

PUBLIC HEARING

A Public Hearing was conducted by the Planning and Economic Development Committee on Monday, February 10, 2003 at 7:10 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 Frederick Britton
Alderman-at-Large David W. Deane
Alderman Marc W. Plamondon
Roger Houston, Director/Manager, Planning Dept.
Mike Lowe, Planning Board Liaison

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PUBLIC HEARING

O-02-131

ADDING PUBLIC HEARING AND ABUTTER NOTICE REQUIREMENTS TO REVIEWS BY THE HISTORIC DISTRICT COMMISSION

Chair McCarthy

Before we take public testimony I would like Mr. Houston to come forward and give us a review of the Ordinance.

Roger Houston

Thank you Mr. Chairman, members of the committee. O-02-131 is an ordinance that requires by ordinance a public on all Historic District Commission requests that go before them. That is not in itself an onerous thing, in fact that is something that we generally do now with postings at City Hall as well as publications in the newspaper. What this ordinance does is require abutter

notifications and mandatory sign notifications. I know in the past where we know we have had a controversial case we have posted signs, but we haven't done abutter notification, and there is a very definitive cost associated with those. We know what those costs are because we do abutter

notifications for Zoning Board of Adjustment cases as well as the Nashua City Planning Board cases that go before them. I prepared a memo, which I handed out to each of you (copy on file with City Clerk).

I would ask Mr. Falk in our office who oversees the staff support person to the Historic District Commission as to what those costs would be because they are currently not budgeted. Our budget is reasonably thin this year and certainly with the guidelines that are in place we would not have enough unless the Board of Aldermen were to see to put some additional funds in the budget to cover the costs. We would receive revenue – it is kind of a complex issue in the sense that we receive revenue for the abutter notifications and we get application fees, but those fees don't go into our budget, they go into the general fund. We have to still budget those even those they show up as an accounting procedure in a different way. We would still have to show them in our budget and that is where the catch 22 is for us. We have to increase our budget, which we can't do and stay within the guidelines unless the Board of Aldermen agrees to do that with this ordinance. In essence it is somewhat the terms of an unfounded mandate. I think from my staff's perspective we would have no problem doing this.

This would require another approximately – I think Mr. Falk's estimations here were an additional week of somebody's time to do the paperwork in addition to our professional support staff now that already give time to him – this would be another week of time that we would have to try to find somewhere in our organization to make that happen. I know we added several – with the software and some other things that we are taking on next year it will make it difficult to incorporate this. That is all I have Mr. McCarthy.

Chair McCarthy

Roger, the figures that are in here are based on – the top set of figures is not what we are getting now it is what we would get if we were to implement those fees on 16 cases per year right?

Roger Houston

If I could run through these – the application fees are currently based on what we currently – 16 cases, which he estimated from last year. We currently receive that fee. What we wouldn't receive now is the abutter notification fee. We do not have that – these are all fees that are collected that go to the general revenue account. They are not accounted for in our budget. The signage fee – the \$10 would also be an expense that we collect funds for, but currently these fees are not in our budget. I know it is complex. I hope I am explaining it correctly so you understand what I am saying here.

Chair McCarthy

From an applicant's perspective right now the only thing they pay is the \$25 application fee right?

Roger Houston

That is correct. That is what the new ordinance that was just in effect I think it was last September/October that affected date of that new ordinance.

Chair McCarthy

We are proposing that we would add a \$10 sign fee to that plus what is approximately what \$37 in postage for abutter notification so the \$25 fee would basically become about a \$75 fee?

Roger Houston

Correct depending on the number of people you have to notice. That is where the amount of the fee would vary.

Alderman Cote

Is your only concern the money? If the money was not an issue in this particular case do you think this is a good piece of legislation?

Roger Houston

I think mostly it is the money that is the concern from our operating, but it is also a time factor as well – an additional week of time. We could probably work it into the schedule but there is a cost to doing that. All things aside I don't disagree with the premise and we should do notices to abutters. The HDC is a technical review body. You look at the ordinances, the membership does consist of an architect for instance and they look at the historic character and it is more of a technical review basis. They do accept testimony from any citizen that is there, but it is not as a formalized process as the Zoning Board of Adjustment or the Planning Board. It is more of a technical – they don't look at the merits of should it be there or not be there, but they look at how it will fit with the historic nature of existing historic structure that they are trying to – whatever change they are proposing to that house – if there is an addition or other change like that which would change the physical appearance of that house. They would actually make a decision on that. It is probably not as critical in that situation, but I think from a planner's point of view I always think the more public participation the better, the more you can get the word out – certainly abutter notices do that. If a neighbor has a concern I think the Historic District Commission would want to hear that concern on the technical merits.

Alderman Cote

Does the Historic District Commission provide a recommendation to the Planning Board?

Roger Houston

Only when it involves a site plan. That staff would forward that recommendation onto the Planning Board if it involved a site plan. A lot of the properties in the historic district are single-family homes. Some are multi-family. The commercial properties mostly down near Railroad Square area that would require site plans.

Alderman Cote

Then what is the linkage between the Historic District Commission and whatever action is going to take – if they are a technical review group do they make a recommendation or not a recommendation to anybody in particular? Would you have to have their approval to be able to do something?

Roger Houston

Theirs is a decision. They actually choose what kinds of materials, what color, the factors that – it is an actual decision on what it is going to look like.

Alderman Cote

How is this handled in other like communities? Do they do abutter notifications for them or is this unusual?

Roger Houston

Abutter notifications would be unusual. There aren't too many historic district commissions in this state, but most of them follow – I would have to contact Portsmouth and I think there are a few others that have them – as I understand it they just do the notification, which is the publication in the newspaper as well as a posting usually at the town hall or city hall and then usually at the public library.

Alderman Cote

Thank you.

Chair McCarthy

It is the building permit process that triggers the Historic District hearing to be held correct?

Roger Houston

That is correct. If we know that it will require a site plan that is also a part of the process as well. It is worked into the process, but usually if it is a single family home that triggers the process. They come in with an application and we know it is in the historic district commission, it is reviewed to see if it meets those criteria for appearing before the historic district commission, if it does it is forwarded on to them for action.

Alderman McAfee

I might have missed something earlier. Is there a legal reason why we have to advertise? Is this something that we think we want to do as a courtesy? Are we required to do that?

Roger Houston

State law requires that it be advertised and posted. That is the only requirement under state law. Abutter notification and sign posting is not required under state law.

Alderman Nickerson

If one of the major concerns is the cost specifically for this fiscal year we can always amend the legislation to make it affective come July 1st and make sure that the funds are allocated in the FY '04 budget to allow for this type of expenditure. That is one thing that we could do.

Alderman Plamondon

I am wondering if it has ever been looked at to have this line item for these signage and mailings – like an enterprise account so that the revenues and the fees would offset and then any remaining money would then go to the general fund. I am wondering if that is a potential option, if it has been looked at or even considered at any point.

Chair McCarthy

I have been looking at it based on not just these fees but also the notification fees for site and subdivision plans.

What I would like to do is if there are questions for Mr. Houston let's get those done because he actually has to leave by about 7:30 p.m. and then I would like to take the public testimony. Discussion we can continue during the meeting after the hearing.

Alderman Britton

Roger what is the difference here? This is the first time we have seen this sheet. What would have to be added to the FY '04 budget to handle the abutter fees and signage fees?

Roger Houston

I would like to refine these numbers. Mr. Falk looked at last years and then I would like to look at one of the busiest years we had and go somewhere in between. I think that is what we would look at. Anywhere from – to put into the postage account and a couple of other accounts to recover the cost of the signage – we would probably be looking at around, I would say anywhere from \$1,500 to \$2,000.

Alderman Britton

Thank you.

Chair McCarthy

In your opinion Roger, would just using the on site signage the way we do now for all of the zoning actions be likely to be sufficient to achieve better notification?

Roger Houston

It is my professional opinion that the signage works a lot better than abutter notices. We have had problems with abutter notifications, especially if it is a multi-family building where the tenants don't get the notice the landlord does wherever the landlord lives. That is where the abutter notification process breaks down. The sign postings especially in the historic district – anyone sees a sign pop up on a lawn you hear about it very quickly. I think it is a very clear way of letting the entire neighborhood know not just the adjacent property owners.

Chair McCarthy

Thank you. Are there any other questions?

Mike Lowe

IF it comes to the Planning Board would the notification automatically go to the abutters say if it was a use change? That has been a major problem within the historic ... tape inaudible ... is if you have a use change. Would the abutters be notified then?

Roger Houston

Any item that comes before you whether it is a is a site plan, use change, or a change or amendment to the site plan or a new site plan would require abutter notification.

Chair McCarthy

Are there any other questions for Mr. Houston? Thank you Roger.

TESTIMONY IN FAVOR:

David Pierce, 13 Manchester Street, Nashua

Barbara Pressly, 11 Orchard Avenue, Nashua

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TESTIMONY IN OPPOSITION:

None.

TESTIMONY IN FAVOR

None.

TESTIMONY IN OPPOSITION

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None.

The Public Hearing was declared closed at 7:33 p.m.

Alderman Scott A. Cote
Committee Clerk