

PUBLIC HEARING

A Public Hearing was conducted by the Planning and Economic Development Committee on Tuesday, August 5, 2003 at 7:35 in the Aldermanic Chamber.

Chairman Brian S. McCarthy presided.

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

Members Not in Attendance: Alderman Kevin McAfee

Also in Attendance: Alderman-at-Large Steven A. Bolton
Alderman-at-Large David Rootovich
Alderman-at-Large Frederick Britton
Alderman-at-Large Paula I. Johnson
Alderman Robert A. Dion

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PUBLIC HEARING

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O-03-193

ESTABLISHING A PROCESS FOR REVIEWING CITY DEVELOPMENT PROJECT APPROVALS SUBJECT TO CONDITIONS

Chair McCarthy

Alderman Bolton would you like to give an overview of the legislation?

Alderman Bolton

The sort of concept came to me from finally understanding what had gone on with the Stellos' Stadium project and the Planning Board approvals of that project. While it was that project that highlighted a potential issue or several issues I want to stress this would have actually nothing to do with that project because it is prospective in application only. My understanding from what we have heard subsequent to that project being approved and built is that when that project came before the Planning Board for approval there were groups in the community that had not

anticipated that anything could happen at the Planning Board that might affect them, and accordingly were not following that part of the process extremely closely. Also at that hearing that evening before the Planning Board, members of the Stadium Committee were asked questions and expressed their opinion or their comfort level with potential conditions being imposed upon the approval of that plan.

I think quite understandably the members of the Planning Board understood those members of the Stadium Committee to be speaking on behalf of the committee, on behalf of the City as the applicants for the project, and the Planning Board then imposed the conditions that had been discussed and in their mind agreed to by the applicant. Upon looking at that after the fact, and in this case years after the fact, it appears that those individuals were really expressing their personal opinions as to what would be appropriate, and that had never been any decision made by the Stadium Committee, by the Joint Special School Building Committee, by the Board of Education or by the Board of Aldermen. As we all know our individual personal opinion does not bind the city in any way it is when we act jointly and take a vote that it becomes the action of the Board and has official standing.

The intention of this Ordinance was to deal with those two issues. The concept was that if there was a city project presented to the Planning Board or the Zoning Board and conditions were imposed upon the approval the city board involved with that project; the Board of Aldermen or Joint Special School Building Committee as the case might be would have to take a vote on whether to accept those conditions or not, and before taking that vote there would have to be a public hearing, which would then give another opportunity for interested parties in the community once they knew what conditions were being contemplated to indicate how it would affect them either positively or negatively or not at all. At that time, then the Board of Aldermen or whatever board would then be in a position to vote to accept the conditions and go forward with the project. If the board did not accept the conditions there would be no approval. It would be just like what happens with private developments. The private developer does not like the conditions imposed by the Planning Board, the private developer does not have to build the project, it just doesn't built it. This puts the city on that same footing, gives the public an opportunity to weigh in, and essentially I think prevents the kind of misunderstandings that we saw with the Stellos' Stadium situation. That is the concept.

Since I worked with the Legal Department in drafting the legislation that we have before us now I have heard from people, I have heard from some of the people on the Planning Board, I have heard from other people in the community – they have some suggestions as to why they see certain problems with the current draft of this legislation – things they would like to see differently. Having said all that I would appreciate if the committee could indulge me by holding this in committee, allow me to work a little bit more with the Legal Department, a little bit more with some of the people from whom I have heard with objections to the concept in the hope of improving the legislation, and then I would like the opportunity to come back and bring those amendments before the committee. Thank you.

TESTIMONY IN FAVOR:

None.

TESTIMONY IN OPPOSITION:

Mike Lowe, Nashua City Planning Board

Peter Maccini, 156 Tinker Road

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TESTIMONY IN FAVOR

None.

TESTIMONY IN OPPOSITION

None.

The Public Hearing was declared closed at 7:44 p.m.

Alderman Scott A. Cote
Committee Clerk