

PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE REPORT

MAY 7 2002

A meeting of the Planning and Economic Development Committee was held on Tuesday, May 7, 2002 at 7:45 p.m. in the Aldermanic Chamber

Chairman Brian S. McCarthy presided.

Members of the Committee present: Alderman Scott A. Cote, Vice Chair
Alderman Kevin McAfee
Alderman Timothy B. Nickerson

Members Not in Attendance: Alderman Lori Cardin

Also in Attendance: Alderman-at-Large David Rootovich
Alderman-at-Large James R. Tollner
Alderman-at-Large Steven A. Bolton
Alderman-at-Large David W. Deane
Alderman-at-Large Paula I. Johnson
Mike Lowe, Liaison, Planning Board

COMMUNICATIONS

MOTION BY ALDERMAN COTE THAT THE RULES BE SO FAR SUSPENDED AS TO ALLOW FOR THE INTRODUCTION OF A COMMUNICATION RECEIVED AFTER THE AGENDA WAS PREPARED
MOTION CARRIED

From: Gerald R. Prunier, Esquire
Re: O-02-35

MOTION BY ALDERMAN COTE TO ACCEPT AND PLACE ON FILE
MOTION CARRIED

UNFINISHED BUSINESS – RESOLUTIONS – None

UNFINISHED BUSINESS – ORDINANCES – None

NEW BUSINESS – RESOLUTIONS - None

NEW BUSINESS – ORDINANCES

MOTION BY ALDERMAN MCCARTHY TO GO OUT OF THE REGULAR ORDER OF BUSINESS TO TAKE UP O-02-35

MOTION CARRIED

O-02-35

Endorser: Alderman Kevin McAfee
Alderman Brian S. McCarthy

AMENDING THE FLEXIBLE USE OVERLAY DISTRICT TO APPLY IT TO A CERTAIN

40-ACRE TRACT ON THE NORTHERLY SIDE OF BROAD STREET NEAR THE HOLLIS BOUNDARY

MOTION BY ALDERMAN MCAFEE TO RECOMMEND INDEFINITE POSTPONEMENT

ON THE QUESTION

Chair McCarthy

I would comment that I am not terribly surprised, but a little disappointed that we were not able to get further than we did with trying to look at that. I actually think the impact of that development if it comes to pass the way it is planned on Broad Street itself will be significant. There are a fair amount of houses on what used to be a nice piece of open space. It would be nice if we could preserve some of that. I understand the concerns that we have gotten, and I think what it underscores for us in the future is the need to proceed with things like updating our land use ordinances and updating the zoning map.

Mike Lowe

I am actually in favor of the ordinance. From a planning point of view it gives the Planning Board much more flexible use and much easier ways to develop access, develop open spaces, and I think we should have more of it. Unless – the question I have is even if you approve this the underlying zoning would still remain if I remember right. In other words, even if you make it a flexible use overlay district the underlying R18 and R9 would remain so it still could be developed that way.

Chair McCarthy

I don't believe that is the application of that overlay. Certainly that is not the interpretation that we have given it in either of the other places where it is in use.

Mike Lowe

I am sort of disappointed too that it isn't going forward or if it doesn't go forward. It is really a tool that we can use.

Alderman Johnson

I think this is sad no matter which piece of legislation we eventually do vote on. I think it will be a no win situation for somebody whether it will be the abutters or whether it is going to be that we want to see land for conservation. I walked the property with Mrs. Overby. It is a beautiful piece of land up there and they are going to go in and rip it up. You have to feel sorry – I am an animal lover so my heart bleeds like Mrs. Overby's basically that these animals are going to be disturbed and a lot of them are going to be killed. It is a shame because I had spoken to the engineer Friday night when I attended the meeting and I said to him why can't you go with less than 76 houses? This is the magic number because this is the money that they want to make. Although we can't really tell them what they can or cannot do, but I think it is getting to a point where we are almost at build out, and maybe there should be a moratorium on building here. Maybe big developments like this needs to be phased in like we did in the southwest quadrant. My other concern is the infrastructure. Is that road going to hold up on Broad Street? We are putting a roundabout in and now you are going to put 76 homes there – at least two cars per home because we don't have adequate transportation here – mass transportation. You figure two cars and then the new high school with the roundabout and everybody that comes over the border. I am wondering if Broad Street is going to hold up and what will happen. When we're looking at just widening that one area for the high school and what will happen – I think we really need to take a good look at Broad Street and what will happen as a whole.

In answer to the question I believe to Mrs. Oden, I found on page 1192 of the zoning regulations – Section 16-367 Street Requirements (B) – the number of new access points to existing proposed public streets and major through roads within a development shall be limited to two unless otherwise determined by the Planning Board. It is clear that you have to expect two unless the Planning Board decides otherwise. I think there are still a lot of questions that need to be answered here. It is an unfortunate thing – I will say again – it will not be a win/win situation for anybody in that area and I am sad to say that. Thank you.

Alderman Cote

During the public hearing it was difficult for me to really track how the majority of the people that are here tonight felt so If the Chair would indulge me I would ask the audience those that are actually in favor of the overlay district if you wouldn't mind just raising your hand. Thank you I appreciate that.

Regardless of how the vote goes on this it will be critically for all of you as abutters to make sure that you attend any Planning Board meetings that come up so that you can speak to the Planning Board about your concerns. Many of the concerns that were raised here tonight are certainly very appropriate for the Planning Board venue to ensure that your rights as abutters are protected. That is the purpose for your being notified of such development, and hopefully your

voice will also be heard at that level. Thank you.

Alderman Tollner

I would like to echo Alderman Cote's comments. A number of you that are in the audience tonight that are abutters will be notified. I think you have done a very good job as a neighborhood to try and keep the communication flowing through a number of pieces of legislation. We don't have a date yet when the plan will come before the Planning Board, but if there was any point in time where you wanted to make sure that you had a say in what the development looked like that is the time. The Planning Board will listen to anybody. There are a couple of situations that went on the other night that – they will listen to the neighborhood and try and gauge what the neighborhood would like to see with the development. As Alderman Johnson said, I don't think anybody will walk away from this particular situation totally satisfied, but you can involve yourselves in the process. I personally don't think that the development will end up looking anything like some of the sketches that we have seen so far. I think some people that were here tonight brought up some excellent points about some of the personalities of this particular piece of land. I know that the Planning staff will work very diligently to try and save or keep some of those personalities that are on that piece of property.

Some of you have become friendly because of this situation with a number of the members of the Board of Aldermen. That is what we are here for. Any ideas that you have I would e-mail the Board of Aldermen with any of those, and maybe we can pursue those issues as well. Another point is the city absolutely does have to pay very close attention to the Broad Street, Coburn Avenue, Dublin Roads because when that high school opens up even the assumptions that we are going by right now for when that high school goes up may not be the case. We have no idea what extent of traffic will come down Coburn versus Dublin versus Broad Street so we need to keep the lines of communication open and work with each other and continue to work with the developer.

I think that even if this legislation isn't approved I think that we have at least started some serious dialog with the developer. We need to keep that dialog going is we want to come to some semblance of a successful plan that at least some of the concerns of the neighborhood and the abutters are taken care of. Thank you.

Alderman McAfee

I just want to respond to a few comments that were made. On Broad Street, there is a plan in place to make improvements to Broad Street. What we are trying to do is expand the scope of the Broad Street Parkway to include the whole length of Broad Street. You can go to the State for grants and get \$5,000 - \$10,000. The real money is in the federal money. We have been working with Charlie Bass and Judd Gregg to see if we can expand that scope to improve all of the arteries that are leading to this high school. When the school was being planned it was determined that Dublin Ave. would be the access point for cars going to the property because we own the right of way – we can improve that – we can put in sidewalks on both sides with

straight curbing. We don't own the right of way on Coburn Ave. so in order to improve that road we would have to do a taking of the whole length of Coburn Ave., which would be extremely expensive with the price of land now.

As for this development, of course, your opinions are always appreciated. I am the Aldermanic Liaison on the Planning Board so you can still give your comments to me. I would be happy to talk to any one of you – any concerns that you have or if you just want an update on what is happening with the project just let me know. Thank you.

Chair McCarthy

While we have been having the discussion I have been thinking about whether it would be more appropriate to actually hold this piece of legislation in committee, which is one of the things that Attorney Prunier had suggested in case we were to reach some sort of agreement. I guess the conclusion I reach is that it is probably not a really good idea because of the way the state statues work on pending legislation – we really need to send this back to the Board with a recommendation one way or another.

MOTION CARRIED

MOTION BY ALDERMAN MCCARTHY TO RETURN TO THE REGULAR ORDER OF BUSINESS

MOTION CARRIED

O-02-34

Endorser: Alderman Scott A. Cote

AUTHORIZING THE PLANNING BOARD TO APPROVE LOTS FOR CONSERVATION

PURPOSES ONLY, WITH NO STREET FRONTAGE

MOTION BY ALDERMAN COTE TO RECOMMEND TO AMEND O-02-34 IN SECTION 16-257 TO READ “LOTS RESTRICTED FOR CONSERVATION USE ONLY NEED NOT HAVE FRONTAGE ON A STREET, YET SHALL HAVE ACCESS BY LEGAL EASEMENT”

MOTION CARRIED

Alderman Cote

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Have we received a response yet from the Planning Board on this?

Mike Lowe

We were waiting for the public hearing – both of them.

Chair McCarthy

Given that we have amended it I would want to see it back to them at this point. What might be appropriate is a motion for approval pending a positive recommendation from the Planning Board.

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MOTION BY ALDERMAN COTE TO RECOMMEND FINAL PASSAGE AS AMENDED PENDING A FAVORABLE RECOMMENDATION FROM THE PLANNING BOARD
MOTION CARRIED

DISCUSSION

ADJOURNMENT

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MOTION BY ALDERMAN NICKERSON TO ADJOURN
MOTION CARRIED

The meeting was declared adjourned at 8:00 p.m.

Scott A. Cote, Committee Clerk