

NASHUA CITY PLANNING BOARD
August 3, 2023

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

Members Present: Mike Pedersen, Mayor's Rep
Scott LeClair, Chair
Ald. Patricia Klee
Dan Hudson, City Engineer
Larry Hirsch

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

APPROVAL OF MINUTES

July 13, 2023

MOTION by Ald. Klee to approve the minutes, as written

SECONDED by Mr. Pedersen

MOTION CARRIED 4-0-1 (Hirsch abstained)

COMMUNICATIONS

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

- **A22-0254, 124 Ridge Road**
 - o Abutter correspondence, Jocelyn Kudla, 5 Byfield Circle

REPORT OF CHAIR, COMMITTEE, & LIAISON

None

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 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

A23-0066 City of Nashua (Owner) - Blaylock Holdings, LLC (Applicant) - 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 Overlay District. Ward 4. **[TABLED TO THE SEPTEMBER 7, 2023 MEETING]**

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. **[TABLED TO THE SEPTEMBER 7, 2023 MEETING]**

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. **[TABLED TO THE SEPTEMBER 7, 2023 MEETING]**

OLD BUSINESS - SITE PLANS

A23-0069 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 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 Overly District. Ward 4. **[TABLED TO THE SEPTEMBER 7, 2023 MEETING]**

NEW BUSINESS - SITE PLANS

A23-0055 Crescent Properties Realty Trust (Owner). Proposed construction of an 8,400 sf commercial building with a drive-thru that was destroyed by a fire along with associated site improvements. Property is located at 495 Amherst Street. Sheet H. Lot 163. Zoned HB-Highway Business. Ward 2. **[POSTPONED FROM THE JULY 13, 2023 MEETING]**

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

SECONDED by Mr. Pedersen

MOTION CARRIED 5-0

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

Mr. Branon introduced himself on behalf of the applicant. With him on Zoom is project architect John Ramsay.

Mr. Branon described the current conditions onsite and zoning dimensional requirements. The building was constructed in 1970, and was heavily damaged by a fire in late 2022. They are here tonight to seek a demolition and redevelopment on the same footprint.

Mr. Branon said the new building is on the same footprint, but they are looking to incorporate a drive thru on the east side of the building with associated site improvements. There is a potential of up to five tenants. The new layout will provide for a loading zone and similar orientation to what exists today. Access to the site is from the existing curb cuts and the property to the east shares parking. This redevelopment will result in a reduction of impervious cover onsite and an increase of greenspace. He described onsite utilities. Other site improvements include lighting, landscaping, and utility infrastructure, all within compliance with city regulations.

Mr. Branon said they are requesting five waivers as part of this application, as detailed in the staff report. He briefly described each.

Mr. Branon said they have had a chance to review the staff memo and department comments, and have no objections. They have reviewed Engineering comments and do not anticipate any issues meeting them. He respectfully requests the Board's approval.

Mr. Hudson said he has some concern about the drive-thru, as not all uses produce the same amount of traffic. If this is a coffee shop he would be more concerned.

Ms. McGhee said right now there is no tenant proposed. They could add a condition of approval that once selected staff review it.

Ald. Klee said she shared that concern. They had a problem with a Dunkin Donuts down the road that had queuing traffic onto 101-A. She would like to see that as a stipulation.

Mr. LeClair asked for an explanation of the queuing.

Mr. Branon said the entrance would come from the Amherst Street side, continue parallel to Thornton Rd, and the queue would begin along the backside of the building. The drive thru would be on the northwest side, and the menu board would be on the northern corner. They could have eight vehicles before it got into the parking lot itself. They wouldn't want a use to create an issue with parking that would be detrimental to other businesses occupying the space. If you count queue length from the window you can get approximately 13-14 cars. The design meets all criteria in the ordinance, but he understands the concerns regarding use. They don't anticipate this being occupied by a Dunkin Donuts, that was a concern raised by staff in the review process. Engineering addressed that in the review letter when they suggested contribution fee is assessed by use. They have no objections with staff reviewing the tenant.

Mr. LeClair asked if there was any plan change to a double or emergency bypass lane would have to come back.

Ms. McGhee said it could be done administratively, or if it is determined to be significant it would come back to the Board.

Mr. Branon said correct. This layout fits well with the building and is the primary intent. The drive-thru is a convenience offering for certain businesses to market the site.

Mr. LeClair asked if there is a functional way to come in from Thornton.

Mr. Branon said they could if the queue wasn't all the way to the end. A vehicle could make that turn and head towards the drive-thru window if there was no queuing in that location.

Mr. LeClair said if there are two ways into the drive-thru it could become complicated.

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Mr. Branon said they have it striped generically because they have no tenant. They would work with staff on any administrative approvals needed but they hope it will fit into this design.

Ald. Klee asked if the queue comes out to Amherst St.

Mr. Branon said no, that number doesn't even count the parking lot. There is additional queuing onsite, but they aren't planning for it.

Mr. Hirsch asked if the drive-thru queue would cause conflict with the loading dock. Otherwise you have to go across traffic.

Mr. Branon said there is a chance, but they have seen sites like this function appropriately in other areas because there is space for a vehicle to park and unload without obstructing the drive-thru area. They would be passing through, but all those vehicles are stopped. Staff made an appropriate note in the memo that the deliveries should be made on off-peak hours. It's a management item, people have a choice what space to rent and operate, that's a condition that will have to be managed with this site.

SPEAKING IN OPPOSITION OR CONCERN

Dave McAlpine, 101 Conant Rd, Nashua NH

Mr. McAlpine said he is familiar with the area. He is concerned how traffic might back up in the drive-thru area. If you're using the existing footprint, he thinks they will have issues with cars backing up. It's a very busy location. It is currently an eyesore, so it would be good to have it fixed up. But if they want to do the drive-thru they should cut the number of tenants. He is concerned about the traffic impact on businesses in the area.

SPEAKING IN FAVOR

None

APPLICANT REBUTTAL

Chad Branon, Civil Engineer

Mr. Branon said regardless of the number of tenants, the drive-thru is appropriately located on this site. They have not accounted for queuing all the way to the street, there would be a significant amount of queuing room if they wanted to count all the way to

Amherst Street, over 20 cars. In a worst case scenario this will perform better than most drive-thrus along Amherst Street because it has such a large queuing distance. They aren't anticipating that. It is appropriately located and meets all city requirements.

Ald. Klee asked if the number of vehicles is based on a car, not a truck.

Mr. Branon said they don't use a tractor trailer, generally a pickup truck. It's a 22-ft queuing distance.

[Inference from audience]

Dave McAlpine, 101 Conant Rd, Nashua NH

Mr. McAlpine asked if this is mixed commercial and residential.

Mr. LeClair said no.

PUBLIC MEETING

Mr. LeClair closed the public hearing and opened the public meeting. He said the reuse of the building is consistent with what was there before and what the zoning of the area is. It's somewhat consistent with the Master Plan ideas and would still work. A stipulation requiring staff review of the drive-thru use type is reasonable.

Ald. Klee said she would support a stipulation.

MOTION by Ald. Klee to approve New Business - Site Plan A23-0055. It conforms to §190-146(D) with the following stipulations or waivers:

1. The request for a waiver of § 190-279 (EE), which requires showing existing conditions on adjacent parcels, is granted, finding that the waiver will not be contrary to the spirit and intent of the regulation.
2. The request for a waiver from NRO §190-184(D) (1), which requires parking aisles not contain more than 10 spaces in a row unless a planted median and/or island is provided, is granted, finding that the waiver will not be contrary to the spirit and intent of the regulation.

3. The request for a waiver of § 190-198, which requires a minimum number of parking spaces, is granted, finding that the waiver will not be contrary to the spirit and intent of the regulation.
4. The request for a waiver from NRO §190-172, which specifies standards for roofing and materials and colors, is granted, finding that the waiver will not be contrary to the spirit and intent of the regulation.
5. Prior to the Chair signing the plan, minor drafting corrections shall be made.
6. Prior to the Chair signing the plan, all comments in a letter from Joe Mendola, Senior Staff Engineer, dated July 7, 2023 shall be addressed to the satisfaction of the Division of Public Works.
7. Prior to the Chair signing the plan, all conditions from the Planning Board approval letter will be added to the cover page of the final mylar and paper copies submitted to the City.
8. Prior to the issuance of a building permit, the stormwater management documents shall be recorded by the City at the applicant's expense.
9. Prior to the issuance of a building permit, the electronic copy of the plan will be submitted to the City of Nashua.
10. Prior to any work on site, a pre-construction meeting shall be held and a financial guarantee shall be approved.
11. Prior to the issuance of a certificate of occupancy, all site improvements shall be completed.
12. Deliveries for all the tenants shall be made during off-peak hours of the drive-thru.
13. Prior to the issuance of a building permit, Engineering and Planning Dept. staff shall review tenant occupancy.

SECONDED by Mr. Hudson

MOTION CARRIED 5-0

NEW BUSINESS - SUBDIVISION PLAN

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. **[CONTINUED FROM THE JULY 13, 2023 MEETING]**

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

SECONDED by Mr. Hirsch

MOTION CARRIED 5-0

Atty. Tom Hildreth, McClane Middleton, 900 Elm St, Manchester NH

Atty. Hildreth introduced himself on behalf of the applicant. With him is owner Connor Beote, civil engineer Chad Branon, and traffic engineer Scott Thornton.

Atty. Hildreth said Mr. McPhie's staff report provided a good history of the site. He would like to add that the proceeds of the sale to Beoridge LLC are with the NH Charitable Foundation and return to Nashua \$160,000.00 a year, earmarked toward youth service organizations in the city, which is a good legacy for the camp.

Atty. Hildreth said the camp was purchased June 2021. At that time he stubbed in the utilities because Ridge Road was going to be paved. At the end of 2021 the city adopted its Inclusionary Zoning Ordinance. On February 19, 2022 they held a neighborhood meeting at Bicentennial School. At that time the proposal was for a 94 unit project. Of the neighbors who came out there was support for it, and a general sentiment for public access along Salmon Brook, sidewalks, and to honor the boy scout history of the site. They commissioned a traffic study, fiscal impact study, environmental study, and archaeological study, all of which showed favorable results and were based on the unit count of 94 units. We are now down to 83 units.

Atty. Hildreth said this is in the R18 zone. With 2.5 units per acre allowed, this would result in 65 units. Because of the Inclusionary Zoning ordinance, 15% of that has to be price controlled affordable, 9 units. The IZ ordinance provides a density bonus of 2 units per price controlled unit. That is how you get to 83 units.

Atty. Hildreth described the unit type, and said they are aimed at middle income. They are proposing a condominium style ownership. Land Use Code section 190-205, maintenance of common open space, offers two options to protect open space and afford public access. The first is subdivision, the second is an easement. They intend to use one of those two approaches, to be determined after discussion with city staff, Conservation Commission, and city legal. A petition submitted to the city with over a hundred names in January 2021 requested public access, and they want to honor that.

Atty. Hildreth said they are mindful that some materials were submitted by BCM Land Law on behalf of some neighbors. They met onsite this week with an attorney from BCM and three of his neighbor clients. They plan to meet further so that trees can be preserved where possible.

Atty. Hildreth said they believe the plan meets the subdivision approval criteria. There are a few waivers they are requesting. They have reviewed comments from city staff, and believe they can be met.

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

Mr. Branon described the existing conditions of the property. The property consists of 26.25 acres of land, previously the site of Camp Doucet. There is a cell tower onsite, roadways, a swimming pool, and drainage improvements. The rest of the site is wooded. The site has 1,010-ft along Ridge Rd, half of which as sidewalk. The zoning is R-18. The existing topography is relatively flat, with a modest grade toward Salmon Brook to the west. The site is bordered by single family homes to the west and south, and multifamily planned developments to the east and north.

Mr. Branon said the plan has taken shape over the past few years to address feedback from city staff and neighbors. This plan is a reasonable development that meets all local and state design regulations. This proposes an 83 unit condominium style development and some nice site amenities. They propose 4 internal private roads; Mr. Branon described each.

Mr. Branon said at the end of Doucet Ave there will be a maintenance and garden shed, with a community garden. Other amenities will include nature trails onsite, a public trail along Salmon Brook, a bird watching area and some public parking area in the southwest

portion of the site. This project places 10.8 acres of land into permanently protected open space, which exceeds the Conservation Subdivision standards.

Mr. Branon described onsite utilities. Other improvements include landscaping onsite and along Ridge Road, lighting, and drainage infrastructure. All lighting meets city standards and is residential grade. Drainage will be directed to stormwater management areas throughout the development through open drainage swales, and closed drainage in the roadway. All stormwater will be collected, treated and infiltrated onsite. This project will require a NHDES Alteration of Terrain permit and a Shoreland permit. The site has been designed to meet those standards. The stormwater practices will address all qualitative and quantitative requirements and has been designed to meet city and state standards. The plan has been reviewed by a third party engineer, Hoyle Tanner, and it has been a thorough process. They are confident they can address the remainder of the comments, which are minor in nature.

Mr. Branon said the Engineering Dept has requested they reconstruct the sidewalk along Ridge Road so that it has a hard curb line and then the sidewalk right behind the curb. We are willing to do that, and the new section will be built the same way. This street is under a moratorium and they went before the Board of Public Works and received approval for this work.

Mr. Branon said there was a request to include a sidewalk along Doucet Ave, the center road, which has been added to the plans. They do not have issues with the staff report or any of the conditions outlined. They are requesting six waivers as shown in the staff report, which he outlined briefly. Their traffic engineer is here tonight. The Traffic Dept. has asked for a voluntary contribution, which they have no issue with.

Mr. LeClair said it looks like at the intersection of Doucet and Derby there's a sidewalk on one side of the boulevard, and stops at the other side. His concern is the walk-across at the end of the boulevard, the visibility through the center. You're essentially crossing two lanes of traffic. Would a crosswalk be necessary, or would the boulevard be designed for additional visibility? It looks a little dangerous.

Mr. Branon said a crosswalk is being proposed there. There will be tipdowns, and the boulevard would act as a refuge area. One of the items that they went through thorough review with the third party

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traffic consultant was safety at the intersections and line of sight. That boulevard is not going to have enough vegetation to create a safety concern. If they went further west there is a crosswalk proposed down there as well. He thinks the sight lines are appropriate in that area.

Mr. LeClair said he's thinking of Rosewood, where there is a fence you can't see through well. He would like more details in that area. They're not showing a fence, but sometimes they end up there.

Mr. Branon said they aren't proposing any trees in that area, and certainly not a fence.

Mr. LeClair asked if there has been any testing of soils for hazardous materials. There are several in the area that have run into that.

Mr. Branon said they have not found any in the test pits onsite.

Atty. Tom Hildreth, McClane Middleton

Atty. Hildreth said there is reference in the environmental study that there was a small pocket of material proximate to the existing swimming pool. We are aware of it and will take appropriate precautions.

Mr. LeClair said it has stalled a few of projects in the area.

Mr. LeClair asked if there is any signage proposed at the entrance.

Mr. Branon said they haven't included signage in the plans. Any permitting would be handled separately, but it is proposed.

Mr. LeClair said the Westgate sign has been knocked down by cars three times. We've had back luck with signs on the middle island in developments like this one.

Mr. LeClair asked for a description of the landscaping and design intent of buffering between the houses on Derby and the cell tower. Will a lot of the existing trees stay? It looks like a stormwater basin is directed there.

Mr. Branon said one of their infiltration basins is positioned to favor the northeast corner of the tower area. They are proposing a small berm and landscaping along that berm area in that location. In back of that is the basin, and in back of that is the cell tower

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site. There is a good distance between the cell tower and the homes. They did provide some landscaping to break that visual aesthetic.

Mr. LeClair asked if there is any fencing.

Mr. Branon said no, it's designed to be dry in between storm events. We don't often design fencing around stormwater features, it tends to be more of a liability.

Mr. LeClair asked if they had to have that portion of the basin there. There wasn't any other way?

Mr. Branon said the state stormwater standards are quite conservative. These basins end up being quite conservative to handle larger events. They are trying to stay as far away from Salmon Brook to keep that area as natural as possible.

Mr. LeClair said those unit owners might just have to deal with it.

Ald. Klee said to the audience that the plan up on the screen, the streets don't match.

Mr. Branon said that's a function of the latest Fire Dept comments on road names.

Mr. Pedersen asked staff about stipulation #5, cape cod curbing rather than granite.

Mr. McPhie said that he would refer to Mr. Hudson

Mr. Hudson said they were fine with that within the development.

SPEAKING IN OPPOSITION OR CONCERN

Letter from Jocelyn Kudla, 5 Byfield Circle, Nashua NH

David McAlpine, 101 Conant Rd, Nashua NH

Mr. McAlpine asked if there will be a sidewalk to the northwest of Ridge Road. He is concerned about kids and increased traffic.

Atty. Jason Reimers, BCM Environmental, No Address Given

Atty. Reimers introduced himself on behalf of his clients, Cynthia Carlson & Thomas Donovan of 107 Cadogan Way, Steven Deschaies of 14 Pine Brook Rd, James & Kristen Kaklamanos of 41 Pine Brook Rd, Andrea Pierce of 14 Curtis Dr, and Carole Sundius of 3 Byfield Circle. He said he wants to address three concerns: setback from the communications tower, preservation of mature trees, and the need for independent stormwater, wildlife, and groundwater reviews.

Atty. Reimers said state law requires a setback of 400-ft from property lines for cell towers. The applicant and city staff have taken the position that this applies only to new towers, and that the condominium nature of the development, rather than individually owned lots, means no property lines are changing. He believes that the state law applies to all towers, and that it is a setback between incompatible uses. He said there is no exception for condominium style development. He said when the ordinance was contemplated, it was for the purpose of keeping homes away from cell towers. He referred to language on the conservation subdivision code regarding lots and lot lines, and said that the applicant should not be able to sidestep the requirements by choosing a different form of ownership.

Atty. Reimers said this property is almost completely forested with mature trees, and there are several sections of the land use code that speak to preservation, such as the conservation subdivision code. The applicant proposes to remove all except some around the tower, which he believes is contrary to the purpose of the ordinance. The landscaping ordinance requires that vegetation be preserved to the greatest extent feasible. This isn't the only option for developing this property, and keeping the mature trees on the property is reasonable and feasible. He said it is contrary to the land use code to remove almost all of the mature trees onsite and start from scratch when this is a conservation subdivision. He requested a buffer along Ridge Rd and the bike path, and more around the cell tower to maintain the current view. He requested a condition to maintain the vegetation buffers.

Atty. Reimer said a special exception was granted to this property in 2010. The applicant stated that the tower was 180-ft and the trees were 100-ft, so only 80-ft was visible. He believes that is tantamount to a condition of approval, and that the current land owner would be held to the representations made by the previous owner to get the special exception. If the applicant wants to cut down those trees he should go back to the Zoning Board.

Atty. Reimer referred to stormwater, groundwater, and wildlife. He said flooding has increased in this area with the Cherrywood Development, which has been attributed to groundwater and stormwater displaced from that subdivision. They are concerned it would worsen the flooding in the area and its effect on groundwater, and request that the Board hire a third party engineer to ensure this will not generate any increase in stormwater offsite or exacerbate groundwater conditions. He requested a third party environmental survey to ensure that habitat for threatened and endangered species is protected.

Atty. Reimers indicated the landscape plan, and said there are lot lines around each of the units on that plan, for the purposes of the setback.

Tom Bennett, 31 Pinebrook Rd, Nashua NH

Mr. Bennett said he's lived across from Camp Doucet for 30 years. He expressed concerns regarding traffic and speeding on Ridge Road. He listed various wildlife he has seen in the area and his concerns that they would be affected by this development. He said the regardless of the stormwater system, there would still be issues with fertilizer runoff getting into Salmon Brook. He said the conservation development sounds like a marketing pitch, he doesn't see a whole lot of conservation going on. He said he is not a NIMBY, but thinks there is a compromise that is more suitable and a good balance for residents who already live there.

Jeff Daly, 74 Walden Pond Dr, Nashua NH

Mr. Daly said when Walmart wanted to go in on Amherst St, they did not present the environmental impact statement correctly. At that time Mr. Daly and others proved that compression of the land would move the water out underneath the runway, which closed them down. This area floods a lot because a large development was built up the street, which pushes the water to another place. Once this land is cut, drawn, sized, and built on, you can't go back. He said this is a conservation area, and they have to take those rules into account. He asked how much impervious coverage is proposed, and whether it can be made pervious.

SPEAKING IN FAVOR

None

APPLICANT REBUTTAL

Atty. Tom Hildreth, McClane Middleton

Atty. Hildreth said a lot of time, effort, engineering, and planning has gone into this proposal. It has been through multiple iterations and configurations, this is not a hastily put together, ill-considered plan.

Atty. Hildreth said one of the things that has happened in the neighborhood is that since this has not been actively used as a scout camp, the nearby residents have become accustomed to thinking of it as a quiet passive open space they can use. That is not the case. He has two sons that were scouts there, and received their marksmanship merit badges on that land. When there were kids out there actively shooting, wildlife wasn't there then. The passive nature of the land is a lull in the action and will not remain that way.

Atty. Hildreth said this is a conservation subdivision. As Mr. Branon said, more than 10 of the 26 acres are going to be permanently protected with conservation restrictions. Although Atty. Reimers said that the only tall trees to remain are around the cell tower are to remain, that's not accurate. Every tree within those 10 acres will remain uncut and untouched. His client is perfectly willing to meet with folks during site work to look at what mature trees could be saved.

Atty. Hildreth said it is true that the site was wooded when the cell tower was permitted in 2010, but that was by no means a condition of approval. There was no stipulation imposed that the trees shall remain into perpetuity, there's no vegetative restrictions. Another own could have clear-cut that today with no restrictions beyond filing an Intent to Cut.

Atty. Hildreth said this plan has been before staff and the public for two years in similar configurations, and there has never been an area shown around that tower that is off limits to construction. The zoning determination about this was made long ago and displayed in a public informational meeting in February 2021. They saw it then, and took no action. Further planning and engineering has gone on since then, that ship has sailed. If the abutters thought that was a wrong determination, there were chances in the process long before now to appeal that to the Zoning Board. He feels staff made the correct decision.

Atty. Hildreth said the ordinance amendment to increase the setback for cell towers was not a setback from structures, it was a setback from property lines. Because this is a single lot there are no property lines that are changing. The purpose of that amendment was to prevent another tower like this one from going into a neighborhood like this one. There are very few parcels left in Nashua of that size where you could ever put a cell tower. The city has scores of wireless facilities that are a whole lot closer to property lines and structures than this one is, and no one is suffering from their presence.

Atty. Hildreth said Atty. Reimers claimed this was not only intended to prevent towers from coming to a neighborhood, but to prevent neighborhoods from being built near existing towers, but it turns on its head the rationale he cites. The aldermen said they want to prevent property damage or views being interfered with. This is a case where homes will be built and people will make the choice whether or not to live there. At the neighborhood meeting many residents said the cell tower was a feature, not a problem.

Atty. Hildreth said in regards to traffic, they had the traffic reviewed by Vanasse, and his analysis was reviewed by Hoyle Tanner and city engineers, who all concluded that the city roadworks can accommodate the additional traffic. When Vanasse did their analysis it was for 89 units, not the proposed 83.

Atty. Hildreth said third party reviews have already occurred. The city hired Hoyle Tanner to look at the applicant's submissions, and have concurred that the site will perform in accordance with city and state standards. GZA performed an environmental assessment that included endangered and rare species, and found none.

Chad Branon, Civil Engineer, Fieldstone Land Consultants

Mr. Branon referred the stormwater design has been reviewed by a third party in relation the local ordinances. They received comments from city Engineering and Hoyle Tanner, so they have had two reviews in some capacity with this project. On top of that, the project will be reviewed by the NH Dept. of Environmental Services, Alteration of Terrain Bureau and Shoreland Protection Act. They will also have to be reviewed by the state for the sewer discharge permit. The AoT Bureau is the bible for stormwater treatment, mitigation, and management. The issues people experience are often not a function of new design, certainly not

sites like this one with very sandy soils. The effort and design that have gone into this site are extensive, the right steps were made by this developer to make sure they have the right details. They are certainly not representing anything, they have submitted the reports, they have been reviewed and commented on. This site has been designed appropriately.

Mr. Branon said a lot of the permitting requirements speak to impervious cover and infiltration. He described how the site was designed to infiltrate stormwater. They have had the people and professionals look at this site so that they have everything in order for not only the city, but also for the state permits.

Mr. LeClair asked about the sidewalk connection on Ridge Rd.

Mr. Branon said they are tying the new sidewalk design into the existing sidewalk that extends off of their property. They are extending to the Salmon Brook bridge to the west, and to the east they are extending to the trail that runs along the eastern boundary. They are addressing the sidewalk along the full property.

[Inaudible from audience]

Mr. LeClair said if all of the abutters would like to nominate a speaker for a rebuttal, he would give them five minutes to speak. He will hear only one person.

Atty. Jason Reimers, BCM Environmental, No Address Given

Atty. Reimers said Atty. Hildreth suggested that the zoning determination with the 400-ft setback was made years ago. He mentioned a meeting with the neighbors. His clients have met with the applicant and aldermen with different ideas, and the applicant wasn't interested. With regards to the 400ft zoning determination, he asked that the Planning Board apply the plain language of the setback so they can appeal it to the Zoning Board.

Atty. Reimers said the soil test pits Mr. Branon described were done with the existing vegetation in place. He asked for a third party reviewer to pull the report from the Cherrywood development and perform current testing to see how that stands up. Deleterious results were not foreseen in that case, we have an opportunity to not let history repeat itself.

Mr. LeClair said he would only let one person speak.

[Interference from the audience]

Mr. LeClair said the Board would be in recess for ten minutes.

Mr. LeClair said he appreciates everyone's comments and the Board hears what they're saying. But they have to get through the meeting at some point. He would appreciate if the audience sticks to the rules.

Mr. LeClair said they have had public comment, applicant rebuttal, and rebuttal to that rebuttal. We are entering the part of the hearing where the Board asks questions of the applicant and staff regarding this particular application.

Mr. LeClair asked for details regarding the trees and the intent of the cutting and landscaping around the cell tower, along the path, and along Ridge Rd.

Atty. Hildreth said one thing to know about the cell tower is that the applicant doesn't control it. The owner of the tower has a perpetual easement which encompasses a 10,000-sqft area, and there are no trees within the fenced compound. There are trees outside, and they don't control the foliage within the easement area. Other than trees that have to be cleared for the specific site improvements, there is no intention to go in and clear trees for the gratuitous sake of it. They will preserve trees in the conservation area and along the bike path, and within the site itself where they can and don't need to install infrastructure. Likewise on the frontage of Ridge Road. That is the broad intention. They are willing to work with the neighbors on that.

Mr. LeClair asked if the dotted area that encircles the whole property and left side of the plan is the conservation area.

Mr. Branon said the dark green area on the color plan represents the conservation area. There are stormwater features allowed in the conservation easement, which will be cut for the installation of the stormwater area. They have planned on seeding that with an environmental mix for pollinators. The dark green area is the conservation area, which will be forested and wooded.

Mr. Branon said they have proposed landscaping along the frontage of Ridge Rd. There is an opportunity to make field adjustments to save a tree. They are moving the sidewalk closer to the right of way, so there will be vegetation along Ridge Road they can preserve as well. When you have a conservation subdivision and inclusionary

zoning, you have all these goals that they're trying to embrace with this project. There's a clear housing need, they're trying to balance everything. There's a lot of good landscaping proposed, even in the area they're landscaping, to create a nice environment.

Mr. Branon said the tree line on the outer edge follows the backyard area around the perimeter of Derby Drive. There is a fair amount of cutting that will occur to construct the homes, but they meet all the regulations. They exceed open space requirements. If you look at the development across Ridge Road, these homes are consistent with the distance from the road to the homes. It's a compatible layout, the only distance is that this lot is wooded. They are willing to work with the neighbors to preserve some of the vegetation, but that has to happen in the field. They don't want to create a safety issue for anyone onsite or driving on the road.

Mr. LeClair asked if the utility work follows the roadways.

Mr. Branon said for the most part. They do have some stormwater management areas out behind the units adjacent to Ridge Road to capture the entrance way. After that they have the berming and landscaping. Moving the sidewalk closer to the road will allow for a greater aesthetic and a better setting.

Mr. Hudson said there are lines on the plan that some have referred to as lot lines. The plan references them as limited common areas, can they explain what that means?

Mr. Branon said this is a condominium style development. It's one lot. People buy a home, and they have exclusive rights to an area around their home. That's defined by limited common areas, and that's what those lines on the plan represent. They are not lot lines, it's not a subdivision of land.

Ald. Klee asked if residents would be allowed to put fencing and plantings in.

Mr. Branon said there will be restrictions based on the condominium documents.

Ald. Klee asked if there are any mature trees that can be left to block the view of the cell tower. When you start cutting trees the ones left behind will be more susceptible to wind.

Mr. Branon said the location of the cell tower is a good spot.

It's 800-ft from the Ridge Rd right of way. They are trying to realistically represent what they think is reasonable for cutting. They do have a lot of landscaping proposed. It's not like the cell tower is going to be in your face, but it's realistic that you will probably see it. But the trees they are planting will grow and change the feeling along Ridge Road. The tower is well placed because they're going to do a lot of stuff in front that will catch people's attention.

Ald. Klee asked about the inclusionary zoning ordinance.

Atty. Hildreth said there will be a mix of home sizes and types. He doesn't think the precise mix is determined yet, but one of the provisions of the ordinance is that you can't have just one type of housing that is obviously the price controlled type.

Ald. Klee said that was her concern.

Mr. Pedersen asked what happens to the water that is collected in the storm drains.

Mr. Branon said this site is exclusively using infiltration because of the soils onsite. There's a number of stormwater management systems onsite, about thirty spread out. For example, the northern portion of the roadway is directed to the infiltration basin around the cell tower. Treatment is through vegetated swales and infiltration, but they are significant depths to seasonal high water tables. They meet all the state standards and these are state recommended treatments. The Alteration of Terrain permit certifies to the Clear Water Act that these projects meet certain standards, and this is what it's designed for.

[Interference in audience]

Mr. Pedersen asked if infiltration goes directly into the ground, not the river.

Mr. Branon said correct. It filters down through the ground. The majority of the test pits they dug didn't even hit the water table. This is a very nice site, it's very sandy.

Mr. LeClair asked staff about whether there is a 400-ft setback from an existing tower to a new development.

Mr. Durfee said the section referenced falls within the supplemental use regulations. This is an important distinction,

because they are supplemental regulations for existing uses, like drive-thrus, bed and breakfast, etc. In the case of telecommunication towers, the 400-ft setback was amended in 2011. He found the meeting minutes from Board of Aldermen and Planning Board, and the original intent was to prohibit cell towers in rural residential districts because of this particular cell tower. It didn't pass as such because per the Telecommunications Act you can't prohibit towers. Instead they amended the buffer requirement to make more stringent regulations. In those minutes, not once was there any discussion about building residential near existing towers. It was focused on dispersing towers and the construction of towers. While there was some fairly creative interpretation of the language within this regulation, he is confident in his interpretation that this is strictly for new construction of towers and does not impact the construction of new residential near towers.

Mr. Durfee said in regards to lot lines, if the interpretation that this ordinance being only for new towers stands, the lot lines becomes a moot point. This is not a traditional subdivision, these are not lot lines, these are limited common area delineations.

PUBLIC MEETING

Mr. LeClair closed the public hearing and opened the public meeting. He said this development in front of them has some pros and cons. He referred to the Master Plan, which places development of housing at the top priority, especially affordable housing and different styles. His read of a conservation subdivision is a development that saves land by allowing more housing on a smaller footprint, and not take up so much land with large lot sizes.

Mr. McPhie said that is correct.

Mr. McPhie said a typical subdivision has no requirement for conserved land, beyond wetland buffers. This increases that requirement, with the benefit of density.

Mr. McPhie said that this also allows for affordable housing.

Mr. LeClair said to him the concept of a conservation subdivision is a good thing here because they're able to get more affordable houses on this lot. Otherwise they would only have 20 houses here, which doesn't get them very far down the road for the housing issue. He is a big fan of this size and style and the use as a

conservation subdivision. We don't have a lot of land to develop, this is a big pro.

Mr. Durfee said within this zone to meet the density for a traditional subdivision you would need 33 acres to put up 83 houses and you would get no conservation land.

Mr. LeClair said people get confused sometimes when they hear a conservation subdivision, that we're not going to build on it, we're just going to save the land. It's really, we're going to save more than if we did it as a traditional subdivision. He likes the connectivity of the sidewalks and trails, those are a good effort by the developer.

Mr. LeClair said in regards to the cell tower, he is confident that city staff has done their homework. This is not a zoning board, that's not the role of this board.

Ald. Klee said the Master Plan talks about green space and housing as a priority. The property owner could come in here and clear cut and not put in a house at all, that's their right. In order to be able to meet the needs of the city they need to build up or build close. They would need to have 33 acres to build these 83 units, and there would be no trees at all. She is concerned about the neighbors and what they have to go through, the act of these homes being built. She hopes when these are developed that is taken into consideration. She likes that this is middle income housing, throughout the city they're missing that middle ground.

Ald. Klee said oftentimes developers need to be able to build a certain number of homes in order to be able to build them and still make a profit, it is a business. This is why they tend to build more market rate, to meet the bottom line. A lot do a payment in lieu of affordable housing, this development will have them onsite. That makes her happy. She would prefer to build close together than up.

Mr. Pedersen said you can see the entire perimeter is going to have a conservation buffer area to keep contaminants from getting into Salmon Brook. From the engineer's response to drainage, there is nothing running directly into the river. A lot of thought has gotten into handling the stormwater and runoff responsibly.

Mr. LeClair asked Mr. Hudson about the third party reviews.

Mr. Hudson said as a fairly large development, they contracted with Hoyle Tanner to do a review of all the plans and stormwater documents. The traffic study was reviewed by Wayne Husband, Senior Traffic Engineer. They have gone through a couple of rounds of reviews, they have been addressing the remaining comments. The remaining ones are not major issues and can be resolved. They had a collaborative back and forth with the developer, and the review has been comprehensive. It was informative to have a fresh set of eyes on it, and they are meeting the regulations.

Mr. LeClair said the flooding that was brought up on Curtis Drive, has the city looked at it?

Mr. Hudson said yes, they did an investigation going back to 2004. He can't speak to what conditions were before the Cherrywood development, but the issues did not appear to be groundwater related. It's certainly an issue that goes back over 20 years.

Mr. LeClair said the waiver request in relation to the grass panel on the sidewalk makes sense.

MOTION by Ald. Klee to approve New Business - Site Plan A22-0254. It conforms to §190-133(F) with the following stipulations or waivers:

1. The request for a waiver of § 190-279(B) to use a 60:1 drawing scale where 50:1 is the minimum, 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 § 190-279(EE) to not show all existing conditions within 1000-feet of the property, 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 Table 209-1 to allow a 20' wide paved cross-section with 2' of gravel shoulder on either side for Scout Lane where a 24' wide paved cross section is required, 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 § 190-161 to not provide the required 6' wide grass panel between the curb and the street, is granted, finding that the waiver will not be contrary to the spirit and intent of the regulation.

5. The request for a waiver of § 190-208(B)(2) to provide bituminous cape cod curbing where sloped granite curbing is required, 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 § 190-212(A)(1) to not provide sidewalks within the entire development, is granted, finding that the waiver will not be contrary to the spirit and intent of the regulation.
7. Prior to the Chair signing the plan, all comments in an e-mail from Adam Pouliot, Fire Marshall, dated May 23, 2023 reflecting Mark Rapaglia, inspector/ investigator July 11, 2023 e-mail, shall be addressed to the satisfaction the Nashua Fire Department.
8. Prior to the Chair signing the plan, all comments in the attached memo from Hoyle Tanner & Associates, dated June 29, 2023, shall be addressed to the satisfaction the Nashua Public Works Department.
9. Prior to the Chair signing the plan, all comments in the attached memo dated May 25, 2023 from Wayne Husband, Senior Traffic Engineer, to include a \$22,250.00 payment to the appropriate corridor fund shall be addressed to the satisfaction of the Public Works Department.
10. Prior to the Chair signing the plan, all 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 recording of the plan, all addresses and street names shall be shown on the plan as assigned by the Fire Marshal. Documentation shall be provided pursuant to 190-205-D-H indicating how the open space shall be managed and placed in permanent protection.
13. All easements, open space restrictions, and Association documents shall be submitted to City Staff for review and recorded with the plan.
14. Prior to the commencement of any site work, the State Alteration of Terrain (AOT) permit will be approved.

15. Prior to the commencement of any site work register a Notice of Intent (NOI) with EPA indicating how erosion and runoff will be addressed
16. Show snow storage areas on the plan avoiding any wetland buffers
17. Prior to any work, a pre-construction meeting shall be held and a financial guarantee shall be approved.
18. Prior to issuance of the first certificate of occupancy, the applicant shall complete the road improvements to the base course of pavement.
19. Prior to 75% occupancy, a pedestrian bridge will be constructed as shown on the plan. Before commencement of construction the bridge project will require Conservation review and a Zoning Board special exception.
20. Prior to 75% occupancy, all site plan improvements shall be substantially completed; provided, that paving may be completed to base course and landscaping may be completed as seasonally permitted
21. Conservation Marker placement and regulations listed under Article XXV section 190-173-175 apply and should be installed before final CO and shown to scale on the final as built
22. An as-built plan, prepared by a certified professional engineer, shall be provided for all infrastructure prior to the final Certificate of Occupancy issuance.

SECONDED by Mr. Pedersen

MOTION CARRIED 5-0

Mr. LeClair said it's close to 10PM, they should set a time limit here. It's typical to not start new cases after 10:30PM, but he is willing to take discussion.

Ald. Klee said she agreed. It's best not to start one you can't finish.

Mr. Pedersen said this case is going to take a lot more than 40 minutes to discuss.

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Mr. LeClair said they can continue with A23-0102, but those that are in the audience wishing to hear A23-0062, the casino case, it's unlikely that it will be heard tonight. He doesn't believe they will get there in time.

Ald. Klee asked if they can definitely, emphatically say it will not happen. She would hate for people to leave and then be able to take up the case.

MOTION by Mr. LeClair to postpone A23-0062 to the September 7, 2023 meeting

SECONDED by Ald. Klee

Atty. Morgan Hollis, Gottesman & Hollis

Atty. Hollis asked if the case would go in the beginning of the meeting.

Mr. LeClair said it would, it's old business.

MOTION CARRIED 5-0

A23-0102 B&B Realty Corporation (Owner). Brookline Opportunities, LLC (Applicant). Proposed development of two multi-family affordable housing buildings with 95 units with associated site amenities including parking, sidewalks, bike storage, playground and landscaping. Property is located at 175 & 177 East Hollis Street & 50 Crown Street. Sheet 24. Lots 1, 40 & 52. Zoned GI-General Industrial & TOD-Transit Oriented Development. Ward 7.

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

SECONDED by Mr. Pedersen

MOTION CARRIED 5-0

Nick Golon Civil Engineer, TF Moran

Mr. Golon introduced himself on behalf of the applicant. With him is Joe Tamposi and architect David Johnson. This application involves three properties, which would be merged as a result of this development.

Mr. Golon provided a brief overview of the subject lot and surrounding properties. All structures would be razed. They are proposing two four-story affordable multifamily buildings, for a total of 95 units. Amenities onsite include sidewalks in and around the site and bicycle parking. The site has entrance-only access from East Hollis Street, and two-way access on Crown Street. There are 110 parking spaces, which provides 1.15 spaces per unit. He addressed landscaping, lighting, drainage, onsite asbestos, and utilities. They are requesting four waivers, as per the staff report.

Mr. Golon said a traffic report was provided, and the results show the roadway network can handle the additional trips. He thanked city staff for their assistance in traffic design. He described their proposed improvements within the city right of way to improve traffic, which includes a contribution towards those improvements.

Mr. Golon provided a brief overview of the building aesthetics and architecture. He said this application required a site plan suitability report, which has been submitted.

Mr. LeClair asked for clarification on the East Hollis Street entrance.

Mr. Golon said that is an in-only entrance, something they worked out with Engineering and the Fire Dept.

Mr. LeClair said the design of the entrance looks like a two way.

Mr. Golon said it is intended to be a right-in only. There is exhaustive signage to prevent egress. They could possibly narrow the entrance.

Mr. LeClair asked if that would make sense here.

Mr. Hudson said yes. They can work with the applicant on that. They need to make sure the fire trucks make the turn, but they can change the geometry.

Mr. Golon said they can accommodate that.

Mr. LeClair said they can change the direction of the pavement, for those who don't follow "Do Not Enter" signs.

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Mr. Golon said yes, it can be deceptive if they can physically make the turn.

Mr. LeClair asked if there would be signage.

Mr. Golon said yes.

Mr. LeClair asked about snow management.

Mr. Golon said there are some opportunities for minor snow storage. When that is exhausted it will be taken offsite.

Mr. LeClair asked if there is a bus route on Crown Street.

Ald. Klee said yes.

Mr. LeClair asked if they have communicated with Transit, this site could be benefitted by a bus stop.

Mr. Golon said they would be happy to work with staff to see if that could be accommodated.

Mr. Pedersen asked if they could exit only onto Crown.

Mr. Golon said no, you can enter and exit on Crown.

Mr. Pedersen said great, thank you.

Ald. Klee asked why they are requesting a waiver from parking when the TOD allows them to go as low as 1 space per unit.

Mr. McPhie said that the waiver is in there to indicate they are adding 1.2 per unit.

Mr. LeClair asked if they can take it out.

Mr. McPhie said yes.

Ald. Klee said keeping it in holds their feet to the fire.

Mr. Durfee said it wouldn't, the minimum is 1 per space.

Mr. LeClair said it's probably cleaner to remove it.

Mr. LeClair asked for details about the utilities. Is there anything new going in underground?

Mr. Golon said yes. The electricity drops from overhead poles on East Hollis St to a transformer onsite and then underground. The public utility has the final say, but that's how they filed it.

Mr. LeClair said they don't want new overhead utilities.

Mr. Golon said they are attempting to do exactly that.

Mr. Hudson said the city has a 30-ft sewer easement, he wants to make sure it isn't in there.

Mr. Golon said there is adequate space to the northeast corner.

Mr. Hudson said they can work out final detail with that.

Mr. LeClair asked if there is any phasing proposed.

Joe Tamposi, Brookline Opportunities LLC

Mr. Tamposi said this is a 100% affordable housing project. There will be two phases because of development because of how the financing works. One of the buildings is considered a 9% tax credit project, and the other is considered a 4% tax credit project. They will be built at the same time, but are technically two phases.

Mr. LeClair asked if there is no intent to build on, wait a year, and built another. The intent is to build both buildings in the same project?

Mr. Tamposi said correct.

Mr. LeClair asked if East Hollis St would be used for construction access.

Mr. Golon said for entrance purposes it makes a lot of sense. It keeps construction traffic out of the residential areas.

Mr. LeClair asked if the construction traffic will follow the same rules of the site. They don't want traffic out onto East Hollis St.

Mr. Golon said the geometry of the site wouldn't support that movement, so yes.

Mr. Pedersen asked where snow would be deposited.

Mr. Golon indicated snow storage areas on the plan.

Mr. Pedersen asked if they can fit cars on the lot.

Mr. Golon said it's a challenge but it's no different than the struggles of an inner city environment.

Mr. LeClair asked if there is intent for electric vehicle charging.

Mr. Golon said it's not proposed at this time, but may be reevaluated later.

Mr. Tamposi said they don't have the exact answer yet, but because of the way they are designing the building they will have the option for solar panels. They meet energy star requirements for the buildings. It's not a bad idea and they may look into it during the tax credit process.

Mr. Hudson said the parking spots provided are the traditional size.

Mr. Golon said sometimes people have larger cars. Designating certain areas for small cars can be problematic.

Mr. Hudson asked what the vision is for the playground.

Mr. Golon said that is a design build as they get further. Given the tax credit process there are some fairly stringent requirements, but they can follow up.

SPEAKING IN OPPOSITION OR CONCERN

Carl Swanson, 42 Crown St, Nashua NH

Mr. Swanson said if everything is coming in from East Hollis, everything is coming out right in front of his house. It's a tough street, it's hilly and if you don't have four wheel drive you'll have issues. How are they going to have 115 cars going through there when the train comes? He's sat 20 minutes to go to his house when he could see it.

Mr. Swanson asked for clarification of the dates for response on the certified notice, which appears to be in error.

SPEAKING IN FAVOR

None

APPLICANT REBUTTAL

Mr. Golon said they fulfilled their obligations with the traffic study and will continue to work with staff to make sure that offsite impacts are mitigated.

Mr. LeClair asked for clarification on the traffic details.

Wayne Husband, Senior Traffic Engineer

Mr. Husband said for several years we've had complaints and concerns about the Crown St intersection. It's a long intersection, the sight distance is poor, the crosswalk is long. They worked with the applicant's engineer to bring the pedestrian out into the sight of oncoming motorists and shorten the crosswalk so it takes less time to cross. They have asked the engineer to provide design plans and an estimate to reconstruct that intersection to accommodate those concerns, and contribute \$5,000.00 towards the improvements. A crossing guard got hit there this spring, so it's incumbent on them to do something. This appears to be an opportunity to do something.

Ald. Klee thanked Mr. Swanson for speaking. She asked if this is the only option for egress, as this puts all traffic towards his house.

Mr. Golon said the site constraints limit itself to that. To have a full service driveway at East Hollis, given the configuration, wouldn't be appropriate or safe.

PUBLIC MEETING

Mr. LeClair closed the public hearing and opened the public meeting. He summarized the discussion in relation to the Master Plan. He said the use of the site looks pretty favorable for that particular area.

Ald. Klee said she agreed. She approved of the architectural character of the buildings and the fact that this is true affordable housing. She expressed the desire for mitigation of as much traffic as possible.

Mr. LeClair said this particular development looks compatible with the various possible configurations of East Hollis St. Does this plan work, or make it more complicated?

Mr. Hudson said this plan is compatible.

Ald. Klee said a lot of work is being done between Hudson and Nashua around E Street. Is this going to affect that?

Mr. Hudson said that's a project in the 10 year plan, currently in design. They will rehab the bridges first. This configuration should work with those designs.

Ald. Klee asked if those two projects will cause more chaos.

Mr. Hudson said no. The bridge will take a full year, they're not going to align in time. There will be work in that area for a number of years, which he apologizes for, but they have to rehab the bridges and make that gateway a little more aesthetically pleasing and functional.

Mr. Hirsch said this sounds like a good project.

A brief discussion of the stipulations ensued.

MOTION by Ald. Klee to approve New Business - Site Plan A23-0102. It conforms to §190-146(D) with the following stipulations or waivers:

1. The request for a waiver of§ 190- 279(EE), 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. The request for a waiver of§ 190- 184D(1), which requires a landscape island after every tenth continuous parking space, 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- 185(B), to allow ornamental trees where shade trees are required, is, finding that the waiver will not be contrary to the spirit and intent of the regulation.
4. Prior to the Chair signing the plan, minor drafting corrections will be made.

5. Prior to the Chair signing the plan, all comments in a letter from Joe Mendola, Senior Engineer, and dated, July 26, 2023 shall be addressed to the satisfaction of the Engineering Department.
6. Prior to the Chair signing the plan, all comments in an e-mail from Nashua Fire Dept. shall be addressed to the satisfaction of the Fire Department.
7. All easements will be submitted to City Staff for review and recorded with the plan.
8. Prior to any work, a pre-construction meeting shall be held and a financial guarantee shall be approved.
9. Prior to the issuance of a building permit, storm water documents will be submitted to City staff for review and recorded at the applicant's expense.
10. Road and driveway construction shall be to base course, with final course pavement remaining bonded until the Certificate of occupancy for the second building is issued. Upon completion of construction, the applicant shall provide the City Engineer with written certification signed by a licensed professional engineer certifying the improved driveways sections and portions of the driveways located in the ROW were designed and installed as shown on the plan. Inspection reports shall be filed with the City Engineer's Office and the Planning Department.
11. Prior to the issuance of the first Certificate of Occupancy, all safety and directional signs shall be posted as per the Fire Marshals.
12. Prior to issuance of the final certificate of occupancy for the development, an as-built plan locating all driveways, units, other buildings, utilities and site landscaping shall be completed by a professional engineer and submitted to the Planning Department. The as-built plan shall include a statement that all construction was generally completed in accordance with the approved site plan and applicable local regulations.

13. The Building Department will determine how they will approve individual C/O's for each building by issuing them by floor or by building.

SECONDED by Mr. Hirsch

MOTION CARRIED 5-0

OTHER BUSINESS

1. Amendment of the Hall's Corner Architectural Design Procedures and Guidelines Document.

Sam Durfee, Planning Manager

Mr. Durfee said this is a call back to the Merrit Parkway application. There is a requirement that designs shall be reviewed by a committee that logistically cannot be convened. This is an attempt to amend the procedures so that the review authority for these design guidelines fall to city staff, to recommend to the Planning Board for approval. The guidelines do not change, it's just how they are administered.

Mr. LeClair said it's an archaic committee, and the place is built out except for one site. That seems like a reasonable approach to set up the administration of that document.

Ald. Klee said she agreed.

MOTION by Mr. LeClair to amend the Hall's Corner Architectural Design Procedures and Guidelines Document, as proposed

SECONDED by Ald. Klee

MOTION CARRIED 5-0

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

MOTION by Ald. Klee that there are no items of regional impact

SECONDED by Mr. Pedersen

MOTION CARRIED 5-0

DISCUSSION ITEMS

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None

MOTION to adjourn by Ald. Klee at 10:39 PM

MOTION CARRIED 5-0

DIGITAL RECORDING OF THIS MEETING IS AVAILABLE FOR LISTENING DURING REGULAR OFFICE HOURS. DIGITAL COPY OF AUDIO OF THE MEETING MAY BE MADE AVAILABLE UPON 48 HOURS ADVANCED NOTICE AND PAYMENT OF THE FEE.

KP - Taped Hearing