

NASHUA CITY PLANNING BOARD
April 14, 2005

A meeting of the Nashua City Planning Board was held on Thursday, April 14, 2005 at 7:00 PM in the Auditorium at City Hall.

Bette Lasky, Chair conducted the meeting.

Members present were: Bette Lasky, Chair
 Ken Dufour, Vice Chair
 Ald. Katherine Vitale
 Mike Lowe, Mayor's Representative
 Steve Dookran (City Engineer)
 William Slivinski
 Hugh Moran

Also present: Mike Yeomans, Planning Manager
 Rick Sawyer, Planning Manager

APPROVAL OF MINUTES

March 3, 2005

MOTION by Mr. Lowe to accept the minutes of 3/3/05, waive the reading and place them on file.

SECONDED by Mr. Slivinski.

MOTION CARRIED UNANIMOUSLY

March 17, 2005

MOTION by Mr. Slivinski to accept the minutes of 3/17/05, waive the reading and place them on file.

SECONDED by Mr. Moran.

MOTION CARRIED 5-0-2, Mr. Lowe and Ald. Vitale abstaining.

COMMUNICATIONS

Mr. Yeomans said the following item should be in the Board's folders:

Communication from 300 Main Street Realty dated April 5, 2005 to Richard Sawyer from John Roberts concerning the culvert replacement.

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Technical Review Meeting Schedules for May 19, 2005 and May 5, 2005
on upcoming projects

Letter dated 4/13/2005 to Susan Klasen, Traffic Engineer from Waterville Design Group Inc. concerning Case #4 on the agenda for tonight.

Letter to the Planning Board from Peter & Krista Lehoulier, 91 Gilson Road concerning Groton Woods, which is on the Board's agenda for tonight. On the same case there is a memorandum from Chief Morrissey to Chief Hatfield and the Board.

2004 Regional Housing Needs Assessment

Regional Bicycle & Pedestrian Plan dated January 2005

Mrs. Lasky asked if these are only for the Board's edification or if it is something that Regional Planning Commission is going to make a presentation on it at some future time.

Mr. Sawyer said he believes at the last meeting Mr. Farkas said he wanted to pass it around for comments and that they would be making a presentation to the Board in the future. He said he isn't sure that a date has been set yet.

REPORT OF CHAIRMAN, COMMITTEE & LAISON

Mr. Lowe said he went to the NRPC meeting and the Conservation Commission meeting on invasive species. He will make his comments later because they are pertinent to some of the cases under discussion tonight.

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

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

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

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

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

OLD BUSINESS - SUBDIVISION PLANS

None

OLD BUSINESS - SITE PLANS

None

NEW BUSINESS - SUBDIVISION PLANS

1. **The Gagnon Farm, Ashwood Companies (Applicant) LAMSCO Holdings, LLC (Owner) - Proposed final consolidation of 4 lots and re-subdivision of Phases I, II & III creating 81 single-family lots and 6 other lots and revised phasing plan for Phases I, II & III, Ridge Road, Sheet C - Lots 2409, 2410, 2411 & 2791, Zoned "FUOD" - Flexible Use Overlay District.**

Mr. Lowe recused himself from voting, as he is an abutter.

Tony Basso, Hayner/Swanson. Mr. Basso said he represents Ashwood Companies. He said the plan before the Board tonight is for final approval of the previously approved 81 lots. It's broken up into three phases, which is in the terms it was approved in. He said Phase I will consist of all the lots along Cherrywood. Phase II will be the lots on Moonstone, Annabelle and Tamara, the first three cul- de-sacs. Phase III will be all the lots on Medallion, Ballerina and Cotillion.

He said at this time Cherrywood has been connected from Ridge Road to the Maplewood subdivision. All the utilities have been installed in that route. The cross-country sewer has been connected from Sheffield through Curtis and up Ridge Road. A bond estimate has been prepared for Phase I.

He said Phase I will have 31 lots. Phase II will have 28 lots and Phase III will have 22 lots. Originally in the approval they

received a Phase I approval that was going to be the first pair of cul-de-sacs. They are changing Phase I to be everything along Cherrywood. The reason for the change is because utilities needed to be connected all the way through to Maplewood for the water service.

Mr. Slivinski confirmed that the only change is which houses are going to be built first.

Mr. Basso said this is the only difference.

Mr. Lowe said Maplewood has ceded over the completion of the bridge and the area to the bridge and the bike path.

Mr. Basso said this is correct. Any completion work would be getting done this spring.

SPEAKING IN OPPOSITION OR WITH CONCERN

Rob Shaw, Ward 9 Alderman, 14 Sweet William Circle. Ald. Shaw said asked about the piles of dirt and "what not" that are on Ridge Road. He said they have created a lot of dust to the adjacent properties. He would like to make sure that as things really get under way that it be properly watered down or whatever it takes to keep the dust problem down.

He said the other concern that has been expressed to him by at least one of the nearby residents is the site lines coming out of Cherrywood across from Covey. He knows there has been work to bring down Ridge Road and he believed there is some extra work that will be done at the land right next to the existing farmhouse. With the traffic study and how fast people do still travel that posted 30 MPH road, it looks like there will still be fairly marginal conditions for people, especially trying to make a left turns out of Cherrywood to head out onto Ridge to go down toward the turnpike. He said he knows there is supposed to be some additional work on it, but it's a general concern about the intersection and the speed.

Mr. Basso said the work that was proposed on Ridge Road that would actually take out the little crest and lower it is getting started this week. It is a priority to get the work done. He said there is a condition on the plan that no c/o would be issued without that work being completed.

He said he will let the contractor know about the concerns

expressed about the dust.

SPEAKING IN FAVOR

No One.

MOTION by Mr. Slivinski to approve the final consolidation of 4 lots and re-subdivision of Phases I, II & III creating 81 single-family lots and 6 other lots and revised phasing plan for Phases I, II, & III for Gagnon Farm, Ridge Road, Sheet C Lots 2409, 2410, 2411, & 2791 with the finding that it meets Section 16-108 and with the six staff stipulations as follows:

1. Prior to a final subdivision plan being recorded, all required easement and dedication documents shall be submitted to and approved by the Planning Department and Corporation Counsel and recorded with the plan, the cost associated with recording the easements, deeds shall be submitted to the Planning Department.
2. Prior to a final subdivision plan being recorded, bonding for all public improvements, shall be submitted to and approved by the Engineering Department and Corporation Counsel.
3. 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.
4. Prior to a certificate of occupancy being issued for each lot the conservation land and wetland buffers will be clearly and permanently delineated.
5. Prior to the final certificate of occupancy being issued, all on site and off-site improvements shall be completed.
6. Prior to any certificate of occupancy being issued, improvements to the sight distance on Ridge Road shall be completed to the satisfaction of the Division of Public Works and Planning staff.

SECONDED by Mr. Dufour.

Mr. Lowe said he has a page with thirteen stipulations on it.

Mr. Sawyer said many of the stipulations that were placed on the

preliminary subdivision have been met and are no longer needed. He only placed the six remaining stipulations that are outstanding.

MOTION CARRIED - 5-0-1, Mr. Lowe abstaining.

2. Robert G. & Johanna M. Garneau (Owners) - Proposed subdivision of one lot into two single-family lots, 100 Middle Dunstable Road Sheet B - Lot 14, Zoned "R18" - Suburban Residence.

Peter Weeks, Cuoco & Cormier. Mr. Weeks said this is a two-lot subdivision located on the southerly side of Middle Dunstable Road. It is located in a R18 & R40 Zone, the majority being in the R18 Zone. The total square footage for Lot 14 is 66,380. New lot 3126 will have 23,622 square feet and there will be 42,758 for the remaining existing lot 14.

He said they have been asked to extend the sewer about 150' so they can provide the proposed house with sewer. The existing house is also going to hook up with sewer. There is an existing service line that goes to the house that's going to be abandoned and a new line is going to be placed.

He said they are also proposing to bring up a water main from Dion Lane to the site. He said they looked at both directions. There was water further down about 800'-900' away so they chose Dion Lane. He said they do cross a culvert. They haven't done any construction plans. Apparently the water line is going to be installed by a private contractor.

He said they have proposed a turn-around driveway so there will be no backing out into the existing street. There is very good site distance down the remaining area.

Mr. Lowe asked if there is going to be any new sidewalk and Mr. Weeks said there is. They have also provided the sidewalk easements for the new lot. He said there is abandoned sidewalk in the front of the new lot, mainly because they want to save the existing trees.

Mr. Dookran asked if there is any flooding in the back yard of this property.

Mr. Weeks said he didn't know the answer to this question.

SPEAKING IN OPPOSITION OR WITH CONCERN

Rob Shaw, Ward 9 Alderman, 14 Sweet William Circle. Ald. Shaw asked if the water line is intended to cross the street, where is the culvert. He said the reason he is asking is that a culvert has been a subject of concern about flooding. It's been an issue with the adjacent property. If there is going to be work done at the vicinity of the culvert there might be some ability to coordinate that with any possible work DPW might engage in if it is found that the culvert has to be re-sized.

Mr. Weeks said it's going to be on the south side of the road, hugging the edge of the pavement. He said they haven't done any plans, but he assumes this will have to go to the Conservation Commission.

Ald. Shaw said that in the process of doing that it might behoove both the property owner and the City if there could be some coordination.

Mrs. Lasky asked if there is a stipulation that the Board can make to address to the issue with the culvert.

Mr. Yeomans said they will have to get a street opening permit through the Division of Public Works so it should be covered.

SPEAKING IN FAVOR

No One.

MOTION by Mr. Dufour to approve the subdivision of one lot into two single-family lots, 100 Middle Dunstable Road 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 the house at 100 Middle Dunstable Road shall be reconnected to public sewer.
3. Prior to the issuance of the certificate of occupancy for Lot 3126 the storm water operation and maintenance plan and sidewalk easement shall be recorded.
4. The applicant shall work with the Planning Department and Division of Public Works to locate the sidewalk prior to construction.

5. Prior to the issuance of the certificate of occupancy for Lot 3126 all work within the public right-of-way shall be completed to the satisfaction of the Division of Public Works.

SECONDED by Mr. Lowe.

MOTION CARRIED UNANIMOUSLY

3. **Jeffrey M. Hirsch (Owner) - Proposed consolidation of two lots and re-subdivision creating three lots, 550 Amherst Street & Cellu Drive, Sheet H - Lots 181 & 184, Zoned "GB" - General Business.**

NEW BUSINESS - SITE PLANS

4. **Regency Centers (Applicant) Jeffrey M. Hirsch (Owner) - Proposed amendment to NR1107 for the demolition of the existing Campers Inn building and the development of a 14,820 square foot pharmacy with drive-thru, and two retail buildings (12,800 square feet) with associated access, parking and site improvements, 550 Amherst Street & Cellu Drive, Sheet H - Lots 181 & 184, Zoned "GB" - General Business.**

Jim Petropulos, Civil Engineer, Hayner/Swanson, Inc., 3 Congress Street, Nashua, NH. Mr. Petropulos said Atty. Prunier, the project attorney, is also present. Robin Bousa with the firm of VHB is the traffic consultant. Also, Dave Thomas from Regency Centers is present.

He said they are seeking two approvals. The first is a three-lot subdivision approval and the second is a site plan for the redevelopment of the Camper's Inn site. He said the property is located in northwest Nashua. It is the former Camper's Inn site. They have been out of the site for over a year. They were in the sales and service of recreational (RV) vehicles.

He said the property consists of two lots 181 & 184. They abut Round Pond to the east. They are a corner lot on Amherst Street & Cellu Drive. To the south are some commercial/industrial properties at the end of Cellu.

He said the surrounding area of this site has experienced a lot of re-development in the past few years and there's a lot of retail. He pointed out Target, Best Ford, Chili's, etc.

He referred to the map that was behind Mr. Lowe. He said it is a

survey map that Hayner/Swanson prepared based on a 2004 survey. He said the property itself is 5.46 acres and zoned GB. The building shown on the map is the former Camper's Inn building. It is about a 21,600 square foot building. The site contains pavement and gravel parking over the entire site. RVs were pretty much everywhere on the property.

He said the site is flat. There are sandy soils. There is a nice treed buffer around Round Pond.

Mr. Petropulos said the plan is to consolidate the two lots that currently exist and then re-subdivide it into three lots. The three lots will each contain a proposed retail building.

He said Lot 646 is the lot that will exist on the corner of Cellu & Amherst. It is a 1.9-acre property. In the middle is Lot 184, which will contain 1.48 acres. Near the end of the cul-de-sac on Cellu is a 2.0 property. The lots are to be retained by the same owner. There will be cross access, utility and shared parking agreements between the three lots.

He said as part of the subdivision they are required to construct sidewalk as shown on the site plan. Sidewalk currently exists on Amherst Street. They are proposing to build sidewalk on their side of Cellu. There is sidewalk on the west side of Cellu.

He referred the Board to the yellow highlighted area on the plan. He said there is a strip of land that has been reserved for the future widening of 101A. He said he thinks in opportunities where plans have come to the Board the Board has requested that allocation of land.

He said the subdivision conforms to the City of Nashua's zoning and subdivision regulations.

Mr. Petropulos said the proposal is to re-develop the Camper's Inn site by demolishing the existing building and constructing a retail development that includes three separate buildings with associated parking, access drives and loading areas.

He said Lot 636 is the lot in front. It's on the corner and it is to contain a 14,820 square foot pharmacy with drive-thru, 66 parking spaces and a loading area. It will have 36% open space. Lot 184, the middle lot, will contain 12,800 square feet of a multi-tenant building. There are 69 parking spaces associated with this building and it will have 30% open space.

He said Lot 181 is in the back and it will have a 20,600 square foot building that is intended to be a single tenant building. It will have 82 parking spaces. There is 38% open space. Mr. Petropulos said the main access is to come off of Cellu Drive. There is a secondary access in front of the second retail building.

He said that Mr. Sawyer's report was very thorough with regard to traffic. He said Robin Bousa is here to answer any specific questions. There were concerns that were brought up during the review of the traffic study. One of the things that Robin's work did uncover is that there is an eleven-signal stretch of timing issue coordinating all those eleven signals in a row so they talk better to each other. He said there has to be a little tweaking, which has been agreed upon.

Mr. Petropulos said that there was a concern about a curb cut into the site. He said they have been working with Wayne Husband and Sue Klasen to make sure the curb cut was positioned such that there wasn't any stacking, not only for the current condition, but also any future conditions. They have asked them to position the curb cut a little more to the south. He showed the Board a sketch. He said pushing the intersection 25' to the west allows for a couple of cars for stacking.

He said the Zoning Board recently granted two special conditions for the site. There is some minor buffer work along Round Pond that is being disturbed for grading purposes only. There are no trees being cut in the treed buffer along Round Pond. The Nashua Conservation Commission has submitted a recommendation of approval with conditions that are amenable to the applicant. There was also a variance granted for lighting, not necessarily for spillover onto the existing exterior property lines. The way the current ordinance exists no spillover is permitted. The code doesn't account for spillover on internal lines. This is conventional lighting.

He said as far as storm water is concerned, the existing site sheet flows into Round Pond with no qualitative treatment. They are adding two Vortechnic chambers. They remove 80% of the suspended solids. They are in the Water Supply District. Don Ware has reviewed their drainage study.

He said Blackwater Design has prepared a landscaping plan. It focuses on the areas between Cellu and Amherst Street and the proposed parking lots. They are asking for a waiver on two items.

The code requires a 5' green strip between properties. This request has been seen by the Board in this type of retail development before. The other waiver request is along the pharmacy and the multi-tenanted building. He said his client's vision is to have the curbing and then sidewalk to the building. The code requires plantings in that area. He said he is sure there will be plantings, but it won't meet the code requirement. He said they have taken the number of plants that would be needed to meet the code and they have dispersed them elsewhere on the site.

He said the Conservation Commission has asked them to plant some white pine for the buffer. He pointed out an area where they are taking out some paving and he said the Conservation Commission has asked for some improved landscaping in that area. They have agreed to do this.

Mr. Petropulos showed an architectural elevation to the Board. He said the project is to be known as the Amherst Street Village Center. The buildings have a contemporary look to them. There is a flat roof. There are some parapets, which break up the roofline elevations. The rooftop units will be located on top of the roof and they have tried to hide them so they're not visible to Amherst Street or Cellu Drive. The exterior sheeting is a combination of split rock with different colors.

He said a new signal was constructed at Cellu Drive as part of the Target development. With Best Ford taking one quadrant and Target the other, this is kind of the third out of the four quadrants to be developed. There is still a 1 ½ acre undeveloped parcel across Amherst Street.

He said the stipulations set forth in the staff report are acceptable to them.

Mr. Lowe asked about the circulation from the drive-in windows and how it actually is going to work.

Mr. Petropulos showed where the vehicles would enter the site. He pointed out the location of the drive-thru behind the building. There are two designated lanes and the by-pass lane. He said a pharmacy such as this sees about 4 - 5 drive-thrus per hour. People are here to pick up prescriptions only. They will then be able to circle the building and leave. He indicated the location of "DO NOT ENTER" signs. They are working in a counter-clockwise fashion through the drive thru. He indicated the area where the employees park.

Mr. Dufour asked about the waiver of the islands. He asked if these are the ones shown on the plan.

Mr. Petropulos said they haven't shown them. He said the code requires a 5' green belt along the property line. If they were to do that it would completely bi-sect the lots and there would be no inter action between them.

He said the code also seeks to put plantings right up along the building. Typically there is a sidewalk and then some planter areas between the sidewalk and the building. The architecture here is straight sidewalk to the building. They have calculated the number of plants that the code requires and distributed them elsewhere on the property.

Ald. Vitale asked where the snow storage would be located or if was going to be removed from the site.

Mr. Petropulos said it will be located everywhere except in the buffer of Round Pond. More than likely the snow will be pushed to the exterior until it builds up and then it will be hauled away. That has become more common now on retail sites.

Mr. Lowe asked if there is any chance of increasing the number of handicap spaces to six since there is a pharmacy.

Mr. Petropulos said he thinks that if they had to do that it would entail losing one parking space, but they can consider doing that.

Mr. Lowe asked if they would accept a stipulation concerning the number of handicap spaces to be six for the pharmacy instead of four and Mr. Petropulos said they did not.

Mr. Dookran: Apart from coordinating the eleven signals on Amherst Street, what else are you doing towards traffic mitigation in the corridor or the area.

Mr. Petropulos said he would let Robin speak to that. He said there is also a little bit of work (he showed where) to provide the left pocket into the site. He said there is also the dedication of land on Amherst Street for right-of-way.

Mrs. Lasky made a reference to a letter the Board had received. She said Mr. Petropulos has addressed pretty much everything except for the signage mentioned in the letter.

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Mr. Petropulos said he thinks this is referring to some directional signage for motorists. He showed where he believed the signage was needed. He said this is fine.

Robin Bousa, VHB. Ms. Bousa said they will be constructing a separate left turn lane on Cellu Drive for vehicles entering the site. That way there is no one waiting to move forward to get to the Target site. There won't be any back ups there.

She said the originally agreed to coordinate seven signals on 101A as part of this project. She talked to Mr. Husband and Ms. Klasen earlier today and they asked if they would do all eleven. She said eleven actually extends from the Everett Turnpike all the way to the Merrimack town line. She said they have agreed to do this. There should be some good improvements out there. Her understanding is that system hasn't been updated in a number of years.

She said they are reserving the right-of-way along the front of the property. This was done in conjunction with the 101A Corridor Study Plan. This have a good idea where the right-of-way is going to fall in front of the site and everything's been pushed back so that the site plan continues to comply even if and when the land is taken.

She said the last thing is a voluntary contribution toward the 101A Corridor Project. She said they submitted calculations to the Traffic Department using the same methodology that they did for the Target site. When they did the Target site, the 101A study was ongoing, evolving and changing so VHB had developed what they considered to be a fair share type of contribution how much capacity of the roadway would be used as part of the new development. They came up with a figure of \$54,600 for this project using the same methodology. Based on an earlier conversation they had with the Traffic Department today, instead of following that methodology they were asking for \$200 a trip, which comes out to \$83,000. She said she isn't sure how to resolve this at this point. She said the City is taking the total traffic coming in and out of the site and saying \$200 a trip. The pharmacy, particularly, and the other users as well, attract a lot of pass-by traffic - traffic that's already on the corridor. It seems like they would be paying an impact fee for traffic that's already there on the roadway. The pharmacy itself generates 50% of its traffic from the existing traffic stream already on the roadway. She said she spoke to Mr. Husband and Ms. Klasen about this, but they really didn't come to a conclusion on it. They are in disagreement right now about what a fair share contribution

would be.

Mrs. Lasky asked Ms. Bousa what methodology she used to come up with her figures.

Ms. Bousa said it's based on the amount of capacity used on the roadway. It's based on the amount of new traffic that you add to the roadway as opposed to the total traffic coming in and out. She said they looked at the traffic signal as being the delineator between the east and west side of the corridor and they looked at each side they added the most traffic to. They were adding 85 new trips on the west during the PM peak hour. They did a no build-to-build percent increase that turned out to be 1.3% increase in the peak hour traffic. This was multiplied by what was called the "Early Action Item" for the 101A Corridor Study, which was identified as being about 4.2 million dollars. This resulted in her figure of \$54,600.

Mr. Moran asked the purpose of the two future curb cuts on Amherst Street.

Mr. Petropulos said they have represented a potential future access for a right turn out. There is no other future curb cut. Their intent is to seek a right turn out from the site, which they believe would help traffic. He said Amherst Street is a controlled access road. The ability to get a curb cut there will be subject to the New Hampshire Department of Transportation and they will be pursuing that. If they are fortunate to get it he suspects they will be coming back to the Planning Board. Right now it isn't part of the plan.

Mr. Dookran: Either Ms. Bousa or Jim. Reserving the right-of-way - what does that mean. Does it mean they have the right-of-way or is the applicant going to hold onto it.

Mr. Petropulos said they designed the site based on VHB's Corridor Study where the right-of-way line was going to be. He said his client has said that will be a dedication of land.

Mr. Dookran: At what point?

Mr. Petropulos said at the point they are ready to take it.

Mr. Dookran: Wouldn't it be better for us to do it now?

Mr. Petropulos said however they want to do it - he said it didn't matter to them. He said they will likely have to appear before the Board for a street dedication plan.

Mr. Dookran: He indicated he would like it dedicated now.

Mr. Sawyer said there are still some issues to be worked out. The biggest issue is the turning lanes. The Planning Department and Traffic Department don't have any issue with the change shown in the sketch that Mr. Petropulos showed the Board. Stipulation #1 covers final right-of-way and site plan improvements.

He said the voluntary contribution seems to be the only outstanding item. The City doesn't have an impact fee for traffic projects. The City is not proposing any improvements so the Board can't ask the developer to do a percentage of the City project. That's why they were using the State project as a reasonable approach, which is what was done with Target.

Mrs. Lasky asked where the other request came from.

Mr. Sawyer said the \$200 a trip has been the standard amount that the Traffic Department has been using City-wide. The real difference between the two figures is that the Traffic Department is taking the total trips and the applicant is taking the new trips. He said he thinks that if you take only the new trips and multiply for \$200 they would be a lot closer to the same number the applicant is proposing.

Atty. Gerald Prunier. Atty. Prunier said they did what they thought would be fair - to use the same calculations that Target did about 1 - 1 ½ years ago. The Best Ford dealership did the same thing. He said they feel that it is more than a fair contribution.

Ald. Vitale asked if the applicant would be willing to make a voluntary contribution toward the Thornton Road Firehouse as was just discussed at the latest Board of Alderman meeting.

Atty. Prunier said the answer to this question at this time is "no". They would be the first asked to do this and there aren't any fixed rules yet, but he wouldn't mind talking about it.

Mr. Sawyer said in case the Board didn't know, the Board of Alderman recently passed a resolution setting up an account that would be allowed to receive voluntary contributions from developers or private citizens if they want to make contributions towards the Fire Station in this proximity of the City. This was not referred

to the Planning Board. It's not a Planning Board regulation It's simply an account that's been set up to accept funds if people want to donate.

Mr. Slivinski said when they talk about development out here the biggest concern is the traffic. The report mentions potential backups along Cellu Drive. He asked what's to say there isn't going to be a backup on Amherst Street.

Mr. Sawyer said in his staff report they didn't have the data in the original traffic study. They went back and did additional studies to show them what the queue lines were going to be like on Amherst Street & Cellu. They showed them and the consultant who was hired by the City that it would meet everyone's requirements during normal conditions. They didn't have this initially.

Mr. Slivinski asked if they feel satisfied now.

Mr. Sawyer said they do. He said the Traffic Department and Fire Department as well as the consultant also feel satisfied. Their report states that during holiday conditions there will be traffic congestion, but retail corridors are not designed for holiday conditions. That's the reason they see some of that congestion on Daniel Webster Highway during the holidays.

Mr. Petropulos said they talked about re-timing the eleven signals specifically set to keep traffic moving on Amherst Street and take away that particular condition on Cellu.

Mr. Lowe said when he was at the NRPC meeting one of the things that came up that they should be looking at is the sphere of influence of the road. He said they tend to look at the site under consideration, not realizing that the surrounding roads could influence it. He said they will probably have to look at Wal-Mart and all the sites on Amherst Street very carefully, keeping this in mind. He said there is talk about not finishing Amherst Street until 2010.

Mr. Sawyer said the traffic study does point out that the Wal-Mart traffic is included in the study for future growth. He said it's very clear that the entire corridor needs these improvements to continue to function beyond the next couple of years.

SPEAKING IN OPPOSITION OR WITH CONCERN

No One.

SPEAKING IN FAVOR

No One.

MOTION by Mr. Lowe to approve the plan to consolidate two lots and re-subdivide the lots creating three lots, 550 Amherst Street with the finding that it meets Section 16-108 and with the following stipulations:

1. Prior to the plan being recorded, all easement documents shall be submitted to and approved by the Planning Department and Corporation Counsel and recorded with the plan. The cost associated with recording the documents shall be submitted to the Planning Department.

SECONDED by Ald. Vitale.

MOTION CARRIED UNANIMOUSLY

MOTION by Mr. Lowe to approve the site plan to amend NR1107 for the demolition of the existing Campers Inn building and the development of a 14,820 square foot pharmacy with drive-thru and two retail buildings (12,800 and 20,680 square feet) with associated access, parking and site improvements, 550 Amherst Street with the finding that it complies with NRO Section 16-123 and the following stipulations:

1. Prior to a building permit being issued, final approval of the right-of-way improvement and site plans shall be obtained from the Planning Department and the Division of Public Works.
2. Prior to a building permit being issued, all required easement documents shall be submitted to and approved by the Planning Department and Corporation Counsel and recorded.
3. Prior to a certificate of occupancy being issued, the applicants proposed contribution to the Amherst Street Improvement Fund will be submitted to the Planning Department.
4. With approval of the plan the landscaping waivers of Section 16-123(f)(3&4a) are granted.
5. Two additional handicapped spaces for a total of six at the drugstore.
- 5 (Deleted - See below) Provide two additional handicapped

spaces for a total of six

6. Comply with Agriculture 3800, the Invasive Species Act.

Mr. Dookran: What number is this?

Mrs. Lasky advised Mr. Dookran what stipulation they were working on. She said he wants to add another stipulation.

Mr. Dookran: Prior to a building permit being issued, signage will be installed to clearly define or clearly identify both driveways.

Mrs. Lasky said that addresses the letter from Waterford Design.

Mr. Dookran: I think we have two or three others.

Mr. Dookran: Prior to a building permit being issued the applicant will dedicate a right-of-way on Amherst Street in accordance with the 101A Corridor Plan.

Some talk occurred, not at the microphone, but somebody said change that to prior to c/o.

Mr. Dookran: Agreed to amend the last stipulation to be prior to a certificate of occupancy.

Mr. Slivinski said "Prior to the certificate of occupancy".... he said they are going to be giving the City the land before certificate of occupancy.

Mr. Dookran: Prior to certificate of occupancy the applicant will coordinate and implement coordination between eleven signalized intersections along Amherst Street from the F.E. Everett Turnpike to the Merrimack Town Line.

Mr. Sawyer said his understanding through the traffic meetings was that coordination would make the most sense after the store is open. He said maybe they can ask the Traffic Engineer if that's correct or not. Doing it before they open they won't be able to coordinate for the traffic that they're going to generate.

There was some exchange and Mrs. Lasky said this stipulation is going to change. It was proposed that 6 months was reasonable. Stipulation changed to: Within six months of certificate of occupancy the applicant shall coordinate the eleven signalized intersections.

Mr. Dookran: I have to ask - the access to the first site drive. Should be stipulate that.

Mr. Sawyer said the Board should put on record that they are approving the sketch as submitted to them tonight. It should be noted somehow.

Mrs. Lasky said it can read as follows: The plan sketch submitted at the Planning Board meeting of 4/14/2005 is final site plan.

Mr. Sawyer said he had a question about Mr. Dookran's stipulation about signage be installed prior to a building permit being issued. He asked if that means he wants the signage shown on the plan prior to a building permit or if it's prior to a c/o.

Some discussion ensued and it was decided that the stipulation concerning the signage would be changed to read prior to a c/o.

Mr. Dufour said prior to this motion being seconded he wanted to talk about the stipulation concerning the increase in handicap spaces. He said at some point it was decided how many parking spaces were needed and how many handicap spaces were needed. The Board has accepted that. He said he respected Mr. Lowe's request to add additional parking spaces, a request that is quite common from him, however, he was asking that Mr. Lowe reconsider. He said he doesn't share the experience that Mr. Lowe shares in parking lots because typically when he is looking for a parking space the only ones that are open are the handicap ones. He said it's quite aggravating when he has to drive to the other end of the parking lot and there are a half dozen empty spots. By stipulating an additional two handicap spaces for the end of time that parking lot has those two extra parking spaces, whether it is needed or not. If they leave it at four and the person who owns the pharmacy has enough requests or complaints from his handicapped customers that there aren't enough parking spaces, nothing prevents them from adding handicap parking spaces. He said he preferred to go that route than to commit parking spaces to a group of people that may not need them.

Mr. Lowe said they have more parking spaces than they need on the site. He said he does go to the handicapped spaces because his wife is handicapped. He counts the handicapped spaces. He has found that there are places that have insufficient handicapped parking. This is usually at supermarkets. Shaw's has enough. Market Basket never has enough. Some pharmacies have enough and

some don't. The hospitals usually have insufficient handicapped parking spaces. In the Planning & Economic Development meetings that they've had and discussed this, they have agreed that there should be more. He said he is just doing what he thinks is best for the people who have the hardest time to get there. The applicant said it was all right with them.

Mr. Dookran said the applicant wouldn't mind. They want the plan approved, whether it's with four parking spaces or six parking spaces. He said he respects Mr. Lowe's opinion, but he does see it differently. He feels that it should be consumer driven. If someone needs more, they should put them in.

Mrs. Lasky asked how the Board feels about this issue.

Ald. Vitale said maybe in this case they can look at the fact that there are two drive-thrus. She said she assumes that some people that are handicapped will take advantage of those drive-thrus. It might be that in this case Mr. Lowe would reconsider and look at Mr. Dufour's suggestion.

Mrs. Lasky asked for a show of hands on the stipulation concerning the number of handicapped spaces - four or six (as suggested by Mr. Lowe). The stipulation was removed. It will be the four handicap spaces, not the six that Mr. Lowe stated.

SECONDED by

No One.

MOTION CARRIED UNANIMOUSLY

5. **Walgreens, Realm Realty (Applicant) Memorial Realty, LLC & Alvin R. & Peter M. Bonnette Revocable Trust (Owners) - Proposed demolition of five buildings and the development of a 14,425 square foot pharmacy with drive-thru, and associated access, parking and site improvements, 275-283 Main Street & West Otterson Street, Sheet 97 - Lots 21, 23, 118 & 125, Zoned "GB/MU - General Business/Mixed Use.**

Mrs. Lasky said before they start this case, the City Engineer has just told her that there are some unresolved traffic issues that are significant. She asked Mr. Dookran to address these.

Mr. Dookran: Today I spoke to with Traffic Engineers and according

to them there are a lot of issues that the applicant has not addressed yet - significant issues. He would recommend that we table this item.

Mr. Sawyer said he received a call at 5:02PM that there wasn't a good comfort level with the status of the intersection design. When it was advertised it was felt that there would be a good comfort level, but in the two-week period since it was advertised they were hoping to be further along than they are tonight.

He said apparently there are a number of significant design considerations that go into how the traffic signal is placed and what impact that has on turn lanes, stacking, etc. that have not been resolved. He said his recommendation would be to hear the project tonight to see how the Board feels about it and take any testimony from people who have been sitting in the audience. If the Board feels at that point that it needs to be tabled, they can do it at the end of discussion. He said the Traffic Department is very concerned at this point.

Atty. Gerald Prunier. Atty. Prunier said he would like the Board to hear the case tonight and that if there are concerns that the plan be conditioned subject to the resolution by the Traffic Engineer that this plan is acceptable to them. He said the reason he is saying this is that they have some legal documents that their agreements expire and the sellers have not shown any interest in extending the agreements. He said he thought everything was resolved till the end of today when he found out differently. He said their understanding is that it's primarily the location of the mast arms.

Mr. Sawyer said the Board can take this approach. The Traffic Department has suggested that if this done that the language be "beefed up" in the stipulation(s).

Earl Blatchford, Hayner/Swanson. Mr. Blatchford said the site is bounded by Main Street on the east, West Otterson on the south and Elm Street on the West. The site is composed of four separate lots that total approximately 1.56 acres. He showed the area of the site on a plan.

He said there are five existing buildings on site. There is an existing motorcycle sale and service business. He said it's kind of a mixed use. There's computer repair and a bridal shop in the front and residential in the back. He pointed these uses out on the plan. He said the site is in a split zone. The zone line runs

right down the middle of the site with the portion facing Main Street being the General Business/Mixed Use Overlay and the rear portion being the "RC" Residential District.

Mr. Blatchford said the buildings, in general, are in a fairly run-down condition. The motorcycle business sits right on the corner of Main & West Otterson. In fact, it encroaches in the West Otterson right-of-way. The front of the building really blocks visibility. Anyone sitting on West Otterson has to sneak by the stop bar in order to look northerly on Main Street.

He said the interior of the site is primarily gravel. There is no functioning drainage system on the site. There are a couple of catch basins that have silt in them. There are a couple of patches of bituminous pavement, concrete pads, and overhead wiring to the houses. It's generally an unsightly hodgepodge of buildings. The site is in poor condition. He said there is really no landscaping.

He said the motorcycle business runs almost the entire length of the site and goes well into the residential district.

Mr. Blatchford said they are proposing to demolish all the existing buildings on the site and construct a single 14,425 square foot pharmacy with a drive-thru.

He said they went to the Zoning Board on March 8 for variances for the use in the RC Zone, variance for zero buffer at the zone line, and for the number of building mounted signs and the total square footage for those signs. All those variances were granted.

He said there are three existing curb cuts on Main Street. There is a long continuous curb cut on West Otterson Street and there are two curb cuts on Elm Street. Basically the sidewalk is non-existent on West Otterson Street. With the new plan they are proposing a single curb cut on Main Street, which is for the drive thru with an entrance only. It would service the drive-thru traffic as well as the delivery truck traffic. He indicated how this would circulate on the site. There are two curb cuts on West Otterson Street. One is a full access in and out and also the egress driveway for truck traffic. The other West Otterson driveway is restricted. There are no left turns exiting the site, but you can go left and right when entering. There are no curb cuts proposed on Elm Street.

He said they have worked hard on a landscaping plan. There is landscaping all around the perimeter and have a good buffer on a

corner nearest the abutters. He showed this location. Adjacent to the residential abutters they are proposing a 6' privacy fence to enhance the buffer.

He said they are proposing a closed drainage system that collects the storm water and goes to an underground detention infiltration system. He pointed out the location on the site. He said they more than meet the storm water requirements, which is a good thing because the site is surrounded by combined sewer. He said there is a sewer line that they will be tying into after they relocate a portion of it. This will be a reduction in use of water and sewer discharge.

He said they are proposing 58 parking spaces - the exact number that is required. He noted the location of the handicapped parking spaces on the plan. He said there is a service area in the rear. He noted the dumpster location on the plan. He said they have one tractor-trailer delivery per week. There is usually a daily delivery for "Coke" or parcel post deliveries.

He said they are basically reconstructing all of the sidewalk along the entire frontage. Each driveway crossing will have a crosswalk. Every corner and every driveway will have handicap ramps.

He said the Traffic Department has determined that a traffic signal is required in order for this project to go forward. The City doesn't have any money put aside for this signal. The applicant has agreed to fully fund the design and construction for this signal. It will be coordinated with the other signals in the corridor. It will also have pedestrian crossings from all four corners.

He said the site lighting has been designed with the residential abutters in mind. It meets the City's requirements for the setbacks to the property lines - shielding.

He said they've worked hard to address a lot of the site issues that have been presented. The building is moved well away from the corner. It's located on the Main Street sidewalk so the front door is on Main Street. After extensive discussions with the Planning Staff and several concepts they arrived at this plan.

Mr. Blatchford said there's been a lot of work with the building elevation as well. It's a one-story use, but it's a two-story facade. The main portion is a 28' brick facade. There are taller corner tower features with gabled roofs. There are matching

awnings over the windows. There's a lot of glass along the street frontages, both on Main Street and West Otterson. There are second story window features.

Mr. Blatchford said that as far as the issues with the Traffic Department are concerned, he believes it's primarily getting the equipment located on the corners. They don't have control over all the corners. The other users are going to be well benefited by the signal so he thinks they are going to be able to work out the issues to the staff's satisfaction.

Mrs. Lasky asked Mr. Blatchford to go over the drive-thru area - where it is and how it works.

Mr. Blatchford showed the location of the drive-thru window. He indicated that there is a by-pass lane. He said traffic for the drive-thru will come in off Main Street and can use the by pass lane if the window is busy and they don't want to wait.

Mr. Lowe asked if it is a single lane and Mr. Blatchford said it is. He said they couldn't accommodate a double lane.

Mr. Lowe asked about the second story on the building.

Mr. Blatchford said it is unoccupied space. He said it was strictly architectural features to give it the flavor of the Mixed Use District.

Mr. Slivinski asked how many vehicles can queue up. He remarked that he really didn't expect to see a queue.

Mr. Blatchford said there is queuing for approximately four vehicles, possibly five. He said usually you wouldn't see that many at a pharmacy.

Mr. Lowe asked if there is any parking near the drive-thru window. He said sometimes the prescription won't be ready for another twenty minutes or half hour and so you might want to park your vehicle to wait.

Mr. Blatchford pointed out four parking spaces, but said they are going to be primarily employee parking spaces. He said this really isn't a very big site. If one of the spaces is available it could be used, but because of circulation they still have to go around.

Mr. Moran said he noticed that there are people living in the

buildings that are planned for demolition. He asked if there is a plan to assist them in relocating.

Mr. Blatchford said he couldn't answer this personally. Mr. Dufour said that he would guess that when the applicant takes possession of this property that the condition of the sale probably is that those people in those dwellings are gone.

Mr. Dookran: If we're done Mr. Blatchford, could we have the Traffic Engineer present ... can we have a plan put up to show the improvements.

Steven Finlan, McMann Associates, Traffic Consultants. Mr. Finlan said approximately two weeks ago, after they had received an updated survey of the intersection they had a meeting with Susan Klase and Wayne Husband of the Traffic Department. He said they presented their intentions in moving forward with their design. They submitted a conceptual signal plan to them and received some comments back from them. He said they understand that there are some outstanding issues that still need to be resolved. He said the plan is still in draft form, but they feel that they can come to a resolution and make the City happy.

Mr. Lowe asked what the issues are.

Mr. Finlan said there are specific right-of-way issues. There's a minimal right-of-way to locate the equipment they want to use, for instance, some of the traffic signal mast arms and the traffic post to accommodate the pedestrians, etc. to make the signal work as a whole. Currently there are some minimal right-of-ways for the signals in keeping with the pedestrian clearances and things like that. They are doing their best to locate the equipment to make it work. He said he understands that there is a request to have a 5' clearance and at this point they are trying to make that work. They don't have a final plan, but feel that they can get one.

Mr. Slivinski asked if the City is asking for the applicant to get right-of-way on land they have no control over or if they are not willing to give a right-of-way.

Atty. Prunier said, as he understands this, the mast arm on the applicant's corner should be no problem because they control that piece of property. They also own a piece on the other side (diagonally), which also is no problem. Across the street from their site the land is owned by the hospital. He doesn't think there is going to be a problem with that piece because this is in

the interest of safety. He said the last corner is what he understands to be the problem. He said this is where the old Ford building used to be. He said right now if you go to the Bank of New Hampshire, as an example, the pole is on the street, you press the button and they you wait for the "walk" sign. The City is now looking to have it 5' off of the right-of-way. It would be back against the building. He said they don't own this. He said he would assume that the owner would work with them in the interest of safety to try to make an arrangement that would be satisfactory to the City. He said the first he heard about this issue from the City was at about 4:00PM so there was no time to make telephone calls to the appropriate people.

Mr. Blatchford said the southwesterly corner, which is where the old Ford Building was and is currently occupied by the Rent-1 business has about 12'-13' with the sidewalk out here. The right-of-way line is about 5'-6' back from the curb. The right-of-way line kind of runs through the middle of the sidewalk on that corner. If the pedestrian crossing pedestal is put within the right-of-way area there is more than 5' of sidewalk behind it, but it's actually private property. Fitting it is not an issue, it's a matter of approaching the owner and telling them what the situation is.

Mr. Dookran: Atty. Prunier - a couple of things. First, we have a signal design that I looked at myself and compared it with other signals along Main Street. This looks very tight and I'll talk about that. With regard to the placement of the mast arm, it's all about the signal. We expect the applicant to give us a signal system that works. This is Main Street - downtown. We expect to have more than adequate passage for pedestrians. We don't want them to be squeezing through 36". That's really tight and that's not representative of Downtown. You can go to other locations in the City and actually your Traffic Engineer pointed out to us, but okay, those will have to be fixed at some point or the other. This is an opportunity not to repeat that same mistake.

Mr. Dookran: Your Traffic Engineer actually - Steve - said, with all the Traffic Engineers - they were actually told that they're not in the right-of-way business so don't bother us today. They seemed very uncooperative and we tried to work towards a resolution of this problem we have here and that's the kind of feedback they got today. That's why I recommended earlier that we don't move forward until these issues are resolved. I can go into the other issues I have with the traffic signal. I made some notes.

Atty. Prunier said if they deal with him, he is co-operative. He said this has to be done in a timely fashion because of other problems that they have, not having to do with the City.

Mr. Dookran: How much time do we have?

Atty. Prunier said they aren't going to work this out tonight.

Mr. Dookran: A list of the issues as I understand them - as I said the intersection looks very tight as you can see how narrow it is and you have to provide for emergency vehicles turning like the ladder truck. I think the Traffic Department asked that a turning template be put on that intersection and look and see whether it can meet that turn. I don't think it will work based on what I am seeing here. That's one.

Mr. Dookran: Secondly, I heard that you have deliveries coming in. How is that truck going to get in and get out of the site? I don't think it's going to work at that intersection either.

Mr. Finlan asked if the Board wanted to respond to these as they were brought up.

Mr. Dookran: Sure, if you want.

Mr. Finlan said the main access for deliveries will be off of Main Street. He showed the location of the driveway on the plan. They won't be coming down to the intersection and taking a right. As part of the design they are going to install the Opticom System, where essentially they will turn all the other approaches to an all red condition so a fire truck will have the opportunity, with no traffic coming from the other direction, to potentially swing wider to make the turn better than it is today without the Opticom System.

He said they feel with this system in place fire trucks will be able to accommodate and make these turns without encroaching on the corner of the intersection.

Mr. Dookran: I'm sure you'll have a terrible time making that turn if there is a car parked.

Mr. Finlan said it's bad for a fire truck today.

Mr. Dookran: Even in the proposed condition a car stopped at the red light, stopped at the intersection, the truck couldn't make

that turn because a car would be in the way - a car going east.

Mr. Finlan questioned a car or a truck.

Mr. Dookran: Say a vehicle stopped at the intersection heading east on Otterson would be in the way of an emergency vehicle trying to turn, make that right in there. I believe some more widening of that intersection is in order.

Mr. Finlan said this is something that they can look at. He said he thinks what's going to happen is that when you run that "Auto Turn", a software program that they use which demonstrates what an actual turn will look like, if they were to cut the curb back you would get into the issues of not having the room to locate some of the signal equipment that they would like to locate on that corner to control the mast arm. You get into the issue of a tight corner.

Mr. Sawyer said the Fire Department didn't indicate any concerns with access to the site. There are no new turning movement proposed as part of this plan. If a fire truck makes that turn today he assumes that they will be able to make it tomorrow. He said the applicant is not impacting the turning radius.

Mr. Dookran: I was just going to say - a couple of things here. We are changing the traffic pattern in terms of the number of vehicles in and out of that road by introducing this operation, this business, this new business. That's one. Secondly, any opportunity to improve traffic related and emergency related issues in the City, I think we should take advantage of doing that at this point in time, not when it's too late.

Mrs. Lasky said when it's possible to do so.

Mr. Dookran: I think it is. I think it hasn't been explored enough.

Mrs. Lasky said the oncoming traffic will be stopped if an emergency vehicle is coming. She asked if this mitigates the concern for other vehicles.

Mr. Dookran: No. We're talking about side street traffic, not Main Street traffic. Side street traffic being in the way of a turning emergency vehicle.

Atty. Prunier said they are improving Otterson Street. About a year or so ago there used to be parking along that street all the

time. This is being eliminated. In a sense that street will be wider than it has been in years.

Mr. Dookran: Are you eliminating all the parking on the street. Atty. Prunier said there are "no parking" signs there now. People were still parking there. The Ward Alderman is happy to see that they are coming in and they are wiping it out once and for all.

Mr. Dufour said they are discussing whatever they said they weren't going to discuss. They said they were going to listen to the presentation and exclude the intersection issue with the intent that it would be subject to the City Engineering Department and the applicant resolving the intersection problem. All the parties to that conversation aren't present tonight. He said they should be hearing the case and asking other related questions and approve or disapprove it. If they approve it, they can make it subject to resolving the intersection issue.

Mrs. Lasky said if they make any approval subject to resolving the issue, than they have to resolve it. She wants to know if they are resolvable issues.

Atty. Prunier said he thinks they are showing that they are resolvable issues, but they shouldn't be resolved here this evening.

Mr. Dookran: I just want to comment. I don't know why Atty. Prunier didn't step in earlier.

Mrs. Lasky interrupted to say this is something that she has said was not going to happen again. These issues are supposed to be worked out beforehand. She said the Board will continue and hear testimony from the audience. She said it seems to be the consensus of the Board that these things will be done conditionally. The traffic discussion has ended.

SPEAKING IN OPPOSITION OR WITH CONCERNS

Paul Carpenter, 271 Main Street. Mr. Carpenter said he is one house over from the site. He lives behind 273, the brick apartment building that is on Main Street. He said there are three houses back there and he's in the first house. The abutter is 273 1/2. They are going to raze 275, which is the third house.

He said there is a sewer line that runs from his house, picks up 273 ½ and picks up 275. There's another house they are going to

raze directly behind the long apartment building, right next to 275. His question is if he is going to wake up and not have sewerage after these homes are razed.

He said the drive-thru is against the residential side. He asked if there is going to be an intercom or if it's just going to be a window.

He said there's a lot of people that think they are going to be able to get to the store by making a shortcut. He's sure they are going to try to turn in by the apartment building thinking there's going to be an access to Walgreens.

Mr. Carpenter said they pretty much use this like a one-way, although it is not a one-way. The usually enter from the north side of the building and leave on the south side of the building. He asked if they will have the ability to see the traffic on Main Street when the fence is erected.

He asked how long the project will take from start to finish.

Mrs. Lasky said the applicant will address these questions.

Ald. Mark Plamondin (Ward 4 Alderman). Ald. Plamondin said he believes that the signal situation brought up earlier will be resolved. The intersection has been at failure for years. He said it is his understanding that the new structure would help enforce the existing "no parking" on the north side. As a suggestion, they could look at removing the three parking spots on the south side on the west corner of Otterson, which would help with a turn lane and to give extra width for fire apparatus. He said the fire trucks are able to negotiate this intersection now even though it's tight.

He said he is primarily concerned with the northwest area - those areas that directly abut residences. He said he thought it was an 8' fence, but tonight he heard it was a 6' fence. He is requesting an 8' fence. He said that northwest corner may have a couple of trees. Otherwise it's lawn. He asked if there could be some hedges/some arborvitae/some tall narrow hedges be put in. This is going to be a 24/7 operation. Vehicles will be coming in on the north entrance and the headlights will be beaming toward the rear of the property. As much shielding from those lights as possible could be very beneficial to the residences. The hedges and arborvitae will also break up sound.

He said they didn't get into specifics of site lighting, but he

would hope for site lighting that wouldn't have any spill over and would be focus downward.

Mrs. Lasky said she believes that this has been taken care of. He also has a concern that this will increase the traffic on Elm Street. Currently 85% - 90% of the vehicles going down this section of Elm Street are using it as a shortcut and are turning left on Otterson or they go down to the Elm Street Middle School and take a left on Lake Street. A traffic count done last week by NRPC confirms this and also shows that about every three years there's an 8% - 9% normal traffic increase in this immediate area. He said 28 1/2% of the cars are speeding. During school times that increases to 53.9%. There is an average of just under 1200 cars a day. An increase to the traffic here is a concern.

He said a potential solution would be reversing the traffic flow northerly, which is currently one-way in this section of Elm Street. He is asking if a stipulation could be made that if, at any time during the course of the next three years after construction, should they see a 15% increase in traffic that Walgreen's would assist the City in adding another light head at Kinsley & Elm. He said in this short section of Elm Street there he has counted 69 residential units - it's densely populated.

SPEAKING IN FAVOR

No One.

Mr. Blatchford said there will be an intercom right at the window of the drive-thru. It's just communicating from the wall to the driver. It's at the driver's height. He said it's a closed weather-tight window. It's going to be very low volume.

Mr. Dufour asked the hours of operation for the drive-thru.

Mr. Blatchford said 24/7.

Mr. Dufour said he has a problem with that intercom at 2:00AM.

Mrs. Lasky said her understanding is that it's not really an intercom - it's a mike system between the two people.

Mr. Blatchford said that's all it is. He said it isn't a public address system.

He pointed out where it is proposed for the privacy fence to end.

They are not proposing a fence that would be an obstruction.

He said with reference to the sewer line - this is an old section of town. If the neighbor's sewer ties over to the adjacent properties and then runs into the line and they find it during the demolition work it obviously is going to have to be accommodated. They will stop and make a decision on whether it makes sense to run the service to Main Street or with an easement tie it into their system. Until they actually get out there and start digging they aren't going to know the answer.

Mr. Blatchford said they have proposed a 6' fence, which is the highest allowed by the ordinance.

Atty. Prunier said they are willing to go to the Zoning Board and request a variance for an 8' fence for the area abutting the residences. It is going to be well landscaped.

Mrs. Lasky asked if it would be more landscaping in that corner.

Mr. Blatchford said he thinks it will be a substitution of plantings for more of an arborvitae hedgerow. Some discussion ensued concerning this being worked out in conjunction with the staff.

Mrs. Lasky asked if Mr. Blatchford would address the lighting.

Mr. Blatchford said there is a site lighting plan in the site plan package. It's all cut-off luminaries. There's back shielding towards the residential properties. It meets all the City's requirements.

Mr. Lowe said this building is 400 square feet smaller than the other building they discussed and this one only has three handicapped parking spaces. He said he is not going to propose it as a stipulation, but he would like to ask if the applicant is willing to add one more.

Mr. Blatchford said they have exactly the number of parking spaces they need. The handicapped parking that's provided meets code and it meets what Walgreen's requirements are based on their customer experience. He said a very good point was made before that the drive-thru window is going to accommodate some of the handicapped traffic. He said if they can put a fourth space in without creating a parking deficiency they will do it.

Mr. Lowe said his experience with the drive-thru window is that you go to the window and you hand in your prescription and they cannot fill it right away and you are asked to pick it up later.

Mr. Blatchford said if they have to displace a parking space near the main entrance, it's likely going to end up adjacent to the residential abutter. They have tried to keep the pavement area away as much as they can. If they can accommodate it reasonably they will do it. He said they require 58 spaces and that is the amount provided.

Mr. Dufour said if they cut into the corner, as was proposed, there will be a problem with the parking.

Mr. Blatchford said they are providing a right-of-way rounding on both corners - Otterson & Main and Otterson & Elm. The Engineering Department asked for 25' roundings where there are none right now. The corners are square right now. If it's a matter of rounding the corner a little bit they have some room to do it from off of Main turning right onto Otterson for southbound traffic. If they go beyond that and start cutting into parking it creates a problem.

Mr. Dufour asked if there is an ordinance whereby if something becomes offensive, for example the intercom system, that something can be done about it.

Mr. Sawyer said the ordinance gives the Planning Board the authority to review the hours of operation of the site. If the intercom is a concern he thinks the Board could address it. He said this is also a Mixed Use District so they have to review the Site Suitability Report and if that's not suitable they should comment on it. He said most fast food restaurants have an intercom for people to place their order, but once you get up to the window to pick up your order there really is no intercom at the window. It's just an open window there.

Mrs. Lasky asked about the other issue that Ald. Plamondin brought up about Elm Street.

Mr. Sawyer said it sounded like Ald. Plamondin is looking for some traffic calming on Elm Street. He doesn't know that reversing the flow will solve the speeding problem. He said Ald. Plamondin posed the question to the applicant if they're willing to make some contributions some three years down the road if there's an increase in traffic. He said this is touchy because there's just general background growth in traffic. There's other projects that are

going to come on-line in the area. It would be hard to study that. Certainly this project will have some increase on the street.

Atty. Prunier said they are making a major contribution on Main Street, if they get it resolved. He said the answer is "It's too speculative".

Ald. Vitale said she had questions regarding the left hand turn from Main Street into the drive-thru area. She asked how they are projecting stacking there.

Mr. Finlan said Jason Adams, who is also from McMann & Associates, is present and can answer technical questions in terms of the actual numbers and the queuing they came up with.

Jason Adams, McMann & Associates. Mr. Adams said in terms of the left turn from Main Street into the drive-thru they have a maximum of 11 vehicles during the peak hour. They don't expect a great impact. There are two lanes northbound on Main Street so any queuing would be perhaps one vehicle that would easily be avoidable by using the other lane.

Ald. Vitale asked if there won't be people making a right hand turn in as their access to the lot itself with no intention of using the drive-thru lane at the same time there are people making a left turn who want to use the drive-thru.

Mr. Blatchford said there is a pass-by. He pointed it out on the plan.

Ald. Vitale asked if the three on-street parking spaces on West Otterson Street can be removed.

Atty. Prunier said the Alderman can do it.

Mrs. Lasky apologized to Mr. Dookran for cutting him off earlier. She said the Board needs to know if there is anything insurmountable and cannot be worked out from here on out.

Mr. Dookran: Madam Chair, I need to make it clear to you and the members of the Board in my position I don't deal with the applicants or their engineers. I don't. There is technical staff that do that. I'm only apprised of the situation prior to coming to the meeting so its difficult for me to tell you whether these things can be worked out. I hear the frustration from the Traffic

Department that this applicant - their traffic engineer wasn't really working towards resolving these issues. That's why I moved earlier that we table this until those issues are resolved. To me, yes, I'm sure Ald. Plamondin is happy he's getting a traffic signal, but you've got to get one that works. You know you don't want to have one that fails - one that makes it worse. There are a lot of issues regarding the traffic signal, there's the turning of emergency vehicles, the turning of delivery trucks, the issue with placement of the mast arm, and the amount of sidewalk that's left. You want to make sure it's ADA compliant. You want to make sure it represents what you have downtown.

Mr. Dookran: One issue that wasn't discussed is the left turn northbound, left turn into West Otterson. They are proposing that it be permitted. The Traffic Department would like it to be dedicated. They have to look at how that left turn queues up and affects the Burger King site entrance. That hasn't been looked at yet. That could be an issue there.

Mrs. Lasky said she knows the plan has been around for a long time. For it to come to this point this evening and to have outstanding issues, for whatever reason, is a great source of frustration for the Board, the applicant, for Mr. Dookran and the City.

She said once again they are put in the position of mediating this, yet the Board has to feel comfortable with what they will approve or not approve. She asked for Mr. Dookran's best judgment. She said she believes these are things that can be worked out. She will ask Staff and the applicant and then proceed.

Mr. Dookran: Would you allow just one, Mam. Would you imagine the Traffic Department frustration that you mentioned that this plan has been around for so long that when they discussed today with the traffic engineer it sounded like it's out of my control, I can't do any more. You have no other choice but to recommend that this plan doesn't go forward. They have no control over this plan getting before the Board tonight. The Traffic Department does not have any control.

Mr. Sawyer said based on the conversation he had this afternoon, the Traffic Department is not convinced that these things can be resolved. They weren't comfortable this afternoon.

Mrs. Lasky asked what Mr. Sawyer's opinion is.

Mr. Sawyer said he has never seen the plan that was put up tonight

so he hasn't had a chance to review it. He has to go on what the Traffic Department is telling them.

Atty. Prunier said he doesn't always get the chance to find out what's going on between experts. When he does get involved he's been successful. Usually he's a buffer between both engineers and try to get issues resolved. Because of all that's gone into this plan by everybody to get it to this point, it's worth it to make any approval conditional upon resolving the issue. If it's irresolvable the plan fails. He said he'll make sure that Mr. Husband and Ms. Klasen contact him on any of the projects he's involved in when there's a problem.

Mrs. Lasky said the Board is placed in the position of making a decision on whether they table this case or whether the Board is comfortable voting on the plan with a condition regarding the issue with the Traffic Department.

The Board members agreed that they should vote on the case.

Mr. Moran asked a question he asked earlier about whether arrangements had been made to help the displaced tenants.

Atty. Prunier said they have not, but it's a good point. The reason is that most of their attention has been based upon trying to get this plan approved. There have been a lot of meetings with a lot of people and a lot of changes made in order to make everybody as close to happy as possible. He said there will be time to help them out.

Mr. Dufour said one of the abutters asked how long this project was going to take.

Atty. Prunier said it would probably be six to nine months under construction.

Ald. Vitale asked if this is approved tonight conditional on the traffic part, when they would plan to start.

Atty. Prunier said he can't say when it will start in view of the issue with the traffic. He said he assumes it will start sometime mid summer if they can satisfy the Traffic Department.

Mrs. Lasky echoed Mr. Moran's concerns about the people who will be displaced. She said she knows that it's not within the purview of

the Board. She just hopes that their concerns are passed on.

Mr. Dookran: I don't have a comment, but I have a request to Atty. Prunier. Since he prides himself on the relationship he's built with abutters on this side and certainly that's important to resolving the issues, I request that he personally, if he gives us his assurance, that he would personally be involved in having the applicant's traffic engineer work towards satisfying the City's requirements or the City's needs. I would like that to go on record.

Atty. Prunier said he will be personally involved. His client has requested that he get involved. His client has worked hard to get to this point and would like to satisfy the City to finish up the project.

MOTION by Mr. Slivinski to approve the site plan for Walgreens - Proposed demolition of five buildings and the development of a 14,425 square foot pharmacy with drive-thru and associated access, parking and site improvements, 275-283 Main Street with the finding that it meets NRO Section 16-123 & Division 20 - Mixed Use District, Section 16-557 and with the following stipulations:

1. Prior to a building permit being issued, bonding for all public improvements, shall be submitted to and approved by the Engineering Department and Corporation Counsel.
2. Prior to a building permit being issued, approval of the right-of-way improvement plans shall be obtained from the Engineering, Traffic and Planning Departments.
3. Prior to a building permit being issued documents pertaining to the storm water operation and maintenance plan shall be recorded.
4. Additional landscaping along northwest border as worked out with staff's approval.
5. Applicant to return to the Zoning Board of Adjustment to request an 8' fence along the northwest border.

Mr. Dufour said he has some concerns about the intercom system. If it's got a volume, than it's an intercom. If it becomes a problem he wants to make sure that they can address the noise. He said he doesn't want to have a stipulation saying that they can't be open after 10:00PM.

Mr. Sawyer said he thought the only assurances the Board would have or the ability to enforce in the future is if there was a stipulation placed on it tonight.

Discussion ensued about how such a stipulation would read, whether they would put a time constraint on the approval, whether they would stipulate a decibel level, etc.

Mr. Slivinski suggested the following stipulation:

6. Intercom system to be a low level system and the Board has the right to revisit within 12 months if anyone should complain about it.

SECONDED by Mr. Lowe.

MOTION CARRIED 6-1, Mr. Dookran opposed.

6. **Groton Woods, U.S. Land Development, LLC (Owner) - Proposed amendment to NR 1870 for replacement of the existing golf course with a 122 unit single-family cluster development with associated access and site improvements, 45 West Groton Road, Gilson Road & Woodbury Drive, Sheet D - Lots 21 & 22, Zoned "R40" - Rural Residence & "R30" Suburban Residence.**

Jim Petropulos, Hayner/Swanson, Inc. Mr. Petropulos said he is representing U.S. Land Development. Scott Thornton with Vanesse & Associates is their traffic consultant and is present tonight. Atty. Zall is here tonight representing Homes by Paradise. They have optioned this property to build this development. Atty. Welts is also present representing the property owner.

He said they are seeking site plan approval of a 122-unit cluster residential development. It is a larger project in terms of land area. He participated in a neighborhood meeting at the Homes by Paradise office prior to the public hearing and then most recently at the Zoning Board of Adjustment meeting on Tuesday night where they were granted two special exceptions and a variance. He has had the ability to hear the comments from the residents and will try to work them into his presentation.

He said the property is located in southwest Nashua. The property has frontage on West Groton Road, which is NH Route 111A and also on Gilson Road. Gilson Road abuts them to the north and also the single-family residences along Gilson Road. To the east is a large

undeveloped tract of land known as the "Terrell" property. To the south is the Woodbury Drive residences. This is a 10 - 12 lot subdivision existing off of NH 111A and also some single-families along West Groton Road. To the west is the former railroad line that is part of their property. On the west side of that is a series of residential developments. There is also a mobile home park there. The town line between Hollis and Nashua is just off to the southwest of their project.

He said southwest Nashua contains many different types of housing. There's mobile home parks off of 111. There's cluster residential developments (Maplewood, Tanglewood) and across the line on Route 111A there is Villages of Hollis. It's an elderly housing community that's about 500' away from their development.

Mr. Petropulos said the history of this property is such that it was a gravel pit for many years. During the late 80s and early 90s the project received an approval from the Board of Alderman for a Planned Residential Development for 450 units. That project was never built. In 1996 a nine-hole golf course and driving range was approved on this site. This is the current use of the property.

He said the Zoning Board of Adjustment has approved a special exception for a cluster residential development. They approved a special exception for some wetland and buffer impacts and they approved a variance for a bike/pedestrian trail within the setback of a cluster residential development.

He referred the Board to a plan. He said it represented the existing conditions. The size of the property is 162 acres+. It is split zoned - predominantly R40. There are about ten acres in the R30 zone located near Gilson Road. The property contains about 730' of frontage along West Groton Road. It also has frontage along Gilson Road. The property also has rights at the end of Woodbury Drive. It also has a 50' strip of property that runs out to Groton Road.

He referred to an aerial photo. It shows the clearing limits of the property when the golf course was built. The balance of the property is a series of uplands and wetlands. There's a large wooded wetland located in the center of the property and also a series of wetlands located in the northerly portion that ultimately drains out through the north. Part of the golf course work in the 90s created a series of golf course ponds as well.

He said they did a number of test pits on the property. They found

soils ranging from **..unintelligible..** sands and gravels and some areas to some sands and siltier material as well. He said some of the holes were built in the gravel pit and some of the perimeter of the property sits down low where the gravel had been excavated. He said Pennichuck Water Works has a 12" water line in the old railroad bed. Telephone and electric service the site.

He said the plan on the right is the proposed site. He said they looked at a conventional grid subdivision and found that it lacked creativity. It did not promote a lot of the things that a cluster promotes. A cluster promotes preservation of natural features. It tries to improve upon buffers. There will be 122 single-family detached units in a cluster development. They will have a condominium form of ownership with private roadways and utilities. The proposed project is intended to be built in four, thirty-unit phases. It will probably be phased over a period of 4+ years. The regulations require 10% common land. The property has 90%. There are 53 acres of wetland. All the areas where the units are located and the units in the buffers and in the setbacks contribute to the common land. There are no amenities such as a clubhouse or tennis court associated with the project.

He said the Planning Board has seen a number of single-family cluster residential developments in the past several years. Orchard Estates on Pine Hill Road has 31 units on 30 acres, about one unit per acre. Wild Rose Estates on Pine Hill Road has 1.3 units per acre. Greenleaf on Spit Brook Road has 1.7 units per acre. The cluster on the site of the former WSMN property has 3.3 units per acre. The density they are proposing is .75 units per acre.

Mr. Petropulos said they have limited options with regard to access to the property. Currently where the entrance is to the golf driving range and golf course there is a section along West Groton Road, but there is a high point (he pointed out it's location) and the land steeply falls off so they are limited. He said they have access rights to Woodbury Drive. If they open up Woodbury Drive to this development it's going to upset the Woodbury Drive residents, which is something they don't want to do. It's a special street. They did not propose to have a full access here. They have frontage on Gilson Road, but to get there would necessitate some pretty significant impacts. He said they felt it would end up being a cut through of Countryside Drive up to 111.

He said they spent considerable time with the traffic engineers. They reviewed their site distance study. They met in the field to take a look at the site. They suggested moving the access drive

50' to the west and they have done this. There are some trees that need to be cut along the front in the right-of-way. It will improve the site distance. They have added signage to make motorists more aware that there is going to be an intersection. They found a deficiency in speed limit signs. He said he approached the local Alderman and asked if he would sponsor legislation to add speed limit signs. There's nothing coming into Nashua from Hollis. There is one going from Nashua into Hollis. Currently it is a 35 MPH zone. He said the site distance meets ASHTO standards and is safe for the design speed of the road.

He said there are many large developments in Nashua with single entrances - Sky Meadow, Ledgewood, and Hollis Crossing, as an example. These are 400 - 500 unit developments with a single entrance and emergency access. They are proposing a connection with a 20' wide road into their development from the end of Woodbury Drive. This has been requested by the Fire Department. There will be gated, lockable bollards up top. It gives the Fire Department an improved time element. They also have a second emergency connection tying into the bike path.

He said Scott Thornton (from Vanesse) looked at eight intersections from this project from the Hollis line all the way back to Northeastern Blvd. They did not find any adverse level of service drops to those intersections. The Traffic Engineers came to them and said there was a problem at Northeastern Blvd. where the two signals weren't talking to each other well. A \$14,000 improvement is needed and they asked if the applicant would pay half and they have agreed to do this.

He said their entrance into the project is a split boulevard type affect. It's got an 18' drive aisle in and a 12' island that will be fully treed and then another 18' discharge lane.

He said storm water really isn't an issue here, although they are adding quantitative and qualitative measures. At the present time there are two storm water problems in West Groton Road. The first is located at a low point (he showed the Board the location on the plan). He said this has been an on-going problem for many years. The owner of Lot 312 Map D experiences overflow into his property. There are two leaching catch basins that have probably been filled with silt over the years. He said his client has offered to pick this up with some curbing and some closed catch basins and bring it into the site and then to the City.

He said at the other end at the funny little low point there is

some puddling that occurs on both sides of the road. They are also incorporating storm drainage there. The property owner of Lot 16 at the town line who experiences some puddling in the right-of-way that they will be picking up as well.

Mr. Petropulos said the owner of Lot 312 also experiences difficulties in getting in and out of his lot because he is on the inside of a curve. He said he approached the developer about the possibility of tying his driveway into the entrance of their site so that he has the ability to use that access. He said they have agreed to grant him the right to do this.

He said there is no sewer in this part of the City of Nashua. The homes will be serviced by septic. They have had a number of test pits done for the nine leach fields that are going to on the site to service these homes. NHDES will hold them to very stringent standards in terms of placement of the fields, in terms of height of the fields, and how much discharge they are proposing.

He said during some of the previous meetings some of the Woodbury Drive residents have had concerns. They are on septic and have wells. Pennichuck Water will service their entire site as it exists in the railroad bed. The closest septic system to the property line in back of Woodbury Drive is about 150', which conforms to the State's setback standards. They are down about 20'-30' lower than Woodbury Drive. If they have shallow wells they are likely going to be below the level in which they draw water. He suspects they are artesian wells, which is into bedrock. The groundwater flows to the north to the Nashua River. He said the Zoning Board of Adjustment stipulated that if it is determined that any of the septic systems corrupt or create a problem with a well of any home on Woodbury Drive, it would be the development's responsibility to connect them into the system.

He said Homes by Paradise has a fine record of landscaping their developments. He said they have submitted plans for the front entry. That's likely to be the most focal landscape element.

He said there is lighting involved, but it's destination lighting within the development. It's 12' poles. They are sporadically designed for people to walk at night so they can see where they're going. These are 75 watt bulbs located on poles. None of the rail trail is intended to be lit.

He said the rail trail is a key element to the project. To the south from the State line to Ayer there is a rail trail that was built several years ago. It is extremely popular. Nashua's vision

is to get that rail trail to Main Street in Nashua. At the expense and direction of Homes by Paradise they constructed about 2,000' from the town line to the Amerigas facility. This is another key piece. There will be 3,400' of rail trail to go from 111A to Gilson Road. There's also significant trails being proposed throughout the development to get people from Groton Woods to be able to use the rail trail. There will be sidewalks throughout the development.

He said the City requested the ability to put a parking lot over the Gilson Road portion of the rail trail to serve as a trail head. People can drive their vehicles and have a safe place to park their car and begin access on the rail trail. He said this is shown on the plan. They did have it in a different location and one of the abutters asked them to relocate it. They were able to re-orient it and he is hopeful that it is more palatable to them. Park Recreation will ultimately manage this rail trail as will the whole rail trail once it's complete.

He said the Board has a number of communications with reference to this project. He said they should have a letter from Chief Morrissey from Nashua Fire Rescue giving his approval. They should have the stipulations from the Nashua Conservation Commission for the wetland buffer impacts. There should be a letter from Mr. Sawyer supporting the rail trail portion of the project. There is the Zoning Board of Adjustment approval and the staff report and stipulations. The staff report goes into depth about the traffic study.

He said they are providing great public benefit in the form of the improvements that are being contemplated for drainage on West Groton Road. The bike trail is also a very beneficial element to this project and to the City.

Mr. Dufour asked if the trail head parking is going to be paved. He also asked if it is lit.

Mr. Petropulos said it will be paved, but it is not going to be lit.

Mr. Dufour said he sees this as a gathering point - a place for the kids to hang out at night.

Mrs. Lasky said there is a letter that they have received from Peter & Krista Lehoulier that goes to Mr. Dufour's point about some sort of dim lighting.

Mr. Petropulos said no lighting is proposed. He said he saw this letter. It speaks to trash. They are the abutters who asked if the parking lot could be re-positioned and they did. He said he hopes they feel better about that. He said the parking lot is something the City asked them to do and his client agreed to do it. He said they hope the benefits far outweigh the bad things that could happen. He said clearly when it's snowed out the bike trail isn't being used. The Police may want to police it better than they do now because there is a lot of partying and drinking, etc. that currently go on there.

Mr. Lowe asked Mr. Petropulos if they would be willing to gate it so that in the off months it would be closed.

Mr. Petropulos said he would defer to the City for an answer.

Mr. Slivinski said the access on Route 111A is not good. He doesn't see how moving it 50' further towards the traffic light is going to help a lot.

Mr. Petropulos said they wish they had better site lines/better access to the project. They wanted to make it as safe as possible. It was felt that moving it west is going to help look east and down into the curve. Looking to the west there is a gradual vertical curve. The measurements indicate that looking west they have close to 500' of site distance. These meet ASHTO standards. Speed is an issue.

Mr. Slivinski asked if there are shrubs or trees that they are going to have to take down.

Mr. Petropulos said on their side they will.

There was a discussion about the speeding that occurs out here. He said at the bottom of the hill on the other side is where the bike crossing is going to be and that's a very safety conscious matter. There will be improved signage there as well as signage warning motorists that there is an intersection.

Mrs. Lasky asked about the signals on Northeastern Boulevard that he spoke of earlier. She asked which two signals he was talking about. She said she wasn't quite sure she understood.

Mr. Petropulos said he's a layman, but the two signals up by the Shell Station and the one right next to it aren't talking to each

other right. There's some equipment that is needed to help with the situation.

Mr. Sawyer said they met with the Park Recreation Department to go over the gate for the trail that Mr. Lowe had asked about. He said this is not a site that they intend to visit every day. The Board should consider this as basically a City park. None of those parking lots are gated, even some of the smaller parks. It will have City signage for the typical hours of operation. They do not plan on plowing the park in the winter. He encouraged the Board not to require that this be gated because it would be a burden on the Park Recreation Department to get out there twice a day to deal with it.

He read a stipulation from the approval of the Zoning Board of Adjustment that the Planning Board should be aware of. It reads as follows:

"The Planning Board is to validate the density calculations - that they are acceptable."

He said he's reviewed these and he believes they are absolutely correct as shown on the plan. He has reviewed them with the Planning Director and doesn't believe there is any confusion. He said he believes there is some abutter concern that the density of the project is too great, but in his opinion they are complying with the code as presented on the plan.

Mr. Moran said he read somewhere that the Traffic Department was requesting another \$25,000 from the developer.

Mr. Sawyer said this is in the Board's packet.

Mr. Petropulos said he will let his client speak to that.

He said in the discussions with the City and Homes by Paradise about the rail trail there was talk about the installation of a 10'X20' building which would house a men's room, a ladies room and a water bubbler. He showed where this bathroom was going to be located. The location was within the 50' project setback. They sought a variance for it, but they were denied. They have the ability to move it outside of the 50' and still keep it within the project limits. At this time his client and the City still feel that it's a public benefit. It has met with some resistance by some of the abutting property owners.

Mr. Slivinski asked how far they are from the closest sewer connection.

Mr. Petropulos said the City of Nashua did a study a while back. It is a 7 million dollar improvement to bring sewer to southwest Nashua. He thinks there is gravity sewer up near the Stellos Stadium. There are some force main sewers from Trestle Brook, but it's up close to the stadium.

SPEAKING IN OPPOSITION OR WITH CONCERNS

Don Westcott, 5 Woodbury Drive. Mr. Westcott said Woodbury Drive has been a dead end street since 1963 (or prior). He said they have been up against having the street opened up and the City has promised them that it would always be a dead end street. They just posted a dead end sign at the end of the street less than a week ago. He said there are nine families who live on the street right now. Most of them have lived there for twenty years. He said he is present to make sure that their little neighborhood stays the way it is. He said he has no problem with the fire gate. This will only be used in case of emergency.

He expressed his concerns about the children, including his own, who play out in the street. The back of the hill comes straight up to the top and levels off. The cars coming out of there are going to be going 40 MPH and they can hit one of their children on the way up the street.

Mrs. Lasky said the Board has a letter from Richard & Katherine Norcross, 3 Woodbury Drive. Their concern is basically the same as Mr. Westcott's for the street to remain a dead end.

She said there is another letter from Kelly & Raymond Barker, 6 Woodbury Drive and they are also expressing their concerns about Woodbury Drive.

She said there is a letter from Mike Westcott, 1 Woodbury Drive with the concern that Woodbury Drive be left as a dead end.

Mr. Westcott said there is one neighbor that they were hoping would be present tonight. He is on his way back from New York. His name is Ken Boyce. The Zoning Board received a letter from him expressing the same concerns.

Robert Worth, 12 Pullman Drive, Hollis, NH. Mr. Worth said he is

the President of the Village at Hollis Depot, which abuts this property. He said they own 8 ½ acres of land that run along the property. He produced pictures to the Board that shows what they are looking at from their site.

He said they don't really have any objections to the development. The access doesn't impact them as they are further up the road. This is an adult community. They have residents from ages 55 - 85. The area that the pictures show is really their common area, which is going to be their walking trails. He said they don't have a problem with the proposed bike trail. He said they would like the developer to consider fencing. They have approximately 300' of property that runs along the property and they thought with 122 homes going in the majority of them will have children. When it was just a golf course they didn't have any issues.

He said the other issue is the bathroom. The night the Zoning Board met they had a substantial number of people present for the meeting and when the variance was denied it was assumed that the bathroom was no longer an issue. They consider the bathroom nothing but a magnet for trouble. He said all they have to do is look at the bathroom facilities at Greeley Park. You can't use the facilities there. The element that hangs around there is not something they think is conducive to a piece of property with 122 family homes and right beside it another 60 homes that is a retirement community. He urged the Board to not allow the bathroom to be constructed under any circumstances.

Carl Dudevoir, 3 Emerald Drive. Mr. Dudevoir is an abutter to this property. He said he sent a letter to the Planning Board, but it doesn't seem like to made it into the record. He presented a copy of the letter to the Board.

He said one of the points he wanted to bring up was the density factor. The tract of land is 162 ½ acres and they are building in an R40 zoned property. The majority of that land is unbuildable and unusable. If you look at the Master Plan for the southwest quadrant, it's recommended that the cluster factor be .5. They are basically taking single-family homes and clustering them together. They are taking the 162.5 acres and coming up with a factor of .75 homes per acre. This doesn't make logical sense to some of the abutters. If the land can't be used he doesn't understand how they can calculate that into what homes can be developed. If you look at the actual amount of land that can be developed, it's probably closer to 60 - 70 acres. In a R40 Zone that would be 50 - 70 homes, not 122. He urged the Board to take a look at the Master Plan for the southwest quadrant.

He said the Master Plan also calls for greater set asides of usable open land. He said the GIS photographs and the maps show the land is not usable. In the spirit of the Master Plan, the cluster development was put in to protect the area's rural nature. One hundred twenty-two homes clustered together has nothing to do with preserving the rural nature of the southwest quadrant. It's probably the only rural area left in Nashua.

He said about five years ago the Planning Board went to the detail of not allowing the builder to put in granite curbs in the development he lives in. They have asphalt. They did this to preserve the rural integrity of the area they live in.

Mr. Dudevoir said he spoke to Gary Turgiss in the Assessor's Office and was told the unbuildable land in this project is more than likely not going to be taxed at a R40 value. He said his home sits on roughly .9+/- acres of land and he is taxed on that amount of land.

Mrs. Lasky said this is not within the Board's purview.

Mr. Dudevoir reminded the Board of the "Brox" development where the new Nashua North High School is located. He said he lived in that neighborhood when it was being proposed until he moved into the southwest quadrant. At that time it was estimated that there would be 2.3 children per home. He said with 122 units, that would result in 240 children that would potentially live in the new cluster development.

He said the City is in a fiscal crisis as they have been hearing in the last few weeks. They are hearing about school closures. They are hearing about busing being stopped for the high school and sports program being paid for out of pocket instead of being part of the schools. They are talking about laying off teachers. This development would introduce 244 more children being added into the Main Dunstable Elementary area. He asked if there are going to be any impact fees assessed and what it covers.

Mrs. Lasky said impact fees will be assessed. She said impact fees were introduced a while ago.

Mr. Dudevoir said a lot of precedents were brought up at the beginning of the presentation, for example Sky Meadow having only one entrance and one exit. He said Sky Meadow enters onto Spit Brook Road, an extremely wide road - two lanes on both sides. West

Groton road isn't that wide.

He referred to the digital pictures that he gave to the Board. They are looking east to west from the 45 West Groton Road entrance and pictures looking up the hill. The hill goes from a 94' elevation at sea level to over 124' sea level. It's roughly a 30' incline up the hill. The speed here is 35 MPH, but the estimated speeds mentioned in the traffic study were 41 MPH - 43 MPH. That's the 85 percentile rate. He referred the Board to the staff report at the bottom of Page 2 and going into Page 3. He said it says: "The intersection sight distance would not meet the required 456' for the observed speed on the site in the easterly direction by 11 feet". When they are talking about the industry standards they are not talking about the actual speed that people are doing. This is a major commuting road for people going back and forth into Massachusetts.

He said there was some erroneous testimony at the Zoning Board meeting concerning the number of vehicle trips. The traffic study from tonight shows there will be 93 vehicle trips in the morning and 126 trips in the evening going through the single entrance. He said this is going to be 122 homes with two-car garages and he thinks it's going to be more than that. He said in the same report they state that there have been 76 accidents in the last three years. He said that it isn't stated in this report about the two fatalities in the last five years at another cluster development (Maplewood) and the entrance from Tanglewood coming down Gilson Road.

Mr. Dudevoir said if the plan is accepted he would like a stipulation that states before Phase III gets developed, another traffic study be done, the number of accidents be counted, and the speed be re-checked. He said he knows they are doing improvements, but they are three miles away from them and they do nothing for the line of sight problems.

Mr. Dudevoir said if they look at the pictures of Woodbury Road, it is an extremely wide road. It's almost as wide as Groton Road. He understands the concerns of the people who live on Woodbury Road, but when that road was designed, it was designed for expansion in the southwest quadrant of Nashua. He said there is an easement to the right for a second cut-off. He said if the traffic study proves to be unfavorable after the second phase of development and Phase III goes into effect, that Woodbury Drive be looked at as a secondary access into that development.

At this point Mr. Dufour said he thinks they probably have another 1 ½ hours to go on this case alone so they should probably be thinking about when they will hear the rest of the cases on the agenda.

Richard Maynard. Mr. Maynard said the next four cases are his. If the Board wishes to defer them until Wednesday next week, that will be fine with him.

Mr. Sawyer said he would check if the auditorium is available that night and get back to them while the Board continues to take testimony of Groton Woods.

Continuing Testimony:

Brian Carmona, 5 Emerald Drive. Mr. Carmona said on Page 5 of the document that Mr. Dude handed out it talks about the Nashua 2000 Master Plan. This is where they found the information about the density rate. Most of the southwest quadrant is designed for low density residential development. Low density residential development averages out at .5 per acre. It talks about achieving this under the cluster plan.

He said the applicant has sited a bunch of different sites where they talk about higher density rates. He said he questions that. If asked if they were in a R40 Zone area if they would have gotten the same approval. This is in an R40 Zone and the density in this area should be a .5 density rate.

Mrs. Lasky said as she reads it, its recommended that the cluster development provisions of the Nashua Zoning Ordinance be revised to require a greater set of useful open land. She said they have been trying to revise the ordinances for years. The last revision was done after work of more than a year and was held up for further study. That further study has gone on for another several years.

Mr. Carmona said if they lower the density of the development, the access point through Woodbury Drive would be less of an issue. If you build homes in a R40 Zone - one home per acre - then the residents of Woodbury Drive don't have as much of a complaint because it's being built at one home per acre. Hooking Woodbury Drive in as a secondary access point with a lower density would make more sense.

He said if you look at some of the other pictures, Woodbury Drive is a very straight road when it comes into Route 111A. The site distance to the right and to the left at the end of Woodbury Drive

is approximately 1/4 of a mile in each direction. It is very flat and it is very straight. The connection they are proposing right now is a very dangerous area. Although the speed limit is 35MPH, people don't drive at that rate of speed. He believes the secondary access with less homes would make a lot of sense.

Darlene & Paul Callery, Lot 16. Mrs. Callery asked about a privacy hedge. She said the walking trail will be on the left side of their home and extend out to the back. They referred the Board to their lot on the plan. There is an existing big parking lot on the left side of their driveway. She said people like to turn right on the edge of their grass. She said something needs to be put there.

Chris Ward, 79 West Groton Road (Lot 312). Mr. Ward said this house is right next to the entrance of the golf course. He said the drainage problem that is going to be fixed as a part of this plan is very important. The only problem he has is that it does cut some of the privacy trees on the west side. He has talked to the engineer and has been told they may be able to shift it and protect some of the privacy trees.

He said the driveway that he has requested to be connected to the other road is another very important thing. He said he has a difficult time getting as it is now. This will be much better.

He said the only concern he has about the whole project is the traffic. It moves very fast on that road. He makes a left turn to get into his driveway every day and the cars coming behind him are traveling very fast. There have been times he thought cars were going to slam into him. If there is any way to slow them down that would be good.

Manav Jain, 20 West Groton Road. Mr. Jain said the reason he bought his property was because of the view of the golf course. Now he will be looking at 122 houses in front of him. He asked if the developer would put in some good landscaping on 20 West Groton Road so that they will see trees rather than these houses.

He said there was a mention of the bathroom they are going to put on the trail. He asked that this not be permitted.

He said if Woodbury Drive could be opened as a second access it would be a good thing.

At this point Mr. Sawyer advised the Board that the auditorium was available on Wednesday or as an alternative they could put these items on the May 3 agenda since that agenda was fairly light.

Testimony continued:

Jay Hudson, 108 Gilson Road. Mr. Hudson said his property abuts the bike path. Right now the area is used primarily by dirt bikers and teenagers hanging out. If this is paved they will really enjoy that. They can have races and go really fast. He asked if there could be a fence along his property and the trail.

He also asked where people would relieve themselves if there was no bathroom.

He indicated his biggest concern was with the parking area at the head of the trail. He said it will become the perfect hangout for the teenagers drinking beer, etc. Near his previous home there was a similar parking lot set up next to a park and that's exactly what happened. He said he thinks it's a good idea to have a gate that limits the access to the area after a certain hour so that cars can't go in during the evening. He said they can't leave it the way it is. The area is surrounded by dense woods and the kids will go in there and have a good time.

At this point Mrs. Lasky asked if anyone in the audience would find it to be an extreme hardship to have any of the next four cases (which she listed) heard next Wednesday, April 20 starting at 7:00PM. She said when meetings go till 1:30AM - 2:00AM nobody is functioning well, as the Board knows from past experience, and everyone deserves the Board's best attention.

Nobody from the audience responded. Mrs. Lasky advised everybody that was here for Cases #7,8,9 & 10 could leave as they will not be heard tonight. The meeting will be continued on April 20, 2005 at 7:00PM.

Testimony continuing:

Brian Roth, 12 Woodbury Drive. Mr. Roth said he thinks it would be a real danger for the people who live on Woodbury Drive if the road is opened up for other than emergency. If they look at the site map, surrounding Woodbury Drive has the most dense part of the 122 houses so there would be many more people using Woodbury Drive than there would be the other access.

He said the fact that the ordinance allows the applicant to use acreage with standing water on it as part of the total amount of land they can factor in doesn't serve the community. He just found out there was such a thing as cluster housing. He thought when he purchased the land that all that was ever going to be there was

homes like his on one acre lots.

Judy Erickson, 4 Woodbury Drive. Ms. Woodbury said she sent in a letter which addresses a couple of things already spoken to. She said she is speaking for Theresa Paradise who lives on Woodbury Drive. She said Ms. Paradise is deaf and blind. Everyone on the street knows her and are protective toward her. If this road is opened up she will lose her freedom of walking around in the area.

Jason Carter, 8 Woodbury Drive. Mr. Carter said he is in agreement with his neighbors. He said when he bought his home it was a dead end street near a golf course. He said he is sure he paid more for his home than if it had been on a main street.

He said he is hopeful that the Board will approve it leaving the street closed. He said he would like to see a stipulation that during construction there won't be heavy equipment coming up and down the road to bring in fill, etc.

SPEAKING IN FAVOR

Karen Archambeault, 36 Edward Avenue, Nashua. Mrs. Archambeault said she is in favor of the proposed rail trail extension proposed on the plan. She said she is a recreational bicyclist and a citizen who's interested in urban trails and alternative transportation options. The existing rail trail from the State line, about 11 ½ miles down to Ayer, is well utilized by both young and old people, individuals and families - walking, jogging, roller bladeing, and bicycling. This extension, and the parking will be an asset to the City.

She said it is true that on occasion when people are exercising that nature does call. Currently the only public facility on the rail trail is in Ayer at the southern terminus of the existing trail. There will be occasions when people may end up using the woods in the absence of public facilities.

She said this rail trail will provide a piece of the linkage from the existing rail trail in hopes of eventually extending it to Downtown Nashua and Mine Falls Park.

Mr. Dufour asked where the public bathroom facility in Ayer is located.

Mrs. Archambeault said it's in downtown Ayer. She said there is a rather large parking lot next to a bank.

Amos White, Homes by Paradise. Mr. White said for those who are not familiar with the trail, it is very heavily used, especially during the weekend. There are hundreds of people out there. He said they really need a facility. It's required for sporting events. It's required for every small construction job that goes on. There's a need for facilities with water. He said they have agreed to maintain the property as long as they are active on the site, which will be approximately four years. He said they've agreed with the Park Department that if the funds were not available for the Park Department to take the property over that they would take the building down.

He said they talked with Nick from the Parks Department about security and he suggested an electronic lock on the door that would automatically lock the facility at a certain time of night. He said the facility is necessary.

Mrs. Lasky asked if there was going to be a bubbler on the outside or inside of the building.

Mr. White said it would be mounted on the outside of the building. There would be a sink on the inside for washing hands.

Mr. Dufour asked how big the rest room would be.

Mr. White said initially they had thought maybe it would be 10'X20', but in talking to Nick in the Park Department he said they really only need one facility, so probably 5'X6' or 5'X7'. It would have one stall.

Mr. Slivinski asked why it had to be built right next to a person's house. He asked if it couldn't be placed out in the parking lot area or in the middle of the trail.

Mr. White said there are septic facilities at that end of the trail and they will tie it into that system. There is also an existing water line. It's the most logical spot for it. He said they are close by to maintain it at that point. There is a parking lot on that end. It's a turn-around for the plows. Right now people park at that end of the trail. There is no issue in the nighttime at that end of the trail. The only people that use that parking area are the bikers.

Mr. Dookran: Sir - a question I should have asked the previous speaker. Are these kinds of restroom facilities becoming more the

norm for bike trails, do you know.

Mr. White said he didn't know that he could answer this question. It should be. He said people need some type of facility. He said there are a couple of port-a-johns along the mid-course of the trail that are available, but not everyone will use them. There's no running water. During warm summer days, they are not the most pleasant experience.

Jim Petropulos. Mr. Petropulos said the gentlemen from the Hollis Adult Community spoke to buffering and fencing. They have had discussions with Mr. White and the project team and their stance has always been against putting up fencing. There is a note on the drawing that speaks to along the rail trail that if there is any open areas that need landscaping that they would work with the staff to support some landscaping. He referred to a plan that showed some of the mobile homes located along the rail trail. He said there are a couple of openings there that are kind of visible and need some landscaping protection.

He showed the Board the location of the Adult Community in Hollis. He said the common land to their community abuts the trail. It was a gravel pit. The person who owned it took out all the gravel and took out their buffer. He said their feeling is that if there are some open areas along the trail will be landscaped.

He said there was a gentleman from Emerald Road who spoke about useable land for open space. He said he doesn't know that he's had a project before the Board with as much public benefit. The trail itself is what's usable about it; the parking areas; the wooded areas. He said they walked it with the Conservation Commission. It's a beautiful stretch of land.

He said the density determination is the law and they abide by the law. He said he thinks that they disagree with the fact it exists that way.

He said this person mentioned 76 accidents. He made it sound like there were 76 right at that location, but that isn't true. That four mile stretch was studied and there were 76 over a three year period. He said Mr. Holden has owned and operated the golf course since 1996. His testimony to him is that there hasn't been one accident at that current intersection since he's owned and operated the golf course.

Mrs. Lasky asked where the study area was located.

Mr. Petropulos said from Route 111/111A intersection back to Northeastern Boulevard. He said it's approximately four miles.

He said there was testimony from the woman at the corner (he thought it was Lot 16) addressing buffering along the bike trail. He said they have had some discussions with her about this. She has a background in landscaping and he believes they were waiting to get input back from her for Mr. White to consider as long as it was reasonable. He said they will work with her to better buffer her property.

Mr. Dookran: A couple of questions for Mr. Petropulos. The first thing, I heard one of the neighbors who abuts the entrance, aside the main entrance, say that every time he tries to make a left turn into his driveway he's careful because of the speeding cars. I suppose your homeowners would experience the same. Is it possible to widen out that intersection to permit a left turn lane. Have you looked at that.

Mr. Petropulos said he doesn't think this abutter said every time he makes the left. He said their traffic people are telling them about 7% of the traffic into the project is coming from the west. He said they are little bit challenged in that West Groton Road right-of-way with some steep banks with a very poor section of sidewalk. If they eliminated the sidewalk and provided a hardened shoulder out there so that if someone is making a left turn in, there is enough room for somebody to get by. He said he thinks the sidewalk was built as part of the Emerald Estates project.

He said the root of the problem is the speed, but if there are some things they can do to help the design that accounts for the fact people are speeding through here, they are willing to look at it.

Mrs. Lasky asked if there are any other traffic calming measures that could be done.

Mr. Petropulos said he already mentioned that they have improved signage at both their intersections and some speed limit signs. It's supposed to be 35MPH, but it's not posted.

Mrs. Lasky asked about speed bumps in the road.

Mr. Petropulos said it's a collector road. He doesn't think it's conducive to something like that. He said Mr. Dookran's comment is a good one, but they are working in a limited area. If that piece

of sidewalk has to stay, you can't do it.

Mr. Lowe said he has concerns with the entrance, having driven it a couple of times. He found it very scary. He said he always thought that you couldn't use wetlands to determine acreage.

Mr. Sawyer said you can't count open water in a cluster calculation. It specifically states in the cluster section that wetlands are not to be used in the calculation.

Mr. Slivinski said if you are in a R40 Zone and you own a 40,000 square foot lot and 30,000 feet of that is either sloped or is wetland, does it mean that you can't build a house if there's 10,000 square feet of buildable space on the lot. He said he thinks this is the same thing.

Mr. Petropulos said as you traveling westbound approaching the entrance, they are providing something that doesn't exist there today. It's a widened shoulder on their property to get vehicles to begin their taper into the entrance for the development. This will get vehicles off the road a bit quicker.

Mr. Lowe said he understands they are moving this 50' up the hill. He asked if this could be moved up even further.

Mr. Petropulos said they are kind of splitting between the high point looking west and the inside of the curb looking east. They are trying to find the maximum point in between that gives the best site distance in both directions. In working with the Traffic Department this is the location they have come up with. He repeated the three options they had - Woodbury Drive, Gilson Road or improving their front door and the last is what they have done.

Mr. Lowe said he believes Woodbury Drive has to remain closed.

Mr. Dookran: Continue Mrs. Chair? I want to talk about the entrance to the trail across West Groton. I'm sure the City deeply appreciates the addition of that trail, but any concerns about going west towards the entrance to the trail - bikes crossing, even pedestrians crossing.

Mr. Petropulos said they have a detail in the drawings. He said Mr. Thornton's company has had experience with this. There's a significant sign package that goes with the crossing, both in terms of the advance signs in both directions and advance signs on the

path. There really needs to be lockable bollards on the trail as well to prevent a car from going down the rail trail.

Mr. Dookran: Did we look at the sight distance on that westerly approach.

Mr. Petropulos said they did. Sight distance is very good in both directions.. You're looking up the hill looking east and looking west its kind of open. He thinks there is in excess of 400' to 500'.

Mr. Dookran: I want to have someone consider a rail trail here downtown and the approaches to the trail on some of the side streets there are rumble strips to warn people of the upcoming crossing. Maybe this might be an application just to let people know of the upcoming trail. It's somewhat traffic calming, but I think it's more, in addition to your signs,.....

Mr. Petropulos interrupted and asked if he is talking about rumble strips in the asphalt of the road.

Mr. Dookran: Yeah, on West Groton.

Mr. Petropulos asked if they would be run across the road.

Mr. Dookran: Yeah

Mr. Petropulos asked if these are in the City.

Mr. Dookran: Others have been installed for the downtown rail trail

Mrs. Lasky asked what these are and Mr. Dookran said they are just grooves in the pavement.

Mr. Petropulos said they will do whatever they need to do where safety is a concern. He said they will work with the City on that.

Mr. Dookran: One more question. One of the people who spoke, they mentioned problems at the Buck Meadow/Gilson Road intersection. Looking at the traffic report that was not studied. Is there a reason why that was omitted.

Mr. Petropulos said it wasn't studied. He said they had a scoping session with the City and it wasn't ear-marked as an intersection to study.

Mr. Dookran: That's the one with two fatalities in the last couple of years.

Mr. Petropulos said he is well aware of this intersection.

Discussion ensued with Mr. Sawyer indicating that no one at the scoping session thought that this intersection needed to be studied.

Mrs. Lasky asked about emergency vehicle access to the trail.

Mr. Petropulos said the truck has the ability of knocking down the bollards to gain access at both ends. He said they've also made a connection at one of the cul-de-sacs (he showed the location) to provide access there as well.

Mrs. Lasky asked if they would agree with a stipulation that would indicate the applicant would work with the owner(s) of Lot 312 to work out connecting him to the project driveway.

Mr. Petropulos agreed.

Atty. Jeffrey Zall, 221 Main Street. Atty. Zall said he represents the applicant, Homes by Paradise, Inc. There's been some talk about a \$25,000 voluntary contribution. He said the applicant is contributing \$7,000 already. The applicant will be constructing 3400' of rail trail plus a parking lot. An easement will be deeded to the City and will be maintained by the City, but the applicant is providing the whole construction and paving of that. The applicant is also solving the drainage problem on 111A. The applicant has already paved about 2000' of the rail trail as it leaves from Dunstable. He said this has all been done as a contribution to the City. In addition to that the applicant has just agreed to construct a sidewalk from Yudiccky Farm to Gilson Road, which is about 3,000'.

He said there are substantial contributions made by this applicant for public benefit. He said he doesn't think there is any justification for asking the applicant for another \$25,000 as a voluntary contribution. The applicant feels that he's volunteered and provided considerable value and considerable contributions already.

Atty. Zall said they went to the Zoning Board Tuesday seeking a variance for the construction of bathroom within the 50' buffer that's required for a cluster development. The rail trail is also in a 50' buffer. He said they received a variance for the rail

trail, but the variance for the bathroom facility located in the buffer was denied. They have decided to move the bathroom outside the buffer.

He said his client feels strongly and he thinks the people who use the rail trails feel strongly that bathroom facilities are really a necessity along the trail. The only bathroom facility is in Ayer. They will make the facility as far away as possible from the abutter's property. As it is, it's outside the 50' buffer so its going to be more than 50' away from their property and there will be landscaping added to their property once they and the applicant agree on what they are looking for.

He said the building will be small and will be locked in the evening. It will be maintained by Homes by Paradise, Inc. as long as they are on the site working. He said they've met with Parks & Recreation and they've agreed to maintain not only the trail, but when Homes by Paradise is gone, they will take over the maintenance of the bathroom facility if they have the financial capability to do it at that time. When Homes by Paradise, Inc. is gone from the site and the City can't maintain it, it will be removed. He said they would agree to a stipulation on this issue.

Mrs. Lasky asked Atty. Zall to indicate where the abutter is and where the facility is going to be.

Atty. Zall said it's on the Nashua side of the trail and it's as close to Groton Road as they can get it. (He showed the area on a plan). He said they wouldn't want to move it further down the trail so it's away from the road.

He said Pete Paradise & Amos White of Homes by Paradise are very strong proponents of the rail trail system. The City would like to see the bathroom facilities there and the applicant would like to do it in the best way possible. It's an amenity. It's very beneficial.

He said with reference to Groton Road, the big problem appears to be the speed of the traffic. He said he understands that there's no posting of traffic signs. He said they will work with the City to get approval from the Board of Alderman if that's required. They will provide the traffic signs to post the speed limit to warn traffic to slow. He thinks the idea of rumble strips is a good one. He said they will work with the City to do everything possible to slow the traffic down.

Atty. Zall said opening up Woodbury Drive is not the answer. He said they had a big meeting with the neighbor's last month. He said they had the Woodbury Drive people express their concerns and they had the Emerald Drive people express their concerns. He said they can build the entrance on West Groton Road in the safest fashion possible.

Mr. Dufour said he thinks the restroom is a good asset to have. He can see where it might be a safety issue. He asked if the applicant is going to build this on their own property and that they will maintain it and that it would remain in the possession of the builder or the association. He stated further that at any given point they can determine that they can take it down if they want to.

Atty. Zall said all this is correct.

Mrs. Lasky asked if this is going to look something like a shed.

Amos White. Mr. White said he isn't sure yet. It will have a look that will somewhat mimic the larger buildings in the condominium.

Atty. Zall said the Board has seen the developments that Homes by Paradise has built in Nashua and they have a fine reputation. They aren't going to build something that's going to be an eyesore. It's going to look presentable.

Mr. Dookran: Atty. Zall, the 3,000' of additional trail you'll be doing in the City owned Yudiccy Farm - is that being designed and permitted by you as well.

Amos White. Mr. White said it's a piece of trail that they will design/build. He said there's an existing road there now. For the most part the trail will mimic the existing road. They need to bring in a little crushed gravel and then pave it.

Mr. Dookran: I guess my question is is someone going to obtain permits? There must be wet areas - wetlands and so on.

Mr. White said there is a gravel road there now. They will stay on top of the graveled road. It does fall within the buffers of wetlands, but for the most part it is high and dry road. There is one wetland crossing.

Mr. Sawyer said the Park Recreation Department approached the applicant for their help on a project that they said they were

already in the works in doing. It's not something he is proposing doing on his own. He said they came to the applicant and asked for his help with crushed gravel. The Department said they had the money for the pavement, but not the money to do the prep work and to bring in the gravel.

Mr. Dookran asked if the parking lot will be part of the association and not the City's.

Atty. Zall said it will be sitting on an easement conveyed to the City. The City will have the responsibility to maintain the whole easement area, which will be the rail trail and the parking lot. It won't be deeded to the City because they'd have to subdivide.

Mr. Dufour asked if the City would have the right to put trees in if at some point it was felt additional buffering was needed.

Atty. Zall said "yes." This will be provided in the easement documents.

Bob Worth, 12 Pullman Drive, Hollis. Mr. Worth said when the Board considers the bathroom issue, neither the lawyer, the builder, nor the engineer are going to live next door to it. It's easy to say that it's a better good for the whole public, but they have to consider the people who live next to it. Anybody who has lived near a public restroom knows that it attracts an element that's not tasteful to anybody.

He said they appeared at the Zoning Board of Adjustment Meeting. There were 35 residents from the condominium association in opposition. They didn't come tonight because they assumed the Zoning Board's decision was final and the issue was dead. Now the builder has decided to move it onto his own property so the Zoning Board doesn't have a say any more. He said he thinks this is highly unfair.

He said they have a lot of elderly people living in their association that use the trail all the time. None of them are going to feel safe entering the bathroom at any time of the day. He said he has been married for forty years and his wife will never use a public restroom that's a public one for men and women. He said when people go out on a trail, they don't go out looking to use a bathroom - they go out to go biking. The whole argument about a bathroom in a residential area is ludicrous. He said the Board should remember that the lawyer can put anything he wants in the condominium documents, but when the association meets they can delete anything that they vote on.

Atty. Zall said the bathroom is 300' away from where the Hollis' association's common land abuts the subject property and the closes house is about 500' away.

He said as far as the condominium documents are concerned, they can write condominium documents that prohibit the changing and amending of anything in the condominium declaration that they want. There will be a provision in there that the association cannot amend that aspect of the condominium documents.

Amos White. Mr. White said it doesn't matter whether they have multiple stalls. People are going to use whatever stalls are available. You can mark one a men's room and the other a woman's room. If you participate in any athletic events there are a multitude of port-a-johns. They aren't marked men's room or women's room. You use whichever is available. He said if this is a deciding factor, they would put two in, but he believed only one was necessary.

Mr. White said he might not live in this particular site, but he lives in all his sites. He said he's in his sites every day and every night. The bathroom will be well maintained like his sites are well maintained. There won't be any issues. People will use the bathroom.

Mr. Slivinski said they have a 122-unit development with a very dangerous access and they are talking about a bathroom. He said he thought it was foolish to put in a bathroom. He said he owns property on the rail trail down in Massachusetts and he was skeptical at first, but it is a first class operation and the people who use it are first class. He thinks the property you own along the rail trail will be more valuable than if it's not on the rail trail.

He said what they have to worry about is the access to the property. He said he doesn't care if they move it 50' up, he hasn't been convinced that it is a safe access because of the speed of the traffic and the increase to the traffic on 111A.

Scott Thornton, Traffic Engineer, Vanesse & Associates. Mr. Thornton said they know the speeds out here are pretty high.

Mr. Slivinski said he knows what the site requirements are for cars going 35MPH. He asked what the requirements are if the car is going 50MPH.

Mr. Thornton said when they did their speed study they found that the 85 percentile speed was 41MPH going eastbound and 43 PHR going westbound. This means that 85% of the cars that they observed were going at that speed or below it. The highest speed they observed was 53 MPH going eastbound.

He said when you look at speed limits and when you look at designing roadways you typically look at the 85th percentile. That's a good benchmark. Not only do they meet the requirements for site distance for the speed limit of 35 MPH, they meet the requirements for the 85th percentile speed. They have enough stopping site distance, which relates to the amount of time and distance that a vehicle needs to be able to come to a complete stop prior to an accident/contact. They also have enough intersection site distance for vehicles coming out, making a left hand turn out of the driveway to be able to get up to the speed of the roadway without affecting speed of another vehicle coming up behind that is also going eastbound.

Mr. Slivinski asked about widening right there.

Mr. Thornton said the reason they haven't looked too closely at this is because of the sidewalk that is there as Mr. Petropulos mentioned earlier. You would do the widening to get a hardened shoulder or a semblance of a by-pass lane on the south side of the roadway. He said they also didn't look at this closely because they are only expecting eleven vehicles to be making that left turn into the site as a maximum in the evening.

He said people are talking about speed, but another issue is the volume. There's not a lot of traffic out there. They found there's about 210 vehicles coming down in the evening that would be passing the site that would be continuing east. In the morning there's more traffic with about 309 vehicles coming down, but in the morning there are fewer vehicles that would want to make that left turn.

He said they have been trying to maintain pedestrian safety because of the existing crosswalk that's there. Their initial plan was to re-stripe the crosswalk when the driveway is relocated. Thermo-plastic markings are going to be there for a long time, put additional signage up alerting people to the presence of pedestrians in the roadway and also put "yield" markings down on the pavement. That just reinforces to the motorists that there could be pedestrians crossing that area. In addition, the bike path is going to have its own crossing. It's going to have thermo-plastic markings. It's going to have "yield" signs and pavement markings alerting motorists to the presence of possible bicycles

crossing the roadway. All these things together are going to work to increase the awareness of motorists on 111A that there is going to be entering and exiting traffic and there's going to be pedestrians and bicyclists crossing the street.

Mr. Petropulos said they meet ASHTO standards for the speed that the vehicles are doing there. He said that he didn't know this until Mr. Thornton just testified. They are willing to provide a hardened shoulder on the south side of 111A in order for vehicles to by-pass around people who are making a left turn into the site, but one of the things is that little piece of sidewalk he mentioned earlier. If the Board feels that piece of sidewalk can be sacrificed he believes they could easily make that improvement.

Mr. Sawyer said the Traffic Department has reviewed this with the applicant. They made the change that they wanted - moving the driveway up. They are comfortable with the design as proposed. He said they feel it is safe - that is what was relayed to him. They said that they meet the standards that they are required to meet. They were not looking for any other improvements.

Mrs. Lasky asked about the removal of the sidewalk.

Mr. Sawyer said this is a decision for the Board to make. He said his opinion is that when you widen streets like this, the speeds increase. They don't decrease. You are giving the driver more feelings of safety and security. He would have some reservations about doing this on a rural road like this, especially given the amount of traffic that has been talked about. It doesn't seem like a major issue to him.

Mr. Dookran: I want to ask about that number Scott. Five percent to ninety five percent of traffic in the morning or in the after .. for that site will head east - is that what you're saying.

Mr. Thornton said they are expecting is 93% is going to go east and 7% would go west towards Hollis.

Mr. Dookran: How did you determine that number, that ratio.

Mr. Thornton said they looked at the journey to work data for the area (Nashua, Pepperell & Dunstable). They also looked at the traffic volumes. There's a pretty heavy directional bias eastbound in the morning and westbound in the afternoon. He said they assumed that about 28% of that traffic will go down Ridge Road because you can get to Spit Brook Road that way. A portion of the other 60% would continue to Northeastern Boulevard and the F.E.

Everett Turnpike.

Mr. Dookran: Why I'm questioning that - I was at the site today and I was - which direction do I go to get back to the turnpike and I found that if I go to West Hollis Street, which was rather close, that was my choice actually. Then **..unintelligible..** back on 111A. That was my preference. I'd really like to find out if your residents of this proposed development rarely make that choice if it's easier. It depends on where you're heading actually. If you're going to Massachusetts you might think, okay, **..unintelligible..** a couple of miles off of the Turnpike. The turnpike runs so well now that it doesn't matter which interchange you get on. You really would have to look at the local road.

Mr. Thornton said what they found was that a lot of people were making that turn to go down Ridge Road in the morning so they assumed that this would continue.

He said if you're coming from Hollis you have one speed limit sign as soon as you make the turn from 111 onto 111A. There isn't another speed limit sign until you get to Gregg Road if you're headed east. After that there are speed limit signs every 1000', every 800'. They come up regularly, which is the way you'd normally expect it. As the density of the area increases, you want motorists to pay more attention to the speeds. It hasn't happened in this area. There's a stretch of almost two miles going east where there aren't any speed limit signs and going west there's a stretch of about a mile where there isn't anything.

Mr. Lowe asked how old the data is. They are talking about an area that has been building up at the rate of 300 - 400 homes a year.

Mr. Thornton said it's from last year. They did morning and evening counts daily in April at the intersections. The speed data was collected in June. They take these numbers and project out five years in the future. In that way they account the full occupancy of the development. They account for all the background development that's approved, but not yet built. They look at all the development that they know about.

Mr. Lowe said he was out here two years ago and went up the road into Hollis and there were no houses. He went out there this Sunday and there's about a hundred houses out there that weren't there then. He said they did Nashua, but Hollis is building too. It's going to be built more and more along that road.

Mr. Thornton said that because they are so close to the Town line

they also did Hollis. They didn't identify any background developments in the area, but in addition to the developments that they know about, they assumed a traffic background growth rate to account for the developments that they don't know about.

Mr. Dookran: Can I ask Jim? Jim, I know you have right-of-way constraints to work with out there, but would you consider looking at dropping the profile of that crest to make that intersection more visible? The westbound traffic. That would be eastbound, sorry.

Mr. Petropulos said he wished that whole hill would have been dropped a long time ago. He didn't think they could do anything about the big vertical curve, but he believes there is a slight knob just before the big sweeping vertical curve. They may be able to shave it a little. He showed the area on a plan. He mentioned that this along with the other improvements that were proposed will make it as safe as possible.

Carl Dude. Mr. Dude said he had questions about the weather conditions when the road tests were taken and the type of traffic. There's a lot of commercial traffic that goes up and down 111A. There may be a school bus coming out of the entrance. He asked if these factors were taken into account.

Mr. Thornton said the counts were taken on April 20 during clear weather. The count periods were from 7:00AM - 9:00AM and 4:00PM - 6:00PM. Peak hours were from 7:15AM - 8:15AM and 5:00PM - 6:00PM. The speed data was collected June 21. It was during a clear day. Commercial vehicles are counted separately, but they are used in the calculations.

Mrs. Lasky said these traffic reports are done by experts. She said they are not taken at face value. That's what this is all about. They take what they know as a Board and the expert's testimony and render their decision.

Mr. Dufour said he still has a few concerns. He said Woodbury should remain as an emergency access. He said as far as the bathroom is concerned, if it's 7:00PM he wouldn't want his wife to be there or for any kid to be there alone. It would be a big issue for him if he lived in the neighborhood. He would prefer not to have it. He said they can't control that. They propose to build it on their property and, beyond that, accept liability for its existence. He said the builder doesn't have to do a lot of the things he is doing.

Mrs. Lasky asked if anyone thought lowering the density was going to do anything or if there is anything they can do about that.

Mr. Sawyer said the Zoning Board has already acted on the special exception.

Mrs. Lasky asked why the Zoning Board is asking the Planning Board to validate it.

Mr. Sawyer said he couldn't answer that question. He said they approved the special exception with a condition that they validate the calculations.

Mrs. Lasky said they have been validated.

Mr. Dufour said the biggest issue with the entrance is the speed of the vehicles on that road. The speeding issue is the City's problem. If the speed limit is enforced, the entrance works fine. He's not jumping at making a motion because he wants to get it right and all the bases are covered.

MOTION by Mr. Dufour to approve the site plan for Groton Woods for a 122 unit single-family cluster development with associated access and site improvements, 45 West Groton Road, Gilson Road & Woodbury Drive with the finding that it meets NRO 16-123 and with the following stipulations:

1. Prior to a building permit being issued, all required easement documents shall be submitted to and approved by the Planning Department and Corporation Counsel and recorded.
2. Prior to a building permit being issued, a NH DES Dredge & Fill permit shall be obtained.
3. A \$7,000 contribution for the signals on Northeastern Boulevard shall be made.
4. The applicant will work with the owner(s) of Lot 312 and with staff to connect their driveway to the project driveway.
5. The applicant shall widen entrance and drop the crest on West Groton Road and the potential removal of the existing sidewalk for widening of the road with the approval of the Department of Public Works and Planning Staff.
6. Rumble strips shall be included in West Groton Road prior to the bike trail.

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7. Applicant to install electronic lock on public restroom consistent with park hours, no later than 10:00PM.

SECONDED by Mr. Lowe.

MOTION CARRIED - 5 - 2, Mr. Slivinski & Mr. Moran opposed.

MOTION by Mr. Slivinski to continue the hearing for Cases #7, 8, 9, & 10 from the April 14, 2005 agenda until April 20, 2005 at 7:00PM in Room 208 at City Hall.

SECONDED by Mr. Lowe.

MOTION CARRIED UNANIMOUSLY

ADJOURN

Mrs. Lasky declared the meeting closed at ???

APPROVED: _____
Bette Lasky, Chair Nashua City Planning Board

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Lt
Taped Hearing