

NASHUA CITY PLANNING BOARD  
October 22, 2020

The regularly scheduled meeting of the Nashua City Planning Board was held on October 22, 2020 at 7:00 PM via Zoom virtual meeting.

Members Present:        Scott LeClair, Chair  
                             Adam Varley, Vice Chair  
                             Mike Pedersen, Mayor's Rep (*Arrived late*)  
                             Ed Weber, Secretary  
                             Dan Hudson, City Engineer  
                             Maggie Harper  
                             Bob Bollinger  
                             Larry Hirsch

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

**ALL VOTES ARE TAKEN BY ROLL CALL**

**Approval of Minutes**

October 8, 2020

**MOTION** by Mr. Hirsch to approve the minutes of the October 8, 2020 meeting, as written

**SECONDED** by Mr. Weber

**MOTION CARRIED 6-0-1 (Hudson abstained)**

**COMMUNICATIONS**

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

- Amended Agenda: Discussion item for 8 Merrit Pkwy has been withdrawn
- Multiple correspondence re: Case #1 & #3
- Multiple correspondence re: Case #5
- Multiple correspondence re: Case #6

- Updated Engineering comments re: Case #8
- Multiple correspondence re: Case #2

**REPORT OF CHAIR, COMMITTEE & LIAISON**

None

**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 Zoom for this electronic meeting. Public access to this meeting is provided via Zoom. The link to this meeting is contained in the meeting agenda, available on the city website. The meeting can be streamed through the city's website on Nashua Community Link and also on Channel 16 on Comcast.

**2. Public Notice and Access**

If anybody has a problem accessing the meeting via phone, please call (603)589-3115, and they will help you connect.

**3. 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.

#### **4. Procedures**

The Chair is in control of the meeting, and to the extent practicable and advisable the Board will follow the procedures outlined in the Bylaws. The applicant will present the applicant's case, followed by questions by the Board. The Chair will then allow for a rebuttal period for 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 Zoom. 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.

*Mr. LeClair said Case #6 will be heard first.*

#### **NEW BUSINESS - SITE PLANS**

6. Granite State Credit Union (Owner) - Application and acceptance of proposed amendment to NR2186 to show a proposed 2-story, 10,000 sf credit union with drive-through facilities and associated site improvements. Property is located at 190 Broad Street. Sheet E - Lot 744. Zoned "GB" General Business. Ward 1. **(Postponed from the October 08, 2020 meeting)**

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

**SECONDED** by Mr. Bollinger

**MOTION CARRIED 7-0**

Jim Petropulos, Project Engineer, Hayner Swanson Inc, 3 Congress St, Nashua NH

Mr. Petropulos introduced himself as representative for the applicant. He also introduced Michele Plaza, Senior Vice President/CIO for Granite State Credit Union, Atty. Gerald Prunier, and Traffic Engineer Steve Pernaw.

Mr. Petropulos presented the proposed site plan. He described the surrounding area and current site conditions. He moved into what changes they are proposing to make onsite. Access will be a right turn-in only, and he outlined the drive-thru layout. The upper level will contain offices for teller service providers, and the lower level will be for walk-in services. He briefly touched on stormwater management, lighting, and landscaping.

Mr. Petropulos said a traffic study was submitted for this project, and outlined the key findings. This has been reviewed by staff. Consistent with redevelopment along major traffic corridors the city is requesting a contribution of \$200 per peak hour increase, which equates to \$22,200.00. Their client has agreed to this.

Mr. Petropulos displayed the architectural building elevations. They are requesting two waivers as outlined in the staff report, specifically regarding the façade. He explained their requests.

They are amenable to the conditions included in the staff report, and feel this site plan is complete. He described all of the improvements this plan will provide over the existing condition.

Mr. LeClair asked what the relative height of the building roof to the road is. He would like to HVAC units screened.

Mr. Petropulos said they will have some parapet screening. The building will continue to sit 8-10 ft down from Broad St. He doesn't know where exactly the units will be placed, but they will take it into consideration.

Mr. LeClair asked about the ATM locations. Are they drive in or walk up?

Mr. Petropulos said no walk up, it's all by cars. He described ATM access. He said there will be dedicated teller staff for the drive-thru lanes that doesn't interact with the walk-in customers. There is ample, comfortable stacking for 12 vehicles.

Mr. LeClair asked if there is any anticipation of walk up customers. There is a large senior living community across the street. What kind of accommodations are there for someone walking from there to get to the building? Would they have to stand in the car lane?

Mr. Petropulos deferred that question to the client, and asked to address other Planning Board questions first.

Mr. LeClair asked if there is a guardrail by the Coliseum Dr entrance.

Mr. Petropulos said this part of Coliseum Dr is mostly flat, and starts to tip down after the driveway. They didn't see a need for a guardrail there.

Mr. LeClair said he had wooden guardrails in mind.

Mr. Varley asked about the change in impervious surface onsite.

Mr. Petropulos said they have a slight increase in pavement, but the site currently has no stormwater retention. He indicated the stormwater flow, and said this provides a significant improvement.

Mr. Varley asked if there is a slight increase in pavement, but a decrease in flow.

Mr. Petropulos said in peak rates of runoff, yes.

Mr. Weber indicated where the drive-thru meets the lower parking lot, and asked if there are any "one way" signs to keep people from going up the ramp.

Mr. Petropulos said yes, there are "Do Not Enter" signs.

Mr. Bollinger said Norwood St is a public road. Is there any confusion as to who would be responsible for plowing and maintenance?

Ms. McGhee said if it's a public street, public works should be maintaining it.

Mr. Hudson said they are responsible for it.

Mr. Bollinger asked if Coliseum Rd would remain the city's responsibility.

Ms. McGhee said yes.

Ms. Harper asked how many customers are allowed to walk into the bank. Are there restrictions at this time?

Michele Plaza, President/CIO, Granite State Credit Union

Ms. Plaza said the current COVID-19 restrictions are based on capacity limits, and they see nowhere close to the limit.

Ms. Harper asked how many that would be on this site.

Ms. Plaza said she isn't prepared to answer that question. She said they are planning to have access from the outside so that customers would not have to come into the building. Their Manchester and Concord locations are busiest, and they see 8-10 customers at any time.

Ms. Harper said she was mainly concerned with how many customers would be walk-ins versus drive-thru. She asked how many cars they typically see stacked during peak times.

Ms. Plaza said 6-8 at any time. This plan shows stacking for more, and dedicated tellers for handling stacking traffic.

Mr. LeClair asked if there is any anticipation of pedestrian walk-up traffic.

Ms. Plaza said they do not have walk-ins to their drive up facilities. Most of that traffic walks into the building, and their elderly customers tend to view it as a social activity. They would not want pedestrians in the vehicle drive-thru for safety reasons. If there is interest they would look into accommodating it.

Mr. LeClair asked if they would place an ATM in the lobby.

Ms. Plaza said yes. They have done it at other locations. It's not planned here, but if there is demand they will investigate adding it.

Mr. LeClair asked about pedestrian access to the building.

Mr. Petropulos said they haven't provided a pedestrian sidewalk. They think this is a lower traffic use than most drive-thrus.

Mr. LeClair said there is a sidewalk on Coliseum.

Mr. Petropulos outlined the slope changes.

**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 this is the third or fourth plan they have seen for this site, and hopes this one goes through. He is in favor.

Mr. Varley agreed with Mr. LeClair. He likes the design of the building, and thinks it will be a good use at this location.

Mr. LeClair asked staff for clarification on the recommended stipulations.

**MOTION** by Mr. Varley to approve New Business - Site Plan #6. It conforms to §190-146(D) with the following stipulations or waivers:

1. The request for a waiver of § 190-172(D) (3) and (4), which requires façade colors and predominant exterior building materials, 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, minor drafting corrections will be made.
3. Prior to the Chair signing the plan, all comments in a letter Joe Mendola, Street Construction Engineer, dated October 21, 2020, shall be addressed to the satisfaction of the Engineering Department.
4. Prior to the issuance of a building permit, the applicant will make the voluntary contribution of \$22,200.00 to the Broad Street traffic corridor mitigation account as agreed upon.

**SECONDED** by Mr. Weber

**MOTION CARRIED 7-0**

*Mr. LeClair said Case #5 will be heard next.*

**NEW BUSINESS - SUBDIVISION PLANS**

5. Stellos Family Investment Properties, LLC (Owner) - Application and acceptance of proposed five lot subdivision and dedication of land. Property is located at 453 South Main Street. Sheet 112 - Lot 11. Zoned "RA" Urban Residence. Ward 7. **(Postponed from the October 08, 2020 meeting)**

*Mr. Pedersen arrived to the meeting*

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

**SECONDED** by Mr. Hirsch

**MOTION CARRIED 8-0**

Jim Petropulos, Project Engineer, Hayner Swanson Inc, 3 Congress St, Nashua NH

Mr. Petropulos introduced himself as representative for the applicant. He introduced Atty. Andy Prolman.

Mr. Petropulos presented current conditions. He described the surrounding area and uses. He showed aerial photos of the property. There are no wetlands, and the soil is relatively sandy. He described the topography and street utilities.

Mr. Petropulos showed the proposed five lot subdivision plan. He outlined the lots sizes and average home sizes. He outlined stormwater retention and drainage. A sidewalk currently exists across South Main St, so they propose to contribute 10,750.50 in lieu of building sidewalks on Oldfield Rd. They believe the application is complete and satisfied the regulations. They have no issue with the recommended stipulations of approval.

Mr. Petropulos said his clients grew up in this area and have wanted this property for a long time. They want to create a development consistent with the neighborhood, which has created a project much less dense than the code allows for. A conservation subdivision would allow them up to eleven units. Five are being proposed.

Mr. LeClair asked if all utilities proposed are underground.

Mr. Petropulos said yes. It's all city sewer and water.

Mr. LeClair asked if any easements are being proposed.

Mr. Petropulos described an existing sewer easement, for a line 30-ft deep. They are proposing a new sewer easement to service four of the lots, which they will have to discuss with the Board of Public Works. This minimizes penetration and impacts.

Mr. Bollinger said there are crosswalks across South Main St and Weld St, and asked if they were to remain.

Mr. Petropulos said yes.

**SPEAKING IN OPPOSITION OR CONCERN**

Craig Liatsis 6 Taft St, Nashua NH

Mr. Liatsis said the previous owner had a number of decaying vehicles on the site for years. Has anyone looked for toxic chemicals onsite?

**SPEAKING IN FAVOR - REBUTTAL**

Jim Petropulos, Project Engineer

Mr. Petropulos said when their clients purchased the property, they had the necessary due diligence. They are unaware of any environmental issues with the cars onsite. The house was beyond repair, and has recently been razed with the proper permits.

**SPEAKING IN OPPOSITION OR CONCERN - REBUTTAL**

Craig Liatsis, 6 Taft St, Nashua NH

Mr. Liatsis said he wasn't satisfied. He asked if the city would require the soil to be tested.

Mr. Hudson said there would be a concern if they were leaking. He said the lots are going to be on public water and sewer, so there is not a concern contamination wise for water and sewer. If work occurs and issues arise, it will be dealt with during construction.

Mr. Weber said he used to work in construction, and on one of the site they discovered an old oil tank. The EPA told them to

not to remove the soil from onsite. If the applicant felt they needed to get a soil sample, they could.

**PUBLIC MEETING**

Mr. LeClair closed the public hearing and moved into the public meeting. He said this is a straightforward subdivision, and much less dense than it could be.

Mr. Weber said he is happy to see this, as it doesn't overflow the area. He thinks this will fit in with the surrounding area.

Mr. Bollinger led a brief discussion regarding the sidewalk contribution.

Mr. Sullivan clarified the Engineering comment dates contained in the recommended stipulations of approval.

**MOTION** by Mr. Weber to approve New Business - Subdivision #5. It conforms to §190-138(G) with the following stipulations or waivers:

1. The request for a waiver § 190-212(A)(1), which requires that a sidewalk be located on at least one side of the street, is granted, finding that the waiver will not be contrary to the spirit and intent of the regulation. The applicant has agreed to make a contribution in the amount of \$10,795.50 in lieu of sidewalk construction pursuant to §190-212(D)(2), payment to be made prior to recording the plan.
2. Prior to the chair signing the plan, all minor drafting corrections will be made.
3. Prior to recording of 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.
4. Prior to recording the plan, all comments in an e-mail from Joe Mendola, Street Construction Engineer dated October 22, 2020 shall be addressed to the satisfaction of the Engineering Department.
5. Stormwater documents and easements will be submitted to Planning staff for review and recorded with the plan at the applicant's expense.
6. Prior to any work and a pre-construction meeting, a financial guarantee shall be approved.

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**SECONDED** by Mr. Varley

**MOTION CARRIED 8-0**

*Mr. LeClair said Case #7 will be heard next.*

**NEW BUSINESS - SITE PLANS (cont.)**

7. 278 Daniel Webster Highway, LLC (Owner) - Application and acceptance of proposed site plan amendment to show the redevelopment of an existing retail building and associated site improvements. The property is located at 278 Daniel Webster Highway. Sheet A - Lot 133. Zoned "HB" Highway Business & "TOD" Transit Oriented Development. Ward 7.  
**(Postponed from the October 08, 2020 meeting)**

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

**SECONDED** by Mr. Weber

**MOTION CARRIED 8-0**

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

Atty. Prolman introduced himself as representative for the applicant. He also introduced three representatives from the developer, GMX Real Estate Group.

Atty. Prolman described site and onsite conditions. The current building was constructed in 1983, when retail was eager to get into the Pheasant Lane Mall. They are finding now that retailers want to get out of the mall for visibility, name branding, and access. They propose to demolish the existing building and construct a new 4,000-sqft Sleep Number showroom. They believe it will be compatible with the surrounding neighborhood. He said they meet all zoning requirements. He outlined their request for one waiver, as outlined in the staff report, for Transit Oriented Development setbacks. They are in agreement with all staff comments.

Andy Goodman, Principal, GMX Real Estate Group

Mr. Goodman presented an aerial of the retail corridor along Daniel Webster Hwy. He said while they are proposing a 4,000-

sqft store, it functions as a showroom. The bedding is actually not taken off the floor, and there are no mattresses leaving the store. The beds are manufactured offsite and delivered to the home, so it's a light traffic load at this location.

Mr. Goodman displayed the site plan. They have a cross access with the adjacent U-Haul, and will honor it. The current building has a few tenants but is mostly vacant, and they plan to demolish it. The proposed new building will be smaller than the existing structure. He outlined parking and site access. He said they are not materially increasing traffic, and this proposal will reduce it. There are no truck deliveries coming in or out other than garbage trucks. Store hours will be approximately 11AM-8PM, seven days a week.

Scott Shust, JTS Architects

Mr. Shust displayed the building's architectural elevations. He described the appearance in detail.

Mr. Goodman outlined the landscaping plan, which will mostly be new plantings. He said there will be minimal impact on city water and sewer services. He reiterated access from Danforth Rd. There will be a stormwater infiltration system, and no impact to the local school system.

Mr. LeClair said there is a proposal to reuse the existing sign. He asked for details.

Mr. Goodman said the intent is to clean it up and reuse it.

Mr. Shust explained how the sign will look.

Mr. Bollinger asked about the access easement to the south. Are they the giver or recipient of the easement? Also, while they refer to U-Haul as their neighbor, there is a property in between the two sites, Nashua Tile and Carpet Center. Are all parties aware of the cross access easement and the change in use?

Atty. Prolman said the easement was established in the 1980s and they are not touching it. They are the beneficiary and user of the easement, as is the Tile Center. They are going to keep it as is.

**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 this is a tough looking area and would benefit from the improvement.

Mr. Weber said this has some really nice landscaping around the parking lot and dumpster area, which is a nice touch. He is in favor of this.

Mr. Bollinger asked for clarification on the stipulation dates.

**MOTION** by Ms. Harper to approve New Business - Site Plan #7. It conforms to §190-146(D) with the following stipulations or waivers:

1. The request for a waiver of NRO § 190-26.1(H)(2), which requires a maximum front setback of 15 feet, 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 conditions from the Planning Board approval letter will be added to the cover page of the final plans.
3. Prior to the Chair signing the plan, minor drafting corrections will be made.
4. Prior to the Chair signing the plan, all comments in a letter from Pete Kohalmi, P.E. dated October 5, 2020 shall be addressed to the satisfaction of the Engineering Department.
5. Prior to the issuance of a building permit, stormwater documents shall be submitted to Planning Staff for review and recorded at the applicant's expense.
6. Prior to any work and a pre-construction meeting, a financial guarantee shall be approved.
7. Prior to the issuance of a Certificate of Occupancy, all off-site and on-site improvements will be completed.

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**SECONDED** by Mr. Varley

**MOTION CARRIED 8-0**

**OLD BUSINESS - CONDITIONAL/SPECIAL USE PERMITS**

None

**OLD BUSINESS - SUBDIVISION PLANS**

1. Roscommon Investments, LLC and MAG RE Holdings-Nashua, LLC (Owners). Application and acceptance of proposed lot line adjustment. Property is located at 117 West Glenwood Street and "L" West Hobart Street. Sheet 132 - Lots 84 & 31. Zoned "RA" Urban Residence. Ward 7. **(Postponed to the from the September 24, 2020 meeting)**

**OLD BUSINESS - SITE PLANS**

3. Roscommon Investments, LLC (Owner) - Application and acceptance of proposed site plan to construct a new 22,560 sf auto body shop with parking, vehicle storage, and associated site improvements. Property is located at 117 West Hobart Street, "L" Glenwood Street, and "L" West Hobart Street. Sheet 132, Lots 84 & 38. Sheet 128, Lots 31, 32, & 84. Zoned HB-Highway Business and RA-Urban Residence. Ward 7. **(Postponed to the from the September 24, 2020 meeting)**

*For the purposes of discussion, Cases #1 & #3 were considered together*

**MOTION** by Mr. Weber to remove Cases #1 & #3 off the table

**SECONDED** by Mr. Pedersen

**MOTION CARRIED 8-0**

**MOTION** by Mr. Weber to reopen the hearing

**SECONDED** by Mr. Pedersen

**MOTION CARRIED 8-0**

Paul Chisholm, Project Engineer, Keach Nordstrom Assoc

Mr. Chisholm said the plans haven't changed. He gave an update on what they have worked on over the past two weeks. He said they have a few technical issues to clear up with Engineering and Fire, but he thinks they are in a position to ask for

conditional approval. He thinks they are minor corrections and will not materially change the plan.

Mr. Hudson said he echoed Mr. Chisholm's comments. The revisions they made just prior to the previous meeting were significant and addressed their main concerns. Having had time to review and discuss, they have come pretty close to agreement on those items.

Mr. Bollinger said last time they spoke there were cleanup items regarding right of way and title ownership. He asked if they have been addressed.

Mr. Chisholm said yes. He said their staff and city staff came together and researched the issue. He believes the City Engineer was pretty happy with what was presented, and that they have ironed out who owns what.

Mr. Bollinger said one of the outstanding comments was regarding drainage, and increasing the size of the pipes to account for potential future development. Is the applicant amenable to that?

Mr. Chisholm said yes. They intend to formally submit plans showing that.

Mr. LeClair asked for an explanation of the waiver requests. Do they still apply?

Mr. Chisholm said yes.

**SPEAKING IN OPPOSITION OR CONCERN**

[Unintelligible], 97 Daniel Webster Hwy, Nashua NH

*\*Audio was heavily distorted and buzzed\**

[Unknown] supports the plan, but has several questions. He asked if the paper streets in the area would be discontinued.

*\*Audio became nonexistent. Staff attempted to help the abutter connect via phone\**

Allen Mello, 97 Daniel Webster Hwy, Nashua NH

Mr. Mello asked if the Stetson Street would be discontinued. He supports the project, but he thinks there are still outstanding issues that need to be resolved.

Mr. LeClair asked other than a street discontinuance, what other things does he want resolved. They need specific items.

Mr. Mello asked for the status of West Hobart St, whether it has been adopted by the town, and how it relates to the stormwater system placed over it. He asked about whether a portion of Stetson Street would be discontinued. He asked for time to discuss and review with the applicant cross access easements.

**SPEAKING IN FAVOR**

Paul Chisholm, Project Engineer

Mr. Chisholm displayed the site plan. He explained the status of West Hobart St, and how it will be incorporated into the site. He said they have reached out to Mr. Mello and surrounding abutters about discontinuing Lower Stetson. Currently it is remaining public, and that is something they are working with staff on. It would require a Board of Aldermen meeting, which would allow for public process. They are set up to handle it either way; it's not something that affects the site plan. They have sent cross access easements to the neighbors for review, but the site plan is set up to handle either condition. They look forward to continuing to work with the abutters.

Mr. LeClair asked if any of these cross access easements and street discontinuances are post approval, or need to be done before.

Ms. McGhee said typically they are done before, reviewed by Corporation Counsel, and then recorded at the Registry.

Mr. LeClair asked if it's a situation where this is at the risk of the applicant. Is there the possibility that they could have to come back to the Board?

Ms. McGhee said they could, if there are any changes.

Mr. Varley said they have stated that once the land surrounding West Hobart St is merged, the paper street will be dissolved. Does this mean that no discontinuance is required?

Mr. Chisholm said correct. It was never improved or maintained by the city, so those rights are vanquished.

**SPEAKING IN OPPOSITION OR CONCERN - REBUTTAL**

Allen Mello, 97 Daniel Webster Hwy, Nashua NH

Mr. Mello said his understanding is that the entirety of West Hobart St will cease to be, not one portion. He is happy to work with them, but some of the complications of these street issues are the only issue he takes pause. He trusts they can continue their conversations.

Mr. LeClair asked staff what the risk is making a decision on the site plan that the access easements or discontinuance doesn't go through.

Ms. McGhee said if for some reason the plan doesn't do through and they have to change, they would most likely have to come back to Planning Board for review.

Mr. LeClair asked if the stipulations in the staff report cover this, or do they have any additional recommendations.

Ms. McGhee outlined the recommended changes to the stipulations.

Mr. Hudson agreed with the assertion that the paper street doesn't exist. That doesn't need to be discontinued. Lower Stetson St is a public street, but a discontinuance is not currently before the board. Street discontinuances are not required for offsite conditions.

Mr. LeClair asked if he feels comfortable they can make a decision that won't affect the applicant or abutters.

Mr. Hudson said yes. That is what has been presented, and what they came to the conclusion of after research and review.

#### **PUBLIC MEETING**

Mr. LeClair closed the public hearing and moved into the public meeting. He said he thinks the recommended stipulations address the outstanding issues. He said he is comfortable that if the applicant cannot come to terms with the abutter, any changes will result in them coming back before the Board.

Mr. Varley agreed. He would be hesitant to require negotiations with a private party. He doesn't think it is appropriate.

**MOTION** by Ms. Harper to approve Old Business - Subdivision #1. It conforms to §190-138(G) with the following stipulations or waivers:

1. The request for a waiver of § 190-282(B)(9), 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 Chair signing the plan, all comments in an e-mail from Joe Mendola, Street Construction Engineer dated October 20, 2020 shall be addressed to the satisfaction of the Engineering Department.
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.
5. Prior to recording the plan, the electronic file of the plan shall be submitted to the City of Nashua.
6. Any easements will be submitted to Planning staff for review and recorded with the plan at the applicant's expense.
7. The site plan for 117 West Glenwood Street will need to be amended to show the change in lot size.

**SECONDED** by Mr. Varley

Mr. Hudson led a brief discussion regarding a traffic corridor contribution.

**MOTION CARRIED 8-0**

**MOTION** by Ms. Harper to approve Old Business - Site Plan #3. It conforms to §190-146(D) with the following stipulations or waivers:

1. The request for a waiver of § 190-184 D (1) which requires parking aisles not contain more than 10 spaces in a row without a planted median and/or island, 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, minor drafting corrections will be made.
3. 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.

4. Prior to the Chair signing the plan, all comments in an e-mail from Joe Mendola, Street Construction Engineer, dated October 20, 2020 shall be addressed to the satisfaction of the Engineering Department.
5. Prior to the issuance of a building permit, the lots will be merged.
6. Prior to the issuance of a building permit, all comments in an e-mail from Mark Rapaglia, Inspector/Investigator, dated October 21, 2020 shall be addressed to the satisfaction of the Fire Marshal's Office.
7. Prior to the issuance of a building permit, stormwater documents and all easements will be submitted to City staff for review and recorded at the applicant's expense.
8. Prior to the issuance of a building permit, the electronic file of the plan will be submitted to the City of Nashua.
9. Prior to any work on site, a pre-construction meeting shall be held and a financial guarantee shall be approved.
10. Prior to any site disturbance, the Alteration of Terrain Permit for the project shall be approved by NHDES.
11. Prior to the issuance of the Certificate of Occupancy, all off-site and on-site improvements will be completed.
12. Prior to the issuance of a building permit, a voluntary contribution of \$10,000 shall be paid for the Daniel Webster Highway Traffic Corridor Mitigation account.

**OLD BUSINESS - SUBDIVISION PLANS (cont)**

2. MG Holdings (Owner) - Application and acceptance of proposed three lot subdivision. property is located at 1 Morningside Drive. Sheet 118 - Lot 129. Zoned "RA" Urban Residence. Ward 7. **(Postponed from the September 24, 2020 meeting)**

*Ms. Harper recused herself from this case*

**MOTION** by Mr. Varley to remove Case #2 off the table

**SECONDED** by Mr. Weber

**MOTION CARRIED 7-0**

**MOTION** by Mr. Varley to reopen the hearing for the limited purpose of having the applicant address new material or respond to abutter comments

**SECONDED** by Mr. Pedersen

Mr. Bollinger asked if the applicant could respond whether there is any new material, and respond to comments made by the abutters. They don't need a repeat of what they have already heard.

Mr. Varley agreed.

**MOTION CARRIED 7-0**

Dan Higginson, Higginson Land Services, 76 Patterson Hill Rd, Henniker, NH

Mr. Higginson introduced himself as representative for the owner. He said he didn't receive any new comments from abutters. They reached out to the Engineering Dept., who had no further comment.

Mr. LeClair asked staff about new correspondence.

Ms. McGhee read two new correspondences into the record, from Martha Leahy, 5 Taft St, and Mary Jane Medas, 15 Morningside Dr. She said there were other letters included in the Planning Board packet, and they were all submitted previously.

Mr. Higginson said they designed the property to mitigate runoff. He said the houses are also designed to be slabs on grade without basements, so they are not looking to excavate deeply into the ground. He said the runoff onto 15 Morningside Dr is coming off locus from the north side. Any runoff from this property to the culvert is what they have mitigated.

Mr. LeClair asked if there was anything new in the packet, or if the plan has changed.

Mr. Higginson said no.

Mr. LeClair asked for clarification on the water line waiver.

Mr. Higginson said they weren't able to get further details from Pennichuck on the specific location on the water lines. Their approximate location is shown on the plan.

Mr. LeClair asked what sidewalk contribution indicated prior was.

Ms. McGhee explained the contribution amount and how it was calculated.

Mr. LeClair asked about the underground utilities waiver, and if it was still being asked.

Mr. Higginson said yes.

Mr. Varley asked if based on the plans, they believe the post development runoff will be less than predevelopment.

Mr. Higginson said yes.

Mr. Weber asked if any consideration has been given to rip-rap along the northern slope to prevent erosion.

Mr. Higginson said they aren't proposing any, but if that was deemed necessary they could accommodate it. They think loam and seed is appropriate.

Mr. Weber said he looked at the culvert, and said any erosion would go onto the abutter property.

Mr. Hudson said it's a 2:1 slope; any steeper than that and they would be asking for rip rap. A 2:1 slope can be stabilized. One concern he has with stone is that this is meant to be an infiltration basin. Once they start putting in stone, water would be able to bleed through the slope. He is comfortable that with proper erosion controls during construction they can do without the stone.

Mr. Bollinger said staff has recommended a new stipulation for onsite review of the "as-built" plan. He requested they add a post-construction water test and typical rain event. His concern is if they approve it as-is, they would create a civil after-the-fact matter between the abutters. He would like to see how it works during a rain event.

Mr. LeClair said they have requested performance testing on drainage before. He asked Mr. Hudson for the feasibility.

Mr. Hudson said he believes it would be appropriate for the applicant to perform a test pit and test infiltration capabilities. After that they would check the design and make sure it works. That would be a good condition to add. As this point there has been discussion of rock and concern that the engineering as proposed will work.

Mr. Bollinger asked if the applicant was amenable to this.

Mr. Higginson said he struggles with an additional condition given that they have already been through city engineering for further comments. If it's what they want, they'll take care of it.

**SPEAKING IN OPPOSITION OR CONCERN**

Mary-Jane Medas, 15 Morningside Dr, Nashua NH

Ms. Medas is a direct abutter, and said she will be most affected. She wanted to know if the current basin on her property, constructed by the city, has been given as much consideration as the proposed basin, especially if there is overflow. She hopes the safety of her property is as important as the development of this one.

Sean Leahy, 5 Taft St, Nashua NH

Mr. Leahy said his property abuts the three proposed lots. He is concerned about the aesthetic and loss of Orchard Heights character, part of which comes from the wooded nature of the interior lots. He is aware that some of the Board members have visited and were struck by the secluded nature of the site. He said developing this land would forever alter the nature of the neighborhood. Once the trees are gone they will not return, and they will lose what makes this neighborhood unique. He is concerned about the loss of value and character.

Mr. Leahy asked the Board to consider approving the subdivision, contingent on the sale of the land to an abutter in agreement with the city that the lot will be deemed unbuildable.

Craig Liatsis, 6 Taft St, Nashua NH

Mr. Liatsis agreed with Mr. Leahy. He is concerned about the impacts on environment and wildlife.

Maggie Harper, 3 Taft St, Nashua NH

Ms. Harper said this lot seems to be unbuildable. Installing a commercial style infiltration system is not in the character of the neighborhood. Four of the surrounding homes are over 100 years old, and she doesn't feel this type of construction is in keeping with the neighborhood.

Barbara Pressly, 9-11 Orchard Ave, Nashua NH

Ms. Pressly said her driveway is on Morningside Dr. This particular spot is difficult because the railings are primitive and the drop off steep. She thinks that two additional homes on the street will make this dangerous. She thinks the runoff down the road is a major concern.

**SPEAKING IN FAVOR**

None

**PUBLIC MEETING**

Mr. LeClair closed the public hearing and moved into the public meeting. He discussed the new stipulations and engineering recommendations.

Mr. Varley said this is the third time the plan has come before the Board. On the prior meeting they heard many of the same concerns, and tabled the plan so there was an opportunity for staff to review the plan. They have had the opportunity, and heard from the applicant particularly on drainage. They have had feedback from engineering. He thinks they have heard sufficient evidence that addresses the principle concern of drainage that protects the abutters.

Mr. Varley said they have had a number of these smaller subdivisions over the past few years. It's always challenging particularly in an area that has been a wooded area for years. He reminded the Board that they have limited control over that aspect of a plan. If the owner wanted to simply remove all the trees, it would be well within their rights absent of any subdivision plan. He is sympathetic to aesthetic concerns over how this was a wooded area for many years, but doesn't see it as justification for not approving the plan.

Mr. Weber asked if the Engineering Dept. require the culvert to be checked, and see if it's clear and free flowing.

Mr. Hudson said he will discuss that with the Street Dept.

Mr. LeClair asked what portion of the drainage basin the city has responsibility to maintain.

Mr. Hudson said he understands it to be the entrance of the culvert. They can take a look at it.

Mr. Pedersen asked which property the 10-in pipe is located on.

Mr. Hudson said he understands it runs from 15 Morningside across the street. Although the assertion has been made that drainage will be reduced, it is still important that the culvert takes flow from the entire area.

Mr. Pedersen led a brief discussion of the flow direction.

Mr. Bollinger thanked the applicant for supplemental documentation. He is concerned that with these smaller type subdivisions, maybe there is a reason why this site wasn't fully developed in the past. He is concerned with infilling these older lots.

Mr. Varley asked for clarification on the stipulations. A brief discussion ensued.

**MOTION** by Mr. Varley to approve Old 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), which requires physical features on site and within 1,000 feet, 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 § 190-282(B)(28), which waterlines to be shown for new subdivisions, is granted, finding that the waiver will not be contrary to the spirit and intent of the regulation.
3. The request for a waiver § 190-212(A)(1), which requires that a sidewalk be located on at least one side of the street, is granted, finding that the waiver will not be contrary to the spirit and intent of the regulation. The applicant has agreed to make a contribution in the amount of \$13,576.50 in lieu of sidewalk construction pursuant to §190-212(D)(2), payment to be made prior to recording the plan.
4. The request for a waiver of § 190-221, which requires utilities to be underground 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, all minor drafting corrections will be made.

6. Prior to recording the plan, all comments in an e-mail from Joe Mendola, Street Construction Engineer, dated August 31, 2020 shall be addressed to the satisfaction of the Engineering Department.
7. Prior to recording of 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 recording of the plan, addresses shall be shown on the plan as assigned by the Fire Marshal.
9. Prior to recording the plan, a drainage report shall be submitted to Planning and Engineering staff for review.
10. Stormwater documents and utility easements will be submitted to Planning staff for review and recorded with the plan at the applicant's expense.
11. Prior to the issuance of a building permit, the plan electronic file of the subdivision plan shall be submitted to the City of Nashua.
12. Prior to any work, a pre-construction meeting shall be held and a financial guarantee shall be approved.
13. Applicant shall enlist the services of a registered professional engineer or land surveyor to review the as-constructed condition of engineered site plan aspects, including but not limited to, site grading, soil retainment systems, and drainage systems (as applicable). Applicant shall submit, prior to the issuance of a Certificate of Occupancy, an affidavit stating as-constructed conditions are in conformance with the approved plan, functioning as intended based on site testing.
14. Prior to issuance of a building permit a test pit shall be performed for infiltration rates and to verify conditions.

**SECONDED** by Mr. Weber

**MOTION CARRIED 6-1 (Bollinger opposed)**

**NEW BUSINESS - SITE PLANS (cont)**

8. Liberty Utilities (Owner) - Application and acceptance of proposed amendment to install an impermeable cap over former Gas Holders #1 & #2 to meet requirements of the NH Department of Environmental Services, regrade, repave and expand the site's existing parking lot and improve the stormwater

management system. Property is located at 25 Van Buren & 38 Bridge Streets. Sheets 4 & 39, Lots 11 & 26. Zoned TOD-Transit Oriented Development and GI-General Industrial. Ward 7. **(Postponed from the October 8, 2020 meeting)**

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

**SECONDED** by Mr. Hirsch

**MOTION CARRIED 8-0**

Steve D'Ambrosio, Project Engineer, GZA

Mr. D'Ambrosio introduced himself to the Board as representative for the applicant. He also introduced Doug Dorn and Mary Casey from Liberty Utilities, and Joe Higgins from IESI.

Mr. D'Ambrosio displayed the site conditions. He described the site and surrounding properties. He gave a brief history of the property use.

Mr. D'Ambrosio displayed the proposed site plan. They are proposing an impermeable cap in the northeast quadrant of the site. They are also proposing to repave the existing pavement and expand as indicated on the plan. The heavy duty pavement is a requirement of the Dept. of Environmental Services as part of an approved remedial action plan to cover the gas holders, address contamination, and eliminate the potential for the public to come into contact with soils containing asbestos and manufactured gas plant residuals.

Mr. D'Ambrosio indicated the sections they are looking to repave and regrade. The pavement is in poor repair, and they are trying to promote positive drainage to the existing stormwater infrastructure onsite. He showed how they propose to improve the stormwater management systems onsite and the proposed flow pattern. They are looking to make the site better for their employees, improve drainage, and treat runoff.

Mr. LeClair asked if there were any new structures proposed.

Mr. D'Ambrosio said no. No new buildings, no new parking. They are not expecting any increases in traffic.

Mr. LeClair asked if the need for site plan review was because of the change in drainage and increase in impervious surfaces.

Mr. D'Ambrosio said they are expanding the pavement.

Mr. Weber asked what mitigation they have to keep runoff from going into the Nashua River. It currently looks like there is no stoppage for spills. He asked specifically in regards to the gas lines by the river.

Doug Dorn, Liberty Utilities 15 Buttrick Rd, Londonderry NH

Mr. Dorn said those two lines are underground, going to different parts of the city. Any vehicle in this area, even if they leak oil, is still pretty far away from the river. Anything going into the ground stays in the ground, because there currently is no pavement. The chance of contaminants running off directly into the river is slim.

Mr. Weber asked if they have a heavy downpour there is a possibility that contaminants will wash into the river. He appreciates what they're doing, but would like to see some curbing that would not allow any water to run off of the pavement directly into the river.

Mr. D'Ambrosio said they are proposing a curb along the northern edge.

Mr. Bollinger said they appear to own several parcels in the area, and asked if they ever considered merging them.

Mr. D'Ambrosio said he doesn't think that is something they are currently pursuing.

**SPEAKING IN OPPOSITION OR CONCERN**

None

**SPEAKING IN FAVOR**

None

Mr. Weber asked for clarification on the dates contained in the staff report.

**PUBLIC MEETING**

Mr. LeClair closed the public hearing and moved into the public meeting. He said it looked straightforward.

Mr. Bollinger asked who the applicant actually is. Does the owner need to be referenced in a motion?

Ms. McGhee said the application came in stating Liberty Utilities as the applicant.

Mary Casey, Environmental Manager, Liberty Utilities

Ms. Casey said she is the environmental manager for Liberty Utilities and Energy North Natural Gas Companies, which is owned by Liberty Utilities.

Mr. LeClair said they can refer to what was advertised.

Mr. Hudson said engineering has been working with the applicant, and gave an update of their collaborative efforts.

**MOTION** by Mr. Harper to approve New Business - Site Plan #8. It conforms to §190-146(D) with the following stipulations or waivers:

1. The request for a waiver of § 190-279(00), which requires a traffic impact analysis, 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, minor drafting corrections will be made.
3. Prior to the Chair signing the plan, stormwater documents shall be submitted to Planning Staff for review and recorded at the applicant's expense.
4. 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 plans.
5. Prior to the Chair signing the plan, all comments in an email from Joe Mendola, Street Construction Engineer, dated August 25, 2020 shall be addressed to the satisfaction of the Engineering Department.
6. Prior to the Chair signing the plan, the electronic file of the site plan shall be submitted to the City of Nashua.
7. All Zoning Board of Adjustment conditions of approval are incorporated herein and made part of this approval.

**SECONDED** by Mr. Pedersen

**MOTION CARRIED 8-0**

**OLD BUSINESS - SITE PLANS (cont)**

4. City of Nashua (Owner) - Application and acceptance of proposed site plan amendment to Pennichuck Middle School to construct additions, complete various renovations and upgrade the existing school layout. Site layout changes include a realigned perimeter access road, a new curb-cut from Manchester Street for a one-way drive for bus/emergency traffic, a new bus loop and additional parking. Property is located at 207 Manchester Street. Sheet 54 - Lot 32. Zoned "R18" Suburban Residence. Ward 3. **(Tabled from the October 8 2020 meeting)**

**MOTION** by Mr. Varley to table this case to November 5<sup>th</sup>

**SECONDED** by Mr. Weber

**MOTION CARRIED 8-0**

**NEW BUSINESS - SITE PLANS (cont)**

9. 75 Deerwood Drive, LLC (Owner) - Application and acceptance of proposed 10 unit multi-family residential development. Property is located at 18 & 20 Dumaine Avenue. Sheet H - Lots 137 & 149. Zoned "PI" Park Industrial and "MU" Mixed Use. Ward 2. **(Postponed to the November 5, 2020 meeting)**

**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

Mr. Bollinger said the Hudson Amazon facility application doesn't appear to have any detailed analysis on the impact to Nashua's Route 3A corridor.

Mr. Weber agreed. They will find out at the Nashua Regional Planning Commission. He will defer to their traffic expert. There will be a lot of traffic, which could impact Route 3. The other impact might be the watershed.

**MOTION CARRIED 8-0**

2. Adoption of the "2021" Meeting and Deadlines Dates" for the Nashua City Planning Board.

**MOTION** by Mr. Bollinger to accept the 2021 Meeting and Deadline Dates, as amended

**SECONDED** by Ms. Harper

**MOTION CARRIED 8-0**

**DISCUSSION ITEMS**

**Merrit Parkway:** Withdrawn

**Imagine Nashua:** Mr. LeClair encouraged the Board members to be active participants in the Master Planning process.

**Submittal Deadlines:** Ms. Harper expressed concern that they are frequently receiving documentation at the very last minute, the day of the meeting. She asked if they could establish a sooner deadline. A discussion of a cut-off date and staff processes ensued.

**Electronic Packets:** Mr. LeClair led a discussion on whether the Board is amenable to receiving electronic copies of case packets.

**MOTION** to adjourn by Mr. Weber at 10:32 PM

**MOTION CARRIED 8-0**

**APPROVED:**

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Mr. LeClair, Chair, Nashua Planning Board

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Prepared by: Kate Poirier

Taped Meeting