

## PUBLIC HEARINGS

Public Hearings were conducted by the Planning and Economic Development Committee on Tuesday, June 17, 2003 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  
Alderman Lori Cardin

Also in Attendance: Alderman-at-Large David Rootovich  
Alderman-at-Large James R. Tollner  
Alderman-at-Large Frederick Britton  
Alderman-at-Large David W. Deane  
Alderman-at-Large Paula I. Johnson  
Alderman Stephen C. Lamos

-

-

## PUBLIC HEARINGS

-  
AMENDED  
O-03-155

REVISING THE CRITERIA FOR ENCROACHMENT INTO THE  
CONSERVATION ZONE OF THE WATER SUPPLY PROTECTION DISTRICT

### TESTIMONY IN FAVOR:

None.

### TESTIMONY IN OPPOSITION:

Gerald Prunier, Trafalgar Square

### TESTIMONY IN FAVOR

None.

## TESTIMONY IN OPPOSITION

None.

Public Hearing declared closed at 7:05 p.m.

O-03-182

AMENDING THE LAND USE CONTROL ORDINANCES TO EXEMPT CITY DEVELOPMENT PROJECTS EXCEPT FOR STANDARDS OF THE TABLES OF PERMITTED USES AND DIMENSIONAL AND DENSITY REGULATIONS AND PROVIDING FOR PUBLIC HEARING AND NONBINDING PLANNING BOARD REVIEW UNDER RSA 674:54

Chair McCarthy

Before we take testimony I would ask if sponsors of the legislation; the Mayor or the President of the Board would like to give an overview of the intent of the legislation.

Mayor Streeter

As the co-sponsor of this ordinance let me review why I felt it was necessary. The co-sponsors of O-03-182; the President of the Board of Alderman, David Rootovich, and I also served as co-Chairs of Nashua's Sesquicentennial Celebration Commission. This commission is in charge of our city's 150<sup>th</sup> Birthday celebration and we have a year long program of activities highlighting the birth of our city and what has been accomplished over the last 150 years. When our city had the opportunity to host the top 15 Drum & Bugle Corps in our nation as part of our city sesquicentennial we were told that Stellos' Stadium could not be used for this function because the corp. members were over age 18 and not considered youth. We were also told that since the Drum & Bugle Corp. unit was not an athletic event and therefore might possibly violate the condition that states that only athletic events are to be scheduled at Stellos'

The Stellos' Stadium conditions were established at the beginning of this process, well over 5 years ago, apparently started by the original stadium committee. At that time and Alderman said that he wanted the exclusive use of this facility to be by the so-called youth of Nashua. Recently I witnessed the Planning Board meeting via TV 16 and saw first hand the scurrying around that went on in order for Stellos' to receive its Certificate of Occupancy. Conditions were set earlier and then by the Planning Board and were agreed by the City and School Department – there is no argument over that.

Years ago in a former administration the city's land use control ordinances were changed. Cities

and towns in New Hampshire are not subject to land use control in the performance of governmental functions unless they choose to be bound. This ordinance would exempt city development projects from land use control ordinances with the exception to the tables of permitted uses and dimensional and density regulations in the zoning ordinances. If this ordinance passes existing city projects would be relieved from the restrictions imposed Planning Board site plan approval. I co-sponsored this ordinance to point out a salient fact that a non-elected regulatory board in our city established restricted uses of city projects such as Stellos. For example Mr. Chairman, under the current restrictions on Stellos, an adult soccer team cannot play on that field, an adult lacrosse team cannot play at Stellos, a group of adult acrobats or actors or actresses cannot perform there, the Nashua Symphony and Northern Ballet cannot perform at Stellos Stadium because they are considered adults. A group of Native American Indians over the age of 18 cannot perform at Stellos Stadium. The Latino soccer team consisting of young men over the age of 18 again cannot play in this facility. If the University of New Hampshire's Marching Band wanted to visit Nashua and play a concert at Stellos they couldn't. If the Nashua Senior Center wanted to have their members perform a musical in this beautiful facility they could not. Why? Because they are either a non-athletic group or they are over the age of 18. I ask you does this make sense?

We have a beautiful facility maintained exceptionally well, admired by the athletic community throughout our state, and yet a group of over age 18 young men or women who are not athletically inclined or athletically inclined cannot use this facility. Why because certain restrictions were imposed on this. I might add Mr. Chairman that this ordinance while amending the land use control ordinance to exempt city projects does provide for public hearings and a non-binding Planning Board review under RSA 674:54. There would be ample opportunity for those who are against the use of city facilities for whatever activities they deem necessary to be heard.

Let me bring you back to the year 1938 when historic Holman Stadium was built. I wonder what restrictions back then would have been placed on Holman if the Planning Board had that authority – baseball games for young people only – events would have to cease by 7:00 p.m., fireworks would in all likelihood be prohibited – just let your mind wonder further and think of all the activities being held at Holman today – would they be permitted if the Planning Board of 2003 was sitting back in 1938?

What I am asking this evening Mr. Chairman is for your committee and ultimately the full Board of Aldermen not to throw out the baby with the bathwater. I am asking that you be cognizant of the fact that adults should have the same rights and responsibilities of using this fine facility as the youth of our community does now, and that events should not be limited to simply athletic events. I ask for reasonableness to prevail. We have more than 4,300 young people of our community who play soccer. We have one of the finest rectangular stadiums in New England in our community and yet the youth who play soccer and their parents, friends, and neighbors cannot go to Stellos and watch an exhibition game of the Lady Phantoms. What is the solution? I see two – one pass O-03-182 or amending it to rescind the stipulations that Stellos be used exclusively for the youth of Nashua. This takes 10 votes of the Board of Aldermen because the

Planning Board obviously has already acted with a recommendation. I am not advocating taking the youth out of Stellos. I am asking that you give the opportunity to have other use it as well. Thank you Mr. Chairman.

TESTIMONY IN FAVOR:

John Motta, 32 Preserve Drive

Suzan Franks, 42 Cathedral Circle

Eric Schneider, 19 Stanley Lane

John Parolin, Chair, Park & Recreation Advisory Committee

Rich Palomino, 14 Rugby Road

Harold Solomon, 25 Burgess Street

John Vancor 25 Burgess Street

Ed Crampton, Florida

Susan Ballou, 14 Antrim Street

Rita Chamberlain, 4 Sycamore Lane

Stephen Lewis, 5 Ferncroft Drive

Elana Vancor, 25 Burgess Street

Debra Maynard, 53 Bahl Street

TESTIMONY IN OPPOSITION:

Ken Dufour, 52 Conant Road

Bette Lasky, 15 Masefield Road, Chair, Planning Board

George Andosca, 109 Shore Drive

Mike Lowe, 6 Sheffield Road

Jim Collins, 104 Shore Drive

Robert Desharnais, 36 Whiteplains Drive

Mark Cookson, 18 Inca Drive

Daniel Pierce, 13 Manchester Street

John Schena, 32 Lawndale Ave.

Denis Ryder, 17 Charles Street

John Panny, 1 Aberdeen Lane

TESTIMONY IN FAVOR

TESTIMONY IN OPPOSITION

The Public Hearings were declared closed at 9:32 p.m.

Alderman Scott A. Cote  
Committee Clerk