

EXPANDED DRAFT MEETING SUMMARY
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NASHUA CITY PLANNING BOARD
July 11, 2007

The special meeting of the Nashua City Planning Board was held on Wednesday, July 11, 2007 at 7:00PM in the auditorium at City Hall.

Members Present: Ken Dufour, Chair
 Steve Farkas, Mayor's Rep
 Bob Canaway (Secretary)
 Steve Dookran
 Hugh Moran
 George Torosian
 Cynthia Overby (Alt)

Also Present: Kathy Hersh, Community Development Director
 Roger Houston, Planning Director
 Mike Yeomans, Deputy Planning Manager

Approval of Minutes

None for this evening.

Communications

Mr. Houston went over the following item that was received after the mailing went out.

A new stipulation, #2 has been worked since the Staff Report was mailed out with some refinements to the stipulation.

REPORT OF CHAIR, COMMITTEE & LAISON

None.

Chairman Dufour 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 Board will decide that the application is complete and ready for the Board to take jurisdiction of the application. If so, the applicant or representative will be given time to present an overview and description of their project. The applicant shall speak to whether or not they agree with recommended staff stipulations. The Board will then have an opportunity to ask questions of the applicant and staff.

The Chair will then ask for testimony from the audience. First anyone wishing to speak in opposition or with concern to the plan may speak. Come forward to the microphone, state their name and address for the record as well as write your name and address on the sign in sheet provided. This would be the time to ask questions they may have regarding the plan.

Next testimony will come from anyone wishing to speak in favor of the plan. This will also be the time for the applicant to address any issues or concerns raised by prior testimony.

The Board will then ask any relevant follow-up questions of the applicant if need be.

The Board asks that both sides keep their remarks to the subject at hand and try not to repeat what has already been said and to be courteous at all times.

Above all, the Board wants to be fair to everyone and make the best possible decision based on the testimony presented and all applicable approval criteria established in the Nashua Revised Ordinances for site plans or subdivisions. Chairman Dufour noted that the Planning Board does not make zoning decisions.

Zoning determinations are made by the Administrative Officer prior to the Board's legal public notice being sent to abutters.

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

Chairman Dufour thanked everyone for their interest and, courteous attention and asked that everyone turn off his or her cell phones and pages.

OLD BUSINESS - CONDITIONAL/SPECIAL USE PERMITS

None

OLD BUSINESS - SUBDIVISION PLAN

None

OLD BUSINESS - SITE PLAN

None

NEW BUSINESS - CONDITIONAL/SPECIAL USE PERMITS

None.

NEW BUSINESS - SUBDIVISION PLANS

None.

NEW BUSINESS - SITE PLANS

1. Hampshire Chemical Corporation c/o The Dow Chemical Company, Marie A. Nadeau, Bourque Realty Co, Wash Depot 1, Inc (Owners) Application acceptance and proposed PDNED Hampshire Nashua, LLC (Applicant) Proposed site plan for the construction of 13 buildings totaling 595,000 square feet including retail, 6 restaurants, cinema, and parking garage with access, drainage and site improvements. 2 East Spit Brook Road, 2 Poisson Avenue, 204 & 210 Daniel Webster Highway, Sheet A - Lots 37, 103, 108, 167, 218 & 231, Zoned "GB/MU" - General Business/Mixed Use and "HB" Highway Business.

MOTION by Mr. Torosian that the application is complete and the Planning Board takes jurisdiction of the application.

SECONDED by Mr. Moran

MOTION CARRIED UNANIMOUSLY

Mr. Dufour clarified before the applicant started speaking that there was an article in the Telegraph regarding the meeting and it made reference to long time plans by City Officials to build a commuter rail station at this site. Mr. Dufour explained that is not the reason for the meeting this evening. This is private property and the applicant proposes to develop the site as they have presented it. However, Director Hersh is in the audience and she has agreed to address and give you any updates concerning the rail station in Nashua after the meeting.

Gerald R. Prunier, Esq.

Attorney Prunier is representing the applicant, Nashua Landing. The property is located in the south end of Nashua. The site was a hazardous waste site that is being cleaned up to allow for this project for a retail lifestyle center. The property is approximately 45 acres.

Mr. Paul Cincotta, Packard Development

Mr. Cincotta gave a slide presentation on the overview of what the project is all about. He pointed out on the map the location in relation to the exits off the highway, the river, Old Navy, and other stores. There is already a significant amount of retail in South Nashua. The site was formerly Dow Chemical, which since has been razed and they are in the final stages of the clean up activities with DES. This project is a "a lifestyle center". What makes it a lifestyle center is the main street component, which is pedestrian oriented. Beginning at the southern end, the tenant proposed is a sporting good store. The street ends at a 2-story building, which they envision to be a Home Goods type of operator. The proposed sporting good store is 2-story, 80,000 feet in total, 40,000-foot print. The Home Goods type building is 13,000-foot print, 26,000 square feet in total. All of the buildings along the main street, which is called Landing Way, are single story buildings with the exception of a few 2-story spaces. There is a grocery anchor, which is a proposed Whole Foods Store. As you move north on Landing Way, there are more single story smaller tenant spaces and end at the center with a cinema. There is surface parking and a structured parking deck with three parking levels. There are a little more than 2,900 parking spaces across the development, which falls in the middle of the City's parking requirements. Approximately 900 of the spaces are located in the garage. The smaller buildings along Landing Way are envisioned to be for various tenants. There are about 50 - 60 potential tenants on Landing Way. They are smaller to medium size tenants, a couple thousand square feet to approximately 10,000 square feet. They envision approximately six restaurants located primarily on the end cap spaces with outdoor dining opportunities. Access to the project from the Daniel Webster Highway is in three locations: East Spit Brook, Poisson Ave, and just north of Fun World.

Some of the characteristics that have been worked into the architecture of this are shown in the slides. Some of the street improvements incorporated into the project are special kinds of paving to indicate pedestrian travel way versus treed areas. There will be tree-lined streets. Many of the sidewalks that are approximately 25 feet wide for people to sit and eat and rest.

The lights at the street level are 12 feet high where the lighting in the parking garage is taller and appropriately scaled. The site is going to be served by water and sewer. Segments of the sewer interceptor will be relocated as part of

this project. Drainage will be handled on-site. Natural gas, PSNH, and Verizon will service this project. Spit Brook travels through the project and it goes into a culvert and today it travels under the property and exists underneath the railroad bed. It will be relocated to work around the building footprints and it will be connected back to the same location.

Mr. Torosian asked if the consumers would have to go outside to go store to store. Mr. Cincotta replied that was correct.

Mr. Canaway asked where the smaller stores would be taking deliveries. Mr. Cincotta replied that there are service bays in the back of the buildings and the loading along the back. Front loading will be disallowed.

Mr. Canaway asked what kind of lighting will there be along River Way. Mr. Cincotta replied the lighting along River Way is expected to be wall-mounted lights located at the rear of the building. River Way is fairly narrow. The sidewalk is about 8 or 9 feet wide and the pavement is about 26 feet wide. The lights would shine down onto River Way. The main street Landing Way will be pedestrian scaled 12-foot ornamental lights on both sides of the streets and in the parking areas there will be a more traditional "shoe box" light fixture.

Mark Fougere explained that they did add a sign package stipulation package for the whole center. Whatever signs the tenants' want will have to meet the sign code.

Mr. Dufour stated that the Board did not want to see trash dumpsters at the back of the buildings and it's not on a plan. Mr. Cincotta explained the loading areas will be screened.

Attorney Prunier explained that the traffic consultants, Vanasse & Associates, have been working on the traffic for over a year. They have been working with Wayne Husband, Traffic Superintendent, and his consultants in regards to the Daniel Webster Highway South area. They have made recommendations and the City's consultant agrees as to some improvements. They are hoping to have the work begin in the fall or early spring and run in conjunction with the improvements to the Daniel Webster Highway. Most of the improvements and work will be done at night so as not to impede the flow in the area. They did contact property owners in the area about access easements, but have not been able to come to an agreement. In the revised stipulation #2 the applicant will provide to City with \$650,000 so it can do work if they are able to acquire the access easements.

Robert Vanasse, Vanasse & Associates

There are 11 intersections that they have studied from the southbound ramps on the FE Turnpike to Silver Lane on the south to westbound ramps on the north. They have come up with recommendations for six of intersections. There are three regional access gateways from the Massachusetts exists in Tyngsboro, Spit Brook Road, and Exit 2. At three of those intersections they will modify signal timing, reconfigure and modify signal timing at the westbound ramps, and at the primary access there is major reconstruction, a new signal at Fun World and major changes at Spit Brook Road and Poisson Avenue. At the intersection of Daniel Webster and Spit Brook Road they propose two left hand turn lanes, a straight through and, shared and right through movement at this intersection to handle the load that would be coming up Spit Brook Road. At Poisson Avenue they would have 5 lanes; a right hand turn lane, a shared center and left turn lane and an exclusive left hand turn lane. At Fun World there would be a new signal. There would be on Daniel Webster Highway South a double-left turn lane. There would be pedestrian improvements. There would be over 1,200 feet of new sidewalk on Daniel Webster South. It is designed so the four residential areas, Royal Crest, Louisburg Square, Bluestone, and Greenwood can come cross at Fun World, Poisson Avenue and the road to the Volvo dealer. There are no pedestrian push buttons at Spit Brook Road. There will also be resurfacing of over 3,000 linear feet of Daniel Webster Highway and Spit Brook Road east. They estimate they will be spending between \$2.5 and \$3 million for the off-site improvements.

Mr. Farkas asked how they were going to draw people to use Exit 2 as opposed to Exit 1. Attorney Prunier explained that one of the stipulations is to advertise Exit 2 as a way to get to this center. There will also be signage on the site. The main entrances will be at Fun World and Poisson Avenue. Off-site signage on Daniel Webster Highway would direct people to use the northern most entrance and Exit 2.

Mr. Canaway asked how public transportation and the disabled access the site. Scott Thorton, Vanasse & Associates explained currently there is a transit line that goes down West Hollis to Northeastern Boulevard and winds up on Spit Brook Road. It comes down Spit Brook Road to Daniel Webster Highway and goes south into the mall and circulates back up and one stop is located in front of Burger King and another near Poisson Ave and by Fun World. After discussions with the head of Nashua Transit, some discussions were to run routes south on Daniel Webster Highway

through Royal Ridge Mall, down Spit Brook Road and cross into the site, circulate and come up through Poisson Avenue or Fun World. They indicated they saw no issue with adding additional routes.

Paul Cincotta explained there were three locations when they discussed this with the Transit Authority. All three stops are envisioned are to be on River Road, one at the southern end, the second where Nashua Landing Way intersects with River Road, and the third down at the cinema. He stated that the shelter and bench accommodations to be worked out.

Al Palmer, Packard Development

Spit Brook will be relocated and they are increasing the size of the pipe so it avoids the buildings, but connects to the same point prior to its discharging underneath the railroad. The Merrimack sewer interceptor that runs along the westerly boundary is adequately sized. They are proposing to relocate portions of that line and a new interceptor going through River Road as well as portions below Fun World. There will be a series of plastic chambers underneath the parking lot that will provide stormwater treatment. Overall they have analyzed the site from the 2-year up to and including the 100-year event to document that they are going to be maintaining the predevelopment flows when compared to when Dow was in operation. As part of the Conservation Commission, a review for the wetlands, they did an extensive review on the subsurface chambers. The subsurface chambers will store the runoff. They will be allowed to infiltrate underneath it and the soils on the site are very conducive to infiltration and that was where Dow had less industrial activity so the south end of the site after meeting with DES is a prime location. On the north end of the site all of the subsurface systems will have filtering media underneath the chambers to allow it to be filtered prior to being collected and discharged to the Merrimack. They will be working with Pennichuck on some minor off-site improvements.

SPEAKING IN OPPOSITION OR WITH CONCERNS

Stephen Buckley, Esq.

Attorney Buckley is representing the Town of Hudson. The Town of Hudson has expressed their concerns that this project is of regional impact, but the Board has already made the decision that they don't think it is of regional impact. Attorney Buckley stated that was an unwise decision and should rethink its

decision. The Town of Hudson's principle concern is the likely hood of traffic coming across the Sagamore Bridge to access Litchfield, Londonderry, Pelham, and Windham. The Statute used to determine regional impact asks that you look at shared facilities. Attorney Buckley stated that in this case a major shared facility is the Merrimack River. In his estimation there is going to be significant stormwater impact. Due to traffic and shared facility impact he feels the Board made an unwise decision. The Town of Hudson is going to reserve their rights that the Board has not made this a declaration of regional impact and the Town of Hudson will reserve their rights to challenge any decisions in the future because the Board did not give them the right to be heard. Attorney Buckley believes it is the Town of Hudson's intent to have a traffic engineer do a review of the traffic studies and submit comments so the Board can made a more informed decision.

Paul Johnson, 44 Browning Ave, Nashua

Mr. Johnson has some concerns regarding aesthetics. He feels this project looks like a fortress. He felt there would not be enough parking spaces on Landing Way and if people have to park behind the buildings and walk around. What will the traffic surges from the cinema getting out and impact on commuter traffic and also in the future with the train.

Richard Cane, 22 Sandpiper Lane, Merrimack

Mr. Cane works for the Flatley Company and they have some concerns they would like to voice. The Flatley Company owns 320,000 square feet at Nashua Office Park at Spit Brook Road, off Exit 1. They own 180 acres of undeveloped behind Hewlett Packard. Hewlett Packard property and building is for sale and they have additional 80 acres of land. The Flatley Company realizes they have to mitigate traffic impact and if any of the assumptions of the traffic reports for this project are incorrect, Flatley Company could be impacted. He suggested that if any of the assumptions in the traffic study are incorrect that the process begin to design a better interchange at Exit 36 in Massachusetts.

Paula Johnson, 15 Westborn Drive, Nashua

Mrs. Johnson has some concerns how Poisson Ave is going to be widened. Mr. Dufour replied that the buildings on the left as you enter Nashua Landing will be gone. Mrs. Johnson stated her

concerns about the traffic, particularly during the holidays. What is the long-term plan for fixing the roads?

John Sokul, Esq. With Cleveland, Waters, and Bass

Attorney Stocal is representing James Prieto who owns property near this project, but is not a direct abutter and has concerns about traffic issues. There will be a lot of traffic added to this area in an already congested area. They are requesting an opportunity to review the work that Vanasse & Associates have done, to review the City's consultant work, and to offer comments from somebody who is impacted by this project. Mr. Dufour asked where Mr. Prieto's property is located and Attorney Stocal replied it is 1 East Dunstable Road.

Allen Fuller, 70 Arlington Street, Nashua

Mr. Fuller's concerns are that he has been to the site and has seen the chemicals on the ground. It is a contaminated site. He saw a letter addressed to the city from Dow Chemical and that Dow was against the property being used for residential use. He is concerned with the environmental impact for the people who will work there. The amount of contact for the employees would be similar to a residential property. Is Dow willing to review this project and sign off on it? Or is the city bypassing the letter and would there be liability? During construction can some of the chemicals in the ground be disturbed and released into the air or mixing in the ground and become contaminants.

Michael Krisses, 78 Allds Street, Nashua

Mr. Krisses is not against this project but had a few words of caution for the Board because of past projects that have been approved. He is concerned because of errors of MacMulkin and the 3rd story addition on Kinsley Street. He is concerned about traffic and environment but more concerned about the long-term effects on the City of Nashua and how long it will take before we reach gridlock. The traffic control system in Nashua is inadequate. Adding a few thousand cars a day to this area is not a good idea. Perhaps a second opinion on traffic flow and drainage would be a good idea.

Lori Greer, owner of Sky Venture

Ms. Greer is an abutter to Nashua Landing and not against the project. She is concerned about the impact of electricity because they are a vertical wind tunnel and run on electricity.

Dust control will be an issue when construction begins and how will that be controlled?

SPEAKING IN FAVOR OF THE PLAN

Gerald Prunier, Esq.

Attorney Prunier said that he thinks that he will have the environmental taken care of by Mr. Cincotta and the traffic taken care by Mr. Vanasse, who everybody agrees that came up here that he's [unintelligible word]. Let me just say that as far as Hudson's concerned, and my friend Steven Buckley, over a month ago we understood that they had some concerns, I personally delivered the traffic study to their Community Development Director and if they wanted to say something they had, I also spoke to Mr. Buckley and I also sent him a letter telling him we're meeting tonight, so we like Hudson, even though [unintelligible word], but I get a little carried away when he's worried about the Merrimack River, I mean, who were we supposed to notify, Manchester, Concord, Lowell, where does it stop. And besides that, what effect are we having, we don't border the Merrimack River, and we're not putting any more water in the Merrimack River, than goes there now, we can't do it, can't do that under the legislation that we have in the City, so we're not dumping in the Merrimack River. As far as the one other little point before I turn this over to Mr. Cincotta. I guess I will let Paul finish the environmental.

Paul Cincotta

Regarding the environmental concerns, relating to Dow's cleanup process, Dow was required to do a risk analysis that takes into the proposed use, retail as opposed to residential. Dow is not comfortable with the use of the property being used as residential, but Dow has an understanding of the redevelopment plans and Nashua Landing is in contact with Dow. They are aware of the effects that may occur during construction and have taken it into account. Dow has managed the soil up to this point and the applicant is taking precautions that meet DES and Dow's concerns. In regards to dust during construction, they will be addressed during the pre-construction meetings with the City. They will have a higher diligence on the site, to contain the dust. There is a fairly minimal amount of earthwork that will have to be done. Mr. Cincotta stated he doesn't believe electrical services that they will bring into the site will cause disruptions to Sky Venture's services, but they need to work with Sky Venture and PSNH to ensure that the service isn't interrupted. The view as you enter from Poisson Ave will be

dominated by the view of Whole Foods. That view is important to Whole Foods and do not view it as back doors. The view on East Spit Brook is designed to focus you on to Landing Way of the site. The third entry by Fun World is into the garage structure.

JP Shadley, Landscape Architect, Shadley Associates

Every 1,500 square feet, or 9 parking spaces, there is a tree, which meets the zoning requirement. Overall the aesthetics are much nicer than the mall. Mr. Shadley had a slide presentation of what the site will look like.

Mr. Dufour asked about the traffic going down the main street of this project? Mr. Cincotta replied that they looked at the circulation on the site. Having three access points to the project is a real benefit. Those access points are directly connected to the larger parking facilities are what make this work.

Someone asked about handicapped parking. Mr. Cincotta had an accessibility consultant take a look at the distribution of handicapped spaces through out the entire project and they are distributed throughout the main parking areas and close to doors and elevators.

Bob Vanasse, Vanasse & Associates

Mr. Vanasse addressed traffic issues regarding the cinema. Generally movies have staggered starting time, except perhaps on weekends. In regards to rail traffic, it can be managed and they will worry about that issue when it happens. The draw will not be regional, unlike the malls.

Gerald Prunier, Esq.

The traffic report mitigation is tied into the CEMAQ project and has agreed to work with the City and hopes to begin work in the fall and is coordinating with the traffic superintendent to make sure the work is completed.

Mr. Dookran asked Attorney Prunier if he thought traffic would be coming through Hudson.

Attorney Prunier said to answer your question, is yes, there will be some traffic, how much of it, I have no idea, I think I'd like to ask Bob Vanasse whether they've considered that as part of the traffic plan, and make admission, I didn't look at

it, but the question to me is will there be traffic from Hudson, and the answer is yes.

Mr. Dookran said before we ask Mr. Vanasse, do you think we should be concerned about Mr. Buckley's statements?

Atty. Prunier said he'd like Mr. Vanasse to answer the question.

Bob Vanasse and Scott Thornton, Vanasse & Associates

Mr. Vanasse said he's hoping to answer the question, as far as traffic is concerned, the procedural part of the question I can't answer that, that's you with by-laws and etc., but as far as traffic is concerned, if you turn to Page 17 of our May 25th report we have coming over the bridge 8% of our traffic, so if you do arithmetic over the peak hour, it's certainly not a huge number, and again, as I not to become totally repetitive, but it's been questioned, but a vast majority of the people crossing our property line are already on Spit Brook, D.W., the bridge, etc. So, I think from a traffic standpoint, I think it's diminimus coming over the bridge. It's 8%, we assigned 8%. Again, it's not a regional mall, it has a much more localized impact, I don't think there will be a Mass bias on this, because there's no reason to drive from Billerica here to go to a bookstore, there is a reason to drive from Billerica to go to Macy's, so it's different. The percentage impacts on each of the links, but we assigned 8% to the bridge.

Scott Thornton, Vanasse & Associates

We hope that as Bob mentioned, we've justified 8% of our project traffic coming over the Sagamore Bridge, and what that means in real terms going out in a ten-year projection to 2017 the evening peak traffic without us would be close to 6,000 vehicles two-way traffic flow on the bridge. We expect to add about 97 trips to that, so, that is an increase of about 1.6%. On the Saturday time period, it is about 4,000 vehicles, total two-way trips, and about 121 trips which is a 3.1% increase.

Bob Vanasse

I just want to make very sure that those numbers are understood. The first number is what's going to happen in the horizon year without us, the second number, the 97, is what we're going to add, so it's 97 over 6,000 and 121 over 4,000, based on the 8%.

Atty. Prunier

Atty. Prunier said now Mr. Dookran, I'm ready to answer your questions. There is no Regional Impact.

Steve Dookran

Mr. Dookran said when Mrs. Paula Johnson spoke earlier, she reminded me that we are removing or you propose to remove some medians on DW Highway.

Wayne Husband

I think those are back in, so that might be moot.

Steve Dookran

Mr. Vanasse you talked about 1,200 feet of sidewalks on DW Highway, do you think that's an important link on the west side.

Bob Vanasse

I think the answer is if we could do it continuously, then you might want, it is a huge construction difficulty, but the way we looked at it, and the image is coming up, is that we can get all four residential units across the street at Poisson Avenue or the local intersection, there is nothing at least in my experience, and tell me if I'm wrong, that there's a huge non-retail delayed pedestrian volume on DW. I think what's important in what we've done as Scott has said, is that we've designed crossings at signalized intersections with pedestrian crosswalks and pedestrian pushbuttons for the four residential components that are west of DW Highway either at Poisson, Lund or Deowolo? Industries, so they can get across, they can get down, they don't need to walk by the cemetery, they can have one of three choices to do that, and to us that was as important as anything, we haven't seen a huge existing pedestrian volume on DW Highway, but, we're going to do it anyway. If it occurs, I think we've designed for it.

Steve Dookran

Mr. Dookran said now that you've acquired the property, north of Poisson Avenue, do we have the ability now to realign Daniel Webster Highway and give us a sidewalk on the west side.

Bob Vanasse

Mr. Vanasse asked if it will be pulled away from the cemetery? Scott is saying no, I think we've looked at getting a horizontal curve over and back in, in that short area, but I don't think it works geometrically. You'd have to come over six to eight, maybe even ten feet and to do that between here and here, we'd have to come over, and then get it back, and the tapers, we'd have to satisfy the geometric tapers, and the geometric constraints, I don't think it works.

Steve Dookran

Mr. Dookran suggested an elevated walkway.

Bob Vanasse

Mr. Vanasse said no, in all the years I've been practicing, 39 years, I haven't found one that works yet. They are ugly, people don't use them, particularly the stairs, they are expensive and in my opinion are not very good looking, they are unsightly from the road, and I don't think people will use them. I don't think it's sound engineering to put something up that no one uses, when you can do the same thing at grade, at three locations, the numbers will not be huge, but we'll provide the opportunity for three crossings by pressing the button, it just won't be a lot. He said he doesn't think there's an adequate location for landfall on each side.

Al Palmer, Packard Development

We discussed earlier we are doing both water quantity peak flow control so we are not increasing the peak flow, even though we are proximate to the river, DES indicated they wouldn't require us to do detention, we are doing it to meet the City's standards where we don't increase the flow and we don't increase the downstream flooding. We are doing the water quality treatment using the infiltration of the sublease part of the site using the sand filter on the northerly part of the site so that we treat the water using the best management practices today as approved by the methodologies that are acceptable to NHDES. Relative to upstream, we are not going to have any impact on the upstream properties, obviously the river is flowing from north to south, avoiding discharging at the same locations the water exits the site today, we're not proposing any new discharges so we wouldn't be affecting anyone upstream, and by controlling the

peak levels, to at or below existing levels, we're not going to be impacting any properties downstream from the project.

Wayne Husband, Traffic Superintendent

Mr. Dufour asked Mr. Husband if he reviewed the traffic report along with peer review report and asked if he was comfortable with the applicant's reports. Mr. Husband stated they hired Fred Mosely of FST, and John Vancor of CEI Consultants, to assist with the peer review of the traffic work. They reviewed the project for about 18 months and are comfortable that the applicant has mitigated the traffic impacts provided that they agree with the stipulations.

Fred Mosely of FST

Mr. Moran asked Mr. Mosely about the differences between the applicant's traffic studies and what they found. It really wasn't the case where they feel comfortable with the final results that came out of the study, it was more a working process and it was a step-by-step starting with trip distribution and looking at the study area. They generated some comments and the applicants gave them responses and they were satisfied with the outcome and moved onto the next phase. What you have now is a complete study of the whole packages that they are comfortable that the results accurately reflect the traffic generated by the project, the impact without mitigation, and are satisfied that the proposed mitigation.

John Vancor, Vanasse & Associates

Early on there were some difference of opinions in terms of the scope of the study area that they thought should be study. They asked the applicant and they doubled the study area. There were a lot of comments back and forth and although there were differences, the applicant was cooperative and did the analysis they requested so there were no lingering disagreements and they are satisfied the information received tonight is correct.

Gerald Prunier, Esq.

Attorney Prunier was asked by a Board Member about additional stipulation of prior to the first Certificate of Occupancy the DW CMAQ improvements must be completed. Attorney Prunier replied that he thought he was stipulation #6 already.

Mr. Dufour asked Attorney Prunier that they have 31 Staff stipulations and waivers and have a revised #2 and asked if he had time to review them and is the applicant aware and amendable to completing them. Attorney Prunier replied yes, they had time to review it with one change and addition. For Stipulation #6, they would like to refer to the letter dated July 11, 2007 to Wayne Husband that indicates the plan used. The other change would be to Stipulation #21 to read, "The Planning Staff recommends that additional handicap spaces be added near Landing Way and near the proposed cinema to the satisfaction of the Planning Staff in conformance with ADA standards."

Mr. Dufour asked Mr. Husband if it was okay that Attorney Prunier references that letter. Mr. Husband read the letter and it is okay to reference it and it can be made part of the record.

Mr. Dookran had one addition to Stipulation #9 to add post monitoring of the traffic and repeat this process one year after opening.

MOTION by Mr. Torosian to approve New Business #1 Site Plans, Nashua Landing, PDNED Hampshire Nashua, LLC, GB/MU General Business/Mixed Use. It conforms to NRO 16-450(d) with the following stipulations and waivers:

1. Prior to the plan being signed, all required utility easement documents and plans shall be submitted to and approved by the Planning, Engineering Department and Corporation Counsel and recorded.
2. The City of Nashua has requested that the Developer pursue a property inter-connection between the Project (Nashua Landing) and the so-called Worthen Industries Parcel, at the southern boundary of the Project (the "Southerly Connection"), and/or the Lovering Parcel, at the northerly boundary of the Project (the "Northerly Connection) collectively called the Access Easements.

The Developer agrees to exercise reasonable efforts, along with the City of Nashua, to obtain the land rights for said Access Easements, as shown on the attached Plan prepared by Gorrill-Palmer Consulting Engineers, Inc. Such efforts shall include the agreed upon payment of monies to the owner of the underlying connecting parcel and, further, shall be subject to obtaining all necessary local, state and federal permits and approvals to construct such connection.

In the event that the Developer is unable, prior to the issuance of the initial Certificate of Occupancy for the Project, to obtain the necessary Land Rights, Permits or Approvals, subject to the provisions of this Section, the Developer's sole obligation in connection with this Section shall be to provide \$650,000.00 for the Access Easements to the City of Nashua. In the event the City, within six (6) years of the date hereof, fails for any reason to obtain the necessary Easement, or commence the construction of the Access Easements, the City agrees to promptly return to the Developer the aforesaid funds, as appropriate. Nevertheless, if the City of Nashua has obtained the Access Easements, or is under agreement to purchase the Access Easements, then the time provision shall not apply.

Regardless of how the negotiations conclude relative to these access ways, the Applicant shall provide a public & emergency cross-access easement across the full length of the property, which shall be reviewed and approved by Corporation Counsel and Planning Staff, and then recorded.

3. Prior to the site plan being signed, the cost associated with recording required easements, deeds, and plans shall be submitted to the Planning Department.
4. Prior to the site plan being signed, bonding for all public improvements shall be submitted to and approved by the Engineering Department and Corporation Counsel.
5. Prior to ANY work being conducted, a pre-construction conference shall be set up with the Planning Department to review erosion control measures.
6. Prior to a Certificate of Occupancy being issued to any of the proposed buildings, the applicant shall contribute funds to the Daniel Webster Highway CMAQ project to the extent necessary in order for the project to be completed in full. All off site road improvements (City & Applicant) shall be in place prior to the issuance of any Certificate of Occupancies. The Applicant shall comply with the financial contribution detailed in the letter to Wayne Husband, Traffic Superintendent from Attorney Prunier dated July 11, 2007.
7. Prior to the first building permit (excluding a demolition permit), final façade design elements for the project shall be agreed upon between the applicant and the Planning Staff. Prior to a building permit being issued for each building, the applicant shall work the Planning Department on an aesthetically acceptable building façade that is consistent

with City Regulations and previous elevations submitted by the Applicant. The Applicant may make changes to building footprints, materials and architectural design subject to review and approval by Planning Staff, provided the overall intent of the approved site and architectural plan is maintained. Significant modification of the building footprint, design or materials as determined by Planning Staff shall be resubmitted to the Planning Board for review and approval.

8. Prior the plan being signed, final approval from the Division of Public Works of the engineering plans and documents (Sewer, drainage, off site road work, etc.) shall be obtained.
9. That Applicant shall also refine signal timing and coordinating offsets for the traffic signals affected by the project, in coordination with the City, once the DWH improvement design is advanced, to optimize intersection operations and coordinate flow. These signal timing changes include intersections along DWH and Spit Brook Road. The Applicant shall repeat this process one year after opening.
10. Prior to obtaining final approval from the Division of Public Works relative to proposed improvements within the City's right-of-ways and project access points (Fun World), the City's traffic review engineering consulting team shall review and approve the proposed plans.
11. Prior to the site plan being signed, approval of the NH Site Specific permit shall be obtained.
12. Prior to the first certificate of occupancy being issued for any of the project's buildings, all on site and off site improvements shall be completed or bonded to the satisfaction of the Division of Public Works, Nashua Fire Department and the Planning Department.
13. Prior to a building permit (excluding a demolition permit) being issued, final approval of the necessary covenants and easements for the storm water management system shall be obtained from the Planning Department and Corporation Counsel. The cost associated with recording the document shall be submitted to the Planning Department and the document shall be recorded.
14. Prior to the plan being signed, all outstanding minor site plan issues on the site plan shall be addressed to the

satisfaction of the Planning Staff, including landscaping details, required notes, and other such matters.

15. The Planning Staff shall review and approve the final landscape plan, including the final design of the proposed "focal feature" proposed at the intersection of Poisson Avenue and Landing Way.
16. As presently mapped by FEMA, the existing site is within the 100-year floodplain. New maps have been generated and show that the subject site is not within the 100-year floodplain. To date, these plans have not been officially adopted by the City because of Federal delays. Prior to any work occurring on the site, the Applicant shall comply with the Floodplain Ordinance or obtain a variance.
17. Prior to the site plan being signed, a lot consolidation plan shall be recorded.
18. Prior to the first building permit (excluding demolition permit) being issued, the applicant shall obtain Planning Board approval for a lot-line relocation plan relative to expanding the Poisson Avenue right-of-way. This plan shall then be recorded.
19. Prior to any work occurring on the site, NHDES shall approve a Remedial Action Plan (RAP) for the site and a copy of the RAP approval letter shall be submitted to the Planning Department. If vapor intrusion abatement strategies will be implemented as part of the RAP, the details will be reviewed with City Staff including the Planning, Building, Environmental Health and Fire Departments prior to implementation.
20. In order to encourage customers to enter the site from its northern entrances, the Applicant agrees to advertise, through both on site notices, in regional newspapers and by other means that the primary access route to the Nashua Landing site is via Exit 2.
21. The Planning Staff recommends that additional handicapped spaces be added to Landing Way and near the proposed cinema to the satisfaction of the Planning Staff and in compliance with ADA (Americans with Disabilities Act) standards.
22. Prior to the first Certificate of Occupancy being issued to any buildings on the site, an on-site traffic directional sign package shall be reviewed and approved by the Planning Staff and Traffic Department.

23. Prior to the first Certificate of Occupancy being issued to any buildings on the site, a uniform sign package plan will be reviewed and approved by the Planning Staff.
24. The Applicant shall continue to work with Nashua Transit regarding bus stop locations, structures, coordination with other corridor destinations and potential financial contributions to assist in these efforts.
25. The Applicant shall comply with the requirements noted in Assistant Fire Chief's memo of July 3, 2007.
26. The Applicant shall continue to engage in the services of the current planning review consultant to insure project stipulations are addressed and to provide necessary on site inspections of the project during construction.
27. This plan has been reviewed for site plan compliance and its staff's opinion that it meets the requirements of the Nashua Site Plan and Zoning Ordinances; and has approval of all relevant reviewing agencies.
28. The Planning Board finds that the proposed use and site plan is consistent with the provisions of the Mixed Use District.
29. The request for the waiver of Section 16-236(c) - luminaire height/distance from the property line and is granted.
30. The request for the waiver of Section 16-583 (a) - Parking Space Dimension for the grocery store parking space width is granted.
31. In the event that the applicant / developer fails to satisfy all of the above conditions of approval, or any additional conditions applied to the site plan by the Planning Board, then this approval shall be null and void.

ECONDED by Mr. Farkas

MOTION PASSES 6 TO 1 (MR. MORAN OPPOSED)

OTHER BUSINESS

Review of tentative agenda to determine proposals of regional impact.

None

Discussion Items

None

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Other

None

MOTION TO ADJOURN by Mr. Dufour at 10:30 p.m.

APPROVED: _____
Ken Dufour, Chair, Nashua Planning Board

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