

NASHUA CITY PLANNING BOARD
September 10, 2009

The regularly scheduled meeting of the Nashua City Planning Board was held on Thursday, September 10, 2009 at 7:00 PM in the auditorium at City Hall.

Members Present: Ken Dufour, Chair
Jody Wilbert, Esq., Mayor's Representative
Alderman Richard LaRose
Bob Canaway, Vice Chair
Daniel Latham, Secretary
William Slivinski
Muriel Corcoran
Cynthia Overby, Alternate
Ray Jurewicz, Alternate
Sandra Belknap, Alternate

Chair Dufour said there are no regular members missing so the alternates will not be taking part and voting.

Also Present: Roger L. Houston, Planning Director
Matt Taylor, Deputy Planning Manager

Mr. Dufour said we are one regular member short this evening and rather than having a moment of silence he read a letter to the editor that was in the Telegraph and it properly expresses our feelings in regards to the passing of Mike Lowe.

Approval of Minutes

August 6, 2009

MOTION by Mrs. Wilbert to approve the minutes, of August 6, 2009, waive the reading and place on file.

SECONDED by Alderman LaRose

MOTION CARRIED 5 to 0 (Mrs. Corcoran and Mr. Latham abstained)

COMMUNICATIONS

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

- Memo from Engineer Steve Dookran stating he met with Atty Prunier.
- Comments from City Engineer's Office in regards to 431 Main Dunstable Road.
- Letter from Madeline Delgado objecting to case #3 and 4.

REPORT OF CHAIR, COMMITTEE & LIASON

None

OLD BUSINESS - CONDITIONAL / SPECIAL USE PERMITS

None

OLD BUSINESS - SUBDIVISION PLANS

1. Terra Verde (Applicant) - Proposed amendment to Subdivision Plan #3139 to remove the plan note which requires the installation of street lighting within the right-of-way of Tanglewood Drive. Property consists of the right-of-way of Tanglewood Drive. Zoned "R-30" - A-Suburban Residence and "R-40" - Rural Residence. Ward 5. (Tabled from the August 6, 2009 Meeting)

MOTION by Alderman LaRose to remove this from the table

SECONDED by Mr. Canaway

MRS. WILBERT RECUSED HERSELF FROM THIS CASE

MOTION CARRIED UNANIMOUSLY

None

Mr. Dufour before we proceed we had letters in our packets from abutters and have read them.

Gerald Prunier, Esq., 20 Trafalgar Square

Atty Prunier said this plan was approved by this board and there was no street lighting plan as part of that package. There was a note that said street lighting will be provided by the developer, something to that effect. I came before you at your last meeting asking for a waiver on street lights so we can get that issue taken care of. This board requested that I meet with the city engineer to see what could be done to take care of this problem.

Since that last meeting I have had our engineer go and look at the site and met with Public Service Company. Steve Dookran and Leon Kenison have looked at the site and I met with them and Jon LeBrun. We looked originally at the 3 sites that were brought up to you at the last meeting by the residents. Those sites are next to the cemetery, a site at the intersection, and a site at the access road into the park. In meeting with Mr. Dookran and Mr. Kenison they asked that a 4th light be placed. We agreed on the location of all the lights and are willing to install them.

Mr. Dufour asked if the time table on that would be before the end of the year.

Atty Prunier said he would think that we would like to get it done as soon as possible but it is subject to Public Service Company.

Mr. Dufour asked with engineering did you work out the style of the lamp.

Atty Prunier said this was provided to me by the city engineer. I think I did what this board asked me to do.

Alderman LaRose asked if Public Service has no problem with this type of light. I know that certain types of lights they wouldn't change the bulbs.

Atty Pruner said no. I don't know what the residents are going to speak about but I can tell you if they want lights they don't want what was suggested by the traffic department, the goose-necks.

Mr. Canaway asked if these are the same lights installed in the Maplewood Development.

Mr. Houston said that is correct. That is a standard fixture that public service installs in all underground utilities subdivision. It is called a town and country fixture. This is the fixture that PSNH agreed to install for the city. That is the fixture that they replace. They wanted a uniform fixture throughout the entire city.

Atty. Prunier said in the report I think Matt mentioned that the traffic department wanted goosenecks. I don't think anybody wants those.

Mr. Dufour said we would amend subdivision plan 3139 to remove street light requirements. We would amend that to install street lights in 4 locations shown on the plan.

Mr. Taylor said that is correct. The board will still need to grant the waiver because the applicant isn't meeting the standards for lighting.

Mr. Dufour the initial 2 steps would still apply and we would add a 3rd indicating that lighting would be installed by the applicant in those 4 locations as noted on that plan.

PROCEDURES OF THE MEETING

Mr. Dufour went into the procedure of the meeting as follows:

After the legal notice of each conditional, special use permit, site plan or subdivision plan is read by the Chair, the Board will determine if that the application is complete and ready for the Board to take jurisdiction. The public hearing will begin at which time 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 or 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. Please 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 public testimony will come from anyone wishing to speak in favor of the plan. The applicant will then be allowed a rebuttal period at which time they shall speak to any issues or concerns raised by prior public testimony.

One public member will then be granted an opportunity to speak to those issues brought by the applicant during their rebuttal period. The Board will then ask any relevant follow-up questions of the applicant if need be.

After this is completed the public hearing will end and the Board will resume the public meeting at which time the Board will deliberate and vote on the application before us. The Board asks that both sides keep their remarks to the subject at hand and try not to repeat what has already been said.

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 conditional, special use permits, site plans and subdivisions. Thank you for your interest and courteous attention. Please turn off your cell phones and pagers at this time.

SPEAKING IN OPPOSITION OR CONCERN

Michelle Williams, 10 Tanglewood Drive

Ms. Williams said she opposes the plan to put a street lamp in the wetland areas. 10 Tanglewood abuts that wetland area. If a street light was placed there it would shine on one whole side of my house. I am opposed for strictly personal reasons. That wetland area is less than a 10th of a mile and it is no less dark there than there would be any where else in the neighborhood if people didn't turn on their house lights. I do not see a safety issue. I have lived there for 5 years and 9 months and I haven't seen any safety issues with that wetland area. I also believe that the people that would walk in that area there is not very much foot traffic. In the winter you can't walk on the sidewalk because they aren't plowed. In the summer there is a huge bug population so it isn't pleasant to walk after dark. I am concerned about the environmental aspects of putting a light in the wetland areas. It has been shown that lights in conservation areas or wetlands areas do affect birds, reptiles, and nocturnal animals. I am concerned about having my property devalued by having a street lamp there and am concerned about any energy costs associated with that lamp. The people in the neighborhood who are affected by the streetlamps should be the ones who should have a say. I listened to the audio of the last Planning Board Meeting and I believe Mrs. Peterson described the safety issues in the neighborhood and I believe there are some safety issues at the entrance as well as the access road. I am not so sure that those safety issues will be solved by lights. I do believe that the people who in the houses that would be most effected by the street lamps should be consulted. I also have a letter written by my neighbors at 16 Tanglewood. Mrs. Williams read the letter dated September 8, 2009. It comes to our attention that there is a proposal to install street lamps on Tanglewood Drive between houses 10 and 16. As the owners of 16 Tanglewood Drive we would like to make it known we are opposed to this proposed installation. With the very limited foot traffic in the area after dark the benefit of such an installation does not seem to warrant the cost or degregation of our current home site with disruptive lighting from street lamps. Regards, Leslie and Joel Berdine, 16 Tanglewood Drive.

Mr. Slivinski asked distance wise, how far away the light would be.

Ms. Williams said if one was placed in the middle, it is a direct line of site to every single window on this side of my house.

Mr. Slivinski said but distance wise, would you guess 250 feet?

Ms. Williams said maybe not even that far, maybe 200 feet, 150 feet.

Brian Murphy, 9 Tanglewood Drive

Mr. Murphy said we are equally in opposition to a street light in that particular area of the wetlands. From our prospective it is the same concerns that have been mentioned previously. There are a lot of carriage lots. It was part of the original covenants of the property. It was more of a rural area and it seems a little bit out of balance to what the issues are. I do agree that Mrs. Peterson represented that there are a lot of safety and nuisance issues that are in the neighborhood. I don't have the opinion that those are going to be solved through lighting. There are other ways and means to be more effective with those issues. I agree with Ms. Williams that the perspective that was those lights are proposed to be, those specific abutters who have to deal with the nuisance of the light should have a weighted opinion over others.

Bill Witzig, 4 Tanglewood Drive

Mr. Witzig said he doesn't have much more to add then the 2 previous speakers. Like them we are also directly near one of these lights. We are at the entrance to the community and I am concerned about light pollution on our property.

Mr. Dufour asked what light are you concerned about.

Mr. Witzig said at the entrance. He is the first house on the left.

Catherine Lui, 17 Tanglewood Drive

Ms. Lui said she is looking for clarification on the number of lights that were proposed and whether a determination of a specific location had been made.

Mr. Dufour said they are indicated on the plan. There are 4 different lights.

Ms. Lui asked if there are more then 1 light in each location.

Mr. Dufour said no, just a single light.

Ms. Lui asked if the lights would shine directly into someone's home.

SPEAKING IN FAVOR OF THE PLAN

William and Collette Ricco, 32 Tanglewood Drive

Mr. Ricco said he is in favor of the lighting plan. I developed 3 homes in this subdivision, 15, 17, and 32 Tanglewood. At the time I bought my lots I was told that there was no lighting plan for the subdivision and the covenants would cover the lighting concerns for evening use. We were held to the covenant of 2 lamps per driveway at every residential site. As the subdivision is finished there at least 20 homes that do not have a dual light at the road at the end of the driveway. With that being what it is and nearly 50% of the home sites not having the proper covenant lighting plan I think it is a good idea to have a partial lighting plan and my wife agrees. I think I am indifferent to the lighting scheme for the wetland areas. I will indicate support of lighting fixtures at the front entrance. That cemetery creates a lot of night activity. We have cars parked at the end of Tanglewood Drive at Gilson Road, kids sitting on the wall and leaving trash. I am 2 lots from the access road and we can hear activity at that access road. I don't think the lighting plan is the exclusive solution. I think law enforcement could be a big part with regular patrols at the peak hours. I think this partial lighting plan is a decent approach as opposed to a full lighting plan.

Kurt Peterson, 36 Tanglewood Drive

Mr. Peterson said his wife was the one here at the August meeting. We do abut the access road. As far as the lighting plan goes, Bill is right regarding the covenants. We are suppose to take care of the lighting and they weren't followed as the development continued on. A partial lighting plan is appropriate. We do see a lot of cars and activity at the cemetery. I think the same is true on the access road. We see activity out there. I do believe that the partial lighting plan will help along with law enforcement measures will help some of the nuisance activity. One of the concerns about the lights shining into houses is partially unfounded. If you look at the lighting at Salmon Brook or some of the neighborhoods that have this underground lighting system those lights are not the big overhead lights that light every square inch and shine into people's houses.

Robert Zarrella, 8 Tanglewood Drive

Mr. Zarrella said he is in favor of the lighting for the reasons state before me. I live at 8 Tanglewood, the 3rd house from the left. I do notice a lot of activity at the cemetery. A lot of times people will turn around in my driveway. I have been a victim of vandalism. I think the lighting would help with addressing it. In addition I walk the sidewalk and having lighting would help. Not everyone turns on the lights at the end of their driveway. The wetland area doesn't have any houses. I am more in favor of having the lighting at the entrance near the cemetery.

Ethan and Michelle Crain, 19 Tanglewood Drive

Mr. Crain said they are in favor of the lighting plan. At night there are cars parked on Gilson Road and Tanglewood Drive and without the lighting it is pretty hard to see them. At the top of the hill where the intersection is there is no traffic signs. With the lighting I think it will make it a little safer.

Dori Columbus, 42 Tanglewood Drive

Ms. Columbus said she is in favor of the partial lighting plan. I would be in favor of a full lighting plan. Right now most parents won't let their kids walk the road at night. I think it would be safer if my children were walking from a neighbor's house if there were any kind of lights. I have witnessed teenagers using our circle as a race track. There was an accident at the corner across the street from the Crains. There is traffic at the cemetery, beer bottles and beer cans it is quite a party spot. Behind the wetlands there is a trail that is also used for partying. I am in favor of the lighting plan

Atty Prunier said he thinks the residents have done a good job in presenting their various cases. It seems in listening to the abutters that the light that has the least support is the one next to the wetlands. I don't know if Mr. Dookran would reconsider because it was his suggestion that the light be put there. From what I gather from the residents, the other 3 lights they either don't care or they would like to have it. We would be glad to put up the lights.

Mr. Dufour said there was 1 in opposition for the light at the entryway. Will they be placed at the edge of the street?

Atty Prunier said they have to be put in the right-of-way. There is a little peninsula where they said to put the light in the

wetlands. That was suggested by Mr. Dookran. The plan of the area was to try to keep the light pollution in that neighborhood down. My suggestion would be the 3 lights discussed at the last meeting be installed on the public right-of-way and the 4th light not be put in but I will abide by the decision of this board.

SPEAKING IN OPPOSITION OR CONCERN - REBUTTAL

Joanne Witzig, 4 Tanglewood Drive

Ms. Witzig said it is hard to tell where you want the lights. Is there a way to know where you plan to put that light on that road?

Mr. Dufour said that the specific placement would be left to the engineering department and PSNH.

SPEAKING IN FAVOR OF THE PLAN - REBUTTAL

Gerald Prunier, Esq.

Atty Prunier said the light on the street that would be where PSNH would like to put the light.

Mrs. Witzig asked if it is the existing pole with the firebox on it.

Atty Prunier said he didn't notice the firebox.

Mrs. Corcoran asked Mrs. Columbus where the school bus picks up the children.

Mrs. Columbus said they pick up right across from the cemetery. The neighborhood has gotten large enough I just requested additional bus stop(s).

Mr. Dufour said this concludes the public hearing on this application. We will now carry the deliberations into our public meeting. The Board reserves the right to recall any party to this case for clarification.

Mr. Dufour said if you look at our initial staff report they were requesting to amend 3139 and we had 2 staff stipulations, the request for a waiver that requires that the developer bear the cost for installing street lights for this subdivision is or is not granted. The second thing we have to address is the city shall not be responsible for providing street lighting along Tanglewood Drive in the future. The 3rd which will likely come out of this

discussion between the applicant and engineering department is the possible installation of street lights at those 4 locations indicated on the plan. The final spot to be determined between engineering and public service. We as a board have to look at those lights and say are those the proper locations, do we want to eliminate the one in the middle. It is unusual that we go through this. Although the intent would have been for no lights or quaint lights we are now aware of a problem. We have this opportunity for compromise and that is what we have to try to do this evening. Right now it is a nice quiet subdivision, nestled back there and there is no lights. I think we should have as many lights as we can get. We have issues with Gilson Road. Surrounding that development is city soccer fields. They aren't there yet and they probably won't be for another 5 or 10 years but someday they will be there because they were planned to be there. I think we should maximize our opportunity to get lights in that area.

Mr. Canaway said we have an opportunity to have lights. I live near the Maplewood Development and Salmon Brook Development. I have never found the lights to be overly obtrusive. The question that I have is how does the city engineer feel about that light in the middle of the stick on Tanglewood Drive at the wetlands. If he is ok with getting rid of it, I am ok with getting rid of it. If he wants it there I am fine with leaving it in there. He probably had a reason for putting it there.

Mr. Slivinski said he believes that good lighting is important for safety. This neighborhood they have said they have had problems which is an indication that many people believe more lighting is required. The only objections I have found to the lighting are personal objects that it might shine into my house. I haven't heard any negative about lighting beyond how it is going to effect them directly or possibly effect them directly. On the wetland area, if you go out there at night that is a dark area. If kids are walking back and forth if there was any place that ought to have some lighting beyond everything, it ought to be there. I think the most important thing that we look at is the safety of the neighborhood and I think proper lighting does increase the safety aspect of the neighborhood. Mr. Dufour brought up the point of more lighting beyond what we were looking at here. Isn't that what you were indicating when you were talking there would be soccer fields around.

Mr. Dufour said no, but to me it is all about safety. We look at plans; we try to make them as safe as possible. We hear the concerns, the objections. This is a very unique situation. We

could probably require that there be street lights throughout the whole development.

Mr. Slivinski asked if this project was coming before us now, what would you require in regards to street lighting.

Mr. Houston said generally it would follow our standard requirement that the developer is required to install the street lights. If it is an underground subdivision like this, it would be the town and country fixture. If it was above ground utilities with a wooden utilities pole, PSNH would install the cobra fixtures. The spacing varies depending on public service, the location and the poles and the junction boxes. It runs from 300 feet to upwards of 500 feet on the spacing. It is important from a safety aspect to have a street light located at an intersection. One person mentioned school buses. As kids walk down the street to go to the school bus that might be an issue as well. You may want to have a lit area for those times of the year when it is dark.

MOTION by Alderman LaRose to amend subdivision plan 3139 to remove the street lights requirement. It conforms to 190-138(G) with the following stipulations and waivers:

1. The request for a waiver of 190-208(F), which requires that the developer bear the cost for installing street lights for new subdivisions, is granted.
2. The City shall not be responsible for providing street lighting along Tanglewood Drive in the future.
3. The developer shall install street lights at the four locations on the plan in consultation with the City Engineer and Public Service of New Hampshire where lights are to be located.

SECONDED by Mr. Canaway

MOTION CARRIED UNANIMOUSLY

OLD BUSINESS - SITE PLANS

None

NEW BUSINESS - CONDITIONAL/SPECIAL USE PERMITS

None

NEW BUSINESS - SUBDIVISION PLANS

2. Estate of Lorraine Spencer (Owner) - Application and acceptance of proposed 2 lot subdivision. Property is located at 431 Main Dunstable Road. Sheet C, Lot 106. Zoned "R-30" - Suburban Residence. Ward 5.

MOTION by Alderman LaRose that the application is complete and the Planning Board takes jurisdiction of the application.

SECONDED by Mr. Canaway

MOTION CARRIED UNANIMOUSLY

Randy Donckers, Meridian Land Services

Mr. Donckers said we are basically creating one new building lot. Both lots will meet all the zoning requirements and we are asking for a waiver to construct the sidewalk because there are no sidewalks within 250 feet of the property. The lots will not meet the requirements to create an additional lot in the future.

Mrs. Wilbert said your lot wouldn't support an additional lot but isn't it true that adjacent parcel could be subdivided.

Mr. Donckers said the parcel to the rear could be subdivided. That is Mark Hebert's property. I spoke with Mark tonight and he has no intention to subdivide the property. He intends to pass it on to his kids.

Mrs. Wilbert said it is large enough. The Bolt property on the other side?

Mr. Donckers said he hasn't researched whether it could be subdivided or not. I don't believe it could based upon the frontage.

Mrs. Wilbert said my point is that there are large lots on either side which potentially could contain subdivisions and a lot more residences and then we could end up with one section of no sidewalk.

Mr. Donckers said he would to point out that there are very steep banks along the next 2 properties to the north of the site that come right down to the pavement. There is also wetlands located on the southwest corner of our property which extends another 100 feet to the southwest and that would have to be filled in if the sidewalk was constructed. If you went another 200 feet beyond the wetlands there is another wetland area, and then another 150 feet

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there is another steep bank that goes directly from the pavement which requires a deep cut and several trees to be cut down. The opposite side of the road is fairly even with the elevation of the road if the sidewalk was going to be constructed in that area it would make more sense to put it in on the opposite side of the road.

Mr. Slivinski asked how did you come up with the proposed figure of \$15,187.

Mr. Donckers said the Planning Department came up with that based on \$50 linear foot for frontage.

Mr. Slivinski asked if that was true.

Mr. Taylor said yes.

Alderman LaRose asked if both lots are going to share that same driveway.

Mr. Donckers said no. There is an existing driveway which is gravel. That will be paved and widened to 12 feet as the request of the fire department. There is also a proposed driveway shown on its own lot for the new house.

Alderman LaRose asked if the building behind the house, is that a residential building.

Mr. Donckers said it is a garage.

Mr. Slivinski asked the applicant go over each waivers and why you have to seek them.

Mr. Donckers said one of the waivers is showing detail within 1,000 feet of the property. It didn't seem like that would be required for the Planning Board to make a good judgment for approval of this. The waiver for the plan and profile of the water line, I spoke with Jon LeBrun. He seemed to think it was not required because the water lines are pressurized and Pennichuck also have their approval. The other waiver regarding drainage you don't really need a drainage plan for that. The water just drains. The existing house is serviced by overhead utilities. There is a pole across the street that has a street light on it and it makes sense to utilize what is there already.

Mr. Slivinski asked what would be required if you had to put in underground utilities.

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Mr. Donckers said he wasn't sure.

Alderman LaRose said the traffic department talks about clearing vegetation and trees. Could you address that?

Mr. Donckers said right now there is very little site distance because of the ornamental trees in the front of the property. There are lines showing the proposed site distance once those trees are cut down and we will meet the requirements.

Alderman LaRose asked if this is in front of the new lot.

Mr. Donckers said there are also trees that could also effect the site distance on the existing house as well. Those will be cleared out to allow the site distance.

Mr. Canaway was there a hemlock or something like that in front of the existing house.

Mr. Donckers said in front of the existing house there are a couple of maples. I believe they are all the same types of trees.

Mr. Canaway asked if all will be cut down.

Mr. Donckers said no, whatever is required to meet the site distance requirements. The other trees will remain.

Mr. Dufour said we have had issues with remaining trees so you should be aware of that. Trees that are cut when they are not suppose to be cut. They shouldn't all be coming down. The ones that are required will be coming down.

Alderman LaRose said he has a problem with the driveway. It seems that they are pretty close together. Was there any thought of combining the driveways so you only have one exit off to Main Dunstable Road.

Mr. Donckers said that was considered. We originally proposed to have a common driveway and the fire department thought that we would need a turnaround so I questioned if we would need a turnaround if we have 2 driveways and they decided we wouldn't need one.

Alderman LaRose said that doesn't make much sense to me.

Mr. Donckers said it is more desirable for the property if they have both have their own driveways.

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Alderman LaRose said he understands that. That is a busy road way and the fewer curb cuts we have the better.

Mr. Donckers said there is no curb there. So the plan is to have 2 driveways that could back up onto Main Dunstable Road.

Alderman LaRose said that is why he can't understand why the fire department is saying that they would rather have 2 driveways instead of 1.

Mr. Donckers said they didn't state it that way. We proposed showing 1 common driveway and the fire department said they wanted a turnaround. I questioned whether if we had 2 separate driveways would they still need a turnaround and they decided they would not. It was also a question whether we had to go through the State of New Hampshire to get a driveway permit. When we first put the plan together we were concerned about meeting the deadline for the planning board meeting. We put together a plan with 1 common driveway. After further research the state didn't have to issue a driveway permit so we decided it would be better for the property to have 2 separate driveways.

Alderman LaRose said from what I am hearing you say at least the existing house you are thinking of having a turnaround there or they make a turnaround on their own.

Mr. Donckers said they can turn around. I don't believe people wouldn't back out of the driveways.

Alderman Larose said he totally agreed and that is why I am wondering why not a common driveway at least towards the entrance and then you can go your separate ways. Would the people who want to subdivide this be amendable to a 1 shared driveway?

Mr. Donckers said it would be preferred to have 2 driveways. The speed limit on that road is 30 mph.

Mrs. Wilbert said what I think I am hearing is that the fire department says if you use a common driveway it has to be wider and have a bigger turnaround and that is an expense issue. Is that what I am hearing?

Mr. Donckers said it is an expense issue and it would also effect the aesthesis of the property.

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Mrs. Wilbert said that is what I think they are saying is that dimensionally they would require an ability for the fire truck to turn around. Is that what they are talking about?

Mr. Donckers said I don't want to reword what they said but they did change their mind when we showed them 2 driveways.

Mrs. Wilbert said so their position is that you don't need to accommodate a turnaround big enough for their needs if you have 2 separate driveways. I am with Alderman LaRose. We are always concerned about curb cuts, even where there are no curbs, on heavily trafficked areas in particular and Main Dunstable is a very heavily travelled road.

Mr. Dufour said as he looks at this plan it comes down to safety. Are we creating the potential for residents to back onto Main Dunstable as opposed to heading out what one would call the proper way? If you look at the existing lot there is a concrete pad in front of that garage to me it is a natural act for someone leaving that site to drive out. The house on the right really doesn't allow for a friendly departure.

Mr. Donckers said actually the driveway is set up to back into the rear of the driveway. If you were parked in the garage or in front of the garage you can easily back into the portion of the driveway in the back part of it.

Mr. Dufour asked if it has a garage under.

Mr. Donckers said it has a garage under. One car garage.

Mrs. Wilbert said what is confusing me now is are you suggesting that the people in the new house could back on to the concrete pad that is with the old house.

Mr. Donckers said no. There is a turnaround on the existing driveway. I am not sure if you can see it that well on your reduced copy.

Mr. Canaway said what I don't understand is I get why we don't want extra curb cuts on busy commercial areas. What I don't understand is the small amount of extra traffic that a driveway is going to cause in a residential, single family home, I just don't see that as being an overly heavy concern to me. The turnarounds for sure. I deal with Conant Road, Main Dunstable Road, and Searles Road on a daily basis. Any of the homes that have driveways where you can pull in and out onto the road, I think

those are dangerous driveways and the people become accustomed to "gunning" it as they come out of their properties. In this case with the turnaround I am not sure I see the benefit of combining the driveways in this case. I agree with the aesthetics. I think combining the driveways does create that sort of aesthetic that it is not your usual 1 driveway, 1 mailbox, etc.

Mr. Dufour asked to show on the map how much asphalt is at the end of the house to assure me that there is enough room for anybody going there to turn around without having to back out into the street.

Mr. Donckers showed on the map where the driveways are.

Mrs. Wilbert asked what is the linear distance between those 2 driveways.

Mr. Donckers said they will overlap at the property corner. They are approximately 7 to 8 feet apart.

Mr. Houston said what the board is asking is maybe you should bring it back. I remember we had a subdivision on East Dunstable Road how it was done. We had a stone wall there at the same time. If you leave enough space you can mine it with one curb cut and then they fork off about 20 feet back, or 10 or 12 feet back so there is enough room. We can design it so it works a little more functional that still has the effect that it keeps the 2 separate driveways. They just don't fork off at the street right-of-way or the edge of the pavement.

Mrs. Wilbert said I believe that is exactly what Alderman LaRose and I were striving for.

Alderman LaRose said at the beginning, at the street entrance, it is a shared area. As you go up it becomes unshared.

Mr. Donckers said yes.

Alderman LaRose said that is what more or less what you have.

Mr. Donckers it won't be shared, but the portion that is shared is in the right-of-way. So they wouldn't be sharing what is on their property which is sometimes a dispute between homeowners.

Mrs. Wilbert said in other words where the sidewalk would be, what is within our right-of-way is actually common driveway. That still satisfies me.

Mrs. Wilbert said my question of staff is whether staff has a position on the sidewalk. If there were to be a sidewalk along that portion of Main Dunstable is it more likely to be on the other side and is there sub dividable land on the other side that will give us the bite of that apple.

Mr. Houston said if the city ever decides to put a sidewalk on Main Dunstable Road, they just repaved it and restriped it, they left a shoulder stripe where I noticed a lot of people are walking or cycling in which has helped out a lot. It is similar to Sagamore Drive when they repaved that a few years ago and that has proved useful. There are different problems on either side of the road. As you go down there are wetlands on one side. Probably the opposite side has the longest stretch. It may be a situation where you may have to do a stretch of sidewalk on one side and do a cross walk and then come back over to get around some of the physical impediments and the utility poles, trees, and stone walls.

Mr. Slivinski said right now there is a long distance where there are no sidewalks on either side.

Mr. Dufour said to me that is a priority area. It has been in need of sidewalks for years. There is a school right down the street but I am happy to get the contribution at this time.

Mr. Canaway said there are also other segments of the southwest quadrant that have holes. The contribution could conceivable go to filling some of those gaps as well. There are no other sidewalks near this on Main Dunstable Road.

Mr. Dufour said the sidewalk fund I would add they are in the process of soon be installing the sidewalks on a portion of Conant that hadn't seen anything in years.

Mr. Dufour said this concludes the public hearing on this application. We will now carry the deliberations into our public meeting. The Board reserves the right to recall any party to this case for clarification.

SPEAKING IN OPPOSITION OR CONCERN

No one

SPEAKING IN FAVOR OF THE PLAN

No one

MOTION by Alderman LaRose to approve New Business Subdivision Plans #2, Estate of Lorraine Spencer (Owner) 2 lot subdivision, 431 Main Dunstable Road. It conforms to 190-138(G) with the following stipulations and waivers:

1. The request for a waiver 190-212(A)(1), which requires that a sidewalk be located on at least one side of the street for new subdivisions, is granted. The owner has agreed to make a contribution in the amount of \$15,187 in lieu of sidewalk construction pursuant to 190-212(D)(2), payment to be made prior to recording the plan.
2. The request for a waiver of 190-282(B)(9), which requires that the plan includes existing conditions within one thousand feet of the site, is granted.
3. The request for a waiver of 190-221, which requires underground utilities, is granted.
4. The request for a waiver of 190-282(B)(30), which requires a plan and profile for water lines, is granted.
5. The request for a waiver of Article XXXI, which sets specific requirements for stormwater management, is granted.
6. Prior to the plan being recorded, the applicant shall resolve any issues with the Division of Public Works.
7. Prior to any work being conducted, a pre-construction conference shall be set up with the Planning Department.
8. Prior to the issuance of a building permit, bonding for all public improvements shall be submitted to and approved by the Engineering Department and Corporation Counsel.
9. Prior to a certificate of occupancy being issued, all public improvements shall be completed to the satisfaction of the Division of Public Works.

SECONDED by Mrs. Wilbert

MOTION CARRIED UNANIMOUSLY

NEW BUSINESS - SUBDIVISION PLANS

3. **Robert & Shannon Nellis (Owners) - Application and acceptance of second proposed 1 year extension of approval of the subdivision of one lot into two. 7-7C Paige Ave, Sheet 45 - Lot 257, Zoned "RC" - Urban Residence, Ward 3.**

MOTION by Alderman LaRose that the application is complete and the Planning Board takes jurisdiction of the application.

SECONDED by Mrs. Wilbert

MOTION CARRIED UNANIMOUSLY

Together with

NEW BUSINESS - SITE PLANS

4. **Robert & Shannon Nellis (Owners) - Application and acceptance of second proposed 1 year extension of site plan approval to show the reconfiguration and expansion of an existing multifamily parking lot to provide parking for 7 vehicles with site and drainage improvements. 7-7C Paige Ave, Sheet 45 - Lot 257, Zoned "RC" - Urban Residence, Ward 3.**

MOTION by Alderman LaRose that the application is complete and the Planning Board takes jurisdiction of the application.

SECONDED by Mrs. Wilbert

MOTION CARRIED UNANIMOUSLY

Paul English, Esq.

Atty English said he is here for Robert and Shannon Nellis and Sam Katz who are co-owners of the property. They have submitted 2 applications for approval for an extension of 1 year. It was originally submitted as a 2 year application and have amended it and are seeking the board's approval based on financial hardship based on the economy. The Nellis and Katz have a significant amount of financial investment and do not want to go through the Planning Board process again for approval. They did get all the approvals and have done everything pursuant to what this board has requested or ordered and are simply seeking an extension of a 1 year period for both the subdivision and the parking lot change.

Mr. Slivinski said in looking over both of these I remember when we approved this thing the first time there was a plot plan that showed the location of the house that was going to be built on the lot after the split and I don't see any mention here at all where the house is going to sit and so forth and any of the diagrams.

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Mrs. Wilbert said in any event if we vote in favor of the extension it would be exactly as it was approved 2 years ago and the applicant couldn't change it without coming back in here.

Alderman LaRose it appears that we now have a new applicant. According to this there was a Sam Katz that owned the property before that was the applicant.

Atty English said the Nellis are co-owners and added to legal title. So they are the same and Mr. Katz and I am here on his behalf as well is still an owner of the property.

Alderman LaRose asked if this is the 3rd extension or is it the 2nd.

Mr. Dufour said we originally approved it in 07. They came back in 08 and now they are back in 09 for a second extension. There are several things that could require us to deny the extension at some point. Extensions are not forever and they are not automatic.

Atty English says his applicants understand that and hopes that the economy will turn. I did speak with him before coming here and it is his intents to follow the plans. This is just a request to continue or extend the existing pre-approved plans that were submitted.

Mrs. Wilbert said we do have a letter from an abutter, Madeline Delgado, objecting. When you say co-owners do you mean co-tenants? What is the relationship here? I would like to have comfort that we are dealing with the same application, the same owner.

Atty English said he did not review the deed personally. I spoke with Mr. Katz and he said they were added to the deed. I don't know how they hold title.

Mr. Dufour said the original applicant is Mr. Katz and he is still on the deed.

Atty English said correct.

Mr. Taylor said he has the file for the original subdivision if Mr. Slivinski wants it. It is Sheet 4 where it showed the single family dwelling. They filed an extension for both the subdivision and site plan. In your packet you got a copy of Sheet 1.

SPEAKING IN OPPOSITION OR CONCERN

Mr. Dufour said we do have the letter from Madeline Delgado which was entered into the record.

SPEAKING IN FAVOR OF THE PLAN

No one

Mr. Dufour said this concludes the public hearing on this application. We will now carry the deliberations into our public meeting. The Board reserves the right to recall any party to this case for clarification.

Mrs. Wilbert said she just realized as she questioned the names of the owners I believe that one of the applicant's owns a multi-family house that is next to mine. I don't believe that creates a conflict but I wanted to put it on the record.

MOTION by Mr. Slivinski to approve New Business - Subdivision Plans #3 2 lot subdivision 1 year extension, Robert & Shannon Nellis (Owners), 7-7C Paige Ave. It conforms to 190-138(G) with the following stipulations and waivers:

1. With approval of this site plan all prior conditions of approval, including the waiver are incorporated herein and made a part of this plan, unless otherwise determined by the Planning Board.
2. Prior to recording, the new owner shall sign the plans.

SECONDED by Alderman LaRose

MOTION CARRIED UNANIMOUSLY

MOTION by Mr. Slivinski to approve New Business - Site Plans #4 1 year extension Robert & Shannon Nellis (Owners) 7-7C Paige Ave. It conforms to 190-146(D) with the following stipulations and waivers

1. With approval of this site plan all prior conditions of approval, including the waiver are incorporated herein and made a part of this plan, unless otherwise determined by the Planning Board.
2. Prior to issuance of a building permit, the new owner shall sign the plans.

SECONDED Alderman LaRose

MOTION CARRIED UNANIMOUSLY

OTHER BUSINESS

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

None

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

SECONDED by Mr. Canaway

MOTION CARRIED UNANIMOUSLY

2. Adoption of the "2010 Meeting and Deadlines Dates" for the Nashua City Planning Board

MOTION by Mrs. Wilbert to accept the 2010 Meeting and Deadline Dates.

SECONDED by Mr. Canaway

MOTION CARRIED UNANIMOUSLY

DISCUSSION ITEM

1. Wilfred Piekarski Trust Site Plan, 4 Blackstone Drive, discussion regarding removal of trees designated to remain on the site.

Richard Maynard, Maynard & Paquette

Mr. Maynard said when this project was approved we had a discussion about landscaping, trees, and things like that. The primary discussion involved a cluster of trees in this particular area. We also discussed whether those trees would remain. In the back on drawing 4 there are 7 very tall white pines. It was the intention to keep those. My client who is here and will speak to this subsequently decided because he has a car dealership that the white pines have a tendency to have the branches fall during ice storms and also the trees themselves plus the pitch if they weren't suitable for this particular site. They would like to replace them with 10 maples. Unfortunately they went and cut them before they came back to the board so they are down. We would like permission to replace the cut trees with 10 maples.

Mr. Dufour said refresh my memory on the back parking lot. How long has that been there?

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Mr. Maynard said 15 years.

Mr. Dufour asked if that was a separate site.

Mr. Maynard it is now merged into this site but it pre-existed for a long time on its own. It was part of the collision repair center site. It has been swapped over to this site. It now becomes a storage yard for the car dealership.

Mr. Slivinski said they were cut down because the applicant was afraid a storm would come and the limbs would fall down on the cars.

Mr. Maynard said they have already done that. They have already had that problem.

Mr. Slivinski said and that was in the back parking lot?

Mr. Maynard said no it's in between.

Mr. Slivinski asked if it paved.

Mr. Maynard said in here is paved and this will be paved and there is a detention basin in here and the trees are in this area.

Mr. Slivinski said the limbs are going to fall down onto the parking lot down there where he is going to be parking cars? Or does he park them off of the blacktop.

Mr. Dufour said the parking lot is already there and it has been there for 15 years and he stores cars back there. When they came before us for approval on the front side that fence that is there separating the display area from the storage area, there is a fence there. The whole area is fenced in. In front of that fence were these 7 big pine trees that are no longer there.

Mr. Maynard said they were maybe 40 to 50 feet tall.

Mrs. Wilbert said she thinks our Chairman is restraining himself admirably. It is so discouraging to sit here and say now you are going to leave this on there right and that is what makes the plan palatable to us and that is why I might vote in favor of it and then to have you come back a month later and say they were cut down but we will put new little baby trees in there to take their place it is very discouraging. I wouldn't like to see it happen again. It will and that is what is even more ...

Mr. Dufour said the last time we had this issue I commissioned myself to discuss this issue with staff and we never really came up with a good solution. As I look at this particular site I still don't see a good solution.

Mr. Maynard said when I presented this plan there was every intention of keeping those pine trees. Once the plan is approved it is out of my control pretty much. What is suppose to happen in pre-construction conferences with staff is they are suppose to go over some of things and make sure that this is what is going to happen before the activity starts. I don't know what happens or doesn't happen on some of these things but I get a call from staff that says the trees are gone. I don't know about this. I am the representative so take it out on my but understand it was not a misrepresentation. Now we are here offering to put 10 trees in instead of 7. If you want more, we will put more in. My client is not opposed to trees. My client is opposed to white pines whose branches break off in ice storms and blow away and the pitch and pine also stains the vehicles. Not opposed to trees, he just decided the white pines in this particular location are not desirable for his car dealership.

Mr. Dufour said that parking lot has been there for 15 years. You were just in on the front parking lot. You agreed to leave the trees there and now all of a sudden it is aI think that explanation might be simply just an explanation for why they were accidently cut down.

Mr. Maynard said they were intentionally cut, they weren't accidently. I will let my client explain it to you. That is the best I can tell you from my perspective.

Mrs. Wilbert said I agree, once your job is done, you cannot necessarily control your client, I appreciate that, believe me. That said, it is your obligation to make absolutely clear that any client understands that the approval is the approval and that everything on that plan is what was approved and he is liable if he violates the plan. I am looking at last month's minutes. Mrs. Overby is here she and I addressed this issue. It says right here Mrs. Wilbert said Mr. Maynard, what Mrs. Overby and I are concerned with are the apparently fairly mature standard trees immediately.

Mr. Maynard said yes we did talk about those two.

Mrs. Wilbert said we did talk about those specific trees. It is just very disheartening to see them gone and whether they were the

less desirable to have on a parking lot that has cars stored on it because of sap that did change between when you approved it and today.

Mr. Dufour said that would have been a reason to take them down when we were discussing the plan.

Mr. Wilbert said I could have been convinced of that.

Mr. Maynard said I don't disagree with anything you folks are saying.

Mr. Slivinski said you come in here and present the plan. It is your credibility in front of the board. If you say this water system will work or this drainage system will work or this is going to be done, you are the guy that I hold responsible if trees come down because if trees come down then I must believe that you don't properly explain all of these things to the applicant.

Mr. Maynard said please don't believe that because it is totally incorrect. We definitely discuss this with the applicant. It was there intention to leave these trees and that is why they were shown on the plan. I am well aware of what white pines do and why most people do not like white pines that own property because they tend to get hit by lightning, they have branches that break off all the time and the pitch. Believe me we don't shown those things staying without discussing these items with our client. We have clients out there, mine and others that feel that they can make tinkering changes to plans without checking with anybody and they end of doing it and I hear about it after the fact. If you want to chastise me, fine. But I did not mislead this board, believe me. I have been coming here for 25 years this is the first time...

Mr. Slivinski said you go back and take a look at your applicant and after it is done and say wait a minute, this is wrong, that is wrong, that is not on the plan. We don't have the opportunity.

Mr. Maynard said the staff does that because once it is approved the control reverts to staff. I don't have a role except if someone brings me in or if staff calls me after the fact. I don't have any enforcement. I have plenty of authority because it is my plan and I draw it but once I draw it and they don't build it like it is shown on the plan like we discussed because they changed their mind it is out of my control. I don't want it to be. I try to explain to every client what's what, especially with large trees like that. It happened. I am not happy.

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Mr. Slivinski asked how big are the maples you are going to put in there.

Mr. Maynard said they are measured by caliper and the standard measurements for new plantings is 2 1/2 inches, 2 to 3 inches, 10 to 12 feet tall.

Mr. Dufour asked how big were the 50 foot trees that you cut down, the caliper?

Mr. Maynard said probably 24 to 30 inch in diameter. Seven trees were cut down, 10 are proposed.

Mr. Taylor said he wanted to give a little background on how this was discovered, when it was discovered. There was a request for a pre-construction meeting almost immediately after the planning board approved the plans on August 6th which is a little unusual. We went out within a couple of days of the planning board meeting and the trees were cut down at that time. I don't know exactly when they were cut down. It is possible they may have been cut down before the meeting. As far as the trees go, I counted the stumps and I know that they are showing 7 on the plan but there were more trees than that. There were about a dozen large trees but I counted at least 20 stumps of pine trees that were cut. Offering a dozen maple trees that doesn't really provide a lot of screening for that parking lot. I suggest that the board consider that when you weigh this.

Mr. Maynard said the issue was never screening. The issue was trees, nature, environmental. Screening isn't the issue. Whatever the number of stumps, there is a detention basin here. Any of these stumps had to be cleared anyway and they were not shown on the plan. These are the only ones that are shown that were to remain. Whatever else stumps you counted these are the ones that could remain and were supposed to remain. Anything else was coming down.

Mr. Slivinski said they are all stumps now.

Mr. Canaway said the issue isn't screening, the issue is the plan.

Mr. Maynard said correct. The plan was not followed.

Mr. Canaway said right, whether the screening was an issue or not doesn't matter because it was screened and we accepted the plan.

Mr. Maynard said the issue is they cut trees improperly.

Mrs. Wilbert asked staff if they had any information for us about what size trees, expense aside, are possible to transplant and grown on a site like this and I wonder if you don't have it available is there a way to research that.

Mr. Taylor said as far as transplanting the size of tree that could be transplanted?

Mrs. Wilbert said how mature a tree that would actually have some chance of adding some ambience to that site and replace the 20 that are gone.

Mr. Taylor said in reality it depends on how much somebody is willing to spend. It really is all about the expense.

Mrs. Wilbert said I am suggesting that the site plan is violated and we have to put some kind of teeth in our site plans is what I am suggesting bluntly and if the issue is expense if it is possible to get a more mature stand of trees to replace what they should not have removed then I would like to at least explore that and the expense doesn't matter.

Mr. Dufour said the church on Broad Street by Parrish Hill, Resurrection Church, when they developed their site many years ago we were faced with a similar situation and that turned out to be quite an event. We actually went for the world's biggest tree that could be carried in. It didn't die but as I drove through there a couple of weeks ago I just kind of pulled over and looked at those trees and that took a long time and it still hasn't replaced what it was. I am all for putting teeth into our ordinance. I think I might have other suggestions but I am going to wait and see what the applicant has to say.

Mr. Maynard said expense is not the issue at all. I am told by various landscapers for practical purposes that a 3 to 4 inch diameter tree has a decent chance of survival. If you start getting much larger you have huge root systems that you can't really transplant. So if you want to increase the size to 3 to 4 inch diameter I think we can accept that. Remember now we had tall white pines with no understory and we are proposing maples now which to me is a substantial improvement. I don't like white pines but that is not the reason. I think 10 maples is better than 7 white pines.

Mr. Canaway said which would have been a great thing to bring up on the plan.

Mr. Maynard said understood.

Mr. Dufour said when I was out there looking at the scene of the crime and looking at that parking lot one thing that stuck out to me is that back site you say has been there 15 years. The front site was a different use. I looked at those trees. It seemed to shelter the back lot. I could live with what you had proposed. When I was out there looking at that fence I was saying I wouldn't want to be living in that Blackstone Drive looking through that fence everyday. I am wondering how we missed at least on the back side I am regretful that at some point I don't recall approving that back lot but I am sure someone did, that we should have requested some type of shield. Like when we developed Kevin Slattery's off Lund Road that abuts the highway he has that same type of fence but he has the slates weaved through the fence. I am saying how did we miss that. I don't know if your applicant in addition to those trees would consider doing that to the back fence.

Mr. Maynard asked the very back long one?

Mr. Dufour said yes.

Matt Piekarski

Mr. Piekarski is here for his father who owns the property. Telling him what to do and how to do things is never something that works. Explaining to him the trees can't be taken down on his property has never been something through all my years easy to tell him. That besides the point there is screens all the way around on all of the fencing. It has been there the entire time.

Mr. Dufour said he could see through the fence. So if there is screening there, there are some missing pieces. On the back side facing the condominium development.

Mr. Piekarski said he will see if some pieces have torn off at some point or something.

Mr. Dufour asked if you are amenable to replacing whatever is missing? It is significant enough for me to notice it. I am talking about the back site. The reason I am not pushing the other sides is for security reasons. How come the trees got cut? You just didn't want them?

Mr. Piekarski said there were 12 or 15 cars that were damage last December that were stored in that lot and he wanted them down. I told them they are on the plan we have to keep them.

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Mrs. Wilbert said he should have come in before us sir. It really not fair.

Mr. Piekarski said I understand that.

Mr. Maynard said he is 80 years old and an invalid.

Mr. Dufour said that is not the excuse here. I can almost buy that they damage cars and it didn't make sense to keep them. Why weren't they removed at the time and we could have talked about a substitute.

Mrs. Wilbert asked if you father sir review the plan when Mr. Maynard drew it? Did he know that those trees were on the plan?

Mr. Piekarski said if you want to blame someone, blame me. I explained the plan to him. I reviewed it with him again. He is in and out of the office I would say once a week at most. He can't make it more then that.

Mrs. Wilbert said if a teenager says I don't believe that the speed limit here should be 45 and goes 70 we don't say well yeah, I get your point, you are just a teenager. It doesn't work for the frail and elderly either. I don't know what to do here. It is ridiculous. I think we find ourselves chuckling because there is no good answer here. I would like your father to know that the next time I see Piekarski on a plan, I am going to remember this.

Mr. Houston said we do have a landscape architect on staff and it might be good if Mr. Maynard could get together with him and we go out and look at the site and propose a plan to help beef up the screening in the back as well as replace those trees. The trees that Mr. Taylor counted were not in the detention basin. They were up in the area where the trees were suppose to remain. We could look at the availability of the large size caliper trees are limited and it depends on where we could get them and get them in. It also depends on the species. I am not quite sure if maples are the best species to have under a car either. So maybe we could look at some of those issues so we don't have just one species. Maybe we have a variety of species and look at a decent landscape plan here. Obviously the cost will be there with that type of plan but that certainly have to be done and maybe come back to the board at the next meeting or the early October meeting with that plan.

Mr. Dufour said I am not sure this has to be done this fall. If we can get it right in the spring as opposed to doing it by October.

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Mrs. Wilbert said I don't mind deferring to staff to work out the appropriate...I think staff is aware of what this board would like to see

Mr. Dufour said but I think we are leaving it up to them to make the determination of how many they are going to be. I am not sure they want to do that. I just assume they come back to us and say here is the plan.

Mr. Houston said how many really depends on the space you need between the trees and the size of trees. You just don't stick 10 maples in this area. You look at where they are placed, the root zones, types, and species. There are several different species of maple trees.

Mrs. Wilbert said it also occurs to me that unless they have dug up all of these stumps no matter what you put in there is going to die because the ground is all root bound.

Mr. Houston said the stumps would have to be ground out and removed and a planting area established. It is not an inexpensive endeavor.

Mrs. Wilbert said she would like to see a complete landscape plan.

Mr. Houston said the applicant could get his own landscape architect to work with ours as opposed to Mr. Maynard. That would be the most appropriate, so the responsibility isn't on the city staff to do the work. Maybe it is better if they hire a landscape architect that is certified in this state to come up with a plan and work with our landscape architect to review it.

Mr. Maynard said if that is the case it can't be done by October 1st.

Mr. Dufour said he understands.

Mr. Maynard said then we are definitely going to spring planting.

Mr. Dufour said the applicant is going to discuss resolving this issue with staff and their own landscape architect.

Mr. Dufour welcomed the new members and thanked the alternates for their patience this evening.

Mr. Dufour said this board is now going into nonpublic session. We have heard all our other cases this evening. At the end of our non public session the meeting will adjourn and we will not return to this room.

MOTION by Alderman Larose to go into nonpublic session under RSA 91-A:3, II(e) for consideration or negotiation of pending claims or litigation which has been threatened in writing or filed against the public body.

SECONDED by Mrs. Wilbert

Mr. Dufour asked for a role call.
Mr. Latham took the role call.

Mrs. Wilbert said yes
Mr. Dufour said yes
Mr. Canaway said yes
Mr. Latham said yes
Alderman LaRose said yes
Mrs. Corcoran said yes
Mr. Slivinski said yes

MOTION CARRIED UNANIMOUSLY

APPROVED:

Ken Dufour, Chair, Nashua Planning Board

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Prepared by: Linda Panny

Taped Meeting