



MINUTES
NASHUA REGIONAL PLANNING COMMISSION
December 17, 2003

DRAFT

Members Present:

Frank Bolmarcich, Chairman, Nashua	Nelson Disco, Merrimack
Martin Michaelis, Amherst	Karin Elmer, Merrimack
Helen Fenske, Brookline	Richard Roulx, Merrimack
John Eresian, Hollis	Mike Fimbel, Mont Vernon
Ann Seabury, Hudson	Vicky Arico, Mont Vernon
Suellen Seabury Quinlan, Hudson	Kathy Hersh, Nashua
Richard Maddox, Hudson	Jean-Guy Bergeron, Pelham
Thaddeus Luszey, Hudson	Tom Collins, Pelham
Norm Carr, Merrimack	

Staff Present:

Andrew Singelakis	Angie Rapp
Mark Archambault	Shirley Vance
Betsy Hahn	John Vogl
Koren Melfi	Steve Williams
Camille Pattison	

The Chairman called the meeting to order at 7:05 PM.

Privilege of the Floor

There were no members of the public in attendance who wished to speak.

Introduction of New Members

The Chair welcomed Helen Fenske to the Commission. Helen is representing the Town of Brookline.

Approval of Minutes - September 18, 2003

Nelson Disco noted a change to the minutes on page 1, Approval of Minutes - June 18, 2003, the motion was seconded by Nelson Disco, not Mike Disco. It was then moved by Richard Roulx, seconded by Nelson Disco:

THAT the minutes of the meeting held on September 18, 2003
be approved.

The motion carried unanimously.

Chairman's Report

Frank reported that Andrew would be resigning as Executive Director effective January 16, 2004. Andrew said that he is going to Tucson, AZ to become the Deputy Director of Planning for the City. He has enjoyed his 6 years in Nashua, as it is his hometown and he was proud of how far the Commission has advanced during this time. John Eresian moved, seconded by Kathy Hersh:

THAT the Commission resolve that Andrew has done
a great job, and that his leadership has been greatly
appreciated.

The motion carried unanimously.



Steve Williams, Assistant Director/MPO Coordinator, will be appointed Acting Director effective January 19, 2004, with an increase in salary. The next meeting of the Executive Committee will be on January 7.

It was announced that Mary Ann Manoogian, Director of the NH Office of Energy and Planning, was asked to appear at a future meeting, due to time limitations.

Adoption of Mid Year Budget

Andrew noted that we are in very good financial shape. We have downsized through the elimination of a traffic planner position and will be re-filling the Senior Land Use Planning position some time next year. It also added \$6,000 to our reserve budget. Vicky Arico questioned the amount budgeted for the Hollis CR, and it was noted that it was a typo. The correct figure should be \$47,765. It was then moved by Mike Fimbel, seconded by Thaddeus Luszey:

THAT the Commission approve the mid-year budget revisions.

The motion carried unanimously.

STIP Amendment #7

Steve Williams said that the NH DOT has requested the NRPC review and take action on the proposed 2003-2005 State Transportation Improvement Program (STIP) Amendment #7. The STIP differs from the 10 Year Transportation Plan. The STIP is a federally required program that documents all planned expenditures of federal transportation funds during the coming three year period. The 10 Year Transportation Plan is a state mandated document that describes New Hampshire DOT's plans for transportation investments in the next 10 years. Although the 10 Year Transportation Plan covers a longer time frame, the STIP is actually the more important of the two documents when it comes to the actual development of transportation improvements. There are several reasons for this:

1. Required for use of federal funds: Federal regulations require that any use of federal funds for transportation improvements must be consistent with the adopted STIP. Federal funds cannot be used for transportation projects that are not in the STIP or are not consistent with the description in the STIP.
2. Fiscal constraint: Under federal regulations the STIP must be fiscally constrained, meaning that the state cannot plan for the expenditure of funds it cannot reasonably expect to have available.
3. MPO consent: Under federal regulations, the NH DOT and the Metropolitan Planning Organizations are partners in the transportation planning process. Any STIP amendment that affects a project in one of the MPOs must be approved both by the NH DOT and the affected MPO. In other words, the NH DOT cannot make a change to a federally funded project in the NRPC region without the approval of NRPC.

The NH DOT has asked the MPOs to consider a full amendment (SA #07-3-2003). The amendment affects two projects in the NRPC region.

1. Hollis - Sidewalk on NH 122 (#13099): This amendment adds in a project phase, Preliminary Engineering at a cost of \$15,000 in 2004. This phase was inadvertently omitted from the adopted STIP.
2. Nashua Commuter Rail - FEE Turnpike Park and Ride (#13117) and Commuter Rail Equipment (#13514) and Commuter Rail Extension (#68000): These items are all portions of the Lowell to Nashua Commuter Rail Extension. As noted above, making this change will allow the state to move another project forward without violating the fiscal constraint requirement described above. NH



DOT staff has stated that the money for the Commuter Rail project will remain dedicated to that purpose. As a member of the Statewide CMAQ Committee, Andrew Singelakis was asked to vote to either approve this proposed amendment or request a meeting of the full Statewide CMAQ Committee. Andrew asked for a meeting of the full committee on this issue. However, a majority of the members of the committee voted to approve the proposed change. Andrew has indicated that NRPC will only accept this STIP amendment with the understanding that that Commuter Rail project is being delayed and that no funding will be removed from the project.

Under the agreed upon full amendment process, there are several steps NRPC must undertake to take action on the STIP amendment. First, the TTAC must conduct a review of the proposed amendment and make a recommendation to the NRPC Commission. The TTAC conducted that review at their November 19, 2003 meeting and recommended approval of the STIP amendment to the NRPC Commission. Second, a 30 day public comment period must be noticed and copies of the amendment information made available to the public. The public comment period was noticed and began on December 3, 2003. Third, a public hearing must be conducted by the NRPC. Finally, following the public hearing, the NRPC must take action on the amendment. Under NRPC's agreement with NH DOT, the NRPC Commission can take action tonight on the condition that substantive comments from the public are not received by the end of the comment period. If no such comments are received, then the Commission's action tonight will be considered binding.

There are three possible actions the Commission could choose to take on the full amendment that has been proposed:

1. Approval: After the required review by the TTAC and the public, and the public hearing, the Commission could approve the proposed amendment. That action would allow the NH DOT to proceed with the proposed actions.
2. Not approve the proposed amendment: The Commission could choose not to approve the amendment. Such action would prevent the NH DOT from moving forward with any of the projects in the proposed STIP Amendment. Such an action would not only delay projects in the NRPC region, but also delay any other projects from anywhere else in the state included in the proposed STIP Amendment.
3. Approve most of the amendment but specifically not approve one or more items: The Commission could also specifically not approve one or more items. If there were objections to particular projects in the proposed STIP Amendment this would allow the Commission to disapprove action on those items while not delaying projects in other areas of the state.

Taking this action, however, could indirectly affect other projects. This is due to the limitations imposed by the fiscal constraint requirement. As an example, suppose the total amount of federal funding available to NH DOT in 2005 was \$100 million and that a project in the NRPC region amounted to \$8 million of that total but would not be ready for construction in 2005. In addition, suppose that another project existed in the STIP costing \$8 million that was scheduled for 2006 but would be ready for construction in 2005. Under the fiscal constraint requirement, the NH DOT could not move the project from 2006 forward into 2005 without first moving projects totaling \$8 million back from 2005 to 2006 so that the total program would remain \$100 million. They could request that NROC agree to an amendment to the STIP moving the region's project back to 2006 while moving the other project forward to 2005. If the NRPC Commission did not agree, the NH DOT would not be able to move the other project forward to 2005, even though the project was ready for construction and the money was available.

Staff requests that the Nashua Regional Planning Commission take two actions on the requested STIP Amendment #7:



1. Conduct a Public Hearing on STIP Amendment SA #07-3-2003.
2. Take action on the proposed STIP Amendment conditioned on absence of substantive public comment by the end of the public comment period on January 3, 2004.

Before the Commission convened the public hearing, Suellen Seabury Quinlan questioned the commitment to the commuter rail project. Does approval of the amendment mean that the delay of the project is acceptable? Can we request that it be moved up? Andrew answered that the issue is currently in litigation, which will delay the project anyway. And not approving that portion of the amendment could be seen as not approving the project itself.

It was then moved by Kathy Hersh, seconded by Nelson Disco:

THAT the Commission enter into a public hearing on the STIP amendment.

The motion carried unanimously.

There being no comments from the public, it was moved by Nelson Disco, seconded by John Eresian:

THAT the public hearing be closed.

The motion carried unanimously.

After some discussion, it was moved by Kathy Hersh, seconded by Vicky Arico:

THAT the Commission approve STIP Amendment #7 conditioned on the absence of any substantive public comments received prior to the end of the public comment period which ends on January 3, 2004, and that a letter be sent to Carol Murray, Commissioner of NH DOT, expressing concern that the rail project is being pushed back.

The motion carried unanimously.

Filing of Briefs - Re: Commuter Rail Project

Andrew reported that he had met with the Department of Justice on the commuter rail case before the NH Supreme Court and invited the other regional planning commissions and municipalities that have submitted supportive resolutions to a meeting to discuss how this support can be expressed. I will be preparing a brief to submit as a "friend of the court" that will outline some of the process that has taken place to date on the project as well as the reasons for our support. The other communities and RPCs will likely sign on to the brief that NRPC files. It would be helpful to obtain an endorsement from the Commission on this issue:

It was moved by Kathy Hersh, seconded by Nelson Disco:

THAT the Commission support the Executive Director in the filing of a "friends of the court" brief supporting the State's position in the Commuter Rail case before the NH Supreme Court.

The motion carried unanimously.



Transit Plan

Camille Pattison, Transit Planner, gave a presentation on the Draft Transit Plan. The Nashua Regional Planning Commission began developing the *Draft Transit Plan for the Nashua Region* in May of 2002. It has been developed with input from the Transportation Technical Advisory Committee (TTAC), the City of Nashua, Nashua Transit System and the general public. This document is intended to guide the future development of the transit system over the next 20 years. Copies of the *Draft Transit Plan for the Nashua Region* were distributed.

This Plan has been developed to guide the continued expansion of the transit system over the next 20 years and addresses the following issues: 1) improving and expanding existing services; 2) regionalization - providing transit services to communities surrounding Nashua such as Amherst, Brookline, Hollis, Hudson, Merrimack, Milford and Wilton; 3) increasing the efficiency, security and amenity of the transit system; and 4) funding changes.

The key elements of the Draft Transit Plan for the Nashua Region include: 1) results of an on-board survey; 2) public outreach; 3) regional transit needs; 4) proposed service goals; and 5) funding.

The need for transit services will continue to increase in the future as the population grows, traffic increases and the availability of ample parking decreases. At this time, the transit system will need to provide service for the transit dependent population as well as provide options for commuters travelling to destinations within the region and beyond.

A discussion period followed the presentation, after which time it was moved by Mike Fimbel, seconded by Kathy Hersh:

THAT the Commission enter into a public hearing on the Draft Transit Plan.

The motion carried unanimously.

Ann Seabury noted that some 6th graders had approached her regarding bus transportation to the mall in Nashua from Hudson. They made a presentation to the Board of Selectmen, which was very good. The issue was tabled by the Board. The point being that there is a need for bus service in other parts of the region.

It was then moved by Mike Fimbel, seconded by John Eresian:

THAT the public hearing be closed.

The motion carried unanimously.

It was then moved by Kathy Hersh, seconded by Thaddeus Luszey:

THAT the Commission approve the Draft Transit Plan.

The motion carried with Richard Maddox opposed.

Update of Ten Year Plan

Andrew noted that at their meeting held on December 3, 2003 the Governor's Advisory Council on Intermodal Transportation (GACIT) recommended an updated Ten Year Transportation Plan to the Governor. This plan was originally released in draft form by the New Hampshire Department of



Transportation this summer. In September and October over 20 public hearings were conducted by members of the Executive Council all over the state. In addition, a number of changes and amendments have taken place in the plan since the first draft was released. In general, many projects have moved backwards from the adopted FY 2003 to FY 2012 Ten Year Transportation Plan. However, there have also been some notable changes and additions.

- The Circumferential Highway was previously expected to begin construction in 2006. The version of the Ten Year Plan recommended by GACIT indicates that the Circumferential Highway will begin construction in 2014.
- FEE Turnpike north of Exit 11 in Merrimack has been proposed for widening to three lanes in each direction. This is a new project that was added in the course of the Ten Year Plan development process.
- The entire widening of NH 101 to four lanes from Bedford to Wilton that was recommended in the NH 101 Corridor Study has been added to the Ten Year Plan. Preliminary engineering is proposed for 2008 with construction to begin in 2013.
- The improvements to NH 101A identified in the NH 101A Corridor Master Plan have moved back from 2005 to 2008.
- Preliminary engineering for Exit 36 was added into FY 2014.

In addition to those identified above, there have been several small projects, primarily bridge improvements and railroad grade crossing improvements that have been added in the region.

The Ten Year Transportation Plan must go through two more steps to be complete. The Governor must recommend the plan to the legislature, an action that can be expected in early 2004. The legislature must then adopt the plan. This step will most likely take place in the late spring or early summer.

Regional Water District Update

Kathy Hersh gave a brief update on the progress of the Regional Water District Charter Committee. A draft has been released and has had one public hearing on December 10, 2003. The second part of the hearing will be tomorrow, December 18th at the Nashua North High School at 7:00 PM. The Committee has representation from the 16 communities which are served by the Pennichuck. The City of Nashua had made an offer to Pennichuck Water Works for \$129m, which has been rejected. The City is ready to begin the eminent domain process at any time.

Regional Roundtable

A Regional Roundtable was held, during which time several Commissioners took the opportunity to thank Andrew for his assistance and help over the years and to wish him well in Arizona. He will be missed.

It was then moved by, John Eresian, seconded by Richard Roulx:

THAT the meeting be adjourned at 9:00 P.M.

The motion carried unanimously.

Respectfully submitted,

Andrew Singelakis, Official Recorder