ROLL CALL

PUBLIC COMMENT

PRESENTATION/DISCUSSION

Library Plaza Redesign Preliminary Presentation and Discussion with Director Marchant and Director McCormack

Memorandum from Planning Board requesting Review and Policy Direction on the Sidewalk Ordinance

COMMUNICATIONS

From: Scott LeClair, Chair of Planning Board and Board Members
Re: Request your Review and Policy Direction on Sidewalk Ordinance

UNFINISHED BUSINESS - None

NEW BUSINESS – RESOLUTIONS

R-19-134
Endorser: Alderwoman Mary Ann Melizzi-Golja
Alderwoman-at-Large Shoshanna Kelly
Alderman-at-Large Michael B. O’Brien, Sr.
Alderman Linda Harriott-Gathright
Alderman Patricia Klee
Alderman-at-Large Brandon Michael Laws
Alderman June M. Caron
Alderman Jan Schmidt
Alderman-at-Large Lori Wilshire

ADOPTION OF STRATEGIC PLANNING GOALS

NEW BUSINESS – ORDINANCES – None

TABLED IN COMMITTEE

O-19-042
Endorsers: Alderwoman-at-Large Shoshanna Kelly
Alderman-at-Large Ben Clemons
Alderwoman Mary Ann Melizzi-Golja
Alderman Tom Lopez
Alderman Jan Schmidt

DESIGNATING THE SOUTHWEST CONSERVATION AREA AS CITY CONSERVATION LAND
• Tabled 4/16/2019

PUBLIC COMMENT

REMARKS BY THE ALDERMEN

POSSIBLE NON-PUBLIC SESSION

ADJOURNMENT
MEMORANDUM

Date: May 14, 2019

To: Ald. Melizzi-Golja, Chair and Members of PEDC

From: Scott LeClair, Chair of Planning Board and Board Members

RE: Request your Review and Policy Direction on Sidewalk Ordinance

At its Work Session meeting on May 9th the Planning Board held a discussion on the ordinance regulating sidewalks (NRO190-212 Sidewalks and pedestrian right-of-way SEE ATTACHED). The current ordinance was written by the Land Use Code Committee in 2003/2004 to make the Planning Board’s existing practice predictable and fair to all applicants. This was reviewed by the PEDC in 2005 and adopted in late 2005 and effective January 2006. It was based in part on the Nashua 2000 Master Plan adopted December 2001 (ATTACHED) and the then practice of the Planning Board in the 1990’s to accept voluntary contributions in lieu of constructing sidewalks based in part on the City adopted 1993 Trails Master Plan.

The Planning Board seeks guidance from the PEDC if the current ordinance is still viable from a policy perspective given the nearing build out status of the City. The Planning Board questioned whether the ordinance could be made clearer and more specific relative to corner or triple frontage lots, and whether it should be applied to every lot with no waivers.

We have also attached the minutes from a workshop session held by the Planning Board in July 2018 on sidewalks. The Planning Board appreciates your comments and policy direction on this ordinance.

cc: Sarah Marchant, Community Development Division Director
§ 190-211  NASHUA CODE  § 190-212

(f) A provision requiring mandatory upgrading of the street if additional parcels are added to reach the specified thresholds; and

(g) A provision that property owners along that street are prohibited from restricting or in any manner interfering with normal ingress and egress by any other owners or persons needing to access properties with frontage on that street.

(2) All purchasers of property served by a private street shall, prior to final sale, be notified that the property receives access from a private street that shall be maintained collectively by all property owners along that street; that the City shall not be held responsible for maintaining or improving the private street; and that a right-of-way easement to provide the only access to that property has been recorded in the deed for that property.

(3) By approving private streets, the City does not assume any liability for snow plowing or other maintenance items, or for any injuries, damages, or related liabilities associated with maintenance of the streets. All such responsibilities and liabilities shall remain with the landowner or homeowners' association.

§ 190-212. Sidewalks and pedestrian rights-of-way.

A. Location.

(1) Sidewalks shall be located on at least one side of the street. In standard single-family developments, sidewalks shall be placed parallel to the street, with exceptions permitted to preserve natural features or to provide visual interest. In planned developments, sidewalks may be placed away from street systems, but they may also be required parallel to the street for safety reasons. The Planning Board may require sidewalks on both sides of the street on high volume, collector or arterial streets.

(2) Sidewalks may be placed directly over a portion of the utility easement; and/or behind the planted area provided for street trees.

(3) For parkways, the sidewalks shall take the form of multi-use trails that may meander at a distance of between six to 15 feet from the paved section of the street. In planned developments, sidewalks may be located away from the street system to link dwelling units with other dwelling units, the street, and on-site recreation areas and parking areas.

B. Pavement section. Sidewalks and graded areas shall be constructed according to the Board of Public Works specifications. Sidewalks shall include additional width where required by the Americans with Disabilities Act.

C. Pedestrian rights-of-way. Pedestrian rights-of-way not less than 14 feet wide may be required where deemed essential to provide circulation or access to schools, playgrounds, shopping centers, transportation or other community facilities. Where such pedestrians rights-of-way are provided, the developer shall clear the areas of obstructing rocks, trees and undergrowth, bring the right-of-way to suitable grade, and construct a bituminous
§ 190-212  LAND USE

concrete sidewalk for bicycle use of at least five feet in width and a bituminous concrete sidewalk for pedestrian use of at least five feet in width, or a bituminous concrete sidewalk for pedestrian and bicycle of at least 10 feet in width in accordance with the City Board of Public Works specifications.

D. Waivers.

(1) For commercial, industrial, and office subdivisions in the LB, GB, D-1, D-3, HB, PI, and GI Zones, the requirements for sidewalks in the subdivision shall be determined during the review of subdivision and site plans. The requirements for sidewalks in such a subdivision may be waived if the Planning Board determines that the nature and/or intensity of the proposed use or the proposed use of other pedestrian facilities would obviate the need for these improvements, and that the burden on the applicant outweighs the public benefits associated with the sidewalk requirements.

Comment: An example of a sidewalk waiver is multiple frontage lots. In these situations, sidewalk construction along frontages other than the principal frontage of the lot. In those situations, pedestrian access is only from one of the frontages. The sidewalk requirements may be waived on the other frontages.

(2) For subdivisions in a residential zoning district, or subdivision applications for residential lots in any zoning district, a contribution in lieu of the construction of sidewalks along an existing street may be accepted when all of the following conditions are met:

(a) None of the lots may be divided into additional buildable lots under the minimum requirements of the zone. This requirement is met where:

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§ 190-212 NASHUA CODE § 190-213

[1] An additional lot would not conform to the minimum lot size or other dimensional requirements of § 190-16; or


(b) The existing street adjacent to the proposed lots has no sidewalks for a distance of 250 feet on the same side of the street as the new lots. This distance shall be measured from the nearest frontage point within the proposed subdivision.

E. Contribution in lieu of sidewalk construction.

(1) The Planning Board may accept a contribution in lieu of the construction of sidewalks where:

(a) The application proposes a residential subdivision; and

(b) The Planning Board determines that the proposed use or the proposed use of other pedestrian facilities would obviate the need for these improvements.

(2) The Planning Board may accept a contribution in lieu of the construction of sidewalks for culs-de-sac.

(3) All revenues generated by contributions pursuant to this section shall be deposited in an account created for this purpose. Revenues so generated shall be separately accounted for each of the four major quadrants of the City, said quadrants corresponding to the areas divided to the north and south by the Nashua River and to the east and west by the F.E. Everett Turnpike, and shall be used solely for the purpose of construction of new sidewalks in the quadrant from which the revenue was generated.

(4) The Planning Board is authorized to establish a schedule of fees for sidewalk contributions in lieu of construction. If the Planning Board does not establish a fee schedule, the contribution amount shall be determined by mutual agreement of the Planning Board and the applicant and included as a condition of plan approval.

§ 190-213. Street names, signs and house numbers.

A. Board of Aldermen approval. No person shall name a street, place or highway in the City, or erect a sign designating a name for any street, place or highway, or select a house number or address on such street, place or highway, without first obtaining the consent of the Board of Aldermen.

B. Development identification. All developments of over three buildings containing private streets must erect and maintain a permanent location map in the vicinity of the first curb cut or parking area on the main access drive. Such map shall display street names, building locations and unit numbers. Such signs shall conform to § 190-102.
3. Future Urban Trails and Non-Motorized Connections

In 1993 / 1994, the City prepared the Nashua Urban Trails Network and the Nashua Trails Plan, which was adopted as a component of the Master Plan Update in 1996. The Trails Plan documents existing and proposed on-street and off-street “urban trails,” which are shown on Map IV - 6. The goals of the Nashua Urban Trails Network are:

- The trails contribute to Nashua’s transportation network by stressing alternatives to the automobile.
- The trails offer safety for the urban trail user.
- The trails provide recreational opportunities for the urban trail user.

On-street trails consist of sidewalks, bike lanes, and crosswalks. Off-street trails consist of the more typical type of trail: wooded paths, hiking trails, equestrian trails, and bike trails. The Urban Trails Alliance (UTA), a sub-committee of the Aldermanic Committee on Infrastructure, is the principal organization in the City responsible for developing urban trails. Since the adoption of the Trails Plan, the UTA has developed several off-road trails in Nashua, and has been an advocate of sidewalks, bike lanes and other on-street trails. Details and recommendations of the Trails Plan will not be restated here, the reader is asked to refer to the original document. One recommendation that will be made here is that the 1994 Trails Plan be revised to reflect current conditions in the City, and describe and map the trails that have been developed over the last several years. This section of the Natural Resources element will identify possible trails and connections that could be further explored through an update of the Trails Plan.

The land recently acquired by the City, centered on Yudicky Farm, would be ideal for the creation of an off-road trails network. The UTA is currently developing trails within Yudicky Farm, and new trails could be made to connect to Lovewell’s Pond, the land north of Yudicky Farm, the Main Dunstable School, and trails to be developed in the Flexible Use District subdivision to the east of Buck Meadow Road. Another trail project that should be explored is a connection between Mine Falls Park and the Ayer / Pepperell Rail Trail, a Massachusetts trail which meets Nashua in the far southwest corner near the Nashua River. The City is in the process of purchasing the Nashua portion up to Groton Road. Due to extensive development in the southwest quadrant over the last several decades, such a trail would probably require an extensive on-road component. Nonetheless, it could serve as both a recreational trail and as a non-motorized transportation route, linking those living in the southwest quadrant to employment opportunities in downtown Nashua and the Millyard.

One of the major barriers to all forms of transportation in the City is the Nashua River, which bisects the entire City from west to east. There are several locations west of the Turnpike where it may be possible to span the River with pedestrian / bicycle bridges. The first bridge (1), adjacent to the Hollis town line, would connect the northern tip of Horrigan Park to land owned by the Hollis Crossing condominium complex. The second bridge (2) would connect the City-owned Tilton Road boat ramp land to the presently undeveloped parcel west of Heidi Lane. This property was previously discussed as one suitable for a conservation easement along the River. A pedestrian bridge could go over the Mine Falls dam connecting the two high schools.
Though these two projects may seem inherently difficult, the City may want to pursue them as part of a congestion mitigation air quality (CMAC) grant or another program under the TEA-21 umbrella. Development of these bridges and their trail connections would require negotiations with private landowners, but that should not deter the City going ahead, as many trails in the State and elsewhere are located on private land. Given Nashua’s close to build-out situation at the turn of the century, most future trails of any length will require easements and other agreements with private landowners.
NASHUA CITY PLANNING BOARD
July 19, 2018

A workshop session on sidewalks of the Nashua City Planning Board was held on Thursday, July 19, 2018 at 7:00 PM in Room 208 in Nashua City Hall.

Members Present: Scott LeClair, Chair
Mike Pedersen, Mayor’s Rep.
Ed Weber, Secretary
Gerry Reppucci
Ald. Mary Ann Melizzi-Golja, Alt.
Stephen Dookran, City Engineer
Maggie Harper, Alt.

Also Present: Sarah Marchant, Com. Dev. Div. Director
Roger Houston, Planning Director
Linda McGhee, Deputy Planning Manager
Scott McPhie, Planner I

Scott LeClair, Chair of the Planning Board took attendance and then held a workshop on sidewalks. Sarah Marchant presented an overview of the existing sidewalk ordinance and procedure. An open discussion ensued on the reasons for the sidewalk ordinance with handouts on relevant sections from the City Master Plan by Roger Houston. Comments and suggestions were made by the Planning Board members in attendance relative to their perspective and what recommendations to the existing procedure were needed or, if necessary, to propose changes to the sidewalk ordinance. Linda McGhee expressed operational and functional issues on sidewalk contributions.

Steve Dookran provided the Board with actual 5 foot wide sidewalk costs on per lineal foot (LF) based on recent City projects:

- Asphalt Sidewalk $116/LF with sloped granite curb
- Asphalt Sidewalk $126/LF with vertical granite curb
- Concrete Sidewalk $126/LF with sloped granite curb
- Concrete Sidewalk $140/LF with vertical granite curb

The Board discussed whether they wanted to increase the existing $50/LF fee based on the latest costs but decided to reconsider that at future a time.
After discussing a variety of concerns the board concurred that the existing board procedure permitted by NRO 190-212,B(4) should be modified to calculate the contribution in lieu of sidewalk construction as follows: (A) Determine total lineal feet of frontage of the proposed subdivision of all lots on a public street; (B) then subtract out 18 lineal feet per lot (compensation for driveway) from the total frontage; (C) and then deduct lineal footage of existing sidewalk across the street from the proposed subdivision from the lineal footage calculation (if there is no sidewalk there is no deduction); (D) and then multiply the remaining lineal footage by the $50.00 per lineal foot fee to determine the total dollar amount of the sidewalk contribution fee in lieu of construction.

The Board gave direction to the Planning Staff to include the actual calculation of the fee in the staff report, and to provide an indication on whether a sidewalk should be built based on the specific location, traffic volume, safety, nearby pedestrian focal point like school, parks, neighborhood stores, etc. and include any excerpts from the Master Plan in the staff report support the construction of the sidewalk.

No changes to the sidewalk ordinance were proposed.

There was a motion by Ed Weber to adjourn the meeting at 8:55 PM, then unanimous vote by the Planning Board to adjourn.

APPROVED: 

Scott LeClair, Chair, Nashua Planning Board

Prepared by: Roger L. Houston

Taped Meeting

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