

NASHUA CITY PLANNING BOARD  
November 2, 2023

The regularly scheduled meeting of the Nashua City Planning Board was held on November 2, 2023 at 7:00PM in the 3<sup>rd</sup> floor auditorium in City Hall AND via Zoom virtual meeting.

Members Present:     Scott LeClair, Chair  
                          Adam Varley, Vice Chair  
                          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**

October 19, 2023

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

**SECONDED** by Mr. Hirsch

**MOTION CARRIED 5-0**

**COMMUNICATIONS**

None

**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.

**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 DECEMBER 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 DECEMBER 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 DECEMBER 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 DECEMBER 7, 2023 MEETING]**

*Mr. LeClair said he would take A23-0175 & A23-0176 together.*

**NEW BUSINESS - SUBDIVISION PLANS**

**A23-0176** Law Realty Co., Inc. (Owner). The Law Family Companies, Inc. (Applicant). Proposed lot line relocation/consolidation/subdivision and boundary plan. Property is located at 338, 340, 350 & 352 Amherst Street and 16, 17, 18 & 30 Airport Road. Sheet G. Lots 34, 51, 97, 98, 479, 480, 481 & 482. Zoned PI/MU-Park Industrial/ Mixed Use. Ward 1.

**NEW BUSINESS - SITE PLANS**

**A23-0175** Law Realty Co., Inc. (Owner). The Law Family Companies, Inc. (Applicant). Proposed one story 15,100 sf retail building along with associated site improvements. Property is located at 350 Amherst Street. Sheet G. Lot 479. Zoned GB-General Business. Ward 1.

Mr. Hirsch said he would have to recuse from this application.

Mr. LeClair said unfortunately that leaves the Board with four members able to vote, which is below the minimum. This will have to be postponed to the November 16<sup>th</sup> meeting.

Jim Petropulos, Civil Engineer, Hayner Swanson Inc.

Mr. Petropulos asked the Board to look into the bylaws to see if a quorum to start the meeting is acceptable, versus a particular case.

Mr. Varley said his view is that if at any time you go below quorum levels, that would be insufficient. Even if circumstances were different and Mr. Hirsch had to leave the meeting early, he doesn't think they can continue business with any less than a quorum. It would be no different with a board of directors.

Mr. LeClair apologized to the applicant and said the case would go first on the agenda at the next meeting.

**NEW BUSINESS - SUBDIVISION PLANS (CONT.)**

**A23-0174** Carmen V. Capone & David R. Deblois (Owners). Proposed two lot subdivision. Property is located at 75 Manchester Street. Sheet 65. Lot 106. Zoned RA-Urban Residential. Ward 3.

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

**SECONDED** by Mr. Hirsch

**MOTION CARRIED 5-0**

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

Mr. Zajac introduced himself on behalf of the applicant. With him is Atty. Andy Prolman from Prunier & Prolman.

Mr. Zajac gave a brief overview of the proposal. He described the subject lot and surrounding parcels. He described topography and onsite utilities. They proposed to subdivide the lot into two, one fully conforming lot and one oversized lot that complies except for the frontage. This project received a variance for the lot dimensions in August. The compliant lot will retain the address of 75 Manchester Street, and the oversized lot will receive an address of 73 Manchester Street. All existing onsite structures will be demolished. In an effort to maximize street safety and line of sight, they are proposing a singular shared driveway on the south side, with additional curbing and sidewalk along Manchester Street. He described each of the proposed homes and their utility connections.

Mr. Zajac said in terms of previous proposals, in 2017 the Zoning Board denied multiple variances for a plan to construct a new private street and seven detached homes. Zoning Board and abutter concerns were related to the increase in density, traffic, and character of the neighborhood. That was taken into account when preparing this submission tonight.

Mr. Zajac said this is a challenging section of Manchester Street, and this property is located on the inside of a fairly sharp curve. There is limited sight distancing available based on the geometry of the road and existing structures and vegetation. The site is located just south of the Manchester Street/Charlotte Ave intersection, which contains a key crossing to the Charlotte Ave school. Based on this challenge, the project team obtained the services of traffic analyst Vanasse & Associates. Careful consideration was given to the placement of the house, driveway, and topography to make sure that there are clear lines of sight. The proposed project will improve line of sight for vehicles travelling along Manchester Street. The applicant is also committed to seeking line of sight easements from the southern abutter and the city. Regardless of whether the easements are obtained, they feel this is an improvement over the existing conditions. They have discussed traffic with city staff, and have not received comment of any issues.

Mr. Zajac said they are requesting one waiver, as detailed in the staff report. They feel that the application is complete and conforms to the subdivision regulations. Conditions outlined in the staff report are acceptable, and there are no issues addressing engineering and fire comments.

Mr. Hudson asked if extending the fire turnaround would happen.

Mr. Zajac said yes, they can do that.

**SPEAKING IN OPPOSITION OR CONCERN**

None

**SPEAKING IN FAVOR**

None

Mr. Bollinger asked if there were any historic considerations beyond what was given in the staff report.

Mr. McPhie said that the owner was gracious enough to let them take pictures. This particular structure is in bad shape and was altered significantly over the course of many years.

Mr. Bollinger asked if this had to go to the Historic Commission.

Mr. McPhie said no.

**PUBLIC MEETING**

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

**MOTION** by Mr. Bollinger to approve New Business - Site Plan A23-0174. It conforms to §190-138(G) with the following stipulations or waivers:

1. The request for a waiver of § 190-281, which requires physical features within 1000-feet of the property boundaries be shown, 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, stormwater documents will be submitted to City staff for review and approval and recorded at the Registry of Deeds at the applicant's expense.

4. 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.
5. Prior to the issuance of the first building permit, all easements will be submitted to City for review and approval and recorded at the Registry of Deeds at the applicant's expense.
6. Prior to the issuance of a building permit, all comments in the letter from Joe Mendola, Senior Staff Engineer dated October 26, 2023 shall be addressed to the satisfaction of the Public Works Department.
7. Prior to the issuance of a building permit, all comments in the e-mails from Michael DuVarney Nashua Fire Inspector/Investigator, dated October 16, 2023, shall be addressed to the satisfaction of the Public Works Department.
8. Prior to the issuance of a certificate of occupancy, all on-site and off-site improvements will be completed or a financial guarantee will be posted.
9. Prior to issuance of the final certificate of occupancy for the development, a certified plot plan locating all roads, driveways, units, other buildings, utilities and site landscaping shall be stamped and certified by a professional engineer and submitted to the Planning Department. The as-built plan shall include a statement that all construction was completed in accordance with the approved site plan and applicable local regulations.
10. Prior to any work, a pre-construction meeting shall be held and a financial guarantee shall be in place.

**SECONDED** by Mr. Hirsch

**MOTION CARRIED 5-0**

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

**A23-0172** Dana Georges, LLC (Owner). Proposed amendment to NR2251 for changes to previously approved Groton Estates Condominium. Property is located at 67 Groton Road. Sheet D. Lot 134. Zoned R40-Rural Residence. Ward 5.

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

**SECONDED** by Mr. Bollinger

**MOTION CARRIED 5-0**

Paul Chisholm, Civil Engineer, Keach Nordstrom Associates

Mr. Chisholm introduced himself on the behalf of the applicant.

Mr. Chisholm provided an update on what has happened with the project since the project was originally approved. Osprey Lane and three of the four single family houses have been constructed, with the fourth underway. Attention has turned to the barn and the units inside that structure. At that point it was discovered that the barn had significant challenges with the foundation and code compliance. The plan is to remove the structure, build a foundation, and build the structure to current code compliance and so that it looks the same as before.

Mr. Chisholm said they have reviewed staff comments and will continue to work with staff until they are satisfied.

**SPEAKING IN OPPOSITION OR CONCERN**

None

**SPEAKING IN FAVOR**

None

**PUBLIC MEETING**

Mr. LeClair closed the public meeting and opened the public meeting. He summarized the discussion. He said this seems like a pretty reasonable approach.

**MOTION** by Mr. Bollinger to approve New Business - Site Plan A23-0172. It conforms to §190-146(D) with the following stipulations or waivers:

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



2. Prior to the Chair signing the plan, all comments in an e-mail from Michael DuVarney, Nashua Fire Inspector/Investigator, and dated October 16, 2023 shall be addressed to the satisfaction of the Engineering Department.
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 the chair signing plan, all minor drafting corrections will be made.
5. Prior to the issuance of a building permit, electronic file of the subdivision plan shall be submitted to the City of Nashua.
6. Prior to any work, a pre-construction meeting shall be held and a financial guarantee shall be approved.
7. 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 the statement that "all construction was generally completed in accordance with the approved site plan and applicable local regulations".

**SECONDED** by Mr. Hirsch

**MOTION CARRIED 5-0**

**OTHER BUSINESS**

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

**MOTION** by Mr. Bollinger that there are no items of regional impact

**SECONDED** by Mr. Varley

**MOTION CARRIED 5-0**

2. Referral of O-23-065 Amending the Land Use Code Regarding Fence Construction Adjacent to the Frederick E. Everett Turnpike.

Sam Durfee, Planning Manager

Mr. Durfee said this ordinance is in respect to the ability erect fences on residential properties abutting the turnpike, up to 14-ft tall. The idea is privacy and sound deadening. This was a request received from several aldermen with constituents living next to the turnpike. 7-ft was chosen as the minimum, and they are allowing 7-ft for other areas as well. 7-ft is the trigger for a building permit.

Mr. Hudson asked why this is limited to residential properties. Are commercial properties addressed elsewhere?

Mr. Durfee said that was contemplated, and they felt the residential uses would be more sensitive to the noise.

Mr. Hudson said this will allow fence uses of 7-ft where 6-ft was previously allowed. This is the cut-off for building permit limit. He doesn't have any issue with it. There's not a lot of 7-ft fence materials out there.

Mr. Varley said if you want a fence over 6-ft but under 7-ft you would need a variance but not a permit.

Ms. McGhee said correct.

**MOTION** by Mr. Bollinger to favorably recommend O-23-65 to the Board of Aldermen

**SECONDED** by Mr. Varley

**MOTION CARRIED 5-0**

3. Review of NCPB Bylaws & Procedures

Scott McPhie, Planner I

Mr. McPhie provided a brief overview of the changes to the bylaws, specifically in relation to rebuttals and time limits.

Mr. LeClair said when they have big groups, it seems reasonable to put a limit on the amount of time. They don't have to, but it

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gives more flexibility to keep things under control. In regards to having the abutters select one person to speak to the applicant's rebuttal, it's always been kind of a problematic procedure. Who's to pick the one? It's arbitrary, and in practice doesn't work.

Mr. Varley said once you've heard all the public comment, you've heard it.

**MOTION** by Mr. Varley to approve revisions to the NCPB Procedures, as proposed

**SECONDED** by Mr. Bollinger

**MOTION CARRIED 5-0**

Mr. McPhie outlined changes to the bylaws, in regards to election of officers and various phrasing.

**MOTION** by Mr. Bollinger to approve revisions to the NCPB Bylaws, as proposed

**SECONDED** by Mr. Hirsch

**MOTION CARRIED 5-0**

4. 2024 NCPB Meeting & Deadline Dates

**MOTION** by Mr. Varley to approve the 2024 NCPB Meeting & Deadline Dates, as proposed

**SECONDED** by Mr. Hirsch

**MOTION CARRIED 5-0**

**DISCUSSION ITEMS**

**Revision of the sidewalk payment-in-lieu fee:** Postponed

**Recusals:** The Board discussed notifying staff of what cases they would have to recuse in advance.

**MOTION** to adjourn by Mr. Hudson at 7:46 PM

**MOTION CARRIED 5-0**

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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