

PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE

MAY 20, 2003

A meeting of the Planning and Economic Development Committee was held on Tuesday, May 20, 2003 at 7:02 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: Mike Lowe, Liaison, Nashua City Planning Board
Daniel DeSantis, Economic Development Director
Alan Manoian, Deputy Manager, Downtown Programs
David Fredette, Treasurer/Tax Collector

COMMUNICATIONS – None

UNFINISHED BUSINESS - RESOLUTIONS – None

UNFINISHED BUSINESS – ORDINANCES - None

NEW BUSINESS – RESOLUTIONS

Chair McCarthy

I would like to take R-03-197 and its companion legislation O-03-171 together. I would ask Mr. DeSantis to join us.

R-03-197

Endorser: Alderman Brian S. McCarthy

ADOPTING A “DEVELOPMENT PROGRAM” AND “TAX INCREMENT FINANCING PLAN” FOR A TAX INCREMENT FINANCING DEVELOPMENT DISTRICT UNDER RSA 162-K AND NRO 2-741, COMPRISED OF LAND IDENTIFIED AS TAX MAP 43, LOT 66, APPROXIMATELY 1.2 ACRES, LYING EASTERLY OF MAIN STREET

ON THE NORTHERLY SIDE OF THE NASHUA RIVER

- Requires Public Hearing – See, RSA 162-K:5
- Tax Increment Financing Plan must be presented at Public Hearing
- School Board and County Commissioners must be given the opportunity to meet with the Board of Aldermen prior to the public hearing

O-03-171

Endorser: Alderman Brian S. McCarthy

ESTABLISHING A TAX INCREMENT FINANCING DEVELOPMENT

DISTRICT UNDER

RSA 162-K AND NRO 2-741, COMPRISED OF LAND IDENTIFIED AS TAX MAP 43, LOT 66, APPROXIMATELY 1.2 ACRES, LYING EASTERLY OF MAIN STREET ON THE NORTHERLY SIDE OF THE NASHUA RIVER

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Dan DeSantis, Economic Development Director

The tax increment financing will be used to construct a river walk between the Main Street bridge and to the end of the beginning of Margaritas along the riverbank on land identified as Tax Map 43, Lot 66, sometimes referred to as the “Goodale property.” The plan includes the following: To construct a 23-unit condo on the rear of the property that will cost approximately \$4.5 million and to rehab the former Goodale Bike Shop to construct a restaurant. The Goodale Bike Shop will be a destination project and hopefully we will be able to reconstruct the 1864 façade of the structure. The way the tax increment financing plan will work will be the following way: We’re going to capture the new assessed value of the 23 unit condominium in order to buy a 20-year bond in order to build the river walk. It is anticipated that the river walk will cost between eight hundred and one million dollars. The \$4.2 million assessed value is anticipated to be able to buy a \$1.4 million bond. We capture all or part of that assessed value in order to pay for the bond. In summary that is the plan and that is the financing that we’re going to do.

It was suggested that we take a wider part of our railroad square in order to capture those dollars. However, it was recommended that because the assessor is required to monitor the tax increment financing district for the period of the bond, it was suggested that the TIF district be as small as possible. This is why the TIF district only includes the development of that site. I’ll be happy to answer any questions you have.

Alderman Cote

- This is not necessarily related to the legislation but one more towards the project of constructing the boardwalk down there in that area. Do you know to whom the management and responsibility of that portion of the project would fall to?

Dan DeSantis

- The construction of the project will be a contractor that's been chosen by the study. It will be a study project.

Alderman Cote

- But which department within the city would be responsible for

Dan DeSantis

- I can't answer that now. I don't know. Alderman, this is a very complicated project. We're trying to get this done one step at a time. In fact as we speak, this project is going in front of the Conservation Commission and being reviewed by the ZBA. There's a lot that's going on.

Alderman Nickerson

- I see in the analysis done by corporation counsel that the school board and county commissioners also have to give some input on this. That is done by the state RSAs. Is that more of a recommendation or is it more of a binding statement if they vote against it or what have you.

Alderman McCarthy

- I don't believe they get to vote on it. We have to inform them of what the project is and we have to solicit their input on it. But the vote is solely the city.

Alderman Nickerson

- I also see in here that a zero impact is anticipated. At least there won't be any decrease in values.

Dan DeSantis

- No.

Alderman Nickerson

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So I don't see why they would have a problem with it, but obviously that's there say. Thank you.

Mike Lowe

- Maintenance. We don't know who's going to maintain it. Is any of the bond going to be put aside? Twenty years is a long time. Graffiti, trash.

Dan DeSantis

- That's a good point. A portion of the bond can be used to maintain the boardwalk.

Alderman Cote

- I actually just learned that Friday is your last day.

Dan DeSantis

- A week from Friday.

Alderman Cote

- I wasn't aware of that. Last I had heard I thought you were staying. If I don't have a chance to speak with you before then, I wish you the absolute best and I thank you for everything you've done for us.

Alderman Nickerson

- Absolutely.

Dan DeSantis

- Thank you.

Chair McCarthy

- I think what we need to do is just hold this for the moment. I spoke with our Legislative Assistant today. We weren't quite sure how to go about setting up the meeting with the county commission. I believe we're going to invite the county commission and the board of education to meet with the Board of Aldermen prior to a regular meeting and then schedule a hearing after that.

MOTION BY ALDERMAN COTE TO HOLD R-03-197 AND O-03-171 PENDING
THE SCHEDULING OF A PUBLIC HEARING
MOTION CARRIED

NEW BUSINESS – ORDINANCES

O-03-169

Endorser: Alderman Brian S. McCarthy
Alderman-at-Large Steven A. Bolton
Alderman-at-Large Fred Britton
Alderman Scott A. Cote
Alderman Stephen C. Liamos
Alderman Timothy B. Nickerson
Alderman Kevin McAfee
Alderman-at-Large James R. Tollner

REVISING THE REGULATIONS REGARDING WITHHOLDING OF BUILDING PERMITS
AFTER FIRST LEGAL NOTICE OF AN INCONSISTENT PROPOSED ZONING AMENDMENT
TO ALLOW FOR THE INTRODUCTION OF A COMPREHENSIVE ZONING ORDINANCE
REVISION WHICH WOULD TAKE EFFECT ONLY ON FINAL APPROVAL

MOTION BY ALDERMAN NICKERSON TO RECOMMEND FINAL PASSAGE
MOTION CARRIED

MOTION BY ALDERMAN COTE TO TAKE FROM THE TABLE O-03-155
MOTION CARRIED

O-03-155

Endorser: Alderman Brian S. McCarthy
REPEALING CERTAIN PROVISIONS OF THE WATER SUPPLY PROTECTION DISTRICT

Chair McCarthy

What you have in front of you is a proposed amendment. I think after our discussion last time we had talked about several things we wanted to do. The amendment would propose to make the encroachments into the conservations zone a special exception and add two things to the process of approving the exception; one would be to establish a fund for the purchase of lands in the conservation zone and the assess an impact fee of \$1 per square foot on encroachments, which would go to the fund for the acquisition of other properties in the conservation zone, and the second would allow requirement of additional vegetation if in the view of the planning staff it was determined that the impact on the conservation zone required changes in the existing vegetation.

Alderman McAfee

You are charging per area?

Chair McCarthy

Yes, basically based on the size of the encroachment into the conservation zone.

Alderman Cote

I guess what I want to understand is we have stricken a tremendous amount of this piece of legislation, but does it change the definitions of the distances at all that allow the encroachment – just changes it from ...

Chair McCarthy

The sum total of the changes are the first two sentences there, which leaves it 75 out of 150 feet. The only additional language is the addition of by special exception.

Alderman Cote

Where has that been added?

Chair McCarthy

Right here (referring to the handout provided to the committee). This would substitute for the entirety of the other ordinance.

Alderman Cote

Thank you.

Alderman McAfee

Is there in another ordinance where a storm water management plan must be in place along with this?

Chair McCarthy

Yes, elsewhere in the ordinances we require a storm water management plan.

Mike Lowe

In the Susaki report it actually specifies where some of our wetlands in the same area – 500, 300, and 150 feet. Is that still in effect or would this affect it in some way?

Chair McCarthy

This affects the 150-foot conservation zone around the wetlands. There has always been a provision for a 75-foot encroachment. What the ordinance does is changes that to be by special exception and then adds two additional stipulations on properties that make that encroachment.

Mike Lowe

The land owned by Pennichuck or was previously owned by Pennichuck since they have transferred it – that requirement still goes onto that land – that 300 feet, 500 feet, and 150 feet. There is no encroachment allowed.

Chair McCarthy

That was done by a deed covenant that doesn't ...

Mike Lowe

I was just wondering if we should put something in here – superceded by other...

Chair McCarthy

We can't undo the deed covenant by ordinance.

Mike Lowe

What I am afraid of is that some people just ignore it – not so much Nashua as some of the other towns...

Chair McCarthy

The argument..... tape inaudible – several speakers speaking at once ...

Mike Lowe

I am just trying to make sure that nobody 20 years from now doesn't realize that is out there and changes it.

Alderman McAfee

By special exception you want this reviewed by the Zoning Board?

Chair McCarthy

Yes.

Alderman McAfee

Rather than have it go in front of Planning?

Chair McCarthy

Yes.

Alderman McAfee

Okay.

Alderman Cote

I am okay with much of this because I think much of it is what we had talked about trying to do. I am particularly in favor of trying to create the fund for additional purchases. I know we had bantered some values around, but I am not sure how you come up with \$1 per square foot – if there was something you could rely on as a backup for that or it is just a good number.

Chair McCarthy

To an extent – I actually think based on what I have seen is evidence that \$1.50 per square foot is actually the more appropriate number. The reasoning behind that is if you look at other similar fees notably the current use bond is 10% of the value of the land that is taken out of current use, and the recent testimony we have had about land in the conservation zone along Amherst Street is that it is worth \$600,000 an acre, which would be \$60,000 at 10%. The dollar an acre figure comes out to a little over \$40,000.

Procedurally if we are prone to go forward with this I think what we need to do is we will need to hold another public hearing, but I would suggest that we amend it and then send it back to the full Board with a recommendation to amend, schedule a hearing, and re-refer because I believe that the original text of the legislation is in effect until such time as the full Board takes action on it.

MOTION BY ALDERMAN NICKERSON TO AMEND O-03-155 IN ITS ENTIRETY WITH THE COPY PROVIDED TO THE COMMITTEE THIS EVENING
MOTION CARRIED

MOTION BY ALDERMAN NICKERSON TO SEND O-03-155 BACK TO THE FULL

BOARD WITH A RECOMMENDATION TO AMEND, SCHEDULE A PUBLIC HEARING AND RE-REFER TO THE PLANNING & ECONOMIC DEVELOPMENT COMMITTEE AND THE NASHUA CITY PLANNING BOARD
MOTION CARRIED

DISCUSSION

Mike Lowe

The land use public meeting is at the city hall auditorium at 7:00 p.m. on Thursday.

Alderman Nickerson

If Mr. Tremblay happens to be watching I know you have left a few messages for me, and I have actually attempted to call him as well – unfortunately his answering machine is not on so I can't even state that I left a message so I am using this forum to let him know that I have attempted to make several attempts to give him a call and he may want to turn on his answering machine. Thank you.

Alderman McAfee

Majestic Heights – Alderman Nickerson's tainted material to the dump – we started this morning – Public Works is on site – there was some staff mistake there – it will take somewhere between 10-12 days to haul all of that to the dump. There is a certain area where they have to be suits with respirators – I am glad in the next couple of days it is going to be raining, which is really helpful – we have some water trucks on site to keep the dust down. Cautionary – stay out of the area, keep your windows closed. I don't know how bad it could be, but it is always better to air on the side of caution.

ADJOURNMENT

MOTION BY ALDERMAN NICKERSON TO ADJOURN
MOTION CARRIED

The meeting was declared adjourned at 7:25 p.m.

Alderman Scott A. Cote
Committee Clerk