

NASHUA CITY PLANNING BOARD  
March 20, 2008

The regularly scheduled meeting of the Nashua City Planning Board was held on Thursday, March 20, 2008 at 7:00 PM in the auditorium at City Hall.

Members Present:     Ken Dufour, Chair  
                          Bob Canaway, Secretary  
                          Steve Dookran, City Engineer  
                          Hugh Moran  
                          Mike Lowe  
                          Cynthia Overby (Alt)  
                          Peggy Trivilino (Alt)

Due to two absent board members, Cynthia Overby and Peggy Trivilino will be voting.

Also Present:         Roger Houston, Planning Director  
                          Mike Yeomans, Deputy Planning Manager  
                          Chris Sullivan, Planner II

**Approval of Minutes**

February 21, 2008

**MOTION** by Mr. Lowe to approve the minutes of February 21, 2008, waive the reading and place on file.

**SECONDED** by Mr. Moran

**MOTION CARRIED UNANIMOUSLY**

March 6, 2008

**MOTION** by Mr. Moran to approve the minutes, waive the reading and place on file.

**SECONDED** by Mr. Canaway

**MOTION CARRIED 5-0-2 (Mr. Lowe and Mrs. Trivilino abstained)**

**COMMUNICATIONS**

Mr. Houston went over the following items that were received after the mailing went out.

- Revised Agenda
- April 26, 2008 Annual Spring Planning & Zoning Conference
- Traffic Study on Burger King site
- Memo from Andrew Prolman regarding Groton Road Trail

#### **REPORT OF CHAIR, COMMITTEE & LIASON**

Mr. Canaway reported he attended the NRCP meeting on March 19, 2008. Information regarding the Transportation Safety Plan can be found on NRCP's web site.

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. 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**

1. RAI Restaurants, Inc. and Burger King Corporation (Owners) - Application acceptance and proposed site plan amendment to NR1291 for the demolition of the existing 220 seat, 6,400 square feet restaurant building with drive-thru and the construction of a new 62 seat, 2,580 square feet restaurant building with drive-thru and associated parking and site improvements. 283 Amherst Street, Sheet G - Lot 42, Zoned "GB" - General Business. (Tabled from the February 21, 2880 Meeting)

**MOTION** by Mr. Lowe to remove from table.

**SECONDED** by Mr. Moran

**MOTION CARRIED UNANIMOUSLY**

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

**SECONDED** by Mr. Moran

**MOTION CARRIED UNANIMOUSLY**

Mrs. Trivilino has rescued herself, as she is an abutter.

Jim Callahan, Esq.

Atty Callahan is representing Burger King. With him tonight are Husseyin Sevincgil, Engineer from MHF Design Consultants, Jim Winn Greenman-Pedersen Inc. (GPI) Traffic Engineering, and Patrick Triggs the Project Manager from Jones Lang LaSalle. They are requesting the demolition of the existing Burger King and to replace it with a smaller design. When they were here on February 21, 2008 they made a preliminary presentation and the Board had a number of questions and concerns regarding traffic. Mr. Sevincgil has worked with staff to make changes to the site plan. MHF Design and GPI met with staff and addressed a number of the concerns. Staff is satisfied with the revised plan.

Husseyin Sevincgil, MHF Design

Mr. Sevincgil has met with City staff and has revised the plan. They have added a bypass lane along the entire perimeter of the drive thru maintaining the minimum stacking. They have eliminated the three spaces closest to the Amherst Street intersection. They have reoriented some of the other spaces and are still providing 34 spaces on site. They have added some signage along the exit of the drive thru lane directing vehicles heading east or westbound on Amherst Street. They have also added a sign on Profile Street approach to the jug handle indicating it is a right turn only. Also they have added a few signs to Amherst Street right turn only and one-way sign in the median. GPI looked at the traffic studies.

Chairman Dufour asked about lowering the berm near the carwash.

Mr. Sevincgil said that Burger King had discussions with the landowner.

Patrick Triggs, Jones Lang LaSalle, Project Manager

Burger King had a discussion with the abutter. The abutter wanted the berm removed along the north side of the property to improve visibility. Burger King has told the abutter they are going to proceed with the plan. If the abutter wants to hire his own engineer and provide estimates they would discuss it with him.

Jim Winn, GPI, Project Manger

GPI had prepared a letter dated February 11, 2008 summarizing their initial evaluation of the general effect of the site. They heard the Board's concerns and GPI prepared a letter dated March 11, 2008 (revised March 13, 2008) that addresses their concerns.

There will be no change in trip generation as part of this site redevelopment. About 70% of traffic utilizes the drive-thru lane, 10% are going in ordering take-out and leaving and 20% utilize the seating area. There was some cut thru traffic from the retail plaza. As part of this reconfiguration, the exit lane will now be closer to Amherst Street. During their counts they did observations of how many cars were in the queue and the maximum they found was 7 vehicles. They did look at the existing sight distances. For exiting right out of the Amherst Street driveway, there were some things that limited sight distance, bushes and a boulder. As part of this project the bushes will be cut back and the boulder will be removed. With those changes there will be adequate sight distance for vehicles turning out of the car wash onto Amherst Street.

**SPEAKING IN OPPOSITION OR WITH CONCERNS**

No one.

**SPEAKING IN FAVOR OF THE PLAN**

No one.

Mr. Canaway asked what would happen if Burger King were to move out and a different business move it. Would that business have to come back to the Planning Board?

Mr. Houston said no if the use were a restaurant with drive thru. The Board could put in a stipulation that if the tenant were to change, they would have to come back to the Board because of traffic patterns.

Atty Callahan said the stipulation would be ok.

**MOTION** by Mr. Lowe to approve Old Business #1 Site Plan RAI Restaurants, Inc. and Burger King Corporation (Owners) proposed 2,580 square feet redevelopment, 283 Amherst Street, "GB" - General Business. It conforms to NRO 16-450(d) with the following stipulations and waivers:

1. Prior to ANY work being conducted, a pre-construction conference shall be set up with the Planning Department.
2. Prior to a Certificate of Occupancy being issued, the Stormwater Operation and Maintenance Plan shall be recorded.
3. The request for the waiver of Section 16 - 236 (c) - Design Factors is granted.

4. Prior to the plan being recorded a contribution of \$6,177.00 shall be submitted to the Planning Department for the sidewalk improvement fund.
5. Prior to the plan being recorded, any final drafting corrections shall be made on the plan.
6. In the event the tenancy of this property changes, they will be required to come back to the Planning Board.

**SECONDED** by Mr. Moran

**MOTION CARRIED UNANIMOUSLY**

**NEW BUSINESS - CONDITIONAL/SPECIAL USE PERMITS**

2. Wilfred Piekarski Revocable Trust & Wilfred Piekarski Trustee (Owners) Application acceptance and proposed conditional use permit for automotive rental with associated site and access improvements. 4 Blackstone Drive, Sheet H - Lot 520, Zoned "PI" - Park Industrial.

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

**SECONDED** by Mr. Canaway

**MOTION CARRIED UNANIMOUSLY**

Together with

**NEW BUSINESS - SITE PLANS**

5. Wilfred Piekarski Revocable Trust & Wilfred Piekarski Trustee (Owners) Application acceptance and proposed site plan amendment to NR1943 for automotive rental with associated site and access improvements. 4 Blackstone Drive, Sheet H - Lot 520, Zoned "PI - Park Industrial.

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

**SECONDED** by Mr. Moran

**MOTION CARRIED UNANIMOUSLY**

Mrs. Trivilino rejoined the meeting before the motions were heard.

Richard Maynard, Maynard & Paquette

This project is located at the intersection of Blackstone Drive and Amherst Street at the former site of Flowerama. The proposal is to convert this site to a car rental agency. They will expand the paved area for storage for the rental vehicles. The building and landscaping will stay the same. There will be a cross access easement into the car storage site to the rear. There is a house to the northwest on the site, which has been sold, but there will be screening with a fence. Drainage and storm water management facilities have been upgraded because this is in the water shed district. There is a treatment facility collecting the runoff and treating it before it discharges. They are requesting one waiver for lights. The proposed development will comply with site plan regulations for the PI Zone.

Mr. Dookran asked about the City's needs for the Amherst Street widening.

Staff said this is an existing site and depends on the traffic department to raise issues. No one has raised any issues so far. The old site for Flowerama wasn't that old and assumed that what was done at the time that plan was approved was taken into consideration at that time and there wasn't a need to readdress it under this plan.

Mr. Maynard said they aren't doing anything along the Amherst Street frontage.

Mr. Dookran asked if the traffic mast arm post impedes someone walking on the sidewalk or in a wheelchair so he has requested the applicant cut the lawn back and extend the sidewalk back.

Mr. Maynard said it is in the public right of way and it would require bonding. It wouldn't be that simple to do.

Staff said maybe the applicant could consider a small easement to relocate the sidewalk around the post.

Mr. Maynard said that he was pretty sure the applicant would agree to it.

**MOTION** by Mr. Lowe to approve New Business #3 Special Use Permit Wilfred Piekarski Revocable Trust & Wilfred Piekarski Trustees (Owners) change of use from florist to vehicle rental with associated site and access improvements. 4 Blackstone Drive,

"PI" - Park Industrial. It conforms to NRO 16-432 with no stipulations or waivers:

**SECONDED** by Mrs. Trivilio

**MOTION CARRIED UNANIMOUSLY**

**MOTION** by Mr. Canaway to approve New Business Site Plan #5 Wilfred Piekarski Revocable Trust & Wilfred Piekarski Trustee (Owners) 4 Blackstone Drive. Zoned "PI" - Park Industrial. It conforms to NRO 16-450(d) with the following stipulations and waivers:

1. Prior to any work being conducted a pre-construction conference shall be held with City staff to review erosion control measures and other construction requirements. Erosion control shall be put in place prior to the start of construction.
2. Prior to a certificate of occupancy being issued documents pertaining to the storm water operation and maintenance plan shall be recorded.
3. Prior to a certificate of occupancy being issued site plan NR1776 shall be amended for the driveway connection.
4. The waiver request concerning light pole height, Sec. 16-235(b) is granted.
5. Applicant to alter existing spotlights on lot 50, Sheet H to eliminate off site light pollution.
6. Applicant to grant an easement acceptable to Public Works for the purpose to allow disabled pedestrians to navigate past the traffic signal pole.

**SECONDED** by Mr. Lowe

**MOTION CARRIED UNANIMOUSLY**

**NEW BUSINESS SUBDIVISION PLANS**

3. Groton Road Development, LLC (Owner) - Application acceptance and proposed lot line relocation. 40 Groton Road, Sheet D - Lots 6, 7 & 355, Zoned "R40" - Rural Residence.

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

**SECONDED** by Mr. Lowe

**MOTION CARRIED UNANIMOUSLY**

Richard Maynard, Maynard & Paquette

Mr. Maynard said the property is located at 40 Groton Road. There are three existing lots that are being reconfigured. It was a former gravel pit.

**SPEAKING IN OPPOSITION OR WITH CONCERNS**

Jim Narrow, Mystic Court

Mr. Narrow asked why they are creating the lots.

**SPEAKING IN FAVOR OF THE PLAN**

No one.

Mr. Maynard said they are creating building lots, which is the applicant's right to do.

Mr. Lowe asked if this went to the Conservation Commission.

Mr. Maynard said no, it didn't have to, but the next project on the agenda did go before the Conservation Commission.

Mr. Canaway asked if there would be markers to show the owners where the wetlands would be.

Mr. Sullivan said it was a stipulation in the staff report that there will be conservation markers.

**MOTION** by Mr. Canaway to approve New Business #3 Lot Line Relocation Groton Road Development, LLC (Owner) 40 Groton Road, Zoned "R40" Rural Residence. It conforms to NRO Section 16-440(g) with the following stipulations and waivers:

1. Prior to any work being started, a pre-construction conference shall be set up by the applicant with the contractors, sub contractors and the Planning Department to review scheduling, circulation and tree protection. Erosion control shall be installed prior to any site work being conducted.
2. Prior to a certificate of occupancy being issued for each lot will have conservation marker and buffers markers will be installed.

3. 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.

**SECONDED** by Mr. Moran

**MOTION CARRIED (6 to 1) Mr. Lowe voted no**

**NEW BUSINESS - SUBDIVISION PLANS**

4. Southline Woods, Groton Road Development, LLC (Owner) - Application acceptance and proposed conservation development of 34 single family condominium units with road, drainage and site improvements. 40 Groton Road, Sheet D - Lot 7, Zoned "R40" - Rural Residence.

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

**SECONDED** by Mr. Moran

**MOTION CARRIED UNANIMOUSLY**

Richard Maynard, Maynard & Paquette

The proposal is for a 34-unit detached single-family conservation condominium subdivision with private roads served by Pennichuck Water and community septic system. The parcel is 47 acres. It abuts the Dunstable Land Trust and the Massachusetts border. There are wetlands and trail systems located in there. All along Groton Road a Class B trail system will be built as part of this project and will connect existing trails in Hadley Woods through to Yudicky Farm. There will be two entrances into the project. The City Parks and Recreation Department. will be responsible for the maintenance of the trails. There will be a 10 space public parking lot with a walking trail and another trail with 6 parking spaces connecting to the trails. Over half the parcel will be go into conservation. After the homes are built the areas will be loamed, seeded, and landscaping with tress will be planted. There will be minimal disturbance of existing vegetated areas. The drainage for this project is primarily contained onsite thru treatment basins. The majority of the drainage goes through the large pond and exits the stream, which finds its way into Dunstable land.

Mr. Canaway asked what changes are being made of Zacharias Lane. Do you have the sight distances you need because it is on a bend?

Mr. Maynard said once you put the sidewalk system in and grading there will be more than an adequate system.

Chairman Dufour said he was concerned because this is a condominium development with public walking trails through out the area, the development is going to be phased in over time. The owners will see people walking on these trails and wonder why they are there. How is the applicant prepared to disclose this.

Andrew Prolman, Esq., Prunier & Prolman

Atty Prolman said they have heard people told by realtors that you would never see anyone back there. The best the applicant can do is document and disclose as much as possible. The trail system and public easements will be disclosed in the public offering statement, in the condominium declaration, rules & regulations, shown on condominium plans, and if the Board wishes it can be included on the deeds.

Chairman Dufour said he would like to see a stipulation that the applicant will note these public trails and public parking in their marketing.

Mr. Maynard said they could also put up signage for the trails before the sale of the first unit.

Mrs. Overby asked if units 647 and 648 are built in a wet area.

Mr. Maynard said they were not. They are over 40 feet from the major wetlands. The Conservation Commission has met twice and they had a site walk. They were comfortable with this. They still have to go back with a detail design of the sidewalk and walkway and areas.

Mr. Dookran asked about item #3 in the letter to Roger Houston from Andrew Prolman regarding the trail be accommodated entirely within the existing right of way and there be no trail easements.

Mr. Maynard said it's not entirely correct. That stipulation applies when you leave the property for the remainder of Groton Road.

Mr. Dookran asked if easements will be given for the parking areas.

Mr. Maynard said yes. There are numerous easements.

Mr. Dookran said in the same letter from Andrew Prolman to Roger Houston, #2 says there will be no new street curbing, no drainage facilities associated with the trail. It doesn't take long for the trail to be covered with debris. There might be instances where they would have to collect drainage. It is a difficult design to catch drainage but some effort has to be made. How do you take care of the drainage.

Mr. Maynard said they haven't gotten to that point yet.

Mr. Dookran said they will need to address the drainage.

Mr. Maynard said that grading should take care of that.

Mr. Dookran said #6 in the same letter says no flashing signals and said he didn't know how they will make a safe crossing with people driving in excess of 45 miles per hour. The crossing needs to be made safe.

Mr. Maynard said the trail they are proposing to build is 4,300 feet long and the cost is \$80 to \$100 a linear foot.

Mr. Lowe said they can't put any power lines underground because you would have to blast. Can't you run some of the lines parallel to the septic system.

Mr. Maynard showed where the septic systems would be located on the map and where the power lines would be located. The power lines are away from the septic systems.

Mr. Lowe asked if the homes would have basements.

Mr. Maynard said the recommendation would be for the homes to be built on slabs.

Mr. Dookran asked what the intersection sight distance would be.

Mr. Maynard wasn't sure but thought it was 300.

Mr. Dookran said the proposed crossing was about 100 feet from the intersection. Do you know what the stopping site distance is.

Mr. Maynard guesses about 300 feet.

Mr. Canaway said he thought staff stipulation #2 would include the crosswalk and approval by the Engineering Department and asked Mr. Dookran was comfortable with that.

Mr. Dookran said he was.

Mr. Canaway asked when the sidewalk along Groton Road be implemented and what has to be done before the sidewalk will be implemented.

Mr. Houston said there is a memo where the applicant's proposing at the 20<sup>th</sup> unit the trail system along Groton Road will be put in. It was his understanding the walkway system and the parking lots should be put in the same time as the roadway system. If the Board wishes they could add that as a stipulation or maybe it already is one. All the roads, walkways, and signage should be put in at one time. Mr. Houston asked Mr. Maynard if he had a phasing plan on the walkways.

Mr. Maynard said no.

Mr. Canaway read stipulation #4 regarding the walking trail being put in. Mr. Canaway asked if the applicant would be willing to build out those trails as they built out the road. It should be added as a stipulation.

Mr. Maynard said yes.

Mr. Maynard said the roads are proposed to be 24 feet wide as opposed to 28 feet, built to City standards, but private. The utility standard waiver is the electric, telephone, and cable above ground, as opposed to underground.

Mrs. Overby asked how will the no fertilizing be enforced.

Atty Prolman said it is a common request of the Conservation Commission and is a matter of enforcement of the Condominium Association and the City watching over it. It will be on the plans and the rules and regulations. Atty Prolman said he also wanted to make it clear to the trail crossing over Groton Road. Mr. Maynard will be designing and submitting a safe crossing. They do not want to have to add unnecessary crossing lights or that wouldn't add to safety. Their project engineer will come up with a design that will be satisfactory to the City.

**SPEAKING IN OPPOSITION OR WITH CONCERNS**

Robert Kennedy, Dunstable Rural Land Trust

The Dunstable Rural Land Trust has several concerns. They do not want to have trails coming into the conservation land, which is dedicated open space, restrictive of motor vehicles. They know from other areas they can't have problems. It seems to Mr. Kennedy that the condominiums would have rules and the Land Trust could meet with the condominium and help them draw up the rules since their trails are leading into the land trust. He suggested the condominium organization disallow motor vehicles since it is against the law in Massachusetts. They would like that incorporated into their rules, specifically 4 wheelers. The pond is open for the public. They pick up the trash but would like to minimize it. They own the property all the way to Gregg Road. Further, to the east there is under construction the Nature of Things Academy School. Those people use the land trust. There are young children there, which is another reason why they do not want motorized vehicles. Mr. Kennedy said they have marked trails that say that motorized vehicles are not allowed. They would like to have the applicant do the same. This is basically a nature preserve.

Mr. Canaway asked if they also wanted a sign that says "Stay on Trail"

Mr. Kennedy said they have signs, they just want the applicant to put them on their side.

Alan Chaney, Dunstable Rural Land Trust

Mr. Chaney said they would like to work with the condominium association in terms of where the trails are. Up to this point they have not heard from the developer and they are proposing to run trails to the land trust property where they already have a trail system. Mr. Chaney said they would like to work together.

Patricia Terrell-Holt

Mrs. Terrell-Holt said it shows on the map when surveyed for wetlands, it was done in January-February and there was two feet of snow. How do you establish wetlands with snow? One of her parcels of land is a sawmill and she would like a fence for safety. Will there be any vegetation or buffer zone. Will there be a turning lane? It is a rural area, will there be light

pollution? There are children in the conservation area, could they put no hunting. Will there be vegetation along Groton Road?

Michael Peters, 4 Mystic Court

With respect to the blasting, when you blast ledge you change the flow of underground water. Are there assurances that won't flood basements or backyards of others.

Steven Hort, 10 Mystic Court

Mr. Hort said the outflow from the pond goes past his backyard which is lot 472. Under heavy rain the outflow can't move fast enough and floods his property. He would like some assurance that the development won't add water flow to that area. Mr. Hort was also concerned about the crosswalk on Groton Road. The glare is so strong at sunrise and sunset that drivers can't see cars around you.

Beth Gallaher, 18 Hadley Drive

Mrs. Gallaher said the plan shows 34 units but the potential for 47 units. Will there be additional units in the future? Coming into that area there has to be an additional amount of traffic and you need to do a traffic survey.

John Kennedy, 8 Mystic Court

Mr. Kennedy wants to know if there are regulations to prohibit the amount of units later on.

Mr. Maynard said in regards to the 34 units, Zoning allows 47 units, but there are development constraints for the septic and can only fit 34. This is a 34-unit project. The applicant's trails are asphalt, per the request of Parks & Rec to keep it low maintenance. Their trails stop short of the Massachusetts line, where there are already established trails. They will be connecting to existing trails and would be willing to work with the Dunstable Rural Land Trust. The trails will be controlled by the City, motorized vehicles will be prohibited. As part of the condominium documents they will prohibit motorized vehicles. There will be signage they can put up prohibiting motorized vehicles and telling people to stay on the trails. The wetlands were surveyed in 2005 over a series of days. It has been reviewed and is accurate. The Traffic Department is aware of this project and has reviewed it and didn't see anything significant or a special need for this project in regards to

turning lanes. They have done an assessment and are satisfied. Mr. Maynard said they aren't sure they want to be putting up fencing. The sawmill is a commercial enterprise and it is usually up to them to put up a fence to protect themselves. The applicant will be blasting, but hundreds feet away from the Hadley Woods subdivision and have had extensive blasting surveys and the blasting is reasonably controlled. It is highly unlikely there will be an effect on the groundwater in Hadley Woods. The drainage from the development will run into their own detention basins and to the pond. Along Groton Road there is a 15-foot easement and 8-foot trail. None of the lots front on Groton Road. There is about 50 feet of existing vegetation that will remain. There will be typical streetlights. It won't shine beyond the development. There is a lighting plan. Minimal lighting for safety on their own private roads. They still have to do a traffic projections, but not a full survey.

Mr. Canaway asked what the likely hood of somebody trying to get around someone trying to make a left into the entrance.

Mr. Maynard said it wouldn't be likely because they aren't very good shoulders over in the area and there is not an excessive amount of pavement. The amount of times that would happen would be minimal.

Mr. Canaway asked if hunting was allowed in the Dunstable Rural Land Trust.

Mrs. Terrell-Holt said hunting was not allowed but fishing was.

John Kennedy, 8 Mystic Court

Mr. Kennedy has to make a left into Hadley Drive off Groton Road about 50 times a week. He said it's amazing that he hasn't been rear-ended. He wished there was a turning lane or the road was wider. The entrances the applicant is proposing are on a straightaway where people are traveling faster.

Atty. Prolman said they would be happy to post no hunting signs on their property and will get in touch with the Dunstable Rural Land Trust.

Mr. Houston said there were a few more staff stipulations to add. One was the plan should be modified within the subdivision to show the trails as Class B trails before recording. In the memo from Atty Prolman to the Board and Mr. Houston was the timing on the Groton Road trail. They are proposing it be

completed at the 20<sup>th</sup> unit. There are some issues on when the walkways will be put in.

Mrs. Overby said she thought it wasn't out of character for the abutter to ask for a fence.

Mr. Lowe asked if the Conservation Commission has approved this.

Mr. Sullivan said the applicant is not encroaching on any buffers in the project. They will be coming back to the Conservation Commission for the Class B trail along Groton Road because they will be encroaching on the 40-foot buffer.

Chairman Dufour said it is already stipulation #3.

Mr. Dookran asked what if the Conservation Commission does not grant approval.

Mr. Maynard said they met with the Conservation Commission and they went through all the issues. What they still have to review are the details of how they construct the sidewalk, not the fact that it was going into the buffer. They didn't have detailed design plans at the time.

Mr. Dookran said after listening to the people in the area Groton Road seems to be quite narrow near the entrances to this development. Enough widening should be done for a bypass shoulder to allow a car to go around a car that is turning into the development.

Mr. Maynard said there will be 34 homes. Peak hour traffic is ½ a trip per home. There are two entrances. That's roughly 4 or 5 left turns in a peak hour. A bypass lane has to be a minimum of 8 or 9 feet wide. The applicant doesn't have the ability to grade that along the edge of the right of way. There isn't room.

Mr. Dookran read the traffic estimations. Looking at the plan layout one of the entrances will be the primary driveway from the development. You will see more traffic off Abraham.

Mr. Canaway said Mr. Maynard stated a couple of hundred feet will be required for a bypass lane. Is that what your asking?

Mr. Dookran wasn't sure what would be required. In the engineering books it's called a bypass shoulder. It's not a full lane. It does have to taper though.

Mr. Maynard said the liability for a private engineer to design this is something different than a municipality. The municipality would not be liable, a private engineer would be.

Mr. Dookran said he also listened to the man who has to make a left turn into Hadley Drive and its difficult there and he is afraid he will be rear-ended. This is the time to make these turns safer.

Chairman Dufour said if the majority of the Board felt this was a significant issue where do we go from here. His thought was to table it and take a look at it to make is safe and if it's achievable.

Mr. Dookran said if Mr. Maynard takes a look at what would be required to make a safe bypass shoulder.

Chairman Dufour said that Mr. Maynard has made it clear he doesn't want to absorb the liability.

Mr. Canaway said he agreed with Chairman Dufour about taking a look at the site. Let the Engineers take a look at it and make an assessment. Maybe the Traffic Department didn't consider all the variables that the Board has to consider tonight.

Chairman Dufour said that it is the Board's responsibility to consider all the factors and make it as safe as they possibly can. The final determination may be that there is nothing more the Board can do because of the constraints; the road isn't wide enough. It's an unfair request due to the cost, etc., but it is the Board's responsibility to get to the point where we feel we have as many answers as we can get. He wasn't sure they were there yet.

Atty Prolman asked for guidance from the Board. He suggested that Traffic, Mr. Maynard, and Mr. Dookran take a look at the road. They may be able to install some bypass lanes, but the trade off will be the trail on their side of the property. What would be the preference of the Board because they couldn't do both.

Chairman Dufour said he wasn't sure why both couldn't be done.

Atty. Prolman said it was because of limitations of the right-of-way.

**MOTION** by Mr. Lowe to table to the next meeting to explore the possibility of installing a bypass lane at both entrances to this project.

**SECONDED** by Mr. Moran

**MOTION CARRIED UNANIMOUSLY**

**OTHER BUSINESS**

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

None

**MOTION** by Mr. Canaway that there are no issues of regional impact.

**SECONDED** by Mr. Moran

**MOTION CARRIED UNANIMOUSLY**

2. Nomination to the Nashua Regional Planning Commission for a Citizen Representative

**MOTION** by Mr. Lowe to nominate Bob Canaway to the position of Citizen Representative to the Nashua Regional Planning Commission.

**SECONDED** by Mrs. Trivilino

**MOTION CARRIED UNANIMOUSLY**

**DISCUSSION ITEMS**

Site Walks - Chairman Dufour wanted to make everyone aware that it is the Board responsibility to go out there, but they can't trespass on those sites.

Mr. Houston said there is a state law that gives Planning Board members privilege to enter the site. If its gated, fenced off, or if there is danger it is better off you seek permission. In many cases you can view the site from the road.

Mr. Canaway asked if there was any formal planning for the southwest quadrant of Nashua.

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Mr. Houston said there is a master plan for this area. Those documents are available and can provide a CD of the master plan.

**MOTION TO ADJOURN** by Mr. Lowe at 10:50 p.m.

**APPROVED:**

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Ken Dufour, Chair, Nashua Planning Board

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Taped Meeting