

PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE

February 3, 2005

A meeting of the Planning and Economic Development Committee was held on Thursday, February 3, 2005 at 7:03 p.m. in the Aldermanic Chamber.

Chairman David Rootovich presided.

Members of the Committee present: Alderman Kathryn D. Vitale
Alderman Robert G. Shaw, Jr.
Alderman David MacLaughlin

Members Not in Attendance: Alderman Richard LaRose, Vice Chair

Also in Attendance: Roger Houston, Director/Manager, Planning Department
Jay Minkarah, Economic Development Director
Christopher Hodgdon, President, Chamber of Commerce
Mr. Lucier, Lucier & Sons

COMMUNICATIONS

MOTION BY ALDERMAN VITALE THAT THE RULES BE SO FAR SUSPENDED AS TO ALLOW FOR THE INTRODUCTION OF COMMUNICATIONS RECEIVED AFTER THE AGENDA WAS PREPARED
MOTION CARRIED

From: Jay Minkarah, Economic Development Director
Re: Land Use Code – Division 3

MOTION BY ALDERMAN VITALE TO ACCEPT AND PLACE ON FILE

ON THE QUESTION

Chairman Rootovich

I would ask that the committee go through this in detail. We will discuss this at our next meeting. Provided that there is any time later on this evening after we go through this section – there is quite a bit here – if we have some time later on we will do it tonight. Just so that the committee knows I have to leave by 9:00 p.m. tonight as I have an employment conference call

at 9:15 p.m. that I have to take this evening. My apologies.

MOTION CARRIED

From: Rick Sawyer, Deputy Planning Manager
Re: Impact of Landscaping/Parking Revisions

MOTION BY ALDERMAN VITALE TO ACCEPT AND PLACE ON FILE
MOTION CARRIED

From: Bradley Whitney
Re: Aldermanic Committee on Economic Development and Planning

MOTION BY ALDERMAN VITALE TO ACCEPT AND PLACE ON FILE
MOTION CARRIED

Chairman Rootovich

Mr. Whitney also called and said he would not be here this evening. He has pneumonia. We wish him the best of luck in his recovery.

UNFINISHED BUSINESS – RESOLUTIONS - None

UNFINISHED BUSINESS – ORDINANCES

MOTION BY ALDERMAN SHAW TO TAKE FROM THE TABLE O-04-19
MOTION CARRIED

O-04-19

Endorser: Alderman-at-Large Brian S. McCarthy
AMENDING THE PLANNING AND ZONING ORDINANCES OF THE
CITY OF NASHUA IN THEIR ENTIRETY

Alderman Shaw

Mr. Chairman I am assuming that the reason Alderman LaRose isn't in attendance this evening is due to the fact that he is attending the Planning Board meeting.

Chairman Rootovich

My apologies. You are right. Alderman LaRose is a member of the Planning Board. He is up there this evening attending the Planning Board meeting. Thank you very much Alderman Shaw.

Alderman Shaw

You are welcome.

Chairman Rootovich

This evening we are continuing our discussion. We are on page 314, Division 10 – Street Design and Transportation. Mr. Houston and Mr. Minkarah do you have any opening remarks or wish to discuss any significant changes before we go through it with respect to Division 10?

Roger Houston

Thank you, Mr. Chair. There have been some changes to this section. I know this is the section that I know the City Engineer who was on the committee did look at quite comprehensively as well as we had a representative from H.S.I. who sat on the committee, Jim Petropolous, and several other people that looked at these criteria. There was a lot of discussion on some of these issues. I won't go into them until we go on line by line. I will wait until that point in time.

Chairman Rootovich

Mr. Minkarah do you have any opening statements or comments?

Jay Minkarah

I will wait as well.

Chairman Rootovich

Thank you. Again starting on page 314 going through the purpose, 16-610 – Applicability, 16-611 – Requires Improvements and Circulation System Design Principles, and 16-612 – Geometric Design – are there any questions, comments, concerns, issues, recommended changes, omissions, additions?

Jay Minkarah

On 16-610 – Applicability “Street design standards apply to applications for subdivision approval or to site plans involving the construction of private streets.” This sounds as though only the private streets – I think it would be public or private. On 16-611, the last sentence “However, any request for a variance from this Article ...” I think it would be waiver.

Under (a) Generally, the third line down “the separation of pedestrian amenities” probably better a combination of ...I don't think it necessarily means separation.

On to the next page, under (c) Required Improvements, under the second bullet “Where a proposed development subject to subdivision or site plan approval borders on or contains a

limited-access highway right-of-way, a railroad right-of-way, or an open watercourse, the board may require a street approximately parallel to and on one (1) or both sides...” I think we may want to talk a little more about that, and my thinking was particularly with the watercourse it struck me as odd that we would want to build a road on either side. I think I don’t have an understanding of what the intention is.

Roger Houston

I think the intention is quite clear there. I think this is a provision that a lot of communities will have when it comes to waterways. I am not sure this would be particularly applicable to the City of Nashua. I think Mr. Minkarah is probably correct. I am not sure that it needs that. Maybe that is something that we might want to revisit with the consultant that we bring on board. I do concur with his public under 16-610 needs to be the word public – I did catch that as well. It is public or private streets.

Alderman Shaw

I think since it does say may as opposed to one of the other instances where things have said shall – it does seem to only suggest that possibility might be required, but it certainly doesn’t require it. I am not sure the language is really problematic.

Chairman Rootovich

Is there anything else with respect to those sections?

Alderman Shaw

We are covering all of section 611 right now?

Chairman Rootovich

Right through 612 we are going through.

Alderman Shaw

I was a little bit concerned with some of the uses of the various sub-classifications for the streets and what seemed to be some inconsistencies where I think it is in the text at the bottom of page 315 at (e) (2). There is a listing of some kinds of streets here and it does talk about “classified further as Alleys, Lanes, Local Streets...” but for example I don’t see lanes used elsewhere in the table later on in sub-classifications so I think there is – I guess I am looking for some consistency there as well as that I am not sure that things can clearly follow through into the table 612-1 on page 317. I think that is an area to make sure we revisit and have continuity throughout the discussion.

I am also not sure the fact of having Main Street listed in sub-classification under both minor arterial and collector was intentional to kind of show that – I don't know if that was meant to be in the strictest sense of our Main Street or as a generic main street descriptive. That was something else I wasn't really sure about what that intent was. I don't know if Mr. Houston might have any comment on that.

Roger Houston

I believe Main Street did intend to mean the Main Street in downtown. There should be a definition someplace for that if I recall the discussion we had on that. The other item of alley maybe it should read allies or lanes. I am not sure what the difference is other than the name. Lane is not really I guess how I would define it would be very similar to an alley. Perhaps one isn't use as frequently as perhaps an alley would be used.

Alderman Shaw

I agree. I think they do seem similar. In fact, if anything to me lane kind of congers up a more rural setting and alley a more urban setting. I don't know if that is more just a perception than what might be the true definition. It would seem that they are basically getting at the same kind of similar category I guess.

Chairman Rootovich

Would you consider Main Dunstable Road a minor arterial or a collector Mr. Houston?

Roger Houston

It depends which definition you use. It is a pre-existing road that pre-dates a lot of these classifications. It is probably referred to as a minor arterial or collector street. It collects from the neighborhood, but it also serves as a Route 111A, which carries quite a bit of traffic into Massachusetts and down into Pepperell and Dunstable.

Chairman Rootovich

So you would consider Northeastern Boulevard a minor arterial, which to me is less traveled than the Main Dunstable?

Roger Houston

Northeastern there again a lot of our road system are two lanes or if we are fortunate we have turning lanes in the middle, and they serve a high volume of traffic. In a lot of cities they would be four lanes versus our two lanes. Northeastern really serves as primarily a minor arterial. It does collect traffic as well from the industrial park and the neighborhoods.

Chairman Rootovich

It does connect to major roads too – East Dunstable and Main Dunstable.

Roger Houston

In many respects if I may, a lot of these classifications since we are a nearly built out city we don't anticipate seeing many future changes – I could probably cite one in particular – I see Mr. Cane isn't here, but the Flatley piece and the piece owned by Hewlett Packard will need some sort of a road that will continue North. It has been talked about for years, but that might be a minor arterial with four lanes for instance to service an office, research/development or whatever goes in that space in the future.

Alderman Shaw

I also table 612-1 on page 317, I guess I had some trouble with some of the numbers like for example in the parkway column where the right-of-way is only listed at 50, but the pavement width could be as much as 66. Similar in the minor arterial. I don't know if the right-of-way needs to be modified or if I am just missing something there.

Roger Houston

I think Alderman Shaw sees my redlines in my book here. I know this is an area that the committee did discuss...

Chairman Rootovich

You mean he is cheating?

Alderman Shaw

No.

Roger Houston

Absolutely not. We're collaborating. The road system in the city – as you know we have an elected Board of Public Works in the city and they have design standards that are adopted pursuant to the City Charter and their own relations and authority. They have a one size fits all and that is 50 feet. That is how the 50 feet came to be. A lot of these classifications where they could have much greater widths like parkways might be in the neighborhood of 100 feet, right-of-way, arterials probably a minimum of 80 feet depending on whether you have bike lanes and how much of a shoulder you want. Boulevards and collectors are normally 60 feet. There are a number of different, but this is one of these peculiarities I guess you might want to refer to it as relative to the Nashua system as it is laid out. The developer has to comply with the when they

go to the Planning Board with a subdivision or a site plan they have to comply with the Board of Public Works' guidelines as well. We have to be careful that the two guidelines do mesh from that perspective.

Alderman Shaw

I couldn't help but wonder if we should consider re-naming the Broad Street Parkway to the Broad Street Collector or the local, but seeing that this definition of parkway doesn't fit with what is now proposed for the Broad Street Parkway if that is something that we should think about.

Alderman MacLaughlin

To Mr. Houston's point on the Flatley property, not only will the Flatley property require ultimately one day a road of some sort to open it up to whatever proposed use might be not a race track, there are two other issues sort of abutting that particular property in Ward 8 that one it shows on the map, and that is the top of Shelley Drive, which is ultimately it stops on Shakespeare, but ultimately it is intended to cross into the top of the Flatley property. That could become any one of these smaller sub-classifications here depending on what goes in there. The other is a new connector road that the Huntington Center has built at the rear of this property connecting it to Chaucer or Coleridge. It is not really a road at the moment it is strictly a paved path that can accommodate two lanes of traffic. Ultimately it may become a city street at some point who knows. That is why with interest I am listening to the testimony offered by my colleague quite closely.

The point I wanted to raise though for discussion purposes was under Section (d) Circulation System Design Principles. The sentence that caught my eye there is "The street system shall incorporate pedestrian amenities such as sidewalks, center and side medians..." The word center sort of caught my eye because recently we were all reading about the proposed improvements on Broad Street should we have moved forward with the recommendation to put rotaries in there. Down the center of that street it had been proposed at least temporarily a center median. Toward that point, the Fire Department had issued a pretty big concern about how that would affect accessibility and response time for properties on the opposite side of the street that the fire apparatus would be on. I wonder is there a tendency to like center medians in this city? I can't think of many that are really in use other than those that might be on D.W. Highway. There is the grassier parts of it on the northern end just below Rivier and the very narrow asphalt ones down near my employment location at the Pheasant Lane Mall. My inclination for all future streets or any redeveloped streets is to oppose center medians of any kind simply because of safety –simply because of emergency response times and simply because in my public career I have always seen medians to be an obstacle to the movement of traffic. When it comes to turning lanes and so forth then I have a great amenity. I don't know I just sort of throw that out there as this is my point of view only, and I have no idea what the experts might think.

The center median concept to me is something that historically once they are installed stacking

lanes become issues, and then if the lanes are too full such as they get down on D.W. Highway at any time then you are interfering with the flow of traffic in the major travel lanes North or South. I am wondering if at some point we may ask the consultant to just pull that concept out of this particular piece. That was my point.

Christopher Hodgdon

I would also like to say in section (d) (2) of 611, this is consistent through the document in some places – there is a reference to capitalized terms Conventional Subdivisions, Planned Developments, and Critical Areas. After a quick review of the definition section, critical areas are defined, and I think that I would draw everyone's attention to the definition of critical area because it is pretty broadly defined, but there doesn't seem to be a definition of conventional subdivisions. There is one of planned developments. There is also a reference to streets in rural areas. I think that is one that is of some curiosity to me because I wonder what would be defined as a rural area. It seems to me that the only definition for rural would have to be in the context of the community. I wonder whether for instance if development does occur on the Flatley property is that considered rural? In the context of Nashua it is probably more rural than most parts of the city, but is it rural based on the intention of this document? I think that is one particular area where I think we need some definition on some of the terms particularly the ones that are capitalized.

The other item in section (d) that I would like to draw people's attention to is that in (4). There is mention of the fact that the system shall be designed to permit safe, efficient, and orderly movement of traffic and to meet but not exceed the needs of the present and future population served. It is that requirement for the need to meet future population that is I think of some concern. Future traffic projections are highly variable. If we look at the traffic projections for the parkway as it relates to where they are today versus a few years ago you see swings and projected traffic of 30-40%. I wonder how that standard future X population need would be applied and how it would be determined. A lot of these projections really seem to be someone's best guess. That sort of subjectivity is a difficult one I think for someone who is planning on building a road to try to plan for.

I also have some comments on 612. I know I jumped ahead to it, but I think if there are other comments related to 611 I can wait.

Chairman Rootovich

Please continue.

Christopher Hodgdon

We had spent some time talking about 612-1 – Street Design Criteria. Our concern is line 14, which is grade. The existing code I believe allows most of the street definitions to have a grade

of 10%. Earlier drafts of this document had the grade reduced down to 6% maximum grade, and it is now at 8%. While I think it is helpful to have gone up from 6% I think 10% is a more reasonable standard. Many of the properties in the city that are going to have roads put on them have higher grades. If you require an 8% grade you will be increasing the cut and fill with a disturbance of the land. I am not sure that we want to have that sort of visual sort of impact on our streets. I think that 10% - if people were able to measure what a grade of 10% is they would realize that it is not that steep of a slope. I am not sure why on the larger streets, the ones that are designed to carry more capacity, 10% isn't a more reasonable standard. We would like to have the committee look at that.

Chairman Rootovich

Again just a visual. What would you consider the beginning of Chandler Street in terms of a grade – what would that be considered?

Christopher Hodgdon

I don't know. I think the ...Library Hill is probably one more to visualize.

Roger Houston

The ones I know and I don't know what that one is because I haven't made a development there – I know the discussion we had is the 6% grade between Home Depot and Toys R Us. That's six. The existing code, you might want to know what that is, I'll read it to you here. This is what's currently what we use. It says, "street grades shall not exceed 10 percent in residential streets." That's basically for new residential subdivisions. "...where 6 percent remain thoroughfares." In the next sentence it says "variations from these grades may be permitted by the board where advisable because of topographic conditions. No street grades shall be less than one-half of one percent." And that's not a bad, maybe we should just replace that section in Section 14 here under grade. That gives that flexibility. I know that one street we are talking about that would be where Dozer Road is along the highway. There may be areas in there that may exceed 6 percent. I'm not sure. I've seen various different designs over the course of a number of years, and I wouldn't want to preclude that. At least that gives the Board the ability to look at that in unusual situations where there is no other alternative.

Christopher Hodgdon

We're still talking about the grade. I also note that on 320, which is farther ahead than we've got, I think that there is still a reference to 6 percent under "generally", Row (14) which is a guide to the table. It still says, "Street grades for streets providing access to a subdivision shall not exceed six percent (6%)." I think that that's just a case of the current draft not catching with earlier drafts.

Roger Houston

If I may. I did note, here, a percent on that section as well.

Chairman Rootovich

I'm going to have to follow-up to him because (inaudible) Alderman Vitale just to follow-up while I get some other comments. If it's a follow-up that's fine.

Christopher Hodgdon

It's not really a follow-up.

Chairman Rootovich

Okay.

Alderman Vitale

I'd like to go back to Alderman McLaughlin's earlier comments regarding the medians. I'd like to know from the consultants – there's other areas in the country that seem to be currently installing medians and boulevards and (inaudible), how do those communities and their fire departments handle emergency accesses to those areas surrounding those roads? I know it happens all over the place in Florida. It happens all the way to a place in the Midwest and other areas. I know that our fire department is looking for; I believe it was a 4-minute response rate, and is there any other way that those communities handle that type of an emergency situation? I'd be curious to hear from the consultant how that – why they are still recommended and still used. Those are going to be problems with communities throughout the country. So, why do we seem to have a question about it? There's no doubt that those roads look nice; they are easy to travel on - that type of thing. So I'd like to hear from the consultant regarding that. Going back to the grades, I kind of agree about replacing the language maybe with what was there currently. I wouldn't like to see it changed all to 10. I'd still rather see that go back and look at each situation as it comes up and be more on the conservative side. Again, could we talk to the fire department and find out what they prefer grade-wise as far as response and access to an area. Thank you.

Roger Houston

The issue of grade is also an issue of distance. How far do you travel if the grade – often times if you have a very short distance it's not so bad. It's when you have a longer distance and the grade is more noticeable it creates more problems, especially in a snowy climate like ours. On occasion, I guess, this year is a snowy year. So those are the other issues you have to look at when you are looking at grades. We try to minimize it because it does create problems with the accessibility.

The fire department does not like excessive grades because the trucks, you know, in inclement

weather situation might have a problem getting up, or another vehicle may – I've seen situations on Spit Brook Road, for instance, where we have in some areas there north of Daniel Webster Highway, I think it's in excess of 12 percent. We've had tractor-trailers jack-knife and come back down on the hill there after a light snowstorm. So we do have, and you know, that causes problems because fire trucks can't get around tractor-trailers or other vehicles that may be blocking the roadways.

In some instances, we've required where we've exceeded the 750 foot requirement in subdivisions, I think on Parish Hill, they actually put a median in and an extra wide section on each of the ... so it was a boulevard type of street. That served as 2 ways in because if a car for whatever reason or a tree you'd have a less likely situation in the blocking the road and the fire truck could go up the other way. They will go any way they can in an emergency to get to a fire or an emergency response issue like a heart attack or something like that. Medians are, you're correct, used around the country. A lot of times they are used for access management. I know the City did that. It actually improves in many cases fire response times because you are eliminating some unusual turning movements. You improve the road capacity and you control the road signalization program when you have vehicle cutting across roads, blocking roads.

Likely we see now at the base of Spit Brook Road where we have and during the heavy flow periods where we have cars trying to make left turns out. If there is a median there, you can't make those left turns so cars don't do it. But those cars do block up and it takes away from you optimization that the signal, I think the term is called. So you have a lot of issues like that. So medians in the right place do work. A lot of medians are landscaped or aesthetic values to many communities too. So they have their place, and they are used extensively for those reasons to have access control and management. I think Nashua is – as I said earlier, we do have a lot of rural roads that have been converted into roads that now carry large volumes of traffic. Your right of way is limited. It is difficult to push that right of way unless you start taking a lot of adjacent property, which in many cases are single-family homes. You gulp up against these issues. So you have to look at each item on a case-by-case item. I hope that explains some of the justification for that.

Alderman McLaughlin

Thank you. A couple of points about the median. I wish I was in the middle on medians by the way, but I'm not. To Alderman Vitale's point on how other communities handled medians, I can say that in '94 and '96 when I served in south Burlington, Vermont. One of the pre-eminent roads being designed at that time remodeled for the capability to handle a city center design was Dorset Street, which ran off of Williston Road down to Kennedy Drive. This road was ideally supposed to handle 2 lanes south and 2 lanes north and the median went right down the middle of it. There was an enormous amount of effort by the merchants on the street to eliminate the median because they found it impeded rather than aided the ability of consumers to reach their establishments. Unless these commuters were willing to drive from one end of the street clearly all the way down to another. Or, put up with one-way streets to try to loop in increments to get to parking lots.

I was working personally with my colleagues on the city council there, the city planning staff, and the State Department of Transportation over the wisdom of putting cuts in the median to accommodate greater movement left to right from either side of the median. It was a battle royal, and it generated an enormous amount of passion. It was great public policy debate on transportation and infrastructure. When I left, we had just approved one median cut to access half a dozen businesses that were located in sort of a smaller grouping in the street. That was a battle that had taken almost 4 years. Once they are in, once the median is installed, it is very tough to alter it in any way and have it opened up. That's why my concern, my history with medians is sort of brought up this evening.

To Mr. Houston's thought about medians in the right places can actually aid traffic. Like I say this, down on Daniel Webster Highway, the medians are not aiding traffic. They are not doing it in front of where the Daniel Webster Plaza is because every time there is any type of volume of traffic the stacking lanes are not long enough. It's almost as though they were put there as an afterthought. Maybe they need to be improved and they'd work better. Down toward the Pheasant Lane Mall the piece from the Pheasant Lane Mall itself to Citizens Bank, that particular plaza – Southgate, again, it is very hard when the stacking lanes are full. They are not very lengthy; perhaps it was a design problem. It certainly becomes a problem when the cars attempting to make the turn are in the lane that is meant for through traffic because the stacking lanes are full. That then forces everyone behind them to the right as they attempt to loop around. It just becomes a big old mess. It's a big old mess anyway. As we talked about medians, the placement of them, I think it is very, very critical because they are very expensive and again, very, very time consuming to improve the possible cut or not.

The reason I was really waiving my hand at the Chairman was it had very little to do with grades, so the line above the grades under trees caught my eye. As you look across line 13, where trees are acceptable, obviously you wouldn't want them in an alley. So they are not there and so forth. I noticed another area that they are not allowed or disallowed as in the conservation-type street. My immediate question is why would you not want the possibility of trees in a conservation-type street setting. Is that a logical thing or is that a type-o?

Roger Houston

I don't remember any general discussion on that issue. I think it's because the pavement width is already 18 feet, which is the very minimum. So obviously trees in the right of way, I assume if it's a conservation area, it might very well be trees in the area unless there is a water feature. The trees usually are required in those other areas. That is the only thing I can think of. We can certainly look at that. I don't understand why if it wasn't appropriate to put additional trees in the conservation area. Generally, I don't think you would need to. The least disturbance if possible would be the best course of action if it is a conservation area.

Jay Minkarah

(Inaudible – not speaking into microphone)

Alderman Shaw

I had, a while back, actually looked at that and had a similar question as Alderman MacLaughlin regarding the conservation street and the (inaudible). I took it to be pretty much, I think, it's supposed to apply to conservation, subdivisions, and my general interpretation was it was the intent to disturb as little as possible and leave things in their natural state. So I took it as that you didn't want to require that any trees be, in fact, that you don't allow it because we're trying to preserve things in their natural state. That was how I interpreted that at least when I had looked at it before.

Another follow up on the street items, if you will, when you look in Appendix A. Definitions and streets are defined and listed in yet what seem to be another set of categories or maybe it is a higher-level set of category than page 385. But it breaks things out – at least its kind of sub definitions, expressways, major streets, collector streets, commercial streets, residential streets, service streets, and access streets. So, I think this is where – I kind of had that in the back of my head when I looked at this a while ago, at some point when we were going through the document, it just seems as though we kind of brought in a bunch of different names and categories. It might be that things are still relatively consistent or could be understood, but it also seems that it would be a reasonable area to just try and come back to and make sure that we try to keep things the same as much as possible.

Roger Houston

I think this would be an excellent area where I think the Nashua Regional Planning Commission could give us – maybe clean up this section and make it work a little better for us. They certainly helped the City with the Master Plan relative to the transportation element. I think they could provide us with some excellent advice to get this section where our committee wants it.

Christopher Hodgdon

I'm wondering when a street becomes a conservation street. Is it when one side of the street is bordered by conservation land? Is it immediately at the border? I don't remember seeing it in the description.

Unidentified Male Speaker

I thought it was defined through, again, the definitions where – there's conservation subdivision and then there's one item, which brings you back to Section 1672. I believe also that conservation street essentially is applying to the conservation subdivision. Again, as Mr. Minkarah pointed out, this section is really for subdivisions. I think it really comes back to it's when you have a street in a conservation subdivision that's what defines it as a conservation street. I don't think it's that you're looking to define that somewhere already out in the

community, it's more as a new subdivision that qualifies it or is technically a conservation subdivision. I think that's where it's applicable and very specifically defined.

Christopher Hodgdon

So any street in a conservation subdivision?

Unidentified Male Speaker

I'm not sure if I understand it that way. I just kind of glanced back at that section briefly.

Chairman Rootovich

Any comments on that then? I'm not sure myself...

Roger Houston

If you move forward, I think, it does speak about that somewhere in this code. On page 318, in the middle of the page where it says Row (4) Pavement Width. It says, "nine (9) feet for Conservation Streets in a Conservation Subdivision." So that is your (inaudible) in travel lane width, which would correspond to the 18 feet in the table which would be two lanes. So those are intended only for the conservation subdivisions. I would assume that would apply to all streets in a conservation subdivision.

Chairman Rootovich

Does that answer your question?

Alderman Vitale

Could you give me an example of a conservation subdivision? Is that like the cluster built one – the Orchard Estates up off of Pine Hill?

Roger Houston

The term "conservation subdivision" is new in this code. As I understand it, this does mimic in many respects the cluster subdivision, although the standards are a little – obviously instead of a 24-foot wide street, it might be a private street. You'd have an 18-foot wide street.

Chairman Rootovich

Anything further? Right through 612. I'll continue. 16-613 Access Points and Curb Cuts. 614 Connectivity.

Christopher Hodgdon

In 613, I'd like to have the committee look at Tables 573-4 and 613-4, which is at the top of 324. This may be a case of the standard being impractical in its application. At least in the context of how this city could grow. I think that given our minimum lot width requirement, it is going to be difficult to have the type of spacing that these tables or distances to the nearest corner that these tables specify. I just wonder whether you really want to have this sort of requirement in here. I think it is very impractical in its application. There is a provision for, in 2 in both cases. I guess they're kind of mislabeled. One should be 3 and one should be 2. But I just wonder why we have these specs. I'm having a hard time envisioning how it could be applied given the minimal lot width.

Chairman Rootovich

— Roger, these are new right? These are not in the old zoning book? The charts that he is talking about?

Roger Houston

I believe these are new, yes.

Chairman Rootovich

I don't remember seeing them in the old one.

Roger Houston

It may be appropriate to have the Nashua Regional Planning Commission to consult to look at those and give some advice on those.

Christopher Hodgdon

As we continue to look at (d) we're talking about Throat Length, which is the distance from the edge of the property until the end of the driveway. The end of the driveway is when cars can start to exit the driveway or (inaudible) into a parking area or parking spaces. As the road to pass it grows from a collector, to an arterial, to major arterial the length at which cars need to be on the driveway increases. If you think about it in an application, if you have a major arterial and you have a driveway that has to be 55 feet long before you can pull off that driveway into a parking space, I wonder what in the end you are going to have in terms of the development on that site. You're going to end up with an extremely long driveway, which the intent I guess is to allow cars to be in that driveway stationary than on the road, which is certainly no wants it in the road. Even if you think about how that is going to look and compare that to how driveways are high volume streets are now, I don't think it really works that well. This would apply to

commercial development as well, not just a residential subdivision. If you have a commercial development that is on a major arterial and the driveway throat when it is required to be 55 feet before it can be a point where a car leaves the driveway and can pull into a parking space, I just think that is impractical given the desire on the part of the commercial landowner to have in the part of the city to have the structure near the road and have their property visible to people. Maybe I need to have this explained to me a little bit. I'm having a hard time understanding how the work in practice.

Chairman Rootovich

Good question. It's almost 20 yards. That's quite a bit. Any comments?

Roger Houston

I know the previous city engineer did weigh in on this chapter quite significantly. I think the Nashua Regional Planning Commission could give us some viewpoints on that. If we need to either modify these that would be the next step.

Chairman Rootovich

I do share Mr. Hodgdon's concerns with this though. You know what the (inaudible) wide is put in here. It wasn't (inaudible) zoning I never thought it would be an issue and why all of a sudden that was put in.

Christopher Hodgdon

The last sentence in (d) reads, "The purpose of the driveway throat length is to allow for traffic entering the site to be stored on site in order to avoid a queue of traffic on the street...." I guess that's the reason for doing it. It would seem that the best place to store traffic is not in the driveway; it would be to get them in a parking space as quickly as possible.

Roger Houston

If I may, and I know this is kind of a standard access management on a site plan review. When you come in off of the street, you come in and you want to get the cars from an intersection (inaudible) or not into the shopping center or the commercial center as quickly as possible so they take less time from the main thoroughfare. So you don't have any backup. If you have cars going right into parking spaces or backing out that is going to queue traffic back into the main road. So that is going to reduce capacity on that main road especially during the peak periods. A lot of these things are access management. I'm not an expert in access management. I know enough about it, but the throats are something that normally are reserved for commercial shopping centers, office parks, where the idea is to get the cars in off the street as quickly as possible or into the other street and quickly as possible and not have any interfering movements

of cars backing out, reversing, and those sort of things that can happen if you have don't have a throat.

Christopher Hodgdon

Maybe the throat needs to be correlated to the use and the road it's entering off of.

Alderman Shaw

One thing is it does seem like you can't have that requirement without necessarily impacting the ability in terms of how many cars you can park in an area. It's just more of a matter of, I think, bringing the vehicles in. Even if you kind of have them do some type of a U or curve right back out even if they were heading back towards the roadway, its that idea of I think what you said trying to get them off, get them in so that they are – as soon as they pull in ready where somebody is merely backing out of a parking space or that kind of thing. I think it might be that obviously it depends on the specific site if you have enough flexibility, but it would seem that by doing that you wouldn't necessarily have to take away from existing parking but just by simply kind of helping bring the cars into the center of the lot even if they are basically kind of u-turning backing towards even the front curb if you will. That would work.

The other thing I was wondering about – one thing is just why, I think this again looks like housekeeping stuff where we have this Table 573 in the midst of all the Tables 613. I was also wondering if there is either a reason why – the driveway access spacing table and the driveway approaching table one starts at 35 mph and the other starts at 30. I kind of have a couple questions in that regard. Does it mean that there is no limitation or restriction if you have a 30 mile or 25 mph road that you are dealing with, or do they go to this lower one, or should we have something that does account for those. It's not clear to me how you would interpret that. We do have a number of roads that are marked at 25 and 30. I'd be curious how that would be employed. It is not clear to me just looking at this how it would get applied.

Roger Houston

I think that is an excellent idea. We could certainly have the consultant look at that and get back to us. As I understand when you get to a 35 mph street, if you don't have spacing between access points, there is a certain amount of distance and stopping time if someone is backing out into a street or driving out into a street to actual see him and stop. That's the idea behind the driveway access spacing, especially on higher speed roads. Usually it is not as big a problem on the lower speed roads as generally they are driving that fast and you can see a car coming out of a driveway. It depends on the visibility if you have hills, lots of trees; you have fences, curves, and all these other things to that you contend with on a basis especially in Nashua. You have to look at – it's a standard that I know the traffic engineers use. It is a pretty normal standard. It could be explained a lot better than I could.

Chairman Rootovich

Anything further? 16-615 Intersections and Layouts. 16-616 Private Streets and 617 Sidewalks and Pedestrian Rights-of-Way.

Jay Minkarah

(inaudible – not speaking into microphone)

Alderman MacLaughlin

Same page but a little higher up in the 16-615, line (b), it refers to the Board that may require a greater or allow a lesser and so forth. Which Board?

Chairman Rootovich

The Planning Board.

Alderman MacLaughlin

Okay.

Chairman Rootovich

The Zoning Board I would assume.

Alderman MacLaughlin

Should we clarify that?

Roger Houston

I just wanted to point out – I should have said something, I know if Mr. Lowe were here and not upstairs, he was looking for the shared access provision in the ordinance at the last meeting. It's number (f) on page 324. I know one of the issues, and I know the Planning staff and some of us had some concerns with Section 16-614 Connectivity. I don't mean to backup here. Generally speaking that has not really been a big issue. I know we've had some streets that have had stubs in the other existing subdivisions that the Board of Aldermen have reversed sort of speak. This section speaks to that – this would make that a requirement now as part of a subdivision. It is a little confusing how it's calculated. I'm not sure given our state of development in this City whether or not this is going to be an issue or whether that section in its entirety could just be removed.

Chairman Rootovich

Anything further? Roger, on page 326 section (d) what is AASHTO stand for?

Roger Houston

AASHTO ...tape flipped... I'm not an engineer, so. It might be in...

Chairman Rootovich

It's no biggy.

Roger Houston

We can get you that information. I probably have a book where – it's a recognized standard, but all that are used throughout the United States. My civil engineers and everyone refers to it as AASHTO. It is one of those acronyms that has become a word in itself. Unless you are one of those that belong to that association.

Chairman Rootovich

Anything else? 16-616; 16-617.

Christopher Hodgdon

I'd like to ask the Committee if it would consider the necessity of having sidewalks on both sides of the street rather than just one side of the street?

Chairman Rootovich

What's your concern with having sidewalks on both sides of the street?

Christopher Hodgdon

Just the cost of construction, maintenance, increases for cleaning the roadway.

Chairman Rootovich

Are you asking on all streets or just basic neighborhood streets?

Christopher Hodgdon

With reference to the standard for single-family developments in particular. Obviously there is a utility in having sidewalks on both sides of Main Street since there is a lot of pedestrian traffic. The question, I guess, is it necessary in a residential neighborhood where you don't have a lot of

traffic anyway and you are trying to not have a landscape that is dominated by the road.

Alderman Vitale

I don't think I'd want to get rid of that of saying having sidewalks on both sides. I look at the neighborhoods like on Concord Street has the road and sidewalks on both sides. I don't find any problem with that whatsoever as far as looking concrete, concrete, and concrete. I like that look in a neighborhood. I think that the residents would use it. I think on first blush you might look it as too much, but once it is there the neighbors do use it. We have some many neighborhoods in the City that have schools. It would be great if we had sidewalks in every neighborhood the way the City is now. I can understand why they weren't put in originally. We weren't that type of City. There are some many other areas that I really see that would benefit from having sidewalks on both sides.

Chairman Rootovich

I hear what everybody is saying. If you have a development in a rural area and you have a house that is every 100 feet, sidewalks on both sides, it really doesn't mean much. I guess it depends on the development. I could see her point as well. Out of R9 development, obviously close to a school, that is a whole different scenario situation. A lot of the developments in the City are now probably going to be those types of homes where they are 100 feet apart and there may only be 5 homes at one street where the developer has to spend money to build sidewalks on both sides is a whole different scenario.

Christopher Hodgdon

I think Concord Street is not a common neighborhood street in any community, particularly Nashua. I live on a fairly busy street, certainly not as busy as Concord Street. There's a newly constructed sidewalk on one side of the street, and that is the side that I use. SO I think in generally terms you are right when you are considering the types of developments that are going to be built. They are not going to be a Concord Street. They are more likely to be a quieter more rural street and houses are spaced out more. Not likely to have a major State route at your front steps.

Alderman Vitale

We had this discussion when we were talking about Dublin Avenue. Some of the perception came out that it actually decreases your value if you were to have a sidewalk. I have never heard that before. I have always heard it as a benefit to having a sidewalk in front of your house versus not having the benefit. Nor if you in the City and your family may be with the exception of the neighborhood I live in and a couple of others where the houses are spaced further apart having that sidewalk there to walk from one place to another on your side of the road versus having to cross the road or having your children cross the road, I still see it as a benefit. It's

something that we should aim for and there is going to be those developments that don't need it, then they can prove their point that way. I still think having it on both sides is a benefit.

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Roger Houston

This is an item I know the committee has kicked around quite a bit. I think it came out that they wanted to leave this in on both sides and that there is a waiver provision in there for those situations where it may not be needed, then the Planning Board can look at that situation, but the general rule would be on both sides. There are several streets, I know, in well Berkley Street is on a major road, Chester. There is a number of them that have sidewalks on both sides of the street that are – very desirable single-family neighborhoods and you have large trees, the sidewalks, and you have the street, the kids, and the people walk on the sidewalks and they don't in the street usually. In other areas you don't have that in some of the newer areas where we should have had sidewalks built. I think that has been a problem. I know the chairman and I remember on Harris Road just trying to get a sidewalk on one side of that if you recall. There was never a sidewalk built when that was done and it should have been. I think there are countless types of issues that we have here that need to be addressed. Although it is a little late since we are primarily built out, but this will help in those situations with those few subdivisions who we have left.

Christopher Hodgdon

Our observation would that one sidewalk, certainly a sidewalk, is reasonable and desirable in the community and it's in that type of development. I wonder whether the waiver that was mentioned is available for reasons other than the preservation and natural features, or to provide visual interest. It seems to – it certainly suggests that exceptions are permitted. But it also says why they are permitted. I wonder whether someone reading this document would have any reason to believe that a waiver should be favorably viewed for any reason other than the two reasons mentioned in the document.

Roger Houston

If you turn to page 329 there's, generally speaking, the Contribution in Lieu of Sidewalk Construction if it meets a certain standard of test. That's what we have in today's ordinance. If you have a cul-de-sac, if you have some other issues, I know the Board has been good to balance those different issues out and come up with a solution that will serve the people to walk, the kids that go to school, and everyone that uses sidewalks. Whether you need them on one side or the other side - how large are the lots? Are they acre lots? We had a subdivision in Tanglewood, I think, we just had it on one side there I recall. You have to look at the situation and the - I think the Planning Board does a good job of doing that. Having the standard there and you want to go from the standard and whatever the committee felt was political on this issue.

Chairman Rootovich

I have on page 329, Section (e) it does say that the Planning Board can accept contributions in lieu of the sidewalks. It's kind of one hand is saying it's required on both sides, but on the hand it's saying that they can.

Roger Houston

I just noticed a type-o on that same section here. While I'm at it I'll just mention it. Under (e)(4) it says, "The Board of Public Works..." that should actually be the Planning Board and not the Board of Public Works.

Alderman MacLaughlin

I appreciate the first one that brought the question up as to whether to allow mandate sidewalks on both sides of the street. Safety is obviously a primary concern. I certainly understand the need for sidewalks. There are currently residents who don't have sidewalks in the City that would love to have sidewalks on their streets. Both sides, though, I really wonder because when it comes to the development or construction of a street, if you are developing a street like Kerry Lane, which is not even a half mile long and you are putting sidewalks on both sides, that would cost much less to the developer and much less to the City to maintain properly than lets say if you were building a street like Spindewick Avenue which goes considerable longer. There is a sidewalk on one side of that street, and if there had to be two, I can only imagine the impact of cost on the development. Then there is the question always of maintenance. Having a new sidewalk is great, especially if there are wear and tear on the surfaces of the sidewalks, or the machinery used to clear them in the winter, or mow around them, or edge them in the summer, or tree roots that might extend underneath them – the question of who has to maintain them, repair them, and keep them in pristine condition so they are safe? My question on what the original issue was as to whether or not sidewalks should be mandated to be on both sides, I think it should be optional. Sidewalks absolutely, but on both sides I'm concerned about costs relative to the upkeep over time once the development is built. My preference would be just to say sidewalks may be located on both sides of the street. Or if that isn't the will of the committee, then perhaps expand the list of exceptions that might be granted.

Jay Minkarah

(inaudible – not speaking into microphone) I wonder if we could look at this between (inaudible) and expand that section to apply to all subdivisions rather than just the commercial (inaudible) going down and striking the beginning and capitalizing the "t" in the. (inaudible)

Alderman Shaw

I guess what I think perhaps we'd like to see happen in some of these subdivisions is, I think the roads that are at the furthest reaches typically your cul-de-sacs or short run streets that may be

interconnected between some of the more collecting streets in a given neighborhoods, those ones I think there really isn't a great need or requirement for the multiple sidewalks. I think as you get further out and as you get almost moving to the edges of the subdivision, or to more heavily traveled roads, that's where you are more likely to want to have the sidewalks on both sides. Kids walking to bus stops, or to a school. Those kinds of situations. I think it is really, in my mind, comes down to somewhat of a common sense or just a practical nature of implementation. I don't know how easy it is to try to define that again, or if we do some sort of up front exception. Maybe cul-de-sacs are a one up front that you can say you do not require the sidewalks on both sides. Or maybe try to expand that a little bit further. To me that seems like the kind of balance you might want to reach here. You try to avoid the blanket requirement where there really isn't a great benefit. It ends up being nice to have – especially I'm mainly thinking about the safety factor especially the whole kids back and forth to bus stop or schools, Think. I really want to do a test type of thing towards – that's what I'd like is to try to consider if we can figure a way to codify that kind of approach.

Alderman Vitale

(inaudible) it was brought up about the cost of the developer. I'd like to know what a sidewalk costs per house to put it in for R9, R30, whatever. What is the actual cost to put that sidewalk in? I bet you when you break it down by house; it's not really that much money in the long run. It could be passed on to the purchaser. I bet it's not really that much money with the benefit that you are receiving.

Chairman Rootovich

Alderman MacLaughlin, remember what the costs how they were broken out on Lamb Road?

Alderman MacLaughlin

No. I haven't seen it broken out that way. I would agree with Alderman Vitale's point that the structural requirements for the sidewalks are not typically – I don't believe they are really all that significant. It's usually, I think, relatively small depth of the packed gravel. Mr. Houston might know that a little bit better than I or somebody else might. Then a relatively thin coating of asphalt seems to be all you need. You're not doing curbing or anything else, so I would think – and most of the time that gets put in at the time – not the final pavement, but I forget what coat they typically refer to that – the rough coat or whatever seems to be, based on my experience at least out in Maplewood, that seemed to be the approach. I would think that for the most part it's not really going to be a significant adder, especially when it is being done with the rest of the work at the time.

Roger Houston

Sidewalks are fairly -especially asphalt are fairly inexpensive if a developer is in there putting in driveways and building the street as well, it is a small cost. If the City goes and goes in after the fact when the subdivision is (inaudible) and we have to go back and put it in because we didn't

have this standard in the first place, then it is going to cost us anywhere from – it's a lot more expensive because sometimes you have to buy right of way, take down trees, relocate stone walls, deal with grade issues, there is a whole host of things that you have to retrofitted in and it can be as high as \$125 a lineal foot. If you are out there doing it when you are doing the subdivision, your cost could be as low as \$15 - \$20 a lineal foot. So if the contribution fee is now in lieu of is \$50 a lineal foot based on what the cost the City to do a standard 5-foot wide asphalt sidewalk with curb.

Alderman MacLaughlin

Thank you. I totally appreciate the point of view shared by my colleague if it is an asphalt sidewalk, sure it probably is easier to put it in and it costs a little less. But, if it is concrete material, it might cost a little more. My concern isn't strictly relative to that upon the developer, the company that might be building the streets, or the homes, or the sidewalks, but ultimately once they are built who is really charged with maintaining them? As we all know, we've heard discussions at the bull board level, safety during the winter time, the same could be said over time as to wear and tear occurs, who is responsible for maintaining the sidewalks? If it is the City's responsibility and there is issues as to how fast the sidewalk system might get cleared after a snowfall, like it is snowing right now, that ultimately what is the cost to the taxpayers? If is not the individual whose home the sidewalk runs directly in front of, does the cost of maintenance fall upon the taxpayer as a whole, and therefore shouldn't we not consider whatever impact that might be in terms of the need to purchase equipment and whatever that might be on the taxpayers. That was the reason I brought that up. I just think it is worth of thought now before we make it a mandatory thing. The way that starts, the sidewalks shall be located on both sides of the street. You have to keep going to find out, oh, but then again it is just the way it starts out it just says straight up front. You've got a street; you've got sidewalks on both sides. I just think if we can somehow strength either the waiver section or put a little note saying, with the exceptions of certain waivers and that kind of thing, I'm afraid that on this particular point, we're being very rigid. At least that is my impression.

Chairman Rootovich

Anything further? Section 16-618 Street names, signs and house numbers.

Roger Houston

I think we need – the RSAs were recently revised relative – I think the governing body, which is the Board of Aldermen, now changes street names.

Chairman Rootovich

We've always done that.

Roger Houston

Well you have and you haven't. If it is a subdivision, then Planning Board has done it in the past as part of the subdivision approval process. The street name and the Fire Department also approves it as part of that process. If you want to change the street name when it is currently through the Board of Aldermen...

Chairman Rootovich

Once the street has been accepted by the City, then it is up to...

Roger Houston

Exactly. This kind of implies that the administrative officer – obviously it says – this is in the existing code, but I think it needs to be looked at to make sure it conforms too (inaudible).

Chairman Rootovich

Anything further with Division 10? Moving right along to Division 11. Storm water Management. Roger, again, anything here with respect to this Division any new language, graphs, charts, significant language changes as opposed to occurring ordinances?

Roger Houston

This, if I may, this section was one of those sections that was just recently adopted by the Board of Aldermen where a consultant was brought in. You have to bear in mind that it has been 3 or 4 years ago. My recollection is that there were not changes in the standards and that these were pretty much what was existing language. So if there is, I'd be surprised. I'll double check to make sure the language is the same.

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Chairman Rootovich

Any questions with respect to the purpose? Section 16-620 Applicability. 16-621 Stormwater Management Standards. 16-622 Easements.

Alderman MacLaughlin

Thank you, Mr. Chairman. It is very interesting that we crossed this section on stormwater management and water issues this evening. Following as it does the incredible impact of the discussion that we've had about the Conservation Commission. My hope in this section is that if this is based on a 4 year old recommendation, that it reflects what we have learned, works, or needs to be improved about water quality control and to do anything possible to strengthen the hand of boards – the Planning, Zoning, and the Conservation Commission. To make sure that what we are talking about in terms of the development and what we have seen, unfortunately in past development which may not have maintained the integrity of the watershed or runoff areas, or anything like that but this is one of the strongest pieces possible in committed the City to

protecting our water system. I just wanted to say that for the record because it seems like to me, and I'm not an expert, that it seemed very protective. In cases where other sections I've looked at where I almost said maybe we are too intrusive, perhaps here is a case where I need to adjust my thought system enough to say are we being protective enough. Clearly it seems to me that if we are watering down (no pun intended) anything in this section that would make development easier to intrude upon the watershed, the water table, or anything like that, then we need to address that right now. We are in a very serious moment with one Board in particular as we decide the direction of it for what could be years to come. We can't do enough, and the discussion of the whole Pennichuck acquisition I find very timely with this particular piece of the code as well. I'm not sure how the rest of the Committee feels, but that is my viewpoint. Thank you.

Chairman Rootovich

Anything further?

Alderman Shaw

This is just a minor style thing, but there's use of the acronym in Section 16-621 (c) – BMP, which was then later defined in Section (d) (3) (b), which is best management practices. So we just should define that earlier because it looks like that acronym gets used multiple times. But when I was first going through it I was trying to figure what a BMP was in this context and found it. So.

Chairman Rootovich

Anything further? 16-623 Operation and Maintenance Plans. 16-624 Plan Review and Approval. Division 13 Utility Standards for Subdivisions and Site. Roger, anything in this section that we should be aware of, any significant changes? Additions? Omissions? Dramatic language changes?

Roger Houston

I'm trying to remember.

Chairman Rootovich

Not necessarily in that order.

Roger Houston

I'm trying to remember. I don't think there is anything dramatically different in these sections unless there was some clarification. I think under 16-631 (b) there is a reference to the DES. I don't think that is in the existing language. I'm not sure if we made any changes to 16-633. I would have to go back and check that. It looks like it is the same as the existing language in the

code. It is unusual language, that's why it looks like it is the same. The existing code is similar – unusual in that respect.

Chairman Rootovich

Are we through with 16-630 Applicability? 16-631 Approval Required. 16-632 Standards. 16-633 Review of Subdivision Plans. Comments? 16-633 Individual Sewage Disposal Systems. There's another type-o there. We're missing a 634 and 635. This document is out of control right now.

Unidentified Male Speaker

At the top of page 337 goes to 634 and ...

Chairman Rootovich

635 and 636, and 637 easements...

Alderman McCarthy

Ironically, if you add them up, they come out to the right number.

Chairman Rootovich

Any comments? Concerns?

Alderman MacLaughlin

The number thing is rather important because under the current 16-636 I would wonder why would anyone refuse disposal?

Chairman Rootovich

Any further questions? Article VI. Excavation Regulations. 16-690 Applicability and 16-691 Operation Standards. 16-692 Sketch Plan. 16-693 Reclamation Plan. Finally, Article VIII Utility Structures. Anything in any one of those sections – 801, 802, 803, or 804? There being no concerns, that pretty much finishes the book. The rest of it is Administrative Agencies, which is pretty much regulated by the State, RSAs, and then you have the definitions. I don't know if the Committee would like to go through the definitions. I don't know if there is a need for that? I would encourage you to look at them on your own. If there is any issues at the next meeting you can bring them up. I think everything is pretty simple and takes care of the entire book. Roger, when do you think we'll have some sort of spreadsheet per say and start going back and start making some decisions on this? I know we talked about the contract going forward and being signed. Realistically are we looking a month away, 2 months? Just to get a handle on a time element. I know there are many people in the business community that have some concerns as

well so. I want to get a handle on approximately how long do you think that will take?

Roger Houston

When I spoke with Mr. Hunt with the Nashua Regional Planning Commission, he is going to be the point person for them on this project. He indicated to me in a memo today that he could start on this right away. You may want to meet with us. I'm going to try and meet with him first thing on Monday.

Chairman Rootovich

Please.

Roger Houston

Maybe we could set a time I could maybe arrange if you want to come in we can speak with him. My idea is to get him started on the matrix as quickly as possible, then we can start – he may not have an entire matrix of every, but we'll start with the first minutes and he can start developing the matrix and we can start talking about those item on the matrix at that point in time as issues so we can keep the process moving. That would be one way of doing it. IF we wait for him and say let's just have this one big...

Chairman Rootovich

I think we should have it in sections as well.

Roger Houston

In sections – that works for me and that moves the process along if we have to wait for someone to compile a matrix whether it takes him a month or so – it might take that process out longer. (inaudible) this process longer. At least I hope not.

Chairman Rootovich

Mr. Lucier, do you have any comments before? Mr. Minkarah do you want to address your particular memo with respect to Division III? Just give us the readers digest version.

Jay Minkarah

I didn't give everybody the red-lined copy, so I don't know if I'll use it to follow it.

Chairman Rootovich

If you don't it does make a significant difference without the red-lined copy.

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Jay Minkarah

It might be easier for people to actually turn back to Division 3. It's going to start on page 263. Most of these were changes – actually there are some substantive ones, but a lot of the changes are simply because I very much struggled in this section with how to just figure out how to interpret it and how to apply it. Starting off in the very beginning of it where it starts with Adequate Public Facilities and goes through the purposes – that didn't change at all. You first see some changes when you get to 16-530; those are very, very minor. While I was at it why not, just a pet peeve of mine, shall is conditional when you adopt regulations, they are actually current. Those are very minor. Those are just wording issues.

Going on to the next section where there would be changes would be under subsection (b) Decision. I'm not sure where people are following along. These are really not substantive. They are largely wording. I found that section (b) to be very, very confusing in simply how it was worded. In the original it says "The Planning board shall not approve a site plan or subdivision plat unless it determines" that...shall be approved. The language was just very confusing. These are really not substantive changes. Just language changes. Really, I think that for the most part continued through most of it. A lot of it was just repetitive. Probably the biggest change that you're going to see and I don't think it changes the intent significantly, is if you're looking in the original draft and on page 266, this was the area that I really had the most difficult with. We talk about the adoptive level of service standards and how to calculate them. On page 266, 16-532 Methodology and Criteria – it kept sending you back up to this table, and the bottom line it seems to all just come down to one point – the level of services (d). So if you are looking at the red-lined version, you would see that all of that section was eliminated completely.

Turning on to the next pages, pretty much it was all replaced with very simply that the Planning Board determines – I think was the word, methodology and criteria for determining availability and adequacy of public facilities is determined by the Planning Board. That is the very last page of the handout based on the standards in the Master Plan Capital Improvements Program and prevailing (inaudible). There just seems to make the most sense. I don't think we had a consensus that we should be (d) or less throughout the City. That seems to resolve it. That simple change though wound up eliminating the better part of the section which was oriented around do you calculate the level of service. If you were going into your original draft, you'll notice on page 268 there is that long list of all of the different uses. Again, all of that relates back to how do you interpret the level of service, which as I mentioned all comes back to that no matter what you do. It is level of service (d) unless it is lower than that, which means that it is (f).

Basically, all of that was just eliminated. That is really the primary change. Most of it was wording until I got to that section and eliminated almost all the rest of it based on that level of service issue and just put it into the hands of the Planning Board to determine based on the Master Plan and the CIP. I would just briefly note that the Master Plan does have level of service information in it for intersections and streets throughout the City, which I had assumed would be the guide that they would use.

Alderman McCarthy

Yes. First a technical clarification. On the middle page of your handout, Jay, under Advancement and Capacity, I assume that the paragraph numbering should have stayed the same as it was in the original document? One of the numbered paragraphs seems to have jumped out to be a...

Jay Minkarah

That might have it. I'll restructure with these when I change them and they have the automatic. So.

Alderman McCarthy

Yes. So that should be 1, 2, 3, and 4.

Jay Minkarah

Yes. You're right. Sorry about that.

Alderman McCarthy

I guess the only question I have is I tend to agree with you on the methodology being fine that way, but I wonder whether the bulk of that section is in there in an attempt to make the decisions of the Planning Board for defensible because we have a substantive definition of what level services rather than have a subjective standard that the Planning Board applies, which is where we get into trouble with a large number of our subdivision ordinances. So.

Jay Minkarah

I thought about that. There was an alternative that I thought of because I still really couldn't figure it out based on this methodology. One of the alternatives I thought of doing was either bringing in, actually, the level of service designations that we currently have in the Master Plan or the various streets that are listed, which of course isn't every street in the City, but they do look at the major ones. Or in the alternative referencing in the Master Plan – the only problem I have with it is when you look at the Master Plan they talk about the level of service. They are not really saying that it is ideal or it's a standard, they talk about what it is in certain areas. I struggle with that. I thought maybe we even want to list our major streets and say this is a level of service we find acceptable. I guess I kind of took the easy way out and said the Planning Board will do it based on these documents, but I think that's definitely a concern.

Alderman McCarthy

Yes. I actually think that in the end we may want to think about this in a context that is even bigger even in the rewriting of the Land Use Code, which is as part of a more concrete extension

of the Master Plan, we have talked about doing sort of city-wide traffic analysis. Frankly, every time I have the discussion of rearranging the one-way streets in downtown or any of those level of details, we come back to the same thing. At some point we are going to have to invest some money in understanding traffic throughout the City and coming up with a plan and then articulate in our Land Use Code regulations that pushes us closer to and not further away from a more reasonable traffic flow. I don't think anyone will argue that we have succeeded in making traffic flow better or having less of it in the last few years. Ultimately, that is what this section tries to get us towards. I think we need to understand and this Committee needs to look at how we are going to do that in the long term. We certainly, at least in the immediate downtown area and the areas around our larger arterials, have a need to go out and do some work on understanding the level of service that we have and that we could get on those roads. Then we need to link that back into our Master Plan and into the way the zoning takes place on parcels along those roads.

Jay Minkarah

I would agree and to just take it a little further. I think that doing that level of analysis would address a lot of the issues that we were talking about earlier about the median strips and where they are appropriate, or aren't they appropriate, or do you want sidewalks or don't you want sidewalks in certain areas, what should the distance be from driveways and intersections. All those really are issues that come back to those same questions of what makes sense from a comprehensive point of view.

Chairman Rootovich

Thank you, Jay, I appreciate it. Any further discussion.

MOTION BY ALDERMAN MACLAUGHLIN TO TABLE O-04-19

MOTION CARRIED

NEW BUSINESS – RESOLUTIONS - None

NEW BUSINESS – ORDINANCES - None

DISCUSSION

Alderman McCarthy

I was just given a document that I'm going to put in the back room and I'll send a memo out to the Board about its existence. This is, I think some of you may have seen it in previous years, the New Hampshire Economic Review as published by PSNH. It is actually pretty interesting and reasonably good news. In the national statistics that are published in here, New Hampshire for – these numbers are a few years old, but basically we have the lowest tax burden in the United States given as government revenues and percentage of income. We have the lowest

crime rate in the United States. We have the highest standard of living. We are tenth in the percentage of college educated citizens. We are seventh in per capita income. Right about in the middle in growth rate for the 50 United States. Members of the Board are encouraged to take a look at this. I thought it was interesting news. It is sometimes counter to the way tend to look at ourselves. I think it is actually all very encouraging.

Unidentified Male Speaker

Every member doesn't receive that from the Public Service, I have several hundred copies I'd be glad to drop them off so everyone can have one. I don't know, does everyone want a copy in their mailbox?

Alderman McCarthy

I don't know whether we have all received one or it.

Unidentified Male Speaker

I'll drop off a couple dozen or so.

Unidentified Male Speaker

I just ordered some for everybody. I have many of them.

Chairman Rootovich

Anything further?

ADJOURNMENT

MOTION BY ALDERMAN VITALE TO ADJOURN
MOTION CARRIED

The meeting was declared adjourned at 8:50 p.m.

Alderman Kathryn D. Vitale
Committee Clerk