherst St, is there a turning lane to get onto Blackstone Dr?

Mr. Hudson said there is a dedicated left turn.

Mr. Weber asked if all sidewalks will be handicap accessible.

Mr. Rice said yes. He indicated the access onsite.

Mr. Weber asked about parking on the southeast section of the site, and if there was sufficient space for someone with a truck.

Mr. Rice said he can run a template to be sure that the aisle width meets the minimum 22-ft. They might have to make a point turn, but they can do it without impacting the canopy.

Mr. Weber asked if the right turn onto Amherst St could have a turn arrow in thermoplastic paint.

Mr. Rice said yes.

Mr. Bollinger asked if the engineer had a chance to review comments from the City Engineer. He said the one that most concerns him is the paving moratorium on Amherst St and Blackstone Dr. If they were to put a condition of approval that the applicant must address all ninety comments, could they?

Mr. Rice said they have gone through most of them, and they are mostly clean-up items. He thinks they can address all of the comments. The moratorium is one that they will have to coordinate with the Division of Public Works as necessary.

Mr. Bollinger asked if they could provide a double yellow line in a section of Blackstone Drive to reinforce the idea that this is a two-way road.

Mr. Rice made a few suggestions for things they could do.

Mr. Bollinger asked if there was any consideration to angling the driveways for the "right in, right out" prohibition. The median isn't always observed.

Mr. Rice said he can take a look at it. He is hesitant to change the angles because they were careful when running the tractor trailer and fuelling truck movement tests. He doesn't want to commit to anything that would negatively impact those movements.

Mr. Hirsch asked what plans there are for sidewalks along Blackstone Dr. Is there a sidewalk right now?

Mr. Rice said there is an existing sidewalk, but it is in disrepair. They have been asked to consider replacing them as part of their plan, but he has not discussed that with the applicant yet. He indicated it on the plan.

Mr. Weber asked what the purpose of the air tower was.

Mr. Rice said it was for air pressure, to inflate tires. He described it and indicated it onsite.

Mr. LeClair asked if diesel would be dispensed here, and where. He is concerned about vehicles with trailers cutting off access while fuelling.

Mr. Rice said there would be diesel, and indicated the location and dimensions on the plan. He said there is adequate two-way space.

Mr. LeClair said his concern is something like a landscaping truck with an 18-ft trailer right by the inlet to Amherst St. He thinks there are other pumps that would be viable.

Andrew Delli Carpini, Seasons Corner Market CEO

Mr. Delli Carpini said they put diesel at all the islands, so it is available at every dispenser. He described the site dimensions and what they have experienced at other locations.

Mr. LeClair asked how much of an impact it would be to not have diesel at the island closest to the entrance.

Mr. Delli Carpini said it's more trying to keep consistency with customers, and it would be more confusing to have one island that didn't have diesel. If trailers are coming off of Amherst St, they will be pointing in towards the store. He doesn't think it will be that much of an issue.

Mr. Rice indicated dimensions on the plan, and said there is a good amount of room to move.

Mr. Delli Carpini said this site is 5 to 10-ft wider than most facilities they have, and at those sites they haven't had a problem with vehicles maneuvering around the site.

Ms. Harper asked what kind of protection they have on the east side to protect from someone backing into it.

Mr. Rice said there is about 26-ft to where a car would be parked.

SPEAKING IN OPPOSITION OR CONCERN

None

SPEAKING IN FAVOR

None

Mr. Weber asked for clarification from Staff on the dates contained in the Staff Report.

PUBLIC MEETING

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

Mr. Hudson thanked the applicant for being willing to make a contribution towards the wireless connection along Amherst St.

MOTION by Mr. Weber to approve New Business - Conditional Use Permit #1. It conforms to §190-133(F) with no stipulations or waivers

SECONDED by Mr. Pedersen

MOTION CARRIED 8-0

MOTION by Mr. Weber to approve New Business - Subdivision #2. It conforms to § 190-138(G) with the following stipulations or waivers:

1. The request for a waiver of § 190-282(B)(9) and (22), which requires an existing conditions plan, is granted, finding that the waiver will not be contrary to the spirit and intent of the regulation.

2. Prior to the chair signing the plan, all minor drafting corrections will be made.
3. Prior to the recording the plan, the new lot number, H-653 and the address of 8 Blackstone Drive shall be added to the plan.
4. Prior to recording of the plan, all conditions from the Planning Board approval letter will be added to the final mylar and paper copies submitted to the City.

SECONDED by Mr. Pedersen

MOTION CARRIED 8-0

MOTION by Mr. Weber 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 § 190-215(G), which requires redevelopment sites meet certain stormwater standards for the 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 § 190-209(A)(1), which requires a maximum width of 36 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 § 190-209(A)(4), which requires a minimum inside turning radii of 15 feet, 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 § 190-89(A), which requires light levels should not exceed 0.2 foot-candles at any property line, 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 NRO § 190-184(D)(1), which requires a median island for every 10 parking spaces, 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(D)(2)), which requires certain exterior building materials, is granted, finding that the waiver will not be contrary to the spirit and intent of the regulation.

7. The request for a waiver of § 190-172(E) (1), which requires all sides of a principal building facing abutting public streets to have at least one customer entrance, is granted, finding that the waiver will not be contrary to the spirit and intent of the regulation.
8. The request for a waiver of § 190-279(EE), which requires a plan sheet of existing conditions on site and adjacent parcels, is granted, finding that the waiver will not be contrary to the spirit and intent of the regulation.
9. The request for a waiver of § 190-24(F) (5) (e), which requires stormwater management systems be compliant with requirements for the ten-year twenty four hour storm event, is granted, finding that the waiver will not be contrary to the spirit and intent of the regulation.
10. Prior to the Chair signing the plan, minor drafting corrections will be made.
11. 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.
12. Prior to the Chair signing the plan, all comments in an e-mail from Joe Mendola, Street Construction Engineer, dated July 9, 2020 shall be addressed to the satisfaction of the Engineering Department.
13. Prior to the issuance of a building permit, all comments in an e-mail from Wayne Husband, P.E., dated June 10, 2020 shall be addressed to the satisfaction of the Division of Public Works.
14. Prior to the issuance of a building permit, any easements and stormwater documents will be submitted to City staff for review and recorded at the applicant's expense.
15. Prior to the issuance of a building permit, the electronic file of the site plan shall be submitted to the City of Nashua.
16. Prior to the issuance of a Certificate of Occupancy, all site improvements shall be completed.
17. Prior to any work on site, a pre-construction meeting shall be held and a financial guarantee shall be approved.

SECONDED by Mr. Pedersen

MOTION CARRIED 8-0

NEW BUSINESS - SITE PLANS

4. Oakwood Square, LLC, c/o The Stabile Companies (Owner) - Application and acceptance of proposed site plan amendment to NR669 to construct a 40 space parking lot. Property is located at 6-8 High Pine Avenue. Sheet E - Lot 145. Zoned "RC" Urban Residence. Ward 1.

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

SECONDED by Mr. Pedersen

MOTION CARRIED 8-0

Ethan Beals, Project Engineer, Hayner/Swanson Inc., 3 Congress St, Nashua NH

Mr. Beals introduced himself to the Board as representative for the applicant.

Mr. Beals gave an overview of current site conditions. He described the condo units, site access, and surrounding properties. He said there are currently 55 parking spaces. There is a small undeveloped portion to the south that has been cleared due to a large overhead electrical line easement.

Mr. Beals presented the proposed site plan amendment. He said the applicant has noticed over time the high peak demands of parking at both the site and related adjacent lot, Pine Hill Gardens. There will be an agreement in place for this parking lot to serve as an overflow for both Oakwood Square and Pine Hill Gardens. Access to the parking lot will be from Cypress Ln. There will be no lighting proposed.

Mr. Beals outlined stormwater management as part of this project. They are proposing two small recharge style infiltration basins at the east and west of the parking lot. The eastern infiltration basin will intercept stormwater coming onsite from adjacent properties, and the western basin will collect and infiltrate stormwater from the parking lot. The goal is to increase infiltration and reduce peak flows leaving site during storm events. Each basin includes a gravel leaching trench and catch basin to increase storage capacity and promote recharge even when the ground is frozen.

Mr. Beals said they are requesting two waivers as detailed by the recommended stipulations of approval in the Staff Report. He outlined each waiver request in detail. He said they have received comments from the Engineering Dept. and is confident that they can address them.

Mr. LeClair asked how many units there at the adjacent Pine Hill Gardens.

Mr. Beals indicated Pine Hill Gardens on the aerial, and said there are approximately 188-units.

Mr. LeClair asked what the parking density for Pine Hill Gardens is, since parking would be for both developments.

Mr. Beals said they didn't survey the adjacent property. By his count there are approximately 300 parking spaces, which is less than the 1.9 maximum density allowed. The maximum allowed would be 357 spaces.

Mr. LeClair said that would make 217 units total between the two developments.

Mr. Beals said correct.

Mr. LeClair said that would make a maximum of 412 allowable spaces combined.

Mr. Beals said correct. The two of them together would total about 387 spaces, with a maximum of 412 spaces. He said it's a peak parking demand for both parcels, but the focus is to answer the peak parking demand on that parcel.

Mr. LeClair asked if the residents of Pine Hill Gardens would still have access to this parking, if the property was to be sold. Would they be amenable to that being a condition of approval?

Mr. Beals said there will be a formal agreement in place for Pine Hill Gardens to utilize the proposed parking addition.

Mr. Weber asked if as many of the trees onsite could remain as possible.

Mr. Beals said unfortunately due to the nature of construction onsite, he doesn't know how many trees could be saved. If there is an opportunity to do so, they would be amenable to it, but due to regular construction activities and regrading most or all may need to be removed.

Mr. Weber asked them to work with City staff to reduce the heat island effect. They are only proposing four trees added, which isn't very much. He said there is a large amount of landscaping debris on the east side, and asked if it would be removed.

Mr. Beals said in the construction process the materials would either be utilized onsite or removed.

Mr. Weber said the existing shade trees over the bus stop help people waiting for the bus. He requested that they try to save the trees and mitigate some of the cutting.

Mr. Beals said he will speak with the site contractor. It depends on where the tree bases fall.

Mr. Weber asked where snow removal would take place.

Mr. Beals said it is a small parking lot, so it would either be moved to one of the infiltration basins or the open space around the corners. It shouldn't generate enormous stockpiles of snow.

Mr. Weber asked if this wouldn't cover the handicap accessible areas.

Mr. Beals said correct.

Mr. Hirsch asked if any site lighting would be provided.

Mr. Beals said there is no proposed site lighting. There is an enormous overhead electrical easement, so locating any acceptable dark sky compliant lighting would be next to impossible. Due to the residential area they felt that large industrial style floodlights didn't fit the characteristics of the neighborhood.

Mr. Hirsch said it may be a problem from a security point of view.

Mr. Beals said yes, this was a discussion they had with the property owner. They felt that in terms of being a friendly neighbor it was important not to use floodlights that will have large amounts of light escaping the property.

Mr. Hirsch said he has seen lower intensity lighting be used in places like this, to light the immediate area instead of the site.

Mr. Beals said the other controlling factor was the electrical line easement, preventing a traditional downward facing light. The reality is that they cannot site it under this easement.

Mr. Hirsch asked if there is a fence between the abutting property to the west.

Mr. Beals said yes, there is an existing wooden stockade fence and vegetation.

Mr. Hirsch asked if the townhouse units are individually owned.

Mr. Beals said the owner has ownership of the entire development.

Mr. Pedersen said the Board received correspondence from 19 High Pine Ave today concerned that low impact lighting would transition to high pole, high impact lighting. He asked for confirmation that there would be no lighting at all.

Mr. Beals said that is correct. He saw the communication, and the ongoing discussion of lighting mitigates that comment. They didn't want to provide big light levels in a residential area.

Mr. Bollinger asked if there are governing condominium documents that would have to agree to a cross access easement.

Mr. Beals said their client is the owner of Oakwood Square and has committed to providing a cross access easement to Pine Hill Gardens for overflow parking access.

Mr. Bollinger said it's one thing for the owner to commit to it, but condominium associations sometimes have very extensive governing documentation. He said it's not just up to the owner to decide that, the individual owners through their own board would have to accept that.

Mr. Beals said he is not a legal expert, but he knows that the Stabile Companies is confident in their abilities to put forth an agreement with the abutting property.

Mr. Bollinger asked if PSNH had any input in their ability to access the lines and equipment within the easement.

Mr. Beals said there is a formal joint use agreement, and as part of it there are certain things that the property owner has the right to do. That being said, they will be working with Eversource prior to the construction process to make sure that the work performed under the easement is acceptable to them.

Mr. Hudson said he wasn't aware that this would be shared between properties until now. He is concerned about the lack of pedestrian connection to the abutting parcel. He doesn't think they have worked out the interconnection details that there would need to be.

Mr. LeClair said there is not nearly enough understanding among the Board about the ownership structure. He asked Staff how this would be functionally codified.

Ms. McGhee said this is the first she is hearing that this will be shared parking for both lots. She would assume that there would have to be some kind of agreement.

Mr. Beals said it wasn't their intent to hide the fact that some portion of this parking would be shared. It was outlined in their waiver letter. The primary intent is to provide overflow parking for Oakwood Square, with a beneficial proximity to Pine Hill Gardens.

Mr. LeClair said the confusion is more the ability to actually make this part of the application so that it is solid. He is not sure how to write a stipulation to ensure that the sharing happens. The success of this proposal depends on sharing the lot; it would be excessive for just one lot. He thinks they are missing a solid legal agreement.

Mr. Weber asked who would maintain this parking lot.

Mr. Beals said he isn't sure. He would have to consult with the client. He presumes that the Stabile Companies would have an entity who maintains both lots.

Mr. Hirsch asked if there was a fence on the easterly side of the parking lot between Oakwood Square and Pine Hill Gardens. He is concerned that people would drive from one lot to the other across the open space.

Mr. Beals said there is no current fence or anything that would prevent that. They are proposed a depression basin with a gravel trench that he thinks would deter such activities.

Mr. Hirsch said he thinks there should be some degree of separation to prevent people from trying to drive across the trench, or into it.

Mr. Beals said he would have to ask the client about that. He suggested some tire stops along key parking spaces in the area. It may be addressed after the parking lot is constructed.

SPEAKING IN OPPOSITION OR CONCERN

Amy Millett, 10 High Pine Ave, Nashua NH

Ms. Millett said her property abuts the entire parking lot. She said some of the debris piles are from excavation work back in March. She said snow removal at Oakwood Square is performed by Stabile Companies, by a contractor. She asked who would be performing snow removal at the new parking lot, and said she is not happy to hear that it would be going into the catch basin right along 2/3 of her fence. Between gasoline, oil, and spillage, that will seep into her yard.

Ms. Millett said the only light in that area now is coming off of the apartments at Pine Hill Garden, and it's not a very well lit area. There is activity that goes on at night, and she is concerned about the lack of monitoring and lighting.

Ms. Millette said she is concerned about the parking spaces close to her fence, and the possibility of someone accidentally driving through it. She said there is a lot more vegetation along the fence than is shown in the aerial.

SPEAKING IN FAVOR - REBUTTAL

Ethan Beals, Project Engineer

Mr. Beals said the lighting was them trying to find a balance between not being able to provide tall lighting and not flooding the residential area with light.

Mr. Beals said there is a mechanism in place for the treatment of stormwater from snow in the catch basin. He said infiltration is an approved practice by the NHDES and city.

Mr. Beals said he will investigate who will be plowing and maintaining the lot. He said they can also investigate the use of tire car stops for parking spaces along the abutter's fence.

Mr. Pedersen asked if they are still in the position that there would be no lighting added to this parking lot.

Mr. Beals said correct. They feel that is the best option for this parking lot.

Mr. Pedersen said that doesn't address the concerns of the abutter that it is too dark.

Mr. Beals said absolutely. There is another abutter that voiced the concern of the exact opposite.

Mr. Pedersen said that abutter was ok with low lighting, not whole lights. They were ok with some lighting. The recent abutter's comment is that she would like to see some lighting.

Mr. Beals said they can look at it. The reality is that the Eversource easement controls what they can do in terms of vertical building. The real only solution available is some kind of large floodlight to cover the entire parking lot, which would get into a discussion of overlapping the property boundaries.

Mr. Hirsch said he sees it being an attractive place for people to do things they don't want to be seen by the surrounding apartments. He feels there are options available.

Mr. LeClair said there are quite a few private residential developments that use low height lighting.

Mr. Hirsch said it would make the place look alive and less attractive to potential criminal activity.

Mr. Weber said the corner of Cypress Ln has a number of electrical poles. The city could work with the builder to have an LED to light the area. There is ability to put a light there.

Ms. Harper asked what the height limit is.

Mr. Beals said he didn't know. Early on in the project they consulted with an electrical lighting engineer. They are not opposed to lighting, at the end of the day it was a balance between what they could do and what would be acceptable to the neighbors. He said they could look into lighting at the area Mr. Weber described, but it would be a floodlight style pushing large light levels into the neighborhood.

Mr. Hudson asked for clarification on pedestrian access from Pine Hill Gardens, and whether it would also be accessed by the property across the street. There are no sidewalks, crosswalks, or other suitable accommodations.

Mr. LeClair said it appears that there are several concerns by the Board. A lot of them could be mitigated by more information and research. He asked Staff if it would be more advantageous to Table the case within the hearing or in the meeting.

Ms. McGhee said they should give the abutter a chance to address the applicant's rebuttal, and then close the hearing. If they are going to table the meeting, they would need a list of questions they want answered at that time.

SPEAKING IN OPPOSITION OR CONCERN - REBUTTAL

Amy Millett, 10 High Pine Ave, Nashua NH

Ms. Millett said that she is concerned about trash and debris being thrown over the fence. Trash already does come over the fence, and she doesn't see it being any better with a parking lot there, based on the activity she has seen from the other lots. She wants to see lighting back there, and requested a taller fence for space between her and the parking lot. She said she has called the property manager for other issues and not received much of a response, and is concerned that if there are issues with the infiltration basin by her property, that she won't get a response either.

SPEAKING IN FAVOR - REBUTTAL

Ethan Beals, Project Engineer

Mr. Beals said he is comfortable with the approach the Board is leaning towards. There are a number of questions he could address, so he thinks Tabling the case would be acceptable.

PUBLIC MEETING

Mr. LeClair closed the public hearing and moved into the public meeting. He said he thinks there are a few issues he would like to see addressed. He listed the following items: cross connection between lots, pedestrian access, increased clarity on the ownership of the properties, shared usage, lighting, vehicular control, and maintenance.

MOTION by Mr. Bollinger to table New Business - Case #4 to the August 6, 2020 meeting, in order to request additional information on the following items: clarification of ownership status of the subject property and adjacent Pine Hill Gardens; functionality of a cross access easement; pedestrian access and

cross connection; ownership and maintenance of the parking lot; lighting; and vehicular control.

SECONDED by Mr. Weber

MOTION CARRIED 8-0

4. 267 Main Street Realty, LLC (Owner) - Application and acceptance of proposed one year extension 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. Weber that this application is complete and the Planning Board is ready to take jurisdiction.

SECONDED by Mr. Hirsch

MOTION CARRIED 8-0

Atty. Gerald Prunier, Prunier & Prolman PA, 20 Trafalgar Sq, Nashua NH

Atty. Prunier introduced himself to the Board as representative for the applicant. He said that construction has been delayed and disrupted due to the COVID-19 pandemic. They would like to extend the approval for another.

Mr. Bollinger asked if there were any other restrictions onsite with regards to moratoriums or other extenuating circumstances.

Mr. Prunier said that if this extension is approved the project would be subject to all of the conditions that were previously approved.

Mr. LeClair asked Mr. Hudson if there is a paving moratorium.

Mr. Hudson said he doesn't believe so. It is in their intent within the next three years to start paving in that area, so it would be prudent for the applicant to start construction.

SPEAKING IN OPPOSITION OR CONCERN

None

SPEAKING IN FAVOR

None

PUBLIC MEETING

Mr. LeClair closed the public hearing and moved into the public meeting. He said he is familiar with this application among the many they have seen for this site, and he would like to see this one happen.

MOTION by Mr. Weber to approve New Business - Site Plan #5. It conforms to § 190-146(D) with the following stipulations or waivers:

1. All prior conditions of approval are incorporated herein and made a part of this plan, unless otherwise determined by the Planning Board.

SECONDED by Ms. Harper

MOTION CARRIED 8-0

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. Pedersen

MOTION CARRIED 8-0

DISCUSSION ITEMS

Mr. Weber asked for an update on when physical meetings will commence. Ms. McGhee said that Div. of Motor Vehicles is currently using the auditorium, so it will be awhile.

MOTION to adjourn by Mr. Pedersen at 9:19 PM.

MOTION CARRIED 8-0

APPROVED:

NCPB

July 9, 2020

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Mr. LeClair, Chair, Nashua Planning Board

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Prepared by: Kate Poirier

Taped Meeting