

NASHUA CITY PLANNING BOARD
August 12, 2004

A meeting of the Nashua City Planning Board was held on Thursday, August 12, 2004 at 6:30 PM in the Auditorium at City Hall.

Bette Lasky, Chair conducted the meeting.

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

Also present: Roger Houston, Planning Director
 Mike Yeomans, Deputy Planning Manager
 Richard Sawyer, Planner III

APPROVAL OF MINUTES

July 15, 2004

MOTION by Ald. Larose to waive the reading of the 7/15/04 meeting, waive the reading and place on file.

Mr. Lowe said there are two stipulations that are missing on Page 5, Case #2, and he would like to have that corrected by Staff.

Mr. Sawyer said they would do this.

Mrs. Lasky said they all could see that this is the 2nd meeting in a row where something has gone wrong with the tape system. She asked everyone to speak up and to speak into the microphone. The staff is aware of the problem and it is being worked on.

SECONDED by Mr. Lowe with corrections.

MOTION CARRIED 6 - 0 - 2, Mr. Farkas & Mr. Slivinski abstaining.

COMMUNICATIONS

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

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Memo from Brian Morrissey, Fire Department, to Richard Sawyer concerning Subdivision Item #5 on the agenda for tonight.

FAX sent to Mike Yeomans concerning Costco that is on the Board's agenda tonight. It is from a Costco member - Nick Santucci. There is also a hand written note to Mr. Yeomans also relating to Costco. He said both of those should be read into the record when they discuss this item.

Letter dated 8/11/2004 from Michael Tichnor to Bette Lasky, Chair, regarding Case #7 & #8. This letter expresses some concerns to the request. This should be read when the Board is considering the case tonight.

Letter to the Planning Board from John & Marilyn Sienkewicz, 117 West Hobart Street, Nashua concerning Site Plan Item #9, Andrea James Realty, 93 Daniel Webster Highway.

REPORT OF CHAIRMAN, COMMITTEE & LAISON

Mr. Slivinski said the Historic District Commission met to approve some sign changes at the site of the old "Goodale's Bike Shop." He said it looks like they are hoping to get this up and going by mid September.

He said he had a tour of the Odd Fellows Building on Main Street. He said the building is scheduled to be gutted sometime in the very near future. He said this is a shame because it's a treasure on the inside. He said if anyone has the opportunity to walk through the building and see the murals and to see the rooms from the lodges, it is well worthwhile. It isn't in the Historic District so there isn't anything they can do to save it.

Mr. Lowe said the Zoning Ordinance Land Use Plan meetings are continuing. The meetings are open to the public and he suggests that anyone who has any input to come to the meetings. It is on the City's web site - gonashua.com. The next meeting is the 17th.

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

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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.

OLD BUSINESS - SITE PLANS

- 1. Costco Wholesale Corporation (Owner) - Proposed construction of an automobile fueling station with 12 fueling locations and associated access, parking and site improvements, Costco Drive, Sheet A - Lot 793, Zoned "HB" Highway Business. (Postponed from June 3, 2004 Meeting)**

Atty. Morgan Hollis, Gottesman & Hollis, 39 E. Pearl Street, Nashua. Atty. Hollis said he is the new attorney on this case. He said he has read the minutes of the 1999 meetings and the court cases and the multiple traffic reports. He knows the City Attorney has presented a memo to the Board that says this is an old case coming back to the Board and that they need to review evidence and information to determine whether either the application is different or the facts and circumstances are different. He said his first job is to convince the Board that this application is different and the facts and circumstances are different and that the Board should consider the application. If he is successful he will present the application itself.

He said just before the meeting he explained to the Chair just before the meeting that he had full intentions to be able to present the case this evening in both aspects. He said he discovered late today when he finished his meeting with the Traffic

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Department that he was unable to get information that he thought he would be able to use. Then when he met with his clients and their consultants, who all flew in today, they didn't have the information either. He said it would be premature for him to proceed forward with this case this evening.

He said he is aware that there is opposition based upon the history of the case. He said the key people are here, but they are missing some key elements - such as what plans have been accomplished on Daniel Webster Highway since 1999 to the present time. He said there are a lot of new people on the job at DPW and they have transferred to new offices. They are very busy and he wasn't on Board to ask the questions he wanted to get the answers in a manner that would allow them to dig up the information.

He said he has a meeting scheduled next week with the City to discuss what projects have gone on, what projects are planned, what is the schedule of those projects, etc. He said he thinks it is premature for him to present the case only to have the Board ask similar kinds of questions that were asked in 1999 without the requisite answers.

Atty. Hollis said one of the questions that came up in 1999 in the court case and before the Planning Board was the issue of how Costco determines its basis for the percentage increase in traffic caused by the gas pumps. He said they have this data, but it is not part of the study. He said this information would be given to the attorney for Cumberland Farms (in opposition) so he can have it as well.

He asked for a continuance of the public hearing to the September 9 meeting.

Atty. Malcolm McNeill, Dover. Atty. McNeil said he represented Cumberland Farms throughout the processing of this matter. He said he is present with their traffic expert and a representative from Cumberland Farms. He said if Atty. Hollis had called him earlier today and advised him of his problem he would have readily agreed to an extension and hopefully they could have worked toward a mutually acceptable date in the future. He said he is not aware of his availability on September 9.

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He said he is prepared to proceed with this case. He said he understands Atty. Hollis' predicament and he knows it's in the Board's interest to hear the case once and get all the evidence at one time. His preference would be to proceed. He said if the case were continued, he would like to have the opportunity to make sure he is available on that date. If not, he would like to arrange a date with Atty. Hollis that is convenient. He said it takes him 1-½ hours to get to Nashua as it does for his client.

Mr. Farkas said he wants to make sure that if the Board does table this case that if Atty. McNeil is amenable to the Board's postponing this and it is to a date certain subject to his availability which he will coordinate between himself and Atty. Hollis and notify the staff.

Atty. McNeil said this is amenable to him.

Atty. Hollis said this is reasonable.

MOTION by Mr. Lowe to postpone to 9/9/04 meeting subject to availability of both attorneys and to coordinate with staff.

SECONDED by Mr. Farkas.

MOTION CARRIED UNANIMOUSLY

NEW BUSINESS - SUBDIVISION PLANS

2. **Hollis Acquisitions, Inc. (Owners) - Proposed subdivision of one lot into single-family lots, 14 West Hobart Street, Sheet 128 - Lot 139, Zoned "RA" Urban Residence & "HB" Highway Business.**

Richard Maynard. Mr. Maynard said this is a simple subdivision of one lot into two lots. It is located on West Hobart Street, which is off of South Main Street. One lot away from this site is Mello Dodge. He pointed out the location of Daniel Webster Highway.

He said this is located in a RA Zone which requires 7,500 square feet of land area and a lot width of 75'. The existing lot is 17,089 square feet and contains a single-family home. The proposal is subdivide the property into two lots so that another single-family home may be built on the second newly created lot.

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He said there is a full wrap around driveway. He showed the location where asphalt would be removed and where a driveway would remain for the existing house as well as for the new lot.

He said the increase in impervious area is on the order of 200 square feet, which is minimal. There will be a leaching catch basin system connected principally to the house roof drains.

Mr. Moran asked Mr. Maynard to go over the driveways again.

Mr. Maynard said at the present time there is a driveway that wraps all the way around. He demonstrated this on the plan. He showed where the driveway would remain, the portion that would be removed and the other portion that would also remain to service the new house.

Mrs. Lasky asked if the treed area in the front is going to remain.

Mr. Maynard said most of that should remain. The driveway is already there and the house is going to be built interior to the lot. He said he didn't think the sewer and water connections would interfere with the trees and the root system.

Mr. Lowe asked if they should place a stipulation on the plan that the trees abutting the commercial lot not be removed.

Mr. Maynard said there is no reason whatsoever that these trees should be disturbed. There is no activity to that side. He has no objections.

SPEAKING IN OPPOSITION OR WITH CONCERN

No One.

SPEAKING IN FAVOR

Maurice Cote, 10 West Hobart Street, Nashua. Mr. Cote said he's lived at this address for fifty-four years. He said a house being built so close to his home disturbs him, but there is nothing that he can do about it. He said from what he can see it meets all the requirements of the City. He said he would like to see a hedge placed on the boundary line along the west side of his house and the east side of the new house.

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He said from the back of where the footage is 178' above sea level to the street it is bare. From this location south there are hemlocks that are approximately 15' high. He said he would like those to remain.

Mr. Cote said he and his wife had had discussions with the new owners of the property and they have agreed to take care of things. The driveway is going to be on the opposite side away from them and this is appreciated.

He would like to see a member of the Planning Staff come to the site when it is finished to make sure that all the items that appear on the plan are met and if they are, he has no complaint.

Mrs. Lasky said this is the general procedure.

Mr. Dufour asked if they could have the applicant address the hedges that Mr. Cote asked for.

Mr. Maynard said he said they could put some plantings along the common line. He said he'd like to delegate to staff about preservation and minimizing cutting and suggesting some plantings along the common line. He is not sure they can put a full continuous hedge line.

Mr. Cote said he would like to see that at a point where they are finished building the house that there be a time specification that they have to be put in before he dies.

MOTION by Mr. Lowe to approve the subdivision plan for 14 West Hobart Street, Hollis Acquisitions, Inc. with the finding that the plan meets NRO 16-108 and with the following stipulations:

At this point he said that he is finding out that it doesn't cost \$50 a linear foot for an applicant to construct sidewalks. It costs somewhere between \$25 & \$35 a linear foot.

Mrs. Lasky said West Hobart Street meets the three conditions for a contribution in lieu of putting in a sidewalk. The Board has to make a decision on whether that is what they want to do.

1. Prior to recording the subdivision plan bonding for work in the public right-of-way shall be approved by the Division of Public Works and Corporation Counsel.

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2. Prior to recording the subdivision plan any final drafting corrections shall be approved by the Division of Public Works.
3. Prior to recording the subdivision plan the storm water operation and maintenance plan shall be submitted to the Planning Department for review and recorded with the plan.
4. Prior to the issuance of the certificate of occupancy all work within the public right-of-way shall be completed to the satisfaction of the Division of Public Works.
5. Trees abutting Lot 709 shall not be removed.
6. Staff will supervise plantings along common lot line of Lots 140 & 141.
7. Contribution to sidewalk fund in lieu of installation of sidewalk.

SECONDED by Mr. Slivinski.

MOTION CARRIED UNANIMOUSLY

3. **Patrice & Michael Kennedy & Phaneuf Revocable Trust, Maurice W. Phaneuf, Trustee (Owners) - Proposed lot line relocation, 9 & 10 Virginia Drive, Sheet 6 - Lots 17, 51 & 58, Zoned "R9" Suburban Residence.**

Glen Wills, Cuoco & Cormier Engineering, 74 Northeastern Blvd., Nashua. Mr. Wills said this is a lot line adjustment off of Virginia & Vermont Drive. It is an equal area of swap of about 687 square feet. There is a dwelling on each of the properties. Both lots will be conforming as far as the zoning ordinance is concerned.

SPEAKING IN OPPOSITION OR WITH CONCERN

No One.

SPEAKING IN FAVOR

No One.

MOTION by Ald. Larose to grant the request for lot line relocation for Patrice A. & Michael R. Kennedy & Phaneuf Revocable Trust, 9 & 10 Virginia Drive with the finding that it meets NRO Section 16-108.

SECONDED by Mr. Farkas.

MOTION CARRIED UNANIMOUSLY

4. Dennis P. & Constance McCullion (Owners) - Proposed lot line relocation, 604 Broad Street, Sheet F - Lot 440, Zoned "R9" Suburban Residence.

Richard Maynard, Maynard & Paquette. Mr. Maynard said there are two existing lots on Broad Street across from Woodfield Drive at the corner of Bartemus Trail. They are two lots of record, one of them being slightly sub standard with regard to lot width. He said they appeared before the Zoning Board to make the lots less non-conforming and received a variance for lot width on Map F Lot 1609. He showed where the lot line was being moved on the plans. He said the existing driveway and curb cut will remain. It will become a common driveway shared by both lots and the new lot will have a single family home constructed on it.

Mrs. Lasky asked if the driveway is going to be widened.

Mr. Maynard said "no." There is a family relationship between the two. It may get extended a little to get a little parking area inside the lot, but not the curb cut itself.

SPEAKING IN OPPOSITION OR WITH CONCERN

No One.

SPEAKING IN FAVOR

No One.

MOTION by Mr. Lowe to grant the lot line relocation at 605 Broad Street, Dennis P. & Constance McCullion with the finding that it meets the requirements of NRO Section 16-108 and with the following stipulation:

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1. A cross access easement shall be submitted to and approved by the Planning Department and recorded with the plan.

SECONDED by Mr. Slivinski.

MOTION CARRIED UNANIMOUSLY

5. **JOTE Realty, LLC (Owner) - Proposed subdivision of one lot into two single-family lots, Indian Rock Road, Sheet F - Lot 40, Zoned "R30" Suburban Residence.**

Richard Maynard, Maynard & Paquette. Mr. Maynard said earlier this year the Planning Board approved three projects in this area. One of them was called Northfield Estates. It is a 54-lot subdivision. He said they are proposing that two of those lots out of the 54 and move them ahead. These are the two lots on Indian Rock Road.

He said the sewer improvements coming up from the Airport and Perimeter Road will be made. They will make the improvements to Indian Rock Road, including the sidewalk construction. There will be a simple water main extension because the pressure needed with the booster station comes later when they are talking about the other lots.

He said all the stipulations of approval for Northfield Estates remain in place.

Mr. Maynard said that except for some recent correspondence from the Fire Department this would have been routine. He said the Fire Department has asked for an emergency roadway easement over the sewer easement. He showed the Board the location of the sewer easement. He referred the Board to their materials. He said the sewer routing is about 800' long - approximately 80' - 100' on their property and the remainder on the Airport Authority property. He said the Fire Department wants them to make their portion an emergency access easement for fire trucks. He said the staff will have some other information for the Board concerning this issue.

He said there are several other better areas for the emergency accesses. One of them is the extension over to Thornton Road and the Blackfoot cul-de-sac goes right up to the Airport land without having to go through any residential lots or disturbing any residential properties. He believes the Fire Department's request is a little excessive and not necessary.

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Mrs. Lasky asked Mr. Maynard to point out where the Fire Department wants the emergency access and he did so.

Mrs. Lasky asked how many lots this goes through.

Mr. Maynard said it goes through the edge of one lot and is adjacent to another lot. It is between the two residential lots and then in between two of the hangar properties within the Airport itself.

Mr. Moran asked if any of the alternate routes have been discussed with the Fire Department.

Mr. Maynard said he had a conversation with Mr. Morrissey today and he has said he doesn't like the other routes - that he wants this particular route. He said in his mind the Blackfoot Drive cul-de-sac butts right up to the Airport Authority land. When Deerwood Drive is done there will be another connection and you don't have to go between two residential properties.

Mrs. Lasky asked if he knows the reason the Fire Department seems set with this route.

Mr. Maynard said he couldn't get a clear explanation. He said as an aside that they don't need this for ten years.

Mr. Lowe said he thinks that this is closest to the Fire Station and that may be the reason they want this route.

Mr. Maynard said two blocks up the street and they are talking about the Thornton Road Fire Station as being another station to serve this area. This has yet to be built.

Ald. Larose said it seems to him that if they are talking about Thornton Road, wouldn't Blackfoot Drive be closer to Thornton Road.

Mr. Maynard said this is exactly his point. Either Blackfoot Drive or Perimeter Road to Thornton Road. They are existing right-of-ways and they would not have to go through private properties. Either one or both are available or will be very shortly.

Mr. Sawyer said he has had several conversations with Chief Morrissey today. There is an E Mail that came from him at 4:30PM today that outlines his points.

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He said this is primarily for when the Thornton Road Fire Station is in place so that when a call is received by the Fire Department for this part of town and other stations were in other places, this would be the next station to respond. They are saying they can possibly cut 6 - 8 minutes off of a trip to this part of town from Amherst Street or Thornton Road. He said Deerwood Drive does align directly with Thornton Road and would be a straight shot across Amherst Street. That road is congested. You can get to this part of town much easier by going across country to the Airport to get here.

He said he had conversations with Chief Morrissey about Deerwood Drive. He said in his mind with the airport improvements that are in place there is already a road up Deerwood just to the back of the houses shown in the large photograph he referred to. He said they are talking about a similar length connection that would need to be made along Deerwood. He said the Chief is trying to reserve his options. He would like to see it built on the applicant's property. Anybody buying a house there would see it and know that it's there. The City would be responsible for continuing it onto Perimeter Road at some point in the future.

He said Chief Morrissey talked about Blackfoot Drive and they did try to make that connection a number of years ago and were not able to. He doesn't know the exact reasons why. He said there is no guarantee that the Airport would allow any of the connections.

SPEAKING IN OPPOSITION OR WITH CONCERNS

Atty. Gerald Prunier. Atty. Prunier said he has lived on Indian Rock Road so he knows the concerns of the people who live in that area. In his mind if there is ever going to be a connection, it's going to be at the end of Blackfoot and not between these two lots.

He said these two lots have already been approved in a previous plan. He understands what the Fire Department is asking, but in this particular instance this is the wrong place and the wrong time. This is a residential neighborhood. It should be at the end of Blackwood. He doesn't know why they haven't done anything at that location. He doesn't believe anyone would want an emergency access that runs right alongside his or her home.

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Mrs. Lasky asked if Atty. Prunier has had any discussions with Chief Morrissey on this issue.

Atty. Prunier said he has not. He said he first heard of this today.

Mr. Slivinski asked why somebody wouldn't be happy with an access road. If there was an emergency at their house the Fire Department would be there that much sooner.

Atty. Prunier said the two lots that have an emergency access between them don't benefit from this. You can come down Indian Rock Road from Pine Hill. You can go up Pine Hill and come down Victoria to service these houses. As far as the Airport, if you have Perimeter Road, you have emergency access through Daniel Webster Highway. He said if you have been to the Airport, it's a super highway and you can come through there. If you are talking about the end of the Airport, Blackfoot makes the most sense of all.

Ald. Kathy Vitale, 8 Massasoiet Road. Ald. Vitale said she agrees with everything that Atty. Prunier has said. She said to put in an emergency access road here, not only for these two houses, but also for the existing houses on this section of Indian Rock Road, would open up a residential area visually to the Airport which right now has a treed area that separates it. It would change the whole look of the street. She is surprised that they have never connected to the end of Blackfoot.

She said at this point she is sure that there will be opposition from anybody lives on Blackfoot to open it up. However, it is the more logical spot. The other logical spot that now is available is at Deerwood. It would be gate controlled, but it would connect to Thornton Road where there is a site available for a future firehouse.

She said she doesn't know why the Fire Department would use Perimeter Road because it's a "no salt" road. It gets very slick and she can't imagine a fire truck making a quick turn out of the Airport onto Perimeter Road, taking a couple of curves, turning onto an access road, and crossing a property to access this area. She said it doesn't make sense to her.

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SPEAKING IN FAVOR

Mrs. Lasky asked if all the abutters had been notified of this project and Mr. Sawyer said they had. It was advertised as a subdivision.

Mrs. Lasky said she is a little uncomfortable that people might think they are trying to pull a fast one on them.

Mr. Dufour said he's usually adamant about following the Fire Department's procedures on request. He said it does look a little bizarre. The uproar they are avoiding by not having notified these people because they didn't need to is likely the same one they would have if they tried cutting it at the end of Blackwood.

He said the last paragraph of the E Mail from Chief Morrissey references the fact that he is willing to explore additional options. This site would be encumbered with this obligation forever and they may not even use it. Whoever is developing this lot is not going to be able to put anything where the designated access way is. It creates one ugly site. He said the Fire Department hasn't convinced him that they have no other options.

Mr. Lowe said he also has a problem with it. He said the biggest problem is that at 4:30PM on the night of the meeting they get something from the Fire Department and nobody else knows about it. There has been no notice to any of the other abutting properties if this road should go in.

Mr. Moran said he is as surprised as anybody else by the Fire Department's concerns. He said he is also concerned because prior to viewing this site he didn't take any consideration as to this site or any alternate sites. He really isn't prepared to go forth with this unless they have Chief Morrissey here. He said if the decision is to vote on the case, he will vote without the input from the Fire Department.

Mr. Farkas said he is looking at the letter from the Fire Department dated 7/10/04 that is in the Board's packet. There is talk about an emergency access way there as well. He is sure this is a good reason for Chief Morrissey asking for this. He also would like to hear from him. He said he has not been persuaded, but he wants to make sure there's something he's unaware of. He

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said it is true that there are other options, but they aren't before the Board. He would like to see this tabled in order for Chief Morrissey to address the issue. He said he'd like to hear from the applicant as to what they think about this.

Mr. Dufour said if the developer feels that this impacts the property, he won't develop it like this and he'll revert to the original approved plan.

Atty. Prunier said they want to make sure that everybody is protected. He probably wouldn't be this emphatic about the situation except for the fact that he lived just down the road for about ten years so he knows the area very well. He repeated the other options that he spoke of in his earlier testimony.

He said this is very important to his client because of the restrictions and conditions placed by the Board on the original approval. They are moving ahead with some of the development and this will restrain them from doing this at this point in time. He said they aren't going to get anything different from the Fire Department or from him than what they have this evening.

Mr. Dookran asked what the applicant is afraid of with reference to this access road.

Atty. Prunier said right between two houses there would be an emergency access that can be used by fire trucks, ambulances, and everything else through. If you own one of these houses and want to sell it, it will already be de-valued because of the access. It is not to benefit either of these houses because they can be accessed by either end of the road.

Mr. Dookran said there is a 20' wide utility easement that is unpaved. He asked if it isn't pretty much the same thing in appearance.

Atty. Prunier said in his experience the Fire Department has always wanted an emergency access paved and if not paved, at least blocks with grass growing through them.

Mr. Dookran said they have just started the construction of Southwest Park emergency access to Tanglewood and a cross section there is a 12' wide pavement with travelable shoulders that will be low and grassed. This is much less impacting.

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He said he knows one of the people who spoke earlier is concerned about the clearing of wooded area. It's going to be cleared anyway because you have to maintain a sewer access. He does not think that visually there will be much of a difference. It all depends on what you end up with for an access road. A 12' wide access road may not be that bad.

Atty. Prunier asked why the Fire Department didn't mention what they wanted when the larger plan was proposed. This had more of a concern to everybody than two lots.

He said he is familiar with Tanglewood. Everybody knew that one right from the beginning. In this particular instance they have a plan that was approved and known to everybody at that point in time. Now because they are trying to get things moving a little faster they are being penalized by the Fire Department saying they want emergency access. This is the wrong place. He said if this was the only place they had maybe he wouldn't be so passionate in his argument.

Mr. Dufour said to get back to Tanglewood, if they look at the site plan, there is an access road there, but it's a defined access road. It's not going through the middle of someone's yard.

Mr. Maynard said there is a sewer profile in the plan which is the same route as Chief Morrissey is asking. If they look at some of the topography, there are some grades and sections that are 5% - 7%. It's not a simple little road. The walkway is 5' stone dust. This is minimal. Twelve feet of pavement with shoulders is not really the same. It's a major intrusion. The grade differentials and the slopes in this land in this section are not reasonably level like they are at Blackfoot or at Deerwood.

Mr. Dookran said there was testimony that this plan does not take away from the stipulations on the bigger subdivision. He asked how approving this plan affects the development agreement.

Mr. Maynard said it doesn't. It just allows these two lots to go first and get their certificates of occupancy. They are still required to do all the improvements that are on the development agreement. He said these two lots are partially used to fund some of the work. It also allows them to get all of that section of Indian Rock Road done at one time. It's like a phase of the

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overall plan. The other plan said there would be no c/o's unless they did 100% of everything, but they need to do things in steps.

Mr. Farkas asked if this means they will be back.

Mr. Maynard said they will - probably in September with four lots across the street which takes this up the rest of Indian Rock up to Victoria on the side where the booster station is so they can get that work done too. He said they have been working on this for the last several months with the staff.

Mrs. Lasky asked if they have been working on this for several months why the input from the Fire Department has just come in.

Mr. Maynard said he has no idea. He called immediately and found that Chief Morrissey was on vacation. He sent faxes and called him and finally got to talk with him today.

Mrs. Lasky asked how this affects the project if the Board was to table the case.

Mr. Maynard said he prefers that the Board vote to allow this and they can come back and consider the emergency access, however, it would not be the end of the world if it gets deferred.

Mr. Farkas said if the applicant is coming back again with this development he would be inclined to let them go ahead with this because they will have another chance to discuss the emergency access and everybody will have talked by then. If Chief Morrissey still feels the same way the Board can have a talk with him.

Mr. Maynard said the Board can reserve the right to re-visit the easement question as a stipulation tonight.

Mr. Dufour said if the Board allows this two-lot subdivision to go through and the applicant is coming back to the Board with something across the street, how would they get the chance to revisit this. He said he doesn't think that there is going to be any more information than they already have. He said he is inclined to move forward and vote on the plan.

Ald. Vitale said she would like to point out that there are quite a few drainage issues within the area. In about where the middle of these two lots it is really wet. She asked if it can be explained

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how they are going to take care of the water that comes down Apache, across Indian Rock Road right about where the house is on Lot 153. She said there is so much water there that the Street Department is continuously filling holes and repairing that section of the road. There are ice puddles there and she has noticed that they are being required to put in curbing clear up into that lot. She asked how the water is going to be handled so that part of the road that is going to be improved won't start falling apart immediately from the water buildup in that area. She asked how they are going to handle the drainage that comes down behind Lot 153 and onto this lot where it sits and then settles into the ground.

She said because it is so wet there and wet on the Daniel Webster property she would be amazed if the Fire Department didn't require more of an upgrade to any type of access there because there is no way the fire trucks could go over it with the amount of water that settles in that area.

Atty. Prunier said that Mr. Maynard has taken the drainage through Daniel Webster College through the drainage easement they obtained for the ballpark when it was recently approved. He said the drainage is not a problem.

Mr. Sawyer said he thinks that Ald. Vitale believes the water on Indian Rock Road will not get to the catch basins and curbing that's proposed to be installed beyond Victoria. He thinks she believes these improvements need to be continued up, even if it's just a curb on the northeasterly side of Indian Rock Road. He said the way that she explained this to him the water crosses the road and ices up. There is a continuous problem as it causes a lot of potholes in that portion of Indian Rock Road. The Street Department has continually said that they don't really want to repave the road until they have the money to put in drainage, etc. further up Indian Rock Road than what these projects have ever anticipated working on before. It's slightly beyond the scope of what the 54 lots had proposed to do.

Mr. Slivinski said he doesn't believe the Board should go against the Fire Department on the issue of the emergency access road. The applicant was given a month's warning that the Fire Department was looking for emergency access along the utility route. There is no doubt that there are better routes, but he has to go with the Fire Department if they this makes sense.

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MOTION by Mr. Dufour to grant the subdivision, Indian Rock Road, Sheet F - Lot 40 with the finding that it meets NR0 16-108 and with the following stipulations:

1. Prior to recording of the approved subdivision plan, a development agreement between orchid Development, LLC and Second Generation Properties Limited Partnership, outlining each parties responsibilities for construction, bonding and phasing, shall be submitted for review and approval to the City of Nashua Division of Public Works and Planning Department.
2. Prior to any work being conducted a pre-construction conference shall be held with the Planning Department to review erosion control, tree and material removal, and tree protection.
3. Prior to the plan being recorded, bonding for all public improvements shall be submitted to and approved by the Engineering Department and Corporation Counsel.
4. Prior to the plan being recorded, the Planning Department and Corporation Counsel shall review and approve all required easement documents. Said documents shall be recorded with the plan.
5. Prior to a certificate of occupancy being issued a voluntary contribution in the amount of \$200 shall be paid per residential unit. Said contribution shall be paid to the Planning Department and applied to Pine Hill Road improvements through the Division of Public Works.
6. 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.
7. Prior to the first certificate of occupancy being issued the storm water management area including the outlet control structure, overflow drain line, pipe work for the headwall, outlet at Indian Rock Road, and the proposed culvert improvements at University Drive shall be completed to the satisfaction of the Division of Public Works.

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8. Prior to the first certificate of occupancy being issued all improvements to the Pine Hill Road, Coburn Avenue, Indian Rock Road intersection shall be completed to the satisfaction of the Division of Public Works.

SECONDED by Ald. Larose.

MOTION FAILS 5 - 3, Mr. Farkas, Mr. Moran, Mr. Dookran, Mr. Lowe & Mr. Slivinski opposed.

MOTION by Mr. Lowe to table.

SECONDED by Mr. Moran.

Mr. Dufour asked that rather than table this the Board approve the plan with the access and then let the applicant decide whether they want to do it that way or not.

Mr. Slivinski asked if the Board could approve it with the access, but also say that unless within 60 days the Fire Department comes back in with a letter that states they no long require the access because (and they give a reason).

Mrs. Lasky said she didn't think so.

Ald. Larose said he doesn't want to see a letter from the Fire Department saying they want this or don't want this. What he wants to see is the Fire Department at the meeting so the Board can ask questions.

Mrs. Lasky said to her that would be the purpose of tabling it.

Mr. Sawyer said he does not know Chief Morrissey's availability for the next meeting. He said he can try to have him available at the next meeting or at least get more documents from him.

Mr. Dufour said the burden is on the applicant about exactly where the access would go onto that site and what preparation they would have to do to meet whatever is expected of them. If the City wants access, can the Board make them make the sub surface strong enough to get a fire truck in there, and if not, is the City going to do it as they're developing the lot.

MOTION CARRIED - 7 - 1, Mr. Dufour opposed.

Mrs. Lasky said this case has been tabled to the Board's next meeting.

6. Nashua Hollis Investments, LLC (Applicant) Rachel Gelazauskas Heirs (Owner) - Proposed subdivision of one lot into 6 single-family lots and a 253 square foot right-of-way dedication, Indian Rock Road, Deerwood Drive and Pine Hill Road, Sheet F - Lot 41, Zoned "R40 Suburban Residence.

Jim Petropulos, Hayner/Swanson, Inc., 3 Congress Street, Nashua, NH. Mr. Petropulos said he is representing Nashua Hollis Investments, LLC. He said they are seeking final approval of a six lot subdivision.

He said the property under discussion consists of 11.87 acres and is located in the northwest corner of Nashua. He said the property is abutted by Indian Rock Road to the south, Deerwood Drive to the west and to the north and east it is abutted by residential properties that currently front on Massasoit Road and Indian Rock Road.

Mr. Petropulos said the plan has been prepared in conjunction with, due to its proximity to a piece of property in Hollis, a 42 acre parcel on the other side of Deerwood Drive. He said the property is primarily in Hollis.

He said his client is purchasing the back 20 acres of a 42-acre tract and is seeking a three lot subdivision from the Hollis Planning Board. It is not uncommon in New Hampshire, especially in some of the rural communities, where certain lots are located in one town, but they gain access in another. He pointed out that they are not purchasing the front 22 acres, where the property is connected to Pine Hill Road.

He said their company surveyed this land earlier this year. The property is zoned R30 and the parcel has moderate topography. It is higher in the easterly part of the property with a gradual slope down towards Deerwood Drive. They have frontage on Indian Rock Road and Deerwood Drive. Deerwood Drive is a dirt road/paper street. In fact, it's not connected to the other Deerwood Drive on the other side of the railroad. Over the years it has become

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washed out. There are some erosion problems. He said some of the residents could attest to the fact that its become a haven for nighttime activity.

Mr. Petropulos said there is no sewer or municipal water in this part of the City so there will be septic and wells. They have done a series of test pits on the property and found pretty good soils. The property is located in the Watershed Protection District.

Mr. Petropulos pointed out the area of the 11.87 acre property and indicated it is somewhat "L" shaped. He pointed out Indian Rock Road, Deerwood Drive, Massasoit Road, and the residents around the property. Their client has optioned the back 20 acres of the 42 acre piece. It is predominantly in Hollis. He said as you cross over Pine Hill Road into Hollis there is a farmhouse belonging to Mrs. Gelazauskas. He said the proposal is for a six lot subdivision. The R30 Zone requires lots with a minimum of 30,000 square feet if sewer and water are provided. The lots require 60,000 square feet if there is no sewer and water provided. Their lot sizes range from that size to 4.3 acres. Three lots will front on Indian Rock Road and three lots will front on newly created Deerwood Drive.

He said this project contemplates a dedication of land for right-of-way. The intent is to construct the new public way that connects Massasoit to Indian Rock. He said Indian Rock and Massasoit dead ends in that location. Their proposal is to reconstruct about 200' of Massasoit Road. There is a drain line that runs down here that has discharged and eroded the area. Water comes off the hill and peeled the gravel away. Indian Massasoit Road is in terrible condition and this plan proposes to reconstruct 600' of Indian Rock Road. It will key into Deerwood Drive and Deerwood Drive will be connected to Massasoit.

He said the road would be a typical Nashua Road with sloped granite curb, 24' wide, closed drainage system, curbing and catch basins. He said they intend to control their storm water runoff with catch basins. He said within the right-of-way they will construct a storm water management area. The ultimate outfall is across the way into the wooded wetland area. Dry sewer is being built into the road, but the lots will be serviced by wells and septic systems.

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Mr. Petropulos said there is an issue with sidewalks that needs to be discussed. There are no sidewalks in Indian Rock Road, Apache or any of the streets in the area. This property, in relationship to the newly acquired City of Nashua land out to Westwood Park, is a trailhead for that land so they envision people walking in and around the area. He said they don't feel sidewalks are as critical here as they are on some other subdivisions because of its location and because there are no sidewalks in the area. There is a limited amount of traffic in this part of the City on this stretch. He said they felt people would walk down the street because there is nothing to disturb them. He said they have proposed a small graveled area (he pointed this out on the plan) to encourage people to get onto the trail and will take them to the City land. He would envision in the future the City will have trails for the area.

He said they are not opposed to a reasonable contribution for sidewalks and they are not opposed to building them if they need to build them. They didn't think it made sense to build them. When he said a reasonable contribution, he didn't think \$50 a linear foot was reasonable. With the 2400' of new road they are building, times \$50 a foot, is \$125,000. The cost to build it is probably closer to \$30,000 - \$35,000. If the City says it makes sense not to build the sidewalk and they would like the money to construct sidewalk in a more needed location they are open to discuss this.

He said they were concerned about emergency response on Deerwood Drive because Deerwood Drive exists on the other side of the railroad track by Amherst Street so if an emergency phone call came in and they said they were on Deerwood Drive there might be some confusion. He said they talked with the Fire Department about the road name issue and they are amenable to re-naming this link to South Deerwood Drive. This is how it is represented on the plan.

He said the plan also represents three lots in Hollis that would gain access and frontage off of the newly constructed South Deerwood Drive. He said they have been before the Hollis Planning Board on two occasions and are seeking approval from them. He said they have an inter-municipal agreement with Nashua about first response. These lots in Hollis would have South Deerwood addresses, but they would be in Hollis. He said he has letters from Hollis Planning and Fire that states they have met and discussed this. First response would come from the Pine Hill Road

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Fire Station because it's a little over a mile away. Police would also be first response with Hollis picking up service after that.

He said bus pickup was also a question that was asked. The Hollis bus will come up Indian Rock Road and pick up the children, if any, at these three homes.

He said this part of Nashua is a very desirable residential location. There are some views looking northwest that make it even more desirable. He said they expect this to be a higher-end development given the lot size and location. The homes would be comparable to the value of the land and consistent to what has already been done in this location.

He said they are asking for a waiver on the plan scale. They have provided an 80 scale to minimize the number of sheets.

He said they have done a traffic impact report worksheet and it didn't meet the threshold for further study. He said the connection of Massasoit to Indian Rock makes a reasonable and logical loop.

He said Pennichuck Water Works has reviewed their storm water because they are in the Watershed. He said he believes they found no objections to their proposal.

He said the City Engineer's Office has reviewed the road and sewer design and Nashua Fire Rescue has also given the project its blessing with the condition that the six homes need to have individual in-home sprinkler fire suppression systems.

He said there are a number of standard stipulations and they do have an issue with Stipulation #1. He said it doesn't read right.

He asked if the Board had any questions at this point.

Mr. Farkas said there are other developments going into the area and a new pump station as well as City water and sewer. He asked why this development isn't hooked up to City water and sewer.

Mr. Petropulos said they are probably close to a mile away from the pump station. It would be a very heavy cost to extend the water to that location. Some day the residents may demand that Pennichuck extend the service.

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Mr. Slivinski said on the plan it looks like they are going off the old track of South Deerwood. He asked who owns the right-of-way now.

Mr. Petropulos said Deerwood Drive is a paper street. He said they own land on both sides of that right-of-way, therefore they have the ability to create new right-of-way. It will not be a traditional 50' right-of-way and the reason is that the steepness of the grade coming down Massasoit was 9% or 10%. They felt that to run a 9% or 10% road into a "T" intersection was unsafe.

Mr. Dookran asked if the storm water detention area would be publicly owned and maintained.

Mr. Petropulos said "yes."

Mr. Dookran said there is a drainage easement with the abutting property in Hollis. He asked if that would be an easement given to the City of Nashua.

Mr. Petropulos said "yes."

SPEAKING IN OPPOSITION OR WITH CONCERNS

Christian Ionescu, 14 Massasoit Road. Mr. Ionescu said in the Registry of Deeds the description of the property mentions Bloods Crossing Road and it also states at the bank that it is not a street. He said changing the street means bringing problems.

He said the piece of property that belongs to the City abuts his property. He does not have direct access to the street as he had before because of a wall or space between the street and his property. He said the bank was asking to have a new survey and a new description of his property.

He referred the Board to the map. He said his property is on the corner. He said he has access to Massasoit Road and access to Deerwood. He is next to the City owned parcel, which creates a problem because he doesn't have direct access to the road.

He said he understands that the area for the storm water acts as a filter or decanter for water from the street and carries all the residue and chemicals from the street. It will be right in the

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front of his property. He said this is not good for him or his family. He believes there may be other solutions.

Arnold Chagnon, 51 Indian Rock Road, Nashua. Mr. Chagnon said Lot 41-6 abuts the back of his house as well as several of the other neighbor's homes. He said they all have concerns about this. It is essentially going to chop into everybody's back yard. He asked if it's possible for the lot to be left open or whether the neighbors could buy the land.

Mrs. Lasky said that is something he and his neighbors would have to discuss with the owners of the land.

Mr. Chagnon said it has not been clear as to who the owner of the land is.

Ald. Kathy Vitale, 8 Massasoit Road. Ald. Vitale said she believes she heard that the proposal is for a 24' wide road. She asked what the minimum requirement for the City.

Mrs. Lasky said 26'.

Ald. Vitale said she didn't believe that sidewalks are necessary. If anything, what they see more of in the area is bicycles.

She said as far as the drainage is concerned, where the road is curving around it looks like quite a bit of rip rap is proposed. She asked if there is anything that would fit in a little bit better than a riprap area. It isn't anywhere else in the development.

She said going back to the one lot that extends into the back of all the residences in the area, it would be appreciated by the neighborhood and probably by the houses that are being proposed if that one lot could be cut down to 60,000 square feet and deed the rest as conservation land so it is open to everybody to access.

Marty Doctor, 49 Indian Rock Road. Mr. Doctor said he is also an abutter to Lot 41-6. He said he is generally in support of the plan, but does have concerns about this parcel of land that is behind their homes.

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He asked that the Engineer look into sewer and water one more time. He said sewer and water run all the way down Perimeter Road and could be connected through Blackfoot, then up Blackfoot and then up Massasoit or up Deerwood Road from the end of Perimeter Road on the Airport property. It's less than a half mile and it would prevent drilling ten new wells, ten new septic systems and sprinkling ten houses. It would also provide all the houses in the neighborhood with fire protection. They have no hydrants at his end of the street. The closest hydrant to this end of the street is at 21 Indian Rock Road, which is about 3/4 of a mile from this area. He asked that they look into extending utilities from Perimeter Road.

SPEAKING IN FAVOR

Atty. Gerald Prunier. Atty. Prunier said the first stipulation requires that they receive approval from the Town of Hollis. He said the Nashua Planning Board has no jurisdiction over the Town of Hollis. He said they can develop the property in Nashua without the approval of the Town of Hollis. They don't feel that this stipulation should be on the plan and should be removed.

He said the developer doesn't need all of the land to the rear of 41-6. They are willing to talk to the abutters about buying part of that land.

He said Mr. Petropulos brought up the subject of sidewalks. He does not believe sidewalks are needed in this area. He said maybe they can have a wider road with a bicycle path may be appropriate for the area.

Mr. Petropulos said Mr. Doctor questioned the extension of sewer and water to the project. He said it's not financially feasible for them to undertake that for a six lot subdivision. Water is 3/4 of a mile away. Sewer may be down and through towards Perimeter Road, but it's lands that they don't own. To provide those utility extensions to service an 11 acre property is not feasible.

He said Ald. Vitale brought up the rip rap protection on the storm water area as being unsightly. He said there is some truth to that, but rip rap is needed to prevent erosion from spillways. He said they can look at this closer. He distinctly remembers talking to Mr. Lebrun from the City Engineering Office about rip rap protection. If there's a way to come up with a better solution to

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protect against erosion and have it be less unsightly, they are amenable.

He said they had met with Mr. Ionescu and he appreciates the comments that he made. He said there have been some mistakes made in this local area with regard to surveying and with regard to deed descriptions and such. He said Mr. Ionescu happens to have a deed that references Bloods Crossing. There is a road named Bloods Crossing that came from across the railroad tracks and headed in a southerly direction. In fact, the road forked. If you look at the City maps they say "North Fork of Bloods Crossing."

Mr. Petropulos said the gentleman who owned this land 200 years ago owned all that land and he had a farm road that he used to go down to that part of his land. People began calling it "South Fork of Bloods Crossing" or "Bloods Crossing." He said there is no formal record or plan that calls that road Deerwood Drive. There is no formal record or plan that calls it Bloods Crossing, however, it is reflected in a couple of deeds. He said they noted in their drawing in parentheses "A/K/A Bloods Crossing."

He said Mr. Ionescu does not enjoy the fact that the storm water management area is located adjacent to his property. He said this particular site was selected for two basic reasons. The first reason is that it's the lowest area around. The second reason it's in this location is that with the soil testing they did, it was the most favorable location. He said the Nashua regulations for this part of the City (Watershed Protection District) promote recharge. This is the only area that they could get a recharge component.

He said they have tried to provide assurances to Mr. Ionescu that there will be landscaping to that area. There will also be trees maintained in that location to make it as "soft" as possible. He said with some plantings they believe that can be achieved.

He said he thinks Mr. Ionescu feels that currently he has property that is bordered by Massasoit and the Deerwood Drive right-of-way. After this proposal he still has a property bordered by Massasoit and Deerwood Drive right-of-way. He said he thinks one of Mr. Ionescu's points is that with the storm water located where it is he can't get access. He currently does not have access to Deerwood Drive, but that's not to say that he couldn't build a road down to it.

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Mr. Petropulos said they have represented in the drawings that there is the ability to have a driveway that would not disrupt the storm water management area and gain access to Massasoit Road. Currently in the R30 Zone, without sewer, Mr. Ionescu really has one property. If there were sewer in that area it's likely he could subdivide the property or seek relief from the Zoning Board. He doesn't know anything about what he was saying about the bank and a new survey.

Mr. Dufour said he isn't sure whether the area warrants a sidewalk or not. If the Board determines that it doesn't, the logical thing to do is to take the contribution. He said they can't play "Let's Make a Deal" when it comes to sidewalks every time a sidewalk issue comes up. He said they accept "X" or they build a sidewalk. They may feel that it's cheaper for them to build the sidewalk. Sidewalks in this residential area aren't the end of the world. He said he doesn't want to get into a negotiating position about how much they are going to take as a contribution.

Mrs. Lasky asked what did a bicycle path entail in terms of building that instead. She said they have never considered that.

Mr. Dufour said that was his next issue. He asked if they are proposing to build a wider street.

Mr. Farkas said in the testimony they are asking to build a minimal street.

Mrs. Lasky asked if anyone knows how much it would cost to build a bicycle path versus a sidewalk.

Mr. Dookran said typically with sidewalks they are looking at a solid granite curb and that adds to the cost. He said the 4'-5' bike lane is cheaper than sidewalks.

Mr. Farkas said the City established a policy regarding the cost for the contribution and that is the number they have to work with. Now it sounds like they are trading off and make a bike lane. He would like to see them either build a sidewalk or make the contribution. The bike lane is another consideration, but what he heard is that it is going to be a minimal road.

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Mr. Slivinski said personally he doesn't think its ever a mistake to put in a sidewalk. He said he doesn't think it detracts from the value of the property or the neighborhood. He said their policy is a good one and they ought to encourage sidewalks. He agrees with Mr. Dufour and Mr. Farkas.

Mr. Farkas asked the staff about Stipulation #1. He asked about the rationale behind that and whether they even cared if they build something in Hollis.

Mr. Yeomans said the recommendation is based on the plan notes which talk about the subdivision of the six lots in Nashua and the lots in Hollis. He said it was his understanding that the plan was going to go forth comprehensively like they have done previously on other plans which are subdivided by a town line. The plan would be signed by both communities and put on record in both towns. He said he has no objection to changing the plan to show the subdivision of the land in Nashua.

Mr. Lowe asked if the applicant will have to come back to the Board if they access the road in Nashua when they build the houses in Hollis.

Mr. Yeomans said they don't. He said this is a public street.

Mr. Ionescu came forward to ask about the possibility of buying a piece of land from the City (apparently referencing the land next to his).

Mr. Dufour said the Board has no legal basis of answering this question. He said the drainage system is being designed and it incorporates that corner. He said he doesn't know if he can buy it, but it's going to remain as drainage.

Mr. Ionescu said it is right next to his property and it's going to stop him from having direct access to the street.

Mr. Dufour said he didn't have direct access to the street before.

Mr. Ionescu said he did and evidently showed where.

Mrs. Lasky said he would continue to have an access to the new street.

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Mr. Ionescu asked how. He said he would have to build something through the City property.

Mr. Farkas said what Mr. Ionescu is asking to get an easement.

Mr. Ionescu said based on the description of his property on his deed it is very clear. It states "northerly along the easterly line of Bloods Crossing Road." It means his property must have either Bloods Crossing Road or Deerwood on the side. Now it doesn't have it. It means he has to get a survey and get everything changed.

Discussion ensued.

Mr. Dufour said the legal description of Mr. Ionescu's lot says that his lot line runs around Blood's Crossing or whatever you want to call it and now they would be moving it down. He is not going to own all the way down to the new street just because they are relocating the street.

Mr. Slivinski said there is no street there now.

Mr. Ionescu said it's a street because it's on his deed.

Mr. Slivinski said he still has access to that - nothing has changed.

Mr. Ionescu continued to protest - he does not want the project approved because of the problem(s) he believes he will have.

Mr. Petropulos said Mr. Ionescu could have the bank call him and he would talk to them. He said Mr. Ionescu's lot is roughly 300'X300'. His westerly property line is the northerly property line of the Deerwood Drive right-of-way. He noted that this is the existing condition. His property will not change with the proposed condition - it is still 300'X300'. His westerly property is still the easterly property line of the Deerwood Drive right-of-way. He showed the Board what the right-of-way will look like. He said Mr. Ionescu has neither more nor less than what he has right now.

Mr. Petropulos said that Mr. Ionescu does claim that he currently has access to Deerwood Drive. He said he still has that. He said there is a basin, but Mr. Ionescu can still get to the street as

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shown in the drawings he presented to the Board. He said he (Mr. Ionescu) doesn't need anything from the City to get to that street. If he wants to build a driveway he can do so.

Mr. Ionescu said he does want to build a driveway, but he has to go through the City property for access to the street and somebody has to pay for that.

Mr. Petropulos said if he (Mr. Ionescu) wanted to build a driveway now he would have to upgrade South Deerwood Drive to gain access.

Mr. Ionescu continued to protest indicating this is changing his property.

Mrs. Lasky said that the Board would take his comments into consideration.

Mr. Dookran asked Mr. Petropulos about the "T" intersection of Indian Rock Road & Massasoit.

Mr. Petropulos said they are only able to improve the intersection within the right-of-way and within their land. To create a safe "T" intersection in accordance with safe design principles, they are unable to do that in this land area. It was coming down at 9% which is dangerous.

Mr. Dufour said Mr. Ionescu suggested that the drainage be put across the street. He said that is in Hollis. He asked if they had the right to control that.

Mr. Petropulos said they performed test pits on the other side and there was groundwater down at 2'. They were unable to meet the recharge component of the Nashua Storm water regulations.

Mrs. Lasky said that she understands that they have looked at all the alternatives and in their expert opinion these alternatives are not feasible.

Mr. Petropulos said this is correct. He said if Mr. Ionescu currently had an access to Deerwood Drive and was currently using it, as a designer they would be forced to recognize it and work around it. This is not the case.

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MOTION by Mr. Dufour to grant subdivision of one lot into 6 single-family lots and a 253 square foot right-of-way dedication, Indian Rock Road, Deerwood Drive & Pine Hill Road, Sheet F Lot 41 with the finding that it meets Section 16-108 and with the following stipulations:

1. Prior to recording the subdivision plan bonding for work in the public right-of-way shall be approved by the Division of Public Works and Corporation Counsel.
2. Prior to recording the subdivision plan any final drafting corrections shall be approved by the Division of Public Works.
3. Prior to recording the subdivision plan the Planning Department and Corporation Counsel shall review and approve all required easements; dedication, and storm water operation and maintenance documents. Said documents shall be recorded with the plan.
4. Prior to recording the subdivision plan final approval from Pennichuck Water Works shall be submitted to the Planning Department.
5. Prior to any work being conducted a pre-construction conference shall be held with the Planning Department to review erosion control, tree and material removal, and tree protection. Trees shown on the plan to be saved shall be marked by flagging and protected from cutting or other disturbance with suitable temporary fencing.
6. Prior to any work being constructed approval of the NH Site Specific permit shall be obtained.
7. Prior to a building permit being issued for each lot 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.
8. Prior to the first certificate of occupancy being issued the applicant shall install a permanent street name sign at the intersections of Massasoit Road and South Deerwood Drive, and Indian Rock Road and South Deerwood Drive.

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9. As required by Nashua Fire Rescue, prior to the first certificate of occupancy being issued the applicant shall complete the improvements to South Deerwood Drive including the connection to Massasoit Road and Indian Rock Road.
10. As required by Nashua Fire Rescue each unit shall have a residential sprinkler.
11. 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.
12. Waiver of scale granted.
13. Applicant shall construct sidewalk or make standard contribution of \$50 a linear foot.

Mr. Dufour brought up Mr. Ionescu's land - asking if they should consider having the applicant pay for a driveway.

There was further discussion with both Mr. Slivinski and Mr. Farkas saying that Mr. Ionescu has a driveway already that accesses onto Massasoit.

Mr. Farkas further stated that there was no point to having another driveway where Mr. Ionescu talked about. His house is all the way at the other end where the existing driveway is.

SECONDED by Mr. Slivinski.

MOTION CARRIED UNANIMOUSLY

7. **Bronstein Apartments, Nashua Housing Authority (Owners) - Proposed lot line adjustment to show the inclusion of a portion of the proposed Myrtle Street right-of-way for discontinuance, 41 Central Street, Sheet 80 - Lot 89, Zoned "RC" Urban Residence.**

NEW BUSINESS - SITE PLANS

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8. Bronstein Apartments, Nashua Housing Authority (Owners_ - Proposed amendment to NR 1212 to show phased site improvements to parking, drainage, landscaping and pedestrian access, 41 Central Street, Sheet 80 - Lot 89, Zoned "RC" Urban Residence.

Jeffrey Lewis, Keach-Nordstrom Associates. Mr. Lewis said they have been working with the Housing Authority for the past 18 months to try to develop a master plan that is before the Board tonight. He said they had come to the Board with a conceptual plan in the early spring or late winter with basically the same plan that they are presenting tonight.

He said the housing authority is taking the existing apartment complex and modernizing it. There will be interior renovations of existing apartment units with emphasis on the bathrooms and kitchens. There will be providing some additional parking and more accessible parking on site. Right now the site is not really set up to accommodate the needs of the existing residents in terms of parking. There will be an upgrade in terms of landscaping and other site amenities to provide some sense of ownership/unit identity amongst the existing buildings and units.

He said there are 48 units on site within the six, two-story buildings they have shown on the existing plan. They are grouped in two sets. There is parking on either end of the property. There are two buildings in the front that have frontage on Central Street. Two buildings on the end front onto the parking areas and the two in the middle front onto the open area where there is an existing basketball court. In the back yards there are some existing swing sets and play yards. He presented pictures of the buildings and yards to the Board.

Mr. Lewis said they are proposing adding a parking lot in the middle section. He showed where this would be on the plan. He said it is the back yard area of the two middle units. It will accommodate about 30 more spaces on site, as well as providing parking that's interior. Some of the parking for the buildings is remote.

He said right now the driveway comes right down through to the front doors of the units with the parking on the opposite site. They are proposing to flip that so that the parking spaces are actually closer to the building with the drive away. The idea is

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to provide some buffer from the driveway to the front of the units. In doing so they are trying to push the whole parking lot away from the building so they can make room for some area in front of the buildings where they are proposing to add some porches and some additional landscaping.

He said out the back of the units they are proposing some fenced in, hard-surface patios so they will have a back yard area that is their own.

He said in this 40-unit complex there are approximately 200 residents with around 130 children.

Mr. Lewis said they have developed three phases of implementation for the master plan. He said the first phase for which they are submitting a plan is for the parking lots. This will include drainage improvements. Also, they will be taking down the existing lighting around the parking lots and revamping the site lighting. They also want to do the front yard landscaping and walkways. The porches and the patios will not be constructed in this phase, but in the third phase. Phase II will be the interior renovations and remodeling. After the interior work is done they will come back for Phase III.

He said the work is estimated to take about 4 - 5 years. The first phase of construction probably won't start until next year.

Mr. Lewis said the site is bordered by three streets - Central Street to the south, Pine Street to the west, and Myrtle Street to the north. He showed where Myrtle Street comes to a dead end on the plan. He said there is a dedicated turn-around right-of-way that encroaches onto the site off of Myrtle Street. He pointed this out on the plan. He said there is a gated access. He said this doesn't really work with what they are proposing. They want to eliminate it and provide a turn-around easement that follows the new driveway location. He said the significance of that is that the right-of-way encroaches too far into the site and they want to have some parking spaces and landscaping. He said they wouldn't be able to consider those as on-site designated parking spaces if they were located within the right-of-way. As a result, it's a lot line adjustment plan.

Mr. Dufour asked Mr. Lewis if he had seen the letter from one of the abutters, Tichnor Properties.

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Mr. Lewis said he was made aware of that letter today. He said the first part of the letter is addressing the concerns they have about vandalism to the side of the building that they have had in the past. He said he's not sure how the proposal will affect that problem. He said clearly they are trying to make this a better community for the neighbors.

At this point Mrs. Lasky read the letter from Tichnor Properties dated 8/11/04. They are a direct abutter to this property with a location of 1 Chestnut Street. The building houses over 50 businesses and has several hundred employees.

The letter went into a description of the vandalism this building has had over the years and the money they have spent on repairs. It indicated that as the project has been explained to them, the additional parking off of Myrtle Street as well as the additional use of Myrtle Street can only exacerbate the vandalism and related problems. It stated that there would be a higher level of activity and focus of the apartment complex along Myrtle Street which abuts their property. The letter also stated that the use of Myrtle Street as a fire lane would be impacted and the changes would reduce, if not eliminate the ability of their tenants and their employees to use the sidewalk on Myrtle Street as a walkway for access from their back parking lot to their front lot.

Mr. Lewis said he is not sure what the letter meant when it talked about the fire lane for Myrtle Street. He said they aren't proposing any improvements or changes to Myrtle Street other than the new curb cuts on their side of the street. There will still be a turn around at the end of the road. He said there is a sidewalk on the north side and there is no change to that.

He said that there will be the same number of residents. He showed where they park their vehicles. He said there is a small 10-space parking lot right off of Myrtle Street and they are basically expanding that. If anything they are getting residents off the street and onto the site.

Mr. Dookran asked if there are any delivery trucks that come into the site.

Mr. Lewis said he doesn't know.

Mr. Dookran said he asked this question because there will be a new turn-around and he wanted to know if it would accommodate larger vehicles.

Mr. Lewis said this may be something they will want to take a look at. He said it does look like it might be a little tight as shown on the plan and might have to be widened out a bit.

Mr. Dufour said it's only a concern if they are taking deliveries on the back side. He said he's not sure if that occurs.

Mr. Lewis said the intent is not to eliminate any existing use that is there right now. He said in his discussions with the Traffic Department they did not raise any concerns about this issue. He said they want to make it work.

Mr. Lowe asked where the dumpsters are going.

Mr. Lewis said there are two existing dumpsters on the site at the far corners. He said this is one of the problems - they are too remote. The proposal is to have them centered. He showed their proposed locations on the plan. They will be on the Myrtle Street side and there will be easier access from all the buildings.

SPEAKING IN OPPOSITION OR WITH CONCERN

No One.

SPEAKING IN FAVOR

No One.

MOTION by Mr. Dufour to approve the lot line adjustment to show the inclusion of a portion of proposed Myrtle Street right-of-way discontinuance, 41 Central Street with the finding that it meets the conditions of NRO Section 16-108 and with the following stipulations:

1. Prior to the subdivision plan being recorded the applicant shall submit an easement for public turnaround for review and approval by Corporation Counsel and the Planning Department and recorded with the plan.

2. This plan is subject to approval by the Board of Alderman of the Myrtle Street discontinuance as shown on this plan.

SECONDED by Mr. Farkas.

MOTION CARRIED UNANIMOUSLY

MOTION by Mr. Dufour to grant the phased site improvements at Bronstein Apartments including parking, drainage, landscaping and pedestrian access, 41 Central Street with the finding that it meets NRO Section 16-123 and with the following stipulation:

1. Prior to any work being conducted the applicant and his contractor(s) shall hold a pre-construction conference with Planning staff to review erosion control and tree protection. Trees to remain shall be suitably protected during construction.
2. Prior to any work being conducted in the public right-of-way bonding shall be approved by the Division of Public Works and Corporation Counsel.
3. This plan is subject to approval by the Board of Alderman of the Myrtle Street discontinuance.
4. This site plan is subject to compliance will the condition of approval as stipulated by the Zoning Board of Adjustment.

SECONDED by Mr. Lowe.

MOTION CARRIED UNANIMOUSLY

Ald. Larose said the letter they received referred to vandalism that had been done to the abutter's property. He said that nobody can be sure that this vandalism was done by the people who live in the Bronstein Apartments. He said as far as abandoned vehicles are concerned, there is an ordinance that will be coming to the Board of Alderman about this and hopefully it will have a lot of teeth in it and they won't have abandoned vehicles all over the place.

9. **Andrea James Realty, LLC (Owner) - Proposed change of use from single family residence to professional office and associated parking and site improvements, 93 Daniel Webster Highway, Sheet 128 - Lots 33 - 37, Zoned "RA" Urban Residence.**

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Richard Maynard, Professional Engineer, Maynard & Paquette. Mr. Maynard said in January 2000 the Zoning Board granted a use variance to convert the site to a mail order ticket agency. They never completed the site plan and never came to the Planning Board. The property was recently sold and changed hands and a new variance was obtained for business/professional office use for a social service office.

He said the existing house will be used as is. There is a seven space parking lot. Everything is going to stay essentially as it is today. There will be some fencing erected for screening. He showed the location of the proposed fencing.

Mr. Dufour read the letter received from John & Marilyn Sienkiewicz, 117 West Hobart Street at this point. This letter expressed their concern about West Hobart Street. They indicate that it is a dedicated paper street and it is the only street to their home. It went on to say that they are too old to develop West Hobart Street, but when they sell their home, whoever buys it will want to develop it, so they don't want anything to happen to West Hobart Street. The concern is that the new owner will take it over for parking.

Mr. Maynard pointed out the location of West Hobart Street on the plan. He said it is a dedicated paper street and provides access to many lots in the back, principally owned by Mr. & Mrs. Sienkiewicz. He said they are doing nothing to change the status of this street.

Mr. Lowe said the City discontinued Sexton Street, which is the other access for Mr. & Mrs. Sienkiewicz. They have gone to the City several times and asked that the street be fixed and it hasn't been done. He said the only other way for them to have access is West Hobart Street.

Mr. Maynard said Sexton Street goes diagonal and the grades are steep, but at least you can get up there. West Hobart Street is an impossible street to ever develop as a public street. The grade has to be 20%.

SPEAKING IN OPPOSITION OR WITH CONCERN

No One.

SPEAKING IN FAVOR

Atty. Gerald Prunier. Atty. Prunier said he represents Mr. & Mrs. Sienkiewicz and he has told them they are not going to lose any rights that they have to the street.

He said the building will be used by a social service agency. There were about seventy people who came to the Zoning Board meeting and they agreed to have one person speak and he believes that is what is going to happen tonight.

Linda Jeynes, Board Member - Greater Nashua Interfaith Hospitality Network. Mrs. Jeynes said the Greater Nashua Interfaith Hospitality Network proposes to use this building for approximately one year as a business office and a day center for homeless families up to a total of fourteen persons, including children. She said these guests will be sleeping at various houses of worship in the Greater Nashua area. The families will be bussed between the day center and host locations each day. They will sleep and receive all their meals at the host sites.

She said the proposed day center will provide families with pre-school children a place to stay during the daytime, while at the same time providing a place for their parents to find lodging or work or other social services, if needed.

She said the building will be used seven days a week between breakfast and dinner and will be closed at night. There will be one full-time employee to staff the office. There will be additional volunteers working on the weekends as well as during the week.

Mr. Dufour asked if there are going to be any outdoor recreational facilities for the children.

Mrs. Jeynes said there are none at the moment. She said they have talked about putting up a fence around a certain part of the yard for them to have a place to play. There is one level spot on the side and they might have a swing set out there.

Mrs. Lasky asked if there would be vans or regular buses transporting their clients.

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Mrs. Jeynes said they have purchased a small school bus that seats 14 people.

Mr. Larose asked why they are talking about only one year.

Mrs. Jeynes said they have a lease agreement for one year. She said they are looking at another facility in Hudson that they hope to be able to use day and night instead of rotating them amongst the churches. We are actively pursuing that for next year.

Mr. Dufour said this isn't what it's advertised as. It's going to be open seven days a week and there are kids there during the day. This Board has to make sure that those children are in a safe environment.

Mrs. Jeynes said this is not a daycare center. The parents are with them all the time.

Mr. Dufour said if they are going to be there all day, seven days a week there is surely a need for recreational space on the site.

Mrs. Jeynes said the limit is 14 people all together. They would be families; they wouldn't all be children.

Mr. Dufour said he isn't against the site, but if the Board is approving it for this use he wants to make sure that whoever is using it is going to be safe. If there are going to be young kids it only seems natural that there are going to be recreational needs. The plan does not show any enclosed recreational area or facilities.

Mr. Slivinski asked how long someone would be there with his or her families.

Mrs. Jeynes said if the children are school-age they will be going to school. She said they are mostly thinking of mothers with very small children who would be indoors for most of the time. Some of the adults will be working and they will go to work during the daytime. They have to make arrangements for their own children or stay there with them.

Mr. Maynard said to the south of the building is a somewhat level area and if there was going to be a play area that would be the

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location for it. Any fencing provided would be low fencing and temporary for the time period the agency would be there. They are probably talking about 4 - 5 kids in a 20'X20' area. He said they are not opposed to a stipulation that any play area is to be enclosed.

Mr. Moran asked staff if there are any internal requirements for safety, lavatories, etc. based on the anticipated number of occupants.

Mr. Yeomans said they will have to meet whatever standards the Fire and Building Codes require depending upon the use group.

Mr. Farkas said they can address the concern with a stipulation that any and all required licensing and certifications will be obtained and maintained during the use. There are State regulations if it qualifies as child care.

Mr. Dufour said how this was presented to the Board and how it morphed into something else when Mrs. Jeynes got up and spoke seems like two different uses to him. He said he has no problem - that it's a great use, but if the Board is allowing the site to function in that manner, the people that are there during the day should be in the safest environment they can be.

Mrs. Lasky asked if the fencing meets Mr. Dufour's concerns and he said it did.

Ald. Larose asked if this met the criteria of a daycare center.

Atty. Prunier said daycare is when the parents go away. He said the parents don't go away in this instance. They stay with the children. He said this is almost like a "clearing house" where the families come in and they find them a place to live or they find them a place to work and then they go from them. It is not a daycare center. The parents take care of their children. The only time the children leave is to go to school.

Mrs. Lasky asked if this is something new in the State.

Mrs. Jeynes said there is another network working at the seacoast that is already operating. She said it is a national organization that they are part of. She said they have toured other facilities like this in Worcester.

Ald. Larose asked the maximum number of people that can be in the facility.

Atty. Prunier said 14. These people might be changing from one home to another home. They may be making arrangements for a job interview for one or both parents. The idea is to help them become independent in the near future.

MOTION by Mr. Dufour to approve the site plan for professional office and associated parking and site improvements at 93 Daniel Webster Highway with the following stipulations.

1. Prior to the issuance of a certificate of occupancy the storm water operation and maintenance plan shall be recorded.
2. Prior to the issuance of a certificate of occupancy any outstanding building permits for work previously completed that are required for the building and/or site shall be secured by the applicant.
3. Any outdoor recreational area must be fenced in.

SECONDED by Mr. Lowe.

MOTION CARRIED UNANIMOUSLY

10. **Main Street Market Place, 300 Main Street Realty, LLC & 28 Pond Street Realty, LLC (Owners) - Proposed amendment to NR1067 for the demolition of 3,316 square feet, the conversion from a single-tenant to multi-tenant and facade improvements to the former Bradlees building with associated access and site improvements, 300 Main Street, Pond Street & Harbor Ave., Sheet 16 - Lots 30, 7-9, 13 & 24, Sheet 17 - Lots 9, 13, 29, 21 & 24, Zoned "GB/MU" General Business/Mixed Use & "RB" - Urban Residence.**

Atty. Gerald Prunier. Atty. Prunier said this is the location of the former Globe Plaza/Simoneau Plaza. He referred the Board to drawings he had which showed what the front of the former Bradlees store will look like. There will be a tower feature to match the previous improvements that have been made to this shopping center. He said they are proposing to put a salmon on the weather vane at the top so it relates to Salmon Brook. He said the tower has

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always been a feature that was incorporated into the plans, but the Planning Staff has requested a larger tower and they have agreed to that.

Mr. Dufour asked if the building was going to be rehabilitated from the inside.

Atty. Prunier said it is. He said Mr. Roberts is here tonight and he can tell the Board what is proposed for the inside.

John Roberts, Principal - 300 Main Street Realty. Mr. Roberts said the Bradlees building is 84,315 square feet. He said they could not find a tenant for this size building so they decided to split it up into smaller stores. They have a tenant for the corner space on the right hand side called Workout World. It is basically a gym. It is a chain and this particular franchise group has eight of them throughout this area. He said they like downtown areas. There will be four smaller spaces which they don't have signed leases for. They need to do the renovation of the building in order to attract good tenants. This is the eyesore in the middle of the center after all the work they've done elsewhere.

Mr. Roberts said they wanted to give some interest to the elevation. He said they proposed a tower in that location which is the corner of the existing Bradlees before the vacancy between Shaw's and Bradlees. They had proposed a smaller tower that they thought was in scale. The staff recommended a taller tower. He said they have proposed putting a center sign on it that would mirror the pylon sign out front and they will put a weather vane on top of the hip roof.

Mr. Dufour asked if there would still be a gap between the Supermarket and Bradlees.

Mr. Roberts said they will propose a building in that location when they have a tenant. They have driven piles into the ground and they will be ready to build when they have a tenant.

Mr. Dufour asked if the four units that are being created will be entered by the front.

Mr. Roberts said this is correct. He said the demolition of 3,000+ square feet is taking down the back 16' bay in the four areas to

create some off-street loading. Currently the Bradlees building is very close to the street and there are utilities out there. By taking the 16' off they have the ability to get the dumpsters out of the way and be able to screen them and also to have off-street loading as well.

Mr. Farkas asked how high the tower is.

Mr. Roberts said 50'. It is also 16' wide and deep. He said the Shaw's building peak on the left hand side is about 35'.

Mr. Farkas said he thought it looked "stupid."

Mr. Slivinski asked if there would be any space in the tower.

Mr. Roberts said "no." He said it's just going to be a tower. It will have some kind of a hatch access for maintenance. It is actually part of the canopy. The front piers of the tower are in line with the front edge of the sidewalk and the canopy.

SPEAKING IN OPPOSITION OR WITH CONCERN

No One.

SPEAKING IN FAVOR

No One.

MOTION by Mr. Dufour to approve the amendment to NR1067 for the demolition of 3,316 square feet, the conversion from a single-tenant to multi-tenant and facade improvements to the former Bradlees building with associated access and site improvements at Main Street Market Place, 300 Main Street with the finding that it meets NRO Section 16-123 & consistent with the Mixed Use District, Section 16-557 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 the overall details of the plan.
2. Prior to a building permit being issued final grading, drainage and landscaping plans for the loading area along Pond Street shall be submitted to and approved by the Planning Department and the Division of Public Works.

3. Prior to a building permit being issued, final approval of the building elevation plans and materials shall be approved by the Planning Department.
4. This site plan is subject to compliance with all Nashua Fire Department requirements concerning fire safety and radio communications.

There was a discussion about the radio communications, what it is, who pays for it, etc.

SECONDED by Mr. Lowe.

MOTION CARRIED 7 - 1, Mr. Farkas opposed.

11. **BCIA New England Holdings, LLC (Owner) CBRE/Whittier Partners (Applicant) Proposed amendment to NR 856 to show a change of use of 15,051 square feet from office/warehousing to indoor recreation in conjunction with office use and office for social service agency and 6,073 square feet from office to educational use, 472 Amherst Street, Sheet H - Lot 136, Zoned "AI" Airport Industrial.**

Atty. Gerald Prunier. Atty. Prunier said the only thing they are changing are the uses on the plan. The building itself is not changing.

Mrs. Lasky asked what is meant by an office with associated indoor recreation.

Atty. Prunier said this is a new type of business. He said when corporations form a new group to perform a certain task they like to take them off-site. Sometimes it is at a hotel. They try to get them to work together as a group. They have seminars and then at the end of the day they play games - ping pong or whatever it might be. It gets them to socialize and get to know each other.

SPEAKING IN OPPOSITION OR WITH CONCERN

No One.

SPEAKING IN FAVOR

No One.

MOTION by Mr. Lowe to approve the proposed amendment to NR 856 to show a change of use of 15,051 square feet from office/warehousing to indoor recreation in conjunction with office use and office for social service agency and 6,073 square feet from office to educational use, 472 Amherst Street with the finding that it meets NRO Section 16-123 and with the following stipulations:

1. Prior to the issuance of a certificate of occupancy the storm water operation and maintenance plan shall be recorded.
2. Prior to the issuance of a certificate of occupancy resulting from a future change of use from office with associated recreational use to another use, a Traffic Impact Report shall be provided to the Traffic Department for review and comment.

SECONDED by Mr. Farkas.

MOTION CARRIED UNANIMOUSLY

OTHER BUSINESS

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

Mr. Houston said it is the staff's opinion that there are no issues of regional impact.

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

SECONDED by Ald. Larose.

MOTION CARRIED UNANIMOUSLY

2. **Referral from the Board of Alderman on proposed O-04-19, amending the Planning and Zoning Ordinances of the City of Nashua in their entirety. (Tabled from June 3, 2004 Meeting)**

No Motion was made to remove from the table.

Mrs. Lasky reminded everyone that the next meeting is in the Aldermanic Chambers on Thursday, August 17.

Discussion Item

- 1. Steve Dookran, P.E., City Engineer - Bernie & Phyl's - Site plan construction of public improvements at the intersection of Spit Brook & Daniel Webster Highway.**

Mr. Dookran said as the Board knows, Bernie & Phyl's had designed a four lane road going in on Spit Brook Road and they were about to construct the extra right lane when the City asked for a contribution and the City would do the improvements.

He said Rizzo Associates has been hired to study this corridor. There are several improvements that they have recommended. The City asked Rizzo to move forward with the design of the improvements and they have been doing so. He said this project is being handled by the Traffic Department.

Mr. Dookran said they thought that removing the left turn lanes would work and they looked at it closely and said the problem isn't Spit Brook Road. He said the backups they see on weekends and during the holiday season are from the problems on Daniel Webster Highway. There is a lot of capacity on Spit Brook Road. They have to take care of the other spot improvements on Daniel Webster Highway.

Mr. Farkas said he has seen the Rizzo report twice. They did one for NRPC and one for the City and now they seem to be merging them together for the whole corridor. He said it is true that changes need to be made on Daniel Webster Highway, but there is a problem on Spit Brook Road that was exacerbated when the City removed the second right hand turn lane, which is why the Board wanted it to be put back. They were told it was going to happen. The first story was that they were waiting for the poles to be moved and the poles needed to be moved so they could be re-signalized. Over a year went by and they started asking for a status. It is now 18 months. He asked if the Rizzo study is still going on.

Mr. Dookran said it is. He has a schedule with him.

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He said there are two right turn lanes there today. If you pull closer to the building you allow a straight through lane. It's not really needed today. That will be for a future improvement - for when they develop East Spit Brook Road - the passenger rail station.

Mr. Farkas said the original Rizzo study shows that brings it to (??? can't make out what he said). Without Exit 36 this isn't happening.

Mr. Dookran referred the Board to the plan showing what they had when they did Bernie & Phyl's. There is one dedicated left, one straight through and two right turns. He said the counts that go straight through are quite low. He said Rizzo states that if this is done today it won't help.

Mr. Dufour said there is plenty of room down by Bernie & Phyl's for the two right hand turn lanes, but you can't get there.

Mrs. Lasky said from what she is hearing Mr. Dookran said there is no back up on Spit Brook Road, but there is. She said at one time they had two right hand turn lanes and they were taken away and that is why there has been a clamor to put it back. It's got to alleviate the problem.

Mr. Farkas said they are not aligned. They've got two, but you can only access one. People fight to get over to the right.

Ald. Larose said no matter what is done with this road there will still be a problem. He was under the impression that Massachusetts in conjunction with the State of New Hampshire was going to build an off ramp (Exit 36) to get into the Pheasant Lane Mall. Until that is done there is going to be all kinds of traffic backup. He said if he is going to go to the mall he is going to get off at Spit Brook Road. If there was access from Route 3 going south to go east it would solve a lot of the problem.

Mr. Dufour said today there are three lanes going down Spit Brook Road - two rights and a straight or left. Those two rights function fairly well, but you can't get into it. When you are up around 7-11 you end up in a queue where people can't get into those lanes.

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Further discussion ensued.

Mr. Dookran said that Rizzo's conclusion on the left turns is that they are not really a problem. They have stood and watched the traffic there.

Mr. Dufour said if Mr. Farkas is correct about the 18 month time period to get this resolved and if it's going to get resolved on Rizzo's conclusions, it's never going to get resolved because they obviously don't know the problem. It's obvious that the lanes have to be widened further up so it allows the bottom lanes to be fed properly. Until somebody recognizes that they will be sitting for years waiting for something to happen.

Further discussion.

Mr. Dookran said he is meeting with Rizzo again tomorrow. He said maybe there is a flaw in their argument and they haven't actually observed what is happening.

ADJOURN

Mrs. Lasky declared the meeting closed at 11:16PM.

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

**TAPES OF THIS MEETING ARE AVAILABLE FOR LISTENING DURING REGULAR OFFICE HOURS.
COPIES OF TAPES MAYBE MADE AVAILABLE UPON 48 HOURS ADVANCED NOTICE AND PAYMENT OF THE FEE.**

LT
Taped Meeting