

NASHUA CITY PLANNING BOARD
May 20, 2004

A meeting of the Nashua City Planning Board was held on Thursday, May 4, 2004 at 7:10 PM in the Auditorium at City Hall.

Bette Lasky, Chair conducted the meeting.

Members present were: Bette Lasky, Chair
 Mike Lowe, Mayor's Representative
 Ald. Richard Larose
 Steve Dookran, City Engineer
 Steve Farkas
 Hugh Moran

Also present: Roger Houston, Planning Director
 Mike Yeomans, Deputy Planning Manager

APPROVAL OF MINUTES

None

COMMUNICATIONS

Mr. Houston said the following items should be in the Board's folders:

Memo to Mike Yeomans from Wayne Husband, Supt. of Traffic Department, relative to New Business Item #2, Mine Falls Estates, 502 West Hollis Street

Preliminary Agenda to determine regional impact

Technical Review Meeting Schedule for future meetings

Letter dated May 20 to Tim Watson from Jon LeBrun regarding Mine Falls Estates, Item #2

Letter dated May 20 to the Planning Board from St. Phillips Greek Orthodox Church relative to some concerns relative to the site plan for Mine Falls Estates

Traffic report or outline dated May 20 addressed to Mr. Yeomans from Kevin R. Andrade from the firm TEC on Mine Falls Estates

Request by the applicant concerning Site Plan #3, Residences at Jackson Falls, 52 Main Street to table meeting to June 17 - they may decide not go forward with the extension depending upon how

quickly their engineer can prepare the plans and get the building permit application submitted.

Discussion Item - Toureen Realty - This concerns the elevations that the Historic District Commission just recently approved last Monday night as well as their proposed stipulations

REPORT OF CHAIRMAN, COMMITTEE & LAISON

Ald. Larose said there was a Planning & Economic meeting Tuesday night. There was a discussion on the Jackson Falls condominiums. There was a good discussion with the Economic Development Director. They talked a little bit about the pub, about the river walk and the Jackson Falls project.

Mr. Lowe asked if he could have a copy of the minutes from the approval of the Jackson Falls condominiums when it comes up again. He said there were some back and forth conversations about whether or not the builder of the condominiums was supposed to build part of the river walk or whether the City was supposed to.

Mr. Houston said they will provide those for the June 17 meeting.

Mrs. Lasky went into the procedure of the meeting as follows:

After the legal notice of each site plan or subdivision is read by the Chair, the applicant or his representative will be given time to present an overview and description of their project. The applicant shall speak as to whether or not they agree with the staff stipulations.

The Board will then have the opportunity to ask questions of the applicant or staff. The Chair will ask for testimony from the audience, first anyone wishing to speak in opposition or with concern to the plan may speak. Come forward to the microphone and state their name and address for the record. This would also be the time to ask questions they have regarding the plan.

Next follows testimony coming from anyone wishing to speak in favor of the plan before the Board. The Board asks that both sides keep their remarks to the subject at hand and try not to repeat what someone else may have said.

After the public testimony is given the Board will discuss the issue and render their decision

NEW BUSINESS - SITE PLANS

Postpone to June 17, 2004 Meeting

3. **Jackson Falls, The Residences at Jackson Falls, LLC (Owner) - Proposed 1-year extension for the construction of a 5-story, 22-unit multi-family apartment building with associated access, parking and site improvements, 52 Main Street, Sheet 43 - Lot 103, Zoned "CB/MU" Central Business/Mixed Use Overlay. Previously approved by the Planning Board on July 10, 2003.**

MOTION by Mr. Lowe to add the E. Hollis Street Area Plan to the agenda under "Other Business."

SECONDED by Ald. Larose.

MOTION by Mr. Lowe to take the East Hollis Street Area Plan out of order and place it as the first item on the agenda.

SECONDED by Mr. Moran.

MOTION CARRIED UNANIMOUSLY

Other Business

East Hollis Street Area Plan

MOTION by Mr. Lowe to approve the East Hollis Street Area Plan with the following amendments:

1. Appendix is for reference only, and not part of the East Hollis Street Area Plan.
2. Page 47, the illustration is to be modified to remove the potential future street.
3. Page 27, Zoning/Parking - Parking maximums should be stated as "not less than" from "not more than."

SECONDED by Mr. Farkas.

Mr. Houston said that he believes the Board adopts the plan, not accept it.

Mrs. Berchtold said something away from the microphone. Her comments could not be heard. There was a discussion about whether the motion should be amended.

Mrs. Lasky asked why the diagrams are in the appendix.

Mrs. Berchtold said there are eight diagrams that are pretty detailed. They didn't include them in the recommendations so they put them in the appendix.

Mrs. Lasky asked if there was anything in them that was not part of the body of the plan.

Mrs. Berchtold said that is correct. They are the details to the improvements contained in the main transportation diagram in the plan. If they want to move them into the main part of the document that can be done.

Mrs. Lasky said they can't adopt them if they aren't part of the plan as it is now. She asked if there was an addendum to the plan if it would require another public hearing.

Mr. Houston asked if it is really an issue.

Mrs. Lasky said it's a visual enhancement to what is in the plan and Mrs. Berchtold agreed.

MOTION CARRIED UNANIMOUSLY

Return to revised agenda on motion by Mr. Lowe, which was seconded and carried by remaining members of the Board.

OLD BUSINESS - SUBDIVISION PLANS

None

OLD BUSINESS - SITE PLANS

None

NEW BUSINESS - SUBDIVISION PLANS

1. Joseph P. Jr. & Marguerite Christiansen (Owners) - Proposed subdivision of one lot into two single-family lots, 169 Concord Street, Sheet 49 - Lot 193, Zoned "RA" Urban Residence.

Steve Auger, Hayner/Swanson, 3 Congress Street, Nashua. Mr. Auger said the owners are in the audience, as is Atty. Gerald Prunier who is providing legal counsel for them.

Mr. Auger said the property in question is located at 169 Concord Street in between the intersection of Damon Avenue and Concord Street. It abuts the PSNH Power Easement and is across the street from the Clovelly Apartments.

He said on 1/13/04 the Zoning Board of Adjustment granted the variance to allow 68' of lot width where 75' is required. Both the existing and new lots will be serviced by City sewer and Pennichuck Water.

He said this section of Concord Street is under control of the State of New Hampshire, therefore, a State curb cut permit will be required. He said he has already met with the State and submitted the necessary paperwork.

Mr. Auger said they are also proposing the installation of a leaching catch basin on site in order to deal with the runoff generated from the new impervious surface generated by the construction of a new home. He said they also submitted a waiver request letter to the Board for the construction of sidewalks along Concord Street. There is a pending highway project which could be beginning as early as this summer. Their concern is the work that would be done could disturb whatever sidewalks they might build.

Mr. Lowe had a question about a lot that looked like it was landlocked.

Mr. Auger pointed out the lot in question on the map. He said it could not be seen on the map he was showing, but it fronts on Lamplighter Drive. It is a strangely shaped lot. It is not landlocked.

Mr. Dookran asked Mr. Auger if he had talked with DOT regarding their intent to build or not to build sidewalks.

Mr. Auger said he hasn't talked to them about the specifics, but he doesn't believe they are building sidewalks.

Mr. Dookran said there was a meeting recently in Merrimack that discussed the project and they indicated that sidewalks won't be part of the project.

Mrs. Lasky asked if there is a time frame for the project.

Mr. Auger said there was an article in the Union Leader the other day that said it could begin as early as this June or July.

Mr. Dookran asked if the construction for this project would be before that.

Mr. Auger said it would be real close because the date is May 20.

Mrs. Lasky said the way the stipulation reads it says prior to the certificate of occupancy being issued the sidewalk shall be installed. She said if the Board is not inclined to grant the waiver for sidewalks how this would affect the project he is working on.

Mr. Auger said that they would have to get an actual date from DOT as to when they will begin their project. The newspaper didn't pin down a specific date.

Ald. Larose what the "cart road" is.

Mr. Auger said he believes it is just a dirt path that goes through the woods and they picked it up in their survey.

Mr. Dookran asked if Concord Street is sitting on a concrete base and overlaid with asphalt.

Mr. Auger said the pavement right in front is concrete and he believes it is overlaid with asphalt.

SPEAKING IN OPPOSITION OR WITH CONCERN

No One.

SPEAKING IN FAVOR

Atty. Gerald Prunier, 20 Trafalgar Square, Nashua. Atty. Prunier said one of the concerns is the breaking up of new asphalt once the State puts it in. He said his clients will bring in all utilities to the lot. The sidewalks are another issue. This is a section of the street that is under the control of the Department of Transportation, not the City. If the City tells them they have to put the sidewalks in, the State is probably going to come in and dig them out.

He said he said the same article Mr. Auger referred to and there was an indication that the Town of Merrimack wanted to have sidewalks and the State isn't going to put them in. It's not part of their budget.

Mrs. Lasky asked what precludes them from making a contribution in lieu of constructing the sidewalk.

Atty. Prunier said the cost that is associated with the installation of sidewalks. It is out of proportion to what a sidewalk really costs. If it came down to that he would advise his clients that it would be cheaper to put the sidewalk in and let it be ripped up than it would be to make the contribution. It doesn't make any sense either way.

Mr. Dookran asked what is meant by the State will rip up the sidewalk.

Atty. Prunier said their understanding is that the State is going to be ripping up the concrete all along where the area is, including where this lot is located.

Mr. Dookran said it doesn't sound like something the State would do because he doesn't think they have the budget to do that type of work such as ripping up concrete. From what he understands, it's going to be a simple overlay, striping, and barrier improvement.

Atty. Prunier said his understanding is that the State wants the concrete out of the area.

Mr. Houston said Concord Street is under the jurisdiction of the State Highway Department and the Public Works Department, as is Henry Bourque Highway. When the Trails Plan was adopted, he isn't sure that people were aware that it was under their control. It presents a host of different issues - cost issues that are probably more expensive than an ordinary City street in terms of dealing with permits and approvals from the State.

He said in his letter to the State he asked if they could have a sidewalk and he hasn't received a reply. It is a heavily traveled roadway and its going to be more heavily traveled at some point in the future if they construct a bridge or link across to the Hudson or Litchfield side of the river. Maybe it should be a future State project that will connect the sidewalk all the way up along the roadway. He said this is an unusual situation and he believes the

Board has some latitude

Mr. Larose asked what the charge is for a contribution.

Mrs. Lasky & Mr. Houston replied it was \$50 a lineal foot.

Ald. Larose asked how much it costs to build.

Mrs. Lasky said they were told the contribution was based on what it costs to construct.

Mr. Houston said the previous City Engineer Office provided a report to the Planning Board about the cost of constructing a sidewalk. The Board agreed with the \$50 a lineal foot.

Ald. Larose said the developer is saying they could do it cheaper than what they are asking for a contribution. He said he doesn't want to start waiving fees because there are times when somebody develops a piece of property at a dead end street or other circumstances and they have to make a contribution to the sidewalk fund and they will probably never see a sidewalk in their area. He finds it hard to say that they aren't going to get something from this developer because they may end up with a sidewalk. He said it is unfair to waive everything for a developer or somebody who is subdividing a piece of land and some other property owner who may be subdividing and he has to pay. In the stipulations he would say that the applicant has to either build the sidewalk or make the contribution to the City.

Mr. Farkas said if the Board doesn't approve the waiver, they have to install the sidewalk or make the contribution. He said Atty. Prunier indicated they are not willing to make the contribution.

MOTION by Mr. Lowe to approve the subdivision of one lot into two lots at 169 Concord Street with the finding that it meets NRO Section 16-108, denial of the waiver request, and with the following stipulations:

1. Prior to ANY work being conducted, a pre-construction conference shall be set up with the Planning Department to review erosion control measures and tree removal.
2. Prior to the plan being recorded, the Planning Department and Corporation Counsel shall review and approve all required storm water operation and maintenance documents. Said documents shall be recorded with the plan.

3. Prior to the plan being recorded, approval of a State of NH Curb Cut Permit shall be obtained.
4. Prior to the plan being recorded, bonding for all public improvements shall be submitted to and approved by the Engineering Department and Corporation Counsel.
5. Prior to the plan being recorded, sidewalk construction drawings will be submitted to and approved by the Planning Department, Division of Public Works and State of NH DOT for the sidewalk along the frontage of the site.
6. Prior to a certificate of occupancy being issued the sidewalk shall be installed.

SECONDED by Ald. Larose.

Mr. Yeomans said Stipulation #4, which speaks to bonding, should cover the sidewalk.

Mr. Dookran said there seems to be some confusion about what the State intends to do with the roadway. He said his understanding is that the State is not going to be ripping up the concrete. He said if they amend one of the stipulations to say something like "After clarification with the State" because if the State is not going to rip up the concrete and its just going to do basic overlaying than the sidewalk is going to be okay.

Mr. Farkas said that Stipulation #5 states the sidewalk construction drawings will be submitted to and approved by the Planning Department, Division of Public Works and the State DOT. He finds it hard to believe that they would rip it out.

Mr. Lowe said he feels the stipulations are fine the way they are. They can't control the State. They are saying they are going to do the street this year, but if they don't do it, it might be another five years before they do.

Ald. Larose said somebody made a reference to the State ripping up the concrete. He asked if that would be from Gettysburg to the other street going south (he could not recall the name).

Mr. Dookran said Route 3A between Henry Bourque & the town line in Merrimack is an overlay over an old concrete base. The have the same situation on Daniel Webster Highway at Exit 3 South. It seems that concrete is problematic. It moves and settles and doesn't move the same way asphalt does. It costs a lot of money to remove the concrete base. He said according to Atty. Prunier when the

State comes along to remove concrete it will impact any sidewalk that's adjacent, including sidewalk.

MOTION CARRIED UNANIMOUSLY

NEW BUSINESS - SITE PLANS

2. **Mine Falls Estates, Bonnette-Picard, LLC (Owners) - Proposed amendment to NR 317 for the demolition of the 1590 Broadcasting building and the construction of a 40-unit, single family cluster development with associated access and site improvements, 502 West Hollis Street, Sheet E - Lot 83, Zoned "R9" Suburban Residence.**

Tim Watson, Cuoco & Cormier Engineering, Nashua. Mr. Watson said the proposed project is a 40-unit cluster development. This is the site of WSMN Radio Station and towers. The existing radio station building is out near the front of the lot across from the condo office building at 505 West Hollis Street. The site is about 1,000 feet away from the Exit 5 Interchange at Route 3 - Everett Turnpike.

He said at the rear of the property there are three existing radio towers. The rest of the site is basically wooded.

He said this project received a special exception from the Zoning Board which permits the cluster development. That Board had four stipulations. One of them was to maintain a 30' "no-cut buffer" around the perimeter of the property. They also requested water easements to Pitarys Drive. They also wanted conservation signs placed along the 30' buffer to insure that the trees aren't cut down.

He said along with the houses there will be associated drainage, City sewer, and water. They will be tying into a high-pressure water main off of White Plains Drive. They have obtained an easement to use for utility access as well as an emergency vehicle access. There's going to be a gate at the end of their road on their property and they will extend down to White Plains Drive to allow fire truck access.

He said there are two detention areas, one up front that will drain off into the drainage system in West Hollis Street. There is also one to the rear that is in the location of an existing low spot on the site. They will reduce the flows to the church property.

He said they have proposed a clubhouse as well as either a

combination basketball/tennis court. It could be one or the other, depending upon what the developer wants to do.

Mr. Watson said there is adequate landscaping, probably more than the City requires. They have also provided a walking trail that follows along the backs of houses. He showed the location of this trail.

Ald. Larose asked if the walkway was inside or outside of the buffer zone.

Mr. Watson said it's in the buffer zone. He said he believes there is a note on the plan that it's going to be worked out with staff as to its location to avoid any cutting of trees. It will be a gravel path.

Ald. Larose asked what kind of gate there would be for the emergency access.

Mr. Watson said they are proposing a gate with an electronic system that the Fire Department uses. That is what they have requested.

Ald. Larose asked how strong the gate is going to be. He asked this because of potential vandalism where somebody might knock it over and use it as a shortcut.

Mr. Watson said they are using Grasscrete which allows grass to kind of grow through the concrete. It won't look like a road, but more like a dead end. If you are coming from White Plains it will look like grass. It's not an obvious shortcut.

Mr. Lowe asked what they are going to do when there is 2' - 3' of snow on the ground.

Mr. Watson said it will be maintained by the condo association during all winter storm events.

Mr. Lowe asked if there is a way to make the access road wider at the bottom. He said they have at least one communication saying that this appears to be a problem. He said if you go here when Stellos Stadium is let out you're going to be sitting there and not able to get out if you want to make a left hand turn.

Mr. Moran said the church has indicated that they would like some type of videotape if there is to be blasting.

Mr. Watson said he isn't sure about this. He said Atty. Prunier

might be able to address this.

Mr. Moran said the church has also asked for a fence around their property.

Mr. Watson said he just saw this tonight. This is something else they have to work out with the church.

Mrs. Lasky said the Zoning Board alludes to a fence. She asked if that is the same area. She said the church talked about it at the Zoning Board meeting and that it was something for the Planning Board to work out.

Mr. Farkas asked if the Fire Department had a concern with the fire hydrant. A minimum of three will be necessary.

Mr. Watson said they had a minimum of three on the plan. They wanted them shifted and this has been worked out with the Fire Department.

Mr. Dookran said in the Board's packet there is a letter from Jon Lebrun from his office to Mr. Watson. He said apparently there is a problem with the detention basin.

Mr. Watson pointed this out on the plan. He said it's a retention basin. He said they have designed it so that nothing is going to overflow out of it for a two-year storm and below. There is a small amount of overflow in the ten-year storm and there is some overflow in the 100-year storm event. He said they will work with the Greek Church to mitigate any drainage.

Mr. Dookran said that they will need some easements in order to do work on someone else's property.

Mr. Watson said the Greek Church is going to work with them to create the drainage easements and what is needed in order to satisfy the City.

Mr. Yeomans said they have just received correspondence from the applicant's Traffic Engineer. They also have a memorandum from Dwayne Husband, the Supt. of Traffic Dept. tonight. This needs to be addressed. He said the Greek Church has several items on their list that they are concerned about. One of them is the fence along the common property line. There is an issue with blasting, which has been discussed and the potential location of a seismograph or some other type of equipment to measure shock waves. There is also

the issue of the drainage, which the Board has also discussed.

SPEAKING IN OPPOSITION OR WITH CONCERN

Marilyn Pizzolon, 22 Pitarys Drive. Mrs. Pizzolon said she and her husband are opposed to the cluster development unless certain conditions are met. She said they wish to have an 8' high solid stockade fence erected along the perimeter of their property and the proposed development. They want this fence to reduce the potential of a liability claim against them if a resident of the proposed cluster is injured on their property. She said they have a fenced and gated area surrounding their in-ground pool. They all know that a pool is a temptation, particularly for children. She said they consulted with their homeowner insurance broker and learned that if they incurred a liability claim, there is a potential for homeowner's insurance to be cancelled. Under the terms of their mortgage lender, if their property became uninsured, the bank has a right to call in their mortgage. Another reason for the request is that the fence would act as a noise buffer. The proposed development will lead to an increased noise level from Main Dunstable Road and the Everett Turnpike and they would have an unpleasant view of traffic on those roadways. Their bedroom are to the rear of their home and the impact of restful sleep could be less than beneficial. She said her mother is 91 years old and lives with them. Her living quarters face the proposed development. She said she is currently on hospice care and it is paramount for her comfort that they maintain a quiet environment for her.

She said they have taken noise readings on their deck which is to the rear of the property. The equipment that was used was an EXTEC Sound Level Meter. The noise levels ranged from a low of 49 decibels at 6:00PM to a high of 58.2 decibels at 7:30AM. She said they expect the resulting additional noise after cutting trees and installing a stockade fence will be at or less than the readings they recorded. She made reference to Article III, Section 14-32 of the City Ordinance (Noise Determination of Detrimental Nature). Planting evergreens adjacent to the fence would further lessen the noise and maintain the quality of life they currently have.

She said they are also asking for assurance, in writing, that if their well water is tainted as a result of the construction process or their septic system is compromised, that they would be hooked up to the City services immediately so as not to disrupt their living situation. She said her elderly mother can only be moved by ambulance, it is not easy to evacuate the house. Going to a hotel

is not an option. Also, the hookup should not be at any cost to them. Replacing their mature landscaping would also have to be done immediately following the hookup and at no cost to them. Chris Siebert, 28 Heather Court. Ms. Siebert said she is the secretary of the Ledgewood Hills Condominium Association. She said they are very concerned with the access to the new development. Making the left hand turn on West Hollis Street going westerly is stopping traffic on a very busy street. That turn is going to be very difficult. Exiting from it and having to make a left hand turn is also going to be extremely difficult.

She said the other items she noticed is that the traffic study shows that at peak time there would be 47 vehicles in and out and a little further it states there would only be approximately 20 vehicles that would have to make that left hand turn on West Hollis Street. It's only 200' or so going in a westerly direction where there's a traffic signal. It's extremely difficult now to make a left hand turn into the Greek Church's property. There is the traffic from the church when the church is being used and then approximately 200' there is going to be another left hand turn and another 200' further is the signal. She wondered if there is some way to make the entrance to the site at the signalized intersection.

Robert Barber, 20 Pitarys Drive. Mr. Barber said he shares the concerns of his neighbor about his well and septic system. If either one or the two of them is gone, effectively the house is uninhabitable.

He said the attorney indicated at the Zoning Board meeting that the insurance companies would take care of that. He said they all know what insurance companies do. They drag their feet. He said they aren't talking about a cracked ceiling or a crack in the wall. This would be a situation where the house would be uninhabitable. He said none of them on the street want to go on City sewer and water. They enjoy what they have. The water in their wells is actually cleaner than what comes from Pennichuck.

He said they are at the top of a hill. He has real concerns about the blasting affecting a number of things, including a retaining wall at the back of his garage. The whole hill is basically rock ledge granite. He said they need some kind of safeguards and reassurance that their wells and their septic systems will be addressed properly.

He said he would like to see some type of fence - the same thing as the Greek Church. He said they don't want people or pets wandering

onto each other's property.

Atty. Steven Boyd, Wadleigh, Starr & Peters, Manchester. Atty. Boyd said he was representing Harold Vickerry LLC. He said they have exercised their option to purchase a parcel that is located on the western border of this project. He said they have two concerns.

He said the first one has been talked about and relates to the left hand turn off of West Hollis Street into the development. He said they don't believe the traffic report has analyzed that left hand turn properly and that it needs to be explored at greater length.

He said there have been some discussion regarding Larchmont having an easement on it for emergency access only. He said at this point he doesn't know the status of that easement. He asked that there be a stipulation that the easement be in place before this is approved.

George Pantelli, Parish Council, St. Phillips, 500 West Hollis Street. Mr. Pantelli said the primary purpose of the fencing for them is to not allow people to get into the parking lot. It will provide privacy and make sure people won't be going back and forth on it. He said they are right at Exit 5 and a lot of people turn around in their driveway.

He said with regard to blasting, they are asking for seismograph equipment as well as the video equipment for the pre-blast survey. The reason is for their icons and their stained glass windows on either side of the building. When they do a video, it catches some stuff, but it wouldn't necessarily catch what the seismograph will in terms of the vibration frequency and how hard that vibration actually is.

He said with regard to the drainage in the low point the engineer spoke about, they will be speaking with the developer to do whatever is necessary. If there is a swale of some type they want to stipulate that it would have riprap or other type of lining so that it doesn't get washed away. Also, they want to have it maintained on an annual basis to remove silt or vegetation or anything that might slow down the flow.

Ald. Larose asked what type of fence they are asking for.

Mr. Pantelli said a chain link fence would be fine. He said they are asking for an 8' fence.

Ald. Larose said if they go above 6' he believes they have to go to the Zoning Board. It can be 6' or less without going back to the Board.

SPEAKING IN FAVOR

Atty. Gerald Prunier, 20 Trafalgar Square, Nashua. Atty. Prunier said as far as the Greek Church is concerned, they stated at the Zoning Board that they would put in a chain link fence, although it is not required. It is intended to be 6' tall, as the zoning ordinance permits.

He said one of the things that they did in proposing a cluster development was try to keep as many trees as possible, whereas in a conventional subdivision a lot of the trees would have to be taken out. The cluster development allows for the maintenance of a lot of vegetation in the area, even though there is a requirement for a 30' buffer untouched buffer. He said some of the abutters toward Larchmont have some trouble with some trees that have fallen down and the Zoning Board has agreed to allow them to go in and take these trees out.

Atty. Prunier said as far as the noise is concerned, they intend to put in a subdivision that is allowed under the law. He said they won't have any more noise during the construction period than normally there would be. He is sympathetic to the abutter who spoke earlier, however, the developer is not going to put in an 8' fence along the property line. He said that if the abutter wants this, they can go to the Zoning Board and ask for it.

He said some of the testimony was about blasting. He said in Nashua you have to get a permit from the Fire Department. You have to show your plans and prove that you are insured. He said people have seen the imploding of large buildings in the middle of a major City without any damages. He said they'll make sure that the blasting contractor is well aware of the fact that the neighbors are on wells and have septic systems and that they have to take a good look at the Church in the event anything adverse does occur.

He said as far as the traffic is concerned, the number of trips out of the site does not come to the City's status of having to have a traffic report. However, they did have a traffic report, over and above the traffic report that was presented to the Zoning Board of Adjustment. In speaking to the City Traffic Department they wanted

a little bit more information. He said their Traffic Engineer is present and he wanted him to speak specifically about the left hand turns that people have talked about.

Kevin Dandrade, TEC, Andover, MA. Mr. Dandrade said he is representing Bonnette & Picard for this project. He said about a week ago he performed a field investigation of West Hollis Street in the area where the proposed road is shown. Over the course of his study he looked at accident data supplied by the Nashua Police Department and performed traffic counts at the intersection of West Hollis Street and Riverside Street to gain an understanding of the peak hour volumes which occur between 2:00PM and 6:00PM. There are a couple of different peaks that they deal with. One is related to the school and the other is related to the typical commuter hour from 5:00PM - 6:00PM.

He said in the case of the proposed road location and the trip generation you can expect from a subdivision of this size they base it off of standard rates from the Institute of Transportation Engineers. These have been founded over a number of studies over a number of years. The information in his report states that on a average day the subdivision is expected to generate 446 trips over a 24-hour period. The morning peak hour is expected to generate a total of 37 trips, 9 coming into the subdivision and 28 leaving the subdivision. During the evening peak hour, this subdivision is expected to generate 47 trips, of which 30 will be coming in and 17 will be leaving. Those trips need to be distributed to the adjacent street network according to the existing trends. He said he has estimated that 80% of the trips from the subdivision will go to or from the east. That will leave 20% that will go to or from the west.

He said during the evening peak hour, which is what the City Traffic Department has asked them to look at, they estimate that there will be 24 vehicles making the left hand turn westbound on West Hollis Street into the proposed subdivision. The volumes that currently exist on West Hollis Street and the presence of 24 left turning vehicles opposing the through movements in the east bound direction does not currently warrant the installation of a left turn lane. There are four lanes, two in each direction in that location. Any vehicles in queue to turn left leaves a lane for the bypassing traffic.

He said he performed an unsignalized capacity analysis for the proposed subdivision. The expected average delay for the left turning vehicles going into the subdivision is expected to be 13.6 seconds and on a grade of A through F it will be considered a level of service B.

Mr. Dandrade said there will be delays for exiting left turn movements. On a corridor such as this you might expect a level of service F, but when he entered the volumes the average delay will be 35.5 seconds and a level of service E.

He said this should be considered a conservation analysis because it doesn't take into the account the gaps that are created in traffic by the Riverside Street and Main Dunstable Road signalized intersections.

Mr. Lowe asked if they had taken into consideration that as of September 2004 there will be 750 cars going into the new High School.

Mr. Dandrade said he was asked by the City Traffic Department to project an additional 1.5% per year to get to a 2005 design horizon. He did not include 750 additional trips. He said the critical periods, as determined by the City Traffic Department were between 2:00PM - 6:00PM. The peak hour that he based his analysis on was still controlled by the evening peak hour which is from 5:00PM - 6:00PM. School gets out at around 2:00PM. It's unlikely that it would usurp the evening peak hour and be worse.

Mr. Moran said one of the recommendations of the Traffic Department was to try to tie in with the signalization. He asked if this is possible.

Mr. Dandrade said he doesn't believe they have that property under control. In an optimal environment he would say "yes." He said they can't propose that because it isn't under their control.

Mr. Moran asked if they had looked into it and Mr. Dandrade indicated he couldn't answer this.

Mr. Dookran said they only received this report today even though it was requested weeks ago. They have a brief memo from the Traffic Superintendent and he doubts that he had the time to go through the report.

He said that Mr. Dandrade talked about 24 cars making a left turn in the PM peak and a delay of about 13.6 seconds. He asked what that would do to the traffic behind the car waiting to make that left turn. He asked if the traffic would back up into the intersection at Main Dunstable Road.

Mr. Dandrade said he doesn't believe it would go that far because with only 24 left turning vehicles, that's greater than two minutes between left turning movements. When you consider about 1,000' of storage, it's unlikely the queues would extend back that far.

Mr. Dookran asked how much pavement they have and if they could accommodate some kind of auxiliary lane.

Mr. Dandrade said he didn't believe so, unless they removed the traffic shoulders on the outside of the roadway, which he would not suggest. Even if they did, it would be a substandard design with vehicles being half in and half out of the lane. He said this would be a more dangerous situation

Mr. Dookran asked if they were to try to do some widening, as minimal as it might be, how much would they anticipate.

Mr. Dandrade said one of the difficulties along this section is the location of some of the other side streets or driveways. He believes there is only one unsignalized location that is fairly aligned and that would be at the church. He said Panther Drive is located to the east of their site. Even if they tried to widen the road for a left turn lane, they wouldn't be able to develop an opposing left turn for Panther Drive at the same time.

Atty. Prunier said they feel that this is going to be a safe entrance and exit with the improvements suggested by the traffic consultant. He said the Planning Staff has a stipulation that traffic issues be resolved to the satisfaction of both the Planning Department and Division of Public Works.

Jim Dale, 37 White Plains Drive. Mr. Dale said he and his wife welcome this development. It is much better than any other alternatives.

Mr. Dookran said the Traffic Department had requested information a while back and only received a report today. He said he doesn't think they had enough time to decipher the information or even to get back to the engineer to discuss any issues. He said based on the memo from the Traffic Department, they are not comfortable with the situation. The memo states that the new entrance is less than desirable based on the accident history along this section of the roadway.

Mrs. Lasky asked why the Board doesn't have a record of the accident history.

Mr. Dandrade said he did obtain accident data from the Police Department. The project area, as far as the evaluation of the roadway and accident data spans all the way from Main Dunstable Road westerly to Heidi Lane, which is considerably further west than they typically look at.

He said he contacted Miss Roy at the Police Department late last week and she was kind enough to supply the data to him yesterday. Another engineer in the office and he had a chance to go through it and compile it. He said the quality of the data does not let you evaluate closely the trends that may be occurring there. There is a driver privacy act that is in the legislation that does not permit the general public, including his firm, to look at detailed accident collision diagrams that may have been filled out by officers or the motorists themselves. The type of data he was given lends to some of the trends such as numbers of total accidents, days of week, and times of day. This is included in his traffic memo. He said he met briefly with Mr. Husband of the Traffic Department to go over what is in the report, but he has not had a chance to review it.

He said the intersection at the southbound ramps and Main Dunstable Road has seen 114 accidents over the last three years. The cause of most of these accidents appears to be driver inattention - rear end accidents, which can be encountered at any signalized intersection. Throughout the rest of the corridor there are no accident trendsetters that would warrant special treatment in his mind. Many of the accidents he could find involved a number of citations where the driver was specifically at fault, whether it was DUI or other violations.

He said in the area of the church and WSMN where this property is located there was a total of 15 accidents over the last three years. The cause of those accidents may have been related to the signal at Riverside, even though they were tallied at this address because it may have been the closes visible location.

Mr. Dookran said they haven't spoken to the Traffic Superintendent. This isn't a traffic generator, but it is introducing new conflicts in a highly traveled area. More options should be looked at for controlling this entrance. He said they should explore if they can move it to Riverside Street, which is signalized, or perform some widening so they can get a left turn lane in and out.

Mr. Farkas asked if the developer controls the land on their side of the street adjacent to the signalized intersection at Riverside. Atty. Prunier said "no." He said it is owned by Harold Vickerry.

Mr. Farkas said there is really nothing else that can be done, except to widen the entrance, if possible, and that may create more of a problem. He asked if they would be willing to continue the dialog.

Atty. Prunier said they agree with the stipulation that the staff has put on - Stipulation #10.

Mr. Farkas said he understands that the developer has rights and the residents have rights. He said he wanted to revisit the issue of the stockade fence along Pitarys Drive. He asked if his clients would be willing to reconsider their position of not putting up a fence.

Atty. Prunier said his clients are willing to put in a 6' high chain link fence, the same as they are doing with the church. It is easier to do it with the church property because of the topography in that area. He said there may have to be some qualifying language because they may have to take down some trees in the buffer zone to put the fence in.

Mr. Farkas asked staff if they should go down the path of additional video and seismographic equipment.

Mr. Yeomans said it is his understanding that other communities use seismographs. He said they haven't used them around here as far as he knows. He said it might give them information as to when they could point a finger at when a crack could have occurred. Ultimately someone is going to have to make an analysis and decide what caused a stress crack or some other type damage to occur or what occurred and why it occurred. He said the staff doesn't really see this data because there are firms that do the pre-construction survey and they are the ones who collect that data.

Mrs. Lasky asked if there is anything else that might be done that would further protect the area during blasting.

Mr. Yeomans said the whole purpose of the videotaping is to do the pre and post construction. It protects both the homeowner and the developer. The seismograph is an additional tool.

Mr. Dookran said a pre-blast survey is good, especially when a

church and its equipment that it is trying to protect. Using a seismograph to measure the vibrations is pretty widely accepted. He would agree with Atty. Prunier that the technology for blasting has come a long way and is very controlled. He supports both the pre-blast survey and the seismograph monitoring.

Mr. Yeomans said after the recent project up the street and the issues that have come up with the buffer, he feels compelled to say something about it. He referred the Board to the grading plan in their packet. He said he believes they are going to have a partially cut buffer. He said that there is grading required in the "no cut" buffer for the two drainage improvements to be made and there are retaining walls right on the boundary of the "no cut" buffer. There is also the issue with the fences and cutting that might have to be done to put in the fences. If everyone acknowledges that they know this is going to occur, that there should also be an understanding that the applicant make a good effort to go back and beef up those areas that have been impacted to the extent possible and do supplemental plantings where it would be appropriate.

Mr. Farkas asked if it is known what type of blasting is going to be done.

Atty. Prunier said the blasting is going to be mainly for the roads and maybe for some of the foundations and for utilities. Nobody knows yet how much blasting will be necessary. There will be less blasting with a cluster than there would be with a conventional subdivision.

Mr. Yeomans said this property is "L" shaped and wraps around to those homes on Pitarys Drive and adjacent to White Plains Drive. He said he'd like clarification on where the fences are supposed to go so there isn't an argument later on about what was supposed to be included and what wasn't. There is a long boundary line that wraps around on the easterly side of the Pitarys homes and that wraps around and turns south and goes down to White Plains.

Mrs. Lasky said at the other end of White Plains Avenue there is a gate. She asked if this is a similar kind of gate that is going to be with this project.

Atty. Prunier said it is not. He said they will be dictated by the Fire Department. The gate Mrs. Lasky referred to is for the other condominium association and is about twenty years old.

Mr. Farkas asked Atty. Prunier about the fences.

Atty. Prunier said they are prepared to put a chain link fence along the property line with the church and a chain link fence along the entire length of the boundary line on the west side.

Mrs. Lasky asked about supplemental plantings in the buffer zone.

Atty. Prunier said they will look at this with staff. He said they will be doing a lot of landscaping that is over and above what the ordinance requires. A lot of the trees that are in the proposed drainage area are already gone. They want to buffer the area.

MOTION by Mr. Farkas to approve the site plan for the construction of a 40-unit, single-family cluster development at 502 West Hollis Street with the following stipulations:

1. Prior to ANY work being conducted, a pre-construction conference shall be set up with the Planning Department.
2. Prior to any work being conducted approval of the NH Site Specific permit shall be obtained.
3. Prior to a building permit being issued, bonding for all public improvements, shall be submitted to and approved by the Engineering Department and Corporation Counsel.
4. Prior to a building permit being issued, the Planning Department and Corporation Counsel shall review and approve all required easement, dedication, and storm water operation and maintenance documents. Said documents shall be recorded.
5. Prior to a building permit being issued access shall be provided to the satisfaction of the Planning Department, the Department of Building Safety, the Fire Department and the Division of Public Works.
6. Prior to a building permit being issued the April 27, 2004 ZBA approval and the emergency access easement will be added to the plan.
7. Prior to a building permit being issued a street name will be submitted to and approved by the Planning and Fire Departments and added to the plan.
8. Prior to the final certificate of occupancy being issued all

required site improvements shall be completed according to the approved plan, and all work conducted in the public right-of-way completed to the satisfaction of the Division of Public Works.

9. With approval of the plan the waiver of Section 16-112(h) dead-end road length has been granted.
10. Prior to a building permit being issued, the outstanding drainage and traffic issues will be resolved to the satisfaction of the Planning Department and the Division of Public Works.
11. A 6' chain link fence along the perimeter of the development and the Greek Orthodox Church to be worked out between the developer and the Planning Staff for exact placement.
12. A 6' chain link fence, placement and length along Pitarys, to be worked out between the developer and Planning Staff.
13. Buffer zone cutting to be reviewed by Planning Staff and developer for replanting at pre-construction meeting.

Mr. Lowe said this plan does meet NRO Section 16-123.

SECONDED by Ald. Larose.

Mr. Yeomans said they have the request from the Greek Church concerning the seismograph.

Discussion ensued about whether there should be a stipulation about the seismograph equipment and how it should be worded.

AMENDED MOTION by Mr. Farkas adding another stipulation as follows:

14. Seismograph equipment to be utilized in conjunction with the blasting operations and co-coordinated with the Planning Staff.

SECONDED by Ald. Larose.

Mr. Dookran said he is going to abstain from voting on this project because he doesn't think the traffic/accident issues have been resolved with the Traffic Superintendent and Traffic Engineer.

Mrs. Lasky said it is her understanding that Stipulation #10 means that the dialog on those issues will continue.

Mr. Dookran said he is sure that there will be more dialog to get resolution to the issues. He said Public Works and the City in general asks for these issues to be resolved. To often they do not work expediently to get the issues resolved so he isn't comfortable in voting for or against the project.

Mr. Moran said he isn't comfortable with this either, but he is going to vote "No."

MOTION CARRIED - 4 IN FAVOR, 1 OPPOSED - Mr. Moran, 1 ABSTAINING - Mr. Dookran.

OTHER BUSINESS

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

MOTION by Mr. Farkas with a finding that there are no proposals of regional impact on the tentative agenda.

SECONDED by Ald. Larose.

MOTION CARRIED UNANIMOUSLY

Discussion Item

- 1. Toureen Realty, LLC (Owner) Proposed replacement of the existing 16'X38' structure with a 24'X38' structure on the rear of the former Goodale's Building - 48 Main Street Sheet 43 - Lot 66, Zoned "CB/MU" Central Business/Mixed Use Overlay.**

Michael Kineely, Owner Toureen Realty. Mr. Kineely Toureen Realty just recently purchased the Goodale's building. They are the owner of the proposed Irish restaurant and pub.

He said they are proposing the demolition of the existing building which is attached to the main building and propose to erect a larger structure. They need to house a kitchen area for the restaurant and the extra size is needed to accommodate the equipment they proposed to put into the kitchen. He said in addition, the foundation is going to be used as a cantilever for the walkway. John Levine from H.L. Turner is present to answer any questions on the foundation.

He referred the Board to the drawings. He said the elevation drawing they are looking at has been approved by the Historic District. He referred to the diagram labeled A3. The river elevation is shown on the right hand side. The reason for the windows is to carry on the symmetric look of the main building. They are false windows with the same dimensions as the main building. They have filled in the false windows with stucco panels that will match with the mortar that's in between the bricks.

He said if you are looking at the end elevation which is from the Margarita site there is a step and fencing for a dumpster. He said it will be totally enclosed so it is not an eyesore.

He said the road elevation will have a solid wall with some lighting. It will be consistent with the main building.

Mrs. Lasky asked what materials would be used for the enclosure of the dumpster.

Mr. Kineely said he assumes that it will be pressure treated wood.

He said there is a proposed change for the door on the front facade elevation. This was proposed by H.L. Turner when the plans were made at the beginning for the river walk. Due to their interior design on the inside it is critical for them to move the doorway to the right hand side. He referred the Board to the Irish Pub proposed elevation drawing showing the location of the door.

Mr. Houston said the staff included the new elevations as well as what had been previously approved. He said when the original elevations that were approved about a year ago they were not aware that there was going to be a restaurant or an Irish pub in the building. In essence it is only an 8' addition to what is already here. The staff is asking for the Board's input as to whether the staff can administratively approve the proposal.

Mr. Dookran asked if there is an issue with the loading dock/area.

Mr. Houston said as far as he knows there isn't an issue with the loading dock. Most of the loading for this restaurant, as do some businesses on Main Street, would load from the street. Restaurants usually do this in the early morning hours. Mr. Kineely can speak to that. He said there will be some trash pickup in the back of the building and he thinks that can be worked around. He said the

entrance on that side of the building is actually part of the other site plan and not part of this site plan. There is an easement for the trash pickup and some other issues.

Mr. Dookran asked if there is any work within the street for this project.

Mr. Houston said the way he understands it there is going to be some work on the facade of the building and there will be work on the street right-of-way, but not in the pavement. It will be on the sidewalk.

Mr. Dookran said that Main Street is going to be paved, maybe sometime in July. Any work to be done in Main Street should be done before that.

Mrs. Lasky asked how many people this restaurant is going to seat.

Mr. Kineely said the proposal is for 250 on the first level.

Mr. Lowe asked about the lower floor.

Mr. Kineely said the lower floor is going to stay as it is. They may use it in the future for overflow. At the moment the pub is just on the first level.

The Board agreed that the staff could review this administratively.

ADJOURN

Mrs. Lasky declared the meeting closed at 9:25PM

APPROVED: _____
Bette Lasky, Chair, Nashua City Planning Board

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NCPB
May 20, 2004
Page 28

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Taped Hearing