

## PUBLIC HEARINGS

Public Hearings were conducted by the Planning and Economic Development Committee on Tuesday, May 7, 2002 at 7:00 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

### Chair McCarthy

On this evening's agenda we have two public hearings; one of O-02-34 Authorizing the Planning Board to Approve Lots for Conservations Purposes Only, with no Street Frontage and one on O-02-35 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.

Before we begin I would like to ask if there is anyone in the audience who is here to address the ordinance on the conservation lots? Without objection from the committee I would like to reverse the order of the hearings so that those who are here to address us can do so first.

MOTION BY ALDERMAN MCCARTHY TO GO OUT OF THE REGULAR ORDER OF BUSINESS TO CONDUCT THE PUBLIC HEARING ON O-02-35  
MOTION CARRIED

## PUBLIC HEARINGS

O-02-35

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

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Chair McCarthy

Before I accept testimony I wanted to make a couple of comments. I attended an informational meeting along with Alderman McAfee and Alderman Johnson on Friday evening regarding the proposal. The developer was there. Looking at the faces in the audience, I think most people are familiar with the proposal. I do want to read a letter that we received from Attorney Prunier. It says "Based upon the public testimony at the public meeting held on Friday, May 3, 2002 at the Broad Street School, the time needed and the opinion of our engineer, my client, Mile High Real Estate, LLC does not want to subject the real estate he is developing on Broad Street to the Flexible Use Ordinance. Therefore, he would appreciate that ordinance 02-35 be kept in committee indefinitely or be terminated in accordance with your procedure. My client will continue to try to work with the abutters, however, he will develop the real estate as zoned."  
(Copy of letter on file with City Clerk)

I did want to accept testimony so that we have it on the record. You will be faced in the future with giving testimony before the Planning Board when the subdivision request for that property comes in, and I think it is worthwhile to have the comments that were made about the flexible use district on record.

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TESTIMONY IN FAVOR:

Ken Dolkart, 18 Cathedral Circle, Nashua

Hein Vandenheuvel, 10 Pope Circle, Nashua

Rich Valley, 8 Pope Circle, Nashua

Cindy Overby, 520 Broad Street, Nashua

Provided a petition to the committee (copy on file with City Clerk)

Vivian Dolkart – Speaking on behalf of Cindy Overbee

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TESTIMONY IN OPPOSITION:

Elaine Austin, 32 Cathedral Circle, Nashua

Dorothy Oden, 16 Cathedral Circle, Nashua

Mike Finamore, 594 Broad Street, Nashua

Kevin Blais, 18 Tilton Street, Nashua

Provided a petition to the committee (copy on file with City Clerk)

TESTIMONY IN FAVOR

TESTIMONY IN OPPOSITION

*The Public Hearing was declared closed at 7:40 p.m.*

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

O-02-34

AUTHORIZING THE PLANNING BOARD TO APPROVE LOTS FOR  
CONSERVATION  
PURPOSES ONLY, WITH NO STREET FRONTAGE

Chair McCarthy

Alderman Cote would you provide us with an overview of this legislation?

Alderman Cote

The genesis of this legislation actually came out of the elderly housing project on Northeastern Boulevard. You may recall that we worked with the developer and the neighbors out there to take a portion of that land to create a conservation buffer between what will be the elderly housing project and the residential homes that are up on Brick Yard, Pollard, Nottingham and through that area. When we did that we looked through our zoning ordinances, and realized that you cannot take a piece of area of conservation or an area of land in conservation and make it a

lot because it has no street frontage. If you think about the whole idea of taking pieces of land in conservation be it here or any place else within the city there will be a number of occasions I am certain before us where we will want to acquire a piece of land and hold it in conservation that may have abutters – they may be residential abutters or other lots, but may not necessarily have street frontage. What this piece of legislation will allow us to do is to in fact take that lot that we have set aside or any future lot that we determine appropriate and put it into conservation even if it doesn't in fact have street frontage.

Chair McCarthy

Are there any questions from the members of the Board?

Alderman Bolton

What if we have to get in there for some reason?

Alderman Cote

Most of them have access easements to them. This particular one in fact does have a cross access easement so I am certain that before we take any lot into conservation that we would need to make certain that there is in fact an easement.

Mike Lowe

If you want to take out the word utilities and make it a general ... tape inaudible ...

TESTIMONY IN FAVOR:

None

TESTIMONY IN OPPOSITION:

None

TESTIMONY IN FAVOR

None

TESTIMONY IN OPPOSITION

None

The Public Hearings were declared closed at 7:45 p.m.

Alderman Scott A. Cote  
Committee Clerk