

NASHUA CITY PLANNING BOARD
September 21, 2023

The regularly scheduled meeting of the Nashua City Planning Board was held on September 21, 2023 at 7:00PM in the 3rd floor auditorium in City Hall AND via Zoom virtual meeting.

Members Present: Scott LeClair, Chair
 Adam Varley, Vice Chair
 Maggie Harper, Clerk
 Ald. Derek Thibeault, Alt.
 Dan Hudson, City Engineer
 Bob Bollinger
 Larry Hirsch

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

APPROVAL OF MINUTES

September 7, 2023

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

SECONDED by Mr. Hirsch

MOTION CARRIED 6-0-1 (Harper abstained)

COMMUNICATIONS

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

- **A23-0146 & A23-0147, 231 Main Dunstable Rd**
 - o Two waiver requests

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 - 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 Overly District. Ward 4. **[TABLED TO THE OCTOBER 19, 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 OCTOBER 19, 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 OCTOBER 19, 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 OCTOBER 19, 2023 MEETING]**

NEW BUSINESS - CONDITIONAL USE PERMITS

A23-0147 231 Main Dunstable Road, LLC (Owner). Proposed Conditional Use Permit to change the use to a business that leases commercial and industrial equipment and machinery. Property is located at 231 Main Dunstable Road. Sheet E. Lot 524. Zoned PI-Park Industrial. Ward 5.

NEW BUSINESS - SITE PLANS

A23-0146 231 Main Dunstable Road, LLC (Owner). Proposed site plan amendment to NR2146 to change the use of the property including two building additions that were previously approved in 2017. Property is located at 231 Main Dunstable Road. Sheet E. Lot 524. Zoned PI-Park Industrial. Ward 5.

Mr. LeClair said he would take A23-0146 and A23-0147 together.

MOTION by Ms. Harper that A23-0147 is complete and the Planning Board is ready to take jurisdiction

SECONDED by Mr. Bollinger

MOTION CARRIED 7-0

MOTION by Mr. Varley that A23-0146 is complete and the Planning Board is ready to take jurisdiction

SECONDED by Ms. Harper

MOTION CARRIED 7-0

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

Mr. Zajac introduced himself on behalf of the applicant and owner. With him is the owner, Geoff Lynch.

Mr. Zajac provided a description of the subject lot and surrounding properties. He said the surrounding uses are a mix of commercial, industrial, and a hotel. This site received approval for a contractor's yard in 2010, and in 2017 received approval for two building additions. This was extended in 2018, but never fully constructed. The current use is a contractor's yard for Lynch Landscaping.

Mr. Zajac said this proposal is to change the use from a contractor's yard to a leasing facility for commercial and industrial equipment. The prospective tenant is Herc.

Mr. Zajac provided an overview of the site plan, which is the same as was approved in 2017. They are using the same architectural plans. They are proposing two new building additions and minor stormwater improvements. They have submitted

a traffic worksheet, which does not show significant increase in traffic. Three waivers have been requested as part of this application, as detailed in the staff report.

Mr. Zajac said as part of the Conditional Use Permit application they submitted a letter detailing each of the nine points. There is one waiver request for this application, as detailed in the staff report.

Mr. Zajac said they believe the application is complete and conforms to the site plan regulations. The conditions of approval as outlined by staff are acceptable, and they respectfully seek approval.

Mr. Varley asked if the waivers for minimum parking and landscaping are new, or if they were requested in 2017.

Mr. Zajac said he thinks the existing conditions waiver is new.

Mr. McPhie said that the landscaping is already taken care of. The site plan should only have three waivers.

Mr. LeClair said their copy has two additional waivers, for parking and landscaping.

Mr. McPhie said that those can be removed.

Mr. LeClair asked if there is a letter from Mr. Husband.

Mr. Hudson said this isn't expected to be a big traffic generator. That can be removed.

SPEAKING IN FAVOR

None

SPEAKING IN OPPOSITION OR CONCERN

None

PUBLIC MEETING

Mr. LeClair closed the public hearing and opened the public meeting.

MOTION by Mr. Varley to approve New Business - Conditional Use Permit A23-0147. It conforms to §190-133(F) 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 Mr. Bollinger

MOTION CARRIED 7-0

MOTION by Mr. Varley to approve New Business - Site Plan A23-0147. It conforms to §190-146(D) with the following stipulations or waivers:

1. The request for a waiver of § 190-279 (BB) & (EE), which requires existing conditions be shown within 1,000-feet of the subject property is granted, finding the waiver will not be contrary to the spirit and intent of the ordinance.
2. The request for a waiver of § 190-182, which requires screening of service/storage areas is granted, finding the waiver will not be contrary to the spirit and intent of the ordinance.
3. The request for a waiver of § 190-172 which requires certain architectural standards be met is granted, finding the waiver will not be contrary to the spirit and intent of the ordinance.
4. Prior to the Chair signing the plan minor drafting corrections will be made.
5. Prior to the issuance of a building permit, all comments from the Fire Marshalls Office, will be resolved to the satisfaction of the Fire Department.
6. Prior to the issuance of a building permit, updated stormwater documents will be submitted to City Staff for review and recorded with the plan at the applicant's expense.
7. Before any work begins a pre-construction meeting shall be held and a financial guarantee be in place.

8. Prior to the Certificate of Occupancy the two existing tent garages will be removed.
9. Prior to the Certificate of Occupancy any applicable easements related to adjacent properties will be completed.
10. Prior to the issuance of a Certificate of Occupancy, all site improvements will be completed including an as built plan.

SECONDED by Mr. Bollinger

MOTION CARRIED 7-0

NEW BUSINESS - SITE PLANS

A23-0144 Brothers of the Sacred Heart of Bishop Guertin High School (Owner). Proposed one-year extension to previously approved plans for an athletic field complex. Property is located at 40 Groton Road. Sheet D. Lot 7. Zoned R40-Rural Residence. Ward 5.

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

SECONDED by Ms. Harper

MOTION CARRIED 7-0

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

Mr. Zajac introduced himself on behalf of the applicant. He said this is a fairly straightforward extension request. The reason they came before the Board last fall was to purchase the property and start a fundraising campaign, with an envisioned start date of Spring 2024. Things are going well and they may break ground in late fall or winter. There are two changes requested in terms of the timing of some of the conditions of approval. They are well into the process of purchasing the triangle of property from NHDOT, and after that they have to petition the Board of Aldermen for the discontinuance of that portion of Old Groton Rd. They are requesting that the timing be moved to the issuance of a building permit.

No questions from Board members

SPEAKING IN FAVOR

None

SPEAKING IN OPPOSITION OR CONCERN

None

PUBLIC MEETING

Mr. LeClair closed the public hearing and opened the public meeting. He said this seems like a straightforward extension.

Mr. Bollinger said his empathy goes out towards the applicant and anyone waiting for something from NHDOT right now. It's a slow process.

MOTION by Mr. Varley to approve New Business - Site Plan A23-0144. It conforms to §190-146(D) with the following stipulations or waivers:

1. All prior conditions of approval as indicated on the September 15, 2022 planning board meeting stipulation letter, with the minor changes to stipulation 9 & 10 as listed below, are incorporated herein unless otherwise determined by the Planning Board.
2. Prior to the Building Permit, the applicant shall obtain all necessary approvals and/or easements to allow the proposed public and private access, utilities, signage, etc. upon the State-owned land along Groton Road.
3. Prior to the Building Permit, necessary portions of Old Groton Road (1799 City layout) shall be discontinued through the Board of Aldermen process. Subsequent to the discontinuance, all final subdivision plans shall show the ROW as discontinued.

SECONDED by Mr. Hirsch

MOTION CARRIED 7-0

A23-0145 ZJBV Properties, LLC (Owner). Proposed one-year extension of two 84-unit apartment buildings along with associated site improvements. Property is located at 152 Temple Street & "L" Bridge Street. Sheet 39.

Lots 31 & 38. Zoned GI/TOD-General Industrial/Transit Oriented Development. Ward 7.

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

SECONDED by Mr. Varley

MOTION CARRIED 7-0

Gregg Mikolaities, August Consulting PLLC, 1 Willow Ln, Rye NH

Mr. Mikolaities introduced himself on behalf of the applicant. With him on Zoom is civil engineer Michael Malynowski from Allen & Major.

Mr. Mikolaities said he knows it's not normal to ask for a fourth extension of a plan. But it's not normal what they've gone through the past few years. First there was covid, then some cold feet as a result of the asphalt plant proposal. Interest rates went up, construction costs went up. Architects have a 3-6 month backlog. The due diligence period is six months, so he would ask for an extension of 8 months. This is a good plan, and went through a year of approvals with Nashua. They would like to move forward.

Mr. LeClair asked if they are asking for a year but would be ok with 8 months.

Mr. Mikolaities said yes, that gets them through due diligence and the architect to submit for permits. GFI wants to start construction in the spring.

Ald. Thibeault said the asphalt plant is currently suing the city. There is always the possibility that they will win that suit. Will that scare away this going forward?

Mr. Mikolaities said the buyers are aware of what is going on.

SPEAKING IN FAVOR

None

SPEAKING IN OPPOSITION OR CONCERN

None

PUBLIC MEETING

Mr. LeClair closed the public hearing and opened the public meeting. He said this is unorthodox to go this far, but this has been an unorthodox three years. He is sympathetic to that. He's not sure that tying up or extending the approval has any negative effects. They want to see something get done here.

Mr. Varley said typically the concern they have about additional extensions is that to some degree the plan becomes stale in relation to the ordinances. This continues to line up with the ambitions of the Master Plan and where the ordinances may be heading. That concern is less prominent. He agrees that it should be less than a year.

Ald. Thibeault agreed with Mr. LeClair. If they don't approve this it has to go through the whole process again. They have a plan and are looking like they are ready to go. It's best for the city, rather than leaving it undone.

Ms. Harper asked if this would be the last extension.

Mr. LeClair said it's up to the members.

Mr. Varley said they have the discretion to say no.

Mr. Bollinger said he wouldn't have a problem of extending up to a year. If they time this with some ultra-specific degree of precision, do they want to see the applicant again in 8 months? Is there any downside?

Ms. Harper said she would support that.

Mr. LeClair said he has no issue.

Mr. Varley said the only benefit he sees to doing less than a year is to get an update on where things stand and whether it is moving ahead. He is also fine leaving that to staff.

Mr. Bollinger said if the applicant were to come back, it's logical for staff to ask them to show what they have done up to that point. This has been unusual, and he understands the interest rates and backlog of professionals.

Mr. Varley said if they grant a one year extension, he wants the applicant to understand that they should proactively keep staff informed on the status of the project.

Mr. LeClair asked staff if there are other benefits to a shorter timeframe.

Ms. McGhee said with a one-year extension the applicant would have one year to apply for a building permit. For them to pull a permit within 6 or 8 months would be impossible. Because of the timing, getting an architect onboard, doing due diligence, then it would still need to be reviewed by Building Department, which will take a while. Looking at the minutes from last year, the Board had concerns about another extension. They wanted the Board to be aware of the options to have a shorter timeline. She can also keep on her calendar to follow up with the applicant in six months to get an update.

MOTION by Mr. Varley to approve New Business - Site Plan A23-0145. 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 Mr. Hirsch

MOTION CARRIED 7-0

OTHER BUSINESS

1. Referral of O-23-059 from the Board of Alderman - amending the Land Use Code Notice Provisions Table and the Historic District Commission Review Procedure.

Sam Durfee, Planning Manager

Mr. Durfee said this is a straightforward amendment to the Land Use Code relative to the notice provisions. Many of them are not consistent with the RSA's, so they are bringing them up to date and tying them into the internal processes to make sure they are meeting deadlines and providing adequate notice consistent with the RSA's and anything in addition they can provide.

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Mr. LeClair said it seems like most of the recommendations were pretty reasonable and made sense to him.

MOTION by Mr. Bollinger to favorably recommend 0-23-059 to the Board of Aldermen, as presented

SECONDED by Mr. Varley

MOTION CARRIED 7-0

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

None

DISCUSSION ITEMS

Revision of the sidewalk payment-in-lieu fee: Mr. Hudson gave a detailed presentation to the Board in regards to the sidewalk waiver and contribution in lieu payment. The Board discussed the possibility of raising the cost per foot of the contribution in lieu of construction fee over the course of a couple of years. Ms. McGhee said she would provide the minutes from the previous sidewalk discussion for amendment.

Revision of NCPB Bylaws: Mr. LeClair led a discussion in regards to amending the Board procedure, and proposed removing the abutter rebuttal portion of the hearing. Mr. Hudson suggested time limits for speakers and late-hour cutoffs.

Officer Elections: Mr. LeClair said he intends to step down as Chair at the end of the year and become an alternate.

MOTION to adjourn by Mr. Bollinger at 8:14 PM

MOTION CARRIED 7-0

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